UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
SECOND SESSION

VOLUME 116—PART 28

NOVEMBER 16, 1970, TO NOVEMBER 23, 1970
PAGES 37263 TO 38592

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1970

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US. A62
v. 116 pt 28 Nov 16-23, 1970

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United States
of America

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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—*Monday, November 16, 1970*

The Senate met at 12 o'clock meridian and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, by whose providence we have been brought to this hour, we thank Thee for Thy guiding hand upon the Nation and Thy care of those who serve Thee in this place. As we renew our work may we renew our faith in Thee.

God of our fathers and our God, we beseech Thee to draw together the diverse and discordant elements of the Nation into one united people strong in the Lord and in the power of His might. May every victory be sanctified by deeper devotion. May every defeat be redeemed by a fresh commitment to a holier servanthood. Sweep away all bitterness, heal hurt spirits, restore broken friendships, and in reconciliation and warm comradeship may the people be blessed with wise leadership.

May a mighty tide of the spirit sweep over the Nation for moral regeneration and renewal. Make us one in purpose and dedication for the healing of the nations and the making of peace with mercy and justice. To Thy servants here give abundant grace to lift high the banner of freedom and peace for all mankind.

Through Him whose love never fails. Amen.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of October 14, 1970, the Secretary of the Senate received the following messages from the House of Representatives:

On October 15, 1970:

That the House had agreed to the amendments of the Senate to the following bills:

H.R. 4182. An act to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of mentally retarded persons; and

H.R. 18086. An act to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Va.

On October 16, 1970:

That the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President on October 21, 1970, under authority of H. Con. Res. 557, as amended:

S. 2755. An act for the relief of Donal N. O'Callaghan;

S. 2846. An act to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes;

S. 3116. An act to authorize each of the Five Civilized Tribes of Oklahoma to popularly select their principal officer, and for other purposes;

S. 3586. An act to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes;

H.R. 4182. An act to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of substantially retarded persons;

H.R. 6240. An act to amend the act entitled "An act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minnesota," approved December 21, 1950;

H.R. 9311. An act to declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington;

H.R. 12475. An act to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes;

H.R. 14678. An act to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes;

H.R. 15069. An act to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River at or near Cape Vincent, N.Y.;

H.R. 16710. An act to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the use of entitlement to benefits under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes;

H.R. 16811. An act to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes;

H.R. 17570. An act to amend titles III and IX of the Public Health Service Act so as to revise, extend, and improve the programs of research, investigation, education, training, and demonstrations authorized thereunder, and for other purposes;

H.R. 17849. An act to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13a of the Interstate Commerce Act, and for other purposes;

H.R. 18086. An act to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Virginia;

H.R. 18260. An act to authorize the United States Commissioner of Education to establish education programs to encourage understanding of policies, and support of activities, designed to enhance environmental quality and maintain ecological balance;

H.R. 18298. An act to amend the Central Valley reclamation project to include Black Butte project; and

H.R. 18583. An act to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse.

ENROLLED BILLS PRESENTED

The Secretary of the Senate announced that, on October 21, 1970, he presented to the President of the United States the following enrolled bills:

S. 2755. An act for the relief of Donald N. O'Callaghan;

S. 2846. An act to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1969 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes;

S. 3116. An act to authorize each of the Five Civilized Tribes of Oklahoma to popularly select their principal officer, and for other purposes; and

S. 3586. An act to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes.

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MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of October 14, 1970, messages from the President of the United States were communicated to the Senate on November 10 and 13, 1970, respectively, by Mr. Leonard, one of his secretaries, as follows:

REPORT ON IMPLEMENTATION OF THE AUTOMOTIVE PRODUCTS TRADE ACT OF 1965—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the fourth annual report on the implementation of the Automotive Products Trade Act of 1965. The report contains information with respect to the United States-Canada Automotive Products Agreement, including automotive trade, production, prices, and employment in 1969. Also included is other information relating to the activities under the Act.

RICHARD NIXON.

THE WHITE HOUSE, *November 10, 1970.*

REPORT ON OFFICE OF ALIEN PROPERTY, DEPARTMENT OF JUSTICE—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the Judiciary:

To the Congress of the United States:

I herewith transmit the annual report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1969, in accordance with section 6 of the Trading With the Enemy Act.

RICHARD NIXON.

THE WHITE HOUSE, *November 13, 1970.*

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

Under authority of the order of the Senate of October 14, 1970, messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolutions:

On October 13, 1970:

S. 3730. An act to extend for 1 year the act of September 30, 1965, as amended by the act of July 24, 1968, relating to high-speed ground transportation, and for other purposes

On October 14, 1970:

S. 1461. An act to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States;

S. 2176. An act to implement the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, and for other purposes;

S. 3138. An act for the relief of Ruth E. Calvert; and

S. 4235. An act to continue the jurisdiction of the U.S. District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970.

On October 15, 1970:

S. 30. An act relating to the control of organized crime in the United States;

S. 378. An act for the relief of Peter Rudolf Gross;

S. 583. An act to provide for the flying of the American flag over the remains of the U.S.S. *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941;

S. 732 An act for the relief of Mrs. Nimet Weiss;

S. 1123. An act for the relief of Ah Mee Locke;

S. 3154. An act to provide long-term financing for expanded urban mass transportation programs, and for other purposes;

S. 3167. An act for the relief of Kimoko Ann Duke;

S. 3263. An act for the relief of Maria Pierotti Lenci; and

S. 3265. An act for the relief of Mrs. Anita Ordillas.

On October 16, 1970:

S. 1628. An act granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes;

S. 1933. An act to provide for Federal railroad safety, hazardous materials control, and for other purposes;

S. 2264. An act to amend the Public Health Service Act to provide authorization for grants for communicable disease control and vaccination assistance;

S. 2314. An act to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age;

S. 2661. An act for the relief of Kathryn Talbot;

S. 3212. An act for the relief of Curtis Nolan Reed;

S. 3600. An act for the relief of Kyung Ae Oh;

S. 3675. An act for the relief of Ming Chang;

S. 3813. An act for the relief of Kim Julia and Park Tong Op; and

S. 4073. An act for the relief of Hyun Joo Lee and Myung Joo Lee.

On October 19, 1970:

S. 3822, An act to provide insurance for member accounts in State and federally chartered credit unions and for other purposes; and

S. 4247, An act to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges.

On October 21, 1970:

S. 2916. An act to establish the Plymouth-Provincetown Celebration Commission;

S. 3529. An act for the relief of Johnny Mason, Jr. (Johnny Trinidad Mason, Jr.); and

S.J. Res. 242. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority.

On October 22, 1970:

S. 1708. An Act to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes.

S. 3116. An act to authorize each of the Five Civilized Tribes of Oklahoma to popularly select their principal officer, and for other purposes; and

S.J. Res. 165. Joint resolution granting the consent of the Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between such States.

On October 23, 1970:

S. 3014. An act to designate certain lands as wilderness.

On October 26, 1970:

S. 2695. An act to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, the Executive Protection Service, and of certain officers and members of the United States Secret Service, and for other purposes; and

S.J. Res. 223, Joint resolution to authorize and request the President to issue a proclamation designating January 1971 as "National Blood Donor Month".

On October 30, 1970:

S. 2846. An act to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes.

On November 2, 1970:

S. 3586. An act to amend title III of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of October 14, 1970, Mr. BIBLE, from the Select Committee on Small Business, submitted the following reports, which were ordered to be printed:

On November 10, 1970:

A report entitled "Twentieth Annual Report of the Select Committee on Small Business, United States Senate, for the Ninety-First Congress, First Session" (Rept. No. 91–1343).

On November 13, 1970:

A report entitled "Impact of Franchise on Small Business" (Rept. No. 91–1344).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-407)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I herewith transmit the Fourth Annual Report of the National Advisory Council on Extension and Continuing Education.

This Council, established under Public Law 89–329, is required to report annually on the administration and effectiveness of the Community Service and Continuing Education Programs under Title I of the Higher Education Act and of all federally supported extension and continuing education programs.

Although the Council's report expresses its concern over the fact that the Administration did not request any funds for the Title I program in its fiscal year 1971 budget submission, I believe it should be made clear that there is no dispute about the purpose of the program. This Administration shares the objective of solving community problems by employing the resources of our institutions of higher education.

However, there is a question as to whether the Title I program, as presently constituted, provides the most effective vehicle for achieving this purpose.

This Administration is committed to curbing the proliferation of Federal grant programs. Only through such actions can we assure that the citizens of this country actually receive the benefits promised—but too often not delivered—by our present array of Federal programs of financial assistance.

In my March 19 Message on Higher Education, I proposed to apply this principle to community services and university extension programs. I noted that "the time has come for the Federal Government to help academic communities to pursue excellence and reform in fields of their own choosing * * * and by means of their own choice."

Accordingly, I proposed that Congress establish a National Foundation for Higher Education. This Federal agency would provide funds for institutions of higher education to assist them in encouraging reform and innovation, and thereby aid them in responding more effectively to their internal and external missions.

My legislative proposal would give the Foundation authority for support of activities to achieve the purposes of the present Title I program. I believe the Foundation offers a new, creative and more promising means of developing effective programs to solve community problems than does the existing Title I program.

RICHARD NIXON.

THE WHITE HOUSE, *November 16, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Vice President laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 3630) to amend the joint resolution establishing the American Revolution Bicentennial Commission, with an amendment in which it requested the concurrence of the Senate.

SENATOR FROM ALASKA—ADMINISTRATION OF OATH

Mr. SCOTT. Mr. President, I have a telegram from the acting Governor of Alaska, certifying to the election of the senior Senator from Alaska, TED STEVENS, which I send to the desk and ask that it be read.

The assistant legislative clerk read as follows:

NOVEMBER 11, 1970.

FRANCIS R. VALEO,
Secretary of the Senate,
U.S. Senate,
Washington, D.C.:

This is to inform you of the reelection of senior Senator TED STEVENS to the United States Senate. Other documents for transmittal to the Senate will be forwarded to you, as they become available.

ROBERT W. WARD,
Acting Governor.

Mr. SCOTT. Mr. President, I ask that it be in order now to swear in the Senator from Alaska (Mr. STEVENS) at this time, even though the certificate of election has not yet been received; but since there is no question of his election, I take it there is no objection.

The VICE PRESIDENT. The Chair hears no objection, and if the senior Senator from Alaska, TED STEVENS, will present himself at the desk, the oath of office will be administered to him.

Mr. STEVENS of Alaska, escorted by Mr. GRAVEL, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the official oath book.

[Applause, Senators rising.]

DEATH ON GEN. CHARLES DE GAULLE, FORMER PRESIDENT OF THE FRENCH REPUBLIC

Mr. MANSFIELD. Mr. President, the death of Charles de Gaulle during the past week is cause for reflection. This outstanding leader of our times possessed extraordinary political qualities and his perceptive views give relevance to certain Senate deliberations involving U.S. policy.

For his own country, the impact of his death was stated with eloquent simplicity by President Pompidou: "France is a widow," he said.

Although not always held in affectionate regard by General de Gaulle, the United States, it might be added, is a bereaved relative. President Nixon emphasized the point by his personal presence at the Paris memorial services. This Nation stood with the rest of the world in paying full final homage to a distinguished statesman.

Charles de Gaulle rose to the leadership of war and postwar France out of the deep resources of his inner resolve. He did not seize power; power gravitated to him in times of confusion, stress, conflict and uncertainty. In two great crises, once in 1944 and more definitively in 1958, he literally fashioned a structure of French Government out of chaos.

Although he operated, at times, as though his person were synonymous with the French State, he was by no stretch of the word a political totalitarian. He held himself and the military forces which extolled him in subordination to the civil state. Twice he relinquished great power on his own initiative. True, he may have seen himself as the incarnation of a France he sought to save or, rather, to recreate in greatness. In the final analysis, however, it was always the nation and not the man whose destiny took precedence. He was humble before no man but he was as a bondsman to his beloved France.

This complex man, this towering and dramatic person, in the end, is seen more accurately as a very decent and unpretentious human being. That is as I remember him from a recent personal encounter. The man, De Gaulle, in the shadow of De Gaulle, the statesman, is revealed by the simple funeral which he had ordered to be held in his village church at Colombey.

That simplicity is as much a part of the legacy which he leaves as is the hard body of his pragmatic political thought. His views were intensely nationalistic and European. They were often abrasive and blatantly self-serving for France. At times, they even appeared antagonistic to American interests. In historical retrospect, however, for the most part, De Gaulle's views may well resound with an increasingly solid ring of truth. The fact is that, at the core, Charles de Gaulle was quite free of delusions and possessed of a sweeping sense of history. He was, in a phrase attributed to one of his countrymen:

> A man for the day before yesterday and the day after tomorrow.

For many of the 26 years after France was liberated, De Gaulle spoke more accurately and expressively than anyone else for the hearts and minds of the French people. Time and again, he was able to assess correctly the tides of national and international events and the needs to which they gave rise. He did so by a sureness of comprehension which to some was an infuriating sense of certitude. When he was right, it was because his decisions were based on clear logic, stripped bare of myth, and on correct assumptions about the nature of the world around him. And he was right about many of the central issues of his time:

He was correct in his assumptions about the need for a Free French Gov-

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ernment in exile in 1940 and in his decision to lead the opposition to the Vichy government.

He was correct in his recognition of the need to reconstitute the fragmented political structure of France into "a regime capable of action and responsibility" with an effective executive; indeed, his constitutional reform in this area may prove to be his greatest achievement.

He was realistic in his recognition of the need for independence in Algeria and in his determination to free France "from the subjections that her empire imposed upon her"—even though, as he later declared in his memoirs "for a man of his age and upbringing, it was really cruel to become the mastermind of such a change."

He was right, in my view, in his recognition of the realities in Southeast Asia, a recognition which led him to warn President Kennedy that U.S. intervention would be an "entanglement without end," and to reiterate the substance of that warning time and again as our involvement deepened.

He may well prove to have been right, in large measure, too, by seeking to move in the direction of an all-European unity—East and West—set largely apart from both the Soviet Union and the United States and, in connection therewith in his calling for a revision in NATO concepts. His views were ridiculed and ignored at the time but the fact is that the revision is taking place in any event. The European contribution to NATO, insofar as it costs money and men, has not materialized to any great extent and, may I add, that it is high time that our expenditures for NATO be curtailed and our forces in Europe reduced.

As all of us here know only too well, in the end, political leaders can only contribute constructively to their times to the extent that they correctly perceive situations and anticipate accurately future courses of events. In that sense, Charles de Gaulle stands as one of the modern masters of international politics. He had a great capacity to grasp the changing needs of France and, I believe, to a considerable degree, the needs of Europe "the day after tomorrow."

He had the will and the wit to lead his people along the tortuous paths which circumstances required and to make bold and innovative decisions. This Nation was not frequently the beneficiary of his actions. Conversely, however, he was not frequently the object of our affection. Nevertheless, Charles de Gaulle is to be recognized ungrudgingly as an outstanding leader of modern France and Europe. History may well record him as a leader as simple in his person as he was great in his achievements.

Mr. President, I send to the desk a resolution on behalf of the distinguished minority leader and myself and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The assistant legislative clerk read the resolution, as follows:

S. RES. 481

Resolved, That the Senate of the United States has learned with profound sorrow of the death of General Charles Andre Joseph Marie de Gaulle, former President of the French Republic.

Resolved, That the Senate express its deepest sympathy to the family and the people of France in their great loss.

Resolved, That the President of the United States be requested to communicate this expression of sentiment to the widow and members of his family assuring them of the condolence of the people of our Nation in their irreparable bereavement; and be it further

Resolved, That when the Senate adjourns today, it does so as a further mark of respect for the former President.

The VICE PRESIDENT. Without objection, the resolution is considered and unanimously agreed to.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask consent that the reading of the Journal of the proceedings of Wednesday, October 14, 1970, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION THIS WEEK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the sessions of the Senate for the rest of this week.

Mr. SCOTT. Mr. President, reserving the right to object—and I will not object at this time—I should like to say that I will agree to this request, subject to the right of individual Senators to object to special committees meeting later on in the week, if they first will be good enough to consult with the majority and minority leaders.

Mr. MANSFIELD. I understand the position of the distinguished minority leader. May I point out that a number of committees will be holding hearings today, tomorrow, and in the remainder of the week, and that witnesses have come in from various parts of the country.

The Democratic caucus asked me today to make the suggestion that all committees be accorded the same privilege as the Appropriations Committee for the rest of this session because of its limited duration. I have, on my own, just asked that committees be accorded the privilege for this week.

Mr. HRUSKA. Well, Mr. President, reserving the right to object—and I shall not object—it would be a little unusual to ask for that blanket authority and that blanket waiver, although I do not know of any objections.

Mr. President, normally, this kind of request is made from day to day, or for a couple of days. I would not know of any urgent or pressing reason why that practice should be abandoned at this time.

Mr. MANSFIELD. If the Senator has questions, I can understand them. We are doing this only in the interest of time because this will be a limited, postelection session. We thought that if committees had this assurance—not to take up new legislation necessarily but old and needed legislation—it might be helpful.

Mr. HRUSKA. We will go on the suggestion of the minority leader and we will go on from there.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for recognition, and ask unanimous consent that I be allowed to speak for about 5 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

CONFERENCE REPORT ON FARM BILL

Mr. MANSFIELD. Mr. President, on October 14, the last day the Senate was in session before the election, in response to questions raised by various Members on both sides of the aisle, I gave assurances that the conference report on the farm bill would be taken up the day the Senate reconvened. I made those assurances in good faith, fully expecting that that would be the case.

Since that time, a number of events have occurred, not the least of which is the absence of the distinguished chairman of the Committee on Agriculture and Forestry on official business. Under his original schedule he was due to arrive in Washington yesterday. His original schedule was changed, however, through no fault of his own and he is now expected back later this week.

Therefore, with the concurrence of the Senate, I would like to be forgiven for the solid assurances I made. I did not foresee some of the events that have made it now impossible to have the Agriculture conference report pending as the very first order of business. Out of deference and courtesy to the chairman of the Committee on Agriculture and Forestry, I would like to suggest that the Senate consider taking up the conference report upon his return, which I understand will be Wednesday or Thursday.

I regret having to make a request of this sort in view of the positive statement concerning the scheduling of this matter I made on October 14. However, as sometimes happens, circumstances do develop and in this instance they have colored the picture a little bit differently.

As most of us know, the leadership does not have it totally within its power—and this applies to both leaders—to call up a conference report. Conference reports are privileged matters and under the practice of the Senate they are handled ordinarily by the Senator who manages the measure in question in the first place. In this instance, it is the Senator from Louisiana who assumed that responsibility and I only ask that the Senate and the farmers of the Nation who are so vitally interested in the proposal understand the position in which the leadership finds itself at this moment. It is a difficult position, indeed, and once again I express my apology and ask the indulgence of all concerned for the 2 or 3 day's delay this has occasioned.

Mr. President, I ask unanimous consent that certain excerpts of what I had to say on October 14 be printed at this ponit in the Record.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. MANSFIELD. I yield.

Mr. DOLE. Mr. President, I appreciate the remarks of the Senator from Montana. I think that perhaps the Senator refers to the debate and the colloquy that was had on the last day prior to election adjournment with the Senator from Kansas.

Mr. MANSFIELD. The Senator is correct.

Mr. DOLE. Mr. President, it is my understanding that when the Senator from Louisiana does return this matter will be the first order of business.

Mr. MANSFIELD. The Senator is correct. It is the first order of business.

Mr. DOLE. Mr. President, the Senate will not consider the conference report at this time as much as the Senator from Montana and the Senator from Kansas would like to dispose of it today.

Mr. MANSFIELD. Mr. President, I appreciate the understanding remarks of the distinguished Senator from Kansas.

The VICE PRESIDENT. Without objection, it is so ordered.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

The Farm Bill

Mr. Dole. Mr. President, I take this time to ask a question about the conference report on the farm bill. As Senators know, there was some discussion late yesterday about action on the conference report. The Senator from Kansas is still hopeful—not very hoepful, but still hopeful—that there may be some action yet today on it, but I take this opportunity to ask a question of the distinguished majority leader because I have read with great interest a statement attributed to the majority leader that it will be the first matter of business on November 16, and also here was some assurance from the majority leader that, without a doubt, the Senate would approve the confence report.

I ask the question now, not in any partisan way, of the Senator from Montana, who comes from a winter wheat producing State because to his State and to my State of Kansas, which is a winter wheat producing State, this matter is highly important. In fact, I have stated my hope to the Secretary of Agriculture that perhaps, on the basis of assurances on the Senate floor, at least some provisional regulations and recommendations might be made to American winter wheat producers.

Therefore, I would be most grateful if the Senator from Montana would comment on that at this time.

Mr. Mansfield. Mr. President, I would be most happy to respond to the distinguished Senator from Kansas, who comes from one of the great wheat-producing States in the Nation, and may I say that Montana is quite a wheat producer, too.

Because of the situation which has developed, I find myself, as the majority leader, in a somewhat embarrassing position. The bill itself is not all that I desired. I thought that the Senate bill was very superior to the House-passed bill. The conference report did not do everything that those of us from the wheat-producing States desired. But, all things considered, it is a good bill, and with a $1.25 base for wheat, with the rest to be made up through certification, with what has been done to take care of the woolgrowers, the stockmen, the situation relative to Public Law 480, and other factors, it is the kind of bill I will vote for.

Furthermore, I think it should be brought out that both Houses unanimously have passed an extension of the wheat referendum from the 12th of October, last Monday, when it should have taken place, to 30 days after the Congress adjourns sine die, which takes it into January of next year, 1971.

There have been rumors to the effect that certain Senators have approached me with the request that I take no action on the conference report. I wish to state, without equivocation, that no Senator has approached me, on the basis of the reports which have become current, asking me to hold back, to retard, or to delay this conference report; and I want that stated specifically because I have noticed on the ticker that the names of Senators Symington and Burdick have been mentioned.

I have had no contact with them whatsoever with respect to action on this conference report. They have made no request of me. And, as far as I know, they have been ready, able, and willing to be on the floor at any time when the conference report on the farm bill was to be taken up.

There is a situation within the committee itself, and it relates to the highest source in that committee, which I think has to be brought out and understood as to the situation in which the majority leader, and for that matter the Senate, finds itself at the present time.

It appears as of now that we will not get to the conference report on the farm bill today; and, speaking personally, I must express my own disappointment. But if such is the case, I wish to assure the distinguished Senator from Kansas and the Senate that one of the first orders of business when we return on November 16 will be the conference report on the farm bill. And I think I can say with full assurance that the Senate will agree to that conference report. There may be a little debate on it; I would not expect too much. By that time, the ripples will have dissolved, and it is my firm belief that the farmers affected by this bill can go ahead on all fronts with the assurance that the conference report will be considered as soon as possible on or about November 16, the day that we return, and passed as soon as possible thereafter.

May I say that I have no hesitation whatever in making this statement. I have no doubt but that the Senate will overwhelmingly approve the conference report. I have been assured by the distinguished Senator from Kansas that the President will sign the extension resolution having to do with the wheat referendum, very likely today.

So, with that statement, I give to the Senator from Kansas an answer long drawn out, but I hope explicit enough and definite enough to show where the Senator from Montana stands, the position he finds himself in, and what he proposes to do as a result of it.

Mr. Dole. I appreciate the response of the Senator from Montana, and feel that the assurances given with reference to the action when we return will be helpful, not only to those of us in the Senate and to the Secretary of Agriculture, but most importantly to the farmer.

Mr. Mansfield. Yes.

Mr. Dole. Because even though in many cases—and I assume in Montana—he has planted 80 to 90 percent of his wheat—

Mr. Mansfield. Yes, indeed.

Mr. Dole. This is a set-aside provision in the farm bill, a new provision, and some adjustments may need to be made. But in any event, I also feel that the conference report will be agreed to. It will be adopted, I would suggest, by a very large margin, because I detect no flat, outright opposition to the report.

Many farmers, regardless of the views of some farm leaders, understand that this may be the last farm bill we will have, because of the question of farm payments and payment limitations. But in any event, there is still some hope; the Senate is still in session, and may be in session for some time yet this afternoon. It is my understanding that at the hour of 2 o'clock, the distinguished minority leader will read a letter from the President of the United States with reference to possible action on the conference report.

So the Senator from Kansas hopes that the matter may yet be resolved; but notwithstanding that, I appreciate very much the statement of the distinguished majority leader, the Senator from Montana, with reference to early action in the event action is not taken today. This assurance, I would hope and would think, would set minds at ease across America, particularly of those farmers who are still waiting to plant. So I appreciate the response very much.

Mr. Mansfield. I thank the Senator for his courtesy. I appreciate his comments. I yield to the distinguished Senator from Alabama.

Mr. Allen. Mr. President, I thank the distinguished majority leader for yielding to me. He is to be commended for the very fine, frank, and statesmanlike report that he has given with respect the conference report on the farm bill.

My primary interest in the farm bill is in how it affects cotton. I was well pleased with the Senate bill, and had hoped that the conferees would agree on the Senate bill.

I do not approve of many of the provisions in the conference report with respect to cotton. I do not like the 28 percent set-aside. I do not like the reduction, in effect, in the support price. I do not like the reduction in the number of acres that are to be planted with support payments.

Yet I feel that the conference report, as inferior as it is to the Senate version of the bill, is a vast impovement over the 1958 act, with its two-price system for cotton, with its bulging warehouses full of cotton on which loans had been made, and with the building up of tremendous surpluses of cotton. So I would much prefer the conference report to getting no farm bill at all, and certainly I shall support the conference report when it is before the Senate for consideration.

The very frank and candid statement of the majority leader with respect to the inevitable

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eventual passage of the conference committee report would certainly make a tempest in a teapot of the statements that were made of this floor from the other side of the aisle with respect to the dire results of a delay in consideration at this time of the farm bill conference report. I was certainly pleased to hear the distinguished majority leader say that he had not been asked by any Senator to delay consideration of the conference report, because intimations of that sort were made on the Senate floor yesterday.

So it would certainly seem to me that we are going to get a farm bill, and that any farmer who wishes to plant cotton, wheat, or feed grains can do so with full assurance that his crop will have the support of the Federal Government, according to the formula provided by the conference committee report.

It seems to me that on November 16 or 17, we will, insofar as Congress can act, have a farm bill and one which is a vast improvement over the 1958 act through it does not come up to the level of the Senate bill passed recently.

Some days ago, the distinguished majority leader urged the Senate conferees to stick by the Senate bill, and I took the floor and made the same request. Though our pleas were unsuccessful, we do have a farm bill that is on the very threshold of being enacted. It will not be enacted today, but in all likelihood on the 16th or 17th of November it will be enacted. So the country can feel sure that action will be taken by the Senate; and certainly it would be the wish of the junior Senator from Alabama that at that time we have speedy action on the conference report.

I thank the distinguished majority leader for yielding to me.

Mr. MANSFIELD. I thank the distinguished Senator from Alabama, and I assure him that this conference report will have speedy action.

* * * * *

Mr. MANSFIELD. Mr. President, the distinguished minority leader has read a letter which he has received from the President of the United States, and it is a good letter; it is not an intemperate letter and in this area, of course, he is expressing the views of the President.

In a colloquy with the distinguished Senator from Kansas earlier, I referred to the highest source on the Committee on Agriculture and Forestry in refuting allegations which have appeared in the press that certain Senators who are running for reelection supposedly had approached me and asked me to delay consideration of the conference report. I denied that allegation unequivocally; there is nothing to it. I have not seen those Senators who are mentioned in the press for well over a week, but the "highest source" I was referring to was the chairman of the Committee on Agriculture and Forestry, the distinguished senior Senator from Louisiana, who is highly regarded by Members of this body, whose knowledge of things agricultural is unexcelled, whose probity and integrity are not questioned, and who I think was treated very shabbily during the course of the conference. So that is the "source" of the majority leader's predicament at this time, and he would be the man who would handle the conference report.

With that explanation let me say, Mr. President, because of the element of time and not because of a lack of importance, final action on the conference report on H.R. 18546, the Agricultural Act of 1970, will be impossible prior to the ordered recess this evening. It is not an action by the leadership that prevents the completion of this report today. It was the hope of the Senate leadership to consider and dispose of this measure today but we were unable to do so. The scheduling of conference reports—unlike bills reported from committees—is not within the exclusive jurisdiction of the leadership. We work with the conferees on these matters but the conferees maintain the right to call up a conference report at any time they wish. Although the leadership has been unsuccessful in obtaining agreement for final action prior to the recess tonight, I want to assure farmers and others that this legislation will be the first order of business after recess and that it is my firm belief and expectation that this measure will pass in its present form when considered by the Senate.

Although I am not fully satisfied with every provision of this bill, I believe the farm community needs assurances of the structure of the farm program for planning purposes. I give to the farm community my strong conviction that the bill reported by the conferees will be enacted into law and that the farm community may rely upon its provisions as the basic farm program for the remaining 3 years. However dissatisfied any of the farmers may be with the provisions, or any part of them, it is only realistic to state that these provisions will be the law and actions should be taken by the farmers based upon these provisions.

We have heard references to wheat, feed grains, and cotton in connection with the farm program, but we should keep in mind that other provisions are, and will continue to be, of utmost importance to the farm community and the Nation as a whole. I refer to payment limitations, dairying, extension of Public Law 480, extension of the Wool Act, rural development, including cropland conversion, as well as the so-called greenspan program, and other provisions which would be of special importance to the small farmers.

I want to assure the Senate that it is only the time factor that prevents action prior to recess. The rules of the Senate permit delay very readily. When an adjournment or recess has been ordered, it is very easy for any Senator to prevent action prior to a deadline. Measures of great controversy can be delayed very easily.

As I said before, the farm bill will be the first order of business when we return; it shall pass the Senate—like the Occupational Health and Safety bill, another controversial measure delayed just this week from consideration during the postelection session. I hope after the election there will be a greater spirit of cooperation so that all important measures can be considered and disposed of one way or the other by the Senate.

Mr. President, I honor the President for the interest he has taken in this most important program, this most significant conference report. I have tried to set the record straight as far as I could, and I want to assure the President that I will do everything I possibly can to see that this matter is the first order of business on our return on the 16th of November.

EQUAL RIGHTS FOR MEN AND WOMEN

Mr. BAYH. Mr. President, I asked the majority leader if he would permit me to make a brief statement with respect to the pending order of business, the equal rights amendment.

Despite the efforts made by the Senator from Kentucky, the Senator from Indiana and others, this amendment has been significantly amended, so as to change the general thrust of the amendment.

I have asked the majority leader if he would permit us to put this matter aside for a day or two in an effort to get together with the leaders of the various women's organizations.

I for one feel that the time has come for us to eliminate the vestiges of second-class citizenship which still exist on the law books of the land. We must really make an effort to achieve equal opportunity for all our citizens.

There are differing opinions about the proposal made by the Senator from Indiana to change the wording of the equal rights amendment language which has been essentially unchanged since 1942.

I would like to have a chance to discuss these differences personally with some of the leaders of women's organizations in an effort to see if we cannot reconcile some of the differences that exist.

The Senator from Indiana is not wedded to every word, comma, or period in his proposed amendments or in the statements made in an effort to try to move the equal rights amendment forward. As it now stands, it does not represent a move forward. It is simply the step backward that has been made every time the Senate of the United States has been confronted with this issue.

The distinguished Representative from Michigan, Representative GRIFFITHS, has made significant progress in the House. I would not like to see all of her efforts and all of the efforts of the Senate go for naught.

I would like to ask for a few days in which to see if we cannot reconcile some of the differences and move forward instead of giving up and retreating again. For 47 years, we have been saying that women should not move ahead, that we want to require them to carry the burden of second-class citizenship. It is time to take positive action and pass the equal rights amendment.

I have already discussed this matter with the leadership. The majority leader is not here now. However, I understand that he has agreed.

Mr. KENNEDY. Mr. President, the leader has discussed this matter with the distinguished Senator from Indiana. As the Senator from Indiana knows, the majority leader has at every opportunity attempted to expedite the consideration of the amendment. The Senator from Montana has indicated that the day or two that has been requested by the Senator from Indiana is consistent with the program and the scheduling of Senate business. He looks forward to the other communication and an early consideration and determination of the questions, along the lines explained by the Senator from Indiana.

Mr. BAYH. Mr. President, I appreciate the comments of the majority leader, the Senator from Massachusetts.

Speaking as one Member of the Senate, the Senator from Indiana is willing to fight the battle until he is out of breath. But we have to look carefully at what we are doing. In my judgment the measure which is pending before us now is not a step forward but a step backward. It contains some measures that are not even germane. They are very controversial and will greatly increase the chances that the whole measure will fail.

I am hopeful that over the next few days, during the discourse we will have with several of the women's groups, we can reconcile some of these differences and then come back to the floor of the Senate and pass the amendment in the Senate. Then we can try to get it accepted by the House.

There are many rather obvious examples of second-class citizenship. In many States women are not given equal pay for equal work. In many State schools girl students are blatantly discriminated against. Some States require women to go to court and get a court order before they can go into business.

This is what we are striving for. We are trying to see that women, as citizens of this country, are treated equally under the law. Even the most critical or the most casual examination of the law of the land today will show that this is not the case in many instances.

I thank the Senator from Massachusetts and the Senator from Montana who, along with many others, have been in the forefront of this effort. The Senator from Montana has particularly been one of the leaders in sweeping away some of the parliamentary obstacles that have been thrown in our way time after time.

I appreciate his continued willingness to cooperate.

I must say that I do not agree with what the Senator from North Carolina has just said. I do think, however, that he feels the way he does in good conscience and is motivated by only the finest spirit.

I have not said that, since the Supreme Court has struck down discrimination under the 14th amendment and the 15th amendment, there is not any need for the effort we have been making. The RECORD should show that the Senator from Indiana puts a different interpretation on this subject than does his friend, the Senator from North Carolina. However, I am always glad to continue this discussion with the Senator from North Carolina, and hopefully we will be able to resolve some of our differences. However, as I see it now, although we have a great deal of common agreement on language, the Senator from Indiana and the Senator from North Carolina currently differ as to the interpretation of this language and the need for it.

KENT STATE UNIVERSITY

Mr. SAXBE. Mr. President, I have observed this morning in the New York Times and yesterday in the Washington Post quite a bit of coverage on the president of Kent State University and his comment on the grand jury and the indictments returned by the grand jury. The attitude of this grand jury, which came as somewhat of a shock to the president, reflects on the entire Kent State incident. No more need be said about the fact that we all deplore that the violence got out of hand.

I call to the attention of President White and others who have gone on at great length about this matter, that this is a community with a grand jury of the people of that community and that they had fairly presented to them, as I have observed, evidence of what went on that day. They returned these indictments as a result of that evidence. There was a balance of testimony, I felt, that gave this grand jury a pretty good idea of exactly the events that led up to this violence. I think that President White and others in the academic community must recognize that they are a part of this community, that they are subject to all of the legal and other administrative bodies operating in that community, that this grand jury operated in our best democratic fashion, that this is their belief as to what happened that day, and that the trials which will follow this will give them every opportunity—that is, the indicted—to present their case.

Now, I do not think we need to go into great length to say that once violence is unleashed it cannot be recaptured. We know that the things that led up to this incident were not well managed, that they got out of hand, that the guardsmen had been on duty on a particularly dangerous mission where there was a Teamsters strike in northern Ohio, that there were articles such as concrete blocks being thrown off of bridges into trucks, that there were deaths and injuries and they had been in a dangerous situation, and that they had had little sleep.

I spent 30 years in the National Guard. I have commanded a battalion called out on strike duty. We are dealing with young men not completely trained. Anyone who says they are does not understand Army training. These men had reached the limit of their endurance. They believed they were in danger. I do not see anything wrong in a grand jury believing these things that were told to them by witnesses and by members of this National Guard.

The fact that they were poorly led, or the fact they were poorly trained, or the fact that they were perhaps not in danger are things that surely come into it, but the shots were fired because there was an emotional response that we too often get in our imperfect society.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. SAXBE. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The VICE PRESIDENT. The Senator is recognized for 3 additional minutes.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. METCALF. I think it should be mentioned, too, that the distinguished Senator from Ohio has been an attorney general of Ohio. He knows that the grand jury system is a system whereby only one side of the testimony is presented in an ex parte proceeding. The prosecutor goes into the grand jury room and presents his testimony. So evidence has been adduced that convinced the grand jury of this material, but this is not the final answer.

Mr. SAXBE. I would most thoroughly agree with the Senator from Montana. I had hoped to point this out.

Mr. METCALF. I am sorry.

Mr. SAXBE. I also point out they will have their day in court, and those people who now say that this grand jury went completely wrong in trying to present an indictment must recognize that this is a part of our legal system in this country; that they felt, and I think the Senator will agree, that there was reason that these persons should be tried for their part in what happened on that sorry day.

Mr. METCALF. And the grand jury has had no opportunity to hear the other side of the case. That is a matter for the consideration of a petit jury when the matter comes up for trial.

Mr. SAXBE. Exactly.

Mr. METCALF. So it must be emphasized that this is only a consideration and a decision based upon a presentation of one side of the case.

Mr. SAXBE. Exactly. The reason I bring this matter up is because of President White's statements that law is breaking down in this community, and that because these indictments were returned it reflected on the inability of the university to control matters and there was a complete miscarriage. There was not. These facts were presented, as the Senator has said, by a prosecutor who convinced a grand jury that these facts constituted grounds for a charge that they should be tried.

If we follow the thinking in some of these editorials and news items one would think that somehow the system of justice has broken down. They are sadly mistaken. This is a community that has a grand jury, prosecutor, a court, and a judge that are competent. Those who have been indicted will have every opportunity to make their case but the fact that they were indicted shows that our system is working and that it has not broken down.

Mr. METCALF. I agree.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. METCALF. Mr. President, I ask unanimous consent that we may proceed for 1 additional minute.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. METCALF. I rose only to point out that the system is working, that the grand jury system is only a presentation of evidence on one side of the case, and that this is not decisive, whatever happens on the other side.

Mr. SAXBE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "The Voice That Failed," which was published in the New York Times on November 16, 1970.

There being no objection, the editorial

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was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 16, 1970]

THE VOICE THAT FAILED

President Robert I. White of Kent State University has issued a reminder that the campus tragedy which snuffed out four students' lives six months ago needs some response more fundamental than just the indictment by a special Ohio grand jury of students and faculty members charged with unlawful acts during the disorders.

Defense Secretary Melvin Laird, in a constructive move that touches on the issue, has authorized provisions to give National Guard units more effective anti-riot training and protection, as well as nonlethal weapons. But that step falls short of any effective assurance that the Guard's leadership will not ignore sensible rules against the use of excessive force, in the same way that the Ohio Guard ignored Federal guidelines issued long before the events at Kent State.

Unquestionably, those at Kent State who committed criminal acts must be brought to justice. But thus far the grand jury's words are the only ones that have been listened to, even though there are growing doubts about the thoroughness and impartiality of its inquiry. The President's Commission on Campus Unrest, the Federal Bureau of Investigation and the Justice Department disagree with the jury's conclusion that the National Guard acted in justifiable self-defense when it fired at the students.

Dr. White touched on the essence of the lingering suspicions when he warned that the grand jury's view of the campus could undermine the foundations of civil liberties and academic freedom. Thus, the antagonisms between town and gown, between student radicalism and local conservatism, between the limited vision of the grand jury and the broader view of Federal law-enforcement agencies have become even more polarized

This is precisely what the President's commission tried to prevent when it appealed to the Chief Executive to speak out in the name of reconciliation. The continued absence of Presidential leadership leaves universities vulnerable to pressure from the left and the right and thus undercuts the forces of sanity and justice.

NOMINATION HELD AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent, because of a question pertaining to the responsibility of various committees, that the presidential nominations of William D. Ruckelshaus, to be Administrator of the Environmental Protection Agency, be held at the desk while these matters are being worked out.

The VICE PRESIDENT. Without objection, it is so ordered.

What is the will of the Senate? Is there further morning business?

EAST TEXAS STATE UNIVERSITY STUDENT GROUPS AND ARLINGTON BRANCH OF AMERICAN ASSOCIATION OF UNIVERSITY WOMEN ENDORSE BIG THICKET NATIONAL PARK PROPOSAL, AND REQUEST ACTION NOW

Mr. YARBOROUGH. Mr. President, almost 4 years have passed since I first introduced legislation to establish a Big Thicket National Park. During this period I have been continually encouraged by the growing support this legislation has received from all sections of the country. One prominent group after another has joined what is now a long and impressive list of individuals and organizations who want to preserve this splendid wilderness area in southeastern Texas. Unfortunately, this broad-based support has yet to translate itself into meaningful legislative action.

Time is growing short. We simply cannot afford the luxury of dealing leisurely with this matter—or with any matter that concerns conservation of our natural resources. The Big Thicket, which once covered over 3½ million acres, has quite literally been cut down to a few hundred thousand, and during the time the bill has been before this body, that figure has been further reduced. This senseless and systematic destruction of one of America's most unique wilderness areas must be halted, and we can only effectively do this if we enact the Big Thicket National Park bill, now, during this session.

Mr. President, I ask unanimous consent to have printed in the RECORD the resolutions of the Ecology Club and the American Association of University Women, Arlington Branch of East Texas State University, endorsing a 100,000-acre Big Thicket National Park.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION OF ECOLOGY CLUB OF EAST TEXAS STATE UNIVERSITY ON THE BIG THICKET NATIONAL AREA

The Ecology Club of East Texas State University does hereby adopt the Policy Statement on The Big Thicket National Area, a copy of which is attached hereto and made a part hereof for all purposes, and urges the President of the United States, the Congress, the Department of the Interior, the U.S. Corps of Engineers (as to Dam B), and the appropriate state agencies (as to supplemental state and historic parks) to take appropriate action to implement this policy as soon as possible.

ECOLOGY CLUB OF EAST TEXAS
STATE UNIVERSITY, COMMERCE,
TEX.
SHEILA J. RAGSDALE, PRESIDENT.

RESOLUTION OF A.A.U.W., ARLINGTON BRANCH, ON THE BIG THICKET NATIONAL AREA

A.A.U.W., Arlington Branch does hereby adopt the Policy Statement on The Big Thicket National Area, a copy of which is attached hereto and made a part hereof for all purposes, and urges the President of the United States, the Congress, the Department of the Interior, the U.S. Corps of Engineers (as to Dam B), and the appropriate state agencies (as to supplemental state and historic parks) to take appropriate action to implement this policy as soon as possible.

A.A.U.W., ARLINGTON BRANCH,
——— ———, *President*.

POLICY STATEMENT ON BIG THICKET NATIONAL AREA

We favor a Big Thicket National Park or area which would include not only the minimum of 35,500 acres proposed in the Preliminary Report by the National Park Service study team, but also the following modifications and additions:

1. Extend the Pine Island Bayou section southward and eastward down both sides of Pine Islands Bayou to its confluence with the Neches River.

2. Extend the Neches Bottom Unit to cover a strip, a maximum of three miles, but not less than four hundred feet wide on both sides of the Neches River from Highway 1746, just below Dam B, down to the confluence of Pine Island Bayou.

3. Extend the Beaumont Unit northward to include all the area between the LNVA Canal and the Neches.

4. Incorporate a Village Creek Unit, comrising a strip up to one mile where feasible, and no less than 400 feet wide on each side of Big Sandy-Village Creek from the proposed Profile Unit down to the Neches confluence. Where ever residences have already been constructed, an effort should be made to reach agreement with the owners for scenic easements, limiting further development on such tracts and preserving the natural environment. Pioneer architecture within these areas should also be preserved.

5. Incorporate a squarish area of at least 20,000 acres so that larger species such as black bear, puma and red wolf may survive there. An ideal area for this purpose would be the area southeast of Saratoga, surrounded by Highways 770, 326 and 105. Although there are pipeline crossings in this area, they do not destroy the ecosystem; therefore the National Park Service should revise its standards pertaining to such incumbrances, in this case, leaving them under scenic easement rules instead of acquiring them.

6. Connect the major units with corridors at least one-half mile wide, with a hiking trial along each corridor but without new public roads cutting any forest. A portion of Menard Creek would be good for one such corridor. The entire watershed of Rush Creek would be excellent for another.

Such additions would form a connected two-looped green belt of about 100,000 acres (there are more than 3 million acres in the overall Big Ticket area) through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headquarters be in or near the line of the Profile Unit.

We are absolutely opposed to any trading or cession of any National Forest areas in the formation of the Big Thicket National Park or Monument.

In addition, but not as a part of the Big Thicket National Monument, we recommend: (a) the establishment of a National Wildlife Refuge comprising the lands of the U.S. Corps of Engineers around Dam B, (b) a state historical area encompassing communities of typical pioneer dwellings, farms, etc., such as that between Beech and Theuvenins Creeks off Road 1943 in Tyler County, and (c) other state parks to supplement the national reserve.

SENATOR MUSKIE SPEAKS OUT ON NATIONAL UNITY: ADDRESS BY SENATOR EDMUND MUSKIE TO THE MILK PRODUCERS ASSOCIATION IN CHICAGO, ILL., SEPTEMBER 4, 1970

Mr. YARBOROUGH. Mr. President, recently I had the pleasure of listening to a speech delivered before the Milk Producers Association by my distinguished friend and colleague from Maine, Senator MUSKIE. Although the speech was directed to an audience composed primarily of dairy producers, I was impressed by the universal quality of its message. The 25,000 persons in the auditorium composed the largest convention ever held in America of one single agricultural producing commodity.

In an era that is characterized by an unprecedented avalanche of destructive and divisive rhetoric, it was indeed refreshing and most heartening to hear a speech that sounded the call for unity, reason, and renewed national purpose. To an electorate that has endured one of the most abrasive political campaigns in our history and who are bone weary of the divisive verbiage that has spread cancerlike across this country, this speech should be a most welcome relief.

For the benefit of my colleagues and all Americans, I ask unanimous consent that the text of Mr. Muskie's speech be printed in the Record at this point.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks by Senator Edmund S. Muskie, Milk Producers Association, Chicago, Ill., September 4, 1970

This is an audience of fathers and mothers and sons and daughters from rural America—very much like my people back home in Maine.

As far as I know, no one has ever before had the opportunity to speak to so many people representing a single farm commodity group.

This is because the movement toward agriculture self-help—of the scope you represent—is unique in the history of agriculture.

I have observed with great interest your attempt in the dairy industry—under the leadership of Harold Nelson and Dave Parr—to form a marketing organization large enough to develop commodity group policy.

Farmers have never before really tested their ability to conduct the marketing programs necessary to improve their relative economic position.

But they should—and they are doing so now through this organization.

Although they have sometimes been taken for granted, the efficiencies of American agriculture are a source of great national strength.

We are proud—and we should be—that our production per man hour . . . per acre . . . and per animal . . . has progressed to the point where Americans can buy their food for a smaller percentage of their income than ever before in this country or in any other country in world history.

Without the productivity gains of agriculture, more Americans would have to devote their time, their financial resources, and their mental energies to produce the basic necessities of life.

We have been to the Moon.

We have found cures to many diseases.

We have expanded educational opportunities to an extent never before achieved.

And only because we could first of all produce the materials we needed to feed and clothe the Nation.

Agricultural people have served another great purpose. They have strengthened our moral fiber.

They have preserved the spiritual values which are America.

And they have established the basis for a whole society.

An out-of-stater crossing the New Hampshire border into Maine, reached an intersection—he saw two roads pointing north—and he asked someone at the side of the road to take. "Does it make any difference?" "Not to me it don't," was the reply. That homely little story reflects America's greatest problem—over 200 years we learned that it does make a difference to each of us what happens to the rest of us—but we have forgotten that in recent years.

I am speaking of the need for all Americans to begin working together again . . . to cooperate with each other . . . to form a more perfect union.

That has been the promise of our country for almost 200 years. And it is a promise we must fulfill.

And yet, for several years now, Americans have been turning away from each other, instead of towards each other . . . younger people from older people . . . black Americans from white Americans . . . city folk from farmers.

The Nation has become divided. Its people have become angry. And their dreams for the future are fading away.

More than a century ago, a man spoke here in Illinois. He was seeking political office in a troubled time. And he quoted the gospel according to St. Mark: "A house divided against itself cannot stand."

That warning came from Abraham Lincoln. And what he said is as true now as it was in 1858.

The foundations of this house . . . our house . . . the house in which every American lives . . . are trust and fairness and understanding and compassion.

And these very foundations are under attack—not from without, but from within . . . not from unfriendly words, but from ugly acts . . . not from a great many people, but from an extreme few.

I submit that the violence which we hear about and read about is contrary to liberty; is contrary to justice; is contrary to life itself.

Free men must condemn it in the strongest terms.

And those who commit it must be held accountable for their actions, as swiftly as possible.

But even that is not nearly enough.

For the climate of America . . . of bitterness and fear and division . . . must itself be changed if we are ever to reduce the level of violence in any substantial degree.

You may know that I have traveled across much of this country in the last 20 months . . . visiting some 45 States . . . getting exposed to different people, different problems, different attitudes . . . and speaking with thousands of Americans of every generation, and occupation, and political persuasion.

And frankly, I have not found people as optimistic as they used to be . . . about the prospects for building a better life as time goes on.

And why?

Why do we have divisions?

Why are we tearing each other apart?

Why can't we work together as we used to?

Certainly, there is a tragic war . . . that we *must* end.

There is a stagnant economy . . . that we must revitalize.

There is a barrier of misunderstanding and mistrust . . . that we must bring down.

But above all else, there is a courage we seem to have misplaced—the courage to talk sense . . . to exercise restraint and moderation . . . to try crossing the borders that divide us.

It is a courage we need in rural America as well as urban America . . . on campuses as well as on the streets . . . in every section of this country.

It is a courage that young people need as much as their elders, I have talked to hundreds of thousands of them—they want to improve America, not reject her.

They want America to be united, not insecure.

They want to be proud of America, not ashamed of her.

And they must be asked to help out, not be told to keep still. And if they are asked, they will respond. And if they are not asked, there may be no future.

Bear in mind that many of them will not reach the ages of many of us here, until after the year 2000—a spread of thirty years.

And thirty years in this rapidly changing world means the same as centuries in an earlier time.

The changes which have taken place make it possible for man to know more . . . to travel at greater speeds . . . to reach out into the heavens.

And they also make it possible for man to destroy his natural environment . . . to destroy his fundamental values . . . and to destroy himself.

Our young people must live with these changes longer than we will. And they will have to live with the even more awesome changes that will surely come.

What concerns them is whether it will be possible for human beings to remain human in such a world. They are afraid they may lose what we have worked so long and hard to preserve . . . the freedom to grow and build and develop one's self in peace.

They are America's future—the only future America has—whether at home or on a distant battlefield.

Perhaps you remember an incident in the '68 campaign . . . when a young man named Rick Brody chose to confront me on an October day in a village square in the small town of Washington, Pennsylvania.

He was very intent on speaking his mind, from the middle of the crowd. And I felt he should have his say.

So he came up to the microphone . . . said what was on his mind . . . and then stepped down to let me respond.

Whether or not it was pleasant to listen to him . . . to hear him out . . . it was important, for both of us.

What he wanted was what we all want: A beginning of peace; a beginning of respect for each other; a beginning of a more liveable world.

And then I heard no more from him, until he came to see me in my office several weeks ago.

He said he wanted to talk things over. He still considered himself a radical. But he was against violence. And he asked me how I thought we could ever change for the better.

Specifically—what could he do?

I told him I thought he had three choices: (1) to seek violent change; (2) to ignore the problems; (3) to develop the skills, the abilities, and to try reasoning with people . . . persuading them in a sensible way . . . and joining with them to work toward common objectives—objectives which are based on values we share, and on a mutual appreciation of what is right and what is not.

He was still uncertain about the future when we finished talking.

But he said he would try to learn for himself, and he would let me know.

I think that attitude is good. It is honest. And it reflects an independence of character that has developed in America since 1776.

We must find our bearings again.

We must reach out to each other.

And we must apply ourselves and our resources to the urgent talks which confront us.

All Americans are in the process of sorting out their values—of considering not only our traditions, but what lies ahead.

And we've got what it takes to build lives of promise for every man, woman and child.

Whenever I go home to Maine . . . to spend some quiet and unhurried days with the people I have come to know over the

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years . . . I realize that our most fundamental values are still alive—of patience and perseverance and endurance; of reflection and contemplation and reason; of a deep and abiding sense of our limitations as well as our potential.

In Maine, our towns and our cities and our rural communities are still places where each person can preserve and develop his or her own special character; where, even so, neighbors tend to look out for one another; and where, after many years of working the land and engaging in industry and building a State, people know that life is worth living.

I am convinced we can build one country . . . by working together . . . and believing together . . . and talking together.

That is the kind of America we grew up in, and it is the kind of America all of us—including young people want.

Someone once said, "My interest is in the future because I am going to spend the rest of my life there."

Nothing could be more true.

Thank you.

DR. JONATHAN E. RHOADS OUTLINES PROGRESS OF THE AMERICAN CANCER SOCIETY

Mr. YARBOROUGH. Mr. President, the retiring president of the American Cancer Society, Dr. Jonathan E. Rhoads of the University of Pennsylvania, made a speech early this month which I think will be of interest to the Members of the Senate. Dr. Rhoads set forth the accomplishments of the American Cancer Society during his term of office and described the progress made by the society. He went on to discuss the overall cancer problem and list the accomplishments in the field of cancer as well as the hopes in research leads which needs to be pursued.

The most important part of the speech, I believe, is the plea for a more vigorous attack on cancer with greatly increased support from the Federal Government.

Dr. Rhoads, who is a member of the panel appointed by me under Senate Resolution 376 to report to the Labor and Public Welfare Committee on the cancer problem, suggests that the panel will have a very significant and very interesting report to make later this month.

I ask unanimous consent that this speech, given at the annual meeting of the American Cancer Society on November 5, 1970, be inserted at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

CANCER CONTROLS IN THE 1970's

Thank you Mr. Adams, members of the American Cancer Society, friends and supporters of this organized attack on the cancer problem.

It is the happy custom of this organization to permit the President the platform as he completes the term of office and this not only gives him the opportunity of thanking all of you for the great honor of this position, which I do most sincerely, but of thanking the staff, my colleagues on the National Board of Directors, the members of the House of Delegates and all of the cancer family, for their wonderful support of the cause during the past year.

I am happy to report that the total funds raised continue to go upwards despite foul economic weather to a new high of nearly 65 million dollars. For this I would thank particularly Fess Parker, our National Crusade Chairman, and his partner, Mrs. William W. Talman; Charles Beusing, Chairman of the National Crusade Committee, with whom a person could scarcely have lunch without revising his will, and John Ewing, Vice President for Crusade of the American Cancer Society. Actually I think our thanks should go to the nearly 2 million volunteers in more than 3,000 communities throughout the country.

In my role as President I would also pay tribute to the executives and administrators who constantly endeavor to improve the efficiency of staff and effectiveness of volunteers. One example of these efforts has been the adoption of a uniform system of accounting and auditing, making it possible through a single accounting firm to present a full accounting to the public which has placed great confidence and trust in us.

The next step which the Society management is undertaking is a system of modern financial management, employing the efficiency and speed of computerization to bring our organization the benefits of science as applied to financial recording and reporting. I sincerely hope that every division and unit will welcome an opportunity to participate in this activity.

This occasion gives the President the opportunity of reporting in some sense his stewardship during the preceding year, and more importantly, affords an opportunity to look at the present status on the fight against cancer, the recent accomplishments and the more compelling opportunities for the years ahead. Statistics would indicate that approximately one-sixth of the 323,000 deaths from cancer in 1969 would not have occurred had it not been for cigarette smoking. This is an area in which the Society has excelled far beyond expectation.

The fact that there are now 29 million ex-cigarette smokers who have responded to the appeal of our organization and others that their lives would be shortened if they continued to smoke, is a statistic that few would have predicted a few years ago. In addition, the cessation of cigarette advertising on radio and TV two months from now could be termed a sociological milestone in altering a life-style that has taken countless and needless lives for a half century and more.

In 1969, the Society gave birth to the new Clinical Investigation program—authorized by the Board of Directors to shorten the distance from the laboratory to the bedside and to provide vital information about cancer by study of the patient himself. That this is a rich area for attracting productive people in research is seen in the award statistics for the first year of operation. Out of 146 applications for Clinical Investigation, 104 received scientific approval although it was financially possible to grant only 32 of the most promising.

I could well describe progress and effectiveness of many other programs if time permitted but accounts of these are available to you in various reports being made here this week.

In summarizing where we are at the beginning of the Decade of the Seventies, two points appear to be significant:

One, cancer is not a single disease but a whole group of diseases and the hope for a single cause, or a single cure is unrealistic.

It is not necessary to describe the scope of the cancer problem here—52 million cases among those Americans now alive, 34 million deaths at present cure rates—enormous hospitalization expenses and a loss of productivity estimated at more than 20 billion dollars. Against this Goliath of an enemy, we have only the little David of a one-dollar person per-year national budget for cancer research—for the effort to avert all this suffering and grief.

So long as we believe that the giant had a vulnerable spot, as Goliath did, and that some bright young man could hit it with a single shot, perhaps it did not make much sense to spend more. Now that most of us are convinced that this is not the case, and that cancer is a multitude of problems which will require separate solutions, we need to reevaluate our priorities.

Second, cancer research is paying off. As evidence of this we have seen:

A fifty per cent reduction in the death rate from cervical cancer.

A chemical treatment for choriocarcinoma. effecting 75 per cent five-year cures; and almost as much for Burkitt's lymphoma.

A remarkable improvement in the results of treatment of acute lymphatic leukemia using new techniques of chemotherapy.

Apparent cure of Hodgkins Disease by new radiological techniques for early disease and extended survival for advanced disease using chemotherapy.

The ever clearer proof that cigarette smoking causes the bulk of lung cancer and research studies with dogs which show that the filter significantly reduces pathological changes in the lung.

Development of a blood test to aid the diagnosis of the commonest of the internal cancers, those of the large bowel.

I believe the first point about the multiple nature of cancer is essential to a realistic approach to solving the problem. The hope that some sudden and dramatic approach to the cancer problem will quickly emerge weakens the will to fight cancer on a broad front; it weakens the will to organize a massive attack; it weakens the will to gird for the long fight by preparing fresh minds for research in the cancer field.

Point two—that cancer research is now paying off—is essential because the American people cannot rationally support a truly massive attack on cancer without the evidence that the millions of dollars already spent—even though they have not solved the cancer problem entirely—have, in fact, solved a highly significant part of it and have yielded a very rich return in human productivity.

Where do we go from here? I believe the directions are clear. The ACS programs constitute the bulk of the effort in public information and, public education. We underwrite a major part of the effort in professional education. And the nearly 22 million dollars we devote to research this year support some of the most significant and promising projects in 30 years of cancer research.

The cancer problem breaks down into prevention, early diagnosis, treatment, and the study of increased resistance in the host.

In the area of prevention, of course, it has already been amply demonstrated that thousands of lives can be saved by removing the factors in the environment which cause cancer. An example is cigarette smoking as a cause of lung cancer; or sensible protection from ultraviolet rays of the sun; or the control of pre-cancerous lesions such as certain types of moles; or the constant vigilance of government agencies in identifying and removing possible cancer-causing substances from the marketplace.

We must continue to emphasize these procedures, looking to the day when more direct methods of prevention will go a step further by developing vaccines that will establish immunity against carcinogens.

Of equal importance today is early diagnosis. We surely have seen evidence of this through the development of exfoliative cytology which produced the Pap test. But better diagnostic procedures alone are not enough. The program to increase public consciousness about the warning signals and the annual checkup program must be strengthened. Here, I would say that the practicing physician, and the specialist as well, play a vital role. As evidenced in one of the studies conducted for the Society, at least 90 per cent of the public will respond to the plea for an annual checkup if people are convinced that their physicians are in favor of the annual checkup.

As for increasing man's resistance to cancer, there is the possibility that new modalities will be developed to achieve this goal. In recent years a foundation has been laid in fundamental research to open new avenues to practical methods of applying immunology against cancer. Recent studies have emphasized the relation between cancerous growths and their blood supply in experimental animals. These observations yield still another point of attack.

At the beginning of this decade then, the scope of progress made by this organization is impressive and I think it is necessary now to make this fact ever more visible to the people of this nation, that we may summon more participation and more support in this promising era of cancer control.

One of the most significant developments in 1970 has been the passage in the United States Senate of a resolution by Senator Ralph Yarborough of Texas, sponsored by 53 Senators, calling for a program for a solution to the cancer problem in the Seventies. Senator Yarborough hopes that the problem can be cracked by the bi-centennial year of 1976.

Under this resolution, a panel of consultants was organized—13 from the professions and 13 from the laity. It was my privilege to serve as one of the consultants in this group. We have worked very hard over the summer to prepare a blueprint for the Senate indicating how we felt an all-out program against cancer could be developed. The Committee report is not yet final but is to be submitted to the Senate prior to the end of the year.

There is general agreement, that the present program is good, and that any new developments proposed should not be permitted to interfere with continuing and expanding present programs and goals. It is also clear that there is much manpower and many facilities for cancer research which are not being put to work at existing funding levels.

Therefore we believe that appropriations should be immediately increased to take advantage of the efforts of these individuals, many of whom have been developed and trained in cancer research through fellowships provided by the American Cancer Society, and the National Institutes of Health.

During the course of this study I have come to believe that there are in this country a number of notable institutions where the problem of cancer can be attacked, both at the patient level, the animal level and the cellular level, and, indeed, the sub-cellular level. It would seem in order to increase the number of these institutions and to increase their geographic distribution.

Beyond this it appears that great gains can be made through earlier diagnosis and it is hoped that it will be possible to expand a system of local diagnostic clinics possibly related more closely to the major cancer facilities to bring the newest diagnostic aids closer to patients and thus to increase the chances of earlier diagnosis.

The larger cancer centers should:

1. Provide examples for the best possible care and diagnosis;

2. Make possible the best treatment of complicated cancers requiring specialized facilities;

3. Bring together under one roof with the patients who have the actual problems, scientists at all levels who are working on these problems.

Problems found in dealing with patients will not infrequently be of interest to both the clinical investigators and basic scientists.

Information obtained through these centrally coordinated facilities should make it possible to evaluate new drugs, new methods of diagnosis, new methods of treatment more rapidly—and read this information back to the individuals planning treatment and planning future investigations.

Such a group of facilities should also increase and improve studies in the psychology of health maintenance examinations, and it should facilitate the best possible follow-up for patients who have had cancer and who have been treated. It should also facilitate the study of the problem of the delivery of health care as it affects cancer, utilizing a number of different patterns as may seem appropriate to different sections of the country.

I am not prepared to say that the problem of cancer can be solved within six years or ten years or any finite time, but it is the opinion of many of those who have studied the problem a long time that the gains already obtained in cancer can be continued at an accelerated rate and the great progress in basic research in the last two decades makes it highly probable that curative methods will be developed for a number of additional forms of the disease.

Eventually prevention is likely to save the most lives as it has in so many of the infectious diseases. Many and probably most of the occupational cancers are already being prevented.

The studies of epidemiology of cancer in this country and in other nations strongly suggest that environmental factors are dominant in a majority of cancers, and I believe that continued and careful search will identify the critical factors, most of which now elude us.

Too little attention has been paid to the human patterns of resistance to cancer. And more emphasis in this field will advance the goal of cancer control.

Finally I believe we should remind ourselves that this annual meeting of the Society is again evidence of the unity of spirit of a determined people from all 50 states to make cancer control a reality. Again and again we recognize the need for a national effort to overcome cancer. The strength and success of the fight against cancer is many times enhanced through concerted effort. Our greatest ideal is the support of *all* the people with the same goals, the same direction and the same leadership.

So much depends on science in the Decade of the Seventies—improvements ranging from better means of testing the validity of its own findings to the intricacies of human cell chemistry. But the final testing place for the fight against cancer will be the human spirit. The final conquest of this disease depends on man's will to improve his own lot, and his willingness to devote the resources and make the sacrifices necessary to win. What we win will not be for ourselves alone but for all mankind.

THE POSTELECTION SESSION OF THE 91ST CONGRESS

Mr. GRIFFIN. Mr. President, as we resume the business of Congress today, I am gratified that we can do so in an atmosphere of relative calm so far as the outlook for labor-management peace is concerned.

As a Senator from the State most grievously wounded and most responsible for settlement of the automobile strike, I am relieved that this tragic and costly strike appears to be near an end. The strike has been a very great loss not only for the workers and the company, but for the people of Michigan and the Nation.

We are setting out today, Mr. President, on the first postelection session—what the press calls a "lame duck" session—since 1950.

Paging through a historical dictionary of American political terms published by Detroit's Wayne State University, I learned that the term "lame duck" dates back to the 1700's in England. Then it applied to financiers who had gone bankrupt.

By 1839 there were references in this country to "lame ducks" obliged to "waddle" out of Wall Street.

By Civil War times, the "lame duck" had been transformed into a "broken down politician." This meaning survived until the 20th amendment, introduced by Nebraska's Senator George Norris, was passed in 1933. It reduced the "lame duck" period for Members of Congress from 13 months to the present 2 months.

Back in March 1927, when Senator Norris' amendment was half way through its 10-year incubation, Representative EMANUEL CELLER was a principal advocate. He worried about the influence of "lame duck" Members in both the House and the Senate who frequently were so numerous they could help push through key legislation long after their constituents had repudiated them. Political lame ducks, he said, "are very tractable, very docile, and usually under the promise of a job will vote any way demanded of them." Furthermore, he found these lame ducks were "sore ducks," disgruntled, dissatisfied, with bad tempers.

Forty-three years later, that is not true of the shorter term lame ducks among us.

Today, the derogatory connotations of "lame duck" have largely disappeared. None of us, on either side of the aisle, look upon our "lame ducks"—either those who stood for reelection unsuccessfully or those who did not run for reelection—with anything but the highest regard. And we will value their help in completing the work of the 91st Congress.

The ACTING PRESIDENT pro tempore (Mr. METCALF). What is the pleasure of the Senate? Is there further morning business?

Mr. SCOTT. Mr. President, I make a point of order that a quorum is not present.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE KENT STATE TRAGEDY

Mr. YOUNG of Ohio. Mr. President, it happens that I just came into the Senate Chamber, and I was not in the Chamber when my distinguished colleague and good friend, the junior Senator from Ohio, made some remarks about the tragedy at Kent State University last May 4.

The facts are, Mr. President, that on May 4, a beautiful, sunshiny day, shortly after high noon, a terrible tragedy occurred on the campus of Kent State University in Ohio.

I have said before and I say now that the Governor of Ohio made an abominable mistake in calling to the city of Kent and to the Kent State University a wornout, tired group of National Guardsmen who had been called out in the Cleveland and Akron area on April 29, due to the fact that there was an unruly wildcat strike of two factions of the Teamsters Union in the Akron-Cleveland area.

It is stated to me that those guardsmen who were in the Cleveland-Akron area had had but about 4 hours' sleep in 3 nights, and some of them had been injured by Teamsters.

However, in the evening of Saturday, May 2, the factions settled their strike, which had been a bloody strike.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. YOUNG of Ohio. I ask unanimous consent to proceed for 10 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Governor Rhodes could have sent to Kent two companies of National Guard Military Police from Warren, Ohio, in the adjoining county. He did not choose to do that. He should not have called any National Guard unit that night. Hindsight is better than foresight, but he should have had sense enough to call into Kent and on Kent State campus our State highway patrol, which is a highly respected law enforcement agency. Instead of doing that, unfortunately, he called in the National Guard.

On Monday, May 4, there were no riots whatever on the campus of Kent State University. Shortly after noon, the guardsmen, angered no doubt because when they hurled tear gas canisters some of the students hurled the canisters back and the tear gas was escaping suddenly shot to kill, firing 61 shots.

Four Kent State students, two girls and two boys, were killed. One of them, Sandy Schever was on the university commons on her way to a speech therapy class. Sandy was one of the first killed. She was shot and killed at a distance of 130 yards from the front line of guardsmen. Her school books lay on the ground beside her bloodstained body.

Mr. President, I am not defending President White of Kent State University. I do not know him. But I do know that he never requested the National Guard to come there. I do know that he was shocked when he learned that the guardsmen had live ammunition in their guns. He did not ask the Governor to send in any guardsmen to his campus. But on that afternoon, four students were killed and nine were wounded.

Of all those 13 boys and girls killed and wounded by National Guardsmen, only two were struck in the front. One of them was Jeffrey Miller who was shot and killed at a distance of 85 to 90 yards from the first line of guardsmen. The other was Joseph Lewis who was wounded and the closest of all the students to the front line of guardsmen. He was about 60 feet from the front line of the guardsmen. He had thrown no rocks. He had resorted to no violence whatever. He made an obscene gesture and a guardsman named Shafer shot him. All others were struck in the side or back.

Dean Kahler, who is hospitalized, paralyzed from his waist down, was facing away from the National Guardsmen. He was struck at a distance of 300 feet. Another boy, Robert Stamps, of my city of Cleveland, was 609 feet distant from the foremost National Guardsmen, more than two football fields away. The guardsman's bullet struck him in the buttocks, penetrated his entire body, missed his spinal column by less than an inch, and exited in front. How could any grand jury say that he was to blame for that?

Mr. KENNEDY. May we have order, Mr. President?

The ACTING PRESIDENT pro tempore. Will the Senator suspend while the Chair tries to obtain order? The Senate will be in order.

The Senator may proceed.

Mr. YOUNG of Ohio. I will not dwell on this at length, Mr. President. I seldom find myself in complete agreement with any statement made by Vice President AGNEW. But on May 7, less than a week after the Kent State tragedy, the Vice President was interviewed on television and questioned about the tragedy on the campus of Kent State University. When asked if he thought the guardsmen "went too far" in their response, the Vice President replied, "Oh yes, there is no question about that."

He stated:

> The officers and guardsmen responsible for the shooting and for the killing of those four students, should be charged with murder—not murder in the first degree. Where there is no premeditation but simply an overresponse in the heart of anger, that results in killing, it's murder.

Those are the words of the Vice President of the United States. In Ohio, Mr. President, we term that second degree murder.

We have regular grand juries; we have regular Federal grand juries. But the attorney general of Ohio, at the request of Governor Rhodes, convened a special Portage County grand jury.

I report that the two special counsel appointed to direct it and assist it are political friends and supporters of Governor Rhodes.

He appointed as special prosecutors Seabury Ford, Republican chairman of the Executive Committee of Portage County, and Robert Balyeat, a lawyer and a close political friend of Governor Rhodes.

Mr. President, that Portage County special grand jury was a fakery from the start.

Approximately 100 FBI investigators, over a 2-week period, interviewed thousands of students, professors, and National Guard officers and men, and they reported:

> We have reason to believe that the claim of the National Guard that their lives were endangered by the students was fabricated subsequent to the event.

But these friends of Governor Rhodes, who wanted to clear him for declaring martial law and sending in the Guard never submitted to the special grand jury nor placed before it this information.

The Republican prosecuting attorney of Portage County, Robert Kane, and the two special counsel were there to whitewash the National Guard. If they had done otherwise, they would have been condemning their political friend, Governor Rhodes, the man who appointed them. This was fakery. Not one guardman was indicted. The special grand jury was directed by these friends of Governor Rhodes and they indicted 24 students and one professor.

There had been rioting in the town of Kent on the preceding Saturday night and on that night the ROTC building was burned.

I have said on the floor of this Chamber and I say now that any student who burns an ROTC building or breaks store windows should not only be expelled from the university but also prosecuted and indicted by a regular grand jury.

Mr. President, I ask unanimous consent to proceed for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the Senator from Ohio is recognized for 10 additional minutes.

Mr. KENNEDY. Mr. President, will the Senator from Ohio yield for a question?

Mr. YOUNG of Ohio. Yes, indeed; I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. I missed the earlier comments of the Senator from Ohio. All of us who have read the CONGRESSIONAL RECORD on this matter realize that the distinguished Senator from Ohio has made an extraordinary contribution to the Members of this body in the detailed study he has made of this whole tragic problem from its earliest days. He has made many valuable statements and comments. He has been interviewed by reporters who have written many newspaper articles which I believe have illuminated our understanding in the Senate of these events.

I want to commend the Senator from Ohio for the fine work he has done in this area and for his responsiveness once again today in making additional comments.

I should like to ask the Senator, in the remaining time which has been made available to him, whether he intends to talk a little bit about the Scranton Commission report on the Kent State tragedy and what value he places on that report. It could very well be material which has escaped my attention, but I would be interested in those comments and whatever he might be able to add because it was clearly my impression that the Commisssion's report did present extremely useful and helpful comments which I thought were of great value and upon which I would be interested in the Senator's point of view.

Mr. YOUNG of Ohio. May I express my thanks to the distinguished senior Senator from Massachusetts. I appreciate the personal reference he made to me. I am glad the Senator asked me to advert to the report of the President's Commission on Campus Unrest. Following a lengthy investigation, the Commission reached its conclusion, which is exactly the opposite, of course, of the special grand jury appointed to whitewash the National Guard and to pat Governor Rhodes on the back.

Here is the conclusion of the President's Commission on Campus Unrest:

> Even if the guardsmen faced danger, it was not a danger which called for lethal force. The 61 shots by 28 guardsmen certainly cannot be justified. The Kent tragedy must surely mark the last time that loaded rifles are issued as a matter of course to guardsmen confronting student demonstrators.

Mr. President, after an extensive investigation by 100 FBI agents on the campus at Kent State University, and in Kent and elsewhere in Ohio in which they interviewed guardsmen, students, and townsmen, over a period of 2 weeks, the FBI reported:

> Most of the National Guardsmen who did fire their weapons do not specifically claim they fired because their lives were in danger. Rather, they generally state in their narrative that they fired after they heard others fire.
>
> We have reason to believe that the claim by the National Guard that their lives were endangered by the students was fabricated subsequent to the event.

Mr. KENNEDY. If the Senator from Ohio would yield further, I was wondering whether the Senator knew about Police Chief Allen from New Haven, one of the most respected law enforcement officials in this country, who was appointed to the Commission for that reason—and I think that those who have been associated with his record would certainly reach that same assumption. I believe Chief Allen made some comments on this subject and I believe it would be useful—I do not know whether the Senator has those references at hand—but I was wondering, in a general way, whether the Senator was familiar with Chief Allen's comments, and whether the Senator would characterize those comments at this time.

Mr. YOUNG of Ohio. Chief Allen is a nationally known and highly respected law enforcement officer. He blamed the National Guardsmen. He and others said that the National Guard fabricated their stories that it was necessary for them to fire. The facts are, and I believe he is familiar with those facts, that not one guardsman was injured on Monday, May 4, 1970, at any time that afternoon. I believe that one of them fainted, perhaps from the tear gas. Another one had a heart attack. But not one of the Guardsmen required even first aid treatment.

As to the nine students who were wounded and the four who were killed, none of them was a radical. Not one of them had participated in any disorders either on the campus, or in downtown Kent the previous Saturday night. There was disorder in the city on Saturday night, because the mayor of the city suddenly changed the curfew time from 9 p.m. to 8 p.m., so that many of those who were walking the streets of the city of Kent anytime after 8 p.m.—the night when the students at Kent State University like to go downtown—were arrested and thrown into jail and manhandled by the city police.

They were held in jail all that night and were not permitted to telephone their parents. In the morning, those who had spent that night in jail were all compelled to pay a $50 fine to the Kent city police.

Mr. KENNEDY. Chief Allen's comments, who, as I said, is really one of the great law-enforcement men in this country today, and who made a detailed study of this matter, came up with the right conclusion, as was correctly stated by the Senator from Ohio.

Now I would like to ask the Senator, is it not a fact that the parents of a considerable number of the young people who were shot in the back and who had very little to do with any of the demonstrations going on at that time, incurred enormous medical bills running into the tens of thousands of dollars, many of the fathers having served with distinction in the Second World War, all hard-working people, incurring these very expensive medical bills; and we find out how difficult it is for any of them not only to pay those bills but also the extraordinary expensive legal fees which will have to be paid. Fortunately, they have a number of volunteer lawyers and others, trying to help represent them. But anyone knows that legal fees run into considerable cost for them to get any kind of compensation for their heavy expenses.

I can make some brief comment on this, because I had the opportunity to work with a number of young people from Kent State, as well as Jackson State, in trying to develop some availability of resources for the continuing medical and legal expenses, and, what is most tragic, the burial expenses incurred by these families. These are often facts that are overlooked.

I wonder if the Senator from Ohio could make any comments about these matters.

Mr. YOUNG of Ohio. Mr. President, it is most unfortunate that Dean Kahler, one of the first shot, was 300 feet from the front line of guardsmen. He is still hospitalized. He is paralyzed from the waist down. He was facing away from the National Guardsmen at that distance of 300 feet. The expense to his family up to the present time has exceeded $15,000 for his care alone.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator from Ohio may be permitted to continue for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Joseph Lewis was closest to the front line of guardsmen. He was 60 feet distant. Only Jeffrey Miller, who was 85 to 90 yards distant, and Joseph Lewis were shot from the front. Donald MacKenzie was shot in the back of his neck. He was 750 feet distant from the guardsmen. His family has incurred expense of more than $7,000 to date.

Mr. KENNEDY. Mr. President, was that the young boy who was paralyzed?

Mr. YOUNG of Ohio. No. Dean Kahler was the boy who is paralyzed. His ambition was to be a football coach. He was a well-beloved boy on the campus. He was shot in the back at a distance of 300 feet. He will be paralyzed for the rest of his life.

Robert Stamps was shot at a distance of 609 feet. That is twice the distance of a football field. The bullet struck him in the back.

Mr. President, all I have to say regarding Robert White of Kent State University is that he had a right to resent, as any person has a right to resent, guardsmen taking over the campus of that university which was then in complete operation.

Governor Rhodes made an abominable blunder. He was a candidate for the Republican nomination for U.S. Senator, and the primary election was the next day. Of course, that gave Governor Rhodes the chance to say, "I am for law and order. I sent the National Guard in to take over." And they did take over with a vengeance.

I am glad to report that Governor Rhodes was defeated the next day, even if it was by only 3,000 votes, by Robert Taft, who will be a Member of the Senate next January.

Governor Rhodes deserved to be defeated. He had other alternatives to pursue. All he had to do if he was fearful of disorders on the campus was to order the university closed. However, he did not choose to do that.

That special county grand jury is a fakery and a fraud. It is a dread portent, indeed, when a group of friends of the Governor—who will soon be an ex-Governor—including his close political friend, Adjutant General Del Corso—who will be out like a light next January—could, through this special grand jury, exonerate the National Guardsmen who did the killing.

I have said there was violence in the city of Kent on the preceding Saturday night. However, the FBI agents made a complete report following 2 weeks of thorough investigation and said that not one of those students who were killed or wounded was a radical and that not one had participated in any riots downtown. Of course, there was no riot whatever on the campus of Kent State University on Monday, May 4.

It was a terrible thing that this happened and that 11 of the 13 students were shot in the back at a considerable distance and that four of those 13 were killed.

A special grand jury was then called and that term "grand jury" should be spelled with small letters, that is for sure, because their only job was to whitewash the National Guard of my State and favor Gov. James Rhodes of Ohio, who made the most abominable blunder he has ever made in his long political career, and he has made a great many of them.

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MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 902) to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 14984) to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359–363, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SIKES, Mr. MCFALL, Mr. PATTEN, Mr. LONG of Maryland, Mr. MAHON, Mr. CEDERBERG, Mr. JONAS, Mr. TALCOTT, and Mr. BOW were appointed managers on the part of the House at the conference.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report to the Committee on Aeronautical and Space Sciences of the U.S. Senate setting forth certain information on grants (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

REPORT OF AGREEMENTS FOR FOREIGN CURRENCIES UNDER PUBLIC LAW 480

A letter from the General Sales Manager, Export Marketing Service, reporting, pursuant to law, no foreign currency agreements under Public Law 480 were entered during the period September and October (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORTS ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Agriculture for "Forest protection and utilization," Forest Service, for the fiscal year 1971, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Justice for the Federal Bureau of Investigation, for "Salaries and expenses," for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORTS OF ASSISTANT SECRETARY OF DEFENSE

A letter from the Assistant Secretary of Defense, reporting in accordance with the provisions of section 536 of the Department of Defense Appropriation Act, 1969, and section 109 of the Military Construction Appropriation Act, 1969, that no use was made of funds appropriated in the aforementioned appropriation acts during the period January 1–June 30, 1970, to make payments under contracts for any program, project, or activity in a foreign country except where, after consultation with a designee of the Secretary of the Treasury, it was determined that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law was not feasible for the reason that the Treasury Department was not holding excess foreign currencies in the country involved; to the Committee on Appropriations.

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a secret report on: First, support of the Vietnamese and other Free World forces in Vietnam, and second, support of local forces in Laos and Thailand, for the first quarter of fiscal year 1971 (with an accompanying report); to the Committee on Appropriations.

REPORT OF RECEIPTS AND DISBURSEMENTS PERTAINING TO THE DISPOSAL OF SURPLUS MILITARY SUPPLIES, EQUIPMENT AND MATERIEL

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, for fiscal year 1970 (with an accompanying report); to the Committee on Appropriations.

REPORT OF INDIAN CLAIMS COMMISSION

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report of the Commission on the final conclusion of judicial proceedings regarding the Assiniboine Tribes of Indians (with an accompanying report and papers); to the Committee on Appropriations.

REPORT ON LOCATION, NATURE, AND ESTIMATED COST OF FACILITIES PROJECT PROPOSED TO BE UNDERTAKEN FOR THE ARMY RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Army Reserve at the Army Reserve Center, Corpus Christi, Tex.; to the Committee on Armed Services.

REPORT ON LOCATION, NATURE, AND ESTIMATED COST OF FACILITIES PROJECT PROPOSED TO BE UNDERTAKEN FOR THE NAVAL RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Naval Reserve at the Naval Reserve Training Center, Baltimore, Md.; to the Committee on Armed Services.

REPORT OF ACTUAL PROCUREMENT RECEIPTS FOR MEDICAL STOCKPILE OF CIVIL DEFENSE EMERGENCY SUPPLIES AND EQUIPMENT PURPOSES

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes for the quarter ended September 30, 1970; to the Committee on Armed Services.

REPORT ON STRATEGIC AND CRITICAL MATERIALS STOCKPILING PROGRAM

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, the semiannual report to the Congress on the strategic and critical materials stockpiling program for the period January 1 to June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF NUMBER OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY AND DETAILED TO THE ARMY GENERAL STAFF

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on September 30, 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF OFFICE OF CIVIL DEFENSE

A letter from the Director of Civil Defense, transmitting, pursuant to law, a report of Federal Contributions Program Equipment and Facilities for the quarter ended September 30, 1970 (with an accompanying report); to the Committee on Armed Services.

PROPOSED ALLOWANCE FOR RECRUITING EXPENSES

A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to amend chapter 7 of title 37, United States Code, to authorize reimbursement to members of the Armed Forces who are assigned recruiting duties for expenses incurred in recruiting of personnel (with an accompanying paper); to the Committee on Armed Services.

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense Procurement From Small and Other Business Firms for July–August 1970 (with an accompanying report): to the Committee on Banking and Currency.

NINETY-SECOND QUARTERLY REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, the 92d Quarterly Report on Export Control covering the second quarter of 1970 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON BORROWING AUTHORITY

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, the Report on Borrowing Authority for the period ended June 30, 1970 (with an accompanying report); to the Committee on Banking and Currency.

MAJOR NATURAL GAS PIPELINES

A letter from the Chairman, Federal Power Commission, transmitting for the information of the Senate, a copy of a map showing major natural gas pipelines, as of June 30, 1970 (with an accompanying paper); to the Committee on Commerce.

REPORT ON COMMISSARY ACTIVITIES OUTSIDE THE CONTINENTAL UNITED STATES

A letter from the Assistant Secretary of Commerce, transmitting, pursuant to law, a report of the Department on commissary activities outside the continental United States, for the year ended June 30, 1970 (with an accompanying report); to the Committee on Commerce.

ELECTRIC UTILITY DEPRECIATION PRACTICES, 1966

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a copy of the publication, "Electric Utility Depreciation Practices, 1966" (with an accompanying paper); to the Committee on Commerce.

REPORT ON THE MEDICARE PROGRAM BY THE HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the second annual report on the Medicare program by the Health Insurance Benefits Advisory Council (with an accompanying report); to the Committee on Finance.

Report of Department of Health, Education, and Welfare of Grants Approved

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of the Department of grants approved which are financed wholly with Federal funds, for the period July 1, 1970 to September 30, 1970 (with an accompanying report); to the Committee on Finance.

Report of the United States Tariff

A letter from the Presiding Commissioner, U.S. Tariff Commission, transmitting, pursuant to law, the 20th report of the Commission on the operation of the trade agreements program (with an accompanying report); to the Committee on Finance.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on U.S. Assistance in Liberia (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of the Government National Mortgage Association for fiscal year 1969 and the Federal National Mortgage Association for the 2-month period ended August 31, 1968, Department of Housing and Urban Development, dated October 15, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements needed in management of Department of Defense communications, dated October 19, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements needed in the administration of the Iowa and Kansas medicaid programs by the fiscal agents, Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated October 20, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report regarding the need for improved administration of the Government-wide Service Benefit Plan—Blue Cross and Blue Shield for Federal employees, by the Civil Service Commission, dated October 20, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to improve the administration of fees and charges of regulatory agencies, dated October 23, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on overstatement of contract target cost for the first stage of the Saturn V launch vehicle, National Aeronautics and Space Administration, dated October 26, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on savings from joint use of spectrometric oil analysis equipment by the military departments, Department of Defense, dated October 27, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on a case history showing the need for improvements in the management of overseas military construction contracts, Department of Defense, dated October 28, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on problems related to restricting the use of motorized equipment in wilderness and similar areas, Department of Agriculture, Department of the Interior, dated October 29, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on savings through increased screening of registrants with medical conditions at local draft boards, Selective Service System, dated November 9, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on savings attainable by eliminating duplicate stocks in the U.S. Marine Corps, dated November 10, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for improved controls to insure the identification and reporting of excess land by the Veterans Administration, dated November 12, 1970 (with an accompanying report); to the Committee on Government Operations.

Proposed Grant Agreement With the University of Idaho

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a copy of a proposed grant agreement with the University of Idaho, Moscow, Idaho, for a research project entitled "A Case Study of In-Situ Rock Deformation Behavior for the Design of Ground Support System (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Report on Donations Received and Allocations Made From the Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on donations received and allocations made from the fund "14X8563 Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs" during the fiscal year ended June 30, 1970; to the Committee on Interior and Insular Affairs.

Proposed Extension of Concession Contract

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed extension of a concession contract under which McCulloch Properties, Inc., will be authorized to continue to operate Lake Mead Marina and provide related facilities and services for the public within Lake Mead National Recreation Area, Nevada, for a 1-year term from January 1, 1970, through December 31, 1970 (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Proposed Legislation to Declare That Certain Federally Owned Land Is Held by United States in Trust for the Fort Belknap Indian Community

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Proposed Legislation to Declare that Certain Federally Owned Land Is Held by the United States for the Pueblo of Cochiti

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that 3.308 acres, more or less, of federally owned land is held by the United States in trust for the Pueblo of Cochiti (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Proposed Legislation To Declare That Certain Federally Owned Lands Are Held by the United States in Trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Proposed Legislation To Declare That Certain Public Lands Are Held in Trust by the United States for the Summit Lake Paiute Tribe

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Proposed Legislation To Declare That Certain Federally Owned Lands Within the White Earth Reservation Shall Be Held by the United States in Trust for the Minnesota Chippewa Tribe

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Report of the Department of the Interior

A letter from the Assistant Secretary for Administration, Department of the Interior, reporting, pursuant to law, receipts and expenditures of the Department in connection with the administration of the Outer Continental Shelf Lands Act of 1953, for fiscal year 1970; to the Committee on Interior and Insular Affairs.

Report Required by the Water Resources Research Act of 1964

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations or other institutions, and with private firms (with an accompanying report); to the Committee on Interior and Insular Affairs.

Preliminary Report of the First Constitutional Convention, Territory of Guam

A letter from the President, Constitutional Convention, Territory of Guam, transmitting, pursuant to law, the Preliminary Report of the First Constitutional Convention of the Territory of Guam (with an accompanying report); to the Committee on Interior and Insular Affairs.

Suspension of Deportation of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

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Third Preference and Sixth Preference Classifications for Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursant to law, copies of orders granting admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

Adjustment of Status to Permanent Residence of a Certain Alien

A letter from the Commissioner, Immigration and Naturalization Service, relating to the application for permanent status of Mrs. Sypros Economides; to the Committee on the Judiciary.

Report on Claims of Employees Settled by the Department of Commerce

A letter from the Assistant Secretary of Commerce, reporting, pursuant to law, on the claims of employees for damage to or loss of personal property sustained by them incident to their service which the Department settled during fiscal year 1970; to the Committee on the Judiciary.

Proposed Appointment of Additional Judges in Five U.S. District Courts

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide for the appointment of additional U.S. district judges (with an accompanying paper); to the Committee on the Judiciary.

Third Annual Report of the Federal Judicial center

A letter from the Director, the Federal Judicial Center transmitting, pursuant to law, the Third Annual Report of the Center, dated October 1, 1970 (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislation to Extend the Authority of the Administrator of Veterans' Affairs to Establish and Carry Out a Program of Exchange of Medical Information

A letter from the Administrator of Veterans' Affairs, Veterans' Administration, transmitting a draft of proposed legislation to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans' Affairs to establish and carry out a program of exchange of medical information (with accompanying papers); to the Committee on Labor and Public Welfare.

Border Station at Calexico, Calif.

A letter from the Assistant Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which contains an amendment to the authorized Border Station at Calexico, Calif. (with an accompanying paper); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the VIÇE PRESIDENT:

A resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"House Resolution No. 232

"(Relative to Pinnacles Wilderness Area)

"Whereas, The Pinnacles National Monument is an area of unique natural beauty and historical importance; and

"Whereas, The National Park Service, in consultation with Gordon K. Patterson, Superintendent of Pinnacles National Monument, has made a study of the area; and

"Whereas, It was suggested that 5,330 acres in the southeast and southwest portions of the park be set aside as a wilderness area, with a visitors' center and through road; and

"Whereas, This proposal has met the approval of Congressman Gubser, Congressman Talcott, and the San Benito County Chamber of Commerce; and

"Whereas, This proposal is now threatened by an alternate proposal which would hinder the timely and proper development of the Pinnacles; now, therefore, be it

"*Resolved by the Assembly of the State of California,* That the Members respectfully request the Congress and the National Park Service to continue with all possible speed its plans for preservation and improved visitor use of the Pinnacles National Monument; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution adopted by the Quarterly County Court, of Knox County, Tenn., praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the Village Board of the Village of Tonica, Ill., praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the City Council of Gibson City, Ill., praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the City Council of Herrin, Ill., praying for enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the Board of Trustees of the Village of Morton Grove, Ill., praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the Saipan, Mariana Islands Legislature, praying for the early termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands; to the Committee on Foreign Relations.

A resolution adopted by the Detroit Lithuanian Organizations Center, Detroit, Mich., praying for the continued support given against the Soviet Union's colonialism in Eastern Europe; to the Committee on Foreign Relations.

A resolution adopted by the Miami International Airport Lions Club, endorsing Supreme Court Chief Justice Burger's suggestion of updating our nationl court system; to the Committee on the Judiciary.

A resolution adopted by the Supreme Council of the Orders Sons of Italy in America, Philadelphia Pa., praying for the enactment of legislation relating to equal rights for men and women; ordered to lie on the table.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 471. An act to amend section 4 of the act of May 31, 1933 (48 Stat. 108) (Rept. No. 91–1345).

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. YOUNG of North Dakota:

S. 4488. A bill for the relief of Maria Josefina Granara Castillo;

S. 4489. A bill for the relief of Filyne Villareul; and

S. 4490. A bill for the relief of Joy Isabel Pateman; to the Committee on the Judiciary.

By Mr. METCALF:

S. 4491. A bill to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket No. 279–A, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McGOVERN (for himself, Mr. Bayh, Mr. Burdick, Mr. Eagleton, Mr. Hart, Mr. Hughes, Mr. McCarthy, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Yarborough, and Mr. Harris):

S. 4492. A bill to establish an improved program for the benefit of producers and consumers of dairy products and other commodities, to extend the Food and Agriculture Act of 1965 for 1 year with respect to wheat, wool, feed grains, and cotton, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. McGovern when he introduced the bill appear below in the Record.)

By Mr. EAGLETON:

S. 4493. A bill for the relief of Kyriaki (Carol) Froumi; to the Committee on the Judiciary.

By Mr. TOWER:

S.J. Res. 245. A joint resolution to authorize the National Aeronautics and Space Administration to conduct a study of the solar rays with a view to determining the potential of such rays as an alternative source of electrical energy; to the Committee on Aeronautical and Space Sciences.

S. 4492—INTRODUCTION OF AGRICULTURAL ACT OF 1970

Mr. McGOVERN. Mr. President, the agricultural conference report that is now pending before the Senate is a bad bill. It is a bill that is not in the interest of either agriculture or urban America. It would have the effect, to put it very bluntly, of reducing the income of the farmers of this country over the next 3 years by approximately $1.2 billion, a loss of some $400 million to farm families, at a time when the average per capita income of the farmer is only two-thirds that of the rest of the country.

This can only have one impact as far as the urban areas of the country are concerned, and that is to accelerate the migration that has been going on over the last 15 or 20 years of people being driven off the land into cities that are already overcrowded and suffering from the cost of excessive congestion.

Mr. President, it is my hope that when the conference report comes up for consideration in the Senate, we will give very serious thought to the possibility of rejecting that conference report and instructing the Senate conferees to ask for a new conference with the House to see if we cannot restore some of the provisions that had previously been added by the Senate, which were lost in conference.

It is my own judgment that we lost those provisions that the Senate had succeeded in adding because of the stubborn opposition of the administration which fought every effort made in the Senate to strengthen the parity principle in the field of agriculture.

The key vote in the Senate came on Senator MONTOYA's motion to provide 77 percent parity floor under feed grains, which was lost not so much because of the opposition of urban State Senators, but from a really strong vote on the minority side of the aisle, and the heavy effort on the part of the administration to strike the parity guarantees at every point in the bill.

I have already expressed deep disappointment over the terms of the conference report on H.R. 18546.

The Senate bill was not an elaborate or costly proposal. It sought only to maintain farm returns at or near present levels, with some built-in protection against escalating costs. The feed grains minimum was 75 percent of parity, compared to current national average of about 77 percent. The wheat provisions would have continued the present program for 1 year, after which farmers would have had an opportunity to choose between it and the administration's set-aside approach.

The income provisions of that Senate bill were still short of the goals we set in the coalition farm bill last year. That measure would have moved corn returns up to 90 percent of parity, through slight advances in both loan rates and payments. It would have assured 65 percent of parity on export wheat. Again the objective was a modest one—to make at least some progress toward the parity goal which has so long eluded the farm economy.

I remain convinced, Mr. President, that either one of those bills—the coalition bill or the Senate version of this legislation—could have won the approval of substantial majorities in both Houses of the Congress.

They did not do so for one reason. Because the Secretary of Agriculture not only opposed them but marshaled the full force of the administration to fight them and demand their defeat. Indeed, it is a sad commentary that this administration's influence on agriculture has been almost entirely negative, to force lower prices and to oppose all serious congressional initiatives aimed at improving the outlook.

In March of this year the Secretary told the Agriculture Committee what he saw as the conditions precedent to a good farm bill:

> This surely is a time when farmers and farm groups, acting through their enlightened self-interest, must find as much common ground as possible. Farmers now comprise only 5 percent of the population; 30 years ago it was 24 percent. We can no longer afford the deep divisions that have so long characterized debates on farm programs.

His message was that the Nation's farmers should expect disinterest and neglect from an urban dominated Congress, that Senators and Congressmen with mostly consumers for constituents will be unsympathetic to actions to improve producer returns.

The Secretary either badly misread or conveniently ignored urban America's interest in a healthy farm economy. It needs to keep low cost, abundant food supplies coming. And it needs to stop the flow of people who have been coming, forced out by a depressed farm economy, to aggravate the enormous problems of overcrowded cities.

I submit that urban Senators and Congressmen understand the folly of this migration just as well as those of us representing rural States. And the farmers who hammered out a coalition position—fully complying with Secretary Hardin's demand for farm unity—were not let down by the cities. This bill is not the product of consumer hostility; it is the bitter fruit of administration obstructionism.

The crucial rollcall in the Senate, for example, was on the Montoya amendment to assure a minimum of 77 percent of parity on feed grains. It was defeated. But the margin of defeat did not come from heavily populated urban States. It came from Republican Senators from middle America who voted in line with the administration's unyielding opposition to the amendment.

That same opposition—expressed both in letters from the Secretary and through USDA officials who sat in on the conference—forced deletion of virtually every meaningful income improvement added by the Senate. Advance payments are gone. The 75 percent of parity grains guaranteed is gone. The guaranteed wheat blend price is gone.

The administration's aim throughout was to wipe farm return floors out of the law, and it nearly succeeded.

Acceptance of the report would virtually guarantee a 3-year farm income loss of about $1.2 billion. It would mean an even more rapid rate of decline in the farm economy, and an accelerated migration from rural to urban America. We simply cannot afford it.

There is probably too little time remaining in this session to start all over again on a new farm bill. Hence, I believe the proper course is to hold the issue open for action next year.

I am, therefore, introducing a new bill designed to serve that objective. It includes the undisputed sections of the conference report—those on payment limitations, dairy, rural development, Public Law 480—"Food for Peace" and others—to preserve what positive accomplishments there have been this year. But in the case of wheat, feed grains, cotton, and wool, it simply extends the 1965 farm law for 1 year.

Since it contains no unfamiliar provisions, I see no reason why this bill cannot be handled expeditiously by both the House and the Senate prior to adjournment. The sections from the conference report were, of course, before the Senate just a few weeks ago. The sections from the 1965 law have operated successfully for 4 years.

This bill will eliminate uncertainty among farmers—particularly those who grow winter wheat—over the shape of next year's program, thus solving a problem which would be worsened if we simply rejected the conference report and waited until next year.

It will assure that the dairy provisions, which have the strong support of milk producers, will be retained and enacted for 3 years in terms identical to those of the conference bill. This and other provisions on which there is a consensus would be fully protected.

Action on this bill, coupled with rejection of the unsatisfactory conference report, will prevent reversion to the old "permanent" farm law, which would entail an annual income loss of some $2 billion on wheat and feed grains alone.

And my proposal would set the stage for an effort in 1971 to draft new legislation which truly reflects the views of Senators, Representatives, and farmers as well as those of the Nixon administration.

Our deliberations on this issue this week will be backdropped by a deteriorating farm economy, with an adjusted parity ratio down to 75 from 80 1 year ago. They will come in the wake of elections in which farmers gave an unmistakeable sign of their displeasure over the administration's performance on the farm front. Surely there is compelling reason for us to get serious about adopting a good farm bill.

I hope, therefore, that the Senate will reject the conference report. If so, I will move that the Senate further insist upon its amendments and that a further conference be requested, to determine whether the House might be willing to move in the direction of the Senate bill. In the absence of such action, the best alternative I can see is to adopt the new proposal which I am offering today.

Mr. President, I think the election results on November 3 in the agricultural sections of the Nation indicated the manifest unhappiness of farm families with the pending agricultural bill that was identified so closely with the administration. Twelve of the 17 seats that were picked up in the House of Representatives by the majority party were won in predominantly agricultural districts, two in my own State. Not since 1934 has South Dakota elected two Democratic Congressmen and a Democratic Governor in any one year. Similar developments were taking place in Nebraska, North Dakota, Wyoming, and elsewhere in so-called mid-America where, I think, farmers

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were indicating their unhappiness with the drift of agricultural policy under the present administration.

I am grateful that the leadership of the Senate agreed this morning to defer action on the conference report until the return of the Senator from Louisiana (Mr. ELLENDER), the chairman of the Committee on Agriculture and Forestry on Thursday of this week. At that time it is my further hope that we can have a thorough discussion of the weaknesses in the present agricultural conference report and that we will be able to see what can be done to give both the farmers of the Nation and the citizens of the Nation as a whole more equitable treatment. I think it is in the national interest that we do that, and I am very hopeful the Senate will so respond.

Joining in the cosponsorship of the bill I introduce today are Senators BAYH, BURDICK, HARRIS, METCALF, MONDALE, and YARBOROUGH.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 4492) to establish an improved program for the benefit of producers and consumers of dairy products and other commodities, to extend the Food and Agriculture Act of 1965 for 1 year with respect to wheat, wool, feed grains, and cotton, and for other purposes, introduced by Mr. MCGOVERN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

ADDITIONAL COSPONSOR OF A BILL

S. 4348

At the request of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Maryland (Mr. TYDINGS) was added as a cosponsor of S. 4348, to prohibit assaults on State law enforcement officers, firemen, and judicial officers.

SENATE RESOLUTION 481—RESOLUTION SUBMITTED AND AGREED TO EXPRESSING SYMPATHY AND PROFOUND SORROW TO THE FAMILY OF GENERAL DE GAULLE AND TO THE PEOPLE OF FRANCE

Mr. MANSFIELD (for himself and Mr. SCOTT) submitted a resolution (S. Res. 481) expressing sympathy and profound sorrow to the family of General de Gaulle and to the people of France, which was considered and agreed to.

(The remarks of Mr. MANSFIELD when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

PROPOSED AMENDMENT OF THE CONSTITUTION RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN—AMENDMENTS

AMENDMENTS NOS. 1064 THROUGH 1067

Mr. ERVIN. Mr. President, I ask unanimous consent to submit four amendments to the second edition of the proposed amendment. I ask unanimous consent that they be printed in the RECORD and lie at the desk until called up.

The VICE PRESIDENT. The amendments will be received and printed, and will lie on the table; and, without objection, the amendments will be printed in the RECORD.

The amendments read as follows:

AMENDMENT No. 1064

On page 2, strike out lines 5 and 6, and insert in lieu thereof the following:

"SEC. 2. The Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.".

AMENDMENT No. 1065

On page 2, strike out lines 3 and 4, and insert in lieu thereof the following "shall make any law treating men and women differently unless the difference in treatment is based on physiological or functional differences between them.".

AMENDMENT No. 1066

On page 2, strike out lines 3 and 4, and insert in lieu thereof the following: "shall make any law treating men and women differently unless the difference in treatment is based on physiological or functional differences between them.".

On page 2, strike out lines 5 and 6, and insert in lieu thereof the following:

"SEC. 2. The Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.".

AMENDMENT No. 1067

On page 2, strike out lines 3 and 4, and insert in lieu thereof the following: "shall deny to any woman any right or protection sanctioned by the Fifth or Fourteenth Articles of Amendment to the Constitution.".

On page 2, strike out lines 5 and 6, and insert in lieu thereof the following:

"SEC. 2. The Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.".

Mr. ERVIN. Mr. President, I would like to say to my good friend, the Senator from Indiana, that the third edition of the amendment drawn by the Senator from Indiana was accompanied by a statement which clearly demonstrates that there is no necessity for any amendment of this character. He cites cases under the equal protection clause which show exactly what the Supreme Court said in the Hoyt case—that any discrimination created by the law of any State between men and women is not unconstitutional unless it is based upon a reasonable classification.

The truth is that the amendment in the original form tried to make men and women identical legal beings. We cannot do that by constitutional amendment.

Mr. BAYH. Mr. President, I appreciate the comments of the Senator from North Carolina. I have read with a great deal of interest the articles in the press. I think that most of our friends in the press try their best to accurately interpret what is said. I am not certain that the Senator from North Carolina said some of the things attributed to him, but I am always glad to have his support.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1971—AMENDMENTS

AMENDMENT NO. 1068

Mr. JAVITS. Mr. President, I submit jointly, for myself and for Senators CRANSTON, NELSON, MONDALE, BAYH, CHURCH, HART, HARRIS, GOODELL, KENNEDY, MCGOVERN, and YARBOROUGH, an amendment to H.R. 18515, the Labor-HEW and related agencies appropriations bill for fiscal year 1971.

The PRESIDING OFFICER (Mr. HUGHES). The amendment will be received and printed, and will lie on the table.

Mr. JAVITS. The amendment is designed to provide additional funds for three central purposes:

First, to provide for the Headstart program at a level sufficient to provide preschool education to children consistent with commitments made in previous years.

Second, to provide for manpower training activities at the levels which the administration originally requested, in order to help alleviate the individual hardships imposed by the current economic situation, which hits especially hard the young, the disadvantaged and the black.

Third, to provide for the Director of the Office of Economic Opportunity sufficient funds to maintain past commitments in such essential antipoverty efforts as local initiative, food, health, legal services, economic development, and rural programs; and to provide the amount which the administration requested for research development and evaluation.

The amendment would appropriate a total of $2,245,500,000 to the Office of Economic Opportunity for programs conducted under the Economic Opportunity Act of 1964, an increase of $181,600,000 over the $2,063,900,000 recommended by the Senate Committee on Appropriations. The administration originally requested $2,080,200,000; the House of Representatives cut that request by $34,000,000 to $2,046,200,000. The Economic Opportunity Act Amendments of 1969 authorized a basic authorization of $2,295,500,000. Out of that basic authorization, $50 million has been appropriated for desegregation assistance, leaving $2,245,500,000 of the basic authorization unappropriated.

Of the $2,245,500,000 which the amendment would accordingly appropriate, $398,000,000 is earmarked for the Headstart program, and $802,000,000 is earmarked for work and training opportunities.

These earmarkings would result in the application of $59,000,000 of the aggregate increase of $181,600,000 to the Headstart program and $41,900,000 to work and training activities, leaving $80,700,000 of the increase to be allocated among the other essential poverty programs.

I ask unanimous consent that there be inserted at this point in the RECORD

a chart which details the effect of the amendment as compared with fiscal 1970 obligations, the President's budget request, allocations at the House-passed level and the Senate Committee on Appropriations' recommendation.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

FUNDING FOR ECONOMIC OPPORTUNITY PROGRAMS UNDER JAVITS-NELSON-MONDALE-CRANSTON AMENDMENT TO HEW-LABOR-OEO APPROPRIATIONS BILL (H.R. 18515)

[Dollars in millions]

	Fiscal year 1970 actual obligations	President's budget request	Allocations at House-passed level	Senate Appropriations Committee report	Javits-Nelson-Mondale-Cranston proposed amendment to appropriations bill in Senate [1]
Work and training (title I, pts. A, B, and E)	$753.9	$802.0	$760.1	$760.1	$802.0
Headstart	326.0	339.0	321.3	339.0	398.0
Followthrough	70.3	69.0	70.4	70.4	76.5
Research, development, and evaluation	76.5	118.3	114.6	114.6	118.3
Health and nutrition programs	155.2	176.8	195.3	195.3	215.5
Legal services programs	53.8	63.4	61.4	61.4	63.4
Community action operations	$382.1	$384.6	$388.6	$388.6	$388.6
Special impact program	36.8	32.1	37.1	37.1	39.1
Migrant program	30.9	35.5	35.5	35.5	35.5
VISTA	35.0	38.5	36.5	36.5	38.5
Rural loan program	9.4	5.0	9.4	9.4	10.2
General support	16.0	16.0	16.0	16.0	16.0
Other purposes	3.0				[2] 43.9
Total	1,948.0	2,080.2	2,046.2	2,063.9	2,245.5

[1] Minimum allocations of funds for Economic Opportunity programs under Javits-Nelson-Mondale-Cranston amendment based on administration's budget request except where provisions for earmarking and adjustments in authorizing legislation or this amendment would result in a higher amount.

[2] Unallocated.

Mr. JAVITS. Mr. President, I shall now indicate in detail why we believe these amounts to be necessary, capable of being put to effective use during the remainder of this fiscal year and—in fact—should not be regarded as "increases" at all, but as the minimum necessary to maintain previous commitments to these essential programs.

HEADSTART NEEDS

In his February 19, 1969, message to the Congress, recommending the extension of the Economic Opportunity programs, President Nixon stated:

> Much of our knowledge is new, but we are not on that ground absolved from the responsibility to respond to it. So crucial is the matter of early growth that we must make a national commitment to providing all American children an opportunity to healthful and stimulating development during the first 5 years of life.

The Congress, in subsequently extending the Economic Opportunity Act, authorized the amount of $398,000,000 for the Headstart program—the mainstay of early childhood education efforts; the amendment, as I indicated, would earmark that basic amount.

The amount which we seek would provide a Headstart experience for 529,406 children this year, only 57,806 more than served last year. Even with this nominal increase, the program will reach only approximately one-third of the children who could benefit therefrom; indeed the full-year program component will reach less than 1 in 4 of those who should be served.

The amount which we seek still will provide experiences for 134,594 less children than were reached by the program in fiscal year 1969.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD summary tables prepared by the Department of Health, Education, and Welfare, detailing the facts in detail.

There being no objection, the summaries were ordered to be printed in the RECORD, as follows:

HEAD START SUMMARY TABLES

[Information supplied by HEW Office of Child Development]

	Number of programs	Cost (million)	Number of children year-round program	Number of children summer program	Total number of children served
Fiscal year 1970	891	$326	262,900	208,700	471,660
Needed to maintain program level		350	262,900	208,700	471,600
Administration Headstart cut based on House appropriation		321	251,000	125,000	376,000
Administration fiscal year budget request, reported by Senate Appropriations Committee		339	262,900	145,990	408,800
Javits-Nelson-Mondale-Cranston amendment		398	[1] 320,706	[1] 208,700	529,406

[1] Estimated.

Note: Cost per child: year-round, $1,091.00; Summer $231.00.

MANPOWER TRAINING NEEDS

Mr. JAVITS. Mr. President, while the national unemployment rate hit 5.6 percent in October, the unemployment rate for teenagers was a full 17.1 percent, with unemployment in urban poverty neighborhoods at 24.1 percent. In the third quarter of this year, unemployment among black teenagers in poverty areas was 34.9 percent. The effects of the current unemployment are by no means limited to younger persons; in fact, although persons 55 years of age and above constitute 17 percent of the civilian labor force, they constitute 25 percent of the persons who now face very long-term unemployment.

The manpower training programs—which are conducted under the authority of the Economic Opportunity Act of 1964, as well as under the Manpower Development and Training Act of 1962—are useful tools in alleviating the harmful individual effects of such conditions—for young and old alike. This was recently recognized by the Senate in its overwhelming adoption of the Employment and Training Opportunities Act, originally introduced by Senator GAYLORD NELSON. In addition to a basic authorization of $2 billion for fiscal year 1972, the Senate-passed bill contains provisions which I submitted on behalf of the administration authorizing additional appropriations of up to $400 million for manpower training and related activities at the very levels of unemployment which we face today. We are now awaiting House and conference action on that authorizing legislation.

We seek through this amendment merely to restore the amount originally requested by the administration for manpower training activities.

The administration originally requested $1,549,494,000 comprised of $747,494,000 under the Manpower Development and Training Act and $802,000,000 under the Economic Opportunity Act. The Senate Committee on Appropriations has recommended $1,504,794,000, comprised of $744,694,000 under the Manpower Development and Training Act and $760,100,000 under the Economic Opportunity Act, which results in an amount $44,700,000 short of the original request. Of the $44,700,000, reductions in manpower training program activities accounts for $41,900,000.

Restoration of the latter amount would make the following proposed cutbacks unnecessary: $6,500,000 from the concentrated employment program—which focuses on specific concentrations of unemployed or underemployed disadvantaged persons; $5,200,000 from the public service careers program—which provides entry-level opportunities for those who are unable to obtain employment; $3,300,000 from the Neighborhood Youth

Corps "in-school" program—which is designed to reduce the number of dropouts; $7,830,000 from the Neighborhood Youth Corps summer program—which as I shall note later would be funded below last year even if the full administration request is granted; $7,200,000 for the Neighborhood Youth Corps "out-of-school" program—designed to provide youths with employment to assist them in returning to school; $9,610,000 for the Job Corps—which provides a unique experience for many youths who need special counseling, remedial education and related services; $2,200,000 for Operation Mainstream, which provides employment opportunities for older persons.

Mr. President, we should be expanding—not cutting—our commitments to manpower training activities under the present and anticipated conditions of employment and job opportunity.

OTHER POVERTY PROGRAM NEEDS

Mr. President, on September 16, 1969, in response to a letter from myself and Senator Gaylord Nelson, chairman of the Subcommittee on Employment, Manpower, and Poverty, President Nixon, reaffirmed the administration's intention to "see that the vital community action programs are pressed forward."

In addition to providing an adequate amount for the Headstart program and restoring the amount requested by the administration for manpower training activities, the amendment would permit the Director of the Office of Economic Opportunity to fund the other essential antipoverty programs and activities at levels approaching those which the Congress intended, through the earmarking contained in the Economic Opportunity Amendments of 1969. Those earmarked levels, incidentally, were based on the administration's own estimates of priorities during that year.

Mr. President, it is clear that those earmarked amounts suggest the very minimums needed in order to continue programs at meaningful levels and consistent with past commitments. This is evident from a review of the needs in programs which necessarily will be funded below earmarked levels in the event that this amendment is not adopted:

The follow-through program—which focuses on the education of disadvantaged children in the early primary grades—has been designed to provide continuing experience for children previously enrolled in Headstart programs. Yet, the program will reach only 74,000 children under administration requests while the number of Headstart graduates will approach 408,800 under the administrations' projections. Accordingly, the program will cover only 17 percent of its target population.

Health and nutrition programs must be funded at meaningful levels if we are to reach the causes that hold so many persons in poverty. Without the additional funds that would be available through this proposed amendment, comprehensive health services programs will reach only 6.5 percent of those in need and will provide funds for the establishment of only a handful of new neighborhood health centers—against a demonstrated need of 600 additional centers. Alcoholic and drug programs will reach only 4.4 and 1.7 percent, respectively, of those who need help.

The emergency food and medical services program—providing essential outreach of food programs for the poor—will be funded at about the same level as last year. Even with the new food programs proposed by the administration, little more than half the poor will be reached.

Local initiative programs—the backbone of community action operations—will have some $7 million less for programs this year than last.

Special impact programs—which support economic development in slums in our major cities—will be unable to refund a number of existing programs and unable to fund new programs in the eight major cities which have not had the benefit of assistance.

Mr. President, in a number of cases where the administration's budget requests equalled or exceeded the earmarked amounts, these levels will not be reached under the Senate Committee on Appropriations' recommendations:

Research, development, and evaluation—which the administration has emphasized and which is so crucial in the development of new approaches to poverty—will fall $3.7 million short of the request.

Legal services programs—which are so essential if the poor are to seek solutions within the context of our system of justice—will be $3 million short, resulting in the closing of a number of legal services offices in New York City and in other urban and rural areas of the country. Even if the full request is restored, only 17 percent of the "target" population will be reached.

The VISTA program—Volunteers in Service to America—which seeks the essential involvement of youth—will be $2 million short. The cut, coupled with inflation, will mean that the program will barely be able to enlist the same number of volunteers as last year.

Mr. President, the administration's request that the Appropriations Committee limit the application of the earmarking provisions has not been adopted. However, under this amendment, the funds appropriated would exceed the level of earmarking, thus giving the Director of the Office of Economic Opportunity considerable flexibility to make allocations in the manner which he considers desirable. In that connection, I should note that while earmarking would apply, the economic opportunity amendments of 1969 also gave the Director the authority to make transfers of up to 15 percent of the amount appropriated or allocated for each program from that program to another, with certain liberal provisions as to the amount that could be added to a program depending upon its size.

Accordingly, the administration would have freedom under this amendment to make allocations to particularly successful or needy programs in excess of the earmarked amounts. Should this amendment provide these additional funds, I hope that the administration will effect an additional allocation of $36,400,000 for the Neighborhood Youth Corp summer jobs program in order to bring it up to the level of funding available during this past summer. The administration has requested only $121,500,000—which would become available if the full total request is restored—compared with the $146,500,000 available last summer. The result will be a short-falls of $36,400,000 and at least 100,000 opportunities. The program provides summer job opportunities for disadvantaged youths, 14 to 21 years of age. We can expect fully that the needs for next summer will at least equal those of last and indeed that the worsening economic conditions will have the dual effect of increasing the number of applicants and of making it difficult for the private sector to take up the slack. We need to keep up with this need, not make for inefficiency by waiting until every summer before we face it.

Mr. President, the Senate Committee on Appropriations chose to appropriate funds for Headstart, Followthrough, and manpower training directly to the departments which administer the programs. While the future legislative consolidation of programs in these areas may effect this purpose, it is premature to make such direct appropriations in light of the fact that the Office of Economic Opportunity still retains, under the Economic Opportunity Act and delegation agreements, a special responsibility to insure that these programs are funded and conducted in such a way as to benefit the poor. Accordingly, the proposed amendment reinstates the past practice of making the appropriation directly to the Director of the Office of Economic Opportunity.

Mr. President, under this amendment, we have proposed an increase in funding, this year over last, which only approximates the increases proposed in such other areas as water pollution control, crime control, and transportation. We consider it to be an amount which the the agencies involved put to effective Senate can reasonably adopt and which use.

This amendment supersedes amendment No. 858, which I submitted on August 24 on behalf of myself and Senators Nelson, Bayh, Brooke, Cranston, Goodell, Harris, Hart, and McGovern, and No. 875, which I submitted on September 1 for myself and Senator Nelson. Each was submitted prior to the action of the Senate Committee on Appropriations.

I ask unanimous consent that the text of the amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 1068

On page 42, line 1, strike out "$894,400,000" and insert in lieu thereof "$2,245,500,000" and insert after "*Provided,*" the following: "That of such amount $802,000,000 shall be for work and training programs under such parts A, B, and E of title I of such Act pursuant to delegation arrangements under section 602(d) of such Act and $398,000,000 shall be for the Project Headstart program under section 222 (a)(1) of such Act pursuant to delegation arrangements under section 602(d) of such Act: *Provided further,*".

On page 2, strike out all beginning with the word "and" the first place it appears on line 11 through the word "of" on line 13 and strike out all beginning with the word "appropriated" on line 14 through the word "shall" on line 15 and insert in lieu thereof the word "to".

Strike out all beginning with the colon on line 23 of page 2 through the last word on line 10 of page 3.

On page 25, strike out lines 16 through 20.

On page 33, strike out lines 14 through 17, and insert in lieu thereof the following: "Conference on Children and Youth, $7,417,000."

Mr. JAVITS. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point, two recent statements by the Department of Labor on the unemployment situation—one entitled "The Employment Situation: October 1970" and the other "The Employment Situation in Poverty Neighborhoods, Third Quarter, 1970," together with letters dated May 7, 1970, and August 27, 1970, from the U.S. Conference of Mayors, indicating the need for additional funds for summer job programs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE EMPLOYMENT SITUATION: OCTOBER 1970

The employment situation was basically unchanged in October except for the effects of the strike in the automobile industry, the U.S. Department of Labor's Bureau of Labor Statistics reported today.

At 5.6 percent in October, the overall unemployment rate was about the same as in September, when it had risen sharply. The number of unemployed workers was 4.3 million in October, unchanged from September. For most major groups in the labor force, jobless rates showed little or no change over the month, although the rate for married men continued to edge up. Some unemployment rates, however, were raised slightly by the secondary effects of the strike in the auto industry.

Total employment, which includes workers in agriculture, the self-employed, unpaid family workers, and private household workers as well as wage and salary workers in nonfarm industries, edged up in October on a seasonally adjusted basis. However, nonfarm payroll employment decreased by 480,000 over the month, after seasonal adjustment. There was an even greater decline in manufacturing, centered in the durable goods industries. These declines were largely the result of the strike in the automobile industry. Employment increases in the service-producing industries helped to counter the decrease in manufacturing employment. (In the figures on total employment from the household series, workers on strike are counted as "employed—with a job but not at work" rather than as unemployed; in the series on nonfarm payroll employment, strikers are not on payrolls and are thus not counted as employed.)

INDUSTRY PAYROLL EMPLOYMENT

Nonagricultural payroll employment, which usually rises between September and October, declined this October to 70.6 million. After seasonal adjustment, payroll employment was down 480,000 over the month, following a 200,000 increase in September (as revised). Most of the October job loss was attributable to the strike in the automobile industry. Sizeable job gains in the service-producing industries provided a partial offset to the very large employment reduction in manufacturing.

In manufacturing, employment declined by 610,000, seasonally adjusted, between September and October. Most of this decline resulted from the primary effects of the strike, which involved an estimated 325,000 workers; a significant part of the remaining employment reductions were secondary effects of the strike.

The employment drop in manufacturing was greatest in the durable goods sector—525,000. Although all durables industries showed a decline, the largest occurred in the five metals and metal-using industries which were most heavily affected by the strike. Employment fell by 280,000 in transportation equipment, 70,000 in electrical equipment, 55,000 in primary metals, 45,000 in machinery, and 40,000 in fabricated metals. In nondurable goods, a decline of 85,000 was concentrated in food processing (30,000), rubber (20,000), apparel (15,000), and textiles (10,000).

Employment in contract construction was 3.2 million, seasonally adjusted, about unchanged from the September level. Over the year, construction employment was down by 210,000, or 5.8 percent.

Among the service-producing industries, job pickups took place in services (60,000), trade (45,000), State and local government (15,000), and finance, insurance, and real estate (15,000). After showing little or no growth this past summer, employment in the services industries has increased substantially in the past 2 months.

UNEMPLOYMENT

The actual number of unemployed workers totaled 4.3 million in October. After seasonal adjustment, unemployment was little changed, following a sharp rise in September.

Since last October, the number of unemployed persons has risen by 1.4 million—725,000 adult men, 400,000 adult women, and 300,000 teenagers. Nearly 85 percent of the over-the-year increase was among full-time workers, mostly persons who had lost their last jobs.

Over the month, jobless rates for most major groups in the labor force were unchanged. Rates for adult men (4.1 percent), adult women (5.1 percent), and teenagers (17.1 percent) were all essentially the same as in September, when they reached or equaled their highest levels since 1964. Unemployment rates for both full-time workers (5.0 percent) and part-time workers (8.2 percent) also showed little change over the month, following increases in September. However, the unemployment rate for married men, at 3.1 percent, edged up over the month, continuing the upward trend in evidence since last winter.

For both Negro and white workers, unemployment rates were also virtually unchanged in October. The Negro rate was 9.3 percent and the white rate 5.2 percent.

The unemployment rate for workers covered by State unemployment insurance programs moved up from 4.2 to 4.4 percent in October, following a greater rise in September. The October increase reflected the impact of the automobile strike and brought the rate to twice that of October 1969 and the highest since January 1964.

Among the major occupational groups, the rate for white-collar workers rose from 2.8 to 3.2 percent, primarily reflecting increased joblessness among clerical workers. The October rate for white-collar workers was the highest since November 1961. The jobless rate for operatives, many of whom work in manufacturing, rose to 8.5 percent. On the other hand, unemployment rates for craftsmen (4.1 percent) and nonfarm laborers (10.7 percent) fell in October, after increasing significantly in September. Both rates returned to approximate their August levels.

Among the major industry divisions, the jobless rate for persons who last worked in manufacturing rose in October to 6.7 percent. Rates in construction and the finance and service industries moved down over the month.

The number of persons unemployed 15 weeks and over totaled 745,000 (seasonally adjusted) in October, down very slightly from September. The average duration of unemployment fell from 8.9 to 8.3 weeks, the lowest level in 6 months.

The number of persons who worked part time for economic reasons in nonagricultural industries but wanted full-time jobs increased by 315,000 (seasonally adjusted) in October to 2.4 million; this was also a reflection of the production cutbacks and short workweeks resulting from the automobile strike. The ratio of labor force time lost by persons working part time involuntarily as well as by the unemployed rose to 6.2 percent, the highest point since January 1964. (Labor force time lost is a measure of man-hours lost to the economy through unemployment and involuntary part-time employment, taken as a percent of total man-hours offered by those in the labor force.)

CIVILIAN LABOR FORCE AND TOTAL EMPLOYMENT

The civilian labor force increased in October more than it usually does at this time of year and, after seasonal adjustment, was up by 325,000, to 83.4 million. The over-the-month increase was concentrated among adult women. Compared with October 1969, the civilian labor force has grown by 1.7 million—775,000 adult women, 750,000 adult men, and 140,000 teenagers.

Total employment rose by 265,000, seasonally adjusted, in October. The increase brought the total to 78.7 million, the same as in July but well below the peak reached in March. Over the year, total employment has risen by 250,000, with only adult women showing an increase.

HOURS OF WORK

The average workweek for all rank-and-file workers on private nonagricultural payrolls was 36.9 hours in October, unchanged on a seasonally adjusted basis. In September, average weekly hours had fallen sharply because of the inclusion of the Labor Day holiday in the reference week. Hours generally failed to rebound from this artificially low level, a reflection of the production cutbacks and the consequent shorter work schedules resulting from the automobile strike. However, the workweek did return to August levels in many of the manufacturing industries not affected by the strike.

In manufacturing, the average workweek was 39.4 hours, seasonally adjusted, up 0.1 hour from the low September level. The October workweek was 0.4 hour below the August level and 1.1 hours lower than a year ago. The small September-October increase in manufacturing took place in nondurable goods, where the workweek rose from 38.6 to 38.9 hours. Overtime hours in manufacturing were unchanged over the month at 2.7 hours, the lowest level since 1963.

EARNINGS

Average hourly earnings of production and nonsupervisory workers on private payrolls remained unchanged in October at $3.28. Compared with a year ago, average hourly earnings were up 16 cents, or 5.1 percent.

Average weekly earnings decreased by 33 cents over the month to $121.03, as a result of a small actual decline in the workweek. Declines in manufacturing trade more than offset gains in the other major industry divisions. Compared with October 1969, weekly earnings increased by $3.72, or 3.2 percent.

Over the year ending in September 1970, average weekly earnings rose by 3.0 percent; after adjustment for consumer price changes, however, earnings were down by 2.5 percent.

THE EMPLOYMENT SITUATION IN URBAN POVERTY NEIGHBORHOODS: THIRD QUARTER 1970

Unemployment in the poverty neighborhoods of the Nation's 100 largest metropolitan areas rose over the year about in line with unemployment in the nation as a whole, the U.S. Department of Labor's Bureau of Labor Statistics reported today. The unemployment rate in the poverty neighborhoods rose from 5.7 percent in the third quarter of 1969 to 8.3 in the third quarter of 1970, while the national rate rose from 3.7 to 5.2 percent.

Jobless rates for both whites and blacks from poverty neighborhoods were up sharply over the year. The jobless rate for whites moved from 4.4 to 6.6 percent and that for blacks from 7.5 to 10.8 percent, a slightly greater relative rise for whites. In the nation as a whole, jobless rates for whites also rose relatively more than for blacks.

Most of the increased joblessness in poverty neighborhoods over the year took place among adult men, both white and black. The jobless rate for black men rose from 3.9 to 7.9 percent while the rate for white men rose from 2.8 to 5.1 percent. Jobless rates also rose among white and black adult women but not at the same extent as for males. There was little change in the unemployment rate for white teenagers over the year (17.7 percent in the third quarter of 1970), but that for black teenagers rose from 29.3 to 34.9 percent.

The number of unemployed persons in poverty neighborhoods averaged 510,000 in the third quarter of 1970, up about 150,000 from the third quarter of 1969. Slightly more than half of this increase occurred among white workers.

The civilian labor force in urban poverty neighborhoods declined by 230,000 over the year. Part of the labor force decline is probably traceable to the movement of workers out of poverty neighborhoods, as the number of persons 16 years of age and over living in these neighborhoods has been declining in recent years. On balance, whereas the proportion of the poverty neighborhood population that is in the labor force has remained relatively stable over the year, the proportion employed has fallen and the proportion unemployed has risen.

(Tables 1 and 2 follow Senator JAVITS' correspondence from the U.S. Conference of Mayors.)

U.S. CONFERENCE OF MAYORS,
Washington, D.C., August 27, 1970.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your recent inquiry, we have consulted with the Mayors and Youth Coordinators across the country and it is their considered judgment that the number of Neighborhood Youth Corps applicants for positions in the summer of 1971 will exceed those in the current summer.

In every instance local officials have urged that we do everything possible to encourage you and the Administration to see to it that 1971 fund commitments are made available at the earliest possible time, preferably before the end of the calendar year. This would permit more effective utilization of the program and funds next summer.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

U.S. CONFERENCE OF MAYORS,
Washington, D.C., May 7, 1970.

Hon. JACOB K. JAVITS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1970 needs for the summer Neighborhood Youth Corps slots beyond those allocated to them to date. The information we have received from the fifty largest cities shows that the total number of additional slots that these cities could effectively utilize this summer is 165,298.

On the basis of our contacts with a sample of the smaller cities, we estimate their need and capacity to utilize additional slots to be approximately 30 percent above their present allocation. This would mean an additional 61,875 slots needed by the smaller cities.

Combining these figures, the present real need for summer 1970 is 227,173 additional slots nation-wide.

I trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps program.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

1970 SUMMER NEIGHBORHOOD YOUTH CORPS PROGRAM

[The needs of the 50 largest cities]

City	Total need, 1969	1970 allocation	Total city needs, 1970	Additional required
Akron	612	378	765	387
Atlanta	2,267	1,460	2,840	1,380
Baltimore	7,000	4,255	8,000	3,745
Birmingham	1,390	894	1,738	844
Boston	2,200	1,588	2,750	1,162
Buffalo	2,845	1,750	3,557	1,807
Chicago	31,000	19,676	38,750	19,074
Cincinnati	1,935	1,198	2,419	1,221
Cleveland	6,900	4,211	8,000	3,789
Columbus	1,100	675	1,378	703
Dade County (Miami)	2,150	1,592	2,688	1,096
Dallas	1,520	986	1,900	914
Dayton	620	453	775	322
Denver	800	522	1,000	478
Detroit	7,780	5,873	9,725	3,852
El Paso	719	427	900	473
Fort Worth	785	499	981	482
Gary	1,380	1,073	1,725	652
Honolulu	1,461	889	1,826	937
Houston	2,844	1,739	3,555	1,816
Indianapolis	650	481	812	331
Jersey City	1,275	853	1,594	741
Kansas City, Mo	1,400	989	2,225	1,236
Los Angeles (including Long Beach)	12,828	9,629	16,000	6,371
Louisville	2,605	1,574	3,256	1,680
Memphis	1,500	993	1,875	882
Milwaukee	1,925	1,317	2,406	1,089
Minneapolis	1,750	1,080	2,188	1,108
Newark	4,180	2,707	12,000	9,293
New Orleans	8,490	1,136	10,613	9,477
New York	50,000	25,419	62,500	37,081
Norfolk	1,750	1,148	2,188	1,040
Oakland	3,857	2,407	4,821	2,414
Oklahoma City	1,270	782	1,588	806
Omaha	1,455	886	1,819	933
Philadelphia	4,105	3,380	12,500	9,120
Phoenix	3,285	2,005	4,106	2,101
Pittsburgh	3,915	3,366	4,894	1,528
Portland, Oreg	1,066	777	1,328	551
Rochester	1,225	744	1,531	787
St. Louis	1,834	1,335	4,000	2,665
St. Paul	683	324	854	530
San Antonio	3,742	2,297	4,678	2,381
San Diego	2,689	1,679	2,616	937
San Francisco	2,625	1,663	3,291	1,618
Seattle	1,496	1,048	1,500	452
Tampa	1,925	1,523	2,406	883
Toledo	700	432	825	393
Tulsa	420	261	525	264
Washington, D.C	12,805	8,530	30,000	21,470
Total	214,758	130,903	296,201	165,298

TABLE 1.—EMPLOYMENT STATUS OF PERSONS 16 YEARS AND OVER, IN URBAN POVERTY AND OTHER URBAN NEIGHBORHOODS[1] BY COLOR

[In thousands]

Employment status	Total		White		Negro and other races	
	3d quarter 1970	3d quarter 1969	3d quarter 1970	3d quarter 1969	3d quarter 1970	3d quarter 1969
Total United States:						
Civilian labor force	83,821	82,099	74,409	72,907	9,412	9,192
Unemployment	4,341	3,003	3,517	2,381	824	622
Unemployment rate	5.2	3.7	4.7	3.3	8.8	6.8
Urban poverty neighborhoods:						
Civilian labor force	6,180	6,409	3,725	3,798	2,454	2,611
Unemployment	511	365	247	169	264	196
Unemployment rate	8.3	5.7	6.6	4.4	10.8	7.5
Other urban neighborhoods:						
Civilian labor force	40,781	39,414	37,151	36,100	3,631	3,314
Unemployment	1,970	1,319	1,730	1,142	240	177
Unemployment rate	4.8	3.3	4.7	3.2	6.6	5.3

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[1] Pertains only to standard metropolitan statistical areas (SMSA's) with populations of 250,000 or more.

TABLE 2.—EMPLOYMENT STATUS OF PERSONS 16 YEARS AND OVER, IN URBAN POVERTY AND OTHER URBAN NEIGHBORHOODS [1] BY COLOR, SEX, AND AGE

[In thousands]

Employment status, sex, and age	Total		White		Negro and other races	
	3d quarter 1970	3d quarter 1969	3d quarter 1970	3d quarter 1969	3d quarter 1970	3d quarter 1969
Males, 20 years and over:						
Urban poverty neighborhoods:						
Civilian labor force	3,368	3,494	2,121	2,206	1,246	1,289
Unemployment	208	111	109	61	99	50
Unemployment rate	6.2	3.2	5.1	2.8	7.9	3.9
Other urban neighborhoods:						
Civilian labor force	23,441	22,776	21,561	21,056	1,881	1,720
Unemployment	790	442	702	385	88	57
Unemployment rate	3.4	1.9	3.3	1.8	4.7	3.3
Females, 20 years and over:						
Urban poverty neighborhoods:						
Civilian labor force	2,192	2,341	1,244	1,275	949	1,066
Unemployment	149	123	73	53	76	71
Unemployment rate	6.8	5.3	5.9	4.2	8.0	6.7
Other urban neighborhoods:						
Civilian labor force	13,533	12,948	12,075	11,644	1,458	1,303
Unemployment	638	476	557	423	81	53
Unemployment rate	4.7	3.7	4.6	3.6	5.6	4.1
Teenagers, 16 to 19 years:						
Urban poverty neighborhoods:						
Civilian labor force	619	573	360	317	259	256
Unemployment	154	130	64	54	90	75
Unemployment rate	24.9	22.6	17.7	17.2	34.9	29.3
Other urban neighborhoods:						
Civilian labor force	3,807	3,689	3,515	3,398	292	291
Unemployment	543	399	471	333	72	66
Unemployment rate	14.3	10.8	13.4	9.8	24.5	22.8

[1] Pertains only to SMSA's with populations of 250,000 or more.

AMENDMENT NO. 1069

Mr. SAXBE. Mr. President, I submit an amendment for the distinguished Senator from Illinois (Mr. PERCY) to the Labor-HEW appropriations bill, H.R. 18515. The amendment would make available $3.5 million, the same amount approved by the Senate annd House last year, for the construction of rehabilitation facilities for severely disabled people. The bill in its present form makes no provisions for such funds for the coming fiscal year.

Both the Senate and the House have long supported one project that would be directly affected by this amendment, the Rehabilitation Institute of Chicago. In 1967 the Chicago Institute developed plans for construction of a new rehabilitation research and training center, to provide the necessary quarters, equipment, and staff for a combined program of advanced research into severe disability, training of professionals in rehabilitation, and furnishing patient care needed for clinical research.

In 1967 both the Senate and the House supported this proposal, authorizing funds to proceed with the planning; and a grant of $182,000 was made to the Institute. In 1969 again both the Senate and the House supported this project and a grant of $2 million to bring the project to the actual construction stage, was approved by the agency.

Now the Rehabilitation Institute of Chicago faces the next crucial stage, in which the funds must be available or the project will halt in the middle of construction. By August 1971, another grant of $2 million will be needed so that construction can proceed uninterrupted. Since next year's appropriations bill will, in all probability, still be pending before Congress in August, I urge that the necessary funding be included in this year's bill.

Let me point out that for every dollar we approve here, the institute in Chicago must raise $2 million from private sources. So far, the response of business, commercial, and professional groups has been phenomenal, and the matching funds are assured. But the project must have the continued support of Congress in order to proceed. The amendment I offer will assure the uninterrupted progress of this worthwhile undertaking. I, therefore, urge the Senate to accept this amendment which will have such a decisive effect on the lives of thousands of disabled people in the whole Midwest area.

Mr. President, I ask that the text of the amendment be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. HUGHES). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 1069) is as follows:

AMENDMENT NO. 1069

On page 27, line 18, strike out "$575,640,000" and insert "$579,140,000";

On page 27, line 22, strike out "and" and insert $3,500,000 for construction grants under Section 12; and".

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary: Sam H. Roberts, of Texas, to be U.S. marshal for the western district of Texas for a term of 4 years, vice Jesse L. Dobbs.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, November 23, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF HEARINGS ON LEAD-BASED PAINT

Mr. YARBOROUGH. Mr. President, I would like to announce that on Tuesday, November 24, 1970, I will hold hearings involving lead-based paint elimination in Federal housing. The bills will be H.R. 19172 and S. 3216. This is a disease that potentially affects 400,000 children each year, causing disastrous side effects such as mental retardation, and I consider these hearings very significant in trying to eliminate that dreaded sickness.

The hearings will be held in room 4232 at 10 a.m. by the Senate Subcommittee on Health of the Labor and Public Welfare Committee.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

TRIBUTE TO CHIEF HOSPITAL CORPSMAN HARRY L. KAPINOS FOR OUTSTANDING SERVICE

Mr. MANSFIELD. Mr. President, I wish to extend my sincere appreciation to Chief Hospital Corpsman Harry L. Kapinos, of the Attending Physician's Office in the Capitol, for his outstanding service to his country during his many years in the Navy, but in particular for his service to all Members of the Senate while he was assigned duties in the Attending Physician's Office at the U.S. Capitol. During his nearly 10 years of service at the Capitol, we in the Senate have come to rely upon him for many of our medical needs. I have always been impressed by his thoughtfulness, judgment, and performance during these years, and I wish him the greatest success in all his future undertakings. He is presently being transferred to the Naval Fleet Reserve and will ultimately retire.

It is a source of great satisfaction to those of us who have spent so many years in public service to be joined in that calling by men of such high caliber. Chief Kapinos may rightly take great pride in the performance of a job well done.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Chief Kapinos from Dr. Pearson, the Attending Physician, and also a summary of the Chief's public service record.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

The Attending Physician,
Congress of the United States,
November 17, 1970.

From: Attending Physician, U.S. Capitol, Washington, D.C.
To: HMC Harry L. Kapinos, USN.
Subj: Letter of Appreciation.

1. Upon the occasion of your transfer to the Naval Fleet Reserve and ultimate retirement from the naval service, I take this opportunity to express my appreciation for the outstanding manner in which you have performed your duties while assigned to the Office of the Attending Physician, U.S. Capitol.

2. From May 1961 to the present, you have been assigned as personal secretary to the Attending Physician to Congress. In that assignment you have been an outstanding representative of the U.S. Navy on Capitol Hill.

3. Since I became the Attending Physician over four years ago, I have had the opportunity to observe closely your performance of the many duties connected with your job. I am proud that you have consistently demonstrated keen knowledge and excellent judgment. Your discretion in dealing with Members of Congress, their staffs, visitors to our office, and other personnel from government agencies and professional societies has resulted in many letters of praise. Your assistance during my years at the Capitol has aided enormously in my performance as Physician to the Congress.

4. As you leave, you should take pride in the contribution you have made in the moulding of this office into an efficient medical facility. On behalf of the staff and myself, I take this opportunity to wish you and your fine wife, Josephine, and your truly outstanding family, good health, success and "smooth sailing" in your future endeavors.

R. J. PEARSON,
Rear Admiral, MC, U.S. Navy.

SUMMARY

Harry L. Kapinos, a Chief Hospital Corpsman in the U.S. Navy has been assigned to the Office of the Attending Physician, U.S. Capitol since May 1961.

From 1961 to 1966, he served as personal secretary to Dr. George W. Calver, the first Attending Physician to the Congress, and subsequently, Dr. R. J. Pearson, the present Attending Physician. In this capacity he has acted as liaison with representatives of the American College of Cardiology, the American Medical Association, the Navy Department, the Congressional staffs on Capitol Hill and other government agencies. He has prepared voluminous correspondence with U.S. Ambassadors throughout the world arranging appropriate ceremonies for the delivery of Certificates of Fellowship in the American College of Cardiology earned by foreign physicians.

He has served the Attending Physician's office well, assisting in an outstanding manner with first aid, artificial resuscitation, serving in the pharmacy, and supervising junior corpsmen. His quiet, personal charm and eagerness to serve has endeared him to the entire staff of the Attending Physician and to many visitors to that office.

The following is a summary of his naval service:

He enlisted in the U.S. Navy 23 November 1951. He advanced through the enlisted rates of the Hospital Corps and attained the rate of Chief Hospital Corpsman on 16 July 1963. While in the U.S. Navy he was stationed at Naval Hospital, Portsmouth, Virginia, Naval Air Station, Guantanamo Bay, Cuba, Naval Dispensary, Washington, D.C., and the Attending Physician's Office, U.S. Capitol, Washington, D.C. Chief Kapinos has been awarded the Good Conduct Medal with four subsequent awards and the National Defense Service Medal.

His family consists of his wife, the former Josephine Ullom of Portsmouth, Virginia and five children, Michael L., Robert A., Harry L., Jr., Mary S., and Jonathon E.

It is noteworthy that Chief Kapinos is highly talented, musically, having played the baritone base horn in high school and with a Navy band. Two of his children, Michael and Robert are exceptional musicians. Michael Kapinos is studying with the Prince Georges County Orchestra on a musical scholarship.

Chief Kapinos is an outstanding representative of the naval service. He has served the Navy and the U.S. Congress well and in the highest of naval tradition.

A retirement ceremony will be held for him at 10 a.m. on November 17, 1970, in the office of the Attending Physician. The enclosed letter of appreciation will be presented to Kapinos by Dr. Pearson.

Kapinos, Harry Linnae, Chief Hospital Corpsman, U.S. Navy.

Born: 8 April 1931. Canby, Minnesota.

Parents: Adolph B. Kapinos (deceased), Mary Kapinos, R.R. No. 4, Canby, Minnesota.

Married: Josephine Ullom, 14 November 1953, at Portsmouth, Va.

Children: Michael L. Kapinos—Born 11 September 1954. Robert A. Kapinos—Born 15 October 1955. Harry L. Kapinos, Jr.—Born 1 October 1957. Mary S. Kapinos—Born 28 October 1958. Jonathan E. Kapinos—Born 4 March 1964.

Enlisted: U.S. Navy, 23 November 1951. Navy Recruiting Station, Minneapolis, Minnesota.

Promotions: Hospital Corpsman Third Class, 16 May 1953; Hospital Corpsman Second Class, 1 January 1955; Hospital Corpsman First Class, 16 July 1961; Chief Hospital Corpsman, 16 July 1963.

Duty: Naval Training Center, Great Lakes, Illinois, 25 November 1951—4 March 1952. Hospital Corps School, Portsmouth, Virginia, 6 March 1952—15 August 1952. Naval Hospital, Portsmouth, Virginia, 25 August 1952—14 November 1955. Naval Air Station, Guantanamo Bay, Cuba, 26 December 1955—20 December 1957. Naval Dispensary, Washington, D.C., 4 January 1958—20 May 1961. Attending Physician's Office, U.S. Capitol, 20 May 1961—17 November 1970.

Medals: Good Conduct Medal—Five awards. National Defense Service Medal—Two awards.

A GLEAM OF HOPE IN POW SITUATION

Mr. SCOTT. Mr. President, there is a faint gleam of hope that the Communist leadership of North Vietnam may be taking a more rational and reasonable approach to the treatment of prisoners of war.

This hope lies in the fact that this year Christmas messages from their families may be sent to the known prisoners of war being held in the north.

One recalls the heartbreak and frenetic activity last year when the families of prisoners were trying to get Christmas packages and messages through to their loved ones without success. The proposed setup this year is much improved and may signify an easing of the stance of the Communists toward the entire prisoner problem.

It is the course of wisdom on our part, however, to view this change in attitude with caution because we have been overoptimistic before, only to have our hopes shattered.

THE ELECTION AND THE CONGRESS

Mr. RANDOLPH. Mr. President, for more than a month Congress has been in adjournment while the Nation went about the serious business of conducting an election.

The election is now behind us, but its impact will influence the outlook of Congress and its actions for several years. Indeed, although the newly elected Members will not take their seats until January, the issues discussed and the passions aroused during the campaign will to some degree influence our work in these closing weeks of the 91st Congress.

Political victory has been claimed from the election by both of our major parties, and I believe the fact that the results were such that these claims can be made indicative of the unwillingness of the people to move to extreme positions of either the left or right. By the judicious exercise of their voting rights, American voters have chosen moderation over extremism. They have cast a collective vote of confidence in our system of government as the best means of dealing with a troubled country in uncertain times.

The election is over, and we in Government must now return to the important work before us. All branches of Government are faced by monumental challenges that must be approached with understanding and statesmanship. We must heal the breaches that divide us and continue with the business of strengthening and broadening the American system of Government and the American way of life.

Mr. President, the challenges of the postelection period were discussed in a perceptive editorial in the Sunday Star of Washington, D.C., on November 8, 1970. I ask unanimous consent that excerpts from that editorial be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EDITORIAL: THE MANDATE FOR NATIONAL RECONCILIATION

At the end of a noisy, confused and rather squalid off-year election, the people, in the main, chose well. If they wisely ignored a partisan demand from the White House for a hard-nosed Senate and House, refusing to be stampeded by the politics of fear, they turned an equally frigid shoulder on candidates of the opposite extreme, men and women who reject the mainstream of the nation's domestic heritage and repudiate its every action abroad. Instead, they picked to represent them candidates whose ideological home is fundamentally centrist. The election results were, at least in a partisan sense, inconclusive, with each side claiming victory and both denying defeat.

In the event, that may well have been the best of all possible conclusions to a bitter and bileful campaign. For a pronounced move toward either extreme of the political spectrum would, in our view, have been bad for the country, emphasizing a spurious doctrinal supremacy at the expense of pragmatism, common sense and compromise, the tripod upon which rests moderate government.

When the leaders of the two major parties have done with claims of partisan triumph, we think the lesson of the 1970 election should be clear to them: The people want and expect more of their leaders; they are ready to see the country turned into neither a permissive funny-farm nor a concentration camp; they want order, but not at the expense of liberty.

In ordinary times, it might be understandable if not commendable for politicians to behave like politicians. But these times are anything but ordinary. Abroad, we are faced with two Communist superpowers which in neither word nor deed have indicated any alteration in their professed design to secure world hegemony. At home, our economic and social problems multiply daily. Neither this country nor the world can afford the luxury of excessive partisanship in the White House, the Supreme Court, the Senate or the House of Representatives.

This time has come, then, for statesmanship rather than politicking, for candor rather than dissimulation, for hard work rather than posturing, for co-operation rather than conflict.

Because he is the President, the first step toward reconciliation must come from Mr. Nixon. The man who occupies the White House necessarily sets the tone for the nation. The nation and the generations, the races and the parties, may not become reconciled with his help; but it is clear that there is no hope of such reconciliation without it.

We believe that this was the mandate from the people of this country on November 3: Give us an honorable peace at home and abroad, give us work to do, help us to recapture our belief in ourselves and our faith in our country, give us good government and an equitable social order. We respectfully request the President to accept this challenge and adjure the Democratic leadership, if he does so, to respond in kind. The salvation not only of the two major parties but of the nation may depend upon it.

MAXIMUM SAFETY OF FLIGHT MUST BE ACHIEVED

Mr. PEARSON. Mr. President, another staggering aviation tragedy, unbelievably, has taken the lives of a football team, its supporters, and friends. Other families, other neighbors, another university and State suffer unspeakable sorrow.

As one U.S. Senator from Kansas, I extend to the families stricken by the Marshall University tragedy deepest, personal sympathies on behalf of the families of Wichita State University, its supporters and friends, the people of Kansas, Mrs. Pearson and me. Our sorrow is born of experience, deepened by understanding. We grieve for our own. We grieve for all.

The Senate should be aware, I suggest, that the circumstances surrounding these two recent crashes of chartered aircraft are apparently distinct. Weather conditions, type and size of aircraft, appropriate regulations, and other factors differ from those of the Wichita State disaster. However, Secretary Volpe should be encouraged to continue the Department of Transportation investigation, led by Admiral Smith, of air charter operations. The Federal Aviation Administration and the National Transportation Safety Board should press ahead with their studies and recommendations. Moreover, as I have previously indicated, the Senate must fulfill its responsibilities through hearings and appropriate action when the various agency reports are forthcoming hopefully at an early date.

Mr. President, the Nation has demonstrated its ability to master flight between continents and between planets. We must similarly demonstrate our ability to achieve maximum safety of flight.

GROWTH WITH SOCIAL JUSTICE—ADDRESS BY HON. L. K. JHA, AMBASSADOR FROM INDIA

Mr. MILLER. Mr. President, on November 6, the Ambassador from India to the United States, the Honorable L. K. Jha, delivered a most perceptive address entitled "Growth With Social Justice" before the Executives' Club of Chicago.

He develops his thesis that it is a mistake to think of growth and social justice as if they were alternatives between which a choice must be made, and he makes an impressive argument that the development process in the developing countries must include both.

Ambassador Jha underscores that the whole socioeconomic process is concerned with human beings "on the world canvass," a point which the specialized agencies of the United Nations have long stood for but one to which more individual citizens of the world community should address themselves.

I ask unanimous consent that the address be printed in the Record.

GROWTH WITH SOCIAL JUSTICE

LUNCHEON ADDRESS TO THE EXECUTIVES' CLUB OF CHICAGO

(By Ambassador L. K. Jha, Friday, November 6, 1970)

Soon after independence, India embarked on a programme of economic development. It has been my good fortune to be involved in this task in more than one capacity over the last two decades. Now though I have donned a diplomatic disguise, I keep speaking of development because it is so much easier to talk with an air of authority and confidence of what you did in the past than of what you are doing—unless of course you happen to be in politics when the easiest thing is to talk of what you are going to do than of what you have done.

Let me begin by posing a fundamental question: What is development? In the early post-war years, economists, bankers and legislators were all convinced that the major problem before all countries, developed and developing, was that of securing as rapid an increase as possible in their G.N.P. A statistical method was devised to measure this increase in G.N.P. All the goods and services produced by a country in a year are expressed in terms of their money value and the rate at which this figure increases from year to year is the rate of growth. So great was the euphoria about a high rate of growth that the term 'growthmanship' had acquired currency by the mid-50s. On the principle that what is sauce for the gander is sauce for the goose, it was taken for granted that the development which countries like India talked of was synonymous with growth.

The thinking in India on development had a much wider spectrum. Of course, everybody recognized the importance of growth, of raising the national income. At the same time, there were other imperatives which were in the peoples' minds and which were succinctly expressed in Article 33 of the Constitution of India. It reads:

> "The State shall strive to promote the welfare of the people by securing and protecting, as effectively as it may, a social order in which justice, social, economic and political, shall inform all the institutions of national life."

In more concrete terms, the Constitution lays down that it is the State's responsibility to make effective provision for securing the right to work, to education, and to public assistance in cases of unemployment, old age, sickness and disablement.

There were many, within India and outside, who argued that to think of these objectives for a country whose G.N.P. was so low was to put the cart before the horse. Surely, one must concentrate all the nation's resources to step up the national income, and only when, with a step up in the G.N.P., the tightness of resources eased could one think of the poorer sections of society or worry about those particular parts of the country which were specially backward.

This view was born of the historical experience of the developed countries. When the industrial revolution took place, a feudal system still prevailed in the Western world. Changes, political and social, which came about, were on the whole gradual. The Trade Union Movement came into being only after new tools and techniques of production had firmly taken root.

When India launched her development effort, conditions were very different. The need for education, for better health for the people, in the second half of the twentieth century could not be given the kind of low priority that it had in the period before World War I. One of the problems which arises in taking the rate of growth as the index of development is that the contribution to development made by things like education and health enter the growth index only in terms of the salaries of teachers, doctors and nurses—which are never very high. Then, again, in developing country very large investments had to be made in bringing up the infrastructure, the transport system and power supply and the availability of water. These facilities, which in developed countries are taken for granted, are an essential prerequisite to growth. But the immediate and direct return on investments in these areas tends to be much lower, and, therefore, if the sole focus was on a higher rate of immediate growth, they would get neglected to the ultimate detriment of the developmental effort.

Quite apart from these considerations there was yet another element which necessitated the emphasis in India on social justice. Its significance cannot be appreciated without pausing for a moment to consider the kind of body politic India has. It is not enough to think of India as a country where the Taj Mahal is, or simply as one of the very large number of countries which attained their independence after World War II.

Even after the partition, which brought into being Pakistan as a separate country, India still remains a vast country, bigger than western Europe, fully as diverse in terms of language, ethnic groups, religious and geographic sub-regions. If we leave aside China, it is not only the largest among the developing countries, but is almost five times as large as the next largest, namely, Indonesia. After the adoption of the Constitution, every Indian above 21, regardless of sex, religion, education or property holding acquired the right to vote in elections both for the State Legislature as well as the Central Parliament. While Europe is even now struggling to come together politically, India was able to achieve full political integration between different linguistic and ethnic groups as well as with the 500 odd princely States—some of them very odd—within a period of 2½ years after independence, through strictly democratic and constitutional procedures, bringing into being the world's largest democracy. At the same time India created a vast common market which, again, Europe is still in the process of evolving and perfecting. Without the cementing forces of social justice, without the feeling that the better-off sections of the community and the better-off areas of the country were doing what they could to help their less-fortunate neighbors, this great democracy could not have survived as it has,

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dealing with tensions, with stresses and strains, exclusively through democratic processes. When we see in how many of the newly independent developing countries democracy has degenerated into dictatorship, we realize the magnitude of Indian achievement.

It has been possible because right from the beginning India stood committed both to growth and to social justice. Today, in the light of the experience of two decades in India and also in other developing countries, and the evolution of thinking among economists and statesmen the world over, I put forward the thesis that it is a mistake to think of growth and social justice as if they were alternatives between which one had to make a choice. I believe as Gunnar Myrdal has so cogently argued that growth and social justice are really inter-linked, one sustaining the other, and it is a fallacy to think of social justice as an act of charity, a distraction from the growth effort, which only a rich society can afford. Leaving aside all sentimentality and applying the hard-headed logic of economics, a discipline in which I have been brought up, I would argue that over the long haul, growth in developing countries is, to a very large extent, dependent upon social justice. Let me explain.

Firstly, let us recognise that the one source which most developing countries have in abundance for their growth is manpower. They are chronically short of capital. They must rely on labour intensive techniques rather than capital intensive techniques to step up their production level. However, a man who is illiterate or under-nourished, or who does not have the necessary motivation is not really an asset but a liability. The fact that the worker in most developed countries is living in far better conditions than his forefathers did, is not only the result but also the cause of the prosperity which we see in the United States and Western Europe. If spending money on education, on public health, and on social security, does not immediately contribute to growth, it does in the second round and over time become the most important accelerator of growth.

When I was Governor of the Reserve Bank of India, I asked two of my officers—one a brilliant economist and one a statistician—whether it would be possible to attempt to measure and to evaluate the growth potential which is built up by investments which do not immediately contribute to growth.

I do not want to go into the technical details of their work, but they did come up with an index of growth potential as distinct from growth. I am referring to this only as a matter of interest. The validity of the point which I have made does not rest upon the measurability in statistical terms of the contribution which things like better health and better education make to future growth.

I do believe that sufficient visual evidence is now available in India to demonstrate the truth of the view which I have out forward. The number of young Indians anxious to set themselves up in business, whether in trade or industry or as self-employed people, has shown a tremendous increase in recent years. In the past only those who belonged to the very rich families could entertain such aspirations. Of course, these new entrepreneurs, many of whom are technical men, do face a problem of finding capital. What they can muster on their own, is inadequate, even for the small scale enterprises that they want to set up. It is in this context of helping the smaller man, who could not offer adequate security but who had a viable project in view, that the nationalisation of the larger banks received the widest welcome and support in India. Far from being a measure to stifle private initiative it has in fact resulted in a larger availability of credit to the smaller industrialist and the small farmer who had previously to rely on usurers of one kind or other.

Yet another economic consideration which makes me argue that social justice is as much a pre-requisite as a consequence of a high rate of growth is the fact that in a developing country, where income levels are low, people with the lowest incomes must contribute to the pool of savings in order to have the capital base necessary for growth. Now you cannot expect the poor to contribute to the savings of the community, to forego current consumption when the levels of consumption are already miserably low, if the pattern of growth which emerges seems to benefit only others and not them. I concede that this problem arises really in a democracy, where taxes have to be imposed on people with the people's consent. Under dictatorship, it is possible to keep the levels of consumption down and to acquire control over resources by compulsion. How this works in a dictatorship and at what price, I am not in a position to say as I have no experience of living under such a regime. Given a democratic framework, I see no possibility of attaining a good rate of growth if there is no equitable sharing of its fruits.

In most developing societies the distributive machinery is already geared to the accepted social concept of equity. If a new factory goes up, the process through which it benefits the economy and the people as a whole is well established and generally accepted. The Indian economy and indeed most developing economies do not have a similar, well established apparatus. Since wealth, properly used, generates more wealth, there is an in-built tendency in an economy in which the wealthy are few for the rich to get richer and the poor to be poorer. When people in India talk of a socialist pattern of society they are not thinking, as is believed in this country, in terms of a programme of wholesale nationalisation. No doubt the public utilities and some large key industries for which adequate capital is, anyhow, not available in the private sector are being set up by the State. But there is an equal concern, as I said a few moments ago, with helping the small man in industry, agriculture and trade. Many of the restrictions on large scale enterprises and on the larger business houses are intended, in fact, to stimulate smaller enterprises and to bring in new-comers into business and industry.

I have heard many Indians say to Americans that the United States is more socialistic than India. While this shocks the average American, because, in this country, for various reasons socialism is regarded as a dirty word, what the Indian is really trying to express in his own terminology is that, in this country, there is far greater equality of opportunity for less of disparity between the rich and the poor and far greater active concern for the problems of the poor and the jobless.

When these are neglected, there must be a great deal of popular discontent which can thwart the growth process. We have had such discontent in India. People have sometimes referred to it as a revolution of rising expectations. I think this is a misnomer. It is not a case of appetite growing with eating—the more one has, the more one wants. It is much more due to the sense of the frustration which comes about when people see that others like them can prosper and have too much of everything, while they cannot have their basic needs. When such an atmosphere prevails, it is not possible for a democracy to enlist the kind of popular support which is essential for growth.

In saying all this today I am perhaps preaching to the converted. There was a time when many of my American friends who talk about or write about Indian economic development criticised us for paying too much attention to social justice and too little to growth. Today I often hear criticism of a different kind. Many articles, and even books, are being written in this country telling Indians to pay greater attention to social tensions, warning them that the green revolution, which has led to an upsurge in the production of food grains, may turn into a red revolution if enough attention is not paid to the needs and interests of the smaller farmer and the landless labour working on the farms. Often, when I hear such advice, I am reminded of the man who boarded a plane for Florida, pointed a gun at the pilot and asked him to go to Florida—just to make sure that the plane was not hijacked to Cuba.

In saying all this I am not trying to belittle the importance of growth. Of course, it is vital. The inter-relationship between growth and social justice is a chicken and egg situation. The doctrine of growth before social justice cannot be replaced by the doctrine of social justice before growth. The two have to go together. Obviously the growth cannot be allowed to be anything but higher than the rate of increase in population. I am happy to say that the rate of growth in India despite all the difficulties and the magnitude of the problem has kept ahead of the rate of population increase and has shown an acceleration. In the fifties we had a growth rate of around 3½%. In the sixties we averaged around 4½%. Currently we are having for the last three years a growth rate of 5% and are hoping for a minimum of 5½% rate of growth during the first half of this decade.

The important thing to remember is that the objective is not mere growth. Let us not forget that the developing countries are trying to do what their basic objectives are. It has been aptly expressed by President Nixon in his message on foreign assistance for the seventies, when he says they are trying "to fulfil their aspirations for justice, dignity and a better life". Not by growth alone can this be achieved. Something more is needed, not as a separate exercise but as an integral part of the developmental effort. It is growth and social justice going together which result in development.

This sentiment was expressed by the Prime Minister Mrs. Indira Gandhi when presenting her budget to Parliament for the current year in the following words:

"It is generally accepted that social, economic and political stability is not possible without the growth of productive forces and the augmentation of national wealth. Also, that such growth and increase in wealth cannot be sustained without due regard to the welfare of the weaker sections of the community."

Before I conclude I should like to argue that the point I have made about the importance of economic justice within the national framework has equal validity internationally. The whole world is now interlinked in a hundred different ways. Not only does the entire human race share the common pool of water and air and soil that the earth has to offer, but even on the narrower plane of trade, industry and commerce we are all intimately inter-dependent. Although the United States has a fairly small dependence on foreign trade, not more than about 8%, something like the equivalent of a quarter of America's Gross National Product is produced overseas by American corporations. No country in the world can sustain its own standard of living or rate of growth in isolation from other nations. It is equally clear that, from recent experience, when any country gains in prosperity the countries with whom it has economic ties also benefit as a result. The very high rates of growth attained in West Germany and now in Japan, would not have been possible if the United States was not prosperous and rich. The converse is equally true. If real income and the standard of living rise in countries like India and in the third world generally there would be still greater prosperity in the developed world.

Positive measures to stimulate the development process—growth and social justice—in the developing countries of the world should, therefore, be viewed not as an exercise in donor-donee relationship, but as an act of partnership and as an application of the principle of social justice on the world canvass. This implies not merely a psychological change in outlook but a change in practical terms in the technology of what is popularly referred to as aid and its purposes. It is not enough to think in terms of helping the growth process in developing countries by making new productive units come into being. The flow of capital to developing countries must aim at a general lifting of the standard of life for the people in the countries. Let us not forget that, while for reasons of convenience we talk of countries, the whole socio-economic process is in the last analysis concerned with human beings, who no doubt have material wants but who can never be happy if they feel that society is not being just to them.

OREGONIANS CONCERNED ABOUT PRISONERS OF WAR

Mr. HATFIELD. Mr. President, recently I visited with a delegation from the Oregon League of Families and discussed the continuing plight of American prisoners of war in North Vietnam. In light of their courageous efforts to aid their loved ones, I invite attention to a resolution adopted by the Portland City Council urging identification and humane treatment of American prisoners in North Vietnam. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD as follows:

RESOLUTION No. 30801

Whereas citizens of the city of Portland, listed as missing in action or as prisoners of war in Southeast Asia, are imprisoned and being treated as criminals by the Government of North Vietnam and the Viet Cong; and

Whereas the government of North Vietnam subscribed to the documents of the Geneva Conventions in 1957, thereby promising to abide by the covenants therein contained, particularly those covenants providing for the humane treatment of prisoners; and

Whereas the government of North Vietnam has ignored the said covenants and has imposed upon American prisoners indignities to which no human should be subjected; now, therefore, be it

Resolved that the Portland City Council, speaking in behalf of all citizens of Portland, hereby protests the inhumane treatment accorded prisoners of the Government of North Vietnam and the Viet Cong, particularly:

1. In failing to immediately identify and make known all prisoners held captive;
2. In refusing to return those prisoners who are seriously wounded or ill;
3. In refusing to permit all prisoners to correspond freely with their families;
4. In failing to protect all prisoners from public abuse;
5. In using prisoners for propaganda purposes, such as by demeaning photographs, parading in public, coerced statements, or by other methods;
6. In releasing false information relating to prisoners, collectively and individually; and
7. In failing to permit inspection by a neutral agency, such as the International Red Cross, of all places where prisoners are held; and be it further

Resolved that the United States Government and the United Nations hereby are urged to exert every possible influence to insure that the Government of North Vietnam and the Viet Cong immediately cease subjecting their prisoners to the foregoing abuses; and be it further

Resolved that certified copies of this resolution be sent by the City Auditor to the Oregon Congressional Delegation, the United States Ambassador to the United Nations, the Secretary General of the United Nations, and to such other officials, governmental representatives, departments and agencies, and interested organizations as the Mayor may direct.

Adopted by the Council Sep. 30, 1970.

PITTSBURGH PRESS, PITTSBURGH POST-GAZETTE, AND PENNSYLVANIA EDUCATION LEADERS ENDORSE DR. SIDNEY MARLAND FOR COMMISSIONER OF EDUCATION

Mr. SCHWEIKER. Mr. President, on Thursday, November 19, the Committee on Labor and Public Welfare will hold hearings on the nomination of Dr. Sidney P. Marland, as the new Commissioner of Education. He was nominated for this post by President Nixon on September 23.

In Pennsylvania Dr. Marland is especially well known because he was superintendent of the Pittsburgh public schools from 1963 to 1968. Since his nomination was announced, he has received the support, in editorials, of both daily newspapers in Pittsburgh, the Press and the Post-Gazette.

In addition, I have received letters and telegrams from numerous leaders in education in Pennsylvania giving their backing to Dr. Marland. These include: Dr. David H. Kurtzman, the State secretary of education; Dr. Louis Kishkunas, the current superintendent of the Pittsburgh public schools; Mr. Robert J. Kibbee, president of the Pittsburgh Board of Public Education; Dr. Mark Shedd, superintendent of the Philadelphia public schools; Dr. John B. Hirt, president of the Beaver County Community College and chairman of the Pennsylvania Community College Presidents' Council, and Dean Paul H. Masoner, of the School of Education, University of Pittsburgh, who also serves as president of the American Association of Colleges for Teacher Education.

Since all of us in the Senate want to give the fullest consideration to Dr. Marland's qualifications for the important post of Commissioner of Education, I wish to bring these editorials, telegrams, and letters to the attention of the Senate. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Pittsburgh (Pa.) Post-Gazette, Sept. 30, 1970]

CONFIRM DR. MARLAND

Pittsburgh's former superintendent of public schools, Dr. Sidney P. Marland, is a good choice to be U.S. Commissioner of Education and the Senate should confirm him. He is apolitical and has impressive academic qualifications.

Two roadblocks stand in the way of early confirmation. One is the lateness of the congressional session and the fact that the chairman of the Senate Labor and Public Welfare Committee, Ralph Yarborough, of Texas, is a lame duck. Senator Yarborough is said to have many items of business he wishes to tidy up before he leaves Washington. The Marland appointment is an added starter. We hope, however, that the senator will appreciate the need to fill promptly this important position left vacant by the dismissal of Dr. James E. Allen Jr., last June 10.

The Office of Education is no longer the somnolent statistical agency that it was prior to 1958, when Congress first authorized federal aid to education on a major scale with passage of the National Defense Education Act. The office expanded even more rapidly after enactment in 1965 of the Elementary and Secondary Education Act, a multibillion dollar program which earmarked enormous sums for special programs to raise the educational achievement of pupils from disadvantaged homes. Now the office is a large establishment administering more than 100 programs and channeling billions of dollars.

The second hurdle facing Dr. Marland's confirmation is the more serious of the two. It is the hostility of the AFL–CIO, whose leadership has branded him as an "avowed enemy of collective bargaining for teachers." Labor leaders cite public statements by Dr. Marland as the basis for the fight they will wage against his confirmation.

It is true that Dr. Marland has opposed the unionization of the teaching profession. He has explained, however, that his opposition to the unionization of this city's teachers reflected a state law (subsequently changed) that forbade him to bargain exclusively with any one group of teachers.

Whatever Dr. Marland's attitude toward teacher unions, we believe it is irrelevant to the duties he now proposes to assume. The U.S. Commissioner of Education will not deal directly with teachers or unions. He is involved in the administration of federal programs aimed at upgrading education nationally.

Dr. Marland is exceptionally well qualified for that assignment. Over a long career in public schooling he has become well versed in the operations of the vast educational establishment. He is widely known as a successful educational innovator and administrator. He is not hostile to the teaching profession from whose ranks he sprang. On the contrary, he is the teacher's staunch ally. It would be a pity if union prejudice and opposition should prevent his confirmation.

[From the Pittsburgh (Pa.) Press, Sept. 27, 1970]

THE MARLAND NOMINATION

To hear his critics tell it, Dr. Sidney P. Marland Jr. would be a disaster as U.S. commissioner of education.

"We're going to fight him all the way," vowed a spokesman for the AFL–CIO after Dr. Marland's name was sent to the Senate by President Nixon.

The reason for this implacable opposition is that Dr. Marland, when he was superintendent of schools in Pittsburgh, said some negative things about collective bargaining for teachers—an area, by the way, in which he would play no direct role as commissioner of education.

It also has been pointed out that Dr. Marland has a reputation for "educational gimmicks" (new ideas). And we can't have any of that, can we?

What the critics fail to mention is that Sidney Marland, whatever his faults, is one of the more energetic, innovative, tough-minded and widely respected men in public education.

His leadership capabilities are so obvious that even the president of the AFL–CIO

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Pittsburgh Federation of Teachers (who often disagreed with Dr. Marland) once described him as an "excellent and very competent superintendent."

Dr. Marland probably is as well qualified as anyone to make some sense out of a federal education complex that spends $4 billion a year on 80 different programs that range all the way from nursery schools (Head Start) to graduate schools.

One of his special assets in Pittsburgh was a talent for getting and using federal and foundation funds in poverty neighborhoods—where the schools needed all the help they could get.

The U.S. Office of Education has been operating without a commissioner for more than three months. That's too long. Unless his critics can make a better case than they have so far, Dr. Marland should be given a chance to do the job.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF EDUCATION,
Harrisburg, Pa., September 23, 1970.

Hon. RICHARD S. SCHWEIKER,
Senate Office Building, Washington, D.C.

DEAR DICK: I am pleased to personally endorse President Nixon's selection of Sidney P. Marland as Commissioner of the United States Office of Education.

When I was Chancellor of the University of Pittsburgh, Dr. Marland was Superintendent of the Pittsburgh School District. This proximity provided me the opportunity to observe the dedication of this man to the solution of difficult problems in education in large city school districts. His perception of the underlying causes of many of these problems enabled him to introduce changes in administration and curriculum at Pittsburgh that made the school program much more effective in elementary and secondary schools.

I believe you can be confident that Dr. Marland would serve our nation with distinction and honor, and I urge your support of his confirmation.

This letter was not solicited. In fact, Dr. Marland does not know that I am writing to you.

Sincerely yours,
DAVID H. KURTZMAN,
Secretary, Department of Education.

PITTSBURGH, PA.,
September 26, 1970.

Senator RICHARD SCHWEIKER,
U.S. Senate,
Washington, D.C.:

Strongly urge that you support confirmation of Doctor Sidney P. Marland, Jr., as Commissioner of Education. His urban and suburban school experience make him ideally suited for that position.

LOUIS J. KISHKUNAS,
Superintendent, Pittsburgh Public Schools.

THE BOARD OF PUBLIC EDUCATION,
Pittsburgh, Pa., September 28, 1970.

Hon. RICHARD SCHWEIKER,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SCHWEIKER: I would like to urge you to support President Nixon's nomination of Dr. Sidney Marland as Commissioner of Education. Dr. Marland has a long and distinguished record as a superintendent, both in relatively small suburban communities and a large urban area.

Although I was not a member of the Board of Education during Dr. Marland's tenure in Pittsburgh, I had numerous occasions to deal with him on public school matters. I found him a most articulate spokesman for the public schools and a persuasive recruiter of exceptionally able young administrators.

I must confess that I am extremely confused by the stance taken by the AFL–CIO regarding Dr. Marland's appointment. It is true that when the American Federation of Teachers was in the process of organizing the public school system, Dr. Marland expressed a view shared by most professional educators questioning the wisdom of unionizing a highly professional group of people. His position on this question, however, was no different from that held by virtually every superintendent I know; and I have no question in my mind that, at that point when the teachers themselves decided that they would accept unionization, Dr. Marland would have dealt with them in that context to the extent permitted by the laws of Pennsylvania at that time.

I did not always agree with Dr. Marland's educational philosophy or with specific administrative decisions, but I believe that he held his position in all honesty and that it was a position shared by many people who are active in educational administration. Certainly there is nothing in Dr. Marland's performance in the past that I can believe justifies withholding consent to his nomination if he is the choice the President wishes to make.

Sincerely yours,
ROBERT J. KIBBEE,
President.

PHILADELPHIA, PA.,
September 24, 1970.

Hon. RICHARD SCHWEIKER,
Rayburn Building,
Washington, D.C.:

Urge your support of Sidney P. Marland for the Position of U.S. Commissioner of Education. Despite any opposition that special interest groups may have, he is a person eminently qualified to hold the position and provide the necessary leadership at this time in the history of American education, especially urban education. I am sure he will exercise the duties of the office without prejudice or bias concerning any interest group public or private.

Sincerely yours,
MARK R. SHEDD,
Superintendent of Philadelphia Public Schools.

FREEDOM, PA.,
September 29, 1970.

Senator SCHWEIKER,
Senate Office Building,
Washington, D.C.:

The Penna Community College president's council strongly urges your support of Dr. Sidney P. Marland, Jr. as the next commissioner of education. The council unanimously feels Dr. Marland's background and experience are ideally suited for this position. Thank you.

DR. JOHN B. HIRT,
Chairman, Penna Community College President's Council.

AMERICAN ASSOCIATION OF
COLLEGES FOR TEACHER EDUCATION,
Washington, D.C., September 30, 1970.

Senator RICHARD S. SCHWEIKER,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SCHWEIKER: This letter is written to convey my strong endorsement on behalf of the nomination of Dr. Sidney P. Marland Jr. as United States Commissioner of Education. So you will know how strongly I feel about the importance of this appointment, I am enclosing a copy of a news release which was issued in Washington last week and which states clearly my beliefs about Dr. Marland's excellent qualifications for educational leadership on the national level.

I sincerely believe that the confirmation of this nomination is most important to American education.

Sincerely,
PAUL H. MASONER,
President, AACTE, Dean, School of Education, University of Pittsburgh.

PRESIDENT OF AACTE ENDORSES MARLAND NOMINATION

Dr. Paul H. Masoner, president of the American Association of Colleges for Teacher Education—an organization of 846 universities and colleges which prepare annually approximately 95 percent of all professional personnel for the schools of the nation, today strongly endorsed President Nixon's nomination of Dr. Sidney P. Marland, Jr. as U.S. Commissioner of Education. Dr. Masoner, who worked closely with the nominee for a number of years on cooperative educational programs, made the following statement on the President's choice:

"The appointment of Dr. Sidney P. Marland to the position of U.S. Commissioner of Education brings to the Office of Education leadership of the highest quality.

"Dr. Marland, in his long and successful career as an educator, has clearly demonstrated his excellence as an educational leader. As a chief school administrator, he pioneered in significant innovations and improvements in school programs and practices. His accomplishments as superintendent of schools in a major urban center, Pittsburgh, and more recently as president of the Institute for Educational Development in New York clearly show his concern for and knowledge of the problems of minority groups and the difficulties of inner city education—both critical in the role of the federal government in education.

"As one who has had the opportunity to observe very closely the educational efforts and achievements of the commissioner-nominee, I have every confidence in his ability to give new and effective leadership to education on the national level. The American Association of Colleges for Teacher Education looks forward to Dr. Marland's new role and pledges its complete cooperation as he undertakes this major responsibility on behalf of the children and youth of America."

Currently president of AACTE, headquartered in the National Center for Higher Education in Washington, Dr. Masoner is dean of the School of Education at the University of Pittsburgh. He and Dr. Marland worked on programs involving both the Pittsburgh schools and the university. Dr. Masoner is also a member of two national commissions whose efforts are concerned with federal level thrusts in education—the National Advisory Council on Education Professions Developments and the National Reading Council.

THE WORKINGS OF THE LIBERTY LOBBY

Mr. McGEE. Mr. President, the Washington Post, on Sunday, provided a good service to its readers by exposing at length the workings of Liberty Lobby, which, the Post headlines, "does all right by itself."

Liberty Lobby, as this article points out, has grown from a hole-in-the-wall operation to a professionally staffed, $800,000 to $850,000 political machine with a computer in the basement constantly whirring out mailings for its wide assortment of propaganda.

I commend the Post and reporter Paul W. Valentine for the article, and wish to draw attention to it in this Chamber and throughout the land. I ask unanimous consent that, toward this purpose, the article, entitled "Liberty Lobby Does All Right By Itself," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

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LIBERTY LOBBY DOES ALL RIGHT BY ITSELF

(By Paul W. Valentine)

Liberty Lobby, a conservative pressure group, has grown in a decade from a $10,000-a-year, hole-in-the-wall operation to a professionally staffed, $800,000 to $850,000 political machine.

Its 41 employees work in a gleaming white, 30-room converted apartment building at 3d Street and Independence Avenue SE. There, they sort mail, count financial contributions, research political issues, prepare legislative testimony, visit and pressure individual congressmen and urge 250,000 subscribers on their computerized mailing list to support generally conservative legislation in Congress.

They take credit for helping bring about much "pro-American" legislation in the past 10 years.

The effort has run the gamut from defeat of gun-control measures and passage of the anti-ballistic missile defense program to the resignation of Abe Fortas from the Supreme Court.

Liberty Lobby activities range beyond direct lobbying and related supporting action. Through a complex of associations and interlocking directorates, it also helps raise campaign funds for conservative candidates, lends moral and political support to the white-controlled government of Rhodesia and backs a number of ultra-conservative publications, including the American Mercury.

In all, the organizations and its leaders maintain a constant cry against "socialist do-gooders," "one-worlders," welfarism and other "liberal" phenomena that they say are dooming America to degeneration and defeat.

Liberty Lobby is less vocal about a skein of racial and historical philosophy that undergirds some of the public positions taken by its top officials.

Direct comments about Jews and Negroes are infrequent. References usually come in legalistic arguments against mandatory school busing, for example, or polemics about a conspiracy of "international money lenders" to emasculate American sovereignty and create a "one-world" dictatorship.

Occasionally, however, Liberty Lobby leaders are more specific.

"Without exception," said Col. Curtis B. Dall, chairman of Liberty Lobby's board of policy, in a Springfield, Ill., speech last July 30, "all of these (American ethnic groups) have pledged their loyalty to America . . . save a small percentage of one segment which consists of some avid pro-Zionists, some financially aggressive Jews and atheists, along with their entourage of satellites."

"Negro equality," says Liberty Lobby founder and treasurer Willis A. Carto in an introduction to the recently republished book, "Imperium," "is easier to believe in if there are no Negroes around to destroy the concept."

"Imperium," written by Francis Parker Yockey, is a philosophical treatise that praises Western European culture and describes Jews, Negroes, Indians and other minorities as "'culture distorters."

A "Save Our Schools" pamphlet published by Liberty Lobby inveighs against "mongrelized" public schools and warns that the "great majority of interracial dating involves black males dating white females."

Carto, the hard-traveling, hard-working treasurer and apparent chief power in Liberty Lobby, was known privately among employees as "Little Hitler," says a former employee, Marie Murphy.

An apartment in the basement of the Liberty Lobby building, used by a Carto when he is in town, is called "the bunker," Mrs. Murphy said, a reference to Hitler's shelter in Berlin.

Several former employees said Liberty Lobby personnel are initially drawn to the organization to contribute to the conservative political effort in America but then are "turned off" by what they consider to be the institution's underlying racism and anti-Semitism.

Liberty Lobby officials have consistently denied such "isms" and contend that any references to Jews or Negroes, especially statements on Zionism as anti-American, are simply accurate reflections of historical facts.

It also has denied charges brought by the late columnist Drew Pearson that it is operated by a secret neo-Nazi organization called the Francis Parker Yockey Movement, named after the author of "Imperium."

"How could we be National Socialists (Nazis)?" says Liberty Lobby attorney Warren Richardson. "They're for government ownership of industry, unions, farms and land. "We're for private ownership and free enterprise. How this position can be twisted to show a similarity with the Nazis is really infathomable."

"I'm not against anybody if he's good American, but I'm against anybody who's not a good American," explains Col. Dall, Liberty Lobby board chairman.

"We have a large ethnic group here whose Americanism is questionable. . . emotionally, a lot of Jewish people have dual citizenship," he said, referring to the Zionist movement. "If that makes me anti-Semitic, then let 'em come at me with sticks and stones."

Dall stressed that he feels there is a crucial difference between being opposed to American Zionists (who, in his view, are required to split their loyalty between the United States and Israel) and simply being prejudiced against Jews in general.

"A lot of Jews are my good friends," he said.

Dall, 74, is a former son-in-law of President Franklin Delano Roosevelt and a retired Wall Street investment banker. A tall, energetic, hospitable man, he attended Mercersburg Academy and Princeton University, then married Anna Roosevelt, President Roosevelt's only daughter, in the 1930s. They were later divorced. For several years, he worked for the Fenner & Beane brokerage house, a predecessor of Merrill Lynch Pierce Fenner & Smith.

In 1968, Dall wrote "FDR, My Exploited Father-in-Law," a book outlining what he contends were the schemes of international banking interests to undermine the American monetary system, impose socialistic legislation and drag an unwilling America into World War II during the Roosevelt administration.

Willis Carto, though reputed to be the real guiding force at Libby Lobby, is less well known than Dall. An enigmatic and generally inaccessible man, he is said to work 17 and 18 hours a day, seven days a week.

A California resident in his mid-40s, he is seldom mentioned in the regularly published "Liberty Letter" and other Liberty Lobby literature. He has consistently declined press interviews since he founded Liberty Lobby more than 10 years ago.

Dall is heralded as the functioning chief of Liberty Lobby, but former employees and executives of the organization say his position is largely titular.

Leo Don Phillips, acting executive director of Liberty Lobby until he quit in March, 1969, said Dall, for example, could not sign checks for the organization, while Carto and others could.

Harold Shifflet, the lobby's business manager from 1967 to October, 1969, says, "I had the title of business manager—but that's all. Carto ran the place."

Phillips, Shifflet and several other persons quit Liberty Lobby during 1969 and formed their own conservative group called American Lobby.

"A lot of people have left Liberty Lobby because they couldn't take the political philosophy," says Charles Hall, another ex-employee now with American Lobby.

HUSBAND, WIFE TEAM

Two who have not left are the husband-and-wife team, Gerald and Carol Dunn, both former organizers in the Patriotic Party, political arm of Robert DePugh's paramilitary Minutemen organization. Dunn is chief researcher for Liberty Lobby, his wife is corresponding secretary.

Mrs. Dunn, who was acting national secretary of the Patriotic Party in 1966, said she quit because the "third party approach" to political action failed to work, largely because of "smears and connections made with the Mintuemen."

Meanwhile, Liberty Lobby continues to thrive.

A large computer whirs in the basement night and day, grinding out addresses for a wide assortment of mailings, newsletters and pleas for money to about 250,000 supporters across the country.

Upstairs, clerks open mail, file news clippings, count incoming money, update massive financial pledge lists and prepare testimony for presentation to congressional committees. The building buzzes with industry weekdays, and all male employees are additionally required to work four hours on Saturdays.

The lobby's two most common pressure tactics are to make personal visits to offices of individual congressmen (a skilled three-man team is active in the congressional office buildings three or four days a week) and to organize its quarter-million subscribers to flood congressmen with mail on specific issues.

A central organizational element of Liberty Lobby is its "board of policy," a group now numbering more than 22,000 persons throughout the nation who are periodically polled by Liberty Lobby for their views on current political issues or legislation. Their responses form Liberty Lobby's official position on issues.

Persons can become policy board members by pledging a minimum of $12 a year to Liberty Lobby, rather than the $2 that regular mailing list subscribers pay.

Liberty Lobby says it has no big angels to help underwrite its annual budget of more than $800,000.

Records filed by the organization with the clerk of the House under the federal lobby registration statute show that a total of 14 persons each donated $500 or more in the first quarter of 1969, for example. Most of these gifts were $1,000 or less. The largest was $5,500. In the first quarter this year, by contrast, only two persons were listed as giving $500 or more; one for $1,000 and one for $500.

"Our average contribution is $4 and change," says attorney Richardson. "It takes a lot of little old ladies in tennis shoes to support this operation."

The operation has been in almost unfailingly good financial health. Liberty Lobby leases the big white building at 3d Street and Independence Avenue from a corporation called Government Educational Foundation (GEF). Carto is listed as GEF chairman and treasurer in incorporation papers.

Liberty Building, purchased by GEF in 1965 from Arlington real estate dealer C. D. Kelley for $115,000 with two deeds of trust totaling $100,000, is now completely paid for. Phillips, Shifflet and other ex-employees say Liberty Lobby was paying GEF $3,500-a-month rent for the building in 1969.

In March, 1969, Liberty Lobby sent out an urgent letter to subscribers signed by Dall announcing that one of the loans (for $55,000) was being called and the building would be lost unless supporters helped pay it off immediately. Money poured in, and the loan

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was paid within a few weeks. The other loan (for $45,000) was paid in full about the same time, according to records at the D.C. recorder of deeds.

Rep. Dowdy of Texas, indicted last spring on federal bribery charges, has also benefited from Liberty Lobby largesse. Through a massive letter campaign to its supporters, the lobby raised $26,000 for Dowdy's legal defense fund and presented it to him in May.

Liberty Lobby, as a registered lobby, cannot by law raise funds for the election campaigns of political candidates. Thus, like many other lobby and pressure groups in the country, both conservative and liberal, it participates in a specially designed association of nonpartisan organizations called a "political committee" that, when registered under the Federal Corrupt Practices Act, can legally solicit and distribute campaign funds.

Liberty Lobby's political committee is called the United Congressional Appeal (UCA), headed by former conservative Texas congressman Bruce Alger.

Liberty Lobby and the eight other constituent members of UCA raised $90,000 in the 1968 congressional campaign, for example, spreading it thinly among 66 candidates.

This year, UCA fell below its goal of $250,000 and distributed only about $65,000 among 20 candidates, ranging from Reps. John R. Rarick (D-La.) and Thomas G. Abernethy (D-Miss.) in the Deep South to Republicans Howard W. Pollock of Alaska and Louis C. Wyman of New Hampshire. Fourteen of the 20 UCA-backed candidates lost.

Not all UCA contributions have been met with eager hands. In 1968, Rep. Lawrence Hogan (R-Md.) received $1,000 and promptly returned it. "We found out UCA was a front for Liberty Lobby," explained Hogan's press aide, Ilona Modly. "Liberty Lobby is pretty much a racist and anti-Semitic group, so we returned the money."

Though UCA is technically an association of groups, it is controlled almost entirely by Liberty Lobby, say Phillips and Shifflet. Liberty Lobby officials deny this, saying the functions of the two, especially their finances, are maintained separately.

Lobby personnel perform most UCA duties, say Phillips and Shifflet, and the lobby's enormous mailing list is used to make UCA solicitations. Clara Sandahl, who is listed as UCA treasurer in records at the clerk of the House, is also a Liberty Lobby employee. Her late husband, Clifford, was the lobby's public relations director.

UCA's Board of Awards includes Dall, novelist Taylor Caldwell (president of the Friends of Rhodesian Independence), Stanley M. Andrews (chairman of Americans for National Security) and Gen. Richard B. Moran (chairman of the Congress of Freedom).

Andrews, Moran and Miss Caldwell have also been listed as member of Liberty Lobby's board of policy. Another UCA board member, La Vonne D. Furr, is managing editor of American Mercury, a magazine pushed energetically by Liberty Lobby, containing articles on Zionism and "scientific racism" as well as other more conventional conservative subjects.

Liberty Lobby also maintains ties with the newly created National Youth Alliance (NYA), the reconstituted leftovers of the 1968 Youth for (George) Wallace movement.

NYA is headed by ex-John Birch Society functionary Louis T. Byers, a close friend of Carto. With offices in the Dupont Circle Building here, NYA has aimed at organizing young persons to fight drugs, hippies, racial integration and leftist radicalism in general. It counsels the use of force, gives instruction in karate and other "martial arts."

Its bible is Yockey's "Imperium." Its newspaper, Attack!, is openly anti-Zionist, anti-Nixon and generally anti-Establishment. Its language sometimes is oddly similar to that found in radical left underground newspapers: "Smash the system! Death to the Establishment!" urges the current issue.

The current issue, more strident and overt in its anti-Zionism than previous issues, was financed by Carto according to NYA chief Byers.

"He personally read and approved all the articles," Byers said. "He went a little hard on the Zionist issue this time, but that's the way he wanted it . . And I think it was good judgment."

Charles Hall, former office personnel manager at Liberty Lobby, says lobby employees assisted NYA during its formative months and NYA used the lobby's mailing list.

Most of Liberty Lobby's "professional staff" were given copies of "Imperium" to read, according to Phillips, former acting executive director. "Imperium" has been advertised at least once in the widely circulated Liberty Lobby newsletter. Dozens of copies of the 619-page book are stored in the basement of the Liberty Building.

(Yockeyist literature is difficult to find outside the offices of Liberty Lobby and NYA. However, "Imperium," Attack!, and a wide assortment of "Western culture" books and pamphlets are on sale in the Arlington bookstore of the National Socialist White Peoples Party, formerly the American Nazi Party. Several of the books are published by Noontide Press, a Los Angeles publishing house in which Carto has a financial interest.)

Liberty Lobby attorney Richardson, who described NYA as "far over to the right from us," says NYA has been "very independent" of Liberty Lobby for the past six months.

NYA is "hard-core right," he said. "We have none of their trappings. They have a different political orientation. Our function, which is to lobby, is different, too."

NYA's advisory board is filled with Liberty Lobby friends whose efforts in conservative causes are frequently cited and praised by the lobby.

Board members include retired Adm. John G. Crommelin, sharp critic of what he calls the "Jewish-Communist conspiracy"; Austin J. App, specialist in Nazi Germany apologetics, who contends the estimate of 6 million Jews exterminated by Nazis in World War II is vastly exaggerated; retired Marine Lt. Gen. Pedro del Valle, who praised Mussolini's "sagacious leadership" in the invasion of Ethiopia in the 1930s, and Revilo P. Oliver, University of Illinois classics professor who says America's once-noble "Indo-European or Aryan" civilization is now "covered with alien slime."

Many NYA and UCA board members are also contributing editors to American Mercury.

In its public position on crucial issues, Liberty Lobby displays contrasting views. with standard conservative declarations standing side-by-side with a number of traditionally liberal or popular utterances.

Its official handbook, "The How," states, for example, that Liberty Lobby is opposed to minimum wage laws, urban renewal programs, foreign aid and recognition of Communist China.

On the other hand, it also favors tax reform against big corporations, the right of privacy for citizens, realignment of political parties along conservative-liberal lines, independence for Puerto Rico and an end to foreign military entanglements.

Lobby attorney Richardson says that Liberty Lobby—which he describes as "dead center constitutionalist, not right wing"—is opposed to a variety of government actions from wire tapping to school busing because "they violate the Constitution and minimize individual freedom."

He noted, for example, that civil liberties groups have called for repeal of Title II of the 1950 McCarren Act, the so-called "concentration camp" statute empowering the government to intern suspects without specific charges in emergency detention centers in the event of war or internal insurrection.

"We favor retention of the act," he said, "because it specifies and guarantees the civil rights of the detained people, including the right to have a hearing, a lawyer, habeas corpus and appeal . . . If you repealed it, those rights would be gone and the President would have broader sweeping powers to do almost anything."

"In a way," Richardson concluded, "we're the true libertarians."

A CANDID LOOK AT THE ACADEMIC WORLD

Mr. MILLER. Mr. President, writing in the Washington Post of November 8, an eminent sociologist and professor of higher education, Andrew M. Greeley, took a most candid look at the academic world. What he said merits the attention of the readers of the RECORD.

I ask unanimous consent that the article, entitled "Some Profs Bent on Remaking Man," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOME PROFS BENT ON REMAKING MAN

(By Andrew M. Greeley)

(NOTE.—A sociologist, Greeley is program director of the National Opinion Research Center at the University of Chicago and professor of higher education at the University of Illinois. The following is excerpted by permission from Change magazine.)

It was a bad summer for the academy. In a recent Gallup Poll the campuses found themselves described as the most serious problem the country faces, bar none. They rank ahead of Vietnam, inflation and the Black Panthers as a cause of national concern.

The academy has been appalled to discover that the majority of Americans thought that the Kent State murders were the fault of the students, and it has been amazed to learn that its support for a political candidate could easily become the kiss of death. Convinced as it was in the spring, as indeed it has been these several springs past, that it was the avant garde of a great popular revolution, the academy now finds itself wondering about its very survival, about the survival of its institutions, about the survival of education itself.

Characteristically, it blames the situation on "the hard hats" or "the silent majority" or "the fascist mass" and does not pause to ask whether it is remotely possible that its own course has gone awry somewhere in between.

A look back: In a great burst of social consciousness, the academy in the last five years has striven passionately to be relevant. It has enlisted its students from minority groups and turned a sensitive ear to the aspirations of black and Third World peoples and to students as a whole. It has turned its considerable energies to the remaking of society, in particular to the causes of peace and racial justice.

It would now appear that not merely have its efforts failed, but its efforts may even have become counterproductive to the very causes it has tried to support. Surely the academic peace movement, because of its tactics rather than its sentiments, has consistently hardened the stand of hawks in American society. It may very well turn out that academic support for the so-called black revolution has slowed down rather than accelerated the pace of social improvement for American Negroes.

Some of the more thoughtful academics,

who labored through the summer in the difficult task of trying to re-establish communication with the rest of American society are now trying to figure out what went wrong. What exactly did go wrong? The root of the problem is that the "world outside" did not react the way it was supposed to react.

INFLUENTIAL MINORITY

In this context, the word "academic" is not used to represent all, or even a majority of, college professors but rather the influential minority that sets the tone and the style and the fashion of the academy at a given time in its development. One must certainly include the allies of the academy in the mass media who tend to feel guilty vis-a-vis the full-fledged academic who presumably knows more and is morally purer than the huckster in the media.

But the crisis in the relationship between the academy and the world outside is not simply that the academic does not understand the world outside, not even that he does not think it worthwhile to attempt to understand the world outside, but in fact that he is only barely aware that the world exists. The attitude was exquisitely summarized by a distinguished California political scientist at the time of Ronald Reagan's gubernatorial victory: "I'm astonished that the man won; nobody that I know voted for him."

Given the nature and the social functions of the academy, such unawareness is not surprising. The academic is expected to be deeply involved in his own teaching and research; the rest of the world not only tolerates but encourages his isolation.

Whether the isolation is ever really desirable may be a matter for questions, but it creates no serious problems until the academic discovers, usually with an overwhelming sense of guilt, that there are many things wrong with the rest of the world. Looking around and discovering the injustice and immorality outside, he righteously decides something must be done about it. He asks, "If something must be done, then who better to do it?"

Perhaps the best possible answer to that question is, "Just about anyone." For when the academy decides to remake the rest of the world whether the world wants to be remade or not, there is likely to be trouble, if only because the academic is but dimly aware of what motivates those human beings who are to be the object of his missionary zeal.

There are assumptions underlying such academic zealotry: (1) the academy knows how to remake society; (2) the rest of society will fall into line and permit itself to be remade once the academy has pointed out the nature of its immorality, and (3) the rest of society will be willing to pick up the tab while the academy proceeds to shape society according to its own image and likeness.

But none of these assumptions has proven true. Those who resist the academy's missionary zeal can point out that the academics have an extremely difficult time keeping their own house in order; that the academic departments in colleges are usually but one step removed from chaos; that there is little evidence that the academy has been very successful in its primary task of educating the young, and that it resolutely resists attempts by "outsiders" to evaluate its performance.

The facile talk around the universities about a coalition made up of "the young, the black, the poor and the disaffected professionals" ignores the fact that the academy can count on the support of, at the most, one-third of the young, one-fifth of the black and one-tenth of the whole country. Eldridge Cleaver and Leroi Jones speak no more for the silent majority of American blacks than Rennie Davis, Tom Hayden and Abbie Hoffman speak for more than a tiny fraction of those young people who have attended college. In fact, George Wallace seems to speak for more of the young nationwide than he does for adults.

To the world outside, the academic missionary looks intolerant, reactionary, authoritarian, hypnotized by his own rhetoric and ignorant of political reality. When such a man becomes involved in politics, the first reaction of the world outside is to laugh; its second, perhaps, to call a psychiatrist, and its third, as it turns out, to summon the police or the National Guard.

ONLY APPROVED DISSENT

The accusation of intolerance is especially hard for the academy to bear because it has always prided itself on its openness and ability to accept deviance and dissent. Yet Prof. Marcuse's philosophical intolerance quickly found a hearing in academia, and for the past five years the academy has sat on its hands while young fascist toughs have disrupted other people's right of freedom of speech and freedom of assembly.

Nor does it have much room for those who dissent in other than fashionable and approved modes. The cases of W. W. Rostow, Arthur Jensen and Daniel Patrick Moynihan illustrate how little room there is in the academy for dissent that is not approved by the arbiters of fashion. I happen to disagree with Rostow and Jensen, and to agree with Moynihan. The issue is not the personalities or the beliefs of the three but whether the intellectual positions they take are to be the objects of rational and civilized discussion.

But one is not surprised, not at least if one knows academia from the inside, by the intolerance displayed toward these men. One need only to read the book reviews and the letters to the editor in professional journals or to participate in the factional feuds which yearly rack academic departments to know that in academia certain kinds of dissent are legitimate and others strictly off the mark.

The academic is serenely confident of his own judgment and thus assumes that those who dare to disagree with him are not only wrong but are either stupid or in bad faith or, quite conceivably, both.

One of the quaint notions of the academy is that certain groups of people are what we used to call in Christianity "confirmed in grace"—which is to say that they can do no wrong and that any attempt to bring them to trial for alleged wrongdoing is "political persecution." Thus Father Berrigan was described as the first priest to be a political fugitive, even though there are many clergymen who held exactly the same positions but were not fugitives because they had not destroyed government property.

Similarly, it would appear that many in the Yale community believe that it is immoral to bring the Black Panthers into court no matter how strong the evidence or how brutal the crime. Any charges against the Panthers are by definition political in their view. Tom Hayden did little more than reflect the attitude of many in the Yale community when he announced that in this case the facts were completely irrelevant. Surely this is a rather quaint notion of justice, one with which the family of the young black who was killed might, with good reason, disagree.

If academics cannot be tolerant of those who dissent within their own grove, it is hardly likely that they will be tolerant enough to engage in persuasion instead of denunciation when they venture beyond their own boundaries. Nor, for all their claims to be "liberal" or "radical," are academics inclined to be either liberal or radical when their own self-interests are at stake.

They are only too happy to be liberal or radical with the jobs of construction workers, the schools of white ethnics, the admission standards for other peoples' children; but when it comes to their own course schedules, their own class hour loads, the requirements in their own departments, the sanctity of their own teaching style or the privileges of their own classrooms, academics yield to no one in their ability to resist change and progress.

Anyone who is engaged in educational reform efforts (which do not involve closing down class and sending faculty and students off to the barricades) realizes that the real barrier to educational reform is the faculty. It is at precisely those schools where the faculty has the greatest power that instructional change is the least likely to occur. The suggestion that the college be turned over to the faculty (and its student allies) would guarantee absolute paralysis of all efforts at instructional reform.

IMPOSED VIRTUE

So convinced is he of the need of virtue and of course of his own virtue—that the academic is perfectly willing to impose virtue on others so long as it is his kind of virtue. The faults and the failings of the Grand Inquisitor are rallied against in the literature courses, but they have not by any means been exorcised from the academy.

The latest scheme for imposing virtue is the "randomization of admissions." The splendid plurality and pluralism of higher education is to be abolished. Students are no longer to choose their own college, and colleges are no longer to choose their own students. The great god of the computer will randomly assign students to institutions, and they will have to go there whether they want to or not.

It will, of course, take an immense amount of coercion—either governmental or quasi-governmental—to impose such a "noble experiment," and a vast amount of supervision and enforcement machinery to make sure there are no violations. Young people would be inclined to despise the school they were being forced to attend, and faculty members would find it difficult to teach students who were in a school they did not want to attend. Parents might rebel at paying for an education in an institution in which they had no confidence. But these kinds of reactions from free men demanding freedom of choice are to be casually dismissed in the name of "equality of opportunity."

There is, of course, no evidence that such randomization of admissions would indeed do much to facilitate the equality of opportunity in American society, just as there is no evidence that compulsory busing of white students to black schools does much to improve educational opportunities for black students. However, both procedures are immensely satisfying to the academic turned philosopher-king and his need for order, neatness and virtue.

The academic is convinced in his heart of hearts that those on the outside are not virtuous, because of ignorance or malice or both; therefore, he sees no choice but to constrain them to virtue. It is but one logical step, then, to argue, as a sociologist recently argued in The New York Times Magazine, that since one cannot get virtuous action by majority rule, one must abandon majority rule; and it is but one more logical step to sympathize with, and even applaud, violence as a means of forcing society to be virtuous.

When a minority imposes its will on the majority, especially by violence, what one has, of course, is fascism. The tragic young SDS leader who was destroyed by one of his own bombs really made explicit what he had learned from his mentors when he commented that if fascism was what was required, then fascism it would be. One ought not to be surprised if the rest of society chooses to call the National Guard when

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faced with a minority dedicated to imposing its own notion of virtue on the majority.

What is missing from the academic's morality is the capacity for compassion—at least compassion for those who are not members of the groups that have been deemed acceptable recipients of compassion. The Yale faculty member whom Michael Lerner quotes as implying that Italians are an inferior race (because Mario Procaccino dared to run against the WASP saint John Lindsay) is not the sort of man one wants to see engaging in political behavior.

The academic is skilled in the articulation of his thought. In his ordinary activity of teaching and research, such skills are of immense value, but they can be counterproductive when he chooses to engage in political rhetoric. Unlike the politician, the academic seems to be subject to the temptation to take his rhetoric not only seriously but literally.

If he speaks of "revolution," he actually begins to believe that there is a revolution. If he tosses around the word "establishment" a sufficient number of times, he begins to believe that it is not a mythological term but one to which there is a corresponding reality. If he pontificates often enough about what the "young" and the "black" want, then he will begin to believe that the few young people he knows and the few blacks he has heard or read about actually represent what the majority of the young and the black are really seeking.

If he compares the United States frequently enough to Nazi Germany, he begins to believe that there are Nazi stormtroopers in the streets, that Richard Nixon actually is an Adolf Hitler who intends to cancel the 1972 election, that John Mitchell really is a Heinrich Himmler who is setting up concentration camps, that the United States has really embarked on a policy of genocide against the black and brown people in its midst and that Daniel Berrigan in a made exercise of romantic narcissism, has become Dietrich Bonhoeffer reincarnate.

This confusion of rhetoric with reality involves no particular problem unless one chooses one's political strategy to fit one's rhetoric. If one really believes that he is in a Nazi society and that there is a revolution in progress, then he is not likely to attempt to engage in political dialogue with the 90 per cent of the society that has sold out to the Nazis.

And yet, it is a peculiar kind of revolutionary rhetoric. Secure in his tenured professorship in the department of semantics at the Massachusetts Institute of Technology, Prof. Noam Chomsky can call other scholars mandarins. Theodore Roszak, in a very scholarly, mass-produced paperback volume, can denounce both objective consciousness and technology, which apparently means other people's objective consciousness and other people's technology. University faculties, one of the most secure and established groups in our society, see no contradiction in denouncing the "establishment" and are utterly horrified when the rest of society threatens to hack at the university's budgetary increase for next academic year.

One wonders in passing what kind of revolution it is when the revolutionaries expect to collect their salaries or their grade point averages while continuing to engage in their revolutionary activities. One wonders if there was a single faculty member in the country who lost a single day's pay during the so-called May Revolution. The academic is so bemused by his own rhetoric that he thinks he can keep on biting the hand that feeds him without that hand ever becoming so "immoral" as to withdraw itself.

Finally, from the point of view of the world outside, academics, when they begin to engage in social reform, show extraordinary ignorance. Arnold Kaufman, the philosopher, recently admitted that he and a number of other California academics made a mistake when they argued four years ago that there was no difference between Pat Brown and Ronald Reagan. Men who are so tardy in coming to so obvious a conclusion can scarcely expect to be taken very seriously, but the academic-turned-social-reformer is simply not aware of how other people think or feel.

He can write them off as hard hats, or white ethnics, or middle Americans; he can dismiss them as admirers of Mayor Daley, and that settles the problem. That they might be deeply, even passionately concerned about their neighborhood, about their schools, about safety in the streets, about patriotic values, about morality and about religion is of no consequence to the academic except as evidence of how benighted and inferior these "hard hats" really are. Are they put off by beards, long hair, drugs, free sex and bizarre clothes? "Well, then, so much the worse for them; as one professor observed in The New York Times Magazine, "No reasonable man could object to someone wearing a beard."

The 90 per cent who constitute the "hard hats" society are then not reasonable men and are not to be taken seriously; but even though they are not reasonable, it is still expected that they will continue to finance the subversion of their own value system and their own social structure by those who have dismissed them as unreasonable.

So dogmatically convinced are the academic reformers of the rightness of their analysis that they are quite unaware of the almost total failure of direct action protests since 1967. They are also convinced that student enthusiasm was responsible for Sen. McCarthy's early primary victories and that the confrontation between Mayor Daley's police and the student radicals in front of Chicago's Conrad Hilton Hotel was what beat Hubert Humphrey.

The existence of impeccable research demonstrating that the students had little impact on the early support for Sen. McCarthy and that the battle of Chicago was, if anything, an asset to the Democratic Party is not likely to change their opinion. One is reminded again of the political scientists who did not know anyone who voted for Ronald Reagan.

So convinced is the academic of the superiority of his own position that he is certain that the petitions he signs, the resolutions he votes for and the interminable discussions in his faculty meetings will have an automatic importance in the world beyond the academic groves. And when he moves out of the grove. not merely to remake society but to engage in direct political campaigning, he does so with the serene confidence that his political activity could not possibly turn out to be counterproductive.

It is absolutely unthinkable, for example, that other voters may be incensed and even unfuriated if universities close down two weeks before the election and hordes of young people swarm about the country as political missionaries. The hard hat who must continue on his job is supposed to take it for granted that the morally superior academic is exempt from any equal obligation.

A SUBSTITUTE CHURCH

The typical academic suffers from an excess of what can only be called religious zeal and a deficiency of sensitivity to the hopes and fears of those different from himself. These characteristics may not be an accident. Sociological research by Joseph Zelan and myself indicates that academics are disproportionately recruited from those who come from unhappy families, have left behind their own religious faith and have turned to academia as a substitute church.

Furthermore, the graduate school training process is the logical conclusion to an educational system which trains one to develop as fully as possible his capacity for abstract cognition and articulation at the expense of his poetic, intuitive and imaginative capacity. Emotions are socially approved in academia as long as one is able to talk about them rationally and articulately.

Thus Roszak and other advocates of the counterculture (who incidentally make the marvelous assumption that the counterculture could survive even if it weren't subsidized by the main culture) sing the glories of feeling and emotion when enjoyed by those who are objective and articulate. The poor slobs who are incapable of that kind of self-analysis are of course "hard hats," and neither they nor their emotions are to be taken very seriously.

Yet one need not despair completely. A small but growing group of young people—one thinks particularly of Michael Lerner and Wallace Roberts—have discovered that it is possible for a young liberal academic to learn something from a middle-aged ethnic working man. It might even be that a new generation of academics will emerge who do not see their vocation as compelling them to destroy and remake their students' values. Under such circumstances, real higher education—which necessarily respects who the students are and where they come from—might begin.

MACHINERY OF AMERICAN JUSTICE IS COLLAPSING

Mr MILLER. Mr. President, a most sobering article on our court system was published in the Reader's Digest of November 1970.

It draws a conclusion that "the machinery of American justice is collapsing" and that "unless it is repaired quickly and thoroughly, the rule of law itself may disappear."

Chief Justice Warren Burger's observation that "we are—operating our courts with cracker-barrel, corner-grocer methods, and equipment, vintage 1900," is most apt.

It is an injustice when a citizen has to wait up to 5 years to have his suit adjudicated. It is an injustice when a defendant has to wait 2 or more years to have his case brought to trial. It is an injustice when 400 or more prisoners are arraigned before one judge alone in the course of 1 day—an average of one a minute.

As the author remarks, "it is not only society's misfits who suffer when the courts fail. Every American is threatened when justice is threatened."

It is time we take a serious look at our courts and our judicial system.

This article and Chief Justice Burger's comments should be read by every thoughtful American and I ask unanimous consent that they be placed in the RECORD.

There being no objection, the article and Justice Burger's comments were ordered to be printed in the RECORD, as follows:

ONLY RADICAL REFORM CAN SAVE OUR COURTS

The machinery of American justice is collapsing. Unless it is repaired quickly and thoroughly, the rule of law itself may disappear. These thoughts are not those of alarmists but of sober, distinguished men of law, such as former Chief Justice Earl Warren, Prof. Charles Alan Wright of the University of Texas and the new Chief Justice, Warren E. Burger. Says the immediate past president of the American Bar Association, Bernard Segal, "Danger signals are flashing all over the country."

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To be effective, justice must be both fast and fair. It is the pace of justice that has become distorted. Some courts, usually the lower courts that deal with lesser matters in big cities, race through their case loads on an assembly-line basis so that the whole process becomes a farce. Other courts, especially big-city trial courts, fall years behind in their calendars. When a citizen has to wait 2½ to 5 years to be awarded damages, as he does in most large American cities in cases that go before a jury, the wait itself becomes an injustice.

Earl Warren recently recalled that, shortly before he left office, felony cases in the U.S. District Court for the Eastern District of New York were taking 22 months to get to trial. The accused were free on bail during the wait. However, said Warren, "if the defendant were innocent, think of the cloud over his life, and if he were guilty, think what he could do to disrupt society."

Just how badly a court can be run in 1970 immediately strikes even the layman casually visiting the Manhattan division of the New York criminal courts. The court is located in a large, littered building swarming with bewildered defendants and their families, bored prostitutes, tired policemen, sullen clerks, disheveled Legal Aid lawyers and harassed judges. Judge Irving Lang, a 41-year-old former narcotics commissioner, rushes from the courtroom into his robing room and says, "Welcome to the busiest court in the world." Some 200 to 300 prisoners a day come before him, and Lang once arraigned 416 persons between 10 a.m. and 5 p.m.—an average of one a minute. "It's difficult to be dignified in a situation like this," he says, But the criminal case load is rising by 20 percent a year in New York City.

"Record-keeping with respect to criminal records has broken down here completely," says Judge Lang. "All that the records show is a man's arrest. If he comes back before us, we can't tell whether he was out on conditional release or what."

The real scandal is that, with all the crush of business, New York City's criminal-court judges spend half their time waiting for work. The judges are available, but the system that should feed the cases through from arraignment to trial just breaks down. The ordinary misdemeanor case is adjourned four or five times. Overworked prison officers fail to get the defendant to court; the arresting office doesn't know his case is coming up, or else wanders off in disgust after waiting for hours; or an attorney, trying to juggle half a dozen cases, is tied up elsewhere. By the time the fourth or fifth adjournment comes around, the case goes stale and justice fails.

Similar conditions exist in many big cities. The Pennsylvania Supreme Court recently stepped in to take supervisory charge of the Philadelphia courts, where enormous backlogs had built up, including 487 untried homicides. In Los Angeles County, the backlog of civil and criminal cases has reached 42,000, and is growing by 200 a month.

The crisis in the courts has been developing for years. The response to this crisis, led in the last two decades by Warren and former Associate Justice Tom C. Clark, has been to try to cure the problem mainly by reorganizing the courts administratively. Many revised procedures have been attempted: split trials, smaller juries, pre-trial conferences and so forth. On the whole, the experiments have been disappointing.

Lately, a number of American jurists have come to believe that a more radical kind of reform is necessary. They think the old refrain, "There oughta be a law," has too often been the nation's approach to solving, or providing the illusion of solving, too many kinds of problems. The criminal courts are used to punish many crimes which are offenses only against taste and standards of moral or sexual conduct. Shoving drunks, addicts, gamblers and prostitutes through a revolving-door court process does little to help society or the offenders. This whole range of minor crimes, they argue, should simply be *"de-criminalized"* and cease to be offenses. The police and the judges should be free to concentrate on the crimes in which people or property are damaged.

In civil law, too, there are matters that could be "de-legalized"—the bookkeeping, form-filling routine matters which could be handled just as well by a clerk, accountant or referee as by a judge. The probate of wills could be handled by a tax office. "Nine hundred and ninety-nine out of a thousand wills are perfectly all right," says Judge Samuel Silverman, of the New York surrogate's court. "Why do you have to treat a will as if it were a lawsuit?" Nine out of ten divorces are uncontested and could be handled by an arbiter. In the 150,000 personal bankruptcy cases filed in federal courts each year, 90 percent of the petitioners have no assets; they do not need a trial.

All these reforms would be overshadowed, however, if the courts were relieved of their single greatest burden: the automobile. Personal-injury cases flood the trial courts, and traffic cases flood the criminal courts. Seventeen percent of all the judge-time in the United States is spent on personal-injury cases arising out of auto accidents, according to a survey prepared by the Federal Judicial Center for the Department of Transportation. A plan to remove the bulk of auto-injury suits from the courts was first developed at Columbia University in 1932. It would work something like health insurance or workmen's compensation. The victim would simply collect the damages from his own insurance company. He would not go to court, except in special cases.

Ex-ABA president Bernard Segal, an energetic agitator for court reform, supports this "no-fault" insurance. "It's inevitable," he says. Right now, however, major segments of the bar vehemently oppose no-fault insurance and have successfully blocked the reform in seven state legislatures.[1] Massachusetts has just enacted the first state no-fault law. The Federal Judicial Center study estimates that as a result of 220,000 suits arising from auto accidents in 1968, the victims collected a net of $700 million and the legal profession—representing both plaintiffs and defendants—collected $600 million plus expenses.

Reformers also want to move traffic cases—at least the minor ones, those to which automatic guilty pleas are usually entered—out of the courts and into administrative offices. The New York State legislature voted this type of reform last year, relieving the criminal courts of an enormous burden. (Of 5,065,554 cases filed in New York City criminal courts in 1969, 4,600,191 were traffic cases.) Last July 1, the New York State Department of Motor Vehicles took over all but the most serious moving violations. In New York City, a new Parking Violations Bureau began handling parking tickets. The change frees eight criminal-court judges for more important work.

Radical court reforms certainly will not come quickly or easily, but they have enormous implications for society. They will entail revising our ideas of what constitutes crime, what constitutes conflict, and how conflict should be resolved. Political decisions loaded with controversy, such as whether or not to legalize gambling, will arise. Civil and criminal codes will have to be revised, and constitutional amendments may be needed. Change of this magnitude will require new institutions—magisterial offices and arbitration boards, for example—to handle matters removed from the courts.

But the problem of our courts needs every man's attention. It is not only society's misfits who suffer when the courts fail. Every American is threatened when justice is threatened.

Chief Justice Warren E. Burger Speaks Out

(Note.—From an address by Chief Justice Burger, delivered at the annual meeting of the American Bar Association, August 10, 1970.)

In this supermarket age we are, with few exceptions, operating our courts with cracker-barrel, corner-grocer methods and equipment, vintage 1900. Our population has increased from 76 million in 1900 to 204 million at the present. Wars and social upheaval and the inventiveness of man have complicated our society. Changes and improvements in our courts are long overdue.

The automobile, for example, did more than change the courting habits of American youth. It created the most mobile society on earth, with all the dislocations and frictions that go with it. It led people from rural areas to crowd the unprepared cities. It maimed and killed, and brought into the courts thousands of cases that did not even exist in 1900.

Consider just a few figures. From 1940 to 1970, personal-injury cases multiplied five times. Petitions from state prisoners seeking federal *habeas corpus* release increased from 89 to over 12,000—140 times as many. Congress increased the number of judges by 70 percent—while the total of all cases filed in the federal courts nearly doubled.

Many new kinds of cases have been added because of laws passed by Congress, decisions of courts, and the needs of a changing society. But the increase in volume is not by any means the whole story. The actual trial of a criminal case now takes twice as long as it did ten years ago, because of the closer scrutiny we now demand of confessions, identification witnesses and evidence—a deliberate commitment to values which are higher than pure efficiency when we're dealing with human liberty.

It is elementary in the system of courts that the number of judges, prosecutors, bailiffs, clerks, court reporters and courtrooms has been based on the premise that approximately 90 percent of all the defendants will plead guilty, leaving only 10 percent to be tried. But that premise may no longer be valid. Even a small percentage change in the rate of guilty pleas can have a tremendous impact on the courts. A reduction from 90 percent to 80 percent in guilty pleas, for example, requires the assignment of twice as many judges. A reduction to 70 percent trebles that demand.

This was graphically illustrated in Washington, D.C., when the guilty-plea rate dropped to 65 percent. As recently as 1950, three or four judges were able to handle all the felony cases in the U.S. District Court there. By 1968, 12 judges out of a total of 15 were assigned to felony cases, and they could barely keep up.

There is a widespread public complaint that the present system of criminal justice does not deter criminal conduct. That is correct so far as the crimes which trouble most Americans today are concerned. Whatever deterrent effect may have existed in the past has now all but vanished as to those crimes. If ever the law is to have a genuine deterrent effect on criminal conduct, we must make some changes. The simple and obvious remedy is to give the courts the manpower and the tools, including prosecutors and defense counsel, to try criminal cases within 60 days after indictment and then let us see what happens. I predict that this would sharply reduce the rate of crime.

Some of what is wrong, however, is due to the failure to apply the techniques of modern business to the management of the purely

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[1] See "What's Wrong With Auto Insurance —And What Can We Do About It?" The Reader's Digest, May '68.

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mechanical operation of the courts—of modern record-keeping and systems-planning for handling the movement of cases. The management of busy courts calls for trained administrator-managers. In the past ten years, this country has trained 58 astronauts capable of flying in outer space. We do not have that many court administrators available to serve the courts.

The changes and improvements we need will call for a very great effort, and they may cost money. But if there are to be higher costs, they will still be only a small fraction, for example, of the $200-million cost of the C-5A airplane, since the entire cost of the federal judicial system for the next year is $128 million.

WHO STOLE THE PEACE DIVIDEND?

Mr. PROXMIRE. Mr. President, there is a great deal of talk about defense cutbacks. During the recent election, Republicans proclaimed time and again that the Nixon administration had cut $17 billion from the defense budget. But the real facts are much different.

In fiscal year 1969, when Mr. Nixon took office, total defense outlays were $81.2 billion. In fiscal year 1970, they were $79.4, a drop of only $1.8 billion. In the new fiscal year, which is not yet half over, all national defense spending is estimated at $73.6 billion. Instead of a cut of $17 billion, there is to be a cut of $7.6 billion, much of which is yet to come.

Where have the billions gone? Mr. Richard J. Levine writing in the Wall Street Journal for November 10, 1970, gives a revealing insight. Using figures for Pentagon spending rather than for total defense outlays, what it shows is that the services are vying with each other over the spoils. The Air Force is pushing for a new manned bomber which, in strategic terms, is already a decade out of date. The Army is holding on to its Cheyenne helicopter—even after the announcement that it was canceled—and continues to push for the MBT–70 tank. The Navy insists on new carriers, which almost every nonbiased expert believes to be nothing more than sitting ducks during modern warfare, and the supporting ships which are used extensively for support or defensive purposes. We spend hundreds of millions for a carrier, largely useless, and then hundreds of millions more to defend it.

But the time has come for the long-suffering taxayer to benefit from the cut in Vietnam spending. The public, not the brass, should get the peace dividend. Instead, the Pentagon has put its vast public relations machine at work to convince the public that there are few or no savings from a cut in Vietnam from peak spending of $29 or $30 billion, to fiscal year 1971 spending of $11 to $12 billion. We are told that there are few if any savings from a reduction from a 3.5 million military force to a 3 million military force. And the cuts in civilian personnel at the Pentagon, the dropoff in aerospace contracts, and the mothballing of countless Navy ships—announced several times over by the Pentagon propaganda machine—bring relatively small overall reductions in defense spending.

The reason? The Pentagon has usurped the peace dividend for itself. It is substituting new weapons for old, poormouthing our relative strength with the Soviet Union, and claiming, as they have claimed countless times before, that we are in deadly peril if we reorder our priorities and return to a pre-Vietnam level of defense spending.

I ask unanimous consent that Mr. Levine's excellent article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMY, NAVY, AIR FORCE SETTING THEIR SIGHTS ON THE "PEACE DIVIDEND"

(By Richard J. Levine)

WASHINGTON.—U.S. military chiefs, vying with advocates of civilian spending, are scrambling for a maximum share of the "peace dividend" resulting from Vietnam deescalation.

Eager to fill needs the services contend were neglected during the war, they are calling for an array of expensive new weapons and equipment. Their proposals threaten to push Pentagon budget requests upward once more and bring on fresh conflicts with Congress.

The plans put President Nixon on the spot. On one hand, his military and diplomatic advisers warn him that the threat posed by Russian arms is growing. On the other, his economic advisers are worrying about ballooning budget deficits. And the President is under some pressure from Congress and certain Cabinet officers to switch more dollars to civilian spending programs.

UPWARD PRESSURES

Thus, some costly arms projects being proposed will undoubtedly be killed by budget planners, and others may be scaled down. But part of the modernization plans will surely survive. Combined with the impact of inflation and military pay raises, these costs are expected to reverse the current drop in defense spending.

Defense officials are already warning that their budget for the fiscal year starting next July 1 may be slightly higher than the $71.8 billion budget proposed for the current year (though they stress it will absorb a smaller share of total Federal outlays and of the gross national product). Deputy Defense Secretary David Packard predicts Pentagon budgets "in excess of $70 billion" annually for an indefinite period. And Pentagon boss Melvin Laird maintains that if the U.S.-Soviet Strategic Arms Limitation Talks (SALT) fail to produce agreement, Washington could be forced into a "tremendous increase" in military outlays, most likely for a new submarine that fires long-range missiles and perhaps for a new bomber as well.

Each of the services has big ideas, and some proposals are clearly in competition with others. The major wants:

Air Force—A new strategic bomber, dubbed the B1 and designed to penetrate enemy defenses by sneaking in low to avoid radar detection. The F15 "air superiority" fighter, a highly maneuverable aircraft capable of speeds over 1,700 miles an hour; it is being designed to meet—and beat—the best Soviet fighters of the late 1970s and 1980s. The Airborne Warning and Control System (AWACS) to detect enemy bombers. The A-X attack plane, a rugged, slow-flying plane for close air support of ground troops.

Navy—Scores of new ships, including 30 big fast destroyers, a fourth nuclear aircraft carrier and additional nuclear attack submarines. The F14 carrier-based "multimission" fighter, capable of protecting the fleet as well as hitting ground targets. The S3A antisubmarine warfare plane for locating and attacking enemy subs. The E2C warning plane to give the fleet early notice of approaching enemy aircraft. And the long-range submarine known as ULMS (Undersea Long-Range Missile System), which might hurl a missile more than 5,000 miles, nearly double the range of today's sub-based missiles.

Army—The Cheyenne attack helicopter, capable of assaulting enemy tanks and other ground targets in support of infantry troops. MBT-70 missile-armed tanks, able to fight at night and fire while moving. The SAM-D, a surface-to-air antiaircraft missile system. And various "automated battlefield" devices—sensors, computers and the like.

TOTAL PRICE UNKNOWN

Because of all the unknowns—the outcome of the SALT talks, Congress' attitude and White House budget pressure—no one at the Pentagon will put a price on the services' modernization plans. A recent Defense Department report to Congress did estimate the cost of producing 36 "major" weapons systems, at $102.3 billion. But many weapons in that report haven't been approved for production, and some items sought by the services aren't included.

But it is clear that modernization bills may be huge. Defense officials blame this on inflation, on the increasing complexity of military hardware and on the fact that many weapons-development programs, slowed during the Vietnam war buildup, have bunched up now. Says Mr. Packard: "We've got some catching up to do."

In the course of the catching-up, some big decisions may be made—determining how much the U.S. nuclear deterrent will rely on missiles and how much on manned bombers, how much of the American missile arsenal will be land-based and how much will be submarine-based, and which of the military services will get expanded roles.

Already the Air Force and Navy are fighting over the nation's nuclear deterrent. The Navy, favoring the submarine-launched missile, is eager to get approval, even in the event of a SALT agreement, for development and production of the ULMS submarine. These subs, with their missiles, could cost close to $1 billion each, some insiders speculate.

The Air Force, sensitive to suggestions that both its long-range bombers and its intercontinental Minuteman missiles may soon be obsolete, is pushing hard for the B1. Air Force officers argue strenuously that it would be folly "to put all our eggs in one basket," by relying solely on sub-launched missiles. The airmen fear they would be left only with a conventional-warfare role.

Another squabble involves the Air Force's A-X and the Army's Cheyenne helicopter. The official Pentagon word is that the two close-support aircraft are "complementary" rather than competitive. But many in Congress see considerable duplication; in the end, perhaps only one of the craft will get a go-ahead for production.

CUTTING TROOP STRENGTH

To help finance modernization programs in the face of Congressional resistance, the Defense Department's strategy is to cut troop strength and plow the savings into hardware. Since Mr. Laird became secretary, the number of men and women in uniform has slipped to just under 3 million from 3.5 million. It's likely to go well below 2.5 million before the cutting is through.

The Army is taking the bulk of the reduction. It is scheduled to drop to 1.2 million men and 13 2-3 divisions by next June from a Vietnam peak of 1.5 million men and 19 2-3 divisions. Further reductions are probable. "When our role in Vietnam becomes completely advisory, the Army could drop to a level comparable to the 859,000 of 1961," says Army Secretary Stanley Resor. "We are taking massive manpower cuts to assure funds for essential research, development and modernization," he says.

While troop reductions provide dollars, defense planners insist they also make the modernization effort all the more essential. "We must compensate for (the Army's) smaller size with higher quality," says Gen. William Westmoreland, Army Chief of Staff. "We simply cannot risk both a small Army and an ill-equipped and undermanned one." Another general puts the prevailing Army sentiment more bluntly: "If we're going to be lean, we've go to be mean. What the hell's the sense of having an Army if it can't scare anyone?"

THE "PEACE DIVIDEND"

The Nixon Administration is telling Congress and the public that the "peace dividend" has already been presented; since taking over, the Nixon Administration has cut the annual Pentagon budget by $6.9 billion from the last Johnson budget of $78.7 billion. Inflation, pay raises, military pension boosts and other personnel cost increases have eaten up the rest of the savings derived from the slower war effort in Indochina, it's argued. Exactly what these savings total isn't clear. Further military cuts "cannot be the principal source of funding for new domestic initiatives," says Pentagon controller Robert Moot. Reductions of another $10 billion to $15 billion, as advocated by some lawmakers, would leave the U.S. with a "seriously depreciated" military capability, maintains another top Pentagon hand.

Congress will hardly cut that much, but many of the service's high-priority modernization programs do already have serious, knowledgeable critics on Capitol Hill.

This is especially true of the B1 bomber. For the better part of a decade, the Air Force has been lobbying for an advanced bomber to replace the aging B52. But an increasing number of Congressmen have come to question the logic of building more manned bombers in a missile age. Shortly before development contracts for seven B1 prototypes were awarded last June to North American Rockwell Corp. and General Electric Co., the Senate Armed Services Committee halved the Pentagon's $100 million request for fiscal 1971. Later Congress authorized expenditures of $75 million, but Air Force men worry about the prospects of convincing lawmakers to okay requests for hundreds of millions of dollars as development work speeds up.

Democratic Sen. Thomas McIntyre of New Hampshire, who heads an Armed Services subcommittee, isn't an outright opponent of the new bomber. But "because of the potential cost of the B1 and its importance to our security, it is essential that its progress in the research and development stage be closely monitored," he says. Currently, the Air Force expects that development and production of about 200 planes would cost $10.1 billion; Congressional critics say that rough estimate could easily double.

An Air Force general sees the B1 woes as symptomatic of a broader problem. "Our needs are so staggering that we don't know where to begin," he declares. With inflation driving up the price of new planes and Congress holding down spending, he figures the Air Force is going to end up buying a lot fewer airplanes than in the past.

THE NAVY'S PLANS

The Navy's plans to modernize its fleet are likely to face less trouble in Congress. One piece of evidence: In this year's defense authorization bill, Congress voted $435 million more than the Pentagon requested for Navy ship construction. The Navy has already begun a $2.5 billion destroyer-building program, with Litton Industries Inc. the prime contractor to produce 30 ships. And Congress seems amenable to building more nuclear-powered attack submarines.

Admirals figure it would require at least $30 billion over the next 10 years to fully modernize the fleet. With that kind of money at stake, Pentagon critics such as Sen. Mark Hatfield, the Oregon Republican, have begun to question the validity of plannning for a non-nuclear sea war with the Russians. They feel any such conflict would soon escalate into total nuclear war.

The Navy's attempt to modernize its air arm may experience more trouble. Congress is watching to insure that the Navy doesn't rush into production of the F14 fighter before all the development kinks are ironed out. Like the Air Force F15, the Navy fighter will be extremely expensive—$8.27 billion for 722 aircraft, including research and development costs, according to current forecasts.

Two other Navy planes, the anti-submarine S3A and the early-warning E2C, are already running into heavy Congressional flak. The House has voted to defer production of the E2C for at least a year and has ordered more development work on the S3A before production is started.

THE ARMY PROGRAM

The army's modernization program is geared mainly to the possibility of a "high-intensity" war in Europe with the Russians. Army officers talk privately of their "big eight" list of projects. Atop that list are the Cheyenne helicopter and the MBT–70 tank, both designed to counter the threat posed by numerically superior Russian armor based in Eastern Europe. Both, however, must clear major hurdles before entering production.

A Cheyenne production contract with Lockheed Aircraft Corp. was canceled last year because of a rotor stabilization problem. And this year the Senate Armed Services Committee recommended that the program be killed. The Cheyenne survived in a Senate-House conference, but the House Appropriations Committee has, in effect, told the Pentagon to make up its mind whether it wants the Cheyenne, the Air Force's A–X or the Marine's vertical takeoff Harrier jet for close-air support of ground forces.

The MBT–70 tank has also had its ups and downs. It was conceived as a joint U.S.-West German project, but early this year, after meeting development problems, the two countries went separate ways. Now U.S. planners say they will be able to build an austere model costing $250,000 less than the earlier $850,000 version. The MBT–70, says Mr. Laird, will be "markedly superior to any (tanks) the Soviets are likely to field through the 1980s."

Congress will take convincing, however. Some lawmakers have expressed concern that the MBT–70 could be knocked out of action by relatively inexpensive antitank weapons. And the House Appropriations Committee is calling for "further refinements" to get the price down.

The MBT–70 is handicapped by Congressional displeasure with the way the Army developed the Sheridan tank a few years ago; that project was notable for the problems it encountered. Among other things, the early-model Sheridan, designed as a reconnaissance vehicle, could be heard three miles away.

POLITICAL BROADCASTING EXPENDITURES—ADDRESS BY SENATOR COOK

Mr. SCOTT. Mr. President, the distinguished Senator from Kentucky (Mr. Cook) has delivered a significant address on the subject of political broadcasting expenditures. He spoke before the Kentucky Broadcasters Association at Lexington. I commend his remarks to the Senate and ask that they be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Freedom of the Press

It is with great pleasure that I address the Kentucky Broadcasters Association this evening. On such occasions, I am often reminded of Thomas Erskine, the American Revolutionary. In 1792 in defense of Thomas Paine, Erskine said:

"Men cannot communicate their free thoughts to one another—with a lash held over their heads. It is the nature of every thing that is great and useful, both in the animate and inanimate world, to be wild and irregular—and we must be content to take them with the allies which belong to them, or live without them."

Today free men communicate their ideas most effectively and most often through the electronic media. As with Thomas Paine in the eighteenth century, we also live in a time of social conflict and turmoil. Of course, our heritage is rich in social conflict and upheaval, and therefore it cannot be characterized as un-American or evil per se. With few exceptions—such as the 1950's—this struggle for men's minds has been the cutting edge for our system of government and law.

The process, however, is not without its problems. Quite recently, these pressures have created a direct threat to the freedom of expression in the news media. Because of its uniquely government regulated nature, the Broadcasting industry has felt this most forceably. Individual stations, as well as the networks, have come under fire for alleged "imbalance" in the presentation of news and public affairs shows. With increasing frequency, these attacks have come from persons representing all political parties and persuasions.

This situation has in turn promoted an expansion of the Federal Communication Commission's "fairness doctrine". More and more, this independent federal agency is using its judgment in deciding what issues must be broadcast and who should be the spokesmen.

For those who look to their elected representatives for relief—the outlook is certainly less than promising.

In June, for example, a Senate Joint Resolution was introduced to provide a reasonable amount of public service time to authorized representatives of Congress to present their views on issues of public importance. The time was to be made available at least four times a year.

A cursory examination of this measure invokes a certain amount of idealism, and agreement. That citizens should be exposed to views of the highest legislative body in the United States is theoretically sound. That the legislative branch should be afforded equal treatment with the executive's instant access to media prime time likewise seems sound. After all, our Constitution recognizes no paramount branch—all three are co-equal.

As a United States Senator, and one who has pressed for congressional reassertion of its powers in many areas, I would be the last to deny this statement.

However, as with most issues of this nature, there is no black or white—but many shades of gray. In the first instance, the difference in the nature of the two branches must be appreciated. The President of the United States—whoever he may be—is the *sole* repository of the executive powers. He is elected by a national constituency, and is—besides the Vice President—the only elected official constitutionally and directly responsible to each and every citizen.

However, no single individual is the Congress of the United States. Our pluralistic society guarantees that it will be composed of 535 distinct personalties and egoes. On controversial issues of national importance, there are almost that many opinions. Even on those issues where there is a consensus of two positions, there are shades of opinions between outright support and opposition. Even for those who agree on an issue, there are various and different reasons for that agree-

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ment. In essence, there is no one spokesman for the Congress. The very nature of this deliberative body rejects such a concept.

Of greater importance is the potential for more governmental control of an already overregulated industry. No one would seriously question the obligation of the broadcasters to give fair and adequate coverage of various congressional opinions on issues of national significance. The question whether the obligation should be discharged by specific legislative guidelines or resolved by the industry itself. Julian Goodman in testimony before the Senate Commerce Committee said:

"If broadcasting is to serve public information interests, rather than partisan aims, it must have flexibility—and independent news judgment—to deal with political events as they occur."

I agree.

Others do not agree.

Senator J. William Fulbright, the leading proponent of this resolution said before the same committee:

"I think it is a fair assumption that, if television had existed in the 18th Century, the framers of our Constitution would have written something like the F.C.C.'s "fairness doctrine or the bill which I commend to you today, into basic law of the land'."

I do not agree.

Except by word of mouth, the printed word was the most effective communicator of political thought in the 18th Century. Newspapers and pamphlets occupied the dominant position that television and radio now enjoy. However, the founding fathers made no such demand on the media of that day. To the contrary, they moved to protect it by adopting a bill of rights stating that Congress shall make no laws "abridging the freedom of speech, *or of the press,*" of all our constitutional protections, many constitutional scholars consider this first amendment freedom to be nearest an absolute right.

The only reason for the present government regulation is the limitation of the broadcast spectrum. However, this by no means deprives the electronic press from basic first amendment protections. Again, I would say that the licensees must be allowed to determine the amount or the nature of the coverage of the various branches on significant national issues. Should the Congress decide to legislate this matter, we may find ourselves in the situation where in the words of Dr. Frank Stanton, "The broadcast press would be converted into little more than an official conduit of controlled information."

Fortunately, the Congress has taken no further action on this resolution.

The same cannot be said of S. 3637, the Political Broadcast Act of 1970.

Since the formation of the Republic, election and campaign reform has been an avidly sought after—but elusive—goal. I pledge my efforts to continue this search. I say "continue" because this bill as written is not a solution. Furthermore, it confuses and compounds existing problems. It also very definitely creates new inequities.

Briefly, let us examine the main points.

First, Section 315(A) of the Communication Act is amended so as to exempt the use of a broadcasting station by a legally qualified candidate for President or Vice President in a general election from the so-called equal opportunities provision. It would allow broadcasters to present debates and appearances by the major party candidates without having to give equal time to fringe or splinter party candidates. This exemption proved highly successful and popular with the public in 1960. I support this section, as I believe it will further stimulate public interest in Presidential Campaigns.

The second major provision amends Section 315(b) and places limit charges for the use of a broadcasting station by a legally qualified candidate for any public office to the lowest unit charge of the station for the same amount of time and the same period charged any commercial buyer. The lowest unit charge applies only to the personal use by candidate, but not to broadcasts on behalf of the candidate where he does not appear.

The third major item imposed a limitation on the amount expended by or on behalf of legally qualified candidates for the office of President, U.S. Senator or Representative, Governor or Lieutenant Governor of a state. Candidates would be limited to 7 cents per vote based on the preceeding election or $20,000, whichever is greater. In the primary, the limitation is 50% of the amount allowed in the general election.

I cannot in good conscience support either of these latter two ill-conceived and ill-considered provisions. In an almost religious zeal to enact so-called "campaign reform" legislation prior to the November elections, its proponents in the Congress have overlooked both the obvious and the sublime.

For example, the across-the-board 7 cents per vote rule does not take into account the problem of multi-state media costs. The state of New Jersey has no commercial television stations. Therefore, in order to reach New Jersey voters, a state-wide candidate for public office must purchase time from New York and Philadelphia stations. His cost is not based on what it should cost to achieve effective communication with the voters of New Jersey, but on the highly inflated rates of the big city television markets. Although not as acute, this problem also exists in Delaware, Virginia, Connecticut, Maryland, New Hampshire, Vermont and even Kentucky.

Aside from the multi-state problem, while 7 cents per voter may be sufficient in Arizona or Nevada, it is wholly inadequate in some of those cities and states just mentioned.

President Nixon, in vetoing the bill, said it "is a good aim, gone amiss". If its purpose was to equalize the financial resources of candidates, it fails miserably. It makes no mention of other campaign expenditures including newspaper and other print advertising. Funds for professional services such as advertising, campaign organization and public opinion surveys are not covered by the bill. Also, in spite of the emphasis placed on electronic advertising candidates and voters alike prefer a live appearance. In a national or state-wide campaign the candidate who can travel as often and as swiftly as possible will obviously be at an advantage. Travel expenses are not covered by this bill. As a recent gubernatorial primary in Arkansas demonstrated, the computerized mailing blitz is most effective. The postage due on one letter to each of the 200,000 voters registered in an average congressional district is $12,000. This does not include printing, duplicating and other costs. Once again, this bill is silent on any spending limitations for this campaign technique. It is apparent that the exemption of all these items—most of which are the backbone of any campaign—has rendered S. 3637 virtually meaningless as an equalizer of financial resources. However, insofar as public exposure of a candidate is concerned, it is far from meaningless. The impetus for reform legislation has come mainly from the success of wealthy, or well financed, candidates in the recent primaries. Political columnists and commentators have lamented over the ability of some relative unknowns to saturate the broadcast media in Ohio, New York and Texas. As the *New York Times* stated:

"Men of great wealth, or access to it, have in recent years scored election triumphs by sheer saturation of the airwaves."

Unlike the *New York Times*—which by the way is not affected by this legislation—I do not intend to sit in judgment on these candidates. I merely wish to point out that the broadcast spending limitation creates one problem in attempting to solve another.

Again, without judging the merits of any candidates, what is the realistic change of a virtual unknown in a state-wide race against a celebrity or a movie star?

Or to make it even more interesting, what of a race against an incumbent or astronaut, both of whom gained their instant identification and fame at government expense.

By attempting to keep an election from being a wealthy man's game, are we not making it the sole province of celebrities and incumbents? I think so.

S. 3637 indirectly creates a political subsidy for one segment of the population—politicians.

The subsidy is created at the expense of another group—broadcasters.

It discriminates against still another group—regular advertisers.

It is inherently wrong that elected politicians should enact legislation for their own benefit. Other media advertisers through their continued use have earned a discount. The Congress of the United States under the guise of "regulation" and "reform" has appropriated this discount. With this windfall of prime television time at the lowest unit price, the political broadcasting act of 1970 can be more aptly labeled the political subsidy act of 1970.

As repulsive as this concept may be, the real danger lies in the perpetuation of present office holders. An incumbent by virtue of his office has access to free media time through news and public affairs shows. Before the first nickel is spent on an election, the incumbent has an established name and personality identification with his constituents. The application of the 7 cents per voter rule will only result in an increased advantage that an incumbent normally enjoys. It also leaves the incumbent free to utilize his funds for other purposes.

The effect of this provision is doubly damaging to a challenger in a primary election. In every section of the country many incumbents are unopposed at the ballot box in November. For example, of the 435 members of the House of Representatives seeking reelection this year—58 are unopposed. An additional number have only token opposition. Obviously in these races, the primary is the election. And yet, as another example of the shortsightedness of the proponents—S. 3637 limits electronic media advertising to ½ of what may be spent in a general election. If it is possible for a bill to have two titles, it might also be called the "Incumbents Protection Act."

After the November recess, I am hopeful that the Congress will carefully examine all aspects of this bill. The case against it has been documented. I am hopeful that the President's veto will be sustained.

SUCCESSFUL POLLUTION CONTROL ACTIVITY

Mr. TOWER. Mr. President, I invite the attention of the Senate to an instance of successful pollution control activity on the part of a manufacturer in my State which may be edifying to us all. The Jefferson Chemical Co. has a plant in Conroe, Tex., which formerly was a heavy water polluter due to the chemical waste products it had to dispose of in the manufacturing of various chemical products.

The article comes from the September–October 1970 issue of the Manufacturing Chemists Association publication Currents.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Where We Stand

(By William J. Driver)

A company manufacturing a variety of specialty chemicals used to make medicines, dyes, soap, plastic and other consumer products has a tremendous waste disposal problem; effluents are complex and hard to treat. And if the firm is located in a water-shed used for municipal water supply, recreation and land development, extraordinary control is needed to protect the environment.

Jefferson Chemical Co. faced such a situation at its Conroe, Tex., plant. But since 1962, when a massive abatement program was started, the company has achieved 99.4 percent control of potential pollutants while plant production increased approximately three and one half times.

The effort was launched with an employee training program in water conservation, resulting in a 50 percent cut in wastewater. Next, a survey identified potential pollutants in the plant.

Added equipment, such as an ammonia recovery unit and a sump to collect surface runoff, curtailed wastes 84 percent—a reduction in chemical oxygen demand of 26,000 pounds per day. Laboratory and pilot plant tests showed that remaining pollutants could best be treated through liquid incineration and waste stabilization ponds.

Waste steams are segregated and treated according to strength. Concentrated organics are burned in an open-top incinerator. Effluent with medium concentration of organics is fed to a thermal oxidizer. There are no detectable combustible materials in the exhaust gases of either unit. Surface runoff and wastewater with light organics concentration is collected in ponds and held for periods of up to one year for treatment by biological oxidation before release.

Although all but 0.6 percent of potential pollutants have been eliminated at the Conroe Plant, Jefferson isn't satisfied. The goal is 100 percent. To achieve this, the company plans complete reuse of wastewater now being treated and released. Laboratory tests are underway to find the best method for eliminating organic contaminants and recycling the flow.

SOVIET SCIENTISTS ORGANIZE HUMAN RIGHTS GROUP

Mr. PROXMIRE. Mr. President, I call attention to an article entitled "Soviet Rights Group Organized," published in this morning's Washington Post.

According to the article, a group of prominent Soviet scientists have formed "a committee to encourage Soviet state and judicial authorities to observe human rights." The committee's purposes including "helping the organs of state power create and apply guarantees of human rights." The committee will also offer legal instruction in international and Soviet law on the problem of human rights.

Certainly, all Senators should applaud this bold step by a group of Soviet scientists.

As we watch the progress of this group in restoring basic human rights to the citizens of the Soviet Union, we should not forget that the U.S. Senate has yet to ratify the United Nations Genocide Convention.

The boldness of these Soviet scientists should urge us to take affirmative action on this basic human rights document of the U.N.

I urge the Committee on Foreign Relations to bring the genocide convention to the floor of the Senate before the end of this session of Congress. We are the leaders of the world in the protection of human rights, and can no longer afford delay in ratifying this treaty.

THE CONTROL OF STUDENTS

Mr. McGEE. Mr. President, the tragedy of Kent State remains very much with us, despite the passage of months. We have seen indictments returned. We have seen an FBI report which, in at least some crucial areas, disagrees with the findings of the State's grand jury. Debate goes on, with the latest utterance coming from President Robert I. White, of Kent State, who, as the Washington Post observed on Sunday, has said some things which very urgently needed saying.

What he said, of course, is that the response to the Kent State incident in some quarters has been an attack on intellectualism and upon the whole fiber of higher education itself. It is a response which Mr. White, correctly, I think, says reflects "a frightening misunderstanding of the role and mission of higher education."

"Permissiveness," a word we heard much of in the past few months, is widely blamed. It is, after all, as the Post observed in its editorial, "a convenient catchword for those who would like to overcome student alienation—as they would like to overcome the crime problem—on the cheap, without doing anything about its social causes."

What the Kent State incident must do, Mr. President, is move us away from polarization, away from a war between generations, and move us toward a system of reason and accommodation. That is what the president of Kent State seems to have realized.

I ask unanimous consent that the Washington Post editorial entitled "On Controlling Students," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, Nov. 15, 1970]

On Controlling Students

The president of Kent State University, Robert I. White, who was foolishly and unfairly silenced by a judge's order, has at last spoken out about the special grand jury report on the tragic episode of last spring in which four students were shot to death by National Guardsmen and nine more were wounded. What Mr. White had to say was, of course, self-vindicating, since the university administration he headed had been charged by the grand jury with blame for the tragedy. It reflects only one side of a controversy the facts of which have not yet been fully disclosed. Nevertheless, what he had to say very urgently needed saying.

The grand jury report followed the rather novel pattern of exculpating the killers and inculpating their victims. There was to be sure, plenty of basis for reproaching some of the students at Kent State University and perhaps some of the faculty as well. There had been unbridled disorder and violence around the university campus. But only a tiny fraction of the student body participated in it. The grand jury indicted a total of 25 persons, not all of them students or faculty members; and it is far from certain that these indictments are valid or that they identify real culprits.

It is not difficult to understand why the grand jury indicted none of the National Guardsmen. These young men, sent to a difficult duty on the Kent campus, were ill-trained, ill-led and ill-equipped. They were, moreover, insufferably taunted and provoked. There was no conceivable justification for their firing at random into a crowd; the Federal Bureau of Investigation has, in fact, disposed of the pretext that their lives were endangered by the rioters, and the grand jury was not allowed even to look at the Justice Department report which said, "We have some reason to believe that the claim by the National Guardsmen that their lives were endangered by the students was fabricated subsequent to the event." When all this has been taken into account, however, it must be acknowledged that it would be difficult fairly to indict individuals as responsible for the firing of particular shots triggered by collective hysteria.

Was it not equally difficult to single out individuals responsible for rioting which reflected a collective reaction, hysterical in its own way, to the invasion of Cambodia ordered by President Nixon. To many young people, that invasion seemed a monstrous widening of an iniquitous war that put their own lives in peril and impaired the national welfare. There was no justification whatever for the violence and other excesses that disfigured their protest; but only a showing that they individually fomented violence and violations of law can justify subjecting them to criminal prosecution.

Yet the real vice of the grand jury report lies less in its indictment of individuals than in its intemperate attack on intellectualism generally and on the whole of the academic community. The report's blanket accusation of "permissiveness" as basically responsible for what happened at Kent State is, as Mr. White asserted, "applicable to all higher education. In fact, the constitutional safeguards of American democracy are themselves under fire." The most pervasive characteristic of the grand jury report is hostility to students, to teachers and to ideas. It reflects, in Mr. White's words, "a frightening misunderstanding of the role and mission of higher education."

It is easy and convenient to suppose that "permissiveness" is the cause of the alienation and rebellion of youth now so widespread and to suppose, in addition, that these can be overcome by toughness and, if necessary, force. The university, according to the grand jury report, contributed to the crisis by "the overemphasis it has placed and allowed to be placed on the right to dissent." But the right to dissent is nothing less than the foundation of freedom. And, anyway, an educational system which seeks to make students think can hardly afford to suppress dissent simply because teachers and administrators find it distasteful and dangerous.

The most serious flaw in the grand jury report is its failure to make the distinction between dissent and violence which was developed so clearly by the Scranton Commission on Campus Unrest. Dissent is the indispensable condition of academic life. Violence is the rejection of reason. The one must be sedulously protected; the other is incompatible with civilized existence. It is true that university administrators and teachers can do a great deal more than they have done to demonstrate their fealty to orderly and rational processes of discussion and to the other values of a free community. They can condone violence and disruption only by a betrayal of their own calling. But student unrest has far deeper roots than university "permissiveness." It stems from deep dis-

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orders in the society. And it is likely to yield only to genuine authority growing out of leadership that evokes respect.

"Permissiveness" is a convenient catchword for those who would like to overcome student alienation—as they would like to overcome the crime problem—on the cheap, without doing anything about its social causes. The term is meaningless. "Permissiveness" is merely flexibility that fails; flexibility is permissiveness that prevails. The youth of a free country cannot be coerced to conformity save by means necessarily destructive of freedom and the country itself. And indeed, any country which declares war on its young is already in the process of dissolution.

What happened at Kent State was an American tragedy. It ought to rouse the country not to renewed violence and heightened repression and increased polarization, but to a fresh acceptance of those processes of reason and reform and accommodation which have been the genius of American greatness.

ADMINISTRATION ECONOMIC POLICY FAILURES

Mr. PROXMIRE. Mr. President, the 6 percent annual rates of increase in the wholesale and consumer price indexes in September was soft-peddled by administration spokesmen mainly through such comments as "inevitable wobbles" or aberrations. Yet it was only the month before that they were exulting about the fact that the wholesale price index showed a 1-month decline of equal proportion. One high level spokesman for the Nixon administration pointed to that decline as a "fairly dramatic" sign that the administration's anti-inflation was having results.

There is an all too common tendency to play up the good news, and cover up the bad news. This is very often done by choosing the "best" time span to calculate their statistics. One favorite trick, for example, is to compare changes this year with changes a year ago when inflation was, as we all know, truly horrendous.

The basic question on the inflation front is what has been happening lately. Are we continuing to improve the situation, as the administration alleges? A top economist for the administration, for example, stated:

> The "cleanest case for showing the leveling out of prices is the index of wholesale industrial prices."

He proves his point by making the usual year-to-year comparison, but the real question is what has been happening in recent months. Just let me run off the month-to-month seasonally adjusted percentage changes during 1970: 0.3 percent, 0.2 percent, 0.2 percent, 0.5 percent, 0.4 percent, 0.2 percent, 0.3 percent, 0.2 percent, 0.3 percent, 0.6 percent. I ask you, Mr. President, can you detect a decelerating trend in such figures? And according to this economist this is the cleanest case.

It should be said that there is some evidence that the acceleration of inflation which was plaguing the country in 1969 has apparently been halted during 1970. I say "apparently" because there is good reason to fear that the recent batch of huge negotiated wage settlements in basic industries will be translated once again into more steeply rising wholesale and consumer prices.

First year effect on wage contracts negotiated in the third quarter of this year represent an increase of over 16 percent, compared with an increase of 11 percent in the same period last year. The recently negotiated 3-year 30 percent plus increase in the GM case is just the latest indication of the "cost push." Inflation is still with us.

The sad fact is that the still unsuccessful fight against inflation has been extremely costly in terms of lost output and unemployment. Total real output in the third quarter of this year was actually below a year ago, a period over which a normally well-functioning economy would have been increasing output at a rate of 4½ percent.

Equally, if not more important, is the unemployment created as a result of inadequate economic policies. In just the past 10 months, unemployment—seasonally adjusted—has risen from 2.8 to 4.7 million, with the latest number representing 5.6 percent of the civilian labor force. And even the administration people cannot deny the underlying trend is still upward. We are now losing at an annual rate of about $50 billion of goods and services because of this unemployment and because of the inefficiency which follows from producing below capacity. For example, we have today the capacity to produce one-third more manufactured products than we are actually producing.

It is because of basic underlying trends—continuing inflation and rising unemployment that I once more call attention to the bankruptcy of Nixon economic policies. Use of only monetary-fiscal policies is not enough. We need a wage-price guidelines and the use of credit controls which has been authorized by the Congress.

Some people seem to see some signs that the administration is moving in the direction of an "incomes policy." But let me quote from a speech by the Chairman of the Council of Economic Advisers, the principal economic policy arm of the administration. He characterized income policy as "an empty phrase" . . . "a grin without a cat." He continues:

> Yet the problem remains. The greater the assurance that our price-cost level can remain stable the more expansionist fiscal and monetary policies can be, and the more promptly we can reap the advantages from a vigorously growing economy moving along the path of reasonably full employment.

How does he propose to accomplish this? He says:

> We should have the ingredients here of a social bargain or compact.

All I can say about such a policy suggestion is that not only the "cat" but even the "grin" is absent. I do say we need an incomes policy and the proper place to develop such a policy is in the executive agencies of Government. This should be done promptly. In addition, the administration should use its powers of the credit control authority given it by Congress to see that as we move more strongly on the monetary front to expand output and employment, the expanded availability of credit will flow to those areas of highest priority which have been starved by past tight money policies—mainly housing and State and local governments.

CAMPAIGN SPENDING—A NATIONAL CRISIS

Mr. EAGLETON. Mr. President, with a hard-fought election just behind us and a modest respite from partisan politics ahead, I hope that both Houses of Congress will act to write the TV spending bill into law.

The President vetoed the bill not because it is a bad bill but because, in his opinion, it is insufficient. In my view it is more than half a loaf—an important step toward democratizing American politics.

Had the TV spending bill been in effect this year, some $30 million in broadcasting costs would have been avoided; $30 million worth of potential big interest influence on our political lives; $30 million which had to be spent because the system required it, but which was of minimal value to the public and perhaps even to the candidates who spent it.

The measure originally passed both Houses with the bipartisan support of more than two-thirds of those Members present and voting. I hope the same Senators and Representatives who have voted their conscience on this issue once before will do so again.

Mr. President, I ask unanimous consent that a selection of editorials, arranged by States, bearing on the bill be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ALABAMA

[From the Birmingham (Ala.) Post-Herald, Oct. 15, 1970]

THE POLITICAL TV HASSLE

It is hard to quarrel with some of the arguments used by President Nixon in vetoing a bill that would have set reasonable limits on television spending by candidates in national and gubernatorial elections.

As the President pointed out, the bill applied only to TV and radio spending when it should have included all forms of campaign spending.

Furthermore, the bill unnecessarily involved the Congress in rate-setting by requiring broadcasters to charge candidates their lowest commercial rate.

Yet the basic aim of the bill—to trim runaway campaign costs and give modestly financed candidates a fair chance to compete for public office—was fundamentally sound.

What the President failed to point out in his veto message was that television is the crux of the problem when it comes to political spending.

It is no secret, for example, that well-heeled candidates are bombarding the public with expensive TV commercials in a frantic effort to "sell" themselves to the electorate.

One estimate places the spending on congressional campaigns this fall at $100 million—as much as half of it on television spots.

The use of TV is particularly intense in the larger states like New York, Texas, California and Ohio, where the cost of running for office has ballooned out of all proportion.

The spending limits in the bill (based on the number of votes for that office in the previous election) were generous enough to give every candidate television exposure.

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In fact, one section of the bill would have guaranteed more exposure by opening the way for more public service TV debates between major candidates in presidential elections.

Both Houses of Congress approved the TV spending limitation by overwhelming margins—the House of Representatives by 247 to 112, the Senate by 60 to 19.

Whether the veto will be overridden in an issue with so many political overtones is unclear.

What is clear is that the need for reform is compelling—as Nixon himself concedes. Since the President disapproves of what Congress has done, he should offer the new Congress in 1971 a program to control all campaign spending.

ARKANSAS

[From the Little Rock (Ark.) Gazette, Oct. 28, 1970]

THE CAMPAIGN BILL

President Nixon's veto of the bill setting spending limits on radio and television commercials in election campaigns was transparently partisan in an immediate context, but, worse, it may prove disastrous for two-party politics in the 1972 presidential election year.

The veto, in fact, poses an insidious threat to the very principle of a two-party system on the national level and to a great extent in many states. This much is clear in the comments offered last week by Joseph A. Califano, general counsel of the Democratic National Committee.

Even accounting for a measure of partisan rhetoric in the Califano statement, it may very well be that in actuality the Democratic Party is in such critical financial condition that it may virtually forfeit the 1972 presidential election before the campaign begins. Mr. Califano further concluded:

"If the Republicans have $50 million to spend on television, which is what we estimate, and we have $5 million to $6 million, we couldn't beat Snoopy."

The GOP, of course, always has been the party of the biggest money. On balance, in most years, the Republican Party can outspend the Democratic Party.

In any event, the principal effect of the campaign spending bill vetoed by Mr. Nixon would have been to even up the odds, regardless of which party at any time had more dollars in its campaign coffers. One party, under the bill's provisions, simply would not win office by the overwhelming weight of its propaganda broadcast on the public air waves. The spending bill would not have been in effect this fall, but would have been applicable to 1972 for all federal offices and those for governor and lieutenant governor in state elections. It would have limited broadcast spending in general elections to seven cents for each vote for the office involved in the last general election or $20,000, whichever were higher. Under that formula, the $5 million to $6 million the Democrats expect to have for radio and television would be approximately the legal amount permitted. On the other hand, if Califano's estimates are correct, the GOP would have 9 or 10 times more money available for broadcast purposes than it would be allowed to spend.

One of the disappointments following in the wake of the veto on October 12 has been the relative silence, and evident lack of interest on the part of Democrats in Congress in mounting at least an effort to over-ride the Nixon veto. Such a move need not be made on partisan grounds, even though the Nixon veto clearly was itself a partisan decision. Without some kind of limit on spending for broadcast commercials, 1972 may offer a grave challenge to the viability of the two party system that has served the nation so long and so well.

CALIFORNIA

[From the San Francisco (Calif.) Examiner, Oct. 14, 1970]

NIXON'S VETO

We disagree with President Nixon's veto of the bill to limit spending on political advertising on radio and television. If the bill was not perfect—and the President was correct in stating that it was not—it could have been amended and strengthened later.

The veto sets back the cause of electoral reform at the very threshold of realization.

The exorbitant expenditures on radio and TV put a premium on fund raising rather than issue raising. Before a candidate even has his running papers he has to start stepping high among the fat cats to get the money for what he hopes will be an electronic blitz. If he fails, he runs under a handicap from the start, like a horse carrying an overweight jockey.

Mr. Nixon is right of course, when he points out that radio-TV spots are only one phase of our intolerably expensive election system. The entire process costs too much. It is heading straight for a situation in which only the rich or the sons of the rich and indulgent can run for office—or those willing to compromise principle for contributions.

Passage of the radio-TV limitation was not a giant step forward, but it was a formidable step in the right direction. We regret that the President has seen fit to negate it.

[From the Los Angeles (Calif.) Times, Oct. 14, 1970]

POLITICAL SPENDING CURBS NEEDED

It is unfortunate that President Nixon saw fit to veto legislation which would have imposed limits on how much candidates for major political office can spend for radio and TV campaign commercials. Overriding the veto should be an early order of business when Congress returns next month for a post-election wrapup session.

The President's explanation of his veto made good sense up to a point—but only up to a point.

As he said, the bill would deal with only one aspect of the fundamental problem—which is the unfair and unhealthy advantage enjoyed by wealthy candidates in this era of enormously expensive campaigns.

There is nothing in the bill to prevent the rich candidate from spending his money on billboards or newspaper ads, or using his enormous personal resources for pre-campaign image-building.

It is also true, as Mr. Nixon said, that limitations on TV campaign spending tend to favor the incumbent officeholder over the challenging officeseeker. This is because the incumbent has a built-in ability to generate free pubilicity through the conduct of his office, and is therefore less dependent on campaign advertising.

Partial solutions are better than none, however. The bill deserves enactment because, while not perfect, it constitutes a step in the right direction.

A future Congress, of course, can and should deal with other aspects of the problem—including one, the evils of the 30-second TV spot, which the President did not mention in his veto message.

The professional image-makers use these brief campaign commercials to sell the candidate very much as though he were a cake of soap. The object is not so much to discuss the issues as to avoid or distort them, not so much to display the candidate's real personality as to project a more robust and appealing facsimile.

As one practitioner told Times political writer Bill Boyarsky, "Nobody can be straightforward. You don't have time to be. You have to get in there with the most compelling, provocative statement for your client."

Even some political professionals worry privately about the corrosive effect of such campaign techniques on the democratic process. The suggestion has in fact been made that the 30-second campaign commercial be outlawed.

That may or may not be the best solution. But the problem, along with the whole business of political contributions and campaign spending, deserves continuing attention both from Congress and a concerned citizenry.

[From the Sacramento (Calif.) Union, Oct. 16, 1970]

SUBSTANTIVE LEGISLATION NEEDED: ALL CAMPAIGN EXPENDITURES SHOULD BE LIMITED BY LAW

The election campaigns now warming up throughout the nation will leave voters reeling under a barrage of publicity and advertising that will cost millions of dollars.

Hope that the cost of running for public office in the United States can somehow be held within reasonable bounds has not been brightened by the campaign-spending-limitation bill recently passed by Congress and now on the President's desk.

The bill would not take effect in time to put any curb on spending in this year's election. It is doubtful if it would achieve anything worthwhile in the future to control the spending that precedes our state and national elections.

When a campaign to elect one United States senator can cost $4.2 million—which was the case in California two years ago—representative government clearly is in danger. However, Congress has attacked only one aspect of the problem, and has done so in a way that is of doubtful effectiveness.

The bill imposes a limit only on what a candidate for major state or federal office can spend on radio and television advertising—in a general election, 7 cents for each vote cast in the previous election for the office he seeks, and in a primary election, half that amount. There is no restraint imposed on spending for other forms of advertising or other campaign activity.

While these prohibitions might keep one candidate from mounting a lopsided radio-television "blitz" to drown out his opponent, it is patently unfair to the broadcasting industry.

Moreover, the bill requires that radio and television stations sell time for political announcements at their lowest commercial rate for the same time period.

Broadcasters, whose business already is enmeshed in a forest of federal regulations, now would find the government dictating the rates they can charge for time.

The only valuable provisions in the bill would have no effect on campaign spending at all. It would relax the "equal-time" rule to make it possible for debates between candidates for president and vice president to be broadcast without offering the same time to candidates of obscure fringe parties. This would be in the public interest. But, it does not greatly sweeten an otherwise sour piece of legislation.

What is needed is substantive legislation that would restrain all kinds of campaign expenditures. It should be aimed at parties, candidates and their supporters—not at one medium or another among the many open for their promotional activities.

[From the Fresno (Calif.) Bee, Oct. 6, 1970]

PRESIDENT SHOULD SIGN BILL CURBING TELEVISION, RADIO CAMPAIGN SPENDING

Landmark legislation to curb the near-prohibitive costs of election campaigning in the United States has been passed by both houses of Congress and should be signed into law by President Richard Nixon.

The measure limits the amount of money which can be spent for television and radio

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political advertising. It would go a long way toward equalizing the chances of the less well-heeled candidates.

For years the rising costs of political campaigning have given unfair advantage to those candidates and parties with the richest coffers. This has resulted in discrimination against worthy independent candidates in particular.

In the 1968 presidential elections, the Republican party spent more than $12 million for radio and television to elect President Nixon, while the Democrats were able to raise only $7 million. This is partly why some Republicans in both houses fought the bill, though unsuccessfully. It is said Nixon may decide to veto it for technical reasons, but Democrats are convinced this is because the GOP's campaign chest is overflowing, while the Democrats are hard-pressed for funds.

It would become effective 30 days after enactment, but even if President Nixon does not veto it he probably will wait the full 10 days he is permitted before signing it, thus making it ineffective for this fall's elections.

The bill would limit spending on politcal broadcastng to seven cents per vote cast in the last general election or $20,000, whichever figure is higher. It would apply to candidates for president, vice president, senator, congressman, governor and lieutenant governor. It also would require broadcast stations to make political broadcast time available to candidates at the same rate charged any regular advertiser. In 1972, for example, the bill would limit such spending by national candidates to less than $6 million.

This is an important, long needed reform of the election process and should help revitalize true participatory democracy.

Colorado

[From the Denver (Colo.) Post, Oct. 16, 1970]

Candidate Commercials

Television has proved itself effective at selling soap and cosmetics. The obvious theme of much of this advertising is that the viewer will be transported not only to cleanliness but to happiness and the good life if he just switches to Product X.

This approach, unfortunately, seems to be growing as a means of "selling" the public on political candidates. Elsewhere on this page Columnist Russell Baker takes a humorous, but sharply critical, view of such politicking.

What's wrong with such advertising? Well, the main thing is that it doesn't get down to basics. It tries simply for product identification. It tries for an effect that makes the buyer think of a woodland glade when he buys cigarets or a beautiful girl when he purchases a mouthwash.

That's all right for selling—perhaps. But it certainly isn't all right when fundamental issues of government are involved. The best hope, of course, is that the American people will see through such candidate advertising.

But misuse of television could revive the candidate spending bill which Congress recently passed but which President Nixon vetoed. Limiting dollars spent in such psychological campaigns—and putting more TV attention on debating the real issues—could well be an important result of such legislation.

[From the Denver (Colo.) Post, Oct. 16, 1970]

TV Spending Limit Veto Wrong

President Nixon hurt his reputation as a responsible government leader by his veto of the bill to limit political campaign spending on radio and television. And the veto should be overridden.

"The problem with campaign spending is not radio and television; the problem is spending," Nixon's veto message said. "This bill plugs only one hole in a sieve."

This argument, like the sieve he mentions, won't hold water.

Television spending alone is the problem, as every politician knows. Used well, it is a communication medium of great political impact. But it is tremendously costly not only to buy television time, but to prepare the program material needed to use the medium effectively.

And serious students of American politics, as well as practical politicians, have long since established and documented the fact that the cost of television exposure is tending to drive men of modest means out of politics. It is tending to restrict candidates for major political offices to those who either have plenty of money themselves, or are willing to accept, for whatever reasons, the support of people with plenty of money.

Hence the bill made excellent sense with its proposal to limit campaign spending on radio and television to seven cents per vote cast for the office involved in the previous election, or $20,000, whichever was higher.

Lumping radio together with television in this restriction was probably a bit unfair to the radio broadcasters, but the limit itself was right and healthy for the body politic. It would have reopened politics to many good men of modest means who feel they can't compete honestly with the moneybags now.

Sure, as the President said, it would be better if Congress had approved some sort of limits on all campaign spending. That is what has to come eventually if this is to remain a politically healthy democracy.

But the limit on television spending was a good and much-needed start toward that goal, and the President was wrong to veto that beginning effort. We hope the veto is overridden.

Connecticut

[From the Waterbury (Conn.) Republican, Oct. 16, 1970]

TV Spending Veto Wrong

It is highly unfortunate that President Nixon had vetoed the bill which would have limited television and broadcast spending in political campaigns, beginning with the 1972 presidential election. The President's reasons for the veto seem somewhat artificial in the light of the inequities inherent in the kind of advertising campaign which can be mounted by a rich candidate, as opposed to a poorer one.

The President labelled the spending curb bill as a "wrong answer" which was "worse than no answer to the problem." He said by limiting the spending curb to only TV and radio, the candidates would simply use the same money, perhaps more, on other kinds of advertisements.

He further criticized the bill for setting a dollar limit rather than a time limit on broadcast campaigning, saying that it would discriminate against urban candidates who must pay higher rates for air time. By limiting TV and radio appearances, President Nixon said it would limit the "ability of many candidates to get their message to the greatest number of the electorate."

The fact that the administration has no plans to submit legislation of its own in the area of campaign spending raises the question as to whether the veto was not politically oriented. Many Republican candidates have vast personal fortunes, and hence are able to spend large sums on campaign advertising.

Since the President made special note of the fact that TV and radio advertising has great impact on the electorate, it seems strange that he is unwilling to correct the inequities in such advertising by equalizing the sums each candidate is permitted to spend by law.

[From the New London (Conn.) Day, Oct. 21, 1970]

Opinion of the Day: What Price Elections?

The privacy of the ballot box and the finality and fairness of the decisions made there are a priceless American heritage, refined over the years so that in all but a few small pockets the decisions made Election Day are unquestioned. Federal, state and local governments have spent much to insure honest elections, realizing that on the integrity of the ballot box rests the integrity of governments.

But the money spent to insure honest elections is a miser's mite compared to the inflated financing of modern political campaigns. Professional staffs this year are bigger than ever and newspapermen who have to do business with them find they know less about the campaign than ever before and share less information with each other, an application of Parkinson's Law to politics. Television drains the resources of a candidate faster than any other medium—and the public enjoys it less. Advertising agencies map campaigns of the most complex and expensive type.

One man running for governor in Florida has capitalized on growing voter antipathy to free-spending campaigns. He walked hundreds of miles down the center of the state, shook thousands of hands and saw what Florida really looked like. He's convinced this "cheap" campaign is the best possible one this year.

There are a number of serious dangers to free-spending. Too frequently, it takes a rich man to mount the original effort leading to nomination. The contributions can come from heaven knows what source—precious few of the donors are coughing up in the idealistic belief that they thus help keep the free election process solvent. Many, too many, feel they're buying a piece of the candidate.

And who keeps track of the money? It's a safe bet that there hasn't been an objectively honest accounting for major office in the cosmopolitan states in the last decade. A host of candidates of both parties now have committees operating for them in Washington, D.C., because Washington has no public disclosure law. (Few state laws are without loopholes, however.)

The saddest performance of all this fall was President Nixon's action in vetoing a bill which would have limited campaign expenditures. He did it, of course, because the money's on the GOP side this year and his own party will have the edge.

Voters ought to be getting just as cynical as the President. Since nothing can be done this year about better control of campaign spending and accurate accounting of who gives how much and where it goes, we'll just have to hope somebody will remember to pressure the 92nd Congress for such regulations when it convenes in January. We've all but outlawed buying elections in the traditional way; now it's time to do something about the more sophisticated money-changing in campaigns.

Delaware

[From the Wilmington (Del.) News, Oct. 3, 1970]

Limiting TV Campaign Spending

Among the politically ticklish issues waiting the President's return from his European tour is the bill limiting campaign expenditures for radio and television.

Rumor has it that the bill is headed for a veto. If so, it may turn into a welcome political football for the Democrats. And, just as important, the Republicans in Congress may not be able to sustain the veto and the President may suffer another humiliating override.

The measure in question would limit the amount of money candidates for the presidency, vice presidency, Senate and House, and governorships could spend on radio and television advertising. It also would eliminate from the equal time requirements television and radio debates between these major candidates. Finally, the bill would require broadcasters to charge their lowest rates to political office seekers.

The philosophy behind this campaign law, which has been heavily promoted by Democrats but has also had Republican support from such people as House GOP leader Gerald R. Ford, Mich., is, of course, to halt the spiraling costs of campaigns. In 1968, for instance, the Nixon-Agnew ticket spent $12 million on radio and television advertising alone, while the Humphrey-Muskie ticket bill ran to $7 million. The bill would limit spending in 1972 for television and radio advertising if any one party's national ticket to about $5 million.

Proponents of the measure also point to the traditional discrepancy between the funds available to the two major parties. Delaware is witnessing this kind of unevenness in funding in the present campaign. The Republicans far outgun the Democrats in both resources and the willingness to expand them.

President Nixon may see fit to veto the bill because it will make possible television debates similar to the ones in which he and the late President Kennedy engaged. These debates worked to Nixon's disadvantage. But in 1970, or two years hence, they may have exactly the opposite effect with a confident Nixon creating the better image. So this consideration would be a weak ground for a veto.

The other argument against the bill is that it limits campaign expenditures in one very restricted area without addressing itself to newspaper ads or to flyers or to any other vote-getting device. Sen. John O. Pastore, D-R.I., who helped steer the bill through Congress, has a sensible answer to this; the bill is only a beginning. One rarely gets a whole reform package at once; this would at least be a start.

If the President believes that political campetition should not be only for those who are wealthy or who are backed by wealthy organizations, then it seems he is dutybound to sign this measure. Sixty senators voted for it (and only 19 against) as did 247 representatives (with 112 against)—there is no reason why Mr. Nixon should not follow their lead.

Florida

[From the Miami (Fla.) Herald, Oct. 19, 1970]

Issue of Campaign Costs Won't Just Fade Away

The bill proposed by Congress—and vetoed by the President—to limit political campaign spending for television and radio time would have altered budgets in both Florida and the nation.

The bill would limit spending with a formula based on the number of votes cast in the last general election. The formula calls for 3.5 cents per vote in the primary election, and doubles that figure for the general election.

Based upon that, for example, candidates for President and Vice President in the 1972 elections would be limited to $5.1 million. Both the Democratic and Republican candidates spent more than that in 1968—the Republicans $12.7 million and the Democrats $6.1 million.

In Florida, using the 1968 campaign for U.S. Senate as a base, candidates for the Senate and governor in this fall's election would have been limited to some $61,000 in the primaries and about $122,000 in the general election coming up Nov. 3.

Most candidates for governor exceeded that figure. On television alone, for example, losing Republican candidate Jack Eckerd reported spending $189,000 in the two primaries; losing Democratic candidate Earl Faircloth $90,000; and the Democratic nominee, Reubin Askew, $75,000. The radio time would increase those totals. The television spending of Gov. Claude Kirk, Republican nominee, was not available.

There has been a growing public reaction against campaign overspending, particularly on radio and television, since the mass arrival of the canned commercial. Complaints center not only on the spending, but on the fact that a commercially produced television campaign tends to shield the candidate from the public rather than reveal him.

Just this week a national network newscaster, Frank Reynolds of the American Broadcasting Company, expressed objections to it and James Reston of The New York Times called "the cost of TV campaigning . . . the most corrupt and illegal scandal in the whole of our national political life." A book, The Selling of the President 1968, was a critical account of Mr. Nixon's television campaign.

There were valid general reasons for the President's veto of the bill—including the comment that it would simply divert spending elsewhere, did not deal with indirect spending in a candidate's behalf and would not affect an incumbent's built-in advantage of free media coverage—as well as a political one. The Republicans are in a position to outspend the Democrats this fall, and expect to be able to do the same in 1972.

In any case, public awareness and resentment of campaign overspending is growing, and the issue will not go away.

Georgia

[From the Albany (Ga.) Herald, Oct. 19, 1970]

Mr. Nixon's Partisan Hat

The President of the United States of necessity must wear two hats. He is the national leader. But he is also his party's leader.

Occasionally, the one responsibility is permitted to lap over into the area of the other. When that occurs, the President does not show to his best advantage. He is merely another partisan.

It is in the latter light that we view President Nixon's veto of a bill to limit radio and television time spending in political campaigns.

The fact of the matter is that President Nixon, like the majority in the House and Senate which approved the bill, has paid fulsome lip service to the proposition that no candidate should be able to "buy" political advantage in the electoral process by dominating the airwaves. The fact is too that the bill in question would have restricted candidates in their use of radio-TV by placing ceilings on such expenditures, admittedly while exempting the other media. But the point is that the score would have been better evened between the wealthy and the less affluent in this one significant regard.

Notwithstanding all of this, Mr. Nixon forbade the bill to become law. Almost apologetically, the President declared: "I am opposed to big spending in campaigns as I am to big spending in Government. But before we tamper with something as fundamental as the electoral process, we must be certain that we never give the celebrity an advantage over an unknown, or the office-holder an extra advantage over the challenger." Such concern is touching. But as a matter of practical politics, what the President's veto does, of course, is to perpetuate a current practice, which gives a decided political advantage to the candidate who can muster the most money for his cause. At the current reading, most of those candidates are Republicans. The GOP started this year's campaign with a surplus of $1.5 million. The Democrats, out of power in the White House, can hardly raise any interest—much less principal—on their debts of $9 million that still hang from the 1968 effort.

In this sense, Mr. Nixon has acted to preserve what might be labeled the "fair advantage" that the Republican Party now enjoys. The 91st Congress, at its lame duck session in November, could possibly muster the two-thirds majority to override the veto, but this is not likely. If the veto stands, Mr. Nixon himself will be the chief beneficiary in his 1972 re-election run.

If the President had said he was acting to preserve the status quo because politics is a hard business and he and his party had to avail themselves of every opportunity to maintain the upper hand over their opponents, that would have been one thing. But to have waxed moralistic and to have struck the high-minded posture in the grimy area of political spending was to have indulged in the absolutely absurd. Mr. Nixon vetoed the spending curb bill for reasons of partisan self-service. Everyone understands that. But everyone, naturally, does not approve.

The American people are not dense. They can still recognize a silky-smooth political operative when they see one. In the judgment of a great many of them, Dick Nixon is up for a past master's award.

Idaho

[From the Lewiston (Idaho) Tribune, Oct. 20, 1970]

The Campaign Problem Grows

President Nixon's veto of the bill limiting campaign spending on radio and television focuses attention on a serious problem in American politics.

The costs of campaigning are rising faster than the ability of many candidates to raise money. This tends to give an advantage to those who can raise money.

While a man with money has always enjoyed an advantage, the rapidly escalating use of the broadcast media gives him a further edge.

President Nixon is right, we believe, in objecting to the bill as discriminatory. In fairness to the broadcast media, any limit should be placed on total spending rather than on radio and television spending.

But a limit is desirable.

It is estimated that more than $100 million will be spent on this year's congressional election nationwide. Many candidates report difficulty in raising money, partly because of the economic slowdown.

The question of limiting spending has political overtones since the Republicans apparently can expect more money for the 1972 campaign. Democrats in Congress would like to blunt that edge. Aside from that, there is reason for concern that the continued rise in campaign costs, could tip the scales too decisively in favor of candidates with the most money.—Idaho Statesman, Boise.

Iowa

[From the Des Moines Register, Oct. 15, 1970]

Costly TV Campaigning

President Nixon's veto of the Campaign Broadcast Reform Act is disappointing. The bill falls short of providing an answer to all of the problems of campaign financing, but it represents a start toward coping with one of the major problems.

This is the skyrocketing cost of running for major public office, caused chiefly by the resort to "selling" candidates on radio and television. The election this fall is costing

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an estimated $150 million, about a third of it for radio and TV publicity. In New York alone, Governor Rockefeller's campaign for re-election is costing $1.5 million for broadcast time and another $400,000 for production costs.

The Campaign Broadcast Reform Act would put all candidates on an equal footing by requiring broadcasters to sell them time at the lowest rate charged commercial clients in the same time segment and by putting a lid on spending for particular offices. The limit is an amount equal to seven cents a vote cast in the previous election for that office or $20,000, whichever is greater. The limits apply to candidates for President, Vice-President, Senate, House, governor and lieutenant-governor. State legislatures are given the option of adding other state officers.

President Nixon's veto message terms the bill discriminatory, impossible to enforce and dangerous to freedom of discussion. He said it "plugs only one hole in a sieve."

The relatively small number of radio and TV outlets should make it practical to collect the data necessary for enforcement. The Federal Communications Commission already collects similar information. The bill's provision making the candidate responsible for all broadcast spending in his behalf should further ease the enforcement problem.

The measure is discriminatory in the sense that it singles out broadcasting, but that is the single biggest cause of astronomical campaign costs. The one hole in the sieve Congress has sought to plug is the largest one, the one most urgently in need of plugging. The candidate forced to live within these limits would still have ample opportunity to take his case to the people. We see no threat to freedom of discussion in the measure.

Congress has wrestled for years with the campaign financing problem to no constructive result. The laws contain more loopholes than anything else. The record is one of dismal failure to achieve comprehensive reform.

The Campaign Broadcast Reform Act is a small but significant step toward coping with the problem of runaway costs. Unless this problem is solved, public office will become the exclusive province of the wealthy or those beholden to the wealthy. Much more than the Broadcast Reform Act is required, but it is needed and it merits congressional action to override the President's veto.

KENTUCKY

[From the Louisville (Ky.), Courier Journal, Oct. 14, 1970.]

Mr. Nixon's Real Reasons for His Latest Veto Action

President Nixon's veto of a bill that would have reduced the costs of political campaigning is a disappointment. His reasons for the veto are unconvincing. To say, as he did, that he rejected the measure because it doesn't solve all of the problems of campaign financing, won't wash. Of course it wouldn't. No one said it would.

The measure he has probably killed, however, would have reduced the costs of campaigning on television and radio, and it is these media that get the lion's share of campaign budgets now.

If, as the President said in his veto message, the limitation of campaign spending on radio and television is the "wrong answer" to the problem, then what is the right one? What does he suggest as an alternative? Nothing.

A variety of proposals have been advanced to help correct the existing imbalance that makes it all but impossible for a poorly financed candidate to mount an effective campaign for public office. They include cash subsidies to parties and candidates by federal and state governments, tax incentives to encourage political donations, government subsidies of campaign communications. Mr. Nixon was silent on which if any of these approaches he would prefer to the bill he vetoed.

The cost of buying radio and TV time is an increasingly important part of the whole problem of political financing in a democracy, and Congress was finally willing to do something to stem this inflationary trend, only to have the President say no.

The bill also would have repealed the equaltime provision of the Communications Act to allow broadcasters to present debates and other appearances by major-party nominees without giving the same amount of time to fringe candidates. Broadcasters have favored repeal of this provision—but many of them would rather be stuck with it than see political spending on radio and television limited.

A REASONABLE ARGUMENT

Mr. Nixon's argument that the limitation discriminates "against the broadcast media" sounds reasonable. It would have been better to limit all forms of spending in political campaigns. However, the bill Congress approved did get at the most expensive form of political exposure, and one of the politicians obviously consider the most effective.

Television and radio spots also lend themselves to great oversimplification of issues and empty sloganeering.

There is another consideration. Radio and television are subject to Government controls that no other media are subjected to; the air waves belong to the people but are assigned by the Government to broadcasters. If Congress is to limit campaign spending in any of the media, radio and television would be the logical place to start.

President Nixon knew what he was doing when he vetoed the bill. He was preeminently the radio and television candidate in 1968, and spent twice as much on these media as the opposition; of course, he had twice as much to spend, as the Republicans usually do.

The National Committee for an Effective Congress worked hard for passage of the bill the President has vetoed. Russel D. Hemenway, its director, called the veto "the most flagrant example of partisan interest we have witnessed in NCEC's 22-year history." He said the real reasons for the veto were a Republican interest "in preserving the current GOP financial advantage" and a presidential effort "to avoid the possibility of meeting his 1972 opponent in open debate."

The latter was a reference to the section of the bill repealing the equal-time clause, the clause which Mr. Nixon used to his advantage to avoid a television debate with Hubert Humphrey in 1968.

It will be difficult for Congress to muster the two-thirds majority necessary to override a veto, but the effort ought to be made.

[From the Louisville (Ky.) Courier Journal, Oct. 9, 1970]

Reducing the High Cost of Politics

WE HOPE the speculation that President Nixon might veto a bill limiting political spending for radio and television time is not borne out. The measure approved by Congress could sharply reduce campaign costs that are rising out of sight.

Under the terms of the legislation, a candidate for President, Vice President, senator, representative, governor or lieutenant governor would be limited to seven cents for each vote cast in the last election for that office, or $20,000, whichever is higher. The spending is limited to half that formula for primary elections.

In addition, the bill requires stations, radio and television, to sell candidates time at the lowest rate offered to other advertisers. It also repeals the "equal time" provision of the Communications Act in its application to candidates for President and Vice-President.

This means networks could offer broadcast time to major party and "significant" third-party candidates without being forced to give fringe parties the same amount of time.

The whole problem of political financing in a democracy is a troubling one, and the high cost of buying radio and television time is a big part of the whole.

Ideally, candidates representing important viewpoints should have an equitable opportunity to express them; they do not now, unless they can come up with the cash for television and radio exposure. The measure now on President Nixon's desk would significantly reduce the cost of this kind of exposure. Republicans, who have more to spend, tend to oppose the bill, and Democrats tend to favor it because usually they have less to spend.

It would be a pity if the bill fails of final enactment because of partisan political considerations; in the long run, anything that will reduce the high cost of political campaigning should be welcomed by all parties.

[From the Louisville (Ky.) Courier-Journal, Oct. 23, 1970]

Senator Cook Just Blurs the Issue

Speaking here this week Senator Marlow Cook tried to defend President Nixon's veto of a bill that would have limited political spending on radio and television. In the course of his defense, he noted that this newspaper along with some others had criticized the President's veto; and he said: "It seems to me we've picked on one medium and let everyone else go free."

The implication is that *The Courier-Journal* is in favor of limiting campaign spending on radio and television but not on buying advertising space in newspapers.

That is not the case. In our editorial comments on the issue we maintained that the bill was only a first step, but an important one. We made it clear that we favor reducing the cost of campaigning across the board and in all media, including newspapers.

A BILL OF SIGNIFICANCE

However, the Political Broadcast Reform Bill vetoed by President Nixon was a significant move towards reducing campaign costs. The bill had the strong support of the National Committee for an Effective Congress, a non-partisan organization. Commenting on the veto, the NCEC declared:

"To rationalize the administration veto, it has been argued that this bill plugs 'only one hole in a sieve.' This is a smokescreen. There is no hole in the campaign sieve as large or important as the cost of radio and television. To advocate instead a catchall measure which deals with newspaper advertising, billboards and other campaign techniques, over which the government has no comparable controls, and whose cost and uses pale by comparison to television, is merely an effort to avoid the issue."

Senator Cook also justified the President's veto of the bill with the plausible-sounding argument that it would give an unfair advantage to incumbent officeholders. It is the same argument advanced in the veto message. It is specious.

For one thing, the real disadvantage most unknown challengers face is the problem of raising enough money to buy *any* air time at all. Furthermore, the advantage of incumbents or well-known candidates would be reduced, not enhanced, by the bill. Why? Because the TV and radio dollar would have greater purchasing power; the 25 to 50 per cent reduction in the cost of air time would give greater access to television and afford all candidates an opportunity to purchase at least a minimum amount of exposure at reasonable rates.

Mr. Nixon's veto of the bill was indefensible in logic and fact. The bill was the first significant campaign finance legislation to pass Congress, with bipartisan support, in almost half a century. It would have been the first step toward bringing the alarming increase in election costs under control.

We hope Congress overrides the veto.

MARYLAND

[From the Baltimore (Md.) Sun, Oct. 14, 1970]

LIDS OFF

(By Thomas O'Neill)

President Nixon successfully subdued his nobler nature as he approached the bill to put a rein on inordinate political spending for television, and his veto was full, firm and wholly partisan.

His inspiration was uncomplicated: The records on Capitol Hill showing that the big money contributors favor Republicans over Democrats, six to one.

It was apparently the first presidential veto ever of legislation restraining campaign spending, at least since enactment of the pre-television Corrupt Practices Act of 1925. Another first was that it was the only spending-limitation bill free of the loopholes by which Congress commonly makes sure that such laws are toothless.

The present administration early showed a coolness toward legal curbs upon profligate use of money in political campaigns, and the veto was thus in character.

Its position was made clear when the Department of Justice declined to prosecute a roster of delinquents from the 1968 campaign reported by the clerk of the House of Representatives as snubbing the long-standing requirement for accountings to campaign spending. The requirement on the books since 1925 thus became formally a dead letter.

Of greater concern to voters generally is the circumstance that the President's veto also struck down a provision to encourage debates between presidential candidates. Mr. Nixon clearly has no affection for such face-to-face encounters as a consequence of his unfortunate 1959 venture with John F. Kennedy, a meeting that cost him the White House then.

The sticking point that has blocked debates since that year, hand in hand with the coyness of incumbents who have no wish to give challengers a chance to score against them, is the equal time rule of the Federal Communications Act. It requires that broadcast time made available to one or more candidates must be provided all other candidates for the same office, the lunatic fringe included. The networks naturally offer no time to candidates while they face this restriction, and there are no debates.

That inhibiting provision would have been nullified by the vetoed bill. It had been suspended by Congress in 1960 for that campaign only. President Johnson saw to it that there was no suspension in 1964, when he was a candidate, and Congress since declined to lift it.

Its repeal would have been in the public interest in future campaigns, on the evidence that the Nixon-Kennedy debates stirred election interest on the part of millions who otherwise regard the candidates as remote. Mr. Nixon's veto message spoke of the bill before him as an impediment to freedom of discussion, but slid past the topic of free discussion between presidential candidates.

The basic purpose of the legislation was to make the now indispensable television screen available on roughly equal terms to all candidates, the impecunions as well as the loaded. As it is, the candidate able to finance unlimited brief commercials—now professionally esteemed above any other use of the airwaves, partly because their message is on and off before the viewer can get to the television set to switch channels—enjoys a distinct advantage over an opponent unable to get up the scratch.

The legislation undertook to come to grips with this inequity by limiting spending to 7 cents per vote cast for the same office in the preceding election, with an overall ceiling within the reach of serious candidates. Congress, which essentially is a collection of candidates, succumbed to greed at this point, and attempted to make the broadcasters involuntary contributors to campaigns by legislating cut rates for political candidates.

A hopeful sign is that a number of candidates in the campaign now under way have voluntarily entered into agreement with opposing candidates to adhere to the limits the abortive bill would have imposed, or mutually agreed limits.

Such an agreement was sealed in Ohio by contenders for the United States Senate, Robert Taft, Republican, and Howard Metzenbaum, Democrat, the second of whom won his nomination by lavish spending on television. Senator John Pastore of Rhode Island, parent of the bill vetoed by Mr. Nixon, has a similar understanding with his Republican challenger, the Rev. John M. McLaughlin, a priest to whom the limitation was probably highly welcome. In Michigan, Senator Philip A. Hart and his opponent, Mrs. Lenore Romney, agreed to spend no more than $170,755 each on all forms of advertising.

For other candidates, the lid is off, thanks to the President.

MASSACHUSETTS

[From the Boston (Mass.) Globe, Oct. 21, 1970]

PUBLIC OFFICE: IS IT FOR SALE?

President Nixon's message accompanying his veto of the bill limiting political campaign expenditures is one of the most plausible communications that will be awaiting Congress when it reconvenes after the election. A vote to override the veto will be high on the docket at that time. If Congress reads the President's message carefully, it will find that his stated reasons for vetoing the bill are the very reasons which most persuasively argue for overriding the veto.

Mr. Nixon concedes that the bill he has vetoed "is aimed at highly laudable and widely supported goals of limiting political campaign expenditures and preventing one candidate from having an unfair advantage over another."

This is indeed the bill's aim. It would limit the sums that candidates for major elective office may spend on radio and television to seven cents per vote cast for the office in question in the last election or $20,000, whichever is greater. Contrast this with some expenditures of candidates in next month's election, and the need for legal limitation cannot be lightly passed off.

Rep. Richard Ottinger (D-N.Y.) spent $1.8 million on radio and TV in his primary campaign for the United States Senate and is spending an estimated equal sum in the current campaign. Sen. Ralph Smith (R-Ill.) will spend an estimated $1 to $2 million on radio and TV in his campaign for reelection. New York's Gov. Rockefeller (R) had a TV and radio budget of somewhere between $2 and $5 million in 1966 and will spend at least that much in the current campaign. In Texas where it is virtually impossible to get figures on spending, both the Republican and Democratic candidates have what the Committee for An Effective Congress calls "multimillion budgets." Sen. George Murphy (R-Calif.) is another of several who is spending well over million is his campaign for reelection.

The Republicans spent $12 to $13 million on television to elect Mr. Nixon in 1968, and the Democrats spent $6.1 million on TV in the Humphrey campaign. It is fair to wonder whether the difference in TV funds contributed to Mr. Nixon's win. The Congress seems to believe this is possible, for its bill would limit TV spending to $5.1 billion per party in 1972.

The need for a limitation is demonstrated by the fact that total radio and TV expenditures by all candidates in 1968 was $59.4 million, up 70 percent over the previous figure. A large part of it was for so-called spot plugs which usually serve no purpose except to denigrate the opposition through innuendo. The suggestion that candidates thus are buying public office may be unfair. But even if the suggestion is as wide of the mark as may be, it nevertheless does demonstrate that an unfair advantage accures to the candidates who either are very wealthy themselves or have access to lush contributions.

"Nearly everyone who is active in the political process wants to find some way to limit the crushing and growing cost of political campaigning," Mr. Nixon has conceded.

This being so, his argument that the bill he has vetoed does not put a limit on all avenues of expenditure is not compelling. The answer to his objection is not to throw away the limitation that has passed the Senate by a vote of 60 to 19 and the House by 247 to 112. The answer is to save what the Congress has done and improve upon it as time goes by. Mr. Nixon, in vetoing the bill, has scored what might be called debater's points. But a reading of his message suggests that it must have been written with tongue in cheek.

[From the North Adams (Mass.) Transcript, Oct. 17, 1970]

AN ILL-ADVISED VETO

Although the tears being shed by some of his critics probably have a touch of the crocodile, President Nixon rates no cheers for his veto of the bill which would have put ceilings on the amounts political candidates could spend on radio and television advertising.

Not that the bill was an exceptionally good piece of legislation. It had obvious faults and quite likely would have fallen short of achieving what its sponsors hoped.

But it was a long way from deserving President Nixon's description of it as "worse than no answer at all" to the problem of soaring campaign spending.

And he didn't have to veto it.

That was where his action was open to question. He could have returned the measure to Congress, noting his objections to the bill as it stood, and suggesting that it be amended to become more acceptable.

In using his veto power, however, he quite possibly delivered a death blow to the reform. For, though the proposal was supported by more than a two-thirds vote in both houses—and a bipartisan vote, at that—it is much more difficult to obtain a two-thirds vote to override a presidential veto.

The veto enabled Democrats to charge that the President was acting from partisan political motives. And that charge means, naturally, that Republicans who were recorded in favor originally will be reluctant to vote to override.

The bill had flaws. For example, as the President correctly pointed out, it placed curbs only on radio and television advertising, leaving candidates a free hand to spend in other forms of campaigning.

Nor did it make any satisfactory provisions for enforcement. There necessarily would be a time lag between violation and detection, and a winning candidate might be complacent about public censure after the votes were counted.

Surely, though, these were remediable faults. They could have been corrected if the President returned the bill with a request for amendments—especially if he himself were to suggest ways to tighten the loopholes.

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And in any case, if they were serious faults, they would become apparent in practice and could be repaired, just as has many other inadequate legislation.

Other objections by the President were trivial. He said the bill would give an advantage to incumbents, who have more opportunity for exposure. But that is true now, as the President certainly must be aware. And his complaint that the government would be cast in the role of placing price controls on a private industry is not valid. After all, radio and television already are under governmental regulation.

Most of the wails are coming from Democrats because they perceive, rightly enough, that the White House has built-in resources for campaigning and wants to keep them. If the situation were reversed, they undoubtedly would be not so receptive to reform.

But unbridled political spending is an evil that has been recognized for a long time, and it is too bad that President Nixon seems to have closed the door against reform, however imperfect, by his veto.

[From the Fall River (Mass.) Herald-News, Oct. 15, 1970]

Nixon Vetoes TV Spending Bill

Congress seems uncertain about whether the President's veto of the TV spending curb measure will be upheld. There is considerable criticism of the veto, but a prevailing sense that on this question, the final vote may follow party lines. If it does, then the number of votes to override may fall short of the two-thirds needed to make the TV political spending limit a law, even without the President's approval.

In explaining his veto, the President ponted out flaws in the measure, which in his opinion invalidate it as a solution to the problem of holding campaign expenditures within reasonable limits. Some of the points the President makes are reasonable enough, but they seem at a tangent from the main issue, which is how to equalize the TV exposure of candidates, especially national candidates, in a presidential election year.

Most observers, however, believe the President's motive was both personal and political. As matters stand, the Republican Party has far more funds at its disposal to purchase TV time than the Democrats. The veto is therefore considered to be an attempt by the President to ensure that the party he heads will retain that advantage.

This is, however, precisely the kind of advantage the measure is intended to limit. Unless the President makes a much stronger case for his veto than he has up to date, Congress should override it and impose limits to campaign spending on TV.

[From the Worcester (Mass.) Telegram, Oct. 15, 1970]

A Political Veto

President Nixon's veto of the bill to limit radio and television campaign spending proves that it is going to be very difficult to get any workable controls on political funds.

Although Nixon tried to justify his veto on principles, it was politics that decided the issue. Had he signed the bill, he would have hurt the Republicans more than the Democrats. The GOP spent $12.7 million in the 1968 elections, while the Democrats spent $6.1 million. The bill would have restricted radio and TV spending for each party's national ticket in 1972 to $5.1 million.

Some of Nixon's objections are valid. The bill would be hard to enforce. It would not put any limit on campaign spending, but only on spending for radio and television. It might work unfairly, in that candidates from large cities would be allowed only a few minutes of TV commercials, whereas other candidates from rural areas would be allowed to blanket their whole area with political commercials.

Still, the bill was a significant first step toward campaign spending reform. It could be better strengthened in the ways Nixon suggested, rather than killed outright.

It is really no justification to say that a Democratic president would probably have done the same thing. If we are to have effective control of the rivers of money that now are influencing elections in this country, somebody will have to make some tough, unpopular decisions.

Unless the bill comes back in revised form, or the veto is overridden, there will be no progress toward such decisions.

[From the New Bedford (Mass.) Standard-Times, Oct. 2, 1970]

Reins on Election Costs

Loosely drawn it may be, as an opponent charged in the Senate, but the political broadcast reform bill sent to the White House by Congress is a long-needed effort to make U.S. elections cleaner and more representative.

By limiting the amount a candidate can spend for television and radio, which takes the greater part of the campaign purse, the measure lessens the headstart that wealth lends to pursuit of public office.

But it would be inaccurate, as well as naive, to say, as did Sen. Pastore, D-R.I., that the reform is needed to "give an equal opportunity to the poor man as well as the rich man . . ." The well-qualified poor have plenty of opportunity for political careers in this nation.

Richard Nixon certainly wasn't a rich man in 1960, when he lost the presidency by 115,000 votes; nor was Harry S. Truman, when elected in 1948. And, we would say, wealth is not one of the political assets of any of the Massachusetts delegation in the U.S. House or of its junior senator, Edward Brooke.

Conversely, however, unlimited financial backing available for television is almost enough of itself to put a person in important political office, with pertinent qualifications being secondary. And when one candidate is spending heavily on such a medium, the others feel they must, too, which leads to excesses in raising the funds and to unwise commitments in accepting some.

The ceiling proposed by Congress—7 cents for every vote in the previous election for the office the candidate seeks—would apply to candidates for President, vice president, Congress, governor and lieutenant-governor.

In New York State, for example, this would mean a limit of $460,000 for television and radio in a U.S. senatorial candidate's budget. One current candidate is reported to be spending four times that.

It may be a weakness of the bill that some so-called lesser offices were not included. Having an aspirant for attorney general spending more than the gubernatorial candidate—and generously inviting him to appear as his TV guest—looms as a possibility, and a loophole.

Although some Republicans voted against the bill, they would seem to have less at stake than Democrats in a curb on such spending. The "in" party is the GOP, which means that the normal TV exposure of the President would help their cause. Moreover the vast labor union spending, traditionally Democratic in flavor, would be less of a factor.

Mr. Nixon has been reported both as resigned to the measure's becoming law, and preparing a veto. He should approve it. Campaign spending is becoming a disgrace in its extent, and a bore in its incessant demands on the electorate. And the greater it grows, the greater the chance for unwanted influences to claim, via the dollar, a share of a political aspirant's attention.

This reform would cut down over-all spending and deserves a chance. If the President wants to delay signing it until a date that precludes its being effective until after the elections in November, that is understandable. But let it become law.

[From the Detroit (Mich.) Free Press, Oct. 19, 1970]

No Reason for a Veto

President Nixon raises some good arguments against the campaign spending bill he vetoed last week. But they are few and late. By withholding them until now, Mr. Nixon has made it difficult for his friends to be enthusiastic about the veto, and difficult for friends or enemies to believe that partisan motives played no role in his decision.

Mr. Nixon's complaints were several: That the spending restrictions were neither foolproof nor, in effect, even-handed; that enforcement would have been difficult and potentially disruptive; that the bill left incumbents at an advantage over challengers, and imposed severe restrictions on television while ignoring other media.

But the flaw in these complaints is that they could be raised against almost any beginning step toward spending reform. The incumbent of any newsworthy office always holds challengers at a publicity disadvantage. If enforcement of this bill would have been difficult, so too would enforcement of any restriction real enough to tempt violation. If the spending restrictions were a good deal less than perfect, surely this is a universal truth of first efforts at reform and regulation, a truth that can be spoken by any critic so inclined.

Mr. Nixon was inclined not only to voice these objections, but to use them as a rationale for an outright veto. And here politics must be mentioned. For the veto plainly favors the comparatively well-funded Republicans at this point in political history, and political lieutenants were prominent among those urging Mr. Nixon to cast it. Neither of these truths has been lost on the Democrats, and now the well of campaign reform is poisoned with partisan antagonisms.

This is a legacy of Mr. Nixon's veto, whether he intended it or not. Of course, a larger legacy is delay in legislating campaign reforms. In this exclusive attention to television, the vetoed bill went to the source of the most blatant abuses. It left the challenger handicapped against incumbents but did upset his present, double disadvantage to incumbents and rich men as well. It was indeed only one plug in a sieve, but it was better than none.

All of which is to say that the nation needed to make some beginning, however imperfect, toward diminishing the role of wealth in government and grappling with television's unique influence as a political instrument. If Mr. Nixon had ideas about how the beginning should be made, he could have offered them earlier. Failing that, he should have stood aside and given others room to try.

[From the Detroit (Mich.) Free Press, Oct. 6, 1970]

Say It Ain't So, Prez

The President, word has it, may veto a recently passed bill limiting campaign expenditures for radio and television. We must hope word has it wrong.

The arguments offered in favor of a veto are several. Some say that the TV-spending bill is an incomplete attack on the problem of campaign costs, and that it would disadvantage challengers since incumbents get exposure in regular news coverage. Some say the President will veto the bill because the Republicans are better funded than the Democrats at the moment, and would therefore be more seriously limited by restrictions on spending.

That the bill would tend to discriminate against challengers is true, but not necessarily pertinent. Such an argument could be raised against any reform measure, since the publicity advantage of incumbents is natural and all but unavoidable. A greater truth is that, without the TV reform bill, many challengers will remain at a twin disadvantage both to incumbents and to any contender with easy access to money.

The partisan argument for a veto is strong. It is true that the Republicans are financially better off than the Democrats at this point. And the Nixon administration has been almost desperately interested in forging Republican political gains, to help Mr. Nixon deal with his adversaries in the Congress and elsewhere.

Partisan politics are part of government in a democracy, of course, and any president who wants to be more than a caretaker must worry about them. But there are lines that must be drawn, and partisan interests to which the White House cannot responsibly be devoted. A partisan veto of the TV-spending bill would be sadly out of bounds.

For the truth is that the influence of wealth on American politics has been little short of scandalous. The fancy spending going on at this very moment in New York's senatorial campaign is one of the largest political outrages in recent memory.

It is time to break the political advantage of wealthy men and moneyed special interests, and to grapple with television's unique influence on the political process. If the TV-spending bill is only a partial step, it is far better than none at all. The President ought to sign it.

MISSOURI

[From the Kansas City (Mo.) Times, Oct. 20, 1970]

CANDIDATES AND THEIR TV RATINGS IN AN ELECTION YEAR

President Nixon has vetoed the bill that would limit political campaign broadcast spending. He said that it was worse than no answer, that it was the wrong kind of answer. He compared it to plugging only one hole in a sieve.

Essentially the measure would have put a ceiling on such expenditures based on a ratio of dollars and the number of voters in previous elections. On the basis of the 1968 election, for example, presidential and vice-presidential candidates would have been limited in 1972 to 5.1 million dollars. (In 1968 the Nixon-Agnew TV-radio campaign cost more than 12.5 million; Humphrey-Muskie appearances cost just over 6 million.) It also would have repealed the "equal time" section of present law and thus would have let broadcasters set up debates on the national level wtihout having to give time to splinter groups.

The bill may not have been perfect but it was the only one we had. The President's veto is to be regretted. The selling of candidates, whether for the presidency or for the lowest office in the land, ought not to be predicated on an electronic brainwashing of the voters. We are not referring to public service debates or interviews. But much of the current campaign literature emerging over TV in recent weeks seems based on the lowest common denominator of voter intelligence.

How many political commercials have you seen that emphasized the handsome appearance of the candidate and his winsome personality? How many have you seen that got into issues that concern the American people in 1970?

All candidates are against crime in the streets, inflation, injustice, poverty, cruelty, war, rioting and disease. But very few have the inclination to say exactly how all these ills will be wiped out by the election of the face on the screen.

The Republicans have the money now and naturally they are in favor of unrestricted expenditures for candidate exposure. If the Democrats were in power and had the big bankroll instead of a debt from 1968, their attitude might be the same.

The novelty of candidates packaged like soap or frozen pizza has in undeniably powerful effect on the course of elections. In his veto the President said that the bill would "give the celebrity an advantage over an unknown."

Certainly the present system gives the extremely rich a powerful advantage over the candidate of modest means and small financial backing. Candidates who have been unknown for the very good reason that they had no qualifications except a lot of money have won important races in recent months. Eventually the show biz effects of TV politics may wear away. But in the meantime elections are being held and restraints probably are in order. The issue will be back again in the next Congress. It is unfortunate that it couldn't have been settled this year.

[From the St. Louis (Mo.) Globe-Democrat, Oct. 24, 1970]

VETO FATE MAY RIDE ON MONEY

WASHINGTON.—When Congress returns next month after the elections, it will be fascinating to see whether members who have been bloodied during the campaign through lack of money will be ready to override President Nixon's veto of the measure to limit broadcast spending.

The word here is that many candidates in both parties are having serious difficulty in putting their cases before voters because they are unable to raise the needed funds.

The Republicans' national treasury, while not overflowing, has done well in raising money. But the checks which the GOP campaign committees distribute to individual candidates around the country usually cover only a fraction of the bills that must be incurred on the actual firing line.

The Democratic National Committee and its associated organizations suffer from internal party strife and the simple fact that Republicans control the White House and the executive departments. Donations to the national Democrats are perhaps only 20 per cent of the Republican total.

The reliable weekly magazine National Journal, after making a detailed survey across the country, concluded that the squeeze on candidates generally is more excruciating this year than ever before.

Costs of running for office are at a record high, and the economic slowdown has cut deeply into political giving, the magazine found.

In Princeton, N.J., Herbert Alexander, director of the Citizens Research Foundation, and probably the most knowledgeable campaign-money watcher, estimates that $150,000,000 will be spent this year on all major campaigns.

Where does such money come from? It comes from wealthy candidates and these relatively few wealthy people who are willing to write large checks. It comes from labor unions and corporations which use various devices to circumvent the law forbidding them to give. It comes from special-interest groups which concentrate on the strategically placed congressional committee members who can make or break their causes.

Some of the money even arrives in small checks of $5, $10, and $25. This is the kind most office-seekers like to see because no strings are attached, and the givers motives are pure.

Everyone involved in national politics has long known that the two federal laws which seem to regulate campaign finance are worse than useless. They merely give the appearance of imposing some limits on spending and of requiring public reportnig.

President Johnson called one of the federal laws "more loophole than law." By common consent, the laws were not enforced by either party. Starting in the closing years of the Johnson administration and continuing in the Nixon administration, a number of prosecutions have been brought, mainly against corporations and labor unions.

But nothing has been done, because of the murkiness of the laws, about candidates and their finance chairmen who received illegal contributions.

The bill which Congress finally sent to President Nixon was the beginning of an effort to straighten out the money mess, mainly by setting realistic ceilings on TV and radio spending by candidates for President, Congress, and governor.

In his veto, Mr. Nixon called the measure a "wrong answer" to an admitted problem.

He said, correctly, it would have given an advantage to incumbents and other candidates who are already well known to voters. He did not mention that as long as Republican national groups can far outdo the Democrats in fund-gathering, the GOP is better off without the proposed new law.

But non-presidential candidates, Republican and Democratic, may feel differently, judging from their current financial horrors as described in the National Journal article. If so, they'll have their chance when Congress reconvenes and considers whether to override the presidential veto.

[From the St. Louis (Mo.) Post-Dispatch, Oct. 15, 1970]

PARTISAN FLUMMERY

For the second time this month President Nixon failed to match words and action. First it was the constitutional amendment to permit the direct election of presidents, a concept which Mr. Nixon has endorsed glowingly. But having benefited politically from the archaic electoral college system, he refused to lift a finger for the reform cause when the crunch came in Congress. As it stands, only a herculean effort by Congress can resurrect it.

Now it is the bill to limit spending by political candidates for television and radio broadcasting, which the President described as a "highly laudable and widely supported goal." The trouble is those words came in a message accompanying his veto of it. His rationale is that the limitation would give an unfair advantage to the candidate who is already known, fails to limit spending on other forms of advertising and thus, "plugs only one hole in a sieve."

Surely even the most partisan Nixon cheerleader can see such arguments for what they are: pure flummery spawned by the same partisan self-interest that led Mr. Nixon to permit the demise of the electoral college reform amendment. Whether campaign expenditures are limited or not, the known will always enjoy a certain advantage over an unknown opponent. It is the richly financed advertising blitzes on the electronic media that can make unknowns such as Illinois Senator Smith into household words, as Mr. Nixon knows.

Mr. Nixon's real motive in vetoing the TV spending bill is obvious. His Republican Party specifically and its candidates in general have more money than the Democrats and the President wants the advertising advantage it gives them left as is. The wholly independent, nonpartisan National Committee for an Effective Congress described Mr. Nixon's veto as "the most flagrant example of partisan interest we have witnessed in our 22-year history." We can only concur.

[From the Kansas City (Mo.) Times, Oct. 26, 1970]

CANDIDATES AND THEIR TV RATINGS IN AN ELECTION YEAR

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NEBRASKA

[From the Lincoln Evening Journal and Nebraska State Journal, Oct. 16, 1970]

VETO ON TV SPENDING BILL

Everyone has been saying something ought to be done about the high cost of campaigning for state and national offices.

Congress finally came up with a bill to limit radio and TV campaign spending for certain high offices, not a perfect bill, possibly not even a good bill. At least President Nixon didn't think so.

In vetoing it he gave some rather plausible reasons:

It would limit only radio and television spending, and candidates would simply use the same money—perhaps even more—on newspaper ads, billboards, pamphlets and direct mail.

By limiting television and radio appearances, it would "severely limit the ability of many candidates to get their message to the greatest number of the electorate."

By requiring broadcasters to charge candidates a minimum rate, it would put Congress in the business of setting rates for a private industry, "a radical departure."

It would raise the possibility that an election result might be challenged and determination of a winner might be delayed.

It would not affect the incumbent's built-in advantage of getting free media coverage but would place a limit on the challenger's ability to counter this advantage, endangering "an integral part of the American political tradition."

To sum up in his veto message the President said, "I urge that the Congress continue to analyze and consider ways to reach this goal through legislation which will not restrict freedom of discussion, will not discriminate against any communications medium, will not tend to freeze incumbents in office, will not favor the famed over the worthy but little-known, will not risk confusion and chaos in our election process and will not promote more rather than less campaign spending."

Then after all that the White House said, "We don't have any legislation in mind, but we recognize this as being inequitable."

The cynics may be forgiven for raising a few doubts of their own.

The cynics can also wonder about the unfairness of it all when the Republicans have a fat purse and the little known "outs" have famed friends with well known names such as Tricia, Richard and Spiro who are willing to spare no time, words or expense to come to their rescue.

In the meantime the really little knowns, the voters, are the victims. The high cost of campaigning is seriously limiting their choices. There is rarely a serious contender in the primary against an incumbent and too often a voter may be faced with voting not for what would be his real choice but what he may consider the lesser of two evils.

While Congresses and administrations (the ins) fail to come to grips with this issue, the very foundations of government are being weakened by making it impossible for qualified persons (but not rich) to get into the political game.

NEW JERSEY

[From the New Brunswick (N.J.) Home News, Oct. 14, 1970]

TV SPENDING CURB VETO IS UNWISE

President Nixon's veto of a bipartisan bill to limit radio and television spending in political campaigns will almost certainly make a political issue out of the first significant effort to reform campaign finances in 50 years.

While correctly pointing out that the reform measure does not provide a full and adequate solution to the problems of excessive campaign spending, the President has offered no substitute bill. And this, to use the President's own words in his veto message, is "worse than no answer to the problem."

Rapidly increasing use of radio and television advertising is the major reason for the almost ruinous expense of running for high office. The bill the President vetoed would have limited spending for TV-radio time to $5.1 million for each party's national ticket in 1972.

It has not gone unnoticed by Democratic supporters of the TV spending curb that in 1968 the Democrats spent $6.1 million while the Republicans laid out $12.7 million in a TV campaign which has since become the subject of a best-selling book on the "selling" of the presidency. And the GOP's coffers are still bulging while the, Democrats bemoan their starvation diet of campaign funds.

Party fortunes have a way of changing, however, and no meaningful reform of campaign finances can be made if congressmen—and the president—have one eye on their party's balance sheet.

The bill President Nixon has vetoed was a significant and reasonable first step in a bipartisan effort to curb flagrant excesses in campaign spending. If Congress is truly concerned about this serious problem, it will reject the President's criticism and override his veto on a bipartisan basis.

[From the Trenton (N.J.) Times, Oct. 14, 1970]

NO LIMITS ON TV

President Nixon, in his veto of a bill to limit campaign spending on television and radio, has warned Congress of the pitfalls risked by an attempt to "tamper with something as fundamental as the electoral process."

The TV blitz that has proved able to nominate and elect candidates with enough money to spend on political spots is not, of course, fundamental to the electoral process. It's a special development of modern campaign technology whose excesses have gone beyond the point that needs control.

Under the legislation vetoed, a candidate could spend on broadcast advertising no more than seven cents for each vote cast in the preceding election, and radio-TV stations could charge political candidates no more than their lowest commercial rate. The bill is not ideal, and some of the flaws pointed out in the Nixon veto message—for example, the permissible amount will buy several times as much TV advertising in Wichita as it does in New York City—are valid ones.

But the controls approved by Congress might work a great deal better than the veto message admits, and surely better than the present absence of effective regulation. Since the administration did nothing to secure legislation to its own liking, the onus for the continuation of uncontrolled campaign spending on radio and TV lies squarely with the President.

[From the Atlantic City (N.J.) Press, Oct. 15, 1970]

IT WOULD HAVE BEEN A START

Overwhelming surprise was not one of the effects of President Nixon's veto of the bill setting tough limits on radio and television commercials in election campaigns.

Politicians had been expecting it, and had made no secret of the fact.

Whether he felt smug or gloomy about the prospect depended on whether the politician was a Republican or a Democrat.

Everyone knows that Mr. Nixon is a Republican and most people are aware that the Republicans are the financial fat cats while the Democratic Party in this respect makes the average homeless alley cat look well-fed by comparison.

So it is not hard to understand why the Democrats, struggling painfully to get out from under a huge debt piled up during the 1968 presidential campaign, favored limiting expenditures on TV and radio; nor why the GOP, sitting high on its bulging money bags, saw the issue from a different angle.

Naturally, a White House official promptly denied that political considerations were behind the veto.

Indeed, the President's veto message to Congress had a measure of logic in it when he said that the bill "plugged only one hole in a sieve."

It seems rather strange that the measure would not have included limits on all the other (legitimate) ways of spending money to influence voters. After all, the Democrats are strapped all around, not just for broadcast money.

Some were surprised by the fact the bill got through the Senate and House without any great strain. Which may be partly because some of the Yes votes were cast by lawmakers who figured on the veto.

A vote in favor of the spending limit would look good to constituents, and as in all election years, a lot of hastily adjusted halos are appearing on congressional noggins.

The President, an experienced politician, demonstrated that he is capable of learning new tricks after losing out on two previous vetoes. He waited until the last day he could legally have vetoed the bill. With the boys in Congress off to campaign, with the usual lame duck shenanigans in prospect after the election, it would take a real optimist to think that the veto could be overridden.

And if the Republicans remain rich and the Democrats poor there seems to be no shining hope for such a bill next year.

But one good bet is that you will continue to hear official and unofficial spokesmen for the White House aver that no politics was involved in killing off of this bill.

NEW MEXICO

[From the Albuquerque (N. Mex.) Journal, Oct. 3, 1970]

LIMIT CANDIDATE SPENDING

President Nixon should not bow to his party's pressure to veto a bill to limit the amount political candidates may spend for broadcast time.

The measure has received congressional approval but Republican leader Hugh Scott has hinted he wants Nixon to veto it. Other Republican congressional leaders are also critical of the measure.

Spending for radio and television in general elections would be limited to seven cents for each vote cast in the last general election or $20,000, which ever is higher. In primary elections, candidates would be limited to half that amount. The limits would apply to contests for President, vice president, the Senate, House, governor and lieutenant governor.

Objective of the bill is equalization of the exposure candidates receive on radio and television. More and more the electronic media is being utilized to saturate the nation's living rooms with the images of well-heeled candidates. The measure should be the forerunner to other controls on candidate spending which would bring such expenses more in line with the salary the official receives and the influence his position implies.

Republicans argue the bill would force candidates to use less economical methods of exposure and thus would not alleviate the present dilemma. They also argue such limits would amount to subsidization of candidates and establishment of advertising rates by statute. Others argue that such a control would tend to "lock in incumbents" whose image is relatively well-known.

The trend in recent years has been for more and more political candidates to "buy" elections with saturation appearances on the "tube." Such exposure has been denied their less affluent opponents. Republican arguments notwithstanding, the measure should be permitted to become law.

NEW YORK

[From the Buffalo (N.Y.) Courier Express, Oct. 14, 1970]

A REFORM VETOED

President Nixon has pointed out a number of imperfections as his reasons for vetoing the bill which would limit political-campaign spending on radio and television. But real as these imperfections may be, they are not enough to offset the importance of narrowing the advantage which access to rich treasuries gives some candidates.

Mr. Nixon is right, for instance, in suggesting that ceilings on political spending should not be confined to broadcasting. They should apply to other media as well—"magazines, newspapers, billboards, pamphlets and direct mail." But the impetus to the bill at hand is the fact that campaign costs are soaring because of the overwhelming use of the broadcast media, particularly television.

The President stretches things a bit in arguing that the bill would strike "a serious blow" at the right of "any little-known but highly qualified citizen" to run for office. For he fails to add that this bill also strikes a blow at the advantage this little-known citizen—and any other candidate—has if he hefts a bigger bankroll than his opponent, whatever the qualifications. The President also wanders in saying the bill would give an incumbent an advantage because of the free TV time he commands. An incumbent—particularly a president—has that advantage now.

We suspect the decisive factors were not even mentioned in the veto message. One is the lushness of the Republican treasury, especially in contrast with the Democratic. The other is the bill's repeal for presidential and vice presidential races of the "equal-time" section of the Federal Communications Act. This clause effectively prevents debates between candidates on free time, a protective exclusion Mr. Nixon no doubt is eager to preserve at least through 1972—when he is likely to run again.

Passing the bill over the veto, which Congress should now attempt, would not excuse Congress from promptly correcting other weaknesses and omissions in political-spending rules. But it would at least be a needed step.

[From the New York (N.Y.) Times, Oct. 14, 1970]

PARTY AND PRINCIPLE

President Nixon's veto of the bill to curb radio and television spending in political campaigns is a transparent and deplorable act of partisanship.

Everyone, including the President, now gives lip-service to the concept that limits should be set on the advantages that money can buy in the election process. Yet the first significant attempt in a quarter of a century to curb the inequities of campaign finance—a measure passed overwhelmingly by both houses of Congress—is vetoed by the President himself.

The reasons given are both glib and contradictory: The bill "plugs one hole in a sieve." Of course, but it is by so much the greatest hole that the others are minor leaks Congress can patch up in another session. It "unfairly endangers freedom of discussion." By preventing one candidate from buying up ten times the volume of broadcasting that his opponent can afford?

The law, Mr. Nixon goes on, would "favor the incumbent over the officeseeker." Arthur Goldberg, running against incumbent Governor Rockefeller, will be glad to know what he has escaped. The moral may be less clear to incumbent Senator Goodell running against monied challenger Richard Ottinger. And the bill would "severely limit the ability of many candidates to get their message to the greatest number of the electorate." Unlike the present arrangement, presumably, which limits some candidates fatally and others not at all.

Behind the veto, it seems clear, are none of these highsounding considerations at all, but only the overriding fact that Republicans all too often can afford adequate television time and Democrats can not. The Republican National Committee started this fall's campaign with a cash surplus of $1.5 million; the Democrats, with a party debt of $9 million.

When Congress reconvenes, the 1970 elections will be over. By then perhaps tensions will have abated sufficiently for the veto to be overridden in a triumph of principle over party.

[From the New York (N.Y.) Times, Oct. 18, 1970]

A SHADE OR TWO OF POLITICS IN THAT TV BILL VETO

WASHINGTON.—This is likely to be looked back upon as the year when television was accepted as the strongest tool in American politics.

Gone are the days when the candidate squinted into the camera and delivered a précis of his standard speech—a technique described by those in the trade as "talking heads." In 1970, in Utah and Tennessee as well as New York and California, political commercials are as subtle and sophisticated as the Alka Seltzer meatball.

Despite all arguments to the contrary, there is no question that television has already won some famous victories this year. For example:

Howard Metzenbaum, an obscure businessman and labor lawyer from Cleveland, poured about $500,000 into TV spots and managed thereby to defeat one of the most famous men in America, John H. Glenn, the former astronaut, for the Democratic senatorial nomination in Ohio.

With an expenditure of almost $1-million, a little-known Democratic Representative from Westchester County, Richard L. Ottinger, won the Democratic senatorial nomination in New York over much better-known rivals.

An unknown Florida legislator, Lawton Chiles, had no money for a television blitz, so he walked across the state, won exhaustive free coverage on TV newscasts, and beat former Gov. Ferris Bryant for the Democratic senatorial nomination.

But many students of the electoral process—including a few practitioners of the spot-making art—have been convinced by the very success of political television advertising that it debases democracy. How, they ask, can anyone be expected to make an intelligent decision on the basis of a 60-second sales pitch, with its inevitable distortions? What happens, they ask, to the candidate who cannot afford the hucksters' services?

Typical of the type of crudity on display this fall is a commercial that was shown on more than 20 Indiana stations before being withdrawn. The ad showed an actor in Vietcong dress pointing a rifle at the viewer.

"The weapons the Vietcong used to kill American servicemen are given to them by Communist countries," said the announcer employed by Richard L. Roudebush, the Republican candidate for the Senate in Indiana. "Senator Vance Hartke voted for the bill to permit American trade with those Communist countries. Isn't that like putting a loaded gun in the hands of our enemies?"

Pressure for change, led by the National Committee for an Effective Congress, a bipartisan liberal group, resulted in Congressional passage of a reform bill. It would have given political advertisers cheaper rates, limited their spending and repealed the equal-time provision of the Federal Communications Act for Presidential elections.

Last Monday President Nixon vetoed the bill, arguing that it was the "wrong answer" despite its "highly laudable and widely supported goals." An attempt to override the veto, which may well fail, is scheduled after Congress reconvenes on Nov. 16.

The bill would have limited spending on radio and TV in Federal elections to 7 cents for each vote in the last comparable election. For 1972, that would mean a limit of about $5-million—less than half of what the Republicans spent to elect Mr. Nixon in 1968.

Its effect would clearly have been to give an advantage to incumbents, as Mr. Nixon said, because incumbents usually get more free air time on news programs than challengers. Mr. Nixon did not mention it, but the spending limit would also have penalized the Republicans, who have greater access to funds in most years than the Democrats.

Further, the repeal of the equal-time rule would have made it difficult for Mr. Nixon to duck televised debates with his opponents in 1972, as he did in 1968. His argument two years ago was that he did not want to pub-

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licize the candidacy of George C. Wallace whose presence on any debates was required under the equal-time rule.

Mr. Nixon had a number of other explanations of his veto, among them the following: The bill would hurt urban candidates, who must pay more for air time; it would discriminate against TV and radio as opposed to other media; it might delay the certification of winners because of disputes on spending.

But to the perhaps cynical Washington political community, the salient fact was that the measure, on balance, seemed more likely to hurt the Republicans than to help them.

Senator Philip A. Hart, Democrat of Michigan, conceded that some of the President's complaints were valid. But he added: "We didn't hear a damn word from him while we were trying to get this bill through."

[From the New York (N.Y.) Times, Oct. 25, 1970]

MAYBE NEXT YEAR? DON'T BET ON IT

(By Jack Gould)

The criticism of President Nixon for vetoing a bill limiting expenditures in political campaigns was chiefly noteworthy for its display of naivete. No realist in the TV medium thought for one moment that the White House would throw away its economic advantage in drowning the opposition in spot commercials or staged discussions, either in the current campaign or in 1972. Former President Lyndon B. Johnson was no less a master in bending the medium to his will, and in 1964 it was Senator Barry S. Goldwater who suffered the economic disadvantage in his Presidential campaign.

The point is that whenever either party believes TV will serve its partisan ends, then meaningful reform in campaign abuses is just a ritual charade. The name of the game is to get elected or reelected and if TV is the supposed magic wand that assures success, then the status quo is going to prevail.

This year's exercise in proposed reform follows the traditional pattern. Noble words circulated in Congress about the evils of selecting candidates through the power of the purse, but when the chips were really down the idea once again became academic as the President advanced labored reasons why the bill had defects.

Consider the realities apropos this November. While Congress bemused itself with fitful hearings, both Governor Rockefeller in New York and Governor Reagan in California had contracted for gobs of spot commercials. Through neatly timed maneuvering it turned out that the Congressional bill would not apply to this year's election in any event. The image-makers in the two largest states didn't have to state their pragmatic approach: did the White House want to take the risk of jeopardizing Republican governerships of the two largest states?

President Nixon also had to look ahead. If the equal time provision of Section 315 of the Federal Communications Act were amended to allow coverage of the two principal candidates, a provision of the bill, he would find it politically awkward to avoid debates. But President Nixon was singed once in his debates with the late President John F. Kennedy, and deciding two years ahead of the event that he would expose himself again to such a risk runs contrary to human nature.

Former President Johnson adopted the go-it-alone tactic in a different way. As all incumbents do, he saw no point in enhancing the TV exposure of Senator Goldwater, so first the word went out to the Democratic Congressmen to forget any amendment inviting debates. Then, he declined to appear on regular discussion programs, because under the rules of fairness the Senator would have had claim to equal time.

Both parties, in effect, want to and do control the TV medium and therein lies the deep danger. Stations are licensed by the Federal Communications Commission as an arm of Congress, with the Senate having the power to pass on Presidential nominees for the agency. In both Democratic and Republican regimes the long political arm of the White House has always had an important influence on the FCC, and Congress has treated the agency like a malleable child. The regulatory body charged with the critical determination of the future of communications, with all its effects on elections, is essentially a repository for political patronage.

The circumstances require a whole new approach to the concept of a free press. Surely that freedom must be defended, but practically it is also increasingly irrelevant. The prime source of information and opinion, which the drafters of the Constitution and Bill of Rights sought to protect, no longer lies in the unlicensed press. For untold millions, especially those who prefer news and pictures and crisp bulletins, yesterday's "free press" is now Government-regulated television, with a Federal regulatory agency supplanting the editor as the ultimate umpire of journalistic standards.

* * * * *

If the politician is important or loud enough, his raised voice or eyebrow is sufficient in itself to convince the television broadcaster of the advisability of self-censorship to avoid jeopardizing a license worth millions.

This transition from free-enterprise journalism to Government-dependent journalism has taken place in an atmosphere of astonishing indifference to the change. Such is the emotional impact of television's moving and talking personage that the image-makers swiftly moved in to convert governmental leaders to pitchmen selling their views on crucial issues of government, the way manufacturers sell automobiles and soaps. Instead of being called to task for what they might be doing to a fair and viable democracy, these image-makers have been lionized as some sort of super wizards.

As long as today's Government-dependent journalism rests in the hands of politicians whose omnipresent thought is the matter of election or re-election, meaningful reform of television's role in politics is just a pipe dream. The routine is monotonous: To pacify the public there is a gesture of concern just before an election, with action always too late to have any meaning. Then the issue is tidily shelved.

What to do? A brave broadcaster might reject all commercial spots in exchange for a fair balance of free time for all major candidates. By begging Congress for relief, the broadcasters are parties to the game; they know nothing will happen. A house rule on politics and a willingness to defend the rule up to the Supreme Court if necessary would be a true test of their sincerity and determination.

The League of Women Voters, universally respected for their non-partisanship and hard work, might be one organization which could explore the complete removal of TV from political domination and champion new ground rules applicable to all parties in or out of power. It might take years to accomplish, but the present state of chaos on the air took 20 years to develop.

Escalating expenditures for political advertising threaten to make a mockery of democracy, and the content of the political spots is an appalling over-simplification of critical matters affecting voters of all persuasions. Some generation at some point will have to rally support for an overhaul of the relationship between those chosen to govern and society's most powerful means of persuasion—TV. The debasement of both is hardly a matter to be ignored or mourned and joked about, election after election.

[From the Staten Island (N.Y.) Advance, Oct. 21, 1970]

THIS VETO NEEDS TO BE OVERRIDDEN

President Nixon's veto of the bill to limit broadcast spending in national political campaigns were based, he said, on flaws he found in the reform legislation. Yet it would appear that it was inspired more by political expediency.

A seven-cent-a-voter limit for TV and radio advertising in presidential and congressional campaigns was proposed in the legislation. It is the best method Congress has yet devised to negate some of the tremendous advantage unlimited campaign spending gives to wealthy candidates or those with enormous financial backing.

The bill also would have repealed the "equal time" provisions for presidential elections in the Federal Communications Act, designed to facilitate broadcast debates between major candidates.

However, the White House searched for and found, minor technicalities in the legislation to justify a veto. For example, the bill does not stop candidates from unlimited spending in other media, Mr. Nixon argued. More equity is needed in these areas as well, but this is separate from the issue of unlimited use of publicly-owned airways for partisan political purposes.

That Mr. Nixon found such weak pegs as this on which to hang his veto suggests that there may be another reason. His critics charge—and they may be right—that such a law would hurt the well-off Republicans far more than the money-starved Democrats in 1972.

Mr. Nixon's veto is expected to whip enough Republicans into line to sustain the rejection when an override vote is taken. We hope this doesn't happen.

[From the Buffalo (N.Y.) News, Oct. 14, 1970]

SHORT-SIGHTED CAMPAIGN COST VETO

President Nixon's veto of the bill adopted recently by Congress to put a lid on the soaring costs of political campaign spending for broadcast advertising is unfortunate.

The President is correct, of course, that the bill wouldn't completely solve the problem of political campaign costs rising so rapidly that they already weigh heavily against the talented candidate of modest means.

But the Nixon complaint that the bill plugs only "one hole in a sieve" is unfair, since most authorities recognize that by far the largest hole pertains to the costs of television and radio advertising. Federal Communications Commission figures peg the cost of such advertising in the 1968 political campaign at a thumping $58.9 million—up 70 per cent from the $34.6 million spent in the previous presidential election

Consequently, while we've repeatedly conceded that this bill doesn't tackle the entire problem, it does cope with a key portion of it. Moreover, the limits imposed could be effectively enforced.

Mr. Nixon may well be correct that the bill favors incumbents and established celebrities, but the present virtually unregulated system unmistakably favors the wealthy or the patrons of wealth.

Most important, the bill represents a worthy attempt promising gains that, barring an unlikely override of the veto by Congress, will now be lost.

The President recognized that nearly everyone "wants to find some way to limit the crushing and growing cost of political campaigning." Since he rejects the proposals advanced by Congress, then, he owes it and the nation a better atlernative which he hasn't yet proposed.

[From the Buffalo (N.Y.) Courier Express, Oct. 1, 1970]

A Reform Vetoed

President Nixon has pointed out a number of imperfections as his reasons for vetoing the bill which would limit political-campaign spending on radio and television. But real as these imperfections may be, they are not enough to offset the importance of narrowing the advantage which access to rich treasuries gives some candidates.

Mr. Nixon is right, for instance, in suggesting that ceilings on political spending should not be confined to broadcasting. They should apply to other media as well—"magazines, newspapers, billboards, pamphlets and direct mail." But the impetus to the bill at hand is the fact that campaign costs are soaring because of the overwhelming use of the broadcast media, particularly television.

The President stretches things a bit in arguing that the bill would strike "a serious blow" at the right of "any little-known but highly qualified citizen" to run for office. For he fails to add that this bill also strikes a blow at the advantage this little-known citizen—and any other candidate—has if he hefts a bigger bankroll than his opponent, whatever the qualifications. The President also wanders in saying the bill would give an incumbent an advantage because of the free TV time he commands. An incumbent—particularly a president—has that advantage now.

We suspect the decisive factors were not even mentioned in the veto message. One is the lushness of the Republican treasury, especially in contrast with the Democratic. The other is the bill's repeal for presidential and vice presidential races of the "equal-time" section of the Federal Communications Act. This clause effectively prevents debates between candidates on free time, a protective exclusion Mr. Nixon no doubt is eager to preserve at least through 1972—when he is likely to run again.

Passing the bill over the veto, which Congress should now attempt, would not excuse Congress from promptly correcting other weaknesses and omissions in political-spending rules. But it would at least be a needed step.

[From the Syracuse (N.Y.) Herald-Journal, Herald-American, Oct. 15, 1970]

A Disappointing Veto

We are disappointed by President Nixon's veto of the bill to limit television and radio spending in political campaigns.

In supporting such a curb on political spending we have lamented that money does buy election advantages.

The President cited many reasons for his veto—doesn't affect newspaper ads, billboards and such other campaigning means, does limit tv and radio appearances, doesn't set a dollar limit on campaign collections, does put Congress in the business of fixing rates for private industry.

These arguments do not erase the overwhelming unfairness of a war chest crammed with unlimited funds.

In New York State, we are sure no one will deny that Gov. Rockefeller and Richard Ottinger, running for senator, blessed with seemingly unlimited funds for campaigning, are viewed more on the airways or heard more on the radio than their opponents. They are blessed with family fortunes. Others are not. Big givers are big claimants.

The Citizens Research Foundation of Princeton, N.J., according to the Congressional Quarterly of Oct. 2, points out:

Forty-six of the richest people in America contributed a total of at least $1,494,502 to political campaigns during the 1968 presidential election year. These wealthy donors, each estimated to have a fortune of $150 million or more in 1968, gave the Republicans the larger share, favoring them over Democrats by almost 13 to 1 margin.

Republican candidates received $1,377,313 to $106,488 for Democrats. The average contribution was $32,489.

Also studied were donations of members of the Business Council, the national group of business executives organized to advise governmental agencies. Its members gave at least $367,213 to finance campaigns in 1968. Contributions to the Republicans totaled $280,913 compared to $83,000 for Democrats.

The bill, vetoed by Nixon, would have affected candidates for president, vice president, senator, representative, governor and lieutenant governor. It would have limited tv and radio spending, for time but not production costs, to $5.1 million for each party's national ticket in 1972. (In 1968, the Republicans spent $12.7 million, and the Democrats, $6.1 million.)

The veto, we expect, will stand. Any attempt to override depends on a number of Republicans swinging over to the opposition as the Democrats do not enjoy two-thirds majorities—needed for such action—in the Senate or the House.

We regret the President acted in such a partisan manner.

[From the Garden City (N.Y.) Newsday, Oct. 17, 1970]

A Cynical Veto

Now that President Nixon has refused to approve the first really substantial congressional effort to control soaring campaign costs, it is up to the Congress to stand up for political sanity and override this ill-conceived veto.

The President's explanation of why he refused to approve the bill is a transparent exercise in political sophistry. In his veto message, Mr. Nixon claimed, "The problem with campaign spending is not radio and television; the problem is spending." This is pure and unrefined hogwash. Politicians with fat campaign chests don't spend a preponderance of their money on billboards or bumper stickers. They use the most effective medium available, and that happens to be television. Can any halfway perceptive New Yorker believe Richard Ottinger would have won the Democratic primary election without his very sophisticated and very expensive television advertising campaign?

You can't create an image for a candidate through bumper stickers, Mr. Nixon, himself, used television extensively in his campaign. He knows how effective it can be and how costly it is. And this is precisely why he vetoed the bill. He believes the Republican Party can better afford the cost of this most-effective medium, and he doesn't want to deprive his party of an advantage. Thus, his veto message is verbal camouflage of the meanest sort.

Said the President: "An honored part of the American political tradition is that any little known but highly qualified citizen has the opportunity to seek and ultimately win elective office." We agree with him on that. The bill he vetoed sought to protect that tradition. If the present trend in campaigning continues, a "little known but highly qualified citizen" won't have a chance of winning election unless his high qualifications happen to include great wealth.

The bill set a limit ($20,000 in a congressional race) on the amount a candidate could spend on broadcast time. It also stipulated that candidates would be able to buy the time at a discounted rate. Of course, it wasn't perfect. But it represented a beginning. It was the first time the Congress has ever gone so far in an effort to stop the mad political spending race. The President should have regarded it as a first step in a long-range process of reform. Instead, he judged it as if it were offered as a comprehensive answer to the problems of campaign spending. And on this basis he found it lacking.

Long Island's three Democratic congressmen plan to vote to cancel the veto. The two Republican congressmen voted for the bill. We now call upon them to stand by that earlier commitment and vote to override. This veto was cast with a cynical motive and justified with a hollow argument.

[From the New York Times, Nov. 12, 1970]

Plutocracy Versus Democracy

The United States today is on the road to becoming a plutocracy. It is getting to be almost customary for candidates for major political office to have to possess private fortunes or make entangling commitments to special interests in order to be elected. In certain states such as California, it is now the practice for a few rich men to club together and financially sponsor a candidate.

Rule by the wealthy or by political men who are, in effect, the little brothers of the rich is always a threat in a democracy. Seventy years ago, the United States Senate was a rich man's club. To reform that situation the Constitution was amended to provide for direct election of Senators since it was correctly believed that election by state legislature bred too many abuses.

Direct primaries were another democratic form designed to circumvent party bosses and the rich candidates who bribed them. So strong was that progressive outburst against plutocracy that even in the conservative, complacent 1920's, three Senators were denied seats because of excessive campaign spending.

In the postwar decades, public resistance to the corrupting power of money in politics has steadily ebbed. As television has played an increasingly important part in political campaigns, the electorate has become accustomed to candidates spending a half-million dollars for a seat in the House and five million for a seat in the Senate. The progressive struggle against plutocratic politics has had to be fought all over again.

The first modest victory in this renewed struggle was the campaign spending bill which Congress passed last month and which President Nixon vetoed. When Congress returns next week, the overriding of this veto will be one of the first questions up for decision. It is imperative for democracy that Congress override this cynical veto of Mr. Nixon.

The bill would limit candidates for Congress, Governor, and President to spend no more for radio and television advertising than 7 cents per vote cast in the previous general election. This is a reasonable amount which candidates in several states voluntarily observed this fall. President Nixon makes the debating point that the bill "plugs only one hole in a sieve"; but television advertising is by far the biggest hole in the sieve.

The members of the House and Senate who are to vote on this issue have to recognize that it is not just another play in the endless partisan scrimmaging. This issue is fundamental to the health of political life in this nation. A vote to sustain the veto is a vote for plutocracy. A vote to override is a vote for democracy. The choice is inescapable and every man and woman in Congress will be judged by the way he chooses.

North Carolina

[From the Charlotte (N.C.) Observer, Oct. 14, 1970]

Veto of Campaign Reform Unfortunate Act by Nixon

President Nixon's veto apparently dooms the first major reform of political campaign financing to clear Congress in 45 years.

The campaign broadcast reform act cleared both houses of the Congress with strong bi-

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partisan support. Now that the President has made it a partisan issue, it will lose Republican votes needed to override the veto.

This act was an attempt to bring down soaring campaign costs by limiting the amount of money spent for radio-television time by major candidates.

PRODUCT OF STUDY

The President's veto message called the measure a "wrong answer" to the problem. But it was a product of several years of research, plus decades of trying to find other answers.

If the administration has its own plan to curb increasing campaign costs, the veto message would be more credible. The President has made no suggestions. There are no serious alternatives pending in Congress. "Control" of campaign spending is left to the loophole-riddled Corrupt Practices Act of 1925.

The campaign broadcast reform act was a novel approach. But given the experience of recent years, it was and is a logical approach to holding campaign costs down.

Increased outlays for radio-television time have been the largest single contributor to the soaring cost of campaigning. From 1956 to 1968, the total spent on radio-television in national campaigns increased 312 per cent from $9.8 million to $40.4 million. The total jumped by 64 per cent from 1964 to 1968. The sky is now the limit.

A cash limit on spending for air time isn't unworkable nor would it preclude a political candidate from getting his name known as the veto message suggests.

Senate candidates in Ohio and in Michigan are voluntarily using the reform act's limits. Each candidate pledged to spend no more for air time than the equivalent of seven cents multiplied by the total vote in the last general election.

In Ohio each candidate (one of them a relative unknown) will thus limit his outlay for air time to $262,000 while in Michigan the limit will be $171,000.

Some cash unspent for air time might be diverted to other projects. But given the modern emphasis on electronic image-making, a ceiling on radio-television spending would reduce total campaign costs.

More important, it would make the cost of campaigning less awesome to would-be candidates for major offices. Everyone entering the race could figure in advance how much cash he would have to raise to match his opponent's potential paid radio-television coverage.

This means of discouraging of escalation of campaign costs isn't attractive at the moment to the well-healed national Republican Party.

AWKWARD FEATURE

What's more, President Nixon may be less than happy with the feature of the act that would make it more awkward for him to avoid a "television debate" with a Democratic challenger for the presidency.

In the long run a campaign broadcast reform act promised benefits to all contributing to a healthier political climate. If the veto stands, as expected, it will contribute to the cynical belief that major campaign spending reform is impossible except in the aftermath of a campaign scandal.

Ohio

[From the Dayton, Journal Herald, Oct. 16, 1970]

Election Bill Veto Despite Defects, Law Promised Start Toward Reform

The President's veto of the bill that would have limited spending by political candidates for television and radio advertising is unfortunate. His criticism of the bill is sound in some particulars, but we feel the benefit it promised in bringing some order and restraint into political campaign spending outweights its imperfections.

The chief defect of the bill, the President's objections notwithstanding, is in its failure to provide for an adequate regulatory body, as we noted in our criticism last July when the bill was under consideration in the U.S. House of Representatives. And we still believe that an independent national election commission is the key to effective control of election abuses.

Nevertheless, the bill in question would have been a turn in the right direction. Even before it was approved by Congress its TV and radio spending limits were accepted by the Ohio candidates for the U.S. Senate, Robert Taft and Howard Metzenbaum. The veto should be a spur to Congress to write a better law. The need remains.

[From the Dayton, News, Oct. 14, 1970]

Political Veto of Air Cost Bill

President Nixon's political motives are transparent in the pious excuses he offered for vetoing the bill which would have stringently limited spending for television and radio commercials during election campaigns.

The veto was urged by Republican national chairman Rogers C. B. Morton, and Sen. John Tower, national chairman of the Senate Republican campaign committee. But that was an unnecessary admission from the White House. The political fact was plain.

Because the bill limited only air-wave advertisements, Nixon said it endangered freedom of discussion. To define the carefully tailored commercial as free discussion is downright hilarious.

To fear that the bill would increase overall campaign spending, as Mr. Nixon said he feared, raises doubts that he listened to anyone at all but the politicians. Else he would have learned that candidates jumped their spending for air time from $9.9 million in 1956 to $40.4 million in 1968.

Democrats are making brave noises about overriding the veto after the election recess, though observers consider their chances slim.

But the people themselves may still force a decrease in political use of the media. They're a fickle audience, as every TV producer knows. A surfeit of commercials, back-to-back, drive them to the kitchen for escape.

More important is a kind of 20th century populism, which may not yet be visible in the White House or out at San Clemente. An increasing number of citizens, even those with respectable bank accounts, worry about a democracy where only the rich or a friend of the rich can afford to run for office.

Mr. Nixon, a political craftsman, may be signing the bill the next time round with a new brand of pieties.

Pennsylvania

[From the Pittsburgh, Post-Gazette, Oct. 7, 1970]

Time To Curb Campaign Abuses

The game of politics is so costly that it has become increasingly difficult for any but well-financed candidates to win at it. A succession of upsets in 1970 has been scored by politically unknowns but affluent candidates who have managed to dominate the public consciousness through high-powered organizations and copious access to the communications media. This may well be the ominous wave of the future unless legislative means are devised to keep campaign spending within reasonable limits.

What those limits should be is of course debatable. The primary beneficiaries of fund-raising drives, quasi-official intrastate committee contributions, and lucrative fund-raising dinners are the high public officials and legislators who would have to effect needed electoral reforms. Nonetheless, the bleak conviction of a large portion of the electorate that money is more vital to the office-seeker than ability or principle portends ill for the democratic process.

Legislation approved by substantial margins in the Senate and the House which would set limits on candidates' television and radio spending is reassuring evidence that Congress is aware of the danger. Even were President Nixon to sign the bill into law, a staggering amount needs to be done to insure that the democratic election cannot be bought.

The Corrupt Practices Act of 1925 did little more than call attention to flagrant abuses of political campaigning. Described by critics as "more a loophole than a law," the Act did not require reporting of campaign costs and major campaign contributors by intrastate committees turning funds over to national committees. Although the Act forbids corporations from making political contributions there is nothing to prevent officers or directors of corporations from making sizeable contributions.

One obvious way to limit campaign expenditures would be to shorten the period allowed for electioneering, as in England. The well-heeled candidate seeking to flood the media during a restricted period would run the risk of over-exposure. Only the most sanguine optimist would expect time-honored devices employed by both parties to yield to democratic principle. Nonetheless, a campaign period marked by lavish spending and unrestrained ballyhoo is a propitious time to consider the abolition of practices which threaten the democratic process.

Rhode Island

[From the Providence (R.I.) Journal, Oct. 17, 1970]

An Indefensible Veto

None of the reasons offered by President Nixon to justify his latest veto has enough substance to be taken seriously. None appears to have any connection whatever with reality.

The campaign reform measure which the President finds so distasteful is the product of lengthy congressional study. Bipartisan majorities in both branches of Congress approved it with large margins. No one pretended that this single measure would produce a millenium of campaign purity, but there was wide agreement that the measure, by placing strict limits on the sums candidates could spend on radio and television, would go a long way toward eliminating the sordid practices presently corrupting our electoral process.

But Mr. Nixon, unfortunately, doesn't see it that way. He condemns this bill because it only "plugs one hole in the sieve."

The fact is, of course, that this particular "hole in the sieve" is bigger than all the other holes combined. Television has become an insatiable monster that gobbles up campaign funds in gluttonous gulps. Governor Rockefeller of New York is spending an estimated three million dollars on broadcast appeals to promote his current reelection campaign. Figures compiled by the FCC indicate that the Humphrey-Muskie team spent 6.1 million dollars, and the Nixon-Agnew team spent 12.7 million dollars, to buy time on radio and television in the 1968 campaign.

All of the other holes in the sieve permit only droplets to pass through compared to the gushing stream of dollars the candidates spend on their appeals over the airwaves.

Clearly, if the costs of campaigning are to be brought down to more realistic levels, a sensible place to begin is that biggest "hole in the sieve." That is precisely the conclusion reached by House and Senate in adopting this reform bill.

Mr. Nixon's other arguments are equally specious. He charges that it would "unfairly endanger freedom of discussion," that "it would severely limit the ability of many candidates to get their message to the greatest number of the electorate," and that "it raises the prospect of more—rather than less—campaign spending." Every one of those points is at least debatable.

Another of the President's tortured arguments holds that any restriction on broadcast spending would give an unfair advantage to the incumbent.

This will be news to those penny-pinched non-incumbents who find their campaigns swamped in the wash of such well-heeled and free-spending incumbents as Governors Rockefeller and Reagan.

Put another way, the President's argument would seem to justify unlimited spending by a wealthy non-incumbent on the ground that such a candidate has a right to buy himself into an election victory.

Unlike President Nixon's earlier vetoes, which at least were based on a modicum of substance, this one is indefensible. Nothing in the latest veto message justifies this attempt to block an earnest and honest attempt at campaign reform. All of the fine words in the veto message merely add up to a smoke screen which is quite inadequate to hide the political motive it tries to obscure.

TEXAS

[From the San Antonio Light, Oct. 15, 1970]

BAD VETO

President Nixon, we were sorry to read, saw fit to veto the long-debated congressional legislation designed to provide the first really significant reform of campaign finance laws in half a century.

The bill primarily would have clamped long-needed ceilings on presently soaring television and radio spending by presidential, congressional and gubernatorial candidates, beginning with the 1972 presidential election.

In turning thumbs down on the measure, the President contended that it was full of imperfections—that, for example, it could tend to give celebrities or well-known office holders an advantage against unknown contenders.

Some of the objections were clearly valid. The bill admittedly has flaws and some of its serious problems, such as enforcement, were left dangling in limbo. But the measure was a big step in the right direction—and would always have been subject to revision and correction.

In considering this legislation, which is too complicated for detailed analysis here, it should be noted that four votes were taken—two in each house. In each case support was voted by more than two-thirds of the lawmakers.

Charges that the veto was politically motivated gain credence in view of the absence of any alternative suggestions from the Republican administration—whose money drive for a 1972 victory already is in high gear.

Yet such is the pressing need for reform of runaway campaign spending that the President's veto may yet be overridden.

We should like to see that happen in this case.

VERMONT

[From the Rutland (Vt.) Daily Herald, Oct. 14, 1970]

LIMITING CAMPAIGN EXPENSES

The proposed $5.1 million limit on television and radio spending beginning with the 1972 Presidential election compares with an expenditure in 1968 of $12.7 million by the Republicans and $6.1 million by the Democrats. For many voters, this contrast in expenditures was explanation enough for President Nixon's veto of the spending limitation.

Reduced to its simplest terms, the veto was invoked because the Republicans have the money and the Democrats don't. For the same reason the legislation won more Democratic than Republican support in Congress.

Most of the President's objections to the bill were valid enough, but despite its shortcomings it represented a start in dealing with an aspect of election campaigning that is rapidly becoming a national scandal.

Candidates affected by the legislation beginning in '72 would include those for President, Vice President, senator, representative, governor and lieutenant governor.

The President objected on the ground that the bill didn't restrict spending other than that for radio and television, because it would be unfair to urban candidates where air time is most expensive; election determinations might be delayed in case of challenges based on violation of the spending limit, and incumbent candidates would have the advantage in availability of free media coverage.

Opinions varied on the chances of overriding the veto.

It is certainly true that a flat dollar limit on TV spending isn't fair to candidates in largest centers of population. It was recently pointed out that a five second spot announcement on a television station in Las Vegas costs $65. The same time in New York City cost $2,600.

A political writer from a metropolitan newspaper visiting Vermont last week remarked that it was reassuring to visit a state that was being sensible about political campaign expenditures after seeing so much evidence of extravagant spending elsewhere in the country.

He didn't realize that campaign expense in Vermont this year is the heaviest on record and that taking the state's small population into account the expense per vote is probably as high here as it is in more populous states, if not higher.

In concrete terms, if a total of $500,000 were expended in this year's election which isn't inconceivable if the various accusations have any basis, this would amount to more than $1 per capita. Extended nationally this would amount to a terrific outlay.

It's time some kind of spending limitations were imposed even if they aren't foolproof. We hope the President's veto is overridden. Otherwise the sky will continue to be the limit.

WASHINGTON, D.C.

[From the National Observer (Washington, D.C.) Oct. 19, 1970]

POLITICKING ON THE TUBE

Many voters will agree with President Nixon that the bill to limit expenditures for political advertising on television was not a masterwork of legislative ingenuity. As the President said, the bill represented a halfway measure at best, and the candidates would remain free to spend as much as they liked on nonbroadcast kinds of campaigning. Mr. Nixon would have preferred a more comprehensive bill, one that would restrict over-all campaign sending to more reasonable levels.

From a cosmic point of view, the President is right to prefer a bill of larger scope. But he was wrong last week to veto a bill that would have regulated the one kind of politicking that is most in need of regulation. Political commercials on television this season, both in quality and quantity, are distorting pre-election debate.

It is not only that the political commercial on TV often stretches hyperbole into a cheap lie (that technique has been part of the system from the beginning), but that the incessant repetition of a calculated message over the airwaves reduces the viewer's ability to measure and appraise a public issue.

No copywriter or producer, however gifted, can make a candidate make sense in a 10-second spot. All that can be done in that time is to show the candidate's face and augment his smile with a bravely spoken promise or a damning observation about his adversary. The result is that complicated issues get kissed off with short, shallow declarations.

And such is the power of television—by its nature as a medium and by its concentrated structure—that political commercials can make the difference in elections, even though they tend to diminish popular understanding of controversial questions.

The longer commercial, like the 60-second variety, could conceivably be more useful but it is obvious that most politicians have neither the patience nor confidence to fill a minute of TV time with an explanation of their perception of a problem. That time costs money and so we get only a longer display of thunder and lightning.

Granted, none of this would have changed if the bill Mr. Nixon vetoed had become law. But such a law would have prevented rich candidates, or candidates willing to be beholden to rich men, from spending unlimited sums on TV time, thereby putting the less affluent candidates at what might be a hopeless disadvantage. The bill at least would have partly controlled the nonsense.

A better way, of course, would be to eliminate it from television altogether.

An advocate of just such a move is Frank Reynolds, the news commentator of the American Broadcasting Co. In his comments one night last week, Mr. Reynolds urged that political candidates be barred from buying "time on the people's airwaves to let their image makers mislead the people or trick them or overwhelm them."

More and more people in and out of the media and politics are recognizing the danger of political advertising on television. Democracy, while not fragile, is nevertheless susceptible to the grotesque distortions that have been flickering from the tube. As far as campaign commercials are concerned perhaps it's time the nation pulled out the plug.

[From the National Observer, Oct. 19, 1970]

CAMPAIGN-MONEY BILL TUNED OUT BY NIXON VETO

President Nixon last week blacked out a bill to limit campaign spending on radio and television, saying it was loaded with mechanical difficulties.

Explaining his veto, the President said the limit on broadcast spending would plug "only one hole in the sieve" of campaign spending and would discriminate against the broadcast media by forcing candidates to switch their advertising to newspapers, magazines, pamphlets, and mailings. Thus, he contended, high campaign costs would continue. Further, he asserted that the bill would discriminate against the nonincumbent candidate, who is usually not as well known as the incumbent.

A TOUGH OVERRIDE

Democratic leaders immediately said they would try to override the veto, but conceded it would be "tough."

The bill would limit spending on campaign broadcasting to 7 cents for each vote cast in the previous election for the office involved, or $20,000, whichever is higher.

Further, the bill would have opened the way for a TV debate between the Presidential candidates in 1972. It would have repealed the "equal-time provision" of the current broadcast law, thus allowing TV stations to offer free air time for a debate without being required to give equal time to fringe-group candidates.

Democratic National Committee Chairman Lawrence O'Brien labeled Mr. Nixon's veto a "calculated effort to make the politics of TV propaganda a permanent feature of the American political scene."

XUM

"WELL-STOCKED WAR CHEST"

The assistant Senate Democratic leader, Edward M. Kennedy, chided the President for trying to "preserve the advantage of the supposedly well-stocked campaign war chest" of the Republican Party instead of joining in the effort to reduce campaign spending.

Michigan's Sen. Philip A. Hart, one of the bill's sponsors, conceded that the bill was not as comprehensive as it could have been. He invited the President to make suggestions on how the bill could be improved, and said that Congress had not heard "a damn word" from Mr. Nixon when the measure was being considered.

[From the Washington Post, Oct. 14, 1970]

THE CAMPAIGN SPENDING VETO

President Nixon's veto of the bill to limit television and radio campaign spending is a flimsy excuse for having undone the most significant reform in this sphere for half a century. While ignoring the virtues of the bill, the President grossly exaggerated its weaknesses and distorted the probable consequences. So eager was he to avoid the charge that he acted to perpetuate a Republican advantage in excessive campaign spending that he even pretended that the bill might increase the outlays of candidates to get elected.

It is uttterly misleading to say, as the President did, that the bill "plugs one hole in a sieve." Everyone with any information about the costs of campaigning these days knows that a large part of the money is being spent for television and radio broadcasting. Congress decided, in the absence of any effective device for limitation of campaign expenses in general, to strike at this one source of excessive use of money for political purposes. But the President fell back on the lame pretense that half a loaf is worse than nothing all all.

His complaint that the bill would "favor the famed over the worthy but little-known" is an especially transparent smoke-screen. The implication is that an obscure challenger should be allowed to spend more to offset the incumbent's natural advantage of being well known. But only a few wealthy individuals can spend millions to get themselves elected to public office. The vast majority of candidates must rely upon campaign contributions, and in raising money for campaign purposes the well-known, famous or incumbent candidate usually has a substantial advantage over an obscure challenger. The veto, if it should be sustained, will tend to magnify this advantage instead of reducing it.

In expounding upon all the imaginary inequities associated with the bill, the President completely ignored the very real inequity which it would help to correct. The use of broadcast commercials has reached a point where it can be accurately said that some candidates are buying their way into office. The first purpose of the bill was to put a reasonable ceiling on this kind of spending. But the President ripped off the ceiling at a time when his own party has millions to spend for commercials and the Democratic opposition is in financial straits.

While the President refrained from condemning the "equal-time" repealer, which was also in the bill, it is widely assumed that his veto was also intended to discourage television debates between the presidential candidates in 1972. If broadcasters have to give equal time to all the fringe candidates, they will not offer free time to the chief contenders for debates or other means of getting the issues before the public. Here again the President has knocked down a provision that could have substantially reduced the cost of at least some campaigns. The other significant provision that went down was a requirement that broadcasters charge candidates no more than the lowest unit fee of the station for comparable time.

Since the bill does have substantial merit, despite its shortcomings, and since the veto appears to reflect at least 90 percent political motivation, we think Congress should override it.

[From the Washington (D.C.), News, Nov. 2, 1970]

POLITICIANS AND MONEY

When a politician sets himself to run for office, the first thing he thinks of is TV. And right behind TV comes money.

Television, according to Democratic National Chairman, Lawrence F. O'Brien, has "revolutionized" politics.

"And when I speak of television," he says, "I speak, of course, of money."

No candidate these days thinks he can do without TV. Most of them, if they could get up enough money, would saturate the screen with themselves.

Mr. O'Brien professes alarm at this not because of TV or the costliness of it, but because Republicans, currently, seem able to raise more money than Democrats. (The party in power frequently has this advantage.)

GOP candidates, by and large, get their campaign funds from fat cats in business and industry. But Democratic candidates, Mr. O'Brien notwithstanding, have been doing quite well in many cases with donations from labor unions. Even the loudest "poor mouths" seem to get on TV with monotonous regularity. So we take with a mild dose of salt Mr. O'Brien's avowed alarm that Democrats, because of the high price of TV, "could be priced out of existence by 1972."

Just the same, there are ample grounds for concern over all this spending. Some of us have been concerned a long time, but by now many election-contests appear to be as much contests for TV money as for votes.

Mr. O'Brien denounced President Nixon for his "cynical veto" of a bill passed by Congress to limit TV spending. But, as the President said, there was no restriction on overall spending, so that even the useful restraint on TV spending could have been offset by unlimited spending for other campaign purposes. Moreover, one aim of the bill was simply to get cheaper TV rates for politicians.

The Democratic cue here, then, is to take Mr. Nixon up on his implied support for over-all spending limits and come up with legislation which will fix definite ceilings on campaign expenses, and compel accurate and timely accounting of all spending, along with the sources of the money.

This is the crying need, and if somebody wants to start a political crusade in this department, this is the way to do it—go all out for a complete campaign expense control law, and make it work.

[From the Evening Star, (D.C.) Oct. 14, 1970]

BUYING PUBLIC OFFICE

President Nixon is only partially convincing in explaining his veto of the bill to limit television and radio advertising by presidential, congressional and gubernatorial candidates. But the veto is likely to stand in the closing days of the 91st Congress. Since it's too late anyway to affect the spending habits of 1970 candidates, backers of the measure should look toward passage of an improved version next year, in plenty of time to clamp a lid on spending for presidential year 1972.

The bill that was sent to the President was a good one. Mr. Nixon, while scoring with a couple of minor criticisms, missed with several others.

The President correctly noted that there would be enforcement problems, in some cases delaying the determination of who won a challenged election. He also raised the interesting point that a 7-cents-a-vote limit on purchases of broadcast time does not take into account geographic differences in the costs of reaching voters by television. These imperfections, though, did not justify the veto.

Mr. Nixon's statement that the bill only "plugs one hole in a sieve" was misleading. The hole is a very big one: Of some $300 million spent on political campaigns in 1968, $59 million went into TV and radio. TV advertising is increasingly decisive as a factor in elections, no matter what other spending a candidate engages in. And it is a type of campaign expenditure that is easily kept track of.

* * * * *

Unstated in the veto message is the big reason why Democratic legislators are more anxious than a Republican President to limit campaign spending for TV. The money is rolling into GOP coffers while the Democrats struggle under a $9 million debt. The Democratic Congress could reduce the partisan factor by setting the radio-TV limit a bit higher, closer to the $12.6 million that was spent on the Nixon-Agnew ticket in 1968. The Democrats spent $6.1 million in that presidential campaign. The 7-cent-a-voter would hold each party to $5.1 million in 1972, but the money would buy more time at the lower rate.

The vetoed bill, by repealing the equal-time requirement as affecting presidential campaigns, would produce more free broadcast time for the major-party nominees. While we don't favor another Great Debate as the way to choose a president, the provision would make up for some of the TV exposure lost because of the spending limit.

It should be a bipartisan goal to see that major public office in the United States does not become a commodity to be bought by the candidate with the biggest TV advertising budget. The congressmen should work to improve the vetoed bill, and hold the President to his assurance that he is "as opposed to big spending in campaigns as I am to big spending in government."

[From the Washington Post, Nov. 4, 1970]

MARQUIS CHILDS: MONEY CORRUPTED PAST CAMPAIGN

Money, Money, Money—this has been a corrupting force in the election campaign just ended, dwarfing anything in America's political history. It is hardly an exaggeration to say that if an effective curb is not put on big spending the system of free elections that has, on the whole, served the country well will be destroyed.

While the Republicans had the big money and spent it by the barrelful, spending was not a prerogative of one party. In two democratic primaries before the November election private wealth put into television went to swing the balance. In New York State Rep. Richard L. Ottinger is reported to have spent $1,300,000 to win the senatorial primary. The money came largely from the International Plywood Corp., which his family controls.

In Texas Lloyd Bentsen, Jr., a multimillionaire insurance executive, spent well over a million dollars on a television blitz that began months before the primary date to defeat Sen. Ralph Yarborough. The Bentsen television spots were shrewdly tailored to exploit the emotions of prayer amendment and campus unrest.

While exact figures are difficult, if not impossible to come by the Republicans in the campaign spent probably over-all 10 times as much as the Democrats. One reason is that they had the money in contrast to the near bankruptcy of the Democratic Party. Having had similar resources, the party out of national power might have been as free in the spending race.

XUM

With the memory of this orgy of money still fresh a major goal should come at the top of the Congress. That is to override President Nixon's veto of a bill limiting broadcast spending in political campaigns. The President vetoed the measure on Oct. 12 even though 97 Republicans in the House, including virtually all the Republican leadership, voted for it when it was first up for passage.

At the time of the veto Republican leaders predicted they could prevent a two-thirds vote to override. By what rationalization those who were for the measure can justify supporting a feeble veto message it is hard to see.

The measure is a modest attempt to hold broadcast spending down to a sane limit. Figures compiled by the Federal Communications Commission show that in 1968 the Republicans spent $12,697,953 for television and radio time for the Nixon-Agnew ticket. Electronic time for the Humphrey-Muskie ticket cost $6,143,953.

Repeated attempts to restrain the spiraling costs of political campaigns have been frustrated. These attempts have included proposals to encourage small individual contributors by granting an income tax writeoff. The broadcast bill is the best chance—it may be the last chance, given the intricacies of the legislative process—to take a small step before another national election.

The President in his veto message called for broad reforms, calling the restraint on broadcast spending merely plugging one hole in a sieve. Should the vote be against overriding, another strategy is under consideration by senators angered over the deluge of money. That is to separate the three elements in the bill—the restriction on broadcast spending, the equal-time provision, and a requirement that the networks charge at a lower than the highest commercial rate for political broadcasts—and introduce each on its merits. Lengthy hearings have been held on all these proposals and against the background of the spending spree it is believed they have a good chance of passage.

This observer feels compelled to make one more comment on the late and unlamented campaign. Theoretically, access to television would give the greatest number of Americans an opportunity to hear candidates for high office discuss the issues. A President could limit his personal appearances. Mr. Nixon is, after all, President of all the people.

Yet again and again he rushed into crowds where risks were great. At San Jose he jumped on the hood of his auto to defy hostile demonstrators. Surely, in light of the tragedies of the '60s, more restraint was called for than we saw in Mr. Nixon's repeated performance.

[From the Washington Post]

OVERRIDING THE PRESIDENT

(By Rowland Evans and Robert Novak)

Unless the White House can sustain President Nixon's veto of the campaign spending bill in the Senate, the President faces his first open break with the House Republican leadership.

The vetoed bill, establishing strict limits on spending for political radio-TV broadcasting, comes up in the Senate early during the lameduck session beginning Nov. 16. If two-thirds of the Senate overrides the veto, the bill goes to the House—and an unprecedented confrontation between Mr. Nixon and Rep. Gerald Ford of Michigan, the fastidiously loyal House Republican leader.

Although few of his colleagues are aware of it yet, Ford is on record to override. "I voted for the bill when it passed the House," Ford told constituents in his newsletter of Oct. 19. "I believe it is a fair solution to a difficult problem. I understand the President's position, but I intend to vote to override the veto."

Probably joining Ford will be Rep. William Springer of Illinois, senior Republican on the House Commerce Committee, which handled the bill. Springer is still steaming over the curt dismissal by White House staffers of his arguments against vetoing the bill.

Emboldened by Ford, rank-and-file House Republicans may also oppose the President—especially in light of the past campaign. Many return to Washington convinced that saturation radio-TV advertising infuriates the public.

To avoid trouble in the House, the White House needs to uphold the veto in the Senate (where Republican leaders support it). But 16 Republican senators voted for the bill on Sept. 23, and they may not be easy to turn around.

ROCKY AND ROG

A private telephone call from Gov. Nelson Rockefeller, just re-elected with his largest-ever plurality, to Republican National Chairman Rogers Morton shortly after the polls closed Tuesday night, brought this quick agreement: The base of President Nixon's political advice must be broadened, and quickly.

Morton and Rockefeller agreed that the tight inner circle of Mr. Nixon's White House—dominated by H. R. (Bob) Haldeman—has drastically limited outside political influence. The advice Rocky and Rog want to get to Mr. Nixon: De-emphasize the South for 1972.

A footnote: If the President specifically asks Morton to stay on as national chairman, he will say yes. If there is no such request, Morton might quit and devote full time to being a Maryland congressman.

BARRY VERSUS SCOTT

Sen. Barry Goldwater has heightened prospects for a Senate Republican bloodbath by privately urging Sen. Robert Dole of Kansas to try unseating Sen. Hugh Scott of Pennsylvania as Senate Minority Leader in January.

Dole, an aggressively ambitious first-termer, needs little encouragement. A strong backer of Nixon administration policy, he has been anxious to challenge Scott as insufficiently loyal to the President. However, Dole could scarcely win support outside the Goldwater orbit of hardcore conservatives. A more formidable foe for Scott would be Sen. Howard Baker of Tennessee, who lost to Scott last year and is undecided about trying again.

A footnote: A sure anti-Scott vote vanished when Sen. George Murphy was defeated in California. Before the election, Scott confided to friends he would shed no tears over the defeat of either Murphy or Sen. Paul Fannin of Arizona (who was reelected).

NONPOLITICAL IRS

White House political operatives are fuming that political innocence at the Internal Revenue Service cost the Republican Party a previous seat in Congress Tuesday.

They blame the IRS for the defeat of Rep. Martin B. McKneally, an upstate New York Republican and former national commander of the American Legion, by John Dow, a left-of-center ex-congressman who advocates diplomatic recognition of Red China. McKneally seemed a winner until Sept. 15, when the IRS, answering a query, revealed he had not filed income tax returns from 1964 through 1967 and that his case was under investigation.

Republican politicians contend the IRS should have kept quiet until after the election, when McKneally could have resigned his seat and a special election called to fill the vacancy. The IRS says that Section 6103 (F) of the Internal Revenue Code requires it to disclose, when asked, whether a taxpayer has filed a return for a given year.

WASHINGTON

[From the Seattle (Wash.) Post-Intelligencer, Oct. 15, 1970]

A BAD VETO

A P-I View: The President's veto of the campaign finance reform legislation should be overridden.

President Nixon, we were sorry to read, on Oct. 12 saw fit to veto the long-debated congressional legislation designed to provide the first really significant reform of campaign finance laws in half a century.

The bill primarily would have clamped long-needed ceilings on presently soaring television and radio spending by presidential, congressional and gubernatorial candidates, beginning with the 1972 presidential election.

In turning thumbs down on the measure, the President contended that it was full of imperfections—that, for example, it could tend to give celebrities or well-known office holders an advantage against unknown contenders.

Some of the objections were clearly valid. The bill admittedly has flaws and some of its serious problems, such as enforcement, were left dangling in limbo. But the measure was a big step in the right direction—and would always have been subject to revision and correction.

In considering this legislation, which is too complicated for detailed analysis here, it should be noted that a total of four votes were taken—two in each House. In each case support was voted by more than two-thirds of the lawmakers.

This is pretty impressive, particularly in view of the long discussions involved and the bi-partisan nature of the approving votes. Those who were most closely involved, and best informed, definitely wanted the reform bill, no matter what imperfections it contained.

Now, at least temporarily, the corrective move has been stymied. Charges that the veto was politically motivated gain credence in view of the absence of any alternative suggestions from the Republican administration—whose money drive for a 1972 victory already is in high gear.

Politics always will be politics, we suppose, and it is unreasonable to expect those in power to jeopardize or surrender any of their power. Yet such is the pressing need for reform of runaway campaign spending that the President's veto may yet be overridden.

We should like to see that happen in this case. In the long run it would be in the best public interest.

WEST VIRGINIA

NIXON TV VETO DUE FOR REJECTION

(By Marquis Childs)

WASHINGTON.—The Nixon Administration runs a tight ship that dissent seldom raises its ugly head in the inner councils. That makes the backstage pulling and hauling over the bill limiting campaign spending on television and radio all the more remarkable.

It went on until just before the deadline when the President had to act or let the bill become law without his signature. Those arguing against a veto pointed out that rejecting the measure passed by large majorities in both houses of Congress would be handing the Democrats a powerful piece of campaign ammunition on the eve of the Congressional elections.

The veto message has all the credibility of a $3 bill. An exercise in obfuscation, it hardly succeeds even in confusing the basic issue. That was to try to curb the power of big money to determine the elective process through television. As a state paper, the veto message will rank with some of the noble words of Warren Gameliel Harding.

Those working long and hard to put over this modest reform, notably the National

XUM

Committee for an Effective Congress, believe the chances are good to override the President's veto when Congress returns after the election. Virtually the entire Republican leadership in the House was among the 97 Republicans voting for the bill on the first go-round. House Minority Leader Gerald Ford voted for it twice. In light of this Ford and his associates are asking how they can vote against overriding.

The veto message was assembled from everything adverse said about the measure in Senate and House committees and in the debate that followed. Long-time specialists in campaign techniques say this is conveniently ignored were the refutations of the criticism from the proponents of the bill.

The message stressed two principal objections. One was the impossibility of enforcing a limit on TV campaign spending. But the Federal Communications Commissions has the authority to require individual stations to report on how time is portioned out. Enforcement would seem to be a simple matter.

The second objection was that the reform plugged only one hole in a sieve. Hard-pressed candidates would spend even more money on newspaper advertising, billboards, direct-mail appeal and other techniques, simply not true. Direct-mail appeals lose steam after the first or second try.

There was no question of the reform measure restraining television spending in the coming election. Delay in final passage insued that it would not be effective, under the 30-day provision, until after November 3. The measure provided a waiver on the equal-time requirement so that candidates of the two major parties could debate without subjecting broadcasters to demands from fringe parties for the same privilege.

If the veto is not overridden or, failing that, if a new reform bill is not introduced and pushed through beginning in January, the President will have immunity from debate for 1972. As the man in the chief executive's chair, the best-known figure in political life, he would not want to share a smidgin of his celebrity with a Democratic challenger. Mr. Nixon made that error in 1960 with unhappy consequences in the debate with John F. Kennedy.

In the Nixon hierarchy today are many who came out of advertising, television and professional public relations. Their role is spelled out in Joe McGinnis' "The Selling of the President 1968." They are said to have swung the balance for a veto in the prolonged White House hassle.

Too much is involved in a money scandal without parallel in American political history for this repulse of a reform long in the making simply to be forgotten. Aside from the political charges and counter-charges, several objective studies have been made recently of television spending and how increasingly it tends to put political office beyond the reach of anyone without personal wealth or the bankroll of contributors willing to buy a piece of the candidate.

One of the best was a report on campaign costs in the electronic era financed by the Twentieth Century Fund. It recommends free 30-minute periods for major candidates broadcast simultaneously by all networks in the closing weeks of a Presidential campaign. Broadcasters would be compensated for lost revenue either by tax exemption or direct payments. Interesting enough, Dean Burch, now chairman of the Federal Communications Commission, was a member of the panel that made the study.

[From the Huntington (W. Va.) Advertiser, Oct. 14, 1970]

Congress Should Override Veto of Party Limits on TV Spending

President Nixon's veto of the bill passed by Congress with substantial bipartisan majorities to limit radio and television spending in political campaigns has properly raised sharp criticism.

Democratic National Chairman Lawrence F. O'Brien charged the bill was vetoed because it would have "stopped the Republican party's campaign to saturate the public airways with paid spot commercials."

Russell D. Hemenway, director of the National Committee for an Effective Congress, which sponsored the measure, suggested that the Nixon veto represented "a presidential effort to avoid the possibility of meeting his 1972 opponent in open debate."

The essential purpose of the bill was to help equalize opportunities of candidates and parties by preventing those with unlimited means from gaining a tremendous promotion value over those unable to buy equal radio and television time.

The importance of these restrictions lies not only in the idealistic principles of the American system of government but in repeated instances of rich men's winning elections by huge expenditures.

The bill was thus an effort to prevent the conversion of the American democracy into a plutocracy. A government by rich men, however, is not as bad as one controlled by rich predatory corporations seeking special privileges through lavish campaign contributions to candidates.

Domination of the government by big money and big corporations has been a serious menace in this country at least since the days of Mark Hanna and his brazen solicitation of funds in behalf of William McKinley.

The menace assumed serious proportions again with the nomination of Mr. Nixon because he was a member of a law firm that represented powerful corporations.

The evidence of corporate influence over the candidates was strengthened by his intended-to-be-secret campaign letter promising the Wall Street crowd less rigid regulation.

The support that Republican candidates received from big business was indicated by the fact that the party was able to spend $12.7 million for radio and television time in the 1968 campaign.

This was more than double the Democratic outlay of $6.1 million.

The vetoed bill would have limited each party's spending in 1972 to $5.1 million.

President Nixon's argument in his veto message that the limit on radio and television spending would prevent many candidates from getting their message to the greatest number of people was refuted by another of his own statements.

Limiting spending for radio and television time, he said, would only cause candidates to use the same money—or more—on newspaper ads, billboards, pamphlets and direct mail that might even require a larger budget.

The only people these advertising media would not reach would be those who can't read.

Candidates and political parties should of course be allowed to spend sufficient money to get their message to the people. That is part of the democratic process.

But they should not be allowed to dominate public sentiment through saturation radio and television programs that enable them to sell misrepresentation through repetition.

And certainly elections should be won on a basis of issues and principles and not on the amount of money a candidate or a party has to spend.

The veto should be overridden by a bipartisan vote, just as the bill was originally passed.

Wisconsin

[From the Milwaukee Journal, Oct. 13, 1970]

Good Election Reform Vetoed

In vetoing the bill that would have set stiff spending limits on political radio and television commercials, President Nixon blocked a step toward reform for some rather dubious reasons.

The bill would have placed limits on radio and television spending for all federal officers and state governors and lieutenant governors. Such costs have sky-rocketed. The Twentieth Century Fund reports that radio and television spending by presidential and vice presidential candidates in the general election of 1956 was $4.6 million and jumped to $11 million in 1964 and to $20.4 million in 1968. And this is but a small part of the total radio and television election expenditure. Campaigning costs have grown far out of the reach of many potential candidates.

Nixon said in his veto message that the bill failed to limit overall campaign costs. True, but it proposed a sound beginning toward cost control by capping the most expensive methods of campaigning. It was the first meaningful control to pass Congress.

The president said that the bill might prevent unknowns from making adequate public contact and thus give additional advantages to celebrities among candidates. The fact is that under present conditions the celebrities have had little trouble raising huge funds and so have had a tremendous advantage.

The bill, Nixon claimed, would give undue advantage to office holders. They already have an advantage because by virtue of holding office they are generally known to the public and are usually best able to raise the funds needed to meet today's spiraling campaign costs.

Democrats naturally claim that the veto was meant to assure the Republicans continued advantage of their present ability to double their opponents in spades when it comes to raising money. It is interesting that the two Republicans who pressured the president most for a veto were those most concerned with campaign funds—Republican National Chairman Rogers Morton and Sen. Tower of Texas, Republican senatorial campaign committee chairman.

The veto blocked a hopeful step forward in election reform. It should bring renewed efforts on the part of those who see the need for reform to put the whole business up to the president again and follow it up with other needed reforms to strengthen our weak election fund controls.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the reading of the Journal tomorrow the able senior Senator from New York (Mr. Javits) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the order previously entered, providing for the Senator from New York (Mr. Javits) to be recognized for not to exceed 30 minutes tomorrow, following disposition of the Journal, be vacated and that this order be entered, instead, for Wednesday morning, November 18, 1970.

The PRESIDING OFFICER (Mr. Dole). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TALMADGE TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that immediately following the remarks of the Senator from New York (Mr. Javits) tomorrow, the Senator from Georgia (Mr. Talmadge) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the previous order, providing for the recognition of the able Senator from Georgia (Mr. Talmadge) on tomorrow be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2193, Calendar No. 1300. I further ask unanimous consent that the unfinished business, House Joint Resolution 264, not be laid before the Senate at 2 o'clock, but be temporarily laid aside, and that it remain temporarily laid aside until disposition of S. 2193.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read the bill (S. 2193) by title, as follows:

A bill to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health; and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Occupational Safety and Health Act of 1970".

CONGRESSIONAL FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that personal injuries and illness arising out of work situations which result in death or disability impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of reduced production, wage losses, medical expenses, and disability compensation payments.

(b) The Congress declares that it is the policy of the United States in the exercise of its powers to regulate commerce and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions—

(1) by providing for the development, promulgation, and effective enforcement of occupational safety and health standards applicable to businesses affecting commerce;

(2) by providing for research relating to occupational safety and health;

(3) by providing for training programs to increase and improve the skills of personnel engaged in the field of occupational safety and health;

(4) by more clearly delineating the responsibilities of the Federal Government and the States in their activities related to occupational safety and health;

(5) by providing grants to the States to assist them in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, and to conduct experimental and demonstration projects in connection therewith; and

(6) by providing for appropriate accident and health reporting procedures which will more accurately describe the nature of the problems in the field of occupational safety and health and achieve the objectives of this Act.

DEFINITIONS

Sec. 3. For the purposes of this Act—

(a) The term "Secretary" means the Secretary of Labor or his authorized representative.

(b) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(c) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(d) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

(e) The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

(f) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(g) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (1) has been adopted and promulgated by a nationally recognized standards-producing organization under procedures whereby it can be determined by the Secretary that persons interested and affected by the scope or provisions of the standard have reached substantial agreement on its adoption, (2) was formulated in a manner which afforded an opportunity for diverse views to be considered and (3) has been designated as such a standard by the Secretary, after consultation with other appropriate Federal agencies.

(h) The term "established Federal standard" means any operative occupational safety and health standard established by any agency of the United States and presently in effect, or contained in any Act of Congress in force on the date of enactment of this Act.

APPLICABILITY OF THIS ACT

Sec. 4. (a) This Act shall apply with respect to employment performed in a workplace in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, and the Canal Zone. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no Federal district courts having jurisdiction.

(b) (1) Except as provided in paragraph (2) of this subsection, nothing in this Act shall be deemed to repeal or modify any other Federal law prescribing safety or health requirements or the standards, rules, or regulations promulgated pursuant to such law, nor shall this Act apply to working conditions of employees with respect to which any Federal agency other than the Secretary of Labor exercises statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

(2) The safety and health standards promulgated under the Act of June 30, 1936, commonly known as the Walsh-Healey Act (41 U.S.C. 35 et seq.), the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), Public Law 91–54, Act of August 9, 1969 (40 U.S.C. 333), Public Law 85–742, Act of August 23, 1958 (33 U.S.C. 941), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.) are superseded on the effective date of corresponding standards, promulgated under this Act, which are determined by the Secretary to be more effective. Standards issued under the laws listed in this paragraph and in effect on or after the effective date of this Act shall be deemed to be occupational safety and health standards issued under this Act.

(3) The Secretary shall, within three years after the effective date of this Act, report to the Congress his recommendations for legislation to avoid unnecessary duplication and to achieve coordination between this Act and other Federal laws relating to occupational safety and health.

(4) Nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.

DUTIES OF EMPLOYERS AND EMPLOYEES

Sec. 5. (a) Each employer—

(1) shall furnish to each of his employees employment and a place of employment free from recognized hazards so as to provide safe and healthful working conditions, and

(2) shall, except as provided in section 16, comply with occupational safety and health standards, and all rules, regulations, and orders issued pursuant to this Act.

(b) Each employee shall, except as provided in section 16, comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Sec. 6. (a) Without regard to chapter 5 of title 5, United States Code, or to the other subsections of this section, the Secretary shall as soon as practicable during the period beginning with the effective date of this Act and ending two years after such date, by rule promulgate as an occupational safety or health standard any national consensus standard, and any established Federal standard, unless he determines that the promulgation of such a standard would not result in improved safety or health for specifically designated employees. In the event of conflict among any such standards, the Secre-

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tary shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees. During such period he may also by rule, and in accordance with section 553 of title 5, United States Code, promulgate any standard adopted prior to the date of enactment of this Act by a nationally recognized standards-producing organization by other than a consensus method.

(b) The Secretary may by rule promulgate, modify, or revoke any occupational safety or health standard in the following manner:

(1) Whenever the Secretary, upon the basis of information submitted to him in writing by an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing organization, the Secretary of Health, Education, and Welfare, the National Institute for Occupational Health and Safety, a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available to him, determines that a rule should be promulgated in order to serve the objective of this Act, the Secretary may request the recommendations of an advisory committee appointed under section 7 of this Act. The Secretary shall provide such an advisory committee with any proposals of his own or of the Secretary of Health, Education, and Welfare, together with all pertinent factual information developed by the Secretary or the Secretary of Health, Education, and Welfare, or otherwise available, including research, demonstrations, and experiments. An advisory committee shall submit to the Secretary its recommendations regarding the rule to be promulgated within ninety days from the date of its appointment or within such longer or shorter period as may be prescribed by the Secretary, but in no event for a period which is longer than two hundred and seventy days.

(2) The Secretary shall publish a proposed rule promulgating, modifying, or revoking an occupational safety or health standard in the Federal Register and shall afford interested persons a period of thirty days after publication to submit written data or comments. Where an advisory committee is appointed and the Secretary determines that a rule should be issued, he shall publish the proposed rule within sixty days after the submission of the advisory committee's recommendations or the expiration of the period prescribed by the Secretary for such submission.

(3) On or before the last day of the period provided for the submission of written data or comments under paragraph (2), any interested person may file with the Secretary written objections to the proposed rule, stating the grounds therefor and requesting a public hearing on such objections. Within thirty days after the last day for filing such objections, the Secretary shall publish in the Federal Register a notice specifying the occupational safety or health standard to which objections have been filed and a hearing requested, and specifying a time and place for such hearing.

(4) Within sixty days after the expiration of the period provided for the submission of written data or comments under paragraph (2), or within sixty days after the completion of any hearing held under paragraph (3), the Secretary shall issue a rule promulgating, modifying, or revoking an occupational safety or health standard or make a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date for such period as the Secretary determines may be necessary to insure that affected employers and employees will be informed of the existence of the standard and of its terms and that employers affected are given an opportunity to familiarize themselves and their employees with the existence of the requirements of the standard.

(5) The Secretary, in promulgating standards under this subsection, shall set the standard which most adequately and feasibly assures, on the basis of the best available evidence, that no employee will suffer any impairment of health or functional capacity, or diminished life expectancy even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of such standards shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard promulgated shall be expressed in terms of objective criteria and of the performance desired.

(6) Any standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. Where appropriate, such standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be necessary for the protection of employees. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the employer or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. In the event such medical examinations are in the nature of research, as determined by the Secretary of Health, Education, and Welfare, such examinations may be furnished at the expense of the Secretary of Health, Education, and Welfare. The results of such examinations or tests shall be furnished only to the Secretary or the Secretary of Health, Education, and Welfare, and, at the request of the employee, to his physician. The Secretary, in consultation with the Secretary of Health, Education, and Welfare may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning, monitoring or measuring, and medical examinations, as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard.

(c) (1) The Secretary shall provide without regard to the requirements of chapter 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if he determines (A) that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and (B) that such emergency standard is necessary to protect employees from such danger.

(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

(3) Upon publication of such standard in the Federal Register the Secretary shall commence a proceeding in accordance with section 6(b) of this Act, and the standard as published shall also serve as a proposed rule for the proceeding. The Secretary shall promulgate a standard under this paragraph no later than six months after publication of the emergency standard as provided in paragraph (2) of this subsection.

(d) Any affected employer may apply to the Secretary for a rule or order for a variance from a standard promulgated under this section. Affected employees shall be given notice of each such application and an opportunity to participate in a hearing. The Secretary shall issue such rule or order if he determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Secretary on his own motion, in the manner prescribed for its issuance under this subsection at any time after six months from its issuance.

(e) Whenever the Secretary promulgates any standard, makes any rule, order or decision, grants any exemption or extension of time, or compromises, mitigates, or settles any penalty assesssed under this Act, he shall include a statement of the reasons for such action which shall be published in the Federal Register.

(f) Any person who may be adversely affected by a standard issued under this section may at any time prior to the sixtieth day after such standard is promulgated file a petition challenging the validity of such standard with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The filing of such petition shall not, unless otherwise ordered by the court, operate as a stay of the standard.

ADMINISTRATION; ADVISORY COMMITTEES

SEC. 7. (a) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and personnel of such agency, with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and personnel of any agency of such State or subdivision with reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually.

(b) The Secretary may appoint advisory committees to recommend occupational safety and health standards under section 6(b) of this Act. Each such advisory committee shall consist of not more than fifteen members and shall include as a member one or more designees of the Secretary of Health, Education, and Welfare and may include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employers involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more representatives of health and safety agencies of the States, and such other persons who are qualified by knowledge and experience to make a useful contribution to the work of the committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health, and one or more representatives of nationally recognized standards producing organizations, but the number of persons so appointed to any advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated at a rate prescribed by the Secretary not in excess of the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code. All members of advisory committees shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties. The Secretary shall pay to any State which is the employer of a member of the committee who is a representative of the health or safety agency of that State, a reimbursement sufficient to cover the actual cost to the State resulting from the service of such representative on the committee. No member of the committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

(c) (1) The Secretary and the Secretary of Health, Education, and Welfare shall appoint a National Advisory Committee on Occupational Safety and Health (hereafter in this subsection referred to as the "Committee"). The Committee shall consist of twenty members appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and composed equally of representatives of management, labor, occupational safety and occupational health professions, and of the public. The Secretary shall appoint all members of the Committee except for occupational health representatives who shall be appointed by the Secretary of Health, Education, and Welfare. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

(2) The Committee shall advise, consult with, and make recommendations to, the Secretaries of Labor and Health, Education, and Welfare on matters relating to the implementation of this Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

(3) The members of the Committee appointed from private life shall be compensated at a rate prescribed by the Secretary not in excess of the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code. All members of the Committee shall be reimbursed for travel, subsistence, and necessary expenses in the performance of their duties.

(4) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

INSPECTIONS, INVESTIGATIONS, AND RECORDKEEPING

SEC. 8. (a) In order to carry out the purposes of this Act, the Secretary, or any authorized representative, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter upon at reasonable times any place of employment where work is performed to which this Act applies; and

(2) to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee.

(b) For the purposes of any investigation or proceeding provided for in this Act, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914 (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.

(c) (1) Each employer shall make, keep and preserve, and make available to the Secretary or the Secretary of Health, Education, and Welfare, such records regarding his activities relating to this Act as the Secretary, in cooperation with the Secretary of Health, Education, and Welfare, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of occupational accidents and illnesses. Such regulations may include provisions requiring employers to conduct periodic inspections to determine their own state of compliance with this Act or with applicable standards, regulations, and orders, and to certify the results of such inspections to the Secretary. The Secretary shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this Act, including the provisions of applicable standards.

(2) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall prescribe regulations requiring employers to maintain accurate records of, and to make periodic reports on, all work-related deaths, injuries and illnesses. The Secretary shall compile accurate statistics on work injuries and illnesses which shall include all disabling, serious, or significant injuries and illnesses, whether or not involving loss of time from work.

(3) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare shall issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under section 6 or 18. Such regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof. Such regulations shall also make appropriate provision for each employee or former employee to have access to such records as will indicate his own exposure to potentially toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable occupational safety and health standard promulgated under section 6, and shall inform any employee who is being thus exposed of the corrective action being taken.

(d) Any information required by the Secretary or the Secretary of Health, Education, and Welfare, under this Act shall be obtained with a minimum burden upon employers, especially those operating small businesses. To the maximum extent possible, unnecessary duplication of efforts by employers in recording or reporting information shall be reduced.

(e) Subject to regulations issued by the Secretary, a representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any workplace under subsection (a) for the purpose of aiding such inspection. Where there is no authorized employee representative the Secretary or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

(f) (1) Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violations or danger exist. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify in writing the employees or representative of the employees of such determination.

(2) Prior to or during any inspection of a workplace, any employees or representative of employees employed in such workplace may notify the Secretary or any representative of the Secretary responsible for conducting the inspection, in writing, of any violation of this Act which they have reason to believe exists in such workplace. The Secretary shall, after the completion of the inspection, furnish any such employees or representative with a written explanation of any failure to issue a citation with respect to any such alleged violation. The Secretary shall also, by regulation, establish procedures for informal review of any refusal by a representative of the Secretary to issue a citation with respect to any such violation and shall furnish the employees or representative of employees requesting such review a written statement of the reasons for the Secretary's final disposition of the case.

(g) The Secretary or Secretary of Health, Education, and Welfare is authorized to compile, analyze, and publish, either in summary or detailed form, all reports or information obtained under this section.

CITATIONS FOR VIOLATIONS

SEC. 9. (a) If, upon inspection or investigation, the Secretary or his authorized representative determines that an employer has violated a requirement of sections 5, 6(d), 8(c), 18, or a rule, regulation, or order prescribed pursuant to one of those sections, he shall issue forthwith a citation to the employer. Each citation shall be in writing, and shall describe with particularity the nature of the violation, including a reference to the provision of the Act, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. The Secretary may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimus violations which have no direct or immediate relationship to safety or health.

(b) Each citation issued under this section, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the Secretary, at or near each place a violation referred to in the citation occurred.

PROCEDURES FOR ENFORCEMENT

SEC. 10. (a) If, after an inspection or investigation, the Secretary issues a citation under section 9(a), he shall, within a reasonable time after the termination of such

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inspection or investigation, notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 14 and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the citation or proposed assessment of penalty. If, within fifteen working days from the receipt of the notice issued by the Secretary the employer fails to notify the Secretary that he intends to contest the citation or proposed assessment of penalty, and no notice is filed by an employee or representative of emplyees under subsection (c), the citation and the assessment, as proposed, shall be final as to the employer and not subject to review by any court or agency, and for purposes of subsection (e) shall be deemed a final order issued by the Secretary under subsection (c).

(b) If the Secretary has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted for its correction (which period shall not begin to run until the termination of any review proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties), or has failed to comply with an order issued under section 11(b), the Secretary shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under section 14 by reason of such failure, and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the Secretary's notification or the proposed assessment of penalty. If within fifteen working days from the receipt of the notification issued by the Secretary, the employer fails to notify the Secretary that he intends to contest the notification or proposed assessment of penalty, the notification and assessment, as proposed, shall be final and not subject to review by any court or agency, and for purposes of subsection (e) shall be deemed a final order issued by the Secretary under subsection (c).

(c) If an employer notifies the Secretary that he intends to contest a citation issued under section 9(a) or notification issued under section 10(b), or a proposed assessment of penalty issued under section 10 (a) or (b), or if, within fifteen working days of the issuance of a citation under section 9(a), any employee or representative of employees files a notice with the Secretary alleging that he believes the period of time fixed in the citation for the abatement of the violation is unreasonable, the Secretary shall afford an opportunity for a hearing (in accordance wth section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section), and shall issue an order, based on findings of fact, confirming, denying, or modifying the citation or assessment of penalty, or, if he determines the employer has failed to correct a violation within the period fixed in the citation, shall issue such orders, based on findings of fact, as may be necessary for the correction of the violation for which the citation was issued, and for the assessment and collection of any penalty under section 14. The Secretary shall give the employer, or any other person who has filed a notice under this subsection, the information required by section 554(b) of title 5, United States Code, at least fifteen days prior to the hearing. Upon a showing by an employer of a good faith effort to comply with the abatement requirements of a citation, and that abatement has not been completed because of factors beyond his reasonable control, the Secretary, after an opportunity for a hearing as provided in this subsection, shall issue an order affirming or modifying the abatement requirements in such citation. The rules of procedures prescribed by the Secretary shall provide affected employees or representatives of affected employees an opportunity to participate as parties to hearings under this subsection.

(d) Except in the case of an order which has become final under section 10 (a) or (b), any person adversely affected or aggrieved by a final order of the Secretary issued under subsection (c) or subsection (f) may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or where the employer has its principal office, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days following the service of such order a written petition to modify or set aside the order of the Secretary. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary and thereupon the Secretary shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant to the petitioner or the Secretary such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Secretary and enforcing the same to the extent that such order is affirmed or modified. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Secretary. No objection that has not been urged before the Secretary shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Secretary with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Secretary, the court may order such additional evidence to be taken before the Secretary and to be made a part of the record. The Secretary may modify his findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and he shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and his recommendations, if any, for the modification or setting aside of his original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

(e) The Secretary may petition any United States court of appeals for the circuit in which the violation occurred or where the employer has its principal office, for a decree enforcing his order, and the provisions of subsection (d) shall govern such proceedings to the extent applicable. If no petition for review, as provided in subsection (d), is filed within sixty days after service of the Secretary's order, the Secretary's findings of fact and order shall be conclusive in connection with any petition for enforcement, which is filed by the Secretary after the expiration of such sixty-day period. In any such case, as well as in the case of a noncontested citation or notification by the Secretary which has become a final order of the Secretary under subsection (a) or (b) of this section, the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order of the Secretary and shall transmit a copy of such decree to the Secretary and the employer named in the petition. In any contempt proceeding brought to enforce a decree of a court of appeals entered pursuant to this subsection or subsection (d), the court of appeals may impose the penalties provided in section 14, in addition to invoking any other available remedies.

(f) No person shall discharge or in any other way discriminate against an employee because of the exercise by such employee on behalf of himself or others of any right afforded by this Act, including action to determine the extent of employee exposure to hazardous substances, or for leaving a workplace upon the order of the Secretary or a district court issued pursuant to section 11. Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of this subsection may, within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be conducted in accordance with section 554 of title 5, United States Code. Upon receiving the report of such investigation the Secretary shall make findings of fact. If he finds that such alleged violation did occur, he shall issue a decision, incorporating an order therein, requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee to his former position with back pay. If he finds that there was no such violation he shall issue an order denying the application, incorporating his findings therein. Judicial review or enforcement of the Secretary's order may be obtained in the manner provided in subsection (d) or (e) of this section.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

SEC. 11. (a) If, upon inspection or investigation of a place of employment, the Secretary determines that an imminent danger exists in such place of employment, the Secretary may bring a civil action in the United States district court for the district where the imminent danger exists or where the employer has its principal office for a temporary restraining order or injunction requiring such steps to be taken as may be necessary to avoid, correct or remove such imminent danger and prohibiting the employment or presence of any individual in locations or under conditions where such imminent danger exists except individuals whose presence is necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to restart without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner. An action may be brought under this subsection while an order of the Secretary under subsection (b) is in effect. As used in this section the term "imminent danger" means a condition or practice which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated.

(b) If the Secretary determines that the imminence of a danger referred to in subsection (a) is such that immediate action is necessary, and the Secretary determines that there is not sufficient time, in light of the nature and imminence of the danger, to seek and obtain a temporary restraining order or injunction under subsection (a) of this section, the Secretary shall issue an order requiring such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger and prohibiting the employment or presence of any individual in locations or under conditions where such imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove such imminent danger, or to maintain the capacity of a continuous process operation to restart without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner. Such order may remain in effect for not more than seventy-two hours from the time of its issuance. If the Secretary delegates his authority to issue orders under this subsection, he shall provide that such order may not be issued until the concurrence of an appropriate regional Labor Department official is first obtained. The Secretary shall by regulation provide appropriate procedures whereby an employer may obtain expeditious informal reconsideration by officials of the Department of Labor of any order issued under this subsection.

(c) If the Secretary arbitrarily or capriciously fails to issue an order or seek relief under this section, any employee who may be injured by reason of such failure, or the representative of such employees, may bring an action against the Secretary in the United States district court for the district in which the imminent danger is alleged to exist or the employer has its principal office, or for the District of Columbia, for a writ of mandamus to compel the Secretary to issue such an order and for such further relief as may be appropriate.

REPRESENTATION IN CIVIL LITIGATION

SEC. 12. Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

CONFIDENTIALITY OF TRADE SECRETS

SEC. 13. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. In any such proceeding the Secretary or the court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

PENALTIES

SEC. 14. (a) Any employer who violates any standard promulgated under section 6, or the requirements of section 6(d), 8(c), 18, or any rule, regulation, or order issued pursuant to one of those sections, and who has received a citation therefor, shall be assessed a civil penalty of not more than $1,000 for each such violation. Any employer who fails to correct a violation for which a citation has been issued under section 9(a) within the period permitted for its correction (which period shall not begin to run until the termination of any review proceedings under section 10 initiated by the employer in good faith and not solely for delay or avoidance of penalties), or who fails to comply with an order issued under section 11(b), shall be assessed a civil penalty for not more than $1,000 for each day during which such failure or violation continues.

(b) The Secretary may compromise, mitigate, or settle any claim for civil penalties. In assessing the penalty consideration shall be given to the appropriateness of such penalty to the size of the business of the person charged, to the gravity of the violation, to the history of previous violations, and to the good faith of the employer.

(c) Any employer who willfully violates any standard promulgated under section 6, or the requirements of sections 6(d), 8(c), 18, or of any rule, regulation or order issued pursuant to one of those sections, shall, upon conviction, be punished by a fine of not more than $10.000 or by imprisonment for not more than six months, or by both; except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine of not more than $20,000 or by imprisonment for not more than one year, or by both.

(d) Any person who gives advance notice of any inspection to be conducted under this Act, without authority from the Secretary or his designees, shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both.

(e) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

(f) Section 1114 of title 18, United States Code, is hereby amended by striking out "designated by the Secretary of Health, Education, and Welfare to conduct investigations, or inspections under the Federal Food, Drug, and Cosmetic Act" and inserting in lieu thereof "or of the Department of Labor assigned to perform investigative, inspection, or law enforcement functions".

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 15. The Secretary may establish such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as he may find necessary and proper to avoid serious impairment of the national defense. Action under this section shall not be in effect for more than six months without notification to affected employees and an opportunity being afforded for a hearing.

STATE JURISDICTION AND STATE PLANS

SEC. 16. (a) Nothing in this Act shall prevent under State law over any occupational safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assure responsibility for the development and enforcement in such State of occupato any occupational safety or health issue tional safety and health standards relating with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies to be responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards are at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues.

(3) provides for a right of entry and inspection of all places of employment subject to the plan which is at least as effective as that provided in section 8 (a), (c), (d) and (e), and includes a prohibition on advance notice of inspections,

(4) contains satisfactory assurances that such agency or agencies will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions over which it has jurisdiction, which program shall be as effective as the standards contained in the approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary disapproves a plan submitted under this section, he shall afford the State submitting the plan, due notice and opportunity for a hearing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 8, 9, 10, and 14 with respect to comparable standards promulgated under section 6, for the period specified in this subsection. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such a determination for at least three years after approval of the plan under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of section 5(a)(2) and (b), 8 (except for purposes of carrying out subsection (f) of this section), 9, 10, and 14, and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 9 or 10 before the date of a determination under this subsection.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan, he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of

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the Secretary. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan to be arbitrary and capricious, the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 17. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall, after consultation with representatives of the employees thereof—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;

(4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to paragraph (3); and

(5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such reports shall include any report submitted under section 7902(e)(2) of title 5, United States Code.

(b) The Secretary shall prepare and submit to the President for transmittal to the Congress a summary or digest of reports submitted to him under subsection (a)(4) of this section, together with his evaluation of and recommendations derived from such reports.

(c) Section 7902(c)(1) of title 5, United States Code, is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a)(3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

RESEARCH, TRAINING, AND RELATED ACTIVITIES

SEC. 18. (a)(1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary and with the heads of other appropriate Federal departments or agencies, shall conduct, either directly or by way of grant or contract, research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved and the development of innovative methods, techniques, and approaches for dealing with existing or anticipated occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare shall be responsible for producing criteria upon which the Secretary may formulate occupational safety and health standards under this Act, and shall from time to time consult with the Secretary in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce such criteria. The Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop such criteria which if applied will assure that no employee will suffer impaired health or functional capacities, or diminished life expectancy as a result of his work experience.

(3) The Secretary of Health, Education, and Welfare, in order to comply with his responsibilities under paragraph (2) and in order to develop needed information regarding potentially toxic substances or harmful physical agents, may prescribe regulations requiring employers to measure, record, and make reports on the exposure of employees to substances or physical agents which the Secretary of Health, Education, and Welfare reasonably believes may endanger the health or safety of employees. The Secretary of Health, Education, and Welfare also is authorized to establish such programs of medical examinations and tests as may be necessary for determining the incidence of occupational illnesses and the susceptibility of employees to such illnesses. Nothing in this or any other provision of this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others. Upon the request of any employer who is required to measure and record exposure of employees to substances or physical agents as provided under this subsection, the Secretary of Health, Education, and Welfare shall furnish full financial or other assistance to such employer for the purpose of defraying any additional expense incurred by him in carrying out the measuring and recording as provided in this subsection.

(4) The Secretary of Health, Education, and Welfare shall publish within six months of enactment of this Act, and thereafter maintain at least annually, a list of all substances used or found in the workplace and known to be potentially toxic and the concentrations at which such toxicity is known to occur. He shall determine following a written request by any employer or authorized representative of employees, specifying with reasonable particularity the grounds on which the request is made, whether any substance normally found in the place of employment has potentially toxic effects in such concentrations as used or found; and shall submit such determination both to employers and affected employees as soon as possible. If the Secretary of Health, Education, and Welfare determines that any substance is potentially toxic at the concentrations in which it is used or found in a place of employment, and such substance is not covered by an occupational safety or health standard promulgated under section 6, the Secretary of Health, Education, and Welfare shall immediately submit such determination to the Secretary, together with all pertinent criteria.

(5) Within two years of enactment of this Act, and annually thereafter, the Secretary of Health, Education, and Welfare shall conduct and publish industrywide studies of the effect of chronic or low-level exposure to industrial materials, processes, and stresses on the potential for illness, disease, or loss of functional capacity in aging adults.

(6) The Secretary of Health, Education, and Welfare is authorized to make inspections and question employers and employees as provided in section 8 of this Act in order to carry out his functions and responsibilities under this section.

(b) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies related to the establishing and applying of occupational safety and health standards under section 6 of this Act. In carrying out his functions under this subsection, the Secretary and the Secretary of Health, Education, and Welfare shall cooperate in order to avoid any duplication of efforts under this section.

(c) Information obtained by the Secretary and the Secretary of Health, Education, and Welfare under this section shall be disseminated by the Secretary to employers and employees and organizations thereof.

(d) The Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor and with the heads of other appropriate Federal agencies, shall conduct, either directly or by way of grant or contract (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(e) The Secretary is also authorized to conduct, either directly or by way of grant or contract, short-term training of personnel engaged in work related to his functions under this Act.

(f) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in places of employment covered by this Act, and to consult with and advise employers and employees, and organizations representing employers and employees, with respect to effective means of preventing occupational injuries and illnesses.

(g) The functions of the Secretary of Health, Education, and Welfare under this Act shall, to the extent feasible, be delegated to the Director of the National Institute for Occupational Safety and Health established by section 19 of this Act.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

SEC. 19. (a) It is the purpose of this section to establish a National Institute for Occupational Safety and Health in the Department of Health, Education, and Welfare in order to carry out the policy set forth in section 2 of this Act and to perform the functions of the Secretary of Health, Education, and Welfare under section 18 of this Act.

(b) As used in this section—

(1) the term "Director" means the Director of the National Institute for Occupational Safety and Health; and

(2) the term "Institute" means the National Institute for Occupational Safety and Health.

(c) There is hereby established in the Department of Health, Education, and Welfare a National Institute for Occupational Safety and Health. The Institute shall be headed by a Director who shall be appointed by the Secretary of Health, Education, and Welfare, and who shall serve for a term of six years unless previously removed by the Secretary.

(d) The Institute is authorized to—

(1) develop and establish recommended occupational safety and health standards; and

(2) perform all functions of the Secretary of Health, Education, and Welfare under section 18 of this Act.

(e) Upon his own initiative, or upon the request of the Secretary of Labor or the Secretary of Health, Education, and Welfare, the Director is authorized (1) to conduct such research and experimental programs as he determines is necessary for the development of criteria for new and improved occupational safety and health standards, and (2) after consideration of the results of such research and experimental programs make recommendations concerning new or improved occupational safety and health standards. Any occupational safety and health standard recommended pursuant to this section shall immediately be forwarded to the Secretary of Labor, and to the Secretary of Health, Education, and Welfare.

(f) In addition to any authority vested in it by other provisions of this section, the Director, in carrying out its functions, is authorized to—

(1) prescribe such regulations as he deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without conditions or restriction other than that it be used for the purposes of the Institute and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) in the discretion of the Director, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)), money and other property donated, bequeathed, or devised to the Institute with a condition or restriction, including a condition that the Institute use other funds of the Institute for the purposes of the gift;

(4) in accordance with the civil service laws, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this section;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this section, and such contracts or modifications thereof may be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or any other provision of law relating to competitive bidding;

(8) make advance, progress, and other payments which the Director deems necessary under this title without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(9) make other necessary expenditures.

(g) The Institute shall submit to the Secretary of Health, Education, and Welfare, to the President, and to the Congress an annual report of its operations under this Act, which shall include a detailed statement of all private and public funds received and expended by it, and such recommendations as the Institute deems appropriate.

GRANTS TO THE STATES; STATISTICS

SEC. 20. (a) (1) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 16(c) to assist them—

(A) in identifying their needs and responsibilities in the area of occupational safety and health,

(B) in developing State plans under section 16, or

(C) in developing plans for—

(i) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(ii) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(iii) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(2) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in paragraph (1) of this subsection.

(3) The Governor of the State shall designate the appropriate State agency for receipt of any grant made by the Secretary under this section.

(4) Any State agency designated by the Governor of the State desiring a grant under this section shall submit an application therefor to the Secretary.

(5) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(6) The Federal share for each State grant under paragraphs (1) or (2) of this subsection may not exceed 90 per centum of the total cost of the application. In the event the Federal share for all States under either such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(7) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary pursuant to section 16 of this Act. The Federal share for each State grant under this subsection may not exceed 50 per centum of the total cost to the State of such a program. The last sentence of paragraph (6) shall be applicable in determining the Federal share under this subsection.

(8) Prior to June 30, 1973, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to the Congress, describing the experience under the grant programs authorized by this section and making any recommendations he may deem appropriate.

(b) (1) In order to further the purposes of this Act, the Secretary shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics.

(2) To carry out his duties under paragraph (1) of this subsection, the Secretary is authorized to—

(A) promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics;

(B) make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics; and

(C) arrange, through grants or contracts, for the conduct of such research and investigations as give promise of furthering the objectives of this section.

(3) The Federal share of each State grant under paragraph (2) of this section may be up to 50 per centum of the State's total cost.

(4) The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivision, with or without reimbursement, in order to assist him in carrying out his functions under this section.

(5) On the basis of the records made and kept pursuant to section 8(c) of this Act, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act.

AUDITS

SEC. 21. (a) Each recipient of a grant under this Act shall keep such records as the Secretary or the Secretary of Health, Education, and Welfare shall prescribe, including records which fully disclose the amount and disposition of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary or the Secretary of Health, Education, and Welfare, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

ANNUAL REPORT

SEC. 22. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress toward achievement of the purpose of this Act, the needs and requirements in the field of occupational safety and health, and any other relevant information. Such reports shall include information regarding occupational safety and health standards, and criteria for such standards, developed during the preceding year; evaluation of standards and criteria previously developed under this Act, defining areas of emphasis for new criteria and standards; an evaluation of the degree of observance of applicable occupational safety and health standards and summary of inspection and enforcement activity undertaken; analysis and evaluation of research activities for which results have been obtained under governmental and nongovernmental sponsorship; an analysis of major occupational diseases; evaluation of available control and measurement technology for hazards for which standards or criteria have been developed during the preceding year; description of cooperative efforts undertaken between Government agencies and other interested parties in the implementation of this Act during the preceding year; a progress report on the development of an adequate supply of trained manpower in the field of occupational safety and health, including estimates of future needs and the efforts being made by Government and others to meet those needs; listing of all toxic substances in industrial usage for which labeling requirements, criteria, or standards have not yet been established; and such recommendations for additional legislation as is deemed necessary to protect the safety and health of the worker and improve the administration of this Act.

NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS

SEC. 23. (a) (1) The Congress hereby finds and declares that—

(A) the vast majority of American workers, and their families, are dependent on workmen's compensation for their basic economic security in the event such workers suffer disabling injury or death in the course of their employment; and that the full protection of American workers from job-related injury or death requires an adequate, prompt, and equitable system of workmen's compensation as well as an effective program of occupational health and safety regulation; and

(B) in recent years serious questions have been raised concerning the fairness and adequacy of present workmen's compensation laws in the light of the growth of the economy, the changing nature of the labor force, increases in medical knowledge, changes in the hazards associated with various types of employment, new technology creating new risks to health and safety, and increases in the general level of wages and the cost of living.

(2) The purpose of this section is to authorize an effective study and objective eval-

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uation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation for injury or death arising out of or in the course of employment.

(b) There is hereby established a National Commission on State Workmen's Compensation Laws (hereinafter referred to as the "Commission").

(c) (1) The Commission shall be composed of fifteen members to be appointed by the President from among members of State workmen's compensation boards, representatives of insurance carriers, business, labor, members of the medical profession having experience in industrial medicine or in workmen's compensation cases, educators having special expertise in the field of workmen's compensation, and representatives of the general public. The Secretary of Labor, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare shall be exofficio members of the Commission.

(2) Any vacancy in the Commission shall not affect its powers.

(3) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(4) Eight members of the Commission shall constitute a quorum.

(d) (1) The Commission shall undertake a comprehensive study and evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation. Such study and evaluation shall include without being limited to, the following subjects: (A) the amount and duration of permanent and temporary disability benefits and the criteria for determining the maximum limitations thereon, (B) the amount and duration of medical benefits and provisions insuring adequate medical care and free choice of physician, (C) the extent of coverage of workers, including exemptions based on numbers or type of employment, (D) standards for determining which injuries or diseases should be deemed compensable, (E) rehabilitation, (F) coverage under second or subsequent injury funds, (G) time limits on filing claims, (H) waiting periods, (I) compulsory or elective coverage, (J) administration, (K) legal expenses, (L) the feasibility and desirability of a uniform system of reporting information concerning job-related injuries and diseases and the operation of workmen's compensation laws, (M) the resolution of conflict of laws, extraterritoriality and similar problems arising from claims with multistate aspects, (N) the extent to which private insurance carriers are excluded from supplying workmen's compensation coverage and the desirability of such exclusionary practices, to the extent they are found to exist, (O) the relationship between workmen's compensation on the one hand, and old-age, disability, and survivors insurance and other types of insurance, public or private, on the other hand, (P) methods of implementing the recommendations of the Commission.

(2) The Commission shall transmit to the President and to the Congress not later than October 1, 1971, a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable.

(e) (1) The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or members thereof.

(2) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this section.

(f) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(g) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(h) Members of the Commission shall receive compensation for each day they are engaged in the performance of their duties as members of the Commission at the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(i) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(j) On the ninetieth day after the date of submission of its final report to the President, the Commission shall cease to exist.

ECONOMIC ASSISTANCE TO SMALL BUSINESSES

SEC. 24. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of "paragraph (5)" and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in affecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act or standards adopted by a State pursuant to a plan approved under section 16 of the Occupational Safety and Health Act, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of the Small Business Act, as amended, is amended by striking out "or (5)" after "paragraph (3)" and inserting a comma followed by "(5) or (6)".

(c) Section 4(c) (1) of the Small Business Act, as amended, is amended by inserting "7(b) (6)," after "7(b) (5),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b) (6) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

ADDITIONAL ASSISTANT SECRETARY OF LABOR

SEC. 25. (a) Section 2 of the Act of April 17, 1946 (60 Stat. 91) as amended (29 U.S.C. 553) is amended by—

(1) striking out "four" in the first sentence of such section and inserting in lieu thereof "five"; and

(2) adding at the end thereof the following new sentence: "One of such Assistant Secretaries shall be an Assistant Secretary of Labor for Occupational Safety and Health.".

(b) Paragraph (20) of section 5315 of title 5, United States Code, is amended by striking out "(4)" and inserting in lieu thereof "(5)".

SEPARABILITY

SEC. 26. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

APPROPRIATIONS

SEC. 27. There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

EFFECTIVE DATE

SEC. 28. This Act shall take effect on the first day of the first month which begins more than thirty days after the date of its enactment.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that Mr. Blackwell, Mr. Naegle, and Mr. Ellsberg of the staff of the Committee on Labor and Public Welfare be permitted to be present on the Senate floor during the debate on S. 2193, in addition to the four staff members normally provided for.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, at a time when the Nation's concern is understandably directed at the problems of our environment, it is particularly appropriate that we give specific attention to the crisis in the workplace environment—for this is a crisis as urgent as any confronting the Nation today.

The more than 14,500 workers who are killed by industrial accidents each year, represent an annual death toll exceeding that of the Vietnam war. By the most conservative count, close to 2½ million employees are disabled on the job each year—resulting in the loss of many more days of work than are caused by strikes.

In addition to the individual human tragedies involved, the economic impact of industrial deaths and disability is staggering:

Over $1.5 billion are wasted in lost wages, and the annual loss to the gross national product is estimated to be over

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$8 billion. Vast resources that could be available for productive use are siphoned off to pay workmen's compensation benefits and medical expenses.

It is particularly disturbing to note that this picture represents a worsening trend, for the fact is that the number of disabling injuries per million man-hours worked is today 20 percent higher than in 1958. The knowledge that the industrial accident situation is deteriorating rather than improving underscores the need for action now.

In the field of occupational health, the view is particularly bleak, and, due to the lack of information and records, may well be considerably worse than we currently know.

Occupational diseases which first commanded attention at the beginning of the industrial revolution are still undermining the health of workers. Substantial numbers, even today, fall victim to ancient industrial poisons such as lead and mercury. Workers in the dusty trades still contract a variety of respiratory diseases. Other materials long in industrial use are only now being discovered to have toxic effects. In addition, technological advances and new processes in American industry have brought numerous new hazards to the workplace. Carcinogenic chemicals, lasers, ultrasonic energy, beryllium metal, epoxy resins, pesticides, among others, all present incipient threats to the health of workers. Indeed, new materials and processes are being introduced into industry at a much faster rate than the present meager resources of occupational health can keep up with. It is estimated that every 20 minutes a new and potentially toxic chemical is introduced into industry. New processes and new sources of industry present occupational health problems of unprecedented complexity.

New scientific knowledge points to hitherto unsuspected cause-and-effect relationships between occupational exposures and many of the so-called chronic diseases—cancer, respiratory ailments, allergies, heart disease, and others. The distinction between occupational and nonoccupational illnesses is growing increasingly difficult to define.

In 1966–67, the Surgeon General of the United States studied six metropolitan areas, examining 1,700 industrial plants which employed 142,000 workers. The study found that 65 percent of the people were potentially exposed to harmful physical agents, such as severe noise or vibration, or to toxic materials. The Surgeon General further examined controls that were in effect to protect workers from such hazards, and found that only 25 percent of the workers were adequately covered.

Based on the limited data available, the Public Health Service has now concluded that there are 390,000 new occurrences of occupational disease each year. I underscore that this is a conservative estimate that is given by the Public Health Service—390,000 new occurrences of occupational disease each year.

Studies of particular industries provide specific emphasis regarding the magnitude of the problem. For example, despite repeated warnings over the years from other countries that their cotton workers suffered from lung disease, it is only within the past decade that we have recognized byssinosis as a distinct occupational disease among workers in American cotton mills. Recent studies now show that this illness, caused by the dust generated in the processing of cotton, and resulting in continuous shortness of breath, chronic cough, and total disablement, affects substantial percentages of cotton textile workers. In some States, as many as 30 percent of those in the carding or spinning rooms have been affected, and it has been estimated that as many as 100,000 active or retired workers currently suffer from this disease.

Asbestos is another material which continues to destroy the lives of workers. For 40 years, it has been known that exposure to asbestos caused the severe lung scarring called asbestosis. Nevertheless, as an eminent physician and researcher, Dr. Irving J. Selikoff, testified during the Labor subcommittee's hearings:

> It is depressing to report, in 1970, that the disease that we knew well 40 years ago is still with us just as if nothing was ever known.

It has also since been found that manufacturing and construction workers exposed to asbestos suffer disproportionately from pulmonary cancer and mesothelioma. Because nothing has been done about the hazards of asbestos, even after its association with lung cancer was first reported in 1935, 20,000 of the 50,000 workers who have since entered one asbestos trade alone—insulation work—are likely to die of asbestosis, or cancer. Nor is the potential hazard confined to these workers, since it is estimated that as many as 3.5 million workers are exposed to some extent to asbestos fibers, as are many more in the general population.

Pesticides and fungicides used in the agricultural industry have increasingly become recognized as a particular source of hazard to large numbers of farmers and farmworkers. Many of these poisons have a chemical similarity to commonly used agents of chemical and biological warfare, and exposure has caused fever, nausea, convulsions, long-term psychological effects, and death.

While the full extent of the effect that such chemicals have had upon those working in agriculture is totally unknown, an official of the Department of Health, Education, and Welfare has estimated that 800 persons are killed each year as a result of improper use of such pesticides, and another 80,000 are injured. Despite the unmistakable danger that these substances present, there presently exists no effective controls over their safe use and no effective protections against toxic exposure of farmworkers or others in the rural populace.

I cite these as just a few of the many examples, brought out in our hearings, of the neglect we have so shamefully accorded the health of the worker for so many years.

Although many employers in all industries have demonstrated an exemplary degree of concern for health and safety in the workplace, their efforts are too often undercut by those who are not so concerned. Moreover, the fact is that many employers—particularly smaller ones—simply cannot make the necessary investment in health and safety, and survive competitively, unless all are compelled to do so. The competitive disadvantage of the more conscientious employer is especially evident where there is a long period between exposure to a hazard and manifestation of an illness. In such instances, a particular employer has no economic incentive to invest in current precautions, not even in the reduction of workmen's compensation costs, because he will seldom have to pay for the consequences of his own neglect.

Nor has State regulation proven sufficient to the need. No one has seriously disputed that only a relatively few States have modern laws relating to occupational health and safety and have devoted adequate resources to their administration and enforcement. Moreover, in a State-by-State approach, the efforts of the more vigorous States are inevitably undermined by the shortsightedness of others.

In sum, the chemical and physical hazards which characterize modern industry are not the problem of a single employer, a single industry, nor a single State jurisdiction. The spread of industry and the mobility of the workforce combine to make the health and safety of the worker truly a national concern.

In the past, Congress has enacted safety programs for a few of the more hazardous occupations, such as coal mining, metal mining, and longshoring. As a matter of fact, with respect to the area of coal mining, we are just about at the anniversary of the passage of a milestone in legislation dealing with health and safety hazards in a workplace, the coal mines of our land. It was just a year ago that a measure finally was passed in Congress and signed into law. I believe it was on December 31 of 1969.

It has also adopted legislation requiring construction contractors and others performing work for the Government to observe certain safety and health standards. While sorely needed, such legislation has represented a piecemeal approach which provides no protection for the great majority of American workers, and fails to meet many of the basic problems of safety and health which we encounter today in the Nation's workplaces.

In recognition of this fact, both President Johnson and President Nixon have urged enactment of a comprehensive program to meet the total range of occupational safety and health requirements.

As President Nixon said in his September 11 message to the Congress on this legislation:

> It does not exaggerate to declare that such a program should have become Federal law three generations ago. This was not done, and three generations of American workers have paid for it.

It is against this background of unmistakable need that the Committee on Labor and Public Welfare reported out S. 2193, providing for just such a comprehensive approach to the problems of health and safety faced by today's worker.

The bill would place in the Secretary

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of Labor the responsibility for promulgating mandatory safety and health standards, applicable to particular hazards or particular industries. In exercising this responsibility, the Secretary would utilize and build upon the work already done by private industry and Government in the formulation of standards; and opportunity would be given, through advisory committees and hearings, for affected employers and employees to have a voice in the standards-making process. The expertise and research resources of the Department of Health, Education, and Welfare would be applied in the development of the necessary health criteria.

The bill provides for inspections to be made by the Labor Department, with authority to issue citations ordering the abatement of violations and proposing penalties, where appropriate. Employers who wish to contest a citation or proposed penalty would have a right to a full administrative hearing with review by the Secretary, and ultimate appeal to the courts. Employees are also given appeal rights when they believe that an unreasonably long period of time has been allowed for abatement of a violation.

Under this bill, the States will continue to exercise jurisdiction over these activities for which no Federal standard has yet been established. Moreover, in recognition of the fact that many States may wish to administer their own occupational safety programs, even in those areas for which Federal standards are established, the bill provides for the submission of a State plan for the development and enforcement of safety and health standards. Such a plan shall be approved by the Secretary of Labor if it provides for a program which is at least as effective as the Federal program and meets certain specified criteria. Indeed, every encouragement is given to the States in this regard, for the bill authorizes Federal grants to support the development and administration of such State plans.

A particularly urgent concern repeatedly brought out during our hearings is the frequent exposure of many workers to a great variety of toxic materials or harmful physical agents. They are often unaware of the nature of such exposure or of its extent. In some cases, the consequences of overexposure may be severe and immediate; in other cases, effects may be delayed or latent.

In all of these situations it is important that the worker be adequately protected against excessive exposure to fumes, gases, dust, or other substances determined to be harmful, and equally important that he be aware of any such hazard. Accordingly, our bill provides that standards dealing with toxic materials or harmful physical agents shall make suitable provision for the use of warning labels, the administering of appropriate medical examinations, and monitoring by the employer of the levels of employee exposure. In addition, employees would have access to the records of such monitoring and, whenever the level of exposure exceeded that permitted by the applicable standard, the employer would be required to notify the employees of this fact and of the corrective measures taken.

These particular provisions are among the most significant ones in the pending bill, and are absolutely essential if workers are to be properly protected from the chemical and physical hazards which increasingly grow more complex and more grave.

Accomplishment of the objectives of this legislation will of course require extensive research activities in the field of occupational health and safety, and our bill places this responsibility in the Department of Health, Education, and Welfare. To help insure that such research receives the attention and the status it deserves, we have established within the Department a new Institute, to be known as the National Institute for Occupational Safety and Health, which would be expected to perform, directly or through grants, the great variety of research undertakings contemplated by this bill.

As many are aware, certain features of this legislation have been the source of considerable controversy in public discussion and in committee deliberations. I am happy to say that a number of these issues have been resolved in a manner which seemed acceptable to the viewpoint of all Senators on the committee.

I should like to repeat that: Many of the tough and controversial issues were resolved. Many received a unanimous consensus—a unanimous statement of resolution.

One which I think particularly appropriate to mention, in view of the concern it has occasioned within the business community, is the so-called "general duty" clause contained in section 5 of our bill. Under this clause, employers, in addition to complying with promulgated standards, would be under a general obligation to provide safe and healthful working conditions. This clause, which was strongly recommended by the National Safety Council, and is similar to those found in a great many State statutes, was included in the bill to provide a means for requiring correction of hazardous situations which happened not to be covered by a specific standard. However, because of concern that this provision might impose too vague and sweeping a duty on employers, the Committee bill was clarified so that the duty is limited to maintaining the workplace free from "recognized" hazards. There is no penalty for violation of the clause; it is only if the employer refuses to correct the unsafe condition after it has been called to his attention and an abatement order issued that a penalty may attach. Before that is done, the employer would be entitled to a full administrative hearing, followed by judicial review, if he disagrees that the situation in question is unsafe. With these clarifications, I believe this issue has been resolved in a manner agreeable to all members of our committee, and which I hope will be accepted by this body.

I might point out, too, that in order to make clear that achieving the goals of a safe workplace is not a one-sided matter, we added in committee a provision placing upon employees, as well as employers, the obligation to comply with all applicable requirements under the act.

I should also add, despite some widespread contentions to the contrary, that the committee bill does not contain a so-called strike-pay provision. Rather than raising a possibility for endless disputes over whether employees were entitled to walk off the job with full pay, it was decided in committee to enhance the prospects of compliance by the employer through such means as giving the employees the right to request a special Labor Department investigation or inspection.

Another issue which has occasioned considerable controversy is the provision giving the Secretary of Labor authority to require the immediate withdrawal of workers from areas where there is a danger of such imminence that it could cause death or serious harm before it could be abated. The committee adopted a number of amendments to provide every assurance that this authority would not be used arbitrarily or unnecessarily, nor in a manner to cause undue economic loss. Such amendments provide that imminent danger orders may be issued by the Secretary or his representative only if there is not sufficient time to first obtain a court order, and even then may remain in effect for only 72 hours; they also provide that no such order can be issued by an inspector without concurrence of a designated regional official of the Labor Department; and that the Secretary must provide employers with a means to obtain expeditious, informal reconsideration of such orders. In addition, the bill provides that an imminent danger withdrawal order shall allow the continued presence of individuals needed to correct the danger, to enable a continuous process operation to avoid a complete shutdown, and to permit any necessary shutdown to be made in a safe and orderly manner.

These limitations have not satisfied those who believe that imminent danger matters should be left entirely to the courts, and that the Secretary of Labor should have no authority whatever to order the withdrawal of employees from an imminent danger situation. The great majority of our committee strongly believed, however, that some authority should be provided the Secretary to take immediate action in those cases where disaster was the probable alternative. I should add that the laws of many States provide the State labor inspectors with even broader authority with regard to closing down imminent danger hazards, and throughout our entire hearings we heard of no instances where this authority had been abused.

A third issue to be mentioned is the administration's proposal to create a separate board to set standards, and still another commission to hand down enforcement orders, with the Secretary of Labor limited to conducting inspections and issuing citations. I know of no other regulatory program which is administered in such a segmented fashion. I believe that to do so here would result in such diffusion of responsibility and accountability as to seriously undermine the effectiveness of this program. Accordingly, the majority of our committee wisely concluded that the Secretary of Labor ought to be assigned the responsibility for promulgating and enforcing the standards under this act, subject to those provisions of the Administrative Procedure Act which insure that considerations of due process are fully satisfied. This is the manner in which the great majority of other Federal regulatory statutes are presently administered—including other Federal safety statutes—and there is no reason to depart from that approach in this instance.

Mr. President, the legislation now before us comes many years too late. We surely owe it to the millions of working men and women whose health and lives are unnecessarily jeopardized by hazards of the workplace to pass the most effective measure we can devise. Our committee has held extensive hearings on this matter and has given it careful consideration in executive sessions. I earnestly hope the bill we have reported to the Senate, S. 2193, will be acted upon promptly and favorably.

Mr. JAVITS. Mr. President, I am the ranking Republican member of this committee and have given a great deal of time and attention to this critically important bill. So has the Senator from Colorado (Mr. Dominick) and others, but I think this has been primarily true of the Senator from Colorado and myself.

This entire bill is so vital and affects so many millions of American workers that, though we are back for the first day, I hope Senators, or at least their staffs, will give some consideration to what is really at stake here.

Personally, I believe that critically important phases of the bill have been somewhat overlooked in view of the labor-managment controversy which has developed, which I deprecate and deplore, over the administration of the bill. I do not believe this will make or break the bill, although with all respect to management and labor, they think so. I do not.

The general attitude of labor is to have the Secretary of Labor administer the bill, including the promulgation of standards and the adjudication of complaints of violations.

The position of the administration is that it wants a board to handle the standards and a commission to handle the violations.

I introduced the administration bill in the first instance. I did my best to extract the best out of it. However, I did not consider this particular issue to be the most dominant.

I finally found it necessary to side with what was the working majority on the committee in order to get the bill to the Senate floor because I think the bill is required urgently in the interest of millions of workers.

I have suggested a compromise. I would like to pay tribute here to the Senator from Colorado (Mr. Dominick). If the majority party had been willing to accept my compromise I do not believe we would be in this struggle right now. My compromise was to have a commission to deal with violations and to leave the establishment of standards to the Secretary. Like all compromises it satisfied neither party—this is, neither management nor labor—but it was an effort to do reasonable justice. Had the compromise been accepted I believe the Senator from Colorado (Mr. Dominick) would have felt we had done all we had reason to believe we could do, although he is not bound in any way. I thoroughly agree with him and he is correct in presenting the whole administration position, which he will do in the proper way.

For myself, at the opportune moment I will offer the compromise if it appears the Senate is in a mood for it.

Laying those two issues aside for a moment, as I explained, what happened here because of this controversy, is a whole network of other issues which to my mind are infinitely more important to the workers and management than the means by which the bill is administered. First, what kind of standards shall be established immediately to get this program off the ground? Shall they be proprietary standards—that is, promulgated by a nationally recognized standards producing organization? Or must they be limited to so-called consensus standards, which is the approach of the administration bill, where it really relates to the traditional practice in the industry?

I think that is critically important with respect to which way we choose to go because those will be the rules of the game to be applied for a long time until under the law there can be a crystallization and promulgation of standards by whatever body is charged with developing them under the bill.

Another thing that is very important is the criteria for standards. The committee bill requires that standards shall be those that most adequately and feasibly assure on the basis of the best available evidence that no employee will suffer impairment of health or functional capacity. I caused the words "and feasibly" to be introduced. I thought it was important that they be inserted and the committee adopted that point of view.

Another critically important matter is the one dealing with imminent danger orders which relate to the power, if there be any, to close up a plant, with the resulting stopping of industrial processes and throwing thousands of people out of employment, on the ground there is an immediate danger and they cannot wait to go into court to deal with it.

Another problem relates to the rights employees have with respect to inspections and what accounting is due employees with respect to the results of those inspections; whether or not there is an order made for corrections which employees may consider essential, and the grounds upon which the Secretary makes his decision.

Then, there is the general duty provision, where the committee bill says there is a general duty to avoid "recognized hazards" whereas the administration substitute provides a general duty to avoid "readily apparent hazards creating a risk of death or serious physical harm."

Mr. President, these are very substantive questions with which the Senate must deal in an alternative way as well as the question of the means of administration.

I rise at this time only to try to introduce a greater degree of interest on the part of Members in the less sensational aspects of the bill which I have discussed because I think there will be plenty of interest manifested in the more sensational aspects of the bill, to wit, who shall administer it and who shall deal with violations.

I repeat that I offered a compromise in committee. It was a grave mistake not to accept it. If it were accepted I think we would be in an almost agreed-upon position today. In the absence thereof the Senate will have to make a choice on the means of promulgating standards and the enforcement.

If the situation indicates that the Senate is in the mood for a compromise I will in the proper way propose it, but I think in all fairness the Senator from Colorado (Mr. Dominick) is entitled to the first opportunity, which he will shortly take, to put forward the administration position.

Mr. DOMINICK. Mr. President, I ask unanimous consent that during the debate and action on the bill the minority staff member, Mr. Wise, may be permitted in the Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I send to the desk an amendment in the nature of a substitute and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment in the nature of a substitute.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment in the nature of a substitute will be printed in the Record.

The amendment in the nature of a substitute, ordered to be printed in the Record, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Safety and Health Act of 1970".

CONGRESSIONAL FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers, to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources—

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(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

(3) by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Appeals Commission for carrying out adjudicatory functions under the Act;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(9) by providing for the development and promulgation of occupational safety and health standards;

(10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

(11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;

(13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Labor.

(2) The term "Safety and Health Appeals Commission" means the Occupational Safety and Health Appeals Commission established under section 12 of this Act.

(3) The term "Board" means the National Occupational Safety and Health Board established under section 8 of this Act.

(4) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than a State as defined in paragraph (8) of this subsection), or between points in the same State but through a point outside thereof.

(5) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(6) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

(7) The term "employee" means an employer who is employed in a business of his employer which affects commerce.

(8) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(9) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(10) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (a) has been adopted and promulgated by a nationally recognized public or private standards-producing organization possessing technical competence and under a consensus method which involves consideration of the views of interested and affected parties and (b) has been designated by the Board, after consultation with other appropriate Federal agencies.

(11) The term "established Federal standard" means any operative occupational safety and health standard established by any agency of the United States and presently in effect, or contained in any Act of Congress in force on the date of enactment of this Act.

APPLICABILITY OF ACT

SEC. 4. This Act shall apply only with respect to employment performed in a workplace in a State, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnson Island, or the Canal Zone, except that this Act shall not apply to any vessel underway on the Outer Continental Shelf lands. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no Federal district courts having jurisdiction.

DUTIES OF EMPLOYERS

SEC. 5. Each employer—

(a) shall furnish to each of his employees employment and a place of employment which are free from any hazards which are readily apparent and are causing or are likely to cause death or serious physical harm to his employees;

(b) shall comply with occupational safety and health standards promulgated under this Act.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

SEC. 6. (a) The National Occupational Safety and Health Board established under section 8 of this Act is authorized to promulgate rules prescribing occupational safety and health standards in accordance with sections 556 and 557 of title 5, United States Code.

(b) Without regard to the provisions of sections 553, 556, and 557, title 5, United States Code, the Board shall, as soon as practicable, but in no event later than three years after the date of enactment of this Act, by rule promulgate as an occupational safety and health standard, any national consensus standard or any established Federal standard, unless it determines that the promulgation of such a standard as an occupational safety and health standard would not result in improved safety or health for affected employees. In the event of conflict among such standards, the Board shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees. Such national consensus standard or established Federal standard shall take effect immediately upon publication and remain in effect until superseded by a rule promulagted pursuant to subsection (a) of this section.

(c)(1) Whenever the Board promulgates any standard, makes any rule, order, decision, grants any exemption or extension of time, it shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register; and

(2) Whenever a rule issued by the Board differs substantially from an existing national consensus standard, the Board shall include in the rule issued a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

(d) Any agency may participate in the rulemaking under this section.

(e) The Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) may submit a request to the Board at any time to establish or modify occupational safety and health standards indicated in the request. Within sixty days from the receipt of the request, the Board shall commence proceedings under this section.

(f) Any interested person may also submit a request in writing to the Board at any time to establish or modify occupational safety and health standards. The Board shall give due consideration to such request and may commence proceedings under this section on the basis of such request.

(g) If, prior to the publication of the rule, an interested person or agency which submitted written data, views, or arguments makes application to the Board for leave to adduce additional data, views, or arguments and such person or agency shows to the satisfaction of the Board that additions may materially affect the result of the rulemaking procedure and that there were reasonable grounds for failure to adduce such additions earlier, the Board may receive and consider such additions.

(h) In determining the priority for establishing standards under this section, the Board shall give due regards to the need for mandatory safety and health standards for particular industries, trades, crafts, occupations, businesses, workplaces or work environments. The Board shall also give due regard to the recommendations of the Secretary and the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

(i)(1) The Board shall provide without regard to requirements of Ch. 5, title 5, United States Code, for an emerengcy temporary standard to take immediate effect upon publication in the Federal Register if it determines (A) that employees are exposed to grave danger from exposure to substances determined to be toxic or from new hazards resulting from the introduction of new processes, and (B) that such emergency standard is necessary to protect employees from such danger.

(2) Such standard shall be effective until superseded by a standard promulgated in

accordance with the procedures prescribed in paragraph (3) of this subsection.

(3) Upon publication of such standard in the Federal Register the Board shall commence a hearing in accordance with sections 556 and 557 of title 5, United States Code, and the standard as published shall also serve as a proposed rule for the hearing. The Board shall promulgate a standard under this paragraph no later than six months after publication of the emergency temporary standard as provided in paragraph (2) of this subsection.

(j) (1) Whenever the Board upon the basis of information submitted to it in writing by an interested person (including a representative of an organization of employers or employees, or a nationally recognized standards-producing organization) or by the Secretary or the Secretary of Health, Education, and Welfare, a State or a political subdivision of a State, or on the basis of information otherwise available to it, determines that a rule should be prescribed under subsection (a) of this section, the Board may appoint an advisory committee as provided for in section 7(e) of this Act, which shall submit recommendations to the Board regarding the rule to be prescribed which will carry out the purposes of this Act, which recommendations shall be published by the Board in the Federal Register, either as part of a subsequent notice of proposed rulemaking or separately. The recommendations of an advisory committee shall be submitted to the Board within two hundred and seventy days from its appointment, or within such longer or shorter period as may be prescribed by the Board, but in no event may the Board prescribe a period which is longer than one year and three months.

(2) After the submission of such recommendations, the Board shall, as soon as practicable and in any event within four months, schedule and give notice of a hearing on the recommendations of the advisory committee and any other relevant subjects and issues. In the event that the advisory committee fails to submit recommendations within two hundred and seventy days from its appointment (or such longer or shorter period as the Board has prescribed) the Board shall make a proposal relevant to the purpose for which the advisory committee was appointed, and shall within four months schedule and give notice of hearing thereon. In either case, notice of the time, place, subjects, and issues of any such hearing shall be published in the Federal Register thirty days prior to the hearing and shall contain the recommendations of the advisory committee or the proposal made in absence of such recommendation. Prior to the hearing interested persons shall be afforded an opportunity to submit comments upon any recommendations of the advisory committee or other proposal. Only persons who have submitted such comments shall have a right at such hearing to submit oral arguments, but nothing herein shall be deemed to prevent any person from submitting written evidence, data, views, or arguments.

(k) The Board shall within sixty days (where an advisory committee is utilized) or one hundred and twenty days (where no advisory committee is utilized) after completion of the hearing held pursuant to section 6(a) issue a rule promulgating, modifying, or revoking an occupational safety and health standard or make a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date for such period (not in excess of ninety days) as the Board determines may be appropriate to insure that affected employers are given an opportunity to familiarize themselves and their employees with the requirements of the standard.

(l) Any affected employer may apply to the Board for a rule or order for an exemption from the requirements of section 5(b) of this Act. Affected employees shall be given notice by the employer of each such application and an opportunity to participate in a hearing. The Board shall issue such rule or order if it determines on the record, after an opportunity for an inspection and a hearing, that the proponent of the exemption has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Board on its own motion in the manner prescribed for its issuance at any time after six months after its issuance.

(m) Standards promulgated under this section shall prescribe the posting of such labels or warnings as are necessary to apprise employees of the nature and extent of hazards and of the suggested methods of avoiding or ameliorating them.

ADVISORY COMMITTEES

SEC. 7. (a) There is hereby established a National Advisory Committee on Occupational Safety and Health (hereafter in this section referred to as the "Committee") consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare, without regard to the civil service laws and composed equally of representatives of management, labor and the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

(b) The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

(c) The members of the Committee shall be compensated in accordance with the provisions of subsection 8(g) of this Act.

(d) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

(e) An advisory committee which may be utilized by the Board in its standard-setting functions under section 6 of this Act shall consist of not more than fifteen members and shall include as a member one or more designees of the Secretary of Health, Education, and Welfare, and also as a member one or more designees of the Secretary of Labor and shall include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employers involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more representatives of health and safety agencies of the States. An advisory committee may also include such other persons as the Board may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health, and one or more representatives of nationally recognized standards-producing organizations, but the number of persons so appointed to any advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 8(g) of this Act. The Board shall pay to any State which is the employer of a member of such committee who is a representative of the health or safety agency of that State, reimbursement sufficient to cover the actual cost to the State resulting from such representative's membership on such committee. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

NATIONAL OCCUPATIONAL SAFETY AND HEALTH BOARD

SEC. 8. (a) The National Occupational Safety and Health Board is hereby established. The Board shall be composed of five members, having a background either by reason of previous training, education, or experience in the field of occupational safety or health, who shall be appointed by the President, by and with the consent of the Senate, and shall serve at the pleasure of the President. One of the five members may be designated at any time by the President to serve as Chairman of the Board.

(b) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title V of the United States Code is amended as follows:

(1) Section 5314 (5 U.S.C. 5314) is amended by adding at the end thereof the following: "(54) Chairman, National Occupational Safety and Health Board.".

(2) Section 5315 (5 U.S.C. 5315) is amended by adding at the end thereof the following: "(92) Members, National Occupational Safety and Health Board.".

(c) The principal office of the Board shall be in the District of Columbia. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the Secretary of the Board.

(d) The Chairman of the Board shall, without regard to the civil service laws, appoint and prescribe the duties of a Secretary of the Board.

(e) The Chairman shall be responsible on behalf of the Board for the administrative operations of the Board, and shall appoint, in accordance with the civil service laws, such officers, hearing examiners, agents, attorneys, and employees as are deemed necessary and to fix their compensation in accordance with the Classification Act of 1949, as amended.

(f) Three members of the Board shall constitute a quorum.

(g) The Board is authorized to employ experts, advisers, and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(h) To carry out its functions under this Act, the Board is authorized to issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(i) The Board may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Reasonable notice must first be given

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in writing by the Board or by the party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (j) of this section. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(j) In the case of contumacy by, or refusal to obey a subpena served upon any person under this section, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(k) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings.

DUTIES OF THE SECRETARY

Inspections, Investigations, and Reports

SEC. 9. (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(2) to question any such employee and to inspect and investigate during regular working hours and at other reasonable times and within reasonable limits and in a reasonable manner, any such area, workplace, or environment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein.

(b) If the employer, or his representative, accompanies the Secretary or his designated representative during the conduct of all or any part of an inspection, a representative authorized by the employees shall also be given an opportunity to do so.

(c) Each employer shall make, keep, and preserve for such period of time, and make available to the Secretary such record of his activities concerning the requirements of this Act as the Secretary may prescribe by regulation or order as necessary or appropriate for carrying out his duties under this Act.

(d) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(e) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and employees of such agency with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or subdivision with or without reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS-18 in section 5332 of title 5, United States Code, including travel-time, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(3) delegate his authority under subsection (a) of this section to any agency of the Federal Government with or without reimbursement and with its consent and to any State agency or agencies designated by the Governor of the State and with or without reimbursement and under conditions agreed upon by the Secretary and such State agency or agencies.

(f) Any information obtained by the Secretary, the Secretary of Health, Education, and Welfare, or a State agency under this Act shall be obtained with a minimum burden upon employers, especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(g) The Secretary shall prescribe such rules and regulations as he may deem necessary to carry out his responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

(h) There are hereby authorized to be appropriated such sums as the Congress shall deem necessary to enable the Secretary to purchase equipment which he determines as necessary to measure the exposure of employees to working environments which might cause cumulative or latent ill effects.

CITATIONS AND SAFETY AND HEALTH APPEALS COMMISSION HEARINGS

SEC. 10. (a). If, upon the basis of an inspection or investigation, the Secretary believes that an employer has violated the requirements of section 5, 6, or 9 (c) of this Act, or subsection (e) of this section, or regulations prescribed pursuant to this Act, he shall issue a citation to the employer unless the violation is de minimis. The citation shall be in writing and describe with partcularity the nature of the violation, including a reference to the requirement, standard, rule, order, or regulation alleged to have been violated.

(b) In addition, the citation shall include—

(1) the amount of any proposed civil penalties; and

(2) a reasonable time within which the employer shall correct the violation.

(c) The Secretary shall issue each citation within forty-five days from the concurrence of the alleged violation but for good cause the Secretary may extend such period up to a maximum of ninety days from such occurrence.

(d) If an employer notifies the Secretary that he intends to contest a citation issued under this section, the Secretary shall notify the Safety and Health Appeals Commission of the employer's intention and the Safety and Health Appeals Commission shall afford the employer an opportunity for a hearing as provided in section 11 of this Act. However, if the employer fails to notify the Secretary within fifteen days after the receipt of the citation of his intention to contest the citation issued by the Secretary, the citation shall, on the day immediately following the expiration of the fifteen-day period, become a final order of the Safety and Health Appeals Commission.

(e) Each employer who receives a citation under this section shall prominently post such citation or copy thereof at or near each place a violation referred to in the citation occurred.

(f) No citation may be issued under this section after the expiration of three months following the occurrence of any violation.

(g) Whenever the Secretary compromises, mitigates, or settles any penalty assessed under this Act, he shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register.

OCCUPATIONAL SAFETY AND HEALTH APPEALS COMMISSION

SEC. 11. A. ORGANIZATION AND JURISDICTION—

(1) STATUS.—The Occupational Safety and Health Appeals Commission is hereby established as an independent agency in the Executive Branch of the Government. The members thereof shall be known as the Chairman of the Commission and the Commissioners of the Occupational Safety and Health Appeals Commisson.

(2) JURISDICTION.—The Commission shall have such jurisdiction as is conferred on it by this Act.

(3) MEMBERSHIP.—(a) The Commission shall be composed of three Commissioners, appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office.

(b) The salary of the Chairman of the Commission shall be equal to that provided for the executive level in section 5314, title 5, United States Code, and the salary of the remaining two Commissioners shall be in accordance with the executive level as provided in section 5315, title 5, United States Code.

(c) The terms of office of the Commissioners shall be as follows: one Commissioner shall be appointed for a term of two years, one Commissioner shall be appointed for a term of four years, and the remaining Commissioner for a term of six years, respectively. Their successors shall be appointed for terms of six years each, except that vacancy caused by death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(d) A Commissioner removed from office in accordance with the provisions of this section shall not be permitted at any time to practice before the Commission.

(4) ORGANIZATION.—(a) The Commission shall have a seal which shall be judicially noticed.

(b) The President may at any time designate one of the three Commissioners to serve as Chairman of the Commission.

(c) A majority of the Commissioners shall constitute a quorum for the transaction of the Commission's business. A vacancy shall not impair its powers nor affect its duties.

(d) The principal office of the Commission shall be in the District of Columbia, but it may sit at any place within the United States giving due consideration to the expeditious conduct of its proceedings and the convenience of the parties.

(5) HEARING EXAMINERS.—(a) The Commission may appoint hearing examiners to conduct such business as the Commission

may require. Each hearing examiner shall be an attorney at law and shall be selected from the Civil Service Commission list of individuals eligible for selection as administrative hearing examiners.

(b) Except as otherwise provided in this Act, the hearing examiners shall be subject to the laws governing employees in the classified civil service, except that appointments shall be made without regard to 5 U.S.C. 5108. Each hearing examiner shall receive compensation at a rate not less than the GS–16 level.

B. PROCEDURE—

(1) REPRESENTATION OF PARTIES.—The Secretary or his delegate shall be represented by the Solicitor of Labor or his delegate before the Commission. The respondent shall be represented in accordance with the rules of practice prescribed by the Commission.

(2) RULES OF PRACTICE, PROCEDURE, AND EVIDENCE.—The proceedings of the Commission shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the Commission may prescribe and in accordance with the rules of evidence applicable in trials without a jury in the United States District Court of the District of Columbia.

(3) SERVICE OF PROCESS.—The mailing by certified mail or registered mail of any pleading, decision, order, notice or process in respect of proceedings before the Commission shall be held sufficient service of such pleading, decision, order, notice, or process.

(4) ADMINISTRATION OF OATHS AND PROCUREMENT OF TESTIMONY.—For the efficient administration of the functions vested in the Commission any Commissioner of the Commission, the clerk of the Commission, or any other employee of the Commission designated in writing for the purpose by the Chairman of the Commission, may administer oaths, and any Commissioner may examine witnesses and require, by subpena ordered by the Commission and signed by the Commissioner (or by the Secretary of the Commission) or by any other employee of the Commission when acting under authority from the Secretary of the Commission—

(a) The attendance and testimony of witnesses, and the production of all necessary books, papers, documents, correspondence, and other evidence, from any place in the United States at any designated place of hearing, or

(b) The taking of a deposition before any designated individual competent to administer oaths under this title. In the case of a deposition the testimony shall be reduced to writing by the individual taking the deposition or under his direction and shall then be subscribed by the deponent.

(5) WITNESS FEES.—(a) Any witness summoned or whose deposition is taken shall receive the same fees and mileage as witnesses in courts of the United States.

(b) Such fees and mileage and the expenses of taking any such deposition shall be paid as follows:

(A) In the case of witnesses for the Secretary or his delegate, such payments shall be made by the Secretary or his delegate out of any moneys appropriated for the enforcement of this Act and may be made in advance.

(B) In the case of any other witnesses, such payments shall be made, subject to rules prescribed by the Commission, by the party, at whose instance the witness appears or the deposition is taken.

(6) HEARINGS.—Notice and opportunity to be heard upon any proceeding instituted before the Commission shall be given to the respondent and the Secretary or his delegate. If an opportunity to be heard upon the proceedings is given before a hearing examiner of the Commission, neither the respondent nor the Secretary nor his delegate shall be entitled to notice and opportunity to be heard before the Commission upon review, except upon a specific order of the Chairman of the Commission. Hearings before the Commission shall be open to the public, and the testimony, and, if the Commission so requires, the argument, shall be stenographically reported. The Commission is authorized to contract for the reporting of such hearings, and in such contract to fix the terms and conditions under which transcripts will be supplied by the contractor to the Commission and to others and agencies.

(7) REPORTS AND DECISIONS.—(a) A report upon any proceeding instituted before the Commission and a decision thereon shall be made as quickly as practicable. The decision shall be made by a Commissioner in accordance with the report of the Commission, and such decision so made shall, when entered, be the decision of the Commission.

(b) It shall be the duty of the Commission to include in its report upon any proceeding its findings of fact or opinion or memorandum opinion. The Commission shall report in writing all its findings of fact, opinions, and memorandum opinions.

(c) A decision of the Commission dismissing the proceeding shall be considered as its decision.

(8) PROCEDURES IN REGARD TO THE HEARING EXAMINERS.—(a) A hearing examiner shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Chairman of the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceeding.

(b) The report of the hearing examiner shall become the report of the Commission within thirty days after such report by the hearing examiner unless within such period any Commissioner has directed that such report shall be reviewed by the Commission. Any preliminary action by a hearing examiner which does not form the basis for the entry of the final decision shall not be subject to review by the Commission except in accordance with such rules as the Commission may prescribe. The report of a hearing examiner shall not be a part of the record in any case in which the Chairman directs that such report shall be reviewed by the Commission.

(9) PUBLICITY OF PROCEEDINGS.—All reports of the Commission and all evidence received by the Commission, including a transcript of the stenographic report of the hearings, shall be public records open to the inspection of the public; except that after the decision of the Commission in any proceeding which has become final the Commission may, upon motion of the respondent or the Secretary or his delegate, permit the withdrawal by the party entitled thereto of originals of books, documents, and records, and of models, diagrams, and other exhibits, introduced in evidence before the Commission; or the Commission may, on its own motion, make such other disposition thereof as it deems advisable.

(10) PUBLICATION OF REPORTS.—The Commission shall provide for the publication of its reports at the Government Printing Office in such form and manner as may be best adapted for public information and use, and such authorized publication shall be competent evidence of the reports of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. Such reports shall be subject to sale in the same manner and upon the same terms as other public documents.

(11) Upon issuance of a citation and notification of the Commission, pursuant to section 10, the Commission shall afford an opportunity for a hearing, and shall issue such orders, and make such decisions, based upon findings of fact, as are deemed necessary to enforce the Act.

C. MISCELLANEOUS PROVISIONS.—

(1) EMPLOYEES.—(a) Appointment and Compensation. The Commission is authorized in accordance with the civil service laws to appoint, and in accordance with the Classification Act of 1949 (63 Stat. 954; 5 U.S.C., chapter 21), as amended to fix the compensation of such employees, including a Secretary to the Commission, as may be necessary to efficiently execute the functions vested in the Commission.

(b) Expenses for Travel and Subsistence. The employees of the Commission shall receive their necessary traveling expenses, and expenses for subsistence while traveling on duty and away from their designated stations, as provided in the Travel Expense Act of 1949 (63 Stat. 166; 5 U.S.C., chapter 16).

(2) EXPENDITURES.—The Commission is authorized to make such expenditures (including expenditures for personal services and rent at the seat of Government and elsewhere, and for law books, books of reference, and periodicals), as may be necessary to efficiently execute the functions vested in the Commission. All expenditures of the Commission shall be allowed and paid, out of any moneys appropriated for purposes of the Commission, upon presentation of itemized vouchers therefor signed by the certifying officer designated by the Chairman.

(3) DISPOSITION OF FEES.—All fees received by the Commission shall be covered into the Treasury as miscellaneous receipts.

(4) FEE FOR TRANSCRIPT OF RECORD.—The Commission is authorized to fix a fee, not in excess of the fee fixed by law to be charged and collected therefor by the clerks of the district courts, for comparing, or for preparing and comparing, a transcript of the record, or for copying any record, entry, or other paper and the comparison and certification thereof.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

SEC. 12. (a) The United States district courts shall have jurisdiction, upon petition of the Secretary, to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act.

(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to section 11 of this Act. The proceeding shall be as provided by Rule 65 of the Federal Rules, Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any place of employment, he shall inform the affected employees and employers of the danger and that he is recommending to the Secretary that relief be sought.

(d) If the Secretary unreasonably fails to petition the court for appropriate relief under this section and any employee is injured thereby either physically or financially by reason of such failure on the part of the Secretary, such employee may bring an action against the United States in the Court of Claims in which he may recover the damages he has sustained, including reasonable court costs and attorney's fees.

(e) In any case where a temporary restraining order is obtained under this section by the Secretary, the court which grants such relief shall set a sum which it deems proper for the payment of such costs, damages, and attorney's fees as may be incurred or suffered by any employer who is found to have been wrongfully restrained or enjoined. In no case shall any employer wrongfully restrained or enjoined be entitled to a recovery for costs, damages, and attorney's fees in excess of the sum set by the court.

JUDICIAL PROCEEDINGS

SEC. 13. (a) (1) Any employer required by an order of the Commission to comply with the standards, regulations, or requirements under this Act, or to pay a penalty, may obtain judicial review of such order by filing a petition for review, within sixty days after service of such order, in the United States court of appeals for the circuit wherein the violation is alleged to have occurred or wherein the employer has its principal office. A copy of the petition shall forthwith be transmitted by the clerk of the court to the Commission and to the Secretary.

(2) The Secretary may also obtain judicial review or enforcement of a decision of the Commission as provided in subsection (1) of this section.

(3) Until the record in a case shall have been filed in a court, as herein provided, the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part any finding, order, or rule made or isued by it.

(4) Upon the filing of a petition for review under this section, such court shall have jurisdiction of the proceeding and shall have power to affirm the order of the Commission, or to set aside, in whole or in part, temporarily or permanently, and to enforce such order to the extent that it is affirmed. To the extent that the order of the Commission is affirmed, the court shall thereupon issue its own order requiring compliance with the terms of the order of the Commission. The commencement of proceedings under this paragraph shall not, unless specifically ordered by the court, operate as a stay of the order of the Commission.

(5) No objection to the order of the Commission shall be considered by the court unless such objection was urged before the Commission or unless there were reasonable grounds for failure to do so. The findings of the Commission as to the facts, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Commission for the taking of additional evidence in such manner and upon such terms and conditions as the court may deem proper, in which event the Commission may make new or modified findings and shall file such findings (which, if supported by substantial evidence on the record considered as a whole, shall be conclusive) and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(6) The judgment of the court affirming or setting aside, in whole or in part, any order under this subsection shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(7) An order of the Commission shall become final under the same conditions as an order of the Federal Trade Commission under section 45(g) of title 15, United States Code.

(b) Any interested person affected by the action of the Board in issuing a standard under section 6 may obtain review of such action by the United States Court of Appeals for the District of Columbia by filing in such court within thirty days following the publication of such rule a petition praying that the action of the Board be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Board and thereupon the Board shall certify and file in the court the record upon which the action complained of was issued as provided in section 2112 of title 28, United States Code. Review by the court shall be in accord with the provisions of section 706 of title 5, United States Code. The court, for good cause shown, may remand the case to the Board to take further evidence, and the Board may thereupon make new or modified findings of fact and may modify its previous action and shall certify to the court the record of the further proceedings. The remedy provided by this subsection for reviewing a standard or rule shall be exclusive. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of a proceeding under this subsection shall not, unless specifically ordered by the court, delay the application of the Board's standards.

(c) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil suit in the name of the United States brought in the Federal district court in the district where the violation is alleged to have occurred or where the employer has its principal office.

(d) The Federal district courts shall have jurisdiction of actions to collect penalties prescribed in this Act and may provide such additional relief as the court deems appropriate to carry out the order of the Occupational Safety Health Appeals Commission.

REPRESENTATION IN CIVIL LITIGATION

SEC. 14. Except as provided in section 518 (a) of title 28, United States Code, relating to litigation before the Supreme Court and the Court of Claims, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

CONFIDENTIALITY OF TRADE SECRETS

SEC. 15. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when essential in any proceeding under this Act. However, any such information shall be recorded and presented off the official public record, and shall be kept and preserved separately.

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 16. The Board, on the record, after notice and opportunity for a hearing may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as it may find necessary and proper to avoid serious impairment of the national defense. Such action shall not be in effect for more than six months without notification to affected employees and an opportunity being afforded for a hearing.

PENALTIES

SEC. 17. (a) Any employer who willfully or repeatedly violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

(b) Any citation for a serious violation of the requirements of section 5 of this Act, of any standard or rule promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, shall include a proposed penalty of up to $1,000 for each such violation.

(c) Any employer who violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued for such violation a proposed penalty of up to $1,000 for each such violation.

(d) Any employer who violates any order or citation which has become final in accordance with the provision of section 10 of this Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense, for the purpose of assessing the penalty except where such order or citation is pending review under section 11 of this Act.

(e) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years or both. Whoever kills a person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

(f) Any employer who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed by the Commission a civil penalty of up to $1,000 for each such violation.

(g) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed ten years or both.

(h) The Commission shall have authority to assess and collect all penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(i) For purposes of this section a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

STATE JURISDICTION AND STATE PLANS

SEC. 18. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any occupational safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards) are or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues,

(3) provides for a right of entry and inspection of all workplaces subject to the Act which is at least as effective as that provided in section 9(a), and includes a prohibition on advance notice of inspections,

(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary rejects a plan submitted under subsection (b), he shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 9, 10, 11, and 12 with respect to comparable standards promulgated under section 6, for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of sections 5(b), 9 (except for the purpose of carrying out subsection (c)), 10, 11, and 12, and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 10 or 11 before the date of determination.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition praying that the action of the Secretary be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan to be arbitrary and capricious, the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 19. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall (after consultation with representatives of the employees thereof)—

(1) provide safe and health places and conditions of employment, consistent with the standards set under section 6;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illness for proper evalution and necessary corrective action;

(4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to subsection (a)(3) of this section; and

(5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(e)(2) of title 5, United States Code.

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a)(5) of this section, together with his valuations of and recommendations derived from such reports. The President shall transmit annually to the Senate and the House of Representatives a report of the activities of Federal agencies under this section.

(c) Section 7902(c)(1) of title 5, United States Code is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a)(3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

TRAINING AND EMPLOYEE EDUCATION

SEC. 20. (a) The Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor, the Board, and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(b) The Secretary is also authorized to conduct (directly or by grants or contracts) short-term training of personnel engaged in work related to his responsibilities under this Act.

(c) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employment covered by this Act, and to consult with and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illnesses.

GRANTS TO THE STATES

SEC. 21. (a) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 18(c) to assist them (1) in identifying their needs and responsibilities in the area of occupational safety and health, (2) in developing State plans under section 18, or (3) in developing plans for—

(A) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(B) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(C) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(b) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in subsection (a) of this section.

(c) The Governor of the State shall designate the appropriate State agency, or agencies, for receipt of any grant made by the Secretary under this section.

(d) Any State agency, or agencies, designated by the Governor of the State, desiring a grant under this section shall submit an application therefor to the Secretary.

(e) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(f) The Federal share for each State grant under subsection (a) or (b) of this section may be up to 90 per centum of the State's total cost. In the event the Federal share for all States under either such subsection is not the same, the differences among the

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States shall be established on the basis of objective criteria.

(g) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary pursuant to section 18 of this Act. The Federal share for each State grant under this subsection may be up to 50 per centum of the State's total cost. The last sentence of subsection (f) shall be applicable in determining the Federal share under this subsection.

(h) Prior to June 30, 1973, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to Congress, describing the experience under the program and making any recommendations he may deem appropriate.

ECONOMIC ASSISTANCE TO SMALL BUSINESSES

SEC. 22. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of "paragraph (5)" and inserting in lieu thereof "; and "; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in affecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of the Small Business Act, as amended, is amended by striking out "or (5)" after "paragraph (3)" and inserting a comma followed by "(5) or (6)".

(c) Section 4(c)(1) of the Small Business Act, as amended, is amended by inserting "7(b)(6)," after "7(b)(5),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(6) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

RESEARCH AND RELATED ACTIVITIES

SEC. 23. (a)(1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary, the Board, and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare shall from time to time consult with the Board in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling the Board to meet its responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Act.

(3) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments, and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(4) The Secretary of Health, Education, and Welfare shall publish within six months of enactment of this Act and thereafter as needed but at least annually a list of all known toxic substances by generic family or other useful grouping, and the concentrations at which such toxicity is known to occur.

(5) The Board shall respond, as soon as possible, to a request by any employer or employee for a determination whether or not any substance normally found in a working place has toxic or harmful effects in such concentration as used or found.

(b) The Secretary of Health, Education, and Welfare is authorized to make inspections and question employers and employees as provided in section 9 of this Act in order to carry out his functions and responsibilities under this section.

(c) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In carrying out his responsibilities under this subsection, the Secretary and the Secretary of Health, Education, and Welfare shall cooperate in order to avoid any duplication of efforts under this section.

(d) Information obtained by the Secretary, the Board, and the Secretary of Health, Education, and Welfare under this section shall be disseminated by the Secretary to employers and employees and organizations thereof.

STATISTICS

SEC. 24. (a) In order to further the purposes of this Act, the Secretary shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. Such program may cover all employments whether or not subject to any other provisions of this Act but shall not cover employments excluded by section 4 of the Act.

(b) To carry out his duties under subsection (a) of this section, the Secretary may:

(1) Promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics.

(2) Make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics.

(3) Arrange, through grants or contracts, for the conduct of such research and investigations as give promise to furthering the objectives of this section.

(c) The Federal share for each State grant under subsection (b) of this section may be up to 50 per centum of the State's total cost.

(d) The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivision, with or without reimbursement, in order to assist him in carrying out his functions under this section.

(e) On the basis of the records made and kept pursuant to section 9(c) of this Act, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act.

(f) Agreements between the Department of Labor and the States pertaining to the collection of occupational safety and health statistics already in effect on the effective date of this Act shall remain in effect until superseded by grants or contracts made under this Act.

EFFECT ON OTHER LAWS

SEC. 25. (a) Nothing in this Act shall be construed or held to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, occupational or other diseases, or death of employees arising out of, or in the course of, employment.

(b) Nothing in this Act shall apply to working conditions of employees with respect to whom other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021) exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(c) The safety and health standards promulgated under the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.), the Service Contract Act (41 U.S.C. 351 et seq.), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.), are deemed repealed and rescinded on the effective date of corresponding standards promulgated under this Act, as determined by the Secretary of Labor to be corresponding standards.

(d) Nothing in this Act shall apply to any employer who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting or decorating in the regular course of his business.

(e) The Secretary shall, within three years after the effective date of this Act, report to the Congress his recommendations for legislation to avoid unnecessary duplication and to achieve coordination between this Act and other Federal laws.

(f) Section 2 of the Act of August 9, 1969 (Public Law 91–54; 83 Stat. 96), is hereby amended to read as follows:

"SEC. 2. The first section and section 2 of the Act of August 13, 1962, are each amended by inserting 'and Construction Safety and Health' before 'standards' each time it appears."

(g) Subsection 107 of Public Law 91–54 (83 Stat. 96) is amended to read as follows:

"SEC. 107. (a)(1) It shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation based on proceedings pursuant to section 553 of title 5, United States Code, provided that such proceedings include a hearing of the nature authorized by said section. The Secretary of Labor shall consult with the Advisory Committee on Construction Safety and Health created by subsection (f) and shall give due regard to the Committee's recommendations and information in framing proposed rules or subjects and issues in setting standards in accordance with section 443 of title 5, United States Code.

"(2) Each employer as defined in section 3(6) of the Occupational Safety and Health Act who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting and decorating in the regular course of his business, shall comply with construction safety and health standards promulgated under this section."

(h) Subsection (b) of section 107 of Public Law 91–54 (83 Stat. 96) is amended to read as follows:

"(b)(1) The Secretary is authorized to make inspections and investigations pursuant to sections 9 (a), (c), and (d) of the Occupational Safety and Health Act. If upon the basis of inspection or investigation, the Secretary believes that an employer subject to the provisions of section 107(a)(2) has violated any health or safety standard promulgated under section 107(a) of this Act, or has violated the condition required of any contract to which subsection (a) of this section applies, the Secretary shall issue a citation to the employer unless the violation is de minimis. The provisions of section 10 (except subsection (c) thereof) of the Occupational Safety and Health Act shall apply to citations issued under this Act. In issuing citations under this Act, the Secretary shall issue each citation at the earliest possible time from the occurrence of the alleged violation but in no event later than forty-five days from the occurrence of the alleged violation except that for good cause the Secretary may extend such period up to a maximum of ninety days from such occurrence. The provisions of section 12 of the Occupational Safety and Health Act shall also apply to this Act.

"(2) If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause (1) or (2) of section 103(a) of this Act, the governmental agency for which the contract work is done shall have the right to cancel the contract, and to enter into other contracts for the completion of the contract work, charging any additional cost to the original contractor. If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause 3 of section 103(a), the governmental agency by which financial guarantee, assistance, or insurance for the contract work is provided shall have the right to withhold any such assistance attributable to the performance of the contract. Section 104 of this Act shall not apply to the enforcement of this section."

(i) Subsection (c) of section 107 of Public Law 91–54 (83 Stat. 96) is hereby repealed and subsection (d) of that section is redesignated as subsection "(c)" and is amended to read as follows:

"(c)(1) If the Commission determines on the record after an opportunity for hearing that by repeated willful or grossly negligent violations of this Act, a contractor or subcontractor has demonstrated that the provisions of subsection (b) of this section and actions by the Secretary under paragraph (3) of this subsection are not effective to protect the safety and health of his employees, the Commission shall make a finding to that effect and shall, not sooner than thirty days after giving notice of the findings to all interested persons, transmit the name of such contractor or subcontractor to the Comptroller General.

"(2) The Comptroller General shall distribute each name so transmitted to him to all agencies of the Government. Unless the Commission otherwise recommends, no contract subject to this section shall be awarded to such contractor or subcontractor or to any person in which such contractor or subcontractor has a substantial interest until three years have elapsed from the date the name is transmitted to the Comptroller General. If, before the end of such three-year period, the Commission, after affording interested persons due notice and opportunity for hearing, is satisfied that a contractor or subcontractor whose name he has transmitted to the Comptroller General will thereafter comply responsibly with the requirements of this section, the Commission shall terminate the application of the preceding sentence to such contractor or subcontractor (and to any person in which the contractor or subcontractor has a substantial interest); and when the Comptroller General is informed of the Commission's action he shall inform all agencies of the Government thereof.

"(3) Any person aggrieved by an action of the Commission under subsections (b) or (c) of this section may seek a review of such action in the appropriate United States Court of Appeals pursuant to the provisions of section 13(a) of the Occupational Safety and Health Act. The Secretary may also obtain judicial review or seek enforcement as provided in sections 13(a) and 13 (c) and (d), and section 14 of the Occupational Safety and Health Act."

(j) Section 107 of Public Law 91–54 (83 Stat. 96) is amended by adding a new subsection "(d)" immediately after the new section "(c)". Subsection (e) of section 107 of Public Law 91–54 (83 Stat. 96) is hereby redesignated as subsection "(f)" and subsection (f) of section 107 of Public Law 91–54 (83 Stat. 96) is accordingly redesignated as subsection "(g)". The new subsection "(d)" shall read as follows:

"(d)(1) Any employer who willfully or repeatedly violates the standards promulgated by the Secretary under section 107(a) of this Act, may be assessed a civil penalty of not more than $10.000 for each violation.

"(2) Any citation for a serious violation of the standards promulgated by the Secretary under section 107(a) of this Act shall include a proposed penalty of up to $1,000 for each such violation.

"(3) Any employer who violates the standards promulgated by the Secretary under section 107(a) of this Act and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued for such a violation a proposed penalty of up to $1,000 for each such violation.

"(4) Any employer who violates any order or citation which has become final in accordance with the provisions of section 10 of the Occupational Safety and Health Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of assessing the penalty except where such order or citation is pending review under section 11 of the Occupational Safety and Health Act.

"(5) Any employer who violates any of the posting requirements, as prescribed in section 10(e) of the Occupational Safety and Health Act, shall be assessed by the Commission a civil penalty of up to $1,000 for each such violation.

"(6) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed ten years, or both.

"(7) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years or both. Whoever kills a person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

"(8) The Commission shall have authority to assess and collect all penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

"(9) For the purpose of this subsection a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation."

AUDITS

SEC. 26. (a) Each recipient of a grant under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or such other records as will facilitate an undertaking supplied by other sources, and effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

REPORTS

SEC. 27. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of occupational safety and health, and any other relevant information, and including any recommendations to effectuate the purposes of this Act.

OBSERVANCE OF RELIGIOUS BELIEFS

SEC. 28. Nothing in this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such medical examination, immunization, or treatment is necessary for the protection of the health or safety of others.

APPROPRIATIONS

SEC. 29. There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

EFFECTIVE DATE

SEC. 30. This Act shall take effect one hundred and twenty days after the date of its enactment.

SEPARABILITY

SEC. 31. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

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The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, for the benefit of Senators, it is the intention of the manager of the bill to have the debate on the substitute offered by the Senator from Colorado continue, and I shall be moving to table the substitute some time between 4:30 and 5 o'clock.

Mr. DOMINICK. Mr. President, I want to thank my friend from New Jersey for having made clear his intention on the proposal I have submitted to the Senate. I think the time specified gives us adequate time to explain both the substitute and the areas of difference between us. It is also, if I may say so, in accordance with the discussions the Senator from Ohio Mr. Saxbe and I had with the majority leader before we recessed in October, at which time we said that after the election we hoped this would become one of the first items of business and that we would agree to a limited time.

For the benefit of my colleagues who may read the Record or those who are on the floor at the moment, in the event the motion to table carries—and I sincerely hope it will not—we will then be offering amendments separately to the committee bill. I shall also be willing to reach an agreement on a limitation of time on each of those amendments. Hopefully, we can come to a conclusion on this bill before the week is ended; and, perhaps, within the next few days.

Mr. President, I think it is important in making the record here that we point out that the substitute is not in any way designed to downgrade the need and the desirability of affording health standards and occupational safety standards for the workers of this country. I start out by saying that immediately after the substitute starts, section 2(a) reads:

> The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

Subsection (b) reads:

> The Congress declares it to be its purpose and policy, through the exercise of its powers, to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources.

So it ought to be made crystal clear that we are not trying to do anything to downgrade health standards. We are trying to provide legislation which will, in a more equitable way, permit development of safe and prudent health and safety standards by one body, to have the administration of those standards by another body, and to have the enforcement by a third group, so that we do not have so-called star chamber proceedings, which would be permitted under the bill as it was reported out of committee, and to which we object.

Mr. President, the law which we pass must be workable and effective. This means the bill must establish realistic mechanisms which call not only for the development and enforcement of strong standards but will also be fair and accord all parties, including employers subject to regulation, due process.

In my opinion, Mr. President, the committee bill fails to do that. I think it is only fair to ask why. The reason is that it does not balance the need for regulation with the requirements of fairness and due process. The concentration of all authority for the promulgation of standards, the inspection and investigation of complaints, the prosecution of cases, and the adjudication of cases, totally in the hands of the Secretary of Labor is not a balanced approach. It is this structure, this procedural mechanism, which is objectionable to me, and I believe objectionable to many people around the country. It is objectionable because concentration of power gives rise to a great potential for abuse. A single man is easier to harass than an independent board or commission. Political pressure can be concentrated to achieve a particular point of view or course of action. The tradition of this Nation has been to place safeguards on power whenever it is granted. One of the greatest safeguards has been the separation of powers. By separating the legislative, executive, and judicial functions, a balance has been achieved which permits progress without abuse of authority. The separation of powers proposed in S. 4404 provides a structure which will achieve the goal of safe and healthful working conditions without raising the sceptre of abuse. It is because of this structural deficiency and because the concentration of power does not permit the fullest utilization and coordination of expert opinion that S. 2193 is opposed by the administration, by employers, by State occupational health and safety agencies, and by various groups which are active in producing standards in the occupational health and safety field.

This is not to say, Mr. President, that the reported bill is totally objectionable. Indeed, many of the provisions of the substitute amendment are the same or similar to those of the reported bill.

I have in my hand a letter, which I think it is only fair to read into the Record at this point, from the Department of Labor, signed by the Secretary. It is dated October 12, 1970, and it reads as follows:

> Dear Senator Dominick: I am writing concerning S. 4404, an Occupational Safety and Health bill which was introduced by you and co-sponsored by Senators Griffin, Saxbe, and Smith.
>
> During his first year in office, President Nixon in a special message to Congress proposed a strong comprehensive occupational safety and health measure. Along with his message, the President transmitted a proposed Occupational Safety and Health draft bill which was introduced as S. 2788. Since the introduction of S. 2788, the President has mentioned in three separate messages to the Congress the importance of enactment of occupational safety and health legislation.

The Secretary goes on to say:

> I would like to indicate my support for S. 4404, which incorporates the best features necessary for efficient administration while at the same time incorporating many features which assure fair as well as firm enforcement. A companion bill to S. 4404, H.R. 19200, was introduced by Congressman Steiger and Congressman Sikes in the House of Representatives. I am proud to say that I was personally involved in discussions with Congressmen and representatives of both political parties in helping to develop these compromise bills.
>
> S. 4404 is a strong comprehensive proposal which would assure effective and fair procedures for promulgating occupational safety and health standards, and for enforcing those standards. My efforts in developing this compromise proposal were the result of my strong belief in the need for the enactment of a comprehensive Federal occupational safety and health act in this Congress.
>
> Sincerely,
>
> J. D. Hodgson,
> *Secretary of Labor.*

Mr. President, I think that puts the picture fairly clear, showing the administration's support and showing the balance of powers which the President is supporting and which I am supporting in this substitute.

However, the substitute bill does provide a framework which embodies the necessary structural separation and procedural safeguards to insure strong regulation and due process. A comparison of the two bills demonstrates this.

Under the committee bill, the Secretary of Labor is given authority to promulgate all standards. Under the substitute, all standards would be promulgated by a National Occupational Safety and Health Board, separate and independent of other Federal agencies. The Board would be composed of five members, all qualified by previous training, education, or experience in the field of occupational safety and health; the members would be appointed by, and serve at the pleasure of the President.

Both bills provide for three types of mandatory standards, early, emergency temporary, and permanent.

Early: Under the reported bill the early standards are of three types: First, national consensus standards; second, already existing Federal standards; and third, standards also promulgated prior to the date of enactment of this Act by national organizations but by a nonconsensus method. These standards must be issued by the Secretary as soon as practicable within 2 years following the effective date, unless the Secretary determines that their promulgation will not result in improved safety or health for certain employees. No provision is included with regard to how long these standards stay in effect or how they are superseded. Apparently, they would remain in effect until the Secretary decided to exercise his general authority to promulgate, modify, or revoke any "standard" under the act.

S. 4404, the substitute, also provides for early standards; however, S. 4404 has only 2 types: First, national consensus standards; and second, already existing

Federal standards. These standards must be issued by the Board, as soon as practicable within 3 years following the effective date, unless the Board determines that these standards will not assure safer and more healthful working conditions. The substitute specifically provides that the standards remain in effect only until superseded by permanent standards.

These early standards would be promulgated by rule by the Secretary, or by the Board under the substitute. The APA does not apply, except in the case of nonconsensus standards under the committee bill, where informal APA rulemaking procedures do not apply; that is, submission of written views with informal hearings which would be in the Secretary's discretion.

Both bills provide for emergency situations. The provisions are essentially the same except the Board and not the Secretary would promulgate the emergency standards under S. 4404.

The committee bill provides that emergency temporary standards must be promulgated by the Secretary if he determines that they are needed to combat grave danger from toxic or physically harmful substances, or from new hazards. These standards stay in effect until replaced by permanent standards which the Secretary is required to issue within 6 months after emergency temporary standards are issued.

Under S. 4404, the substitute, the standards would be limited to setting an emergency temporary standard where the Board determines that employees are exposed to grave danger from substances determined to be toxic or from new hazards which result from the introduction of new processes.

These emergency temporary standards, under both bills, would become effective immediately on publication in the Federal Register. Under the reported bill, permanent standards would be promulgated by the Secretary under informal rulemaking procedures of the APA; but a hearing is required, if an interested person objects to a proposed standard. The use of advisory committees is authorized, but not mandatory.

The Secretary is required to issue a standard within 60 days after the expiration of the period provided for the submission of views—as required in informal APA rulemaking—or within 60 days after the hearing—required where an objection is made—ends.

Under the substitute, S. 4404, permanent standards are set by the Board, using formal rulemaking procedures of the APA. The use of formal procedures helps assure that all will have an opportunity to be heard and that a standard must be based on substantial evidence on the record. The use of advisory committees, as in the reported bill, is not made mandatory.

Mr. President, I think we ought to remember that we are dealing here with every type of industry that one can think of in this country. When we are talking about commerce between the States or anything that affects commerce, under the interpretations of the Supreme Court, that would take in everything from a shoeshine shop to an oil refinery, to a restaurant, to a steel plant, to almost any type of industry or employee you can think of. We are dealing with all types of health problems and safety problems. We are dealing with all kinds of differing conditions in the various States; and unless we have an input into an impartial board set up independently from the Labor Department, we are not going to have the necessary circumstances detailed which would allow us to set forth a fair and efficient rulemaking procedure.

I think this Board for the establishment of standards is perhaps one of the key items that we have in the substitute. In fact, I know it is; and unless we do it that way, I am afraid that we are in for a very substantial problem.

The Board is required to promulgate a standard 60 days after the formal hearing ends—if advisory committee is utilized—and 120 days afterwards—if no advisory committee is used. Also, the Secretary of Health, Education, and Welfare or the Secretary of Labor may request the setting or modification of a standard, and the Board must commence standard-setting procedures within 60 days after the request is made.

In setting standards, the committee bill requires the Secretary to set standards which most adequately and feasibly assure that no employee will suffer any impairment of health or functional capacity, or diminished life expectance even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life.

There is no such provision in the substitute bill. But I ask, Mr. President, just thinking about that language, let us take a fellow who is a streetcar conductor or a bus conductor at the present time. How in the world, in the process of the pollution we have in the streets or in the process of the automobile accidents that we have all during a working day of any one driving a bus or trolley car, or whatever it may be, can we set standards that will make sure he will not have any risk to his life for the rest of his life? It is totally impossible for this to be put in a bill; and yet it is in the committee bill. Fortunately, we do not have it at this time in the substitute.

The committee-reported bill also provides that standards shall prescribe the use of labels, warnings, employer monitoring or measuring of employee exposure to hazards, plus types and frequency of medical examinations or other tests which shall be made available by the employer or at his cost, to employees exposed to hazards.

The substitute, S. 4404, has provisions authorizing an appropriation for the Secretary's purchase of equipment to measure the exposure of employees to working environments which might cause cumulative or latent ill effects.

This could be in a cement plant, or any type of plant dealing either with fine, sooty particles in the refining process, or which might even result from improper protection from paint sprays or things of that nature. I can think of all kinds of things where this would come into play, and where we would need to have some kind of working equipment to deal with the hazards and try to find out the degree of those hazards. So we authorize appropriations for the purchase for this type of hazard or risk.

The substitute also provides that standards must prescribe the posting of such labels or warnings as are necessary to apprise employees of the nature and extent of hazards and of suggested methods of avoiding or ameliorating them. The substitute has no express provision requiring medical examinations, but such examinations are obviously contemplated under the bill because an exception is provided for those who object to "medical examination, immunization, or treatment on religious grounds."

Both bills specifically provide for judicial review of standards. Under the committee bill, judicial review of standards is provided in the various U.S. courts of appeals. This right may be exercised up to 60 days after the standard is promulgated. The committee bill specifically provides that the filing for review not act as a stay of the standards, unless so ordered by the court.

The substitute bill, S. 4404, has a similar provision, for judicial review of standards, except the U.S. Court of Appeals for the District of Columbia is the only forum. Unlike the reported bill, this judicial review of standards is made an exclusive remedy. The time period for review is 30 days after publication of the standard. Also, a petition for review would not stay the effect of a standard unless specifically so ordered by the court.

Then we come to enforcement, Mr. President. In general, under the provisions of the committee bill, as I outlined to begin with, the Secretary of Labor would first promulgate the standards; then he has to administer them; then he has to find out whether or not there has been any kind of violation; and then he has to enforce them. So he wears about four hats; and if I ever heard of anything which concentrates power, this one does it.

Under the substitute bill, we do not do that. As I have said, we have a separate independent board for the adoption of standards to start with. Then, when we come down to the enforcement—I will put it this way first. The Secretary of Labor retains the administrative power, and he also retains the inspection and investigation. But after we get to that, we come to the enforcement procedures. And what are we going to do on that?

After the inspection procedure has been determined, and if there is an alleged violation, then, under the substitute bill, we establish an Occupational Safety and Health Appeals Commission composed of three members appointed by the President to serve staggered 6-year terms.

When the Secretary of Labor issues a citation as to an alleged violation, the employer has 15 days to notify the Secretary of his intention to contest the citation. If the employer so contests, the Secretary would notify the Appeals Commission, which would then afford the employer an opportunity for a hearing.

Enforcement of the Commission's orders where necessary, or review of those orders, would be in the U.S. Court of Ap-

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peals. If the citation is not contested within a 15-day period, it is deemed a final order of the Commission.

This is totally different, as I have said, from the procedures authorized in the committee bill as it has been reported to the floor.

I might say here that this is one of the points that the distinguished Senator from New York made in committee and again has made on the floor today—namely, that a separate commission or panel, as he called it, should be set up for the enforcement procedures. That, of course, as I say, is part of the substitute bill.

Our substitute also provides that in the case of a willful or repeated violation of the act's requirements, a possible civil penalty of up to $10,000 per violation may be imposed. So we have teeth in this substitute.

Some allegations have been made—not by the Senators on the floor, but by other people—that the purpose of this is to try to tone down the penalties or to make sure that the worker is not going to have his fair treatment. Nothing could be further from the truth. What we are trying to do is to set up a balanced bill. If some employer is willfully violating standards which have been set by the board and which have been inspected by the Secretary, and an allegation has been made that they have been violated, there are real teeth in this bill to make sure that the employer has to live up to the standards that have been so set.

Under the substitute, it is mandatory in the case of serious violation that the citation include a proposed civil penalty of up to $1,000 per violation. In the case of ordinary violations, the Secretary may include in the citation a proposed civil penalty up to the same amount.

Under the substitute, a violation of a final order, or of a citation which has become a final order through failure to appeal, carries a possible civil penalty of up to $1,000 per violation, and each day a continued violation is a separate offense. So it is a very substantial penalty.

Any willful violation of a specific standard or of other requirements of the act is liable to a fine of up to $10,000 and up to 6 months in jail, and $20,000 and up to a year in jail for a second conviction of a willful violation, under the provisions of the committee bill.

As noted above, under the provisions of the substitute, we have a civil not a criminal penalty for a willful or repeated violation. That has been treated with some care. We did it this way because I think most of us know how difficult it is to get an enforceable criminal penalty in these types of cases. Over and over again, the burden of proof under a criminal-type allegation is so strong that you simply cannot get there, so you might as well have a civil penalty instead of the criminal penalty and get the employer by the pocketbook if you cannot get him anywhere else.

Mr. President, the Senator from New York, in the process of making a very brief talk on this bill, pointed out the so-called imminent danger procedure. I must say that the committee dealt with this, in my opinion, so that it toned it down to some degree from the way it was originally presented to us in executive session. Nevertheless, we still have a provision in here whereby an inspector can go into a plant, and if he thinks there is an imminent danger somewhere, all he has to do—one man, as an inspector—is to call the regional office or somebody else in the Labor Department and shut down the whole plant immediately, by an order, without any court findings, without any adjudication, without any due process.

This has created very serious questions in the minds of many employers who have been working hard in the safety field and who feel that this is an arbitrary degree of power, limited as it is; namely, limited by the fact that he has to contact someone and get their OK. They still feel that it is far too strong. Personally, I agree with that. It seems to me that we have gone too far in the committee bill on this so-called imminent danger.

The substitute bill would permit an inspector who finds that he has this to get in touch immediately with anybody he wants to and seek injunctive relief in the U.S. district court. One can get any kind of temporary restraining order within a half hour. This is no problem at all, if the actual danger that is present in the plant is shown. It can be done ex parte. It is not necessary to serve notice on anybody. One can go right into a Federal district court, ex parte, and get it within a half hour, and then have it come up for hearing on temporary or permanent injunction later.

So I would say that there is no problem in saying that the danger must go to the courts. I have heard many people argue that this is going to be in terms of great delay, that the imminent danger will stay there, that the employees will be subject to hazards to which they should not be subject. The fact is that it simply is not so. It is so with respect to the possibility of delays in courts if something is being tried on the merits and it is going on for a long time. But in terms of ex parte injunctive relief, there is no problem in getting it right away.

If this type of injunctive relief is sought under the provisions of the substitute, the inspector must notify both the employee and the employer that he will recommend to the Secretary such relief be sought, and then under the provisions of the substitute if there is an unreasonable failure in the Secretary's judgment to seek relief to abate the danger, employees injured physically or financially can get damages in a court of claims.

The employer is also given the right under the substitute to seek damages in the event of wrongful blame. This would be determined by the district court in an adversary type of proceeding.

These, as I have said, are the major points of difference between the two proposals. There are a number I have skipped over or are terms of technical wording. What we are dealing with as I have said over and over, and again and again, is the question of whether we are going to pass a bill, as it has been proposed by the committee, which will concentrate all the power on all the health and all the safety measures in one department and under the authority of one man. I personally do not think that is correct. I do not think that we should give any one man or any one department—I have said this before and I know that we perhaps have it in some of the independent agencies around here—but I do not think it is right, or that we should give them the power to make the rules, then administer the rules, then inspect to see if the rules are being complied with, and then to file a complaint on violations of the rules or to determine whether it was a reasonable complaint.

If we have it all in one person, how can it be otherwise than an undue concentration of power which can lend itself to all kinds of abuses? Under the substitute bill before us now, what we will be doing is saying that we will have three separate things working. First, an independent board consisting of five members to establish the rules; then the Secretary of Labor will maintain the administrative power over the standards and will also do the inspection and make the allegations of complaint. Those complaints, if challenged, will go before a national commission on enforcement which will again be an independent, three-member board, which will determine whether the complaint for violation is legitimate. If anyone objects to the panel decision, they can go in and appeal it in the court system.

It is a very much fairer distribution of power, giving both employees and employers a more unprejudiced, bipartisan method of determining what their respective rights may be.

Mr. President, I yield the floor.

Mr. WILLIAMS of New Jersey. Mr. President, the substitute amendment that has been offered by Senator DOMINICK is an effort to undo all of the discussion and resolution of issues so carefully considered by the committee.

This amendment in various forms was thoroughly discussed by the full committee and there rejected.

There are at least three major provisions which this amendment seeks to change.

Two of the three provisions—a board for setting standards and a commission for enforcement—strike at the core of the mechanism created by the committee bill.

I shall discuss these two areas in some detail, and then I will comment on some of the other provisions in the substitute that constitute a complete abandonment of the committee's bipartisan efforts to provide a workable statute.

In arguing that standards-setting and enforcement functions should not be combined in a single agency, opponents of the committee bill seem to assume that we have created some unusual and unfair mechanism for administering this act.

Nothing could be further from the fact, for the truth of the matter is that the provisions we adopted in committee are similar to those which have for many years characterized most Federal regulatory programs.

For example, the Federal Trade Commission, the Securities and Exchange

Commission, the Interstate Commerce Commission, and the Federal Power Commission, all combine in a single agency the authority to prescribe substantive rules and to enforce those rules.

Nor has this traditional combination of authority been confined to the multimember agencies I have mentioned, for a great many regulatory programs are administered by Cabinet officers with responsibility for both rule making and enforcement.

Significantly, a number of these programs are in the safety area.

For example, the Longshoremen's and Harbor Workers' Safety Act, as well as the three statutes which impose safety and health obligations on Government contractors—the Walsh-Healey Act, the Service Contract Act, and the Construction Safety Act—all give the Secretary of Labor responsibility for setting standards and for enforcement of those standards.

Similarly, under the Metal and Nonmetallic Mine Safety Act and the Coal Mine Health and Safety Act, the Secretary of Interior sets standards and is also charged with enforcement.

I could also refer to the myriad of standards setting and enforcement functions combined within the Department of Transportation under the Federal Railroad Safety Act, the Natural Gas Pipeline Safety Act, the National Traffic and Motor Vehicle Safety Act, the Federal Aviation Act, the Motor Carrier Act, and others.

These statutes all provide the Secretary of Transportation or subordinate administrators, with authority both to promulgate safety standards and to enforce those standards in the fields of air, rail, motor, water, and pipeline transportation.

You will note, Mr. President, that three of the statutes I have mentioned—the Coal Mine Health and Safety Act, the Construction Safety Act, and the Railroad Safety Act—were all passed during this Congress, and we obviously did not believe when those acts were considered, that an unreasonable degree of power or an improper combination of functions was being lodged in one agency.

In fact, when we considered the Coal Mine Safety Act, we specifically rejected, by a 53 to 24 vote, a proposal to establish an independent enforcement board.

I should also point out that the statutes I have mentioned cover some of the most hazardous occupations—longshoring, construction, and mining.

If the combination of standards-setting and enforcement functions is fair for those industries, I see no reason why it is not equally so for others.

Interestingly enough, with respect to the construction industry, Senator DOMINICK's amendment would continue to assign both standards-setting and certain enforcement responsibilities to the Secretary of Labor, so this combination of functions cannot be as objectionable, even in the mind of the author of the substitute, if all functions were combined in this one area that is specified.

Mr. DOMINICK. Mr. President, will the Senator yield at that point?

Mr. WILLIAMS of New Jersey. I yield.

Mr. DOMINICK. Mr. President, I just want to point out that under the substitute bill, the Secretary of Labor is permitted to bring cases alleging violations before a proposed National Commission and not decide it himself.

Mr. WILLIAMS of New Jersey. Mr. President, as I understand it, the Secretary under that act does set standards and has the policing authority.

Mr. DOMINICK. The Senator is correct. But under the substitute bill, the Secretary of Labor alleging a violation could bring it before the new commission created in the substitute bill.

Mr. WILLIAMS of New Jersey. Mr. President, I am correct, though, in the other aspects, both standard setting and enforcement.

Mr. DOMINICK. The Senator is correct. It is already in the law.

Mr. WILLIAMS of New Jersey. Mr. President, there is an even broader inconsistency in the administration's opposition to combining these functions into one agency under this act, for it has recently urged that Congress do exactly that with respect to a number of other programs.

Thus, the President, in Reorganization Plan No. 3, submitted to Congress last July, proposed the creation of a single agency—the Environmental Protection Agency—to be headed by an administrator, to combine existing Federal programs in water quality, air pollution, solid waste management, and other areas of environmental concern. As the President himself described this proposal, which has since been approved by Congress, its purpose was "the pulling together into one agency of a variety of research, monitoring, standard-setting and enforcement activities now scattered through several departments and agencies."

What valid basis can possibly exist for distinguishing the committee's proposal under the present bill?

In sum, the committee bill merely adopts a mechanism of administration which recognizes that the most effective regulation is that which is based upon the experience that comes from enforcement.

It is a mechanism which has long since become a fixture in our regulatory process, and which we have specifically adopted at least three times during this very Congress in this very same field of safety and health.

In all these prior instances, we recognized that due process is protected by the internal separation of function requirements mandated by the Administrative Procedure Act.

These requirements prescribe that those employees of the agency who are engaged in investigation or prosecution shall be separated from those engaged in adjudication. And I see no reason why these requirements will not be as effective in preserving fairness and due process in this act, as they have been in others which we have adopted and which are now in operation.

There are a number of very sound considerations which persuaded our committee to reject the proposal for a separate board to issue standards, and a separate commission to enforce them.

In the first place, the proposal involves the creation of two new, and quite unnecessary, agencies, which inevitably will involve a needless spread of bureaucracy.

To begin with, there would be a total of eight board or commission members, at $38,000 apiece.

Each of these members will naturally have some staff of his own.

All of these people will make very little real contribution to the program, for the real need is going to be for professional and technical personnel at the operating level.

Whereas the Secretary of Labor would be able to get started with the enactment of the bill, the new agencies would have to wait until their members were appointed by the President, confirmed by the Senate, employees were hired, space was found, and all the rest. It presents the classic description of unnecessarily swollen bureaucracy in my opinion.

New agencies would have to compete for personnel with agencies already performing similar functions—and qualified personnel in the field of occupational safety and health are scarce enough as it is, as our committee learned during its hearings on this legislation.

On the other hand, if all functions are performed within the Department of Labor, the best possible use can be made of available personnel, and they can readily be shifted from one type of activity to another, depending on what the priorities of the moment would be.

I think it is a generally sound principle that a new bureaucracy should not be created except for compelling cause—and there is certainly no such compelling cause here.

There certainly is no such compelling cause here. I would suggest that if there were a compelling cause, it would have been made manifest by a description of the procedures under existing law in the programs developed within this Congress that combine the elements under a secretary, as they do under the pending bill. There has been no description here that I have heard of the failure of any of these programs, whether it is construction safety, railway safety, or coal mine safety.

Another basic reason against this substitute is that its board would create an adversary system in the promulgation of standards, with the Departments of Labor and Health, Education, and Welfare opposing industry advocates with a probable result of undue confusion and delay, and less effective standards.

By placing the promulgation of standards in the Secretary of Labor, as the committee bill accomplishes, the resulting determination is more likely to be the result of a studied, scientific approach which should characterize rulemaking of this type.

I should also point out that experience has shown that multimember commissions are not given to decisive action, and proposals to abolish the regulatory commissions are now commonplace.

The weakness of the multimember commission is compounded by the mechanism contained in the proposed amendment, for it would break up the

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program and apportion it among two multimember agencies and the Secretary.

Under such an arrangement, it would be impossible to pinpoint responsibility and we would never be sure just who should be held accountable for shortcomings of the program.

We, of course, can never be absolutely certain that any particular administrative mechanism will be as effective as we all hope, but under the committee bill, we will certainly know whom to call to account if it is not.

Under the amendment now being offered, we would have no way to do so.

Aside from its inadequacies on these two major provisions, the substitute bill is fraught with numerous other deficiencies that would make it a most mediocre offering when compared with the committee bill.

As I stated earlier, the effort to make the reported bill a constructive, workable measure, was a bipartisan effort involving many days of discussion and consideration.

I will discuss just a few of these other provisions that make the committee bill so much of an improvement over the substitute amendment:

First. In the provisions for inspections, the committee bill permits an authorized representative of employees, subject to regulations by the Secretary of Labor, to accompany inspectors in order to aid the inspection, or if there is no authorized representative, the inspector is required to consult with a reasonable number of employees.

This section reflects a fair and practical resolution of the conflicting viewpoint of employers who fear that an unlimited right of employees to accompany inspectors could lead to disruption of production operations and, the viewpoint of employees who urgently believe they need their representatives to participate and assist in the inspection which is so important to their continued protection on their job.

I think this is an important point. Certainly no one knows better than the workingman what the conditions are, where the failures are, where the hazards are, and particularly where there are safety hazards. The opportunity to have the workingman himself and a representative of other workingmen accompanying inspectors is manifestly wise and fair, and in arriving at the objectives of this legislation I think it is one of the key provisions of the bill presented to the Senate by the committee.

Second. The committee bill provides that standards shall prescribe the use of labels, warnings, and where appropriate, employer monitoring or measuring of employee exposure to hazards, plus types and frequency of medical examinations or other tests which shall be made available by the employer to employees exposed to hazards.

This provision was incorporated with the knowledge that many occupational diseases develop under conditions of which the employee is unaware, and that employers using potentially hazardous processes should provide the methods by which employee exposure to these hazards can be identified and controlled.

The substitute bill contains no provision whatever with respect to monitoring of hazardous substances by employers, nor does it contain any provision for employees to be informed regarding the level of toxic materials to which they may be exposed.

In my judgment this is one of the most serious shortcomings and failures in the substitute bill.

Third. The committee bill has a very carefully worded requirement on the general duty of employers to furnish employment "which is free from recognized hazards so as to provide safe and healthful working conditions."

Similar general duty requirements appear in numerous State safety laws.

There is no penalty attached for initial violation of this clause, but one is imposed only if there is a failure to correct a violation.

The substitute bill has a much more imprecise general duty requirement.

It is also unjustifiably harsh on the employer because penalties may be imposed for the initial violation of this duty as well as the failure to correct it.

Fourth. The committee bill's provisions for promulgating permanent standards by the Secretary of Labor require the Secretary to utilize the informal rulemaking procedures of the Administrative Procedure Act, including a hearing at which all interested parties would be able to present their views.

These provisions which are the same as those contained in almost all other comparable statutes, are fully consistent with administrative due process and would enable a speedy promulgation of standards with a fair opportunity for those affected to be heard.

The substitute bill would require a much more complicated and time-consuming administrative procedure for setting standards.

It would utilize the full formal adjudicatory procedures of the Administrative Procedure Act.

This procedure would result in interminable delay in the promulgation of health and safety standards because it would require a full trial on each standard rather than the simpler hearing provision of the committee bill.

The difference could mean delay of years instead of months.

Fifth. The bill as reported by the committee provides an opportunity for a person affected by the promulgation of a standard to seek judicial review within 60 days of the promulgation of such standard or the standard may also be challenged during an enforcement proceeding.

This is a very broad-scaled judicial review protection that completely meets any industry concerns regarding the ability to contest the standards in court.

On the other hand, the substitute bill provides for exclusive judicial review within 30 days of the promulgation of a standard, and forecloses any possibility of obtaining judicial review of a standard in an enforcement proceeding.

The practical effect of this exclusive review procedure would be that trade associations and the giant corporations, having an abundance of legal manpower, would monopolize the right of review and thereby deny small employers and companies their day in court.

Sixth. The committee bill permits the Secretary to promulgate proprietary standards, in addition to national consensus standards and already existing Federal standards.

These proprietary standards have been promulgated prior to the date of enactment of the act by national organizations, but by a nonconsensus method.

They represent a great deal of expert research and knowledge in the field of occupational safety and health by private industry.

The fact that they have not been formulated through the consensus method does not make them any less useful in beginning the job of providing adequate protection.

The substitute bill is seriously deficient in failing to make special provision for the use of these available proprietary standards.

Seventh. Under the committee bill, the Secretary is required to set the standard which most adequately and feasibly assures that no employee will suffer any impairment of health or functional capacity, or diminish life expectancy, even if such employee has regular exposure to the hazard for the period of his working life.

The committee bill also requires that the Secretary shall consider, in addition to the attainment of the highest degree of health and safety protection for the employee, the latest available scientific data, the feasibility of the standards and experience gained under this and other health and safety laws.

The substitute bill is completely silent on the matter of providing statutory guidelines for the promulgation of standards—a silence that by itself makes the substitute seriously deficient for the interests of both industry and labor.

The worker is entitled to know that standards in the workplace are geared to overcoming safety and health hazards that are shortening his life. If he cannot have the assurance that criteria for standards are based on this consideration, he will have a program of no value to him.

Eighth. The committee bill makes allowances in the enforcement section for a reopening of a citation of violation if the employer shows a good-faith effort to comply with abatement requirements and that he could not complete abatement because of factors beyond his reasonable control.

The substitute bill again does not provide this highly important and equitable protection for the employer.

Ninth. The committee bill, while guarding against frivolous complaints, permits employees or their representatives to request inspections where they believe that a violation of a safety and health standard exists that threatens physical harm or that an imminent danger exists.

The substitute bill has absolutely no comparable provision for what in so many clearly life and death instances is the minimum assurance to which the employee is entitled.

Tenth. The committee bill provides that in imminent danger situations the Secretary may bring action in the appropriate U.S. district court for a temporary restraining order or an injunction requiring steps to be taken to correct, remove, or avoid the danger, and prohibiting the presence of individuals where the imminent danger exists.

However, the bill authorizes the continued presence of individuals necessary to the correction or removal of the danger or to maintain the capacity of a continuous process operation to restart without a complete cessation of operations, and to permit any necessary shutdown of operations to be accomplished in a safe and orderly manner.

The committee bill also permits the Secretary if he determines that the danger of death or serious harm is so immediate that action must be taken without awaiting the institution of court proceedings, to order such action to be taken and his order may remain in effect for 72 hours.

This is one of the areas in which there is clearly a distinction between the bill as reported by the committee and the substitute proposed. These are the true emergency situations where time manifestly is of the essence.

The committee bill also provides that the inspector shall obtain concurrence by higher authority for such a withdrawal to be issued; this provision meets the concern expressed by some that a single person should not have the power to determine whether a hazard is so imminent as to warrant interference with a production operation.

This involves the question that an individual should have one in superior authority who can check on his conclusion that there should be a withdrawal of men from the immiment danger situation.

The committee bill also affords further protection to the employer by providing that once an imminent danger order has been issued, the employer, without postponing its mandatory effect, may obtain expeditious informal reconsideration within the Department of Labor, in accordance with procedures to be prescribed by the Secretary.

The substitute's limitation on the Secretary's freedom to act fails to consider that the time consumed in unnecessary legal steps may be the difference between life and death of the worker.

It is obvious that in most cases, employers will recognize the gravity of the danger and will voluntarily close down a machine or a process.

However, in those few cases where the employer refuses, it is imperative that the Secretary retain this important authority.

To repeat, in most cases the employer would or will recognize the gravity of the danger and, we would think, would voluntarily close down; but in those cases where that does not happen, the Secretary, under the committee bill, retains this most important authority.

Furthermore, I believe that objections to authorizing the Secretary of Labor to issue imminent danger orders have been greatly overstated in public discussion of this legislation. The safety laws of at least 29 States authorize administrative officials to deal with imminent danger situations.

Such "red tag" or "stop work" provisions typically empower the appropriate State agency to post a notice or issue an order prohibiting the use of machinery, equipment, or work areas found to be dangerous, and in our committee deliberations and hearings we learned of no instance in which such provisions have been invoked unreasonably.

It may also be noted that similar authority is provided in both the Coal Mine Health and Safety Act of 1969 and the recently passed Railroad Safety Act.

In my judgment, and the judgment of the committee, the public interest is best served by allowing the immediate remedy of the committee bill for extremely hazardous situations.

Eleventh. The committee bill provides that affected employees who have brought alleged violations to the Secretary's attention may obtain written explanations from the Secretary in cases of failure to issue a citation after inspection.

The substitute bill does not make this information available to the employees.

Twelfth. The committee bill provides a criminal penalty in the nature of a misdemeanor for any person who gives advance notice of an impending inspection.

The substitute bill, because it does not prohibit advance notice of inspections, seriously compromises the enforcement of this safety and health law.

The requirement to comply with these occupational safety and health standards is not a game to be played only when the official is coming around to inspect.

In this connection, informally—it is not in any of the written records—on our numerous inspections and field trips of the committee, invariably we were advised by men who worked in the mills, the factories, or the mines, that there had been quite a cleanup operation in preparation for our visit. This is a part of the attitude of "Things are different when it is known that the inspectors are going to be on the scene."

The committee bill makes clear that the Secretary may choose to have announced inspections so that the penalty only applies to those who consciously thwart the enforcement of this legislation.

Thirteenth. The committee bill creates a National Institute for Occupational Health and Safety within HEW that will have the responsibility for conducting research into all phases of occupational safety, including the research, training, and related activities to be performed by the Secretary of Health, Education, and Welfare under other parts of the act.

The Institute was created in order to give the maximum priority and visibility to the all important task of research into these occupational health and safety problems.

The substitute bill does not take account of the urgent need for substantial research and does not make provision for this Institute.

This is one of the most serious shortcomings of the substitute bill, in my judgment. The idea of this focus of research and study into a new National Institute for Occupational Health and Safety will be a pioneering development if it becomes enacted, and one of the major contributions made in our committee work by the Senator from New York (Mr. JAVITS), the ranking minority member of the committee. I am sure it will come to pass, and it will be another great landmark of hope in health and safety out at the National Institutes of Health.

Mr. President, these are only a few of the numerous agreed-upon improvements that are in the reported bill.

They are not just so-called technical improvements. These provisions are designed to provide the Secretary of Labor with a workable program of occupational health and safety.

Finally, I am also constrained to comment on some of the more odious comparisons being expressed about this bill.

For example, one statement says:

> The Committee bill's regulatory procedures have been compared to having the Chief of Police, in addition to his regular duties of conducting inspections, also write the criminal laws and then act as judge and jury.

It seems to me that such inflated rhetoric is completely uncalled for. However, I believe the document containing that rhetoric was circulated to all Members of the Senate.

I come back to what was stated earlier: This procedure in the committee bill is the time-honored and continually applied procedure in all of the legislation in this field of occupational safety and occupational health, and is certainly the same procedure that is used in many other areas of administrative law. I do not know of any area where the procedures of the substitute apply, where we have a secretary with certain functions, where we have a board with other functions, and where we have a commission with a third set of functions. This is an administrative picture that cannot be fully understood, because it has never happened in any other area that I know of. Where the substitute would take us—with duties to the Secretary, duties to a new board, and duties to a new commission, bureaucracy rampant, duties poorly defined—in terms of administrative management of a program that is generations overdue, we cannot hazard a guess.

Mr. President, we are not, except in the case of willful disobedience of the act, dealing with criminals and criminal laws.

This is a statute designed to preserve the lives and well-being of 80 million workers who are now faced with industrial hazards that require regulation for the benefit of all concerned.

It will be Congress that has passed this law.

Granted the Secretary of Labor will carry out the overall scheme, but it is the same kind of mechanism that Congress has enacted for well over 35 years.

And, as the Congress will enact, and the Secretary enforce, so are the courts the ultimate review of all actions taken under the committee bill.

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Therefore, while we may all differ as to the right approach to our workers' safety and health problems, the committee bill draws on the best lessons that similar statutes have to offer.

Our bill is fair and reasonable.

It is a good-faith effort to balance the need of workers to have a sale and healthy work environment against the requirement of industry to function without undue interference.

I judge it to be a good bill. It should have a chance to work.

It is a bill that, if enacted, will meet the test of time.

It is the balanced view of a bipartisan Labor and Public Welfare Committee, and should be supported by the Senate.

To those who agree that is should be supported, at the proper time, when the motion is made to table the substitute that has been offered, I respectfully suggest that the proper vote would be to lay the substitute proposal on the table.

Mr. President, I yield the floor.

Mr. **DOMINICK**. Mr. President, I have enjoyed listening to the statement of my distinguished friend from New Jersey, as I always enjoy listening to him.

I know the Senator has put a lot of work into this matter. However, I am somewhat confounded by his analysis of the fact that we have got to say with the tried and true, that we cannot start anything new, that we must go on with agencies that have already been in existence for years—the ICC since 1928; all kinds of agencies, every one of which has long been under attack by every commission that has investigated them because of the concentration of powers within them.

Congress has not yet given enough attention to any of these problems, or shown the ability to reorganize any of the agencies to get at the root problem, which is the same old problem proposed in this bill, with all the things put together within one body.

I was really interested in listening to the Senator from New Jersey talk about the Coal Mine Safety Act and then talk about the Metal and Nonmetallic Mine Safety Act. I was involved in those fights, too, as was the Senator from New Jersey.

I remember well, before committee and on the floor of the Senate, pointing out that our State had the best metal and nonmetallic mine safety program in the country, which was being wiped out by the federal system, because the Bureau of Mines had only approximately 80 inspectors who would have taken about 3 years to do the job which our own people already were doing. Four years after the passage of that bill, just last month, the State of Colorado finally got permission to start readministering its own program under the Federal act—finally, after 4 years. In the meanwhile, of course, many of our inspection force have been lost. We have had to recruit new people, as everyone else has had to do, and we found ourselves in the usual position of the Federal Government taking on a massive job which it was ill-equipped and ill-manned to be able to put into effect.

I recall the Coal Mine Safety Act. I recall the Senator from Kentucky (Mr. COOPER) getting up over and over again and saying:

> You ought to make a distinction between the gassy big mines and the nongassy small mines.

He tried and tried to point out that the problems that were being talked about in the gassy big mines are not present in the small mines, and we could not get anywhere because of the makeup of the Senate, which said it is going to put everything in one package, wrap it in pink paper and put a blue ribbon on it, and say it is safety, instead of determining whether or not it is fair to everybody—the employees and the employers.

We have the same problem in this bill. One of the things I am trying to avoid is to try to put everything in one heap and say that because it is in one heap, it is obviously going to be a nice one, filled with sweet perfume, which will do great things for the rest of the country. We can do it far better in setting up an independent board.

Since the distinguished Senator from New Jersey has quoted the Reorganization Act on environmental health, pointed up by President Nixon, I am happy to quote a Presidential commission established by his President, President Johnson, on product safety—the very same thing that many people have been talking about in the consumer field which we have in the working field. The National Commission on Product Safety was appointed by President Johnson, March 27, 1968, to recommend programs to protect consumers from product hazards.

This Commission has now strongly recommended that Federal product safety standards be established by an independent Federal authority. The arguments advanced by the Commission for this recommendation are similarly applicable in the field we have before us today. This is what President Johnson's Commission on Product Safety had to say on the need for an independent board:

> Statutory Regulatory Programs buried in agencies with broad and diverse missions have, with few exceptions, rarely fulfilled their mission.
>
> The reasons for their weaknesses include lack of adequate funding and staffing because of competition with other deserving programs within any agency; lack of vigor in enforcing the law caused by an absence of authority and independence in some Federal Administrators; and a low priority assigned to programs of low visibility.
>
> When a Federal agency must take up substantial and controversial issues of consumer safety and economics, we believe it needs independent status.
>
> Independence can be furthered by appointment of Commissioners on a nonpartisan basis, for staggered fixed terms subject to removal for cause, and by designation of a permanent chairman to serve an entire term in that capacity.

It seems to me that this is exactly what we are talking about in this bill. We are talking about an independent board, consisting of five members, to establish safety and health standards in practically every form of business one can think of. We are not just putting this responsibility in the Labor Department, which is filled with a whole group of diverse problems, not putting it in one department which is already established, and which means a buildup of an enormous staff within that area, but setting up a separate board which will have the benefit of all the agencies—HEW, the National Institutes of Health—any one that you want to think of—to have them involved in trying to determine what are reasonable and prudent standards for the working people of this country. The substitute would do exactly that.

I am going to answer some of the comments that have been made by the Senator from New Jersey as best I can. He commented on the Construction Safety Act, which has been passed in the 91st Congress. It is an interesting thing, which he has not brought up, that the committee bill provides that the standards under the pending bill will supersede the provisions of the Walsh-Healey Act, the Service Contract Act, the Maritime Safety Act, and the Construction Safety Act.

So all the work we have done in all these fields up to date would immediately be taken over by this bill, and no one would have a separate shot at these particular requirements set up in their own legislation. Under the bill as the proposed substitute has it, while we would be doing the same thing, I may say, in the Walsh-Healy Act and the Service Contract Act, we would not be doing it in either the Maritime Safety Act or the Construction Safety Act. Those provisions would remain in effect. The Maritime Safety Act would continue under its own administration, as it now is, but in the Construction Safety Act, the Secretary of Labor, under the substitute bill, would be entitled to go in to inspect and determine whether there have been any violations of the standards established in that act. If they found any, they could then make these allegations and bring them before the three-man commission on enforcement, to determine what can be done, to make sure that the health and safety standards as established in the Construction Safety Act are lived up to.

It seems to me perfectly evident that this is a fair way of treating it. We already have a law on the books, and instead of superseding that law, what we are saying is that we will retain the law or retain the standards that have been set up for the construction industry and we will provide inspection and determine whether they are being lived up to, by the Secretary of Labor, and he then will bring it before the national commission, as established under this act, to determine whether or not there has been a violation.

This seems to me to be eminently more prudent than to pass a law in the 91st Congress and then all of a sudden say:

Whoops, I'm sorry about that. We're going to do this all over again, and we're going to have new standards which are going to be applicable to the Construction Act, and you won't know what they are until we get through with them about two years from now.

This will be the effect if we pass the bill reported by the committee.

Reference has been made to the question of medical examinations, of monitoring of safety hazards, and things of this kind. I think it is only fair to point out that under the substitute bill, we require that warnings and labels necessary to tell the employees of the nature and extent of the hazards must be posted and that the substitute bill also provides for medical examination and the monitoring or measuring of employees' exposure to hazards. This is so because we have provisions in there which provide for appropriations for such equipment for the Secretary. Consequently, that equipment obviously is going to be put to use not only in determining whether or not there have been violations but also in determining what the degree of compliance may have with the standards as established by the board.

I do not want to be an alarmist on this imminent danger situation, but it is only fair to say that we discussed this in the executive session of the committee at some length and changes were made as the bill was originally presented to the committee. We discussed the fact that one man could go in and shut down a plant on his own finding of imminent danger without consulting with anyone or posting any warning or determining what effect it would have, and which could be disastrous both to employees and employer. We did change that in the committee bill to a degree that he must contact someone in the Labor Department or the regional office, and tell them that they had found an imminent danger and this is what he wanted to do about it, and if they agreed, then he could close down the plant without going to court, or anything.

The order for the closing down of a plant can last for only 72 hours, but let us take a specific case and think about it for a moment. Let us suppose we have an inspector who is working in an oil refinery and he determines that, for some reason, there is a health question. It makes no difference whether there actually is a hazard, because if he thinks he sees one, or he is just mad at someone, he can decide that he should take action in a volatile atmosphere—and I am talking about volatile in terms of literally and figuratively being explosive—and he goes ahead and calls up and he says, "Gee, I have a real bad hazard over here. I think we should close it down." And the inspector says, "I have inspected it and it does not look good to me." So, all of a sudden, that refinery is closed down for 72 hours minimum.

Now the effect of that is not to close it down for just 72 hours because we know the windup time to get it started again, and the people back to work, even if it is only a small corporation—maybe there was a violation and maybe there was no violation—but the time to get started up, and everything else started up again, is enormous.

That would be true if it were a steel plant. If they had to close down a steel plant, what would we do about the furnaces, once they were turned off?

What about automobile production? Suppose it were General Motors, to take an example. We have already been told how long it would take to get back into production in a General Motors plant. They are not nearly so complex in terms of actual techniques as a refinery process is, that one would find in an oil refinery or other similar installations.

It seems to me that this type of action is going beyond the pale. We have human frailties in all walks of life. We have them in government as well as in business. We have them with employees as well as with employers. The one fair process we have developed in this country as a whole is the separation of powers, so that we will have separate bodies of people trying to determine whether one is right or wrong in any kind of alleged violation. That is what the substitute bill would provide. It would provide that whenever we have a situation where an inspector thinks he has an imminent danger, he can then go to court, after giving notice to the employer and the employees, and get an immediate ex parte order, or injunctive relief, if the evidence warrants a finding of a violation and that an order should be issued.

This is a far better way of going through our procedure with the separation of powers than giving any administration agency the power of life and death to the degree that the committee bill does, even as amended within the executive committee.

There was comment made on the question of whether we will do research. There is a comparative analysis in the office of every Senator as between the substitute bill and the committee bill. I call page 12 to the attention of the Senate, as to what it says under the substitute bill—

> The substitute bill *does not have any express provisions* under which an employer could be required to measure exposure to toxic substances. Instead the substitute bill has a provision (sec. 9(h)) authorizing funds to enable the Secretary of Labor to purchase equipment which he deems necessary to measure exposure of employees to working conditions involving ill effects from exposure to toxic substances. Also, the substitute bill does not expressly provide for medical examinations but these could be provided for in standards issued by the Labor Secretary in consultation with the HEW Secretary. In short, the major difference between the research provisions in the reported bill and those in the substitute bill is that the reported bill spells out in detail what could be included in the standards administratively developed by the Board.

I might also point out that there is no question that HEW was going to do this—which is, again, an interagency cooperation problem—which I think at the present time can be done in a far better way with HEW giving its viewpoint to an independent board establishing the standards, rather than having HEW come to the Labor Department and saying: "Hey, you are doing it all wrong, fellows. We think you can do it this way far better by putting it into a board and by getting the agreement of people around the country who get the input of information and knowledge from all kinds of industries and groups."

Mr President, I do not believe I am going too far afield here when I say that I think Congress has an opportunity to try to develop a new system to overcome some of the basic defects we have had in our agencies in the past. This has been cited over and over again, on the problems we have with the Federal Trade Commission, which was one of those mentioned by the Senator from New Jersey (Mr. WILLIAMS). I do not know how many people have called me to say, "How in the world did Congress ever set up an organization which establishes rules, inspects those rules, determines whether they are being followed, and then comes along and says 'We will have a judicial determination to see whether our rulemaking was right or our inspection was right, or the people who are prosecuting are right' "—all within the same department.

We had an example brought out in the hearings—I take that back for I am not sure it was in the hearings but it was told to me, I believe, within the Labor Department itself, where some of the officers of the Labor Department did not realize they should not be talking to the chief of staff on adjudication because he was wearing a separate hat at that time. Each of them had to determine whether he was at any given time filling the role of judge, prosecutor, or inspector. Each of them meets the other every day in the corridor, or sees each other in the halls and we are bound to get inputs from these respective roles on their respective positions, all within one department. This can have no other effect other than to prejudice completely the whole case, or getting any fairness in the adjudication of a program of this scope.

I want to repeat once again, although I know there are few listening to me now—but it is important to keep it in mind, that we are dealing in this bill, even under the substitute, with practically every industry we can think of in the country. I shall not use the term "industry," I will say business—those businesses which affect interstate commerce.

What are they? They are boarding houses. They are restaurants. They are bus lines. They are furniture stores. They are grocery stores. They are paint shops. They are automobile repair shops. They are oil refineries. They are automobile manufacturers. They are oil plants. It would cover the shoe stores. We can walk down the main street of any town we want to think of in the United States and we cannot find a single business in any town that does not have some portion of either its equipment or its supplies, which are not involved in interstate commerce. Every one of these places is going to be affected by the bill. It is an enormous job that we are asking any agency to do. And to pile on one Department, the Labor Department, the responsibility for taking care of all aspects of a job of this nature seems to me to be beyond the pale.

How in the world are they going to find time within the required 2 years to be able to set forth reasonable standards for health and safety for people work-

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ing in Alaska and Mississippi, in Florida and the State of Washington, in Maine and Texas, in every one of these businesses, and then be able to say, "not only have we established standards, but we have also developed the administrative procedures within the department and the number of inspectors we need to go in and find out whether the rules are being taken care of in every single little business in this country."

Not only are they asked to have that done, but they are asked to say, "These inspectors are coming back with alleged violations and we have to review those within the same department. We will then set up hearing examiners to determine whether there have been violations."

So the whole procedure of the Department of Labor is going to be multiplied by geometric progression.

It does not seem accurate or even reasonably fair to establish such a burden on the Department and to establish such a burden on the employees and employers of this country.

If we are going to approach this in a proper and innovative way and abolish some of the criticisms that have occurred over the years concerning the agencies, we should adopt the substitute bill under which we have three separate groups performing the separate functions of the establishment of rules, the administration and the enforcement. We would have the Commission for the establishment of rules. The administration would be in the Department of Labor, and we would have the separate board or panel, as the Senator from New York prefers to call it, to determine whether its rules have been violated. That is the enforcement procedure. That is the only proper and fair way to proceed with this bill which is of enormous scope and importance to everyone in the country.

Mr. JAVITS. Mr. President, I have joined in fashioning the pending bill. We are about to be presented with quite a dilemma in respect of it. That dilemma is unnecessary, but it will nonetheless be real. The dilemma is going to be on the motion to table the Dominick substitute, which I believe will probably be made.

An issue, which is not really an issue, will be posed to the Senate. If the tabling motion prevails, any Senator, including the Senator from Colorado, can amend the bill. I am sure that the Senator from Colorado will have a considerable number of amendments as he is a man who follows through and we honor him for that.

If the tabling motion should succeed, as I see it, the bill will be amended. If the tabling motion fails, the Dominick substitute will be amended, because even if it should later fail, Senators will not wish to be caught short on the fact that their ideas have failed of incorporation in the bill.

I assume that if the Senator from Colorado were to have nine amendments to the committee bill, the Senator from New Jersey might have 15 or 20 to the administration substitute.

That will get us to exactly the same place. It only illustrates the tragedy which will be involved because, unhappily for all of us, this will be construed as a vote for or against management or labor, as the case may be.

I think it is very unfair and simply distorts the legislative process. But there it is, and we have to take account of it. There is nothing much we can do about it. I am enough of a lawyer to know that it is not what the facts are, but it is what the judge thinks they are that counts.

Analyzing the situation from that point of view, I wish to make it clear that this vote, if it comes—and I believe it will—is not going to be determinative of the controversy, because either way the Senate will have to face up to the issue. This is simply a climatic test vote on the situation.

It is a fact that there will be more amendments to the substitute to conform it to the committee bill than vice versa.

The administration really objects to five things in the committee bill, and they can, of course, be tested fairly promptly.

Those five things are the question of promulgating standards, adjudicating enforcement cases, the imminent danger orders, the requests for inspection, the penalty for the unauthorized notice of inspection, and the general duty. Those are the fundamental problems which will be faced.

My inclination at this time is to endeavor to perfect the committee bill. I believe that the majority here and in the other body are very much likely to push for occupational health and safety in this session of Congress. I believe we should work on the committee bill. The committee bill was subject to all the negotiation and compromise and the input of the minority, in which the Senator from Colorado had such a very honored part, and to revise it and to discard all that work, it seems to me, would be rather unfortunate.

The situation we face shows the real lack of critical importance of the issue upon which that motion will turn, because if the Secretary of Labor promulgates standards, he is subject to the Administrative Procedure Act. He can create a board, if he wishes to, to deal with the promulgation of standards.

If a separate board is established under the substitute bill, that board will be subject to the Administrative Procedure Act, just as the Secretary would be in exercising the same functions.

Similarly, in enforcement, there is court review. The Secretary of Labor can cause enforcement and there will be court review.

Other Secretaries faced with similar enforcement responsibilities have appointed—and I think very properly—panels or commissions of their own to handle enforcement procedures.

I regret to state that whether we like it or not, it is an issue which I think will be pictured as the most important issue in this legislation, the motion to table the Dominick substitute.

I regret it. I deplore it. Nonetheless, there we are. I hope very much that, having swallowed that dose, whatever it may be, whether the Dominick substitute is successful or fails, we will go on and perfect a bill and that there will be no hard feelings, whichever way it goes, but that we will have a preservation of rights for those who feel strongly for the administration and for those on the other side to amend the bill as they choose and get a bill.

The purpose of my speaking now is that very point. I hope very much that there will not be such a concentration of attention on the issue of where this bill comes from, whether from the Republican administration or the Democratic majority in the Senate, on the first day we are back so that a signal will not go out to the country that action on this bill is an indication of the way legislation will go.

I hope that whichever side wins or loses will take it in stride and that we can then perfect the measure, the substitute or the committee bill, so that we may arrive at whatever legislation the Senate in its judgment determines to be appropriate.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOMINICK. Mr. President, I thought the Senator made a couple of very interesting points. In the substitute bill, for example, we do not have any provisions similar to sections 19 and 23 of the committee reported bill, which are the Javits amendments—the National Institute for Safety and Health and the National Commission on State Compensation Laws.

It would be my guess that if the motion to table is defeated, which I hope it will be, there would be little or no problem in having those provisions offered by the Senator from New York (Mr. JAVITS) agreed to as part of the substitute bill. I understand that is what the Senator was talking about.

Mr. JAVITS. That is correct.

Mr. DOMINICK. I think this would not be any kind of really tough issue. The really tough issue, and I think the Senator will agree, is whether or not we are going to have a separate body for setting up standards and a separate commission for enforcement in connection with violations.

Mr. JAVITS. I do not want to compromise the Senator's case in any way. I have too much affection for him and respect for the strong fight he has put up for the administration position. But if the Senator feels free to say so, would not the Senator agree with me that the substantive rights of neither side will be compromised by this vote; it is really a climactic situation. The Senator could move to amend the committee bill, and the committee people and I could move to amend the substitute. In either way the Senate will work its will.

Mr. DOMINICK. Procedurally I would say the Senator is correct, but from the point of view of which bill we will have before us and which provisions we will have to amend, I think it is an important vote.

Mr. JAVITS. I thank the Senator.

Mr. YARBOROUGH. Mr. President, the bill was aptly described a moment ago by the distinguished Senator from Colorado as the committee bill. Any bill from the committee we call the committee bill. But this is really a committee bill because it has many provisions from both sides. The distinguished Senator from New York offered some of the most viable provisions in the bill. If you will look at the text of S. 2193, Mr. President, this will be apparent. I have the honor of being one of the six original sponsors and authors of the bill. The distinguished chairman of the Subcommittee on Labor, the Senator from New Jersey (Mr. Williams), is the principal author. Our bill ran over 29 pages. From the first two-thirds of page 30 through page 92 the committee bill is 62 pages long, vis-a-vis the original bill of 29⅓ pages.

The committee worked on this matter. There were many changes and differences in the original bill. There are included ideas from both sides. It is bipartisan, as shown by the final vote, which was 14 to 2.

With all of that work which has been done in the subcommittee and in the full committee, it would be tragic if some new bill were substituted on the floor of the Senate. This bill has been worked on for months. As I said, the Senator from New York (Mr. Javits) has many of his provisions included in the bill. I think that when we consider the months of work on this bill in the subcommittee and in the full committee, it would be tragic if some new bill were substituted now.

I had the privilege of being the chairman and preserving all this work by Senators from both parties. So much good work has gone into this bill and it should not be shunted aside by a new bill. This bill has been due for years. Back in the 90th Congress, when I had the privilege to be the chairman of this committee, we had extensive hearings but we were never able to get it this far along the way. We come here now with 2 more years of work on the bill.

This is legislation that has been needed in this country for many years. We have no national comprehensive occupational health and safety bill. If a man in a manufacturing plant in one State were to put into effect safety measures to protect his workers and across the State line that practice was not followed, theoretically there would be a cheaper operational base.

This bill would give everyone the same treatment and the same breaks. We had extensive hearings on this matter. Among other things, the heaviest losses are in construction work. There is one code in the District of Columbia, another in Arlington, Va., another in Alexandria, Va., and another in Maryland. There are four different codes in this area. In some States each city has its own safety bill and safety code.

As a result, each year over 7 million of the working force of 80 million are injured, 2.2 million are disabled temporarily or permanently, and 14,500 are killed. This is an intolerable situation for our economy and our industry. We need a Federal statute, not to try to federalize things, but to equalize the cost in one industry vis-a-vis another. We know the costs would be put into consumer goods but that is the price we should pay for the 80 million workers in America.

It would be most unfortunate now to substitute on the floor of the Senate a new bill, when so much constructive work has already gone into this bill by so many Senators. I hope the Senate will retain the committee bill as reported.

I understand the Senator from Colorado has individual separate amendments he will offer if the substitute, the new bill, fails. I think the substitute, the new bill, should fail so we can continue with the bill that has been worked on for so many months, and which has been worked on by so many staff members as well as so many Members of the Senate. It would be wholly unreasonable to take a bill with this much constructive work and cast it aside on the floor for something new.

The committee bill was not reported hastily or rapidly. Long hearings were held in the subcommittee. There was long and careful consideration in the subcommittee. I wish to compliment the distinguished Senator from New Jersey (Mr. Williams) for his fine chairmanship of the Subcommittee on Labor in bringing the bill forward as he did. It was changed considerably in the full committee, and now he is handling the bill on the floor of the Senate.

This is a good measure which is badly needed and it is a measure which is long overdue. I hope we will stay with the committee bill that has been worked out with a bipartisan effort.

I yield the floor.

Mr. WILLIAMS of New Jersey. Mr. President, I appreciate the statement of the chairman of the Committee on Labor and Public Welfare, the Senator from Texas (Mr. Yarborough). His cooperation has been complete. Finally we were able to bring the bill to the floor of the Senate. There is so much that has been added by so many members of the committee to the bill that is before us. Conspicuous, of course, is the work of the Senator from New York (Mr. Javits).

It would be the course of wisdom, indeed, to table the substitute and if there are other amendments they can be offered to the committee bill.

In reply to the Senator from Colorado, I wish to say that under the committee bill the Secretary of Labor, given the authority to promulgate standards, could immediately issue standards in the areas. He could draw from proprietary standards, consensus standards, and standards that apply in other places, but in the broad approach we would go through a long, time-consuming process of appointments, confirmations, staffing, and the entire delaying business, in an area where the President said we are already three generations late in applying Federal standards for safety and health.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. HARRIS. Mr. President, I think this is an extremely important bill. We are all well aware of the needless deaths and injuries which occur in this country, and the resultant human anguish involved.

The bill would authorize the Secretary of Labor to assure safe and healthful working conditions for working men and women. Under provisions of the bill, work hazards will be attacked on three fronts, that is, through improved regulations, research, and education.

Testimony presented before the Senate Labor Subcommittee is compelling and clearly substantiates the need for new comprehensive Federal legislation which would apply to all industries. For example, much of the existing legislation in this area is not uniform in its application or enforcement. Several of the Federal laws apply specifically to the maritime industry and coal mining. Other laws are limited in application to work involving certain kinds of Government contracts.

Today, there are approximately 86 million persons in the American work force. It is both appalling and tragic that as many as 14,500 persons are killed annually as a result of industrial accidents. More than 2 million individuals are disabled on the job each year which result in the loss of 250 million more days of work.

The economic impact of these deaths and disabilities is the loss of $1.5 billion in wages, and 8 billion dollars from our gross national product. Within the Federal civil service fatal injuries to employees increased from 172 in the year 1964 to 316 in 1968. The direct cost of these injuries was $39 million and $58 million respectively. These figures represent the direct cost payment made by the Bureau of Employees' compensation and value of leave of injured employees during disability.

The situation is equally appalling in the area of occupational health. However, the lack of information and adequate records makes it difficult to ascertain the true impact occupational health has on the work force. We do know that many of the technological advances made by this country have produced a number of new health hazards to industrial workers. Discoveries such as lasers, utrasonic energy, pesticides, and others serve as threats to the health of American workers. Recent scientific experiments have shown causal relationships between occupational exposure and certain chronic diseases such as cancer, allergies, respiratory ailments, and heart disease. The U.S. Surgeon General in 1966–67 studied 1,700 industrial plants employing over 142,000 workers in six metropolitan areas. The study revealed that as many as 65 percent of these persons were exposed to harmful physical effects such as severe noise and toxic materials.

A problem which further substantiates the need for the pending bill is the fact that workmen's compensation benefits do not appear to have kept pace with increasing wage levels and the rising cost of living. As a result the benefits usually replace only a small fraction of the income of workers with disabilities. For example, in the State of Oklahoma, the ratio of maximum temporary total disability benefits for a worker, his wife, and two dependent children to average weekly wage was 71.2 percent in 1940, but dropped substantially to 40.8 percent in 1970. This works an untold number of hardships on working people in Oklahoma. In order to find solutions for problems of this sort, a 15-member National Commission on State Workmen's Compensation Laws would be established under section 23 of the bill. The purpose of the Commission would be to

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study and evaluate State laws to determine if they provide an adequate, prompt, and equitable system of compensation for disabled workers.

Industrial health and safety problems are, indeed, complex and change, perhaps, as fast as industry itself. Accordingly, S. 2193 would simply establish a legal structure which would empower the Secretary of Labor to issue detailed safety and health standards with the force and effect of law. There are no do's and do nots provided. It further establishes the legal procedures for investigating cases of alleged violations of the standards, for conducting hearings, and for imposing sanctions when violations occur. The administration and its supporters argue that this is unwise. They suggest instead two separate Presidentially appointed bodies—one which would issue occupational health and safety standards, and the other to conduct hearings on alleged violations and issue corrective orders.

I believe this approach to be unacceptable because it would result in unnecessary foot-dragging, evasion, and indecision.

Furthermore, for those who oppose the measure in its present form, I would like to state that during this session of Congress, we passed two important bills which are now Federal laws, and which provided cabinet level administrators with the responsibilities and powers to develop and enforce standards. These bills were the Federal Coal Mine Safety Act and the Construction Workers' Safety Act.

It is important to note that section 6(d) of the bill provides that any employer affected by a particular standard may apply to the Secretary for variance provided that he: First, notify his employees so that they are afforded the opportunity to participate in hearings, and second, submit evidence for the record, which shows that the company will otherwise provide safe and healthful employment conditions.

Under provisions of S. 2193 representatives of both the employer and employees are permitted to accompany the Government's safety inspector during the inspection tour. This approach would help to assure both groups of the equitable manner in which the inspection is conducted.

Finally, Mr. President, let me say that occupational health and safety is a matter of great importance to a very significant number of working Americans. The bill before us is one which is clearly designed for the promulgation and enforcement of standards which to the limit of the law will assure their health and safety. In my opinion, the key to effective administration of such standards rests with a publicly viable individual who is likely to be sensitive and responsive to health and safety needs in our industries. S. 2193 would do this by providing protection to both the employer and employees alike. I, therefore, urge its passage by the Senate.

Mr. WILLIAMS of New Jersey. I thank the Senator from Oklahoma.

My final point is that, in connection with imminent danger, under the committee bill, the continuous process operations will not be shut down. Even when there is a court order, continuous operations can go on. There will be no complete shutdown.

There are other problems in the substitute in the imminent danger area, but the fairest way is with the provisions of the committee bill, and it certainly does not provide for a total shutdown. Continuous operations can be continued. Even in an area where the work stops, there is no cooling off of all the fires of operation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, if I may have the attention of the Senate, a number of Senators have asked me whether or not I intend to offer the amendment to provide for an enforcement panel.

My answer to that is that I do. I stated when I made my speech on the bill that I would consider whether it would fit in, and whether it was timely. My answer now is that, consistent with what I expect will be my vote on this motion to table, I consider it my duty to offer that amendment and to fight for it. I think it is the only way, and I hope very much that the Senate may see it that way also.

Mr. DOMINICK. Mr. President, I am delighted to hear what the Senator has said, but I might say that if we adopt the substitute proposal, or fail to lay it on the table, there is already a panel for enforcement provided in the substitute bill, which would make the Senator's amendment unnecessary.

I gather that the Senator from New Jersey is about to make a motion to table, and I presume that at that point we will get the yeas and nays.

Mr. WILLIAMS of New Jersey. Mr. President, I move to lay on the table the amendment in the nature of a substitute offered by the Senator from Colorado.

Mr. JAVITS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I believe the Senate would be acting in a most positive fashion if it voted down S. 2193 and passed the Dominick substitute S. 4404.

As noted in the committee report on the Occupational Health and Safety Act of 1970, the major differences in these two bills do not relate to purpose or intent of the legislation, but rather to the structure of regulation by the Federal Government. We all agree that improved safety procedures are needed to combat the ever-increasing number of occupational accidents.

However, in my opinion the Senate Labor and Public Welfare Committee has reported out a bill with a most simplistic approach which in the long run could do as much damage as good. In essence the committee bill gives all authority to the Secretary of Labor in the areas of standard setting, investigation, adjudication, and prosecution. There are in fact no checks and safeguards placed on the power of the Secretary.

On the other hand, the bill introduced by Senator DOMINICK provides for the establishment of an independent Occupational Health and Safety Board which would be charged with the standard-setting function. Therefore, the quasi-legislative function in this area will be separated into the standard-setting Board on the one hand, and the enforcement powers of the Secretary of Labor on the other hand.

Mr. President, the committee bill represents a dangerous precedent in this most important area of occupational health and safety. The enormous amount of power given to the Secretary of Labor could easily be abused, culminating in a breakdown of existing Government neutrality in labor-management relations. Under the committee bill, the Secretary of Labor could arbitrarily take action to shut down a plant when he considers that an imminent danger exists. I believe that this could create an extremely coercive situation. The substitute bill correctly places this function in U.S. district courts where such action would normally ensue.

This bill should be corrected so that Government, labor, and management have an equal stake in improving safety conditions. The committee bill relegates the employer to a very minor role in the pursuit of better working conditions. The passage of legislation does not automatically improve a given situation. In this particular case, if we are to pass legislation we must insure that employers and employees alike have a stake in improving these conditions. Labor-management relations can only improve if a sense of harmony and cooperation between employer and employee exists, independent of an omnipotent centralized voice from Washington. The Dominick substitute makes these needed corrections and, therefore, I urge its passage.

The PRESIDING OFFICER (Mr. DOLE). The question is on agreeing to the motion of the Senator from New Jersey to lay on the table the amendment in the nature of a substitute offered by the Senator from Colorado (Mr. DOMINICK).

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. METCALF (when his name was called). On this vote I have a pair with the Senator from California (Mr. CRANSTON). If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. SCOTT (when his name was called). On this vote I have a pair with the Senator from South Dakota (Mr. MUNDT). If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Idaho (Mr. CHURCH), the

Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present, and voting, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Washington (Mr. MAGNUSON), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Kentucky (Mr. COOPER) and the Senator from Hawaii (Mr. FONG) are necessarily absent.

The Senator from Florida (Mr. GURNEY), the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. PERCY) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Florida (Mr. GURNEY), and the Senator from Maine (Mrs. SMITH) would each vote "nay."

The pair of the Senator from South Dakota (Mr. MUNDT) has been previously announced.

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Colorado (Mr. ALLOTT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 41, nays 39, as follows:

[No. 381 Leg.]

YEAS—41

Allen
Anderson
Bayh
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Eagleton
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Javits
Kennedy
Mansfield
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Proxmire
Ribicoff
Schweiker
Spong
Stevens
Symington
Williams, N.J.
Yarborough
Young, Ohio

NAYS—39

Aiken
Baker
Bellmon
Bennett
Boggs
Byrd, Va.
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Goldwater
Griffin
Hansen
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Murphy
Packwood
Pearson
Prouty
Russell
Saxbe
Smith, Ill.
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Metcalf, against.
Scott, for.

NOT VOTING—18

Allott
Bible
Church
Cooper
Cranston
Dodd
Ellender
Fong
Gurney
Magnuson
Mathias
McCarthy
Mundt
Pell
Percy
Randolph
Smith, Maine
Tydings

So the motion to table Mr. DOMINICK's amendment was agreed to.

Mr. JAVITS. Mr. President, may I inquire now from the manager of the bill and the leadership as to their further intention? I have consulted with the Senator from Colorado (Mr. DOMINICK) with respect to this matter, and I believe it should be possible to work out an agreement on time. Whether that can be done at this hour this evening I cannot guarantee, but certainly the disposition is there.

There are a considerable number of other amendments which the Senator from Colorado, myself, and others, have and I should very much like to know the intentions.

Mr. MANSFIELD. Mr. President, if I could have the attention of the Senator from Colorado and the Republican leader, would it be possible to arrive at a consent agreement to begin tomorrow, after conclusion of the morning business, and in that way give Members a chance to catch their breath overnight?

Mr. DOMINICK. I would say to the Senator from Montana, that would be fine with me.

Mr. SCOTT. Mr. President, I have no objection.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUGHES). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I have been assured by Senators most interested in the pending bill, those who have been doing most of the debating this afternoon, that there will be no difficulty in arriving at a time limitation at the conclusion of morning business on tomorrow. This has also been discussed with the distinguished Republican leader. Therefore, there will be no further action on this bill tonight.

There will be no further votes today, and there will be no further business unless Senators wish to speak.

The PRESIDING OFFICER. What is the pleasure of the Senate?

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate——

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, and, pursuant to Senate Resolution 481, as a further mark of respect for Gen. Charles de Gaulle, former President of France, that the Senate now adjourn.

The motion was agreed to; and (at 5 o'clock and 11 minutes p.m.) the Senate adjourned until tomorrow, November 17, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 16, 1970:

DEPARTMENT OF JUSTICE

Robert C. Mardian, of California, to be an Assistant Attorney General, vice J. Walter Yeagley, to which office he was appointed during the last recess of the Senate.

U.S. DISTRICT COURTS

Jose V. Toledo, of Puerto Rico, to be a U.S. district judge for the district of Puerto Rico, a new position created by Public Law 91-272, approved June 2, 1970.

DEPARTMENT OF COMMERCE

Andrew E. Gibson, of New Jersey, to be an Assistant Secretary of Commerce, to which office he was appointed during the last recess of the Senate; new position.

C. Langhorne Washburn, of the District of Columbia, to be Assistant Secretary of Commerce for Tourism, to which office he was appointed during the last recess of the Senate; new position.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

The following-named persons to be members of the Board of Directors of the National Corporation for Housing Partnerships for the terms indicated:

Peter John Bertoglio, of California, for a term of 1 year commencing October 28, 1970.

Woodward Kingman, of New York, for a term of 2 years commencing October 28, 1970.

Ray A. Watt, of California, for a term of 3 years commencing October 28, 1970.

U.S. TARIFF COMMISSION

Jefferson Banks Young, of Virginia, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1976, vice Mrs. Penelope Hartland Thunberg; term expired.

ENVIRONMENTAL PROTECTION AGENCY

William D. Ruckelshaus, of Indiana, to be Administrator of the Environmental Protection Agency; (new position).

HOUSE OF REPRESENTATIVES—*Monday, November 16, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord is good, a stronghold in the day of trouble: and He knoweth them that trust in Him. Nahum 1: 7.

Eternal Spirit, returning from our recess of strenuous activity we come to Thee now as we endeavor to complete the tasks which are set before us. When the worry of work done and left undone takes its toll of our human energies help us to tap the spiritual resources which are found in Thee. Do Thou renew our spirits and restore our souls with the joyful assurance that Thou art with us and we are with Thee.

We pray that Thy comforting grace may abide in the hearts of those who grieve over the passing of our beloved colleague, WILLIAM L. DAWSON. We re-

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member his long and faithful career in Congress marked by firm convictions, rugged honesty, a readiness to cooperate and an earnest desire for liberty for all men. Bless his family with Thy presence and bless us who mourn his departure from these Halls to continue his fine work in the life beyond.

Truly, our Father, life is short. By Thy Spirit may we make the most of it while we can, through Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Wednesday, October 14, 1970, was read and approved.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States, which was communicated to the House, informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On October 14, 1970:

H.R. 12943. An act to amend section 3 of the act of November 2, 1966, to extend for 3 years the authority to make appropriations to carry out such act;

H.R. 14485. An act to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system;

H.R. 18104. An act to amend section 15(d) of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority; and

H.J. Res. 1154. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from October 24, 1970, to October 31, 1970.

On October 15, 1970:

H.J. Res. 1388. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes; and

H.J. Res. 1396. Joint resolution to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

On October 16, 1970:

H.R. 140. An act to authorize the establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes;

H.R. 10837. An act to provide for the conveyance to Pima and Maricopa Counties, Ariz., and to the city of Albuquerque, N. Mex., of certain lands for recreational purposes under the provisions of the Recreation and Public Purposes Act of 1926;

H.R. 12960. An act to validate the conveyance of certain land in the State of California by the Southern Pacific Co.;

H.R. 13125. An act to amend section 11 of the act approved February 22, 1889 (25 Stat. 676) as amended by the act of May 7, 1932 (47 Stat. 150), and as amended by the act of April 13, 1948 (62 Stat. 170) relating to the admission to the Union of the States of North Dakota, South Dakota, Montana, and Washington, and for other purposes;

H.R. 15012. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes; and

H.R. 18410. An act to establish the Fort Point National Historic Site in San Francisco, Calif., and for other purposes.

On October 17, 1970:

H.R. 4599. An act to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments.

On October 21, 1970:

H.R. 2043. An act for the relief of Keum Ja Franks;

H.R. 4172. An act to authorize the Secretary of the Interior to provide financial assistance for development and operation costs of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes;

H.R. 9164. An act to permit the use for any public purpose of certain real property in the State of Georgia;

H.R. 9548. An act to amend section 15–503 of the District of Columbia Code with respect to exemptions from attachment and certain other process in the case of persons not residing in the District of Columbia;

H.R. 9654. An act to authorize subsistence, without charge, to certain air evacuation patients; and

H.R. 12870. An act to provide for the establishment of the King Range National Conservation Area in the State of California.

H.R. 13519. An act to declare that the United States holds 19.57 acres of land, more or less, in trust for the Yankton Sioux Tribe;

H.R. 13601. An act to release and convey the reversionary interest of the United States in certain real property known as the McNary Dam townsite, Umatilla County, Oreg.;

H.R. 14685. An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes;

H.R. 15112. An act to repeal several obsolete sections of title 10, United States Code, and section 208 of title 37, United States Code;

H.R. 15424. An act to amend the Merchant Marine Act, 1936;

H.R. 15624. An act to convey certain federally owned land to the Cherokee Tribe of Oklahoma;

H.R. 16732. An act to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status;

H.R. 17575. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes;

H.R. 18731. An act to revise the per diem allowance authorized for members of the American Battle Monuments Commission when in a travel status; and

H.R. 18776. An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes.

On October 22, 1970:

H.R. 693. An act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes;

H.R. 2175. An act to amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released;

H.R. 4182. An act to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of substantially retarded persons;

H.R. 6240. An act to amend the act entitled "An act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minn," approved December 21, 1950.

H.R. 9311. An act to declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington;

H.R. 9634. An act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources, and for other purposes;

H.R. 10317. An act to adjust the date of rank of commissioned officers of the Marine Corps;

H.R. 10335. An act to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes;

H.R. 11876. An act to amend section 1482 of title 10, United States Code, to authorize the payment of certain expenses incident to the death of members of the Armed Forces in which no remains are recovered;

H.R. 13307. An act to amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under 21 years of age;

H.R. 14322. An act to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska;

H.R. 14982. An act to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto;

H.R. 16811. An act to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Bank of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes;

H.R. 17146. An act supplemental to the act of February 9, 1821, incorporating the Columbian College, now known as the George Washington University, in the District of Columbia, and the acts amendatory or supplemental thereof; and

H.R. 18086. An act to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Va.

On October 23, 1970:

H.R. 12475. An act to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes;

H.R. 15405. An act to render the assertion of land claims by the United States based upon accretion or avulsion subject to legal and equitable defenses to which private persons asserting such claims would be subject;

H.R. 16710. An act to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the use of entitlement to benefits under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes;

H.R. 16997. An act for the relief of Colie Lance Johnson, Jr.; and

H.R. 18298. An act to amend the Central Valley reclamation project to include Black Butte project.

On October 26, 1970:

H.R. 11833. An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes;

H.R. 15073. An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes;

H.R. 17604. An act to authorize certain construction at military installations, and for other purposes;

H.R. 17654. An act to improve the operation of the legislative branch of the Federal Government, and for other purposes;

On October 27, 1970:

H.R. 14678. An act to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes; and

H.R. 18583. An act to amend the Public Health Service Act and other laws to provide increased research into, and prevention of drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse.

On October 30, 1970:

H.R. 17570. An act to amend titles III and IX of the Public Health Service Act so as to revise, extend, and improve the programs of research, investigation, education, training, and demonstrations authorized thereunder, and for other purposes; and

H.R. 17849. An act to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13a of the Interstate Commerce Act, and for other purposes.

H.R. 18260. An act to authorize the U.S. Commissioner of Education to establish education programs to encourage understanding of policies, and support of activities, designed to enhance environmental quality and maintain ecological balance.

On November 2, 1970:

H.R. 15069. An act to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River at or near Cape Vincent, N.Y.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 14984. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359–363, and for other purposes; and

H.R. 17970. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 17970) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MANSFIELD, Mr. BIBLE, Mr. PROXMIRE, Mr. YARBOROUGH, Mr. RUSSELL, Mr. BOGGS, Mr. PEARSON, Mr. FONG, Mr. YOUNG of North Dakota, Mr. SYMINGTON, and Mr. GOLDWATER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1079. An act consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes;

S. 1466. An act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations; and

S. 1468. An act to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE—HON. ROBERT H. STEELE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
November 13, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: A Certificate of Election in due form of law showing the election of Robert H. Steele as a Representative-elect to the Ninety-first Congress from the Second Congressional District of the State of Connecticut, to fill the vacancy caused by the death of the Honorable William L. St. Onge, is on file in this office.

Respectfully yours,
W. PAT JENNINGS, *Clerk,*
U.S. House of Representatives.
By W. RAYMOND COLLEY.

HON. CHARLES J. CARNEY AND HON. GEORGE W. COLLINS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio, Mr. CHARLES J. CARNEY, and the gentleman from Illinois, Mr. GEORGE W. COLLINS, be permitted to take the oath of office today. Their certificates of election have not arrived, but there is no contest, and no question has been raised with regard to their election.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

HON. EDWIN B. FORSYTHE AND HON. JOHN WARE

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey, Mr. EDWIN B. FORSYTHE, and the gentleman from Pennsylvania, Mr. JOHN WARE, be permitted to take the oath of office today. Their certificates of election have not arrived, but there is no contest, and no question has been raised with regard to their election.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SWEARING IN OF MEMBERS

Messrs. ROBERT H. STEELE, CHARLES J. CARNEY, GEORGE W. COLLINS, EDWIN B. FORSYTHE, and JOHN WARE appeared at the bar of the House and took the oath of office.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
November, 13, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:15 p.m. on Friday, November 13, 1970, said to contain a Message from the President wherein he transmits the annual report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1969.

With kind regards, I am
Sincerely,
W. PAT JENNINGS, *Clerk.*
U.S. House of Representatives.
By W. RAYMOND COLLEY.

ANNUAL REPORT OF THE OFFICE OF ALIEN PROPERTY, DEPARTMENT OF JUSTICE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I herewith transmit the annual report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1969, in accordance with section 6 of the Trading With the Enemy Act.

RICHARD NIXON.
THE WHITE HOUSE, *November 13, 1970.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
November 10, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:05 p.m. on Tuesday, November 10, 1970, said to contain a message from the President wherein he transmits the 4th annual report on the implementation of the Automotive Products Trade Act of 1965.

With kind regards, I am,
Sincerely,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.
By W. RAYMOND CALLEY.

FOURTH ANNUAL REPORT ON IMPLEMENTATION OF AUTOMOTIVE PRODUCTS TRADE ACT OF 1965—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompany-

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ing papers, referred to the Committee on Ways and Means:

To the Congress of the United States:

I hereby transmit the fourth annual report on the implementation of the Automotive Products Trade Act of 1965. The report contains information with respect to the United States-Canada Automotive Products Agreement, including automotive trade, production, prices, and employment in 1969. Also included is other information relating to the activities under the Act.

RICHARD NIXON.

THE WHITE HOUSE, *November 10, 1970.*

COMMUNICATION FROM THE CLERK OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
October 16,1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: Pursuant to authority granted on October 13, 1970, the Clerk received from the Secretary of the Senate the following messages:

That the Senate passed without amendment the following:

H.R. 6240. An act to amend the act entitled "An act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minn.", approved December 21, 1950.

H.R. 9311. An act to declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington.

H.R. 14678. An act to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes.

H.R. 15069. An act to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the Saint Lawrence River at or near Cape Vincent, New York.

H.R. 16811. An act to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes.

H.R. 17849. An act to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13a of the Interstate Commerce Act, and for other purposes.

H.R. 18298, An Act To amend the Central Valley reclamation project to include Black Butte project.

H. Con. Res. 712, Concurrent Resolution Authorizing the printing of additional copies of the committee's annual report for the year 1969, House Report Numbered 91-983, Ninety-first Congress, second session.

H. Con. Res. 732, Concurrent Resolution Providing for the printing as a House document of "The Pledge of Allegiance to the Flag."

H. Con. Res. 740, Concurrent Resolution Authorizing the printing of additional copies of the hearings accompanying the Legislative Reorganization Act of 1970.

H. Con. Res. 748, Concurrent Resolution Authorizing the printing of additional copies of hearings entitled "Cuba and the Caribbean" for use of the Committee on Foreign Affairs, House of Representatives.

H. Con. Res. 753, Concurrent Resolution Authorizing the printing of additional copies of publication entitled "Supplement to Cumulative Index to Publications of the Committee on Un-American Activities 1955 through 1968 (Eighty-fourth through Ninetieth Congresses)".

H. Con. Res. 770, Concurrent Resolution Authorizing the printing of additional copies "Anatomy of a Revolutionary Movement; 'Students for a Democratic Society'", Ninety-first Congress, second session.

H. Con. Res. 779, Concurrent Resolution To authorize the loan of the John C. King bust of John Quincy Adams to the National Portrait Gallery of the Smithsonian Institution.

That the Senate agreed to House amendments to the following:

S. 2755, entitled "An Act for the relief of Donal N. O'Callaghan."

S. 3116, entitled "An Act to authorize each of the Five Civilized Tribes of Oklahoma to popularly elect their principal officer, and for other purposes."

That the Senate agreed to the conference report on the following:

S. 2846, entitled "An Act to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance wth such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes."

S. 3586, entitled "An Act to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes."

H.R. 17570, entitled "An Act to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes."

H.R. 18583, entitled "An Act to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse."

That the Senate insist on the amendment and agree to a conference asked by the House on the following:

H.R. 17809, entitled "An Act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes".

Respectfully,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.
By W. RAYMOND COLLEY.

ANNOUNCEMENT BY THE SPEAKER OF THE SIGNING OF SUNDRY BILLS

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him by House Concurrent Resolution 775, 91st Congress, he did, on October 15, 1970, sign the following enrolled bills of the House:

H.R. 4182. An act to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of substantially retarded persons;

H.R. 12475. An act to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes;

H.R. 16710. An act to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the use of entitlement to benefits under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes;

H.R. 17570. An act to amend titles III and IX of the Public Health Service Act so as to revise, extend, and improve the programs of research, investigation, education, training, and demonstrations authorized thereunder, and for other purposes;

H.R. 18086. An act to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Va.; and

H.R. 18260. An act to authorize the U.S. Commissioner of Education to establish education programs to encourage understanding of policies, and support of activities, designed to enhance environmental quality and maintain ecological balance.

And on Friday, October 16, 1970, sign enrolled bills of the House, and enrolled bills of the Senate, as follows:

H.R. 6240. An act to amend the act entitled "An act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minn.," approved December 21, 1950;

H.R. 9311. An act to declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington;

H.R. 14678. An act to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes;

H.R. 15069. An act to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River at or near Cape Vincent, N.Y.;

H.R. 16811. An act to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes;

H.R. 17849. An act to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13a of the Interstate Commerce Act, and for other purposes;

H.R. 18298. An act to amend the Central Valley reclamation project to include Black Butte project;

H.R. 18583. An act to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse;

S. 2755. An act for the relief of Donal N. O'Callaghan;

S. 2846. An act to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes;

S. 3116. An act to authorize each of the Five Civilized Tribes of Oklahoma to popularly select their principal officer, and for other purposes; and

S. 3586. An act to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER OF CERTAIN APPOINTMENTS MADE SUBSEQUENT TO ADJOURNMENT

The SPEAKER. The Chair lays before the House the following announcement with respect to certain appointments made by the Speaker subsequent to adjournment, which the Clerk will read.

The Clerk read as follows:

The Chair desires to announce that pursuant to the order of the House of October 13, 1970, empowering him to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House, he did, on October 20, pursuant to the provisions of section 104(3), Public Law 91–405, appoint as members of the Commission on the Organization of the Government of the District of Columbia the following members on the part of the House: Mr. Fuqua, Florida, and Mr. Nelsen, Minnesota; and the following members from private life: Mrs. Marjorie McKenzie Lawson, District of Columbia, and Mr. John B. Duncan, District of Columbia.

And on October 26, 1970, pursuant to the provisions of section 2(a), Public Law 91–474, appoint as members of the Plymouth-Provincetown Celebration Commission the following Members on the part of the House: Mr. Donohue, Massachusetts; Mr. Burke, Massachusetts; Mr. Keith, Massachusetts, and Mr. Conte, Massachusetts.

PROVIDING FOR DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENTS IN FAVOR OF MISSISSIPPI SIOUX INDIANS

Mr. HALEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14984) to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142 and 359 to 363, and for other purposes, with a Senate amendment thereto, and to disagree to the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR THE COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE PART II OF A REPORT ON H.R. 18782, TO REORGANIZE THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may file part II of a report on H.R. 18782, to reorganize the Government of the District of Columbia by establishing a Council of the District of Columbia to replace the Commissioners of the District of Columbia and the District of Columbia Council, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 17970, DEPARTMENT OF DEFENSE MILITARY CONSTRUCTION APPROPRIATIONS, 1970

Mr. SIKES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees, Messrs. Sikes, McFall, Patten, Long of Maryland, Mahon, Cederberg, Jonas, Talcott and Bow.

SYMPATHY TO PEOPLE OF PAKISTAN

Mr. SIKES. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 1260.

The Clerk read the resolution as follows:

H. Res. 1260

Whereas the people of Pakistan suffered a devastating blow as a result of the cyclone and tidal waves on November 13, 1970; and

Whereas the cyclone and tidal waves caused the loss of thousands of lives and the destruction and devastation of many towns and villages rendering homeless and destitute many thousands of people; and

Whereas the Government and people of the United States in their compassion and sympathy can be expected to open their hearts and material resources to the needs of the people of Pakistan in their tragic hour of bereavement and suffering: Therefore, be it

Resolved, That the House of Representatives extends its deepest sympathy to the President and the people of Pakistan in this dark hour of their suffering and distress.

Sec. 2. Copies of the present resolution shall be distributed through appropriate channels to the President of Pakistan.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SYMPATHY TO PEOPLE OF PAKISTAN

(Mr. SIKES asked and was given permission to address the House for 1 minute.)

Mr. SIKES. Mr. Speaker, House Resolution 1260, which is sponsored by the majority leader, the distinguished gentleman from Oklahoma (Mr. Albert); by the minority leader, the distinguished gentleman from Michigan (Mr. Gerald R. Ford), and myself, expresses the very genuine interest and sympathy of the House of Representatives and of the American people for our good friends in the Republic of Pakistan who have suffered so grievously in the disaster which has recently struck their country. The great heart of the people of the United States and the sympathy of our Government historically have gone out to those of whatever nation which suffered from tragedy, and our long friendship with Pakistan deepens our interest and sympathy.

The people of Pakistan have suffered a very devastating blow as the result of a cyclone and tidal wave, which many claim has cost as many as 100,000 lives and which has caused incomparable suffering and done untold damage.

Therefore, Mr. Speaker, I feel it very appropriate that the House of Representatives go on record today to express its sympathy and understanding to those who have been so adversely affected. I am confident that our Government through its appropriate agencies will speedily take steps to demonstrate further our country's interest to the Government of Pakistan and our desire as a nation to be of help to the people of that country.

ECONOMIC CONDITIONS DEMAND MORE RAPID ROLLBACK OF INTEREST RATES

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, last week, the Federal Reserve System and the commercial banks announced one-quarter of 1-percent decreases in interest rates.

On Tuesday, the Federal Reserve cut the discount rate from 6 to 5¾ percent. Two days later, the big banks in New York and other places across the country lowered the prime rate from 7½ to 7¼ percent.

Mr. Speaker, I welcome these decreases, but they are much too small to have real meaning in this economy. We are faced with rising unemployment and a generally deteriorating economy and we need bolder steps if we are to reverse the trend.

A one-quarter of 1-percent decrease in interest rates will not filter down to the consumer, the farmer, the small businessman and others who really are hurt by high interest rates and tight money. We need a dramatic rollback of interest rates if we are to put the jobless back to work and if we are to stabilize the economy.

The Federal Reserve must also consider a sharp increase in the money supply as well as a further reduction of the discount rate. The big banks should lower the prime rate to 6 percent and start making loans to credit-starved sectors of the economy. The President and his economic advisers must step forward and use moral suasion to encourage such steps.

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A 4-YEAR TERM FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES

(Mr. HOWARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOWARD. Mr. Speaker, today we are pleased to welcome back the Members of Congress after a long, expensive, and time-consuming campaign; and after much too long an absence from the important matters facing the Congress which affect the people of this Nation.

I believe it appropriate at this time to suggest that it would be much better if we did not have to contemplate running for reelection again until 1974. This would better enable us to meet the needs of the Nation, and our constituents.

Mr. Speaker, our people are asking why we have not made provision to provide them with our full attention to their needs. I will, therefore, introduce legislation to this effect at the beginning of the new Congress. If it appears that no hearings will be held on the subject, I will then file a discharge petition to bring the matter to the floor for our consideration.

Mr. Speaker, I do not believe this is a question of the people giving the Members of the House of Representatives a 4-year term, but rather, the Members of the House giving the people at least 3 years of undivided attention. The problems that face the Nation in these complicated and difficult times deserve no less than our full and undivided attention, and they make a 2-year term of office inadequate to meet these needs.

THE DEMAGOGUERY OF REPRESENTATIVE WRIGHT PATMAN

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, the final preelection weekend brought false news reports that the Bank Political Action Committee made bipartisan contributions to several congressional incumbents, including myself and 20 others of the 35-member Banking and Currency Committee.

It was shocking that journalism possessed persons content with printing such a report without checking its accuracy with the Congressmen named and affected. It was more shocking that Banking and Currency Committee chairman, Wright Patman, had demanded a Justice Department investigation and was quoted as charging that the alleged contributions were intended "to weaken the holding company bill."

It is a dark shadow on the U.S. House of Representatives that our colleague from Texas, Mr. Wright Patman, would seek headlines through such demagoguery as failing to check facts with such colleagues as those named in the Bank Political Action Committee's contribution report; colleagues including Congresswoman Leonor Sullivan, third-ranking Democrat on Mr. Patman's committee.

We have enough people sniping at Congress and attempting to embarrass its Members without their efforts being aided and abetted by the irresponsible conduct of a colleague.

Today, more than 3 weeks after the original false report, I still have received no contribution from the Bank Political Action Committee; and I have received an apology from a member of the American Bankers Association who has stated that I have never been contacted by, nor been sent a contribution from, the Bank Political Action Committee.

Meanwhile, I have filed with Chairman Thomas P. O'Neill, Jr., of the Special Committee to Investigate Campaign Expenditures, my formal complaint and demand for a full investigation and report. I am particularly concerned over the legislative loophole which permits false statements filed with the Clerk of the House to be hurled, sans verification, into the public domain.

TRADE LEGISLATION NOW A MUST

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, this lame duck session of Congress is a great opportunity to respond to public demand that we pass laws to help people where it counts—with their take-home pay. We should waste no time doing just this, and the first meaningful opportunity will come this week when the trade bill is on the floor day after tomorrow.

The jobs of thousands upon thousands of American working men and women depend on the prompt passage of this legislation. The survival of dozens of employers is in the same boat.

It is important that it be clearly understood that the passage of this legislation will neither raise consumer prices at home nor result in retaliation from abroad. Both of these bogeymen are the creatures of invention of devotees of free trade. This is because the Mills bill is a quota bill, not a tariff bill—and because the President is authorized by the legislation to negotiate a voluntary agreement with foreign nations on the subject of imports into the United States, which if consummated neutralizes the bill which does not, in that event, take effect by its own terms.

True, this may result in a lowering of planned imports into U.S. markets, but it will not shut off imports nor will it close bargain counters. The alternative is unrestricted "dumping" of goods made at virtual "slave labor" wages to compete with American made products on an ever-increasing scale at the expense of the livelihood of tens of thousands of Americans. This the Congress cannot and must not tolerate, for we have been considered "saps" for not having enacted such a law long ago. I urge prompt passage of the Mills bill and its signing into law by the President.

EXORBITANT CRUDE OIL PRICE INCREASE

(Mr. BOLAND asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BOLAND. Mr. Speaker, the exorbitant crude oil price increase by two major American oil companies will force New Englanders to bear an unconscionable cost this winter for vitally needed fuel oil and gasoline.

The 25 cents a barrel price hike announced by Gulf Oil Corp. and Atlantic Richfield Co. last week for crude oil comes on top of a 15 cents a barrel price rise last year by domestic oil companies.

This 40 cents a barrel increase has forced crude oil prices from $2.95 to $3.35 a barrel in less than 2 years. The Government should be as alarmed as the New England consumer who is bearing the burden of this excessive cost.

While I applaud the administration's proposed investigation of the latest crude oil price increase, I hope that it will not be merely perfunctory, but sweeping enough to produce solid recommendations to force down the cost of domestically produced oil.

Price reductions can be accomplished by liberalizing the oil import quotas to allow more foreign crude oil into this country.

Along with other Members of the Massachusetts congressional delegation, I have been urging an investigation of oil price increases and pressing for a relaxation of the oil import quotas.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

U.S. PARTICIPATION IN THE 1972 UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called House Resolution 562, concerning U.S. participation in the 1972 United Nations Conference on Human Environment.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RELEASING CONDITIONS IN A DEED WITH RESPECT TO LAND HERETOFORE CONVEYED BY THE UNITED STATES TO THE SALT LAKE CITY CORP.

The Clerk called the bill (S. 1366) to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corp.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PAN AMERICAN RAILWAYS CONGRESS ASSOCIATION

The Clerk called the Joint Resolution (H.J. Res. 1077) to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association.

There being no objection, the Clerk read the joint resolution as follows:

H.J. RES. 1077

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 80–794, Eightieth Congress, approved June 28, 1948, is amended by striking out "$5,000" and inserting in lieu thereof "$15,000" in section 2(a).

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STATE OF HAWAII

The Clerk called the bill (H.R. 14684) for the relief of the State of Hawaii.

There being no objection, the Clerk read the bill as follows:

H.R. 14684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Notwithstanding any prior judgment and notwithstanding the limitations of section 5 of the Suits in Admiralty Act (41 Stat. 525, 526; 46 U.S.C. 745) or any other statute of limitations, lapse of time, or bars of laches, jurisdiction is hereby conferred on the United States District Court for the District of Hawaii to hear, determine, and render judgment upon the claim of the State of Hawaii against the United States for damages to the State pier in Kewalo Basin, Honolulu, Hawaii, allegedly caused by the United States Bureau of Commercial Fisheries' vessel, the motor vessel Townsend Cromwell, on or about January 15, 1964.

SEC. 2. The jurisdiction conferred by section 1 shall be withdrawn unless suit on the claim is instituted within one year after the date of enactment of this Act. Except as otherwise provided in this Act, the determination of such claim, and review thereof, and payment of any judgment thereon, shall be in accordance with the provisions of law applicable to cases over which the court has jurisdiction under the Act entitled "An Act for the extension of admiralty jurisdiction", approved June 19, 1948 (62 Stat. 496; 46 U.S.C. 740.

SEC. 3. Nothing in this Act shall be construed as an inference or admission of liability on the part of the United States.

Mr. MATSUNAGA. Mr. Speaker, as the introducer of H.R. 14684, I rise in support of the pending bill. This legislation would simply remove the bar of the applicable statute of limitations to permit the State of Hawaii to bring a suit in admiralty against the United States for damages to a State pier caused by a U.S. vessel in 1964.

On or about January 15, 1964, at approximately 2 o'clock in the afternoon, the *Townsend Cromwell*, a vessel operated by the Bureau of Commercial Fisheries, was approaching its mooring space in Kewalo Basin, Honolulu, Hawaii, when a failure occurred in its propulsion system. Because of this breakdown, the *Townsend Cromwell* was unable to check its headway and collided with another U.S. vessel which was docked alongside the State-owned pier, forcing that vessel into the adjacent concrete catwalk. The collision caused the catwalk, property of the State of Hawaii, to collapse. The catwalk was damaged beyond economical repair and, because the resultant debris constituted a menace to navigation, it was completely removed following the incident.

In the ensuing meetings regarding the filing of a claim against the Bureau of Commercial Fisheries, officials in the Harbors division of the State department of transportation were informed by the Federal agency that the State claim could be administratively settled under the Federal Tort Claims Act. On September 17, 1965, relying upon such representations of the Bureau of Commercial Fisheries, the harbors division of the State department of transportation filed an administrative claim for $6,597 under the Federal Tort Claims Act for the damage to and loss of the pier catwalk. The claim was prepared on standard U.S. Government form 95, entitled "Claim for Damage or Injury," which had been supplied for that purpose by the Bureau of Commercial Fisheries. The claim was filed with the Federal agency well within the 2-year period of the statute of limitations under the Federal Tort Claims Act.

Eleven months after the claim was submitted, the State of Hawaii was informed by the Solicitor's Office of the Department of Interior that the claim could not be settled under the Federal Tort Claims Act and, had the 2-year period of the statute of limitations not expired in the meantime, that it was cognizable under the Suits in Admiralty Act.

Mr. Speaker, the Department of the Interior and the Department of Justice are agreed that the State of Hawaii was misled as to its rights to assert its claim under the proper statutory authority. The Department of Justice noted in its report to the House Committee on the Judiciary that the Federal Tort Claims Act expressly claims against the United States for which a remedy is provided by the Suits in Admiralty Act.

The committee report on this bill states that the State of Hawaii was diligent in asserting its claim and should be granted the opportunity for a full and fair consideration of the claim. It should be noted that the proposed legislation, besides waiving the applicable limitations of the Suits in Admiralty Act and any bar of laches, also specifically provides that nothing therein shall be construed as an inference or admission of liability on the part of the United States.

Mr. Speaker, I strongly urge that this bill be passed unanimously.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELATING TO STATE JURISDICTION OVER OFFENSES COMMITTED BY OR AGAINST INDIANS IN THE INDIAN COUNTRY

The Clerk called the bill (S. 902) to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country.

There being no objection, the Clerk read the bill as follows:

S. 902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 1162 of title 18, United States Code, is amended by deleting the following:

"Alaska--------All Indian country within the Territory"

and inserting in lieu thereof the following:

"Alaska--------All Indian country within the State, except that on Annette Islands, the Metlakatla Indian community may exercise jurisdiction over offenses committed by Indians in the same manner in which such jurisdiction may be exercised by Indian tribes in Indian country over which State jurisdiction has not yet been extended."

SEC. 2. Subsection (c) of section 1162 of title 18, United States Code, is amended to read as follows: "(c) The provisions of sections 1152 and 1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section as areas over which the several States have exclusive jurisdiction."

(Mr. DONOHUE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DONOHUE. Mr. Speaker, this bill would amend section 1162 of title 18, United States Code, by adding language permitting the Metlakatla Indian community on the Annette Islands in Alaska to exercise jurisdiction over minor offenses concurrent with the State of Alaska.

The Department of the Interior in its report on the bill recommended the enactment of the bill with an amendment and the bill as it passed the Senate is based on that recommendation.

A similar bill, H.R. 6782, was the subject of a subcommittee hearing before Subcommittee No. 2 of this committee on September 16, 1970. At that hearing Commissioner Louis R. Bruce, of the Bureau of Indian Affairs of the Department of the Interior, testified in support of the legislation. He pointed out that the Metlakatla community is not a part of the Alaska mainland, but is located offshore on one of the Annette Islands. He further stated that the island's location creates a serious isolation problem, resulting in the lack of adequate law and order services for members of the Indian community especially as such service relates to minor crimes.

The committee is advised that this bill, which is aimed at resolving this serious law and order problem, is sought by both the Alaska Legislature and the Metlakatla Community Council. In this connection, as is observed in the Interior Department report, the Alaska Legislature in 1968 enacted Joint Resolution No. 72 which requested that the Congress amend the 1958 law to provide the Metlakatla Indian community with concurrent criminal jurisdiction with Alaska as is provided in this bill. As has been noted, it would enable the Metlakatla Indian community of the Annette Islands Reservation in Alaska to exercise jurisdiction over minor crimes committed by members of the community on Annette Islands.

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The Metlakatla Indian community was established in 1887 by a group of Indians under the leadership of a missionary, Father Duncan. Father Duncan and his group had come to Alaska at the invitation of President Cleveland and had been assured that such areas as they might choose for themselves would be set aside for their use and occupancy. The Indians chose the Annette Islands in southeast Alaska and under the act of March 3, 1891, 26 Stat. 101, 48 United States Code, section 358, the Annette Islands were "set apart as a reservation for the use of the Metlakatla Indians—and such other Alaskan Natives as may join them." This law had the legal effect of creating on the Annette Islands an Indian reservation similar to the reservations in other States of the Union. To this date, no other statutory reservation has been set up in Alaska.

The Metlakatlans created a model community and a model government on the Annette Islands. They set up rules for the election of a mayor and council. They arranged for their own community to furnish governmental services, including education. They laid out their streets and planned systematically for the growth of their town. They also enforced law and order as far as misdemeanor offenses were concerned. Major offenses were the responsibility of the Federal Government.

In 1934 Congress, by enacting the Indian Reorganization Act, 48 Stat. 984, 25 United States Code, section 476, provided a system by which Indian tribes could organize themselves and could have their organization recognized under Federal law. Pursuant to that law the Metlakatla Indian community adopted a constitution and bylaws which codified its preexisting governmental structure. The constitution and bylaws were approved by the Department of the Interior on August 23, 1944, and therefore brought Metlakatla's well-established system of government within the framework of the Indian Reorganization Act. The Indian community had jurisdiction over minor criminal offenses under its federally recognized government. However, when the act of August 8, 1958, was passed giving Alaska jurisdiction over offenses by or against Indians in all Indian country within the territory of Alaska, it had the effect of eliminating the legal basis for the jurisdiction exercised by the community over minor offenses. As Commissioner Bruce stated at the hearing, enactment of the bill would reinvest the Metlakatla Community Council with local legislative authority and police powers to enforce its laws over minor criminal offenses concurrently with the State. Authority over major criminal offenses in the Indian community would remain exclusively with the State of Alaska.

It was emphasized at the hearing that while the State authorities would be required to handle major offenses under the proposed amendment just as it does now, this legislation would meet a very real need concerning a problem as to law enforcement in the community.

Metlakatla wants and needs a local police presence 24 hours a day, 365 days a year. It needs that presence to keep minor offenders in line, whose violation of local ordinances are leading to a breakdown of order in the community. This legislation will enable the community to hire a number of local policemen who will maintain law and order and a magistrate who can quickly dispense justice. It needs to have conditions restored to where they were prior to 1958. This can be done through enactment of S. 902, which would give Metlakatla status similar to that enjoyed by the Warm Springs Indians of Oregon and the Red Lake Indians of Minnesota.

At the hearing, one of the witnesses appearing in behalf of the Indian community stated that it was not until several years had elapsed that the community became aware of this effect of the 1958 law. At the hearing, it was pointed out that had there been a recognition of the situation, an exception could have been written into the law just as was done in the case of reservations in Oregon and Minnesota. In those cases, the affected Indian reservation was given the option to continue its own law enforcement system.

I would like to point out that in the report accompanying the bill in the 85th Congress—House Report 2043, 85th Congress—which was enacted as Public Law 85–615 in 1968, the discussion centered on the fact that native villages in Alaska could be regarded as Indian country and most such villages did not have machinery for enforcing law and order. As is obvious from the history I have outlined, this was not the case as to Metlakatla. It is apparent that this community which had been operating a perfectly satisfactory law enforcement system for over half a century was simply forgotten. The committee was advised that none of the officers of the Metlakatla Indian community were contacted before enactment of Public Law 85–615 concerning the proposed law. Strangely enough, neither the territorial nor the Federal Government notified Metlakatla after enactment of the new statute to inform the community that its court and police had lost their authority to function. In the mid-sixties, when this fact became known, the community discontinued its practice of employing a magistrate and police. It tried to make arrangements with the State of Alaska for the enforcement of law and order on the Annette Islands and also began to pursue seriously the possibility of getting the law amended so as to have local jurisdiction restored to it.

The bill S. 902 incorporates, in substance, the language recommended by the Department of the Interior. This language will make it possible for the Metlakatla Indian community to exercise jurisdiction over minor offenses while the State of Alaska will continue to have concurrent jurisdiction. I would like to note that the Senate bill also provides for a clarifying amendment to subsection (c) of section 1162 of title 18. The existing language provides an exception which states that the provisions of section 1152 and 1153 of title 18 having to do with certain crimes are not to be applicable within areas of Indian country listed in subsection (a). The clarifying amendment is that the areas referred to are those "over which the several States have exclusive jurisdiction." We have discussed this language with the Senate and we are satisfied that the language does not change the intent of the existing language of subsection (c), but merely clarifies its meaning. The additional language is descriptive only, and is not meant to change the meaning of 1162(c). We understand from the Senate that it was added because subsection (c) refers to the "Indian country listed in subsection (a)" and that list includes Indian country not under State jurisdiction, as well as areas that are. Obviously sections 1152 and 1153 are meant to apply to the former category. The additional language is not intended to have any bearing on actual or potential arrangements between States and the tribes with respect to the allocation of law enforcement responsibility between them nor to affect whatever inherent jurisdiction particular tribes may have retained.

This legislation provides for a practical and realistic resolution of the problems faced by this community in connection with minor criminal offenses within that community. It is recommended that the bill be considered favorably.

Mr. Speaker, I include at this point in my remarks two letters addressed to the chairman of the Committee on the Judiciary concerning S. 902, which I believe supply helpful comments on the purport of the legislation. The first, dated October 14, is a joint communication signed by Senators ERVIN, STEVENS, and GRAVEL; the second, dated November 10, was submitted by the Assistant Secretary, Department of the Interior.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., October 14, 1970.
Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee, Rayburn Building, Washington, D.C.

DEAR MR. CHAIRMAN: It has come to our attention that the Department of the Interior has raised a small question over the meaning of certain words in S. 902, which is designed to permit the Metlakatla Indians of the Annette Islands to have responsibility for maintaining law and order in their own community. This question concerns the meaning of the words "as areas over which the several states have exclusive jurisdiction," in section 2 of the bill.

This phrase adds new language to 18 United States Code 1162(c), which excludes the application of federal criminal provisions, sections 1152 and 1153, from those areas over which the states have jurisdiction. The additional language is descriptive only, and is not meant to change the meaning of 1162(c). It was added because subsection (c) refers to the "Indian country listed in subsection (a)" and that list includes Indian country not under state jurisdiction, as well as areas that are. Obviously sections 1152 and 1153 are meant to apply to the former category. The additional language is not intended to have any bearing on actual or potential arrangements between states and the tribes with respect to the allocation of law enforcement responsibility between them.

While the additional language is perhaps unnecessary, it was added for purposes of clarity. We believe it would be more confusing if the words were deleted at this late date in the legislative process. We hope that this letter of explanation will obviate any problems which might further delay the passage of the bill.

With best regards,

TED STEVENS, *Senator.*
MIKE GRAVEL, *Senator.*
SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., November 10, 1970.
Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On June 2, 1970, this Department's report on H.R. 6782, a bill "To amend the law with respect to criminal jurisdiction on the Annette Island Indian Reservation" was forwarded to your Committee. On the same date an identical report was sent to the Senate Judiciary Committee on S. 902, a companion bill.

Both reports recommended that the legislation be amended by deleting all the language after the semicolon on line 5 of the Senate bill and line 6 of the House bill and substituting in lieu thereof the following:

"Alaska_______________All Indian country within the State, except that on the Annette Island the Metlakatla Indian Community may exercise jurisdiction over the offenses committed by Indians in the same manner in which such jurisdiction may be exercised by Indian tribes in Indian country over which State jurisdiction has not been extended and subject to the provisions of Title II of the Act of April 11, 1968."

Your Subcommittee No. 2 held hearings on H.R. 6782 on September 16, 1970.

On September 18, 1970, the Senate passed S. 902 with the Department's amendment, except that the last clause of that amendment, "and subject to the provisions of Title II of the Act of April 11, 1968," was deleted by the Senate Judiciary Committee as being redundant. It was the opinion of the Committee and the Senate that the phrase, ". . . in the same manner in which such jurisdiction may be exercised by Indian tribes in Indian country over which State jurisdiction has not been extended," and the wording of the Act of April 11, 1968, itself, would subject the Metlakatla Indian Community to the provisions of that Act.

We are inclined to agree with that interpretation and would have no objection to House passage of the Senate modification of the Department's recommended amendment.

We also note that S. 902 as passed by the Senate contains a Section 2 which was not included in H.R. 6782 and which reads:

"SEC. 2. Subsection (c) of section 1162 of title 18, United States Code, is amended to read as follows: '(c) The provisions of sections 1152 and 1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section *as areas over which the several States have exclusive jurisdiction.*'"

The italicized language is new. It is not discussed in the reports on the bill submitted by this Department and by the Department of Justice, nor in the reports of the House and Senate Committees on the Judiciary, nor in any of the testimony, floor action, or elsewhere in the background of the Senate passage or House Committee consideration of S. 902. This Department's report had, at least inferentially, recommended that Section 2 be deleted from the bill.

As a result of discussions between representatives of this Department and the staffs of your committee and the corresponding Senate Committee, a letter was addressed to you on October 14, 1970, by Senators Ervin, Stevens and Gravel, the principal sponsors and managers of S. 902. The letter explains that the new language of 18 U.S.C. § 1162(c) which would be added by Section 2 of S. 902 was descriptive only, and was not intended to change the meaning of § 1162(c) "nor to have any bearing on actual or potential arrangements between states and the tribes which respect to the allocation of law enforcement responsibility between them."

With this understanding, which we interpret to mean that the amendatory language will have no effect on whatever inherent jurisdiction particular Indian tribes may have retained in states which were given or have assumed jurisdiction pursuant to the Act of August 8, 1958, 72 Stat. 545, as amended and supplemented by Title II of the Act of April 11, 1968, 82 Stat. 77, we would not object to House passage of S. 902.

We believe, however, that this construction would be enhanced and strengthened by a supplemental committee report and an appropriate explanation on the floor of the House and its inclusion in the *Record*, and we recommend that this be done. Although such a course is perhaps not as persuasive as explanations which might have been included earlier in the legislative process, we believe it is important to do all that can be done to support our interpretation of the language by expressions of contemporary understanding by the Congress.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

Mr. POLLOCK. Mr. Speaker, I rise in strong support of S. 902, to permit the Metlakatla Indian community of southeastern Alaska to exercise concurrent jurisdiction with the State of Alaska over minor criminal offenses committed on the Annette Islands Indian Reservation.

Since 1958, the State of Alaska has been responsible for providing law and order services on the Annette Islands. Before that date, the Metlakatla Community Council was invested with local legislative and police authority to enact and enforce laws respecting minor criminal offenses. However, in 1958, the community council's jurisdiction over petty offenses was transferred to the State through an oversight in the enactment of Public Law 85–615, which extended State criminal jurisdiction to all of the "Indian country" previously governed by territorial law.

As a result of this transfer of authority, a serious law and order problem has developed on Metlakatla. The community is not a part of the Alaska mainland, but is located offshore of one of the Annette Islands. The isolation of this island from the Alaska mainland has made it extremely difficult for the State to provide the law and order services necessary to deter and punish minor criminal offenders. As a consequence, the incidence of simple assaults, curfew violations, disorderly conduct, and violations of the liquor laws has greatly increased in recent years.

To combat the rising crime rate, the Metlakatla Community Council has made certain stop-gap arrangements. However, these measures have been only partially effective, and the people of Metlakatla justifiably feel that the only way to restore a proper atmosphere of law and order on the reservation is to reinvest the community council with concurrent jurisdiction over minor crimes. In 1968, this view was endorsed by the Alaska State legislature, which enacted a joint resolution pointing out that the limited manpower of the State police severely restricts the ability of this organization "to deal effectively with minor criminal offenses in the somewhat isolated community of Metlakatla" and calling for the Congress to amend Public Law 85–615 to give Metlakatla concurrent jurisdiction over minor crimes. The necessity for legislation altering the present law and order situation on Metlakatla has also been recognized by the Department of the Interior, which has recommended the enactment of S. 902 and by Alaskan Senators STEVENS and GRAVEL, both of whom co-sponsored this legislation.

Mr. Speaker, one of the chief characteristics of civilized society is the ability to provide a proper atmosphere of law and order. The State of Alaska has maintained such an atmosphere with respect to major crimes committed on Metlakatla; however, because of the factors enumerated above, the State has encountered severe difficulties in deterring and punishing minor offenders. For many years, the community of Metlakatla, which has a long and outstanding tradition of efficient and responsible local government, performed this law and order function for itself. The community now asks that it be reinvested with the authority to punish minor crimes, an authority which it exercised with wisdom and with excellent results prior to 1958. As my introduction of a bill similar to S. 902 indicates, I strongly endorse Metlakatla's request and respectfully ask you, my distinguished colleagues, to act favorably on the legislation to accomplish this worthy purpose.

I should add in closing that, according to the Interior Department report, the enactment of S. 902 will not generate any immediate need for Federal monetary assistance since prior to 1958, Metlakatla was able to finance its law and order program exclusively from local funds.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., October 14, 1970.
Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee, Rayburn, Building, Washington, D.C.

DEAR MR. CHAIRMAN: It has come to our attention that the Department of the Interior has raised a small question over the meaning of certain words in S. 902, which is designed to permit the Metlakatla Indians of the Annette Islands to have responsibility for maintaining law and order in their own community. This question concerns the meaning of the words "as areas over which the several states have exclusive jurisdiction," in section 2 of the bill.

This phrase adds new language to 18 United States Code 1162(c), which excludes the application of federal criminal provisions, sections 1152 and 1153, from those areas over which the states have jurisdiction. The additional language is descriptive only, and is not meant to change the meaning of 1162(c). It was added because subsection (c) refers to the "Indian country listed in subsection (a)" and that list includes Indian country not under state jurisdiction, as well as areas that are. Obviously sections 1152 and 1153 are meant to apply to the former category. The

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additional language is not intended to have any bearing on actual or potential arrangements between states and the tribes with respect to the allocation of law enforcement responsibility between them.

While the additional language is perhaps unnecessary, it was added for purposes of clarity. We believe it would be more confusing if the words were deleted at this late date in the legislative process. We hope that this letter of explanation will obviate any problems which might further delay the passage of the bill.

With best regards.

MIKE GRAVEL,
Senator.
SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a real pleasure to welcome to the U.S. Congress, Congressman JOHN WARE of the Ninth Congressional District of the Commonwealth of Pennsylvania.

JOHN WARE has been an outstanding Pennsylvania citizen, as well as one of the civic leaders of his congressional district. The success of JOHN WARE in being elected to Congress in the election of Tuesday, November 3, 1970, is well merited and shows in what high regard the people of his district hold JOHN WARE.

JOHN WARE served as mayor of Oxford, Pa., for 4 years. In 1960 he was elected to the Senate of the Commonwealth of Pennsylvania where he has served the people of his district until his election to the U.S. Congress. JOHN WARE has also served on the executive committee of the Pennsylvania Republican State Committee and the Republican National Finance Committee.

Married, and the father of four children, JOHN WARE has long been active in the Boy Scouts, serving as a representative to the National Council. In addition, he has served as chairman of the Coatesville YMCA. He serves as a trustee of West Nottingham Academy, Lincoln University, Pennsylvania College of Optometry, and the University of Pennsylvania.

JOHN WARE will certainly be an outstanding addition to the Pennsylvania delegation and to the U.S. Congress.

The SPEAKER. This concludes the call of the Consent Calendar.

AUTHORIZING APPROPRIATIONS FOR THE CIVIL RIGHTS COMMISSION

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2455) to authorize appropriations for the Civil Rights Commission, and for other purposes.

The Clerk read as follows:

S. 2455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subsection (a) of section 103 of the Civil Rights Act of 1957 (71 Stat. 635; 42 U.S.C. 1975b(a)), as amended, is further amended as follows: Strike "$75" and insert in lieu thereof "$100".

SEC. 2. Subsection (a) of section 105 of the Civil Rights Act of 1957 (71 Stat. 636; 42 U.S.C. 1975d(a)), as amended, is further amended as follows: Strike "$75" and insert in lieu thereof "$100".

SEC. 3. Section 106 of the Civil Rights Act of 1957 (71 Stat. 636; 42 U.S.C. 1975e), as amended, is further amended to read as follows:

"SEC. 106. For the purposes of carrying out this Act, there is hereby authorized to be appropriated for the fiscal year ending June 20, 1970, the sum of $3,400,000, and for each fiscal year thereafter until January 31, 1973, the sum of $3,400,000."

SEC. 4. Subsection (e) of section 102 of the Civil Rights Act of 1957 (71 Stat. 634, as amended, 78 Stat. 249) is amended by inserting the following after the last period: "If a report of the Commission tends to defame, degrade or incriminate any person, then the report shall be delivered to such person thirty days before the report shall be made public in order that such person may make a timely answer to the report. Each person so defamed, degraded or incriminated in such report may file with the Commission a verified answer to the report not later than twenty days after service of the report upon him. Upon a showing of good cause, the Commission may grant the person an extension of time within which to file such answer. Each answer shall plainly and concisely state the facts and law constituting the person's reply or defense to the charges or allegations contained in the report. Such answer shall be published as an appendix to the report. The right to answer within these time limitations and to have the answer annexed to the Commission report shall be limited only by the Commission's power to except from the answer such matter as it determines has been inserted scandalously, prejudiciously or unnecessarily."

The SPEAKER. Is a second demanded?

Mr. McCULLOCH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 348]

Abbitt
Abernethy
Adams
Anderson, Ill.
Annunzio
Ashbrook
Aspinall
Barrett
Bell, Calif.
Berry
Biaggi
Blatnik
Brock
Brown, Mich.
Brown, Ohio
Button
Camp
Carey
Clark
Clawson, Del
Clay
Colmer
Coughlin
Crane
de la Garza
Delaney
Dellenback
Dent
Devine
Dowdy
Edmondson
Eilberg
Erlenborn
Fallon
Farbstein
Feighan
Flowers
Fraser
Fulton, Tenn.
Gallagher
Giaimo
Gilbert
Goldwater
Goodling
Green, Oreg.
Halpern
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hays
Hébert
Helstoski
Henderson
Holifield
Hosmer
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kuykendall
Landgrebe
Landrum
Langen
Lloyd
Lukens
McClory
McClure
McDade
McDonald, Mich.
McEwen
McKneally
Macdonald, Mass.
MacGregor
Madden
Mann
May
Mayne
Melcher
Miller, Calif.
Mills
Minshall
Montgomery
Murphy, Ill.
Obey
O'Neal, Ga.
Ottinger
Pepper
Pettis
Pickle
Poage
Podell
Powell
Price, Tex.
Purcell
Railsback
Reid, N.Y.
Rivers
Rodino
Roudebush
Ruppe
Sandman
Skubitz
Smith, N.Y.
Springer
Stanton
Stuckey
Teague, Calif.
Thomson, Wis.
Whalley
Wilson, Bob
Wold

The SPEAKER. On this rollcall 321 Members have answered to their name, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RESIGNATION FROM SELECT COMMITTEE ON CRIME

The SPEAKER laid before the House the following resignation from a committee:

WASHINGTON, D.C.,
November 4, 1970.

Hon. JOHN W. McCORMACK,
Speaker of the House of Representatives, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: Please accept this letter as my resignation as a member of the Select Committee on Crime, effective today, November 4, 1970.

I am grateful for the privilege which has been mine in serving as a member of this committee since its establishment in the early days of the present Congress. This has been a most rewarding experience and an honor which I shall always cherish.

Sincerely,

ALBERT WATSON,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT TO SELECT COMMITTEE ON CRIME

The SPEAKER. Pursuant to the provisions of House Resolution 17, 91st Congress, the Chair appoints as a member of the select committee to conduct an investigation and study of all aspects of crime in the United States, the gentleman from Kansas, Mr. WINN, to fill the existing vacancy thereon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

AUTHORIZING APPROPRIATIONS FOR THE CIVIL RIGHTS COMMISSION

The SPEAKER. The gentleman from New York is recognized for 20 minutes.

Mr. CELLER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this bill S. 2455 increases the annual authorization for the Commission on Civil Rights from $2,650,000 to $3,400,000—a total of $750,000. It increases per diem amounts payable to Commission members and consultants—from $75 to $100, levels now current throughout Government—$100 a day is the uniform rate paid all commissioners on the various boards appointed by the President—and requires the Commission to publish as an appendix to its reports a verified answer submitted by any person whom such report tends to defame, degrade, or incriminate.

The Department of Justice has indicated its support for the legislation, in fact the Department favors the elimination of any statutory ceiling on appropriations.

In 1967 when the term of the Commission on Civil Rights was extended 5 years until January 31, 1973, a Senate amendment engrafted a $2,650,000 ceiling on annual appropriations. This figure matched the fiscal 1968 appropriations of the Commission and was intended to limit the future activities of the Commission to the level of its 1968 operations. The statutory ceiling has been inadequate. Inadequate considering the importance of the work of the Commission, this Commission has painstakingly and effectively functioned figuratively, it is a small key that opens a large door.

The Commission has had to absorb Federal salary increases, increases for housekeeping services charged by the General Services Administration as well as other inflationary costs from its operating budget. The primary objective of the instant measure is to increase by $750,000 per annum the Commission's annual authorization and thereby enable it to function at its 1968 operating level. It should be emphasized that this Congress has already appropriated $3.2 million for fiscal 1971 for the Commission on Civil Rights, Public Law 91–472. This appropriation conforms with the administration's budget request and reflects a waiver by both Houses of Congress of the present statutory ceiling.

S. 2455 is reported by the Committee on the Judiciary without amendment. The measure incorporates a provision added on the floor of the Senate to require the Commission to publish as an appendix to its report a verified answer by any person whom the report tends to defame, degrade, or incriminate. This amendment amplifies section 102(e) of the Commission's enabling statute that outlines the rules of procedure applicable to Commission hearings. These provisions are described in detail in the Committee's report (H. Rept. No. 91–1339 at pp. 2–3). The committee believes that substantial rights are presently afforded by statute and Commission regulation to one who may be the subject of defamatory evidence or testimony. Existing statutory provisions appear to furnish considerable protection beyond that required by due process. In fact, it would seem that a greater degree of protection is extended by the Commission's own procedures than is present under those of any other administrative commission or legislative investigating committee. The wisdom of singling out the Commission on Civil Rights from all other legislative factfinding bodies to impose additional procedural burdens seems dubious. Nevertheless, the committee has favorably reported S. 2455 without amendment because it is convinced that the critical financial situation of the Commission requires a prompt remedy.

As chairman of the Committee on the Judiciary I personally can testify to the valuable contributions to legislative and executive action made by the Commission on Civil Rights since its inception. Its studies, reports, and recommendations have furnished essential bases for the congressional enactment of the Civil Rights Act of 1964, the Voting Rights Act of 1965 and, most recently, the Extension of the Voting Rights Act of 1965.

The Civil Rights Commission is the antenna that let us see what is happening in our land anent civil rights.

It availeth us naught to pass numbers of statutes unless we know whether they are: First, being enforced properly; second, whether they should be amended or even repealed; and third, whether additional statutes are required.

Statutes are mere rhetoric without action. Statutes unenforced are as useless as an anvil without a hammer. That is why this Commission, properly financed, is so essential.

The following list sets forth the major reports and studies prepared by the Commission during the period 1957–70:

U.S. Commission on Civil Rights, Major Reports and Studies—1957–1970

Report of the United States Commission on Civil Rights 1959. The first report of the Commission which made recommendations in the areas of voting, public education, housing and civil rights from a whole perspective.

Equal Protection of the Laws in Public Higher Education, 1960. A study of segregation and discrimination in Southern Colleges and Universities and in Northern and Western States.

Report of the Commission on Civil Rights 1961:

Volume 1. Voting. A descriptive review of civil rights in voting, status of the right to vote in eight Southern States, Federal legislation and litigation, statistics of nonvoting, gerrymandering and malapportionment, and staff report on *Civil Rights in Black Belt Counties.*

Volume 2. Education. Discusses Supreme Court opinions, compliance with the law of desegregation, desegregation in the South, school segregation in the North and West, problems of desegregation in schools and programs to overcome them, Southern libraries, the role of the Executive Branch. Includes findings, recommendations. Appendix tables, exhibits and selected bibliography.

Volume 3. Employment. Discusses emergence of Federal employment policy, Government as employer and creator of employment, training and placement services, and impact of unions on employment.

Volume 4. Housing. Discusses the nature and law of housing discrimination, emergence of a Federal housing policy, Federal supervision of mortgage lenders and assistance to home finance, urban renewal, other Federal programs, and State and local action.

Volume 5. Justice. Disscusses unlawful police violence, vigilante violence, Federal criminal sanctions, State and local remedies, and jury exclusion. Includes staff report on status of American Indians.

Interim Report of the U.S. Commission on Civil Rights, 1963. Contains reports of allegations of denials of constitutional rights in Mississippi since October 1962 through May 1963.

Civil Rights 1963. Contains sections on voting, education, employment, housing, administration of justice, health facilities and services, civil rights problems in urban areas, the Negro in the armed forces, and the Commission's State Advisory Committees. Includes statistics, findings, recommendations, and a table showing legislative action taken on Commission recommendations.

Freedom to the Free/Century of Emancipation, 1963. Places recent developments of civil rights within their historical context. Covers the progress of the Negro in America from the early days of slavery through the Civil War and the Reconstruction Period to 1963. Bibliography and table of cases are appended.

Equal Opportunity in Farm Programs, 1965. Appraises the services of the U.S. Department of Agriculture through the Cooperative Extension Service, the Farmers Home Administration, the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service emphasizing the problems of rural Negro families in respect to these programs. Includes findings and recommendations.

Voting in Mississippi, 1965. Analyzes findings of 1964 Commission field investigations and a Commission hearing in Mississippi in 1965. Recommends Federal voting legislation and a program to encourage all persons to exercise their constitutional right to vote.

Law Enforcement: A Report on Equal Protection in the South, 1965. Presents information on local law enforcement practices and procedures as they relate to Negroes and civil rights advocates in selected Southern communities gathered during Commission field investigations in four Southern States and a public hearing in Mississippi in 1965. Includes recommendations for enactment of new Federal criminal and civil legislation to protect individuals exercising constitutionally protected rights and for revision of Federal policy on the use of Federal law enforcement officers.

The Voting Rights Act of 1965: The First Months. Appraises the early effects of the Voting Rights Act of 1965 primarily in States in which Federal examiners have been stationed. Evaluates the administration of the Act by the Department of Justice and the Civil Service Commission. Includes recommendations.

Survey of School Desegregation in the Southern and Border States, 1965–66. Surveys status of school desegregation in 17 States which, prior to 1954, legally maintained dual, racially segregated school systems. Appraises degree of school desegregation achieved in these States since the passage of the Civil Rights Act of 1964. Examines the role of the Federal Government in assuring compliance with Title VI of the Act and recommends revision of Title VI guidelines by the U.S. Office of Education.

Title VI . . . One Year After, 1965. Evaluates the first year of operation of Title VI of the Civil Rights Act of 1964 as it relates to health and welfare services in selected communities in the South. Examines the role of the Federal Government in assuring compliance with the Title, which requires nondiscrimination in federally assisted programs. Includes findings and recommendations.

Children in Need, 1966. A study of a federally assisted program of aid to needy families with children in Cleveland and Cuyahoga County, Ohio.

Racial Isolation in the Public Schools, 1967. A two-volume comprehensive study, prepared at the request of President Lyndon B. Johnson, covering the extent of racial isolation in the Nation's public schools, evaluating its deleterious effects on young people, and assessing existing and proposed remedies.

Racial Isolation in the Public Schools, 1967. Appendices to Volume 1.

Southern School Desegregation 1966–67. An analysis of information relating to school desegregation of students and faculty in the Southern and border States during the 1966–67 school year.

A Time To Listen . . . A Time To Act, 1967. A summary of testimony given at Commission hearings and statements made at open meetings in urban centers by ghetto dwellers which provide insights into what slum residents think about government, and about American society.

Political Participation, 1968. A study of Negro participation in the electoral and political processes in 10 Southern States since the passage of the Voting Rights Act of 1965.

Jobs and Civil Rights, 1969. A study done for the Commission by the Brookings Institution on the role of the Federal Government in promoting equal employment opportunity in employment and training.

For ALL The People . . . By ALL The People, 1969. A report on Equal Opportunity in State and Local Government Employment.

Federal Enforcement of School Desegregation, 1969. A report on Federal enforcement of school desegregation in light of the July 3, 1969 statement of the Attorney General and the Secretary of Health, Education and Welfare.

The Mexican American and the Administration of Justice in the Southwest, 1970.

HEW and Title VI, A report on the development of the organization, policies, and compliance procedures of the Department of Health, Education, and Welfare under Title VI of the Civil Rights Act of 1964 (1970).

Racism in America and How to Combat It (1970). An essay written for the Commission by Anthony Downs, former consultant to the National Advisory Commission on Civil Disorders.

Federal Installations and Equal Housing Opportunity (1970). A study of the impact of site location policies of the Government on equal housing opportunity and employment opportunities for minority group persons.

Stranger In One's Land (1970). An account of the Commission's hearing in San Antonio on denials of equal protection of the laws affecting Mexican Americans in the Southwest.

There is a continuing need for an independent agency objectively to appraise and report on the changing status of civil rights, to assess the progress that has been made and to indicate the areas where denial of equal rights persists. S. 2455 will provide essential financial support which the Commission requires to operate over the next 2 years without a curtailment of its activities.

I urge my colleagues to support the bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman has expired.

Mr. CELLER. Mr. Speaker, I yield myself 1 additional minute in order to respond to the inquiry of the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Iowa.

Mr. GROSS. I note on page 5 of the report, near the end of the letter from the Justice Department, that the Department makes no recommendations with respect to increasing the per diem fees of consultants, or any of those on per diem basis, from $75 to $100. It specifically makes no recommendation in that respect, so apparently the Department of Justice declines to go along with the committee.

Mr. CELLER. I would state to the gentleman from Iowa that the committee knows of no objection by the Department of Justice to this measure.

Mr. GROSS. But they certainly make no recommendation in support of the committee's increase of $25 a day to consultants and others.

Mr. CELLER. The Department of Justice letter set forth on pages 4 and 5 of the committee report reads in part as follows:

> The subcommittee also added to the bill provisions which would increase to $100 from the existing $75 limit the daily compensation which may be paid to members of the Commission . . .

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. CELLER. Mr. Speaker, I yield myself 2 additional minutes.

If I may continue:

> Which may be paid to members of the Commission, who are not otherwise in the service of the Government, and the compensation which may be paid to experts or consultants. Whether or not this increase is consistent with existing fiscal practice is a question as to which the Department of Justice makes no recommendation.

So that the Department of Justice does not object; it merely makes no recommendation.

It seems to me that we should not make a fish of one and a fowl of another. All of the other commissions get a per-diem of $100. The going per diem rate for comparable services of consultants and experts is $100 or more in the following departments and agencies: Departments of Justice, Commerce, and Housing and Urban Development, National Labor Relations Board, Equal Employment Opportunity Commission, and Office of Economic Opportunity. So it would be unfair, considering the tremendous workload of this Commission, to discriminate against it.

Mr. GROSS. If the gentleman will yield further, I am not willing to agree with the gentleman that every agency or department of the Government is permitted by law to pay $100 a day. I am not willing to admit that all of them do so at this time. I readily admit that they are going up, but I do not believe all of them pay $100 a day, and the fact remains that the Justice Department did not endorse this recommendation.

Mr. McCULLOCH. Mr. Speaker, will the gentleman from New York answer this question? Is it true that the administration recommends the passage of this legislation?

Mr. CELLER. There is no question about that—they do recommend the passage of this legislation.

Mr. McCULLOCH. Mr. Speaker, I rise in support of S. 2455, a bill to authorize appropriations for the U.S. Commission on Civil Rights. Since its creation in 1957, the Commission has been, in my opinion, the most important independent agency within the Federal Government. Although it has a relatively small staff of 142 employees, it has done remarkable work, work which laid the foundation for monumental progress in protecting human rights through legislation. It is no coincidence that after the Commission's creation, this country witnessed a decade of unprecedented achievement, highlighted by the acts of 1960, 1964, 1965, 1968, and 1970.

Political tides ebb and flow, but this Commission remains true to its duty. It has been objective and fair. It has shown its independence, and I commend the members of the Commission for it.

The Commission is primarily a factfinding body investigating complaints of discrimination on the basis of race, color, or national origin. It also serves as a national clearinghouse for information with respect to equal-protection violations.

The most recent report of the Commission, "The Federal Civil Rights Enforcement Effort," issued on October 12 of this year, is another example of the invaluable service performed by the Commission. The report reviews the practices of some 40 departments and agencies and concludes that Federal civil-rights enforcement is not very effective.

I was pleased to see that in response to this investigation and report, the Director of the Office of Management and Budget, George P. Shultz, has indicated that the Bureau of the Budget will require an accounting of the civil rights enforcement effort of each agency appearing before it. I believe that procedure could be of landmark importance. I applaud Director Shultz for adopting it.

S. 2455 has three purposes. First, it would authorize an appropriation of $3.4 million for fiscal year 1970 and each fiscal year thereafter until January 31, 1973, the end of the present term of life of the Commission. Since 1967, the Commission has operated under an authorization limitation of $2.65 million. This limitation has forced the Commission to absorb Federal pay increases and other cost increases from its operating budget. The proposed increase of $750,000 would allow the Commission to function at its 1968 operating level.

Second, the bill would require that the Commission publish as an appendix to any report a verified answer of any person—stating the facts and the law constituting such person's reply or defense—whom the report tends to defame, degrade, or incriminate. The amendment applies only to the official reports of the Commission and not to its other publications. The procedure and practices of the Commission have already passed constitutional muster, *Hannah* v. *Larche,* 363 U.S. 420 (1960). Thus the amendment is made out of an abundance of caution and not to cure any alleged constitutional defects.

Third, the bill would increase the maximum amounts payable on a per diem basis to Commission members and to consultants in accordance with what is paid throughout the Government today.

I urge the passage of S. 2455. The Commission merits our support.

Mr. RYAN. Mr. Speaker, S. 2455 authorizes appropriations for the U.S. Commission on Civil Rights in the amount of $3,400,000 for each fiscal year until January 31, 1973. Few agencies of the Federal Government so deservedly merit our fullest support.

On October 14 I spoke on the floor in praise of the Commission, upon the occasion of its publication of a monumental study of the implementation of the equal employment opportunity program within the Federal Government and by Federal contractors—"Federal Civil Rights Enforcement Effort" and my statement then is equally applicable today:

> The independence, dedication, and integrity exhibited by the Civil Rights Commission and by its staff are a commendable lesson to those who feel that Government today must necessarily be unresponsive.

The Civil Rights Commission, in its 13 years of existence as an independent agency, has been guided by its commitment to equality for all Americans—a commitment which it behooves other Government agencies to demonstrate. As a member of the Judiciary Committee, I can amply confirm the committee's statement in the report on S. 2455—House Report No. 91-1339:

> The Commission on Civil Rights has performed unique and valuable functions since its establishment in 1957. Its reports and recommendations have provided an essential basis for legislation and executive action undertaken during the past decade to assure equal rights. The House Committee on the Judiciary in particular has relied heavily on the outstanding and vigorous program of fact-gathering which the Commission has performed. Its contributions in connection with the enactment of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and, most recently, the extension of the Voting Rights Act of 1965, deserve special commendation.

The bill before us today increases the annual funding for the Civil Rights Commission, removing the authorization ceiling set by the 5-year extension of the Commission's life in Public Law 90-198. This ceiling was added by the Senate to a House-passed bill and was intended to limit future activities of the Commission as the House report notes, "the present to the level of the 1968 operations. But, ceiling has been inadequate." It is essential that S. 2455 be passed, in order that this ceiling be raised to a more adequate level.

There is one provision of S. 2455 which is objectionable. Section 4 was added on the Senate floor, and requires that the Commission deliver a report 30 days before making it public to any person whom the report tends to defame, degrade, or incriminate and that such a person would have 20 days to file a verified answer which would be published as an appendix to the report. This requirement is unnecessary—the protections afforded under existing law by the Commission are already adequate. Moreover, it is a requirement imposed upon no other Government agency. But more important, it opens the door to protracted delay of the Commission's work.

However, while I would rather that section 4 were not contained in S. 2455, it is the view of the Commission in its letter to the chairman of the Judiciary Committee that it can live with this provision. And the importance of increasing the funding of the Commission mandates passage of S. 2455. The U.S. Commission on Civil Rights deserves the strong support of the Congress.

Mr. **RAILSBACK.** Mr. Speaker, in the Civil Rights Act of 1957, Congress established the Commission on Civil Rights. Among other duties, it was given the responsibility to "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution."—Public Law 85-315, title I, section 104(a)(3).

The Commission has issued over 40 major reports and studies with recommendations for legislative and administrative action in the field of civil rights. The Commission has been of significant help to the Nation in terms of helping us to understand the nature of civil rights problems and in developing legislation on the subject.

The present Chairman of the Commission is Father Theodore M. Hesburgh, president of Notre Dame University, who was appointed by President Eisenhower in 1957 and has served the Commission these many eventful years.

I have observed the activities of the Commission and have seen the great benefit of their assistance in helping prepare legislation handled by the Judiciary Committee. In these days of increased awareness of and attention to the equal protection of the laws, it is comforting to have available an independent, rational, and respected agency objectively reviewing and reporting on such matters.

The legislation before us today is identical to that which was debated and passed by the Senate earlier this year. It provides an annual increase of $750,000 but this will only bring the Commission back to its 1968 operating level. Since 1967 the Commission has operated under an authorization of $2,650,000 and as a result has had to absorb Federal pay increases and other increased costs without a corresponding increase in its operating budget. An itemized list of these increased costs can be found at page 4 of the Judiciary Committee report—House Report 91-1339.

The bill also provides an increase in the allowable per diem for its members and consultants to bring them into line with the standard ceiling of $100 per day now current throughout the Government.

Finally, the bill includes an amendment which was offered in the Senate by Senator McCLELLAN and was adopted by a vote of 44 to 40. The amendment provides simply that the Commission must include in any report the verified answer of any person whom the report tends to defame, degrade, or incriminate.

I support the bill before us and I support the Commission on Civil Rights and I hope that this body will once again express its support.

Mr. **CONYERS.** Mr. Speaker, I view the authorization of appropriations for the Civil Rights Commission with a sense of urgency not primarily predicated on the financial needs of the Commission, but rather, founded in the realization that this Commission, although often praised as the Government's chief defender of individual rights, has actually been powerless to bring about substantive changes in the racist attitudes that continue to prevail in America. Granted, since its inception in 1957, the Civil Rights Commission has spearheaded the American public's increased sensitivity to issues involving discrimination during the past decade, and its reports have been instrumental in assuring the passage of the enlightened civil rights legislation of that era. But, it has been seriously curtailed in its attempts to fulfill its potential as a protector of all the civil rights, as evidenced by its lack of inquiry into social problems, particularly concerning our military and prison systems, which are in need of immediate reform.

In racism we have a social ill that has driven this country to violent confrontation time and again. We have a problem that has alienated 25 million black people to the extent that they now see themselves as men and women without a country. While the total frustration of American blacks and other minority group members becomes more evident every day, and while the extent of racism in America is revealed more fully every day, we in Congress have evidently decreed that in 1968 racism reached its highest peak. We still stubbornly adhere to the belief that investigation of this increasingly volatile social evil need not extend beyond the levels established 2 years ago. Through such decisions, Congress has successfully restricted and stymied the only Commission responsible for the alleviation of this problem to the extent that the Civil Rights Commission has now been relegated to a position of near utter futility.

In carrying out these policies, we should examine what statement Congress has consequently made regarding its conception of the Nation's No. 1 domestic problem. Note that we have evidently relegated the problem of racism to a position far below that of the preservation of birds and wildlife. For in 1970, Congress allocated $7.5 million to the Migratory Bird Conservation Account for the purpose of investigating and purchasing wildlife preservation and protection sites. An additional $6 million in stamp revenues was also made available to this account. Compare this total of $13.5 million with that of the Civil Rights Commission's budget request of $3,400,000. The Migrant Bird Conservation Account had a staff of 205 permanent employees available to research the approximately 320 wildlife refuges in existence, while the Civil Rights Commission had only 142 people at its disposal to insure the civil rights of 200 million American citizens. I, too, believe in the care of our natural habitat, but not at the sacrifice of adequate protection of the rights of the public. For if our Government wishes to emphasize one aspect of our society over another, I would hope that emphasis would be placed on the side of human dignity.

I would have Congress reexamine its priorities with the intent of placing an end to racism at the head of its list. I support S. 2455 but out of a sense of resignation. If we need a Civil Rights Commission in 1970, then it ought to have no restrictions on its budget, personnel, investigative scope, or term of existence. Therefore, I am forced to conclude that

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Congress insistence on retraining its restraints on the Civil Rights Commission is indicative once more of its habit of not accompanying lofty platitudes about equality with suitably lofty appropriations.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from New York (Mr. CELLER) that the House suspend the rules and pass the bill S. 2455.

The question was taken.

Mr. RARICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 272, nays 59, not voting 103, as follows:

[Roll No. 349]

YEAS—272

Adair
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashley
Ayres
Beall, Md.
Betts
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey
Carney
Carter
Casey
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clausen, Don H.
Clay
Cleveland
Cohelan
Collier
Collins, Ill.
Conable
Conte
Conyers
Corbett
Corman
Cowger
Culver
Cunningham
Daddario
Daniels, N.J.
Davis, Wis.
Denney
Dennis
Derwinski
Diggs
Dingell
Donohue
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Forsythe
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Galifianakis
Garmatz
Gaydos
Gibbons
Gilbert
Gonzalez
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kyl
Kyros
Latta
Leggett
Lloyd
Long, Md.
Lowenstein
Lujan
McCarthy
McCloskey
McCulloch
McEwen
McFall
Madden
Mailliard
Marsh
Martin
Mathias
Matsunaga
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Ohio
Minish
Mink
Mize
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Perkins
Philbin
Pickle
Pike
Pirnie
Poff
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Rees
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Robison
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ryan
St Germain
Saylor
Schadeberg
Scheuer
Schneebeli
Schwengel
Sebelius
Shipley
Shriver
Sisk
Slack
Smith, Calif.
Smith, Iowa
Snyder
Stafford
Staggers
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taft
Talcott
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Ware
Watts
Welcker
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—59

Andrews, Ala.
Baring
Belcher
Bennett
Bevill
Blackburn
Brinkley
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Caffery
Chappell
Cramer
Daniel, Va.
Davis, Ga.
Dickinson
Dorn
Edwards, Ala.
Edwards, La.
Fisher
Flynt
Fountain
Fuqua
Gettys
Griffin
Gross
Hagan
Haley
Hall
Hammerschmidt
Jonas
Jones, N.C.
Lennon
Long, La.
McMillan
Mizell
Nichols
O'Konski
Passman
Rarick
Roberts
Rogers, Fla.
Rousselot
Ruth
Satterfield
Scherle
Schmitz
Scott
Sikes
Stephens
Stuckey
Taylor
Teague, Tex.
Thompson, Ga.
Waggonner
Watson
Whitten

NOT VOTING—103

Abbitt
Abernethy
Adams
Anderson, Ill.
Annunzio
Ashbrook
Aspinall
Barrett
Bell, Calif.
Berry
Biaggi
Blatnik
Brown, Mich.
Brown, Ohio
Button
Camp
Clark
Clawson, Del
Collins, Tex.
Colmer
Coughlin
Crane
de la Garza
Delaney
Dellenback
Dent
Devine
Dowdy
Edmondson
Eilberg
Fallon
Farbstein
Feighan
Flood
Flowers
Fulton, Tenn.
Gallagher
Giaimo
Goldwater
Goodling
Gray
Green, Oreg.
Halpern
Hansen, Wash.
Harsha
Hastings
Hays
Hébert
Henderson
Hosmer
Jones, Ala.
Jones, Tenn.
Karth
Kuykendall
Landgrebe
Landrum
Langen
Lukens
McClory
McClure
McDade
McDonald, Mich.
McKneally
Macdonald, Mass.
MacGregor
Mahon
Mann
May
Mayne
Miller, Calif.
Mills
Minshall
Montgomery
Murphy, Ill.
Obey
O'Neal, Ga.
Patman
Pepper
Pettis
Poage
Podell
Powell
Price, Tex.
Purcell
Railsback
Reid, N.Y.
Rivers
Rodino
Roe
Roudebush
Ruppe
Sandman
Skubitz
Smith, N.Y.
Springer
Stanton
Teague, Calif.
Thomson, Wis.
Whalley
Wilson, Bob
Wold
Young

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Abbitt.
Mr. Annunzio with Mr. Anderson of Illinois.
Mr. Miller of California with Mr. Del Clawson.
Mr. Dent with Mr. Button.
Mr. Eilberg with Mr. Coughlin.
Mr. Fulton of Tennessee with Mr. Ashbrook.
Mr. Hays with Mr. Dellenback.
Mr. Pepper with Mr. Camp.
Mr. O'Neal of Georgia with Mr. Berry.
Mr. Montgomery with Mr. Crane.
Mr. Abernethy with Mr. MacGregor.
Mr. Aspinall with Mr. Devine.
Mr. Murphy of Illinois with Mr. Bell of California.
Mr. Delaney with Mr. Halpern.
Mr. Dowdy with Mr. Goodling.
Mr. Podell with Mr. Brown of Michigan.
Mr. Rivers with Mr. Kuykendall.
Mr. Purcell with Mr. Brown of Ohio.
Mr. Giaimo with Mr. Harsha.
Mrs. Hansen of Washington with Mr. Goldwater.
Mr. Patman with Mr. Hastings.
Mr. Mills with Mr. McKneally.
Mr. Jones of Alabama with Mr. Landgrebe.
Mr. Jones of Tennessee with Mr. Hosmer.
Mr. Biaggi with Mr. Langen.
Mr. Adams with Mr. Lukens.
Mr. Blatnik with Mr. McClory.
Mr. Fallon with Mr. McDade.
Mr. Feighan with Mr. McClure.
Mr. Gallagher with Mr. McDonald of Michigan.
Mrs. Green of Oregon with Mrs. May.
Mr. Mann with Mr. Mayne.
Mr. Macdonald of Massachusetts with Mr. Minshall.
Mr. Landrum with Mr. Price of Texas.
Mr. Roe with Mr. Pettis.
Mr. de la Garza with Mr. Railsback.
Mr. Gray with Mr. Springer.
Mr. Obey with Mr. Collins.
Mr. Clark with Mr. Skubitz.
Mr. Barrett with Mr. Reid of New York.
Mr. Henderson with Mr. Wold.
Mr. Karth with Mr. Stanton.
Mr. Mahon with Mr. Teague of California.
Mr. Colmer with Mr. Roudebush.
Mr. Edmondson with Mr. Smith of New York.
Mr. Flood with Mr. Thomson of Wisconsin.
Mr. Farbstein with Mr. Ruppe.
Mr. Rodino with Mr. Sandman.
Mr. Flowers with Mr. Whalley.

Mr. THOMPSON of Georgia changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

FOURTH ANNUAL REPORT OF THE NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–407)

The SPEAKER (Mr. ALBERT) laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, without objection, was referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

I herewith transmit the Fourth Annual Report of the National Advisory Council on Extension and Continuing Education.

This Council, established under Public Law 89–329, is required to report annually on the administration and effectiveness of the Community Service and Continuing Education Programs under

Title I of the Higher Education Act and of all federally supported extension and continuing education programs.

Although the Council's report expresses its concern over the fact that the Administration did not request any funds for the Title I program in its fiscal year 1971 budget submission, I believe it should be made clear that there is no dispute about the purpose of the program. This Administration shares the objective of solving community problems by employing the resources of our institutions of higher education.

However, there is a question as to whether the Title I program, as presently constituted, provides the most effective vehicle for achieving this purpose.

This Administration is committed to curbing the proliferation of Federal grant programs. Only through such actions can we assure that the citizens of this country actually receive the benefits promised—but too often not delivered—by our present array of Federal programs of financial assistance.

In my March 19 Message on Higher Education, I proposed to apply this principle to community services and university extension programs. I noted that "the time has come for the Federal Government to help academic communities to pursue excellence and reform in fields of their own choosing . . . and by means of their own choice."

Accordingly, I proposed that Congress establish a National Foundation for Higher Education. This Federal agency would provide funds for institutions of higher education to assist them in encouraging reform and innovation, and thereby aid them in responding more effectively to their internal and external missions.

My legislative proposal would give the Foundation authority for support of activities to achieve the purposes of the present Title I program. I believe the Foundation offers a new, creative and more promising means of developing effective programs to solve community problems than does the existing Title I program.

RICHARD NIXON.

THE WHITE HOUSE, *November 16, 1970.*

EDUCATIONAL ASSISTANCE TO WIVES AND CHILDREN, AND HOME LOAN BENEFITS TO WIVES, OF MEMBERS OF ARMED FORCES MISSING IN ACTION, CAPTURED BY A HOSTILE FORCE, OR INTERNED BY A FOREIGN GOVERNMENT OR POWER

Mr. BROWN of California. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3785) to amend title 38, United States Code, to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power, as amended.

The Clerk read as follows:

S. 3785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1701 (a) (1) of title 38, United States Code, is amended by—

(1) striking out the word "or" at the end of subclause (i) of clause (A);

(2) inserting "or" after the comma at the end of subclause (ii) of clause (A);

(3) inserting a new subclause (iii) at the end of clause (A) to read as follows:

"(iii) at the time of application for benefits under this chapter is a member of the Armed Forces serving on active duty listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (A) missing in action, (B) captured in line of duty by a hostile force, or (C) forcibly detained or interned in line of duty by a foreign government or power,";

(4) striking out the word "or" at the end of clause "(B)";

(5) redesignating clause "(C)" as clause "(D)"; and

(6) inserting a new clause "(C)" to read as follows:

"(C) the wife of any member of the Armed Forces serving on active duty who, at the time of application for benefits under this chapter is listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (i) missing in action (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power, or".

SEC. 2. Section 1711(b) of title 38, United States Code, is amended by—

(1) striking out the word "or" at the end of paragraph (1);

(2) redesignating paragraph "(2)" as paragraph "(3); and

(3) inserting a new paragraph (2) to read as follows:

"(2) the parent or spouse from whom eligibility is derived based upon the provisions of section 1701(a)(1)(A)(iii) or 1701(a)(1)(C) of this title is no longer listed in one of the categories specified therein, or"; and

(4) striking out "1701(a)(1)(C)" in redesignated paragraph (3) and inserting in lieu thereof "1701(a)(1)(D)".

SEC. 3 Section 1712 of title 38, United States Code, is amended by—

(1) striking out "1701(a)(1) (B) or (C)" in subsection (b) and inserting in lieu thereof "1701(a)

"(f) No person made eligible by section 1701(a)(1)(C) of this title may be afforded educational assistance under this chapter beyond eight years after the date on which her spouse was listed by the Secretary concerned in one of the categories referred to in such section or the date of enactment of this subsection, whichever last occurs.

"(g) Any entitlement used by any eligible person as a result of eligibility under the provisions of section 1701(a)(1)(A)(iii) or 1701(a)(1)(C) of this title shall be deducted from any entitlement to which he may subsequently become entitled under the provisions of this chapter."

SEC. 4. Section 1720(b) of title 38, United States Code, is amended by striking out "section 1701(a)(1)(B) or (C)" and inserting in lieu thereof "section 1701(a)(1)(B), (C), or (D)".

SEC. 5. (a) Section 1801(a) of title 38, United States Code, is amended by adding a new paragraph as follows:

"(3) the term 'veteran' also includes, for purposes of home loans, the wife of any member of the Armed Forces serving on active duty who is listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (A) missing in action, (B) captured in line of duty by a hostile force, or (C) forcibly detained or interned in line of duty by a foreign government or power. The active duty of her husband shall be deemed to have been active by such wife for the purposes of this chapter. The loan eligibility of such wife under this paragraph shall be limited to one loan guaranteed or made for the acquisition of a home, and entitlement to such loan shall terminate automatically, if not used, upon receipt by such wife of official notice that her husband is no longer listed in one of the categories specified in the first sentence of this paragraph."

(b) Section 1802 of such title is amended by adding at the end thereof a new subsection as follows:

"(g) A veteran's entitlement under this chapter shall not be reduced by any entitlement used by his wife which was based upon the provisions of paragraph (3) of section 1801(a) of this title."

SEC. 6. Section 1681(b)(2) of title 38, United States Code, is amended by inserting immediately after "degree" the following: "(excluding programs of apprenticeship and programs of other on-job training authorized by section 1683 of this title)."

SEC. 7. Section 1683(b) of title 38, United States Code, is amended by—

(1) striking out "(b)" and inserting in lieu thereof "(b)(1)'; and

(2) adding a new paragraph (2) to read as follows:

"(2) In any month in which an eligible veteran pursuing a program of apprenticeship or a program of other on-job training fails to complete one hundred and twenty hours of training in such month, the monthly training assistance allowance set forth in subsection (b)(1) of this section shall be reduced proportionately in the proportion that the number of hours worked bears to one hundred and twenty hours rounded off to the nearest eight hours."

SEC. 8. Section 1684(a) of title 38, United States Code, is amended by—

(1) striking out "and" after the semicolon in clause (3);

(2) striking out the period at the end of clause (4) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof a new clause (5) to read as follows:

"(5) a program of apprenticeship or a program of other on-job training shall be considered a full-time program when the eligible veteran is required to work the number of hours constituting the standard workweek of the training establishment, but a workweek of less than thirty hours shall not be considered to constitute full-time training unless a lesser number of hours has been established as the standard workweek for the particular establishment through bona fide collective bargaining."

SEC. 9. Paragraph (1) of section 1682(c) of title 38, United States Code, is amended by inserting immediately before the last sentence thereof the following: "The term 'established charge' as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency."

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BROWN of California. Mr. Speaker, I am handling this legislation today due to the fact that the distinguished and able chairman of the committee on Veterans' Affairs, the gentleman from Texas (Mr. TEAGUE), is in the hospital undergoing certain tests which we hope will soon be completed and will permit him to resume his normal activities at an early date and to continue the role of leadership which he has always exercised in this body. I am sure that all of us who know about Mr. TEAGUE's illness wish him a full and prompt recovery, so we may have the pleasure of his insight, ability and friendship once more here in the House.

The first five sections of this bill provide for education and training assistance and home loan benefits to the wives and children of Armed Forces personnel who are missing in action, captured by a hostile force, or detained or interned by a foreign government or power. The home loan benefits would be both guaranteed and direct. These first five sections are identical in purpose as passed by the Senate on September 25, 1970.

The total number of dependents of those missing in action is approximately 1,842. Statistics on this matter are shown in the table which follows:

ARMED SERVICES MEMBERS AND THEIR DEPENDENTS WHO ARE ELIGIBLE FOR VETERANS BENEFITS UNDER S. 3785 AS OF SEPT. 14, 1970

Service	Missing in action	Captured	Detained or interned	Total
Air Force	543	231	3	777
Army	266	58	0	324
Marines	93	22	0	115
Navy	111	144	1	256
Total	1,013	455	4	1,472
Wives of members:				
Air Force	412	196	3	611
Army	113	20	0	133
Marines	42	12	0	54
Navy	76	99	1	176
Total wives	643	327	4	974
Children of members:				
Air Force	877	379	10	1,266
Army	122	38	0	160
Marines	82	26	0	108
Navy	118	232	1	351
Total children	1,199	675	11	1,885
Total dependents	1,842	1,002	15	2,859

The monthly educational benefits to which these wives and children would be entitled are those currently set forth in section 1732 of title 38, United States Code, as follows: institutional training: $175 per month if pursued on a full-time basis; $128 per month if pursued on a three-quarter-time basis; and $81 per month if pursued on a half-time basis. If pursued on a less than half-time basis, the rate would be computed at the rate of the established charges for tuition and fees which the institution requires other individuals enrolled in the same program to pay, or $175 per month for a full-time course, whichever is the lesser. Cooperative training: $141 per month.

This bill would authorize 36 calendar months of educational assistance with training to be completed within 8 years upon the passage of this act.

Home loans may be guaranteed up to 60 percent of the amount of the loan, but not more than $12,500. Direct loans may be made, within limits of available funds, by the Veterans' Administration for the purchase, construction or repair of housing in certain areas where GI loans from private lenders are not available—maximum loan generally, $17,500, but may be as much as $25,000 where the Administrator finds need due to higher housing costs. The current rate of interest on such loans is 8½ percent.

Sections 6, 7, and 8, introduced as H.R. 17960, exclude apprenticeship and on-the-job training from absence counting provisions for courses leading to college degrees; establishes 120 hours per month as full-time attendance for such training with proration of training allowance based upon said 120 hours; and would adopt the number of hours of the standard workweek of the training establishment as constituting a full-time program of apprenticeship or on-job training.

Section 9, which originated as H.R. 17887, would redefine "established charge" for computing educational allowance for correspondence courses by using as a basis for the charge the institution's lowest extended time payment plan as approved by the State approving agency rather than the charge before addition of interest as now defined in VA regulations.

The cost of this legislation the first year is estimated at $6,300,000;

Sections 1 to 5, $500,000 each year;

Sections 6, 7, and 8 are set at $1,200,000 the first year rising to $2.8 million the fifth year;

Section 9 is estimated to cost $4,100,000 plus $500,000 for general operating expenses and a benefit cost rising to $9 million in 1972.

Hearings were held on S. 3785 and related bills by the Subcommittee on Education and Training on September 29 and September 30, 1970.

Mr. Speaker, many, if not most, of the Members of Congress have expressed their deep concern over the plight of those brave American servicemen who are missing in action or held as prisoners of war in Vietnam. While the action we take on this bill today will not relieve their tragic plight, I and the members of the Committee on Veterans' Affairs feel privileged to be able to favorably report a piece of legislation which will provide direct, immediate and important benefits to the wives and children of these brave men.

I yield to the distinguished gentleman from West Virginia (Mr. HECHLER) who has demonstrated his own concern for the problems of the POWs by sponsoring legislation similar to the bill we are considering today, H.R. 19613.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from West Virginia, Mr. HECHLER, who is a cosponsor of a bill having similar provisions to the bill which we are considering. I know the gentleman has been very interested in the problems of the wives and dependents of prisoners of war, and he has demonstrated this by his keen interest in this legislation.

Mr. HECHLER of West Virginia. Mr. Speaker, I commend the gentleman from California (Mr. BROWN) for bringing this bill to the attention of the House.

Mr. Speaker, I trust this bill will receive the widespread and overwhelming support of the Members. I have long been working for measures to assist American prisoners of war, those missing in action, and their wives and families. I have introduced H.R. 19613, which embodies the provisions of the pending legislation which extend GI bill assistance in education and home loan benefits to the wives and families of prisoners of war and those missing in action in Vietnam.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, at what point would the benefits set forth under this bill end?

Mr. BROWN of California. They would end as far as the individual recipient is concerned as soon as the missing husband returns to status under the control of the U.S. Armed Forces.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. SAYLOR. Mr. Speaker, I rise in support of S. 3785. This bill will authorize educational benefits for wives and children of service personnel who for at least 90 days have been missing in action or prisoners of war. It will also provide home loan benefits for this group of wives.

These benefits are similar to those already provided for widows and children of service-connected deceased veterans and wives and children of service-connected totally disabled veterans. The bill authorizes 36 months of educational assistance at $175 per month for full-time education or training. Home loans up to 60 percent of the amount of the loan up to a maximum of $12,500 may be guaranteed.

At the present time, there are about 1,700 U.S. servicemen listed as missing in action, captured, or interred in Southeast Asia. Hopefully, all of these men are alive. Should this be the case, of course, these benefits will terminate. Simple equity, Mr. Speaker, dictates that these benefits should be extended to these dependents who have courageously waited for some word as to whether their husbands and fathers are dead or alive.

The bill also contains provisions that relate to the existing educational benefit program. One provision will revise the measurement of full-time training for apprenticeship or other on-job training. At the present time, payments of educational allowances are not authorized for any day of absence in excess of 30 days in a 12-month period. Under the provisions of this bill, the number of hours recognized as constituting full-time training for apprenticeship or on-job training shall be the standard workweek of the training establishment, but not less than 30 hours, unless a lesser number is established through collective bargaining. However, 120 hours per month that are creditable toward the requirements of the trainee's occupational objective shall be considered full-time training for payment purposes.

Training on the job is subject to the

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peculiarities of the individual establishment. There may be periods during a month when full utilization of the work force is not had, and other months when the normal work hours are exceeded. The reduction of the standard measurement of full-time apprenticeship training would permit allowances to be made for absences because of illness, weather, job conditions and other types of reduced operations. The trainee's normal progression is not adversely affected by these changes. The recognition of 120 hours as the standard monthly requirement would protect the veteran against loss of his monthly educational allowance when the establishment may be required to deviate from a higher standard workweek.

Finally, the bill will revise the present method of computing educational assistance allowances in the case of courses pursued exclusively by correspondence. Under existing law and regulation, the term "established charge" is defined as the established charge paid by nonveteran trainees before the addition of interest, or the actual cost to the veteran, whichever is lesser.

Tuition for correspondence courses is generally made either by a total lump sum payment in advance or by a downpayment with the balance payable in monthly installments. If the veteran is unable to make the lump sum payment in advance, his course of study then costs considerably more than his Veterans' Administration allowance, because the interest charges on the installment contract have not been taken into account. The bill now being considered will define "established charge" as the charge for the course determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State Approving Agency.

The principal thrust of this legislation, Mr. Speaker, is to provide a measure of assistance to the wives and children of men who are prisoners of war or are listed as missing in action. The amendments that have been added by our committee are designed to perfect the provisions of existing law. It is good legislation and I urge that it be passed.

Mr. BROOMFIELD. Mr. Speaker, the plight of our soldiers held prisoner by the North Vietnamese and the Vietcong should be of the utmost concern to all Americans. Yet, I have noticed over the past month a considerable slackening of attention on the part of citizens and legislators alike to the tragic conditions of their imprisonment. I must urge once again, Mr. Speaker, that our commitment to these brave soldiers be continually strengthened and reaffirmed.

Futile our efforts must seem in the face of the enemy's silent intransigence. Time and again, they have refused to acknowledge that our soldiers are beaten and tortured, that they are denied mail, that they are denied the barest of medical services. Time and again they have ignored the requests of humane organizations to inspect their prison facilities. Time and again they have refused to recognize the conventions of international law.

Our efforts have been substantial; our frustration has been great. I can understand the Americans who have given up hope; I cannot forgive them. It is all too easy for us to despair: to say, "Yes, this is a great problem, but there is nothing we can do about it." It is all too easy for us to leave the wives and families of these men to fight alone for their freedom.

One way we can reaffirm our commitment to the captured American soldiers is by insuring the well-being of their families. The anxiety of the wives and children of these servicemen must be awful to bear, for they cannot know whether they are widows or wives, sons or orphans.

The bill before us today would ease the situation of these families by authorizing educational assistance and home loan benefits to the wives and children of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government. Previous law guaranteed educations to the children of deceased servicemen; educations they would have received had the serviceman survived. This bill would grant educational assistance and home loan benefits in cases where it has not yet been established that the serviceman is deceased or disabled and, therefore, unable to provide for his wife and children. The brave families of these soldiers deserve no less.

We must learn a lesson in courage from these men and their families, for neither have given up in the face of seemingly hopeless odds. This is the mark of a great nation just as it is the mark of a fine people: a willingness to take on the most difficult challenge. Are we too proud, too sophisticated, too hardened to scrape for even the slightest improvement, and hope for even the faintest chance of success? I think not. I believe the Republic has strengths we have not yet tapped.

Mr. Speaker, our obligation is to these fine men imprisoned in North Vietnam; we cannot leave them for lost; we cannot desert them or their families in their time of greatest need. I strongly recommend passage of this bill.

Mr. DORN. Mr. Speaker, I want to join with my distinguished and illustrious colleague, the gentleman from California (Mr. BROWN) in urging passage of this vital piece of legislation.

As the chairman of the Subcommittee on Education and Training of the Committee on Veterans' Affairs, the gentleman from California acted very promptly after the Senate passed this bill on September 25. His subcommittee was convened for the purpose of hearings on this and similar legislation 4 days thereafter. The subcommittee subsequently reported unanimously this bill and the full committee unanimously reported the bill on October 14.

We have heard much in recent months and, in fact, recent years about the plight of the wives and children of the individuals who are interned in North Vietnam. I know of no right thinking American who is not concerned about their situation and who wishes with all the strength at his command that it could be corrected, and at once. This legislation, however, is a substantial action which will permit a wife and children to get an education under the terms of the veterans assistance program, similar to the GI bill which has educated millions of veterans of World War II and Korea. It also authorizes home loan benefits to wives and childen of members of the Armed Forces who are missing in action on the same basis as veterans today. While there are comparatively few individuals involved, this will be of great assistance to all those coming within the purview of this act.

It is indeed important, Mr. Speaker, that the last legislative action that the gentleman from California will take before his retirement from Congress is to handle this important and valuable piece of legislation. It is a fitting climax to an important career and we shall miss the gentleman from California and his wise counsel in the field of veterans affairs. He has always conducted his hearings with the utmost fairness and has been diligent and persistent in safeguarding the veterans' interest and the dependent's interest. Anyone who has served with the gentleman wishes him extremely well.

Mr. Speaker, there has been some question raised by the Veterans' Administration about section 9 of S. 3785 as presented to the House today, and I think that the record should be very clear on this point.

The amendment added by section 9 clarifies the method for reimbursing veterans for correspondence courses. During the World War II and Korea programs, veterans were reimbursed on the basis of the established charge of the school which was interpreted to be the lowest extended time payment plan offered by the institution. The Veterans' Administration changed this provision about 2 years ago and now reimburses on the basis of the cash payment price even though less than 5 percent of the veterans actually obtaining correspondence courses make advance cash payment.

The Veterans' Administration took this action on the basis that it could not pay interest charges. Eighteen States have truth and lending laws and carrying charges for time payment plans are called interest under these laws. However, the Bureau of Internal Revenue has not recognized these charges as interest. Regardless of how they are treated, it is a charge that the veteran must pay as a part of the course, and this amendment insures that the veteran will be reimbursed for the cost of the course based on the lowest extended time payment plan.

Mr. HALPERN. Mr. Speaker, the tragic situation of the Americans missing or held prisoner in Southeast Asia and the unfortunate position of their families has been brought to the attention of this body on numerous occasions. Many of us have urged that North Vietnam think of the anguish of the families here in the United States and reconsider their refusal to provide any information about the men they hold. It would be a welcome gesture of humanity and good faith for Hanoi to give the wives and mothers of these men the simple knowledge of whether or not their sons and husbands are alive or dead. In the present circumstances, these women and

XUM

their children are unable to make plans for their future, but must wait day after day as the whim of Hanoi baits them into desperate action in the hope of learning about their men. Thus we saw many women traveling to Paris last year in the futile hope that Hanoi would give them promised information; others went to Laos, Moscow, and Sweden, also with the false lure of possible knowledge to be gained. But travel was in vain, and once again they are in the hopeless limbo of not knowing whether they are wives or widows, and with no imminent hope of learning the answer.

Mr. Speaker, this Congress, at least, can take action to ease their plight somewhat. We can supplement our speeches of sympathy by removing some of the legal restrictions placed on them in this country, making it possible for them to gain the benefits and legal rights to which they should be entitled. A significant step in this direction would be the passage of S. 3785.

At the present time, many families are unable to obtain Government loans because in cases where there is no evidence of death, the signatures of both parties are required. This restriction applies to the wives of those men missing in Southeast Asia, even though such men were lost in the course of Government service. Today, the children of missing men do not even qualify for educational benefits under the War Orphans Act, again because there is no evidence of death of the father. But some of these men have been missing for as long as 6 years, and their children may have reached the age when they desperately need such benefits in order to afford a college education. The major provisions of S. 3785 would remove these injustices by giving the families of men who have been missing for a year or more the same rights as widows or orphans. Thus they would be able to buy homes with Government loans and would be able to proceed with their education in a normal manner despite their unfortunate plight. It seems woefully unfair to force these families, who must constantly endure the mental anguish of not knowing the fate of their men, to undergo additional hardships imposed by unintentionally unjust laws, particularly when some of the missing men are undoubtedly dead or disabled.

Mr. Speaker, there is little enough that we can do to comfort these families. Hanoi appears as yet unshaken in its intransigence, unmoved by our numerous pleas and by those of leaders around the world. This bill passed the Senate on September 25, and I urge immediate passage in this body as well. Let the families know that we are sincere in our promises to do all we can to aid them and to lighten their burdens.

Mr. AYRES. Mr. Speaker, I rise in support of S. 3785. This bill, extending as it does education and home loan benefits to wives of prisoners of war and those servicemen who are missing in action and educational benefits to the children of these unfortunate servicemen, is long overdue.

The Congress, of course, has already made these benefits available to the widows and children of men who were killed in action and to the wives and children of those who were totally disabled from service-connected causes. It appears to be a logical move to extend these benefits to this deserving group of women and children who have for several years been uncertain of the fate of their husbands and fathers. The benefit, of course, would be terminated upon the release from captivity of the servicemen.

Mr. Speaker, as a member of the Education Subcommittee of the Committee on Veterans' Affairs, I am pleased to have participated in the committee's deliberations on this important subject. The bill has merit and I shall vote for it. I urge my colleagues to do the same.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of S. 3785. This bill will authorize educational benefits for the wives of children of servicemen who have been prisoners of war or missing in action for a period of 90 days or more. The bill will also extend the home loan benefits of the GI bill to the wives of these servicemen.

Mr. Speaker, I can well appreciate the plight of these wives. Many of their husbands have been missing or captured for more than 3 years, in some cases more than 4 years. This is longer than any U.S. serviceman was held prisoner during World War II. Despite the efforts of our Government and international agencies and the wives themselves, the North Vietnamese Government has refused to provide information on these persons whom they hold as prisoners. The uncertainty of the fate of their husbands for such a long period is a form of mental torture. Yet, these women carry on bravely, raising their families despite the uncertainties that the future holds for them.

In providing educational benefits for this deserving group, we are not only recognizing their painful struggle, but we are providing the means for continuing their education so that they will be better equipped to share the economic burden of raising a family alone.

Mr. Speaker, this bill is long overdue and I urge that it be passed.

Mr. BROYHILL of North Carolina. Mr. Speaker, I would like to recommend the passage today of S. 3785, to provide GI bill benefits to families of servicemen who are missing in action or prisoners of war in Vietnam. This measure, which has already been passed by the Senate, would extend both educational and home-loan benefits to these families who are bearing such a great burden of uncertainty.

The present program of educational benefits for children and wives of deceased or totally disabled veterans would be extended to include children and wives of men listed as missing in action or presumed to be prisoners of war. In addition, the bill would provide eligibility for both direct and guaranteed home loans for their wives.

In my view, this is a most worthwhile extension of these present programs. It is only right that families of men who are missing in action or prisoners of war should be accorded the same benefits under the law as families of veterans who have sacrificed their lives or suffered permanent and total disabilities in the service of their country.

Our Government is pursuing every possible course to obtain humane treatment and release of our servicemen being held as prisoners of war. In the meantime, however, we should take this action to provide direct benefits to their wives and children to assist with educational and housing expenses. This is the least that we owe these brave American families.

Mr. MINISH. Mr. Speaker, it is estimated that the total number of dependents of servicemen missing, captured, or interned totaled 2,959 in mid-September. These families, who are experiencing the suffering and problems relating to the loss of their fathers and husbands are entitled to the strong support of the Congress. S. 3785 goes in this direction by providing education and training assistance as well as home loan benefits to these families.

Congress has already provided educational opportunities for those children whose education would be impeded or interrupted by the death of a parent as well as disease or injury incurred during our wars. S. 3785 would create a new basis on which to grant educational assistance, and one that is obviously necessary. While missing and interned servicemen cannot provide for their children, nonetheless since the veteran is not deceased or disabled, his children do not qualify under existing law.

Moreover, in the absence of the husband, the wife is required to assume the position as head of the family. If training is required in order to qualify the mother for a second career, she is entitled to training benefits which would be accorded her under S. 3785.

Under section 2 of the bill, home loan benefits would be granted wives of servicemen missing in action for more than 1 year, prisoners of war, or detained by a foreign government. Under existing law, the wives of these servicemen would have no eligibility in their own right, and they are in an uncertain position since their husband's indefinite status could continue for several more years.

I believe that there is little enough that we can do to assist families of servicemen who are missing or captured. It is my hope that we will soon return POW's to their families, so that they can once again lead normal familial lives.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from California (Mr. BROWN) that the House suspend the rules and pass the bill S. 3785, as amended.

The question was taken.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there

were—yeas 331, nays 0, not voting 103, as follows:

[Roll No. 350]

YEAS—331

Adair
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Ayres
Baring
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carney
Carter
Casey
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clay
Cleveland
Cohelan
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corbett
Corman
Cowger
Cramer
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Denney
Dennis
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Forsythe
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Gonzalez
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
McCarthy
McCloskey
McCulloch
McEwen
McFall
McMillan
Madden
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Ohio
Minish
Mink
Mize
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara
O'Konski
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poff
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Rees
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Ruth
Ryan
St Germain
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Snyder
Stafford
Staggers
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—103

Abbitt
Abernethy
Adams
Anderson, Ill.
Annunzio
Ashbrook
Aspinall
Barrett
Bell, Calif.
Berry
Biaggi
Blatnik
Brown, Mich.
Brown, Ohio
Button
Camp
Carey
Celler
Clark
Clawson, Del
Colmer
Coughlin
Crane
Daddario
de la Garza
Delaney
Dellenback
Dent
Devine
Dowdy
Edmondson
Eilberg
Evans, Colo.
Fallon
Farbstein
Feighan
Flowers
Fountain
Fulton, Tenn.
Gallagher
Giaimo
Gilbert
Goldwater
Goodling
Gray
Green, Oreg.
Halpern
Hansen, Wash.
Harsha
Hays
Hébert
Henderson
Hosmer
Jones, Ala.
Jones, Tenn.
Karth
Landgrebe
Landrum
Langen
Lukens
McClory
McClure
McDade
McDonald, Mich.
McKneally
Macdonald, Mass.
MacGregor
Mann
May
Mayne
Miller, Calif.
Mills
Minshall
Montgomery
Murphy, Ill.
Obey
Olsen
O'Neal, Ga.
Pettis
Poage
Podell
Powell
Price, Tex.
Railsback
Reid, N.Y.
Rivers
Rodino
Roe
Roudebush
Ruppe
Sandman
Skubitz
Smith, N.Y.
Springer
Stanton
Teague, Calif.
Thomson, Wis.
Ware
Whalley
Wiggins
Wilson, Bob
Wold

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bob Wilson.

Mr. Annunzio with Mr. Anderson of Illinois.

Mr. Miller of California with Mr. Del Clawson.

Mr. Dent with Mr. Button.

Mr. Eilberg with Mr. Coughlin.

Mr. Fulton of Tennessee with Mr. Ashbrook.

Mr. Hays with Mr. Dellenback.

Mr. Celler with Mr. Camp.

Mr. O'Neal of Georgia with Mr. Berry.

Mr. Montgomery with Mr. Crane.

Mr. Abernethy with Mr. MacGregor.

Mr. Aspinall with Mr. Devine.

Mr. Murphy of Illinois with Mr. Bell of California.

Mr. Delaney with Mr. Halpern.

Mr. Dowdy with Mr. Goodling.

Mr. Podell with Mr. Brown of Michigan.

Mr. Rivers with Mr. King.

Mr. Clark with Mr. Brown of Ohio.

Mr. Giaimo with Mr. Harsha.

Mrs. Hansen of Washington with Mr. Goldwater.

Mr. Carey with Mr. Reid of New York.

Mr. Mills with Mr. McKneally.

Mr. Jones of Alabama with Mr. Landgrebe.

Mr. Jones of Tennessee with Mr. Hosmer.

Mr. Biaggi with Mr. Langen.

Mr. Adams with Mr. Lukens.

Mr. Blatnik with Mr. McClory.

Mr. Fallon with Mr. McDade.

Mr. Feighan with Mr. McClure.

Mr. Gallagher with Mr. McDonald of Michigan.

Mrs. Green of Oregon with Mrs. May.

Mr. Mann with Mr. Mayne.

Mr. Macdonald of Massachusetts with Mr. Minshall.

Mr. Landrum with Mr. Price of Texas.

Mr. Roe with Mr. Pettis.

Mr. de la Garza with Mr. Railsback.

Mr. Barrett with Mr. Wiggins.

Mr. Colmer with Mr. Roudebush.

Mr. Daddario with Mr. Stanton.

Mr. Karth with Mr. Wold.

Mr. Henderson with Mr. Skubitz.

Mr. Obey with Mr. Whalley.

Mr. Edmondson with Mr. Thomson of Wisconsin.

Mr. Fountain with Mr. Teague of Colorado.

Mr. Rodino with Mr. Sandman.

Mr. Flowers with Mr. Ruppe.

Mr. Olsen with Mr. Smith of New York.

Mr. Abbitt with Mr. Springer.

Mr. Evans of Colorado with Mr. Gilbert.

Mr. Farbstein with Mr. Powell.

Mr. HAGAN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "An act to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government of power; and to further amend certain educational section of title 38, United States Code."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT AS MEMBERS OF COMMISSION ON MARIHUANA AND DRUG ABUSE

The SPEAKER. Pursuant to the provisions of section 601(a), Public Law 91-513, the Chair appoints as members of the Commission on Marihuana and Drug Abuse the following members on the part of the House: Mr. ROGERS of Florida and Mr. CARTER of Kentucky.

FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19318) to amend the Public Health Service Act to expand, improve, and better coordinate the family planning services and population research activities of the Federal Government, and for other purposes, as amended.

The Clerk read as follows:

H.R. 19318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Family Planning Services and Population Research Act of 1970".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act—

(1) to assist in making comprehensive voluntary family planning services readily available to all persons desiring such services;

(2) to coordinate domestic population and family planning research with the present and future needs of family planning programs;

(3) to improve administrative and operational supervision of domestic family planning services and of population research programs related to such services;

(4) to enable public and nonprofit private entities to plan and develop comprehensive programs of family planning services;

(5) to develop and make readily available information (including educational materials) on family planning and population growth to all persons desiring such information;

(6) to evaluate and improve the effectiveness of family planning service programs and of population research;

(7) to assist in providing trained manpower needed to effectively carry out programs of population research and family planning services; and

(8) to establish an Office of Population Affairs in the Department of Health, Education, and Welfare as a primary focus within the Federal Government on matters pertaining to population research and family planning, through which the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") shall carry out the purposes of this Act.

OFFICE OF POPULATION AFFAIRS

SEC. 3. (a) There is established within the Department of Health, Education, and Welfare an Office of Population Affairs to be directed by a Deputy Assistant Secretary for Population Affairs under the direct supervision of the Assistant Secretary for Health and Scientific Affairs. The Deputy Assistant Secretary for Population Affairs shall be appointed by the Secretary.

(b) The Secretary is authorized to provide the Office of Population Affairs with such full-time professional and clerical staff and with the services of such consultants as may be necessary for it to carry out its duties and functions.

FUNCTIONS OF THE DEPUTY ASSISTANT SECRETARY FOR POPULATION AFFAIRS

SEC. 4. The Secretary shall utilize the Deputy Assistant Secretary for Population Affairs—

(1) to administer all Federal laws for which the Secretary has administrative responsibility and which provide for or authorize the making of grants or contracts related to population research and family planning programs;

(2) to administer and be responsible for all population and family planning research carried on directly by the Department of Health, Education, and Welfare or supported by the Department through grants to, or contracts with, entities and individuals;

(3) to act as a clearinghouse for information pertaining to domestic and international population research and family planning programs for use by all interested persons and public and private entities;

(4) to provide a liaison with the activities carried on by other agencies and instrumentalities of the Federal Government relating to population research and family planning;

(5) to provide or support training for necessary manpower for domestic programs of population research and family planning programs of service and research; and

(6) to coordinate and be responsible for the evaluation of the other Department of Health, Education, and Welfare programs related to population research and family planning and to make periodic recommendations to the Secretary.

PLANS AND REPORTS

SEC. 5. (a) Not later than six months after the date of enactment of this Act the Secretary shall make a report to the Congress setting forth a plan, to be carried out over a period of five years, for extension of family planning services to all persons desiring such services, for family planning and population research programs, for training of necessary manpower for the programs authorized by title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, and for carrying out the other purposes set forth in this Act.

(b) Such a plan shall, at a minimum, indicate on a phased basis—

(1) the number of individuals to be served by family planning programs under title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

(2) an estimate of the costs and personnel requirements needed to meet these objectives; and

(3) the steps to be taken to establish a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

(c) On or before January 1, 1972, and on or before each January 1 thereafter for a period of five years, the Secretary shall submit to the Congress a report which shall—

(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan;

(2) indicate steps being taken to achieve the objective during the remaining fiscal years of the plan and any revisions necessary to meet these objectives; and

(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 6. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to IX" and inserting in lieu thereof "Titles I to X".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title X (as in effect prior to the enactment of this Act) as title XI, and by renumbering sections 1001 through 1014 (as in effect prior to the enactment of this Act), and references thereto, as sections 1101 through 1114, respectively.

(c) The Public Health Service Act (42 U.S.C., ch. 6A) is further amended by adding after title IX the following new title:

"TITLE X—POPULATION RESEARCH AND VOLUNTARY FAMILY PLANNING PROGRAMS

"PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES

"SEC. 1001. (a) The Secretary is authorized to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects.

"(b) In making grants and contracts under this section the Secretary shall take into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance.

"(c) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1971; $40,000,000 for the fiscal year ending June 30, 1972; and $60,000,000 for the fiscal year ending June 30, 1973.

"FORMULAS GRANTS TO STATES FOR FAMILY PLANNING SERVICES

"SEC. 1002. (a) The Secretary is authorized to make grants, from allotments made under subsection (b), to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services. No grant may be made to a State health authority under this section unless such authority has submitted, and had approved by the Secretary, a State plan for a coordinated and comprehensive program of family planning services.

"(b) The sums appropriated to carry out the provisions of this section shall be allotted to the States by the Secretary on the basis of the population and the financial need of the respective States.

"(c) For the purposes of this section, the term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the District of Columbia, and the Trust Territory of the Pacific Islands.

"(d) For the purpose of making grants under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971; $15,000,000 for the fiscal year ending June 30, 1972; and $20,000,000 for the fiscal year ending June 30, 1973.

"TRAINING GRANTS AND CONTRACTS

"SEC. 1003. (a) The Secretary is authorized to enter into grants to public or nonprofit private entities and to make contracts with public or private entities and individuals to provide the training for personnel to carry out family planning service programs described in section 1001 or 1002.

"(b) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971; $3,000,000 for the fiscal year ending June 30, 1972; and $4,000,000 for the fiscal year ending June 30, 1973.

"RESEARCH GRANTS AND CONTRACTS

"SEC. 1004. (a) In order to promote research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population, the Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals for projects for research and research training in such fields.

"(b) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1971; $30,000,000 for the fiscal year ending June 30, 1972; and $40,000,000 for the fiscal year ending June 30, 1973.

"INFORMATIONAL AND EDUCATIONAL MATERIALS

"SEC. 1005. (a) The Secretary is authorized to make grants to public or nonprofit private entitites and to enter into contracts with public or private entities and individuals to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

"(b) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending June 30, 1972; and $1,250,000 for the fiscal year ending June 30, 1973.

"REGULATIONS AND PAYMENTS

"SEC. 1006. (a) Grants and contracts made under this title shall be made in accordance with such regulations as the Secretary may promulgate.

"(b) Grants under this title shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grants will be effectively utilized for the purposes for which made.

"(c) A grant may be made or contract entered into under section 1001 or 1002 for a family planning service project or program only upon assurances satisfactory to the Secretary that—

"(1) priority will be given in such project or program to the furnishing of such services to persons from low-income families; and

"(2) no charge will be made in such project or program for services provided to any person from a low-income family except to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charge.

For purposes of this subsection, the term 'low-income family' shall be defined by the Secretary in accordance with such criteria as he may prescribe.

"VOLUNTARY PARTICIPATION

"SEC. 1007. The acceptance by any individual of family planning services or family planning or population growth information (including educational materials) provided through financial assistance under this title (whether by grant or contract) shall be voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program of the entity or individual that provided such service or information.

"PROHIBITION OF ABORTION

"SEC. 1008. None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning."

The SPEAKER. Is a second demanded?

Mr. NELSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. Speaker, H.R. 19318 establishes a 3-year program which has as its primary purpose making family planning services available to low-income families.

First, Mr. Speaker, let me describe what the bill will do. Under the bill, the Secretary of Health, Education, and Welfare would—

First, enter into agreements with public and nonprofit private entities to assist in the establishment of voluntary family planning projects;

Second, make formula grants to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services;

Third, enter into agreements providing for the training of personnel for providing family planning services;

Fourth, enter into agreements for research and research training relating to family planning and population; and

Fifth, enter into agreement to assist in developing and making available family planning and population growth information.

For these purposes, the legislation would authorize the appropriation of $267 million.

In addition, the legislation would establish an Office of Population Affairs in the Department of Health, Education, and Welfare. The Office would be directed by a Deputy Assistant Secretary of Population Affairs appointed by the Secretary of Health, Education, and Welfare. This Deputy Assistant Secretary would be responsible for carrying the Secretary's duties relating to family planning and population research. He would, in other words, coordinate the family planning activities of the Department.

There are in America today about 5.3 million women of childbearing age, that is, between 18 and 44 years of age, whose family income is so low that they cannot afford to obtain nonsubsidized family planning services. As I said earlier, the primary purpose of H.R 19318 is to make family planning services available to all of these women so that they can determine the size of their families and intervals between the birth of their children.

It is estimated that there are between 750,000 and 1 million unwanted births in the United States each year and about half of these occur in low-income families.

Stated another way, 42 percent of all births to the poor are unwanted. There is no measure for the anguish and suffering that these unwanted children experience themselves and impose on their mothers and other members of their families. We do know, however, that high fertility, high infant and maternal mortality and high rates of prematurity are closely related and that prematurity in turn is closely related to brain damage and mental retardation in infants. It is only possible to speculate what these unwanted births cost us.

Mr. Speaker, we cannot afford not to pass this legislation.

Mr. Speaker, let me say also that this legislation does not provide for abortions, contrary to some of the rumors apparently circulating concerning it. It is supported by the administration. In fact, family planning legislation is a part of the President's legislative program. The family planning services under the legislation would be available on a voluntary basis and no person would be required or coerced into receiving them.

I might also say that the bill carries the name of our distinguished colleague from Kentucky, Dr. CARTER, a medical doctor, who is a member of our committee. I believe associated with him are most of the members of our Subcommittee on Public Health and Welfare.

Mr. Speaker, this bill was reported unanimously to the full committee and, after adopting one substantive amendment in the full committee, it was reported unanimously to the House by the full committee.

In the committee's bill we omitted the provisions for the construction and operation of population research centers which were in the Senate-passed bill, which was passed sometime previously. The administration objected to these provisions and we did not believe they were necessary.

So, Mr. Speaker, the committee in its wisdom thought this was a good bill. The bill was reported out of the subcommittee unanimously and was reported out of the full committee unanimously. Therefore, we recommend its passage to the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I would be happy to yield to the gentleman from Iowa.

Mr. GROSS. What is the total cost of this bill with all of its ramifications over the period of time which it would be in effect?

Mr. STAGGERS. $267 million over a 3-year period.

Mr. GROSS. Over a 3-year period?

Mr. STAGGERS. Yes, sir.

Mr. GROSS. It does provide for some additional bureaucracy, does it not?

Mr. STAGGERS. No; it does not. We say that these efforts should be coordinated under a Deputy Assistant Secretary for Population.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, is the gentleman saying that there will not be a new Deputy Assistant Secretary for Population Affairs?

Mr. STAGGERS. No; I did not mean to say that. Such a position and organization has already been established in the Department of Health, Education, and Welfare.

Mr. GROSS. I thank the gentleman for yielding.

Mr. NELSEN. Mr. Speaker, I yield 7 minutes to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, the Family Planning Services and Population Research Act of 1970 is greatly needed. Estimates have been made by reliable authorities that by the year 2000 our population in the United States will reach 300 million. It is entirely possible that productivity in a nation even as wealthy as ours may not rise sufficiently to properly feed, clothe, and care for this gigantic increase. The quality of life could well be diminished.

Section 1001 of the present bill which we are considering, offers financial assistance to public and private nonpublic organizations to assist in the establishment and operation of voluntary family planning projects.

At the present time, 5 million medically indigent women could use subsidized family planning services if available. Now, only one in four receives such assistance.

In families having more than four children, there is a great increase—45 percent—of infant deaths, and a larger proportion of infants born mentally retarded. Hence, we see the necessity in preventing infant deaths and mental retardation, by reduction of family size.

Section 1002 provides grants to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services. As in the previous section, assistance goes down to the very poor who are in greatest need.

Section 1003 provides for grants and contracts to train personnel in provision of family planning services. Such training would include advice on the use of intrauterine devices and biologicals for contraception.

Section 1004 provides for research in population and family planning and to provide training of individuals to carry out research. Our present methods of contraception, while quite effective, have

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not always proven 100 percent safe. Many women cannot tolerate intrauterine devices. Without doubt, there are some side effects from the pill. Better methods of contraception must be established. Therefore, research is necessary.

Section 1005 authorizes the Secretary to make grants, to make available family planning and population growth information and educational materials to all persons desiring such information.

Under section 1006 family planning service programs and projects providing service to low-income families are to be given priority, and assurances are to be made that no charge will be made.

Section 1007 states that participation will be voluntary and that no Federal benefits will be withheld as a requirement for participating in family planning programs.

Section 1008 provides that none of the funds appropriated under this title shall be used in programs where abortion is a method of family planning. I am pleased with this provision, for I am unalterably opposed to abortions except in cases of rape, incest, or to preserve the life of the mother.

It is my feeling that this is a good bill. So many times have I seen indigent, malnourished, weakened mothers burdened by unwanted pregnancies. I have seen many women debilitated by numerous pregnancies. It is my opinion that if this bill is passed and wisely administered, healthier children will be born into happier families, and that the quality of life will continue to be improved. I strongly urge passage of this bill.

Mr. TAFT. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Ohio.

Mr. TAFT. Mr. Speaker, as one of the early sponsors of the Family Planning Services and Population Research Act, I have been particularly interested in the progress of this legislation. In the past few months, I have been impressed by the growing list of distinguished Members from both parties who have given it their support. I have also been very pleased to note that the administration has strongly supported this measure and has given it priority status. To me, this is truly one of the two or three most important pieces of legislation that the House will consider this year. I am, therefore, pleased and delighted to have the opportunity today to urge the passage of H.R. 19318.

It is impossible to review the work of the Republican Task Force on Earth Resources and Population without being impressed with the urgent need to expand domestic family planning services and to greatly increase our commitment to research. The expert testimony presented to the Congress by national leaders in this field documents the paucity, the inadequacy of our current efforts. Their proposals are clear, well-reasoned, and utterly convincing.

With this legislation, we will be authorizing the expenditure of $267 million over the next 3 years. This may be short of what is needed but it is a considerable amount of money, and we have the clear responsibility to see that it is wisely spent. That is why H.R. 19318 provides for a statutory reorganization of HEW's family planning activities. Late last year, the Secretary of HEW established, by administrative order, the Office of Population Affairs and gave the Deputy Assistant Secretary for Population Affairs full line authority over both service and research programs. This was a step in the right direction and one long overdue. This bill will assure that this structure has formal, legal status regardless of the internal policies of future administrations or of the vagaries of the Department's internal politics.

Under this legislation the Deputy Assistant Secretary for Population will have a statutory mandate to coordinate the Department's various related population research and family planning program activities. This will not, as the record of the Department proves, be an easy task, but the effectiveness of the program, and its accountability, will clearly be enhanced by the formal authority that we are providing. I would like to emphasize that the important, relatively long-range research activities are complementary and quite directly related to the family planning services programs authorized under the grant features of the bill. We must do all we can to promote meaningful interaction between these major elements. The goals and humane benefits of the legislation are far too important to be frustrated by an ineffective administrative structure.

Finally, I would simply say that with the passage of H.R. 19318 we will have taken a major step toward meeting on a voluntary basis the family planning needs of the 5.4 million lower income American families which President Nixon identified in his historic message of July 1969. In addition, with the funds that we have allocated for population research we have also created the realistic hope that effective, safe, and inexpensive population control methods will become available to all the people of the world.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I note a statement that is quite interesting in the report at the top of page 9:

> In his inaugural address President Lyndon B. Johnson stated:
>
> I will seek new ways to use our knowledge to help deal with the explosion in world population and the growing scarcity in world resources.
>
> His concern with this problem continued to grow throughout his administration.

Does the gentleman from Kentucky have any idea as to why Lyndon Johnson did not follow this up? That statement was made in his inaugural address in the year 1963 or 1964, and a lot of time elapsed before he left office. Was this too politically hot for Lyndon, or what was the reason, does the gentleman know?

Mr. CARTER. I cannot read what was in our past President's mind. I do not know why it was not followed through. I do know that I have supported family planning ever since I have been a Member here, and certainly I think that what he had in his mind was good, because it was the truth.

Mr. GROSS. Well, he kept it in his mind, did he not?

Mr. CARTER. Not entirely. I believe the gentleman read his expression as he stated it.

Mr. GROSS. I thank the gentleman for yielding.

Mr. CARTER. Mr. Speaker, I yield back the balance of my time.

Mr. NELSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Speaker, I urge my colleagues to give favorable consideration to H.R. 19318, the Family Planning Services and Population Research Act of 1970.

The administration is on record as favoring this legislation and the President has publicly expressed concern over the ever growing threat of overpopulation.

As a member of the Task Force on Earth Resources and Population, I have studied the population growth problem for the past 2 years. Through our research and the testimony of experts who have appeared at our hearings, the members of the task force have been convinced of the monumental and devastating effects of our current rate of population growth.

Environmental protection and the alleviation of pollution demand immedate attention.

The population growth problem interrelates with the crises of population, poverty, and overcrowding. In the light of this impending disaster, and the knowledge of the many unwanted pregnancies, the need for better family planning services is acutely obvious.

Scientific studies have shown that voluntary family planning programs are the most cost-effective way to reduce maternal death from unspaced pregnancies and the incidence of mental retardation traceable to premature birth. They also have a demonstrably beneficial effect on families struggling to escape poverty.

The bill before us today is expected to provide subsidized family planning services to more than 5 million women in this country now estimated to be unable to afford them. It is designed to make comprehensive, voluntary family planning services, and information relating thereto, readily available to all persons in the United States desiring such services; to provide greatly increased support for biomedical, behavioral, and operational research relevant to family planning and population; to develop and disseminate information on population growth; and to coordinate and centralize the administration of family planning and population research programs conducted by the Department of Health, Education, and Welfare.

In December 1969 the task force published a report on family planning, entitled "Federal Government Family Planning Programs: Domestic and International," which was a result of our research into this problem. My cosponsorship of H.R. 19318 is a consequence of the recommendations made in this report.

Mr. Speaker, I feel that the necessity for passage of H.R. 19318 is obvious. Rhetoric is fine, but it is now time to take action. I urge my colleagues to consider the urgency of our population growth problem and then to support this measure fully.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from California (Mr. Hawkins).

Mr. HAWKINS. Mr. Speaker, I am pleased to have the opportunity to speak in behalf of the Family Planning Services and Population Research Act, which I joined in sponsoring well over a year ago.

I think the benefits—economic, health, and personal—of family planning are well documented. One fifth of all American children are living in poverty. Almost half of all families with six or more children live in poverty. Three of every eight babies born in this country are born to poor women.

If further figures are needed to demonstrate the direct relationship between family size and poverty, Mr. Speaker, I can cite them but I think the point is clear. If we are to make any progress in abolishing poverty in this country, we must have effective, voluntary birth control programs—adequately funded and efficiently administered.

It is true—the poor have more children. By age 27, more than half of all poor women already have the three-child family they want. But 17 childbearing years still lie ahead. One in five poor women has four children before the age of 30—compared to one of 28 among the nonpoor. The reasons are simple:

The poor do not have private physicians as their middle-class neighbors do to prescribe safe and effective birth control devices.

State and local institutions where the poor get what medical care is available to them do not provide birth control services. Two-thirds of local health departments and four-fifths of hospitals with large-scale maternity services offer no birth control services.

Planned Parenthood and other private organizations that have attempted to serve the poor are not large enough to meet the demand.

Federal programs in this field have been late in starting, inadequately funded, and ineffectively administered.

There are 8 million poor women of childbearing age in this country. Studies indicate that over 5 million of these women want but are unable to afford birth control services.

Poor women do want to be able to limit their families. Every study has shown that poor women want families of the same size as middle-class women. A recent study by Dr. Charles Westoff showed that while 15 percent of births to nonpoor couples in the period 1960–65 were unwanted, nearly 40 percent of births to poor couples were unwanted. The proportion of unwanted births is twice as high among women with less than a high school education as among women who have attended college.

Family planning programs throughout the country have proved that the poor not only want birth control but will use it effectively and that fertility will be reduced when services are available. In California, the Los Angeles Regional Family Planning Council has brought together 14 agencies to provide these services. Utilizing grants from OEO and HEW they expect to serve 47,000 women this year.

This kind of adequate family planning program can be an important factor in reducing our scandalously high infant mortality rate. The United States has more cars and more televisions than any other nation but we tolerate an infant mortality rate that places us behind 14 other nations. Adequate family planning programs could reduce the excess infant mortality rate substantially.

Dr. Joseph Beasley, director of Louisiana Family Planning, Inc., told the House Commerce Committee of the results of studies done by this group before they began their family planning project. They found that 26 percent of the women, aged 15 to 44, in the lower socioeconomic group in New Orleans accounted for 56 percent of the live births in that city. And this same group contributed 72 percent of still births, 80 percent of maternal deaths, and 68 percent of infant deaths. Mr. Speaker, some opponents of family planning have called it genocide. I cannot think of any more effective means of genocide than continuation of such drastically high infant and maternal mortality rates. HEW studies indicate that for every 500,000 poor women who have three or more children, birth control services would prevent over 2,000 infant deaths.

The legislation which I sponsored would have provided a total of 550 million over 5 years for family planning services. That amount was based on the recommendations of many experts, including President Johnson's Committee on Population and Family Planning, and, when added to the present small programs being carried on by HEW and OEO, would have made it possible to help most of the women in need. The Commerce Committee has reduced both the time and the funds in this bill. I believe that is false economy. I especially cannot square it with the large amounts we are spending for the development of a supersonic transport plane. It is my understanding that funds available through other family planning programs will not be reduced—that these funds will be added to those—but I still believe we need the larger amounts contained in the original House legislation and that passed by the Senate.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from New York (Mr. Scheuer).

Mr. SCHEUER. Mr. Speaker, this is one of the great moments of my life—and I think a great one for the people of the United States. The Interstate and Foreign Commerce Committee has performed brilliantly and the Nation owes it and its distinguished chairman a debt of gratitude. I want to express my thanks to the very able and distinguished chairman and also to many others who have contributed so much to this legislation. The gentleman from Oklahoma (Mr. Jarman), the gentleman from Florida (Mr. Rogers), the gentleman from Kentucky (Dr. Carter) and the gentleman from California (Mr. Moss) deserve our particular thanks for their truly outstanding efforts.

This legislation gives meaningful substance to the idea that access to effective medical family planning services is a basic human right that should not be conditioned by economic status. Enactment of H.R. 19318 means that this country will finally have established a goal-oriented family planning policy that includes both the actual provision of medical contraceptive services and a complementary coordinated and comprehensive contraceptive research program. In addition, HEW is given an administrative structure that can provide effective centralized direction and coordination of the various components of the Nation's greatly expanded family planning programs.

I have been vitally interested in the family planning needs of this country since my earliest days in the Congress. In 1966, I sponsored legislation to repeal the antique and unbelievable Comstock law which prohibits the shipment of contraceptive devices and information. In 1967, I led the House fight in the successful effort to establish an OEO family planning program. That year, I might add, was a rather momentous one for family planning, for it saw the publication of the HEW-sponsored Harkavy report. This brilliant report, which was highly critical of HEW's family planning policy and program performance, made a number of recommendations.

Those of us who were interested in the problem began to consider what sort of action would be required to implement the report's recommendations. In testimony before Senator Gruening's committee in November 1967, I said:

> There are lessons we can learn from the Harkavy report. I think we can draw some conclusions from the record of the pusillanimous and faint-hearted administration that HEW has given these programs.

The following spring I began a series of meetings with some of the foremost experts in the family planning field. These meetings, several of which were held at my home, were instrumental in shaping the bill, H.R. 11550, which Congressman George Bush and I introduced on May 21, 1969. This bill, like the Senate version which Senator Joseph Tydings introduced, was known as the Family Planning and Population Act of 1969. House hearings were held in August of this year, and the bill we are considering today is a modification of that basic legislation.

There is nothing particularly complex about the Family Planning Services and Population Research Act. Its family planning grant provisions will enlarge and supplement existing medical family planning grant programs. Similarly, the existing contraceptive and behavioral

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research programs, which have been so tragically neglected, will receive increased support. Even the organizational requirements of this legislation, which HEW has resisted, will do little more than give statutory authority to an administrative reorganization that has already been accomplished.

At this point, I think it is important to discuss HEW's role in meeting its family planning responsibilities and its attitude toward this legislation. HEW now supports the bill, but this is a fairly recent development. Quite frankly, HEW support has developed because the Congress has forced the Department to face its responsibilities.

I would remind you that it is the Congress that has consistently led the way in lifting the curtain of controversy from family planning; it is the Congress which is responsible for the basic family planning and population research programs that we now have.

But the record of HEW in administering these programs up to very recent times has been simply appalling. Year after year various Secretaries of Health, Education, and Welfare have come before the Congress and maintained that they were doing just fine but would need "just 1 more year" to really get their family planning programs organized. They were adamant in their opposition to the original version of this legislation which called for the creation of a single agency combining the various family planning service and research programs in HEW under one accountable official. A Senate compromise produced the organizational provisions of H.R. 19318 and HEW appeared satisfied.

However, in hailing the passage of this legislation, I must express a note of caution. The HEW bureaucrats have proven to be masters at frustrating congressional mandates. Success will depend on a number of things.

First, the Department must understand that family planning is a matter of urgent priority, basic to the health and welfare of the American people.

Second, all the funds authorized for service and research must be allocated and effectively spent as soon as possible. The Department must understand that the funds authorized in H.R. 19318 supplement existing programs and that it has the continuing responsibility to work for the expansion of those existing service and research programs.

Third, there must be real coordination between the service and research programs at every level. Leadership must also be exerted to bring the welfare segments of HEW into the total national family planning effort.

These are fairly simple requirements. But history teaches us that we will be very disappointed if we expect HEW automatically to move to do these things which are essential to a truly effective goal-oriented family planning effort. Although statutory status is given to the Office of Population Affairs and a legislative mandate provided for the Deputy Assistant for Population Affairs to administer all major family planning programs, this office and this man, regardless of individual qualifications, are still a part of the incredible HEW bureaucratic structure. Thus, it will be necessary for the Congress to continuously exercise the maximum degree of legislative review and moral leadership. Without this kind of vigorous congressional oversight, we will continue to hear the same excuses the executive branch has offered for the past 5 years. We must make it very clear that we will be watching closely and that the Nation demands action.

When I look back over the years of my involvement in the efforts to produce this bill. I feel a genuine sense of satisfaction and accomplishment. This bill is not perfect and is not the total answer to the Nation's family planning needs, but I know that with its passage we will have achieved one of the great victories in the fight to promote the health and strength of the American family.

Mr. NELSEN. Mr. Speaker, I yield such time as he may desire to the gentleman from Texas (Mr. BUSH).

Mr. BUSH. Mr. Speaker, if we are to look to the future of this country and this world with hope and optimism, we simply must find effective methods to meet the demands of urbanization and technology. These are problems that require today's solutions. Of course, we cannot blame population growth for all the ills of our society—which is becoming a popular position—but, we do need public awareness that birth control is basic health care for the benefit of both parent and child. In addition, we must address ourselves to the fact that there are still vast numbers of Americans who are unfamiliar with even the most essential understanding of this potentially dangerous population growth rate and do not have access to even minimal health care facilities.

At the same time, there must exist a great sensitivity to these problems which cannot be provided by the Federal Government. The Government can provide leadership and direction, but should never be put in the position of having to enact controls of population as a result of public ignorance and indifference.

When the Honorable JAMES H. SCHEUER and I began soliciting sponsors for the Family Planning Services and Population Research Act approximately 2 years ago, we were amazed by the response—96 cosponsors. This was unparalleled in the history of family planning legislation. Congress had, at last, begun to recognize that population is a problem that must be reckoned with.

A month or so after the bill was introduced, the House Republican Conference established a task force on earth resources and population and I was named its chairman. One of the objectives of the task force has been to help Members of Congress become more aware of the tremendous problems increasing populations can present and to define the limits of governmental authority. Over these 2 years, our task force has held extensive hearings into the interrelated problems of population growth, depleting natural resources and environmental degradation. We heard testimony from numerous experts in the field of family planning—distinguished demographers, medical scientists and high-level Government officials. Every witness emphasized the need for legislation of the nature of H.R. 19318—legislation that is careful, as is this bill, to respect the consciences of people of all faiths and does not seek to coerce any persons into any position contrary to their religious faith.

So, today, Mr. Speaker, I want to commend the House Interstate and Foreign Commerce Committee for bringing this important legislation to the floor of the House. Without it our efforts to improve the quality of life for all Americans would be stymied. I sincerely believe that the positive accomplishments of this bill are significant steps in the right direction. If low-income families—and this legislation specifies a priority for low-income families—want assistance in planning their family size, then this authorization should permit expenditures for maternity care, delivery, and infant care to insure the health of wanted children. Let us not discount any health care services that can benefit low-income families.

The Family Planning and Population Research Act of 1970 is a desirable piece of legislation. The need for providing fertility control information and birth control devices to both men and women who desire these services but cannot afford them through private physicians—or do not find them available through public health facilities—is well established and fairly well recognized.

What is not well recognized are the broad implications of family planning services. This legislation authorizes over a quarter of a billion dollars. Is this money limited to fertility control and birth control clinics, or can it be utilized to provide a broad range of maternal and child-health care services to all members of a family?

The necessity of this legislation arises from the lack of attention and funding in the past given to fertility control in providing health care to the poor. But, let us not make the same mistake in reverse. Let us not allow the programers to be so carried away with birth control that other services are neglected. Let us be sure that family planning services include at a minimum complete yearly physical examinations for all members of the family. Where other health care money is lacking or where other medical services are inadequate to handle patient referrals as in many of our rural areas, let us leave no doubt that these services can be financed through this legislation where the Secretary of Health, Education, and Welfare feels it beneficial to the health and welfare of the recipients.

It should be made clear that swift passage of this legislation is a definite congressional mandate in support of family planning services for low-income families. It also should be made very clear that our swift passage of this legislation is not to be construed as an unwillingness to discuss birth control in these Chambers because in fact we have discussed this issue many times. Most important is that this legislation be recognized as an amendment to the Public Health Service Act and is a health-care service mechanism and not a population control mechanism. Let us be very clear about this.

Health care services to the poor have been grossly mismanaged in the past. Family planning programs administered by the Office of Economic Opportunity have proved to be in high demand among the poor. Let us learn to utilize this desire for medical attention and advice on family health care to build a sucessful formula for delivering health services to the poor. Family Planning, Inc., of Louisiana is a prime example of what can happen in improving health care delivery to the poor. Every State can benefit from Dr. Beasley's example to organize a system that works and that shows all indications of having a total welfare cost benefit to the taxpayer.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may require to the gentleman from Texas (Mr. PICKLE), a member of the committee.

Mr. PICKLE. Mr. Speaker, I rise in support of the Family Planning Services and Population Research Act. It is a much needed program and I commend the committee for bringing it to us at this time.

Mr. Speaker, once again the Congress has been called upon to look down the line and produce legislation which will greatly shape the future of this country and of the world. The call this time is to meet the problem of our fast-expanding population.

Population control is not an answer in itself. It is one means among many to a common goal—the goal of a better life for the inhabitants of this planet.

When we stop to think about it, we realize that an end to population growth probably is inevitable. Population theorists like to picture the day when there will be only 1 square foot of space, or less, for every person on this planet. But when we stop and think, we realize that this day may never come to pass. Somewhere along the way to that 1 square foot, the population growth will be stopped by hunger, or crime, or disease, or by all-out war.

When we stop to think about it, we realize, too, that we will have a hard enough time as it is—without vast increases in population. There is strong reason to believe that it may be less expensive on a per capita basis to slow down population growth than to shoulder the costs of a larger population as we clean up our air and water, as we rebuild our cities. Population stability, then, is a sound investment of the tax dollar.

The real question is not whether we will literally crowd ourselves off this planet, but whether we will create a planet we would wish we could be crowded off of. It is a question of how much pain we are willing to endure. It is a question of whether we will let present trends continue, or whether we will continue actively to seek to build a better life—as we have thus far in our long battle against disease, poverty, ignorance, and war itself.

So, I believe we should act. I believe we should take a stand in favor of stabilizing our population.

But, in moving to take this stand, we are all aware that the issue of population control is far more than an issue of biology. It is also an issue of political philosophy.

In accordance with this fact, I believe our efforts to slow population growth must center on two approaches: First, we must exhaust all possible voluntary means of stabilizing our population. The time for compulsion is not now—if ever; and second, we must increase our efforts to supply our people with the greatest range of alternative methods to keep their family size where they want it.

The United States has not had previous experience with attempts to slow the birth rate. We have no way of knowing whether voluntary incentives and public education will be sufficient or not. But to try this route first, with every ounce of energy we possess, is to go against our tradtional commitment to maximize individual freedom.

We are dealing not only with biology; we are dealing with peoples' consciences. And we must never forget this fact. To go against it would be to go against everything this country stands for, and quite possibly would be to render the whole issue of population stabilization politically unfeasible.

Given the urgency of the population problem, the temptation to use scare tactics and to trammel on the beliefs of others is easy to see. But scare tactics and disregarded beliefs box people into corners. Should we box a man into a corner where his conscience is concerned, I submit to you that we will lose him, where, if we had offered alternatives in keeping with his conscience, he would have joined the cause.

For this reason I strongly support both the guarantees that all participation in the family planning services be voluntary and the provision in the House version of this legislation that prevents this bill from being construed as support for abortion.

Given this approach, and given the urgency of the problem in a worldwide scope, the question must be asked, "Can we make it?"

We really do not know. But there are some hopeful trends. The concern is there, and it is growing. The wide range of support for the legislation now before us is testimony to that fact. If we ask why that concern is growing, then we will have the most hopeful answer we can now give—people do want to build a better life, for themselves and for their children—however few in number those may be.

Moreover, this country does not have a monopoly on that concern. Even Latin America, currently with the highest growth rate, there are signs of concern. In Bogata, Colombia, for instance, there is a new billboard which subtly advertises a service until recently unmentionable—family planning. An anonymous group of businessmen is sponsoring billboards which simply say "Another child? Think about it in time." Almost 25,000 Colombian women have been served by family planning centers monthly. In a country of 21,000,000 that is not too bad. Especially when you consider that in our own country more than 60 percent of all U.S. counties have no family planning programs of any kind, and just 4 percent of our counties account for 80 percent of all patients served.

The African leaders have voiced great concern over population problems when they have met in conferences together. These countries, just starting out on the road to industrial development, know that they do not stand a chance if every gain they make on the development side is wiped out by population growth.

Moreover, from what we can tell, there seems to be going on within the huge borders of Communist China, a great clash between the Maoists, who want to continue his belligerent ways, and the technocrats, who want to settle down and grow rice and begin to industrialize a now stagnated country. If the technocrats win, though they may just have to wait until Mao dies to do so, then I think we can be hopeful that population control will be a necessary ingredient of the technocrats' development plans.

Russia's population growth has already dropped considerably.

But whatever the rest of the world does, I think we must go on—stopping to help others where we can, but going on nevertheless—keeping within our traditions and our ideas as we do.

Mr. Speaker, I urge my colleagues to support the wise and farsighted legislation now pending before us.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. PREYER), a member of the subcommittee.

Mr. PREYER of North Carolina. Mr. Speaker, statesmen, scientists, theologians, legislators, and thoughtful men the world over agree that one of the two most pressing problems confronting mankind is the world's burgeoning population, and the threat of famine, pestilence, conflict, and repression that may be a consequence of an unbearably overcrowded world. The other, of course, is war.

In the quarter century since World War II, we, as a nation, have mobilized all of our economic and human resources to develop a defensive system capable of safeguarding our land and people, and of serving as a warning and deterrent to potential attackers. We are now the strongest nation on earth. While the world has been plagued in the past 25 years by local conflagrations, the ultimate holocaust has not enveloped us. Our strength was made possible by the efforts of an army of scientists mobilized by the Government to do long-range research in an astounding variety of scientific fields, research leading to the development of a system of defense that has made peace possible.

Are we prepared to expend similar resources, human and economic, to develop methods of fertility control that will help solve the other of our most pressing problems—runaway population growth? We must certainly answer yes, or be prepared to suffer the terrible consequences. That is why I urge my colleagues in Congress to vote for the Family Planning Services and Population Research Act—H.R. 19318—which, in addition to its other important components, includes a research section authorizing the expendi-

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ture of $90 million over a 3-year period for medical, contraceptive, behavioral, and program implementation research.

Let us take a look at where we are today and the directions in which we must move to enable mankind to develop perfect control over reproduction. The era of truly effective modern contraception began just a decade ago with the introduction of the oral steroids—the pills, and the plastic intrauterine device—IUD. Today, between 15 and 20 million women throughout the world use the pill—around 9 million in the United States—and about 6 million the IUD—1.5 million of them in the United States. However, as virtually everyone now knows, neither method is suitable for all women. Although the pill provides almost complete protection against pregnancy when used properly, it is associated with certain risks and side effects which limit its usefulness. Careful epidemiological studies in both England and the United States show there is an increased risk of thromboembolic disease associated with use of the pill, the incidence being from six to nine times that expected in women in the same age groups not taking the medication. These studies also show three women per 100,000 die of pulmonary embolisms resulting from pill use. Other side effects, less well understood and documented, have also been associated with steroidal contraception.

The IUD, while also proving highly effective, is not flawless. Sometimes it fails, and the pregnancy rates with the IUD in place run about two per 100 woman-years of exposure. Between 10 and 20 percent of women are unable to retain the device; sometimes it is unknowingly expelled and the woman is exposed to risk of pregnancy. A sizable percentage of women is unable to retain the device due to side effects such as bleeding, cramps and other pains. The result of expulsions and removals is that at the end of 1 year only 70 to 80 percent of women retain the device, and after 2 years only about 60 to 70 percent do so.

Clearly, then, neither of the most effective methods now known is good enough. Science must develop a method or methods that are entirely effective, 100 percent safe, reversible, easy to use, cheap and obtainable without a doctor's prescription since doctors are in short supply everywhere. Male as well as female methods should be developed.

What would it cost to develop new methods; how long would it take? What are the promising leads; what fundamental research is necessary? How can a crash program be organized, financed?

In the September 4 issue of Science, Carl Djerassi, professor of chemistry at Stanford University and president of Syntex Research, estimated that to develop a new female contraceptive would take around 15 years and cost between $7 million and $18 million, assuming that all the circumstances of research and testing were ideal. A considerable proportion of the time and money required, Professor Djerassi observes, is a consequence of the need to meet the stringent requirements established by the Food and Drug Administration to assure drug safety and efficacy. These time and cost figures also assume the availability in one organization of all the manpower, facilities, and logistic support required. The cost would, of course, be multiplied several times if these facilities and the required infrastructure had to be created from scratch. Dr. Djerassi estimates that pharmaceutical companies, heretofore the major developers of contraceptives, spent more than $100 million between 1965 and 1969 for research in reproductive physiology.

This is an enormous figure by any standards—

Writes the scientist—

> It is unrealistic to expect that larger sums or, in fact, even the same sum will be spent by the private sector in the future when the eventual recovery of such expenditures becomes more and more distant and problematical.

In contrast to the sums expended by the pharmaceutical companies, research supported by Government and private foundations together come to an aggregate of perhaps $35 million, according to Drs. Oscar Harkavy of the Ford Foundation and John Maier of the Rockefeller Foundation, writing in the June issue of Family Planning Perspectives. They note that the National Institute of Child Health of Human Development has budgeted only $15.6 million for population research projects of various kinds in fiscal year 1970, rising to a projected $28.4 million in fiscal year 1971. This is clearly not enough to even begin to solve one of mankind's most vexing problems.

Drs. Harkavy and Maier quote other expert estimates of the manpower and financial needs necessary to support a crash research program. For example, they agree that around 200 research groups, consisting of two senior scientists, three junior scientists and five technicians, should be working "on the fundamental and applied problems relevant to the various aspects of contraceptive development. This would require $60 million a year and would involve 400 senior scientists, 600 junior scientists and 1,000 technicians." However, they say, only about 50 such research groups are at work at the present time, in the whole world.

There are many promising leads for scientists to investigate, assuming adequate and long-term funding becomes available. Dr. Sheldon Segal, director of the Bio-Medical Division of the Population Council, enumerated some of these for members of the House Subcommittee on Public Health and Welfare. They include daily, weekly, or monthly pills for use by women, semipermanent under-the-skin implants for either men or women, pills to be taken intermittently by women on the basis of exposure, reversible methods of male sterilization, simplified procedures for female sterilization, greatly improved IUD's, and many other possibilities.

Dr. Segal explained:

> These are prospects based on the reality of early clinical experience, not the daydreams of a theoretical scientist.

Scientists estimate that they know about 10 percent of what there is to know about human reproduction. I was struck during the hearings we held on this legislation how often the scientific knowledge in this area was described as "primitive" or in the "horse-and-buggy stage." Dr. Andre Hellegers, professor of obstetrics and gynecology at Georgetown University, cited some of the elementary questions that go begging for answers before the House Committee on Interstate and Foreign Commerce last August 4. He asked: What governs ovulation? How long can an ovum survive? How long can a sperm survive? What governs how long a menstrual cycle lasts? What are the causes of infertility? How can it be treated? Little is now being done to answer such basic questions.

We are no further advanced in our knowledge of behavior relating to reproduction, Dr. Hellegers noted, asking what do we know about the following: What makes people want to have children? What makes them want how many? How many children do American families really want? Are two-child families in Los Angeles greater contributors to pollution than six-child families in Kenya? Why is it that one can be outside of Amsterdam or Rotterdam in the most densely populated country of Europe and yet see cows and pastures and feel at peace and yet, why is it so difficult to feel "in the country" along the eastern seaboard of the United States? What implication does this have for Government policy? Dr. Hellegers, a member of the Pope's Commission on Birth Control, concluded his testimony by characterizing the "present lack of research funding as downright immoral."

Although I am well aware of the fact that the research alone will not solve the population problem, I am convinced that without such research the job will be immeasurably more difficult—perhaps impossible. Every year's delay brings around 70 million more mouths to feed, bodies and minds to sustain. The problem becomes more and more intractable, the danger to all of us greater. When our astronauts stepped out on the moon they took a giant step for mankind. It is time for another giant step for mankind—a step that can be taken right here on earth and may even guarantee that there will be an earth for our descendents to walk upon freely a century hence.

One final comment. Too often those who press for family planning and population control appear to the public mind to have allowed their thinking to be completely dominated by the notion that somehow adequate policy in the realm is simply a reflection of more "science and technology" in the form of extensive public health measure with millions of contraceptive devices distributed all over the world. Thus they seem—rightly or wrongly—to give the impression that they are unaware of the fact that we all are talking about human beings. We must make it clear that whether we accept the Pope's conclusions or not we do understand what people like him are trying to say, and that is that the matter has to be seen in "human" and not only "scientific" and "organizational" terms. The population problem is not a problem of quantity at all but of quality—not of how many people but what kind of people, leading what kind of life.

Mr. NELSEN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. SCHMITZ).

Mr. SCHMITZ. Mr. Speaker, I rise in opposition to the Family Planning Act, H.R. 19318. There was a time when Americans made a joke about how all politicians could be counted on to be in favor of motherhood, because it was assumed that motherhood was one value and blessing which no one in his right mind could dispute.

Tragically for our country, those days are past. The familiar joke is not heard very much today. For motherhood is now under systematic, vehement and almost incessant attack. And I am waiting to see how many of my colleagues in this House, which represents the American people, will stand up with me today for motherhood and for human life, and against the "family planners" for whom motherhood is the enemy. The fact that no other member of the committee on which I serve, the committee which brings this bill before you, has been willing to do so, shows just how far we have come from the days when the creation of new human life in the mother's womb was held in universal honor.

We could make being for motherhood a joke when everyone was for it. But ceasing to be for motherhood is a different matter entirely. For motherhood is the channel for the transmission of human life. Without it, there is no future.

What the population planners never seem to remember is that population trends change, ebbing and flowing like the tide at different periods in history. You simply cannot take figures for a given brief period in the present and project them unchanged into the future with any significant probability of accuracy. In just the single decade of the 1960's, according to the preliminary returns from the 1970 census, we overestimated our population by no less than 5½ million people. Instead of the 205,700,000 Americans who had been projected—and ticked off on the famous population clock in the Department of Commerce—there were only 200,200,000.

If we can go 5½ million wrong in just 10 years—nearly 3 percent of our total population—what are we to think of projections now so blithely made for 30, 50, or 100 years in the future? Their appearance of precise statistical accuracy is pure sham.

What we now see is a steady reduction of the birth rate in America, going back to 1957. Accordingly to the report of the White House National Goals Research Staff, July 4, 1970, Figure 2–1, it has fallen from 3.8 births per mother in 1957 to less than 2.5 today. If this trend continues and is artificially accelerated by massive Government programs such as the bill before us would establish, we may well see not only an end to the "baby boom" of the early 1950's, but an actual population decline resulting from a growing and officially sponsored hostility to conception.

Such declines have occurred, seriously weakening or destroying the nations involved, without the benefit of modern contraceptive techniques and without official promotion, in many significant instances in history, ranging from the last years of the Western Roman Empire to 19th century France. It is noteworthy that Communist China, which has the largest population of any nation on earth and whose government certainly has the power to impose population control, has rejected this as a policy. The contraceptive mentality can mean national suicide.

The bill before us today, brought up under suspension of the rules on the very first day after a month-long recess, would commit the U.S. Government to the life prevention business at an initial cost of more than a quarter of a billion dollars. We all know from long experience with Federal programs how much this figure is certain to rise once the program is underway—with no end in sight.

The bill contains no restriction whatever on the age or the marital status of persons who may receive contraceptives paid for by the funds it appropriates. Dr. Alan F. Guttmacher, president of Planned Parenthood-World Population, admitted in testimony before the Interstate and Foreign Commerce Committee that his organization—which would in all likelihood receive substantial funding from the appropriations provided by this bill—now gives contraceptives to young teen-age children in family life classes in several large cities. Thus it is simple truth to say—unpalatable as a blunt statement of that truth may be—that in practice it will amount to officially condoning and sanctioning not only fornication, but statutory rape.

We are told that the bill is intended to prevent the birth of unwanted children. What makes a child unwanted? A paper by Arthur A. Campbell, Chief of the Natality Statistics Branch, National Center for Health Statistics, U.S. Public Health Service, included in the transcript of the committee hearings on this bill, may serve to put this talk of unwanted children in true perspective, and to give an idea of the price some Americans now put on human life:

> The prevention of 451,000 births would enable 135,000 women to work for four years. If they earned an average of only $2,000 annually (assuming that some work part-time and some work full-time), their earnings would total $8,000 each, or $7,260 when discounted to the first year at a rate of four percent. Since only 30 percent of the women are assumed to work, the additional earnings would average $2,178 per unwanted birth avoided. In this case the economic benefit is 7.3 times greater than the cost of $300 per unwanted birth avoided.

This is one of the most chilling statements I have ever read. There was a time when Americans viewed human life as priceless. Now it seems the price is down to $2,178. At this rate, how long will it be before we drop to "rock bottom"—the value of a few cents, or maybe a few dollars now with inflation, that has been set for the chemical constituents of a human body?

By contrast to this appalling product of the statistician's art, I would like to share with you a most significant comment of my distinguished colleague from Kentucky, Dr. Tim Lee Carter, who—though he supported this bill in committee—had this to say in response to the witness who tried to tell the committee how mothers often hated their newly born children:

> I was interested in paragraph 1 on page 6 of your testimony in which you say that—you talk about the lady, I believe, on page 5, who cursed her children or her unborn child. You know, I think that is the unusual thing. Some way or other almost every mother who gives birth to a child loves that child the moment it is born with an undying, unremitting love. It has been my fortune to deliver thousands of youngsters, and I think that statement is perhaps just a little bit on the unusual side. It may occur, but in the 27 years I was in practice, I do not believe I ever heard a mother curse an unborn child. And I hope I never do.

We are told that this bill is needed to reduce the number of illegitimate births and the medical and psychological complications for both mother and child often resulting from them. But in England, which in the past decade has launched a massive program to make contraceptives available to everyone, illegitimacy has substantially increased. In the 13- to 15-year age group, it has tripled.

Supposedly this bill would not now permit abortion, which its earlier version would have permitted, because of a clause inserted in the new bill drawn up after the committee hearings—a clause which was not in the bill passed by the Senate, and may not survive the conference committee. But this clause, section 1008, does not specifically define the term abortion. Consequently, its prohibition of abortion might well be interpreted not to apply to those contraceptive methods which destroy the fetus very soon after conception—methods which Dr. Sheldon J. Segal of the Biomedical Division of the Population Council in New York, testifying before the Interstate and Foreign Commerce Committee on this bill, frankly admitted were early abortifacients. The development of abortion-inducing chemicals such as prostaglandins, also described in material presented to the committee, is further obscuring the distinction between abortion and contraception. Furthermore, there is no prohibition of any kind on federally assisted sterilization as a method of family planning.

Again and again we are told that this bill is strictly voluntary, that no woman will be forced to accept contraceptives or have her babies killed, or their lives prevented, against her will.

Now I ask all of you, in the name of reason and commonsense, how many more times are we going to be fooled by this perennial argument? How many many more times are we going to pass bills, assuring ourselves, and everyone else who is concerned, that they are really harmless because strictly voluntary, only to come back a few years later and make them compulsory when the people have become more accustomed to the idea? Surely you all remember Federal aid to education, approved by this House just 5 years ago, with no strings attached and strictly without Federal control—or so we were told. Now we are constantly debating just how we shall go about forcing schools accepting Federal aid—which means virtually all of them now—to com-

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ply with our regulations, and how we shall go about forcing children to attend them. There was a time when collective bargaining in this country was voluntary. But then we decided that there was not enough of it, and made it compulsory. The list is endless.

I know that many of you, probably most of you, now approve of the use of Federal aid to impose certain requirements on local schools, and of mandatory collective bargaining. We are not debating those issues here today. I mention them only to show that when proponents of a massive Federal birth control program come before you and insist that they mean it to be always strictly voluntary, history shows that the exact opposite is very likely to be the eventual outcome of legislation like this.

I will ask Members of the House this question: In your own careers in Congress how many bills have you seen that you have started out as voluntary measures and have them become mandatory? I served 5½ years in a State legislature, and one of the most common procedures was to change "may" to "shall." After we put through a voluntary bill, we then moved on to make it mandatory.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. SCHMITZ. I yield to the gentleman from Kentucky.

Mr. CARTER. One need only read the bill to see that its provisions are voluntary. There is no compulsion whatever involved.

Mr. SCHMITZ. The gentleman seems to have misunderstood the point I was making. This bill states that the program is voluntary. But how many bills has the gentleman seen that have started out as voluntary bills and the next year a bill would be introduced changing "may" to "shall"?

Mr. CARTER. I certainly do not feel that it will be as bad in practice as the gentleman evidently fears.

Mr. SCHMITZ. I will make a prediction at this point. Mark my words. If this bill passes today, in a few years you will see "may" changed to "shall" when it is found out that the objectives stated in this bill cannot be achieved by voluntary means.

Several witnesses at the hearings on this bill made it very clear that they advocate a voluntary birth control program only so long as it works. If it does not work to their satisfaction, they will go to a compulsory program. They leave no place for the alternative of the rejection of the contraceptive mentality by a free, life-loving people.

As Dr. John R. McCain of Atlanta, Ga., said in testimony on this bill before the Interstate and Foreign Commerce Committee:

> Family planning on a voluntary basis is the most acceptable approach. Unless voluntary methods are successful, actual control of population by compulsory measures may be resorted to at some future time.

And to quote again from Dr. Segal's testimony:

> There are people, serious demographers, who believe that the population growth rate, the population problems in general in this country, can create problems that can only be solved by strong line methods, by giving up the concept of voluntarism and regulating the number of children people can have, by coercion, by legislative means that will be economically coercive, and so on.
>
> Now, I feel that we must give voluntary family planning a chance to prove whether or not it can bring us to a zero population growth level. We have not given it a chance.

Dr. McCain further explained how funds appropriated under this bill would be used to propagandize for contraception, to change attitudes in its favor, and to put pressure on people to prevent births:

> Psychological and sociological research is required to determine the methods of motivating the population, male and female, to initiate effective family planning and to utilize the methods consistently . . . We have had in the experiences of our program in the Atlanta area what they have spoken of sometimes as the Madison Avenue approach. In other words, by no means that it is terrifying or fearful, but that it is the thing to do. In other words, the popular thing for the patient after she has delivered, if she has not begun on family planning at that time to be sure that she returns. The pressure of her peers by their questions, "You have not started on your pills yet?" Or, "You have not had your IUD put in yet?" The concern of the block area, the community area, that anybody that does not do that is just not quite up on the current way of doing things.

In view of all this explicit testimony, I frankly cannot put much stock in the many pious disclaimers of coercive intent on the part of the proponents of this bill. Rather, I regard it as a long step toward a Nazi-like tyranny in our land. When government gets into bed with you, surely that is the ultimate in government control.

Finally, the most grotesque argument for this bill is that it will somehow help in the fight against pollution, as is indicated in the testimony of organizations such as the Sierra Club in support of it. A moment's thought should make it perfectly clear that a single human being, simply by being alive, produces negligible pollution. It is technology that pollutes, not people. We can, and we must, bring under control those technological excesses and processes which are dangerously befouling our air and water. We should not, and must not, let ourselves be persuaded to try to eliminate pollution by eliminating people.

I ask my colleagues who have the interest of the poor, and of our minority groups especially close to their hearts, to think very carefully about who profits and who suffers by this approach to our pollution problem. The people at whom this bill is specifically aimed are the poor—and, less specifically, the minorities. Are they to be made scapegoats and victims of a problem arising from our great industries? As Msg. Alphonse Popek of Milwaukee, Wis., said in testifying on this bill:

> Pollution, though existent, is the convenient smokescreen for the sinister business of eliminating people. 'People cause pollution—pollution is bad—therefore, eliminate people.' Which people? All people? It seems that nonquality people are the transgressors. But who is to identify these nonquality people? Does it not seem that the present bill provides for Government working through its highest and lowest departments and through funding of individual and private agencies to make the final determination? Little people do cause pollution, yet there are many vested interests in this country which cause even greater and more serious physical pollution, and some of these interests are known and some are yet to be determined. All must be stopped by every technological and scientific effort before human life is to be snuffed out at any point along the spectrum of existence. My concern relates to the removal of truly dangerous pollutants which would not only contaminate the clear streams of morality, the pure air of religious freedom, but the human rights of life, liberty and the pursuit of happiness.

I can find no better words with which to conclude than those eloquently spoken by a Wisconsin housewife, Mrs. Alvin Emmons, who traveled 2,000 miles to come to Washington to testify against this bill in committee. Listen to her. I am convinced that she voices the heartfelt protest of the best and soundest instincts of our pepole, on this legislation:

> It is neither the function nor the purpose of government to sponsor or promote programs of population control. Government's proper role is to protect the lives of all its citizens including the unborn and to protect the right of the citizen to transmit life. Passage of this law will only add to the irresponsibility and over-permissiveness which seems to be running rampant in all areas of living today. We urge you to vote against this bill and ask rather that you exert every effort to protect the home and family and the very right to life. The time is NOW to stop the tearing down of the home and family through the passage of any immoral or amoral laws.

Mr. NELSEN. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Speaker, I rise in support of this measure and I urge that the bill be passed without delay.

Last year, I was cosponsor of the legislation to establish a Commission on Population Growth which was subsequently enacted into law and I am glad that progress is being made in recognizing the severity of the population problem. I am also a cosponsor of the original version of this legislation.

The Federal Government is already involved with a vast array of social problems related to population increases and we must look to the issues that will result from a population increase of 100 million Americans in the next 50 years.

It is essential, I believe, that we expand voluntary family planning services and that we accelerate programs of population research. The legislation today would carry out both of these purposes.

Our last four Presidents have advised the Nation that it must give a high priority to such activies. I fully share these views. If this priority is honored, then the present bill is essential. Without it, even the commitment already made in

Federal law cannot be fulfilled. We know, for instance, that the Social Security Act requires that States offer family planning services to public assistance recipients if they wish to avail themselves of them. In fact, however, many States are unable to provide such services and this provision of the Social Security Act is not carried out.

It would like to emphasize that the programs involved here involve only voluntary family planning assistance. The record should be abundantly clear that it is not the intent of Congress that any such program should interfere with the religious or moral beliefs of individual Americans. Nevertheless, it must be equally clear that any individual wanting information about family planning should be able to obtain it more readily than is the case today.

Our Committee on Interstate and Foreign Commerce has, I believe, wisely prohibited the use of any Federal funds in this bill from being used for abortion. It has also given priority in the family planning services to low-income families which may not otherwise be able to secure them.

This bill, in my opinion, is a carefully considered step forward and it is my hope that it can be enacted into law at an early date.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL), a member of the committee.

(Mr. DINGELL asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. DINGELL. Mr. Speaker, I support the legislation before this body. I set forth in my extended remarks the reasons why I offered the amendment which prohibited abortion as a method of family planning.

During the course of House hearings on H.R. 19318 there was some confusion regarding the nature of the family planning programs envisioned, whether or not they extended to include abortion as a method of family planning. With the "prohibition of abortion" amendment—title X, section 1008—the committee members clearly intend that abortion is not to be encouraged or promoted in any way through this legislation. Programs which include abortion as a method of family planning are not eligible for funds allocated through this act.

Several considerations prompt this action.

There is a fundamental difference between the prevention of conception and the destruction of developing human life. Responsible parenthood requires different attitudes toward human life once conceived than toward the employment of preventive contraceptive devices or methods. What is unplanned contraceptively does not necessarily become unwanted humanly. Whether a conceived child is loved or unloved is dependent on factors that, at best, can only be marginally related to family planning.

If there is any direct relationship between family planning and abortion, it would be this, that properly operated family planning programs should reduce the incidence of abortion. Dr. Joseph Beasley indicated in his testimony that the decrease in criminal abortions should be considered a major benefit of his now model program.[1]

Furthermore, there is evidence that the prevalence of abortion as a substitute or a back-up for contraceptive methods can reduce the effectiveness of family planning programs.

THE BRITISH EXPERIENCE

In Great Britain the Royal College of Obstetricians and Gynecologists surveyed the consultant obstreticians and gynecologists employed in the National Health Service on their views of the first year's working of the Abortion Act, May 1968 to April 1969.[2]

Regarding the effect of permissive abortion legislation on contraceptive practice the Journal states in its summary comments:

> The lesson must surely be driven home that the Act does not provide a simple long-stop for a failure to take adequate contraceptive precautions (492).

The college points out that when the Abortion Act was under discussion, its advocates repeatedly assured the House of Parliament that abortion-on-demand was not their object. However, once the bill was passed, there was a persistent and intense campaign to lead the public to believe that the Abortion Act encompassed abortion-on-demand.

The Journal states:

> It (the abortion-on-demand campaign) may even account for widespread irresponsibility and failure to take the simplest and readily available contraceptive precautions to avoid unwanted pregnancies (534).

It is telling that though most physicians favored the 1967 Abortion Act, now 92 percent of the consultant physicians are opposed to abortion-on-demand. The college strikes out at the confusion that commonly surrounds the relation of abortion and family planning.

The Journal states:

> The time has come for the legislators to decide whether they and the community which they represent really want abortion-on-demand (534–35).

The college advocates comprehensive family planning services, both to secure the well-being of the family and to assist in population control. However, as an integral part of these programs, it stresses, on the one hand, the essential need for education and proper motivation, and, on the other hand, the need for further study regarding all aspects of unplanned and unwanted pregnancies.[3]

THE JAPANESE EXPERIENCE

In 1951 the Japanese Government placed its prestige and resources behind a large scale family planning program. A major part of its motivation was to counter the sharp increase of abortions, legal and illegal, that followed upon the 1948 abortion law liberalization. However, to this day the Japanese Government is struggling to replace the practice of abortion with acceptable family planning methods.[4]

Some have called the family planning programs a practical failure and a waste of taxpayers' money.[5] The incidence of abortions has not decreased.[6] Also, the number of pregnancies has not decreased.[7] What is more, abortions have been a causative factor in the increase of the pregnancy potential.[8]

Japanese surveys concretely illustrate that the family planning programs have not achieved their projected goals, especially in the context of abortion as a substitute for contraception. A 1969 survey by the Japanese Government indicates that approximately half of those who resort to induced abortion were not attempting to prevent the pregnancy.[9] Further, and perhaps more importantly, the failure rate of those employing contraceptives, whether rhythm or condom, is abnormally high.[10]

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[1] Cf. *Family Planning Services Hearing Before the Subcommittee on Public Health and Welfare.* (Serial No. 91–70) Aug. 3, 4, & 7, 1970 (U.S. Government Printing Office: Wash., D.C., 1970), 338–39.

[2] "Consultants' Report on Abortion," *British Medical Journal,* May 30, 1970, 491–92, 529–35.

[3] *Ibid.*, 534. Also, cf. the College's policy statement on abortion, *British Medical Journal,* 1966, I, 850.

[4] In 1967 Prime Minister Sato reported to his Cabinet that too many abortions are being conducted in Japan and that administrative guidelines should be strengthened to curb this trend. *Asahi Evening News,* Mar. 16, 1967. In March, 1970 Prime Minister Sato told the Diet that fundamental respect for life is the very foundation on which the nation rests. According to the Prime Minister, this should be an even graver reason to oppose abortion than are the problems about maintaining a future labor force. Currently there are efforts to introduce legislation that would repeal Japan's abortion law.

[5] Cf. *Editorial* of the highly regarded *Asahi Journal,* Oct. 16, 1966, p. 52.

[6] The number of registered cases of abortion, which was about 489,000 in 1950, increased steadily until it went beyond a million in 1953. In 1962 the number began to decrease and sank below a million. In 1964 the number was 878,000. Cf. Japanese Ministry of Welfare, Bureau of Statistics, "Eugenic Protection Statistical Report of 1969," June, 1970, p. 23.

[7] On the basis that the number of pregnancies is the sum of the number of births and abortions, the *Editorial* cites the average number of prengancies between 1949 and 1964 as being 2,730,000. During all these years the number stood at 2,730,000 plus or minus 170,000. The greatest difference was less than 6%, a remarkably constant figure. "We can conclude from this that the movement of 16 years duration has not succeeded in changing the Japanese woman's capacity of pregnancy."

[8] A normal pregnancy of nine months plus three months of non-fertility after delivery, gives a total of about twelve months during which pregnancy is not possible. Harald Frederiksen, M.D., & James W. Brackett, "Demographic Effects of Abortion," *Public Health Reports,* Vol. 83, No. 12, Dec. 1968, p. 1001, extend this period from 18–27 months depending on whether the woman breastfeeds her children or not. Nonetheless, when pregnancy is interrupted by abortion, the non-fertile period ends 2 months after the operation. Since 94% of the operations are performed within 3 months after pregnancy begins, the period during which conception is excluded for mothers who have abortions is only 5 months.

The Asahi editorial closes with the biting remark that the regulation of population growth has been achieved in the form of unhealthy abortions. It says:

> Japan's women are exposed to psychic and physical dangers leaving psychic and physical scars which never heal. . . .[11]

THE NEED FOR A REALISTIC PUBLIC POLICY

Trends similar to those in Britain and Japan can be reported in other countries where abortion has become either a back-up for contraceptive failure or a substitute for family planning methods.[12] There is even some evidence that if the poor and uneducated—to whom this legislation is primarily directed—are offered the possibility of abortion along with family planning assistance, they will more readily turn to abortion.[13] It would be ill-advised for Congress to extend a false hope to the people that rely on its leadership in a special way.

If family planning programs are unrealistically conceived, they can mistakenly teach people that flawless family planning is an achievable goal. The limitations of the present contraceptive methodology must be recognized for what they are. In a similar way, the possible benefits, social or otherwise, that might derive from family planning programs should not be drawn too broadly nor uncritically.

ABORTION AS UNADVISABLE PUBLIC POLICY

There is, then, evidence that abortion as a method of family planning has a negative effect on the implementation of family planning programs. On an even broader level, however, abortion as a method of family planning—abortion-on-demand—would appear to be ill-conceived public policy.

Strong words of caution are in order so as to curb the notion that abortion-on-demand is a legitimate measure to regulate population size. Beyond the fundamental question regarding the nature[14] and extent[15] of the population problem, an official of the U.S. Census Bureau has recently suggested that the passage of abortion-on-demand laws in a large number of States would probably produce a family size below the touted optimum of 2.2 children.[16] The United States could well develop population patterns that would create problems of more serious consequence than we now have with ecology and related questions. Also, abortion should clearly be rejected as a means to improve the environment. The practice of abortion in Japan since 1948 has not prevented the emergence of an environmental problem in 1970.

The need to uncover the true causes of population growth was scored recently by Dr. Charles U. Lowe, Scientific Director, National Institute of Child Health and Human Development. In "Letters to the Editor," New York Times, November 4, 1970, Dr. Lowe disagreed with aspects of the Times' editorial comment on population growth. The control of rates of population growth or decline cannot be exclusively tied to contraceptive methods or to the presence or absence of abortion laws. He said:

> Behavioral and economic factors were operational (in dramatic shifts in birth rates) which, in the absence of an ideal contraceptive and in the presence of archaic abortion laws, caused the birth rate to undergo an almost two-fold change in two major cycles beginning in 1910.

CONFUSION REGARDING THE PRACTICE OF ABORTION

The confusion that commonly exists regarding abortion and contraception arises, in part, from an inaccurate reporting of the facts regarding the health care of the pregnant woman, especially as related to maternal mortality rates. The public health problem is so magnified that any attempts at solutions, regardless of ethical implications, are considered justifiable.

The press, and sometimes societal leaders who should know better,[18] continually quote the figures that 8,000 to 10,000 women die each year from criminal abortions in the United States. At the International Conference on Abortion, held in Washington, D.C., in 1967, all parties in the abortion controversy agreed that it was fairly accurate to say that between 250 to 500 women die each year from all kinds of abortions in the United States.[19] More recent studies suggest that perhaps only 60 women die each year from illegal abortions.[20] In general, there has been a marked and dramatic decrease in maternal mortality from all causes over the past 25 years.[21]

Hospitals, physicians, and nursing services are already overburdened in attempting to provide adequate health care. Serious health problems will be presented by any attempt to meet a demand for abortions on any large scale basis.[22] The New York experience with abortion-on-demand seems to bear this out. There have been 10 known deaths, four of which occurred in hospitals.[23] As of mid-September some 18,000 abortions have been performed in hospitals. Previously a city hospital spokesman had stated:

> We can tolerate three deaths per 100,000 (abortion) patients.[24]

The city of New York has found it necessary to issue guidelines prohibiting physicians from performing abortions in their offices.[25]

The statement of the American College of Obstetricians and Gynecologists on Therapeutic Abortion, May 9, 1968, warns that even the medical profession is not fully aware of the dangers inherent in the normal abortion procedure. In Great Britain the mortality rate for abortion patients in the first year after the liberal law has passed was 36 per 100,000 in National Service Hospitals as compared to a maternal mortality rate of 24 per 100,000.[26] Further, the immediate complications from abortions done by experienced gynecologists on 250 patients included hemorrhage—21 percent required one or more transfusions, evidence of infections—40 percent—incomplete removal of the embryo or fetus—15 percent, and perforation—1.2 percent.[27] Rumania repealed her liberal abortion laws in 1966, because of the "great prejudice to the birth rate and the rate of natural increase as well as the severe consequences to the health of the woman."[28] The Droegemueller, Taylor, and Drose study on the implementation of Colorado's reformed abortion law cites an uncomfortably high rate of secondary complications.[29]

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[9] Survey of the Office of the Prime Minister, Bureau of Public Information. Of the 42% of respondents who had had experiences with abortion, 50.7% were not practicing conception control prior to the pregnacy and abortion; 46.5% had an abortion after failures in contraception control.

[10] The 1965 survey made by the Cabinet Secretariat of Public Opinion indicates 43.1% failures of the Ogino rhythm method, 34.9% of the basal temperature rhythm method, 40.6% failures among those depending on the condom, 47.5% among those using the pessary. Oral contraceptives and intra-uterine devices are banned in Japan except for research purposes.

[11] In Japan the practice of abortion has been questioned on several grounds, including long-range effects on health. Cf. Shiden Inoue, "Abortion Will Bring Death Down on Japan," *Jiyu* magazine, June, 1965. Also, the Prime Minister's Office has recently completed a survey showing that nearly nine out of ten Japanese women oppose abortion as "bad" (report released June 20, 1970).

[12] Cf. Christopher Tietze, "Abortion Laws and Abortion Practices in Europe," *Excerpta Medica International Congress Series No. 207*, April, 1969, pp. 202–205, 207–209.

[13] Daniel Callahan, *Abortion: Law, Choice and Morality* (New York: The Macmillan Company, 1970), 289–91.

[14] Cf. *Toward Balanced Growth: Quantity with Quality*, Report of the White House National Goals Research Staff, July 4, 1970 (Chapter 2).

[15] Cf. Speech by Dr. George H. Brown, Director of the Bureau of the Census, Oct. 7, 1970, at the Downtown Economists Club, New York, New York.

[16] Washington *Daily News*, July 30, 1970.

[18] Judge Cooper in the *Memorandum Decision*, State S. Dakota v. H. Benjamin Munson (1970), declaring the abortion statute of S. Dakota unconstitutional, cites *Life* magazine, Feb. 27, 1970, as his source, and states, "According to reliable estimates, more than a million American women had abortions last year. Of these about 350,000 needed hospital care when they attempted to abort themselves, and more than 8,000 of these self-help cases dies."

[19] *The Terrible Choice: The Abortion Dilemma* (New York: Bantam Books, 1968), 40–47.

[20] Denis Cavanagh, M.D., "Reforming the Abortion Laws: A Doctor Looks at the Case," *America* (April 18, 1970), 406. Dr. Cavanagh's figures are based on statistics published by the United States Department of Health, Education, and Welfare and the Minnesota Maternal Mortality Committee—and extrapolations therefrom—for the years 1950–1966.

[21] Statistics published by the U.S. Public Health Service of the Department of Health, Education and Welfare in *Vital Statistics of the United States*, Part II—Mortality demonstrate that maternal deaths from all causes fell from 7,267 in 1942 to 987 in 1967, (the last year for which complete figures are currently available).

[22] Cavanagh, *op cit.*, p. 411.

[23] *New York Times*, Sat., Oct. 17, 1970.

[24] *The Evening Star*, Washington, D.C., July 22, 1970.

[25] Governor Rockefeller has indicated that the law might need some restrictions. Dr. Allan Guttmacher has recently suggested that the New York law should be re-written to limit abortions to the first 12 weeks of pregnancy rather than the present limit of 24 weeks.

[26] *Medical Tribune World Wide Report*, Monday, May 4, 1970.

[27] Courtney, Louis D—"Methods and Dangers of Termination of Pregnancy," *Proceedings of The Royal Society of Medicine*, Vol. 62, August, 1969.

Some claims regarding health care in the instance of illegal abortions are especially erroneous. For instance, WMAQ-TV, the National Broadcasting Co.'s outlet in Chicago, recently stated in an editorial of May 6, 1970, that 20,000 women were brought to Cook County Hospital in 1969 as the result of butchered abortions. On May 11, the station admitted to this factual error and noted that according to hospital officials the correct figure was 102 women. Dr. Vincent J. Collins, director of the division of anesthesiology at Cook County Hospital, presented the rebuttal.

Again, the "statistics" of 1,200,000 illegal abortions a year in the United States is but a "guestimate." There are no reliable statistics on the number of illegal abortions performed in the United States each year.[30] On the basis of this weak evidence estimates run from 200,000 to as high as 1,200,000. As the proponents of the practice of abortion themselves claim, the majority of illegal abortions are performed by a qualified physician in his private office.

Just as with "unwanted fetuses," the abortion advocates argue that defective fetuses should be destroyed for their own sake. However, science cannot yet diagnose the presence of physical defects in the unborn to any appreciable extent.[31] As in the case of rubella—now being eliminated to a large degree due to the rubella vaccine,[32] the overall chance of the child being born seriously defective is one in 14, and in those cases the extent of the defect can vary.[33] Here then, as in the case of "unwanted births," the question arises whether the concern is more for the subjective fear and anguish that the parents feel than for the true welfare of the child.

Despite the intended goal, liberalized abortion laws do not result in the elimination of criminal abortions. For example, in Japan there were 256,000 criminal abortions last year despite 22 years of liberal abortion laws.[34] In East Germany criminal abortion increased when the law was liberalized to allow abortion for social and personal reasons in 1948. Criminal abortion decreased when the law was again restricted in 1950.[35] Experience thus far in this country shows no diminution in criminal abortion in States with liberal laws, such as California and Colorado.[36] Sweden has noted little change in the criminal abortion rate despite liberal laws for years.[37]

THE PRESENT ABORTION CONTROVERSY

In those States where abortion is allowed for specified reasons, a great deal of controversy has arisen over the meaning of the law. The vast majority of abortions are approved on psychiatric grounds.[38] Both the proponents and opponents of abortion agree that such "psychiatric indications" cannot justify such a large number of abortions.[39] Authorities continue to ask whether abortion is the solution to any psychological problems, even suicide,[40] and whether abortion is not a cruel response to any woman who is pregnant.[41]

The conclusion remains that most abortions that are being performed in the United States fall under the heading of "social convenience" rather than medical need.[42]

Like the British doctors our society must come to an informed decision whether it intends abortion-on-demand as acceptable public policy. The medical and legal evidence on the unborn provides a firm basis for discussion and decision.

MEDICAL EVIDENCE ON HUMANITY OF FETAL LIFE

Human life is a continuum—"from reproduction to prenatal development through infancy and childhood, and on into the stages of maturation and aging."[43] Some discuss whether this developing continuum of human life perceptively originates at conception or implanation,[44] but in either view it is agreed that from its earliest moments human life deserves to be respected.[45] The mod-

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[28] Tietze, Christopher, M.D—"Abortion in Europe," *AMJ of Public Health*, Vol. 57, No. 11.

[29] "The First Year of Experience in Colorado with the New Abortion Law," *American Journal of Obstetrics and Gynecology*, March 1, 1969.

[30] Cf. Christopher Tietze, "Induced Abortion as a Method of Fertility Control," in *Fertility and Family Planning: A World View*, Behrman, S. J., M.D. Leslie Corsa, Jr., M.D. and Ronald Freedman (eds.) (The University of Michigan Press, 1969), 311–337.

[31] Joseph Dancis, "The Prenatal Detection of Hereditary Defects," *Hospital Practice*, June, 1969.

[32] *1970 Facts and Figures About Birth Defects*, The National Foundation—March of Dimes, Sept., 1969.

[33] Apgar and Stickle, "Birth Defects: Their Significance as a Public Health Problem," *Journal of the American Medical Association*, 204:5; April 29, 1968.

[34] *Medical Tribune Report*, August, 1970. "Probably 1,000,000 Abortions Performed in Japan Last Year."

[35] Frederiksen, Harald, M.D., and James W. Brackett, "Demographic Effects of Abortion," *Public Health Reports*, Vol. 83, No. 12, December, 1968, pp. 999–1010.

[36] Brody, Jane E., "Eased Laws on Abortion Failing to Achieve Goals." *The New York Times*, Monday, June 8, 1970.

[37] Huldt, Lars—"Outcome of Pregnancy When Abortion is Readily Available." *The Lancet*, March 2, 1968, pp. 467–68.

[38] *Abortion Surveillance Report: Hospital Abortions, Annual Summary:* 1969. HEW, National Communicable Disease Center, Epidemiology Program, Family Planning Evaluation Activity, Atlanta, Ga. 30333.

[39] Cavanagh, 408, 411.

[40] All studies on the danger of suicide in pregnancy are in agreement that suicide is unlikely, e.g., A. Guttmacher, "The Influence of Fertility Control Upon Psychiatric Illness," *American J. Psychiat.* 1959, 115, 683–691. Rosenberg, A. J., and Silver, E., "Suicide, Psychiatrists and Therapeutic Abortion," *California Med.*, 1965, 102, 407–411.

[41] Kane Jr., Francis J. and John A. Ewing, "Therapeutic Abortion—Quo Vadimus," Psychosomatics, V. 9, July-Aug., 1968, report that though the official psychiatric and psychological organizations support a change in the abortion law, the scientific evidence that that is presently available "shows that psychiatric patients, in the present state of the art, constitute the poorest group of therapeutic abortion" (202). The liberalization of the abortion laws ". . . is quite likely to provide more, rather than fewer, problems for the psychiatrists" (206). *The British Medical Journal*, May, 1970, reported that eight maternal deaths occurred during 1968–69 in the case of abortion (a higher rate than that for childbirth). Two of these were suicides following the abortion.

[42] Therapeutic abortions (to save the life of the mother), though allowed by law in all states, are no longer generally required. Guttmacher, Allan F., *Abortion: Yesterday, Today and Tomorrow: The Cases for Legalized Abortion Now* (Berkeley: Diable Press, 1967), p. 9.

[43] "The program of the Institute of Child Health and Human Development will give major attention to the study of the continuing process of growth and development that characterizes all biological life—from reproduction to prenatal development through infancy and childhood and into the stages of maturation and aging." Senate Reprint No. 2174, Institute of Child Health and Human Development (Sept. 27, 1962), Committee on Labor and Public Welfare. In a recent report issued by this Institute some of the country's most noted child specialists agreed that optimal health care for the child and mother should include "preconceptional, prenatal, delivery, and postnatal services." *Optimal Health Care for Mothers and Children: A National Priority,* National Institute of Child Health and Human Development, National Institute of Health, Department of Health, Education, and Welfare, Washington, D.C., 1967 (p. 5).

[44] Those who understand conception as the moment of human origination stress the genetic basis of the continuity. Cf. Robert E. Joyce and Mary R. Joyce, *Let Us Be Born* (Chicago: Franciscan Herald Press, 1970), Ch. 3. Those who give the greatest weight to the phenomenon of implantation at the point of undisputed human origination stress the biologic characteristics of the continuity. Cf. D. Cavanagh, 409. Andre Hellegers, "Fetal Development," *Theological Studies* (Mar. 1970), 3–9, provides a thorough description of the first several days of life, but perceptively concludes, ". . . it is not a function of science to prove, or disprove, where in the process *human* life begins, in the sense that those discussing the abortion issue so frequently use the word 'life' i.e., human dignity, human personhood, or human inviolability. Such entities do not pertain to the science or art of medicine, but are rather a societal judgment" (9)

[45] In its recent Editorial in *California Medicine*, Sept. 1970, the California Medical Association sets aside such arguments as that the fetus is only a "blob of protoplasm." Everyone knows ". . . human life begins at conception and is continuous whether intra- or extra-uterine until death. The considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices." Granting that life is human from conception, the editorial advocates abortion as the first step in the development of "what is almost certain to be a biologically oriented world society." The medical profession has a special responsibility in formulating a new ethic. The traditional Western ethic of respect for life should be superseded by a new value system which is based on the scientific and technologic possibilities of our modern world. "One may anticipate further developments of the roles (e.g., abortion as a prototype of the new ethic) as the problems of birth control and birth selection are extended inevitably to death selection and death control whether by the individual or by society . . ."

XUM

ern sciences of embryology, fetology, genetics, perinatology, biology all establish the essential humanity of the unborn child.

The thrust of these developments is that the doctor is committeed to the care of two patients. As Dr. Liley notes:

> In assessing fetal health, the doctor now watches changes in maternal functions very carefully, for he has learned that it is actually the mother who is a passive carrier, while the fetus is very largely in charge of the pregnancy.[46]

Dr. Andre Hellegers comments on the difficulty of appreciating the humanity of the fetus:

> The layman is baffled by the fetus, since he cannot see it.[47]

Because the reality of developing fetal life is not generally a part of our daily experience, we come to rely in a special way on the evidence that medical science provides.

From the beginning the conceptus is a complex rapidly growing organism. By the end of the seventh week one can discern the features of a well proportioned small-scale baby. This fetus bears the familiar external features and all the internal organs of the adult.

From this point until adulthood, the changes in the body will be mainly a question of growth.[48]

Because of a more accurate understanding of fetal development the concept of quickening has been clearly identified as a subjective perception of the mother, based very much on the sensitivity of the mother, the position of the placenta, and the size of the child.[49] Also, due to improved medical care and the possibility of rapid medical advances, the concept of viability is no longer immutable or sacred.[50] Neither of these events can serve as a norm in determining the humanity of the fetus.

Because of the continuity of life before and after birth, there is a new speciality called perinatology which cares for its patients from conception to about 1 year after birth.[51] As investigation proceeds, these sciences are acquiring a fuller awareness of the humanity of the fetus. Dr. Liley states:

> When doctors first began invading the sanctuary of the womb, they did not know that the unborn baby would react to pain in the same fashion as a child would . . . By no means a "vegetable" as he has so often been pictured, the unborn knows perfectly well when he has been hurt, and he will protest it just as violently as would a baby lying in a crib.[52]

Dr. Liley describes the whole new attitude toward fetal development in this way:

> Because the fetus is benignly protected, warmed and nourished within the womb, it was long thought that the unborn must have the nature of a plant, static in habit and growing only in size. Recently through modern techniques of diagnosing and treating the unborn baby, we have discovered that little could be further from the truth.
>
> The fluid that surrounds the human fetus at 3, 4, 5 and 6 months is essential to both its growth and its grace. The unborn's structure at this early stage is highly liquid, and although his organs have developed, he does not have the same relative bodily proportions that a newborn baby has. The head, housing the miraculous brain, is quite large in proportion to the remainder of the body and the limbs are still relatively small. Within his watery world, however (where we have been able to observe him in his natural state by closed circuit x-ray television set), he is quite beautiful and perfect in his fashion, active and graceful. He is neither an acquiescent vegetable nor a witless tadpole as some have conceived him to be in the past, but rather a tiny human being as independent as though he were lying in a crib with a blanket wrapped around him instead of his mother.[53]

DEVELOPMENT OF THE RIGHTS OF THE UNBORN

A three-judge Federal panel was recently convened to consider the constitutionality of a State statute which allowed the performance of abortions only to save the life of the expectant mother.[54] The court, noting that—

> Little or no importance has been attached . . . to whatever interests may be possessed by the embryo or fetus the pregnant woman carries (in the recent series of proabortion arguments).

Held that the law was valid. Drawing a clear distinction between contraception and abortion the court said flatly that:

> We do not find that an equation of the generalized right of the woman to determine whether she shall bear children with the asserted right to abort an embryo or fetus is compelled by either fact or logic.[55]

In so acting this Federal court upheld the legislative and decisional law which has, over the past two centuries, developed to protect children still in the womb and which has become an integral part of our jurisprudential ethic.[56]

The first area in which the rights of the unborn child, as such, were recognized was in the realm of property law. For nearly 200 years the unborn child has had the right to inherit, the right to have an injunction and the right to a guardian.[57] More recently, these children have been able to recover for the negligent death of their principal supporter,[58] to bring suit to compel adequate parental care and support[59] and to recover social security insurance benefits.[60]

Recent developments in tort law have kept pace with the increased knowledge which the sciences have provided regarding human life in general and fetal existence in particular. Thus it is that a child who is born with injuries received at the hands of a negligent tortfeasor while in the womb can recover for those injuries. And if those injuries result in his death while still in utero his parents are allowed recovery in a wrongful death action.[61]

Furthermore, one State supreme court has ruled that the right of the unborn child to continued existence takes precedence even over the sacred constitutional liberty regarding the freedom of religion.[62]

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[46] Liley, H. M. I. *Modern Motherhood* (Random House, Rev. ed. 1969), p. 202.

[47] Hellegers, p. 3.

[48] Various texts document these developments, for example: Cf.

Arey, Leslie B.: Developmental Anatomy, 6th Ed. Philadelphia W. B. Saunders Co. 1954 Chap. II VI.

Patten, Bradley M.: Human Embryology, 3rd Ed. McGraw-Hill Book Co. NY 1968 Chap. VII.

Flannagan, G. L.: The First Nine Months of Life, Simon and Schuster 1962.

Hooker, Davenport: The Prenatal Origin of Behavior, Univ. of Kansas Press 1952.

Potter, Edith M.D., Ph.D.: Pathology of the Fetus and Infant, Year Book Publishers Inc. Chicago 1961.

[49] Liley, 37, 38.

[50] D. Cavanagh, 410.

[51] Gairdner, Douglas. "Fetal Medicine: Who Is to Practice It," *J. Obstet. & Gynec. Brit. Commonwealth* 75:1223–24 Dec. 1968.

[52] Liley, 50.

[53] *Ibid.*, 26–27.

[54] *Rosen* v. *Louisiana State Board of Medical Examiners*, ——F. Supp.——, Civil Action #70–1304, Aug. 7, 1970.

[55] In 1965 the United States Supreme Court declared invalid a Connecticut statute proscribing the use of contraceptives as an undue interference with the right of marital privacy. *Griswold* v. *Connecticut*, 381 U.S. 479, (1965). Therein the Court said that the state could not tamper with the woman's fundamental right to choose whether or not to have children. It has often been argued, since then, that laws which allow for an abortion only to save life of expectant mother suffer from the exact same constitutional infirmity. However, as the district court in the *Rosen* case said: "We deal in this case . . . not merely with whether a woman has a generalized right to choose whether to bear children, but instead with the more complicated question whether a pregnant woman has the right to cause the abortion of the embryo or fetus she carries in her womb. We do not find that an equation of the generalized right of the woman to determine whether she shall bear children with the asserted right to abort an embryo or fetus is compelled by fact or logic."

Thus the court clearly recognized that there is a clear line to be drawn between the right of the woman to prevent conception and any claimed right to destroy conceptus. This line is especially obvious in light of the protections which the law places about the unborn child.

[56] See, generally, Louisell, "Abortion, the Practice of Medicine and the Due Process of Law," 16 *U.C.L.A.L. REV.* 223 (1969); Quay, "Justifiable Abortion," 49 *GEO. L.J.* 173 (1961); Note, "The Unborn Child: Consistency in the Law?" 2 *SUFFOLK LAW REV.* 228 (1968), all of which cite and discuss authorities on the legal status of the unborn.

[57] Nooan, "The Constitutionality of the Regulation of Abortion," 21 *Hastings L.J.* 51, 52–53 (1969); Louisell, *supra*, note 1 at 235–238; Note, *Suffolk Law Rev.* note 1 at 230.

[58] 358 Mic. 558, 100 N.W. 2d 445 (1960).

[59] *Kyne* v. *Kyne*, 38 Cal. App. 2d 122, 100 P. 2d 806 (1940).

[60] *Wagner ex rel. Hughes* v. *Gardner*, 413 F. 2d 267, (5th Cir. 1969).

[61] See generally, Noonan, *supra*. at 53–56; Prosser, *The Law of Torts*, 354 (3rd ed. 1964); Gordon, "The Unborn Plaintiff," 63 *Mich. L. Rev.* 579 (1965). The two opinions in *Todd* v. *Sandidge Construction Co.*, 341 F. 2d 75, (4th Cir. 1964), constitute an excellent discussion of these points.

[62] *Raleigh Fitkin-Paul Memorial Hospital* v. *Anderson*, 42 N.J. 421, 201 A. 2d 537, (1964). Therein the New Jersey Supreme Court said flatly that: "We are satisfied that the unborn child is entitled to the law's protection . . ." Three years later the same court upheld the dismissal of a malpractice action against two physicians who had failed to advise an abortion for an expectant mother who had contracted German measles and had subsequently given birth to a defective child. Assuming *arguendo*, that an abortion could have been legally obtained, the court nonetheless said

It becomes apparent that the law has been following what knowledge her sister sciences have been able to provide within the past two centuries as regards the status of unborn children. As medicine, and especially fetology, has told us more about the child within the womb and his independent existence, the law has responded by increasing the safeguards which surround unborn children and by recognizing them as entitled to a full panoply of rights.

If the unborn can inherit both by will and by intestacy, if he can be the beneficiary of a trust, be tortiously injured, be protected by criminal statutes on parental neglect and if his existence can be preferred to even a constitutional right of his parents, it would certainly make no sense for the Congress of the United States to undermine clearly established principles of our legal system by authorizing funds for the deprivation of the single right fundamental to all of the others which the law recognizes—the right to continued existence.

The authorization of funds for abortion as a method of family planning would not only stand in clear contradiction to the values which have evolved in our legal system, but it would indeed be a great step backward. In the Roman Republic the father, by virtue of his legal power over his family, was given the right to order abortions at will.[63] It would certainly be a sad commentary, if, after 2,000 years, we were unable to improve upon an antiquated and barbaric system of population control.

None of the 50 States currently sanction abortion as a method of family planning.[64] The criminal codes of most States sanction abortion only in certain strict and clearly-circumscribed cases. Even the broadest interpretation of these laws would not lead one to the conclusion that they in any way allow for such a procedure as an accepted method of family planning. For the Congress of the United States to appropriate funds for a procedure which would violate the criminal law of a vast majority of American jurisdictions would be to raise constitutional questions of a most serious nature. Such an appropriation would allow the use of Federal funds for an action which is in direct contravention to the Criminal Code of the District of Columbia, which, of course, is a congressional product. It would also be a serious and questionable overreach of congressional authority to sanction the use of Federal funds for what would be—in effect—the commission of criminal acts in a majority of jurisdictions.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. MEEDS).

(Mr. MEEDS asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. MEEDS. Mr. Speaker, I rise in support of this legislation.

The Family Planning Services and Population Research Act of 1970 could greatly accelerate the effort to bring voluntary family planning services to the estimated 5 million women who want and need this help.

I specifically want to emphasize the provisions of this bill which pertain to the training of the needed manpower in the family planning field. One of the central aspects of the impending crisis in the entire health field is the shortage of trained manpower to meet the needs of an expanded health delivery system.

During hearings before the Senate Subcommittee on Employment, Manpower, and Poverty, the point was made very clear that paraprofessional workers adequately trained in family planning can take over many of the routine functions ordinarily performed by highly skilled professionals, thereby allowing them to concentrate more effectively on strictly professional tasks.

Dr. Harold A. Kaminetzky, Jr., chairman of the Department of Obstetrics and Gynecology at the New Jersey College of Medicine and Dentistry and director of a successful, large-scale family planning program in Newark, described how trained paraprofessionals have allowed a considerable expansion of family planning services in that community with a minimal commitment of professional manpower. Moreover, he said that because of their awareness of community conditions, paraprofessionals were of critical importance in relating the service program to the needs of low-income people in Newark. Through their enthusiasm and hard work they were able to significantly bolster the appointment roles of the service program and to encourage the retention of patients in the system. Similar testimony and research data in the health field sustain this view of the advantages of training and employing paraprofessionals in family planning service projects. To further illustrate this point, I ask unanimous consent to have printed in the Record an article from Time magazine on the recent report of the Carnegie Foundation's Commission on Higher Education which recommends the use of "Paramedics" as a way of relieving the medical manpower shortage.

If I have any criticism of the legislation before us and of which I am a sponsor, it is that it fails to recognize fully the import of the manpower crisis or of the contributions which paraprofessionals can make toward its solution. The sum authorized for training under H.R. 19318 are far too small to permit the development of a cadre of people skilled in the administration and operation of family planning programs.

Mr. Speaker, while the excellent report of the Interstate and Foreign Commerce cites many reasons for the passage of this bill, I would like to discuss briefly several others.

First, nearly everyone agrees that overpopulation threatens the health and stability of nations. Especially in the developing countries do we face the grim prospect of too many mouths and too little food. The isolated starvation of 1970 could become the mass famine of 1990.

Fortunately, the American foreign aid program has recognized the dire need for family planning. But more action is necessary. David Riesman and other sociologists have written that population often grows in a "S" curve, the greatest increase coming during industrialization or other forms of economic takeoff. Many nations are experiencing rapid economic growth, and unless population restraints are taken, growth could become suffering. Indeed, a people desperate for food and living space may seek new territory.

Second, we realize that population is directly related to the environment. More Americans consume more natural resources and discharge more pollutants. One of the world's most productive economic regions has been the upper Middle West, and now the Great Lakes are dying. As population expands, clean waters and pure air diminish. In my own State, we have to spend millions of dollars to clean up Lake Washington.

Third, population increases mean tax increases. Not only do we have to spend more to clean up more, but additional human beings require additional public services.

The birth rate in America was very high in the decade 1950–60. It comes as no surprise, therefore, that school enrollments likewise skyrocketed and so did State and local taxes to pay for education. Limiting population is essential to limit taxes.

Fourth, we are finally recognizing that overpopulation has harmful emotional, physical, and psychological aspects. Behavioral scientists now believe that density is a major cause of crime and violence. Human beings, say the scientists, are more prone to agressive conduct when pressed together. Is there anyone who has not felt irritable and even nasty after waiting in line, driving during the rush hour, or trying to negotiate his way through a crowded building?

Mr. Speaker, in recent weeks I have received several letters urging me to vote against this legislation we are debating today. It appears that some misinformation has been distributed concerning H.R. 19318 and the Senate bill, S. 2108. Some persons have been told that the bills authorize abortion and even limit the number of children a family can have. This is not true. The programs contained in the measures are entirely voluntary.

The legislation we are considering is

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that: "We are not talking about the breeding of prize cattle . . . Although we sympathize with the unfortunate situation in which these parents find themselves, we firmly believe that the right of their child to live is greater than and precludes their right not to endure emotional and financial injury." *Gleitman* v. *Cosgrove,* 49 N.J. 22, 227 A. 2d 689 (1967).

[63] Biondi, "La Patria Potestas, *"Il Diritto Romano Cristano 13* (1954); Buckland and McNair, *Roman Law and Common Law* 35 (1936).

[64] Four states—Alaska, Hawaii, New York, and Washington—have laws that permit abortion on request. While some individuals may construe abortion on request to include abortion as a method of family planning, the public discussion that preceded the liberalization of the law in the above-mentioned states centered on adequate health care for the mother, and the medical profession has commonly looked on abortion as a procedure to be used in a specific case to maintain life or health.

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fair, well-written, and absolutely essential. It is a meaningful response to the growth of our population, a problem that historians may someday view as the most serious of the 20th century:

> ### Curing the Doctor Shortage
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> It usually takes at least eight years before a U.S. college graduate can practice medicine on his own. As a result, the world's best medical training has a serious flaw: the U.S. has only one physician for every 650 people, compared with the Soviet ratio of one to 400 and the Italian figure of one to 580. One out of 50 Americans has no access to a doctor under any circumstances. To cure the shortage, the nation's chief health officer, Dr. Roger Egeberg, prescribes an immediate injection of 50,000 new physicians—a 15% increase in those now practicing. Last week the Carnegie Commission on Higher Education produced a plan that could fill this prescription.
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> ### EDUCATIONAL OVERKILL
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> The Carnegie report is the most revolutionary look at the education of American physicians since the Carnegie Foundation's Abraham Flexner studies the problem in 1910. Because students could then enter medical school directly from grade school or high school, Flexner urged a sharp increase in scientific training and no student contact with patients until the final two years of study. The ultimate result has been a kind of educational overkill. After pre-med courses in college, medical students often spend unnecessary and repetitive hours in classroom work. Although the system has created an extremely high level of academic medicine and research, it needlessly prolongs medical training and restricts the doctor supply at a time when the demand is greater than ever.
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> The situation is likely to get worse. Convinced that the U.S. will adopt some kind of national health-insurance plan, the Carnegie Commission views the current problem as "a mere ripple in comparison with mounting waves of problems to be faced when the financial barriers to health care are lowered." To meet a demand for ever more doctors, it urges medical schools to update the Flexner plan and to adopt a program that it says could fill the physician gap by 1980. Among its recommendations:
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> Four-year medical-school programs and three-year residencies should each be shortened by one year. The goal: much earlier clinical practice. Medical schools should also institute a two-step degree system. After completing basic requirements, students could graduate with a new degree called bachelor of medicine or master of human biology, which would qualify them for research and teaching. Those interested in practicing medicine would be required to go on for an M.D.
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> Medical schools, which now accept 52% of all applicants, or 10,800 a year, should increase their admissions and take at least 16,400 students by 1978. A substantial number should be women, who now constitute only 7% of the U.S. doctor force, and blacks, who make up only 2%. Community colleges should undertake programs for training medical assistants to relieve physicians of many routine tasks (*see box*).
>
> Nine new medical schools should be established in urban areas with populations of 350,000 or more, each forming the nucleus of a university health-science center. The goal is a nationwide complex of 126 health centers, combining schools and hospitals and located within an hour's drive of 95% of the population.
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> The Federal Government should provide grants of up to $4,000 a year for low-income medical and dental students. It should also underwrite 75% of the cost of building or expanding health-science facilities. The estimated federal bill: $1 billion by 1980.
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> Several medical schools are already moving toward the Carnegie Commission's goals. Dartmouth is developing a three-year program leading to an M.D. degree. Case Western Reserve has long encouraged clinical experience by assigning each first-year student to follow one family's health problems throughout his four years of medical school.
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> ### OBSTACLES TO REFORM
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> Dr. Carl Ruhe, director of the American Medical Association's Division of Medical Education, notes that his organization is on record as favoring health insurance for all Americans, and he terms the Carnegie report's emphasis on community needs "consistent with the A.M.A.'s feelings and beliefs." Yet the obstacles to reform remain formidable. A significant number of academic doctors are quietly opposed to any changes that stress clinical training at the expense of their pet research projects. Many medical schools lack funds or facilities to increase their enrollments.
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> Federal help, on which the Carnegie recommendations rest, is not likely to be forthcoming in the near future. A tax-supported national health-insurance program could supply the Government with the money necessary to train doctors, but the Administration has shown no disposition to adopt such a plan.
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> ### Paramedics: New Doctors' Helpers
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> Compounding the doctor shortage, says the Carnegie Commission, is the absurd fact that "expensively trained physicians are performing tasks that could well be carried out by less broadly trained personnel." Such tasks include taking the patient's history and blood pressure—chores that a doctor need not do. The U.S. has an ample supply of people, including 250,000 retired nurses, many of whom would gladly help doctors concentrate on more serious matters. Each year, the armed forces discharge 30,000 highly trained medical corpsmen, including seasoned veterans of battlefield medicine in Viet Nam. But in many areas, the only civilian medical job open to such skilled men is hospital orderly.
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> In a fresh and growing trend, more than 40 training programs for doctors' assistants are under way across the country. The graduates, already numbering in the hundreds, are tagged with clumsy names—paramedic, clinical associate, health practitioner. They all relieve doctors of time-consuming jobs like preliminary diagnostic tests. The physician then reviews the findings and decides treatment for a dozen patients in the same time he might otherwise spend personally diagnosing a single patient.
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> Started by Duke University in 1965, paramedic studies are wide-ranging—from community health to bacteriology and psychosomatic medicine, plus techniques such as regulating intravenous infusions and operating respirators. As a recent Duke graduate put it: "It's not all flashing scalpels and white coats, but you can pack a lot of medicine into two years." Duke is training 40 future physician assistants a year, most of them ex-medical corpsmen. A dozen Duke graduates have already helped to set up similar programs at other medical schools. For every graduate, there are five or six job offers—most paying $10,000 a year or more.
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> To ease the critical shortage of pediatricians, the University of Colorado trains public health nurses (who already hold a master's degree) in subjects like anatomy, pharmacology, child psychologiy, orthopedics and mental retardation. Colorado's first 65 pediatric nurse practitioners are now carrying medical attention to children of poor families who rarely consult a doctor.
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> Colorado's practitioners have worked out so well that the university has also started a child health associate program for candidates with only two years of college. They get two years' training in anatomy, genetics, nutrition and other basics, then spend a third year interning at health centers and in doctors' offices. Now Colorado is recruiting intensively among minority and disadvantaged high school students.
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> In a vastly different approach, the Office of Economic Opportunity has funded training for family health workers, who need only the equivalent of a fifth-grade education. Many are recruited from welfare rolls. At Watts Health Center in Los Angeles and at The Bronx's Montefiore Hospital, for instance the workers learn to incorporate some of the functions of the public health nurse, the lawyer, social worker, physician and health educator. They make house calls and are trained to help people negotiate with welfare and other agencies to get the help they need.
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> Despite initial fears that paramedics might make errors of medical judgment, experience shows that this is not the case. One study of 180 patients examined first by a paramedic and then by a physician found the examiners disagreeing on only two cases. Supporters also point out that most paramedic work is double-checked by doctors. This fall California enacted legislation permitting physicians' assistants to work, provided they are under a doctor's supervision. Many other states are likely to follow suit.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. KYROS), a member of the subcommittee.

Mr. KYROS. Mr. Speaker, last April I had the honor of presenting, to the Democratic Policy Council's Committee on National Priorities, a paper on the status of our national health system. In the course of my preparation for that presentation I was shocked to learn of the high rate of infant mortality in this Nation. Let me quote to you from that presentation:

> The decrease in our infant mortality rate has leveled off. In 1969, 15 other nations had lower infant mortality rates than did the United States. Compared with these other nations, there is a notably high level of seriously underweight babies born in this country, as a result of premature birth and other less discernible factors. This has suggested to many that the medical care afforded to prospective mothers in this country is inadequate. Given the higher rate of poverty among non-white families in the United States, it is significant that the infant mortality rate among non-whites is three times that of whites, with a maternal mortality rate four times greater. Worse, this maternal mortality rate gap is increasing.

Mr. Speaker, it is shameful that a nation with our wealth, with our luxurious standard of living should tolerate this death rate among mothers and their babies. I believe that the legislation before the House of Representatives today will do much to improve this situation. The Family Planning Services and Population Research Act will make an important contribution to the health of American mothers and children. This bill will make family planning services available to low-income women who presently want and need but cannot afford them and will increase the Federal role in population research. When it first came before the health subcommittee, I was not aware of the important health benefits of family planning. However, our committee held 3 full days of hearings on this legislation and one expert after another testified to this fact.

One of the witnesses, Dr. Elizabeth

Connell, a physician who has practiced in my home State of Maine, and now lives in New York City, told the committee:

> The many health benefits of family planning services have been well-known to those of us in the field for some time but ignored by many public health agencies until very recently. We know that there is a direct relationship between infant mortality and other adverse outcomes of pregnancy on one hand, and high parity and short intervals between births on the other. The incidence of infant mortality, prematurity, mental retardation, congenital malformations and brain damage rises alarmingly among fourth and subsequent births. They are also far more frequent in births to older women and among first births to girls in their teens. The incidence of infant mortality increases considerably when births occur at too short intervals and all of these relationships are compounded and worsened when too many pregnancies occur too rapidly to impoverished women whose health has already suffered from poor living conditions, malnutrition, and inadequate medical care.

Later, Dr. Joseph Beasley, director of a large family planning project in New Orleans, gave the committee some startling data on the factors affecting infant deaths, stillbirths, and maternal deaths in that city. Dr. Beasley stated that in a 1964 study he found that an estimated half of the women in the lower socioeconomic group who had experienced a stillbirth or infant death had a recognizable health problem before they became pregnant. He estimated that 26 percent of the women 15–44 years of age within the lower socioeconomic group in the city of New Orleans contribute 56 percent of the live births, 72 percent of the stillbirths, 80 percent of the maternal deaths, and 68 percent of the infant deaths.

Later Dr. Beasley's group conducted a study of the causes of infant and maternal mortality and morbidity. They found that the shorter the period between births the higher the chance of prematurity. Prematurity is probably one of the major factors contributing to infant deaths and associated with mental retardation. Dr. Beasley's group also found that infant mortality rose when mothers were under 20 or over 35 years of age, and when the child is the sixth or seventh born to the woman.

Mr. Speaker, the legislation before us will serve as a tool to better health for infants and mothers in two ways.

First, it will help to provide family planning services to the low-income women who want and need them but presently do not have access to them. It is estimated that there are 5 million women who fall into this category. The middle-class woman who wants to practice birth control consults her private physician but the low-income woman has no private physician. Her medical care is usually provided by a hospital or health clinic. Mr. Speaker, in 1968 only one-fifth of the major public hospitals and only one-third of the Nation's public health departments offered those services.

The services are eagerly accepted when they are available. When Dr. Beasley and his colleagues instituted a voluntary family planning program in rural Louisiana, 75 percent of low-income women in their reproductive years, who were not seeking a pregnancy at that time, enrolled in the program. Three years later 74 percent of those women were still involved. Family planning clinics operated under OEO and HEW grants have been under constant strain to care for all the women seeking services.

No one was pushing or coercing those women. They wanted to be able to space their children. Dr. Beasley was helping them to do so and at the same time was increasing the chance that both mother and child would be healthier as a result.

Second, this bill will help all Americans by increasing research in the reproductive process and in contraceptive development. Research in the reproductive process is especially important, Mr. Speaker, because it will help those men and women who want to have children but have been unable to do so, and will aid those Americans who want to control their fertility by the practice of rhythm. Let me quote from the statement of Dr. Andre E. Hellegers, professor of obstetrics and gynecology, Georgetown University School of Medicine, and a member of Pope Paul's Commission of Population and Birth Control, which he submitted to the committee:

> What I have tried to stress is that whether you are interested in contraception or conception, in "artificial contraception" or "rhythm," in genetic counseling or mental retardation of cerebral palsy—to make any inroads into any of these problems you had better understand the very basics of ovarian physiology, of tuban or sperm physiology, of fertilization and implantation. In brief, of all those aspects of human reproduction which we understand so little about and which these bills pertain to.

Let me point out, too, that studies indicate that about 90 percent of all American couples have used or expect to use some form of contraception during their married lives. If that large a portion of American couples are going to use contraceptives it seems important that we help them have available the safest and most effective methods possible. At the present time the most effective method is the oral contraceptive. Eight million American women take the "pill" every day. Millions of other women, however, are not able to take this drug for medical social, or religious reasons. Other contraceptives have either similar drawbacks or are considerably less effective.

It seems to me that our Government has a clear and important responsibility to support research to develop contraceptives that will be safe, effective and acceptable to all population groups. And in regard to acceptability, I would like to read to you from Pope Paul VI's Encyclical in Human Life:

> We wish now to express our encouragement to men of science who can considerably advance the welfare of marriage and the family, along with peace of conscience, if by pooling their efforts they labor to explain more thoroughly the various conditions favoring a proper regulation of births.
>
> It is particularly desirable that, according to the wish already expressed by Pope Pius XII, medical science succeed in providing a sufficiently secure basis for a regulation of birth, founded on the observance of natural rhythms.

Population research that will enhance the reliability of the rhythm method would be of great value to Catholic couples. Research into other methods will benefit other Americans.

Mr. Speaker, I think it is clear that this legislation answers, at least in part, a very real health need of the American people and I urge the Members of the House to join me in supporting it.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. JARMAN) the Chairman of the subcommittee which held hearings on this bill.

Mr. JARMAN. Mr. Speaker, in 1966, President Johnson, in his health and education message, stated:

> We have a growing concern to foster the integrity of the family, and the opportunity for each child. It is essential that all families have access to information and services that will allow freedom to choose the number and spacing of their children within the dictates of individual conscience.

Last July, President Nixon concurred and urged that we "establish as a national goal the provision of adequate family planning services within the next 5 years to all those who want them but cannot afford them."

Both Presidents, along with President Kennedy, have also stressed the need for a greatly enlarged research program more commensurate with the urgency of the world's population problems.

The legislation before us recognizes a basic human right, the right to freely determine the size of one's family, the timing of one's children. It embodies the goals enunciated by Presidents Kennedy, Johnson, and Nixon.

We know that medically indigent persons who are usually dependent on public or voluntary agences for health care have heretofore had very limited access to family planning services. Official inventories of available services have shown that, in 1968, only 1,200 counties of over 3,000, provided any kind of family planning services. Furthermore, in over 80 percent of the 1,200 counties which did provide services, less than 100 patients per year were served. Ninety percent of approximately 4,000 nonprofit general care hospitals in the United States in which most low-income mothers deliver their babies had no family planning services at all. Last year, in spite of some progress, only 1 in 5 of the medically indigent women in need of services received them.

Still, the deleterious efforts of excessive childbearing are well-known. High fertility results in increased maternal and infant mortality and in high rates of prematurity. Prematurity, in turn, is the leading cause of mental retardation, brain damage, and other birth defects. HEW studies have indicated that family planning services are, by far, the most cost effective approach to the reduction of these health problems. In the economic and social sphere, the benefits are also clearly demonstrable. About one-half of all poor children in the United States are in families with five or more siblings. Obviously, a marginal income barely sufficient to support a family of

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four or five cannot be stretched to feed, clothe, and maintain a much larger number of children. Too often, the family as its size increases, must depend on public assistance for its subsistence. Additional children, unplanned and unwanted create an intolerable burden not only on the financial resources of the family but on their emotional resources as well. Children born in these circumstances have, from the beginning, a poor chance in life indeed.

H.R. 19318 will greatly increase the amount of services available to low-income families and will enable them to limit and space their children according to their individual wishes and needs. Our committee heard impressive evidence that, when services are offered with dignity and compassion, they are eagerly used by the patients and valued by the entire community.

H.R. 19318 also will provide additional support for research in the various scientific fields which have a bearing on population research. Biomedical research in the whole area of reproduction is still in its infancy. Basic inquiry is needed which will illuminate the problems associated with both fertility and infertility. Contraceptive research, that is the assessment and development of contraceptive methods, is of crucial importance to the health and safety of American women of the childbearing ages and to countless millions in the developing countries. Sociological and demographic research in the area of population growth and distribution has been sorely neglected up to now but we are fast becoming aware of its immense implication for our future as a Nation and for that of the world.

The Family Planning Services and Population Research Act of 1970 will enable us to make a realistic attack on these key problems. It is worthy of our endorsement.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. ROGERS) a member of the subcommittee which heard this bill.

Mr. ROGERS of Florida. Mr. Speaker, I rise in support of H.R. 19318, a bill to provide a comprehensive program of family planning services, research, and information distribution on a voluntary basis to the people of our Nation.

As a member of the Subcommittee on Public Health and cosponsor of this bill, it is my opinion after listening to the testimony of many witnesses on this subject, that the family planning services in this Nation are for the most part either: First, nonexistent; second, in a state of disorganization; or third, often not reaching the people who need them most. The Subcommittee reported out a bill which will go far to consolidate programs in areas where duplication exists and to establish new programs where they are drastically needed.

I would like to emphasize to the Members that the program embodied in this legislation is offered to persons on a strictly voluntary basis, and that none of the funds authorized to be appropriated under this bill shall be used in programs where abortion is a method of family planning.

It is time for us to coordinate our scattered family planning information and research and services programs so that those individuals with high-fertility rates or who have excessive and unwanted childbirths can go somewhere for information and service. Usually it is the poor who do not have access to family planning services and who have excessive childbirths which they cannot afford.

However, the problems of excessive childbearing in this country are not limited to low-income families. This is illustrated by the recent study which indicates that 32 percent of all American married couples who want no more children are likely to have one or more unwanted pregnancies before they complete their fertile years. And among those who want more children, 62 percent will fail to time their children according to their wishes or plans.

Therefore, this legislation embodies a program which can give information and services for those who desire it to assist them in their family planning, so that they will be able to establish a timely and appropriate family environment for their children.

I urge my colleagues again to give their support to H.R. 19318.

Mr. HARRINGTON. Mr. Speaker, I am proud to rise in support of H.R. 19318, a bill which has achieved a tremendous nonpartisan consensus in recognition of the desirability and need for voluntary family planning services and population research in the United States. As a cosponsor of this legislation, I am especially gratified at the prospect of providing, in the near future, family planning services to over 5 million medically indigent women in the United States who want and need them.

I have been particularly impressed by the broad support for this legislation. In addition to the 96 cosponsors of several family planning services and population research measures in the House, similar legislation had 31 cosponsors in the Senate where on July 14 it was approved unanimously. These cosponsors represent both parties, all religious beliefs, and all sections of the country. H.R. 19318 is truly an example of bipartisan legislation. Broad support for this bill has been in evidence not only in the Congress, but also in the executive branch. Secretary of Health, Education, and Welfare Elliott L. Richardson has recently identified this legislation as one of several pieces of priority legislation for his Department.

Strong support for this legislation can be found not only within the Federal Government, but also among many prominent private individuals and organizations. More than 35 witnesses submitted testimony to the Subcommittee on Public Health and Welfare, with almost all of them supporting this legislation. This support came from such diverse organizations as the American Medical Association, the American Veterans Committee, the National Association of Counties, the National Education Association, the Day Care and Child Development Council of America, Inc.; such prominent individuals as the Honorable John W. Gardner, John D. Rockefeller III, and Gen. William H. Draper, Jr.; and Mayor Moon Landrieu of New Orleans; the State of Michigan's Department of Natural Resources, and New York City's Human Resources Administration, and Health Services Administration.

As a further example of this broad private sector support, I call to your attention excerpts from the statements of representatives of various religious groups and ask unanimous consent that these excerpts be printed in the RECORD.

The tremendous public and private support for this legislation is clearly indicative of "an idea whose time has come." Therefore, let us not waste any more precious time.

Mr. Speaker, let me conclude by urging all of my colleagues to support this humane and progressive legislation which is in the best tradition of nonpartisan politics. For if this legislation is enacted the real winner will be all Americans and this is as it should be in a democratic society.

The material follows:

STATEMENT OF GEORGE CRAWFORD, REPRESENTING THE DEPARTMENT OF POPULATION PROBLEMS, BOARD OF CHRISTIAN SOCIAL CONCERNS, THE UNITED METHODIST CHURCH

The United Methodist Church is becoming increasingly aware of the awesome dimensions of the worldwide population crisis facing mankind. In April of this year, the General Conference of the United Methodist Church, which is the legislative body of our eleven-million-member church, passed a resolution on the population crisis, the full text of which I am submitting for the committee records. This resolution calls upon the church to recognize rapid population growth as a matter of great religious and moral concern.

I would like to point out that the National Council of Churches, representing over 42 million Protestant Americans, also passed a resolution on this subject at its General Assembly in December 1969. This called upon "the churches, individuals and governments to recognize the seriousness of the threat posed to humanity by further population expansion" and went on to urge the Administration and Congress to establish a major agency on population with sufficient authority and money to lead the effort to halt population growth . . .

So we call upon the House to pass the population and family planning act as adopted by the Senate as a first step in making that "maximum and sustained effort."

STATEMENT OF RODNEY SHAW, REPRESENTING THE DEPARTMENT OF POPULATION PROBLEMS, BOARD OF CHRISTIAN SOCIAL CONCERNS, THE UNITED METHODIST CHURCH

I should like to make a few remarks on the morality of the measure as it is viewed by one of the largest Protestant Christian denominations.

Our church believes strongly that family planning is in accordance with the will of God.

In our nation, family planning assistance and services are almost universally available to the middle class, if they desire them. Even so, there are thousands of unwanted births to middle-class women each year because of contraceptive failure. Provision in this act for greatly expanded work on safer, more effective contraceptives will therefore be of service to women of all classes—and even in all lands.

I should particularly like to stress, however, the need for the family planning guidance and services which will be provided under this act to low-income women in rural areas and city slums. Provision of these services will remove what has been a very real and immoral discrimination against women in poverty.

I would like to comment on a charge sometimes made that governmental programs of family planning are wrong because they are simply a cheap and easy excuse for society to avoid taking more difficult and expensive measures to lift people out of poverty. As Christians and churchmen, we believe deeply that family planning programs must never be allowed to substitute for other programs to meet the needs of the poor.

However, the answer to this charge is not continued failure to make family planning assistance available to the poor. The answer is to ensure that such aid is offered in the context of genuine concern for the mother and the family and of adequate provision for their total welfare.

We believe that programs such as those authorized in this family planning and population act can help to assure that children will be wanted and loved, that mothers will be able to care for the children they have, and that the family will not be overburdened beyond its capacity. These accomplishments can surely be seen as obedient to the injunction to love others even as ourselves—as true affirmations of the will of the Lord of Life.

Statement of Msgr. Alphonse S. Popek, Milwaukee, Wis.

It would be an understatement to declare that I welcome this opportunity to address this august body. I have been present at the hearings on Monday and Tuesday of this week to hear only proponents of H.R. 15159 (S. 2108), without any voice large enough raised in protest to the passage of this horrendous bill. One solitary voice, that of a Wisconsin woman, was heard in opposition to the massive presentation made by witnesses in support of H.R. 15159 (S. 2108). I declared publicly on Tuesday that I would return to make this presentation and bring a bit of fresh air into the suffocating stench of death, permeating this chamber, by upholding the basic religious and moral principles upon which this country's Constitution and Bill of Rights are based.

Once the bill under consideration changes its status from a proposed bill into a Federal law, the U.S. Government will inevitably play God. The horrendous Hitlerian experiment, to propagate his super-race, will be repeated—life will become the cheapest commodity because Federal legal pressure will replace the Judaeo-Christian reverence for human life and its transmission as well as its continuance. Before long "life control" and "death control" within each State of the Union will fall before the monstrous sovereign dictatorship of the Federal Government, in spite of the repeated assurance in the proposed bill that the entire program of elimination of life will be on a voluntary basis. . . .

It is my firm conviction that the bill under consideration is the key which will unlock a Pandora's box. There are over 40 legal proposals before the 91st Congress of these United States, similar to the present bill. Each sophistically tampers with the possible, even probable, conception of human life and the elimination of human life after it has begun. Does the present bill propose "only a little bit of birth control?" In the mystique of its wording it proposes "a little bit of abortion" as well. It can be scientifically proven that "the pill" and the intrauterine devices, planned for widespread distribution in this bill, are not merely contraceptive but abortifacient. Who shall get the counseling, "the pill," the IUD? The bill states that all women, without distinction, whether they be married or unmarried without any determination of age will be provided their availability. . . .

Statement of Dr. James M. Dunn, Executive Secretary of the Christian Life Commission, Baptist General Convention of Texas

While it is clear that no one can speak for all Baptists in any area or on any issue, I do have clear directions to urge acceptance of the bill you consider.

On November 6, 1969, Baptists in their annual convention unanimously accepted a statement "calling on all Texas Baptists to lend their support to the passage of United States Senate Bill 2108."

This action was taken after years of mounting concern for the problems of the population explosion and related human miseries.

We call upon Baptists who respect the dignity of man and acknowledge his freedom of choice candidly to endorse the right and responsibility of family planning. Full family life education must be available to all citizens, particularly to the poor and uneducated. An affirmative public policy regarding birth control information is required in order that the right of free choice in the private life of husband and wife may have a basis in fact rather than being an empty slogan. We see any system, religious or political, that supports a mandatory, state imposed ignorance of modern medical advances as dictatorial and inhumane.

Therefore, we support the programs of the Public Health Service and other government and private agencies that offer health and hope to mothers otherwise trapped in a cycle of annual pregnancies. We see that planned parenthood, practiced in Christian conscience, may fulfill rather than violate the will of God.

In Corpus Christi, Texas, the first city to receive family planning funds from the Office of Economic Opportunity, birth control clinics have been cited as a major factor in the 41% decline in the number of patients treated after illegal abortions.

The dignity of millions of human beings demands that we not exhibit a careless disregard for their being brought into the world without the slightest possibility of being fed and educated decently . . .

We do believe that each married couple who desires information concerning planned parenthood ought to be able to obtain it. We support government action which would make this right a reality.

Statement of Rev. James T. McHugh, Director Family Life Division, U.S. Catholic Conference

I would like to just emphasize that the basic principle underlying my statement is that decisions regarding family size and the frequency of births must be left to the spouses and their decision should be reached without interference from the State or any other agency. Such a decision must be free of any type of outside coercion.

I would like to emphasize that the United States is long overdue in establishing a family policy for the Nation. Such a family policy must be comprehensive, positive, supportive of family life. It should include income and work programs such as those contained in the family assistance plan; a unified health-care program; an education program that would include early childhood education, better vocational education, and adult education programs in addition to our present institution of learning. It would also include specific welfare assistance for those families and individuals with special needs. In the absence of such a family policy, family planning, and birth control programs are a limited and negative approach to family life, very often based on pragmatic decisions that overlook the dignity of the individual and that are questionable as to intent and expected results. The present legislation is a case in point.

This brings us to a consideration of the question of governmental coercion, a matter that deserves some further clarification. Coercion of the individual takes place when overzealous welfare workers, medical personnel, maternal, and child health specialists attempt to pressure an individual mother or couple to avoid further childbearing. It is difficult to ascertain how often this happens, but it is a reality, and guidelines of various Government agencies have been drawn with the specific intention of prohibiting it. I might also indicate that the emphasis throughout the bills before us makes every effort at least verbally, to avoid such a possibility.

More serious and more dangerous, though, is that pervasive and subtle coercion that takes place when the Government involves itself massively in this type of social legislation.

I would want to make it quite clear that I am in favor of research, I am especially in favor of research in the whole area of reproductive biology. However, if research moneys are allocated merely to improve contraceptive technology, the health needs of mothers and children are ignored, and such research and the service it promotes falls far short of the needs for improved prenatal, delivery, postnatal and pediatric care as outlined in the 1967 NICHD report, "Optimal Health Care for Mothers and Children: A National Priority." . . .

Perhaps the most significant weakness of these various legislative proposals is the underlying assumption on which they are built, namely, that America is experiencing a population explosion and every effort must be made to check population growth. To begin with, current projections for population growth have been revised downward, and as the Report on National Goals indicates, our more serious problem is really one of population distribution.

The particular challenge facing America is to lead all men to realize that social problems such as poverty, injustice, racism, and war seriously limit man's enjoyment of human life, and are destructive of his dignity. In our attempts to find solutions to these problems, we must be wary of the utilitarian concept of man that measures the value of the person in terms of what he does, what he produces, or what it costs society to help him become self-sustaining. Such a view of man is limited and pragmatic, and directly opposed to the concept that man is made in the image of God and is entitled to acceptance, care, and concern on the part of the society of which he is a part.

Consequently, because of the failure of the present bills to sufficiently insure the freedom of the spouses, and for the other reasons that I have already stated, I am opposed to the passage of this legislation . . .

Statement of Rev. John A. O'Brien, Ph. D., Research Professor of Theology, University of Notre Dame, Notre Dame, Ind.

. . . My name is Rev. John A. O'Brien, Ph. D., and I am a research professor of theology at the University of Notre Dame, Notre Dame, Indiana. Perhaps it would be relevant for me to mention that I received the Gold Medal Award from the Religious Heritage of America, Inc., at its twentieth annual national leadership conference and awards program in Washington, D.C., on June 18, 1970. I have been interested in the problem of birth control for some forty years and was the first U.S. clergyman to write extensively on this subject . . .

I heartily commend the Bush-Scheuer bill, the House version of the Tydings bill,

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which passed the U.S. Senate unanimously. The Bush-Scheuer bill sets forth the most far-sighted and systematic program for regulating the world's soaring population that has yet been presented to the U.S. Congress. It has the backing of our most distinguished demographers and medical scientists. The bill is careful to respect the consciences of people of all faiths and it does not seek to coerce any persons to use a method contrary to their religious faith. In providing information and help to people in this country and abroad to regulate births, our government is performing a most important and urgently needed service. . .

One of the objectives in this bill is to promote research to find still more effective and simple medically approved methods of regulating births. The need for such continued research was publicly expressed by Pope Pius XII in an address to the National Congress of the Family Front in Rome on November 26, 1951.

What I have found particularly necessary to stress to members of my faith is that contraceptive birth control is now approved by virtually all the major Protestant Churches, as well as the Reform Jewish group. Indeed it is not only approved but, in many cases, it is considered a moral duty. Hence members of the Catholic faith have no desire to impose their views upon members of other faiths but now join hands with them in working for simple, effective and medically approved methods of spacing offspring. Hence I express the earnest hope that the Bush-Scheuer bill will pass the House of Representatives with the same unanimity with which the Tydings bill passed in the Senate. . .

STATEMENT OF DR. ANDRE E. HELLEGERS, WASHINGTON, D.C. MEMBER, POPE'S COMMISSION ON POPULATION AND BIRTH CONTROL

Mr. Chairman, I am Andre E. Hellegers, M.D., professor of obstetrics and gynecology, Georgetown University School of Medicine. Five years ago I had the privilege of testifying at the hearings before the Subcommittee on Foreign Aid of the Senate Committee on Government Operations, chaired by Senator Gruening.

I stressed the fact at that time that I testified as a private individual, not speaking on behalf of any organization, and I do so again today . . .

Let me cite a few facts. More than two years ago the President's Committee recommended that the Federal Government provide basic support for population study centers. Today, about 100 million births later, we are no closer to it.

A year and a half ago, also, the Conference of Roman Catholic Bishops of the United States set up a foundation, to which they contributed $800,000. They named it the Human Life Foundation.

What is its stated purpose? It is precisely to foster basic research in all those areas of reproductive biology and sociology which S. 2108 and H.R. 11550 want to see supported.

Now I am not here to suggest that the research envisaged under these bills restricts itself to that which the Pope and United States bishops might have in mind.

But I am here to say categorically that if the hopes of the Pope and the bishops are to be realized, we had better massively finance all those fundamental areas of human reproduction, both in their biological and humanities aspects, which the President's Committee and NIH are also interested in financing. And it should be obvious to anyone that no $800,000 is going to do it. It would be about enough to endow one research chair and that would be all.

About 10 per cent of the population has a sterility problem. Such people will go to almost any length to achieve a pregnancy, yet there is very little to do for them. Why? Precisely because we know too little about basic reproductive biology.

What I have tried to stress is that whether you are interested in contraception or conception, in "artificial contraception" or "rhythm," in genetic counseling or mental retardation or cerebral palsy—to make any inroads into any of these problems you had better understand the very basics of ovarian physiology, of tuban or sperm physiology, of fertilization and implantation. In brief, of all those aspects of human reproduction which we understand so little about and which these bills pertain to.

Yet, in the light of this, what has been the tangible action of the United States Government?

We speak of the National Institute for Child Health and Human Development being in charge of current medical, contraceptive, and behavioral research in this area. Available, I believe, were only between $10 and $15 million for Fiscal Year 1970 and about $30 million for Fiscal Year 1971.

I cannot but wonder how this compares with obsolete jet fighters for Taiwan.

I have said, Mr. Chairman, that the President's committee met about 102 million births ago, the Pope's encyclical came out about equally as many births ago, the Catholic Bishop's Foundation was started about 62 million births ago. And here we are today no further along in determining what is to be done.

In hearings such as these we hear the words, "too little" or "insufficient" or even "national disgrace."

When I hear, and read, of compulsory birth control or the need for abortion to solve the problem, or penalties on childbearing, I am left with only one impression. The present lack of research funding, after papal encouragement, bishops' encouragement, President's committee encouragement, and private foundation encouragement, can, in my view, only be described as downright immoral.

STATEMENT OF REV. LEO A. KEIL, COUNCIL FOR CHRISTIAN SOCIAL ACTION, UNITED CHURCH OF CHRIST

. . . In 1967 the Church's General Synod (biennial convention and the top body) adopted a statement in the context of world problems but directed especially to population control. It praised the relevant instrumentalities, called on the local churches to "take appropriate action," petitioned the Federal Government to "make personnel, technological, and financial resources available whenever they are requested and needed for this purpose" and declared:

"We reaffirm our position that the need for population control has become a most urgent moral imperative in our day . . . Every child has a right to be wanted and loved and to have the opportunities to achieve maximum fulfillment of personhood."

This position was reaffirmed again by the General Synod in 1969.

My study has convinced me that the problems we now have in society will increase as the population grows and new ones will surely emerge. I agree with President Nixon's remarks of July 18, 1969 that involuntary child-bearing often results in poor physical and emotional health for all members of the family, contributing to a distressingly high infant mortality rate, an unacceptable level of malnutrition, disappointing performance in school and driving many families into poverty or keeping them there.

STATEMENT OF THE JOINT WASHINGTON OFFICE FOR SOCIAL CONCERN, REPRESENTING THE AMERICAN ETHICAL UNION, AMERICAN HUMANIST ASSOCIATION, AND UNITARIAN UNIVERSALIST ASSOCIATION

Family planning and population control have long been concerns of our three organizations. Unitarians and Universalists, Ethical Culturalists and Humanists, were among the first urging government action in these areas, long before the current wave of popularity and public acceptance which, happily, now attends proposals of this kind . . .

Family planning is not an "anti-people" program; it is not a program designed to limit families of minority groups and black people. It is not practicing genocide to suggest that spacing children and limiting family size is socially desirable at every socioeconomic level.

Furthermore, as Congressman Shirley Chisholm has perceived it, "one of the underlying fears of Blacks is that some day people will be 'required' to use contraceptives or have an abortion in order to receive public assistance." As a powerful advocate of both abortion and birth control, Mrs. Chisholm clearly makes the point that neither should ever be forced or required, but rather "be available."

The legislation now before your Committee rightfully reinforces Mrs. Chisholm's position by seeking to assure the universal availability of family planning services to all those in need and, by making inviolate the conditions of non-coercion.

Our three organizations, joined by the National Women's Conference of the American Ethical Union, and the Unitarian Universalist Women's Federation, strongly endorse the Population and Family Planning Act and urge its passage by the Congress.

Mr. BINGHAM. Mr. Speaker, the fantastic growth in the world's population, particularly in the countries least able to sustain such rapid growth, has forced us to reexamine the ancient dictum: "Be fruitful and multiply." The increased individual needs of children in the context of the demands and stresses of modern life have led us to a new, refined concept of "responsible parenthood." The increasing recognition of the rights of individuals and groups in a pluralistic society has resulted in mutual respect for the beliefs and practices of all and in the acknowledgment that no one should seek to impose his personal or religious convictions upon others through law.

It is gratifying that the legislation before us, H.R. 19318, has broad and diverse support. It will provide a crucial health service to many who had previously been denied access to it by poverty or ignorance. Most importantly, it will offer these services purely on a voluntary basis and the bill contains explicit safeguards against coercion.

I was very impressed by a statement presented by Dr. Louis Dupre, professor of philosophy at Georgetown University, to the Committee on Interstate and Foreign Commerce in support of the Family Planning Services and Population Research Act. Dr. Dupre very eloquently expressed the view that no one should "be restricted from acting in accordance with his own beliefs." Mr. Speaker, I include Dr. Dupre's statement at this point in the RECORD:

STATEMENT OF DR. LOUIS DUPRE

Mr. Chairman and Members of the Committee, it is clear that the encyclical Populorum Progressio of Pope Paul VI recognized and reinforced the right of parents to decide the size of the family.

On the question of which measures are in accordance with the moral law Populorum Progressio remained silent. Thus far, in spite of subsequent specifications in the encyclical Humanae Vitae men, including high authorities in the Catholic Church have been unable to reach general agreement on the answer. Some highly moral and well-informed people feel that any non-abortive method of birth control may be used under the proper circumstances. Others claim that no other method than rhythm is licit. Still others consider only hormonal compounds which control the ovulatory system as morally acceptable.

Whether one considers these distinctions morally relevant or not, they certainly reveal that opinions in this matter are divided and remained divided. The division exists also among Catholics even and more than ever after the encyclical Humanae Vitae. The majority of Catholic women of this country are using or have used some form or other of contraception. The division exists even among the highest authorities in the Catholic Church as several statements of the local hierarchy attest.

What under these circumstances is for a Catholic the moral attitude toward public policy on birth control? Must he abstain from any participation in public programs until the last shred of doubt has disappeared within the Catholic Church? In doing so he fails to live up to the responsibility which the Christian has in the world today. A purely passive attitude would be exactly the kind of other wordly indifference toward essential human values which nonbelievers deplore so often in their Christian neighbors.

Abstaining from obstruction of government-sponsored aid in family planning is not enough. The Catholic has a positive responsibility in the present population crisis. In taking up this responsibility he can hardly expect that every one adopts the official views of his Church on the subject. But this fact need not paralyze him into non-cooperation. It should make him more watchful that the freedom of each recipient be respected in the implementation of family planning programs.

In thus cooperating, the Catholic does not take a stand himself on the objective morality of each particular method which is made available by the program. He may maintain his reservations toward any or all of these methods and yet fully cooperate, as long as no hidden or overt attempts are made to coerce the individual recipient of aid into accepting any particular method of birth control.

No person should be discriminated against because of his refusal to practice contraception. Information and technical means should be made available, but the right to determine the size of the family belongs to the family alone. The population crisis has not yet reached the statement of emergency in this country in which body politic is bound to intervene in a compulsory way to protect the common good. But the avoidance of this specter of the future is a strong reason to cooperate now in making the means of family restriction available while this restriction can still be made on a voluntary basis. The longer we wait, the greater the danger of government intervention becomes.

RESPECT FOR INDIVIDUAL CONSCIENCE

As long, however, as the individual conscience is resected, the moral problem involved in the support of government sponsored programs of family planning is not whether one is personally convinced of the morality of the various methods of contraception, but whether one is willing to uphold the freedom of conscience of others in making available the means which they, by an informed choice can adopt or reject according to their own conscience.

The positive obligation to respect the religious and moral convictions of those who do not share their faith holds eminently true for Catholics, who were recently reminded in the second Vatican Council:

"No one is to be forced to act in a manner contrary to his own beliefs nor is anyone to be restricted from acting in accordance with his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits."

It would seem that Catholics, who because of personal moral views, prevent legislation which would allow people to cope with a most urgent economic and social problem according to the dictates of their consciences, are paying only lip service to the Council's directives.

Religious freedom demands more than non-interference with a non-existent freedom. It includes giving a choice to those who had no choice and even making accessible information of which they might not even have suspected the existence. This conclusion has nothing in common with the absurd theory that one ought to teach the innocent every possible perversion in order to give them a real choice for a moral decision.

The information we are offering is not a new way of violating the moral law, but an efficient means to attain an end universally recognized as a moral good. The means itself is considered moral by the great majority of those who are acquainted with it; it is considered doubtful or even immoral by members of one major group. Why should this personal dissent of a relatively small minority be a reason for depriving the poor and the under-privileged from the right of practicing their own freedom?

GOVERNMENT'S ROLE SIGNIFICANT

A more intricate problem is: Is the distribution of birth control information the task of government? To what extent does the common good require government intervention into the private life of its citizens? I think the most moral answer to this question is: Only to the extent that the common good urgently demands such intervention, and even then with the greatest precautions for safeguarding the freedom of the individual.

It is in the name of respect for peoples' freedom, the freedom to survive rather than to sink even deeper into abjection, that Catholics ought to cooperate actively in making family planning available to their neighbors in need.

The basic principle underlying the Catholic Church's position is respect for human life and for the dignity of the person. This principle made her protect a society suffering from underpopulation against any behavior which could jeopardize the precarious balance of life even more.

Today this concern for the dignity of life demands a different application. In many places we have extended man's life span by a number of years. We thus have created an unprecedented situation and are faced with an entirely new responsibility.

Unless we soon integrate the consequences of this behavior in our line of action, we will merely have replaced destruction from without by destruction from within the human race. Family planning will become a matter of survival; it already is an essential factor in preserving the dignity of life.

Mr. TIERNAN. Mr. Speaker, as a member of the House Interstate and Foreign Commerce Committee, I am pleased to rise in support of the Family Planning Services and Population Research Act.

Robert McNamara, president of the World Bank, has stated that the "greatest obstacle to the economic and social advancement of the majority of the peoples in the underdeveloped world is rampant population growth." The average population growth of the world at large is 2 percent. It took 1,600 years to double the world population of 250 million, as it stood in the first century A.D. Today, the more than 3 billion on earth will double in 35 years' time, and the world's population will then be increasing at the rate of an additional billion every 8 years.

The world cannot stand this growth and this country cannot stand this growth. Each additional child brought into the world must not only be fed, but clothed, housed, medically cared for, and supported by educational services. All of this requires capital. If a nation's total population is very large, that nation is under compelling necessity to expand its resources simply to keep its people from slipping beneath minimum subsistence levels. A treadmill economy tends to emerge in which the total national effort will exhaust itself in running faster and faster merely to stand still. Plans for progress evaporate into massive efforts merely to maintain the status quo.

The need undeniably is to control our population growth, not by placing dictates on the number of children a couple may have, but by allowing them the opportunity of self-limitation. We must provide information to those who cannot afford the luxury of a professional physician's assistance.

There are many unknowns in the area of family planning which must be illuminated before men and women the world over can make responsible decisions concerning parenthood. Research is the key. H.R. 19318 would authorize the spending of $90 million over a 3-year period beginning in fiscal year 1971 for medical, contraceptive, behavioral, and program implementation research.

I urge my colleagues to join me in support of the Family Planning Services and Population Research Act.

Mr. OTTINGER. Mr. Speaker, more than 50 years ago the first family planning clinic in the Nation was opened in New York City, and the record shows that a long line of poor women stood patiently in the bleak slum street waiting to be served. They did not need radio and television and the mass media to tell them what their intelligence and their heart knew well: that if they could have children when they wanted them their lives would be better, they might be able to fight their way out of poverty, their health and their children's health would improve, their marriages would be happier. As we know, many of those women never did get served, for the clinic was closed by the police and its young organizer, Margaret Sanger, was arrested for breaking the old Comstock laws which forbade dispensing birth control information and services.

For the record, 50 years later many poor women in New York City, and indeed, in communities large and small across this land—an estimated 5 million of them—are still waiting to be given what is perhaps one of the most crucial of all health and social services. Now, of course, it is legal to provide family planning services to those who want them. Five Presidents of the United States have made it clear that they consider birth control an essential health service which it is proper for Government to support. Since 1964, when the first federally funded grant of $8,000 was made to support a birth control program, congressional appropriations for family planning have

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increased markedly. But the need for and costs of services have far outpaced the funds provided.

The record speaks eloquently of the gap between need and services: According to a study prepared for OEO in 1968, there were some 351,364 medically indigent women between the ages of 15 and 44 in New York State who were in need of family planning services. Only 99,228 of these women were being provided with subsidized family planning services, or a mere 28 percent of those in need. Seven out of 10 women in need of subsidized family planning services were denied them. Since these women cannot afford private medical care they were either forced to use inefficient nonprescription methods, or to play Russian roulette with their reproductive lives. Many undoubtedly became pregnant and bore unwanted children. Some undoubtedly sought out back-street abortionists and had illegal abortions at great risk to their lives. For some an additional child meant becoming even more inextricably bound in poverty.

To highlight further the lack of services in New York: Of the 237 nonprofit general-care hospitals where almost all of the 275,000 babies were born, only 65 reported that they offered family planning services through their health departments.

In Westchester County, where I live and which I have had the honor of representing, the record is little better: Of an estimated 10,493 women in need of subsidized services, only 3,354 were served, or only 32 percent of those in need. Only two of the 14 nonprofit general-care hospitals where the 11,622 of the county's children were born reported providing family planning services, and the county's health department provided no services at all. In 37 of the State's 62 counties—or almost six of every 10—there were no subsidized family planning services at all to which medically indigent women in need might turn for help.

This is intolerable. It is shortchanging Americans of a very basic right: the opportunity to make something of their lives, to live in dignity, to control their destiny.

That is why I urge the passage of the Family Planning Services and Population Research Act. Its objective is to provide far more funding, over a 3-year period, than now exists. It reorganizes HEW's family planning and population services, making them the direct responsibility of the Deputy Assistant Secretary for Population Affairs. It makes additional funds available for project grants to public and private agencies, and for formula grants to State health directors. And it makes funds available for sorely needed contraceptive, biomedical, and behavioral research. Recognizing the need for trained manpower, it also provides funding in this crucial area.

Almost 100 Members of the House have joined in sponsoring this bill. We recognize what a central role family planning can play in improving the lives of millions of our fellow Americans; in reducing the tensions and pressures generated by poverty and despair. It is important that we act on it now so that the program will not be delayed any longer.

Mr. COHELAN. Mr. Speaker, I rise in support of the Family Planning Services and Population Research Act of 1970. This bill is designed to expand and improve the availability of family planning services, as well as authorize funds for needed population and contraceptive research.

Like so many of my colleagues in the House, I share the concern for increased family planning services and information for all citizens as I am convinced that the quality of life for this Nation and the world is directly related to population growth. I am also concerned over the discrepancy that exists in the availability of family planning services for low-income citizens. Low-income families without access to private medical care are often denied the opportunity to determine the number and spacing of their children. It has been estimated that approximately one-half of the poor children in our Nation are in families with five or more children. Of the estimated 5 million medically indigent women who could probably benefit from subsidized family planning services, if available, only 1 out of 4 now receives these services. The problems of unplanned births result to a large extent from the inaccessibility of family planning services and information.

At the beginning of 1970 approximately 1.2 million persons have benefited from federally funded family planning services across the country. This figure represents the highest number of persons ever to receive subsidized family planning services. In spite of this advance, the President stated that our national goal is to provide voluntary family planning services to over 5 million women who, because of their economic status, cannot afford such planning services.

As a member of the House Appropriations Committee, I have continually worked to reduce needless Federal spending in an effort to fund those domestic programs that are vital to the improvement of the quality of life for all citizens. For this reason, during the last session of Congress I cosponsored the original Family Planning and Population Act, H.R. 11550. This bill authorized what I considered to be a realistic amount of Federal funds for family planning services and research into better and safer methods of contraception. Although the bill before the House today, H.R. 19318, represents a reduction in authorizations for the two major programs of this bill; family planning services and population research, I still feel that this bill is a major advance over existing programs.

More funds are required for these programs. Let us examine the need for adequate funds. Looking first at the costs for the project grants for family planning services, H.R. 11550 and the Senate's identical bill, S. 208, which was passed by the Senate on July 14, state that $450 million be authorized for a 5-year period for family planning services. H.R. 11550 authorizes that the first 3 years of service grants be equal to $180 million. However, the bill we have before us today allots only $120 million over a 3-year period—thus, less funds are authorized for a shorter period of time.

Testimony given at both the Senate and the House hearings on the Family Planning and Population Act of 1970 adequately supports the need for the suggested amounts of project grants of $180 million. For example, Dr. Joseph D. Beasley, director of the State family planning program in Louisiana, stated before the Subcommittee on Public Health and Welfare that the budget levels in H.R. 11550 are still low compared to the actual costs of providing services, as his own experience has proven with the Louisiana program. Dr. Beasley stated:

> If there is any real intention of meeting the goal of reaching all women in need, funds must be available. I understand that the Congress, in this period of tight budgets, is somewhat reluctant to authorize what appears to be a large amount of money. However, our statewide program in Louisiana will require $5 million in federal funds in calendar 1970. In addition to this, we will have to raise, from private contributions, another $1.5 million in matching funds. The total funds authorized in H.R. 11550 for project and formula grants in FY 1971 is $40 million. Even when added to other project grants presently authorized this amount would enable only a small number of states to establish comprehensive programs. Just assuming for a moment that we could establish statewide programs in every state for no more than it is costing in Louisiana the total Federal funds necessary this year would be $250 million. This program doesn't prove that much even in FY 1975.
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> H.R. 11550 proposes an expanded, flexible funding arrangement. It would provide, too, for the consolidation of programs, now scattered and fragmented, into a coherent and clearly visible national family planning delivery system. Both funds and organizational efficiency are vitally needed at the current stage of family planning program development. Our own experience would suggest that without this kind of increased and more flexible organization of programs, it will not be possible to maintain present programs and impossible to meet the goals which the President announced last year, and to which we as a nation are committed.

Even more striking is the reduction of the funds allotted for contraception research to almost 50 percent of what was requested in H.R. 11550. Last spring the Senate Subcommittee on Monopoly, chaired by Senator GAYLORD NELSON, held hearings on the effects and effectiveness of the "pill," the most popular form of contraception. These hearings made the record perfectly clear that further expenditures for family planning services must be coupled with adequate funds for immediate progress in research on better methods of contraception. This bill authorizes a mere $20 million in fiscal year 1971; $30 million in fiscal year 1972; and $40 million for fiscal year 1973 for research in the biochemical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

However, Mr. Speaker, despite the reduction in expenditures in H.R. 19318, I urge my colleagues to adopt this measure. This bill represents a significant advance over the family planning programs now in existence. It is an essential beginning to provide comprehensive family planning services to all who seek such information and services as well as improve the administrative and operational supervision of domestic population research programs and planning services.

Mr. Speaker, I strongly support H.R. 19318, the Family Services and Population Research Act of 1970, and urge my colleagues to adopt such a measure.

Mr. FISHER. Mr. Speaker, I fully and enthusiastically support H.R. 19318, the Family Planning Services and Population Research Act. For several years I have urged the expansion and strengthening of our national family planning program and have sponsored a number of bills to accomplish this. The fact that H.R. 19318 incorporates most of the main provisions of those bills is, of course, a source of real satisfaction to me. But I also feel a larger sense of pride and accomplishment. For with the opportunity to vote on this bill, we demonstrate the wisdom, courage, and vision of this great body. Good sense and man's humane nature have triumphed over backwardness and controversy.

H.R. 19318 is important to the strength and health of the Nation. The project grant features of this legislation will greatly enlarge the network of medical family planning resources available to the poor and medically indigent. Since more and more of the poor will then be able to plan and space their children, the maternal and infant health of these families will be improved. In addition, the ability to avoid unwanted pregnancies will mean that many of these families will be able to move out of poverty.

The funds authorized in this legislation for contraceptive research have important significance for both rich and poor Americans alike as well as for the entire world community. Without these research funds, there is little hope that better and less expensive means of contraception will be developed in the predictable future, and we urgently need improved contraceptive methods now.

As necessary and important as these programs are, we cannot expect that the Federal bureaucracy, particularly the Department of Health, Education, and Welfare, will automatically move to effectively implement the noble purposes of any legislation. Therefore, I strongly support the provisions of H.R. 19318 that mandate the statutory reorganization of HEW's family planning activities.

HEW maintains that it has been involved in the provision of family planning services for a number of years. However, when it comes down to the specifics of what is being done, the Department has not done as much as it should and could have done. The time has come when HEW must take its family planning responsibilities seriously and in H.R. 19318 we are helping them to do that. By giving statutory status to the Office of Population Affairs and a legislative mandate to the Deputy Assistant Secretary of Population Affairs to coordinate family planning and population activities, the Congress will have pinpointed administrative responsibility. HEW needs to understand that the Congress considers the family planning programs and population research activities authorized by this legislation as priority matters and that in the years to come we will demand an accurate accounting of their performance.

I am pleased to vote for H.R. 19318 and trust that HEW will meet its responsibilities in effectively administering these programs.

Mr. ZABLOCKI. Mr. Speaker, I rise in opposition to H.R. 19318, legislation we are considering today which would expand the family planning and population research activities of the Federal Government.

When S. 2108, the Senate-passed version of this measure, and similar House proposals were considered before the House Subcommittee on Public Health and Welfare in hearings, I strongly opposed such legislation as unnecessary and undesirable.

One can take little consolation in the provisions added in section 1107—voluntary participation—and section 1108—prohibiting abortion. These are indeed an effort to blunt my criticism and that of numerous other persons and organizations opposed to this legislation.

I submit the addition of these provisions has done little or nothing to correct the shortcomings of this legislation or otherwise justify its proposed enactment by Congress.

I certainly share the concern of supporters of this bill about improving the quality of life in our great country. Nonetheless, it is my strong belief that the Federal Government's proper role in this effort is basically to put our tax dollars to use in positive programs for purposes such as better distribution of the products of our labor, the improvement of our environment, and the education and enrichment of our people—not for the promotion of population control measures.

The concern about the provisions of H.R. 19318 which I am again expressing here today specifically reflects the sentiments of thousands of Americans who have openly expressed their opposition to this bill in letters and petitions to their Congressmen. It also specifically reflects the views of the overwhelming majority of my constituents.

It is my belief that H.R. 19318, like its predecessors, represents a completely unneeded and undesirable vehicle for the spending of hundreds of millions of tax dollars for very questionable purposes.

Therefore, I strongly urge my colleagues to join me in rejecting H.R. 19318. In these times of fiscal crises we have far more important things to do with our tax money.

Mr. BROOMFIELD. Mr. Speaker, it is a well-known fact that the world population will double by the year 2000 and that our own population will increase by more than half, to 300 million persons. It is difficult to imagine our already-overtaxed schools, hospitals, water supply, transport facilities and natural resources providing services to another hundred million Americans. Yet, that seems to be just what the future holds in store for us.

The prospects for the rest of the world are even worse. The distinguished British scientist and writer C. P. Snow sees no way to avoid a tragic famine at the turn of the century:

> Many millions of people in the poor countries are going to starve to death before our eyes. We shall see them doing so on our television sets.

Most of us, however, recognize that there is still chance of survival. World Bank President Robert McNamara points out:

> There is time—just barely time—to escape . . . A humane but massive reduction in the world rate of population growth must be made . . . If we shirk that responsibility, we will have committed the crime. But it will be those who come after us who will pay the undeserved—and unspeakable—penalties.

Clearly, we must make a beginning in our effort to control population. And that beginning must be based on our awareness of two basic facts: First, that the present means of birth control are far from adequate; and second, that Americans are not sufficiently educated to practice the necessary degree of birth control. The bill before us today would meet these two needs by encouraging research to develop better and safer contraceptive techniques and providing information in contraceptive use to Americans of all income levels.

In more detail, the Population and Family Planning Act would expand, promote, and better coordinate the birth control services and the population research activities of the Government. Through a program of 5-year grants administered by a new Office of Population Affairs in HEW, State health offices, public agencies, and nonprofit organizations would be funded to conduct research projects in this area. Universities would be given money to construct population research centers, and contracts would be negotiated with private research firms. All these groups would be authorized to train personnel for research activity.

More important, the bill would fund family planning projects on private and governmental levels, offering free services, especially information, to all interested citizens. This is certainly a long-needed approach to our population problem.

Of course, all such services will be dispensed on a voluntary basis. Acceptance of birth control information will not be a prerequisite for any other governmental programs of financial and medical assistance.

We should consider ourselves fortunate that it is still early enough to apply these solutions on a voluntary level. They must succeed and they must be augmented by even more money and more research, for their failure would require methods of birth control be coercion.

We can avoid such a programmed future by making a start immediately and continuing our efforts in the years ahead. The Population and Family Planning Act is an important beginning.

Mr. MATSUNAGA. Mr. Speaker, it comes as news to no one that the United States has a population problem. But, in fact, we have a number of population problems, and they range in scope from nationwide to individual.

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The bill we are now considering, H.R. 19318, addresses itself to this complete range of problems, and, as the sponsor of a similar measure, I urge its immediate passage.

The most visible national concern in the area of population is the aggregate one. Simply put, excessive numbers of people are taxing our national resources. As President Nixon told the Congress last year:

> The effects of population growth on our environment and on the world's food supply call for careful attention and immediate action.

In the most meaningful sense people pollute our environment, and unchecked growth of our population will surely doom all efforts at halting environmental deterioration.

Furthermore, family planning not only protects the future, it is of tangible, substantial benefit to people now living. Evidence is clear that approximately 40 percent of children born to poor people in America are unwanted, while 17 percent of the children born to the nonpoor are unwanted. The economic consequences of unwanted children to poor families are distressing; the social impact to the unwanted child is often cruel. The report of the House Commerce Committee on H.R. 19318 points out that only one in four of the approximately 5 million medically indigent women who desire family planning services has access to them.

In the face of this demonstrated need, the response of the Federal Government has been truly sad.

In the research field, for example, experts are virtually unanimous in their opinion that currently available methods of contraception are neither totally effective nor totally safe. Even the development of the imperfect contraceptive pill and intrauterine device came from strictly private, rather than public, laboratories.

On the operational side, the widely scattered and differently oriented Federal programs dealing with family planning services have frustrated many efforts in the field. One local agency told a Senate committee last year that it was forced to meet five different sets of grant guidelines, because its money came from a variety of State and Federal sources. H.R. 19318 provides for the establishment of the office of Deputy Assistant Secretary of Health, Education, and Welfare for Population Affairs. This official will administer and coordinate all federal family planning grant programs.

It is most important to emphasize, Mr. Speaker, the strictly voluntary nature of every one of this bill's provisions. Family planning services or information will be made available only to those who desire them. The bill directly provides that acceptance of family planning services or information "shall be voluntary." The committee report on the measure also points out that information in all projects funded under the bill "would be provided on the full range of family planning methods, including the rhythm method." We must be very careful to safeguard the religious and moral convictions of all of our citizens, and I am convinced that H.R. 19318 does precisely that.

Mr. Speaker, the question before us is not a partisan issue. Five Presidents of both political parties have affirmed support for an expanded effort in family planning services and research. H.R. 19318 would provide a coherent structure to deal with family planning and population problems. Its funding provisions are not as generous as those in the bill which I introduced but I believe it can serve as the beginning of a meaningful moral and financial commitment to the resolution of a most critical problem facing our Nation and the World.

I urge my colleagues to vote favorably on this bill.

Mr. BURKE of Massachusetts. Mr. Speaker, the language used in H.R. 19318 could profit from some sharper definition. For instance, the term "family planning service" is used quite freely. It is not clear whether it means provision of contraceptive materials and how to use them, or whether it includes Government-sponsored efforts to motivate people and condition their attitudes toward ideal family size. In fact, if interpreted widely, family planning could also include inquiry into the intimate relationship between husband and wife, relationships with their friends and relatives, child-rearing practices, and so forth. Who, after all, is empowered to make such decisions and foist them on a couple? I do not believe it is the role of a caseworker or an employee of a Government-funded agency to invade the privacy of family life, nor do I believe it is the intent of this legislation to finance such efforts.

It is also essential that we emphasize that the provision of contraceptive materials as family planning service does not include abortion as a method of birth control, and I approve section 1008 which specifies that no funds will be allocated for abortion as a method of birth control.

One of the further purposes of H.R. 19318 is "to coordinate domestic population and family planning research with the present and future needs of population and family planning programs."

Within the past year, the Congress enacted legislation establishing the National Commission on Population Growth and the American Future. That Commission has a 2-year authorization, and it seems important that whatever research is authorized under H.R. 19318 will be correlated with the work of the Commission.

Finally, one of the stated purposes of H.R. 19318 is to provide information, including educational materials on family planning, to all who desire such information. What is meant by education? It can mean offering reading material on various means of contraception. It can also mean consultation and intensive discussion. If it includes consultation, and intensive discussion about the techniques of contraception, this should be done by competent and professionally trained health care personnel. It should also be limited to helping the person understand the facts of reproduction, conception and birth, and the methods for avoiding conception, and their possible, contraindications. The information and educational materials should not be aimed at motivation, especially at motivating the person to adopt a particular ideology in regard to ideal family size.

I have some very serious reservations about the legislation under consideration, legislation that has already been highly touted as the Federal Government's first real step in the direction of a population policy.

My reservations are based on the fact that legislation is not formulated or enacted in a vacuum. There are people who see this bill not merely as providing a specific health care service, but as a way of using Government prestige, and Government suasion to accomplish their own aims.

For instance, Garrett Hardin, a biologist at the University of California, has recently written an editorial in Science magazine entitled "Parenthood: Right or Privilege?" The concluding paragraph states:

> If parenthood is a right, population control is impossible. If parenthood is only a privilege, and if parents see themselves as trustees of the germ plasm and guardians of the rights of future generations, then there is hope for mankind.

This is a very different way of thinking of parenthood.

Again, Paul Ehrlich, has recommended that ample funds be allocated by the Federal Government to research and develop mass sterilizing agents that could be added to the water supply in urban areas to decrease the fertility cycle.

Bernard Berelson, a highly respected demographer, lists a series of proposals that would place Government in the role of overriding the rights of citizens and establishing systems of fertility control. Among the proposals are such things as licenses to bear children, temporary sterilization of all women in a given age group by means of a time capsule contraceptive, with reversibility allowed only by Government approval, compulsory sterilization of men with three or more living children, and mandatory abortion in certain situations.

It seems to me that if this legislation is to be approved by this body, we must make it abundantly clear that it is projected as a public health service to enable people to do what their conscience dictates is proper or advisable in their own situation. By no means, however, should the Federal Government attempt to make the moral judgment that all citizens must limit family size to two or three children, nor should the legislation be misconstrued as placing the Government or any of its agencies in the position of judging what an individual couple must do in regard to childbearing.

During the past 5 years we have seen increased discussion and debate on the role of the Federal Government in providing family planning information and service to all who want it, particularly the poor.

As we consider the legislation before us, there are some important points to be reaffirmed: First, ideal family size: There are some students of population growth who feel that the primary goal of the Government is to achieve zero population growth. In practical terms this would mean limiting families to two children. The population projections are often based on the fertility patterns of the post-war baby boom, and the latest statistics of the U.S. Bureau of the Census indicate that our population growth is actually very much under control. Moreover, President Nixon has appointed a commission to further study the growth and distributions of the population. The theoretical ideal of the two-child family is not supported by sufficient scientific evidence to be endorsed by the Government as an absolute norm. Second, coercion versus voluntariness: There are two schools of thought on what the Government should do. The coercion school considers voluntary family planning ineffective in affecting overall population patterns, and therefore requires that Government institute programs to condition attitudes in favor of small families.

This presumes that Government will use whatever means necessary to motivate couples to attain ideal family size, with the ideal calculated by Government agencies. This motivation would include such things as using the tax structure to make people conform. Finally, this school also presumes a wide range of alternatives—such as abortion and mandatory sterilization programs, to enforce the achievement of the ideal. Such proposals have been advanced by demographers and proposed in legislation in the Senate.

On the other hand, the voluntariness school sees the role of Government as assisting the individual family unit to achieve the desired family size and frequency of births determined by a number of personal factors, principally the ability of the family to provide for and care for another child. This school assumes that population pressures will decrease if each family has only that number of children that is desired or wanted, and that given information and contraception materials, the couple will achieve their personal goal.

In approving the legislation before us, there must be a strong and unanswering commitment to voluntary participation on the part of recipients of family planning assistance. Third. Wanted versus unwanted births: The term "unwanted pregnancy" is used all too careless in much family planning literature. The presupposition is that the unplanned pregnancy is an unwanted pregnancy, and that the end result is an unwanted child, and that sickness, poor nutrition, crime and violence, the use of drugs are disproportionately higher among unwanted children. The basic proposition is unverifiable and the logic consistently breaks down. The unplanned pregnancy does not universally lead to the unwanted child, nor do we have clear definitions of the meaning of these terms. The committee has done an admirable job in avoiding such emotion-laden language, particularly since it was contained in earlier versions of this bill before us. Once again, we must emphasize the inherent limitations, philosophically and practically, of the legislation before us.

Mr. O'HARA. Mr. Speaker, during the past 3 to 5 years, questions related to population growth have received a great deal of public attention. During this time it has become clear that much of what is said or written is a matter of projection. It has also become clear that there are many factors that influence the demographic picture, factors about which we have little or no knowledge. Recognizing this, President Nixon proposed and the Congress has enacted legislation establishing a Commission on Population Growth and the American Future. This Commission has a 2-year authorization to study population trends and the more serious problems of population distribution.

As a consequence, there are a number of points that I would like to make in regard to H.R. 19318. First of all, there are many who have declared flatly that the Nation is in the midst of a "population explosion," and that in order to solve the problems of crime, violence, disease, poverty, malnutrition, inadequate education, and employment opportunity, we must immediately and drastically decrease population growth.

The latest reports from the Bureau of the Census raise serious questions about whether there is an uncontrolled acceleration of population growth. According to the most recent census reports under present fertility rates—2.45 children per woman of childbearing years—the Nation's population in the year 2000 will be 280 million. This is a considerably lower figure than earlier projections. In fact, the Census Bureau has dropped an entire series of projections calculated on 1950 fertility rates, and has added a new series that is more in keeping with present trends.

According to this series, fertility rates will drop to 2.11 and we may well achieve a stable population in 2037, that is, a population where births equal deaths, popularly referred to as zero population growth. Should this happen, we will face a new series of problems. The population will generally be older and probably more conservative and more resistant to change.

Second, continual decline in fertility rates attested to in the current population report indicates that since 1957, age at marriage has increased slightly and women have had greater success at spacing births. This has led to a sharp drop in fertility, with the present fertility rate at 2.45 children per year to each woman of childbearing age. The decrease in fertility certainly indicates that women today are having fewer children than women in the same age groups had in the 1950's. Many of these women indicate that they desire an average of three children, and they may be postponing childbearing. Demographers speculate that the postponement will lead to a reduced fertility rate for these women.

There has been frequent mention of the estimated 5 million poor women who are deprived of family planning assistance that they need and want, and it has been suggested that H.R. 19318 will fulfill that need. In fact, the 5 million figure is an extrapolation which has been criticized as inaccurate by some demographers, and admitted to be no more than a reasonable approximation on the strength of inadequate data by its authors. Moreover, Judith Blake argues that women in lower socioeconomic groups do not have larger families because they lack birth control assistance, but because they consciously choose to have larger families. Similar evidence is available in a study of New York women by Lawrence Podell.

Finally, family planning legislation, for all the good effects it intends, always carriers with it the danger of coercion and inherent threats to the rights of privacy. This is especially true when the target group of any such legislation is the poor, herein described as "low-income families."

Whenever a social program is directed to the poor, some person or persons must decide that the proposed recipient falls within the criteria of the target group. This in turn requires interviews, questioning, evaluation of response. Such interviews are often carried on by physicians, psychologists, and counselors in the course of their professional work with other persons who may not be poor. However, in those situations, the interviews are surrounded by confidentiality, a free choice to provide such information as manifested in the client's approach to the professional person, and very often—an exclusive professional relationship. There is need for assurance that such will be the case in regard to family planning programs.

Consequently, as I have read and deliberated on H.R. 19318, I have become convinced that we must make it emphatically clear to all that this legislation is not an attempt to control population, or an attempt to coerce or "punish" the poor. The central purpose of H.R. 19318 is to provide family planning assistance only to those who need it and desire it, particularly those who would not otherwise have access to such assistance, and increase basic scientific research so as to provide more accurate information and assistance in family planning to those who want it. In our efforts to assist those in the lower socioeconomic groups, every effort must be made to set up careful administrative guidelines that will protect them from coercion or any invasion of their privacy.

Mr. KOCH. Mr. Speaker, I rise to endorse with enthusiasm H.R. 19318, the population and family planning bill. I was a cosponsor of the original Family Planning bill introduced in the first months of the 91st Congress and am most pleased to see the wide support for this bill expressed on the floor of the House today.

The comprehensive, voluntary family planning services to be provided by this legislation are desperately needed—and wanted—by millions in this country, particularly by low-income families who have thus far been denied these services. By providing such services we aid not only the individuals who are desirous of voluntarily limiting the size of their families, but we will be doing much to alleviate many of the pressing problems facing our country today—problems directly re-

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lated to the burgeoning population, such as housing, education, pollution, transportation, and health care needs. Controlling the population explosion is a necessary precondition to solving our urban crises and to improving the quality of life. This bill does much in this regard. In addition to providing family planning services, this legislation provides greatly increased support for biomedical, behavioral and operational research relevant to family planning and population. I urge my colleagues to vote in favor of its passage.

Mr. RARICK. Mr. Speaker, my opposition to H.R. 19318 providing taxpayers' dollars for family planning has more to do with what is not being said nor considered rather than with what may have been led to feel will be accomplished.

As our young people are penalized from a full enjoyment and challenge of living with talk of limited families, silence prevails on the number of immigrants who each year enter the United States. Immigrations admitted here total as follows:

	1951-60	1967	1968	1969
Immigrants	2,515,479	361,972	454,448	313,632
Nonimmigrants		2,608,193	3,200,336	1,759,608

Source: Justice Department Immigration and Naturalization Service; 1969 figures, State Department.

But no suggestion from the population control people that foreign immigration should be suspended to insure "living room" for our native born.

The number of illegitimate births estimated for the entire United States has risen annually since 1940 with only one exception. During the 25-year period 1940–65, the estimated total more than tripled, from 89,500 in 1940 to 291,200 in 1965.

For example, although the illegitimacy rate has remained fairly stable during the 1960's, the number of unmarried women has been increasing and more illegitimate children are being born. Simultaneously, there has been a general decline in marital fertility associated with the delay of births by married women. Therefore, there has been a substantial rise in the illegitimacy ratio. From 1959 to 1965, the illegitimacy ratio increased by 49 percent. The corresponding percentage increases among white and nonwhite women were 79 and 21, respectively. From Trends in Illegitimacy, U.S. Department of Health, Education, and Welfare, February 1968.

Thus, any intelligent consideration of the population explosion must acknowledge that the problem stems not from the family unit but instead from the increase of illegitimate births.

Are we to understand that the population control alarmists will now demand enforcement of the State illegitimacy laws which have been all but repealed by inaction by the tolerance of an undisciplined permissive society?

Accompanying the current antipollution fad are the expressed fears of overpopulation. So great is the emotion generated by some that we are overpopulating our "living room" they would resort to a program of murder of unwanted children before birth.

Consider that 39 percent of the land in the United States is public land owned by Federal, State, or local government. Statistical abstract, U.S. Bureau of Census, 1969, page 191.

Thirteen Western States contain public lands on the average of two-thirds of their total acreage, owned by the Federal Government; that is, 99.8 percent in Alaska, 29.4 percent in Washington, 52.2 percent in Oregon, 64.5 percent in Idaho, 29.6 percent in Montana, 48.2 percent in Wyoming, 67.3 percent in Utah, 36 percent in Colorado, 44.5 percent in California, 44.7 percent in Arizona, 34.3 percent in New Mexico.

Humanity would seem more appropriately served by a program of homesteading Government-owned lands than abortionization.

I acknowledge that the bill purports to exclude tax dollars under this act from abortion education. But we all know this exclusion is not a prohibition to the nonprofit organizations taken in partnership nor to the overzealous family teachers and trainees with their reverse guilt neuroses. Some of us can remember that HEW appropriations bills also excluded tax dollars for the busing of schoolchildren to overcome racial imbalance.

The needed solutions to any population problem are left unsaid and not provided for.

Mr. NELSEN. Mr. Speaker, I have no further requests for time.

Mr. STAGGERS. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion of the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill H.R. 19318, as amended.

The question was taken.

Mr. SCHMITZ. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 298, nays 32, not voting 104, as follows:

[Roll No. 351]

YEAS—298

Adair
Addabbo
Albert
Anderson, Calif.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashley
Ayres
Baring
Belcher
Bennett
Betts
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Carney
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clay
Cleveland
Cohelan
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corbett
Corman
Cowger
Cramer
Culver
Daniel, Va.
Davis, Ga.
Davis, Wis.
Denney
Dennis
Diggs
Dingell
Donohue
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Forsythe
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gettys
Gibbons
Gonzalez
Green, Pa.
Griffin
Griffiths
Gubser
Gude
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
McCarthy
McCloskey
McCulloch
McEwen
McFall
Madden
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Ohio
Minish
Mink
Mize
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poff
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Rees
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Roberts
Robison
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Ruth
Ryan
St Germain
Satterfield
Saylor
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Snyder
Stafford
Staggers
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Thompson, Ga.
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Watson
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zion

NAYS—32

Alexander
Andrews, Ala.
Bevill
Byrne, Pa.
Caffery
Clancy
Clausen, Don H.
Cunningham
Daniels, N.J.
Derwinski
Dickinson
Dorn
Flood
Gaydos
Gross
Grover
Hagan
Haley
Hall
King
Long, La.
McMillan
Nichols
Nix
Rarick
Rooney, N.Y.
Schadeberg
Scherle
Schmitz
Steiger, Ariz.
Zablocki
Zwach

NOT VOTING—104

Abbitt
Abernethy
Adams
Anderson, Ill.
Annunzio
Ashbrook
Aspinall
Barrett
Beall, Md.
Bell, Calif.
Berry
Biaggi
Blatnik
Brown, Calif.
Brown, Mich.
Brown, Ohio
Button
Camp
Carey
Clark
Clawson, Del
Colmer
Coughlin
Crane
Daddario
de la Garza
Delaney
Dellenback
Dent
Devine
Dowdy
Edmondson
Eilberg
Fallon
Farbstein
Feighan
Flowers
Fulton, Tenn.
Gallagher
Giaimo
Gilbert
Goldwater

Goodling
Gray
Green, Oreg.
Halpern
Hansen, Wash.
Harsha
Hays
Hébert
Henderson
Hosmer
Jones, Ala.
Jones, Tenn.
Karth
Landgrebe
Landrum
Langen
Lukens
McClory
McClure
McDade
McDonald, Mich.
McKneally
Macdonald, Mass.
MacGregor
Mann
May
Mayne
Miller, Calif.
Mills
Minshall
Montgomery
Murphy, Ill.
Nelsen
Obey
O'Neal, Ga.
Pettis
Poage
Podell
Powell
Price, Tex.
Purcell
Railsback
Reid, N.Y.
Rivers
Rodino
Roudebush
Ruppe
Sandman
Shipley
Skubitz
Smith, N.Y.
Springer
Stanton
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Weicker
Whalley
Wilson, Bob
Wilson, Charles H.
Wold

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.
Mr. Annunzio with Mr. Springer.
Mr. Hays with Mr. Devine.
Mr. Miller of California with Mr. Teague of California.
Mr. Biaggi with Mr. Halpern.
Mr. Abernethy with Mr. Mayne.
Mr. Colmer with Mr. Goldwater.
Mr. Teague of Texas with Mr. Bob Wilson.
Mr. Rodino with Mr. Sandman.
Mr. Gallagher with Mr. Railsback.
Mr. Fulton of Tennessee with Mr. Beall of Maryland.
Mr. Eilberg with Mr. McClory.
Mr. Shipley with Mr. Minshall.
Mr. Giaimo with Mr. Brown of Michigan.
Mr. Carey with Mr. Reid of New York.
Mr. Podell with Mr. Bell of California.
Mr. Montgomery with Mr. Nelsen.
Mr. Murphy of Illinois with Mr. Dellenback.
Mr. Charles H. Wilson with Mr. Del Clawson.
Mr. Henderson with Mr. Smith of New York.
Mr. Jones of Alabama with Mr. Landgrebe.
Mr. Barrett with Mr. McDade.
Mr. Aspinall with Mr. Hosmer.
Mr. Adams with Mr. Price of Texas.
Mr. Clark with Mr. Thomson of Wisconsin.
Mr. Dent with Mr. Whalley.
Mr. Macdonald of Massachusetts with Mr. MacGregor.
Mr. Jones of Tennessee with Mr. Langen.
Mr. Rivers with Mr. McDonald of Michigan.
Mr. Purcell with Mr. Berry.
Mr. Gray with Mrs. May.
Mr. Flowers with Mr. Roudebush.
Mr. Edmondson with Mr. Camp.
Mr. Mann with Mr. Harsha.
Mr. Karth with Mr. Weicker.
Mr. Blatnik with Mr. Ruppe.
Mr. O'Neal of Georgia with Mr. Lukens.
Mrs. Green of Oregon with Mr. Pettis.
Mr. Mills with Mr. Button.
Mr. Abbitt with Mr. McClure.
Mr. Landrum with Mr. Brown of Ohio.
Mr. Obey with Mr. Skubitz.
Mrs. Hansen of Washington with Mr. Coughlin.
Mr. Delaney with Mr. Stanton.
Mr. Dowdy with Mr. Ashbrook.
Mr. Fallon with Mr. Wold.
Mr. Brown of California with Mr. Goodling.
Mr. Daddario with Mr. Crane.
Mr. Farbstein with Mr. McKneally.
Mr. Gilbert with Mr. de la Garza.
Mr. Feighan with Mr. Powell.

Mr. FOUNTAIN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of the Senate bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill as follows:

S. 2108

An act to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes.

Whereas unwanted births impair the stability and well-being of the individual family and severely limit the opportunity for each child within the family;

Whereas over five million American women are denied access to modern, effective, medically safe family planning services due to financial need;

Whereas significant benefits for the family and the community may be derived from family planning including the alleviation of poverty, the reduction of maternal and infant mortality rates, the reduction of the number of premature births and of crippling and mental diseases in infants, and the easing of the pressure of population growth on the environment;

Whereas research efforts to develop more effective, medically safe methods of family planning are inadequate to meet the need and urgency of the problem;

Whereas family planning has been recognized nationally and internationally as a universal human right;

Whereas it is the policy of Congress to foster the integrity of the family and the opportunity for each child; to guarantee the right of the family to freely determine the number and spacing of its children with the dictates of its individual conscience; to extend family planning services, on a voluntary basis, to all who desire such services: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF PURPOSE

SECTION 1. It is the purpose of this Act—

(a) to make comprehensive voluntary family planning services readily available to all persons in the United States and the areas specified in subparagraph (c) of section 6 of this Act desiring such services;

(b) to coordinate domestic population and family planning research with the present and future needs of population and family planning programs;

(c) to improve administrative and operational supervision of domestic family planning services and of population research programs related to such services:

(d) to enable public and voluntary agencies to plan and develop comprehensive programs of family planning services;

(e) to develop and make readily available information (including educational materials) on family planning and population growth to all persons desiring such information;

(f) to evaluate and improve the effectiveness of family planning service programs and of population research;

(g) to provide the trained manpower needed to effectively carry out programs of population research and family planning services; and

(h) to establish an Office of Population Affairs in the Department of Health, Education, and Welfare as a primary focus within the Federal Government on matters pertaining to population and family planning, through which the Secretary of Health, Education, and Welfare shall carry out the purposes of this Act.

OFFICE OF DEPUTY ASSISTANT SECRETARY FOR POPULATION AFFAIRS

SEC. 2. (a) There is hereby established within the Department of Health, Education, and Welfare an Office of Population Affairs to be directed by a Deputy Assistant Secretary for Population Affairs under the direct supervision of the Assistant Secretary for Health and Scientific Affairs. The Deputy Assistant Secretary for Population Affairs shall be appointed by the Secretary.

(b) The Secretary is authorized to provide the Office of Population Affairs with such full-time professional and clerical staff and with the services of such consultants as may be necessary for it to carry out its duties and functions.

FUNCTIONS OF THE DEPUTY ASSISTANT SECRETARY FOR POPULATION AFFAIRS

SEC. 3. (a) The Secretary for Health, Education, and Welfare shall utilize the Deputy Assistant Secretary for Population Affairs—

(1) to administer all Federal laws, over which the Secretary has administrative responsibility, which provide for or authorize the making of formula or special project grants related to population and family planning;

(2) to administer and be responsible for all population and family planning research carried on directly by the Department of Health, Education, and Welfare or supported through grants to or contracts with agencies, institutions, and individuals;

(3) to act as a clearinghouse for information pertaining to domestic and international population and family planning programs for use by all interested persons and public and private groups;

(4) to provide a liaison with the activities carried on by other agencies and instrumentalities of the Federal Government relating to population and family planning;

(5) to provide or support training for necessary manpower for domestic and foreign population and family planning programs of service and research;

(6) to coordinate and be responsible for the evaluation of the other Department of Health, Education, and Welfare programs related to family planning and population and to make periodic recommendations to the Secretary as set forth in section 4;

(7) to carry out the purposes set forth in subsections (a) through (h) of section 1 of this Act; and

(8) to carry out the programs established by the succeeding provisions of this Act.

(b) There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to meet the administrative expenses of the Office of Population Affairs.

PLANS AND REPORTS

SEC. 4. (a) Not later than six months after enactment of this Act the Secretary shall make a report to the Congress setting forth a plan, to be carried out over a period of five years, for extension of family planning services to all persons desiring such services, for research programs, for training of

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necessary manpower, and for carrying out the other purposes set forth in this Act.

(b) Such a plan shall, at a minimum, indicate on a phased basis:

(1) the number of individuals to be served, the types of family planning and population growth information and educational materials to be developed and how they will be made available, the research goals to be reached, and the manpower to be trained;

(2) an estimate of the costs and personnel requirements needed to meet these objectives; and

(3) the steps to be taken to establish a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

(c) On January 1 following submission of the plan and on each January 1 thereafter for a period of five years, the Secretary shall submit to the Congress a report which shall;

(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan;

(2) indicate steps being taken to achieve the objective during the remaining fiscal years of the plan and any revisions necessary to meet these objectives; and

(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan.

SPECIAL PROJECT GRANTS FOR FAMILY PLANNING SERVICES

SEC. 5. (a) The Secretary is authorized to make grants to public agencies and nonprofit organizations and institutions to assist in the establishment and operation of voluntary family planning projects.

(b) Grants under this section shall be made according to regulations promulgated by the Secretary. Funds shall be allocated after taking into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant and its capacity to make rapid and effective use of such assistance.

(c) Any grant under this section shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grant will be effectively utilized for the purpose for which it is made.

(d) For the purpose of making grants under this section, there is authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971, $60,000,000 for the fiscal year ending June 30, 1972, $90,000,000 for the fiscal year ending June 30, 1973, $120,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for the fiscal year ending June 30, 1975.

(e) The acceptance of family planning services provided shall be voluntary and shall not be a prerequisite or impediment to eligibility for or the receipt of other benefits or participation in any other programs of financial or medical assistance.

FORMULA GRANTS FOR FAMILY PLANNING, PUBLIC HEALTH SERVICES

SEC. 6. (a) There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, $20,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975, to enable the Secretary to make grants to State health agencies to assist the States in planning, establishing, maintaining, coordinating, and evaluating family planning services. The sum so appropriated shall be used for making payments to States which have submitted, and had approved by the Secretary, State plans for a coordinated and comprehensive program of family planning services.

(b) From the sums appropriated to carry out the provisions of this section, the several States shall be entitled for each fiscal year to allotments determined by the Secretary on the basis of the population and financial need of the respective States.

(c) For the purposes of this section the term "State" includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the District of Columbia, and the Trust Territory of the Pacific Islands.

(d) The acceptance of family planning services provided shall be voluntary and shall not be a prerequisite or impediment to eligibility for or the receipt of other benefits or participation in any other programs of financial or medical assistance.

TRAINING GRANTS

SEC. 7. For the purpose of training the necessary manpower required to fufill the purposes of sections 4 and 5, the following sums shall be authorized and appropriated: $2,000,000 for the fiscal year ending June 30, 1971; $3,000,000 for the fiscal year ending June 30, 1972; $4,000,000 for the fiscal year ending June 30, 1973; $5,000,000 for the fiscal year ending June 30, 1974; and $6,000,000 for the fiscal year ending June 30, 1975.

RESEARCH GRANTS

SEC. 8. (a) In order to promote research in the biomedical, contraceptive development, behavioral and program implementation fields related to population and family planning, the Secretary is authorized to make grants to public agencies and nonprofit organizations and institutions, and to enter into contracts with groups, associations, institutions, individuals, or corporations for the conduct of such research.

The Secretary shall utilize the Office of Population Affairs in administering the provisions of this section.

(b) For the purpose of making grants and entering into contracts under this section, there is hereby authorized to be appropriated $35,000,000 for the fiscal year ending June 30, 1971, $50,000,000 for the fiscal year ending June 30, 1972, $65,000,000 for the fiscal year ending June 30, 1973, $85,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975.

GRANTS FOR CONSTRUCTION OF POPULATION RESEARCH CENTERS

SEC. 9. (a) There is authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1971, $14,000,000 for the fiscal year ending June 30, 1972, $16,000,000 for the fiscal year ending June 30, 1973, $18,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975, for project grants to assist in meeting the cost of construction and operation of centers for research (or research and related activities) relating to human reproduction, sterility, contraception, effectiveness of service delivery, population trends, and other aspects of, or factors which affect population dynamics. Sums so appropriated shall be available until expended for payments with respect to projects for which applications have been filed under this part before July 1, 1976, and approved by the Secretary before July 1, 1977.

(b) Applications for grants under this section with respect to any center may be approved by the Secretary only if—

(1) the applicant is an institution of higher education or other public or private nonprofit institution which the Secretary determines is competent to engage in the type of research (or research and related activities) for which the center is to be constructed; and

(2) the application contains or is supported by reasonable assurances that (A) for not less than twenty years after completion of construction, the facility will be used for the purposes for which it was constructed; (B) sufficient funds will be available for meeting the non-Federal share of the cost of constructing the facility; (C) sufficient funds will be available, when the construction is completed, for effective use of the facility for the purposes for which it was constructed; and (D) all laborers and mechanics employed by contractors or subcontractors in the performance of construction of the Center will be paid wages at rates not less than those prevailing for similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bason Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have, with respect to the labor standards specified in this clause, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(c) In acting on applications for grants, the Secretary shall take into consideration the relative effectiveness of the proposed facilities in expanding the Nation's capacity for research (or research and related activities) in the field of population dynamics and such other factors as he may prescribe by regulations in order to assure that the facilities constructed with such grants, severally and together, will best serve the purpose of advancing scientific knowledge related to population dynamics.

(d)(1) The total of the grants with respect to any project under this section may not exceed 75 per centum of the necessary cost of the project as determined by the Secretary.

(2) Payment of grants under this section shall be made in advance or by way of reimbursement, and in such installments (consistent with construction progress) and on such conditions, as the Secretary may determine.

(e) If, within twenty years after completion of any construction for which funds have been paid under this section—

(1) the applicant or other owner of the facility shall cease to be a public or private nonprofit institution or

(2) the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines, in accordance with the regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreements of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of the construction of the facility.

(f) Except as otherwise specifically provided in this section, nothing contained in this section shall be construed as authorizing any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirement or condition with respect to, the research or related activities conducted by, or the personnel or administration of, any institution.

(g) Within six months after the enactment of this section, the Secretary, after consultation with the appropriate advisory council or councils, shall prescribe general regulations covering the eligibility of institutions, and the terms and conditions for approving applications.

(h) As used in this section the terms "construction" and "cost of construction" include

(A) the construction of new buildings and the expansion, remodeling, and alteration of existing buildings, including architects' fees and the cost of acquisition of land, but not including the cost of offsite improvements, and (B) equipping new buildings and existing buildings, whether or not expanded, remodeled or altered.

(i) The Secretary shall administer the provisions of this section by and through the Office of Population Affairs.

SPECIAL PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING AND POPULATION GROWTH INFORMATION DISTRIBUTION AND EDUCATIONAL MATERIALS DEVELOPMENT

Sec. 10. (a) The Secretary is authorized to make project grants and enter into contracts with public agencies and nonprofit organizations and institutions to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

(b) For the purpose of making grants or entering into contracts under this section there are authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending June 30, 1972; $1,250,000 for the fiscal year ending June 30, 1973; $1,500,00 for the fiscal year ending June 30, 1974; and $1,750,000 for the fiscal year ending June 30, 1975.

(c) The acceptance of family planning and population growth information (including educational materials) provided shall be voluntary and shall not be a prerequisite or impediment to eligibility for or the receipt of other benefits or participation in any other programs of financial or medical assistance.

Passed the Senate July 14, 1970.

Attest:

SECRETARY.

MOTION OFFERED BY MR. STAGGERS

Mr. **STAGGERS**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill S. 2108 and to insert in lieu thereof the provisions of the bill H.R. 19318 as passed.

The **SPEAKER**. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

MOTION OFFERED BY MR. STAGGERS

Mr. **STAGGERS**. Mr. Speaker, I offer a motion to strike out the preamble of the Senate bill.

The Clerk read as follows:

Mr. STAGGERS moves to strike out the preamble of the bill S. 2108.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 19318) was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. **FOUNTAIN**. Mr. Speaker, on the preceding rollcall, No. 350, on the bill S. 3785, I was taking an emergency call and did not respond to my name. Had I been present, I would have voted "Yea."

GENERAL LEAVE TO EXTEND

Mr. **STAGGERS**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

HORSE PROTECTION ACT OF 1970

Mr. **STAGGERS**. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2543) to prohibit the movement in interstate or foreign commerce of horses which are "sored," and for other purposes, as amended.

The Clerk read as follows:

S. 2543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Horse Protection Act of 1970".

Sec. 2. (a) A horse shall be considered to be sored if, for the purpose of affecting its gait—

(1) a blistering agent has been applied after the date of enactment of this Act internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(2) burns, cuts, or lacerations have been inflicted after the date of enactment of this Act on the horse;

(3) a chemical agent, or tacks or nails have been used after the date of enactment of this Act on the horse; or

(4) any other cruel or inhumane method or device has been used after the date of enactment of this Act on the horse, including, but not limited to, chains or boots;

which may reasonably be expected (A) to result in physical pain to the horse when walking, trotting, or otherwise moving, (B) to cause extreme physical distress to the horse, or (C) to cause inflammation.

(b) As used in this Act, the term "commerce" means commerce between a point in any State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) and any point outside thereof, or between points within the same State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

Sec. 3. The Congress hereby finds (1) that the practice of soring horses for the purposes of affecting their natural gait is cruel and inhuman treatment of such animals; (2) that the movement of sored horses in commerce adversely affects and burdens such commerce; and (3) that horses which are sored compete unfairly with horses moved in commerce which are not sored.

Sec. 4 (a) It shall be unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sored.

(b) It shall be unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sored if that horse or any other horse was moved to such show or exhibition in commerce.

(c) It shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sored, if any horse was moved to such show or exhibition in commerce, unless such person can establish that he has complied with such rules and regulations as the Secretary of Agriculture may prescribed to prevent the showing or exhibition of horses which have been sored.

Sec. 5 (a) Any representative of the Secretary of Agriculture is authorized to make such inspections of any horses which are being moved, or have been moved, in commerce and to make such inspections of any horses at any horse show or exhibition within the United States to which any horse was moved in commerce, as he deems necessary for the effective enforcement of this Act, and the owner or other person having custody of any such horse shall afford such representative access to and opportunity to so inspect such horse.

(b) The person or persons in charge of any horse show or exhibition within the United States, or such other person or persons as the Secretary of Agriculture (hereinafter referred to in this Act as the "Secretary") may by regulation designate, shall keep such records as the Secretary may by regulation prescribe. The person or persons in charge of any horse show or exhibition, or such other person or persons as the Secretary may by regulation designate, shall afford the representatives of the Secretary access to and opportunity to inspect and copy such records at all reasonable times.

Sec. 6 (a) Any person who violates any provision of this Act or any regulation issued thereunder, other than a violation the penalty for which is prescribed by subsection (b) of this section, shall be assessed a civil penalty by the Secretary of not more than $1,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed under this subsection, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who willfully violates any provision of this Act or any regulation issued thereunder shall be fined not more than $2,000 or imprisoned not more than six months, or both.

Sec. 7. Whenever the Secretary believes that a willful violation of this Act has occurred and that prosecution is needed to obtain compliance with the Act, he shall inform the Attorney General and the Attorney General shall take such action with respect to such matter as he deems appropriate.

Sec. 8. The Secretary, in carrying out the provisions of this Act, shall utilize, the maximum extent practicable, the existing personnel and facilities of the Department of Agriculture. The Secretary is further authorized to utilize the officers and employees of any State, with its consent, and with or without reimbursement, to assist him in carrying out the provisions of this Act.

Sec. 9. The Secretary is authorized to issue such rules and regulations as he deems necessary to carry out the provisions of this Act.

Sec. 10. No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together. Nor shall any provision of this Act be construed to exclude the Federal Government from enforcing the provision of this Act within any State, whether or not such State has enacted legislation on the same subject, it being the intent of the Congress to establish concurrent jurisdiction with the States over such subject matter. In no case shall any such State take any action pursuant

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to this section involving a violation of any such law of that State which would preclude the United States from enforcing the provisions of this Act against any person.

Sec. 11. On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four-calendar-month period thereafter, the Secretary shall submit to the Congress a report upon the matters covered by this Act, including enforcement and other actions taken thereunder, together with such recommendations for legislative and other action as he deems appropriate.

Sec. 12. There are hereby authorized to be appropriated such sums, not to exceed $100,000 annually, as may be necessary to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. NELSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from West Virginia is recognized for 20 minutes.

Mr. STAGGERS. Mr. Speaker, this bill passed the Senate unanimously last year, and was unanimously reported from our committee in October.

The bill is entitled the Horse Protection Act of 1970, and is intended to put an end to the practice of some persons of deliberately soring horses. Tennessee walking horses have a very distinctive gait or walk. This distinctive gait can be achieved through patient training, or, unfortunately, through deliberately making the front feet of the horse sore.

Unfortunately this practice of soring horses has become quite widespread, so that today it is impossible to be certain that Tennessee walking horses at horse shows are performing as a result of their training, or from having been deliberately mistreated.

Soring of horses is usually done by applying a blistering agent to the horse's leg and by wrapping this area with chains or metal rollers. Then, during a show, the sore is covered by a boot which rubs against the sore and heightens the pain even further. As a result of the horse's front legs being sored, the gait of the horse is achieved quickly, without the long and difficult training period.

This bill is designed to end this practice by prohibiting the shipment of any horse in commerce, for showing or exhibition, which a person believes is sored. The bill also makes unlawful the exhibition of a sored horse in any horse show or exhibition unless the person conducting the show has complied with reasonable regulations established by the Department of Agriculture for the purpose of preventing the showing of sored horses.

The committee has amended the bill to provide that the prohibition against moving of horses in commerce shall apply only to horses which are sored after the date of enactment of the bill.

Mr. Speaker, there are approximately 25,000 Tennessee walking horses in the United States today, and it is unfortunate that the Tennessee walking horses exhibitors have found themselves unable to do anything to end the practice of deliberate mistreatment of these animals. We feel that the legislation is necessary, and the agency reports on similar legislation express no objection to its enactment.

As I mentioned, the committee was unanimous, and we recommend that the bill be passed.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. This would not require an Assistant Secretary of Agriculture for Sore Horses, would it?

Mr. STAGGERS. No; I do not think so, Mr. Gross.

Mr. GROSS. I notice there is the sum of $100,000 per year contained in the bill for some purpose or another, and in looking at the personnel over in the Department of Agriculture I would think they would have enough personnel in-house to take care of the provisions of this bill. If the gentleman from West Virginia thinks they ought to have another $100,000, provided there is not an Assistant Secretary appointed, I will go along with the gentleman. I think the bill is a good bill otherwise.

Mr. STAGGERS. Well, in response to the gentleman from Iowa I would just quote to him the Secretary who stated that in carrying out the provisions of this act he shall utilize to the maximum extent practicable the existing personnel and the facilities of the Department of Agriculture.

Mr. GROSS. I am glad to hear that, but another $100,000 goes along with it.

Mr. STAGGERS. Well, that is true. However, this will not exceed $100,000, if needed. We would hope that they would not need any of it, in fact.

Mr. NELSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been pointed out by the gentleman from West Virginia, this bill was given unanimous support in our committee.

Frankly, Mr. Speaker, I think the trend in the walking horse industry is moving in the direction of not pursuing this soring of horses as pointed out in this bill. The trend is moving in this direction anyway. However, those of us who have seen the exhibits and who have seen what has been done and the terrible practice that has been pursued in the training of these walking horses has certainly been regrettable. Our committee thought this was a worthy cause. I think that, perhaps, the dollar cost will not even reach the amount set forth in this bill. I say this because I am of the opinion that it can be enforced by a lesser amount. The purpose of the bill is a good one and I hope it passes unanimously.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the subcommittee chairman, the gentleman from Oklahoma (Mr. Jarman).

Mr. JARMAN. Mr. Speaker, I simply rise in strong support of this bill. This bill strikes at the cruel and inhumane treatment of walking horses. It is much needed legislation. I urge the passage of the bill.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the ranking member of the subcommittee, the gentleman from Florida (Mr. Rogers).

Mr. ROGERS of Florida. Mr. Speaker, I think the gentleman from West Virginia for yielding to me this time.

Mr. Speaker, I rise in support of S. 2543, the Horse Protection Act of 1970.

I doubt that a single member of the House has not heard or read about the inhumane practice of soaring used by many unscrupulous trainers to make walking horses lift their feet.

In short, this practice employs a chemical compound to make tender a portion of the horse's hoof so that he will lift it higher and more quickly. This practice is wrong and would be corrected by the legislation which we are now considering.

First, the walking horse can be trained without inflicting this pain. In fact, most reputable trainers do not use this method.

Secondly, any method which inflicts pain on an animal should not be allowed to continue.

There are between 25,000 and 60,000 walkers in the country. This indicates that the scope of the problem is large enough to be of consequence. This legislation, which is similar to the bill which I cosponsored, would prohibit the transportation of an animal which has been sored; would allow inspection of horses by the Secretary of Agriculture.

I think that the provisions in this legislation will bring about the proper safeguards to insure that the practice of soring is discontinued. I know that my colleagues join with me in voicing concern over this shameful practice and will join in voting for its passage.

Mr. STAGGERS. Mr. Speaker, I would like to say in conclusion in just one sentence that I wish to commend the Subcommittee on Health of the Committee on Interstate and Foreign Commerce for the great work they have done this year. They have been almost in constant session in bringing good bills to the floor of the House.

Mr. NELSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. Carter).

Mr. CARTER. Mr. Speaker, I rise in strong support of this bill. I feel this is a very humane bill and one which will certainly lead to better treatment and better training of these wonderful walking horses. I strongly support the bill.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the distinguished Speaker of the House, the gentleman from Massachusetts (Mr. McCormack).

(Mr. McCORMACK asked and was given permission to speak out of order.)

THE LATE RICHARD CARDINAL CUSHING OF BOSTON

Mr. McCORMACK. Mr. Speaker, the recent death of Richard Cardinal Cushing of Boston has taken from our midst a great churchman who had an intense love of God and of his neighbor. He was an outstanding American with an intense love of our country.

Upon his elevation some years ago as auxiliary bishop to the episcopacy of the Catholic Church, he said in part:

> This day my hand goes out in friendship to all men, and it will never be withdrawn.

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It never was.

During his lifetime, Cardinal Cushing raised tens of millions of dollars for charitable purposes, to build hospitals, schools, and churches, and to assist the poor, the afflicted, the sick and those discriminated against. He had a particular love for retarded children, as he so beautifully referred to them as "the exceptional children." His love of these "exceptional children" is evidenced by the fact that his last resting place is on the grounds of a school he established some years ago for these children.

It is well known that every dollar that Cardinal Cushing raised was spent by him in the service of God and mankind, and that he never had a penny for himself.

Cardinal Cushing was ordained a priest in 1921 and elevated to auxiliary bishop of Boston in June 1939. In September of 1944, he was named and elevated to the position of archbishop of the archdiocese of Boston, and in 1958, a member of the college of cardinals.

As his successor, Archbishop Medeiros said:

> He was truly a great soul, a man of universal genius, a priest of selfless dedication, a bishop of towering stature.

There is so much that can be said of Cardinal Cushing and his wonderful life, but his eminence, Patrick Cardinal O'Boyle, archbishop of Washington, in the statement he made upon the death of Cardinal Cushing, sums up the wonderful life that Cardinal Cushing led when he said:

> I was profoundly saddened to learn of the death of Cardinal Cushing. I wish to offer my sympathy to the grieving people of Boston, both Catholic and non-Catholic alike whom he served so well and so long. The Church in the United States has felt the strong influence of Cardinal Cushing in many ways. It would be impossible to sum up in a few short sentences a career of dedication and devotion which has spanned nearly fifty years as a priest and over thirty years as a bishop.
>
> His life was dedicated to the poor. There are few if any men who could accomplish so much in such a short period of time to alleviate the suffering of the poor. Numerous homes for the aged poor, for youth and for infants bear testimony to his indefatigable desire to help all those in need.
>
> May a merciful judgment be meted out to this champion of mercy, understanding and bountiful goodness.

While Cardinal Cushing is no longer alive, his spirit will always live as an example and inspiration to follow, not only by this generation, but by countless generations to come.

Cardinal Cushing was a dear and valued friend of both Mrs. McCormack and myself. We are deeply grieved in his passing. However, as has been said by myself and countless others, the spirit of Cardinal Cushing will live on for generations to come, guiding, inspiring, and directing persons to a nobler and more fruitful life.

Mr. Speaker, I ask unanimous consent to include in my remarks a partial text of an excellent eulogy rendered at the funeral Mass by John Cardinal Wright.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The material referred to follows:

[From the Boston Sunday Globe, Nov. 8, 1970]

"He Stood So Tall, So Energetic, So Confident, So Radiant"

(Partial text of the eulogy delivered by John Cardinal Wright)

"And God will wipe away every tear from their eyes. And death shall be no more; neither shall there be mourning, nor crying, nor pain any more, for the former things have passed away. And he who was sitting on the throne said, 'Behold, I make all things new!'" (Apocalypse, Chap. 21, V. 4–5).

The lamented Cardinal Archbishop of Boston was a man of many contradictions—some within minutes of one another. He was a man of not a few controversial words and actions—some bitter, some bewildering, some almost amusing to himself and to us who loved him. But one single, overriding, constant purpose integrated his entire life and to that abiding constancy he was totally committed unto death.

That one constant purpose was his determination, stubborn and untiring, to serve, with whatever genius or frailty, the one, holy, universal, apostolic Church, in communion with Rome, and to do everything else in his power, at all times, in all places, on every level, to advance that kingdom of God of which he knew the visible, organized Church to be the beginning and the principal agent on earth.

To this unchanging motivation, he was faithful all the days of his life and through all the mysteries—joyful, sorrowful and glorious—of that life otherwise shot through with superficial contradictions and occasional controversy.

I am grateful to Archbishop Medeiros and to the bishops and priests of this truly Holy Church of Boston for the privilege of speaking, in behalf of all present and millions not able to be present, some words of affectionate remembrance of Richard Cardinal Cushing.

The text which I read a moment ago was one I heard on his lips on many occasions, some of them occasions so bound up with his goodness to me that they came instinctively to mind when, by a curious providence, I arrived the other night in the New York airport to be handed a scribbled note that Archbishop Medeiros and Bishop Minihan had phoned that our Cardinal was dead.

When Archbishop Cushing was installed in this Cathedral over a quarter century ago, he thought of choosing the last part of today's text—"Behold I make all things new!"—as the theme of his first sermon. A last minute decision, expressed by him with a characteristic comic touch, prompted him to choose another text, but he returned to this theme time and again in those early days of his pontificate as he went about the diocese where he was welcomed and loved so passionately.

"ALL THINGS NEW"

When he preached at the Mass establishing the new diocese of Worcester 20 years ago, he did use the last words of this text, as he did nine years later when, with paternal solicitude he installed me as bishop of Pittsburgh. This is a purely personal reason why I am grateful to be able to repeat those words as he is laid to rest, since in all my life as a brother bishop, as in the lives of thousands of bishops, thousands of priests and millions of lay collaborators these words, the aspiration of his own life, became our dynamic ideal: "Behold, I make all things new!"

These words coming from him were no heady, empty boast concerning any charismatic gifts or special talents Richard Cardinal Cushing possessed, or wished the rest of us, all of us, to share. It is an echo of words which Scripture places on the lips of that Christ, the Alpha and Omega of all things, who could alone possibly pronounce such powerful words, that Christ of whom every believer in one way, every priest in a most especial way, every bishop in a pre-eminent way is called to be the agent.

And so, from the day of his ordination as a priest, and unmistakably from the springtime of his archbishopric in the exciting years of the 1940s, Richard Cushing, fired by the energies of Christ and inspired by the words of the Lord of all, sought incessantly to "make all things new." For years this aspiration had identified him with the work of the missionary Church as few in history and no one in our times, have given themselves to the spread of the kingdom of God to the ends of the earth. Seeking to build on the firm foundations of solid faith and hold pride left by Cardinal O'Connell and his predecessors in the local Church of Boston, Archbishop Cushing aspired to bring fresh vitality—to "make all things new" again—in the diocese committed to his care. Those were the days—the latter 1940s and the early 1950s—of the joyous mysteries in the life of our beloved leader. He stood so tall, so energetic, so confident, so radiant, so indefatigable and, if one may dare to say it, so debonair, as America's youngest archbishop and one of the Church's most articulate, openhanded and prophetic witnesses to God's truth.

It was in this period of the joyful mysteries that he began to dream of concentrating his energy and his vision especially on Latin America, toward which as a neighbor continent he felt that we had special obligations in affection, generosity and faith.

Before anyone, known to me, was using the words "Third World," the indomitable Cushing in the years of his joyful mysteries was limited to the Society of St. James—the name of which had dawned on him as he stood at the shrine of St. James, one of his patron saints, at Compostella in Spain. He said half aloud, "The Spaniards were chief among those who brought the faith to South America. They did a wonderful job. The job of bringing back the faith, 'of making all things new' must now be ours!"

Yet none of his worldwide activities distracted him, during that springtime of the joyful mysteries, from his duties here at home. He multiplied, in plain fact he pioneered new educational work for handicapped children; there are those who say that it was he who coined the tender phrase "exceptional children" to describe those born with all the odds against them. He made his own an especial apostolate to old folks, and, in a mixture of pathos and comedy, he planned festive visits not only to institutional homes for the poor, but to public restaurants, even night clubs, to which he invited those who had no one else to entertain them on national family feasts, like Thanksgiving. He was the host and he was the entertainment. He built institutions for the aged and the poor, the sick and the abandoned, but, what was much more important, he identified himself personally with all his brethren, whether they were in the institutions of the Church or those of the state, whether they were in whatever we now call poor houses or were in prisons.

It was in this period, again the springtime of his joyous mysteries, that he revealed his highly publicized flair for hats. Hats of varied and marvelous design, as well as his disarming, not to say sometimes disconcerting gift for uttering the unexpected phrase, the unstuffy remark, or a frequently astonishing bit of self-heckling and self-deprecating humor.

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And thus, in the midst of laughter, intense activity and resilient indifference to either flattery or adverse criticism, he lived out the joyful mysteries of his springtime as a prelate, reproducing in deeds, something, at least of what only Christ could promise: "Behold, I make all things new."

SORROWFUL MYSTERIES

Then came the season of his sorrowful mysteries. It is a little difficult to place a date; it no longer makes any difference. It is even more difficult to assign clear causes, particularly for the contradiction, confusion and sometimes personal attack that left his spirit sorrowful, even broken, more than ravaging diseases made painful his flesh. Suddenly the seemingly carefree, contagiously enthusiastic young archbishop of the early days, began, manifestly, to share the priesthood of the Man of Sorrows, as once, not less manifestly, he had exemplified the priesthood of the Son of the Cause of Our Joy.

In the season of his sorrowful mysteries, it became common for him to faint with pain at public events or to show utter exhaustion in ceremonies or at meetings. By then the rumor began to go around, 14 years ago, that he had cancer, together with asthma and other afflictions. A loose-lipped woman started the cancer rumor. Her phone lines sizzled with the grizzly news. Finally he heard the rumor himself, as all evil reports finally reach those whom they are intended to hurt. His doctors had been discreet, but a writer whom the cardinal had helped, when no one else would helped spread the rumor that he was taking means to kill pain and that he was showing symptoms of metastasis and sclerosis. He called up to say, "Do you believe them?" I answered, "Who would?"

This was indeed the season of sorrowful mysteries, but he never stopped going. He never stopped preaching. He never stopped wiping away tears, though they were invariably the tears of others.

It was then that the pilgrimages for peace gave way to pilgrimages of prayer for the physical healing of others. He chartered airplanes to bring crippled and handicapped boys and girls—"his exceptional children"—close to some of whom he will be buried this afternoon—to Lourdes and to Ireland. All that was most beloved about him is summed up, not in the funny stories in the popular biographies, but in a poignant piece of sheer poetry that was uttered at 2 o'clock in the morning 40,000 feet above the Atlantic, in the darkness of a plane filled with crippled children, their afflicted Father in Christ and the Sisters and doctor who took care of both. In the midst of the midnight silence a small boy called out, "Cardinal!" The exhausted Prince of the Holy Roman Church, to give him one of his exact titles, sleepily murmured: "What do you want, Bobby?" The small boy answered, with a demand that Christ gave the poor and the afflicted the right to make of all Christians, princes and peasants alike: "Cardinal," the small boy said, "I can't sleep. Come hold me!"

"INDEFATIGABLE"

Lest any of the captious describe the cardinal's prompt response that night as sentimental or untypical, let me quote from an article by the librarian of the Boston Athaneum, to which, by the way, the first bishop of Boston, a Frenchman, left his library. The quote again involves an airplane and Cardinal Cushing at the height of the season of his sorrowful mysteries, but still hard at work making all things new. Here is what Walter Muir Whitehill tells us in an article published last month about Massachusetts and entitled, Who Really Rules Us?

"Never underestimate the role played by that remarkable prelate, Cardinal Cushing, in breaking down the fences in Boston. Few cardinals have been as simple or as indefatigable. . . . Undeterred by illnesses that would have defeated an ordinary man, he carries on tirelessly. One stormy winter night in 1963 I went to LaGuardia Airport to take a shuttle to Boston. The plane was at the gate but both the time and the likelihood of its departure were uncertain. A moment after I had taken my seat, I was relieved to see Cardinal Cushing come aboard, for his presence gave us all confidence that Eastern Airlines would get us safely to Boston. They did, and on time, at that. Throughout the flight the cardinal—at the end of a long day that marked his pace—was chatting and joking with everyone, trying on pilots' caps and stewardess's hats, as if he had not a care in the world. Once on the ground at Logan airfield, he had a friendly word, a joke, a blessing for half the people he passed until he strode out of sight into the winter night."

What sustained this paradoxical man as he disappeared into the dark after his antics, some might say, his apostolate you and I will say, on the airplane where Walter Whitehill watched him with such sympathy and admiration? It was, of course, the conquering joy of those words of Christ: "Behold, I make all things new!" But joy and confidence are not always the well-springs of energy, nor certainly of holy entertainment in the midst of the sorrowful mysteries of one who is wracked with pain and exhausted by picketing demands for instant solutions of evils he had been fighting all his life since a schoolboy—and such had become the humiliating destiny of our Cardinal. Now only faith, indomitable faith, was adequate to keep alive the joy and to spark the laughter of a man sick in soul and body. There is no one in this Church who does not know the nature of that faith as it kept strong in spirit this man of broken flesh, now that the sorrowful mysteries of his beloved Rosary had overwhelmed him.

Oddly enough, the classic affirmation of that faith is in the very chapter of the Book of Job that I have already recalled him as once quoting. What Job said of old, Richard Cushing said now, without, perhaps, speaking the words but by the way he carried on in the midst of infirmity and desolation: "I know that my Redeemer liveth, and on the last day I shall rise again. And I shall be clothed again with my skin; and in my flesh I shall see God. Whom I myself shall see, and my eyes shall behold, but not another. This is the hope that is hid in my bosom!" (Job 19, 25–57).

BEAUTIFUL LETTER

It was my privilege to come to Brighton with His Excellency the Apostolic Delegate, when the personal representative of our Holy Father in the United States brought to Cardinal Cushing the letter from Pope Paul accepting the cardinal's resignation and sending him warm and loving greetings on his birthday. I wanted to be with him when the news that the work we all had seen begin was at length ended and I wanted to have lunch with him on his birthday. He read the letter from the Holy Father; he read it out loud in his bedroom as a young boy might read an affectionate letter from his father writing from a distant place. It was a beautiful letter; you all saw it reprinted in the Pilot.

Cardinal Cushing used to say, in the midst of his years of sorrow, that he thought Good Pope John was the only Pope who understood him. Do you remember? But this was not true. Pope Paul understood him well and with exquisite sensitivity he obviously delayed as long as he dared the acceptance of the resignation on which, in fact, the exhausted archbishop insisted. He deliberately waited until his birthday which would make the resignation not only more gracious in the eyes of the public who loved him but more welcome to the suffering cardinal.

The luncheon prepared by the devoted Sisters of St. Joan of Arc for the Apostolic Delegate, for Monsignor McGuire who served him so loyally, and for me was a steak and a bit of birthday cake. But the cardinal could eat only ice cream, and not much of that so far advanced were the lesions, the tumors and the pain in his very body. After lunch and a little bit of laughter at the thought of the joyful mysteries and some invisible tears at the thought of the sorrowful mysteries, the Apostolic Delegate withdrew to phone his office concerning his travel plans. I was left alone with the cardinal. It was a terrible minute but characteristically, he broke up the melancholy. He said: "John, I am through now and I am glad. But when I am gone, if anyone asks if anything I ever said or even did somehow may have hurt the Church, what do you think the answer will be?"

And I answered as everyone here present would have said: "Archbishop, everyone will say that if you ever seemed to hurt the Church, even a little, it was in your loving desire to serve it—to make it stronger and more beautiful and beloved, to build it up as a more powerful means to the Kingdom of God!"

He thought for a moment and then he said: "I hope so. Now we have to pray for the man who is coming, to pick up some of the broken pieces, maybe, but above all to build higher and better!"

Then he smiled painfully with a face that already showed signs of the beginnings of the glorious mysteries, the glorious mysteries in the life, the death and the victory of everyone who loves God and loves his neighbor as did Cardinal Cushing. He obviously was thinking back to things as they had been 30 years before and he said: "The next man will make it all new again, won't he?"

HEAD HIGH

This was less than three months ago and it was the beginning of the end, but not quite the end. For the promise of Christ and the faith of Job enabled him a few weeks later to walk, head high, out of this cathedral after he had thrilled to the glorious mystery of seeing his successor installed, firmly and unchallenged, in the sanctuary from which the now dead cardinal's voice rang out so often, as priest and later as prelate, the promises of Jesus and the faith of the Fathers.

On that wonderful day, so recent and so proud, your applause of the dying man helped him to persevere, joyful and glorious, to the end, all sorrow being left behind. Your applause of his successor was heard around the world. It told our new archbishop to fear not, that the way will be made straight, the wilderness will be broken open with new paths and new directions, and that as God was with our Fathers, so will He be with us. God now wipes away all tears from the eyes of Richard Cushing, since death for him shall be no more, nor pain nor evil for the former things have passed away—and by that same power God gives to Archbishop Medeiros the full share of divine power needed to make all things new again!

This is the point of the Church; there is no other. This is the point of the apostolic succession; there is no other. This is the point of the priesthood; there is no other. This is the point of the Christian fact and of all the people who share it or whose lives it touches; there is no other that matters enough to mention. This is why all mysteries—joyful, sorrowful and glorious—blend in the exultant cry: "I know that my Redeemer liveth, and in the last day I shall rise out of the earth . . . and in my flesh I shall see my God!"

Confirmed in this faith, we commend this valiant newsmaker to the history books, this holy man, this zealous priest, this uncommon prelate we commend to the God who gave joy to his youth, the Christ who consoled his age, the angels and saints with whom he now shares eternal life, undying love!

Mr. BROTZMAN. Mr. Speaker, as the sponsor of H.R. 14161, the Horse Protection Act, I am pleased to rise in the support of S. 2543, a nearly identical bill.

The bill, reported by the Interstate and Foreign Commerce Committee, seeks to eliminate the heinous and inhumane practice of soring Tennessee walking horses. As a member of this committee, I want to thank the distinguished Chairman, the gentleman from West Virginia (Mr. STAGGERS), and the distinguished ranking Member, the gentleman from Illinois (Mr. SPRINGER), for moving this important piece of legislation onto the House floor.

The Horse Protection Act makes it unlawful for any person to move a sored horse in interstate commerce, or to exhibit in any show a sored horse which has been moved in interstate commerce, or for any person to conduct a show or exhibition in which a sored horse is shown unless he can establish compliance with regulations designed to keep sored horses out of shows. The Secretary of Agriculture is given the necessary authority to enforce the law, and he may impose civil penalties of up to $1,000 for violations. In the case of willful violations, 6 months imprisonment and a fine of up to $2,000 may be imposed.

Mr. Speaker, I have yet to encounter the person who will defend the practice of soring horses. Even those who engage in the practice deplore it, but they seem to fear that soring is necessary so long as competing horsemen sore their animals.

While the sheer cruelty of soring is sufficient reason for Congress to pass the Horse Protection Act, I believe there is another reason, an equally valid reason, for congressional action. When a horse wins a prize, its value increases significantly. Those who want to buy a horse for breeding purposes prefer an animal which has demonstrated its ability. However, when a horse's gait is the result of soring, and not ability, the purchaser is defrauded. At the same time, the owner of a legitimate Tennessee walking horse is wronged because his horse will not bring as much money on the open market as it would have had it not had to compete with sored horses.

I fondly recall my boyhood days in Northeastern Colorado when I owned and cared for a horse. To this very day, Mr. Speaker, I occasionally have the opportunity to enjoy a little horseback riding. It is hard for me to imagine a person torturing a horse for any reason. By passing the Horse Protection Act, we in the Congress can bring an end to soring and we can restore integrity to the show horse industry.

Mr. MATSUNAGA. Mr. Speaker, as one deeply concerned over the inhumane practice of "soring" walking horses, I rise in support of S. 2543, the Horse Protection Act of 1970.

It does not require membership in the posh walking horse set to recognize the evil of the soring of the Tennessee walking horse. "Soring," the practice of using mechanical and chemical means—commonly, oil of mustard—to make a horse's feet tender so it will lift them high in the show ring and bring ribbons to its owner, is both cruel and disgraceful. Once a good clean sport, and it still could be one, the training of walking horses has degenerated into an exhibition of the most despicable type of human dishonesty.

The Tennessee walking horse is a magnificent animal, known for its intelligence, sensitivity and grace. Its distinctive high-skipping gait is normally achieved through long and careful training. But unscrupulous individuals discovered that the desired gait could be created artificially by deliberately "soring" the front feet of the horse. Instead of training the horse, these individuals have been inflicting painful sores on the animal in order to have it perform in the desired manner.

This bill we are considering is designed to end this callous practice. S. 2543 would prohibit the shipment of any "sored" horse in interstate or foreign commerce, for showing or exhibition purposes. It would make unlawful the exhibiting of a "sored" horse in any horse show or exhibition in which that horse or any other horse was moved in interstate or foreign commerce. Finally, the legislation would prohibit the holding of any horse show in which a "sored" horse is exhibited if any of the horses in that show were moved in commerce. Commerce is given a broad definition to make the legislation effective, and it includes the shipment of the described horses not only from a point within any State or U.S. possession to any point outside thereof, but it also includes shipment of such horses between points within the same State or U.S. possession through any place outside thereof and from any foreign country to any point within the United States.

To achieve maximum deterrence in this practice, the legislation also provides for civil penalties for nonwillful violations as well as the usual criminal sanctions of fine or imprisonment, or both, for willful violations.

Mr. Speaker, this legislation is needed to stop the inhumane practice of inflicting extreme cruelty on defenseless domesticated animals. It deserves our unanimous support.

Mr. BOLAND. Mr. Speaker, I want to express my support for this legislation to end a shockingly cruel practice—the deliberate "soring" of Tennessee walking horses. Prized for their brisk and precise gait, Tennessee walking horses are a celebrated attraction at horse shows. They are so celebrated, in fact, that breeders and trainers have largely abandoned the traditional means of producing the horse's haughty strut: long and painstaking training. Many breeders now "sore" the horses' front feet, making them so keenly painful that even the most mediocre horses can reproduce the stride of a champion. Blistering agents—oil of mustard, for example—are often used to irritate the horses' feet. Nails, tacks, chains, and chafing agents are alternative methods.

These practices, Mr. Speaker, are outright savagery. Deliberately torturing a helpless animal merely to entertain the crowds at horse exhibitions is reminiscent of the Roman arena 2,000 years ago.

The bill now before us would end such barbarity. By prohibiting the shipment or exhibition of a "sored" Tennessee walking horse, the bill would effectively eliminate "soring."

I urge its prompt passage.

Mr. WHITEHURST. Mr. Speaker, I hope the House will pass and send to the White House the Horse Protection Act, S. 2543. This bill should go a long way toward eliminating the inhumane treatment of walking horses known as "soring." It will provide the Secretary of Agriculture with the power to fine up to $500 and/or imprison for up to 6 months anyone found guilty of shipping a sored horse in interstate commerce.

When I introduced the original legislation on June 25, 1969, I had little idea that the bill would receive such widespread support. Not only was a companion bill, S. 2543, introduced in the Senate, but at least 23 of my colleagues in the House also introduced companion bills.

The walking horse class is probably the most graceful and beautiful event in a horse show. A well-trained Tennessee walker is a monument to the painstaking, time-consuming, and expensive breeding and training that produced it.

But for many of us, this description is based on memories only and does not stand up under present heavy scrutiny.

The difference between a first-place and a second-place award in a horse show can be over $10,000, and it is perhaps this fact, more than the pride of being a winner, that has caused the tremendous growth in the use of soring. Over the past 20 years soring has increased so rapidly that unless a horse is sored it stands little chance of winning, and thus those trainers and owners not employing soring are actually under a financial handicap. It is indeed unfortunate that cruelty has been given such financial reward.

There are several methods used to "sore" a horse, and each trainer specializes in one or another. The most common method involves applying oil of mustard or oxide of mercury "creeping cream" to the pastern area of the foreleg, the part just above the hoof. After the burning chemical is applied, the hoof is further prepared by wrapping the area with chains or metal rollers. During a show these are removed and replaced by a boot. The boot is ostensibly to protect the foreleg, but in reality it further heightens the pain and causes the horse to throw the forelegs forward, producing the desired walking gait.

As cruel and widespread as this practice has become, we should not be led to believe that such methods are condoned by all those involved in showing this class of horse.

The passage of this legislation will be welcomed not only by millions of Americans but also by the American Horse Show Association and the Tennessee

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Walking Horse Breeders & Exhibitors Association of America.

Mr. Speaker, I wish to express my deep appreciation for the support I have received from literally thousands of people across this great Nation who are interested in animal protection legislation. They are the ones most responsible for this bill's being brought before this body and for its overwhelming approval. I am most grateful for their contribution.

I certainly hope that the bill will be approved and sent to President Nixon for his signature.

Thank you, Mr. Speaker.

The **SPEAKER** pro tempore. The question is on the motion of the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill S. 2543, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, S. 2543.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

WAR POWERS OF CONGRESS AND THE PRESIDENT

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 1355) concerning the war powers of the Congress and the President.

The Clerk read as follows:

H.J. RES. 1355

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress reaffirms its powers under the Constitution to declare war. The Congress recognizes that the President in certain extraordinary and emergency circumstances has the authority to defend the United States and its citizens without specific prior authorization by the Congress.

SEC. 2. It is the sense of Congress that whenever feasible the President should seek appropriate consultation with the Congress before involving the Armed Forces of the United States in armed conflict, and should continue such consultation periodically during such armed conflict.

SEC. 3. In any case in which the President without specific prior authorization by the Congress—

(1) commits United States military forces to armed conflict;

(2) commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, repair, or training of United States forces, or for humanitarian or other peaceful purposes; or

(3) substantially enlarges military forces already located in a foreign nation;

the President shall submit promptly to the Speaker of the House of Representatives and to the President of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating his action;

(B) the constitutional, legislative, and treaty provisions under the authority of which he took such action, together with his reasons for not seeking specific prior congressional authorization;

(C) the estimated scope of activities; and

(D) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

SEC. 4. Nothing in this joint resolution is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties.

The SPEAKER. Is a second demanded?

Mr. ADAIR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, House Joint Resolution 1355 is a reassertion of congressional responsibility in the matter of warmaking.

It is not, however, being put forward as a reflection of criticism or as a reprisal against the actions of Presidents, past or present. Rather, this resolution seeks to define arrangements which will make it possible for the President and Congress to work together in mutual respect and maximum harmony toward our shared goal of national peace and security.

While House Joint Resolution 1355 is, for that reason, of considerable importance, it is also—in my view—noncontroversial because it represents a clear and firm consensus of members of the House of Representatives.

This consensus emerged during consideration of 17 bills and resolutions on the war powers, sponsored or cosponsored by some 36 Members of the House, in hearings held by the Foreign Affairs Subcommittee on National Security Policy and Scientific Developments.

Last summer the subcommittee held 11 days of hearings on war power proposals, receiving testimony from 23 witnesses, including 11 Members of Congress, noted constitutional and legal experts, and distinguished political scientists and historians.

Following close of hearings, the subcommittee, with strong bipartisan participation, drafted a new resolution. It drew both on prior proposals and the testimony which had been received. This version was approved unanimously by the subcommittee on August 12 and was subsequently introduced into the House by me, with 15 cosponsors. Cosponsors include nine members of the subcommittee, from both political parties. Other cosponsors were authors of earlier proposals relating to the war powers.

Mr. Speaker, at this time I wish to draw particular attention to the efforts of two members of the Foreign Affairs Committee who have cosponsored legislation in this area and have done yeoman work in forming this legislation and working for its passage. They are the gentleman from Florida (Mr. FASCELL) and the gentleman from Illinois (Mr. FINDLEY).

Further, I wish to point out that a list of other sponsors of war powers legislation with a comparison of the bills may be found on page 477 of the printed hearings.

On September 24, the full House Foreign Affairs Committee considered House Joint Resolution 1355 in executive session and ordered it favorably reported. The vote, it should be noted, was unanimous.

Moreover, because of the spirit of cooperation which marked consideration of war powers legislation, representatives of the executive branch were willing to provide consultation and advice during the period which House Joint Resolution 1355 was being formed. While House Joint Resolution 1355 does not have the formal endorsement of the administration, executive branch officials have made known that they find nothing in the proposal which is objectionable.

Without presuming to speak for the President, I believe he would sign this resolution if it is passed by Congress.

Why should legislation in so controversial an area as the war powers be, at the same time, so broadly acceptable?

The answer lies in the consensus which is embodied in House Joint Resolution 1355—a common agreement on objectives which new war powers legislation should fulfill.

First, House Joint Resolution 1355 reaffirms and reasserts the constitutional grant of power to Congress to declare war, while recognizing the responsibility of the President to defend the Nation against attack, without specific prior congressional authorization, in emergency circumstances.

Second, the resolution makes clear that to the maximum extent possible, the Congress should be consulted prior to Presidential action involving the commitment of U.S. forces to combat even if the Congress does not permit Congress to act first.

Third, House Joint Resolution 1355 places a new reporting requirement on the President. It directs that he must promptly present to Congress a formal, written explanation whenever he takes certain actions involving U.S. Armed Forces without prior congressional approval.

Among Presidential actions included are the commitment of troops to armed conflict or the risk thereof, the initial movement of significant numbers of U.S. forces to foreign soil, and the substantial enlargement of units already stationed abroad.

That is all that House Joint Resolution 1355 does—no more and no less. Finally, Mr. Speaker, section 4 of the proposal makes explicit, that the resolution does not alter the constitutional authority of either Congress or the President, nor does it affect the provisions of existing treaties.

While it neither increases nor diminishes the existing war powers of Congress and the President, House Joint Resolution 1355 does offer an opportunity for greater understanding and co-

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ordination between the two branches of Government in the greater national interest.

We may reasonably expect situations to arise in the future as they have in the past, which will threaten conflict between the Congress and the President over the exercise of the warmaking powers. I submit passage of House Joint Resolution 1355 will prevent such strife at critical periods in our Nation's history.

Key to this effect of the resolution is section 3 which imposes a reporting requirement and thereby opens up a formal channel for communication between the President—the Commander in Chief—and the Congress.

Since the reporting requirement contained in section 3 of the resolution is the heart of the proposal, it requires some further explanation.

House Joint Resolution 1355 calls for the President to file a report with the Congress in three situations in which he acts without specific prior congressional authorization.

Those situations are:

First, when he commits U.S. military forces to armed conflict.

This would include commitments of U.S. forces into situations or areas where conflict already is taking place and there is reasonable expectation that American military personnel will be subject to hostile fire.

For example, if the resolution had been in force in 1965, the President would have been required to make a formal report to Congress about the Dominican Republic action.

Second, the President would be required to report to Congress in any situation in which he commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to routine matters such as supply, repair, training, or for humanitarian purposes.

This provision is designed to cover those commitments of troops in situations where there is no actual fighting, but some risk, even if it is small, of our forces being involved sooner or later in hostilities.

Thus, for example, the dispatch of Marines to Thailand in 1962 and the Lebanon landing of 1958 would have required a report to Congress.

Third, the President would be required to report whenever he substantially enlarged numbers of U.S. military forces already located in a foreign nation.

While the word "substantial" is subject to interpretation, it is possible to have a commonsense understanding of the numbers involved. A thousand additional men sent to Germany or Vietnam would not be a substantial enlargement of U.S. forces there. If, however, such a contingent were sent to Guantanamo Bay, Cuba, it would increase U.S. forces by some 25 percent and would require a report.

The report itself is prescribed in some detail by the resolution. It is to be submitted promptly, that is, within several days, in writing, to the President of the Senate and the Speaker of the House. Moreover, to the maximum extent possible, the report is to be unclassified. If the President wishes to make classified information available to the Congress as additional justification for his actions, he is free to do so.

The legislation also specifies information which is to be contained in the report. It includes: The circumstances requiring the President to act; the constitutional, legislative, and treaty provisions from which he derived authority for his action. The President's reasons for not seeking specific prior congressional authorization; the estimated scope of activities, and such other information as the President believes necessary to aid the Congress in fulfilling its responsibilities.

Requiring such a report from the President is fully consistent with the traditional relationship between the Congress and the Chief Executive. Fully one hundred reporting requirements have been imposed in the past on the executive branch by Congress as part of foreign affairs and national security affairs legislation.

While it is not unusual for Congress to require Presidential reporting, the reports themselves should be an unusually effective way of keeping Congress informed about the use of the U.S. Armed Forces abroad. They may lead to increased harmony and cooperation between Congress and the President in national security matters.

In time of future crisis, the safety and salvation of our Nation could well depend on just such harmony and cooperation.

Therefore, Mr. Speaker, I urge that the Members of this body suspend the rules of the House and approve this resolution.

Mr. ADAIR. Mr. Speaker, I yield myself such time as I may require.

The SPEAKER. The gentleman from Indiana is recognized.

Mr. ADAIR. Mr. Speaker, the gentleman from Wisconsin has explained in some detail the provisions of House Joint Resolution 1355.

The legislation before us today concerns the war powers of Congress and the President. This legislation grew out of extended hearings which explored in depth the constitutional issue as it concerns the authority that the Founding Fathers gave the Congress and the President over the war powers of the National Government.

The hearings were conducted with a full recognition of the sensitivity of the constitutional issue. The subcommittee was extremely diligent in its work, compiling a significant hearing record on a complicated and potentially volatile subject without fanfare.

The resolution before us reaffirms the power of Congress under the Constitution to declare war, while recognizing that the President in certain extraordinary and emergency circumstances has the authority to defend the United States and its citizens without specific prior authorization by the Congress.

The resolution also declares it the sense of Congress that whenever feasible the President should seek appropriate consultation with the Congress before involving the Armed Forces of the United States in armed conflict. As noted in the committee report, the phrase "whenever feasible" recognizes that occasions might arise where the need for swift action would not allow the President to take time to consult first with Members of Congress.

The third and most significant section of the resolution is the mandatory reporting requirement which sets forth the circumstances under which a report is required. These circumstances have been described in detail in the committee report which is available to the Members. In brief, the reporting requirements would give the President an opportunity to explain his actions to the Congress and to the public, while providing the Congress with a statement upon which to base subsequent action.

Mr. Speaker, I urge the adoption of House Joint Resolution 1355.

I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, it may well be that in the closing days of the 91st Congress the Committee on Foreign Affairs will have another piece of legislation to bring to the floor, but that is speculative at this point. Therefore, I am emboldened to say a word of regret to our colleague, Ross ADAIR, of Indiana, that this may indeed be the last legislation in which he has a part, at least in the immediate future, and to extend to him our best wishes in whatever may lie ahead and our gratitude to him for the fine leadership he has provided in the field of foreign affairs during his many years of service on the committee.

Mr. Speaker, House Joint Resolution 1355 represents, I believe, an historic advance in establishing a proper relationship between the Congress and the President concerning war powers, a relationship which will be beneficial to each branch of the Government, and to the broad interest of the American people.

It is historic, because it represents the first time the Congress has specified when the President must make formal reports concerning his use of military forces.

It is beneficial to the President, because it leaves no doubt as to the circumstances under which the Congress wishes formal report and the content expected. Because of the reporting requirement, the President will be constrained to give full weight to the reaction of the Congress and legal aspects as he adds up the pros and cons of a particular course of military action or movement, and to give weight to these factors at a very early stage in his decisionmaking process.

It is beneficial to the Congress, because it establishes a formal role for the Congress in a vital area which heretofore has been unclear if not murky.

Under the Constitution, the Congress has vast authority in the warmaking field but in recent years it has seemed to

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be relegated more to the passive role of supply sergeant.

This legislation will bind the Commander in Chief to make a formal case for any major movement or use of military force within a matter of hours, or a very few days at the most, of any such commitment.

In the case of the Cambodian incursion, for example, the President would have been required to place before the Congress very promptly a formal document setting forth the circumstances necessitating the action, the estimated scope of activities, and the constitutional, legislative, and treaty provisions under the authority of which he took such action, together with his reasons for not seeking prior congressional authorization.

This would have provided the Congress with a means for reviewing promptly the action, and, if it deemed such to be advisable, passing judgment.

To the best of my knowledge, no such detailed report has to this date been made on the incursion, or for that matter, on any other Presidential commitment of military forces in memory.

At the same time, I can state that President Nixon has stated that he considers a requirement of "prompt report" in such circumstances to be proper. He made the statement in response to a question I raised when the Foreign Affairs and Foreign Relations Committees met with the President a few days after our troops entered Cambodia. Pending at that time in the House was an amendment I had offered to an appropriation bill. It would have required that the President "report promptly" to the Congress if he decided that ground combat forces should enter Cambodia, Laos, or Thailand without prior consent of Congress.

I asked the President if he considered such reporting requirement to be proper. He answered, "Yes, I do."

The advancement of this important legislation is a tribute to the diligent and imaginative leadership of my able colleague, Chairman ZABLOCKI of the Subcommittee on National Security.

There are two basic objectives toward which the Congress should strive as it works to devise language reasserting Congress' power over the sword.

First, when a decision to deploy U.S. military personnel is made which might lead our Nation into war, Congress must be brought into the decisionmaking process at a point sufficiently early to influence the eventual outcome of the decision. Anything short of this makes a mockery of the constitutional grant of power to Congress "to declare war."

Second, a mechanism is needed for continual congressional scrutiny, review and oversight of the exercise of the warmaking power once the decision to commit the Nation to war has been lawfully made. While the President as Commander in Chief has the primary responsibility for the conduct of the war effort, Congress should insist upon close and continued consultation. Basic policy decisions as to the extensiveness and duration of the war, the number of U.S. troops and the amount of money which will be required, and the final objective of our military and diplomatic effort should be made only after consultation between the President and Congress.

Its binding provisions are limited to defining circumstances in which the President must report to the Congress and prescribing the form and content of these reports.

Under this bill the President must give attention to a detailed report to Congress at the very time he ponders a decision to commit military units, and that report must be submitted "promptly." The objective should be to report at the same time orders are issued, or as close thereto as possible. At the very least, this will remind the President and his advisers forcibly and before the commitment—the decision—occurs, of the responsibility and authority in this area which the President shares with the Congress.

As a practical matter, I am hopeful that such a requirement of prompt reporting will require that the President in fact take the legislative branch of Government into his counsels in the formulation of policy. A president would think twice before making a questionable commitment of U.S. troops if he knew that at the time of public announcement, congressional leaders would be armed with the facts surrounding the decision and would be prepared to call the President to account for his stewardship of the Nation, rather than for lack of information feel compelled by the emotional tide of the moment to fall in line behind him.

Parts of the report may carry, if necessary, the highest level of security classification, but this will not relieve the President of the duty of preparing it promptly, of fully disclosing his actions and their justification, and then transmitting the report to the highest elective officers of both the House and the Senate.

The resolution spells out the circumstances in which the President is required to submit a report:

Included would be military action or risk thereof at any level, from the use of guerrilla units to attack submarines and nuclear missiles. It would have covered the placement of our fleet near Quemoy and Matsu during hostilities in the 1950's, the dispatch of Marines to Lebanon in 1958, the defensive quarantine of Cuba in 1962, the dispatch of Marines to the Dominican Republic in 1965, and voyages in the coastal waters of the Mediterranean during the 7-day war in the Middle East in 1967.

A report would be required upon the introduction of U.S. combat forces into a country for the first time, such as the recent incursion into Cambodia, or the earlier bombings of North Vietnam and Laos, would require a detailed Presidential report.

Hostilities, or the threat of hostilities, need not exist before a report is required. Excluded are routine port calls, as well as emergency aid and other peaceful measures which might be required to aid victims of natural disaster or to evacuate Americans or other nationals.

Report is required on the substantial enlargement of forces already located in a foreign nation. "Substantial" is open to varied definitions, but I do not feel admits of too much flexibility or is overly vague. A thousand additional men sent to Europe under present circumstances clearly would not "substantially enlarge" our 300,000 men already stationed there. However, that same number sent to Guantanamo Bay in Cuba, especially in light of recent reports that the Soviets may once again be building up a defensive and offsensive capability on that island nation, would require a report.

In this circumstance, the aim is not only to facilitate the fulfillment by Congress of its repsonsibility for committing the nation to war, but also "for the regulation of its Armed Forces." Congress is more than a supply sergeant to the Nation's military needs. The Constitution gives it a specific responsibility to watch closely the depolyment of our troops. Of course, only the Commander in Chief can actually order the deployment of our military forces, but when major decisions are made which may affect national security and foreign policy, the Congress should receive immediate reports.

Congress can hardly regulate the Armed Forces as the Constitution requires if it does not even know where they are or where they are being sent. Too often Congress, and the American people, have found out too late where American men are stationed in hostile circumstances. Laos is a perfect example. Congress was not kept adequately abreast of U.S. armed force participation in the war going on in that country. When the extent of our involvement actually became known, a surprised public quickly heaped the responsibility and blame upon the President rather than upon the body charged by the Constitution with regulating our Armed Forces. Congress must share the responsibility, influence, and the decisions for major commitments of U.S. troops.

As noted above, the primary purpose of section 2 is to encourage consultation between the President and the Congress during times of armed conflict.

After the U.S. incursion into Cambodia, President Nixon met with members of congressional committees at the White House. I know that each of us felt the meeting to be worthwhile and was glad to have the opportunity to share thoughts with the President on this vital decision. As a result, each of us understood better the problems and issues evaluated by the Commander in Chief, even though not all agreed with his decision.

At the same time, the President undoubtedly was made aware, perhaps for the first time, of important aspects of congressional sentiment toward his decision to move into Cambodia. Had such joint meetings been occurring on a regular basis throughout the Vietnam war, President Nixon and his predecessors would have been better informed on congressional and public sentiment prior to basic decisions such as bombing the north, or sending troops into Cambodia.

In 1967 I testified before the Subcommittee on Separation of Powers of the Judiciary Committee of the U.S. Senate, in support of the concept later embodied in this resolution. On that occasion, I said:

I believe that this power—the power of the sword—along with the Congress's traditional control of the purse strings, is fundamental to any meaningful role which the representatives of the people may fill in the field of foreign policy. A President will be much more reluctant unilaterally to set policy and make national commitments when he knows that he must subsequently go to Congress to get the men and the money to fulfill those commitments. But the need for the President to go to Congress to finance and supply troops already in the field is not a sufficient brake. Regardless of the wisdom of the basic war policy involved, what Senator, what Representative will vote to cut off or limit the supplies that might mean life or death to men in the field? Such a move would not only be politically unfeasible but morally unconscionable.

It is for this reason that the power of the sword, one of the two great powers which the Constitution gave to the Congress, must be retained by the representatives of the people. It is my hope that through the work of this committee, a legislative way to clarify and strengthen this reservation of power will be found.

There can be no doubt that the Constitution of the United States commits the conduct of foreign policy, particularly when it involves the use of American troops, to the Congress as well as the President. Since there was no executive under the Articles of Confederation, that document committed the conduct of foreign policy strictly to the Congress. Indeed, the defense of the nation was left mainly to the state militias. That a declaration of war by the Congress amounted to more than a "legal characterization" (as the State Department has recently called it) is evidenced by the fact that the Articles prohibited any state from granting "commissions to any ships or vessels of war, nor letters of marque or reprisal, except . . . after a declaration of war by the U.S. in Congress assembled . . ."

It would seem that if this history is to mean anything today, it must indicate that a declaration of war draws certain substantive powers along with it—powers, without which the President cannot act. And only the Congress may declare war.

By the time the founding fathers convened the Constitutional Convention they had had some experience upon which to base their concept of how a government should function. The only powers given to the President relative to the commitment of troops were those in Article II, Section 2, that "The President shall be commander in chief of the army and navy of the United States . . ." and those in Section 3, that "he shall take Care that the Laws be faithfully executed . . ." Hamilton, writing in the *Federalist*, No. 69, described what the Convention had meant by the phrase "commander in chief."

"It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the confederacy; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies; all which by the Constitution under consideration would appertain to the Legislature."

The fact of the matter is that one of the great controversies during the Convention was whether to give the Federal government the right to maintain a standing army and navy at all, or merely to rely upon the state militias. The fear was that such a Federal army would endanger the individual states. Given the founding fathers' distrust of executive authority, which resulted from their experiences with the King of England, it is obvious from any reading of the Debates of the Convention that it never occurred to them that *if* such a power were to be given to the Federal government, it would reside any place but in the Congress. As Maj. Pierce Butler, a delegate to the Convention from South Carolina recalled:

"It was first proposed to vest the sole power of making peace or war in the Senate; but this was objected to as inimical to the genius of a republic, by destroying the necessary balance they were anxious to preserve. Some gentlemen were inclined to give this power to the President; but it was objected to, as throwing into his hands the influence of a monarch, having an opportunity of involving his country in a war whenever he wished to promote her destruction."

It was finally decided that the Congress, the representatives of the people, would have to be trusted with the control of the armies, though even Madison would have preferred otherwise.

"I wish there were no necessity of vesting this power in the general government. But suppose a foreign nation were to declare war against the United States; must not the general legislature have the power of defending the United States?"

The framers of the Constitution would have been aghast had they thought one man, even the President, would ever have such a great power as to commit unilaterally troops in war.

A further analysis of the Constitution gives additional support to the thesis that only the Congress may authorize the commitment of troops. Under Article I, Section 8, clause 15, it is left to the Congress to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions.

Therefore, if only Congress can commit the troops of the states, would it make sense that the President should be able to commit Federal troops? It would seem that the danger to be guarded against is the same. In each case, of course after the Congress has made such a commitment, the President is the commander in chief of the troops committed.

In the first exercise of the President's power in this area, President Jefferson sent a squadron to Tripoli in the Barbary War. Since he had no authorization from Congress, the mission was limited in the narrowest sense. He ordered the liberation of a warship U.S. forces had defeated because he had no sanction from Congress to go beyond the line of defense.

This action on the part of the first President to exercise this power of troop commitment should give us some guidance today as to the circumstances under which it may legitimately be invoked, and when the President must first come to the Congress for authorization.

I maintain that there are three instances, and only three, where the President, as commander in chief, is not required to seek prior congressional approval before sending American military personnel to foreign soil. These are to (1) repel attack, (2) protect the lives and property of United States citizens, and (3) fulfill American treaty obligations. However, when he goes beyond these three—for example, in order to intervene in the internal political affairs of another country—under the Constitution the President must seek specific prior approval from the Congress.

Nor should these three exceptions to the general rule of prior congressional approval be interpreted loosely. Rather, like most exceptions they should be strictly construed. Thus, a President should not automatically invoke as authorization the need to protect American lives or property when in fact there is no clear showing of danger to them at the time of the intervention. Loose interpretation too often has been the practice, or the excuse, throughout our history.

It would be a major contribution if this committee could devise some way to discriminate between legitimate appeals to this highly emotive justification of Presidential action, and appeals which are thrown in merely as a saving catch-all.

To require a prior showing of good faith by the Executive on any of these three instances might tip the balance too far in the opposite direction and impinge upon Presidential powers. But I see no reason why the President should not be required by law to present to the Congress after such a commitment a documentation of his reasons for believing it was required. Such a formal practice, and the attendant glare of publicity, would do much to deter any unjustified or questionable exercise of power on his part.

Similarly, the power to repel attack is not an unlimited one. Basic to the President's role as commander in chief is the right to respond when American forces are attacked. Indeed, the right of self-defense seems so obvious that it scarcely needs mentioning. But, as in the case above, this authority permits only a limited response to a specific situation, and it terminates when the need for self-defense terminates. Beyond this, any intervention by American forces becomes political in nature and must be preceded by Congressional approval.

Even in the area of treaty commitments there are varying levels of authorization to which the President may appeal. Under the NATO treaty we have helped to set up a unified military command, and it would seem that an attack upon any member of NATO would be immediately followed by a response by the President as commander in chief and, for that matter, as ex-officio leader of NATO. Here, legislative enactment has prescribed as being essential to the security of the free world a course of automatic commitment of forces under certain conditions. Other treaties differ in this respect and do not authorize the President to act unilaterally. The SEATO treaty is one of these. It requires the United States to act "in accordance with constitutional processes," and during the hearings on the treaty the then Secretary of State, Mr. Dulles, stipulated that this meant prior congressional consultation, even if that would require the reconvening of the Congress by the President. While the United States will always honor its treaty obligations to protect and maintain peace and security, it can only do so within the confines of the given treaty. No treaty gives the President carte blanche to act as he pleases, and no President would want that power.

I believe these matters can and should be clarified by law.

The commitment of troops by the President is an immense power and the problem it presents has been a dominant theme throughout history. The words of John Lansing, a delegate to the Constitutional Convention from New York, ring true today. Speaking of European monarchs, he said:

"Not possessed of pecuniary revenues, or a standing military force, he was, whenever the barons withdrew their aid, or revolted against his authority, reduced to a feeble situation. While he possessed not the means of carrying on his wars, independently of his nobles, his powers were insignificant, and he was unsuccessful. But, sir, the moment he gained the command of revenues and an army, as soon as he obtained the sword and the purse, the current of success was turned . . ."

Mr. Chairman, members of the committee, it is time for the Congress of the United States to regain control of the sword. For us to fail to assert our proper responsibility will result in placing the President where kings have always stood.

As a member of Congress, Abraham Lincoln was concerned with the question of bypassing Congress in the exercise of war powers. He wrote to his law partner, William Herndon:

"Allow the President to invade a . . . nation whenever he shall deem it necessary to repeal an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such purpose, and you allow

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> him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much as you propose. If today he should choose to say he thinks it necessary to invade Canada to prevent the British from invading us, how could you stop him? You may say to him, 'I see no probability of the British invading us'; but he will say to you, 'Be silent: I see it, if you don't.' "

Mr. Speaker, I urge support of this resolution.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield for a question?

Mr. ZABLOCKI. I yield to the gentleman from Illinois for a question.

Mr. PUCINSKI. Mr. Speaker, in view of the language of this joint resolution, "The Congress recognizes that the President in certain extraordinary and emergency circumstances," and so forth, what would be the situation if this had been in operation at the time the President sent U.S. troops into Cambodia? What would have been the effect of language on that move?

Mr. ZABLOCKI. The President would have to make a report to the Congress, and under section 2, he should have consulted at least with the leadership of the Congress prior to taking action.

Mr. PUCINSKI. Before he would have taken this action?

Mr. ZABLOCKI. Before he would have taken the action.

Mr. PUCINSKI. In other words, this resolution then more definitively spells out the conditions under which the President may take this sort of overt military action?

Mr. ZABLOCKI. Whenever feasible, the President would have to take appropriate consultation steps.

Mr. PUCINSKI. In other words, am I correct in assuming, if this language were in operation at the time of Cambodia, the President would have had to consult the leadership?

Mr. ZABLOCKI. As the gentleman from Wisconsin has attempted to clarify in his opening statement, this resolution is not intended to define a past situation or reflect on any action of a President in the past or at the present time. It is intended to set up procedures to allow closer consultation and liaison between the executive and the legislative branches in the warmaking area.

Mr. PUCINSKI. If the gentleman will yield further, how would this have applied in the instance where President Johnson sent troops into the Dominican Republic?

Mr. ZABLOCKI. When the President in his judgment feels the safety or welfare of American citizens is in jeopardy, he could take emergency steps without consulting with the Congress. If this legislation were a part of the statutes, however, he would then immediately have to report and give a full explanation as to why he took such steps.

This would not preclude, I might say to the gentleman from Illinois, the President from taking any steps when, in his judgment, he determines the safety and the welfare of American citizens are at stake and where swift action on his part is necessary.

Mr. PUCINSKI. In the case of Cambodia, the President went on a nationwide hookup and said the troops are at this moment going into Cambodia. How would this affect or alter that kind of operation?

The President did report to the people after the fact. What I am trying to find out is: What are we achieving? What is the main force of this resolution?

If the President can send troops, as he did, into Cambodia, and subsequently report to the Congress and the American people his actions, then I am wondering what is the need for this particular resolution.

Mr. ZABLOCKI. If I may answer the gentleman from Illinois, this resolution very indelibly and clearly states that the Congress is deeply concerned about the warmaking powers. In the past several decades, the powers of the Congress have deteriorated. By passing this resolution not only do we spell out our concern and our intent and our will to reassume the responsibilities of Congress in this important area, but also we serve notice on the executive branch that there is a gray area in our Constitution on war powers we as Members of Congress desire that the legislative branch be consulted and informed by the executive branch in actions taken to commit our troops.

I believe it will serve a laudable purpose. I believe it will serve notice on the President that he must consult with the Congress and indeed report to the Congress when he takes steps to commit our military in foreign lands.

Mr. PUCINSKI. I thank the gentleman for this information. I gather from this explanation that this resolution instructs the President to consult with Congress, or at least its leadership, before any overt move is made to commit American troops to combat. The bypass which permits the President to commit U.S. troops without consulting Congress applies only to extraordinary circumstances, and I emphasize the word "extraordinary." I believe this resolution should serve notice on the President that he can no longer commit U.S. troops to combat without prior consultation with Congress and if he does, he will have to explain to Congress in detail the extraordinary circumstances which necessitated his unilateral action. I would want legislative history to show that should this resolution be adopted, it would be grounds for impeachment if the President should fail to give full meaning to the fact that the bypass applies only to most extraordinary circumstances.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I am delighted to yield to the gentleman from Indiana.

Mr. ADAIR. I would invite the attention of the gentleman from Illinois to the language on the bottom of the first page of the joint resolution, and continuing on the second page:

> It is the sense of Congress that whenever feasible the President should seek consultation with the Congress before involving the Armed Forces of the United States in armed conflict, and should continue such consultation periodically during such armed conflict.

So, as the gentleman will see, there is a provision here, where feasible, for the type of consultation about which he was inquiring of the gentleman from Wisconsin.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I appreciate the gentleman's explanation.

The fact of the matter is that it really does not mean very much. We have not done much. This is a good resolution, an expression of some concern, but the gentleman and I both know that the President, by virtue of being head of a co-equal branch of Government, the executive branch, reads the Constitution one way, while the Congress reads it another way, and the third branch, the judicial branch, reads it still a third way.

The words "whenever feasible" do not mean a thing unless we agree that they apply only to a most extraordinary situation. If the President wants to send troops into the Middle East tomorrow under the broad powers of the Constitution he can do so, and there is nothing in the language of this resolution that would preclude him from doing that. I believe my colleague knows that is a statement of fact. This is why I want this legislative history to show that the "whenever feasible" bypass can be used by the President only under the most extraordinary of circumstances. Should he use the bypass frivolously, he does subject himself to severe censure and maybe even impeachment. Within this framework, I shall support the resolution because it does cut down the freewheeling actions of Presidents in sending American troops into combat.

Mr. ADAIR. The effort here is to establish, as the gentleman from Wisconsin said a few moments ago, some guidelines. I would agree with the gentleman from Illinois that they are not entirely specific, but I believe they are as specific as can be done at this time. I believe they give us certain directions which will be very helpful to the legislative branch and to the executive branch.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I am supporting this resolution and I should like to say a word or two about my own views about the warmaking powers of the President.

I am a strong critic of past policies of the President. In general I believe it is not useful for the Presidents to act as they have acted in the past.

I do not believe it is in the interest of this country or in the interests of the Congress that the President should take upon himself the responsibility for committing U.S. forces abroad without securing the maximum of consent and approval and authorization from the Congress before taking such action.

On the other hand, I am reluctant to see the hands of the President tied in advance as many sought to do by various proposals that came before our subcommittee.

Such instructions would be analogous

to the unfortunate tendencies of the military to prepare to fight the last war over again. Efforts to tie the hands of the President are prompted by U.S. actions taken in Southeast Asia. But to legislate restrictions would only find us unable to respond effectively when some new or unforeseen contingency arose which required a considerable degree of flexibility on the part of the President.

I must say, however, that I take this position with some reluctance in view of the actions of the executive branch in recent years—again I include both Presidents Johnson and Nixon—both in failing to be honest and open in informing the American people and the Congress of what they are doing and in providing instead misleading and deceptive reasons for the actions which they take instead.

The intervention by the United States in the Dominican Republic came under a rather transparent guise of seeking to protect American lives, but it is a fact that it was an intervention which in many ways bore similarities to actions taken by the Soviet Union. It was done in order to prevent the emergence of a hostile ideology or the threat of a hostile ideology close to our shores.

One of the things that worries the American people the most today is the lack of candor on the part of the Government, and I share that feeling very deeply. For example, I resent the fact that neither the State Department nor the Pentagon were willing to come before the Inter-American Subcommittee just a few weeks ago and give us the full story of what was transpiring on the island of Cuba with respect to the so-called Soviet naval base there.

The Congress cannot play an effective role if the administration—and I want to be quite bipartisan here—if the administrations are going to refuse to be candid and open with Congress and with the responsible committees.

The SPEAKER. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. FRASER. If it should be the case that administrations are not going to be candid with Congress and are not going to send witnesses over to tell us what is going on, then the next occasion that arises I am going to vote to restrict severely the President in the exercise of the warmaking powers, because the responsibility of this Congress is to the American people. We cannot do our job unless we have the facts. I am fed up to the teeth with administrations peddling false and deceptive stories and giving this Congress in effect the runaround so that we cannot exercise our constitutional obligations. Unless this administration and other administrations are going to play it straight and honest, we will continue to have an enormous credibility gap which will undermine the confidence of the people in their Government and in the Congress.

Mr. ADAIR. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr Speaker, I note with approbation section 3 of this resolution, which reads in part:

> SEC. 3. In any case in which the President without specific prior authorization by the Congress—
>
> (1) commits United States military forces to armed conflict;
>
> (2) commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, repair, or training of United States forces, or for humanitarian or other peaceful purposes; or
>
> (3) substantially enlarges military forces already located in a foreign nation.
>
> the President shall submit promptly to the Speaker of the House of Representatives and to the President of the Senate a report, in writing, setting forth—
>
> (A) the circumstances necessitating his action;
>
> (B) the constitutional, legislative, and treaty provisions under the authority of which he took such action, together with his reasons for not seeking specific prior congressional authority;
>
> (C) the estimated scope of activities; and
>
> (D) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities . . .

and so forth.

I say that I note this provision with approbation, but I regret that the House of Representatives, when it approved standby authority to the President in the matter of wage and price controls and standby authority to the President to take over the complete financial and credit structure of this Nation, did not in those two bills, enacted this year, require of the President the same kind of concurrent explanation of why he took the action, if he does put into effect wage, price, and credit controls in this Nation.

Mr. Speaker, I support the resolution.

Mr. STRATTON. Mr. Speaker, will the gentleman from Iowa yield to me for the purpose of asking a question?

Mr. GROSS. Yes, I yield to the gentleman from New York if I still have time.

Mr. STRATTON. Mr. Speaker, I would like to ask the chairman of the subcommittee if I understood the gentleman correctly. I am one of those who feels that the President would have been well advised to have consulted with Congress before going into Cambodia. But I understand the reason he did not is that he felt that some Members, possibly those in the other body, might leak the information out to the press.

The gentleman from Minnesota (Mr. Fraser) talked a moment ago about candor. But we cannot always have complete candor in some of these situations. We are all aware of the fact that the enemy reads our newspapers and listens to our radio.

So my question is this:

Do I understand the meaning of this resolution correctly to be that if the President should feel that such prior consultation might jeopardize the lives of American troops, then he is under no obligation to so consult under the provisions of this resolution?

Mr. ZABLOCKI. That would be my understanding of the resolution.

Mr. ADAIR. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, at the outset let me indicate as others have here today that in my opinion the Congress and the American people have lost a real expert in the area of foreign affairs with the unfortunate political tragedy involving our colleague, the gentleman from Indiana (Mr. Adair). He has been a long and close personal friend. But I think he has been an outstanding member of the Committee on Foreign Affairs and a real leader and knowledgeable expert in this particular area that is so vital to America's future.

Mr. Speaker, in reference to House Joint Resolution 1355 I think the most important provision is section 4, and let me read section 4 to the Members of the House:

> Nothing in this joint resolution is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties.

Mr. Speaker, that language is very clear and forthright. It means that this President can do, as other Presidents have done, and as he has done, in those emergency situations that involve the national security of the United States. It means that the Congress, this one, and those in the future, will have the same authority then as they have had in the past to do what they want to do relative to authorizations or appropriations concerning the military, or foreign affairs, or foreign aid.

This resolution, in effect, changes nothing under the Constitution, nothing whatsoever.

May I add a comment about what the gentleman from Minnesota said a moment ago, if the gentleman would listen while I comment upon his observation?

It has been my privilege to have served in the House of Representatives under Presidents from Truman to the present one, President Nixon. I have not agreed with every decision made or action taken by previous Presidents, or even this one. However, I can say without hesitation or qualification that I know of no Presidents during that span of time who have been false or deceptive in the information that has come from the White House. I know of no President during that period from Truman to Nixon who has sought to give the Congress and the American people the runaround.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I will be glad to yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Speaker, does the gentleman believe that the Congress was fully informed as to the intentions of President Johnson with respect to the Gulf of Tonkin resolution at the time it was offered to the Congress? Do you think you were fully informed as to what the President proposed to do under that authority?

Mr. GERALD R. FORD. I believe that I and the important and responsible committees in the Congress knew what President Johnson had in mind at the time the resolution was submited to the Congress. What he did after that may be somewhat different from what he had in mind at the time the resolution was sent to the Hill. But I do not believe that

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President Johnson in setting up the proposed Gulf of Tonkin resolution had some hidden or deceptive intent concerning prospective action at that time. His attitude may have changed as events changed, but I in complete frankness believe that his intentions coincided with the resolution at the time it was made.

Mr. FRASER. I would just say to the gentleman that if one reads the history of that period and the memoirs and accounts by various people, I think serious question is raised as to whether the gentleman's impression accurately reflects what took place. But I would also ask the gentleman: Do you believe, in fact, we went into the Dominican Republic just to save American lives?

Mr. GERALD R. FORD. I happen to have been present in one or more conferences at that time concerning the action which was taken by then President Johnson, and I think there may have been a dual purpose. I say "may." I believe there may have been good justification for a dual purpose.

Mr. FRASER. Well, were we given candidly the full range of the reasons?

Mr. GERALD R. FORD. A good many Members of the Congress were given the broad basis for our action.

Mr. FRASER. I serve on the Committee on Foreign Affairs, and I can tell the gentleman that I was not informed. Perhaps others were. Let me ask the gentleman whether the public was informed?

Mr. GERALD R. FORD. So far as I know the public was given the main reason for going in. There may have been other reasons to bolster the principal reason announced to the press and the American people.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ADAIR. Mr. Speaker, I yield 1 additional minute to the gentleman from Michigan.

Mr. GERALD R. FORD. I repeat, Mr. Speaker, I do not believe that any President from Truman to Nixon, and those are the only ones that I have served with or under, and in my opinion none of them took action which was false or deceptive, and there was no information issued which was false or deceptive, so I doubt if the Congress and the American people were given the runaround.

Now, if I might relate this particular House joint resolution to the situation in Cambodia, in my judgment as events have unfolded, I believe that President Nixon for all intents and purposes has carried out step by step what is intended in this resolution. He took action to save American lives, and subsequently made a report to the Congress and to the American people. He has put the facts on the line the way I presume this resolution provides. So what we have is a resolution that does not change the Constitution. It is a resolution where a recent event tends to coincide with the requirements of it. So in my opinion it is a resolution that ought to be approved, and I intend to support it.

Mr. ADAIR. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Fulton).

Mr. FULTON of Pennsylvania. Mr. Speaker, it has been a pleasure and a compelling responsibility to be a cosponsor of this historic resolution, House Joint Resolution 1355 of the 91st Congress, entitled "Joint resolution concerning the war powers of the Congress and the President." As a member of the competent subcommittee working on this issue, basic to the division of powers in our U.S. Government provided by the U.S. Constitution, the obligation to obtain a successful method of interrelation between the Congress and the Executive as guidelines and recommended procedures for the future, in these fields of the use of U.S. military power and the Armed Forces abroad, is a frightening and mandatory requirement, as past U.S. history over the last 25 years since World War II, clearly demonstrates.

We members of the subcommittee on National Security Policy and Scientific Developments of the House Committee on Foreign Affairs, took this responsibility most seriously. I believe we have by the provisions of House Joint Resolution 1355 and the report, No. 91–1547, arrived at basic answers which can stabilize and proceduralize the relations between the President and the Congress where no war has been declared by the U.S. Congress, but military conflict abroad and the use of U.S. Armed Forces is about to begin, or just as seriously, to be materially increased, or U.S. involvement escalated. This historic resolution restates the duties, prerogatives and interrelated courses of action between the U.S. Congress, and the executive department which includes the State Department, Defense Department, Commerce Department, Central Intelligence Agency, U.S. Information Agency, and U.S. Mission to the United Nations. This includes just as importantly U.S. missions and delegations in all international bodies, and multilateral institutions, for regional or individual country defense, and otherwise.

This resolution firmly states that Congress intends to take its responsibilities and jurisdiction under the U.S. Constitution in future U.S. use of force and military actions or escalation in the future.

This resolution is aimed at setting a pattern for all of the relations, procedures, interrelations and dealings between the Executive and the Congress in cases where the United States is involved abroad, either by U.S. forces already in a region or country, or U.S. forces to be placed in a region or country by the President under the constitutional powers of the Executive.

Mr. Speaker, I agree with the gentleman from Michigan (Mr. Gerald R. Ford), the minority leader, in his statement. Section 4 of this resolution is a tremendously important section. This section explicitly states that it does not change any of the constitutional obligations or authority of either the Executive or of the U.S. Congress.

I would point out that provisions of this act do require the President to report to the Congress.

The President in his report must give the circumstances necessitating his action, the constitutional, legislative, and treaty provisions under the authority of which he took such action together with his reasons for not seeking specific prior congressional authorization, in the use of U.S. military power abroad. This resolution provides the basis of fact upon which the U.S. Congress and the American people can participate, postpone, block or reduce in whole or in part the foreign expedition, prevent secret escalation by executive action or agreement, as long as U.S. security is not at stake. This resolution can by its very passage help prevent U.S. future Vietnams, and save lives of our U.S. military forces. This resolution broadens the base of judgment so that sole decision, and sole power of commitment of U.S. military power abroad does not rest on one man, the President. But it is a shared obligation and action of the President, and the U.S. Congress, as representatives of the American people. This resolution setting by law guidelines and procedures within constitutional limitations and authority is therefore really historic, and major functional history of the U.S. Government being formed.

The fact that the U.S. House of Representatives takes this action by approving this resolution is notice to all U.S. Presidents of the guidelines to be used, regardless of inaction or contrary action by the other body of the Congress.

Another point of the resolution that I think is good are the provisions that ask the President to give to the Congress the plan of what shall occur in the future, and really by this approach, the Congress is stating that a plan of action must be made and must be definite, for Congress to make necessary basic decisions.

On page 2, under section 3(c), the estimated scope of activities are required to be outlined by the Executive.

Likewise under section 3 subparagraph 3, there is covered the point, as to the guidelines between the President and the Congress, when substantially enlarging the military forces already located in a foreign nation, by the President's sole decision and action, which in effect requires joint and continuously interrelated action with participation by the Congress.

This requires the President to come to the Congress when the Executive makes a substantial increase of forces in any region, or state abroad. This provision is specifically to prevent the situation occurring, so that the American people do not drift into another Vietnam.

Mr. Speaker, I believe this resolution can help substantially to establish a better working relationship between the Congress and the President, and, as a cosponsor, I therefore strongly favor this joint resolution, House Joint Resolution 1355, and urge prompt passage, for the future security of the American people, and the protection of the lives of our young men and women of the U.S. armed services. These basic decisions should be made with a broad base of judgment, consultation, and interrelated action, so that our people and the ones doing the fighting and dying know that they are acting under the judgment and authority of the American people after consultation, and not on the narrower base and awful responsibility of one man, and a select or small group of his close advisers behind closed doors and in secrecy even from members of the President's Cabinet. The decisions arrived at upon this basis can be right. But these basic decisions can be more often and more nearly right, and be better backed and supported by the American people when such decisions are reached on a broader basis of judgment, by interaction, and adequate consultation between the Executive and the Congress, as representatives of the American people. These general guidelines and procedures provided in this resolution are vastly important, as no person, no Executive, and no Congress can predict adequately the future as to how, when, where, nor the manner in which these situations involving U.S. forces and deployment and use abroad may arise.

Mr. Speaker, I agree with the gentleman from Michigan (Mr. Gerald R. Ford), the minority leader, that he knows and I know of no President under whom I have served, who has deceived the Congress. This includes Presidents Truman, Eisenhower, Kennedy, Johnson, and Nixon, under each of whom I have served on the House Foreign Affairs Committee, as well as on appointments as U.S. delegate to the United Nations, as present adviser on space to our U.S.-United Nations mission, and on many U.S. delegations abroad.

Conditions have often changed quickly after the original Executive positions were taken, so this resolution requires prompt and continuous reporting by the Executive. Of course, there is no one motive by any country, nor any President nor head of government, in dealing with most of these complex and dangerous situations abroad. There have been and always will be in U.S. foreign relations, many motives, large and small, and great and little, present and future moment.

I believe generally the relationships between the President and the Congress have been good and trustworthy, but I believe such relations can be better through development of these guidelines and formalized procedures. I, therefore, recommend the passage of this joint resolution.

Mr. ADAIR. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. Collier).

Mr. COLLIER. Mr. Speaker, I can appreciate that this resolution in no way alters the constitutional powers or authority of either the President or of the Congress.

However, I think it points up the need for an agonizing reappraisal of commitments that would in no way be affected by this proposal. I refer to seven international treaties to which the United States is committed to the common defense of some 41 nations in the world.

I look forward to the day when we will have before us a resolution calling for a constitutional amendment that would not only permit the Senate of the United States to ratify treaties, but in cases where a treaty involves a military commitment, I believe it should provide for ratification by the House as well as the Senate. I am also confident that such a constitutional amendment would be unanimously ratified by the several States.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Holifield).

Mr. HOLIFIELD. Mr. Speaker, I certainly support this bill. I appeared before the committee and testified on behalf of a very similar bill that was introduced by our colleague, the gentleman from Florida (Mr. Fascell). Mr. Speaker, I thank the gentleman from Wisconsin (Mr. Zablocki) for yielding these 2 minutes to me. Of course, it is not time enough to discuss this bill—and I am not criticizing for the lack of time, but we just do not have the time under the parliamentary situation.

Mr. Speaker, I think this is an important bill. I want to compliment the gentleman from Wisconsin and the Members on this side of the aisle and also the Members on the other side of the aisle for bringing this legislation before us.

This joint resolution has been very carefully drawn. It takes into consideration the constitutional powers of the President. It does not try to take anything away from them, nor does it try to add any constitutional powers to the Congress. It does, I think, declare very plainly that the House of Representatives has a great deal to do with the waging of war—whether it be a declared war or an undeclared war.

Mr. Speaker, I think it is full time for the House of Representatives to be consulted prior to, if possible and if feasible, and certainly reported to thereafter in the event that the President does exercise his constitutional powers in behalf of the interests of the United States.

Mr. Speaker, also I would coincide my own thoughts with the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford). I think he stated the situation very clearly.

I think that this resolution will have a salutary effect in keeping the Congress of the United States, particularly the House of Representatives, better informed and informed in a more timely manner than it has been in the past.

I want to emphasize that my interest in this bill, House Joint Resolution 1355, is to define—not limit or curtail constitutional presidential power. My interest in this matter is not focused upon any particular war or President, but upon the meaning of the general war powers granted to the Congress and the President by the Constitution.

I hope that the discussion and debate on this legislation will be constructive, reasonable and based upon fact, and that it will restore some of the confidence that some of our people seem to have lost in our institutions. I also hope that the many expert witnesses which you have had, and expect to have, before this committee, will help us to reach a consensus. Recently, we have seen too much time and energy wasted on useless debate on narrow issues. This debate has only served to confuse our own citizens and give heart to our adversaries.

I have made a study of the historical attitudes of the American people toward all of our wars; I have found that the attitudes of our people today are not new, nor exceptional.

Clergymen who have disagreed with a particular war have always found that war to be immoral;

The lawyer who disagreed found the war illegal;

The businessman and banker who dissented have without exception found particular wars bad for business;

Young men have found them in violation of their consciences.

And certain Members of Congress have always declared unpopular wars to be unconstitutional.

We will always have dissent. We will always have misinformation and simplistic proposals which feed that dissent. But, when international troubles arise, we need not have a misunderstanding of the constitutional warmaking power to contribute to the confusion.

OUR FOREIGN POLICY

We, in California, are vitally interested in the foreign policy of this country. We furnish more of the military manpower than any other State. Presumably, we bury more of our sons because of it. And, we pay more of its cost than any other State.

As I have said, the issue here is not Cambodia or Vietnam. The real issue is that the same circumstances which brought about Korea, Lebanon, Cuba, and Vietnam during the last four presidential administrations, can happen tomorrow in other parts of the world.

We have treaty commitments to countries all over the world. The Communist bloc has solemn commitments also based on treaties. Almost all of our treaties commit us to armed conflict and other action in accordance with our constitutional principles. The vital issue is whether the United States will honor all, some, or none of its commitments to other nations in the world, and whether we will act, when necessary, in our own national interest.

What is in our national interest? Would we now provide combat troops to protect Canada, or Colombia? Would we now send troops to the defense of the Philippines, Japan, Holland, or Israel?

In this nuclear age, how much are we willing to risk?

It seems to me that the Congress must soon make several fundamental decisions regarding our foreign policy.

First, we must decide whether the United States is to continue its apparent shift from a position of free world leadership to a position of isolationism? Are we going to retire behind our missiles assuming a defensive position unrelated to the rest of the world?

If so, Congress should review all mutual assistance treaties and repeal those which are not in support of our revised foreign policy.

Second, we must decide whether the Congress intends to continue the apparent trend toward reduced military manpower and nonreplacement of obsolete ships, aircraft, and equipment.

If so, Congress should repeal certain treaties to reflect our reduced readiness and responsiveness.

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Third, Congress must define, for the people, just where our national interests lie in the foreign arena.

THE EXTENSION OF OUR FOREIGN POLICY

I will turn now to the execution of our foreign policy as governed by the Constitution, treaty, international law, and Federal laws.

The Constitution establishes the control of foreign policy, including the warmaking powers, as a joint responsibility of the Congress and the President.

We, the Congress, have the power to raise and support armies and to provide and maintain a navy, but we have no direction or control over these forces except through the purse strings.

The Congress can declare war, but we have no power to make war. The President, as Commander in Chief, has the responsibility for directing strategy and tactics, and complying with the terms of treaties and the provisions of international law.

The Senate exercises "advise and consent" powers over the appointment of ambassadors, ministers, and consuls, but the President directs their day-to-day activities.

The President through his Secretary of State originates treaty language. The Senate exercises "advise and consent" powers over treaties. Many of these treaties solemnly agree that the United States shall go to war under specified situations.

The Congress participates in foreign policy in many other ways. We approve military and economic assistance, and set conditions on that assistance. We regulate foreign commerce and assess duties on imports. We limit trade and travel with some countries. We also enact laws permitting international cooperation. Many of these laws grant broad discretionary authority to the executive branch.

THE ROLE OF MILITARY POWER

Military power is a necessary instrument of both national defense and foreign policy.

There is no doubt about the President's power to deploy our Armed Forces to defend American soil. Neither is his power questioned to employ troops in place in foreign countries to defend our bases and weapons located in foreign areas. Under the terms of House Joint Resolution 1355, however, it may be necessary for him to obtain the authorization of Congress, by law, before he could reinforce or relieve those troops. The authorization of Congress need not in many cases amount to a declaration of war in the strict sense. Examples of this are: The resolutions on Lebanon, Cuba, the Formosa Straits, the Dominican Republic, and the Gulf of Tonkin. In these cases the Congress fully and constitutionally authorized hostile action but did not formally declare war.

House Joint Resolution 1355 defines the power of the President to deploy troops to foreign areas under the terms of a treaty which has received the advise and consent of the Senate. This provision guarantees flexibility and timeliness in complying with our obligations. It takes into account carefully laid contingency plans affecting our allies and the possible need for secrecy. The bill also recognizes that, in this nuclear age when mutual defense treaties proliferate, a formal declaration of war could trigger World War III by bringing into play international treaty commitments of unfriendly nations.

If this bill should become law, any future declaration of war would be specific as to area. However, the President could deal with the question of contiguous neutral territory, or the entry of other belligerents, under the principles of international law having to do with self-help and self-preservation.

In conclusion, I believe that this bill serves to fill certain voids in the Constitution, especially where undeclared wars are concerned. The power of Congress to support such wars has never been questioned, but the power of the President to initiate these conflicts has always been questioned.

Our people who must fight and pay for wars have a right to know whether armed conflicts rest upon a constitutional basis. In addition, their elected representatives have a right and duty to participate in these vital decisions involving war and peace.

This legislation does not presume to predict each international complication which may arise in the future. Neither does it impede the rightful action of any future President. It is, instead, aimed at consultation and cooperation between the two branches of Government responsible for our foreign policy and the exercise of the war power.

Mr. FASCELL. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, today we are considering what may be called, without hyperbole, legislation of the gravest national importance.

House Joint Resolution 1355 represents a triumph for the often-maligned deliberate processes of this body. For in the emotion-charged atmosphere in the aftermath of the Cambodian action last May, we spoke with many voices—concerned, but not coordinated.

At that time several of our distinguished colleagues joined me in expressing a concern wider than the more immediate nature of the commitment of American ground forces in Cambodia. The larger issue involved the constitutional implications of this unilateral executive action. Had the Congress in these years of "crisis policymaking" tacitly relinquished our constitutional responsibilities in the area of foreign policy?

To the end of promoting a discussion of this vital question I introduced last May a bill, H.R. 17598, which sought to define the authority of the President of the United States to intervene abroad or make war without the express consent of the Congress. I frankly questioned the constitutionality of that bill, but along with similar legislation introduced by colleagues in both Houses, it served as a catalyst for the extensive and important hearings of the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs.

The published report of those hearings, entitled "Congress, the President, and the War Powers," is a powerful document, for it contains the judgment and testimony of academic spokesmen, Government leaders, and citizens concerned about the congressional-executive relationship in the field of war powers. It is to the great credit of our esteemed colleague, Chairman ZABLOCKI, that the dialogue was conducted on a high level commensurate with the seriousness of our purpose and that he brought this bill to the floor of the House.

The result of the discussion and the subcommittee's members' considered reflections on the testimony is the resolution we see before us today. The reasoned processes of our Chamber have produced what the strident voices of spring could not.

Perhaps in considering House Joint Resolution 1355 it is best to recognize what this legislation does not do.

It does not jeopardize the security of the United States by tying the hands of the President, but rather acknowledges the right of the President to defend the Nation against attack without prior authorization of Congress in emergency situations.

It does not usurp Presidential prerogatives in the field of foreign policy, but rather reaffirms the original intention of the Founding Fathers to reside the power to declare war solely in the National Legislature.

It does not alter the provisions of existing treaties, but rather asserts the sense of the Congress that Executive action alone cannot satisfy the constitutional process requirements in the implementation provisions of mutual security treaties to which the United States is a party.

Nor does it constrict the President's constitutional authority to conduct declared wars as "Commander in Chief." Rather, by requiring his prompt report to the Congress in instances where American forces are committed without prior authorization of Congress, it insures that the benefit of congressional advice and counsel will be available early in the series of decisions leading to war.

Finally, House Joint Resolution 1355 casts no reflection on persons or policies. As the Honorable McGeorge Bundy warned us in his testimony:

> It is dangerous to try to deal with the future by legislating against the past.

Mr. Speaker, I urge our colleagues to join in support of this positive, constructive, and important reaffirmation of the constitutional responsibilities of the Congress of the United States.

Mr. ADAIR. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. PICKLE.)

Mr. PICKLE. Mr. Speaker, I merely wish to comment on some colloquy that took place earlier because of the inference, intentional or otherwise, that perhaps this Congress or the American people were not given all the information necessary or that was deemed pertinent at the time of the passage of the Gulf of Tonkin resolution.

Now, the Congress was fully advised, both the House and the Senate. We made a firm decision. Only history will deter-

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mine whether it was a correct decision. I think it was the right decision. I do not want to try to roll back 4 or 5 years and determine by hindsight what the President of the United States at that time should have done, and whether or not the President gave us full information. I think he did, and I resent the efforts of those who wish to read into the actions of that time anything to the contrary.

It is good to have hindsight. Maybe all of us would like to have seen things happen a little differently as we view the situation from the vantage point of 1970. But at the time we thought we did what the American people should have done.

You can disagree with the action taken with relation to the Dominican Republic. Personally, I think it was one of the greatest steps taken by the American Government in our time. I think it will turn out to be the greatest victory we have ever had in this hemisphere. There again we were not misled. I do not think at this time, in this kind of debate, we ought to try to use the occasion as an opportunity to say that somebody misled us. We are grown men. We knew exactly what we were doing, and we took the action that we thought was proper at the time.

Mr. ADAIR. Mr. Speaker, if I have time, I yield 1 minute to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I wish to commend also the chairman and the members of this committee for bringing forth this very meaningful and very significant legislation. But I rise primarily to commend the able gentleman from Illinois (Mr. COLLIER) and the able gentleman from California (Mr. HOLIFIELD) for calling attention to the necessity of the revision of the treatymaking authority, so that at least in respect to the commitment of our Armed Forces and the possibility of war ensuing from an agreement, the House of Representatives, which is essential to the implementation of such a treaty, shall be a party to the commitment. I hope we will be able to bring before your distinguished committee an appropriate resolution to that effect.

Mr. ZABLOCKI. Mr. Speaker, in closing, may I again express my deep appreciation and commendation to those who have sponsored legislation in this area. I have mentioned the gentleman from Illinois (Mr. FINDLEY), and on our side of the aisle, the gentleman from Florida (Mr. FASCELL) was one of the leading sponsors of legislation in this area. There were also the gentleman from California (Mr. HOLIFIELD) and the gentleman from Florida (Mr. PEPPER). Their testimony before the hearings was most valuable. Their advice and counsel during the markup time of the legislation resulted in the consensus that we bring before the House today, which, as I said earlier, is noncontroversial and very important.

Mr. BINGHAM. Mr. Speaker, I do not believe a resolution of this potential importance should be brought up under a procedure which permits no amendments. Accordingly, I shall vote against the motion to suspend the rules and pass this bill.

In addition, I am concerned that the wording of section 2 may be construed by the President in such a way as to justify a failure to consult with the Congress before embarking on some military adventure. I believe also that the Congress should assert the power to require the President to desist from hostilities undertaken without a declaration of war, either by action of both Houses of the Congress or by action of one House. The resolution before us, in sections 1 and 2, tends to go in the opposite direction.

Section 3, requiring the President to submit certain reports to the Congress, does represent an improvement over present procedures. If this section had come before us separately, I would have supported it.

Mr. COHELAN. Mr. Speaker, I will vote for House Joint Resolution 1355, but I do so with certain reservations. The provisions of this resolution have been adequately explained and I will not burden the Members of this House with a lengthy repetition of these provisions.

This measure essentially describes the status quo whereby the Congress is informed of executive foreign policy decisions. Its major advantage over the existing practice is in its call for more systematic consultation and its adjuration to the President to consult with Congress prior to any decision to send U.S. troops in conflict situations.

This beneficial feature of the resolution is also its weakest point. This provision is contained in a "sense of the House" language that does not make prior consultation mandatory. I feel that it is just this lack of prior consultation that lead to severe domestic repercussions in the wake of the Cambodian invasion. I would have been more enthusiastic about this legislation had the prior consultation provision been made mandatory.

I do not for a moment question the primary responsibility of the President in conducting our foreign policy. But the Congress, as an elective body, has its responsibility to the American people. Its collective input must come early in the decision process and the Congress must not be used simply as a rubberstamp for decisions that are not made without their adequate consultation.

Mr. Speaker, I am voting for this resolution in the hope that it will insure greater participation of the Congress in our foreign-policy decisionmaking process, but I am skeptical that this resolution will attain that desirable goal.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Wisconsin that the House suspend the rules and pass the joint resolution (H.J. Res. 1355).

The question was taken.

Mr. FULTON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 289, nays 39, answered "present" 4, not voting 102, as follows:

[Roll No. 352]

YEAS—289

Adair
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Ayres
Baring
Belcher
Betts
Bevill
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carey
Carney
Carter
Casey
Cederberg
Chamberlain
Chappell
Chisholm
Clausen, Don H.
Cleveland
Cohelan
Collier
Collins, Tex.
Conable
Conte
Corbett
Cowger
Cramer
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Denney
Dennis
Derwinski
Dickinson
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Foreman
Forsythe
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Gonzalez
Gray
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harvey
Hastings
Hathaway
Heckler, Mass.
Hicks
Hogan
Holifield
Horton
Howard
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
McCulloch
McEwen
McFall
McMillan
Madden
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
Meeds
Melcher
Meskill
Michel
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poff
Preyer, N.C.
Price Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Rees
Reid, Ill.
Reifel
Rhodes
Riegle
Roberts
Robison
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Ruth
St Germain
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Snyder
Stafford
Staggers
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Thompson, Ga.
Tiernan
Tunney
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Watson
Watts
Weicker
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wolff
Wright

XUM

Wyatt
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NAYS—39

Bennett
Bingham
Brown, Calif.
Burton, Calif.
Clay
Collins, Ill.
Conyers
Corman
Diggs
Dingell
Eckhardt
Edwards, Calif.
Ford, William D.
Green, Pa.
Hagan
Halpern
Harrington
Hechler, W. Va.
Helstoski
Hungate
Kastenmeier
Koch
Leggett
Lowenstein
McCarthy
McCloskey
Mikva
Moss
Ottinger
Reuss
Roybal
Ryan
Scheuer
Stokes
Symington
Thompson, N.J.
Van Deerlin
Whalen
Yates

ANSWERED "PRESENT"—4

Celler
Rarick
Rousselot
Schmitz

NOT VOTING—102

Abbitt
Abernethy
Adams
Anderson, Ill.
Annunzio
Ashbrook
Aspinall
Barrett
Beall, Md.
Bell, Calif.
Berry
Biaggi
Blatnik
Brown, Mich.
Brown, Ohio
Button
Camp
Clancy
Clark
Clawson, Del
Colmer
Coughlin
Crane
Cunningham
Daddario
de la Garza
Delaney
Dellenback
Dent
Devine
Dowdy
Edmondson
Eilberg
Evans, Colo.
Fallon
Farbstein
Feighan
Flowers
Fulton, Tenn.
Gallagher
Giaimo
Gilbert
Goldwater
Goodling
Green, Oreg.
Hansen, Wash.
Harsha
Hawkins
Hays
Hébert
Henderson
Hosmer
Jones, Ala.
Jones, Tenn.
Karth
Landgrebe
Landrum
Langen
Lukens
McClory
McClure
McDade
McDonald, Mich.
McKneally
Macdonald, Mass.
MacGregor
Mann
May
Mayne
Miller, Calif.
Mills
Montgomery
Murphy, Ill.
Nix
Obey
O'Neal, Ga.
Pettis
Poage
Podell
Pollock
Powell
Price, Tex.
Purcell
Railsback
Reid, N.Y.
Rivers
Rodino
Roudebush
Ruppe
Sandman
Skubitz
Smith, N.Y.
Springer
Stanton
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Whalley
Wilson, Bob
Wilson, Charles H.
Wold

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of Illinois.
Mr. Annunzio with Mr. Springer.
Mr. Hays with Mr. Devine.
Mr. Miller of California with Mr. Teague of California.
Mr. Biaggi with Mr. Reid of New Jersey.
Mr. Abernethy with Mr. Mayne.
Mr. Colmer with Mr. Goldwater.
Mr. Teague of Texas with Mr. Bob Wilson.
Mr. Rodino with Mr. Sandman.
Mr. Gallagher with Mr. Roudebush.
Mr. Fulton of Tennessee with Mr. Beall of Maryland.
Mr. Eilberg with Mr. McClory.
Mr. Giaimo with Mr. Brown of Michigan.
Mr. Daddario with Mr. Railsback.
Mr. Podell with Mr. Bell of California.
Mr. Montgomery with Mr. Berry.
Mr. Murphy of Illinois with Mr. Dellenback.
Mr. Charles H. Wilson with Mr. Del Clawson.
Mr. Henderson with Mr. Smith of New York.
Mr. Jones of Alabama with Mr. Landgrebe.
Mr. Barrett with Mr. McDade.
Mr. Aspinall with Mr. Hosmer.
Mr. Adams with Mr. Price of Texas.
Mr. Clark with Mr. Thomson of Wisconsin.
Mr. Dent with Mr. Whalley.
Mr. Macdonald of Massachusetts with Mr. MacGregor.
Mr. Jones of Alabama with Mr. Langen.
Mr. Rivers with Mr. McDonald of Michigan.
Mr. Purcell with Mr. Cunningham.
Mr. Flowers with Mr. Lukens.
Mr. de la Garza with Mrs. May.
Mr. Edmondson with Mr. Camp.
Mr. Mann with Mr. Harsha.
Mr. Karth with Mr. Pollock.
Mr. Blatnik with Mr. Ruppe.
Mr. O'Neal of Georgia with Mr. Evans of Colorado.
Mrs. Green of Oregon with Mr. Pettis.
Mr. Mills with Mr. Button.
Mr. Abbitt with Mr. McClure.
Mr. Landrum with Mr. Brown of Ohio.
Mr. Obey with Mr. Skubitz.
Mrs. Hansen of Washington with Mr. Coughlin.
Mr. Delaney with Mr. Stanton.
Mr. Dowdy with Mr. Ashbrook.
Mr. Fallon with Mr. Wold.
Mr. Farbstein with Mr. Goodling.
Mr. Feighan with Mr. Crane.
Mr. Gilbert with Mr. McKneally.
Mr. Hawkins with Mr. Nix.

Mr. HUNGATE changed his vote from "yea" to "nay."

Mr. ROUSSELOT changed his vote from "yea" to "present."

Mrs. HECKLER of Massachusetts changed her vote from "present" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

TRAGEDY AT HUNTINGTON, W. VA.

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, again this Nation is shocked by an airplane crash wiping out the football team of an important university. On Saturday evening a chartered plane brushed the tree tops on a ridge bordering the Huntington, W. Va., airport, and burst into flames, killing all 75 people aboard. The victims included 37 members of the Marshall University football squad, a number of their coaches, some prominent supporters of the team, and the crew of the wrecked plane.

I am sure the entire House joins me in tendering our deep and sincere sympathy to the families of the victims. The tragedy overwhelms an entire community, and we can only assure that community that we share their grief in a real measure.

Upon notification of the accident, The National Transportation Safety Board dispatched a team of 10 to go immediately to the scene as a first step in their responsibility to make a determination as to the probable cause of the disaster. The Chairman of the National Transportation Safety Board, John Reed, accompanied the investigating team. Last night after the first full daylight operation at the scene, the investigator in charge, Bill Lamb, conducted a meeting where the several groups of human factors, the structures, power plants, operations, weather, air traffic control, and witnesses, made their initial reports. Meetings of this sort are closed. But to the extent possible after the meeting, the board official in charge outlines the firm results to the press and answers questions.

It is, of course, inappropriate and premature for anyone to take it upon himself to state the cause of this tragedy. It can be said, however, that close attention must be given to all the circumstances surrounding the crash. In order to have full information on all the details, the House Commerce Committee dispatched an investigator to make his own observations. We shall await his report with interest.

Pending the formal report of the National Transportation Safety Board, it is, of course, premature for anyone to take it upon himself to state the cause of the crash. It can be said, however, that close attention must be given to all the circumstances surrounding the accident, to determine if additional air safety legislation may be needed. In order to have first hand information, the House Commerce Committee sent its own representative to cooperate in the investigation, and to report back such conclusions as may be deemed relevant.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am pleased to yield to my distinguished colleague.

Mr. HECHLER of West Virginia. Mr. Speaker, I thank the gentleman for yielding, and I am pleased that my colleague, the dean of the West Virginia delegation, Congressman STAGGERS, has called attention to this great tragedy which occurred on Saturday night, and to explain the action which is being taken by the National Transportation Safety Board.

Mr. Speaker, we in West Virginia have seen more than our share of tragedies, the collapse of the Silver Bridge in Point Pleasant, the Farmington coal mine disaster, and now this most poignantly personal tragedy which occurred Saturday night in my hometown of Huntington, W. Va., involving members of the Marshall University football squad, the coaches, and many prominent physicians and outstanding Huntingtonians. I know that all the Members of the House want to extend their sympathy to the families of those who were lost in this accident, as we work on to honor their memory. Marshall weeps for her sons. The entire community weeps for their sons and daughters.

There are many corrective steps which must be taken, and I can think of no more important one than to build a Midway Regional Airport to serve both Charleston and Huntington.

Mr. STAGGERS. I thank the gentleman.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, over the weekend this Nation was shocked and saddened by the crash of a chartered DC–9 jet airplane attempting to land at Huntington, W. Va. This crash took the lives of almost the entire Marshall University football team and ended the existence of 75 human beings.

Mr. Speaker, this crash need not have occurred. This crash in my opinion, would not have occurred had there been installed at the Huntington, W. Va., Tri-State Airport an ILS system providing the pilot with an instrument glide slope presentation in order that he could have accurately achieved the right descent onto the airport runway.

Approximately a year and a half ago, Mr. Speaker, I pointed out to this body that in the preceeding 6 months there had been eight crashes of airliners while attempting to make approaches to land. Two of these occurred at Bradford, Pa. At that time, I pointed out that in seven of the eight airports there was not a complete ILS system installed. In the eighth, there was and the aircraft successfully reached the runway but the accident was caused by other factors.

At that time I stated, "had there been an ILS system in Bradford, Pa., probably the two fatal crashes which recently occurred there would not have occurred."

I do not know how long, Mr. Speaker, it is going to take the Congress and the FAA to realize that it is necessary to install ILS systems at every air carrier airport but, unless we do, we can look forward to additional tragedies and heartaches for additional hundreds of American families.

In my opinion, the cost of equipment to provide for a glide slope where a localizer is now in operation is less than $75,000. I am told by the FAA that the site preparation at Huntington, W. Va., would be very expensive to provide for this type of facility. However, how expensive is the loss of 75 American citizens and a $4,000,000 jet aircraft?

It is regrettable that the pilot of the DC–9 jet had no radio landing aid to help him control the descent of the aircraft because none was installed at the airport. In other words, the pilot was able to point the aircraft in the direction of the airport accurately because there was available a radio beam to guide him to the runway, but unlike major air carrier airports, there was no radio beam to accurately guide him as to his height above the ground during his approach to the runway. I am confident that had there been an ILS glide slope installed at the Huntington Airport that the Marshall University football team and others on board the chartered DC–9 would be alive today.

It is about time that the Congress insist upon the installation of complete ILS systems, including glide slopes at all air carrier airports.

The money for providing for complete ILS systems could be provided through a reallocation of the FAA budget by the FAA's eliminating a number of large jets from its air fleet which I frankly question as being necessary and certainly are exceedingly costly to the taxpayers. The cost of maintenance alone on the FAA four-engine Boeing C–135 jets was $2,266,741 or $1,055 per flight-hour during 1969. For $2,000,000 we could probably equip at least 100 air carrier airports with complete ILS systems and increase air safety of the traveling public under adverse weather in these airports.

All told, there are fewer than 300 air carrier airports in America which do not have ILS systems. Through a reallocation of expenditures by eliminating the FAA's three- and four-engine large jets, not only can we fully cover the cost of installing this equipment, but we can also fully cover the operational cost through the savings which would be made in the FAA's aircraft operational budget.

Regrettably, Mr. Speaker, we should expect that the accident report when it is finally given will place the blame for the cause of the accident on the pilot by saying he was flying the aircraft too low on approach, but in fact I wonder if we should not place some of the blame on ourselves in the Congress for having been too complacent and not having insisted earlier on instrument landing systems being installed which will guide the pilot safely to the runway without his having to blindly grope for the correct altitude on approach in inclement weather.

AIRLINE TRAGEDY AT HUNTINGTON, W. VA.

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, permit me to join with the distinguished gentleman from West Virginia (Mr. STAGGERS) in extending the utmost sympathy on the part of the Members of the House to the families and loved ones of those who lost their lives in this unfortunate tragedy in Huntington, W. Va. When I read that unbelievable headline, it shocked me and grieved me beyond belief. I wish to extend to the families of those who lost their lives, and the fine educational institution, my deepest sympathy.

AIRLINE TRAGEDY AT HUNTINGTON, W. VA.

(Mr. ALBERT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I join with the distinguished gentlemen from West Virginia and the distinguished gentleman from Michigan in what they have said about one of the most heartrending tragedies of our time. To think that so many fine young people have had their lives snuffed out in such a manner is almost unbelievable. I join with those who have spoken, and others, in extending to the families, the loved ones and the friends of these young Americans, and to their university, my deepest sympathy.

In doing so I know that I express the feelings of not only everyone on this side of the aisle, but of the entire Congress and our Nation.

THE FRESNO COMMUNITY DEVELOPMENT PROGRAM

(Mr. SISK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, I am pleased to report on a unique approach to urban management now in progress in my district called the Fresno community development program. This innovative program may be a trendsetter for future urban development in this country. If successful, it may provide an answer to the myriad of problems—social, political, technological, physical, and economic which confront the cities in the seventies.

Because of the complexity and interrelated nature of these problems, an innovative approach was required. Drawing upon the technology that launched Apollo, one of the Nation's leading aerospace firms, TRW Systems Group of Redondo Beach, Calif., together with the city of Fresno, has developed a process for a systematic, coordinated communitywide effort to provide a program of renewal and economic development. TRW, as prime contractor, directs a consultant team which is working along with city and local government specialists. Funding for the program is provided by the Department of Housing and Urban Development and the Economic Department Administration of the Department of Commerce.

The end result of a 2½-year planning and design effort will be an integrated, on-going program for the effective allocation and management of available resources to meet community goals.

Specifically, the FCDP, when complete, will provide three primary elements:

First. A community renewal plan which identifies and analyzes Fresno's physical and social renewal needs and the resources available to meet them.

Second. An economic development plan which takes into account the relationship of the community to the surrounding region and describes the steps that should be taken to enhance growth.

Third. A management and information system which directs and implements projects and allows for instant review and updating of the program on an ongoing basis.

In essence, the FCDP will never be complete; it will not be covered and filed away to gather dust, but, under the guidance of the management and information system, it will be updated continually and reassessed in order to respond to identified community needs.

In addressing the problems of metropolitan Fresno, the FCDP has been a total community effort, calling upon the talents of citizens' groups, local academicians, urban specialists, engineers, and lawyers who have been brought together in a systematic manner to examine root causes rather than symptoms. A core team of city personnel has taken part in

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all phases of developing the program and will provide the technical capabilities for managing the program on an ongoing basis in the future.

I believe that this project will serve as an example to the rest of the Nation of the kind of urban planning which can most effectively meet the challenge of the seventies at the local level. All persons involved in the Fresno community development program are to be complimented for launching a pioneering effort to develop a comprehensive and workable system for community resource management.

THE CONDUCT OF REV. PHILLIP LAWSON

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, 21 years ago two American women named Miss Mildred Gillars and Mrs. I. T. D'Aquino drew stiff Federal prison sentences. The circumstances surrounding their trials have now become only vague memories, but once those two women under their infamous nicknames of "Axis Sally" and "Tokyo Rose" was household words, synonyms for sedition.

Their long prison sentences were, of course, for treason in the form of propaganda radio broadcasts they made during World War II, broadcasts aimed at destroying the morale of American fighting men.

Tokyo Rose and Axis Sally are just an ugly footnote in history now but their evil work is still being carried on by a modern day counterpart.

I refer to the Reverend Phillip Lawson, a Methodist minister from Kansas City, Mo., who—admittedly—has made a taped broadcast in Hanoi for Radio Hanoi in which he urges Negro soldiers of the United States who are fighting in Vietnam to disobey their orders and refuse to fight for their country.

This is the same Phillip Lawson who appeared last March before the House Committee on Internal Security, which I have the duty of chairing, and described his efforts in behalf of the radical revolutionary racist Black Panther Party. Among other things, he saw to it that these avowed Marxist-Leninist revolutionaries had an operating headquarters by leasing them church property for $1 a year. The organization for which Lawson was executive director found several ways to be of material assistance to the Panthers.

Last August, this individual journeyed to Hanoi with two other persons and at the request of Communist officials there taped a broadcast in which he urged American servicemen to violate their oath to this country.

Upon his return to the United States, Lawson was euphoric in his praise of the North Vietnamese Communists who are and have been for a number of years doing their best to conquer, through naked aggression, South Vietnam and in the process killing large numbers of Americans. Regardless of how we feel about American intervention in Vietnam, our fellow Americans are there, killing the enemy and being killed by the enemy.

Let us hear in its treacherous entirety what Lawson had to say in his broadcast:

> For two weeks I have been visiting with the people of Vietnam. I have seen what you have been ordered to do to these people. Very frankly you know that what you are doing is criminal. For the same action many persons were convicted of being war criminals during the Second World War. Do not allow yourself to be made war criminals. You must become men who will stand up and say "no" when you are given criminal orders! You are now fighting oppressed people of color here! Are you going to also fight against your black men and women in the United States? Brothers surely you can see that these people are your brothers and sisters.
>
> Sure the Vietnamese are also fighting you. But you are invading their country, you are killing their men, women, and children. You are destroying their food supplies. In fact, you are raping them! When someone is being raped the only position is not to negotiate peace but for the one doing the raping to withdraw.
>
> Black brothers, do not rape this country for the benefit of business and military interests! Withdraw! You can refuse to rape, by refusing to rape you will maintain your humanity.
>
> Black brothers, do not kill women and children. You can shoot over their heads. You can prevent the racist white soldiers from slaughtering these people. You can disobey all racist officers and their racist orders.
>
> Black brothers the real war for independence, freedom and justice is being fought in the United States. What you do now in Vietnam will determine what you will do back home. If you join the Vietnamese forces for independence, freedom and justice here, your black brothers and sisters in the United States will welcome your return as true Black men, but if you continue to be used against the people of Vietnam your Black brothers fighting for their freedom and justice will surely see you as members of the Black police force in their community.

After delivering that oration, Mr. Speaker, Lawson then identified himself as a representative of the United Methodist Church in Kansas City.

Mr. Speaker, by his deed, Lawson is impugning the Negro-American fighting man whose traditions reach back to the beginning of this Nation.

Black soldiers froze with Washington's troops at Valley Forge and they were there when Cornwallis surrendered at Yorktown.

Black soldiers, both as individuals and in regiments, fought with distinction during the Civil War.

The famous Black 9th and 10th Cavalry regiments were known as among the best, if not the best, through the Indian Wars and during the Spanish-American conflict. Gen. John J. Pershing won his early fame as one of their officers.

And in World War II the 99th Fighter Squadron, composed of Negro pilots, carved out a proud record of combat against the Axis in the skies over Europe.

Now that the unacceptable idea of racial segregation in the military is forever ended, Negro servicemen have performed with outstanding heroism alongside their brothers in arms of all races in every branch of the service in Korea and in Vietnam.

In Vietnam, alone, 19 Negro servicemen have won the Medal of Honor, our highest decoration for heroism, and of that number, 13 paid the supreme sacrifice to their duty, country, and flag.

Negroes serve in such elite and volunteer units as the paratroopers and Marines vastly in excess of their percentage of the national population.

It is men like these, Mr. Speaker, whom Phillip Lawson seeks to demean and demoralize by his treacherous broadcast over Radio Hanoi and I say it is an outrage.

Now I do not think that his broadcast will have any deleterious effect on the brave young Americans in our Armed Forces. Quite the contrary.

But nevertheless I find it impossible to understand how anyone who professes to be an American and a Methodist minister can display the audacity to urge fellow Americans to dishonor their flag and country.

And yet he remains free to preach treason and sedition. I believe I understand how Abraham Lincoln felt during the Civil War when he said:

> Must I shoot a simple-minded soldier boy who deserts, while I must not touch a hair of the wily agitator who induces him to desert?

Our soldiers these days are far from simple-minded, Mr. Speaker. In fact they are the finest young men ever to wear this country's uniform. But it must sorely trouble them when they hear the words of a man of the cloth urging them to dishonor their country in behalf of a Communist aggressor.

I know it troubles and distresses me. It also distressed—and angered—some of Lawson's colleagues.

The Reverend Dale L. Pollock resigned his post as a member of the Kansas City Methodist Inner-City Parish when he heard of Lawson's broadcast, saying it was "an inexcusable breech of faith with those who have supported you."

Bishop Eugene M. Frank of the Methodist Missouri West Conference Cabinet said that he and the cabinet of the conference "must join with the vast majority of our people in the conviction that both the content and the intention of Mr. Lawson's speech are offensive and repugnant to United Methodists."

Bishop Frank added that—

> We cannot condone the action of the two church agencies who furnished the airline ticket for his trip without any consultation with his Bishop or any other authorized administrator in the church.

Mr. Speaker, Tokyo Rose and Axis Sally were convicted of treason despite the near-impossibility in this country of obtaining a conviction for that despicable crime.

Phillip Lawson's conduct is tantamount to theirs.

MORAL LEADERSHIP AT LaGRANGE COLLEGE

(Mr. FLYNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. FLYNT. Mr. Speaker, at a time when we have witnessed violence and unrest on the campuses of colleges and universities throughout America, and when a Commission appointed by the President of the United States and chaired by the former Governor of a great Commonwealth condones and encourages unrest and violence as opposed to lawful dissent, it is encouraging and refreshing to learn that there are strong college presidents and administrators who believe that colleges and universities are places for young people to learn—not to burn and destroy.

Dr. Waights G. Henry, Jr., president, LaGrange College, LaGrange, Ga., is one of these clear thinking, levelheaded, and totally fair college presidents. At a time when other college presidents are either reluctant or afraid to provide the necessary moral leadership to the young people they serve, Dr. Henry has exhibited strength of character, the courage of his convictions and his idea of high moral values which the students at LaGrange College endorse and appreciate today and in the years to come will appreciate even more.

At the beginning of this school year, Dr. Henry wrote a letter addressed to all parents of LaGrange College students. This letter reads as follows:

LAGRANGE COLLEGE,
LaGrange, Ga., September 21, 1970.

DEAR PARENTS OF LAGRANGE COLLEGE STUDENTS: You are aware of all of the issues that trouble the campuses of the colleges and universities of America. We have been extremely fortunate at LaGrange College in reference to activism and drug abuse. The best time to deal with any problem is before it arises. We therefore are making it clear to all members of the LaGrange College "family" that we have a set of policies to guide us in relationships and actions.

We are careful in the selection of our students and of the adults on campus that work with them.

We need your understanding and support as we seek to provide the best we can for the young men and young women on this campus. Our society is not altogether healthy. It is our intention to graduate people who can contribute to its well-being. This can best be done when they are intellectually prepared, socially adjusted, and spiritually motivated. We would prefer that your son or daughter remain with us until a degree is conferred.

If you have any comments on the attached Statement of Policy, we would be pleased to hear from you.

Sincerely,
WAIGHTS G. HENRY, JR.

I would like to emphasize and thank heaven that we have such a man as president of one of our colleges who can condense so much commonsense into one paragraph:

You are aware of all of the issues that trouble the campuses of the colleges and universities of America. We have been extremely fortunate at LaGrange College in reference to activism and drug abuse. The best time to deal with any problem is before it arises. We therefore are making it clear to all members of the LaGrange College "family" that we have a set of policies to guide us in relationships and actions.

The following is:

A STATEMENT OF POLICY IN REFERENCE TO THE EXPRESSION OF THOUGHT AND ACTION AT LAGRANGE COLLEGE

The purpose of higher education is to enable persons to understand themselves and their fellows, to comprehend the world, and to prepare themselves so that they may accomplish satisfying personal goals and make a contribution to society commensurate with their abilities. This requires a campus atmosphere conducive to study, learning, inquiry, vocalization and expression of thought, and such actions as are appropriate to the academic process. The basic requirement is an atmosphere of calm wherein thought, reason, and reflection may prevail over emotional demonstration.

The college campus is not a battleground for social amelioration. It is not a backdrop for political activism. It is not a pentagon for the drafting of plans for campaigns involving howling, rock-throwing, burning, and badgering. Its fundamental purposes have not changed since the days of Socrates, when learners were given an opportunity to sit at the feet of the learned to listen, to ingest knowledge, to digest and assimilate ideas, to express thought in the written, spoken, and demonstrated word.

As parents and younger members of the family have a meeting of minds, not through screaming at one another, but in quiet conversation, just so the academic community calls for the quiet but strong interplay of minds and the mutually respectful confrontation of senior and junior scholars. Riots on campus are as out of place as the sacking and pillaging of one's own home. Reason and good will must characterize the milieu of the campus as truly as they are expected to reflect the condition of ideal family living.

Therefore, actions and attitudes that interfere with the optimum conditions under which sound academic performance can be displayed will not be countenanced on the campus at LaGrange College. Intelligent persons can express dissent or differing views in an atmosphere of calm and reason. Persons may differ in view points and still have a respectful regard for one another. It is not supposed that scholars are peas in a pod, all looking and thinking and acting exactly alike. They should, however, in all relationships demonstrate a boundless and courageous good will. Members of the academic community who resort to noisy demonstrations, violence, obscenity, or ugly behavior to express their thoughts and feelings will be dismissed from LaGrange College.

Whereas growing persons are expected to be the keepers of their own consciences and the determiners of their own destinies, LaGrange College has a responsibility to express its approval and disapproval as affecting courses of student conduct that improve or destroy life. It tacitly disavows the misuse of drugs and will not retain in the academic community persons who smoke marijuana, or who ingest other drugs. Dismissal of persons involved in the misuse of drugs is not to be considered punitive but as an effort to remove negative influences. Smoking "pot" or taking drugs is considered regressive behavior. Repeated users of drugs will be dismissed. Those who are known to sell or "push" drugs will be remanded to law enforcement authorities.

The peril of the nation and of individuals is purposelessness. It is the aim of this institution to provide within the limits of its ability every opportunity for positive growth and development. Sound learning and spiritual integrity are strongly bound yoke-fellows. Morals and manners go hand in hand. Ethics and aesthetics have as a common end the development of the whole person. The strong body and the clean spirit are the surest allies of the vigorous mind. Major attention cannot be given to forward thrusts of mental development on the college campus if valued time must be assigned to putting out the brush fires of distraction and regression. Members of the administration, faculty, and student body of LaGrange College are joined in a serious purpose. Those not committed to it are invited to exercise their subverting influences elsewhere.

The foregoing clearly expresses in language that any young person can and must understand the guidelines which apply alike to the students, faculty, and the administration of LaGrange College.

The great thing about this is that, so far as I have been able to determine, this statement of policy has been fully accepted and wholeheartedly endorsed by the student body of LaGrange College. So far as I know there has not been a dissenting voice raised by any member of the faculty of LaGrange College. I am informed that many parents have taken the time to personally reply to Dr. Henry's letter. Every single reply has been favorable. To this date Dr. Henry has not received a single letter of protest, disagreement, or disapproval from any source on or off the campus of LaGrange College.

Newspapers, radio and television stations, as well as interested citizens have taken the time to publicly comment on Dr. Henry's statement of policy.

A news article concerning this statement of policy appeared in the LaGrange Daily News, LaGrange, Ga., on Wednesday, September 16, 1970. This newspaper article follows:

MILITANT LC STUDENTS WILL BE DISMISSED—HENRY

Dr. Waights Henry Jr. laid down the rules of conduct in no uncertain terms this morning, telling LaGrange College students that the campus is not a battleground for howling, rock-throwing, burning, and badgering.

President of the local college, Dr. Henry made his statement of policy before students at the opening session of the 140-year-old Methodist institution.

It included a stern warning that students will be dismissed from LaGrange College for noisy demonstrations, violence, or the illegal use of drugs.

A copy of the policy will be sent to parents of all students in brochure form, together with a letter from Dr. Henry asking for parental understanding and support.

The LC president, beginning his 23rd year in that position, told students this morning that the basic requirement for a college education "is an atmosphere of calm wherein thought, reason and reflection may prevail over emotional demonstration."

LaGrange College has not yet had any major campus demonstrations, Dr. Henry pointed out. However, he said that actions and attitudes that interfere with the optimum conditions under which sound academic performance can be displayed "will not be countenanced on the campus at LaGrange College.

"Members of the academic community who resort to noisy demonstrations, violence, obscenity, or ugly behavior to express their thoughts and feelings will be dismissed from LaGrange College," he stated.

President Henry said the college has a responsibility to express its approval and disapproval as affecting courses of student conduct that improve or destroy life. The college disavows the misuse of drugs and "will not retain in the academic community persons who smoke marijuana, or who ingest other drugs."

He said the dismissal of persons involved in the misuse of drugs is not to be considered punitive but as an effort to remove negative influences. "Smoking 'pot' or taking drugs is considered regressive behavior," he continued, "and repeated users of drugs will be dismissed."

The LC president promised that those who are known to sell or "push" drugs will be remanded to law enforcement authorities.

"It is the aim of this institution," President Henry concluded, "to provide within the

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limits of its ability every opportunity for positive growth and development . . .

"Members of the administration, faculty, and student body of LaGrange College are joined in a serious purpose," he stated. "Those not committed to it are invited to exercise their subverting influences elsewhere."

Earlier in his convocation address, President Henry said the college campus should not be a battleground for social amelioration. "It is not a background for political activism. It is not a pentagon for the drafting of plans for campaigns involving howling, rock-throwing, burning, and badgering."

The fundamental purposes of a campus, he continued, "have not changed since the days of Socrates, when learners were given an opportunity to sit at the feet of the learned to listen, to ingest knowledge, to digest and assimilate ideas, to express thought in the written, spoken, and demonstrated word."

President Henry said, "Riots on campus are as out of place as the sacking and pillaging of one's own home. Reason and good will must characterize the milieu of the campus as truly as they are expected to reflect the condition of ideal family living."

On Thursday, September 17, 1970, the LaGrange Daily News editorially endorsed the statement of policy. The editorial of the LaGrange Daily News follows:

Strong College Behavior Policy Is Good

Thank you, Dr. Henry! You said what a lot of other college presidents should have been saying this month as students returned to campuses across the nation.

Dr. Waights Henry, Jr., laid down a statement of policy on student behavior as classes began at LaGrange College Wednesday.

Basically, the president said the local Methodist institution will not tolerate riots, violence, obscenity, or illegal use of drugs.

Said Dr. Henry: "The college campus is not a battleground for social amelioration. It is not a backdrop for political activism. It is not a pentagon for the drafting of plans for campaigns involving howling, rock throwing, burning, and badgering.

"Its fundamental purposes have not changed since the days of Socrates, when learners were given an opportunity to sit at the feet of the learned to listen, to ingest knowledge, to digest and assimilate ideas, to express thought in the written, spoken, and demonstrated word."

We could not agree more. But apparently many college and university presidents across the nation have lost sight of the basic purposes of institutions of higher learning.

Their timidity in the exercise of authority has contributed to the riots, burnings, and violence that now is close to becoming the accepted custom on college campuses.

We think that the vast majority of parents who foot the bills for their children to attend college still want their children to get an education and do not condone the violence on campuses.

But as our nation began to lean further backward in a misguided attempt to give self-expression to everyone, the right of authority to deal with what ultimately became lawless behavior slowly crumbled.

Social reformers became more interested in what caused a particular individual to burn, loot, and even murder, than the fact that the innocents' property had been destroyed or that a life had been taken.

But college officials are not completely to blame for the gradual decline in the respect for law and order. Our Federal government must accept much of the credit for this.

The recent report of the National Commission on the Causes and Prevention of Violence, created by President Johnson, is a good case in point.

This Federal group, composed of an attorney and two sociologists, advocated that the use of marijuana be made legal. "There is no reliable scientific evidence," the report says, "of harmful effects of marijuana, nor is there evidence of marijuana's being a stepping stone to hard narcotics."

The commission seemed to be more interested in statistical crime reports than anything else, apparently reasoning that by legalizing the use of marijuana there naturally would be fewer drug violations.

Now, that is sound reasoning, at least from the statistical standpoint.

We would add, however, that if all laws forbidding armed robbery were suddenly repealed, the statistical crime rate would be drastically reduced in every major city of the nation.

There would be at least as many armed robberies, and probably more, but since it would not be a crime, statistically the city would seem on paper to be a more law-abiding place.

How foolish can we get? This sort of reasoning, and even worse, these sort of recommendations, from a Federal commission contribute to the mounting disrespect for law and the resulting decline in authority which would call for moral and legal adherance to the respected rules of society.

Those in positions of importance, on our campuses, in our schools, police departments, and government, must either assume the authority of leadership or we all will watch the decay of society.

On Thursday, September 24, 1970, Mr. Ray Moore, editorial director for WAGA-TV station, Atlanta, Ga., wrote and delivered the following editorial:

LaGrange College President Tells It Like It's Going To Be

All over our nation colleges and universities are starting a new academic year with a sense of nervous tension about what's going to happen. Will there be sit-ins, demonstrations and other tactics of student protest disrupting the routine and purpose of the institutions? Plenty of college presidents are nervous, and it's a ridiculous commentary on the times.

Dr. Waights G. Henry, Jr., of LaGrange College is one President who is not nervous. He has taken the time to draft a Statement of Policy which lets students and faculty and everybody else know exactly how the College Administration stands and what it will do.

Dr. Henry acknowledges that the college campus is a place for different viewpoints to be expressed and explored. But it is no place for demonstrations . . . "not a backdrop for political activism." So the policy is clear, and clearly stated, in writing:

"Members of the academic community who resort to noisy demonstrations, violence, obscenity, or ugly behavior to express their thoughts and feelings will be dismissed from LaGrange College. Repeated users of drugs will be dismissed. Those who are known to sell or 'push' drugs will be remanded to law enforcement authorities."

The policy statement embraces much more than this, of course. But it boils down to a clear stand on student behavior and the rules that will be enforced. The statement has been mailed to parents, presented to the student body, and printed in full in the campus newspaper. Nobody is left in doubt.

LaGrange College is not large. But it's 140 years old and still going as an independent institution of learning. Our State Board of Regents and other colleges in Georgia have adopted policies to discourage demonstrations that have no place on a campus. We think they all need the simple language and clear position that prevails at LaGrange:

Respect the rules and the law or get out . . . or be thrown out.

On Tuesday, the lead editorial of the Augusta Chronicle, Augusta, Ga., referred specifically to the statement of policy announced at LaGrange College. Before quoting in full the Chronicle's editorial, I would like to point out that the Augusta Chronicle is the South's oldest newspaper which has been in continuous publication. It is an independent newspaper which was established in 1785, by coincidence the same year the University of Georgia was established. The masthead of the Augusta Chronicle contains the following statement:

> The history of liberty is a history of limitations of government power, not the increase of it. When we resist, therefore, the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties.—Woodrow Wilson

The editorial which appeared in the Augusta Chronicle follows:

The Heat Is On

Dr. Logan Wilson, president of the American Council on Education, told President Nixon the other day that college and university administrators are "standing up to be counted" on the issue of campus unrest.

His statement reflected what does, indeed, seem to be a rapid diminishing of the timorous permissiveness which let burning, looting mobs run wild on many campuses. It seems to mark a probable elimination, even more importantly, of the Nazi-like intimidation by which lawless minorities shut down classes and deprived the great majority of students of the education so important in today's complex society.

Take the University of Wisconsin, where some of the worst recent violence has occurred. Undercover agents, complete with long hair and gaudy garb, are reported by news dispatches to have been thoroughly infiltered into every student group. And if the information they can gather for the university authorities is not enough, a special $10,000 "informants' fund" has been set up to reward those who report in advance any plots to launch new violence.

Or take the University of California at Berkeley, where the promotion of anarchy got its main start. The security force has been doubled, and buildings have been wired for alarms including heat-sensing and smoke-sensing devices.

Here in Georgia, to take another example from the small-college field, the La Grange College president, Dr. Waights G. Henry, whose institution has not had any major demonstrations, showed that he is going to keep it that way. He promises: "Members of the academic community" (and we interpret that to mean faculty as well as students) "who resort to noisy demonstrations, violence, obscenity or ugly behavior to express their thought and feelings will be dismissed" and the college "will not retain in the academic community persons who smoke marijuana or who ingest other drugs."

That is about as flat a warning of summary action as a college president can give. All such measures as listed above will without question be hailed with satisfaction by a long-suffering public which feels that crime should have no sanctuary on the campus.

Public opinion has resulted in clear indications from some state legislatures that administrators of tax-supported institutions either restore the students' right to an uninterrupted education, or appropriations will be sharply curtailed. In New Mexico, the legislature showed it took a no-nonsense view by conducting an investigation, paid for by reducing the University of New Mexico's appropriation by the exact amount of the probe's costs. And in Illinois, the point was dramatically made by reducing the appropriation for Illinois State University by ex-

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actly the amount of the salary of a radical professor.

In short, the people and their representatives are now well past the point of being fed up. And college and university administrators, no doubt equally sickened by violence, now can feel they have the backing and the mandate of the public enabling them to declare emphatically that the anarchists' fun and games are over.

It is important that they do.

Certainly, the just-released report of the President's Commission on Campus Unrest offers little by way of a constructive nature in its solution to the national problem.

The cure-all, end-all list of platitudes offered by the committee, with its appeal to reason, is all well and good if reason prevails. Until it does, however, colleges and universities of the United States must be operated for that vast majority of young Americans who want an education, not for the relatively few dissidents for whom anarchy seems to have become a way of life.

In early October, Mr. Robert C. White, the editorial director of WJBK–TV, the Detroit voice of the Storer Broadcasting Co., asked Dr. Henry for his permission to quote from "your eloquent statement of policy." Dr. Henry immediately wrote to grant such permission. Dr. Henry's letter to Mr. White was so extremely courteous and gracious that it prompted Mr. White to write the following letter:

STORER BROADCASTING CO.,
October 19, 1970.

DR. WAIGHTS G. HENRY, Jr.
LaGrange College,
LaGrange, Ga.

DEAR DR. HENRY: Thank you for your courtesy in allowing us to quote from your eloquent Statement of Policy, as well as for furnishing the photographs of yourself and the beautiful LaGrange campus.

We feel that these materials enabled us to develop a strong editorial, copies of which are enclosed, which hopefully had good effect on Michigan campuses.

Please accept our congratulations on the excellent example which your administration and LaGrange College are setting for colleges and universities across the nation.

Cordially,

ROBERT C. WHITE,
Editorial Director.

On Monday, October 19, 1970, WJBK–TV in Detroit, Mich., carried the following editorial:

A FAIR WARNING ON CAMPUS DRUGS AND DISRUPTION

Many college and university presidents are nervous this fall over the potential for new campus disorders. One president who is *not* nervous is Dr. Waights Henry of LaGrange College in Georgia.

In a firm Statement of Policy mailed to all 600 LaGrange students and their parents, Dr. Henry defined what higher education is supposed to be: an opportunity for young people "to prepare themselves so that they may accomplish satisfying personal goals and make a contribution to society . . ." What the college campus is *not*, the statement continued, is "a pentagon for the drafting of plans for . . . howling, rock-throwing, burning, and badgering . . . Riots on campus are as out of place as the sacking and pillaging of one's own home . . ."

Therefore, the Statement of Policy warned, "members of the academic community who resort to noisy demonstrations, violence, obscenity, or ugly behavior to express their thoughts and feelings will be dismissed from LaGrange College . . ."

Dr. Henry also asserted the responsibility of his administration to condemn "courses of student conduct that . . . destroy life." In other words, he wrote, "repeated users of drugs will be dismissed. Those who sell or 'push' drugs will be remanded to law enforcement authorities."

In conclusion, Dr. Henry noted, "Members of the administration, faculty, and student body of LaGrange College are joined in a serious purpose. Those not committed to it are invited to exercise their subverting influence elsewhere."

TV2 believes that the unambiguous Statement of Policy on disorder and drugs at LaGrange College could serve as a worthy model for similar fair warnings by college and university presidents in Michigan.

Mr. Speaker, I join in commending Dr. Waights G. Henry, Jr., president, LaGrange College, for his intelligence, courage, and commonsense approach to the only real solution to the problems of campus disorders. If we had a few more men like Waights Henry serving as presidents of American colleges and universities, in my judgment there would be no campus violence, no assaults, no homicides, or organized violence. There would be no burnings of campus buildings and there would be no kidnaping of college deans and presidents.

I respectfully suggest to the President of the United States that if he ever again has an occasion to appoint a Commission on Campus Unrest that he might well look in the direction of LaGrange, Ga., for an articulate, gentle, and dedicated man to serve as chairman of such a commission.

Mr. Speaker, you and many of our colleagues may well remember that Dr. Henry once served as guest chaplain of the House of Representatives. It was my pleasure and privilege at that time to have joined in the invitation to him, and it was also the pleasure of Mrs. Flynt and myself to have Mrs. Henry join her husband as our guest on that occasion.

FREE THROW FOR FREELOADERS

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, the time-honored practice of freeloading has been given a sophisticated new twist. The latest refinement in the fine art of bilking the taxpayer under the guise of helping the poor was developed by Florida basketball coach Joe Williams. According to the National Collegiate Athletic Association, he recruited seven-foot-two Artis Gilmore for Jacksonville University's team by promising him a plush property post as a summer job. Gilmore was paid $75 a day in Federal funds by Greater Jacksonville Economic Opportunity, Inc., to act as a playground instructor. In 2 months of summer vacation, the high-riding hoopster "earned" $3,412.50.

The NCAA resolved to reprimand and censure Jacksonville University because, in its judgment, Gilmore's employment "was primarily on his utility to the employer as an athlete" and not on his merits for the job. His staggering salary, according to the NCAA, was not only "not commensurate with the going rate in that locality," but was also "excessive in light of his qualifications." It was obvious to the supervisory council that the promise of this sinecure "was an influencing factor in the young man's eventual enrollment at Jacksonville University."

The investigations which preceded the council's report disclosed, interestingly enough, that Coach Williams got the idea from the Mayor of New York, John V. Lindsay. His Nibs, of course, is an expert at draining away the taxpayer's money and has made Fun City a veritable sink for Federal antipoverty funds.

Gilmore was subsequently removed from the Federal dole and his freeloading is at an end. Said the disgruntled dribbler when he heard the news:

> Nothing would have been said if this had happened in a larger, more liberal town.

What Mr. Gilmore does not realize is that honest citizens everywhere would be indignant at the idea of poverty programs being used as payola. Any antipoverty project which truly aids the poor to become self-reliant, self-respecting members of society will have my support. But I will continue to expose and oppose poverty payoffs like Gilmore's. That kind of free throw only catches the taxpayer on the rebound.

KING PETER II, OF YUGOSLAVIA

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, on Saturday, November 14, King Peter II of Yugoslavia was buried in Libertyville, Ill., on the grounds of the Serbian Orthodox Diocesan Monastery. He had requested to be buried there and in accordance with his will, his wish was honored.

May I remind the Members of the tragic career of Peter II, one of the first victims of the cold war. He lived in exile for most of his life after being driven from his country by the Nazi invasion, then refused reentry into his country when, at Stalin's insistence, Tito was given control of Yugoslavia.

Peter II, King of Yugoslavia, was a descendent of the first modern Serbian King, Karageorge, and ascended to the throne in October 1934, at the age of 11, when his father, King Alexander, was assassinated in Marseilles, France. He took control of the Government in 1941 when the ruling regent, Prince Paul, was deposed by the peoples of Yugoslavia. The regent had entered into a pact with Nazi Germany which King Peter heroically repudiated.

When the Germans invaded, Peter's troops were soon overwhelmed and within a month after he took over the Government, he fled to England where he had studied, where he had royal relatives, and where he expected political support.

The King established a government-in-exile in London, but Yugoslav resistance against the Nazis was divided between the Chetniks, loyal to Peter and led by Gen. Drazha Mihailovich, and the Communist partisans, led by Tito.

During World War II, the Chetniks under General Mihailovich rescued hundreds of U.S. airmen and other allies who were shot down over Yugoslavia. General

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Mihailovich, commander in chief of the Royal Yugoslav Armed Forces, was awarded the Legion of Merit Medal by our Government for his extremely effective service on behalf of the Allied effort in World War II.

At the insistence of Stalin and Churchill and with the acquiescence of President Roosevelt, Allied aid was transferred from the forces of General Mihailovich to those of Tito. The Communists obtained the upper hand in the internal struggle concentrating their efforts on achieving control of the postwar government rather than mounting any major effort against the Nazi occupiers of Yugoslavia. The Royal Yugoslav forces opposed both the Nazis and Communists and were often caught in a vice between the two.

Tito barred the King's return to his homeland and the people he loved. When foreign dignitaries along with representatives of U.S. veterans gathered around the crypt in Libertyville's Serbian Orthodox Church on Saturday, the unhappy story of the exiled King's life was brought to mind.

Even though King Peter did not regain his throne, he was considered by most Serbians throughout the free world as their legitimate leader and until his fatal illness, he remained active in patriotic and religious activities of Serbian emigres throughout the world. Peter II fought an 8-month-long battle with a kidney disease in a Los Angeles hospital before his death. His last days were spent connected with an artificial kidney machine.

It was my privilege, Mr. Speaker, to have maintained a long friendship with King Peter and I knew him to be devoted to his people, dedicated to world freedom and deeply conscious of the historic responsibilities and complications that he faced. He was a very genuine and natural individual with a deep concern for the political misfortunes that beset his country.

One must wonder about the tortured path of history when noting the burial within days of each other of General de Gaulle who saw his country regain its freedom and of King Peter II who persisted in a lonely struggle after being victimized by World War II diplomatic maneuvers. Despite the personal, diplomatic, and political misfortunes that befell him, King Peter II demonstrated perseverence to the cause of a free Yugoslavia and true devotion to his people. Only history may in time reflect upon his efforts for true peace and freedom for the people of Yugoslavia. Had he been permitted to return and re-establish a government in the postwar era, the history of Europe may have been vastly affected.

But at this time, Mr. Speaker, as we pay our final respects to Peter Karageorge, the man, not the monarch, those of us who knew him are saddened by the loss of this outstanding individual. His widow, son, family, Serbian people, and people of Yugoslavia have lost a man who despite the misfortunes of his life, remained loyal to his principles, the traditions of his land and his people. His was a sad yet full life and he fought it well. "Requiescat in pace."

DE GAULLE'S DEATH—AMERICA'S LOSS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 15 minutes.

Mr. FINDLEY. Mr. Speaker, the death last week of Charles de Gaulle brought to a close a lifetime of service to the cause of human dignity and grandeur of the spirit that is almost without parallel in human history.

While his service concentrated exclusively on what he deemed best for France and its people, the accomplishment served all mankind, including, of course, the interests of the people of the United States.

What would the world be like today had not a man of De Gaulle's spirit, courage, and leadership been available to raise from the ashes of Vichy? Had France been afflicted with the infirmities that still plague Italy, Western Europe might today be a continent of Finlands, dominated by the Soviet Union.

Overwhelmed by insecurity, Germany could have faced a Hobson choice, a subversive to Soviet pressure or return to independence backed by national arms.

In the emotional tides that inevitably rise with the death of a great person, excessive tribute is natural. And so it may with De Gaulle.

One conclusion cannot be disputed. But for De Gaulle, the problems confronting this Chamber as it prepares for the 92d Congress would be vastly different and more difficult. To our oldest ally, her spirit broken by a quick surrender to Hitler, he brought strength. To the long years of resistance during the Nazi occupation he brought hope. To a nation torn asunder over a debilitating, unpopular war in Algeria he brought peace. To a people burdened with a paralyzed parliamentary system, he delivered a strong new constitution.

But above all, De Gaulle made his countrymen once more proud to be called Frenchmen.

In the process of this achievement he ruffled some feathers, including American feathers. I can recall many speeches in this Chamber ringing with denunciation of De Gaulle policies, particularly in the 1964–66 period.

But in restoring French dignity, pride, and grandeur, he served us all, because we all risk darkness when the French flambeau of freedom flickers.

Since I helped organize the House Republican Task Force on NATO in 1963, I have frequently sought to explain French problems and policies—so much so that I became known on Capitol Hill as the American Gaullist. It was not always a comfortable assignment, but even in the days when De Gaulle policies were under heaviest attack, I proudly accepted the title. I knew that any person who serves ultimately the cause of human independence and who would exault personality of whatever nationality in the long term serves all mankind.

As chairman of the House Republican factfinding mission to Paris in 1965, I received a communication from President de Gaulle, transmitted orally to me by a young member of the French Parliament, Charles de Chambrun, who attended a dinner party given for the congressional group. De Chambrun came to the dinner from a meeting with De Gaulle and said the President asked him to convey this message to the American Congressmen. I copied the message on a card and have carefully preserved it. The message:

> I hope you win victory in Vietnam. I do not believe you can. If you continue your present success in five years you will be involved in 10 places. Then the American people will become tired and return to isolation. And in saying this, I do not dislike you. Remember that. Neither I nor the French people dislike the American people.

One of my most gratifying moments came in 1969 during funeral rites for General Eisenhower when I had the privilege of shaking hands with President de Gaulle as a member of the official group which welcomed him to Washington. His towering overwhelming personality was unforgettable. I knew that I was at that moment in touch with one of the greatest and most effective patriots of history.

Printed below are a few of the tributes I feel should be preserved in the annual of the U.S. Congress, an institution which serves the same noble ideals of human personality so well advanced by Charles de Gaulle:

Statement by President Georges Pompidou Following the Death of General De Gaulle, Broadcast on November 10, 1970

Frenchwomen, Frenchmen, General de Gaulle is dead. France is a widow. In 1940 General de Gaulle saved our honor, in 1944 he led us to liberty and victory. In 1958 he averted civil war. He gave modern France her institutions, her independence and her place in the world.

In this hour of mourning for the nation, let us bow before the sorrow of Madame de Gaulle, her children and grandchildren. Let us measure the obligations that gratitude imposes on us. Let us promise France not to be unworthy of the lessons that were given us and may de Gaulle live on forever in the national soul.

Statement on the Death of General de Gaulle by Richard Nixon, President of the United States, November 10, 1970

The passing of General Charles de Gaulle reminds us of the qualities that make men and nations great. His was the quality of character that enables men to surmount all obstacles, to call up reserves of courage, to turn adversity into triumph. His was the quality of vision that could see the grand sweep of history at a time when others focused on the events of the moment. He provided inspiration to an age in danger of being overwhelmed by the commonplace, and, therefore, his passing is a loss not only for the French nation but for all mankind.

Statement by Charles Lucet, French Ambassador to the United States, on the Death of General de Gaulle, November 10, 1970

The death of General de Gaulle is felt with profound sorrow by the whole French nation.

In 1940, General de Gaulle assured, in a time of distress, the destiny of the country, saved its honor on the battlefield, assured its place by the sides of its allies in victory.

In 1958, responding to an appeal from the heart of the nation, he again assumed command. He reformed the country's institutions and gave it political stability. He re-established conditions for its economic transformation and restored it to its rightful place in world affairs.

At the same time, he offered France's former possessions, along with independence, the aid, the cooperation and the friendship of France.

General de Gaulle came to Washington for the last time to attend the funeral of General Dwight D. Eisenhower, his companion-in-arms and his friend. By his presence, paying his respects to the man and to the memory of General Eisenhower, he thus reaffirmed his feelings of high esteem and deep friendship for the American people and for the United States of America—in his own words, "this great country".

Statement on the Death of General de Gaulle by Arthur K. Watson, U.S. Ambassador to France, November 10, 1970

My colleagues, my family and I are deeply saddened by the passing of General de Gaulle.

As leader of the people of France in both war and peace, General de Gaulle was one of the great men of our age, and of all ages. He was a giant among giants.

Stubborn in adversity, generous in victory, tempered by the past, faithful to the present, prophet of the future, General de Gaulle joins forever the stream of history in which his role is written hugely.

No man loved freedom more, or served her cause more ardently. Freedom and peace have lost a magnificent defender. We send our deepest sympathies to Mrs. de Gaulle and other members of the family, to the government and people of France.

The Last of the Giants

(By C. L. Sulzberger)

Paris.—When, by his own choice, he was still a political exile, General de Gaulle once said to me: "Giants can do nothing now." Some years later I asked if, under any conditions, he foresaw a new age of political giants and he replied: "I suppose that depends upon the world situation. When that situation is grave the giants come nearer to a return."

"Also, you must remember, people grow in stature. One speaks of giants when it is all over. Sophocles said that one must wait until the evening to see how splendid the day was; that one cannot judge life until death."

Now the evening has come and one can judge Charles de Gaulle. He was unquestionably a giant, perhaps the first since Napoleon that France has produced on the international scene (although both his friends and enemies would quarrel over such a personal comparison) and surely the last Titan on the contemporary world horizon save for the aging Mao Tse-tung.

THIRTY-YEAR EPOCH

The general dominated France for 30 years, during which he displayed a gift for foreseeing the inevitable and expediting its occurrence. In some respects, like Napoleon, he reflected that inborn French penchant for disaster and was able to both surmount and produce it, leaving what could become a crumbling edifice behind and yet bequeathing more than legend. Each gave his countrymen passing grandeur—much appreciated in vain France.

It is too early to assess de Gaulle's ultimate historical place. By no means totally loved, his supporters represented a constantly shifting kaleidoscope of political patterns. But, as he once observed: every Frenchman has been, is or will be a Gaullist.

From the start he prepared himself for great events. Convinced that no true leader could be bound by intimate associations, he deliberately held himself aloof. Napoleon conferred friendship on one man: his aide-de-camp, Duroc; de Gaulle, in truth, on no one.

His rule was laid down in the remarkable lexicon of leadership he published in 1932, "The Edge of the Sword": "Silence is necessary preliminary to the ordering of one's thoughts. One calls troops to attention before explaining what is expected of them."

A STRANGE BLEND

De Gaulle was a strange combination of old-fashioned traits and future visions or, as one French phrasemaker put it: "A man of the day before yesterday and the day after tomorrow."

It was my singular fortune to know him for more than a quarter of a century and, although not in the least sense on an intimate basis, he received me with some frequency and confided many thoughts. The last personal communication I had was a copy of his recent "Memoirs of Hope," which he sent a month ago and in which he had written of his "confidence and friendship."

The general's education, cultural tastes and sense of virtue were strictly classical although more Greek than Roman. He loved grandeur, one of his most savored words, and his preferred reading came within this category: Corneille, Racine, Bossuet, Victor Hugo, Chateaubriand, Shakespeare, Goethe.

Yet, perhaps, he derived most intellectual inspiration from the French philosophers Auguste Comte and Henri Bergson. Once he said to me: "Bergson made me understand the philosophy of action. Bergson explains the role of intelligence and analysis. He saw how necessary it is to analyze questions in search of truth. But intellect alone cannot act.

"The intelligent man does not automatically become the man of action . . . Bergson showed me that action comes from the combination, the combined application of intellect and instinct, working together. All my life I have been aware of this essentially important explanation. Pure intellect cannot by itself produce action and impulse can produce folly if it alone serves as a guide."

De Gaulle admired *les gens efficaces*, those who accomplished things, among whom he numbered Charlemagne, Joan of Arc, Poincaré, Clemenceau, Washington, Jefferson, Theodore and Franklin Roosevelt, Bismarck and Churchill.

The general, as he was known even while president, always showed unusual courage—as befitted his original profession of soldier. He had but one fear, the fear of mental and physical decline, of losing the full capacity of his great powers. "Old age is a shipwreck," he wrote. The merciful speed of instant death has saved him from this ultimate horror.

Charles de Gaulle

Few men wanted more than he, from his youth until his death, to be identified with France. Let us hope that Plutarch was wrong when he said that ingratitude toward its great men is the mark of a strong nation.

—*From Le Monde (Paris)*.

He was a general who despised generals, an intellectual who loathed intellectuals, and an authoritarian who loved democracy but most of all he loved France.—*From the Evening Standard (London)*.

Charles de Gaulle

Often he seemed like some lonely survivor in an age before the flood—an age when Titans wrestled amid smoke and fire and roared defiance at one another against a counterpoint of crashing bombs. And in truth he was the last of that wartime breed (if one excepts Chiang Kai-shek on his distant island—a breed that was so powerful for good or ill.

Among them—Roosevelt, Churchill, Stalin, Hitler, Mussolini—Charles de Gaulle made his mark without a state, without a treasury, with only the sketchiest of armies. He did so by force of personality and, above all, by the force of his idea of France. In the ashes of a great defeat, his strong prose and stronger posture stirred a great flame. Like the Duke of Reichstadt on the fields of Wagram, he could evoke a dream of marching men and waving banners—but De Gaulle was no weakling, born out of his time. He made the men real, and the banners victorious.

He did not die in the ruins, like Hitler and Mussolini, or on the eve of triumph, like Roosevelt, or amid the dark passions of an anachronistic web of power, like Stalin. Rather, it seemed, like Churchill, he was to be relegated to that Valhalla where used-up heroes languish when their day is passed. And, like Churchill, he confounded his critics to return, in a quite different context, to head the state he had saved.

And in that second avatar, he saved the state again. He did so by an apparent contradiction. The onetime defender of the French Empire sacrificed the Empire for France itself, and then held the nation together against those to whom France seemed inconceivable without the tribute and rule of lands across the seas.

In the process, Charles de Gaulle profoundly and perhaps—only perhaps—permanently altered the political structure and political institutions of France. He outraged many of his former supporters and alienated allies of long standing. Storms of protest swirled around his head—storms of criticism followed most of his words and acts. Rebuffed in one of the referenda which he seemed to prefer to the other electoral processes of his Constitution, he resigned.

Charles de Gaulle remains a political enigma to many. There is still room for much argument over his foreign and domestic policies, over the trends he encouraged in France and in the world. Whether these trends, toward nationalism and a measure of authoritarianism, will, on balance, be better for his country and its neighbors, time alone may be able to decide with any degree of finality.

"Grandeur" is a word capable of many interpretations, in a man or a nation, and De Gaulle was, by common consent, neither greatly interested nor particularly competent in what related to the common life of men—in how they earned their living, or for what pay. The result of De Gaulle's half-contempt for the bread-and-butter issues lingers on in France.

Thus at the moment when this last of the Titans has passed from the world stage, even these vital questions do not loom so large as some memories: of a tall young general of brigade in Carlton Gardens: of a voice that spoke so eloquently to his countrymen; of De Gaulle striding into Notre Dame to praise his God for victory, while shots echoed above the chanting of the choir; of the president who held the helm of state so firmly in the army revolt against his Algerian policy.

The critical minds can find many flaws in the career of Charles de Gaulle, but none in his integrity of mind and spirit. And few who have lived through these troubled years, whatever their country or language, can find it in their hearts not to be grateful for his vital presence among us.

WORSENING PANAMA SITUATION REQUIRES ACTION

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, the Spanish press of Panama—El Panama America, January 27, 1970—reported U.S. Assistant Secretary of State for InterAmerican Affairs, Charles A. Meyer, as stating that the proposed 1967 treaties with Panama would serve as a "basis for the continuation of a process to seek permanent solutions to United States-Panama relations in reference to the Canal." After reading that pronouncement, I wrote the Secretary of State a strong protest on February 5, advising him that Assistant

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Secretary Meyer's views had been widely interpreted as indicating the reopening of treaty negotiations with Panama and urging him to make a forthright and resolute public statement on the Canal subject along the lines of those by Secretaries Hughes and Dulles.

Instead of complying with my request, the Secretary of State referred my letter to a subordinate, who on March 3, 1970, almost a month later, replied denying the statement attributed to Assistant Secretary Meyer. In an address to the House on March 11 on "Proposed Panama Canal Treaties: Time for Secretary of State to Support the Constitution," I quoted the indicated exchange of letters and emphasized that officials of the executive branch of our Government are bound by oath to support the Constitution. Article IV, section 3, clause 2, vests the power to dispose of territory and other property of the United States in the Congress—House and Senate—and not alone in the treatymaking power—President and Senate.

Since that time much has happened. The United States has continued in, or appointed to, key Panama Canal policy positions three officials directly involved in the formulation or negotiation of the discredited 1967 proposed treaties: Ambassador Robert B. Anderson, continued as chief negotiator; Ambassador Robert M. Sayre, appointed as U.S. Ambassador to Panama; and Hon. John N. Irwin II, appointed as the Under Secretary of State. A young White House staff member, Daniel W. Hofgren, with no diplomatic or Panama Canal experience, was given the personal rank of Ambassador to the principal assistant to Chief Negotiator Anderson. This is a perfect setup for surrender at Panama.

Despite the earlier denial by the State Department, what facts do we find in the press of Panama? In June of this year, a statement was made by Assistant Secretary Meyer at a meeting with Panamanian Foreign Minister Juan Antonio Tack in Washington that the U.S. Government desired to continue the treaty negotiations. U.S. officials present at the meeting were Secretary of State Rogers; Daniel Hofgren, a member of the negotiating team; Brandon Grove, of the Panama desk in the State Department; and Henry Kourany, U.S. Charge d'Affaires at Panama—Star & Herald, Panama, R.P., September 4, 1970, page 1, column 7.

Notwithstanding the evident purpose of U.S. executive officials to reopen the negotiations, the Panama Government, in a note on August 5 to the Secretary of State, rejected the 1967 draft treaties as unacceptable and indicated its desire to continue the negotiations to arrive at "just solutions to the conflicts" between the two countries.

From the above it is clear that the situation at Panama is not over but that officials in our Government, instead of meeting the problem forthrightly as they should, are still evading their responsibilities and prolonging the confusion over the just and indispensable treaty-based rights, power, and authority of the United States for the maintenance, operation, sanitation, and protection of the Canal Zone and the Panama Canal.

Because this vital waterway is the key target for Soviet conquest of the Caribbean, our policies concerning it should be formulated in relation to other dangers now evident in that strategic area. In spite of mounting evidence, Panama absolutely ignores the Soviet factor in the Isthmian equation and U.S. negotiators, during both the Johnson and Nixon administrations, have also ignored the Soviet factor. Panama apparently assumes that the United States would go to war to protect her ownership of the Canal if that were given her but the citizens of our country would never uphold such an outcome.

It must be clear to every realistic and thoughtful person that should the United States leave the Isthmus the vacuum would be filled by Soviet power; and that the constrictive coils of that pervasive, internationally organized tyranny would further enfold the United States and Central and South America in its strangling operations. These are not the conclusions of radical propagandists but a judgment based upon years of observation and experience. In addition, the takeovers of Cuba, Peru, Bolivia, and Chile, the infiltration and guerrilla tactics employed by Communist power in the United States and other Western Hemisphere countries, including Canada, are proof positive of the perils involved.

The latest development, in line with all that has gone before, is the building of a Soviet submarine base on the southern coast of Cuba with the obvious purpose of advancing Soviet power in the Western World. The plain truth is that our negative and inept policies with reference to what has been done, and what is planned, to bring about world domination by Soviet power, is hastening its sudden confrontation with the United States and the danger of world war III, with all its nuclear destruction.

An illuminating editorial on the worsening situation at Panama by Harold Lord Varney, president of the Committee on Pan American Policy of New York, in a recent issue of that organization's Pan American Headlines, describes the diplomatic setup for surrender. A recent editorial in the Chicago Tribune supplies additional information.

The two editorials together serve to emphasize the importance of prompt adoption by this body of the pending resolutions on Panama Canal sovereignty, which I discussed at length and quoted in the RECORD of September 15, 1970, in an address entitled, "Panama Canal: Hearings Before House Subcommittee on Inter American Affairs, August 3, 1970."

The indicated editorials follow:

[From the Pan American Headlines, September-October 1970]

The Panama Situation Worsens

It is becoming painfully clear that President Nixon has no intention of undoing the Johnson blunders in Panama. The latest news indicates that he is listening to the bad advice of Robert B. Anderson Jr. and John N. Irwin II and is going to continue them.

The attempted surrender of U.S. sovereignty over the Canal Zone and Canal Zone renouncing the 1903 treaty was one of the most unpopular moves made by Johnson during his six years. When the terms of the proposed new treaties were announced in 1967, it aroused such a backwash of popular indignation that 120 members of the House, both Democratic and Republicans, rushed to sign petitions of protest.

Nixon himself, who had opposed the proposed Johnson surrender of sovereignty in a speech delivered on Jan. 16, 1964, was under no personal obligation to continue the stalled treaty negotiations. When he entered the White House in 1969, he had an opportunity to clear up the whole situation. He could have dismissed Anderson and Irwin, the two nominal Republicans whom Johnson had used to sell the new treaties to Congress. The negotiations would then have lapsed. Panama's new Dictator Torrijos, might have spluttered for local effect, but he would have accepted the changed situation.

What did Nixon do?

Instead of firing the Anderson-Irwin team, he continued them in office. He then appointed, as the new Ambassador to Panama, Robert M. Sayre, a Johnson hold-over. Sayre had been an assistant to Anderson and Irwin, and was one of the drafters of the giveaway treaties. He favored the policy of surrender.

Early this year, Nixon had another opportunity when Irwin put in his resignation as negotiator. Instead of leaving the post unfilled, he appointed an unknown young man Daniel W. Hofgren, who was a member of Peter Flaningan's staff in the White House. Like Flanigan, Hofgren was known as a Liberal. The New York Times, in announcing the appointment, described him as a man known to be to the left of his White House co-workers.

However, the final blow fell on August 19th when the President announced that he had appointed John N. Irwin II as Undersecretary of State. This post is the key administrative job in the Department, with supervisory authority over all the personnel. This appointment means that the State Department is now in the hands of supporters and participants in Johnson's discredited Panama policies.

Why Irwin was elevated to such a position of power is a moot question. Nothing in his previous career qualifies him for such a distinction. In 1969, Nixon used him as a special envoy to Peru, to try to deter Leftist Dictator Velasco from confiscation of the U.S.-owned International Petroleum properties. Irwin turned out to be a pushover for Velasco. So far from dissuading him, he agreed not to invoke the sanctions of the Hickenlooper Amendment, our only pressure weapon in such a situation.

His weak course in Peru, and earlier in Panama, is consistent with the tolerance which he has shown to Communists and pro-Commuists in his private career. Until he went to Washington, he was Chairman of the Board of Union Theological Seminary. As Chairman, he saw Union degenerating into almost a training ground for Leftist preachers, and he did nothing about it. He maintained as President the ultra-Leftist John C. Bennett. Herbert Philbrick, the informed expert on Communism, in describing Bennett in 1960, declared that he had "one of the longest and most notorious Communist and Communist front records of anyone in the country."

The kind of advice that Nixon will receive from Irwin is easily foreseeable. Those of us who have been so long opposing Johnson's Panama policies have lost again. The fight must go on.

[From the Chicago Tribune, Sept. 4, 1970]

Panama Makes It Unanimous

The military government of Panama has formally notified the United States that the three treaties drawn up under the Johnson administration to change the status of the Panama Canal are unacceptable to Panama as a basis for further discussion.

Mr. Johnson's much heralded "solution" to our problems with Panama is thus laid finally to rest. It was brushed aside in Washington because it gave away too much control over a canal which is essential to our security; it is denounced by Panama because it gives away too little control over the canal. It was dissatisfaction over the treaties, indeed, which led to the military coup which ousted former President Arnulfo Arias in 1968.

By reviving a subject which has been dormant for two years. Gen. Omar Torrijos Herrera, head of the Panamanian regime, has aroused speculation that he may ask the Nixon administration to start negotiations over again from scratch.

It is hard to see what this would accomplish. The fate of the three 1967 treaties makes it clear that no concession that would satisfy Gen. Torrijos would be acceptable in Washington. The draft treaties would have returned to Panama the sovereignty over the Canal Zone which it granted to the United States "in perpetuity" in 1903 in return for our agreement to support Panamanian independence from Colombia. They gave Panama four seats on a nine-man board to govern the canal, and provided that the canal itself would be turned over to Panama in 1999.

Even as they were drawn up, the treaties would have led to constant bickering over canal tolls, the disposition of revenue, the costs of upkeep, and so on, and would inevitably have led to further demands. To yield any more would be to relinquish even the pretense of United States control over a canal which the United States built and which is essential to the defense of this country.

Since the Panamanian nationalists will be satisfied with nothing less than control over the canal, there seems little point in discussing lesser concessions which would not quiet the demands. And since the pressure in this country for concessions to Panama has come chiefly from liberals who abhor military regimes, it is hard to see why they or anybody else should expect Mr. Nixon to do favors of any kind for a military regime in Panama.

So far, the Nixon administration has wisely steered clear of the subject. If it has to take a stand, it should point out politely but frankly that no mutually agreeable settlement is in sight and that Gen. Torrijos can do better things for his people than haggle over a canal which they can't eat or live in and which means little to them except in terms of prestige.

THE INSTITUTE FOR POLICY STUDIES

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, the American people are watching with disgust the repeated outrageous attacks against our civilization by the shock troops of a foreign ideology.

Many Americans are aware that we are being subjected to a new type of warfare which is capable of killing just as certainly as the bullets and bombs of conventional warfare. The new warfare kills the pride—morale—social advancement—the soul and spirit of a people, just as effectively as would an atomic bomb.

More and more, our people are looking for the command staff—the intelligence behind these morbid assaults against the decency and moral fiber of our people.

A so-called Institute for Policy Study, has established its base of operations right here in Washington in the shadow of the National Capitol Building. It is readily identified as the revolutionary command post of the programmed violence and terror which are sweeping our land. I had extended my remarks on December 11, 1969, to include a Barron's story by Mrs. Schirley Scheibla on this subversive operation—see CONGRESSIONAL RECORD, volume 115, part 28, page 38598.

The Church League of America, 422 North Prospect Street, Wheaton, Ill., has assembled one of the most revealing documentary reports ever compiled. Because I feel this exhaustive research, based for the most part, upon documentation from the organization's own material to be of great interest, I include it in the RECORD:

REVOLUTION BY THINK TANK—INSTITUTE FOR POLICY STUDIES

There's a revolution under way in North America.

Assassinations, bombings, kidnapings, riots, bank robberies and arson fires are only part of the picture. But while the frightened attention of the public is on these hair-raising events, other revolutionaries are busy in a quiet way undermining the basic structure of our society.

The ever-busy Communist Party and its splinter groups have denounced the current wave of violence (while at the same time defending some of the perpetrators, such as Angela Davis). A short time after the murder of the kidnaped labor minister of Quebec, Pierre LaPorte, the Communist Party of Canada condemned the action. Part of the official C.P. statement read:

"Assassination and acts of terrorism are not acts of genuine revolutionaries. They are acts of desperation and of frenzy by anarchist elements who fail to see that social change will not be accomplished by individual acts of terrorism, but only through the united efforts of the people headed by a united working class and the Communist Party . . ." (Daily World, Oct. 21, 1970, pp. 3–11.)

From the standpoint of the Communist Party, (or all Communist Parties of the Moscow International), that fairly well tells the story. No revolution is "genuine" unless it is led by them!

Nevertheless, the anarchist groups—so-called by the Communist Party—are wreaking death and havoc which is cause for most serious alarm. Likewise, the "genuine" revolutionaries led by the internationally organized and trained Communists are dilligently at work on a long-range program for world control, of which the visible parts are not so spectacular or so much in evidence. In fact, due to the very secret and sinister nature of the Communist revolutionary program, we must leave surveillance of its inner ring and espionage activities to federal agencies, such as the FBI, which are trained, equipped and financed for that purpose.

There are, however, radical-liberal groups in this country which are not out-and-out subversive, but which pose a threat to our government, our churches, schools and other institutions making up our social structure. There are several such concerns whose mischief is far-reaching, and whose roots connect with those of other mischievous groups in every phase of our social and political life. One of these is the well-publicized Center for the Study of Democratic Institutions of the Fund for the Republic, at Santa Barbara, California. (See Church League Special Report No. 33, "Center for the Study of Democratic Institutions," October 1965, 35c)

While the Santa Barbara group tinkers with education and "peace," with some forays into politics and the field of foreign relations, it is almost benign in comparison with the more recently established Institute for Policy Studies of Washington, D.C.

In a brochure issued in 1966, the IPS states that it began operations in October, 1963. Other sources reveal that it was organized by "a half-dozen young men who were government aides and scholars in the Kennedy years, who conceived the idea of an independent research organization." (*Washingtonian* reprint, c. Dec. 1969)

Co-directors of IPS since its formation have been Richard J. Barnet and Marcus G. Raskin, while the most vocal of the "fellows" has been Arthur I. Waskow.

Richard Barnet, 41, a visitor to Hanoi in 1969, was graduated from Harvard Law School in 1954. After working for the Boston law firm of Choate, Hall & Stewart, Barnet joined the U.S. Department of State, working in the U.S. Disarmament Administration and serving at one time as the deputy director of political research for the U.S. Arms Control and Disarmament Agency. In 1963, prior to the formation of IPS, Barnet gained some attention in a broadcast over Radio Moscow when he stated that the banning of nuclear weapons tests was in the common interest of both the U.S. and the U.S.S.R.—the date of the broadcast very appropriately was April 1, the Fools' Day!

Barnet was well established in the disarmament camp by the time he helped organize IPS. The publication, *Problems of Communism* (published by the U.S. Information Agency), carried an article by Barnet, "The Soviet Attitude on Disarmament," which was by no means pro-Soviet—but neither was it outstandingly pro-United States.

In 1961 he was a practicing attorney in Washington, D.C., and regarded as a specialist on the subject of disarmament. In 1960 the Harvard University Press had published a book by him, Who Wants Disarmament?

His leftist leanings did not become clearly defined until after his association in IPS with Arthur Waskow and Marcus Raskin. Then, however, they came through "loud and clear." (See foregoing on his visit to Hanoi in 1969). His career is ably summed up in a special report on the Louis M. Rabinowitz Foundation by Lawrence V. Cott and Ruth Matthews in the June 1969 issue of *Combat*. The Rabinowitz Foundation had granted him $1500 for "research."

(Barnet is) with left-wing think tank, Institute of Policy Studies, in Washington. Has written book (with Marcus Raskin) on Cold War Alternatives in Europe, several others on disarmament. Active in get-out-of-Vietnam work, and a sponsor last year (1968) of New University Conference in Chicago, which called for "radical university reform."

Ramparts Magazine, a left-wing publication, carried in its April 1970 issue a review of his book, Intervention and Revolution, published in 1968 by New American Library. The review stated that Barnet laid America's "interventionist policy" to officials in the State Department, the Pentagon, the CIA and the White House "who manage U.S. foreign relations."

Most prominent among the organizers of IPS was Marcus Raskin. He had been associated with the Radical Education Project (REP), an endeavor of Students for a Democratic Society. He was indicted with Dr. Benjamin Spock and others for conspiring to counsel young men to violate the draft laws, but was acquitted.

An article in *Barron's* of October 6, 1960 about the Institute for Policy Studies provides this information on Raskin:

"(His) Washington career began in 1960 when he served as clerk and free lance writer to several Congressmen, including Representatives ——— ———, Herman Toll (D., Pa.), James Roosevelt (D., Calif.), ———

"Mr. Raskin soon co-authored a report with Mr. Waskow for Representative (blank). Coprighted in 1961, it was titled "Deterrence and Reality," and so far as can be determined, constituted the first advocacy of U.S. unilateral disarmament on Capitol Hill. Mr. Waskow subsequently expanded the report into a book, THE LIMITS OF DEFENSE.

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"According to a press release by Representative ——— ———, Mr. Raskin also served as group secretary for THE LIBERAL PAPERS, a collection of essays written by more than a dozen professors for a number of Democratic Congressmen, made public early in 1962. Among other things, the essays urged the U.S. to allow Russia to plug into this country's warning defense system (DEW); recognize and admit to the United Nations Communist East Germany, Red China, North Korea and North Vietnam; unilaterally abandon nuclear tests; break up NATO; abandon Berlin and neutralize central Europe under terms proposed by Communist Poland.

"With the advent of the New Frontier (of President Kennedy), Mr. Raskin was called to the White House to join the special staff of the National Security Council as an aide to McGeorge Bundy, who now (1969) heads the Ford Foundation. Mr. Raskin also served as a member of the American delegation to the 18-nation disarmament conference at Geneva.

The National Security Council was a top echelon presidential advisory group which supervised the activities of the Central Intelligence Agency (CIA). (United States Government Organization Manual, 1958-59, p. 65).

At about the time of the founding of the Institute for Policy Studies, Raskin was shunted from the top echelon of government advisors to a post with the U.S. Arms Control and Disarmament Agency. (Human Events, April 14, 1962 and Dec. 14, 1963)

Raskin's radical record is by far too long to deal with at this point, but suffice it to say that while a co-director of the Institute for Policy Studies, he co-edited (with Bernard Fall) an extremely Anti-Vietnam war publication known as *The Vietnam Reader*, and was one of the associate editors of the radical magazine, *Ramparts*.

The Institute had hardly gotten off the ground when it merged with and took over the operations of a concern known as the Peace Research Institute of Washington, D.C. which was under the direction of Arthur Waskow. This group operated on funds supplied by the Institute for International Order, also known as the Earl D. Osborn, or EDO, Foundation, the avowed purpose of which was "to support and strengthen the United Nations through education and research." (Pamphlet, "Ten Minutes for Peace," Institute for International Order, 1954.)

The Peace Research Institute, which was absorbed into the Institute for Policy Studies, was a most interesting organization, on the staff of which we find some of the nation's outstanding liberal-leftists, many of whom became connected with the Institute for Policy Studies, such as Arthur Larson, Donald N. Michael, Harold Taylor, Kenneth Boulding and others. A number of persons on the Advisory Council provided links to still other organizations and endeavors, such as Stewart Meacham, American Friends Service Committee; Henry E. Niles, now (1970) organizer and head of Business Executives Move for Vietnam Peace; Victor Reuther of United Auto Workers; Jerome D. Frank, connected with many cited Communist fronts.

Much more interesting and important, however, the Peace Research Institute distributed a booklet, the "International Peace/Disarmament Directory" of 1962 which listed the important peace organizations of all nations, including the Iron Curtain countries, and those in the United States by states. Communist fronts were mingled with benign peace groups, and official Communist publications were listed among many innocent ones as organs of "peace." (Examples: *Political Affairs* listed on page 49 and *The Worker* on page 51 of the booklet.) It is also somewhat incongruously amusing to find *Scientific American*, a popular science magazine, listed among the "Peace" Periodicals! This is no doubt explained by the fact that the editor-publisher, Cerard Piel, is one of the "in" liberal crowd, and a member of the 1968 Board of Directors of the Institute for Policy Studies.

Raskin, Barnet and Waskow have been, from the first, the most influential forces in IPS. All have written extensively and have poured out literally volumes of liberal material, ranging from estoteric intellectual distillations to hippy "gut" talk. For instance, in an article in the Spring 1968 issue of *University Thought*, Waskow wrote:

"The Institute is not just an ordinary research center because it's committed to the idea that to develop social theory one must be involved in social action and in social experiment. And therefore, the Institute stands on the bare edge of custom in the United States as to what an education research institution is, as against what a political institution is. By standing on that bare edge, it creates tension."

Tension is, one might say, the keynote of IPS. During the past seven years, the motivation behind many anti-war protests and disruptive activities designed to force social change—which in plain terms would be called revolutionary—can be traced directly to the Institute for Policy Studies.

During the same period the Institute has operated a major "peace" offensive among Senators and Congressmen in Washington, attacking government spending on defense and the war in Southeast Asia in writings, speeches and by personal contact. (See later list of agencies of various branches of government whose personnel have taken part in IPS seminars.)

Also, among those financed by the well-heeled Institute are none other than the leaders of self-styled revolutionary movements. Some of those who have benefited from the largess distributed by the Institute are: Students for a Democratic Society (SDS), the New Mobilization Committee to End the War in Vietnam (New Mobe), the Committee of Returned Volunteers, the New Party and the so-called underground press in Washington, D.C.

Waskow's rationale for involvement with these revolutionary groups is explained in a continuation of his above statement:

"I have a gut preference for disorder . . . If one has identified an end goal which one considers desirable, then if one translates that good bodily into the present as a means to the achievement of the end, one has avoided the problem of judging whether certain means are legitimate to achieve certain ends."

IPS is a non-profit, tax-exempt institution incorporated in the District of Columbia, with an annual budget variously estimated at between $225,000 and $400,000. The budget for 1966–67, as published in its 1966 brochure, was $239,000, broken down into Administrative Costs at $109,300, and Faculty Salaries at $130,500.

Various foundations have provided most of the support. These include the Edgar Stern Family Fund, the Samual Rubin Foundation, the Ford Foundation, the Milbank Foundation, the Commonwealth Fund, the Jacob Ziskind Trust, the Palisades Foundation, the National Board of Missions of the Presbyterian Church, the Field Foundation, the Edward Janss Foundation, the Cudahy Fund, Community Research and Development, Inc., and the Louis M. Rabinowitz Foundations. Private donations have come from such individuals as Michael Gellert, Walter E. Meyer, Jennifer Cafritz, Irving Lauck, who also supported the Center for the Study of Democratic Institutions, and the late James P. Warburg, whose millions were spread over dozens of leftist causes.

The original Board of Trustees in 1963, as listed in IPS literature, consisted of Thurman Arnold, formerly a Court of Appeals judge, at that time a senior partner in the law firm of Arnold, (Abe) Fortas & Porter, Washington, D.C.; Richard J. Barnet, previously mentioned; David F. Cavers, a law professor and former dean at Harvard; James Dixon, president of Antioch College; Freeman Dyson, physicist, Princeton, New Jersey; Robert M. Herzstein, attorney; Arthur Larson, then director of the World Rule Law Center; Hans J. Morgenthau, professor of Political Science, University of Chicago; Steven Muller, director of the Center of International Studies, Cornell University; Gerard Piel, editor and publisher of the afore-mentioned *Scientific American;* Marcus Raskin, previously mentioned; David Riesman, professor of Political Science, Harvard University; Philip M. Stern, former Deputy Assistant Secretary of State, and the aforementioned James P. Warburg.

Before proceeding further on the continuity of the Institute, let us pause to take a look at the backgrounds of the original trustees.

Thurman Arnold: (Died November 7, 1969) Before 1963, when he headed the list of IPS Trustees, Arnold was most famous for his role of "trust-busting" as assistant Attorney General during the regime of President Franklin D. Roosevelt; he was associated in his law firm with Abe Fortas, who had a record of leaning leftward. In 1939, Arnold was listed as a member of the cited Communist front, the League of American Writers; he was at one time vice president of the National Lawyers Guild, also cited as a Communist front, and a patron of another cited Communist front, the Congress of American-Soviet Friendship. In 1961, after he had left the Department of Justice, he signed a clemency appeal on behalf of Carl Braden and Frank Wilkinson, jailed for contempt of Congress for refusing to answer questions about their membership in the Communist Party, after witnesses had so identified them. In 1962 he signed a petition for a pardon for Junius Scales, a leader of the Communist Party in North Carolina convicted under the Communist "membership clause" of the Smith Act. Before joining the New Deal team, Arnold resigned as a judge of the federal Court of Appeals for the District of Columbia; as a "trust-buster" he grappled with some of the mighty: the American Medical Association, Standard Oil of New Jersey and the Associated Press.

David F. Cavers: In 1958, an Associate Dean of the Harvard Law School, he signed a statement of the Committee on Security Through Arms Control to establish international control of nuclear weapons and testing. (*Congressional Record*, July 25, 1958, p. 13865). He attended the leftist festival, the Pugwash Conference of 1961); in 1962 he signed a petition to President Kennedy on behalf of Communist Party leader, Junius Scales; in December 1964, he signed an "open letter" calling on Congress to abolish the House Committee on Un-American Activities. He signed a number of protests against the Vietnam war, sponsored rallies against it, etc., from 1964 onward; opposed the antiballistic missile system in 1969, and in 1969 was a sponsor of a Legal Aid Fund for Dr. Jeremiah Stamler (who had run afoul of rules of the House Committee on Un-American Activities for refusing to answer questions pertaining to his relations with the Communist Party).

James Dixon: As president of Antioch College, one of the nation's most liberal colleges, Dixon has followed a pattern of his own in signing an ad (*New York Times*, Feb. 22, 1962) against the House Committee on Un-American Activities, and the above-mentioned petition asking a pardon for convicted Communist, Junius Scales. He was also on the Jeremiah Stamler Legal Aid Fund, and in August 1970, he wrote a letter to a questioner about the policy of Antioch, stating in part:

"Our experience at Antioch during the national student strike last spring showed that a campus can be agitated in a nonviolent way and a tremendous amount of learning can take place. During the strike we came to grips with issues of war and human freedom. We are the better for it . . ."

At this point the pattern of the 1963 Trustees is fairly well established. Hereafter we will study only a few of the most outstanding.

Arthur Larson: He has endeavored to create an image of great stature and prestige in the Republcian Party as well as in government and academic circles. In fact, he was a consultant to President Eisenhower during his term of office, and later consultant to the State Department and to President Johnson. (*Christian Century*, Oct. 7, 1964, p. 1229 and other sources). He was at one time director of the U.S. Information Agency.

At Duke University he headed the World Rule of Law Center, and later organized the National Council for Civic Responsibility, and was a member of the Institute for American Democracy. (See News & Views, March 1965 and January 1967.

His liberalism has taken the direction of "anti-anti"; he has been an extremist on the subject of right-wing extremism, speaking and writing on it on numerous occasions. For instance, Look Magazine of January 26, 1965, stated about him in an article on right-wing extremism: "His entire background and efforts have been against the right wing."

He has slanted his efforts toward the Republican Party in particular, and in his book, A Republican Looks at His Party, he urged the GOP to turn to the left.

In 1966 he was one of the vice presidents-at-large of the National Council of Churches, and a delegate from NCC to the World Conference on Church and Society in Geneva, Switzerland in July 1966.

He has opposed the Vietnam war in debates and articles as a pacifist, and from a lofty point of view. That is, he didn't get down and mingle with the unwashed rabble of noisy and violent demonstrations.

At present writing, he is on the Board of Trustees of the Fund for Education in World Order, a heavily-financed organization made up of businessmen and educators "working toward peace, and to encourage others in developing research orientation on the problems of war prevention and worldwide welfare and justice." Fellowships are intended for graduate students in international studies programs of Columbia, Duke, Howard, Michigan, Princeton and Yale Universities, and for the United Nations Institute for Training and Research, and the World Law Fund. Help is being considered for an International Order of World Peace and the Institute for International Order, among others.

Top flight business executives as well as the elite of the academic world are being drawn into the Fund for Education which has set a minimum of $2 million in the way of a two-year budget. On the Board of Trustees of the Fund are such prestigious figures as: John C. Bennett (Union Theological Seminary): Senator Blank, Herbert Brownell, former U.S. Attorney General; Norman Cousins and Harrison Salisbury, both figures of importance in the publishing world; Stewart Rawlings Mott, financier and philanthropist; Matthew B. Rosenhaus, industrialist; Andrew W. Cordier, president of Columbia University, and others of similar stature.

We are bringing out these ramifications here to show how far the influence and contacts of the Institute for Policy Studies reaches.

Original IPS trustee Hans J. Morgenthau of the University of Chicago is at the far end of the political spectrum from Arthur Larson. While it cannot be said that he engaged in the "rough and tumble" type of demonstrations, he was often in the vanguard of noisy and turbulent anti-war protests. Nevertheless, he was a liberal of stature. In 1961, he was on the National Board of Americans for Democratic Action; at the University of Chicago he headed the Center for the Study of American Foreign Policy, and was long active in his opposition to nuclear weapons. He was a participant of a three-day conference in Wingspread, Wisconsin, under the auspices of the Center for the Study of Democratic Institutions, as a preparation for the so-called *Pacem in Terris* convocation; he was a member of (Arthur Larson's) National Council for Civic Responsibility, and a consultant to both the State and the Defense Departments. In May 1965, he participated in a teach-in opposing the war in Vietnam, and took part in numerous protest rallies against the war. He was a member of the National Committee for an Effective Congress, and on the Lawyers Committee on American Policy Towards Vietnam.

Morgenthau's contacts also reach into church groups: in 1967 he was a member of the National Emergency Committee of the Clergy and Laymen Concerned About Vietnam.

With regard to Philip M. Stern, who is now (1970) the chairman of the 19-member IPS Board of Trustees, he was one of the sources of funds for IPS. He administers the sizable Philip M. Stern Family Fund, and according to the *Chicago Sun-Times* of December 3, 1969, "spends his money to support what he thinks is right," and the article went on to say he was "angry about the Establishment."

Stern's wealth came from his parents; his mother was the daughter of the Chicago businessman-philanthropist, Julius Rosenwald.

It is interesting to note that the Stern Family gave $1,000 to newsman Seymour Hersh, connected with the obscure *Dispatch News Service*, for "research" which uncovered the story of the alleged Pinkville-My Lai massacres in Vietnam.

Last, and probably most important of all on the original IPS Board of Trustees was James P. Warburg, who died in June 1969. A listing of Warburg's contribution, both monetary and otherwise, would be impossible. His obituary in the *New York Times* of June 4, 1969, stated that he was a member of an international banking family, the roots of which were in three great German banking families—the Loebs, the Schiffs and Warburgs. James was born in Germany, son of Paul M. Warburg, who, with his brother Felix, came to the United States when James was young. At the age of 35 James became president of the International Acceptance Bank, and a year later became a director of the Bank of Manhattan Company. From there he "branched out" in finance and industry; he held directorships with various railroads, some of which he severed when he became disenchanted with "big business."

There was hardly a major financial firm in the United States to which James Warburg was not connected, either by family relationship or interlocking directorates. The *New York Times* reported that Warburg mustered a group of bankers representing the Harriman, Rockefeller and Kuhn, Loeb firms to invest in a photographic process developed by Edwin H. Land in Cambridge, Massachusetts. It became known as the Polaroid process.

The *New York Times* obituary states: "In a sense he was . . . a spokesman of the idealists, of those who sought disarmament and accommodations with the Soviet Union and Communist China. Probably his closest approaches to the centers of power were in his associations with Franklin D. Roosevelt and John F. Kennedy. He was an early champion of the New Deal and served as monetary adviser to the American delegation at the London Economic Conference of 1933. Two years later, however, he broke with Roosevelt over monetary policy and wrote several books attacking the New Deal. In World War II he again rallied behind Roosevelt, and served as deputy director of the Office of War Information.

He was a prolific author, pamphleteer and letter-writer, as well as a renowned and much-sought-after speaker until 1961 when an operation for cancer of the tongue left him with a barely perceptible lisp. He authored 30 books on almost as many subjects.

There is hardly a liberal cause Warburg did not support. His writings and personal prestige spread over a veritable rainbow of causes, organizations and endeavors, including various ones that were Communist-infiltrated and served the Communist purpose. The list of his organizational associations is far too long to give here, and while it cannot be proven, it is an easy assumption that in most instances his money was put into those with which he was associated. He was "honored" by the left for his writings and statements; he was sought after by them for his money.

It is safe to assume that Warburg contributed heavily to the organization of the Institute for Policy Studies, not only in the form of funds, but by putting the eager young organizers into contact with the nation's wealthiest people and with those in the highest echelons of government, to say nothing of scores of active leftists in the various organizations to which he belonged.

The Institute for Policy Studies is now overseen by nineteen trustees under the chairmanship of Philip M. Stern. Other trustees are: Robert Hertzstein of the law firm of Arnold & Porter; Arthur Larson; Gerard Piel; James Dixon, Hans Morgenthau, most of whom we have dealt with previously. Other trustees, according to the Washingtonian, December 1969, are drawn from among the founders of the organization and include:

Richard J. Barnet, whose background we have given;

Robb Burlage, described in IPS literature (1966) as a Resident Fellow; A.B., University of Texas; Research Fellow, Harvard University; formerly Director of Research, State Planning Office, State of Tennessee, and author of articles on economics. Other sources reveal that Burlage had been a member of Students for a Democratic Society since its founding and was a member of the National Committee in 1963. He also signed a petition for the defense of Eldridge Cleaver.

Christopher C. Jencks, Resident Fellow (in 1966), A.B., Harvard University; formerly an editor of *The New Republic;* co-author (with David Riesman) of book, The Academic Revolution, and of numerous articles on education policy and government programs on poverty in *The New Republic, Harper's* and *The Saturday Evening Post*. At the present time (1970) he directs a group allied to IPS in Cambridge, Massachusetts.

Jencks was a member of an investigative team set up by the University of California Regents in 1965 to investigate disturbances on the Berkeley campus during and immediately following the Free Speech Movement. The report, made by the chairman of the committee and favorable to the Free Speech Movement, did not specify any contributions by Jencks, but material in his book appears to be the result of his work on the Regents' committee.

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He contributed an article with Milton Kotler to *Ramparts* of July 1966, interestingly titled: "A Government of the Black, By the Black and For the Black."

Milton Kotler was a lecturer in the Urban Training Center for Christian Missions in Chicago before joining IPS. He was instrumental in founding a community corporation in a Columbus, Ohio neighborhood which gave him material for his book, Neighborhood Government. He is a contributing editor of *Ramparts* Magazine. While a fellow at IPS he was a guest at a cocktail party given for the Black Panther Defense Fund in Washington, D.C. by Dr. and Mrs. Fern Wood Mitchell. (*Washington Post,* June 18, 1970.) (Note above collaboration with Christopher Jencks on the *Ramparts* article.)

Donald N. Michael, Resident Fellow on indefinite leave from IPS, was formerly a senior staff member of Brookings Institution and author of a number of books and articles, the most significant of which was one on the political implications of technological change in the leftist *Bulletin of Atomic Scientists.*

Michael was Director of Research for the aforementioned Peace Research Institute, which merged with the Institute for Policy Studies and brought Arthur Waskow into IPS.

Numbered among the trustees of IPS are the co-directors, appointed annually by the nine "resident fellows," and earning between $10,000 and $20,000 for the academic year. Resident fellows, according to a recent report, are: Milton Kotler, Arthur Waskow, Frank Smith, Christopher Jencks, Robb Burlage, Marcus Raskin, Richard Barnet, Gar Alperovitz and one or two others.

Next in IPS's hierarchy are the very numerous "associate fellows" who are involved with specific lectures, seminars, projects, etc. At the bottom are the Institute students. Until the fall of 1969, the Institute had some twenty students each academic year; but with no curriculum and no traditional teaching, the practice has been ended. However, students are still a part of IPS's structure and are recruited from Antioch College, the University of California at Berkeley, the University of Illinois, Reed College, and the Virginia Theological Seminary. These students are called "research fellows: and receive a stipend for a specific project.

Gar Alperovitz was legislative assistant to (blank) Senator (blank) in 1966, during which time he was active in IPS. He was also a visiting professor at Cambridge University and author of a book, ATOMIC DIPLOMACY: HIROSHIMA AND POTSDAM, which was highly praised by Communist Party theoretician, Herbert Aptheker, in *World Marxist Review* of October 1966 (page 31). The radical magazine *Ramparts* of December 1965, carried a laudatory review of it by Carl Marzani, writer, publisher and friend of Herbert Aptheker. (Testimonial dinner program, *Human Events,* April 16, 1965). Alperovitz spoke on a panel at the 1968 Socialist Scholars Conference, supported war protest events, signed a statement by the Committee to Defend the Conspiracy, (those on trial in Chicago for conspiracy to riot at the 1968 Democratic Convention), and was active in the National Conference for New Politics in 1967. The *New York Times* of September 24, 1967, carried an item on "revisionist" historians who were rewriting the history of the Cold War, placing the blame on the United States, Alperovitz, then a Fellow at the John F. Kennedy Institute of Politics, was mentioned as one of the historians. His associates on the endeavor were named as: William Appleman Williams of the University of Wisconsin; David Horowitz, an editor of *Ramparts* and one-time supporter of the extreme left May 2nd Movement, and Carl Oglesby, then president of Students for a Democratic Society.

By far the most actively involved co-director of IPS is Arthur Waskow. His writings, statements and activities receive more attention in the press than those of any other member of the IPS top echelon. He is a veritable "Scarlet Pimpernel" of the current revolution, although he doesn't do the clever disappearing acts attributed to the Scarlet Pimpernel of the French Revolution. There is little doubt but what his ebulient activities set the "tone" of the Institute for Policy Studies. There is hardly a phase of radical action which has been initiated or has taken place in the past five years with which Waskow has not been involved in some manner. A thumb-nail sketch of him in an article, "A Spectator's Guide to the Trouble-Makers" in *Esquire,* February 1969, shows a picture of him, bearded and professorial-looking, linking arms with Black Panther Eldridge Cleaver and Yippie Jerry Rubin. The caption reads as follows:

"Arthur Waskow: Fellow of the Institute for Policy Studies, the New Left think-tank that includes Marcus Raskin of draft-resistance counseling fame. He was a delegate to the Democratic Convention (of August 1968) but spent much of his time in Grant Park. Turned in his 4–F draft card which was reclassified 1–A. In 1963 (he) tried to integrate Gwynn Oak amusement park and was arrested by authority of Baltimore County executive Spiro Agnew."

The 1966 IPS brochure states that Waskow received a B.A. from Johns Hopkins, Ph.D. from University of Wisconsin, was a legislative assistant to a U.S. Congressman (which other sources identified as———). He was author of various books, a contributing editor of *Ramparts* Magazine, and a member of the Board, American Committee on Africa.

Other sources state that he contributed an essay to *The Liberal Papers;* he wrote a pamphlet for the Center for the Study of Democratic Institutions, and a number of books on "peace," disarmament, U.S. foreign relations, and so on.

He was a supporter of the "new student movement," kicked off by the Free Speech Movement at the University of California, Berkeley; he was a vociferous opponent of the war in Vietnam; a proponent of better relations with Red China and Ho Chi Minh.

He took part in Socialist Scholars Conferences, 1965 through 1969; he was on a steering committee of 1966, laying the groundwork for the National Conference for New Politics of Labor Day week-end, 1967, and emerged from the Conference as a member of the NCNP Executive Board.

He was associated with the SDS Radical Education Project, and was active in the Washington Mobilization to End the War in Vietnam, and wrote for the *Vietnam Summer News.*

He wrote a letter to the *Christian Century* of October 18, 1967 (page 1321) suggesting that as a form of direct action in protest against the war in Vietnam clergymen and rabbis, carrying large crosses and Torahs, should block a napalm plant, and that their arrests should be publicized as "the sharpest kind of visual imagery."

As stated in the *Esquire* thumb-nail sketch, he was in Chicago for the Democratic National Convention in August 1968. The investigation of "Subversive Involvement in Disruption of 1968 Democratic Party National Convention," by the House Committee on Un-American Activities, mentions him as one involved in disruptions (much of which took place in Grant Park). Pages 2295, 2361, 2363, Part I; Page 2614, Part II; Pages 2770, 2771, 2776 and 2783, Part III). He took part in the Tax Resistance Action (refusing to pay taxes which would be used for the Vietnam war).

In 1968 he was among the dissident Democrats to start a movement for a New Party, and is designated by *The Guardian* of September 7, 1968 as one of the founders of the New Party.

He has written several articles urging "community control of police," notably one in *Trans-Action* of December 1969, replete with castigations of police, accusations of police brutality and urging "citizens" groups, particularly in black neighborhoods, that would control the police, or what he called "counter-police organizations."

He was arrested in June 1969 for not leaving the Pentagon after demonstrating there against the killing of servicemen in Vietnam. He was charged with "interfering with the orderly process of government." (*New York Times,* June 18, 1969). He was a member of the Committee to Defend the Conspiracy (on trial for the riots at the Chicago Democratic Convention of 1968); and an advocate of "Free Churches" in which social action programs are central rather than peripheral.

Waskow was among some 40 demonstrators who appeared at the Justice Department in Washington demanding that the government indict Illinois State's Attorney Edward Hanrahan of Chicago (for prosecuting protesters led by the SDS Weatherman faction who rioted and smashed windows in Chicago's Loop in October 1969).

On October 10, 1969, he sent a $500 Western Union money order to Neil Burnbaum of Chicago, who was in charge of coordinating efforts to obtain bail bond fees for the 284 persons arrested in the above-mentioned disturbances. (Report of the Illinois Crime Investigating Commission, issued April 1970).

We have no way of knowing if this donation was from Waskow personally, or if it came from IPS funds.

In his book, the Freedom Seder, (published 1970 by Holt, Reinhart & Winston, Inc.), Waskow took the text of the traditional Jewish Passover Seder and added the words of "our modern prophets," Cleaver, Thomas Jefferson and Gandhi.

He acted as coordinator of the New Mobilization Committee to End the War in Vietnam and issued a "Call to Action," published as an advertisement in the *New York Times,* June 7, 1970.

Waskow registered at the Strategy Action Conference, a conference of radical groups from all over United States held in Milwaukee the last weekend in June 1970. He listed his affiliation as the MOBE (New Mobilization Committee to End the War in Vietnam) and Jews for Urban Justice, showing his address as that of the Institute for Policy Studies, 1520 New Hampshire Avenue, N.W., Washington, D.C. At that conference he distributed a six-page report which he had authored, "Reflections on the Mobe," critical of a demonstration in Washington the previous May 9, which did not come up to Waskow's expectations.

At the Milwaukee conference, he and Rennie Davis (convicted in the Chicago Conspiracy trial) took part in the Student Resistance Summer Conference Workshop and presented a detailed plan for "liberating" Washington, D.C., as a protest against the United States involvement in the war in Southeast Asia. The proposal was linked to five demands:

1. The immediate withdrawal of all U.S. troops from Southeast Asia.

2. The immediate provision of $5,500 a year guaranteed income for every family of four.

3. The immediate liberation of all political prisoners, including the Black Panthers, the Conspiracies, draft resisters, and G.I. deserters.

4. The immediate liberation of the people of Washington from their special colonial status.

5. The immediate end of the complicity of all American institutions—colleges, universities, corporations, synagogues, churches—with the war machine and the machinery of police repression at home.

Preparations for the "liberation" action include the formation of "new Liberation Collectives and Brigades, and strengthen those collectives already in existence so as to do local organizing against local institutions of genocide and to prepare for the Disruption/Liberation of Washington." The date the various brigades are to converge on Washington is as yet undetermined.

The Liberation Brigades intend to spend "at least a week" in Washington and to achieve their ends write that "stopping Washington" means:

1. Holding teach-ins with Federal employees, inside their agencies, on the real effects of their agency's policies.
2. Demanding to meet with the General Staffs of genocidal agencies like the Army, CIA, HEW, etc., so as to receive full disclosure, with documents, of their policies and decisions over the last 20 years—that demand to be enforced by closure of the agencies if necessary.
3. Holding public, televised interviews on the Capitol lawn of Members of Congress who have supported genocide at home or abroad—that process to be enforced by sit-downs at the Capitol if necessary.
4. Blocking the bridges and highways to the Pentagon and the CIA.
5. Halting the machinery of conscription and enlistment.
6. Stopping the collection of taxes for war and repression.
7. Opening up all the government's hospitals, cafeterias, etc., to all people.
8. Liberating some Federal agencies, as the Peace Corps was in May, to serve the real needs of real people.
9. Turning over military reservations to people who need housing.

And many many other actions.

Throughout this process, the Movement will work and act not as an atomized mass of thousands of lonely individuals under the command of an Executive Committee, but as a multitude of collectives, each of which has decided how to carry out its own commitments. Some collectives may decide to act in classic Gandhian style, to fill the jails; others may seek to remain sufficiently mobile as to avoid arrest. But all will be dedicated to stop the work of genocide.

Doubtless this plan is designed to implement a Waskow theory published in the Saturday Review in 1965 when he wrote that as revolutionists force tyranny to stop them, they will gain increasing acceptance.

We have gone into detail on Waskow because his appears to be the dominant voice of the Institute for Policy Studies. The plan he and Rennie Davis proposed at the Milwaukee conference will no doubt become IPS program.

Another 1970 project of the Institute for Policy Studies is designed to study industrial security. Over the signature of Marcus Raskin, a letter went to some 500 corporations, most of them working on secret government contracts, seeking information "as a starting point" on the "person or persons in charge of your security program." According to Raskin, some 200 corporations replied, and in the context of the plan to "liberate" Washington, it is frightening to speculate as to the use this information will be put.

Not content with the Washington base, IPS is spreading its organizational network and already has the Cambridge Institute under the direction of Car Alperovitz and Christopher Jencks, the San Francisco Institute with Barry Weisberg and Alan Haber[1] taking a leadership role. Studies are continuing space related to an Institute in Toronto with Gerry Hunnius involved in the planning, and in Atlanta with Julian Bond[2] actively involved.

While operating ostensibly on the lofty level of an academic institution, thousands of IPS dollars go to students, many of whom have records of activism on campuses. (See tabulation in the 1970 Report of the Illinois Crime Investigating Commission, *op cit.*, pages 654–655.)

The influence of IPS on government at the highest levels is never stated, incapable of exact analysis but can be evaluated against such random items as:

Stanley L. Newman, an IPS associate fellow is Chief of the Planning and Relocation and Public Administration Branch of the Division of Program Development and Evaluation in the Model Cities and Governmental Relations office of the Office of Housing and Urban Development.

Arthur Waskow was asked by American University to serve as an "expert consultant" to the federally funded AU Center for the Administration of Justice. An American University spokesman said that Mr. Waskow "may occasionally lecture on police problems."

Jack Heller, an associate fellow, is director of the Office of Development Programs for the Bureau for Latin America of the Agency for International Development.

Richard Barnet and Hans Morgenthhau are advisors to the Council for a Livable World. Arthur Waskow and "fellow" Leonard Rodberg, former bureau chief with the Arms Control and Disarmament Agency, have worked for the Council. The Council is the third highest spender of the lobbying organizations which filed reports in 1968, and takes credit for assuring the original election victory of Senator George McGovern, by having its membership contribute $22,000 to his campaign.

Representatives ———, ———, and ———, all members of the group called Members of Congress for Peace Through Law whose vice-chairman is Senator ———, have attended "seminars" at IPS headquarters.

The most startling story of IPS involvement with personnel of government at all levels is told in their own brochure of 1966. Many members of Congress participated in its seminars, including a number of the most outstanding liberals in both houses, such as: ———, ———, ———, ———, ———, ———, ———, and many others.

Legislative assistants by the dozens took part in seminars on various subjects, most of them from the liberal wing but a few conservatives, or at any rate, assistants to conservatives. Probably the most outstanding example of the latter is Karl Hess, one-time assistant to Senator ———, later a turncoat who went into the far left camp.

In addition to the random items mentioned previously, we find in the 1966 brochure listings of participants in IPS programs from the highest (White House and State Department) echelons of government and from sensitive posts in the nation's defense system, such as:

Director, Missile Defense, Department of Defense;

Deputy, Arms Control Research Division, Bendix Corporation;

Representatives of the Joint Atomic Energy Committee;

Director, Arms Control and Disarmament Agency;

Representatives of the National Security Council;

Members of the National Aeronautics and Space Agency (NASA); and others.

Members of dozens of government agencies took part in seminars, conferences and special program of IPS. Some of the agencies represented were:

National Science Foundation;

Walter Reed Army Medical Center;

Department of Health, Education and Welfare (HEW), including the Commissioner of Education;

Department of Labor, including the Assistant Secretary;

Peace Corps;

Department of Commerce, including the Assistant Secretary;

Bureau of Census;

Urban Renewal Commission;

Bureau of the Budget;

Office of Economic Opportunity;

Tennessee Valley Authority—and many others.

Mingling with these men and women who shape our government policy on many matters, from the most important to the trivial, in serious discussion and social conviviality, were some of the nation's leading left-wing professors with imposing titles, such as:

David Riesman, Professor of Social Science, Harvard;

David T. Bazelon, Rutgers Law School, etc.,

Kenneth Boulding, Professor of Economics, University of Michigan;

Seymour Melman, Professor, Department of Industrial Management Engineering, Columbia, University—and others.

The radical journalist, Paul Goodman and I. F. Stone, editor of the left-wing *I. F. Stone's Weekly,* took part in numerous conferences, as did several members of students for a Democratic Society, Floyd McKissick, the National Director of the Congress of Racial Equality (CORE) Saul Alinsky and members of the Mississippi Freedom Democratic Party as well as radical students from other groups.

Certainly not to be ignored were two of the nation's most famous revolutionaries whose records are too well known to need mention here: Thomas (Tom) Hayden and Jerry Rubin!

The list of books, pamphlets, papers and articles on every conceivable subject of interest to liberals and leftists which have poured out of IPS is by far too long to give here. Since 1963 the publishing industry has printed more than 20 books and 2000 articles on IPS or by IPS Fellows. Garry Wills will be responsible for an article of importance which is supposed to appear in a forthcoming issue of *Esquire,* provisionally entitled, "Does IPS Know Something We Don't Know?" It is said to be another IPS eulogy.

One of the current involvements of the IPS is the development of the New Party. Marcus Raskin was chairman of the Committee for the Formation of the New Party, which was set up soon after the 1968 Democratic Convention by those disappointed over the defeat of Senator Eugene McCarthy. Studies of the New Party reveal that it has been perpetuated by former McCarthy campaign workers and followers.

The Institute of Policy Studies provides a shocking and an important link between elected and appointed government officials, and the whole spectrum of the left-wing, from liberal to revolutionary. Will it be the instrument for bringing about the downfall of the American government by gradual infiltration and then eventual control by the Bernardine Dohrns, Tom Haydens and Eldridge Cleavers who have openly avowed to destroy it?

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[1] Alan, or Al, Haber, was one of the founders with Tom Hayden of Students for a Democratic Society, and has been active in the revolutionary movement since the early 1960's.

[2] Julian Bond, Negro State Legislator of Georgia, co-chairman of the National Conference for New Politics in 1967, is now of the National Conference for New Politics in 1967, is now vice president of the Southern Conference Educational Fund—SCEF—headed by identified Communists Carl and Anne Braden. He is a member of the steering committee of the Black Economic Development Fund and sponsor of the Committee to Defend the Panther 21.)

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ACCOUNTS OF DECEASED VETERANS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MONAGAN. Mr. Speaker, I am today introducing legislation that would cancel any indebtedness for excess leave of a serviceman who is killed in action.

I recently learned from the family of a Connecticut serviceman, who was killed in action, that deductions were made from the back pay and allowances due to him as a result of 15 days excess leave taken before he went overseas. Though the Office of the Secretary of the Army is unable to provide specific statistics on the number of servicemen killed in combat and similarly affected, it is clear that this Connecticut case is only one of many.

Maj. Gen. William A. Becker of the Office of the Secretary of the Army has written me that—

> The records in the Finance Center do show as of 31 August 1970 there were 4,671 deceased members' accounts where collection action has been suspended because there are no amounts due the deceased member. A statistically valid random sample of these indebtedness cases revealed that excess leave type debts had a 63.9 percent incident rate. When a deceased member has amounts due, collection action to satisfy the indebtedness to the Government is taken. Statistics involving this type of collection are not readily available.

Corrective legislation is clearly needed. My bill would simply provide that a setoff may be made against an amount for pay and allowances due a serviceman whose termination of service resulted from his being killed by enemy action. The bill would be retroactive to January 1, 1964, thus conforming with Executive Order 11216 by which the President designated Vietnam and the waters adjacent thereto as a combat zone for the purposes of section 112 of the Internal Revenue Code.

The widows and families of those servicemen killed in acton should not have to become embroiled in the anguish and bureaucratic redtape involved in trying to obtain that money to which these servicemen are entitled. We are powerless to compensate the serviceman who has given his life, but his family should not be penalized for excess leave which he had been unable to make up before his death. Immediate consideration by the Congress of this remedial legislation is proper and necessary.

VA ADMINISTRATOR JOHNSON HONORS OUR VETERANS

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, on Veterans' Day, November 11, Don Johnson, Administrator of Veterans' Affairs, represented President Nixon at the traditional ceremonies in Arlington National Cemetery. His remarks consist of an eloquent tribute to those who have served our country so unselfishly. I commend his excellent address to all of my colleagues:

> A few moments ago, representing the President of the United States . . . and on behalf of a grateful nation . . . I placed a wreath at the Tomb of the Unknown Soldiers of Freedom.
>
> This symbolic tribute . . . is a wreath of hope and a prayer for peace . . . peace with justice and honor . . . from this nation to all the nations of the world.
>
> Last year at this time a great voice was raised across these hallowed grounds . . . a heartfelt cry . . . Let there be Peace . . . peace for the souls of those who lie with fallen comrades across the world . . . peace for those who fought to save freedom . . . peace for those who survived to live it.
>
> Two weeks ago, an elementary school teacher in Cincinnati, Ohio, telegraphed President Nixon asking what she could tell her second-grade students about Veterans Day. She asked the President:
>
> "My name is Tanya. I'm a second-grade teacher and in charge of the Veterans Day assembly. I wanted my father to give a talk on what Veterans Day means but he can't because he died in the Korean War. Since the President is supposed to be our guiding light and father of the country, would you take the place of him now and give me some fatherly advice on what to do and say as if you were on that stage in his place?"
>
> On behalf of the President, I replied in part:
>
> "Dear Tanya: Your father desired and deserved to live as much as any American and any father. No man, however much he cares for his country and his family, willingly wants to die to save them. That some do is the tragedy of humankind. It is a deeper tragedy for those he loved . . . and left in sorrow.
>
> "What I would say in your father's place, Tanya, is that November 11 is a day for all Americans . . . every man and woman whose heart beats with pride and love . . . to stay strong in search of peace. I would say that every man who defended his country is a patriot of freedom, of peace and faith in America. I would say that your father paid the highest price man can pay for freedom, not because he wished it but because he had the courage to face the total consequence of his country's call to duty without flinching.
>
> "I would say, Tanya, I honor your father in full today, as a man . . . and on behalf of his country. We owe him much. We honor him and your own spirit and courage to endure his loss. His valor helped save freedom.
>
> "In saving it he provided you . . . all of us . . . with the freedom to ask questions today about the blunders of our past that permitted his death in Korea.
>
> "He was a man, as were all who walked beside him in battle.
>
> "In remembering his sacrifice let all Americans remember the need to keep alive the spirit of unity in America, to help revitalize our sense of one nation, one people, dedicated to Peace with Honor for all mankind."
>
> Just as we are assembled here, men and women of good will . . . are assembled across this land of yours and mine . . . in schools and churches . . . in parks and cemeteries, marching men and women . . . offering their tribute to men like Tanya's father . . . who marched in the endless ranks of patriots . . . the 28 million men and women who have worn the uniform of their country seeking peace and defending freedom.
>
> It is a day to remember the rattle of drums . . . to salute with pride the flag unfurled . . . to stand tall for honor, duty, country.
>
> Our people may be uncertain about many things today . . . but they are not uncertain about the respect and honor owed to those who served their nation . . . the veterans of America.
>
> President Nixon, in a letter to our hospitalized veterans, said, "This is a day when America pays solemn tribute to those who were willing to sacrifice everything to defend our heritage and our lives. The brave veterans in our nation's Veterans Administration hospitals give evidence to an unfailing love of country and an undiminished adherence to the traditions we cherish."
>
> "I know," he wrote, "that I am joined by every fellow citizen as I reassure you of this nation's enduring gratitude for your courage and for the suffering you have endured so that we might live in peace and with the fullness of our blessings as Americans."
>
> The President's concern for those who still wear the scars of battle is echoed by thousands of our fellow citizens today who are visiting at each of our 166 VA hospitals . . . knowing . . . remembering . . . that freedom extracts a price and that our veterans of today and yesterday have paid that price.
>
> Remembering . . . knowing . . . that those who paid in full desired and deserved . . . as much as Tanya's father . . . to live as much as any American; that those who were disabled desired peace and good health as much as any American.
>
> Knowing . . . and remembering that a veteran stands for peace, for courage, for faith in America.
>
> Knowing and remembering veterans stand for peace, because they fought for it; knowing and remembering that veterans stand for courage because they stood tall in the face of danger; knowing and remembering that veterans stand for faith because they returned from battle in confidence . . . to work, to rear a family, to participate in the affairs of this Republic as full and honored citizens.
>
> To those who remember the mud of Flanders Field . . . the hurt and savagery of Iwo Jima, the cold and misery of Pork Chop Hill . . . the jungle heat and ambushed trials of Vietnam . . . of those who remember . . . to our veterans we say today . . . here is a man for his nation, who in his particular moment of truth, said . . . this is my land, my people . . . my America . . . and if need be I will die to defend her.
>
> To these men and women . . . America is saying today . . . here is a patriot . . . born free in this land of ours . . . seeking to right the wrongs he finds, working to better his life and that of his fellow man . . . an American who speaks the word with reverence and respect . . . knowing full well that he has earned the right to stride his land as a free man, a man who has measured up to freedom's standards.
>
> To those who know and remember . . . we are saying today America will, in the long roll call of generations unborn . . . and in solemn testament to those who served . . . America will one day awaken to a world of total peace . . . knowing and remembering that we must and will remain strong, defend our rights and fight if need be for our freedom.
>
> The valor of those who served saved America from tyranny.
>
> That same valor and courage . . . the unity and spirit of men and women who marched in relentless cadence to keep us free . . . that unity and spirit can and must rally the will and energy to solve the problems of peace that beset us today. In candor, we have them . . . in courage we will solve them. Let us use this day and this hour of honor to our veterans to remind ourselves that unity at home is essential to peace across the seas.
>
> Let us pledge on this Veterans Day to respect . . . by our actions and deeds . . . the sacrifices of those who defend us today and those who died to keep us strong.
>
> In the sacred order of things which govern the lives of Americans there is no higher duty than serving our veterans.

We may serve our country out of a sense of duty.

We may serve our community out of a sense of need.

But in serving our veterans we do so out of love. Let us continue to help those who helped their country . . . in deep love and affection.

Let us . . . the living . . . repeat the prayer for captives of tyranny, "Lord, shelter the prisoners of war in Southeast Asia. Open the hearts and minds of their captors that they may be restored to their homes and loved ones.

"Each has carried the burden of battle. Each has discharged an obligation to this country. Each has been subjected to hazard, pain and imprisonment beyond the lot of the soldier.

"O Lord, these gallant men who bear so great a burden must not be forsaken.

"God of justice to whom we pray, thy compassion we beseech: Lift their burden, give them strength and strike the shackles that deny them freedom."

Let us repeat this prisoner's prayer in welling voices . . . voices that will be heard in every land where slavery and injustice are a way of life.

Thus . . . I ask that Veterans Day 1970 be dedicated . . . in each of our hearts . . . to all of the great, unselfish, courageous Americans who served and fought and died in Vietnam.

They have made the proud title of "veteran" . . . even prouder.

For the past decade . . . each Veterans Day has given us greater cause to count the cost of freedom . . . because the death of a single American add to that cost.

Today . . . however . . . I think we dare look forward to that Veterans Day when we need no longer memoralize *more* war dead . . . when we need no longer honor *more* war veterans . . . when we will find all of our servicemen in Vietnam back home . . . and an America and a world at peace.

If this day is to dawn . . . and to last . . . we must pray . . . and we must always work . . . to preserve the freedoms which America's veterans have given us.

If our prayers .. . and our work . . . are rewarded . . . there is nothing which this greatest nation the world has ever known cannot achieve.

Yes . . . even the greatest achievement of all . . . Peace With Honor.

Thank you.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. There have been 17 modern Olympic games since 1896. The United States has won the competition 14 times.

THE "DELTA QUEEN"—AN ELEMENT OF DISAPPEARING AMERICANA

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, I rise to join my colleagues in support of legislation to exempt permanently the river vessel, *Delta Queen*, from the provision of the marine safety law enacted in 1966.

This law, I might point out, was passed in response to the safety problems involved with oceangoing passenger vessels. It was Public Law 89–777, popularly known as the safety-at-sea law, and came about largely as the result of two disastrous ship fires in the Atlantic Ocean. Its thrust was to protect American travelers from substandard safety features and conditions of ocean passenger vessels.

The law requires that vessels which haul passengers overnight or longer be constructed of fire-resistant material. The *Delta Queen* is historically resplendent with fine woods. The hull is steel, but the decks and interiors are of teak mahogany, iron wood, and oak. The carved staircase is mahogany trimmed in brass.

These polished woods are part of the vessel's charm, and with it the *Delta Queen* truly represents a vivid page from American history. From our earliest colonial beginnings, through till far into the 19th century, the waterways provided us with our best means of transportation. Our great inland rivers were our first long-distance highways.

The *Delta Queen* is a sternwheeler. At one time there were hundreds of boats like this plying our rivers and streams on overnight service. But the *Delta Queen* is the last of them and we have this final opportunity to save the vessel. This is not a static museum display, but an actual service performed by an authentic representative of the past.

Lest I convey the impression that the *Delta Queen* is of truly ancient vintage, the vessel is 44 years old—old enough to afford us a glimpse of the past, but not so old as to be unsound and unsafe.

And, on the subject of safety, I think a few points should be made. The vessel never goes into the ocean, many miles from shore. Instead, it is never more than a hundred yards or a few minutes, according to the vessel's owner, from a river bank. Also, unlike ocean liners, the *Delta Queen's* staterooms open directly on outside decks, and not on long, enclosed corridors.

The vessel's wooden area constitutes the part which runs afoul of the 1966 law. But steps have been taken to minimize the fire hazard. The wood surfaces have been coated with fire-resistant substances, and a sprinkler system has been installed. Granted, there is a certain amount of risk in the operation of the vessel, but there is a certain amount of risk involved in any transportation, regardless of the mode of the character of equipment used.

The vessel was constructed in Scotland in 1926. It was originally placed in service in the San Francisco area. During World War II, the *Delta Queen* was turned over to the Federal Government and used to ferry troops in the San Francisco Bay. I make this point because the vessel obviously was considered safe enough for our servicemen at that time—which it was. Moreover, the San Francisco Bay is wider than the rivers on which the vessel has traveled for more than two decades since World War II.

It has been suggested that the woodwork be ripped out and replaced with fireproof materials. The cost of such a major change would be prohibitive. Moreover, it would mean a sacrifice of most of the vessel's authenticity and charm. This same criticism goes for the proposal to scrap the *Queen* entirely and build a new all-metal vessel. How shortsighted it would be to stand idly by and allow a vivid, living symbol of a chapter of American history disappear before our eyes.

I ask my fellow Congressmen and Congresswomen to imagine they are a passenger aboard the *Queen* as the vessel glides down the mighty Mississippi River. You are moving along, quietly and serenely at about 8 miles an hour. Off to either side are the levees. Beyond them, perhaps a busy town, or open country. No phone. Everything unhurried. A way of life completely different from that of today, different from water travel of any period of any other nation.

Mr. Speaker, this is what we have an opportunity to preserve. It is our last chance, For this reason, I strongly urge the Members of the House to join me in support of legislation which will exempt the *Delta Queen* from the safety-at-sea law, and permit it to continue to carry people back through a colorful chapter of our histroy.

The Senate has now added provisions exempting the *Delta Queen* from the deep-draft safety statutes to a private bill, H.R. 6114. Join me in preserving one of our few remaining elements of Americana by urging prompt and favorable action on this bill.

STOPPING A TRADE WAR

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, why the New York Times in its lead editorial today refers to the Mills bill and initiating a "trade war" is beyond me. Trade legislation to provide an orderly flow of imports into the United States, instead of unrestricted dumping of huge quantities of any goods on our markets does not trigger a trade war at all. It merely provides a reasonable measure of protection to American industry that employs hundreds of thousands of men and women in this country whose livelihood is at stake at this hour.

To describe such legislation as "an act of aggression against American consumers" is editorial extremism. It is no such thing. Prices in the American market will not increase from such wise legislation. On the contrary they will, if anything, stabilize, as will the jobs of these substantially unretrainable workers.

For too long we have been considered a soft touch by our foreign competitors whose labor is paid but a fraction of the wages paid in the United States of America. For too long we have failed our obligation to our workers and employers to furnish them a ceiling against which they can plan—a ceiling that is quite liberal under the Mills bill, being the high average of the period from 1967 to 1969.

Certainly the legislation will curb uncontrolled imports of huge quantities of disastrously competitive cheap labor products. But the President is left free to negotiate a varying schedule of imports on a voluntary basis, and this will control if agreed to by the importing nations.

Illustrative of the extreme claims made about the Mills bill is the Times editorial which I include in the Record at this point:

STOPPING A TRADE WAR

If President Nixon intends to block the highly protectionist Mills bill that would legislate compulsory quotas against imports of textiles, apparel, shoes, oil and eventually a long list of other products, he will have to start fighting now that Congress is back in session.

The trade bill already has been approved by the House Ways and Means Committee, and the Senate Finance Committee has sought to make it unstoppable by attaching it as an amendment to Social Security liberalization. A majority now appears ready to support the measure in both House and Senate.

As is usual with trade legislation, the special interests lobbying for protection of particular industries reinforce one another. A formidable coalition is now pushing for this bill, even though it would, almost certainly, ensnarl the United States in a worldwide trade war. Leaders of the European Common Market have made clear the certainty of retaliation. Many American export-oriented industries—including such important ones as agriculture, aircraft and electronics—would suffer. What is less well understood by many Congressmen is that the nation as a whole would also suffer.

American consumers, already feeling the pangs of inflation, would have to pay still higher prices for many goods—both because less expensive imports would be restricted and because protected American industries would be able to boost their prices without fear of losing sales in the domestic market to foreign competitors. The term "protectionist" is, in a sense, a misnomer; it is really an act of aggression against American consumers and many American industries and workers, as well as against other nations, including some of this countrys' most important allies.

There is a good chance that this reactionary trade leigslation can be blocked in the Senate if strong Presidential leadership is forthcoming. The Senate includes a group of at least twenty dedicated liberal-trade supporters who might be joined by many other Senators shrinking from the bill's more extreme provisions, such as the "Byrnes trigger," which would impose compulsory quotas on a long list of items whenever imports of these items exceeded a certain share of the American market.

One problem for the President in fighting against the Mills bill has been his own political commitment to the American textile industry—especially its Southern department—to restrict Japanese textile imports one way or another. The failure last summer to work out a deal with the Japanese for voluntary quotas led the Nixon Administration to ask Congress for compulsory quotas on textiles—thereby opening the floodgates to the Mills bill.

Now the President's special assistant, Peter Flanigan, and Japanese Ambassador to the United States Ushiba are making a final effort to work out a "voluntary" deal that will permit the President to consider his obligations to the American textile industry discharged—and enable him to come out solidly against the Mills bill. If that can be done, the chances will grow that the protectionists can be prevented from railroading the Mills bill through Congress this year. The new Congress assembling in January will then have a chance to weigh more carefully the kind of trade legislation needed to serve the true interests of the nation.

TELEVISION FINALLY FINDS THE BANKS—BUT AS CRITICS AND CENSORS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, for many months, I have been calling attention to the big banks' boardinghouse reach into all types of businesses across the land. I knew this boardinghouse reach had gone pretty far, but never did I realize that the banks would establish themselves as television critics and censors.

Last week, the National Education Television Network—a noncommercial enterprise—presented a documentary entitled, "Banks and the Poor." The great majority of NET stations apparently carried this program, but I regret that some of these stations apparently caved in to pressure from the big banks who set themselves up as television censors.

In my own State, the Texas Bankers Association pressured all of the educational channels in an effort to block presentation of this documentary. The attempt was apparently partially successful.

I have also received correspondence from Pittsburgh, Pa., indicating that the educational channel in that city canceled the program at the last minute. My office has also received phone calls from other locations indicating that the program did not make an appearance as scheduled, and the Washington Post of November 11 reports that the Richmond, Va., outlet, WCVE, did not present the show.

The American Bankers Association became so concerned about the program that its vice president, Allen P. Stults, issued a statement describing the show's producers as "intellectually dishonest fanatics." Mr. Stults added a few other uncomplimentary remarks about the show and his attitude is obviously a reflection of the banking industry's horror about having its activities detailed on the television screen.

It appears that it was common practice for these noncommercial educational channels to call in the bankers to view the show before it went on the air. In Washington, the American Bankers Association received an opportunity to view the show some days prior to its appearance on any channel. It is interesting that these channels decided that it was important to have only the bankers invited to view the show prior to its release. The very title of the show, "Banks and the Poor," indicates that there were at least two sides presented in the film and it is surprising that only one side—the banks—was invited to these special previews. This would indicate something less than an objective view of the issues raised in the film by the various program directors of these noncommercial channels. Why did they consider it so important to receive advice and counsel from the banks and no one else involved in the show?

Mr. Speaker, I commend the NET network and its producers for having the courage to present a honest show on banking. They can now expect to be attacked and smeared by various banking spokesmen. Any critic—any serious critic—of the banking industry can expect such attacks. It is not necessary to endorse every detail of the NET show to say that banking and its relation to the people should be discussed fully on the Nation's radio and television networks. In many respects, I wish the show had been stronger in presenting the shortcomings of the big banks, but, the mere fact that these issues were raised is highly beneficial to the public interest. To their great credit, many television critics—particularly, Jack Gould of the New York Times, John O'Connor of the Wall Street Journal, and Lawrence Laurent of the Washington Post—placed the program and its bank critics in the proper context.

Seldom are banking issues presented in the newspapers or on the television screens as issues which actually affect people. Many newspaper financial pages present an analysis of banking news through the simple expedient of interviewing a half-a-dozen bankers with an occasional economist and/or stock analyst thrown in along with the ever-present "Government experts."

The NET show went beyond this age-old news formula and indicated that there are real, live, flesh-and-blood people on the receiving end of the policies set by the big banking institutions. Such coverage of the financial community is revolutionary and it must be shocking not only to the banks but to many of the writers for the business and financial pages.

For many years, I have attempted to encourage a wider discussion of the issues surrounding the financial community. I have always felt that a full and free discussion of these issues would result in beneficial reforms of the banking system. The people have never had the full facts on which to demand a change in the policies of the financial institutions.

Last June, I wrote the three major commercial networks pointing out shortcomings in their coverage of banking and economic news. I received courteous, but, generally unresponsive, answers from all three networks. Mr. Speaker, I insert in the Record copies of this correspondence:

JUNE 5, 1970.

Mr. RICHARD SALANT,
President, CBS News Division,
New York, N.Y.

DEAR MR. SALANT: For many years, I have been deeply concerned by the general absence of economic news on the major television and radio networks. These are issues which touch the lives of every single citizen of the nation, but they are given only the most surface treatment on most news programs and little or no attention on the longer special news programs.

Today, with unemployment soaring, with interest rates at tremendously high levels, and with inflation still apparent, the economic issues become even more important.

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The so-called "experts," particularly those representing the special interest groups, attempt to paint these issues in complex terms and to discourage full popular discussion. As a result, too often the networks, and the newspaper columnists, limit themselves to reporting of economic statistics and "informed experts'" opinions.

For example, in recent months, interest rates have climbed to their highest levels in more than one hundred years. Virtually every American family has been caught in this interest rate squeeze, and for many, the high interest rates have actually forced a major change in their style of life. Yet I am not aware of a single network news program devoted to an in-depth analysis of the causes of high interest rates, and their effect on the economy and the individual citizen. Fewer events have had greater impact and less discussion on the radio and television news programs.

Many of the subjects in the banking, monetary, and economic fields cannot be adequately dealt with on spot news programs and this makes the needs for special news programming even more imperative. In making this request to you, I want to emphasize that I am not urging any particular viewpoint on the networks and their commentators; rather I am asking for a full discussion of all sides and all facets of the monetary and fiscal issues before the nation.

Today, the American public makes up its mind on these issues in a vacuum with only the most limited information from the popular news mediums such as television and radio. The newspapers relegate much of this same news to "financial pages", apparently in the opinion that only businessmen and bankers are affected by the economy.

I urge you to re-examine your news policy and to place a greater emphasis on banking, monetary, fiscal, and general economic programs and to make every attempt to explain them in terms which will make them meaningful to the general American public. I urge that you insist that all opinions be expressed on these programs and not just those of the "experts" and special interest organizations. I urge that the Administration's views of the economy be balanced with opinions and facts of those of us who hold contrary positions. In addition to the spot news programs, I urge that you devote a certain amount of public affairs programming to fuller explanations of the economic issues of the day.

This letter is not meant to be critical of the networks' news policies, but as an attempt to point out an area which I think could be vastly improved. In writing, I realize the great pressures and demands on the networks and I do not count myself among those officials who would use their public position to unfairly criticize the networks for political purposes. I write this in recognition of the tremendous good that the news networks could do in this area.

With best regards, I am,

Sincerely,

WRIGHT PATMAN.

AMERICAN BROADCASTING CO.,
New York, N.Y., June 18, 1970.

Hon. WRIGHT PATMAN,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: Thank you for your letter of June 5 expressing your concern over what you feel is the general absence of economic news on the television and radio networks.

Permit me to acquaint you with the situation at ABC News. We have on our staff a senior correspondent whose assignment is the general area of business, industry and labor news which includes, of course, the role of the government. He is Louis Rukeyser, our Economic Editor. He took up this assignment a year and a half ago after a distinguished career as a foreign correspondent in London, Paris and New Delhi.

Besides reporting news stories in the economic sphere as they develop for ABC's Evening News with Frank Reynolds and Howard K. Smith, Rukeyser is the commentator on three radio broadcasts per week on the ABC Radio Networks. Twice a week he delivers a commentary for our syndicated news service which goes to one hundred local stations across the country. As you can see, he has a busy schedule especially so because the economy is so important a part of the news budget these days.

Over the past broadcast season, ABC News has presented four programs dealing exclusively with the economy: three with Sylvia Porter and one entitled "The Great Dollar Robbery: Can We Arrest Inflation?" Rukeyser played a principle part in producing and broadcasting all four.

Our weekly interview program, Issues and Answers, has concentrated on the economy on at least two occasions since August. Guests included Treasury Under Secretary Charles Walker and Jenkin Lloyd Jones, President, U.S. Chamber of Commerce.

The purpose of this recitation is not to take issue in any way with your basic point that these economic issues touch the lives of every single citizen of the country but rather to persuade you that the record so far as ABC is concerned is better than you thought.

I can assure you that we shall continue to give economic news the attention you so correctly point out it deserves.

Sincerely,

WILLIAM SHEEHAN.

NBC NEWS,
New York, N.Y., June 22, 1970.

Hon. WRIGHT PATMAN,
U.S. House of Representatives,
Washington, D.C.

MY DEAR MR. PATMAN: Thank you for your letter and very pertinent observations on the coverage of economic news by the television and radio networks. With President Nixon's address on the economy this week—and your own involvement in the reaction to the President's message, including an interview broadcast on NBC—the subject is a timely one and I certainly agree that it is important.

The problem of reporting and analysis of economic trends in the news media—including television—is a very difficult one and we are concerned about it. As we both know, the nature of most banking, monetary and economic news is such that it requires detailed and often extensive background information. This is hard to deal with in terms of a medium like television which must make its points quickly and its appeal broadly. A general audience is not inclined to give economic discussion prolonged attention, in any medium. Special interest publications can tailor their subject matter to select audiences, but there is no such thing as special interest television. This is not to say that electronic journalism has to downplay business and economic views. I don't think we do.

Actually, NBC News has been giving an increasing amount of time and attention to the nation's economy and the policies effecting it. As you probably are aware, Paul Duke and John Masterman in NBC News' Washington Bureau have been turning in some solid reports on lawmaking and the economy. NBC's regular news and quite a few public affairs programs have, I feel, been making better use lately of business and economic information. Exclusive of our network news programs, NBC News Program Service, a daily feed to television stations affiliated with NBC, includes a regular business and economic report out of Washington by NBC News Reporter William Littauer. This report gives many stations an opportunity to use in their own local programs economic news they would not otherwise have.

On the NBC Radio Network, two business reports are carried daily, one focusing on business trends, the other recapping the day's important business and market developments. On weekend "Monitor" programming, business and economic subjects are often given feature treatment, and starting next September, Edwin Newman will anchor three new weekend segments rounding up the week's business and financial news. I believe we are making progress, and I hope you agree.

Sincerely yours,

REUVEN FRANK.

CBS NEWS,
New York, N.Y., June 16, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: I have your persuasive letter of June 5. All of us here at CBS News agree with you about the increasing importance of economic news, and we have every intention of trying to deal more adequately with this vital and overriding series of subjects. I would point out however that, as you note, the subject is exceedingly complex and unfortunately the time available is quite limited. Further I would point out that while we in radio and television hate to admit that there is nothing that we can not do better than anybody else, there are some types of stories—including certain aspects of the economic story—that lend themselves better to print treatment simply because one can read and reread sentences and paragraphs but a viewer and listener cannot do that for radio and television expositions.

Having said that, I would note that we have not neglected the subject matter. In the last year, we have had the following interview guests on our major interview segment on The Morning News With Joseph Benti:

Dr. Walter Heller, June 24, 1969.

Virginia Knauer, July 8, 1969.

Hillary Sandoval, July 30, 1969.

Dr. Leonard Silk, Specialist, International Monetary Matters, August 12, 1969.

Dr. Pierre Rinfret, August 26, 1969.

Leon Keyserling, October 24, 1969.

Murray Weidenbaum, Assistant Secretary, Treasury, November 24, 1969.

Dr. Pierre Rinfret, December 15, 1969.

Raymond Lapin, Federal National Mortgage Assn., December 18, 1969.

Arthur Okun, January 9, 1970.

Professor Milton Friedman, February 2 and 3, 1970.

Walter Heller, March 11, 1970.

Louis Kelso, March 17, 1970.

Dr. Pierre Rinfret, April 29, 1970.

Dr. Charls Walker, May 26, 1970.

James H. Combes, May 27, 1970.

Gerald M. Loeb, Wall St. Market, specialist, June 5, 1970.

On our Face the Nation series, we have had Maurice H. Stans, Arthur Burns, David Kennedy, Senator Proxmire, George P. Schultz, and Robert Haack, President of the New York Stock Exchange. In recent years we have also broadcast these documentaries or segments of documentaries:

"IOU $315,000,000,000"—dealing with the growth of personal indebtedness and consumer credit;

"Inflation! Passing the Buck"—dealing with the impact of rising prices on an American family;

"The Gold Rush of '68"—a report on the gold crisis in the United States;

"The International Money Game," "The Welfare Mess," "The Negative Income Tax," and "Wichita Unemployment"—with Adam Smith;

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I would also note that we have a series of nightly five-minute broadcasts on the CBS Radio Network entitled "The Business Report."

With best wishes.

Richard Salant.

Following the NET show last week, a group of television producers and executives discussed the problems of presenting documentaries on television. Appearing on WNYC–TV in New York, Stephen Fleischman, a producer for the American Broadcasting Co., made some very revealing admissions. I commend Mr. Fleischman for his candor.

In reviewing the discussion, the New York Times states:

> Mr. Fleischman noted that no commercial network would attempt a documentary on banks for the simple reason that banks buy a great deal of television time.

It should be noted that the advertising budget for the commercial banks exceeds one-half billion dollars annually.

Mr. Speaker, the almost total blackout of the real facts about the banking industry is a serious problem. It is a problem that affects attempts in the Congress to legislate on banking issues. It is no wonder that the shortcomings and the problems of the banking community go unnoticed and it is no surprise that the banking pressures carry such great weight in this information vacuum.

Mr. Speaker, I insert in the Record a series of television reviews from the New York Times, the Washington Post, and the Wall Street Journal:

[From the New York Times, Nov. 10, 1970]

TV: "The Bankers and the Poor" Raises Issues

(By Jack Gould)

Public broadcasting should stop having the jitters. Morton Silverstein's documentary entitled "The Banks and the Poor" was a job well worth the doing for nonreaders of The Wall Street Journal. Bankers may have some legitimate reservations about the television study of credit policies of the banking industry, but for the layman the program was a fine and laudable example of pinpointing crucial economic practices that require wide discussion.

Special kudos goes to "The Banks and the Poor" for meeting head on the issue of conflict of interest in Congress. Thanks to an earlier study by a special ethics committee of the Association of the Bar of the City of New York, the program ran off the names of Senators and Representatives who have bank connections yet have voted on bank legislation.

As noted by the committee chairman, Louis M. Loeb, who has devoted a lifetime to fighting for scrupulous standards of public service, it isn't relevant that the cited members of Congress may not have voted for their personal interests. Such a possibility should never even be allowed to exist in the public mind. Naturally, Mr. Loeb could not resist citing a precedent for his argument: Plato.

Mr. Silverstein made a minor mistake. He ran the list of Congressional "screen credits" a little too fast. Investigative reporting requires a different film speed from that of the usual crawl listing creative people involved in a show.

The program on "The Banks and the Poor" was seen last night on Channel 13. Before the showing the Public Broadcasting Service unwisely cautioned its 180 noncommercial affiliates that there might be protests. Such a step is not likely to put more spine in timid stations, and those that do not carry the program will have some accounting to do. If local bankers should protest, the solution lies in putting them on the air to answer Mr. Silverstein, not in dropping the program.

"The Banks and the Poor" explored the extent of the efforts of the banking industry to aid low-cost public housing, chiefly in the form of a colloquy between two veteran adversaries, David Rockefeller, chairman of the Chase Manhattan Bank, and Representative Wright Patman, the Texas Democrat who is chairman of the House Banking and Currency Committee.

Mr. Rockefeller defended the bank industry's record and as expected drew the scorn of Representative Patman. In this sequence Mr. Silverstein showed how TV can register a point so differently from other media. He showed first a luxurious gambling resort in the Bahamas for which Chase arranged the financing, then, by contrast, ghetto conditions.

Perhaps either Mr. Rockefeller or Mr. Silverstein was at fault in not elaborating more specifically on the comparison. It seems a safe layman's guess that Chase Manhattan must be a diversified operation and that a successful transaction in the Bahamas might have a bearing on the success of different activities elsewhere. But here was a demonstration of the program's usefulness: it whetter the appltite of laymen to know more.

Certainly, Mr. Silverstein did document the role of banks in lending support to finance companies that charge exceptionally high interest rates to poor people with little or no conventional collateral. The program was fair in quoting executives who said there was nothing illegal about the procedure in many states. But again the program left no doubt that the problem needs urgent Federal and state review.

"The Banks and the Poor" dealt with great effectiveness on the shocking practice of dishonest salesmen contracting to perform a service and then selling the contract to a bank. If the salesman even skips town, the victim still owes the full amount to the bank. Surely, bankers cannot defend this practice. Couldn't self-regulation clean up the matter without waiting for a change of law? Such is the peculiar impact of TV; it invites many innocent questions.

Mr. Silverstein gave a hearing to bankers against whom there were complaints, but undoubtedly some financiers will feel they were unfairly treated. If so, the banking world may wish to revise its own concept of public relations in the television age and learn to live with the tube. Bankers should welcome the development because they have something in common with all viewers: an interest in money. At 8:30 P.M. Friday on "Another Look," Mitchell Krauss will have guests on Channel 13 to review last night's show. The worst might lie ahead for Mr. Rockefeller; a night as a TV critic.

[From the Washington Post, Nov. 7, 1970]

TV Show on Banks Arouses Protest

(By Jan Nugent Pearce and Lawrence Laurent)

A controversial TV documentary called "Banks and the Poor" has sparked a protest from the Texas Bankers Association to all five of that state's educational television stations.

All the stations confirmed in telephone interviews last night receipt of a letter from a Texas Bankers Association official suggested that the programs unobjective treatment of banking did not present a true picture of financial institutions in that state.

Three of the stations—in Houston, Dallas and College Station—said last night they planned to run the program as originally scheduled. Austin-San Antonio's KLNR has postponed it, and Lubbock's KTXT has decided not to run the documentary.

Broadcasters identified the letter's author as Sam Kimberlin Jr., executive director of the Texas Bankers Association. He could not be reached for comment last night.

"Banks and the Poor" is a one hour documentary, written and produced by Morton Silverstein of National Educational Television (NET). It concentrates on financial institutions in New York, Philadelphia and Washington, D.C. and their work in three areas: housing, personal loans and consumer credit.

William J. McCarter, vice president and general manager of WETA–TV (Channel 26) said that his staff saw the program on closed circuit and advised him that he had "better take a look." It is scheduled for 9 p.m., Monday. McCarter said he didn't know when a decision would be made on whether to telecast it.

Both Hartford Gunn, president of Public Broadcasting Service (PBS) in Washington and William Kobin, vice president for programing at NET in New York, said that they had received "no protests" about the program.

Robert Schenkken, KLRN station manager, explained that his station had postponed the scheduled Monday night showing to take a closer look at the written transcript. There are a few things is the film that at first glance may appear "unfair and confusing," he said.

Schenkken explained that TBA executive director Kimberlin had seen the film Friday morning in a preview showing at the station. He pointed out that two examples cited in the program are already illegal under Texas law, Schenkken said. These are garnishing of wages and enforced sale of a home to repay a debt.

Schenkken said Kimberlin had made the only protest, but said the show might have been postponed even without his criticism. There have been several programs which his station has not chosen to run, Schenkken explained.

John Henson, program director at KTXT–TV, Lubbock, said a decision not to telecast the program was made before a letter arrived from the Texas Bankers Association. He said that he and station manager D. M. McElroy invited local bankers to watch the closed circuit feed. "They wouldn't tell us not to run it," Henson said. "They felt it was a station decision.

"I thought it was a little biased as far as Texas is concerned."

The American Bankers Association was refused permission by NET to get an advance screening, but three ABA officials saw it last week at a semiprivate preview showing by the Corporation for Public Broadcasting here.

ABA public affairs director George Kelly said his organization had not asked to attend the CPB screening, and CPB officials were unclear about who had invited ABA or why. Kelly said his organization had made no protest at that time and did not intend to make one now.

[From the Washington Post, Nov. 9, 1970]

"Banks and the Poor"

(By Lawrence Laurent)

"Banks and the Poor" is a controversial one-hour documentary containing charges that financial institutions are failing to help people of our ghettos. It is scheduled to be telecast tonight (9 p.m., Channel 26) on most of the 190 stations that belong to the Public Broadcasting Service (PBS) network.

Educational TV stations in Texas received a letter last week complaining about the program. The letter came from an official of the Texas Bankers Association. Three of the five stations—in Houston, College Station and Dallas—have announced the program will be telecast. A station in Lubbock decided not to carry the program and said the decision was reached before receipt of the letter. The head of a non-commercial station in Austin-San Antonio postponed the telecast for later decision.

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"Banks and the Poor" is the work of writer-producer Morton Silverstein, and is part of his continuing studies of the economic plight of the poor. His previous productions have included "The Poor Pay More," "Justice and the Poor" and a study of migrant farm workers, "What Harvest for the Reaper."

At one point banks are accused of having "helped perpetuate slum conditions." At another, banks are blamed for the high interest rates charged by loan companies. At still another, the bank windsup as "the holder-in-due-course" of a home improvements mortgage and collects for shabby workmanship.

"Banks and the Poor" is an emotion-charged documentary. Late in the hour, for example, a list of 98 Congressmen "with bank holdings or serving as directors" rolls on the screen. The background music for this list is "The Battle Hymn of the Republic."

The hour closes with a list of recommendations that "might enable an affluent nation and its banking industry to better serve the needs of the poor."

William Kobin, vice president for programming at National Educational Television (NET), says he is satisfied that the facts in the program have been verified. Certainly, every appearance of balance is maintained with film footage given to David Rockefeller, chairman of the board of Chase Manhattan Bank and to Nat Rogers, president of the American Bankers Association.

[From the Wall Street Journal, Nov. 9, 1970]

TV: Taking Issue With Banks

(By John J. O'Connor)

Investigative journalism on television is dead, sayeth the critics. Yes, they add, there is the occasional broad treatment of a broad area such as drug abuse, but the hard-hitting, specific attack is a thing of the past.

Well, the critics, and all other interested parties, might tune in this evening to a National Educational Television documentary called "Banks and the Poor" (in most areas it will be shown at 9 o'clock). Produced and directed by Morton Silverstein, the program takes pointed issue with the credit policy of the banking industry and David Rockefeller's contention that "the banking industry has paid special attention to the needs of the disadvantaged."

Most of the targets are familiar to students of banking operations, especially through the long-time critiques of Rep. Wright Patman (D., Texas), chairman of the House committee on Banking and Currency. Mr. Patman appears on the program, dealing point by feisty point with the arguments of Mr. Rockefeller, chairman of Chase Manhattan Bank. The targets are not familiar, however, to the general public, and therein lies the awesome power of the mass medium of television.

Opening with Ginger Rogers and a Busby Berkeley chorus line conspicuously consuming their way through the song "We're in the Money," the documentary takes aim at four general aspects of contemporary banking. There is the bank and conditions in the slums, the bank and the poor man applying for a loan, the bank and the consumer trapped in the "holder in due course" doctrine, and the Washington banking lobby and the question of possible conflict of interest for elected officials who are shareholders or directors of banking institutions.

While the program obviously is not out to praise bankers, neither does it try to portray them as scheming ogres. In all cases where particular banks are involved, they are permitted to give their side of the case. The question becomes one not of insidious overall policy but of, for lack of a better word, insensitivity.

No doubt many banks are insensitive; it's a failing they share with other large and often bureaucratic institutions, governmental as well as private. Bankers, however, are a great deal more sensitive to social problems than they were a decade or two ago. And there remain questions as to just how far a bank either can or should go. Banks, after all, are dealing with money that belongs not to them but to their depositors, and a primary obligation is to see to its safety.

The television program, for example, focuses on the $100 million promised with great fanfare by 80 banks for the redevelopment of New York's Bedford-Stuyvesant section. A couple of years later a total of $8 million has been invested, with Chase's share at $700,000.

Performance appears to have fallen far short of promise, and yet it is possible that there simply weren't enough projects in the area that were economically feasible. Mr. Rockefeller, at any rate, insists that Chase is "eager to put the money out if the opportunities present themselves." That comment doesn't appease a bank critic such as Mr. Patman, who notes that in the same period Chase was able to arrange substantial financing for very profitable gambling casinos in the Bahamas.

The program also deals with the fact that banks reject many loan applicants who then turn to small loan companies where they must pay much higher rates. The loan company gets much of its capital from the banks, and relieves the banks of much time-consuming paperwork. It's always been true that the man who can get a bank loan most easily is usually the man who needs it least.

Probably many banks are too restrictive, but excessive liberality would endanger the solvency of the banking system.

Another target of the program is the arrangement that permits a dishonest merchant to contract to provide a service and then sell the contract to a bank. If the service proves defective, or even if it isn't provided at all, the bank can legally insist that the customer pay anyway while it assumes no responsibility for the service or product.

In this area the law should be changed to require the banks to assume responsibility, with the banks having recourse against the merchants.

These and other problems are vividly illustrated in "Banks and the Poor" via interviews, hidden cameras and tape recorders, and on location films of slums in New York, Philadelphia and Washington. Near the close the program runs off a (pre-election) list of 98 Senators and Representatives who are shareholders or directors of banking organizations. There is no charge of conflict of interest, but the point is made that "there could be an appearance of conflict to the public which could undermine trust in its legislators." The question is hardly resolved; it is pertinently brought up for debate.

Debate can be healthy, in this as in other areas. The bankers themselves have a heavy stake in improving their services to the community and curbing dubious practices. For them and for others, "Banks and the Poor" is well worth a look.

CHILDHOOD LEAD POISONING—THE SILENT EPIDEMIC

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on October 5, the House passed H.R. 19127, the Lead-Based Paint Elimination Act of 1970, under suspension of the rules.

This legislation provides for Federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning and to detect and treat victims of this silent epidemic.

Lead poisoning is a serious childhood disease which strikes children between the ages of 1 and 6 in our Nation's inner cities, where housing often dates from before World War II.

This environmental disease has raised a great deal of concern in the Nation recently. H.R. 19127 is a result of this concern.

In March of 1969, I introduced a package of three bills aimed at alleviating the disease. In the following months 30 other Members of the House either cosponsored my legislation or introduced similar bills. Several bills were also introduced in the Senate.

H.R. 19127 contains many provisions of my bill, H.R. 9191, the Lead-Based Paint Poisoning Elimination Act of 1969, and H.R. 9192, the Lead-Based Paint Elimination Act of 1969.

On November 8, the Surgeon General, Dr. Jesse L. Steinfield, released a statement "Medical Aspects of Childhood Lead Poisoning," which creates public guidelines to assist cities and localities in the detection, treatment, and prevention of lead poisoning.

The Lead-Based Paint Elimination Act must be passed before the end of the year. The legislation is presently before the Health Subcommittee of the Senate Labor and Public Welfare Committee. I urge members of the subcommittee, the full committee, and all Members of the Senate to do whatever they can to see that this legislation becomes law before the end of the session.

Lead poisoning is not a political issue. It is merely an issue of whether or not little children are going to continue to become ill enough to be mentally retarded, have cerebral palsy, brain damage, and maybe even die.

I am inserting in the Record two items that deal with this health problem. One is the "Medical Aspects of Childhood Lead Poisoning," which is the Surgeon General's report. The other is an article from the September 24, 1970, New England Journal of Medicine entitled "Lead Poisoning—the Silent Epidemic" written by Dr. Edmund O. Rothschild of the Sloan-Kettering Institute.

Department of Health, Education, and Welfare Public Health Service

MEDICAL ASPECTS OF CHILDHOOD LEAD POISONING

The U.S. Public Health Service recommends that screening programs for the prevention and treatment of lead poisoning (plumbism) in children include all those who are 1 to 6 years of age and living in old, poorly maintained houses. Children exposed to other special local conditions involving lead hazards also should be screened.

Lead-based paint was commonly used for interior purposes until the 1940's, when it was largely replaced by titanium-based paint; therefore, children living in dilapidated or obviously deteriorating houses built prior to that time are to be given particular attention. Children who frequently visit such neighborhoods—homes of baby sitters, relatives, and playmates—also should be included in screening programs.[1] Today lead-based paint is still used to some extent for the exteriors of dwellings and this potential source of exposure to lead should not be overlooked. Children at risk should be screened periodically during the years 1 to 6, and longer if indicated.

The prime goal of screening programs is the prevention of lead poisoning. The prevention of plumbism can be achieved through the early detection of children with undue absorption of lead, followed immediately by

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remedial action before the state of overt poisoning is reached. Consequently, screening programs should not be limited to the detection and treatment of children with lead poisoning. To be effective, such programs must also include adequate plans for medical follow-up of those children screened and found to have high levels of lead absorption, as well as those diagnosed as having lead poisoning. For all of these children, the program must provide for adequate and speedy removal of lead hazards from their homes.

In children, the determination of blood lead, even with its pitfalls, is generally considered the most reliable of the many biological tests or indices of lead exposure and absorption. *The U.S. Public Health Service, therefore, recommends that blood lead determinations be used in screening children for the detection of lead poisoning and excessive absorption of lead.*

Various studies have reported that the median concentration of blood lead in both adults and children in the urban population—without undue exposure to lead—ranges from 16 to 27 micrograms per 100 milliliters of whole blood. [2, 3, 4, 5, 6, 7] The normal range of blood lead is stated to be 15 to 40 micrograms per 100 milliliters of whole blood.[3, 4, 8]

Until future studies indicate otherwise, it is recommended that a blood lead concentration of 40 micrograms or more per 100 milliliters of whole blood (as validated by the dithizone technique), determined on two separate occasions, be considered evidence suggestive of undue absorption of lead, either past or present. It is essential that the current degree of exposure be determined in children who present such evidence. Since 90 percent or more of the measured lead in blood is attached to the red blood cells, seemingly low blood levels in children with anemia may be misleading.

In some cities, undue exposure to and absorption of lead among children may be so prevalent that an overwhelming number of those screened are found to have blood lead values of 40 micrograms or more per 100 milliliters of whole blood. Under such circumstances, local resources may not permit immediate evaluation of all such children, and a schedule of priorities will have to be adopted. Programs with inadequate facilities or inadequate financial support may, in their initial phase of operation, give priority to children with blood lead values of 50 micrograms or more per 100 milliliters of whole blood. Among children with blood lead values of 40 to 49 micrograms per 100 milliliters of whole blood, the 1 to 3 year olds should be given priority. This age group comprises approximately 85 percent of the reported cases of plumbism and it also has the highest mortality rate from this disease.

This schedule of priorities is permissible only in the initial phase of operation of programs with limited resources. All programs that adopt such a schedule should plan to expand their operation systematically so that 2 years after the programs have come into existence all children with undue absorption of lead or with lead poisoning will be given adequate care.

CHILDREN WITH BLOOD LEAD VALUES OF 80 MICROGRAMS OR MORE PER 100 MILLILITERS OF WHOLE BLOOD

The U.S. Public Health Service recommends that all children found to have a blood lead concentration of 80 micrograms or more per 100 milliliters of whole blood, regardless of the presence or absence of clinical symptoms or of other laboratory findings, be considered as unequivocal cases of lead poisoning and that they be handled as medical emergencies. They should be hopsitalized immediately for chelation therapy. This emphatic recommendation is made because the risk of acute lead encephalopathy in this group is great, the onset of the disease is unpredictable, and its course is fulminant. If encephalopathy develops, at least 40 percent of these children will sustain severe and permanent brain damage.[9] Treatment prior to the onset of encephalopathy may improve this grim prognosis.

CHILDREN WITH BLOOD LEAD VALUES OF 50 TO 79 MICROGRAMS PER 100 MILLILITERS OF WHOLE BLOOD

All children who in screening programs are found to have blood lead values of 50 to 79 micrograms per 100 milliliters of whole blood should be referred immediately for evaluation as possible cases of lead poisoning. Physicians in charge of such evaluation have the responsibility for making a diagnosis of lead poisoning in these children. Symptoms of lead poisoning—such as abdominal pain, anorexia, constipation, and those of central-nervous-system (CNS) origin—are frequently absent in this group of patients. If any of these symptoms are present and cannot be explained otherwise, the diagnosis of lead poisoning should be considered.

In the absence of clinical symptoms, the following tests are helpful in suggesting a diagnosis of lead poisoning. *The U.S. Public Public Health Service recommends that those whose blood lead values are in the range of 50 to 79 micrograms per 100 milliliters of whole blood on two successive tests be considered suggestive cases of lead poisoning if they have any of the following conditions:*

1. *Urinary excretion in 24 hours of more than 1.0 micrograms of lead per milligram of Ca-EDTA administered intramuscularly at a dose of 50 milligrams per kilogram of body weight—the total dose not to exceed 1 gram of Ca-EDTA;* [10, 14]
2. *Serum delta-aminolevulinic acid (ALA) level of greater than 20 micrograms per 100 milliliters of whole blood using the Haeger-Aronson method;* [11, 12]
3. *Urinary output of coproporphyrin greater than 150 micrograms per 24 hours;* [13]
4. *Urinary output of delta-aminolevulinic acid greater than 5 milligrams per 24 hours;* [14]
5. *The presence of basophilic stippling of red blood cells, "lead lines" in long bone x-rays, or a strongly positive urine spot test for coproporphyrin* [15] *may be considered indicative of lead poisoning when laboratory facilities for making the tests designated above are not available.*

It is emphasized that while only positive findings are significant, negative findings do not rule out the possibility of lead poisoning. Knowledge and technology related to lead and its effects on human beings is rapidly advancing and the future is sure to hold more accurate and simpler biological indices of increased lead exposure and toxicity. The U.S. Public Health Service stands ready to modify the above recommendations when future research so indicates.

Children whose blood lead values fall in the range of 50 to 79 micrograms per 100 milliliters of whole blood and who are not diagnosed as suffering from lead poisoning should be closely followed and supervised. Determination of blood lead values at monthly intervals at the very least is recommended, particularly in the summer. Sources of hazardous lead exposure should be identified and promptly brought to the attention of the appropriate local government agency for corrective action.

CHILDREN WITH BLOOD LEAD VALUES OF 40 TO 49 MICROGRAMS PER 100 MILLILITERS OF WHOLE BLOOD

Where resources permit, all children who in screening programs are found to have blood lead values of 40 to 49 micrograms per 100 milliliters of whole blood should be recalled immediately for evaluation. This evaluation should include another determination of blood lead and inquiry concerning pica and the child's current exposure to lead in his home and in the homes that he frequently visits. Exposure may be significant even in the absence of a history of pica since parents may be unaware of such ingestion, or unwilling to admit it. X-ray of the abdomen is useful in confirming current or recent ingestion of lead.

Children whose blood lead values in repeated tests fall in the range of 40 to 49 micrograms per 100 milliliters of whole blood, and who—according to the evidence of their histories—are no longer exposed to lead hazards, do not need to be followed for continued evaluation. For example, those who live in new housing projects, and who do not frequently visit homes with lead hazards, are presumed to be no longer exposed.

Those who continue to be exposed to lead hazards in their homes, or elsewhere, should be closely followed, with determination of the level of blood lead at least every 6 to 8 weeks. Closer supervision in the summer months is advisable, particularly among children under 3 years of age. Where possible, determination of blood lead should be made at 4-week intervals in the summer. *Dwellings identified in screening programs as potential sources of lead hazards should be brought promptly to the attention of the local government agency responsible for enforcing housing codes and regulations so that proper corrective action may be taken.*

TREATMENT AND FOLLOW-UP OF CHILDREN WITH LEAD POISONING

All children who are diagnosed as having lead poisoning should be:

1. *Treated immediately;*
2. *Removed from the source of lead exposure at home or in any other environment—until proper corrective action has been taken to eliminate the hazards;*
3. *Carefully followed until 6 years of age or longer, if indicated, in order to prevent repeated lead exposure and poisoning;*
4. *Given adequate neurological and psychological assessment at the time of diagnosis and in ensuing years to detect at an early stage any neurological or behavioral deviation, including minimal brain damage, so that proper therapy and school placement can be instituted; and*
5. *Given additional clinical and laboratory evaluation, when indicated, to assess other sequelae of lead poisoning, such as renal, myocardial, and metabolic disorders.*

The treatment and follow up recommended can best be accomplished through development of centers designed specifically for the treatment and evaluation of children with lead poisoning, and integrated into planned or existing community facilities for comprehensive care. Careful medical follow up throughout the preschool years is necessary because of the ubiquity of lead paint in old, deteriorating housing and the persistence of pica in many young children once the habit has been established.

REMOVAL OF LEAD HAZARDS FROM THE CHILDREN'S ENVIRONMENT

Sources of lead must be removed from the environment of children who have lead poisoning or who have absorbed hazardous amounts of the poison into their blood. Immediate follow-up of these children should be initiated with the appropriate local government agencies—with reports on their dwelling units and on other suspect environments or sources of lead hazards—so that proper corrective action may be taken. In fact, effective medical care of children with plumbism is almost totally dependent upon prompt and thorough environmental hygiene to prevent a continuing buildup of lead in their bodies.

Footnotes at end of article.

REPORTING LEAD POISONING AND LEAD ABSORPTION

1. *Lead poisoning should be considered a disease that must be immediately reported to the local health department, when suspected or discovered.*

2. *All laboratories performing blood lead determinations should be required to report to the local health department the results of tests of blood samples having 40 micrograms or more per 100 milliliters of whole blood.*

3. *A uniform reporting form should be used to record information collected in screening programs in order to provide comparable data and meaningful statistics on the problem of excessive lead absorption and lead poisoning in children.*

Approved October 12, 1970, by: Jesse L. Steinfeld, Surgeon General, Public Health Service.

For consultation and guidance in developing community programs to control childhood lead poisoning contact: Public Health Service, Bureau of Community Environmental Management, 5600 Fishers Lane, Rockville, Md. 20852 (301-443-4620).

FOOTNOTES

[1] Lin-Fu, J. S., Lead poisoning in children. Childrens Bureau Publication No. 452. New York, Lead Industries Association, Inc., 1967. 25 pp.

[2] Blanksma, L. A., H. K. Sachs, E. F. Murray, and M. J. O'Connell. Incidence of high blood lead levels in Chicago children. Pediatrics, 44: No. 5, Part I, 661–667, November 1969.

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[From the New England Journal of Medicine, Sept. 24, 1970]

LEAD POISONING—THE SILENT EPIDEMIC

Lead poisoning is a serious, sometimes fatal, illness of known cause, readily diagnosed and treated and completely preventable in most cases The disease presents clinically with a continuum of rather nonspecific gastrointestinal symptoms (anorexia, constipation, nausea, vomiting or colic) or central-nervous-system symptoms (irritability, confusion, lethargy, coma or convulsions). It is often misdiagnosed initially unless the physician has a high index of suspicion. Routine laboratory studies, which may reveal anemia, basophilic strippling and "lead lines" in long bones, should serve as clues but are not invariably present, particularly in the more acute cases. Lead presumably exerts its deleterious effects by inhibiting essential enzyme systems. It has been shown to interfere with hemoglobin synthesis and specifically to block delta aminolevulinic acid (δ ALA) dehydrase.[1] However, tests based on the finding of elevated urinary coprophyrin or δ ALA have not proved sufficiently reliable for diagnosis although they may be helpful in some cases. The diagnosis of lead poisoning is essentially based on the finding of increased whole-blood lead levels; values in excess of 40 μg per 100 g are suspicious and 60 μg per 100 g or greater are diagnostic. Treatment consists of the separation of the patient from the source of lead, supportive measures and in cases with marked elevations of blood lead or severe symptoms, treatment with chelating agents (BAL, calcium EDTA and penicillamine).[2] There is as yet no general agreement about a precise level of blood lead at which to initiate chelation therapy, and clearly this is an area demanding prompt definitive investigation Similarly, a rapid, precise micromethod for the determination of blood lead is sorely needed, as well as investigation of alternative diagnostic approaches.

In their illuminating article in this issue of the *Journal,* Klein and his co-workers have called attention to the serious potential hazard of lead poisoning from ceramic glazes. As they point out, this problem has been recognized throughout recorded history, and its recurrence now may reflect more the alertness of the authors than a major increase in the prevalence of the disease. This comment in no way should minimize their important contribution but rather serves to reiterate the adage that those who do not learn from history are destined to repeat its mistakes. The question of who now has the responsibility to test and certify earthenware as safe for use with food remains unanswered. Furthermore, who will make available to those of us already employing such dishware a means of testing its safety? Apparently, the Lead Industry Association and the United States Pottery Association have initiated a program of testing and certifying commercially produced dinnerware, but this presumably applies only to domestic large-scale production.[3] These questions deserve prompt answers by the Food and Drug Administration. Beyond our national interest there is the equally serious question of education and safety standards in other countries, particularly Mexico, where large-scale daily use of such ceramics must pose a considerable danger.

As the authors have noted, lead poisoning in children is well known, being associated in this country almost exclusively with deteriorated housing, the defective walls and woodwork of which provide a limitless source of ingestible old lead paint.[*] Children between the ages of one and six constitute the majority of cases. Of those who present with encephalopathic signs and symptoms approximately a third have well documented permanent mental retardation, and many will require institutional care for life.[4] Aside from the shocking human tragedy, institutional care for life may cost society in excess of $100,000 per child! In studies conducted in New York City, Chicago, Baltimore and Philadelphia over the past decade, 5 to 10 per cent of ghetto children in the age group from one to six years have been found to be poisoned, and in selected housing units frequencies as high as 20 per cent have been noted. In spite of these facts only a few cities have any rational approach to this silent epidemic. New York City, in response to relentless citizen and professional pressure, has developed the most serious effort to date to identify poisoned children. New York's blood lead screening is currently obtaining about 4000 samples a week. In an effort to prevent re-poisoning the City health code now requires repair of the child's apartment by the landlord (with tax-abatement incentive) and, failing his compliance, by the City's own housing department.

The screening program has been most effective in areas where efforts have been made to work closely with ghetto residents, including paid teen-age workers. Skepticism remains over whether the repair program will prove adequate to the increasing demand, and already serious delays are being encountered. It should also be noted that this major effort is directed at finding already poisoned children and in no way effectively deals with the problem of prevention of poisoning in families not yet affected. Yet New York's efforts are probably the best in the country. An as yet unpublished study recently concluded by the New York Scientists Committee for Public Information reveals that in only seven of 50 states and six of 30 major cities is lead poisoning a reportable disease. This study found only two states and seven cities with screening programs, and three of these cities have only pilot programs. This observation may be considered against a background of crude estimates in excess of 200,000 currently poisoned children in this country!

Failure to attack this epidemic seriously is a national digrace.[5] One cannot help noting the fact that the great bulk of affected children are poor and nonwhite. The charge of genocide by neglect has already been leveled against the health profession regarding this situation. This charge cannot be readily dismissed. The problem of lead poisoning in ghetto children will not be solved until we deal with our failure to provide truly comprehensive family care with an emphasis on preventive medicine for all our citizens. Furthermore, in this particular instance of hazardous urban pollution we must reconsider our current attitudes toward housing, which here is clearly the epidemic vector. The solutions will of necessity be radical, but we are dealing with a major epidemic. It would be a beginning for those reading this editorial to explore what their hospital and community are doing about this epidemic made possible by shameful neglect. In this particular situation, it should be clear to all who call themselves health professionals that "if you are not part of the solution, you are part of the problem!"

EDMUND O. ROTHSCHILD, M.D.

FOOTNOTES

[*] After World War II, titanium oxide paint became competitive and to a large extent replaced lead-containing inside house paint.

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Footnotes at end of article.

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RICHARD HOFSTADTER

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, Richard Hofstadter, DeWitt Clinton professor of history at Columbia University, and twice a Pulitzer Prize winner, died on October 24 at the age of 54.

Dr. Hofstadter was one of our Nation's foremost historians—a man who viewed American history and politics in social and cultural terms rather than economic ones. His historical analyses were based upon concepts and methods used in sociology and social psychology.

During his lifetime, Dr. Hofstadter wrote 13 books. Two of these works won Pulitzer Prizes: "The Age of Reform," in 1955, and "Anti-Intellectualism in American Life," in 1964. His books were quite popular and several of them made the bestseller lists.

Dr. Hofstadter taught the history he analyzed in his books from 1942 until his death.

He briefly taught at Brooklyn and City Colleges, and in 1942 taught at the University of Maryland. During his 4 years at Maryland, he was given the Alfred A. Knopf fellowship, which allowed him to write his second book, "The American Political Tradition."

In 1946, he started his teaching career at Columbia University, where he had received his masters in 1938 and his Ph. D. in 1942. Six years later, he was made a full professor and 7 years after that, he was made DeWitt Clinton professor of history.

Dr. Hofstadter brought his interpretations of American historical and political events not only to students in the classroom but to many Americans, who might not have read books on history if it had not been for his readable and lively writing style.

Dr. Hofstadter's death is a great loss for those who love American history and for all Americans. His contributions to the field of American history and politics were great, and they will live indefinitely.

I include in the RECORD two obituaries which appeared after Dr. Hofstadter's death; one from the October 25 New York Times written by Alden Whitman and the other from the October 26 Washington Post by Martin Weil.

I also include an editorial which was presented on WCBS–TV on October 29, 1970:

[From the New York Times, Oct. 25, 1970]

RICHARD HOFSTADTER, PULITZER HISTORIAN, 54, DIES—AUTHOR OF 13 BOOKS RECEIVED PRIZES FOR 1955 AND 1964—NEW DEAL AND MCCARTHYISM AMONG HIS POLITICAL THESES

(By Alden Whitman)

Richard Hofstadter, one of the leading historians of American affairs, died yesterday of leukemia at Mount Sinai Hospital at the age of 54. He was DeWitt Clinton Professor of American History at Columbia University and twice a Pulitzer Prize-winner. He lived at 1125 Park Avenue.

Combining solid history with lively writing, he produced 13 books, several of them best-sellers. These included "The Age of Reform," which won a Pulitzer for 1955; "Anti-Intellectualism in American Life," a Pulitzer winner in 1964; and "The Paranoid Style in American Politics," issued in 1968. His most recent book, "The Idea of a Party System," was published last year.

Dr. Hofstadter was generally considered to be a political historian who borrowed heavily from the disciplines of sociology and social psychology and interpreted American politics in cultural and non-economic terms.

EXAMINED THE PRESENT

Many of his books and essays related to such contemporary phenomena as the New Deal, McCarthyism and the conservatism of Barry Goldwater.

His interpretations, however, frequently touched off disputes. One such was his thesis, developed in "Anti-Intellectualism in American History," that "throughout most of our political history the intellectual has been for the most part either an outsider, a servant or a scapegoat."

He suggested that "the democratic institutions and the egalitarian sentiments of this country" had contributed to a prejudice against intellectuals. He also indicated that mass education both fostered philistinism and emphasized technological culture at the expense of the values of the patrician élite.

Summarizing Dr. Hofstadter's views, Arthur M. Schlesinger, Jr., a colleague in history, wrote recently:

"'Anti-Intellectualism' conveyed Hofstadter's growing sense of the fatal ambiguity of democratic reform; the mistrust of the intellect had become 'a broadly diffused quality in our culture,' he concluded, '. . . because it has often been linked to good, or at least defensible, causes.'

"This point applied not only to Jacksonianism but equally to Populism, which he described as 'a larger trend of thought stemming from the time of Andrew Jackson' and expressing 'the discontent of a great many farmers and businessmen with the economic changes of the late nineteenth century,' to be best understood 'not as a product of the frontier inheritance but as another episode in the well-established tradition of America entrepreneurial radicalism.'

"Nor did this trend of thought stop in the 1890's. As he added in the introduction to 'The Age of Reform,' 'Populist thinking has survived in our time, partly as an undercurrent of provincial resentments, popular and 'democratic' rebelliousness and suspiciousness, and nativism.'"

COLLEAGUES ATTACK THEORIES

Dr. Hofstadter's ideas were vigorously attacked by his fellow historians. C. Vann Woodward, Norman Pollack and M. P. Rogin, among others, argued that the democratic and Populist tradition was not a looking backward and a longing for a lost Eden but essentially a forward-looking, liberal and intellectual phenomenon. The paranoia implicit in McCarthyism and Goldwaterism, it was contended, sprang from nativism and demagoguery rather than from egalitarianism.

Admirers and critics alike acknowledged Dr. Hofstadter's brilliance in handling big themes in American history and his ability to express himself in a crystalline and often aphoristic manner.

He himself shied away from saying that his historical views represented final judgments. "I offer trial models of historical interpretation," he once remarked, adding:

"I function more as a historical critic."

The son of a Polish-born furrier, Richard Hofstadter was born in Buffalo on Aug. 6, 1916. (His uncle was Samuel Hofstadter, the late New York State Supreme Court justice.)

Richard's interest in American history was awakened by reading Charles and Mary Beard's "The Rise of American Civilization" while he was an undergraduate at the University of Buffalo. He was almost detoured from history, however, by his father's insistence that he study law. But he dropped out after a year in favor of graduate history study at Columbia, from which he got an M.A. in 1938 and a Ph.D. in 1942.

After teaching briefly at Brooklyn and City Colleges and at the University of Maryland, he received an Alfred A. Knopf Fellowship, which permitted him to write "The American Political Tradition," which followed his first book "Social Darwinism in American Thought." He returned to Columbia in 1946 and assumed the DeWitt Clinton chair in 1959.

MAN OF REGULAR HABITS

On the Morningside Heights campus, Dr. Hofstradter was described in a recent profile as "a man of regular habits, scrupulous discipline and insulated temperament [who] moves through life with a contained methodicalness that might dull a less lively intelligence." His social flair was limited, but he had a decided talent for mimicry.

A former graduate student, Richard Kostelanetz, in an essay on the historian, called him "a blue-eyed, graying, almost nondescript man" who wore clip-on bow ties and who was continually hitching up his sagging trousers." He added that Dr. Hofstadter was "gentle and shy in demeanor [and] tolerant by nature."

Dr. Hofstadter's first wife was Felice Swados, the sister of Harvey Swados, the novelist. Two years after her death in 1945, he married Beatrice Kevitt, who survives. He is also survived by Dan, a son of his first marriage; by Sarah K. Hofstadter, a daughter of his second union, and a sister, Betty Goodfriend.

A memorial service will be held Friday at 3 P.M. at the Columbia University chapel.

[From the Washington Post, Oct. 26, 1970]

HISTORIAN RICHARD HOFSTADTER, 54, DIES

(By Martin Weil)

Richard Hofstadter, 54, a sometimes controversial political historian who twice won the Pulitzer Prize, died of leukemia Saturday in New York.

Winner of the Pulitzer Prize for history in 1956 for "The Age of Reform," a study of populism and progressivism, Mr. Hofstadter won the prize for nonfiction in 1964 for "Anti-Intellectualism in American Life." He had been a teacher at Columbia University since 1946.

In the latter book, he developed the disputed thesis that during much of the nation's political history "the intellect has been for the most part either an outsider, a servant or a scapegoat."

Author of 13 books in all, Mr. Hofstadter emphasized the cultural rather than economic foundations of American politics and employed in his analyses methods and concepts borrowed from sociology and social psychology.

Borrowing from psychology, he introduced the term "paranoid style," to describe certain extreme forms of American political behavior that he said involved "heated ex-

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aggeration, suspiciousness and conspiratorial fantasy."

He called it in a 1963 lecture "an old and recurrent phenomenon," manifesting itself in movements ranging from 19th century anti-Catholicism to 20th century McCarthyism and the "contemporary . . . right wing."

Although Mr. Hofstadter suggested that it was the nation's egalitarian philosophy that contributed to what he saw as prejudice against intellectuals, other leading historians disagreed.

They explained the paranoia that Mr. Hofstadter and others saw in some right-wing movements as the consequence not of egalitarianism, but of demagoguery.

Known for a clear, pungent literary style as well as for lively analysis of broad trends in American political life, Mr. Hofstadter was reputed to be a stimulating and challenging instructor.

At Columbia, where he was made full professor of history in 1952 and De Witt Clinton professor of American history in 1959, students recalled him as a graying, gentle, shy man given to regular habits and clipon bowties.

Actively engaged in campus discussions and debates at Columbia during the troubled spring of 1968, he criticized the radicals for ruthlessness while agreeing with them on some issues.

"With their incredible moral arrogance," he said, campus radicals and revolutionaries "fail to recognize that democracy is essentially procedural."

Chosen to deliver the June 4 commencement speech, previously always given by Columbia's president, he warned against attempts to "politicize completely" the university.

Born in Buffalo, N.Y., the son of a Polish immigrant furrier, Mr. Hofstadter graduated from the University of Buffalo in 1937 and received his master's degree from Columbia in 1938 and his doctorate there in 1942.

He taught at the University of Maryland at College Park from 1942 to 1946.

His first wife, the former Felice Swados, sister of novelist Harvey Swados, died in 1945. He is survived by his second wife, Beatrice, a son, Dan, by his first marriage, and a daughter, Sarah, by his second.

[WCBC–TV editorial, Oct. 29, 1970]

Richard Hofstadter was a brilliant scholar whose studies of American history won not only Pulitzer prizes and acclaim from colleagues, but places on best seller lists. He was, in the best sense of that much overused word, relevant.

The Columbia University historian, who died last week, was not just a student of the past. His great skill was in unraveling the skeins that tie the present to the past, that make history relevant to our time.

What most occupied Professor Hofstadter's interest recently was America's history of violence, a subject much studied in these terrible times of political assassinations, urban rioting, and campus bombings. And to this subject, Dr. Hofstadter was able to bring a perspective that is enlightening, and, in some ways, encouraging.

For one. he argued in a recent essay that, contrary to the rhetoric of the Far Left, violence in American history has often been counterproductive. The Civil War, he noted, led to a century of bitterness and repression. Besides, most social reforms in American history have been brought about without violence.

The present danger with violence from the Far Left, he argued, is not the violence itself, but the backlash it can bring from the conservative majority of Americans who might support a government committed to political repression.

But Professor Hofstadter did not leave us with such a gloomy prophesy. For in the closing words of his essay, he argued optimistically that the strength of our political system can continue to overcome its afflictions

"The Nation," he concluded, "seems to slouch onward into its uncertain future like some inarticulate beast, too much attained by wounds and ailments to be robust, but too strong and resourceful to succumb."

These words from a man whose vision of the American experience was so keen are well worth keeping by those of us facing that uncertain future.

A LESSON FOR THE DEMOCRATIC PARTY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Florida election may have provided a most important lesson to the Democratic Party nationwide. The Democratic sweep in that State was one of the most significant of the 1970 campaign. It demonstrated the appeal of new faces and fresh leadership. It also showed that the Democratic Party is most potent when it is not saddled with the policies of the Eastern liberal establishment which currently runs the party's affairs. The Democrats in Florida ran as a Florida party with the proud tradition of 100 years of service to the people of a prosperous and growing State. The results were very much the same as in the old days when a Republican in Florida was an object of curiosity.

It is noteworthy that Democratic successes nationwide have led to a resurgence of optimism about Democratic prospects in the presidential election of 1972. But at the same time, it is inescapable that nothing new is really being offered to the electorate. The same faces that were sampled and sorted out in 1968 are again on exhibition. Whether any of them is in better position to capture popular support than in 1968 is doubtful, particularly in view of the fact that Mr. Nixon, with 4 years in the White House, will have considerably more prestige and more experience to offer than he did in 1968. The Democrats will do well to look for new faces and fresh leadership in the presidential race. It is almost a requirement that Democratic candidates for national office must first have the approval of the Eastern liberal bloc of the party. In the 1972 campaign, this could be a kiss of death. No candidate bearing their label is going to receive the support of the southern States. It seems clear enough that without at least a split in the South, a Democrat is not going to be elected President in 1972.

In recent years it has been a fad among most of the current ranking Democratic hopefuls to disregard the South and to base their plans for election on the big city machines. To date nothing has emerged to show a change in this policy. It will not work in 1972. Both Nixon and Wallace now have strong followings. Nevertheless, the South is still traditionally Democratic and will support a Democrat if a moderate candidate gives southern voters a reasonable opportunity to do so.

The best prospects for the Democratic Party are from the new leadership in the State houses or among newly elected Senators and Congressmen. Askew and Chiles in Florida are typical of this new group which offers hope for Democratic successes in the future. Florida, now eighth in population, is due recognition in national affairs, but there are also other responsible young leaders in other States who can blaze new paths of leadership to which the voters will be responsive.

TODAY'S ENVIRONMENT

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, we in Florida are proud of the contribution to a cleaner and more healthful environment by Dr. Mark D. Hollis, a distinguished Floridian. Dr. Hollis is Chief of the Department of Engineering and Environmental Sciences of the Pan American Health Organization and the World Health Organization. He was formerly Assistant Surgeon General of the United States.

Recently Dr. Hollis gave the keynote address to the joint 21st annual conference of the Florida section, American Water Works Association and the Florida Pollution Control Association in Hollywood, Fla. His speech is an important contribution to the subject of today's environment and I am pleased to submit it for publication in the CONGRESSIONAL RECORD.

TODAY'S ENVIRONMENT

PREFACE

Some years ago, Yogi Berra, in a network interview, was asked about a recent game:— the Yankees leading by one run . . . 9th inning . . . one out . . . man on first and third . . . and the Yankee pitcher walked the batter! Yogi called time and trotted out to the mound.—The question: "What does a catcher say to a pitcher on such occasions?" After some hesitation, Yogi replied, "Well . . . one thing for sure, I didn't go all the way out there to tell him he was in trouble . . . because he already knew that!!"

Some weeks ago, our principal collaborator for this program—Jim Santarone—wrote me a letter. In it he said that I was to be here this morning to talk about "Today's Environment." Beyond this, he gave no instructions and inserted no conditions. This open-ended invitation kindles a spark of intrigue—on my part, the temptation "to speak out"; and, on the part of Jim, a significant risk!

One thing for sure, I wasn't invited here to tell water-resource specialists that we're in trouble—because you already know that! . . . Or to say that present practices will solve environmental crises—something we all know is simply not true.

If, then, this is to be an uninhibited exchange—perhaps, first, I should try to put myself in a favorable context. . . . I join here today, not as an outsider or a foreigner to Florida—but as one with close family ties and with roots deep in this State . . . and as one soon to return, permanently, to home base in the Clearwater area. So keep in mind, please, this neighborly kinship—should some things I say stimulate the adrenalin!

STATEMENT

Historically, from the wheel to $E=mc^2$, it has been the destiny of man to seek, to find, to exploit. History rarely sets off eras by convenient dates. What has gone on affects the present; the past is prologue. However, the

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phenomenal transformations in environmental determinants stem from the 1940's. Under the impetus of war, man split the atom; controlled the result;—and changed the world.

The split atom—the synthesized molecule and the resultant "spin-off systems"—did for this age of science and technology what the assembly line, a generation earlier, had done for the logistics of industrial production. And, all around us, the results: heights in gross national products—new forms of matter—jet transport—automation—instantaneous global audio-video communications—space exploration and remote sensing. . . . And, on the more sobering side, destructive forces with awesome potentials. The key word is speed. Time telescopes. The world shrinks.

The winds of change are at hurricane force; material progress spirals under the impetus of logarithmic expansions of knowledge. The tempo is so rapid, it is extremely difficult to grasp the full significiance; to comprehend and equate impacts; to keep the delicate scales tilted in favor of man—that he understands what he is doing; that he do better at understanding himself; that he retain his mental balance and his perspective; and that he be master, not victim, of his machines and his technology.

It seems to me that discussions on "environment" must be against this complex background—this era of change and paradoxes—this age of wealth and insecurity; of leisure and unrest; of unprecedented competencies and intensified anxieties.

Environment, by Webster, is the complex of climatic, edaphic, and biotic factors that act upon an organism. Environment is the sum total, the complex orb of externals—forces, influences, and conditions—some hostile, some friendly—that make up man's exposures and mold his total life. Environment is a complex mass of ecosystems—air, water, land, weather.—It is wildlife, lakes, bays, and estuaries. . . . Environment is the core city, the urban sprawl—homes and tenements—industrial complexes—congested transportation and communication. . . . It is noise, strain, monotony, accidents, crime, and poisoning. . . . It is also the intangibles of learning and inquiry and culture. . . . Environment is all of these things, and more. . . . But, most of all, people interface with environment in endless responses to jobs, to alarm clocks, to television, to high-powered automobiles—and to pressures, struggles, and compromise.

Across all lands, population explosions and sweeping technological advances are urbanizing societies and creating unprecedented environmental degradation. The speed, magnitude, and complexity of these forces intensify traditional problems and create impingements with new equations and broader dimensions. The gap widens not only between the diagnosed and the undiagnosed implications, but also between what is being done and what needs doing.

This is my third Florida venture on the environmental dilemma. . . . Fifteen years ago—at Gainesville, on the University campus—I was privileged to give the commencement address. The subject, "Advancing Technology—A Dynamic Impact on Man's Environment." The Gainesville paper dealt with technological change; it reviewed the increasing magnitudes and complexities of environmental contaminants; discussed chronic subtleties with widening separation of cause-and-effect sequences. It warned about global population trends and about unchecked rural-urban migrations. More specifically, the paper projected implications of changing forces and influences on Florida's economic tripod—tourism, agriculture, industry. Technology was producing a "shiny new world" with little thought to environmental degradation—and almost no regard for the need to assign a reasonable percentage of our technological capacities to the task of understanding and moderating by-product consequences. This was the tragedy fifteen years ago. This is tragedy compounded today.

Six years ago—in Bal Harbour, at the annual convention of the Water Pollution Control Federation—I was assigned the task of summarizing the global water-pollution situation. The thrust of that paper dealt with public aspirations versus hard-nosed realities. Five broad conclusions were suggested (and I quote from the published document):

"1. The concept of minimal treatment is outmoded and must give way to a maximum-treatment concept, with cost-benefit ratios computed on a drastically revised system of water and land uses and values. Parameters and indices must also be modified to include thermal changes, effluent nutrients, and chemical contaminants.

"2. Public opinion and public demand for pollution abatement is beginning to move ahead of professional actions and plans. . . .

"3. We, in the composite professional sense, have been too cautious, too conservative, often apologetic in our justifications when seeking resources to combat pollution, and too optimistic in reporting progress. . . .

"4. The day is approaching when standard practices of waste treatment will have been applied, and in many areas such treatment will be inadequate. The question: Is our research effort sufficient in magnitude and properly focused to establish remedial procedures geared to the problems of tomorrow? . . .

"5. Traditionally in North America, there has been close linkage between water-pollution control and health structures at all levels. The trend now is to loosen this bondage and, in some cases, totally to discard it in favor of categorical control agencies. . . . The need is to forge into the new structures a health-related understanding and competence. This will be increasingly important as the problems of toxic wastes become more pronounced. . . . With greater densities of people, the traditional problems of germ and viral diseases will intensify."

This ends the quotation. These points are still valid, but with a much greater sense of urgency.

The fragmentation of environmental-protection programs out of public-health structures, as noted six years ago, has now become widespread—closely paralleling the growth of medical-care patterns of countries. In retrospect, it was perhaps inevitable that the major public-works aspects of environmental control would be re-assigned to public-works-type governmental structures. However, as is often the case on public issues, the pendulum swings too far.

We must keep in mind that, in the total effort, the focus must continue to be on people—on their health and on their well-being. This focus on man is the dominant characteristic that distinguishes health agencies from other agencies seeking their "ecological niche" in the environmental universe.

A highly significant difference in the situation today as compared to fifteen years ago—or even six years ago—is that public opinion is definitely polarizing in strong support of environmental protection. People are asking questions: What sort of a world are we making? . . . And for whom? . . . Can't we have essential goods and services without all this environmental degradation?

Again, perhaps, we need stress the point: Technology got us into this situation; technology can get us out! But, first, we must clear the political, administrative, and institutional bottlenecks so that technological innovations can be developed and applied and can work. And, to get these things done, there is no need to appeal to the Wishing Well—or to stay out under the Yum-Yum Tree.—Environmental salvation is up to all of us. Providence has provided man with the intelligence to create the problem—to recognize the problem—and to solve the problem—if he really cares enough.

The composite consequences of uncontrolled environmental contamination are cited routinely in the news media.—They are common topics of daily conversation. Trends are cited to show factors capable of producing, at one extreme, a global "greenhouse" effect—and, at the other end of the spectrum, a global "ice-box." There are deep concerns about the oceans becoming biological deserts. It will take great effort to replace conjecture with fact; and it will take a long time. But whether we drown or freeze, if current trends go unchecked, is not the point. The hard reality is that the survival of civilization requires that pollution trends be checked.

Napoleon once said that you never defeat an army.—First, you must defeat a squad; then a platoon; then a company; then you defeat a battalion, et cetera, et cetera.—And soon there is no army to defeat! . . . We should reflect on this.

If we put in good, workable order our State and local machinery and if we really do the technical job we know how to do—then, truly, it will become apparent where public aspirations and public policy might meet. And, if we do our job well, then, I believe, we need not worry much about dire consequences—locally, nationally, or internationally. Oversimplified? . . . Yes . . . But not entirely facetious.

While aggressive action by local authorities, especially regional authorities, is essential, there are problems which require State and/or federal intervention. For example, local authority cannot control the composition of fuels used for heat, for energy production, and for transport. The same holds true for the design of engines to reduce pollution. Other examples include persistent chemicals such as are found in pesticides, like DDT, and heavy metals, like mercury. Transport disasters such as oil spills; land accidents involving toxic substances; and controls on degradable or returnable containers, compulsory cycling, and salvage are generally beyond local resources.

The tragedy of the anti-pollution effort over the past quarter century is that policies and goals have been at least a decade behind the tempo of the times. This is true for air, water, and land pollution. We continue to play "catch-up-ball"—but the momentum of our effort is much less than the momentum of change. Hence, over the years, the situation has become ever more desperate—now, in many areas, approaching crisis proportions. We simply must re-assess our approaches, our techniques, and the levels of our commitments. We simply must recognize that the influences that have contributed to environmental degradations over the past few decades are themselves changing and accelerating.

There are examples all around us to support this contention. The solid-waste crisis—the septic-tank situation—the air-pollution dilemma. In deference to time, we might consider estuarine waters to illustrate trends and changes. Because, if we be serious about salvaging at least some of our bays, estuaries, and coastal waters—the hour is truly now at hand to act with dispatch.

Of course, if our objective is a more practical one—merely to avoid acute morbidities and serious nuisances—then perhaps our plans, as now blueprinted, might suffice for a decade or so. On the other hand, if our objectives are loftier—and I certainly trust they are—then we had best resolve our debates—stop nibbling around the peripheries—and attack, head-on, the "gut-issues" that we all know must be dealt with. In short, stop the endless debating about national and global consequences and start dealing with local causes. And—if we agree on this—it has "made my day."

In the World-War-1 era, I grew up, for five years, at Fort DeSota, Florida, on Mullet Key, at the mouth of Tampa Bay. I attended school across the channel at Fort Dade (Egmont Key). Up the coast from Mullet Key, the chain of islands—mostly uninhabited—formed a series of small bays, bayous, and shallow coastal shelves. The area was an aquatic paradise—with fantastic abundances of indigenous fishlife and, seasonally, additional acres of migratory species schooling in and out among the Keys and in lower Tampa Bay. Observations during recent visits reflect changes both sobering and shocking—a great heritage fading out.

I suspect that this situation repeats itself many times along the East and West coasts of this richly endowed State. While we must accept some degradation as the price of technologically based living—current trends in land-water exploitations are approaching irreversibility.

To an alarming extent, bays, estuaries, and coastal waters are polluted with raw or inadequately treated wastes; dredged to obtain raw materials; excessively channeled; and filled for land reclamation. These actions disrupt the fish-food matrix and impair or destroy areas where marine life breeds and spawns. Quantified assessments are often ignored because short-fall dollar values are generally "clear as a crystal."

In the past, we have judged environmental degradation by "acute" situations; in the health field, by acute infections; and in the nation's aquariums, by oil spills, by magnitudes of fish-kills, and by massive visual pollutants. In most cases, these situations can be managed by conventional treatment methods and by strict regulatory enforcements. However, with projections in population densities and in living standards—the real problems—for both humans and fish—are chronic exposures . . . the additives, the combinations, the synergisms . . . with long-term, subtle impacts.

Meaningful evaluations of marine waters must include parameters like the Biological Diversity Index (BDI)—an indicator of the diversity of acquatic life. Waters in favorable ecological balance have a wide variety of marine species. The higher this ratio (per-unit mass of protoplasm), the healthier and more aesthetic the situation. The primary concern is not merely to sustain adult aquatic life, but also to preserve the reproductive environment and the fish-food matrix. Waste treatment may produce acceptable effluents in terms of BOD, B.coli, suspended solids, turbidity, and other traditional parameters, including in-stream DO levels, and still create chronic havoc.

Florida faces the critical problem of what to do about estuaries. Ecological studies show that most marine wildlife reproduction occurs in estuaries and other shallow waters, including bays and rivers. Unfortunately, for communities along the coast, most waste effluents discharge into these shallow waters. Such discharge points were selected long ago, when pollution was minimal and when topography—not effects on wildlife reproduction—was the controlling consideration. We must somehow find a way to get these effluents out of shallow waters, since even tertiary treatment is not the answer—certainly not in terms of ten-or-more-year projections. Effluents, even after tertiary treatment, still contain significant amounts of bio-stimulants and subtle toxicants—which, by the way, after permeating the estuaries, still find their way eventually to the sea. Trends in eutrophication now loom as a future destroyer of lakes, bays, and estuaries. Obviously, a hard look is needed at the whole problem of how best to utilize our marine waters—taking into account the difference in wildlife-reproduction values of shallow-versus-deep-ocean waters.

Both bio-stimulants and subtle toxicants are damaging to the ecology. Subtle toxicity results, over prolonged periods, in drastic alterations in the fish-food matrix. Bio-stimulants, as a kind of "reverse toxicity," do the same. This is the real problem with which conservationists are concerned—these subtle, long-term effects which, eventually, bring about a lowering of the BDI. The lower this index—*i.e.*, the fewer the number of species in the area, even with the same total weight of bio-mass—the less healthy and the less aesthetic the situation will be. For example, there may still be fish around, but, instead of "trout-type," they more likely will be "carp-type."

Policy governing wastewater management should, first, encourage and support the re-cycling concept; secondly, for non-re-cycled waste, outfalls should be located to minimize damage to aquatic life; and, thirdly, policy should require adequate treatment to protect all receiving waters—confined or open. On the matter of waste treatment, I suspect we would agree that—like the farmer and the extension courses—we already know much more treatment technology than we apply.

In plotting projections, we must keep in mind that per-capita pollution potentials move upward with affluence. John Ludwig suggests a simple index represented by the sum exponential of the product: population times the standard-of-living (expressed as per-capita energy consumption). To oversimplify: In a given area, if population densities are to double (say, by the end of the century) and, simultaneously, the living standard increases by three-or-four—then the total pollution potential will rise by six-to-eight. This means that—just to stay even—a further 80-to-90% reduction of pollutants will be necessary. Another thing to remember: We are dealing with a removal base that is becoming increasingly difficult—both efficiency-wise and economy-wise—since much of the total pollution potential is not confined to sewers, to stack discharges, or to vehicular tailpipe exhausts. In short, sophistications in our technologically based society require sophistications in by-product pollution controls.

Environmental-quality control transcends the competencies and capacities of any one profession or of any one department, ministry, or board. Accordingly, it is important to establish workable patterns and effective communication among anti-pollution structures—and to blend the expertise of engineering, science, and medicine—of law, education, and administration. Public agencies need reshape and sharpen analytical methodologies; initiate effective monitoring systems; and project trends to guide control activities.

Like most highly complex and difficult public issues that are crying out for attention, pollution abatement raises the age-old question of how to "put the bell on the cat." In today's world, we must continuously adjust approaches and practices to meet changing problems and needs—always with one eye on the future.

Interesting structural and administrative innovations are being tested at national and state levels—the new federal Environmental Protection Agency, for example. The waste-control authorities in Maryland and Ohio—the California Water Resource Control Board—and the emerging systems in New York and Pennsylvania are other examples. Effective, smooth-working State/local machinery is a critical "must" in this business. Huge sums of public monies are involved, and—more pointedly—the destiny of the State itself is involved. This is of paramount importance to Florida—with its great wealth in climate, in lakes, bays, and in its irreplaceable coastal water treasures. In brief, there is need to see that Florida is not overrun by the future.

Whatever the State structure, it must be sharp yet flexible. It must adjust with change; foster innovations; and keep physical plans and land-use patterns within the bounds of environmental-quality plans. Standards and criteria must make sense. To provide the scientific base for intelligent pollution decisions, effective use should be made of public institutional resources for research and monitoring.

National experience emphasizes the point that States must continue to be the responsive authority in pollution control—since the need, to a considerable extent, lies in the establishment and operation of regional systems. Usually, such regional systems take years to be formed on the traditional voluntary-association basis. The crux of the problem is to get the job done with dispatch—and only the States have the political power and the influence to do this.

Once such regional entities are formed, they will be substantial entities—in terms both of financial resources and areas of interest. They can generate and carry out their own research programs; move ahead positively; and provide effective monitoring—without waiting for the national federal-State-local complex to mesh gears.

One difficulty in organizing regional wastewater systems is the high initial capital cost for interceptors. It is always easier (and politically more palatable) to "patch up" local treatment works to "make do" for a few more years. This is the tragic history of pollution control. However, good engineering will show that the "patch-up" plan will not do the job—and also, over the long term, it is generally much more expensive. After all, for wastewater, effective treatment is usually less than 30% of the system's cost. So why practice false economy? Regarding administration—whether drainage areas or political boundaries are used as workable control entities—it would certainly seem that, for Florida's urbanized coastal complexes, a network of regional systems is the direction to take.

In its recent Report on Environmental Quality, the President's Council encourages States to develop, test, and demonstrate innovative structures, administration, monitoring, technical methodologies, and financing mechanism. It suggests federal financial supports for such proposals. The National Academies of Engineering and Sciences are aggressively seeking answers to some of these complex environmental issues. Private foundations as well are mobilizing their considerable financial resources to work in this field. The task of statesmanship is how to channel this professional counsel and resource to become agents of change in this and other States. This experimentation with structures should not disrupt the full application of regulatory muscle to existing problems. What we need is maximum momentum with minimum inertia.

And so, on this Monday morning—in the first year of this new decade, the "Sobering Seventies"—one might go on and on. . . . There is much to be said and much to be done. . . . We must seek to capture and distill the essence of events related to environmental challenge and to project the shape of such events in the decade ahead. Perhaps at no time in history has there been such difficulty in predicting the future. In all likelihood, there will be a real break in continuity in this new decade. Transition will not be circumscribed by tradition; extrapolation may well be purely conjectural; and, quite often, sheer professional ingenuity will be called upon to provide many of the benchmarks needed in a new "age of discontinuity."

We must break through the barriers of provincialism, the prejudices of proprietary interest, and the varieties of narrow hereditary points of view, too commonly shared by so many. We must broaden our vistas; develop a 360° sweep in our vision; and re-align our priorities. As a profession, we need open our reference texts and discard much of the conventional data—and compile new materials—

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bold, aggressive, and responsive to the trends of the times. And we must remember, in this fast-moving age, the vast difference between ten years of professional experience and one year of such experience repeated ten times.

To get pollution under control will be extremely difficult. For Florida, it will be no easier as the State moves on toward wall-to-wall people. We must be ingenious enough to find solutions to changing human needs and values in our complex society. We must balance environmental-quality objectives against re-defined values. And we must be sure that the public understands what we are saying. We can, amongst us, I believe, point the way to better answers than have so far been found—and, using the force of persuasion, we can make these understood and accepted and applied. These things we can do—and, in Florida, these things, I believe, will be done.

NATION'S TRADE POLICY

(Mr. BROYHILL of North Carolina asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROYHILL of North Carolina. Mr. Speaker, later this week, the House of Representatives will consider what I regard to be landmark legislation in the Nation's trade policy. For many years, our country has pursued policies based upon concepts of free trade. Certainly, these concepts were appropriate many years ago when it was in the best interest of the United States to encourage the productive development of the war-torn economies of the world's manufacturing nations. It is still in our Nation's best interest to assure that the world's goods move as freely as possible among all nations. However, we have a new set of circumstances prevailing in the world today and we must not be blinded by a rigid adherence to past policies. The bill reported from the Ways and Means Committee, I believe, sensibly recognizes the shift in economic balance and the rapid development of the manufacturing capacity of other parts of the world. This bill has my strong support.

One problem that has been of great importance to the economy of the Carolinas has been the unrestricted increase in textile and apparel imports in manmade fibers and wool. The new trade bill would provide a legislative formula for the reasonable development of our domestic textile and apparel market. Certainly, the quota system for textile imports proposed by this legislation is a mild and necessary step in this direction.

The changes in the economic climate in world trade are graphically shown in the following article which appeared in the Septetmber 1970 issue of Fortune magazine. This article analyzes the organization of the economy of Japan and points out how effective that nation's drive for increased exports has been. I want to commend this article to the Members of the House of Representatives since it presents information essential to an understanding of the changes that are required in our own trade policy if we are to remain competitive in our own domestic markets.

The article follows:

HOW THE JAPANESE MOUNT THAT EXPORT BLITZ

(By Louis Kraar)

To hard-pressed competitors around the world, Japan's export drive is taking on the overtones of a relentless conspiracy to invade and dominate every vital international market. Almost everywhere, from North America to Southeast Asia, the Japanese are steadily increasing their already enormous share of sales. The very rhetoric of Japanese businessmen reinforces the image of a hyper-aggressive trading power—with talk of "advancing" into a new area, "forming a united front" against foreign rivals, and "capturing" a market.

Moreover, this thrust comes from a nation that firmly shields its own market against foreign competitors, who are thus doubly provoked and are now threatening economic warfare.

In the non-Communist Far East, which accounts for almost 30 percent of Japan's export sales, ever rising trade imbalances are spurring Thailand, Taiwan, and other countries to consider higher tariffs and other defensive restrictions. Says José Diokno, chairman of the Philippine Senate Economic Affairs Committee: "We realize that the Japanese are getting through commerce what they failed to achieve through the war."

The trade clash is even more intense in the U.S., which buys nearly a third of Japan's exports and is its largest single customer. Tokyo's refusal to adopt long-term "voluntary" limits on textile exports has prompted a reluctant Nixon Administration to support stringent legislation setting quotas. And atop this significant American retreat from a free-trade stance, protectionist forces in Congress are pressing for even broader restrictions on other products. "The present economic image of Japan in the United States is not poor; it is bad," observes Philip H. Trezise, Assistant Secretary of State for Economic Affairs.

Japanese manufacturers of television sets are facing a major showdown with American competitors, who have accused the Japanese of dumping—i.e., selling below recognized market prices—a charge on which a U.S. Treasury ruling is soon expected. While the Japanese TV set makers firmly deny dumping, other Japanese manufacturers openly acknowledge that they often use cutthroat export prices for market penetration. To establish its air conditioners in Western Europe, for example, Hitachi, Ltd., deliberately sold below cost for three years. As a company executive puts it, with surprising candor: "If you get a better price in some countries, then you can sell to others for a 'dumping' price. As long as the unit production cost is low, the company still has an over-all profit from its total sales. We sold at a loss in Europe to break into the market, and now we're making a profit there."

Such practices fall somewhere in the gray shadows of the General Agreement on Tariffs and Trade, and the argument will doubtless continue as to whether they are in actual violation. Meanwhile, Japanese exports are expected to keep right on soaring. They are now projected to reach nearly $42 billion by 1975, producing a staggering trade surplus of $12 billion, a prospect that leads Assistant Secretary Trezise to warn: "I seriously question whether the international system can stand a Japanese global trade balance of $12 billion in 1975."

The starting point for this trade offensive is an economy of phenomental strength, directed wholeheartedly toward growth rather than immediate profit. Over the past decade the Japanese gross national product has increased by an average of more than 16 percent annually, and from this ever broadening base, exports have also been rising by an average of 16 percent a year—about twice as fast as the growth of world imports. The entire economic system is, inherently, a powerful export-promotion apparatus. Always anticipating growth, corporations routinely expand manufacturing facilities to optimum size, pushing excess production onto world markets at profit margins that competitors find cruelly low—when they exist at all. Now Japan is preparing to move on to new trade peaks by emphasizing exports of entire industrial plants. As befits an insular industrial giant, it is also making long-term deals overseas to assure a stable supply of raw materials for use in the ever greater expansion of its export position. Within five years the Japanese expect a 123 percent rise in exports, enough to seize at least 10 percent of the global market.

Hit with the full impact of this aggressive export drive, rival industrial nations are now beginning to ponder the singular, and devastatingly effective, tactics being employed by the Japanese. The program has some highly original features that will be hard to match:

The export offensive is commanded by Premier Eisaku Sato in person; he heads the Supreme Trade Council, where top business and government leaders quietly slice up the world market and set annual goals for every major product and country.

To boost exports, the government backs corporations with an arsenal of help—credit at preferential rates, attractive tax incentives, and even insurance against overseas advertising campaigns that fail to meet sales targets.

Cartels of exporters meet regularly to fix prices and lay plans for overwhelming foreign competitors.

A large and growing foreign-aid program is, at heart, another export-promotion device, fueled with long-term credit and direct investments.

Giant general trading companies spearhead the export drive. Their tireless sales forces abroad are backed by the full force of Japan's banks and government ministries.

A government-owned company, JETRO, operates on a global basis to promote Japanese products and arm companies with export intelligence.

EXCEEDING TARGETS IS A DUTY

The key to the entire program is intimate, effective teamwork between corporate executives and government officials at every level. United by a group spirit that makes the Japanese behave like a tight-knit family, businessmen and bureaucrats cooperate to promote continuing growth. "If business goes one way and government goes another way, it would bring harmful effects for the country," explains a Finance Ministry economist. So they coordinate plans in the clubby atmosphere of formal consultative committees and over evening cocktails in the Ginza, Tokyo's business entertainment district. This government-business interaction is so close and constant that the system is often dubbed Japan Inc.

Detailed strategy for the export drive is developed through the Supreme Trade Council, a thirty-member body that brings together the country's elite from key ministries dealing with the economy and from the major private industries. At its last semi-annual meeting in July, the council projected a 14.3 percent growth for exports to $19.2 billion in the fiscal year ending next March 31. Says a government official deeply involved in the planning: "Once the target is announced, business leaders think it is their duty to achieve it. Usually, they exceed the goal."

To carry out expansion plans, the Ministry of International Trade and Industry (MITI) constantly confers with company representatives about allocation of resources. Through "administrative guidance" (which is almost always obeyed), MITI even sets minimum sizes for industrial plants when it feels economy of scale is vital. The Ministry of Finance, through the Bank of Japan, funnels funds to areas with the highest growth potential. By backing an extremely high use of corporate debt to finance growth, this ministry and the central bank play a key part in setting the pace and direction of expansion. This government structure stabilizes a Japanese business system devoted to high growth—the launching platform of the export offensive.

Since companies normally finance expansion by borrowing about 80 percent of their total capital, mostly from banks, debt service is a major fixed operating cost. Japan's tradition of virtual lifetime employment, with a paternalism that fosters an unusually dedicated and productive work force, makes labor costs another fixed expense. "The high breakeven point set by fixed labor costs and debt costs means that new facilities are operated at capacity, and products are moved into world markets at relatively low prices," notes James C. Abegglen, vice president of the Boston Consulting Group, Inc., a management-consulting organization that has closely analyzed Japan's business strategy.

START WITH A SACRIFICE FLY

The system enables companies to use highly flexible market penetration tactics. Two Japanese auto makers—Nissan Motor Co. and Toyota Motor—established footholds in the U.S. by offering dealers higher commissions than were given on other imported cars, as well as unusually generous advertising support, according to the Boston Consulting Group. In the Philippines, Toyota has captured a quarter of all auto sales, after initially selling to taxicab fleet owners on terms of nothing down and a six-month holiday on installment payments. "They were losing money on us outright for about two years just to introduce Toyota vehicles in the Philippines," says Pablo Carlos, executive president of Delta Motor Corp., Manila, which assembles and distributes Toyota cars. Other Japanese companies readily acknowledge that they forego profits to break open new markets. "When there's sharp competition and we want to introduce our products, then in the initial sale we make a sort of sacrifice hit," declares Morihisa Emori, managing director of Mitsubishi Shoji Kaisha, Ltd., the general trading company with the largest total sales. There is a distinctively Japanese motive behind such tactics, he explains: "In America top management people are big stockholders and are more defensive about maintaining profits. For us, growth is most important."

Such penetration pricing is not only a significant competitive device, but also sets the base for handsome future profits. The rapid growth of production facilities at the sacrifice of high immediate returns cuts unit costs; this steadily leads to large profit margins at the same time that it allows highly competitive prices to squeeze out rivals. Until three years ago, Japan's shipbuilding industry operated at almost no profit margin for exports, according to a highly qualified Tokyo accountant; now Japanese yards have heavy backlogs of orders, turn out half the annual ship tonnage of the world, and report tidy earnings. Norihiko Shimizu, a Japanese economist with the Boston Consulting Group, declares: "Japan's pricing policies can in no way be termed dumping. They constitute a powerful competitive weapon in capturing and holding market share."

OUR EQUIVALENT OF KNIGHTHOOD

The Japanese team goes after exports with genuinely patriotic zeal. Toyota, the country's exporting champion, proudly cheers on assembly-line workers with large monthly posters depicting on a world map the number of cars sold in each major overseas market. (The government recognizes such success with handsome certificates of merit—"our equivalent of knighthood," says a Toyota executive with a smile.) In the same spirit, Matsushita Electric Industrial Co., Ltd., which exports nearly 20 percent of its total sales of National and Panasonic appliances, starts the day with a company song urging workers to build "a new Japan" by promoting production—"sending our goods to the people of the world, endlessly and continuously, like water gushing from a fountain."

Directly and indirectly, governmental policies work to concentrate new investment where worldwide demand is currently highest—heavy machinery, chemicals, and high-precision products. Moreover, following a strategy agreed upon by the government-business establishment, Japanese corporations are giving exports an integral—and larger—role in their blueprints for expansion. For example, Hitachi, a leading manufacturer of heavy electrical equipment and industrial machinery, is embarked on an extensive drive to make greater inroads in world markets by not only selling more equipment, but peddling technical know-how and forming joint ventures abroad; Hitachi's goal is to raise the export portion of total sales from 14 percent last year to 23 percent by 1975. Likewise, Teijin Ltd., which now exports about 30 percent of its synthetic-textile production, is spawning joint ventures outside Japan and diversifying into oil drilling, titanium production, and the processed-food industry. Over the next ten years Teijin plans to expand sales tenfold—half of which is to be exports. Says Teijin President Shinzo Ohya, "It's practically our duty to increase exports." To widen opportunities abroad, other manufacturers are designing products specifically for overseas markets, ranging from miniature office computers to entire fertilizer factories for underdeveloped nations. Akai Electric Co., Ltd., has emerged as a major producer of tape recorders by specializing in higher-priced machines ($300 and up) and it sells about 95 percent of its production abroad.

In crucial areas of trade, the full force of Japan's subtly interlocking system can almost always overwhelm foreign competition. Bidding for a recent telephone-equipment contract in Taiwan, a consortium of Japanese telecommunication companies won the order after a government official urged individual manufacturers to combine forces, cut prices, and forgo most profits "to get the business for the good of Japan." Japan's competitive edge is sharpened further by government-backed credits at relatively low interest rates, which finance about 10 percent of the country's exports. In bidding against Italian and American competitors for a chemical plant in Latin America, Niigata Engineering Co., Ltd., sweetened its low bid by offering substantial government financing from the Export-Import Bank of Japan. This was the case, too, when Chiyoda Chemical Engineering & Construction Co., Ltd., last year went after a $31-million job to build a refinery for Standard Oil (N.J.) in Singapore. In the final weeks of competition against European and U.S. contractors, the Japanese company hastily arranged $12 million in government financing for the project over seven years at 6.5 percent annual interest. Recalls a Chiyoda official: "The question of financing was raised about one month before award of the contract. I was in America, talking to Esso in the daytime and talking to Japan on the phone at night. Our people checked with the Japanese Government and within three weeks had some indication of approval. That was just one week before the contract was awarded."

TANKERS AND INSTANT NOODLES

The uniquely Japanese *soogoo shoosha*, general trading companies, add a number of effective touches of their own. As the principal sales agents for all products, these mammoth companies mobilize the combined forces of manufacturers, banks, and government and are the day-to-day leaders in Japan's assault on world markets. The ten largest trading houses are responsible for some 50 percent of the country's exports and 65 percent of imports. Together with smaller, specialized firms, the traders make more than 70 percent of Japan's total foreign sales.

"We handle about 7,000 different commodities, ranging from turnkey industrial plants and 300,000-ton tankers to small packages of raisins or instant noodles," says Emori of the Mitsubishi trading company, the sales leader with an annual turnover exceeding $9 billion. The trading firms thrive on a traditional form of Japanese economic cooperation. Most manufacturers concentrate entirely on production, assigning to traders both the buying of raw materials and the selling of finished products at home and abroad. As middlemen, the large trading companies earn their profits (with margins as low as 0.5 percent) on massive turnovers. In return for commissions, trading houses assure manufacturers of growing markets and come to their aid with timely infusions of credit.

Astute, energetic trading-company representatives work almost everywhere, sniffing out opportunities for Japanese manufacturers. In Indonesia, competitors are amazed that trading agents travel to small factories far from the capital and give away ballpoint pens, cigarette lighters, and other advertising gifts—all in hopes of eventually selling equipment to those remote plants. "The sun never sets on Mitsui's globe-girdling establishment," boasts the company; its 2,100 employees in sixty-four foreign countries are based not only in the obvious business centers, but also in such places as Chittagong, Sofia, and Mexicali. Trading-house operatives are the eyes and ears abroad for Japanese industry.

Single-minded in their dedication to expanding international markets, Japanese trading executives foresee a never ending rise of exports. The headquarters of larger houses are so jammed with a daylong procession of clients and potential customers that entire corridors are set aside as "visitors' rooms." There, businessmen sit on overstuffed couches with white linen antimacassars and make deals while sipping tiny cups of green tea. The working rooms are overflowing with the bursting energy of lifetime employees devoted, above all, to selling more for Japan.

Armed with timely business intelligence from their men overseas, the trading firms organize manufacturers to get the orders, and draw on their government contacts for financing. Under the direction of trading firms, Japan has steadily moved from just supplying foreign markets with petrochemicals and fertilizer to exporting entire industiral plants. Mitsui alone has sold twenty-two chemical plants to developing countries in the past five years.

To enhance Japan's competitive position in world markets, the traders are intensifying their efforts in new directions. "When there are many international tenders for electrical generators or other machinery, Japan will become one unit, and we won't compete with each other," explains Mitsubishi's managing director. The government encourages such teamwork among Japanese companies, which businessmen readily accept because it helps assure long-term credits and expands foreign orders. "From past experience, we've found more advantage than disadvantage in cooperating for the good of the country," says Jiro Fukushi, managing director of Marubeni-Iida Co., Ltd., another large trading house.

TEAMING UP WITH RIVALS

Japanese manufacturers have long followed the tactic of forming export cartels, which MITI officially sanctions and protects,

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by getting together, companies that normally compete in Japan cooperate to preserve the quality of export merchandising and prevent any company from underselling by such a wide margin that it would harm others in the industry. "The function of these associations is to keep the price of export commodities at a certain level," explains Masafumi Goto, director-general of MITI's Trade and Development Bureau. "When an outsider, a company that's not a member of the association, rushes into the market at a lower price, MITI under law can order the outsider to stop." Increasingly, the giant trading houses themselves are teaming up with rivals and with manufacturers to push into overseas markets with an even more potent single force.

Seven trading companies, for example, banded together with three Japanese steelmakers to obtain orders last year for $100 million worth of pipe for the Trans-Alaska Pipeline System under construction by a consortium of U.S. and British petroleum companies. "In this kind of epoch-making, huge project, cooperation among all our companies gives us a better chance against European mills," says an executive of Sumitomo Shoji Kaisha, Ltd., the trading company that was picked as "champion" by the team and put in charge of the negotiations.

Pitted against U.S. and European bidders for another recent oil-pipeline contract in Ecuador, the Sumitomo and Mitsubishi trading companies joined forces to win the contract for three Japanese steel companies. A Sumitomo official candidly described the thinking behind such cooperation: "If we compete against each other overseas, it's no use; some foreign company may get the job. We have to present a joint front against the overseas competitors. This will become more and more necessary as the years go by—to keep up our competitive advantage against other countries. In order to safeguard Japanese interests against powerful foreign companies, we must form a united front."

Since any major international transaction must be cleared, at least informally, with MITI, the Japanese Government is able to guide trading-house teamwork in directions that will expand markets. One result is an easy blending of official aims with private business interests—as when Japanese trading firms signed a five-year contract with the Soviet Union in 1968 to import $163 million worth of lumber from Siberia in exchange for exports of machinery and textiles valued at the same amount. Japan sorely needs lumber, while its manufacturers are always seeking new outlets.

DIGGING IN ABROAD

In a departure from the customary middleman role, trading houses are developing raw-material sources abroad for Japanese industries. Marubeni-Iida is helping Canada's Fording Coal Ltd. finance a mine that, over fifteen years, will supply twelve Japanese steel mills with 45 million long tons of coking coal. Such projects for importing essential raw materials ultimately strengthen Japan's position as an exporter of manufactured goods, and they also lead to immediate sales abroad: Marubeni-Iida is selling Japanese bulk carrier vessels to Canadian mining companies. Rival trading firms also team up to develop overseas resources—for instance, Mitsubishi and Mitsui have jointly invested in a Zambia copper mine in collaboration with the Anglo American Corp.

In another new foreign-sales initiative, trading firms are actively promoting joint industrial ventures abroad. Mitsui, for instance, has invested in some ninety-five foreign ventures, including a plastics plants in Portugal, a peppermint-oil and crystal refinery in Brazil, and a factory for making galvanized iron sheets in Thailand. Says a Mitsui executive, "These improve export circumstances for Japanese industry."

Above all, the traders are willing to adapt to almost any situation that presents a sales opportunity. They handle trade between other countries, not only for the relatively small commissions but for business intelligence that leads to Japanese exports. Marubeni-Iida, for instance, has long sold sugar to the U.S. for a Philippine mill; its contacts in Philippine industry have led to substantial contracts to equip several sugar mills with Japanese machinery—always with backing from the Ex-Im Bank of Japan.

If the sale is significant, trading houses can even arrange deals that relieve overseas customers of the need to provide foreign exchange. Sumitomo has an agreement with the Indonesian state oil company, Pertamina, to build in Sumatra a $20-million oil refinery, financed entirely by the Japanese Government and commercial banks. Pertamina will pay for the project by supplying Sumitomo with heavy oil over a five-year period, receiving credit at the going price. The trading company will make a profit both ways, according to a Sumitomo official: "The refinery contract will produce some profit on the sale of machinery and services, and then the import of the oil to Japan will also give a commission."

Trading firms can operate widely and flexibly because they are plugged into every level of the Japanese establishment, which supports their role as Japan's most aggressive overseas sales force. The big traders are interlocked with major manufacturers; some (such as Mitsubishi and Mitsui) are an integral part of the zaibatsu, or large industrial groups, while others maintain managerial ties with scores of independent manufacturing concerns. These corporate relationships ensure traders a stable base of clients. The trading houses attract still more clients by borrowing enormous sums (up to twenty times their total capital) from banks and offering loans to manufacturers. Many smaller Japanese companies, which have difficulty obtaining bank credit, rely on the traders for financing.

The government works closely with the trading companies, too. An association of fourteen top trading companies meets every other month, often with government officials present, to discuss foreign-trade tactics. Inevitably, such gatherings of supposed competitors fortify cooperative bonds. When mainland China's Premier Chou En-lai announced in April that Peking would not trade with Japanese companies dealing with Taiwan and South Korea, the major trading companies reacted as though they had arranged a division of labor. Some firms chose to stick with China, while others decided to maintain business with Taiwan and Korea. But the over-all result so far has been to ensure Japan's continued access to all those coveted markets.

So intimate is the cooperation between government ministries and large trading firms that it is impossible to determine which is really trying to influence the other; usually they are united in the cause of trade expansion. Therefore it is not unusual to hear trading-house executives sounding like government officials.

"It's our duty to help other countries develop," says Mitsui's executive managing director, Hisashi Murata.

A colleague adds, "It's our duty to sell more."

"Yes," continues Murata, "but in doing business, we've got to help the countries, too. Otherwise we might get kicked out of exporting to them."

Indeed, the Japanese have at long last become slightly embarrassed by the angry tide of complaints about their trade offensive, which has piled enormous and still-growing surpluses in Tokyo's favor. To placate disgruntled trading partners abroad, the government-business establishment has pledged to put more emphasis on imports and has launched a major foreign-assistance program. Even the Supreme Trade Council (until recently called the Supreme Export Council) has a new face and a working committee on imports. But all these moves actually help spur exports.

AID, BUT TO WHOM?

Although carried under the banner of "economic cooperation," nearly half of Japan's total $1.2 billion assistance to developing countries last year consisted of export credits for the purchase of Japanese products. Private companies handle most of these sales with government financing, actively seeking out and signing deals that are officially called foreign aid. "We are always approaching foreign governments and business circles to determine what is needed for their development. We put our tentacles all round to see where the business opportunities are," says Mitsui's Murata.

Lumped into the aid package are direct private investments (totaling $144,100,000 last year), which also stimulate Japanese exports. Overseas joint ventures, carefully coordinated with the government, open up fresh markets for Japan. With combined financial help from major trading companies, banks, and the government, Nippon Steel has established joint-venture mills in Malaysia, the Philippines, and Brazil. The mills are considered "foreign aid" even though all are equipped with Japanese machinery, and the Philippine mill buys semiprocessed hot coils from Nippon Steel. None of the foreign affiliates competes in Japan's principal markets in highly industrialized countries. By spawning manufacturing affiliates for textiles in underdeveloped countries, Japanese companies benefit both from cheaper labor and from new outlets for petrochemicals required by the foreign factories.

Japan has pledged to increase private and government "economic cooperation" to about $4 billion by 1975. But the move toward larger assistance is closely related to export promotion. MITI says that exports must continue increasing by at least 15 percent annually to help meet the nation's foreign-aid target. Simultaneously, corporations are cranking up larger export plans on the basis of greater long-term credit expected from the aid program.

Surprisingly, in view of the tremendous overseas sales effort, Japan's economic strength is relatively independent of trade. Exports account for only about 9 percent of G.N.P., in contrast to 19 percent for West Germany and 35 percent for Holland. While Japan naturally must export to pay for foreign purchases of raw materials, its relative dependence on imports is shrinking. Technological advancement has reduced reliance on imports of machinery, and the more advanced heavy and chemical industries require proportionately less in the way of imported raw materials.

A larger sense of nationalism derived from growth and market expansion—not hard economic necessity—seems to drive the Japanese toward ever rising exports. "They're somewhat intoxicated by the figures. All of this has become almost a religion for them," observes a U.S. businessman who has spent the past twenty-five years in Japan.

PROBLEMS AT HOME

Ultimately, long-repressed domestic demands could slacken the pace of export growth. Despite its emergence as the third-largest economic power in terms of G.N.P. (after the U.S. and the Soviet Union), Japan still faces widespread deficiencies in housing, social services, and roads, as well as a choking environmental pollution. The industrious work force has lately been demanding—and getting—wage increases that outpace productivity gains.

A few government advisers are beginning to urge a slowdown in the export campaign in favor of a more balanced growth to prevent inflation and improve the quality of life. Dr. Nobutane Kuichi, seventy-one, a former banker and Finance Ministry official who now heads the business-supported Institute of World Economy, urges: "Someone in authority must take the initiative. Confrontation between us and the world is no good. I'd like to see the growth rate of our exports decline from last year's 22 percent to no more than 10 percent, ideally 7 percent. I have told this to the Prime Minister, and he doesn't like it because everything is geared to exports. They probably won't accept my view by persuasion, but by necessity we'll be following it within two years because of inflation and a shortage of manpower. Gradually, they will see the foolishness of expansion for the sake of expansion."

Although the Japanese deeply respect men of age and experience, there's little sign of widespread support yet for Dr. Kuichi's view. The consensus of Japan's closely meshed government ministries and business corporations is still for rampant export expansion. As a Mitsui trading-company executive says, "We now handle more than 12 percent of Japanese exports, and soon it will be 15 percent. The sky is the limit."

COMPETITIVE STATUS OF THE UNITED STATES IN WORLD TRADE

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. BETTS. Mr. Speaker, O. R. Strackbein, president of the Nation-Wide Committee on Import-Export Policy is one of the acknowledged authorities on international trade. He has prepared a paper on an important phase of the subject which I recommend as must reading on the eve of considering the trade bill of 1970 by the House of Representatives. It follows:

COMPETITIVE STATUS OF THE UNITED STATES IN WORLD TRADE

(Statement of O. R. Strackbein, president, the Nation-Wide Committee on Import-Export Policy, before the U.S. Tariff Commission, Nov. 4, 1970, Washington, D.C.)

The factors of competition in world trade have undergone a transformation in recent times because of the technological revolution. The possession or nonpossession of favorable natural resources of climate, soil, water, minerals and other elements that underlie advantages of production, is no longer the principal determinant of competitive status in world trade that it was before technology took a hand. The virtual ousting of natural rubber and silk by chemistry offers a good example. Substitution of one product for another, abetted not only by chemistry but by metallurgy, mechanical innovations and discoveries, has upset earlier natural advantages or transformed them throughout the world on a broad scale.

The great economic and industrial advancement of Japan serves as the best example. Without modern technology, a country so poor in natural resources could never have moved to the forefront as did Japan. Had that country been guided by the principles of free trade it would never have got off the ground industrially.

Nevertheless, no country is uniformly competitive on all fronts in all products. Even in technology there is no magic that overcomes all economic disadvantages at one time. Also, technology is not evenly distributed, so to speak, even within the same country among all industries and elements of production, including managerial energy and competence. Beyond that, technological advancement, like inventions, cannot be scheduled.

Therefore no country can be expected to be a leader in all items of production at any time. Moreover, it may lead in one field or complex of products for some years only to be surpassed another time; or, where it lagged in some segment it may come to the forefront because of some new discovery or invention.

If the technological disturbance is not enough to upset the fine equation of absolute or comparative advantages as it may exist at least theoretically at a given time, the appearance on the scene of the managed economy, quite surely completes the demolition. Few theories, free trade not excepted, can withstand the frustrations, disruptions, distortions and interferences produced by economic regulation that is the product of political considerations. Here is the pitfall of much economic theory. That fact no doubt explains the unabashed pragmatism that rules the roost today in the political-economic world.

To assess the competitive status of the United States in world markets and within this country *vis a vis* imports becomes a matter of fact and not of theory.

So far as our overall balance of trade is concerned, the facts are obscured by the statistical practices of the Department of Commerce which persists in a gross distortion of the import and export movements. It continues to tabulate our imports on the basis of foreign value rather than c.i.f., which includes the costs of shipping, insurance, etc. Few other countries follow this practice. This basis of tabulation undervalues our imports by an estimated 10%. That is the factor employed by the International Monetary Fund to bring our imports to a level comparable with those of other countries.

At the same time our exports are made to appear, so far as competitive standing is concerned, larger than they really are—namely, by including shipments under Foreign Aid, Food for Peace, subsidized agricultural products, grants and give-aways.

The distortion ranges from $4 to $5 billion in our annual trade, skewed in the direction of producing a favorable balance and making our competitive position in the world look good when it is actually in deficit. (I offer for the record an account of this practice under the title of "Trade Statistics—A Continuing Distortion."

Yet, even this distortion cannot hide our trade defeat in recent years if we compare our share of the world export trade with that of the remainder of the world. In 1960 the share was 16%; in 1962 it was 15.1%, falling to 14.5% in 1965, to 14.3% in 1968 and to 13.9% in 1969. (See Statistical Yearbook, United Nations, 1969; Int. Financial Statistics, Sept. 1970, IMF, p. 34 and 51.)

These overall statistics, however unfavorable they may be, do not reveal the underlying trends. The following table is more revealing:

U.S. EXPORTS AND IMPORTS, 1960-69

[In percent]

Country	Increase in	
	Exports to	Imports from
Japan	141.1	325.4
West Germany	66.4	190.2
EEC countries	75.7	156.3
Italy	76.4	206.8
United Kingdom	57.0	113.5
All of Asia	97.4	204.1
EFTA countsies	63.4	127.2
Sweden	43.4	108.2
Canada	239.8	258.1
Argentina	5.3	58.0
Peru	13.6	71.6
Mexico	74.1	132.3
Latin America Republics	36.1	19.4
World total	84.6	146.0
World, less Canada and Latin America	81.8	160.8

The table shows that our exports from 1960 through 1969 grew much less rapidly than our imports.

Another significant trend in our trade has been the shift from raw material imports toward those of finished manufactures. From 1956–68 imports of raw materials increased from 100 to 130 while imports of manufactured goods (exclusive of semi-manufacturers rose to 402. The ratio of increase for manufactured goods was 13 to 1 over the increase in raw materials.

This trend has a special meaning to labor. The imported raw materials do not displace nearly as much labor as do the finished manufactures which incorporate the full complement of processing and manufacturing employment. Today about two-thirds of our imports consist of manufactured products. The shift has meant more labor displacement by imports.

If we analyse our exports we encounter a further confirmation of our generally weak competitive position. Such export surplus as we do achieve is confined largely to machinery, including transport equipment, including, in turn, aircraft exports; to some sophisticated equipment, such as computers; and chemicals.

Yet even in the case of machinery exports our balance is narrowing. In 1960 we exported 4.7 times as much machinery as we imported. In 1969 the ratio was less than 2 to 1. In 1969 our exports of machinery and transport equipment amounted to $16.38 billion and represented 43.8% of our total exports.

This is, of course, not a healthy condition. Our exports of "Other Manufactured Goods" rose from only $3.8 billion in 1960 to $7.0 billion in 1969. Imports of the same goods rose from $4.5 billion to $12.0 billion, or 163% compared with an export rise of 83%.

Included among the "Other Manufactured Goods" are iron and steel mill products, shoes, textiles, clothing, glass, glassware, pottery, clocks and watches, nails, screws, nuts and bolts, toys and athletic goods, rubber and plastic manufactures, bicycles and parts, motor scooters, hand tools, plywood, cameras, musical instruments, radio and TV sets, phonographs and records, sound recorders, handbags, umbrella frames, canned mushrooms, optical goods, etc. In this group as a whole we suffered a deficit of $5 billion in 1969, even when imports are tabulated on their foreign value rather than their cost landed in this country.

In agricultural products imports are growing rapidly and have caused difficult problems in tomatoes, strawberries, citrus fruits, canned olives and mushrooms, meat, lamb, potatoes, dairy products, mink, fish, oysters, crabmeat, flowers, etc.

In minerals we have a trade deficit in petroleum, copper, lead, zinc, bauxite and aluminum. We do enjoy a handsome export surplus in coal; but it is far outbalanced by our deficit in petroleum. (See Stat. Abs., U.S. 1970, Table 1029, p. 650.)

Our trade in agricultural products has sunk rapidly in relation to other goods. During the 1957–1961 period agricultural exports were 23% of our total exports; in 1969 only 16%. During the same period agricultural imports declined from 28% of total imports to 14% in 1969. (See Stat. Abs., of the U.S. 1970, Table 946, p. 602.)

If we eliminate the Foreign Aid, Food for Peace, and similar agricultural shipments we incurred a deficit in 1969, with official exports reported at $5.7 billion compared with imports of $4.9 billion.

Our unbalanced competitive position is further underlined by the fact that employment in the production of manufactured goods in which we have a trade deficit is some 2 million higher than employment in the manufacture of the narrow segment of products in which we enjoy an export surplus.

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That the export surplus in machinery and transport equipment is not solid may be inferred from its narrowing in recent years and from the fact that the great rise in industrial machinery exports it attributable largely to the growth of our investment in foreign manufacturing enterprises. These enterprises are increasing their exports to this country and may be expected to shrink our export markets for the products they are producing in foreign markets.

From the foregoing recitation of competitive status of numerous products of industry and agriculture, it is clear that this country, despite its high productivity per man-hour, enjoys a competitive advantage in foreign markets in only a few products, and, further, that this advantage is not solid. It is also clear that our imports of many goods have been rising much more rapidly than our exports of them.

The technological revolution and the mass-production system that brought us world leadership have now been diffused to other industrial countries. This fact has made effective the competitive advantages of low foreign wages. The wage-gap was not competitively so dangerous while our output per man-hour held such a comfortable lead. While the wage-gap persists, the productivity-gap has been closing.

The very fact that other countries have adopted our mass production system has indeed brought them higher productivity. Failure to adopt the other half of the American equation, namely, *mass consumer purchasing power*, derived from high wages, has left these countries with surpluses that their consumers are not able to absorb because their wages are not commensurate with their increasing productivity.

These countries therefore look to the United States as an outlet for their surplus output. They would not be so dependent on our market if they but increased their wages to the point of ability to buy the output of their improved production machine.

The industries of this country would have no difficulty competing with imports if wages were lowered to their foreign counterpart; but they would be unable to dispose of their output and would accumulate intolerable surpluses under such conditions. The persistence of international cost differentials results from the universal interferences with free competition. These interferences are principally governmental and of political origin, and may be expected to endure. Therefore there is little hope that the competitive disadvantages suffered by many of our industries can be corrected, especially since technology is now international. New productivity attainments of domestic industries are soon diffused to other countries.

This fact means that artificial interventions must be instituted lest capital move abroad even more rapidly and that our domestic industry will otherwise be inundated progressively by higher tides of imports.

Already the inundation has reached intolerably high levels in numerous instances. The following table shows the market penetration achieved by imports in 1969 with respect to the listed products, as compiled by the Tariff Commission in a recent hurried survey:

[Short title, in percent of domestic market supplied by imports, 1969]

Fish products:	
Swordfish	90
Cod, etc., fillets	80
Oysters, canned	72
Scallops, fishmeal, and sardines	56–60
Leather and fur skins; Calf, goat, miscellaneous mink	46–64
Vegetables:	
Fig paste, apricots, dried; olives, garlic, strawberries, pimentos, cucumbers, tomatoes, eggplant, mushrooms, canned	18–48
Tung oil	82
Whisky	32
Hardwood plywood: Birch, luan, Sen, others	26–92
Cotton fabrics:	
Gingham	71
Shop towels	33
Duck	20
Sheeting	19
Pile fabric	42
Fish netting	28
Manmade fabrics:	
Filament, polyester	25
Filament, rayon	25
Apparel:	
Sweaters	41
Shirts, men's and boys; dress	30
Blouses, not knit	27
Men's and boys' sport shirts	25
Women's, girls slacks	25
Chemicals:	
Benzenoid drugs	28
Melamine	36
Monsodium glutamate	20
Sod. silicofluoride	28
Caffeine	64
Antibiotics	18
Synthetic vitamin C	28
Residual fuel oil	64
Ceramics:	
Wall tile, glazed	28
Mosaic tiles	68
Earthenware	30–76
Chinaware	28–96
Glass, (rolled, sheet)	28–33
Glassware, handmade	40
Lead, unm'f'd	41
Zinc, unm'f'd	54
Steel:	
Alloy	34
Structural	20
Carbon, pipe and tube	18
Transformer tower parts	32
Barbed wire	45
Wire rope	20
Nails	45
Wood screws	58
Stainless steel flatware	49
Power trans. chains	29
Sewing mach. & parts	58
Winding and warping mach	37
Knitting mach. needles	46
Electronic devices:	
Microphones, loudspkrs	20
TV recvrs & phono-comb	30
Radio receivers	73
Comb. electrnc and parts	57
Calculating machines	60
Automobiles:	
New passenger cars	16
Snowmobiles	58
Motorcycles, tires and parts	86–95
Footwear:	
Nonrubber, men's, boys', women's, misses', infants'	22–36
Athletic	20
Rubber, protective	25
Combs	66
Artist brushes and pencils	45
Umbrellas	79
Clothespins	37
Wigs, toupees, etc	79
Headwear, knit, fur	20–30
Gloves, leather	35
Optical goods:	
Lenses, prisms, etc	43
Telescopes, etc	26
Microscopes	39
Balances: Watches, clocks, movements, and watch parts	21–52
8-mm. motion picture cameras	47
35-mm still cameras	100
Enlargers	66
Light meters, etc	45
Musical instruments:	
Woodwind	64
Electronic	71
Other, stringed	76
Bicycles: Bicycle parts and tires	36–53
Table tennis equipment	38
Badminton	95
Baseballs and gloves	32–92
Tennis balls and racquets	35–76
Skis, snowshoes	68
Dolls, stuffed figures	23
Electric shavers	20

For the sake of abbreviation the short titles are not fully descriptive and in some instances not sufficiently segmented. However, the serious market penetration of imports is readily visible. If trends in recent years could be shown the threat would loom higher.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ASPINALL (at the request of Mr. ROGERS of Colorado), on account of official business.

Mr. BLATNIK (at the request of Mr. BOGGS), for today, on account of official business.

Mrs. HANSEN of Washington (at the request of Mr. ALBERT), for today, on account of illness.

Mr. PETTIS (at the request of Mr. GERALD R. FORD), for November 16 and 17, on account of official business.

Mr. DEL CLAWSON (at the request of Mr. GERALD R. FORD), on account of death in family.

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), for balance of month, on account of official business.

Mr. EILBERG (at the request of Mr. ROGERS of Colorado), for Monday and Tuesday, November 16 and November 17, on account of official business.

Mr. ANNUNZIO (at the request of Mr. ROGERS of Colorado), for Monday, November 16 through Wednesday, November 18, 1970, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PRICE of Illinois for 1 hour on November 24, and to revise and extend his remarks and include extraneous matter to eulogize the late Honorable William L. Dawson.

(The following Members (at the request of Mr. ANDERSON of California) and to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 15 minutes, today.

Mr. RARICK, for 10 minutes, today.

(The following Member (at the request of Mr. SCHMITZ) and to revise and extend his remarks and include extraneous matter:)

Mr. FINDLEY, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PASSMAN.

Mr. SIKES, to revise and extend his remarks on House Resolution 1260.

Mr. SIKES, in five instances, and to include extraneous matter.

Mr. Pollock and Mr. Fulton of Pennsylvania to revise and extend their remarks and include extraneous matter prior to passage of S. 902.

Mr. Evins of Tennessee in two instances, and to include extraneous material.

Mr. Brown of California to revise and extend his remarks on S. 3785.

Mr. Matsunaga to revise and extend his remarks prior to passage of H.R. 14684.

Mr. Gray in two instances and to include extraneous matter.

(The following Members (at the request of Mr. Schmitz) and to include extraneous matter:)

Mr. McCloskey.

Mr. Wyman in two instances.

Mr. Miller of Ohio in four instances.

Mr. Denney.

Mr. Scherle in 10 instances.

Mr. Steiger of Wisconsin.

Mr. Chamberlain in two instances.

Mr. Kuykendall.

Mr. Meskill.

Mr. Bray in four instances.

Mr. Quillen in four instances.

Mr. Morse.

Mr. Schmitz in three instances.

Mr. Fulton of Pennsylvania in five instances.

(The following Members (at the request of Mr. Anderson of California) and to include extraneous matter:)

Mr. Kyros in five instances.

Mr. Rosenthal in five instances.

Mr. Gaydos in five instances.

Mr. Bolling in six instances.

Mr. Minish in six instances.

Mr. Reuss in six instances.

Mr. Hamilton in 10 instances.

Mr. Clay in eight instances.

Mr. Friedel in two instances.

Mr. Evins of Tennessee in two instances.

Mr. Fascell in three instances.

Mr. Rarick in five instances.

Mr. Edwards of California.

Mr. Bingham in five instances.

Mr. Kee in two instances.

Mr. Vanik in three instances.

Mr. Giaimo in 10 instances.

Mrs. Green of Oregon in six instances.

Mr. Corman in five instances.

Mr. Kluczynski in two instances.

Mr. Fountain in two instances.

Mr. Hébert.

Mr. Fisher in four instances.

Mr. Pucinski in 10 instances.

Mr. Johnson of California in four instances.

Mr. Bennett in two instances.

Mr. Brasco.

Mr. Daniels of New Jersey.

Mr. Cohelan in five instances.

Mr. Brooks in two instances.

Mr. Hungate in two instances.

Mr. Pepper in two instances.

Mr. Boland in two instances.

Mr. Dingell in four instances.

Mr. Anderson of California.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1079. An act consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related program; to the Committee on Judiciary.

S. 1466. An act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations; to the Committee on Interstate and Foreign Commerce.

S. 1468. An act to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2755. An act for the relief of Donal N. O'Callaghan;

S. 2846. An act to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes;

S. 3116. An act to authorize each of the Five Civilized Tribes of Oklahoma to popularly select their principal officer, and for other purposes; and

S. 3586. An act to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4182. An act to authorize voluntary admission of patients to the District of Columbia institution providing care, education, and treatment of substantially retarded persons;

H.R. 6240. An act to amend the act entitled "An act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minn.," approved December 21, 1950;

H.R. 9311. An act to declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington;

H.R. 12475. An act to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes;

H.R. 14678. An act to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes;

H.R. 15069. An act to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River at or near Cape Vincent, N.Y.;

H.R. 16710. An act to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the use of entitlement to benefits under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes.

H.R. 16811. An act to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes;

H.R. 17570. An act to amend titles III and IX of the Public Health Service Act so as to revise, extend, and improve the programs of research, investigation, education, training, and demonstrations authorized thereunder, and for other purposes;

H.R. 17849. An act to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13a of the Interstate Commerce Act, and for other purposes;

H.R. 18086. An act to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Va.;

H.R. 18260. An act to authorize the U.S. Commissioner of Education to establish education programs to encourage understanding of policies, and support of activities, designed to enhance environmental quality and maintain ecological balance;

H.R. 18298. An act to amend the Central Valley reclamation project to include Black Butte project; and

H.R. 18583. An act to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On October 14, 1970:

H.R. 693. An act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes;

H.R. 10335. An act to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes;

H.R. 11833. An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes;

H.R. 14982. An act to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto;

H.R. 15073. An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be

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reported to the Department of the Treasury, and for other purposes;

H.R. 17604. An act to authorize certain construction at military installations, and for other purposes;

H.R. 17654. An act to improve the operation of the legislative branch of the Federal Government, and for other purposes; and

H.R. 18731. An act to revise the per diem allowance authorized for members of the American Battle Monuments Commission when in a travel status.

On October 21, 1970:

H.R. 4182. An act to authorize voluntary admission of patients to the District of Columbia institution providing care, education and treatment of substantially retarded persons;

H.R. 6240. An act to amend the act entitled "An act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minn.," approved December 21, 1950;

H.R. 9311. An act to declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington;

H.R. 12475. An act to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes;

H.R. 14678. An act to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes;

H.R. 15069. An act to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the St. Lawrence River at or near Cape Vincent, N.Y.;

H.R. 16710. An act to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the use of entitlement to benefits under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes;

H.R. 16811. An act to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes;

H.R. 17570. An act to amend titles III and IX of the Public Health Service Act so as to revise, extend, and improve the programs of research, investigation, education, training, and demonstrations authorized thereunder, and for other purposes;

H.R. 17849. An act to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13a of the Interstate Commerce Act, and for other purposes;

H.R. 18086. An act to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District of Prince William County, Va.;

H.R. 18260. An act to authorize the U.S. Commissioner of Education to establish education programs to encourage understanding of policies, and support of activities, designed to enhance environmental quality and maintain ecological balance;

H.R. 18298. An act to amend the Central Valley reclamation project to include Black Butte project; and

H.R. 18583. An act to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse.

THE LATE HONORABLE WILLIAM L. DAWSON

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, it is my sad duty to announce to the House the death on November 9 of our colleague, the Honorable WILLIAM L. DAWSON, of the First District of Illinois.

Congressman DAWSON was chairman of the Committee on Government Operations. He served 14 terms in the House.

It is not my purpose tonight to eulogize our late colleague, but I shall ask unanimous consent to address the House for 1 hour on Tuesday, November 24, and, Mr. Speaker, I shall offer a privileged resolution in connection with the death of our colleague.

THE LATE HONORABLE WILLIAM L. DAWSON

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

H. RES. 1261

Resolved, That the House has heard with profound sorrow of the death of the Honorable William L. Dawson, a Representative from the State of Illinois.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 5 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Tuesday, November 17, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2462. A communication from the President of the United States, transmitting proposed supplemental appropriations for the Department of Transportation for the fiscal year 1971 (H. Doc. No. 91–408); to the Committee on Appropriations and ordered to be printed.

2463. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of the estimated value of support furnished various countries from military functions appropriations, pursuant to Public Law 91–294; to the Committee on Appropriations.

2464. A letter from the Comptroller General of the United States, transmitting a report on U.S. assistance in Liberia; to the Committee on Government Operations.

2465. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements—The Government National Mortgage Association for fiscal year 1969—The Federal National Mortgage Association for 2-month period ended August 31, 1968. Department of Housing and Urban Development (H. Doc. No. 91–409); to the Committee on Government Operations and ordered to be printed.

2466. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Federal Savings and Loan Insurance Corporation for the year ended December 31, 1969, pursuant to the Government Corporation Control Act (31 U.S.C. 841), as amended (H. Doc. No. 91–410); to the Committee on Government Operations and ordered to be printed.

2467. A letter from the Director, Federal Judicial Center, transmitting the third annual report of the center (H. Doc. No. 91–411); to the Committee on the Judiciary and ordered to be printed with illustrations.

2468. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 16, 1970, submitting a report, together with accompanying papers and an illustration, on Fort Chartres and Ivy Landing Drainage District No. 5 and Stringtown Drainage and Levee District No. 4, Illinois, in partial response to resolutions of the Committee on Public Works, House of Representatives, adopted June 17, 1948, and the Committee on Public Works, U.S. Senate, adopted July 18, 1957 (H. Doc. No. 91–412); referred to the Committee on Public Works and ordered to be printed with an illustration.

2469. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 15, 1970, submitting a report, together with accompanying papers and illustrations, on Mill Creek, Ohio, in response to a resolution of the Committee on Public Works of the House of Representatives, adopted June 24, 1965, and in partial response to resolutions adopted by the Public Works Committees of the U.S. Senate and House of Representatives on May 31, 1967, and October 19, 1967, respectively (H. Doc. No. 91–413); referred to the Committee on Public Works and ordered to be printed with illustrations.

2470. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 3, 1970, submitting a report, together with accompanying papers and illustrations, on Western Tennessee tributaries, Tennessee and Kentucky, requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 19, 1963 (H. Doc. No. 91–414); referred to the Committee on Public Works and ordered to be printed with illustrations.

2471. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 16, 1970, submitting a report, together with accompanying papers and illustrations, on Corpus Christi Beach, Tex. (restoration project), requested by a resolution of the Committee on Public Works, House of Representatives, adopted December 17, 1963 (H. Doc. No. 91–415); referred to the Committee on Public Works and ordered to be printed with illustrations.

2472. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 23, 1970, submitting a report, together with accompanying papers and illustrations, on Zintel Canyon, Kennewick, Wash., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted March 2, 1954, and July 29, 1954 (H. Doc. No. 91–416); to the Committee on Public Works and ordered to be printed with illustrations.

2473. A letter from the national adjutant, Disabled American Veterans, transmitting the report of the proceedings of Disabled American Veterans' national gathering for 1970, together with a report of the proceedings of the organization for the year ended June 30, 1970, and a report of its receipts and expenditures as of December 31, 1969, pursuant to

Public Laws 249 and 668, 77th Congress (H. Doc. No. 91–417); to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

2474. A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting a report of agreements for foreign currencies under Public Law 480, for September and October, pursuant to Public Law 85–128; to the Committee on Agriculture.

2475. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for "Forest protection and utilization," Forest Service, for the fiscal year 1971, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

2476. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Justice for the Federal Bureau of Investigation, for "Salaries and expenses," for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

2477. A letter from the Secretary of Defense, transmitting eight reports of violations of section 3679, Revised Statutes, and Department of Defense Directive 7200.1 "Administrative Control of Appropriations Within the Department of Defense," pursuant to section 3679(i)(2), Revised Statutes; to the Committee on Appropriations.

2478. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report that no funds appropriated in the Department of Defense and Military Construction Appropriations Acts, 1969, were used during January–June 1970, to make payments under contracts in foreign countries, except where the Treasury Department was holding no excess foreign currencies of the country involved, pursuant to the provisions of those acts; to the Committee on Appropriations.

2479. A letter from the Assistant Secretary of Defense (Comptroller), transmitting, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, during fiscal year 1970, pursuant to 10 U.S.C. 2665; to the Committee on Appropriations.

2480. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting the semiannual report on the strategic and critical materials stockpiling program for the period January 1 to June 30, 1970, pursuant to section 4 of Public Law 520, 79th Congress; to the Committee on Armed Services.

2481. A letter from the Secretary of the Army, transmitting a report on the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on September 30, 1970, pursuant to section 3031(c) of title 10, United States Code; to the Committee on Armed Services.

2482. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 552(a) of title 37, United States Code, to authorize continuance of incentive pay to members of the uniformed services for a 3-month period after termination of missing status; to the Committee on Armed Services.

2483. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment for the quarter ending September 30, 1970, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2484. A letter from the Director of Civil Defense, Department of the Army, transmitting a report on the Federal contributions programs, equipment and facilities, for the quarter ending September 30, 1970, pursuant to section 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2485. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on contracts negotiated by the Department of Defense under 10 U.S.C. 2304(a) (11) and (16) for the period January–June 1970, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

2486. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing) transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Army Reserve, pursuant to 10 U.S.C. 2233a (1)(b); to the Committee on Armed Services.

2487. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Naval Reserve, pursuant to 10 U.S.C. 2233a(1)(b); to the Committee on Armed Services.

2488. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to amend chapter 7 of title 37, United States Code, to authorize reimbursement to members of the Armed Forces who are assigned to recruiting duties for expenses incurred in recruiting of personnel; to the Committee on Armed Services.

2489. A letter from the Adjutant General, Veterans of Foreign Wars of the United States, transmitting the annual audit report of the books of the Quartermaster General of the VFW for the fiscal year ended August 31, 1970, pursuant to Public Law 630, 74th Congress; to the Committee on Armed Services.

2490. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President transmitting a report on borrowing authority for the period ended June 30, 1970, pursuant to section 304(b) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

2491. A letter from the Secretary of Commerce, transmitting the 92d quarterly report on export control, covering the second quarter of 1970, pursuant to the Export Administration Act of 1969; to the Committee on Banking and Currency.

2492. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July–August, 1970, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

2493. A letter from the Administrator, Agency for International Development, Department of State, transmitting the annual report on the implementation of section 620 (s) of the Foreign Assistance Act of 1961, as amended, and section 120 of the Foreign Assistance and Related Programs Appropriation Act, 1970; to the Committee on Foreign Affairs.

2494. A letter from the Assistant Administrator for Legislative and Public Affairs, Agency for International Development, Department of State, transmitting a report on the programing and obligation of contingency funds, for the fourth quarter of fiscal year 1970, pursuant to section 451(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2495. A letter from the Secretary of the Interior, transmitting a report of 20 projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations or other institutions, and with private firms, pursuant to section 200(b) of the Water Resources Research Act of 1964, as amended; to the Committee on Interior and Insular Affairs.

2496. A letter from the Secretary of the Interior, transmitting the fifth annual report on the minerals exploration assistance program, pursuant to 30 U.S.C. 641–646, as amended (79 Stat. 1312); to the Committee on Interior and Insular Affairs.

2497. A letter from the Assistant Secretary of the Interior, transmitting a report on donations received and allocations made from the fund "14X8563 Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs" during fiscal year 1970, pursuant to the act of June 8, 1968 (82 Stat. 171, 25 U.S.C. 451); to the Committee on Interior and Insular Affairs.

2498. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed grant agreement for a research project entitled "A Case Study of In-Situ Rock Deformation Behavior for the Design of Ground Support System," pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

2499. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community; to the Committee on Interior and Insular Affairs.

2500. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota; to the Committee on Interior and Insular Affairs.

2501. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

2502. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon County, Nev.; to the Committee on Interior and Insular Affairs.

2503. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that 3.308 acres, more or less, of federally owned land is held by the United States in trust for the Pueblo of Cochiti; to the Committee on Interior and Insular Affairs.

2504. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Community, Wis.; to the Committee on Interior and Insular Affairs.

2505. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed extension of a concession contract for the operation of the Lake Mead Marina and to provide related facilities and services for the public within Lake Mead National Recreation Area, Nev., for a 1-year term ending December 31, 1970, pursuant to 67 Stat. 271, as amended (70 Stat. 543); to the Committee on Interior and Insular Affairs.

2506. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to Docket No. 270–A, the Assiniboine Tribes of Indians, *Intervenors*, v. *The United States of America*, defendant,

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pursuant to the Indian Claims Commission Act of 1946, as amended; to the Committee on Interior and Insular Affairs.

2507. A letter from the Assistant Secretary of Commerce, transmitting the report of the Department for fiscal year 1970 on commissary activities outside the continental United States, pursuant to 5 U.S.C. 596A; to the Committee on Interstate and Foreign Commerce.

2508. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of September 30, 1970, pursuant to section 5(e) of the Communications Act as amended; to the Committee on Interstate and Foreign Commerce.

2509. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication, "Electric Utility Depreciation Practices, 1966"; to the Committee on Interstate and Foreign Commerce.

2510. A letter from the Chairman, Federal Power Commission, transmitting a copy of the map, "Major Natural Gas Pipelines, as of June 30, 1970"; to the Committee on Interstate and Foreign Commerce.

2511. A letter from the Assistant Secretary of Commerce, transmitting a report of claims paid during fiscal year 1970 by the Department of Commerce under the Military Personnel and Civilian Employees' Claim Act of 1964, as amended (31 U.S.C. 240–243); to the Committee on the Judiciary.

2512. A letter from the Assistant Secretary of the Interior for Administration, transmitting a report of receipts and expenditures of the Department for fiscal year 1970 in connection with the administration of the Outer Continental Shelf Lands Act of 1953, pursuant to section 15 of the Act; to the Committee on the Judiciary.

2513. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to provide for the appointment of additional United States district judges; to the Committee on the Judiciary.

2514. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2515. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2516. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2517. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the Act; to the Committee on the Judiciary.

2518. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2519. A letter from the National Shipswriter, Navy Club of the United States of America, transmitting the annual audit of the Navy Club for 1969–70, pursuant to law; to the Committee on the Judiciary.

2520. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing construction of a Federal office building at Santa Rosa, Calif., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

2521. A letter from the Assistant Administrator of General Services, transmitting a prospectus containing an amendment to the authorized border station at Calexico, Calif., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

2522. A letter from the Special Assistant to the Secretary of the Army (civil functions), transmitting a final environmental statement on the Corps of Engineers report on a beach erosion control proposal for Revere and Nantasket Beaches, Mass., pursuant to the National Environmental Policy Act of 1969; to the Committee on Public Works.

2523. A letter from the Special Assistant to the Secretary of the Army (civil functions), transmitting a final environmental statement on the Corps of Engineers report on Four Mile Run, Alexandria and Arlington County, Va., pursuant to the National Environmental Policy Act of 1969; to the Committee on Public Works.

2524. A letter from Acting Administrator, National Aeronautics and Space Administration, transmitting a report on contracts negotiated by NASA under 10 U.S.C. 2304(a)(11) and (16) for the period January-June, 1970, pursuant to 10 U.S.C. 2304(e); to the Committee on Science and Astronautics.

2525. A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a report for fiscal year 1970 on grants in which title to equipment was vested under 42 U.S.C. 1892, pursuant to 42 U.S.C. 1839; to the Committee on Science and Astronautics.

2526. A letter from the Administrator of Veterans Affairs, transmitting a draft of proposed legislation to amend 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans Affairs to establish and carry out a program of exchange of medical information; to the Committee on Veterans' Affairs.

2527. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of grants approved which are financed wholly by Federal funds for the period July 1 to September 30, 1970, pursuant to section 1120b of the Social Security Act; to the Committee on Ways and Means.

2528. A letter from the Secretary of Health, Education, and Welfare, transmitting the second annual report on the medicare program by the Health Insurance Benefits Advisory Council, pursuant to section 1867(b) of the Social Security Act; to the Committee on Ways and Means.

2529. A letter from the Presiding Commissioner, U.S. Tariff Commission, transmitting the 20th report of the Commission on the operation of the trade agreements program pursuant to section 402(b) of the Trade Expansion Act of 1962; to the Committee on Ways and Means

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2530. A letter from the Comptroller General of the United States, transmitting a report on the improvements needed in management of Department of Defense communications; to the Committee on Government Operations.

2531. A letter from the Comptroller General of the United States, transmitting a report on the improvement needed in the administration of the Iowa and Kansas medicaid programs by the fiscal agents, Social and Rehabilitation Service, Department of Health, Education, and Welfare; to the Committee on Government Operations.

2532. A letter from the Comptroller General of the United States, transmitting a report on the Government-wide service benefit plan—Blue Cross and Blue Shield for Federal employees—needs improved administration, Civil Service Commission; to the Committee on Government Operations.

2533. A letter from the Comptroller General of the United States, transmitting a report on the need to improve administration of fees and charges of regulatory agencies; to the Committee on Government Operations.

2534. A letter from the Comptroller General of the United States, transmitting a report on the overstatement of contract target cost for first stage of Saturn V launch vehicle, National Aeronautics and Space Administration; to the Committee on Government Operations.

2535. A letter from the Comptroller General of the United States, transmitting a report on the savings from joint use of spectrometric oil analysis equipment by the military departments, Department of Defense; to the Committee on Government Operations.

2536. A letter from the Comptroller General of the United States, transmitting a report on a case history showing need for improvements in the management of overseas military construction contracts, Department of Defense; to the Committee on Government Operations.

2537. A letter from the Comptroller General of the United States, transmitting a report on the problems related to restricting the use of motorized equipment in wilderness and similar areas, Department of Agriculture, Department of the Interior; to the Committee on Government Operations.

2538. A letter from the Comptroller General of the United States, transmitting a report on the savings through increased screening of registrants with medical conditions at local draft boards, Selective Service System; to the Committee on Government Operations.

2539. A letter from the Comptroller General of the United States, transmitting a report on the savings attainable by eliminating duplicate stocks in the U.S. Marine Corps; to the Committee on Government Operations.

2540. A letter from the Comptroller General of the United States, transmitting a report on the need for improved controls to insure the identification and reporting of excess land by the Veterans' Administrtion; to the Committee on Government Operations.

2541. A letter from the Comptroller of the United States, transmitting a report on the need to enhance the effetciveness of on-the-job training in Appalachian Tennessee, Department of Labor; to the Committee on Government Operations.

2542. A letter from the Comptroller General of the United States, transmitting a report on the transfer of regional activities to local post offices inconsistent with congressional intent, Post Office Department; to the Committee on Government Operations.

2543. A letter from the Comptroller General of the United States, transmitting a report regarding Federal assistance for presidential transitions; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Submitted Oct. 16, 1970*]

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15041. A bill to provide for a coordinated national boating safety program; with amendment (Rept. No. 91-1611). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted Oct. 20, 1970*]

Mr. EVINS of Tennessee: Select Committee on Small Business. H. Res. 66. To provide SBA lease guarantee (Old Dominion Sugar Corp.), with amendment (Rep. No. 91-1612). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted Oct. 21, 1970*]

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 19333. A bill to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges, with amendment (Rept. No. 91-1613). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted Nov. 16, 1970*]

Mr. McMILLAN: Committee on District of Columbia. H.R. 18782. A bill to reorganize the government of the District of Columbia by establishing a Council of the District of Columbia to replace the Commissioner of the District of Columbia, and for other purposes (Rept. No. 91-1596). Part 2. Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 7444. A bill to repeal the Naval Stores Act (Rept. No. 91-1614). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 19402. A bill to authorize the Secretary of Agriculture to receive gifts for the benefit of the National Agricultural Library (Rept. No. 91-1615). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 19790. A bill relating to the income tax treatment of certain sales of real property by a corporation; to the Committee on Ways and Means.

By Mr. ABERNETHY:

H.R. 19791. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. FLOWERS:

H.R. 19792. A bill to amend the black lung benefits provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend those benefits to miners who incur silicosis in iron mines and surface coal mines; to the Committee on Education and Labor.

By Mr. JARMAN:

H.R. 19793. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK:

H.R. 19794. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge; to the Committee on Merchant Marine and Fisheries.

By Mr. MONAGAN:

H.R. 19795. A bill to amend section 2771 of title 10, United States Code, relating to final settlement of accounts of deceased members of the Armed Forces; to the Committee on Armed Services.

By Mr. RARICK:

H.R. 19796. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. REUSS:

H.R. 19797. A bill to amend the Economic Stabilization Act of 1970 to extend until the close of June 30, 1972, the authority of the President to stabilize prices, rents, wages, and salaries; and to limit any action taken to implement such stabilization to an effective period of not more than 180 days; to the Committee on Banking and Currency.

H.R. 19798. A bill to amend the River and Harbor Act of 1899 to authorize the Corps of Engineers to limit the unregulated dumping of materials in the ocean, coastal, and other waters, and for other purposes; to the Committee on Public Works.

By Mr. SCHWENGEL:

H.R. 19799. A bill to authorize the Secretary of the Army to investigate, plan, and construct projects for the control of streambank erosion; to the Committee on Public Works.

H.R. 19800. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG:

H.R. 19801. A bill to authorize a survey of the streams flowing through West Brazoria County Drainage District No. 11, Brazoria County, Tex., in the interest of flood control and allied purposes; to the Committee on Public Works.

By Mr. FULTON of Pennsylvania:

H.R. 19802. A bill to retain November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 19803. A bill to require disclosure of political campaign financing in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MINISH:

H.R. 19804. A bill to authorize the Secretary of Health, Education, and Welfare to make grants for treatment and rehabilitation centers for drug addicts and drug abusers, and to carry out drug abuse education curriculum programs, and to strengthen the coordination of drug abuse control programs by establishing the National Council on Drug Abuse Control; to the Committee on Interstate and Foreign Commerce.

By Mr. RARICK:

H.R. 19805. A bill to amend the Office of Education Appropriations Act, 1971, to make the assistance of U.S. marshals available to local authorities for the maintenance of order where plans of desegregation are being carried out in public elementary and secondary schools; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H. Res. 1262. Resolution authorizing expenditures incurred by the Special Committee to Investigate Campaign Expenditures to be paid from the contingent fund of the House; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H.R. 19806. A bill for the relief of Miss Ada Vergeiner; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 19807. A bill for the relief of Georges Bradu; to the Committee on the Judiciary.

H.R. 19808. A bill for the relief of Giacomo and Anna Moscatelli; to the Committee on the Judiciary.

By Mr. KARTH:

H.R. 19809. A bill for the relief of Mohamed Habeeb Haniff; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 19810. A bill for the relief of Vincenza Spinella; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 19811. A bill for the relief of Mrs. Alice J. Norton; to the Committee on the Judiciary.

By Mr. WAMPLER:

H.R. 19812. A bill for the relief of Sotillia Didakis; to the Committee on the Judiciary.

By Mr. WHALEN:

H.R. 19813. A bill for the relief of Sofia Papadimou Dimitroff; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII:

444. The SPEAKER presented a memorial of the Assembly of the State of California, relative to the Pinnacles wilderness area; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

622. By the SPEAKER: Petition of the Louisiana State Board of Education, relative to guidelines governing the emergency school assistance program; to the Committee on Education and Labor.

623. By the SPEAKER: Petition of Orville L. Cain, Grass Valley, Calif., relative to redress of grievances; to the Committee on Education and Labor.

624. By the SPEAKER: Petition of the twenty-third Saipan Legislature, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to termination of the trusteeship agreement for the trust territory; to the Committee on Interior and Insular Affairs.

625. By the SPEAKER: Petition of the Alaska Federation of Natives, Inc., Anchorage, relative to programs of the Bureau of Indian Affairs in Alaska; to the Committee on Interior and Insular Affairs.

626. By the SPEAKER: Petition of the Railway Labor Executives' Association, Washington, D.C., relative to appointment of members to a Commission on Railroad Retirement; to the Committee on Interstate and Foreign Commerce.

627. By the SPEAKER: Petition of the Supreme Lodge, Order of Sons of Italy in America, Philadelphia, Pa., relative to equal rights for men and women; to the Committee on the Judiciary.

628. By the SPEAKER: Petition of the 1970 Grand Jury, County of Los Angeles, Calif., relative to oaths of office; to the Committee on the Judiciary.

629. By the SPEAKER: Petition of William H. Roberts, Walla Walla, Wash., relative to redress of grievances; to the Committee on the Judiciary.

630. By the SPEAKER: Petition of the Humane Society of the United States, California Branch, relative to placing doves on the list of fully protected songbirds by legislative act; to the Committee on Merchant Marine and Fisheries.

631. By the SPEAKER: Petition of the Seventh Congress of the Republic of the Philippines, commending the American Legion for supporting the recognition of Filipino guerilla soldiers and veterans; to the Committee on Veterans' Affairs.

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EXTENSIONS OF REMARKS

SPEAKER McCORMACK PROVIDES EXCELLENT SUMMARY ON ACCOMPLISHMENTS TO DATE OF 91ST CONGRESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. EVINS of Tennessee. Mr. Speaker, I want to commend and thank you in the strongest possible way for the excellent summary and report which you provided in October on the accomplishments and achievements of the 91st Congress to date.

This report is factual and precise with depth and perspective—and is worthy of review and study by the press and the people of the country.

In this connection and because of the interest of my colleagues and the American people in this most important subject, I place the report in the RECORD for reprinting and commend it to the attention of all Members of the Congress and the country.

The report follows:

[From the CONGRESSIONAL RECORD, Oct. 14, 1970]

THE 91ST CONGRESS—A RECORD OF INITIATIVE AND INNOVATION

Mr. MCCORMACK. Mr. Speaker, last December in my statement in appraising the work of the first session of the 91st Congress, I stated:

"The House of Representatives during the first session of the 91st Congress has seized the initiative and been innovative in every significant area of legislation. Its record in this respect stands out in sharp contrast to that of the executive branch."

Mr. Speaker, the 10 months which have passed since then have witnessed the compilation of a unique record of legislative accomplishments which clearly demonstrates that not only was the congressional initiative and innovation of 1969 sustained during the second session of the 91st Congress, but that 1970 witnessed an even greater congressional dominance in the development and enactment into law of legislation designed to solve the major problems facing this Nation as we enter the decade of the seventies.

The paramount domestic problem facing this country during the past year has undoubtedly been the deteriorating state of our national economy. When President Nixon assumed office, unemployment stood at 3.3 percent. Latest Government figures indicate that unemployment is now officially recorded at 5.5 percent. Actually of course these figures do not fully reveal the seriousness of our situation. For in addition to those officially classified as unemployed, we must, to appreciate the full magnitude of our problem, add those workers—the elderly, the teenagers, the housewives, and others—who, having become discouraged by months of unsuccessful efforts to find a job, have withdrawn from the labor force. If one, in addition, takes into account the virtual elimination of overtime together with the drastic reduction in the length of the work week, it becomes even clearer that the American working man has suffered greatly because of the reestablishment of the same type of Republican economic policies which caused three recessions during the 1950's.

Unemployment and reduced paychecks prove but even more onerous when accompanied by sharply escalating prices for food, clothing, shelter, and other necessities of life. In addition to rising unemployment, this country has during the past year experienced the worst inflationary binge in two decades. The cost of living increased by more than 7.6 points during the first year of Republican rule. Eggs, fruit and vegetables, meat, poultry and fish—the "market basket" foods that make up the meals of Americans averaged a 5-percent increase in 1969. Medical care was 7 percent higher and the cost of credit and insurance rose by 11.5 percent. The price of all of these items has continued to escalate in 1970. The cost of living is now 10 percent higher than when President Nixon took office.

Traditional Republican laissez-faire economic philosophy has prevented the Nixon administration from moving effectively to deal either with inflation or unemployment. The record of the Democratic 91st Congress in the economic sphere justly enables it to claim a monopoly in efforts to grant the American people some relief from the twin burdens of higher prices and fewer jobs. Last December, in Public Law 91–151 we granted the President authority to impose selective and/or voluntary credit controls. If the President would but abandon his refusal to utilize this grant of authority, it would be possible to channel available credit into areas of high social priority such as housing and much needed community facilities. At the same time, the utilization of selective controls would make easier the abandonment of the present blunderbuss approach embodied in the current tight money policy, a policy which discriminates against consumers, small business, homebuilders, and the public sector of the economy.

This year, the Congress in enacting the Defense Production and Economic Stabilization Act, Public Law 91–379, granted the President discretionary authority to freeze prices, rents, and wages. This is a measure of unique importance. It is tailored to meet our present inflationary situation.

Mr. Speaker, this Nation is now in the grips of what economists term "cost-push" inflation. Most price rises today emanate from the monopolistic or semi-monopolistic giants which dominate a significant portion of the American economy. So strong are these monopolies, so great are their internal financial resources, that they are all but immune from the effects of a restrictive monetary policy. The prices they choose to charge are not set by the traditional supply and demand forces of the marketplace, but rather theirs is an administered price structure set on the basis of what the traffic will bear. As they raise their prices ever upward, labor is then compelled to ask for higher wages and an escalating spiral of inflation ensues. The effort by the Republican administration to counter this type of inflation by tight money and high interest rates has been a total failure.

The combination of standby wage and price controls given the President this session together with the credit controls authorized in 1969 does, however, give the President all the tools necessary to control this type of inflation, while at the same time providing for healthy economic growth. In this way, we will not need to rely exclusively on fiscal and monetary actions which place an inordinate burden on those segments of our society least able to bear them.

Mr. Speaker, in a further effort to return this Nation's economy to a sound basis and eliminate inflation, the 91st Congress acted in a careful and prudent manner in exercising its constitutional prerogatives as the guardian of the public purse. While administration spokesmen indulged in a great deal of talk about Government economy and the reduction of expenditures, it was the Congress which in reality acted to effect substantial reduction in Government outlays.

The House of Representatives, with the passage of the major defense appropriation measure last week, has now assured a substantial reduction of around $7 billion in the President's budget requests to this 91st Congress.

It is now indicated that around $1 billion will be trimmed this 1971 fiscal year from the budget requests sent to Congress by President Nixon. Congress last year—fiscal 1970—cut $6.4 billion from the President's appropriations budget requests. In all, the 91st Congress is expected to cut approximately $7¼ billion from the President's appropriations request for the 2 years. The President's budget requests for fiscal 1970 and 1971 were the two largest in history.

According to current estimates, the first 2 years of the Nixon administration are expected to produce the largest two successive real budget deficits in history, based on the administrative budget concept. The administrative budget is considered by many experts to be the "real" measure of comparison of Federal spending with revenue, since the unified budget concept now used in computing deficits includes the surplus in the social security and other trust funds. These funds are supposed to be held in trust by the Federal Government for their recipients. The big 1970 and expected 1971 deficits are attributable mostly to loss in revenues due to the recession and unemployment, plus excessive interest rates. Unprofitable businesses and unemployed workers pay no taxes.

The 91st Congress did move decisively during the past year in an endeavor to put the millions who have experienced joblessness as the result of Republican economic policies back to work. We passed the Emergency Community Facilities Act of 1970. This measure was based on a congressional finding that it was needed "to provide an effective and practical method of combating unemployment." It authorizes a billion dollars in Federal grants to local communities for needed water and sewer facilities. This measure was reflective of the traditional Democratic humanitarian philosophy exemplified in the statement of President Franklin Delano Roosevelt upon assuming office during the great depression that—

"The greatest tragedy about unemployment is that it should exist at a time when there are so many things which need to be done. Surely in a country as great as ours the means can be found to put the unemployed to work doing those things."

President Nixon, taking issue with the late President Roosevelt's humanitarian philosophy, sharply attacked the proposal and criticized Congress for having passed it, but having been advised that Congress would undoubtedly override any veto, permitted it to become law without his signature.

As an additional antirecession measure, the 91st Congress this year acted to reform and upgrade the unemployment compensation system. Public Law 91–373 extends program coverage to employers who employ one or more workers in each of 20 weeks or who have quarterly payrolls of $1,500, to certain agricultural processing workers and to certain employees of nonprofit organizations and institutions of higher education. These extensions will bring an estimated 4.7 million additional workers under the program. Most important, there is also established a new Federal-State program for extending unemployment compensation benefits during periods of above average National or State unemployment.

Crime, which has increased 29 percent during the past 2 years, is another major domestic problem facing this Nation. The concern of the people has been translated into legislation by this Congress. The passage last week of the organized crime bill, which also includes provisions against illegal gambling and the control of explosives, is the 14th anticrime bill passed by the House in this Congress. This is evidence of congressional concern, and further reflects the response of the Congress to the wishes of the citizenry who are demanding action to halt the rising crime rate.

Probably the most comprehensive anticrime measure approved in recent history was the Omnibus Crime Control and Safe Streets Amendments which strengthened the State Streets Act of 1968. This measure provides Federal funding for the frontline fighters of crime, the local and State police, and the courts.

Since crime control remains a local responsibility—and must remain basically a local responsibility—strengthening the forces most responsible for its control is the most effective way that the Federal Government can act against the rising rate of crime.

The House therefore approved $650 million for the Omnibus Crime Control Act, over the objections of the Nixon administration. It further approved an increase in the amount of Federal help over the next 2 years in the belief that strong local and State law enforcement is the place to start combating crime.

The House has now passed a comprehensive package of 14 anticrime bills, most initiated by Congress and supported by the administration. The measures approved include the omnibus crime control and organized crime bills mentioned earlier, plus drug control measures, court reorganization, the District of Columbia crime bill, bail reform, control of sex advertising, juvenile bill amendments, control of explosives, and control of gambling.

Mr. Speaker, congressional leadership was likewise dominant in the civil rights field during the past 2 years. A review of the legislative history of the Voting Rights Act—Public Law 91–285—clearly demonstrates the positive and progressive role played by the Democratic 91st Congress, and the lack of leadership evident on the part of the Nixon administration in this vtial area.

Chairman CELLER introduced H.R. 4249 providing for a 5-year extension of the Voting Rights Act of 1965 on January 23, 1969. The views of the Department of Justice were requested shortly thereafter. They were not forthcoming for several months. On April 30, Attorney General Mitchell was invited to testify on May 14. On May 14 at the Attorney General's request, his appearance was canceled and rescheduled for May 21. This appearance in turn was canceled at his request and so were appearances scheduled for May 28, June 5, and June 18. He finally appeared on June 26. The administration's voting rights proposal, H.R. 12695, which would have crippled the 1965 legislation and which no senior Republican member on the House Judiciary Committee was willing to sponsor, was finally introduced by the minority leader, Mr. GERALD R. FORD, on July 9 of last year. It was opposed by every pro-civil-rights group. Because the Republican Party chose to turn its back on Abraham Lincoln, the Ford bill was substituted on the House floor for the 5-year extension which had been reported by the House Judiciary Committee. On the key vote, Republicans voted 129 to 49 against a continuation of the Voting Rights Act, and thus against civil rights, while Democrats voted 154 to 79 in favor of a continuation of the Voting Rights Act and thus for civil rights.

Fortunately, however, the Senate subsequently amended H.R. 4249 to provide for a straight 5-year extension of the 1965 Voting Rights Act without crippling amendments. The Senate also added a provision lowering the voting age to 18 by simple statute effective January 1, 1971.

I had long favored giving the 18-year-olds the vote by simple statute feeling that this was well within Congress powers under the equal protection of the laws clause of the 14th amendment. I therefore strongly supported House passage of the Senate-approved bill. Regrettably, the President and the House Republican leadership exerted their influence and efforts against House approval of the 18-year-old vote and extension of the Voting Rights Act. Despite this, on June 17, 1970 the House voted to concur in the Senate amendments to H.R. 4249. On the key vote, ordering the previous question, Democrats voted 165 to 66 in favor of a continuation of the Voting Rights Act and granting 18-year-olds the vote. Republicans voted 117 to 59 against this progressive legislation. A majority of House Democrats thus supported a democratic extension of the franchise while a majority of House Republicans opposed such an extension.

The negativism of the Republican administration as contrasted with the positivism of this Democratic Congress is reemphasized when we examine the contrasting records in the environmental field. In 1969, we raised President Nixon's budget request for waste treatment plants from $214 million to $800 million. This year, President Nixon in his state of the Union message made a strong and fervent statement calling upon the Nation to act against water pollution. His budget message, however, failed to recommend the appropriation of a single dollar for waste treatment plants. In the Public Works Appropriation Act, Congress acted to match the President's rhetoric with action by providing a $1 billion appropriation for treatment plants, the largest sum ever appropriated for this program. The President only reluctantly signed this measure into law.

President Nixon recommended an appropriation of but $150 million for water and sewer lines. The Congress this year in the housing and independent offices appropriation bill—H.R. 17548—once again demonstrating its acute awareness of the needs in the water pollution area, raised this appropriation to $500 million, again the largest amount ever voted for this item. President Nixon, unfortunately, saw fit to veto this vitally needed appropriation. In the vote in the House to override the President's veto of H.R. 17548 on August 13, 1970, Democrats voted 181 to 40 in favor of overriding and against pollution while Republicans voted 155 to 23 to sustain and thus for pollution. As previously stated, the Congress also acted over administration opposition to increase the authorization for water and sewer lines in H.R. 17795, the Emergency Community Facilities Act, by an additional $1 billion.

The passage of the Water Quality Improvement Act of 1970 represented yet another example of congressional leadership in the antipollution field. Acting on their own initiative, Chairman FALLON of the House Public Works Committee, and Representative BLATNIK, the father of water pollution control legislation, introduced the Water Quality Improvement bill on January 23, 1969. The Nixon administration was not prepared to present its views on this much needed legislation until Secretary Hickel appeared before the House Public Works Committee on March 5. The subsequent legislative history of this subject makes it obvious that the executive branch was but an observer on the sidelines in developing what ultimately became the Water Quality Improvement Act of 1970. The measure was hammered out in the give and take of the House Public Works Committee as reported on March 21 and as passed the House on April 16 of last year. It passed the other body in October and was signed into law as Public Law 91–224 on April 3, 1970. In its basic thrust it follows that of the original Democratic measure as introduced last year. It amends the Federal Water Pollution Control Act to improve the means available to control the pollution of the offshore water and the rivers of the United States. It provides for control of oil and other sea-carried pollutants, sewage from vessels; acids and other pollutants from mines; and pollution from any federally operated sources. It also provides for research grants and a scholarship program for students for programs instituted by the Secretary of the Interior. It directs the Secretary of the Interior to make a study of any and all methods of financing the cost of preventing, controlling, and abating water pollution. Finally, it authorizes an appropriation of a total of $348 million for fiscal years 1970, 1971, and 1972 for these purposes.

The House of Representatives likewise gave clear evidence as to its concern with the many interrelated environmental problems which face this Nation and that Congress is increasingly called upon to deal with in passing H.J. Res. 1117 to establish a Joint Committee on the Environment. It would be composed of 11 Members of the Senate and 11 Members of the House. This body would be a non-legislative committee charged with the following functions: First, to make a continuing study of the character and extent of environmental change; second, to study methods, including financial and technical assistance, to foster harmonious relations between man and nature; third, to develop policies that would encourage maximum private investment in environmental improvement; and, fourth, to review any recommendation made by the President relating to environmental policy—including the environmental report required to be submitted pursuant to section 201 of Public Law 91–190.

The 91st Congress has likewise acted to curtail air pollution. The House on June 10, 1970, passed H.R. 17255, the Clean Air Act. This measure would establish national air quality standards due to pollution by automobiles, plants, fuels, and planes. It would authorize $220 million of Federal spending for fiscal year 1971 and further increase the funds to $250 million for fiscal year 1972 and to $325 million for the following 12-month period. It would also authorize the Secretary of Health, Education, and Welfare to set air quality standards on a nationwide basis for the five pollutants on which criteria has been published—sulfur oxides, particulate matter such as dust, carbon monoxide, hydrocarbons, and photochemical oxidants. Similar legislation passed the Senate on September 22, 1970, and is now pending in conference.

In the area of the environment, the 91st Congress has acted because we feel this country has to move more vigorously and rapidly in pollution control. Congress, here once again over the reluctance of the administration to recognize the necessity, demonstrated concern with a national problem of high priority. The administration abdicated leadership, but Congress acted.

The clear line of demarcation between the progressive philosophy of the Democratic 91st Congress and the unenlightened views of the present Republican administration has also been sharply drawn in the field of health. A Democratic measure to extend and liberalize the Hill-Burton Act was introduced early in February 1960. Proposed hearings were delayed several times on request of the administration. When the administration finally did appear to present its views late in March, it was able to offer only a few exceedingly broad and general suggestions as to proposed changes in the existing law. No draft bill or specific amendments were ever given the committee. In executive session, the admin-

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istration's proposals were rejected in toto and H.R. 11102, a clean bill, was reported on May 20 embodying modifications in the hospital construction legislation developed by members of the committee and perfected in the give and take of the committee's deliberations with almost no guidance or assistance from the administration.

The House on June 4, 1969, by rollcall vote of 351 to 0, passed H.R. 11102 extending the Hill-Burton Act for Hospital Construction and Modernization. It passed the Senate April 7, 1970, by a rollcall vote of 79 to 0. The conference report was approved by the Senate by a voice vote on June 8 of this year while the House gave its final approval 2 days later by a rollcall vote of 370 to 0.

Despite the unanimity of support in both Houses for this measure; despite the fact that the Hill-Burton program from its very inception a quarter of a century ago has enjoyed widespread support from the medical profession and the public at large; despite the fact that in the Congress there has been no program that has been less partisan in character; despite a need by the States for an additional 85,000 acute care hospital beds, 165,000 additional long-term beds, 893 public health centers, 872 diagnostic and treatment centers, and 388 rehabilitation facilities, together with a need to modernize some 450,000 acute and long-term care beds; and despite the fact that President Nixon had stated in July 1969 that the Nation faced a heatlh crisis and said the problem was one of not enough doctors and hospital beds—the President saw fit to veto this measure.

I am happy to record that both Houses of the Congress, being more fully cognizant of the Nation's health needs than the Nixon administration, voted to override the President's veto and this measure became Public Law 91–296. In the House on June 25, 1970, the vote was 279 to 98. Only three of the negative votes were cast by Democrats.

In line with its vote to override the Presidential veto of the Hill-Burton bill, the House in passing the Labor-HEW appropriation bill for fiscal year 1971 this year, more than doubled President Nixon's budget request for hospital construction raising it from $69 million to $182 million.

Mr. Speaker, the Federal Coal Mine Safety Act of 1969—Public Law 91–173—stands as another example of the quality of leadership in the field of health demonstrated by the 91st Congress. This measure will protect the health and safety of coal miners and combat the steady toll of life, limb, and lung which terrorizes so many unfortunate families. Here again, it was Congress that moved first and moved further than the recommendations of the President. The initial bills in this area were introduced early in January by Chairman Perkins of the Education and Labor Committee and Chairman Dent of the General Subcommittee on Labor. The administration's proposals were not transmitted until March. The measure which evolved through subcommittee and full committee stages, on the floor of the House and ultimately in conference, represented at every stage imaginative and dynamic legislative workmanship on the part of Democratic Members of the Congress. The Federal Coal Mine Safety Act can quite properly be deemed a milestone piece of health legislation. It is also, I might add, a milestone piece of labor legislation. It is the strongest Federal law ever enacted to protect miners at work. It will protect their health by setting limits on the amount of coal dust permitted in a mine. This dust is the cause of black lung disease which can prove fatal. The previous distinction between gaseous and nongaseous mines is ended and all mines will be required, according to an orderly schedule, to install nonspark electrical equipment to prevent explosions. In the future, it will be possible to further raise health and safety standards by administrative action without coming back to the Congress for additional legislation. A dust ceiling of 4.5 milligrams per cubic meter of air is imposed by the measure immediately and further reductions will be required within a year. Disability compensation is provided for miners suffering from black lung disease. Fines and jail sentences are provided for violations of the legislation.

Alarmed by the spread in recent years of many communicable diseases, the Congress in 1970 passed S. 2264, the Communicable Disease Control Act. The legislation authorizes the Secretary of Health, Education, and Welfare, to make grants to the States to prevent or control the introduction, transmission, or spread of diseases susceptible to vaccination or communicable disease control in the United States from foreign countries and from interstate and intrastate sources.

Once again, it proved to be necessary to overcome the vigorous opposition of the Republican administratilon. In the face of irrefutable evidence that present programs fall far short of effectively coping with such communicable diseases as measles, German measles, tuberculosis, whooping cough, and veneral diseases, the Secretary of Health, Education, and Welfare in a letter to the chairman of the House Interstate and Foreign Commerce Committee dated October 23, 1969 stated:

"In our opinion, legislation in this field is neither necessary nor desirable."

Despite the administration's negativism, the House of Representatives gave approval to the conference report on S. 2264 by a vote of 292 to 2, on September 28, 1970. The conference report cleared the Senate on October 1 and now awaits President Nixon's signature. I would hope, in light of the proven need and widespread support for this most meritorious proposal, that the President will see fit to approve it.

Mr. Speaker, the congressional leadership described earlier in regard to the national economy, environment, and health, has been equally evident in the vitally important area of education throughout the 91st Congress. H.R. 514 to extend the Elementary and Secondary Education Act was introduced by Chairman Perkins on January 3, 1969, and hearings commenced on January 15. Secretary Finch however was not prepared to testify until March 10, the last day of the committee hearings. H.R. 514 cleared the committee on March 18 and passsed the House on April 23, 1969, by a rollcall vote of 400 to 17. This measure was approved by the Senate on February 19, 1970, and became Public Law 91–239 when signed by the President on April 13, 1970. It is a tribute to the diligence, energy, and imagination of the gentleman from Kentucky (Mr. Perkins). This legislation extends and authorizes appropriations for the following programs of assistance for elementary and secondary education for 3 years through 1973: First, major programs of the Elementary and Secondary Education Act; second, the impacted areas program, including refugees and children in public housing; and third, adult basic education, including high school equivalency. It also extends for 2 years through 1972 provisions of the Vocational Education Act. In addition, it authorizes a study of the effectiveness of the allocation of ESEA title I funds, bonus pay for teachers in disadvantaged areas; special grants for districts with high concentrations of disadvantaged children; aid for gifted and talented children; programs for children with learning disabilities; a Student Teacher Corps; and a National Commission on School Finance.

In the actual appropriation of funds for education, it was the Democratic Congress once again rather than the Republican administration which proved to be progressive. President Nixon's budget for fiscal year 1970 had provided for a request of $370 million below that of the Johnson administration. Congress by way of contrast acted to increase the Nixon request by a billion dollars for education. Regrettably, President Nixon failed to share the concern of the Democratic 91st Congress as to the crying educational needs of the Nation because on January 26, 1970, he chose to place dollar values above human values and vetoed H.R. 13111, the Labor-HEW appropriation bill for fiscal year 1970. Because Republicans, who had previously voted to approve this needed appropriation for education, under political pressure reversed themselves, the House on January 28 voted to sustain the President's veto. Democrats voted 199 to 35 to override and thus in favor of education, while Republicans voted 156 to 27 to sustain and thus placed their partisan political loyalties above the educational needs of this country's schoolchildren.

This year saw a replay of the 1969 conflict between the pro-education 91st Congress and the anti-education Republican administration. The Congress in passing the appropriation bill for the Office of Education for fiscal year 1971—H.R. 16916—increased the President's budget request by some $425 million. Congress felt that this represented the absolute minimum needed by this country's schools to perform their mission. Despite the fact that in its passage through every step of the legislative process, the Office of Education appropriation bill received widespread support in the Congress, and had the strong endorsement of the education community, President Nixon chose once again on August 11, 1970, to turn his back on America's schoolchildren and their obvious educational needs for vetoing H.R. 16916. This time the pro-education forces of the Nation were able to muster sufficient strength and both Houses of the Congress voted to override the President's veto. The House vote was 289 to 114 in favor of overriding. Democrats voted 212 to 13 in favor of overriding and thus for education, while their Republican colleagues voted 101 to 77 to sustain and thus against education.

Mr. Speaker, when we turn to the subject of housing and urban development we find the same repetitive pattern. On the one hand we find a responsive and responsible Congress endeavoring to formulate and adopt programs tailored to the increasingly complex problems of our urban areas. On the other we find a Republican administration unimaginative and unresponsive characterized by a failure to provide leadership or demonstrate initiative, in this, as in areas previously discussed.

The record compiled by the incumbent Republican administration in the housing field has in effect been little short of a disaster. In January 1969, housing starts stood at 1.9 million. By August of this year they had declined to 1.4 million, a decline of over 25 percent. The whole thrust of the economic and housing policies pursued by the Nixon administration has been to frustrate the intent of the Congress in establishing as a national goal a decent, safe, and sanitary home for every American family.

The chaotic situation to which the housing industry has been reduced becomes obvious when we realize that we are now producing substantially fewer homes than the 2 million units built in 1950. This in the face of the fact that this Nation's population in 1950 was approximately 150 million while our current population is well over 200 million. The manmade depression foisted upon this Nation's housing industry has without doubt been a major contributing factor to the general recession from which this Nation now suffers. The half million fewer homes being produced now than when President Nixon took office have cost us about a million jobs, half of them on site and half of them on materials production. In an endeavor to reverse this downward trend in housing, Congress made available last year in the Housing and Redevelopment Act of 1969, over vigorous administration opposition, some $2 billion to the Government National Mortgage Association to purchase mortgages on low-cost FHA and VA housing. The President however has refused to utilize this authority.

This year, the House on July 20 passed H.R. 18253, likewise over vigorous administration opposition, authorizing the investment of some $3.5 billion of funds in the National Service Life Insurance Fund in VA mortgages. This most sensible proposal would make moneys, which our veterans have paid into their insurance fund, available for them—the veterans—to purchase homes. In addition, because of the higher yield on VA mortgages than that on the Government bonds in which these funds are now invested, the proposal would greatly increase the income of the trust fund. This measure is now pending in the Senate and is expected to be acted on shortly after we return from the current recess.

In addition, this year in the independent offices-HUD appropriation bill—H.R. 17548—the Congress voted to increase the President's request for urban renewal by $350 million, from $1 billion to $1,350,000,000. The Congress also raised the President's request for water and sewer facilities grants from $150 million to $500 million. Because of reductions in other programs the total increase in the bill over the President's budget request amounted to some $540 million. On the specious grounds that this exceedingly modest increase would greatly accelerate inflation, President Nixon vetoed H.R. 17548. This ill-advised veto by the President in the face of the well-established need to clean up the filth and stench of the ever-encroaching slums in our cities is reflective of the traditional Republican policy of disregard for the urban centers of this Nation. His opposition to the congressional desire to provide adequate funds for water and sewer facilities demonstrates that the Republican Party is as antagonistic toward the growing suburbs of the Nation, which are literally about to be engulfed in sewer pollution, as it is toward the inner cities. On August 13, 1970, the House voted to sustain the President's veto. Democrats voted 181 to 40 to override and thus for housing and urban development, while Republicans voted 155 to 23 to sustain and thus against housing and urban development.

Mr. Speaker, last year the 91st Congress, in Public Law 91–177, acted to extend for 2 additional years the Economic Opportunity Act of 1964. It authorized $2,195,500,000 for fiscal year 1970 and $2,295,500,000 for fiscal year 1971. This legislation also contained provisions strengthening Headstart, Follow Through, the manpower training program, Mainstream, and New Careers, and the emergency food and health service program. The successful 2-year extension of the war on poverty without crippling amendments was due exclusively to congressional efforts. Chairman PERKINS introduced legislation extending the antipoverty program for 5 years on January 3, 1969. He initiated 29 days of hearings before his full committee on March 24 taking testimony from witnesses representing all areas of the country. The administration's proposed 2-year extension was not transmitted and introduced in the House until June 3. Subsequently, however, Chairman PERKINS received no assurances that the Republican votes would be forthcoming to support the administration's own requested legislation against crippling floor amendments. He was forced to report out a 2-year bill without those assurances on November 6. When the bill was brought up on the House floor on December 12, a substitute proposal, giving the States complete control over the program and containing other emasculating amendments, received the all-out support of the House Republican leadership and the senior Republican on the House Education and Labor Committee. The crippling substitute was defeated by a vote of 231 to 163, Republicans voted 103 to 63 to emasculate the antipoverty program while Democrats voted 168 to 60 to sustain a continuation of the war on poverty.

The final version of this legislation worked out in conference followed the House measure in all major respects and was signed into law December 30, 1969

Regional development legislation was yet another area where congressional initiative was demonstrated. The initial bill providing for an extension of the Appalachian Regional Commission was introduced by the chairman of the House Public Works Committee, Mr. FALLON, on January 17, 1969. Because the Nixon administration was not prepared to present its views, it was not possible to start hearings until March 25. The Assistant Secretary for Economic Development in the Commerce Department, Mr. Robert Podesta, did not appear until near the conclusion of the hearings on April 17. The House Public Works Committee in executive sessions then fashioned a measure which extended the Appalachian Regional Commission as well as the other regional commissions established pursuant to title V of the Public Works and Economic Development Act.

The bill drafted by the Public Works Committee was a well-thought-out, balanced measure and passed the House by an overwhelming vote of 273 to 103 on July 15, 1969. Public Law 91–123 authorizes an additional $1,219,000,000 for regional economic development programs in fiscal years 1970–71. It extends the programs under the Appalachia Regional Development Act together with those five other multistate, regional commissions provided for in title V of the Public Works and Economic Development Act. The Appalachia highway program is extended through fiscal year 1973 and an additional $150 million was authorized for this program. Nonhighway Appalachia programs were authorized additional moneys amounting to $268.5 million: the five other regional commissions were given an authorization of $275 million.

The history of the Appalachian regional development bills in this body since 1965 is, I feel, an excellent case study of what happens to progressive legislative proposals. In 1965 when Appalachian legislation was first considered by the House, the record shows that a motion to recommit the bill on March 3 witnessed the Republican membership voting 92 to 44 in favor of recommital and then 109 to 25 against final passage. In 1967 when the question of extension was before the House on September 14, Republicans voted 143 to 17 in favor of recommittal and 123 to 35 against passage. In the 91st Congress I am gratified to report that when the House acted on this matter on July 15, 1969, Republicans voted 90 to 77 in favor—this time they did not even choose to offer a recommital motion. While the Republican record of support did not approach that of the Democrats who voted 183 to 26 in favor, it shows reluctant Republican acceptance that these regional programs must be succeeding and must be popular.

The same story is likewise true of the public works and economic development program which provides assistance for depressed areas. When the initial legislation was considered in the House on August 12, 1965, Republicans voted 115 to 0 in favor of recommitting the proposal. On final passage Republicans were recorded 93 to 31 in opposition. When H.R. 15712 providing for a 1-year extension of this program was considered in the House on June 8, 1970, it had become so noncontroversial that the bill passed on a voice vote and has become Public Law 91–304. Area and regional development thus follows in the path of so many other Democratic pieces of progressive legislation, social security, unemployment compensation, minimum wage, and so forth. At first they are violently and vociferously opposed by our Republican friends, then reluctantly tolerated and finally embraced.

The 91st Congress in 1969 enacted an across-the-board increase in social security benefits of 15 percent effective January 1, 1970, for the 25 million elderly people, disabled people and their dependents, and widows and orphans who now get monthly social security benefits. In addition, the increase would apply to those people who will come on the benefit rolls in the future. Minimum benefits for retired workers were increased from $55 to $64 while the maximum worker's benefits were increased from $218 to $250.

This legislation once again reflected a congressional rather than an Executive imprint. The President did not see fit to send a social security message to the Congress until September 25, 1969, and a draft bill did not arrive until September 30. Hearings were announced immediately by the chairman of the Ways and Means Committee to begin on October 15. The President earlier in the year had publicly suggested a 7-percent increase, then in his message recommended a 10-percent social security increase. The House Ways and Means Committee moved to raise this to 15 percent. Because of Democratic action, Republicans in the Congress joined in. Once again the administration followed congressional leadership.

In addition to last year's legislation, the House during the past session passed H.R. 17550, the Social Security Amendments of 1970. This measure would increase social security benefits by an additional 5 percent effective January 1, 1971, and further increase benefits thereafter as the cost of living rises. In addition, the tax base would be raised to $9,000 next January and further increased thereafter as earnings levels rise. It would also increase widows' benefits. This measure is expected to be acted on by the Senate in November.

Mr. Speaker, the single innovative proposal recommended by President Nixon's administration during the past 2 years has been the Family Assistance Act. Even in the case of this legislation, however, had it not been for substantial Democratic support, this reform would have not cleared the House of Representatives. When the proposal was brought up in the House on April 15, 1970, on the key vote on House Resolution 916 providing for the consideration of H.R. 16311, the family assistance bill, the vote was 205 in the affirmative as against 183 in the negative. Republicans deserted the President and voted 91 to 79 against welfare reform. Democrats, on the other hand, voted 126 to 92 for reforming welfare assistance. In addition, more Democrats than Republicans voted for the bill on final passage.

The Family Assistance Act would establish a new family assistance plan under which each family with children would be eligible for Federal assistance benefits equal to $500 a year for each of the first two members of a family, plus $300 for each additional member. The States would be required to supplement Federal benefits to insure that families would not receive less than they would have received under the State plan for aid to families with dependent children in effect in January 1970 or the poverty level, if lower. Adults in eligible families would be required to register for employment at the local employment office. Training programs under the Labor Department would be established for recipients. The Department of Health, Education, and Welfare would provide day care for children of mothers employed or in training under the program.

It would also combine the adult programs of aid to the aged, aid to the blind, and aid to the permanently and totally disabled into one program of aid to the aged, blind, and

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disabled with a $110 minimum payment to all recipients.

The 91st Congress placed on the statute books the most comprehensive tax reform measure in history. The Tax Reform Act of 1969 will provide tax relief by increasing the personal exemption and the standard deduction by providing a special tax-free allowance for low-income individuals, and by taxing single persons at lower rates than previously. It raised the personal exemption from $600 to $650 as of July 1, 1970. It will be increased to $700 for 1972 and to $750 for 1973. The present $1,000 standard deduction would be increased in stages to $2,000 by 1973. It includes a whole new concept in the tax law, a "minimum tax" aimed at preventing wealthy individuals or corporations from completely escaping the Federal income tax. The oil depletion allowance is reduced from 27½ percent to 22 percent.

The tax reform measure is another conspicuous example of congressional enterprise. The chairman of the Committee on Ways and Means announced on January 29, 1969, that he would hold extensive hearings on tax reform. Those hearings began on February 18. It was over 2 months later, on April 21, before President Nixon sent a message on the subject to the Congress. At that time, President Nixon said that "comprehensive" tax reform legislation would be submitted no later than November 20, very evidently indicating that even the President did not consider the April 21 message "comprehensive." An administration draft bill never was submitted.

Nevertheless, on April 22, hearings were held on the Nixon proposal. But the administration sent Under Secretary of the Treasury Charls Walker and Assistant Secretary Edwin Cohen to testify for Treasury—not Treasury Secretary Kennedy—thus indicating that the matter was not one of top priority. Hearings on the administration proposal were completed April 24. Subsequently, the Ways and Means Committee went into executive session and drafted its own tax reform proposal. It passed the House 394 to 30 on August 6, 1969. Even the House Republican leader hailed the bill as "the most sweeping tax revision and tax relief bill in the 56 years since the Federal income tax was first adopted." The administration, however, doubled-talked, seeking credit for originating tax reform, but telling special interest groups what they wanted to hear. Treasury Secretary Kennedy recommended amendments to the Senate Finance Committee which would have transferred much of the tax relief from the low- and moderate-income groups to the wealthy and the large corporations. These regressive proposals were rejected by the Senate and the progressive character of the House bill preserved through every legislative step to final disposition as Public Law 91–172, the Tax Reform Act of 1969.

Absence of firm and consistent Presidential leadership and support has likewise been evident from the very outset in our efforts to provide for the direct election of President and Vice President.

Chairman CELLER of the House Judiciary Committee on January 6, 1969, introduced a proposed constitutional amendment providing for the direct election of the President and Vice President. This was in response to the near constitutional crisis resulting from the previous year's presidential election. He commenced public hearings on February 5. President Nixon did not transmit his message on electoral college reform until February 24. I am informed that Attorney General Mitchell on at least three occasions requested a delay in appearing before the Judiciary Committee on the grounds that he was as yet not prepared to set forth the administration's proposals. He finally appeared before the Judiciary Committee on March 13 over 5 weeks after the commencement of hearings and almost 3 weeks after the submission of President Nixon's message. Only after the House had passed the direct election amendment. House Joint Resolution 681, on September 10, 1969, did President Nixon see fit to give it his endorsement.

That even this belated indorsement appears to have been more pro forma than real is clear from what happened in the Senate this year. Although a majority of the Senate favored the direct election of the President, their efforts to secure passage of this constitutional amendment were frustrated by a filibuster on the part of the minority opposed. Had the President provided leadership and support for this long overdue reform, I feel certain the two-thirds vote required to cut off the filibuster and secure its passage could and would have been obtained.

The House also on August 10 of this year by a rollcall vote of 352 to 15 passed another constitutional amendment, House Joint Resolution 264. It would guarantee equal rights for women. The amendment specifies that—

"Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions to enforce this article by appropriate legislation."

This Congress has passed a series of very important bills aimed directly at improving benefits for veterans of the Vietnam war and veterans of other wars. The administration has opposed practically all of this legislation. Early in the Congress work was begun on a series of improvements in the education and training program. Most important among these was a proposal to raise education allowances by about 35 percent. The administration first attempted to have consideration of this legislation deferred, and later, upon seeing that Congress would not accept such a recommendation, tried to limit the increase to 10 percent. Even though President Nixon had been complaining that Vietnam veterans were not utilizing the education and training program, he called the rate increase proposed by Congress excessive and inflationary and threatened a veto. Despite these attempts by the President to prevent improvement and expansion of the GI bill and its education program, Congress passed this legislation virtually without dissent and placed the President in such a position that he could do nothing but sign it.

Vietnam veterans who are injured in service receive service-connected compensation. Congress enacted legislation this year over the protests of the Nixon administration to grant an 8-percent cost-of-living increase to disabled veterans. The Nixon administration attempted to obstruct this legislation and urged that it be deferred.

Earlier in the session, the Nixon administration attempted to prevent cost-of-living increases for widows and children of Vietnam servicemen who died from service-connected causes and other veterans whose deaths were service connected. Congress took up consideration of this legislation early in the 91st Congress and passed it over the recommendation of the Nixon administration that consideration of the legislation should be postponed pending a study being conducted by the administration. Congress made adjustments in the compensation of surviving widows and children of veterans in line with cost-of-living changes and sent it to the White House despite the administration's objections.

In an effort to realine the life insurance program covering veterans and other servicemen, Congress passed legislation to raise the amount of coverage from $10,000 to $15,000. It should be borne in mind that this is a group life insurance policy and the veterans pay the premium. Despite this, the Veterans' Administration recommended against increasing insurance coverage for Vietnam servicemen exposed to combat hazards.

Before veterans conventions this year the Administrator of Veterans' Affairs commended President Nixon for signing two veteran bills, when actually they were not favored by the administration. The bill which raised grants to paraplegics for specially adapted housing from $10,000 to $12,500 was opposed on the basis that any increase in the amount was not warranted, even though the amount was set many years ago.

The increase in the VA direct loan amount from $17,500 to $21,000 was not favored by the administration and this opposition has continued. In its latest form, the administration has recommended against extending the direct loan program to veterans for the purchase of mobile homes.

Congress has been greatly concerned with problems relating to the veterans hospital program, and has voted $105 million in additional funds to solve some of the serious problems confronting the medical and hospital program. The bill bearing this appropriation was vetoed by the President. Seventy-five percent of House Democrats voted to override, while 87 percent of House Republicans voted to sustain the veto of this appropriation so necessary for our sick and disabled veterans.

The administration opposition to veteran legislation has not been restricted to legislation involving Vietnam veterans. The administration has also opposed legislation designed to benefit elderly veterans. The administration has opposed a bill designed to prevent elderly veterans receiving a pension from experiencing a loss in their pension as a result of the 15-percent social security rate increase voted by the Congress effective in April of this year. Despite the opposition of the administration, the House passed this legislation and it is now in the Senate. Another bill aimed at solving problems of the elderly was the bill to permit any war veteran age 65 or over to enter a VA hospital without signing the oath of inability to pay, or the so-called pauper's oath. The administration opposed this legislation but it has passed the Congress and is now awaiting the President's signature. I hope he will approve this meritorious bill.

President Nixon's veto on October 12, 1970, of the political broadcasting bill, S. 3637, was a serious mistake. This veto should it be sustained by the Congress will, I feel certain, have far-reaching antidemocratic implications. It has become clear in recent years that the television media is by far the most effective political campaign device. There have been obvious examples where candidates were able to secure victory because they possessed the financial resources to blanket the airways. Our democratic system simply cannot tolerate candidates of either party buying an election through excessive expenditures on election advertising. We simply cannot permit packaging and selling of candidates like so much laundry soap if we are to retain a valid election process. I consider the passage of the political broadcasting bill one of the most important measures to receive the approval of the 91st Congress. It is the most significant legislation ever passed on election spending. It was approved by overwhelming majorities in both Houses of the Congress.

S. 3637 had a threefold purpose:

First, it repealed the equal opportunities provisions of the Communications Act of 1934 with respect to candidates for President and Vice President. This would permit the broadcast networks to donate free time for debates between major candidates for President as occurred in the Kennedy-Nixon campaign in 1960.

Second, it reduced the rate which broadcast stations may charge legally qualified candidates for public office for the use of broadcast time.

Third, it established reasonable limits on the amounts which may be spent for broadcast time by candidates for President and Vice President for general elections and by other candidates for major elective office—U.S. Senator, U.S. Representative, Governor, and Lieutenant Governor—for primary and general elections. The States could elect by law, to place candidates for State and local office under the provisions of the legislation.

In 1970 with little or no opposition the Congress passed S. 3154 to continue and expand the Urban Mass Transit Act of 1964. This year's legislation will provide $3.1 billion in Federal grants over the next 5 years to local communities for their mass transit systems. It has been hailed by the Secretary of Transportation and other Republican spokesmen as a major achievement of the Nixon administration. I welcome, even at this late date, the support of the Republican Party for mass transit. Candor, however, requires me to recall that in 1964 when we Democrats were, against great odds, laboring to pass the original mass transit bill, Republican support was exceedingly limited. On June 25, 1964, Republicans voted 135 to 33 to recommit—kill—the mass transit measure, and on final passage, they were recorded 128 to 39 in the negative. Democrats, by way of contrast, voted 181 to 55 against recommittal and 173 to 61 for passage. Mass transit thus joins that vast array of legislation on the statute books which was pushed through the Congress by the Democratic Party over the vigorous opposition of the Republicans, yet has now not only become accepted but actually enthusiastically embraced by the Republicans.

In the field of banking, the major legislation considered by the 91st Congress was undoubtedly H.R. 6778 amending the Bank Holding Company Act of 1956. As passed by the House, H.R. 6778 would place single-bank holding companies under the regulating authority of the Federal Reserve Board, by extending the Bank Holding Act of 1956 to apply to such institutions. They had been specifically exempted in the 1956 law. The bill also authorizes the Federal Reserve Board to rule on the types of nonbanking business interests that bank holding companies may acquire. It prohibits bank holding companies from engaging in certain businesses, such as insurance, travel agencies, accounting, data processing and equipment leasing. It requires the single-bank holding company formed after the enactment of the 1956 law to divest itself of all nonbanking interests. Finally, the legislation changes the Bank Holding Company Act of 1956 by defining a banking holding company as one which actually controls a bank rather than one which owns 25 percent of the voting stock.

House passage of H.R. 6778 in 1969, probably the most important banking legislation we have approved in a generation, was clearly the product of congressional rather than administration leadership. Chairman PATMAN, of the Banking and Currency Committee, introduced H.R. 6778 on February 17, 1969. Reports were immediately requested of all the relevant executive agencies. They were extremely tardy in responding, the report from the Treasury Department not arriving until April 16, the day after public hearings had commenced. The administration submitted a draft bill only after Chairman PATMAN announced that public hearings would commence on April 1 with or without administration recommendations. At administration request, they were further delayed until April 15. When Secretary Kennedy testified on the bill on April 17, he refused to endorse many of the key features of the Patman bill. The strong measure which ultimately passed the House was due to the Democratic Party under the able leadership of Chairman PATMAN, the administration throughout playing a negative and indecisive role. In pushing through H.R. 6778, the House Democratic majority took a decisive step to preserve the free enterprise system by protecting consumers and small businessmen from the monopolistic encroachment of bank holding companies.

H.R. 6778 passed the Senate on September 11, 1970, and is now pending in conference.

Mr. Speaker, the 91st Congress in 1970 passed the first congressional reform bill in 24 years. H.R. 17654 passed the House on September 17 by a vote of 326 to 19 and the Senate on October 6 by a vote of 59 to 5. This measure, now awaiting President Nixon's signature, would afford the public a greater opportunity to observe the operations of Congress by encouraging more open committee meetings and requiring that all committee votes be made public, allowing television coverage of committee hearings, and providing that teller votes in the Committee of the Whole be recorded, thus ending the secrecy surrounding Members' positions on important amendments. It would also expedite House proceedings by allowing all House committees to sit without special permission when the House is engaged in general debate, dispensing with the reading of the journal and allowing quorum calls to be ended after a quorum is established. H.R. 17654 would protect the minority by writing into the rules a specific time period for minority views to be added to a committee report, permitting the minority members of a committee to select two of the committee's six professional staff members, authorizing minority members to call witnesses of their choosing during at least 1 day of hearing on a measure, and requiring that debate on a conference report be equally divided between the majority and the minority sides. The bill would also provide that a committee report on a bill and committee hearings on appropriations bills must be available at least 3 days before the House votes on the bill. It would require that there be 10 minutes debate on any amendment offered on the floor which had not been printed in the CONGRESSIONAL RECORD at least 1 day prior to consideration. A conference report would have to be available 3 days before the House votes on its adoption.

Mr. Speaker, the 91st Congress, in enacting the Legislative Reorganization Act of 1970, has taken a major step in updating the congressional process and making it more responsive to the public will. It has also effectively answered those of its critics who had charged that it was an outmoded institution incapable of adjusting its rules and procedures so as to cope successfully with this Nation's problems of the 1970's. For in passing H.R. 17654, that is exactly what it has accomplished.

This, then, has been the record of the 91st Congress. Its hallmark, I believe, has obviously been innovation and initiative. To an extent unprecedented for at least a generation, the past 2 years have witnessed the legislative branch of our Federal Government replacing the executive in moving forward decisively in all major areas of legislative activity. Such has been the case in anti-inflation and anti-recession legislation, the areas of electoral college reform and tax reform, in civil rights and education, the providing of benefits for our veterans, and many others, including proposals in the fields of health and housing and the environment. It was in hearings before the legislative committees of the Congress that new ideas were developed and then, in the give-and-take of executive drafting sessions, hammered out into specific legislative proposals.

The leadership supplied by the administration in practically every major domestic area bordered on the nonexistent. The transmission of Presidential messages to the Congress on most subjects was exceedingly tardy. While these official communications were often preceded by a barrage of statements and press releases from the White House, the reduction of Madison Avenue-ese to the more traditional language of Presidential messages apparently often perplexed and defied the ability of presidential writers for weeks and even months on end. In addition, when the Congress was ultimately the recipient of some form of official communication from the Executive on a given subject, an additional lengthy period of time would almost invariably elapse before a draft bill embodying the President's proposals made its way to Capitol Hill. In a number of important areas, moreover, such draft bills apparently were lost somewhere in the bureaucratic maze of the executive branch and never successfully navigated the mile and a half trip from the White House to the Capitol. Under these circumstances, unaccustomed as they were to writing legislation on the basis of press releases, congressional committees found their tasks exceedingly difficult. When the drafting stage was reached in the case of many bills, the contribution of the department supposedly charged with its sponsorship, was generally limited to informing the committee on technical matters. Bureau chiefs, general counsels, Assistant Secretaries, Under Secretaries, and even Secretaries, were of markedly little assistance to the members of ours legislative committees in the policy area, in defining the limits to which administration proposals might be modified or compromised, yet still meet the general objectives sought after by the administration. The story was much the same at each stage of the legislative process. When the end of the road was finally reached, after the legislative wheels had turned and the final product was presented to the President for his approval, in all too many cases, particularly if the meausre dealt with some humanitarian subject such as health or housing, or education, our efforts were doomed by a Presidential veto.

My congratulations, therefore, to the chairmen of the legislative committees of the House, as well as to the Democratic members of those committees who, under the most trying and frustrating circumstances, have labored so long and so effectively in producing a body of legislation which is extremely noteworthy both as to the amount of its quantity and as to the level of its quality.

The 91st Congress to date under the leadership of the Democratic Party has made an outstanding record in the service of our country and of our people, and warrants the strong appreciation and support of the electorate.

FESTIVAL AT FORD'S

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Monday, November 16, 1970

Mr. JAVITS. Mr. President, I had the pleasure and honor this morning to be host to a reception and luncheon for a stellar cast of the Nation's top performers who are in Washington this week for Ford Theater's "Festival at Ford's"—a special performance at Ford's Theater on November 18, to be telecast on Thanksgiving night, November 26. With me this afternoon were Andy Williams, Tennessee Ernie Ford, Bobbie Gentry, Pearl Bailey, Henry Mancini, The Supremes—Mary Wilson, Cindy Birdsong, Jean Terrell, and Mr. and Mrs. James Stewart, as well as Producers Patricia Rickey, Mr. and Mrs. Bob Henry, and Jim Loakes, Jean DiMaio, Wayne Weisbart, and Mrs. Don "Frankie" Hewitt.

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The festival is a real tribute to the performing arts, human understanding, and communication, and to Ford's Theater.

I ask unanimous consent that there be printed in the RECORD the press releases issued by Ford's Theater describing these events.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FESTIVAL AT FORD'S

WASHINGTON, D.C., Nov. 13.—Festival at Ford's, a star-spangled salute to America's music will present a stellar cast of the nation's top performers before an invited audience of government dignitaries, and patrons of the arts from all parts of the country at 8 p.m. November 18 at historic Ford's Theatre in the Nation's Capital.

President and Mrs. Nixon have expressed their hope to attend, thus becoming the first Presidential family in 105 years to view a performance at America's most historic theatre. The First Lady is serving as Honorary Chairman of the "Festival." Mrs. Dwight D. Eisenhower, whose husband as President signed the legislation in 1954 which initiated the more than $2 million restoration of the theatre, also plans to attend.

In a message to Ford's Theatre Society, President Nixon wrote that music ". . . is a most powerful and persuasive international language. It furthers human understanding and fosters the kind of communication which can lead to peace and progress among men and nations."

Secretary of the Interior Walter J. Hickel, whose Department through the National Park Service oversees the unique 740-seat theatre, a building where he says "one nevers feels a stranger," personally helped to recruit the cast. He and Mrs. Hickel, "Festival" National Chairman, will be joined by other Cabinet members and their wives including Secretary of the Treasury and Mrs. David M. Kennedy, Secretary of Labor and Mrs. James D. Hodgson, Secretary of Agriculture and Mrs. Clifford M. Hardin, Secretary of Health, Education and Welfare and Mrs. Elliott L. Richardson.

Television star Andy Williams will be "Festival" host, and veteran actor James Stewart, narrator for the program which will also feature Pearl Bailey, Tennessee Ernie Ford, Bobbie Gentry, Henry Mancini, The Supremes and Dionne Warwick in a salute to two centuries of America's music—from folk to rock. Bob Henry, currently producer of the successful Flip Wilson comedy series, adds "Festival at Ford's to his many credits.

A one-hour special telecast of the "Festival" is scheduled to be shown Thanksgiving night, Thursday, Nov. 26, at 8:30 EST on NBC–TV.

Following the "Festival," members of the cast will be honored at a gala reception, hosted by the Ford's Theatre Society Board of Governors, in the Lincoln Gallery at the National Collection of Fine Arts, located at Eighth and G Streets, only a short walk from Ford's Theatre. The reception will take place in the same elegant surroundings as President Lincoln's second Inaugural Ball and banquet of March 6, 1865.

Guests will enjoy musical selections by American symphonic composers performed by the Dupont Consortium, under the direction of Frank Roberts. The National Collection of Fine Arts, under the directorship of Dr. Joshua Taylor, contains more than 11,000 pieces of traditional and contemporary American art.

Mrs. Don Hewitt, President of Ford's Society, the non-profit organization mandated by the Department of the Interior to help turn the theatre into a "living" memorial to Lincoln's interest in the performing arts, announced that the American Gas Association, through its advertising agency, J. Walter Thompson, has subscribed $100,000 to help Ford's establish an American drama production fund.

The Society, through its Board of Governors and interested patrons, hopes to raise an additional $150,000 to underwrite low cost student tickets for interested younsters who come to Washington each year from all parts of the country. The Society plans to start a commissioning program of new dramatic works by American writers with emphasis on productions of historical relevance.

"We hope that our festival will give the American people a chance to share an awareness of this unique century-old theatre which thrives today in the Nation's Capital," said Mrs. Hewitt who has served Ford's since it was ". . . just a hole in the ground with four walls."

Mrs. Walter J. Hickel said the Society hopes to expand the student ticket program. "This season we expect to have 15,000 to 20,000 students come to see a play at Ford's, the majority of whom have never before seen a professional production of a play. It is our aim to make it possible for these young people to have an opportunity to see major American plays for approximately the same amount that they would spend going to a first-run movie."

The Ford's Theatre Society Board of Governors under the Chairmanship of C. William Verity, Jr., Pres., Armco Steel Corp., Middletown, Ohio, includes American business leaders and patrons of the arts: E. E. Trefethen, Jr., Pres., Kaiser Industries Corp., Oakland, California; D. R. McKay, VP, IBM, Armonk, N.Y.; Thomas E. Wilshire, Jr. Exec. VP, Western Pennsylvania National Bank, Pittsburgh, Pa.: David P. Reynolds, Exec. VP, Reynolds Aluminum, Richmond, Va.; Dr. Armand Hammer, Chrm. of the Bd., Occidental Petroleum Corp., Los Angeles, Calif.; O. P. Thomas, Chrm. Exec. Comm., Atlantic Richfield Corp., New York, N. Y.; Charles A. Dana, Jr. of New York City; Gregory S. DeVine, Pres., the Chesapeake & Ohio Railway Co., Cleveland Ohio; Willard F. Rockwell, Jr., Pres., North American Rockwell Corp., Pittsburgh, Pa.; Dan Seymour, Pres., J. Walter Thompson Co., New York, N. Y., Sanford D. Greenberg, Chrm. of the Bd., EDP Technology, Washington, D. C.

President Lincoln, who went to theatrical performances 40 times during his White House residency, attended Ford's 10 times. He was interested in the performing arts and helped Ford get the lumber to rebuild his theatre.

The beautiful building, authentically restored as an historic site by the National Park Service, was reopened on February 12, 1968 for the first time as a theatre since the assassination of President Lincoln took place April 14, 1865. The Lincoln Museum is located on a lower level of the theatre at 511 Tenth Street in downtown Washington.

BACKGROUND INFORMATION ON FORD'S THEATER

Ford's Theatre is a national historical site owned and maintained by the government. To my knowledge, it is the only theatre owned by the government. Ford's Theatre Society is the tax-exempt, non-profit organization given the responsibility—through a co-operative agreement with the Department of the Interior—for perpetuating living theatre in this beautifully restored historic building.

When Ford's Theatre was reopened in early 1968—after being "dark" for more than a century—it was dedicated as a living memorial to Abraham Lincoln's love for the performing arts. Of all our Presidents, Lincoln was the one who most consistently demonstrated his interest in the performing arts by his regular attendance at the theatre, opera, musicales and variety shows. (Historians have documented at least 40 such events he was known to have attended while serving as President. In fact, in the midst of the Civil War, President Lincoln helped John Ford secure hard-to-get materials to construct the new Ford's Treatre because he felt that the besieged capital needed a place to find respite as he, himself, did.)

The theatre was reopened in January, 1968, with an all-star salute to Lincoln's love for the performing arts featuring Helen Hayes, Fredric March, Robert Ryan, Andy Williams, Henry Fonda, Harry Belafonte, Richard Crenna, Odetta, Carmen de Lavallade and Patricia Brooks. It was shown on the CBS–TV network as a news special, sponsored by the Lincoln National Life Insurance Company which made a large grant to the Ford's Theatre Society so that we could launch the program of live theatre at Ford's.

Using that highly successful event as a precedent, we have planned the November 18th "Festival at Ford's" as the first in a series of annual programs honoring specific areas of the American performing arts. This first show will be a salute to America's music in which the leading artists who best represent each category of American music have been asked to perform for an invited audience of Capital dignitaries, American business leaders and leading representatives of the American performing arts.

Television cameras will record the event and a one-hour special telecast has been scheduled for Thanksgiving night, Thursday, November 26, on NBC–TV. The telecast will be sponsored by the American Gas Association, which has subscribed $100,000 to the Ford's Theatre Society for television rights. The Society will use these funds to start a revolving production fund for the theater, to help finance a low-cost student ticket program for the thousands of youngsters who come to Washington each year from all over America and to start a program of commissioning new dramatic works by American writers with particular emphasis on material that has historical relevance.

TRIBUTE TO COUNCILMAN JOHN S. GIBSON, JR.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. ANDERSON of California. Mr. Speaker, I rise today to recognize and pay tribute to a man who has devoted his life to the betterment of his country, his community, and his fellow man.

On November 22, the San Pedro B'nai B'rith Lodge No. 1106 is recognizing Los Angeles City Councilman John S. Gibson, Jr., as the "Man of the Year." The many years of Councilman Gibson's outstanding public service have been marked by an unsurpassed record of achievement. I wish to take this opportunity to trace the steps that led to Councilman Gibson's selection as the well-deserved recipient of this coveted award.

The year 1923 was especially significant to Councilman Gibson, for in that year he was married to the former Mina Workman, and he was elected mayor of Genesco, Kans.—at the time, he was the youngest mayor in the United States. In addition, he served as city police judge.

Councilman and Mrs. Gibson's two children: Mrs. Marlyn Buehler and Mrs. Dixie Blackwelder—have blessed them with 10 grandchildren.

While his roots are in Kansas where he attended high school and college, he has long adopted San Pedro as his home. In 1935, 8 years after coming to San Pedro, he was the founder of the first Boys Club of California. In 1936, Councilman Gibson was honored by the National Junior Chamber of Commerce as the recipient of the Distinguished Service Award.

He was recognized for his work with youth by receiving the Distinguished Service Award from the Civitan Service Club International in 1938.

From 1935 through 1937, Councilman Gibson served as vice president of the California State Junior Chamber of Commerce. He served with distinction on several committees.

From 1951 to the present, John Gibson has served on the Los Angeles City Council. For 8 of those years, he was selected by his colleagues to the presidency of the city council—a position he now holds.

From 1954 to 1960, he was the president of the California-Israel Chamber of Commerce.

An activist in his church as well as other civic organizations, Councilman Gibson is a member of the Board of Deacons in the First Baptist Church of San Pedro. In addition, he served as vice president, Pacific Southwest Youth for Christ in Los Angeles.

Councilman Gibson is a charter member of the Los Angeles 10th District, National Congress of Parents and Teachers; a member of the Al Malaitan Shrine; and a member of the San Pedro Lodge No. 966 of the BPOE.

Mr. Speaker, it is with great pride that I recognize Councilman John Gibson and pay tribute to his record, and to his public service. It is, indeed, an honor to endorse his selection as "Man of the Year."

PUBLIC APPROVES ANTIPOLLUTION PROPOSALS—EDITORIALS REVIEW ENVIRONMENTAL CHALLENGES

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, November 16, 1970

Mr. RANDOLPH. Mr. President, among the other results of the 1970 election was a resounding endorsement by the American voters of efforts to clean up the pollution that is adversely affecting our country.

Questions relating to the environment were on the ballots in a number of States and localities. The public response to these requests for money to fight environmental contamination was overwhelmingly favorable. This reaction is even more indicative of the public mood when we realize that bond issues and financing questions for other public purposes continued to receive lukewarm voter approval.

I have said frequently that the American public is willing to pay its share of the admittedly high cost of a clean environment. The action at the polls on November 3 certainly is proof that our people are ready to support their demands for environmental action with the cash outlays necessary to do the job. Voter approval of antipollution proposals is gratifying, not as it proves the validity of my observations, but as a demonstration once again of the desire of the American citizenry to meet critical issues directly.

Our citizens are serious about the environment. They have had enough of the neglect and abuse of our natural surroundings, and they want immediate, effective action.

Mr. President, the environmental questions we face were recently discussed in two editorials in the Washington Post. I ask unanimous consent that they be printed in the Extensions of Remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 9, 1970]

THE NEW ENVIRONMENTAL JOB

Washington is so crowded with departments, agencies, bureaus and commissions that another addition to the list is hardly noticed. Accordingly, when the Environmental Protection Agency was created last July in a presidential reorganization, most people probably did not notice. They should have, because EPA could well become a major force in the seventies for the protection of America's land, air and water and, in direct extension, for the protection of all of us. EPA is now topical because of the appointment Friday of William D. Ruckelshaus to head it. Mr. Ruckelshaus, 38, has a competent record at the Justice Department where he ran the civil division. In his native state of Indiana, he wrote the air pollution law of 1963 and later prosecuted violators.

The Environmental Protection Agency, with a budget of $1.4 billion and work force of nearly 6,000, will be independent of any cabinet department. It will combine environmental programs now scattered throughout five separate agencies—for example, the Federal Water Quality Administration now in Interior, the National Air Pollution Control Administration now in HEW, the presticide programs now in Agriculture. One reason the environment has been so easily polluted is that the Federal enforcement muscle was flat and spread out—there, perhaps, but with no pull or punch.

The recent report of the Council on Environmental Quality shows just how simple it was for an industrial polluter to evade the law: "A manufacturing firm (in New Jersey) was required by court order to control air pollution pouring from the stacks of one of its large factories. The firm installed control devices which converted the gaseous wastes into a liquid. But then the wastes were dumped into a nearby river, and the firm is now back in court for violating water quality standards." The EPA will not guarantee a total end to such tricks, but its centralized enforcement power will considerably tighten up the loopholes.

Regardless of how strong the new agency is on paper, an aggressive man at the top means almost everything. The pressure on Mr. Ruckelshaus will be immense—from politicians who are committed only rhetorically to anti-pollution, from businesses which ask for "more time" before obeying the law, from the lone citizen who has nowhere else to turn. The anti-pollution movement must now go beyond promises and speeches. Our land, air and water are in such critical conditions that we have a clear choice—make a breakthrough or suffer a breakdown.

[From the Washington Post, Nov. 10, 1970]

ELECTION AFTERTHOUGHTS: THE ENVIRONMENT ISSUE

It's always difficult to sort out one issue in a national campaign and generalize about it. But there was fresh evidence last week that the environment has become a matter of more than just talk. The evidence comes primarily from the votes cast on bond issues and from the promises of politicians, although the environmentalists and conservationists also point with considerable elation at the outcome of at least two specific races for public office. What all this suggests is that the public has taken the problem of pollution to heart and is willing to put up some money for corrective and preventive efforts and that the politicians know it.

The bond issues are exhibit A. In 1968, the voters approved only about half of the issues submitted to them. In 1969, the percentage approved dropped to one-third. Last week, the approval rate went up to about 75 per cent, thanks to the high level of support given to issues for sewer projects, recreation areas and so on. The closed pocketbook attitude of the voters in the two previous years was still reflected where governments asked for bonds for educational purposes; about half of those requests were defeated.

The range of projects approved was tremendous. Maine's voters authorized a $4 million bond issue to aid in cleaning up oil spills. Illinois' voters approved $750 million for attacking water pollution, mostly with sewer construction, although two years ago they turned down a $1 billion proposal to fight water and air pollution. California voted for $310 million in two sets of bonds, one for cleaning up water and one for recreation and wildlife purposes.

There are other bits of evidence in the election returns, although on non-bond issue questions the record is spotty. Virginia and Rhode Island adopted constitutional provisions aimed at improving conservation practices. Maine and Nebraska adopted new categories of land-use taxation aimed at preserving green space. Oregon adopted restrictions on shore-line developments. But in Washington a proposal to ban nonreturnable containers was beaten as was a proposal in California to authorize the use of some of the funds raised by the gasoline tax for fighting smog and helping rapid transit.

The two candidates whose defeat the conservationists particularly hail are Gov. Don Samuelson of Idaho and Rep. George Fallon of Maryland. Samuelson was a target because of the support he gave to open pit mining and the effort poured into that state by conservationists is given some of the credit for his defeat. Fallon, a favorite of the highway lobby, was beaten in the primary in which his opponent received substantial financial help from conservationists.

Perhaps more important, however, is the degree to which politicians saw the need to be on the side of antipollution measures. Congressional Quarterly reported before the election that 92 per cent of the candidates for the Senate and 75 per cent of those for the House favor creating a federal pollution board with power to close industrial plants which discharge dangerous pollutants. It also said that 72 per cent of the senatorial candidates and 65 per cent of the House candidates favor banning the internal combustion engine if the auto industry can't figure out a way to decrease its polluting impact within the next few years. Indeed, House Minority Leader Gerald Ford saw fit to rest his support for tax exemptions for public service law firms—support given just before the election—on their role in helping to clean up the environment.

Put all that together and it looks, at long last, as if the country is ready to do something about the dirty air, dirty water, junkyards, garbage piles, and so on that are turning a magnificent country and countryside into a wasteland.

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OF SAINTS AND STRANGERS—THE COMING OF THE PILGRIMS—PROLOG: LAND HO

REMARKS

OF

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. BRAY. Mr. Speaker, the ship rocked softly in the predawn ground swell, becalmed, for there was as yet no wind. To the west, darkness still shrouded the sky; to the east, the first faint glimmer of daylight flickered, then gathered confidence and poured over the horizon.

It was the beginning of the 65th day of the voyage. Capt. Christopher Jones and Master's Mate Clark peered anxiously over the rail. The water had changed from blue to emerald; Clark had been to Virginia the year before and to his eye it was a sign land was near. The sounding of the day before had shown no bottom at 100 fathoms, but Captain Jones' noon sight had shown him very near to the 42d parallel of north latitude which was that of Cape Cod. So head her west, and keep her steady; by now the sun was up and the letters "*Mayflower* of London" stood out sharp and clear on the stern.

Now the slack sails began to billow out from the masts as the morning east wind gathered and blew. Jones snapped orders; the morning watch tumbled to the deck; the lookout man dashed aloft; and the leadsman swung out the lines for sounding. "Bottom at 80 fathoms, sir," and almost before Captain Jones grasped the reality that he had at last reached the shelf of the American continent, a cry rang from the maintop that thrilled the ship: "Land ho. Two points on the weather bow."

There it lay ahead, stretching to north and south, as far as they could see. It was 7 o'clock in the morning, November 19, 1620. William Bradford wrote years later that "they were not a little joyful."

The Pilgrims had with them the Psalter, with music. In it was "Old Hundredth," written for one voice. Very possibly, on that morning, for the first time, its words rang out over the Atlantic:

> Showt to Jehovah all the earth,
> Serv ye Jehovah with gladnes,
> Befor him come with singing mirth,
> Know that Jehovah he God is.

The voyage was over.

OUR SPIRITUAL ANCESTORS

It is often hard to say exactly when a country's history began, but I am sure, for most Americans, that our country started with the arrival of the Pilgrims in 1620. November 21, 1970, will mark the 350th anniversary of the day the *Mayflower* dropped anchor in what is now Provincetown Harbor, Cape Cod. Plymouth Rock, it has been accurately noted, looms upon the American horizon like Gibraltar. Whether the Pilgrims really landed on it or not—they probably did not—makes no difference. The symbolism of the rock and of that tiny group of 102 men, women, and children, is of probably greater significance to the American Republic than any other single event in our history. And, it is safe to say, probably in the history of no other country did such an act by so few assume such great significance in later years.

Oddly enough, it has not always been the case with the Pilgrims. For 150 years after they landed, the rock itself was unmarked and almost unnoticed. Even in 1820 little was known about the Pilgrims outside the town of Plymouth, Mass., itself. Not until 1849 did anyone really know where the original congregation had been formed; the name "Pilgrim" itself did not come into common usage until 1840.

Part of that is the Pilgrims' fault. They saw themselves as doing nothing particularly out of the way, or special. Many were illiterate; few had formal schooling; the first task was to survive, and not to write chronicles. They did not even keep town records until 1632, 12 years after they arrived.

Two major works are all we have to go on. The first, Mourt's "Relation," was published in 1622 and is probably written by Gov. William Bradford and Edward Winslow. The second, William Bradford's "Of Plimouth Plantation," is by far the more valuable; it is summed up by Samuel Eliot Morison as "a story of a simple people inspired by an ardent faith to a dauntless courage in danger, a resourcefulness in dealing with new problems, an impregnable fortitude in adversity that exalts and heartens one in an age of uncertainty, when courage falters and faith grows dim. It is this story, told by a great human being, that has made the Pilgrim Fathers in a sense the spiritual ancestors of all Americans, all pioneers."

History aids those who study that particular muse in strange ways. Bradford was a member of the original congregation; he had an eye for the overall pattern, and a keen sense of history, along with a feeling for character, color, drama and a gift at writing prose. The task took 20 years; in 1630, Bradford himself notes, he began what he termed his "scribled writings" that were "peeced up at times of leesure afterwards" and by 1650, when he stopped, he had a manuscript of 270 folio pages telling the story of the Pilgrims from 1606 to 1647, the most critical period of a constantly eventful career.

But he was not writing for publication. The manuscript was handed down through generations with little attention paid to it and it wound up in a library in the tower of Old South Church, in Boston. Old South was used as a stable by the British during the Revolution. An inventory of the library after the British left showed the manuscript missing. In 1793, some of Bradford's letters in manuscript form turned up in a grocery at Halifax, Nova Scotia, being used for wrapping paper. The history itself seemed lost until 1855.

A student of Massachusetts history was fretting over a dull and laborious ecclesiastical volume published in England in 1845. Suddenly he noted some passages attributed to an unknown author; he recognized they could have only come from Bradford. The manuscript was traced and found in the library of Fulham Palace, on the outskirts of London, long a popular summer residence of the bishops of London. How it got there was never known but in 1856 a transcript was made. Pilgrim history can be said to date from that year.

Unfortunately, we are apt to think of the Pilgrims as meek, colorless, and uncomplaining. We are wrong; they were true children of the great Elizabethan age, and as one historian has so colorfully put it:

> Given to speaking their minds plainly, they expressed themselves in the language of Marlowe and Shakespeare, in the torrential and often rafter-shaking rhetoric of Elizabethan England, with no slightest regard for the proprieties and polite circumlocutions of a later day.

They were, truly, Elizabethan to the core. There was no self-denial, no asceticism in their creed. They liked to eat, and they liked to drink, especially "strong waters" and beer, preferably beer, and they complained only when hardship made them drink water—no beer in sight—because water, they suspected, caused human ills. They married early, often, and late; records also show they were as much heirs to the sins of the flesh as anyone else of the age.

We picture them as moping about in somber, funeral black and gray. Not at all; it was the Puritans at Boston—with whom the Pilgrims are often confused—who passed laws against "gay apparel." Ruling Elder William Brewster, probably the most upright of all "ye saincts"—Bradford's term—had for wear—but probably not all at one time—a red cap, a white cap, a quilted cap, a lace cap, a violet coat, and "1 paire of greene drawers."

When the Pilgrims sailed from England in 1620, in all probability men were alive who had known members of the crews of Columbus' *Nina, Pinta,* and *Santa Maria.* The world of 1620 had a good idea for the most part where things were; it had little idea at all of what was there once the new lands were reached. The story of the people and the voyage, colorful and stirring though it is, has to be set against the equally colorful backdrop of how it all came to pass.

> The deep
> Moans round with many voices, Come, my friends,
> 'Tis not too late to seek a newer world . . .
> To sail beyond the sunset, and the baths
> Of all the Western stars . . .

No man knows for sure who came first, or when. There is that odd writing on a piece of Georgia sandstone, disturbingly similar to that used by Hebrews living in Bronze Age Palestine. The Mandan Indian Tribe of the Dakotas—wiped out to a man by smallpox in 1834—had the curious racial characteristics, customs, and words of their speech that were unmistakably—Welsh. A mysterious carving on a rock by a lake in Massachusetts distinctly resembles a Phoenician ship of the days of Tyre. The Kensington Rune Stone of Minnesota tells of a battle between Indians and Vikings, in that area, in the 12th century A.D.

Or does it? No man knows.

Columbus' 1492 voyage is summed up in one masterful paragraph by Samuel Eliot Morison in his "Oxford History of the American People":

> America was discovered accidentally by a great seaman who was looking for something else; when discovered it was not wanted; and most of the exploration of the next fifty years was done in the hope of getting through or around it. History is like that, very chancy.

Very chancy, indeed; it was chance that gave the Pilgrims the opportunity to seek refuge in New England, on the North American Continent. A series of chances, really; an English king sulking because he had turned down Columbus and now saw Spain and Portugal dividing the New World; a transplanted Italian merchant living in England; Queen Elizabeth's "bloody little pirate"; and a procession of merchant-explorer-adventurers who would as soon fire a broadside on the uproll at the nearest Spanish plate fleet as plant a colony somewhere beyond the seas.

Henry VII, of England; John II, of Portugal; Charles VIII, of France; they all shared the dubious distinction of having turned a deaf ear to Columbus' proposals. But Portugal, immediately after Columbus' first return, angrily claimed sovereignty over his discoveries under terms of a papal bull of 1455.

Ever since Pope Adrian VI had given Ireland to Henry II, the Vatican had advanced claims on newly discovered countries. The Portuguese had a friend somewhere in the Vatican; the 1455 bull authorized Portugal to conquer all infidels and possess their lands, and in 1481 Lisbon had been granted all lands from Cape Bojador "ad Indos"—to the Indies.

Spain appealed; fortunately for Ferdinand and Isabella, the ruling Pope was Alexander VI, Spanish, a native of Valencia. Three of his bulls in 1493 gave Spain everything found, and yet to be found, to the west, in the south, and in the direction of the Indies. This was not enough; Spain wanted the Indies mentioned. Alexander obliged with yet a fourth bull giving Spain everything gained by sailing south and west until even India might be reached.

This cut Portugal off from using the southwest trade winds, the south-flowing Brazilian current and the eastward Antarctic current. Spain was willing to compromise, so on June 7, 1494, the Treaty of Tordesillas moved the line of demarcation to a point where the Portuguese could—and did—lay claim to Brazil.

No other maritime government ever accepted this. Least of all the England of Henry VII; it was right on the verge of repudiating papal sovereignty, anyway—to be accomplished under Henry VIII, in a few years—and Henry VII felt this arbitrary drawing of lines was an infringement on his own sovereignty. Henry had, as a subject, a fellow countryman of Columbus, one Giovanni Caboto, a wealthy merchant-adventurer living in Bristol under the anglicized name of John Cabot, whose imagination had been fired by talking with Arab spice traders at Mecca about sailing west across the Atlantic to spice-producing lands.

And so, in 1496:

> Henry by the grace of God, king of England and France, and lord of Ireland, to all to whom these presents shall come. Greeting.
>
> Be it knowen that we have given and granted, and by these presents do give and grant for us and our heires, to our well-beloved John Cabot citizen of Venice, to Lewis Sebastian, and Santius, sonnes of the sayd John . . . full and free authority, leave and power to saile to all parts, countreys, and seas of the East, of the West, and of the North, under our banners and ensignes, . . . to seek out, discover, and fine whatsoever isles, countreys, regions or provinces of the heathen and infidels whatsoever they be, and in what part of the world soever they be, which before this time have bene unknowen to all Christians . . .

Cabot, 18 men, and the little ship *Matthew* left Bristol sometime in May 1497. He made landfall somewhere on June 24; he was back on August 6. To have accomplished this, it must have been southern Newfoundland, but no man knows; Cabot was an incredibly sloppy recordkeeper and nothing survives written by his own hand. Sebastian, his son, was more careful:

> In the yeere of our Lord 1497 John Cabot a Venetian and his sonne Sebastian (with an English fleet sent out from Bristol) discovered that land which no man before that time had attempted, on the 24 of June about five of the clocke early in the morning. This land he called Prima vista, that is to say, First seene, because as I suppose it was that part whereof they had the first sight from sea. That Island which lieth out before the land, he called the Island of S. John upon this occasion, as I thinke, because it was discovered upon the day of John the Baptist. The inhabitants of this Island use to weare beasts skinnes, and have them in as great estimation as we have our finest garments.
>
> In their warres they use bowes, arrowes, pikes, darts, woodden clubs and slings. The soile is barren in some places, and yeeldeth little fruit but it is full of white beares, and stagges farre greater than ours. It yeeldeth plenty of fish, and those very great, as seales, and those which commonly we call salmons; there are soles also above a yard in length; but especially there is great abundance of that kinde of fish which the Savages call baccalaos. In this same Island also there breed hauks, but they are so black that they are very like to ravens, as also their partridges, and egles, which are in like sort blacke.

No gold or spice in *Matthew*'s holds, just a few Indian fish nets, but it meant 20 pounds sterling pension a year for Cabot, an admiral's commission, and yet another order to go out, this time "to found a factory in the land of the Great Khan." Back in 1498; he had tried to sail northwest but was blocked by storms and ice; Henry VII granted him patents for yet a third voyage, but he never returned. Somewhere he and his ships were lost with all hands.

Cabot had given England title to all North America east of the Rockies and north of Florida. Just 6 years later, the area got its name.

In 1504 to 1505 the printing presses of Florence ground out what was supposed to be letters from one Amerigo Vespucci, giving details of voyages along the coast of Brazil and probably around the Gulf of Maracaibo. Vespucci helped fit out Columbus' voyages but had never commanded one himself. Aside from this the letters gave the impression he did, and Vespucci—or whoever edited the letters—claims for Vespucci discovery of the continent of South America in 1497, a year before Columbus. Vespucci is made to say, in the letters, that—

> These regions we may rightly call *Mundus Novus*, a New World, because our ancestors had no knowledge of them . . . I have found a continent more densely peopled and abounding in animals than our Europe or Asia or Africa.

The letters made a great impression on a young teacher named Waldseemueller, at the College of St. Die, in eastern France. He was then bringing out a fresh version of Ptolemy, to include a new map of the world, and in his "Cosmographiae Introductio" of 1507, he wrote:

> Since Americus Vespucius has discovered a fourth part of the world, it should be called after him . . . America, since Europe and Asia got their names from women.

By 1530, every European country, save Spain and Portugal, called the New World America.

Thomas Hariot, Raleigh's secretary, prepared a list of commodities to be found there. Among them was a plant, whose leaves "were dried and brought in powder. The inhabitants take the fume or smoke thereof, by sucking it through pipes made of clay, into their stomach and head; from whence it purgeth superfluous phlegm and other gross humours, and openeth all the pores and passages of the body—the Spaniards generally call it tobacco."

In 1585, Raleigh's second expedition, under Grenville and Lane, planted a colony on Roanoke Island; 1 year later Drake, stopping off at Roanoke after sacking and burning the Spanish fort at St. Augustine, picked up the by-then discouraged colonists and took them back to England. His sails had hardly disappeared over the horizon when Grenville returned with a fresh crew, to try it again, and in 1587 Raleigh's third trip brought 150 more. But Grenville's settlers were gone; their fate unknown.

English superiority of the seas was made factual beyond all doubt in 1588. The Spanish Armada was hammered into shingles and splinters in the Channel; those that survived and tried to make their way around the north end of the British Isles were mostly lost when they wrecked off the Irish coast. Spanish sailors who were not lucky enough to find English soldiers to surrender to—Queen Elizabeth sent the survivors home—were killed by the Irish.

A trip was made back to Roanoke Island in 1590 by John White, grandfather of Virginia Dare, first white child born in North America. He was never to see his granddaughter again. On August 18, 1590, he wrote:

> We let fall our Grapnel neere the Shore, & sounded wtih a trumpet a Call, & afterwardes many familiar English tunes of Songs, and called to them friendly, but we had no answere.

When they landed there was nothing to be found, except, in White's words:

> About the place many of my things spoyled and broken, and my bookes torne from the covers, the frames of some of my pctures and Mappes rotten and spoyled with rayne,

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and my armour almost eaten through with rust.

There was the word "Croatan" carved on a tree, which was the Indian name for an island about a hundred miles southwest, on which Cape Hatteras is situated. The relief expedition returned to England. To this day no one knows what became of the colony. Starvation for some, death at the hands of Indians for others, with very likely adoption of the children into the Indian tribe. The Croatan—Lumbee—Indians of southeastern North Carolina, to this day, maintain the blood of the ill-fated colonists run in their veins.

For almost 50 years England neglected her new territories. Not out of choice; English sovereigns were constantly quarreling with Parliament for money and there was no venture capital of any sort to finance major voyages. Then in 1558 Elizabeth I took the throne; the daughter of Henry VIII and Anne Boleyn let loose her seadogs and they dashed off yelping wildly after the hunt.

In 1567, John Hawkins took 300 Negro slaves from Guinea to Haiti, traded them for sugar, pearls, and spices, at a huge profit, and returned to England with news of Florida. In 1572, Sir Francis Drake made his first voyage against the Spanish, crossed the Isthmus of Panama, and saw the Pacific. In 1576, Martin Frobisher headed northwest for the Northwest Passage. He discovered Baffin Land and came back to England with an Eskimo and ore believed to contain gold. Then, in 1577, Drake set the Elizabethan England seal on the North American Continent with his stunning 34-month voyage that circumnavigated the globe.

Drake had sailed with Hawkins and been with him when the Spanish swept down at Vera Cruz. Burning for revenge, and, after seeing the Pacific, "resolved to sail an England ship in these seas," he also knew Spanish plunder might be more lucrative on the Pacific coast of South America.

The *Golden Hind* swept through the Strait of Tierra del Fuego, picked up a treasure galleon off Peru, landed not far north of San Francisco and hammered a brass plate into a tree to mark the spot—it was found in 1938—possibly went as far as Vancouver Island, picked up cloves in the Spice Islands and returned to England. The profits were almost $9 million in gold; Queen Elizabeth, fond of her "bloody little pirate," as she called him, knighted him herself on the deck of his ship and by so doing served notice to Philip II of Spain to keep his hands off North America.

In 1578, Sir Humphrey Gilbert set out on his first voyage with a patent from Elizabeth giving him right to "inhabit and possess at his choice all remote and heathen lands not in the actual possession of any Christian prince." The first voyage failed; in 1583 he set out again to plant a colony. He took possession of Newfoundland, and, on the way home, was lost on his ship with all hands.

In 1584, Sir Walter Raleigh sent an advance fleet under Amadas and Barlow to what is now Croatan Sound, N.C. On Roanoke Island they were feasted by Indians. In response to a question of the name of the country, and the grunted Indian reply that sounded like "Wingandacoa," that was the name given the new land. There would be a State of that name today if Elizabeth had not "consented" to have it named, instead, Virginia, in her honor.

At the close of the 16th century England did not even have a trading post in North America, much less a colony. But in 1602, Gosnold, the first Englishman to step on the New England coast, sailed from Maine to Cape Cod trading for furs with the Indians. He was followed by Pring in 1603; by Weymouth in 1605; Pring again in 1606 for the newly chartered Plymouth Company; the Virginia settlements were reestablished by 1608; in 1609, famine and disease reduced the Jamestown settlement from 500 to 60; Capt. John Smith's "Map of Virginia" was published in 1612; and in 1614 Smith charted and named the New England coast. In 1619, the first American iron works went into operation in Virginia, and a shipload of marriageable females was sent to Virginia by the Virginia Company; they were to be sold to planters at 120 pounds of tobacco each. The London slums were raided; 100 orphan and wandering children were scooped up and followed the boatload of brides as apprentices.

In 1606, a Separatist congregation had been organized at Scrooby, in England. In 1608, the congregation had gone stealthily from England to Amsterdam; from there to Leyden in 1609. But things did not go well in Holland; in 1619, in Bradford's words, the little congregation "begane both deeply to apprehend their present dangers, & wisely to foresee the future, & thinke of timly remedy. In the agitation of their thoughts, and much discours of things hear aboute, at length they began to incline to this conclusion, of remoovall to some other place."

THAT THE "TRUETH" MIGHT "PREVAILE"

In a very real sense the history of the Pilgrims begins when "that stubborn monk" Martin Luther thudded his hammer into the door of Wittenberg Cathedral, in 1517. His challenge to papal authority sparked a wave of antiauthoritarianism that swept into religious, social, political, and economic aspects of 16th century life.

After the wave broke over England, Henry VIII had displaced Rome with the Church of England, with himself as Pope. With few exceptions, however, the Anglican Church remained Roman, until Henry's sickly 9-year-old son came to the throne as Edward VI, with the Duke of Somerset as Lord Protector. Somerset sponsored reform; under him the first Book of Common Prayer—1549—and the Edwardian Service Book—1552—were the first steps towards a really Protestant ritual. Then Edward died, in 1553, and Mary, daughter of Henry VIII and Catherine of Aragon, a staunch Catholic, took the throne.

Henry's Anglican church was suppressed; Catholic bishops were restored; hundreds of Anglicans—men, women, and children—were hanged, or burned at the stake, and many Protestants fled to the Continent. "Bloody" Mary had 5 years, then was succeeded by Elizabeth I, Anne Boleyn's daughter.

Elizabeth knew England was primarily Catholic in belief, but Protestantism was an assertion of national independence. So she played one side off against the other. Church and State were one; this meant compliance and absolute uniformity of belief, to be enforced by the Court of High Commission, dominated by the bishops.

Hundreds of "heretics" were sought out. Most were jailed; some were hanged, or burned, and the hideous dungeons that passed for prisons were filled with poor wretches awaiting the bishops' pleasure, or displeasure. But none of this could stifle the voices of the reformers, who sought to restore the church. As Bradford put it, to see "the trueth prevaile, and the churches of God reverte to their anciente puritie and recover their primative order, libertie, & bewtie."

Dr. Laurence Chaderton, one of those who later gave the Christian world the rolling thunder and drum-fire prose of the King James Bible, said in a sermon at Cambridge in 1578 that:

> The church was a huge masse of old and stinkinge workes, of conjuring, witchcraft, sorcery, charming, blaspheming the holy name of God, swearing and forswearing, profaning of the Lord's Sabbothe, disobediance to superiours, contempt of inferiours; murther, Manslaughter, robberies, adulterye, Fornication, covenant-breaking, false witness-bearing, lieing.

Cambridge was to become a hotbed of sentiment for religious reform. Two years after Chaderton's sermon, 15-year-old William Brewster clattered right into the middle of it. The son of the bailiff-receiver of Scrooby Manor, lying near the little hamlet of the same name, about halfway from London to the Scottish border right off the Great North Road, the future Ruling Elder of the Pilgrims was to have as classmates and close friends youths destined to die on the gallows for their faith.

In 1589 he returned to Scrooby, having left Cambridge without taking a degree—but he had "attained some learning, viz. ye knowledge of ye Latine tongue, & some insight in ye Greeke," and having spent a few years at Court, in London, in the service of one of Elizabeth's most trusted and able diplomats, Sir William Davison. Brewster's career came to an end when Davison's did. Davison had signed the death warrant on a charge of treason for Mary Queen of Scots. Elizabeth did not wish the responsibility of sending her cousin to the block, so Davison was made the scapegoat, charged with exceeding his authority, and was confined in the Tower of London for 2 years. Brewster remained with him, performing "manie faithfull offices of service in ye time of his troubles."

Back in Scrooby in 1589, young Brewster took over many of his father's duties, and lived in "good esteeme," with his neighbors, "espetially the godly & religious." In Pilgrim phrase, this meant he moved in reformist circles. A strong and zealous Puritan, he was far from being sour or solemn or harsh.

At the village of Babworth, about 6 miles away, lived Richard Clyfton, rector and preacher of the Puritan school. He had attracted a considerable following; the Brewster family was among his regular congregation. And, soon, Brewster took under his wing a young orphan boy who walked through Scrooby each Sunday to Clyfton's sermons—William Bradford.

The reformers had some hope when Elizabeth died in 1603 and was succeeded by Mary's son, James VI of Scotland. James I of England had passed through Scrooby on his way down the Great North Road to his London coronation, and noted its "exceeding decay." In all probability, Brewster, Bradford, and Clyfton stood and watched him pass. But James would have none of the reformers. To make it worse, English public sentiment began to turn. Puritanism was becoming a moral doctrine, as well as religious. It was still very much "Merrie England" and most Englishmen were outraged when they heard the beloved Maypole on the village green cursed by Puritans as "that Stynking Idol." James retaliated by commanding use of the Book of Common Prayer, Anglican communion three times a year, and suppression of all private religious meetings. The reform tide began to ebb. James began to embroider on the theory of the divine right of kings.

The authorities hit the Scrooby congregation in 1607:

> Some members were taken & clapt up in prison; others had their houses besett & watcht night and day, & hardly escaped their hands; and ye most were faine to flie & leave their howses & habitations, and the means of their livelehood.

Brewster had a daughter born about this time; she was named "Fear." He had to resign his postmastership—probably under pressure—and early in 1608 was made to appear at York before the feared Court of High Commission for being "disobedient in matters of religion." He and his fellow defendants were fined 20 pounds—$1,000 each; they were lucky to get off so easily.

The congregation began to plan to flee to the Netherlands. But no one was permitted to leave the realm without permission of the Crown. This meant escape by secrecy, and high payment to some ship captain to take them across.

The first attempt ended in disaster. The little group had to go to the town of Boston, on the Wash, about 60 miles away, on foot, in wintertime. After 2 days' harrowing delays, the ship put in and all climbed on board. But the instant the captain collected the agreed-on fare, he turned his passengers over to the authorities, as he had agreed to do. The constables rifled their belongings, and searched each and every one for gold. Bradford: "Yea! and ye women furder than became modestie.!" The whole company was bundled back into Boston as "a spectackle & wonder to ye multitude" and then jailed. A few weeks later all but a few were released. Seven, including Brewster, were arraigned for trial, but they were never indicted and eventually set free.

Back to Scrooby; there were no homes but all managed to find shelter. A few of the timid withdrew, but in the spring of 1608 they tried again. This time they were successful, but not without considerable trial. First, the women, children and all baggage had been placed on a small bark. The bark ran aground on a shoal when the Dutch ship, which was to pick up all of them, came down the coast. The Dutchman asked for the men to come on board, until the tide would float off the bark. About half were aboard when a large mob was seen approaching. Bradford:

> Both horse & foote, with bills, & gunes, & other weapons; for the countrie was raised to take them. The Dutch-man, seeing that, swore his countries oathe 'Sacramente,' and having the wind faire, waiged his Ancor, hoysed sayles, & away.

Those at sea faced the greater danger. A gale whirled down and drove the ship out into the North Sea, almost to the Norway coast. The voyage should have taken at most 2 days but it was 2 weeks before the battered load of Scrooby farmers was landed at Amsterdam. Nothing but the coats on their backs, not a penny in their pockets, and their hearts aching over the fate of those left behind.

But they had not done too badly. The mob had seized the women and children and the rest of the men, and shuffled them from one town to another for awhile, but no one really wanted anything to do with them so they were released to their own homes. This time they slipped away a few at a time; Clyfton and Brewster stayed to the very last to help the weaker. By the summer of 1608 all were together in Amsterdam where they "mett togeather againe according to their desires, with no small rejoycing."

They did not stay in Amsterdam long. There was a larger English group already settled there, but doctrinal and other differences led to a separation. In early 1609 the Scrooby congregation asked permission of Leyden to settle there. The burgomasters were willing, but the English Ambassador complained, implying they were fugitives from justice. The Leyden officials politely but firmly told the Ambassador to mind his own business, and by May 1609 the move to Leyden was completed.

Little is known of the first few years of their existence in Leyden. At first, all had to work for wages. Prosperity came, but it was slow in coming, and for some time they were barely able to eke out a living. By late 1617 the congregation was getting increasingly restless. Some of the reasons are obscure to this day. Absorption by the Dutch was one fear; they wished to retain a separate identity. And, too, their children were in danger of seduction by "ye great licentiousnes of youth in that countrie and ye manifold temptations of ye place." The children were drifting quickly into "extravagante & dangerous courses, getting ye raines off their neks, & departing from their parents."

The majority decided to move on, after much deliberation, and "not out of any newfangledness or other such like giddie humour." But where? The New World? It was a long voyage; they needed funds; starvation and disease was a danger and there were always the Indians, "cruell, barbarous, & most trecherous" and just reciting Indian cruelties caused "ye bowels of men to grate within them."

Bradford; it is one of the most noble statements in the entire book:

> It was answered, that all great & honourable actions are accompanied with great difficulties, and must be both enterprised and overcome with answerable courages. It was granted the dangers were great, but not desperate; the difficulties were many, but not invincible. For though their were many of them likly, yet they were not cartaine; it might be sundrie of the things feared might never befale; others by providente care & the use of good means, might in a great measure be prevented; and all of them, through the help of God, by fortitude and patience, might either be borne or overcome. True it was, that such attempts were not to be made and undertaken without good ground & reason; not rashly or lightly as many have done for curiositie or hope of gaine, &c. But their condition was not ordinarie; their ends were good & honourable; their calling lawfull, & urgente; and therfore might expecte the blessing of God in their proceding. Yea, though they should loose their lives in this action, yet might they have comforte in the same, and their endeavors would be honourable.

So to London, two emissaries, to approach the First—or London—Virginia Co., which was floundering and anxious for colonists. But the Pilgrims needed not only a patent for settlement but also free shipping. The Virginia Co. was almost bankrupt, and could not provide this.

Then the New Netherlands Co. offered what seemed a generous arrangement: free passage, plus furnishing each family with cattle, if they would settle at New Amsterdam, the trading post at the mouth of the Hudson, and enjoy freedom of religion the same as in Holland. This was inspiring; negotiations were underway; and in February 1620 the company directors had asked the Prince of Orange for two warships for protection en route and until they were settled at New Amsterdam. Then a friend from London, Thomas Weston, an ironmonger, appeared, advised them to break off with New Netherlands and he and his friends in the London financial world would finance them. As soon as possible; they would "neither feare wante of shipping nor money."

Wrangling over the contract reached such a point and went on so long that at the last minute, almost, many of those who had planned to depart were either unable or unwilling. The merchant adventurers in London, providing the backing, solved this by rounding up colonists from the London streets, without any regard to religious beliefs. In June 1620, however, the *Mayflower*, 180 tons, had been chartered by the London merchants, and the Leyden Pilgrims had bought *Speedwell*, 60 tons, to take part of the group and remain in the New World for "fishing and shuch other affairs as might be for ye goode & benefite of ye colonie."

Fifty from Leyden embarked on *Speedwell* at Delftshaven on July 22, 1620. Some were leaving their children behind; Bradford and his wife decided to leave 5-year-old John, who was never to see

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his mother again, and not see his father for many years.

They met *Mayflower* around the end of the month at Southampton and the two departed together on August 5. *Speedwell* was unseaworthy; they put in at Dartmouth for repairs on the 13th, and departed once more on August 23. Three hundred miles out to sea *Speedwell* was behaving so badly it could not go on. Both ships returned, and this time *Mayflower* set out alone. The voyage really began, then, on September 16, 1620.

Speedwell was oversparred, her masts being too tall and heavy for Atlantic winds, in relation to her hull. This meant the hull would "work" and seams would open. Some authorities think that the crew, noting this and not overly happy at the prospect of a winter's voyage across the Atlantic, crowded on sail to aggravate the weakness. It is known that after *Speedwell* was sold and her rig cut down she proved seaworthy and profitable. Bradford himself acknowledged all of this.

THE SHIP

The most famous ship in American history was not even mentioned by name by her passengers. Not until 1623, at the time of the division of land in Plymouth, when "The Falles of their grounds which came first over in the *May-Floure*" were parceled out, are we to first read the name. Bradford only referred to her as the "biger ship" and to her master as "Mr. Jonas." Priscilla Mullins' father wrote his will on board the *Mayflower* in Plymouth Harbor on February 21, 1621; one of its witnesses was "Christopher Joanes" and the Admiralty Court Records as well as the London Port Books show a "Christopher Jones" had been *Mayflower's* master since 1609, at least.

In that year Jones had taken her to Norway; a terrible gale on the return passage almost swamped her and a large part of the cargo of tar, herring, and so forth, had to go overboard. This meant a lawsuit; in May 1612, during trial, a seaman on the Norway voyage testified Jones had been her master for "fower or fyve yeares." There were plenty of the same name around; this particular ship may have dated back to 1588.

Mayflower was in the Thames in London in 1611 and 1613; again, in 1616 with a wine cargo—probably—and certainly there with 161 tons of wine in January 1620. She made yet another run to La Rochelle for more wine in March 1620 and was back by May 15. In all probability, *Mayflower* was lying idle, or being cleaned and painted, when chartered for the Pilgrims' voyage sometime before July 19, 1620.

For speed, by modern standards, she was certainly slow, and probably made no more than 2 miles an hour coming over. But she was bucking the Gulf Stream—which Jones did not even know existed—and it was the season of westerlies. In addition, the bottom was no doubt foul with grass and barnacles from having been in the water through hot months, and she was deeply loaded. On the return trip, in April 1621, lighter, with the winds behind her, and pushed by the Gulf Stream, she averaged 4 miles an hour. If this still seems slow, compare her speed with five crack tea clippers, two centuries later. The fastest type of sailing ships ever built, all five cleared from Foo Chow, China, within 2 days of each other, in late May 1865. Ninety-nine days later, three docked at London on the same tide; the other two were only 2 days behind. Over 16,000 miles, every kind of weather at an average speed for the whole course of the three first ships of—6 miles an hour.

Jones had been, it is known from the records, in the business for some years. According to the Rotherhithe Parish Registers, in Surrey, England, he had a son, Christopher, and a daughter, Joan. First master of the *Jason*, he had sailed to Bordeaux in 1606 or 1607; since then he had been to various ports with *Mayflower*. It is possible he had also at one time been to Greenland, but never, as far as is known, to the North American continent. One-quarter of *Mayflower* was under his ownership, which gave him an extra incentive.

Master's Mate Clark, his chief officer, had been to America before; so had Master's Mate Coppin—probably transferred from *Speedwell*. One of the seamen had been to Newfoundland. The crew were a tough lot, but no man shipped before the mast into the Atlantic in those days who was green or weak at the knees. Almost half of them, including gunner, boatswain, three quartermasters and the cook, were never to see England again. They were victims of that first sad winter.

The Pilgrams themselves showed respect and confidence in all their references to Captain Jones. They parted the following spring on the best of terms. And, this volage was probably has last; 10 months to the day after his arrival in England, he was buried in the Rotherhithe Churchyard. The ordeal of the terrible winter, plus scurvy, had claimed Captain Jones as it already had claimed half the passengers and crew, now buried in New England.

What became of *Mayflower* is not known for sure. After her master's death she lay idle in the Thames until 1624, when she was appraised for sale at a total of 160 pounds—about $8,000. There is considerable circumstantial evidence that she was broken apart, and her timbers used to build a barn that still stands in England. It is true that a beam in the barn does have a mayflower carved into it; that one great beam shows signs of having been cracked through at one time, and marks in the wood that could mean it was the main beam of *Mayflower* repaired during the voyage with the Pilgrims' jackscrew. But no one knows.

THE PEOPLE

Bradford:

> Sept. 16 (1620) These troubls being blowne over, and now all being compacte together in one shipe, they put to sea againe with a prosperus winde, which continued diverce days togeather, which was some incouragmente unto them; yet according to the usually maner many were afflicted with seasicknes.

Bradford says very little about the voyage itself. Understandably; it could not have hardly been a pleasure cruise by any stretch of the imagination. Loss of *Speedwell* meant losing even more of the company. About 20 had to turn back; Bradford:

> Those that went bak were for the most parte such as were willing so to doe, either out of some discontente, or feare they conceived of the ill success of the vioage, seeing so many crosses befale, & the year time so farr spente; but others, in regarde of their owne weaknes, and charge of many yonge children, were thought least usefull, and most unfite to bear the brunte of this hard adventure; unto which worke of God, and judgmente of their brethren, they were contented to submite. And thus, like Gedions armie, this small number was devided as if the Lord by this work of his providence thought these few to many for the great worke he had to doe.

Ships of the day had only the most elementary conveniences. There were no provisions for bathing or even washing—even if it had been the custom of the day to do so, which it was not. The North Atlantic is always cold; keeping warm and dry was impossible. The diet was always the same, except for a rare hot dish: hard tack, "salt horse," dried fish, cheese and beer. *Mayflower*, no doubt, had some odors about her reminiscent of the days when she had hauled fish, timber, turpentine, and tar from Norway, but she was also, in the sailing vernacular of the time, a "sweet ship" due to having been in the southern wine trade for the past 4 years. Sanitation, unknowingly, 17th century style: This no doubt had purified the ship beyond what was usual for the age, the constant slopping and sloshing of wine from leaky barrels, and its running into every crack and cranny of the vessel, had made it as nearly disease-free as was humanly possible. Only two died on the entire voyage.

The 102 passengers were by no means a homogeneous lot. Only three were from the original Scrooby congregation; just a little over a third came from Leyden. The balance, in Bradford's term, were the "strangers." They were Church of England members, merely because they had been baptized in that faith, and had no connection with or real interest in the separatist doctrine of the Pilgrims. They were seeking economic opportunity; religious liberty was of no concern to them at all.

But all were bound together by one common bond: They were lower class to a man, and in revolt against aristocratic principles.

Fate plays funny games at times. The greatest fame of any of *Mayflower's* passengers is accorded to three "Strangers"—Myles Standish, John Alden, and Priscilla Mullins. Priscilla's father had been a shopkeeper and had been one of the first other than Pilgrims to sign up for the venture.

Her future husband, John Alden, was a "hopfull yonge man" from Harwich, Essex. Remembered by his children as tall, blond, and quite powerful in strength and build, he had signed up under a contract that would keep him in the colony for a year, after which time he was free to do as he pleased. On ship he plied his trade of cooper; barrels of beer, plain water, and "strong water" took up much space in the hold and it was his all-important job to keep them tight and occasionally sample their contents to make sure none had turned rank.

Myles Standish—"Captaine Shrimpe" to his enemies because of his lack of height—had red hair and a ruddy complexion which became redder yet when he was angry, which was often. A soldier of fortune, of sorts; his life is almost blank until the day he boarded the ship.

There were in addition five hired men, neither saints nor strangers. Alden was one, and there were two ordinary seamen and two master mariners, hired to handle the long boat carried in the hold.

Fourth was the much larger group of indentured servants. Not servants in our sense, they were to do the heaviest labor, and whatever their masters ordered, for the period of indenture which was usually 7 years. No wages; food, clothing, housing and that was about it, for the full term of indenture. Among them were four orphan waifs dragged out of the London streets, all with the name of More. This was a common practice of the day, encouraged by the Lord Mayor and the Bishop of London as a method of getting rid of excess poor in the city. Only one survived the next few months to live to a ripe old age.

The remaining group was important as any: officers and crew of the ship. Around 30 seamen in the crew, they were by all accounts both ungodly and intemperate with little use for the piety of the Pilgrims. "Pukestocking louts" was a favorite term of the crew for the Pilgrims, and Bradford notes that the crew was given to "cursing them dayly with greevous execrations." One of the worst tormentors used to deliberately taunt the weak and sick, and when reproached, "he would curse & swear most bitterly." But he himself was stricken one morning. was dead that afternoon, and he was first of all to go over the side. Bradford notes that it was "ye just hand of God upon him."

Then, suddenly, the fierce westerlies were upon them. For days at a time they could raise no sail, and the helmsman wrestled with the ship to keep her headed into the wind. Mountainous wave after wave crashed into her, standing her right on her beam ends. Cracks opened in the deck and superstructure and icy water cascaded onto the thoroughly terrified and shivering passengers.

One day John Howland could not endure it any longer, and went up on deck. He was instantly swept overboard, but by great good luck the ship was trailing some topsail halyards and Howland grabbed one of these. Bradford: Howland was "something ill with it, yet he lived many years after, and became a profitable member both in church and commone wealthe."

The storm hit a new peak, and then with a crack like a cannon shot, a main beam split and buckled. This was serious indeed but fortunately someone had brought from Leyden a "great iron scrue"—probably for a printing press—which was used to push the beam back into place until it could be reinforced. There was muttering among the crew over turning back, but Captain Jones, after much discussion and careful examination, pronounced the ship tight and sound under water. Bradford: "so they commited themselves to ye will of God and resolved to proseede."

On November 16 young William Butten, servant to Deacon Fuller, died; he was quietly and simply buried at sea. Three days later the lookout sighted land; they were staring at the wrist of Cape Cod.

First they swung south but almost came to grief on the shoals and breakers that had been named Tucker's Terror 3 years earlier by Capt. Bartholomew Gosnold, whose fishing expedition in the area had given the Cape its name. They headed back up the coast, and lay out to open sea.

Early on the morning of the 21st, they rounded the Cape into what is now Provincetown Harbor, as fine a harbor as any on the entire continent. The anchor went down with a roar of chains; the decks were stable under foot once again. It was 66 days out of Plymouth, 98 out of Southampton, almost 4 months out of Delft Haven.

But trouble was not over. Muttering had started among the passengers when the ship came into harbor. The bolder became defiant and said quite openly that—Bradford—"when they came ashore, they would use their own libertie, for none had power to command them . . ."

Out of the threatened mutiny came the famed Mayflower Compact. Bradford probably drew it up, familiar as he was from his Scrooby duties with legal terms and jargon of the day. Oddly enough, it passed into oblivion and was ignored until John Quincy Adams in 1802 cited its importance in the Republic's history. It has been credited with being many things it certainly was not, but probably the most accurate evaluation of it has been made by one authority in these words:

> For its day it was an extraordinary document, a remarkable statement of revolutionary new principles, an important milestone in our long, hard, and often bloody ascent from feudalism, from that degrading "aristocratic" system of power and privilege for the few which had held Europe in irons for centuries, vestiges of which still remain to plague us.

They had no illusions about what lay ahead of them. Bradford wrote of it years later:

> Being thus arrived in a good harbor and brought safe to land, they fell upon their knees and blessed the God of heaven, who had brought them over the vast and furious ocean, and delivered them from all the periles and miseries thereof, againe to set their feete on the firme and stable earth, their proper elemente. . . . But hear I cannot but stay and make a pause, and stand half amased at this poore peoples presente condition; and so I thinke will the reader too, when he well considers the same. Being thus passed the vast ocean, and a sea of troubles before in their preparation (as may be remembered by that which wente before), they had now no friends to wellcome them, nor inns to entertaine or refresh their weatherbeaten bodys, no houses or much less townes to repaire too, to seeke for succoure. . . . What could now sustaine them but the spirite of God and his grace? May not and ought not the children of these fathers, rightly say: Our fathers were Englishmen which came over this great ocean, and were ready to perish in this willdernes.

EPILOG: "WHAT SOUGHT THEY THUS AFAR?"

The Pilgrims' story, as has been noted, is shot through with ironies of history, fate and chance. And one of the greatest of all is that the most famous poem to commemorate their landing was written by a woman in Wales who had never even heard the story until she was unwrapping her groceries one day in 1826.

Mrs. Felicia D. Hemans, a native of Rhyllon, Wales, knew almost nothing about America, and less about the Pilgrims. Until one day, unwrapping a delivery from her grocer, she noted the items had for some unknown reason been wrapped in Boston newspapers of 1824. Among the crumpled sheets was an account of the celebration of Forefathers' Day, for that year, in Plymouth. Inspired by what she read, she sat down and composed the lines that have probably done as much or more than any others ever written to make the landing the symbol it is today.

THE LANDING OF THE PILGRIM FATHERS

The breaking waves dashed high on a stern and rock-bound coast,
And the woods against a stormy sky their giant branches tossed;
And the heavy night hung dark the hills and waters o'er,
When a band of exiles moored their bark on the wild New England shore.
Not as the conqueror comes, they, the true-hearted, came;
Not with the roll of the stirring drums, and the trumpet that sings of fame;
Not as the flying come, in silence and in fear;
They shook the depths of the desert gloom with their hymns of lofty cheer.
Amidst the storm they sang, and the stars heard, and the sea;
And the sounding aisles of the dim woods rang to the anthem of the free.
The ocean eagle soared from his nest by the white wave's foam,
And the rocking pines of the forest roared,—this was their welcome home.
There were men with hoary hair amidst that pilgrim band;
Why had they come to wither there, away from their childhood's land?
There was woman's fearless eye, lit by her deep love's truth;
There was manhood's brow serenely high, and the fiery heart of youth.
What sought they thus afar? Bright jewels of the mine?
The wealth of seas, the spoils of war? They sought a faith's pure shrine!
Ay, call it holy ground, the soil where first they trod;
They have left unstained what there they found—freedom to worship God.

GOOD WORKERS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, in a recently completed survey, the Civil Service Commission states that the job performance of severely handicapped employees of Government agen-

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cies was as good as, and often better than, that of the nonhandicapped workers doing the same kind of work. Of the handicapped surveyed, 36 percent had received one or more promotions since being hired and more than half of the workers show promise for assignment to more responsibilities.

Richard Wolter of Hartford, Wis., has amply demonstrated that handicapped workers in the private sector are not exception to the rule.

The President's Committee on the Employment of the Handicapped, in connection with Employ the Physically Handicapped Week, singled out Mr. Wolter, who, although blind since 1951, has continued to work successfully as a carpenter contractor. The committee credits his success to his ambition, determination, and the ingenuous tools which compensate for his handicap.

I think my colleagues will share my admiration for Mr. Wolter when they read the following editorial which appeared in the October 5, 1970 Sheboygan Press:

GOOD WORKERS

Although blind since 1951, Richard Wolter of Hartford, Washington County, has continued to work successfully as a carpenter-contractor.

The President's Committee on Employment of the Handicapped credits his success to his ambition, determination, and some unusual tools which compensate for his handicap. The committee has distributed an article about Richard Wolter in connection with the observance of Employ the Physically Handicapped Week, Oct. 4-10.

Richard Wolter uses a transistorized level that buzzes until perfectly horizontal. His measuring tape locks in place so he can saw lumber to a specific size. He has a hammer exactly 16 inches long which he uses when spacing studs. His power saw has a special device that guides the direction of his cut. He uses a braille ruler to draw house plans.

What really drew our attention was the account of Richard Wolter's experiences while building a three-sided A-frame house at Big Green Lake. Mr. Wolter reminisces that it was a long drop from the peak of the A-frame to the ground. His assistant was nailing along the edge of the peak, but the drop-off was too much for him. It was Mr. Wolter who finished the job. He said that he could feel nails protruding at an angle. His predecessor apparently had been reluctant to lean far enough out to drive the nails straight. With Mr. Wolter it didn't matter, and his comment later was that sometimes being blind has its advantages.

There is no end of examples of physically handicapped persons who hold good jobs and develop exceptional talent for certain types of work. The President's Committee refers to them as highly productive employees, safer on the job than most, conscientious, rarely absent from work, and extremely reliable. Our own observations convince us that this assessment of the handicapped is no exaggeration.

PIRACY IN THE SKY

HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, October 14, 1970

Mr. TOWER. Mr. President, the Southern States Industrial Council recently provided the readers of the Wall Street Journal with an article on the problem of aircraft hijacking. The article, reprinted from the council's bulletin, was a very thoughtful analysis of the problem. It was authored by the president of SSIC, Mr. Art Stewart, also a Texan I am pleased to say. I ask that the article be reprinted in the RECORD for the benefit of other Senators and those interested in exploring solutions to this problem.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 1, 1970]

PIRACY IN THE SKY

Our ancestors solved the problem of piracy on the high seas. They acted firmly and quickly, and a pirate knew that punishment would be quick, final, and not subject to any appeal. In addition, our ancestors were resourceful and self-sufficient and they made sure that the ships which would be exposed to possible attempts at piracy were equipped to defend themselves properly.

Their common sense approach worked, and the same principles have been applied successfully by Israel to prevent hijacking of the jets flown by EL AL, the Israeli airline. In fact, their methods are so successful that the pirates have now captured airplanes owned by our airlines and those of other countries and are trying to ransom the kidnapped passengers and crews in exchange for the agents who were captured in aborted attempts to hijack the EL AL airplanes. Such attempts and failures have been more numerous than reported in the news media.

Piracy is a form of guerrilla warfare and it will continue to exist as long as the possible gain is worth more than the risks involved. If airplanes continue to fly unprotected, there is very little if any risk to the would-be hijacker. Punishment before an international tribunal at some future date is not much of a deterrent to people who are members of a fanatical or hate group, or who are mentally disturbed. However, these people still value their own lives highly, and they do not volunteer for suicide missions. The fact that the Arab guerrillas are trying to obtain the release of captured hijackers proves this. Proper defense against hijacking is therefore the only practical solution.

Many of the more senior Captains flying for the various airlines are contemporaries of mine in that we learned to fly in the 1930's and a few were students of mine when I was active in the flight training business. We are still flying under similar circumstances in that we use the same electronic equipment, common communications and control procedures, encounter the same weather, and cruise at the same altitudes and speeds. However, there is one very important difference. I know the passengers on my jet, but the airline Captains must fly with a group of strangers.

Methods of checking baggage and passengers have been instituted at some airports during the past year, but as recent events show, do not provide full protection. If a potential hijacker succeeds in boarding an airplane, there is no defense against him unless the Captain is a rugged individualist who intends to use the gun he is illegally carrying in his navigation kit. With this one exception, the armed hijacker will always be successful if he can just manage to get aboard the airplane.

This is not the way we became a nation and have survived as a nation. Even our stage coaches out West had better protection than this. Certain procedures can be instituted which would greatly improve the security of aircraft against hijack attempts. We must accept the fact that some shooting will occur and that a few bullet holes through the skin of a modern jet airplane would not create a serious problem because of loss of pressurization or weakening of the fail safe structure. We must also realize that danger and injury to a few is far better than the loss of a complete airplane and all the people aboard as will happen if the present situation continues.

The Captain should be fully responsible for the safety of his aircraft, crew and passengers, just as the captains of ships were when they faced similar problems. He and his crew should be properly trained and equipped so that they can successfully protect themselves and the airplane.

The procedures used by EL AL are practical and are working. They can be improved so that the security guard's station will be better protected and he will be better equipped. A study of the types of weapons and explosives which can be carried on board by prospective hijackers would soon develop methods to use in the thwarting their use. A program of positive action must be undertaken because this problem of hijacking will not be solved until it becomes reasonably impossible for people to hijack airplanes. The development of the necessary procedures to protect the airplane, passengers, and crew is the responsibility of the airline which in turn should ask for and receive assistance and cooperation from law enforcement agencies of the government. The Captain must then use these procedures properly and assume full responsibility during flight. It is up to him to see that his airplane reaches its proper destination and prevention of hijacking is his job.

The protection of the passengers, crew, and aircraft after a hijack is the responsibility of our government. Our government should take some old fashioned, prompt, and courageous action to protect our citizens and property in connection with the aircraft piracy events on the Labor Day weekend.

JOHN LEWIS STONE SEES A SOLUTION TO AMERICA'S OVERCROWDED CITIES

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. EDMONDSON. Mr. Speaker, I would like to share with my colleagues a recent article by Mr. John Lewis Stone, managing editor of the Muskogee Phoenix & Times-Democrat.

Mr. Stone expresses concern over the future of our metropolitan areas and their inhabitants. As we have seen, growth of population in the cities has caused many problems—traffic congestion, power shortages, and housing deficiencies, to name but a few. Mr. Stone's article suggests the possibility of rechanneling this overpopulation to some of the vast, less populous areas across the country, by shifting the economic bases to which they are drawn.

While traveling on the newly opened south section of the Indian Nation Turnpike between McAlester and Hugo, Mr. Stone felt fortunate that eastern Oklahoma is one of those lesser populated areas which is preparing for the relocation of industry and resultant influx of people. This relocation may be exemplified by the recent American Airlines announcement that they will center their computer operations in Tulsa, bringing in some 30 families from the New York City area. Although this one situation may seem inconsequential when considering the magnitude of the problem, there must be a gradual reversal trend in our population concentration, to insure that something will be done about the crowded condition of our cities.

After evaluating the conditions in some of our major cities, Mr. Stone is not altogether pessimistic about the possibility of their correction. He sees eastern Oklahoma and other areas like it as a workable solution to one of our Nation's greatest domestic problems. I commend him for his excellent article and include his remarks in the RECORD for the benefit of my colleagues:

CITY PEOPLE NEED TO MOVE

(By John Lewis Stone)

Having been unfortunate enough to be in some rather large cities of these United States the past few weeks and experienced their traffic jams, their electricity shortages and the general inconvenience of big city life, we couldn't help but note the vast area of sparsely populated territory which is now served with the opening of the south section of the Indian Nation Turnpike, between McAlester and Hugo.

We drove down to the Antlers Interchange Thursday for the official dedication ceremonies on Thursday and then on down the turnpike to Hugo and on down the free four-lane to the Red River and into Paris, Texas.

It is a beautiful drive, winding its way through some beautiful mountainous terrain of Eastern Oklahoma.

We listened as Governor Dewey Bartlett told of how such fine roads had helped to increase the tourist revenues for the state of Oklahoma and how they would tend to attract new industry into that section of Oklahoma.

We couldn't help but think about how the government could devise some tax incentives to bring about a reverse flow of population and the relocation of industry necessary to provide an economic base for that population.

And how perhaps federal housing and community development programs might even be focused on the creation of new towns planned from scratch to be fit for human living.

There seems little doubt that unless the population pressure is eased in the nation's major metropolitan areas, the cities will not begin to cope with their staggering difficulties so that they will once again be a joy to visit and a pleasure in which to live.

When we read the other day that American Airlines was going to center its computer operations in Tulsa and that some 30 families would be moved from New York City in the immediate future to begin the installation and training for the facility, that these 30 families were among the very fortunate. And they are to be envied by the millions of residents who will be left behind in New York.

We who live here in Eastern Oklahoma seldom stop to realize how fortunate we are in our environment.

It's bound to come, and those who make the move early are the smartest.

A MOVING PRAYER

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. GOLDWATER. Mr. Speaker, Oma S. Umhey, the vice president of the California Federation of Republican Women, recently wrote another articulate and moving prayer that has been used across the Nation. I wish to now share its beauty and timeliness with my colleagues:

> Our God, our help in ages past, our hope for years to come.
>
> Without You there could be no American form of government . . . nor an American way of life. Our Founding Fathers saw this and our Governor often asks that we return to our religious heritage.
>
> We thank You for the fellowship and friendship we have here. We ask that You lead us from ourselves to You. And while we are surrounded by beauty and comfort let us not forget our hard-working, dedicated leaders, our men in the military, and above all O God, do we seek Your help for the prisoners of war and their loved ones. May it be Your will that they be together again. We realize that for the last several generations we have killed our finest young men with senseless wars which we can see will bring our Nation to decay and disaster unless we maintain the fine leadership we have in Washington today. Where we have defected from discipline and gone from the spiritual to the sensual we ask Your forgiveness.
>
> May each person here feel she has added purpose to her activities by working for good government.
>
> We recognize the mysteries of Your works in the beauties of the earth, the sun, and the stars. But we also believe that You care for each one of us as individuals . . . So give to us we pray: The joy that dwells in the hearts of the believers and the happiness of those who walk with You.
>
> We present this prayer in the name of the living God. Amen.

CONGRESSMAN SAM STRATTON REPORTS TO THE PEOPLE OF UPSTATE NEW YORK ON THE ACCOMPLISHMENTS OF THE 91ST CONGRESS

REMARKS

OF

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. STRATTON. Mr. Speaker, I take this opportunity to present to the people of upstate New York, whom I am privileged to serve in the House, this report on the record and accomplishments of the 91st Congress. This is a report I have made regularly each year, during the 12 years I have served in Congress, so that the people we serve may have a precise accounting of our service and stewardship in their behalf.

Of course this Congress has not yet completed all its business. We are scheduled to reconvene after the November 3 election, to complete action on a number of important measures, particularly the remaining appropriations bills for fiscal 1971. But the bulk of our work is behind us, and as we pause for this brief recess we have a good opportunity to see just how much has been done in these past 2 years.

VIETNAM WITHDRAWAL

Perhaps the most significant area of progress in these 2 years has been in implementing our Nation's policy in Vietnam. Early last year the President outlined his proposal to withdraw our combat troops at a steady pace and turn over the actual fighting to the South Vietnamese. The only stipulation was that this turnover should be carried out slowly enough so that the South Vietnamese could pick up the burden effectively and thus be prepared to defend themselves when our troops are finally withdrawn. This policy of deliberate, phased withdrawal and deescalation was given overwhelming bipartisan support by the Congress last December with the enactment of the Peace and Freedom in Vietnam resolution. I was proud to be one of a small bipartisan group who initiated that resolution, lined up broad support for it, and was later invited to the White House to be personally thanked for that effort by the President.

Under that policy more than 160,000 troops have now been withdrawn from Vietnam, and all of our ground combat troops will be out of the fighting there by May 1, 1971. Already—as I saw in my most recent visit to Vietnam in May of this year—very substantial sections of South Vietnam are already being defended by South Vietnamese troops alone. They have greatly improved their combat skill in these past 2 years and show every promise now of being able to handle the job by themselves by next May.

Meanwhile, as the fighting continued, our Government has put forward some 39 different proposals for effective peace arrangements in Vietnam. All have been rejected. President Nixon recently offered a 40th proposal, his comprehensive stand-still, cease-fire plan for Vietnam. This, too, has been rejected by the Communists, although there is some feeling that perhaps it may later come in for more serious attention, possibly in secret talks.

I do think it is important, however, to recognize that this cease-fire proposal would never have been possible except for the success of our operation last May and June in cleaning out the dangerous threats to our withdrawing troops that were located in the Cambodian sanctuaries. Despite the popular outcry at the time, and the rather violent reactions on many of our college campuses, Congress supported the President's action in Cambodia. And today the result of that action now makes possible a speedup in our troop withdrawals, testifying to the wisdom of Congress at the time.

ISRAEL AND THE MIDDLE EAST

The most significant new development on the international scene during this session of Congress has been the increasing threat of open hostilities in the Middle East. The Soviets have been pouring weapons, advisors, even combat pilots into Egypt in an effort to overwhelm the State of Israel. Meanwhile the President hesitated—very wrongly, in my opinion—in turning over to Israel the remainder of those 50 Phantom jets which had been promised under President Johnson. Last summer, after long negotiations, the United States finally persuaded both Egypt and Israel to begin peace talks through a third party, Ambassador Jarring of the U.N., with the understanding that while these talks

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were underway both sides would cease firing and "stand still" in their present position along both sides of the Suez Canal.

For a time it looked as though we might finally have achieved a real breakthrough in the search for peace in the Middle East. Then suddenly the Egyptians, with the support of their Russian backers, began an immediate, and easily detectable, violation of the standstill agreement by moving their SAM missiles forward into the neutral zone. The projected peace talks were called off.

At this very moment my own subcommittee was making a quick survey trip in the Mediterranean, including a brief visit to Israel. On that stop we had the unusual privilege of an hour-long private conference with Prime Minister Golda Meir, as well as lengthy talks with Foreign Minister Abba Eban and with top Israeli defense leaders. From them we brought back to Washington Israel's urgent appeal for some $800 million worth of aircraft and other military equipment, plus an urgent request for the prompt enactment of legislation to permit the sale of this equipment on credit rather than strictly cash. This report was quickly made to our Government and the needed legislation—long stalled in another committee—was hastily added to the defense authorization bill for 1971, with my strong support as one of the House conferees on the bill. Congress should have passed such legislation much earlier in the session, but the bill to do this, the Foreign Military Sales Act of 1970, had been loaded down with unrelated issues and thus was bottled up in the conference committee.

Frankly, I am proud to have been able to help to provide this needed help to Israel quickly. I am convinced it will be the most effective way of insuring peace and deterring open war in the Middle East, since the Egyptians and the Russians will never launch strikes against Israel so long as they are clearly aware that we intend to back up Israel and not allow her to be driven into the sea. Our earlier hesitation about the 50 Phantom jets proved a dangerous blunder, because it raised serious doubts as to our intentions. But the prompt action of Congress in underwriting needed help to Israel on reasonable credit terms has now removed that doubt, and thereby it greatly increases the chances for peace.

OTHER MAJOR LEGISLATIVE ACCOMPLISHMENTS

While there have been suggestions that this 91st Congress has not been as productive as it should have been, a careful inspection of the record shows a rather remarkable list of significant legislative accomplishments, real landmark pieces of legislation. For example:

MAJOR DRAFT REFORM

This action, instituting a draft lottery and limiting the personal vulnerability of young men to the draft to a single 1-year period, was originally contained in a bill which I introduced early in 1969. It was passed in late 1969.

SOCIAL SECURITY INCREASES

The decision of Congress to provide a 15-percent increase in social security benefits last year stemmed from action which 50 Congressmen, including myself, took in September 1969 to urge an immediate 15-percent boost, rather than the inadequate 7-percent boost, not to become effective until April 1970, recommended by Mr. Nixon. Now Congress has in the mill still another piece of legislation, which I fully support, to give a further 10-percent increase this year, raise the minimum benefit to $100 a month, increase the amount that can be earned on the outside to $2,000, and provide a benefit escalator clause to insure that in the future social security benefits keep pace automatically with increases in the cost of living.

THE 18-YEAR-OLD VOTE

This measure—which I first introduced in Congress over 8 years ago—will become effective in January. Some people are nervous over the impact of the 18-year-old vote. But I do not share this concern. Instead, I do think the right to vote will have the effect of persuading young people to use their talents and energies to bring about changes within our system, rather than simply trying to blow everything else and bring about revolution and chaos.

PRESIDENTIAL ELECTORAL REFORM

Early last year the House passed a constitutional amendment to end the electoral college in presidential elections and substitute a direct popular election. I supported that move, but it has died in the Senate, chiefly because of opposition from the smaller States. Actually, I believe that a less drastic change—which I had initially recommended—would have a better chance of enactment in the Senate and in the States, and yet it would have ended the "time bombs" which now exist in our presidential election machinery.

EQUAL RIGHTS FOR WOMEN

I have long cosponsored this amendment and was one of the first to sign the discharge petition to get it out of committee and get it passed. Unfortunately, it, too, appears at the moment to be in trouble in the Senate.

TAX REFORM

In 1969 Congress passed the most sweeping tax reform bill in over 20 years. It plugged many—though not all—of the more flagrant tax loopholes, and it also provided something even more welcome, about $9 billion in tax reductions, which will become fully effective in 1972. These include the ending of the surtax, an increase in the standard deduction, lower tax rates for single women, and a gradual increase in the personal exemption to $750.

POSTAL REFORM

The postal reform and postal pay legislation which we passed this year will take the Post Office fully out of politics by the middle of next year. I have strongly supported this action for many years. In fact, it may be of interest to recall that when I had the recommending authority, I nominated a career postal employee for postmaster in Schenectady, and also a career employee for postmaster in Amsterdam.

CONGRESSIONAL REFORM

We finally got around this year to passing the most sweeping set of reforms in congressional procedures in 24 years. The bill we passed was an outgrowth of an investigation which started some 4 years ago, pursuant to legislation which I had cosponsored. While seniority will always play some role in the operations of Congress, just as it does in labor unions, colleges, and most other institutions, I was disappointed that our reform bill did not include some limitations on the use of seniority alone in selecting committee chairmen. I supported that limitation amendment, but we failed to muster a majority.

CRIME CONTROL

Important steps were taken in crime control by the 91st Congress. We passed a tough crime bill for the District of Columbia, a tough bill to crack down on organized crime, and we extended the Safe Street Act which provides financial help to local police departments to beef up their own effectiveness.

DRUG CONTROL

We also passed a tough drug control bill, to crack down on drug pushers, conduct further drug research, help cut off the illegal flow of drugs from places like Turkey, France, and Mexico, and increase the number of Federal narcotics agents.

REORDERING PRIORITIES

On four separate occasions Congress clashed with the President on where our money ought to be spent as a priority matter. Although in 2 years we cut the President's budget by $8.5 billion, we did seek to add $1.5 billion to education, an extra $500 million to hospital construction, and $500 million more to housing and veterans' medical care. President Nixon vetoed four of these add-ons. Congress overrode one veto of the education bill and the veto of the hospital construction bill. I share the President's desire to hold the line on inflation and overall spending. But I believe Congress has an equal right to say just where, and in what amounts, the money we do spend should go.

PROTECTION FOR THE ENVIRONMENT

The House has passed a bill, which I cosponsored, to establish a Joint Committee on the Environment, to underline our concern in this area. We also approved an extra $1 billion for the fight to clean up our waters, and passed legislation to require the development of a nonpolluting auto engine by the auto industry by 1975.

STRATTON BILLS

Several other bills which I introduced and in which I have had a special interest have also come in for attention in this 90th Congress.

Extension of the west front of the Capitol: Largely because of my one-man battle the costly $60 million plan to deface and destroy the historic west front of the U.S. Capitol is still on ice. At the moment some further studies are being made. But as each day passes the chances improve that the west front will no longer be destroyed but only repaired and restored to make it structurally safe and sound.

Tractor safety: My move to require roll bars and seat belts on farm tractors led this year to enactment of a law requiring a full Federal study of tractor hazards and accidents, which will be made available to the new 92d Congress when they come back in January. Meanwhile Wisconsin—which I visited in March to address a tractor safety forum—has become the latest State to adopt my safety proposals as mandatory equipment on all State-operated tractors.

Pornography: Congress did adopt tougher rules to prevent the flood of pornography through the mails. But unfortunately an even tougher version, which I had introduced and pushed, was turned down.

Federal health insurance legislation: Congress approved a compromise version of my bill to increase the Federal contribution to employee health insurance programs to 50 percent, but they settled for 40 percent.

Veterans pension protection: Action is finally underway on a bill I have long sponsored, to preserve veterans' pensions from reductions every time social security benefits go up. This bill, which Congress is expected to pass before Christmas, will, I believe, cover not only last year's 15 percent but also this year's 10 percent.

COMMITTEE BUSINESS

In this 91st Congress I have taken a lead within the Armed Services Committee in making searching and often highly critical inquiries into military practices and procedures.

My investigation into Army tank procurement procedures, for example, led to a hard-hitting and very critical report on the "billion dollar boo-boo" of the Army's Sheridan tank. It stimulated no cheers in the Army high command, I might add. Production of that tank has now been suspended by the Army itself.

Another investigation, into why the Navy allowed the nuclear Submarine *Guittaro* to sink alongside its pier before it could even be completed, was also highly critical and led to reforms that forced a complete overhaul of the Navy's ship construction command.

And the 8-month-long investigation into the real facts of the My Lai incident, carried out in the face of almost constant opposition and obstruction from the Army, produced a penetrating document critical of the Army brass and widely hailed for pulling no punches. I am proud to have had a major role in the shaping and the drafting of that no-holds-barred report.

HELP ON LOCAL PROBLEMS

One very important function of Congress—and Congressmen—is to provide help with problems affecting local areas. Here are some of the highlights of the help we have been able to provide in our office in connection with people, installations, and communities in the Capital District of upstate New York.

FUTURE OF THE WATERVLIET ARSENAL

The historic Watervliet Arsenal is one of the most important defense installations in the entire country. This spring it was hit with a 466-man reduction in force and its future seemed to some to be in doubt.

First, a New York congressional delegation subcommittee, which I chaired, received assurances from Defense Secretary Laird in March that there would be no further cuts in fiscal 1971 if the defense budget was not drastically reduced.

Second, as a member of the House Armed Services Committee, I pushed through a $1.3 million construction grant for the expansion of existing laboratory facilities at Watervliet. Who wants to close an installation when new construction is underway? The bill has now been approved and signed into law.

Third, at the request of distraught Watervliet employees, I learned from defense authorities that an earlier press conference purporting to announce the closing of one of Watervliet's most important buildings, No. 135, was completely unauthorized and untrue. No decision has yet been made to close this building, and it may never be made in view of the information below.

Finally, as a result of the decision to provide credit sales of military equipment, Watervliet's workload has been significantly increased and its continuation without any personnel cutbacks is assured for at least the next 2 years. Thus the Watervliet picture today is far more encouraging than it was last February.

INTERSTATE HIGHWAY 88

Last spring it was clear from the public hearing held, in accordance with law, at the Schalmont High School in Rotterdam, that the decision of the State transportation department to terminate Interstate Highway 88 at Schenectady Thruway exit 25 was overwhelmingly opposed by the people of our area.

At that time I met with local citizens of Guilderland and Rotterdam on this matter and later arranged for them to come to Washington to meet with Federal highway officials to determine the exact status of the highway. We were told that no firm decision had actually been made to locate the terminus at exit 25. They agreed that exit 27 at Amsterdam, or some other new exit somewhere in between, could be equally acceptable. But the Federal Government cannot act until the State first makes its recommendation.

So far the State seems bent on ignoring the wishes of the people of the area and going into exit 25 anyway. But recently there have been indications that cooler heads, as well as discreet pressure from Washington, may force the State to come up with a compromise exit, very possibly a new exit, either east or west of exit 25, so that the new highway will not destroy a valuable new suburban residential area.

Thus State officials will, in the end, find themselves forced to obey the Federal-Aid Highway Act of 1968, in which Congress included an expanded hearing provision, precisely to give people, like those in Guilderland and Rotterdam, a chance to have a say in the location of all new interstate highways.

CENSUS PROPOSALS

When preliminary census figures were made public this summer, great dissatisfaction was voiced by the city of Albany, the town of Colonie, and the town of Guilderland. All felt their communities had been improperly counted by the census people. In response to these complaints I made direct arrangements for census officials to meet with leaders from all three communities to work out differences and disagreements.

To date, unfortunately, although all three communities have filed evidence of counting errors, very little has been done by the census people to correct their figures.

I believe more time is needed to consider these differences before the figures are certified as official. I have introduced legislation to this effect. I also believe that we need to set up some impartial census court of appeals to rule on such disputes. The House Census Subcommittee is currently giving serious consideration to my proposal in this regard.

NEW YORK TO ALBANY METROLINER

Announcements made earlier this year by the Penn Central and other leading railroads that still more intercity passenger trains will be dropped has increased the urgency of Federal action, not only to keep railroad passenger service going, but to give us at least the same kind of high-speed modern passenger service the Japanese have had for several years.

This spring I testified in person in Albany at an ICC hearing on these train cancellations and urged the ICC not to allow these runs to be dropped unless Penn Central agrees to extend to the New York-to-Albany run the same kind of fast, dependable metroliner service now operating between New York and Washington.

Shortly before the present recess the House passed an extension of the High-Speed Ground Transportation Act. This measure provides Federal help for developing new high-speed passenger routes. I believe some of this money ought to be used to get a New York-to-Albany metroliner into operation, and I will continue to press for that objective.

NEW WORK FOR KAPL IN SCHENECTADY

Action by Congress last month in providing an additional $435 million for urgently needed new ships for the Navy—ships which the Navy has long sought, but which Defense Department analysts had opposed until the recent crises in the Mediterranean disclosed some of our Navy's serious weaknesses—will mean extra work for the Knolls Atomic Power Laboratory in Schenectady. Two of these ships are the new, fast nuclear submarines developed by Admiral Rickover. The technical know-how to build their nuclear powerplant is located in Schenectady. In the past few months some $50 million in additional nuclear ship business has come to Schenectady General Electric.

THREATS FROM IMPORTS

At the same time that Schenectady General Electric and Watervliet have benefited from additional defense busi-

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ness, other sections of local industry—General Electric, Alleghany Ludlum, and the textile plants in Amsterdam—are being threatened by an increasing flood of foreign import competition.

Over the past several months the Government has made repeated efforts to persuade Japan and other importing countries to accept voluntary limitations on the quantity of their imports. But all such efforts have been unsuccessful.

As a result a substantial number of Congressmen, myself included, joined in sponsoring import control legislation designed to protect American workers and American jobs against the damage that too heavy foreign imports could cause. The final bill has now been reported out of committee and is expected to be up for action when Congress reconvenes on November 16. It contains provisions to limit not only textile imports but also excessive imports of steel—which are hurting Alleghany Ludlum—and electronic imports—which are hurting such companies as General Electric. I was happy to cosponsor this legislation and believe it is very much needed.

THERMAL POLLUTION

With all of the attention being focused these days on the need to protect our environment from pollution, one new aspect of this problem which has only recently come in for major attention is thermal pollution, that is, the damaging of our lakes and streams by overheating their waters as a result of industrial operations.

In this 91st Congress I am proud to be able to report that I took the lead in the battle against this new threat of thermal pollution. Although the Water Quality Control Act in this Congress did not end up containing as strong a provision against thermal pollution as I would have liked, the issue was raised very clearly and the legislative history demonstrates the intent of Congress to set tough enough water quality standards to prevent thermal pollution.

One very significant victory was chalked up when the New York State Electric & Gas Co., about a year ago, withdrew its earlier application for construction of a nuclear powerplant on Cayuga Lake, one of the most scenic of the Finger Lakes. As originally projected, this plant would have contained no towers or other devices to cool the water being used by the nuclear plant before it was fed back into the lake. The withdrawal decision which resulted from a combination of local protests and our action in Congress should guaranty that when the new plant is built it will be built with the proper cooling devices. This is a clear-cut opening victory in the fight against the thermal pollution of all small inland lakes and streams.

HELP FOR AMSTERDAM

Dedication this month of the new Amsterdam senior citizens housing projects points up the substantial amounts of Federal help that have come into Amsterdam in recent years to help in the modernization of that city. More than $5.9 million have now been allocated for urban renewal in Amsterdam. The two Federal housing projects now in operation, including the senior citizen project, total $3.6 million in value. Early in 1969, as a result of my intervention, funds for the OEO program for Montgomery County were restored after an earlier bureaucratic attempt to cut them off. In the past 2 years Amsterdam has also received some $600,000 of Federal money for the expansion of the Amsterdam Memorial Hospital, $650,000 for a new Montgomery County infirmary, $210,000 for a mental retardation center for the Amsterdam School District, and $111,000 for a practical nurses manpower training program. Here, too, close cooperation between the city and the Federal Government has resulted in substantial benefits for this city, once so hard hit by the flight of textile industry to the South.

ATTENDANCE AND COMMITTEE ASSIGNMENTS

In spite of the demands of committee investigations and complications resulting from the latest congressional reapportionment, I am happy to report that I have continued to maintain a high voting attendance average, about 80 percent for this 91st Congress. This still gives a lifetime voting attendance record, covering my 12 years in Congress from two different districts and 11 different counties, of 88 percent, still one of the highest attendance averages in Congress.

I have been very pleased with my continued membership on the Armed Services Committee, and with the subcommittee chairmanships and additional responsibilities which my 12 years of service on that committee have recently made possible. It is perhaps worth noting, however, that because of my longer service in Congress I may soon be eligible, if I so desire, to fill New York State's new vacancy on the powerful, tax-writing Ways and Means Committee. I am frankly not sure whether I would want to shift committees and go back to the bottom of the class, so to speak. But the Ways and Means Committee does offer a considerable challenge, since it handles not only all tax matters, but also all social security, welfare, and tariff legislation.

OFFICE BUSINESS

Since Congress will now undoubtedly be remaining in session until the Christmas holidays, let me remind you that my district offices will also be open during this time, to render to you any assistance that we possibly can.

My Amsterdam office can be reached by calling either 843-3400 or 842-1302. I can also be reached in Schenectady on 374-4547. It is a pleasure and an honor to serve you and I do hope you will call on me any time that my staff or I can serve you.

EQUAL RIGHTS AMENDMENT

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, October 14, 1970

Mr. GRIFFIN. Mr. President, I have been pleased to join with Senators BAYH, KENNEDY, JAVITS, GOODELL, COOK, and DOLE in sponsoring a proposed constitutional amendment to guarantee women equal rights.

This new proposal would make it clear in the Constitution, once and for all, that women shall be entitled to equal protection of the laws.

The key language in the proposal is as follows:

> Neither the United States nor any State shall, on account of sex, deny to any person within its jurisdiction the equal protection of the laws.

The language conforms closely to the equal protection clause of the 14th amendment. This is a legal point, but an important point. It would be clear under the proposed amendment that discrimination on the basis of sex, as well as on the basis of race, would be constitutionally prohibited.

Courts have been interpreting similar language for more than 100 years. Our new amendment would permit the courts to continue building on that 100 years of precedent.

It could be expected that the Supreme Court would hold that the proposed language prohibits arbitrary discrimination against women, but does not preclude reasonable classification recognizing differences between the sexes.

Equal rights for women has been a worthy goal for a long time. Since the 19th amendment was adopted 50 years ago to give the women the right to vote, many distinguished women's groups have pursued a campaign to eliminate discrimination based on sex, in education, employment, and in other fields.

I strongly support the objectives of this campaign.

While I have not opposed the House-passed version of the equal rights amendment, I believe the new language now proposed is preferrable from a legal point of view. I have been concerned that a number of unfortunate consequences, some unintended, could flow from adoption of the House-passed version.

For example, the weight of authority indicates that, under the House-passed version, women would be subject to compulsory military service; and would be assigned to duty on the same basis as men. While I realize that some proponents want and intend such a result, I believe that most Americans and most Senators do not.

Some will say that this new proposal would add little to the Constitution as it now stands. That may be true, but the little it will add can be very important for women.

Proponents of an equal rights amendment have argued, with some basis, that there is doubt about the applicability and meaningfulness of the equal protection clause of the 14th amendment in the situations of discrimination based on sex.

The new amendment we have sponsored would make it clear that equal protection of the laws does apply to sex discrimination, as well as to discrimination in other areas.

Mr. President, I believe this new proposal will guarantee equal treatment for women without some of the undesirable side-effects which could flow from the House-passed version.

I commend this new proposal to the Senate and to the American people.

ADOPT A NATIONAL FOOD POLICY, SAYS RODNEY LEONARD

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. FRASER. Mr. Speaker, one of the most thought-provoking speeches delivered at the recent conference on nutrition was given by Rodney E. Leonard, consultant to the Children's Foundation and former Administrator of Consumer and Marketing Service of the USDA.

Mr. Leonard's observation that U.S. farm policy should be a part of a national food and nutritional policy, makes his analysis well worth reading.

The speech follows:

STATEMENT BY RODNEY E. LEONARD TO THE DEMOCRATIC STUDY GROUP JOINT TASK FORCE HEARINGS, SEPTEMBER 19, 1970

I appreciate the invitation to appear before you to discuss a national food—or nutritional—policy for the 1970's. My name is Rod Leonard. I am a consultant on child nutrition programs to the Children's Foundation, and editor of the Community Nutrition Institute Weekly Report.

During the 1960's, I served in the USDA on the staff of the Secretary, as Deputy Assistant Secretary and as Administrator of Consumer and Marketing Service. The latter agency operated programs of food assistance, food industry regulation and marketing services to producers. These positions gave me full access to the policy making function in food and agriculture, and my observations are based on these experiences and the continuing study of food policies, programs and public management I have made as a private citizen.

It took several years in the USDA before I fully understood how Executive agencies function, how the Congress develops policy and who most often controls the policy making apparatus. Many of us initially had assumed the job of making policy rested with policy makers. That, unfortunately, is not often the case. It particularly is not true in the area of nutritional policy. By default, more than anything else, a few nice ladies in soft hats and low heeled shoes really make nutritional policy—that little there is.

In the past decade, for example, the major policy development has been to place foods into four categories—meat, dairy products, bread and grains, and fruits and vegetables. This must have been a fairly momentous decision, since the nutrition world is divided into advocates of the 4's against the champions of the 7's. It often appears that the experts in food and nutrition go to conferences and decry the lack of nutrition education, draw rewarding consulting fees from food companies and complain bitterly about Bob Choate.

The complaints are not aimed so much at his lack of competence as toward his rudeness in exposing their expertise as an empty box. Where else than in nutrition could a non-expert hold his own before a Congressional committee with a battery of experts looking over his shoulder. In other societies the same condition exists when one witch doctor denounces another.

This confrontation bears directly on the purpose of these hearings, since it may help explain what is happening. As a non-expert, I feel qualified to make these observations:

First: Nutrition and food is an area where emotions have, and will hold greater sway than reason. How else can we explain the quacks, faddists and charlatans who abound in nutrition.

Second: The experts have been waiting for the non-expert to tell them what to do. More bluntly, the policy makers are neglecting their jobs.

For example, Food policy is the responsibility in the Congress of the Agriculture committees where this vital topic is shunted off to an unimportant sub-committee. The economic aspects of food—production, most importantly, then processing and distribution—have been the primary consideration. Congress is alert to social and economic consequences of food and nutrition as it affects the user only when health or human life are threatened.

The practice is hallowed tradition. Meat was first inspected in the 1880's as a step to save the export market in Europe. The consumer in America was given equal protection some 26 years later, and only after Upton Sinclair wrote "The Jungle."

The Food and Drug Administration was founded in 1906—after a U.S.D.A. scientist fed borax to convicts to prove the chemical then used as a preservative was harmful to health. But even today it is fair to say that FDA gives food a secondary consideration after drugs.

Beneficial reforms in meat and poultry inspection were enacted in 1967 and 1968, but only after some involved maneuvering. Similar action is needed in fish and egg products, but the bills languish in committee. While fish is not under the Agriculture committee, the attitude is the same: The committees feel uncomfortable with subjects other than food production, and so does the Congress.

If I sound as though all the fault belongs to Congress for failing to develop a realistic nutrition policy, I want to be equally clear that the Executive branch has never seriously challenged the concept that food policy is the flea on the farm dog.

Every administration since 1862 has professed a desire to give maximum support to the goal of food abundance—or to production economics. The user has always been an object to be manipulated. Both the Congress and the Executive have felt this definition of priorities would produce the maximum good, and no great harm would be done, in any event. The food being grown is nutritious and, if consumed in a balanced diet, will insure a healthy population. Other than for ignoring the impact of poverty, all the better nutritionists were agreed.

Occasional flare-ups where a few people died, or were made sick, could be handled politically by proposing and sometimes enacting legislation, prosecuting a few hapless individuals, and seizing an occasional carload of lettuce or case of canned peas with a publicity fanfare.

Until recently this policy and procedure has worked. Although never clearly stated, the policy concept defines quality as a matter of taste and eye appeal, and not nutritional adequacy. This emotional matrix has been accepted by most professionals. They busy themselves with test tubes, measuring nutrient values, developing recipes and preparing menu packages. Some concentrate on processing techniques which preserve or enhance conventional appearance, but which greatly reduce unit costs. The nutritional changes which also take place are usually ignored.

The Congress, and the Executive, quite obviously believe this quite limited definition of food policy still exists, since matters affecting the food needs of an urban nation are still decided on economic issues presented by producer and processor groups.

For example, during the same period Congress was enacting better meat and poultry inspection laws, it also was voting to restrict meat imports into the United States. And, while the Executive sometimes berates the Congress for spending, it took steps to increase the price of milk this spring which added millions of dollars to consumer food costs.

These practices will continue until the Congress and the Executive realize that nearly 30 years ago farm policy became part of food policy. The problems we face in food and nutrition are not how to find symbols of taste and eye appeal to apply to problems of food marketing and nutrition education, but to develop standards for an age when the food factory becomes more important than the farm.

Hanging the corporation as the bad guy who wants to starve our kids at breakfast is a bit of charming hyperbole—or diverting demogoguery for the corporation executive who can find no standards the Congress will supply to guide his actions.

What good is it to talk about providing sufficient income to enable low income families to purchase an adequate diet when some nutritionists are beginning to fear the consumer cannot gain adequate nutrition regardless of income?

How can the consumer exercise his function as the decision maker when he cannot always relate nutritional quality to appearance or taste? What is a hot dog? Is the TV dinner nutritionally equivalent to a meal prepared in the kitchen? Does the label on a can of stew tell you what it contains, or how it was prepared?

The food service industry has been growing at an annual rate of 10 percent over the last decade, compared to about 4 percent for retail grocery sales. Public policy until 1970 was to prohibit the industry from applying the talents to solving hunger and malnutrition through schools. Even now the policy is not clear, nor is any real effort being made to utilize this capacity for delivering nutritional services.

Is it any wonder today that in the area of food policy, industry is confused, the consumer is befuddled and the retailer is searching desperately for a marketing strategy that makes sense?

This uncertainty—this symptom of instability—cannot be removed or cured by band-aids. It will require major reforms in the Congress and Executive, reforms which can help initiate a food policy for an urban nation.

In the Congress, the Agriculture committee must become policy instruments which treat farm programs as an area for one subcommittee, with food policy the overall strategy imperative. Urban congressmen should be fighting to get on the food policy committee rather than fighting to stay off the farm policy committee.

Questions of food policy are now handled by several committees—Agriculture, Education and Welfare, Interior. The responsibility should be placed under a single jurisdiction.

In the Executive, the same dispersion of administrative responsibility should be corrected. Food programs logically should be brought to the Department of Agriculture, but in this case logic might not produce the best results. However, I am not any more sanguine about bringing together food policy agencies under the HEW banner, or any existing agency banner.

The problem in the Executive is less one of good intention than of bureaucratic structure and management responsiveness. In FDA, for example, the answer to incompetency is not to remove the responsible officials from the scene by building new layers of management. In the USDA, the major problem is to find techniques which allow the consumer as much of a voice in personnel, budgeting and defining priorities as special interests have come to enjoy.

Neither building new layers or insulating the decision process are good ways to conduct business in an institutional structure, either public or private. The restructuring of Executive programs must involve a yet undefined method of involving the individual citizen in the process of defining program and administrative policy.

Thus, in this matter, the Executive has a doubly hard problem: it must finally accept the fact that farm policy is part of the broader question of food policy, or nutrition programs; and it must also find the means of communicating the thought to civil servants that public agencies do not exist for the purpose of earning pensions.

While this difficult and time consuming process is confining the Executive's attention, the Congress with its new or revitalized committee structure can begin defining the food, or nutritional policy of the U.S. in the 1970's. These are some of the questions which must be recognized:

What programs should be developed to encourage medical science to use nutrition as a technique of preventive medicine?

How should food be defined? As a main dish, side dish, dessert?

Under what circumstances, and within what standards, should processed protein be used in products which traditionally are limited to animal protein?

What are the hazardous microbiological levels in processed foods, and how will the levels vary at different stages of processing? How will these standards be enforced?

How much protection should the public expect? Within budget priorities, how much should be spent on regulation, protection and consumer services?

What should the role of State and local governments be?

Obviously, it is a lot easier to ask questions than to answer them. But we must ask them if the urban economy is to function; and, sadly, hardly anyone is now asking them, let alone search for answers.

The answers we find will form a national food policy. It should assure us the food we eat is free of contamination, safe to the pocketbook, and will promote nutritional health.

THE IMPEACHMENT CHARGES AGAINST MR. JUSTICE WILLIAM O. DOUGLAS

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, on April 15 of this year, the gentleman from Michigan (Mr. Gerald R. Ford) opened impeachment charges against Supreme Court Justice William O. Douglas.

The Constitution provides that Federal judges shall hold office "during good behavior"; and that they may be impeached for "treason, bribery, or other high crime and misdemeanors."

Mr. Ford asserted on April 15 that a Federal judge may be impeached whenever his behavior is not good, even if his behavior does not amount to "treason, bribery, or other high crimes or misdemeanors." Indeed, Mr. Ford claimed that "good behavior" is "whatever a majority of the House of Representatives considers it to be at a given moment in history."

On August 10, 1970, Mr. Ford inserted into the Congressional Record a legal memorandum which supported his earlier assertion that "impeachment will lie for conduct not indictable nor even criminal in nature." This conclusion was based on the statements of a few textbook writers, by the isolated statements of the House of Representatives "managers" who argued the case for impeachment in particular Senate trials, and by the statements of individual Senators during the impeachment trials of certain judges.

Mr. Speaker, I do not believe the vaunted independence of the American judiciary rests on so slender a reed. I do not believe we in this House can impeach a judge because a majority of us at any particular moment disapprove of his decision in a controversial case.

Mr. Speaker, the study supplied us by Mr. Ford rests, as I said, on individual comments made during the partisan trials of the eight judges impeached by the House and tried by the Senate. I am more interested in what this House has done since the first impeachment charge was filed against Judge George Turner in 1796 than I am in what individual Members of this or the other Chamber have said on sporadic occasions. Accordingly, I requested Daniel H. Pollitt, a professor of constitutional law at the University of North Carolina to survey the 51 impeachment proceedings in this House during the intervening years.

I want to make several comments on this survey.

First, it shows that impeachment works. Thirty-three judges have been charged in this body with "treason, bribery, or other high crimes and misdemeanors." Twenty-two of them resigned rather than face Senate trial; three chose to fight it out in the Senate; and seven were acquitted by the vote of this Chamber against further impeachment proceedings.

Second, it shows that never since the earliest days of this Republic has the House impeached a judge for conduct which was not both job-related and criminal. This body has consistently refused to impeach a judge unless he was guilty of an indictable offense.

Third, it shows that never before Mr. Ford leveled his charges against Justice Douglas has it ever been suggested that a judge could be impeached because, while off the bench, he exercised his first amendment rights to speak and write on issues of the day.

Mr. Speaker, the constitutional framers in Philadelphia rejected a proposal that Federal judges should be removable upon a petition by a majority of each House of Congress, because it would make the judiciary dangerously dependent on the legislature.

Mr. Speaker, in 1804 the Republican House of Representatives argued that Supreme Court Justice Samuel Chase should be impeached because he held "dangerous opinion"; and the Senate rejected this theory of impeachment.

Mr. Speaker, 1970, Chief Justice Warren Burger stressed the necessity for a "total and absolute independence of judges in deciding cases or in any phase of the decisional function."

Mr. Speaker, in 1835 the French observer De Tocqueville wrote that—

> A decline in public morals in the United States will probably be marked by the abuse of the power of impeachment as a means of crushing political adversaries or ejecting them from office.

Mr. Speaker, I fear that adoption of the views of Mr. Ford will lead to this decline in public morals and deny us an independent judiciary.

Mr. Speaker, I would now like to make this excellent study by Professor Pollitt available to all Members:

IMPEACHMENT OF FEDERAL JUDGES: AN HISTORICAL OVERVIEW

"The Place of Justice is an hallowed place, and therefore ought to be preserved without scandal and corruption." These were the words of Francis Bacon, philosopher, scientist, and the most gifted of the English Renaissance men. But in his capacity as Lord Chancellor, he came a cropper. In 1621, the highest judicial officer in England was impeached for accepting bribes from litigants—sometimes from litigants on both sides of the case—and his only defense was that he never gave the briber his due unless he deserved it on the merits. Bacon was charged by the House of Commons, found guilty by the House of Lords, and sentenced to imprisonment in the Tower "during the King's pleasure." King James liberated him from the prison within a few days and gave a full pardon. But Bacon never regained his lost glories. In 1626 he contracted a cold while stuffing a goose with snow in order to study the effects of refrigeration on putrefaction. The exposure proved fatal to both.

The Bacon impeachment illustrates the problem raised by the Roman philosopher Jevenal: *Quis custodiet ipsos custodes*, or, who is to judge the judges. The matter was debated in the Philadelphia Constitutional Convention when John Dickinson proposed that federal judges should be removed from office on petition to the President by both the House of Representatives and the Senate. This was the practice then in effect in England, and in seven states, but it was decisively rejected by the Founding Fathers on the theory that it would make the judiciary dangerously dependent upon the whim of the current legislatures. Instead, the Constitutional Framers provided that federal judges "shall hold their offices during good behavior"; and at a salary not subject to cut by the Congress. Like all other civil officers of the United States, they were subject to removal from office "on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." Moreover, the Framers deliberately created a complicated and cumbersome process for the removal of federal judges to prevent hasty, unthinking action.

The House of Representatives has "the sole power of impeachment," and plays a role roughly comparable to that of a grand jury. Impeachment is initiated by a resolution to investigate the conduct of a judge. If the resolution is adopted, the matter is referred to a committee (usually, but not always the Judiciary Committee) for investigation. If the investigating committee finds the evidence sufficient, it may issue a report favoring impeachment. The report is then voted up or down by the whole House. If the House votes impeachment, it notifies the Senate and appoints "managers" to argue the case for the House before the Senate.

The Constitution delegates to the Senate "the sole power to try all impeachments;" and the Senate acts much like any court, hearing evidence first from the prosecution, and then from the defense. Witnesses are sworn, examined and cross-examined, and at the close of the trial the Senate votes on each article of impeachment separately. A two-thirds vote of the Senators then present is necessary to convict.

If the Senate votes in favor of impeachment, the only permissible judgment extends no further then "removal from office," and "disqualification to hold and enjoy any office of honor" under the United States. But the person so convicted remains liable to indictment, trial, judgment and additional punishment by other tribunals "according to law."

William O. Douglas is the latest federal judge put to this gauntlet.

On April 15, 1970, Congressman Gerald R. Ford of Michigan opened the attack on the Supreme Court justice with a four-pronged charge. The first concerned Mr. Justice Douglas' associations with Ralph Ginzburg, the publisher of magazines described by Congressman Ford as "not commonly found on the family coffee table." Ginzburg was tried and convicted of sending an "obscene" publication named *Eros* through the mails. Justice Douglas was one of the four justices who dissented from the conviction. This was in 1966. In 1969, Justice Douglas received $350.00 from *Avant Garde* magazine for an article he wrote on "Appeal of Folk Singing." *Avant Garde* is also published by Ralph Ginzburg. But there is more, according to the Republican House Leader. Ginzburg had another magazine called *Fact* and during the 1964 Presidential campaign, *Fact* ran an article to the effect that Barry Goldwater had a "severely paranoid personality and was psychologically unfit to be President." After the campaign Goldwater sued Ginzburg for libel, and recovered a verdict of $75,000. Ginzburg appealed to the Supreme Court, and Justice Douglas was one of the dissenters who ruled in favor of Ginzburg on the theory that "the Constitutional guarantees of free speech and free press are absolute." This was in 1970. Congressman Ford finds fault in the failure of Mr. Justice Douglas to disqualify himself in the Goldwater-Ginzburg controversy because of his "substantial interest" in the outcome.

The second prong of the attack on Justice Douglas also concerned his publications: this time, a 97-page book called "Points of Rebellion." Congressman Ford objected because the book is "a fuzzy harangue evidently intended to give historic legitimacy to the militant hippie-yippie movement." Congressman Ford also found it offensive that "the most extreme excerpts from the book" were republished in the April, 1970 issue of *Evergreen* magazine, in company with "shocking" arty nudes of the kind "the U.S. Supreme Court's recent decisions now permit to be sold to your children and mine on almost every newsstand."

The other two grounds for attack concerned Justice Douglas' associates. Mr. Douglas, until recently, had received $12,000 a year as Chairman of the Parvin Foundation, a tax-exempt charitable organization to educate the developing youth leadership in Latin America with scholarships in the United States. This is well and good on its face, but the Foundation was financed by Albert Parvin, who operated hotels and gambling casinos in Las Vegas. According to Mr. Ford, the ties of Mr. Parvin with "the international gambling fraternity never have been sufficiently explored." This is guilt of association twice removed, based on rumor and speculation.

Finally, Congressman Ford charged that Justice Douglas is a "long time consultant" and "member of the board of directors" of the Center of the Study of Democratic Institutions. The "offense" here is that the Center is headed by Dr. Robert Hutchins, the former President of the University of Chicago, and in 1965 the Santa Barbara Center "sponsored and financed the National Conference for New Politics which was, in effect," the Congressman surmised, "the birth of the New Left as a political movement."

These four charges are not offensive to most Americans, even if true. Most certainly, they do not constitute Treason, Bribery, or "other high Crimes and Misdemeanors." This is admitted by Congressman Ford, whose entire argument is that "an offense need not be indictable to be impeachable."

The term of federal judges, recites the Congressman, is "during good behavior:" and when behavior ceases to be good, the right to hold judicial office ceases also. Further, contends the Congressman, "good behaviour" (and an impeachable offense) "is whatever a majority of the House of Representatives considers (it) to be at a given moment in history;" and conviction in the Senate should result "from whatever offense or offenses two-thirds of the other body considers to be sufficiently serious to require removal of the accused from office."

Congressman Ford reached his conclusion from a study of "our history of impeachments." This "history," however, does not support his conclusion, whether one considers only the eight judges who have been impeached in the House and tried in the Senate, or the much larger number of federal judges whose fates have been decided in the House of Representatives without trial in the Senate.

THE EIGHT COMPLETED IMPEACHMENT CASES

Eight federal judges have been impeached (or charged) by the House of Representatives and tried by the Senate. Four were acquitted and four were convicted. The first such case was in 1804, the most recent in 1936. The first two cases—those of John Pickering and Samuel Chase—must be considered together, and in light of the political events of the period.

When the Jeffersonian Republicans won the Presidency and both Houses of the Congress in 1802, they were bent upon a "political purge" of the federal judiciary, and not without cause.

President John Adams and the Federalist majority in the House of Representatives and the Senate sought to win the election by enactment and rigorous enforcement of a Sedition Law, which made it illegal to criticize the United States or the incumbents in office. Matthew Lynn, a Vermont Congressman, was the first victim of this law. He was tried, convicted and sentenced to a fine and four months in jail because of a political speech in which he accused President Adams with "an upbounded thirst for ridiculous pomp, foolish adulation, and selfish avarice." The Editor of the Bennington Gazette sought to raise funds to pay the fine by a lottery, and advertised with a caption addressed "to the enemies of political persecutions in the western district of Vermont." A New York Senator was indicted and arrested under the Alien and Sedition Law because he circulated a petition to Congress among his neighbors asking for its repeal. Jeffersonian candidates and supporters, felt the fangs of this law deeply. Indeed, things got so bad under this law that when President Adams campaigned in Newark, and the New Jersey local artillery company fired a salute in his honour, a bystander was convicted for an idle remark that he "wished the wadding from the cannon had been lodged in the President's backside."

The Jeffersonians disliked the law, they disliked even more the men who enforced the law: the Federalist United States Marshals, who selected juries of sympathizers; the Federalist Judges, who presided in partisan manner. They especially disliked Justice Samuel Chase because of his repeated jury charge that "if a man attempts to destroy the confidence of the people in their officers, he effectually saps the foundation of the government." This charge was first announced in the trial of a Pennsylvania editor, who was convicted because of an editorial asserting that President Adams had "saddled (us) with the expense of a permanent navy, threatened (us) with the existence of a standing army."

Jefferson and his Republicans had other grievances against the Federalists. Jefferson had promised the Chief Justice-ship of the United States to his political lieutenant, Spencer Roane of the Virginia Supreme Court. But before Jefferson took office, Chief Justice Oliver Ellsworth, a staunch but aging Federalist from Connecticut, retired prematurely, creating the opportunity for President Adams to appoint his Secretary of State John Marshall to this post.

And there was more. After the political sweep of the Republicans at the polls, the lame-duck Federalist Congress met and in the Judiciary Act of 1801: (1) created sixteen federal circuit court judgeships for defeated Federalist politicians; (2) created forty-two justice of the peace positions in Washington, D.C. for lesser Federalist office holders; and (3) reduced the size of the Supreme Court from six to five members (as of the next vacancy) to deprive Jefferson of an appointment for the foreseeable period of his Presidency.

Jefferson thundered that, "The Federalists have retired into the judiciary" and "from that battery all the works of republicanism are to be beaten down." He would have none of this; and when his party assumed office, President Jefferson pardoned all persons convicted under the Alien and Sedition Law, and fired all the United States Marshals and United States Attorneys who had enforced it. Meanwhile, his Congress repealed the Sedition Law and the Judiciary Act of 1801 and thereby the judgeships created for the defeated Federalist opponents. When Chief Justice Marshall threatened to declare the repeal of the 1801 Judiciary Act unconstitutional as an illegal short-cut of the impeachment process, the Jeffersonian Congress cancelled the terms of the Supreme Court for the next fourteen months. During this interval, the Jeffersonian Congress went after the federal judiciary via the impeachment process, with Marshall himself as the ultimate target. The impeachment proceedings against John Pickering and Samuel Chase are part of this tumultuous, explosive political partisanship.

John Pickering, judge of the federal district court in New Hampshire, has the dubious distinction of being the first judge to be impeached by the House, tried by the Senate, and removed from office; and for reasons unrelated to "treason, bribery, and other high crimes and misdemeanors." Senator William Giles of Virginia, the Jeffersonian leader in the Senate, was quite blunt on this score. He told his Federalist colleagues, in language not unlike that of Congressman Gerald Ford, that "We want your offices, for the purpose of giving them to men who will fill them better." His announced theory was that removal by impeachment is nothing more than a declaration by Congress that: "You hold dangerous opinions, and if you are suffered to carry them into effect you will work the destruction of the Nation." Federalist Senators objected that this interpretation of the Constitutional impeachment clause, would make "our Judges as independent as spaniels;" but they argued in vain. Giles insisted, with majority backing, that federal judges were removable. "For any cause that a dominant political party considers to be sufficient."

The choice of Judge Pickering as the first target of the Jeffersonian onslaught against the federal judiciary was excellent political strategy. The unfortunate old man had been an insane drunkard for some time, and was clearly unable to perform his duties as a federal judge. The Judiciary Act of 1801 had provided for such cases as Pickering's by authorizing the circuit judges to appoint one of their own members to exercise the functions of any district judge who became incapacitated. Under this Act, the circuit judges determined that Pickering was indeed incapacitated, and assigned Circuit Judge Jeremiah Smith to take over his duties. With the repeal of the 1801 Judiciary Act, and the elimination of the circuit judges, Pickering resumed his judicial functions.

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His family and friends urged that he resign, but Portsmouth Federalist leaders advised strongly against a resignation as the "successor will be a man whom we cannot approve," referring to John Samuel Sherburne, the newly appointed Republican United States Attorney.

So Judge Pickering stayed on the Bench, and one of the first cases to reach him involved the ship *Eliza*, seized by the Republican custom officials for smuggling. The ship belonged to Eliphalett Ladd, a prominent Federalist merchant, who filed suit for its return.

On the opening day of trial, Pickering came to the courthouse thoroughly intoxicated. He staggered to the bench and ordered the court to open. Then, apparently feeling lonely, he ordered a young lawyer named John Wentworth to sit beside him. The startled attorney demurred, and the judge started down from the bench to cane him. But seeing a former British Naval officer among the spectators, he ordered him to sit and give advice on these nautical matters. Thus fortified against the "Jacobins," Pickering roared: "Now damn them, we will fight them" and ordered the parties to proceed.

United States Attorney John Sherburne began to read the pleadings, but the Judge interrupted that he had heard enough and would decide the case in four minutes. He suddenly ordered that the ship *Eliza* be returned to his long-time political ally Eliphalett Ladd. Attorney Sherburne protested that his witnesses had not yet been allowed to testify, and the Judge replied, "Very well, we will hear everything—swear every damn scroundel that can be produced—but if we sit here four thousand years the ship will still be restored." A few minutes later, however, he shut off the witness and ordered the case dismissed. When the Government sought an appeal order, the trial judge refused to sign one, although the law clearly commanded that he do so.

The impeachment charges against Pickering related to his above conduct and rulings. Pickering did not appear at the Senate trial, but his son did, and moved to dismiss the charges because they did not allege "treason, bribery, or other high crimes and misdemeanors," and in the alternative argued that his father lacked the mental capacity to have the "intent" to commit a crime. The Senate rejected the underlying theory behind this defense, and ruled by a party-line vote of nineteen Republicans against seven Federalists that federal judges were removable from office for any reason that the dominant political party considered to be sufficient. Five Republicans refused to convict, but rather than offend their party, left the Senate chamber during the vote.

Thus, a partisan body of judges gave to poor crazy John Pickering the unwelcome distinction of becoming the first victim of the first judicial purge in our national history. The impeachment would have seemed less brutal if its innocent victim had not been one of New Hampshire's most distinguished citizens. The author of her constitution, a revolutionary patriot, Pickering had been universally admired until he became incapacitated at the end of his long public career.

The fact that the Senate so quickly reversed its position on the underlying Constitutional issues has made the Pickering impeachment trial a minor development in a continuing story rather than the historic landmark it seemed at the time. John Pickering was convicted by the Senate on March 12, 1804. Within an hour, the House voted to impeach Samuel Chase.

Samuel Chase, a Baltimore lawyer, was aggressive and militant in everything he did. As a young man, he opposed the British Stamp Act, and led the Sons of Liberty on midnight raids against public offices, where they rifled the files, destroyed the records, and set fire to the stamps. His militant opposition to British rule gave him a notoriety which resulted in election to the First Continental Congress, where he championed the Declaration of Independence and became one of its signers. He was a leader of the Maryland Convention that ratified the National Constitution, and in 1796, President Washington appointed him an Associate Justice of the Supreme Court of the United States.

The Supreme Court did not have a busy docket in the early days of the Republic. It met for two brief terms a year in Washington, and during the remaining months the six Justices "rode circuit" sitting as Circuit Court judges with jurisdiction to preside at the trial of important cases, and hearing appeals from District Court judges in lesser matters.

Justice Chase was a terror on the bench. He "bullied counsel, brow-beat witnesses, ruled juries," and with his sallies from the bench, "brought down the laughter of the spectators" on helpless and unfortunate defense counsel. Even his friend, John Marshall, admitted on cross-examination during the Senate impeachment trial that Chase, as a judge was "tyrannical, overbearing and oppressive."

Marshall was testifying about the conduct of Chase during the trials under the Alien and Sedition Laws, and it is here that Chase proved most obnoxious to the Jeffersonians, because of his vigorous and overbearing enforcement of these laws during the Presidential political campaign against John Adams.

He presided at the trial of Thomas Cooper, the editor of the "Sunbury Gazette" in Pennsylvania, and directed the jury to convict on the theory that any criticism of public officials "effectually saps the foundation of the government." He presided at the trial of Fries, a Pennsylvania farmer who had refused on grounds of principle to pay certain federal taxes. Chase charged that this was "treason," and sentenced the defendant to be "hanged by the neck until dead." The resulting Republican uproar resulted in a Presidential pardon.

Chase then went to Baltimore, where he impaneled a large number of grand jurors, and during the process denounced the Republican proposal for universal suffrage because it would "sink" the country "into a mobocracy, the worst of all popular governments."

Chase then hurried to Richmond, to preside at the trial of a noted editor named Callender who had published a tract hostile to President Adams. Chase read the pamphlet prior to trial, and announced in a public coach that "he would certainly punish" the editor, and "teach the lawyers of Virginia the difference between the liberty and the licentiousness of the press." When trial began, Chase (i) refused to excuse a juror who announced that he was morally-bound to find the defendant guilty, (ii) refused to hear distinguished witnesses offered by the defense, and (iii) throughout the trial was "tyrannical, overbearing and oppressive."

Chase then went to New Castle, Delaware, where he refused to dismiss a grand jury until it returned an indictment against a Jeffersonian newspaper publisher. When the grand jury refused to indict, he ordered the United States Attorney to read all back issues of the paper, and report any abusive language to the jury. But that body reported that it discovered nothing "treasonable," except a brief and unpleasant reference to Chase himself. Chase let the matter drop.

The impeachment charges issued by the House of Representatives against Chase related to these actions and rulings while on the bench. Admittedly, they did not constitute "high crimes and misdemeanors;" but Senator Giles announced here, as he had earlier in the impeachment of John Pickering, that the process of impeachment "is nothing more than an inquiry by the two Houses of Congress whether the office of any public man might not be better filled by another."

The Federalists responded, as they had in the Pickering trial, that such a theory of impeachment undercut "the vital necessity of the independence of the Judiciary" and put in peril "the integrity of the whole National judicial establishment."

This time they fared much better. The Republican senators who had absented themselves during the Pickering vote bolted Party ranks and the fight was over.

There were thirty-four Senators, nine of them Federalist, twenty-five Republicans. Two-thirds, or twenty-two votes, were necessary to convict. Six of the Republicans—mostly from the Northern and Western states—answered non-guilty on every article of impeachment.

John Randolph of Virginia (a House manager who argued the impeachment) rushed from the scene of defeat to the floor of the House where he offered a Constitutional amendment providing that the President might remove federal judges on the joint address of both Houses of Conrgess. Congressman Micholson, another floor manager, was almost as frantic with wrath, and followed with a proposal to amend the Constitution so that State Legislatures might recall their United States Senators at will. Neither proposal progressed very far, and President Jefferson remarked that "impeachment is a farce which will not be tried again."

On the other side there was jubilation. As John Marshall's biographer Albert Beveridge put it, "For the first time since Jefferson's election, the National Judiciary was rendered independent. For the first time in five years, the Federalist members of the Supreme Court could go about their duties without fear that upon them would fall the avenging blade of impeachment. . . . One of the few really great crises in American history had passed."

But Beveridge spoke too soon. There was to be one more test case, that of *James Hawkins Peck*.

Freed from the threat of Congressional impeachment, the Supreme Court under John Marshall began to strengthen the powers of the central government and protect the interest of the industrial and monied classes. This was at the expense of the small farmer in the South and West, and required the nullification of the laws of many states. By 1825, the Supreme Court declared unconstitutional the laws of at least ten states. Naturally, there was a good deal of resentment against the Supreme Court, with a number of "court curbing" plans.

Jefferson proposed that the Constitution be amended so that all federal judges serve an initial term of six years, with the possibility of re-appointment by the President, but only with the consent of both Houses of Congress.

Senator Johnson of Kentucky introduced a Constitutional amendment that whenever the Supreme Court declared the laws of a state to be unconstitutional, there would be a further appeal to the United States Senate for final decision. A proposal which received even more support but also failed to muster majority backing would have required the vote of five of the then seven Supreme Court justices (instead of a simple majority) to overturn a state law.

It was during this period of growing antagonism toward the federal courts that James Hawkins Peck was appointed the United States District Judge for Missouri. In effect, he was the "federal presence" and he was disliked not only in principle, but also because of his arbitrary abuse of judicial authority.

When Judge Peck took office, he was faced with a number of suits by the early settlers of Missouri (the Upper Louisiana Territory) claiming title to large acreages under grants from the Spanish crown. The United States resisted these claims, and countered that the land was part of the public domain and available for future distribution. A lawyer named Luke Edward Lawless represented many of these claimants, including the heirs of one Antoine Soulard.

The Soulard case was tried first, and Judge Peck ruled for the government. He then wrote a letter to the editor of the Missouri Republican, explaining the basis for his decision. Attorney Lawless promptly wrote an answering letter to a rival newspaper, the Missouri Advocate, in which he challenged the facts and legal conclusions of the Judge.

Judge Peck was incensed. He ordered the attorney arrested, brought to court, and without a trial, held him in contempt. He imposed a sentence of twenty-four hours in jail and disbarment from the federal court for a period of eighteen months.

Congressman John Scott of Missouri promptly presented a Memorial requesting the House to inquire into the conduct of Judge Peck. On April 21, 1830, the House overwhelmingly voted (123 to 49) to impeach the judge because of his "unjust, oppressive and arbitrary contempt order.

Judge Peck might well have shown a lack of "good behaviour;" but his on-the-bench activities did not constitute "Treason, Bribery, or other high Crimes and Misdemeanors." For this reason, the Senate decided on January 23, 1831, in favor of Judge Peck by a vote of 21 guilty, 22 not guilty. This was just short of a majority, and far less than the two-thirds vote necessary for removal from office.

This vote did not mean that the Senate approved of what Judge Peck had done. Far from it. Within two weeks, on February 10, 1831, the Senate enacted a bill denying federal judges the power to punish for contempt except in cases of misbehavior "in the presence of the court, or so near thereto as to obstruct the administration of justice." This bill swept through the House, and was signed into law by the President on March 2, of that year.

The heirs of Antoine Soulard were also vindicated when they appealed Judge Peck's adverse decision to the Supreme Court and there won a unanimous reversal.

Be that as it may, the House of Representatives has never again voted impeachment against a federal judge because of his rulings or conduct on the bench. Nor has it ever voted to impeach a judge because of private activities or association unrelated to judicial duties.

West H. Humphreys, of the United States District Court for Tennessee was the next judge to be impeached by the House and tried in the Senate. The charges, filed in 1862, were "Treason," that he had incited "revolt and rebellion" in Tennessee "against the Constitution and Government of the United States" by "openly and unlawfully" advocating an "ordinance of secession." The judge was summoned by the Senate "to appear and answer certain articles of impeachment," and upon his refusal, the Senate voted unanimously that he be removed from office. Judge Humphreys was then serving as a judge on the "District Court of the Confederate States of America."

The next four impeachment cases tried by the Senate involved allegations of "high Crimes and Misdemeanors," although all were not provable.

Charles Swayne, the United States Judge of the District Court in Florida, was impeached and tried in 1904. Always a vigorous and forthright person, he had been appointed by Republican President Harrison over the protest of all the Democratic members of the Senate. His job was to convict the Florida Democrats who had violated the voting rights of Republicans in the last election. He was relentless in this task, extending court sessions to bring all offenders to his bar of justice.

He was equally vigorous in pursuit of his personal goals. Thus, in 1901, a number of suits were filed in Pensacola concerning title to what was known as the "Rivas Tract." One Florida McGuire was the principal plaintiff, and one Edgar was the principal defendant. Prior to trial, the lawyers for Miss McGuire requested the Judge to disqualify himself, because they had learned that defendant Edgar had sold part of his interest in the land to the Judge. The Judge refused the motion to excuse himself, saying that he had not purchased the land interest, but that a relative of his had done so. Later, it developed that this relative was his wife.

Unwilling to try the case before Judge Swayne, the plaintiffs filed a new, but identical, suit in the state court against the old defendant Edgar, with Judge Swayne added as a new defendant. They then went into the federal court to have the old case dismissed. Judge Swayne was presiding, and quickly expressed his feelings about the new suit against him in the state court in Escambia County. After a few "abusive remarks," he held the attorneys guilty of contempt, sentenced them to ten days in jail, a fine of $100 each, and disbarment from the federal court for a term of two years.

This abuse of judicial power, reminiscent of Judge Peck, undoubtedly fueled the flames of impeachment. But the serious charges related to various "high Crimes and Misdemeanors," namely, that the Judge (1) was not a resident of his judicial district as required by law (the Judge admittedly was a native of Delaware and lived there with his family while not holding court in Florida), (2) padding his expense account (the Judge admitted that he always claimed the maximum $10.00 per diem expenses, whether he spent that much or not) and (3) accepting favors from litigants before his court (the Judge admitted that he had accepted from a railroad then in bankruptcy proceedings before his court a free ride to California and back for himself, his wife, his sister-in-law and her husband, and subsequently approved of the costs of the trip as part of the necessary expenses of operating the railroad).

Judge Swayne's only defense was a legal one—that the offenses were not "impeachable." He argued, in effect, that the particular bribery, expense account padding, and failure to abide by the law requiring that he reside in the judicial district, were all minor or "low" crimes and misdemeanors. The Democratic House of Representatives rejected this defense and "impeached" by an almost solid party-line vote. The Republican Senate, also by party-line vote, acquitted on all charges.

Robert W. Archbald, Judge of the United States Commerce Court, was impeached and convicted in 1912 on charges of selling justice, of "having used his judicial office and influence for his personal financial gain."

Like Judge Swayne, Judge Archbald had accepted a free trip for himself and his family from a railroad then in litigation before his court. The only distinction between the two situations was that whereas Judge Swayne went to California, Archbald made a grand tour of Europe.

There are other, and political, differences between the two situations. Judge Archbald had accepted a "purse" from certain lawyers who practiced before him, and he served on a very unpopular court when the federal judiciary as a whole was under attack.

The Commerce Court of which Judge Archbald was a member was created by the administration of President William Howard Taft to review the orders and decisions of the Interstate Commerce Commission. Increasingly, the Commerce Commission ruled against the railroads on behalf of the consumers, and just as insistently, the Commerce Court ruled against the Commission when the railroads appealed.

The Commerce Court, as an institution, became the fulcrum of a bitter political controversy. Teddy Roosevelt, campaigning for the Presidency, promised to abolish the Commerce Court if elected; but the Democratic majority in Congress pre-empted this issue (and the popular appeal) by voting to abolish the court during mid-campaign.

The general adverse reaction against the Commerce Court undoubtedly hurt the members of that Court, including Judge Archbald. So did the general anti-court sentiment of that period. Around the turn of the century, the Granger Movement swept through the agrarian mid-west, resulting in state legislation regulating the railroads, the graneries, and other utilities in favor of the consumer. At the same time, labor began to show political muscle in the industrial states, with the enactment of laws regulating child labor, maximum hours and minimum wages for women. The federal courts, almost as matter of routine, declared all these state laws to be unconstitutional.

LaFollette, Norris, Shipstead, Hiram Johnson and other progressive legislators introduced a series of anti-court Constitutional amendments to reduce the terms of federal judges to a fixed number of years, to authorize their recall upon petition, and to require a two-thirds vote or more when declaring a state law unconstitutional.

It was in this political climate that the Democrats, and their Roosevelt "Bull Moose" allies in the Senate, voted to affirm the impeachment charges of the House and remove Judge Archbald from his office.

Harold L. Louderbach, Judge of the United States District Court in California, was impeached by the House of Representatives in 1932, and it is not altogether certain that the accusation met Constitutional standards. The charge against him was "favoritism in the appointment of incompetent receivers" and the "allowance of excessive fees." This is not "good behavior," but is it a crime?

Judge Louderbach owed his job to Senator Samuel Shortridge, and when it came to the appointment of receivers in the bankruptcy and reorganization cases that came before him, the Judge saw to it that Samuel Shortridge, Jr., the son of the benefactor, got more than his share of the lucrative positions. There was no evidence that Judge Louderbach—unlike Judge Archbald—received any direct personal financial gain from these appointments. The Senate voted to acquit.

Halsted L. Ritter is the last of the federal judges to be both impeached by the House and tried by the Senate. He was convicted. A successful lawyer in Denver, Ritter moved to Florida in 1925 for reasons of family health. Four years later, President Coolidge appointed him to a federal judgeship on recommendation of his Postmaster General. The appointment was opposed locally by both Republicans and Democrats.

This opposition was justified. He was impeached by the House of Representatives in 1936, and the principal charges were: (1) participating in champertous proceedings brought before him for a cash consideration, and (2) preparing and filing false income tax returns. What he had done was (1) accept a bribe from the Florida Power and Light Company in connection with a pending case, (2) appoint a former law partner to a "receivership" which paid $75,000 fee, with a $4,500 kick-back, and (3) conceal this income when filing his annual tax returns.

The odd element in this case was the Senate action. Eighty-four Senators voted, which required fifty-six votes for the two-thirds majority required by the Constitution in impeachment cases. This fifty-six figure was reached, but barely. Forty-nine Democratic Senators were joined by five Republicans

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who usually bolted party ranks (Borah of Idaho, Capper of Kansas, Cousins of Michigan, Frazier of North Dakota, and Norris of Nebraska) and the two Senate independents (Shipstead, Farmer-Labor from Minnesota, and LaFollette, Progressive from Wisconsin).

This completes the "history" of the eight federal judges impeached by the House and tried by the Senate. In 1803, Judge Pickering of New Hampshire was impeached and found guilty of conduct certainly not "good" but also admittedly not constituting "Treason, Bribery, or other high Crimes and Misdemeanors," unless blasphemy and public drunkenness fall within this category. Not since that time has the Senate removed a judge from office in an impeachment trial because of behavior which is not good, unless that behavior is also criminal.

Supreme Court Justice Chase was acquitted by the Senate in 1804, although his behavior in presiding at the Alien and Sedition trials of his Jeffersonian opponents was "tyrannical, overbearing and oppressive."

District Court Judge Peck was acquitted in 1831 by the Senate, although its disapproval of his abuse of the "contempt" power was written into a federal law.

Since that date, almost 150 years have passed with no impeachment charges by the House because of behavior which is not good.

West H. Humphreys was charged with "Treason," and convicted by the Senate in 1862 when the Tennessee judge threw his lot in with the Confederacy.

Charles Swayne, the Delaware lawyer who sat on the United States Court in Florida, was acquitted by the Senate in 1904 on the House charges of defrauding the government with false expense accounts, and of accepting favors from litigants before his court.

Robert W. Archbald was convicted by the Senate in 1912, and removed from his judgeship on the Commerce Court for accepting cash bribes and other favors from litigants before his court.

Harold L. Louderbach was acquitted by the Senate in 1932 upon a finding that his judicial appointments to lucrative posts were motivated by personal gratitude to his political mentor, rather than by hope of financial gain.

Halstead Ritter was convicted by the Senate in 1936 for bribes, kick-backs, and income tax evasion, certainly judicial behavior which is not good, but also clearly within the Constitutional grounds of impeachment for "Treason, Bribery, and other High Crimes and Misdemeanors."

In short, the Constitutional history as reflected by the eight "completed cases" demonstrates that Congressman Ford is in error when he asserts that the Congress has authority under the Constitution to impeach Mr. Justice William Douglas (or any other judge) for whatever conduct a sufficient majority of the Congress considers to be an "impeachable offense" "at any given moment in history."

B. IMPEACHMENT CASES RESOLVED IN THE HOUSE OF REPRESENTATIVES WITHOUT SENATE ACTION

The eight impeachment cases tried by the Senate reflect merely the top of the iceberg. The qualifications of at least forty-seven other federal judges have been questioned in the House of Representatives since 1796, when impeachment charges against George Turner of the Northwest Territory were dropped on the assurance of Attorney General Harry Lee that he would initiate grand jury proceedings against the Judge.

The decisions and actions of the House of Representatives in connection with these federal judges is an important part of the impeachment history and teaches that the House refuses to impeach because of judicial misbehavior unless the offense charged falls within the Constitutional framework of "Treason, Bribery, or other high Crimes and Misdemeanors."

1. Treason

In 1862, Judge West Humphreys was impeached by the House and convicted by the Senate when he joined the Confederacy. The only other "Treason" charge was brought against Harry Innes in 1808, on the allegation that the federal Kentucky judge had joined forces with Aaron Burr and conspired with Spain to "seduce Kentucky from the Union." The judge denied the charge, and a House Investigating Committee found him not guilty.

2. Bribery and financial irregularity

Thirty-three federal judges have been charged with offenses directly involving financial corruption. Twenty-two did not accept the challenge and their resignations ended any further inquiries by the House of Representatives. Five were "censured" but not impeached; four were acquitted of wrong-doing after investigation; and a House Committee turned the other two cases over to the Attorney General for possible criminal prosecution, without impeachment recommendations.

In the earlier history, some of these judges were driven to bribes and kick-backs through excessive consumption of whiskey. Thus, in 1839, Judge Philip K. Lawrence of Louisiana was charged with corrupt conduct, and "intemperate use of ardent spirits.' In 1872, Judge Mark H. Delahay of Kansas was charged with corrupt transactions and "intoxications." In 1874, Judge Edward H. Durell of Louisiana was charged with improper procurement of money and "drunkenness."

In more recent periods, the judges were caught in an economic squeeze from the Crash of 1929 and could not resist the subsequent temptations that came their way—temptations, incidentally, from the highest corporate offices in the land. A notable example is Martin T. Manton, Chief Judge of the Court of Appeals for an area including New York, Connecticut and Vermont.

Manton began his judicial career in 1916; at thirty-six he was the youngest federal judge in the country. In the following twenty-three years he well justified his early appointment. His well-reasoned decisions, his articles in the professional journals, were cited as authority by bench and bar alike. He testified before Congressional Committees on complicated aspects of patent and bankruptcy law, and he was in great demand as a speaker before the American Bar Association, the Academy of Political Science and other distinguished assemblies. Honorary degrees came from all sides: from Columbia, Fordham, Manhattan, Vermont, and others. He was generally regarded by lawyers and knowledgeable lay persons as the tenth-ranking judge in the United States, a slight edge below the nine Justices on the Supreme Court.

But Manton was equally active in the business world, and his holdings crashed around his head during the Great Depression. This did not lessen the public shock when on January 29, 1939, young Manhattan District Attorney Tom Dewey wrote the Judiciary Committee of the House of Representatives an itemized list of corruption. This included, in small part, a $12,500 kick-back from John M. McGrath, a bankruptcy receiver he appointed, and bribes from litigants in cases pending before his court: $77,000 from the Dictograph Products Corporation, $250,000 from the American Tobacco Company (in the form of a loan to Manton's former legal partner), and $50,000 from Warner Brothers (in the form of a personal loan from Harry Warner).

After the story broke, Judge Manton tendered his resignation to President Franklin Roosevelt, who accepted it on the spot.

This prompt resignation avoided impeachment proceedings ("Why kick at the place where the fellow used to be?" asked Chairman Hatton Sumners of the Judiciary Committee), but the State of New York was not so forgiving. Manton was tried, convicted, and sentenced to two years in jail.

The investigation of the Manton bribes and kick-backs led over the Hudson to similar investigation of corruption by Judge J. Warren Davis of the United States Court of Appeals for the area including New Jersey and Pennsylvania. Like Manton, J. Warren Davis was one of the most esteemed American jurists.

An ordained Baptist Minister, Davis turned first to the law, and then to public service. Elected to the New Jersey Senate in 1911, he acted as floor leader for Governor Woodrow Wilson. When Wilson was elected President, he appointed Davis the United States Attorney for New Jersey in 1913, and to the Court of Appeals for the Third Circuit in 1920.

Davis quickly earned his laurels as a judge, but he did not do so well on the stock market. With the crash of 1929, he ended up head over heels in debt (he owed $85,000 to various banks), an expensive style of living, an annual salary of $10,000, and power to decide the financial future of desperate men. This spells trouble and it was not long in coming.

The Fox Film Corporation was in bankruptcy and William Fox, its founder and President, was struggling to maintain corporate control against the demands of its creditors. The plum was a juicy one, for Fox Film claimed patent rights to "talking pictures." This claim, if established, would put Fox Film in a position to dominate the industry, and William Fox back in control of Fox Film.

On five occasions from 1935 to 1939, the trial court ruled against William Fox on his various claims, and on five occasions, the Court of Appeals reversed and ruled for him. All these Court of Appeals decisions were signed by Judge Joseph Buffington, appointed to the Bench by President Benjamin Harrison in 1892. By the time of the Fox litigation, Buffington was in his eighties, deaf, practically blind, and he refused to have a law clerk to look up the law, read briefs and help write decisions. The decisions favorable to Fox were signed by Buffington but actually written and sold by Judge Davis.

Subsequent investigations disclosed that Fox had paid Judge Davis substantial bribes in fifty and one-hundred dollar bills; once in a hallway at the corner of Twelfth and Chestnut Streets in Philadelphia, more often in the apartment of Fox's attorney Morgan S. Kaufman.

Kaufman knew a good thing when he saw one, and after the Fox litigation ended, he acted as counsel and go-between with Judge Davis on behalf of the Universal Oil Products Company, the American Safety Table Company, and other important business concerns not unwilling to spread a little cash wherever it would advance their corporate interests.

Judge William E. Clark, the third member of the Court of Appeals, grew suspicious of his colleagues Davis and Buffington, and relayed these suspicions to the Department of Justice. On November 8, 1941, Attorney General Francis Biddle requested Congress to investigate and impeach Judge Davis. Davis blocked this move with a prompt resignation, and a waiver of all pension and retirement rights. He retired to his Norfolk, Virginia childhood home, and died a broken man in 1945.

Unlike Manton and Davis, Judge Albert W. Johnson chose to bluff out the corruption charges until the verdict was certain.

Born in 1872, Johnson began his adult life as a school teacher in Lewisburg, Pennsylvania, and "read law" at night without the benefit of formal legal training.

Admitted to the bar in 1898, he became active in public affairs. He was elected on several occasions to the state legislature, and served as the national president of the Patriotic Orders of the Sons of America.

Johnson was appointed to the United States District Court for the Middle District of Pennsylvania by President Calvin Coolidge in 1925, over the strenuous objections of the local bar associations and the local press.

Criticism soon erupted again, when in 1931 the "Philadelphia Inquirer" disclosed that Judge Johnson had appointed his son-in-law Carl Schug as trustee in eleven of the first twenty bankruptcy cases filed that year. Subsequent newspaper stories revealed that the Judge and his sons owned an exclusive hunting club called the Tea Springs Lodge. The high initiation and annual dues were apparently worth the price, for eighty-two per cent of the members were appointed by Judge Johnson to lucrative posts as appraisers, receivers, trustees, attorneys for trustees, special masters, or referees in bankruptcy.

Subsequent investigations came hot and heavy. In 1933, Attorney General Homer Cummings announced a federal inquiry into the "receivership racket" in Pennsylvania. In 1934, a Pennsylvania grand jury looked into the matter, and in 1936, and again in 1939, there were subsequent federal probes of his judicial behavior. In 1941, Judge Albert L. Watson, who sat on the same court with Judge Johnson (and who was subsequently impeached) officially complained to the higher Court of Appeals that Judge Johnson was "hogging" the bankruptcy business.

Judge Johnson miraculously survived all this, but he came a cropper in 1943 when the United States prosecuted a clothing manufacturer for stealing cloth from the government.

The government attorneys had an "air tight" case, so they were not worried when the Judge's son was associated with the defense. But they were dismayed at the subsequent shuttle cock exchange between the judge and jury. The Judge charged the jury to find the defendant innocent of all charges. The jury refused this instruction and found the defendant guilty. Judge Johnson refused to accept this verdict, berated the jury and sent it back to the jury room with instructions to bring in a verdict of not guilty. The jury compromised this time, and found the defendant guilty on some accounts of the indictment and not guilty on others. Then came the sentence. A local reporter predicted to the government attorneys that the defendant would withdraw the motion for a new trial then pending, throw himself on the mercy of the court, and that Judge Johnson would do no more than impose a nominal fine. This came to pass, and the government attorneys returned to Washington boiling.

Congressman Sautoff of Wisconsin was informed of the case, and discussed it on the floor of Congress. A few days later the House passed a resolution authorizing an investigation by the House Judiciary Committee. Judge Johnson than met his match, for the investigation was conducted by Congressman (later Senator and Presidential candidate) Estes Kefauver of Tennessee.

Kefauver went at it with vigor, and after lengthy hearings into all phases of the Judge's activities, issued a scathing report. He concluded that Judge Johnson had "notoriously engaged in the barter and sale of court offices," and that his "decisions, decrees, orders and rulings commonly were sold for all the traffic would bear." The clothing manufacturer who got off (despite his guilt of wartime theft of scarce materials) with a small fine, was merely small potatoes. The Bethlehem Steel Company, for one of many given examples, had paid Judge Johnson $250,000 for a decision in a bankruptcy case where it, as a creditor, wanted a favored priority position over other creditors.

The Kefauver report showed that very little had escaped the avarice of Judge Johnson. He owned an apartment house where all the court attaches were required to live at rents higher than those paid by other tenants for similar quarters. He even required his government secretary to begin her day's work cleaning and dusting his home and preparing the Judge's breakfast.

Judge Johnson resigned after the report was issued, and the House Committee voted to let the matter drop because the "Senate is engaged in the consideration of so many issues vital to the welfare of the nation."

The most baffling aspect of the whole situation is that Judge Johnson was elected president of the local bar association when he returned to the private practice of law.

There were others like Judge Johnson who resigned when charges were made in the House that they had sold justice or taken kick-backs: Judge T. Sherman of Ohio, who actually threatened to sue the New York Stock Exchange in 1873 when it reneged on its promised payment; Judge Francis A. Winslow, when Congressman LaGuardia charged in 1929 that he had organized a "bankruptcy ring" in New York City and taken "improper considerations" from a lawyer with a large practice in his court; Judge Daniel Threw Wright of the District of Columbia Supreme Court, who was charged by the House in 1914 with appropriating court money for his own use; Judge Ferdinand A. Geiger of Wisconsin, who thereby avoided the necessity in 1939 of explaining why he had abruptly dismissed a grand jury before it could report an anti-trust indictment against Chrysler, Ford, and General Motors.

Judge George H. English of Illinois delayed his resignation until the day the Senate was due to begin his impeachment trial. He owed his appointment as a judge to a politican named Charles B. Thomas, and the charge was that the Judge appointed Thomas to bankruptcy positions, that Thomas in turn appointed George H. English, Jr. as his attorney, that the Judge approved outrageous fees out of the bankrupt estates for his former mentor and son, and they in turn made "loans" to the Judge. Other parts of the impeachment charge were that the Judge deposited the court funds in a hithertofore obscure bank which he and his relatives controlled, and the bank made large loans to the Judge with little or no collateral, and at little or no interest.

The charges against the judges whom the House of Representatives "reprimanded" but did not impeach, are equally serious: that in 1890 Aleck Boarman of Louisiana took the money of the court for his personal use, and "borrowed" additional funds from the court marshall; that Judge Emory Speer of Georgia accepted railroad passes in 1914 and deposited bankruptcy funds in favored banks; that in 1930, Judge Grovery Moscowitz continued a business interest in his-former New York law firm, and appointed members of that firm to high-paid receiverships, and so on.

The Judges whom the House of Representatives acquitted of wrong-doing were all charged, at least on the surface, with bribery or "other high Crimes and Misdemeanors," even though the evidence did not support the charge: that Judge Charles Tait of Alabama in 1822, Judge Henry Blodgett of Illinois in 1879, and Judge Augustus Ricks of Ohio in 1895 borrowed court funds for personal use, and that Judge William Van Ness of New York in 1818 failed to exercise vigilance over the court funds with the consequence that a clerk made off with it.

The charges filed against Mr. Justice William O. Douglas by Congressman Gerald Ford obviously are not of the same heinous nature as those detailed above, nor do they approach in character the bad behavior of judges who were charged, but not impeached by the House of job-related misconduct which does not constitute "Treason, Bribery, or other high Crimes and Misdemeanors."

3. Scandalous or improper job-related behavior

In 1804, the House impeached and the Senate convicted John Pickering on a multitude of charges, one being that he "did appear upon the bench in a state of total intoxication, produced by the free and intemperate use of inebriating liquors." Since that early date, the House of Representatives has declined to impeach a judge when the only charge against him is alcoholism. Thus, in 1808, the legislature of Mississippi requested the House to impeach Territorial Judge Bruin for this reason, but the House refused to do so. And, one hundred or more years later in 1925, the Judiciary Committee recommended against the impeachment of West Virginia Judge William E. Baker, although it was charged that he was drunk on duty, drunk, moreover, on liquor confiscated by prohibition agents and stored in the court house for safe-keeping.

Drunkenness is only one kind of scandalous judicial behavior which is not good. Some judges abstain, or leave their liquor at home, and carry with them to the court room a quick temper, a sharp prejudice, a vanity which is openly displayed at the expense of counsel, litigants, and witnesses.

The House of Representatives impeached Mr. Justice Chase and Judge Peck for abusive misuse of their judicial authority, but in neither situation did the Senate agree that such behavior was an impeachable offense. Since those early years of the past century, the House has consistently refused to impeach for this reason: when it was charged in 1804, that Judge Richard Peters of Pennsylvania engaged in on-the-bench misconduct in the trial of Sedition cases; in 1825, that Judge Buckner Thurston was "rude, insolent, and undignified" while presiding on the circuit court for the District of Columbia; in 1933, that Judge Benjamin Johnson of the territory of Arkansas displayed "favoritism of counsel, irritability, rudeness, and habitual intemperance"; in 1908, when it was charged that Judge Lebbus R. Wilfley of the United States Court in China maintained a "dictatorial attitude" on the bench; and in 1935 when Congressman (later Senator) Dirksen charged that Judge Samuel Alschuler sat on a case and openly favored the Pullman Company, represented by the son of former governor Dunne, with whom the Judge had long political ties.

More germane to the charges against Mr. Justice William O. Douglas that he ruled in favor of Ginzburg's pornographic magazines, is the history in the House of Representatives, since getting off to a bad start with Justice Chase and Judge Peck, of refusing to impeach a judge because of his rulings in a particular case, or because of a line of decisions.

In this century, the House refused to impeach Judge Alston G. Dayton when Congressman (later Senator) Neeley charged him in 1914 with "improperly issuing injunctions to prevent the miners from exercising their just and legal rights under the laws of West Virginia."

The House refused to impeach Judge Frank Cooper of New York in 1927 when Congressman LaGuardia charged that he "ignored and disregarded the law of the land" in permitting government agents to decoy persons into violation of the Prohibition laws.

The House refused to impeach Judge James A. Lowell when Congressman Howard Smith of Virginia charged him with "disregard of the Constitution . . . and the decisions of the Supreme Court" because the Massachusetts judge had refused to extradite a Negro fugitive back to Virginia for trial because "negroes there were excluded from jury service."

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The House refused to impeach Judge Joseph W. Molyneaux in 1934 when Congressman Shoemaker charged that the judge had balked an investigation of several banks by the Minnesota State Commerce Commission with an illegal injunction.

It is for this reason that impeachment charges against Judge Harold Cox never reached the House floor, although the behavior of the Mississippi judge was not good when he repeatedly referred to Negro litigants before his court with racist slurs (he called them chimpanzees). For the same reason, the Ku Klux Klan of Richmond, Virginia, did no more than whistle Dixie when it threatened to institute impeachment proceedings against federal Judge Robert R. Merhige if he incorporated a "busing" provision in the city's school desegregation plan.

In summary, the charges against Justice William O. Douglas are unique in our history of impeachment. The House has stood ready to impeach judges for Treason, Bribery, and related financial crimes and misdemeanors. It has refused to impeach judges charged with on-the-job misconduct when that behavior is not also an indictable criminal offense. Only once before has a judge even been charged with impeachment for non job-related activities—in 1921, when Judge Kenesaw Mountain Landis was charged with accepting the job as Commissioner of big-league baseball—and the House Judiciary Committee refused to dignify the charge with a report pro or con. Never in our impeachment history, until Congressman Ford leveled his charges against Mr. Justice Douglas, has it ever been suggested that a judge could be impeached because, while off the bench, he exercised his First Amendment rights to speak and write on issues of the day, to associate with others in educational enterprises.

* * * * *

This brief history of Congressional impeachment shows several things. First, it shows that it works. It is not a rusty, unused power. Since 1796, fifty-five judges have been charged on the Floor of the House of Representatives, approximately one in every three to four years. Presumably, most of the federal judges who should be impeached, are impeached. Thirty-three judges have been charged with "Treason, Bribery, or other High Crimes and Misdemeanors." Three of them have been found guilty by the Senate and removed from office; twenty-two additional judges have resigned rather than face Senate trial and public exposure. This is one "corrupt" judge for approximately every seven years—hopefully, all there are.

Second, by its deeds and actions, Congress has recognized what Chief Justice Burger recently described as "the imperative need for total and absolute independence of judges in deciding cases or in any phase of the decisional function." With a few aberations in the early 1800's, a period of unprecedented political upheaval, Congress has refused to impeach a judge for lack of "good behaviour" unless the behavior is both job-related and criminal. This is true whether the judge gets drunk on the bench, whether the judge exploits and abuses the authority of his robes, or whether the judge hands down unpopular or wrong decisions.

How could it be otherwise? The purpose of an "independent judiciary" in our system of government by separation of powers, is to check the excesses of the legislative and executive branches of the government, to cry a halt when popular passions grip the Congress and laws are adopted which abridge and infringe upon the rights guaranteed to all citizens by the Constitution. The judges must be strong and secure if they are to do this job well.

John Dickinson proposed at the Constitutional Convention that federal judges should be removed upon a petition by the majority of each House of Congress. This was rejected, because it was contradictory to judicial tenure during good behavior, because it would make the judiciary "dangerously dependent" on the legislature.

During the Jeffersonian purge of the federal bench, Senate leader William Giles proclaimed that "removal by impeachment" is nothing more than a declaration by both Houses of Congress to the judge that "you hold dangerous opinions." This theory of the impeachment power was rejected in 1804 because it would put in peril "the integrity of the whole national judicial establishment."

Now Congressman Ford suggests that "an impeachable offense" is nothing more than "whatever a majority of the House of Representatives considers it to be at a given moment in history."

Does he really mean that Chief Justice Warren might have been impeached because "at a given moment in history" a majority of the House and two-thirds of the Senate objected strongly to his opinion ordering an end to school-segregation, or to his equally controversial decision against school prayer? Does he really mean that Judge Julius Hoffman is impeachable if a majority of this or the next Congress decides that he was wrong in his handling of the Chicago Seven? Does he really want a situation where federal judges must keep one eye on the mood of Congress and the other on the proceedings before them in court, in order to maintain their tenure in office?

If Congressman Ford is right, it bodes ill for the concept of an independent judiciary and the corollary doctrine of a Constitutional government of laws.

In 1835, the French observer de Tocqueville wrote that:

"A decline of public morals in the United States will probably be marked by the abuse of the power of impeachment as a means of crushing political adversaries or ejecting them from office."

Let us hope that that day has not yet arrived.

CONTINUING TRAINING AND EDUCATION DURING WORKING LIFE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, during the week of July 6 through 10, an international conference was held in Copenhagen, Denmark on continuing training and education during working life. As we all know, the knowledge explosion, plus the rapid advances in technological development, frequently work to make obsolete the skills and working knowledge of many of our citizens and those of other nations. I think it timely and important that the Organization for Economic Cooperation and Development—OECD—arranged this important international conference and invited scholars from its member nations to present papers and debate and discuss the implications for industry, government, labor, and education of such changes. Dr. Howard A. Matthews, of the U.S. Office of Education, had the honor to present a paper on behalf of the U.S. discussion on the problem of continuing education and training and its implications to industry, education, labor, and government. Dr. Matthews has made important contributions in this field. His remarks deserve careful review and analysis. The remarks follow:

CONTINUING TRAINING AND EDUCATION DURING WORKING LIFE

(By Howard A. Matthews, Ph. D.)

1. Education must be available to people throughout their lifetime or it fails to meet their needs either today or tomorrow. Education is the process by which we learn such fundamental things as to talk in early childhood, and it extends through an almost infinite number of experiences and applications of this simple (but complex) ability to communicate to highly specialized skills and sophisticated applications of knowledge. The formalized public and private educational enterprise which builds upon this childhood acquired learning must be organized so as to permit the individual to engage in the learning process at any stage of his learning or development so that new knowledge can be continually applied to his living and working. The formalized education process is often the only hope for a second chance for the economically and socially disadvantaged persons for whom other channels of earning or learning may have failed.

2. This view of education—that is, continuing or life-long education—is still not completely or adequately recognized by many educational establishments public and private, and also by those developing national educational policy. Efforts at all levels of the American society—federal, state and local—too often are scattered, fragmented, underfunded and out of step with the times. Many times fragmentation in education grows out of artificial questions raised in the learning hierarchy: vocational schools seeking academic recognition or some comparable insignia of respectability; teachers of standard academic subjects fighting for preeminence; some advocates of and educable elite resenting the infringement of mass education; those committed to the research ideal opposing expenditure of time on other disciplines; and, all types of institutions competing for students and popular support. Often times I am amazed that our system works as well as it does.

3. In this paper, no distinction is made between "education" and "training", or "vocational" or "occupational" education. In my judgment these are not different "kinds" of education, but rather they are specialized or specific functions of the educational process. Therefore, throughout this paper the lack of distinction should be kept in mind because I use the words, "education", "training", "education and training" interchangeably and as synonyms. I believe that the division of the learning process into compartments with these several labels is induced more for social and fraternal reasons than for professional and technical reasons.

4. Ability to manage change—whether keeping up with developments in professions or re-tooling for new jobs—requires education (in my definition) to be available to everyone whenever they need it. Access to education governs the pace at which new knowledge is absorbed, adjustments are made to new technologies, and solutions are reached to related social, political and economic problems.

5. Even a superficial analysis of current manpower data in Western countries suggests that there is a very high and positive correlation between the amount of formal education a person has and his continuing attachment to the labor force. This suggests that for all practical purposes, attachment to the working world is really governed in the final analysis more by the "mental ingredient"—the education, mental attitudes, aspirations and fears—than by the application of this ingredient to performance tasks and jobs. Perhaps it also suggests that the

most effective way for people to develop a lasting attachment to the labor force is for them to increase and broaden their formal conceptual training (commonly called "education"), while at the same time being helped to raise their aspirations and hopes for long-range success.

6. In the United States we are currently engaged in dialogue on the matter of developing a national manpower and education policy. One basic consideration now being discussed is how should the regular or general education, the remedial and the continuing education, be arranged or provided for the individuals that the traditional education systems and processes have not served well—those who for lack of education and/or skills are unemployed and underemployed. It is sort of a question of "who should do what and how?".

7. Some have suggested that private industry should assume a greater responsibility for the training and retraining of workers and for bringing about social change. Others ask, are the private, profit-making industries really best able to assume this type of responsibility when one also considers the interests and rights of the worker in the context of the history in America of the labor movement?

8. Suppose for purposes of discussion that private industry is the place to fix greater responsibility for training, retraining and social change. If it is, then we must also remember that several considerations must permeate all industry planning. First, any company, including the industrial giants, must be operated in our economic system in such a way as guarantees a profit, and this must be taken into consideration in everything that is done.

9. Now, as a matter of practical fact, while this does not mean that everything that a given industry does at any single moment in time must show a profit, it does mean that the enterprise as a whole over any specified period of time must be profitable. Education or training must obviously be considered in this light. Secondly, it must be remembered that because industry, which is in the business of selling educational services or products in the marketplace has to assume that it is going to be in business for as long into the future as anyone can see, it simply cannot make long-range decisions by pragmatically looking at the money that can be made next week or six months from now on a federal contract to provide job training. If industry training programs are to be inexpensive, and if they are to be woven into the fabric of industry on a long-range basis, industrial planners must also consider such programs in the light of the constraints caused by union contracts; competition; obsolescence of the skills of people; equipment and processes; tax laws; and, many other forces.

10. It is also important to recognize that manpower predictions made today based on reasonable projections of technological advancements can be rendered obsolete almost overnight by change and innovation no one anticipated. Many individual industries admit that they find it impossible to project total or even partial training needs or production schedules over any appreciable period of time, and very few companies can predict with any degree of accuracy even five years from now the types of hardware they will have in the market place, what major products they will sell or buy, and what specific types of skills they will need to do so.

11. Current manpower studies suggest that perhaps the best analysis of industrial manpower needs for the years ahead can only be stated in very broad and vague occupational categories rather than in terms of specific job requirements, e.g. agricultural, managerial, technical, as opposed to machinist, key-punch operators, etc. This also suggests that perhaps the most effective pre-employment preparation of both disadvantaged and other youngsters for jobs of the future may be that which is very broadly based, enabling an individual to function in a number of jobs throughout his work life, many of which may actually be unrelated as to content or skill requirements. Skill training narrowly conceived simply cannot accomplish this, although I am convinced that some types of it have much more transfer value than educators have recognized in the past.

12. Moreover, little evidence exists from either the past or the present to suggest that the production or work processes *per se* in private industry have the capability (or can develop such) to lend themselves to the kind of education programs as an *integral part of the production process* that can bring about forceful benefits to large numbers of unemployed and underemployed persons any faster or more effectively than the public school systems, working in cooperation with industry and many different agencies.

13. There is increasing evidence that one of the most effective ways to educate, train or retrain people (whichever term you prefer)—whether displaced as a result of automation or unemployed because of educational, physical, social or economic disadvantage—is through cooperative education programs. In such "person-centered programs," the school develops instruction best suited to the classroom and helps a potential employee develop specific work skills at the job site. But the responsibility for this education process rests with the school, the one institution that touches the lives of all citizens.

14. The American educational establishment is a gigantic enterprise. It is not really a single system, but over 20,000 local autonomous systems. In 1969 there were approximately 58.6 million students enrolled in public and private (non-public) elementary and secondary schools and colleges at a total cost of $64.7 billion. Included in these data are some 2 million students enrolled in junior and community colleges.

15. Although we know little about the characteristics of the adults who engage in continuing education in the United States, we are reasonably sure that our data do not reflect the actual magnitude of the number of adults engaged in some type of educational activity.

16. The National Center for Education Statistics of the United States Office of Education set out to learn about the kinds of people who participate in adult education programs. What was learned was disconcerting—many persons did not report their occupational training or other activity, apparently because they did not think of the types of learning experiences that they were undergoing as "education". For many people, the activity was probably considered part of the job, a natural participation, or just a part of everyday living.

17. Even in view of the under-reporting, the results were nevertheless astounding. Over 13 million adults indicated they were participating in some form of adult education activity. This number is larger than the reported enrollment in all post-secondary institutions in the United States.

18. It is difficult to determine to what extent leisure-related courses such as art appreciation, crafts and music, in community adult education courses designed to enhance the quality of life, are included in these data. In view of the increasing importance in our lives of the uses of leisure, this lack of information is unfortunate.

19. The 13 million persons participating in adult education programs represent 1 person in 9, or 11 per cent of all Americans age 17 or over who are not full-time students. It includes 13 per cent of the white males, but only about 8 per cent of non-white males. It includes about 10 per cent of all females, with equal distribution between white women and those of other ethnic designations. When we consider not only the needs of a rapidly changing technology but the social imperatives of our time, these figures are less notable for being large than for being small.

20. Before programs can respond to the actual needs of the people, we must have some idea why people engage in continuing education programs; how many there are; who they are; and, what they expect of the programs they enter.

21. With the amount of information available doubling each ten years or less, we can *not* go on trying to add to the content of education, hoping that we can cram into the head of a youth all that he needs to know by graduation time. Rather we must make life itself a part of the continuing education process—something which both the rigidities of industry and education now make rather difficult.

22. The challenge to public policy now is to create new arrangements and new and continuing opportunities for the growth and development of adults. Each of the agencies and institutions involved in the educational enterprise frequently works in ways unrelated to each other and sometimes in opposition to the total national interest. Relationships between employment, education, and social service policies must become more interrelated. They are not mutually exclusive domains.

23. Often the methods for overcoming the shortcomings of the public school systems in the United States can be learned more effectively from remedial or continuing education programs for persons the schools have not served well, than in any other way.

24. School systems are archaic if they only prepare students for the next level of education. Unfortunately, we have so perpetuated the artificial prestige values of college degrees and other educational artifacts such as diplomas, professional certificates and the like, that many young people today in our regular school systems are socially embarrassed to admit to their friends that they would really like to stop short of a degree from some prestigious college. The practical learning function of the schools is frequently impaired because of compulsory attendance, minimum wage laws, wage-hour laws, etc., which are designed chiefly to keep the young people out of the competitive labor market, rather than keep them in school to guarantee them an education appropriate to their needs, wants and desires.

25. Too often this results in young people being forced to attend schools which were organized with someone else in mind—those preparing for more education rather than the world of work.

26. Most people agree that any local educational system is not doing its job if it concentrates its major energies on the one-third of its students headed for the next level of education—college or university—giving little or no attention to the two-thirds who are not.

27. In my opinion, high schools in our country are seriously deficient when their counselors have little or no idea what high school courses would be the most useful to a young man interested, for example, in an electrical apprenticeship. Too often counselors can only help those who want to know what courses, grades, and tests are required for admission to prestigious universities.

28. Nevertheless, the schools usually have done what they have been asked to do, prepare the white middle class majority for life in an increasingly complex and urban setting. They have done less well for those in the lowest economic and social strata.

29. Current education problems stem not from the fact that the schools have changed,

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but rather that they continue to do precisely the job they have always done. A shrinking unskilled job market requires fewer men and fewer young men, and so the schools are expected to fill the gap—which, of course, tradition has not dictated nor funds afforded. The problems of providing continuing education for such persons are thereby compounded.

30. A well-balanced system of continued public education must provide a comprehensive program of educational opportunity for persons with varying educational attainments and varying motivations and needs in all areas of the state—for as we have shown it will also have to serve those the "regular" system has failed to serve.

31. In a properly oriented continuing education program the high school dropout would be able to find a program which encourages his re-entry to school or prepares him for a job, and the technologically displaced Ph.D. an opportunity to probe more deeply into a special field or to broaden his general background. Such possibilities require an open-ended system with students free to enter, to leave when other experiences seem more fruitful, and possibly to re-enter later.

32. Life-long education programs can be designed without regard to the conventional administrative (but not educational) conveniences of quarters, semesters, six-week or nine-week terms, Carnegie units, and quarter-hour and semester hour formulas. Flexible programs can be developed so the student may leave to take a job at any time or stay for advanced school work without regard for the school calendar or the college catalog. Such a system can become a reality only through the coordinated efforts of public schools, community colleges, vocational schools, universities, and employers.

33. There is a special need for broader and deeper opportunities for those adults whose basic education is deficient. About 30 million members of the present labor force in the United States lack high school diplomas—the basic credential for mobility in our society. Some 8 million of these have not completed the eighth grade. One-sixth of American youth cannot qualify for military service because they are unable to pass a seventh grade equivalency test. Yet opportunities for open-ended adult basic education are few, and knowledge of how to overcome the problems of teaching adults needs further exploration.

34. In 1968, the federal program to support adult basic education efforts totaled $38.9 million and served 153,303 adults. This program supports training leading only to eighth grade equivalency—a modest goal in an age requiring highly skilled and educated workers. Considering those who have not completed an education of eighth grade equivalency, approximately 8 million, this number is relatively small but nevertheless of great magnitude in the impact such training has had on the lives of the individuals who participated.

35. Retraining programs must be organised in such a way that a significant percentage of the local labor force is retrained annually. Training provided thus far by the Manpower Development and Training Act (M.D.T.A.) has demonstrated that this is practical and that a significant capacity for training and retraining exists outside the public school framework. It has also uprooted some entrenched ideas about how long it takes for the American workers to develop the skills necessary for an entry-level job or on-the-job training or to have education skills upgraded.

36. The Manpower Development and Training Act of 1962, developed to offset structural unemployment, created a new array of education and work training programs for out-of-school youths and adults who had not been served by the existing vocational education and private apprenticeship and training systems. A variety of education and training programs are made possible by this legislation:

Education and training for individuals handicapped by lack of education and work experience;

Refresher training for unemployed professionals who require such training to continue in their professions;

Part-time training of persons, employed or not, who through further education and training can help fill jobs vacant in occupations of critical skill shortages; and,

Experimental, developmental and pilot projects to improve techniques and to demonstrate the effectiveness of specialized methods in training the disadvantaged, including pilot programs in correctional institutions.

37. The Manpower Development and Trainment Act is jointly the responsibility of the Secretary of Labor and the Secretary of Health, Education, and Welfare (H.E.W.). The office which I administer, the Division of Manpower Development and Training, in the United States Office of Education is directly responsible for classroom instruction placed by this law with the Secretary of H.E.W.

38. The Department of Labor selects individuals to be trained and the Office of Education enters into argeements with state education agencies to provide the training needed. Contracts are also negotiated with public or private education and training institutions to establish classroom instruction when states are unable to provide necessary institutional training.

39. As of June 1969, over 1.2 million persons had enrolled in M.D.T.A. programs, 848,400 of them in institutional training and 382,000 in on-the-job training at a total federal cost of $1.6 billion. In fiscal year 1969, some 220,000 (institutional and on-the-job) persons were trained. In the light of a June 1969 rate of unemployment at 3.4 per cent (coincidentally, 3.4 million persons), the national efforts at training and retraining are relatively small.

40. Programs under the Manpower Act, particularly institutional training, seek not only to provide an individual with skills which will enable him to get a job and progress higher on that job, but also provide him with the necessary related instruction and basic education which will permit him to move to another job or progress in the career potential of his current job.

41. The recent emphasis on manpower training and development in the United States should not obscure the fact that the new programs, while playing an important role in alleviating unmet problems and deficiencies in education, training, and the employment process, supplement the ongoing education and training system.

42. Unlike the centralized education systems found in many countries, there is considerable diversity in education curricula throughout the American system. Schools at all levels are operated by public authorities and also by private non-profit and profit-making organisations. While public education is within the exclusive legal jurisdiction of the individual states, the federal government, through the Office of Education by means of grants and subsidies to state education departments and to the public or private training institutions has a catalytic influence on American education systems.

43. M.D.T.A. in particular has been a catalyst in bringing state and local agencies together in working out solutions to critical retraining problems, while at the same time promoting change in institutional patterns and goals—a benefit not envisioned at the time of Congressional enactment in 1962. Federal funds for manpower training are viewed as "seed" money aimed at bringing any number of related agencies—school districts, employers, employment services, etc.—together on local problems.

44. Largely because of the institutional and agency involvements mandated in the legislation, M.D.T.A. has influenced change in public education institutions and formed a bridge so needed between education and industry as well as other groups having expertise in adult training, retraining and education.

45. Notable among the new institutional patterns evolved under the M.D.T.A. by the public school systems in the United States are the Manpower Training Skills Center—now some 70 in number and located throughout the United States.

46. The centers are centralized self-contained facilities, distinct from regular public school facilities, operating on a full-time basis, generally under public school administration. They are designed to provide on a continuous basis counseling and related services, work orientation, basic and remedial education, health and other personal services and institutional skill training in a variety of occupations for trainees recruited from a broad geographic area. The centers are characterized by a high degree of flexibility, and serve all types of trainees and all types of training projects, including multi-occupation and single occupation projects, individual referrals and classroom components of coupled on-the-job training programs.

47. One of the unique contributions of the skills center is the arrangement of instructional units, which permits continuous trainee intake and exist from center programs. Skills centers operate the year around, and in some instances people can also go to them at any time around the clock—24 hours a day. This we call "open-entry/open-ended" scheduling because it affords a completely individualized program. The amount of time and the types of program offerings—whether basic or remedial education, skills training, counseling, health or other supportive services—all can be geared to the needs and wants of each individual trainee.

48. Open-ended programs reduce the time lag that often occurs in regular programs between the time a person is selected for training and his actual entry into a training situation. Our experience suggests that where this time lag is significant, trainee aspirations and motivations tend to vanish and a person who was once excited about training tends to become more resistant toward future retraining.

49. There are positive benefits for employers in the "open-entry/open-ended" training programs. Historically, schools have operated on a "school year" basis with most people completing their education either in January or June. The "open-entry/open-ended" process provides for a steady flow of entrants into the labor market as opposed to large groups completing once or twice a year. In the "open-entry/open-ended" process, if there are periods of cyclical unemployment, trainees can be retained or recycled into other training as a "holding action" as an alterative to their being exited to a non-responsive labor market.

50. The skills centers, thus have become a buffer between employment and unemployment. During periods called "holding action", trainees can vary or broaden their knowledge or skills and make themselves more employable at a higher level in a competitive labor market.

51. Linked closely with industry, or several industries, skills centers can and do cushion the effects of a fluctuating economy for those who feel it most—the last hired—thereby enhancing their individual well-being and reducing their social and economic dislocaton and disruption.

52. In contrast to the skills centers, the public schools have been characterized as inflexible and insensitive to the needs of individuals and the requirements of the labor market. In reorienting to these problems it

is significant to note that skills centers, for the most part, are operated by any local public schools that have indicated their willingness to cooperate with industry in developing more flexible programs. By operating skills centers, the schools have learned how to provide for the needs of industry and at the same time break down the traditional barriers between what has been called "education" and "training".

53. There have been other breakthroughs in learning how to articulate the educational enterprise with industry's needs. For example, the Office of Education has two educational programs presently underway with the basic steel and railroad industries of this country which illustrate a major job of "bridge-building" between industry and the public school systems.

54. These programs are basically "educational" even though all of the activities attendant to them are carried out on the premises of the industry. The educational program is defined in terms of what the student does, and not where it takes place or the labels appearing on the doors.

55. In both of these programs the instructors go into the plant, or to the premises of the company. They meet their trainees either before or after shift work which may be at midnight or at four o'clock in the morning—it makes no difference.

56. We have been able to demonstrate that in as short a time as 100 clock hours, some steel workers have been able to improve significantly their reading and arithmetic skills. The School took the student where he was and helped him with his educational problem.

57. While the primary purpose of the steel industry project was to give the worker the educational tools necessary for his upward mobility in career jobs made more difficult by increased technology, it was soon discovered that mobility was impeded by seniority practices. Even though the worker was educationally competent to bid for more sophisticated and better paying jobs, he was precluded from doing so by seniority practices. One of the important by-products of this program is a new dialogue between unions and management on the function of seniority in promotion practices and upward mobility.

58. In August of 1969, the United States Office of Education signed a contract with the Association of American Railroads (representing 7 railroad companies), the Railway Labor Executives Association (representing 27 railroad brotherhoods) and the Board for Fundamental Education, a private non-profit training agency, also providing the basic education in the steel contract. This program provides basic education and coaching for the examination of high school equivalency for about 2,000 railroad employees. The purpose of the program is similar to the steel industry program—to remove education barriers that impede upward job mobility. The program is progressing well in terms of its educational objectives, but it is anticipated that, like the steel industry contract, mobility may be impeded considerably by seniority rules.

59. The Federal Government through national contracts, such as the one the United States Office of Education has with the United Business Schools Association (the professional representative of the private for-profit schools), is also bringing about broader participation of private secretarial-clerical schools in adult training/retraining programs. Private institutions frequently have a special expertise that can be brought to bear on the training and retraining problems of disadvantaged persons. Often the private school capability is underutilized in identifying educational resources for upgrading training for underemployed persons.

60. Because some educational programs for the preparation of teachers and supervisors are often found ineffective in preparing personnel to work with the out-of-school and out-of-work person, the United States Office of Education established a network of institutions called Area Manpower Institutes for the Development of Staff (A.M.I.D.S.) to provide training and technical assistance in the preparation of such personnel. A.M.I.D.S. programs are a pragmatic response to the problem of preparing personnel recruited from industry to teach, counsel, or administer programs designed for individuals—largely disadvantaged—they have never before worked with either on the assembly line or in school.

61. The A.M.I.D.S. programs focus on understanding and teaching the disadvantaged person, on human resource development, and upon the learning and human needs of persons engaged in manpower training and upgrading activities. While A.M.I.D.S. was originally designed for M.D.T.A. instructors, participation has been expanded to include employers, industrial supervisors, federal employees, public agency personnel offices, and people from private and public schools, penal institutions, and training and career development agencies and offices.

62. One of the real tasks in continuing education lies in getting educational institutions to adjust their procedures to accommodate the needs of people who cannot be reached through conventional educational methods or processes. This is what A.M.I.D.S. programs attempt to do.

63. The primary purpose of any education system should be to provide a variety of options for all citizens. This includes not only such options as flexible entry and exit into training, retraining and education required for employment, but also opportunities for the individual to learn to make wise use of leisure time especially when one looks at such forces as the changing role or function of work in our culture. For a moment, let us examine the function of "work" in establishing human value systems.

64. Until about a decade ago, we were a production-oriented society. A majority of our labor force was engaged in producing goods and articles or products with which it was relatively easy for most people to identify their own individual physical and mental efforts and from which most workers gained a significant measure of self-respect and fulfillment. Then a reasonably simple cause and effect relationship was apparent. For most people a job was, in fact, both a social and moral requirement. The right thing to do was to get and hold a job. We worked, were paid, took a vacation, in that order. And at that time young people were an economic asset both to their families and to the country.

65. America is now a service-oriented society with more people selling goods and services than producing goods and there is increasing over-specialization of tasks whether we are producing or selling. The identification of the job by most people with something in which they can take personal pride and accomplishment is an increasingly difficult thing. Even in the production-oriented tasks today man is increasingly a machine baby sitter who is conditioned to respond to a procedure or sequence of activities to follow when a certain colored light appears on a panel. He actually knows his job is going well when nothing happens—the lights aren't changing—not much self-satisfaction or human fulfillment in that!

66. These simple facts suggest that the job and its concomitant pay check may no longer have the social and moral impact they once had. The real world creating the value systems of our youth today tells them, for example, that the Protestant-Puritan ethic which established the work-reward-leisure sequence, is no longer relevant and that leisure may not be the reward for hard work. These youth know that in our "credit card culture" we are encouraged to travel or otherwise enjoy first and pay later which, in reality, may mean that work at best is psychologically a punishment for having enjoyed or taken leisure first. Or more importantly, it could mean that more and more people of all ages no longer believe that there is any need or excuse to work—hold a payroll job—just in order to comfortably enjoy life, take leisure, or otherwise find self-expression.

67. Yet in the face of shifting attitudes toward the role of work, many of us carry the marks of the traditional work ethic. Harvey Cox—in his excellent book, *The Feast of Fools*, tells us that mankind, at least Western industrial man, has paid a terrible price for his present affluence. At the cost of a staggering impoverishment of his life, he has purchased prosperity. With industrialization, we grew more sober and industrious, less playful and imaginative. Work schedules squeezed leisure activities to a minimum. The habits formed are still so much with us that we use the leisure bought with technology either to "moonlight" or to plan sober consultations on "the problem of leisure" or to wonder why we are not enjoying our "free time" the way we should.

68. In summary then, it would seem to me that perhaps the formidable task of continuing education is to make sure that educational opportunities of all types are available when and where they are needed to help develop to the maximum the potential of every human being—whether it be to cushion his layoff—to prepare him for an initial job—to upgrade him in his present job or to change careers; or to help him make better use of free or leisure time which in turn makes him a better employee and/or citizen. In the final analysis, education must be concerned with what people do and not the labels we put on things, or the social class systems that have tended to surround certain types of jobs. I am reminded that a person from history who has had one of the most profound impacts for good upon all mankind was not a college professor, a scholar or an academician, but rather a simple carpenter whose cabinet was made up of common men—fishermen.

HOUSE REPUBLICAN POLICY COMMITTEE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. RHODES. Mr. Speaker, in the 91st Congress, the House Republican policy committee held 38 meetings and adopted 21 policy statements.

The discussions held and the actions taken by the committee have played a major role in fostering sound legislative action and in furthering public knowledge and understanding of the Republican position in critical areas of congressional interest.

In the 17 instances in which floor action reflected Republican response to policy committee recommendations, 88 percent of the Republican members voted in agreement.

Present members of the House Republican policy committee are as follows: JOHN J. RHODES, chairman, GERALD R. FORD, LESLIE C. ARENDS, JOHN B. ANDERSON, WILLIAM C. CRAMER, RICHARD H. POFF, ROBERT TAFT, JR., BOB WILSON, H. ALLEN SMITH, CHARLES M. TEAGUE, PAGE BELCHER, JAMES HARVEY, JACK EDWARDS,

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John Kyl, Robert J. Corbett, Alexander Pirnie, David W. Dennis, Thomas S. Kleppe, Robert D. Price, Lawrence J. Burton, John W. Byrnes, William O. Cowger, John R. Dellenback, Peter H. B. Frelinghuysen, William L. Springer, and Robert T. Stafford. Four Members, J. Glenn Beall, Jr., Richard L. Roudebush, William H. Harsha, and William V. Roth, Jr. served for a portion of the 91st Congress.

Summaries of House Republican policy statements and Republican floor votes in support of committee recommendations are as follows:

House Republican Policy Committee Statements and Floor Votes, 91st Congress

FIRST SESSION

I. Urged the immediate consideration and passage of election reform legislation. February 25, 1969.

For the past three years Republican Members have urged the consideration and enactment of legislation to revise and update present laws dealing with election campaigns, to ensure honest reporting of campaign contributions and expenditures and to streamline enforcement procedures. Numerous bills proposing the basic reforms of the election process have been sponsored by Republican Members. The Subcommittee on Elections of the House Administration Committee held but one day of hearings (May 6, 1970) on but one of the bills (H.R. 12773, Mr. Lipscomb and Mr. Devine). No further action has been taken.

II. Urged immediate extension of the President's authority to submit to the Congress plans to reorganize the Executive Branch. February 25, 1969.

S. 1059 extended until April 1, 1971, the authority granted the President under the Reorganization Act of 1949 to develop and effect reorganization proposals, subject only to a limited right of veto by the Congress.

Passed March 18, 1969. Republican vote: Yeas, 166; nays, 4.

Percentage, 98%.

III. Urged the prompt enactment of legislation to modernize and improve the Legislative Branch of the Government. March 4, 1969.

H.R. 17654, the Congressional Reorganization Act of 1970, was subsequently supported by the House Republican Policy Committee July 13, 1970, and passed September 17, 1970. (See Statement No. IX, 91st Congress, Second Session)

IV. Urged the establishment of the federal debt ceiling in the amount of $365 billion, and the provision of an additional temporary borrowing authority of $12 billion to be available until June 30, 1970, to accommodate seasonal financing peaks during the calendar year. March 11, 1969.

H.R. 8508 provided a limited increase in the public debt to enable the Federal Government to meet obligations incurred by the previous administration.

Passed March 19, 1969.

Republican vote: Yeas, 140; nays, 41.

Percentage, 77%.

V. Recommended extension of the Elementary and Secondary Education Act of 1965 to June 30, 1972. April 15, 1969.

The amendment to H.R. 514 limiting the extension to two years assured the Congress a seasonable opportunity to eliminate inequities and weaknesses found to exist in ESEA programs.

Adopted April 23, 1969.

Republican vote: Yeas, 175; nays, 9.

Percentage, 95%.

VI. Urged prompt submission to the States of a Constitutional amendment to improve the Presidential election mechanism. September 9, 1969.

H.J. Res. 681 proposed a Constitutional amendment which would abolish the electoral college system and provide for direct popular election of the President and Vice President.

Adopted September 18, 1969.

Republican vote: Yeas, 154; nays, 26.

Percentage, 86%.

VII. Recommended immediate consideration and passage of President Nixon's multifaceted crime control package. September 23, 1969.

Of the Administration's major crime proposals forwarded to the Congress April 23, 1969, action has been completed on but six:

1. District of Columbia Omnibus Crime Bill. Forwarded to the President July 23, 1970. (See Statement No. II, 91st Congress, Second Session)
2. Youth-Corrections Act. Presented to the President July 6, 1970.
3. Controlled Dangerous Substances Act. Presented to the President October 14, 1970. (See Statement No. X, 91st Congress, Second Session)
4. Organized Crime Control Act of 1969. Presented to the President October 12, 1970. (See Statement No. XII, 91st Congress, Second Session)
5. Criminal Justice Act Amendments. Presented to the President October 12, 1970.
6. Explosives Regulations Proposals and Amendments. Major provisions were incorporated in the Organized Crime Control Act of 1969, cited above.

The Congress has failed to complete action on the following Presidential anti-crime proposals:

1. The Omnibus Crime Control and Safe Streets Amendments.
2. Wagering Tax Amendments.
3. Bail Reform Act Amendments.
4. Protection of Minors from Pornography. Title I provisions were incorporated in the Postal Reorganization Act presented to the President.
5. Prohibiting Prurient Advertising.

VIII. Endorsed President Nixon's proposals for the reform of the selective service call-up procedures and urged the enactment of H.R. 14001. October 21, 1969.

Passage of H.R. 14001 permitted the President to establish a "random" system of selection in lieu of the "oldest first" system, thus minimizing the impact and maximizing the equality of military draft.

Passed October 30, 1969.

Republican vote: yeas, 175; nays, 1.

Percentage, 99%.

SECOND SESSION

I. Urged support of President Nixon's veto of the Departments of Labor and Health, Education, and Welfare Appropriations Bill. January 27, 1970.

H.R. 13111, which appropriated $1.3 billion more than that requested by the President, was vetoed because the provided increases for HEW was mandatory, misdirected and excessive.

Sustained January 28, 1970.

Republican vote: yeas, 27; nays, 156.

Percentage, 84%.

II. Endorsed the passage of the District of Columbia Omnibus Crime Bill. February 25, 1970.

H.R. 16196 reorganized the District court system, revised the District juvenile and criminal laws and procedures, created a vastly improved Bail Agency and established a full public defender service.

Passed March 19, 1970.

Republican vote: Yeas, 154; nays, 1.

Percentage, 99%.

III. Urged support of President Nixon's FY 1971 proposals for the National Aeronautics and Space Administration. March 17, 1970.

H.R. 16516 authorized for NASA in FY 1971 $3,600,875,000, an increase of $267,875,000 over the Administration's request.

Passed April 23, 1970.

Republican vote: Yeas, 106; nays, 51.

Percentage, 67%.

The Conference report on H.R. 16516 authorizing for NASA in FY 1971 $3,410,878,000, at $189,997,000 less than previously approved by the House, but $77,875,000 above the Administration's request, was approved by voice vote on June 22, 1970.

H.R. 17548 appropriating for NASA in FY 1971 $3,197,000,000, a reduction of $136 million from the Administration's request and $408,875,000 from the authorization previously adopted, was passed by voice vote May 12, 1970.

The Conference report on H.R. 17548 appropriating for NASA in FY 1971 $3,268,675,000, $64,325,000 less than the Administration's request was approved by voice vote August 4, 1970.

President Nixon on August 11, 1970, vetoed H.R. 17548 which increased the appropriations for FY 1971 for the Department of Housing and Urban Development, the VA, NASA and other independent agencies $541 million above the budget request.

Sustained August 13, 1970.

Republican vote: Yeas, 23; nays, 155.

Percentage, 87%.

IV. Urged the enactment of H.R. 16311, the Family Assistance Act of 1970. April 7, 1970.

President Nixon's landmark welfare reform plan would provide basic benefits to low income families with children, in a manner designed to encourage employment and family stability, and would establish nationwide more uniform standards of eligibility and aid.

Passed April 16, 1970.

Republican vote: Yes, 102; nays, 72.

Percentage, 59%.

V. Opposed the passage of H. Res. 960 to disapprove Reorganization Plan No. 2 of 1970. May 12, 1970.

The resolution would have nullified President Nixon's proposed reorganization of the Executive Office submitted March 12, 1970. Under the proposal the Executive Office would be modernized to strengthen the role of the agencies by providing needed support in development of domestic policies and programs, in program performance and coordination, in evaluation of existing programs and improvement in the flow of information about them, and in formulation of programs for recruitment, training and development of executive talent.

Rejected May 13, 1970.

Republican vote: Yea, 6; nay, 155.

Percentage, 96%.

VI. Supported the passage of H.R. 15424, the Administration's Maritime Program Bill. May 19, 1970.

The bill incorporated Administration's proposals establishing a ten-year construction subsidy program for building 300 merchant marine ships to engage in foreign trade.

Passed May 21, 1970.

Republican vote: Yeas, 130; nays, 0.

Percentage, 100%.

VII. Supported legislative proposals to protect and expand the voting rights of all citizens whatever their race or color, wherever they live, and indicating preference that the proper voting age be established by Constitutional amendment. June 2, 1970.

H.R. 4249, as amended, broadened the coverage and extended for five years the effect of the 1965 Voting Rights Act, suspended the use of literacy tests, set minimum residence requirements for Presidential elections, and lowered to 18 the voting age for all Federal, State and local elections after 1970.

Adopted June 17, 1970.

Republican vote: Yeas, 100; nays, 76.

Percentage, 57%.

VIII. Supported passage of H.R. 17495, the Emergency Home Finance Act of 1970. June 23, 1970.

To stimulate private investment in mortgages, H.R. 17495 authorized $250 million to be used by the Federal Home Loan Bank Board to reduce interest rates charged to member associations, expanded the purchase authority of the Federal National Mortgage Association to include conventional mortgages, authorized establishment of a secondary market facility to purchase residential mortgages, increased authority of the Government National Mortgage Association to $1.5 billion to provide additional special assistance for low income housing, and extended authority of HUD Secretary and VA Administrator to set maximum interest rate of FHA and VA loans.

Passed June 25, 1970.

Republican vote: Yeas, 136; nays, 1.

Percentage, 99%.

IX. Urged prompt consideration and passage of H.R. 17654, the Congressional Reorganization Act of 1970. July 13, 1970.

The reform bill will, by improving the structure and procedures of the Congress, foster its more informed, open, democratic and equitable operation.

Passed September 17, 1970.

Republican vote: Yeas, 140; nays, 6.

Percentage, 94%.

X. Urged the immediate passage of H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act of 1970. September 15, 1970.

The act enables a comprehensive attack on the drug problem, and includes provisions dealing with treatment, rehabilitation, prevention and drug abuse education, as well as with drug laws and their enforcement.

Passed September 24, 1970.

Republican vote: Yeas, 150; nays, 0.

Percentage, 100%.

XI. Supported the passage of H.R. 19200, the Occupational Safety and Health Act. September 22, 1970.

Passage of the act will assure safe and healthful working conditions by establishing and enforcing mandatory safety and health standards, by fostering State efforts to assure safe and healthful working conditions and by providing for research, information, education and training in the field of occupational safety and health. Passage of the act awaits further action of the House.

XII. Urged the passage of S. 30, the Organized Crime Control Act of 1970, as amended by the Committee on the Judiciary of the House of Representatives. October 6, 1970.

A major measure in the Administration's war on crime, the act strengthened the evidence-gathering process; limited challenges to wiretap evidence; extended Federal jurisdiction over major gambling operations; authorized the use of anti-trust remedies against commercial operations corrupted by racketeers; authorized increased sentences for dangerous habitual, professional and organized offenders; strengthened Federal law with respect to illegal use, transportation or possession of explosives; and established a National Commission on Individual Rights.

Passed October 7, 1970.

Republican vote: Yeas, 160; nays, 0.

Percentage, 100%.

XIII. Urged the passage of H.R. 19519, the Comprehensive Manpower Act. October 13, 1970.

Passage of the act will assure an opportunity for employment to every American seeking work and make available the education and training needed to any person to qualify for employment.

Passage of the act awaits further action of the House.

REPORT LISTS ACHIEVEMENTS MADE BY 91ST CONGRESS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. PATTEN. Mr. Speaker, in order to help keep my constituents informed of my legislative activities and voting record, I issue a periodic newsletter about three or four times a year.

The October 1970 report contains the achievements compiled by the 91st Congress so far, and also cites some of the domestic problems facing our Nation.

The contents of the newsletter are as follows:

REFORM GAINS TO FEATURE 91ST CONGRESS

The 91st Congress (1969–70) will adjourn later in the year with a productive record, highlighted by important achievements in tax, postal and legislative reform that will benefit every American.

Perhaps the most notable accomplishment of all the reform measures was the one in the area of taxation. Since 1939, when the last reform measure was enacted, taxpayers have clamored for legislation that would make our tax laws more equitable. The tax reform-relief bill I helped sponsor is the most extensive in our history and a giant step down the road toward tax relief for all our citizens. Provisions range from higher personal exemptions, which will reach $750 by January 1, 1973, to reducing the oil depletion allowance. This legislation also provided for a reduction, and as of June 30th the elimination of the surtax.

Another significant reform achievement was the Postal Reorganization Act, a victory that was shared by the Administration, postal workers, and the American public. This reform bill, which cleared the Congress in August and is now public law, creates an independent U.S. Postal Service that will put our mail system on a business-like basis and provide greater efficiency in deliveries.

The third reform program passed by the House was a reorganization of congressional operations. Although the bill contained some improvements, like recording names of members on teller votes and disclosing votes in closed committee sessions, the measure was a disappointment to me. What really featured the bill was not the provisions passed, but the meritorious ones rejected. The antiquated seniority system of selecting committee chairmen will still exist, and many sessions will remain closed to the public. I supported amendments to change the seniority system. While these amendments have thus far been rejected, I intend to continue to press for their enactment.

OTHER IMPORTANT ACCOMPLISHMENTS

Other legislation passed by the 91st Congress included: (not all was approved by both Houses and signed by the President as this newsletter went to press) Extension of Federal aid to education . . . Prevention and control of drug abuse . . . Improvement of the student loan program . . . Reform of the electoral college system . . . Extension of the Voting Rights Act . . . Protection of minors from sexually-oriented mail . . . Construction and modernization of hospitals . . . and providing additional funds for the slumping home mortgage market.

Also passed were: Expansion of the Crime Control and Safe Streets Act, a bill I helped sponsor in 1968 . . . Federal grants for building sewage treatment works . . . Creation of a Youth Conservation Corps . . . Intensification of air pollution control . . . Extension of the National Commission on Product Safety . . . Increased Social Security benefits . . . Urban Mass Transportation . . . Expansion of veterans benefits . . . Extension of the anti-poverty program . . . Equal rights for women . . . Extension of the Older Americans Act to help senior citizens. Expansion of the arts and humanities was another program I helped sponsor.

I voted for all of these bills and urged my colleagues to press for their enactment into public law. I will continue to work for legislation of this caliber which seeks to resolve the many problems facing our Nation. Your views will be appreciated as we debate various proposals in the Congress.

INFLATION TOP CONCERN IN MIDDLESEX COUNTY

My recent questionnaire revealed that most constituents consider inflation the main domestic problem facing the Nation, with crime and pollution next. And a Harris survey on Aug. 20, 1970, reported that 58% of the American people believe this country is in the throes of a recession. At the same time, 71% believe that the prices of most things they purchase are still rising faster than a year ago.

During September, the wholesale price index increased again and because of rising costs for farm products, housewives now face the unhappy prospect of paying still higher prices for meat and other grocery items. People are more than concerned about the economy. They are alarmed—with good reason. Millions of investors have also lost billions of dollars in paper profits due to the stock market decline and farmers are also caught in the squeeze. No realist can deny that an economic crisis is here and instead of the economy improving, it may actually get worse. This concern was indicated in a Gallup survey on Oct. 8th, which disclosed that three times as many Americans expect unemployment to increase during the next 6 months, as those who believe it will decrease. Increasing unemployment and rising prices remain a serious challenge to the Administration and are serious threats to the economic security of our people, as well as representing a grave threat to the Nation itself.

THE ECONOMIC CRISIS

The American people are suffering from the effects of rising prices and mounting unemployment—the paradox of both inflation and recession at the same time. This paradox is almost without precedent.

Every person suffers from inflation, but the most tragic victims are those with fixed incomes—over 29 million retired and disabled Americans. Social Security and Railroad Retirement benefits were increased by the Congress 15% last year, but these gains have been all but wiped out by rising prices. The House has now voted an additional increase of 5% in Social Security benefits. I fought for this increase and also for the new provision which will provide for automatic future adjustments that will reflect changes in the cost of living.

The crippled housing industry—third largest in the nation—is another victim. The highest interest rates in over 100 years have almost paralyzed this key area. In many cases, apartment house owners are taking advantage of the housing shortage, and knowing that most couples cannot afford to buy a home at today's sky-high interest rates, are charging exorbitant rents. The prime lending rate for commercial banks has increased 28% since November, 1968, and is now 8%. Tight money is strangling the economy. For instance, a couple buying a $20,000 home will actually pay $55,000 by the time a 30-year mortgage is paid off, at the going interest rates.

NATIONAL UNEMPLOYMENT HIGHEST IN 7 YEARS

Another stricken area is the employment market. In January, 1969, the unemployment

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rate was 3.3%. Since then, the rate has continued to rise and reached 5.5% of the nation's work force in September, 1970—the highest in 7 years. Unemployment in the Perth Amboy—New Brunswick Labor Area, which includes Middlesex and Somerset Counties, has reached a critical level. A report issued in mid October disclosed that in September of this year, there were 18,700 persons unemployed in the Area, representing 5.7% of the work force. A year ago, 12,100 were out of work—3.9% of the employment force. Over a period of a year, the number of jobless in the Perth Amboy—New Brunswick Labor Area increased by 6,600—a leap of 55%!

ACTION NEEDED TO STRENGTHEN ECONOMY

I have supported legislation to lower interest rates and have urged the Administration to take steps to stop this rampant inflation. Such action could stop rising prices without further unemployment or reductions in productivity.

Besides lower interest rates to revitalize the slumping housing industry, manpower development and training programs need to be expanded to upgrade the skills of unemployed and unskilled workers, and job placement centers established to send persons to areas where work is available. What is also needed, however, is a reordering of national priorities. We need better education, more housing, and improved health programs. The Federal budget should continue to be cut, but in the right places. Last year Congress voted to slash the Administration's budget by $6.4 billion—and I supported that reduction. On October 6th, 1970, the Appropriations Committee on which I serve, also cut the Pentagon budget by $2 billion. I will continue to cut non-essential programs.

WORDS TO REMEMBER AND THINK ABOUT

"Let us stand together with renewed confidence in our cause—united in our heritage of the past and our hopes for the future—and determined that this land we love shall lead all mankind into new frontiers of peace and abundance."—From remarks intended for delivery on Nov. 22nd, 1963, by President John F. Kennedy.

OMNIBUS WILDERNESS BILL

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. SAYLOR. Mr. Speaker, I wish to include as part of my previous remarks the text of the omnibus de facto wilderness bill, H.R. 19784:

H.R. 19784

A bill to designate certain lands as wilderness

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(b) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(b)), the following lands are hereby designated as wilderness:

(1) certain lands in the Helena, Lewis and Clark, and Lolo National Forests, Montana, which comprise approximately two hundred and forty thousand five hundred acres as depicted on a map entitled "Lincoln-Scapegoat Wilderness—Proposed", dated June 1968, which shall be known as the "Lincoln-Scapegoat Wilderness";

(2) certain lands in the Snoqualmie and Gifford Pinchot National Forests, Washington, which comprise approximately one hundred and thirty thousand acres as depicted on a map entitled "Cougar Lakes Wilderness—Proposed", dated March 1970, which shall be known as the "Cougar Lakes Wilderness";

(3) certain lands in the Medicine Bow National Forest, Wyoming, which comprise approximately twenty-five thousand acres as depicted on a map entitled "Laramie Peak Wilderness—Proposed", dated May 1969, which shall be known as the "Laramie Peak Wilderness";

(4) certain lands in the Bitterroot and Nez Perce National Forests, Idaho, which comprise approximately two hundred and fifty thousand acres as depicted on a map entitled "Upper Selway Wilderness—Proposed," dated December 1965, which shall be known as the "Upper Selway Wilderness";

(5) certain lands in the Wallowa-Whitman National Forest, Oregon, which comprise approximately eighty thousand acres as depicted on a map entitled "Minam River Wilderness—Proposed," dated February 1969, which shall be known as the "Minam River Wilderness";

(6) certain lands in the Roosevelt and Arapaho National Forests, Colorado, which comprise approximately seventy-five thousand acres as depicted on a map entitled "Indian Peaks Wilderness—Proposed," dated March 1970, which shall be known as the "Indian Peaks Wilderness";

(7) certain lands in the Monongahela National Forest, West Virginia, comprised of three separate areas which shall be known as:

(a) the "Cranberry Wilderness" comprising approximately fifty-three thousand acres;

(b) the "Otter Creek Wilderness" comprising approximately fifty-three thousand acres; and

(c) the "Dolly Sods Wilderness" comprising approximately ten thousand two hundred and fifteen acres, all as depicted on maps dated March 1970;

(8) certain lands in the Tahoe National Forest, California, which comprise approximately thirty-six thousand acres as depicted on a map entitled "Granite Chief Wilderness—Proposed," dated March 1970, which shall be known as the "Granite Chief Wilderness"; and

(9) certain lands in the Flathead National Forest, Montana, which comprises approximately twenty-one thousand acres, as depicted on a map entitled "Jewel Basin Wilderness—Proposed," dated October 1969, as revised October 1970, which shall be known as the "Jewel Basin Wilderness."

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. Wilderness areas designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

THE "TURNED-ON CRISIS"—WQED PITTSBURGH'S DRUG INFORMATION AND ACTION PROJECT

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. MOORHEAD. Mr. Speaker, WQED, Pittsburgh, the Nation's first community educational television station has developed a month of special programing to educate the public on drug abuse which is an outstanding example of how noncommercial television can serve as a catalyst for community dialog on important issues.

The October project includes more than 120 hours of prime-time special programing on drug information, prevention, rehabilitation, and legislation, as well as the convening of more than 108 community-based "Mini-town Meetings" in more than 27 locations throughout western Pennsylvania. It was my pleasure recently to appear on one of these programs.

The Public Broadcasting Service, created by the Corporation for Public Broadcasting, National Educational Television, and the Nation's public television stations to operate the national interconnection of noncommercial television stations, advises they have already been in discussion with WQED and the Corporation for Public Broadcasting about a national series on drug information which is to develop from this massive community effort on the part of WQED.

I was appalled to learn that WQED estimates that one of every four schoolchildren in our county has experimented with drugs, and as I stated during the floor debate when the House passed the Comprehensive Drug Abuse and Prevention Act of 1970 in September, current estimates cite 10,000 to 15,000 drug users in the county.

WQED deserves high praise for their monumental response to the devastating problem of drug abuse, and I hope that every teenager, parent, teacher, school administrator and all concerned citizens have been able to watch and participate in the project.

Those of us who sponsored legislation to provide funds for public broadcasting in the Congress can take great pride from programs such as WQED's "Turned-On Crisis."

I include for the attention of my colleagues a recent Pittsburgh Post Gazette editorial commending the series in support of my remarks:

THE TURNED-ON CRISIS

The drug scene is not one which lends itself to instant analysis. Narcotics addiction is a subject which is more conducive to hysteria than to rational appraisal. Drug abuse is no longer largely confined to squalid slum areas but has spread insidiously to every sector of society. The horror of drug-related deaths and the rising incidence of drug addiction have seared the national consciousness. The need for a dispassionate survey of the narcotics problem becomes more urgent with each passing hour.

Few projects in the history of public television are more relevant to the times than the series of nightly programs on drug abuse launched this week by Station WQED. The month-long series "The Turned-On Crisis" will systematically examine the psychological and social roots of drug abuse, describe the biochemical effects of narcotics, and explore techniques of prevention and rehabilitation.

The staff of WQED has displayed typical intelligence and energy in enlisting the services of a wide range of professional advisers, organizations, religious and ethnic groups to produce an in-depth study of the drug problem in Western Pennsylvania. "The

Turned-On Crisis" project will feature documentaries, panel discussions, weekly Town Meetings and commercial films dealing with drug abuse.

As an adjunct to the provocative Town Meetings, WQED has organized community Mini-Town Meetings throughout a ten-county viewing area. These discussion groups will approach the complex problems of drug addiction with special reference to the needs of their own communities.

Thoughtful viewers of "The Turned-On Crisis" series, running through October at 8:00 p.m., may achieve fresh insights into a social question which directly or indirectly involves them. The WQED team which undertook the organization of a vast diversity of material deserves the gratitude of a community it has labored to enlighten.

HUNGARIAN REVOLUTION OF 1956

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. DADDARIO. Mr. Speaker, known in America as Hungarian Freedom Day, October 23 marks the 14th anniversary of the Hungarian Revolution of 1956. I take this opportunity to join with freedom loving people everywhere to commemorate this noble attempt of a spirited people to win self-determination for their nation, a basic right of all of the world's peoples.

On October 23, 1956, a group of university students in Budapest organized a rally demanding independence, free elections, and the end of Soviet domination. Joined by massive crowds in the streets of the capital, the crowd grew in size and intensity until Premier Gero called Hungarian police and Soviet troops to the scene. Firing aimlessly into the crowd, those troops ignited mass insurrections all over the country.

The demonstration had become a revolution, organized and directed by revolutionary councils and committees who led the inflamed Hungarian people to the seizure of the reigns of government.

On October 30, Imre Nagy, a liberal, former premier established a ruling coalition government and restored the Hungarian nation to its pre-Communist state. The old one-party domination of the Communists was abolished, free elections were planned, and preliminary steps were taken to secure the withdrawal of all Soviet occupation troops. It appeared that the revolution had succeeded and that the Russians would not forcibly interfere. All over Hungary, the people rejoiced in the long-awaited establishment of a free and independent nation.

But the fruits of revolution were not allowed to attain their expected permanency. Suddenly, on November 4, Soviet troops surrounded the capital of Budapest and blocked off all access to and from the country. Hoping for foreign assistance and the intervention of the United Nations, Premier Nagy determined to resist the Soviet intimidation which culminated in the invasion of Budapest on November 4.

Refusing to back down in the face of Soviet tanks, the Hungarian people struggled with their invaders for weeks, while thousands were killed and an estimated 160,000 fled the country. For many weeks after, a general strike paralyzed the nation, demonstrating the continued resistance of the Hungarians to Soviet oppression.

Ultimately crushing the rebellion, the Soviet Union extended even more repressive restrictions on Hungarian freedom and dispatched an army of 80,000 occupation troops to subdue and supervise the rebellious people.

From 1957 to 1958, the Soviet reprisals resulted in the execution of Premier Nagy and thousands of his supporters. Many more thousands were imprisoned or forced to leave the country.

The courageous stand of the Hungarian people, taken against an alien and repressive regime will long stand as an inspiration to free people and those who long to be free. Those thousands did not die in vain, for their cause will one day be vindicated when all nations everywhere will win the right to a free and unencumbered independence. Let us never forget the thosuands of slain Hungarians who fought and died for that goal.

THE 14TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. WOLD. Mr. Speaker, in October 1956, the people of Hungary told the world dramatically that they wished an end to the Communist domination of their country.

The tragedy that followed is well known. But less well known is the continued determination of Hungarians still living in their country, and the many thousands who voted with their feet and who now live in the United States, to resist what is being done to Hungary by the foreign power which dominates there.

On this 14th anniversary of the Hungarian revolution it seems appropriate to have printed in the RECORD the lead article in the October 1970 issue of the Hungarian Freedom Fighter.

The author of the article is anonymous.

The article, entitled, "The New Generation, 14 Years After the Revolution" merits the attention of all who respect and admire the Hungarian people for what they sought to accomplish for themselves and their children 14 years ago.

The article was brought to my attention by Mr. Istvan B. Gereben, copresident of the Hungarian Freedom Fighters Federation.

The article follows:

THE NEW GENERATION, 14 YEARS AFTER THE REVOLUTION

(NOTE.—This article was written by an intellectual American tourist who—contrary to many others confused by propaganda—perceived the real attitude of the young Hungarian generation. And he was only dramatically confirmed by the three young Hungarians who recently escaped by forcing a Rumanian aircraft, bound to Prague, to alter its course and land in Munich. Nevertheless, we are absolutely sure that this young Hungarian generation will be fighting for freedom the same way as we did in 1956, would the circumstances allow or force them to fight.)

The opera season in Budapest's Erkel theater opened this fall with Erkel's classical masterpiece Bank Ban, a tale of Hungary oppressed by foreigners. With words lent the libretto by the renowned author, Jozsef Katona, the opera's hero Tiborc agonizes "They have torn the soul from this land." And so it seems today.

The Magyars last grasp for freedom in 1956 was in many ways the turning point, not alone in politics and economics, but in the spiritual dynamics of the new, socialist, generation. Their hope was crushed. The Party, never really swayed by the popular demand for relaxation and reform, was to remain intransigent on the issues of substance. The West, to which Hungary had traditionally tied her culture and linked her values, was not to be counted on for more than condolences. The nation of Magyars, could not reassert her identity. The terror of the tanks gave way to the calming pleas of Kádár. Some old economic grievances with the Soviet Union were redressed. . . . But no rise in the living standard could efface the ultimate spiritual disillusionment of the youth who had led and bled for the Revolution.

As Kádár learned to accommodate the Kremlin, the new generation learned to bend its spirit to the State and the System. Revolutionaries became evolutionaries; idealists, existentialists; believers, agnostics. Cynicism filled the spiritual vacuum.

The young were saddled with a double disability; psychotic amnesia aggravated by an enforced myopia. The amnesia is both cultural and personal. The trauma of the 1956 October, coupled with an inborn tendency to cast out the old, herald in the new, have created a generation gap of almost incurable proportions. Memory of Hungary's past glories, of her national dream, are little mentioned by the regime; proper schooling assures that they are decently forgotten. The trappings of national destiny, gypsy music (cigány), folk-songs (népdal) and dances (csárdás) have become antique oddities, tourist attractions. Just as lifeless are the personal hopes of better days to come.

The myopia has been produced by the lack of contact with rest of the world, and the West in particular. Mass media are carefully censored before inappropriate material from Western sources can filter in; what does penetrate is as harmless as the Beatles and blue-jeans. More importantly, travel outside the country is prohibited to those under thirty; there is no chance for a personal awakening. Without contact, there can be no substantive comparison of system, ideologies, life-styles. Views become sterile, ideas parochial.

Without a past, without perspective, the youth is bound to a contemporary reality which totally forms his goals, beliefs, and symbols. Is it a reality which dictates poverty, anonymity, and loneliness.

The poverty enforced by the economics of Soviet-style socialism at once equalizes society and forces the individual to be ultra-pragmatic. A suit will cost a young man a month's wages, a motorcycle more than a year's; an automobile is so far beyond reach that it can be regarded only as a status symbol. Dinner with friends at a better restaurant is another month's salary (so you eat, and meet, at home); a modish dress for the wife is two months' work (so she sews, or knits, her own); a major household appliance another year's (so you do without).

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The government and massive bureaucracy depersonalise, kill personal incentive. Since the State decides what your job will be, how fast you will rise, what you will be paid, there is neither ambition nor desire for career. Neither is there incentive to work hard, to please the customer; and there is a negative incentive to be innovative—it rocks the precautiously balanced boat. It is a country of PhD taxi drivers, of MA secretaries, of incredibly rude retail clerks. After all, it's easier on them if you never walk through that door—and they let you know it! There are a few who, simply to sustain some semblance of self-pride, work hard, think, innovate. They become the living proof that all of it gets you exactly nowhere.

State engendered fear atomimizes society. Almost any groan or gripe about current conditions, favorable mention of the West, undue personal ambition, or praise of pre-War Hungary can be treasonous. Such thoughts are aired in discrete tones and in private. Only the home and Western visitors can be trusted. That may explain why any given taxi driver, during any given five minute ride, can verbally decimate Lenin, Kadar and modern Hungary. But in a home in which both husband and wife must work even the basic social unit loses the warmth and safety of close interpersonal contact. The divorce rate has grown almost fifty percent since 1949, the length of an average marriage dropped to seven years. Even in the happy marriage there is no inheritance, for the children. Neither fame nor fortune can be built outside the Party. The children face a hard world; alone, anonymous, poor.

They learn to be clever, shrewd, to forget self-esteem, to be intensely egotistic. Many girls of better than average look (and there is an incredible proportion of them in the Magyar lot) learn to use them. Vaci Street and the Cafe Belle Italia have become the most awesome amateur Reeperbahn in Europe. For the pleasure of being seen with a Westerner in the best hotels and bars, or having a meal in one of the better restaurants, they offer the only thing they have to give. They start at sixteen.

As for the general state of Hungarian morality it is unwise to practice your religion publicly, send your children to private schools, talk with or harbor foreigners, have loud parties at home. One scientist was forced to choose between the presidency of a scientific commission and sending his children to a Catholic school. A man of strong persuasions, he opted for the Catholic schooling, was relegated to janatorial duties in a provincial factory.

If you are one of the lucky ones who earn enough to save something from your salary, you must engage in patently illegal black market exchange and Western bank accounts to sustain the value of your savings. Swiss bank accounts so acutely drained the economy that the regime was recently forced to change the laws to permit retention of a part of legal foreign currency earnings in hard currency accounts at the State bank. One may infer that the niggardly retention quota has not induced many to "save Hungarian"—black market rates have failed to show any fluctuation.

If you are not caught and jailed for blackmarketeering or hoodwinking the wrong official, you may consider yourself lucky. If you own a private business, the State may step in at the moment it becomes too profitable, or embarrassingly large. Hungarian businessmen are grand masters of the tax and revenue evasion game. Outside of the Party, a real career is open only to professional athletes, and scientists in strategic fields. Yet in 1968 statistics, the total of all athletes and scientists is a fraction of one percent of the population.

Lacking hope of any real career, wealth, or security, the young must be content with their phantoms, their symbols. As in Plato's cave, the symbols are taken for reality itself. For some indeterminant reason, the symbols are maniacally lifted from the West. They are chosen with all the perspicacity of a baby in a candy store. Gloss, color, ready availability are main determinants of selection. No matter that the rock records are atrociously out of date, or worse, Polish copies of the Beatles; that blue jeans are not elegant evening wear. Popular American songs are sung in Hungarian night clubs with great gusto and an appalling lack of soul.

The car of a visiting Westerner is appraised by its size alone; a gigantesque ancient Mercedes runs a long lead over a small new XKE. Simultaneously, there is a noticeable decline of interest in the music and theatre of the masters. The price of a pair of imported panty-hose equals that of a dozen concerts; panty-hose are selling like hotcakes. To have a few such things is to be wealthy, to have a job that pays enough to buy them is a career, to enjoy them for a while is security.

If Western youth is materialistic, that of modern day Hungary with its petty nickel and dime materialism makes us seem idealist. If sexual freedom is the method in Western schools, consider a country in which every Friday is ("step right up—absolutely free") Abortion Day, where the live birth rate is one of the world's lowest. The American Now Generation is existentialist by choice, that of Hungary by compulsion. Hungary's suicide rate is the world's highest. If we have become a less spiritual generation, theirs is adamantly agnostic. (Is there a God where there is no hope for the future?)

And the cause of this degradation? Enslavement. Soviet Hungarian speaking officials still dictate every important Hungarian bureaucrat. Hungary's economy remains totally subservient to the USSR. People are still jailed for expressing themselves. The young still remember the brutal aftermath of the Revolution. They fear a repetition, yet they cannot surrender. So they destroy themselves the only way they can; through self-degradation.

GEN. THADDEUS KOSCIUSZKO

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 14, 1970

Mr. SCHWEIKER. Mr. President, in June of this year I joined with my colleagues, Senators SCOTT, HARTKE, and HART, in introducing S. 4026, a bill to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania. General Kosciuszko, a Polish-American patriot, contributed significantly to the success of the American Revolution, and I think it is entirely fitting that we make his home in Philadelphia a historic site.

The Philadelphia Historical Commission adopted a resolution on September 29, 1970, memorializing the President and Congress of the United States and the Secretary of the Interior to take all possible steps to obtain passage of S. 4026 and its companion bill in the House, H.R. 18161, in this session of Congress. I fully support this resolution and ask that it be reprinted in full at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the preservation, protection, and enhancement of all historically significant buildings has done much to bolster Philadelphia's rich heritage involving the birth of our nation; and

Whereas, the brick house at 301 Pine Street, built by a member of the Carpenters' Company in 1775, was the last residence in America of General Thaddeus Kosciuszko, a hero of the American Revolution, and played an important role in his life; and

Whereas, the President and Congress of the United States and the Secretary of the Department of the Interior are engaged in saving such historic sites as tributes to the contributions of individuals who have helped to make this nation what it is; and

Whereas, a number of Senators and Congressmen have introduced identical bills to authorize the Secretary of the Interior to establish General Kosciuszko's last residence in America as a national historic site; and

Whereas, the sponsors of this legislation and millions of their fellow Americans are anxious to restore the house in which Thomas Jefferson frequently visited General Kosciuszko in time for the Nation's Bicentennial Celebration: Now therefore, be it

Resolved by the Philadelphia Historical Commission, That we hereby respectfully memorialize the President and Congress of the United States and the Secretary of the Interior to take all possible steps to obtain passge of H.R. 18161 and S. 4026 in this session of Congress; and be it further

Resolved, That the Chairman of the Philadelphia Historical Commission transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the House Committee on Interior and Insular Affairs, to the Senate Committee on Interior and Insular Affairs, to the two United States Senators from Pennsylvania and to each Representative from Philadelphia in the Congress of the United States.

PETITION FROM VIETNAM IN SUPPORT OF H.R. 19241

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. MOSS. Mr. Speaker, 20 members of the 37th Infantry Platoon Scout Dog, supporting the 1st Air Cavalry Division Airmobile in Vietnam, have asked that their petition in behalf of my bill, H.R. 19241, which provides for the humane disposition of military dogs, be inserted in the CONGRESSIONAL RECORD.

I am proud to insert the supporting statement of these men in the RECORD for the benefit of my colleagues and do so with my sincere appreciation for their concern and interest.

The letter follows:

DEPARTMENT OF THE ARMY,
37TH INFANTRY PLATOON SCOUT DOG,
APO San Francisco, October 3, 1970.

Hon. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR SIR: We members of the 37th Infantry Platoon Scout Dog supporting the 1st

Air Cav Division in Vietnam read of your proposal to redeploy war dogs to the U.S. after their service overseas and would like to express our wholehearted support for the measure.

As scout dog handlers our mission is to walk point for infantry units, and we are able to testify to the service military dogs perform for the men in Vietnam. A common regret among handlers has always been that the dogs were unable to return to the states. Thus, we, who work with the dogs covered in your bill, stand behind your work, and in the hope that it will further passage we members of the 37th and other units using dogs are sending this petition for entry into the Congressional Record.

Sincerely,

Sgt. Daryl Yoder, Lt. Glenn M. Flake, Sp5c. George M. Hardaway, vet. tech., Sp4c. William R. Kenney, vet. tech., Sp4c. Ronald D. Smitley, Sp4c. Larry V. Dugan, and Sp4c. Gary Danns.

Sp4c. Dean A. Fulton, Sp4c. Kenneth M. Sloan, Pfc. James D. Block, Sp4c. Thomas A. Nelson, Cpl. Ronald E. Howard, Sp4c. Arthur F. Schneck, and Pfc. Donald DeLay.

Pfc. Richard A. Danner, Pfc. Gilbert W. Blunt, Pfc. Lawrence E. MacPierson, Pfc. Paul V. Wassermann, Pfc. Dennis L. LaMaster, and Sp4c. David J. Chasman.

FULTON SPONSORS VETERANS EMPLOYMENT AND HOUSING LEGISLATION

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. FULTON of Tennessee. Mr. Speaker, today I am privileged to join with the gentleman from New York (Mr. CAREY) in sponsorship of two major pieces of legislation designed to assist our returning veterans in this grim time of unemployment and high mortgage interest rates.

The need for this legislation springs from the administration's record of neglect of our veterans and from the administration's fiscal and economic policies which have tended to support high interest rates and growing unemployment.

The first bill, necessitated by the excessive unemployment which the administration's fiscal and economic policies have generated, would guarantee a job opportunity at an appropriate level to those veterans who for one reason or another choose not to enroll in an educational program or have no need to do so.

The high level of unemployment which we are now experiencing is making it more difficult for veterans to obtain employment than when they entered service. They, least of all, should suffer as a result of a decline in the economy that occurred while they were defending the Nation.

Also, the inflation which has, in part, been caused by the war economy, has increased interest rates and made it increasingly difficult for veterans to make sizable downpayments. The result is that they are considered poor prospects in the conventional market.

This would be alleviated by the second bill I am introducing which would permit veterans who are interested in purchasing a home to do so on the same basis as student veterans and other students who are able to finance their education under the guaranteed loan program or the Veterans' Educational Assistance Act.

I see no reason why the veteran seeking a home for his family should not have the same credit benefits as one seeking education in one of our institutions of higher learning.

THE COMPREHENSIVE MANPOWER ACT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, regretably the House did not have an opportunity to work its will prior to our election recess on H.R. 19519, the Comprehensive Manpower Act.

The bill has been scheduled, however, for consideration on Tuesday, November 17.

While I regret the delay, it may well have been useful in that Members will now have had an opportunity to study the contents of the legislation in detail and to clear up any misconceptions an initial hasty review might have created.

On October 14 several of our colleagues spoke out against certain provisions of H.R. 19519. For the record, I would simply like to clarify some of the statements made by the gentlewoman from Oregon (Mrs. GREEN).

A careful reading of H.R. 19519 and the accompanying House Report No. 1557 will show that this bill represents a significant departure from the Federal approach to manpower programs in the past. Under the present system, the Secretary of Labor now has over 10,000 direct contracts with States, local governments, public and private organizations, and so forth for the operation of manpower training programs. This has strained the ability of the Secretary to conduct these programs with maximum efficiency; created duplication and inefficiency; and most importantly frustrated the efforts of the individual at the local level to receive the help he so desperately needs.

H.R. 19519 would focus most of the manpower activities being conducted through 300 to 350 prime sponsors.

H.R. 19519 would consolidate most of the major Federal manpower programs in operation today and provide for their coordination of the other programs which are maintained under separate statutory authority. Those programs which will be decategorized under H.R. 19519 include MDTA institutional training, OJT, programs in correctional institutions, JOBS—job opportunity in the business sector—CEP—concentrated employment program—Neighborhood Youth Corps, Operation Mainstream, and New Careers. Under H.R. 19519, rather than prescribing at the national level, a specific, uniform combination of services which will be provided locally, title I authorizes the Secretary of Labor, principally through agreements with Governors and mayors of larger cities, acting as "prime sponsors" to provide a comprehensive delivery system for manpower services including the types of programs and services which formerly were provided by the categorical programs listed above.

In addition, each prime sponsor must establish a manpower service counsel who will represent other agencies, organizations, and institutions who operate programs related to manpower training and placement and are necessary for its success, such as vocational education and rehabilitation, social service programs, apprenticeship programs, business, labor, veterans representatives and representatives of the poor.

Thus, it is untrue that H.R. 19519 "offers a renewal of the same old familiar programs that have offered training without jobs and have spent money without tangible evidence of success."

Second, it was alleged that the role in H.R. 19519 given to the community action agencies was such as to "make it impossible to have a meaningful delivery of manpower programs at the local level."

Community action agencies have a history of involvement in manpower programs for the poor, it is thus important for them to be represented on the manpower service councils along with vocational educators, employment service personnel, apprenticeship people and others who have all been involved in operation or service aspects of manpower programing. As a part of the council, CAA's like the other participants will be involved in planning and writing the prime sponsors comprehensive plan and application for assistance. They are specifically mentioned in section 104(b)(6), but section 104(b)(4) also provides for similar participation of other council members. Again, in section 106(3) CAA's are specifically assured the right of review of a prime sponsor's application, however, since the CAA's are members of the Manpower Service Council, they along with other agencies will be involved in the planning and application process from the start. Further this right of review is not a right of approval or rejection, but merely review and any group can submit similar comments to the Secretary for his consideration in accepting or rejecting a plan.

In section 105(b)(5) of the bill CAA's along with other community based organizations serving the poverty community, must be given an opportunity to participate in the conduct of the programs. This is similar to section 105(b)(6) which says that the services and facilities of such groups as the employment service, vocational education and

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rehabilitation agencies, area skill centers, local educational agencies, postsecondary training and education institutions must be utilized to the extent appropriate in carrying out local plans.

In all of the above situations, CAA's, along with other manpower related organizations, are expected and encouraged to participate. Lack of participation by any of these groups would make the local or State manpower plan and program less than comprehensive. Their participation is designed to enhance rather than thwart the success of a comprehensive program at the local level.

CAA's are given the opportunity to be "prime sponsors" if and only if a unit—or combination of units—of general local government eligible to be a prime sponsor does not submit an acceptable plan. Review of a rejected plan, by the way, is subject to a public hearing where all elements of the community must be heard. If a CAA did qualify to submit a plan it must represent the particular geographical area, and most important it must meet all the requirements which governmental prime sponsors meet, thus it must demonstrate an ability to formulate and carry out a plan, it must have its plan approved, and it would be advised by a manpower service council.

The proper role of CAA's was discussed at length during committee hearings. We heard from Wesley Hjornevik, Deputy Director of OEO, Stephen W. Berman, vice chairman of the Connecticut Manpower Executives Association, which represent all of the CAA manpower administrations in Connecticut, and William Freeman, representing the National Association of Neighborhood Youth Corps Directors, which is affiliated with the National Association for Community Development. CAA's role was also discussed with business, labor, academic, education, employment service and other witnesses which appeared before the Committee.

It was also alleged that H.R. 19519 downgraded the role of State governments. While that role is not as strong as I envisioned in my bill H.R. 10908, it must be emphasized that our House committee strengthened the role of the States over what the Senate provided in their bill, S. 3867. Under H.R. 19519, any State seeking assistance under the Comprehensive Manpower Act or the Wagner-Peyser Act shall submit an annual State comprehensive manpower plan to the Secretary which provides for coordination and cooperation of State agencies involved in manpower services; sets forth a plan for the development and sharing of resources and facilities; and provides for coordination of employment service programs with those conducted under the Comprehensive Manpower Act. This virtually assures manpower planning at the State level, since every State participated in the Wagner-Peyser Act, and this plan will give the States the background and information they need to intelligently comment on plans submitted by local prime sponsors, a right which is guaranteed to the Governor, and to formulate their own plans for State operated programs.

Finally, the gentlewoman from Oregon stated that under H.R. 19519:

> This new program of public employment can now become a permanent new way of life.

We took careful pains to prevent this from happening and in fact just the opposite is intended to be the case. Under section 302(h) each application for a public service employment program must include objectives for the movement of persons into public or private employment not supported under this act and section 302(i) provides that if the employer has not achieved these objectives, the Secretary shall reduce the Federal share in any continuation or extension of the agreement unless certain conditions made compliance impossible. This carrot and stick formula is specifically designed to move people off subsidized employment. In addition, no person could even be considered for participation in a subsidized job unless every reasonable opportunity to find suitable regular employment had been exhausted, and section 307 obligates the Secretary of Labor to maintain a continuing review of the status of each enrollee to assure that he is receiving consideration for referral to suitable regular employment or to manpower training programs.

This explanation has been lengthy, Mr. Speaker, and yet the importance of H.R. 19519 to the reform and improvement of our manpower programs demands that the facts be clearly stated.

PRAYER—VOLUNTARY OR IMPOSED

HON. ALBERT GORE

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Monday, November 16, 1970

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks the text of a letter I have addressed to a child constituent in Tennessee on the subject of prayer in schools, together with statements on the subject by several religious groups or churches.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NOVEMBER 13, 1970.

Miss LORETTA MCMULLIN,
139 West Lincoln Street,
Alamo, Tenn.

DEAR LORETTA: Your letter is in my hand. I have not at any time voted against or expressed opposition to voluntary prayer in school. On the contrary, I support and have always supported the right of voluntary prayer by anyone anywhere, a guarantee of the United States Constitution.

What I am and have been against, both as a citizen and as a Senator, is a proposed amendment to our Constitution to give to an official of government the power of "providing" a prayer and thus to impose a particular prayer upon school children and perhaps upon others. This, in my view, would be an abridgement of the right of religious freedom.

I am glad that you and other disturbed children in Tennessee have written me about this because a clarification of my record and views on this question, even now, might be in your interest. Yes, Loretta, I believe in God and in prayer, as do other Senators and many church groups and religious leaders who stand as I do on this matter. But is reverential worship and true prayer a matter of politically "providing" for a practice or manner of so-called prayer, or is worship of God and prayer a matter of the spirit and devout supplication from the heart of the one who prays?

If government at any level should be granted the constitutional authority for "providing" for prayer in public buildings, then it can provide for a particular kind of prayer and can thus exclude other kinds of prayer. In other words, a government or school official, clothed with such constitutional authority and protection, could impose his own religious preference upon students or others, however much their own religious beliefs might differ. An official, thus empowered, could provide for either a Christian prayer or a Moslem prayer, a Protestant prayer, a Catholic prayer, a Jewish prayer, a Quaker prayer, a "non-denominational" prayer (whatever a "non-denominational" prayer is, or rather whatever the Courts might ultimately decide this to mean), or he could provide for the exclusion of either or all these forms of prayer in favor of still some other kind of prayer. I wonder if the members of your seventh grade class would consider this to be religious freedom?

I have strongly believed since childhood that every American citizen has the right under our Constitution to worship God according to the dictates of his or her own conscience, not according to the dictates of any government official or school official or any other political official whatsoever at any level.

As you develop and advance in your studies, you will learn that many of the bitterest, bloodiest and most heart-rending struggles in history were caused by arguments over the right of each man to worship God in his own way.

It may seem like a small thing, Loretta, and now politically expedient, to give a governmental agency—a school board, a school superintendent, a Governor, or a court—the power of "providing" prayer, but freedom is more often lost in small steps than in big ones. America was founded on the principle of freedom of religion and separation of church and state. I believe this is best for the government, best for religion, and best for the people.

With best wishes to you and to all your classmates, I am

Sincerely,

ALBERT GORE.

P.S.—For your further benefit and that of your class, I am attaching hereto the positions taken on this question by various church and religious groups.

EXCERPTS FROM STATEMENTS ADOPTED BY VARIOUS RELIGIOUS BODIES [1]

1. Resolution adopted by the *Southern Bapist Convention*, meeting in Atlantic City,

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[1] Complete texts of these statements are available on request from the public relations office, Southern Baptist Convention, 460 James Robertson Parkway, Nashville, Tenn.

N.J., May 22, 1964, and reaffirmed by the SBC Meeting in Detroit, Mich., May 27, 1966:

"We, the messengers of the Convention hereby affirm our support for the concepts and the vocabulary of the First Amendment, including both its prohibition upon government roles in religious programs and its protection of free exercise of religion for the people.

"We appeal to the Congress of the United States to allow the First Amendment of the Constitution of the United States to stand as our guarantee of religious liberty, and we oppose the adoption of any further amendment to that Constitution respecting establishment of religion or free exercise thereof. . . ."

2. Resolution adopted by the *American Baptist Convention*, meeting in Atlantic City N.J., May 22, 1964, and reaffirmed by the ABC meeting in Knasas City, Mo., May, 1966.

"Baptists have long opposed any compulsion to conformity in religious belief or in the practice of religion. The first amendment has supported this freedom. The proposed change in that amendment could weaken it and bring the power of the state to bear on individuals to conform and to participate in prescribed religious practices.

"An amendment to permit compulsory Bible reading and prayer in the public schools is not only a danger to the freedom of non-believers, it is also a threat to the religious well-being of the believer. It is because of a deep respect for worship, and the recognition that prayer is essential and should be a vital encounter between man and God, that Baptists oppose devotional exercises that are more rote than worship. Therefore we affirm our belief in the separation of church and state as written in the first amendment of the Constitution of the United States . . . ."

3. Resolution adopted by *General Conference of the United Methodist Church* meeting in Dallas, Tex., April 23, 1968:

"The United Methodist Church is opposed to all establishment of religion by government. Therefore, we are in agreement with the Supreme Court's decision declaring unconstitutional required worship services as part of a public school program. We believe these decisions enhance and strengthen religious liberty within the religious pluralism that characterizes the United States of America . . ."

4. Statement adopted by the *Board of Parish Education, Lutheran Church-Missouri Synod*, July 29, 1966:

"The Board of Parish Education of the Lutheran Church-Missouri Synod, feels that the Dirksen Amendment fails to recognize fully the religious pluralism of the American scene. We believe that Christians cannot join with non-Christians in addressing God in circumstances that deny Jesus Christ as Savior and Lord. We believe likewise that non-Christians should neither be expected to participate in Christian prayer, nor should they expect Christians to join them in prayers that deny Christ.

"We support the idea that home and church have the responsibility for a religious education which seeks commitment and provides time for prayer or devotional exercises . . ."

5. Resolution adopted by the *National Council of the Protestant Episcopal Church*, meeting May 26–28, 1964:

"Whereas recent decisions of the U.S. Supreme Court relate only to prayer and Bible reading which are part of official exercises in public schools; and

"Whereas we believe that these decisions are not hostile to religion, and that it is no proper functions of government to inculcate religious beliefs or habits of worship; and

"Whereas we are advised that nothing in these decisions prevents voluntary expressions of reverence or religious sentiments in the schools, nor forbids the offering of prayers on public occasions, such as inaugurations;

". . . Now, therefore, be it resolved that the National Council of the Protestant Episcopal Church record its considered opinion that United States of America which seek to permit devotional exercises in our public schools should be opposed."

6. Action of the 176th *General Assembly of the United Presbyterian Church, U.S.A.*, meeting in Oklahoma City, May 1964:

"A careful reading of the . . . Supreme Court's decision will indicate that our children may still pray in school as the spirit moves them. Teachers may still teach objectively about the religious heritage of our country. The Bible may be used in connection with courses in world history, literature, etc. Christians and others with differing beliefs in God may still invoke His name and His aid as they fulfill the duties of public office. . . .

"No social issue ever pronounced on by a recent general assembly has been more thoroughly and responsibly studied than this one. The committee recommends that the General Assembly affirm the 175th General Assembly's approval of the church-state support" (which urged opposition to any change in the wording of the First Amendment to the Constitution.)

7. Statement of Policy voted by the *Board for Homeland Ministries, United Church of Christ*, May 28, 1964:

"Measures now pending in Congress, such as the Becker amendment, would give legal sanction to prayer and devotional Bible reading in the public schools. Proponents of this legislation contend that such Bible reading and prayer are 'good things' and therefore belong in the public schools. They close their eyes to the real issues raised by the proffered constitutional amendments. These issues are religious liberty and the roles of government, the home, and religious institutions in the practice of religion in America. . . . The Supreme Court has properly ruled that it is not the business of government to write and prescribed prayer for public schools. . . ."

STATEMENT OF CONCERN

We, the undersigned, deeply regret that the matter of prayer and Bible reading in public schools has been interjected as a "political issue" in the U.S. Senate election in Tennessee. As religious leaders, we obviously are concerned about prayer and Bible reading in public schools, as well as in all other places. We do not feel however, that this issue should be dramatized in such as to garner votes for one candidate or create opposition to another.

We would remind the members of our respective religious faiths, and the public at large, of the votes taken by many of our national, regional and local religious organizations warning Congress of the dangers in changing the First Amendment to the Constitution. Such statements have been adopted by the Southern Baptist Convention, the United Methodist Church, the Lutheran Church in America, the Union of American Hebrew Congregations, the International Convention of Christian Churches, the United Church of Christ, the United Presbyterian Church, U.S.A., the Legal Department of the National Catholic Welfare Conference, the American Baptist Convention, the Central Conference of American Rabbis, the Lutheran Church-Missouri Synod, and many others.

We believe that the First Amendment provides adequate protection for freedom of religion and separation of church and state. We oppose any effort to change this cherished "Bill of Rights" provision.

Furthermore, it is our considered opinion after study of the issue that the U.S. Supreme Court did NOT ban or prohibit voluntary prayer or Bible reading in public schools. Rather, it prohibited authorship of compulsory prayers by public officials, and prohibited official sponsorship of religious devotions in public schools.

We deeply regret that an emotional appeal is being made for Tennessee voters to support or oppose candidates on the basis of their voting records on so-called "prayer amendments" to the Constitution. We would remind the members of our denominations that those Congressmen who voted against such amendments were concurring with the actions taken by these official church bodies.

We would not want anyone, however, to interpret our statement of concern as endorsing one candidate over another. Tennesseans should vote their convictions on November 3, but they should beware of emotionalism on the issue of Bible reading and prayer in public schools.

Bishop H. Ellis Finger, Tennessee Conference, United Methodist Church.

Rev. Leland Caulder, pastor, First Lutheran Church (American Lutheran).

Rev. Allen Estill, regional minister, Tennessee Association of Christian Churches (Disciples of Christ).

Bishop Joseph A. Durick, Roman Catholic Bishop of Tennessee.

Msgr. Leo Siener, director of Catholic Charities for Tennessee.

Rev. Foy Valentine, executive secretary, Southern Baptist Convention Christian Life Commission.

Jim Newton, Assistant Director, Baptist Press (Southern Baptist).

Rabbi Randall Falk, The Temple, Nashville.

Rev. Thomas C. Barr, minister, Trinity Presbyterian Church.

Rev. D. P. McGeache III, minister Westminster Presbyterian Church.

Rev. Kelly Miller Smith, minister, First Baptist Church, Capitol Hill, Nashville (American Baptist).

Rev. Roy Clark, minister, West End Methodist Church, Nashville.

CONGRESSMAN FRASER'S VOTING RECORD 1969–70

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1970

Mr. FRASER. Mr. Speaker, I would like to set out in the RECORD a list of my votes on all rollcalls during 1969 and through September 30, 1970.

The description of each bill or motion voted on was prepared by the Legislative Reference Service of the Library of Congress. In many cases I have made additional statements in the RECORD, expressing my views at the time of the vote. I stand ready to describe more fully the nature of any issue and to explain my vote.

The record referred to follows:

XUM

1969 VOTING RECORD OF HON. DONALD M. FRASER, OF MINNESOTA

Yes—For No—Against NV—Not voting NVA—Not voting, paired against NVF—Not voting, paired for

Roll-call No.	Date	Measure, question, and result	Vote
2	Jan. 3	To elect the Speaker. (McCormack 241; G. Ford 187; "Present" 2)	McM
3	Jan. 3	H. Res. 1: Previous question: to permit Mr. Powell to take the oath of office. (Failed 176 to 248)	YEA
4	Jan. 3.	H. Res. 1: Second attempt to order the previous question. (Failed 172 to 252)	YEA
5	Jan. 3	H. Res. 1: MacGregor amendment to establish a special committee to investigate Mr. Powell's right to take the oath and to his seat. (Failed 131 to 291)	NAY
6	Jan. 3	H. Res. 2: Previous question: that Mr. Powell take the oath, be fined $25,000 and that his seniority begin as of the 91st Congress. (Passed 249 to 171)	YEA
7	Jan. 3	H. Res. 2: On passage: that Mr. Powell take the oath, be fined $25,000 and that his seniority begin as of the 91st Congress. (Passed 254 to 158, "Present" 6)	YEA
9	Jan. 6	Counting electoral votes. Objection to N.C. vote for George Wallace and Curtis LeMay in that they did not win a plurality in that state. (Failed 170 to 228)	YEA
14	Feb. 5	H. Con. Res. 124: To adjourn until February 17, 1969. (Passed 240 to 125)	YEA
16	Feb. 18	H. Res. 89: Previous question: to change name of Committee on Un-American Activities to Committee on Internal Security. (Passed 262 to 123)	NAY
17	Feb. 18	H. Res. 89: On passage: to change name of Committee on Un-American Activities to Committee on Internal Security. (Passed 307 to 80)	NAY
20	Mar. 12	H. R. 33: Recommittal motion: to increase U.S. participation in the International Development Association. (Failed 155 to 241)	NAY
21	Mar. 12	H.R. 33: On passage: to increase U.S. participation in the International Development Association. (Passed 247 to 150)	YEA
23	Mar. 18	S. 1058: Motion to suspend rules and pass: to extend authority of the President to submit reorganization plans. (Passed 335 to 44)	YEA
25	Mar. 18	H.R. 2171: Motion to suspend rules and pass: to establish a Commission on National Observances and Holidays. (Failed 164 to 213)	YEA
27	Mar. 19	H.R. 8508: On passage: to increase the public debt limit. (Passed 313 to 93)	YEA
31	Mar. 27	H. R. 7757: On passage: to authorize fiscal 1969 supplemental military appropriations for aircraft procurement and modification. (Passed 341 to 21)	NAY
33	Apr. 1	H. Res. 270: Recommittal motion: to authorize expenditure of certain funds by the Committee on Internal Security. (Failed 74 to 283)	YEA
34	Apr. 1	H. Res. 270: On passage: to authorize expenditure of certain funds by the Committee on Internal Security. (Passed 305 to 51)	NAY
37	Apr. 16	H. R. 4148: On passage: to amend Federal Water Pollution Control Act, as amended. (Passed 392 to 1)	YEA
46	Apr. 23	H. R. 514: Green substitute amendment, as amended: to extend the 1965 Elementary and Secondary Education Act for two years, to consolidate Titles II and III of ESEA and III(a) and IV(a) of NDEA. (Passed 235 to 184)	NAY
47	Apr. 23	H. R. 514: On passage: to extend programs of elementary and secondary education assistance, and for other purposes. (Passed 400 to 17; "Present" 1)	YEA
51	Apr. 29	H. R. 4153: On passage: to authorize fiscal 1970 appropriations for Coast Guard vessels, aircraft, and construction of shore and off-shore establishments. (Passed 384 to 2)	YEA
53	May 1	H. Res. 17: On passage: creating a select committee to investigate all aspects of crime in the U.S. (Passed 345 to 18)	YEA
55	May 6	H. R. 5554: On passage: to extend indefinitely the special milk program of the Child Nutrition Act. (Passed 384 to 2)	YEA
58	May 21	H. Res. 414: On passage: waiving all points of order against H.R. 11400 to make supplemental appropriations for fiscal 1969, and other purposes. (Passed 326 to 53)	NAY
59	May 21	H. R. 11400: Scherle amendment: to prohibit the use of funds in the bill for subsidizing interest on college construction loans to any institution not complying with the law which directs institutions to deny federal aid to students found guilty of participating in campus disorders. (Passed 329 to 61; "Present" 2)	NAY
60	May 21	H. R. 11400: On passage: fiscal 1969 supplemental appropriations. (Passed 349 to 40)	NAY
64	May 27	H.R. 11612: Conte amendment: to prohibit crop support payments in excess of $20,000 per annum to any producer, except for a sugar producer. (Passed 225 to 142)	YEA
65	May 27	H.R. 11612: On passage: to make fiscal 1970 appropriations to the Department of Agriculture and related agencies. (Passed 322 to 50)	YEA
66	May 27	H. Res. 424: On passage: to waive all points of order against section 502 (suspending the employment ceiling specified in P.L. 90-364) of H.R. 11582 making fiscal 1970 appropriations to the Treasury and Post Office Departments, the Executive Office of the President, and Independent Agencies. (Passed 345 to 12)	YEA
68	May 27	H.R. 11582: On Smith of Iowa amendment: to limit to $20,000 the total cost, exceeding revenues to the P.O. Dept., for providing postal service to any distributor of second-class mail. (Failed 100 to 239)	NV
69	May 27	H.R. 11582: On passage: to appropriate fiscal 1970 funds to the Treasury and Post Office Departments, the Executive Office of the President, and Independent Agencies. (Passed 326 to 6)	NV
72	June 2	H.R. 763: Motion to suspend rules and pass: to provide for a study of State laws and regulations governing the operation of youth camps. (Failed 151 to 152)	YEA
73	June 2	H.R. 693: Motion to suspend rules and pass: to provide VA hospital care for veterans 72 or older without their having to declare inability to pay, and for other purposes. (Passed 302 to 3)	YEA
76	June 4	H.R. 11102: On passage: to amend the Public Health Service Act relating to construction and modernization of hospitals and other facilities. (Passed 351 to 0; "Present" 1)	YEA
78	June 10	H.R. 11271: On passage: to authorize appropriations for N.A.S.A. for research and development, construction of facilities, research and program management, and other purposes. (Passed 330 to 52)	NAY
80	June 11	H.R. 1035: On passage: to prohibit encampments, sit-ins, or overnight use of parks or other public property in the District of Columbia, and for other purposes. (Passed 327 to 51)	NAY
85	June 18	H.R. 6543: Recommittal motion: to extend public health protection regarding cigarette smoking. (Failed 138 to 252; "Present" 3)	YEA
87	June 24	H.R. 12167: On passage: to authorize fiscal 1970 appropriations for Atomic Energy Commission. (Passed 406 to 3)	YEA
89	June 24	H.R. 12307: On passage: to make fiscal 1970 appropriations for independent offices and for H.U.D. (Passed 388 to 6)	YEA
91	June 25	H. Res. 357: On passage: to provide an additional clerk for all Members. (Passed 204 to 195)	YEA
93	June 25	H.R. 7906: On passage: to foster and regulate interstate commerce by providing system for taxation thereof. (Passed 311 to 87)	YEA
95	June 27	H.R. 8644: Adoption of conference report to make permanent temporary suspension of duty on chicory roots, and to relax limitations on aid to families with dependent children. (Passed 269 to 65)	NV
97	June 30	H.R. 12290: On passage: to continue the surtax and excise taxes on automobiles and communication services temporarily; to terminate investment credit; to provide low-income allowances. (Passed 210 to 205; "Present" 2)	NAY
99	July 8	H.R. 11249: Recommittal motion: to amend John F. Kennedy Center Act to authorize additional funds. (Failed 162 to 217)	NAY
100	July 8	H.R. 11249: On passage: to amend John F. Kennedy Center Act to authorize additional funds. (Passed 210 to 163)	YEA
102	July 9	H.R. 11400: Adoption of conference report to make supplemental fiscal 1969 appropriations. (Passed 348 to 49)	NV
103	July 10	H.R. 11702: On passage: to extend and improve provisions relating to medical libraries and related instrumentalities assistance in the Public Health Service Act. (Passed 370 to 3)	NV
104	July 10	H.R. 4284: On passage: to authorize appropriations for the Standard Reference Data Act. (Passed 365 to 2)	NV
106	July 15	H.R. 4018: On passage: to renew and extend certain sections of the Appalachian Regional Development Act. (Passed 273 to 103)	NV
109	July 17	H.R. 7491: Recommittal motion: to clarify tax liability of national banks. (Failed 123 to 227; "Present" 7)	NV
110	July 17	H.R. 7491: On passage: to clarify tax liability of national banks (Passed 345 to 4: "Present" 7)	NV
112	July 21	H.R. 11609: Motion to suspend rules and pass: to amend act of Sept. 9, 1963, authorizing entrance road to Great Smoky Mountains National Park. (Passed 341 to 3)	YEA
113	July 21	H.R. 11651: Motion to suspend rules and pass: to amend National School Lunch Act to provide free and reduced-priced meals to needy children not being reached. (Passed 352 to 5)	YEA
115	July 22	H.R. 12781: On passage: to make fiscal 1970 appropriations for Department of Interior and related agencies, as amended. (Passed 399 to 6)	YEA
119	July 23	H.R. 9825: Dervinski recommittal motion with instructions: to eliminate provision that benefits be calculated on basis of high-three-year average salary and that provision liberalizing benefits for Congressional employees. (Failed 129 to 281; "Present" 1)	NAY
120	July 23	H.R. 9825: On passage: to strengthen the financing of the Civil Service Retirement and Disability Fund and liberalize some of its benefits. (Passed 359 to 48)	YEA
122	July 24	H.R. 12964: On passage: to make fiscal 1970 appropriations to Departments of State, Justice, Commerce, the Judiciary, and related agencies, as amended to provide additional funds for E.E.O.C. (Passed 366 to 31)	YEA
124	July 28	H.R. 9553: On passage: to amend D.C. Minimum Wage Act to authorize computation of overtime for hospital employees on a 14-day work period. (Passed 220 to 141)	NAY
125	July 28	H.R. 255: Recommittal motion: to authorize banks and other regulated lenders in D.C. to charge or deduct interest in advance on installment loans. (Passed 356 to 14; "Present" 2)	YEA
126	July 28	H.R. 2: On passage: to amend Federal Credit Union Act to provide for independent agency to supervise federally chartered credit unions. (Passed 357 to 10)	YEA

1969 VOTING RECORD OF HON. DONALD M. FRASER, OF MINNESOTA—Continued

Yes – For No – Against NV – Not voting NVA – Not voting, paired against NVF – Not voting, paired for

Roll-call No.	Date	Measure, question, and result	Vote
129	July 30	H.R. 13080: On passage: to temporarily extend surcharge for 15 days. (Passed 307 to 105)	YEA
131	July 31	H.R. 13111: On Joelson of N.J. amendment: to increase by $894,547,000 the funds in the bill for various aid-to-education assistance programs. (Passed 294 to 119)	YEA
132	July 31	H.R. 13111: On Sikes-Smith amendment: to prohibit monetary assistance to any individual involved in campus disorders and to any college or university which fails to cut-off aid to anyone convicted of disruptive campus activity. (Passed 316 to 95)	NAY
133	July 31	H.R. 13111: On passage as amended: to make fiscal 1970 appropriations for Depts. of Labor, H.E.W., and related agencies. (Passed 393 to 16)	YEA
136	Aug. 4	H.Res. 509: Agreeing to resolution: to concur in Senate amendments to H.R. 9951 to extend tax surcharge until Dec. 31, 1969. (Passed 237 to 170)	YEA
138	Aug. 4	H.J. Res. 764: Motion to suspend rules and pass: to authorize appropriations for President's Council on Youth Opportunity. (Passed 396 to 7)	YEA
139	Aug. 4	S. 1611: Motion to suspend rules and pass: to establish National Center on Educational Media and Material for the Handicapped. (Passed 365 to 22)	YEA
142	Aug. 5	H.R. 13018: Recommittal motion: to strike provision making picketing of military installation or personnel a crime. (Failed 87 to 323)	YEA
143	Aug. 5	H.R. 13018: On passage: to authorize construction at military installations. (Passed 376 to 30)	NAY
145	Aug. 6	H. Res. 513: On passage: to consider H.R. 13270 to reform income tax laws. (Passed 264 to 145)	YEA
148	Aug. 7	H.R. 13270: Recommittal motion: to reform income tax laws. (Failed 78 to 345)	NAY
149	Aug. 7	H.R. 13270: On passage: to reform income tax laws. (Passed 395 to 30)	YEA
153	Aug. 12	H. Res. 269: On passage: to authorize the Committee on Post Office and Civil Service to conduct investigations. (Passed 196 to 132)	NAY
155	Sept. 3	H.R. 10105: On passage: to amend National Traffic and Motor Vehicle Act to authorize fiscal 1970 and 1971 appropriations. (Passed 321 to 0)	NV
157	Sept. 4	H.R. 7621: On passage: to amend Federal Hazardous Substances Act to protect children from hazardous mechanical, electrical, or thermal toys and other articles. (Passed 327 to 0)	YEA
158	Sept. 4	H.R. 12085: On passage: to amend Clean Air Act to extend research program relating to fuel and vehicles. (Passed 332 to 0)	YEA
161	Sept. 8	H.R. 11039: Recommittal motion: to amend further Peace Corps Act. (Failed 144 to 186)	NAY
162	Sept. 9	H.R. 11039: On passage: to amend further Peace Corps Act. (Passed 282 to 52)	NV
164	Sept. 9	H.J. Res. 247: On passage: relating to administration of the national park system. (Passed 334 to 55)	NAY
169	Sept. 15	H.R. 13194: On motion to suspend rules and pass: to amend Higher Education Act of 1965 to assure that students have reasonable access to loans for education. (Passed 322 to 60; "Present" 3)	YEA
176	Sept. 18	H.J. Res. 681: Recommittal motion: to propose amendment to the Constitution for direct election of President and Vice President. (Failed 162 to 245)	NAY
177	Sept. 18	H.J. Res. 681: On passage: to propose amendment to the Constitution for direct election of President and Vice President. (Passed 339 to 70)	YEA
179	Sept. 19	H.R. 13763: On passage: to make fiscal 1970 appropriations for the legislative branch. (Passed 177 to 94)	NV
181	Sept. 23	H.R. 12549: On passage: to amend Fish and Wildlife Coordination Act to establish a Council on Environmental Quality. (Passed 372 to 15)	YEA
183	Sept. 24	S. 574: On passage: to authorize Secretary of Interior to investigate water resource developments with respect to feasibility. (Passed 364 to 16)	YEA
188	Sept. 29	H.R. 13369: On passage: to extend authority to set interest rates on mortgages to veterans. (Passed 338 to 21)	YEA
189	Sept. 29	H.R. 4314: On passage: to permit joint labor-management funds for scholarships and child care centers. (Passed 354 to 1)	YEA
193	Sept. 30	H.R. 13300: On passage: to amend Railroad Retirement Act and Railroad Retirement Tax Act. (Passed 372 to 17)	YEA
195	Oct. 1	H. Res. 561: On passage: to consider H.R. 14000, to authorize fiscal 1970 appropriations for military procurement. (Passed 324 to 61)	NAY
198	Oct. 3	H.R. 14000: Previous question: to authorize fiscal 1970 appropriations for military procurement, and to prescribe the personnel strength of the Selected Reserve of each Reserve component of the Armed Forces. (Passed 223 to 141)	NAY
199	Oct. 3	H.R. 14000: Recommital motion: by O'Konski with instructions to eliminate from the bill appropriations for research, development, and deployment of the ABM. (Failed 93 to 270; "Present" 2)	YEA
200	Oct. 3	H.R. 14000: On passage as amended: to authorize fiscal 1970 appropriations for military procurement, and to prescribe the personnel strength of the Selected Reserve of each Reserve component of the Armed Forces. (Passed 311 to 44; "Present" 1)	NAY
202	Oct. 6	H.R. 14127: Motion to suspend rules and pass: to carry out recommendations of the Joint Committee on Coinage. (Failed 205 to 148) [2/3ds vote required]	YEA
203	Oct. 6	H.R. 13304: Motion to suspend rules and pass: to provide educational assistance to gifted children. (Passed 352 to 0)	YEA
204	Oct. 6	H.R. 13310: Motion to suspend rules and pass: to provide programs for children with learning disabilities. (Passed 350 to 0)	YEA
205	Oct. 6	H.R. 372: Motion to suspend rules and pass: to establish new income exclusions for veterans and their widows, liberalize bar on payments to remarried widows, and liberalize oath requirement for hospitalization of veterans, as amended. (Passed 352 to 0)	YEA
207	Oct. 7	H.R. 10878: On passage: to authorize appropriations for National Science Foundation. (Passed 384 to 5)	YEA
209	Oct. 8	H.R. 14159: Previous question: to make fiscal 1970 public works appropriations for water, pollution control, and power development. (Passed 215 to 187)	NAY
210	Oct. 8	H.R. 14159: On passage: to make fiscal 1970 public works appropriations for water, pollution control, and power development. (Passed 396 to 3)	YEA
212	Oct. 9	H.R. 11612: Motion to table: a motion instructing House conferees to insist on Conte amendment to fiscal 1970 Department of Agriculture appropriations [see Roll Call 64 for amendment]. (Passed 181 to 177)	NAY
213	Oct. 9	H.R. 8449: On passage: to reduce from 16 to 12 the working hours of railroad crew employees. (Passed 370 to 0)	YEA
214	Oct. 9	H.R. 7737: Recommittal motion: with instructions to reduce from $20 to $10 million the 1970 authorization for the Public Broadcast Corporation. (Failed 131 to 170)	NAY
215	Oct. 9	H.R. 7737: On passage: to amend Communications Act of 1934 to provide grants for construction of educational television and radio facilities and relating to support of Corporation of Public Broadcasting. (Passed 279 to 21; "Present" 1)	YEA
218	Oct. 14	H.R. 13000: Gross amendment: to provide that both Houses must approve within 60 days the rates of pay increases recommended by the Federal Salary Commission as submitted by the President in order for them to take effect. (Passed 191 to 169)	NAY
219	Oct. 14	H.R. 13000: Recommittal motion: to implement a Federal employee pay comparability system, Federal Salary Commission and Board of Arbitration. (Failed 81 to 281; "Present" 1)	NAY
220	Oct. 14	H.R. 13000: On passage: to implement a Federal employee pay comparability system, Federal Salary Commission and Board of Arbitration. (Passed 310 to 52; "Present" 1)	YEA
221	Oct. 14	Motion to adjourn. (Failed 99 to 210; "Present" 1)	NAY
224	Oct. 14	Motion to adjourn. (Passed 112 to 110).	NAY
228	Oct. 15	H.R. 14127: On passage: to carry out recommendations of the Joint Commission on the Coinage. (Passed 257 to 65)	NV
231	Oct. 16	H.R. 13194: Agreeing to conference report: to amend Higher Education Act of 1965 to assure students will have access to insured loans for education. (Passed 326 to 10; "Present" 2)	YEA
233	Oct. 16	H.R. 4293: On passage: to continue authority for regulation of exports. (Passed 272 to 7)	YEA
235	Oct. 20	H.R. 14195: Motion to suspend rules and pass: to revise laws governing contested elections of Members of the House. (Passed 311 to 12)	YEA
241	Oct. 23	H.R. 13763: On motion to table motion to instruct conferees: to make fiscal 1970 appropriations for legislative branch. (Passed 199 to 165)	NAY
243	Oct. 23	H.R. 13827: On passage: to amend and extend laws relating to housing and urban development. (Passed 339 to 9; "Present" 3)	YEA
248	Oct. 29	H.R. 13950: On passage: to provide protection of health and safety of persons working in coal mining industry. (Passed 389 to 4)	YEA
252	Oct. 30	H. Res. 586: Previous question: to consider H.R. 14001, to amend Military Selective Service Act of 1967 to modify selection of persons into Armed Forces (draft lottery). (Passed 265 to 129)	NAY
253	Oct. 30	H.R. 14001: On passage: to amend Military Selective Service Act of 1967 to modify selection of persons into Armed Forces (draft lottery). (Passed 382 to 13; "Present" 1)	YEA
254	Oct. 31	H.R. 14252: On passage: to authorize Secretary of H.E.W. To make grants for educational programs concerning drug use, and for other purposes. (Passed 294 to 0)	YEA
255	Oct. 31	H.R. 4244: Recommittal motion: pertaining to the Administrative Conference. (Failed 130 to 134)	NAY
256	Oct. 31	H.R. 4244: On passage: pertaining to the Administrative Conference. (Passed 133 to 127)	YEA
260	Nov. 5	H.R. 6778: Recommittal motion: to amend Bank Holding Company Act of 1956. (Failed 124 to 245; "Present" 11)	NAY
261	Nov. 5	H.R. 6778: On passage: to amend Bank Holding Company Act of 1956. (Passed 351 to 24; "Present" 12)	YEA
264	Nov. 6	H.R. 14465: On passage: to expand and improve the Nation's airport, airway system, and for the imposition of user charges. (Passed 337 to 6)	YEA
267	Nov. 12	H.R. 2777: On passage: to enable potato growers to finance a research and promotion program. (Failed 171 to 198)	YEA

XUM

1969 VOTING RECORD OF HON. DONALD M. FRASER, OF MINNESOTA—Continued

Yes—For No—Against NV—Not voting NVA—Not voting, paired against NVF—Not voting, paired for

Roll-call No.	Date	Measure, question, and result	Vote
268	Nov. 12	H. Res. 603: Previous question: to consider H.J. 589, a joint resolution expressing the support of Congress, and urging the support of the Federal agencies, for the international biological program. (Passed 230 to 100)	YEA
270	Nov. 13	H. Res. 677: On passage: to waive points of order against H.R. 14751 making fiscal 1970 military construction appropriations for Dept. of Defense. (Passed 326 to 43)	NAY
271	Nov. 13	H.R. 14751: On passage: to make fiscal 1970 military appropriations for Dept. of Defense. (Passed 343 to 32)	NAY
272	Nov. 13	H.R. 14705: On passage: to extend and improve Federal-State Unemployment Compensation Program. (Passed 337 to 8)	YEA
273	Nov. 17	H.Res. 675: On passage: agreeing to conference requested by Senate on H.R. 12829 providing for extension of interest equalization tax. (Passed 316 to 31)	NV
274	Nov. 17	S.J. Res. 121: Motion to suspend rules and pass: to authorize appropriation for National Council of Indian Opportunity. (Passed 316 to 31)	NV
277	Nov. 18	H.R. 14794: On passage: to make fiscal 1970 appropriations for Dept. of Transportation and related agencies. (Passed 362 to 25)	YEA
281	Nov. 19	H.R. 11612: Previous question on agreeing to conference report: to make fiscal 1970 appropriations for Dept. of Agriculture. (Passed 214 to 172)	NAY
282	Nov. 19	H.R. 12829: Agreeing to conference report: to extend interest equalization tax. (Passed 334 to 47)	NAY
284	Nov. 20	H.R. 14580: Sikes amendment: to amend fiscal 1970 Foreign Aid Authorization Act to provide an additional $54,500,000 in military assistance to Nationalist China. (Passed 176 to 169)	NAY
285	Nov. 20	H.R. 14580: Recommittal motion: with instructions to reduce development loans by $50,000,000. (Passed 185 to 158)	NAY
286	Nov. 20	H.R. 14580: On passage as amended: fiscal 1970 Foreign Aid Authorization Act. (Passed 176 to 163; "Present" 4)	YEA
288	Nov. 24	H.R. 11193: Gross amendment: to strike $150,000 for feasibility study of extending transit line to Dulles Airport. (Failed 52 to 256)	NAY
289	Nov. 24	H.R. 11193: On passage: to authorize a Federal contribution toward the D.C. transit development program. (Passed 285 to 23)	YEA
290	Nov. 24	H.R. 14916: On passage: to make fiscal 1970 appropriations for the District of Columbia. (Passed 305 to 9)	YEA
292	Nov. 25	H.R. 14741: On passage: to revise due date of cost estimate for Interstate Highway System, to amend law relating to highway safety, and for other purposes. (Passed 342 to 1)	YEA
294	Dec. 1	H. Res. 722: Previous question: to provide for consideration of H. Res. 613, "Toward Peace With Justice in Vietnam." (Passed 225 to 132)	NAY
295	Dec. 1	H. Res. 722: Agreeing to rule: to consider H.Res. 613. (Passed 251 to 100)	NAY
299	Dec. 2	H. Res. 613: Recommittal motion: with instructions to amend H. Res. 613 to urge the President to press N. Vietnam to abide by Geneva Convention in treatment of prisoners of war. (Passed 392 to 0)	YEA
300	Dec. 2	H. Res. 613: On passage: "Toward Peace With Justice in Vietnam [in support of President]." (Passed 333 to 55; "Present" 1)	NAY
306	Dec. 8	H.R. 15090: On passage as amended: to make fiscal 1970 appropriations for Dept. of Defense. (Passed 330 to 33)	YEA
309	Dec. 9	H.R. 15149: Broomfield amendment: to add $50,000,000 in military assistance for Nationalist China and S. Korea to fiscal 1970 appropriations for Foreign Assistance. (Passed 250 to 142)	NAY
310	Dec. 9	H.R. 15149: On passage as amended: to make fiscal 1970 appropriations for Foreign Assistance. (Passed 200 to 195; "Present" 2)	YEA
312	Dec. 10	H.R. 4293: Agreeing to conference report: to provide continuing authority for exports regulation. (Failed 157 to 238)	YEA
316	Dec. 11	H.R. 4249: G. Ford substitute amendment: nationwide to suspend literacy tests; nationwide to extend Atty. General's authority to oversee elections and initiate voting rights lawsuits; to establish uniform residency requirements for presidential elections; to establish presidential commission to study voting practices. (Passed 208 to 204)	NAY
317	Dec. 11	H.R. 4249: On passage as amended: to extend 1965 Voting Rights Act. (Passed 234 to 179)	NAY
318	Dec. 11	H.R. 15209: Recommittal motion: with instructions to eliminate funds for the Kennedy Center for the Performing Arts from fiscal 1970 supplemental appropriations bill. (Failed 142 to 243)	NAY
320	Dec. 12	H.R. 12321: Recommittal motion: with instructions to make Anti Poverty Act into a State program. (Failed 163 to 231)	NAY
321	Dec. 12	H.R. 12321: On passage as amended: to provide continuation of Economic Opportunity Act of 1964 and for other purposes. (Passed 276 to 117)	YEA
323	Dec. 15	H.R. 15095: Motion to suspend rules and pass: to increase Social Security benefits by 15 percent. (Passed 397 to 0)	YEA
324	Dec. 15	H.R. 14646: Motion to suspend rules and pass: to grant consent of Congress to the Connecticut-New York railroad passenger transportation compact. (Passed 352 to 49)	YEA
325	Dec. 15	H. Con. Res.454:Motion to suspend rules and pass:to call for humane treatment and release of American prisoners of war by N. Vietnam and Vietcong. (Passed 405 to 0)	YEA
327	Dec. 16	S. 740: Motion to suspend rules and pass: to establish a Cabinet Committee on Opportunities for Spanish-speaking People, and for other purposes. (Passed 314 to 81; "Present" 2)	YEA
328	Dec. 16	H.R. 14213: Motion to suspend rules and pass: to provide for 2 additional members on the Smithsonian Institution Board of Regents. (Passed 273 to 119)	YEA
331	Dec. 17	H.R. 15091: Patman amendment: to strike provisions authorizing Federal Reserve Board to purchase federally guaranteed mortgages. (Passed 231 to 171;"Present" 1)	NAY
332	Dec. 17	H.R. 15091: Patman amendment: to strike provisions authorizing purchase by Federal Reserve Board of $6 billion in federally guaranteed mortgages. (Passed 233 to 170; "Present" 1)	NAY
333	Dec. 17	H.R. 15091: Recommittal motion: with instructions to report back bill with language provided in S. 2577, a Senate-passed bill. (Failed 193 to 206; "Present" 1)	NAY
334	Dec. 17	H.R. 15091: On passage: to provide additional mortgage credit, to authorize standby presidential authority to institute selective credit controls, to authorize lending authority to the Small Business Administration, and for other purposes. (Passed 259 to 136; "Present" 3)	YEA
335	Dec. 17	S. 2917: Recommittal motion: with instructions that House conferees insist on House-passed provisions relating to compensation for black-lung disease.(Failed 83 to 258)	NAY
336	Dec. 17	S. 2917: Agreeing to conference report: to improve health and safety conditions in coal mines.(Passed 333 to 12)	YEA
338	Dec. 18	H.R. 14944: On passage: to authorize adequate police protection for the White House and foreign embassies. (Passed 394 to 7)	YEA
339	Dec. 18	H.R. 13111: Motion to lay on the table the motion: to instruct House conferees to accept Senate amendment,which adds the words "except as required by the Constitution" to the Whitten amendment prohibiting the expenditure of Federal funds for busing to force racial integration of schools. (Failed 180 to 216)	NAY
340	Dec. 18	H. Res. 572: On passage: to authorize Members and staff of the Committee on Education and Labor to make certain studies abroad. (Passed 224 to 153)	YEA
342	Dec. 19	H.R. 14580: On agreeing to conference report:to authorize appropriations for fiscal 1970 Foreign Assistance. (Passed 208 to 166)	NV
343	Dec. 19	S. 2577: On agreeing to conference report: to provide additional mortgage credit, to authorize standby presidential authority to institute selective credit controls, to authorize lending authority to the Small Business Administration, and for other purposes. (Passed 358 to 4; "Present" 2)	YEA
345	Dec. 20	H.R. 15149: Recommittal motion: to instruct House conferees to accept Senate amendment eliminating funds for fighter planes for Nationalist China.(Failed 136 to 220)	YEA
346	Dec. 20	H.R. 15149: Agreeing to conference report:to make fiscal 1970 appropriations for Foreign Assistance (Passed 181 to 174)	NAY
347	Dec. 20	S. 3016: Agreeing to conference report: to continue programs authorized under the Economic Opportunity Act of 1964 (Passed 243 to 94)	YEA
350	Dec. 22	H.R. 13111. Previous question on conference report: to make fiscal 1970 appropriations for H.E.W. and related agencies. (Passed 261 to 110)	YEA
351	Dec. 22	H.R. 13270. Adoption of conference report: to reform income tax laws. (Passed 381 to 2)	YEA
352	Dec. 22	H.R. 15209. On conference report: to agree to Senate amendment continuing appropriations at the fiscal 1969 level for agencies not yet provided their fiscal 1970 appropriations. (Passed 276 to 99)	YEA
353	Dec. 22	H.R. 15209. On conference report: to agree to Senate amendment to limit application of the so-called Philadelphia plan to eliminate job discrimination. (Failed 156 to 208; "Present" 1)	NAY

1970 VOTING RECORD OF HON. DONALD M. FRASER, OF MINNESOTA

Yes – For No – Against NV – Not voting NVA – Not voting, paired against NVF. – Not voting, paired for

Roll-call No.	Date	Measure, question, and result	Vote
4	Jan. 27	H.R. 15149: To make appropriations of $2.5 billion for Foreign Assistance and related programs for fiscal 1970. Adoption of conference report. (Passed 202 to 162)	NVA
5	Jan. 27	H.R. 860: To amend section 302(c) of the Labor-Management Relations Act, 1947, to permit, in certain instances, employer contributions for joint industry promotion of products. On passage. (Passed 189 to 186)	YEA
7	Jan. 28	H.R. 13111: To make appropriations of $19,747,153,200 for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for fiscal 1970. To override veto. (Failed 226 to 191; 2/3 vote required)	YEA
9	Jan. 29	H.R. 14864: To amend the Internal Security Act of 1950 to authorize measures to protect defense production and classified information released to defense industry against acts of subversion. On passage. (Passed 274 to 65)	NAY
12	Feb. 16	H.R. 1049: To amend the Anadromous Fish Conservation Act of 1965, relating to the conservation of Anadromous fishing resources. Motion to suspend rules and pass. (Passed 301 to 19; 2/3 vote required)	NV
14	Feb. 17	H.R. 15062: For the relief of sundry claimants. Hall motion to strike title I (H.R. 3732) to provide for the relief of Robert G. Smith. (Failed 59 to 288)	NAY
15	Feb. 17	H.R. 15062: Gross motion to strike title II (H.R. 5000) for the relief of Pedro Irizarry Guido. (Failed 56 to 290)	NAY
16	Feb. 17	H.R. 15062: Brown motion to strike title III (H.R. 6378) for the relief of Noel S. Marston. (Failed 67 to 288)	NV
17	Feb. 17	H.R. 15062: Duncan motion to strike title IV (H.R. 2214) for the relief of the Mutual Benefit Foundation. (Failed 51 to 306)	NV
18	Feb. 17	H.R. 15062: To provide for the relief of sundry claimants. On passage. (Passed 318 to 51)	NV
22	Feb. 18	H.R. 15165: To establish a Commission on Population Growth and the American Future. On passage. (Passed 371 to 13)	YEA
25	Feb. 19	H.R. 15931: To make appropriations of $19.4 billion for the Departments of Labor, and Health, Education, and Welfare for fiscal 1970. Previous question. (Passed 238 to 157)	NAY
26	Feb. 19	H.R. 15931: Michel recommittal motion with instructions to provide authority for the President to withhold 2 1/2 percent of the funds. (Failed 189 to 205)	NAY
27	Feb. 19	H.R. 15931: On passage. (Passed 315 to 81)	YEA
29	Feb. 24	H.R. 10937: To authorize a study of the construction of an Eisenhower National Memorial Arena. On passage. (Failed 136 to 230)	YEA
30	Feb. 24	H.R. 10335: To revise certain laws of the District of Columbia relating to offenses against hotels, motels and other commercial lodgings. On passage. (Passed 246 to 117)	NAY
31	Feb. 24	H.R. 14608: To change the procedure for return and cancellation of liquor licenses in the District of Columbia. On passage. (Failed 97 to 262)	YEA
33	Feb. 26	S. 2523: To amend the Community Mental Health Centers Construction Act, to extend programs of assistance to community mental health centers, for the treatment of alcoholics and narcotic addicts, and for the mental health of children. Adoption of conference report. (Passed 369 to 0)	YEA
34	Feb. 26	H. Res. 799: To provide for the consideration of H.R. 12025, the National Forest Timber Conservation and Management Act. On passage. (Failed 150 to 228)	NAY
36	Mar. 3	H.R. 15931: To make appropriations of $19.4 billion for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for fiscal 1970. Motion to lay on table the motion to instruct House conferees to agree to the amendments of the Senate. (Failed 164 to 222)	NAY
37	Mar. 3	H.R. 15931: Motion to instruct House conferees to agree to amendments of the Senate. (Passed 231 to 152)	YEA
39	Mar. 3	H.R. 15931: Adoption of conference report. (Passed 324 to 55)	YEA
40	Mar. 4	H. J. Res. 1112: To prohibit strikes or lockouts in the railroad dispute until 12:01 a.m. April 11, 1970. On passage. (Passed 343 to 15)	YEA
42	Mar. 5	H. Res. 862: To provide for the consideration of S. 2910, to amend Public Law 89-260 to authorize additional funds for the Library of Congress James Madison Memorial Building. On passage. (Passed 289 to 62)	NV
43	Mar. 5	S. 2910: Snyder recommittal motion with instructions not to report back until plans and designs are completed. (Failed 150 to 196, "present" 1)	NAY
44	Mar. 5	S. 2910: On passage. (Passed 209 to 133, "present" 1)	NV
46	Mar. 11	H.R. 15945: To authorize $429,300,000 in fiscal 1971 to build and operate American merchant ships. On passage. (Passed 370 to 12)	YEA
48	Mar. 16	H.R. 15143: To provide the grade of Lieutenant General for the Chief of the National Guard Bureau. Motion to suspend rules and pass. (Passed 269 to 44; 2/3 vote required)	NV
49	Mar. 16	H.R. 14896: To provide for the preservation of additional historic properties. Motion to suspend rules and pass. (Passed 317 to 9; 2/3 vote required)	NV
54	Mar. 18	S. 952: To provide for the appointment of additional Federal district judges. On passage. (Passed 366 to 18)	YEA
56	Mar. 19	H.R. 16196: To reorganize the courts of the District of Columbia; to revise the procedures for handling juveniles in the District of Columbia; to codify title 23 of the District of Columbia Code. On passage. (Passed 294 to 47, "present" 1)	NV
59	Mar. 23	H.R. 15728: To authorize the loan of surplus naval vessels to foreign countries. On passage. (Passed 281 to 66)	NAY
61	Mar. 24	H.R. 15628: To extend the Foreign Military Sales Act through fiscal 1972. On passage. (Passed 351 to 26)	YEA
62	Mar. 25	H. Res. 884: To authorize the expenditure of $450,000 for the expenses of the House Committee on Internal Security. On passage. (Passed 307 to 52)	NAY
63	Mar. 25	H.R. 4148: To amend the Federal Water Pollution Control Act. Adoption of conference report. (Passed 358 to 0)	YEA
66	Apr. 7	H.R. 514: To extend programs of assistance for elementary and secondary education, aid to impacted areas, and other education legislation. Adoption of conference report. (Passed 312 to 58)	YEA
67	Apr. 7	H.R. 15733: To amend the Railroad Retirement Act to provide a temporary 15 percent increase in annuities. On passage. (Passed 379 to 0)	YEA
70	Apr. 9	H.R. 16844: To increase the pay of Federal employees. Corbett recommittal motion with instructions to delete sections establishing unrelated allowances or benefits for Army Corps of Engineer dredge workers and certain personnel who perform duty at remote worksites. (Passed 261 to 124)	NAY
71	Apr. 9	H.R. 16844: On passage. (Passed 372 to 7)	YEA
73	Apr. 13	H.R. 16900: To make appropriations of $9,492,702,000 for the Treasury and Post Office Departments, the Executive Office of the President and certain independent agencies for fiscal 1971. On passage. (Passed 333 to 3)	NV
75	Apr. 14	H. Res. 909: To concur in the Senate amendments to the House amendment to S. 3690 (H.R. 16844), to increase the pay of Federal employees. Previous question. (Passed 309 to 65)	YEA
77	Apr. 15	H. Res. 916: To provide for the consideration of H.R. 16311, the Family Assistance Act. On passage. (Passed 205 to 183)	YEA
80	Apr. 15	Motion to adjourn. On agreement. (Passed 81 to 75)	NV
82	Apr. 16	H.R. 16311: To authorize a family assistance plan providing basic benefits to low-income families with children; to provide incentives for employment and training to improve the uniformity of treatment of recipients under the Federal-State public assistance programs; and to otherwise alter such programs. Collier recommittal motion with instructions to delete the word "suitable" from the description of the employment welfare recipients must accept. (Passed 248 to 149)	NAY
83	Apr. 16	H.R. 16311: On passage. (Passed 243 to 155)	YEA
85	Apr. 20	H.R. 10666: To establish a National Commission on Libraries and Information Science. Motion to suspend rules and pass. (Passed 261 to 11; 2/3 vote required)	NV
86	Apr. 20	H.R. 780: To authorize $28.5 million for the Merlin Division, Rogue River Basin Project, Oregon. Motion to suspend rules and pass. (Passed 271 to 15; 2/3 vote required)	NV
89	Apr. 23	H.R. 16516: To authorize appropriations of $3,600,875,000 to the National Aeronautics and Space Administration for fiscal 1971. On passage. (Passed 229 to 105)	NAY
91	Apr. 27	H.R. 14714: To encourage, through the National Park Service, travel in the United States. Recommittal motion. (Failed 111 to 222)	NAY
92	Apr. 27	H.R. 14714: On passage. (Passed 238 to 94)	NV
93	Apr. 27	H.R. 14385: To authorize subsidized transportation for Public Health Service employees affected by the transfer to the Parklawn Building in Rockville, Maryland. On passage. (Failed 64 to 273)	YEA
95	Apr. 28	H.R. 16200: To extend through fiscal 1971 and 1972 authorizations for the Arms Control and Disarmament Agency. Gross recommittal motion with instructions to reduce funds from $17.5 million to $13.125 million. (Failed 87 to 280)	NAY
96	Apr. 28	H.R. 15693: To prohibit the mailing of obscene materials to persons under 17 and to permit persons to preclude such materials from coming into their homes by mail. On passage. (Passed 375 to 8)	YEA
100	May 4	S. J. Res. 193: To provide for appointment of James E. Webb as citizen regent of the Smithsonian Institution. Motion to suspend rules and pass. (Passed 309 to 16; 2/3 vote required)	YEA
103	May 6	H.R. 17123: To authorize fiscal 1971 appropriations of $20,237,489,000 for procurement of military equipment and weapons, and for other purposes. Previous question on recommittal motion. (Passed 248 to 146)	NAY

1970 VOTING RECORD OF HON. DONALD M. FRASER, OF MINNESOTA—Continued

Yes – For No – Against NV – Not voting NVA – Not voting, paired against NVF – Not voting, paired for

Roll-call No.	Date		Measure, question, and result	Vote
104	May	6	H.R. 17123: On passage. (Passed 326 to 69)	NAY
107	May	7	H.R. 17399: To make supplemental appropriations of $5,764,115,791 for fiscal 1970. Previous question on recommittal motion with instructions. (Passed 220 to 134)	NAY
108	May	7	H.R. 17399: On passage. (Passed 334 to 6)	YEA
110	May	11	H.R. 17138: To amend the District of Columbia Police and Firemen's Salary Act of 1968, and the District of Columbia Teacher's Salary Act of 1955 to increase salaries. On agreeing to committee amendments. (Passed 183 to 142)	NV
111	May	11	H.R. 16595: To authorize fiscal 1971 appropriations of $527,630,000 for National Science Foundation. Roudebush recommittal motion with instructions to cut authorizations from $527,630,000 to $500,000,000. (Failed 137 to 188)	NV
112	May	11	H.R. 16595: On passage. (Passed 312 to 6)	NV
117	May	13	H.R. 14465: To provide for the expansion and improvement of the Nation's airport and airway system, to be financed in major part by user taxes. Adoption of conference report. (Passed 362 to 3)	NV
118	May	13	H. Res. 960: To disapprove Reorganization Plan No. 2 of 1970 creating a Domestic Council and enlarging the Bureau of the Budget, to be called the Office of Management and Budget. On passage. (Failed 164 to 193)	NV
120	May	14	H.R. 17575: To make appropriations of $3,106,956,500 for the Departments of State, Justice, Commerce, and for the Judiciary, and related agencies for fiscal 1971. On passage. (Passed 321 to 14)	NV
121	May	14	H.R. 14685: To amend the International Travel Act of 1961 in order to promote foreign travel to the United States. On passage. (Passed 173 to 88)	NV
123	May	18	S. 2624: To alter the judicial machinery in customs courts. Motion to suspend rules and pass. (Passed 301 to 0; 2/3 vote required)	NV
124	May	18	S. 1508: To amend provisions of the law relating to the retirement of Federal judges. Motion to suspend the rules and pass. (Failed 109 to 198; 2/3 vote required)	NV
125	May	18	H.R. 3328: To authorize annexation of the Soboba Indian reservation to the Metropolitan Water District of Southern California to provide for construction of a water supply for the reservation. Motion to suspend rules and pass. (Passed 287 to 11; 2/3 vote required)	NV
127	May	19	S. 952: To provide for the appointment of additional district judges. Adoption of conference report. (Passed 331 to 21)	YEA
130	May	20	H.R. 17604: To authorize $1,999,634,000 for military construction. Previous question on recommittal motion. (Passed 251 to 133)	NAY
131	May	20	H.R. 17604: On passage. (Passed 335 to 47)	NAY
132	May	21	H. Res. 1022: To provide for the consideration of H.R. 17550, to increase Social Security benefits by five percent. Previous question. (Passed 201 to 181)	NAY
133	May	21	H. Res. 1022: On passage. (Passed 297 to 83)	NAY
135	May	21	H.R. 17550: Betts recommittal motion with instructions to add amendment providing for automatic cost-of-living increases. (Passed 233 to 144)	YEA
136	May	21	H.R. 17550: On passage. (Passed 344 to 32)	YEA
137	May	21	H.R. 15424: To amend the Merchant Marine Act of 1934. On passage. (Passed 307 to 1)	YEA
139	May	25	H.R. 17601: To exempt FHA and VA mortgages and loans from D.C. usuary laws until April 1972. On passage. (Failed 118 to 176)	NAY
140	May	25	H.R. 15073: To amend the Federal Deposit Act to require insured banks to maintain certain records; to require that certain transactions in United States currency be reported to the Department of the Treasury. On passage. (Passed 302 to 0, "present" 1)	YEA
141	May	25	H. J. Res. 1117: To create a Joint Committee on Environment and Technology. On passage. (Passed 285 to 7)	YEA
143	May	26	H. Res. 796: To amend House rules relating to financial disclosure. On passage. (Passed 335 to 1)	YEA
146	May	27	H.R. 17755: To make appropriations of $2,579,579,937 for Department of Transportation and related agencies for fiscal 1971. Previous question on recommittal motion. (Passed 176 to 162)	NAY
149	June	3	H. Res. 1051: To provide for consideration of H.R. 17802, to raise the temporary and permanent debt ceilings. Previous question. (Passed 273 to 85)	NAY
150	June	3	H.R. 17802: On passage. (Passed 236 to 127)	NAY
152	June	4	H.R. 17867: To make appropriations of $2,220,961,000 for Foreign Assistance and related programs for fiscal 1971. On passage. (Passed 191 to 153)	YEA
154	June	8	H. Res. 976: To authorize an Indochina Study Committee. On agreeing to Committee amendment to enlarge from 11 to 12 members. (Passed 227 to 95)	NAY
155	June	8	H. Res. 976: Previous question. (Passed 246 to 80)	NAY
156	June	8	H. Res. 976: On passage. (Passed 223 to 101)	YEA
157	June	8	H. Res. 976: On agreeing to Committee amendment to strike the preamble. (Passed 210 to 84)	NAY
161	June	10	H.R. 11102: To extend authorizations for three years for Federal grants for modernization and construction of health facilities. Adoption of conference report. (Passed 378 to 0)	NV
162	June	10	H. Res. 1069: To provide for the consideration of H.R. 17255 to authorize the Secretary of HEW to establish nationwide air pollution standards. On passage. (Passed 336 to 40)	NV
164	June	10	H.R. 17255: On passage. (Passed 374 to 1)	NV
167	June	11	H.R. 17970: To make appropriations of $1,997,037,000 for military construction and family housing. On passage. (Passed 308 to 57)	NAY
168	June	15	H.R. 17958: To increase the rates of disability compensation and to alter criteria for determining the eligibility of widows for benefits. Motion to suspend rules and pass. (Passed 313 to 0, "present" 1; 2/3 vote required)	NV
169	June	15	H.R. 15361: To establish the Youth Conservation Corps. On passage. (Passed 256 to 54)	YEA
171	June	16	H. Res. 1077: To provide for the consideration of H.R. 17070, to reorganize the postal system. Previous question. (Failed 139 to 219)	NAY
175	June	17	H. Res. 914: To provide for agreeing to Senate amendments (including the lowering of the voting age to 18 and uniform residency requirements for voting in presidential elections) to H.R. 4249, to extend and amend the Voting Rights Act of 1965. Previous question. (Passed 224 to 183, "present" 2)	YEA
176	June	17	H. Res. 914: On passage. (Passed 272 to 132)	YEA
179	June	18	H.R. 17070: To reorganize the postal system. Gross recommittal motion with instructions to report the bill back with a recommendation to delete the entire bill except an 8-percent pay raise for postal employees and a reduction to 8 years required to reach the top pay steps within a grade of postal field service. (Failed 77 to 306)	NAY
180	June	23	H.R. 17070: On passage. (Passed 359 to 24)	YEA
182	June	22	S. 2315: To restore the golden eagle program for annual permits of entry to all national parks and forests. On passage. (Passed 314 to 1)	NV
184	June	23	H.R. 11833: To extend and amend the Solid Waste Disposal Act. On passage. (Passed 339 to 0)	YEA
188	June	25	H.R. 11102: To extend program of Federal grants for construction and modernization of health facilities. To override veto. (Passed 279 to 98, "present" 2; 2/3 vote required)	YEA
189	June	25	H.R. 17399: To make supplemental appropriations for fiscal 1970. Cohelan motion to agree to Senate amendment adding $587.5 million for urban renewal grants. (Failed 137 to 236)	YEA
190	June	25	H.R. 17495: To alter the availability of mortgage credit for the financing of housing. On agreeing to committee amendment to provide for establishment of National Development Bank. (Passed 216 to 112)	NAY
191	June	25	H.R. 17495: On passage. (Passed 324 to 2, "present" 1)	YEA
194	June	30	H.R. 16916: To make appropriations of $4,420,145,000 for the Office of Education for fiscal 1971. Flood motion to table motion of Cohelan to instruct House conferees to agree to Senate amendments striking provisions prohibiting use of funds for busing or the closing of schools and providing for freedom of choice plans. (Passed 191 to 157)	NAY
195	June	30	H.R. 17825: To authorize $3.15 billion in Federal law enforcement assistance funds for fiscal 1971, 1972, and 1973. On passage. (Passed 345 to 2, "present" 1)	YEA
196	June	30	S. J. Res. 88: To create a commission to study bankruptcy laws. On passage. (Passed 334 to 12)	YEA
197	June	30	H.R. 16065: To authorize funds through fiscal 1973 for the National Foundation on the Arts and Humanities. On passage. (Passed 262 to 78)	YEA
199	July	6	S. 3592: To amend the Federal Meat Inspection Act, to permit custom slaughterers to engage in the retailing and wholesaling of meat. Motion to suspend rules and pass. (Passed 297 to 2; 2/3 vote required)	YEA
201	July	7	H.R. 16327: To authorize appropriations for the Peace Corps. Gross recommittal motion with instructions to reduce authorizations by $28.8 million. (Failed 118 to 245)	NAY
202	July	7	H.R. 16327: On passage. (Passed 316 to 46)	YEA
203	July	7	H.R. 8673: To establish a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver. On passage. (Passed 351 to 9)	YEA
205	July	8	H. Res. 1031: To authorize the House Committee on Standards of Official Conduct to investigate lobbying and campaign contributions. On passage. (Passed 382 to 0)	YEA
206	July	8	H.R. 279: To exempt from antitrust laws certain joint newspaper operating arrangements. On passage. (Passed 292 to 87, "present" 2)	NAY
207	July	9	H.R. 15628: To amend the Foreign Military Sales Act. Previous question on agreeing to send to conference. (Passed 247 to 143)	NAY
208	July	9	H.R. 15628: Hays motion to lay on table Riegle motion to provide that House conferees be instructed to concur in Senate-passed Cooper-Church amendment on Cambodia. (Passed 237 to 153, "present" 1)	NAY

1970 VOTING RECORD OF HON. DONALD M. FRASER, OF MINNESOTA—Continued

Yes—For No—Against NV—Not voting NVA—Not voting, paired against NVF—Not voting, paired for

Roll-call No.	Date	Measure, question, and result	Vote
209	July 9	H.R. 17070: To reorganize the postal system. Dulski motion to table Henderson motion to instruct House conferees to insist on right-to-work provision in House-passed version of the bill. (Failed 153 to 230)	YEA
210	July 9	H.R. 17070: Henderson motion to instruct conferees. (Passed 227 to 159)	NAY
211	July 9	H.R. 16968: To provide for adjustment in Government contribution with respect to the health benefits coverage of Federal employees. Gross recommittal motion with instructions to reduce the contribition from 50 percent to 38 percent. (Failed 146 to 200)	NV
212	July 9	H.R. 16968: On passage. (Passed 284 to 57)	NV
213	July 13	S. 3215: To authorize appropriations through fiscal 1973 for the National Foundation on the Arts and Humanities. Adoption of conference report. (Passed 237 to 69)	YEA
216	July 15	S. 2601: D.C. Court Reform and Criminal Procedure Act of 1970. Adoption of conference report. (Passed 332 to 64)	NAY
217	July 15	H.R. 16595: To authorize $537,730,000 for activities of the National Science Foundation plus $2,000,000 in excess foreign currencies for fiscal 1971. Adoption of conference report. (Passed 311 to 76)	YEA
219	July 16	H.R. 14685: To amend the International Travel Act of 1961 to expand U.S. Government efforts to attract foreign tourists. Adoption of conference report. (Failed 174 to 207)	YEA
220	July 16	H.R. 16916: To make appropriations of $4,420,145,000 for the Office of Education for fiscal 1971. Adoption of conference report. (Passed 357 to 30)	YEA
221	July 20	H.R. 18253: To increase availability of guaranteed home loan financing for veterans. Motion to suspend rules and pass. (Passed 326 to 0; 2/3 vote required)	YEA
222	July 20	H.R. 14114: To improve administration of the national park system. Motion to suspend rules and pass. (Passed 325 to 0; 2/3 vote required)	YEA
228	July 22	H.R. 17619: To make appropriations of $2,028,524,700 for the Department of the Interior and related agencies for fiscal 1971. Adoption of conference report. (Passed 387 to 3)	YEA
231	July 23	H.R. 14705: To extend and alter the Federal-State unemployment compensation program. O'Hara motion to recommit the conference report with instructions to agree to Senate amendment extending coverage to certain agriculture workers. (Failed 170 to 219)	YEA
232	July 23	H.R. 14705: Adoption of conference report. (Passed 388 to 3, "present" 1)	YEA
233	July 23	H.R. 18515: To make appropriations of $18,824,663,000 for the Departments of Labor, and HEW, OEO and related agencies for fiscal 1971. On passage. (Passed 362 to 14)	YEA
238	July 29	H.R. 17548: To make appropriations of $18 billion for Independent Offices and the Department of Housing and Urban Development for fiscal 1971. Motion to recommit conference report. (Failed 156 to 227)	NAY
242	July 30	H.R. 15733: To provide a temporary 15-percent increase in railroad retirement annuities. Adoption of conference report. (Passed 344 to 0)	YEA
243	July 30	H.R. 13100: To extend for three years programs of assistance for training in the allied health professions. On passage. (Passed 343 to 1)	YEA
244	July 30	H.R. 14237: To amend the Mental Retardation Facility and Community Mental Health Centers Construction Act of 1963. On passage. (Passed 339 to 0)	NV
247	July 31	H.R. 17880: To amend the Defense Production Act of 1950. Blackburn recommittal motion with instructions to report back with a provision requiring the President to freeze prices, rant, wages, salaries and interest at their May 25, 1970 level and authorizing a ceiling of no more than $2 billion to carry out provisions of the freeze. (Failed 11 to 270)	YEA
248	July 31	H.R. 17880: On passage. (Passed 257 to 19)	YEA
250	Aug. 3	H.R. 18260: To authorize $45 million through fiscal 1973 to establish programs on environmental education. Motion to suspend rules and pass. (Passed 289 to 28; 2/3 vote required)	NV
251	Aug. 3	H.R. 11032: To prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising. Motion to suspend rules and pass. (Passed 322 to 4; 2/3 vote required)	NV
252	Aug. 3	H.R. 2076: To provide for the withholding from the salaries of Federal employees income taxes imposed by certain cities. Motion to suspend rules and pass. (Failed 145 to 184; 2/3 vote required)	NV
255	Aug. 5	H. Res. 1117: Relating to compensation of two positions providing for staff created by H. Res. 543, 89th Congress, providing for a staff member for both House Democratic Committee and House Republican Conference. On passage. (Failed 90 to 284)	YEA
256	Aug. 5	H.R. 18546: Agricultural Act of 1970. Teague recommittal motion with instructions to delete titles dealing with payment limitations and wheat, feed grains, cotton and land-retirement programs. (Failed 167 to 218)	NAY
257	Aug. 5	H.R. 18546: On passage. (Passed 212 to 171)	YEA
259	Aug. 6	H.R. 17070: To reorganize the postal system. Adoption of conference report. (Passed 338 to 29, "present" 1)	YEA
260	Aug. 6	S. 1933: To establish uniform Federal rail safety standards and guidelines for transporting hazardous materials. On passage. (Passed 359 to 0)	YEA
262	Aug. 10	H. J. Res. 264: To propose a constitutional amendment banning discrimination on account of sex. Motion to discharge the Committee on the Judiciary from further consideration. (Passed 332 to 22)	YEA
263	Aug. 10	H. J. Res. 264: McCulloch recommittal motion with instructions to hold hearings thereon. (Failed 26 to 344)	NAY
264	Aug. 10	H. J. Res. 264: On passage. (Passed 350 to 15)	YEA
265	Aug. 10	H.R. 18619: To establish a nonvoting delegate from the District of Columbia in both the House and Senate. On passage. (Passed 338 to 23)	YEA
266	Aug. 10	H.R. 18725: To establish a Commission on the Organization of the Government of the District of Columbia and to provide for a nonvoting delegate in the House from the District. On passage. (Passed 300 to 57)	YEA
269	Aug. 11	H.R. 18110: To amend the Public Health Services Act to extend assistance programs to states and localities for comprehensive health planning. On passage. (Passed 275 to 1)	YEA
271	Aug. 11	H.R. 18434: To amend the Communications Act of 1934 to exempt major party candidates for the Presidency from equal-time provisions of the Act and to establish limitations on campaign spending for political broadcasting. On passage. (Passed 273 to 98)	YEA
274	Arg. 12	H.R. 8298: To amend the Interstate Commerce Act to alter certain restrictions upon the application and scope of the exemption provided therein. Nelsen amendment in the form of a substitute for the Committee amendment. (Failed 181 to 194)	YEA
275	Aug. 12	H.R. 8298: Nelsen recommittal motion. (Failed 141 to 230)	NAY
276	Aug. 12	H.R. 17570: To amend the Public Health Service Act to extend and alter the existing program relating to education, research and training in the fields of heart disease, cancer, stroke, and other major diesases. On passage. (Passed 365 to 0)	YEA
278	Aug. 13	H.R. 16916: To make appropriations of $4,420,145,000 for the Office of Education for fiscal 1971. On passage to override veto. (Passed 289 to 114; 2/3 vote required)	YEA
279	Aug. 13	H.R. 17548: To make appropriations of $18 billion for Independent Offices and the Department of Housing and Urban Development for fiscal 1971. On passage to override veto. (Failed 204 to 195; 2/3 vote required)	YEA
280	Aug. 13	S. 3302: To amend the Defense Production Act of 1950. Adoption of conference report. (Passed 216 to 153)	NV
281	Aug. 13	S. 3547: To authorize the Secretary of Interior to construct, operate, and maintain the Narrows Unit, Missouri River Basin Project, Colorado. Adoption of conference report. (Passed 337 to 4)	NV
283	Aug. 13	H. Res. 1182: To provide for two hours debate on H.R. 17809, to provide an equitable system for fixing and adjusting rates of pay for prevailing rate employees of the Government. Previous question. (Passed 235 to 86)	NV
287	Sept. 9	H.R. 17809: On passage. (Passed 231 to 90)	NV
288	Sept. 9	H.R. 16542: To provide for the regulation of the mailing of unsolicited credit cards. On passage. (Passed 301 to 0)	NV
290	Sept. 10	H.R. 17795: To amend Title VII of the Housing and Urban Development Act of 1965. On passage. (Passed 282 to 32)	NV
291	Sept. 10	H.R. 11913: To amend the Public Health Service Act to provide authorization for grants for communicable disease control. On passage. (Passed 312 to 1)	NV
293	Sept. 10	H.R. 9306: To provide for the establishment of Apostle Islands National Lakeshore in Wisconsin. Kyl recommittal motion with instructions. 1)	NV
295	Sept. 14	H.R. 18306: To authorize United States participation in certain international financial institutions. On passage. (Passed 177 to 140)	YEA
299	Sept. 16	H.R. 16900: To make appropriations of $3,004,711,000 for the Treasury and Post Office Departments, the Executive Office and certain independent agencies for fiscal 1971. Adoption of conference report. (Passed 342 to 8)	NV
300	Sept. 16	S. 3637: To amend the Communications Act of 1934 to exempt major party candidates for the Presidency from equal-time provisions of the Act and to establish limitations on campaign spending for political broadcasting. Adoption of conference report. (Passed 247 to 112, "present" 2)	YEA
304	Sept. 17	H.R. 17654: Legislative Reorganization Act of 1970. Schwengel amendment to provide that no vote may be cast by proxy. (Failed 156 to 187)	NAY
305	Sept. 17	H.R. 17654: On passage. (Passed 326 to 19)	YEA
307	Sept. 21	S. 2763: To provide for purchase of systems and equipment for passenger motor vehicles over statutory price limitations. Motion to suspend rules and pass. (Passed 264 to 42; 2/3 vote required)	NV

1970 VOTING RECORD OF HON. DONALD M. FRASER, OF MINNESOTA—Continued

Yes – For No – Against NV – Not voting NVA – Not voting, paired against NVF – Not voting, paired for

Roll-call No.	Date	Measure, question, and result	Vote
308	Sept. 21	H.R. 14678: To alter provisions for penalties for illegal fishing in territorial waters and contiguous fishing zone of the U.S. Motion to suspend rules and pass. (Passed 315 to 0; 2/3 vote required)	NV
309	Sept. 21	H.R. 15911: To provide for an increase in rates of pension and dependency and indemnity compensation. Motion to suspend rules and pass. (Passed 316 to 0, "present" 1; 2/3 vote required)	NV
310	Sept. 21	H.R. 16710: To authorize loans for mobile homes for veterans. Motion to suspend mules and pass. (Passed 297 to 0; 2/3 vote required)	NV
311	Sept. 22	H.R. 18127: To make appropriations for Public Works and the Atomic Energy Commission for fiscal 1971. Evins motion to recede and concur in Senate amendment reported by conferees providing $807,000 in planning funds for the Dickey-Lincoln power project in Maine. (Failed 131 to 230)	YEA
312	Sept. 23	H. Res. 1220: A resolution citing Arnold S. Johnson for contempt of Congress. On passage. (Passed 337 to 14)	NV
315	Sept. 24	H.R. 18583: To alter existing drug abuse education programs, prevention, treatment and rehabilitation programs, revising the Federal narcotics laws and penalty structure, and providing additional law enforcement methods. On passage. (Passed 341 to 6, "present" 1)	YEA
317	Sept. 28	S. 2264: To provide authorization for grants for communicable disease control and vaccination assistance. Adoption of conference report. (Passed 292 to 2)	YEA
318	Sept. 28	S. 1933: To alter existing standards for railroad safety and hazardous material control. Adoption of conference report. (Passed 311 to 0)	YEA
320	Sept. 29	H.R. 17123: To authorize $19,929,089,000 for defense procurement research and Safeguard antiballistic missile construction for fiscal 1971. Adoption of conference report. (Passed 341 to 11)	YEA
321	Sept. 29	H.R. 18185: To provide long-term financing for expanded urban mass transportation programs. Boland amendment to reduce aggregate authority to $3.1 billion from $5 billion for grants and loans. (Passed 200 to 145)	NAY
322	Sept. 29	H.R. 18185: On passage. (Passed 328 to 16)	YEA
324	Sept. 30	H.R. 18679: To amend the Atomic Energy Act of 1954 to eliminate the requirement for a finding of practical value. On passage. (Passed 346 to 0)	YEA
325	Sept. 30	H.R. 19444: To provide for guards to accompany aircraft operated by U.S. air carriers in order to prevent hijackings and to raise revenue for that purpose. On passage. (Passed 323 to 17)	YEA

A PENNSYLVANIA PROGRAM OFFERS NEW HOPE FOR THE MENTALLY RETARDED

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, November 16, 1970

Mr. SCHWEIKER. Mr. President, the general public has for a long time held a sterotyped view about institutions for the mentally retarded. We assume that once a person enters one of these institutions, he or she has reached "the end of the line" and will probably never leave the institution during his or her lifetime. We stop considering these mentally handicapped people as potentially useful members of the community. In short, we simply have no more hope for them.

Fortunately this image of the mentally retarded patient is beginning to change. We are finding that many of these patients can be trained with marketable job skills and eventually released from the institution they are in, either completely or on a work-out, live-in basis. This is an encouraging development and one which might hold even greater potential if it could be expanded.

One such program has been operating for the last 4 years at one of Pennsylvania's largest institutions for the mentally retarded, Pennhurst State School and Hospital at Spring City, on the Schuylkill River 25 miles northwest of Philadelphia. In this particular program 16 women patients have been trained as industrial sewing machine operators and have been released from Pennhurst. Many others, while not able to move out of the institution entirely, have been able to perform useful work during regular working hours, either at a nearby knitting factory or at a special knitting production unit set up by the factory on the grounds of Pennhurst.

The industrial firm that has made this training program possible is the Spring City Knitting Co., which has its home office and one of its plants just two miles from Pennhurst. Edward L. Gruber now heads this firm which his father Ira founded in 1907. It is the largest manufacturer of knitted men's and boys' underwear in the United States, and since 1968 has been a subsidiary of Cluett Peabody & Co. Despite the fact that the Spring City Knitting Co. now employs over 4,000 persons at plants around the United States, Edward Gruber retains a vital interest in the community life in Spring City and in various humanitarian concerns, such as the care of the mentally retarded.

This program at Pennhurst for the training of mentally-retarded women as sewing machine operators is remarkable, both as a human venture in rehabilitation and as a cooperative effort between a State hospital and a private firm.

How this program actually works is described in an article entitled "Joint Effort Opens the Door," written by Martha H. Freedman, and contained in the September-October 1970 edition of The Challenge, a publication of the Pennsylvania Department of Public Welfare. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOINT EFFORT OPENS THE DOOR

(By Martha H. Freedman)

The whirr of countless sewing machines echoed throughout the vast factory room. At the machines, women deftly match material edges, guiding them to be seamed beneath the high-speed needles. There is a continuous flow of productive motion.

Steadily keeping pace, Myrtle Bowham, a slight, reddish-blonde woman who appears younger than her 61 years, fits aptly into the picture of efficient workmanship. To a casual observer, little differentiates her from her co-workers.

But the remarkable fact is that for almost the span of a lifetime—55 years—Myrtle was a resident at Pennhurst State School and Hospital.

On Dec. 16, 1915, shortly before her seventh birthday, Myrtle was placed in Pennhurst by the York County Court. Her mother had died several years before, and her father was unable to care for his little daughter who couldn't comprehend in normal fashion.

Throughout the years, Myrtle adapted well to situations and was never a behavioral problem. As a result of a psychological examination done in 1963, she was rated as having borderline intelligence. Her adjustment potential was recognized at that time.

The key that finally opened the door to independent, meaningful living for Myrtle was a Training and Work-Activity Program initiated at Pennhurst three-and-a-half years ago in conjunction with the Spring City Knitting Company.

The largest manufacturer of knit underwear for men and boys in the United States, Spring City Knitting Company's original plant is located near Pennhurst. In 1966 the company's new director of training, Richard Tyler, whose background includes work in remedial education, suggested the possibility of training qualified Pennhurst residents for industrial sewing.

With the approval and endorsement of the school-hospital's superintendent and his staff, a joint effort pilot project was undertaken by Pennhurst and the knitting company to train residents at the school sewing room in specific machine operation skills which would ultimately lead to their employment at Spring City Knitting Company, and subsequently to their release from the institution. Machinery, materials and supplies were contributed and installed by the knitting company at Pennhurst.

Myrtle was well-suited for participation in this pilot program. She had always had a natural initiative for work.

"I used to help feed the kids and things and then I made nightgowns and dresses," Myrtle recalls. "But, now, this is the best job I ever had in my life. It couldn't be any better than this!" she ends with a sunburst smile lighting her face.

After careful screening, along with a limited number of other Pennhurst residents, Myrtle was evaluated as having trainable potential and chosen to participate in the training for industrial sewing machine operation. Patients in the program are trained to operate the machinery by company instructors; however, supervision is supplied by the school-hospital.

When Myrtle reached a predetermined level of learning and efficiency, she was transferred from Pennhurst to the vestibule training center at the Spring City Sewing Plant. (Vestibule training is conducted by the company as a separate unit for new employes so that they are not disconcerted or discouraged by working next to experienced, more highly skilled operators.)

Upon completion of the training period, she was transferred to the sewing floor where she capably took her place next to the regular workers.

At this point, Myrtle was considered eligible for discharge from Pennhurst.

She now is paid at the same rate as regular employees. She has moved to Pottstown, where she shares a double bedroom and sitting room in a private home with another woman who is a live-out placement from Pennhurst. The home is close to all transportation and Myrtle comes and goes as she wishes.

She occasionally visits her two sisters and their families who live in York, and maintains a correspondence with them. Along with the delight and pride she takes in the television set she purchased from her earnings, she enjoys sending little gifts to her nieces and nephews.

A vocational screening test administered this past summer revealed that Myrtle, who has an overall mental age of about 9 years, has developed good factual knowledge, follows directions well and shows regard for the possible consequences of her actions. She is working well and has had no trouble with the accompanying adjustments she has had to make.

As a matter of fact, she couldn't be happier, and is deeply grateful to the company that made it all possible.

PIONEER EFFORT

The development of a Spring City production unit at Pennhurst pioneered the first industry-sponsored work-for-wages situation at the school. The project opened new horizons for a number of the patients. For many of them, it was the first time since their admission that they were able to work and be paid for their production. Their earnings frequently meant that they were able to travel outside the institution. It meant an opportunity to go to town and purchase non-institutional clothing of their own. For some of the girls their earning experience was the motivation needed to prepare themselves in other areas to leave the institution.

At the present time, Pennhurst patients participating in the program fall into one of three categories: first, the patients who have been trained at Pennhurst, are working at Spring City and either have been or will be discharged from the institution; second, the patients who are in training preparing for live-in work-out situations, and, third, the patients who are working in the production unit that has been set up at the school-hospital, but who are incapable of living on their own in the outside world and are, therefore not being considered for discharge.

Of the first category, Myrtle Bowham and 15 other women completed the program and are employed at Spring City. These women have successfully made the transition from a sheltered workshop-type setting to competitive industry where they keep up with competent workers. They have proved their ability to function well in a model of industrial management employing the finest and most efficient machines, advanced techniques and a highly developed use of manpower.

Not only has the program brought these former residents new, independent constructive lives, but it is realizing considerable savings to the Commonwealth. Based on an estimated average patient cost per year of $6,000, an annual savings of $96,000 is currently likely. The potential is even greater for the sewing room facilities at Pennhurst are adequate to accommodate considerably more trainees. Additional Pennhurst patients and perhaps patients of other State institutions who have the manual dexterity and interest factors, could be transferred into the program.

Thus, this pioneer cooperative effort between an industry and an institution has blazed a promising trail for any number of retardates who, like Myrtle Bowham, can advance from isolated dependent existences to live fulfilling lives as active, productive members of society.

PROBLEMS CONFRONTING THE FAA IN THE DEVELOPMENT OF AN AIR TRAFFIC CONTROL SYSTEM FOR THE 1970'S

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BROOKS. Mr. Speaker, according to news reports, a brush with treetops on a high ridge rising in front of a rainy airport runway appears to be the immediate cause of the crash of a Southern Airways DC-9 at Tri-State Airport in Huntington, W. Va., killing all 75 persons aboard including the Marshall University football team.

During the next several months, trained investigators of the National Transportation Safety Board will carefully examine all facets of the accident in an effort to determine authoritatively the probable cause. In this instance, it may never be possible to determine with exactitude the reason the pilot of the aircraft came in so low as to collide with the ridge. However, logic suggests with absolute certainty that if adequate air traffic control equipment had been installed and in use at this airport so as to allow for air operations under conditions of optimum safety, the accident may well have been avoided.

Unfortunately, as in the case of many other airports throughout the Nation, the Tri-State Airport had inadequate instrument landing facilities, and no radar.

Landing a modern jet airliner at night in adverse weather conditions is a tricky and delicate business. Fortunately, over a period of many years, this Nation's air transport system has developed instrument landing devices and radar which sharply curb the danger involved in such operations and, in a practical sense, make them routine. Unfortunately, the lifesaving characteristics of these technical breakthroughs require the actual installation of the equipment at the Nation's airports, an effort which the Federal Aviation Administration has not pursued with significant success.

In the United States today, there are thousands of airports, varying in size from the giant facilities in New York, Chicago, and Los Angeles, to those that are little more than cow pastures. Of these thousands of airports, 584 serve regularly scheduled commercial air traffic. In addition, a dozen or so serve a high volume of general aviation traffic exclusively. Yet, of these 600 airports, only 330 have control towers; only 121 have air surveillance radars; and only 250 have instrument landing systems.

Under current FAA criteria based upon traffic volume, 435 of these 600 airports are slated to have control towers by 1976; 214 will have air surveillance radar systems, and 469 are scheduled to have instrument landing systems.

Yet, Americans who rely upon the air traffic control system to get them safely to their destinations might logically and reasonably ask why all 600 of these airports with a high volume of general aviation traffic or scheduled commercial traffic are not equipped with these rudimentary devices at this time. Or, at least, if these crucial airports are not equipped for the optimum safety of operations at this time, then, why are not plans under way to provide this equipment that is absolutely essential to optimum safety?

An in-depth investigation of the Nation's air traffic control system by the Government Activities Subcommittee, which I serve as chairman, culminating in a report submitted to the House last July, indicated that air traffic control development was running some 4 to 6 years behind schedule.

This investigation also revealed that critical problems involving personnel and operations within the FAA and the Department of Transportation continue to compromise implementation of an effective air traffic control system for the 1970's. Of crucial importance is the failure of the FAA to develop an authoritative statement of requirements for such items as towers, instrument landing systems, and radars.

The report also reveals that officials in the executive branch of the Government have failed to request adequate funds from the Congress for the implementation of an air traffic control system that would provide optimum air safety for the Nation's air travelers.

Tragically, I must advise the House that, in the months since the submission of our report, little progress is being made to remedy these problems, and that in my opinion the Nation's air traffic control system is on a collision course with disaster.

In fairness to officials of the FAA, the solution to many of the problems outlined in our report involving the recruitment of more adequate personnel and the development of more effective contract and research and development techniques take considerable time. However, there is no excuse for the failure of officials in the executive branch—and I am referring in particular to those in the Department of Transportation and the Office of Budget and Management—to request adequate funds from Congress to

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install lifesaving air traffic control equipment at the Nation's airports that has already been developed and perfected and need only to be purchased and installed to avoid the needless and tragic loss of lives such as occurred at Huntington, W. Va.

As a followup to our report of July, I addressed a letter to the Administrator of the Federal Aviation Administration on October 23 in which I stated:

> I cannot let this opportunity pass without expressing my very deep anxiety and concern over the failure of the FAA to obtain the funds necessary to implement the national airspace [Air Traffic Control] system as it was described and in the time limitations discussed during our hearings last January.

In this letter to the FAA Administrator, I emphasized that Congress stated as a policy, in recent legislation providing user charges to support air traffic control and airport development, that air traffic control would be funded at not less than $250 million annually. This $250 million annual funding level is consistent with FAA's 10-year air traffic control facilities and equipment procurement plan referred to in the hearings before my subcommittee. Yet, the budget request submitted by the President to the Congress for fiscal year 1971 was for only $190 million. The insufficiency of this sum is made even more pronounced by the fact that even the $250 million figure, by the FAA's own admission, falls far short of providing adequate funding for an air traffic control system providing optimum safety.

As a further indication of the very desperate plight confronting the Department of Transportation and that irresponsible approach toward the funding of air traffic control development, the House and Senate Appropriations Committees only recently had to allow for an emergency reallocation of appropriated funds to allow the FAA to exercise an option on desperately needed modern terminal air traffic control equipment for which no funds had been requested.

Even more unbelievable is the failure of the Department of Transportation to request funds in the supplemental appropriation bill now before the Congress for the exercise of the third option on this equipment that comes up in May 1971.

But, these are only specific examples of a general problem which finds overstringent and overzealous budgeteers hacking and cutting at FAA expenditures in an area vital to the lives of literally thousands of American travelers. In my letter to the FAA Administrator of October 23, I pointed out that the work of the subcommittee in the air traffic control investigation was guided by a very simple concept—that while we could not do anything for those unfortunate individuals who had been killed or injured in air crashes in the past, we could do something for those who might be involved in tragedies of this type in the future.

The tragedy at Huntington, W. Va., was bad enough. The death or injury of even a single person is proper cause for concern to any responsible budget official. But, as tragic as this occurrence might be, it could have been worse in the sense that the aircraft could have been a Boeing 747 and the crash might have occurred in a large city rather than a relatively rural area. With giant jumbo aircraft a fact of life in the future and with the number of air operations climbing every day, these tragedies will take the lives of larger and larger numbers of people, both in the aircraft and on the ground. If a large jet transport should crash in downtown Chicago, New York, or any other large American city, thousands and thousands of people could be killed. The time to prevent these accidents is before they occur.

The finest memorial the executive branch of the Government could give to the fine young men, their friends and supporters, and the crew on board the DC–9 at Huntington, would be to dedicate itself to preventing accidents of this type in the future. Sorrowfully, I must say that I see no signs of such an affirmative and responsible reaction.

I am afraid that, with time, the anxiety and the sorrow of this tragedy will pass from the minds of those officials in the Federal Government who must act to prevent such accidents in the future. Gradually, they will probably return to a day-by-day routine. In their minds they will try to justify to some degree the deficiencies of the past on the basis of some economic evaluation of how much money we can logically allocate to air traffic control under the tight restraints of the present budget.

At this time of tragedy, let us make one fundamental point crystal clear. Those officials in the executive branch of the Government with responsibility for air safety must plan an air traffic control system based upon providing all of the Nation's airports with regularly scheduled commercial or high levels of general aviation traffic with the essential air traffic control equipment needed for optimum safety. If for any reason these officials fail to act, the Congress must react, and in the most forceful manner.

I place in the RECORD Appendix C of the 29th report by the Committee on Government Operations entitled "Problems Confronting the Federal Aviation Administration in the Development of an Air Traffic Control System for the 1970's."

This appendix contains a résumé and list of terminal air traffic control facilities installed at the Nation's airports. If an airport is not listed, it means that no federally owned equipment is installed or operated at that particular facility. I urge all members to examine this list to determine the extent to which the airport facilities in their districts are equipped wth radar, instrument landing, and other lifesaving air traffic control equipment. I believe that, as you scan this list, it will be evident that many airports in the Nation share with the Tri-State airport near Huntington, W. Va., deficiencies in air traffic control equipment that, if installed and in operation, might well have avoided this tragedy.

HOUSE REPORT 91–1308

APPENDIX C.—RÉSUMÉ AND LIST OF TERMINAL AIR TRAFFIC CONTROL FACILITIES

The following résumé of air traffic control terminal facilities and accompanying list of airports with air traffic control facilities and equipment are reprinted from the FAA Air Traffic Service "Fact Book." The airports listed are those which have air traffic control facilities or equipment *of any kind* that are provided by either the FAA or the military. If an airport is not on this list, it has no air traffic control facilities or equipment unless privately owned and operated.

This summary is the best available. However, the "Fact Book" is maintained for the use of those who are familiar with the air traffic control system. This means that certain of the acronyms and some of the data the summary contains will prove troublesome to others.

The explanations that follow should be helpful:

When a star follows the name of an airport, this means that a Flight Service System (FSS), an FAA informational facility used predominantly by pilots flying under visual flight rules, is also located in the vicinity of the airport.

Some towers are delegated authority to provide radar separation for instrument flight rule traffic approaching or departing that airport. Other towers are not. Towers are therefore either designated "AC" (for Approach Control), or "NA" (Non-Approach Control) to advise pilots of this difference in responsibility.

Towers are also combined with Flight Service Stations at some airports as one facility. When such a combination exists, the facility is designated "CS/T" standing for Combined Service Station/Tower. Therefore, if there is a notation under any of the four columns appearing under either "Tower" or "CS/T", the airport has a tower facility.

Any designation under "Radar" means that the airport has a terminal radar system. The varying designations in this column distinguish between the ownership and operation of FAA and military radar. In the next column, headed "BCN" for Beacon, are listed those airports that have terminal radar systems with transponder capacity. Note that most airport surveillance radar systems also have the capacity to provide terminal controllers with coded identification data from aircraft equipped with transponders.

The next column, headed "PAR" for Precision Approach Radar, is the less popular of the two instrument approach landing systems presently in operation by the FAA and the military.

In the following column, "ATIS" stands for Automatic Terminal Information Service. The list indicates those airports equipped with radio transmission equipment that, through the use of recordings, continuously transmits operational data relative to that particular airport.

In the next column, entitled "ILS/LDA/Rnwy," are listed those airports having either ILS systems or Localizer Directional Aids. The latter are essentially rudimentary ILS systems. The designations in the column provide the pilot with the runway numbers on which these landing aids are installed. Note that in some instances two or more runways at the same airport will be equipped with instrument landing facilities.

The next five columns contain data describing runway lighting systems. "RVV" stands for Runway Visual Value; "RVR" for Runway Visual Range; "REIL" for Runway End Identification Lights; "VASI" for Visual Approach Slope Indicator, and finally, "DF" for Direction Finder Equipment.

Certain of these lighting systems are used in conjunction with instrument landing procedures and, in this sense, fall within the air traffic control category. The committee, however, considers that they are more closely related to airports and runways and, therefore, fall outside the scope of this report.

Additional explanatory material appears at the end of the table.

Résumé of terminal facilities (for the 50 States and territories)

	Amount
Towers (includes 8 military; 25 non-Federal	314
Approach control (AC) includes 3 military	155
Nonapproach control (NA) includes 6 military; 25 non-Federal	159
Combined station/tower (CS/T)	48
Approach control	37
Nonapproach control	11
Radar approach control facilities (serving 415 civil airports)	157
Airport surveillance radar (including 37 military)	124
Military airport surveillance radars operated by FAA	31
Combined terminal and air traffic control centers on Wake Island and Guam)	2
Radar beacons (transponder receivers) includes 1 military	114
Precision approach radar (PAR) (includes 14 military)	27
Automatic terminal information services (ATIS)	76
Direction finder (DF) (includes 11 dopplers)	115
Instrument landing systems, approach lights and runway visibility equipment: Instrument landing system (ILS)	288
Approach light systems	288
Visual approach slope indicator (VASI) (includes 15 military: 23 non-Federal)	116
Runway end identification lights (REIL) (includes 152 non-Federal; 14 military)	251
Runway visual range (RVR)	168
Runway visual value (RVV)	89

TERMINAL FACILITIES AT MAJOR AIRPORTS

Location and airport	Hours of OPN	Tower AC	Tower NA	CS/T AC	CS/T NA	Radar	BCN	PAR	ATIS	ILS/LDA runway	Approach light systems runway	RVV runway	RVR runway	REIL runway	VASI runway	DF	Remarks
ALABAMA																	
Birmingham—Municipal [2]		F				ASR(F)	X		X	5	5		5		23		
Dothan—Municipal	16		F														
Fort Rucker—Cairns AAF						ASR(M)											
Huntsville—Huntsville-Madison.		F								18R	18R	18R					
Mobile:																	
Bates Field [2]	18		F							14	14		14			V, U	
Brookley Field	10		N			RAPCON	X										
Montgomery—Dannelly Field.[2]	17		F							9	9		9			V, U	
Maxwell AFB						RAPCON										U	
ALASKA																	
Amchitka—Amchitka	10		F														
Anchorage:																	
Elmendorf AFB						RAPCON	X	F									
International			F							6	6		6		13		
Lake Hood	8		F														
Merrill [2]			F														
Annette—Annette [2]	10		F							12	12						
Bethel—Municipal [2]											18[4],				36		
Cold Bay—Cold Bay										14	14				32		
Cordova—Mile 13 Field [2]												27		9	9(4)		
Fairbanks:																	
Eielson AFB						RAPCON	X	F									Military owned/ FAA operated.
International			F							19	19	19				V, U	
Galena—Galena [2]											25				25, 7 (M)		
Juneau—Municipal					F						8[5]				8(4)		
Sing Salmon—King Salmon		F				RAPCON	X	M		11	11	11			29, 11 (M)		AC 8 hrs. daily Mon-Fri.
Kotzebue—Nome															8, 26(4)		
Nome—Wein Mem											27[6]			9(N)	9		
St. Paul Is.—Municipal														36(M)			
Unalakleet—Unalakleet														14	14		
Sitka—Sitka										11				11	11		
ARIZONA																	
Goodyear—Phoenix-Litchfield Muni.	16		N														
Phoenix—Sky Harbor Muni.[2]		F				ASR(F)	X		X			8R		8L, 26(R) (N)	8(R)N		
Tucson:																	
International [2]			F														
Davis-Monthan						RAPCON	X										
Yuma—MCAS/Int'l [2]		M [3]														V, U	
ARKANSAS																	
Fort Smith—Municipal [2]				F						25	25	25					
Hot Springs—Memorial	16	F [3]															
Little Rock—Adams Field		F				ASR(F)	X			4	4		4				
Morrilton—Petit Jean														2, 20(N)			
Pine Bluff—Grider Field [2]														17			
CALIFORNIA																	
Arcata-Eureka—Arcata [2]										31	31		31		13		
Bakersfield—Meadows Field.[2]	17	F [3]								30R	30R	30R					
Burbank—Hollywood-Burbank.		F				ASR(F)	X		X	7	7	7		15		V	
Concord—Buchanan Field	16		F														
Crescent City—Jack McNamara Field.[2]														17			
Culver City—Hughes	10		N											23N			
Edwards—Edwards AFB						RAPCON	X										
Fairfield—Travis AFB						ASR(M)	X										
Fresno:																	
Air Terminal [2]			F							29R	29R	11L	29R				
Fresno-Chandler Muni	16		F														
Fullerton—Municipal	16		F						X					24			
Hawthorne—Municipal	16		F											25			

Footnotes at end of table.

TERMINAL FACILITIES AT MAJOR AIRPORTS—Continued

Location and airport	Hours of OPN[1]	Tower		CS/T		Radar	BCN	PAR	ATIS	ILS/LDA runway	Approach light systems runway	RVV runway	RVR runway	REIL runway	VASI runway	DF	Remarks
		AC	NA	AC	NA												
California—Con.																	
Hayward—Air Terminal	18		F														
LaVerne—Brackett Field	16		F														
Lemoore—Lemoore NAS						RATCC	X										Military owned/ FAA operated. LRR used for lcl ctl.
Lompoc—Vandenberg AFB						ASR(M)	X								12,30(M)		
Long Beach—Long Beach-Daughtery.		F				ASR(F)	X		X	30	30[4]		30			V	
Los Angeles:[3]																	
International[3]		F				ASR(F)	X	F	X	25L 24L	24L[5] 25L 25R		25L, 25R 7L, 7R	6R 7R(N),7L	7R	V	
Van Nuys	16		F						X	24R				16R			
Merced—Castle AFB						ASR(M)	X										
Miramar—Miramar NAS						RATCC	X										Military owned/ FAA operated.
Modesto—City-County	16		F								29R[6]						
Montague—Siskiyou County.[2]			M														Radar for Mil. only.
Monterey—Monterey Peninsula.		F				ASR(M)		M		10	10						
Mountain View—Moffett NAS.						ASR(F)	X										Military owned/ FAA operated.
Napa—Napa County	16		F														
Oakland—International		F				ASR(F)	X		X	29, 27R	29, 27R	27R	29, 11			V	
Ontario—International			F		F				X	25	25		25			V, U	
Oxnard—Ventura County	16	F												25			
Palo Alto—Santa Clara	16		F														
Palmdale—AF Plant No. 42			F														
Palm Springs—Municipal	16		F														
Riverside:																	
Municipal	16		F											27			
March AFB						RAPCON	X										ASR located at Ontario Int'l.
Sacramento:																	
Metropolitan			F							16	16	2	16				
Executive[2]			F						X	2	2						
McClellan AFB						ASR(M)	X										
Salinas—Municipal	16		F														
San Bernardino—Norton AFB.														23(N)			
San Carlos—San Carlos	16		F														
San Diego:																	
S.D. County-Gillespie Field.	16		F														
Int'l.-Lindbergh Fld.[2]			F						X	9	9			27			DME co located with glide slope.
Montgomery Field	16		F														
San Francisco—International.		F							X	19L, 28L	19L,[5] 28L		28L	28R(N)			ASDE on Standby.
San Jose:																	
Municipal			F						X	30L	30L		30L				
Reid-Hillview	16		F														
San Rafael—Hamilton AFB						ASR(M)											
Santa Ana:																	
Orange County	17		F						X	19R	19R[7]		19R				
El Toro NAS						RATCC	X										Military owned/ FAA operated. LRR used for lcl ctl.
Santa Barbara—Municipal[2]		F[3]							X	7	7		7				
Santa Maria—Santa Maria Public.											12[5]			12(N)			
Santa Monica—Municipal	16		F						X					21	21		
Santa Rosa—Sonoma County.	16		F														
Stockton—Metropolitan[2]		F[3]								29R	29R[5]	29[7]					
South Tahoe Valley—Lake Tahoe	16		F														
Torrence—Municipal	16		F						X								
COLORADO																	
Aspen—Aspen-Pitkin Co.	10		F														
Broomfield—Jefferson Co.	16		F														
Colorado Springs—Peterson Field		F				ASR(F)		F		35	35		35		35		
Denver—Stapleton Int'l.[2]		F				ASR(F)	X		X	26L, 35	26L, 35		26L, 17, 35	17(N)	8R, 17	V	
Grand Junction—Walker Field[2]	16	F[3]								11		11		11(N), 29			
Pueblo—Memorial				F[4]						7L	7L	7L			25R	V	
CONNECTICUT																	
Bridgeport—Municipal			F														
East Hartford—Rentschler Field	16		N											7(N) 18(N) 36(N) 22(N) 32(N)			
New Haven—Tweed-New Haven	16		F											1(N)			
Windsor Locks—Bradley Int'l.[2]		F				ASR(F)			X	6	6		6, 24	33, 24(N)	33		
DELAWARE																	
Dover—Dover AFB						ASR (M)	X										
Wilmington—Greater Wilmington		F								1	1		1			V	
DISTRICT OF COLUMBIA																	
Washington—Washington Nat'l.[2]		F				ASR(F)	X		X	18[8], 36	18, 36	15, 18	36	3, 15, 18, 21, 33	3(4), 15, 18, 21(4)	V	ASDE on Standby.

Footnotes at end of table.

TERMINAL FACILITIES AT MAJOR AIRPORTS—Continued

Location and airport	Hours of OPN[1]	Tower		CS/T		Radar	BCN	PAR	ATIS	ILS/LDA runway	Approach light systems runway	RVV runway	RVR runway	REIL runway	VASI runway	DF	Remarks
		AC	NA	AC	NA												
Dulles International		F				ASR(F)	X			01R, 19R	01R,[10] 19R		01R, 19R, 19L		12 *01 (Stol) *19 (Stol) 10, 28		*STOL Runway.
FLORIDA																	
Clewiston—Airglades	10		N														
Cocoa—Patrick AFB						ASR(M)	X										
Crestview—Bob Sikes	6		N														
Daytona Beach—Municipal		F[3]							X	6	6		6				
Fort Lauderdale:																	
Ft. Lau.-Hollywood International		F[3]							X								
Executive	12		N														
Fort Myers—Page Field	16		F												5(2)(N)		
Hollywood—North Perry	16		F														
Jacksonville—International[2]		F				ASR(F)	X		X	7	7		7			V, U	
Key West:																	
International[2]	16		F														
NAS, Boca Chica Fld						ASR(M)	X										
Marianna—Municipal	11		N														Open Mon-Fri.
Melbourne—Cape Kennedy Regnl.[2]	17		F														
Miami:																	
International[2]		F				ASR(F)	X		X	9L, 27L	27L, 9L		9L, 27L		12	V	
New Tamiami	16		F														
Opa Locka	16		F														
Orlando—Herndon[2]		F				ASR(F)			X	7	7	7					
Panama City:																	
Bay County	16	F															
Tyndall AFB						ASR(M)	X										
Pensacola:																	
Municipal[2]			F							16	16	16					
NAS						RATCC	X									V, U	FAA owned and operated.
St. Augustine—Fairchild-St. Aug.	9		N														
St. Petersburg:																	
Whitted	16		F									17					
St. P.-Clearwater Int'l.[2]	16		F							17	17						
Sarasota—Sarasota-Bradenton.	18		F												13		
Tallahassee—Municipal[2]		F[3]								36	36	36					
Titusville—Ti-Co	16		N														
Tampa—International		F				ASR(F)	X		X	36L, 18L	18L		18L				
West Palm Beach—Palm Beach Int'l.		F							X	9	9	9					
GEORGIA																	
Albany—Municipal	8		N														
Atlanta:																	
Fulton County[2]	16		F													V, U	
Airport		F				ASR(F)	X		X	9L, 9R 33	9L. 9R 33			3	27L 27R		PAR on Standby
DeKalb-Peachtree	16		F														Mon-Fri 1300-2130Z.
Augusta—Bush Field		F[3]								35	35	35				V, U	
Brunswick—Glynco NAS						ASR(M)	X										
Columbus—Metropolitan		F[3]								5		23					
Macon:																	
Lewis B. Wilson[2]	16		F							5	5		5				
Robins AFB[2]						RAPCON	X										
Savannah:																	
Sav. Muni-Travis Fld			F							9	9						
Hunter AFB						RAPCON	X										Reimbursable. (RAPCON)
Valdosta—Moody AFB						RAPCON	X									V, U	FAA owned and operated. LRR shared with ARTOCC.
HAWAII																	
Hilo- Gen. Lyman Field				F[3]						26					26	V, U	
Honolulu—International[2]		F				ASR(F)	X		X	8	8		8	26	4L	D	
Kahului, Maui—Kahului				F[3]						2			2			V, U	
Kailua—Kona	16				F												
IDAHO																	
Boise—Air Terminal[2]		F[2]								10L	10L	28R	10L				
Idaho Falls—Fanning Field.[2]	16	F												20			
Pocatello—Municipal[2]				F						21	21[5]	2					
ILLINOIS																	
Alton—Civic Memorial	16		F														
Belleville—Scott AFB						ASR(M)	X										
Champaign—Univ. of Ill.-Willard.		F[3]							X	31		31					
Chicago:																	
DuPage	16		F											10			
Merrill C. Meigs	18		F											18	36		
Midway			F			ASR(F)	X		X	31L,[9] 13R	13R		13R	31L(N), 22L		V	ASR for DC only.
O'Hare Int'l		F				ASR(F)	X	F(2)	X	4, 14R, 14L, 27R 32L, 27L[10] 32R	14R, 4,[5] 14L 27R, 32L, 32R, 4		14L, 14R 27R 32L 32R	27L(N) 22(N)	9R, 27L 22 *18	V	PAR on Standby.
Pal-Waukee	18		F								16(N)[9]			16(N)[9]			

Footnotes at end of table.

TERMINAL FACILITIES AT MAJOR AIRPORTS—Continued

Location and airport	Hours of OPN	Tower		CS/T		Radar	BCN	PAR	ATIS	ILS/LDA runway	Approach light systems runway	RVV runway	RVR runway	REIL runway	VASI runway	DF	Remarks
		AC	NA	AC	NA												
Illinois—Continued																	
Danville—Vermilion														21(N)			
Decatur—Muncipal		F[3]												18(N), 36(N)			
Mattoon-Charleston—Cole County Memorial.														24(N)			
Moline—Quad City				F[3]						9	9		9				
Peoria—Greater Peoria				F[3]						30	30		30			D	
Quincy—Muni-Baldwin Fld.[2]										3		3					
Rockford—Greater Rockford.[1]		F								36	36		36	18			
Springfield—Capital		F[3]								4	4		4			U	
West Chicago—(See Chicago DuPage).																	
INDIANA																	
Evansville—Dress Memorial.		F[3]								21	21					V	
Fort Wayne—Baer Field[2]		F				ASR(F)	X			31	31[5]		31	22(N)			
Gary—Gary	16		N														
Indianapolis—Muni. Weir Cook.[2]		F				ASR(F)	X		X	4, 31	4, 31, 22[5]		31	13R	22		
Lafayette—Purdue Univ.[2]										10[9]				10(N)			
Muncie—Delaware County (Johnson Field).	16		F														
Peru—Bunker Hill AFB						ASR(M)											
South Bend—St. Joseph County.[2]		F[3]								27	27		27				DME Collocated with glide slope.
Terre Haute—Hulman Field.[2]		F[3]								5		5					
Valparaiso—Porter County														27(N)			
IOWA																	
Cedar Rapids—Municipal[2]		F[3]								8	8		8	26			
Des Moines—Municipal[2]		F				ASR(F)	X		X	30	12,[5] 30	12	30	23			
Dubuque—Municipal														31			
Fairfield—Municipal														35(N)			
Mason City—Municipal[2]														35			
Sioux City—Municipal				F[3]						31	31		31	13		V, U	
Waterloo—Municipal				F[3]						12	12		12				
KANSAS																	
Hutchinson—Municipal				F[3]						13	13						
Kansas City—Fairfax Municipal	17		F														
Liberal														17(N)			
Olathe—Johnson Co	11		N														
Salina—Municipal[2]	16	F[3]								35	35						
Topeka—Philip Billard Muni		F								13	13	13					
Wichita:																	
Municipal[2]		F				ASR(F)	X		X	1	1						
Beech			N														
KENTUCKY																	
Covington—Greater Cincinnati.		F				ASR(F)	X		X	18, 36	18, 36		18, 36	9R(N)	27L(4) (N)	V	
Hopkinsville—Campbell AAF.						ASR(M)											
Lexington—Blue Grass Field.		F[3]								4	4		4				
Louisville:																	
Bowman Field[2]	16		F											24(N)			
Standiford Field		F				ASR(F)				1, 29	1	29	1		19	V, U	
Owensboro—Owensboro-Davies.	16		F											35(N)			
Paducah—Barkley Field[2]														4			
LOUISIANA																	
Baton Rouge—Ryan				F[3]						13				13			
Fort Polk—Polk AAF							X(M)										
Lafayette—Municipal[2]		F[3]								19	19	19		1			
Lake Charles—Municipal[2]		F[3]								15	15	15					
Monroe—Municipal[2]		F[3]								4	4	4					
New Orleans:																	
Intl. Moisant Field		F				ASR(F)	X		X	10	10		10	1		V	
Lakefront[2]			F											35	17		
Shreveport:																	
Greater Shreveport					F					13	13		13				
Barksdale AFB						RAPCON	X									V	
Downtown			F														
MAINE																	
Auburn-Lewiston—Municipal.														4(N)			
Augusta—Augusta-State[2]														17(N)			
Bangor—International		F									15,[4] 33		33	15			
Limestone—Loring AFB						ASR(M)											
Portland—Intl. Jetport				F[3]						11	11	11			29, 23(N)		
Waterville—Robert LaFleur														5(N)	23(N)		
MARYLAND																	
Baltimore—Friendship Int'l		F				ASR(F)			X	10, 15	10, 15		10	4, 22	28	V	
Camp Springs—Andrews AFB.		M/F				ASR(F)	X	F(2)		1L, 19R	1L, 1R (M), 19L, (M) 19R (M)				1L, 1R(M), 19L, 19R (M)		Military traffic only.

Footnotes at end of table.

TERMINAL FACILITIES AT MAJOR AIRPORTS—Continued

Location and airport	Hours of OPN[1]	Tower		CS/T		Radar	BCN	PAR	ATIS	ILS/LDA runway	Approach light systems runway	RVV runway	RVR runway	REIL runway	VASI runway	DF	Remarks
		AC	NA	AC	NA												
Maryland—Con.																	
Hagerstown—Municipal	15		N														Operates Mon Fri.
MASSACHUSETTS																	
Bedford—Lawrence G. Hanscom Field.			F						X	11	11	11		29(N), 23(N)	11(N) 29(N)	V, U	
Beverly—Municipal														16(N), 34(N)			
Boston—Logan Intl.[2]		F				ASR(F)	X		X	4R, 33L	4R, 33L	22L	4R		22L 15R(4) (N)	V	
Chicopee Falls—Westover AFB.						ASR(M)	X									U	
Falmouth—Otis AFB						RAPCON	X										
Hyannis—Barnstable Muni.	16		F							24	24			6(N)			
Lawrence—Municipal														5(N)			
Martha's Vineyard—Martha's Vineyard.												24[5]					
Nantucket—Memorial[2]	16				F					24	24	24					
New Bedford—Municipal	16		F							5	5	5					
North Adams—Municipal														29(N)			
Norwood—Memorial											35[6]	35[6]					
Pittsfield—Municipal											32[7]			14(N)	14(N)		
Westfield—Barnes Municipal	16		F											20(N)			
Worcester—Municipal					F					11	33[8]	33					
MICHIGAN																	
Alpena—Phelps Collins			M											18, 30(N)			
Battle Creek—W. K. Kellogg Regional Airfield				F[3]						22	22					U	
Bellaire—Antrim Co														20(N), 2(N)			
Benton Harbor—Ross Field										27							
Detroit:																	
City[2]		F							X	15R[9]				15R			
Metro-Wayne		F				ASR(F)	X		X	3L, 21R	3L, 21R		21R, 3L	9(N), 3(N)		V	
Willow Run			F							5R	5R			23L(N)		U	
Flint—Bishop				F[3]						9	9		9	18(N), 27(N)			
Fremont—Municipal														27			
Grand Rapids—Kent County		F[3]								26	26		26	8(N) 36(N)			
Gwinn—K. I. Sawyer AFB						ASR(M)											
Jackson—Reynolds Muni.[2]	16		F							23[9]				23(N)			
Kalamazoo—Municipal	16		F							35	35	35		17(N)			
Lansing—Capital City[2]		F[3]								27	27		27	6(N)		V	
Marquette—Marquette County[2]														8(N) 26(N)			
Mt. Clemens—Selfridge AFB						ASR(M)											
Muskegon—Muskegon County		F[3]								32	32		32			V, U	
Pellston—Emmet County[2]														32(N), 23(N)			
Pontiac—Oakland-Pontiac	16		F								9[8]			9, 27			
Saginaw—Tri-City[2]	16	F[3]								5	5		5			V, U	
Sault Ste. Marie:																	
Kinchloe AFB						ASR(M)											
Municipal[2]											32[8]			14(N)			
Traverse City—Municipal[2]														36			
MINNESOTA																	
Duluth—International		F				ASR(M)	X	M		9	9	27	9		9		
Hibbing—Chisholm-Hibbing[2]											31			13(N)			
International Falls—Falls Int'l														13(N), 31(N)			
Minneapolis:																	
Crystal	16		F														
Flying Cloud	16		F						X					9L(N)			
Minn.-St. Paul Int'l		F				ASR(F)	X	F	X	4, 29L	4, 29L		4, 29L	11R(N)	11R,22		DME collocated with glide slope.
Redwood Falls—Municipal														12, 30(N)			
Rochester—Municipal[2]		F[3]								31	31		31				PAR on standby.
St. Paul—Downtown	16		F											30(N)			
Thief River Falls—Municipal														13, 31(N)			
Winona—Muni.-Conrad Fld														11(N) 29(N)			
Worthington—Municipal														17, 35(N)			
MISSISSIPPI																	
Columbus—Columbus AFB						ASR(M)											
Gulfport—Municipal	16	F[3]															
Jackson:																	
Hawkins Field	16		F														
Allen C. Thompson Field[2]		F				ASR(F)	X			15L	15L		15L			V, U	
Meridian:																	
Key Field[2]	16		F				X			1	1		1				
Meridian NAAS						RATCC											Military owned/FAA operated. LRR shared with ARTCC.

Footnotes at end of table.

TERMINAL FACILITIES AT MAJOR AIRPORTS—Continued

Location and airport	Hours of OPN	Tower AC	Tower NA	CS/T AC	CS/T NA	Radar	BCN	PAR	ATIS	ILS/LDA runway	Approach light systems runway	RVV runway	RVR runway	REIL runway	VASI runway	DF	Remarks
MISSOURI																	
Joplin—Municipal[2]										13							
Kansas City:																	
Municipal[2]		F				ASR(F)		F	X	18	18[5]	18				V	
International			F							9, 36	36		36				
St. Joseph: Rosecrans Memorial		F[3]								35	35						
St. Louis:																	
Lambert-St. Louis[2]		F				ASR(F)	X		X	24, 12R	24, 6,[5] 12R	35	24, 12R				
Spirit of St. Louis	17		N														
Springfield—Municipal[2]		F[3]								1	1	1					
MONTANA																	
Billings—Logan Field[2]		F[3]								9	9		9				
Great Falls:																	
International[2]			F							34	34	16, 34				U	
Malmstrom AFB						RAPCON		M									
Helena—Helena				F[3]									26	8(N)26(N)			
Missoula—Johnson-Bell	16	F															
NEBRASKA																	
Grand Island—Municipal[2]											35						
Lincoln—Municipal[2]		F[3]								35L	35L	35L		17R(N)			
North Platte—Lee Bird/Muni.[2]														12(N), 30(N)			
Omaha:																	
Eppley Field[2]	17		F						X	14	14, 32[5]					U	
Offutt AFB						RAPCON		M								V, U	
Scottsbluff—Municipal[2]														23(N)			
NEVADA																	
Las Vegas—McCarran Field[2].		F				ASR(F)	X		X						25		
Reno—Municipal		F				ASR(F)				16	16	16					DME collocated with glide slope.
NEW HAMPSHIRE																	
Berlin—Municipal														36(N)	36(N)		
Concord—Municipal[2]														17(N)	17(N)		
Keene—Dillant-Hopkins											2			2(N)	2, 20(N)		
Laconia—Municipal														8(N)	8(N)		
Lebanon—Lebanon-Regional.[2]														25(N)	25(N)		
Manchester—Grenier Field		F								35				35(N)			
Nashua—Boire Field														32(N)	14(N)		
NEW JERSEY																	
Atlantic City—NAFEC/Atl City/Pomona.		F				ASR(F)	X			13	4, 13		13, 31				
Fairfield—Caldwell-Wright	8		N														Open weekends only.
Linden—Municipal														9(N), 27(N)			
Morristown—Municipal	16		F														
Newark—Municipal		F				ASR(F)	X		X	4, 22	4, 22		4, 22	22	29	V	
Teterboro—Municipal[2]			F							6	6						
Trenton—Mercer County			F							6	6[5]			6(N)			
NEW MEXICO																	
Albuquerque—Sunport/Kirtland AFB.[2]		F				ASR(F)	X		X	35	35		35		8		
Clovis—Cannon AFB						ASR(M)								3(M)	3, 12, 30(M)		
Farmington—Municipal[2]					F												
Hobbs—Lea County	18				F												
Roswell—Industrial Air Ctr.[2]	19	F[3]								21							
Santa Fe—Santa Fe County/Muni.					F												
NEW YORK																	
Albany—Albany County[2]		F				ASR(F)	X			19	19	19					
Bethpage—Grumman-Bethpage.	8		N														
Binghamton—Broom County.				F		ASR(F)	X			34	34[5]	34					
Buffalo—Greater Buffalo Intl.[2]		F				ASR(F)	X		X	5, 23	23		5			V	
Calverton—Peconic River	16		N							5							
Elmira—Chemung County[2]		F[2]								24	24	24					
Farmingdale—Republic	17		N														
Glens Falls—Warren County.[2]														1			
Islip—Long Lsland-McArthur.[2]			F							6	6[11]	6					
Ithaca—Tompkins County															14(N)		
Jamestown—Municipal										25[7]	25[8]			7(N), 25(N)			
Newburgh—Stewart AFB						ASR(M)	X				9(M)						
New York:																	
JFK Int'l		F				ASR(F)	X	F	X	4R, 22L 31R	4R, 22L		22L, 31R, 31L, 3R, 4R, 13R	13L[11]	13L, 13R 31L 22R	V	DME collocated with glideslope on R4. PAR on Standby.
La Guardia		F				ASR(F)	X		X	22[9] 4, 13	4, 22	4		22(N), 31(N), 13(N)	31 13 22	V	
Niagara Falls—Municipal			F							28R	28R		28R			V	
Poughkeepsie—Dutchess County.[2]															24(N)		

Footnotes at end of table.

TERMINAL FACILITIES AT MAJOR AIRPORTS—Continued

Location and airport	Hours of OPN[1]	Tower AC	Tower NA	CS/T AC	CS/T NA	Radar	BCN	PAR	ATIS	ILS/LDA runway	Approach light systems runway	RVV runway	RVR runway	REIL runway	VASI runway	DF	Remarks
New York—Con.																	
Rochester—Rochester-Monroe Cty.				F		ASR(F)	X		X	4, 28	28		28				
Rome—Griffiss AFB						RAPCON	X									U	
Schenectady—Schenectady County.	16		N													V	
Syracuse—Clarence E. Hancock.				F		ASR(F)	X		X	28	28		28				
Utica—Oneida County[2]			F							33	33	33		15(N)			
Watertown—Municipal[2]														6(N)			
White Plains—Westchester County.		F				ASR(F)			X	16	16						
NORTH CAROLINA																	
Asheville—Municipal				F[3]						34	34		34		16		
Charlotte—Douglas Muni		F				ASR(F)	X		X	5	5		5	36(N)			
Fayetteville—Grannis Field				F[3]						3	3		3				
Goldsboro—Seymour Johnson AFB.						ASR(M)											
Greensboro—Greensboro-High Point-Winston-Salem Regnl.		F				ASR(F)	X			14	14		14				
Hendersonville—Henderson-Meyer.															15(N)[8] 33(N)[8]		
Hickory—Municipal														24(N)			
Raleigh—Raleigh-Durham[2]	18	F				ASR(F)				5	5		5				LRR shared with ARTCC.
Wilmington—New Hanover County.				F[3]						34	34		3				
Winston-Salem—Smith-Reynolds	16		F							33	33[8]	33					
NORTH DAKOTA																	
Bismarck—Municipal				F[3]						30	30	30				V	
Fargo—Hector Field		F[3]								35	35	17	35	17(N)			
Grand Forks—Grand Forks AFB.						ASR(M)											
International[2]														35			
Minot—Minot AFB						ASR(M)											
OHIO																	
Akron:																	
Akron-Canton		F				ASR(F)	X			1	1		1	23			
Municipal		F								25[9]				25(M), 7(N)			
Athens—University of Ohio														27(N)			
Cincinnati:																	
Lunken[2]	16		F							20L	20L[7]			2R(N)			
Greater Cincinnati (See Covington Ky.)																	
Cleveland:																	
Hopkins Intl.[2]		F				ASR(F)	X		X	5R, 28R	5R, 28R		5R, 28R	36L	23L(4)	V	DME collocated glideslope 5R.
Burke-Lakefront	16		F							24R							
Cuyahoga	15		N											23			
Columbus—Ohio State Univ	16		F											9, 27(N)			
Columbus—Port Columbus Intl.[2]		F				ASR(F)	X		X	10L, 28L	10L, 28L		10L, 28L	10L, 28L		V, U	
Dayton:																	
James M. Cox-Dayton Municipal.[2]			F						X	6	6	6		24(N)			
Wright-Patterson AFB						RAPCON	X	M									FAA owned and operated.
Findlay—Hoskins[2]											7, 36			36			
Hamilton—Hamilton Inc														11(N), 29(N)			
Mansfield—Municipal				F[3]						32	32		32				
Middletown—Hook Fld. Muni.										23[9]				5(N), 23(N)			
North Lima—Elser Field														9(N)			
Springfield—Municipal	8		M											5, 23(N)			
Tiffin—Municipal															27(N)		
Toledo—Express		F				ASR(F)	X			7	7		7	34(N)			
Willoughby—Lost Nation	12		N											5(N), 27(N)			
Youngstown—Municipal[2]		F				ASR(F)				32	32		32			V	
OKLAHOMA																	
Ardmore—Municipal[2]	16		F														
Enid—Vance AFB						ASR(M)											
Fort Sill—Fort Sill AAF						ASR(M)											
Lawton—Municipal	16		F														
Oklahoma City:																	
Wiley Post[2]	16		F														
Will Rogers World			F						X	35L	35L		35L	12	17R		
Tinker AFB						RAPCON	X	M								U	
Ponca City—Municipal													17	17, 35(N)			
Tulsa:																	
International[2]		F				ASR(F)	X		X	17L, 35R	17L, 35R		35R				
Riverside	12		F														
OREGON																	
Eugene—Mahlon-Sweet				F[3]						16	16		16			D	
Hillsboro—Portland-Hillsboro.	16		F														
Klamath Falls—Kingsley Field.				F		ASR(M)	X	M		32	32	14, 32		14		D	
Medford—Jackson County				F[3]						14	14		14			V	
North Bend—Municipal[2]														13		D	

Footnotes at end of table.

TERMINAL FACILITIES AT MAJOR AIRPORTS—Continued

Location and airport	Hours of OPN[1]	Tower AC	Tower NA	CS/T AC	CS/T NA	Radar	BCN	PAR	ATIS	ILS/LDA runway	Approach light systems runway	RVV runway	RVR runway	REIL runway	VASI runway	DF	Remarks
OREGON—Continued.																	
Pendleton—Municipal				F[3]						25R	25R	25R				V, U	
Portland:																	
International[2]		F				ASR(F)		F	X	10R, 28R	10R, 28R		10R, 28R			V	PAR and ASDE on standby.
Portland-Troutdale	16		F														
Salem—McNary Field										31	31[5]	31					
PENNSYLVANIA																	
Allentown—Allentown-Bethlehem-Easton				F[3]						6	6						
Coatesville—Chester County														11(N)			
Erie—International		F[3]								6	6		6	24		D	
Harrisburg—Harrisburg-State[2]		F				ASR(F)	X			8[9]	8[6]	8					
Indiana—Jimmy Stewart														28(N)			
Johnstown—Cambria County														23(N)			
Lancaster—Lancaster	16		F											8			
Latrobe—Westmoreland-Latrobe	16		N							23(N)							
Martinsburg (Altoona—Blair County[2]														20(N)			
Middletown—Olmsted	15	F								13	13[6]			13, 31			
Philadelphia:																	
International		F				ASR(F)	X			9	9		9			V	
North Philadelphia[2]			F														
Pittsburgh:																	
Allegheny County[2]			F							27	27			30(N), 9, 23			
Greater Pittsburgh		F				ASR(F)	X		X	28L, 10L	28L, 10L		28L, 10L, 28R	32	28L	V	
Reading—Gen. Carl A. Spaatz Fld		F[1]								36	3[5]	36				V	
St. Marys—Municipal														27(N)			
Wilkes Barre—Wilkes Barre-Scranton[2]		F				ASR(F)	X			4	4	4					
Williamsport—Lycoming County[2]		F[3]								27	27						
RHODE ISLAND																	
Providence:																	
Theodore F. Greene St					F					5R	5R		5R				
Quonset Point NAS						RATCC	X										Military owned/FAA operated.
SOUTH CAROLINA																	
Charleston—AFB/Muni.[2]		F				ASR(F)	X	F	X	15	15(M)		15		15(M) 21(M) 33(M)	U	
Columbia:																	
Metropolitan		F[3]								10	10		10				
Owens Field	8		M														
Greenville—Muni-Downtown.	16	F				ASR(F)	X			36							
Greer—Greenville-Spartanburg.[2]	17		F							3	3		3				
Myrtle Beach:																	
Myrtle Beach AFB						ASR(M)											
Myrtle Beach Muni.[2]	12																Opers 12 hrs daily.
Spartanburg—Downtown Memorial.	16		F														
Sumter—Shaw AFB						ASR(M)											
SOUTH DAKOTA																	
Brookings—Municipal													12				
Huron—W. W. Howes Muni.[2]										12		12		12(N)			
Mitchell—Municipal														30(N)			
Rapid City:																	
Ellsworth AFB						ASR(M)											
Municipal[2]	16		F							32	[7] 32			14(N), 32			
Sioux Falls—Joe Foss Field		F[3]								3	3		3	15(N)		V	
Watertown—Municipal[2]														17			
TENNESSEE																	
Bristol—Tri-City	18	F				ASR(F)	X			22	22		22				
Chattanooga—Lovell Field		F				ASR(F)				20	20		20		2		
Jackson—McKellar Field[2]											2						
Knoxville—McGhee Tyson[2]		F				ASR(F)				4L	4L		4L			V	
Memphis—Metropolitan[2]		F				ASR(F)	X		X	35, 9	35, 9		35, 9		27	V, U	
Nashville—Metropolitan[2]		F				ASR(F)			X	2L	2L		2L	20R(N)	20R	V	
Shelbyville—Bomar Field											36						
TEXAS																	
Abilene:																	
Municipal[2]	17		F							35	35	35					
Dyess AFB						RAPCON	X	M								U	
Amarillo—AFB/Municipal[2]		F				ASR(F)				3	3	21	3		3(M) 21(N)	U	
Austin:																	
Robt. Mueller Muni.[2]	15		F						X	30L	30L		30L,12R		12R		
Bergstrom AFB						RAPCON	X	M								U	
Beaumont-Port Arthur—Jefferson County.				F[3]						11	11		11	16			
Big Springs—Webb AFB						ASR(M)											
Brownsville—Rio Grande Valley Int'l.				F[3]						13R	17[11]	17L					
College Station—Easterwood Field[2]	16	F[3]															
Corpus Christi—International.		F				ASF(F)				13	31L, 13		13,31L				LRR used for lcl ctl.

Footnotes at end of table.

TERMINAL FACILITIES AT MAJOR AIRPORTS—Continued

Location and airport	Hours of OPN [1]	Tower		CS/T		Radar	BCN	PAR	ATIS	ILS/LDA runway	Approach light systems runway	RVV runway	RVR runway	REIL runway	VASI runway	DF	Remarks
		AC	NA	AC	NA												
TEXAS—Continued.																	
Dallas:																	
Addison	16		F														
Dallas-Love Field [2]		F				ASR(F)			X	13L,31L	13L,31L		13L,31L	31R	31R	V	
Red Bird	16		F														
El Paso—International [2]		F				ASR(F)	X		X	22	22	22		26			
Fort Worth:																	
Greater Southwest Int'l		F				ASR(F)	X			13	13		13			V	
Meacham Field [2]	16		F							17	17 [11]		17				
Greenville—Majors Field	9		N														
Houston—Wm. P. Hobby [2]			F							3	3		3		12		ASR-2 and 6 available.
Houston—Intercontinental		F				ASR(F)	X		X	8	8 [10]		8, 26				
Kingsville—Kingsville NAAS.						ASR(M)											
Laredo—Laredo AFB						ASR(M)											
Longview—Gregg County Muni.				F [3]						13	13	13					
Lubbock—Municipal	16			F		ASR(F)	X			17R	17R	17R					
McAllen—Miller Int'l. [2]	16	F [3]												13			
Midland—Odessa Regn'l. [2]		F [3]								10	10	10				V	
Mineral Wells—Mineral Wells. [2]	18		N														
Plainview—Hale County	16		F														
San Angelo—Mathis Field				F [3]						3	3	3					
San Antonio:																	
International [2]		F				ASR(F)	X			3, 12	3, [11] 12		3, 12			V	
Stinson Muni	16		F														
Sherman—Perrin AFB						RAPCON	X	M			35R(M)						
Tyler—Pounds Field				F						13	13						
Waco—Municipal				F [3]						18	18	18					
Wichita Falls—Sheppard AFB/Wichita Falls Term. [2]		M				ASR(M)	X	M		33L	15R, 35, 33L.		33L		15R(M) 33L(F)		
UTAH																	
Moab—Canyon Lands															5 15, 33(N)		
Ogden:																	
Municipal	16		F											3(N)		V	
Hil. AFB						RAPCON	X										
Salt Lake City—Municpal No. 1. [2]		F				ASR(F)	X			34L	34L		34L		16R		
VERMONT																	
Burlington—International		F				ASR(F)	X			15	15		15, 33	33(M)		V	Long range radar used for terminal.
Morrisville—Stowe-State														1(N), 19(N)			
VIRGINIA																	
Blacksburg—VPI														12, 30(N)			
Charlottesville—Charlottesville-Albemarle. [2]										3 [5]				3(N)			
Dublin—New River Valley																	
Franklin—Rose											27 [6]			9(N)			
Lynchburg—Muni-Presto Glenn Fld.	16	F [3]								3	[illegible]	3				D	
Manassas—Muni Davis														16, 34(N			
Newport News—Patrick Henry. [2]			F							6	6		6	24(N)			
Norfolk—Municipal		F				ASR(F)	X			4	4	4		13(N), 31(N)		V	
Richmond—Byrd Flying Fld		F				ASR(F)	X			[illegible]	6						
Roanoke—Municipal		F				ASR(F)	X			33	33	6		23			
WASHINGTON																	
Everett—Snohomish County.	16	F						M		16	16		16, 34		16, 34 (M)		AC by ARTCC.
Moses Lake—Grant County	21	F								32R	32R	14, 32					
Renton—Municipal	16		F														
Seattle:																	
Boeing Field Intl. [2]			F						X	13	13 [5]	13		31			
Tacoma Int'l		F				ASR(F)		F	X	16, 34	16, 34		16, 34			V	ASDE on Standby.
Spokane:																	
International			F							21	21	3	21				
Fairchild AFB						RAPCON	X										
Felts Field	16		F														
Tacoma:																	
McChord AFB						RAPCON	X										
Industrial														17(N)			
Walla Walla—City-County [2]			M					M			20						
Yakima—Municipal				F [3]						27	27						
WEST VIRGINIA																	
Charleston—Kanawha County. [2]		F				ASR(F)				23	23 [5]	23		5		V	
Huntington—Tri. State (Walker Long Field) [2]	16	F [4]								11 [9]	11						
Martinsburg—Municipal [2]	8		M											8,26(N)			Radar for military only.
Parkersburg—Wood County. [2]	16		F											21			
Wheeling—Ohio County					F					3	3			21	21		
WISCONSIN																	
Appleton—Outagami										2(N)				11, 29			
Eau Claire—Municipal [2]														22			
Green Bay—Austin Straubel. [2]		F [3]								6	6		6				

Footnotes at end of table.

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TERMINAL FACILITIES AT MAJOR AIRPORTS—Continued

Location and airport	Hours of OPN[1]	Tower AC	Tower NA	CS/T AC	CS/T NA	Radar	BCN	PAR	ATIS	ILS/LDA runway	Approach light systems runway	RVV runwag	RVR runwag	REIL runway	VASI runway	DF	Remarks
Janesville—Rock County	16		F										15L	4(N), 22(N)			
La Crosse—Municipal														13(N)			
Madison—Truax Field		F[3]								36	36	18	36				
Marshfield—Municipal														15			
Milwaukee:																	
Gen. Mitchell Field[2]		F				ASR(F)	X		X	1, 7R	1, 7R		1, 7R			V	
Timmerman Field	16		F														
Oshkosh—Winnebago County.	16		F							9		9		9[8]			
Racine—Horlick														22(N)			
Sheboygan—County Memorial.														21			
Stevens Point—Stevens Point														3			
Waukesha—Waukesha County.														10(N), 18R(N)			
West Bend—Municipal														13(N) 31(N)			
WYOMING																	
Casper—Air Terminal[2]	16	F[4]								7	7	7					
Cheyenne—Municipal				F[3]						26	26	26		30(N)		D	
Rock Springs—Municipal[2]										25	25[11]						
OTHER																	
Balboa, C.Z.—Albrook AFB/Howard AFB/Tucumen Int'l.						CERAP	X										Military owned/ FAA operated.
Guam, Pacific—Anderson AFB.						CERAP	X	F									Military owned/ FAA operated.
Pago Pago, Amer. Samoa—International.															5		
Ponce, P.R.—Mercedita	16	1	F														
San Juan, P.R.:																	
International		F				ASR(F)				7	7						
Isla Grande	15		F						X								
St. Croix, Virgin Islands—Christiansted/Alex Hamilton.	16	F													9	D	
St. Thomas, Virgin Islands—Charlotte Amalie/Harry S. Truman.	16		F[9]														
Wake Island—Wake		F[3]					X		X	10[9]					10	V, U	

[1] 24 hrs unless otherwise indicated.
[2] FSS location also.
[3] Nonradar approach control.
[4] SALS without sequential flashers.
[5] Short approach light systems (SALS).
[6] MALS.
[7] MALS/RAILS.
[8] Nonstandard.
[9] Percent LDA (partial ILS).
[10] Category II approach light configurations.
[11] Other approach lighting systems (neon ladder, etc.).

KEY TO SYMBOLS

AC=Approach control.
D=Doppler DF.
DC=Departure control.
DME=Commissioned at glide slope loc.
F=FAA owned and operated.
F/M=FAA owned and Military operated.
LRR=Long range radar.
M=Military owned and operated.
M/F=Military owned and FAA operated.
N=Non-Federally owned.
SS=Simplified short approach light system.
U=UHF (243.0 emergency frequency).
V=VHF (121.5 emergency frequency).

TRIBUTE TO THE LATE RICHARD HOFSTADTER

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BOLLING. Mr. Speaker, the following tribute to the late Richard Hofstadter, the eminent historian who died last month, is a well-earned one. It was broadcast over WCBS-TV in New York City on October 29 by Peter Kohler.

RICHARD HOFSTADTER

Richard Hofstadter was a brilliant scholar whose studies of American history won not only Pulitzer prizes and acclaim from colleagues, but places on bestseller lists. He was, in the best sense of that much over-used word, relevant.

The Columbia University historian, who died last week, was not just a student of the past. His great skill was in unraveling the skeins that tie the present to the past, that make history relevant to our time.

What most occupied Professor Hofstadter's interest recently was America's history of violence, a subject much studied in these terrible times of political assassinations, urban rioting, and campus bombings. And to this subject, Dr. Hofstadter was able to bring a perspective that is enlightening, and, in some ways, encouraging.

For one, he argued in a recent essay that, contrary to the rhetoric of the Far Left, violence in American history has often been counterproductive. The Civil War, he noted, led to a century of bitterness and repression. Besides, most social reforms in American history have been brought about without violence.

The present danger with violence from the Far Left, he argued, is not the violence itself, but the backlash it can bring from the conservative majority of Americans who might support a government committed to political repression.

But Professor Hofstadter did not leave us with such a gloomy prophesy. For in the closing words of his essay, he argued optimistically that the strength of our political system can continue to overcome its afflictions.

"The Nation", he concluded, "seems to slouch onward into its uncertain future like some inarticulate beast, too much attainted by wounds and ailments to be robust, but too strong and resourceful to succumb."

These words from a man whose vision of the American experience was so keen are well worth keeping by those of us facing that uncertain future.

WEST VIRGINIANS SADDENED OVER TRAGIC PLANE CRASH

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. KEE. Mr. Speaker, during the rainy, foggy night of Saturday, November 14, 1970, at approximately 7:40 p.m., a plane, virtually within seconds of landing at Tri-State Airport in Kenova, W. Va., crashed and burned, claiming the lives of approximately 75 people, including members of the football team, coaching staff, faculty, loyal friends, and supporters of Marshall University in Huntington, W. Va. This tragic event has shocked and deeply saddened the many friends and loved ones of those whose lives were lost.

To the faculty, students, alumni, friends of Marshall University, and to those loved ones left behind as a result of this tragedy, I express my heartfelt sympathy and compassionate understanding in behalf of those residents of southern West Virginia which I am honored and privileged to represent in the U.S. House of Representatives.

U.S. FOREIGN AID ADMINISTRATION FOR THE 1970'S

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, November 16, 1970

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD a working paper entitled "U.S. Foreign Aid Administration for the 1970's," prepared by the University of Pittsburgh Graduate School of Public and International Affairs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. FOREIGN AID ADMINISTRATION FOR THE 1970's

(GSPIA Faculty Foreign Aid Seminar [1])

SUMMARY RECOMMENDATIONS

In the long run U.S. foreign aid is most likely to be supported at home if it is effective abroad. Effectiveness abroad requires: first, that U.S. aid programming be oriented to the needs and performance of each recipient country and second, that aid management and organization be geared to both programming and implementation.

U.S. involvement in Vietnam and the competing demands of high priority domestic needs militate against significant expansion of U.S. foreign aid in the near future. Assuming progress in ameliorating these situations, more resources should again become available for foreign aid. However, adequate financing may not be forthcoming unless the interim period is used to improve the effectiveness of current programs.

The hiatus should, therefore, be used to build a strong basis of Congressional and public understanding about the usefulness of foreign aid in achieving public purposes. Current efforts should focus on strengthening the organizational structure, improving administrative capabilities, and upgrading the effectiveness of management in conducting ongoing programs.

If present U.S. aid programs are to be improved, the most urgent changes required are: a) more comprehensive programming of all U.S. aid to each country including improved coordination with multilateral and other bilateral programs; b) reduction in the number of Washington agencies now administering both U.S. bilateral aid and responsible for U.S. participation in multilateral aid; c) greater decentralization of implementation to strong field missions; d) more effective management of project planning and execution; e) better conditions for career employment to attract and retain qualified professional personnel.

THE GOALS OF U.S. AID

U.S. purposes in providing foreign assistance are diverse and complex. They reflect the responsibilities of the United States as a world power and the variety of altruistic and national interests in its relations with other countries.

They include:

(1) An expression of its own humanitarian ethos and concern for the human condition abroad as well as at home.

(2) Aspirations for peace through a stable but progressive world order and improved modes of international cooperation.

(3) Concern with the material, political and social progress of friendly countries, as well as the safeguarding of their independence.

(4) Specific foreign policy interests in countries whose internal and external stability or security are threatened by unfriendly powers.

(5) Furtherance of economic growth and of an orderly world trade and payments system to promote prosperity at home and a better international environment abroad.

(6) Concern about the private investments, balance of payments deficits and exports of the U.S.

THE MEANS

The foregoing objectives can be furthered only in part through foreign aid programs. They can be related closely to such programs by establishing priorities for the allocation of funds. Allocating scarce funds so as to reflect priorities concerning U.S. goals can only be accomplished meaningfully with respect to particular sovereign countries. The situation and problems of the recipient country should determine the amount and type of assistance required as well as the urgency of the needs. U.S. priorities must, of course, be determined with close reference to whatever internal priorities are established by the government of the recipient country.

The essence of country programming is the allocation of the limited supply of U.S. foreign aid of all types in accordance with a well-considered pattern of U.S. priorities (a) among countries and (b) among the priorities determined by each recipient country taking into account its own resources, capabilities, policies and performance as well as the assistance it may receive from other bilateral and multilateral sources.

Some purposes may best be furthered through bilateral programs, some through regional or global international agencies, some through multilateral arrangements incorporating both bilateral and international institutions. Country programming of U.S. assistance should be sufficiently coordinated and sufficiently adaptable to meet the needs of a particular situation by utilizing the most suitable combination of these instruments. Thus bilateral and multilateral programs should be regarded as complementary rather than conflicting means of managing foreign aid.

THE ADMINISTRATIVE ARRANGEMENTS

Implementing country programs implies administrative arrangements focussed on individual recipient countries to provide for effective total program coordination. Such arrangements should include the following:

(1) *A professional resident field mission* working day-by-day with the appropriate officials of the recipient country, under the general guidance of the Ambassador. Such a professionally oriented mission is indispensable for broadening the range of policy and procedural choices and for identifying reasonable and practicable alternatives. It can promote more rational development policy formulation and administration in the recipient country and can monitor performances and results. Without such a mission influence on recipient performance is peripheral, at best. Without such influence much of the effectiveness of foreign assistance is lost—however rational and enlightened be the intent of both donors and recipients. The complex variety of detailed technical matters does not lend itself to administration through foreign embassies in Washington and through using occasional visitors, telegrams and letters.

(2) *Decentralization to the field missions* of as much responsibility as possible for implementing programs. Management effectiveness requires that objectives and criteria be clearly delineated for field personnel and that maximum authority then be delegated to such personnel for advancing stipulated program goals and for executing authorized programs.

(3) *A single Washington agency to program U.S. foreign assistance* organized primarily on a country basis. The country desk should be responsible for mediating between the field mission and the complex of executive and legislative branch interests in Washington. Its programming responsibilities should include as much of U.S. foreign aid funds as can be made acceptable to the Congress, including responsibility both for bilateral and U.S. participation in multilateral assistance programs. The aid agency should also be responsible for congressional relations and for presenting authorization and appropriation requests to the Congress.

In carrying out these responsibilities, the aid agency should be required to work within the broad framework of foreign policies set by the President and implemented by the Secretary of State. It should also be given sufficient authority to operate its programs imaginatively and constructively on the basis of first-hand knowledge of the situation. The precedents established during the Marshall Plan period for relations in Washington between ECA and the Department of State provide a useful model for a sound allocation of functions and coordination of responsibilities between the aid agency and the Department of State.

The execution of some programs may be delegated to agencies with special responsibilities such as the Export-Import Bank, the Department of Defense and Agriculture and the Peace Corps. Moreover, priority determinations concerning the use of aid resources should, of course, be subject to interagency review.

(4) *Continuity of organization and personnel systems* is one of the most pressing needs if U.S. programs are to be better managed. More capable personnel will be attracted to the agency only if its authority is broadened, its opportunities for constructive achievement become more exciting, its career development programs are improved and its organizational structure made more stable and enduring. The efficiency of U.S. aid programs has been heavily penalized by repeated efforts to restructure and reorganize and by constant attrition in the authority of the principal aid agency.

(5) *These recommendations are not advanced as justification of the present system of foreign aid administration.* That system now suffers from fragmentation, divided and unclear authority, low morale and loss of many of its best qualified staff. It clearly lacks sufficient Congressional and public support. Rather, the intent of the present recommendations is to point out the need for improving aid administration by giving a single aid agency the authority, the staff and the organization necessary to do the job. The result need not be a larger agency but one which has a clearer mission, is better equipped to perform efficiently, and can reestablish foreign aid as a responsible and effective tool of American foreign policy.

THE ROLE OF INTERNATIONAL AGENCIES

The growing family of global and regional multilateral organizations provides channels for foreign aid administration that should be used increasingly. The Pearson Commission [2] objective—increasing the multilateral share from 10% to 20% of the aggregate assistance effort of all developed nations—is an appropriate target. However, it should be reached by increasing total assistance efforts, not by reducing bilateral programs.

Particularly in the case of United States aid, substituting contributions to multilateral agencies for bilateral assistance at the present time is likely to diminish effectiveness, reduce the priority of foreign aid claims on U.S. resources, lower the actual volume of U.S. aid, and reduce progress in meeting the goals of both the U.S. and the developing countries. Moreover, a reduction in U.S. bilateral aid may seriously diminish the effectiveness of U.S. leadership in encouraging other developed countries to maintain and expand their own aid programs.

The advantages of the international agencies are important and have been well ad-

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Footnotes at end of article.

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vertised in recent reports. For example, it is often easier for recipient countries to accept advice from a multilateral organization than from a particular donor country agency. Multilateral agencies, since they include the participation of the recipient countries, help provide the latter with participation in the decision-making and the review and evaluation processes of the aid programs. Multilateral aid also may help avoid the strains inherent in a direct donor-recipient aid relationship. Their limitations, however, need more emphasis, lest some of the very purposes of U.S. foreign assistance be lost. For example, while the advice of international agencies is indeed easier for developing countries to accept it is also easier to reject. The work of multilateral agencies moreover has been hampered thus far because they have failed to establish effective resident missions in developing nations to carry on country programming.

International financial institutions, like other specialized agencies, are not likely to have sufficient influence over the many areas of public policy relevant to the promotion of development. They do not deal with the security and foreign policy concerns of donors or recipients. They also have difficulty in coping with the political and social factors which, increasingly, are recognized as the principal impediments to long-term economic growth. Some are seriously restricted by their charters from considering the non-economic goals which frequently and rightly reflect higher priority objectives of both donor and recipient governments. Their administrative arrangements need drastic revision if they are to deliver to developing countries the kinds of resources that are most urgently needed and with a minimum of delay. As noted by the Jackson Report,[3] their programming and implementation as presently organized exhibit serious deficiencies in both coherence and coordination.

This is not to say that some international agencies are not improving nor that they do not have prospects of overcoming some of the deficiencies. The point is, that for the time being neither global nor regional bodies are equipped to carry the full load of international development. In particular, they are not in a position to fully express the U.S. interests in U.S. foreign assistance.

THE PETERSON COMMISSION PROPOSALS

The recommendations for improving administrative arrangements summarized at the beginning of this report are neither totally new nor dramatic. They have long been urged by experienced administrators and close observers of U.S. and other foreign aid programs. In recent months the Jackson Report[4] offered a similar suggestion to the United Nations family of organizations, as a means of improving the effectiveness of programs administered through its various agencies. Yet a recent U.S. Commission[5] appears to propose that the administration of U.S. programs be further "fractionated", that the authority of U.S. aid field missions be drastically reduced and that country programming be abandoned.[6]

Such proposals stem from a variety of considerations, among which dissatisfaction with the effectiveness of the existing aid program and its organization is a major factor. However, if implemented, they are likely to result in even less efficiency than the existing arrangements. Proliferating the number of U.S. government foreign aid agencies in Washington and returning "principal operating decisions" to Washington can only increase the difficulty of administering aid programs effectively. It is not likely that such measures would serve U.S. influence or U.S. interests in developing countries. In fact, the developing countries themselves are likely to be the principal victims. Their economic, political and social development is bound to suffer. Their external and internal security is unlikely to benefit.

The notion that a small White House staff in Washington and an Ambassador aided by a few Foreign Service Officers in the field can successfully coordinate such an administrative arrangement runs counter to two decades of experience with a variety of organizational structures for U.S. aid programs. Coordinators have never been successful in modifying significantly the allocation of funds by agencies that possess operational control over the obligation and expenditure of appropriations. Coordination at the White House inevitably facilitates maximum attention to *short-term* political considerations reflecting and responding to immediate domestic and foreign policy pressures. These are the very considerations that least reflect fundamental U.S. motives and basic U.S. interests in foreign aid.

It has been suggested that the underlying motive for these proposals was the expectation that splitting appropriations among many agencies and numerous pieces of legislation would make it easier to obtain adequate financing for U.S. aid as a whole. The reaction of Congressional friends and foes of foreign aid suggests that the Congress is unlikely to be affected by such tactics. What will be persuasive is a program so soundly conceived and skillfully administered that it produces results.

FOOTNOTES

[1] This working statement is one of the papers prepared by a group of faculty members and doctoral students who met weekly during the spring term of 1970 to consider the basic issues and problems of foreign aid in relation to a number of published reports on the subject. The group, chaired by Professor Saul Milton Katz, included: Professors Cheever, Creshkoff, Eaton, Flack, Kaplan, Katz, Robinson, Roseman, Solow, Thorn and Walters and Messrs. Ebeling and Wright. Not all members agree with all points in the paper.

[2] L. B. Pearson, *et al., Partners in Development*, for IBRD, Praeger Publishers, 1969.

[3] United Nations: *A Study of the Capacity of the UN Development System*, Vols. I & II, Geneva, 1969. (The "Jackson Report")

[4] *Ibid.*

[5] Peterson, et al, *U.S. Foreign Assistance in the Seventies* etc.

[6] The Peterson Commission's recommendations would seem to result in the following agencies administering U.S. government aid funds:

1. U.S. International Development Bank
2. U.S. Development Institute
3. Overseas Private Investment Corp.
4. Department of Agriculture
5. Export-Import Bank
6. Peace Corps
7. Department of Defense
8. Department of State

Additional funds for international organizations would be supervised by the Treasury Department in the case of international financial institutions, and by the United Nations Bureau of the State Department for other UN agencies. Presumably new organizational entities would be established within the State Department to administer supporting assistance and the Contingency Fund, public safety programs and refugee and emergency relief programs.

MODY BOATRIGHT—A GREAT AMERICAN FOLKLORIST AND EDUCATOR

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, November 16, 1970

Mr. YARBOROUGH. Mr. President, one of America's finest folklorists and most renowned educators, Mody Boatright, died August 21, 1970. Dr. Boatright, who was University of Texas professor emeritus of English, earned the admiration and affection of his teaching colleagues and students. He came to be known as an outstanding friend of higher education, and was instrumental in bringing about many progressive innovations during his years as a teacher at the University of Texas at Austin where he taught from 1926 until 1969.

In addition to being recognized as a great educator, Dr. Boatright was generally considered to be one of the foremost experts on the folklore of the Southwest. He served as secretary and editor of the Texas Folklore Society from 1934 to 1964.

Dr. Boatright, a prolific writer, was perhaps best known for his articles and books on the history and folklore of the oil fields of Texas, and his studies of the American cowboy as a national folk hero. All of us owe this highly intelligent American an enormous debt of gratitude for his endless efforts to enrich our lives by preserving and reminding us of our heritage.

Mr. President, I ask unanimous consent that articles entitled "Heart Attack Claims Life of UT Prof," published in the Friday, August 21, 1970, issue of the Austin American; "Noted UT Folklorist, 73, Dies in Abilene," which appeared in the Friday evening, August 21, 1970, edition of the Fort Worth Star Telegram; "Dr. Boatright Dies; Folklorist, Ex-Teacher," published in the August 21, 1970, issue of the Fort Worth Star Telegram; "UT Prof. Emeritus Dr. Boatright Dies," published in the Friday, August 21, 1970, edition of the Houston Chronicle; "Dr. Mody C. Boatright, Folklore Editor, Dies," published in the Friday, August 21, 1970, issue of the Dallas Morning News; and "Mody C. Boatright, 1896–1970," published in the Dallas News on September 20, 1970, be printed in their entirety at this point in the RECORD.

I also ask that tributes by Wilson Hudson, Michael Crow, Américo Paredes, and Arthur M. Cory which were offered at Dr. Boatright's funeral be printed at this point in their entirety in the RECORD.

Mr. President, I further ask unanimous consent that there be printed at this point in the RECORD tributes by Clarence L. Cline and Harry H. Ransom, and a response by Dr. Boatright, all of which were delivered at a dinner given in honor of Mody Boatright on April 16, 1965. These speeches appear on pages 7 through 27 in a pamphlet entitled, "Mody Boatright," which was published by the Texas Folklore Society on July 4, 1965.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HEART ATTACK CLAIMS LIFE OF UT PROF

Dr. Mody C. Boatright, University of Texas professor emeritus of English, died in Abilene Thursday.

University colleagues said he suffered a heart attack Sunday following an automobile accident which occurred while he and Mrs. Boatright were en route to Abilene to visit relatives.

Boatright had been in the intensive care unit of an Abilene hospital since Sunday, friends reported.

Funeral is pending Cook Funeral Home of Austin.

Boatright, a noted folklorist, taught at UT Austin from 1926 until September 1969. He remained active after his retirement, retaining an office in Parlin Hall. He continued his long association with the Texas Folklore Society, of which he was secretary-editor from 1943 to 1964.

Chancellor Harry Ransom of the UT System, who worked with Boatright for many years, gave an affectionate appraisal of his colleague when the Texas Folklore Society honored Boatright at a dinner in 1965. Among Dr. Ransom's remarks were the following.

"I must restate two well-known facts from the record of three decades. First, no matter how hot the argument, no mattr how perplexed the issue, Mody has never been unkind or unfair to any student or any colleague. Second and conversely, since the founding of the University, there have been few men who have inspired that kind of personal loyalty and those many kinds of personal trust which his integrity and gentle candor have enlisted among those of us who studied and worked with him.

Born Oct. 16, 1896, in Colorado City, Boatright was educated at West Texas State University (B.A., 1922) and the University of Texas (M.A., 1923, and Ph.D., 1932). He was an instructor in the demonstration school at West Texas State and taught English at Sul Ross State University before coming to UT Austin in 1926.

He rose through the academic ranks from instructor to professor and served as chairman of the English Department. In addition to his activities in state and national folklore organizations, he was a member of the American Studies Association and an honorary member of the South Central Modern Language Association.

He is survived by his wife; a daughter, Mrs. Frances Speck of Alpine and a son Mody K. Boatright of Corpus Christi.

Noted UT Folklorist, 73, Dies in Abilene

Austin.—Dr. Mody C. Boatright, a well-known folklorist and English teacher at the University of Texas for 43 years, died yesterday in Abilene, the apparent victim of a heart attack. He was 73.

Funeral arrangements are pending here.

Colleagues said Boatright had a heart attack last Sunday following an automobile accident while he and his wife were driving to Abilene to visit relatives.

His daughter, Mrs. Frances Speck, lives in Abilene and a son, Mody K. Boatright, lives in Corpus Christi.

Boatright had been hospitalized in intensive care at Abilene since Sunday, friends said.

He taught at the university from 1926 to 1969, and, despite his retirement, kept an office on campus. He was a professor emeritus of English.

Boatright was secretary-editor of the Texas Folklore Society from 1943 to 1964.

Chancellor Harry Ransom of the university, a friend for 35 years, once said of Boatright, "No matter how hot the argument, no matter how perplexed the issue, Mody has never been unkind or unfair to any student or any colleague . . . there have been few men who have inspired that kind of personal loyalty and those many kinds of personal trust which his integrity and gentle candor have enlisted among those of us who studied and worked with him."

Boatright's interests ranged from Sir Walter Scott to oil to the American cowboy.

His books include "Folklore of the Oil Industry" and "Tall Tales from Texas Cow Camps."

A forthcoming book, "From the Derrick Floor," was written with Prof. William Owens of Columbia University.

Boatright was born in Colorado City and was educated at West Texas State University and the University of Texas. He taught at West Texas State and Sul Ross State University before coming here.

Dr. Boatright Dies; Folklorist, Ex-Teacher

Austin.—Dr. Mody C. Boatright, 73, a noted folklorist and former English teacher at the University of Texas, died in Abilene Thursday.

Colleagues said Boatright suffered a heart attack Sunday after an auto accident which occurred while he and Mrs. Boatright were en route to Abilene to visit relatives.

He had been in the intensive care unit of an Abilene hospital since Sunday, friends said.

Boatright taught at the university from 1926 until 1969. He still carried the title of professor emeritus of English and had an office on the campus although he was retired.

He was secretary-editor of the Texas Folklore Society from 1943 to 1964.

Boatright established a tape-recorded oral history of oil pioneers at the university, and joined with a Columbia University professor in writing a forthcoming book entitled "From the Derrick Floor."

Other works by Boatright include "Folk Laughter on the American Frontier" and "Tall Tales from Texas Cow Camps."

He was born in Colorado City and educated at West Texas State University and the University of Texas.

Boatright is survived by his wife and two children, Mrs. Frances Speck of Abilene and Mody K. Boatright of Corpus Christi.

UT Prof. Emeritus Dr. Boatright Dies

(Chronicle Austin Bureau)

Austin.—Dr. Mody C. Boatright, University of Texas English professor emeritus, died in Abilene Thursday of a heart attack suffered following an automobile accident which occurred while he and his wife were en route to Abilene to visit relatives.

Dr. Boatright had been in the intensive care unit of an Abilene hospital since Sunday, friends reported.

Funeral arrangements are pending at Cook Funeral Home in Austin.

A noted folklorist, Dr. Boatright taught at UT-Austin from 1926 until 1969.

He as a close associate of the late J. Frank Dobie, well-known UT professor and author.

Dr. Boatright is survived by his wife and two children, Mrs. Frances Speck of Alpine and Mody K. Boatright of Corpus Christi.

Dr. Mody C. Boatright, Folklore Editor, Dies

Austin.—Dr. Mody C. Boatright, 73, a noted folklorist and former English teacher at the University of Texas, died in Abilene Thursday.

Colleagues said Boatright suffered a heart attack Sunday following an automobile accident which occurred while he and Mrs. Boatright were en route to Abilene to visit relatives.

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He was secretary-editor of the Texas Folklore Society from 1943 to 1964.

Boatright established a tape-recorded oral history of oil pioneers at the university and joined with a Columbia University professor in writing a forth-coming book entitled "From the Derrick Floor."

Other works by Boatright include "Folk Laughter on the American Frontier" and "Tall Tales from Texas Cow Camps."

He was born in Colorado City and educated at West Texas University and the University of Texas. He taught at West Texas State and Sul Ross State University before coming here.

Boatright is survived by his life and two children, Mrs. Frances Speck of Alpine and Mody K. Boatright of Corpus Christi.

Funeral arrangements are pending.

Mody C. Boatright, 1896–1970

Texas lost one of its most distinguished literary figures when Mody C. Boatright died last month. The University of Texas at Austin knew him as an influential teacher of English there from 1926 to 1969; folklorists of the region, the nation and the world hailed his work in preserving and interpreting native lore. Two of his books, "The Folklore of the Oil Industry" and "Gib Morgan, Minstrel of the Oil Fields" are on the list of the SMU Press, as are 15 volumes edited or co-edited by him for the Texas Folklore Society's annual publication series. Next year the SMU Press will reissue his first book, "Tall Tales from Texas Cow Camps," published in Dallas by the Southwest Press in 1934 and long out of print. He had also before his death completed the manuscript of his study of the American cowboy as folk hero, to be brought out by the Encino Press of Austin.

Mody Boatright

(By Wilson Hudson)

I first came to know Mody Boatright in a class taught at the University of Texas by Dr. Griffith in the fall of 1928. It was a small class and we all got to know each other. At the end of the term Dr. Griffith showed me Mody's research paper on some aspect of Dryden. As I read it I realized that it was written as a research paper should be. It can be truly said that at this point I began to learn from Mody. In my long friendship with him this process never ceased.

For sixteen years I was out of Austin, but often on my visits I would drop in on Mody in his office. No matter how far apart the intervals, when I walked in it was always as if no time at all had elapsed. On one occasion when we were eating together he placed a few drops of hydrochloric acid in water and drank it. This was medicine for dyspepsia. Whatever the cause or causes, he did not offer an explanation, for it was not his way to talk about himself or say anything that could be taken as a complaint. Mody had fortitude, and this too was an important lesson for me.

When I returned to the Univeristy as an instructor in 1946, Mody was here. He had become editor for the Texas Folklore Society in 1943 after assisting J. Frank Dobie edit five volumes. Mody asked me whether I had anything to contribute to the volume he was currently editing, *Mexican Border Ballads and Other Lore*. I happened to have on hand a folktale which I had heard and written down in Mexico. Though I didn't suppose it was worth publishing, I showed it to Mody and he accepted it.

It was a good story, but at that time I didn't think of folklore as a field for serious activity. I learned otherwise from Mody. Except for the interruption of the war, I was fresh from a graduate English department where there was much talk of Aristotle and literary criticism, and folklore was not presumed to have any value unless it was connected with Arthurian romances or the *Canterbury Tales*. Mody seemed to be oriented to collection, but I soon found out that he was friendly to any kind of folklore investigation that would yield illuminating results.

In the year before my return to Austin, Mody had published his book on Gib Morgan, an oil driller in Pennsylvania who had become legendary. Besides pioneering the study of the folklore of oil, this book showed, more generally, that folklore and folkways are not limited to agricultural or rural people but also flourish in industrial societies. Mody went on to publish *Folklore of the Oil Industry* in 1963; *Tales from the Derrick Floor*, with William Owens, is ready to appear this fall. Mody and Bill were active in organizing and carrying out the project known as the oral history of the oil industry.

This is only one line of Mody's folklore studies. He has worked on cowboys and frontiersmen, as in *Tall Tales from Texas* (1934) and *Folk Laughter on the American Frontier* (1949). He has won the high honor of being named a fellow of the American Folklore Society. After John A. Lomax, L. W. Payne, and J. Frank Dobie, Mody became a fellow of the Texas Folklore Society.

In the summer of 1951 Mody went to California to teach. He entrusted me with editing the Texas Folklore Society's volume for that year. When he returned he gave me advice on the typographical format of *The Healer of Los Olmos*, but he would not permit his name to appear on the title page, though he was still the elected editor. From 1951 until his resignation as editor in 1964, I helped Mody bring out the Society's annuals. From him I learned, first of all, respect for the material to be edited, and then the technique of editing by making only the necessary changes so as to improve the original without infringing upon the integrity of its writer. Mody respected the individual, always.

Though Mody was the editor and I was his assistant, he treated me as an equal partner. We shared in making decisions, and never was there a disagreement. When he gave up the editorship, he passed it on to me, I accepted on the condition that he would advise me freely on all important questions. Another characteristic of Mody's was that he would not give advice unless it was sought for. He was an excellent listener to puzzled people, but they had to ask explicitly for his opinion. Another of his characteristics was that he kept close council.

In the last two years Mody had made paisanos for the Society to sell. (The paisano or roadrunner is the Society's emblem.) These paisanos are made entirely of triangular pieces of wood which when assembled look remarkably like the bird. Mody liked to work with his hands and he had a fine artistic sense. He measured all of the pieces by eye, so that each paisano is unique. And underneath the pedestal he burned his brand. It gave him pleasure, I am sure, to know that members of the Society and his friends far and wide had something of his making that would always be theirs. I have five of Mody's paisanos that I shall always cherish, and I shall cherish forever his friendship and his teaching. I do not mean merely his teaching in the field of folklore; I mean to include what he taught me, by example, about how people should face life and treat others. He was a strong moral force in my life and I am thankful for him.

MODY

(By Michael Crow)

"The evil that men do lives after them;
The good is oft interred with their bones."

So spoke the bard, and this oft quoted, ironic statement may well serve as a final judgment upon the lives of most of us. But a life such as Mody Boatright lived is clearly an exception, albeit the exception that proves the rule.

What are the good qualities, one may ask, that will survive from such a life, a life lived most unselfishly, without any desire whatever for show or pretense, without any desire for glamour, great riches, or worldly fame? Indeed the kind of glory and pseudo-honor connoted by the familiar phrase "the boast of heraldry, the pomp of power" were objectives condemned by Mody throughout his career. What, then, is he to be remembered for primarily? For his wide-ranging scholarship—yes, especially in American literature and American folklore. For his excellent teaching over a span of several decades—yes, he will long be remembered for this by hundreds and hundreds of students, both graduate and undergraduate, whom he guided painstakingly in academic disciplines. For his numerous learned publications—yes, certainly he will long be remembered for these. Also, for his excellent administrative ability, displayed effectively but ever unobtrusively as chairman, for over nine years, of a large and complex department, composed of heterogeneous and often volatile, if not explosive, elements.

Yes, for all these accomplishments Mody will long be remembered. But I have not yet touched upon that significant quality which, in my opinion, made him a truly great and good man. It is hard to define exactly this quality. And one had to live with him and work with him for many years to appreciate, with any sense at all, the magnitude of this quality. Each of us who have known him over the years can truly say with Marc Antony, "He was my friend, faithful and just." All who have worked with him have felt the warm glow of his sincere friendship, his calm sense of fair judgment, his deep understanding of human nature, his breadth of view, and his kindly tolerance. Living himself according to the strictest moral code, he was yet slow to condemn or censure those who did not, or perhaps could not, live up to his standards. Not openly professing adherence to any religious sect, he nevertheless lived by the highest moral principles of religious teachings. To perceive his true nature one had to see him, not only at home surrounded by his devoted family, by his carefully marked volumes of English and American literature, and by the treasured oil paintings and water colors produced by his wife, but also one had to see him, always completely unruffled, presiding at a stormy departmental meeting or session of the budget council, where crosscurrents ran strong and sharp disagreements were sharply expressed, and where, with that tempering little smile we all knew so well, he, like the worthy Parson, did not hesitate when the occasion demanded, to "snybben sharply for the nonys" some colleague who too stubbornly defended a perverse point of view. And to perceive his true nature one had to see Mody also as the quiet and sympathetic listener and counselor to a student or to a fellow staff member who had got into real trouble. An understanding of the human heart, a never-failing sympathy for his fellows—these were noteworthy qualities of this man, loved and revered by so many. In the unpretentious simplicity of his way of life, he attained a greatness of soul that inspired us all, and most of all this is the quality, the good, that will *not* be interred with his bones, but will live on and on in the memory of his fellow men. "For he was great of heart."

MODY BOATRIGHT, A TEACHER

(By Américo Paredes)

I did not know Mody Boatright as long as many others of his colleagues. And when our paths first crossed, it was at considerable distance; nor did I recognize him then—as I came to do so later—as a folklorist, undeniably the most distinguished professional folklorist that Texas has produced. This crossing of our paths occurred in the 1940s—when he already was a teacher of long standing at the University of Texas and I was a journalist of sorts in Tokyo, Japan. I took courses by correspondence from him during those years, in literature and short-story writing; and it was as a teacher of these subjects that I first came to know of him and to profit (at long distance) from his wisdom and experience.

Some two or three years later I met him in the flesh, in that inevitable meeting place for the English Department prior to Parlin Hall—the Tower elevator. I am not really sure he remembered me as one of the dozens of student-correspondents he had worked with during preceding years. But if such was the case, he did nothing to make me aware of it. I might have been the only correspondence student he had ever had. Not long after this, folklore became my major field; and it was my privilege to be associated with him—first as student, later as beginning folklorist under his tutelage, and still later as colleague. Many a task of mine was made easier and more productive by his kindly advice and his willing help. But there is nothing remarkable in that; hundreds of others who knew him can surely say the same.

Mody Boatright lived a full life—that is to say, a life in which there are always things still waiting to be done. Among those things was to be a study of the folklife of the southwestern people he knew and loved. This was to be one of those projects he would do justice to—once he was "fully retired." As editor of the *Journal of American Folklore*, I had the privilege of publishing what was probably the last of his works that he would see in print—a note on his brother, Will Boatright, maker of bits and spurs. Other studies would have followed.

We can see this unfinished work of his as cause for sorrow. Or we can feel that he died with the future still unfolding before him, which is certainly the best way to die.

It is as a teacher, however, that I will remember Mody Boatright. And it is as spokesman for his students that I say these words today. It is said that it is easy to speak well of the dead. I would want to bring you, then, a token of the affection his students had for him when he was still among them. Just a year ago, the students of folklore at the University of Texas (the University Folklore Association) published the first number of their *Folklore Annual*. It carried a picture of Mody Boatright and the following dedication: "The University Folklore Association dedicates the first issue of its *Annual* to Mody C. Boatright, distinguished folklorist, first among the founders of the Center for Intercultural Studies in Folklore and Oral History, and a teacher who has inspired generations of students." A teacher who inspired generations of students. It is as a teacher that I would honor him today.

MY FRIEND MODY

(By Arthur M. Cory)

While Dr. Boatright was chairman of the Department of English, I was privileged to serve as his assistant for a period of seven years. During that time I came to know him in a close day-to-day relationship that few others in the department have had the opportunity to share. There were many pleasant times. There were also times of pressure, times of annoyance, times of frustration—times that would have driven a man of lesser stature to explosive anger and harsh words. But Dr. Boatright never lost his perspective, never raised his voice. My most cherished recollection of Mody is that of his kindness in dealing with people.

For he really liked people; he had a great and inexhaustible capacity for friendship. He was a gentle man—gentle in the sense of having deep and sincere consideration and compassion for others. A great deal more than most folk realized, he was concerned about the members of the department—especially the young members—and he had a perceptive awareness of their individual needs, both financial and psychological. He was quick to praise, reluctant to criticize; he found it difficult to be unpleasant with anyone.

Those of us who worked closely with him appreciated his soft spoken, low pressure attitude. To use the kind of homely expression that he himself was fond of, he was "as comfortable as an old shoe." Although he had a disarming simplicity, he was a man of many interests, widely read in a host of varied and divergent areas. Yet he wore his scholarship casually, always giving the feeling that he was sharing rather than pontificating.

Mody had a way of going directly to the heart of things. A man of honesty and integrity, he could not abide affectation or pretense. With Tom Paine he could say, "I believe that religious duties consist in doing justice, loving mercy, and endeavouring to make our fellow creatures happy."

What more can we say? We loved this man—loved him for what he was, for what he stood for, for the incalculable influence that he has had upon his students and his friends. Inevitably we think of Hamlet's appraisal of his father:

He was a man, take him all in all;
I shall not look upon his like again.

We think, too, of Emerson's final graveside comment about Thoreau:

"Wherever there is knowledge, wherever there is virtue, wherever there is beauty, he will find a home."

When I was first asked to substitute for Dr. Ransom this evening, my feelings were very much like those of an aging rookie, accustomed to warm the bench, who is suddenly called upon by that eccentric manager Casey Stengel to pinch-hit for Mickey Mantle in the first inning. I quickly recognized, however, that that metaphor was not very good, especially as all my athletic activity is confined to an easy chair. So I came up with another one, which I think better: it was like being called upon, five minutes before curtain time, to substitute for Richard Burton in the role of Hamlet—and being handed a copy of the play. What more could anyone ask? I won't answer that question: all that I promise is that I will read from the authentic text.

I liked the Hamlet analogy because I remembered that when Hamlet staged a play he inserted some dozen or sixteen lines of his own composition into it. Well, I intend to do the same. The play that Hamlet staged in the presence of King Claudius and his court, you will remember, was entitled "The Mouse Trap." If Mody feels that he is being mousetrapped tonight, I would remind him of the saying, "I can protect myself against my enemies, but God preserve me from my friends." Or as the English statesman George Canning expressed it:

Give me the avowed, the erect, the manly foe,
Bold I can meet—and perhaps may turn his blow!
But of all plagues, good Heaven, thy wrath can send,
Save, save, oh save me from the *candid friend!*

In all seriousness, however, there is no one whom I would rather join in honoring than Mody Boatright. In the first place he richly deserves it; in the second I think of no one to whom I am personally so heavily indebted.

The beginning of our friendship goes back to 1928—more years than I like to contemplate. Madison Avenue in our time has coined the phrase "the thinking man." Well, in 1928 I was Number 1 on the list of unthinking men. Badly educated, I was nevertheless filled with deep prejudices, conventional ideas, and dogmatic convictions—primary certitudes, as James Harvey Robinson calls them—all stubbornly held but none of them ever examined. Babbitt would have given me the Boosters' Club handgrip, Barry Goldwater would have called me brother, and I think it even possible that some others unnamed would have spoken of me as "a man of very sound ideas." But one by one, Mody—with occasional assists from others—forced me to examine these "certitudes," and one by one I reluctantly had to abandon most of them as untenable. This, as you can see, places me immeasurably in his debt.

With others of our colleagues I share a professional indebtedness to him as well. Since Dr. Ransom develops this point, I will only say that the structure of the Department of English today owes more to Mody than to any other single person. He was chairman for ten years—longer, I believe, than any other man. The department today has much of the stamp of Mody Boatright on it; and if its shape and structure are goodly in the main, much of the credit must go to him and his wise leadership. As his successor, I inherited a sound, going concern that made my task comparatively easy—most of the time.

For the more than thirty-five years of our association we have been friends—a friendship that my wife and I have shared with his good wife as well—we have been office mates—a real test of friendship—we have been colleagues in an intimate professional relationship. In all those years I have never know him to commit an unworthy act. And in the days of our internal university convulsion, going back almost twenty years now, I still remember that his was the most courageous single act performed by any member of a faculty of perhaps a thousand. I will not embarrass him by reciting the details of how he—and he alone—stood up in public and said what ought to have been said—what the rest of us, with minor exceptions, thought, felt, and did not say. That enlightenment emerged from the dark peril of those days was due, in good part, to his courage and example and that of other faculty members who joined with him.

I am proud to say that there has never been a break in our friendship, not even a hint, I believe I can truthfully say, of suspicion of one another's integrity. I have loved Mody as much as I have ever loved any man. There is no one whom I'd rather join in honoring than Mody Boatright. The Texas Folklore Society could not have made a better choice, and in honoring him I feel that we are really honoring ourselves.

Forgive me if I have exercised my privilege and gone beyond the dozen or sixteen lines of Hamlet. I will now read what Dr. Ransom would have said so much better had he been able to be present. Articulate as he is, this may well have been one of the hardest speeches that he ever had to write; for I am sure that he shared the difficulty that any of us who know Mody would have faced—how to control the strong emotion that is nevertheless evident in what he wrote and how not to embarrass his friend more than he could help.

MR. RANSOM'S SPEECH

These lines on Mody Boatwright were written before I received a summons to a meeting on the East Coast which I had not foreseen and could not ignore.

I am glad that in my absence I am being made audible by Clarence Cline, a teaching colleague of Mody Boatwright. Indeed, for this fact I am doubly grateful because I have tried to talk about Mody mainly as a teacher, as a man, and as a friend. Nothing I have to say about him depends solely upon transient relations in editorship or administrative work. Yet in every official context, my respect for him has grown to equal my personal affection.

Like some of the Southwest's early amateur Indian fighters, more skillful gun-slingers, and hardier grizzly-bear wrestlers, Mody Boatright has lived dangerously. With a difference. It is this difference which defines him.

Mody's folklore has not focused on bears. Yet in the academic bestiary, there are shaggy and shambling creatures. Mody has proved himself a champion in pinning these mindless chimeras to the floor. He carries no gun. He has never been trigger-happy on academic firing lines. But he is fast—very fast—on the draw when it comes to principle. So far as I know, his experience with Indians is all peaceful and artistic, in company with his talented wife. Among the not so noble savages of the academic savannas, however, he has been a civilizing influence by example—especially when we were inclined to revert to our aboriginal impulses.

These roundabout figures are only a cautious means of avoiding the kind of superlatives I know Mody detests. On an unstatistical and unrhetorical basis, I must restate two well-known facts from the record of three decades. First, no matter how hot the argument, no matter how perplexed the issue, Mody has never been unkind or unfair to any student or any colleague. Second and conversely, since the founding of the University, there have been few men who have inspired that kind of personal loyalty and those many kinds of personal trust which his integrity and gentle candor have enlisted among those of us who studied and worked with him.

In the Boatright era, we have seen many swift transitions, new departures, subtle changes. Among all of them Mody has been highly adaptable. Some men adapt by whirling in the manner of an academic wind sock. Not Mody. His changing has come out of qualities in character—lively human interest and deep human sympathies. His altruism is neither polite sentiment nor professional expediency. "He is profoundly interested in other people—what they think, what they are doing, what they hope to do." That sentence is a paraphrase of the opinion of a student in the thirties. In the sixties, it holds true. It is true, and it is worth some emphasis when we consider the scarcity of Mody Boatrights. That scarcity has brought into being the perverted notion that the real profits of the academy are reserved for the self-interested and the self-centered.

I am not saying that Mody has ever chosen empty amiability above honest argument. He does not retreat to vague agreeableness in order to avoid collision of ideas. On the contrary, he knows as well as the professional cynics and better than the self-anointed do-gooders that a certain amount of friction is healthful. One of my earliest conversations with him, in 1935, circled this matter. In that year, I was trying to regain a sense of the state's history and grope toward the sense, if any, by which our English Department in those days conducted its business. From Mody I began to learn that universities get some of their motive power from contradiction, controversy, disunity of opinion, and the general disorder of educational affairs which so bewilders some obtuse outsiders who really want to be the friends of higher education. During the years that followed, I discovered that like Addison's angel, Mody has native talents for riding tempests, directing storms, and harnessing occasional tornadoes to the general good. His genius under such circumstances, by the way, is not so much a function of natural piety as quick access to common sense. He takes the same unvarying common sense to public gatherings, to official desks, and into the private clutterment of his office. It would be impossible to estimate how many pipefuls of attentive concern has gone up in smoke as Mody listened to the unharnessed prejudices and pip-squeak problems which each of us from time to time has visited upon him.

One more closely related generalization. In these three decades, when academic men and women have found new voices and concocted new idioms, nobody has ever doubted that Mody knew when the time came to stand up and be counted. He has never been one of those among us, however, who kept jumping up just to be heard. Hence his talent for quietness has multiplied the hitting power of his opinions when they were expressed. And hence, on the personal side, the steady inclination of his friends to keep counting on him not only for momentary comfort but also for steady encouragement.

I have been discussing what might be called Mody's contribution to our living as teachers and learners. The Texas Folklore Society is as good a context as any for adding certain observations about his highly professional work, his scholarship. I came to Texas too late to learn how this practical Texan had steered a doctoral raft among the narrows, the depths, the shoals and reefs and shallows of formalized disciplines in Gothic, Old-English infinitives, and eighteenth-century bibliography. I knew that he had landed in a cove where he could examine without any sort of pretentiousness the folklore of Sir Walter Scott. His choice of that topic must have been personal. It was certainly prophetic. He did not make his tome a mere scholarly gimmick. Nor did he cloud it with implications that Scott was spiritually Texan, a chivalric ghost who might have presided over the battlements of the Alamo. On the contrary, he wrote a solid study which is solidly fixed among "contributions to Scott scholarship."

Mody's bibliography is lengthy. By his generosity my name is attached to three or four of the volumes which he and Frank Dobie published for this Society. I am proud of that fact. I am prouder of a surprise which illustrates something more than the little ironies of our profession. At an international meeting in London years ago, I discovered by pure accident that "Boatright of Texas" was one section of a symposium on world frontiers. The subject of discussion was not one of Mody's notable books. It was his short, simple article on co-operation among frontiersmen. It was typical Boatright scholarship: quiet counterpoint in real significance among louder, lopsided proclamations about the intrepid loneliness and lonely independence of our pioneers.

Mody's contributions to the history of the oil industry are well known. It will be more widely known later that without much of a budget he directed the foundation of the library of oral accounts concerning that industry. How many of these accounts would have been lost if his imagination had not salvaged them is anybody's guess. I would guess the larger part.

If the Boatright study of the American cowboy brings into focus the kind of insight which his essays now being printed reveal, that work may well be his greatest harvest.. It may even exceed his long and distinguished service to this Society. Both careers have been mixed in him with the constant learner, the teacher, and the man.

As I started out trying to say, there has been enough of Boatright to go around among a host of admirers, friends, and debtors. Our kind of debt is payable only in gratitude. It will outlast this night.

MR. BOATRIGHT'S RESPONSE

I am deeply grateful to my friend Harry Ransom for the kind words he has written about me and to Clarence Cline for his delivery of them, and especially for the dozen or so lines he has added. I shall continue to call him a friend in spite of what he has just said.

Several years ago I delivered a lecture at the University of Illinois. While I was there a local emcee asked me to be a guest on his television show. We exchanged pleasantries, he gave a generous plug for my lecture, and then said he would like to ask me a few questions. First, how did I come to be interested in folklore? I replied with what was meant to be an introductory sentence, but at that moment the signal came on that it was time for the commercial. I have been frustrated ever since and tonight I propose to relieve myself of my frustrations and become a well-adjusted personality.

As I now look back it is clear to me that my interest in folklore is related to the culture in which I spent my boyhood. This was basically a cattle culture out on the sources of the Colorado River of Texas in an era of fenced pastures and individually owned land. The ranches were typically moderate in size and family-owned and family-operated. There were a few farmers among us, many of whom had acquired their 640 acres under the Texas Homestead Act. They kept a few cattle, and raised feed for their livestock and cotton for sale. There was no conflict between them and those whose incomes were derived primarily from cattle. (Incidentally I believe that writers of popular Western stories and even some historians have greatly exaggerated the farmer-rancher conflict, certainly as far as Texas is concerned.) There were Yankees among us and even some Hudson River Dutch, but we were predominantly of Southern extraction. If I had to characterize our prevailing mental bent, I should say that it was pragmatic and skeptical. Whenever Doc Hightower saw a land terrapin crawling down a cowtrail in the daytime, he would bet five dollars that it would rain in three days. He expected, however, to win on averages, for he knew that it did not rain every time he saw a terrapin crawling down a cowtrail in the daytime. Mr. Stonham did not believe that the weather of the first twelve days of the year indicated the weather of the twelve months to follow. He said that he had noticed it a hundred times and there was nothing to it. We used to say that all signs fail in Texas and that the only sure sign of rain was cloudy all around and pouring down in the middle. This skepticism extended to things other than the weather.

We were not all singers but there were singers among us, from whom I heard many of the cowboy songs John Lomax was later to collect. Strangely, in spite of our Southern heritage, I heard very few Child ballads.

We were not all liars but there were liars among us who told some of the tales I was later to put in a book. There was Mr. New, a great hunter. Once he drew a bead on an antelope a half mile away, but so powerful was that 30-30 Winchester and so accurate was his aim that even at that great distance he hit the antelope and killed him tol'able dead.

And there was Mr. Powell, who liked to fish as well as Mr. New liked to hunt. Once he thought that he had discovered a new species of catfish. He was fishing in the Clear Fork of the Brazos when he hooked a great fish which he eventually tired down, and as he was pulling him in he noticed what looked like a long white beard, but when he landed the fish he saw that what looked like a beard was not a beard at all. It was a dozen or more fishing lines of less successful fishermen.

We were not all fiddlers, but there were fiddlers among us, and when they cut down on "Cotton-Eyed Joe" or "Hell Among the Yearlings," they could make them fiddles talk. Most celebrated among them were James K. Polk Harris, a ranchman of considerable substance, in whose house we couldn't find a drop of liquor on the day his wife was bitten a rattlesnake and my mother and I stopped to give first aid;—and there was Paul Hamilton, who before prohibition put him out of business ran a saloon in Sweetwater. They took turns winning the championship in the district Old Fiddlers' contest. And there was Clyde Jones, who could read notes and who played the violin as well as the fiddle.

There were no real Negroes in our country, but the Negro was nevertheless in a cultural sense present. I heard "Run, Nigger, Run," "Possum up a 'Simmon Tree," and "Roll, Jordan, Roll" long before I saw them in print. I heard Negro jokes and rhymes too, some sympathetic, but mostly derogatory. I could sense the injustice implied in the rhyme,

A nigger and a white man
  Playing seven-up;
The nigger beat;
  The white man picked the money up.

I knew a Negro man who shined shoes in Sweetwater, but since he was a deaf mute, it was difficult to communicate with him. He used to prophesy the weather. If he held up one hand with fingers down and moving, and the other hand up with three fingers erect, he was saying it would rain in three days, but I never learned what his prognostications were based on.

I learned about segregation when at the age of seven I spent a summer in deep East Texas. I found that I could play with Sweet Child, a Negro boy of my own age, without loss of caste among my peers. But when I used the wash basin reserved for the colored help, Ella May Connally ran up and down the street chanting,

Mody Boatright, washed his face in the nigger wash pan,
Mody Boatright, washed his face in the nigger wash pan.

A few years after this visit to East Texas the railroad came to our immediate West Texas community. Frank Williams sold a section of land for a townsite. He sold off other land in blocks of 160 and 300 acres, and Jim Aldredge sold a part of his. Some of the purchasers were from the Piney Woods of Texas. Some of them knew how to remove warts by the moon. Some of them said that if you were sick a-bed and anybody swept under the bed while you were in it, you would never get up. They told stories about sawmills and alligators and they knew strange riddles like, "A horn ate a horn in a high oak tree." Even a fifteen-year-old boy was aware of cultural differences and found them interesting.

This interest was further stimulated by my experience at West Texas State College. There I had two history teachers who enlarged my concept of history. One was Lester F. Sheffey, who was recently honored at the Texas Writers' Roundup, and the other was Hattie Anderson, a young woman just out of graduate school, news of whose death reached me last week. They organized the Panhandle Plains Historical Society and, as they were without funds, during my senior year they asked me to serve temporarily as unpaid secretary. I gave what time I could spare, a good part of which was spent in signing letters that Hattie Anderson had written. I had had courses in history from grade school through college. In Texas in those days all pupils in the public schools had to have a course in the history of the state, but I had never considered the settling of the Panhandle of Texas as history. I had not before realized that the founding of the Western Windmill Company in Colorado City, for example, was an event of some historical importance.

When I came to the University of Texas, Mr. Sheffey, who had been a student with Bertha and Frank Dobie at Southwestern University, told me to be sure and look Dobie up. I did, but little came from our meeting. It was my fault. I was trying to get a master's degree before my money gave out. My real friendship with Dobie began later, after I had gone to teach at Sul Ross College. One day Victor Smith telephoned me that Frank Dobie was in town and he was to meet him at the college in the evening. Would I like to come? Dobie had just come out of Mexico. As we sat on the steps in the moonlight, he told the story of the *mezcla* man, the adobe man who concealed a hoard of gold in his belly. I told a story then current in the Big Bend about how in the early days a priest had pursued the Devil down a valley and locked him up in a cave near Ojinaga. He asked me to write it for the Texas Folklore Society publication.

I did, and thus began what for me was a long, pleasant, and gratifying association.

John Lomax was not at the University of Texas when I came. He and James Ferguson had had a disagreement and both were out of office. One of my teachers had given me a copy of *Cowboy Songs;* I was pleased to see songs I had known in print, and I was impressed by Theodore Roosevelt's letter of endorsement. Lomax did come to the campus to lecture and I heard him. What struck me most was his singing. When he wished to illustrate a point with a song he said, "I make no apologies for my singing. I can sing as well as the average cowboy." And indeed he could. I was almost persuaded to sing in public.

I came to know John Lomax quite well. The most vivid memory I have of him concerns a visit to his home in Dallas. He had invited Frank Dobie and me to spend the night with him. Miss Ruby was away from home, and he had plenty of room to put us up. He had also invited a capitalist who he hoped might give some money to support our work in folklore. He had bought the best steaks and the best liquor the Dallas market afforded. After the meal we talked far into the night. Lomax kept bringing the subject back to folklore—how important it was, and implying that it was worthy of generous support. Finally about midnight he asked the capitalist directly whether he would like to give some money to the cause. The capitalist replied, "You know, I believe I'm under the influence. Yes, I am under the influence, and I make it a rule never to make a commitment while under the influence." If he made a commitment after he became sober, I never heard of it.

I did come to know during my first year in the University Lomax's associate and cofounder with him of the Texas Folklore Society, L. W. Payne, who before coming to Texas had done field work in dialectology in rural Alabama, where he found a folk culture more Elizabethan than Victorian. In time a ritual was established as a part of the annual meeting. After the papers and speeches at the dinner, Professor Payne would get up and explain how in Alabama during his boyhood the minister would at the close of the sermon "open the doors of the church" by inviting any who felt disposed to enter by letter, the promise of a letter, or by "profession of faith." He would then announce that the doors of the society were open to any who might wish to enter by paying the membership dues. Once when the Society met in El Paso Dr. Payne could not go and asked me to perform for him. I said his speech as nearly verbatim as I could and was promptly dubbed Brother Boatright.

I should not fail to mention my indebtedness to Morgan Callaway, Jr. After I returned to the University for the Ph.D. and as the time approached for me to decide upon a subject for a dissertation, I was inclined toward folklore. I did not know then that Professor Callaway had told John Lomax that the cowboy ballad was an unsuitable subject because there was no way to connect it with any major writer or movement in literature. This would have been the typical Johns Hopkins answer at the time and I was not surprised to learn of it later. I asked Professor Callaway if he would supervise a dissertation on the use of the supernatural in the fiction of Sir Walter Scott. He readily agreed and took a keen interest in the work, which became essentially a study of the literary use of folklore. He left me largely to my own devices, confining his suggestions to minor matters of form and style. He did require a longer bibiography than I would have otherwise had. While I was writing the dissertation I wrote some sketches which afterwards appeared in *Tall Tales from Texas.* When the first of these came out in a magazine, I took it to him with some misgivings, thinking he might reprove me for using time that had better be given to the dissertation. But he was pleased. He praised me especially for my attempt to render in writing the speech I had heard from cowboys like Bill Bishop and Red Padget. And I learned that he was an admirer of Longstreet's *Georgia Scenes.* When the dissertation was finished, however, he advised me not to abandon Scott, at least for a while. In a few years, he said, I could become the world authority on Sir Walter. He never said so, but I think he was disappointed that I did not follow his advice.

In 1937 Frank Dobie asked me to serve as associate editor of the Texas Folklore Society publications, and soon afterward he asked Harry Ransom to join us. And we worked together until Harry was drafted by Dean of the Graduate School. I think we made a good team. In those days we received more unsolicited manuscripts than later came our way. Dobie would keep them in a tin box until a number had accumulated and then we would meet and discuss them. Some of them didn't detain us long. A woman has written a poetic tribute to her grandfather, who exemplified all those pioneer virtues that made Texas great, and has offered it to us for publication. A man is writing an epic poem the hero of which is to be the jackrabbit, the most appropriate symbol of America. He has completed a hundred or so lines and perhaps we would like to publish them. But if an unsolicited paper from a layman seemed authentic, we would put it in publishable form. For some reason, perhaps because Dobie had edited for publication an excellent series of tales published under the title of *Juneteenth,* subsequent papers by J. Mason Brewer fell to me. Brewer knew that the farm Negroes in the Brazos bottom did not speak standard American English and he would have felt dishonest if he had put standard American English in their mouths. He knew their language and could talk it and when he told their tales orally he used it effectively. But when he sat down to write he had little regard for consistency. He might write *Gawd* in one line and *God* in the next line without a change of speaker. But his contribution to folklore was a significant one and I do not regret the time that I spent on his manuscripts.

We had no rigid definitions, no unchangeable preconceptions about what folklore ought to be. If one complained that the recollections of a mustanger did not fit any of the traditional categories of folklore, Dobie would reply, "We make our own categories." Yet over the years there was a discernible trend in the publications of the Society, as has been pointed out by a number of scholars including Gene Bluestein and more recently Roger Abrahams. We are a regional Society and our special province has been Texas and the Southwest and our neighboring republic. Generally we have attempted not to abstract the lore from its context but to present it within its cultural matrix. We believe that there is something distinctive in the overall conformation of this lore, but we have not claimed unqueness for any single item. Even such an indigenous-sounding expression as "Texas is a fine place for men and dogs but hell on women and horses" had its analogue in the England of Thomas Deloney.

We have not, however, excluded general or comparative studies, recent examples of which are Frank Dobie's article on madstones, McEdward Leach's on the folk ballad as a literary form, and Wilson Hudson's on "Freud's Myth of the Primal Horde." The proportion of these studies has been increasing in our annual volumes.

I value the years that I spent as an associate editor and as editor for the Society. I think I learned something about editing. I think I learned something about writing. But most rewarding to me have been the associations I have formed, particularly with men like Frank Dobie and Harry Ransom.

A CENTURY IS MARKED BY BETHEL PRESBYTERIAN CHURCH

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. MINISH. Mr. Speaker, it is with great pride that I place into the CONGRESSIONAL RECORD an article that appeared in the November 5th edition of the West Orange Chronicle.

This story concerns the 100th anniversary celebration of Bethel Presbyterian Church of East Orange, N.J. Moreover, its pastor, Rev. Nicholas J. Burggraaff, is concurrently marking his 20th anniversary with Bethel. I congratulate Reverend Burggraaff, both for his splendid service to his parishioners and his imaginative handling of Bethel's centennial celebration.

The article follows:

ONE-HUNDRED YEAR HISTORY IS CELEBRATED AT BETHEL, E.O.

A display of memorabilia relevant to the 100 year history of Bethel Presbyterian Church, corner of Dodd street and Midland avenue, East Orange, is currently being assembled in preparation for the Homecoming celebration on Anniversary Sunday. Among the display items is a small organ which was used over a half cenutry ago to provide accompaniment for the Sunday School class of six Chinese boys. All members of one family, the class was held in the minister's study under the tutelage of Mrs. Floyd Bennett, according to Mrs. William Riedel, Bethel church secretary.

Old photographs, wedding announcements and church bulletins marking highlights of the past 100 years are on view on a special display shelf which was designed and constructed by Elder George A. Waters around the perimeter of the Junior High Room to allow maximum flow of visitors to have the opportunity to study the rare items.

Former Bethel members from as far away as Ohio are expected for the centennial celebration, November 8 which also marks the same Sunday when the present building was dedicated in 1891.

The last of three celebration events, including an organ recital in March and a Strawberry Festival in June, the Homecoming Sunday will be marked with a special worship service. Rev. Nicholas J. Burggraaff, whose 20th anniversary as pastor of Bethel is also being observed, will preach the anniversary sermon entitled, "The Forward Moving Church."

The chancel choir, under the direction of Edwin Skalak, A.A.G.O., will sing "Achieved is the Glorious Work" from Haydn's "Creation" among its offerings. All of the choral responses were composed by Skalak, two of them especially for this occasion. Former soloists who have sung at Bethel over the years will join the choir in honor of this occasion.

Rev. K. Blaine Cragg, moderator of the Newark Presbytery, Rev. Hamilton Reeve, former Bethel member, and Rev. Ulysses B. Blakeley, executive of the Presbytery of Newark will also participate in the service. Presentation of a portrait of Rev. Burggraaff and re-naming of Fellowship Hall in his honor will commemorate both anniversaries.

A film program for children from 4 to 8 years will be shown in the Junior room and a nursery for younger children will be provided during the church service, according to Miss Helen Rhodes, who with Miss Margaret Auld and Mrs. Roy Sjogren, is co-chairman for the day's activities.

Following the service, a dinner will be

XUM

served under the direction of Mrs. George A. Freeman and Mrs. George A. Waters, hospitality co-chairmen. Three hundred reservations have been received. Mayor William S. Hart of East Orange will extend greetings.

A souvenior centennial booklet of the church's history will be presented to all who attend.

UNITED STATES WILL NOT RECOGNIZE ODER LINE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. PUCINSKI. Mr. Speaker, the Chicago Daily News last Friday carried a very disturbing report by its Daily News foreign service correspondent, Donald R. Shanor.

Mr. Shanor reports that the United States does not intend to follow West Germany in recognizing Poland's Oder-Neisse frontier.

Over the weekend, West Germany's Chancellor Willy Brandt announced that West Germany has signed an agreement with Poland setting up the West Germany-Poland boundaries.

If the Chicago Daily News report is correct, it appears incredible that the United States would not recognize the agreement reached between West Germany and Poland.

President Nixon has made a lot of promises to the Polish-American people, but if Mr. Shanor's report is correct, the President has a forked tongue; he is talking out of both sides of his mouth and has no intention of keeping his promises.

Mr. Shanor's article follows:

UNITED STATES WON'T RECOGNIZE ODER LINE

(By Donald R. Shanor)

WARSAW.—The United States does not intend to follow West Germany in recognizing Poland's Oder-Neisse frontier, although it is under considerable pressure from Warsaw and Polish-Americans to do so.

When the German-Polish treaty talks are concluded and a formula for recognizing the border is agreed to, the United States will issue a statement welcoming the pact and expressing its satisfaction that another step toward East-West detente has been accomplished.

But there will be no change in the U.S. position that final placement of the Polish-German border must await a peace treaty, and until then the territories the Germans have renounced are still considered to be under only temporary Polish administration.

The British are expected to go along with this stand. The French, although they have made no formal changes in their policy on the Polish borders, made it known 11 years ago through the late President Charles de Gaulle that they considered the Oder-Neisse line to be final. The fourth World War II allied power, the Soviet Union, has that more than Poland's borders is at stake.

If the unchanged U.S. position seems to put the United States out of step with almost everyone, including both German states, the reasoning is that more than Poland's borders is at stake.

The United States does not want to risk any further erosion of four-power responsibility for settling the problems of postwar Germany.

Thus, the United States welcomes interim solutions between the German states and their neighbors, and for this reason the Americans support the talks between the two German governments.

But a U.S. abrogation of any of the four-power agreements, such as the one on the Polish border, would imperil four-power responsibilities on the entire complex of post-war issues, the most important of which is Berlin.

U.S. officials feel that the security of 2.2 million West Berliners is more important than satisfying Poland's wish for further border guarantees.

POLICY STATEMENT OF MIDDLE STATES TAXPAYER CONFERENCE

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. KUYKENDALL. Mr. Speaker, last July the representatives of the Middle States Taxpayers Associations representing Texas, Oklahoma, Nebraska, Minnesota, Wisconsin, Michigan, Illinois, Ohio, Tennessee, and Louisiana, adopted an important resolution concerning the growing need for fiscal responsibilty by government.

I believe it is pertinent to this moment as we take up a number of money bills in the remaining sessions of the 91st Congress that we Members of Congress be aware of the feeling of the majority of the taxpayers of the Nation. I am, therefore, including as a part of these remarks, the resolution passed by the 13th Annual Middle States Taxpayers Conference on July 29, 1970.

The resolution follows:

POLICY STATEMENT OF 13TH ANNUAL MIDDLE STATES TAXPAYER CONFERENCE

The executives of the ten statewide taxpayer research organizations in attendance at the Middle States Taxpayer Conference view with continuing and growing concern the mounting expenditures at all levels of government and the increasingly heavy tax burdens required to finance these expenditures.

We recognize that serious problems confront our communities, states, and nation. However, officials and citizens alike must somehow be brought to the realization that (1) the only, or the best, solution to these problems does not automatically involve increased government spending, and (2) where such expenditures are found to be of high priority they will attract greater citizen support if they are based upon sound fiscal policies and decisions.

We continue to insist upon the fundamental principle of sound governmental fiscal policy, that the authority to spend tax dollars must be closely associated with the responsibility for raising them. We cannot have more and more services and lower taxes at the same time.

We view with particular concern the obvious deterioration in the federal budgetary situation. After a brief respite, it appears a return to runaway budget deficits of alarming proportions is imminent. Both the Executive Branch and the Congress share responsibility for seeing that this does not happen. The Administration should not back away from its balanced budget objective, and should firmly resist unrealistic and unwise spending increases. The Congress *must* act responsibly. The mere adoption of a token legislative spending limitation which provides neither a ceiling on spending nor an effective deterrent to unwise increases on individual spending bills is insufficient and threatens federal tax increases and/or further erosion of the dollar through inflation. We therefore urge that:

1. Efforts to control and reduce expenditures at all levels be supported in every possible way, to the end that further tax increases may be avoided and prospects for eventual tax relief may be enhanced.

2. Our elected representatives at all levels and in Washington, in particular, take note of the widening opposition to state-local bond issue and tax increase proposals, recognizing that such attitudes reflect deep-seated taxpayer concerns.

The representatives of the Middle States taxpayer research organizations thus return to their respective states more convinced than ever of the essential role of our organizations in continuing to urge resistance to unsound and unwise fiscal actions and policies at all governmental levels.

WHAT DID IT PROVE?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. HUNGATE. Mr. Speaker, everyone has his own evaluation of the recent elections and the following editorial from the Salisbury Press-Spectator of November 12, 1970, has some interesting comments:

WHAT DID IT PROVE?

Last week's election demanded so much time and energy from the candidates and their supporters and staffs; it intruded so extensively on the average citizen by way of the campaigning; it cost so much money; and in the end it really changed so little that one is forced to ask, "What did it all prove?"

Since elections at regular intervals are such a part of American life, it may be well to look back and consider this particular election and see if it really did prove anything. It is my feeling that it indicated, if not actually proved, several things.

Probably the foremost result of this election was the startling realization by a lot of candidates and political leaders that, when they take the notion, the voters are quite capable of deciding what the real issues are. And no amount of spouting by such orators as the President and Spiro "The Mouth" Agnew can disguise the problems or divert the voters from the things that are really worrying them. The Republican party spent millions to change the line-up in the Congress and to help G.O.P. candidates for governor and other offices. The net result was practically nil.

Speaking as a newspaper publisher, the election proved something else—that the broadcast media, especially television, are simply not very effective when it comes to selling candidates to the people. On election night, the TV people themselves said very frankly that it was obvious that the millions spent on television advertising had gone down the drain. This, of course, is very satisfying to the newspaper people who have had to be content with a few crumbs from the political advertising budgets in recent years while the broadcasters gobbled up the bulk of the money.

Candidate Jack Danforth told a group of newspaper publishers at a press meeting in October that he thought editorial endorsements by newspapers were of little value and that most of his advertising money would go to television. As a matter of fact his opponent was editorially endorsed by many Missouri newspapers, including papers in Kansas City and St. Louis. And as he promised, Mr. Danforth spent most of his money (or somebody's money) on television—climbing steps and running around in his shorts. And Mr. Symington won. Still listening, Mr. Danforth.

These are a few of the things the election proved to me. Maybe it proved other things to you. At any rate, it's over and we're all going to have to live with the results until the chance comes to vote again.

OEO—MODEL AGENCY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. RARICK. Mr. Speaker, some who have infiltrated the ranks of taxpayer subsidized poverty programs appear to have adopted the status of untouchables—a new breed of poverty supremacists.

Last month, in our capital city of Baton Rouge, La., the OEO organization was lauded as a model antipoverty operation by the OEO regional supervisor of Austin, Tex. Just what criterion was used in judging poverty programs is not certain.

However, the Community Advancement-OEO organization in Baton Rouge has been used as a public opinion front to promote support for men accused of plotting to murder the mayor-president. And, more recently, one of its local VISTA directors came under fire for persistent revolutionary attacks against the evangelist, Billy Graham.

If this is the subterfuge for a poverty program which is accorded recognition as a model agency, the American people should shudder at the thought of the poverty programs which receive a subexcellence rating.

Soon the poor people will tire of being exploited.

An article from the Baton Rouge Morning Advocate of October 30, 1970, and an article from the Baton Rouge State-Times of October 22, 1970, follows:

DIRECTOR OF VISTA BEING PROBED AFTER GRAHAM COMPLAINT

The Office of Economic Opportunity in Washington has ordered an investigation into activities of Edward Deevy, local VISTA director, after a complaint from evangelist Billy Graham that Deevy harassed him.

Officials at Community Advancement, Inc. (CAI), confirmed Thursday the investigation into the activities of Deevy.

The investigation, which began Tuesday, stems from Deevy's activities during Graham's crusade in Baton Rouge last week. Deevy, other employes of CAI and various other local persons organized a group to protest racial attitudes in local churches after an integrated group was refused admission at four churches Oct. 18.

Local officials of the crusade met with Deevy three times during the crusade and received a printed copy of the protest but Graham said he refused to hear the group because of a heavy schedule.

"We rather felt Graham was using his connections with the (Nixon) administration . . . to try to get back at us," Deevy said last week.

Graham is a personal friend of President Nixon.

Deevy said his task is marshaling resources to solve community problems and called the spirit generated by the crusade "one of the finest resources of our community. There was no intention of being against the crusade."

OFFICIAL CAME HERE

CAI officials said they learned of the investigation from Fred Mosley, an investigator assigned to the Atlanta office of OEO, who spent Tuesday and Wednesday in Baton Rouge. The investigation was ordered Monday by Donald Runsfeld, director of OEO in Washington.

"He (Mosley) said Runsfeld himself had ordered that an investigator be sent into Baton Rouge," said Charles Tapp, CAI director. Tapp said the investigation was touched off by a complaint from Graham or one of his associates to Runsfeld that Deevy harassed them during the five day crusade.

CAI officials were also contacted about the investigation by Bill Staton, VISTA program director in Austin, Tex., and by Ron Dietrich, a VISTA attorney in Washington.

The investigation is apparently aimed at determining whether duplicating equipment, paper and materials belonging to CAI were used by Deevy's protest group and also whether federal man hours were used in the protest by other VISTA workers.

Tapp said the CAI would take full responsibility for Deevy's actions and that it supports his efforts to bring attention to racial attitudes in some local churches.

"We're not going to fire Ed Deevy. We're not going to discipline anybody or do anything," said Tapp. "We support him."

The first open sign of the protest by Deevy and the citizen's group came at an Oct. 20 news conference when Deevy asked Graham if he would permit a reading of the protest.

Graham refused and quickly shut off Deevy by saying no one but newsmen could ask questions. However, neither Graham nor his aides attempted to shut off questions from others who were not newsmen.

CHECKED WITH POLICE

As part of the investigation, Mosley contacted local police to assist in locating tapes by newsmen at the news conference. Police contacted two newsmen but both refused to give up their tapes.

Rolfe McCollister, an attorney who headed local arrangements for the crusade, said Thursday he had been contacted by Mosley also. He said the complaint about Deevy did not come from the local group.

"I have no knowledge of anybody asking for an investigation and I can assure you it did not come from the executive committee," said McCollister.

The conflict between Deevy's group and the Graham crusade began with a breakfast Tuesday morning and continued through the evangelist's stay. An attempt by Deevy to press the protest at the breakfast meeting with crusade officials and local ministers brought complaints to the police department.

One of the complaints came directly from Graham, according to authorities. Others came from other crusade officials.

"To the best of my knowledge, one of my officers called me and said Mr. Graham himself was pretty upset about it," Capt. Leroy Watson, head of the city police intelligence division, said.

"I don't recall any other names who complained, but there were several. They just all seemed to be pretty upset," Watson said.

This is the second time Deevy has come to the attention of VISTA officials in Washington.

The first time was when he urged OEO support in the case of Frank Stewart, a VISTA worker and one of three young Negro men accused of plotting to murder Mayor-President Dumas.

Stewart was in the parish jail at that time under a $100,000 bond. U.S. Dist. Judge E. Gordon West ordered Stewart released on his own recognizance when the case reached him.

Deevy is an Irish-born Catholic priest who came to Baton Rouge about two years ago after Bishop Charles P. Greco gave him permission to leave his official church duties in the Diocese of Alexandria.

OEO OFFICIAL CALLS CAI MODEL AGENCY

Baton Rouge's Community Advancement Inc. program is often used as a model of how an anti-poverty operation should be handled in this region, an Office of Economic Opportunity official from Austin, Tex., said here today.

Hamah King, regional metro supervisor for the OEO, made the statement during a brief meeting of about 20 individuals with Mayor-President Dumas today to discuss the local anti-poverty program here.

Dumas was complimentary of Community Advancement Inc. (CAI), saying that the group has opened communications in areas where the local government had no communications before.

There have been some local problems which could have developed into something worse without the line of communications established by the CAI, Dumas said.

The mayor-president said an effort has been made locally to keep politics out of CAI functions and to give the anti-poverty group a free hand in operating.

The relationship between the local government and the CAI has been good so far, Dumas added.

King said that the regional officer in Austin has not had the difficulties with the Baton Rouge agency which have occurred at other anti-poverty agencies in this region.

Charles Tapp, director of the local CAI, said Dumas "has never failed to respond" when the CAI needed political support.

MEET ON POVERTY

Officials of poverty agencies met here today to discuss new directions planned by the Office of Economic Opportunity (OEO). Seen at the meeting were, left to right, Daniel Vincent, New Orleans, executive director of Total Community Action; Jerry Arceneaux, Jennings, president of the Louisiana Association of Community Action Agencies; James W. Griffith, Austin, Tex., regional director of the OEO, and Charles W. Tapp, Baton Rouge, executive director of the Community Advancement, Inc.

PETITION TO NORTH VIETNAM EMBASSY IN PARIS

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. MORSE. Mr. Speaker, the board of selectmen of Chelmsford, Mass., recently signed a formal proclamation setting aside Veterans' Day as a time for Chelmsford residents to contact the North Vietnam Embassy in behalf of American prisoners of war.

An official message was also sent by the board in behalf of the town of Chelmsford, and I am honored and pleased to include this in the RECORD for the attention of my colleagues:

Board of Selectmen,
Chelmsford, Mass., November 11, 1970.
The North Vietnam Embassy,
Paris, France
To Whom It May Concern:

The Selectmen of the Town of Chelmsford, Chelmsford, Massachusetts, United States of America, on the second day of November 1970 proclaimed that Veterans' Day, November 11th, 1970, be set aside in this community for its citizens to act in behalf of the Prisoners of War held in North Vietnam.

We, therefore, do earnestly request that all American Prisoners of War be completely identified, that all sick and injured prisoners be immediately released and that Prisoner of War camps be impartially inspected and that the Prisoners of War be allowed to send messages to their families; all of which are provisions of the Geneva Convention which North Vietnam has signed.

Prisoners of War are guaranteed basic human rights by International Law. We deplore this treatment of our Prisoners of War, and this departure from the agreements of the Geneva Convention.

Howard E. Humphrey
Chairman.
Gerald J. Lannan.
Eugene J. Doody.

HOLY TRINITY LUTHERAN CHURCH

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. MINISH. Mr. Speaker, on Sunday, October 11, I had the honor of attending the dedication ceremonies held to mark the new home of Holy Trinity Lutheran Church, in Union, N.J.

The pastor of Holy Trinity, Rev. Paul Baranek, has prepared an inspiring prayer to mark the dedication. I include below for the edification of my colleagues the text of Pastor Baranek's prayer:

A Pastor's Prayer for the Community of the Faithful on Dedication Day

Thanks and praise to You, O, God, for this day of achievement and joy. How dear to us is this House of Prayer, praise and thanksgiving. How close to our hearts is this community of memory and hope, reminding us of our help in ages past, our hope for years to come. We thank You for the privilege of raising arches and moulding stones to Your Honor and Glory, and for being able to enter fields of sacrifice and endeavor never entered before, and for being able to bear witness in a generation that would destroy than build up, for having been blessed with our alabaster jar of precious ointment to pour upon Your feet and to seek Your forgiveness for our failures of the years gone by.

We thank you for the faith of our fathers living still, the precious treasure of faithful witness we have received from the past, the most precious treasure we have to pass on to those who come after us. As we dedicate these buildings, help us to carry on the work of Your Gospel unsullied and undimmed that those who will remember this day years from now may fortify themselves with our example, even as we draw our inspiration from those who once worshipped and labored in this program with us and now are in the company of the Triumphant Church.

We thank you, Lord, for the full-heartedness of our leadership, the committees of planning and program, men, women and children who have slowly built their lives into these walls. What a cloud of witnesses are around us as we gather for today's dedication!

Keep us alert to the needs of people in all conditions of life, people who are burdened and their minds are not at peace. Let not this day's accomplishment loll us to sleep. May our cares pick up the cries of those in anguish and whose faith has withered and the problems of living have deadened their souls. Keep our congregation's conscience sensitized to the harrowing problems of society where priorities are confused, where Christ is forgotten and where the creature is worshipped above the Creator. In seeking to face the challenges of a planet bent of self-destruction, may we in our thanksgiving redirect our attention to the Source of all spiritual strength and gifts and effect a rededication to their proper use. Impel us to move where our community breathes and lives. As new unfolding opportunities of proclaiming Your Gospel in a growing neighborhood emerge, may we respond, engendering warmth and love in the lives of those who worship with us and who live around us. From strength to strength, let Your Spirit inspire us to be a potent influence, leading people to the feet of Him who is our Shepherd, the Way, Truth and Life.

Now to this Savior and Lord, by the power at work within us, which is able to do more abundantly than we ask or think, at this Dedication and throughout our lives, be glory in the Church and in Christ Jesus to all generations forever. Amen.

ENVIRONMENTALISTS SUPPORT H.R. 16785

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, at a news conference here November 14, a group of leading environmentalists headed by consumer advocate Ralph Nader announced their support of H.R. 16785 and S. 2193, the Occupational Safety and Health Act, soon to come before the House of Representatives and the Senate. I am including the entire text of the conference as reported by the New York Times of November 15, 1970.

To illustrate the urgent need for a job safety and health bill, the environmentalists revealed the tragic results of a recent study of causes of death of 400 asbestos workers in the New York-New Jersey area. Dr. William J. Nicholson, assistant professor of community medicine at the Mount Sinai School of Medicine who conducted the study, said that these asbestos workers were dying from cancer at a much higher rate than the general population. According to Dr. Nicholson, the majority of these deaths could have been prevented with proper safety and health regulations.

H.R. 16785 would permit the Secretary of Labor, upon consultation with advisory committees and public hearings, to set Federal occupational safety and health standards in order to prevent the carnage in our worksites. Positive Federal leadership is required immediately if the statistics of on-the-job death and disability are to be lowered. Efforts to dilute the provisions of H.R. 16785 and substitute a weaker version would only indicate a lack of concern and commitment on the part of the Federal Government to end this slaughter in our factories and on our farms.

I urge my colleagues to act in the bipartisan spirit which such important and vital legislation deserves. Loss of life and limb must cease being a concomitant of the modern industrial process in this, the most advanced Nation in the history of mankind.

The New York Times article follows:

Nader Unit Backs Job Safety Bills

Washington.—Asserting that "elk and deer are better protected than working men and women," a group of environmentalists led by Ralph Nader threw their support today behind two job health and safety bills now before Congress.

They called the bills the minimum legislation Congress should approve. They denounced industry and Administration efforts to change the measures, which are supported by organized labor and the Democrats.

The Senate bill, sponsored by Harrison A. Williams Jr., Democrat of New Jersey, is among the pending business when that body reconvenes Monday. A similar House bill, sponsored by Representative Dominick V. Daniels, Democrat of New Jersey, is scheduled for early action.

Both bills place broad rulemaking, inspection and enforcement powers in the Secretary of Labor and grant expanded employe rights. Segments of industry, led by the Chamber of Commerce, and the Nixon administration want rule-making and enforcement to be done by independent panels. Industry sources have also complained about the expanded workers' rights.

At a news conference called by the environmentalists, a New York City physicist said that New York and New Jersey asbestos workers were dying of cancer at much higher rates than the general population, according to a study he had conducted.

"The majority of them will die from asbestosis, from inhalation of the fibers, and it is completely preventable," said Dr. William J. Nicholson, assistant professor of community medicine at the Mount Sinai School of Medicine.

FOUR HUNDRED DEATHS STUDIED

Dr. Nicholson said his study of asbestos workers in New York Local 12 and New Jersey Local 32 showed that since 1943, more than 400 had died. Accidents were the dominant cause of death in the early years, he said, but now 10 per cent were dying of asbestosis, over 20 per cent were dying of lung cancer, 10 per cent of cancer of the digestive tract, 10 per cent of nasal mesothelioma (a cancer) and 10 per cent of miscellaneous cancers.

An interrelationship between consumer problems and occupational hazards was pointed out by Glenn Paulson of Rockefeller University, who said workers packaging enzyme detergents were beginning to contact chronic respitory diseases.

And a Boston cancer specialist said reports were "beginning to trickle in" that housewives were suffering from skin problems because of the enzymes.

BIRTH DEFECT WARNING

Dr. Samuel S. Epstein, of the Children's Cancer Research Foundation in Boston, issued a warning about increased dangers of birth defects and damages to "the genetic pool."

He said the sources of danger to workers came from accidents, noise, dust, irradiation and toxic chemicals.

Absent from the news conference but listed as signers of a statement of support for the health and safety legislation were a number of men prominent in science such as Barry Commoner of Washington University, Paul Erlich of Stanford and George Wald of Harvard.

CHILE, CUBA, AND THE ORGANIZATION OF AMERICAN STATES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. SCHMITZ. Mr. Speaker, the editorial columns of the New York Times are the best arguments for the existence of a new logic which up to the present time, I have come into contact. A daily dose of opinion from the people who write these gems have convinced me that while there are those of us still hopelessly enmeshed in the Aristotelian framework the editors of this newspaper are not. They seem to have moved progressively ahead to some new realm of thought as of yet untouched by those of us to the right of Norman Mailer.

A recent editorial is a case in point. In the last month or so Cuba has been in the news several times. The Defense Department revealed that the Soviets are building a nuclear submarine base on that island. A female employee of the South African Embassy has been expelled from the United States for spying for Castro. Two members of the Cuban delegation to the United Nations, the First Secretary and a counselor have been asked to leave our shores for "engaging in activities outside the scope of their duties," State Department talk meaning espionage. The Senate Internal Security Subcommittee has released a report prepared by the Illinois Crime Investigating Committee containing ironclad evidence that Cuba is serving as a base for the training of Americans in terrorist tactics. The McClellan Permanent Subcommittee on Investigations released a section of its continuing investigation into riots, civil and criminal disorders in which the deputy director of the tactical command of the Puerto Rico Police Department states unequivocally that the bombings in Puerto Rico are being supported by the Castro government.

What does the New York Times make out of all this? The United States "cannot afford to cling stubbornly to a policy of isolating Cuba. Why is this? Because the new Communist-Socialist government of Chile in violation of the OAS embargo has restored relations with the Cuban dictator.

The editorial follows:

CHILE, CUBA, AND THE ORGANIZATION OF AMERICAN STATES

It was inevitable that President Allende would restore Chile's relations with Cuba sooner rather than later. He had promised throughout his campaign that he would reestablish formal ties with Havana and his prompt action will please many Chileans.

The move will also be popular in other Latin American countries where some momentum has been gathering behind the idea that fresh efforts should be made to bring Cuba back to the inter-American family. Long before the election victory of Dr. Allende's Marxist-led coalition, Chile's Christian Democratic Government had breached the economic boycott and received a Cuban trade mission.

On that occasion, Chile's Foreign Minister Valdes had branded as "illegal, useless and counterproductive" the embargo against Cuba adopted by the Organization of American States in 1964. Mexico never observed the boycott, the military regimes in Peru and Bolivia have voiced the desire to normalize relations with Cuba, and other Latin Governments may speak up now that Chile has broken the ice.

What is disturbing is that Dr. Allende announced his decision without consulting or even informing the O.A.S. Though opposed to parts of the 1964 resolution, Chile had declared its adherence. That document said the suspension of diplomatic and trade relations with Cuba would continue until the O.A.S. Council determined by a two-thirds vote that the Castro regime "no longer posed a threat to the peace and security of the Hemisphere."

Even Mr. Valdes, no friend of the O.A.S., had conceded last July that because the 1964 boycott had been a collective decision "it should be revised collectively." There had been hope that whatever its direction at home, Chile under Dr. Allende would continue an active and constructive role in the O.A.S.

While the United States was justified in deploring the fact that Chile acted outside the O.A.S. framework in restoring ties with Cuba, it is unfortunate that this point was not raised first by a concerned Latin government. Washington cannot afford to cling stubbornly to a policy of isolating Cuba that seems likely to command decreasing Latin support; but it is right to insist on the wisdom of dealing collectively with the question through established O.A.S. machinery.

THE 50TH ANNIVERSARY OF THE DISABLED AMERICAN VETERANS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BRAY. Mr. Speaker, this year marks the 50th anniversary of the Disabled American Veterans. On November 24 a special commemorative stamp will be issued.

Service to disabled veterans by disabled veterans, who fully understand the problems of those who have experienced the same suffering and hardships of war service, prompted the founding of the Disabled American Veterans. The DAV was born because the disabled veteran needed a champion.

Its early objectives have remained its objectives today:

> To advance the interest and work for the betterment of all wounded, injured and disabled veterans, their widows and dependents . . . to cooperate with all federal and private agencies devoted to the cause of improving and advancing the conditions, health and interest of wounded, injured or disabled veterans.

The founders of the DAV also resolved that the organization shall stimulate a feeling of mutual devotion, happiness, and comradeship among all disabled veterans.

In the months immediately following World War I, approximately 4 million American men discarded their Government-issue uniforms and returned to civilian life. Of this number, about 300,000 were wounded, disabled, handicapped, or ill. These men caught the country by surprise and presented a multitude of problems—medical care, rehabilitation, job training, and employment—with which the Government was not prepared to cope.

Hastily set up Government bureaus tried to handle some of the problems along with the existing ones. Chaos was the result. The disabled veterans were in the midst of the many bureaus working at cross purposes and without getting any real or beneficial help. Many men entitled to compensation were getting nothing at all and those who were, received unequal and inadequate ratings.

The Government evolved a plan to institute vocational training courses for disabled veterans in an attempt to give each man a trade or profession to compensate for his handicap. These were poorly organized and run. Many disabled veterans enrolled in these courses. They formed clubs—mostly for fraternal reasons to be in a position to help each other. Many began to feel that an organization composed of disabled veterans should be formed. From the ranks of those disabled veterans in the various clubs across the country came the men who conceived and brought into being the Disabled American Veterans. At a Christmas Day party in 1919, the first step toward a national organization was taken. Judge Robert S. Marx invited 100 fellow disabled veterans to his Christmas party. From this meeting came the inspiration to form a permanent organization to help the wounded and disabled veteran.

Inspired by their spirit and enthusiasm, Marx called another meeting with 200 vocational trainees at the Ohio Mechanical Institute. These veterans took a long look at the situation as it then existed: the Government vocational training program was working poorly; exploitation of the disabled veteran was alarming; medical and hospital care were at substandard levels—insufficient hospital beds and doctors to meet the needs of disabled veterans; and, the compensation program had virtually collapsed due to inequities in disability awards. The biggest hurdle was Government redtape because of the many Federal bureaus working at cross purposes shifting the veteran from one agency to another.

In view of the situation, disabled veterans attending the gathering resolved that a single-purpose organization should be formed immediately, dedicated to the cause of the wartime wounded, sick, and disabled.

In May 1920, a committee was named to draw up the necessary constitution and bylaws for a national organization as well as for local chapters—the first of which was formed in Cincinnati. It was not long before other similar units banded together throughout the country.

In 1921, the DAV had gained sufficient size and strength to hold its initial convention. Delegates assembled at the Hotel Tuller in Detroit, elected Judge Marx, the father of the DAV, as first national commander. This was the nucleus of the DAV as it exists today. By the time the second DAV national convention was held in San Francisco the following year action had already been taken toward the correction of mismanagement in the administration of veterans' affairs.

At the 1922 convention, the DAV Women's Auxiliary was formed by the wives and daughters of the disabled veterans. Mothers of the war dead were also invited to join the auxiliary.

The publishing of the Disabled American Veterans of the World War Weekly newspaper was authorized at the second convention. To cover the cost of publication and mailing, each member was assessed an additional 50 cents a year.

An early and serious problem was securing funds to run the national headquarters. A percentage of the money raised by local chapters went to the national headquarters as did gifts from other organized groups.

Madame Schumann-Heink, an opera star who had lost sons on both sides of World War I, gave many benefit performances for the DAV.

In 1928, the National Service Fund Foundation was formed to raise money to ensure the ongoing of the service program. In 1929, the DAV and the International Historical Society agreed that the DAV would receive a percentage of the sale of the book "Progress of Nations" by the society.

This decade, 1922–32, saw the DAV become increasingly influential throughout the Nation as the official spokesman for the wartime disabled veteran—the only group devoted exclusively to the cause of our war-disabled men and women. Because of the DAV's outstanding accomplishments, the organization was awarded a charter by Congress in 1932 as a Federal, nonprofit corporation, recognized by the U.S. Government as the official voice of the disabled veteran.

In 1939, the life membership fund was begun which has now grown to 112,820 life members and a fund of over $5,000,000.

In 1941, the DAV issued their first idento-tags, the miniature license plates. Since that time nearly a billion tags have been mailed and the donations from those who received them have become the financial base for the DAV. In 1945, the DAV bought much of the equipment and all rights to the exclusive manufacture and issuance of the idento-tag. This made it possible for the DAV to obtain more money from the program.

The DAV charter was amended in 1942 to admit members of World War II and members of any future wars. In DAV ranks are the 240,000 veterans of America's two major wars, disabled Korean veterans, and veterans of Vietnam and other cold war conflicts. Nurses of both World Wars and Korea, as well as members of the women's armed forces who suffered service-connected disabilities, also are members.

National DAV headquarters is located in Cold Spring, Ky., across the river from Cincinnati, Ohio. The DAV operates an influential and active legislative headquarters in Washington, D.C. and DAV national service officers are stationed in all regional offices of the VA. They represent, without charge, the disabled veteran and his family in claims for benefits. More than 2,000 DAV chapters are located throughout the United States. Every President of the United States since World War I and every director of the Veterans' Administration has commended and endorsed the many services rendered by the DAV.

Nearly all beneficial legislation affecting disabled veterans that has passed Congress since 1920 was sponsored by the DAV. Down through the years, DAV has been in the forefront as a "single purpose" organization. Members of Congress, recognizing the legislative efforts of the DAV on behalf of disabled veterans, frequently seek advice from DAV officials concerning proposed laws.

Among the most widely known DAV-sponsored legislation is Public Law 16, the "disabled veterans section" of the famous GI bill of rights, which provided extensive educational training and rehabilitation programs for thousands of the combat wounded.

DAV continues to spearhead the fight for enactment of long-overdue disability compensation increases for the more than 2 million of the Nation's wartime service connected disabled veterans. Other disabled veterans compensation increases, widow and dependent benefits, and various insurance programs, have been pushed through Congress with the help of DAV.

By maintaining liaison between disabled veterans and business and industry, the DAV has insured the widest possible employment of handicapped ex-servicemen. This program is a major item of the organization's national service work.

DAV has pledged a major effort against any further consolidation or closing of VA facilities, or efforts to fragment present service programs administered by the VA for disabled veterans. In addition, DAV believes that disability compensation should at least match cost-of-living increases, and that no wartime disabled veteran should be forced to live at poverty level.

The history of the DAV has been complicated and tumultuous. Nothing as important as the objectives of this organization is ever easy. The DAV has had its hours of trial—its moments of hopelessness—its time of glory—its periods of riding the crest of the wave. But the important thing to the organization itself, and to the American public in general, is that through all this it has determinedly stuck to its single purpose—that of aiding the wartime service connected disabled veteran return to civilian life in a competitive position with his peers. That he and his family can face the future with confidence knowing that his medical, rehabilitation, and employment requirements will be met.

MICHIGAN STATE UNIVERSITY'S WATER QUALITY MANAGEMENT PROJECT

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. CHAMBERLAIN. Mr. Speaker, the first annual report of the President's Council on Environmental Quality provides us with useful action guidelines by assigning priorities to specific problems within the totality of the so-called environmental crisis.

This report, issued in August, identified eutrophication—the premature aging of our freshwater lakes because of overfertilization—as "perhaps the single most difficult water pollution control problem." It cited this problem as one on which "a concerted and comprehensive attack should be made—particularly in the Great Lakes."

A group of Michigan ecologists and engineers are ready to attack the problem of the aging of the Great Lakes in a meaningful way. This multidisciplinary team at Michigan State University is about to implement a plan calling for the tertiary treatment of the East Lansing municipal sewage treatment plant's secondary effluent to eliminate this effluent's excess nutrients. This will be done through the use of a series of lakes, plus spray irrigation, to produce aquatic plant livestock, food, recreation, agricultural crops, and replenishment of the area's ground water supply.

Called the water quality management project, it will be constructed on Michigan State University's spacious main campus and landscaped to become the university's attractive "front door" along Interstate 96. A unique demonstration and research scheme, it has won the financial support of several private foundations and the State of Michigan. Federal participation in the funding of the construction phase of the project also is anticipated. Construction of the first stage of this project is expected to be accomplished in 1971.

To provide my colleagues with an example of the kind of Great Lakes water quality demonstration project that should be funded under Section 15 of the Water Quality Improvement Act of 1970, I include a series of articles of Michigan State University's water quality management project, which have appeared recently in Lansing area newspapers, with these remarks.

The articles follow:

[From the (Lansing-East Lansing) State Journal, Feb. 26, 1970]

PRICE MUST BE PAID ON WATER POLLUTION

The ugly pollution story of Lake Erie and the potential of what this could mean for other big lakes and water resources is now a familiar one to all Americans.

The end result of decades of pollution is finally making an impact. But it will be a long, difficult road back before the damage can be undone. As grim as the picture appears, however, steps of progress are being made.

At Michigan State University a proposed experiment by the Institute of Water Resources holds promise of helping to reverse the tide. With the cooperation of East Lansing officials, the MSU institute plans to pipe waste water from that city to a 430-acre site on the south side of the campus where it will be channeled through a series of small lakes.

In this process it is expected that the waste water will be purified to an extent that it can be returned to the natural water cycle. If successful, similar experimental stations can be set up in many locations to help to curtail water pollution in many rivers and streams of Michigan as well as the big lakes.

Experiments at a water reclamation plant at South Lake Tahoe, Calif., have also indicated that a vastly increased sewage treatment processes can result in clear, odorless waste water suitable for irrigation or fishing.

Undoubtedly, the new and intensified methods of treating wastes and sewage to purify water will be more costly. But a price must be paid if this priceless natural asset is to be saved.

Some experts have warned that Lake Michigan could become another Lake Erie within 10 years unless drastic methods are found to reduce pollution. Some good starts have been made in finding solutions and they will need full support of government at all levels as well as citizens in all communities.

[From Mucc's Michigan Out-of-Doors, December 1969]

May Convert Pollution Into Fishing and Cattle Feed

Can city sewage be converted into cattle feed?

That is a question which may be answered by Michigan State University. A $450,000 grant by the Ford Foundation will be a major help.

The funds will help finance construction of a $1.35 million "tertiary" treatment plant to process wastewater from the city of East Lansing. The project will involve 450 acres of MSU's campus at Hagadorn Road and I-96, where five new lakes will be created from the city's waste water.

The lakes will range from 5 to 26 acres. They will be dug, a pump station built and a distribution system installed to feed secondary effluent to the lake system. Up to five million gallons per day of treated waste water from the East Lansing sewage treatment plant will flow through the lakes.

It is hoped the water can become so clean in the lakes that the waters will furnish fishing and recreational sports.

The new project was initiated by Dr. Howard A. Tanner, MSU Director of Natural Resources, and Dr. Robert C. Ball, director of MSU's Institute for Water Research. Dr. Ball will direct the project.

Waste water from East Lansing will first go through secondary treatment facilities. In this step, solids are screened off and the effluent is put through a biological process that breaks down organic compounds into their inorganic components. These nutrients are usually dumped into a river or other body of water.

Secondary treatment is not enough, however, to stop deterioration of United States rivers and lakes. Nitrogen and phosphorus, main components of fertilizer, are released by the process. The effluent waters tend to choke with weeds and algae. These, in turn, rob the waters of oxygen, killing off fish and other aquatic animals.

MSU's plan calls for each lake, except the last one in the chain, to be planted with selected plants that have a high requirement for the phosphates and nitrates. As water moves from one lake to another, more and more nutrients will be removed by the growing plants. By the time the water reaches the last lake, the water will supposedly be so pure the area can be used for water sports and the production of a good crop of fish.

The lakes will be engineered to assure a continuous flow of water from one lake to another, with each lake having enough volume to give the plants plenty of time to work on the water and remove nutrients.

MSU scientists will be making continuous studies of the water and the plant growth. The plants will be removed as often as necessary with the thought that they can be converted into potential cattle forage. The excess water will be studied to see how its quality can be improved, with some possibly used for irrigation.

Recreational benefits of the lakes will also be examined to determine final costs and benefits of such a water management program.

Should the ambitious program work as planned, it could well revolutionize water management throughout the world and turn a liability (pollution) into a definite asset (recreation).

[From the Lansing (Mich.) State Journal, Feb. 18, 1970]

New Waste Treatment Plan May Help Reduce Pollution

(By Pat Murphy)

A proposed experiment by the Institute for Water Research at Michigan State University may help East Lansing curtail pollution of the Red Cedar River and could be instrumental in helping keep Lake Michigan from becoming a "dead lake."

The East Lansing City Council has given tentative approval to the project, which calls for piping millions of gallons of waste water, which has been treated at the city's sewage treatment plant, to a campus location.

There, in a series of small lakes, aquatic plant life will feed on the nitrogen and phosphorous which are a main source of the pollution that threatens to turn Lake Michigan into a dead lake, according to Robert C. Ball, director of the institute.

OPTIMISTIC ABOUT FUNDS

The project will cost an estimated $2 million and is expected to be operating within a year, Ball said. Although the federal government hasn't made any commitment, Ball and others close to the project are "optimistic" about getting federal funds.

East Lansing will pay nothing toward the expense of the experiment, according to City Manager John M. Patriarche. He said MSU will pay for installing and maintaining the new pipes.

Ball explained that the city's waste water (or sewage) treatment plant removes some of the nitrogen and phosphorus—as well as the solid waste—from the water which now flows into the Red Cedar.

However those remaining nitrogen and phosphorus are eventually carried to Lake Michigan where they stimulate the growth of plant life, Ball said.

PLANT LIFE DIES

This plant life eventually dies, settles to the bottom of the lake and causes pollution, he continued.

"Experts say we have about 10 years to do something drastic about this cycle," Ball emphasized, "or else Lake Michigan will die like Lake Erie."

Ball said his experiment calls for piping waste water from the treatment plant to a 430-acre site on the south side of the campus where the water will be channeled through four small lakes.

"The water will go from lake to lake with plants in each removing some of the pollutants," he said.

When the water comes out of the last lake, Ball said, it will be sprayed on crops, which will absorb the remaining nitrogen and phosphorous and the pure water will be returned to the natural water cycle.

Ball pointed out that one side benefit that will help make this system financially attractive is that the water plants which absorb the nitrogen and phosphorous can be harvested and eventually used as cattle feed.

Obviously, the one experimental station at MSU will not end the threat to Lake Michigan. However, Ball said the information obtained in this project will hopefully be useful in curtailing pollution in the thousands of streams and rivers which empty into Lake Michigan.

[From the Lansing (Mich.) State Journal, June 19, 1970]

MSU Trustees Accept 3 Water Research Grants

Three grants totaling $1.2 million for a major water research program were accepted today by Michigan State University's Board of Trustees.

The funds will be used for an experimental program in water quality management on the MSU campus, under the direction of the university's Institute of Water Research.

The grants from the three foundations include: Kresge, $500,000; Ford, $450,000; and Rockefeller, $250,000.

Dr. Milton E. Muelder, vice president for research development, said:

"It may now be possible for MSU to establish what could be the nation's outstanding teaching-research-demonstration facility in the area of wastewater recycling.

WASTE WATER

The MSU facility will receive waste water from the East Lansing Municipal Treatment Plant and apply it to aquatic plants, via a series of small lakes, and to terrestrial plants by spray irrigation.

[From the Lansing-East Lansing (Mich.) State Journal, June 19, 1970]

Tanner To Head MSU Plan

Dr. Howard A. Tanner, director of Natural Resources in Michigan State University's College of Agriculture and Natural Resources has been named to head MSU's Campus Water Plan, a new multi-disciplinary research-teaching and demonstration program in waste water recycling.

The new assignment was approved today by MSU's Board of Trustees.

Tanner will continue as director of Natural Resources and, in conjunction with his new role, will become the assistant director of the Institute of Water Research.

Tanner and Dr. Robert C. Ball, director of the Institute of Water Research, have shared the planning and promotion of the project in waste water renovation and recycling. Tanner's new assignment reflects the imminent emergence of the project from the planning to the construction phases.

ENCOURAGED PLAN

MSU's Board of Trustees encouraged the project with planning funds, renovation of existing facilities and by allocating approximately 500 acres of the main campus for the project.

The researchers point out that traditional municipal treatments are inefficient in removing phosphorus and nitrogen. The addition of these nutrients contributes to the rapid aging of surface waters, including the Great Lakes. This aging process is characterized by increasing amounts of algae, slimes and unwanted plant growth.

The new MSU facility will receive waste water from East Lansing Municipal Treatment Plant and provide for removal of much of the phosphorus and nitrogen. MSU's project will apply these nutrient rich waters to aquatic plants, through a series of small lakes, and to terrestrial plants by spray irrigation.

RESEARCH FACILITY

Experiments to utilize the plants grown will range from livestock nutritional studies to farm crops and Christmas tree production. The project will be designed to provide a productive research facility where scientists of many disciplines, social, physical and biological, can work jointly towards the solution of some urban waste problems.

In conjuction with the research aspects, the site will be landscaped and in other ways developed to provide an attractive recreational facility of 150 acres around the lakes.

The project will provide a valuable teaching and demonstration area where students and the public can view and study the principles of waste recycling through new applications of many sciences, officials said.

[From the East Lansing (Mich.) State News, June 26, 1970]

Recreation-Research: Water Project Mapped

(By John Borger)

The new Campus Water Plan, a multidisciplinary research-teaching and demonstration program in waste water recycling, will provide recreational as well as research facilities, Howard Tanner, asst. director of the Institute of Water Research, said Thursday.

"If we can create a situation that not only improves the water but also enhances recreational facilities, then the project would be of more benefit," he said.

The extent of public access to the facility and the date of completion have not yet been determined, Tanner said. Alternatives include granting the public free access (which might complicate research work) and conducting groups through the facility, Tanner said.

"Certainly, students are going to get the first consideration, whatever is done," he said.

Tanner said the project, which will remove waste by recycling water through a series of small lakes, is more expensive and occupies more land than traditional water treatment facilities, so that additional factors, such as recreational facilities, must be employed to make the project feasible.

Once the project has been established, it will serve as a working model for city officials planning similar water treatment facilities.

"The University is not an atypical community in this regard," Tanner said. "We have the same problems with waste disposal that any community of 40,000 to 50,000 people has. If we can do it, it will show other communities that they can too."

The project is aimed at removing phosphorus and nitrogen waste from water, something which traditional treatments do only inefficiently. Phosphorus and nitrogen contribute to the aging of surface waters by increasing the amounts of algae, slimes and other unwanted plant growth.

The new facility will receive waste water from the East Lansing Municipal Treatment Plant. Phosphorus and nitrogen will be removed by applying the nutrient-rich water to aquatic plants in the lakes and to terrestrial plants by spray irrigation.

The facility is located on the extreme south end of campus and is bounded by Jolly, College, Sandhill and Pierce roads. Interstate 96 divides the project into two areas.

The project is being financed by grants from private foundations and a $500,000 capital outlay appropriation from the legislature. The grants include $500,000 from the Kresge Foundation, $450,000 from the Ford Foundation and $250,000 from the Rockefeller Foundation.

[From Mucc's Michigan Out-of-Doors, October 1970]

Recycling: Our Future May Depend on It

(By H. A. Tanner, Director, natural resources, MSU)

Americans have recently awakened to the decline in the quality of our environment.

We are belatedly aware of the seriousness of water and air pollution.

Michigan's citizens, with much greater water resources than citizens in any other state, are now acutely aware of our water pollution problems.

We acknowledge our share of guilt in the demise of Lake Erie and our role in reducing the quality of water in the upper three lakes. Recent monitoring studies by Michigan State University have shown that our contribution, in lake killing nutrients to Lake Michigan, exceeds five million pounds of phosphates and more than twenty-nine million pounds of nitrates per year. Even at a time when we are bonding ourselves to build primary and secondary sewage treatment plants for every Michigan city we are aware that these plants are only a partial answer. Their effluent will contain most of the nutrients discharged into our Great Lakes tributaries. Plans for better removal of nutrients have been developed.

The State Water Resources Commission has set standards that require 80% of the phosphates to be removed by municipal treatment plants in the Lake Michigan drainage by 1972 and the same for Lake Huron a few years later. Present technology shows that we can approach this level of removal by a precipitation process. However, eighty percent phosphorus removal may not be good enough to reverse the declining quality of Lake Michigan. The material precipitated in this process just adds to our solid waste problem.

We must soon look ahead to taking out nitrates, six times more abundant than phosphates. Today it is fair to say that we lack the technology to precipate nitrates. If we learn how to precipitate nitrates we will end up with a bigger solid waste problem. Too often in our search for better waste removal we have eliminated one problem only by substituting another in its place.

If we make a careful assessment of the problem of how to really solve water pollution problems we will come logically and inevitably to the principal of recycling waste. Nutrients and organic matter are important forms of waste. These move through biological systems, through plant growth, animal consumption, excretion, decay, and back to plant growths. This is recycling.

If we put these wastes into our lakes and streams they are recycled within these waters-usually to the detriment of our values-through algae and slime development, unwanted aquatic plants, alewives, etc. We should conclude that the solution to our problems of organic wastes and nutrients is not to discharge them into the water where unscheduled, haphazard and detrimental recycling will occur, but rather to retain them in carefully designed biological systems.

These systems can be designed to produce valuable plant and animal growths made up of preferred species, produced on schedule, and yielding substantial dollar values. These systems we usually call farms. This is what Michigan State University's Campus Water Plan really is. It is an alternative to discharging wastes into our streams. It is several interlocking biological recycling systems.

Let me tell you how this plan will work. We will take a portion of the effluent from the East Lansing Sewage Plant. This is a typical primary, secondary plant. It receives about eleven million gallons of waste water per day, treating it and discharging the effluent into the Red Cedar. Of this, about three million gallons comes from the Michigan State University campus. This effluent still contains substantial amounts of phosphates and nitrates but meets current standards from standpoints of health and nuisance values.

Again, this effluent is typical of most municipal plants. We will take about three million gallons of this effluent before it goes into the river. It will be pumped and piped to 500 acres near the southeast corner of the campus. Here the water will move through a series of lakes (to be constructed) with a surface area of about sixty acres.

Many interesting things will occur here. Before I describe the system, I want to remind you that our basic strategy will be to make the waste water nutrients available for incorporation into plant systems. Plants will take-up the nutrients from the water and build them into the valuable forms of plant tissue.

The water will move from pond to pond by gravity taking approximately thirty days to move from the first through the last pond. Each of these ponds will be of depths most favorable for the development of rooted aquatic plants. These rooted aquatic plants are expected to grow vigorously in the bath of nutrients provided.

They will have a long growing season, from April through October. Some aquatic plant growth can be anticpated in winter and beneath the ice. These aquatic plants will be harvested with a sickle bar three to four times a year and will provide the first route for recycling. This plant material, experimentally fed elsewhere, has the approximate nutritive values of alfalfa, and will be run through alfalfa driers and/or pelletized for incorporation into various livestock diets. Fed to livestock it will provide the bases for additional meat production. Again, this is recycling.

In addition to producing aquatic plants we will have two kinds of fish populations growing in these ponds. One a bass and bluegill combination will be available for recreational fishing which will be permitted as part of the over-all recreational development to be described soon. Accompanying the bass-bluegill population will be a channel catfish population. This population will essentially be for production of protein. Channel catfish have a high market value at the moment. Fish production potential is conservatively estimated at between 800 and 1600 pounds of fish annually per acre. This is a second avenue of recycling.

I have already mentioned the development of recreation facilities which is one of the more exciting aspects of the project. In the one hundred fifty acres north of the highway and including the sixty acres of ponds, will be developed a total recreational complex. Here our Park and Recreation Resources Department faculty will design, develop, and operate facilities for picnicking, canoeing, sailboating and fishing.

Eventually we will develop a swimming pool which will be filled with water from the last pond in the series after additional water treatment. The whole one hundred fifty acres will be landscaped to be esthetically pleasing and especially to provide an attractive view of the campus from the Interstate highway.

When the water has completed its thirty days of movement from the beginning of the pond series to the end, we will have water of very high quality. The nutrients will be substantially reduced and the water will be available for a variety of uses. Highest value will determine which use will be made of the water.

Again, we will have designed for recycling and reuse. Some of the possible uses are spray irrigation of a variety of terrestrial plant system on the project site, water for cooling in the campus power plant system, or for irrigating the golf course. We may also choose to return it as high quality water to the Red Cedar River for other downstream water use. Some clean water will be returned to the ground water system by percolation or by dry well injection.

Throughout the experiment water quality will constantly be measured. We must be able to assure public health officials that the system is effective in eliminating any residual viral or bacterial problems; that we are not providing exposure of man or his animals to disease organisms. We must assure all concerned that nitrate levels and phosphate levels have been reduced to a minimum.

The second half of our water treatment project is the terrestrial system. This lies on the south of I-96 and contains about 350 acres. Here we will have many types of terrestrial plants, including woodlots, Christmas tree plantations, sod, old fields, and row crops. We will have available to us the alternatives of taking irrigation water from any of the five ponds in the system.

We may choose water still heavily laden with nutrients from the first pond or we may choose water from the last pond after nearly all nutrients have been removed. Here we will determine such questions as what additional growth and values do we attain, how often and how heavily may we irrigate these systems for the incorporation of water without damage to either plants or to the porosity and texture of soils.

Again, we have provided productive avenues for recycling. Some additional water of high quality can be used again or returned to segments of the hydrologic cycle. Still more recycling.

With this project what will we have really accomplished? We will have set up biological systems for recycling. We will have done it in the context of the appropriate University roles; that is, to do research and train students and faculty. More important, this will be an extremely valuable demonstration area where state legislators, county supervisors, and other segments of local government faced with waste water problems may come, visit, and be shown a working alternative to the discharge of waste nutrient laden effluents into our surface waters.

In principal, it is a comparatively unsophisticated system. It will be applicable to many communities that cannot afford the growing level of treatment cost that will be required in the traditional approaches to waste water treatment.

The question may be asked what cities can afford to acquisition of five hundred acres to treat the wastes of 50,000 people. The answer lies in multiple use of the area. The site will do much more than treat waste water. A city may use such biological systems as part of its recreational areas, picnic areas, parks, green belts, golf course and other esthetic areas essential to the well-being of cities and suburbs.

Were do we stand at this moment? It is true that we know in principle how to proceed along these lines of recycling just described. We simply must provide good detailed answers to such questions as how much area is needed for handling the waste water of how many people. What are the problems of functioning with this system in the winter time? We must demonstrate to the public health official that virus, parasites, and bacteria are not recycled into human populations. We must demonstrate the biological treatment is a good neighbor, that it can be inserted into the urban scene without creating a nuisance of any kind.

We must answer questions as to how much value can be harvested from these various plant systems. How many inches of water can safely be applied to which soils? What plant arrays are most effective in stripping phosphates and nitrates out of the water? What percentage of aquatic foods can be incorporated into the diets of what domestic animals? What fish populations provide the most satisfactory recreation and the most pounds of protein? How is the best way to handle the recreation?

The answer, of course, is with a functioning, attractive "show me" project.

We have the mix of scientists to answer these questions. We are one of the few universities capable of bringing a productive team of economists, recreationists, biologists, fish biologists, foresters, chemists, engineers, agricultural scientists, nutritional scientists and phyiologists together to work on the total complex of the problems involved in the recycling of waste.

On a long range basis, we see this as a demonstration of waste recycling demonstration that can be used conceptually to talk about other kinds of waste recycling; the recycling of steel, paper, and containers of all kinds. As we begin to provide examples of how recycling can occur and what benefits can be derived from recycling, we will begin to provide a total concept of recycling as a way of life that the people and the government of the state and our nation must espouse as the total system which will provide for more people, more generations yet unborn.

Finally, let me describe the current status of the project. Michigan State University has contributed five hundred acres and substantial faculty and staff time to the development of the project. It carries the endorsement of the Michigan Natural Resources Commission and the Michigan Water Resources Commission. It has been developed in consultation with the staffs of the two commissions mentioned, with the Michigan Public Health Department and with the City of East Lansing.

For the purposes of construction we have raised 1.7 million dollars; $450,000 from The Ford Foundation, $500,000 from The Kresge Foundation, $250,000 from the Rockefeller Foundation, and a $500,000 legislative appropriation have been received. For the purposes of additional equipment and for maintenance and operation, our current budget for the first three years of the project totals 2.4 million dollars.

We have made several visitations to the Federal Water Quality Administration and are encouraged to believe that some additional funds will be forthcoming from this federal agency. We expect a definitive reply from this agency soon. Other foundations have been approached and additional funding seems forthcoming. The University has accepted the funds from the various sources to date.

A consulting engineering firm, Johnson and Anderson of Pontiac, Michigan, has been employed and we are now entering into the design stages of the project. We anticipate completion of the project by September, 1971.

It is important to all of us that we continue to work for broad recognition amongst people and leaders in Michigan as to what precisely this project is designed to do, why it is being done, and most of all, what it will do to protect Michigan waters. It is for this reason we welcome this opportunity, and any opportunity, to describe our project verbally or for publication.

Remember, the word is Recycle.

REGIONAL MEDICAL PROGRAM: FOR HOME RULE IN HEALTH CARE

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. JOHNSON of California. Mr. Speaker, by strange coincidence, in my hometown of Roseville, Calif., there is another Harold F. Johnson, a young man who is no relation to me, but one with whom I am proud to share a namesake. He is a progressive and hardworking, very dedicated, physician who conceived and developed an outstanding project under the regional medical program which was established through congressional action in 1965 and expanded in 1968.

As one who was proud to have supported this regional medical program legislation when it was brought before the Congress, I am indeed pleased that one of the most outstanding examples of its success is located in my own hometown.

The work being done by Dr. Harold F. Johnson and the Roseville Community Hospital of which I have long been a supporter is outlined in a recent issue of System Development Corp. in an article which was recently brought to my attention.

Accordingly, I would like to share this article with my colleagues:

RMP: FOR HOME RULE IN HEALTH CARE

Hal Johnson lives in Roseville, California. To get there you drive north from Sacramento along U.S. interstate Highway 80. Usually the trip takes about 20 minutes. There's a lot more traffic now than there used to be, and the once vacant grasslands along the way are sprouting tract houses as Sacramento reaches out for more bedroom space. Roseville, an historic Old West railhead, is being sucked into the metropolis.

Since Hal Johnson began practicing medicine for a living nine years ago, he has come to know quite a few of Roseville's 20,000 citizens. He sees patients every day in his office on Oak Ridge Drive or at the Roseville Community Hospital where he's a member of the staff. Johnson and his five partners in group practice are members of a fast disappearing physician minority—the general practitioners.

This doesn't seem to bother Johnson. He takes pride in what he's doing. There's no trace of the defensiveness you sometimes sense amoung GPs in this age of increasing medical specialization. But if you're getting some mellow notion that he's a storybook country doctor, you're in the wrong town. The word for Hal Johnson is Mod.

He swings in a medical and scientific sence because he works at it. He reads the right journals regularly—and learns from them. He makes the time to get to two or three continuing education seminars every year to keep up-to-date. You'll usually find him draped across a chair at classes offered by the local hospital.

As a member of the Roseville City Council and the local school board, he also swings in the community involvement sense. He's the councilman with the crewcut gray hair who makes it to all the meetings and has a reputation for being well up on issues that concern the community. Watching him hold up his end during a clash of views on local taxes, you'd have to concede that for a stripling (39) he's politically hip. This applies in medical politics, too, where Johnson has been a president of his county medical society.

In medicine, as in city government, Johnson likes to describe himself as a progressive conservative. He says he welcomes changes so long as it carries along the positive achievements of the past and is based on politically workable and economically sound assumptions.

Like many of his colleagues in organized medicine, Hal Johnson has harbored deep suspicions about government medical programs, especially those that have emanated from the federal level. He was been apprehensive that they might eventually destroy the personal doctor-patient relationship or undermine the private practice of medicine. Private medicine, he is convinced, is both a wellspring of medical excellence and a powerful witness to individual freedom.

Knowing how Hal Johnson feels on this score makes what he has been doing the past 15 months all the more remarkable. Since July 1968, he has been helping set up a federally sponsored health program in Roseville. He believes it will benefit his own patients and those of other Roseville physicians. He fought to get it. It is being paid for under Public Law 89–239, passed in 1965 and amended last year by P.L. 90–574. Johnson, and thousands of other physicians who have had their thinking changed by this law, call it Regional Medical Programs, or simply, RMP.

To capture the support of doctors like Hal Johnson, RMP has to be a special program. It is. It is the first federal health program to insist on grass-roots leadership in the decisionmaking process. Regional advisory councils call the shots, and the law is explicit that the councils be representative of all elements of the health community, including consumers. There's a great deal more about RMP that is different from past government efforts, but first let's talk about how the law came into being.

CONGRESSIONAL RESPONSE

Looked at historically, RMP is dollars-and-cents Congressional recognition that there is much more than shortages of physicians, other health specialists and hospital beds to what Presidents Johnson and Nixon have called the health crisis. Shortages may grab the most space in our news media, but leaders in the health sciences are beginning to talk more and more about *a breakdown in our system for delivery health care.*

This was essentially the message of the President's Commission on Heart Disease, Cancer and Stroke when it submitted its report in December 1964. Chaired by famed Houston heart surgeon, Dr. Michael E. De Bakey, the Commission pointed with pride to the great strides made in medical research and then viewed with alarm the slowness with which the results of this research were being made available to patients throughout the nation.

The following summer, Congress acted to improve the delivery of medical knowledge by passing the Heart, Cancer and Stroke Amendments to the Public Health Service Act. This created Regional Medical Programs "to afford the medical profession and the medical institutions of the nation, through . . . cooperative arrangements, the opportunity of making available to their patients the latest advances in the diagnosis of heart disease, cancer, stroke, and related illnesses." The diseases selected were appropriate targets. As a group, they are our most lethal killers, accounting for 71 of every 100 deaths in America.

The Commission study, now known as the De Bakey Report, had called for the establishment of "centers of excellence" for the dissemination and demonstration of new knowledge. This concept smacked of too much centralism for the medical profession to swallow and was finally scrapped by Congress in favor of "cooperative arrangements" among medical schools, hospitals, medical associations and related elements of the health care system. Such cooperative arrangements are one of the most unusual RMP features.

Congress went even further toward allaying the fears of many physicians when it declared that RMP was to accomplish its ends "without interfering with the patterns, or the methods of financing, of patient care or professional practice, or with the administration of hospitals. . . ." This guarantee, along with the local autonomy delegated to individual regional advisory councils, in large measure explains why practicing physicians like Hal Johnson have greeted RMP so warmly.

DOWN TO THE GRASS ROOTS

Physicians have been joined in their enthusiasm by nurses, hospital administrators, medical educators and representatives of voluntary health organizations, to name the most prominent professionals whose membership is required, along with that of physicians, on the advisory councils. Congress also made it clear that it expected to see some average citizens among the council members.

In drafting P.L. 89-239, the legislators recognized two distinct but related phases in getting RMP into business—planning and operation. In the first, the regional advisory council draws on all the resuorces in its area to identify what is needed to deal with the problems related to heart disease, cancer and stroke as they exist in its own region.

Once needs are known, the council must get down to the task of setting priorities among competing needs and hammering out the cooperative arrangements required to develop remedial measures. This effort is supported by planning funds granted under the Law after approval of the National Advisory Council of the Division of Regional Medical Programs. DRMP is the capping agency that administers the RMP program for the Department of Health, Education, and Welfare. Planning grant approval hinges on acceptance of the region's organizational plan and method for proceeding.

At this point, the region is ready to enter the operational phase, which is another way of saying it is ready to send in an initial grant proposal to the Division of Regional Medical Programs. As required by the Law, DRMP won't give out money for patient treatment except where such funds are to be used for "demonstration" purposes only, and not to set up permanent care and treatment programs. There is also no provision in the Law for money for construction.

Neither Congress nor the division has laid down any hard-and-fast timetable for moving from planning to operation. It hasn't been unusual for the two to proceed concurrently. A few RMP grantees—North Carolina, Kansas and Missouri, for example—had a long history of regional cooperation and planning and were able to move quickly to full operational status. Others have found it necessary to move more slowly.

The real decision on the timeliness and acceptability of operational activities lies with the division as expressed by the recommendations of the Review Committee and the National Advisory Council on RMP. The latter is a body of distingiushed medical practitioners and administrators who review and make recommendations on all regional proposals, again as required by law.

Dr. Alfred M. Popma, a Boise, Idaho, radiologist for more than a quarter-century before turning his full time attention to RMP, knows all the angles in the review process. He is one of the 16 members of the National Advisory Council, has served on the Review Committee and keeps his local perspective sharpened as program director of the Mountain States RMP.

"At council review sessions, we are insisting more than ever on excellence," Popma says. "The successful operational grant must reflect the kind of solid region-wide planning that will enhance and improve patient care in heart disease, cancer and stroke. The council makes its recommendations to the Surgeon General who authorizes DRMP to fund approved proposals. So far, none of our findings has been reversed, but recently some have been deferred because of a lack of funds."

Perhaps the most important factor in council deliberations is the quality and durability of the voluntary cooperative arrangements. Says Paul Ward, coordinator of the California RMP, "All operational proposals are based on voluntary cooperative arrangements. It's the term we're stuck with. What does it mean? Simply plain old verbal agreements between given people to do given things, provided they can get the resources from one place or another." Once plugged into a grant proposal and approved, however, these verbal agreements take on all the legal force of a formal contract.

In form, then, RMP goes well beyond encouraging local participation. It demands it. Moreover, the tactic of local control has been strengthened through the philosophies of Drs. Robert Q. Marston and Stanley W. Olson, the two physicians who have served as directors of DRMP. [Marston moved up in 1968 to become the first administrator of the newly created Health Services and Mental Health Administration and subsequently become director of the National Institutes of Health.] Both have employed the division more along the lines of a flexible staff resource than as a heavy-handed federal director and enforcer. In keeping with this attitude, the *Guidelines* put out by DRMP run but 32 pages.

Refuting the notion held by some RMP is the beginning of a national blueprint for dictating standards of medical care. Dr. Olson has said, "Even if we knew enough to draw such blueprints—which we do not—this method of procedure is so foreign to the American tradition that it would fail if for no other reason than lack of acceptance.

"What in fact is intended is that planning shall be accomplished community by community, neighborhood by neighborhood, hospital by hospital, and doctor by doctor, not for the consumer but with him. . . . Regional Medical Programs, though federally supported, are intended to strengthen voluntary institutions and organizations of our country in their effort to develop local resources to meet local needs." Olson learned this lesson on the firing line. Before coming to Washington, he was coordinator of the Tennessee/Mid-South RMP.

A LEARNING PROGRESS

The idea that local communities should guide their own destinies has caught hold in a number of recently enacted federal programs. Says Irving Lewis, deputy director of the Health Services and Mental Health Administration, within which DRMP now operates, "We have tried to move more and more decision making out into the field, recognizing that coordination of federal action cannot be accomplished in Washington alone. . . . Moving the point of decision to the community, we find there is no one best way of doing things."

Lewis must have been listening in at some of the meetings in the 55 RMP regions funded since passage of P.L. 89-239. Observers have been struck by the innovation and differentiation of approach that have distinguished the groups as they moved to solve their own health problems. Originality in this case is no accident. It is as integral a part of the RMP fabric as local initiative.

Listen once more to Dr. Olson: "A Regional Medical Program requires a wholeness that cannot be achieved by an aggregation of loosely related projects. If fosters innovation and change. Change is constantly taking place, and we can no longer accept at any stage in our development the belief that we have arrived."

Physicians, hospitals, nurses, laymen and the rest have found it anything but simple to live up to this kind of demand. To begin with, they aren't used to sitting down together to resolve their differences and plan a medical future for an entire geographic region.

In this vein, RMP signals a new departure in the way decisions are made in medicine and the health sciences. Dr. Marc J. Musser, executive coordinator of the North Carolina RMP, says, "For the first time in the history of our country, the health professionals and health interests are joining together to make our health care system more cohesive and effective, not by legislation or with large sums of money, but by involvement of the right people, communications, good judgment and a challenge to local initiative."

California's Paul Ward goes even further: "This is a new role for the majority of our institutions and one that is not fully understood or accepted. Involving outside community forces in planning is difficult enough let alone entering into operational projects that give responsibility to those outside the institution."

Adjusting prerogatives, adjudicating local differences and coming up with projects that embody both medical excellence and regional benefit have caused the planning process to move deliberately in most of the regions. Consequently, there has been some impatience both within the programs and in Congress. The latter, always strongly in support of RMP, has had difficulty understanding why the regions as a whole haven't spent all the money that has been appropriated.

RMP has had carry-overs of $22 million from Fiscal Year 1966, $38 million from FY 1967, $36 million from FY 1968 and $20 million from FY 1969. From 1966 to 1968, the fact was that there was an insistence on quality and compliance with the Law, an insistence that left some funds unobligated as indicated by the carry-overs. However, the most recent carry-over of $20 million from 1969 to 1970 was an administrative decision of HEW and not the result of a shortage of worthwhile projects. The fact remains that at the end of FY 1969 (June 30) there were some $25 million worth of approved but unfunded projects.

In a March 1968 appearance before the House Subcommittee on Public Health and Welfare, Dr. Michael DeBakey anticipated this development. "There have been times when I have been guilty of impatience," he admitted, "but the fact is that this program has developed, I think, at a normal pace and in a very sound way."

He pointed out that the planning phase of RMP had stressed the design, not the implementation, of health programs. This resulted in smaller expenditures than were projected in the beginning, but De Bakey emphasized that regional planning efforts were about to pay off in more expensive operational programs that would require close to $300 million by 1971. He further suggested that Congress "contemplate authorization levels of some $500 million" by 1973 to maintain standards and momentum in the program.

AN EMERGING PATTERN

Through Fiscal Year 1969, the 55 regions had received some $145 million in both planning and operational grants. In part, this paid the freight for the nearly 2500 paid staff members (47 percent physicians) in the programs. It did not reflect the enormous volunteer efforts of the nearly 10,000 private individuals, professional and lay, who man the regional and national advisory councils and serve on various subcommittees, task forces and local action groups.

Active RMPs now blanket the Continental United States and reach beyond to take in Alaska, Puerto Rico and Hawaii, the latter grant including Guam, American Samoa and Micronesia. In land area, the regions range from Washington-Alaska to Washington, D.C. California leads in population with nearly 20 million; Northern New England, headquartered in Vermont, has but 425,000. All Americans now live within at least one RMP area. Because of regional overlapping, some live in as many as three.

Some states, like New York with five and Ohio with four, have set up multiple regions within their boundaries. The opposite has happened in the wide open spaces of the West where the Western Interstate Commission for Higher Education administers a program that takes in four states and overlaps portions of four others that have their own RMP activities. California, in turn, is a single region but has organized itself into "areas" defined by the medical service areas of the state's eight medical schools.

Of the 55 organizations that have fiscal responsibility for the programs, 25 are medical colleges or university medical centers. Seven others are universities, while the remaining grants are split among 17 specially chartered foundations, commissions and associations, four state medical societies, one advisory council and one state agency.

Medical school involvement in RMP is written into the Act, since the medical colleges are at once a prime locus of new knowledge through research and because of their tradition as a vehicle for disseminating such knowledge through established extension teaching activities in their own medical service areas. From the outset Congress intended that RMP have heavy educational emphasis, and it is something of an understatement to say that the most popular and well supported thrust of RMP among doctors and allied health personnel has been in the direction of continuing education courses.

In fact, Dr. Dwight Wilbur, immediate past president of the American Medical Association and a staunch RMP supporter, has said: "These [RMP] programs should be primarily educational, for the better educated physicians are, the higher the quality of medical care they can render. . . . Facilities and financing are important, but of prime importance is the widespread availability of high quality medical care. The key to this is more and better education of practicing physicians." Small wonder the regions maintain close relations with medical colleges in their jurisdictions. or that operational grants to date have been notable for their innovative approaches to providing educational programs across a wide range of medical and health specialties.

Few, if any, would disagree altogether with Dr. Wilbur's support of continuing education, but there are many who question that such programs should be the dominant theme in RMP. Dr. H. Jack Geiger speaks for many of these when he argues that RMP should devote much greater attention to the *total* health problems of the urban and rural poor.

Now acting chairman of the department of preventive medicine at Tufts University School of Medicine, Dr. Geiger holds that the categorical RMP emphasis on heart disease, cancer and stroke is too narrow and should be broadened to include not only *all* disease problems that confront the poor, but also such pressing extramedical issues as poverty, discrimination, lack of education and unsanitary inner city and rural housing.

Differences of opinion like these don't intimidate Dr. Olson and his staff at DRMP. They call theirs a living program in the sense that they expect to see it change and grow as conditions change and new health priorities emerge. They've already seen the categorical emphasis expanded somewhat through greater attention to kidney, respiratory, diabetic and other diseases that fall under the "related illnesses" portion of P.L. 90–574, and they fought successfully to have dentistry included within the RMP rubric.

Moreover, they have established close liaison with social action agencies both in HEW (Office of Economic Opportunity) and HUD (Model Cities) and have encouraged individual regions to forge cooperative arrangements with these and other programs wherever possible. (A subsequent section in this issue touches on such interagency cooperation in Nashville, Tennessee.)

For all this, the program has experienced some disappointments. One of the most persistent has been the slowness with which RMP has moved in some of our largest and most problem ridden urban areas. This has been accentuated by the speed and success realized in rural and alpine regions. Much of the problem traces to hangups in getting RMP organized in the core cities where, among other problems, there is a plethora of health institutions, people and activities, all of which are essentially autonomous.

The division has made no effort to soft-pedal these difficulties in its testimony before Congress or in its public statements. Olson has said: "The complex problems of our cities pose a national crisis of the gravest order. . . . We recognize that the complexities involved in developing regionalization in urban areas have delayed the development of regions in the very areas where their services may be most needed. This is a matter to which I have already given a great deal of my time and to which I am prepared to devote more of my personal efforts."

Dr. Olson's "complexities" are the same bugaboos that plague most public programs in the cities—inadequate funds, social fragmention, the difficulty of bringing together all the culturally diverse groups that must be included in the planning process, immovable bureaucracies, indifference. By and large, the rural regions have had to deal with a far less numerous but more homogenous population, a circumstance that goes far toward accounting for their rapid progress in getting into operational status. Comparative operational grant histories tell the story about as well as anything else.

Let's consider the Kansas RMP and the Intermountain Program based at Salt Lake City, Utah. These regions, both largely rural, have received grant funds totaling some $3 million and $7.3 million, respectively. Another fast-starting group, the Albany RMP in upstate New York, has received almost $2.8 million. Together, these regions represent about eight million people.

On the other side of the coin, the latest DRMP directory of operational grants lists none for Chicago, Cleveland, New York City or Pittsburgh. The New York Metropolitan RMP alone has more people than Albany, Kansas and Intermountain combined. While awards have been made for projects in Los Angeles, Philadelphia, St. Louis and Baltimore, they have been on a far less ambitious scale than those for some of the more thinly populated regions.

Not that there aren't some encouraging urban programs. Watts-Willowbrook, a project to develop a post-graduate medical center to serve the people of Central Los Angeles, is widely regarded as a possible prototype of future community health centers in ghetto areas. The Tennessee/Mid-South RMP, combining the activities of predominantly black Meharry Medical School with those of traditionally white Vanderbilt University Medical School, is embarked on a preventive medicine program that links multiphasic screening and OEO-sponsored Neighborhood Health Center in a deteriorating section of North Nashville. Similar programs are on the drawing boards in such regions as Illinois, New Jersey, Detroit, Washington and New York City.

A GLIMPSE AT WHAT'S GOING ON

The working draft of a directory prepared by DRMP at the end of Fiscal Year 1969 required nearly 240 pages to furnish biographical data on the 55 regions and capsule descriptions of the projects in the 41 regions that had achieved operational status. Most of the space was devoted to the latter task.

Predictably, the individual projects differ as markedly in design as the regions themselves differ in topography, demography, and health manpower and facilities. Just as predictably, there are pronounced similarities, for gaps in the armamentarium for attacking heart disease, cancer and stroke have some characteristics that transcend regional boundaries.

For example, the best equipped and trained personnel are found in the major hospitals and university medical centers, whether these are in rural or urban regions. Logically, then, these institutions find themselves involved in some way in nearly all educational, training or demonstration projects that have won approval for operational funding.

Commonly, RMP strategy has been two-fold—to build on existing strengths wherever there is a strong local program and to extend knowledge outward from the medical centers to the smaller community hospitals where

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specialists and sophisticated equipment are often nonexistent. Nowhere is this strategy better illustrated than in the emphasis on coronary care programs, an emphasis that threads its way through RMP activities from Hawaii to Florida, from sparsely peopled Idaho to crowded New Jersey.

In the Memphis region, the University of Tennessee Medical Center plans to install a 12-bed "showcase" coronary care unit (CCU) that the medical staff will use to give training and demonstrations to health professionals from throughout the area. The Metropolitan Washington, D.C., RMP is literally putting its coronary care program on wheels by designing a mobile CCU that will rotate among three hospitals in the area. The hospitals will provide their own nurses, who will be specially trained, and physicians will be drawn from the Heart Disease Control Program of HEW.

Joint action by the Central Ohio Heart Association and the Ohio State University College of Medicine characterizes coronary care training in the Ohio State RMP, a 61-county region in the central and southern portions of the state. Nurses from hospitals in 10 core cities come to Columbus for two weeks' intensive training that prepares them to return to their own institutions as "nurse educators." Physicians, in turn, are eligible for coronary care seminars right in their own local hospitals.

These projects give some idea of the style, if not the scope, of RMP coronary care activities. There are still other innovations. Some of the regions have installed 24-hour telephone hookups that allow small hospitals to dial regional medical centers directly for electrocardiogram analysis and professional consultation. Another twist has been the development of coronary care training programs in hospitals other than teaching hospitals, an approach that is especially relevant to those medical personnel who live great distances from the large training institutions. Whatever the approach, the separate regional efforts share a common bond of helping the practicing physician, the nurse and others to improve their skills in behalf of coronary patients.

To Marc Musser, it is this recognition of the needs of patients, as much as the recognition of the educational needs of health professionals, that accounts for the RMP emphasis on coronary care units. He says, "Coronary care units represent increased awareness of the acute problems of patients. RMP picked up the CCU program at the right time, since it combined our initial emphasis on continuing education and the means to effectively meet needs in patient care."

What holds for coronary care is no less true of programs in cancer and stroke. Most of the regions have moved solidly into these areas with tumor registries, tumor boards, stroke management programs, and cancer and stroke screening projects. Without exception, the regional plans demonstrate conscious attempts to mount a balanced attack against all the diseases identified in the legislation. (The final segment of this issue includes discussion of a cancer program being developed in Boise, Idaho.)

TOWARD THE FUTURE

Of the many issues that will face RMP in the 1970s, none is likely to remain more visible than the health needs of the urban poor. Dr. Olson believes, "Regional Medical Programs can assist in the improvement of health service activities through projects that supplement elements of both old and new systems aimed specifically at the urban poor.

"True, we suffer from several constraints as we attempt to deal with these problems. Facilities are needed, but we have no authority to use funds for construction of facilities. Neither may grant funds be used to pay for the cost of medical services or hospitalization. Nevertheless, there are major contributions which Regional Medical Programs can make. . . .

"Regional Medical Programs are functioning organizations specifically designed to link the providers of care together for the purpose of collectively improving services to patients. . . . To do this, RMP must enter into cooperative arrangements with the many local and federal programs already addressing themselves to health problems of the urban poor.

"The [RMP] programs can and should contribute significantly in planning general health services for these populations, because it is only in this fashion that we can come to grips specifically with the problems of heart disease, cancer and stroke." Clearly, the DRMP staff doesn't intend to dodge its responsibilities in the cities.

Nor, if Dr. Olson is to be believed, will RMP diminish its emphasis on continuing education. He is on record as being convinced that continuing education is one of the most significant single components of RMP activity. In years to come, however, the division expects to promote more comprehensive and innovative approaches designed to make health professional active participants rather than passive receptacles in the educational process.

In Olson's view there is no conflict between the requirement for continuing education and the need to do something in the cities. In fact, he believes that RMP is flexible enough to accommodate the problems of the rural poor as well. Education and social action can coexist comfortably in Olson's philosophy, because he regards them as essential to each other.

He sees continuing education in urban areas as one sure way to achieve better care and treatment for disadvantaged patients. In the same vein, he believes that cooperative health arrangements worked out by agencies in the cities can be copied elsewhere to benefit the rural poor. This outlook again reflects the importance DRMP attaches to balanced programs.

This emphasis is certain to grow even stronger throughout the 55 regions in coming years. The division—through its own staff, the National Advisory Council, outside consultants and the Review Committee—has traditionally insisted on excellence in the operational proposals that come before it for review.

In recent months, Dr. Olson has strengthened this policy and called on the regions to work harder than ever to improve the quality and regional significance of their requests. Perhaps the most effective means toward this end will be the encouragement of more rigorous standards of review and criticism among the regional advisory councils when they evaluate their own operational proposals.

The quest for excellence doesn't stop there. Today there is also more attention than ever to the problem of project evaluation. All proposals must include formal mechanisms for periodic evaluation, and the division has invested a great deal of effort in developing sensitive tools for this task. The object is to help the regions identify weaknesses and eliminate unproductive programs. It turns out to be a continuing responsibility.

GETTING TO KNOW THE PUBLIC AND EACH OTHER

Programs like RMP recognize that their success is almost totally dependent on timely and accurate communications to a wide and heterogeneous set of audiences. There's Congress, the mass media, the general public, the medical schools, the professional organizations, local governments, state health agencies, voluntary associations, and on and on and on.

At another but equally important level, there is the requirement for open communications between the division and the regions and among the regions themselves. Under DRMP Assistant Director, Edward M. Friedlander, the division has worked out a program to produce maximum reciprocal feedback. Within the separate regions, most core staffs now include a professional public information officer.

It's important that he do a good job, for as Marc Musser has said: "Most of the problems in RMP result from failure to communicate at the right time. Leave someone out and things can get sticky. You might think that busy doctors could care less, but that has been far from the rule so far in RMP. Overlook them and they let you know about it in a hurry.

"Frankly, getting the commitment of local people is only the beginning. Communications exchange must be reciprocal. It must be continuous. A lesson all of us around the country have learned is that good communications in a region don't just happen. You must do a lot of work to make them happen. A good core staff is essential."

This basic lesson hasn't been lost on Ed Friedlander and his group at the division. Early in the game they set in motion a systematic program of interregional meetings designed to draw together RMP staffs from the same geographical parts of the country. Such gatherings serve several purposes. They allow for briefings on what is going on at the federal level in regard to budget and legislative policy. They also serve as a platform for interpreting divisional guidelines and giving the regions a chance to air their gripes about what the division is doing. That way everybody has a chance to learn some of the basic facts together.

If the meetings accomplished no more than this, chances are both Dr. Olson and Friedlander would consider them worthwhile. There's another angle, however, that may prove even more useful to the regions in the long run. Friedlander and his people are using their get-togethers with the regions to encourage permanent channels by which the regions can communicate regularly with each other, separately and as groups.

DRMP is convinced—as are many of the regions—that there is a manyfold pay-off in this kind of activity. For one thing, a frank exchange of data on operational program successes and failures can help the respective regions avoid expensive false starts. For another, it can provide late-starting regions with helpful tips on how to secure the enthusiasm of their own people and how to initiate the planning process. Of increasing importance, it can also help iron out jurisdictional problems or stimulate cooperative arrangements among regions whose programs overlap each other.

At a February 1969 meeting in Tampa, Florida, the coordinators and other staff of the 15 regions that make up the Southeastern Region furnished proof that interregional cooperation and exchange are gaining in appreciation. Spurred by Marc Musser and Dr. J. Gordon Barrow who directs the Georgia RMP, the Southeastern group voted to share the cost of an interregional coordinator whose task would be to "ride circuit" among the regions and keep everyone apprised of what his neighbors are doing. The new man has already been on the job for several months.

BUDGET OUTLOOK

The fact that the regions are now ready to look beyond their own immediate interests is an indication that the four-year-old RMP is coming of age. Further proof—if any is ready needed—lies in the rate at which programs are moving out to planning into operational status. It is at this point that RMP requires much higher levels of financial support. The program is already feeling a pinch.

Says Dr. Olson: "Clearly, we are moving from a circumstance where there has been a surplus of funds—at times an embarrassing surplus of funds—to one in which the reverse will be the case. Looking at applications already in hand, we can predict that the aggregate demand for grant funds will exceed our appropriations in the Fiscal Year 1970. Beyond that, the amounts that the Review Committee and the National Advisory Council will likely recommend for approval from yet-to-be-received applications will also exceed available funds."

Because RMP didn't spend all the money Congress made available to it in the first four years, some of the lawmakers have been dubious about whether program requests do in fact represent a reasonable estimate of need. Although final Congressional appropriations for RMP grants are yet to be voted, this dubiousness, combined with Administrative and Congressional belt-tightening, resulted in a House Appropriations Committee recommendation of $50 million in grants for FY 1970. This is $24 million less than the Administration asked for and $70 million below what was authorized by legislation.

Many in RMP regard this as a body blow to the future health of the program. Both Marc Musser and Paul Ward serve on the Coordinators' Steering Committee, a group of 10 coordinators elected by their fellows to advise DRMP on national policy and programs. Ward and Musser think present funding projections are far from adequate.

Musser calls the budget outlook unpromising. He warns that some programs may have to cut back and that the fiscal situation will almost certainly discourage new starts. "On the whole," he says, "this is occurring with the worst possible timing, since so many new localities and communities are clamoring to get into RMP."

Speaking to the same point, California's Ward said, "I suppose that at the present time you can say that the program is at its most critical stage. Years of planning are coming to a head, and the projects are rolling in. Now if you don't get the money in a reasonable time, the people who made the cooperative arrangements move away or change their minds, and you have to try to put it all together again. Well, that's very wasteful.

"Understand me, it's not hard to sell Congress on RMP. They were always willing to authorize just about as much as the program could use, because their opinion of us was always high. The only thing Congress has had against us is that in the beginning we asked for too much—more than we could realistically use. That is the problem."

Ward feels much the same as Dr. De Bakey did when he testified last year before the House—that the program must continue to grow and expand. Characterizing RMP as a means for distributing medical knowledge, Ward draws an analogy from the business world: "You know, General Motors would never think of developing a new automobile and then not spend some of their resources on campaigns to get it in the hands of customers. The same is true today in medicine. You might just as well forget the research unless you are willing to devote some money to distribution.

"That's what RMP is all about, and if we are talking $100 million as a plateau for all time, we are engaged in the wrong kind of planning. You've got to preserve your momentum and the faith that people have mainfested in the future of the program. Otherwise the voluntary contributions and local participation will largely be lost. That is what would really hurt."

ALTERNATIVES TO "THE BASTILLE OF MEDICAL SCIENCE"

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. ROSENTHAL. Mr. Speaker, Benjamin Rush said:

> The Constitution of the Republic should make provision for medical freedom as well as religious freedom. To restrict the art of healing to one class of men and deny equal privilege to others will constitute the Bastille of medical science.

Mr. Speaker, Dr. Joseph T. English, president of the New York City Health and Hospital Corp., is a public servant whose youthfulness has not prevented the attainment, before the age of 40, of a distinguished record of accomplishment and perception in the medical delivery field.

A psychiatrist who served at the Peace Corps, at the Office of Economic Opportunity, and as administrator of the Health Services and Mental Health Administration of HEW before assuming his enormous responsibilities in New York earlier this year, Dr. English is now responsible for administering the new health and hospital corporation which recently took over responsibilities for a major part of the city's medical facilities.

Dr. English spoke recently to the American Association of Medical Colleges in Los Angeles on the desperate need—so far unrecognized by the administration—for new approaches to better health care delivery. He also discussed the responsibilities which Congress has undertaken for these improvements and the serious gaps which still exist. His talk follows:

REMARKS BY JOSEPH T. ENGLISH, M.D.

In a time of great crisis for all of us concerned and committed to the health needs of the American people, perhaps no group is in a more strategic position to help than those of you who are members of this Association. I take it as a great privilege to have this opportunity to review with the leadership of American medical education some of these problems, the urgency with which they confront us, and the critical role of the medical center in their solution.

Nearly a year and a half ago, Robert Finch, then Secretary of HEW, and his newly appointed Assistant Secretary for Health and Scientific Affairs, Dr. Roger Egeberg presented to President Nixon their assessment of the health care crisis in America. I quote:

"This nation is faced with a breakdown in the delivery of health care unless immediate and concerted action is taken by Government and the private sector. Expansion of public and private financing for health services created a demand for health services far in excess of the capacity of our health system to respond. The result is a crippling inflation in medical costs causing vast increases in government health expenditures with little return, raising private health insurance premiums and reducing the purchasing power of the health dollar of our citizens."

Disturbingly, this description of a basic imbalance between the financing of health care services and the capacity of the health care system to respond is no less accurate today than it was a year and a half ago. How have we come to this point? What is being done about it today? What must be done in the future?

The lessons of recent years have sharpened our focus and perspective. Our nation has come to recognize two important myths—myths which impede our efforts toward progress in meeting the health needs of our people.

The first myth held that a major investment of money and talent in biomedical research would result in advances that would be automatically transmitted throughout the health care system to the benefit of all. The investment was made. Dramatic advances were the result. We saw progress in every field of medical science and technology, making our nation's centers of medical excellence second to none in the world.

But the translation of these advances into the day-to-day practice of medicine did not occur. Rather, the gap widened between the best which medicine could offer and what was available to vast numbers of our people. Committed to the important work of advancing medical knowledge, our medical schools became over-dependent upon Federal research support for other important activities, such as education and community service.

The second myth held that a mainstream of American medical care existed, and that the only barrier between this mainstream and millions of our people was the lack of money to pay for these services. It was assumed that if these citizens were provided a money ticket into the system, they would then be able to partake of quality medical care. This assumption was seldom questioned, and the great national debate centered on whether the money ticket was to be from public or private resources.

The result of the economic and ideological dialogue which ensued was the enactment of the Social Security amendments of 1965, creating Medicaid and Medicare. A significant step forward was taken in the development of a financial structure to support health services. But only recently have we begun to understand how incomplete a strategy this legislation was.

What have been the consequences of an incomplete strategy based, to some extent, on a series of myths? First, the demand for health services has reached an unprecedented scale. Medical progress in the past 30 years has increased realization of what the physician can offer. Health services are perceived as related to the right to life itself. Provided with real purchasing power, the American health consumer has placed enormous stress on the capacity of the American health enterprise to respond.

This strain has been compounded by the maldistribution of health manpower, particularly physicians, who are moving away from the rural areas of our country, away from the urban core, and into the suburban communities surrounding our great cities. In 1943, the doctor-patient ratio in the inner cities was one to 500, and in the surrounding surburban communities was one to 2,000. By 1968, it had become one to 10,000 in the urban core and one to 500 in the suburbs. So much for the myth of the mainstream.

It has been in the cities of our nation, where the majority of Medicaid beneficiaries reside, that increased demand for health services has been most pronounced. It is in the cities where our capacity is most severly strained. In one 55-block area of Harlem recently studied, 50 physicians served 25,000 residents 25 years ago. Today, five physicians struggle to serve a population grown to 50,000. A physician in a situation such as this often bears double and triple the load he carried before, and inevitably finds difficulty in providing every patient with the highest quality care. The sheer number of patients seeking his attention forces him to put those who are really ill into hospitals. Many of these patients might have been otherwise cared for outside of the hospital. This strains our already over-taxed hospital resource. This is further aggravated by financing mechanisms which support hospital care far better than out-patient care.

In the South Bronx of New York, the 346-bed Lincoln Hospital now serves as primary health resource to some 350,000 of New York's most medically needy citizens. In its tiny emergency room, now the third busiest in the nation, some 500 patients a day are seen in a facility and by a staff never intended to bear such a load. In these situations we risk dilution of the quality of care. Further, we find increasing inequities and indignities in the human relationships involved in health services. The personal and human attention so basic to the healing process becomes progressively more difficult to assure.

In the rural areas of the country, the problem is no less acute. In rural counties physicians lost through death and retirement are not being replaced. Over 412,000 people in 115 counties scattered through 23 states do not have any physicians providing patient care in their counties. There is no place at all to cash in the money ticket.

Faced with an increased demand, and dilution in the quality of services for a major portion of our population, inflation in health costs has increasingly attracted the attention of Americans and their congressional officials. Last year public-private expenditures for health services in this country exceeded $63 billion. Inflation in this massive segment of the economy has exceeded that in any other. The nation's medical bill has increased 500% during the past twenty years. Health insurance premiums have been increasing at the rate of 10% a year. Hospital costs have increased 82% in the past five years. In the last fiscal year the federal contribution to the $63 billion enterprise was $18 billion—a figure larger than the national budget of all but five countries in the world. Of this $18 billion, $14 billion was devoted to the financing of health care—to the issuing of money tickets.

These are the elements of the health care crisis we face today. The growing reaction of an aroused public is the major new factor. In the halls of Congress and in the headlines of our national press we see the stirrings of a public now questioning those in whom they had placed their trust for the assurance of accessible, high-quality health services. The health professions, and medicine in particular, are receiving increasing public scrutiny. I would suggest that, unless we respond by effective action in the public interest, the reaction of an increasingly concerned public will eventually impose drastic changes which will work neither to the benefit of the patient nor the provider.

There are several major issues which must be confronted.

First, the national shortage of health manpower and institutions is real. But beyond the training of larger numbers of health professionals, the means must be developed to deal with the serious maldistribution of health manpower and resources.

Second, pouring resources into payment for health services without comparable investment in our capacity to respond to increased demand produces staggering inflation. A qualitative balance in the Federal health investment must be struck. This has not been done.

Third, important advances in medical research and technology still have not reached the public at large. Effective incorporation of new discoveries into the daily delivery of health services *must* be assured.

Fourth, medical schools are vulnerable today because of their over-dependence for many functions on federal research dollars. Realistic financing for the educational and service responsibilities of medical schools must be guaranteed.

Finally, the system through which health services are organized and delivered has serious inadequacies requiring effort on many fronts. New organizational models for health care delivery must be supported, studied and compared. Incentives both for consumers and providers of health services must be developed and tested. In order to be sure that the vast talent of the nation's medical schools contributes to these efforts, departments of social and community medicine must be supported. It is here that the vital union of education, service, and research can be directly focused on solving some of our most severe problems.

At a time when the health professions are entering what could be the most critical decade of the century for the future of our nation's health effort, at a time when public unrest is moving us toward new approaches to the problem which would have been unthinkable ten years ago, what kind of leadership and response are we getting from Washington?

This is the saddest fact of all. The evident lack of attention to the health needs of the American people is a matter of public record:

(1) The nation's number one health official has had to publicly lament his exclusion from the decision-making process in the White House.

(2) The new secretary of HEW was not consulted by the White House staff before the Presidential veto of a major piece of health legislation: the Hill Burton Program.

(3) At this very moment, it is still impossible to identify anyone on the largest White House staff in history who has responsibility or competence in this major segment of our economy and national life.

(4) In a year which the Administration itself defined as one of major crisis, there was no Presidential Health Message.

Meanwhile, the Federal Government will quantitatively increase its expenditures for health next year by $2 billion in a way which contributes to the present inflationary spiral. But it has developed no strategy for making this increase produce the qualitative impact so needed if the public interest is to be served.

Despite the urgent need for investment in increasing our capacity to respond to new demand, it is in this area where the administration seeks false economy.

It has been the Congress this year which pressed for an increase of $411 million over the administration's budget for support of bio-medical research, medical education, comprehensive health planning and health services research and development.

It has been the Congress which pressed for increases in expenditures for medical facilities construction, the Regional Medical Programs, mental health, and communicable diseases control.

Despite drastic inequities in our medical educational system in which 40% of the nation's medical students come from families in the top 5% income bracket, the Administration cut back financial aid programs for medical students last year. It has been the Congress, with the encouragement of this Association and the Student American Medical Association, which pressed the Administration for an additional $18 million for student assistance this year.

When a score of our medical schools are on the verge of financial collapse, it is again the Congress that takes the initiative in pressing an Administration, deaf to its own health officials, for an additional $16 million for institutional support and an additional $24 million for health research and education facilities.

I would contend that this not so benign neglect of a $63 billion segment of our economy can do nothing but further cripple our capacity to provide services important to life itself, and to aggravate the reaction of a frustrated public.

But perhaps the most insidious aspect of the current situation is the fostering of a climate which could divide into meaningless competition the three inseparable parts of our health effort: research, education and service. When resources are scarce, individuals and institutions whose primary commitment has been to one of these areas may fall into the easy trap of attempting to protect their interests at the expense of other equally vital areas. In the face of famine, there is a temptation towards cannibalism. Only the most simplistic analysis of the current crisis would allow such a course.

Research has led and will continue to lead to heightened medical capability without which the whole medical enterprise will wither and die. All our efforts will be futile if our capacity to produce increased numbers of physicians and other health professionals is not assured. Without financing mechanisms which at once remove monetary barriers for those who need health services and provide incentives for the more rational organization and delivery of health care, we can never meet our responsibility to the American public.

I would suggest that the callous indifference at the highest levels of our government to the health crisis in America exposes above all our own inability to organize effectively and to argue persuasively for the rational support of the American health enterprise. This indifference requires that we rise above our more parochial concerns to organize an effort in the public interest which combines our forces more effectively.

In the past there has been ample evidence of the leading role that medical educators and schools of medicine can play in such an effort.

Tufts University School of Medicine moved to sponsor two of the pilot Neighborhood Health Centers in cooperation with the Office of Economic Opportunity. These centers, established in the Columbia Point section of Boston and in Mound Bayou, Mississippi, served as early models of the effective social involvement of medical educational institutions in the health problems of the poor.

When government confronted the problems of the Watts community here in Los Angeles, the University of Southern California School of Medicine, then under the direction of Dr. Roger Egeberg, took the initiative to accept major responsibility for the medical aspects of that task. Today over half the nation's medical schools are involved in the operation of Neighborhood Health Center programs.

Early in the '60's the municipal hospitals of the City of New York were faced with the serious consequences of a failure to attract enough house staff and attending physicians. The City's commitment to provide health services to the medically indigent was in danger of breach. Under the brilliant leadership of Dr. Ray Trussell, then Commissioner of Hospitals, the affiliation plan was born. Through this plan, the City contracted with medical schools and voluntary hospitals for the provision of professional services. Since 1961, the medical schools of New York have helped to provide quality care to millions of New Yorkers while leading in the development of some of the nation's finest physician training programs. We are now involved, through the newly created New York City Health and Hospitals Corporation, in efforts intended to further develop this public-private partnership. But this example reminds us that in a time of great need, the medical schools of the City responded with energy and responsibility in helping with *that* health care crisis.

Today the Albert Einstein College of Medicine, an institution natonally known for its high standards of academic excellence and its contributions to basic bio-medical research, has begun to rise to the new challenge. At the Lincoln Hospital which I mentioned earlier, the school is developing training programs for students and house officers which will assure medical excellence but which will also deal realistically with the needs of a hospital and a community where health conditions are in a state of near disaster. Beyond its concern with the South Bronx, the College is moving toward an holistic approach to health problems and is taking a leadership role in the development of a more rational planning of health services for the entire Bronx. The College's response to the basic needs for new models of physician and health professional training, and to the need for participatory planning involving the community, is most encouraging. Albert Einstein is but one example of many such initiatives underway by major medical centers in our city and throughout the country.

The major challenge of this decade will be to stabilize the support of our institutions of bio-medical excellence while we create the new institutions of equity. The task is to share the fruits of our achievements with 200 million people, to share our excellence with equity, efficiency and respect for human dignity.

This will take institutional development as did the challenge of the last two decades. And the development of the new institutions of equity will require the leadership of medical research and education in the same way that the development of our institutions of bio-medical excellence did in the past. If we do not forge this partnership in the '70's, then all of the American health enterprise will suffer, but especially the consumer.

With this partnership, the Administration will not be able to ignore our Federal health leadership. If those of us committed to new knowledge, new manpower and better service join forces in the coalition whch the times demand, we shall be heard. It must be a coalition of teacher and student, of provider and researcher. It must include those interested in the old as well as the young; of those interested in the treatment of disease as well as the protection of health. It must be a public-private partnership, and most importantly, it must include the consumer.

The time is late. The public need is great. Let us get on with the work.

CONTINUING INTEREST IN USE OF SDR MECHANISM TO INCREASE DEVELOPMENT ASSISTANCE

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. REUSS. Mr. Speaker, in August 1969, the Subcommittee on International Exchange and Payments of the Joint Economic Committee issued a report urging serious study of a link between the creation of special drawing rights and financial assistance for economic development. The objective of any such linkage would be to use the International Monetary Fund's multilateral authority to distribute SDR's as a vehicle for transferring additional resources to poor nations. A number of different techniques for achieving this end result have been suggested, and the relative merits and disadvantages of these various approaches need to be examined in detail.

A little less than a year ago I commented here on the widespread interest—particularly among developing countries—in using the multilateral authority of the IMF to create international money for beneficial purposes. I then submitted for the record excerpts on this subject from the comments of various officials at the 1969 annual meetings of the IMF and the World Bank. Since that time, interest in a possible linkage arrangement has grown. In his concluding remarks at the 1970 meetings, held last month, World Bank President McNamara said:

> I think no other subject was referred to as frequently during the week's discussions as such a possible link between special drawing rights and development finance.

At the conclusion of a preliminary conference to prepare for the Fund-Bank meetings, the British Commonwealth finance ministers urged serious study of this subject. In his final remarks, Pierre-Paul Schweitzer, managing director of the IMF, asserted he was sure that:

> The executive directors will want to give careful consideration to the Fund's program of work in this field.

I would like to underline the recommendations of the Subcommittee of International Exchange and Payments to the effect that the potential benefits of a linkage arrangement are sufficient to warrant careful consideration. I submit a series of excerpted remarks by various IMF governors at the recently concluded meetings on this subject and more complete statements by President McNamara and Managing Director Schweitzer.

Admittedly, the first concern of the IMF must be to secure universal acceptance of the SDR facility. But we should not be satisfied that the potential benefits of international monetary creation under multilateral supervision are being fully exploited.

Extracts from remarks at the 1970 annual meetings of the IMF and World Bank: linking reserve creation and development assistance follows:

LINK

MALAWI—GOVERNOR BANDA

In particular, there was a general consensus of opinion at the recent meeting of the Commonwealth Finance Ministers that a study should examine the possibilities of a future link between SDR's and aid.

FEDERAL REPUBLIC OF GERMANY—GOVERNOR SCHILLER

SDR's cannot be a medium to finance capital aid. The normal needs of developing countries for international liquidity must, of course, be met. Germany has been and continues to be in favor of a fair participation of developing countries in the creation of liquidity through the IMF.

INDONESIA—GOVERNOR WARDHANA

[I know that a linkage of special drawing rights with development financing] is not provided for in the Articles of Agreement of the IMF. But legislation is a reflection of need and if that need is recognized, legal provisions can and should be adopted for it.

NETHERLANDS—GOVERNOR WITTEVEEN

There is a fundamental difference between development aid and liquidity creation. Real resources are necessary for development. These real resources can only be made available by taxes or savings. . . . I cannot see any logical link between aid and the creation of liquidity.

DOMINICAN REPUBLIC—GOVERNOR FERNANDEZ

It is of special interest to Latin America that the International Monetary Fund study the form in which special drawing rights might possibly be used, as the system develops, to promote the financial and economic integration of our continent.

KENYA—GOVERNOR KIBAKI

I am aware of the arguments that have been put forward in the past against such proposals, rhetorically described as confusing liquidity with aid. There are strong arguments for using this new form of international liquidity as a form of development finance, either directly through the allocation of SDR's to developing countries or indirectly by channelling them through lending institutions such as IDA.

AUSTRALIA—GOVERNOR BURY

. . . I would not argue against [a study] of the link. But I do think we should remember that the Fund is in the balance of payments business and the Bank is in the development finance business and we may weaken both if we get their functions confused. And I sincerely trust that the examination of this question will not be carried beyond the point where it may prejudice any future allocation of SDR's. That would be a great price to pay.

DEMOCRATIC REPUBLIC OF CONGO—GOVERNOR NDELE

The industrial countries cannot obtain the expected surplus unless they are prepared to finance the deficit of the less developed countries without thereby excessively aggravating those countries' burden of debt, either by transferring existing savings to the developing countries or by creating new instruments of payment for their use.

AFGHANISTAN—GOVERNOR AMAN

Recognizing that there is no specific link between the SDR system and developing countries' needs for economic resources, we request that the Fund's monetary experts study alternative methods for reallocating the special drawing rights. One possibility would be to continue the present system of computation based on quotas but to provide for double allocations of SDR's to developing countries.

ISRAEL—GOVERNOR HOROWITZ

The use of SDR's, indeed, might have less inflationary effects when allocated to developing countries which possess considerable amounts of unused resources, than when allocated to developed countries with relatively full employment. Thus, by using SDR's for development finance purposes, a new development strategy of utilizing spare capacity could evolve.

YUGOSLAVIA—GOVERNOR SMOLE

If an adequate approach is found to the establishment of a link; between the creation and activiation of SDR's, on the one hand, and the financing of development, on the other, an important contribution would be made to the search for a new and supplementary source of development financing, without compromising in the process, the very ideas and objectives for which the SDR's were introduced.

TRINIDAD AND TOBAGO—GOVERNOR PREVATT

The SDR scheme is operating satisfactorily; now we should re-examine it in the interests of equity. We cannot divorce international liquidity and development finance. A link between the two is feasible and the Fund should study the problems involved. This study should be completed before the beginning of the next basic allocation period.

NEW ZEALAND—GOVERNOR MULDOON

There have been proposals to study the possibility of linking the special drawing rights in the Fund to development finance. While New Zealand sees the value of a study, we would only support the activation of such a scheme if it was shown to be clearly compatible with the aims and objects of the Fund.

UNITED ARAB REPUBLIC—GOVERNOR HAMID

The link I have in mind is that which can be effected by direct contribution of SDR's by developed countries to IDA out of their allocation, followed immediately by an exchange of these rights into the national currencies of the respective donor countries, or through contributions in national currencies by developed countries to IDA in proportion to their annual allocation of SDR's.

Already the Expert Group on International Monetary Issues, in its report on "International Monetary Reform," prepared at the request of the UNCTAD Trade and Development Board, has recommended a link between reserve creation and the provision of development finance. Then no less a body than the General Assembly passed Resolution No. 2565 (XXIV) last December, inviting IMF member governments to consider at an early date the possibility of establishing such a link after the activation of the SDR's.

NIGERIA—GOVERNOR ISONG

But we must nonetheless stress the need for such a study on the grounds that any way of ensuring increased development finance to developing countries is both desirable and healthy for the rich as well as for the poor countries. [SRD's] must form a part of the cure for the serious ailment and malaise of the developing nations. Some of the objections to this link do not take into account the long-term political and economic stability of the developing nations.

From the concluding remarks by Pierre-Paul Schweitzer, managing director of the Fund:

Many Governors have expressed their satisfaction with the operation of the special drawing rights facility in its first months. Our overriding concern is to establish the SDR firmly as an effective and valued reserve asset. Even though we are only in the early phase of the first basic period, a number of suggestions have been made for the study by the Fund of modifications of the facility. These range from some of a more technical character to fundamental changes such as would be involved in establishing a link of some kind between the issuance of special drawing rights and the financing of economic development. I am sure that the Executive Directors will want to give careful consideration to the Fund's program of work in this field.

From the concluding remarks by Robert S. McNamara, President of the World Bank, IFC, and IDA:

And secondly, I would like to comment upon the possible link of special drawing rights to development finance. I think no other subject was referred to as frequently during the week's discussions as such a possible link between special drawing rights and development finance. Sharply conflicting views are, I know, held with respect to the desirability of such a link, but I think the great majority of those who spoke urged that the subject be given careful study. Mr. Schweitzer referred to it a moment ago. Because the availability of more concessional finance is of such vital importance to the development process, the Bank is prepared to give assistance in any study of this matter undertaken by the Fund.

Extract from communique of Commonwealth Finance Ministers, September 21, 1970:

LINK BETWEEN SPECIAL DRAWING RIGHTS AND DEVELOPMENT FINANCE

Ministers discussed the possibility of linking special drawing rights to development finance. They were encouraged by the first six months' experience of the working of SDRS which indicated satisfactory progress towards the establishment of SDRS as a reserve asset on an equal basis with other assets. They agreed, however, that the special drawing rights system would need to be firmly established before there would be any link with development finance. Ministers also agreed that the next occasion when the International community ought seriously to consider the link will be in 1972 when consideration is to be given within the IMF to the next round of SDR allocations. They accepted that the IMF members ought to be adequately prepared for this consideration and that to this end the executive board of the fund should be requested to undertake a study of the question in good time so that the results are available well before the time when decisions must be taken.

NATIONAL SERVICE ACT SUPPORT CITED

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BINGHAM. Mr. Speaker, on Sunday, October 11, 1970, a syndicated article by Alan Emory was carried by the Muncie Star in Muncie, Ind., on the subject of the National Service Act of 1970—H.R. 18025 and 18578. I would like to insert this article in the RECORD at this time:

SUPPORTERS IN MAJORITY: BINGHAM DRAFT ALTERNATE MEASURE COULD UNITE THE COUNTRY WITH ITS YOUTH

(By Alan Emory)

WASHINGTON.—"This bill will do wonders in averting the revolt of our youth and in getting united once more behind the country of which they can be proud," said a mother in Juneau, Alaska.

A woman in Chicago was happy that a public official felt "something besides war can be an honorable activity."

"I believe even women should be made to face that type of "draft,'" wrote a resident of Arlington, Tex.

"That type of draft" is the plan for some kind of national service for all young Americans proposed by Rep. Jonathan B. Bingham, D-Bronx.

It has fired the imagination of people across the country.

The idea is not brand-new. One of its early advocates was former Defense Secretary Robert S. McNamara, but the response then was limited.

Recently, with rising opposition to American participation to the Vietnam war and vigorous campus dissent, the proposal has struck a more responsive chord.

Bingham, the lanky, prematurely-gray New Yorker, says mail from Massachusetts to Alaska has been running about 10 to 1 in favor of his proposal.

Supporters include a university chief psychologist, a mother of draft-age youths and a 23-year-old policeman. A July 4 survey showed 70 per cent of the voting-age public approved a national service plan.

"These are thoughtful letters by people who are genuinely concerned about the draft's destructive effect on American society," says Bingham.

A cancer researcher for a leading pharmaceutical firm in Michigan thinks the plan would provide a solution to "a variety of urgent problems."

The policeman, Bennett W. Dickmann, of Edwardsville, Ill., said the only way the "poor image of policemen will be corrected is if we encourage young-open-minded people to seek careers in this field."

"As a teacher and the mother of two sons, I am aware of the deep and genuine moral aversion many young people feel toward military service," says a woman in Baltimore, Md., so the Bingham Plan offers a "useful alternative."

Now everyone agrees. A correspondent from Brooklyn resents Bingham's idea of having the young give "involuntary service" in any way not required of other segments of the population. "So far as justice is concerned," this minority view goes, "no benefits will be derived from your bill. It is worthless."

The secretary of the Examining Chaplains' Board of the Episcopal Diocese of New York told Bingham that the "double-standard" posed by placing ministerial students in a special selective service category served as a "constant embarrassment" for those appearing to take refuge from national service.

Some individuals appear to have "little sense of the vocation of the ministry," he said, and, as a result, "the ministry is the loser."

A writer from Hillsborough, Calif., said the Bingham Plan would end "forced" pacifists to avoid the hassle of having to obtain a co (conscientious objector) status."

"I have brought up my sons to believe that they can and must serve their country and mankind in peaceful and constructive pursuits," said one letter.

The chief psychologist of the University of Massachusetts Mental Health Service observed that in his work he and his colleagues saw many young men "deeply troubled by the prospects of military service."

The University plans a course this coming year dealing with the impacts of military conscription on young men in general and college students in particular.

The Bingham Plan has the support of such leaders as Rev. Theodore Hesburgh of Notre Dame University.

Rev. Daniel Burke, president of LaSalle College in Philadelphia, who has expressed an interest in the idea, recently wrote to Dr. George A. Hetard, asking whether, between now and the 200th anniversary of "our noble experiment" in 1976, some way might not be found to "allow each man's obligation to this country to be fulfilled and each man's honor to be kept intact."

"It seems a more fitting method of realizing the American Dream," Rev. Father Burke said.

Heard just completed a special survey of student unrest and its causes for President Nixon, but the president's reception of the report and its recommendations has been less than enthusiastic.

The Bingham Plan may be one answer.

Wrote a youth in Wayne, Pa., "Millions of kids, myself included, have recently seen their birthdays pulled out of a drum and placed on a board. This game of chance is ruling our lives."

"We want a choice," he pleaded.

A STUNNING CHARTER VICTORY FOR JACKSON COUNTY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BOLLING. Mr. Speaker, the following editorial in the Kansas City Star of November 4, concerns the victory for home rule in Jackson County, Mo., in the November 3 election.

The editorial follows:

A STUNNING CHARTER VICTORY FOR JACKSON COUNTY

The people of Jackson County won control of their own destiny at the polls yesterday. Thus draws to a close an era of dominance by the Missouri Legislature which began almost 150 years ago when this county was a remote outpost on the frontier of American civilization.

The charter not only carried but it carried big. The margin of victory leaves no doubt that the voters want permanent reform at the courthouse. There will be no turning back to the old system of spoils politics that permitted a few faction bosses to manipulate an archaic system.

Home rule means that local decisions can be made locally after the charter takes effect on January 1, 1973. Full responsibility for the affairs of this urban county will fall on the shoulders of Jackson County officials who must answer to their constituents every four years at the polls. After 1973, the buck will stop at the courthouse, not in Jefferson City. The voters will be able to assess credit or blame for what happens in their own county.

The charter victory is the capstone of the administration of Charles E. Curry, the retiring presiding judge. After eight years filled with impressive achievements, Curry's final goal at the courthouse was to bring lasting reform to Jackson County through a home-rule charter. When others turned down the job, Curry personally raised almost $100,000 to finance an educational campaign to explain the charter to the people.

No individual was more responsible for the successful signature campaign which initiated the charter movement than George Lehr, who will be the county's last presiding judge. On January 1, 1973, he will automatically become the first chief executive officer under the new form of government. Lehr and his two colleagues, Harry Wiggins, judge-elect of the western district and Joe Bolger, jr., judge-elect of the eastern district, will play a vital role in the transition from the old to the new.

The 14-member bipartisan commission which wrote the document not only did a thorough job, but also found a winning formula. From the start Harold Fridkin, the chairman, was determined to blend reform with the political realities of the county. The results at the polls yesterday are the highest tribute that can be paid Fridkin and the commission.

Many problems lie ahead. But none should be as formidable as the task of winning home rule at the polls. That effort began shortly after World War II and survived two earlier defeats. Yesterday's victory lays the groundwork for a new era of achievement in this urban county.

IMPORT QUOTA AND TARIFFS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. FISHER. Mr. Speaker, a great deal of nonsense is being peddled today about the restrictive efforts of import quotas. Much of what is said is not in keeping with the facts.

In order to put into focus the differences between import quotas and the tariff, I offer for the RECORD a short account of these differences. The paper was prepared by O. R. Strackbein, president of the Nation-Wide Committee on Import-Export Policy.

Mr. Speaker, we are on the eve of voting on the very important Mills bill on trade. I commend the article below to all Members for their close attention. The article by Mr. Strackbein follows:

IMPORT QUOTAS AND TARIFFS—A COMPARISON

(By O. R. Strackbein, president, the Nation-Wide Committee on Import-Export Policy, November 12, 1970)

Import quotas are often compared with tariffs as means of regulating imports. Until recent years this country relied almost wholly on the tariff as a protective device. Other countries, particularly since 1930, have used nontariff barriers rather extensively for this purpose. Import quotas have been prominent among these nontariff barriers.

With the exception of import quotas on a few agricultural products, such as wheat, wheat flour, sugar, dairy products, raw cotton and peanuts, we have had virtually no quotas. Those that we do have on farm products were imposed during the past thirty or thirty-five years, principally to sustain governmental price support programs. It was not until the last ten or twelve years that we established a few quotas on nonagricultural products, such as petroleum and petroleum products, lead and zinc (removed in 1965), and cotton textiles.

The latter is in the form of international agreements under which other countries agree to restrict their cotton textiles exports to this country. In 1964 we placed a statutory ceiling on the imports of bovine meats but no actual quota. In 1968 an international arrangement was made with the principal iron and steel exporters to limit their exports of those products to this country. The effects are somewhat the same as limitation of imports by quotas.

As our tariffs were increasingly dismantled (some 80% since 1934 on the average), import quotas began to draw more attention from our industries. When the tariff was no longer available while the problems to which it was addressed again loomed large instead of disappearing, a substitute for the tariff was brought.

Those of the freer-trade persuasion now condemn quotas as less desirable than tariffs; indeed brand them as more restrictive and inflexible than the tariff. Now that the tariff is dead, in other words, it finds itself suddenly vested with previously invisible virtues, while the quota draws heavy fire.

THE IMPORT QUOTA

Perhaps one of the principal characteristics of the import quota is precisely its flexibility and malleability. It could be absolute, restrictive and inflexible. On the other hand, it could be liberal, only lightly restrictive and flexible.

Short of an embargo an import quota could indeed place a severe limit on imports. For example, in place of a petroleum quota that permits about 12% of domestic consumption to be imported, it might be 5% or even less, as in some other instances. Such a quota might, moreover, be made inflexible. In that event it might admittedly be more deadly than even a high tariff.

On the other hand, an import quota might be set at a level that would permit a liberal inflow of imports. It could also be devised that in succeeding years imports might be permitted to expand, either in the same proportions as domestic consumption of the product in question, or more or less rapidly, as might be deemed desirable.

The quota would then bear no resemblance to a straitjacket. To describe it as such would represent an effort to discredit it without justification.

THE TARIFF

The tariff represents a tax on imports either on the basis of value (ad valorem) or by physical specification (lbs., sq. ft., tons, or the like and is then called "specific").

Our tariff is the same toward all nations with the exception of the Communist-controlled countries. This uniformity of the tariff results from the Most-Favored-Nations Clause in our treaties with other countries.

It is oddly enough this very uniformity that represents one of the tariff's principal weaknesses. Competitive levels vary rather widely throughout the world and as a result a uniform tariff is an awkward instrument for regulating the inward flow of trade.

EXPLANATION

Recently TIME magazine carried an article on the international contest for low-cost labor.

While this country has the highest wages in the world there are tiers of lower levels over the whole globe, from the highest to the lowest. Canada, although about 20% below our level, is the nearest to us in point of wages per hour. Europe, although not uniform, is generally higher than Japan in turn is higher than Taiwan, Singapore, Hong Kong or South Korea. Even in Europe significant differentials prevail. The TIME article says that the Finnish workers have a wage only about half that of the Swedish. German wages are well above those paid in Yugoslavia. To compete with Japan a German manufacturer is reported to be investing in production facilities in Singapore. Even Japan is seeking low-wage havens in India, Taiwan, etc. Italy supplies many items to the German, French and Dutch markets where higher wages prevail. In these many instances it is not the degree of relative efficiency or natural advantage of soil, climate or the like that determines the competitive advantage but simply lower wages.

An equal tariff rate such as we have, applicable to goods coming from all these countries, is no more sensible than having only one size of shoes for all feet. If a tariff were designed against goods from the higher-cost countries, at a level of, say, 15%, the lower-cost areas would enjoy a competitive windfall because such a rate would fall far short of bridging their cost gap. A tariff rate high enough to have a braking effect on the goods coming from the low-cost countries, possibly as high as 100% or 200%, would exclude the higher-cost countries from our market.

The import quota avoids this competitive discouragement of the higher-wage-paying countries. The quota prevents the use of the wage-advantage of low-wage countries as a highly effective international trade weapon. It can act as a preventive against the downward pull on wages exerted by the lowest-wage countries against their higher wage competitors.

Quotas can prevent the competitive advantage attributable to low wages from becoming a drag on all efforts to raise wage levels in the low-wage areas.

QUOTAS AND PRICES

The notion that import quotas are designed to raise prices is not supported by the trend of prices or products that are subject to import quotas in this country. If anything, there is a negative correlation. In most instances the prices on these products have lagged behind the general price level. (See Import Quotas and Prices—A Review, by O. R. Strackbein.)

This result is traceable to the simple fact that quotas are seldom used, if at all, to raise prices, but to prevent their falling to such ruinously low levels that they would bankrupt our industries while in many instances still returning a profit to lowcost foreign exporters to this country. It is then a defensive rather than an offensive instrument.

This is, to repeat, not to say that the quota could not be used for raising prices. It is to say that it has not demonstrably been so used in this country. The effect of quotas on prices depends on the ground rules under which the quotas are established and the degree of restriction imposed by them. A liberal quota, which is to say, one that permits imports to grow in proportion to the domestic market while cutting back current levels of imports little or none at all, will have very little if any effect on prices.

To maintain that quotas raise consumer prices, as a generalization, represents a falsification of historical facts, and is not a service to public understanding of the function of import quotas.

The fact is that import quotas offer the best basis for liberal trade legislation, hand in hand with nondiscrimination, which is a cardinal principle of the General Agreement on Tariffs and Trade.

FOR MORAL LEADERSHIP

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. DINGELL. Mr. Speaker, the weekend edition of the Christian Science Monitor for October 3–5, 1970, carried a column by Mr. Erwin D. Canham entitled "For Moral Leadership" in which Mr. Canham makes some forthright observations about the reaction to the report of President Nixon's Commission on Campus Unrest.

I found Mr. Canham's comments to be most incisive and include them at this point in the RECORD:

FOR MORAL LEADERSHIP

(By Erwin D. Canham)

It is terribly unfortunate that the problem of campus unrest has been made a political issue. This is precisely what President Nixon's commission (on which I served—and hence of course cannot claim detachment) tried to prevent.

The commission's report is couched in very carefully balanced terms. It urges reconciliation within a divided nation, and especially calls upon the President to give this moral leadership. It does not blame him for the long-standing development of campus unrest.

Unhappily, Vice-President Agnew has chosen to make the report itself a kind of political issue. He describes the earnest and sincere appeal to the President as "scapegoatism"—a most extraordinary accusation—and otherwise has misrepresented what the commission concluded.

WHAT WAS SAID

The New York Times devoted its lead editorial on Oct. 1 to parallel quotations from Mr. Agnew and the commission, showing very vividly how badly the Vice-President had been informed about the report's contents.

For example, Mr. Agnew said the commission "assumes a posture of neutrality as between the fireman and the arsonist." He also said. "It [the report] is sure to be taken as more pablum for the permissivists."

In fact, the commission said: "students who bomb and burn are criminals . . . There can be no more 'trashing,' no more rock throwing, no more arson, no more burning by protesters . . . Criminal acts by students must be treated as such wherever they occur and whatever their purpose. . . . Faculty members who engage in or lead disruptive conduct have no place in the university community."

Mr. Agnew said: ". . . The President cannot replace the campus cop."

Of course not. What the commission actually said was: "We have deep sympathy for peace officers—local and state police, national guardsmen and campus security officers—who must deal with all types of campus disorder. . . . We therefore urge that peace officers be trained and equipped to deal with campus disorder firmly, justly and humanely."

It is very much to be hoped that President Nixon will not be tempted to take the line chosen by his Vice-President. When we presented the report to him last Saturday he received it graciously and promised to read it all.

DIVISIONS LARGE

The commission's recommendations, we truly believe, give President Nixon a great opportunity and indeed a great political position. That is the position he initially chose upon his inauguration, a desire to unite the country.

The present divisions and misunderstandings are very large. The problem of an unpopular war, still dragging on, divides the country.

Black people believe they are still the victims of racist discrimination. The facts speak for themselves, in such terms as the scant public financial support given to black colleges and universities compared with the tax money given to white institutions.

The facts speak for themselves in such things as the tiny number of black court officers throughout the country, especially in areas where a big majority of the individuals called before the court are black. So it goes, across the wide range of American society.

YOUTH HAS CHANGED

The cleavage between the "conventional" and the "youth" culture is also great. It is largely a crisis of understanding, as the commission emphasizes. Many young people, including many of their leaders, have learned high ideals from their parents but believe society is not living up to them. Their life styles have changed spectacularly. It is very easy to misunderstand them, to hate and fear them. And there is no excuse for the violence to which some have descended.

"Middle America" is particularly and understandably resentful at the "youth" culture. It is already taking revenge at the polls, voting down educational bond issues and cutting university appropriations. It is receptive to the "hard line." Now, a hard line against crime is one thing. Against the whole structure of education and a generation of youth, it would be tragedy. The President can lead the nation out of this potential inferno. But the tinder must not be fed by irresponsibility and misrepresentation.

MARINE CORPS COL. DONALD NEFF

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. GAYDOS. Mr. Speaker, the Armed Forces Examining and Entrance Station—AFEES—in Pittsburgh, recently was named the winner of the U.S. Army's Recruiting Command "AFEES of the Quarter" award for the fourth quarter of fiscal year 1970. The award was presented to station commander, Marine Corps Col. Donald Neff, by the Recruiting Command's deputy commander, Col. P. F. Bermingham, in special ceremonies held at the Federal Building in Pittsburgh.

Colonel Neff's unit, which was selected over four other nominees from 74 AFEES groups in the United States, Alaska, Hawaii, and Puerto Rico, is staffed by five officers, 30 enlisted personnel, and 28 civilian employees. It serves 66 Selective Service Boards and 101 Armed Forces recruiting stations in Western Pennsylvania and West Virginia. The station has the capability of processing 200 men per day and the average number of people processed each day is 181. During the month of May, 4,676 physical examinations were conducted, an average of 233.8 per day.

I am sure much of this group's outstanding record can be traced to the leadership of Colonel Neff. My administrative assistant in the Pittsburgh district, Joseph Zajicek, had had many occasions to work with the colonel's staff on various military matters and has found Colonel Neff and the personnel under his command to be most efficient and cooperative.

Colonel Neff enlisted in the Marine Corps on January 29, 1943, and, during World War II, participated in four major campaigns. He holds the Silver Star for gallantry in action during the fighting at Tinian. After the war, he returned to teaching and obtained a masters degree in administration from Albany State University. However, he also organized and commanded a Marine Corps Volunteer Training Unit in New York. Upon moving to Pittsburgh, he was accepted as a member of the Marine Corps Selective Service Training Unit and commanded that group from 1963 until 1966 when he was recalled to active duty as the commanding officer of the Pittsburgh AFEES unit.

Colonel Neff is married to the former Shirley Doughty of Bedford, N.Y., and they are the parents of three children. He also is greatly interested in athletics and has officiated collegiate basketball in various conferences and national tournaments. In 1968 he was selected as the outstanding collegiate basketball official in Western Pennsylvania by area sports writers.

Mr. Speaker, I commend Colonel Neff and the personnel of the Pittsburgh AFEES unit for the outstanding record they have compiled in examining inductee for military service.

GREEN THUMB PROGRAM

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. DENNEY. Mr. Speaker, I am glad to have the manpower bill clarified in debate concerning the programs for older people.

Although the bill presented to the House is called the Comprehensive Manpower Act, it used language that might have eliminated the very programs which were used to develop and test the "public service employment concept." Furthermore, it seemed originally to overlook the special problems of the older workers who comprise a large percentage of the unemployed and poor.

There are 6¼ million persons over 55 years old and living in poverty. Most of them can and want to work. The Green Thumb and Senior Aides programs which have focused on helping this age group are too valuable to be endangered. The parks they have built, historical sites they have restored, their highway beautification and conservation efforts have transformed many communities, and also brought more income to the workers. The Senior Aides and Green Lighters have brought joy to the poor, the sick, the homebound, the isolated and handicapped by their work as community aides.

I am glad that the floor discussion clarifies the bill, and that they can be funded under this act.

RESOLUTIONS OF THE INTERNATIONAL ASSOCIATION OF GAME, FISH, AND CONSERVATION COMMISSIONERS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. DINGELL. Mr. Speaker, at its 60th annual meeting in New York City on September 18, 1970, the International Association of Game, Fish, and Conservation Commissioners adopted numerous resolutions relating to environmental and natural resource matters. So that my colleagues may have an opportunity to be aware of the association's position on these various matters, I insert the text of the resolutions at this point in the CONGRESSIONAL RECORD:

RESOLUTION NO. 1—PUBLIC LAW LAND REVIEW COMMISSION REPORT

Whereas, the Public Land Law Review Commission has recently published its recommendations for developing a new public land ethic for America; and

Whereas, Congress will soon consider the implementation of these recommendations:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners takes the following position on these major national resource management and public land issues contained in the Public Land Law Review Commission Report:

1. The total acreage of public land currently held in trust for the benefit and use of the people shall not be diminished;
2. Public domain and national forest lands should not be dedicated for any "dominant" commodity use;
3. The management of public lands should not be unduly weighted toward "maximum economic efficiency";
4. A basic organic act for the management of public domain (B.L.M.) lands should be enacted immediately based upon the multiple use doctrine;
5. All exploration and extraction of mineral resources must be accomplished under a mineral leasing system replacing the mining law of 1872;
6. National forest and public domain lands must be managed under the multiple use-sustained yield concept of forest and range management. There should be no special funding from timber sales and separate corporation procedures to finance timber production on public lands;
7. No public lands should be sold for grazing purposes. Public lands must not be classified for dominant use by domestic livestock and the single purpose Taylor Grazing Act should be repealed. Grazing permittees on public land should pay a fair market value for grazing privileges and federal authorities should return immediately to the increased fee schedule designed to obtain this goal;
8. Reasonable fees for the use of special facilities developed at federal expense on public lands are acceptable, but there should be no federal fee for recreational use of undeveloped areas;
9. The Wilderness Act of 1964 and the terms of the Land and Water Conservation Fund Act should be amended to apply to the public domain (B.L.M.) lands;
10. The intense development of the resources of Alaska should begin only after the state and federal governments have produced a well coordinated land management and zoning plan which gives full consideration to environmental protection and the preservation of public aesthetic and recreational values.

RESOLUTION NO. 2—PREVENTION OF POLLUTION IN THE ARCTIC

Whereas, there is increasing emphasis on the search for and development of arctic resources; and

Whereas, the very nature of this exploration and development poses a threat to the delicate ecology of the Arctic from long lasting and possible permanent damage by pollution; and

Whereas, international maritime law has not kept pace with technological advances associated with exploration, transportation and development of natural resources, and does not provide for the prevention of pollution of the seas or shorelines of the coastal states or the world, the Arctic areas are in extreme danger from Alaskan oil field development and shipping:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners hereby urges strong action to prevent the pollution of the Arctic environment, and commends the Government of Canada for its initiative in this field; and

Be it further resolved, that the President and the Congress of the United States be urged to adopt legislation for the immediate protection of Arctic and Sub-Arctic environment of the United States from pollution and to lend their influence to the early achievement of international agreement and modification of laws to provide for protection from the dangers of pollution of all oceanic and coastline zones of the world.

RESOLUTION NO. 4—LEGISLATION MODERNIZING THE P–R AND D–J ACTS

Whereas, the state fish and game agencies recognize the value of clarifying and modernizing the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act; and

Whereas, the provisions of S. 3860 and similar bills will delete the engineering, maintenance and management limitations and effect other housekeeping changes which are desirable; and

Whereas, the bill's provisions would add the revenue of the federal excise tax of pistols and revolvers to the Federal Aid in Wildlife Restoration Program; and

Whereas, one-half of these revenues would be apportioned among the states to, in part, support the cost of hunter safety programs; and

Whereas, the bill provides the option of documenting state-federal aid programs on the basis of comprehensive fish and wildlife resources plans which will encourage long-range, worthwhile planning and reduce the red tape in annual documentation:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners endorses the principle of S. 3860 (and similar bills such as H.R. 12475, S. 3927, and S. 3962) and urges its early enactment by the Congress.

RESOLUTION NO. 5—FEDERAL WATER POLLUTION CONTROL AND CONSTRUCTION GRANTS

Whereas, existing funding authority needed to continue vital programs of Federal-State-Local cooperation in improving the quality of water, one of our basic natural resources, will expire on June 30, 1971:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners urges that the provisions of Section 7, "Grants to States for Water Pollution Control Programs", and Section 8, "Grants for Construction", of the Federal Water Pollution Control Act, Public Law 84–660, as amended, be extended to June 30, 1975, by appropriate and prompt action by the Congress of the United States; and

Be it further resolved, that copies of this resolution be sent to the President, Secretary of Interior, and House and Senate Committees on Public Works.

RESOLUTION NO. 6—INCREASE MIGRATORY BIRD HUNTING STAMP FEE

Whereas, there is a current and critical need to accelerate the acquisition of critical wetlands for waterfowl; and

Whereas, the present fee of $3.00 for a migratory bird hunting stamp has been in effect for many years; and

Whereas, due to increased acquisition costs additional funds are necessary to complete the wetlands acquisition program:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners favors legislation to increase the migratory bird hunting stamp fee from $3.00 to $4.00 with the understanding that Congress will annually appropriate an additional amount from the General Fund equal to the revenue generated by this increase and to be used for continuation of the federal wetlands acquisition program, and none of these funds be rebated to the states.

RESOLUTION NO. 7—HEAVY METAL CONTAMINATION OF THE ENVIRONMENT

Whereas, there recently have been recognized incidents of environmental contamination by mercury and other heavy metals which have had disastrous effects on fish, wildlife, public health and recreation, and food stocks; and

Whereas, incidents of such environmental contamination have been recognized in Japan and Sweden for many years, yet the significance of this information was not generally known to or recognized by environmental protection officials of the North American nations; and

Whereas, there is a great need to gather information on pollution problems throughout the world and to disseminate such information as may be pertinent, to alert federal, state, and provincial pollution control agencies to similar problems on this continent; and

Whereas, there still remain many unanswered questions as to the full impact of heavy metal contamination, its threat to human health, fish and wildlife, and its persistence once it has been introduced to the environment:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners urges the Council on Environmental Quality of the United States and its Canadian counterpart to take necessary steps to assure that (a) information on environmental pollution developed throughout the world be gathered and analyzed, (b) that analytical methods become standardized, (c) that funds for such work be made adequate; and

Be it further resolved, that the federal governments of both the United States and Canada be urged to conduct research on mercury and other heavy metals to fully ascertain their effect on the environment and to explore ways that such effect can be reduced or eliminated.

RESOLUTION NO. 8—LOSS OF WETLANDS AND SPORT FISHERIES CAUSED BY STREAM CHANNELIZATION UNDER THE SMALL WATERSHEDS ACT, P.L. 83–566

Whereas, implementation of the Small Watersheds Act, P.L. 83–566 has involved considerable channelization of natural streams; and

Whereas, such channelization destroys the natural ecology of streams and floodplains and results in wetland drainage and loss of existing sport fisheries and wildlife resources:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners urges Congress

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to enact H.R. 15850, or similar legislation, to amend the Wildlife Coordination Act to include all small watershed projects under P.L. 83-566.

RESOLUTION NO. 9—FEDERAL BUDGET CONTROLS ON MILITARY EXPENDITURES FOR FISH AND WILDLIFE PROGRAMS

Whereas, Public Law 86-797 (Sikes Act) was enacted by Congress to promote fish and wildlife programs on military lands; and

Whereas, beneficial fish and wildlife programs have been carried on by the military using special fees collected from the sale of hunting and fishing permits as provided in P.L. 86-797; and

Whereas, the programs have provided substantial recreational use for civilian and military personnel; and

Whereas, the Bureau of the Budget is making program decisions by restricting expenditures of funds collected and thereby seriously curtailing fish and wildlife conservation programs; and

Whereas, the Act directs the Secretary of Defense to expend such funds in furtherance of the puropses of the Act and for no other purpose; and

Whereas, the Act exempts the Department of Defense from paying into the U.S. Treasury funds that are collected pursuant to the Act:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners urges the Administration to direct the Bureau of the Budget to rescind its restrictions and budget controls over funds collected by the military for fishing and hunting permits, under Public Law 86-797, and that these funds be appropriated for the purposes for which they were intended.

RESOLUTION NO. 10—FEDERAL-STATE LEGAL RELATIONSHIPS

Whereas, for a number of years the question of authority for the management of wildlife, particularly resident wildlife and fish, on federally owned and managed lands, has been a divisive issue between the states, as represented by this Association, and the federal government; and

Whereas, this Association has spent much time discussing this highly controversial question and has sought federal legislation to settle it once and for all so that conservationists in all agencies could get on with more important business; and

Whereas, Walter J. Hickel, Secretary of the Interior, on September 9, 1970, issued an official Regulation to give force and relative permanency to a policy statement of his Department which quiets the reasonable concern of the states for their right to manage fish and resident wildlife within their borders:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners commends Secretary Hickel for his definitive action in implementing his recognition of the states' authority in the management, regulation, and control of fish and resident wildlife.

RESOLUTION NO. 11—REORGANIZATION PLAN NO. 4—U.S. GOVERNMENT

Whereas, Reorganization Plan No. 4 would transfer the Bureau of Commercial Fisheries and the Marine Game-Fish Research program of the Bureau of Sport Fisheries and Wildlife to another agency not necessarily resource management oriented; and

Whereas, the proposed reorganization will have the effect of dividing rather than unifying the Nation's fisheries conservation efforts; and

Whereas, the International Association of Game, Fish and Conservation Commissioners believes this division would result in less effective professional management of the commercial and sport fisheries:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners opposes Reorganizational Plan No. 4 and strongly urges the Congress to reject this reorganization proposal; and

Be it further resolved, that the President be urged to establish a Department of Natural Resources, which would include the Department of Interior, U.S. Forest Service, U.S. Soil Conservation Service, and the civil functions of the U.S. Corps of Engineers.

RESOLUTION NO. 12—NATIONAL TIMBER RESOURCES

Whereas, the National Timber Supply Bill which called for substantial increases in the timber yield from the national forests and their development for optimum timber production as soon as possible was introduced in the 91st Congress; and

Whereas, the greatest danger of this Bill is its policy declaration that national forests are to be dedicated primarily for timber production in direct opposition to the Multiple Use-Sustained Yield Act of 1960 that gives equal consideration to fish, wildlife, range management, outdoor recreation, and watershed protection as well as timber management; and

Whereas, this Association by resolution dated September 9, 1969, requested the Congress to withhold passage of the Bill; and

Whereas, after numerous protests by conservationists and statements submitted at public hearings the Congress refused to consider the Bill; and

Whereas, the President of the United States has directed that timber harvest be liberalized on the national forests in direct opposition to the Congress and this Association with regard to multiple use management on the national forests;

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners urges the President of the United States to rescind his directive to liberalize timber harvesting on the national forests and to support the continuation of the Multiple Use-Sustained Yield Act of 1960.

RESOLUTION NO 13—REGULATION ON SHIPMENT OF DISEASED FISH

Whereas, unregulated shipment of diseased fish among the states as well as the provinces of Canada can jeopardize natural fish populations and public and private fish cultural operations; and

Whereas, existing legislation regulating shipment of diseased fish is not comparable with the legislation which effectively regulates shipment of diseased livestock; and

Whereas, Senate Bill 1151, which is now before the Congress of the United States, would provide for effective control of shipments of diseased fish; and

Whereas, this Association has proposed amending language which would improve the acceptability of this legislation:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners continues to support the passage of S. 1151 and H.R. 9417 with the proposed International Association amendments which are now before the Congress of the United States; and

Be it further resolved, that the International Association of Game, Fish and Conservation Commissioners urges each of the states of the Union and the provinces of Canada to enact companion legislation to provide for effective fish disease control.

RESOLUTION NO. 14—PERPETUATION OF GRIZZLY BEAR

Whereas, the grizzly bear population in the northern Rocky Mountains represent the best potential for perpetuating this species; and

Whereas, there is widespread concern over the welfare of the grizzly bear, now classified as a rare species; and

Whereas, research efforts on grizzly bear ecology outside the national parks have been inadequate or lacking in the past; and

Whereas there is a need for the development of a grizzly bear management plan encompassing all grizzly bear habitat; and

Whereas, the various agencies having responsibilities related to grizzly bear management are in general accord concerning the need for improved management of this species:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners urges that Idaho, Wyoming, and Montana establish a technical committee to formulate research and management objectives concerning grizzly bears, to be pursued both inside and outside of the national parks, and that all relevant agencies having responsibilities for wildlife or for land management coordinate their efforts with these states in the development of a comprehensive management plan which will include all presently occupied or potential grizzly bear habitat, and which shall have as its major objective the perpetuation of the grizzly bear.

RESOLUTION NO. 15—PROTECTION AND MANAGEMENT OF PEREGRINE FALCONS

Whereas the peregrine falcons have suffered an unprecedented population decline throughout much of their worldwide range; and

Whereas, they no longer breed east of the Mississippi River and recent surveys showed that breeding pairs at long-known nesting sites have continued to disappear westward and northward on the continent; and

Whereas, scientific evidence strongly indicates that DDT and other chlorinated hydrocarbons are adversely affecting reproduction and survival of these falcons; and

Whereas, falconers, pet-keepers, egg collectors, wildlife photographers, and research biologists have all taken a toll that threatens to continue at an increasing rate:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners respectfully urges the governments of Canada, Mexico and the United States and their respective political subdivisions to establish and/or strengthen their regulation over activities that affect peregrine populations and to encourage multilateral management on a continental basis.

RESOLUTION NO. 16—WILDLIFE HABITAT MANAGEMENT ON NATIONAL FOREST LANDS

Whereas, the Forest Service, U.S. Department of Agriculture, is obligated by Public Law 86-517 to manage the national forests ". . . under principles of multiple use and to produce a sustained yield of products and services and for other purposes . . ."; and

Whereas, national forest lands contain some of our best forest game habitat, especially for big game, rare and endangered species, and forest nongame important for a variety of recreational, aesthetic, and ecological purposes; and

Whereas, wildlife funds provided the Forest Service by the Congress are not adequate to support joint state-federal habitat programs on the national forests, making it necessary to limit or curtail desirable programs to improve the forest environment for wildlife; and

Whereas, although the Forest Service does employ competent wildlife biologists to fully coordinate wildlife with other resources management activities to meet multiple use objectives:

Now, therefore, be it resolved, that the International Association of Game, Fish and

Conservation Commissioners favors a realistic program of wildlife habitat improvement on national forest lands, and hereby requests the Forest Service to develop the necessary plans and programs to achieve adequate recognition of the wildlife resource under multiple use; and

Be it further resolved, that the Association urges the Congress to provide the necessary funds to carry out wildlife management responsibilities of the Forest Service under multiple use, and to support cooperative state-federal programs on national forest lands.

RESOLUTION NO. 17—USE OF NONTOXIC SHOT FOR MIGRATORY WATERFOWL HUNTING

Whereas, spent lead shot has contributed to the mortality of waterfowl for at least two decades; and

Whereas, a great deal of time, effort and expense has gone into researching this problem; and

Whereas, the continued failure to solve this and other serious forms of contamination has become intolerable:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners recommends to the Bureau of Sport Fisheries and Wildlife that immediate steps be taken to bring about an orderly transition from the use of toxic to nontoxic shot for all hunting of migratory birds; and

Be it further resolved, that in the absence of a compelling reason by the industry, before the 1973 waterfowl hunting season the Bureau adopt a regulation prohibiting the use of toxic shot for hunting of migratory waterfowl.

RESOLUTION NO. 18—ADMINISTRATION OF GRAZING AND CROPPING LEASES ON U.S. CORPS OF ENGINEERS LAND

Whereas, certain federal lands surrounding water development projects administered by the U.S. Army Corps of Engineers are licensed to State fish and game agencies for wildlife refuges or public huntinig areas while the administration of grazing on lands so licensed is retained by the Corps; and

Whereas, properly regulated farming and/or grazing on most of these areas is desirable as a game management tool while over-grazing, intensive cropping, absence of grazing or absence of cropping is poor wildlife management; and

Whereas, the environment for wildlife and man on Crops land is being destroyed by widespread overgrazing and by allowing priority leases to overuse or otherwise abuse Corps lands from the time they are purchased by the Corps until they are licensed for public recreation, including fishing and hunting; and by permitting individuals to construct private access roads across lands licensed to fish and game agencies; and

Whereas, present Corps policy does not permit state agencies to retain receipts from grazing leases, agricultural leases and sale of surplus grains, even with the stipulation that all such receipts be used for development and management of the areas producing the income:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners requests the Corps of Engineers to convey to the state fish and game agencies full authority and responsibility for the administration of agricultural and grazing contracts and granting of road easements on lands licensed to them, with receipts from agricultural leases, grazing leases, and sale of surplus crops on licensed lands retained by the fish and game agencies for defraying the expense of developing and managing such areas; and

Be it further resolved, that the Association requests that lands zoned for wildlife be licensed to the state management agencies as soon after purchase as possible to preclude environmental degradation which results from overgrazing or improper cropping now practiced by some lessees.

RESOLUTION NO. 19—COMMERCIAL FISHING BY FOREIGN FISHING FLEETS IN THE COASTAL WATERS OF THE UNITED STATES

Whereas, foreign fishing fleets have become active in the near coastal waters of the United States; and

Whereas, some of these operations are being carried out as near shore as the 12 mile fishing boundary line; and

Whereas, some foreign activities have penetrated deep into the Gulf of Mexico to fish important near-shore areas off the Mississippi River Delta and the coast of Texas; and

Whereas, some indication is that long line fishing for sailfish and tuna by fleets is having a detrimental effect upon billfish population which supports important recreation fishing for saltwater big game species; and

Whereas, all such foreign fishing is indirectly competing with U.S. commercial and recreation fishing interests; and

Whereas, the United States Government has no system of regulating the fisheries on our continental shelf beyond 12 miles;

Now, therefore, be it resolved, that the United States Government, through Congress, develop a system for regulation and protection of all U.S. fisheries interests in the continental shelf either by means of statutes which extend the present boundaries of the U.S. fishing interests and regulatory powers, or by means of treaties and agreements with foreign governments.

RESOLUTION NO. 20—APPRECIATION FOR NEW YORK'S HOSPITALITY AND EXCELLENT PROGRAM

Whereas, the 60th Annual Conference of the International Association of Game, Fish and Conservation Commissioners in New York City has been an outstanding and memorable event; and

Whereas, the New York Department of Environmental Conservation has arranged a well organized meeting and an excellent program, and has been a most gracious host; and

Whereas, the delegates and guests have thoroughly enjoyed this opportunity to share in a joint celebration with the American Fisheries Society of their first 100 years of service to the people of North America and the world:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners extend its appreciation to Governor Nelson A. Rockefeller, to the New York State Department of Environmental Conservation, to Mayor John V. Lindsay, to the fine City of New York, and to the many cooperating organizations and individuals who have made this a memorable "week at the Waldorf".

RESOLUTION NO. 21—ACTION ON LEGISLATION AND RESOLUTIONS ADOPTED

Whereas, the Legislation Committee has prepared a detailed report favoring certain bills pending in the United States Congress; and

Whereas, the Resolutions Committee has made a number of recommendations in connection with pending legislation, projects and programs on conservation and natural resources subject which also received approval; and

Whereas, prompt action is needed to publicize these resolutions and positions on pending measures:

Now, therefore, be it resolved, that the International Association of Game, Fish and Conservation Commissioners requests the Secretary-elect to follow through on distribution of copies of all resolutions as indicated therein or as may be deemed advisable to secure maximum effect and value from them, and that the Chairman of the Legislation Committee, both this year and the next, use these committee reports in preparation of position statements as necessary and desirable in expressing the Association's stand on pending bills in the United States Congress.

TO FIND HIMSELF, MAN MUST FIRST KNOW HIS BACKGROUND

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. EDWARDS of California. Mr. Speaker, Luis G. Juarez is a man who consistently writes of his people in a lucid and convincing manner. One's understanding is enhanced by listening to a man who is an eloquent member of a very large and significant minority group in the United States.

Herewith are Mr. Juarez' remarks as they appeared in the San Jose Mercury-News Sunday, September 27, 1970:

TO FIND HIMSELF, MAN MUST FIRST KNOW HIS BACKGROUND

(By Luis G. Juarez)

Ignorance of his cultural heritage has been perhaps the greatest cause for the slow socioeconomic growth of the Mexican-American in this valley.

Second and third generation Mexican-Americans still make up the bulk of the unemployed, low-income, and unskilled part of our county population.

The Mexican-American born and raised in this country, who has had little or no exposure to the history and culture of Mexico, has a difficult time knowing himself and his role in this society.

As is frequently the case, the Mexican-American child of a nomadic family who traveled the Southwest following the agricultural crops had little opportunity to feel a sense of belonging to any community. He lived in tents and makeshift huts and saw his father humiliated and often mistreated by the grower.

He could see the children of the grower living in a nice house, well dressed, riding in a good car and going off to school.

The image this child of a campesino family had of himself was that he was mentally and socially inferior and that he could never aspire to anything much better than that of his father.

In school, this feeling of inferiority prevented this child from raising his level of aspiration and soon he would join the ranks of the high school dropout.

In the adult world, even in menial jobs, he would be afraid to compete for a better job in the company. He would accept the inferior status he thought he was destined to have.

It is significant to note that the common denominator for most Mexican-Americans found in the professions and in successful business in this area is that of having lived in Mexico or near the Mexican border during their formative years.

A Mexican-American who received his education in Mexico, at least through the elementary level, had an opportunity to develop pride in his country's history and culture the Mexican schools stress so well.

When that child migrated to this country in later years, there was no doubt in his mind that he was just as capable as the next man to compete in school and on the job.

He was proud of his ancestry and in the

achievements of the great men in the history of ancient and contemporary Mexico. He knew who he was and where he came from.

The present effort by the Chicano to find an identity is of extreme importance to the future of this country. To be a good American, you first have to know who you are. The Chicano must first be proud of his heritage and succeed in his own emancipation struggle before he is ready to listen to the rest of society.

When the Chicano is ready to join the rest, it will not be to Anglo-Saxon conformity, but rather in a direction that will ultimately blend and merge into a way of living that is distinctly American, and unlike the way of life that people of Mexican origin came from.

Our school system must place stronger emphasis in providing the student of Mexican origin with access to books and courses that speak of his culture.

The Mexican-American child must also see himself in American history books. The contributions made by Mexicans in the development of this country have been omitted in the history textbooks of our schools.

According to the 1960 census, there are 11 million persons of Mexican origin in this country; and it is estimated this number will grow to 15 million in the 1970 census. This puts the Mexican-American as the second largest minority in the United States.

A WORKABLE DEFINITION OF OBSCENITY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. WYMAN. Mr. Speaker, I have often observed that the most important good the newly comprised Supreme Court can do for the Nation is to establish some sensible restraints on the outright permissiveness of the multitude of Warren Court decisions that have resulted in chaos on the domestic scene in the United States. One of the first line efforts in this regard is a decision redefining "obscenity" in a way to enable the several States as well as the Federal Government to stop the disgusting filth now available on the news stands and in the back rooms of filth houses of the land.

The following article in the New York Times by Anthony Lewis is significant in this regard. I do not agree with Mr. Lewis in his conclusion that Americans have "made it clear that they do not believe there is a vital social interest in suppressing obscenity." On the contrary I believe most Americans want true obscenity stopped in this country and that they are looking to Chief Justice Burger and his Associate Justices to do just this. Certainly a meaningful, reasonable interpretation of "obscenity" is within the capability of the Highest Court in this land.

[From the New York Times, Nov. 16, 1970]

FOR THE COURT TO DECIDE

LONDON, November 15.—In approaching the subject of obscenity the sane man should avoid indignation, pious or libertarian. One possibility is the mocking tone taken by Benn Levy, the playwright and former member of Parliament, in a letter to The Times of London the other day.

Studies in several countries, Mr. Levy said, have found that criminal laws against obscenity do nothing to prevent depravity and corruption, their stated original purpose. But many people still feel deeply that we must have such laws, so we had better find another reason for them: "We must look for a crime to fit the punishment."

Mr. Levy was in fact making a more serious point than he intended. Public attitudes are changing; the old justifications for suppressing books and films and the like will not stand up. But there still are social interests to be protected. The problem is to identify them—to bring legal order into an area where disorder is rolling society unnecessarily and making the law seem ludicrous.

As it happens, the Supreme Court of the United States has a rare opportunity right now to introduce some civilized clarity into the legal treatment of obscenity. It is hearing a number of significant obscenity cases, and they coincide with other developments that point toward possible accommodation of the conflicting interests.

The recent report of the Commission on Obscenity has particular relevance. Politicians rushed to denounce the majority's conclusion: "There is no warrant for continued governmental interference with the full freedom of adults to read, obtain or view whatever such material they wish." But the Supreme Court cannot brush the report aside, for it represents the first serious American effort to investigate the significance of obscenity instead of theorizing about it.

The Commission's reseach points inescapably to the finding that obscenity does not cause anti-social conduct. It is not scientificially conclusive evidence; no one claims it is. But it is the best available so far, much better than political fulminations, and it must carry weight in a court that demands compelling reasons for any restriction on freedom of expression.

The Constitution, after all, commands freedom of speech. That is not a self-executing rule, but at the least it requires the state to show some impressive social interest in suppression. The burden is on the authorities to justify control, not on the individual to justify freedom. And the Commission report is bound to make the justification of criminal laws against alleged obscenity more difficult.

When the Supreme Court first addressed itself to the problem, in 1957, it struck what was then an informed and sensitive balance. On the one hand, it held that obscenity was outside the Constitution's protections. On the other, it defined the obscene so narrowly—as utterly without redeeming social importance—that much would still be protected.

But that formula turned out to have an operating difficulty: It focused everything on definition, on judging each disputed work in terms of art and sex—a task that befuddled judges and confused everyone else.

Over the years, also, the framework of public consciousness in which the Court functions has drastically changed on this issue. Whatever moralizing may go on, the majority of ordinary Americans has made clear by what it pays to read and see that it does not believe there is a vital social interest in suppressing obscenity.

In a way the Commission itself signifies that change in attitude. When appointed, it was not expected by anyone to favor an end to restriction. Its chairman, Dean William B. Lockhart of the Minnesota Law School, had proposed a sophisticated theory for deciding what should be prohibited. But he and the majority abandoned the quest for definition and came out for a rule of freedom.

The Court has already begun to move away from the emphasis on judging individual works. It has allowed blanket protection of children and of those adults who do not want sexually explicit material through the mail. Eighteen months ago—without dissent among the Justices who reached this issue—it held that a man's possession of an obscene film for his own private use could not be criminally punished.

The trend of all these shifts in law and public attitudes is to give fresh emphasis to one social interest—privacy. That is the individual's freedom to see and read what he will—so long as he does not exploit it or invade the sensibilities of others.

Such a view would meet the real contemporary concerns about sexual portrayal. It would take the criminal law out of the wasteful and degrading task of snooping into private taste. But it would also allow a community to prevent public displays of the sort that now sully the Times Square area—displays that really assault the privacy of sensitive citizens.

To make such an accommodation is to ask a great deal of the Supreme Court, but in our system it alone can really do so. The Court's duty—and opportunity—is to cut through hypocrisy, weigh the various interests in constitutional terms and reach a balance justified in reason.

IRS RIGHTS A WRONG

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. PEPPER. Mr. Speaker, I was greatly pleased to note last week's announcement by the Internal Revenue Service Commissioner, Randolph W. Thrower, that the tax deduction status of "public interest law firms" has been restored.

Commissioner Thrower's announcement is a victory for all citizens who care about the poor and the environment. As I said on the floor of this House last October 14, the IRS ruling depriving the public interest law firms of their tax exempt status could not have come at a more unpropitious moment in our histoory. At a time when many of or brightest young people feel alienated from our society, depriving them of a peaceful means to protest and change what they consider the injustices of our society is wrong and dangerous. The reversal of this unfortunate ruling surely must hearten the many young lawyers and law students who have worked long hours to fight in the courts, instead of in the streets, in support of consumer interests and the protection of the public from pollution and corporate fraud.

These public interest law firms, as well as other charitable organizations threatened by the IRS ruling, have already made a valuable contribution to American society and their full impact is yet to be felt. I welcome their growing influence. To deny them tax exempt status, and thus deny them, in effect, of any possible funding, is to say to them that the little people of America do not count.

It is particularly heartening that the great public outcry occasioned by the IRS ruling has been reversed in only 30 days, not the 60 days originally set aside for a study. The unusual speed of this review is clear evidence of the beneficial influence an enraged citizenry can have upon an often unresponsive bureaucracy.

CONGRESSMAN CELLER ON COPYRIGHT LAW REVISION

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BRASCO. Mr. Speaker, during the period in which Congress was in recess, Congressman EMANUEL CELLER, the distinguished dean of our House and chairman of the Judiciary Committee delivered an address before the Copyright Luncheon Circle in New York City that was published in full in the New York Law Journal on Monday, October 26, 1970.

I want to call the attention of our colleagues to the perceptive comments of Congressman CELLER to the urgent need for revising our copyright laws and to his analysis of considerations that have thus far blocked action for over 5 years. I particularly want to alert our colleagues to the importance of our action on Senate Joint Resolution 230, before the work of the 91st Congress becomes a matter of history. This resolution would continue to protect from expiration, until December 31, 1971, copyrights whose renewal terms are nearing their end.

As Congressman CELLER points out in the full text of his statement, this will be the sixth time that we have had to adopt such an extension Resolution. As a result of past extension, more than 79,000 copyright expirations have been postponed and remain suspended pending final action by Congress on copyright law revision. Adoption of Senate Joint Resolution 230, would add 7,000 copyrights to that number.

For more than 5 years, Congressman CELLER and his colleague on the Judiciary Committee have worked with diligence and dedication in hammering out an acceptable measure. I trust those efforts will bear fruit at the next session of Congress.

Mr. Speaker. Following is the full text of Congressman CELLER's statement as published in the New York Law Journal:

WHITHER COPYRIGHT?

(By EMANUAL CELLER)

A little over five years have passed since I last publicly addressed myself to the issues and problems involved in the copyright law revision project. As I recall, it was on Sept. 2, 1965, the last of some twenty-one days of subcommittee hearings on H.R. 4347 of the Eighty-ninth Congress, that I presented a statement of comment on the progress of the revision project and the condition of the bill as it emerged from the hearings.

In my remarks I noted that since the legislative reorganization of 1946 the House Judiciary Committee has had legislative responsibility of all measures affecting copyrights and for guarding the intellectual property of authors and composers, and that it was universally recognized that the Copyright Act of 1909 is in many respects obsolete and inadequate and sorely in need of being brought up to date.

Also—perhaps recklessly—I made a number of predictions as to what resolution the subcommittee might make of a number of the salient issues presented by the revision bill. I said that I believed that the proposal of a single national system of copyright for unpublished as well as published works would be accepted together with a copyright term of the life of the author plus fifty years. As respects the often-criticized manufacturing clause, it was my thought that the subcommittee should and would include liberalizing changes, without totally eliminating this provision. With respect to the compulsory license for manufacture of phonograph records, I supposed that the subcommittee would retain this device, possibly with some increase in the cost of the license.

I exhorted publishers and educators to find an acceptable middle ground and predicted, with respect to the challenge created by the development of the newly emerging cable television techniques, that the subcommittee would not end up recommending an outright exemption from copyright liability in this area.

Finally, I reiterated my well-known concern over the outright and unfair exemption under existing law of jukebox performances of copyrighted music.

PREDICTION FAILS

Although most, if not all, of my prognostications were realized in committee, it would hardly do for me to rest my claims to clairvoyance on that day's soothsaying, for I also predicted that by Dec. 31, 1967, the expiration date of the then pending copyright extension statute, a copyright revision measure would, and I quote, "surely have been enacted." Had that prediction come true we would not be meeting here today.

We now know that no revision measure was enacted in 1967 or in 1968 or 1969 and that none will have been enacted in 1970. I guess we are here, or let us say I am here to speculate about the reasons why progress in copyright law revision has slowed down to the point where some assert that it is negative.

On April 12, 1967, the House of Representatives passed H.R. 2512, the copyright law revision bill introduced by me in the Ninetieth Congress. The measure failed of enactment in the Senate. The Ninety-first Congress saw its re-introduction as S. 543. A committee print of S. 543, dated Dec. 10, 1969, contains the text of the measure that has been reported by the Senate Copyright Subcommittee to the full Senate Committee on the Judiciary.

When one examines the legislative status of copyright revision today and compares it with the legislative situation in April, 1967, when the House passed H.R. 2512, it is possible to conclude that we have made no progress or that indeed we have lost some ground. When one examines the situation in an effort to determine why this should be so, one is immediately impressed by the appearance of a number of new and complex provisions, reflecting in part newly activated and complex issues.

IN THREE TITLES

At the outset it is noted that H.R. 2512, which was processed and passed by the House as exclusively a copyright law revision bill, has become, in the Senate, S. 543, a measure comprising three separate titles. The Dec. 10, 1969, version of S. 543 set out in the Committee Print reported to the full Senate Committee on the Judiciary, contains a Title I which continues to deal with copyright law revision. In addition, however, Title II of the bill proposes the creation of a National Commission on New Technological Uses of Copyrighted Works, and Title III, in turn, consists of legislation that has been introduced and reintroduced in the last several Congresses and that would provide new statutory protection against the piracy of ornamental designs of useful articles.

Nothing in my remarks about these titles is intended either to endorse or to oppose the legislative proposals involved. Their presentation for enactment is entirely appropriate. I call attention to them solely in order to raise the question whether their inclusion in the same bill with the copyright law revision title serves to help or to hinder dispositive consideration of the revision bill.

Apart from Titles II and III the Committee Print of S. 543 also contains a number of new provisions relevant to the revision project, some of which inevitably add complexity to the realization of copyright law revision. One of these, found in section 114, provides a performing right in sound recordings. This provision has been criticized on the ground that the performances in question do not qualify as "writings" under the constitution; that recognition of performing rights should remain a matter of private bargaining; that the question of a performing right in sound recordings should be the subject of separate legislation; and that some provisions involve difficult administrative problems. A significant view expressed is that the inclusion of a performing right in the legislation would be disruptive of, or jeopardize the possibility of copyright law revision.

Another new and unusual provision of S. 543 is found in sections 801 through 807 which would create a Copyright Royalty Tribunal whose function apparently would be to establish fair fees applicable to cable television systems, performance royalties on sound recordings, the mechanical royalty, and jukeboxes; in short, the areas in which the revision would impose compulsory licenses. The tribunal would make determinations concerning the adjustment of statutory rates and, in some cases, concerning the distribution of royalty fees deposited with the Register. Evidently the proposed tribunal is a concept that is new to American copyright law and involves further close scrutiny and study, which require time and effort.

COPYRIGHT PROTECTION

Also finding their way into S. 543, as reported to the Senate Judiciary Committee, are provisions such as those dealing with the protection of owners of copyright in works used in conjunction with computers (sec. 117), and provisions relaxing the responsibility of libraries for photocopying (sec. 108). Most of these and other innovations, whether or not their independent adoption would be substantively desirable, necessarily have had the effect of burdening the revision bill and of tending to render its ultimate enactment more distant.

By far the most complex and controversial provisions of the Senate bill are those governing copyright liability of so-called cable television installations for their use of copyrighted material. It should be recalled that the 90th Congress House bill, H.R. 2512, also contained complex provisions for governing the copyright responsibilities of cable television systems. On the floor of the House these provisions ran into serious difficulty and they were stricken in order to save the remainder of the bill. One of the difficulties of the CATV issue is that it involves both the regulation of communications and compensation of copyright owners. So far the issue has not been resolved; the Federal Communications Commission, the Senate Judiciary Committee, and possibly the Senate Commerce Committeee, are all involved in its solution, as are the interested parties, and resolution seems as far away as ever.

The question quite seriously arises for me whether the bill that passed the House, even without any provisions bearing on cable television, could not appropriately have been allowed to become law, leaving the unresolved CATV and other issues for a later time.

Proposals to disembarrass copyright law revision from the incubus of the CATV problem by enacting a so-called "bare-bones" bill has not met with Senate approval. Such a measure might, for example, embody the life plus fifty term, a single federal system of copyright, and the liberalization of the manufacturing clause. Its enactment would go far in improving our international copyright relationships and bargaining power.

The chairman of the Senate Copyright Subcommittee has announced that in his opinion no constructive purpose would be served by seeking further action in the Senate on the copyright bill during this session. He has indicated that he intends to introduce a successor to the committee print of S. 543 in the next Congress and hopes that it can be promptly processed by the subcommittee. He states that consideration can thus resume in the Committee on the Judiciary at the point at which proceedings are now being suspended.

The situation in which the proponents of revision find themselves leaves them with little choice other than to close their ranks and continue in the coming year to hammer out the terms of an overall copyright law revision. This is so because the "bare-bones" proposal has been rejected and because it is too soon to fall back to a situation in which individual issues are offered for piecemeal adoption. Meanwhile, they would do well to discover and discourage any self-styled friends of revision who would add to the already unmanageable list of differences that must be resolved. For, with such friends the revision project needs no enemies.

CONTINUED PROTECTION

I want to indicate that my own confidence in the ultimate outcome has not been impaired. I believe that the coalition of interests that have been cooperating to produce a viable revision can and will succeed. As a token of my confidence I expect, early after our return from the present recess of Congress, to press for the enactment of S.J. Res. 230, the pending copyright extension bill, which would continue to protect from expiration (until Dec. 31, 1971) copyrights whose renewal terms are nearing their end.

Enactment of this measure will mark the sixth occasion of this sort since 1962. Since the initial extension, up to and including the present, it is estimated that more than 79,000 copyright expirations have been postponed and remain suspended as a result of the interim legislation. The current bill would add another 7,000 copyrights to this figure.

In the absence of a further extension more than 56,000 musical compositions and 22,000 books, periodicals, and dramatic works will fall into the public domain at year's end. This will work a serious and unwarranted injury to the authors and their families.

The point of the extension, of course, is that it will prevent a situation in which some copyright owners lose their protection while owners of copyrights whose expirations come later may benefit from the nineteen-year extension contemplated in the revision bill.

For these reasons and because the extension of copyright term has become a central symbol of the entire copyright law revision project, I have concluded that another extension is imperative.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE EDUCATION OF A CORPORATE PRESIDENT

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. McCLOSKEY. Mr. Speaker, I include in the RECORD today a delightful Halloween eve speech given to graduate business school students at Stanford University by Herbert Patterson, president of the Chase Manhattan Bank. In the tradition of G. Northcote Parkinson, Lawrence J. Peter, and Avis' Robert Townsend, Mr. Patterson has set forth several basic precepts with reference to institutional leadership in today's world, precepts which may well be applicable to the government of the world's largest nation as well as to the world's largest bank.

Consider these samples:

(1) "If anything can go wrong, it probably already has . . . For example, in a long range move, we established a one-bank holding company . . ."

(2) "Only in recent years, however, have we come to the realization that highly motivated employees are the greatest asset any company has."

(3) "A President must resist the solicitous urgings of his staff, who seek to conserve his time and energy by putting him into the traditional ivory tower. Once there, safely isolated from the functioning every day realities that shape the lives of his employees and the general public, he is well on his way to being neutralized."

(4) "If you think you're on top of the job resign!"

The humor and capacity for recognition of error with which Mr. Patterson addressed Stanford's business students might well serve as an example to all of us charged with the Nation's $200 billion annual budget—at both ends of Pennsylvania Avenue.

The speech follows:

THE EDUCATION OF A CORPORATE PRESIDENT

Having just survived my Freshman year as the President of Chase Manhattan Bank and being fully mindful that I may be speaking to more than a few future Presidents in this gathering, I thought it might be appropriate to give you some advance warning of what may possibly lie ahead.

As I explained to Dean Miller and Charlie Magowan, my only excuse for the apparent immodesty of talking about myself is that there is no one else with whom I am better acquainted. And since the first rule of all public speaking is—Know Your Subject—I feel that I am on reasonably safe ground.

Some of my colleagues in New York warned me that in this autumn of discontent, communication between businessmen and college students is impossible. But after learning that a chimpanzee named "Sarah" has recently succeeded in establishing direct communication with some of your academic colleagues at Santa Barbara, I am encouraged to press ahead! If "Sarah" can do it, I hope I can!

I have deliberately entitled my remarks "The Education of a Corporate President." I have done so to put you on notice that however thorough your college training and early business experience may be, your learning experience will escalate once you get behind that desk where the buck stops.

In trying to select from my own experience some helpful lessons to pass along, I have skipped over those resulting from personal idiosyncrasy or unique circumstance and have settled on four lessons that seem to me broad enough to be relevant to business in general.

I don't pretend to have discovered these factors. But since Parkinson and Peter have established the precedent, I will draw upon my alliterative kinship with them and call my observations "Patterson's Precepts."

The first Precept is "If anything can go go wrong, it probably already has." I remember our Comptroller saying that the hardest part of his job was living daily with the knowledge that somewhere, somehow, something in the bank was going wrong—and not knowing what it was! The most careful corporate planning can go astray due to factors entirely beyond your control—and occasionally even beyond your wildest executive nightmares. The success, indeed the survival, of a chief administrative officer is determined not so much by the infallibility of his decisions as by his ability to live with the ones that turn sour. For example, in a long-range move, we established a one-bank holding company. With the approval of our stockholders, the new corporation became the owner of the bank and was free thereafter to acquire other companies. We assigned a group of our brightest young men to examine the possibilities for new acquisitions under the holding company. They returned with a carefully thought out and comprehensive plan of action and we had even started negotiations with several companies in the financial service business. We were confident that the Banking and Currency Committee of the House of Representatives would report out a bill that would not try to put the banking industry in a straightjacket. And we were right—it did!

When the bill reached the floor of the House, however, in 45 minutes it was rewritten into a highly restrictive piece of legislation, which threatened to stymie the future growth not only of one-bank holding companies but of banking per se. Undoubtedly these restrictions and the strategy to get them had long been in the mind of Congressman Wright Patman, illustrating my precept, again, that "If anything can go wrong, it probably already has."

This one development alone would have convinced me of the importance of making personal trips to Washington to visit Senators and Representatives and tell our story. So, I have set aside at least one day every month to spend on Capitol Hill, talking with Congressmen, trying to understand their problems and telling them something about our own. Hopefully, these face-to-face meetings can help eventually to dispel the impression that bank Presidents are hiding horns under their hats. You might say this is my way of working within "the system"—in this case, the political system—to bring about what I consider constructive changes through persuasion and the free exchange of viewpoints. I don't expect to prevail on every point, but neither do I want to concede any by default!

On a recent flight to Europe I read a magazine article about an executive who was asked how he felt about the honor of having just been elected President of his company. Recalling the press reception, the warm congratulations of his colleagues and the genial letters and telegrams, he responded, "The first 22 minutes were just great!" Then he was asked for his first executive decision and the glow vanished! From my own experience I would go a step further and say that making a difficult decision is only half the agony. The other half is trying to get someone to pay attention to it. As Clarence Randall, former Chairman of Inland Steel, sagely observed: "The common idea that all top management's wishes become self-executing orders is, of course, fiction." He suspected deliberate foot-dragging but much of the delay, it seems to me, is a matter of logistics and procedures.

This brings me to my second Precept: "The time-lapse between the moment of decision on a policy change and its actual implementation expands in direct proportion to the size and complexity of the company involved."

At Chase it is sometimes like trying to make a centipede into a broken-field runner or a Jim Plunkett. Each part of the organization must get the right word at the right time and complete coordination is essential. It takes infinite attention to detail and infinite patience. Like many of you, I often find myself in the position of trying to make radical changes and, like you, I have learned that changing things around is not always something that can be done as quickly as one would hope. I am persuaded that change is slow not just because innovations are deliberately sabotaged by those who resist change but rather because no one has enough power to change things overnight or, in some awful cases, as quickly as necessary.

As a corporate President, I know only too well that you can issue orders all day long but until people understand the reasons behind them and agree with them, nothing much is likely to happen. And even when they do agree, it is not going to happen immediately!

One of the first broad changes I instituted as President was a new budgetary and accounting system, which would relate our revenues and expenses directly to our specific bankwide objectives in a measurable way. As you know, many industrial companies have been doing this for some time but it was a new undertaking for a major bank, and for one the size of Chase, it was an enormous task. To assure that our new accountability budgeting is carried out effectively, time has to be allotted for review and follow-up at each successive level of management. It is often a frustrating process of two steps forward and one step back, but we do make progress because we are beginning to win over the doubters as to the value of more effective controls. But again, my Precept—"that the time-lapse between the moment of decision on a policy change and its actual implementation expands in direct proportion to the size and complexity of the company involved."

In truly progressive institutions change cannot merely be imposed from on top. It is imperative to create an atmosphere where new ideas will well up throughout the organization. It is also true that every subordinate who presents a new proposal assumes implicitly that his is the most important matter under consideration and that his solution alone will make or break the bank.

Self-confidence is an essential ingredient of any good bank officer, businessman or student and should be nourished even when it is occasionally misplaced. From this conviction I formulated my Third Precept—"Enthusiasm for your innovative subordinates should increase in direct proportion to the likelihood of the rejection of their proposals." Yes, I said in direct proportion to the likelihood of the rejection of their proposals. Let me hasten to add that I do not mean that cynically! To accept an idea is to pay it the highest possible compliment but you must decline an unacceptable one with a high degree of respect for the individual involved, his good intentions and the genuine effort he has expended. Otherwise you will jeopardize the spontaneity and imagination of future proposals upon which your own and the company's success clearly depend. It is always that "next idea" which a colleague will come up with that you hope will give you a competitive edge.

Skill in asset management has long been a traditional test of the good executive. Only in recent years, however, have we come to the full realization that highly motivated employees are the greatest asset any company has. In banking, we know that unless we make a prudent investment of the development and training of our own personnel, it will scarcely matter what financial investments we make because we won't be around at maturity. Traditional thinking in employee development used to concentrate exclusively on how to fit individuals into the company, but today there is a determined effort to adjust the company to accommodate individuals.

At Chase, for instance, a recent employee attitude survey done by an outside firm helped us to isolate areas in which people wanted changes. The results were eye-opening. Many areas in which we thought we were particularly strong were singled out for especially strong criticism. The message of "likes" and "dislikes" came through so loud and clear that we started to make changes. I established what we call a Manpower Resources Working Group, composed of senior officers from various areas of the bank, to study the results of the survey and recommend viable changes. The first thing we did was to eliminate some features of our MTM system, which had drawn very heavy fire. In fact, everybody was cheating! Next, we worked out a more effective transfer system, making it easier for staff members to move from one job to another more suitable and therefore more appealing, thereby reducing our turnover. We are sincerely trying to create in our bank an atmosphere wherein anyone feels free to approach senior management with a new idea. To show you the extent to which we have been successful, only last week one of my colleagues suggested to me that, given Con Ed's problems, we could solve the Chase's power needs if we were to buy the Queen Elizabeth, dock her near Wall Street Pier No. 5 and hitch her power system up to our new operations center. (I've still not rejected the idea!)

As a corollary, I would add that one must not lose those direct, sensitive and trusting personal relationships, which are the essentials of managing human beings. A President must resist the solicitous urgings of his staff, who seek to conserve his time and energy by putting him into the traditional ivory tower. Once there, safely isolated from the functioning everyday realities that shape the lives of his employees and the general public, he is well on the way to being neutralized. With the best will in the world, his staff will commandeer his appointment calendar and condense all adversity into easily swallowed capsules that won't upset his stomach. But without continuous exposure to the challenge and the stimulation of contrary views, an executive will be ill-equipped to guide his company with strength and intelligence.

And now, a fourth and final Patterson Precept: "If you think you're finally on top of the job, resign!" I say this because the job of a Corporate President evolves so rapidly that it literally defies mastery. If the requirements of the executive's task appear to stabilize, you are simply not meeting them responsibly.

To illustrate this evolution in executive responsibilities, you need only contrast the duties of a bank President a generation ago with those of his 1970 counterpart. Twenty years ago the President concentrated on the bank's investments, approved all loans over $50,000 and spent a great deal of his time seeing customers. Today these functions have largely been delegated to others, with only broad policy questions coming to the President's office.

Today's multinational banker is occupied with matters unheard of then, such as bank credit cards, computerized customer services and fluctuations in the Eurodollar market. A generation ago our own bank was offering no more than three dozen basic financial services. Today we offer close to 300. From my vantagepoint the technological advances seem endless.

And, if anyone thinks that business and banking are complacently rolling along on the theory of "business-as-usual," totally unaffected by the social currents now running in our country, let me tell you about a day I had recently—to be exact—this past September 29th.

At 8:45 A.M. I had my weekly briefing on the status of legislation in Congress. At 9 A.M. I and a group of senior officers met with our Urban Affairs Task Force—a group of officers, none of whom has been out of college more than five years—to discuss pioneering approaches for our community improvement programs. In the course of the discussion, we authorized more high-risk loans to small businessmen in depressed areas of the city and assigned another bank officer to work full-time as a job developer for the New York Urban Coalition.

At 10 A.M. I left the bank and went uptown for a meeting at the National Council on Crime and Delinquency, of which I am a Trustee. The purpose of the meeting was to discuss what position, if any, the Council should take on the legalization of marijuana. By 11:30 A.M. I was back at my desk to be briefed by our Loan Review Officer on the latest developments on some of our stickier loans. Then lunch with one of our customers—a large Wall Street investment firm.

At an afternoon meeting of the Chase Manhattan Bank Foundation, various grants to urban groups were approved, including one for a mobile information center to distribute bilingual consumer guidance to disadvantaged communities. Before leaving that day, I spoke briefly at graduation ceremonies for one of our manpower training classes—composed mostly of high school drop-outs.

I submit this day as evidence that the so-called Business Establishment can be, and is being, reshaped by those who are willing to work creatively within the system. Change is inevitable and it is necessary but—as a practicing pragmatist—I firmly believe we all must have the courage and stamina to come inside the system and accept what Peter Drucker has called "the great challenge for this generation—how to make institutions perform, not how to tear them down."

Presumably most of you in this room to some extent have already made your decision to take up this great challenge. But I suspect that as you move into positions of executive influence in business or government, many of you will continue to feel the pressure from enthusiasts, who will believe, in all sincerity, that solutions to deep and abiding social problems can be willed or wished into existence. You will be obliged, as I am from time to time, to point out that there are no instant crusades and that when practical solutions to problems are figured out at last, resources must still be allocated to them in some rational order of priority.

It will fall to you to seek ways of breaking down the "us and them" syndrome. Until more of us in business, in Congress and in the universities begin to conceive solutions not in terms of what "they" ought to do but what "we" can do together, the hard realities of racial inequity, poverty, a deteriorating environment, political opportunism and all the rest will still be around.

I began by discussing some of the difficulties I have experienced with executive decision-making. I would like to close by telling you of the most difficult one of all. I had to decide whether to evacuate our Head Office building in Manhattan when a bomb threat was phoned in. According to the anonymous caller, the bomb was due to explode within fifteen minutes. Having once before walked through the rubble of our bombed out sixteenth floor in the middle of the night, I had some idea of what was at stake. But I

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also weighed the possible disastrous effects of a sudden panicky evacuation of the thousands of people in the building and the dangerous impact of falling glass, as they milled around outside on the street. I sensed that it was probably just one more of literally hundreds of crank calls we have had but except for the extreme shortness of the warning the call had a similar M.O. to the actual bombing. Finally, I decided not to evacuate. But I can tell you, gentlemen, that in those next few minutes I learned more about executive education than is contained in anybody's Precepts! Fortunately I was right and maybe a little lucky, because no bomb went off!

I earnestly hope that by the time your generation has moved into the controls of business, you will be facing more enlightening and productive decisions than whether to evacuate your office building.

I choose to believe that the social commitments that business is making today will bring us to that day of enlightment even sooner—and, I also choose to believe that working together we can help create a world in which, hopefully, none of you will ever have to include such decisions in your education as a corporate President.

THE MIRACULOUS FIELD GOAL

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. HÉBERT. Mr. Speaker, everyone loves the underdog. It seems to be a tradition in American sports circles. New Orleans loves Tom Dempsey, the place kicker for its National Football League team the Saints.

Dempsey has only a half a right foot and no right hand. Yet he had overcome these handicaps to become of all things, a professional football kicker.

He was doing a good job for the Saints, but on Sunday, November 8, he did the impossible. That is when he put his crippled right foot into a field goal attempt that covered 63 yards—and it was good.

This, in itself, was a miraculous feat, but when it brought a stunning 19–17 victory over the Detroit Lions, the 66,000-plus fans at Tulane Stadium went wild.

As a former sportswriter, a Saints fan, and an American, I am proud of Tom Dempsey's accomplishment. I want to insert in the RECORD an account of this sports first written by my good friend Bob Roesler, sports editor of the Times-Picayune in New Orleans. His front-page story from the November 9 Times-Picayune tells the story:

LIONS AND RECORD TOPPLE AS HE KICKS IT 63 YARDS—NEVER WAS THERE SUCH A MIGHTY FIELD GOAL

(By Bob Roesler)

Never in the annals of professional football has anyone kicked such a mighty field goal.

Not until Tom Dempsey put his crippled right foot into the ball and sent it soaring 63 yards through the uprights to give New Orleans an unbelievable 19-17 victory over the Detroit Lions Sunday.

When Jackie Burkett snapped the ball into the steady hands of holder Joe Scarpati there were just two seconds left on the clock.

The crowd of 66,910 patrons watched in stunned silence as Dempsey's boot soared toward the north end zone. Did it have the distance? Was it in between the slingshot goal posts?

An official behind the goal raised his arms skyward.

The ball reportedly cleared the crossbar by a foot and a half, hit the turf three yards behind the uprights and bounced back onto the playing field.

The stadium exploded with a roar. The Saints, playing their first game under rookie coach J. D. Roberts, had registered their most stunning triumph ever.

SINCE 1953

A victory had been snatched from the grasp of the Lions who just 17 seconds before had wrested the lead from New Orleans on an 18-yard Errol Mann field goal.

Dempsey's 63-yarder erased a 17-year National Football League record held by Bert Rechichar who had kicked one 56 yards. Rechichar, playing for Baltimore, booted his on Sept. 27, 1953 against Chicago.

After being carried off the field on teammates' shoulders, Dempsey accepted congratulations with an amazing calm.

"I knew I could do it," Dempsey explained. "There's so much involved in kicking one that long but I knew I could do it. The only question was if this was going to be the time and if it would be straight enough.

"I got a perfect snap (by Jackie Burkett) and a perfect hold (from Joe Scarpati) and without it you could have kissed this one good-bye.

When Scarpati was asked what Dempsey's reaction was out there on the hard, brown playing surface, the little defensive back replied, "I don't know. I couldn't see him because he was engulfed by the players."

Danny Abramowicz, the All Pro wide receiver, told of one man's reaction. "Wayne Walker (a Lion linebacker) told me, 'Danny, Dempsey didn't kick that football. God did.' "

Roberts, who just Tuesday replaced the suddenly-fired Tom Fears, was almost as calm as Dempsey. When asked what he was planning for an encore, the former All America guard from Oklahoma replied, "I'll worry about that later. Right now I'd like to talk to Tom. It's been so hectic in the locker room I haven't been able to see him yet."

Two hours after the monumental kick several thousand fans remained outside the Saint locker room waiting to catch a glimpse of the Saint who will be long remembered for the miracle on Willow Street.

SP4C. ALEX D. PYSZ

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fightingmen, Sp4c. Alex D. Pysz, of Elizabeth, Pa., who was killed in Vietnam.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Private Pysz for his heroic actions, I wish to honor his memory and commend his courage and valor, by inserting in the RECORD the following article:

TRIBUTE TO PRIVATE PYSZ

Specialist Four Alex D. Pysz, 20, of 113 Ross Street, Elizabeth, is the latest area victim of the Vietnam conflict. The serviceman was killed in action Tuesday, according to word received by his family. Specialist Pysz entered the Army in August, 1969, and arrived in Vietnam last February 20. He was a 1968 graduate of Elizabeth Forward High School and is survived by his widow, Mary McBride Pysz; his parents, Mr. and Mrs. Alex Pysz, and a sister and brother.

GOVERNMENT AND THE BUSINESSMAN—SEMINAR IN JACKSONVILLE, FLA.

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BENNETT. Mr. Speaker, during the congressional recess I sponsored in the Third Congressional District of Florida, in Jacksonville, Fla., a "Government and the Businessman" Seminar on Friday, November 6, 1970.

This half-day conference, cosponsored by the Jacksonville Area Chamber of Commerce and the U.S. Department of Commerce's Jacksonville Field Office, was attended by several hundred Jacksonville businessmen and other interested citizens.

Two prominent members of the administration made speeches at the meeting—Assistant Secretary for Administration in the Department of Defense, Robert F. Froehlke, and Nils A. Boe, director, Office of Intergovernmental Relations—along with four Federal agency heads in Jacksonville, and two prominent businessmen.

The purpose of the "Government and the Businessman" Seminar was to bring the Federal Government closer to the people and to explain how Government can better help businessmen. I believe this was accomplished through the efforts of the participants in the seminar, and I insert in the CONGRESSIONAL RECORD the program and copies of the remarks made at the meeting:

GOVERNMENT AND BUSINESSMAN—SEMINAR: A CONFERENCE ON HOW GOVERNMENT CAN BETTER HELP BUSINESSMEN PROGRAM

9:15 a.m., Opening Prayer, Dr. Homer G. Lindsay, Sr., Senior Pastor, First Baptist Church, Jacksonville.

Welcoming Address, Hon. Hans G. Tanzler, Jr., Mayor, City of Jacksonville.

Remarks, Hon. Charles E. Bennett, Member of Congress, Third District of Florida, Jacksonville.

9:30 a.m., Keynote Address, Hon. Nils A. Boe, Director, Office of Intergovernmental Relations, Office of the Vice President, Washington, D.C.

9:45 a.m., "Federal Aid to Small Business," Hon. Douglas E. McAllister, District Director, Small Business Administration, Jacksonville.

10:00 a.m., "Housing and Urban Development," Hon. Forrest W. Howell, Director, Jacksonville Insuring Office, Federal Housing Administration.

10:15 a.m., "Business and Ecology," Col. Avery S. Fullerton, District Engineer, U.S. Army Corps of Engineers, Jacksonville.

10:30 a.m., Discussion.

10:45 a.m., Coffee Break.

11:00 a.m., "Commerce Services for Business," Hon. Wm. Bruce Curry, Director, Jacksonville Field Office, U.S. Department of Commerce.

11:15 a.m., "The SBA and the Small Businessman," Mr. John L. Stephens, Downtown Shell Auto Service, Jacksonville.

11:30 a.m., "Jacksonville, Florida and Business," Mr. Gert H. W. Schmidt, President, Jacksonville Area Chamber of Commerce and President, Florida Tractor Corporation.

12:15 p.m., Break for Luncheon.

12:30 p.m., Invocation, Rev. A. J. Reddick, Pastor, Grant Memorial A.M.E. Chufrch.

Luncheon Speaker, "Government and the Businessman," Hon. Robert F. Froehlke, Assistant Secretary, Administration, Department of Defense, Washington, D.C.

Remarks of Congressman Charles E. Bennett

In America, government does not generally produce wealth and jobs, and does not function for that purpose. The government does rely on taxes from business and job holders to create a proper and good atmosphere for the development and growth of all its citizens.

This system can be contrasted with that of Russia's. The United States has 85.6 million in its labor force, supporting a population of over 205 million. Eighty-five percent of those working are employed by business, in what we refer to as our "free enterprise" system. While Russia has a work force of almost 120 million persons—half the population—76 percent of them work for the government, the state. Fifteen percent are collective farmers and another 11 percent live on the farms and have private employment.

In a free society, employment cannot usually be created by government, as in the Soviet Union. Business makes jobs. Government can, of course, help, but business must provide the primary opportunities.

It was the ancient Doctor Galen, who said: "Employment is nature's physician and is essential to human happiness."

Government should only step in when the general population and the free enterprise system cannot do the job.

This is the American concept, and it has worked excellently through the years.

The purpose of the "Government and the Businessman" Seminar is to indicate where the federal government has stepped in to help business and what it can mean for business in these instances. We want to probe the possible places where the free enterprise system can gain from the federal programs so business can meet new challenges or determine where new channels of federal assistance seem to be required.

For many years in our history, making money and producing materials were the prime considerations of business.

Dr. Samuel Johnson wrote 200 years ago: "A merchant's desire is not of glory, but of gain; not of public wealth, but of private emolument; he is therefore rarely to be consulted on questions of war or peace, or any designs of wide extent and distant consequence."

And more recently, Charles E. Wilson, head of the world's largest business, told a Congressional hearing:

"What's good for General Motors is good for the country."

But in 1970—more than at any other time in America's history—we have free enterprise taking a major role in solving our nation's great problems.

Business is meeting our challenges for job opportunities; improving race relations; with knowledge breakthroughs and forwarding the brotherhood of man.

Here in Jacksonville, the over 3,500 members of the Jacksonville Area Chamber of Commerce are in the forefront of this effort to make America a better place in which to live.

As your United States Representative, I salute each of you. I am proud of the large and small businesses in our area that tackle the seemingly overwhelming problems facing all of us today. If we can continue to have good communications and work together for the good of all, then our free enterprise system will always be with us to build for an even greater America tomorrow. I hope we will all gain something from the discussion today. I thank you all for coming, and I am particularly grateful to all of our participants.

Remarks of Nils A. Boe, Director, Office of Intergovernmental Relations

I feel privileged to have the opportunity to participate in the Government and the Businessman Seminar, sponsored by your distinguished Congressman, Charles E. Bennett, the Jacksonville area Chamber of Commerce, and the Jacksonville field office of the U.S. Department of Commerce.

Congressman Bennett, indeed, has been a leader in developing conferences of this character. Previous seminars which he has conducted on subjects of law and order, environment, problems of youth, and community and urban affairs have not only been highly successful but have served as models for similar meetings throughout the nation. To be sure, the citizens of the Jacksonville area are fortunate to have a man with such dedication, sincerity and understanding representing them in the Congress of the United States. I am aware of your respect and admiration for him; I assure you that his colleagues and associates in government in Washington share your respect and admiration to no lesser degree.

I would be remiss if I were not to mention one additional resident of your city and area, who has contributed so greatly to his community, state and nation—your former Governor, Farris Bryant. At the time he was Director of the Office of Emergency Planning I was serving as Governor of South Dakota. The excellent relationship which he was able to develop and forge between the governors and the Executive Branch of the Federal Government served as an incentive and influenced me greatly in accepting the challenge inherent in the position which I presently hold.

My previous reference indicating pleasure in having the opportunity to participate in this particular seminar is not a mere platitude. The thesis of this conference is of the greatest importance. It would be my hope that the results derived would benefit not only the businessman in his relationship with government, but also the institution of government itself—at the federal, state and local levels.

Business has been one of the most constructive forces in the development of our country. History has clearly documented the achievements of business in the fields of sicence, technology, transportation as well as in the attainment of the highest standard of living in any nation of the world. During the past several decades, however, it might be said that business and industry in a sense were relegated to the "rear balcony" in the continued development of our country and in the administration of its problems and affairs. The role of the Federal government with its myriad of departments, agencies and bureaus came to be invisioned as an "omnipotent father" from whom all benefits flowed and by whom all problems were supposedly to be solved. One writer has referred to the relationship which for a time existed between the citizen and the Federal government as "the most torrid love affair of the twentieth century."

Fortunately, however, in very recent years the pendulum has commenced to swing in the opposite direction. The people as well as government itself appear to have realized that in order to meet the mounting challenges and problems of today, the efforts of every citizen is vitally needed and required. Probably the most hopeful sign of our times might be found in the admission on the part of many that government, whether at the federal, state or local levels, has become static and inflexible and accordingly, as entities, are unable to cope with the problems surrounding us today.

In response to this self-analysis, we find more frequently not only a willingness to accept aid and assistance from business and the private sector, but in many instances the urgent request for such help. For no longer can the needs of our country, our states or communities be satisfied through an archaic system which might have been designed to administer the affairs and problems of our people in the nineteenth century. Today government at every level needs the counsel, advice and the expertise of business and industry in streamlining and modernizing its administrative and, yes, its legislative processes. With the problems relating to education, pollution, crime, transportation, inflation, core cities, which in large measure still remain unsolved, we cannot continue to place further and further reliance on existing bureaucracy.

Many of you are familiar with the slogan which has been used over the course of many years—"The business of America is business." Today this slogan has been changed. It must read—"The business of business is America."

Nor does the contribution to the efficient operation of government need be restricted only to the large corporation. In the United States today there are an estimated 5,400,000 individual businesses. Ninety-five percent of these businesses by standards of the Small Business Administration may be considered small. Ninety-seven percent of our nation's firms employ fewer than 100 full-time employees. The small business sector of our economy contributes approximately 37% of the Gross National Product, and is responsible for over 40% of employment throughout the United States.

It is to all businessmen, therefore, whether large or small, that a challenge must be extended to share and aid in the responsibilities and obligations of government.

The present Administration has recognized the need of your talents by including in the Cabinet a former banker, three contractors, a certified public accountant, a former aerospace company executive, and an automobile industry executive. Similarly, the present Administration has recognized that in order to secure the participation of business and industry in the operation of government it must decentralize its own administrative activities and return in large measure the functions of government to state and local levels. The President has succeeded in causing our country to be divided into ten regions in which one city in each of said regions serves as the site for the regional office of five principal departments and agencies of the Federal government. In so doing, every effort will be made to more directly respond to the needs of every local area and at the same time enlist the assistance and cooperation of the private sector, and particularly business and industry.

While we are in the course of discussing the necessity for a more active and direct participation on the part of business in the administration of government, may I digress to the extent of directing your attention to a correlative need—a need for the development of a comprehensive and coordinated structure which will permit the effective and economical delivery of governmental services to the people in every area of our country and perfect the inter-relation of all governmental units to the fullest degree. Why does such a need exist?

The demands upon state and local governments are steadily increasing. The need for Federal assistance accordingly is becoming greater. The cost of Federal grant-in-aid programs is continuing to mount. No longer, therefore, can we afford the luxury of each state and each local governmental unit to fund its individual program with little or no thought given to duplication, coordination of effort, or the development of an integrated plan affecting multiple units of local government, the state as an entire entity, or a region comprising several states.

You in the Jacksonville area have recognized this fact and have taken affirmative action in the reorganization of your local governments. Of this you may be justifiably proud.

To turn our attention in this direction is not to disavow belief in the individual sovereignty of states or in the limited autonomy of local governmental units. Nor will the thoughtful development of such a concept ipso facto cause the creation of another layer of government—as envisioned by some who wish no change. Rather, it is only in so doing that a firm foundation for "New Federalism" truly can be laid.

Instead of a patchwork, "band-aid" procedure which will result from an uncoordinated consideration, it is necessary that a broad comprehensive structure be created by Congressional act, which will lend itself to complete flexibility and will serve the multi-purpose needs of the respective governmental units throughout the United States.

Such a structure should provide as its basic premise that the determination of needs, policies and programs originate within and from a state and its local units of government and the private sector composing the same. The inclusion of cities and counties should not only be permitted but encouraged and even required in such planning and program determinations. In so doing, coordinated planning may be developed for each state with the active aid and assistance of local units of government—a procedure which is distinctly contrary to the requirements of conformity to a static pattern generally found in present Federal assistance programs.

Nor in the adoption of such a structure is it necessary that its genesis must provide immediately for implementation throughout every area and throughout every state in the country. As experience and need dictate, regions may be delineated and added from time to time. In like manner, no total price tag in its inception should be placed thereon. The need, desirability and practicality should be fully demonstrated before funding is made with respect to any programs planned or contemplated within a state or within a region comprising several states.

The opportunity for an imaginative and exciting evolution of our present federal system truly exists. To permit this system, however, to meet the challenges of tomorrow, we must allow our eyes to be raised above the paper boundaries which have heretofore isolated local units of government and the respective states. And at the same time we must cast aside the jealous jurisdictional prerogatives which all too often have caused our federal departments and agencies to fail to recognize the necessity for greater cooperation and coordination in responding to the needs of the American people and the component governmental units of our federal system.

I only hope that my comments may have provoked some thought on the part of the participants of this seminar and that further consideration might be given thereto throughout the balance of this program as well as in the months and years ahead.

Our country and the philosophy and ideals upon which it was founded will survive if we, the present beneficiaries, individually recognize and actively assume the full duty and obligation of participation which is ours as citizens.

REMARKS BY HONORABLE ROBERT F. FROEHLKE, ASSISTANT SECRETARY OF DEFENSE (ADMINISTRATION)

When Congressman Bennett asked me to speak on the subject, "Government and the Businessman", I was not quite sure whether I should speak on government from the businessman's point of view or business from the point of view of the government official. You see, I have been in government approximately 21 months and I believe I'm right in the middle of the metamorphosis to government official.

When considering how I could make this talk interesting and helpful to you I thought back to those days 21 months ago when I was a "businessman". I decided that I would have liked to hear about some of the techniques and problems of managing the Pentagon. After I have concluded you will be able to judge whether I still think like a businessman, and whether I have guessed what is of interest to you.

One of the first decisions Mel Laird made when he became Secretary of Defense 21 months ago was to decide the style of management he would use as the top manager of the nation's largest Executive Department. This entailed a number of fringe decisions:

1. The style of management would not be the end, but the means to achieve the end. The end would always be the goals of the Administration. (How often have you managers offered constructive criticism to a subordinate who has not achieved his goals and have the reply come back, "I didn't achieve what I set out to do but my style of management was superb"?)

2. The style of management Secretary Laird "hoped" to use during his term as Secretary of Defense would be announced before he ever began to manage. At the time this appeared to be a rather daring decision. Mel Laird had never managed prior to taking over as Secretary of Defense. Could he manage? Would the style he thought he would use actually be the style that he could use?

Nevertheless, it was determined that he should announce the style because in that way his associates could know of it and adapt to it. It would also have the good effect of allowing his associates to keep their objectives in view on occasions when he varied from this style of management.

3. There would be no attempt to have everyone manage the same way. A style must be comfortable for the manager. There is nothing worse than to have a style which is artificial. Therefore, it was resolved that at no time would there be pressure for all to manage the same way. There would always be pressure to have all achieve their management goals in the way they thought best.

The management style chosen was the participative style. Textbooks have been written and month-long seminars conducted on this style of management. I think two words best describe it. Involvement. Teamwork. We wanted to involve as many as possible in the total management process. To put it another way—whenever possible, we wanted the views of those who were going to implement the objectives and plans involved in the setting of the objectives and plans.

This involvement should have two important results:

1. The objectives and plans should be better because the day-to-day operators would contribute practical considerations known only to them.

2. The day-to-day operators would be much more inclined to enthusiastically carry out the plans because they were involved in the setting of the goals and plans.

The second key word is teamwork. When you get many people involved in the management process on solely an individual basis you have chaos. Involvement must be accomplished through the various individual working as a team. Loners have their place. However, they don't belong on a team practicing participative management.

In order to practice a participative style, three prerequisites are a must. All three had to be built when we took over.

The first and most important is a feeling of mutual trust among the members of the team. (Until I respect your intelligence and integrity it is useless for me to attempt to pretend I'm interested in listening to your point of view.)

Secondly, you must have an attitude towards communication. It is impossible to involve people as a team without wanting to communicate in depth. The first step in this communication is not the written or spoken word. Rather, it was best described by Emerson when he said "What you are thunders so I don't hear what you say to the contrary."

We had to build a desire to communicate and an awareness that the members of the team would judge the leaders by the actions they took. The leaders' actions—not their words—determines whether their subordinates believe them.

Thirdly, we had to build an attitude toward organization. We found a very rigid organization with almost a slavish obedience to working through the organization. We have tried to play down the importance of the organization and play up the importance of people.

When there is a job to be done we are attempting to have our managers first ask what person has the ability to best get the job done. In the past there has been a tendency to look at the organization chart to determine what position is responsible for getting the job done.

From the viewpoint of a businessman, I see in government these inherent characteristics which make it more difficult to manage.

The businessman uses objectives as the guideline for his every action. Everyone in the business aims his activities towards the total objectives of the business. These objectives can vary as you go down through the organization but generally include sales, growth, expenses, turnover, and, of course, profit. All of these objectives are identifiable and measurable. Everyone in the organization can key his activities towards achieving one or more of the objectives.

What are the identifiable and measurable goals of government? As a manager, I must confess that I have been unable to come up with tangible, measurable objectives.

In the Defense Department our goals are surely peace, strength, restraint and efficiency. All very desirable. All highly intangible and unmeasurable.

Without identifiable and measurable goals it is very difficult to build a team and to get direct job satisfaction for the attaining of the satisfactory goals.

A second problem in government is the relationship between the employees and the board of directors. In business I served on my company's board. Most of the board members were not connected with the company and met only four times a year. When they met there normally was total agreement. They set corporate goals and determined whether the goals of the previous quarter had been met. Then they went home for three more months. This is the way I think a corporate board should manage.

In government our board is called Congress. It meets about 300 days out of the year and only one mile from the Pentagon. The board has never agreed unanimously on a major policy in the past 21 months. The board is constantly involved in our daily operations. From a business standpoint this kind of an operation is not conducive to the application of sound management principles.

I do not recommend changing the relationship between the DoD and Congress. I do point out, however, that there is difference between business and government. This difference, I believe, inherently affects the efficiency of the governmental process.

Finally, I see in government a great tendency to force the top officials to make day-to-day operating decisions. It is easier and more satisfactory to achieve the tangible goals of operation than the vague goals of policy setting. Nevertheless, top managers must set policy. I think I see in the Department of Defense steps being taken in this direction.

From both a managerial and constitutional standpoint civilians should control the Department of Defense. To the extent that we become involved in day-to-day operating decisions, I think that control is diminished. The only way for the relatively few civilians to control the Department of Defense is to have them restrict their activities to policymaking. This is really what the Blue Ribbon Defense Panel was saying in its final recommendation—"The top officials of the DoD must withdraw from operations and devote the time to setting policy."

Remarks by Douglas E. McAllister, District Director, Small Business Administration

Congressman Bennett, conference speakers, distinguished public officials, ladies and gentlemen.

My subject "Federal Aid to Small Business" will actually consist of informing you of the Small Business Administration and its programs. There are other Federal programs which deal with business and commerce; however, they are represented on the program.

The Small Business Administration was established by Congress to serve the public interest by encouraging the growth and preservation of small business throughout the Nation. Our agency has had a comparatively short life; it was authorized in 1953 and was made a permanent independent agency in 1958. From the very beginning, the agency's main reason for existence has been to provide the means whereby the small businessman could lessen the competitive impact imposed on him by the industrial giants in the marketplace.

As evidence of its performance and effectiveness, it now has a portfolio of outstanding loans totalling $2.2 billion. This volume puts SBA on a par with the top 15 major banks of the country.

The entire thrust of SBA's many flexible programs is aimed at helping the little guy stand on his own feet.

Some of these programs are:

Regular business loans:

The purpose of this program is to make sound loans with high economic returns, that meet certain national or local objectives—small manufacturers, wholesalers, retailers, service concerns and other businesses may borrow to construct, expand or convert facilities, purchase buildings, equipment or materials, or obtain working capital.

By law we can't make a loan if a business can obtain funds from a bank or other private source on reasonable terms.

It should be pointed out here, I think, that the agency is not a rescue or "bailout" source, is not willing to finance poorly managed or unsoundly situated companies nor to engage in purely speculative investment in new ventures.

We provide a source of term loan assistance to small firms and supplement credit available from commercial sources. Up until the last 4 or 5 years, most of our loans were made directly by us—in recent years most of our loans, 75–80%, have been made in participation with banks and other financial institutions.

I am not going over our loan program regulations, policy and credit criteria in detail since it is set forth in our pamphlets and other literature.

Loan approval is based on sound credit factors and considerations and the decisions are made in the district office here in Jacksonville.

When the financing is not otherwise available on reasonable terms, SBA will guarantee up to 90 percent or $350,000.00, whichever is less, of a bank loan to a small firm.

If the financing in the entirety from a private lender or an SBA guaranteed loan is not available, SBA will then consider advancing funds on an immediate participation basis with a financial institution to make the loan. SBA cannot make a direct loan at the present time because of budget cutbacks and resulting limitations.

The agency's share of a participation loan may not at the present time exceed $150,00.00, if funds are available.

The maximum maturity of 15 years is available only when 35% or more of the proceeds are for new construction. Loans for other purposes may be for as long as 10 years. However, working capital loans are usually limited to 6 years.

Interest: Interest rates on SBA's portion of immediate participations, as well as direct loans, may not exceed 5½%. The bank charges its own interest rate (as long as it isn't excessive) on guaranteed loans and may charge up to 8% on its portion of immediate participation loans.

Collateral: Security for a loan may consist of one or more of these: A mortgage on land, a building and/or equipment under the uniform commercial code, assignment or warehouse receipts for marketable merchandise; a mortgage on chattels; guarantees or personal endorsements and assignment of current receivables.

What is a small business? For business loan purposes, SBA defines a small business as one that is independently owned and operated, nondominant in its field, and meets employment or sales standards developed by the agency. These standards cover approximately 95% of existing eligible businesses in the country. Briefly some of the standards are:

Manufacturing—Small if employment including affiliated companies does not exceed 250.

Retailing and service—Generally, if yearly sales not over 1 million dollars.

Wholesaling—generally, if yearly sales are not over $5 million. In some instances higher standards apply, particularly in manufacturing, and you should check with our office if you have a question regarding size.

Because we are a public agency, using taxpayers funds, SBA has an unusual responsibility as a lender. We are, therefore, unable to make loans to certain businesses or for certain purposes such as gambling or other speculative activities, newspapers, T.V., and radio stations and real estate investments, etc.

For your information, all of our loan literature spells out the ineligible applications or purposes as well as other details concerning our policies and size standards.

Economic opportunity loans (EOL): Economic opportunity loans make it possible for the disadvantaged who have the capability and the desire to own their own businesses to become part of the economic life of our Nation. Both prospective and established small businessmen may receive assistance under this program.

The economic opportunity loan program provides both financial and management assistance. The maximum amount of an EOL is $25,000 for up to 15 years.

Any resident of the United States may apply for an EOL loan if:

1. His total family income from all sources (other than welfare) is not sufficient for the basic needs of that family; or

2. Due to social or economic disadvantage he has been denied the opportunity to acquire adequate business financing through normal lending channels on reasonable terms.

Every applicant must demonstrate the ability to operate a business successfully. There must be reasonable assurance that the loan can be repaid from the earnings of the business.

While character is of more importance than collateral, every applicant is expected to have some of his own money or other assets invested in the business.

Minority enterprise program: In 1968, SBA combined its efforts with those of private industry, banks, local communities and the Federal Government to substantially increase the number of minority-owned, operated and managed businesses. For the first time in SBA history the minority enterprise program, (ME) through "operation business mainstream" brings all the agency's services together in a coordinated thrust to make more sound business opportunities available to minority individuals.

Since minorities comprise 15 percent of the Nation's population, yet own only 3¼ percent of the country's more than 5 million small businesses, the main objective of the minority enterprise program is to help close the gap in business ownership between minority individuals and other Americans.

SBA tries to match minority individuals who indicate a desire for business ownership and have some management aptitude with sound business opportunities. We try to accomplish this with the cooperation and assistance of civic groups, trade associations, volunteers, and other groups who have goals compatible with ours. Volunteer groups help to prepare financial statements, business projections, and other related materials. Assistance is also given, if needed, in preparing a formal application.

This is indicative of the extent and type of management or technical assistance available to the applicant to help assure his business can be operated successfully. This phase of the program is emphasized because private surveys have shown consistently that faulty or inadequate management is responsive for more than 90 percent of new business failures.

ME loans are processed under relaxed eligibility criteria, with emphasis on the applicant's character and his ability to repay the loan and other obligations from the profits of the business.

The average ME loan is for approximately $20,000 and the average term of these loans is five to six years.

Most business opportunities for minorities—both new or established enterprises—are in the retailing, distributing, franchising and service industries. Opportunities in these categories are not only greater in numbers, but usually require less equity capital on the part of the would-be owner.

Minority-owned or managed firms interested in performing government contracts are helped through section "8.a" of the Small Business Act, under which SBA is authorized to act as prime contractor for certain types of goods and services, and subcontract orders to individual small firms.

SBA also helps small firms to acquire of construct facilities, expand, or modernize through loans to local development companies for use in financing a small business. We make loans to local development companies for use in financing specific small firms and we may lend up to $350,000 for each small business to be assisted. Loan proceeds are used solely for plant construction, expansion, modernization or conversion, including the purchase of lands, buildings, equipment and machinery. The SBA may participate with banks in these loans or may make direct loans for as long as 25 years. The agency participates with banks, insurance companies, and other financial institutions, when making loans to local development companies. Constant efforts are made to stimulate participation in local development company loans by the private sector through utilization of an innovative first mortgage plan and loan guarantees. We find that lenders are attracted to the first mortgage program because this plan permits a lender to participate in the financing of a project and to secure his exposure with a first mortgage on all project assets. A minimum of government red tape is involved and the loan can be consummated substantially on the lender's terms.

Another little-known vehicle of SBA assistance is the lease guarantee program. SBA, usually in cooperation with a participating insurance carrier, will guarantee the payment of rental by small business tenants to their landlords, in effect turning the small concern into a triple-A tenant for credit purposes. This enables him to obtain possession of a facility where otherwise he might be excluded. The resulting strong lease, incidentally, may also assist the landlord to obtain financing for construction of the leased premises.

Premiums are based on actuarial studies and are payable in advance with no refunds. The minimum term of lease guarantee is 5 years, the maximum 20 years. Applicants for lease guarantee policies are evaluated under a risk analysis system devised specifically for this program, which analyzes the applicant's management skills, his financial position, the location he wishes to rent, and his business.

A word about some of our non-lending programs. SBA helps small businessmen obtain a share of Federal business by providing several forms of assistance to small firms that want to obtain government prime contracts and related subcontracts. The major government purchasing agencies voluntarily set aside contracts for small businesses. SBA periodically checks contracting awards to make sure that small business is getting its fair share. SBA representatives are particularly watchful for purchases on which few small firms have bid in the past. If our representatives believe small firms can perform the contracts, SBA officers locate small firms that might be interested in bidding. Contracting officials are then asked to solicit small firms for bids.

Management assistance: Another major SBA service to small businessmen is to strengthen and improve their management thru training and counseling. We feel this is our most important program because our studies show that lack of know-how causes more business failures than lack of capital. Specialists in SBA field offices counsel small businessmen on problems of marketing, accounting, product analysis, production methods, research and development, etc. They also advise and assist prospective small businessmen who want information on management or on specific types of business enterprises. In some instances guidance is given by retired business executives, many of whom have volunteered their services to SBA as small business advisors thru SCORE "the Service Corps of Retired Executives". SBA sponsors one-day workshops where prospective small business owners can learn important factors they should consider before entering business. We also co-sponsor administrative management courses with public and private educational institutions and business associations. These are generally evening courses and are specifically designed for the owners and managers of small firms. Complementing the management courses we also co-sponsor one-day conferences for small businessmen dealing with important management subjects. The conferences feature outstanding speakers, panel discussions and workshop sessions. Our procurement and management assistance specialists are available for advice and assistance on production and marketing problems and on production problems which do not require the service of engineering firms. They can also, in many instances, offer marketing advice and information.

In summary, I think that if SBA has one hallmark, it is cooperation. I hope to see SBA stand out still more strongly on this point. We are constantly cultivating it in our programs. We see it paying off in the participation of more and more banks in SBA loans and increasing interest in our management assistance programs. Of course, the real measure of our success lies in what we can do for the small business community, and what we together can do for the economy.

Our latest studies, tracing the progress of 22,000 SBA business loans for a seven-year period, show our borrowers are ringing up annual profit increases that are more than twice as large as those of all U.S. corporations. For SBA borrowers, the gain runs an average of 14 percent a year, whereas for all U.S. corporations, it runs 6½ percent.

This is not a sample based on our more successful cases. It is a cross-section of good loans and bad ones. It points up the impact of SBA programs across the board.

Just as important as the loan itself, or more important, is the intensive counseling and other management services SBA provides.

We live in an age of complexity—an age of accelerating change. We live in a truly golden age of science and technology, with all the boundless promise and opportunity that such an age could bring. In the face of such a combination of forces, initiative, planning, and cooperation have to be the keys that will unlock opportunity's door.

They are the only keys.

They are in your hands.

Use them. And don't hesitate to ask SBA's support.

REMARKS BY FORREST W. HOWELL, REGIONAL DIRECTOR, FEDERAL HOUSING ADMINISTRATION

Once asked what he considered most important in industry—Labor, Capital or Brains—Andrew Carnegie reflected for a moment then responded, "Which is the most important leg of a three legged stool?"

This is the government's position exactly. The Congress has provided the programs, but without your expertise and participation in them nothing worthwhile happens.

There are more than 200 million Americans in the United States today and by the year 2000, there will be 360 million, with 10–12 million of us living in Florida.

We must nearly double our housing and other supporting facilities which means that we have just 30 years to build another brand new America.

75 million new housing units will be needed. This is 10 million more than we have now and a tenth of the ones we do have are defective and inadequate.

Four million of the nearly six million substandard housing units in which 20 million Americans now live are in the rural areas of our country. With the formation of new families and the demolition of existing unsafe and dilapidated structures we must build 26 million new housing units this decade.

This is the national picture. What about Florida? How do we compare? In our state there are approximately 2,588,000 housing units, 20% of which should be torn down or rehabilitated.

Of an estimated 55,000 inadequate housing units in Duval County, more than 10,000 of them are so dilapidated they should be torn down, and probably will be. Since October 1969, 980 such abandoned and unsafe structures have been razed and more are being demolished at the rate of 100 per month.

Probably at no other time in our history have the opportunities for service to others and personal success been so great. New towns will sprout up! More than 75 large-scale communities have been started in the United States since World War II, and it is estimated that another 272 will be needed by the year 2000. 17 of these large-scale communities will be located in Peninsular Florida.

One giant city, sprawling over 1,200–1,700 square miles, is predicted for southeast Florida and just last week, on October 29th, the ITT Levitt Development Corporation announced the development of its new city—Palm Coast—on A1A near Flagler Beach 24 miles north of Daytona Beach and 28 miles south of St. Augustine. Also just 6 miles south of St. Augustine is a new Mackle Bros. Development named St. Augustine Shores. 600–700 modular homes are to be erected here in the next 2 years and thousands more thereafter. New communities are being started in Minn., Md., and Ill.

In the past few years apartments and mobile homes and mobile home parks have mushroomed. And these will continue to increase in number, changing the face of America.

A generation ago when couples got married, or as soon thereafter as possible, they purchased and lived in a single-family home, which was the hallmark of middle class America. Many would still like to do this but don't. Why? Because they can't afford to buy what is available.

HUD Secretary George Romney has said that more than half the people in this nation cannot afford to buy a home without a subsidy and, I might add, many can't even with a subsidy. It is not just the poor and the black who are caught in the housing crisis squeeze, but even white middle class America!

We must realize and bring all America to realize that there is a housing crisis and that unless something is done about it today our very society is in danger.

Columnist Sidney J. Harris wrote recently: "We unite only in the face of a common enemy . . . out of fear or anger or despair. As soon as the danger has passed . . . we resume our narrow, selfish and shortsighted behavior.

"In a flood or a fire or a war, we behave superbly, doing what has to be done for the good of all, subordinating personal comfort for the needs of the community. It takes the worst to bring out the best in us.

"Our species has not yet learned, however, to be positively motivated. Love, justice, mercy, generosity—all the positive drives—are paid extravagant lip service, but rarely practiced except under the pressure of external circumstance."

FHA Asst. Sec'y Eugene Gulledge has made the observation that about 90% of us live in "fairly decent houses in fairly decent locations . . . that 90% of us are comfortable and 10% uncomfortable and it is hard to get the 90% to do something about the 10%."

There are no set solutions, no easy formulas, no panaceas for our housing problems, but FHA will be involved in whatever the plans and solutions for a better tomorrow.

Now a part of the Department of Housing and Urban Development, FHA administers about half of the nearly 80 HUD programs. As one of the few major self-supporting government agencies, FHA's accumulated reserves are in excess of $1 billion dollars and over the 36 years of its life FHA's responsibilities have been expanded from Home Mortgage Insurance to:

Mortgage Insurance for Housing for the Elderly and Lower Income Families . . . Disaster Victims. . . . Nursing Homes . . . Nonprofit Hospitals . . . Group Medical Practice Facilities . . . Experimental Housing Projects . . . Urban Renewal Projects . . . Condominiums and Co-ops . . . Land Development . . . Major Home Improvements . . . Mobile Homes and Mobile Home Parks.

These are a few of the FHA programs. If you would like to know more about these, and others, please take some of the literature we have available here today and then visit us in the Federal Building any time at your convenience.

Problems? Yes, we have them, but we can solve them—and will—by working together. Problems and challenges are responsible for our growth, for our progress. And we are too young a nation to stop growing, to stop progressing.

We put men on the moon twice last year and are about to send more. Accomplishing this was our goal and the fact we achieved it points up what we can do when there is a national commitment and unity.

If, in the same way, we can engage our national concern and commit our national resources to meeting the housing goal of 26 million housing units in this decade we will succeed. Let's remember that the world never hears from those who look for a place to sit down. One must get up and go if he expects to achieve anything worthwhile.

Do you recall the fable about the two frogs who fell into a pail of cream? They jumped and they jumped and they jumped but they couldn't leap out. After a while one frog decided there was no use trying, so he stopped kicking and jumping, extended his legs, and sank to the bottom and drowned. The other frog was made of somewhat sterner stuff. He wasn't inclined to take the easy way out. He resolved that as long as there was a breath of life he was going to try to escape. So he kept jumping and jumping and eventually something happened. The cream turned to butter and he jumped out.

REMARKS BY COL. A. S. FULLERTON OF U.S. CORPS OF ENGINEERS

BUSINESS AND ECOLOGY

It seems rather strange that a representative of the Corps of Engineers should appear before you today speaking on the subject of Business and Ecology.

These may seem to be dissimilar things.

While we have recently learned words such as ecology and biodynamics, maybe we should learn another word—SYMBIOSIS. The dictionary defines symbiosis as "the living together in more or less intimate association . . . of two dissimilar organisms." The term is ordinarily used in cases where it is advantageous or necessary for two seemingly dissimilar things to relate.

An example is the relationship between bees and flowers—the bees pollinate the flowers and the flowers give nectar to the bees.

Some people seem to refer to people and to the natural environment as if they were different and even hostile things. I think we will be closer to the right track if we think of the relationship of man and his environment as a symbiotic relationship, advantageous and indeed necessary to both.

The first things to note about engineering for the environment is that whatever it is or leads to, it will be done by people, and hence for people. For better or worse, people have the means of mastery over nature, which they inevitably will use to fulfill their human needs and aspirations. All kinds of harm, and little if any good, can result if the necessary work of adapting natural resources to meet human needs is conceived of as inherently hostile or evil. It is wiser and better, I think, if instead we conceive of man's resource use as his legitimate benefit from the symbiotic relationship between man and his environment, for which, in return, he has a responsibility to see that nature also receives commensurate benefits.

We will want to protect the wilderness from fire, using our technology judiciously for that purpose. We will want, if we can, to apply science and machines to halt the ravages of disease of man, wildlife, and fishery resources. We will want to protect and manage and replenish the wilderness wildlife, as we do trout and salmon, or even the American bison now fostered at an Army Engineer project up in Montana. We will want to police the wilderness against thoughtless desecration. In short, we will want to interpose our environmental engineering—which is a human function, a human interference, if you will—to insure the environment's benefit from our symbiotic relationship, just as we do to insure the human benefit.

The truth is, man MUST take from nature to stay alive.

The ability to maintain an acceptable environment, however, can be hindered by failure of man to recognize fundamental earth processes. Environmental change is a natural procedure and man contributes to that change, according to Dr. William T. Pecora, director of the U.S. Geological Survey. But Dr. Pecora points out that "not all modifications to our environment are degrading."

In other words, man has begun to develop an awareness that better housekeeping of the earth must be practiced as man continues to take from the earth the things he needs and uses.

For instance, the United States, with 200 million people, now consumes from the earth each year:

6½ quadrillion gallons of water.

7½ billion tons of iron ore.

100 million tons of copper, and so forth.

In just 40 years our U.S. population will double. Just think of the added requirements of pollution control for the next generation:

For instance, in just 30 years—by the year 2000—water usage in the U.S. will triple; energy requirements will triple, and within that 30-year period we will have to construct as many houses and facilities as now exist in the U.S.

These are tremendous demands on Mother Nature. To insure that Nature continues to renew its bounty to us, it is time that Government agencies and business took a long, hard look at our role in business and ecology.

The Japanese have begun to experiment with using compressed trash and debris to make building blocks for home construction.

In England, they are using the heat byproduct of trash incinerators to generate electricity.

In Jacksonville, the city has a $100-million-dollar water and sewer bond program cranked up to reduce pollution in the St. Johns River by January 1973.

Jacksonville industries are beginning to clean up their pollution.

St. Regis Paper Co. has announced plans for a multimillion-dollar water pollution control system. Alton Box, U.S. Gypsum, Glidden Company, Reichhold Chemical Co., and others have not only expressed an interest, but are spending additional money to clean up their own waste treatment—both air and water. The Navy has let a contract for sewage disposal facilities.

And the Corps of Engineers, as the nation's biggest construction agency, is given greater emphasis to environmental effects of public works projects than has ever been known in the world.

New federal laws, enacted by Congress in 1969 and in 1970, coupled with the old 1899 Refuse Act, give the Corps of Engineers responsibility and authority to insist on greater emphasis on environmental matters as they relate to navigable waterways. Dredging and filling permits and waterway construction approvals will be scrutinized with increasing care by the Corps of Engineers in the future.

For instance, a brand new permit will be required from all industries that are discharging any type of fluids or solids into navigable waterways and tributaries. Our revised standards, which conform to the Environmental Policy Act of 1969 and Water Quality Act of 1970, will require that an applicant for a federal permit be certified as safe by the State Air and Water Pollution Control Authority before the Corps of Engineers can consider the application for a permit. We will require extensive information on the type of effluent being dumped into a waterway or its tributary, including chemical content, water temperature differentials, toxins, sewage, type and quantity of suspended solids along with proposed methods of instrumentation.

Enforcement of the laws is already being stepped up. In early September, I filed charges for an injunction and asked for payment of damages up to $1 million against a land developer in Hernando County who made unauthorized excavations in the Weeki Wachee River as a part of real estate development. If the court rules in our behalf, as we believe it will, cost of restoring the half mile segment of the river may cost the developer up to $1 million—a pretty costly price.

Earlier this year, a federal District Court of Appeals upheld the Corps of Engineers' authority to deny a permit for dredging and filling on grounds that it would have an adverse effect on fish and wildlife and was not in the general public interest. Up until this time, the contention had been that the Corps could consider only the effect of the proposed work on navigation. We contended our authority was much broader, and the courts have now upheld this position, so you can see it's a whole new ballgame.

Our stepped-up environmental enforcement is not designed to put industries out of business. But it can have that effect if we find businesses that refuse to accept the fact that environmental concern is here to stay.

Pollution control is going to be costly and will certainly bring on more taxes, a higher cost of doing business, possibly tax incentives to businessmen to encourage them to take a greater interest in pollution control. But it also offers an excellent opportunity and incentive for businessmen in pollution control, new devices and constructing and installing equipment which reduce the pollution load.

It also gives the businessman, who is sincerely interested in the long-range goals of pollution control, opportunity to make significant contributions to the community in which he does business, and to insure his survival in that community.

In tomorrow's world we cannot count on meeting our various environmental desires by splitting up the body public and dispersing the farmer to his field, the hunter to the hills, and the worker and merchant to their cities. More and more the hunter and farmer must find ways of sharing the same countryside, cities, and fish and wildlife must be sustained by the same river. Tomorrow virtually every resource use will have to be purchased at the sacrifice of some other value which is equally desired by a substantial number of people. An agreement to compromise our demands and apply our skills so that we develop and share those resources together can work wonders. Environmental management thus becomes not simply a matter of scientific ecology, but one of achieving balance between many equally legitimate community claims.

The lessons we have been learning from the broadened concept of the environment that has been sweeping the country will leave an enduring mark on national policies, on engineering thinking, and on business practice. But at the same time, the enhanced concern for the environment is creating new demands which, though many people may not yet realize it, will require engineering and construction solutions. Ours is a technological society; engineering provides the dynamics of a technological society; and it is an essential means of meeting the objectives of such a society.

In our business we seek so much more work, for instance, from our rivers these days than our fathers did. We ask them to carry our commerce, turn water-wheels for power, maintain the health and domestic water needs of myriads of people, irrigate our farms and gardens, and cool the heat produced by the energy used in our vast production processes; we ask them to amuse and delight us, inspire us, bathe us, float our pleasure craft; we expect them to sustain the kind of fish that each fisherman prefers, in an abundance never dreamed of before and in reaches of river where no such fish ever grew in nature. And every one of these demands requires the application of human environmental management programs—of skill and technology.

Clearly, wise resource management calls for a thorough understanding of the mechanics of our 20th century society.

Today the environmental movement, which opened so promisingly, is becoming increasingly fragmented, to the point where it aproaches something like chaos. We have allowed ourselves to become engaged in a tug-of-war in which various interests compete for priority in the total national resource-management endeavor—each one seeking to emphasize its particular concern while disparaging the others.

And the way out, it seems to me, must be a recognition of the futility of fragmentation, of isolated narrow objectives, and of conflict. Instead, we must have a concerted search for a broader philosophy that can embrace all of our society and the whole of our environment—the whole big symbiosis between man and nature.

I reject the view, as you must, that man and nature are enemies. We have the skill, intelligence and technology to look wisely at our natural resources and protect them, while still insisting that they serve man's needs. This is the age of environment and gross national product and through your efforts and ours we can insure that business and ecology become more compatible and work together. Thank you.

REMARKS BY WM. BRUCE CURRY, DIRECTOR, U.S. DEPARTMENT OF COMMERCE FIELD OFFICE

COMMERCE SERVICES FOR BUSINESS

The basic mission of the U.S. Department of Commerce is to "foster, serve and promote the Nation's economic development and technological advancement." To carry out this function, the Department offers a wide range of services to the business community—some of which I would like to review with you today.

But, first let it be noted that these programs and services are effective only to the extent that we can bring them to the attention of the business community and assist in putting them to use. Accordingly, we welcome such opportunities as this seminar affords to meet with you and perhaps serve as the beginning of a pleasant working relationship.

Now as to some of the services and programs which are yours essentially for the asking, let us first review the vast array of tools and aids available to the businessman who wishes to develop overseas markets for his goods or services.

INTERNATIONAL TRADE PROGRAMS AND SERVICES

We especially enjoy providing our international trade programs and services because we feel that selling overseas should almost be second nature to Jacksonville producers as a source of new markets and increased profits. We should take full advantage of the excellent nearby markets in the Caribbean, Central America, the developing nations of Africa, along with our fine deep water port, which provides excellent cargo service to many of the countries in these areas.

Through the small, informal export meetings we hold in our office each month and the slightly more elaborate export seminars—such as the one we are currently cosponsoring with the Jacksonville Area Chamber of Commerce—we attempt to provide the basic fundamentals relative to selling overseas to the prospective exporter and, equally important, acquaint him with local sources of personalized and professional assistance for each step of the export transaction.

For our part we can help the local exporter in several ways, but perhaps most importantly we can help him find the foreign customer through the use of our trade lists, overesas agency/distributor finding service, trade contact surveys, foreign travel facilitation service, foreign trade opportunities, piggyback program, exhibiting in our U.S. trade center shows located around the world, or perhaps arranging for him to go on locally-sponsored U.S. Government approved trade missions—such as the one that will be leaving for Panama and Costa Rica next week with seven or eight Jacksonville businessmen. These programs plus others are more fully described in the leaflets, booklets, and brochures laid out on the tables for you to pick up at the end of the program.

I would like to emphasize that our international trade services are particularly geared to helping the small businessman who is more likely to need our help than the big firms. In this connection, it is reported that one-fifth of all U.S. exporters have less than twenty employees and, in fact, approximately 60% have less than 100 employees on their payrolls. So this is our target group. Besides, these figures belie the old "wives tale" that you have to be big to be an exporter. It might be nearer the truth to say you can become big, or bigger, by exporting.

SELLING TO GOVERNMENT AGENCIES

Moving on to another commerce service for the businessman, I am sure most of you in this audience realize that Uncle Sam—in the form of various Federal agencies—is the largest purchaser of every kind of conceivable commodity and service year in and year out. Selling your services and commodities to these Federal agencies can be an excellent source of business as many Jacksonville firms already know which have the nearby Naval installations as customers. To help you know exactly what these agencies are going to buy, our department publishes each work day the *Commerce Business Daily* which not only lists U.S. Government procurement invitations but also serves as a source of information on subcontracting leads, contract awards, surplus property sales, and foreign business opportunities under the foreign aid program. So there are several ways the *Daily* can be helpful in developing new business and its a good buy at $25. for an annual subscription. Sample copies are available on the display table along with an order blank for ordering it through our office.

STATISTICAL DATA FOR VARIOUS USERS

In its Census Bureau, the Department of Commerce has the biggest collection and producer of statistical information of any agency in the Federal estabilshment and probably in the world.

The average citizen usually only thinks of the bureau every 10 years when we are filling out population census forms and oftentimes this is not in a very friendly manner. But the published reports that flow from the census of population can provide the businessman with priceless market research information—all for the cost of 25¢ or 35¢ per report—which can show him how many people, by age, sex, income, education, marital status, live in a defined geographical area down to the city block level. These reports along with similar statistical information available from the census of manufacturers, census of retail establishments, census of wholesalers, and census of selected service firms are invaluable in providing not only market research data but in making such important business decisions as distribution channels, warehouse and plant locations, sources of supply and many other items of vital information that a good businessman needs to know from time to time.

Going back to the subject of marketing data, the Bureau of Domestic Commerce of our department publishes a very helpful series of booklets which serve as sources of information on various markets, such as the Negro market, marketing new products, export opportunities, the youth market, and direct mail advertising—copies of which we have on the table for you to see and pick up.

TRANSFER OF TECHNOLOGY FROM GOVERNMENT TO INDUSTRY

If I should ask this audience what is the nation's greatest storehouse of wealth or treasure, many probably would think of the 12 or 14 billion dollars of gold stored in Ft. Knox. However, in my opinion, a greater source of wealth is the vast reservoir of new technological information that flows constantly into Washington from the various government research and development programs. The government is anxious to get this information—paid for with tax dollars—into the hands of private businessmen who can put it to good commercial use. Many of the consumer products we now enjoy are the result of this information having been put to use by businessmen having imagination and initiative. As custodian of this new technical information produced by the R.&D. programs of NASA, Atomic Energy Commission, Department of Defense, Department of Interior, and other government agencies, the Commerce Department has developed several devices to channel this wealth of information into the hands of potential users. One of the means I like best, because of its simplicity, is the FAS Announcement Service whereby a businessman can be put on a mailing list to receive announcements of new technical developments in any of some 57 fields he selects as most related to his interests.

From these announcements, he may order the complete technical report which contains information that serves as the basis for a new product or an improvement in the manufacturing process of an existing product.

Another simple means to tap in on the vast gold mine of information is through subscribing to the department's CAST service—CAST being an acronym for clearinghouse announcements in science and technology. From this service, you will not only receive announcements relative to purely technical data but also announcements of the results of advanced studies in the fields of management, administration, and economics which also can be of direct value in enhancing a firm's operation.

Descriptive material on both of these services are on the table along with enrollment forms for your use to stay abreast of new technological developments in your industry field or business.

OFFICE OF MINORITY ENTERPRISE

One of the newest offices in the Department was established at the direction of President Nixon to serve as the focal point for coordinating all Federal programs concerned with the establishment of minority owned business enterprises. In carrying out this function, the Office of Minority Enterprise—as it is known—has become a national clearinghouse for information on minority business enterprises, information which until recently was extremely difficult to collect and correlate. As an example, it recently published the Directory of Private Programs Assisting Minority Business. A few copies of this item are available to those interested in this type of information. A similar publication describing Federal programs for assisting minority business has also been published by that office. This agency's main function, however, has been to serve as a catalyst toward providing a new avenue of opportunity to members of the minority element in establishing their own business and taking their place in the economic mainstream of the Nation's business community.

INVEST IN THE U.S.A. PROGRAM

The U.S. Department of Commerce gives high priority to assisting American businessmen who are interested in attracting foreign investment to this country. This can mean new jobs in the local community, new products, new technology, and more profits for the U.S. firm. Last year we were successful in helping over 4,000 American companies find foreign partners who were also anxious to enter into a joint venture or licensing arrangement in this country.

We refer to this as the "Invest in the U.S.A." program and we will be most happy to discuss this in more detail with any interested businessman at his convenience.

In closing, I must admit that within the short time available I have limited my remarks mostly to those services and programs with which we in the field office are deeply involved each day. I should emphasize, however, that this by no means represents a complete rundown or review of all the services and programs available from various other bureaus and offices of the Department—such as the Patent Office, the Maritime Administration, U.S. Travel Service, Economic Development Administration, & National Oceanic & Atmospheric Administration (which includes our friends in the Weather Bureau). Nor have I really given you a good insight into the help and assistance available to the Jacksonville businessman from our industry and commodity specialist in the Bureau of Domestic Commerce or the country desk officers in the Bureau of International Commerce in Washington. Nor have I mentioned the tremendous in-depth service that is offered to you by our commercial attaches in the American embassies and consulates around the world. These are all members of the Commerce team and regardless of how diversified our functions may be, and how spread out we may be geographically, there is one thing we all have in common and that is our desire to be of service to you—the American businessman.

Thank you and come to see us. (Room 526, Federal Office Building)

REMARKS BY JOHN L. STEPHENS, DOWNTOWN SHELL AUTO SERVICE

S.B.A. AND THE SMALL BUSINESSMAN

The other day I ran into a friend whom I had known was trying to start a business. We started talking and the first thing he said was, "I went down to the SBA and they wouldn't give me any money!"

The point of this little story is that the SBA is one of the most misunderstood agencies of the Federal Government.

What is the SBA and does it do? The SBA was created by Congress in 1953 as a permanent, independent government agency to help small businesses grow and prosper. Most people don't realize small businesses make up more than 95 percent of America's business population and provide work for more than 35 million people.

The SBA "helps" small business in a wide variety of ways, including financial assistance, lease guarantees, management assistance, counseling covering successful practices in every small business field.

My friend was under the misconception that the SBA gave away money. In actuality the SBA can render financial assistance by either participation in or guaranteeing up to 90 percent of a bank loan; or by making a direct loan.

The second misconception that my friend was under is that to receive a loan all you have to do is walk in and say I want so much money. The first step towards a loan is sitting down with yourself, and preparing a resume. A resume is a written portrait of you It tells the person reading it: *Who are you*—your name, age, whether you're married. *What you are doing now*—where you're working. *What you have done*—previous job experience, education. Secondly, write a brief description of your business or your idea for a business. It should cover such things as:

Type—The kind of business this will be (manufacturing, a retail store . . .).

Name—What is the name of the business. (Often called the "dba" or "doing business as" name.)

Owner—Who will be the owner of the business. You alone? Or do you plan a partnership or corporation?

Product— Description of the product or service you plan to make or sell.

Location—Where will your business be? In what location?

Competition—How much competition will you have?

Customers—Who will be your customers; the kind of market you think exists for your product?

Employees—How many employees do you plan to hire? Immediately? In six months?

Plans—Your future plans for growth.

Now you are ready to approach the Small Business Administration. An officer will sit down with you and talk about your plans. As a lender the SBA will want to know the following things about the money you need:

How much?—How much money or other assets do you have to put into the business? (This is called your "equity" in the business.) How much money will you need to borrow to make the total amount you think you'll need to get started?

What for?—What do you plan to spend this money on?

How long—What kind of "terms" do you want the money for? (For how long do you want to borrow the money? How long do you think it will take before you will be making enough profit to begin paying the money back?)

Collateral.—What "collateral" do you plan to offer as security on the loan? (This can be anything of loan value that can be pledged to the lender should your company go out of business before the loan is repaid.)

Other loans—Do you have any other loans which you are still paying off? Have you made an application for a loan elsewhere which is pending or was refused?

If the proposition is sound the SBA will want you to file a formal application including a *Personal Financial* Statement which is:

A listing of all the things you own of value, and how much you owe to other people. The things you own—like your car, a bank account—are listed. These are your "Assets". The amounts that you owe—like charge accounts—are listed. These are your "Liabilities". When you subtract your Total Liabilities from your Total Assets, you get your Net Worth. The Personal Financial Statement should be no older than 90 days.

A projected operating statement

This is sometimes called a Projected "Profit & Loss" Statement since it shows the profit—or loss—that you think your business will make. It shows what you estimate your monthly sales will be. (If you can provide evidence of how you arrived at the monthly sales figure—based on actual orders, letters of intent to buy, or suppliers' estimates—so much the better.) It lists all your business expenses, including the interest on your loan. When you subtract your total monthly expenses from sales, you can see how much Net Profit is left.

With a new business, sales may be low and your business may show a Net Loss for a few months. After a year, your sales will probably increase to where they will cover your operating costs and leave a reasonable Net Profit.

The lender will expect you to have an idea of your sales and expenses—rent, wages and so on—by month. He will also want to be able to project how your Profit and Loss Statement will look at the end of your first year in business.

When you start a new business, you have to estimate these figures as accurately as you can. When figuring your profit expectations, your estimates for sales projections should be on the conservative—or low—side. Expense projections, however, should attempt to cover every possible item and should include some margin for error.

If you have been in business a while, you will have actual operating statements on which to base projections for the future. And the lender will expect these estimated projections to see what kind of profit the loan will enable you to make. He will also want operating statements for the past two or three years. (The Operating Statement often used by small businessmen is the one included in their income tax returns.)

A balance sheet

Only an existing business will have a Balance Sheet to show the lender. And usually it is prepared by an accountant. It is more complicated than the Personal Financial Statement, but the end result is essentially the same. It shows a picture of the net worth or value of your business on a certain date.

If you do not have an accountant—a lender or counselor can often assist you in preparing a Balance Sheet if you provide him with the information.

Your completed application and accompanying material can either be taken to a bank for their participation or filed directly with the Small Business Administration in the case of a direct loan. If you require aid in preparing these forms assistance is available through the SBA. After your application has been filed and investigated the decision will be made whether or not your loan will be granted.

The processing is very long and complicated, but each step is a necessary part of appraising your particular proposition, but it sure would be nice to have a lot less forms.

Here are ten tips which may aid you in getting a loan:

1. *Put All Your Cards on the Table*—Take the lender into your confidence. Give him all the facts about you and your business, even if they're bad.

2. *Present Your Plans in An Organized Way*—Too much information is better than too little. But make sure you have included all the basic facts the lender needs to know.

3. *Remember That It Takes Time To Get Everything Together*—People often are impatient to get started if they've been planning the business for some time.

4. *Make Sure Your Business Idea Will Work*—The lender must be sure that you have considered all the angles—where you plan to locate, who you will employ, who will buy your product or service and whether it can be sold at a profit.

5. *Be Realistic About the Amount of Money You Need*—The lender wants you to suceed. If you borrow too much, your loan payments will be more than you can manage; if you borrow too little, you may go under before your business has a chance to make a profit.

6. *Keep Personal Spending Within Limits*—If you give the lender the impression that you're careless with money, he will be reluctant to grant your loan request.

7. *Ask For Help When You Need It*—No one can possibly know everything, and everyone needs good advice at some time. If there are things you need help with, don't waste any time before seeking assistance.

8. *You Must Know Something About Managing Money*—The continuing good health of your business depends largely on your ability to control costs, to plan both business and personal expenditures wisely.

9. *Respect The Limits of The Loan Agreement*—You'll find that the lender will be involved with your efforts and will work with you to make the going easier. Keep your lender informed of your progress. Going off entirely on your own can endanger the loan and damage your lending relationship.

10. *If You Don't Succeed At First . . .*—Don't give up. If your loan request has been refused, try to find out why and do something about it. One bank or lending organization may have to turn down your proposal because of their own lending requirements while another may be able to handle it. Don't be discouraged if you have to investigate several lending sources.

The Small Business Administration can be a valuable tool for the small businessman or the entrepreneur. It is up to the individual to take advantage of the opportunities available—the SBA cannot do it for you!

REMARKS BY GERT H. W. SCHMIDT, PRESIDENT JACKSONVILLE CHAMBER OF COMMERCE

JACKSONVILLE, FLA., AND BUSINESS

Distinguished Guests—Ladies and Gentleman: My good friend Congressman Charles

Bennett has assigned me to the cleanup batter slot of the morning session. With so many good presentations before me, it will be hard to come up with a home run but let's take a swing at it anyway. I'll try to give you a synopsis of three important areas of business as it affects our general Jacksonville economy.

First, although our local economy is not recession proof, the normal peaks and valleys are never as pronounced in our town when compared to national or other community trends. We are most fortunate in that we have a very diversified commercial and industrial mix which is amply fortified by large, steady governmental activities and their corresponding payrolls. We seem to have some of everything and our economy is so diversified that we are not dependent on any one industry, service or manufacturing activity. We have some basic manufacturing and a thriving distribution industry because of our strategic location on the sea lanes of the world; north, south and west airways; and excellent rail, auto and truck routes in all directions but east. We are Floridas financial capitol with large banking organizations and major insurance companies, all making their headquarters here. We are a trading center for a substantial hinterland and service organizations cater to a steadily increasing population.

Our people have many skills because of the diversity of our economy and even the most sophisticated New York advertising, radio and television agencies readily point to Jacksonville with its four season climate and other geographical, social and economic factors as an ideal test market for new products and a steady market for products filling proven needs.

With this short description of Jacksonville, U.S.A.—the Bold New City of the South—let me review for you a few highly important statistics. In 1965 our Chamber launched our first meaningful research department that has since then kept an accurate record of our economic activity, completed many specialized business and industry studies and is an amazing source for all sorts of facts and figures. Anyone contemplating entering the Jacksonville market can get worthwhile and valuable information from this department which can help determine the degree of success or possible failure of a new venture.

Our Jacksonville business index is based on the 1962–64 average and covers employment, labor force, residential electric meters, taxable sales, value of building permits issued and bank debits. Since 1965, when the index stood at 113, it has risen steadily each year to 115 in '66, 119 in '67, 138 in '68, 149 in '69 and at the end of the present quarter, it is 154.6. Let's take a quick look at significant figures of some of the factors that go into our index and perhaps get out the crystal ball to see what it looks like for 1971. As for employment in September, which is a short month away, we had only 2% of our labor force idle compared to a national unemployment rate of slightly over 5½%. In addition, we have 3% more people gainfully employed this year over last.

Building activity is 3.1% greater than last year's record and at the present time there is over 102 million dollars worth of construction in process which is led by a whopping 17% increase in residential construction over last year, mostly in much needed and attractive apartment complexes. Retail sales have climbed rather sharply this year compared to dips in other areas of our country and department store sales are up 16% for the first 9 months of this year over last year. Bank debits are up 6.2% over last year, although we have had a slight dip in time and demand deposits of less than 3% when compared to 1969.

It is generally conceded that the national business slowdown has bottomed out and that business generally will be brisker in 1971. For Jacksonville this is generally good news since we can just continue on growing and having a good healthy increase in our business index, possibly at a little greater rate than we have had in the past year. Optimism in the future economy and a positive faith that it will be better was certainly one factor in the unusually fine achievement of our recently completed United Fund drive which generated over $300,000 more this year than last year. The third area I want to touch on is the Chamber's activity in sponsoring workshops, seminars and trade missions, it's continued involvement and cooperation with various government activities programs, and our deep-seated philosophy that we must be ever mindful of the total problems and challenges of the community in order to serve its needs. The Chamber is sort of a civilian government that must stand ready to do for a community what government cannot do and furthermore, we must be a partner with government in what we can achieve together and finally, occasionally wear a third hat as the community watchdog so that a government created by the people truly serves them as effectively and efficiently as it possibly can.

In the latter area, the leaders of the Chamber were most instrumental in bringing about our modern, effective consolidated government. Although consolidation was purposely never recognized as a Chamber project, credit must be given to former President Yates, who, in his term of office, called together the first citizens ad hoc committee which prepared and signed what is now known as the Yates Manifesto, creating the Government Study Commission. This Commission was predominently composed of Chamber members and all our resources were made available during the many months of studying and creating a new form of government for our community.

Our interest in better government has never waned and daily our Chamber members and its staff are actively and vitally involved in the affairs of our political structure. We attend most meetings of our Legislative Council and serve on mayor and council appointed committees, boards and commissions. We have generated a most harmonious climate for working together on our common community problems but that is not to say that the Chamber is not at times at odds with our government and its proposed Legislation. We plead our viewpoint as energetically as possible and I can't give you an accurate statistic on our batting average because we lose some and also win some, sometimes by relatively close votes.

Many people still believe that a Chamber's only interest is trade, attracting more industries and chasing the all-mighty dollar. Those days, I presume, had their demise many years ago, since it has long been recognized that a Chamber must concern itself with the totality of life in a community. Education in all its forms, deepening harbors, enhancing the environment through air, water and land pollution programs, eliminating urban blight through urban renewal, lobbying for more highways, planning trade missions for export and import, encouraging good racial relations and surveying existing industries, to name just a few, are all part and parcel of the awesome responsibilities of an involved Chamber and its interested and dedicated members.

Because government, local, state and national, is also an active participant in the same community problems and challenges, it's a natural evolvement for both government and business to look to each other for help, support and active cooperation. Legion are the projects and problems that are part Chamber and part government. Here are just a few of a rather current nature that illustrate this government-business partnership.

1. We are deeply involved with a comprehensive plan to completely modernize the downtown center of our city. A top level policy committee from government and business is now completing some of the final planning stages as developed by one of America's leading urban renewal firms from Baltimore. So far funding has come from our consolidated government and business has contributed many hours of planning, discussing and decision-making. As the plans become a reality, more government money will be needed, along with private capital, for a massive construction program of redoing older buildings and creating new ones.

2. Employment of the Disadvantaged. As early as 1967, at the request of Mayor Hans Tanzler, we involved ourselves in finding and creating employment for our disadvantaged citizens. After some degree of success, we were the first city to receive a Federal grant in the amount of $41,000.00 to enlarge our efforts. During one nine month period in '68, we placed 307 applicants in meaningful jobs, establishing a retention rate of 72%.

3. To increase the effectiveness of participating firms, the Chamber has sponsored at Jacksonville University for some years now a Supervisory Training Program. Three to four hundred adults are graduated from this vocational educational course each year and registration for future courses continues at this high level.

4. As a successor to our successful, concentrated employment program, we were recently approached by the United States Government and the National Association of Businessmen to become a Jobs Consortium. The project was approved by our Board and we are ready to go in January of 1971 with all the responsibilities of a Consortium to hire, train, counsel and in many other ways, feed into the labor force the under-educated and under privileged.

5. The United States Government spends millions on the extremely necessary ten year census. A new census can be of great use and benefit if proper instruction is given to the users. Last month we sponsored a highly successful census user conference, which enjoyed good attendance and was possible with the cooperation of the United States Department of Commerce, Jacksonville University and our Chamber.

6. In the area of trade missions, we enjoy the total cooperation of our local Department of Commerce representatives and it is gratifying to note that our missions have resulted in some good export trade to help keep a favorable balance of trade with our neighboring countries.

7. Governments seem to be more and more concerned about consumers and we are probably scoring a first in the country with our November 19th automobile conference for consumers, sponsored by the local automobile industries and members of the State Attorney's Office. We hope to furnish consumers information to help them make wise buying decisions and gain greater satisfaction from their purchases.

8. A project, aided by Congressman Charles Bennett, placed a directory of Jacksonville manufacturers as well as the Jacksonville telephone directory in the 214 embassies and consulates that are maintained by the United States Department of State in our world. It will always be a little difficult to assess the productive results of this particular project but if anyone in a foreign country needs any Jacksonville products or services, at least they can get the name and telephone number of our individuals and firms.

9. Vocational and technical education have always enjoyed top priority among our Chamber programs. Right now educators and Chamber members are researching the possibility of a central learning center site dedicated to adult vocational educational programs in the heart of our city. Last year's efforts in this area were instrumental in doubling the number of vocational courses offered by our Junior College campuses in Jacksonville.

10. Business and industry are always extremely sensitive to increased taxes and

higher governmental budgets. Our Chamber led the fight for increasing our budget for public instruction so that Duval County would eventually have a top quality school system. With the aid of our school board, our Legislators in Tallahassee were able to establish a new funding formula which will mean millions of extra dollars to our community in the years ahead for public education.

I could list many more examples of the solid and effective partnership role we assume with government aid and support to help meet the needs of our community.

This Seminar in itself is an example of our mutual interests. Next week Jim Mooney, our Executive Vice President, and I will go to Washington at the request of Secretary of Commerce Maurice Stans, to consult with him and other Chamber presidents, in the common problem of aiding minorities to establish businesses of their own in their neighborhoods.

The American system of free enterprise is without question the very best way to give employment, income, consumer benefits and a richer and fuller life to the greatest number of people. America is living proof of this philosophy. Only last week Secretary George Romney, while speaking in Jacksonville, lauded the great contributions that are made by individual citizens in our democracy. He called on all of us to give our maximum private effort to help business and government solve our mutual problems.

Yes, it's good business to concern yourself with the problems and challenges of our community and our government. Yes, and it's also good Americanism to do your part to make the *land we live on, the country we live in* and *the world we live with* an even better place *because we're here!*

CAMPAIGN REFORMS A "RITUAL CHARADE"

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BOLLING. Mr. Speaker, the following article written by Jack Gould points up the dangers of escalating expenditures for political advertising. It appeared in the Kansas City Times on October 24, shortly after President Nixon vetoed the bill limiting expenditures for political advertising:

CAMPAIGN REFORMS A "RITUAL CHARADE"

(By Jack Gould)

NEW YORK.—The criticism of President Nixon for vetoing a bill limiting expenditures in political campaigns was chiefly noteworthy for its display of naivete. No realist in the TV medium thought for one moment that the White House would throw away its economic advantage in drowning the opposition in spot commercials or staged discussions, either in the current campaign or in 1972.

Former President Lyndon B. Johnson was no less a master in bending the medium to his will and in 1964 it was Sen. Barry S. Goldwater who suffered the economic disadvantage in his presidential compaign.

The point is that whenever either party believes TV will serve its partisan ends, then meaningful reform in campaign abuses is just a ritual charade. The name of the game is to get elected or reelected, and if TV is the supposed magic wand that assures success, then the status quo is going to prevail.

This year's exercise in proposed reform follows the traditional pattern. Noble words circulated in Congress about the evils of selecting candidates through the power of the purse, but when the chips were really down the idea once again became academic as the President advanced labored reasons why the bill had defects.

Consider the realities apropos this November. While Congress bemused itself with fitful hearings, both Gov. Nelson A. Rockefeller in New York and Gov. Ronald Reagan in California had contracted for gobs of spot commercials. Through neatly timed maneuvering it turned out that the congressional bill would not apply to this year's election in any event. The image-makers in the two largest states didn't have to state their pragmatic approach: Did the White House want to take the risk of jeopardizing Republican governorships of the two largest states?

Nixon also had to look ahead. If the equal-time provision of Section 315 of the federal communications act were amended to allow coverage of the two principal candidates, a provision of the bill, he would find it politically awkward to avoid debates.

But Nixon was singed once in his debates with the late President John F. Kennedy and deciding two years ahead of the event that he would expose himself again to such a risk runs contrary to human nature.

Johnson adopted the go-it-alone tactic in a different way. As all incumbents do, he saw no point in enhancing the TV exposure of Goldwater, so first the word went out to the Democratic congressmen to forget any amendment inviting debates. Then he declined to appear on regular discussion programs, because under the rules of fairness the senator would have had claim to equal time.

Both parties, in effect, want to and do control the TV medium and therein lies the deep danger. Stations are licensed by the Federal Communications commission as an arm of Congress, with the Senate having the power to pass on presidential nominees for the agency.

In both Democratic and Republican regimes the long political arm of the White House has always had an important influence on the FCC, and Congress has treated the agency like a malleable child. The regulatory body charged with the critical determination of the future of communications, with all its effects on elections, is essentially a repository for political patronage.

The circumstances require a whole new approach to the concept of a free press. Surely that freedom must be defended, but practically it is also increasingly irrelevant.

The prime source of information and opinion, which the drafters of the Constitution and Bill of Rights sought to protect, no longer lies in the unlicensed press. For untold millions, especially those who prefer news and pictures and crisp bulletins, yesterday's "free press" is now government-regulated television, with a federal regulatory agency supplanting the editor as the ultimate umpire of journalistic standards.

In short, politicians with a partisan ax to grind—not journalists, who at least theoretically are committed to the credo of objectivity—have taken over the mainstream of journalism. If the politician is important or loud enough, his raised voice or eyebrow is sufficient in itself to convince the television broadcaster of the advisability of self-censorship to avoid jeopardizing a license worth millions.

This transition from free-enterprise journalism to government-dependent journalism has taken place in an atmosphere of astonishing indifference to the change. Such is the emotional impact of television's moving and talking personage that the image-makers swiftly moved in to convert governmental leaders to pitchmen selling their views on crucial issues of government, the way manufacturers sell automobiles and soaps.

Instead of being called to task for what they might be doing to a fair and viable democracy, these image-makers have been lionized as some sort of super wizards.

As long as today's government-dependent journalism rests in the hands of politicians whose omnipresent thought is the matter of election or re-election meaningful reform of television's role in politics is just a pipe dream.

The routine is monotonous: To pacify the public there is a gesture of concern just before an election, with action always too late to have any meaning. Then the issue is tidily shelved.

What to do? A brave broadcaster might reject all commercial spots in exchange for a fair balance of free time for all major candidates. By begging Congress for relief, the broadcasters are parties to the game: They know nothing will happen. A house rule on politics and a willingness to defend the rule up to the Supreme court if necessary would be a true test of their sincerity and determination.

The League of Women Voters, universally respected for its nonpartisanship and hard work, might be one organization which could explore the complete removal of TV from political domination and champion new ground rules applicable to all parties in or out of power. It might take years to accomplish, but the present state of chaos on the air took 20 years to develop.

Escalating expenditures for political advertising threaten to make a mockery of democracy, and the content of the political spots is an appalling oversimplification of critical matters affecting voters of all persuasions.

Some generation at some point will have to rally momentum for an overhaul of the relationship between those chosen to govern and society's most powerful means of persuasion—TV. The debasement of both is hardly a matter to be ignored or mourned and joked about, election after election.

SENATE—*Tuesday, November 17, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, Father of all, who art above all and through all and in all, without whom life has no spiritual source or divine meaning, but with whom there is power for the present and hope for the future, we turn to Thee as did our fathers in their day for light and guidance through all perils and difficulties. Give us, as Thou didst give them, the patience and the wisdom to strive for a redeemed and righteous nation, a cleansed earth, and a society of peace and justice. Release Thy spirit anew upon the world and, above and beyond our human limitations, bring to fulfillment the divine intention for all mankind.

Through the toiling hours of this day,

lead Thy servants in this Chamber as faithful stewards of the Nation's trust, so to speak, and act as to heal the wounds of embittered days, to cultivate the spirit of unity and concord, and in every endeavor confirm the pledge of "one Nation under God, indivisible, with liberty and justice for all."

In the name of the Lord of Life. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 17, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, November 16, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements during the period for the transaction of routine morning business today be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I ask unanimous consent to proceed for 15 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN TRADE POLICY

Mr. TALMADGE. Mr. President, on October 13 the Senate Finance Committee, by a vote of 9 to 3, approved a motion sponsored by Senator HANSEN and myself to add major portions of H.R. 18970, the trade bill reported out of the House Ways and Means Committee, to the social security amendments.

I believe that this vote represents a major milestone in American trade policy.

This vote reflected the Finance Committee's awareness of the grave disadvantage that shortsighted and soft-headed trade policies have placed on American workers.

It reflected the Finance Committee's recognition that this country can no longer withstand a continued outflow of our gold, that we must do something to balance our trade accounts.

This vote represented the determination of the Finance Committee to obtain reciprocity in world trade.

The vote represented the determination of the Finance Committee to get action on trade legislation during this session of Congress.

This vote has already produced results. Shortly after the vote on October 13, Japan changed its position and suddenly indicated a willingness to negotiate voluntary restraints on textile imports.

As everyone knows, Secretary of Commerce Stans spent several unprofitable months trying to negotiate voluntary restrictions on Japanese textile imports and was turned down cold.

Now that Japan has suddenly indicated a willingness to negotiate, we will hear a clamor to postpone passage of the trade bill. Nothing could be more foolish. Japan will never agree to limit its flood of textiles unless this Congress demonstrates its determination to have reciprocity in world trade.

Of course, there is nothing in the trade bill which would be inimical to a voluntary agreement, for the bill provides that voluntary agreements may supersede any quotas established under the terms of the bill.

We have had a substantial deficit in the balance of payments in every year but one in the past decade. In 1969, we suffered an astronomical balance-of-payments deficit, a deficit of $7.2 billion.

A look at the record shows that these deficits are due not to the inability of the American manufacturer to compete, but to the fact that our trade negotiators have systematically lowered barriers against foreign imports while failing to insist upon the reciprocal reduction of trade barriers of foreign nations. Our trade negotiators have apparently lived under the delusion that good old Uncle Sam can still be banker, Santa Claus, and policeman to the whole world. We continue to give billions of dollars of foreign aid, we provide military protection for the entire free world, and we give low-wage foreign countries easy access to our markets.

Free trade is a wonderful theory. When I was in college, I was taught by my economics professors that free trade is good. Apparently, the economics professors are still teaching this theory, for I understand that about 5,000 economists have signed a petition stating their opposition to the Trade Act approved by the House Ways and Means Committee.

Under the theory of free trade, every nation is better off because every nation will produce items which they produce most efficiently. Prices to consumers the world over will be much lower. All the world's productive resources can be used with maximum efficiency.

I agree that free trade is a beautiful theory—but it is a theory only. While the United States has lowered its tariffs and eliminated its quotas, other nations have kept theirs. Also, the more sophisticated exporting nations such as Japan have developed all kinds of devices and schemes to encourage their manufacturers to export, and all kinds of devious restrictions against imports.

In the September edition of Fortune magazine, there is a very interesting article about the Japanese export offensive. This article, entitled "How the Japanese Mount That Export Blitz," points out that the Japanese trade offensive has some highly original features which are hard to match. For example, the Government backs corporations that export with an arsenal of help—credit at preferential rates, attractive tax incentives, and even insurance against overseas advertising campaigns that fail to meet sales targets. In addition, cartels of Japanese exporters meet regularly to fix prices and lay plans for overwhelming foreign competitors. Giant trading companies spearhead the export drive. Their tireless sales forces abroad are backed by the full force of Japan's banks and Government ministries.

Moreover, the export offensive is commanded by Premier Eisaku Sato in person. The Premier heads the Supreme Trade Council, where top business and government leaders quietly slice up the world market and set annual goals for every major product and country.

This article points out how the Japanese have sold some items such as air conditioners and automobiles at a loss for as much as 3 years to drive competitors out of business and overwhelm a market.

Another article in the October edition of Fortune magazine points out how the Japanese are gaining inroads in the American textile market by concentrating on one product line after another. After the Japanese manufacturers have driven the American manufacturers of one product line out of business, then they are free to raise prices and go on to another product line.

As well as having all kinds of export incentives, Japan has one of the most protected domestic markets in the world. The Japanese have quotas on 98 different items.

As Secretary of Commerce Maurice Stans has pointed out, other countries such as the European Common Market countries have discriminations against Japanese exports, and these countries have a host of devices to keep out textiles from less developed countries. As the Secretary has stated:

> In short, our market has been open while others have been closed.

Secretary Stans is exceptionally well qualified to testify on the subject of trade restrictions of other countries. The Secretary spent many months trying to negotiate a voluntary restraint on imports with the Japanese. Japan turned him down flat.

The Secretary's testimony before the Senate Finance Committee was most illuminating. The Secretary pointed out that in the first 8 months of 1970, we lost 91,000 jobs in the textile-apparel industry because of imports. The Secretary stated that if quotas are not imposed, we stand to lose 100,000 jobs annually in the textile-apparel industry.

Mr. President, I do not feel that we can afford to sell one of our largest and most important domestic industries down the river; I do not believe we can afford to say goodbye to an industry which provides one out of every eight manufacturing jobs in the United States; I do not believe we can forsake an industry which provides a large percentage of the job opportunities available to poorly educated, underprivileged black and white Americans.

Mr. President, during the testimony on the trade bill, some witnesses tried to raise the specter of retaliation. Clarence Palmby, Assistant Secretary of the Department of Agriculture, testified at great length about the threat of retaliation to our soybean exports.

Soybean exports have increased dramatically in the past few years and are, of course, a prime dollar earner in our export trade.

However, I believe that the threat of retaliation against soybean exports is nothing more than a scare tactic used by opponents of the trade bill. As I pointed out in colloquy with Secretary Palmby, other nations could not possibly refuse to accept our soybean exports, for we export just about all of the soybeans which are exported in the world market. Total world exports of soybeans in 1969 were 342 million bushels. Of this total, the United States exported 311 million bushels. Moreover, as the Department of Agriculture's own publications point out, soybeans have increased dramatically in world trade because they are the only commodity in sufficient supply to bridge the gap in the worldwide shortage of oils and meals. Not only do the markets of the world have to depend upon the United States to supply their soybean needs, but these markets have no substitute for soybeans.

The soybean bogyman is only one of the red herrings used by the opposition. We are told that it is up to the United States to be a leader in free trade. We are led to understand that should we move toward a more protected domestic market, other countries will retaliate and we will have a worldwide trade war.

What these critics are really saying is that we should continue our bighearted policy of free trade while other countries are allowed to continue their protectionist policies. They are saying that if we follow the same policy that the other nations of the world have followed for over 30 years, there will be a trade war.

This is sheer nonsense. The United States, with the largest and richest consumer market in the entire world, is in the best bargaining position in the world. The United States has every right to insist on reciprocity in world trade.

It is time that we say to all the nations of the world, "We can no longer afford to be Santa Claus. We are going to have to insist on reciprocity because a continued outflow of our gold reserve and a continued loss of domestic industries will destroy us."

Mr. President, the trade amendment approved by the Senate Finance Committee is the same bill that was reported out of the House Ways and Means Committee except for the deletion of the tax deferral system known as the Domestic International Sales Corporation, and the deletion of Presidential authority to eliminate the American selling price system of evalutation on benzenoid chemicals. In addition to quotas for textiles and footwear, the amendment makes several other substantial changes in our trade laws. The bill will greatly improve the chances of displaced American workers to get adjustment assistance—temporary income supplements and retraining. It also liberalizes the mechanism through which industries damaged by foreign imports can get relief, the escape clause.

I wish to emphasize that the President's hands will not be tied in any case. Should the President find it is in the national interest not to apply a quota, he can refuse to grant quota relief. This is true even in the case of textile and footwear quotas. Moreover, the bill places emphasis on voluntary agreements. The President will have authority to enter into multilateral or bilateral agreements to limit imports of textile or footwear articles in order to avoid market disruptions. Such voluntary agreements will supersede any quotas established under the terms of this bill.

Mr. President, there has been criticism in some quarters of the move to attach the trade bill as an amendment to the social security bill. It is charged that this is blackmail, that we are making social security a hostage of a trade bill.

Nothing could be further from the truth. It was the judgment of those interested in securing trade legislation this year that there would not be sufficient time to go through the normal hearing process and extended debate on the Senate floor. Now that the Congress has returned from the November elections, it will have only about a month to clear a massive legislative backlog. Six major appropriation bills have not yet been approved by the Senate. The Senate will have to deal with the most revolutionary social legislation in decades, the President's family assistance plan.

Moreover, we have reason to believe that the Members of the Senate would never have the opportunity to vote on the question of whether we should have trade legislation. We have every reason to believe that the opponents of trade legislation, knowing they do not have the votes, would attempt to talk a trade bill to death if the bill were to stand alone.

When the Senate Finance Committee reports to the Senate floor a bill which includes social security provisions and trade provisions, any Member of the Senate who objects to attaching the trade measure to social security can call for a vote on the question of whether to strike the trade provisions from the bill. Every Member of the Senate will have an opportunity to vote on the issue of whether the trade amendments should be enacted into law.

I want to compliment the chairman of the Finance Committee, Senator Long, on the tremendous job he has done in scheduling and holding hearings on short notice. When I announced my intention to move for the inclusion of trade legislation in the social security amendments, the chairman scheduled 2 days of hearings and approved a witness list which included a broad cross section of interests. We heard from 19 different witnesses, which included six representatives of the administration and representatives of the AFL–CIO, the United States-Japan Trade Council, and the League of Women Voters. The chairman accepted for the record statements of any person who wanted his statement included in the record.

Mr. President, I thought for a long time that it would be impossible to secure the passage of trade legislation this year. I thought that those of us who wish to protect the jobs of American workers would encounter the same kind of roadblocks that have faced us in the past.

Now, however, I am optimistic. I believe we can, in this session of Congress, secure the passage of legislation which will protect the jobs of the 2.4 million people employed in the textile-apparel industry. Hopefully, we will be able to protect the footwear industry, where plant after plant is being closed because of the flood of imports.

I believe that the Congress will, at last, say to the world that henceforth the United States is going to demand reciprocity in world trade; that we are going to use our bargaining power to protect American industry, American jobs and the American gold supply.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. TALMADGE. Mr. President, I yield to my friend, the distinguished Senator from Wyoming, cosponsor of the amendment.

Mr. HANSEN. Mr. President, I compliment the distinguished Senator from Georgia for the very important contribution he is making here this morning. I hope that every Member of the Senate and of the other body will take time to read the excellent statement he has just made.

It ought to be noted by those who contend that we have much at stake, and much is being risked by our insistence that we take a realistic view of our trade policies today, that instead of having $1 billion trade surplus, we actually have a $4 billion deficit.

It is free when other countries want to import into the United States but there are all sorts of roadblocks, as the Senator from Georgia has pointed out, if we want to export to any other country in the world. Our $1 billion-plus surplus balance of trade becomes a deficit in excess of $4 billion if one considers the amount of goods that are shipped from America, being purchased through foreign aid, U.S. financed, the differential between the value placed upon imports coming into America and exports leaving this country, about a 10 percent differential—often referred to as CIF the difference and adds to that cost the in cost insurance and freight, and the impact of Public Law 480 expenditures.

What is the significance of this fact in the context of American jobs? Great moment is made of our soybean exports, yet practically all the theoreticians who contend that we should have fewer trade barriers than we now have say that the ultimate salvation of America must be found not in the production of agricul-

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tural products but in the production of sophisticated materials in which the poorer schooled and less adequately trained foreign workers will not be able to compete as effectively as typical American workers.

So, on the one hand, those who say we have a good balance of trade and point to soybeans turn around and say that this is not the sort of product we should be trying to export from this country, because they know, as all know who are concerned enough to look at the facts, that fewer people are employed in agriculture in America today than ever before in our history in proportion to our total population. In 1969, one farmer in the United States produced enough for himself and 45 other persons. In 1959 one farmer produced enough for himself and 23 other persons in the United States. It is interesting to note that in 1968 there were about 900,000 fewer farms in the United States than there were in 1960.

The typical American farmer feeds more of his fellow Americans than does any other farmer anywhere else in the world.

Mr. President, I find it significant that those who oppose any restrictions at all are the same people who are proposing that we expand welfare programs; that we engage in more costly work training programs in order to take up the slack and fill the jobs that are lost to foreign workers. The same people are deploring the fact that 5.5 percent of our work force is unemployed and are saying, "Let us get on with welfare and job training." But none of these critics tell us where we are going to find the jobs in American industry to take up the slack and provide work for the people who are being put out of work.

The fact is that if America were to produce all the things that have been imported into America just last year, it would be necessary to put on the work rolls in American industry 2.5 million more people.

It is the jobs that people have in this country that make America the great marketplace that it is. If we destroy the purchasing power of the people who are losing their jobs because of the increasing amount of imports, the time will come when the United States will not be the world's greatest marketplace. It is directed toward this eventuality that the distinguished Senator from Georgia and I submitted and attached as an amendment to the social security bill a reasonable program which already has strengthened the hand of the Secretary of Commerce and has made his pleadings more effective in dealing with foreign countries by saying, "Let us be a little more fair to foreign countries than we have been in the past." I think our proposal is a step in the right direction.

I hope the speech made by the Senator from Georgia will be read. I hope that the wise counsel it contains will be heeded by Members of Congress in giving the necessary strength to the Secretary of Commerce and other administration officials in attempting, first of all, to establish some reasonable quotas or some reasonable treatment between America and the other countries in the world today.

I thank the distinguished Senator from Georgia, and I compliment him for his fine statement.

Mr. TALMADGE. I thank my distinguished friend from Wyoming for his generosity and his outstanding contribution.

With respect to the trade surplus, I think the best evidence of that is the fact that we have had a deficit on our balance of payments 18 times out of the past 20 years, if my memory serves me correctly; and we have $42 billion worth of short-term dollar claims overseas and only $10 billion in gold.

I yield the floor.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were refererd as indicated:

Proposed Amendment to the Budget, 1971, for the International Monetary Fund (S. Doc. No. 91–110)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1971, in the amount of $1,540 million, for the U.S. quota, International Monetary Fund (with an accompanying paper); to the Committee on Appropriations.

Report on Contracts Negotiated by the National Aeronautics and Space Administration

A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report with respect to contracts negotiated by the National Aeronautics and Space Administration for property or services determined to be for experimental, development, or research work, or for making or furnishing property for experiment, test, development, or research, for the period January 1, 1970, through June 30, 1970 (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

Proposed Legislation To Provide Continuance of Incentive Pay To Members of the Uniformed Services for a 3-Month Period After Termination of Missing Status

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 552(a) of title 37, United States Code, to provide continuance of incentive pay to members of the uniformed services for a 3-month period after termination of missing status (with an accompanying paper); to the Committee on Armed Services.

Reports of Violations of Section 3679, Revised Statutes

A letter from the Secretary of Defense, transmitting, pursuant to law, eight reports of violations of section 3679, Revised Statutes, and Department of Defense Directive 7200.1, "Administrative Control of Appropriations within the Department of Defense" (with accompanying reports); to the Committee on Appropriations.

Proposed Legislation To Amend Public Law 91–514

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend Public Law 91–514 (with accompanying papers); to the Committee on Commerce.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on audit of the Federal Savings and Loan Insurance Corporation supervised by the Federal Home Loan Bank Board, for the year ended December 31, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the transfer of regional activities to local post offices inconsistent with congressional intent, Post Office Department, dated November 13, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to enhance the effectiveness of on-the-job training in Appalachian Tennessee, Department of Labor, dated November 13, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report regarding Federal assistance for presidential transitions, dated November 16, 1970 (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation To Declare That the United States Holds Certain Lands in Trust for the Minnesota Chippewa Tribe, Minnesota

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Proposed Legislation To Declare That Certain Federally Owned Lands Shall Be Held by the United States in Trust for the Stockbridge Munsee Community, Wisconsin

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Community, Wisconsin (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Report on the Minerals Exploration Assistance Program

A letter from the Secretary of the Interior, transmitting, pursuant to law, the fifth annual report on the minerals exploration assistance program for the fiscal year ended June 30, 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PETITION

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate a resolution adopted by the American Legion, Department of Florida, De Bary, Fla., praying for the reestablishment of the Defense Supply Catalog Committee of the National Security Commission, which was referred to the Committee on Armed Services.

PRINTING OF REPORT ON COLUMBIA RIVER AND TRIBUTARIES (S. DOC. NO. 91-112)

Mr. BYRD of West Virginia. Mr. President, on behalf of my colleague, the senior Senator from West Virginia (Mr. RANDOLPH), I present a letter from the Secretary of the Army, transmitting a report dated May 16, 1969, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on Columbia River and tributaries, Washington, requested by a resolution of the Committee on Public Works, U.S. Senate, adopted September 9, 1962. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

PRINTING OF REPORT ON CALCASIEU RIVER AT DEVIL'S ELBOW, LA. (S. DOC. NO. 91-111)

Mr. BYRD of West Virginia. Mr. President, on behalf of my colleague the senior Senator from West Virginia (Mr. RANDOLPH), I present a letter from the Secretary of the Army, transmitting a favorable report dated September 21, 1970, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on Calcasieu River at Devil's Elbow, La., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted June 23, 1965. I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HANSEN:

S. 4494. A bill for the relief of Mr. David J. Crumb; to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 4495. A bill for the relief of Willis Lucien; to the Committee on the Judiciary.

By Mr. HART:

S. 4496. A bill to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System; to the Committee on Commerce.

(The remarks of Mr. HART when he introduced the bill appear below under the appropriate heading.)

By Mr. RANDOLPH:

S. 4497. A bill for the relief of Mostafa Ibrahim Shaaban and his wife, Aziza Shaaban; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 4498. A bill for the relief of Teresa Gina Bisghini; and

S. 4499. A bill for the relief of Paolo Endrizzi; to the Committee on the Judiciary.

By Mr. HARRIS:

S. 4500. A bill for the relief of the owners of certain interests in lands located in Caddo County, Okla.; to the Committee on the Judiciary.

(The remarks of Mr. HARRIS when he introduced the bill appear below under the appropriate heading.)

By Mr. HARRIS (for himself and Mr. BELLMON):

S. 4501. A bill for the relief of Ronald K. Downie; to the Committee on the Judiciary.

By Mr. GORE:

S. 4502. A bill for the relief of Mira Bjelajac; to the Committee on the Judiciary; and

S. 4503. A bill to amend title 38 of the United States Code so as to make presumptions relating to certain diseases applicable to veterans who served during the period between the end of World War II and the beginning of the Korean conflict; to the Committee on Finance.

By Mr. RIBICOFF:

S. 4504. A bill for the relief of Luc Avril and Marie Telici Avril; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 4505. A bill to amend the Food Stamp Act of 1964 in order to prohibit the distribution of food stamps to any household where the head of the household is engaged in a labor strike; to the Committee on Agriculture and Forestry.

(The remarks of Mr. THURMOND when he introduced the bill appear below under the appropriate heading.)

By Mr. MURPHY:

S. 4506. A bill for the relief of Sylvia Afante Foster; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 4507. A bill for the relief of Leonardo Galvizo Eder; and

S. 4508. A bill for the relief of Amdao V. Rivera, Jr.; to the Committee on the Judiciary.

S. 4496—INTRODUCTION OF A BILL TO AMEND THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Mr HART. Mr. President, I introduce, for appropriate reference, a bill to amend the National Environmental Policy Act of 1969 to provide for a National Environmental Data System. The bill is similar in several respects to S. 4044, a bill which the distinguished Senator from Washington (Mr. MAGNUSON) and I introduced earlier this year. At the time of introduction of that bill, reference was made to the efforts of the able Congressman from Michigan, Mr. DINGELL, who in the House had proposed the creation of a similar institution. Since his proposal has now been revised and since it would be helpful for the Senate to have the benefit of his revisions for its consideration, the bill I introduce today includes those revisions. Again, I wish to express admiration and appreciation for his leadership in this area.

The bill is designed to create a central system in which all data relating to the environment would be housed. By thus assuring instant access by regulatory agencies and by the public to all such information, the system would attempt to correct what as of now must be regarded as basic weakness in our environmental protection scheme.

Many of our environmental problems can be traced to a lack of timely knowledge as to the seriousness of a given pollutant. In testimony before the Senate Subcommittee on Energy, Natural Resources, and the Environment, we have repeatedly heard witnesses bemoan the absence of any centralized clearinghouse for environmental information. In our hearings on the effects of mercury on man and the environment it was claimed by both those responsible for the mercury pollution and those directly affected by it that the existence of such a clearinghouse might have prevented much of the damage that occurred. Although for several years literature was available which suggested that inorganic mercury could be converted to the deadly poison known as methyl mercury, neither the chemical companies discharging the pollutant nor the regulatory agencies of Government were aware of it until several months ago. Had there been a source to which they might have turned to learn all that was known about the behavior and effects of mercury, discharges of the chemical could have been stopped much sooner.

In a similar vein, when our subcommittee examined the problems associated with the use of the herbicide 2,4,7-T and related chemicals we again found that lack of knowledge was a central problem. In the case of 2,4,5-T itself, although alarming information relating to the fetus-deforming effects of the herbicide in test animals was available as early as June of 1966, neither the Department of Agriculture nor the Food and Drug Administration knew of it until years later. Moreover, even the producers of the chemical were denied access to the information which might have led them to restrict their production voluntarily.

It is therefore the major purpose of this bill to insure that when information of this sort is known by anyone anywhere in the world that every effort is made to bring it to the attention of as many people, both within and outside the Government, as possible. Considerable thought will have to be given to the precise mechanism by which the accumulation and dissemination of this material is handled, but would anyone deny the desirability of increasing the free flow of such vital information? It is my hope that Congress will move quickly to accomplish that objective.

The PRESIDING OFFICER (Mr. EAGLETON). The bill will be received and appropriately referred.

The bill (S. 4496) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System, introduced by Mr. HART, was received, read twice by its title, and referred to the Committee on Commerce.

S. 4500—INTRODUCTION OF A BILL FOR RELIEF OF THE OWNERS OF CERTAIN INTEREST IN LANDS LOCATED IN CADDO COUNTY, OKLA.

Mr. HARRIS. Mr. President, I introduce, for appropriate reference, a bill for the relief of the owners of certain interests in lands located in Caddo County, Okla. Similar legislation has already been introduced by my colleague, Mr. EDMONDSON, in the House. The exact description of the land involved in this legislation is some 150 acres in W½ of section 15, T8N, R12W, Caddo County, Okla.

Some 10 years ago this land was flooded by the United States following the construction of the Fort Cobb Reservoir in Caddo County. Claims for compensation of mineral rights in this land were submitted to the Bureau of Reclamation of the U.S. Department of Interior by the claimants. However, the claims were denied on the grounds that the Tucker Act, upon which claims for compensation of this loss would be based, contains a 6-year statute of limitations.

This special relief legislation would waive the statute of limitations so that the claimants might be successful in their proposed suit to recover damages for the loss of their mineral rights.

I ask unanimous consent to have printed in the RECORD a copy of the reply I received from the Department of the Interior in regard to these claims. I urge that this legislation be expeditiously and favorably considered by the appropriate committee.

The PRESIDING OFFICER (Mr. YOUNG of Ohio). The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 4500) for the relief of the owners of certain interests in lands located in Caddo County, Okla., introduced by Mr. HARRIS, was received, read twice by its title, and referred to the Committee on the Judiciary.

The letter, presented by Mr. HARRIS, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., August 21, 1970.

Hon. FRED B. HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARRIS: This is in response to your letter dated June 18, 1970, inquiring as to the feasibility of special legislation waiving the statute of limitations as to certain claims against the United States, as suggested in letters from Mr. Ion B. Turk and Mr. John W. Nichols, both of Oklahoma City.

Messrs. Turk and Nichols claim to be the owners of mineral rights in land that was flooded by the United States some ten years ago following construction of the Fort Cobb Reservoir, Caddo County, Oklahoma. Last year they asserted a claim for compensation with the Bureau of Reclamation of the United States Department of the Interior. The claim was denied on the ground that the statute of limitations barred claims not asserted within six years of the flooding. They further assert that in the condemnation of similar property close to theirs, the owners of the mineral rights were awarded $100 per acre. There appears to be about 150 acres involved.

Special relief legislation waiving the statute of limitations is a feasible avenue for relief. Such statutes normally recite the names of the claimants, the nature of the claim and the statute by which the claim is barred. They normally provide a fixed period of time in which the action can be brought.

I am sure you understand that the Department of the Interior cannot at this time state what position it will take on such a bill should it be introduced.

Sincerely yours,
HOLLIS M. DOLE,
Assistant Secretary of the Interior.

S. 4505—INTRODUCTION OF A BILL TO AMEND THE FOOD STAMP ACT OF 1964

Mr. THURMOND. Mr. President, in 1964 it was brought to the Senate's attention that the Food Stamp Act of 1964 was too broadly written, for it allowed certain undeserving individuals to receive welfare benefits under it. Since 1964 the unfairness of providing public assistance to union strikers in the form of Federal food stamps has been pointed out on more than one occasion. The gross unfairness and totally ridiculous result of the Food Stamp Act in this regard is now clearly evident to all. When 343,210 General Motors employees, who were members of the United Auto Workers Union, went on strike a few months ago, many of them lined up at welfare offices and demanded food stamps, claiming that they were no longer able to provide "a nutritionally adequate diet" for themselves and their families.

While it is true that these workers were no longer receiving their weekly checks from General Motors, the law cannot be so blind that it does not recognize and consider the reasons why these workers were not being paid. The reason was, of course, that these union workers simply refused to work and voluntarily walked off their jobs. I do not question, nor ask this Senate body to question, the right of these strikers or the right of any man to decide not to work. What I do question is, however, whether the citizens of this country should be required to subsidize the income of an individual who voluntarily decides to quit work and go on strike.

If a man is willing to work but unable to find a job, then I believe in assisting him. However, if an individual simply refuses to work when there are plenty of jobs open to him, then I have no sympathy for him. A man who will not work when jobs are available should have to bear the consequences of his act and not expect the Government to step in and put food on his table.

Many fine, hardworking Americans in this country would count themselves extremely lucky to have the opportunity to work for a company like General Motors that is paying, on the average, over $4 an hour. Yet these employees, enjoying the benefits of this high wage, turned their backs on this opportunity, and voluntarily quit working. Under the law as it is presently written, the Department of Agriculture had no alternative but to authorize the issuance of food stamps to these individuals. In my judgment, this amounted to a terrible economic crime perpetrated on the American taxpayer who, through his taxes, was actually forced to contribute his hard-earned dollars to the purchase of food stamps for these individuals who refused to work.

Furthermore, the issuance of food stamps to these individuals who could have been earning $4 an hour, undoubtedly took the food out of the mouths of people who were actually in need. The strikers in one State were drawing so many stamps that the Federal Government had difficulty keeping the stamps printed and supplied to the local agencies.

The United Auto Workers Union strike, the biggest and costliest strike in more than a decade, had a serious adverse effect upon many innocent individuals. Since these strikers were being fed at the taxpayers' expense, there was little incentive to go back to work. As a result, the strike lasted for almost 2 months. Each day this strike continued, the number of innocent victims increased. This union action caused over 100,000 individuals who wanted to work to be laid off, cut the gross national product by $1 billion per week, and severely damaged the earnings of many primary and secondary suppliers, not to mention the cost to each individual taxpayer who paid for millions of dollars worth of additional food stamps. In my judgment, this is but another example of the heavy and unreasonable burden the American taxpayer is forced to bear because of the domination of Congress by the liberal forces.

I consider the events involving the issuance of food stamps to union strikers an outrage. This practice should be discontinued. In order to accomplish this goal, I introduce a bill to amend the Food Stamp Act of 1964 which will make strikers ineligible to participate in Federal food stamp programs.

Mr. President, I send the bill to the desk and request that it be referred to the appropriate committee.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred.

The bill (S. 4505) to amend the Food Stamp Act of 1964 in order to prohibit the distribution of food stamps to any household where the head of the household is engaged in a labor strike introduced by Mr. THURMOND, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

ADDITIONAL COSPONSORS OF BILLS

S. 2193

At the request of the Senator from New Jersey (Mr. WILLIAMS), the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 2193, the Occupational Safety and Health Act.

S. 3687

At the request of the Senator from Maine (Mr. MUSKIE), the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 3687, the National Water Quality Standards Act of 1970, which would increase the Federal grant authorization for waste treatment facilities to $2.5 billion a year for 5 years and extend the standards program to all navigable waters.

S. 4352

At the request of the Senator from New Jersey (Mr. WILLIAMS), the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 4352, relating to equitable promotions and retirements for National Guard technicians.

S. 4353

At the request of the Senator from New Jersey (Mr. Williams), the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 4353, relating to Civil Service status for Selective Service System employees.

S. 4434

Mr. TOWER. Mr. President, I ask unanimous consent that, at the next printing, the Senator from Kansas (Mr. Pearson) and the Senator from Oklahoma (Mr. Bellmon) be added as cosponsors of S. 4434, to deregulate the wellhead price of natural gas.

The PRESIDING OFFICER (Mr. Bellmon). Without objection, it is so ordered.

Mr. PEARSON. Mr. President, I rise today to indicate my cosponsorship of S. 4434, introduced by my distinguished friend, Senator Tower.

This legislation addresses an increasingly vital concern—the shortage of fuel. Never before in this century has the United States faced such serious and widespread shortages of energy as are upon us now.

Symptoms of this fuel crisis are already in evidence. Last month, the Eastern Ohio Gas Co., serving Cleveland and other industrial centers, warned that if this winter is as severe as expected, factories will have to shut down to provide gas to heat homes, schools and hospitals. Many of the lights in the halls of the State office buildings, we should remember, were turned off during the power shortage of last August—dramatic evidence of the seriousness of this problem. In addition, the Federal Power Commission has recently indicated that gas companies in various parts of the country will import increasing amounts of fuel to meet the needs of the coming winter.

Increasingly stringent antipollution requirements, moreover, so important to our quality of life, are aggravating this crisis.

In short, while the demand for all fuels is great, the need for natural gas, our cleanest fuel, has risen as dramatically as the demand for clean air. The bill to which I extend support today is critically needed to meet this serious situation by increasing the supply of natural gas in the United States.

S. 4434 would remove Federal Power Commission authority to maintain price ceilings on the interstate sale of natural gas by independent producers. Drafted by the Vice Commissioner of the Federal Power Commission, Carl E. Bagge, this legislation recognizes the forces of a free market which are so essential to encourage exploration for natural gas reservoirs. The last 20 years of FPC regulation in this area, as characterized by Mr. Bagge, have produced "a regulatory dry hole." The FPC has tried econometrics systems, cost-plus structure systems, and other regulatory schemes—all with the same result: Regulatory chaos, shrinking supply, and critically inadequate exploration.

At present, our known supplies of natural gas are nearly exhausted, demand remains insatiably high, yet its cost remains at the artificially low price ceiling established by the FPC. Predictably, virtually no exploration by domestic producers has been done nor can it be economically undertaken.

Chairman Nassikas of the FPC has publicly stated that we "must recognize the realities of the market." This bill rests on that principle.

Moreover, Mr. President, the operation of this measure would encourage exploration by the independent operators who are so important to my State and Nation. It is these men, the "little men" of the industry, who have discovered approximately 80 percent of all natural gas reservoirs. It is these men who are directly affected when natural gas is imported from Canada at a price of 32 cents per thousand cubic feet, from Alaska at a price of 65 cents per thousand cubic feet, and from Algeria at a price of $1.71 per thousand cubic feet, while Kansas and other domestic producers receive only approximately 16.5 cents per thousand cubic feet.

Mr. President, we have in the past enjoyed plentiful supplies of both fuel and clean air. We now must take immediate action to insure continued supplies of both. For these reasons, I am happy to join with Senator Tower as a cosponsor of this legislation.

SENATE RESOLUTION 482—RESOLUTION SUBMITTED AND AGREED TO MAKING CERTAIN STANDING COMMITTEE ASSIGNMENTS

Mr. MANSFIELD submitted a resolution (S. Res. 482) making certain standing committee assignments, which was considered and agreed to.

(The remarks of Mr. Mansfield when he submitted the resolution appear later in the Record under the appropriate heading.)

SENATE RESOLUTION 483—RESOLUTION SUBMITTED AND AGREED TO RELATING TO DEATH OF REPRESENTATIVE WILLIAM L. DAWSON, OF ILLINOIS

Mr. STEVENSON (for himself and Mr. Percy) submitted a resolution (S. Res. 483) relative to the death of Representative William L. Dawson, of Illinois, which was considered and agreed to.

(The remarks of Mr. Stevenson when he submitted the resolution appear later in the Record under the appropriate heading.)

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1971—AMENDMENTS

AMENDMENT NO. 1070

Mr. HARRIS. Mr. President, the bill making appropriations to the Departments of Labor and Health, Education, and Welfare, and related agencies, Calendar No. 1350 (H.R. 18515), contains language which would limit Federal matching of State expenditures for administration, services, and training in the public assistance programs to 115 percent of the actual expenditures that were incurred during the last fiscal year ending June 30, 1970.

I believe this would be a decisively wrong step. We need to improve social services, not restrict and contract them, as we would be doing with this provision in the face of a growing population and an increasing case load. Particularly does this suggested provision seem inconsistent with the administration's efforts, agreed to already by the House of Representatives, to enact a new family assistance program.

The American Public Welfare Association has issued a paper detailing objections to the proposed limitation. As a member of the Senate Finance Committee, I find this paper very clear and convincing, and I ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

Mr. President, I have prepared an amendment I intend to offer to strike this objectionable provision when the appropriation bill is taken up by the Senate. I send the amendment to the desk and ask that it be printed as an amendment and that it be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Bellmon). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and paper will be printed in the Record.

The amendment (No. 1070) is as follows:

On page 38, strike lines 12 thru 18, inclusive.

On page 38, line 19, strike out "209" and insert in lieu thereof "208".

The paper, presented by Mr. Harris, is as follows:

American Public
Welfare Association,
Chicago, Ill.

The National Council of State Public Welfare Administrators of the American Public Welfare Association, representing all 54 States and Territories, assembled today, November 16, 1970, have unanimously resolved to urge all members of the United States Senate and House of Representative to delete from H.R. 18515, making appropriation for the Departments of Labor, and Health, Education and Welfare, the provision in Section 208 which would, during the current Fiscal Year 1971, limit Federal matching of State expenditures for administration, services and training in the public assistance programs to 115 percent of the actual expenditures that were incurred during the last fiscal year which ended June 30, 1970.

The proposed 115 percent limitation would impose upon the clear majority of all States severe, inequitable, and unrealistic financial burdens. We direct particular attention to the following significant considerations:

(1) Because of the rapid and continuing increase in the caseloads of the public assistance programs, the costs of direct administration have been rising proportionately, even without regard to programs extensions and improvements or dollar inflation. Since 1967 the number of public assistance recipients in the Federally aided categories has doubled. In many States, the 115 percent limitation will not even meet the cost of the mere volume of incurred eligibility determinations.

(2) Since all States and Territories are already operating under budgets established by their Legislatures for the current fiscal year, premised on the availability of Federal matching funds under the existing formula, and have made commitments for most, if not all, of the funds so budgeted for improved

social services and training as well as ongoing administration, the 115 percent limitation would have the effect of requiring States either to abruptly cancel out many important programs, or to call upon their Legislatures for additional supplemental appropriations and deficit financing in a climate of public welfare activity where State fiscal resources are already overwhelmed.

(3) The existing Federal matching formula has already been relied on to trigger broad community commitments for rehabilitative social services. States have developed combinations of State-local, public and private funding to coordinate and deliver social and restorative services such as daycare, homemaker services, family planning, work readiness and employment counseling. It is essential that these beginning partnerships of public and private dollars, and public and private capabilities, be given the opportunity to mature rather than be abruptly curtailed.

(4) It is inconsistent for the Administration and the Congress to have insistently urged the States to expand activities calculated to rehabilitate poor people, and to continue to mandate additional expansions and improvements, while at the same time cutting back on fiscal support for services already in operation.

(5) The enactment of Section 208 would be a repudiation of promises made by the Congress in 1962 and 1967 services amendments to the Social Security Act, which States in good faith have been implementing.

AMENDMENT NO. 1071

Mr. YARBOROUGH submitted amendments, intended to be proposed by him, to House bill 18515, the Departments of Labor, and Health, Education, and Welfare appropriation bill, 1971, which were ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON NOMINATIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Mississippi (Mr. EASTLAND).

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, November 24, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Owen D. Cox, of Texas, to be U.S. District Judge, Southern District of Texas, vice a new position created by Public Law 91–272, approved June 2, 1970.

John Feikens, of Michigan, to be U.S. District Judge, Eastern District of Michigan, vice a new position created by Public Law 91–272, approved June 2, 1970.

Robert M. Hill, of Texas, to be U.S. District Judge, Northern District of Texas, vice a new position created by Public Law 91–272, approved June 2, 1970.

Philip Pratt, of Michigan, to be U.S. District Judge, Eastern District of Michigan, vice a new position created by Public Law 91–272, approved June 2, 1970.

William M. Steger, of Texas, to be U.S. District Judge, Eastern District of Texas, vice a new position created by Public Law 91–272, approved June 2, 1970.

Jose V. Toledo, of Puerto Rico, to be U.S. District Judge, District of Puerto Rico, vice a new position created by Public Law 91–272, approved June 2, 1970.

John H. Wood, Jr., of Texas, to be U.S. District Judge, Western District of Texas, vice a new position created by Public Law 91–272, approved June 2, 1970.

William C. Frey, of Arizona, to be U.S. District Judge, District of Arizona, vice a new position created by Public Law 91–272, approved June 2, 1970.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Nebraska (Mr. HRUSKA) and the Senator from Arkansas (Mr. McCLELLAN).

ADDITIONAL STATEMENTS OF SENATORS

THE MOST POWERFUL SENATOR

Mr. SCHWEIKER. Mr. President, Pennsylvania, the Senate, and the Nation are most fortunate to have my colleague, the distinguished senior Senator from Pennsylvania (Mr. SCOTT), with us in this body. The Philadelphia Inquirer recently noted this.

I ask unanimous consent that its perceptive editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE MOST POWERFUL SENATOR

Hugh Scott's campaign slogan—"the most powerful senator Pennsylvania ever had"—is even more appropriate after his reelection to a third term by more than 200,000 votes over Democratic challenger William Sesler.

The venerable Republican statesman has added another "first" to his impressive list of political credits. He is the first senator in Pennsylvania's history to be elected to three consecutive terms by popular vote.

He already held the distinction of being the first Pennsylvanian of any political affiliation to serve as party leader in the Senate.

Tuesday's victory was another of those against-the-tide performances that have become a Scott hallmark.

Thus Senator Scott has demonstrated once again that his appeal to the electorate transcends party considerations. The people vote for the man, not the party, and they do so with confidence in the personal integrity and the political independence which are characteristic of Scott's public service. He is a party leader, not a party follower.

Hugh Scott's strength and durability are rooted in principles of political moderation that have earned him the support and respect of Democrats and independents as well as Republicans. That is no easy feat for a man who has served as Republican National Chairman as well as Senate Republican leader.

As "the most powerful senator Pennsylvania ever had" looks forward to a third term, he just might be on the way to becoming the best senator this state ever had.

SENATOR MANSFIELD'S STATEMENT TO THE DEMOCRATIC CONFERENCE OF THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD the statement I made to the Democratic Conference of the Senate yesterday.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MIKE MANSFIELD (D., MONTANA) TO THE DEMOCRATIC CONFERENCE OF THE UNITED STATES SENATE

The election is behind us. If the results do nothing else, at least, they provide for a continuance of a watchdog Senate. I would anticipate that this Conference will go on exercising leadership in that function, a role which has fallen to us under a Republican Administration.

At the outset, I want to thank deeply on my own behalf and on behalf of all other Democrats who were re-elected, the Democratic Senatorial Campaign Committee and its staff for their efforts. In particular, I ask the Conference to join with me in recognition of the extraordinary determination and dedication of the Chairman of that Committee. All of us owe a great deal to that Chairman, a great Senator and a great Democrat, Dan Inouye.

Needless to say, I share with the Conference a personal sense of distress with regard to those Democratic members who were not reelected. Changes of that kind are inevitable in politics. We all know it but it does not detract from our personal sense of loss.

For the present, however, the election has brought about only one alteration in the Senate. The Democratic Majority is increased. We have one new Member. He comes to the Senate out of a long tradition of excellence. He bears a name which has been synonymous with political integrity for a century. Most important, he comes to us in his own right, with deep convictions regarding freedom and the American political system. On every score, the Senator-elect from Illinois, Adlai Stevenson III is most welcome.

To those Democratic candidates who are returning to the Senate, I would also like to note my personal pleasure with the results of the recent election. Congratulations are in order not only because you were elected but because you were elected in very difficult circumstances. In instances, you were subjected to a personal vilification of a most offensive nature. You defeated opponents in the face of what can best be described as a massive essay in political slicksterism. Your re-election is above all else a tribute to your constituents, to the good sense of the people of the United States.

May I add in all candor, moreover, that you beat the heavy money. The fiscal blitz which confronted you as Democratic candidates this year was without precedent. If there is any area of American politics which was revealed by the election to cry out for adjustment, it is that of financing elections. We ought not to delay in establishing a measure of reason and equity in candidate-spending. We must act not only to reduce the volume of spending but to broaden the popular base for funding federal political campaigns, Unless we do so, there is grave risk that the politics of federal elections will become the playthings of wealth. The government of the United States will be subject to ever greater manipulation by the levers of financial privilege.

What is involved, here, is neither a problem for one party or the other. This year the Republican coffers were filled and the Democratic cupboard was bare. Who knows what the situation will be two years hence. Or two years thereafter. The problem is not political; it is national. It is a problem in the practice of representative government. The public stake in a rational solution to that problem is both high and urgent.

With the Administration's cooperation, I would expect appropriate committees of the Senate to examine this question and report comprehensive recommendations to the Senate without delay.

Beyond these brief observations, I will not comment on what transpired on November third last. With regard to the outcome in the Senate, the questions of who won and who lost have already been self-answered to the satisfaction of "spokesmen" of the Administration. What could possibly be added to the political wisdom which flows from these fountain-heads?

In any event, there are more pressing matters to engage the attention of the Conference. We are about to resume the second session of the 91st Congress. That is what assembles us here in these closing weeks of 1970. In this brief convening, the Senate has a very specific carry-over responsibility. It is to dispose of the Administration's most urgent legislative requests.

To that end, it would be my intention to consult, first, with the distinguished Minority Leader (Mr. Scott) and with the President and the House leadership in order to draw up a rock-bottom list of legislative items which should not wait for disposition until the next Congress. I trust that the list will be mercifully short but it will include, of course, the remaining appropriations bills. It most certainly ought not to include any new items or items which are not well along in the legislative mill. Finally, the list must be kept clear of legislative gimmickry.

The leadership will seek the cooperation of all Members in completing the work of the Senate as quickly as possible. It is my intention to resume the daily-double sessions, that procedural innovation which proved so helpful in expediting Senate business in the weeks before election; I would also ask the Conference to consider the question of Saturday meetings.

No dates for termination of the session can be given at this time. Indeed, the 91st may yet be known as the unending Congress. It is the will of the Members, not the Leadership that sets the date for adjournment. Insofar as the Leadership is concerned, however, the present convening is regarded solely as a windup. I cannot urge too strongly that the Administration and the Congress concur in putting over what can be put over to the next Congress.

Members might bear in mind that in these remaining weeks the Senate will also be setting the tone for the 92nd Congress. May I say, bluntly, in connection therewith that the election has opened wounds, most of them unnecessary. Some of you have felt directly the stings of unwarranted personal attacks. So, too, have some Members of the Senate Minority. Nevertheless, I ask your help in closing the wounds. The nation's welfare requires that they be closed. Senators, I know, will put that welfare above all else.

This election has also been made a vehicle for raising excessive and invalid anxieties about the federal government. In particular, an apparently calculated effort was made to undermine public confidence in the work of the Senate. I would hope and expect the Minority, no less than the Majority to reject categorically the blanket condemnations, the snide innuendos, the inferential alliterations which were so designed. Let us reject them, however, without reproducing the pattern of arrogant half-truths, quarter-truths and no truths which was so much the hallmark of the recent election campaign.

The fact is that the current Senate need not cringe from the record. We need make no lawyer's defense of our stewardship of this institution. Republicans and Democrats alike, we have no need to apologize for the Senate in the 91st Congress. Its record was already respectable before November 3. The record—established, may I say, by both parties—will be respectable when this Congress expires on January 3.

It is to be regretted that more time was not spent in Washington by those who went up and down and back and forth across the nation unwarrantedly criticising the Senate. Had they been here, where their Constitutional responsibilities are lodged, they might have learned that the Senate has not dawdled during the past year. At the conclusion of the 91st Congress, we will have been in session more hours than any other Senate in at least a decade. We will have taken more roll-call votes than any other Senate in the history of the nation. That statistic is at least indicative of the degree of conscientiousness with which Members have tried to reach decisions on controversial issues.

They might have learned, too, those who should have been in Washington that, instead of frustrating the President, the Senate joined with him in the effort to bring the Indochinese tragedy to a close. No apologies for that effort are in order from any Senator on either side of the aisle who may have been a part of it.

I say that notwithstanding the several weeks which were spent in prolonged debate on the Cambodian resolution—debate prolonged, may I say, not by those who supported the measure. The object of the resolution was to restrain the involvement in Indochina; the debate emphasized the importance which the Senate attaches to the uninterrupted withdrawal of American servicemen from the misbegotten adventure in Viet Nam.

As I understand it, that is no different from the attitude of the President. But it ought to be apparent at this late date that the wheels of the war do not grind to a halt on the basis of the good intentions of the President. We have had three Presidents with good intentions but the involvement continues. The hunderds of American casualties of the Cambodian enterprise recede in memory but the war goes on. Americans still die. Billions still disappear into the morass of Southeast Asia. Rather than apologize for the Cambodian resolution, then, the Senate has a responsibility to remain ever alert to possibilities for strengthening its intent.

Those who criticized the inaction of the Senate on crime and violence might have also learned, had they been here where their responsibilities are, that the Senate addressed a very close attention to these problems. The Senate acted on all of the President's requests for legislation on crime-suppression. Moreover, on its own, the Senate initiated additional measures.

It is true that the Senate proceeded in the belief that the nation's problems are a little too complex to be ascribed to the views of one pediatrician on the spanking of children. Rather the Senate acted on the premise that crime, drugs, violence, pornography, archaic courts and a dilapidated penal system are facets of a many-sided problem. Not one but all sides demand the attention of the Nation.

There is no need to apologize for the Senate's disinclination to act on a simplistic view of our times. I would hope that the Senate will continue to try to see the nation's difficulties in full perspective and to act on the basis of that perspective. Part of that perspective, may I say, is the state of the nation's economy. The inflation has still to be ended. Unemployment continues to rise. Industry and agriculture are in the doldrums. We are confronted with a budgetary deficit of upwards of $10 billion this year even though the Congress will have probably cut the overall total of the President's requests for expenditures when work is completed on the Appropriations bills. What confronts us is a deficit born out of a fall in the Administration's anticipation of federal income. When business and employment go downhill, so, too, does the government's tax receipts. What is coming, in short, is not a spending deficit but a recession deficit.

The Senate has not let these issues—inflation, recession and unemployment—disappear under the rug. Insofar as the Leadership is concerned, these issues will not be dropped from the agenda. They will remain in the Senate's purview until the economy begins to move forward again and until all those who seek work, have it.

To those who recently urged a party changeover in the Senate, in order better to sustain the President, I want to say that the Conference has asked me to serve continuously as Majority Leader for a decade, a tenure longer than any other. In all that time, however, I have never seen the Senate more national and less partisan in outlook than during the 91st Congress.

The Joint Leadership of the Senate has worked well together on behalf of the nation. President Nixon has had the support of Senate Democrats no less than Senate Republicans when it could be given to him in good conscience. When it could not, differences have been expressed with reason and with restraint. Whatever our personal reservations, the good of the nation demands that we continue to function in that fashion.

The Senate has done well. It can do better. Bear in mind, however, our limitations as well as our capabilities. The Senate is one body in a Congress of two, in a federal government of divided powers and a permanent bureaucracy, in a nation of many jurisdictions—state, urban and rural. It is going to take a dedicated effort on the part of all to maintain an equitable present and a livable future for the people of this nation.

It is not beyond our doing. It can be achieved, if we will listen to the viewpoints of all, if we will act towards one another—regardless of our differences—with a degree of decency, understanding and restraint.

Let the election recede into history. What matters is not what party may have lost but what the nation may have won. And let the politics of 1972 look to 1972. The Senate has its own responsibilities for the rest of 1970, 1971, and 1972. We need to summon ourselves to a new dedication. We must do what we can to remove the wedges of division which have been driven deeper and deeper into the nation.

MAINE NEEDS MORE SUMMER RESIDENTS LIKE GARDINER MEANS

Mr. MUSKIE. Mr. President, one of Maine's most distinguished summer residents is Dr. Gardiner C. Means. Noted economist, author, presidential adviser, and enthusiastic outdoorsman, Dr. Means has not been content merely to enjoy the summer beauty of our State. By vigorously maintaining that Maine can and must find a suitable balance between economic development and environmental protection, Dr. Means has articulated what all of us who love Maine know and feel. And as a valued member of the Maine State Planning Council, he is contributing his energies and talents toward helping Maine to promote policies for sound future growth.

Mr. President, the Maine Sunday Telegram of October 25 contains an article entitled "Maine Needs More Summer Residents Like Gardiner Means," written by Marc A. Nault. I am proud to have Gardiner Means as a part-time constituent.

I ask unanimous consent that the article be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAINE NEEDS MORE SUMMER RESIDENTS LIKE GARDINER MEANS

(By Marc A. Nault)

A majority of Maine's summer residents have by now long departed their coastal and lakeside retreats for the cities and suburbs with little thought about the state save for the memory of its stunning natural beauty and a particularly pleasant summer too soon ended.

Preoccupied with their own good-paying jobs and professions that will permit them to return next summer, few are aware of the struggle many Maine people have in getting through the cold, snow and expense of winter; or the biennial dilemma the legislature faces in pruning heavy budget requests to within tax revenues limited by a fragile economy; of the frowns that mark the countenance of voters at annual town meetings over the high cost of local government and education services. No, the summer people experience the glory of summer but miss out on the economic agony of a Maine winter.

One unusual exception is a remarkable man of 74 whose interest in and concern for Maine's year round residents doesn't end when he closes his rustic cedar cottage on Yellowhead Island in Machias Bay within view of the controversial supertanker port proposed at Machiasport. He is Dr. Gardiner C. Means, internationally respected economist and avowed conservationist, who summers in Washington County and maintains a permanent home on a small farm in Vienna, Va., some 20 miles from Washington, D.C.

Dr. Means' name has been associated with the Machiasport oil refinery proposals for his advocacy of thorough pollution control safeguards and the concept of locating any refinery inland, an idea credited as setting a precedent for the landmark site selection law passed by the 104th Legislature.

But few, if any Maine residents know anything else about a man whose counsel is sought in and out of government here and abroad, nor of the influence he has had on recent state economic and environmental planning policies as a member of the Maine State Planning Council.

Not given to flamboyance, unless you could call the bright red felt L. L. Bean hunting hat he wears daily while summering in Maine flamboyant, Dr. Means is a studious and probing man with none of the stuffiness one might expect of his Exeter and Harvard (B.S. in physical sciences, Masters and PhD. in economics) background.

His short physical stature and healthy good looks belie an agility that would shame many only half his age. But one of his favorite summer pastimes in recent years was canoeing with his wife along the Maine coast for days at a time, camping out on isolated landfalls with only the bare essentials of equipment and food stores.

It was the canoeing trips that led gradually to Washington County waters from Bath and Boothbay.

Yellowhead, a ten acre island at the head of Machias Bay, was one of the places they used to canoe to. Then owned by friends from the Washington, D.C. area, the Means purchased it in 1963.

This strong personal tie to coastal Washington County spurred the Means, who are both professional economists (Mrs. Means a former Vassar professor, uses her maiden name, Dr. Caroline Farar Ware in her professional work) to learn more about the area. His interest and background caused Dr. Means to be invited by Governor Kenneth Curtis to join the State Planning Council.

When the refinery proposals were unleashed in the summer of 1968, Dr. Means undertook an intensive study of the economic and environmental impact of the project and was named by the governor to serve as chairman of the air and water pollution subcommittee for Machiasport planning.

"No one asked harder questions than did Gardiner Means," wrote conservationist Frank Graham in the July 1970 issue of Aubudon Magazine, in referring to the role Dr. Means played in the Machiasport discussions.

Throughout the debate Dr. Means has maintained the position that a "balance can be struck between economic development and environmental protection."

Washington County, Graham suggested, is a testing ground for the proposition that people do not count for less in the conservationists' scheme of things than do birds and trees.

His belief in this conviction, that people do count, led Dr. Means to establish the Bucks Harbor Skiff Company in 1965—three years before the Machiasport proposals highlighted the chronic plight of Washington County residents. The aim was to provide winter work for lobstermen.

Dr. Means personally designed a lightweight fiberglas skiff and put its production under the management of Bucks Harbor lobsterman Floyd Colbeth.

Some 200 skiffs have been built and sold, and although the company has suffered from a lack of marketing know-how and has been slowed by technical problems, hopes remain that full production can be resumed and a more intensified marketing campaign undertaken.

Another project Dr. Means intends to examine more closely this winter is how to grow commercial crops of the highland cranberries that are native to Washington County. He also is interested in how lobster farming can be conducted, particularly in raising the baby lobster and fry through the critical period when it is prey to natural predators.

Dr. Means makes no predictions on the outcome of his studies but gives every evidence of being unwilling to merely enjoy his Machias Bay surroundings without trying to assist in overcoming the economic deficiencies of the area.

This is the kind of challenge he has faced and grappled with throughout his professional career, first in work he did with the Near East Relief organization after World War One. Assigned to Turkey, he says this is where he gained his first experience in managing a conglomerate—a series of small businesses such as carpentry, blacksmithy, shoe making and weaving.

The weaving experience stimulated him later to take a two year course at Lowell Textile School and eventually to establish a successful specialty blanket weaving company.

Throughout this period, Dr. Means was confronted by the question, "Why don't things work right?" in the economy. To satisfy his concern he returned to Harvard to study economics and it was there that he met the future Mrs. Means, who also was doing post graduate work at Radcliffe.

Through his wife he met Dr. Adolph Berle, a lawyer on the faculty of Columbia University who invited Means to assist him in a study focusing on the separation of ownership and management of corporate enterprise.

However, Dr. Means came to realize that they were studying the separation of ownership and control of corporations, a significant development in the American economy. This work led Berle and Means to co-author a major economic treatise, "The Modern Corporation and Private Property," which concluded that a corporate revolution had been going on in which more and more economic activity was coming under the control of the nation's 200 largest corporations.

Published in 1932 at the bottom of the depression, the book spelled out the profound implications this concentration of control had on legal and economic theory, practice and government policy.

The book became widely accepted as a classic in its field and served a significant role in the development of the Securities and Exchange Act passed by Congress to protect investors from abuses by corporate management. It also became part of the Roosevelt New Deal Doctrine.

What followed for Dr. Means was a series of high-level policy-making assignments in the Roosevelt Administration. Dr. Means notes with a modest degree of pride that he was one of the earliest to become concerned about consumer protection, now a major goal in the federal administration. He authored a study of "The Consumer and the New Deal" while a member of the Consumer Advisory Board.

In addition to the recognition earned by the Berle-Means classic, Dr. Means went on to develop the concept of administered prices for which he became known throughout the economics profession. It established an alternative theory to that advanced by the Keynesians to explain persistent unemployment in a free enterprise system.

In addition to his numerous assignments in government, Dr. Means has authored several books on economics including one which he coauthored with his wife, "The Modern Economy in Action." He says he has three additional books in mind he intends to write.

Perhaps the highest recognition accorded this son of a Congregational minister who was born in Windham, Conn., and who lived for a brief time during his youth in Madison, Maine, came when the Harvard chapter of Phi Beta Kappa accepted him to membership in 1968—some 50 years after receiving his doctorate—for outstanding professional achievement and contributions to economic learning and practice during his career.

But none of this mantle of honors shows when Dr. Means is in the Machiasport area. Attired in his rumpled sun tan trousers, worn deck shoes, open jacket and ubiquitous red felt hat, he is readily accepted and at home with the lobstermen and clam diggers as they talk together about the economic problems of Down East Maine.

A measure of his acceptance came this summer when many Machiasport natives became concerned about his failure to show up at the usual time in early June for his summer stay on Yellowhead.

Actually, he had an appointment before a Congressional committee in Washington late in July. But he stayed a little longer in September to accept an invitation by Sen. Edmund S. Muskie to testify in Machias at the Machiasport oil pollution hearings.

Even in his testimony, Dr. Means offered little that would inform the audience of his prestigious credentials. He introduced his remarks with the following modest, straightforward note:

"My name is Gardiner C. Means. I am an economist and summer resident of this area. My wife and I own Yellowhead Island which is within two and one-half miles of the proposed port. Also, I am actively concerned with the development of the economy of the Machias area. I am thus involved on both sides of the pollution problem. Will pollution be so bad that I should oppose the project in order to protect our island or can it be kept so low as to justify supporting the project for its advantages in building up the region."

It is the same dilemma other Washington County residents face and Dr. Means could well have been speaking for them trying to seek answers, exercising caution, suggesting safeguards, hoping that somehow it might be possible to help the local economy without damaging the area's beauty.

Maine needs more season residents like economist and conservationist Gardiner C. Means and his wife.

ONE MILLION OLDER WORKERS

Mr. WILLIAMS of New Jersey. Mr. President, the recent grim unemployment statistics clearly show that our Nation is confronted with a crisis of mounting proportions.

Today, 4.7 million workers are without jobs. Unemployment is at its highest level in nearly 7 years.

From January 1969 to October 1970, the jobless rate has jumped sharply from 3.4 to 5.6 percent—adding nearly 2 million persons to the unemployment rolls.

Especially hard hit have been middle-aged and older workers. There are now 1 million unemployed persons aged 45 and older.

Many are discovering that they are losing more than just their jobs. They are also losing their private pensions, which they had counted on to provide security during retirement.

Once unemployed, mature workers run the greatest risk of long-term joblessness.

While the unemployment rate is higher for the Nation's youth, persons 45 and over constitute a disproportionately high percentage of the very long-term unemployed—27 weeks or longer.

Yet, these tragic unemployment figures do not even begin to tell the whole story because they do not includ the labor force dropouts—those who have given up the active search for work.

Today there are more than 8 million men 45 and older who have withdrawn from the work force, too often unwillingly.

As depressing as these statistics are, they cannot accurately reflect the impact on a jobless individual and his family:

The frustration of a dismissed worker who knows that he will never collect a penny from his pension, although he worked most of his life to provide a little nestegg for retirement;

The despair of an unemployed father who will not be able to afford Christmas gifts for his children and wife; and

The loss of dignity for former workers and executives who must report regularly to the employment security office to collect unemployment insurance.

Two articles published recently in the Wall Street Journal and Look magazine describe these tragic experiences in very human terms.

Moreover, this information provides additional compelling arguments for prompt and favorable action on my middle-aged and older workers employment amendment when the 1970 manpower legislation is considered in conference committee. This measure would provide badly needed training, counseling, recruitment, and placement services for the unique and growing employment problems of mature workers. And it can be a very far-reaching weapon for combatting widespread unemployment for persons 45 and older.

Mr. President, I commend these two articles to the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 4, 1970]

INCREASING LAYOFFS ROB MANY OF THEIR PENSIONS AS WELL AS THEIR JOBS

(By Jim Hyatt)

AVON LAKE, OHIO.—At first glance 33-year-old Edward Herrera didn't fare too badly last April when he was laid off here by Fruehauf Corp. He eventually found a job paying $50 a week more at a nearby Ford Motor Co. plant.

Despite the higher pay, however, Mr. Herrera is still bitter about losing his job. "I put in 11 years for nothing," he says. Because he was laid off well before age 40, when he would have become eligible for an eventual pension, Mr. Herrera took nothing with him when he left Fruehauf but his final paycheck.

As layoffs reach the highest levels in six years, and as corporations tighten their belts by closing plants, many workers like Mr. Herrera are learning that they're losing more than just their current jobs. Years of potential eligibility toward pensions are also evaporating. As far as earning a pension is concerned, many workers are, in fact, having to start their working careers over.

Private pension plans hold well over $100 billion in assets. About 17,000 such plans covering about 21 million workers are on file with the Labor Department, and several million workers are thought to be in plans not reported to the department. Pension plan coverage has become increasingly generous over the years—yet Congressional committees and others looking into pensions are discovering that because of high industry turnover even in good times, stringent eligibility requirements and today's widespread layoffs, many workers covered by such plans will never be eligible to collect a penny.

HIGH CASUALTY RATE

Just how many workers lose out is a hotly debated question and no exact figures are available. "My very rough estimate is that it is quite possible that over one-third of all workers in pension plans will never get anything from them," says Michael S. Gordon, special minority counsel for pensions for a Senate subcommittee. "In some industries the ratio will be much higher."

Union officials estimate that Freuhauf laid off more than 1,000 workers in the final year of manufacturing at the plant here and say that at least 350 of them were let go short of pension eligibility requirements—age 40 and 10 years on the job.

Companies often try to save pension rights by liberal recall provisions or by offering workers jobs at other plants. But those choices often create a variety of problems. A Dallas man in his 30s was laid off recently by Texas Instruments Inc., where pension eligibility begins at 50. But he says it has been difficult finding another job because prospective employers fear he'll go back to TI if a recall occurs.

Other workers say alternate jobs are seldom offered on the best of terms. John Voss, a 38-year-old engineering aide, is two years short of pension eligibility at a General Dynamics plant, "but I'd have to take a lot less pay." He also complains that "there's no telling when the other plant will lay off, too."

SMALL COMFORT

Industry-wide "portable" pension plans often keep pension rights intact for workers who move to similar jobs, but in the current economy such plans are little comfort to many so covered. Evelyn W., a 40-year-old Cleveland woman, lost a job last January as a packer at a sausage plant. Because of the business slowdown, "a lot of the other plants wouldn't even take an application," she says. She is 10 years short of being old enough to establish a pension right and figures she has lost a pension worth $70 a month at retirement. Currently she's taking accounting and secretarial courses at a junior college.

Layoffs hit especially hard at older workers who are dismissed short of retirement age. Jesse Stockton, 53, laid off after 23 years at Fruehauf, figures he'll never be eligible for another pension. At 65, he'll draw about $50 a month but working to 65 could have added another $36 a month to his check, union officials say.

Plant closings often take an even harsher toll on pensions already earned. An unexpected and sudden closing can leave a pension fund that doesn't even cover the built-up obligations already due workers. A classic instance: The 1963 closing of Studebaker Corp.'s South Bend, Ind., operations, in which several thousand workers with earned pension rights received only a small portion of the money they had expected.

Today's wave of plant closings is creating thousands of similar cases. Metals Forming Co., a unit of Gulf & Western Industries, is in the process of closing a plant in Ecorse, Mich., that employs about 175 workers. United Auto Workers officials say that because of the unexpected shutdown, only the most senior employes will get a pension.

WASHED OUT

In a letter to Congress last July, Leonard Woodcock, UAW president, asserted that "among the victims of that closing are a man and a woman, both 52 years old, each with 37 years of service. Their entire 37 years with the company were washed out as far as pension benefits are concerned."

A Gulf & Western spokesman says only that the company "intends to honor all provisions of its contract" and adds that "employes will receive the benefits to which they are entitled." That's true enough, the union says. The problem is that what they're "entitled to" is precious little.

The United Steelworkers of America says it recently talked one company into forking over an extra $35 million to bring a subsidiary's pension fund into balance after the subsidiary folded. Such instances are not isolated. Melvin Glasser, director of the UAW's social security department, says in one recent week alone the union had "four requests to terminate pension plans from employers going out of business." Some benefits will almost certainly be lost, he adds.

Some workers find, unhappily, that their employer's pension plans are so restricted that virtually no benefits are available. Olga Jensen worked about 18 years for a San Francisco marine transportation company that suddenly was liquidated a couple of years ago. She was 47 at the time and expected that she would receive some settlement from a pension fund for her years of service.

To her surprise, Miss Jensen found that the fund only paid a pension to employes working to the age of 65 and that when the plan terminated her expected Social Security benefits were deducted before any pension was calculated. As a result, she got nothing. "It was more than shabby," she says. She worked for a time at another company but decided the risks of losing another pension were too great. Taking a pay cut, she moved to the U.S. Customs Office, where the pension provisions were more liberal.

Lower-level workers aren't the only employes encountering pension problems. "The loss of pension credits is spreading into new sectors," says Merton C. Bernstein, an Ohio State University law professor. "Manufacturers are laying off white-collar managerial people."

A 49-year-old middle-management official at Texas Instruments is less than a year away from meeting the age 50 pension eligibility requirement, but he figures his chances are "less than 50–50" of making it in the face of major layoffs by the Dallas company. "It's like being in an artillery barrage when they have you zeroed in," he says.

WIPED OUT

One 58-year-old bank executive in the Midwest was recently fired just 18 months short of having 10 years on the job, a requirement for a pension. Bitter about the treatment, he calls such requirements "archaic and obsolete." He adds: "A place like this constantly reminds you that maybe you don't get much pay but a big percentage of your overall compensation is in various

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benefits, including the pension plan. When they forfeit the pension they fatten their own purse."

A 44-year-old Cleveland banker, fired after seven and a half years, frets that "I'm halfway through my working career and I'm starting over again on another potential pension. If you change jobs every 10 years or so, you're not a job skipper in any sense of the word. Yet two or three moves and you can effectively end up without anything at all."

Such problems are especially widespread among professional and technical people out of work due to defense spending cutbacks. "We're getting some pretty pathetic letters," says one California job retraining specialist. "Because of the ups and downs of our business, they suddenly find themselves near retirement, laid off, with no pensions." One study found the average engineer spends less than six years at any single job, far short of most pension eligibility requirements.

In boom times, of course, high-salaried engineers didn't worry about pensions. "I've been buying a little real estate and thought I wouldn't worry about pensions very much," says John R. Goodwin, 49, an aeronautical engineer who has had 11 employers in his career but has never qualified for a private pension. He lost his last job, which paid $17,500 a year, just three months short of qualifying for a plan.

With hundreds of his colleagues out of work, however, he finds his real estate holdings, including his own $45,000 home in a Los Angeles suburb impossible to sell. He has taken some temporary $3-an-hour drafting jobs and hopes to do some consulting work, but he figures he has lost any chance of ever earning a pension. "As far as I'm personally concerned," he says, "I think the game is up."

TAKING REMEDIAL ACTION

Alarmed at such developments, unions are increasingly taking tough stances in negotiations, seeking to improve pensions even at the sacrifice of current wages. "Unions are saying it is senseless to stick money in the pay envelope just to let Uncle Sam get it," says Robert F. Rainey, supervisor of pensions and trusts for H. K. Porter Co., Pittsburgh, an industrial equipment concern. He figures his company's pension costs have almost doubled in two years.

The United Rubber Workers Union this year boosted pension benefits to $7.75 a month per year of service, almost 50% higher than the previous level. In October Owens-Illinois Inc., Toledo, signed a new three-year contract with the Glass Bottle Blowers Association that will boost pension benefits in 1973 to $7 a month from $4 a month currently for each year of service. The union represents most of the company's 20,000 employes in 18 glass container plants.

But fatter pensions alone don't protect workers from layoffs, so unions are also seeking more liberal eligibility requirements. A major issue in the current strike against General Motors is a UAW demand for a full pension of $500 a month after 30 years. GM has offered such terms for workers at age 58. "'Thirty and out' could double pension costs," says one corporate official.

Pension disillusionment has led to considerable pressure in Congress for tighter Federal controls and looser eligibility requirements. One measure sponsored by Sen. Jacob Javits of New York would set up a reinsurance fund to pay benefits that employers couldn't cover in the event they are forced to go out of business. It would also create an independent pension commission, similar to the Securities and Exchange Commission, to handle pension regulatory matters.

Moreover, a number of unions and employees are seeking fully "portable" pensions. Such a system, already used by some unions with industry-wide contracts, permits workers to simply change jobs and carry their accrued pension benefits with them. White-collar workers caught in the economic downturn are particularly interested in such a plan. The American Chemical Society is exploring portability for its members, and an official of the American Institute of Aeronautics and Astronautics says: "I know of four companies that six months ago would have shot you if you stood on their property and uttered the words 'portable pensions.' These companies are now investigating it. The climate is changing."

THE SCARY WORLD OF THE SLIGHTLY AGING EXECUTIVE: FIRED AT 49

Keith Bose promised his son a bicycle for his ninth birthday. But before Keith Jr.'s birthday arrived, Bose had been laid off from his $13,000-a-year defense job and there was no money for a bike. Bose's wife overheard Keith Jr. explaining to a neighbor boy, "We had to pay the electricity."

Bose grew up during the depression. When he was the same age as Keith Jr. is now, his father lost his retail meat business and had to go to work as a butcher. Bose swore nothing like that would ever happen to him. He went into electronics where, in this age of science and space, he thought there would always be a job for a man who wanted to work.

As a captain in the Army during World War II, he was a communications and radar specialist. For four years, he taught electronics in Japan. Back home, he went into aviation electronics and piloted his own plane. In recent years, he's been in defense as a sale executive, then in research, writing technical manuals for the men on the production line.

Last May, Bose was let out by the Tele-Signal Corporation on Long Island. Now, his unemployment insurance, which goes for 26 weeks, is about to expire. He told the State Employment Service he'd "do anything." But the only job they could suggest was selling paint on commission. When he went to apply, the company had folded.

He had no money saved. His mortgage payment on the house and a small bank loan add up to $268 a month. Although his wife is working part time as a waitress at Howard Johnson's, what she brings home hardly pays for the groceries for a family of six. (His widowed mother lives with them.) He's at his wit's end.

The Boses have never lived high off the hog. They have a modest home in Kings Park near his work. Betty Bose has the usual freezer and washing machine. They have two cars and two TV sets. But, unlike some of his colleagues, he'd paid for everything when he was fired.

Even so, things are beginning to close in on him. The gas gauge on the Chevrolet doesn't work, and he's worried about the tires. One TV set is broken. The first night a LOOK writer-photographer team visited them, the freezer broke down. The whole family stops to listen when the washing machine makes a peculiar noise.

They can't afford to pay service fees. And Keith Bose, despite his vast technical knowledge, is as much at sea as an ordinary layman when it comes to repairing a freezer or TV.

During the summer, Betty Bose worked full time, five nights a week, including the busy weekends, at the restaurant. She left the house at four, didn't get back until after midnight, so tired she'd fall asleep the minute her head hit the pillow, while her husband tossed beside her. On the noon shift, she makes less money, but she's home when the children get back from school. She says, soberly, that maybe she should look for a full-time job. But her only office experience was a brief time as a secretary before she and Keith were married. "Besides," she adds, "it's Keith who needs the job, not me."

The hell of wanting to work and not finding anyone who wants you wears a man down. Bose knows he's not at fault; he's as capable as ever. Yet it's rough to take. And all over the country, similar things are happening to men his age, men in five- and six-figure salary brackets. What makes it doubly hard is that men like Bose aren't used to going around, hat in hand, to ask for jobs. Always before, they did the hiring and firing. In days past, if a highly skilled specialist or engineer found himself unexpectedly let out, he was snapped up immediately. Now, no one seems to want them, and they even lack the supplemental benefits provided blue-collar workers by their unions. After 26 weeks on unemployment insurance, it's either welfare or starve.

In order to keep up his own morale, to give himself and his friends something to do besides sit at home waiting for the telephone to ring, Bose has formed a group of local out-of-work defense engineers and middle-management people. They call the organization "SELF HELP." They meet and talk about where jobs might be, discuss the techniques of résumés, the dangers of putting money into businesses where they've had no experience. But mostly, like Alcoholics Anonymous members, they console each other, air the gripes their wives are sick of hearing.

At one of the smaller meetings, I heard a vigorous 50-year-old engineer who used to commute to Washington, D.C., on high-level liaison for Lockheed say, "By God, I'll do anything, even drive a truck."

The problem is, these men can't get just anything. In some fields, they are blocked by unions. In others, younger men, with stronger backs, are preferred. Joseph Curry, the sympathetic head of the New York State Employment Service in Hicksville, L.I., wishes he could help. But employers are often reluctant to hire an "overqualified" man, especially one over forty. They fear he won't last. And, from the man's point of view, taking just any job keeps him out of circulation and puts him at a lower level with his next employer.

Curry adds, "The problem is of course cyclical. These people will eventually land somewhere. All it takes is time and effort."

It's not easy to take the long-range point of view when you are worrying how to pay the mortgage, when you've already given up your evening beer and figure pipe tobacco may come next. What really galls is the prospect of accepting welfare—too little to help much, and humiliating.

Recent figures from the Labor Department list 1.2 million white-collar workers out of jobs. The tragedy behind this is that some of these men, who're pushing fifty or near sixty, will never work again. They'll be lost to themselves and the nation.

The Labor Department can't help them. The creaking antiquated employment agency set up by the Government, financed by taxpayers like Bose, is so out of date it can offer little except sympathy—without tea—to the unemployed. The lists of jobs they laboriously compile are obsolete by the time they reach the hands of those who want work—the jobs either have been filled or the companies have folded, victims themselves of the recession.

One of these days—three or four years in some areas, eight to ten for the entire nation—a computer jobmatching system will be in operation, run by the Government. All a man will have to do is go to his local office, list his skills and the salary he needs, and he'll be given—right away—an up-to-date list of several jobs in his area and in other parts of the country, jobs for which he is suited. Until that day, our unemployed will have to struggle along by themselves. Or be taken for fees by those private agencies that feed on men in misery—and offer nothing more than fancy handholding.

A TRAGEDY COMPOUNDED

Mr. HANSEN. Mr. President, we are witness once again to one of those tragedies of the Vietnam war. The wife of a captured Air Force pilot has been informed through what can only be called a blackmail outfit that her husband has died in North Vietnam.

But there is no confirmation.

Mrs. Evelyn Grubb, wife of Air Force Maj. Wilmer N. Grubb, has been told that her husband is dead. He was shot down over North Vietnam in January 1966, nearly 5 years ago. She has never known exactly what his physical condition has been. For a long time she did not even know whether he was alive or dead, whether he had been captured or not.

Now, according to the Air Force, a Mrs. Cora Weiss, who has just returned from North Vietnam has passed along the information that Major Grubb has died in prison.

Understandably, Mrs. Grubb has not been able to accept this information at face value. She has declared she will not accept it until she is officially notified through regular channels according to the articles of the Geneva Convention on Prisoners of War.

It is tragic enough for the wife of a soldier to learn that her husband is dead. But to learn of it in this manner—with this degree of uncertainty—compounds the personal tragedy into a national sorrow.

We cannot rest, we must not rest, until the Communist leaders of North Vietnam are forced by world opinion to abide by the Geneva accords to which they are a signatory.

THE SOVIET-GERMAN NONAGGRESSION PACT

Mr. ALLOTT. Mr. President, on August 28, 1970, in a statement on the floor of the Senate, I raised a number of questions concerning the Soviet-German Nonaggression Treaty which was signed on August 12 of this year, but which has yet to be ratified by the German Bundestag—parliament.

That speech dealt primarily with the economic aspects of the treaty and its importance to the United States. As I pointed out at that time, the Soviet Union needs the West German industrial know-how and equipment to replace that which has been diverted into Soviet military production. Moreover, in order to ease their current economic difficulties, the Soviets badly need West German credits.

Much has been said about the treaty since August 28. Yet, there has been absolutely no refutation of my contention that the economic benefits written into a paragraph known as "extension of economic cooperation" are, in part, responsible for the sudden willingness of the Soviets to negotiate.

Interestingly enough, as I detailed before, the West—in particular the United States—has little if anything to gain from such a treaty, while the benefits for the Soviet Union appear to be endless.

In addition to the economic implications, the aspect of the treaty of most concern to the United States revolves around the Berlin problem. It is that matter which I wish to speak of today.

Since 1945, West Berlin, due to its location in the heart of Soviet-occupied territory—known as the "independent" state of East Germany, or officially the German Democratic Republic—has been a symbol of freedom in the sea of East European countries dominated by small Communist minorities, but supported by strong Soviet military power.

The status of West Berlin, which on one hand is under the administration of the Four Power Council, but on the other hand is economically and politically part of West Germany, has never been fully clarified.

In the meantime East Berlin has been entirely incorporated into East Germany, despite the Four Power agreement that both parts of the city would remain under the Four Power administrative status until the final settlement of the German question, a settlement which was to have been in the form of a peace treaty which has never become reality.

In view of the August 12 Soviet-West German agreement for a treaty to be ratified by the parliaments of both nations, the West Berlin problem immediately became a first-rate issue exceeding by far its symbolic status as a torch of freedom in an unjustly divided nation.

The settlement of the West Berlin issue became, de facto, a condition without which the ratification of the Soviet-West German treaty is practically impossible.

There are several aspects of the Berlin issue varying in significance which relate to the future of the city, and as a matter of fact, to the credibility of the East-West agreement in general.

Thus far the terms of "settlement" of the West Berlin problem have been unbelievably vague on the part of the Brandt government in West Germany. This kind of vagueness always benefits the Soviet cause, because the Soviets have been known to violate so-called iron-clad agreements. It is presumed that they will take liberties when arrangements are inspecific.

Throughout the 25-year history of West Berlin, the Soviets have been able to continually harass the citizens of the divided city by means of their economic, communications, and transportation links with West Germany.

Assurances of access to West Berlin by highway rail and air corridors must be more explicit and direct. The controls of the implementation of these agreements must be specific and practical. The Brandt government because it has failed to obtain such iron-clad assurances thus far has failed the people of West Berlin, the people of West Germany, and the people of the United States.

The population of West Berlin must have complete long-range and continuous economic security without a constant threat of its economic lifelines with West Germany being choked off.

Any agreement with the Soviets must make it clear that West Berlin is part of West Germany economically, culturally, and politically. The freedom of assembly of the people of West Berlin as well their freedom of cultural and political activity and interchange with West Germany must be spelled out clearly and unequivocally. Such an agreement must not only be in the short range, it must be long term.

In failing thus far to obtain such concrete agreements, the Brandt government has placed into doubt the future and freedom of the people of West Berlin, and as a result, the people of West Germany. Indeed, as one of the Four Powers, the United States is closely tied to the future of West Berlin as a free and independent city. Our interest lies here, too.

The most important part of the West German issue is the political aspect of the question. The city of West Berlin is a part of the political entity of West Germany and elects members of the West German Bundestag.

In view of the forthcoming understanding with the Soviet Union and other East European countries, it must be clearly understood that West Berlin is not a third Germany, or even a second Germany, but rather one of the largest cities of West Germany integrated economically, culturally, and politically with the rest of the nation. West Berlin should be no different than Frankfurt or Hamburg. The special status of West Berlin must not be a barrier to its free political existence within West Germany. West Germany must have the right to speak for West Berlin in all of its dealings abroad with any other nation.

In the context of European security, the problem of West Berlin is not a minor issue. The Berlin situation has potential for becoming a source of constant irritation in East-West relations. It could turn into the kind of explosive situation all peace-loving nations, especially the United States, are earnestly seeking to avoid. Therefore, and especially in view of the Ostpolitik moves initiated by the Brandt government, the Berlin issue must be clarified more than ever before.

The viability of NATO, the common defense effort of the West in Europe, the sense of reasonable cooperation with the East—all of this may well be jeopardized if the Berlin issue is not satisfactorily settled.

European security is not an abstract idea. It cannot be assured without a considerable degree of sacrifice, foresight, and dedication to face the actual threats and pressures that exist.

In a common effort by the entire Western community of nations, we can surmount these threats and maintain intact our freedoms internationally and for each individual nation. We must be ready to carry the burden and to withstand pressures in whatever form they confront us.

Right now the Soviets are pressuring West Berlin. They are holding the nonaggression treaty over the head of the Brandt government in West Germany.

Let me repeat what I said in my August 28 speech in relation to another part of the question:

> I assume the West German government will not pay this price to purchase the fragile good humor of the Soviet Union.

XUM

No treaty is worth the price of free Berlin. All concerned Americans will continue to watch with interest as this matter comes to a conclusion.

CWA SUPPORTS CAMPAIGN BROADCASTING REFORM BILL

Mr. HART. Mr. President, Joseph A. Beirne, president of the Communications Workers of America, has been working for improvements in political campaign broadcasting practices for a long time. He and the members of his union have sought legislation to provide an opportunity for debates between major party candidates for President and Vice President, and for a straightforward presentation of the issues.

The voters of the Nation would have had the benefit of these debates, and would be free from some of the massive onslaught of supercommercialism, if the President had not vetoed the campaign broadcast bill.

Mr. Beirne has written a letter which discusses the veto, and gives some cogent comments on the points the President made when he vetoed the bill.

Mr. President, I ask unanimous consent that Mr. Beirne's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMUNICATIONS
WORKERS OF AMERICA,
Washington, D.C., November 16, 1970.

I am writing to ask you to give your best and most analytic judgment to the President's veto of the bill reforming campaign broadcasting (S. 3637). Such an analysis will show that the ramifications of this bill would extend much deeper into what we might call the sinews of the Nation than just its effect on political broadcasting. At this time in the country's history, the effect deep within the Nation should not be undersold. For that reason, and because of the beneficial provisions of the legislation so far as TV campaigning and debates between candidates are concerned, I think the kind of analysis I am asking you to make will show that the veto should not stand.

You are, of course, familiar with how the bill would facilitate Presidential debates, and how it would both limit and lower campaign broadcast costs.

What is being overlooked and undersold, however, is what it would do beyond the substantive improvements in political campaign broadcasting.

Permitting this bill to become law would show the American voter that the Nation's highest legislative body, the Congress, and the Nation's executive, the President, recognize that the voters deserve a better level of campaign presentation than they are getting.

It would be a statement to the American people which says, in effect, "we, your national legislators, recognize that you deserve more of a discussion of the issues and less hucksterish hoopla as we seek your vote."

I think the Congress recognized this when the initial legislation was introduced on a bipartisan basis, and the conference report was adopted 60 to 19 in the Senate and 247 to 112 in the House.

I would guess that the President himself saw this aspect of the bill, and that is why he went to such great lengths to give a point-by-point set of excuses for his veto. But when those excuses are looked at, it becomes obvious that they are contrived and cannot stand up under even the slightest scrutiny.

For instance, the President said the bill would be "difficult, in instances impossible, to enforce." That is not so. Before any campaign began, the limits on broadcasting spending would be known for each candidate, and with broadcasters' logs open to public inspection, any questions on spending by a candidate could be easily checked out. Dean Burch, Chairman of the Federal Communications Commission, testified at the House hearings that the enforcement could be efficient.

And no one except the candidate or an authorized agent could purchase air time, eliminating the device of broadcast time purchased on a candidate's behalf by organizations outside the campaign structure.

Contrary to what the President said, the bill does not discriminate between urban and rural candidates. In House races an urban candidate has an urban opponent and a rural candidate has a rural opponent.

State-wide candidates have state-wide opponents, so with each candidate facing his opponent before an identical audience, there is no discrimination.

The President also said that the bill would not limit overall campaign costs, and would favor incumbents over opponents, but the President's assessment is incorrect.

The fact is that TV is the cheapest and most effective way to reach the most people, and the alternate media really play a secondary role. Your knowledge will tell you that money which would have gone into TV spots is not going to go into bumper stickers or buttons or newspaper advertisements. Campaign costs will go down. And, so far as incumbents versus opponents are concerned, it means that each has an equal limit of broadcast time which can be purchased. Certainly, that is fair.

It does not "discriminate against the broadcast media" when they are required to sell office seekers time at the same rate as other customers. No real argument can be made for charging a higher price to office seekers than the local department store.

It does "plug only one hole in a sieve," but that is the biggest hole, and the one that badly needs plugging.

If the Administration adopted a policy that specified legislation would have to solve every aspect of every problem before it was signed, we know that nothing would be signed. The "plugs only one hole" excuse offered by the President is perhaps the weakest argument he made when he vetoed the bill.

In Ohio and in Michigan the Senate candidates of both major parties recognized the validity of limiting broadcast spending, and they agreed to a limit.

Many comments have been made on the influence of political partisanship in the veto, and I am sure you are aware of them. Of course, the party which has the Presidency has the better opportunity to raise a big campaign war chest. But control of the President changes. Equality of opportunity to broadcast its views should be the same for major parties.

And, the equal time provision of the Communications Act of 1934 should be amended to allow free time for debates between the candidates for President and the candidates for Vice President. This single element of the legislation would do more to counter the distrust and disregard voters have for office holders than hundreds of speeches and thousands of press releases calling on citizens to be politically active. Americans appreciate the honest, open political debate. They see the candidates side by side in a forum, relating to the issues.

It is true that one candidate may be less glib but a better official, and it is true that one candidate may be more theatrical but less able than the other. The people, however, have a knack for recognizing ability and seeking it despite the theatrics and glibness. We should have the debates.

I hope that you will give this issue the intensive analysis that it deserves, and vote to override the veto. The Nation will be in your debt.

Sincerey yours,
JOSEPH A. BEIRNE,
President.

DR. RICHARD E. HOOVER RECEIVES MIGEL MEDAL

Mr. MATHIAS. Mr. President, I wish to extend my congratulations to Dr. Richard E. Hoover, an ophthalmologist of Baltimore, Md., who was recently awarded the Migel Medal by the American Foundation for the Blind for his outstanding voluntary work toward the prevention of blindness and for such achievements as the development of the long cane and the technique for its use.

Dr. Hoover's career began shortly after World War II in working with blinded veterans. It was at this time that he developed the widely used long-cane travel technique. He received his M.D. from the Johns Hopkins University School of Medicine in 1950, later taking his internship and residency in ophthalmology at the Wilmer Institute of Johns Hopkins Hospital. Dr. Hoover maintains a private practice in Baltimore and through the years has contributed much of his talents and energies to the cause of blindness. He has been a consultant in typhloperipatology to Boston College and to Western Michigan University. He was a consultant on ophthalmology to the Veterans' Administration for 14 years from 1953 to 1967. He has provided his consultation to the Maryland School for the Blind since 1962. Dr. Hoover has served as chairman for low-vision aids for the National Society for the Prevention of Blindness for the past 10 years and was president of the Maryland Society for the Prevention of Blindness from 1959 to 1967. Moreover, Dr. Hoover serves as a member of the board of directors of the National Accreditation Council for Agencies Serving the Blind and Visually Handicapped and of the American Foundation for the Overseas Blind.

This is indeed an outstanding record of devoted service and it bespeaks a rare depth of humanity. I hope that all Senators will join in my congratulations to Dr. Hoover.

ADDITIONAL DEATHS OF ALABAMIANS IN VIETNAM

Mr. ALLEN. Mr. President, I have placed in the RECORD the names of 1,042 Alabama servicemen who were listed as casualties of the Vietnam war through June 30, 1970. In the period of July 1 through September 30, 1970, the Department of Defense has notified 27 more Alabama families of the death of loved ones in the conflict in Vietnam, bringing the total number of casualties to 1,069.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Alabama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the RECORD the names and the next of kin of these 27 Alabamians.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL FROM THE STATE OF ALABAMA

ARMY

Pfc. Richard L. Barnes, son of Mr. and Mrs. Ceasar Barnes, Route 1, Box 30, Five Points, 36862.

Sp4 Gary M. Pridgen, son of Mrs. Annie M. Pridgen, 501 Brookside Drive, Opp, 36467.

WO1 Lance M. Lofman, husband of Mrs. Patricia V. Lofman, Tanglewood Estates, Lot #14, Newton, 36352.

Sp4 Jimmie L. Robinson, son of Mr. Edward Robinson, Route 1, Box 48–K, Jackson, 36545.

1st Lt. Terry A. Mote, husband of Mrs. Patricia J. Mote, Route 4, Box 114, Phenix City, 36867.

Sp4 Johnny Allen, Jr., son of Mr. and Mrs. Johnny Allen, Sr., 2427 22nd Avenue, North, Birmingham, 35234.

Sp4 Mark P. Raiford, son of Mr. and Mrs. Edward F. Raiford, 2613 Triana Boulevard, Huntsville, 35806.

WO1 William A. Parker, husband of Mrs. Mary E. Parker, 42 Brinson Trailer Court, Daleville, 36322.

Sfc. Clyde J. Ball, husband of Mrs. Elizabeth C. Ball, Box 182 U-A, Eastaboga, 36260.

Pfc. Steven M. Wade, son of Mrs. Anne L. Jones, 2302 10th Court Street, Birmingham, 35205.

Pfc. Robert M. Durall, husband of Mrs. Alice F. Durall, Box 108, Deerfield Drive, Enterprise, 36330.

Pfc. Michael E. White, son of Mr. and Mrs. James A. White, P.O. Box 314, 272 East Main Street, Prattville, 36067.

Sp4 Jack Moss, Jr., son of Mr. and Mrs. Jack Moss, Sr., 403 South Spring Street, Talladega, 35150.

Sp4 Rodger P. Crow, son of Mr. and Mrs. Earnest C. Crow, Route 4, Decatur, 34601.

Sgt. James E. Duckworth, husband of Mrs. Bonnie S. Duckworth, Route 1, Hanceville, 35077.

Pfc. Randy C. Brackin, husband of Mrs. Winnie R. Brackin, P. O. Box 284, Headland, 36345.

Sp4 James B. Perkins, husband of Mrs. Janet F. Perkins, 2001 3rd Place, South, Birmingham, 35205.

Sp4 Herman Evans, husband of Mrs. Phyllis A. Evans, 3808 13th Avenue, North, Birmingham, 35234.

WO1 Larry G. Baldwin, husband of Mrs. Kay Baldwin, P. O. Box 92, Newton, 36352.

AIR FORCE

Cpt. Steven B. Melnick, husband of Mrs. Linda S. Melnick, 3567 Berkely, Montgomery.

MARINE CORPS

L/Cpl. David M. Haveard, son of Mr. and Mrs. Grover L. Haveard, Route 1, Box 450, Brewton, 36426.

1st Lt. Richard W. Dodd, husband of Mrs. Richard W. Dodd, 33B 15th Terrace, N.E., Birmingham.

Sgt. Grady L. Eiland, son of Mr. and Mrs. Louis R. Eiland, Route 3, Foley.

1st Lt. Joseph H. Shelton III, husband of Mrs. Joseph H. Shelton III, 3508 Greensboro Avenue, Tuscaloosa.

Cpl. Daniel M. Bennett, son of Mr. C. D. Bennett, 261 West Mt. Island Drive, Mobile.

L/Cpl Ernest M. Barber, son of Mr. and Mrs. Robert A. Barber, Route 1, Talladega.

L/Cpl. Jimmy R. Holkem, son of Mrs. Laisey P. Holkem, Box 221, Stevenson, 35772.

MEANINGFUL INCOMES POLICY LONG OVERDUE

Mr. PROXMIRE. Mr. President, for almost 2 years the economic policymakers in the Nixon administration have refused to institute an incomes policy. Basically, an incomes policy is the use of the authority and prestige of the President and his office to help to hold down wages and prices through jawboning, through wage-price guidelines, or, at the extreme, through controls. It is no panacea for inflation—or unemployment and slow growth—which we have with us now, but it can help. The time is long overdue when such a policy should be put into effect.

We now have the worst of all economic worlds. We have high unemployment. We have a rapidly increasing rise in the cost of living. And both facts are contrary to the predictions and economic expectations of the Nixon administration. Their policies have not worked. The Nixon administration's game plan has collapsed. Let me be specific.

When President Nixon campaigned for office, he pledged to bring down the rate of inflation from 4.5 percent per year to 3 percent per year without increasing unemployment.

But in October 1970, the cost of living had increased to an annual rate of 6 percent.

Early in 1970, in the underlying facts presented in the 1970 economic report of the President, the President's economic advisers predicted that unemployment would average 4.3 percent for the year. But in October 1970, unemployment was 5.6 percent. Just under 2 million men and women are out of work today who had jobs when the Nixon administration came into office.

In addition, because of the rise in prices, the increase in unemployment, and the drop in corporate profits, the Federal budget itself will be in deficit in fiscal year 1971 to the tune of $10 to $15 billion. But at an unemployment level of 3.5 to 4 percent, instead of 5.6 percent, the economy itself would produce an additional $10 to $12 billion in Federal taxes. This is enough to close the fiscal gap and bring a balanced budget.

For all of these reasons, the time to act has arrived. And an incomes policy should be the first order of business. The time has arrived not only because of the facts I have given above, but also because of the nature of the price rises.

We do not have a traditional or classical case of inflation where too much money is chasing too few goods. Quite the opposite is true. We have idle machinery. We have idle men. These resources are being wasted and unused.

Basically the increase in prices comes from the market power of the dominant economic forces in the economy. This is what is called an "administered price" inflation. It is the result of the ability of business and labor to raise prices and to receive returns beyond their increase in productivity and beyond the increase in productivity in the economy. Then, when the price and wage settlements go into effect, they in turn raise prices and the cost of living for everyone else who in turn, and perhaps rightly so, demand a price or wage increase to keep their present economic level of wages or profits from declining. The result is a continuing administered wage-price spiral.

Now this is precisely where an incomes policy can be effective. Along with other policies, it can help to break the back of inflation. If this is done, then the economic policymakers can move to expansionary monetary and fiscal policies which can get the economy moving again.

It is time the Nixon administration admitted its economic failures, shed its false optimism, and proposed an income policy. We must stop the inflation and needless price raises. We must put Americans back to work. We must get the country moving again.

Recently we may have seen the beginnings of an income policy. The initiation of a major investigation into the oil industry and some of its practices, may be the precursor to an incomes policy. If it is not the beginning of a full-blown incomes policy, perhaps it may be an embryonic incomes policy.

OIL: AN INCOMES POLICY BEGINNING?

A prime example of how the lack of a long range consistent economic policy fails to quench the fires of inflation and, in fact, tends to feed them is the administration's past treatment of the oil industry.

Every 1-cent-a-gallon increase in the price of gasoline costs the American consumers $800 million, according to the Council of Economic Advisers. Yet in the past the Nixon administration rejected the report of its own experts, the Task Force on Oil Import Control, and ignored the last price increase of the oil industry. That amounted to 20 cents a barrel on crude which translated itself into an increase not only on gasoline but on home heating oil and everything else made from crude oil.

Now, belatedly, the administration is showing signs of trying to jawbone the oil industry into not increasing its crude oil prices by an additional 25 cents a barrel.

The oil industry is particularly dependent upon the Federal Government for maintenance of its artificially high oil prices. Through the oil import quota program the Federal Government places a floor under the prices which the major oil companies set in conjunction with the oil producing States. In order to insure that there would be no disruption in this price fixing scheme, the Federal Government has even abdicated responsibility to control the production of oil from Federal offshore lands to the adjacent oil producing States.

In the 10 months since the report of the Cabinet Task Force on Oil Import Control, the oil import quota program has cost the American economy about $4¼ billion. This $4¼ billion inflationary pressure could have been relieved by President Nixon by a stroke of the pen. This expensive and, according to his advisers, needless program, was created by Executive order and could be abolished by Executive order.

XUM

Indeed, if the President still wanted to protect the oil industry from foreign competition he could have substituted a tariff for quotas. This would have had at least two beneficial results not possible under the control program: It would bring in literally billions of dollars to the Federal Treasury to combat the growing deficit and it would have made the oil industry more competitive so that we would have less economic waste.

If the President had an incomes policy, wage price guidelines, and a rational, long-range economic policy, he would find it easier to balance the budget, produce a balanced economy, and balance the pressures generated by the oil industry against the needs of the Nation.

As the New York Times commented on Saturday, November 14, in editorializing on the Nixon administration's investigation into the 25 cents per barrel increase in the price of crude oil and the 0.7-cent per gallon increase in the price of gasoline, posted earlier in the week by Gulf Oil:

> This action is important as a radical departure from the Administration's earlier oil policies; it is even more important as evidence that the Government is prepared to take action against inflationary price decisions by corporations with great market power. . . . The new move on oil is clearly intended to be the start of a new prices and incomes policy.

I hope indeed that the New York Times is correct. A meaningful incomes policy is long overdue.

I ask unanimous consent that the New York Times editorial of Saturday, November 14, and a piece by Hobart Rowen in the Washington Post of Sunday, November 15, entitled "Burns Pressing Hard for 'Income Policy,'" be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

START OF AN INCOMES POLICY?

The Nixon Administration has initiated a major investigation into the 25-cents-per-barrel increase in the price of crude oil and the 0.7 cent-per-gallon increase in the price of gasoline, posted earlier this week by Gulf Oil and followed by Atlantic Richfield. The Government will consider abandoning, at least temporarily, oil import quotas and freeing Federal offshore leases from state controls, in order to boost oil supplies and beat back the price hike.

This action is important as a radical departure from the Administration's earlier oil policies; it is even more important as evidence that the Government is prepared to take action against inflationary price decisions by corporations with great market power. A spokesman for the President's Council of Economic Advisers has made clear that the move could properly be regarded as an example of the Administration's decision to follow a policy of "activism" in specific price situations.

This is precisely the kind of policy we have long advocated. Although the Administration did make similar moves in the cases of coal and lumber, it showed no determination to follow up with such actions in other areas. The new move on oil is clearly intended to be the start of a new prices and incomes policy.

It is not clear whether and how this policy will be applied to collective bargaining over wages. Earlier this week, however, Paul W. McCracken, the President's chief economist, declared that "the public interest is obviously a vitally interested third party at every price decision and wage negotiation."

Although this sounds like "jawboning," Administration spokesmen insist it is not. If the Administration means to concentrate on "structural" actions—similar to suspending oil import quotas—it certainly can find many that can be applied to both labor and management, such as attacking restrictive building codes, reforming various procurement regulations and licensing provisions, and withdrawing tacit approval from various union restrictions and business cartels.

However, an incomes policy, to be effective, must be backed by a program to restrain those corporate oligopolies and labor unions possessing great market power that cannot be reached—certainly in the short run—by such structural reforms.

The Administration's willingness to consider rolling back the oil price hike by temporarily suspending oil import quotas is also significant in dramatizing the importance of blocking the disastrous Mills bill that would open the gates to a flood of import quotas, including permanent oil quotas. Last spring the Administration shelved the report of the Cabinet Task Force on Oil Import Control, which recommended abandoning import quotas in favor of a tariff system in order to reduce oil prices. And this fall the Administration apparently decided to kill the report, giving the tanker shortage and high prices of foreign oil as its excuse. To make sure that the White House does not change its mind, the Ways and Means Committee has written permanent oil quotas into the protectionist trade bill which Congress will take up next week.

In effect, the Administration is at last admitting that oil import quotas—like all quotas—are engines of inflation. This is a sound position which we fervently hope the Administration will stick to, and Congress will come to understand and accept.

BURNS PRESSING HARD FOR "INCOMES POLICY"

President Nixon is faced with an acute dilemma: he cannot reduce both unemployment and inflation to politically acceptable levels by mid-1972. By classic means, he might achieve one goal—but only at the expense of the other.

However, he might squeak through to some sort of success by enforcing a system of controls over wages and prices: if it were possible to hold the line here, then the stimulation needed to create jobs could be undertaken.

To be sure, such resort to an "incomes policy" might fail. This possibility is repeatedly raised by its opponents. But the prospect of achieving, simultaneously, full employment and reasonable stability without an incomes policy seems totally hopeless.

An "incomes policy" could be anything from mild presidential jaw-boning to mandatory wage-price controls. It could also imply direct governmental action that helps control inflation by adding to available supplies; increases in oil import quotas, reducing the pinch on home-heating fuels, would be an example of that.

The administration's persistent opposition to an incomes policy, rooted in a theological and emotional conviction that it would be a dastardly interference with the private market mechanism, is well known.

But there are signs of a shift in attitude, traceable in part to the strong arguments being made for an incomes policy by Federal Reserve Board Chairman Arthur F. Burns.

This is not the first time that Burns, now winding up a brilliant career with the crunching responsibilities of a Central Banker, has pushed Nixon for an incomes policy. But as the man upon whom the President is counting to rescue the economy with a liberalized monetary policy, Burns has important cards to play at this stage of the game.

Although for most of his distinguished career, Burns rejected an "incomes policy," he concluded while he was still counselor to the President in 1969 that in today's real world, reliance on tight money and a tight budget would not handle the nation's economic problems.

He argued—not successfully—that while classic economic policies would ultimately eliminate excess demand, and finally reduce cost-push inflation, it would take a long time.

There isn't enough "patience" in American society to wait the required time, Burns told the President and his other economic and political advisers.

At that stage—in the late summer and early fall of 1969—the President was convinced by his Council of Economic Advisers that inflation would shortly be brought under control, and that unemployment in 1970 would average only slightly over 4 per cent. That was the "game plan"—but it proved to be unduly optimistic. Burns was overruled.

Again, this past spring, as it became evident that the CEA's forecast would not be met, Burns in a public speech at the Business Council meeting joined a few Treausry and Budget Bureau officials who urged the President to reconsider. After much internal debate, this brought forth a Productivity Commission (scheduled to meet only once every three months) and the mildest of inflation warning systems called an "inflation alert."

Meanwhile, unemployment has risen to 5.6 per cent (in October), and while the rate of inflation has been dampened by a sluggish economy, "cost-push" pressures, (as wage boosts leap-frog over productivity gains) show no signs of abatement.

This has all been brought into sharp focus by the election returns. Anyone not wearing blinders can see evidence of public impatience with the twin burdens of high prices and high unemployment. Pursuing the "game plan," unmodified, might ultimately solve inflation, but not the jobs problem. Yet, as knowledgeable Europeans were suggesting last week, a hypo-ed American economy will run up a big balance of payments deficit, threatening devaluation of the dollar.

Economists at Brookings and elsewhere have figured out that it will take a persistent growth of the money supply by annual rates of 10 to 11 per cent to get back to full employment (4 per cent unemployment) by mid-1972. To Burns, this would signal Federal Reserve approval of a runaway inflation. He tells friends flatly that it won't happen.

In the light of Burns' strong view, supported by all the other members of the Board at the moment, a study by William Poole, a Fed economist (writing on his own, not for the FRB) makes a dramatic point: it shows that if monetary growth is kept near the present slow pace, the Gross National Product in 1972 would be some $100 billion below potential.

According to former Economic Council Chairman Arthur M. Okun, now a Brookings Fellow, that would translate into something like 8 per cent unemployment.

Studies like Poole's must make certain assumptions which can't be proved out. But nobody in today's Washington really argues with the main two-pronged thesis:

First, stimulation of the economy in order to cut unemployment adds to the risk of restimulating inflation (especially in 1972).

Second, a tight-fisted monetary and budget policy designed to control inflation assures a prolonged period of unemployment.

This should bring the administration around to trying an incomes policy. Paul McCracken, who has opposed such a move in the past because 1.) he believes it doesn't work; and 2.) it is an unfair interference with free markets, today shows more open-mindedness.

At the end of the week, for example, the administration announced a major investigation of crude-oil and gasoline prices. This is a special situation, but the action is the kind that would fit into an incomes policy.

But Burns is pressing for a strong general move in this direction. He would like to see the Productivity Commission transformed into a full-fledged Productivity, Price and Wage Commission. And if that means incurring the displeasure of labor and management, he argues, the President must be willing to assume such a burden.

If there were some assurance of more stable wages and prices, McCracken said in a New York speech just after the election, the administration would feel safer in pushing for a big boost in national output.

"We should have the ingredients here," McCracken said, "of a social bargain or compact. With more confidence about a stable price-cost level there would then be more pervasive support for more vigorously expansive basic economic policies. Real wages and salaries could then rise more rapidly."

To arrive at such a "compact" may take some head-knocking. Labor leaders will not easily be convinced that their demands should be moderated. Business leaders aren't anxious to shave profits even further by holding prices down. The whole effort may not work well, but cost-push inflation has to begin somewhere, and the sooner the better. If there is another way acceptable in an enlightened society, no one has come forward with it.

INTERACTION OF ANTITRUST POLICY AND PATENT POLICY

Mr. HART. Mr. President, the interaction of antitrust policy and patent policy over the years has gone on with relatively little public awareness. Yet the appropriate interaction of these policies is vital to the well-being of the public, the continued advancement of our technological revolution and the protection of consumers from monopolistic prices. At this moment there is apparently an internal debate within the administration over whether the delicate balance which the courts have struck over the years should be drastically altered by supporting legislation which would virtually wipe out the application of antitrust policy to anticompetitive patent licensing practices.

There is a great danger that this kind of legislation will not receive the full debate its seriousness deserves. This danger threatens because of the technical nature of the bills, the foreclosure of a public debate by the Bureau of the Budget of the diverse viewpoints within the administration, and a general failure of the public and this body to realize the full implications of this kind of legislation. It is for these reasons that I ask unanimous consent to have printed in the RECORD a speech by Federal Trade Commissioner Mary Gardner Jones. It is a masterly exposition of the interrelationship of patent and antitrust policy and their impact upon the consumer. Commissioner Jones has made understandable a difficult question that deserves full public discussion and the careful attention of this body. I commend this speech entitled, "The Impact of the Patent and Antitrust Laws on Consumers," given before the Fourth New England Conference, to all who are interested in protecting the consumer from economic exploitation. Commissioner Jones has rendered a distinct public service by alerting us all to the dangers inherent in the proposed patent licensing amendments and by making clear that the most basic protection for the consumer is the fostering of a free competitive economy by the rigorous enforcement of our antitrust laws—not the destruction of them.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE IMPACT OF THE PATENT AND ANTITRUST LAWS ON CONSUMERS*

The consumer has always been the central focus of the effective operation of the competitive system. Adam Smith said it succinctly almost 100 years ago:

"The purpose of all production is the welfare of the consumer."

The antitrust agencies have long been aware of the importance of their work in making sure that consumers had the fullest possible range of options available to them in their purchase of goods and services. Practices and industries which have their greatest impact on consumers have always been accorded a high priority in the enforcement programs of these agencies.

But it is only comparatively recently that consumer groups and spokesmen themselves have also begun to turn their attention to this crucially important aspect of the functioning of the marketplace.[1] The relationship between concentration and inflation and the importance of broad information disclosure programs to the improvement of competition,[2] the impact of product obsolescence practices on consumer needs and demands,[3] and the alleged collusive delays in the development of automotive antipollution devices[4] represent examples of antitrust problems which have recently occupied the attention of consumer spokesmen.

One economist has estimated that monopoly (or oligopoly) prices cost the consumer what amounts to about 6% of G.N.P. or $41.9 billion in 1968.[5] Ralph Nader has put the cost of monopoly at 20% of G.N.P., or $173.2 billion in 1968.[6] While the latter figure is undoubtedly somewhat overstated, either cost figure is staggering if we consider that the total crime bill in 1968 was $32 billion, the cost of the Vietnam War in 1968 was $27 billion, and the estimate of the cost of eliminating poverty (at least a $3,000 income for every family) is about $11 billion per year.[7]

Other studies, now available, demonstrate the lower price ranges and broader product options which antitrust enforcement activities have brought about for consumers.[8] Thus, consumers have a vital stake in the effective operation of our antitrust laws to maintain and promote a vigorously competitive economy.

Consumers have equally important and long-range interests in the scientific and technological development of this country which is the primary goal to be served by the patent laws of this country.

The American patent system was developed in order to give effect to the nation's concern expressed in its Constitution "to promote the progress of science and useful arts."[9] The system proceeds on the fundamental premise that invention will best be stimulated by granting inventors a seventeen-year monopoly in their inventions and thus enabling them to recoup the rewards for their inventions free from the inroads of competition.[10]

The most persuasively advanced justification for the granting of such monopoly rights is that only by such a protection can the requisite stimulus be provided for the heavy investment of time and resources which is required to provide the education, facilities and rewards involved in creating the original invention and translating it into basic know-how and specific products and services available to the public and the nation.[11]

Some have said that the patent system has been devised at the basic expense of the consumer.[12] This criticism can be misleading. There is, of course, no dispute that the short-range impact of monopoly prices will fall directly on consumers in the form of higher prices. At the same time, these higher costs have to be balanced against the net social benefits derived from the patent system in the form of the new products and production processes which the system is designed to stimulate. Certainly the consumer in the long-run is the ultimate beneficiary of the specific invention and the healthy economy which is the spilloff of high intensity technological developments in today's industrial society.

Thus, both the antitrust laws and the patent laws seek the same ultimate objectives—to promote the consumer's welfare, and, in the field of technological development, to create a stimulus to invent and innovate. Yet, they use essentially different means—the one by holding out the carrot of monopoly profits and the other by ensuring that the stick of competition will not be blunted by private agreements or artificial restraint.

Historically, it has been left to the antitrust agencies and to the courts to strike the optimum balance between those two concepts of short-lived monopoly and long-range competition which will enable the single public policy goal served by both statutes to be achieved.

In 1970, amendments to the pending Patent Revision bill were introduced into Congress which, in my judgment, would effect sweeping changes in the balance which the courts have evolved between these two statutes and the public policy goals which each seeks to serve on both the short and long term levels on which both must operate.[13]

Little public attention has been focused on these amendments although the Department of Justice and the Department of Commerce have taken diametrically opposed positions on their wisdom. The conflict between Justice and Commerce highlights a very significant question—whether the proposed patent law changes would adversely affect the delicate balance between patent policy and the existing antitrust limitations which have developed in order that patent practices not be needlessly anticompetitive.

The general intention of the proposed amendments, would grant patent holders the right to include any terms in their license agreements that are necessary to secure "the patent owner the full benefit of his invention." They would permit patent holders to limit the use of their patents to specific fields or geographic areas, to cross-license their patents, to enter unrestrictedly into grant-back arrangements and to assign licenses on their patents in whole or in part, on an exclusive or non-exclusive basis and for periods less than the life of the patent. Finally, they would restrict the grounds on which patent licensees might contest patent validity.[14]

I am convinced that these amendments would seriously affect the balance struck by the courts between the consumer's need for effective competition in order to provide a brake on the unbridled exploitation of monopoly and market power and the inventor's need for some assurance of an adequate return on his invention sufficient to justify

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*Footnotes at end of article.

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the investment risks required for its development and commercialization.[15] If enacted into law, these amendments could have a chaotic and seriously injurious impact on the ability of both the patent and antitrust laws to promote the type of technologically advanced society and viable and competitive economy which is of such major significance to the consumers' welfare.

Under these amendments, patent holders would apparently no longer be held to the defined period granted to them under the patent laws within which to reap their monopoly profit. Indeed, by judicious planning of patent developments and through pooling and other arrangements permitted by these amendments, it might be possible for a patentee to perpetuate his monopoly indefinitely and thus impose on consumers what can amount to virtually monopoly prices for the patented products for an equally indefinite period.

These amendments could in some circumstances also enable patent holders to use their patents as a lever to eliminate competition at all levels of distribution in the production and sale of their patented products and to carve out what could amount to submonopolies with respect to their customers, fields of use or geographic markets for the patented products which could be wholly unrelated to the technological use of the patents. The antitrust laws have never sanctioned this type of absolute freedom for the patentee to exercise such unfettered control over the production, sale and use of the patented product. They have proceeded on the basic premise that the monopoly granted by the patent was essentially personal to the patentee—a right to exclude others—and could not be automatically used as a mechanism to divide up markets and eliminate competition between those persons whom the patentee elected to license either for the production or sale of the patented item.

These amendments could also serve to enable patentees to secure monopoly control not simply over a segment of a technology covered by their own patent but over an entire field of technology or industry. Yet, the antitrust laws have consistently sought to limit any unreasonable extensions of the patent grant which would encompass attempts to control the production and sale of products outside the patent grant. The courts have been concerned to prevent patentees from using their patents in such a way as to gain partial or complete control over products or patents not belonging to them, to create virtually insuperable entry barriers to a market or, by using the leverage of a strong patent, to add economic value to weaker patents which otherwise might not be marketable.

Finally, the effort embraced in these amendments to restrict the basis on which licensees can challenge the validity of the patent could eliminate one of the most effective deterrents to law violations in the patent field. Essentially, today the Patent Office relies on the private litigant to police the patentability of inventions. It has been estimated, for example, that 72 percent of the patents litigated in the court of appeals have been found to be invalid.[16] While this estimate did not differentiate between suits brought by licensees and those brought by competitor manufacturers or patentees, nevertheless, the statistic does indicate the importance of the private suit as a factor in policing the patent system. As a practical matter, in many situations licencees may be the only persons who will have both the incentive and the resources to litigate issues of patent validity. Thus, attempts to restrict the licensee in bringing such suits seem likely to have a significant negative effect on the policing of the legality of issued patents and on established public policies favoring free competition and private enforcement of the antitrust laws. To block license challenges could subvert this policy and result in the frustration of the national economic policy in favor of free competition by leaving invalid patent monopolies unchallenged. In today's environment, with the emerging force of the private lawsuit to achieve public policy objectives, it would be a serious step backwards in my judgment to seek to place any obstacles in the way of the operation of private litigation as an important factor in the enforcement of effective public policy.

The principal argument offered in favor of these amendments is that they are essential in order to provide adequate incentives to the inventor and to shift the responsibility for accommodating the two laws away from the antitrust enforcement agencies and the courts and into the hands of Congress.[17] Yet, the evidence in support of this general argument does not appear to me to be very convincing. No broad-scale empirical data is offered to support the assumption that a substantial alteration in the compensation reward system as it is presently operating would lead to a substantial increase in important inventions and innovation rather than simply an increase in the amount of the reward which would be secured to the patentee.[18] Indeed, the tremendous technological growth and development in this country would not suggest that the antitrust laws have acted as an unreasonable deterrent on invention and innovation.[19]

Moreover, little evidence is adduced that the courts have failed in the performance of their assigned role to reach for an accommodation between the specialized needs of the patent monopoly as an engine of technological growth and the more generalized, but equally vital, needs of the American public—the consumer and the potential or competing businessman—for the fruits of competition and freedom from monopoly power and exploitation.

I do not believe that any of us in this room would or should support an effort to abandon this *ad hoc* case-by-case approach which has worked so well in the past to achieve this all important accommodation of equally essential public policies. I am convinced that in what is a highly important, difficult and constantly changing area of industrial activity, only the case-by-case approach can offer the assurance that each problem as it develops and each accommodation which needs to be made, will in fact be made on the basis of the special facts of the case and the needs of all the interested segments of the public as they are perceived at that time.

I am convinced that if these amendments or legislation resembling them should be enacted into law, their unavoidable effect would be to raise consumer prices, inhibit the dissemination of new technology, promote and strengthen individual concentration and encourage both the domestic and foreign cartelization of business.

If we still believe in the goals of our antitrust laws to prevent the exercise of private monopolies and to promote competition as a viable means of achieving our basic social and economic objectives, then we cannot virtually eliminate their application in the patent field without seriously compromising and rendering essentially meaningless our larger goals of regulating the exercise of market power through antitrust laws and creating the type of competitive environment so essential for the welfare of our citizens and the health and prosperity of the nation.

FOOTNOTES

*While this text forms the basis for Miss Jones' oral remarks, it should be used with the understanding that paragraphs of it may have been omitted in the oral presentation and, by the same token, other remarks may have been made orally which do not appear in the text.

[1] *See, e.g.*, recent editorials in the summer and fall issues of *Antitrust Law and Economics Review* (dated 1969 but published in 1970); *see also* Virginia H. Knauer, "The Consumer and the Conglomerate", Speech Before the 1970 Convention of the Federal Bar Association (Sept. 17, 1970), in which she analyzes the problems of concentration in the economy and concludes with the observation that "vigorous anti-trust activity may well be the consumers' best friend."

[2] Study Paper No. 2, "Industrial Structure and Competition Policy", *Cabinet Committee on Price Stability*, pp. 39–42.

[3] Edward F. Fox, Robert C. Fellmeth, John E. Schulz, *The Nader Report on the Federal Trade Commission*, Chapter II, pp. 16–17.

[4] *United States* v. *Automobile Mfrs. Assn., Inc., General Motors Corp., Ford Motor Co., Chrysler Corp., and American Motors Corp.*, (C. D. Calif. 1969, Consent Decree).

[5] David R. Kamerschen, "An Estimation of the 'Welfare Losses' From Monopoly in the American Economy," *Western Economic Journal* (Summer 1966) p. 233.

[6] See the editorial in *Antitrust Law and Economics Review* (Summer 1969).

[7] *Ibid.*

[8] A recent study indicates that a price fixing conspiracy among wholesale bakers in the State of Washington resulted in consumers paying $30 million more for their bread than they would have if the conspiracy did not exist. A cease and desist order by the Commission caused prices to fall by 15% to 20% (*Bakers of Washington, Inc., et al.*, Docket No. 8309, Feb. 28, 1964, modified Dec. 3, 1964). *See* Russell C. Parker, "The Baking Industry", *Antitrust Law and Economics Review* (Summer, 1969) pp. 118–120. *See also* Federal Trade Commission, *Economic Report on the Baking Industry* (1967).

After the conclusion of a Justice Department antitrust suit [*U.S.* v. *Carter Products, Inc., and American Home Products Corp.*, 160 Civ. 375 (S.D. N.Y. 1960). Consent judgment entered on Nov. 9, 1962] against the two leading producers, Carter Wallace and American Home Products, 54 new companies commenced the production of meprobamate at prices which ranged from 30 to 50 percent lower than those charged by those two companies. For the prices see *Drug Topics Red Book* for the years 1960 and 1970.

[9] U.S. Const. Article I, section 8. *See, Motion Picture Patents Co.* v. *Universal Film Mfg. Co.*, 243 U.S. 502 (1917).

[10] F. M. Scherer, *Industrial Market Structure and Economic Performance* (Chicago: Rand McNally & Co. 1970), p. 380 *et seq.*

[11] J. J. Servan-Schreiber, *The American Challenge* (1967).

[12] Professor Machlup has written, for example, that: "Patents, by giving their owners exclusive rights to the commercial exploitation of inventions, secure to these owners, profits . . . which are ultimately collected from consumers as a part of the price paid for goods and services. The consumers pay; the patent owners receive". Machlup, Fitz, *An Economic Review of the Patent System*, Study No. 15 of the Subcommittee on Patents, Trademarks and Copyrights of the Committee on the Judiciary, U.S. Sen. 85th Cong., 2d Sess. (1958), pp. 44–45.

[13] The amendments, numbered 578 and 579, are to S. 2756, 91st Cong., 2nd Sess. (1970) pending before the Senate Subcommittee on Patents, Trademarks and Copyrights, introduced by Senator Scott and frequently referred to as the Scott amendments, have not yet been the subject of any hearings and public discussion of them has been virtually nil, confined essentially to the technical journals of the Patent Bar.

[14] Amendments 578 and 579 contain other provisions affecting the rights and duties of patentees in the areas of patent misuse defi-

nition, relationship of state law and the like which raise comparable problems concerning the relationship between the patent and antitrust laws but which are not discussed here.

[15] Opportunity cost of investment is the economists' shorthand for reasonable profit. As Willard Mueller put it "effective competition is not a flower that thrives unattended." *Hearings on Planning, Regulation, and Competition Before a Subcomm. of the Senate Select Comm. on Small Business,* 90th Cong., 1st Sess. (1967) p. 24.

[16] *Hearings on the Nomination of Earl Schuyler, Jr. to be Commissioner of Patents, Before the Subcommittee on Patents Senate Committe on Judiciary,* 91st Cong., 1st Sess. (May 2, 1969).

[17] Proponents of the amendments contend that recent court decisions have created serious deterrents to this incentive because of the uncertainty they have created as to the rights of the patent holder and the resultant fear that he will not be able to reap the full or at least adequate rewards for his invention. For a summary of their views, see remarks of Senator Scott in offering these amendments, *Cong. Rec.,* Senate, April 4, 1970, p. 55321.

[18] Machlup wrote in 1958 that "no economist, on the basis of present knowledge, could possibly state with certainty that the patent system, as it now operates, confers a net benefit or a net loss upon society. The best he can do is to state assumptions and make guesses about the extent to which reality corresponds to these assumptions." (Supra note 12).

Professor Edwin Mansfield, Professor of Economics at the Wharton School, University of Pennsylvania made the identical observation about the absence of any hard empirical data for evaluating the operation and impact of the patent system. 47 *J. Pat. Off. Soc'y.,* 292, 297 (1965).

[19] Total R&D expenditures has increased from $5.2 billion in 1953 to an estimated $26.3 billion in 1969 representing 2.8% of G.N.P. In 1967, industrial research amounted to $16.4 billion compared to $210 million spent in 1931 and $390 million spent in 1940. About 51% of this 1967 research effort was financed by government contracts. *See, e.g.,* National Science Foundation Report, *Research and Development in Industry,* 1967; Daniel Hamberg, *Essays on the Economics of Research and Development,* (1963) p. 26; T. K. Quinn, *Giant Business* (1953); Jewkes, Sawers and Stillerman, *Sources of Invention* (1959); W. S. Commanor, "Research and Technical Change in the Pharmaceutical Industry", *Rev. of Econ. and Stat.* (May 1965), p. 190.

RESUMPTION OF HEAVY ARMS SHIPMENTS TO GREECE

Mr. FULBRIGHT. Mr. President, when the State Department revealed the resumption of heavy arms shipments to Greece on September 22 its official announcement included this statement:

> The trend toward a constitutional order (in Greece) is established.

Almost 2 months have elapsed since that statement. During this time several events have occurred which clarify the nature of the trend which the State Department perceived, or, more accurately, misperceived back in September. Some of these were noted recently in a New York Times article from Athens, written by Alfred Friendly, Jr., on November 8, and in an earlier New York Times article published on October 18. I ask unanimous consent that the text of these articles be printed in the RECORD at the conclusion of my remarks.

I cite the following recent actions of the junta as indicative of the trend current in Greece:

> The midnight arrest of an Athens engineer next seen by his relatives in a hospital recovering from head and abdominal injuries.
>
> The abrogation of Greece's agreement with the International Committee of the Red Cross which, for the past year, has permitted Red Cross officials limited access to detained persons and prisoners thereby affording them some protection against mistreatment.
>
> The explicit acknowledgement by a junta spokesman that the Colonels intend to remain in power by means of their own political parties when and if parliamentary rule is restored.
>
> The announcement of the appointment, but not election, of a powerless 56-man committee which will debate and comment on, but not enact, bills prepared by the junta.

These actions by the junta, all of which were taken subsequent to the lifting of the U.S. heavy arms embargo, demonstrate quite clearly the unrelenting totalitarianism of the Greek regime as well as the eager gullibility of our State Department. My own assessment of them is very much in accord with that attributed by Mr. Friendly to former Greek Foreign Minister Evangelos Averoff-Tossizza who said:

> Either responsible Americans are badly informed or they are trying to find in Greece the comic masks of democracy which they can present to American public opinion to placate it.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

GREECE WILL CHOOSE 56-MAN COMMITTEE TO ADVISE CABINET

ATHENS.—Greece's military-backed Government, which abolished parliamentary democracy 42 months ago, today proclaimed elections to be held Nov. 29 for what was termed a "mini-Parliament."

This 56-member body, called the "Consultative Committee on Legislation," will be asked to debate and comment on draft bills. It is to go into operation early next year.

There is no law making the committee's decision obligatory on the Cabinet, which will continue to rule by decree as it has done since the 1967 coup.

A decision by Premier George Papadopoulos published today said that professional and labor organizations as well as regional authorities would choose 92 candidates—all below the age of 50.

The Premier would then select half of them to serve on the committee. Ten other committee members, without regard to age, would also be nominated by the Premier.

Twenty-two of the 92 candidates would be chosen by the executives of nine national unions, consisting of the General Confederation of Labor, as well as the national organizations of farmers, artisans, industrialists, traders, seamen doctors, lawyers, and engineers.

SEVENTY WOULD BE APPOINTED

Seventy candidates would be appointed on a regional basis, the country being divided into 28 districts. The regional electors would include the area's Government-appointed mayors, as well as the presidents of local labor and professional unions.

The Premier's announcement specifies the qualifications for excluding anyone convicted for candidates in the committee, having joined a party or group "whose objective is the propagation of ideas designed to overthrow the prevailing system."

Candidates will also be required to declare past membership in political parties, as well as to state their views on parties or groups "aiming at the overthrow of the existing social order."

GREEK REGIME SAID TO PLAN PARTY TO MAINTAIN ITS RULE

(By Alfred Friendly, Jr.)

ATHENS, November 8—The men who seized power in Greece in 1967 intend to maintain that power through their own political party or parties when they decide to return the country to parliamentary rule, a spokesman for the Government has disclosed.

In two newspaper articles due for publication this week, the spokesman, George Georgalas, writes: "It is certain that some time there will be a political expression of the revolution." He added in an interview yesterday that "we will form a party to be the expression of the revolution."

Such a party "will embody the basic principles and proclamations by which the revolution will carry on" in a parliamentary context, he said.

MARTIAL LAW CONTINUES

Neither Mr. Georgalas, a former Communist who is now undersecretary to the Premier in charge of press and information, nor opponents of the Government expect any quick restoration of parliamentary democracy in Greece.

Premier George Papadopoulos, bolstered by a recent direct expression of American political and military support, appears to be the master of a situation in which progress toward democracy is reversed as often as it is speeded.

Although the Government said in a report to the Council of Europe last December that it intended to abolish special military tribunals in September, martial law remains in force. "Men are restrained by this mere shadow of martial law more than they would be by the whole normal legal structure," the Premier told a British newsman last month.

Martial law, Mr. Georgalas added in the interview yesterday, "prevents the newspapers from talking of the past and the old politicians from engaging in a commerce of hate and fanaticism." Since Greece walked out of the Council of Europe last Dec. 13 as she was about to be expelled, he added, "we are free to do what we want without any obligation" to the council, a consultative body of West European states.

The Government has promulgated laws establishing the sanctity of the domicile and requiring that arrests be accompanied by judicial warrants, but security policemen entered the home of Andreas Frangias, an Athens engineer, last week at midnight and took him away. His relatives next saw him under police guard in a neurological hospital here.

INJURIES REPORTED

According to reliable reports, Mr. Frangias suffered head and abdominal injuries during interrogation and is now being fed intravenously. He is said to believe that he signed one or more papers while in detention, and legal experts presume he signed a declaration saying that his arrest had been made according to a warrant that neither his family nor his lawyers has yet seen.

"They mock us," declared George Mangakis, an attorney who has been a noted defender of opponents of the regime. "There is a pretense of civil liberties," he added, "but in security cases, there is only the martial law."

The state's police power appears to be expressed more by random intimidation than by systematic repression. A young man walking out of a downtown movie theater last week was taken into custody and held overnight because his pockets contained suspicious pieces of wire and metal. He explained that mechanical tinkering was his hobby, but he was not initially believed.

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Four high school boys were picked up by suburban policemen without warning or any stated reason last Friday and held 12 hours for interrogation before being sent home under orders not to speak of their experience. The wife of a political prisoner was called into security headquarters for lengthy questioning after she drove her schoolbound children past an Athens home where an explosion believed to have been caused by a bomb had occurred hours before.

VACATIONER CLOSELY WATCHED

A distinguished economist, known as a critic of the military men running the Government, found that his movements were closely watched even while he was on vacation on a remote island in the Agean Sea. A taxi driver who had guided him and his family around one day refused to work with them again because of the police questioning he had undergone after the day's tour was over.

With some 600 suspected Communists still held on the island of Leros, detained by administrative fiat for more than three years, with 76 royalist sympathizers exiled to remote villages and with roughly 350 political prisoners in jail after trial, dissidents here are deeply distressed by the Government's abrogation last week of its agreement with the International Committee of the Red Cross.

The accord, which would have been automatically extended for a second year last Tuesday had Greece not renounced it, permitted Swiss Red Cross officials freely to visit detained persons and prisoners, intervene for their release on medical grounds and, in general, assure that their treatment was inspected by outsiders.

"I am very worried now for the men who are left," commented a 55-year-old left-wing journalist who spent two years and nine months on Leros before Red Cross intervention helped him obtain a medical release. "Their official reporters may have been too cautious in describing conditions on the island, but they were very effective in many individual cases. Now there will be no one to intervene."

According to Mr. Georgalas, there is no further need for intervention. The agreement with the Red Cross he said, "helped us with international public opinion" by scotching reports of torture and brutality. Now that only about a thousand political figures are in detention or jail, he asked, "why continue an arrangement that has served its purpose."

ADVISORY COUNCIL PLANNED

The Government's spokesman was equally forthright in defining the purpose of the 56-member advisory council whose members are to be "elected" here on Nov. 29. Forty-six of the members will be chosen from among 92 persons nominated by provincial administrators and the executive committees of trade unions and professional associations. All the 1,200-odd electors have been either appointed or screened by the Government, which will also name 10 persons of its own choosing to the council.

Mr. Georgalas says that the council, whose members will get a monthly salary of more than $830, will help the government in the time-consuming process of reforming Greece's laws, debating proposals submitted by the Government for its opinion.

Beyond that, he explained, the group "will be a link between the Government and the masses and a school for forming cadres for the new parliamentary life."

To Evangelos Averoff-Tossizza, who served as Greece's Foreign Minister from 1956 to 1963, the pretense of an elected advisory council as a precursor to the restoration of parliament is worse than a farce.

"It is a way of corrupting people by paying them high salaries and giving them the impression of power," he said recently. "It's a clever, insincere and immoral move by the Government and foreigners who think that something good is happening here."

RIGHT-WING CRITICAL

The pseudo-Parliament was attacked last week even by the right-wing newspaper Vradyni. In an editorial, the paper pointed out that the council had no function under the Constitution the Greeks approved two years ago and were still waiting to see implemented.

"Identification of the concept of the advisory council with the concept of parliament is a national crime," the paper said, and "in keeping with Fascist and Hitlerite pronouncements."

Under such circumstances, Mr. Averoff and others believe that the United States made a grave error in its September 22 statement on Greece. In explanation of its decision to resume heavy arms shipments to the Athens Government, the State Department said:

"The trend toward a constitutional order is established. Major sections of the Constitution have been implemented and partial restoration of civil rights has been accomplished."

More indicative of the regime's long-term intentions, its opponents say, are the orders for a new security police headquarters to include "convalescent" rooms in which suspects may be held after interrogation.

"Either responsible Americans are badly informed or they are trying to find in Greece the comic masks of democracy which they can present to American public opinion to placate it," Mr. Averoff declared.

"Personal liberties have not been reinstated, and human dignity is trampled," he added. "Instead of returning to democracy, the conditions are being created for the longest possible prolongation of the dictatorship."

DEATH OF JACOB BLAUSTEIN

Mr. MATHIAS. Mr. President, Maryland, the Nation, and the world has lost a distinguished citizen. Jacob Blaustein, industrialist, humanitarian, culturalist, friend to Israel, and diplomat died Sunday at the age of 78.

Mr. Blaustein, of Pikesville, Md., near Baltimore, was a founder of the American Oil Co. and president of American Trading and Production Corp. His interests ranged from promoting the cultural life of his native Baltimore to obtaining relief for war victims through his vice presidency of the Conference on Jewish Material Claims against Germany.

Mr. Blaustein performed missions of world peace and human rights for five American presidents—Roosevelt, Truman, Eisenhower, Kennedy, and Johnson. All Americans, I feel sure, join me in mourning the passing of this outstanding American and distinguished citizen of the world community.

I ask unanimous consent that Mr. Blaustein's obituary, published in Monday's Baltimore Sun, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BLAUSTEIN, 78, DIES; HEADED OIL EMPIRE

Jacob Blaustein, a former door-to-door salesman who became head of a financial empire and a spokesman for human rights, died at 9:30 p.m. last night at his 200-acre farm, Alto Dale, near Pikesville.

Mr. Blaustein, 78, had been in failing health for several days as a result of complications from abdominal surgery performed in January in Chicago.

Funeral services will be held at 12 p.m. Wednesday at Temple Oheb Shalom, 7310 Park Heights avenue.

Mr. Blaustein was a founder of the American Oil Company and president of American Trading and Production Corporation which has vast holdings in oil companies, explores for and produces crude oil, operates a fleet of ocean-going tankers and is in electronics, banking, insurance and real estate.

The oil magnate was a virtual whirlwind of activity in his lifetime. His interests ranged from promoting the cultural life of his native Baltimore to obtaining relief for war victims through his vice presidency of the Conference on Jewish Material Claims Against Germany.

He was one of Israel's most influential and indispensable backers during the state's formative years and often met with chiefs of state to discuss issues of world-wide importance.

He performed missions for five American presidents—Roosevelt, Truman, Eisenhower, Kennedy and Johnson—missions concerned with human rights and world peace.

He had negotiated with Russia's Mikoyan and Molotov, Chancellors Adenauer and Erhard, of West Germany; Prime Minister Ben-Gurion, of Israel; the Shah of Iran, Foreign Minister Rapacki, of Poland, and President Frondizi of Argentina.

Those who knew much of his work, some of it done quietly and without portfolio, say he often played a decisive part in correcting misunderstandings between the United States and the infant state of Israel. And, it is said, he played an important role in getting Israel into the United Nations.

His career of diplomacy in human rights began in 1945 when he and Judge Joseph Proskauer, of New York, were summoned to the White House by President Roosevelt and authorized to attend the formative meetings of the United Nations in San Francisco as consultants to the United States delegation.

HISTORIC ACHIEVEMENT

There, working against a frustrating indifference, particularly from Moscow, they helped put human rights provisions in the United Nations Charter, an historic achievement.

"None of us ever was sure whether Molotov spoke English," he recalled later. "He would look at us as we spoke, his face a complete deadpan. And when we stopped speaking he would say, without the slightest change of expression, 'Nokay,' No one really understood whether he meant yes or no. It was usually no."

"By the time we got back to Washington to give our report, Roosevelt had died so we reported to Truman. For me it was the beginning of a long association and I was pleased to watch the new President grow to enormous stature in his high office."

It was during the Truman Administration that Mr. Blaustein suggested to Prime Minister Ben-Gurion that Israel should be an ally of the United States. At the same time, in 1950, he obtained from Mr. Ben-Gurion the historic statement clarifying the relationship between Israel and Jews in other free countries.

It eliminated any question of dual nationality, stating:

"Citizens of the United States are Americans and citizens of Israel are Israelis; this we affirm with all its implications."

Mr. Blaustein was a member of Mr. Truman's Advisory Board on Mobilization Policy during the Korean war, giving advice on petroleum matters. He did similar work during World War II.

President Eisenhower took into consideration the oil magnate's experience in high-level public affairs and appointed him to the

United States delegation to the United Nations in 1955.

During his United Nations service, Mr. Blaustein became a close friend of United Nations Secretary General Dag Hammarskjold.

HAMMARSKJOLD MEMORIAL

Mr. Blaustein donated an $85,000 statue in memory of the late Mr. Hammarskjold which was installed in front of the United Nations building in New York.

Secretary of State Dulles said, after Mr. Blaustein had finished his United Nations work: "Our success in securing the Assembly's overwhelming indorsement of the United States position on important questions . . . was due in large measure to the persuasive arguments he brought to bear, and to his understanding of our foreign policy objectives."

One of these successes was the Assembly's rejection of a Soviet proposal that all refugees from Russia and other countries behind the Iron Curtain return "voluntarily" to their homeland.

"Of course," Mr. Blaustein said, "voluntary" was a euphemism. What they meant was forced repatriation. . . . My experience in dealing with the Russians, is that we must be as sure as we can that we are right and fair and always lead from a position of strength."

WORKED A LONG DAY

Mr. Blaustein, who worked sixteen to eighteen hours a day, also was one of the negotiators representing the Conference on Jewish Materiel Claims Against Germany when West Germany awarded $822,000,000 to rehabilitate in Israel or elsewhere those who had been persecuted by the Nazis. West Germany also agreed to indemnify individual Nazi victims, Jewish and non-Jewish.

In 1960, he was instrumental in winning from the Krupp armament makers awards of $1,300 for each slave laborer employed there during the war. "It is not very much for what they suffered but I imagine it will be an important amount to many of them," he said.

Mr. Blaustein was a philanthropist as well as a businessman and statesman. For five years, he was national president of the American Jewish Committee and was associated with Baltimore's Jewish charities since his middle twenties.

All this while he served as a director of Standard Oil Company of Indiana, Pan American Petroleum and Transport Company, Pan American Refining Company, Mexican Petroleum Corporation, Pan American Pipe Line Company, Carib Marine Corporation, Pan American Gas Company and the American Oil Company.

A 1968 study by *Fortune* magazine named Mr. Blaustein as one of the wealthiest men in America.

ONLY PARTIAL LISTING

This partial listing does not include his position with American Trading or in the management of the Blaustein building, the 30-story $12,000,000 skyscraper he built at Charles and Fayette streets. It opened in 1963.

The glass and aluminum tower was reportedly built by Mr. Blaustein in a fit of pique after his proposal for the construction of One Charles Center, with a design by Marcel Breuer, was rejected in a spirited competition.

His building at One North Charles street was allegedly designed deliberately as a slight to be taller than One Charles Center.

He was active in community endeavors such as supporting the Baltimore Symphony. Speaking of culture, he said:

"A community must be well rounded and it must have character, in which culture plays a significant role." He called on business men to contribute, saying "it is incumbent upon them, even for the good of the business itself, to concern themselves with other aspects of community life."

In 1962, he was named to the board of the Dag Hammarskjold trust and in 1963 was made a member of the Advisory Committee on International Business Problems.

In 1964, Mr. Blaustein received the Synagogue Statesman Award from the Synagogue Council of America and the Herbert Lehman Award for leadership in the development of Israel.

In March of 1965, he returned to European statesmanship. He went again to West Germany to confer with Chancellor Erhard and former Chancellor Adenauer on behalf of survivors of the Nazi rule, who could not file claims for indemnity by the 1953 deadline because they were in Iron Curtain countries. He also discussed diplomatic relations between Israel and Germany and the status of German scientists working in Egypt.

In all, he averaged three trips abroad each year on various missions.

The Blaustein story started in 1910 when Jacob, then 18, and his father, Louis, then 40, teamed up to form the American Oil Company. It started in an old livery stable at Clarkson and Wells streets. It was a horse and wagon, door-to-door concern.

Their one tank wagon carried 280 gallons of kerosene and Jacob would sit next to the driver and dart in and out of stores taking orders and making deliveries. The tank wagon was an innovation in the business, one of many made by the Blausteins.

Another more sophisticated development was the introduction of the first special anti-knock motor fuel which revolutionized the gasoline and automobile industry and made possible the use of the high-compression engine.

They also designed and opened the first drive-in gasoline station in the United States. Known as the Lord Baltimore Filling Station, Inc., it was located on Cathedral street.

"Until we got the idea," Mr. Blaustein recalled, "you had to service autos at the curb. It was a clumsy operation."

Up to that time, motorists bought from pumps which had no indicator so the customers did not know if they were getting the proper amount of gas.

The Blausteins rigged up a 10 gallon jar on top of the pumps with gallonage marked on the side. Then the motorists could, as the advertisements soon said, "See What You Get, Get What You See."

After a long and complicated litigation between the Blausteins and Standard Oil of Indiana, American Oil Company became a totally owned subsidiary of Standard in 1954. The Blausteins became large Standard Oil stockholders and Jacob was made a member of the board of directors.

Mr. Blaustein was born on September 30, 1892. He was married on June 10, 1925 to Hilda Van Lee Katz.

In addition to his wife, he is survived by a son, Dr. Morton K. Blaustein, of Baltimore; two daughters, Mrs. David Hirschhorn, of Baltimore; and Mrs. Arthur E. Roswell, of Sommerville, N.J.; a sister, Mrs. Henry A. Rosenberg, of Baltimore, and eight grandchildren.

THE CONTINUATION OF THE TRAGIC WAR IN INDOCHINA

Mr. HARRIS. Mr. President, much has been said about the tragically continuing war in Indochina, but nowhere what needs to be said has been expressed better or with fewer words than in a November 14, 1970, editorial in the Oklahoma Journal, published by outstanding Oklahoman W. P. Bill Atkinson.

We must all remember "that men are still dying there," as the editorial so eloquently points out.

Mr. President, I know that other Senators will appreciate the opportunity to read these wise and timely words. Accordingly, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOW MUCH CAN WE STAND?

The American public, always so eager to grasp at good news, no doubt takes comfort from the oft-heard assurance that the war in Vietnam is "winding down."

But, for the record, let it be known that men are still dying there.

Not at previous rates—only 31 last week, the report says with almost a sanguine ring. Still, 31 brought the U.S. total killed in Vietnam up to 43,959 and there is no indication how much longer the war will drag on.

Along with the 31 killed, the report also says, there were 104 wounded, and gladly notes this figure is "the lowest in almost five years."

One wonders if we could cut it down to one dead and one wounded each week—would this be a tolerable figure we could live with indefinitely?

ANNIVERSARY DATE OF U.N. GENOCIDE CONVENTION IS RAPIDLY APPROACHING

Mr. PROXMIRE. Mr. President, the 22d anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide is rapidly approaching. Yet, the United States has failed to ratify this important human rights document, which was adopted by a unanimous vote of the United Nations General Assembly on December 9, 1948.

I cannot think of a better way to commemorate the anniversary of this convention than by devoting a day of work in the Senate to this important document. It would be my hope that this day of discussion would result in favorable action by the Senate on this great document.

Not only is this year the 22d anniversary of the Genocide Convention; it is also the 25th anniversary of the founding of the United Nations. Our favorable action on a major convention of the U.N. would certainly be in keeping with our past role in this world body.

Twenty-two years is long enough for us to consider the ratification of this treaty. The consideration and affirmative action by the U.S. Senate on the Genocide Convention during this anniversary year would show the nations of the world our serious regard for the United Nations and its conventions.

JIM HALEY, THE "COUNTY CONGRESSMAN"

Mr. HOLLAND. Mr. President, appearing in the September-October 1970 issue of the Florida County Government and Port Authority magazine is an article about my distinguished colleague and longtime friend, JAMES A. HALEY, who for the past 18 years has represented the Seventh Congressional District of Florida.

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I feel that this article, entitled "Jim Haley, the 'County Congressman,' Moved From Big Top to Hill Top," illustrates the efficiency with which Jim Haley carries out the duties of his office.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Jim Haley, the "County Congressman," Moved From Big Top to Hill Top

(By Bill Fritts)

"Ask the people he has served."

If there is a single phrase that sums up the essence of veteran U.S. Congressman James A. Haley, it is this, because the pinnacle of Haley's reputation soars highest in the realm of "true public servant."

In his 18 years as representative from the 7th Florida Congressional District, Democrat Haley has compiled an impressive record of public stewardship, and in the process has earned the respect and admiration of both Republicans and Democrats alike.

When tall, lank Jim Haley reaches out and grasps your hand and says he'll help you, you know that he will. It is not a politician's empty promise.

The help needed may be large or small—perhaps no more than some information on a trivial matter; but it is forthcoming, without fail. You cannot write Jim Haley without getting an answer.

A cigar-smoking, silver-haired legislator who has moved into that select category of "statesman," Haley is seeking his 10th term in the U.S. Congress, running on his record as an acknowledged conservative and outspoken advocate of economy in government.

He is, in a very real sense, "Mr. Conservative," but not in an extremist, radical manner—rather more in the style and format of a person who draws his convictions from simple virtues learned in the past, who long ago found his philosophical niche in life and has stuck with it.

It is a philosophy that has found many admirers in the seven counties he serves as 7th District Congressman and which has draped the mantle of bipartisan candidate around his shoulders; for Haley's long tenure of office is due in no small measure to the "simpatico" loyalties of his Republican constituents.

This fact was borne out recently when Venice Mayor Smyth Brohard, a power in the Venice Republican stronghold, paid tribute to Haley on the occasion of a new post office dedication—one of 39 that Haley has obtained for his seven-county district—referring to "Republicans and those of like mind."

Commented the Sarasota Herald-Tribune editorially: "Beneath the veneer of party labels, the Congressman's philosophy and his voting record are in accord with the conservative inclination of the district he represents."

Comments Haley, "I think that more and more people are voting for what a man stands for, not the party he belongs to." And for this reason, he indicates, he does not fear the continuing influx of Republicans into the lower West Coast tier of counties that help comprise the 7th District—counties such as Manatee, Sarasota, Charlotte and Lee.

"I know we're getting more Republicans in the district.

And there are a lot of them who believe in my philosophy of government."

How, exactly, is this conservative philosophy expressed?

In the matter of foreign aid, for instance, Haley literally fumes and his cigar burns bright as he denounces what he terms Uncle Sam's "give-away program."

"If they get everything they want this year," he says, "our total foreign aid spending will be $12,133,525,000. When many people think about foreign aid they think only about our foreign assistance budget, which is $2,163,000,000, but there are all kinds of other forms of giving away money."

He deplores a national foreign aid policy that has boosted the nation's debt to a figure $60 billion higher than the total national debts of all other nations in the world.

"What we're doing is giving away money we don't have. If the $199 billion we've given away in foreign aid in the past 20 years had been applied to our debt the interest of about $19 billion a year could be cut in half," he says.

He is outspokenly against America's involvement in Vietnam and Southeast Asia.

"I've said all the time we never should have gone to Asia," he states. "Our military leaders have always advised us not to get into a land war in Southeast Asia because it would be a war of attrition and we can't win a war of attrition there.

"If I had the decision to make . . . I would have turned the conduct of the war over to the military people who are trained to win wars and let them tell us if they could win or if we should get out."

His cautious approach to legislation is exemplified in the manner in which he has handled the controversial Alaska Native Claims Settlement Act. As chairman of the House Subcommittee on Indian Affairs, he holds a life and death grip over it.

He has criticized the Senate bill as "a can of worms," but does not seem to quibble with its gut provisions—he likes the idea of a big federal contribution, approves of state revenue participation, and favors, if anything, a greater land grant than that contained in the Senate bill, even suggesting that the Natives should have priority of selection over the state.

What, then, doesn't he like about the bill? "It's sloppy," he rasps. "Too many corporations, too many places where people other than Natives can get the benefits. It's going to take a lot of time and a lot of work."

But he is committed to getting a bill—a good bill—out. "We're just going to have to play it by ear," he says. "I'd like to get a bill out because the longer we fool around with it, the more confusing things are going to get in Alaska."

He is proud of the fact that he has chaired the House Subcommittee on Indian Affairs for nearly 16 years.

"It is," he says, "the only Congressional committee set up specifically by the Constitution of the United States, Article I, Section 8, to be exact. I could have had any subcommittee under Interior (Committee on Interior and Insular Affairs), but I just happen to like this one. A man can find out about a lot of American history on this committee."

He is deeply sympathetic to the Indian's plight in this country. He recently said, "The Indian people are the most harassed, pushed around folks in the history of our nation. We put the Indian off in remote areas. We killed his initiative, tried to make a farmer out of a hunter. We signed treaties and broke them. We made promises and didn't keep them. The Indian people are really a second nation within us, but we have treated them as second class citizens of our own. The blackest pages in our history concern our dealings with Indians."

He is held in high esteem by his Indian friends, who have bestowed many and various honors upon him. He has been dubbed Deh-gawh-weh-goh, Chief of the Twenty Canoes, by the Seneca Nation, one of the highest ranks in that tribe.

He is the only white man to hold an honorary membership in the Agua Caliente Band of Mission Indians, probably the wealthiest group of Indians in the world, owning much of the property in Palm Springs, Calif.

Full membership would have meant an $18,800 year stipend for life—a beneficence that Haley had to turn down because it would have created a field day for investigative Washington reporters.

He has been instrumental in helping the Indians resolve land problems and in bettering themselves through the development of their resources on the reservations. Educational programs have been improved, and training programs established to help the Indians to join in the mainstream of our economic life.

He led the fight to compensate the Senecas for the loss of a major part of their lands—land taken by the federal government for the construction of the Kinzua Dam, violating the oldest existing treaty of the United States. Indeed, the list of Indian legislation bearing Haley's name or stamp of approval encompasses names of tribes of nearly every state having reservations.

Another area in which he has rendered effective and widespread service is that of veterans' affairs. He is the second-ranking member of the Committee on Veterans' Affairs and chairman of its important Hospitals Subcommittee.

Most important to Florida has been his efforts to increase the number of Veterans Administration hospital beds—now totaling over 3,500.

He has been effective in helping raise veterans' compensation and pension rates and in bringing about the passage of the Cold War G.I. Education Bill.

In 1965, as chairman of the Hospitals Subcommittee, Haley conducted two months of the hearings and investigations into the Administration's proposal to close various VA hospitals and regional centers in other states. Following the hearings, six of the 14 hospitals and all eight regional offices were removed from the shutdown list.

The American Legion, Veterans of Foreign Wars, Disabled American Veterans and Veterans of World War I jointly honored Haley for his success in maintaining these facilities.

His legislative interest, however, has not been limited to his committee assignments. He has provided outstanding leadership in obtaining legislation beneficial to the Sunshine State's valuable agriculture industry. He has been in the forefront in development and conservation of Florida's natural resources and has been influential in developing transportation facilities serving the state's vital tourist industry.

One of his greatest contributions to Florida conservation dealt with the purchase of the remaining privately-owned lands within the boundaries of the Everglades Park. Last year Haley and Sen. Spessard Holland co-sponsored legislation to purchase the so-called "hole in the donut" tract within the park, an area covering 6,640 acres. The bill authorized purchase for $697,200.

On Sept. 24 of this year, after some skillful maneuvering. Haley succeeded in getting through Congress a bill authorizing the purchase of the balance of all privately-owned lands within the park, amounting to 58,398 acres. This part carried an appropriation of $20 million.

Thus through Haley's efforts and those of close colleagues in the House and Senate this priceless Florida heritage—unduplicated anywhere else in the world—has been put into the public domain in its entirety forever, protecting it from despoilment by development.

Haley saw his efforts and those of many Florida conservationists come to fruition late in September when the House passed two Haley Wilderness Bills as part of the House Omnibus Wilderness Bill. The areas to be made part of the National Wilderness System, once the bill becomes law, are certain lands in the Island Bay and Passage Key Wildlife Refuges in Charlotte and Manatee Counties. Through the legislation Congress assures that there is no building of roads or other man-made structures on the lands involved. In addition, no motorized forms of transportation could be used in and about the wilderness areas to prevent the disturbance of wildlife and pollution of the land.

Haley has also helped obtain funds for beach erosion control surveys for Sarasota and Manatee counties and for the study of the flooding problems on the Braden and Manatee rivers.

In regard to the beach studies—to use them as an example—they point up the fact that Haley is not only well respected by "the folks back home" but also by his colleagues in the Congress. When he requests support for a particular bill, he always gets a respectful hearing and almost always action. In fact, in his 18 years on the Hill, Haley has never lost a bill on the floor of the House.

Giving support to the beach erosion studies was Congressman John Blatnik, who is scheduled to become chairman of the House Public Works Committee. Haley had recently helped Blatnik with some legislation affecting Blatnik's district—and he noted in a recent memo, thinking ahead to future legislation, "I am confident that as chairman of Public Works he will be equally as helpful."

Haley also sponsored the rebuilding of the Venice jetties and the dredging of Sarasota passes to connect the West Coast Inland Waterway and the Gulf of Mexico. With other members of the Florida Congressional Delegation, he has assisted in obtaining the authority and funds for the Central and Southern Florida Flood Control District.

A strong supporter of the Small Watersheds and Flood Prevention Act, which he has described as one of the most effective self-help programs ever adopted by the Congress, he has taken pride in the fact that the first project to be completed in the United States was the East Lake Placid Chain of Lakes project.

Of the 16 projects authorized for Florida under this program, seven are located in whole or in part in his district. They include the Sarasota West Coast Watershed project and the Big Slough project, which serve DeSoto, Sarasota and Manatee counties, and the Palatlakaha River project serving Polk and Lake counties.

He has been active in the fight to assure funds for the continued orderly development of the watershed projects and the entire soil conservation program.

Ever alert to Florida's interest in the tourist industry and the importance to the 7th District and all of Florida, Congressman Haley worked diligently to bring about the construction of Florida's "missing link" highway from Tampa to Miami as part of the Interstate Highway System.

He has been of direct assistance to the City of Venice in obtaining federal government release of Venice Airport property with only a minimum of federal restrictions. He assisted also in obtaining release of federal acreage at Drane Field, Lodwick Airport and the Bartow Air Force Base for municipal purposes. He has been helpful to these airports as well as the Sarasota-Bradenton Airport in obtaining authority and federal funds for airport development.

In the field of public welfare, Haley has aided in obtaining funds or other federal assistance for such local projects as these:

Hospitals in Manatee County, Bartow, Lakeland, Sarasota and Winter Haven; public health centers in Bartow, Bradenton, Haines City, Lakeland, Lake Wales, Sarasota, Wauchula and Winter Haven.

Public works planning, sewage treatment plants, public housing or slum clearance in Arcadia, Auburndale, Bartow, Bradenton, Dundee, Haines City, Lakeland, Mulberry, Palmetto, Sarasota, Sebring, Wauchula and Winter Haven.

His legislative contributions on behalf of Florida citrus are almost endless. He has been frequently honored by Florida Citrus Mutual, and in 1966 received the Mutual's "Silver Spade" award.

Some of his contributions in the citrus field have been:

Introduced legislation to bring imported tangerines under the same size and grade restrictions which are in effect for Florida tangerines under the Agricultural Marketing Agreements Act.

Helped with citrus export problems, particularly those concerning Great Britain and the Common European Market Countries.

Gave assistance in seeking to resolve problems with Food and Drug Administration relating to pesticides, color additives and standards of identity for orange juice and orange juice products.

Co-introduced and sponsored with Sen. Spessard Holland Public Law 86–2, which authorized use of Citrus Red No. 2 for the coloring of oranges.

Assisted in bringing about embargo on all commodities from Communist Cuba.

Protested to International Development Fund the use of American tax money to establish a citrus canning plant in Morocco. Project was dropped by the Fund.

Among other multitudinous activities, he has helped obtain passports and visas, discharges from military service, pensions, social security benefits, and has helped many a veteran secure admission to VA hospitals for needed medical treatment.

He has also been one of the chief architects of research for converting salt water to potable drinking water, and in his role of conservationist has helped establish many bird sanctuaries around Florida.

Haley's odyssey as a congressional representative formally began on Jan. 3, 1953, when he first took office. Before that, he served in the Florida Legislature in the 1948 and 1950 sessions, becoming known as "Mr. Economy."

He became recognized throughout the state, however, because of his chairmanship of the special investigating committee which became known as "the Haley Committee," and which conducted a spectacularly successful probe of spreading crime and corruption in the state.

Fuller Warren, a former governor of Florida, recently wrote a resume of Haley's principal achievements while he served in the Legislature. He listed:

"The Sunshine Skyway, which benefited Florida's West Coast more than any other public project ever constructed by the state.

"The 'taste test' citrus code, which did so much to rescue Florida's citrus industry from threatened insolvency.

"The law that banned roaming livestock from public roads saved thousands of motorists from sudden death or bodily injury, escalated tourist travel in Florida, and incidentally upgraded the cattle industry—perhaps benefiting more people than any other law ever enacted by the Legislature and the Chief Executive of Florida.

"Frontier frugality that produced a surplus of about $50,000,000 in the State Treasury at the end of fiscal 1953 . . . Haley had an important part in producing this enormous surplus of unspent tax money, being himself one of the most frugal, economical, parsimonious public servants with tax money ever to serve in the Florida Legislature."

Congressman Haley is, as the saying goes, a "born Southerner," having first seen the light of day on Jan. 4, 1899, in Jacksonville, Ala. In 1925 he moved to Sarasota, which has remained his home ever since. He saw Army service in Europe in World War I and later attended the University of Alabama.

In Sarasota, he organized an accounting firm and began his long career as a successful businessman who still found time to become a recognized civic leader and to compile a long record of public service.

John Ringling, the circus magnate, was impressed by Haley's abilities and persuaded him to become associated with the Ringling enterprises. Upon Ringling's death, Haley was placed in charge of the circus magnate's estate, and he subsequently served as president and director of Ringling Bros. and Barnum & Bailey Circus until he resigned in 1948.

Of these years, when he ran "The Greatest Show on Earth," he still has fond memories and likes to recall events of those times—and laughs heartily when reporters kid him about "being the only man really at home in the House because, after all, he once ran the biggest circus in the world."

Haley himself quips, "I guess you might say I came from the Big Show to the side show."

His years with the circus included the war years, when food was rationed and he had to see that 1,600 employees and circus animals—including 51 elephants—were fed, sheltered and received the necessary medical attention.

He recalls that it was a tradition with the Ringling Brothers that the highest official of the circus would follow the polewagon off the lot. The center pole which held up the big tent was the last thing to be packed to leave and the circus couldn't set up until it arrived at the next place.

"That was fine," Haley says, "when there were five Ringling Brothers to pass the job around, but when I took over as the one man overseeing the operation, the tradition became a man-killer."

He remembers it would be in the small hours of the morning when he finally saw the pole safely on its way, then he would go ahead in his chauffeur-driven car, arrive at the lot, and sleep a few hours before the pole arrived.

Today, he gives his constituents the same hard work and devotion he used to give "The Greatest Show on Earth."

Haley's services to his district, his state and his country, if they were recounted in full, would fill a voluminous book. It is not often, indeed, that a man is endowed by nature and good fortune to play such a role in life. But the beneficiaries of his dedication to public service know his works, and have thanked him in countless ways over the years. A list of awards he has won would in itself make a small pamphlet.

Testimonial to his stature as a U.S. congressman is a recent rating of the top House leaders by Washington columnists Robert S. Allen and John A. Goldsmith. This elite group, deemed the "ins," are those who exert decisive influence on the formulating and adoption of every measure considered by the House.

Only three "top leaders" were listed from Florida—and Haley was cited twice, once with the Interior and Insular Affairs Committee and once with the Veterans' Affairs Committee. It is a graphic underscoring of his effectiveness.

"Ask the people he has served."

"We have done that, and here are some of their answers:

Willard Schroeder, 2404 Bispham Rd., Sarasota: "Appreciate efforts put forth by you and your wonderful staff in assisting me with my claim under Social Security. Feel that without your help things would still be filed in 'File Z.' "

Ralph Dashner, 504 Regency House, Sarasota: "I like your attitude on the issues of the day. While I normally vote Republican, I have been voting for you because I agree with your views."

John Glotfelty, M.D., 1247 Lakeland Hills Blvd., Lakeland: "It is very gratifying to know that you have time to help one of your constituents with serious problems regarding safety and life."

Ralph Miller, 4806 Triton Ct., Cape Coral, giving a thank you for assistance with a Social Security matter: "Since we are recent

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newcomers to Florida, it is nice to know that you, as our representative, are really concerned about your constituents."

Charles F. Shepard, 325 Citrus Dr., Nokomis, in regard to Venice Jetties project: "From favorable reaction and comment you may rest assured your constituents will remember your local interest at proper times. May I again thank you for your aid and thoughtfulness in the matter."

Adele L. Oldenburg, reference librarian, Polk Junior College, Winter Haven, thanking Haley for material for library: "Now, more than ever, I realize how valuable it is to have a man such as you in our government—and this from a Republican."

Allen S. Hitch, 120 39th St. N., Bradenton, in reference to re-routing I–75 around eagle's nest: "Thanks for an excellent job. The work you did is deeply appreciated."

Joseph Taylor, 113 McKinley Ave., Lehigh Acres, Fla.: "Thank you for your thoughtfulness. You seem to be one of the 'thoughtful few' American legislators in both House and and Senate who try to do a good job."

Sherman Adams, 3503 14th St. W., Bradenton, referring to assistance in obtaining an FHA loan for a home: "It is very difficult to express the gratitude we all feel toward you and your staff."

Mrs. Harry King, Jr., 606 Ave. H NE, Winter Haven, thanking Haley for assistance during a Washington, D.C., visit: "If the state of Florida moves as fast as your office in Washington, then we will always be among the top."

Lt. Col. C. B. McDuffee, 213 Outer Dr. E., Venice: "My family and I wish to tell you that we appreciate the fine job you are doing and believe you have consistently voted in the best interest of our country. Although we have changed our registration to Republican this year, we certainly will support you in every way we can."

Mrs. Joyce Daugherty, 885 27th St., NW, Winter Haven: "I just had to let you know what wonderful service you give to the people of Florida. I pray that you will continue to be our Congressman."

John R. King, 529 Parkview Place, Parkland: "Thank you for the excellent service you are performing for the citizens of Florida as well as the entire country."

Harland S. Moss, Route 2, Box 204S, Lake Wales: "When future election times arrive be assured that my wife and I will be the first in line to place a big X by your name. We will also consider it a privilege to work in your behalf to retain you in office as long as you desire."

Howard G. Smith, 110 Limonia Dr., Indian Lakes Estates: "Thank you so much for your help and I just want to tell you that you will have my vote every time you run for office plus votes of all our friends."

Oscar David, Sarasota Chapter No. 96, American Association of Retired Persons: "It has been with absolute faith and confidence in your integrity that we (2,000 members) have turned to you as our legislative leader in Congress. You have always justified this confidence."

THE TRADE ACT OF 1970

Mr. HATFIELD. Mr. President, I am alarmed at what may happen in the next few weeks in the Congress in the area of foreign trade. We may turn our backs on decades of trade liberalization in hopes of short-term solutions to domestic economic problems.

To paraphrase the well-known quote, passage of the import quota bill would be one small sop for textiles, and one giant mistake for mankind.

I certainly sympathize with American interests suffering from the current economic doldrums. I agree that one facet of the damage to a number of industries stems from imports. I fear, though, that in many industries imports have become the scapegoat for other economic ills. It is easy to point the finger at imports as the single cause of current economic problems, when a number of other reasons all play a part. I repeat, though, that some industries can point to damage from increasing imports.

The 1970 trade bill, I fear, could trigger a global trade war. Retaliation could generate a breakdown in foreign trade which would have repercussions of tragic consequences.

Supporters of the current trade bill have said that retaliation would hurt any foreign country and would be economically unsound. This is true, and if the economists developed trade policy, there probably would not be retaliation.

Trade policies, however, ultimately are made in foreign countries by politicians, not economists. Foreign politicians would call for retaliation and the voices of the economists would not be heard. To those who would doubt this, I point to the situation in this country, where it is the politicians and not the economists who want import quotas.

Retaliation hurts everybody. I recall an old Laurel and Hardy movie. Somewhere along the line Hardy got mad and ripped the sleeve off Laurel's jacket. Laurel responded by tearing the front out of Hardy's shirt. And so it went until both of these characters were down to their union suits. It was funny in the movies, but there is nothing funny about the prospect of losing your shirt in a trade war.

Mr. President, I want to comment on an extremely sensitive area which I think would be affected adversely by this bill. I refer to agriculture. U.S. agricultural experts, after being in the doldrums for a couple of years, are beginning to resume the upward trend they exhibited earlier.

Beginning in the early 1960's, our shipments of farm products rose steadily to a peak of $6.8 billion in fiscal year 1967. They dropped off to $6.3 billion in 1968, and to $5.7 billion in 1969. In fiscal 1970, agricultural exports had a strong resurgence, with exports hitting the $6.6 billion mark. The Department of Agriculture sees a continuation of this strong growth in 1970, with exports of $7 billion or better.

Enactment of trade legislation with quota provisions that invite retaliation against our agricultural exports could do egregious damage to our Nation's farmers.

Our farmers want to produce. They are geared up to put more acres into production. But their only real opportunity to market enlarged production lies in expanded export markets. This export opportunity will be lost to them if we begin to restrict imports in irresponsible ways.

The wheat farmers of this country especially are vulnerable to foreign trade restrictions. For years wheat has been one of America's leading export commodities. The record year was fiscal 1966, when we shipped 859 million bushels, representing 66 percent of 1965 production, and having an export value of $1.4 billion. Shipments declined for a few years. Now, they are climbing again. Shipments this year will be at the 700 million bushel level—the third best year in our history.

For the wheat farmers of Oregon, exports are all-important. Around 85 percent of Oregon's commercial marketings of white wheat go to foreign users—a larger export percentage than for any other part of the country. Because Oregon and our neighboring State of Washington are so dependent on wheat exports, they are also more vulnerable than producers of other commodities to restrictive trade measures applied by foreign countries.

Our Oregon wheat producers are fearful of consequences growing out of the Trade Act of 1970. And well they might be. The kind of white wheat that Oregon produces is sold primarily to Japan, but considerable quantities also go to the Philippines, Korea, and Taiwan. These are countries that export to the U.S. textiles, shoes, and the other general categories of products whose entry to this country would be limited immediately by the trade bill. They also are exporters of items coming under the general purpose quota triggering device contained in section 301(5)(a) of the bill. If we apply trade restrictions to these countries, will they continue importing our white wheat? Oregon wheat growers have reason to fear retaliation.

Oregon wheat producers already are worried about the competition they are getting. Australia, also a producer of high-quality white wheat, has steadily increased its marketings of this grain to Far Eastern users in recent years. You may be sure that Australia is watching for us to stub our toe. This is what we would be doing if we pass the Trade Act of 1970 with its current provisions.

Producers of other Oregon crops would be affected if trading nations tighten restrictions on our agricultural exports. Oregon producers of grass and legume seeds export to Japan a substantial part of their annual production. Oregon also depends on the export market to a considerable extent for commercial sales of pears and filberts. The most recent statistics for fiscal year 1970 shows Oregon the seventh State in exportation of fruits and preparations and 10th in vegetables and preparations.

I ask unanimous consent that my statements of September 23 and November 2 discussing Oregon agriculture be printed at this point in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

SENATOR HATFIELD'S STATEMENT OF SEPTEMBER 23

"Oregon's agricultural exports could be the first target of Japanese retaliation toward the United States if we pass an overly restrictive Trade Import Quota Bill," said Senator Mark O. Hatfield today.

"Oregon supplies 80% of the U.S. wheat exported to Japan. In 1968, 38% of the exports from Portland were to Japan. Oregon's trade with Japan rose 20% in 1968–69, and now is 7.5% of the U.S. total.

"The agriculture industry in Oregon and across the United States must not bear the brunt of retaliation against the U.S. for any trade bill which would cause far more problems than it would solve."

Hatfield met recently with three members of the Japanese Diet to discuss ways to improve Oregon's trade with Japan.

"All three Japanese Congressmen are of the ruling party," said Hatfield. "They expressed their desire to work toward a more liberal policy to allow even greater U.S. exports into Japan.

"Our talk centered on improving Oregon lumber and wheat markets, although we also discussed markets for our manufactured goods.

"I also will oppose a possible effort to call up the entire import quota bill as an amendment to another bill. Any measure of this magnitude deserves Senate hearings. We need to hear from our agriculture industry. I plan to ask Senator Long, Chairman of the Finance Committee, to hold hearings on this bill.

"I am sympathetic, though, to Oregon businessmen damaged by imports. I urged the Japanese Congressmen to press for some voluntary agreements to head off possible punitive action by the Congress, and I stressed the urgency of reaching voluntary textile agreements between the U.S. and Japan."

SENATOR HATFIELD'S STATEMENT OF NOVEMBER 2

"The increase of wheat exports by nearly 40% in 1970 might be the last such gain," warned Senator Mark O. Hatfield this week, "if the controversial import quota bill is enacted."

"Wheat exports of nearly 160 million bushels were up from 109 million bushels last year," said Hatfield.

At a recent breakfast meeting with Secretary of Agriculture Clifford Hardin and Assistant Secretary Clarence Palmby, Hatfield discussed Oregon's wheat exports and the administration officials agreed that Oregon's wheat exports would be a prime target for foreign retaliation if the import quota bill is passed.

"Retaliation against our agricultural exports could cripple this vital segment of Oregon's economy," he continued. "I fear nationalistic pride overseas would generate retaliatory measures, hurting all segments of United States foreign trade."

"Agricultural exports, such as wheat, would be a prime target, both by Japan and in Europe. Almost 16% of Oregon agricultural crop sales are export sales."

Hatfield also pointed to Oregon's turf and forage seed industry as a possible target for retaliation.

"One third of our turf and forage seed crop is sold abroad," he said. "Over a ten year period, we have averaged exports of about 45 million pounds. In 1969–70, this represented cash sales of $11,166,000."

Hatfield said the overall agriculture export rise in the first quarter of 1970 is nearly one-fifth above the same quarter last year. Non-agriculture exports were up eight per cent this year.

Mr. HATFIELD. Mr. President, nonfarm groups have a major stake in our agricultural trade. Last year for example, Columbia River ports handled 165 million bushels of wheat destined for the Far East. This was 80 percent of the Far East movement off the Pacific Coast. This meant jobs for longshoremen and merchant seamen. It meant profit for grain handlers, warehousemen, transportation agencies, financial institutions, and many other enterprises functioning in the trade field. These export-related interests, like our farmers, do not want to be hurt by legislation that could trigger restrictions against our exports.

When I talk about problems in the trade area, I am mindful of the fact that the European community is making it difficult for us to market our farm products in that area. Also, the community's farm policies are stimulating agricultural production which we are encountering, because of the community's export subsidy program, in many of our traditional markets. Now we are faced with the problem of an enlarged community that would continue to follow inward-looking agricultural trade policies.

But I do not see how we can gain by emulating in this country the very same practices we have been fighting abroad. There are other ways of bringing our trading partners around to policies envisioned in the general agreement on tariffs and trade. I am sure that the administration in the months ahead will be taking more and more individual actions with respect to trade problems than has been the case in recent years.

Mr. President, while I intend the prime thrust of these remarks to center on agriculture, I think we in Congress should remember the effect of this bill on the consumers of this country.

One fact is inescapable: consumers will pay more for goods than they do today if this bill is enacted. I do not know how anyone can disagree with that statement, for in many instances, imported goods are lower priced than competing domestic goods.

I ask the question: If I am a senior citizen on a fixed income, or I am a low-income resident of any inner city, or I am a worker caught in today's inflationary spiral, what will happen to me if import quota restrictions remove lower cost items from store shelves?

To answer my own question, my dollar would buy less than it does today. I will have to pay more for similar goods.

I think it highly speculative for domestic producers to eye any dollar spent on imported goods as a potential dollar that would be spent on domestic goods in the absence of those competing foreign goods. If low-cost goods are removed, I do not think that a person can project that amount as one that would be used to purchase higher cost domestic goods.

Others will offer statistics to document this increase in costs to consumers and I will only point out the opposition to the bill by Virginia Knauer, the President's Special Assistant for Consumer Affairs.

Mr. President, I will raise a rhetorical question regarding the impact of imported products on our domestic industry: If there had not been the Volkswagen, the Toyota, and the Datsun, would we have the Vega, the Pinto, and the Gremlin today?

A brief examination of the comparative profit margins of these cars with the larger car offers an indication of what the answer is:

While I am discussing imported cars, I call attention to a letter I received from Mr. Knute Kvale, Northwest distributor for Volkswagen.

Mr. Kvale points out the Volkswagen investment in men and equipment, and similar points were raised in letters from Mr. L. L. Stubberfield, of the Nissan Motor Corp., and Mr. J. J. Rye, of Toyota Motors.

Mr. President, I ask unanimous consent that these letters be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

RIVIERA MOTORS, INC.,
Beaverton, Oreg., October 28, 1790.

The Honorable MARK HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR MARK: In response to a telephone call from Walt Evans on the Import Quota Bill, I would like to inform you that we have twenty-two (22) Volkswagen dealers throughout the state of Oregon, plus our distributor facilities. This represents a total investment of approximately $9,000,000. There are 820 employees working in these dealerships and this distributorship.

In the state of Washington, there are twenty-six (26) Volkswagen dealers with approximately $6,500,000 invested and 716 employees.

Obviously, these dealers have based their investments in facilities, equipment and employees on a certain volume of business. Any reduction in volume because of import quotas would endanger the profitability of these dealerships and could only result in loss of jobs and income to many Oregonians and Washingtonians.

Sincerely yours,

KNUTE M. QVALE,
President.

NISSAN MOTOR CORPORATION IN U.S.A., PORTLAND REGIONAL OFFICE,
Portland, Oreg., November 9, 1970.

Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I would like to urge that you vote NO on proposed legislation concerning import restrictions. I am referring to HR189–70, and possible riders.

I am naturally interested in any legislation which would restrict the importing of Japanese Automobiles, and I have some information which you may wish to review as you consider your position on this issue.

The Nissan Motor Corporation in U.S.A. has been busy establishing dealers and selling cars and trucks in Oregon for more than ten years. The Regional Offices for Nissan in the Northwest United States are located in Portland. This $350,000 facility was completed only fourteen months ago and we are now in the completion stage of an addition which will double our floor space. Thirty-five persons are employed in this region and approximately $252,000 in annual payrolls are generated.

Presently there are thirty Datsun Dealers in Oregon employing four hundred and forty people. Estimated annual payrolls for these Dealers total $3,393,814.

Warehousing Nissan products in Portland involves an additional 35 persons and generates approximately $186,000 in annual payrolls.

In addition, there are some 800 longshoremen who handle Datsun and other unloading in Portland. Wages paid for these services, attributable to Datsun, amount to approximately $52,500 annually, according to the Commission of Public Docks.

Trucking our product from the warehouse to the Dealers involves over 260 people. While they transport many other products, imports now account for 24% of the total business and perhaps a half million dollars in annual payroll. As you see, I am pointing to at least 1570 jobs and nearly $4,500,000 in payrolls which are directly related to Nissan imports. This is in addition to the many

XUM

other imported cars which are marketed in Oregon.

Not only do the ships carrying Nissan products add substantially to the tonnage of the Port of Portland, but these same ships return to Japan carrying the products of Oregon. As an Oregonian, involved in the economic life of our State, I feel certain that if import restrictions by the United States were to result in similar restrictions by Japan, the resulting loss to our agricultural community would have a most serious effect.

Nissan Motor Corporation in U.S.A. imports cars and trucks which do not compete directly with Domestic products. Our model selection demonstrates that we are offering different products which fill different needs.

I hope that this information will be of use to you and I hope it will be your decision to oppose Import restrictions.

Thank you for your attention.

Sincerely,

L. L. STUBBERFIELD,
Regional Manager.

TOYOTA MOTOR DISTRIBUTORS INC.,
Portland, Oreg., October 30, 1970.

Mr. WALTER EVANS,
c/o Senator Mark O. Hatfield,
Senate Office Building, Washington, D.C.

DEAR MR. EVANS: Attached you will find the listing of the number of residents of the state of Oregon who are employed by Toyota Motors Distributors, Inc. and Toyota dealers. These figures *do not* include wives, dependants, or others who may depend on these people for their livelihood. Also, these figures do not include Convoy Company and the railroads who ship our cars to our dealers.

Needless to say, if you include Washington, Idaho, Alaska, Montana and Wyoming, this number would at least be tripled.

If we can be of further assistance, please do not hesitate to call upon us.

Sincerely,

J. J. RYE,
Assistant Regional Manager.

Attachment.

TOYOTA MOTOR DISTRIBUTORS, INC.
PORTLAND—59

Astoria	8
Bend	26
Brookings	7
Coos Bay	15
Corvallis	10
Eugene	16
Grants Pass	12
Gresham	7
Klamath Falls	10
Lebanon	16
Medford	16
Milwaukie	16
Newport	15
Gateway-Portland	23
Rambo-Portland	18
West Slope-Portland	23
Roseburg	8
Salem	19
Sheridan	10
The Dalles	12
Pendleton	3
Hermiston	11
Baker	5
Port Services Company-Portland	21
Total	386

Mr. HATFIELD. Mr. President, these gentlemen point out the fact that many imported products have an economic impact in the local area equaling that of domestic producers. This is not universal, for some imported goods do go directly from ship to store. This is worthwhile to consider as we debate this bill.

While I can understand the frustrations that have shaped this bill—and I hope our trading partners are reading the signs correctly—I cannot support this proposal. I am convinced that this bill would create more problems than it would solve. We need a trade bill, but the Trade Act of 1970 has been so loaded with extras it has become a no-trade bill. In my judgment, the quota provisions of this bill could set off a series of retaliations that would irreparably cripple our trade. With this bill we run the risk of ending up with trade at the same disastrously low level it hit in the Great Depression of the 1930's.

Mr. President, I wish to comment on another aspect of this broad problem. As Governor of Oregon, I led trade missions to Japan and Germany. Throughout my career in public service, I have been identified with the liberal trade point of view. These remarks today reemphasize this position.

I wish to stress, however, a coordinate position to our foreign friends with whom this country trades.

Trade is a two-way street. The current discussions in Congress highlight the feeling that the United States is doing more than its fair share in the trade sector.

I urge foreign countries to accelerate their activities to allow freer access for U.S. products. It is difficult to stand here and defend a liberal trade position in the face of some of the restrictions the United States faces overseas.

Recently, I met with some Members of the Japanese Diet. I stressed the need for Japan to move toward freer access for U.S. goods. Some liberalization in this area has been announced. More is needed. The European Community also must adopt a realistic stance on this matter.

Those of us who support liberal trade policies for the United States should not be viewed by foreign governments as satisfied with the current status of our export activity. I urge more liberal laws for foreign countries so more of our exports can get an even break on markets overseas.

To point out to my colleagues in both Houses the sweeping and backward looking nature of the bill they soon will consider and to acquaint them with the strong feeling this bill has aroused in the administration, I ask unanimous consent that the remarks that Dr. Hendrick Houthakker of the Council of Economic Advisers made before the Lawyers Club in New York City on November 4 be placed in the CONGRESSIONAL RECORD at the conclusion of these remarks.

I draw particular attention to Dr. Houthakker's statement:

> It has been pointed out that the trade bill represents a turning point in our attitude towards international trade, and in fact towards our position in the world generally. As you will have seen from the above remarks, I think the word "turning point" is quite appropriate. There is a great danger that because of some temporary adjustment difficulties, confined to a few products in a few industries, we embark on a course that will hurt many more people than it helps.

Dr. Houthakker also draws attention to the fact that passage of the bill could result in retaliation against some of our most efficient export industries such as agriculture and aircraft.

Mr. President, in my view, it is not wise to pass legislation that, while protecting certain sectors of our industry, would injure other sectors through retaliation.

I suggest that there are alternate, effective ways to protect those products actually injured by imports. Perhaps we would do well to study the measures Canada has taken to help its textile industry which also faces an import problem. I ask unanimous consent that two articles published recently in the Wall Street Journal, articles which outline these measures, be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 9, 1970]

CANADA FORMS PROGRAMS TO HELP TEXTILE FIRMS DEPRESSED BY IMPORTS

OTTAWA.—The Canadian government carried its "positive assistance policy" one step further when it announced it is formulating a program to help textile producers that are being hurt by low-cost imports.

Instead of concentrating on curbing these imports, the program will be aimed more at providing financial assistance to companies so they can diversify. It also would offer compensation to workers displaced by the change-over or automation.

Jean-Luc Pepin, Minister of Industry, Trade and Commerce said the legislation will be submitted to parliament soon. Meantime, the department has formed a clothing and textile board that would oversee the program.

BOTTOMLESS PITS

Announcement of the textile program ties in with the Trudeau government's apparent policy of getting away from continually protecting or subsidizing chronically troubled industries. "We're tired of putting dough into bottomless pits," one government source said.

Last week the government said it plans to adopt a complicated grains program that would be of more benefit to successful farmers than to unsuccessful ones. In years of low sales, farmers would be compensated from a fund established by themselves. Payments to each farmer would be based on his average sales of the previous three years. If sales in those years were high, the farmer would receive high compensation and vice versa.

Last month the government submitted legislation to extend government assistance to gold-mines through mid-1973, but specified that new mines wouldn't be eligible for the payments and that the companies couldn't hire new workers unless they have government permission. The government also said it's seeking ways to diversify the economies of gold-mining communities.

Mr. Pepin said the newly formed clothing and textile board will hold hearings next month on a complaint that low-cost imports of cotton yarns and cotton-polyester yarns are hurting domestic producers.

The producers, instead of requesting import curbs, would be seeking to prove that they need government assistance either to divert production into another textile line or to modernize production of existing lines.

This is part of the government's textile policy announced last spring to make the industry more competitive on world and domestic markets, Mr. Pepin said.

PERMANENCY SOUGHT

The board, Mr. Pepin said, was formed on "an interim basis," but parliament will be asked soon to approve permanent establishment of the panel.

The objective of the textile policy is to create conditions under which the Canadian textile and clothing industries can plan to move progressively toward the more viable lines of production on an increasingly competitive basis internationally, the minister said.

He said if it's determined that the imports offer "unfair" competition to domestic industry, the board could recommend that special duties be imposed on the imports of these products.

The new board's main function will be to advise the government on matters related to textile industry. By itself it hasn't any powers to grant financial aid or to impose measures to hold down imports.

[From the Wall Street Journal, Nov. 13, 1970]

Textile Tip From Canada

Canadian textile men, like their U.S. counterparts, have been complaining of greatly increased competition from imports. Unlike Washington, however, Ottawa has come up with a positive response.

The Canadian government is forming a clothing and textile board. Next month the board will hold hearings on claims that low-cost imports of cotton yarns and cotton-polyester yarns are hurting domestic producers.

If injury is proved, the affected Canadian companies and their employees may qualify for a variety of government assistance. The government may help the firms to shift to more profitable lines or to make their plants more efficient. Any workers displaced in the process may qualify for government compensation.

The aim, of course, is to promote the most productive use of Canada's resources and to avoid import restrictions that would inevitably lead to foreign retaliations against the nation's exports. That sounds reasonable enough, and in the U.S. the Administration has long supported much the same approach.

A great many members of the U.S. Congress, though, favor the pending legislation that would clamp import quotas on textiles and make possible similar curbs on a long list of other products. They do so despite the fact that several nations have made it plain they would quickly retaliate against American goods.

The Canadians propose help only for firms that really need it, not broad protection for an entire industry of firms, many of them prosperous, diversified and highly efficient. A similar course would be eminently more sensible for the U.S.

Mr. HATFIELD. In addition, Mr. President, I draw the attention of Senators to an editorial published in Business Week for November 14. I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Agenda for Congress

The political grudges that developed in the last election cannot be wished away, but it is time now for the lawmakers to put the bitterness of the campaign behind them. When the lame-duck Congress meets next week, it will face several pieces of legislation that demand speedy action:

The welfare reform program, the most important social measure produced by the Nixon Administration.

Bills to insure investors against brokerage failures and regulate mutual funds, which must be passed to prevent a dangerous loss of confidence in Wall Street.

The Treasury Dept.'s proposal to bring in over $2-billion in revenues through a speedup in collection of estate and gift taxes and extension of excises on autos and telephones—all needed to cut the deficit and enable the Federal Reserve to continue monetary expansion.

Inevitably, there will be a great many items that Congress cannot clear this session, and in some cases it would be just as well. The protectionist trade bill now before the Senate Finance Committee should at least be delayed to give U.S. negotiators a chance to hammer out a textile agreement with the Japanese that might avert a trade war.

On top of everything, though, the Finance Committee has slipped its trade bill into a Social Security bill, along with a measure to restrict welfare reform to a pilot program. The thinking is that the President could not veto this three-piece package. This is shoddy legislation. The Senate has a duty to consider each subject on its merits and not try to shove two dubious passengers onto the last train out of the station.

If Congress buckles down, it can handle the must measures, clear the seven remaining appropriations bills, and still get home for Christmas.

Mr. HATFIELD. Mr. President, in conclusion, I would hope that the Finance Committee would decide not to attach this far-reaching proposal to the social security amendments. A proposal of such magnitude deserves a full debate, apart from the merits of the social security amendments.

I ask my fellow Senators to weigh carefully the ramifications of the bill. We must not let local pressures of a short-range and local nature color our decision on the bill.

Mr. President, I ask unanimous consent that a letter from the Oregon Farm Bureau Federation, followed by Dr. Houthakker's speech be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Oregon Farm Bureau Federation,
Salem, Oreg., November 6, 1970.

Hon. Mark O. Hatfield,
Salem, Oreg.

Dear Senator Hatfield: We are deeply concerned about the recent move of the Senate Finance Committee to amend the social security bill, HR 17550, to include the provisions of proposed trade bill (HR 18970). We are afraid the import quota provisions could result in retaliation by other nations that purchase large quantities of our agricultural products.

A large portion of Oregon-produced wheat must find its market in foreign channels. We need to find means to export more of our wheat and other grains grown in Oregon to enhance the economy of many of our farmers.

It took several years to recover from the drop in cattle prices which resulted from the ill-advised embargo on hide exports in the early '60s. Oregon cattle producers cannot afford to have this happen again. We don't want to lose the export market that the meat packing industry has developed for hides.

Many Oregon businesses, agricultural producers and the Oregon Department of Agriculture, Market Development Division, has been constantly working to develop exports for our many specialty crops. A retaliation by foreign countries against the import quota provisions of the proposed trade bill would nullify all of the money and effort that has been expended to open up new markets for our many specialty products.

I do not want to leave the impression that we are not concerned about agriculture imports coming from foreign countries that compete with our products. Strengthening of our laws to prevent dumping and establishing standards for quality and sanitation of imports as well as developing other methods of handling certain unfair trade practices would help control excessive imports when they injure the domestic industries. We recognize that if we are to export, we must import, but we must do this in a manner that other countries reciprocate by removing some of their trade barriers. We must find reasonable accesses to foreign markets.

Careful consideration of these recommendations will certainly be appreciated.

Sincerely,

Ralph Robinson,
President.

The Outlook for International Trade

(Remarks of Hendrik S. Houthakker, member, Council of Economic Advisers)

The dollar value of world trade in 1970 (excluding the Communist countries) is likely to be more than twice as large as it was in 1963. Nearly all of the increase has been "real", since the increase in prices in international trade has been very modest: little more than 10 percent since 1963. This very rapid growth in volume is undoubtedly the principal source of the problems that face us in this area. International trade requires adjustments in both the exporting and the importing countries, and these adjustments are sometimes painful.

The United States has shared fully in the growth of international trade. Our exports in 1970 also promise to be more than twice what they were in 1963, and our imports are likely to be 2½ times as great. Here, too, most of the increase has been real rather than caused merely by inflation. Since real GNP has gone up by only about one-third since 1963, it follows that both exports and imports have become relatively more important to our economy.

We are all aware of the considerable share of our farm production that goes abroad, but there are also a number of manufacturing industries where exports are a significant percentage of total demand. In 1969, for instance, exports are roughly estimated to account for 9.3 percent of the total shipments of the machinery industry (except electrical machinery). Similar percentages are 7.4 percent for instruments and related products, 6.8 percent for transportation equipment, 6.4 percent for chemical and allied products, and 5.5 percent for electrical machinery. All these percentages are probably greater for 1970, when exports grew more than GNP. For the whole economy it can be estimated that about 2½ million jobs are directly related to exports, a figure that should give pause to those who are worried about the effect of imports on domestic employment.

We have just seen that our manufacturing exports are spread among a considerable number of industries. The same is true on the import side. Rough estimates for 1969 indicate that the industry that had the largest share of imports in total supply is leather and leather products, where the percentage is 10.4. Next come lumber and wood products and other durable goods, each with 8.9 percent. They are followed by apparel with 7.3 percent, primary metals with 6.5 percent, and transportation equipment with 6.1 percent. It is worth noting that textiles, with 5.5 percent of total supply provided by imports, is not among the industries where the percentage of imports is particularly high. In fact the textile industry also has significant exports, which amounted to 1.8 percent of total shipments in 1969. The import problems of the textile and apparel industries are confined to some specific categories, such as sweaters and shirts.

Given a reasonable degree of adaptability on the part of American industry and labor it can hardly be said that the import percentages just given indicate a major threat

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to domestic employment generally. We often hear assertions that more than 2 million workers in the textile and apparel industrials are in immediate danger of having their jobs eliminated by imports. This is obviously an exaggeration. Far more people leave the industry voluntarily each year than could be made unemployed by an increase in imports. The Administration is, of course, sensitive to the problems raised by the growth of imports in certain specific textile products. For that reason it has been seeking ways to limit the exports of these products in order that this specific problem would not develop into a general move towards protectionism.

In a gathering of economists there presumably is no reason to elaborate on the advantages which the United States derives from foreign trade. Not only is international trade of considerable importance in keeping our domestic inflation under control, but our exports are also a significant generator of employment opportunities. The notion that we can restrict our imports without feeling adverse effects on our exports will not bear examination. This is true not only because import restrictions imposed by us in violation of the General Agreement on Trade and Tariffs are likely to lead to retaliation, or because of repercussions through other countries' balance of payments. What is more serious is the likelihood that a move toward protectionism on our part will find a worldwide response in the same direction. The rapid growth in world trade which we have seen in the postwar period is due in large part to an increased public recognition of its benefits to both exporters and importers, though some credit should also be given to a downward trend in transportation costs and to improvements in the international monetary system.

The significance of the trade bill that is now before Congress lies not so much in its actual provisions, but in its psychological impact. Ever since the 1930's the United States has been a leader in the movement towards freer world trade. Every President from Franklin Roosevelt to Richard Nixon has emphasized its benefits to us, not only on economic but also on political grounds. To achieve freer trade we have had to overcome opposition not only within the United States but also in many other countries, where protectionist traditions are no less strong. If we now give in to protectionism, the climate of international trade is likely to deteriorate rapidly. The non-tariff barriers of which we have often complained are likely to become much more important than they are now. The growth in our exports, which has been a valuable stabilizing factor in the current economic readjustment, is likely to be slowed markedly. The many U.S. corporations who have branched out into foreign countries are likely to feel the adverse effects as well. Our political relations with a number of countries that are now our friends will be become poisoned by disputes over sweaters, shoes and clothespins, and I for one am unable to see what we will have gained in return.

It is heartening to see the the dangers in the trade proposals currently before Congress find growing recognition. The spokesmen for American agriculture have been especially effective in asserting our interest in freer international trade. Some of our industrial exporters have also made their views known. But I am not sure there is as yet full realization of what trade restrictions would mean to the future of our economy. Out of many possible examples let me just take one where the consequences of a return to protectionism are especially clear. I am referring to the supersonic transport. We all know that there is considerable disagreement on the merits of this particular project. It is not my purpose today to speak about the pros and cons of the SST, which depend to a large extent on the success of the Anglo-French Concorde. Let me just reassert the Administration view that as long as the British, the French and the Russians are willing to develop commercial supersonic planes with large government subsidies, we cannot afford to leave our aircraft industry out of the race, at least to the point of developing a prototype. We should all realize, however, that the case for the SST is based largely on exports. Since the SST will not be used over inhabited areas, the domestic demand for this plane would hardly be sufficient to justify government help in its development. The sales projections that have been made indicate that at least half of the planes would be sold to foreign airlines.

The prospect for selling planes abroad will no doubt be severely reduced if we make protectionism respectable again. Many foreign airlines are owned or otherwise controlled by governments, and therefore subject to pressure in their purchase of equipment. Moreover some other governments have already shown that they are willing to spend large sums of money to develop their own planes. It is true that the present version of the Concorde is not a serious competitor for our SST, mostly because of its small size, but further development can no doubt take care of that problem. Our principal customers, especially in Europe, would therefore be more likely to turn to foreign supersonic aircraft, which would render our SST uneconomic. To put it more bluntly, if the trade bill passes in anything like its present form the SST would be a dead duck.

It has often been pointed out that the trade bill represents a turning point in our attitude toward international trade, and in fact towards our position in the world generally. As you will have seen from the above remarks, I think the word "turning point" is quite appropriate. There is a great danger that because of some temporary adjustment difficulties, confined to a few products in a few industries, we embark on a course that will hurt many more people than it helps. There are adequate means short of quotas for dealing with these transitional problems, including adjustment assistance and, in certain cases, voluntary restraint on the part of exporters. The Congressional debate on the trade bill has so far not given much encouragement to those who believe in free enterprise and the pursuit of the general interest, but I have not given up the hope that wiser counsel will prevail.

What will happen in the next few weeks depends to some extent on the actions of other countries. The resurgence of protectionism in this country is based partly on the belief that other countries have not gone as far in the direction of free trade as we have. I do not think this widespread belief is entirely justified. The European Economic Community is often held as an example of restrictive trade policies, but it should not be forgotten that its overall policy, at least in the areas outside of agriculture, has been fairly liberal on balance. We do have our differences with the EEC in the area of agriculture, and also on the subject of the preferential agreements that the EEC has concluded with a number of Mediterranean countries, as well as on some other matters which I will not go into here but which are of lesser importance. I shall say more about agriculture in a moment, but let me just mention briefly that the question of preferential arrangements is also of great concern to us. Even though these agreements have so far done only limited damage to our trade interests, a division of the world into trading blocs will surely be harmful to the efficient international allocation of resources. The Administration has often stated its support for greater European unity, but this does not mean that we are prepared to let our interests be ignored. The EEC justifies the expansion of preferential agreements in the Mediterranean area partly by political considerations, yet it should not be forgotten that the defense of this area has been entrusted primarily to the U.S. Navy, so that we have political interests there as well.

We have long recognized that the political unity of Europe will have economic consequences, but we have also believed that these will be favorable for the world as a whole provided the Community maintains an essentially liberal trade policy. It is open to doubt whether the preferential agreements concluded by the EEC will have equally favorable economic consequences. Similarly the support which we have given to enlargement of the Community by adding new members should not be interpreted to mean that we are abandoning any of our rights under GATT, or that we would condone any tendency on the part of the Community to become more inward-looking.

Agricultural policy has been the principal stumbling block between the Community and the United States for several years, and it continues to be so. Although we recognize that a Common Agricultural Policy is necessary to have a meaningful Community, this does not mean that we must agree with the specific form which the Common Agricultural Policy has taken. In particular we remain concerned about the high internal price level for farm products in the Community, which has led to overproduction and to the dumping of surpluses in foreign markets, where they compete with our own farm products. Given the strong support which our farm groups have given to free trade, we cannot help but be disappointed by the apparent unwillingness of the Community to discuss meaningful changes in its farm policy. Our own long experience with farm policy has taught us that high farm prices are not a good way of supporting farm income, and we therefore find it difficult to accept the argument that the Community has no other way of solving its political problems. The experience in some European countries would point in the same direction. The quantum system that was in force in France before the Common Agricultural Policy was probably a more efficient way of meeting the legitimate demands of farmers than the present system where production is virtually unrestrained and indeed overstimulated.

In other parts of the world there are also measures that could be taken to improve the climate for international trade, and thereby reduce the pressures for protection. It is encouraging that Japan is now proceeding somewhat more actively with the liberalization of its import restrictions, but there still is a long way to go. Since Japan, like most other countries, is subject to strong inflationary pressures it would seem that additional increases in imports would be especially helpful from its domestic point of view. In the case of the United Kingdom the recently announced plans to move towards higher farm import prices must also be viewed with concern, and not only because they would constitute further interference with the normal processes of agricultural trade. Although higher farm import prices might ease the strain on the British government budget, they would also raise prices to consumers, and thereby make Britain less competitive, with possible detriment to its balance of trade. We obviously cannot treat these plans with indifference.

The preservation and stimulation of a healthy international economy is not going to be easy in the next few years. We have entered a period of growing pains, in which various nostrums will be urged upon us as a cure for symptoms that will mostly disappear by themselves if we just leave them alone. As economists we have to see to it that the public at large retains a sense of proportions, and does not allow some transitional problems to block the road towards international prosperity and harmony.

THE CROSS-FLORIDA BARGE CANAL

Mr. HOLLAND. Mr. President, the September–October 1970 issue of the Florida County Government and Port Authority magazine contains an article about one of Florida's most controversial navigation projects, the Cross-Florida Barge Canal. As every Senator well knows, I strongly endorse the project and regret that it has been the target of what I consider unwarranted, unfavorable criticism. Because the article gives an insight into some of the opposition to continued construction of the project, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BARGE CANAL—NOBODY KNOWS THE TROUBLE IT'S SEEN

(By Jim Long)

The faint sounds of the "public" outcry were beginning to be first heard in Florida less than five years ago—"Save the Oklawaha!"

At first, the battle song was confined to outraged discussions at meetings of genuine conservation groups, numbering few indeed. Their members began a campaign of besieging newspapers and radio and television commentators.

The propaganda extended even to bumper stickers: "Save the Oklawaha!"

Somewhere along the line in the past several years, the catalyst for preserving the Florida environment—and the environment of the rest of the nation—appeared. When and what and who and where can't be pinpointed.

Perhaps "progress"—the catch-all word—had gone too far and, suddenly, conservation and environment and pollution became the "in" words.

It has become a political action, bar none—the bandwagon upon which just about everyone has leaped. Like most political actions the pendulum has swung far—much too far in the opinion of many. Courageous is the politician who does not declare himself a 100 per cent, Grade A, All-American conservationist, from Richard Nixon on down through precinct committeeman, and therein lies the power bloc.

The Cross-Florida Barge Canal had just begun its diggings near Palatka and the St. Johns River when the first faint cries became a continuous screaming and shouting, and the U.S. Army Corps of Engineers—in complete innocence—became the target.

The Cross-Florida Barge Canal has become the classic example of mass guilt transference. The conservationists' campaign has become primarily a campaign of emotions.

Now that the canal is more than 30 per cent complete and the Oklawaha River virtually destroyed, if there is anyone to blame, it is people of Florida. It is they—through their political representatives in the state and in the Congress of the United States who begged, pleaded, cursed, urged the construction of a project in which the Corps of Engineers—the scapegoat, if you will—now finds itself embroiled.

And the great majority of "conservationists" are on a collision-course with a pitfall of political action: They are not telling the whole truth.

Are conservationists really dedicated to a campaign to "Save the Oklawaha?"

The Florida Defenders of the Environment, with headquarters in Gainesville, are one of the most militant conservation action groups. Listen to this piece of literature mailed throughout the United States urging support of the move to stop construction of the canal:

"The fundamental purpose of this effort is not to save one particular river or ecosystem. It is to show that the public will no longer tolerate massive destruction of the natural environment by projects undertaken without proper environmental studies, evaluations and planning, and it is to prove that an ill-advised project, even though already authorized and partially constructed, can be stopped. Preventing the destruction of the Oklawaha regional ecosystem by the Cross-Florida Barge Canal project will set a precedent for all those who would protect their environment anywhere in the United States."

Obviously this is not the purpose impressed on the people of Florida; that purpose is to "Save the Oklawaha."

The Corps of Engineers is a third of the way through the cross-state canal; indeed, only about 20 miles of the Oklawaha River valley remains intact. But the power of the conservation lobby cannot be underestimated.

Exhibit "A" is the Miami-Dade jetport in the Everglades, an entirely different ecological situation. The site had been cleared and a training runway constructed—millions of dollars spent—when the jetport was brought to a sudden stop by an order from no less than President Nixon.

The Corps of Engineers, in nearly 200 years of its existence, has never had a project halted in mid-construction. Whether the canal will be the precedent the Florida Defenders of the Environment seeks remains to be seen.

But there are a few sins of omission which need to be told, sins learned by a tour of the canal by editors of Florida County Government & Port Authority Magazine:

Conservationists claim the Rodman Pool, created near Palatka to serve the St. Johns lock, remains chocked with timber, logs and debris when, in fact, it is virtually a cleared lake, a phase of the program long-planned by the Corps of Engineers.

Conservationists claim the Rodman Pool is saturated with water-weeds, particularly water hyacinth, when, in fact, the percentage of water weeds is nowhere near alarmists' claims, and those are being controlled with sprays.

Conservationists claim fishing has been destroyed in the area of the Oklawaha valley where canal work has been done, when, in fact, fishing has greatly improved, as attested by the hundreds of fishermen crowding the river and Rodman pool banks daily. The Corps of Engineers has plans to preserve it.

Conservationists claim the valley was in a natural state before the project turned the first spade, when, in fact, half a dozen or more developers had already broken ground along its "inaccessable" reaches for subdivisions and trailer parks and fishing camps, and were already pouring thousands of gallons of raw sewage into the river daily throughout most of its length. That pollution was stopped by the Canal Authority of Florida, charged with acquiring canal right of way, which exercised its power of condemnation in purchasing many developing areas along the shoreline.

Conservationists claim that valley forests will be destroyed by the canal. Many acres of pure woodlands are already destroyed and others left standing in the pools are dying. But, in fact, the river—from its headwaters in the lakes of Central Florida—has been dammed and channeled and widened to Silver River near Silver Springs, and virtually all its cypress removed by commercial operations for half a century or more.

A tour will reveal many other conceptions impressed upon the public are, in actuality, misconceptions, encouraged by opponents of the barge canal.

On the tour taken by FCG&PA editors, the party also included Dr. Joe A. Edmisten, professor of biology and director of environmental studies at the University of West Florida at Pensacola; Colonel Giles Evans, retired Army engineer and manager of the Canal Authority of Florida; Colonel R. M. Bachman, also a retired Army engineer and chief of the division of waterways, State Department of Natural Resources; Dave Bowman, Corps of Engineers ranger in charge of the Rodman pool, and Tom Holland, Corps of Engineers ecologist.

At Silver Springs before the tour began, the party lunched with Ocala and Marion County proponents of the canal, including County Attorney Willard Ayres; Ted M. Reiter, board member of the Canal Authority of Florida; Clerk of Court John Nicholson, former president of the Florida Waterways Association, and Bernard Watts, editor of the Ocala Star-Banner.

The consensus of those officials—and Putnam County-Palatka officials at the terminus of the man-made canal into the St. Johns River—was that they were being greatly wronged by unfounded charges of environmental devastation of the Oklawaha Valley. They see the canal as an opportunity for vast commercial and recreational development along the route, an opportunity they say will allow the area to enjoy the progress of other Florida communities.

The tour began at Silver River (called by the natives Silver Run) at the Ocala boat dock and proceeded down Silver River by Florida Marine Patrol boat to the confluence with the Oklawaha River. The boat moved upstream some two miles, but was unable to proceed further because of low water, held back from the lakes by the Moss Bluff dam to allow bridge construction at Sharpe's Ferry.

It is in this area that the Southwest Florida Water Management District has channeled the river and accomplished other work for flood control, with spoil being piled several hundred feet from the river's edge into the backwoods.

Colonel Evans pointed out: "Frequently overlooked entirely is the problem of handling flood flows from the upper Oklawaha. Were the increased flood handling capacity of the canal not available, the entire Oklawaha River to the St. Johns would have required straightening, widening, deepening, clearing and channelization, just as presently is in process along the stretch from Moss Bluff to Silver Run."

The second segment of the tour was along a 20-mile stretch of what really is left of the so-called "unspoiled" state of the Oklawaha. But man's mark was seen along almost the entire stretch.

Colonel Evans noted: "Private developers, groups and individuals were filling up lot-sized holdings along the Oklawaha wherever they could obtain possession. One 69-acre tract in Rodman Reservoir encompassed over 300 such lots. Another developer proposed several thousand home sites immediately abutting a swamp corner of the future Eureka Reservoir. The canal project forestalled this development."

Pointing out man's invasion of the Oklawaha Valley since the turn of the century, Colonel Evans said: "Private timber companies cut all the virgin cypress they could move out of the Oklawaha bottoms . . . their hoist and skid paths still showed as distinct striations on aerial photographs until finally obliterated by canal construction. The successor shallow-rooted second growth trees readily fell to erosion from the Oklawaha's current and frequently blocked any navigation unsustained by axe and saw."

Indeed, on four separate occasions, the river was blocked by trees which had fallen since the last official party had toured the river only a couple of weeks earlier.

At Eureka, where the "natural" Oklawaha ended and the upper reaches of the Rodman Reservoir began the party came upon the completed Eureka Dam and Lock, breaking

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out of the heavily-forested river. Along the entire route, water fowl and wildlife were abundant as upper Rodman Pool waters inundated broad stretches of the river, its still-standing timber apparently unchanged by flooding.

The path ahead through the pool lay 16 miles to the opposite end, where the major water reserve of the reservoir was trapped behind the Rodman Dam. The dug canal itself took another path to the northeast to the St. Johns Lock, a short distance downstream, while the natural Oklawaha River continued from the dam to the St. Johns River, a distance of several miles. It will remain.

This portion of the huge reservoir had been all but cleared of floating timber and vegetation and scores of fishermen lined the shores.

Robert D. Blackburn, botanist with the U.S. Department of Agriculture who specializes in aquatic weed problems, discounted dire predictions of the reservoirs becoming weed-clogged.

He said: "At the present time aquatic weeds are of minor importance in the Rodman reservoir. Spray operations by the Corps of Engineers have resulted in excellent control of water hyacinth. The problem of hyacinth control is reduced to a maintenance operation and continued maintenance spraying . . . will prevent further problems."

It must be pointed out, too, that hyacinth in canal areas is perhaps better but no worse than hyacinth in other Florida lakes and waterways.

The FCG&PA tour party remained overnight in Palatka and joined city and Putnam County officials at breakfast the next morning, after which a tour was made of the new barge port north of the city on the St. Johns. Funds for construction were obtained through the sale of bonds, passed overwhelmingly by county voters in a referendum. The cost is nearly $1 million.

Hosts for the breakfast and tour included Hamilton Gordon, executive vice president of the Putnam County Chamber of Commerce; Col. Raymond Buntin, manager of the port authority; Mayor I. J. Hudson of Palatka; R. G. Williams, chairman of the chamber's waterways committee; and W. Perry Brown, assistant vice president and division manager, administration, Hudson Pulp and Paper Co., the county's largest industry.

It was curious to note that in the face of opposition from all parts of the state and nation, those most affected—residents and officials of Levy, Marion, Putnam and Duval counties—are the canal's most ardent supporters.

Perhaps not so curiously, contact with the Florida Defenders of the Environment and a request for information brought through the mail only those papers written by opponents of the canal. One of these was a statement of opposition from the Florida Game and Fresh Water Fish Commission, which only a few years earlier had been one of the most avid supporters. It was a complete turnabout from its earlier position after environmental control had assumed serious political overtones.

Another switch came from A. P. Black, research professor of chemistry and sanitary science, University of Florida, and president of Black, Crow and Eidsness, Inc., water engineering firm widely used by cities and counties throughout Florida. Said he: "I am convinced that the construction of the cross-state barge canal . . . poses no present or future danger to either our surface or ground water resources."

He is joined in this belief by Glen L. Faulkner of the U.S. Geological Survey, who made an exhaustive study, published in book form, of the geohydrology of the canal with special reference to the Ocala vicinity, and Dr. Robert L. Vernon, Florida state geologist, who has spent a lifetime studying Florida's geological and hydrological regimes.

In February of this year, Rep. Richard Tillman, chairman of the House committee on conservation, released a report on "a critical review of the Cross-Florida Barge Canal—conclusions and recommendations." The report noted that Florida "made a full and deliberate commitment, equivalent to a contract, with the federal government to provide the right of way for a canal with local and national benefit," and that this decision "had the concurrence of the U.S. Fish and Wildlife Service, the Florida Game and Fresh Water Fish Commission, the Florida Board of Conservation, and the Florida Geological Survey."

The study found that the cost-benefit ratio was more than five to one, excluding Florida benefits.

The report noted that in 1904 a dam was constructed on the Withlacoochee River about three miles east of Inglis under a permit issued to the Camp Phosphate Company. The dam was a hydroelectric power structure which had a lock for phosphate barges.

Approximately 3,500 acres were flooded to form Lake Rousseau.

The report said a study in 1963 showed that Lake Rousseau was the most heavily fished area in the vicinity of the barge canal route, with the same sports fish being caught as those in the Oklawaha. The report added: "The flooded river basin has provided a boon to the sport fisherman because the remains of stumps and trees, plus the decayed vegetation, provide a habitat conducive to fish propagation and growth. Eight fish camps are located on Lake Rousseau."

In attacks on the canal, opponents carefully avoid mentioning the half century old history of Lake Rousseau.

As for canal opponents not playing cricket, Colonel Evans, in a statement to the Florida Senate committee on natural resources and conservation, pinpointed the role of the Corps of Engineers in canal construction and outlined how the corps had become the scapegoat in the project.

Said he: "This project was initiated at the insistence of Florida and allied interests . . . the United States has already spent over $45 million on the project, which is one-third complete. Florida's funding to date is . . . $13 million and the canal authority has obtained over 85 per cent of the right of way. The purported ruin of the Oklawaha River is a distracted fantasy . . .

"Local interests, not the Corps of Engineers, must initiate these projects. The corps simply serves as the investigative and engineering agent for Congress and the public."

(Historically, the Corps of Engineers has always been conservative in its cost-benefit ratio on all public projects, including the barge canal. Its figures on the canal cost-benefit have been increased by other agencies. Recreational benefits were included on the canal only after the corps was directed to do so under a law passed by Congress. The corps some years ago recommended against building the canal, but was overruled by a special board of review after additional evidence and information had been submitted by local interests.)

Colonel Evans added: "The canal project opens the entire valley to the boating public and provides greatly improved access facilities . . . since the United States will hold fee title to a collar around the edges of the reservoirs, the public is assured of ample access for fishing and other recreational activities."

In July, the Corps of Engineers opened the first of ten such recreational areas around the Rodman pool at the Rodman dam.

Colonel Evans asserted that the Corps of Engineers has done more than any one single agency for the overall cause of conservation, including exploring, cataloging and conserving the flora and fauna of the West, recommending the establishment of the National Park Service, made the first hydraulic studies on the Mississippi River, made plans and studies on the Tennessee Valley Authority (TVA), and developed fish ladders "long before the public became concerned about natural values."

In a refutation of charges by the Florida Defenders of the Environment, W. A. McCree Jr., of Orlando, president of the Florida Waterways Association, made these categoric denials.

Porosity and leakage around canal structures will not be a problem in pollution and hydrologic changes in the acquifer.

There is no record of earthquakes in the Oklawaha Valley and the reservoirs will act as stabilizing agents.

There is an excellent market for mineral resources in the canal area, including dolomite.

Water supplies in drought periods will be adequate for canal operations.

The Corps of Engineers will place rigid guards against possible pollution of the aquifer where the canal penetrates aquifer rocks. Natural cleansing of the ground water will remove any minor threat of contamination to the large springs in the area.

Any possible leakage from the Summit Pool (near Ocala) will be rigidly controlled.

Major flood control benefits will result in the Oklawaha Valley because of the canal's construction.

Management will improve the water conditions in the area.

Plant and animal life will undergo changes in the valley, which construction of the canal will preserve, rather than destroy, because most of the surrounding area was in private ownership and the invasion by individual owners threatened uncontrolled development.

Water weed will come under more adequate control than most other Florida lakes and streams.

Land values will be enhanced by development of the area.

The sizes of locks were designed for canal barges and tows and were never meant to include ocean-going barges and tows.

A DESERVED TRIBUTE

Mr. GRIFFIN. Mr. President, we all regret that one of the Senate's most distinguished Members, Senator John Williams of Delaware, will retire at the end of this session after 24 years of service.

An article published in the Washington Sunday Star of November 15, 1970, reviews our colleague's outstanding record.

Mr. President, I ask unanimous consent that the article, written by Dorothy Marks, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Retiring Williams Thinks That 65 Is Old Enough

(By Dorothy Marks)

He speaks softly but carries a big stick. He has been called the "watchdog of the Senate," a "one-man FBI," the "whispering terror," a "self-righteous nitpicker" and "Honest John."

Honest John is soft-spoken but hard-hitting John Williams, Republican of Delaware, one of four senators voluntarily giving up his seat this year. The others are Democrats Spessard Holland of Florida, Eugene McCarthy of Minnesota and Stephen Young of Ohio. The least colorful of the four, Williams may be the one that the taxpayer will miss most.

As with many things he has done there in the past 24 years, Williams is leaving the Senate "as a matter of principle."

"No one over the age of 65 should start out on a six-year Senate term," he says simply. Although he looks younger and is in robust health, Williams turned 66 in May.

"Back in February 1969, when I announced I was retiring, I suggested there should be a mandatory retirement age for senators, congressmen and judges," he said. "I meant it."

CUTOFF AGE

"One of my last acts here will be to propose a constitutional amendment making 65 the cutoff age for any senator taking the oath of office, 68 for a Congressman and all judges would be required to retire at 70.

"Naturally, I am doing it knowing Congress won't get around to considering it this session. Besides, I wouldn't want it to influence anyone running this fall. But I hope the Senate will take a good, long look at the proposal next time around."

Williams is the only man ever to have been elected to four consecutive terms from Delaware. Republican politicos have been singing "say it isn't so" in his ear ever since he said he was quitting. "There is no such thing as a draft unless a politician wants it that way," he says drily.

To suggestions he take on the job of "ombudsman" to the White House, the answer is a firm "no" too.

Isn't it true some men are old at 50 and others young at 75? "Sure," Williams said, "most of my friends up here are over 65 (about a third of the Senate falls in this category, in fact) but, overall, I believe it is a good thing that a man not grow old or stale or feeble in an important job like this."

The mandatory requirement proposal has brought "a lot of favorable mail from people around the country" but his fellow Senators have been strangely silent, he said.

The senator's youthful appearance could be the result of clean living. Neither he nor his wife drinks or smokes, and they shun the cocktail circuit. He spends weekends strolling the fields—sometimes with a gun over his shoulder—on several small farms he owns in his native Millsboro. Or he and his wife watch the waves roll up in front of the cottage they own on the uncrowded end of the Rehoboth Beach boardwalk.

Weekdays he arrives at the office at 7:30 a.m., skims through his personal mail, and then heads for the Senate dining room for breakfast with Democratic Majority Leader Mike Mansfield and Republican Sen. George Aiken of Vermont and his wife, Lola. Under his proposed constitutional amendment, Mansfield, 67, and the rugged and immensely popular Aiken, 78, would be ineligible to run again.

Among Williams' special friends on the Senate Finance Committee, where he is ranking GOP member, are Len Jordan, of Idaho, 71, Wallace Bennett of Utah, 72, and Carl Curtis of Nebraska, 65.

Striking out for what he believes right regardless of where the chips fall is nothing new for Williams. Since 1946, he has been sniffing out corruption in government, checking the figures and reading the fine print to see where Uncle Sam's expenses could be shaved and the taxpayer's interest protected.

Most often, his targets have been Democrats, but there are several Republican scalps among his trophies, too. His probe of the Internal Revenue Service under Harry S. Truman resulted in the conviction of Joseph Noonan and 120 other officials with him. Sherman Adams, Eisenhower's chief of staff, and Guy Gabrielson, Chairman of the Republican National Committee, were toppled by conflict of interest charges first raised by Williams.

Bobby Baker, Secretary of the Senate Majority under Lyndon Johnson, is one of his later victims.

A conservative on most issues, Williams impressed even those who dismissed him as a "'self-righteous nitpicker" when he went after oil depletion allowances and attacked tax advantages given the giant Dupont company of Delaware.

TAX CHICANERY

His own brush with corruption as a young man probably started him on the muckracking role he has played ever since. One of 11 children in a strict Methodist family, Williams was in the grain business with his brothers when the IRS charged him with failure to pay his taxes.

Outraged, he travelled to Wilmington, tax receipts and cancelled checks in hand, to find a tax collector there had been quietly been embezzling his and other's monies. To make matters worse, the director, a political appointee, was trying to hush the matter up to protect his party.

"I guess you can say the thing I feel best about," Williams told me, "is the investigation I made in the late '40s and early '50s which resulted in the 64 Internal Revenue Service Collectors around the country being taken out of politics. After all, every person in the country has to deal with the IRS and, if he loses confidence in this agency, he loses confidence in his government." And he would stop paying taxes, too.

"I have a lot more confidence in the integrity of the men who run government now than I did when I came here," he said.

As a penny-pincher, Williams has proved somewhat of a hair shirt to his fellow senators. He has never taken a trip abroad on Senate funds. "Some congressional travel is necessary and helpful," he says, "but there are entirely too many world junkets at public expense."

He initiated a request to the Comptroller General which resulted in a ruling that Congressmen and Senators return the unused portion of their stationery allowance to the Treasury instead of pocketing it.

In view of the record federal deficit, he opposed the senators' hiking their salaries from $30,000 to $42,500, and forced a roll call vote instead of a voice vote on the proposal. He also succeeded in stopping a 20-year practice of the Defense Department's giving legislators 24-hour notice of contracts being let in their States so they could announce it first.

In Medicare, he has fought against overpayments to hospitals and doctors' fudging on their taxes. He went after lawyers who charged aliens what he thought were exorbitant fees to get private bills introduced granting them citizenship. He got legislation through forbidding presidents and other public officials who turn over their papers to universities from taking deductions for them as charitable donations, a move which some historians are not entirely happy with, on the ground some valuable public documents may now rot away in attics.

Williams is still working to sharpen up procedures of the Senate Ethics Committee, and applauds the recent House Reform Bill as "a small step in the right direction which the Senate will certainly act on this session."

The senator is close-mouthed about his future plans although his top aide, Eleanor Lenhart, will be working for him back in Millsboro after January. He may do some writing or take on "advisory" assignments. "My papers are going to the Delaware State archives," he said. "They will have to be kept sealed for some years, though, to protect informants and others named there."

The Senator has another piece of unfinished business. He has been irked for years that visitors to the Capitol must pay a 25-cent fee to private guides for a tour, and he personally sees to it that no Delaware constituents see the Capitol this way. He wants the tours free and the guides placed under Civil Service.

"I think I'll do something about this before I leave. It is not the quarter," he says characteristically, "it's the principle."

WHAT IS HAPPENING TO OUR COUNTRY?

Mr. GOLDWATER. Mr. President, in August of 1968 a distinguished Arizona housewife, Mrs. Ralph Diamond, wrote a guest column for the society editor of the Phoenix Gazette newspaper that proved especially prophetic. Beginning with the question, "What is happening to this country?" Mrs. Diamond went on to provide the Gazette's readers with a unique view of conditions that were building up in our country. She noted a growing trend to concentrate on our failures as a nation while forgetting our many accomplishments. She dealt concisely with the problem of hampering our police in the performance of their duty in an overweening effort to protect the rights of the criminal. She decried the attack on American business and the profits which provide millions of well-paying jobs. She pointed out that we spend billions making it possible for some people not to work.

Because I believe Mrs. Diamond's observations were typical of those held by millions of less articulate American housewives today, I ask unanimous consent that her column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HAVE WE FORGOTTEN HOW TO SAY "NO"?

(By Mona Mackley, Gazette Society Editor)

Today's guest columnist, Carolyn (Mrs. Ralph) Diamond, belongs to two of the oldest families of Arizona—the Melczers and the Diamonds.

Carolyn has a myriad of friends. She could golf, party and play all hours of the day. But "no thank you" is her answer to that. Husband Ralph (of the Diamond department store clan) and their three children have been first interest, of course. Daughters are Debby and Carol and son Chip is really Ralph Jr.

Then come the many community service organizations that have needed, and unendingly used, her talents. Mrs. Diamond has been an officer, president or on the boards of so many: Junior League, St. Luke's Board of Visitors, Cancer Fund, Cardiac Aid, Volunteer Bureau, United Fund and maybe dozen others. . . . Occasionally she finds time for tennis and quickie vacation trips to the coast with the family. She is Arizona born, and a University of Arizona graduate.

But Carolyn also is one of that growing group of women in the country with great interest in national and local problems and governments as well as the civic organizations of their own communities. Yes, despite her warm smile glowing from freckles and reddish brown hair and a quick and kind sense of humor, Carolyn Diamond is one of the women of today deeply concerned with today and its tides.

WHAT IS HAPPENING TO OUR COUNTRY?

(By Mrs. Ralph Diamond, guest columnist)

What is happening to this country?

This question is in the uppermost thoughts of many Americans.

It seems to be the trend to concentrate on our failures and forget our accomplishments. We are constantly bombarded with reminders of our shortcomings . . . And are accepting a feeling of mass guilt for everything from the unfortunate assassinations to the unjust plight of the minorities.

We seem to be turning our backs on everything that made America great. We hamper police and protect the rights of criminals—at the expense of law-biding citizens.

Instead of teaching respect for law and authority, we condone those who break the laws—so long as they feel the law is unjust and their "cause" is good.

We forget that capitalism is the basis for our economy. Businesses, built from profits and providing millions of well-paying jobs, are caught in a squeeze due to controls and taxes destined to destroy the profits necessary for future jobs.

Yet we spend billions for people NOT to work.

We have raised our children under the permissive direction of Dr. Spock and John Dewey. . . . And wonder why they have no respect for us, for themselves, for authority, or for our country.

We have stood idly by while the family group and mores have eroded.

W have forgotten how to say "No!"

We have sacrificed to send our children to college . . . sometimes to come under the influence of professors who teach disrespect for the very principles that are the essence of democracy and freedom.

We are caught in the spiral of inflation and higher taxes . . . and read where the tax-exempt Ford Foundation is granting huge sums to the National Students Association for "peaceful" agitation on college campuses.

We read of huge government programs to train lawyers in the new field of "poverty law" . . . and that the interest on our national debt is 14 billion dollars per year.

There certainly are legitimate needs for government programs to better the conditions of low income groups in our cities. But unfortunately, you cannot buy or legislate success in the civil rights field. It is a matter of individual respect and understanding on a person-to-person basis. All races are made up of individuals. We must stop thinking in generalities and classes of people and learn to evaluate each person on his own merits, regardless of color or creed.

I also am deeply concerned about the growing feeling of ever greater dependence on someone else to provide for us, the massive growth of government programs surplanting individual responsibilities and initiative . . . and the massive taxes to support them.

Can anything be done to reverse this trend?

Does the average person really realize the source of government funds? Now hold on, I am not against federal funds per se. But suddenly I realize they are "my" funds, and those of all taxpayers. And I don't believe the average wage-earner makes this distinction. Normal thinking is: his money is "his," government funds are gifts from a benevolent government.

This idea just might reverse such line of thinking:

Give all wage earners their total earnings. Right then they must cash the check and move immediately to a special window a few feet away. There they give back in cash what was formerly withheld for taxes.

Certainly the average worker considers his take-home pay as his salary. If he actually had his total pay in his hands, then turned around and gave back his share of taxes—what a shock! But—he would be much more cognizant of his personal role in government spending . . . And inclined to be more interested in legislative matters, his representation, and fiscal responsibility.

The realization that each of us is personally paying for these huge government programs (which too often tend to negate the individual's responsibility and initiative), might bring greater attention.

Oversimplified? Of course, and probably impossible under existing IRS (Internal Revenue Service) laws. It's even possible that no additional hardship would be worked on businesses—since they already function as tax collectors.

But chances are good that if such an idea were instituted—it wouldn't be long before the newly aroused taxpayer would find he had remembered again "how to say no" . . . and might even try it in other needed areas of American life today.

A DISTINGUISHED AMERICAN: DR. RICHARD H. WHITEHEAD

Mr. McINTYRE. Mr. President, a very distinguished American lives in my hometown of Laconia, N.H.

Dr. Richard H. Whitehead, who now carries on an enormously active and vigorous interest in the world at age 83, conducts his efforts from a charming home on beautiful Lake Winnisquam at Laconia.

Richard Whitehead is 83 years young. He began his career as a mechanical engineer after graduation from college in Maine in 1908. His ability was quickly recognized by the electrical wizard Charles Steinmetz when Whitehead discovered a means for preventing a breakdown of generating systems from short-circuits. Steinmetz had not been able to achieve this state of the art. He was high in his praise of Whitehead.

Shortly after this accomplishment, Dr. Whitehead was in the Panama Canal helping Gen. George Goethals build this wonder of our hemisphere. Few Americans made a greater contribution to its success. He has been honored many times for his work on the canal and is one of the few remaining survivors of those who built this engineering marvel.

Following his work on the canal Dr. Whitehead moved to new areas of accomplishment. He became president of the New Haven Clock Co., saving that business from bankruptcy as he did the Scott & Williams knitting plant, which he also served as president. He has served as well as president of the Laconia National Bank.

At the end of World War II, at the request of the Joint Chiefs of Staff, he undertook difficult and far-reaching studies of the German economy and the steps needed to repair that war ravaged country. Many of his recommendations were incorporated into the rebuilding of Germany.

Through all his full life Dr. Whitehead has kept an abiding interest in the Panama Canal, the attempts to modernize it, and the suggestions that an additional canal be built in Central America.

He recently completed a very thought-provoking and interesting article on the Panama Canal, the problems of constructing it, and many of the present-day problems which have taken place in the Canal Zone. This article is well worth study.

Mr. President, I ask unanimous consent that this article and an article about Dr. Whitehead which recently appeared in the distinguished Technology and Human Affairs review be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From Technology & Human Affairs, winter 1970]

RICHARD H. WHITEHEAD: A FERTILE OCTOGENARIAN

At an age when most men are enjoying their retirement and doing nothing more exhausting than studying moves in a backgammon game, Dr. Richard H. Whitehead (Lewis, ME 1908) is immersed in several important projects. At 83, Dr. Whitehead's breadth of interests contrasts sharply with today's tendency toward technological specialization. In fact, it is quite reasonable to compare him with the classical Renaissance concept of the "complete" man.

This octogenarian is, simultaneously, an engineer, industrial administrator, economist, author, history scholar, and humanitarian. One characteristic of this multifaceted man is his consuming interest in whatever he tackles. He has learned to distrust recommendations before he knows the source of the facts on which they are based. As he says: "First, eliminate the confusion, then be sure you clearly understand. I think I know beauty when I see it, but of truth I can never be sure."

Perhaps some of his diverse interests were engendered by his unusual family background. His father was a printer and proofreader, whose involvement in the occult absorbed his best energies. "He was very well read and a self-taught expert on words and their meaning. His interest in mysticism made him a marginal provider, but we never went into debt." Several mystics held weekly meetings in a closed front room in the family's west side Chicago home. Whitehead recalls that his father once traveled to Egypt and spent a night in the great pyramid of Cheops, "hoping to experience a revelation of occult wisdom." To help make ends meet, his mother took in roomers, and, when 12 years old, Whitehead delivered morning and afternoon newspapers.

If the mystics were a visionary group living in a world apart, there was one among them whose advice helped to start the young boy on the road to a number of successful careers. The mystic told Whitehead's father that young Richard should become an engineer, attend Lewis Institute, then finish his education in Zurich, Switzerland. "He then backed his advice by giving me a $20 gold-piece which I used as my downpayment for a Lewis education."

In 1901, when he was 14 years old, Whitehead entered Lewis "on a shoestring." "I graduated seven years later at 21 with a degree in mechanical engineering, having had to alternate work and school." He worked as a facility clerk for the Chicago Telephone Company, and, in later years, repaid his mystic benefactor by recovering the elderly man's confiscated property and seeing that he was cared for.

A month after he graduated from Lewis, he married Katharine Pokorny. "We were engaged during the last year of school at Lewis. Because our parents thought we were too young to marry, we eloped with $10 as our entire capital, and were married in St. Joseph, Michigan." Whitehead remembers that the young couple celebrated with a large chocolate soda.

"For two years I continued work as facility clerk for the Chicago Telephone Company and tried to find a job as an engineer to supplement my slender income." He taught a night school course in alternating currents at Lewis Institute.

In 1910, Whitehead worked in Commonwealth Edison Company, operating an oscillograph, adjusting recording meters and recording technical data. He was assigned to record and plot data from tests made to find a workable protection for generators and generating systems from external short circuits caused by insulation breakdown and damage.

Whitehead looked for the answer in Charles P. Steinmetz' textbook on transient phenomenon, but without success. "Then I received a flash that was the key to the problem. When the short circuit current occurred at the zero point of the voltage wave, the test showed that the resulting current was double that of when the event occurred at the peak of the voltage wave. I was then able to predict mathematically the current for a short circuit on any point of the voltage wave."

The problem solved, Whitehead went to his company boss, who doubted that the 24-year-old engineer had done what Steinmetz himself had not done. Whitehead's suggestion: send it to Steinmetz and find out. When the electrical wizard verified Whitehead's findings, he also suggested that a paper be presented at the Boston convention of the American Institute of Electrical Engineers. At first, Whitehead was to be excluded, and his boss was to present the paper. "When I told my wife, she told me I should present my own work and that her father would pay my way to the convention. I told my boss the next morning, and after leaving his office I waited for what I thought was my final paycheck."

That afternoon, he was told that the company would be glad to let him attend the convention "but because of my youth, the paper should be a joint presentation, to which I agreed." Not only was the paper well received, but Whitehead was interviewed by the *Boston Transcript* in a front-page story. "I returned to Chicago, bursting with confidence and exhilarated after meeting the top engineers in the country." Whitehead looked at his $90-a-month salary, and decided to change jobs. He sent copies of his Boston paper and applications to two prospects, the Dole Pineapple Company in Hawaii and to Washington authorities then recruiting engineers to work on the Panama Canal. "To my great amazement, both applications brought job offers the same day."

Whitehead and his wife made the choice "which I felt offered more challenge—Panama." Whitehead left for Panama in 1912 as the testing engineer for the Isthmian Canal Commission. This meant that he was responsible for the operation and approval of lock equipment before it was put into service. His boss was Colonel (later General) George W. Goethals.

Two months after he arrived in Panama, his wife and two children joined him. "Our third child, named George Goethals Whitehead, was born in Pedro Miguel. Goethals was so pleased that he let the baby travel through the Canal aboard the old *U.S.S. Missouri*, the first battleship to cross the Canal." Whitehead chuckles as he recalls that when his wife had to change the baby in an officer's cabin, an admiral boomed: "What a hell of a disgrace to the Navy to change the britches of a baby aboard a United States battleship."

Whitehead recalls that Goethals was continually battling the present American misconception that the canal was being built by Army personnel. "Actually, it was a civic achievement of the American people. Army officers reported only to Goethals, who in turn reported as a Presidential appointee to the Secretary of War. Goethals wisely always placed Army personnel in positions comparable to those staffed by civilians."

As testing engineer, Whitehead watched work slow down, as the Canal neared completion, to prolong jobs. One morning, Goethals suddenly appeared at his operating shack, his cigarette bobbing up and down in agitation, demanding: "I want you to tell me what is the matter." Whitehead replied: "The organization needs pep." When Goethals asked him if he could "put pep" into things, Whitehead said he could if he had the authority.

"Goethals then told me I was in charge of all operations on the Pacific locks, effective the next morning. I little thought then that on March 31, 1954, 40 years later, I would be a presidential commissioner appointed to dedicate the Goethals Memorial at Balboa in the Canal Zone."

The Canal operations were not without their problems, Whitehead recalls. On one occasion, Goethals was alerted that former President William Howard Taft was coming to inspect the facilities. "We had planned to demonstrate a lock gate at Gatun, but the gate, without apparent manipulation, swung across the locks. Goethals told me he wanted a faultless demonstration for Taft, and that he would let Taft operate the upper lock gates at Pedro Miguel. So I rigged up a switchboard on the lock wall to operate the gates' control mechanisms."

The next morning, Taft arrived with his retinue, including a motion picture cameraman. As Whitehead was introduced, Taft asked him to throw the switches, and as the camera ground away, the gates swung closed. "Then Goethals asked me to open both gates. The gate farthest from us swung open, but to my dismay the one closest to us did not budge."

Without showing any excitement, Whitehead dropped through a manhole cover into the tunnel, raced to the control board on the gate, and threw the connector manually. Then he quietly rejoined the Taft-Goethals party. The gate opened smoothly, and Taft returned to Washington unaware of any malfunction. Later, Whitehead was to tell his story of the Panama Canal and General Goethals in *Our Faith Moved Mountains!* a book published in 1944.

Dr. Whitehead is a staunch proponent of the construction of a second commercial canal, the size of the St. Lawrence Seaway, through Nicaragua. Such a canal, he believes, would greatly benefit the United States economy, handle 65 per cent of the smaller shipping through Panama, and bring New Orleans and San Francisco closer by 560 miles.

"The Nicaraguan Canal route would be about 180 miles long, mostly through Lake Nicaragua and the San Juan River. The United States has the right to construct a canal over this route for a 99-year period.

"This second western hemisphere interoceanic canal would take much of the traffic pressure off of the Panama Canal" Dr. Whitehead says. "American coastwise shipping would use this more northerly route in preference to the Panama Canal. Of major importance, our nation's economy would not depend on a single canal."

In 1916, Goethals invited Whitehead to join him in the New York firm of Goethals & Company, consulting engineers. The firm had an outstanding assemblage of talent in industrial as well as engineering know-how. Whitehead began his first assignments with the company in manufacturing and later became interested in industrial management.

When Goethals' firm was dissolved, Whitehead joined the banking firm of George H. Burr and Company as a consulting engineer. His next move was to the New Haven Clock Company in 1922. "I was originally to liquidate the company for Burr and Company, but was sure I could salvage it." He became president and general manager, and succeeded in revitalizing the company. A change in ownership and the different philosophy of the new management prompted him to leave the company.

In 1945, at the request of the Joint Chiefs of Staff, Whitehead visited the Black Forest area of Germany, to inspect German plants and supply companies which had made naval mines and fuses during the war. Two years later he returned to General Lucius Clay's office in Berlin, to prepare a report on the German economy and to recommend steps for its rehabilitation.

The assignment was staggering, and Dr. Whitehead worked alone. "Germany's economy had reached bottom and was operating under regimentation with scarcely any vitality. First, I decided to evaluate Germany's assets and liabilities. But visits to the military government and to German agencies were largely unsatisfactory. "However, his digging did produce a source of reliable information. He was advised to find the famous German financier Hermann Abs, former president of the powerful Deutsche Bank.

In the wake of Germany's defeat, Abs had been exiled to a Rhineland farm in the French sector. Whitehead cut through the bureaucratic red tape, got a pass, borrowed a jeep, and with a load of chocolate, coffee, butter, and bacon arrived at the farmhouse.

The report Whitehead submitted with the help of Abs and others, changed the thinking of the military government and provided a new direction for the policies which brought about the almost miraculous German recovery. Whitehead was then asked to make another study of how captured enemy and American surplus materials "from cigarettes and shoes to nails and baby carriages" could be distributed to get the economy off dead center.

The report was accepted as the basis for military law, and Whitehead was appointed control officer for the German Public Corporation. On his recommendation, Abs was appointed head of the Reconstruction Finance Corporation of Germany. In 1969, Abs became chairman of the Krupp corporation. "I was sent back to Washington to represent the German economy in the Marshall Plan project," Whitehead recalls. "But I soon decided I was better off elsewhere, so I resigned and returned to my work as a consulting engineer."

Whitehead was asked to make a preliquidation study of Scott and Williams, a Laconia, New Hampshire firm manufacturing circular knitting equipment in 1951, the 65-year-old industrialist was named president. He brought the company from the brink of bankruptcy to an annual $4 million dollar net profit after taxes.

"Ten years later, I retired to be free of managerial responsibilities, but continued as board chairman. On retirement I was made then asked me to help out on management an honorary member of the United Steelworkers Union. The Laconia National Bank problems, and I accepted the presidency for two years only."

Whitehead's years of diverse activity have created in him a strong admiration for self-reliance. "I'm afraid many of the young people today lack faith in the future. Yet the future of our country offers more opportunities than any nation has offered in history."

His office, in an attractive guest cottage on Lake Winisquam, New Hampshire, contains desks and tables piled with books and magazines ranging in subject from engineering and finance to his latest interest, the ancient near East and the mathematical contributions of the Egyptians and Babylonians.

In 1965, a gold key was presented to him as "Pioneer Electric Mule Wrangler" by Canal Zone Governor Robert J. Fleming, Jr. In 1941, he received an Honorary Doctorate of Engineering from IIT. However, one of his prized possessions is a photograph of General Lucius G. Clay, presented to him in appreciation of his work in Germany. If an evaluation of Dr. Whitehead's accomplishments can be found, it is in the inscription under the photograph:

"To Richard H. Whitehead whose contributions to the Panama Canal, to our war effort and to military government in Germany is a measure of a great citizen. With warm regards, Lucius D. Clay."

THE BATTLE OF THE LEVELS AND THE PANAMA CANAL

(By Richard H. Whitehead [1])

There are only two low passes, less than 300 ft. above sea level, through the back bone of the Americas at its narrow waist line, or Isthmus, connecting North and South America; one where we built our Canal and the other in Nicaragua.[2] Both of these low passes were found by civilian American engineers. Through one, private American enterprise built the Panama Railroad, completed in 1855 between Colon and Panama City, which the French had to purchase when they attempted to build a sea level canal. The other pass, coupled with the huge lake Nicaragua, is much closer to our shores. Here private American enterprise laid out a lock canal and were working on its construction after the French failed in Panama.[12] Congress authorized steamship routes in the early 1850's from both our coasts to terminal points on each of these routes, and in the settlement of our Pacific territories both routes had heavy overland traffic.

Our government gave serious consideration to building a canal only during the Spanish American War when the battleship Oregon in 1898 had to take its historic long journey around the Horn. Dramatically, we realized we needed a canal, as Goethe had predicted as early as 1827. His prophecy follows in part.

"It may be foreseen that this young state will in 30 to 40 years have occupied and peopled the large tract of land beyond the Rocky Mountains. In such case a more rapid communication should be maintained between the Eastern and Western shores of North America than the disagreeable and tedious voyage around Cape Horn. It is absolutely indispensable for the United States to effect a passage from the Mexican Gulf to the Pacific Ocean and I am certain they will do it." Was this to be a lock canal through Nicaragua or would we acquire the rights of the sea level canal that Delesseps had failed to build, and if we acquired these rights would we build a sea level or a lock canal? Thus began the "battle of the levels" in which the majority of consulting boards with exception of the Sultan Commission of 1930 has always favored a sea level canal at Panama.

After we wisely built a lock canal, adopting the minority viewpoint, the Army engineers still persisted, in spite of the achievements of the great Goethal of their own corps, that the Panama Canal should be changed into a sea level canal. Thus the "Battle of the Levels" Goethals termed it has gone on continuously since we started to build the Panama Canal. We Canal Diggers are lock canal advocates and have always been on the defensive, excepting when our leaders, Stevens and Goethals, had the actual responsibility of the undertaking. They are long departed. I humbly attempt to give voice to their thoughts as, at 83, I am one of few survivors who as a fellow Canal Digger was intimately associated with them.

The outstanding success of the Suez Canal completed in 1869 by De Lesseps naturally turned his thoughts to an Isthmian canal. Popular and honored in France he was the logical choice to head this new enterprise. With him as head, capital and support seemed assured, even though America held aloof. A survey in 1877 by French Lt. Wyse located the proposed canal between Colon and Panama City paralleling the American Panama Railroad. De Lesseps, not a trained engineer, insisted on a sea level canal. His experience at Suez proved a disastrous handicap.[2] "The engineering problems met at Suez," says Blanchard in Seventy Years of Suez were not at all comparable with Panama, a fact that De Lesseps discovered later, much to his sorrow. "Panama required a huge cut to be blasted through a mountain of solid rock, at Suez it was largely a matter of dredging out mud and sand; in fact a considerable amount of the excavating was done by an army of some 25,000 laborers, who shoveled dirt into baskets, loaded them on donkeys who in turn, carried and dumped it beyond the edges of the great ditch. This led, in the former case, to an expensive and complicated lock canal in which ships had to be raised and then lowered some 85 feet, literally lifted over the continental divide. For the other, a simple sea-level waterway was quite feasible." He grossly underestimated the task. His technical committee considered an estimate of 240 million dollars and 12 years time, insufficient for a sea level canal 72 ft. wide and 28 ft. deep. He considered it excessive and arbitrarily reduced it to 131 million and 8 years time. Work was started on this basis in 1881. De Lesseps, by force of circumstances of his own creation, became the promoter of an unsound venture. He and his son finally spent 350 million dollars but had taken in only 266 million. Then confidence in them waned and the crash came in 1889. All France shuddered. A new company was formed out of the receivership of the old to keep their concession alive. Their only hope of any recovery was to find a purchaser and we were the only prospect.

They had excavated 76 million cu. yds but only 30 million cu. yds that would be useful to us, they also had purchased the Panama Railroad built by American interests.

The story of De Lesseps' attempt to dig a sea level canal is dramatized by their naming of Gold Hill in Culebra Cut. Here is where the French began work on the summit of the continental divide. The lowest point in the saddle between Gold Hill and Contractors Hill initially 287 ft. above sea level was excavated for a depth of 140 ft. and the remainder of the 9 mile cut opened. They did a surprising amount of work when the diminutive equipment they used is considered and actually removed 500,000 cu. yds in one month. They used narrow gauge tracks and lacked the heavy railroad equipment which we employed with wide gauge tracks. Contractors Hill was named as the result of the hard work of a Dutch contractor, but Gold Hill was named from a stock prospectus put out by the Company to raise additional capital translated as follows:

"There is one hill in the Canal alignment that must be removed in the ordinary course of excavation (It is still there; may it remain firm), it is a gigantic mound of rock but far from being a hindrance this hill is one of the Company's best assets for we are confidently informed by our geologist that this mountain is full of gold and it is believed that the ore from this place alone will be worth more than the entire costs of canal excavation".

All France was crushed by De Lesseps' catastropic failure. One voice had been raised that might have saved the venture for France, but it had been quieted by De Lesseps. It was the plan of Godin De Lepinay who in the beginning proposed "a dam across the Chagres at Gatun to create a lake of sufficient height to absorb the waters of the Chagres, the level of the lake to be a little below the height of the highest flood waters" and continued DeLepinay "it will be the most advantageous to navigation." Our present canal to all practical purposes was built on Delepinay's plan with the Gatun Dam as its keystone. Delepinay wanted to work with nature and use the mighty Chagres as a friend, instead of an enemy, to help lock the ships over the continental divide.

After DeLesseps' failure we took over and a new international commission still recommended building a sea level canal.[15] After a lot of lost motion, the great railroad engineer John F. Stevens was appointed to carry on. He wisely convinced the President and Congress [16] that we should build a high level lock canal closely following the suggestions of De Lepinay. George W. Goethals, his successor, believed also only in a lock canal.

The work of these great engineers and administrators was so successful that one would expect the "battle of the levels" settled. Not so, instead it has been renewed with new vigor especially in the last nine years by Presidential dictum backed up with funds from Congress.

Stevens and my Chicago friend Ralph Budd organized the excavation of Culebra Cut, the difficult 9 mile stretch through the continental divide, that the French had opened up. Contrary to a recent statement by a Colonel of engineers for distribution to members of Congress, this was no horse and buggy undertaking with equipment that would be obsolete today. We Canal Diggers got excavation up to a million cu. yds. per month in short order and reached a peak of two million. There were 76 miles of broad gauge track laid in the narrow cut. The long dirt trains were large flats with unloaders that dumped the spoil in minutes. 260,000 holes were drilled each month and loaded with 700,000 pounds of dynamite. The booms of every shovel that could be placed in position were in continuous motion loading dirt trains moving ahead in synchronism with their swinging booms. These dirt trains left the cut with their spoil on unheard of close schedules a minute apart; no known modern system could move the dirt out of Culebra Cut any faster because as Stevens said "it was a matter of transportation".[2] Culebra Cut has been renamed to commemorate Colonel Gaillard who was in charge of excavation under Goethals. One day I visited the cut with him and as we watched together that wonder in work, "to slit the sliding mountains and lift the eternal tide", he turned to me and said "Imagine the folly of building a sea level canal".

The board of consulting engineers of 1905 estimated total excavation for a lock canal at 95 million cubic yards, when the width of the cut was increased to 300 ft. they raised their estimate to 175 million. The actual excavation in 1917 when the canal was ready for dependable service with a full depth channel was 325 million.[2]

Now, when the slides have just been tamed and the width of the channel increased to 500 ft., over 550 million cu. yds. have been excavated. So much for estimates and actualities! Truly [4] "Our Faith Moved Mountains."

The public believe erroneously that the Army Engineers built the Panama Canal. Actually the Canal was a civic achievement [2] of the American People, however an army engineer officer has been assigned as governor since the permanent organization went into effect on April 1, 1914. The Steamship Santa Clara was the first commercial steamship to pass through the Pacific locks on the 18th and 19th of June 1914; I stood on her bridge with her Captain. Then and since, the locks have fulfilled and surpassed expectations. When an Army governor recommended in 1947 the conversion of our Canal into a sea level [17] ditch; the canal banks were still sliding in! His report was shelved but work was stopped indefinitely on a third set of larger locks which are badly needed for our large aircraft carriers after an expenditure of 89 million dollars. These locks were recommended by the Sultan Commission [3] in 1930 and Congress had approved their construction and work had begun on them in 1940.

In 1961 the President appointed a study group [10] and the army engineers consulted advised, that the tidal currents were not an obstacle. This was a grave mistake. There was a shortage of water, they advised, with increasing traffic. More and more ships includ-

Footnotes at end of article.

ing some of our late aircraft carriers were too big to go through the canal locks. They did not state that many of these larger ships could not enter any of our Ports on the Atlantic or the Gulf, and if there was a shortage of water it could be pumped from the ocean into the lake at a very small cost per lockage. It was also claimed mistakenly and the news media advised that only a few hundred persons were required to operate a sea level canal instead of several thousand to handle a lock canal! Propaganda for a sea level canal was given the full treatment by government agencies. The Executive branch of government coupled all this with the alluring possibility that a new sea level canal could in all likelihood be built with nuclear energy at a comparatively low fractional cost of conventional excavation.

On Sept. 22, 1964 Congress accordingly passed public law 88609 establishing a commission with five men from private life. "For determination of the feasibility of and the most suitable site for the construction of a sea level canal, and the estimated costs thereof". Only a study for a sea level canal was provided for, the sea level advocates had hit below our belt.

I had the honor in 1954 of dedicating in a moving ceremony the Goethals Memorial erected by act of a grateful Congress in the Canal Zone at Balboa.[4] President Remon, the strong man of Panama, participated in the tribute to our great Canal Builder. Shortly afterwards he was assassinated and political turmoil ensued. The left wingers led by communists in Panama's university started an anti-American hate movement.

We surviving Canal Diggers at the time were looking forward to celebrating the 50th anniversary of the opening of the canal in 1914. During the intervening years it had remained the world's greatest engineering achievement. As a gesture of good will our country spent 20 million dollars to build a bridge across the canal to link up the Inter-American Highway. When we attempted to dedicate it in 1962 the Panamanian communists were so well organized that we had a riot instead.[5] Shortly afterwards the Canal Zone was invaded by armed mobs with the Panama authorities making no initial attempt to restore order. The riots resulted in the usual bloodshed with fatalities, burning of Canal Zone property, and looting.[6] The bridge we had given Panama and another million dollars annually from 1955 for treaty rights resulted only in creating a voracious appetite for more. The Panama flag now flew with ours over the Zone. The fifty year anniversary celebration scheduled for 1964 was not for us, most of us Canal Diggers stayed home. That year traffic reached a new high of over 72 million long tons.

Then we received a blow from our own President. We were informed on Dec. 18, 1964, that, after all, a sea level canal should have been built in the first place (When over 550 million cu. yds. had been excavated and the slides were still in motion). He stated the report of 1930 recommending the third set of locks to handle larger ships was made as an interim measure with the purpose of converting the canal ultimately to a sea level canal (I am at a loss to know how it could be so construed). The President had been sold—hook, line, and sinker—that nothing would do except a sea level canal and that the canal we built was obsolete. He and every head of a government department concerned, he stated, were determined on a new sea level canal at a location to be determined by the new Inter Oceanic Canal Commission preferably built by nuclear fission. And if they found this was not feasible, conventional means would be used to convert the De Lepinay-Stevens-Goethals masterpiece into a sea level canal that would handle all the 500 ships at that time that were too big to go through, and any others in the future. With this Presidential dictum backed by legislation from Congress and large authorizations, the Inter-Oceanic Commission met monthly and passed the engineering studies on to the Atomic Energy Commission and the Army Engineers.[10] It has developed since that they passed a hot potato.

We Canal Diggers who were on the job during the excavation of Culebra Cut wondered what would happen if they tried to dig the canal 120 ft. deeper! What would happen to the mighty Chagres with its astounding power of destruction when it was uncontrolled and no longer cushioned by Gatun Lake! Even our lock canal had been shut down to traffic by its rampages. The canal control facilities have been barely able to handle the 350,000 cu. ft. of water per second that naturally flows at times into Gatun Lake. These matters did not deter the 1947 report of the Army engineer governor of the Canal recommending its conversion into sea level but this report had been shelved and not exposed to attack. But now the alluring prospect of using nuclear fission elsewhere seemed to be the answer. The report of 1964 containing a full page photograph of the President with his dictum also showed a crater formed by the explosion of a 100 kilo-ton thermo-nuclear device that moved 6½ million cu. yds. The crater was 300 ft. deep and 1280 ft. in diameter. Even so, it would be dwarfed in Culebra Cut alongside Gold Hill in the Cucuracha slide. The dictum of the President was backed up by the following reference to the illustrated crater, "Nuclear excavation experiments have led to the conclusion that nuclear canal excavation is theoretically possible."

We Canal Diggers, and I might add the Panamanians, were not convinced. No one who has not stood on the bottom level of Culebra Cut and been in tropical storms can have any realistic conception of what is involved in building a sea level trans-Isthmian canal. We Canal Diggers became articulate, but we were treated as outsiders. We represented a generation that had done well in its time but the world had moved along and we could hardly be expected to keep up with it. They thought we had lost the battle of the levels especially with the advent of nuclear fission. But had we? We began to ask embarrassing questions.

Our great President Theodore Roosevelt came to the Canal Zone in 1906. After operating a steam shovel in Culebra Cut he arranged to give us Ditch Diggers at his own expense a bronze medal, one of which I proudly possess and he told us, "You will stand as only a few of the most famous armies in history. This is one of the great works of the world, greater than you realize". Three score years later our work in two world wars had ably served our nation and 360,000 ships had gone through our canal.[11]

Our 50th anniversary had been a flop, now we received another blow, this time from our liberal press. The Americans they stated, who carried on, were colonists who lived in comfort in well kept houses with trimmed lawns while the Panamanians who worked with them lived in squalor outside the Zone. Nothing was said of the prosperity we had brought Panama [9] or of the mansions on the Buena Vista in Panama on the way to the golf course or that we paid higher wages with fringe benefits to Panamians on the Canal Zone than they did in Panama. These Americans were highly selected technical personnel serving their country in sensitive positions, who were subject to call around the clock and kept the Canal in tip top shape to safely transit forty or more ships per day, a demanding responsibility that left little energy for leisure. Panama, our liberal press said, had been exploited; we were interlopers depriving them of their heritage and so on. This liberal propaganda was written in the same convincing manner that helped Castro rob and resulted in his grave threat to our security. Our 1903 treaty had already been emasculated by giving up our right to restore law and order in Panama.

Giving up this right had resulted in the mob invasion of the canal which threatened the safety of the canal, and could only be stopped by armed force after bloodshed with fatalities and destruction of vital canal property.

A secret treaty was being negotiated by our State Department with the urging of the new commission when its terms leaked out prematurely. We were to relinquish control of the Canal and eventually give it to Panama. A new sea level canal was to be jointly operated. Astounded, the House of Representatives, led by Congressman Flood,[7] (who during the years had kept in touch with canal affairs) rose in heated protest and threatened to bodily invade the Senate who alone has treaty making powers.

My friend, Congressman Wyman, presented my views on this giveaway treaty on Sept. 12, 1967 (90th Congress Vol. 113 No. 148)[8] in a lengthy statement entitled "Why we should keep full control of the Panama Canal and not give up our sovereign rights to the Canal Zone". This statement follows in part:

"A shameful surrender of our heritage is being planned of which the public is almost unaware. In 1936 we revised our treaty and gave up the right to maintain law and order. Panama has had frequent armed insurrections, without our military presence the safety of the canal would be most problematical.

"A red herring device of a sea level canal has been used and Congress has been prevailed upon to pass legislation to study a sea level canal only so that other and more practical suggestions can not even be considered.

"Panama has known all about and deliberated about the proposed give away treaty for months, they are in, the American public is out. They know the unlikelihood of a sea level canal ever being built. They also know that the majority of ships built too large to transit the canal will never pay tolls to use any canal. Many were built to avoid having to go through the Suez canal, a busier canal than ours when Egypt keeps it open."

The Christian Science Monitor of Aug. 29, 1967 in a brainwashing article from Panama concerning the new treaties, quoted a student who said:

"The existence of a foreign colony supported by a massive military force in the heart of Panamanian territory whether sanctioned by treaty or not works as an irritant to Panama pride and nationalism. Naturally Panamanians want control over the Zone and an end to military bases".

Before the give-away treaty could be acted on, Panama elected a new president, Arias, no friend of ours. Even the give-away treaty would never satisfy him. He wanted us out, in spite of the billions we had invested with no net return to the Treasury. Then he got in a tangle with the Panama police force, a truck load of Panama police overthrew his government, exiled him, cleaned up the hotbed of radicalism in Panama's University, and set up the present military dictatorship. Thanks to our Canal, Panama today suffers no recession. On the contrary, her economy is booming. This Arias is the same person now negotiating with Nicaragua for Onassis. Before Richard Nixon became President he sent me the following unsolicited letter:

"I have just had the opportunity of looking over your statement on the proposed Panama treaties which was placed in the record by my good friend Congressman Wyman.

"You can be sure I shall study this statement very thoroughly in preparing my own

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position on this issue which is so critical to the security of the United States."

Recently the State Department unwisely reopened negotiations with the new military government of Panama. Alarmed, the House of Representatives moved quickly to avert an impending tragedy. On July 14, 1970 Congressman Wyman introduced H. Res. 1142 stating it was "the policy of the House, and the people of the United States, to maintain its sovereignty and jurisdiction over the Canal Zone and that we in no way forfeit, cede, negotiate, or transfer any of these sovereign rights or jurisdiction".

We Canal Diggers often stood on the banks of the Cut opposite Gold Hill, fascinated, watching the shovels snorting steam like harnessed dragons working at lower and lower levels to reach the pioneer cut, elevation 40 ft. above sea level. The great West Culebra slide has since moved the place where we stood into the cut 300 ft. below. Gold Hill today is an isolated huge rock with sides rising precipitously from the cut to elevation 662 ft. The South side of Gold Hill drops sharply 350 ft. into a sea of yellow rock and mud of the great Cucuracha slide below. On the North side it drops 300 ft. below into the crushed rock disintegrated by natural forces of what is left of the great East Culebra slides. Just as nature abhors a vacuum, so she uses her might to restore her equilibrium when we overstep the liberties we take with her. Since our canal was opened to shipping in 1914 it has been repeatedly closed to traffic because of slides, and only a few years ago it was gravely threatened by a crack in Contractors Hill that would have sent a mountain of rock into the canal if immediate steps had not been taken just in time. If the cut were dug 120 ft. deeper to make the canal into a sea level canal what would happen to Gold Hill and the exposed vertebrae of the continental backbone that tower over passing shipping? Obviously no sensible government would ever permit such risks to be taken.

When one blasts with nuclear fission one gets a huge crater 200 to 300 ft. deep and even though you rip rap the sides of this crater with hard material, fused by the explosion, the tremendous forces involved have disintegrated and weakened the structures of the remaining material on which the stability of the banks depend. We had two types of slides on the canal; one, a gravity slide where the pressure resulting from removal of material crushed the rock in the holding banks, resulted in a crack behind the banks and then the entire bank between the crack and the cut would slide into the cut. Another type was one where the pressure behind the banks would be transmitted to the bottom of the cut and force the bottom of the cut upwards with material from behind the banks moving beneath, then the entire mass would slide in. One such slide closed the canal for four months. First we had an island in the middle of the canal, then a peninsula, and finally an isthmus far above the level of the water in the cut.

All of this is a matter of record but forgotten when President Johnson issued his sea level canal dictum.[10] But had not the Army engineers in their 1947 report recommended converting the canal into a sea level canal? So, after all we cannot blame him too much as he was surrounded by sea level advocates with no experienced voice able to dissent as it requires communication to have one's voice heard.

So with the authority of the Inter-Oceanic Canal Commission,[10] the Army engineers took over a feasibility survey with the Atomic Energy Commission. First they had to select the routes. The only other logical place besides our canal is the Nicaragua route. This route had been recommended by the Army engineers previously as a better route than Panama. American private capital had tried to build on this route and even had purchased and put to work some of Delesseps' dredges, after his failure in Panama. The Panamanians, threatened with the loss of a canal by the Nicaraguan route and aided by the representative of the defunct French Co., Bunusa Varilla staged a revolution and lowered the asking price of the defunct French company for their assets to 40 million dollars without the Nicaraguan competition the price would probably have been 100 million dollars more. The Americans who had invested more than 10 million dollars in Nicaragua were left holding the bag when the Senate decided, perhaps unwisely, on Panama. Certainly this route should be given every consideration as we also have a moral obligation under a treaty with Nicaragua. But the dictum was for a sea level canal, a sea level canal to avoid draining Lake Nicaragua would have to go through the mountains on a hopelessly impractical route. So the Army engineers, of course, have found a sea level canal that would bring New Orleans City 560 miles closer to San Francisco, not only impractical but have gone a step further in unwisely giving a lock canal there no consideration.

A route to use nuclear fission had to be selected away from centers of population. Only two routes at first were considered; one, the Sasardi-Marti route where Balboa first saw the Pacific "Silent upon a peak in Darien," a hundred miles South of our canal; and the other, 200 miles South in Colombia, the Atrato Truando route. Then they prematurely made a cost comparison. The Sasardi-Marti route would be 48 miles long. With nuclear fission it would cost only 747 million dollars but with conventional means the costs would be over 5 billion. The Atrato-Truando route would cost 1,440 million dollars with nuclear fission and over 5 million with conventional methods. Naturally with these estimates they concentrated on the Sasardi-Marti route. This is one of the most primitive spots in the Americas inhabited by the wild Cuna indians who recognize no governments. The Chagres is a mild stream compared to their Chucunaque river which has a tidal bore with its ascending wall of water with incoming flood tides. The country is so wild that the Inter-American Highway has not attempted to build through it as yet. The Panamanians who were recruited to cut a wide lane through the dense jungles for surveys, were at no time worried that a canal would ever be built through there that would isolate Panama and Colon cities, but they were willing to help us spend our money. The Army engineers found that more than 48 miles was involved as the mighty Chucunaque had shoaled up the approach for miles out to sea. After 5 years they reported nuclear excavation was being considered for only part of the route.

The 1969 report of the commission stated nuclear fission has *not yet been developed safely for canal excavation* to the extent required. The late report is that the Atomic Energy Commission will continue their research beyond Dec. 1, 1970, the date for the Commission to submit their final report. The Panama-American on June 24, 1970 had a startling headline absent in our sources of information. It read:

NUCLEAR PLAN RULED UNSAFE FOR CANAL EXCAVATION

An Isthmian nuclear canal is a pipe dream! It is one thing to blast a crater and have it remain put in the Nevada deserts but quite another matter when you subject it to the downpour of the tropics. As our able canal geologist McDonald used to say before they introduced the science of soil mechanics, "Disintegrated rock mixed with tropical rain becomes sliding mud."

Goethals in 1910 wrote "The Isthmian Canal" from which I quote "Accidents in locks are relatively few and none of a serious nature have occurred at the St. Mary's Fall Canal during 54 years of its use. The risk to ships in narrow waterways such as proposed for a sea level canal at Panama far outweigh all hazards in the proposed lock canal PROVIDED (and the italics are his) the latter is so built as to minimize the chances of accidents at the locks. This is met by providing every possible safety device, by building the locks in duplicate, and by the installation of a system by which the vessels will be controlled by powerful machinery on the lock walls, thus avoiding mistakes on the part of the vessels, crew, or engineroom staff which once led to the accident at the Manchester Ship Canal." Such a system was installed in our canal. Special towing locomotives geared to the lock walls moved in synchronism to guide the ships through. An Army engineer officer was appointed as engineer of maintenance and the lock organization reported to him. The pilots, when in the locks, had to conform to the lock masters' safety requirements and his representative directed the lock operations for each ship. The pilot in the locks used the ships' engines sparingly. The engineer of maintenance was to be the next governor as it was felt that only by contact with the lock organization could he acquire the needed background for responsibility for the operation and safety of the canal.

Since the last great war this has been changed, Governors are now assigned without previous training on the canal for the job from the Engineer Corps. As a result the lock organization no longer has a separate voice that can be heard directly at the top level. It now reports to the Marine Division. Hence the pilots in the locks no longer are under any restraints from the lock organization. This leads to chances being taken as to the safety of the locks. What chances? At the lower lock at Miraflores there is only a single pair of 82 ft. gates. When these gates are opened the mixture of fresh water in the locks and the salt water of the Pacific results in a considerable current out to sea from the locks.[14] The ship must travel faster than this current to acquire steerage way when leaving the locks.

It takes two minutes to open the gates, I have seen pilots start their ship in motion before the gates were fully opened. What would happen with power failure and the gates stall when only partially open! If the locomotives were still attached they might be able to control the ship, but the pilot has a tendency to get rid of these lines as soon as possible to obtain steerage way in the strong fresh saltwater currents. Fortunately we have had no serious lock accident, but the original towing locomotives *with their synchronous lock are fast being replaced* with Japanese locomotives which lack this safety characteristic.

Our overhead emergency dams have been removed and replaced only at Gatun and Pedro Miguel with underwater dams. Miraflores today has no emergency dam. The old dams removed could be put in place by hand, not so the recent 50 million dollar underwater dams. Then we had two giant cranes, 350 tonners, the Ajax and the Hercules. The two operated together to lift a sunken submarine and saved the crew. We thought two were required to handle our gates. One has unwisely been sold, not by the present governor.

Why did DeLepinay, Stevens, and Goethals all stress safety in navigation as a prime reason for a lock canal? For the simple reason such a *canal is not affected by tidal currents, and ships passing through in either direction can proceed at uniform ground speeds whereas with tidal currents ships traveling with the current must travel faster than the curent to have control of their movement.* Even with our lock canal we must exercise care in

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Footnotes at end of article.

drawing water through the cut when filling the locks, even though these currents are small indeed compared to tidal currents in a sea level canal.

We have had serious accidents in the cut. Recently a large so-called "clear-cut" ship hit a bank and sank in the side of the channel blocking the cut temporarily. Prompt action by a capable canal group cleared the ship from the blocked channel. Every care must be used for the safe navigation through the present 9 mile cut, large ships called "clear cut" ships have limited traffic to one-way. It is expected that by increasing the width of the cut from 300 to 500 ft. that ships that can pass the present locks can go through the cut on a two lane traffic pattern.

But even so as canal traffic increases the margin of safety will decrease and we have too many eggs in one basket. The other logical basket is a small lock canal through Nicaragua the size of the St. Lawrence Seaway [13] that would care for 65% of the ships transiting the Panama Canal. Rumor has it that we are about to give up our treaty rights as the Canal Commission has not considered a low cost Nicaraguan lock canal of the size desirable that would be self liquidating.[13] Rumor also has it that Onassis has the deposed president, Arias, of Panama negotiating for rights to put a pipe line across the Nicaraguan route to handle Alaskan Oil and improve water transportation.

If the canal study group of 1961 had given safety the consideration facts warrant, it is doubtful if the sea level dictum would ever have been made. We have a sea level canal in our own back yard they should have looked at. It is about 12 miles long and connects Buzzards Bay to Cape Cod. The tide tables show currents as high as 5.2 knots. These tides occur with a tidal range of 12 ft. This canal is only 30 ft. deep for relatively small ships and light traffic. Even so the width of this canal has been increased to a minimum of 480 ft. for safety because of the tidal currents. At Panama the mean level of the Pacific is nearly a foot higher than the Atlantic, and the Pacific has a tidal range of 22 ft., and the Atlantic about 2 ft. With a sea level canal the tides would be, on a comparative basis with those of Cape Cod, between 7 and 8 knots, too unsafe for navigation except for a wide strait, impractical even if nuclear fission could be used.

The great Engineer James B. Eads who built the St. Louis bridge questioned the practicality of a sea level canal.[2] Instead of a canal he said, "A magnificent strait at Panama through the Cordilleras through whose broad and deep channels the tides of the Pacific could be felt on the shores of the Caribbean, and through which the commerce of the next century might pass unvexed from ocean to ocean" would be needed. Eads' statement was made before the advent of 200 to upwards of 300 thousand ton ships of today which have to wait two minutes, when they try to stop before putting their engines in reverse.

A "magnificent strait" to handle the large ships being built today so that they could pass "unvexed" from ocean to ocean would have to be 70 ft. deep and nearly half a mile wide since large ships would have to navigate waters with 12 knot tides. Not only would a land barrier have to be removed but excavation would be needed far out to sea through the continental shelf.

With the Presidential dictum for a sea level canal the Commission got off to a bad start. Its final report to be made Dec. 1, 1970 will have no particular value because any recommendation it may make that is practical would have been made anyway and probably acted on sooner. It has done more harm than good. Its chairman, expecting to build a sea level canal, initiated the proposed treaty with Panama to give away eventually our present canal. The fault is not with the supporting agencies, who were given an impractical assignment. It rests squarely on the shoulders of the 1961 study group who initiated a study for a sea level canal only and with the Army engineers who in 1947 recommended conversion of the present canal into a sea level canal.

Their 1969 report contains the statement "It has been the view of the commission from the outset that one of the most important measures of the feasibility of a new sea level canal would be the difference between sea level costs and benefits and the costs and benefits of an improved lock canal." This statement contrasts strangely with previous reports of the Commission and with the President's dictum. In fact, it took the Commission a number of years to voice this logical viewpoint. Can it be after all that the voices of us lock canal advocates are finally being heard and that the De Lepinay-Stevens-Goethals masterpiece is not in jeopardy and even that suggestions for its modernization in accordance with the Sultan report of 1930 now long overdue might be heard. or even recommended by the commission? If, as the Commission now states, they are interested in the relative costs and benefits of a lock canal as compared to a sea level canal, why has no consideration been given to the only other practical canal route through the American Isthmus, the Nicaraguan route with its lower pass and a much larger water supply for a lock canal? Why has no consideration been given to a low cost route there of the size of the St. Lawrence Seaway? [13] This cost would be about the same as the Seaway recently built or less, and it could handle the overload of the Panama Canal. With this self-liquidating venture and the larger Panama locks called for in the Sultan report, which were previously approved by Congress, the canal problem *would be solved for the next century at a minimum outlay.*

Someone else may become interested in Nicaragua as we are giving up our rights there because the Commission stated the Nicaraguan route was impractical. The impractical route was of their own selection and made no use of the low pass or of Lake Nicaragua. Instead of considering routes closer to our shores the Commission has spent our money on routes 100 and 200 miles further away from our present canal.

With the heavy increasing traffic through the canal and the delays in decision making, capability studies were wisely undertaken on the present canal by an unusually capable governor. The funds were available from canal revenues, so that he could speed up the widening of the cut from 300 to 500 ft. and thus increase canal capacity by providing for two-lane traffic through the canal's choke point.

On May 19, 1970, Governor W. P. Leber spoke to the American Society of Panama. "The Canal is now handling more traffic, larger ships and is putting them through in less time than ever before in its history!" In 1969 [11] over 15,000 ships passed through the Panama Canal with 109 million long tons of cargo. Regardless of the President's dictum for a sea level canal, the Governor has a project study for further increasing canal capability. He estimates that 15 projects at a cost of 92 million dollars will bring canal capacity up to 26,800 ships per year, not considering the completion of the third set of locks for larger ships and our aircraft. I believe I submitted some of these project ideas, such as additional auxiliary culverts for the locks to better filling distribution and decrease lockage time, and also to tie in these auxiliary culverts with a hydraulic assist system to aid the towing locomotives in handling the very large ships that can just about squeeze into the locks. While I think the Governor's estimate much too large for safety, there is certainly additional safe capacity available for the shipping able to transit the present 110 ft. locks.[5] Governor Leber deserves the thanks of Congress for demonstrating that our Canal is far from being obsolete.

We Canal Diggers can now take a deep breath and relax. The "battle of the levels" is about over. We will win because De Lepinay Stevens, and Goethals paved the way in creating their enduring masterpiece. The sad thing is that another generation is not having the opportunity to do in Nicaragua what we were able to do in Panama. You can be certain that someone in the future will see this great opportunity which the Commission has ignored.

Let me close in saying we have been most inept in our relations with Panama. It is not all a question of money and what revenue Panama should receive from the Canal Zone and the growing canal business. We have made many favorable upward adjustments and gifts in payments, property and improvements for their benefit. Our ineptness is a matter of human relationship. For instance, we have a bad habit of renaming places on the Zone with North American names replacing old familiar pleasing Spanish Names. The Alhajuela Dam we named the Madden dam. The bridge we built they wanted to call "the Bridge of the Americas", we called the Thatcher Bridge. The sleek cruisers that carry pilots out in heavy seas to meet incoming shipping are manned Panamanians, yet operation of a towing locomotive is denied them. This is now being somewhat changed by giving Panamanians increased opportunities in the Canal organization. The Panamanians are good business men. I ought to know as for years I have been a stockholder in Panamanian Corporations. They know we need them to help us operate our Canal and they also know that we should have the sole responsibility of operating it, but they feel, and I agree, that the Canal has been such a great success that it should contribute even more to their economy. The reason our Treasury has received no net return is simply because the tolls on shipping are actually somewhat less than when we opened the canal. With ever increasing costs and the needed additional larger locks some adjustment upwards will have to be made in tolls if the present requirements of Congress are to be met that the Canal pay its own way.

We and Panama need each other.[9] Joint ownership or control, or board representation will only create friction, and result in more difficulties. Panama, like us, has a vociferous destructive element now temporarily suppressed by a military government. If we act firmly and justly in maintaining our exclusive rights it will be for their good as well as ours.

Panama's traditions go back a century before ours.[2] Hers was the first lasting settlement in the Americas that of Santa Maria in 1510; hers was the first cathedral dedicated to the Christian Faith. Long before the Panama Canal and the Panama Railroad, the Camino Real and the Cruces trail across the Isthmus were busy highways of commerce between the seas. Today with "the land divided and the world united" she becomes a natural center of Pan American Unity.

May he grant us each wisdom and understanding and with these forbearance and foresight that we thus together not only advance our mutual interest but continue to serve all nations in the future as we have so ably done since we Canal Diggers helped Goethals "To forge a planets dream". So sang poet Percy Mackaye.

> "where old Balboa bent his gaze
> He leads the liners through
> and the Horn that tossed Magellan
> bellows a far halloo"

Footnotes at end of article.

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FOOTNOTES

[1] Author formerly Testing Engineer Isthmian Canal Commission. Superintendent Pacific Locks Panama Canal and member of the Goethals Memorial Commission.

[2] "Our Faith Moved Mountains" Authors Newcomen address 1943 Princeton Press in Library for Congress.

[3] Panama and Nicaraguan Canal Survey (Sultan Commission) 72nd Congress, 1st session House document 159.

[4] Authors dedication address Goethals Memorial, Congressional Record May 3, 1954.

[5] Facts about the Panama Canal, Scientific American, Feb. 10, 1917.

[6] Danger Over Panama, Jules Dubois, Bobbs-Merrill press 1964.

[7] Selected addresses, Representative Daniel Flood, House document 474 89th Congress.

[8] Why we should keep full control of the Panama Canal and not give up our sovereign rights to the Canal Zone, Congressional Record Vol. 113, No. 148.

[9] Our treaties with Panama and Canal Mandate Congressional Record Vol. 114 No. 107.

[10] Annual reports Atlantic-Pacific Inter Oceanic Study Commission, 1964, 1965, 1966, 1967, 1968, 1969.

[11] Annual reports Panama Canal Company 1950 to date.

[12] The Inter Oceanic canal of Nicaragua, A. G. Menocal, Nicaraguan Construction Co. N.Y. 1891.

[13] Annual reports St. Lawrence Seaway Development Corp. 1959 to 1969 a self-liquidating joint project with Canada.

[14] Hydraulics of the locking operations of the Panama Canal author International Engineering Congress San Francisco 1915, also in Goethals book on the Panama Canal.

[15] When the U.S. acquired exclusive rights to construct a canal in Panama, the board of consulting engineers voted 8 to 5 in favor of a sea level canal.

[16] The Senate Committee voted in favor of a sea level canal 6 to 5 but the senate decided on a lock canal by a vote of 36 to 31.

[17] The 1947 shelved report contained the statement approved by the Engineer officer acting as Governor. A sea level canal constitutes the only means of meeting adequately the future needs of inter oceanic commerce and national defense and such a canal can be obtained most effectively and economically by converting the present Panama Canal to sea level." In the year this statement was made 6,375 ships transitted the canal. In 1969 over 15,000 ships with over 4 times the tonnage.

1970 RESOLUTIONS OF ANNUAL MEETING OF ASSOCIATION OF U.S. ARMY

Mr. THURMOND. Mr. President, many outstanding groups in this country are concerned about the shifting balance of military power from the United States to the Soviet Union.

Such an organization is the Association of the United States Army. This concern is expressed in the resolutions adopted by this group at their annual meeting here in Washington on October 14, 1970.

Mr. President, I ask unanimous consent that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS—ASSOCIATION OF THE UNITED STATES ARMY, 1970 ANNUAL MEETING, OCTOBER, 14, 1970

OCTOBER 14, 1970.

I certify that the Preamble and Resolutions Numbers 1 through 14 were adopted at the Annual Business Meeting of the Association of the United States Army held this date.

Resolutions from previous years, specified in Resolution Number 14, follow that Resolution.

ARTHUR SYMONS,
Secretary.

PREAMBLE

There are in the histories of all great democracies times of crisis in which national ways of life, freedom of their peoples and indeed, their very existences have been threatened by the forces and events which are products of man's fitful stewardship of his turbulent world. Our nation has known such times—so vividly, in fact that although we are a peace-loving people there have been few decades that have not been marked by either war, near-war or international tension.

We face another crisis today, perhaps one of the most crucial since we became a world power, as we turn from the strife-torn Sixties to a decade which seems to offer, at best, an uneasy truce. There are always dangers in an unfriendly world, but one of the most ominous at present is the possibility that we will permit ourselves to become so weak militarily that we will be able to do little more than stand by and deplore the depredations against the Free World that are certain to follow communist realization that the United States cannot push back.

The signs that we stand at the edge of such an abyss are abundant. The national defense budget, which for fiscal 1971 will constitute the smallest share of overall federal spending in 20 years, is under pressure for even more drastic reductions. The number of Army divisions is expected to drop to its smallest total since 1960 by next June with more decreases likely to follow in the years ahead. Funds for vital research and development are inadequate and there is little likelihood that this situation will improve in the foreseeable future. Even the present rapid rate of withdrawal of troops from Vietnam is not fast enough for many of our people, and the voices urging precipitate cutbacks in U.S. forces stationed in such key strategic regions as Europe and Korea are growing stronger.

These bleak prospects are further complicated by current domestic unrest, one of the most potentially damaging aspects of which is an unreasoning inclination to take out on the military services frustrations and bitterness over the war in Vietnam. The effect on morale of this attitude, the social turmoil that is besetting our country and attendant, unrealistic demands for radical change in such vital areas as discipline, could be as debilitaing in the long run as imprudent reductions in manpower and resources.

The need for maintaining a strong, modern and well-equipped Army has never been more urgent. We reject the notion that communism is no longer a threat to our country; Soviet Russia, whose military budget grows while ours gets smaller, is becoming bolder as her armed might increases. The consequences in terms of world peace and our own way of life if Soviet leaders should achieve their obvious goal of overwhelming superiority in arms, would be calamitous. Communist China continues to build up its military machine, her rulers' posture toward us as bellicose and unyielding as ever. Everywhere, from Europe to the Middle East to South America, those who would "bury" us and subjugate the rest of the Free World to communism are hard at work. We cannot, we must not, let this happen because we lacked the resolution—backed by adequate armed power—to stop it.

Nor can we drastically reduce our overseas forces, as some of our people would have us do. We can no longer look with confidence to the trump card we have been playing with increasing risk in past emergencies: Our ability to mobilize our manpower and resources quickly. That capability lost its potency with the increase in the time necessary to develop and build the complex weapons needed to wage modern war—and the ease with which rockets and troop planes can cross the oceans. If our continued strong presence in such strategic regions as Europe and the Far East would ensure a measure of world stability and peace, the outlay in garrison troops and equipment would be worth the cost for this reason alone. But the fact is that when we join in the protection of the Free World we ultimately are protecting ourselves.

Despite the outcries for sharp reductions in the strength of our armed services the battle for preparedness has not been lost. For, no matter how hard the foes of a strong military establishment may argue or the editorialists thunder and snipe, the real decision must be made by the American people. If they demand a defense force that is second to none, we will have one—and we can without impairing other national priorities. If the answer is no, then it must be given with the knowledge that such a course could have grave, even disastrous, consequences. Apathy will not do; too much is at stake for silence.

We, the members of the Association of the United States Army, are convinced that the American people will demand a change in this dangerous course if they know of the perils with which it is strewn. Let this, then, be our crusade: To expound the cause of national defense with every resource that the association has at its disposal. We must speak from the lectern and printed page, and talk with neighbor, friend, stranger and doubter—to everyone in our country who will listen. Never has our country and the Army more needed the unrelenting efforts of every member and chapter.

The message that we must carry over and over again was perhaps best expressed by the late President John F. Kennedy: "There can be only one possible defense policy for the United States. It can be expressed in one word. The word is first. I do not mean first, but. I do not mean first, when. I do not mean first, if. I mean first, period."

In support of this stand and with the conviction that the great majority of Americans are with us in our desire for a strong Army and other defense forces, the Association of the United States Army adopts the following resolutions at its 1970 Annual Meeting:

NO. 1. STRENGTH, MODERNIZATION AND EFFECTIVENESS OF THE ARMY

The United States and the Free World continue to face an indeterminate period of international tension. Potential aggressor nations continue to strengthen their military power, thereby increasing the risk of armed conflict and global war. U.S. international policy and commitments, such as that to the North Atlantic Treaty Organization (NATO), require a strategy of collective security for deterrence of and flexible response to simultaneous threats or acts of aggression in widely separated parts of the world. U.S. military power must be adequate to meet this strategic requirement. The nation cannot permit budgetary limitations to adversely affect its military security.

The active Army must be maintained both by volunteer membership and, if need be, the draft at a strength level adequate to constitute an immediate bulwark against actual or threatened aggression. The Army National Guard and Army Reserve must, in conformity with the total force concept recently outlined by the Secretary of Defense, be elevated in strength, training and equipment to levels capable of immediate use as effective elements of the U.S. Army to carry out this mission.

We therefore resolve that to meet the requirement of U.S. global strategy, to fulfill U.S. international policies, treaties and commitments, including its support of its NATO obligations, and to insure its national defense, that

(1) The U.S. Army, consisting of the active Army, National Guard and U.S. Army Reserve, be maintained at strength and effectiveness levels capable of providing trained and equipped forces for immediate response to U.S. national and international requirements;

(2) The U.S. Army vigorously implement measures to insure a cohesive, motivated, disciplined military force, high in esprit and dedication, knowledgeable in the perils it faces, capable of accomplishing its assigned missions;

(3) The Army, regardless of projected budgetary limitations, assign priorities to procurement and research and development requirements to insure that all elements are equipped with the most modern and superior materiel for rapid and effective fulfillment of the Army's mission.

NO. 2. REDEPLOYMENT OF U.S. FORCES FROM VIETNAM

The President of the United States has stated that the rate of American withdrawals from Vietnam depends upon three criteria: progress in the training of South Vietnamese forces, progress in the Paris negotiations and the level of enemy activity.

Substantial progress has been made in the training and equipping of Republic of Vietnam forces and significant advances have been made in pacification in the Republic of Vietnam.

The government of the Republic of Vietnam has recognized that it must shoulder an increasing share in the struggle to defend freedom in Vietnam while alleviating the burden borne by the United States.

Prior redeployments of U.S. troops have been based upon progress in the Vietnamization program. Therefore, the timing and pace of current withdrawals should be determined by the current military and diplomatic situation.

We therefore resolve to support the President's programs designed to base the redeployment of U.S. forces from the Republic of Vietnam upon progress in Vietnamization, development in the peace negotiations and the intensity of enemy activity.

NO. 3. PRISONERS OF WAR

One of the most shocking and cruel results of the war in Southeast Asia is the plight of the prisoners of war held by the North Vietnamese and Viet Cong. Even the most basic consideration usually accorded prisoners of war by the nations of the civilized world has been denied.

Families and other loved ones of these prisoners have been left to live in the uncertain agony of ignorance as to the prisoners' whereabouts, state of health or even existence.

We therefore resolve that the Association of the United States Army encourage the federal government and reputable organizations to use whatever resources necessary to call the attention of the world and the American public to the plight of U.S. prisoners of war and those of other nations held by the North Vietnamese and Viet Cong. We further urge that this publicity be a continuing effort so that the expression of outrage on the part of all people be sufficient to persuade the enemy to adopt more humane practices and hasten the return of prisoners of war to their homes.

Further, the Association expresses its sympathy in behalf of all of its members to the gallant wives, families and loved ones of these prisoners.

NO. 4. RESEARCH AND DEVELOPMENT

While Soviet Russia's research and development effort continues to grow steadily, the United States is shifting its emphasis from defense to domestic programs, much to the detriment of efforts vital to the field of defense research and development.

The results appear to be self-evident in that the total Soviet efforts in research and development have already drawn abreast of those of the United States and may have, in fact, surpassed them.

The United States' world leadership is and has been due in a significant part to its technological superiority gained in the past twenty-five years. If U.S. defense research and development efforts are allowed to decrease in relation to those of the USSR, the increased attention to domestic programs may be to no avail because the United States may soon become a second-rate power as a result and thus vulnerable to international blackmail.

We therefore resolve that the United States provide sufficient resources to the defense research and development effort to assure world technological leadership.

NO. 5. ALL-VOLUNTEER ARMED FORCES

It is vital that the armed forces be maintained at adequate strength to be an effective instrument of national policy.

It has been the experience of history that a viable service system has been necessary to augment those who volunteer in order to provide the armed forces with high-quality personnel in the numbers required during emergencies.

There is no assurance that under a volunteer system a sufficient number of persons would select the combat arms assignments necessary to maintain an effective force.

Whether or not sufficient numbers of qualified personnel to adequately man the armed forces could be provided by an all-volunteer system is a matter for conjecture.

A viable and operational selective service system functioning in concert with a volunteer system guarantees adequate military manpower when needed.

We therefore resolve to fully support all measures designed to improve the attractiveness of military careers and to encourage the maximum number of true volunteers to serve in our armed forces.

We further resolve to urge continuance of the Selective Service System until such time that actual experience has proven that qualified personnel in sufficient numbers properly distributed within services—including the National Guard and the Reserves—can be provided without such a system.

NO. 6. DEFENSE AGAINST BALLISTIC MISSILES AND AIRCRAFT

The Association of the United States Army has long and vigorously supported an adequate air defense for the United States. In so doing, it has recognized the need for early deployment of an antiballistic missile defense system.

Since the Association of the United States Army's 1969 Annual Meeting, the President of the United States, with the approval of Congress, has directed initial deployment of the Safeguard System as a defense against intercontinental ballistic missiles.

In addition, the surface-to-air missile system (SAM-D) now under advanced and refined development, continues to be the best present response to attack by the low-altitude aircraft and tactical ballistic missiles which could conceivably be deployed against U.S. forces.

The two foregoing systems can thus cope with the threat of enemy intercontinental ballistic missiles, tactical low-flying aircraft, and tactical missiles.

We therefore resolve that the Association of the United States Army strongly endorse the positive action of the President and Congress; that it reaffirms its support of the ABM system; that it urge the earliest possible deployment of Safeguard units already approved; and that it recommend expedited action to complete development and initiate production of the SAM-D weapon system.

NO. 7. STRATEGIC AIRLIFT AND SEALIFT

The capability of U.S. military forces to deploy rapidly to any point on the globe is a strategic necessity.

In order to attain this capability, the United States must have sufficient modern, responsive, high-speed airlift and sealift forces which contain a balanced mixture of active and reserve military forces complemented by the commercial resources of the air transport and maritime industries.

Such an arrangement, coupled with the prepositioning program, will provide the necessary flexible capability to permit timely deployment and support of ground forces.

Progress has been made in improving airlift capability by adding the C-5A aircraft to the active inventory. Multipurpose surface ships are being developed jointly by the Army and Navy in order to give ground forces more rapid sealift.

We therefore resolve that action be taken to provide continued support for programs designed to expand and modernize the merchant marine and to support the improvement in, and obtainment of, sufficient amounts of strategic airlift, multipurpose ships and other sealift, together with their supporting facilities, required to meet the operational needs of our ground forces.

NO. 8. SUPPORT OF THE ROTC

The Association of the U.S. Army has consistently supported the concept and purpose of the Reserve Officers Training Corps program and has urged publicizing its continuing need and importance to our national defense and the preservation of our freedoms.

Recent surveys have revealed a startling decline of thirty-six percent in ROTC enrollment in American universities in the past four years. In many instances, the decline is due to the withholding of academic credit for military science courses. In other cases, ROTC has been either discontinued by the university or declared an elective course.

Without ROTC, which supplies some two-thirds of our incoming second lieutenants, we would have to sharply expand the U.S. Military Academy and the Officer Candidate School program at considerable cost to the taxpayer or reduce our national defense position far past the danger point.

ROTC officers constitute a large body of educated, civilian-oriented military leadership in keeping with our democratic institutions and our tradition of a citizen-soldier Army.

We therefore resolve to continue support of the ROTC program and to urge that institutions of higher learning be encouraged to cooperate with military services to upgrade their ROTC programs and encourage student participation in them by giving academic credit for course work completed.

We further resolve to urge that institutions continue to provide the military services with an acceptable climate of institutional support for the ROTC program on campus, and to accept the responsibility for education of our military leaders comparable to their responsibility of educating leaders of other segments of our society.

NO. 9. VIOLENCE AGAINST THE ROTC

Over the past school year, more than two hundred incidents of violence involving personal injury and the destruction of property have been inflicted upon Reserve Officer Training Corps installations and personnel at various American institutions of higher learning.

Entire buildings and valuable records, equipment and supplies have been destroyed in wanton attacks of terrorism by fire, vandalism, gunfire and bombing. Professors, administrators and students have been intimidated in these outrages, and not the least of the effects of these ravages on an ordered society has been their detrimental influence on ROTC enrollments and college participation in the program itself.

Another intolerable impact of this felonious harassment has been the resulting denial of the civil rights of cadets who have chosen to pursue military studies at these institutions. Their training is essential to the defense of the United States.

Violence committed against a person or the destruction or damage of property invariably is in violation of local, state or federal law. Section 2155, Title 18, of the U.S. Code, states that "Whoever with intent to injure, interfere with, or obstruct the national defense of the United States, willfully injures, destroys, or attempts to so injure, destroy, contaminate, or infect any national defense material, national defense premises, or national defense utilities, shall be fined not more than $10,000 or imprisoned not more than ten years, or both." Conspiracy is also punishable under the law.

We therefore resolve that the Association of the U.S. Army protest and deplore any attacks of violence upon ROTC personnel and property, and that it strongly urge the vigorous prosecution by the appropriate authorities of any persons, who in the commission of such an act, violate the law.

NO. 10. RECOMPUTATION OF RETIRED MILITARY PAY

For the past decade, the Association of the United States Army has advocated the reestablishment of the traditional relationship between retired pay and active duty pay that existed prior to the Military Pay Bill of 1958. Prior to 1960, military pay raises were infrequent and comparatively small. Raises since 1963, however, have increased base pay, in some grades to where it now exceeds by seventy-five percent what it was eight years ago. During this same period, the sole adjustments to retired pay have been minor cost-of-living increases which have done little to adjust the widening gap between active and retired pay.

Rises in the cost of living have operated to the greatest disadvantage to older retired military personnel. However, military personnel now in uniform can clearly foresee how vulnerable a fixed income, pegged arbitrarily at a time of retirement, it is to these inroads of inflation. It is manifestly unfair to reward equally honorable service and equally earned retirement against a rapidly escalating scale which benefits those most recently retired.

It appears to this Association that some equitable relationship of retired pay to active duty pay is a strong career incentive and in the past has proved to be an important motivating factor in attracting and holding qualified personnel in our armed forces.

Lack of action to bring about some equalization of retired pay can only lessen the attractivenes of a service career at a time when Selective Service may be phased out and a voluntary Army is being considered.

The President of the United States, prior to his election, described the failure to equalize retired pay with existing active duty pay as "unfair discrimination" and a "breach of faith."

The Secretary of Defense, in a recent communication to retired military personnel, stated that although he could not recommend recomputation to the President at this time because of financial constraint, "some form of recomputation of retired pay will continue to be a goal of this Administration and this Department."

We contend that this position is too vague and lacks credibility, particularly for those directly affected. The present system singles out for economic hardship a special group whose members, having served their country in time of need, no longer are able to supplement their declining incomes.

Certainly in a country where the gross national product is approaching one thousand billion dollars a solution to this problem can be found which would be acceptable to the Army, the retiree, the Administration and Congress.

We therefore resolve that, while the Association of the United States Army is cognizant of the problems involved, it is firmly dedicated to the principle of recomputation and we urge the Department of Defense and the Administration to assign recomputation the high priority it merits.

We further urge action now which will move toward correction of inequities in military retired pay and which will establish a closer relationship between retired pay and current active duty pay.

NO. 11. SURVIVOR ANNUITY AND BENEFITS (WIDOWS' EQUITY)

The lack of an equitable survivor annuity program for the military retiree creates severe hardships for the large number of service widows.

Except for service-connected deaths, the survivors of retired members of the uniformed services are not entitled to receive any part of the retired pay of the deceased person after his death unless he had elected to participate in the Retired Serviceman's Family Protection Plan. Many other employees of the federal government automatically are entitled to a survivor annuity of considerable substance. Further, the costs of participation in the Retired Serviceman's Family Protection Plan, substantially exceed those entailed in the Civil Service retirement plan.

Most of the inequities in the current program would be corrected under proposals now under study.

We therefore resolve to support the establishment of a survivor annuity program which would eliminate the inequitable aspects that now exist.

NO. 12. DUAL COMPENSATION

Restrictions on the federal employment of retired military personnel are not uniform or equitable. They are, in fact, discriminatory in that retired regular officers must forego a portion of their retired pay as a condition of such employment, while other retired members are not required to do so.

At the same time, the federal government is often deprived of the services of highly qualified retired personnel by such restrictions which deny or inhibit the individual seeking government employment. Since retired pay is considered to be fully earned, there should be no bar to its complete entitlement in conjunction with federal or other employment.

We therefore resolve to urge the removal of restrictions on the federal employment of retired regular military personnel which require them to forfeit part of their retired pay as a condition of employment.

NO. 13. COMMISSARIES AND POST EXCHANGES

Current inflationary trends have continued to enhance the value of the Army's commissaries and post exchanges as one of the most important benefits and career incentives of military service and are needed more today than ever before.

There is a continuing effort on the part of some interests to reduce the services offered by commissaries and post exchanges. In keeping with our desire to present greater incentives to our military personnel it is essential that we press for improved and enlarged facilities of commissaries and post exchanges and that sufficient personnel be employed to service them.

We therefore resolve that the Association of the United States Army support expansion of the facilities of commissaries and post exchanges, and, further, that these services provide adequate personnel to properly maintain efficient operation.

NO. 14. CONTINUING RESOLUTIONS

Nine resolutions adopted at preceding annual meetings are still valid and remain in force.

We therefore resolve that the following continuing resolutions receive the full support of every member of the Association of the United States Army:

Military, Family and Off-Post Housing
Stability Operations and Military Assistance
Advanced Degree in Military Art and Science
Principles of Freedom
United States Military Academy
Civil Defense
Army Civilian Employees
National and Post Cemeteries
Medical and Dental Care

(Following are the action paragraphs of the Resolutions from previous years as renewed by Resolution No. 14)

MILITARY, FAMILY AND OFF-POST HOUSING

We therefore resolve:

(1) That this organization indorse and support all actions essential to acquire sufficient funds to provide appropriate housing for military personnel, world-wide.

(2) That this organization support the idea that where sufficient and adequate on-post housing does not exist in overseas bases, contractual arrangements should be made to provide off-post housing for military personnel and their dependents in nearby civilian communities, such housing to conform completely to United States standards.

(3) That this organization support—in the strongest possible manner—the concept that all off-post housing should be free of any vestige of discrimination because of race, color, creed or national origin. (Resolution No. 4, 1969)

STABILITY OPERATIONS AND MILITARY ASSISTANCE

We therefore resolve that the Association of the United States Army indorse and support the Army's stability operations and Military Assistance Program as a measure of assisting, at their request, friendly developing nations in preventing or defeating aggression, and urge the full exploitation of our military capabilities for such assistance. (Resolution No. 10, 1969)

ADVANCED DEGREE IN MILITARY ART AND SCIENCE

We therefore resolve that the Association of the United States Army indorse and support the proposal to authorize the commandant of the Command and General Staff College to confer the degree of Master of Military Art and Science (MMAS) upon qualified graduates of that institution. (Resolution No. 11, 1969)

PRINCIPLES OF FREEDOM

Now, therefore, be it resolved, that the Association of the United States Army, whose membership is composed of military and civilians alike, reaffirms that the rights of all must be protected and preserved, and also declares that the will of the people must prevail to preserve and protect the foundation stones of our government, our way of life, and our civilization; and

Be it further resolved, that the Association of the United States Army continue its efforts to instill in all Americans a deep sense of responsibility as individual citizens, a profound sense of patriotism, and willingness to fight to preserve our freedom and our way of life, not only for ourselves but for all generations to come. (Resolution No. 6, 1965)

UNITED STATES MILITARY ACADEMY

We therefore resolve to continue and emphasize a program to encourage outstanding youth to seek appointments to the United States Military Academy and to search for new ideas leading to its further development and effectiveness. (Resolution No. 8, 1968)

CIVIL DEFENSE

Now, therefore, be it resolved, that the Association of the U.S. Army supports civil defense authorities in their efforts to provide the American people with adequate shelter against the effects of nuclear attack. (Resolution No. 6, 1967)

ARMY CIVILIAN EMPLOYEES

Now, therefore, be it resolved, that this Association extends special commendation and gratitude to the civilian employees of the Army and recommends that dynamic career programs be maintained to recruit, retain and encourage the continued service of dedicated public servants in consonance with the command responsibilities and missions of the U.S. Army. (Resolution No. 11, 1967)

NATIONAL AND POST CEMETERIES

NOW, THEREFORE, BE IT RESOLVED, that it is the considered opinion of the Association of the U.S. Army that the best interests of the nation and the members of our armed forces and their dependents will be served by the expansion of national and post cemetery facilities immediately to insure that the members of our armed forces who have served honorably will be provided a resting place in a military cemetery as a tribute to their service. (Resolution No. 14, 1967)

MEDICAL AND DENTAL CARE

NOW, THEREFORE, BE IT RESOLVED, that the Association of the United States Army requests the Department of Defense to take action to provide adequate medical and dental care for dependents of active duty personnel and eligible retired personnel, including adequate facilities for this purpose. (Resolution No. 13, 1964)

1970 RESOLUTIONS COMMITTEE

Chairman: COL Ralph Saenz, USA Ret., Southwest Oklahoma Chapter.

Chairman, BG William J. Gallagher, PARNG Ret.

Subcommittee A: Blue Mountain Chapter.

Members: LTC David F. Boyd, Jr., USAR, Albuquerque Chapter; Judge Robert M. Curley, Milwaukee Chapter; Mr. Manuel G. Garcia, Mid-Palatinate Chapter; MAJ William E. White, USAR, Mother Lode Chapter.

Chairman, COL John W. Oswalt, USA Ret.

Subcommittee B: Fort Worth Chapter.

Members: LTC J. Norman Kelly, AUS Ret., Greater Los Angeles Chapter; Mrs. Elmer E. Rasmuson, (COL Mary Louise Milligan, USA Ret.), Alaska Chapter; Mr. J. Francis Rauch, Fort Monmouth Chapter; Mr. Ralph L. Weir, Jr., Fort Riley-Central Kansas-1st Infantry, Division Chapter.

REORDERING OF NATIONAL PRIORITIES

Mr. GOLDWATER. Mr. President, we have heard a great deal of discussion about the reordering of national priorities for the stated purpose of channeling more and more funds away from defense needs and into domestic functions in the field of social welfare.

The demand for such a reordering goes on despite the fact that the Nixon administration has cut back defense spending so severely that expenditures in the 1969 fiscal year declined to 28 percent of all Government expenditures. This year the percentage will be close to 24 percent. In 1952 outlays for national defense equaled 50 percent of all Government expenditures.

As I say, Mr. President, most of the demands that we have heard recently for reordering of our national priorities are aimed at cutting back the defense budget. Thus it is provocative, refreshing, and instructive to hear a demand for a reordering of our national priorities in the decade ahead to halt the shift of huge resources from our military preparedness into so-called social welfare programs.

Such a demand was sounded recently by Mr. Roger A. Freeman, a former White House adviser to President Nixon and a senior fellow at the Hoover Institute on War, Revolution, and Peace, Stanford University. Mr. Freeman warned that a reordering of priorities away from social welfare is essential to our survival as a Nation. He says:

> We must review hundreds of domestic programs, compare their output with their input, measure in each case the tangible returns which our taxpayers receive on their huge investment, and weed out or revise those with little or no return.

Mr. President, because this message, which was delivered to the Hoover Institution Conference in Pasadena, Calif., on November 8, is of surpassing importance, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

NATIONAL PRIORITIES IN THE DECADE AHEAD

(By Roger A. Freeman)

The demand for a "reordering of national priorities" has been strong in recent years and appears to be growing in intensity and power, as time goes on. It rests on the basic proposition that military expenditures have risen out of proportion in the past few decades and need to be cut back, while civilian public services have been starved, in absolute as well as in relative terms, and should be lifted to substantially higher levels. Thus the drive to reorder national priorities aims to multiply public funds for domestic functions, particularly in the field of social welfare, and to clip defense appropriations commensurately.

This movement is composed of two groups allied in a common strategy:

1. Those to whom for ideological reasons military activities are anathema, particularly when engaged in by the United States and other Western nations, and who therefore profess and pursue pacifist aims in this country.

2. Those who desire primarily to expand domestic public services as an effective instrument for the redistribution of income and who recognize defense cutbacks as a politically more palatable and therefore more promising source of funds than the available alternatives. They recognize the limitation to a boost in the funds for public assistance, urban renewal, environmental improvements, schools and colleges and dozens of similar programs if it is to be financed solely from the annual increase in federal revenues resulting from economic growth. They know that larger budgetary deficits lack widespread appeal at this time when rapid inflation has become one of the nation's most painful and intractable problems. And they are aware of the fact that to finance the proposed expansion in federal domestic programs by jacking up tax rates is politically even less attractive. Federal taxes are already at exorbitant levels because expenditures are so high. Everybody knows that federal spending has been soaring over the past ten or twenty years, far outpacing the growth rate of the nation's economy. Everybody, that is, who has not looked at the record.

The record shows that federal expenditures increased at about the same rate as the gross national product (GNP) or personal income (PI) over the past ten years, in fact for nearly twenty years. Since 1952 the federal budget has almost exactly tripled, as did GNP and PI.

This seems to suggest that we experienced over the past two decades, a balanced growth in governmental spending, when many people thought that we were living through times of runaway, spendthrift budgets. But it only *seems* balanced growth, until we analyze the component of budgetary growth: the share of defense was cut nearly in half, while the share of domestic public services more than doubled. Defense costs went up 57% between 1952 and 1971 which is just barely ahead of the simultaneous rise in prices; in relative terms, defense fell from 66% of the total budget to 36%, from 13.6% of GNP to about 7.1%. Spending for domestic purposes meanwhile multiplied 7.6 times (+662%) and its share of the budget jumped from 17% to 47%; the remaining 17% of the budget went for interest, veterans, international affairs and space. Outlays for education, health and welfare multiplied 12.4 times (+1142%), for all other domestic purposes combined, 3.2 times (+219%).

Only one-fifth of the $130 billion increase in the federal budget between 1952 and 1971 was allocated to national defense.

Some may feel that historical comparisons of governmental costs should include not merely federal spending because many domestic public services are partly or wholly performed at state and local levels. Between 1952 and 1969[1] all governmental expenditures in the United States (federal-state-local combined) for domestic purposes increased 420%: for education 389%, income maintenance 694%, health and hospitals 286%, for all other domestic services 299%. The increase for defense was: 74%, which subsequent changes have since reduced to 57%.

Outlays for national defense equalled 50% of all governmental expenditures in 1952, declined to 28% in 1969 and may be estimated close to 24% in the current fiscal year.

Some may feel that 1952 is not an appropriate year for such comparisons, because it was a war year. Actually, there is nothing improper about comparing a year in the late stages of the Korean war with a year in the late stage of the Vietnam war. But let us trace the trend of defense outlays farther back historically. U.S. Armed Forces expenditures reached $2 billion in no year prior to 1941 except at the time of World War I. It was precisely the military impotence of the United States—and of other Western nations that invited Hitler's aggression in the 1930s and caused Japan's leaders to think that they could attack the United States at Pearl Harbor with impunity and would prevail in the end. They were proven wrong—at a cost of at least twenty-five million lives, of untold human suffering and of material values and destruction running into trillions of dollars.

But we did not learn our lesson. The United States dismantled its defense establishment between 1945 and 1948, cutting outlays from $80 billion to $12 billion. That unilateral disarmament prompted aggressive action by North Korea and Red China in which our Armed Forces barely escaped military disaster. The defense budget was then raised to $50 billion and is still at that level, if counted in dollars of constant value. The nations in the Communist orbit have meanwhile been increasing the magnitude and striking power of their military establishment.

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[1] The latest year for which these data are presently available.

If we are to define what the priorities of the United States ought to be over the next decade, we should first try to evaluate what the priorities accorded military and civilian purposes in the 1950s and 1960s have achieved. Of an estimated $230 billion increase in governmental expenditures (federal-state-local) between 1952 and FY 1971, about $27 billion (12%) was allocated to national defense, with most of the remainder going into domestic public services.

The United States has shifted "from the warfare state to the welfare state" during the past two decades. What harvest has it reaped from this changeover? What is the return on the $200 billion which we now invest each year in social welfare and other domestic services? What has been the effect of cutting the share of national defense from one-half of our combined public budgets to one-fourth?

At the very least we might expect to have come closer to the goals which the Founders of the Republic established: ". . . to insure domestic tranquillity, provide for the common defense, promote the general welfare. . . ."

But the evidence is to the contrary. Crime, delinquency and most kinds of social ills, new and old, have been multiplying at a frightening rate, to a point where American citizens are now less safe than they have ever been—or than people are in most other countries, more divided and more bitter at each other. Nor have there ever before been such anarchy-like conditions in the United States—mob violence, arson, looting, terror bombing, wanton destruction, assault and killing of law officers— as we have seen in recent years, weeks and days. Educational institutions have become the breeding places, and often the cause, of civic strife and contempt of law. Schools and colleges rank lower now in the respect and affection of the American people than they have at any time. This, despite the fact that in the current years we are spending $73 billion for education—almost as much as all of the world's other nations combined. The core of many of our large cities has become a festering sore. After spending billions on urban renewal, slum clearance, public or publicly subsidized housing over the past two decades, we find that those programs have destroyed many more dwellings than they have built.

I cannot, in this short presentation, give you the details or specifics on the failure of hundreds of well-meant but ill-conceived social welfare programs. Let me cite how President Nixon summarized the picture for the nation's governors slightly over a year ago:

"We confronted the fact that in the past five years the Federal Government alone has spent more than a quarter of a trillion dollars on social problems—over $250 billion. Yet far from solving our problems, these expenditures had reaped a harvest of dissatisfaction, frustration, and bitter division.

"Never in human history has so much been spent by so many for such a negative result. The cost of the lesson has been high, but we have learned that it is not only what we spend that matters; but how we spend it."

But there are many sincere people who claim that there is nothing wrong with these programs that could not—or would not—be cured by doubling or tripling their amounts. So they demand a "reordering of national priorities" in the 1970s, a further shift from military to civilian purposes.

A "reordering of national priorities" is truly called for—but in the opposite direction, if our national defense is to serve its task.

Rates of increase in the spending for military or other purposes or changes in the percentage which those outlays equal of the total budget or GNP, do not, in themselves prove whether the amounts are too big or too small. The only meaningful way to measure the adequacy of our military preparedness is by the power of the countries against which we may have to defend ourselves some day. By that yardstick we fall woefully short. Our international position and our defensive strength reached their apex at the end of World War II and have been slipping ever since. Held against the power of its potential enemies the United States has never been as weak as it is now.

With a planned appropriation of $73 billion in the current fiscal year and over 3 million men in uniform, our defense establishment offers a mighty and imposing sight. But the crucial point is that our adversaries have for many years been building up their military strength while ours has been diminishing. The USSR is winning the arms race, the USA the disarmament race. It is not widely known that much of the Vietnam operations was carried on by depleting the rest of our defense establishment of its best men and equipment. We are now left with "Swiss cheese" defenses as the case of the Pueblo, of a reconnaissance plane downed by the North Koreans, of a Cuban MIG17 flight to Florida's Homestead Air Force base, and similar incidents prove.

We still enjoyed a decisive military superiority over the Soviet Union at the time of the Cuban missile crisis in 1962—which is why the Russians yielded to President Kennedy's ultimatum to reverse the course of their missile-carrying naval vessels which were then steaming toward Cuba.

In discussions with Russian officials in Moscow, a few months ago, I was told that they had resolved in 1962 to see to it that the Soviet Government would never again have to back down in a future confrontation with the United States. Next time they will call our bluff.

When I watched the Mayday Parade in Moscow's Red Square, just six months ago, standing only a few feet from Mr. Kosygin, Mr. Breshnev and Marshall Grechko, I was surprised to see no military hardware, no big weapons, such as I had observed there in years past. Had the Soviets finally turned peaceful? They gave the answer yesterday at the Revolution Day Parade when they again displayed their arsenal on Red Square, for all visitors to see and take note.

Not that the Soviet Union was planning to start a war with the United States, or that Red China is. They hope that a war may in the end not be necessary. They believe that they may achieve their immutable goal of Communist world domination without a war if current trends continue long enough, because the United States will eventually be in no position to resist any action or demands or provocation with which our adversaries may someday choose to face us, close to our shores or anywhere in the world.

Moscow has been pushing one of the greatest armament programs ever, pulled abreast of us in many respects, is ahead of us in land-based intercontinental missiles, missile-launching and other submarines, antiballistic missiles and in several other major weapons systems. The Soviets are headed for a clear-cut arms superiority within a few years.

It takes five to ten years to develop, test, produce, and deploy a major weapons system. What we do now about our missiles and missile defense, about the F–14 and F–15 fighters, the MBT–70 main battle tank, C–5A cargo plane (whose fleet was cut from 120 to 81), the AMSA (advanced manned strategic aircraft)—now to be implemented as the B–1 new strategic bomber—the nuclear carriers and submarine programs will decide whether our defenses will be strong in the second half of the 1970s and beyond, or whether the United States will have to yield to nuclear or other forms of blackmail. The Joint Chiefs appear to be fighting a losing battle. We seem to have declared an open season on national defense.

The frightening facts were made known in recent months by several of our leading military experts. They were presented as somber warnings to his colleagues in a speech on September 3, 1969, by the chairman of the Senate Armed Services Committee Senator John Stennis and by his counterpart in the House, Representative Mendel Rivers, on September 28, 1970, who told the lawmakers that "we seem hell-bent on national suicide." But the House, on October 8, cut defense appropriations $2 billion below the President's recommendations.

IN SUMMARY:

Our national priorities must be reordered in the decade ahead if the United States is to survive as a nation. The trend of shifting huge resources into so-called social welfare programs, at the expense of our military preparedness, which prevailed during the 1952–1971 period must be reversed. We must review hundreds of domestic programs, compare their output with their input, measure in each case the tangible return which our taxpayers receive on their huge investment, and weed out or revise those with little or no return.

We will inevitably make some mistakes, but such mistakes can be corrected—in domestic programs. We may have no chance for a second guess, get no opportunity for a second try, in national defense. If we miss the first time, if we are not adequately prepared against our opponents to begin with, we may never get a second chance. The two oceans which shielded us till World War II have long since been made ineffective by technological progress. If at first we don't succeed—we are through.

Time is running out. If we do not act decisively now and in the decade ahead, we may be known in future history books as the generation that inherited America from its fathers, and lost it because we were too shortsighted to preserve it for our children, too occupied with trivial day to day conveniences to assure the survival of free government in this world.

That must not happen.

CRUDE OIL PRICE INCREASE

Mr. TOWER. Mr. President, a notice was published in the Federal Register today inviting comment from all persons interested in the investigation by the President's Oil Policy Committee of the recently announced 25-cent per barrel increase in the price of some crude oil produced in the United States. Four crude oil purchasing companies have announced such an increase. The stated purpose of the investigation is to determine the national security implications of a price increase at this time.

I strongly urge these oil companies and all other interested persons to seize this golden opportunity to present in an open and unbiased national forum, the hard facts which should irrefutably establish the need for a substantial increase in the price of domestically produced crude oil.

I believe that a substantial increase is needed at this time for two main reasons:

First, over the past 10 years, the price of oil paid to the producer has fallen far behind the rapidly rising costs of finding and producing the oil. An increase in the price of crude oil is needed to restore the economic incentive necessary to stimulate additional exploration efforts. Additional exploration efforts are needed to replenish our diminishing crude supply from our vast, though undiscovered, reserves. While we are presently producing oil at, or near, peak capacity, our exploratory efforts are at the lowest level in many years. If this disparity is allowed to persist, it is obvious that we will be forced to depend upon other nations to supply increasing portions of our large and expanding demands for oil.

Second, the specter of possible dependence on foreign sources for this vital energy resource cuts to the heart of the national security question. Our national security position would be irreparably damaged if we were forced to depend on foreign sources of supply for this large a portion of our needs.

We have witnessed in the past few months, the results of relying too heavily on some foreign sources for our oil needs. Thus, these oil companies, and others who are interested in preserving our strong national security position should welcome this opportunity to respond to the invitation of the President's committee.

Because the health of the oil industry is of such vital importance to all Texans, I intend to be among those who avail themselves of this invitation.

OWEN CHEATHAM, A MAN WHO WILL BE MISSED

Mr. HATFIELD. Mr. President, I wish to pay tribute to Mr. Owen R. Cheatham, an Oregonian who died October 24, 1970, in Eugene.

Mr. Cheatham was the founder of the Georgia-Pacific Corp., which built, over the years, into a billion dollar operation, headquartered in Portland.

Today, I do not want to dwell on the obvious business talents of Mr. Cheatham. Instead, I want to note the human qualities which made him a good friend to all who knew him.

Owen Cheatham was a man who lived a full life, putting all his ability and all his enthusiasm behind every endeavor that interested him. He offered constructive leadership in many areas outside his business, and emphasized community involvement to all employees of the company. In fact, when someone looks around Oregon at the community leaders, he finds a good number of Georgia-Pacific employees, both at the executive level and at the plant employee level, that contribute significantly to their respective communities.

This involvement was stimulated by Owen Cheatham, and this legacy, I trust, will continue. The civic and cultural life of our State has been assisted greatly by the activities of Mr. Cheatham and his company.

Mr. President, the citizens of my State will miss Mr. Cheatham. The citizens of Atlanta, Ga., where the company was founded, will also miss him.

I ask unanimous consent that editorials and news articles noting the death of Owen Cheatham appear in the Record, followed by a column by Robert Swan in the Daily Journal of Commerce on the death of Mr. Cheatham and Ervin E. Hanks, another Oregon businessman who died recently.

There being no objection, the items were ordered to be printed in the Record, as follows:

OWEN R. CHEATHAM

Owen R. Cheatham's corporate and cultural interests were nationwide and worldwide but the Pacific West had assumed an ever-larger importance in both. The Virginia-born business genius who built the Georgia-Pacific Corporation from scratch to a $1.5 billion forest products industry counted his Portland home, one of three, as a favorite.

Mr. Cheatham's death of a heart attack at the Oregon-Southern California football game in Eugene Saturday ended a 43-year career as the chief fiscal planner of Georgia-Pacific and an almost mythical success story in the business world. The company he dominated for so many years, greeted in Oregon and the Pacific Northwest when its headquarters were moved to Portland with much skepticism and concern, remains a monument to his vision. Its advanced policies and practices and the scope of its operations are a tribute to Mr. Cheatham's early recognition that a corporation owes more than wages and profits to its employes and owners and that it must, itself, be a vital and constructive community force.

The apprehension which some held for the rapid and wide-ranging expansion of Mr. Cheatham's company in the Pacific Northwest has evaporated in the face of the modern forest practices of conservation and use employed by the firm. Mr. Cheatham's cultural and educational contributions were notable. But it is in the field of enlightened business management that his achievements were most noteworthy.

[From the Augusta (Ga.) Chronicle, Oct. 27, 1970]

OWEN R. CHEATHAM

The business career of Owen R. Cheatham, from its humble beginning in Augusta in 1927 to its untimely close last Saturday, was a success saga virtually without parallel in the industrial annals of the United States.

It was a self-made career which Mr. Cheatham fashioned by way of careful preparation, hard work, exceptional ability and distinguished leadership. Out of it—from its start as the Augusta Hardwood Lumber Co.—emerged the Georgia-Pacific Corporation, one of the world's largest natural resource industries with more than 200 plants in the United States and abroad.

It gained him recognition as one of the industrial giants of this country and earned him honors and financial rewards that come to but few men.

This eminent and exceptional Augustan was a man of many facets. In addition to his keen business ability and unusual foresight, he was a dedicated Christian, a courtly gentleman and a retiring but devout humanitarian. His success brought success to others and created rewarding opportunities for literally thousands of Americans who, as his business interests expanded, became a part of the Georgia-Pacific family.

But it was not alone as a captain of industry that Owen Cheatham will be remembered, nor as he would have wanted to be remembered. A gentle man for whom the problems of his fellow man were his own, he participated in scores of civic endeavors designed to benefit those who could be aided through his advice, counsel and financial assistance. He served as national campaign chairman for the heart fund in 1966 and 1967, and at varying times as a director of the Boys' Clubs of America, the Metropolitan Opera Association and of the Giannini Foundation. His philanthropies were legion; his concern constant for those less fortunate than he.

Although it had been approximately 20 years since he left Augusta to make his home in New York. Mr. Cheatham still felt a strong attachment for the city in which his spectacular career had its start. His company never closed its local offices, even as its huge interests became concentrated elsewhere. He frequently visited here with members of his family, and to play at the Augusta National Golf Club, of which he was a member.

To be sure, his death last weekend will be felt in industrial, civic and social circles throughout the United States. Nowhere, however, will it be felt more keenly nor with greater genuine grief than in Augusta. Here, where he was friend to so many people who gloried in his success and appreciated what he stood for and what he provided through his statesmanlike business career and through his philanthropies, Owen Cheatham will be remembered for many years to come.

OWEN R. CHEATHAM, GEORGIA-PACIFIC FOUNDER DIES

Owen Robertson Cheatham, 67, founder and retired chairman of the board of Georgia-Pacific Corp., died of a heart attack Saturday, October 24, while attending the Oregon-USC football game in Eugene, Ore.

Memorial services were held October 27 at Trinity Episcopal Church in Portland, Ore., and October 30 at St. Bartholomew's Episcopal Church in New York City. Funeral services were October 29 in Concord, Va. near his birthplace, with interment in the New Concord Presbyterian churchyard.

Mr. Cheatham began his business career in 1912 with Porter Bros. Lumber Co. of Naben, W. Va., and later became treasurer of Dolan Lumber Co. in Lynchburg, Va.

In 1927, on the eve of the Great Depression, he founded Georgia Hardwood Lumber Co. (later Georgia-Pacific Corp.) in Augusta, Ga. with capital of $12,000 half of it borrowed. He lived to see Georgia-Pacific sales exceed $1.1 billion with assets of over $1.5 billion.

He expanded Georgia-Pacific from a tiny Southern lumber wholesale and export company to one of the world's largest natural resource corporations. He served as the corporation's president until 1957, then as board chairman until 1967, and was honorary chairman of the board and chairman of the executive committee at the time of his death.

Mr. Cheatham was recognized in the forest products industry as the man who first made widespread use of the principle of debt financing as leverage to increase timber ownership. Under his guidance, Georgia-Pacific grew from a position of no timber ownership in 1927 to its present day fee ownership exceeding 4.5 million acres plus more than 2 million acres of timber concessions and cutting rights. This timber and other raw materials are converted in 200 manufacturing plants throughout the United States and overseas into thousands of building materials, pulp, paper and chemical products for distribution in key domestic and world markets.

At the time of his death, Mr. Cheatham was a director of the Bank of America, N.T. & S.A., and had served as a director of The Prudential Insurance Company of America; Graniteville Company, and the Citizens & Southern National Bank.

In addition to his industrial leadership, he served a leading role in many civic activities. He was national campaign chairman in 1966 and 1967 for the American Heart Fund and was a director of the Boys' Clubs of America; Metropolitan Opera Assn., and the Giannini Foundation. He also served as a trustee of the Advisory Board for the Center for Advanced Studies at the University of Virginia; the Forestry School of Duke University; the Georgia-Pacific Foundation, and the Owen Cheatham Foundation.

Surviving are his wife, Celeste Wickliffe Cheatham; two daughters, Mrs. Roland Comerford and Mrs. Albert Kennerly and 6 grandchildren, all of New York City; four sisters, Mrs. V. D. Bradley, Mrs. W. R. Miller and Mrs. D. F. Savage, Sr., of Lynchburg, Va., and

Mrs. W. A. Dolan, of Augusta, Ga., and three brothers, J. N. Cheatham of Portland, Ore., B. F. Cheatham of Augusta, Ga., and W. H. Cheatham of Lynchburg, Va.

Oregonians Bring Reality to Dream

(By Robert G. Swan)

Some might have you believe it is only an impossible dream that a man, no matter how humble his beginnings, can rise to become president of his country, a great industrial empire or similar business endeavor during a lifetime in what we describe as the great Americanf system. Oregonians were to pay final respects Tuesday morning at 11 o'clock in Portland to a pair of men who once again proved there is reality in that dream of our free enterprise society. Not only did each amass a great personal wealth in advancing to the top of their chosen fields in our competitive system of business, but each did much to shape important patterns of life as lived in Oregon today. . . . A memorial service for Owen R. Cheatham, the founder of Oregon's largest corporate enterprises, Georgia-Pacific, was set for 11 a.m. at Trinity Episcopal Church. . . . At the same hour, some two dozen westside blocks away, services were scheduled at Finley & Son for Ervin E. Hanks, the Colonel of Oregon's restaurant business.

Cheatham died as he lived, where the action was. The 67-year-old industrialist suffered a fatal heart attack as he took his seat in Eugene prior the collegiate football classic between the University of Oregon and Southern California.

When a man must die, perhaps it is fitting the end comes where he found himself comfortable during life. Football was an important part of life for Cheatham, one of the early backers of the National Football Foundation and Hall of Fame. He always had time for the fall sport as he took $6,000 in savings and matched it with a $6,000 loan 43 years ago to form the beginnings of today's $1½ billion Georgia-Pacific corporation.

One of the lasting monuments to Owen R. Cheatham is the white structure which forms Oregon's tallest building, the 30-story G–P Tower. In this building are collected for the first time in many years all of the principal functions so necessary in the operations of an international corporation. . . . Georgia-Pacific has been headquartered in Portland since 1950. The principal offices came west when Cheatham, the onetime lumber salesman from Virginia, began to engineer along the Pacific slope the great acquisitions by his firm, which many termed too daring to succeed.

Burial for Cheatham will be Thursday near his birthplace in Concord, Va. and in the state where he followed studies at Virginia Polytechnic Institute with entry into his lifelong career with wood products.

He served as president of Georgia-Pacific from its founding in 1927 until 1957 when he became chairman of the board. He stepped down as chairman three years ago, but retained his seat on the board, serving as president of its executive committee. Cheatham had come west to Portland for a board meeting on Friday.

It is somewhat ironic that a heart condition should snuff out the life of the longtime G–P leader. He served as national chairman of the Heart Fund in 1967. His fatal attack of Saturday was preceded a year ago by a similar attack. . . . He will be remembered as a pioneer advocate of commercial timber reseeding under a program he described as "dynamic conservation". A program which would insure that more trees were planted on G–P lands each year than were cut.

The talents of Cheatham were recognized by his equals in the high councils of business. Typical of this was his service as a director for the world's largest financial institution, the Bank of America. . . . His role of leadership with the National Heart Fund was duplicated many times in like service such as on the boards of directors of the Boys Clubs of America, the Giannini Foundation, through the Episcopal Church or with the Metropolitan Opera Association in New York City, where he and his widow, Celeste, maintained a home along with residences in Portland and Florida.

Ervin E. Hanks likened himself best as a "Kentucky Colonel". His role as a Colonel was most natural. His Speck chain of 29 restaurants in Oregon and southwestern Washington constitutes one of the largest franchised outlets for Kentucky Fried Chicken in the nation.

No one restaurant operator in the Northwest approaches the overall dollar volume of the Speck food operations, which expanded from Fried Chicken in recent years to Kentucky Beef and, just recently, to include H. Salt Esq. Fish and Chips. . . . Hanks was a native of Northern California. He was born just south of the Oregon border at Shasta in 1899. He moved to Texas after service in World War I. He had a varied career as employment consultant, welfare worker and operator of a restaurant as well as a feed and seed store before he opened his first Speck Restaurant.

At a time in life when most men are perhaps inclined to think more of retirement, than of launching of a new business career, Hanks opened his first Speck, a small restaurant with drive-up service and seven stools on NW Skyline Blvd. Interestingly, at the beginning, Hanks' Speck Restaurant was noted for its hamburgers, not particularly fried chicken, the specialty which made him one of the restaurant industries' millionaires. . . . The growth of the Speck Restaurant chain blossomed with the popularity of its "Finger Lick'n Good" brand of chicken. At the time of his death, which came in his Southeast Portland home of an apparent heart attack, the 71-year-old Hanks was one of the largest stockholders in the nationwide Kentucky Fried Chicken company.

USEFULNESS OF WEATHER SATELLITES

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the RECORD two letters from William Bradford of Sulphur Springs, Tex., dealing with the usefulness of our weather satellites. Mr. Bradford is the president of radio station KSST in Sulphur Springs and in performing the task of informing the people of the area about weather conditions and prospects he has found the weather satellite service to be extremely valuable.

In this time when our allocation of resources to the development of space hardware and programs is being attacked as being of low priority relative to social programs here on earth, it might be wise to consider the immensely important ramifications of the progress in space-related sciences to date and the prospects for the future. The weather prediction services of weather satellites are extremely important to the health and well-being of our citizens who reside in hurricane-prone area, for one example. Who can say how many other prospects remain to be developed that will be of benefit to "social" man here on earth? The most important will be tapping solar energy which can power the entire realm of man's activities and solve most of the pollution problems, hunger problems, and poverty problems of the world. This can be done only with adequate space program funding.

The solution to many of our social problems here on earth will lie in the proper utilization of the benefits of advanced space technology. We have one concrete example here of the value of the space program in the everyday activities of the ordinary citizen, described in the words of Mr. Bradford. I commend these letters to the attention of the Senate.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HOPKINS COUNTY BROADCASTING CO.,
Sulphur Springs, Tex., October 15, 1970.
Senator JOHN G. TOWER,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TOWER: We enclose copy of a letter to Mr. Robert Popham of ESSA concerning our use of the picture transmitting satellites. I do this, knowing that you share with me a desire to know of the use being made of federal funds in all of the many programs and projects on which our nation has embarked today.

This station has been receiving and using the weather satellite pictures since the early days of the program. We have been impressed with the speed at which those early experiments became precision, reliable sources of otherwise unobtainable information.

We have watched and reported the formation, movement and ultimate breakup of hurricanes. We have reported the ice breakup in Hudson Bay and shared with Quebec the confirmation that two of their lakes are a giant pre-historic crater. We have made our listeners aware of the weather picture as we have never been able to do before. We have demonstrated to foreign visitors our goals and achievements in the peaceful uses of space.

The satellites have vividly demonstrated that the weather, like the human body, is not a collection of separate parts, but a complex relationship. The first of the weather satellites could only "see" but the current series can both see and sense heat. Other senses (ESSA calls them "sensors") show promise of even further expanding the satellite's awareness of our environment.

Our purpose in this communication is the hope that we can share with you our awareness of what has already been accomplished, the potential value of what lies ahead, in the hope that this information will be of value to you as you participate in the legislative decisions which will determine the future of these projects.

Yours very truly,
WILLIAM BRADFORD,
President.

HOPKINS COUNTY BROADCASTING CO.,
Sulphur Springs, Tex., Oct. 15, 1970.
Mr. ROBERT W. POPHAM,
APT Coordinator, U.S. Department of Commerce, Environmental Science Services Administration, National Environmental Satellite Center, Washington, D.C.

DEAR MR. POPHAM: You have requested that we inform you as to the use we make of the pictures we copy from the weather satellites. I regret that we may not be able to describe this in such a manner as to do justice to its value in our operation.

1. For over three years this radio station has been regularly copying APT Satellite transmissions as a part of our news/weather service to our listeners. At this time our routine includes copying the continental series of ESSA 8 pictures each morning and the ITOS 1 (which I understand may have been designated as ESSA 10) in the afternoons. The morning pictures are used with other

information in the preparation of a narrative description of Texas in detail, a general description of the rest of the nation, and descriptive information of continental weather when it is of special interest. In the afternoon a similar set of ITOS 1 pictures is usually copied with similar presentation in "Weather Roundup" programs.

2. We find the ability to copy both a "morning" and an "afternoon" satellite to be extremely useful. Earlier we compared the morning ESSA series with the noon crossing NIMBUS in detecting weather movements. More recently the afternoon ITOS 1 shows promise of further development of this capability. The following typical quotes may demonstrate our use of the satellites better than extensive discussion.

a. "Don't let the occassional sunshine in this area mislead you. The satellite picture shows this to be a small hole in what is otherwise an extensive solid overcast in all directions."

b. "A comparison of the satellite picture just received with the one earlier this morning seems to indicate this frontal system may be moving more rapidly than expected. This could mean earlier clearing, and colder temperatures tonight. Watch for a possible forecast change."

c. "If you're headed north for a vacation today, the satellite shows clear skies all the way to Canada."

d. "The satellite picture shows extensive cloud cover in that low pressure system in West Texas. The weather Bureau says it's moving this way and is forecasting rain."

The point we're making is that for our listeners, the satellites provide information which otherwise is not available, not readily available, or would be delayed.

3. Descriptive information from our satellite pictures of hurricanes Beulah and Celia was "fed" to the Texas State Network, providing information on those two destructive storms to over 100 other radio stations as a part of the network hurricane news coverage.

4. Pictures from ESSA, NIMBUS, ITOS and ATS have, on request, been supplied to the Earth Science Department of two universities, one museum and to several public schools as educational aids.

5. Surprisingly, we think we have also been able to use the satellites in an interesting effort in foreign relations. A group of fifteen students from Honduras were our guests. They showed a special interest in watching the satellite pictures being received from space. We used this as an example of one of the many ways the United States uses its space technology as a peaceful benefit to mankind. We explained that the weather satellites are not just for our own use, but for other nations to share. To demonstrate we went through our files, and each guest carried away with him, a satellite picture of his own native Honduras and, we hope, a favorable impression of this nation and its goals in space.

6. We wish we could brag to you that our reception of satellite pictures has saved lives or averted destruction. They have certainly helped ESSA to do just that.

We only know that because they are doing their job in orbit we have been able to aid universities teach earth science to students. We have given foreign visitors a photographic demonstration of some of the space aims and achievements of this nation. The satellites have helped us tell the housewife when to hang out the wash, and when to bring in the petunias.

As far as we are concerned, the share of our tax dollar that keeps the weather satellites operating and improving is returning rich dividends.

Yours very truly,

William Bradford.

THE TRADE ACT OF 1970

Mr. SAXBE. Mr. President, it is difficult to predict exactly what disastrous results will be produced by enactment of the protectionist trade legislation now attached to the social security bill. There is imminent danger of legal retaliation, the raising of tariffs or quotas on U.S. exports, especially against our agricultural products which in the last fiscal year totaled $6.6 billion. My own State of Ohio accounted for $205 million of these farm exports. Further, international trade could be thrown into a constant state of chaos because of the uncertainty of the loose trigger mechanism proposed for the establishment of additional quotas. Discrimination against U.S.-owned companies will increase sharply.

We all share the concern of all who are unfairly hurt by excessive imports resulting from foreign export subsidies, preferential agreements or other intolerable trade practices which damage U.S. interests. However, protectionist legislation is not the answer. Quotas will raise domestic prices—Governor Andrew Brimmer, Federal Reserve Board, has estimated that quotas on shoes and textiles alone could raise consumer prices $3.7 billion by 1975—and lead to immeasurable international economic difficulty. Further, I am of the opinion that many of these dumping and subsidy problems can be handled under our present antidumping laws, and the administration has already started moving in this direction.

In short, the fundamental direction of U.S. trade policies must be one which continues to widen world trade, allowing the citizens of our country to enjoy the benefits of expanded trade.

An article published in this week's Time magazine and a recent New York Times editorial support this position. I ask unanimous consent that both items be printed in the Record. At the same time, I urge Senators to resist the dangerous protectionism of the pending trade legislation.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From Time magazine, Nov. 23, 1970]

Trade: The Black Comedy That Could Come True

It sounds like a ludicrous piece of political black humor. A Southern Democrat introduces an import-restricting bill designed to help a Republican President who wants to win votes in Dixie. Egged on by organized labor, Congressmen joyfully expand the bill into a measure that will force consumers to pay higher prices for clothes, shoes and many other goods. More than 4,000 professional economists sign a letter warning that the bill not only will be grossly inflationary but will also gravely hurt the nation's position in world trade. The U.S. Secretary of State says that the measure will start a trade war with some of the nation's most important allies. But these warning are drowned out by the voices of Pennsylvania mushroom growers, Hawaiian passion-fruit producers and other businessmen who want protection from low-priced imports. The bill passes, and the President signs it, explaining that he had to do so in order to win increases in Social Security payments for the poor and aged.

This grotesque parody of the U.S. legislative process is unfortunately all too real. When Congress reconvenes this week, the first major item of business in the House will be a vote on the most restrictive piece of trade legislation since the disastrous Smoot-Hawley Tariff Act of 1930. The bill, which would raise prices by denying consumers access to many imports, is likely to pass after only perfunctory debate, and then whiz to the Senate. There the Finance Committee already has voted to attach it as a rider to a measure raising Social Security benefits. The odds are that the Senate will pass the package in early December.

All of this would turn the clock back 35 years, to the days before the nation began leading a highly beneficial world movement toward freer trade. The provisions of the bill are complex, partly because the legislation grew by a process of log rolling rather than by conscious plan. The bill rigidly limits imports of textiles and shoes, for example. Next year they must be held to the 1967–69 average, which would amount to a reduction of at least 30% from current levels; in subsequent years, they could grow only 5% annually. The bill also obliges the President to continue holding down oil imports by quota, rather than switch to a less restrictive tariff system.

TRAGEDY OF ERRORS

The bill's most mischievous feature is the so-called "trigger mechanism." It forces the President to impose quotas or higher tariffs on any foreign product that is increasing rapidly in sales and has captured 15% of the U.S. market—provided that the domestic industry can prove injury and the U.S. Tariff Commission recommends action. The President can avoid invoking restrictions only if he finds that they would not be "in the national interest." At present, an estimated 125 foreign products—including wigs, radioactive isotopes, sewing machines, autos and TV sets—would be subject to the "trigger mechanism."

If anyone had proposed so blatantly protectionist a bill six months ago, free traders and consumer advocates probably could have rallied their forces quickly and buried it. The bill, however, took its present form gradually, as a result of a tragedy of errors made by everyone concerned—President Nixon, House Ways and Means Committee Chairman Wilbur Mills and foreign governments.

In the 1968 election campaign, Nixon promised to restrict textile imports. Hubert Humphrey offered a similar promise, even though the U.S. textile industry has never made any persuasive case that it is being badly damaged by imports. Between 1961 and 1969, the domestic industry's employment increased from 893,000 to 989,000. Even now, imports account for only 4% of all the textiles bought by Americans. Nixon, however, was seeking Southern votes. After winning them, he set out to hold them by assigning Commerce Secretary Maurice Stans to persuade the Japanese to "voluntarily" restrict textile exports to the U.S. Stans got nowhere. He was asking the Japanese to sacrifice sales without offering anything in return.

Stans, seeking a club to hold over the Japanese, asked Mills to introduce a bill setting textile-import quotas by law. Mills agreed, sensing that the gesture would be popular in the House and expecting that the threat would produce a voluntary quota agreement that would allow the bill to die unnoticed. But the Japanese dawdled and, when Mills opened public hearings in May, the protectionist dam broke. All together, 377 witnesses filled 16 fat volumes of testimony with pleas that the mushroom, umbrella, scissors and shears, zipper, bicycle, mink, glue and candle industries—among many others—deserved protection too.

In July, the Ways and Means Committee went into secret sessions, and the real log

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rolling began. Democratic Representative James Burke of Massachusetts agreed to support textile quotas if the bill would also protect his shoemaking constituents, who have lost 25% of their market to imports. Wisconsin's John Byrnes, the ranking Republican on Ways and Means, introduced the trigger mechanism to help his state's dairy farmers repel an invasion of foreign cheese. The provision freezing the oil-quota system was thrown in to win the approval of Russell Long from oil-producing Louisiana, chairman of the Senate Finance Committee and the key to the bill's prospects in the upper chamber. Long returned the favor by arranging to tie the trade bill to increased Social Security benefits; both fall under his committee's jurisdiction.

THE VICTIMS

Opposition forces, meanwhile, were asleep or fumbling. Nixon, a self-proclaimed "free trader," began by threatening to veto any bill that went beyond textile quotas, but as the strength of the new protectionism became evident, he lapsed into silence. Worse, he permitted an open split in his Administration. Secretary of State William Rogers warned the Senate Finance Committee of an "impending trade war" if the legislation should pass, but Stans reassured the Senators that there would be no foreign retaliation that would hurt U.S. exports.

The Japanese Embassy in Washington consistently advised its government in Tokyo not to take the threat of a protectionist bill seriously. Other foreign governments chose to speak softly, for fear of antagonizing Congress. The A.F.L.–C.I.O., worried about the loss of jobs by highly paid union members, abandoned old free-trade principles to lobby for the bill.

One voice was never heard on Capitol Hill—the voice of the U.S. consumer. The consumer will pay the bill if the protectionist measure passes, and the price will be outrageous. Federal Reserve Board Governor Andrew Brimmer said last week that by 1975 consumers will be paying $3.7 billion a year extra for clothing and shoes alone. Reasons: Americans will not be able to get low-priced imports as easily as they now do, and prices of U.S.-made goods will rise faster because of less competition from abroad. The costs, Brimmer declares, will be borne disproportionately by the poor, who must spend a larger slice of their income on shoes and clothing than the well-to-do. These costs would be multiplied if imports of many other foreign products were limited under the trigger mechanism.

Unifying Europe. Critics are belatedly waking up to the dangers of the bill. The Japanese, at about the 13th hour, have just reopened negotiations with Presidential Assistant Peter Flanigan in Washington for voluntary limitations on textile sales. European governments are conferring on ways of retaliating against American exports. The first target will be the $500 million worth of soybeans that U.S. farmers sell annually to Europe. Next may come U.S. small airplanes, light machinery and computers. Steps of reprisal would be taken jointly by the six members of the Common Market, with Britain probably joining in. On a visit to the U.S. last month, Ralf Dahrendorf, the Common Market's top trade executive, raised an ironic toast to Wilbur Mills—as the man who had done most recently to promote European unity. The threats have begun to weigh on some Congressmen, who realize that U.S. exports produce more income than the auto or home-building industry. The nation's exports this year are running at a $42 billion rate and are likely to exceed imports by $3 billion. But the new worries about retaliation are probably too late. Mills has been concerned lately about soothing protectionists' fears that his heart is not really in the trade bill, which now informally bears his name. In a recent speech he proclaimed that "Congress is not bluffing. I predict that the Trade Act of 1970 will pass by a big majority."

Nixon could still wage a vigorous fight against the Mills bill in the Senate. If it passes, he would do well to veto it, even at the price of delaying an increase in Social Security benefits. If the bill becomes law, he could use the "national interest" clause to weaken the trigger mechanism. The President's waffling so far, however, leaves scant hope that he will do any of these things. If he does not, the black comedy could become a horror story:

Foreign nations retaliate against the new U.S. restrictions, and angry U.S. politicians and businessmen press Nixon to hit back by putting up barriers against an even longer list of imports. Cooler heads in all nations warn that such a cycle of retaliation and counter-retaliation, carried to the extreme, can have the most chilling consequences. The last such spiral began during—and did much to deepen—the Great Depression. But the margin for good sense is slim, as the world teeters on the brink of a trade war that no one wanted.

[From the New York Times]

Stopping a Trade War

If President Nixon intends to block the highly protectionist Mills bill that would legislate compulsory quotas against imports of textiles, apparel, shoes, oil and eventually a long list of other products, he will have to start fighting now that Congress is back in session.

The trade bill already has been approved by the House Ways and Means Committee, and the Senate Finance Committee has sought to make it unstoppable by attaching it as an amendment to Social Security liberalization. A majority now appears ready to support the measure in both House and Senate.

As is usual with trade legislation, the special interests lobbying for protection of particular industries reinforce one another. A formidable coalition is now pushing for this bill, even though it would, almost certainly, ensnarl the United States in a worldwide trade war. Leaders of the European Common Market have made clear the certainty of retaliation. Many American export-oriented industries—including such important ones as agriculture, aircraft and electronics—would suffer. What is less well understood by many Congressmen is that the nation as a whole would also suffer.

American consumers, already feeling the pangs of inflation, would have to pay still higher prices for many goods—both because less expensive imports would be restricted and because protected American industries would be able to boost their prices without fear of losing sales in the domestic market to foreign competitors. The term "protectionist" is, in a sense, a misnomer; it is really an act of aggression against American consumers and many American industries and workers, as well as against other nations, including some of this country's most important allies.

There is a good chance that this reactionary trade legislation can be blocked in the Senate if strong Presidential leadership is forthcoming. The Senate includes a group of at least twenty dedicated liberal-trade supporters who might be joined by many other Senators shrinking from the bill's more extreme provisions, such as the "Byrnes trigger," which would impose compulsory quotas on a long list of items whenever imports of these items exceeded a share of the American market.

One problem for the President in fighting against the Mills bill has been his own political commitment to the American textile industry—especially its Southern department—to restrict Japanese textile imports one way or another. The failure last summer to work out a deal with the Japanese for voluntary quotas led the Nixon Administration to ask Congress for compulsory quotas on textiles—thereby opening the floodgates to the Mills bill.

Now the President's special assistant, Peter Flanigan, and Japanese Ambassador to the United States Ushiba are making a final effort to work out a "voluntary" deal that will permit the President to consider his obligations to the American textile industry discharged—and enable him to come out solidly against the Mills bill. If that can be done, the chances will grow that the protectionists can be prevented from railroading the Mills bill through Congress this year. The new Congress assembling in January would then have a chance to weigh more carefully the kind of trade legislation needed to serve the true interests of the nation.

HOOVER MEDAL AWARDED TO ERIK JONSSON, MAYOR OF DALLAS, TEX.

Mr. TOWER. Mr. President, it is a pleasure for me today to report that one of Texas' distinguished citizens has received a high honor by being awarded the Hoover Medal. The Texan who received it was Erik Jonsson, mayor of Dallas and a member of the American Revolution Bicentennial Commission, created by Congress to plan and have overall supervision of the commemoration of our 200th year of freedom.

The Hoover Medal, instituted in 1929 to honor the civic and humanitarian achievements of the late President Herbert Hoover, was presented Mayor Jonsson for his outstanding contributions to community betterment. The board of award consisted of representatives from the American Society of Civil Engineers, the American Institute of Mining, the American Society of Mechanical Engineers, and the Metallurgical and Petroleum Engineers.

Mayor Jonsson, born in the United States, is the son of parents who immigrated to our country from Sweden and became naturalized citizens.

It is good to have such a man on the Bicentennial Commission. The Commission's hard-working executive director, M. L. Spector, and the highly capable deputy executive director, Hugh A. Hall, report that Mr. Jonsson is one of the most active members of the Commission.

I ask unanimous consent that interesting additional background about Mayor Jonsson and a recent address he delivered, entitled "Avalanche: The Cities and the Seventies," be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Interesting Background Facts About Mayor Jonsson of Dallas

His civic and community services are extensive. He was the first President of the Dallas County United Fund; served two terms as President of the Dallas Chamber of Commerce; one term as President of the Dallas Citizen Council; and is currently an active member of a wide range of community organizations and boards.

Mr. Jonsson has longstanding interests and affiliations at all levels of the educational field. He was one of the founders of the Southwest Center for Advanced Studies which became on September 1, 1969, the University of Texas at Dallas, a part of the University of Texas System. He is president of the Excellence in Education Foundation, Dallas. He also is a member of the Board of Trustees of Rensselaer Polytechnic Institute, Skidmore College and Austin College, American Assembly, Educational Facilities Laboratories, Callier Hearing and Speech Center, and Honorary Trustee and former Board Chairman, 1954–1964, of the Hockaday School. Mr. Jonsson serves, too, as Chairman of the Board of Visitors of Tulane University and as a member of the Visiting Committee of the School of Business of Harvard University.

He holds an M.E. degree from Rensselaer Polytechnic Institute and honorary degrees from RPI, Hobart and William Smith College, Austin College, Southern Methodist University, and the University of Dallas. Among other honors, he was the Gantt Medalist in 1968.

AWARDS RECEIVED BY MR. JONSSON

American Society of Metals Advancement of Research Award, 1964.

Society of Industrial Realtors Industrialist of the Year Award, 1965.

Bene Merenti Medal, 1966.

Honorary Member, American Institute of Architects, 1967.

Gantt Medal, 1968.

Horatio Alger Award, 1969.

AVALANCHE: THE CITIES AND THE SEVENTIES

(By John Erik Jonsson)

Mr. President, Mrs. Gilbreth and Members of the Family, Members of the American Society of Mechanical Engineers, Ladies and Gentlemen:

I feel deeply privileged to address you on an occasion which honors both Henry Robinson Towne and Frank B. Gilbreth. These were leaders, builders, teachers, creative men of rare insights, clear reasoning. Their efforts importantly and measurably stimulated and developed one of our nation's sharpest, greatest tools . . . the proved body of knowledge they named Scientific Management. You know as well as I its benefits in terms of productivity and management of technological change to sustain an ever-increasing population. On reflection we also understand that, had we applied the principles enunciated by these two men as well as we should in management of all our governments, conditions would be better at all levels today.

As the end of the sixth and the beginning of the seventh decade of this Twentieth Century, A.D., approach, it seems in order to assess where we stand in these United States and to look forward. We lead the world in technology and management understanding. We are a prosperous and able people with the greatest productive plant in the world and an abundance still of land and natural resources. We live in exciting times, but we are confused about our aims and the means to attain them.

A simple society we are not. We have a heavy agenda of deep-rooted, complex, and difficult internal problems not easily categorized except that they are strongly centered in our cities. There most of the people are and more will be. There tumult and tension seem increasingly to have their way. There the mood of the people grows strange and perplexing, noisy and violent on the one hand, unvoiced, seemingly apathetic on the other.

Let me introduce the problems of our cities, not with a long dreary catalog of their ills but by asking you a few self-answering questions.

Do you know where your city is healed? Do you care? Do you think when you have elected a city government and hired its employees your citizen's duty is done? Do you think you can hire citizenship?

Do you vote in city elections? Would you more likely and regularly do so if you remembered what a complicated organism a city is, what great and complex problems it poses, and what large sums of your money it consumes in its operations? With this in mind, should you help search out, select, support for the governance of your city people of serious, selfless purpose, with the abilities, the knowledge, the education, the experience, the integrity to deal with a city's scope and magnitude—and its effect on your life? Do you bring your objective, common sense views to bear in your city or do you let the militants and special interest blocs speak for you?

Do you know how old your city charter is? Does it preserve functions and a system of management long since made obsolete by new tools and better, more efficient ways to operate? Does it ignore the functions those same better ways suggest?

How do you like the crime rate in your city? Does it worry you?

Can you get where you want to go safely and on time? Do you have a pleasant journey? Do you enjoy wall-to-wall concrete?

Who lives in the heart of your city? The poor, the misused, the disadvantaged? Do you know any of them? Do you consider yourself a vital, active part of the corporation which is the city, or do you think of it as "them"?

Who paid for the city's facilities on which you depend? Are you willing to help pay for a better city for your children and for theirs? Do you think this would be any cheaper to accomplish in the future?

Do you feel the pinch of inflation? Do you not believe your city operating costs escalate much like your own?

Avalanche: A decade sliding swiftly and suddenly upon us. The continuance of lightning-like change is inevitable through revolutionary increases in knowledge and the revolution of rising expectations. Likewise, we had better get ready for the 32 million more persons it is conservatively estimated will join, by 1977, our present, slightly splintered "one big family" of 200 million.

Where will the people live and under what conditions? Four more chaotic New Yorks? One more sprawling megalopolis with multiple governmental and taxing entities? As today's cities are, will these "homes" of people be products of random growth, haphazard design, countless more expedient decisions with little regard for sensible land use or thoughts of the long range? Will whole new cities be designed, modeled, built?

The "urban crisis" steadily captures more of our attention. From a wide and increasing variety of pens flow diverse opinions, ideas, suggestions on what is the matter and the choices to be made at these crossroads. Torrents of vitriolic words assess the blame or accept, on behalf of all, guilt for things as they are.

In Washington the staccato seems more intensive than elsewhere. There a multitudinous variety of programs are designed, some to exploit but most sincerely intended to accomplish mass solutions, and therefore often fated to fail, for neither the people nor the problems are "en masse". The people are individuals, the problems particular, of infinite variety, and in widely scattered locations and differing circumstances.

Lest we be buried by the avalanching problems of the cities in the Seventies, we must understand how to bring the problems progressively within the scope of deliberate planning and management. I believe Towne or Gilbreth would have approached the awesome task with the human being as the center of all we do, with the future clearly in mind and all segments of professional competence involved.

Gilbreth, in his search for the one best way, taught that we should record "what is" separately from "what should be" and that management must conserve the best of the past, organize the present, and forecast and plan for the future. Both he and his contemporary Gantt taught that thorough knowledge always throws much light on a complex operation and that the way to gather such knowledge is to determine its elements, to study each of them separately, and to synthesize the results. Interpreting these teachings suggests a difficult but, to me, essential approach to take. If ever we are in scope and degree to institute the problem solving of which we are capable, we must survey our conditions, inventory our resources, and state, clearly and in writing, our goals, our shared aims. Then we may lay our plans to achieve them and set our priorities more intelligently.

Goal setting, taking into account things as they are and as they are desired to be, has a profound impact, I have found, not only for individuals but institutions, industrial and urban, alike. The process requires that the totality of problems and opportunities be examined simultaneously. It minimizes expediency and tends to halt the drifting process which Gilbreth observed, "never once produced the one best way, never once." Goal setting gives direction and meaning to preparations to act with informed deliberation in terms of one's resources. It fits the democratic way exceedingly well, and I suggest we institute it on a national scale and follow in the states and the cities.

There is a model for goal setting for the nation. It was constructed by a non-partisan Commission on National Goals appointed by President Eisenhower in 1960. Their work was administered by the nonpartisan American Assembly because of its established practices of encouraging wide consideration of public issues. The Commission invited a distinguished group of Americans to write essays on fundamentals of American life as they saw them at that time. In proposing goals in 15 major areas, the Commission sought the counsel of approximately 100 people expert therein. Goals for Americans was published in a volume which has sold to date in the order of three-quarter million copies. That volume begins with these words:

"The paramount goal of the United States was set long ago. It is to guard the rights of the individual, to ensure his development and to enlarge his opportunity. It is set forth in the Declaration of Independence . . . The goals we here identify are within the framework of the original plan and are calculated to bring to fruition the dreams of the men who laid the foundation of this country.

"In the echo of those fateful words can be heard the onrolling thunder of a new age . . . It's soaring vision enabled our society to meet the trials of emerging nationhood. It placed the young republic securely behind the principle that every human being is of infinite worth. In time it led the nation out of the morass of human slavery. It inspires us still in the struggle against injustice . . . Our enduring aim is to build a nation and help build a world in which every human being shall be free to develop his capacities to the fullest.

"In the 1960's every American is summoned to extraordinary personal responsibility, sustained effort, and sacrifice."

If those words were appropriate a decade ago, surely they are even more so today. Our society, our technology, our increased numbers, our accelerating rate of change make cystal clear our need to take stock, to know where we stand, to be able to overcome our divisiveness and polarization.

"Social disruption in our cities and other fears and disorders, threaten to invite a period of tough repression that need not but might happen unless most everybody involved

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rediscovers the necessity as well as the advantages of self restraint," Life Magazine editorialized recently. Deep down most of us know there is no way to go ahead in our society without the rule of law. If we proceed in our time to anarchy, of which there are disturbing signs, we can be very sure that order will be restored. Likely it will be authoritarian, dictatorial, without freedom for all. Alexander Hamilton explained it thus: "Government implies the power of making laws. It is essential to the idea of a law that it be attended with a sanction; or, in other words, a penalty or punishment for disobedience. If there be no penalty annexed to disobedience, the resolutions or commands which pretend to be laws will, in fact, amount to nothing more than advice or recommendation."

It is time to refocus on our respect for the law. With the present amount of crime in the streets, we should reassess the relatively new view that quickly returns the criminal there with little or no penalty. In the long range such treatment may be workable, but apparently it is not for our society. We may need to return to older methods not so permissive of the rights of violators to kill, to rob, to rape, to plunder, again and again.

Likewise we must deal with the paralyzing destructive new stance of vocal minorities and bloc groups. These groups should be made to know that they can no more "run over" the majority than the majority can afford to ignore them any longer. Their problems, however urgent, must take their place in the proper scale of human values and receive their proper share of attention and devotion of resources, no more, no less. Likewise, the majority group must accede to that with no pretext for delay and no lessening of the commitment to right old wrongs. We must remember too, that there are those, both outside and inside our organized society who will fight it, even destroy it if they can. It is not in keeping with our heritage as free men to pass on this nation to those who will follow in any way diminished from its condition when it was put in our own hands Our responsibility is to achieve the objectives of a free, constructive, and effectively functioning society and to oppose with all our resources any destructive opposition

We should voice clearly and repeatedly for the people truly to hear and understand, as our President, our Governors, our Mayors do, that there are no instant solutions to age-old ills; that we do not possess instant money in unlimited quantities; that all the manpower needed to do the jobs that must be done can't be mobilized overnight.

There have been many changes since Goals for Americans in the Sixties were established. Much has happened in this decade both in our social system and our technology. There are new needs; new aims need to be defined New resources, new technologies begin to emerge from the shadows. The light of this and of other thorough knowledge may rightly convince us not only that old institutions must improve their performance but that new institutions, new ways of managing, must be created to deal with accelerating change. Age-old values need to be reviewed, restored, refreshed, restated, that we may understand how we shall live in the decade ahead and well beyond.

To that end, it is my hope that the President-Elect will name a new non-partisan commission on national goals to bring forth new assessments of where we now are . . . the state of the nation . . . and to prepare goals for the Seventies. If the commission could carefully order the goals in segments of a size and kind that would lend themselves to the ability to assess their costs, we could better judge the priorities for their achievement in terms of our resources.

To table the urgent and heavy agenda of the cities' problems, awaiting the results of such an effort, would be suicidal. To delineate interim work more sharply, I presume to suggest that our new President might profitably name a Council of Urban Advisors to provide knowledgeable views and consultation based on extensive experience to assist in our disposition of the cities' problems. Such a Council to the President might well be formed from people able in the governance and administration of cities, and from professional men with a wide variety of talents and knowledge. Included could be representatives of outstandingly competent business, industrial, and educational institutions, city planners, architects, scientists and engineers who understand the technology of our time, lawyers who can foresee the legal framework for what is to be done, the medical profession to assist in pointing the way to the betterment of public health.

Such a non-partisan Council might well have ties not only to the President but to the Conference of Governors, as well. After all, the cities have only the sovereignty ceded to them by State charters and laws, and one of our most disturbing trends is the bypassing of State governments.

I share the conviction of Terry Sanford, former Governor of North Carolina, who spent two years at Duke University researching the material for his excellent book, *Storm Over the States*, that one of the major issues before the American people is the need to strengthen our state governments in order to preserve our federal system. My view of a goals program as a centripetal force—adding tensile strength and cohesion to purpose, knowledge, understanding, commitment—leads me to believe that our states might well benefit from engaging in goals programs of their own. At the state level, it would seem to me to be important to involve large numbers of citizens representing the diversity of the citizens, in the study, formulation, and the reach for consensus on a state's goals.

This is the approach we took in Dallas when we instituted more than two years ago a Goals program to ask, not tell, the people what kind of city they wanted ours to be. Thus far, we have involved in constructing Goals for Dallas about 50,000 citizens from every part of the city and of all races, religions, occupations, political persuasions. Half of the 50,000 have been the young—of high school and college age—for after all the future belongs to them and what could be better than the eager, active involvement of today's bright and educationally advanced young in the discovery of what they will want and need from life, the parallelism in their aims and those of their community and their country?

The process we have used in Dallas is well documented and its details available to anyone interested. Suffice to say here that Goals for Dallas has been characterized by an open-ended, continuing cycle of thoughtful, pointed gathering of information about ourselves and our city, and deliberations and decisionmaking involving as many citizens as could be enlisted. No partisan or special interest groups from any part of the city were permitted to dominate these efforts—or the goals. In the beginning, people were skeptical of the process and each other. In the end they found an amazing give and take, unanimity, mutual understanding, and respect.

A goals program, like this, gets people *engaged* in problems of their cities, lending perspective to how things *are* and how they *could be*. In correlating and communicating the people's wishes, it causes both public and private organizations charged with specific functions in the city, to be more responsive, and the people readier to support worthwhile undertakings.

Presently Goals for Dallas task forces of citizens, again composed of a balanced diversity of the citizenry, are engaged in developing strategies, including identification of organizations needed to achieve our goals and rough estimates of their cost. When this work is completed and widely published, consensus on the priorities for the goals will be sought in neighborhood meetings as was done for the goals themselves.

Meanwhile, in fragments, but in important ways designed to have irreversible impact on better living and future opportunities, we have proceeded toward a new level of renewal in Dallas. Let me, for reasons I will subsequently name, identify some of these to you.

One of our goals under transportation and communication reads: "Bring the Dallas-Fort Worth airport to its fullest potential as a regional and world air center." Next week we break ground for what bodes to be, with a nearly 20,000-acre site, the world's largest, finest port, flexible, ready to accommodate the bigger, faster craft, the future, and the expanded use of air transport it will surely bring.

Part of the initial financing for the port was provided by Dallas' 1967 capital improvements bond program, the largest ever approved in our State and given approval at ratios of nearly 3 to 1 by our citizens. Called the Crossroads Program, a wide range of items designed to bring better living for Dallas citizens, included flood control plans, a magnificent new Pei-designed municipal services center (City Hall) and facing park, the first downtown green space to be added in 30 years, renewal of a cultural center, and bread-and-butter items of a city . . . streets, water facilities, etc. Neither the Goals Program nor the Crossroads Program it so clearly influenced in composition ignored the impoverished. Provision was made to expand a code enforcement program already underway, without benefit of Federal aid, for monthly demolition of 100 houses which are unfit for human habitation. Monies were provided to bring the public facilities in poverty pockets up to acceptable standards, and to assist the people to bring sound but deteriorating housing into code conformance.

Dallas has a new appreciation for the problem-solving results that can be achieved with eyeball-to-eyeball dialogue followed by action. Members of our City Council and I, joined by administrative heads of city services, have held a weekly series of three- to four-hour neighborhood meetings with people living in the substandard parts of our 300-square-mile city. The people come to tell us their urgent needs; we come promising the possible, never the impossible. Knowing our way through the maze of City Hall red tape, as these citizens do not, we find meaningful ways to help. Streets and alleys have been paved, lights installed, water connections made, and countless needs of assorted sites and kinds met fully or in part. These citizens, I believe, have a new faith in their local government. The government—topside anyway—has a renewed zeal for its mission to serve people.

This year Dallas employers backed a summer Job Fair to the hilt with 5000 jobs, more than pledged at any other such fair in the nation, I understand. Dallas had a calm summer, the youngsters a productive one. According to a survey organized for anonymous comments, 97% of them reported employers who understood them and provided meaningful relationships and experience.

Our Council of Churches is the second in the nation to pioneer a "block partnership" program which matches a disadvantaged city block with an affluent group able to help meet the needs the block identifies as most important. Joint exploration of problems at their situs tends to reduce polarity between black and white and to help the poor help themselves.

Neighborhood needs have been further assisted by reorganization of our fire and police departments and the addition of five "Neighborly Aid" centers, including a mobile one, manned by police and aimed to let the people know them not as persecutors, but as the protectors they truly are.

Famed city planners, Vincent Ponte and Warren Travers, have been engaged to devise a multi-level plan for the 1000-acre core of our city, hopefully to bring new mobility, grace and beauty, pleasant facilities, and the round-the-clock vitality of people living in the inner city, renewing and quickening the very heart beat of Dallas.

Even with these and other programs unmentioned, perhaps matched or exceeded in other cities, the rate of change for Dallas and for them remains glacial. As yet we fall far short of the counsel of the man New York Times columnist James Reston calls the calmest voice and coolest mind in American public life, John Gardner, whose writings, I would, if I but had the way, make required reading for every American. "We are going to have to do a far more imaginative and aggressive job of renewing, redesigning, and revitalizing our institutions if we are to meet the requirements of today," Gardner says.

The fact is that one would expect the techniques of science, engineering, scientific management, so commonly understood, would have been rapidly and effectively transferred to the management of at least our larger urban communities. Quite the reverse is the case. Ponderous governments move slowly and in exceedingly antiquated ways their wonders to perform. By and large, in our cities the management philosophies and practices, the organizational structures, the tools, the systems of communicating with the people they are designed to serve, the self-renewing mechanisms, are absent, inadequate, or entrenched relics of a past long since gone.

Safety of the bureacrat's job, best achieved by devotion to the status quo, antiquated civil service systems, skimpy budgets designed to avoid possible taxpayer resentment, lack of attractive motivating forces, too often, discourage the flexible, smart young men from seeking careers in our city halls. Research in terms of need is infinitesimal. If there are time and motion studies conducted in the city to improve efficiency, they are well hidden. If there are programs in work simplification, I have not heard of them. Only small, feeble beginnings have been made in the use of computers and other sophisticated tools. I know of only one small, interesting effort, a joint undertaking of six cities, of which my own is one, to study, articulate and bring about significant change by presenting to industry a sufficiently large and enticing market to achieve it. This coalition, conceived and assembled by Urban America, seeks both utilitarian and aesthetic improvements in street hardware and information systems.

The willingness in cities to accept new tools, if not often to force the design of better ones, is totally overshadowed by their ignoring what industry has long known and practiced: To get a better job done, get better men; give them better tools; provide them with opportunities; inspire them to new orders of improvement, fulfillment, self-renewal.

Thrice in a single day I have heard it said by distinguished people at high levels that New York's problems are "hopeless," "New York is unmanageable." "It's too late to do anything." I don't believe any of these statements. It is true that the troubles are deeply rooted, complex, difficult, unsolvable unless all levels of citizenry, including its best engineers and managers, are involved. With commitment and involvement, the problems can be made to yield to the basic principles we have long and beneficially used in management and engineering.

In what has been said thus far, I have generalized a good deal and described a few of the recent Dallas efforts which seem to contain elements possibly transferable and worth trying elsewhere. My principal points were these:

1. Goal setting at all levels of government, if properly done, can make a genuine contribution to clarification of problems and better, faster, more meaningful solutions. When the process begins at the grassroots level, the goals are an expression of the aims of the people themselves. Growing upward, they thus enjoy built-in substantial support. The side effects of such a program—pulling people together instead of apart; better informed, more understanding electorate; greater citizen involvement; these and others match or exceed, in value the establishment of the goals themselves.

2. A return to the principle of the New England Town Meeting, varied to make it a neighborhood affair, with all top level city officials in face-to-face discussion on the *home grounds* of the people who have the problems, yields a two-way *direct* information circuit, greatly enhanced depth and scope of mutual understanding, and highly desirable total engagement of citizens and officials in joint problem-solving endeavors.

3. Most city governments desperately need the scientific management concepts of Towne, Gilbreth, and others applied to their operations. Particularly, our local governments need to be more strongly "people oriented," looking either inward or outward. Essential are the use of incentive-oriented, modern recruitment methods to make it easier to employ and keep better men; provision for the continuous updating of their education, on and off the job; the promotion of careers in local government as adventures in building the future, for that is what they can and should be. Add research, large doses of innovation, and feed the patient sufficient tax income to keep him alive and progressing, not just growing. Apply appropriate measurements of performance to people, processes, equipment, and facilities. Establish the kind of *cost* responsibilities commonly used in industry. Across the board, get in the posture to simplify, do it better, faster, for less. These, I feel, are a few of the methods Frank Gilbreth, who would have made a great Mayor for the Seventies, would have wanted to see applied to these monumental tasks.

It can't be done? Right, if we believe that, but if we apply the combined forces of our best trained professional minds, our great and powerful educational, social, business, and industrial institutions, together with the power of an aroused, unified society to our urban problems, there are *none* which won't yield.

May I remind you? For more than nineteen centuries, all but a few believed that man could never fly. For another half century, all but a few believed we were earthbound. *Now* who will put a limit on these ventures?

When man can split an atom, shall we say he cannot design or redesign a city; that he cannot devise the management patterns to control urban affairs effectively; or that he cannot find ways within a city's confines to live with other men in tolerant accord? There is but one answer. Neither Towne nor Gilbreth would have hesitated one moment to give it. We can, we must, we will. Surely together we can search out the "One Best Way." Since 1776 that has been the American Way. From time to time since that well-remembered year, this nation has taken serious risks to make great gains. That principle can serve us still—in the nation, the states, and the cities. Not to act upon the knowledge, the resources, the mind, and the strength to do, which we have, is to tempt certain failure. To act deliberately and positively is to commit ourselves to success. Let us, therefore, step strongly into the future, prepared and unafraid. This is how I pray history will record we dealt with the avalanche.

GOP ELECTORAL STRATEGY FULL OF HOLES

Mr. HATFIELD. Mr. President, Republicans had an unprecedented opportunity this year to become the majority party in the Senate, however, the political strategy chosen by a few failed to take advantage of a most favorable situation.

Democratic Senate seats were extremely vulnerable with 25 Democratic seats exposed—22 of them being defended by incumbents. Only 10 Republicans seats were up for reelection.

Although we can be encouraged by the addition of two Senate seats, we fell short of our paramount goal—control of the Senate. In addition, we suffered substantial losses in governorships and State legislatures throughout the country, as well as a net loss of nine seats in the House of Representatives.

Historically we cannot excuse our showing by claiming the disadvantage of an off-year election. A serious analysis of past elections reveals that the Republicans actually could have expected notable gains in 1970.

Not only did Republicans have fewer Senate seats to defend; there is also reason to believe that many of the Democratic seats up this year were exceptionally vulnerable.

Of the Democratic Senators up for election in 1970, 10 came into office with the Democratic landslide of 1958 and two in special elections in 1957. During the 1957–58 recession, the Republicans lost 13 Senate seats and with the addition of seats from Alaska and Hawaii, the Democrats picked up 17 seats.

In 1964 when these seats were up again, Democrats were able to hold their gains and add two more Senate seats.

In this unique off-year election, Democrats had to defend more Senate seats than either party has had vulnerable in 20 years:

Year	Number Republican incumbent seats	Number Democratic incumbent seats
1950	10	17
1954	12	19
1958	15	13
1962	15	19
1966	13	16

Republicans will not have a comparable opportunity in the near political future—not until 1976 at the earliest, when these same Senate seats are up. In 1972, for example, 19 Republican Senators will be up for re-election as opposed to only 14 Democrats.

Carried in by Johnson's overwhelming victory over Goldwater, seven of the Democratic Senate seats up this year were elected by less than 55 percent of the vote cast in 1964. The GOP needed seven seats to win a majority in the Senate this year. The combination of these factors gave Republicans the first realistic chance to win control of the Senate since 1952.

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The favorable situation for the GOP was further enhanced by the fracturing of the Democratic coalition. The New Deal Alliance that built Democratic strength has been eroding; the labor vote is no longer solidly Democratic—50 percent of union members now live in suburbs and that same percentage are under 40. The weakness and shifting character of the Democratic bloc was demonstrated in the 1968 election. A poll in September 1968, showed 34 percent of union members for Humphrey, 32 percent for Nixon, and 25 percent for Wallace. Clearly, Democrats could not count on the strength of their organization or traditional loyalties to insure their political hold in 1970.

A massive fund raising campaign gave Republicans a decisive financial advantage in this campaign. According to figures reported to the Clerk of the House in October 1970, contributions to the GOP on a national level amounted to $18.3 million as compared to $5.5 million for the Democrats. These figures are only the "tip of the iceburg." Not included is the money raised at local affairs such as the functions where the Vice President spoke and most of the proceeds were spent on local campaigns. These sums are striking when compared with those of previous off-year campaigns. For example, in 1966, the Republicans spent $7.8 million and the Democrats spent $4.2 million—plus another $4.2 million distributed to candidates by labor organizations.

Republicans also had a historical advantage which lead one to expect they would maintain their strength in the House. Assistant Professor, Barbara Hinckley, of Cornell University has developed a very perceptive hypothesis for examining off-year House races. Her work dispells the myth that the party of the incumbent President invariably loses seats in an off-year election. The average loss of 35 House seats is generally attributed to the loss of coat-tail candidates that were gained in the Presidential election year. Miss Hinckley has developed a much more accurate means of analysis of the off-year election. She asserts that a good indicator of the coattail victories within the House is the number of districts in which the President led the successful House candidate of his Party in the previous election. That is, because the President garnered more votes than the House candidate, he is thought to "lead" or pull-in the candidate by his coat-tails.

In 1952 President Eisenhower led the winning Republican House candidates in 135 districts; in 1956, he led in 174 districts. In 1960 President Kennedy led the winning Democratic House candidates in 12 districts. In 1964 President Johnson led in 176 districts. And, in 1968, President Nixon led the winning Republican House candidates in only 10 districts.

Miss Hinckley hypothesizes that off-year elections within those districts give an indication of the popularity of the President and may well give an indication as to what might be projected as the "normal" loss of House seats in off-year elections.

For example, of the districts in which Eisenhower led the successful Republican House candidates in 1952, 11 percent lost their seats in 1954. Of the districts in which he led in 1956, 26-percent lost their seats in 1958. Twenty-five percent of the House candidates that Kennedy led in 1960 lost their seats in 1962. And of the districts that Johnson led in 1964, 23 lost their seats in 1966.

A conclusion to be drawn from these statistics is that the incumbent President usually loses some of his popularity by the end of the second year of his term of office. Second, it can be concluded that in future elections the party of the incumbent President can expect to lose approximately 21 percent of the number of coattail districts of the previous election.

The implications of this hypothesis for the GOP in 1970 are enlightening. Judging from past history we would expect Republicans to lose two to three—21 percent—of Nixon's 10 coattail districts in 1968. Four of Nixon's coattail districts were lost in 1970, but more importantly, the total loss of nine seats, which is almost equal to the number of coattail districts, was a loss of 3 to 4 times the normally expected losses.

It cannot be said that the loss of nine House seats was a victory in holding down an average off-year loss of 35 seats. Using a more accurate measure, based upon the strength of the President in the previous election, the loss of nine seats this year was actually a setback for the GOP.

History also gives us reason to believe that the GOP could have expected substantial gains in the Senate.

Since 1856 there have been 10 Presidential elections—excluding the 1968 elections—in which the President won by a plurality and not a majority. In six of the ensuing off-year elections the party of the incumbent President gained Senate seats—the Senate being elected by direct popular vote since 1912.

Senate gains and losses for the party of a plurality President 2 years after presidential election

Gains:		
Lincoln	1860	
	1862	+8
Garfield	1880	
	1882	+3
Cleveland	1884	
	1886	+3
Cleveland	1888	
	1890	+2
Wilson	1912	
	1914	+5
Kennedy	1960	
	1962	+4
Losses:		
Buchanan	1856	
Cleveland	1892	
Wilson	1916	
Truman	1948	

The most recent example of this were the elections of 1960–62. In 1960, Kennedy was elected by a plurality but did not receive a majority of votes cast. The elections of 1962 resulted in a gain of four Democratic Senate seats.

History indicates that the party of an incumbent President winning by a plurality usually picks up seats in an off-year election.

Losses to the incumbent party in off-year elections are not necessarily the rule and happen only when the President has won by a large or landslide margin. Therefore following a year such as 1968, when victory was very narrow, off-year losses in Congress need not occur. In fact, gains should be expected.

It should be remembered that Nixon was the first President since Zachary Taylor whose party did not obtain control of either the House or the Senate with his election.

Republicans also could anticipate gains in Senate seats due to the advantage of the reverse coattail effect. In the House coattail candidates are swept out of office 2 years after their election, but in the Senate this mechanism operates on a 6-year cycle. The base year for discussing the coattail effect in the 1970 Senate races is 1964. Seven of the winning Democratic Senators in 1964 were elected with less than 55 percent of the votes cast. Carried in on Johnson's 61-percent margin of victory, these seats were particularly vulnerable in 1970.

Since 1912, when Senators first stood direct election, there have been 10 elections in which the President had enough strength to affect statewide races. Six years after these elections the nonpresidential party picked up seats, even if it subsequently controlled the White House. Prior to 1970, the average pickup on the 6-year cycle was eight to 10 Senate seats.

THE REVERSE COATTAIL EFFECT IN THE SENATE—6-YEAR CYCLE

President with coattails	Nonpresidential elections	Senate losses
Harding, 1920	1926	—7 Republicans.
Coolidge, 1924	1930	—8 Republicans.
Hoover, 1928	1934	—10 Republicans.
F.D.R., 1932	1938	—6 Democrats.
F.D.R., 1936	1942	—9 Democrats.
F.D.R., 1940	1946	—12 Democrats.
F.D.R., 1944	1950	—6 Democrats.
Ike, 1952	1958	—13 Republicans.
Ike, 1956	1962	—4 Republicans.
Average		—8 seats.
L.B.J., 1964	1970	—2 Democrats.

In light of these facts, a gain of two Republican Senate seats in 1970 could not be judged a smashing victory for the GOP.

It can be concluded that Republicans had no reason to expect any substantial losses in the Congress this year. In fact, we should have expected gains. We had an excellent opportunity to increase our congressional strength, with a chance to win control of the Senate. The 1970, GOP campaign strategy was aimed at taking advantage of this favorable situation and a real hope existed of winning a Senate majority.

GOP strategists selected 15 target States where there was a clear opportunity for Democratic seats to fall into Republican hands. In Connecticut, New Jersey, Maryland, Minnesota, Michigan, Missouri, Indiana, North Dakota, Utah, Wyoming, New Mexico, Nevada, Tennessee, Florida, and Texas. GOP challengers were carefully picked, many of them by the White House. The massive program of fundraising and campaigning undertaken by the administration was principally on behalf of these GOP hopefuls.

The strategy followed a pattern of preparation for the 1972 presidential election. The GOP attempted to establish a new coaltion of rural and small town voters, ethnic groups that are primarily in the laboring class and can be swung from the Democrats—those who tended to lean toward Wallace in 1968—and suburban voters—the middle class and upper-middle class, educated and well-informed who usually vote Republican. The issues of 1970 were selected as an attempt to appeal to these three groups of voters. Following this strategy, the GOP set out to find what people were most upset about and identify with what people are most against. What Vice President Agnew called the politics of positive polarization—involved focusing on people's frustrations and putting the blame for these ills on one's political opponents. The student radicals and rioters were identified with political opponents who were labeled the "radical liberals" in the Senate.

Attempting to use the social issue an appeal was made to law and order against pornography, permissiveness, drug abuse, violence and crime with the implication that the opponents either were not against, or were actively encouraging these things.

Both Democrats and Republicans sought to manipulate to their own political advantage the fears, prejudices, and social anxiety of Americans. Democrats sought to play on the fears of jobholders and used the threat of depression, attempting once more to run against Herbert Hoover. The Republicans, in turn, equated student violence with crime in the streets and sought to portray Democrats as being the cause of both while the Republicans would bring law and order. The cost of this tactic was further polarization and alienation on the part of those chosen as targets, and increasing political bitterness and cynicism between candidates and the general electorate.

The strategy of this election was clearly a trial run for the workability of the strategy for use in the 1972 presidential election. Therefore, we must see how results reflect basic Republican strength and determine whether the chosen political strategy is effective. It is important that we judge whether or not the prescribed political coalition is being built and if the issues chosen have resulted in victories in those areas where Republicans must have support to win in 1972.

Beginning our evaluation in the East, New Jersey with 17 electoral votes reelected Democratic Senator Harrison A. Williams with 54 percent of the vote. Nixon won in New Jersey with 46.1 percent of the vote and a margin of only 61,000 votes over Humphrey. In New York, Conservative James L. Buckley was elected with only 39 percent of the total vote. This, however, is no indication of a change in the basic GOP versus Democratic strength for presidential elections. Pennsylvania with its 27 electoral votes went to Humphrey in 1968 by 169,000 votes—however, moderate Republican Richard S. Schweiker ran ahead of Nixon by a 280,000-vote margin that year. Republican Senator Hugh Scott was easily reelected this year because of his moderate position and support from urban areas.

Republicans, however, lost the Governorship and control of both houses of legislature in Pennsylvania. Loss of Governorships and statehouses is crucial, especially in swing States which have high electoral votes and are pivotal in any election, because of the new 1970 census count. The political makeup of the statehouses will determine congressional districting, and the party in power usually draws boundary lines distributing voters in ways favorable to that party.

California, which returned a Republican Governor, for instance, will now have both houses of the legislature controlled by the Democrats in a State which will get six new congressional seats. Prior to the elections Republicans controlled both houses of the legislature and the Governorships in 20 States. Following the election, this number was cut by eight and the chances of making the Republican Party a real majority party in future elections is becoming more remote.

In evaluating the elections in key Midwestern States we find that Republicans lost a crucial Senate seat in Illinois, with 26 electoral votes, and a swing State which can go either way in a presidential election. In fact, Illinois is one of the key States which must be won in 1972.

In 1968, Nixon won a very narrow victory over Hubert Humphrey in Illinois with 47.1 percent of the vote cast—a margin of 123,000 votes. In 1970, Republican losses were extremely heavy in all statewide office races, and Democrats will probably have working control of the State legislature. Adlai Stevenson won over Ralph Smith with a vote of 1,938,111 to 1,489,264, or 56 percent of the total.

Ohio, also a crucial swing State, has 26 electoral votes. Nixon won an even slimmer victory in 1968 by beating Hubert Humphrey with only 90,000 votes. Howard Metzenbaum, however, lost to Robert Taft with 1,487,499 to 1,560,440 votes, or 50 percent. The governorship was lost to a Democrat.

Indiana has 12 electoral votes—Nixon carried the State by a wide margin in 1968, for it is a strong GOP State. Yet, the Republicans failed to carry Indiana with a strong law-and-order campaign and lost in their bid to unseat a Democratic incumbent.

In Florida, which was thought to be crucial to the new strategy and which was expected to fall to the Republicans, not only did Republicans lose the Senate race to an unknown but lost the governorship as well. Nixon won this State in 1968 with 40 percent of the vote; Hubert Humphrey had 31 percent and George Wallace had 38 percent. Lawton Chiles won the Senate seat with 54 percent of the vote.

In Tennessee, a victory was scored in that Representative William E. Brock III defeated Senator Albert Gore with 53 percent of the vote. Nixon carried Tennessee in 1968 with 37 percent, Hubert Humphrey with 28 percent and George Wallace with 34 percent.

Texas is another swing State, and crucial with 26 electoral votes. Republicans lost the Senate as well as the Governor's race. In 1968, Hubert Humphrey won the electoral votes by 39,000 votes—which could have gone the other way: Hubert Humphrey—41 percent, Richard Nixon—39 percent, and George Wallace—19 percent. George Bush was defeated with a vote of 1,076,537 for Lloyd M. Bentsen, Jr., and 940,850 for George Bush.

California has 40 electoral votes and in 1972 will have 46. It is a swing State and vital to any presidential candidate. As I pointed out, Republicans lost a Senate seat as well as both legislative houses in the State assembly. Nixon won over Hubert Humphrey with 223,000 votes in 1968. In 1970, Representative John Tunney defeated Republican Senator George Murphy for the Senate seat with 54 percent of the votes cast. Murphy had won with 51.4 percent of the vote in 1964.

All States in the West with close Senate races—Utah, New Mexico, Nevada, North Dakota—except for California—are States having not more than four electoral votes each, and all carried by solid margins by Nixon in 1968. However, Democratic incumbent Senators all were elected by narrow margins in 1964, all with less than 60 percent of the votes. Yet, all the Democrats won their Senate seats in 1970 in these States.

An objective analysis of this election should convince even the most skeptical that the 1970 strategy of political polarization failed to win key races as well as aggravating social tensions in our Nation. To maintain the Republican Party's political position it was necessary to do well in seven key States: New York, California, Pennsylvania, Ohio, Illinois, Texas, and Michigan.

These seven States have 210 of the total 270 electoral votes needed for presidential victory. The Nixon strategy in 1968 was to win in at least four of these seven, which he did: California, Illinois, Ohio, and New Jersey. Within the next 2 years President Nixon will have to regain strength which was lost in these key States in 1970.

Inasmuch as holding and building political power in key States is greatly facilitated by having Republican Governors, maintaining control of statehouses was especially important in 1970.

The GOP was hurt by the loss of governorships in several States carried by Nixon in 1968: Wisconsin, Arizona, Idaho, Nebraska, South Dakota, Oklahoma, and Delaware all unseated Republican Governors. The GOP had a net loss of 11 governorships.

However, in Michigan, a key State, a Republican Governor was elected whose strategy was wholly realistic. Instead of polarizing and alienating the young toward Republicans, William G. Milliken communicated with and appealed to young people for, as he said:

> It is with them that our future as a party and our future as a nation lies.

Milliken believes this appeal accounted for his election victory in the face of a tide against Republicans in Michigan and against Republican Governors nationally.

From this brief overview we can conclude that the 1970 election seriously jeopardizes chances for GOP victory in 1972. The campaign strategy was not effective and actually weakened the overall strength of the party. Republican strength in the key States was eroded by the loss of Senate seats in Illinois, New Jersey, Texas, and California, and the loss of governorships in Ohio, Texas, and Pennsylvania. In addition, the loss in Florida of both the statehouse and a Senate seat was a major blow to the southern strategy.

There was no significant ideological changes that could compensate for these losses. Four or five seats could be counted as shifting from moderate-liberal hands to conservative: YARBOROUGH to BENTSEN; TYDINGS to BEALL; GORE to BROCK; GOODELL to BUCKLEY; and perhaps YOUNG to TAFT, although Mr. TAFT is an outstanding GOP moderate.

Balancing these shifts to the right was the passing of four seats from conservative to moderate Senators: SMITH to STEVENSON; MURPHY to TUNNEY; DODD to WEIKER; and HOLLAND to CHILES. Overall, there was not significant ideological change in the Senate.

Analysis shows that Republican strength was noteably lacking in the moderate suburban vote. Growing suburbs are no longer the arch-conservative areas that they once were considered to be. Suburban voters today are well educated, deeply concerned about social issues, and want solutions. This portion of the electorate displayed a dislike for emotional appeals and vindicative attacks. In Illinois, for example, where Republicans must carry over 60 percent of the Chicago suburban vote to win, Senator RALPH SMITH received only about 50 percent of that suburban vote. Suburban voters were less responsive than anticipated to SMITH's very hard antistudent, law-and-order line and Stevenson was able to make up his winning margin in the suburbs. Furthermore, the suburban vote is growing and becoming increasingly crucial for victory. The 1970 census figures show that between 1960 and 1970 the number of people in the suburbs grew from 59 million to 74.2 million. During the same decade, the population of major cities increased from 59.4 million to 62.2 million making the suburban electorate relatively stronger than in previous years. It was in the suburbs where we most need strength that the Republican political strategy of 1970 cost us votes. In order to capture this crucial segment of the electorate in 1970, the GOP must adopt a moderate stance and a concern for solutions to our social problems, if we are to avert political disaster in 1972.

An evaluation of the election must also include a study of the potential effect of the 18-year-old vote. The country is getting younger. In 1960, the median age was 29.6 years and today it is estimated to be 27.7 years old. If those between the ages of 18 and 20 vote in approximate proportion to the overall turnout of their respective States, this new voting bloc could provide crucial swing votes.

For example, in the 1968 election these young voters could have defeated Nixon in several of the crucial States. If we assume a normal vote turnout of 60 percent of eligible 18-to-20-year-old voters, we discover that Nixon's 223,346 vote plurality in California could have been jeopardized by 645,080 18-to-20-year-old voters.

In Illinois Nixon won by a plurality of 134,960 votes, and potential new voters who would turnout number 355,914. Nixon's plurality of 90,261 could easily have been overwhelmed by 331,470 new voters in Ohio, and in New Jersey a 61,261 plurality for Nixon might have been altered by 214,184 newly enfranchised 18-to-20-year-old voters who would come to the polls.

These States were not only key to Nixon's victory in 1968, but were all States in which there were close votes for the Senate. Voting trends in these States reflected in this election have deep implications for the elections of 1972.

Our party must now realize that our political strategy has to be redirected if we are to build winning strength in 1972. We must mobilize a campaign to begin reading people into, not out of, the Republican Party.

The price of the 1970 Republican political strategy was great and we cannot afford to hold the same position in 1972. How a campaign is conducted can be just as important in the long run as whether it wins or not. Ghandi said:

> The means are the end in the making.

We all criticize and condemn violent radicals because of the means they choose to pursue their goals. Likewise, we should not assume that the end justifies the means when it comes to politics and involves the attempt to win elections.

The means employed in 1970 were that of "positive polarization." This policy of guilt by association, identifying honorable men with extremists, must be rejected. We cannot continue to capitalize on the divisions within society. We must discard this policy which attempts to manipulate the fears and prejudices of people to political advantage.

Dissent and unrest will not be curtailed by politically motivated attacks on radicals. The results of our present strategy can only increase polarization and deepen the present distrust in the ability of our leadership to unify the country. The campaign of 1970 failed to direct us toward ways to solve our pressing social, economic, and international problems. In 1970, the GOP sought only a mandate to discredit and quiet the voices of dissent.

We must reject the "politics of revulsion." We cannot build a political strategy based upon what people are most against. This type of reactionary politics offers no solutions, provides no leadership for the future, and does not solve the crisis of our Nation.

What is needed is a strategy that truly speaks to the roots of the issues—not one that depends upon emotional negativism.

What is needed are policies and personalities that can unify the Nation. The GOP has the same opportunity as our first GOP President—we can bring about resolution rather than polarization in this time of national unrest. Republicans have a precedent for such "positive politics" and could win elections by readopting the strategy of Abraham Lincoln.

More importantly, a positive approach will allow us to govern the country. A truly effective political strategy, after all, must be designed to both win elections and successfully govern the country. In my judgment the course our party has taken this year fails to adequately meet either of those tests.

I trust we shall honestly realize our mistaken judgments and misguided tactics and begin now to build for 1972. In that year, it is my hope that the Republican Party will be the party that can reconcile, rather than divide, our country and provide the positive and visionary leadership that will make us a united and enriched people.

Mr. President, to be loyal to the Republican Party, and to sincerely seek its success in 1972, means that we have to honestly evaluate our performance during the last election and realisticly assess the present position of the GOP. True party loyalty demands such candor. An article by Josiah Lee Auspitz, president of the Ripon Society, has come to my attention and I feel that it presents objective information helpful in making such an honest evaluation of the 1970 election. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 8, 1970]

GOP ELECTORAL STRATEGY FULL OF HOLES

(By Josiah Lee Auspitz)

(NOTE.—The writer is president of the Ripon Society, a Republican research group. He was assisted in preparation of this article by Robert D. Behm, Richard Gross, Stefan Lopatkiewicz, Howard Reiter and Craig Stewart.)

The Ripon Society has been called the Republican Party's best friend and severest critic. It was in that spirit that we warned in Outlook seven months ago that the GOP was about to invest a lot of money in a misconceived strategy of "positive polarization."

It is in the same spirit that we must now characterize the party's performance in 1970 as the worst showing since 1964, and to warn that a continuation of the strategy on which it is based will make Mr. Nixon a one-term President.

Certainly 1970 was not so bad a Republican year as the Johnson landslide. Whereas in 1964 the party won only 26 per cent of the contested senatorial and gubernatorial races, the preliminary 1970 figure is 36 per cent. The nature of some of the victories—and some of the losses—provide considerable personal satisfaction to some conservative Republicans in their factional feuds with moderates and liberals. But while militants in the party may be gratified, the party as a whole has been weakened.

Some face-saving explanations have already been heard to prove that the election was really a victory.

Excuse Number One: The party in power, it is said, usually loses off-year senatorial seats. This year the GOP gained two seats (three if Richard Roudebush wins in Indiana), hence a victory. Spiro Agnew has in fact said that party hopes for a Republican senatorial majority last spring was just loose fund-raising talk; no one, he implies, really expected GOP gains in an off-year. "If we go by past history," the Vice President said shortly before election day, "anything better than losing 30 House seats and breaking even in the Senate would mean success."

However, Agnew's historical perspective is slightly out of focus. In point of fact, the off-year rule at work in senatorial elections actually favored significant GOP gains.

The logic of the off-year cycle is familiar: A victorious President often sweeps legislators in on his coattails. Some of those get swept out the next time they run. In the House the reverse-coattail effect comes two years later, but in the Senate it comes six years later. Thus 1970 was an "off year" for the Senate, but the base year was 1964, not 1968.

Since 1912, when senators first stood for direct election, there have been 10 elections in which presidential margins were big enough to play a significant role in statewide races (the exceptions are Wilson's, Truman's, Kennedy's and Nixon's victories). Six years after each of these elections the non-presidential party picked up seats, even if it subsequently controlled the presidency. Prior to 1970, the average pickup on the six-year cycle was 8–9 seats.

Republicans thus had every reason to believe that in the 1970 Senate races they could pick up seven seats needed for a Senate majority, since the Democrats who won in 1964 had had the advantage of the greatest coattail effect in recent history. Seven Democrats had won 55 per cent of the vote or less at a time when LBJ had received 61 per cent of the national vote.

This year the Democrats were forced to defend 25 seats, the Republicans only 10. This is why Agnew was able to raise unprecedented sums to help Republican senatorial committees outspend the Democrats 5-to-1. This is why, as a hedge in case the party fell below seven, some Republicans moved to form an alliance with Harry Byrd Jr.

For Agnew now to excuse a gain of 2–3 seats as better than expected is simply to compound failure with mendacity. There was a serious effort to win a GOP majority in the Senate because historical off-year patterns supported this prospect, just as they supported Richard Nixon's calculation in 1966 that there would be a GOP rebound in the House of Representatives.

Excuse Number Two: The ideological balance of the Senate has been altered. Conservative ideology, we are now told, is really what was sought, not Republican seats, though this argument was made only after it became clear the GOP could not win a majority in the Senate. As Ron Ziegler put it at 11:30 a.m. on Tuesday, Oct. 27, the President would welcome changes "not on party lines but on ideological lines."

Spiro Agnew drew the line within the GOP as well. According to Battle Lines, the publication of the American Conservative Union, he told fund-raisers in New York that "the only good Republican is a conservative Republican." If that is the test, then three of the new Republicans in the Senate—Lowell Weicker of Connecticut, Robert Taft of Ohio and J. Glenn Beall of Maryland—fall short. They outnumber the two new conservatives—William Brock of Tennessee and James Buckley of New York.

Among the Democrats, Lloyd Bentsen of Texas satisfies the President's newly acquired ideological tastes, but Lawton Chiles of Florida does not. Of the dozen or so incumbent senators branded as "radiclibs," only three were defeated: Charles Goodell of New York, Albert Gore of Tennessee and Joseph Tydings of Maryland. But two new "extremists"—John Tunney of California and Adlai Stevenson of Illinois—came in.

Chalk up a net loss, then, of only one radiclib, a net gain of one moderate Republican over conservative Republicans, and a cancelling-out of a conservative with a liberal Southern Democrat. Hardly a great shift, especially since at any moment a moderate Republican may be transformed by vice presidential edict into a radiclib.

For the President to take comfort in ideology is to compound failure with short-sighted dogmatism. To the degree he claims he now has a working ideological majority, he cannot use Congress as a scapegoat in 1972.

Excuse Number Three: 1970 tested a conservative national strategy that will bear full fruit in 1972. The Silent Majority, we are told, was clearing its throat this year and will speak out in 1972. There are three ways of propounding this conservative strategy, but unfortunately all of them are refuted by the 1970 election results.

First, one may look at it regionally, in terms of those "liberal" states that are written off as "safe Democratic" (New England, New York, Michigan, West Virginia), the "battlegrounds" (the belt from New Jersey to Missouri plus the Pacific Coast), the "GOP bastions" (the "conservative" peripheral South and small Western Plains and Mountain states), and the Deep South which it is thought, will be a Republican bastion in 1972 if George Wallace is not a presidential candidate.

In 1970 these regions behaved precisely the reverse of conservative predictions, despite the fact that the White House and the Senate Campaign Committee gave strongest emphasis to GOP bastions and battleground states. Of the statewide races in the "safe Democratic" states, the GOP won 53 per cent (60 per cent if we count Buckley). In the "battlegrounds" it won 36 per cent of the contests (40 if Roudebush wins.) In the "GOP bastions" it won only 28 per cent; in the contingent South it won zero.

Thus the election turned the conservative strategy on its head, producing results that went exactly contrary to its prediction. Since this strategy guided much national Republican planning for statewide races, it is small wonder that the GOP did worse than expected.

Another way of looking at the conservative strategy is in terms of swing groups in the population. Two target groups are thought to be good material for Mr. Nixon—and hence for all Republicans: Northern blue collar workers, especially Catholics (Protestant workers already tend to vote Republican), and small-town white Southerners.

Since Mr. Nixon and Mr. Agnew are neither Catholic nor Southerners, they must make up in rhetoric what they lack in blood ties. They thought that the way to win these groups was by playing on anxieties about blacks and students. They thought that backlash rhetoric would also go down well in the suburbs.

The Ripon Society warned that in fact backlash appeal would have a revolving door effect. It would, we argued, drive affluent suburbanites away from the GOP and in an economic downturn there would not be enough Southern Wallace voters or Northern union members coming back in. The defeat of George Murphy in California, Ralph Smith in Illinois and Nelson Gross in New Jersey by suburbanite defections fully confirms our warning.

Indeed, the only Protestant Republicans to make significant inroads among Catholic voters campaigned not on issues of backlash but on issues of sound, effective, moderate government. These two were Nelson Rockefeller in New York and Francis Sargent in Massachusetts.

The prospects for major inroads among target groups in 1972 will be even smaller if the Democrats put up another Catholic-Southern ticket on the Kennedy-Johnson pattern of 1960.

Finally, one may argue a conservative strategy in terms of national image. Conservatives insist, correctly I think, that the country will move to the right on violence and that the Russians will push our foreign policy rightward as well. By staking out a conservative position it is thought that the President and Vice Preshdent will have the country come to them.

Many Republican senatorial candidates tried this, but instead of the electorate coming to them, their Democratic opponent did, and isolated them on the right, must as Johnson did with Goldwater. Republicans did not pick up a single Senate seat west of Mississippi River, though they had 10 shots. In every Western vulnerable Democratic seat a similar pattern emerged: The GOP staked out a firm law and order position; the Democrat moved closer to him, insinuating all the while that Republicans were trying to profit from violence.

Adlai Stevenson's masterful campaign against Ralph Smith in Illinois was a classic example of this pattern. Stevenson won 65 per cent of the blue collar vote, 64 per cent of Catholics, and made substantial inroads into the Republican suburbs. Thus did Democrats steal the center from the GOP.

This same pattern was repeated on a national scale on election eve, as President Nixon tried to turn a cheap profit on the San Jose incident. His staff, despite warnings from CBS, screened a film that made the President of the United States look like a candidate for district attorney. Sen. Edmund Muskie followed with a moderate presidential fireside chat that stole the center from Nixon. To hope that the country will move rightwards and will prefer D.A. Nixon to the Muskie who talked about a sense of community, trust, moderation, middle class virtue *and* law and order, is to compound incompetence with wishful thinking.

Excuse Number Four: It is argued that Mr. Nixon's willingness to put his presidency on the line for Republicans solidifies his position as a party leader, and that his brutal purging of Goodell will assure him the discipline he needs among Republicans in the Senate. The 1970 campaign was really an investment in legislative leadership, it is asserted.

Just the opposite is the case. Mr. Nixon purged Goodell on terms that apply also to seven other Republican senators (the "Traitorous Eight," as they were once called at the White House). Four of these are up for reelection in 1972 (Percy, Hatfield, Brooke and Case.) They represent states and constituencies crucial to Mr. Nixon's own re-election. They know it and are not likely to be bludgeoned into submissiveness by an unsubtle White House staff.

Moreover, with the discrediting of Ronald Reagan, the Republican right has no serious alternative to Mr. Nixon. Reagan ran behind moderate Republicans on his ticket; he also lost both houses of the legislature, thus forfeiting the Republican Party's golden opportunity for a pickup of six to eight U.S. House seats in the decennial redistricting. He ran behind Tunney; Max Rafferty lost despite a Robert Finch endorsement. Reagan is a threat to Nixon only if Nixon's policies collapse, and they can collapse only if he is deserted by Republican moderates.

At the moment Republican moderates need to be reassured. Their memories of this campaign are not fond: The humiliation of Goodell and Gov. Linwood Holton of Virginia; the treading by Agnew on Nelson Rockefeller's turf, the characterization of Rogers Morton as a "party functionary," the enthusiastic participation of all major White House aides in planning a campaign strategy that alienated progressive suburbanites from the GOP, the counter-productive smear ads inspired by the White House, the free ride for Democrats like Henry Jackson of Washington (who then went on to raise money and votes for the defeat of Republicans), the bias against former Rockefeller supporters in the distribution of campaign funds

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and in the selection of candidates. These add up a bumbling and exclusionary political strategy reminiscent of 1964.

If Mr. Nixon continues this approach into the next two years, he will not be able to correct the party's demonstrated weakness in key swing states like New Jersey, Ohio, Illinois, Florida, Wisconsin, Pennsylvania, California and Texas, not to mention the rout of the GOP in its bastions of strength in the Plains and Mountains.

Many Republican moderates, who guard the gate to a Nixon electoral majority, may have to dissociate themselves from him to assure their electoral survival. This is not a threat, it is simply a statement of fact. Now that the President has initiated a politics of exclusion within his party, he cannot assume unified Republican support for his reelection unless he earns it.

He has earned it with many of his policies. He has been the best foreign policy President of the 1960s and has an important, though as yet unfulfilled, program for domestic and administrative reform. Yet his politics have failed him. As Mark Hatfield put it, the day after the election, "A truly effective political strategy must be designed to win elections and successfully govern the country. The course taken by our party this year fails to adequately meet either of those tests." A few weeks before, the same criticism came from the Capitol Hill coordinator of the American Conservative Union, from some of the President's own loyalists and from both conservative and liberal Republican senators.

Richard Nixon prides himself on having a foreign policy strategy, an economic strategy, a domestic strategy and a political strategy. What he lacks is a governing strategy. To develop one he will have to bring fresh air into the dogmatic, defensive, ivory tower atmosphere which H. R. Haldeman cultivates for him. He will have to reach out for advice to a wider circle and he will have to overcome the doctrine of presidential infallibility to admit that this campaign has threatened the very life of his administration.

THE SST: THE ISSUES OF ENVIRONMENTAL COMPATABILITY

Mr. GRAVEL. Mr. President, Dr. George N. Chatham, a specialist in science and technology for the Science Policy Research Division of the Library of Congress, recently prepared for me an exhaustive and unbiased report on the environmental issues surrounding the debate on the supersonic transport—SST—program.

I believe that the report provides information which every Senator should examine. I applaud this fair and objective analysis of the issues in this critical debate. I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE SST: THE ISSUES OF ENVIRONMENTAL COMPATABILITY

(By George N. Chatham, Specialist, Science and Technology, Science Policy Research Division, September 21, 1970)

ABSTRACT

The environmental issues cover three categories a) Sonic boom, b) Noise, and c) Effect on world climate.

SONIC BOOM

The recently adopted national policy and the FAA Notice of Proposed Rule Making, issued April 16, 1970 (39 FR 6189) would prohibit operation of civil aircraft over the United States at speeds which would cause a sonic boom on the ground.

The supersonic capability would be used over the oceans. A sonic boom having a nominal overpressure of 2½ lbs. per square foot would therefore impact the water. The weight of the overpressure is equal to that imposed by a 3 foot wave.

An overpressure of this magnitude is insignificant both to surface vessels and to marine life. The sound intensity to an ocean liner is such that only those on deck would detect it. The sound would be largely lost in the background noise of the ship, the ocean and wind.

NOISE

There are three phases of flight during which jet aircraft noise is noticed, a) approach to landing, b) take off, and c) departure. Noise complaints have centered on the time the aircraft flies low over the community, that is the approach and departure phases. On both of these phases the SST produces less noise than the jet transports in use today.

The SST, however, without acoustical correction, will produce excessive noise during its run-up and take-off phase. Afterburners are used for take-off. This is a "first" for civil jet aircraft and introduces a new problem to jet engine acoustical engineers. Previous research on jet engine noise reduction has centered around the engine itself, and shows a substantial and continuing success.

Jet engines have been in commercial service for over 10 years. During this period they have grown in power by a factor of six. Intensive research to reduce the noise output of jet engines began about five years ago. The results to date have reduced perceived noise output to about half of the earliest levels. The perceived noise level per pound of thrust is now less than 10% of its initial value.

The noise related to the afterburner, however, originates primarily outside the engine. The sound is generated in the turbulent gases of the exhaust, much like the sound of a blow torch. Research to date has clearly shown that smoothing this flow will reduce the sound quite satisfactorily.

The one device tested thus far separated the exhaust column into a number of smaller streams. Although it reduced the noise adequately, the device also reduced the engine thrust below acceptable levels. The challenge therefore is to develop a silencer which will not unduly impair engine performance.

Although this challenge has yet to be achieved, eight years still remain before the Boeing SST enters commercial service. In view of the success of jet engine acoustical research to date, an adequate solution to quieting an afterburner seems a reasonable expectation.

EFFECT ON WORLD CLIMATE

The engine of the SST will exhaust water, CO_2, SO_2 carbon and unburned hydrocarbons into the stratosphere. The President's Council on Environmental Quality and other groups concerned with environmental issues have questioned whether or not the exhaust of a fleet of supersonic transports could effect changes in the stratosphere, which might in turn alter some aspect of the earth's climate.

The SST as a factor in meteorology was examined by the NAS National Research Council Committee on Atmospheric Sciences. Their report (8) issued in 1966, predicted no adverse effects. More recently, the M.I.T. sponsored symposium, Study of Critical Environmental Problems (SCEP) (10) reexamined the issue. Concerns for damage to the ozone layer and for the release of CO_2 were dismissed. The particulates (carbon and the conversion of SO_2 into sulphates), as well as the release of water over the polar regions during the winter season were identified as concerns. The SCEP felt that the particulates, especially on well used routes, could increase the air temperature along the path of flight. An increase in stratospheric air temperature of several degrees was noted in a region of the stratosphere suspected to contain volcanic dust from the Bali Volcano Mt. Agung. There were no detectable effects either to other strata of air or on the surface associated with these observations.

As to water insertion, the SCEP noted that during the winter, the polar stratosphere has a higher relative humidity primarily due to its lower temperature. Additional water, it was felt, could result in some additional cloud cover.

The SCEP did not extend these considerations to potential effects on the surface or on climate. They recommended a research program to gather additional data from which an assessment could be made.

Their recommendations are being met in a D.O.T. environmental research program, which has also been reviewed and approved by the President's Council on Environmental Quality.

An examination of the issues and concerns indicates that they are, as intended, maximally conservative. For example, stratospheric flights in the polar regions conducted regularly over the past few years do not indicate that either "false" cirrus clouds or contrails are likely. Moreover, the effects of additional clouds or of the normal cloud cover in the polar region has a minimal effect due to the high reflectance (low solar energy retention) of the surface and to the low initial solar flux in this region.

As to the particulates associated with the SST, their effects may prove extremely difficult to determine. This is because the quantities involved are not significant when compared to the stratospheric dust resulting from natural causes. The steady state operation of 1500 SST aircraft would produce about 1/27th the amount of particulates the earth attracts from space each day. Occasional volcanic action places dust in the stratosphere in volumes exceeding the potential of the SST fleet by hundreds of orders of magnitude.

THE SST: THE ISSUES OF ENVIRONMENTAL COMPATIBILITY

The Boeing SST will be the fastest, but not the largest of the civil transports. Its speed, the key to its productivity, is new only to civil aviation. The incorporation of supersonic capabilities in a civil transport followed 20 years of military experience and half a million hours of supersonic flight at higher as well as lower altitudes than that selected for the SST.

A successful Concorde would add 100,000 hours of supersonic flight experience to U.S. carriers alone prior to the first commercial flight of the Boeing SST.

It is likely the novelty of stratospheric flight at supersonic speed, even for commercial purposes will be gone long before the U.S. entry is prepared to share this airspace and market.

The following section reviews some of the main issues on the environmental compatibility of supersonic aircraft in general and the U.S. SST in particular.

I. THE SONIC BOOM

Sonic boom test programs (1) conducted by the Air Force have provided a practical and a theoretical understanding of the boom and its effects. These tests also gave several million civilians an intensive practical if not theoretical education in the phenomenon. Even when the booms were reduced far below any destructive potential by the altitude and/or distance of the source they proved hard to tolerate.

The FAA has exercised its authority over civil aircraft and has stated that the SST's must operate at subsonic speed when flying over the United States or its territories (2). The ruling applies to all civil aircraft, domestic or foreign, but does not pertain to military aircraft. The FAA has no jurisdiction over military aircraft.

A sonic boom created by a jet fighter zooming within a few hundred feet of the ground can cause pressure changes exceeding 100 lbs. per sq. foot, easily enough to destroy certain types of buildings. Air Force tests, in which the pressure increase ("over pressure") of sonic booms was gradually increased, revealed that damage first appeared when the over pressure reached 7½ lbs. per square foot. At this pressure, several panels of glass in a greenhouse were cracked. (3) The greenhouse was the most fragile of the test structures and the over pressure of 7½ lbs. per square foot; Note that the dimension is lbs. per square foot not per square inch which is the more familiar measure of pressure. Thus sonic boom units are 1/144 of those encountered in air pressure reports, etc. was therefore regarded by the Air Force as the lower edge of the pressure range where damage to structures may occur.

The civil aircraft ruling by FAA which forbids the sonic boom over land has relaxed much of the public concern over this aspect of the SST. However, on transoceanic routes, the SST's fly supersonically and the power of the sonic boom is therefore pertinent.

The Boeing SST will reach its supersonic cruising altitude at slightly more than 60,000 feet. It will then create a boom having an overpressure on the ocean of 2 to 2½ pounds per square foot. Under certain atmospheric conditions, the boom pressure could be amplified, to almost double the normal 2 to 2½ psf over pressure. This is the pressure change experiences when one rises four floors in an elevator. Fish or surface vessels in the ocean experience this same over pressure from the passage of a three foot wave. This is an insignificant pressure change; however it should be noted that the actual change in pressure is not particularly high in the most intense of sonic booms. The phenomenon is noteworthy only because of the suddenness with which the change occurs. The low altitude pass that can destroy a building with an over pressure exceeding 100 lbs. per square foot (5% of the normal atmospheric pressure) does so because the change in pressure occurs so rapidly. A far greater change in pressure, if it occurs over a longer time period, would go unnoticed. A rise from sea level to 5000′, the altitude of Denver, Colorado, for example, creates a pressure change of 260 lbs. per square foot.

If a change in air pressure occurs in 1/20th of a second or less, the change is detected as sound. The SST over pressure of 2½ pounds per square foot occurs in milliseconds and is like a sudden clap of thunder, not painful but certainly startling, especially when heard from a clear sky under conditions in which the boom is not masked by background noise. On an ocean voyage the startle effect would be present only if the passenger was becalmed in a quiet sea. On an ocean liner, only those on the open deck would hear it and there its effect would largely be lost in the background sounds of the ship and the ocean.

NOISE: MEASURING JET ENGINE SOUND

The jet aircraft engine is not only a powerful sound generator, but also a generator of sounds to which the ear is particularly sensitive. A shrill whine can stop conversation and irritate to the extreme even when its energy value is quite low. The persistence or duration of the sound also adds greatly to its irritation value.

The decibel scale, however it may be weighted to accommodate special sound measurements, is logarithmic. In essence the scale relates acoustic energy to sound perception or loudness. Each increase of ten decibels signifies a ten fold rise in energy, but because the ear responds in a logarithmic manner, the ten fold rise in energy indicates a doubling of loudness. Conversely, if a sound is reduced by ten decibels, for example a reduction from 130 lb. to 120 lb., the lower level has only 10% of its former energy, but its loudness has been reduced by only 50% of the former value.

The decibel ratings for sound energy turned out to be useless in studies of jet engine noise. The irritation value of jet engines remained higher than that of the deep throated piston engines even when the decibel ratings of the jets were lower.

New measuring systems were devised to scale the intensity of the tones present in accordance with the sensitivity of the ear to each tone, and also to consider their duration. The basic decibel system is still used, but when properly weighted for jet aircraft engine studies it is called *Effective Perceived Noise Decibels* (EPNdb).

When the main concern is noise intensity but not duration, the "E" is not used and the unit becomes "PNdb." The Department of Transportation uses both the PNdb and the EPNdb in its sound research. New FAA regulations limiting the intensity of jet aircraft noise apply the PBdb.

THE SOUND OF THE SST

There are three phases of flight in which the sound of jet aircraft can become objectionable. These are: 1) the approach to landing, 2) the take-off and, 3) the climb-out. The following table compares the sound levels of the Boeing SST, the Concorde and two subsonic jets.

JET ENGINE NOISE COMPARISON (EPNdb)

	B-747	B-707	Concorde	Boeing SST
Approach to Landing[1]	110	118.0		108
Takeoff (measured 2,100 feet to the side of runway)	103	107.5	120	[2] 124
Climb-out[1]	111	118.0	110	108

[1] Measured 1 mile from end of runway.

[2] Figure of 124 EPNdb is based on today's noise suppression technology. Airframe and engine manufacturers as well as NASA and DOT are in their fifth year of jet engine noise research. These sources feel that when the SST engines enter service in 1978 or 1980, the figure of 124 EPNdb will be lowered to 118 EPNdb or less.

Everyone who is familiar with jet engine noise is also familiar with the sound of the Boeing 707. Its values are included to establish a standard for comparison.

The table shows that during two of the three critical phases of flight, approach to landing and climb out, the Boeing SST will emit about ½ the noise of the subsonic Boeing 707.

The claim that the SST will be four times as loud as the 707 is thus derived from the 17 EPNdb difference—each 10 EPNdb increment giving rise to a doubling factor of loudness. The fact that sound energy is increased 100 times (for a 20 EPNdb difference) in not a correct evaluation of the increase in perceived noise.

Progress in jet engine acoustic research over the past few years has been dramatic. An example may be seen in the contrast between two engines now in use. Those used in the Boeing 747 have twice the power of the engines in the Boeing 707, yet their noise level is less even during the full power takeoff phase. The engines of the Boeing SST, with more than three times the thrust of the B–707 engines are quieter than any engine now in use except for the high side-line noise during take off.

Take off includes the period from brake release until the aircraft reaches a point one mile away from the end of the runway. During this interval of slightly less than two minutes, the SST is using its afterburners. Reducing the sound generated by afterburners is a new challenge to jet engine designers. A significant portion of the afterburner noise originates from the turbulent heated gases *after* they have been exhausted from the engine, much like the sound produced when a gas welding torch is ignited. The research to reduce this noise has clearly shown that as the flow of hot gasses is smoothed, the sound is reduced. However, the devices used thus far also reduce the engine thrust. The task is now to find a method of smoothing the flow without significantly reducing the thrust of the engines.

In the 12 years jet engines have seen commercial service, their power has been increased six fold. The results of sound reduction research, which began about five years ago, are now being applied to new jet engines. Consequently, the average noise level of these new large engines is about half that of the older ones. In other words, the noise created per pound of engine thrust has been reduced to 1/10th of its former value (in PNdb). In terms of acoustical energy, the sound emitted per pound of thrust is 1/100th of its former value.

Another eight years will pass before the Boeing SST will see its first comercial service. If history is a guide, it seems reasonable to expect that the research to suppress the excessive side-line take off noise of these new engines will also be successful.

II. SUPERSONIC FLIGHT: THE ISSUES OF POLLUTION AND METEOROLOGY

If there could be less transporation, then the machines used for transportation would consume less fuel thereby reducing the quantity of pollutants released into the air. If, on the other hand, the movement of goods and people has become an essential part of our ecological system, then the causes of cleaner air are best served by fostering technologies which raise the productivity of transportation systems and equipment so that less of it will be needed while simultaneously devising improvements to power sources to steadily reduce their release of noxious combustion products.

The ideal transportation system is one which accomplishes its work load satisfactorily with a minimum impact on the environment, and a minimum system cost.

The preceding sections on noise and sonic boom reviewed the Boeing SST in the context of its being a new entry in the air transportation fleet, the whole of which is undergoing a steady evolution toward quieter operation. The following sections examine a) general problem of atmospheric pollution; b) the SST as a source of pollution and c) the SST as a factor in the weather.

THE PROBLEM OF AIR POLLUTION

Exhaust fumes and aerosols are poured into the air of most cities at rates which more often than not exceed the dilution rate of natural air movement. A combination of terrain and weather or the presence of a calm air mass over a city can result in a period of increasing aerial contamination. At best the result may be an irritating threat to health and at worst it can be lethal.

This is a serious threat, one requiring strong carefully aimed measures to correct. Understandably, a challenge to one's breath can cause fright, as well as irrational, often self defeating reactions. A prophesy of a doomed atmosphere gathers a quick following. Exhaust fumes and smarting eyes do little to broaden one's perception of the problem. Yet, if the city is viewed from a distance, from orbit for example, the city and all its vapors appears to be a vanishingly small dot on a broad clear expanse. In contrast, the people within the city, looking outward through a concentrated cloud of poor air, see the visible world only for a short distance. The distant world is lost in a seemingly all pervasive gray, and the dark prophesies which lay down the Earth and its life as a sacrifice

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to the machines, becomes believable calls to action to many.

THE SCENARIOS OF DOOM

In the most common of these prophesies, the final end of life on Earth is described in four uniquely different versions:

(a) man will exhaust his oxygen supply and suffocate;

(b) water placed in the stratosphere by the SST will cause clouds, shield the Earth from the Sun thus causing a period of final glaciation;

(c) water placed in the stratosphere by the SST will cause clouds which will insulate the Earth and cause a steady rise in temperature, ultimately a heat-death of life on Earth; and

(d) water placed in the strateosphere by the SST might destroy the ozone layer, which stops part of the ultraviolet light from the Sun. Without the ozone layer, all but marine life would be eliminated by ultraviolet radiation.

Two factors stand out in these scenarios. First, there is the scale. The forces unleashed by man, the flight of aircraft in these cases, are viewed as more potent than the combined effect of all similar forces unleashed by nature. Second, the real target in air pollution, the correction of the noxious cloud permeating a city, is relegated to a lesser role, one present only by inference in the first scenario and absent in the other three.

Cleansing the air of cities requires positive, concerted planning and action. London suffered under the dense yellow-gray smog of soft coal effluents for hundreds of years before the recent, economically daring solution which required the use of cleaner burning fuels. Improved personal transportation, adequate transit services, innovative transportation systems are as difficult to finance as they are to plan.

The two goals, that of saving the Earth from some form of atmospheric cataclysm and that of cleaning the city air supply offer a vivid contrast. City smog removal requires positive action, expenditure of funds and specific pressure on technical advancement. Translation cf the goal into a concern for the entire Earth seemingly preserves a concern for the atmosphere. But on this lofty plane, the threat to the cities loses much of its urgent quality. The scenarios of global destruction see the world's salvation only in terms of negative, not positive action. Their formula is simple. Some cataclysmic end to life on earth is visualized e.g. the depletion of the earth's oxygen. A few hypothetical associations or "causes" are named e.g. the burning of fossil fuels. In the doom scenarios, all that is needed to save life on earth is for man to cease doing whatever is selected as the cause of destruction, e.g. man will expire for lack of oxygen *unless* he reduces his consumption of fossil fuel. (4)

The relationship between cause and effect of these and other similar concerns is examined in the following pages. As an overview, however, cataclysmic events have occurred many times in the earth history. They have resulted from the interplay of natural forces and were not precipitated by man's actions. There is no reasonable comparison between the magnitude of natural forces and those possessed by man. At this point in man's development, it seems unlikely that he can ever amass the power he might need to save the environment from one of these natural cataclysms. However, with continued development, he may accrue the knowledge and power he would need to save himself should another one occur. Meanwhile, his continued technical progress can allow the creation of vehicles and power sources which meet the requirements of his life without impairing the quality of it.

GLOBAL VS. LOCAL AIR POLLUTION: LOCATING THE TARGET

To generalize the condition in a smog bound city to the rest of the Earth disregards the relative scale that exists between the city and its envelope of air, to the Earth and its atmosphere.

Where the interest becomes global, the problem must be placed in a global context. In a global context, the contaminants released by man are equated with the amount and natural fluctuations of the same or similar contaminants natural to the Earth's atmosphere. The rate at which the natural (or total) concentration of gasses and aerosols fluctuate yields information on the ability of the atmosphere to cycle or dispose of or retain them. Similarly, the rate at which man uses fuel (and oxygen) can be related to the total oxygen supply and also to the renewal sources of oxygen.

MAN'S USE OF OXYGEN VS. THE OXYGEN SUPPLY

Oxygen accounts for 20.95% of the total atmospheric mass, or 1.3 x 10^{15} tons. All remaining recoverable fossil fuel reserves total 2.97 x 10^{12} tons. If man were to burn all of this fuel, the total recoverable reserves, he would consume 3% of the available atmospheric oxygen. The percentage of oxygen in the atmosphere would be reduced from 20.95% to 20.32%. The concentration of oxygen available for breathing reduces by an amount six times greater than this when one travels from Washington, D.C. to Denver, Colorado due to the lower air pressure in Denver. *Man is therefore incapable of exhausting, or even significantly reducing his oxygen supply.*

As to the role of plant life in sustaining this reservoir, Wallace Broecker (5) offers the following comment:

"First of all, each square meter of earth surface is covered by 60,000 moles of oxygen gas. Plants living in both the ocean and on land produce annually about 8 moles of oxygen per square meter of earth surface. Animals and bacteria destroy virtually all of the products of this photosynthetic activity; hence they devour an amount of oxygen nearly identical to that generated by plants. If we use the rate at which organic carbon enters the sediments of the ocean as a measure of the amount of the photosynthetic product preserved each year we find that it is about 3×10^{-3} mole of carbon per square meter per year. Thus, animals and bacteria are dstroying all but 4 parts in 10,000 of the oxygen generated each year. The net annual oxygen production corresponds to about 1 part in 15 million of the oxygen present in the atmosphere. In all likelihood even this small amount of oxygen is being destroyed through the oxidation of the reduced carbon, iron, and sulfur being exposed each year to weathering processes. Thus, in its natural state the oxygen content of our atmosphere is exceedingly well buffered and virtually immune to change in a short time scale (that is, 100 to 1000 years).

"Man has recovered altogether about 10^{16} moles of fossil carbon from the Earth's sedimentary rocks. The fuels bearing this carbon have been combusted as a source of energy. The carbon dioxide produced as a by-product of this enterprise is equal in amount to 18 percent of the carbon dioxide contained in our atmosphere. Roughly 2 moles of atmospheric oxygen was required to liberate each mole of this carbon dioxide from its fossil fuel source. By so doing we have used up only 7 out of 10,000 oxygen molecules available to us. If we continue to burn chemical fuels at our currently accelerating rate (5 percent per year), then by the year 2000 we shall have consumed only about 0.2 percent of the available oxygen (20 molecules in every 10,000). If we were to burn all known fossil fuel reserves we would use less than 3 percent of the available oxygen. Clearly a general depletion of the atmospheric oxygen supply via the consumption of fossil fuels is not possible in the foreseeable future."

THE EFFECTS OF INCREASING ATMOSPHERIC CARBON DIOXIDE

When carbon dioxide (CO_2) is released as a combustion product, it is distributed throughout the entire atmosphere. Where and how it is released does not affect this dispersion. It is absorbed by the ocean and partly by plants and other life, and part remains in the air. The division of CO_2 between these three reservoirs holds a fairly constant ratio.

Its distribution and absorption rate therefore seems to a function of atmospheric concentration. That is, the more CO_2 there is to absorb, the more is absorbed. The atmosphere, all living organisms and the ocean thus become reservoirs for CO_2 and the available quantity released to the air is "partitioned" between them.

Accurate measurements of the partitioning were made for the first time during the period 1958 through 1963. (6)

"Beginning in 1958 and extending through 1963, two nearly continuous series of measurements of atmospheric CO_2 content were made. One of these series was taken at the U.S. Weather Bureau station near the top of Mauna Loa Mountain in Hawaii (Pales and Keeling, 1965), the other at the United States scientific station at the South Pole (Brown and Keeling, 1965). The measurements were carried out on an infrared gas spectrometer, with a relative accuracy for a single measurement of about = 0.1 ppm. The observing stations are located near the centers of vast atmospheric mixing areas, far from uncontrollable sources of contaminants. Because of these nearly ideal locations, together with the high precision of the instruments, and the extreme care with which the samples were taken, these measurements make it possible to estimate the secular trend of atmospheric CO_2 with an accuracy greater by two orders of magnitude than ever before. Some fifteen thousand measurements were carried out during the five-year period.

"The data show, clearly and conclusively, that from 1958 through 1963 the carbon dioxide content of the atmosphere increased by 1.36 percent. The increase from year to year was quite regular, close to the average annual value of 0.23 percent. By comparing the measured increase with the known quantity of carbon dioxide produced by fossil fuel combustion we see that almost exactly half of the fossil fuel CO_2 apparently remained in the atmosphere."

The table below (6) shows the increase in CO_2 as a result of the complete combustion of all recoverable fossil fuels. (1)

TABLE 5.—ESTIMATED REMAINING RECOVERABLE RESERVES OF FOSSIL FUELS

	10^9 metric tons	Carbon dioxide equivalent, 10^{10} gms	As percent of atmospheric CO_2 in 1950
Coal and lignite [1]	2,320	5.88	252
Petroleum and natural gas liquids [3]	212	.67	29
Natural gas [3]	166	.43	18
Tar sands [2]	75	.24	10
Oil shales [2]	198	.63	27
Total	2,971	7.85	336

[1] Assumed to be 20 percent lignite containing 45 percent carbon, and 80 percent bituminous coal containing 75 percent carbon.

[2] Assumed carbon content of petroleum, natural gas liquids, and hydrocarbons recoverable from tar sands and oil shales=86 percent.

[3] Assumed composition of natural gas by volume: CH_4=80 percent, C_2H_4=15 percent, N_2=5 percent.

Source: Computed from data given by M. King Hubbert, "Energy Resources, a Report to the Committee on Natural Resources of the National Academy of Sciences—National Research Council," NAS Publication 1000–D, 1962, pp. 1–141.

From this data the following conclusion is reached (6):

"We may conclude that the total CO_2 addition from fossil fuel combustion will be a little over 3 times the atmospheric content, and that, if present, partitions between reservoirs are maintained, the CO_2 in the atmosphere could increase by nearly 170 percent."

The atmosphere now contains CO_2 in the ratio of 3 parts in 10,000 by volume. Complete combustion of all fuel reserves would increase this by 170%. It would then become 8 parts in 10,000. Since no more CO_2 could be added (from further combustion) the amount would show a yearly decline as it is partitioned to the biosphere and to the ocean.

The actual quantity of CO_2 in the atmosphere at any given time in the future will therefore reach a maximum between 3 and 8 parts in 10,000. Estimates of atmospheric CO_2 (6) have been made for the year 2000 based on various rates of fuel consumption. These calculations are summarized as follows (1):

"Assuming further that the proportion remaining in the atmosphere continues to be half the total quantity injected, the increase in atmospherc CO_2 in the year 2000 could be somewhere between 14 percent and 30 percent (of amount now present)."

In other words an increase of 30% would change the ratio from 3 parts in 10,000 to almost 4 parts in 10,000.

CO_2 AND THE WEATHER

Both CO_2 and water vapor are absorbers of infra red radiation. That is, heat from the sun, or heat reflected from the Earth pass through the oxygen and nitrogen in the atmosphere without being absorbed, hence without warming them. In contrast, both CO_2 and water vapor will absorb this heat, hence become sources of heat in the atmosphere. Hence their presence in the air can result in a warming effect on the air.

Heat absorbed by molecules in the atmosphere is re-radiated, not stored. The radiation emitted is omni-directional, hence is partly turned back into space.

Although CO_2 and water vapor are similar in their heat absorbing and re-radiating and in their air warming characteristics, they differ sharply in another effect. CO_2 concentrations in the atmosphere tend to remain fairly constant even though the air temperature changes. In contrast, the warmer the air becomes, the more water vapor it can hold. Therefore the ratio of CO_2 to water vapor varies widely with air temperature, hence with latitude and with altitude.

Water serves as a heat pump both to air masses and to differentially heated areas of the Earth. As water changes state to become water vapor, energy is absorbed. The water vapor, on reaching a cooler point in the atmosphere, condenses and in the process, releases its energy. The energy is then radiated equally in all directions, about half into space. The condensate, as a cloud, also reflects incoming energy back into space. The cloud may then descend as rain or re-evaporate and transfer freshly absorbed energy to still another point.

Seventy percent of the Earth's surface is water and most of the Earth's weather is produced by the air-water energy exchange.

The role of CO_2 in the atmosphere is undisputed in terms of its heat absorbing and re-radiating capability. The effect of this action is far more difficult to determine due to the fact that the warming action of CO_2 is always confounded with other and larger heating and cooling mechanisms. It should also be noted that the net energy absorbed by the Earth is related more to its reflectivity than to air temperature. Highly reflective desert regions for example, have extremely hot air while in the sunlight but cool rapidly once the sun has set. *Air temperature therefore has no direct relationship to energy or heat actually transferred to the Earth.*

Were it not for the stabilizing and counterbalancing effects of larger variables, i.e. water vapor, surface reflectivity, cloud formation, etc. the warming role of CO_2 in the atmosphere could be computed. This is the so called "greenhouse" effect.

The overall warming of the atmosphere between 1885 and 1940 was generally felt to be related to rises in the concentration of atmospheric CO_2. Yet since that time, CO_2 insertion has markedly increased but temperatures have declined slightly:

"One might suppose that the increase in atmospheric CO_2 over the past 100 years should have already brought about significant climatic changes, and indeed some scientists have suggested this is so. The English meteorologist: G. S. Callendar (1938, 1940, 1949), writing in the late 1930's and the 1940's on the basis of the crude data then available, believed that the increase in atmospheric CO_2 from 1850 to 1940 was at least 10%. He thought this increase could account quantitatively for the observed warming of northern Europe and northern North America that began in the 1880's. From Table 2 and our estimate of the CO_2 partition between the atmosphere, the ocean, and the biosphere, we see that the actual CO_2 increase in the atmosphere prior to 1940 was only 4%, at least from fossil fuel combustion. This was probably insufficient to produce the observed temperature changes. [But it should be noted that up to 2.5% of the atmospheric carbon dioxide (after partition with the ocean and the biosphere) could also have been added by the oxidation of soil humus in newly cultivated lands.]"

"As Mitchell (1961, 1963) has shown, atmospheric warming between 1885 and 1940 was world-wide phenomenon. Area-weighted averages for surface temperature over the entire earth show a rise in mean annual air temperature of about 0.5°C (0.9°F). World mean winter temperatures rose by 0.9°C (1.6°F). Warming occurred in both hemispheres and at all latitudes, but the largest annual rise (0.9°C or 1.6°F) was observed between 40° and 70°N latitudes. In these latitudes, the average winter temperatures rose by 1.6°C (2.8°F).

"The pronounced warming of the surface air did not continue much beyond 1940. Between 1940 and 1960 additional warming occurred in northern Europe and North America, but for the world as a whole and also for the northern hemisphere, there was a slight lowering of about 0.1°C (0.2°F) in mean annual air temperature (Mitchell, 1963). Yet during this period more than 40% of the total CO_2 increase from fossil fuel combustion occurred. We must conclude that climatic 'noise' from other processes has at least partially masked any effects on climate due to past increases in atmospheric CO_2 content." (6).

In view of the overall stability of the Earth's temperature (a rise of one to two degrees between 1885 and 1940 and a fall of a few tenths of a degree over the next 20 years) the role of CO_2, or the potency of a "greenhouse" effect seems rather tenuous. However, the failure of the atmospheric models which predicted the warming effect did not cause them to be abandoned. Another approach is to ask how much colder the climate would be without the atmospheric CO_2. One answer to this estimates a drop of 18°F. (1):

"Models of atmospheric thermal equilibrium in which vertical convection is allowed to maintain the observed vertical temperature gradient have recently been constructed by S. Manabe of the U.S. Weather Bureau (Manabe and Stricker, 1964; Manabe, 1965). These show that the effect of infra red absorption from the present atmospheric carbon dioxide at mid latitudes is to maintain a ground temperature about 10°C (18°F) higher than would prevail if no CO_2 were present. An increase in the CO_2 content without a change in absolute humidity would, according to these models, produce a somewhat smaller surface temperature rise than that estimated by Moller. But a considerable change would occur in the stratosphere, where the CO_2 concentration by volume is perhaps 50 times that of water vapor. A 25% rise in carbon dioxide would cause stratospheric temperatures to fall by perhaps 2°C (3.6°F) at an altitude of 30 kilometers (about 100,000 feet) and by 4°C (7°F) at 40 kilometers (about 130,000 feet.)" (6)

Since the CO_2 now present in the air can not be removed artificially, the predicted drop in temperature of 18°F can not be tested. However, one difficulty with this approach is clear. The effect of CO_2 in all models is to predict higher temperatures in the lower part of the atmosphere. Also the concentration of CO_2 in the total atmosphere has risen at a steadily increasing rate since 1885. Yet during that time the mean temperature of the Earth elevated slightly during the time of least concentration, then fell slightly during the time of highest concentration.

It would therefore seem that the history of CO_2 in the atmosphere shows its effect to be unknown, *not for lack of knowledge on the infra-red absorption and heating values of CO_2 but simply because CO_2 in the context of all other variables and stabilizing factors, produces an effect so small that it is lost.*

It would appear that increasing concentrations of CO_2 can not be shown to be a significant variable to the climate. As a pollutant, CO_2 is colorless, odorless. Except for watervapor, which is not generally considered a pollutant, CO_2 is the least toxic effluent of combustion. It is soluble in water and is used to carbonate soft drinks and beer. An individual is exposed to much higher concentrations of CO_2 in carbonated beverages than in a dense smog condition. When the concentration of combustion products reaches a level where physiological damage can occur, the damage is done by combustion effluents other than CO_2.

FUEL CONSUMED FOR WORK PERFORMED

Within the city, the work efficiency obtained from fuel becomes a matter of environmental safety as well as quality. The table below compares fuel consumed per horsepower/hour for various types of power sources. (7)

Power Plant:	*lb. fuel/hp. hr.*
1. Draft Horse	10
2. Coal fired locomotive	4
3. Automobile	0.9
4. Diesel-Electric Locomotive	0.6
5. Aircraft Piston Engine	0.5
6. Fan Jet (Subsonic Aircraft)	0.4
7. Jet engine (supersonic aircraft)	0.3

Aerial commuter systems such as VTOL and STOL offer the city high production vehicles equipped with higher temperature cleaner burning engines compared to surface vehicle standards. Of more importance to the city is that exhaust from these vehicles is released at an altitude which gives the normal air movement a much more effective dilution rate than it can have for slow moving densely packed surface vehicles.

It should also be noted that pollution from surface vehicles while related to efficiency, is even more related to speed of traffic movement. Traffic congestion multiplies the running time (hence effluents) of all vehicles involved.

The effluents of combustion emitted outside of a city do not present a serious pollution problem when compared to those allowed to concentrate within a city. However, they can not be ignored.

Aircraft, particularly jet engined aircraft emit the lowest quantity of pollutants for fuel used of any vehicle. Their effluents are also released in the air where they may be dispersed readily.

The following table shows the pollutant yield for various vehicle engine systems based on using the same quantity of fuel. (7)

POUNDS POLLUTANT EMITTED PER 1,000 POUNDS FUEL CONSUMED

Vehicle	Carbon monoxide	Oxides of nitrogen	Hydrocarbons	Particulates	Sulfur oxides	Total (rounded)
Subsonic jet	0.1	3.0	0.50	1	1	6.5
SST	.9	3.5	.50	1	1	6.9
Oceanliner	(1)	10.0	.01	1	20	31.0
Piston airliner	100.0	50.0	15	2	1	168.0
Auto	200.0	20.0	40	1	1	262.0

[1] Negligible.

We should now compare the work potential obtained, that can be done from the same fixed amount of fuel. The next table places the comparison on the amount of effluents released per 1,000 seat miles for the same vehicles.

Finally, we may examine the same vehicles in terms of their productivity. The more productive a vehicle becomes, the lower the number of vehicles required to handle a given work load. A reduction in the number of vehicles required is of great importance to transportation economics as explained earlier, it is also a pollution variable.

EMISSIONS PER 1,000 SEAT MILES

Vehicle	Fuel pounds (thousands of miles)	Pounds of pollutants emitted per 1,000 sea. miles					
		Carbon monoxide	Oxides of nitrogen	Hydrocarbons	Particulates	Sulphur oxides	Total (rounded)
Subsonic jet	170	0.17	0.51	0.1	0.17	0.17	1.1
SST	193	.17	.68	.10	.19	.19	1.3
Oceanliner	660	(1)	6.6	.1	.6	13.2	20.5
Piston aircraft	133	13.3	6.6	2	.2	.1	22.3
Auto	100	20	2.0	4	.1	.1	26.0

[1] Negligible.

When a vehicle must be overhauled, a great deal of power (hence fuel consumption) is required. For example, six subsonic jets (like the Boeing 707) must be maintained to do the work that can be handled by a single Boeing SST. The table below compares the same set of vehicles in terms of relative productivity. (4)

RELATIVE PRODUCTIVITY

Vehicle	Speed m.p.h.	Fuel consumption (pounds per hour)	Seating capacity	Vehicles required for 2,000 seats	Vehicles required for equal work/year
SST	1,750	115,000	270	7.4	1.0
Oceanliner	40	53,000	2,000	1.0	5.9
Subsonic jet	550	13,000	140	14.3	6.1
Piston airplane	350	3,000	65	31.0	20.8
Auto	60	24	4	500.0	1,970.0

In all comparisons, the turbine engine powered aircraft is superior to other systems. The piston engine, particularly when used in automobiles, is clearly the worst.

The jet aircraft account for 3 times the intercity passenger miles of all other carriers combined. In local travel and commuting however, the automobile remains unchallenged.

Research to develop low cost automobile exhaust treatment systems is progressing, but must necessarily be regarded as a first step. These systems will improve air quality by removing a percentage of the more toxic effluents from the exhaust. However, they do not alter the total quantity of fuel consumed nor the extremely low vehicle productivity.

The comparative data shown suggests that the technology of the high temperature turbine used in modern aircraft if applied to automobiles, would significantly reduce exhaust concentration and toxicity. The aircraft turbine when compared to the automobile engine produces less than 3% as much toxic effluents for the same amount of fuel. The amount of fuel required per hp/hr is also reduced by more than 50%.

III. STRATOSPHERIC CONTAMINATION FROM THE SST

Water vapor

A normal fleet of 400 supersonic transports making 4 trips per day will inject 150,000 tons of water per day into the stratosphere. In addition to the water, the exhaust gases contain particulate matter, carbon dioxide, sulphur dioxide and other gaseous products.

Speculation over the consequences of this intrusion into a relatively unused layer of the atmosphere have included fears that climatic changes would occur. Both lethal rise in temperature and a new ice age have been predicted. A permanent cloud cover was associated with both forecasts. Another postulation includes a potential destruction of the ozone layer with a subsequent intensification of ultra violet irradication.

The stability of the stratosphere has also been questioned. The idea here postulates that the steady state of the stratosphere may result from a critically sensitive balance of natural forces, and man's use of it could destroy the critical balance and trigger vast changes.

Man's concern that he may alter the climate before he learns to control it is far from new. The Earth's climate is often identified as the price man will pay for some new (hence unfamiliar) technical or scientific development. In recent times, the indictment of climate change has been directed at nuclear detonations, rocket penetrations and rocket exhaust products.

The latest item to receive this indictment is the supersonic transport. Supersonic flight is unprecedented in the world of civil aircraft. A by-product of supersonic flight, the sonic boom (from military planes) served as its debut to the civilian world. The potential utility of the speed for civil applications was hardly suggested by the startling shock of this explosive greeting. Continued testing (by the Air Force in the early 1960's) to study sonic boom effects left many cities of people with more awe than understanding and more anger than curiosity. Supersonic flight to the military had become commonplace by then. It dates back 23 years, a period long enough for many thousand supersonic aircraft to have accrued an estimated—total furnished by D.O.D.—half a million supersonic flight hours at altitudes between 50,000 and 80,000 feet. Similar experience is common to most of the world's Air Forces.

But, the familiarity of the military with supersonic flight does not transfer to the public sector in any automatic fashion. The civil SST had a stark newness and an aura of great power. If it were allowed to fly, would it upset our atmosphere? The National Research Council of the National Academy of Science commented as follows:

"The aerospace age has added another dimension to the problem of inadvertent weather modification. The advent of supersonic transport aircraft, flying routinely in the stratosphere, has raised a question concerning possible consequences of the additional water vapor to be injected by these aircraft into the stratosphere. Our tentative conclusion, based on an assumed traffic volume of four flights per day for 400 supersonic transport planes, is that neither additional cloudiness (contrails) nor water-vapor absorption of a long-wave radiation will be sufficient to disturb appreciably either stratospheric properties or the large-scale circulations that are influenced by its thermodynamic state." (8)

An analysis of the problem by the Environmental Science Services Administration led to the following comment:

"It is the view of the Office of Meteorological Research that although an unequivocal answer cannot be offered, the general opinion of a large group of scientists almost unanimously rejects any significant threat to modification of the weather." (9)

Regardless of the authority behind these statements, they have had little effect on the disposition of this concern. Perhaps these analyses would have carried greater force if the meteorologists had explained the place this man-made perturbation holds in their realm of the atmosphere and its natural forces.

Let us examine some of the reasons why the meteorologists who were quoted were not disturbed by the prospect of water injection from a fleet of SST's.

During 1967, three common sources of combustion in the United States poured about 1.2 billion tons of water into the air, as follows:

	Hydrocarbon fuel burned, 10^6 tons
Power plants	447
Automobiles	220
Aircraft	25
Total	692

Since each pound of fuel burned produces about 1½ lb of water, the burning of 692-million tons of hydrocarbon fuels will produce approximately a billion tons of water.

This water, ejected as vapor, becomes a factor in the equilibrium of water absorbed or released by the atmosphere.

How much of a factor is a billion tons of water?

One often hear reference to "our sea of air." In a literal sense, the average moisture level of the air would indeed make a sea. On an average day our "sea" in the air weights approximately 150-trillion tons. Condensed in one place this water would form a 3000-sq-mi. 1 mi. deep.

We can now place the water generated by burning fuels in its global context. If the billion tons of water generated in a year by the sources cited could be added to the air in a single second, it would add 1 part in 100,000 to the water normal to the atmosphere. Normal fluctuations in the atmospheric water content exceed this quantity many thousand fold.

Our projected fleet of SST's will occupy a previously unused part of the Earth's air envelope. Cruising height of 12 mi. will be five or six miles above that of conventional jet transports. Consequently, the atmospheric volume used for air travel will be almost doubled. The useful volume of air space is now about 1.2–billion cu. mi. With the SST the useful volume will rise to about 2½-billion cu. mi.

If we relate the water produced by fuel consumption of the fleet of SST's to the water normal to the air, it appears as only 1 part in 1 billion. However, the water normal to the air is concentrated in the warmer, more dense air near the Earth's surface.

In considering this aspect of the problem we can begin with the following observations. Up to 200,000 tons of water will be ejected over a flight path of some 2-million miles. The water would therefore be dispersed at the rate of about 200 lb. per mile.

If the relative humidity happened to be near saturation in a particular section of the normally dry (2 or 3% relative humidity) stratosphere, contrail could form. It would exist until it was dispersed into an area of air somewhat dryer and then it would become invisible, as water vapor.

The expansion of the water vapor behind the aircraft is rapid and continues until equilibrium with the surrounding air is achieved. Water vapor, like CO_2 absorbs energy in the infrared region of the spectrum. If one attempts to measure the change in radiation intensity on a square foot of Earth surface within about two minutes of the flyover, he will be seeking a change in sunlight resulting from the light penetrating an expanding band of water vapor which by that time would have merged with the wing tip vortices. These two rotating tubes of air would have a total cross section of about 200,000 square feet.

The SST requires two seconds to fly a mile. Therefore, two minutes after passage the expanding water vapor would occupy a volume of a billion cubic feet of air per mile. Measuring solar energy intensity on a square foot area directly beneath one of the tubes (about 350'' diameter), existing at this instant would require detecting changes associated with the filtering efficiency of .0024 ounce of vapor (if weighed as water). Measurement would be most uncertain, if possible at all.

Gradual accumulation of water in the stratosphere

However small the daily effect may be, one aspect of the question remains. The SST, once in service, will remain in service. Will the year-by-year deposits of water cause a gradual accumulation which could eventually affect the normal environment? This question asks whether or not this normally dry, high layer of air contains mechanisms to preserve its equilibrium. It further asks: Will the water from the SST accumulate with time or be disposed of by the natural mechanisms which now preserve the equilibrium of the stratosphere?

The recently concluded symposium at Williams College to study critical environmental problems tentatively concluded that in cooler (polar) areas, the stratosphere could accumulate enough water for increased cloudiness. In expressing their concern, the symposium recommended that tests and research be conducted to determine first whether or not additional clouds would occur and second what effect these clouds might have.

To place these concerns in perspective, it should be noted that the stratosphere does, indeed, possess natural mechanisms which hold its conditions relatively constant. The higher strata of the atmosphere are not immune from the effects of low-altitude weather. A single, large cumulonimbus cloud, common to the tropics, can inject as much water vapor into the stratosphere as would a fleet of SST's making 1600 flights on a given day. (6)

The number of such injections per day is estimated to be between 2 thousand and 6 thousand. Seasonal variations and low altitude weather changes give a wide range to this daily insertion of water from natural causes. The relative humidity of the stratosphere, however, remains quite stable and very low. ESSA data shows that over the past five years the water content of the stratosphere has shown a slow increase and is now 50% greater than it was five years ago. In number, however, this 50% increase is the difference between 2 parts per million (ppm) and 3 ppm.

About 20% of the atmosphere lies above 38,000 feet. This quantity of air weighs 11.4×10^{14} tons. Stratospheric water would therefore be approximately:

at 2 ppm—22.8×10^6 tons
at 3 ppm—34.2×10^6 tons

Some idea of the water cycling capability of the stratosphere can be obtained by comparing the relatively stable amount of water present in the stratosphere with the amount received from tropical weather each day.

If we use the ESSA estimate of approximately 150,000 tons of water inserted into the tropical stratosphere from a simple large cumulonimbus cloud, then for each 500 such daily events the statosphere would receive 75×10^6 tons of water.

This rate of water insertion (500 cumulonimbus clouds per day) would require 45 days to place in the stratosphere an amount of water equal to that now present. This consideration is less important than the fact that the water level in the stratosphere is extremely constant. To remain constant, or approximately so, the stratosphere *must release all the water it receives each day above the normal to its stable state.*

For each 500 large cumulonimbus clouds that occur each day in the tropics, the stratosphere receives *but also releases* seventy five million tons of water. The water injected by a fleet of 500 SST's would be 0.002 of this amount and being water, would be subject to the same cycling mechanisms. The stratosphere is dry, not because it lacks exposure to huge quantities of water, but because its natural mechanisms tend to stabilize its water content at a low level. Water beyond this level is rejected.

The cycle time for materials placed in the stratosphere is uncertain. The period of 18 months is often used. The figure was derived from fall-out detection following a nuclear test. The nuclear decay of the fall out indicated an 18 month period from the initial explosion. The cycle time of water placed in the stratosphere would have little bearing on stratospheric humidity. That is, the water released each day is approximately equal to the amount received, but it is neither likely nor necessary that the water *either released or absorbed be the same water*. When air is circulated into a cooler region, it becomes less able to carry water. A temperature change can cause condensation of water to occur, and the water will condense without regard to its time of residence in the air.

If we assumed that the water placed in the stratosphere actually did take 18 months to be cycled out, the supply of water placed in the stratosphere would rise steadily to reach a maximum in 18 months of 8.1×10^7 tons. This amount would boost the now normal 3 ppm to a new constant level of about 3.4 ppm. This Study on Critical Environmental Problems (SCEP) (10), using a similar approach for this assumption (18 months cycle) estimated the increase in stratospheric water would stabilize at a 10% increase or rise from 3.0 ppm to a maximum 3.3 ppm.

It should be noted that the rise in stratospheric humidity based on a residence time assumption for water is at variance with the observation that the stratosphere does not retain the water to which it is exposed except for the amount which sustains its steady state humidity. The increase based on assumption of a residence time is therefore a "worst case" hypothesis.

Finally, should the "worst case" be true, the increase would represent a change only one fifth as great as the normal variation noted over the past five years.

During the winter season in the polar region, a local cloud effect was hypothecated by the SCEP. This cloud effect, if it occurs could be a contrail or a cirrus-like formation. Although stratospheric flights in the polar regions have not indicated that contrails or false cirrus clouds have occurred during the past two years of observation, these flight experiments will continue.

Volcanic events: A test of stratospheric stability

Aircraft flying in the stratosphere deposit water, gaseous products and particulates. Regular use of the stratosphere by civil SST's will increase the amount over that now being injected by military aircraft.

The issue may be placed in perspective by examining the effects on stratospheric stability, ozone, and world weather of volcanic events. A volcanic eruption is a good test of stratospheric stability. Millions of tons of gas, water, dust and chemicals can be injected in a single day. The stratosphere receives the full impact of the injection because the injection is complete before cycling-out can start.

The National Center for Atmospheric Research (NCAR) cites six volcanic events in recent times which injected enough material to cause a decline in world temperature through reflection or absorption of re-radiation of solar energy:

"Volcanic dust has been held responsible for several more recent dips in world temperature means, such as the notable temperature declines in 1787, 1816 [the "year without a summer"], 1837, 1884, 1893, and 1912."

Particulates from Volcanic action require about a year to settle. If the particles are exceptionally fine, their residence is longer. The finer particles are in a spherical shell known as the Junge layer at an altitude of about 60,000 feet.

The content of volcanic emission is not limited to water and inert ash. It is frequently highly reactive (11):

"Analyses of material from Kilauea, in both its noneruptive and eruptive phases, show that more than 95% of the fume particles are sulfuric acid droplets, often partially neutralized with ammonium and calcium ions. Other particles consist of ammonium bisulfate, ammonium sulfate, ammonium chloride, sulfur, and calcium and magnesium sulfates. The volcanic particles from Mayon contain all the same substances, but there is on the whole much less acid than at Kilauea. A considerable amount of ash, com-

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posed of fine particles of lava, was present in Mayon samples. Also present were many tiny spherules, in concentrations indicating that they originated from the volcanic action."

Perhaps the greatest burden placed on the stratopshere in recent time occurred at Krakatoa.

The Krakatoa eruption replaced an island containing 14 cubic miles of rock with a flat plane a mile across on the ocean floor lying beneath 1000′ of water. Dr. Melvin A. Cook, one of the world's foremost authorities on explosives, computes the energy released by Krakatoa as equivalent to 5,000 megatons of TNT (12). The column of efflux left the Earth's surface at velocities exceeding mach 3. The resulting sonic boom was audible 3000 miles away.

The shock wave, detectable on barographs, traveled around the earth, reflected from itself, and returned, repeating the cycle four times before dissipating below the sensitivity of available instruments.

Estimates by Ernst Behrendt indicate that the efflux included a cubic mile of sea water in the form of super heated vapor. Behrendt's account was published by the American Nature Association (Nature Magazine, March 1946).

Sightings at the time produced estimates of the altitude achieved by the blast as 150,000 feet. Several cubic miles of materials, rock, lava, steam and water were pulverized and blended by shock waves and heat and brought night-time darkness to areas within a hundred mile radius.

The residue circled the Earth, giving the moon a green tint and turning the setting sun blue, grey or green for the better part of a year.

Here again it would appear that several cubic miles of water, chemicals and solids, interacting with the sunlight for over a year, as they cycled out of the air, caused no noted or dramatic effects on long term temperature cycles, world weather, or life on earth due to ozone disturbance. (It may be noted that the Junge layer and the area of highest ozone density coincide in altitude).

The contaminants placed into the air by the SST are not comparable either in quantity or chemical reactivity to insertions the stratosphere routinely experience from natural causes.

Particulates from the SST

Carbon particles from the SST engine are estimated at five pounds per SST per hour. The carbon emission (20 lbs.) would be dispensed over a distance of about 1800 miles.

The highest concentration of carbon would exist about an hour after passage of the aircraft through a calm section of the sky. Most of the exhaust is drawn into the tip vortices formed by the wing. The lift generated by the wing imparts momentum to the air. The energetic air departs from each wing tip as an expanding, whirling mass of air. These two air masses rotate in opposite directions and horizontally to the ground. They depart in a downward direction and spread away from each other. They will eventually stagnate below and to either side of the flight path. The final diameter of the beclamed horizontal columns throughout which the carbon has been mixed will be several thousand feet across.

If we assume all the carbon emitted is contained within these two air columns, each will contain 10 lbs. in an hours flight. Based on a maximum diameter of 1000′, each column will contain 7×10^{12} cu. ft. through which 10 lbs. of carbon are dispensed, or 7×10^{11} cu. ft. per lb. of carbon. This is not a detectable quantity.

A "normal" fleet of 500 SST's, operating ten hours per day would release a total of 50 tons of carbon per day. If an average stay time of 18 months is assumed for particulates placed in the stratosphere, then the steady state density of the carbon following an 18-month build-up is of interest.

550 days x 50 tons/day = 27,500 tons

Band on an average residence time of 18 months, the carbon particulates reach a peak of 27,500 tons, or a concentration of 3 parts in 100 billion (by weight) with the air in the stratosphere or 3 billionths of a microgram per cubic meter. The average city during a smog free day contains 100 micrograms of dust per cubic meter.

In addition to the carbon, today's fuels would also release sulphur dioxide. This gas is heavier than air and tends to fall. It has an affinity for water and can combine with water-vapor to form a particle of sulphurous acid. Sunlight might add enough energy to some of the particles to pick up an additional oxygen atom to form a heavier particle of sulphuric acid or ammonium sulphate.

In examining the sulphur dioxide quantities, the MIT sponsored study group on critical environmental problems (SCEP) assumed that:

(a) The fuel consumed in 1978 would contain the same amount of sulphur as the fuels in use today. The average of the fuels today ranges between .004% and 0.09% sulfur content. The value of .05 was selected. As well as being a pollutant, sulfur decreases engine life. Jet engine fuels have steadily decreased in sulphur content and will continue to do so. By the time the SST enters commercial service the sulphur content will be between 0.005% and 0.01%.

(b) The fuel consumption was assumed to be a constant of 66 tons per aircraft per hour. However, the Boeing SST must reduce power as its fuel is consumed. Its fuel consumption average is 53 tons per hour for a complete flight. The operating time for the "normal fleet" (500 aircraft) was set at 7 hours per day by the SCEP. Original calculations made for this review are based on a 10 hour day.

(c) The sulphur dioxide gas in the exhaust is not particulate. However, for purposes of the study, the gas was regarded as totally converted to particulates. The sulphate particles, once formed, tend to grow and eventually fall. A hypothetical and unnatural situation was assumed for the purpose of looking at the effects from the most conservative (worst case) viewpoint. This case assumes total conversion of SO_2 to particulates and no particle growth.

Using the SCEP assumptions, an SST will release 0.66 tons of sulphur dioxide per day. A fleet of 500 aircraft would release 330 tons per day. With a cycle time of 18 months the peak SO_2 concentration would reach 181,500 tons. This quantity, if evenly dispersed would become 2 parts in 10 billion with the air in the total earth's stratosphere or 21 billionths of a microgram per cubic meter.

Safety factor

The ratio of SO_2 which may become particulate through chemical interaction is unknown at this time. The safety factor for the assumption of complete conversion to particulates is therefore also unknown. It should be noted however that the safety factor without considering the degree to which SO_2 becomes particulates, exceeds 300%. In other words, the analysis provided by the SCEP would apply to a world fleet of 1,500 aircraft more accurately than to the "standard world fleet" of 500 aircraft identified in the study.

Dispersion pattern

The chances of a uniform dispersion are small. Knowledge of particle dispersion in the stratosphere is somewhat limited. Only in recent years has serious study of such events been possible. Some relevant data is available from observations of the materials injected by the Mt. Agung volcano. Although the actual quantity of material placed in the stratosphere by this volcano is not known, the SCEP felt that observations of the particle history and their effects would be relevant. The group speculated that the combined particle emissions (carbon and sulphur) from the SST might peak to be similar to a "small Agung," perhaps even equal to it.

The SCEP based this comment on measurements of particulates in the stratosphere made by Junge (15) prior to the Agung eruption. His measures indicated a particle concentration of 12 parts per billion with the air in the stratosphere. This figure is contrasted with measurements taken by Cadle et al. (16) in 1969. Cadle's data indicated that the stratosphere contained 360 parts per billion; a 30 fold increase. The higher density was associated with the eruption of Mt. Agung although the measurements were taken several years after the eruption.

The worldwide peak particle dispersion from the SST's was estimated by the SCEP to be 33 parts per billion. They cautioned that in the Northern hemisphere, this concentration could rise to 330 parts per billion on heavily used routes. The coincidence of the peak route particle estimate and the post Agung measurements led to the comparison of the SST to Mt. Agung.

The use of the comparison by the press turned out to be somewhat more dramatic than the SCEP intended. The following points will place some of these observations in perspective:

Volcanic eruptions are not the sole source of particles in the stratosphere. The earth's gravitational field draws in meteoric dust as though it were a vacuum cleaner. NASA (17) estimates that a total of 10^{22} particles, ranging in size from 1^{-11} gram up to 10 grams enter the atmosphere each day.

The data is inadequate to establish the size distribution of the trapped particles. The total weight, therefore can not be calculated. However, a conservative estimate can be made by selecting a particle size on the small end of the size range and assuming that all particles are this size.

If all were 10^{-12} grams, the total weight of the dust would be 10,000 tons per day. Granting this dust the same 18 month cycle used for the Agung debris and the SST particulates, the steady state total is 5.5×10^6 tons.

The ratio between this quantity of dust and the entire atmosphere of the earth is 1.2 parts in 1 billion. Evenly dispersed but retained at the constant level of 5.5×10^6 tons the ratio of dust to the stratospheric atmospheric becomes 7 parts per billion.

Again, an even dispersion is an unnatural, actually a statistically impossible event. The dust would be concentrated by the earth's magnetic field into patterns. Also it is pushed by the solar wind and also influenced by the lunar pull. Its entry to the air could hardly be in a uniform pattern. Once in the air it would be subject to the movements of the upper air and would be accumulated in some areas, thinned in others.

Whatever the irregularity of the distribution, the dust from space is widely dispersed. Its pattern therefore resembles that of the particulates released from the SST far more than the single point insertion of a volcanic explosion.

Ratio of meteoric dust to the SST particulates

The SST particulates, listed on the SCEP assumptions, combine to a total per day of 380 tons. The 18 month total would be 2×10^5 tons.

The meteoric dust 18 months total is 5.5×10^6 tons.

5.5×10^6 divided by 2×10^5 equals 1 part in 27.5

In other words the particulates from the SST constitute a steady state total of 1 part in 27.5 of the meteoric dust. The ratio to total dust, including volcanic is unknown. During an eruption and for several years following it, the ratio of SST particulates to dust from natural sources would be conservatively 1 to 1000 and at times far greater.

It would seem that the research to determine the effects of the SST particulates on climate or on the stratosphere will be difficult. The challenge will be in isolating the effect of this variable from the somewhat overpowering "noise" levels of natural phenomenon.

The ozone layer

Normal (molecular) oxygen (O_2) and nitrogen (N_2) are broken apart by sunlight in the upper atmosphere, approximately at the mesopause (60 miles altitude). The resulting oxygen and nitrogen atoms drift down, occasionally joining with other molecules.

Ozone (O_3) is formed when an atom of oxygen combines with a normal oxygen molecule, ($O+O_2$). Ozone appears throughout the atmosphere with its highest concentration at about 60,000 feet. It is unstable and readily destroyed by sunlight. Since the sunlight is less intense in the polar regions, the ozone concentration reaches about twice that found in the tropics.

Ozone is a rare gas. The amount present in the atmosphere is variable but averages around 5 parts in 10 million. When it is drawn down into the lower atmosphere by the cyclonic action of a high pressure area, it is quickly combined with other compounds.

Ozone is relatively opaque to about 25% of the ultra violet spectrum, the region between 2200 and 3000 angstroms (A). The ultra violet (U.V.) radiation in this range is harmful to life. Mercury lamps will emit U.V. at 2537 A, close to the center of the ozone absorption band. The lamps are commonly used to kill airborne bacteria or to control organisms on or near the surface of perishable products in storage.

U.V. below 2200 A is absorbed by almost all atmospheric gases. Most of the U.V. spectrum above 3000 A is absorbed only to a minor extent by the atmosphere but is less harmful to organisms.

Over any given point on Earth, seasonal variations in O_3 concentration average about 25%. Daily fluctuations over any single point on Earth are at least 10% on a given day.

Sunlight will break apart other molecules, even complex chemicals, reducing them first to ions or radicals, then finally to atoms. The rate of photo-dissociation is slow, however, as the reduction requires the absorption of considerable energy. Water is broken into atomic hydrogen (H) and an (OH) ion.

If water is dissociated in the presence of atomic oxygen (O) the free hydrogen atom may combine with the oxygen atom to form an additional (OH) ion. Atomic oxygen, which might have become ozone (if it had combined with O_2), is thus diverted to becoming part of an (OH) ion instead.

As pointed out earlier, most of the water received by the stratosphere is from natural sources. The water injected by the SST is a minor part of the total water cycled each day by the stratosphere. Almost all of the water entering the stratosphere is returned to the stroposphere. To be disassociated, the water would have to be elevated beyond the stratosphere to a height near the mesopause (about 300,000 feet). The sunlight at this height is energetic enough to cause some photo-dissociation.

Over the past five years, the water normal to the stratosphere has increased by 50% of its former value. Ozone measurements, made by ESSA weather stations since 1962—Data obtained from ESSA—show no correlation or change in ozone density, associated with the higher levels of water vapor in the stratosphere.

However, it should also be noted that the most potent ozone destroyer is the band of solar energy absorbed by it and which also causes it to form. As ozone is destroyed by this energy, more is formed. If ozone should be decomposed by some other circumstance, the solar energy which would have been absorbed proceeds through the cleared space and simply causes more to form perhaps a few feet below.

The destruction of the ozone layer could occur if for some reason the solar output in the region between 2200 and 3000° A was increased by a few orders of magnitude. This would cause a destruction of the ozone at a rate faster than it could reform. Short of this event, however, the destruction of the ozone layer from other causes is not a likely event.

The SCEP analyses of the ozone question

The MIT sponsored study group re-examined depletion due to water vapor and concluded that the effects, if they could be detected at all, would be well within the day to day variability of ozone density. (10)

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10. "Study critical environmental problems," sponsored by the Massachusetts Institute of Technology, Williamstown, Mass. (Released Aug. 1, 1970.)

11. NCAR Quarterly No. 22, Feb. 1969. (The National Center for Atmospheric Research was established in 1960 to conduct and foster basic research in the atmospheric sciences, to supplement and augment the research and educational programs of universities and research groups in the United States and abroad, and to work toward increasing the effectiveness of atmospheric research efforts as a whole. It is operated by the University Corporation for Atmospheric Research, a private non-profit organization, and sponsored by the National Science Foundation.)

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13. General Electric GE 4. Quantity was estimated by General Electric, based on preliminary test data and performance of similar engines.

14. Telegram from Mr. W. J. Coppoc, Texaco Oil Co., Beacon, N.Y.

15. "Air chemistry and radioactivity," Christian E. Junge, New York, Academic Press, 1963, 382 p.

16. Personal communication with Dr. Lester Machta of ESSA, a member of the SCEP group. (Ozone was not mentioned in the preliminary release of the SCEP.)

17. Meteor orbits and dust, NASA SP 135 1967.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. **KENNEDY**. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health; and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request?

There being no objection, the Senate proceeded to consider the bill.

Mr. **KENNEDY**. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll

The assistant legislative clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. **SAXBE**. Mr. President, I send to the desk an amendment on behalf of myself, the Senator from Colorado (Mr. DOMINICK), and the Senator from Pennsylvania (Mr. SCHWEIKER), and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 60, line 3, following the words "orderly manner," delete all of the next sentence beginning on line 3 with the words "An action" and ending on line 5 with the words "in effect.";
>
> Delete all of subsection 11(b) on pages 60 and 61 and redesignate subsection 11(c) as subsection 11(b);
>
> Amend subsection 11(c) (redesignated 11(b)), page 61, line 10, following the word "fails" by striking the words "issue an order or";
>
> Amend subsection 11(c), page 61, line 11, following the word "under" by adding "subsection (a) of".

Mr. **MANSFIELD**. Mr. President, will the Senator yield.

Mr. **SAXBE**. I yield.

Mr. **MANSFIELD**. Mr. President, pending the arrival of the distinguished Senator from Colorado, insofar as other amendments and time on the bill are concerned, I ask unanimous consent that there be a limitation of one-half hour

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on the pending amendment, the time to be equally divided between the distinguished Senator from Ohio (Mr. SAXBE) and the distinguished manager of the bill, the Senator from New Jersey (Mr. WILLIAMS).

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

Who yields time?

Mr. SAXBE. I yield myself 5 minutes.

Mr. President, my amendment would help clear up one of the most controversial provisions of the proposed legislation; that is the provision which authorize Labor Department inspectors to close down an entire business. This authority would be exercised in those instances where in an inspector's judgment an imminent danger exists.

No one opposes the expeditious handling of "imminent danger" situations. In such instances the need to respond quickly in order to prevent serious injury or death is apparent.

However, the question involves the nature of that response. Should we authorize an inspector to close down a man's business and temporarily put perhaps hundreds of employees out of work? Or should we involve a third party, with perhaps the most disinterested and objective viewpoint obtainable, to make such an important decision?

The objective viewpoint it clearly always preferable when the rights, and, indeed, the very lives of individuals are involved.

I think it would be presumptuous and harmful of Congress to pass a law which would place such a heavy burden on a Department of Labor inspector. Under the provisions of S. 2193 the inspector would not only have to make a personal judgment as to whether an imminent danger existed, but he would have to determine that such a danger existed that would not allow time for obtaining the appropriate temporary court relief. S. 2193 would leave the decision in these matters up to the Federal district courts.

Seeking a temporary restraining order in the district courts is the way we have handled dangerous situations for decades. Does anyone believe this method is slow? Does anyone doubt that it is effective? I believe not. An inspector has no way of his own, when he goes into a plant, of enforcing any on-the-spot order he issues. In a tight situation, enforcement of the inspector's orders would have to come from the courts. Therefore, if the ultimate eventuality is enforcement in the courts, the prudent course would be to provide that the district courts handle the matter in the first place.

We should not permit the issue of how to handle an imminent-harm situation stand in the way of the proposed legislation. Since there have been strenuous and widespread objections to giving an inspector the sweeping power to close down a plant, we ought to seek a compromise on this point. The substitute bill provided a solution but it was not accepted. I offer this as a separate amendment. I believe reasonable men will accept the solution I offer in this amendment, since they know that the courts will provide an effective and fair method of safeguarding employees who find themselves in imminent-danger situations.

Furthermore, to place such a heavy burden on an inspector would not allow a determination as objective as one by a court, and I believe it would be more unlikely that an inspector would close down a plant in an imminent danger situation than if he had the responsibility of going to court, because he would be reluctant to operate with this responsibility resting solely upon himself, or his immediate supervisor. The men and women who on occasion are exposed to such dangers will suffer if an inspector is reluctant to assume the awesome authority which would be granted in the bill without this amendment.

Let us be practical about the type of situation we are concerned with here. Only when a danger exists which can cause death or serious physical harm before it can be corrected will the imminent-danger provisions of either bill be utilized. Within this narrow range of situations, 99 percent of the employers will take immediate steps to eliminate the danger. In the 1 percent of cases where there is employer resistance and coercive measures must be utilized to protect exposed workers, one of two situations will probably exist:

First, an employer simply refuses to make needed corrections—in such cases, as I have already pointed out, court orders will be necessary; or

Second, an employer will have a serious doubt based on fact as to whether an imminent danger really exists—in these instances the objective disinterested view of a court is absolutely necessary.

In summary, I believe that the committee's closedown provision in the bill is unnecessary, harmful, and unfair as it relates to employees and employers. I suggest that my amendment will make a better bill and will not interfere with the orderly procedure of enforcement.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SAXBE. I yield 2 minutes to the Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, the committee bill provides that under certain circumstances, the Department of Labor itself, without a court order, would have the power to close down all or part of an industrial plant for 72 hours due to an imminent danger.

The amendment which I am cosponsoring with the Senator from Ohio (Mr. SAXBE) would strike out this section, which is section 11(b). The effect of our amendment would be to require the Department of Labor to go to a Federal district judge and obtain a court order in all cases where it desires to order a plant closed down. Our amendment would not detract, in my opinion, from the safety features of this bill, but it would afford to employers—as well as employees who might be thrown out of work by some arbitrary shut-down—a greater right to be heard before the Federal Government took drastic action affecting them.

Mr. President, the closing down of an industrial plant is indeed a drastic remedy. If Congress is going to grant this power in this legislation, then we must be sure that due process is observed through a judicial hearing. In the average case where the Department of Labor finds a real imminent danger in a plant, I would expect the employer to agree with the Department, and close the plant or the portion of the plant voluntarily himself. But if there is a difference of opinion between the Department and the employer, I feel the Department should have to sustain a burden of proof in persuading a Federal district judge that the closure of the plant is necessary. I believe that both the Department's side and the employer's side should be heard before such a drastic step is taken against the will of the employer and throwing employees out of work.

It must be remembered that we are speaking here of a situation of imminent danger. The bill defines "imminent danger" as "a condition or practice which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated."

Mr. President, I can hardly conceive of many instances when this whole provision—section 11—would actually come into play. Before this provision could apply, there would first have to be an imminent danger in the plant which was undetected by either the employer or the employees, or if it had been detected, received no corrective action or safety precautions. So we would have an imminent danger situation that was just sitting there awaiting the visit from a Federal inspector representing the Department of Labor.

Section 11 would not come into play until the Department of Labor representative advised the employer of the imminent danger and the employer refused to take any steps to safeguard his plant and his employees. This would be quite a rare occurrence, I believe. Employers do not want their plants to blow up any more than the employees do. But I am thinking that in some cases, the Department of Labor may not be infallible, and that the employer, if he has a real difference of opinion with the Department of Labor about the closing of his plant, should have a right to be heard by a judge. That is all our amendment would do.

I thank the Senator from Ohio for yielding to me.

Mr. SAXBE. Mr. President, before proceeding further, I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

Mr. SAXBE. Mr. President, I yield the floor.

Mr. WILLIAMS of New Jersey. Mr. President, I will say at the outset that this provision, dealing with the closing of an operation where there is an imminent danger, reflected thorough consideration within the committee, where it was significantly revised.

I think it is clear that the concern that has been generated over the imminent-danger provision in the committee bill has been greatly exaggerated and blown out of all proportion to the legitimate concerns of industry.

The fact is that the safety laws of at least 29 States authorize administrative officials to deal with imminent-danger situations. These "red tag" or "stop work" provisions typically empower the appropriate official of the State agency to post a notice or issue an order prohibiting the use of machinery, equipment, or work areas found to be dangerous.

The New York provision, in effect since 1909, is quite typical of these statutes. It provides:

> If the Commissioner finds that any machinery, equipment, or device in any place to which this chapter applies is in a dangerous condition, or finds that any area to which this chapter applies is in a dangerous condition, he may attach a notice to such machinery, equipment, or device, or post a notice in such area warning all persons of the danger. Such notice shall prohibit the use of such machinery, equipment, or device or prohibit further work in or occupancy of such area until the dangerous condition is corrected.

The New York provision, in effect since 1909, is a classic in this area. Not only is it classic, but it has been in existence for just short of 60 years. I will say that, with this experience of the second most populous State in the Union, and perhaps the second most highly industrialized State, we heard no testimony whatever that this kind of provision on imminent danger had been abused or had been treated arbitrarily.

In addition, various Federal statutes have imminent-danger provisions that permit administrative action to protect workers—including the Coal Mine Health and Safety Act enacted last year. And, just a few months ago, we passed the new Federal Railroad Safety Act which provides that if the Secretary of Transportation determines that any facility or piece of railroad equipment is unsafe, and creates an emergency situation involving a hazard of death or injury, "the Secretary may immediately issue an order—prohibiting the further use of such facility or equipment until the unsafe condition is corrected."

I think it most significant that throughout our lengthy hearings on the present bill, during which witnesses from all segments of industry appeared, we never once heard of a single instance in which any of these imminent-danger provisions had been abused—despite the fact that many of the State provisions have been in effect for a number of years—as far back as 1909 in the case of New York.

I should also emphasize that, during our committee deliberations, we gave extensive consideration to this provision. Even though no complaints had been received about the actual operation of the broadly worded provisions found in most State laws, we did our utmost to accommodate the concerns of industry, with the result that the provision now contained in the committee bill is far more narrowly drawn than most State laws or, indeed, the Federal statutes that are now in existence. I think it would be entirely inconsistent with the purposes of this bill to narrow this provision any further.

Mr. JAVITS. Mr. President, will the Senator from New Jersey yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. JAVITS. The Senator has said and knows that this is a very difficult provision because there is a grave danger of a drastic effect on the continuity of the industrial process by a closing. I wondered, as I read this last night in contemplation of the amendment, whether the Senator might not look favorably on perfecting the original bill by requiring the concurrence of the Secretary himself for a closing rather than a regional official.

I am inclined to decide the issue for myself on the side of the committee's view, although this was one of the most closely divided votes we took in the committee. I just ask the Senator that question specifically, in order to meet what I consider to be a real problem which I think the bill raises in its present form. Would it not be desirable simply to elevate that kind of decision to the secretarial level?

Mr. WILLIAMS of New Jersey. If the Senator will recall, first, we dealt in committee with the fear of abuse by an individual, that one person should not have this authority to close down a plant or part of a plant where he found an imminent danger. To protect against the one-man decision, we included by amendment in committee the provision that a regional representative of the Labor Department must concur in the original finding. That was our first amendment.

The next saving factor was the provision for continuous process operations, and to permit personnel to remain to make a safe and orderly shutdown of a dangerous operation.

I think we have fully protected those areas that caused concern. I do not know what would be the practical effect of saying that, where there is a finding that it should be closed, that this should be checked and concurred in by the Secretary of Labor. I do not know whether that would be practical or not.

Mr. JAVITS. I say to the Senator, if he would allow me, by yielding further, that I think it is practical. I think it would give a better feeling and a greater weight of authority. I should have thought of this in the committee. Even if the Secretary devolved that responsibility, there would still be the fact that a businessman—and that is what I think my colleagues from Pennsylvania and Ohio are concerned about—facing such a provision, at least he would have the satisfaction of knowing that a Cabinet officer would have to concur and, for all practical purposes, if the businessman had any appreciable plant, the Secretary probably would, anyhow. No regional official would take the responsibility of shutting down a plant which employs thousands of people unless he checked back first with the Secretary in Washington.

I think that is really the distinction, without any deep difference. It would give a better feeling to the business community. I would therefore hope that before or after this amendment is decided, the Senator from New Jersey would give serious consideration to that change.

Mr. WILLIAMS of New Jersey. As it is now, would the Senator agree that any action taken would be the Secretary's responsibility and would have the Secretary's name signed to the action, if not in personal fact?

Mr. JAVITS. As a practical matter, I think that if the Secretary wanted to shrug it off or avoid the responsibility, he could walk away from it as written now. However, I hardly envisage a Cabinet official being that irresponsible, but it could be done. I think the converse of the proposition is that if that is so, why not give it to the Secretary and make him take the responsibility?

Mr. SAXBE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. SAXBE. Mr. President, I cannot agree with either my friend, the Senator from New York, or my friend, the Senator from New Jersey, on this matter. I think it is a judicial function.

When this subject was discussed we went into great length on an individual machine, an oil slick on the floor, noxious fumes being emitted, or a leaky pipe—things that would create an imminent danger. When they red tag this, they close down this machine or this area of the plant, and not the plant.

No one would disagree with an inspector going in there and saying, "This machine is closed down." I do not think he would ever resort to the courts. This would protect those individuals who are working on that machine in that area.

On the other hand, when they want to close an entire plant because of noxious fumes or because of some imminent danger to the structure, then I think we are going to have more difficulty in getting an inspector to do this on his own motion or by calling his superior or the Secretary of Labor than if he could simply go to court and say, "This is what I find in the plant, and this plant refuses to cooperate. Therefore, we ask for legal action."

I think it is entirely reasonable that this should be the ultimate weapon. This is what will be the ultimate weapon anyway, because this man is not a policeman. The inspector cannot go down there and run in and holler "Stop." He would have to get a policeman to go in there if the man refuses to do anything. And the U.S. marshal is an agent to the court. The marshal would come in and correct this situation if imminent danger is shown to the court.

If we try to do this through the Secretary of Labor or by his agent or the superior of the inspector, we are going to have more difficulty in closing a plant, I believe, than if they can go downtown to the local court and say, "We have a situation out here and we think you should grant this order."

I agree with my friend, the Senator from New Jersey, that States do have this power. But I also find on further investigation that it is a power seldom used. It is seldom used because the in-

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spector is reluctant to use it even when his superior agrees. Then, when he does want to use it, as I am informed in some situations in New York, he, not being a policeman, cannot do it. He has to go to the court and go out and get a policeman to enforce the order.

I suggest that, by this amendment, we are doing what is ultimately going to be done any way. The convenience of the court and the complete practicality of the matter seems to me to suggest that this is a wise move.

Mr. President, I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, I would like to respond to a few of the arguments that have been presented on behalf of the bill as it now stands.

In the committee I offered this very amendment that the Senator from Ohio and I are cosponsoring. We were defeated in the committee.

The Senator from New Jersey said that 29 States now have this provision and that therefore there is no danger in giving this vast authority to the Federal Government.

I would like to point out that the reason we are writing this law is because the present laws in the States have not been adequate. They have not been enforcing the present laws in the States. The present laws have not met the needs. There has not been a follow-up on enforcement or a serious effort made to make the laws effective.

We cannot very very well turn the argument around and say that because this type of provision works fine in 29 States we are writing it into our new Federal law. It has not worked fine in 29 States. That begs the question. The point is that the States have rarely invoked the power. They have hardly ever used it. That is why we are writing a Federal law.

I would like to say that when we are dealing with a State government we are at least one step closer to the people. The State government is one layer of government closer to the people than is the Federal Government. I am sure that any aggrieved party seeking a government hearing feels that he has a closer relationship to his State capital or to his local government than he would if he were to come to Washington and go to the bureaucracy involved, the Department of Labor, to seek his remedy in that particular way.

I do not see anything unreasonable in requiring the Labor Department to contact a Federal district judge in this situation. One can reach a Federal district judge within a matter of minutes. It can be done as quickly as one can reach a departmental inspector in the Department of Labor or the Secretary himself.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SAXBE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 3 minutes remaining.

Mr. SAXBE. Mr. President, I yield 1 additional minute to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 1 additional minute.

Mr. SCHWEIKER. Mr. President, a Federal judge can be reached at any time of the day or night. There would be no unreasonable delay. Therefore I do not see why we cannot assure that due process is available before a lot of people are thrown out of work or an enterprise is shut down. There should be due process so that the people involved, both the employers and employees, will be sure of a fair hearing in court. That is what our amendment seeks to do.

Mr. WILLIAMS of New Jersey. Mr. President, first of all the bill provides that the inspector must go to court to get an order to close down an operation where there is imminent danger. What does "imminent" mean? It refers to a peril or disaster that can happen immediately. The bill requires that he get a court order unless the danger is of such imminence that there is no time to do so. Only if they do not have time to find the judge or the peril or likelihood of disaster is too immediate, does this authority within the Labor Department come into being.

Mr. SAXBE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of New Jersey. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Jersey has 3 minutes remaining. The Senator from Ohio has 2 minutes remaining.

Mr. WILLIAMS of New Jersey. Mr. President, I stress again that this authority arises when there is an immediate peril, danger, or misfortune. They have to get a court order unless doing so would take so long that the danger could develop and great injury or death occur.

As to the other operations of the plant, we are mindful of the need to not bank the furnaces and shut down the whole operation. This provision is zeroed in on the immediate imminent danger. It cannot be arbitrary because it is checked against higher authority in the Labor Department. The order can be in effect only for 72 hours and then, within that period of time, they have to go to court.

The PRESIDING OFFICER. Who yields time?

Mr. SAXBE. Mr. President, I yield myself the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 minutes.

Mr. SAXBE. Mr. President, I do not find the argument persuasive on the basis that we are not dealing with abstractions. We are dealing with a practical situation in a plant, the practical situation where danger exists in a limited area concerning one machine, or it could exist on a broader scale.

What we are talking about is a danger that the management will not recognize because if it is recognized, management would immediately shut it down. I cannot fancy a situation where management would not close down a machine, an area, or a plant where an inspector, the Federal Government, or the Department of Labor comes in and says, "There is a situation that creates great danger to that man; danger to life and limb." I think in such a situation management would act immediately; so we are talking about the unique situation where there is serious disagreement as to whether there is imminent danger. I am referring to the situation where there is serious disagreement. Management says, "There is no danger here; I can explain it all; the inspector just does not understand what we are talking about. This pipe is not going to explode; this machine is safe."

In that instance there is a disagreement based perhaps on lack of knowledge or lack of understanding of the situation. For years we have settled such disputes in court and so on the very rare occasions where management and an inspector disagree as to the extent of danger I believe the court should have the opportunity of making the decision as to who is right, because if both management and the inspector agree there is no problem, they are not going to court. They both say, "Yes; there is danger. Let us correct this situation." Then, it never leaves the plant. So when the matter gets to court there is a disagreement. We have traditionally settled disagreements in court in this country, and I suggest it is the way to settle disagreements in this matter.

Mr. JAVITS. Mr. President, will the Senator from New Jersey yield?

Mr. WILLIAMS of New Jersey. I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, this is not a light issue; it is a real and important issue. If this amendment fails, and I did vote against it in committee for many reasons I have mentioned in debate, I shall ask the manager of the bill to accept an amendment which will vest this authority in the Secretary or other high officials of the Labor Department. I believe that is a fair compromise of the difficulty with which we are faced. I hope he will accept it should this amendment fail.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that Mr. Mittleman of the committee staff be permitted to be in the Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that pending the arrival of the Republican leader or the acting Republican leader I be permitted to suggest the absence of a quorum so that when they arrive I can make a unanimous-consent request which I think will be acceptable.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, after clearing the matter with all Members concerned, I am about to propound a unanimous-consent request.

I ask unanimous consent that on the Javits enforcement amendment there be a time allocation of 1½ hours, the time to be equally divided between the Senator from New York (Mr. JAVITS) and the Senator from New Jersey (Mr. WILLIAMS), and that there be 30 minutes on any amendment thereto, equally divided on the same basis.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the Dominick criteria amendment there be a time allocation of 40 minutes, to be equally divided on the same basis, and 30 minutes on any amendment thereto, again equally divided on the same basis.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate I think I should state that immediately after the conclusion of the vote, the Senator-elect from Illinois, Mr. STEVENSON, will be sworn in.

The PRESIDING OFFICER. All time having expired the question is on agreeing to the amendment of the Senator from Ohio (Mr. SAXBE). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from Kentucky (Mr. COOPER), the Senator from Florida (Mr. GURNEY), the Senator from Illinois (Mr. PERCY), and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Carolina (Mr. THURMOND) are detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Florida (Mr. GURNEY), the Senator from South Dakota (Mr. MUNDT), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 40, nays 42, as follows:

[No. 382 Leg.]

YEAS—40

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Boggs
Byrd, Va.
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Griffin
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Mathias
McClellan
Miller
Murphy
Packwood
Pearson
Prouty
Saxbe
Schweiker
Scott
Smith, Ill.
Spong
Stennis
Stevens
Talmadge
Tower
Williams, Del.
Young, N. Dak.

NAYS—42

Anderson
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cranston
Eagleton
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Proxmire
Randolph
Ribicoff
Symington
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—18

Bayh
Bible
Cannon
Cooper
Dodd
Ellender
Fong
Goldwater
Gurney
Hollings
Mundt
Pell
Percy
Russell
Smith, Maine
Sparkman
Thurmond
Tydings

So Mr. SAXBE's amendment was rejected.

Mr. WILLIAMS of New Jersey. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. YOUNG of Ohio. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATOR FROM ILLINOIS—ADMINISTRATION OF OATH

Mr. MANSFIELD. Mr. President, I send to the desk a certificate of election certifying to the election of Adlai E. Stevenson III, as a Senator from Illinois, which I send to the desk and ask that it be read.

The PRESIDING OFFICER. The certificate will be read.

The legislative clerk read as follows:

> STATE OF ILLINOIS.
>
> *To the President of the Senate of the United States:*
>
> This is to certify that on the third day of November, 1970, Adlai E. Stevenson III was duly chosen by the qualified electors of the State of Illinois, a Senator for the unexpired term ending at noon on the 3rd day of January, 1975, to fill the vacancy in the representation from said State in the Senate of the United States caused by the death of Honorable Everett McKinley Dirksen.
>
> Witness, his Excellency our Governor Richard B. Ogilvie, and our seal hereto affixed at Springfield this sixteenth day of November, in the year of our Lord 1970.
>
> RICHARD B. OGILVIE,
> *Governor.*
>
> JOHN W. LEWIS,
> *Secretary of State.*

The PRESIDING OFFICER (Mr. EAGLETON). If the Senator from Illinois will present himself at the desk, the oath of office will be administered to him.

Hon. Adlai E. Stevenson. III, escorted by Mr. MANSFIELD, advanced to the desk of the Presiding Officer; the oath prescribed by law was administered to him by the Presiding Officer (Mr. EAGLETON); and he subscribed to the oath in the official oath book. [Applause, Senators rising.]

RECESS

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes, so that Senators may have an opportunity to meet the new Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will stand in recess for 5 minutes.

Whereupon, at 11:48 a.m., the Senate took a recess for 5 minutes.

Senators greeted Mr. STEVENSON in the well of the Senate.

At the conclusion of the recess, the Senate reassembled, when called to order by the Presiding Officer (Mr. GRAVEL).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. EAGLETON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

The Senate continued with the consideration of the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health; and for other purposes.

AMENDMENT NO. 1061

Mr. JAVITS. Mr. President, I call up my amendment No. 1061.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

S. 2193

On page 52, beginning on line 10, strike all down through line 11 on page 59 and insert in lieu thereof the following:

"PROCEDURES FOR ENFORCEMENT

"SEC. 10. (a) If, after an inspection or investigation, the Secretary issues a citation under section 9(a), he shall, within a reasonable time after the termination of such inspection or investigation, notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 14 and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the citation or proposed assessment of penalty. If, within fifteen working days from the receipt of the notice issued by the Secretary the employer fails to notify the Secretary that he intends to contest the citation or proposed assessment of penalty, and no notice is filed by any employee or representative of employees under subsection (c) within such time the citation and the assessment, as proposed, shall be deemed as final order of the Commission and not subject to review by any court or agency, except upon request of an employee or representative of employees pursuant to subsection (c).

"(b) If the Secretary has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted for its correction (which period shall not begin to run until the entry of a final order by the Commission in the case of any review proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties), or has failed to comply with an order issued under section 11(b), the Secretary shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under section 14 by reason of such failure, and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the Secretary's notification or the proposed assessment of penalty. If, within fifteen working days from the receipt of notification issued by the Secretary, the employer fails to notify the Secretary that he intends to contest the notification or proposed assessment of penalty, the notification and assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

"(c) If an employer notifies the Secretary that he intends to contest a citation issued under section 9(a) or notification issued under section 10 (a) or (b), or if, within fifteen working days of the issuance of a citation under section 9(a), any employee or representative of employees files a notice with the Secretary alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the Secretary shall immediately advise the Commission of such notification or determination, and the Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a) (3) of such section). The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation or proposed penalty, or directing other appropriate relief, and such order shall become final fifteen days after its issuance. The rules of procedure prescribed by the Commission shall provide affected employees or representatives of affected employees an opportunity to participate as parties to hearings under this subsection.

"(d) Any person adversely affected or aggrieved by an order of the Commission issued under subsection (c) or (f) may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or where the employer has its principal office, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days following the issuance of such order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission and to the other parties, and thereupon the Commission shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Commission. No objection that has not been urged before the Commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(e) The Secretary may also obtain review or enforcement of any final order of the Commission by filing a petition for such relief in the court of appeals for the circuit in which the violation occurred or in which the employer has its principal office, and the provisions of subsection (d) shall govern such proceedings to the extent applicable. If no petition for review, as provided in subsection (d), is filed within sixty days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement, which is filed by the Secretary after the expiration of such sixty-day period. In any such case, as well as in the case of a non-contested citation or notification by the Secretary which has become a final order of the Commission under subsection (a) or (b), the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the employer named in the petition. In any contempt proceeding brought to enforce a decree of a court of appeals entered pursuant to this subsection or subsection (d), the court of appeals may assess the penalties provided in section 14, in addition to invoking any other available remedies.

"(f) No person shall discharge or in any other way discriminate against an employee because of the exercise by such employee on behalf of himself or others of any right afforded by this Act, including action to determine the extent of employee exposure to hazardous substances, or for leaving a workplace upon the order of the Secretary or a district court issued pursuant to section 11. Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of this subsection may, within thirty days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as he deems appropriate. If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, he shall so notify the Commission and the Commission shall afford an opportunity for a hearing as provided in subsection (c). If the Commission finds that such violation did occur, it shall order such affirmative action as may be appropriate, including, but not limited to, the rehiring or reinstatement of the employee to his former position with back pay.

"THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

"SEC. 11. (a) The Occupational Safety and Health Review Commission is hereby established. The Commission shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission under this Act. The President shall designate one of the members of the Commission to serve as Chairman.

"(b) The terms of members of the Commission shall be five years except that (1) the members of the Commission first taking office shall serve, as designated by the President at the time of appointment, one for a term of three years, one for a term of four years, and one for a term of five years, and (2) a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(94) Members, Occupational Safety and Health Review Commission'

"(d) The principal office of the Commission shall be in the District of Columbia. Whenever the Commission deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place.

"(e) The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission and shall appoint such hearing examiners and other employees as he deems necessary to assist in the performance of the Commission's functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: *Provided,* That assignment, removal and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code.

"(f) For the purpose of carrying out its functions under this Act, two members of the Commission shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members.

"(g) Every official act of the Commission shall be entered of record, and its hearings and records shall be open to the public. The Commission is authorized to make such rules as are necessary for the orderly transaction of its proceedings, which shall provide for adequate notice of hearings to all parties.

"(h) The Commission may order testimony to be taken by deposition in any proceedings pending before it at any state of such proceeding. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Commission. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like service in the courts of the United States.

"(i) For the purpose of any proceeding before the Commission, the provisions of section 11 of the National Labor Relations Act (29 U.S.C. 161) are hereby made applicable to the jurisdiction and powers of the Panel.

"(j) A hearing examiner appointed by the Commission shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Chairman of the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceedings. The report of the hearing examiner shall become the final order of the Commission within thirty days after such report by the hearing examiner, unless within such period any Commission member has directed that such report shall be reviewed by the Commission."

On page 63, strike line 1 and insert in lieu thereof: "the date of the final order of the Commission in the case of any review proceeding under section".

The PRESIDING OFFICER. This amendment is under controlled time, for an hour and a half.

Mr. JAVITS. I yield myself 10 minutes.

Mr. President, if I may have the attention of Senators, I can explain what this is about very briefly.

The big issue on this bill—and certainly the Senate has made that clear by its votes—is the question of how it is to be enforced and how standards are to be promulgated. The amendment I have just called up deals with the matter of enforcement. The question of the promulgation of the standards remains in the Secretary, although there probably will be an amendment later to deal with that specific point, in a way different from that in which it was dealt in Senator DOMINICK's substitute yesterday. But the key issue which has worried American business is, How is this very important piece of legislation to be enforced?

I am offering the administration's version of how it should be enforced. I introduced the administration's bill originally, and the provision I now offer as an amendment is consistent with the approval of that bill. It creates a review commission which will deal with all complaints referred to it by the Secretary and which will have the same type of authority that the Federal Trade Commission exercises: The power to issue a cease and desist order which, if challenged within a given period of time, can be reviewed by the Circuit Court of Appeals. Its operation is stayed if the Circuit Court of Appeals so orders. If the Secretary desires to enforce the order through the contempt power, similarly, he can go into court in order the get the Circuit Court of Appeals to enter an order for the specific purpose, and then that order can be enforced through the contempt powers of the Circuit Court of Appeals. It is the traditional Federal Trade Commission type of procedure.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. HOLLAND. Would the commission which would be set up by the Senator's amendment be within the Labor Department and controlled by the Labor Department or would it be an independent commission?

Mr. JAVITS. Autonomous and independent. Perhaps it would be housed in the Labor Department, or administratively it might have employees who are common, but it is expressly set forth to be an independent commission, established for the purpose of dealing with these complaints and passing on them.

Mr. HOLLAND. I thank the Senator.

Mr. JAVITS. It would not be a Labor Department instrument. Indeed, I might say to my distinguished colleague that yesterday, when we were arguing the Dominick substitute, I made the point that a Secretary could set up, if he wished, a committee or commission—other Secretaries have—to exercise his power; but that commission would, as the Senator's question implies, be under his authority. That is not so under my amendment. This is an autonomous, independent commission which, without regard to the Secretary, can find for or against him on the basis of individual complaints

Mr. HOLLAND. I thank the Senator. I shall support his amendment, because I believe that that kind of independent enforcement is required under the circumstances.

Mr. JAVITS. I thank my colleague very much.

Mr. President, one of the interesting things which comes out of this amendment, which interests me greatly, is the fact that I offered this amendment in committee as the "compromise." I had hoped that it would be accepted and supported. But it had the opposition, for reasons which absolutely escape me, of organized labor. One would think that organized labor wanted the certainty and the celerity which would come from this kind of enforcement, because there is speedier action here. It may be speedier action by as much as 18 months, in this way: The present scheme of enforcement requires the Secretary to go into court in order to enforce an order of enforcement which he makes. This order, which is made by the Commission, is self-enforcing unless stayed by the Court of Appeals. Immediately, there is a diminution of the time involved.

Second, this amendment provides that if the hearing examiner's report is not contested and the Commission does not order it reviewed, it becomes final, within the same procedures of the Commission—a very quick way of dealing with relatively minor situations.

It seems to me that this gives everything one would ask in the way of assurance, both to management and to labor. Yet, though management wanted it very much, organized labor apparently was opposed to it.

One final thing which is very interesting to me: The Administrative Procedure Act applies anyway, whether the Secretary is the enforcing agent or the Commission is the enforcing agent. So there is no diminution of the rights of anybody, nor denial of due process, and at the same time greater celerity is given and greater confidence that violations will be considered by a quasi-judicial authority expressly delegated for that purpose.

The importance of this particular measure is not so much in the absolutes which are involved. In an absolute sense, in view of the checks and balances which the judicial system imposes on the Secretary, one might think that enforcement by the Secretary would be more hedged in, more subject to judicial argument, and so forth, than even the determinations by this commission; but, as we all know, the climate in which things are done becomes critically important. We see that in many pieces of legislation. The business community feels deeply on this matter, which can be vexatious—there is no question about that and we must recognize it—as there can be all kinds of complaints and difficulties, and expensive difficulties, created for American business, so that apparently the business community feels an infinitely greater assurance with this kind of commission than with enforcement by the Secretary of Labor.

In my judgment, it would be better all around. I have been unable to understand up to now—perhaps those who oppose the amendment will enlighten me better than they did in committee—why it ran into an absolute, hard and unyielding opposition. As many Members have told me, if this particular amendment had been accepted in the Committee on Labor and Public Welfare, we would hardly be arguing about any part of this bill now as, generally speaking, we did balance out most of the bill pretty well, as the votes in the Senate have demonstrated.

Thus, again, quoting one of our Members, this is the nut in the coconut. This is what it is all about. It seems to me, in view of the fact that it will give a sense of greater assurance to the business community than enforcement by the Secretary of Labor, it certainly is not any tougher than his enforcement, in terms of the benefits which accrue from a piece of legislation like this to the worker, nor is it less advantageous to the worker because, if anything, it accelerates the time within which decisions can be made.

It seems to me this is the fair way to balance out the bill.

One other point which is critically important: What is the difference between a board to establish the standards and a commission to enforce them, and why, in my judgment, is it more important to have an autonomous and independent commission even than to have some form of board to promulgate certain standards?

The reason is this: The enforcement of orders is an adjudicatory act, whereas the establishment of standards is a deliberative act. There are serious penalties involved for the individual enterprise. It is a case by case proposition. It does not apply across the board to every member of industry. One particular rubber company, for example, can be materially disadvantaged by a finding against it in a given case, whereas established standards are an across-the-board proposition. It is entirely practical to be rather deliberate about that in hearings before the Secretary of Labor or officials of that Department. They can go into the thing deeply and if they want to contest it there is plenty of opportunity to go into court and contest the rule. But enforcement of an order or the making of an order is an adjudicatory action.

Therefore, I can understand that even people who would wish to go along with this bill in the main—and I am one of them—would draw back on the question of enforcement even if not on the question of promulgation of the standards.

My experience as a lawyer for many years tells me that I would feel entirely comfortable even if the Secretary promulgated the standards. I know that I would have plenty of time to contest them, but with respect to an order with regard to a violation, I would be worried if I were a lawyer for a particular concern. I would welcome the fact that we have more than one man and that we have an established practice of quasi-judicial character and a separation, a degree of autonomy in the commission which distinguishes it from the authorities who have done to investigating, the reporting, and so forth, in respect of the original complaint of the violation.

Mr. President, for all of those reasons, I would like very much for the Senate to vote for this particular amendment which would be a measure of real assurance so far as the business community is concerned which is deeply worried—I do not understand why—about this bill.

Mr. President, I ask unanimous consent to have the name of the Senator from Colorado (Mr. Dominick) added as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. Spong). Without objection, it is so ordered.

Mr. JAVITS. The Senator from Colorado has done an extraordinarily difficult and able job in respect of all this legislation. I invite Senators to examine the report on the bill which catalogs the specific contributions made by the minority to indicate that certainly we did not approach lightly the idea of seeking to amend the bill, or change it in any way, but that it had most profound consideration.

The record of the amendments offered by various Members of the minority, which were adopted in the main, is contained on pages 57, 58, and 59 of the committee report.

Mr. President, I reserve the remainder of my time.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. Spong). The Senator from New Jersey is recognized for 5 minutes.

Mr. WILLIAMS of New Jersey. Mr. President, I should like to inquire of the Senator from New York whether, during the period I was distracted in the Chamber, he had developed the makeup of the panel on enforcement.

Mr. JAVITS. The panel would be three members appointed by the President for a specific term—2, 4, or 6 years. A term would normally be for 6 years. The analogies between the qualifications of members and the authority of the Commission, and so forth, would be with the Federal Trade Commission.

We used in the original text of the amendment the word "panel," but that seemed to water it down so that it did not represent it as it is. So we substituted the word "commission." That is the word used by the Senator from Colorado (Mr. Dominick) in his substitute, which we think is more accurately descriptive of an autonomous body which has tenure and quasi-judicial power.

Mr. WILLIAMS of New Jersey. From what areas would these members be selected?

Mr. JAVITS. That would depend on the President, but of course, the nominations would be subject to the advice and consent of the Senate so that the Senate could be a monitor, as it were, to see that they were people who had real qualifications to do the job.

Mr. WILLIAMS of New Jersey. In other words, there are no congressional guides for the selection of members of the Commission.

Mr. JAVITS. It will be done in accordance with the way it is done in other commissions of the same character. The protection there is confirmation by the Senate.

Mr. WILLIAMS of New Jersey. One of the last Commissions to be picked—I do not know that that is the descriptive title of the enforcement group—but that Commission was the metal and nonmetallic mines enforcement body. Is the Senator familiar with that?

Mr. JAVITS. I am familiar with that. We do have an enforcement body in that bill, but I am not aware of any particular qualifications which may have been set.

Mr. WILLIAMS of New Jersey. As I recall it, the congressional guides that were given to the President for appointment described the areas of professional competence and areas of economic activity to be drawn from. As I recall it also, the congressional guides were that they should be drawn from labor, industry, and professionals in the areas.

Mr. JAVITS. I might say to my colleague from New Jersey that we normally seek nominees with those qualifications for advisory committees but not for commissions. I believe, for example, that the authority of a commission should be the same authority as we would give to a judge. My view is that a broad range of business can be covered and the factors of judgment taken into consideration, as well as the weight of evidence, and so forth, which would be required; so that I believe we would be best advised to follow the traditional practice which we follow with many commissions, many of which deal with problems of considerable expertise. In the Interstate Commerce Commission and other agencies, the appointments are made by the President subject to the confirmation of the Senate, which gives us the safeguard we would require.

Mr. WILLIAMS of New Jersey. Mr. President, I oppose the amendment offered by the Senator from New York.

In stating why I oppose this amendment to establish a separate panel to adjudicate enforcement cases, I should first make clear that there is no real or basic difference in the enforcement procedures that would be followed under the committee bill and those provided for in the pending amendment.

Under the committee bill, if an employer decides to contest a citation, he would have an opportunity for a hearing before a Labor Department hearing examiner. The employer could request the Secretary of Labor to review the hearing examiner's ruling, and could obtain further review in the courts of appeals.

Under the pending amendment, the employer would have his hearing before a hearing examiner appointed by the review panel, with an appeal to the panel and further review in the courts of appeals.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 additional minutes.

Mr. WILLIAMS of New Jersey. Mr. President, thus there is no difference in the due process that is provided by the two proposals. Under each, the employer is given a full Administrative Procedure Act hearing, with ultimate appeal to the courts.

The argument has been made against the committee bill, however, that due process suffers if adjudication functions are placed in the same agency as enforcement functions. It is contended that the head of the agency would have a reluctance to rule in favor of an employer because he would not want to repudiate his own department's inspectors.

This argument overlooks the fact that the administrative mechanism provided in the committee bill is the same as that which characterizes a vast array of other Federal regulatory programs.

For example, the Federal Trade Commission, the Securities and Exchange Commission, the Interstate Commerce Commission, and the Federal Power Commission, all combine in a single agency both investigative or prosecutorial functions, together with adjudicatory functions. Any of these agencies, in ruling in favor of a respondent, would in a sense be repudiating their own staff members who had investigated or presented a case, but there has been no evidence over the years that rulings are prejudiced by this consideration.

I would like to emphasize that. No evidence was brought to us in the hearing process on the bill. No instances were raised in executive meetings of the committee of any cases where rulings had been prejudiced because of these considerations.

This traditional assignment of combined functions to a single agency has, of course, not been confined to the multimember agencies I have mentioned, for a great many regulatory programs are administered by Cabinet officers with responsibility for all of the functions necessary to the program. And I have previously pointed out that a number of these programs are in the safety area.

Here we are concerned directly with the health and safety area, and so they are directly analogous. For example, the three statutes which impose safety and health obligations on Government contractors—the Walsh-Healy Act, the Service Contract Act, and the Construction Safety Act—all give the Secretary of Labor responsibility for investigating compliance with the standards he has set, and for adjudicating those cases where violations are alleged. The same combination of responsibilities is also given the Secretary of Labor under the Longshore Safety amendments.

Similarly, under the Coal Mine Health and Safety Act, the Secretary of the Interior adjudicates the violations which his inspectors have found. And in the Department of Transportation, the Federal Highway Administrator has authority to issue cease and desist orders under the Motor Carrier Act after ruling on violations prosecuted by his subordinate Bureau of Motor Carriers.

A great many other instances where this same combination of functions is lodged within a single executive department could also be cited in other areas of regulatory activity.

Mr. JAVITS. Mr. President, will the Senator yield so that we may get the yeas and nays.

Mr. WILLIAMS of New Jersey. Mr. President, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of New Jersey. Mr. President, for example, the Commodity Exchange Act, the Packers and Stockyards Act, the Perishable Agricultural Commodities Act, and the Federal Seed Act, all give the Secretary of Agriculture authority to investigate violations of those statutes or of applicable regulations, and to issue cease and desist orders or to suspend the right of a business to engage in a regulated activity because of such violations. Similarly, the Secretary of the Treasury, under the Federal Alcohol Administration Act and the Narcotics Manufacturing Act, investigates and adjudicates violations, and issues orders which may terminate the right of a respondent to engage in certain businesses. Under the Small Business Investment Act, the Small Business Administrator has authority to issue cease and desist orders for violations which he has uncovered. And the Postmaster General has responsibility for adjudicating a variety of matters investigated by his Department under the postal laws.

Indeed, most agencies of Government administer one or more statutes which provide the agency head with responsibility for exercising the same combination of functions as is found in the bill now before us.

We will note that two of the statutes I have mentioned—the Coal Mine Health and Safety Act and the Construction Safety Act—were passed during this Congress, and we obviously concluded that this combination of functions in one agency was entirely appropriate. Indeed, when we were considering the Coal Mine Safety Act just a little over a year ago, we gave specific consideration to a proposal to establish an independent board of review for enforcement actions. Despite the fact that it was urged upon us that such an independent board was necessary to preserve due process, we rejected that proposal by a 53-to-24 vote.

That was a significant rejection of this proliferation of bureaucracy beyond what is done in all agencies and all departments.

I know of nothing that has happened since that time to warrant our taking a contrary position now. The simple fact is that the committee bill merely adopts a method of administration which has long since become a fixture in our regulatory process. It is time tested, in my judgment, and it is time honored.

In all these other instances, the Congress has recognized that due process is protected by the internal separation of function requirements mandated by the Administrative Procedure Act. That act applies in this area we are talking about now in enforcement and in adjudication.

These requirements prescribe that those employees of the agency who are engaged in investigation or prosecution shall be separated from those engaged in adjudication, and prohibits those engaged in the performance of investigative or prosecuting functions from participating or advising in the decisionmaking, except as a witness or counsel in public proceedings. I see no basis for concluding that these requirements will not be as effective in preserving fairness and due process under this act, as they have been under others which Congress has adopted.

Under these circumstances, there is no good reason to establish another new agency. I would say this is pioneering. That is a mild phrase. The amendment suggests a radical departure from time-honored and time-tested methods within departments, agencies, and commissions.

We already have too many agencies that hear cases: There is no need to create another when a perfectly acceptable forum is readily available.

I might point out, too, that separation of these functions between different agencies may be seriously detrimental to the regulatory process. Mr. William L. Carey, former Chairman of the Securities and Exchange Commission, pointed out in an American Bar Association Journal article:

> Both rulemaking and adjudication are necessary tools for effective regulation. To divorce the adjudication from the rulemaking and administrative functions would fragment the regulatory responsibility and deprive both the administrators and the rulemakers of valuable feedback from the total regulatory process.

The argument has also been made that under the pending amendment, speed of enforcement would be increased because the amendment includes a provision for orders to be self-enforcing at the end of the administrative process, rather than at the end of judicial review, as in the committee bill, and because it includes a further provision for discretionary review of hearing examiners' decisions.

I am doubtful that these provisions will result in as much time savings as has been projected.

For example, I believe the courts will not generally let an appeal right be substantially nullified by permitting a penalty to run while a case is under court review, and that stays would therefore usually be granted by the courts.

In any event, I do not think these speed-up features of the pending amendment are arguments in favor of accepting the concept of a separate enforcement panel, because they could just as well be offered as amendments in conjunction with the bill's present provision for enforcement by the Secretary.

In conclusion, therefore, I would urge my colleagues to support the committee bill's provision for handling enforcement matters—a provision which so closely parallels those provisions we have adopted for innumerable other regulatory programs, including last year's Coal Mine Safety Act.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. JAVITS. Mr. President, the Senator from New Jersey, I think for lack of a better explanation, has erected a strawman and then proceeded to knock down that strawman, and that strawman is due process. There is no need to knock down that strawman. I have not established him as an argument for this approach.

Certainly, there is due process in the Secretary, and if there was not, the courts would overturn it.

The important thing is to inspire confidence in the community that we expect to obey this law, and that is the basis on which I approach the matter. There is no question about the fact that the community will be considerably reassured in the difficult, and one might say dangerous situation, by the adoption of this amendment.

The best argument against the argument made by the Senator from New Jersey is the committee report itself which indicates the unbelievable ramifications of this law and the reach of this law into countless numbers of workplaces throughout the country. I invite Senators to look at the background for this bill and the literally thousands of cases of occupation health and safety situations which would be reached by this bill.

Certainly there is due process in the Secretary and certainly in many cases it is administered in this way, but in many cases it is not, and I am referring to the Secretary.

The Senator from New Jersey himself was quick to raise the issue of the coal mine safety bill and the question of safety where there is a body similar to the one we are seeking to appoint here. There are just as many precedents for what we are recommending as leaving it in the Secretary, so the issue is not a matter of due process or general tradi-

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tion or general procedure. It is a matter of designing a particular remedy for a particularly difficult situation.

This is a situation which can disturb very seriously and be very costly to the business community. I feel very strongly that a great element of confidence will be restored in how this very new and very wide-reaching piece of legislation will be administered if the power to adjudicate violations is in the hands of an autonomous body, more than one man, and more than in the Department of Labor itself. It seems a small price to pay for the confidence that will be inspired by the adoption of this amendment. That is the basis on which I make my argument. Yesterday I argued that there is due process in everything in this bill now. I would not have supported it in committee if I felt otherwise. That is not the point. We have a difficult piece of legislation reaching the whole of American business, involving millions of employees and tens of thousands of employers. This will give them a greater measure of confidence. It seems logical that we do it this way.

That argument is especially reinforced by the fact that it is a much more efficient procedure we are outlining here than the procedure solely in the hands of the Secretary. For example, here is a record of what needs to be done if the Secretary addressed violations himself.

Under the committee bill, no enforceable order to correct a violation would issue until the completion of all administrative and judicial review proceedings. This would involve, at a minimum in a contested case: First, hearings by a trial examiner; second, mandatory review of the decision by the Secretary or his designee; and, third, review by a court of appeals. It is doubtful that this process could be completed in less than 18 months—2 years would be a more realistic estimate—in a seriously contested case.

Contrast that with my amendment. Under my amendment, an enforceable order would issue at the end of the administrative review stage, rather than after judicial review—unless the court of appeals issued a stay. Furthermore, the administrative review stage itself would be shortened by 3 to 6 months in many cases by making review by the Panel of trial examiners' decisions discretionary. If review were denied, the trial examiners' decision would automatically become the final order of the Panel and enforceable as such.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. JAVITS. Hearings in enforcement cases by an independent panel also more closely accords with our concept of fairness. That is what I am arguing. I am arguing the concept of fairness rather than due process.

Finally, but very important in this situation, I believe that this is a bill which in certain parts worries business, as in the case of the amendment just rejected by the Senate with respect to imminent danger, and criteria, the general standards which must be followed where there are no specific regulations with respect to health and safety, and so forth. Business feels this is rather tough on them.

Where can we give them a measure of reassurance, where can we give them by so simple a means as an autonomous enforcement board, and where it is completely consistent with the great body of legislation we have passed, I see no reason why we should not do it and I hope the Senate will.

Finally, one question was raised by the Senator from New Jersey about the qualifications of members of the commission. The amendment states as follows:

> The Panel shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Panel under this act.

I respectfully submit that that is a good criterion rather than to pin it down to one from labor, one from management, and one from the public, because that would be unduly restrictive to a quasi-judicial body, but the mandate is put on the President, which the Senate can pass on, that these should be the kinds of people to make the judgments in cases of this character.

I deeply believe that the inspiration of confidence in the way in which this law will be administered, in view of other provisions like imminent danger, is so necessary that this is a very small price to pay for inspiring that kind of confidence, if nothing else, in the employers who will be subject to this law.

I feel strongly that the amendment should be agreed to by the Senate as a fair compromise between the views of management and the views of labor on this important bill.

Mr. President, I yield 5 minutes to the Senator from Colorado.

Mr. DOMINICK. I thank my distinguished colleague from New York. I believe he has set forth a very able argument for the record in behalf of his amendment, which I fully support.

It is interesting, in looking back on the history of the bill, to note that during the time we were considering the bill in executive session, the Senator from New York offered this same amendment, and it was defeated, once again, on a very close vote—almost by a straight party-line vote. I think that is too bad. I do not think we ought to be dealing with matters of health and safety on any partisan basis; and I hope we will not be so doing when the amendment comes to a vote a few minutes from now.

We are dealing with a very explosive issue here. We are dealing with the feeling of a great number of people throughout our country that the Federal Government has gone too far in the process of injecting itself into businesses and the regulation of human life; that we are all numbers, classified on a computer back here in Washington; that no one can really have initiative and an innovative approach any more, because all of us are regulated here in Washington. And here, in the name of occupational health and safety, we are once again concentrating power in one department, or one man—whichever way one wants to put it, because the Secretary of Labor is going to run the Department. We are putting enormous power over every industry and every business in the country in one person.

It seems to me the very least we can do in trying to make this bill palatable to the American people is to provide what is proposed in the amendment. No bill is worth a hoot unless it is palatable, because it cannot be enforced. We could not possibly find enough inspectors to impose upon this vast area of geography and the vast number of people in our country a bill which people will not voluntarily comply with in a great majority of the cases. And if the American public as a whole feels that the bill we are considering here is going to inject a Federal agency into their business and into every industry in the country, we are really going to have bad problems with it. So a panel on enforcement seems to me to be the very least we can do—the very least—in order to try to avoid the star chamber procedure which we have had for far too long in too many agencies. We have had it in the Federal Trade Commission. We have had it in a number of other agencies.

Person after person after person who has looked into the problem of the reorganization of the agencies of our Government has said, "You should separate these functions." This is not a Republican or a Democratic idea. This is not a labor or business idea. This is the idea of any number of experts who have looked at the independent agencies and have said, "Separate the enforcement procedure from the rules procedure and from the inspection procedure." An article I read a couple of days ago proposed something along this line; that perhaps this is a new method by which we ought to approach it.

I do not think we have to have suggestions from other people; all we have to do is look at it. Let us take a businessman who runs a department store, and not consider the refineries and steel mills and other businesses that have representatives in Congress urging protection for those businesses. Let us take a department store, because this law is equally applicable to department stores. Regulations are established after determination of what safety requirements are to be applied in Alaska. Are they going to be the same in Mississippi or in Virginia or Colorado? So regulations are established after a determination of what the problems will be in stores all over the country. Then the Department of Labor has to come along and make inspections and determine whether rules and regulations are going to be put into effect—the same department that makes the rules and regulations to begin with.

They say that in Alaska, or New Jersey, or Colorado, there is a violation of the rule. So they bring back a finding of a violation, as an inspector of the Labor Department, and submit it, and then the Labor Department decides whether there has been a violation or not; whether its own inspector is right. Perhaps there must be a hearing examiner. Many such hearing examiners would have to be employed in that type of situation.

The hearing examiner will decide it, subject to the review of the Secretary, and then someone can go to court if he decides to go to that trouble and expense. But it is one department, one group of people, one agency, doing the whole thing—setting the rules, doing the inspection, doing the administration, establishing the alleged violations, and then deciding whether there has been one.

I submit to the Senate that such a procedure is totally antagonistic to our sense of justice and fair play in this country.

The Senator from New York has not made any kind of massive or innovative change. All he says is, "Let us have someone else decide whether the rules, which have been established by the Labor Department, the administration of which is in the Labor Department, the inspection of which is in the Labor Department, have in fact been violated, but let us have a separate board do it." I think he makes an excellent case for such an approach.

Mr. HOLLAND. Mr. President, will the Senator yield me 5 minutes?

Mr. DOMINICK. I yield 5 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I agree completely with the statements made by the distinguished Senator from New Jersey and the distinguished Senator from Colorado that the question of public confidence and acceptance is very deeply involved as we consider the passage of this act. I think an independent enforcement agency in my State, at least, where I have observed for a good long time what has been going on, will be much more acceptable to employers, and I believe in the long run to employees, than will the program presented by the committee bill, under which the same agency will control the whole process, subject only to the right of ultimate appeal to the Federal court, which means a long and expensive process, much longer than would be involved under this amendment.

I base my statement upon two observations which I made, first on the operation under the Wagner Labor Act. That was an agency which handled both the regulatory work and the inspection work, and, eventually, the question of whether performance was as it should be.

I know perfectly well, from my own experience as a lawyer over a good many years, that the impression prevailed that the labor unions and the labor union administrators and managers and leaders were much too close to the personnel of the board under the Wagner Act, and that fair and objective and impartial judgments were not to be expected from that agency.

I came here and participated in the repeal of that act and the setting up of what has proved to be a decidedly more acceptable setup than was true under the Wagner Labor Act.

Then, Mr. President, I recall that the former Secretary of Labor under the preceding administration, Mr. Wirtz, was given jurisdiction to make decisions in matters—and I do not question his conscientiousness—in which he had small experience and in which his judgment was very impractical and in which his judgment was more or less final, unless one wanted to go to the expense of long litigation. The opinion still prevailed in our State among our largest employers, those who operate concentrate plants, canning plants, processing plants of one kind or another in the field of processing agricultural products, whether meat, fruits, vegetables, or whatnot. There was the feeling that the decisions of the then Secretary of Labor—and I again say that I do not question his soundness of conscience—were not practicable, were not objective, and were much more nearly in accord with the demands and expectations of those who were directly representing the labor organizations.

I think that it will be much more acceptable, in my State at least, to have an independent agency such as is suggested in the pending amendment to handle the enforcements, and for that reason I strongly favor the amendment proposed by the Senator from New York, and hope it will be adopted.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I am happy to yield.

Mr. WILLIAMS of New Jersey. The Senator from Florida has been a most distinguished and wise counselor in matters of agriculture. Not to make that exclusive; he has been a wise counselor for Senators in many areas.

The **PRESIDING OFFICER.** The time of the Senator from Florida has expired.

Mr. WILLIAMS of New Jersey. I yield such time as we may need for this colloquy.

I did refer to the operation of investigations and decisions in the quasi-judicial area of the Secretary of Agriculture, and I did refer to the Commodity Exchange Act, the Packers and Stockyards Act, the Perishable Agricultural Commodities Act, and also the Federal Seed Act.

The statutes governing all of these areas give the Secretary of Agriculture authority to investigate violations of the statutes and applicable regulations, and to issue cease and desist orders or suspend the right of a business to engage in a regulated activity because of violations.

My question to the Senator is this: I said that I know of no abuses under that analogous procedure that resides within the Department of Agriculture and in its Cabinet officer, the Secretary of Agriculture. I used that in analogy to what is provided in the bill now before the Senate. I wondered if the Senator from Florida would comment on any abuses that he has seen in that area.

Mr. HOLLAND. I am glad to comment. I have not seen great abuses in that area. I think that agricultural people generally have great confidence in the wise, objective, and practical actions of the Secretary of Agriculture.

In the field of labor the situation is quite different. There is always a certain combativeness between labor organizations and employing organizations. I have not seen that present in the field of agriculture; and as a matter of fact we tried to transfer, as the Senator will remember, the administrative functions of the Secretary of Labor to the Secretary of Agriculture in labor matters, and the Senate was evenly divided, in a 50–50 vote, on that matter, and the question had to be decided by the vote of the then Vice President, showing that a great many Senators felt as I do, that we can have very great confidence in an objective handling by the Secretary of Agriculture, but we have not had that same experience in the field of labor. There is too much continuous combat and continuous difference of opinion between those who employ and those who work for there to be satisfaction in advance, for employers to feel that a verdict and a judgment of the Secretary of Labor will be completely objective and completely practicable.

The Senator recalls, does he not, that we tried to change the jurisdiction from the Secretary of Labor to the Secretary of Agriculture in the field of the control of agricultural labor, and that the Senate was evenly divided on that vote?

Mr. WILLIAMS of New Jersey. Yes.

Mr. HOLLAND. That, I think, is a clear showing of the fact that there is a difference in opinion, whether justified or not, as to the function of the man and his top assistants who head the Department of Labor.

Perhaps I am being unfair, but I am stating the result of my own objective observations under the two agencies that I have mentioned, one of them not directly the Department of Labor, but it was associated closely in the minds of the employers, by reason of the actions taken under the Wagner Act, with the wishes of the labor leaders; and, whether rightly or wrongly, it brought about an unsatisfactory condition, because the employers always anticipated that the judgment would be a slanted one, and very frequently it was.

The same thing was true in the other fields that I have mentioned, but we have not had that experience in connection with the Department of Agriculture. I am quite willing to state that I heard all of the able arguments of the Senator from New Jersey, and he was quite within his rights in citing many examples where this question does not exist. I think it does exist in this field of the clashes between labor and management, and it is for that reason that I strongly urge the setting up of an independent agency, quasi-judicial in nature, which shall not be regarded as too close to labor or too close to employers.

As far as I am concerned, though I shall not be in the Senate long, if I were here, and there were named by the President people who I thought would be slanted in their approach, I would not hesitate to vote against their confirmation. I think we need to have as nearly the judicial temperament and the assurance of judicial settlement of these particular arguments as we can guarantee in this legislation.

It is for that reason only, without criticism of the committee and certainly without criticism of the able Senator from New Jersey, that I feel that an independent enforcement agency will come nearer commanding the confidence of all concerned, and shortening the process of enforcement and meeting the prob-

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lem, which is going to be a difficult one, of how to obtain enforcement that will satisfy the various elements, many times quite controversial in their approach to each other, that will be involved in this field.

Mr. WILLIAMS of New Jersey. Could I ask the Senator one further question? Would the Senator generalize to the point of advocating this approach offered in the amendment of the Senator from New York for all areas, or is he limiting it to this particular question before us?

Mr. HOLLAND. As far as my present attitude is concerned, it is limited to this particular question, and particularly because the continuing clash between employers and employees is so active, so controversial in nature, that I favor the setting up of an independent quasi-judicial body, which, in my opinion, ought to be just as dependable as the courts themselves, and so regarded by all concerned—just as objective, just as practical, just as impartial in their approach.

I do not think they would be so regarded if they were a segment of the Department of Labor. Without any criticism at all of my distinguished friend from New Jersey, for whom I have the highest regard, as I think he knows, I think the independent enforcement agency would much more nearly satisfy public opinion and the opinion of those who would have to be controlled by judgments to be entered by the enforcement agency here.

Mr. WILLIAMS of New Jersey. I just wondered whether the Senator would limit it to this area, because this is, to repeat one of the statements of the Senator from Colorado yesterday, an innovative approach. I used the word "radical." That suggests a sweeping change, and I wanted to find out whether the Senator from Florida would have this sweeping change sweep into all of the other areas where presently, within an agency or a department, we have the various steps of enforcement that we have contained in the present bill before us, which is sought to be amended by the Senator from New York.

Mr. HOLLAND. Certainly I am not suggesting a sweeping change applicable to every situation. I am simply saying that in this particular field, that is, in what this legislation deals with, I think the public will be better satisfied and that the enforcement will be more acceptable all the way around if it is by an independent, quasi-judicial body, well chosen. It has to be well chosen, to meet the approval of the Senate, in my judgment. I would certainly be insistent upon its being an impartial body, and I am sure the Senator from New Jersey would similarly insist. I think it will give a better result here. I do not think it is needed in many other cases, because there has been no showing of trouble. I take these things one at a time.

As the Senator knows, I had decided criticism to make of a former Secretary of Labor, and I think the distinguished Senator from New Jersey was not able to support his judgment in all matters because they were not practical and the Secretary showed an unfamiliarity with the problems which he was expected to solve. I could cite the examples, but that is an old story, and I do not think we need go into it.

The judgment prevails not only on the part of employers but also, I think, in the mind of the average citizen, that the Labor Department always—perhaps that is the right thing—is most sympathetic in its attitude toward the labor organizations. I think we need an impartial body, a body of high standing, to do this job, because it is going to be a tough one. That is my feeling.

I thank the Senator for his question.

Mr. WILLIAMS of New Jersey. I certainly appreciate this colloquy with the distinguished senior Senator from Florida. This may be the last opportunity I will have to engage in the discussion of a bill in the Senate with the Senator from Florida.

I can look back over a little more than a decade now with nothing but the greatest pleasure in joining with the Senator from Florida in debate and in discussions on the floor. Over that decade of opportunity, I recall that we have, in disagreement, worked toward the greatest harmony we could achieve and always, I felt, with mutual respect and friendship; and I have enjoyed it.

Mr. HOLLAND. I thank the Senator. I have enjoyed my association with the distinguished Senator from New Jersey. Many times we have agreed, sometimes we have disagreed; but I think we have come out of the arguments on those occasions just as good friends as we have always been, as we are now.

In my opinion, there is nothing but an objective approach to this matter, under which I think we have to recognize that here is a highly controversial field and here is a public feeling that the Department of Labor leans toward, is most sympathetic toward, the opinions of the labor organizations.

I think that when we are setting up a body to judge the controversies between the employers and the labor groups, we certainly should require the setting up of an agency that will be respected and is capable, impartial, and objective in its approach. It is for that reason only that I support strongly the amendment of the Senator from New York.

I thank the Senator from New Jersey for his uniform courtesy. We will always be friends. I hope that after I get home to Florida, which will be at the end of this year, he will honor me by coming down to see me from time to time. All I can tell him is that I will be glad to take him fishing or hunting or whatever he would like at that time.

Mr. WILLIAMS of New Jersey. I certainly appreciate that. Perhaps for spring training and out to a ball game.

Mr. HOLLAND. Yes.

Mr. WILLIAMS of New Jersey. We in the Senate know that one of the great former baseball players of the Nation is the Senator from Florida.

Mr. HOLLAND. The Senator is much too kind in that comment.

Mr. JAVITS. Mr. President, what is the situation with respect to time on the amendment?

The PRESIDING OFFICER. The Senator from New York has 14 minutes remaining, and the Senator from New Jersey has 26 minutes remaining.

Mr. JAVITS. Mr. President, I have no other speakers. I wish to yield myself 2 minutes, and then I shall be prepared to yield back the remainder of my time, if that is agreeable to the Senator from New Jersey.

I yield myself 2 minutes.

Mr. President, again, as Senator Holland has emphasized—and I am very grateful to him for his intervention in this matter—we are not arguing the issue of due process. We are arguing the issue of the acceptability of the proposed legislation and the feeling on the part of the people who will be subject to it that it is fair.

As to the points he has made, I should like to point out that in the National Labor Relations Board and in the Equal Employment Opportunities Commission, we have installed independent counsel, precisely for the reason that we are worried about it, notwithstanding that all the proceedings of those bodies are concerned with quasi-judicial functions, even those of investigation; whereas, in this case we are dealing with inspections which do not necessarily have to do with violations. The EEOC and the NLRB have to do with violation from the moment a complaint is made, so that everything is quasi-judicial, including investigation. That applies to the SEC as well. In this case, we are dealing with normal administrative functions of investigation in which a violation may or may not turn up.

Finally, in respect to administering the complex Coal Mine Safety Act, the Secretary, himself, was so impressed with the need for making a better public impression on enforcement that he established an in-house enforcement committee. He did not want to leave that authority in himself, although the law gave it to him.

For all those reasons, I hope very much that the Senate will accept what should have been accepted in committee as the compromise on the proposed legislation between the views of management and the views of labor and support this amendment.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. WILLIAMS of New Jersey. I will do so in one moment.

While I oppose the amendment, I will say that I have the greatest respect for the Senator from New York in his whole approach to the legislative process generally and on this bill in particular, in committee, and on the floor.

It is my feeling that this new agency is not needed for fairness and sound decision to prevail in this area of Government activity.

There is nothing to suggest to me that we need fear the authority that is granted to the Secretary of Labor under this bill. All the elements of due process certainly are written in; and if confidence is to be inspired, I think it is to be inspired by the soundness of the decisions, which, I believe, is insured to the extent it can be through legislation.

I yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from Connecticut (Mr. Dodd), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. McCarthy), the Senator from Rhode Island (Mr. Pell), the Senator from Alabama (Mr. Sparkman), and the Senator from Maryland (Mr. Tydings) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Ellender), is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. Fong) is necessarily absent.

The Senator from Kentucky (Mr. Cooper), the Senator from Florida (Mr. Gurney), the Senator from Illinois (Mr. Percy), and the Senator from Maine (Mrs. Smith) are absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kentucky (Mr. Cook), the Senator from Kansas (Mr. Dole), the Senator from Iowa (Mr. Miller), and the Senator from Texas (Mr. Tower) are detained on official business.

If present and voting, the Senators from Kentucky (Mr. Cook and Mr. Cooper), the Senator from Kansas (Mr. Dole), the Senator from Florida (Mr. Gurney), the Senator from Iowa (Mr. Miller), the Senator from South Dakota (Mr. Mundt), the Senator from Illinois (Mr. Percy), the Senator from Maine (Mrs. Smith), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 43, nays 38, as follows:

[No. 383 Leg.]

YEAS—43

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Boggs
Brooke
Byrd, Va.
Case
Cotton
Curtis
Dominick
Eastland
Ervin
Fannin
Goldwater
Goodell
Griffin
Hansen
Hatfield
Holland
Hruska
Javits
Jordan, N.C.
Jordan, Idaho
Mathias
McClellan
Murphy
Packwood
Pearson
Prouty
Russell
Saxbe
Schweiker
Scott
Spong
Stennis
Stevens
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—38

Anderson
Burdick
Byrd, W. Va.
Cannon
Church
Cranston
Eagleton
Fulbright
Gore
Gravel
Harris
Hart
Hartke
Hughes
Inouye
Jackson
Kennedy
Long
Magnuson
Mansfield
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Proxmire
Randolph
Ribicoff
Stevenson
Symington
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—19

Bayh
Bible
Cook
Cooper
Dodd
Dole
Ellender
Fong
Gurney
Hollings
McCarthy
Miller
Mundt
Pell
Percy
Smith
Sparkman
Tower
Tydings

So Mr. Javits' amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMINICK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the order of the House of October 13, 1970, and Public Law 91-405, the Speaker had appointed Mr. Fuqua and Mr. Nelsen, Members of the House of Representatives, and Mrs. Marjorie McKenzie Lawson, District of Columbia, and Mr. John B. Duncan, District of Columbia, members from private life, as members of the Commission on the Organization of the Government of the District of Columbia, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 2(a), Public Law 91-474, the Speaker had appointed Mr. Donahue, Mr. Burke, Mr. Keith, and Mr. Conte as members of the Plymouth-Provincetown Celebration Commission, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 601(a), Public Law 91-513, the Speaker had appointed Mr. Rogers of Florida and Mr. Carter as members of the Commission on Marihuana and Drug Abuse, on the part of the House.

The message announced that the House had passed, without amendment, the following bills of the Senate:

S. 737. An act for the relief of Konrad Ludwig Staudinger;

S. 882. An act for the relief of Captain William O. Hanle;

S. 1422. An act for the relief of Donal E. McGonegal;

S. 2455. An act to authorize appropriations for the Civil Rights Commission, and for other purposes;

S. 3620. An act for the relief of Mrs. Anastasia Pertsovitch;

S. 3853. An act for the relief of Mrs. Pang Tai Tai; and

S. 3858. An act for the relief of Bruce M. Smith.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 13978) to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

The message further announced that the House had passed the bill (S. 3785) to amend title 38, United States Code, to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 14684. An act for the relief of the State of Hawaii;

H.J. Res. 1077. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association; and

H.J. Res. 1355. Joint resolution concerning the war powers of the Congress and the President.

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 14684. An act for the relief of the State of Hawaii; to the Committee on the Judiciary.

H.J. Res. 1077. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association; and

H.J. Res. 1355. Joint resolution concerning the war powers of the Congress and the President; to the Committee on Foreign Relations.

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

The Senate resumed the consideration of the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health; and for other purposes.

AMENDMENTS NOS. 1054 AND 1058

Mr. DOMINICK. Mr. President, I call up amendments Nos. 1054 and 1058 and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk proceeded to state the amendments.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the Record.

The amendments read as follows:

AMENDMENT NO. 1054

On page 39, beginning with the word "The" on line 3, strike out all through the word "life." on line 9;

On page 39, line 10, strike the word "such";

On page 39, lines 12 and 13, strike the words "the highest degree of";

On page 39, line 13, strike the words "the employee", and in lieu thereof, insert "employees".

XUM

On page 39, line 6, after "that" insert a comma and "to the extent possible,".

AMENDMENT NO. 1058

On page 71, line 19, beginning with "The Secretary" strike out through line 25.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes; and the Sergeant at Arms is instructed to keep the aisles clear of those who are not Senators.

Mr. DOMINICK. Mr. President, if my colleagues will bear with me, I am hopeful that the manager of the bill might be willing to accept these two amendments en bloc. If not, I hope that we will be through with the discussion of them rather early and get to a vote on the amendments even before the allotted time limitation.

Mr. President, section 18(a)(2), as presently drafted, requires that the Secretary of Health, Education, and Welfare, in developing criteria for use in standard setting, adopt criteria "which if applied will assure that no employee will suffer impaired health or functional capacities, or diminished life expectancy as a result of his work experience." My amendment would delete this confusing and unrealistic requirement.

The provision taken literally would require the Secretary to accomplish an impossible task. No job can be rendered perfectly safe, and no employee can be made perfectly secure from injury. Hence, it is impossible to fashion criteria which would assure these unattainable goals.

Apart from the normal hazards found in any occupation, there are also particular vocations which are inherently dangerous; and while the risks of these occupations may be minimized, some exposure to injury will remain the handmaiden of such employment.

It is difficult to imagine how the Secretary will deal with this provision administratively. Should he interpret this congressional mandate literally, it would appear necessary for him to forbid all employment, and it would certainly be necessary to proscribe inherently dangerous employment. Otherwise he must simply ignore the provision and exercise his discretion in fixing the criteria.

If, as I suppose to be the case, this provision is no more than a congressional instruction to the Secretary, directing him to adopt the most reasonable and effective criteria, then I submit that it is totally unnecessary. It must be assumed that the Secretary will prudently exercise his functions under the act, and he should be free to do so without the confusion which would be generated by this provision.

The same problem exists in connection with section 6(b)(5). My amendment would delete the requirement that the Secretary establish occupational health and safety standards which most adequately and feasibly assure that no employee will suffer any impairment of health or functional capacity, or diminished life expectancy.

It is unrealistic to attempt, as this section apparently does, to establish a utopia free from any hazards. Absolute safety is an impossibility and it will only create confusion in the administration of this act for the Congress to set clearly unattainable goals.

One of the great safety drives is to try to eliminate accidents in the home. Obviously, if we are going to set up standards which will assure that no accidents will happen in the home, we are going to run into an impossible situation.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I am happy to yield to the Senator from California.

Mr. MURPHY. Is there a penalty suggested in the bill in the event the standards are not set up?

Mr. DOMINICK. There is no penalty suggested in the bill in the event standards are not set up, but if a standard is set up to meet the criteria here it would be impossible for anyone to live up to it. That is the problem.

Mr. MURPHY. It has been my experience that a very high percentage of industrial accidents are not caused by existing conditions but that they are caused by not obeying the existing rules and regulations, and suggestions. If I am incorrect, I hope the Senator will correct me. I understand that better than 50 percent of industrial accidents are caused by negligence on the part of the individuals concerned.

Mr. DOMINICK. Yes.

Mr. MURPHY. So the setting of a criteria has to be a two-edged sword and there must be punishment in the event conditions are not met and there must be a punishment in order to enforce compliance.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DOMINICK. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. DOMINICK. The Senator is correct. The difficulty of the language I am dealing with here and that I am trying to delete is the requirement that the Secretary, in establishing standards, must assure that there will not be any risk at all.

I do not know of any housewife who does not run into some risk, and if nothing else, in reaching for a pan on a shelf and cutting her hand on the edge. That also happens in department stores and in other places.

There is no need to include a provision that this Secretary or any Secretary would be unable to administer.

Mr. MURPHY. I think the Senator has made an excellent point, and I thank him.

Mr. DOMINICK. Almost every occupation entails some risk of injury and there are many which are inherently hazardous, in which the danger is a permanent part of the job and an employee cannot escape regular exposure to the hazard for "the period of his working life."

Let us take the case of a bus driver. There is no possible way that a bus driver for the rest of his life could be assured that he is not going to get regular exposure to these hazards. By the very nature of driving a bus over the road, no matter how many safety tires and signals are on the bus, it is a hazardous occupation. A man working on a barge is faced with the same situation. The same is true of a stevedore on a dock. Almost any kind of occupation one can think of has something which is inherently hazardous simply by the fact that one is living and breathing and there is no way a criteria can be established so that an employee would not be faced with some risk for the period of his working life.

Any administrator responsible for enforcing the statute will be faced with an impossible choice. Either he must forbid employment in all occupations where there is any risk of injury, even if the technical state of the art could not remove the hazard, or he must ignore the mandate of Congress and allow the work to continue even though some danger exists.

The confusion inherent in this provision will, in my opinion, render it no more than a hortatory admonition to the Secretary to fulfill his responsibilities under the act. This, of course, is implicit in the bill as a whole and is not an essential part of the statutory language.

My point is that in trying to make this bill more palatable there is no point in putting in criteria which cannot be met.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. WILLIAMS of New Jersey. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that there be a quorum call for the time not charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASE). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DOMINICK. Mr. President, I ask unanimous consent that the pending amendments and the modifications that are being prepared may be temporarily laid aside while we take up another amendment.

The **PRESIDING OFFICER**. Is there objection to the request of the Senator from Colorado?

Mr. JAVITS. Mr. President, would the Senator make that request to read "other amendments"? I have some technical and pro forma amendments which will be agreed to, as do other Senators. I request the Senator make his request in the plural.

Mr. DOMINICK. I am happy to make the request in the plural.

The **PRESIDING OFFICER**. The request is amended accordingly.

Is there objection? The Chair hears no objection, and it is so ordered.

The **PRESIDING OFFICER** subsequently said: The Chair understands that it is understood that the amendment of the Senator from Colorado (Mr. Dominick) will remain aside until we return to it, and that that was part of the original request; and these other amendments may be acted on until such time as the Senator from Colorado reasserts his right. Without objection, that is the understanding.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER** (Mr. Case). The Chair, on behalf of the Senator from Georgia (Mr. Russell) announces the following appointments by the President pro tempore of the Senate, pursuant to Public Law 91–474, to establish the Plymouth-Provincetown Celebration Commission: the Senator from Vermont (Mr. Aiken), the Senator from Rhode Island (Mr. Pastore), and the Senators from Massachusetts (Mr. Kennedy and Mr. Brooke).

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

The Senate continued with the consideration of the bill (S. 2193) to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health; and for other purposes.

Mr. DOMINICK. Mr. President, I send to the desk an amendment and ask that it be stated.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 92, line 20, insert the following new Section:

Sec. 29. Section 601 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection, as follows:

EMERGENCY LOCATOR BEACONS

(d) (1) Except with respect to aircraft described in paragraph (2) of this subsection, minimum standards pursuant to this section shall include a requirement that emergency locator beacons shall be installed—

(A) on any fixed-wing, powered aircraft for use in air commerce the manufacture of which is completed, or which is imported into the United States, after one year following the date of enactment of this subsection; and

(B) on any fixed-wing, powered aircraft used in air commerce after three years following such date.

(2) The provisions of this subsection shall not apply to jet-powered aircraft; aircraft used in air transportation (other than air taxis and charter aircraft); military aircraft; aircraft used solely for training purposes not involving flights more than twenty miles from its base; and aircraft used for the aerial application of chemicals.

Mr. DOMINICK. Mr. President, I shall be very brief. I am delighted the Senator from Nevada is in the Chamber. This is an amendment which would require the installation of emergency locator beacons on fixed-wing aircraft made within a year from the date of enactment of the bill, that is, new aircraft, and the installation of emergency locator beacons on fixed-wing aircraft 3 years after this date, which are still flying.

We consider this to be an important provision. It was taken to conference but it was not considered as a part of the bill. Since we are dealing here with health and safety measures and we have an enormous problem trying to locate downed aircraft, it seems to me this is an appropriate place for the amendment.

At the present time we have a record of spending over $2 million in gas alone in the CAP looking for downed aircraft. We have spent over $57 million in 4 years in connection with Air Force personnel looking for downed aircraft. We have an enormous loss of life involved, much human agony on the part of relatives, and the problems of estates concerned.

In the last year 28 aircraft went down in the New England area alone, aircraft which were lost for more than 24 hours. Fourteen of those aircraft in New England have not been found at all. Nobody knows where they are. As a result, estates have been tied up.

With the installation of relatively cheap emergency locator beacons, downed aircraft could be located in a matter of minutes. It seems to me this is the place to insert this amendment. I understand the manager of the bill has no objection.

Mr. President, before yielding the floor, I ask unanimous consent that an excerpt of colloquy relating to this situation, dated February 26, 1970, and a speech I made on the same subject in April of 1968, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Airport and Airways Development Act of 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

AMENDMENT NO. 521

Mr. Dominick. Mr. President, I call up amendment No. 521.

The Presiding Officer. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. Dominick. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The Presiding Officer. Without objection it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment ordered to be printed in the Record, reads as follows:

After line 3, page 143, add the following new section:

"That section 601 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection as follows:

" 'Downed Aircraft Rescue Transmitters

" '(d) Minimum standards pursuant to this section shall include a requirement that downed aircraft rescue transmitters shall be installed—

" '(1) on any aircraft for use in air commerce, the manufacture of which is completed, or which is imported into the United States, after six months following the date of enactment of this subsection;

" '(2) on any aircraft used in air transportation after two years following such date; and

" '(3) on any aircraft used in air commerce after five years following such date.' "

Mr. Dominick. Mr. President, the printed amendment is on every Senator's desk.

I yield myself 10 minutes to explain the amendment. It may take a little more time. I do not intend to take very long. I hope that the manager of the bill will accept the amendment. If he is not going to accept it and can so indicate now, we might as well get the yeas and nays.

Mr. Cannon. Mr. President, I do not know whether I will accept the amendment. I want to hear what the Senator has to say.

Mr. Dominick. Mr. President, the language has been put into amendment form. It was an original bill introduced by the Senator from Washington (Mr. Magnuson) and me several years ago and again in the beginning of this Congress. It has not had any hearings. However, despite the fact that it has not had any hearings, I think that the evidence of the need for this is perfectly clear.

For years now, we have had general aviation aircraft go down either for mechanical reasons or because of weather or pilot error or whatever other reason it might have been.

Immediately upon that happening, and when it is discovered that they have not arrived where they intended to go, search and rescue efforts are then started. Then someone has to find out where they are. And they have continued these efforts and have spent many flying hours in doing so. They have lost people in the process of air rescue efforts. It has happened all over the country.

The cost in terms of money to the taxpayers for the Air Force and the Civil Air Patrol and the cost in terms of how many lives of people who have not been found has been absolutely extraordinary.

I think in order to put the matter in perspective, I ought to give some figures.

Starting in 1961, when inadequate records were being kept, two airplanes were reported down. Both of them were in California, or one might have been in California or Oregon. Four persons were on board. They have never been found, neither the airplanes nor the people.

In 1962, when further effort was made along this line in the way of keeping records, 11 aircraft were reported down. They have never been found. There were 16 persons on board.

In 1963, five aircraft were reported down. There were 10 people missing.

In 1964, four airplanes and five people were involved.

In 1965, 13 airplanes and 22 people were involved.

In 1966, 13 airplanes and 20 people were involved.

In 1967, 12 airplanes and 23 people were involved.

The most information I have got for 1968 is that 18 aircraft and 38 people were involved.

We do not have the figures for 1969.

I think we can see the problem this creates not only in terms of rescue efforts involved in going in to try to find these airplanes, but also the cost in human misery. Every family of each person who has been reported down simply finds that it is in a position, legally speaking, where it has a missing relative of one form or another.

In many States, the estate is tied up for over 7 years because there is no presumption of death until the 7-year period has gone by. They cannot do anything about the estate or about the property situation.

In the meanwhile, they do not know where the missing persons are, whether they are injured or dead, or whether they have simply disappeared for reasons of their own.

From 1961 to 1968, there have been a total of 78 aircraft which have totally disappeared with 139 people on board, despite all the rescue efforts that have been made.

What expense is involved? What does this mean in terms of people? I do not have the figures here immediately. However, I have put them in the Record before. Reciting from memory only, from 1961 to 1965 the cost to the general taxpayer in terms of the cost of operating the Aerospace Rescue and Recovery Service was $59 million.

These are just the search and rescue efforts that have been made that we know of. And in many cases the Civil Air Patrol has voluntarily carried the whole load and not even turned in the cost of their gasoline to the Federal Government.

I have some news items here which I think are pretty interesting.

Here is one of November 14, 1969. It is entitled, "It Was Terrible; Horror of 5 Crash-Stranded Days Told." The article was from Nevada City, Calif. It describes the people who were talking from hospital beds where this woman and her husband were 5 days in the aircraft waiting for someone to come and rescue them.

Here is another article entitled, "Colorado CAP Wing Halts Search for Light Plane." It tells of a missing light plane reported down between Denver and Grand Junction. It does not say how long this search went on.

I have another article entitled, "CAP's Search for Airplane is Continuing." This refers to the airplane being down between Denver and Grand Junction.

I have another article entitled, "Two Weeks in Plane Wreckage; Error in Search Saves Two." The people had been stranded for 2 weeks.

These are all 1969 clippings that I have kept. I have here an editorial from one of the papers entitled, "Protect Pilots From Themselves."

I have another clipping entitled, "Area Men Object of CAP Hunt."

Mr. President, I ask unanimous consent that the articles and editorial to which I have referred be printed at this point in the Record.

(There being no objection, the material was ordered to be printed in the Record, as follows:)

[From the Washington Daily News,
Nov. 14, 1969]

HORROR OF 5 CRASH-STRANDED DAYS TOLD

NEVADA CITY, CALIF., November 14.—"Marvin was very strong, he handled the controls and pulled us out, but we went down again . . . lower and lower. I prayed to God to save us."

Anita Miller, 23, spoke softly from a hospital bed. A few feet away her husband Marvin, 25, mumbled thru the wires binding his broken jaw· "It wasn't the plane's fault."

The Vancouver, Wash., couple, en route from Reno, Nev., to Disneyland near Anaheim, Calif., crashed last Friday on a mountainside and survived five days on melted snow and dried soup.

They were rescued after Mr. Miler struggled eight miles thru foot-deep snow with a broken ankle, jaw and wrist to a mountain resort.

"We crashed and I looked up and here I was and I was all right, and I turned to Marvin and I said, 'Honey, let's get out of here,' she said.

But her husband was unconscious.

"I looked around and there a few feet away was a cabin. It took me a long time to get out of the plane; I was all pinned in," Mrs. Miler said.

"I came back for Marvin. He was out, he couldn't hear what I said. I helped him into the cabin.

"He scared me so because the blood was just running out of his ear. It was terrible. He just kept saying, 'What happened?'

BUILT FIRE

"I helped him into the cabin. When we got in, there was a stove. I pulled paper from the wall. I had some matches. I pulled out the cupboard and shelves and burned every piece of wood I could."

Mr. Miler was delirious for a day, while his wife melted snow in a soft drink can and prepared dried soup. On the second day, he recovered.

For three days the couple stayed close to the cabin. They burned an abandoned building at one point to attract rescuers but nobody noticed, despite the fact one plane came so close to the crash site "we could have hit it with a rock."

On Wednesday, Mr. Miler set out to seek help and was found wandering along the roadside about two miles from Sierra City, a mountain village.

A sheriff's rescue vehicle then went in to bring out Mrs. Miler.

COLORADO CAP WING HALTS SEARCH FOR LIGHT PLANE

The Colorado Wing of the Civil Air Patrol (CAP) Sunday night called off its search for a missing light plane piloted by a Grand Junction, Colo., man because of a lack of leads.

The plane, a Cessna 150 flown by Glenn Scott, 69, vanished Oct. 31 on a flight from Denver to Grand Junction. Capt. Harlan Cook, CAP information officer, said Scott had 100 hours of flying experience.

Cook said the search will be reopened if new leads are found.

During the first weekend of the hunt, planes were kept on the ground by bad weather. But fair weather made the search a full-scale effort every day last week, with as many as 15 planes and 25 ground parties participating each day.

The planes systematically covered a wide area along the entire probable flight path of the missing plane. Cook said the CAP's effort was hampered by new snow, which totaled 19 inches in much of the search area.

CAP'S SEARCH FOR AIRPLANE IS CONTINUING

The Colorado Civil Air Patrol continued Saturday its search for a small aircraft believed down between Denver and Grand Junction.

The green Cessna 150, piloted by Glenn Scott of Grand Junction and bearing the number 50938, left Denver for Grand Junction at 10:15 a.m. Friday. The aircraft carried 3½ hours of fuel for the 2½-hour flight, the CAP said.

The air search, headed by mission coordinator Maj. Gene Wirth, will resume when weather permits. Meanwhile, ground parties are continuing their search in the Winter Park area.

TWO WEEKS IN PLANE WRECKAGE; ERROR IN SEARCH SAVES TWO

JACKSON, CALIF.—Two men who spent two weeks in the wreckage of a light plane with the body of the pilot are safe today because of an erroneous smoke report and the determination of friends.

Neither Eugene Ebell, 33, nor Robert Staar, 17, suffered major injury from the Jan. 11 crash or their 15 days without food. Pilot Donald Shaver was killed in the crash in the Sierra Nevada mountains.

Ebell had chartered the plane in Fresno, the hometown of all three men, to fly to Elko, Nev., to pick up the body of an uncle who was to be buried in Fresno. Staar, a friend of the pilot, went along for the ride.

Ebell said the pilot tried to turn back over the Sierra Nevada because the plane's wings were icing but, in turning, the plane lost too much altitude and crashed.

Ebell and Staar were rescued by helicopter yesterday from a rugged canyon 35 miles east of Jackson after Staar was spotted from the air.

They said they had heard and seen search planes regularly, but none came far enough up the mountains to see them. The crash site was near the 7,000-foot level of the Sierra about 180 miles east of San Francisco.

Staar set out Sunday to get help.

At the same time, searchers shifted their aerial hunt to the east because of an apparently erroneous report of smoke. On their way to the area yesterday, Doyle Hawkins and helicopter pilot George Wurzburg spotted Staar beside a log where he had slept overnight after walking 3½ miles.

As many as 20 planes a day had searched the Sierra for the wreckage the first week, then gave up. Friends and relatives of the missing men collected $1,400 and hired the helicopter last Friday to continue the aerial hunt.

Doctors at Amador Hospital said the survivors were treated for exposure and minor frostbite. Ebell also had some crushed ribs.

PROTECT PILOTS FROM THEMSELVES

The white vastness of Corona Pass stretched onward for miles beneath search planes Sunday that poured over its bleakness in search of a small private plane that ended its last flight Friday with a deathly plunge into a mountainside.

Finally, after hours of looking, a plane spotted a clump of darkness in the snow.

A few hours later ground crews pulled the bodies of a California couple from the wreckage.

The plane apparently crashed shortly after takeoff from Stapleton Field in Denver at 10:16 a.m. Friday.

Yet searchers were faced with the tremendous task of combing hundreds of square miles encompassing the flight pattern filed by the plane's pilot.

This time, there were no survivors. But there have been other times when there were. And there will be others.

Current legislation proposed by U.S. Sen. PETER DOMINICK and State Rep. Ted Bryant can eliminate the ever present danger of persons surviving a crash only to die of exposure or lack of medical aid.

Mandatory installations of crash locator beacons, small battery powered pieces of equipment that shoot out a life saving beam, would end the hours, days and months of waiting for help that have cost many their lives.

The pilot of the plane that crashed Friday had at least filed a flight pattern that led searchers to the crash site in a relatively short time. Others have never been found.

But, had a functioning crash locator beacon been aboard, the crash could have been found in a matter of short hours. And any survivors could have been rescued.

Despite the apparent need for required rescue equipment, there looms a bigger, more complex issue that could be combined with material equipment not only to save lives after crashes, but to prevent crashes.

Colorado's mountains have for years claimed the lives of pilots who have had too little or no experience, in traversing them.

The intricacies of mountain flying, particularly in single engine planes, is too apparent to the state residents who read almost weekly of another pilot who "thought he could make it."

One does not receive a second chance when attempting to climb over 12,000 foot peaks while being pulled from below by unpredictable down drafts.

So the essence of air safety points in more than one direction. It is time meaningful legislation began to probe effectively all the possibilities.

And a pertinent direction should be that of specialized training for persons who attempt to navigate the Rocky Mountains from the air. Without this special training, death from the skies will continue.

AREA MEN OBJECT OF CAP HUNT

Members of the Colorado Wing of the Civil Air Patrol (CAP) Friday joined a three-state search for a missing plane carrying three Denver-area men on a flight from Denver to El Paso, Tex.

The men, all Martin Co. engineers, were identified as Ted R. Jones, 35, of 6591 S. Marion St., Arapahoe County, the pilot; Eugene W. Harker, 38, of 5065 Juniper St., Bow Mar, and William DeVos, 43, of 3453 W. Bowles Ave., Littleton.

Capt. Harlan Cook, Colorado CAP information officer, said they took off from Stapleton International Airport at 11:15 p.m. Wednesday and were to arrive in El Paso at 2:15 a.m. Thursday.

He said no report of the plane, a two-engine Cessna 310, had been received since takeoff. Cook said it was reported that they were going on a fishing trip in the vicinity of Navarro, N.M.

Cook said 12 CAP aircraft and three ground parties began the Colorado phase of the hunt early Friday on a full-scale basis. Colorado units did their first searching Thursday afternoon, along with CAP personnel in New Mexico and Texas.

Cook said the Colorado searchers Friday were concentrating on the probable flight course between Stapleton and Pueblo, Colo. The missing plane was to have passed over or near Pueblo, and Las Vegas and Corona, N.M.

Federal Aviation Administration officials in Denver said severe icing conditions existed on the missing plane's flight course at the time it was in the air.

Mr. DOMINICK. What am I trying to do by this amendment? I am trying to say that original general aviation aircraft when they are manufactured must have on them a locator beacon. When they go down, it automatically emits a signal. And anyone tuned in on this signal, which is either 121.5 or 243.0, can home in on the transmitter and find it within a matter of minutes. To give an example of whether or not it works, we had a test outside of Aspin, Colo., at a time when I happened to be flying my own airplane. I was notified a test was going to be made. I did not have a homing beacon of that frequency I could use. I had a general idea where I was going to be, somewhere near this Aspen, Colo., mountainous terrain. I tuned in and by simply using the volume control on my receiver, using this signal, within 15 minutes I was within a quarter of a mile from where it was and I did not have a homing beacon. The method simply is that when the search plane goes away from it, it disappears and when the search plane comes toward it, it increases in volume and so you can locate where the particular instrument is.

The objections we have had to this particular proposal largely have been from those people who say this type requirement should not be mandatory, that it should be voluntary. The difficulty with that is that all pilots, including myself, are basically optimistic. One has to be optimistic if he is in politics, if he is a flyer, or if he is in the mining game; otherwise no one would go into them. One has to figure he is going to win. This is especially true in being a pilot. So they have not put in this equipment.

There have been proposals by the FAA that they be required over areas such as the desert or large bodies of water. If that method is going to be followed the difficulty is there would have to be an army of inspectors to enforce it. In addition, there would be great difficulty in trying to find out where they could be picked up and returned again; whether it is going to be possible to orient the rental instrument—in other words, whether they are in proper working conditions when they are rented.

The estimated cost at the present time of installing these instruments as new equipment in aircraft is between $250 and $300 per airplane. If someone is buying a new airplane, and they are sold every day, the cost of $250 to $350 could be relatively easily absorbed, in my judgment, by the manufacturer so it would not be very much of a cost increase; and if it is not absorbed, in terms of lifesaving devices it is not going to be the difference in whether a pilot buys the airplane or not. All one would have to do is go down once and have this signal work and he will know how important this signal is to anyone in the airplane or to the families they have left at home.

Mr. President, I have just a couple of other points that I wish to make and then I shall reserve the remainder of my time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself 4 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 4 additional minutes.

Mr. MAGNUSON. Mr. President, will the Senator yield at that point?

Mr. DOMINICK. I am happy to yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, as the Senator knows, I have been interested in this matter. The amount the Senator mentioned is the present going price. However, we had some testimony to the effect that if this was going to be more widely used then they would be able to bring the cost down and as they have more orders of this type, the manufacturers, whoever they may be, would be able to produce these much, much cheaper.

Mr. DOMINICK. That is correct.

Mr. MAGNUSON. They would be installed as standard equipment.

Mr. DOMINICK. Yes. As a matter of fact, I have had information from some people who have been in to see me on this matter because I have been very active on it, and they hope to get it down to $50.

Mr. MAGNUSON. The testimony we had was to the same effect.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. GOLDWATER. Mr. President, to sharpen up the focus on this point, I recall that when transponders first became available for private aircraft, the price was $3,500. Now that they are becoming mandatory and can be more or less mass produced, they are being offered for under $1,000.

Knowing something about the electronics involved in a locator beacon such as this, I feel certain that when they are required to be placed on aircraft, they could be procured for between $50 and $100.

Mr. President, I commend the Senator for introducing this amendment. I know there is opposition to it, but living in the Rocky Mountain region and having participated in many searches for aircraft and having lost good friends in lost aircraft, I think it is an important measure.

I might ask the Senator if it is true that considering just the great many hours that the Civil Air Patrol has spent on searches and if we assume the ridiculously low price—I would say almost impossible price—of $10 an hour, we are talking about something close to $2 million in just the cost of gas that has been spent on these searches. Am I correct?

Mr. DOMINICK. The Senator is correct. That does not cover the cost of the Air Force when they go out and also participate in search efforts.

Mr. GOLDWATER. They do. We have a group at the Air Force base near Phoenix that goes out on all searches. The Civil Air Patrol is not the only group that goes out. We have sheriffs' air posses that participate. I do not think there is an aircraft owner in Arizona that does not have his aircraft available immediately for searches.

Probably in the Senator's State and in Wyoming, Alaska, Nevada, and the Rocky Mountain States, we lose more airplanes every week than are lost in the rest of the country in a year. This comes close to home to all of us.

Mr. DOMINICK. I appreciate the Senator's comments.

Mr. President, I might say it is very interesting. We have the number of hours for Aerospace Rescue and Recovery Service in 1968. The table is broken down among Eastern, Central, Western, and Alaskan areas. In the Eastern area there were 28 aircraft missing more than 24 hours before they were found. The Eastern area includes the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, West Virginia, Ohio, Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama and Mississippi.

There were only 25 aircraft missing more than 24 hours in the Central Region. In the Western Region there were 33 aircraft missing more than 24 hours. The Western Region includes the States of New Mexico, Arizona, Utah, Nevada, California, Oregon, Idaho and Washington.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I yield myself 5 additional minutes.

Colorado is included in the central area. In 1969 we had quite a number of planes that went down there. We plotted a map and put it up before the Radio Technical Commission for Aeronautics meeting about 2 years ago when I made a talk before them in Washington. The map showed airplanes down more than 3 days. There were more of them in the area of South Carolina, Florida, and Georgia than anywhere else in the country, which I could not believe. I thought there would be more in our area or in the area of Oregon and Washington. However, I assume that is because of the lakes and marshes in the Southeast.

There may have been some of those planes that decided to take off and not tell anybody. That is always a possibility. If they had these locator beacons, we could find them.

Mr. President, I ask unanimous consent to have printed at this point in my remarks the table showing the Aerospace Rescue and Recovery Service statistics to which I have referred.

(There being no objection, the table was ordered to be printed in the RECORD, as follows:)

AEROSPACE RESCUE AND RECOVERY SERVICE, 1968

Eastern A.R.R.C.: (includes states of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, West Virginia, Ohio, Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama and Mississippi.)

Aircraft missing more than 24 hours	28
Of which were missing more than 3 days	20
Of that total how many never have been found?	5
Total search hours:	
U.S. Air Force	54
CAP	6,830
Total	6,884

Central A.R.R.C.: (includes states of Michigan, Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Montana, Iowa, Nebraska, Wyoming, Colorado, Kansas, Missouri, Arkansas, Oklahoma, Louisiana and Texas.)

Aircraft missing more than 24 hours	25
How many were missing more than 3 days?	15
How many never found?	4
Total search hours:	
U.S. Air Force	891
CAP	8,109
Total	9,000

Western A.R.R.C.: (includes states of New Mexico, Arizona, Utah, Nevada, California, Oregon, Idaho and Washington.)

Aircraft missing more than 24 hours	33
How many missing more than 3 days?	18
How many never found?	6
Total search hours:	
U.S. Air Force	1,071
CAP	7,368
Total	8,439

Alaska:

Aircraft missing more than 24 hours	40
How many were missing more than 3 days?	6
How many never found?	3
Total search hours:	
U.S. Air Force	806
CAP	2,316
Total	3,122

RECAP

Search hours flown by Air Force	2,822
Search hours flown by Civil Air Patrol	24,623
Total search hours	27,445
Crashed aircraft located	260
Downed aircraft never found	18

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. ALLOTT. Mr. President, I thank my distinguished colleague for yielding, because I have followed his interest in this amendment for a long time, and I wholeheartedly support it. I think the editorial to the effect that pilots must be protected from themselves brings up the main issue that is involved.

I would like to ask the Senator one question with respect to the cost of this proposal. The Senator from Arizona has mentioned the rescue efforts of the Air Force and the National Guard. We have spoken of the CAP. In addition to these efforts, I recall from my experience with flying that almost every private airplane that was on any small airport anywhere near a downed aircraft would join in the search for the airplane.

Mr. DOMINICK. The Senator is totally correct.

Mr. ALLOTT. So there is really no way of adding up the total amount that is spent for the search and rescue efforts. We have special problems in the Rocky Mountain region with those who have not had any experience with the unique flying conditions which exist there. Some experienced flyers have gone down in these mountains, because they were unfamiliar with the updrafts and downdrafts peculiar to Rocky Mountain flying.

When there is such a locator facility available within the cost parameters talked about here, it seems outrageous to spend all this money in search-and-rescue operations, when the lost plane could have been found if a marker beacon had been used on the plane.

Mr. DOMINICK. I certainly want to thank my colleague for bringing these points up because they dramatize the problems we have. We have not even talked about the ground searches that go on in a great many areas. Someone says he heard a low-flying airplane in bad weather, and the airplane does not show up. As a result, there are ground searches made.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I yield myself 5 additional minutes.

In order to be totally fair, one of the problems we have had to date with this particular system is the question of who will be listening. It is all right to put up a signal, but the question is, who is going to be listening? The interesting thing is that the FAA is in the process of completely equipping its own aircraft so they can home in.

The other procedure that can be followed is to include it as a part of the NASA satellite concept. This has not been done yet because of the budget problems we have, but with a satellite overhead which could pick these programs up, within an hour the signals of the aircraft that was down could be pin-pointed. It is really a quite extraordinary development.

I hold in my hand an article written by Dan Partner, a very able reporter for the Denver Post, written on October 19, 1969, in which he mentioned the possibility of using the satellite system for air traffic control. It can also be used for the air rescue effort.

I ask unanimous consent to have the article printed in the RECORD.

(There being no objection, the article was ordered to be printed in the RECORD, as follows:)

TRAFFIC CONTROL SATELLITES URGED

(By Dan Partner)

A satellite system for use in air traffic control is emerging as a practical application of space technology that has produced the communications and weather satellite programs.

Given a high priority, a system of satellites could be orbiting the earth by 1976 that could pinpoint the positions of thousands of aircraft expected to be clogging the domestic and international airlanes. The system would be similar, but considerably more advanced, than the four-satellite system now in use for surface ships.

TRW Inc. engineers are working on a plan that would permit Federal Aviation Administration air traffic control centers to determine positions of aircraft to an accuracy of 50 feet through data flashed from space at one-second intervals. Technology for the system is available, says David D. Otten, advanced systems manager for control and navigation satellites for TRW's Systems Group.

A small antenna and transmitter for use aboard aircraft would cost $400 and weigh three pounds. In addition, the satellite system would provide precise radio navigation to planes at a cost of about $5,000 each, Otten estimates.

The system would require six satellites to cover the United States and from 12 to 15 to service worldwide air traffic routes. Otten estimates the cost at from $54 million and $66 million, including development, hardware, launch and operational expenditures. Each satellite would have a lifetime of about five years.

Meanwhile, the FAA and the Department of Transportation are beating the drums for passage of the aviation facilities expansion act, now before Congress. In an article, "Logjams in the Sky," in the September issue of FAA Aviation News, Transportation Secretary John Volpe wrote:

Passengers carried in 1968 by U.S. airlines amounted to 75 per cent of the nation's population. At the rate passenger traffic is increasing, the number of passengers carried will surpass the population within a short time.

In the general aviation category, private fleets are doubling every decade. This segment of aviation will represent 10 per cent of the gross national product by 1980.

Air freight hauled by commercial airlines jumped an unprecedented 21 per cent last year over the previous 12 months.

The proposed legislation, Volpe contends, maintains that if present growth in aviation is to continue, then both commercial and general aviation interests must share in the development costs to improve and update U.S. airport and airways facilities.

Says FAA Administrator John Shaffer: "The expansion of our air traffic control system has fallen far short of matching the growth in air traffic. More than two-thirds of the nation's 3,200 airports are in need of landing area improvements, and 900 more airports are going to be needed before 1980."

The administration's airport-airways program has a user tax base which would set up a designated account to protect the funds for use on the airports and airways. The bill establishes a federal commitment to a 10-year $2.5 billion grant-in-aid program. It authorizes $1.25 billion over the next five years, starting with $180 million in fiscal year 1970 and $220 million in 1971.

Mr. DOMINICK. In addition, as I pointed out before, if it is known that a flier is going from one point to another, either by his family or through a flight plan, and we get a report that the plane is down, it is not only possible, but it will inevitably happen that any private aircraft going through that area will start monitoring those signals. By the volume control one can, generally speaking, pick it up and determine where it is.

Second, it is totally feasible, and I think it is highly possible, to get the commercial airliners which are crisscrossing the country to install a little receiver—this is not required in the bill; I am just pointing out what can be done—with a pinpoint light on the dashboard. When a signal is picked up it will flicker. All the pilot has to do is report it to the nearest FAA flight service station. They in turn can start the air rescue effort. I have talked with some of the officials with respect to this matter. They do not want to go ahead with it until other concepts can be explored, because of the cost involved. I do not blame them for it. But if we can go ahead, we will be that far ahead of the game.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. CANNON. I wanted to raise a few points in colloquy with the Senator.

I am sure the Senator is aware of the fact that the FAA proposed that very thing, under its rulemaking authority, in 1968, and it heard such an uproar from the users and pilots that they did not do anything further with it. So, in effect, that has been abandoned.

It seems to me there are two or three weaknesses in that proposal, and I would like to have the Senator respond to those, if he would not mind.

Mr. DOMINICK. May I respond to the first one first?

Mr. CANNON. Yes.

Mr. DOMINICK. They proposed at that time to preposition some of these locator beacons at base operations throughout the country, where they could be picked up on a rental basis and put in the aircraft and could be used when going over a deserted area, or desert land, or a body of water. That system is not going to work. Many of the objections did not go to putting that device in; they went to the question that the system would not work and the money would be put up for nothing. I myself objected to it.

Mr. CANNON. Two points disturb me. One of them is that there are a number of small airplanes, two-seater airplanes, around the country that people plan on using no more than 50 miles away from their home. They like to fly for a little pleasure and sport. To that type of airplane you would add something that will add substantially to the cost of the airplane, without reducing any appreciable risk.

Mr. DOMINICK. May I answer that question first?

Mr. CANNON. Yes.

Mr. DOMINICK. I am not sure of the exact percentage, but I think it is right. Approximately 60 percent of the accidents that happen in general aviation occur within 20 miles of the airport. In my part of the country, and I am sure in the Senator's part of the country. I know we have cases in which a person has gone off the airport, has disappeared in a cloud, has crashed, and has not been found for a week. So it is just as important in training planes as in planes which can be used for cross-country flying, so they can be found if they go down.

Mr. CANNON. To go to the figure used by the Senator, I would go further and say that 60 percent of mishaps happen within 1 mile of the airport. A good many of them happen right at the airport. What the Senator is trying to do is to have some kind of device that would help in locating a lost airplane.

Mr. DOMINICK. That is correct.

Mr. CANNON. The Senator does not make any distinction with respect to the larger jets. Take the commercial jets. I would say that the system for tracking them and knowing where they are at any given time is much more accurate than any locator beacon system such as would be installed in the small airplanes as you suggest. It seems to me it would be a waste of corporate money of the commercial airline industry to have to put this kind of equipment in the commercial jet airplanes.

Mr. DOMINICK. Let me say that I am not anchored in on phase 3. It gives them 5 years to put it in. I am perfectly willing to take that provision out. The only reason it was put in there originally is that many aircraft used in air commerce were not jets. Particularly was this true 2 years ago, when we started developing this device.

If the Senator will feel happier about it, I am perfectly willing to modify the amendment to take out paragraph 3.

As to the propeller airplane problem, the commercial airliner going out over water, extensive water hazards, and things of that kind, I can see how perhaps we need something to deal with those matters, but since almost all of them are flying almost totally under instrument flight conditions, where they are monitored all the way, I think this may be asking a little more than we should, and I am perfectly willing to modify the amendment to that extent.

Mr. President, I ask unanimous consent to eliminate from my amendment subparagraph (3) on page 2.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. DOMINICK. I so modify my amendment, and I strike the semicolon and the word "and" in line 5, and insert a period after the word "date".

The PRESIDING OFFICER. The amendment will be modified as the Senator has specified.

Mr. DOMINICK. I think the suggestion of the Senator from Nevada is reasonable, and I am happy to accept it, and have so modified my amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a table that I have showing aircraft which have been missing from 1961 through 1967, together with the number of people on board and the States from which they were declared missing.

(There being no objection, the table was ordered to be printed in the RECORD, as follows:)

MISSING AIRCRAFT

Area	Date	Persons on board
California, Oregon	Dec. 1, 1961	2
California	Mar. 14, 1967	2
Total		4
Louisiana, Texas	Jan. 4, 1962	3
South Carolina	Mar. 1, 1962	1
Oregon	Mar. 17, 1962	1
Alaska	June 5, 1962	1
Michigan	June 28, 1962	1
North Carolina	July 22, 1962	4
Michigan	Aug. 18, 1962	1
Do	Sept. 1, 1962	1
Alaska	Oct. 16, 1962	1
Do	Oct. 18, 1962	1
Washington	Nov. 10, 1962	1
Total		16
Utah, Colorado	Jan. 9, 1963	4
Utah, Nevada, California	Mar. 28, 1963	2
Oregon	July 20, 1963	1
Washington	Aug. 28, 1963	1
Michigan, New York	Nov. 3, 1963	2
Total		10
Washington	Jan. 27, 1964	1
North Illinois	Feb. 15, 1964	1
South Carolina	May 3, 1964	1
Oregon, Washington	June 15, 1964	2
Total		5
Florida, Alabama	Jan. 3, 1965	4
Washington	Jan. 29, 1965	1
Do	May 17, 1965	4
Alaska	June 6, 1965	1
South Florida	July 7, 1965	1
Louisiana	July 12, 1965	1
South Carolina	Sept. 5, 1965	1
Kentucky, North Carolina	Sept. 7, 1965	1
Alaska	Sept. 13, 1965	1
West Massachusetts	Sept. 14, 1965	2
South Florida	Nov. 1, 1965	2
Do	Dec. 7, 1965	1
California	Dec. 10, 1965	2
Total		22
Maine, Vermont, New Hampshire	Mar. 20, 1966	1
Maine	Apr. 2, 1966	2
South Carolina	do	1
New York, Massachusetts	Apr. 27, 1966	2
South Carolina	May 10, 1966	1
Arizona	June 21, 1966	1
North Carolina	June 28, 1966	2
Do	July 14, 1966	1
Florida, Mississippi, Louisiana	Sept. 20, 1966	2
Alaska	Sept. 23, 1966	1
Do	Oct. 9, 1966	1
Alabama, Georgia	Nov. 8, 1966	1
Ohio	Dec. 20, 1966	4
Total		20
Florida	Jan. 15, 1967	4
Michigan	do	3
North Carolina	Apr. 24, 1967	2
South Texas, Mexico	Apr. 27, 1967	1
Utah, Nevada, California	June 3, 1967	3
Alaska	June 14, 1967	1
Florida	July 8, 1967	1
Missouri	Aug. 26, 1967	2
Florida	Oct. 8, 1967	1
South Florida	Oct. 11, 1967	2
Arkansas, Texas	Oct. 14, 1967	1
Ohio, Kentucky, Tennessee, Georgia	Dec. 23, 1967	2
Total		23

Mr. DOMINICK. Mr. President, I further modify my amendment, and send the modified amendment to the desk. I shall read it now, so that we can be sure Senators know what it is:

After line 3, page 143, add the following new section: That section 601 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection as follows:

"Downed Aircraft Rescue Transmitters

"(d) Minimum standards pursuant to this section shall include a requirement that downed aircraft rescue transmitters shall be installed—

"(1) on any aircraft for use in air commerce, except jet aircraft used in commercial transport, the manufacture of which is completed, or which is imported into the United States, after six months following the date of enactment of this subsection;"

I think if the Senator from Nevada does not mind, we will change that to "one year" instead of "six months".

Mr. CANNON. Very well.

The PRESIDING OFFICER. The amendment will be modified as specified.

Mr. DOMINICK. So it would read:

After one year following the date of enactment of this subsection;

and then continuing:

(2) on any aircraft used in air transportation after three years following such date

Subsection (3) would be stricken.

As such, it is my understanding that the Senator from Nevada will accept the amendment.

Mr. CANNON. Mr. President, I am willing to accept the amendment as now modified by the distinguished Senator from Colorado.

I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Colorado yield back the remainder of his time?

Mr. DOMINICK. I yield back the remainder of my time.

The PRESIDING OFFICER. The remaining time having been yielded back, the question is on agreeing to the amendment (No. 521) of the Senator from Colorado (Mr. DOMINICK), as modified.

The amendment, as modified, was agreed to.

"SEEK-YOU—SEEK-YOU!"

(Address by PETER H. DOMINICK, U.S. Senator)

"May, 1967. Dear Editor: You can remove my husbands name from your sample copy mailing list. He was killed in 1965. The crash occurred only about 33 miles from our home airport on a heavily timbered mesa. Searchers estimated they flew over the spot at least 20 times but could not see a sign of the plane because of the way it had dived into the timber."

This was a letter to the Editor of "Aero West" Magazine from one of my constituents in Gunnison, Colorado.

"C.Q."—("Seek-You")—has been the familiar call of "Ham" radio operators the world over seeking contact with whomever might be listening. In the phonetic sense, it very well fits the theme of this conference. For we are seeking to make it easier to find an aircraft and its occupants who may have encountered an emergency situation and have been forced to attempt an emergency landing away from any airport, and very likely in "an unfriendly environment." If the emergency occurs in rough terrain, the likelihood of injury to the occupants is high, and the dangers are compounded if adverse weather conditions prevail in the area where the emergency occurred. Adverse weather not only endangers the survival of injured and uninjured passengers alike, but can and often does increase the hazards to the dedicated people who risk their own lives while trying to help those in distress.

Our success in finding downed aircraft has been fairly good, but in a number of instances we have failed tragically in locating the aircraft until weeks or months after the accident—too late to help those who survived the accident but later perished from long exposure in the hostile environment. Most recently, the nation was shocked to read in the newspapers of the diary kept by 16-year old Carla Oien, documenting the two-month long struggle of the three members of this family to survive after their light plane went down in the mountains of California on March 11th last year. A deer hunter finally happened upon the scene of the tragedy on October 2nd—six months too late!

In my own state of Colorado, evidence found at the scene indicated that Dr. W. Randolph Lovelace and his wife survived the crash of their rented plane in December, 1965, but died of exposure before they were found, even though countless hours were spent in searching for them. And, as I recall, it was during that search that we lost one of our Civil Air Patrol planes piloted by an Air Force Sergeant from Lowry Air Force Base.

But such tragedies are not limited to our Western states. In fact, you documented in your "System for Downed Aircraft Location" study, published in January, 1965, the four-day struggle for survival of Drs. Miller and Quinn, whose plane went down in the small state of Vermont on February 21, 1959, but was not found until May 5 of that year. Dr. Miller kept a diary, too. It closed with: "Goodby all. This is saving a lot of experiments, I hope."

I could cite other examples, but this map tells the story more graphically.

Despite the tens of thousands of search hours spent by the Civil Air Patrol, the Air Force, the Coast Guard and the FAA, planes and their occupants are still missing in various parts of the country, not only in the Western Region. It strikes me that the FAA notice gives the false impression that the problem is centered in the Western Region. This stems from the fact that in illustrating the extent of the problem, the FAA on page 3 of the Notice of Proposed Rule Making stated that, "in the Western Region 31 aircraft have been listed as missing and have not been located during the 10-year period between 1957 and 1967." I did not have access to the statistics on missing and unlocated aircraft for this ten-year period, and therefore have used the period since the Aerospace Rescue and Recovery Service was inaugurated in October of 1961, extending through December 31, 1967. I might add, also, had I continued the period through the month of January, 1968, I would have added two more missing planes in my own state of Colorado. One of these has been missing since the first day of January, piloted by a Longmont, Colorado, doctor; and the second plane with four members of a Chicago family aboard.

The crosses on the map represent the general areas where searches have been conducted by the Aerospace Rescue and Recovery Service, Civil Air Patrol and Coast Guard, for these aircraft which have not been located during the past six years.

I would like to point out that the Eastern Region—NOT the Western Region—has the greater number of missing aircraft. Florida leads with 7 and possibly 8, since in one case it is not certain whether the plane is lost in Florida or Alabama. South Carolina has 5, followed by North Carolina which has 4 and possibly 5 because it is not certain in which of 4 states one plane went down. Alabama, Tennessee, Kentucky and New York each have been involved in two multi-state searches.

I think it is noteworthy that there are five aircraft that have never been found in the New York-New England area during the past five years. One is missing in the relatively flat, and certainly well populated state of Ohio!

In the Central Area, which includes Colorado and virtually all of the Continental Divide, there are only ten of these completely lost aircraft. But, note that four of them are in the State of Michigan, one in Illinois and one in Missouri. There is only one in the Rocky Mountain area, and there is some question whether it actually is in Colorado or Utah. If it is in Utah, that would put it in the Western Region. Wyoming, which is both mountainous and sparsely populated, has not had a downed aircraft which was not ultimately located.

Washington and Oregon, together, lead the Western Region in the number of aircraft which have not been found during the last five years. There are eight and perhaps nine aircraft which have disappeared in these two states without a trace since October, 1961. Again, note that Idaho and New Mexico, both of which are mountainous and have large sparsely populated areas, have not had a plane down they have not been able to find.

Alaska, which is carried separately in the statistics, has had eight aircraft which have completely disappeared since October, 1961.

There certainly has been no lack of effort to locate missing aircraft. Aerospace Rescue and Recovery Service records show that from 1961 through December 31, 1967, a total of 215,404 hours of search have been conducted. Of this total number of hours of search, 79,569 hours of search were flown by the Air Force, the Coast Guard and others during this period. The cost has been high, not only in terms of operational costs, but also in terms of lives lost while searching for missing aircraft. In the last three years, ARRS records show that two C.A.P. aircraft and four lives have been lost during search missions. In Colorado last year, we conducted 13 search missions for missing aircraft at an average cost of $2,916 each.

There are other costs that are extremely difficult to measure. In addition to the prolonged grief caused the families of the occupants of these completely missing aircraft, there are also severe financial hardships imposed, because in most states, under the common law rule, estates cannot be settled until seven years have elapsed and a presumption of death is established. This can cause all kinds of problems with insurance, real estate and family finances.

Our primary concern, however, is not the finding of wreckage, but the saving of human lives. Our system of discovering the emergency and locating people quickly *must* be up-graded to take advantage of our advances in technology. Our present system is plagued with delay, uncertainty, danger, tedious and often futile effort. In most instances, we don't learn that an emergency has occurred until the aircraft is reported as overdue at its destination. Quite a few hours may elapse before a report is made to the Aerospace Rescue and Recovery Center. Even then, there is further delay while a check is made of other airports to determine whether the plane may have landed at other than its announced destination. Only after this check is made is the Civil Air Patrol alerted. More delay occurs as the C.A.P. organizes its search teams. Then, following a grid pattern, visual search is begun along the probable route. This boils down to a practice of flying low and looking, and looking, and looking, and looking some more.

As time passes, the chances of successful rescue of survivors of the downed aircraft grow less and less. I call your attention to the study made by the FAA which is mentioned on page 9 of the Notice of Proposed Rule Making. The FAA found after studying survival cases that 50 percent of all persons who are rescued from downed aircraft are recovered within the first 12 hours, and seventy-five percent of the persons saved are recovered within the first 24 hours. Thereafter, the probability of rescue diminishes sharply.

The blue dots on the map show the approximate area where aircraft were located after they had been missing for three days or longer. I should explain that the Central Region shows these locations for the past Three Years; and 12 of the blue dots in the Central Region are for aircraft located in 1965. Since the Eastern Region and the Western Region do not keep these records for longer than two years, comparable information is not shown for 1965 in these two regions.

In the Northeastern part of the United States there were five aircraft during the past two years which were missing for more than three days but were subsequently located. One of these, found on Haystack Mountain near North Bennington, Vermont, on July 4, 1967, had been missing since September 13, 1965. Another one, located October 12, 1967, 100 feet from the top of Mt. Williams near Williamstown, Massachusetts, had been missing since June 25, 1967, when a honeymooning couple from Baltimore, Maryland, were last heard from en route to Montreal. The Central Region had 17 such aircraft found in the two-year period, 1966–1967. The Western Region had nine, including one in the Baja, Lower California area.

Of more importance, the red circles on the map represent the area where an aircraft was missing for more than 24 hours, but was found before the end of the third day. Again, they seem to be fairly evenly distributed across the country. The Eastern Region had 13. Six of these were in the New York, Pennsylvania, New Jersey area; two in North Carolina; two in Alabama; and three in the Southern Georgia—Northern Florida area. The Central Region also had 13. Texas and Colorado accounted for 7 of the 13 that were found in this region.

The Western Region had 14, with California and Washington state accounting for 11 of the 14.

In summary, this map shows that in the last six years there are 60 aircraft in the continental United States and Alaska which are missing and have never been found. In the continental United States in the last two years, 36 aircraft were missing for more than three days, and 40 aircraft were missing for a period of from one to three days. The map also shows clearly that aircraft "emergencies" are not limited to mountainous areas, large bodies of water or sparsely settled areas. It indicates that the proposed FAA Rule should be broadened. In support of that position, I would like to read you part of a letter I received last fall from a doctor in Ogdensburg, New York. It reads as follows:

"I, too, have spent long hours on a search mission in the Civil Air Patrol. I shouldn't have been there really, as the weather was marginal and I am strictly VFR. However, the thought that people might be alive and lying out in the snow with broken legs kept me going.

"We never found the wreck. A farmer on a tractor did after we had searched for almost three days.

"A crash locator beacon would have shown us the way in 30 minutes."

I completely agree. And I think that the experiences of the Army, Navy and Air Force in locating and rescuing downed pilots in Vietnam clearly demonstrate the value of locator equipment. Then why have we not been able to obtain more widespread voluntary use of this equipment? There are a number of reasons which we should recognize and deal with.

First, I think we have created a bad image of the instrument by calling it a "crash" locator beacon. No aircraft manufacturer likes to admit that his planes may crash. No pilot plans to crash. On the other hand, every student pilot is thoroughly schooled in the fact that he will probably encounter emergency situations. By the time he gets his private pilot's license, the student-pilot has demonstrated many times his knowledge of emergency procedures. The automobile industry did not call their flasher lights, "trouble lights" or "accident flashers"—they call them emergency flasher signals. We should refer to these aircraft locator beacons as emergency beacons. Furthermore, since we seek to find downed aircraft more quickly, we might give the entire system a catchy name whose initials suggest its function. We might call it "Emergency Aircraft Radio Location Instrumentation." Phonetically, the first initials spell EARLI.

Cost is the second problem. But this can be solved if we can get utilization of the beacon in large enough numbers.

Also related to more wider acceptance and use is the problem which confronts our Ham radio operator who seeks to make contact with other Hams. To make contact, someone must be listening. I am pleased to note that the FAA states it is planning to equip more of its own aircraft with equipment capable of homing in on small transmitters emitting signals on the emergency frequencies. At present, the Air Force regularly monitors the UHF emergency frequency—243.0 Mhz. The likelihood that a military aircraft will be within range at any given time is relatively small; however, there is one other suggestion that I think deserves very serious consideration. Why not enlist the help of our commercial air carriers? It could be done at minimal cost, and without undue burden on the crew. What I am suggesting is the installation of a simple receiver on our commercial passenger and cargo aircraft to monitor the VHF and UHF distress frequencies. Operational when the main power switch of the aircraft is activated, the receiver would be inoperative when the main switch was turned off. A blinker light would indicate to the crew that a distress signal was being received, and the only action required of the crew member would be to snap an audio switch to verify that a wavering distress signal was in fact being received. The pilot then would immediately fix his position, call the nearest Flight Service Station and report that he had received a distress signal. In a matter of seconds, hours or even days would be saved—for in those few seconds it has been established that an emergency exists, the approximate location is known, and a beacon is known to be operating on which rescue aircraft can home.

Within minutes, a ground or air rescue team, hopefully with an accompanying medic, is homing on the beacon. Extension of this system to substantial segments of general aviation would enlarge enormously rapid location and rescue of downed aircraft. Think of the countless hours of searching this system could save. Think of the lives that can be saved and the suffering that can be alleviated by getting medical attention to the injured quickly.

I commend the FAA for its investigation into the locator beacon in 1963 and commend them for their issuance of the Notice of Proposed Rule Making. But I confess that I do not believe their present proposal is either realistic or enforceable. General aviation is growing rapidly. The smallest aircraft are used extensively for pleasure and business in cross-country flights. At what point must portable equipment, as suggested by the proposed FAA Rule, be picked up? Who will enforce the Rule? If I fly from here to Denver, must I have the equipment? Probably not if I take regular airways via Kansas City. But suppose there are storms, and I have to detour North and find myself over Lake Michigan and into Minnesota and the Bad Lands. Do I have to stop and install the equipment? Will this involve detailed mandatory flight plans for all weather? If a pilot flies from Chicago to New Orleans and crosses the Mississippi Delta, does he have to install a beacon before he goes, or on his way down; and who will inspect his plane on arrival?

Frankly, it is my feeling that sound common sense says that all pilots, like politicians, are optimists. Very few will install a locator beacon in their planes, although they may well agree that their neighboring pilot should have one. Hence, an enormous administrative problem will arise under the Rule, or it will simply be ignored.

Ladies and Gentlemen, we must have a mandatory required system—a system that will require emergency locators in all new general aviation aircraft, except perhaps jets, which operate almost constantly under radio surveillance. A system which will, within a stated time, require installation in all "used" aircraft in operation; a system which will not only transmit but receive; a system which above all will save lives, reduce suffering, and avoid dangerous and costly low-level search sweeps.

I am confident that there is represented in this room the wealth of technical expertise to create the finest system for downed aircraft location that could be devised. I urge that you lend your support and collective knowledge to that dramatic goal.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield to the Senator from New Jersey.

Mr. WILLIAMS of New Jersey. Would these locators go on all aircraft?

Mr. DOMINICK. No. They would go on fixed-wing aircraft. They would not go on jets, aircraft used in air transportation, military aircraft, aircraft used solely for training purposes not involving flights more than 20 miles from its base, and aircraft used for the aerial application of chemicals, or crop dusters. It would not be on helicopters.

Mr. WILLIAMS of New Jersey. This would be for private aircraft?

Mr. DOMINICK. Private fixed-wing aircraft.

Mr. WILLIAMS of New Jersey. Mr. President, this proposal impresses me as a very worthy and necessary amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK).

The amendment was agreed to.

Mr. SAXBE and Mr. MILLER addressed the Chair.

The PRESIDING OFFICER. The Chair heard the Senator from Ohio first. The Senator from Ohio is recognized.

Mr. SAXBE. Mr. President, I yield to the Senator from Iowa.

Mr. MILLER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On Page 61, line 4, insert the following after the word "the": "employer or his representative has been notified in writing, signed by the delegate of the Secretary, setting forth specifically the nature and imminence of the danger compelling immediate action and the".

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, the provision of the bill to which my amendment relates provides for authority by the Secretary to delegate his authority to issue orders compelling immediate action where there is not sufficient time in light of the nature and imminence of the danger to seek a temporary restraining order or injunction. There is nothing in the authority which requires the Secretary's delegate to notify the employer or his representative of the danger or imminence of danger. There is a provision farther on in this section requiring the Secretary by regulation to provide procedures whereby an aggrieved employer could achieve a prompt reconsideration of action.

As a basis for obtaining that reconsideration and, further, as a basis for good procedure, it seems that the employer should be notified in writing, signed by the one to whom the Secretary delegated the authority, and that is the function of the amendment.

I think it would enable the regulations regarding reconsideration to be carried out much more expeditiously if this language were added. I have discussed the amendment informally with the manager of the bill and I hope this amendment will be accepted.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. If this amendment to this sentence is agreed to, will it still be possible to strike the entire sentence, including this amendment and then substitute some other provision?

The PRESIDING OFFICER. The Chair is advised that the section as amended would be subject to a motion to strike in entirety.

Mr. JAVITS. The reason I say that, in all fairness to the Senator, is this. With the administration we are trying to meet another element of this issue. High-level concurrence in the department should be required where they are going to close the whole plant or substantially the whole plant. We are working on that. I think we can agree to it, but it may result in affecting this sentence. We will do our utmost, and I am sure we can, to keep the Senator's idea intact with respect to serving a written finding, which is really what he is seeking, in connection with such a matter.

Mr. MILLER. I appreciate the thoughtfulness of my colleague from New York. I understood the Senator from New York was working on something in this section.

Mr. JAVITS. That is correct.

Mr. MILLER. But I understood this amendment would not interfere with it. From the ruling of the Chair it is clear it will not interfere with it.

Mr. JAVITS. That is correct.

Mr. MILLER. I hope we can go on and dispose of the amendment and then I will be pleased to work with the Senator on his amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WILLIAMS of New Jersey. Mr. President, I have discussed this amendment with the Senator from Iowa and it makes a great deal of sense. In my judgment it is not necessary but it would be a very helpful addition to the bill.

Mr. **MILLER.** I thank my colleague.

The **PRESIDING OFFICER.** If there be no further discussion of the amendment, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. **SAXBE.** Mr. President, I have an amendment at the desk, which I call up.

The **PRESIDING OFFICER.** The amendment of the Senator from Ohio will be stated.

Mr. **SAXBE.** Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

> On page 66, line 2, insert the following: "and which standards, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce,"

Mr. **SAXBE.** Mr. President, this is an amendment which applies to those who manufacture machinery products that go into interstate commerce, specifically applying to those who manufacture movable equipment such as dirt movers, tractors, and other heavy equipment. If, after the expiration of the initial stage of this bill, each of the States were permitted to set differing safety standards for dirt movers, it would place a tremendous burden on interstate commerce. This amendment provides that they may do so because there may be circumstances that would so require, but the words are put in, "compelling local conditions," and, second, that they "do not unduly burden interstate commerce."

This amendment is offered so that we do not have differing safety regulations on equipment moving from State to State in interstate commerce and to try to prevent States from making unreasonable limitations on certain type of equipment.

I have discussed the amendment with the manager of the bill, and I believe it is acceptable to him.

Mr. **WILLIAMS** of New Jersey. Mr. President, the amendment has been discussed, and it is acceptable to the committee.

The **PRESIDING OFFICER.** If there be no further discussion of the amendment, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. **COOK.** Mr. President, I send an amendment to the desk.

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. **COOK.** Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

> On page 69, line 3: Strike out all after the word "plan." through and including the word "decision." on line 7, and insert in lieu thereof the following: "is not supported by substantial evidence the Court shall affirm the Secretary's decision."

Mr. **COOK.** Mr. President, on page 69 of the act as presently drafted appears the sentence:

> Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan to be arbitrary and capricious, the court shall affirm the Secretary's decision.

I have proposed a change in my amendment, so that the language would read:

> Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan is not supported by substantial evidence the court shall affirm the Secretary's decision.

The amendment merely states that an action will lie in regard to a State plan based on substantial evidence, and not based on the negative plea of arbitrary and capricious.

I think all Members of the Senate who have had an opportunity to practice law will state that they know of very few cases which anyone has won based on arbitrary and capricious action. In the first place, if the regulations provide that the Secretary can do it, and if he does it within the regulations, then obviously it is not arbitrary and capricious.

I have talked with the manager of the bill in this regard. This is the same language that was adopted by the Senate in the Coal Mine Safety Act. I believe the manager of the bill is perfectly willing to accept the amendment.

Mr. **WILLIAMS** of New Jersey. Mr. President, that is correct. We accept the amendment.

The **PRESIDING OFFICER.** If there be no further discussion, the question is on agreeing to the amendment.

The amendment was agreed to.

The **PRESIDING OFFICER.** The Senate will now return to controlled time on the amendment of the Senator from Colorado (Mr. DOMINICK).

Mr. **DOMINICK.** Mr. President, I yield myself 5 minutes.

I would like to send to the desk a substitute amendment for the amendments we had been considering. I want, if I may, to read the amendment so that every Senator will be sure of what we are doing. We have worked this out with the Senator from New Jersey and the Senator from New York. I believe it is agreeable to all——

The **PRESIDING OFFICER.** The Chair is advised that no amendment would be in order until all time had been yielded back, but the Senator has a right to modify his own amendment.

Mr. **DOMINICK.** Mr. President, do I understand that I am not able to amend my own amendment before all time is yielded back?

The **PRESIDING OFFICER.** The Chair is advised that the Senator may not amend his amendment until all time is yielded back, but he may modify his amendment.

Mr. **DOMINICK.** I will modify my amendment.

The **PRESIDING OFFICER.** The Senator has that right.

Mr. **DOMINICK.** I will now modify my amendment as follows:

> On page 39 strike all in lines 3 through "his working life" in line 9, and substitute the following:
>
> "(5) The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life."
>
> On page 39, line 10, strike the word "such" and insert after the word "standards" the following: "under this subsection".
>
> On page 71, line 22, strike the words "which if applied will assure that" and insert in lieu thereof the following: "dealing with toxic materials and harmful physical agents which will demonstrate the exposure levels at which".

Mr. **DOMINICK.** Mr. President, I now send the amendment to the desk so that the clerk will have it in its modified form.

Mr. President, before we tried to get together on the exact language, we were discussing the problem that the language on page 39 and page 71, in setting standards and in setting criteria, tried to assure that, no matter what anybody was doing, the standard would protect him for the rest of his life against any foreseeable hazard.

What we were trying to do in the bill—unfortunately, we did not have the proper wording or the proper drafting—was to say that when we are dealing with toxic agents or physical agents, we ought to take such steps as are feasible and practical to provide an atmosphere within which a person's health or safety would not be affected. Unfortunately, we had language providing that anyone would be assured that no one would have a hazard, or at least, we would require the Secretary to set standards so stating, and that in the HEW standard there would be a requirement to proceed on that basis, so that no one would have any problem for the rest of his working life.

It was an unrealistic standard. As modified, we would be approaching the problem by looking at the problem and setting a standard or criterion which would not result in harm.

Mr. **WILLIAMS** of New Jersey. Mr. President, how much time do I have?

The **PRESIDING OFFICER.** The Chair is advised that the Senator from New Jersey has 2 minutes.

Mr. **WILLIAMS** of New Jersey. Two minutes.

As I understand this amendment, it will provide a continued direction to the Secretary that he shall be required to set the standard which most adequately and to the greatest extent feasible assures, on the basis of the best available evidence, that no employee will suffer any material impairment of health of functional capacity even if such employee has continual exposure to the hazard dealt with for the period of his working life.

Certainly that is the objective, and included within this concept of unimpaired health and functional capacity is protection against diminished life expectancy.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 7 minutes.

Mr. DOMINICK. Mr. President, I yield myself 3 minutes, for the purpose of having a colloquy with my colleague from New Jersey.

It is my understanding, if I may say so, that what we are doing now is to say that the Secretary has got to use his best efforts to promulgate the best available standards, and in so doing, that he should take into account that anyone working in toxic agents or physical agents which might be harmful may be subjected to such conditions for the rest of his working life, so that we can get at something which might not be toxic now, if he works in it a short time, but if he works in it the rest of his life it might be very dangerous; and we want to make sure that such things are taken into consideration in establishing standards; is that correct?

Mr. WILLIAMS of New Jersey. That is exactly correct.

Mr. DOMINICK. I appreciate the cooperation of my friend from New Jersey. I think we have worked it out to where it makes a lot of sense, at this point much more so than before.

Mr. WILLIAMS of New Jersey. I think it is clear, the objectives have been stated, and it strengthens the objectives of standards that will protect against physical impairment and loss of function.

The PRESIDING OFFICER. Do Senators yield back their remaining time?

Mr. DOMINICK. I yield back the remainder of my time.

Mr. WILLIAMS of New Jersey. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CASE). All remaining time having been yielded back, the question is on agreeing, en bloc, to the amendments—No. 1054 and No. 1058—of the Senator from Colorado (Mr. DOMINICK), as modified.

The amendments were agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I have a number of——

The PRESIDING OFFICER. Does the Senator from New York request that the order for the quorum call be rescinded?

Mr. JAVITS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, are we under any time limitations?

The PRESIDING OFFICER. No, the time is uncontrolled.

Mr. JAVITS. Mr. President, I shall not detain the Senate but very briefly. There are a number of pro forma matters in the bill which need attending to, and if the manager of the bill will give me his attention, I think we can dispose of them quite quickly.

Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from New York (Mr. JAVITS) proposes an amendment as follows:

> On page 69, between lines 10 and 11, insert:
>
> "(h) For the purpose of this section, the terms "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands."

Mr. JAVITS. Mr. President, the sole purpose of this amendment is to make eligible to file what is called a State plan those territories and possessions of the United States which are spelled out in the amendment. This matter is not otherwise defined in the bill. I hope the manager will find the amendment satisfactory.

Mr. WILLIAMS of New Jersey. I am prepared to vote for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I send to the desk another amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from New York (Mr. JAVITS) proposes an amendment to amend subsection (b), page 41, line 3, by adding a new paragraph "(7)" as follows:

> (7) Whenever a rule promulgated by the Secretary differs substantially from an existing national consensus standard, the Secretary shall include in the rule a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

Mr. JAVITS. Mr. President, in proposing that amendment, I ask the Senator from New Jersey to state whether he agrees with me in the following: We have, under this amendment, the concept of a statement which will help us better to enforce the law where a deviation from an existing national consensus standard is promulgated by the Secretary.

A national consensus standard, under this act, is a standard which has been developed by one of two organizations at the present time: The American National Standards Institute or the Fire Underwriters Association.

In the first place, this amendment ought to be adopted so that the people will have an explanation of why the Secretary is doing what he is doing.

The other aspect of the matter is that the bill provides for a National Institute of Occupational Health and Safety, and it is important to assure these outside organizations, which are very important in this field, that the Institute is not designed in any way to preempt or limit the activity or importance of national consensus organizations such as the American National Standards Institute. These organizations have made valuable contributions in this field in the past, and I hope they will continue to do so in the future. This is so that they may be reassured that the Institute represents no threat to them.

The other point I should like to make with respect to reassuring these organizations is to confirm the fact that it is expected that the director of the new Institute will take full advantage of the extensive expertise represented by members of technical societies and private standards development organizations which serve an important purpose and which should continue to function in the private sector of occupational health and safety.

Mr. WILLIAMS of New Jersey. On the latter point, I would certainly agree that that would be wise. Our hope is that that would come to pass.

The amendment reads:

> Whenever a rule promulgated by the Secretary differs substantially from an existing national consensus standard, the Secretary shall include in the rule a statement.

Is that what he does—include it in the rule?

Mr. JAVITS. Mr. President, I modify my amendment to provide in the third line that "the Secretary shall publish in the Federal Register," instead of "include in the rule."

I agree with the Senator.

Mr. WILLIAMS of New Jersey. I certainly agree to the amendment offered by the Senator from New York.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to, as follows:

> "(7) Whenever a rule promulgated by the Secretary differs substantially from an existing national consensus standard, the Secretary shall publish in the Federal Register a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

Mr. JAVITS. Mr. President, I send to the desk another amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> (g) In determining the priority for establishing standards under this section, the Secretary shall give due regard to the urgency of the need for mandatory safety and health standards for particular industries, trades, crafts, occupations, businesses, workplaces or work environments. The Secretary shall also give due regard to the recommendations of the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

Mr. JAVITS. Mr. President, the purpose of this amendment is to relieve the Secretary of the necessity for waiting to promulgate whatever standards he wishes to promulgate across the board but, rather, allowing him to yield to more urgent demands before he tries to meet others. I gather that from the technical point of view that kind of authority is necessary in respect to this particular bill.

Mr. WILLIAMS of New Jersey. That is a fine and very worthy amendment and addition to the bill.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I send to the desk another amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 69, between lines 10 and 11, insert the following:

"(h) Pending approval of a plan submitted by a state under subsection (b) of this section; the Secretary may enter into an agreement with such state under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such state which are not in conflict with Federal occupational health and safety standards promulgated under this act until final action is taken by the Secretary with respect to the plan submitted by the state, or two years from the date of enactment of this act, whichever is earlier. Except as otherwise provided in this act any state occupational health and safety standard which provides for more stringent health and safety regulations than do the Federal standards promulgated under this act shall not thereby be considered to be in conflict with such Federal standards.

Mr. JAVITS. Mr. President, the purpose of this amendment is, in the interim period during which State plans are awaiting approval, to allow the Secretary to contract with States which already have standards—and there are many such States—so long as they are no less strict than those of the Federal Government, insofar as there are any, so that the State standards may continue. Of course, the Secretary, in such an agreement, can state any conditions he pleases, including the right to cancel the agreement on a given number of days' notice. But at least it will give him authority to continue worthy State operations until he is ready to step in with the authority given him by this bill.

Mr. WILLIAMS of New Jersey. As I understand it, this would fill the hiatus period.

Mr. JAVITS. That is correct.

Mr. WILLIAMS of New Jersey. I agree with it.

The PRESIDING OFFICER. The question is agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, in the same connection, with regard to State plans, a number of States apparently want to have this question answered, and that is that State plans—this is for the purpose of legislative history—may contain appropriate provisions for granting variances as is provided by this bill for the Secretary under section 6(d). In other words, it is to make clear that whatever State plan the Secretary approves may have the same opportunity for the State to make variances as he retains under this legislation.

Perhaps I have not made myself clear. Under this measure, the Secretary may authorize variances by section 6(d) in the Federal standards for particular firms. The State can submit a total plan under certain restrictions and criteria, and so forth. It is not clear from the bill that a State plan may also contain a similar variance provision.

Mr. WILLIAMS of New Jersey. Certainly, that should follow. Where there is a State plan, there should be an opportunity for a variance as under the Federal program.

Mr. JAVITS. That is correct.

Mr. WILLIAMS of New Jersey. I find nothing unacceptable about it. In other words, there should be a similarity of opportunity for a variance under a State plan.

Mr. JAVITS. That is correct. In other words, it is not mandatory. A Secretary might not agree in a given case at the State level. But a State plan may include a similar provision with respect to section 6(d), with respect to variances.

Mr. WILLIAMS of New Jersey. The amendment states "may include," and the Secretary does not have to agree to the plan they do have, but it could be altered to be accepted by the Secretary.

Mr. JAVITS. That is correct.

Mr. WILLIAMS of New Jersey. That is fine.

The PRESIDING OFFICER. Would the Senator like to have that colloquy inserted before the vote on this amendment?

Mr. JAVITS. There is no amendment, Mr. President. I should like the colloquy to succeed the vote on the amendment.

The PRESIDING OFFICER. The record will stand as it is.

Mr. JAVITS. Mr. President, I send to the desk another amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At an appropriate place in the bill insert:

S53. —. Section 5108(c) of title 5 United States Code is amended by adding a new paragraph (10) at the end of the subsection to read as follows:

"(10) (a) the Secretary of Labor, subject to the standards and procedures prescribed by this chapter, may place an additional twenty-five positions in the Department of Labor in GS 16, 17, and 18 for the purposes of carrying out his responsibilities under the Occupational Safety and Health Act of 1970"

"(b) the Occupational Safety and Health Review Commission, subject to the standards and procedures prescribed by this chapter, may place ten positions in GS 16, 17, and 18 in carrying out its functions under the Occupational Safety and Health Act of 1970."

Mr. JAVITS. Mr. President, this is simply to accept what the Senate has decided and to implement it. This is an administration amendment. The Secretary of Labor is now the man who is going to establish the standards. The Senate decided that. The Secretary is now seeking an additional 25 positions required for that purpose. The Occupational Safety and Health Review Commission just established by a vote of the Senate will need hearing examiners, so we are asking 10 places for that.

Mr. President, I ask the clerk to change the word "panel" in the second line of subsection (b) of the amendment to read "commission."

The PRESIDING OFFICER (Mr. CASE). The amendment is so modified.

Mr. WILLIAMS of New Jersey. Mr. President, I want to say that while I voted against this addition to the bureaucracy, having lost, additional employees will be needed in the expanded bureaucracy. I take the last record vote to be direction to me to accept the amendment, which I shall do.

The PRESIDING OFFICER (Mr. BELLMON). The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 88, line 7, strike "October 1, 1971" and insert in lieu thereof February 1, 1972".

Mr. JAVITS. Mr. President, this is merely changing the date, because of the time elapsed since the bill was first reported, of the report of the commission to review the workmen's compensation system of the United States. We made a very strong case for the inequities and the inequalities in workmen's compensation. In view of the time elapsed since the bill was first reported, we want to put ahead the date when the report by the commission is required.

The PRESIDING OFFICER (Mr. BELLMON). The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Now, Mr. President, I have another amendment but this one may be controversial and I would like to submit it for discussion and invoke the consideration of the distinguished Senator from New Jersey (Mr. WILLIAMS).

Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 61 following the word "issue" through the words "first obtained" in line 6 and substituting the following:

"Such an order to close a business or plant, in whole or in substantial part, he shall provide that such an order may not be issued until the employer has been notified in writing, signed by the delegate of the Secretary, setting forth specifying the nature and imminence of the danger compelling immediate action and the concurrence of an official of the Labor Department appointed by the President with the advice and consent of the Senate is first obtained."

Mr. JAVITS. Mr. President, this deals with the imminent danger closing question for 72 hours which has so worried Members of the Senate and I think members of the business community as well. It would seek to elevate the level of consent required on the part of the Department of Labor where it is a matter not of just shutting down a machine, but of closing an entire plant or a substantial part of it, to an official of the Department of Labor, either the Secretary, the Under Secretary, or the Assistant Secretary, or other presidentially appointed officers. They are all subject to confirmation by the Senate which therefore is an additional item of protection, in view of the fact that the Senate in its wisdom turned down resort only to the courts, so that the Secretary will be exercising this power. It is an effort, somewhat, further to protect against arbitrary closedowns. I pledged, when the Senate voted in respect of the injunction question, that I would submit an amendment of this nature, and I am submitting one that has been carefully prepared and works in a limited way because it deals only with the big question of the closing of a business or a plant in whole or in substantial part.

I feel it is only fair that a man who is confirmed by the Senate should be required to concur, rather than just a regional officer. If we left the bill as it is, it would be any regional director on the part of the Labor Department.

The pending amendment would elevate this to Cabinet or subcabinet rank. This is somewhat what the Saxbe and Schweiker amendments tried to do. It does buttress the situation to some extent because, as we all know, when we are dealing with someone the Senate has confirmed, we have a lot more "handle" on him, to use a colloquial expression, than a regional director or just some fellow in the Department of Labor.

I hope very much, because this was quite a signal victory for the Senator from New Jersey (Mr. Williams), that he will be generous in respect of his victory, and that he will allow us at least this modest additional safeguard.

I point out that we preserve unimpaired Senator Miller's amendment with respect to the serving of notice in writing.

Mr. WILLIAMS of New Jersey. Mr. President, it does not require any generosity on the part of the manager of the bill. I think that, first, the reduction to writing of the reason for closing, as offered by the Senator from Iowa (Mr. Miller), is a helpful addition to the bill in the imminent danger cases. As I understand the amendment of the Senator from New York, I think it is a more helpful addition to the bill to go to an officer of a higher level.

I accept the Senator's amendment and not out of any generosity but in appreciation for improving the bill.

Mr. JAVITS. I thank my colleague very much. That, too, is very generous of him.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, that is all I have on the bill. I think that wraps up everything the administration and others had in mind.

Mr. WILLIAMS of New Jersey. Except for the chairman of the Committee on Labor and Public Welfare who is now seeking the floor.

Mr. YARBOROUGH. Mr. President, I rise in support of the bill introduced by the chairman of the Labor Subcommittee, Mr. Williams of New Jersey, as principal sponsor and of which I am an active cosponsor, which was reported by the Committee on Labor and Public Welfare after extensive hearings and exhaustive debate in our executive sessions. During the course of the debate in the Senate today, this body will have the benefit of the careful work which the subcommittee and committee have done in considering the most important piece of legislation.

We hear throughout the debate the statement that practically everyone wants an occupational health and safety bill. And I am sure that practically everyone does. But some want a bill which will help the working people of the United States and some other people just want to be able to say that a bill has been passed. No one can disagree that there is a great need for a real safety bill.

Mr. President, I want to commend the distinguished chairman of the Labor Subcommittee for his able work on this bill.

For many years, a Federal occupational health and safety bill has been sought. While the number of industrial workers in this country has grown by tens of millions, we have been debating the question. Now we have come to the point of passing the bill to protect 80 million industrial workers.

The National Safety Council has found that there were more disabling injuries and deaths in the work situation than were due to motor vehicle accidents in the first 6 months of 1967. Specifically, there were 850,000 motor vehicle injuries and 23,600 deaths—and 2.2 million work injuries resulting in temporary or permanent disablement and 6,900 deaths.

In 1967, work accidents and illnesses cost the American economy over $8 billion. Ten times more man-days were lost due to injury than were lost because of strikes in 1966.

We read the headlines concerning the strikes that are claimed to damage the economy. We should stop and consider the fact that we lose 10 times as many man-days of work in America every year due to industrial accidents on the job than we lose in strikes, lockouts, and walkouts all combined.

During the first 6 months of 1967 in Vietnam, there were 4,899 deaths and 31,913 military personnel wounded or a total of 36,812 injuries and deaths; that is, there were roughly 30 times as many people injured at work in the United States as were injured fighting in Vietnam during the same 6 months of 1967.

The legislation is long overdue. The devastating statistics and the bad record we have in industrial accidents in this country show that this country should have had such legislation years ago.

Yet in 1968, when Congressman O'Hara and I introduced in to the House and Senate the first comprehensive occupational health and safety bill, we drew the critical fire of several organizations who claim that legislation of this type is too expensive.

One may well ask too expensive for whom? Is it too expensive for the company who for lack of proper safety equipment loses the service of its skilled employees? Is it too expensive for the employee who loses his hand or leg or eyesight? Is it too expensive for the widow trying to raise her children on meager allowance under workmen's compensation and social security? And what about the man—a good hardworking man—tied to a wheel chair or hospital bed for the rest of his life? That is what we are dealing with when we talk about industrial safety.

We should have uniform standards so that no one industry would gain an advantage over any other industry. It would be far cheaper for our economy. It would save money in workmen's compensation premiums.

We are talking about people's lives, not the indifference of some cost accountants. We are talking about assuring the men and women who work in our plants and factories that they will go home after a day's work with their bodies intact. We are talking about assuring our American workers who work with deadly chemicals that when they have accumulated a few years seniority they will not have accumulated lung congestion and poison in their bodies, or something that will strike them down before they reach retirement age.

We know that our worker's lives can be protected. It's good business to protect workers. And yet in 1966, there were 14,500 industrial deaths—2.2 million disabled—and a total of 7 million who sustained some injury in industrial accidents.

That is why I introduced my occupational safety bill last year and why I was happy to defer as the principal sponsor of S. 2193 to Senator Williams, the chairman of the Labor Subcommittee, but I am a full cosponsor with him.

Senator Javits, on behalf of the Nixon administration also introduced a safety bill in this year. And Senator Dominick proposed as a substitute yesterday the latest administration proposal.

Let us compare these bills. Who sets the standards? Under both bills any consensus standard of a national standards producing organization may be used. But what if the Secretary of Labor thinks a stricter standard is necessary? Under the Williams-Yarborough bill the Secretary of Labor may set interim standards for a period up to 6 months, thereafter the Secretary may promulgate his own standards after hearings.

Under the Nixon administration proposal a safety board established by Congress and appointed by the President must set the standards. This board of five members must have previous training in this area—but like all other boards of this type it is almost inevitable that it becomes a captive of the industries it regulates.

Who enforces the act? Under the Williams-Yarborough proposal the Secretary of Labor would enforce the law with appeals from his determination in the Federal courts. Under the Nixon proposal the Secretary would ask for a hearing before the Appeal Commission—another Presidential board—which would determine whether there was a violation. If the employer did not agree with the board's determination he would be allowed to appeal to the Federal courts. Again the administration is trying to use a board to delay the enforcement of the act.

What about criminal penalties? The Williams-Yarborough bill provides for a penalty of $10,000 and up to 6 months in jail for any willful violations of the standards. The Nixon administration bill makes no such provision.

Do you know what the difference is? We say penalize the man who willfully violates the law. The Nixon administration proposal would do no such thing.

As you can see—everybody is for safety—it is just that some people want to talk about it, and others want to do something about it.

I am sure that the Members of this body will not be fooled by slogans—a law without teeth is like a dull knife—it looks fine until you try to use it for its intended purpose.

There is much talk in the United States today about pollution of our environment, and the necessity of prevention of that pollution in order to prevent slow death. What we discuss today is far more urgent—today we discuss sudden death for tens of thousands of American Industrial workers, and millions disabled every year—now. The 80 million American industrial workers are entitled to that protection now. Too many years and too many lives have been lost. All the bill requires is reasonable safety devices in plants and industry to protect the 80 million American workers. The Williams-Yarborough is not against industry—it is against death and disability. With all the lost years and lives and injuries an agony behind us, it is time to act positively and constructively now.

We have before us today an opportunity to create a major change in the industrial life of the United States, and opportunity to say to all the people of this land that our scandalously high rates of on the job injury can and will be stopped. We also have the opportunity to say to the people of the United States that slogans are not more important than deeds. If you believe in slogans, support the weak slowdown substitute, but if you believe as I do that all the working people of the United States are entitled to protection from on the job injuries caused by failure of reasonable safety standards, vote for the bill as reported from your Committee on Labor and Public Welfare.

I yielded to the Senator from New Jersey as chairman but I am proud to be one of the cosponsors of the bill. I commend him for his fine work on it. We have about come to the time of passage. The bill is not as strong as the bill that came from the committee. It is not quite as good. But it is landmark legislation.

The leadership of the Congress is to be commended for having this session after the election. If we had done nothing else but pass the occupational health and safety bill to protect the 80 million industrial workers of America, this session would have been justified. This is major breakthrough legislation. It is a great advance for the American people who work in our economy.

I again thank the chairman of the committee. We had campaigns this year. He took time off at great risk to complete the bill. I did also. However, my risk did not turn out the same as was his.

The National Safety Council has been pleading for occupational health and safety laws for years despite the fact that many industrial organizations of the country—not speaking of any one business or company, but speaking of trade organizations—have opposed this legislation.

It is something that is worthy of the Senate and the House of Representatives. It is a great piece of landmark legislation that will go down in history as one of the best things to protect the working men and the economy of America.

Mr. WILLIAMS of New Jersey. Mr. President, I appreciate the comments of the Senator from Texas.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I know that we are ready for third reading.

At this time I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

(Putting the question.)

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MUSKIE. Mr. President, I am pleased to support the Occupational Safety and Health Act of 1970 as reported by the Labor and Public Welfare Committee. This legislation must be a high priority item for this Congress.

At a time when we talk about enhancing the quality of life, it is inconceivable that 14,500 workers are killed each year in industrial accidents, while 2.2 million more are disabled through job-related accidents. The figures on new cases of job-related illness and disease are equally disturbing. The Public Health Service estimates 390,000 new occurrences of occupational disease annually—including the dread black lung disease, emphysema, and the newly discovered perils of mercury poisoning. In my own State of Maine, for example, there were 4,801 manufacturing and 2,093 nonmanufacturing injuries and/or diseases reported in a total work force of approximately 420,000 in 1969. These figures are shocking, and they should stand as a clear warning that we have not been doing enough to protect workers on the job.

Mr. President, a jumble of differing State laws currently regulate occupational health and safety. Only four States have adequate standards. Standards in 38 States do not even meet one-half of comparability with those set by the American Standards Association. In States with strong occupational safety and health standards, the accident rate is 19 per 100,000 workers. In States with weak programs, it is 110 per 100,000—an increase of 500 percent. Nowhere are enforcement mechanisms and penalties adequate to force industry compliance with existing standards.

Even in fields where strong Federal laws do exist, such as coal mine health and safety, lack of enforcement has meant virtually no decline in the accident and death rates. While the Federal coal mine health and safety legislation passed last year should help to reduce black lung disease, other industries continue unregulated. Cotton dust in textile mills, for example, has caused byssinosis—brown lung—in over 10 percent of the 819,000 workers in that field.

Mr. President, voluntary standards—which frequently represent the lowest common denominator—have not worked effectively. S. 2193 would provide the Secretary of Labor with authority both to establish and enforce new national occupational safety and health standards within 2 years.

There has been considerable controversy surrounding the role of the Secretary of Labor under this legislation. I am pleased that a majority of the members of the Labor and Public Welfare Committee voted to empower the Secretary with both standards-setting and enforcement authority. I concur with the committee's statement that—

> Rather than dividing responsibility by creating yet another agency . . . a sounder program will result if responsibility for the formulation of rules is assigned to the same administrator who is also responsible for their enforcement and for seeing that they are workable and effective in their day-to-day application . . .

Mr. President, I reject the argument of those who claim that the standards-setting and enforcement authority should reside with independent boards. Such boards traditionally have been cumbersome, inefficient, and overly responsive to business pressures. The Secretary of Labor has traditionally been given the responsibility to set and enforce labor standards—as he does with public contracts under the Walsh-Healy Act, prevailing wages under the Davis-Bacon Act, and the minimum wage under the Fair Labor Standards Act. Given this long history of standards-setting and enforcement authority within the office of the Secretary of Labor, the argument that independent boards would have more professional expertise and greater impartiality in the field of occupational safety and health loses its strength.

Mr. President, a distinguished group of citizens, including the former Secretary of Labor, the former Secretary of Interior and several noted scientists, recently signed a letter endorsing the provisions of S. 2193. I ask unanimous consent that the text of that letter appear in the RECORD at this point, and I call particular attention to their statement:

> Although the burden of hazardous workplaces falls most heavily upon the blue collar workers, the problem of occupational safety and health affects all Americans. The inplant environment is merely a concentrated microcosm of the outside environment. The environmental health hazards that workers

face affect the entire population to a lesser degree . . .

Mr. President, the Occupational Safety and Health Act of 1970 deserves our full support as an important step toward fulfilling our commitment to enhancing the quality of American life. I urge speedy approval of S. 2193.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL ACTION,
Washington, D.C., October 7, 1970.

MY DEAR SENATOR: As concerned citizens, environmentalists and members of the academic and professional communities, we feel that the Willams and Daniels Bills (S. 2193 and H.R. 16785) are the most important pieces of legislation presently before the Congress. The bills will have crucial significance not only for the bluecollar work force, but for all Americans.

America's eighty million working people spend an average of forty hours a week in some of the most polluted, physically hazardous and psychically devastating environments found anywhere. Eight per cent of these citizens work in places where no type of health service is provided, and the protection given the remaining twenty per cent varies from excellent to minimal.

According to the government's raw and probably vastly understated figures, nearly 400,000 workers have died, and 50,000,000 have been disabled from work-related diseases and injuries in the twenty-five years since the end of the Second World War. The annual figures amount to over 15,000 deaths and 7,000,000 injuries of which 2,500,000 are disabling. The figures, as appalling as they are, can never adequately convey the agony of the injured and the anguish of the family, much less the worry, the discomfort and the boredom that arise from the unhealthy, unsafe working conditions under which the health of millions of workers is being regularly eroded and under which many workers simply wait for the inevitable "accident" to happen.

As in other areas of environmental concern, our commitment to a technology of life and to the wise use of our most precious resources appears to have fallen behind our commitment to a technology of uncontrolled growth. A technological genie has unlocked thousands of more efficient and productive, but often more hazardous, processes. For example, while there are approximately 6,000 toxic chemicals now in industrial use, and more than 600 being added every year, recommended national safety standards exist for only about 450.

Although the burden of hazardous work places fall most heavily upon the blue-collar workers, the problem of occupational safety and health affects all Americans. The in-plant environment is merely a concentrated microcosm of the outside environment. The environmental health hazards that workers face affect the entire population to a lesser degree. For example, the toxic effects of carbon monoxide were first discovered when two workers in a chemical plant died of overexposure. Now carbon monoxide is recognized as a danger to the entire population and some few steps are being taken to regulate it. Dermatitis from enzyme detergents, lead and mercury poisoning, and many other health perils were first discovered in the plant by the workers who worked with those substances. If industrial chemicals and processes were properly researched and monitored *before* they were put into use, the entire population would be spared.

Most industrial diseases and accidents are preventable. Modern technological and medical sciences are capable of solving the problems of noise, dust, heat, fumes, and toxic substances in the plants. However, existing legislation in this area does not begin to meet the problems. Except for the woefully inadequate and unenforced Walsh-Healy Act, Mine Safety Act, and Construction Safety Act, the entire field of occupation safety and health is left to the individual states. The states have been loathe to develop and enforce standards for the protection of their workers. In the states today there are a total of 1,600 health and safety inspectors, and 2,800 game wardens. Elk and deer are better protected than working men and women.

Clearly, in the field of occupational health and safety the patch-work approach by the states has failed. There is a positive role that the Federal Government now must play. In a bold departure from previous legislation in this area, the Daniels' Bill in the House and the Williams' Bill in the Senate would:

Impose on industry the "general duty" of furnishing workers "a place of employment which is safe and healthful."

Empower the Secretary of Labor to set nation-wide health and safety standards for working environments.

Call for unannounced federal inspections of workplaces and prompt disclosure of the findings to workers.

Authorize the Secretary of Labor to impose fines and seek court action against employers who violate the "general duty" or specific standards.

Permit the Secretary of Labor to close down all or part of any plant where workers are in "imminent danger" of injury or disease.

Direct the Secretary of Health, Education and Welfare to publish a list of all known or potentially toxic substances including those whose analysis is specifically requested by workers.

Allow employees to refuse work, without loss of pay, in areas where toxic substances are found at dangerous concentrations.

Though long overdue, this legislation represents an important first step toward solving the problem of occupational health and safety. Of particular importance, are the strong enforcement provisions granted the Secretary of Labor coupled with the absence of the sort of administrative fragmentation which plagues alternative drafts of the Occupational Health and Safety Bill. Thus we strongly urge the immediate passage of the Williams and Daniels Bills in their present form.

Sincerely yours,

Mr. Stewart Udall, former Secretary of Interior; Mr. Willard Wirtz, former Secretary of Labor; Dr. Samuel S. Epstein, Chief, Laboratories of Environmental Toxicology and Carcinogenesis, Children's Cancer Research Foundation; Dr. Paul Cornely, President, American Public Health Association; Professor George Wald, Biology Department, Harvard University; Mr. Gary Soucie, Friends of the Earth.

Dr. Edward Martell, National Center for Atmospheric Research; Professor Garret Hardin, Biology Department, University of California (at Santa Barbara); Professor Rene Dubos, Department of Environmental Medicine, Rockefeller University; Dr. Mary Bunting, President, Radcliffe College; Professor Lentin Caldwell, Indiana University; Dr. Robert Ebert, Harvard Medical School; Professor J. D. Watson, Biology Department, Harvard University; Professor Paul Ehrlich, Chairman, Graduate Division, Department of Biology, Stanford University; Jerome B. Gordon, Author, "Life Stealers."

Mr. HART. Mr. President, today the Senate continues and I hope concludes consideration of the Occupational Health and Safety Act.

Statistics on industrial accidents and health hazards make an overwhelming case in favor of prompt passage of a stiff occupational health and safety bill.

With concern growing about the quality of life we are making for ourselves and our children, the day is long past when this Nation should leave the question of health and safety of its workers to chance.

Here are the statistics:

Industrial accidents kill 14,500 workers a year.

On-the-job accidents disable 2.5 million workers a year.

These deaths and accidents mean annual losses of $1.5 billion in wages and $8 billion in the gross national product.

The Surgeon General, in a 1967 study, estimated that 65 percent of the workers in 1,700 industrial plants were potentially exposed to harmful physical agents and that only 25 percent of these workers were protected adequately.

Based on that study, the Public Health Service has now estimated that 390,000 persons contract occupational diseases each year.

The Occupational Health and Safety Act, as reported by the Senate Committee on Labor and Public Welfare, represents, in my view, a sound and firm approach to the problem of improving working conditions in our plants and factories.

In brief, the bill:

First. Authorizes the Secretary of Labor to establish and enforce safety and health standards to protect workers against specific hazards or workers in specific industries.

Second. Gives employers and employees a voice in the standard-making process.

Third. Provides for Labor Department inspections and authority to issue citations for violation of standards.

Fourth. Gives employers and employees the right to appeal Department findings through administrative procedure and the courts.

Fifth. To protect workers against conditions not specifically covered by standards, contains a general obligation that an employer provide working conditions free of recognized hazards.

Sixth. Authorizes the Secretary of Labor to order an immediate halt in work if conditions would result in death or serious injury before the conditions could be corrected.

Mr. President, yesterday I voted to table an amendment which would have divided the responsibility for setting and enforcing the health and safety standards. I did so because to follow the recommendation of the administration would have been to dilute responsibility and therefore potentially diminish the effectiveness of the bill.

Mr. President, as I said at the outset of these remarks, the time is long past for this Nation to leave the safety of its workers to chance.

The time has come when we should pass a strong occupational safety act.

The version reported by the committee is stronger than the one proposed by the administration.

I urge prompt passage of this bill.

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Mr. NELSON. Mr. President, I would like to express my wholehearted support for the measure presently being considered by the Senate, S. 2193. Enactment of this bill, the Occupational Health and Safety Act of 1970, would bring the promise of safe and healthy working conditions to millions of American workers who now in many cases have no choice but to endure the hazards in their places of employment.

The need for legislation regarding job safety is of such proportion that, in the face of it, one can only ask why action is so late in coming. The most obvious fact urging adoption of S. 2193 is that, according to the Secretary of Labor, 14,500 persons are killed each year as a result of industrial accidents. Equally tragic, however, is the fact that many of these deaths could have been prevented, had adequate safety precautions been taken. In addition to this terrible toll in lives, there are at least 7 million persons injured on the job annually in America, with 2.5 million of these injuries of a disabling nature, resulting in the loss of 250 million man-days of work. In human terms alone, the loss to the nation resulting from the lack of effective job safety programs is staggering, and should be a source of shame for us all.

In the area of occupational health, the situation is equally bleak. The human tragedy involved here is of a more subtle, less spectacular nature, yet the tragedy is just as grave, and perhaps more so. Workers spending large proportions of their lives in the job environment are forced to labor in conditions that gradually eat away at their vitality, leaving them often the victims of painful diseases such as emphysema, byssinosis, and asbestosis.

Also of particular importance in this area is the use of pesticides, herbicides, and fungicides in the agriculture industry, and the resultant danger to farmers and farmworkers. As is the case in most discussions regarding occupational health, there is a lamentable lack of knowledge about the effects which the use of these chemicals is having on those working on our Nation's farms. But one statistic that is available, according to an official of the Department of Health, Education, and Welfare in testimony before the Migratory Labor Subcommittee, is that an estimated 800 persons are killed each year as a result of improper use of such pesticides, and another 80,000 injured. The suffering reflected in these figures, coupled with the fact that the major cause of them lies in the lack of effective safeguards on the use of pesticides, is itself a moving testimonial to the need for the passage of legislation such as S. 2193.

In addition to the known instances of occupationally-related disease, estimated by the Public Health Service to be growing at a rate of 390,000 new occurrences each year there is the further danger posed by the use of new substances and processes in industry, of which we do not know the long-term effects on the human body. As the Labor and Public Welfare Committee report pointed out, it is estimated that a new and potentially toxic chemical is introduced into industry every 20 minutes. With increasing scientific knowledge pointing to hitherto unexpected relationships between occupational exposures and many of the so-called chronic diseases, it is apparent that much research is needed to make sure that these new substances and processes are not potential killers in disguise, research which the passage of S. 2193 would provide for.

It is true that the ideal situation would be one in which Federal legislation on an issue such as this would not be necessary, one in which the employers of our Nation, or the State regulatory agencies, could insure that workers everywhere enjoy clean and safe places in which to labor. But this simply is not the case; as the statistics in the committee report and all literature on this subject clearly point out, the incidence of industrial accidents and occupationally-related disease is indeed on the rise, and not decreasing.

A major thrust of S. 2193 would be the establishment of programs of research, education, and training in the field of occupational safety and health. Programs such as these offer much promise toward bringing the shameful situations mentioned above to an end, especially since their emphasis in moving toward safety and health at the workplace would be on prevention, and in making this a concern of everyone involved, both employer and employee.

Extensive work, in the form of hearings and committee deliberations, has gone into the preparation of S. 2193. The comprehensiveness of the bill reflects this careful preparation, and I would again urge that we move rapidly toward its passage.

If we are serious about our concern for providing a healthy environment for all of our citizens we must include as a high priority protection for the working men and women of our Nation in their places of employment. S. 2193, the Occupational Health and Safety Act of 1970, would move in that direction by providing coverage for several million American workers, and by testifying to the fact that we as a nation will no longer tolerate a situation where the cost of employment for many individuals is the strong likelihood that, because of conditions in the workplace, they will be maimed or crippled by disease for life.

NATION'S RESPONSIBILITY FOR HEALTH AND SAFETY AT WORK

Mr. CRANSTON. Mr. President, the legislation now under consideration by the Senate, S. 2193, the proposed Occupational Safety and Health Act of 1970, has the potential to be a legislative landmark of the utmost importance to every family in the Nation. It is designed to insure a safe and healthful work environment for the 80 million men and women workers in our country, and hence to benefit their dependents as well. In addition, the vitality of the Nation's economy will be enhanced by the greater productivity realized through saved lives and useful years of labor.

When one man is injured or disabled by an industrial accident or disease, it is he and his family who suffer the most immediate and personal loss. However, that tragic loss also affects each of us. As a result of occupational accidents and disease, over $1.5 billion in wages is lost each year, and the annual loss to the gross national product is estimated to be over $8 billion. Vast resources that could be available for productive use are siphoned off to pay workmen's compensation and medical expenses. The amount paid out in workmen's compensation alone is over $2 billion annually.

The magnitude of the problem faced by this legislation cannot be overemphasized. It is conservatively estimated that some 14,500 persons are killed each year in industrial accidents. By the lowest count, another 2.2 million persons are disabled on the job in a single year. A recent study, authorized by the U.S. Department of Labor and conducted among a sample of California businesses revealed that this figure might be 10 times too low, and that the national figure might be closer to 25 million injuries. And we do not even have a realistic estimate of the number of workers who suffer or die from occupationally caused disease. Hopefully, we will learn this from the research on, and the collection of, such information, which is provided for in this bill. Our almost total ignorance of the nature and extent of the problem of work-related disease is itself a cause for alarm and action. It is a sad example of the intolerably low priority that worker health and safety has been afforded by our society to date and a highly persuasive argument for the necessity of Federal action to vindicate these basic employee rights.

An example of the general inadequacy of information about these vital issues of the health and safety of our workers is that comparable figures for my own State of California are not available. The statistics prepared by the California Human Relations Agency cannot be related to the national figures because of the different standards and definitions for reporting. California reports 759 work-related deaths in 1969. However, our proportionate share of the 14,500 deaths estimated by the U.S. Bureau of Labor is more on the order of 2,900.

At present, despite our uncertainty about the exact magnitude of the problem, we do know that industrial accidents alone inflict far greater casualties each year than has the Indochina war. The highest year's casualty rate in Vietnam occurred in 1968 when 12,588 of our servicemen were killed. In that same year, even conservative estimates show that 14,300 workers were killed on the job—1,812 more than died in Vietnam.

The latest summary of casualty figures, dated November 7, listed 43,959 killed in the Indochina war since the start of 1961. The number of persons estimated to have been killed on the job since 1961 is three times that figure—an estimated 138,900 workers.

Nearly 300,000 Americans have been wounded during the entire Indochina war, while over seven times that many are wounded and maimed on the job in 1 year alone—2,200,000 in 1969.

The great urgency of the problem is clear, as is the need for prompt and effective legislative action. Only through a comprehensive approach can we hope to effect a significant reduction in these job death and casualty figures. Our efforts to date have been uncoordinated, inadequate in coverage, and insufficiently funded.

In my own State of California, with the largest population in the Nation, we have the second highest budget for safety, $3.3 million, and the second highest number of inspectors in the Nation, 220. However, and these are the more telling figures, we spend only 58 cents per worker on safety and health, and have only 2.3 health and safety staff members for each 100,000 workers. Thus, in terms of money and staff per worker, we rank only ninth in the Nation.

While some States have acted to establish and enforce safety and health standards, only a relatively few have modern laws and have devoted adequate resources to their administration and enforcement. At least eight States have no identifiable programs in occupational health at all. The manpower devoted to health and safety is the best indication of our neglect—there are only 1,600 State safety inspectors, and less than 100 Federal inspectors. Four States have no inspection personnel whatsoever. Only three States have over 100 inspectors. Only three States have inspectors trained in the field of occupational health and hygiene. Ironically, there are twice as many fish and game wardens in the United States as there are safety and health inspectors.

The Nation and the Congress must recognize that this problem is one of national scope, and that it should be a national responsibility. The hazards which characterize modern industry are not the problem of a single employer, a single industry, or a single State jurisdiction. The spread and interrelationship of industry and the mobility of our workforce combine to require national action to protect the health and safety of the worker.

The initial version of this bill was introduced on May 16, 1969, by the Senator from New Jersey (Mr. WILLIAMS) and others. In a message to Congress on August 6, 1969, the President urged passage of a comprehensive occupational safety and health bill. The Labor Subcommittee, of which I am a member, under the leadership of the distinguished and dedicated Senator from New Jersey (Mr. WILLIAMS), conducted extensive hearings on this subject on 12 days in Washington and three other cities. Senator WILLIAMS and the ranking minority member of the subcommittee, the Senator from New York (Mr. JAVITS) have done yeoman work in structuring this landmark bill and bringing it to the Senate floor for consideration. I congratulate them on this momentous achievement in behalf of all Americans. And I wish to thank them for their support of two amendments I offered during committee consideration, which I will describe shortly.

The provisions of S. 2193 have been developed after careful study by the Labor Subcommittee and the full Committee on Labor and Public Welfare of the extensive information presented at the hearings and the recommendations of all interested groups. The bill is a sound and workable blueprint for action.

The major provisions of the bill provide for the Secretary of Labor's developing and establishing standards of occupational safety and health to apply to all employment performed in a business affecting commerce among the States. It also provides for enforcement of these standards through a system of inspection, investigation, and reporting.

The bill provides, in section 8(f), that employees—or their representative—may notify the Secretary of Labor or an inspector of any violation or dangerous situation which they believe exists. The notice is to be in writing and the Secretary shall then conduct an inspection of the condition if he determines that there are reasonable grounds to believe the violation or imminent danger exists. I was concerned that an employee might be reluctant to advise inspectors of dangerous conditions if his or her identity were revealed to the employer. The committee adopted my amendment, cosponsored by Senator Nelson, to provide that, upon request, the name of an employee giving such notice may not be published or released. Senator NELSON and I had sponsored a similar amendment to the Coal Mine Health and Safety Act of 1969, Public Law 91–173, section 103(g).

In section 11 of the bill, emergency procedures are made available to the Secretary of Labor or his designee—probably an industrial inspector—to counteract imminent dangers. When a condition or practice exists which may cause death or serious physical harm before it can be corrected, the Secretary—or his designee—is authorized to bring action for a temporary restraining order in the appropriate U.S. district court. If the danger is so immediate that action must be taken before court proceedings can be instituted, the inspector may order the necessary action to be taken, and his order is effective for 72 hours.

Such "red tag" or "stop work" provisions are common in State safety laws, and similar authority is contained in both the Coal Mine Health and Safety Act of 1969 and the recently passed Railroad Safety Act. California has the substantial equivalent of these provisions in sections 6510 and 6511 of the California Labor Code.

While I agree that such an emergency procedure is necessary in this bill, I was concerned that the power to close down production operations on so broad a basis should not rest solely with a single inspector. In order to circumscribe the potential for unreasonable action, I joined with Senator SCHWEIKER in developing an amendment adopted by the committee which requires that any inspector delegated this authority must first obtain the concurrence of an appropriate regional Labor Department official before issuing such an order. I believe that this procedure should reduce the potential for abuses in the issuance of imminent-danger orders. At the same time, I wish to make clear that it was not our intent in offering this amendment to provide an administrative loophole whereby an unwieldy or otherwise unworkable concurrence procedure would frustrate the statutory purpose of providing an expeditious emergency closing procedure. Thus, the Secretary of Labor should insure that the concurrence procedure includes ample alternate regional DOL officials with authority to give concurrence by telephone, night or day, workday or weekend.

In this regard, the committee report on the bill, No. 91–1282, explains this concurrence procedure quite thoroughly as follows on page 13:

> Section 11(b) specifies that in delegating to an inspector his authority to issue imminent danger orders, the Secretary shall require the inspector to obtain the concurrence of an appropriate regional Labor Department official before such an order is issued. The committee adopted this qualification in order to meet the concern expressed by some that it should not be within the sole judgment of a single inspector to determine whether a hazard is so imminent as to warrant interference with a production operation. The bill now provides that an additional judgment shall be obtained; however, bearing in mind the act's purpose to protect fully employees whose lives and health may be under immediate risk, it is intended that the necessary concurrence may be obtained by telephone consultation rather than more protracted means. In order that difficulties of communication will not thwart the act's purpose by delaying the issuance of an order, it is expected that the Secretary will make suitable provision to insure that persons authorized to provide such concurrence can be reached by telephone at all times.

The bill provides a fair and reasonable enforcement procedure whereby the Secretary of Labor shall issue citations for violations and afford an opportunity for a formal hearing. An enforcement order issued by the Secretary of Labor after a hearing may be reviewed in the appropriate U.S. court of appeals.

Full and adequate information is a fundamental precondition for an effective occupational safety and health program. Under the provisions of the bill, the Secretaries of Labor and of Health, Education, and Welfare will cooperate in developing and instituting adequate statistical programs.

In addition, the bill establishes a National Institute of Occupational Health and Safety within the Department of Health, Education, and Welfare to conduct research, training, and related activities. The establishment of this special institute will provide occupational health and safety research with the visibility and status it merits.

I believe that the bill strikes an appropriate and important balance between Federal and State responsibilities for occupational health and safety enforcement. Under the bill, whenever a State wishes to assume responsibility for developing or enforcing standards, the State may do so if it submits a State plan which the Secretary of Labor determines to provide for at least as effective and rigorous enforcement as the Federal program. Planning grants with up to 90 percent Federal participation and program grants with up to 50 percent Federal participation are authorized to offer States incentives to assume such responsibilities. For example, California may

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very well decide to continue and expand its efforts in this field, and will be able to obtain 90 percent of the cost of reorganizing to conform to Federal standards and procedures; and with the 50-percent program grant, it could double its present efforts in occupational health and safety.

During the hearings conducted on occupational health and safety, the committee's attention was drawn to the State workmen's compensation programs. Serious questions about the adequacy of such programs were raised. The bill establishes in section 23 a National Commission on State Workmen's Compensation Laws. The Commission will study and evaluate existing State laws and will report its findings and conclusions to Congress by October 1, 1971.

Mr. President, the problem of death, injury, and disease in industry is national in scope, and the appropriate congressional response is to adopt the comprehensive program contained in S. 2193 to protect the 80 million workers of this Nation and then to insure that this program is adequately funded and effectively administered.

It may be many months before this program makes an impact on those awful statistics of job-related death and injury, but the enactment of this legislation will mark an auspicious and long overdue beginning of our effort. With this program, a safe and healthful work environment can be made a reality for every working man and woman in our Nation. I urge my colleagues to join me in support of this essential legislation.

HEALTH AND SAFETY OF WORKERS IS VITAL TO OUR ECONOMY

Mr. RANDOLPH. Mr. President, within the past 3 years there have been three major disasters in my home State of West Virginia. Each of these horrible events, I believe, served a purpose. The Mannington coal mine disaster which claimed 76 lives awoke the Nation and this Congress to the dangers of mining, and led directly to the passage of the Coal Mine Health and Safety Act. Collapse of the Silver Bridge at Point Pleasant into the Ohio River forced us to take another look at bridge safety standards. And the shocking death of 75 Marshall University athletes, staff members, and supporters in an airplane crash near Huntington has pointed to the need for greater air safety controls.

This bill—S. 2193—is not in response to some sudden disaster, but to the continuing health and safety hazards of our Nation's accelerated industrialization. The 40 workers who die each day, the 6,000 who are injured each 24-hour shift, represent personal tragedies which have not aroused any great public outcry. And yet the 80 million men and women who form the production force of America have a very vital personal stake in passage of the Occupational Safety and Health Act of 1970.

Both industry and labor agree on the need to eliminate job hazards. But there is honest disagreement on how this can best be accomplished. I believe that we have now reached the point of compromise where each side on this vital issue can, with satisfaction, say that it has put forth its best effort.

I support today the concept of direct line responsibility for the administration of safety and health legislation, as was incorporated in the Coal Mine Health and Safety Act. This bill vests full authority with the Secretary of Labor to promulgate occupational safety and health standards. This gives him both the power to act effectively and the undiffused responsibility for the consequences of his actions in carrying out the provisions of the act.

I commend the distinguished Senator from New Jersey (Mr. WILLIAMS) and others on both sides of the aisle who have worked so long and so hard to produce this legislation. I believe that its passage will help stem the collective disaster of death and disablement which have marked our technological progress.

Despite the many disruptive forces in our land today, I feel that our increasing concern for the quality of life and compassion for the individual hold out a bright promise for tomorrow. I endorse the words of H. G. Wells, who wrote:

> The past is but the beginning of a beginning, and all that is and has been is but the twilight of the dawn. A day will come when beings who are now latent in our thoughts and hidden in our loins . . . shall laugh and reach out their hands amid the stars.

Mr. HRUSKA. Mr. President, we are desperately in need of legislation to help insure the safety and health of industrial workers. For too long their needs have been inadequately provided for in this respect.

The grim statistics speak for themselves; we cannot afford 14,500 fatalities a year, 2.2 million disabilities. The economic impact is tremendous, but even more horrible is the human suffering of the men and women involved, and of their families and their communities. The situation cries out for solution. It is our strong duty to heed that cry and provide relief in this session of Congress.

But, it is also our duty to provide responsible legislation. The program we authorize must be one that can be administered; it must also be one which provides for due process and is in accord with orderly and accustomed practice.

Mr. President, S. 2193 does not meet these criteria. If it is approved in the form in which it was reported, we will not have acted responsibly in this critical matter.

It is my view, Mr. President, that the Senate should have accepted the amendment offered yesterday by Mr. DOMINICK. That amendment would have allowed us to achieve the objectives we all seek, without the critical faults of S. 2193. It is my hope that the Senate will, erase the most important deficiencies of the committee bill.

The major faults of S. 2193 are these:

First. The Secretary of Labor is made responsible for making, promulgating and enforcing health and safety standards. He is required to be at one and the same time, rulemaker, investigator, judge, and jury.

Mr. President, the Secretary of Labor himself recognizes the impropriety of such an arrangement. He does not believe that such a range of responsibility should be vested in an executive department, and has asked for a more reasonable process. The President of the United States does not want this authority totally vested in one of his Cabinet officers, and has indicated his preference for S. 4404, the substance of which was included in the amendment which was before us yesterday.

Second. S. 2193, in my view, violates due process. The bill calls for heavy fines without providing the normal and accepted safeguards common to such penalties. The entire process is an administrative one, and is only appealable to a judicial or independent body as a last resort. It is important to note that the circuit court of appeals—which hears appeals from the Secretary's decisions—is required to accept the Secretary's findings of fact as conclusive, if they are supported by substantial evidence on the record considered as a whole.

Mr. President, we have available to us a good and proper alternative. It is contained in the Dominick substitute amendment. Instead of making the Secretary of Labor responsible for setting standards, these should be the province of an Occupational and Health Board, composed of specially chosen members competent to handle the complex medical and technical problems involved. The problem involves not only the conventional labor and manpower matters, but requires expertise on the health aspects as well.

Instead of combining legislative, enforcement and judicial functions, the legislation should recognize the essential differences involved and separate them. A National Occupational Safety and Health Board, an independent agency should determine and promulgate appropriate safety rules. This Board, which would consist of five members chosen on the basis of their training and experience, would be better able to determine the safety needs of the various industries. Such a Board would improve the quality of the rules and relieve the Secretary of this duty to both make rules and enforce them. It would greatly improve the bill.

Instead of violating due process of law, the legislation should explicitly recognize its requirements. Under the committee bill, as I have said, the Secretary makes the rules, investigates and prosecutes violations, and is the judge. I believe that these contradictory duties should be changed. An elementary concept demands that these functions be separated. In addition to relieving the Secertary of his rulemaking duties, we should likewise vest the quasi-judicial functions in a separate, an independent agency. The amendment of the Senator from New York, No. 1061, which the Senate adopted today, will accomplish this by creating a separate board of appeals to hear contested cases. This amendment, which I supported, is similar to the provision of the administration substitute, and its adoption substantially improves this legislation.

Mr. President, I said earlier that we desperately need legislation in this area and I hold to that conclusion. The bill, as amended, is now a more acceptable and workable piece of legislation. It is my hope that additional amendment, and revision will occur to make it the really effective and useful instrument it can truly be.

Mr. JAVITS. Mr. President, I shall detain the Senate for only 1 minute. I wish to call to the attention of Senators the very important and significant part of the bill which deals with a study which is going to be made of the workmen's compensation systems in every State. There are tremendous inequities and shortcomings in many—not all—workmen's compensation laws. About one-fifth of American workers, by virtue of State laws, are not even covered by workmen's compensation.

I know how nearly everyone feels about a Federal workmen's compensation system, which is all the more reason why there should be a much greater degree of adequacy among the States.

I rise for two purposes. First, I hope Senators will be stimulated by this provision to look into their own State compensation systems, which are about to be surveyed if this bill goes through, which I hope it will; and second, I hope Senators will use their influence, and the influence of Senators is very considerable, to bring about reform in their State systems, especially as we will be seeing the total picture of the relative inequalities between the various States concerning injustices to injured workers, which I do not think any Senator would regard with sympathy. So I hope this provision, which could be one of the most significant parts of the bill, will have the interested concern of Senators which it well deserves.

I thank the Senator.

Mr. SAXBE. Mr. President, before voting on this bill I would like to call attention to the fact that this does not take away forever the powers of the States to regulate their health and safety. This was one of the original concerns and the reasons for a great deal of opposition, because this is a new field that the Federal Government is moving into, which heretofore has been a province of the States.

The bill does contemplate, however, that the States can regain their control over their domestic health and safety. I call this to the attention of Senators so that States will move to do this and reassert under the provision of this law their ability to police the industrial health and safety in their States.

Mr. DOMINICK. Mr. President, before we vote on this matter I want to point out once again the enormous scope of the bill.

For the first time, in modern history, at least, the Federal Government is taking over the role of monitor of the health and safety functions in almost every business we can think of throughout the country.

As the Senator from Ohio so aptly said, there is a provision in the bill which will permit the States to regain some administrative control but I do not think we should be under any allusion. The Federal Government is going to be setting standards for safety and the health criteria for all industries and businesses, whether it be nurses working in hospitals, bus conductors, railway firemen, stevedores, department store employees, or whatever it may be. So we are dealing with something which is of tremendous significance in its impact on businesses and employees throughout the country. Hopefully, it will work, and, hopefully, it will bring about better health and safety conditions through the country.

I suppose we must say that we cannot know until we have tried it. There is a provision in the bill which recognizes the impact that this particular legislation may have on small businesses. It is found in section 24, on page 90 of the bill. It permits the Secretary to make loans to small businesses wherever the standards that are set by the National Government are so severe as to have caused a real and substantial economic injury. Under those circumstances the Secretary is entitled, through the Small Business Administration, to make loans to those businesses to get them over the hump, because of the need for new equipment, or because of new conditions within the shop, which would permit them to continue in operation.

I think that is a very significant and important provision for minimizing economic injury which could occur if the bill resulted in situations which would have very serious effects on businesses.

Let me give just an example of this. In the Minerals and Nonmetallic Mines Safety Act as it originally passed this body, we had a provision that every mine had to have sanitary conditions—showers, running water, and many other conditions—which are just fine in big mines. There is no reason why they should not have them. But to impose such conditions on a father and son mine would run it out of business, right off the bat. It does not make any difference whether we are talking about West Virginia, Colorado, or any other State. They would just plain be out of business.

This provision in the bill would at least ameliorate some of those circumstances and the economic injury that could theoretically be caused by putting men out of work. What we are trying to do is put people to work, rather than put them out of work.

Although I have considerable misgivings about the bill and certain provisions in it, although I think a board should be provided for, although I think we should have a few other changes in the bill, I think there is a possibility that it may become a workable bill after a conference with the House, when the House gets around to acting on it. So I shall support it, even though I have reservations.

Mr. JAVITS. Mr. President, this has been such a monumental labor that I think tributes to be received by those who have labored so hard should not be lost in the flurry which so often occurs after a bill is passed.

I think the Senator from New Jersey (Mr. WILLIAMS) has given a fine and constructive effort in trying to get this kind of bill enacted into law, and certainly is entitled to the plaudits of the Senate in respect of his conduct as manager of the bill.

I believe that the Senator from Colorado (Mr. DOMINICK) deserves thanks for his extraordinary diligence in this matter. Although he did not succeed in many of the suggestions he had to offer, his efforts had a vital impact on the bill in terms of principle and fairness, both in committee and on the Senate floor, and I would like to pay tribute to him.

The Senator from Ohio (Mr. SAXBE) and the Senator from Pennsylvania (Mr. SCHWEIKER) also rendered yeoman service in their interest and in the contributions which they made is amending the bill.

Aside from Senators, whose duty it is to do it, there are unsung heroes in getting passed a bill as difficult and as complex as this one.

Frederick Blackwell, who is counsel to this particular subcommittee, which the Senator from New Jersey chaired, has rendered yeoman service.

So has Robert Nagle, who has accompanied the manager of the bill on the floor and helped him follow it through. Donald Elisburg of the subcommittee staff has also been most helpful.

So has Richard Wise, who assisted the Senator from Colorado (Mr. DOMINICK).

So has Eugene Mittleman, who is minority counsel on the committee, and who assisted me.

I hope very much that they will get some satisfaction from a job well done. They certainly played an important part in getting the bill through.

Mr. WILLIAMS of New Jersey. Mr. President, I appreciate the generosity and the thoughtfulness of the statement just made by the Senator from New York reflecting on the work of so many people that went into this major legislation.

The efforts here today on behalf of 80 million American workers is truly one of the most significant achievements of this Congress. I do want to reflect on the extremely valuable contributions of my colleagues on both sides of the aisle without whose cooperation and strong efforts there would be no bill.

Every member of the Subcommittee on Labor and the Committee on Labor and Public Welfare has made a contribution. Particularly, I must thank Senator JAVITS, the ranking minority member of the committee, for his tireless efforts on behalf of the bill in committee and on the floor. Many of the improvements in the committee bill were included at his request.

The guidance and wise counsel of the chairman of the committee, Senator YARBOROUGH, and the ranking member, Senator RANDOLPH, and Senators CRANSTON, SCHWEIKER, and SAXBE, was invaluable to the enactment of this bill. I must also commend the able Senator from Colorado, Mr. DOMINICK. While we disagreed on a number of fundamental features of the bill, I know he shares my concern with the need for adequate health and safety standards for the workplace, and I appreciate the manner in which he has so ably presented his views.

Finally, a word of appreciation for the work of the staff. Besides the Labor Subcommittee staff members, Fred Blackwell, Robert Nagle, and Donald Elisburg, special note should be made of the contributions of the minority staff members, Gene Mittleman, Peter Benedict, Richard Wise, and Michael Gertner.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Connecticut (Mr. DODD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. BIBLE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from Kentucky (Mr. COOPER), the Senator from Florida (Mr. GURNEY), the Senator from Illinois (Mr. PERCY), and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from Kentucky (Mr. COOPER), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Florida (Mr. GURNEY). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Florida would vote "nay."

The result was announced—yeas 83, nays 3, as follows:

[No. 384 Leg.]

YEAS—83

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Fannin
Fulbright
Goldwater
Goodell
Gore
Gravel
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—3

Eastland
Ervin
Thurmond

NOT VOTING—14

Bayh
Bible
Cooper
Dodd
Ellender
Fong
Gurney
Hollings
Mundt
Percy
Russell
Smith
Sparkman
Tydings

So the bill (S. 2193) was passed, as follows:

S. 2193

An act to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Safety and Health Act of 1970".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that personal injuries and illnesses arising out of work situations which result in death or disability impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of reduced production, wage losses, medical expenses, and disability compensation payments.

(b) The Congress declares that it is the policy of the United States in the exercise of its powers to regulate commerce and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions—

(1) by providing for the development, promulgation, and effective enforcement of occupational safety and health standards applicable to businesses affecting commerce;

(2) by providing for research relating to occupational safety and health;

(3) by providing for training programs to increase and improve the skills of personnel engaged in the field of occupational safety and health;

(4) by more clearly delineating the responsibilities of the Federal Government and the States in their actvities related to occupational safety and health;

(5) by providing grants to the States to assist them in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, and to conduct experimental and demonstration projects in connection therewith; and

(6) by providing for appropriate accident and health reporting procedures which will more accurately describe the nature of the problems in the field of occupational safety and health and achieve the objectives of this Act.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) The term "Secretary" means the Secretary of Labor or his authorized representative.

(b) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(c) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(d) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

(e) The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

(f) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(g) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (1) has been adopted and promulgated by a nationally recognized standards-producing organization under procedures whereby it can be determined by the Secretary that persons interested and affected by the scope or provisions of the standard have reached substantial agreement on its adoption, (2) was formulated in a manner which afforded an opportunity for diverse views to be considered and (3) has been designated as such a standard by the Secretary, after consultation with other appropriate Federal agencies.

(h) The term "established Federal standard" means any operative occupational safety and health standard established by any agency of the United States and presently in effect, or contained in any Act of Congress in force on the date of enactment of this Act.

APPLICABILITY OF THIS ACT

SEC. 4. (a) This Act shall apply with respect to employment performed in a workplace in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, and the Canal Zone. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no Federal district courts having jurisdiction.

(b) (1) Except as provided in paragraph (2) of this subsection, nothing in this Act shall be deemed to repeal or modify any other Federal law prescribing safety or health requirements or the standards, rules, or regulations promulgated pursuant to such law, nor shall this Act apply to working conditions of employees with respect to which any Federal agency other than the Secretary of Labor exercises statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

(2) The safety and health standards promulgated under the Act of June 30, 1936, commonly known as the Walsh-Healey Act (41 U.S.C. 35 et seq.), the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), Public Law 91–54, Act of August 9, 1069 (40 U.S.C. 333), Public Law 85–742, Act of August 23, 1958 (33 U.S.C. 941), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.) are superseded on the effective date of corresponding standards, promulgated under this Act, which are determined by the Secretary to be more effective. Standards issued under the laws listed in this paragraph and in effect on or after the effective date of this Act shall be deemed to be occupational safety and health standards issued under this Act.

(3) The Secretary shall, within three years after the effective date of this Act, report to the Congress his recommendations for legislation to avoid unnecessary duplication and to achieve coordination between this Act and other Federal laws relating to occupational safety and health.

(4) Nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties,

or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.

DUTIES OF EMPLOYERS AND EMPLOYEES

Sec. 5. (a) Each employer—

(1) shall furnish to each of his employees employment and a place of employment free from recognized hazards so as to provide safe and healthful working conditions, and

(2) shall, except as provided in section 17, comply with occupational safety and health standards, and all rules, regulations, and orders issued pursuant to this Act.

(b) Each employee shall, except as provided in section 17, comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Sec. 6. (a) Without regard to chapter 5 of title 5, United States Code, or to the other subsections of this section, the Secretary shall, as soon as practicable during the period beginning with the effective date of this Act and ending two years after such date, by rule promulgate as an occupational safety or health standard any national consensus standard, and any established Federal standard, unless he determines that the promulgation of such a standard would not result in improved safety or health for specifically designated employees. In the event of conflict among any such standards, the Secretary shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees. During such period he may also by rule, and in accordance with section 553 of title 5, United States Code, promulgate any standard adopted prior to the date of enactment of this Act by a nationally recognized standards-producing organization by other than a consensus method.

(b) The Secretary may by rule promulgate, modify, or revoke any occupational safety or health standard in the following manner:

(1) Whenever the Secretary, upon the basis of information submitted to him in writing by an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing organization, the Secretary of Health, Education, and Welfare, the National Institute for Occupational Health and Safety, a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available to him, determines that a rule should be promulgated in order to serve the objectives of this Act, the Secretary may request the recommendations of an advisory committee appointed under section 7 of this Act. The Secretary shall provide such an advisory committee with any proposals of his own or the Secretary of Health, Education, and Welfare, together with all pertinent factual information developed by the Secretary or the Secretary of Health, Education, and Welfare, or otherwise available, including research, demonstrations and experiments. An advisory committee shall submit to the Secretary its recommendations regarding the rule to be promulgated within ninety days from the date of its appointment or within such longer or shorter period as may be prescribed by the Secretary, but in no event for a period which is longer than two hundred and seventy days.

(2) The Secretary shall publish a proposed rule promulgating, modifying, or revoking an occupational safety or health standard in the Federal Register and shall afford interested persons a period of thirty days after publication to submit written data or comments. Where an advisory committee is appointed and the Secretary determines that a rule should be issued, he shall publish the proposed rule within sixty days after the submission of the advisory committee's recommendations or the expiration of the period prescribed by the Secretary for such submission.

(3) On or before the last day of the period provided for the submission of written data or comments under paragraph (2), any interested person may file with the Secretary written objectives to the proposed rule, stating the grounds therefor and requesting a public hearing on such objections. Within thirty days after the last day for filing such objections, the Secretary shall publish in the Federal Register a notice specifying the occupational safety or health standard to which objections have been filed and a hearing requested, and specifying a time and place for such hearing.

(4) Within sixty days after the expiration of the period provided for the submission of written data or comments under paragraph (2), or within sixty days after the completion of any hearing held under paragraph (3), the Secretary shall issue a rule promulgating, modifying, or revoking an occupational safety or health standard or make a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date for such period as the Secretary determines may be necessary to insure that affected employers and employees will be informed of the existence of the standard and of its terms and that employers affected are given an opportunity to familiarize themselves and their employees with the existence of the requirements of the standard.

(5) The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard promulgated shall be expressed in terms of objective criteria and of the performance desired.

(6) Any standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. Where appropriate, such standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be necessary for the protection of employees. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the employer or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. In the event such medical examinations are in the nature of research, as determined by the Secretary of Health, Education, and Welfare, such examination may be furnished at the expense of the Secretary of Health, Education, and Welfare. The results of such examinations or tests shall be furnished only to the Secretary or the Secretary of Health, Education, and Welfare, and, at the request of the employee, to his physician. The Secretary, in consultation with the Secretary of Health, Education, and Welfare may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning, monitoring or measuring, and medical examinations, as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard.

(7) Whenever a rule promulgated by the Secretary differs substantially from an existing national consensus standard, the Secretary shall publish in the Federal Register a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

(c) (1) The Secretary shall provide without regard to the requirements of chapter 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if he determines (A) that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and (B) that such emergency standard is necessary to protect employees from such danger.

(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

(3) Upon publication of such standard in the Federal Register the Secretary shall commence a proceding in accordance with section 6(b) of this Act, and the standard as published shall also serve as a proposed rule for the proceeding. The Secretary shall promulgate a standard under this paragraph no later than six months after publication of the emergency standard as provided in paragraph (2) of this subsection.

(d) Any affected employer may apply to the Secretary for a rule or order for a variance from a standard promulgated under this section. Affected employees shall be given notice of each such application and an opportunity to participate in a hearing. The Secretary shall issue such rule or order if he determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Secretary on his own motion, in the manner prescribed for its issuance under this subsection at any time after six months from its issuance.

(e) Whenever the Secretary promulgates any standard, makes any rulo, order or decision, grants any exemption or extension of time, or compromises, mitigates, or settles any penalty assessed under this Act, he shall include a statement of the reasons for such action which shall be published in the Federal Register.

(f) Any person who may be adversely affected by a standard issued under this section may at any time prior to the sixtieth day after such standard is promulgated file a petition challenging the validity of such standard with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The filing of such petition shall not, unless otherwise ordered by the court, operate as a stay of the standard.

(g) In determining the priority for establishing standards under this section, the Secretary shall give due regard to the urgency of the need for mandatory safety and health standards for particular industries, trades, crafts, occupations, businesses, workplaces or work environments. The Secretary shall also give due regard to the recommendations of the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

ADMINISTRATION; ADVISORY COMMITTEES

SEC. 7. (a) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and personnel of such agency, with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and personnel of any agency of such State or subdivision with reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually.

(b) The Secretary may appoint advisory committees to recommend occupational safety and health standards under section 6(b) of this Act. Each such advisory committee shall consist of not more than fifteen members and shall include as a member one or more designees of the Secretary of Health, Education, and Welfare and may include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employers involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more representatives of health and safety agencies of the States, and such other persons who are qualified by knowledge and experience to make a useful contribution to the work of the committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health, and one or more representatives of nationally recognized standards producing organizations, but the number of persons so appointed to any advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated at a rate prescribed by the Secretary not in excess of the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code. All members of advisory committees shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties. The Secretary shall pay to any State which is the employer of a member of the committee who is a representative of the health or safety agency of that State, a reimbursement sufficient to cover the actual cost to the State resulting from the service of such representative on the committee. No member of the committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

(c)(1) The Secretary and the Secretary of Health, Education, and Welfare shall appoint a National Advisory Committee on Occupational Safety and Health (hereafter in this subsection referred to as the "Committee"). The Committee shall consist of twenty members appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and composed equally of representatives of management, labor, occupational safety and occupational health professions, and of the public. The Secretary shall appoint all members of the Committee except for occupational health representatives who shall be appointed by the Secretary of Health, Education, and Welfare. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

(2) The Committee shall advise, consult with, and make recommendations to, the Secretaries of Labor and Health, Education, and Welfare on matters relating to the implementation of this Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

(3) The members of the Committee appointed from private life shall be compensated at a rate prescribed by the Secretary not in excess of the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code. All members of the Committee shall be reimbursed for travel, subsistence, and necessary expenses in the performance of their duties.

(4) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

INSPECTIONS, INVESTIGATIONS, AND RECORDKEEPING

SEC. 8. (a) In order to carry out the purposes of this Act, the Secretary, or any authorized representative, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter upon at reasonable times any place of employment where work is performed to which this Act applies; and

(2) to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee.

(b) For the purposes of any investigation or proceeding provided for in this Act, the provisions of section 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914 (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.

(c)(1) Each employer shall make, keep and preserve, and make available to the Secretary or the Secretary of Health, Education, and Welfare, such records regarding his activities relating to this Act as the Secretary, in cooperation with the Secretary of Health, Education, and Welfare, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of occupational accidents and illnesses. Such regulations may include provisions requiring employers to conduct periodic inspections to determine their own state of compliance with this Act or with applicable standards, regulations, and orders, and to certify the results of such inspections to the Secretary. The Secretary shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this Act, including the provisions of applicable standards.

(2) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall prescribe regulations requiring employers to maintain accurate records of, and to make periodic reports on, all work-related deaths, injuries and illnesses. The Secretary shall compile accurate statistics on work injuries and illnesses which shall include all disabling, serious, or significant injuries and illnesses, whether or not involving loss of time from work.

(3) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare shall issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under section 6 or 19. Such regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof. Such regulations shall also make appropriate provision for each employee or former employee to have access to such records as will indicate his own exposure to potentially toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable occupational safety and health standard promulgated under section 6, and shall inform any employee who is being thus exposed of the corrective action being taken.

(d) Any information required by the Secretary or the Secretary of Health, Education, and Welfare, under this Act shall be obtained with a minimum burden upon employers, especially those operating small businesses. To the maximum extent possible, unnecessary duplication of efforts by employers in recording or reporting information shall be reduced.

(e) Subject to regulations issued by the Secretary, a representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any workplace under subsection (a) for the purpose of aiding such inspection. Where there is no authorized employee representative the Secretary or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

(f)(1) Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines that there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violations or danger exist. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify in writing the employees or representative of the employees of such determination.

(2) Prior to or during any inspection of a workplace, any employees or representative of employees employed in such workplace may notify the Secretary or any representative of the Secretary responsible for conducting the inspection, in writing, of any violation of this Act which they have reason to believe exists in such workplace. The Secretary shall, after the completion of the inspection, furnish any such employees or representative with a written explanation of any failure to issue a citation with respect to any such alleged violation. The Secretary shall also, by regulation, establish procedures for informal review of any refusal by a representative of the Secretary to issue a citation with respect to any such violation and shall furnish the employees or representative of employees requesting such review a written statement of the reasons for the Secretary's final disposition of the case.

(g) The Secretary or Secretary of Health, Education, and Welfare is authorized to compile, analyze, and publish, either in summary or detailed form, all reports or information obtained under this section.

CITATIONS FOR VIOLATIONS

Sec. 9. (a) If, upon inspection or investigation, the Secretary or his authorized representative determines that an employer has violated a requirement of sections 5, 6(d), 8(c), 19, or a rule, regulation, or order prescribed pursuant to one of those sections, he shall issue forthwith citation to the employer. Each citation shall be in writing, and shall describe with particularity the nature of the violation, including a reference to the provision of the Act, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. The Secretary may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimus violations which have no direct or immediate relationship to safety or health.

(b) Each citation issued under this section, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the Secretary, at or near each place a violation referred to in the citation occurred.

PROCEDURES FOR ENFORCEMENT

Sec. 10. (a) If, after an inspection or investigation, the Secretary issues a citation under section 9(a), he shall, within a reasonable time after the termination of such inspection or investigation, notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 14 and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the citation or proposed assessment of penalty. If, within fifteen working days from the receipt of the notice issued by the Secretary the employer fails to notify the Secretary that he intends to contest the citation or proposed assessment of penalty, and no notice is filed by any employee or representative of employees under subsection (c) within such time the citation and the assessment, as proposed, shall be deemed as final order of the Commission and not subject to review by any court or agency, except upon request of an employee or representative of employees pursuant to subsection (c).

(b) If the Secretary has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted for its correction (which period shall not begin to run until the entry of a final order by the Commission in the case of any review proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties), or has failed to comply with an order issued under section 12(b), the Secretary shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under section 15 by reason of such failure, and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the Secretary's notification or the proposed assessment of penalty. If, within fifteen working days from the receipt of notification issued by the Secretary, the employer fails to notify the Secretary that he intends to contest the notification or proposed assessment of penalty, the notification and assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

(c) If an employer notifies the Secretary that he intends to contest a citation issued under section 9(a) or notification issued under section 10 (a) or (b), or of, within fifteen working days of the issuance of a citation under section 9(a), any employee or representative of employees files a notice with the Secretary alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the Secretary shall immediately advise the Commission of such notification or determination, and the Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a) (3) of such section). The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation or proposed penalty, or directing other appropriate relief, and such order shall become final fifteen days after its issuance. The rules of procedure prescribed by the Commission shall provide affected employees or representatives of affected employees an opportunity to participate as parties to hearings under this subsection.

(d) Any person adversely affected or aggrieved by an order of the Commission issued under subsection (c) or (f) may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or where the employer has its principal office, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days following the issuance of such order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission and to the other parties, and thereupon the Commission shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Commission. No objection that has not been urged before the Commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

(e) The Secretary may also obtain review or enforcement of any final order of the Commission by filing a petition for such relief in the court of appeals for the circuit in which the violation occurred or in which the employer has its principal office, and the provisions of subsection (d) shall govern such proceedings to the extent applicable. If no petition for review, as provided in subsection (d), is filed within sixty days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement, which is filed by the Secretary after the expiration of such sixty-day period. In any such case, as well as in the case of a non-contested citation or notification by the Secretary which has become a final order of the Commission under subsection (a) or (b), the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the employer named in the petition. In any contempt proceeding brought to enforce a decree of a court of appeals entered pursuant to this subsection or subsection (d), the court of appeals may assess the penalties provided in section 15, in addition to invoking any other available remedies.

(f) No person shall discharge or in any other way discriminate against an employee because of the exercise by such employee on behalf of himself or others of any right afforded by this Act, including action to determine the extent of employee exposure to hazardous substances, or for leaving a workplace upon the order of the Secretary or a district court issued pursuant to section 12. Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of this subsection may, within thirty days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as he deems appropriate. If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, he shall so notify the Commission and the Commission shall afford an opportunity for a hearing as provided in subsection (c). If the Commission finds that such violation did occur, it shall order such affirmative action as may be appropriate, including, but not limited to, the rehiring or reinstatement of the employee to his former position with back pay.

THE OCCUPATIONAL SAFETY AND HEALTH REVIEW PANEL

Sec. 11. (a) The Occupational Safety and Health Review Commission is hereby established. The Commission shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission under this Act. The President shall designate one of the members of the Commission to serve as Chairman.

(b) The terms of members of the Commission shall be five years except that (1) the members of the Commission first taking office shall serve, as designated by the President at the time of appointment, one for a term of three years, one for a term of four years, and one for a term of five years, and (2) a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(94) Members, Occupational Safety and Health Review Commission."

(d) The principal office of the Commission shall be in the District of Columbia. Whenever the Commission deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place.

(e) The Chairman shall be responsible on behalf of the Commission for the Commission for the administrative operations of the Commission and shall appoint such hearing examiners and other employees as he deems necessary to assist in the performance of the Commission's functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: *Provided*, That assignment, removal and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code.

(f) For the purpose of carrying out its functions under this Act, two members of the Commission shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members.

(g) Every official act of the Commission shall be entered of record, and its hearings and records shall be open to the public. The Commission is authorized to make such rules as are necessary for the orderly transaction of its proceedings, which shall provide for adequate notice of hearings to all parties.

(h) The Commission may order testimony to be taken by deposition in any proceedings pending before it at any state of such proceeding. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Commission. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(i) For the purpose of any proceeding before the Commission, the provisions of section 11 of the National Labor Relations Act (29 U.S.C. 161) are hereby made applicable to the jurisdiction and powers of the Commission.

(j) A hearing examiner appointed by the Commission shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Chairman of the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceedings. The report of the hearing examiner shall become the final order of the Commission within thirty days after such report by the hearing examiner, unless within such period any Commission member has directed that such report shall be reviewed by the Commission.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

SEC. 12. (a) If, upon inspection or investigation of a place of employment, the Secretary determines that an imminent danger exists in such place of employment, the Secretary may bring a civil action in the United States district court for the district where the imminent danger exists or where the employer has its principal office for a temporary restraining order or injunction requiring such steps to be taken as may be necessary to avoid, correct or remove such imminent danger and prohibiting the employment or presence of any individual in locations or under conditions where such imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to restart without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner. An action may be brought under this subsection while an order of the Secretary under subsection (b) is in effect. As used in this section the term "imminent danger" means a condition or practice which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated.

(b) If the Secretary determines that the imminence of a danger referred to in subsection (a) is such that immediate action is necessary, and the Secretary determines that there is not sufficient time, in light of the nature and imminence of the danger, to seek and obtain a temporary restraining order or injunction under subsection (a) of this section, the Secretary shall issue an order requiring such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger and prohibiting the employment or presence of any individual in locations or under conditions where such imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove such imminent danger, or to maintain the capacity of a continuous process operation to restart without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner. Such order may remain in effect for not more than seventy-two hours from the time of its issuance. If the Secretary delegates his authority to issue such an order to close a business or plant, in whole or in substantial part, he shall provide that such an order may not be issued until the employer has been notified in writing, signed by the delegate of the Secretary, setting forth specifically the nature and imminence of the danger compelling immediate action and the concurrence of an official of the Labor Department appointed by the President with the advice and consent of the Senate is first obtained. The Secretary shall by regulation provide appropriate procedures whereby an employer may obtain expeditious informal reconsideration by officials of the Department of Labor of any order issued under this subsection.

(c) If the Secretary arbitrarily or capriciously fails to issue an order or seek relief under this section, any employee who may be injured by reason of such failure, or the representative of such employee, may bring an action against the Secretary in the United States district court for the district in which the imminent danger is alleged to exist or the employer has its principal office, or for the District of Columbia, for a writ of mandamus to compel the Secretary to issue such an order and for such further relief as may be appropriate.

REPRESENTATION IN CIVIL LITIGATION

SEC. 13. Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

CONFIDENTIALITY OF TRADE SECRETS

SEC. 14. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. In any such proceeding the Secretary or the court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

PENALTIES

SEC. 15. (a) Any employer who violates any standard promulgated under section 6, or the requirements of sections 6(d), 8(c), 19, or any rule, regulation, or order issued pursuant to one of those sections, and who has received a citation therefor, shall be assessed a civil penalty of not more than $1,000 for each such violation. Any employer who fails to correct a violation for which a citation has been issued under section 9(a) within the period permitted for its correction (which period shall not begin to run until the date of the final order of the commission in the case of any review proceeding under section 10 initiated by the employer in good faith and not solely for delay or avoidance of penalties), or who fails to comply with an order issued under section 12(b), shall be assessed a civil penalty of not more than $1,000 for each day during which such failure or violation continues.

(b) The Secretary may compromise, mitigate, or settle any claim for civil penalties. In assessing the penalty consideration shall be given to the appropriateness of such penalty to the size of the business of the person charged, to the gravity of the violation, to the history of previous violations, and to the good faith of the employer.

(c) Any employer who willfully violates any standard promulgated under section 6, or the requirements of sections 6(d), 8(c), 19, or of any rule, regulation or order issued pursuant to one of those sections, shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than six months, or by both; except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine or not more than $20,000 or by imprisonment for not more than one year, or by both.

(d) Any person who gives advance notice of any inspection to be conducted under this Act, without authority from the Secretary or his designees, shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both.

(e) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

(f) Section 114 of title 18, United States Code, is hereby amended by striking out "designated by the Secretary of Health, Education, and Welfare to conduct investigations, or inspections under the Federal Food, Drug, and Cosmetic Act" and inserting in lieu thereof "or of the Department of Labor assigned to perform investigative, inspection, or law enforcement functions".

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 16. The Secretary may establish such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as he may find necessary and proper to avoid serious impairment of the national defense. Action under this section shall not be in effect for more than six months without notification to affected employees and an opportunity being afforded for a hearing.

STATE JURISDICTION AND STATE PLANS

SEC. 17. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any occupational safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assume responsibility for the development and enforcement in such State of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies to be responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards) are at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues, and which standards, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce,

(3) provides for a right of entry and inspection of all places of employment subject to the plan which is at least as effective as that provided in section 8 (a), (c), (d) and (e), and includes a prohibition on advance notice of inspections,

(4) contains satisfactory assurances that such agency or agencies will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions over which it has jurisdiction, which program shall be as effective as the standards contained in the approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary disapproves a plan submitted under this section, he shall afford the State submitting the plan, due notice and opportunity for a hearing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 8, 9, 10, and 15 with respect to comparable standards promulgated under section 6, for the period specified in this subsection. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such a determination for at least three years after approval of the plan under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of section 5 (a)(2) and (b), 8 (except for purpose of carrying out subsection (f) of this section), 9, 10, and 15, and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 9 or 10 before the date of a determination under this subsection.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan, he shall notify the State agency of his withdrawal or approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Secretary. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan is not supported by substantial evidence the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) Pending approval of a plan submitted by a State under subsection (b) of this section, the Secretary may enter into an agreement with such State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State which are not in conflict with Federal occupational health and safety standards promulgated under this Act until final action is taken by the Secretary with respect to the plan submitted by the State, or two years from the date of enactment of this Act, whichever is earlier. Except as otherwise provided in this section, any State occupational health and safety standard which provides for more stringent health and safety regulations than do the Federal standards promulgated under this Act shall not thereby be considered to be in conflict with such Federal standards.

(i) For the purpose of this section, the term "State" includes a State of the United State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 18. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall, after consultation with representatives of the employees thereof—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;

(4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to paragraph (3); and

(5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any reports submitted under section 7902(e)(2) of title 5, United States Code.

(b) The Secretary shall prepare and submit to the President for transmittal to the Congress a summary or digest of reports submitted to him under subsection (a)(4) of this section, together with his evaluation of and recommendations derived from such reports.

(c) Section 7902(c)(1) of title 5, United States Code, is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a) (3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

RESEARCH, TRAINING, AND RELATED ACTIVITIES

SEC. 19. (a)(1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary and with the heads of other appropriate Federal departments or agencies, shall conduct, either directly or by way of grant or contract, research, experiments and demonstrations relating to occupational safety and health, including studies of psychological factors involved and the development of innovative methods, techniques, and approaches for dealing with existing or anticipated occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare shall be responsible for producing criteria upon which the Secretary may formulate occupational safety and health standards under this Act, and shall from time to time consult with the Secretary in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce such criteria. The Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop such criteria dealing with toxic materials and harmful physical agents which will demonstrate the exposure levels at which no employee will suffer impaired health or functional capacities, or diminished life expectancy as a result of his work experience.

(3) The Secretary of Health, Education, and Welfare, in order to comply with his re-

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sponsibilities under paragraph (2), and in order to develop needed information regarding potentially toxic substances or harmful physical agents, may prescribe regulations requiring employers to measure, record, and make reports on the exposure of employees to substances or physical agents which the Secretary of Health, Education, and Welfare reasonably believes may endanger the health or safety of employees. The Secretary of Health, Education, and Welfare also is authorized to establish such programs of medical examinations and tests as may be necessary for determining the incidence of occupational illnesses and the susceptibility of employees to such illnesses. Nothing in this or any other provision of this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others. Upon the request of any employer who is required to measure and record exposure of employees to substances or physical agents as provided under this subsection, the Secretary of Health, Education, and Welfare shall furnish full financial or other assistance to such employer for the purpose of defraying any additional expense incurred by him in carrying out the measuring and recording as provided in this subsection.

(4) The Secretary of Health, Education, and Welfare shall publish within six months of enactment of this Act, and thereafter maintain at least annually, a list of all substances used or found in the workplace and known to be potentially toxic and the concentrations at which such toxicity is known to occur. He shall determine following a written request by any employer or authorized representative of employees, specifying with reasonable particularity the grounds on which the request is made, whether any substance normally found in the place of employment has potentially toxic effects in such concentrations as used or found; and shall submit such determination both to employers and affected employees as soon as possible. If the Secretary of Health, Education, and Welfare determines that any substance is potentially toxic at the concentrations in which it is used or found in a place of employment, and such substances is not covered by an occupational safety or health standard promulgated under section 6, the Secretary of Health, Education, and Welfare shall immediately submit such determination to the Secretary, together with all pertinent criteria.

(5) Within two years of enactment of this Act, and annually thereafter, the Secretary of Health, Education, and Welfare shall conduct and publish industrywide studies of the effect of chronic or low-level exposure to industrial materials, processes, and stresses on the potential for illness, disease, or loss of functional capacity in aging adults.

(6) The Secretary of Health, Education, and Welfare is authorized to make inspections and question employers and employees as provided in section 8 of this Act in order to carry out his functions and responsibilities under this section.

(b) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies related to the establishing and applying of occupational safety and health standards under section 6 of this Act. In carrying out his functions under this subsection, the Secretary and the Secretary of Health, Education, and Welfare shall cooperate in order to avoid any duplication of efforts under this section.

(c) Information obtained by the Secretary and the Secretary of Health, Education, and Welfare under this section shall be disseminated by the Secretary to employers and employees and organizations thereof.

(d) The Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor and with the heads of other appropriate Federal agencies, shall conduct, either directly or by way of grant or contract (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(e) The Secretary is also authorized to conduct, either directly or by way of grant or contract, short-term training of personnel engaged in work related to his functions under this Act.

(f) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in places of employment covered by this Act, and to consult with and advise employers and employees, and organizations representing employers and employees, with respect to effective means of preventing occupational injuries and illnesses.

(g) The functions of the Secretary of Health, Education, and Welfare under this Act shall, to the extent feasible, be delegated to the Director of the National Institute for Occupational Safety and Health established by section 20 of this Act.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

Sec. 20. (a) It is the purpose of this section to establish a National Institute for Occupational Safety and Health in the Department of Health, Education, and Welfare in order to carry out the policy set forth in section 2 of this Act and to perform the functions of the Secretary of Health, Education, and Welfare under section 19 of this Act.

(b) As used in this section—

(1) the term "Director" means the Director of the National Institute for Occupational Safety and Health; and

(2) the term "Institute" means the National Institute for Occupational Safety and Health.

(c) There is hereby established in the Department of Health, Education, and Welfare a National Institute for Occupational Safety and Health. The Institute shall be headed by a Director who shall be appointed by the Secretary of Health, Education, and Welfare, and who shall serve for a term of six years unless previously removed by the Secretary.

(d) The Institute is authorized to—

(1) develop and establish recommended occupational safety and health standards; and

(2) perform all functions of the Secretary of Health, Education, and Welfare under section 19 of this Act.

(e) Upon his own initiative, or upon the request of the Secretary of Labor or the Secretary of Health, Education, and Welfare, the Director is authorized (1) to conduct such research and experimental programs as he determines is necessary for the development of criteria for new and improved occupational safety and health standards, and (2) after consideration of the results of such research and experimental programs make recommendations concerning new or improved occupational safety and health standards. Any occupational safety and health standard recommended pursuant to his section shall immediately be forwarded to the Secretary of Labor, and to the Secretary of Health, Education, and Welfare.

(f) In addition to any authority vested in it by other provisions of this section, the Director, in carrying out its functions, is authorized to—

(1) prescribe such regulations as he deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Institute and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) in the discretion of the Director, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)), money and other property donated, bequeathed, or devised to the Institute with a condition or restriction, including a condition that the Institute use other funds of the Institute for the purposes of the gift;

(4) in accordance with the civil service laws, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this section;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this section, and such contracts or modifications thereof may be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or any other provision of law relating to competitive bidding;

(8) make advance, progress, and other payments which the Director deems necessary under this title without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(9) make other necessary expenditures.

(g) The Institute shall submit to the Secretary of Health, Education, and Welfare, to the President, and to the Congress an annual report of its operations under this Act, which shall include a detailed statement of all private and public funds received and expended by it, and such recommendations as the Institute deems appropriate.

GRANTS TO THE STATES; STATISTICS

Sec. 21. (a)(1) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 17(c) to assist them—

(A) in identifying their needs and responsibilities in the area of occupational safety and health,

(B) in developing State plans under section 17, or

(C) in developing plans for—

(i) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(ii) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(iii) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(2) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in paragraph (1) of this subsection.

(3) The Governor of the State shall designate the appropriate State agency for receipt

of any grant made by the Secretary under this section.

(4) Any State agency designated by the Governor of the State desiring a grant under this section shall submit an application therefor to the Secretary.

(5) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(6) The Federal share for each State grant under paragraphs (1) or (2) of this subsection may not exceed 90 per centum of the total cost of the application. In the event the Federal share for all States under either such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(7) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary pursuant to section 17 of this Act. The Federal share for each State grant under this subsection may not exceed 50 per centum of the total cost to the State of such a program. The last sentence of paragraph (6) shall be applicable in determining the Federal share under this subsection.

(8) Prior to June 30, 1973, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to the Congress, describing the experience under the grant programs authorized by this section and making any recommendations he may deem appropriate.

(b) (1) In order to further the purposes of this Act, the Secretary shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics.

(2) To carry out his duties under paragraph (1) of this subsection, the Secretary is authorized to—

(A) promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics;

(B) make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics; and

(C) arrange, through grants or contracts, for the conduct of such research and investigations as give promise of furthering the objectives of this section.

(3) The Federal share of each State grant under paragraph (2) of this section may be up to 50 per centum of the State's total cost.

(4) The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivisions, with or without reimbursement, in order to assist him in carrying out his functions under this section.

(5) On the basis of the records made and kept pursuant to section 8(c) of this Act, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act.

AUDITS

SEC. 22. (a) Each recipient of a grant under this Act shall keep such records as the Secretary or the Secretary of Health, Education, and Welfare shall prescribe, including records which fully disclose the amount and disposition of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary or the Secretary of Health, Education, and Welfare, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

ANNUAL REPORT

SEC. 23. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress toward achievement of the purpose of this Act, the needs and requirements in the field of occupational safety and health, and any other relevant information. Such reports shall include information regarding occupational safety and health standards, and criteria for such standards, developed during the preceding year; evaluation of standards and criteria previously developed under this Act, defining areas of emphasis for new criteria and standards; an evaluation of the degree of observance of applicable occupational safety and health standards and summary of inspection and enforcement activity undertaken; analysis and evaluation of research activities for which results have been obtained under governmental and nongovernmental sponsorship; an analysis of major occupational diseases; evaluation of available control and measurement technology for hazards for which standards or criteria have been developed during the preceding year; description of cooperative efforts undertaken between Government agencies and other interested parties in the implementation of this Act during the preceding year; a progress report on the development of an adequate supply of trained manpower in the field of occupational safety and health, including estimates of future needs and the efforts being made by Government and others to meet those needs; listing of all toxic substances in industrial usage for which labeling requirements, criteria or standards have not yet been established; and such recommendations for additional legislation as are deemed necessary to protect the safety and health of the worker and improve the administration of this Act.

NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS

SEC. 24 (a) (1) The Congress hereby finds and declares that—

(A) the vast majority of American workers, and their families, are dependent on workmen's compensation for their basic economic security in the event such workers suffer disabling injury or death in the course of their employment; and that the full protection of American workers from job-related injury or death requires an adequate, prompt, and equitable system of workmen's compensation as well as an effective program of occupational health and safety regulation; and

(B) in recent years serious questions have been raised concerning the fairness and adequacy of present workmen's compensation laws in the light of the growth of the economy, the changing nature of the labor force, increases in medical knowledge, changes in the hazards associated with various types of employment, new technology creating new risks to health and safety, and increases in the general level of wages and the cost of living.

(2) The purpose of this section is to authorize an effective study and objective evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation for injury or death arising out of or in the course of employment.

(b) There is hereby established a National Commission on State Workmen's Compensation Laws (hereinafter referred to as the "Commission").

(c) (1) The Commission shall be composed of fifteen members to be appointed by the President from among members of State workmen's compensation boards, representatives of insurance carriers, business, labor, members of the medical profession having experience in industrial medicine or in workmen's compensation cases, educators having special expertise in the field of workmen's compensation, and representatives of the general public. The Secretary of Labor, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare shall be ex officio members of the Commission.

(2) Any vacancy in the Commission shall not affect its powers.

(3) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(4) Eight members of the Commission shall constitute a quorum.

(d) (1) The Commission shall undertake a comprehensive study and evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation. Such study and evaluation shall include, without being limited to, the following subjects: (A) the amount and duration of permanent and temporary disability benefits and the criteria for determining the maximum limitations thereon, (B) the amount and duration of medical benefits and provisions insuring adequate medical care and free choice of physician, (C) the extent of coverage of workers, including exemptions based on numbers or type of employment, (D) standards for determining which injuries or diseases should be deemed compensable, (E) rehabilitation, (F) coverage under second or subsequent injury funds, (G) time limits on filing claims, (H) waiting periods, (I) compulsory or elective coverage, (J) administration, (K) legal expenses, (L) the feasibility and desirability of a uniform system of reporting information concerning job-related injuries and diseases and the operation of workmen's compensation laws, (M) the resolution of conflict of laws, extraterritoriality and similar problems arising from claims with multistate aspects, (N) the extent to which private insurance carriers are excluded from supplying workmen's compensation coverage and the desirability of such exclusionary practices, to the extent they are found to exist, (O) the relationship between workmen's compensation on the one hand, and old-age, disability, and survivors insurance and other types of insurance, public or private, on the other hand, (P) methods of implementing the recommendations of the Commission.

(2) The Commission shall transmit to the President and to the Congress not later than February 1, 1972, a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable.

(e) (1) The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or members thereof.

(2) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this section.

(f) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional

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staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(g) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(h) Members of the Commission shall receive compensation for each day they are engaged in the performance of their duties as members of the Commission at the daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(i) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(j) On the ninetieth day after the date of submission of its final report to the President, the Commission shall cease to exist.

ECONOMIC ASSISTANCE TO SMALL BUSINESS

Sec. 25 (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of "paragraph (5)" and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in affecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act or standards adopted by a State pursuant to a plan approved under section 17 of the Occupational Safety and Health Act of 1970, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of the Small Business Act, as amended, is amended by striking out "or (5)" after "paragraph (3)" and inserting a comma followed by "(5) or (6)".

(c) Section 4(c)(1) of the Small Business Act, as amended, is amended by inserting "7(b)(6)," after "7(b)(5),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(6) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

ADDITIONAL ASSISTANT SECRETARY OF LABOR

Sec. 26. (a) Section 2 of the Act of April 17, 1946 (60 Stat. 91) as amended (29 U.S.C. 553) is amended by—

(1) striking out "four" in the first sentence of such section and inserting in lieu thereof "five"; and

(2) adding at the end thereof the following new sentence: "One of such Assistant Secretaries shall be an Assistant Secretary of Labor for Occupational Safety and Health.".

(b) Paragraph (20) of section 5315 of title 5, United States Code, is amended by striking out "(4)" and inserting in lieu thereof "(5)".

ADDITIONAL POSITIONS

Sec. 27. Section 5108(c) of title 5, United States Code is amended by adding a new paragraph (10) at the end of the subsection to read as follows:

"(10)(A) the Secretary of Labor, subject to the standards and procedures prescribed by this chapter, may place an additional twenty-five positions in the Department of Labor in GS–16, 17, and 18 for the purposes of carrying out his responsibilities under the Occupational Safety and Health Act of 1970;

"(B) the Occupational Safety and Health Review Commission, subject to the standards and procedures prescribed by this chapter, may place ten positions in GS–16, 17, and 18 in carrying out its functions under the Occupational Safety and Health Act of 1970."

EMERGENCY LOCATOR BEACON

Sec. 28. Section 601 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection as follows:

"EMERGENCY LOCATOR BEACONS

"(d)(1) Except with respect to aircraft described in paragraph (2) of this subsection, minimum standards pursuant to this section shall include a requirement that emergency locator beacons shall be installed—

"(A) on any fixed-wing, powered aircraft for use in air commerce the manufacture of which is completed, or which is imported into the United States, after one year following the date of enactment of this subsection; and

"(B) on any fixed-wing, powered aircraft used in air commerce after three years following such date.

"(2) The provisions of this subsection shall not apply to jet-powered aircraft; aircraft used in air transportation (other than air taxis and charter aircraft); military aircraft; aircraft used solely for training purposes not involving flights more than twenty miles from its base; and aircraft used for the aerial application of chemicals."

SEPARABILITY

Sec. 29. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

APPROPRIATIONS

Sec. 30. There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

EFFECTIVE DATE

Sec. 31. This Act shall take effect on the first day of the first month which begins more than thirty days after the date of its enactment.

Mr. WILLIAMS of New Jersey. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SCOTT and Mr. JAVITS moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 2193 and that the bill be printed as it passed the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the Senate's overwhelming passage of this measure marks another major triumph for the distinguished Senator from New Jersey (Mr. Williams). His strong advocacy and his deep and abiding interest in worker safety joined to produce a measure that will gratify all involved in this vital area. Senator Williams deserves our deepest thanks for successfully steering this proposal both through the Committee on Labor and Public Welfare and through the Senate Chamber. We are most grateful.

We are grateful as well to the distinguished Senator from Colorado (Mr. Dominick) for his participation. He cooperated greatly to assure final passage today. The same may be said of the efforts of the distinguished Senator from New York (Mr. Javits). To other Senators also goes the gratitude of the Senate for their cooperation and support. Noteworthy was the strong backing of the able chairman of the Committee on Labor and Public Welfare, the distinguished Senator from Texas (Mr. Yarborough). There are many others as well—to numerous to cite—who deserve praise.

Finally, I wish to thank the Senate as a whole for cooperating to dispose of this measure this afternoon and to do so with full regard for the views of all Members.

COMMITTEE ASSIGNMENT

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

S. Res. 482

Resolved, That Mr. Stevenson of Illinois be, and he is hereby, assigned to service on the Committee on Aeronautical and Space Sciences and the Committee on Labor and Public Welfare in lieu of Mr. Smith of Illinois, retired.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 482) was considered and agreed to.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader what the next order of business is and whether he knows if we are likely to have any votes on it this afternoon.

Mr. MANSFIELD. Mr. President, the distinguished minority leader knows that I am not a mindreader, but I will answer to the best of my ability.

DRUG ABUSE EDUCATION ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1263, H.R. 14252. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 14252) to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational. programs and activities concerning the use of drugs and for other related educational purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Drug Abuse Education Act of 1970".

STATEMENT OF PURPOSES

SEC. 2. (a) The Congress hereby finds and declares that drug abuse diminishes the strength and vitality of the people of our Nation; that such abuse of dangerous drugs is increasing in urban and suburban areas; that there is a lack of authoritative information and creative projects designed to educate students and others about drugs and their abuse; and that prevention and control of such drug abuse require intensive and coordinated efforts on the part of both governmental and private groups.

(b) It is the purpose of this Act to encourage the development of new and improved curricula on the problems of drug abuse; to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs for parents and others, on drug abuse problems.

DRUG ABUSE EDUCATION PROJECTS

SEC. 3. (a) The Secretary shall carry out a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private education or research agencies, institutions, and organizations to support research, demonstration, and pilot projects designed to educate the public on problems related to drug abuse.

(b) Funds appropriated for grants and contracts under this section shall be available for such activities as—

(1) projects for the development of curricula on the use and abuse of drugs, including the evaluation and selection of exemplary existing materials and the preparation of new and improved curricular materials for use in elementary, secondary, adult, and community education programs;

(2) projects designed to demonstrate, and test the effectiveness of curricula described in clause (1) (whether developed with assistance under this Act or otherwise);

(3) in the case of applicants who have conducted projects under clause (2), projects for the dissemination of curricular materials and other significant information regarding the use and abuse of drugs to public and private elementary, secondary, adult and community education programs;

(4) evaluations of the effectiveness of curricula tested in use in elementary, secondary, and adult and community education programs involved in projects described in clause (2);

(5) preservice and inservice training programs on drug abuse (including courses of study, institutes, seminars, workshops, and conferences) for teachers, counselors, and other educational personnel, law enforcement officials, and other public service and community leaders and personnel;

(6) community education programs on drug abuse (including seminars, workshops, and conferences) especially for parents and others in the community;

(7) evaluations of the training and community education programs described in clauses (5) and (6), including the examination of the intended and actual impact of such programs, the identification of strengths and weaknesses in such programs, and the evaluation of materials used in such programs;

(8) programs or projects to recruit, train, organize and employ professional and other persons, including former drug abusers or drug dependent persons, to organize and participate in programs of public education in drug abuse.

In the case of activities described in clauses (4) and (7), the Secretary may undertake such activities directly or through grants or contracts.

(c) In addition to the purposes described in subsection (b) of this section, funds in an amount not to exceed 5 per centum of the sums appropriated to carry out this section may be made available for the payment of reasonable and necessary expenses of State educational agencies in assisting local educational agencies in the planning, development, and implementation of drug abuse education programs.

(d) (1) Financial assistance for a project under this section may be made only upon application at such time or times, in such manner, and containing or accompanied by such information as the secretary deems necessary, and only if such application—

(A) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(B) provides for carrying out one or more projects or programs eligible for assistancce under subsection (b) of this section and provides for such methods of administration as are necessary for the proper and efficient operation of such projects or programs;

(C) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in subsection (b) of this section, and in no case supplant such funds; and

(D) provides for making such reports, in such form and containing such information, as the Secretary may reasonably require, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(2) Applications from local educational agencies for financial assistance under this section may be approved by the Secretary only if the State educational agency has been notified of the application and been given the opportunity to offer reccommendations.

(3) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulation, be subject to approval in the same manner.

(e) There are hereby authorized to be appropriated $5,000,000 for the fiscal year beginning July 1, 1970, $10,000,000 for the fiscal year beginning July 1, 1971; and $14,000,000 for the fiscal year beginning July 1, 1972, for the purpose of carrying out this section. Sums appropriated pursuant to this section shall remain available until expended.

COMMUNITY EDUCATION PROJECTS

SEC. 4. There is authorized to be appropriated $5,000,000 for the fiscal year beginning July 1, 1970, $10,000,000 for the fiscal year beginning July 1, 1971, and $14,000,000 for the fiscal year beginning July 1, 1972, for grants or contracts to carry out the provisions of this section. From the sums available therefore for any fiscal year, the Secretary of Health, Education, and Welfare is authorized to make grants to, or enter into contracts with, public or private nonprofit agencies, organizations, and institutions for planning and carrying out community-oriented education programs on drug abuse and drug dependency for the benefit of interested and concerned parents, young persons, community leaders, and other individuals and groups within a community. Such programs may include, among others, seminars, workshops, conferences, telephone counseling and information services to provide advice, information, or assistance to individuals with respect to drug abuse or drug dependency problems, the operation of centers designed to serve as a locale which is available, with or without appointment or prior arrangement, to individuals seeking to discuss or obtain information, advice, or assistance with respect to drug abuse or drug dependency problems, arrangements involving the availability of so-called "peer group" leadership programs, and programs establishing and making available procedures and means of coordinating and exchanging ideas, information, and other data involving drug abuse and drug dependency problems. Such programs shall, to the extent feasible, (A) provide for the use of adequate personnel from similar social, cultural, age, ethnic, and racial backgrounds as those of the individuals served under any such program, (B) include a comprehensive and coordinated range of services, and (C) be integrated with, and involve the active participation of a wide range of public and nongovernmental agencies.

INTERAGENCY COORDINATING COUNCIL ON DRUG ABUSE EDUCATION

SEC. 5. (a) The Secretary shall establish an Interagency Coordinating Council on Drug Abuse Education which shall consist of the Secretary (or his designee) as Chairman, the Attorney General (or his designee), the Commissioner of Education, the Director of the National Institute of Mental Health, the Director of the Office of Economic Opportunity and, with the consent of such other departments or agencies, representatives of those departments and agencies as the Secretary may from time to time designate as having a substantial interest in the field of drug abuse education.

(b) The Council shall advise in the coordination of the respective activities of the Federal departments and agencies concerned in drug abuse education.

(c) The Secretary shall promulgate regulations establishing the procedures for consultation with other agencies and with other appropriate public and private agencies.

(d) The Secretary may not approve an application for assistance under section 3 of this Act unless he has given the Interagency Coordinating Council an opportunity to review the application and make recommendations thereon within a period not to exceed sixty days.

ADVISORY COMMITTEE ON DRUG ABUSE EDUCATION

SEC. 6. (a) The Secretary shall appoint an Advisory Committee on Drug Abuse Education, which shall—

(1) advise the Secretary concerning the administration of, preparation of general regulations for, and operation of, programs supported with assistance under this Act;

(2) make recommendations regarding the allocation of the funds under this Act among the various purposes set forth in sections 3 and 4 and the criteria for establishing priorities in deciding which applications to ap-

prove, including criteria designed to achieve an appropriate geographical distribution of approved projects throughout all regions of the Nation;

(3) review applications under section 3 of this Act and make recommendations thereon;

(4) review the administration and operation of projects and programs under this Act, including the effectiveness of such projects and programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for improvements in that section) to the Secretary for transmittal to Congress; and

(5) evaluate programs and projects carried out under this Act and disseminate the results of such evaluations.

(b) The Advisory Committee on Drug Abuse Education shall be appointed by the Secretary without regard to the civil service laws or classification laws and shall consist of twenty-one members. The Secretary shall appoint one member as Chairman. The Committee shall consist of persons familiar with education, mental health, and legal problems associated with drug abuse, young persons, ex-users, parents and others familiar with drug use and abuse. The Committee shall meet at the call of the Chairman or of the Secretary.

TECHNICAL ASSISTANCE

SEC. 7. The Secretary and the Attorney General shall, when requested, render technical assistance to local educational agencies, public and private nonprofit organizations, and institutions of higher education in the development and implementation of drug abuse education. Such technical assistance may, among other activities, include making available to such agencies or institutions information regarding effective methods of coping with problems of drug abuse, and making available to such agencies or institutions personnel of the Department of Health, Education, and Welfare and the Department of Justice, or other persons qualified to advise and assist in coping with such problems or carrying out a drug abuse education program.

PAYMENTS

SEC. 8. Payments under this act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

SEC. 9. In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

DEFINITIONS

SEC. 10. As used in this Act—

(a) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(b) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

PROGRAM

Mr. SCOTT. Mr. President, I should like to inquire of the distinguished majority leader if this is not one of two bills. I understand that, following the action upon this bill, another bill pertaining to the use of drugs will be laid before the Senate and made the pending business today. To the best of my knowledge, some record votes may occur on one or the other of these bills. I do not know. Perhaps the majority leader can enlighten me.

Mr. MANSFIELD. I wish I knew. We have to see how we progress with these bills. The distinguished minority leader has stated the case perfectly.

Then it is anticipated that other matters which can be taken up, if there is time after the disposal of these two measures, will be debated. It is anticipated that late in the afternoon tomorrow the Departments of Labor and Health, Education, and Welfare and related agencies appropriation bill will be laid before the Senate and that at the very least initial statements will be made.

For the information of the Senate, it is anticipated that the conference report on the farm bill will be considered on Thursday.

For the further information of the Senate, it can be stated that on Monday next, an attempt will be made to override the veto of the President on S. 3637, and the Senate should be on notice to that effect.

Mr. SCOTT. That bill, of course, requires a record vote.

Mr. JAVITS. At what time?

Mr. MANSFIELD. I imagine there will be some discussion on that question.

That is about it, as of now.

Mr. SCOTT. I thank the distinguished Senator.

Mr. MANSFIELD. May I express the hope that the appropriation bills which are now in committee will be reported soon, so that we can consider them as expeditiously as possible.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of morning business on tomorrow, the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY subsequently said: Mr. President, I ask unanimous consent that the order previously entered and agreed to, that the Senator from New York (Mr. JAVITS) be recognized for 30 minutes at the conclusion of morning business tomorrow, be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPLY TO FBI DIRECTOR HOOVER'S STATEMENT ON ATTORNEYS GENERAL CLARK AND KENNEDY

Mr. McGOVERN. Mr. President, as one who believes deeply that respect for good law enforcement is essential to our democracy, I deplore the unfounded attacks made by FBI Director J. Edgar Hoover on the record of Attorneys General Ramsey Clark and the late Robert Kennedy. Mr. Hoover's remarks, as reported in today's press, are disgraceful and beneath the dignity of a man who has served for 45 years as Director of the Federal Bureau of Investigation.

Robert Kennedy and Ramsey Clark are two of the greatest, if not the greatest, Attorneys General in American history. They are responsible for the most far-reaching improvement of the administration of justice in the modern life of our Nation.

Mr. Hoover refers to Mr. Clark as a "softie." The facts are that both Mr. Kennedy and Mr. Clark were tough-minded, compassionate men, totally devoted to the improvement of justice in the Nation. What is soft is Mr. Hoover's analysis of these two distinguished Americans and their remarkable records.

Among many other achievements as Attorney General, the late Robert Kennedy was responsible for the creation of the task force concept as a most effective modern device for attacking interstate crime. Under the organization which he established, all of the Nation's law enforcement agencies were able to pool their resources to achieve prosecution and indictment.

Attorneys General Kennedy and Clark attacked organized crime in America on a skilled and comprehensive basis, which clearly exceeds any record achieved to date by Director Hoover.

As Attorney General, Mr. Clark initiated the strike forces—teams of attorneys and investigators from key Federal agencies who were able to move in a closely coordinated manner with State and local agents to investigate, carry out raids, provide evidence for grand juries, and conduct the prosecution of organized crime operations.

The substance of the Kennedy-Clark leadership was investigation, indictment and prosecution under justice, not cheap press hoopla and personal glorification. Likewise, Mr. Kennedy and Mr. Clark set a new standard in strengthening the legal framework to assure civil rights for all Americans. It was under their administrations that school desegregation was undertaken and the law was enforced when court orders were placed in jeopardy. It was Ramsey Clark who refused to stand silent before demagogic attacks on the Supreme Court which threatened the heart of justice in America.

Mr. Hoover says these were the first Attorneys General with whom he had trouble. One reason he may have had trouble is that Mr. Clark turned down Mr. Hoover when he initiated bugging and wiretapping with explanations that were too flimsy or when the safeguards against involving innocent people were too loose. Mr. Hoover parades himself as the tough guy and refers to Ramsey Clark as a "softie." Yet, as Mr. Clark has said: "The question is not whether to be tough or tolerant. The question is what is effective."

And in terms of effectiveness, the American people should know that our best law enforcement officials have shown a deep respect for the leadership provided by Robert Kennedy and Ramsey Clark. Mr. Quinn Tamm, the highly respected head of the International Association of Chiefs of Police, has said that Clark has "done more to help local law enforcement than any other Attorney General." Bernard L. Garmire, the chief of police of Tucson, has said that Clark has contributed more to "improving the caliber of police officers than any other Attorney General in history."

The record is clear. Under legislation passed through the work of Clark's administration, the Law Enforcement Assistance Administration was created and funded. This is now the key means by which the Federal Government is able to aid local law enforcement.

I want to make it clear, Mr. President, that I do not want to detract from Mr. Hoover's accomplishments over the past 45 years, but neither should he be permitted, in spite of his advanced years, to detract from the reputation of two brilliant, totally committed Americans who have served this Nation with remarkable distinction and unquestioned patriotism. At a time when we desperately need to elevate both the professional standards of our law enforcement officials and public confidence in those officials, it is deplorable that a major law enforcement chief has demeaned his office by self-serving attacks on two of his former superiors.

THE TRENDS TOWARD SOCIALISM IN THE UNITED STATES

Mr. ALLEN. Mr. President, Dr. Ralph W. Adams, president of Troy State University, has made an invaluable contribution to the students and faculty of Troy State University; to the people of Alabama; and to the people of our Nation by the inauguration at Troy State University of a series of speeches and lectures by eminent national and international authorities addressed to some aspect of one of the great issues confronting our Nation.

As one example, on October 14, 1970, Dr. C. Northcote Parkinson, the distinguished British scholar, historian, lecturer, and author of many books including "Parkinson's Law" delivered a lecture at Troy State University, Troy, Ala. Dr. Parkinson prefaced his remarks with this observation:

> The United States is perhaps more socialist than is generally believed, more socialist than its citizens realize. Americans move backwards towards socialism, talking the while about free enterprise and competition.

His lecture ended with this conclusion:

> All I can add is that the socialist experiment in Britain has been accompanied by the most catastrophic collapse of a major power that has taken place in this century. There may be a lesson to be learned from this, there may be a lesson that Americans may absorb. It's my hope that the lesson may be learned in time.

Dr. Parkinson speaks from observation and experience of the rise of socialism in Great Britain and knows tragic consequences. His lecture is appropriately entitled "The Rise and Fossilization of Socialism." It is my personal opinion that no current issue has more profound consequences for the future of our Nation than the unmistakable trend toward socialism in the United States. I earnestly commend this lecture to the thoughtful consideration of Members of the Senate and to the people of the United States. I ask unanimous consent that the lecture be printed in the RECORD.

There being no objection, the lecture was ordered to be printed in the RECORD, as follows:

THE RISE AND FOSSILIZATION OF SOCIALISM

Well sir, Mr. President, ladies and gentlemen, thank you for your kind reception here today. I'm interested and impressed that those responsible for visiting lecturers should have chosen a speech for me concerned with socialism. As a lecturer, I offer alternatives. Of course it's probably the same lecture in any case. But people can choose the title of my lecture, and in this case the choice was made to do with socialism. I'm interested in that because many would deny that socialism is an issue in the United States at all.

The American political system is one that offers the voter a choice between a Republican and a Democrat as president. It provides a Republican or a Democrat majority in Congress. But it has not, so far, given very much scope for a Socialist candidate, although we have had some Socialist candidates, or for a Socialist party, although such a thing exists. As against that, however, the United States is perhaps more socialist than is generally believed, more socialist than its citizens realize. Americans move backwards towards socialism, talking all the while about free enterprise and competition.

On the other hand, their story, in this respect, is a sharp contrast to the story of Britain in the present century, and it may be interesting, it may even be important to discuss how this came about. The first thing to realize, surely, is that socialism is the usual, I might almost say the inevitable, sequel to democracy. The ancient Greeks had a word for it, *stasis* which means approximately *class war,* internal conflict between the more and the less prosperous. And they were very familiar with the process. When their various monarchies turned into aristocracies, there followed, in most of their cities, a movement towards social and political equality. The result in some of them was a form of democracy, a form of government in which a large number of people, never a majority by the way, a fair number of people had a voice and a vote. As compared with all previous civilizations they were able to offer a striking example of political participation. They excluded in effect what we should call the working class. They ranked as slaves and had no political rights. But of the lower middle class, a high proportion had votes to cast and even public offices to fill on a system of rotation.

It took some little time for these voters to realize that they could, if they wished, outvote those they had previously regarded as their betters, superior to them. But when they did, it took a generation or two for them to realize what they could do. Their reaction was more or less invariable. Given a vote, they voted, in effect, to take the wealth from the wealthy and divide it among themselves. This is the natural reaction in the circumstances. What else would there be to vote for? So we needn't be surprised by that. What else could they do? And on the basis of our historical knowledge, going back to ancient times, we can fairly generalize that any democracy will always tend towards socialism, which means removal of wealth and, therefore, of political influence from the aristocracy as previously established. This has, for example, just happened in India where the allowances of pensions paid to the Indian aristocracy was ended this year in opposition to the agreement, of course, under which India obtained its independence. The same, or similiar doctrines, have prevailed in many other countries but not, so far, in the United States to any great extent.

Now if I talk about British socialism, I hope that you will eventually see that the story is relevant to U.S.A. The future of U.S.A. is also involved. Now to make this clear, I'll start with four general comments, as follows. First of all, the basic socialist idea, which is often described as that of the classless society, is no more than the concept of human equality, a religious assumption, by the way, more often assumed than explained. Second, the original builders and present leaders of socialism, both in Britain and elsewhere, have no political program of any kind. Doctrines of socialism don't extend to the structure, the political structure, of society. They are concerned, basically, with the redistribution of wealth. Third, the doctrines of socialism as believed in in Britain and some other countries, like the Scandinavian countries, are not, like Marxism, a religion. Marxism is a religion, and this one needs to have clearly in mind. Socialism is not. And finally, fourth point, socialists have no aim external to the society they're trying to reform. Their concern is *within* the country that they want to socialize. They don't consider its external relations, except to wish that other countries would become socialist too.

Now to take these points in order, first that of the classless society. I'll begin with a picture commonly reproduced several years back in British newspapers and books, a picture of the infant Harold Wilson, aged eight and one-half, posed outside Number 10 Downing Street, which is the official residence of the Prime Minister. And he, aged eight and one-half, took his stand on the doorstep and this was in the year 1924, and someone kindly photographed him there as expressing, no doubt, his infant ambition to make himself Prime Minister in time. In fact very early in life, and I think on this occasion, when interviewed, he admitted that his idea was to become Prime Minister. This story has been repeated since with the approval of all his admirers. The classless society, and the picture illustrates it, is one in which the boy from an industrial and unfashionable area in the North of England can win the right scholarships, pass the right examinations into the right university. And once he has left college, he can move to the left of the left-wing party and cling to all that is left of his original provincial accent. Now this is the right way of becoming Prime Minister. Totally wrong, by contrast, is the process by which the late Joseph Kennedy decided to make his son, or one of his sons or grandsons, President of the United States. This was a more long-term policy. Still more wrong would be my decision, if I made one now, that one of my sons should be in the British cabinet. That would be entirely wrong. And still more indefensible was the plan hatched by the first

Earl of Hume when he decided, as he must have done, that the fourteenth Earl should occupy No. 10 Downing Street. This is a very long-term plan indeed.

Now essence of the classless society is the rule that the poor boy should reach the top office and furthermore, that the wealthy boy should be excluded on principle. The socialists are not very intent on insuring that the White House can be reached from the log cabin. They want to insure that it can't be reached in any other way. You've got to go back to the log cabin before you start. The serious alert is modified, in fact, in Britain by the hereditary principle, because, of course, the leader of democracy tend to be hereditary too, and you get the second and third generation of labor party organizers. But the exception possible proves the rule. Now I've never myself been convinced that the concept of the classless society has any intellectual basis of any kind. Its background is, of course, religious. It might be said to be rooted in the Catholic church or expounded later in the Methodist chapel. All men, and belatedly, all women as well, but that's an afterthought, are equal in the sight of God. It's questionable, however, whether we would accept the Bible today as our only guide in this matter. What would seem to be theologically certain might be shown to be biological nonsense, and the scientific trend of the age is towards the opposite conclusion that men are so far from being equal that their inequality can now be measured. Technologically, moreover, the exploration of space is possible only by using the three stage rocket, a process comparable to the three generation assault on the corridors of power. Nor was the problem of climbing Everest some years back so very different. A team effort of a large team was made which finally left two men in a position to make the final assault.

If it's true that the problems of today are more complex than those of the last century, there's the more reason for training our leaders from birth, which means choosing them then, or indeed, before. To educate everyone for leadership is plainly impossible and wouldn't even be wise, and if there is one factor that matters more than another, its obviously the factor of heredity. Economists seldom realize this, perhaps because half of them are childless and because nearly all of them live in a suburb and to understand heredity you mustn't live in a suburb. You need to live with horses, dogs, cats, cows or, possibly, camels. You need in fact to know what a pedigree is. To study breeding was the main factor in excellence. It would seem, at first sight, more scientific than to tell each other about human equality, and the choice in this matter is between biology and the Bible. That's a choice over which scientists at least don't hesitate. In a university where much effort of the faculty goes in assessment of students, giving them a class of degree—a first class degree for Harold Wilson, a second class degree, as it happens, for his successor, Mr. Edward Heath, in the same examination—it's surprising to me that a left-wing opinion should tolerate these differences. In a true socialist university, all would get the same degree all the same level or of equal distinction. And by the way, there are some American schools where this is virtually the rule. All arguments I've heard for the classless society, as for the classless degree examination, are, to my mind, plainly drivel. On which subject, by the way, I remember the story of the school boy, who had done no work whatever and was trying to pass an examination from a junior school to a more senior school, found himself faced with questions, no one of which reminded him of anything; so he wrote across his answer book, "God knows, I don't", and as the examination was in December, he finished off "Merry Christmas". His answer book eventually returned from the examiners marked "God passed, you didn't. Happy New Year". That was possibly irrelevant anyway.

I come to my second point. The Labor Party has no political program. Now this lack of political theory was due to Karl Marx via Sidney and Beatrice Webb. Neither Karl Marx nor the Webbs had any interests in politics. Marx muttered vaguely that the state would wither away at some future Utopian time and the Webbs believed that the British parliamentary system was perfect, or at any rate would serve their purpose. But this political conservatism, of course, is inconsistent with the classless society. Why? Because the creation of the classless society means the fighting of a class war. The object in the war must be to destroy the classes of society which are opposed to society being classless. This war was declared in Britain in about 1905 and the Labor Party success has been almost complete. The socialists in Britain have destroyed, successively, the Liberal Party, the first victim, what use to be the Empire, what then became the Commonwealth, and is now sometimes known as the Sterling Area and, of course, the army, the navy, and the air force. They have sought to destroy the House of Lords and with it the monarchy, the inns, of course, where barristers are trained, the City, the two older universities and the public schools, public in the British not in the American sense. And plans for completing this campaign of destruction are well advanced and another twenty years should see the last citadels fall. I think the last citadels will be the Brigade of Guards and finally the demolition of the Calvary Club in London. When that has gone, all has gone.

So taken together, these several reforms add up to one pleasing result, the abolition of the Conservative Party, their opposing party in politics. This means of course the end of Parliament as we know it, because, and this is true of USA as well, our politics in Britain have always been compared with a game of cricket—a game of which you have possibly heard, you may not have actually seen. It is, I may say, a very tedious game indeed. Anyway, they've been compared with the game of cricket in which either side has its turn to bat and field. But what if one side not merely plays to win, but to abolish the opposing team? Cricket could then be played on totalitarian basis with one team only. You could do the same in football—the same principle would apply, having abolished the opposite team, you play with only one team on the field, which by the way is what they've been doing in Sweden for the last thirty years, a democracy with only one political party eternally in office. An interesting game might result, but it wouldn't be cricket, or it wouldn't be football, it might be something else. And of course we might be well justified in asking what the rules are to be, a question that has never been answered. Britain has no written constitution, but the subject of any future constitution is not one in which the British left-winger, the Labor Party, has shown any interest.

Now what I think they don't see, and is worth our remembering from the start, is that if you destroy your opponents, you also destroy yourselves. You cease to exist, in a way, if your opposite team has gone, because in practice in life we can't do without an opponent of some sort. Trade unions can't exist without employers. They'd have nothing to fight and when you've nothing to fight, you cease to exist, in trade union terms. Protestants can't exist without Catholics. Their original idea was to protest. Well if you've nothing to protest against, you've lost the point of having an organization at all. Cambridge can't exist without Oxford. Harvard can't exist without Yale. The detectives can't exist without criminals. Abolish the opposing team and our own side can't even hold together. The rat-catchers—no I mustn't say rat-catchers in the modern world, these are known as rodent-control officers—rodent-control officers can't exist without rats and it is said that after clearing out a warehouse the rat-catcher always releases two rats before he goes away. He doesn't want to do himself out of a job, so he can then come back for another exciting campaign on some other occasion, but what I'm trying to say is that abolish the opposing team and your own side can't even hold together. Its whole character must alter and its identity be lost. So without capitalists, the socialists can't even be themselves. I'm not at the moment objecting to the massacre, I'm merely humbly asking what sort of state is to replace the one we used to know. And in this question, neither Karl Marx nor the Webbs ever showed the slightest interest. It remains, nevertheless, the heart of the matter. Where do we go from there? A possible explanation might be that Karl Marx spent most of his life working in the British Museum in London and feeding himself on the sandwiches he ate in the lunch hour. I've sometimes thought his works would be less constipated if he had had proper meals.

Anyway, assume, if we will, that this question somehow answers itself. A new constitution gets itself written, it allows for one party only and is accepted by everybody as the pass to Utopia. All we know, for certain and in advance, is that our society will be classless. We shall be able to strive for promotion within the organization, the department, the nationalized industry. We shall of course be eligible for election for the one-party legislature. But what if we are promoted or elected? Our material reward will then be a better apartment, a bigger car, and possibily a suit made of better cloth. We shan't, of course, be permitted to acquire land or other property. That is capitalist, that is wicked. We shan't be encouraged to save and invest. That is also wicked. We shan't be able to secure any advantage for our children, for that also is wicked again. What shall we gain if we work harder than any other people? Power. Power to praise or reprove, promote, or dismiss. Power to exact the flattery we used to practice. A power we have intrigued to possess, but which we must not abuse. But what if our talents are of a different order, the sort which might gain us fortune in a capitalist country? Suppose that we are bad at flattering our superiors in the hierarchy and worse at flattering the voters. These are the two ways to promotion in a society of that kind. We shall be left, then, on the factory floor, neither worse nor better than our neighbors. Our duty will then be to adjust our lives to those of the folk next door. All this would demand from us a saint standard of humility, tolerance, restraint, and humor, something we might derive only from a firm, and indeed fervent, religious belief. There are examples in history of men who used power justly, asking no reward in terms of wealth. There are also men of exceptional talent who served humbly among their fellows and obeyed the rules of their organization, but, and this I emphasize, the men in history who did this were monks. They were numbers of a religious order. They were celibate. They were dedicated and aesthetic, devoted to Buddha or, later another group on similar lines, devoted to Christ. They were supported by religion. They were curbed by fear of eternal punishment. For abuse of power, as for indiscipline, the monastaries used to provide the proper remedy. But the Labor Party, the socialists of the world, have never seen that any remedy is needed or that the problem even exists and that is the big difference between socialism and communism. The one is merely bleating about welfare, a plea for security and comfort. The other is far more dangerous because this a religious call to sacrifice and danger. The communist, the recruit to the communist party, is offered nothing except the opportunity for danger and sacrifice. Where

Marxism is a faith for which people will die, socialism is no more than an argument about how they are to live. Between Marxist and Socialist, the contrast is one as between steel and butter.

I come now to the last point of the thought I wish to emphasize. The British socialists and socialists in some similar countries have no aim external to the society they seek to transform. Now in Britain's greater days, which continued until my boyhood, the national purpose was to share in the expansion of Europe. After centuries of conflict, the effort was concentrated upon the development of the British Empire, the great task from which British Conservatives drew their moral strength. There were casualties by the roadside, but the final effect was that of an army on the march. Conquering their own empire at the same time, the Russians drew their own strength from a parallel adventure and when you consider the modern world you should always remember that Russia is a colonial power similar to England, similar to France. Its possessions stretch across central Asia, took place at the same time and ended, in fact, at the same moment, which was approximately in the year 1904, not so very long ago. And then the British collapse began where Marx said that it would—in Ireland.

Now from about 1906 to the present day, Britain has been effectively ruled by Beatrice and Sidney Webb, latterly from the grave. The policy of the Labor Party in Britain was defined in 1894, accepted 1917 and never since replaced or seriously opposed and it, by the way, was based on doctrines defined by Karl Marx in 1847 and already reached by him by, I take it, about 1841. So, one of the most conservative of all doctrines is that of Marxism, because it hasn't altered since the 1840's. The Labor Party is a little later than that, but it certainly hasn't altered since 1917. Now that same period of 60 years has seen the decline of Britain as a world power, perhaps the most rapid collapse in modern history of any people not defeated in war. The two processes are closely connected. Beginning right back in the 1900's there was the first controversy as to whether money should be spent on old age pensions or battleships, and the old-age pensions won as gaining more votes than the battleships could. The point to emphasize, though, is that the situation has completely changed. The socialists' ideas of 1894 are being applied to the fallen, disorganized and bankrupt Britain of 1970. That a remedy for the evils of Victorian Britain should be relevant to the Britain of today is hardly to be expected. In point of fact, the whole socialist creed is wide of the mark. It does nothing above all to replace the lost sense of purpose and this again is the problem today in the United States—the question of a sense of purpose or of mission. All the talk among socialists is about the care for the wounded, for the care for those who dropped out from the march, but none of about the direction in which the army is to go.

What our socialists can't see is that we need some aim beyond that of material comfort. What they equally fail to see is that a completely different situation in 1970 requires, first of all, a reorganization, a regrouping, a major change of plan. They're full of concern over our economic position, but they fail to appreciate that our real problems are political and external. What is Britain's role in the world today is the first question. How are we to achieve it, is the second. What reorganization has become essential is the third, and how are we to pay for it is merely the fourth, arising only long after we have decided what we are trying to do. Ask Mr. Harold Wilson about his basic policy and his answer, in Marx's language will center upon the need for a sound economy without which he can't provide for people known as the underprivileged, that is for the Labor Party voters. But all this underdoggery, if I may use such an expression, leaves us where we were—an army intent only on feeding itself and taking care of its casualties. Of this, however, we can be sure—that the army which is inactive in camp will have a long sick list and plenty of complaints about the food. Given a purpose and a direction, the morale rises and the grievances are forgotten. It's that sense of purpose that we lack. Now you may think that the U.S.A. is happier in this respect. But is it? Has it a sense or purpose anymore?

Now, the British Labor Party was formed from an alliance rather uneasily maintained of the following distinct forces: First, the Puritan and Methodist tradition in Britain, the non-conformist tradition of religion; second, the trade unions; third, the co-operative movement—the trade unions and the co-operative movement are, so to speak, opposite sides of the same thing, the trade unions being an association of producers and the co-operative movement an association of consumers, but the same people looked at in a different way—the academic intellectuals, especially I'm glad to say of Oxford, I haven't been at Cambridge, and last of all the civil service, national and local.

Now that alliance produced socialism in Britain and Britain has been ruled on socialist lines for the last 50 years. And it was created by the efforts of two people, Sidney and Beatrice Webb, who were married to each other. Sidney Webb was a civil servant who was academically brilliant and who made himself the acknowledged expert on trade unionism. He is the only British intellectual to have been elected to Parliament from a mining constituency. He was accepted as an honorary trade union leader, in effect, and this was because he had written a standard book on trade unionism. His wife Beatrice came of Methodist stock in the north of England, was a resolute do-gooder and made herself the acknowledged expert on the co-operative movement. She, again, wrote the standard book on the cooperative societies of Britain. Between them, they created, first, the labor party by this alliance of trade unions, co-operatives, intellectuals, and civil servants. They went on to create the London School of Economics, of which you possibly may have heard and a magazine call the *New Statesman*. I won't say too much about the London School of Economics, but I quote to you from memory from a novel by Eric Linkletter called *The Faithful Ally*. And the faithful ally of the novel is a rajah, or Muslem ruler, of some part of Borneo, rather undefined. And somewhere in the early part of the novel, the rajah says as follows, "I have had many girls in my harem from the best schools in England and I say nothing against them, but never, never, never again will I admit to my harem a graduate of the London School of Economics." He says no more on the subject, but it opens a vista of speculations.

Anyway, the point is that this alliance was created in Britain and the question which you must answer for yourselves is whether a similar alliance might not be created in USA by any persons that were equivalent to Beatrice and Sidney Webb. All I can add is that the socialist experiment in Britain has been accompanied by the most catastrophic collapse of a major power that has taken place in this century. There may be a lesson to be learned from this, there may be a lesson that Americans may absorb. It's my hope that the lesson may be learned in time.

DRUG ABUSE EDUCATION ACT OF 1970

The Senate resumed the consideration of the bill (H.R. 14252) to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

Mr. HUGHES. Mr. President, H.R. 14252, as reported, would encourage the development of new and improved curriculums in drug abuse education; demonstrate their use; evaluate their effectiveness in model programs; demonstrate developed educational materials; provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; authorize the Secretary of the Department of Health, Education, and Welfare to make grants to local educational agencies and other private and nonprofit organizations for community information programs on drug abuse—including seminars, workshops, and conferences—and for community-oriented education projects; including personal and telephone counseling and information services, neighborhood aid and information centers, and peer group leadership programs.

General hearings on the extent and character of the drug abuse and drug dependence problems were held by the Alcoholism and Narcotics Subcommittee of the Labor and Public Welfare Committee on August 6, 7, and 8, 1969, in Washington, D.C.; on September 26 and 27, 1969, in Los Angeles, Calif.; on September 29, 1969, in Denver, Colo.; on October 2, 3, and 4, 1969, in New York, N.Y.; and on February 14, 1970, in Des Moines, Iowa. Hearings on H.R. 14252 and its Senate companion bill, S. 3015, were held by the subcommittee on August 27, 1970, in Washington, D.C.

The Subcommittee on Alcoholism and Narcotics has expended extensive time in the last year and a half in a very thorough investigation of the narcotics and drug problem in the United States. One of the great problems facing us is the problem of prevention. In the prevention of this problem in the United States if we are to cut drugs off at an early age, we must begin as far down as the third, fourth, and fifth grades in our schools.

The bill has already been unanimously passed by the House and establishes a beginning program that I think will offer extensive benefits relating to educational needs in this country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I send to the desk amendments in dual form on behalf of myself, Senators DOMINICK and JAVITS and ask that they be stated.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

On page 17, beginning at line 6, strike all through line 15 on page 19, inclusive, and

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renumber the succeeding sections accordingly.

On page 19, line 17, after the words "Attorney General" insert the following: ", (on matters of law enforcement)"

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. HUGHES. Mr. President, there are no objections to this amendment in dual form that I am aware of. The amendment would strike from this particular piece of legislation the objectionable matters that were contained in the proposed legislation. The amendment would strike the sections entitled "Interagency Coordinating Council on Drug Abuse Education" and "Advisory Committee on Drug Abuse Education." This has been agreed to by the minority and the majority and as far as I know there are no objections to it.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. HRUSKA. The Senate will recall that in January of this year the Senate debated and voted approval of the provisions of the so-called Comprehensive Drug Control and Dangerous Substances Act. That act has subsequently been signed into law.

At that time a series of amendments had been proposed, some of them by the junior Senator from Iowa, bearing upon the various respective powers of the Secretary of Health, Education, and Welfare, the Department of Justice. Those amendments dealt principally, as I recall, with the scheduling of various drugs and dangerous substances and also with certain enforcement provisions.

The broad question I would like to propose to the Senator from Iowa is: Does the bill now under consideration contain provisions which conflict with the provisions of the bill to which I have referred.

Mr. HUGHES. It is the opinion of the Senator from Iowa that there is nothing in this bill that conflicts with the statement the Senator from Nebraska has just made. It does not deal with the thrust and classification of drugs and narcotics, it does not deal with law enforcement provisions of the legislation previously passed by this Congress, and it is entirely in agreement with what the Senator has just said.

Mr. HRUSKA. Is the deletion which the Senator from Iowa seeks to accomplish with the amendment now proposed offered because there are provisions in the Drug Control Act which provide for the coordination of these efforts in similar fashion to the fashion described in the pending bill?

Mr. HUGHES. Partly attributable to that, yes, and partly to the fact that the administration in its testimony before the Committee on Labor and Public Welfare, indicated they had the coordinating machinery already available in the Department, and to be compatible with the administration position in administering the acts we thought it would be in the best interest to strike this provision from the bill.

Mr. HRUSKA. Mr. President, I would like the RECORD to show that during the consideration of the Drug Control Act the Senator from Connecticut and this Senator agreed to support the efforts of the Senator from Iowa in connection with provisions such as those contained in the pending bill.

Because there is not any conflict nor infringement upon the Drug Control Act provisions, this Senator would like to express his support of the bill and also his support of the amendment which the Senator from Iowa has proposed.

Those of us who have taken the time to inform ourselves know what great, deep, and abiding interest the Senator from Iowa has on this subject. He has made it a point of special study. We are glad to recognize that expertise and his desire to legislation in this field.

For that reason it gives me great pleasure to express my support for the bill and also for the amendment.

Mr. HUGHES. I certainly wish to thank the distinguished Senator from Nebraska because, as he has correctly recalled from the debate early last spring, in the legislation already passed by Congress, both he and the Senator from Connecticut did, indeed, pledge their support of this type legislation and they expressed their concern of the great need for it in America. They have been true to that commitment. I do appreciate the support of the Senator from Nebraska.

Mr. HRUSKA. I thank the Senator from Iowa for yielding.

Mr. YARBOROUGH. Mr. President, the bill we are considering today represents an important step forward in the battle against the ever-growing problem of drug abuse in this Nation. Under this bill, the Secretary of Health, Education, and Welfare would be authorized to make grants to and contracts with institutions of higher education for the purpose of developing a program of drug abuse education. These drug abuse education programs would develope materials and other information regarding drug abuse and disseminate these materials to private and public elementary, secondary, and adult education agencies. In addition to developing a drug abuse education curriculum, this bill would authorize grants to local education agencies and other public and private nonprofit organizations for the establishment of seminars, workshops, and conferences in various communities on drug abuse and the problems associated therewith.

This education program will provide an effective means of educating parents, schoolteachers, law-enforcement officers, lawyers, doctors, and students in the dangers of drug abuse and methods of preventing the spread of drugs. Many innocent people have stumbled into the dangerous pit of drug abuse simply because they were not informed of the hazards drugs present to their health. This bill that we are considering today will provide the means for an effective education program that may save the lives of many Americans in the future. Merely punishing drug users for their crimes will not eliminate the use of drugs in this country. Our experience in recent years has proven this fact. We must educate our children and their parents to the dangers of drugs before they are confronted directly with the problem and the use of drugs. Only in this way will we stamp out this disgraceful situation. I urge all my colleagues to give this measure their full consideration.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. JAVITS. Mr. President, I am the ranking Republican member of the Alcoholism and Narcotics Subcommittee headed by the Senator from Iowa (Mr. HUGHES). I am very deeply interested not only in the particular section of the bill which relates to general education and higher education agencies, to wit, sections 2 and 3 and succeeding sections, but I am also very interested in section 4 relating to community education.

We will soon be considering S. 3562 a bill which deals with the enormous expenditure required for rehabilitation through a comprehensive Federal program for the treatment of drug abuse and drug dependence. We all know the terribly difficult character of such an endeavor, to deal with narcotic addicts and the tremendous crime for which they are responsible, the rate of recidivism and the rate of cures once they become addicts. Thus, the approach to the narcotic addiction and drug abuse problem is the educational approach, not only on the level of those who go to school but on all levels of the community in which these shocking conditions obtain, which are generally the slums and ghettos of our great cities, especially, unhappily for my State, the city of New York.

So I am especially deeply concerned about the need for this bill, which I think is most constructive, and I deeply appreciate the concept of community oriented educational programs on drug abuse and dependency, not only for the addict, but for the benefit of interested and concerned parents, leaders in the community, and others who are affected and touched by the addiction. This bill covers all of that including support for the development of "peer group" leadership programs. I think it is a most admirable job. I hope it will soon become law. I would like to join the Senator from Nebraska (Mr. HRUSKA) in expressing appreciation for the leadership of Senator HUGHES which has brought about this bill so that it is now before us.

I might say I had a long collaboration with Senator Robert Kennedy about this very matter, and I realized at that time, as did he, how critical it was to get Senators who are in key positions to carry their share of the responsibility for bringing our ideas into legislation.

The Senator from Iowa (Mr. HUGHES) comes from a relatively rural State, and yet he has shown a most exemplary sensitivity and understanding of this problem. I believe were my former colleague, Senator Robert Kennedy, on the floor with me, he would want to join me in the expression of that appreciation. I think it is most symbolic that his brother, Senator EDWARD KENNEDY, has taken a similar and burning interest in this particular problem. I would like to say to both Senators how critically helpful it is to have men of such distinction espousing this cause with regard to a problem which is such a scourge to a community like the city of New York.

Mr. **HUGHES.** I thank the Senator from New York.

Mr. **MANSFIELD.** Mr. President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment.

The amendment was agreed to.

The bill is open to further amendment.

Mr. **KENNEDY.** Mr. President, the distinguished Senator from Iowa has made a brief, but I think thorough, explanation of this legislation. The record is complete in terms of days of hearings and the matters included in the legislation before us.

Mr. President, I am proud to have sponsored a principal amendment which was adopted in committee as section 4. My amendment provides authorization for some $29 million over the next 3 years for community-based drug programs.

I would like to comment briefly on why I felt so strongly about the need for this amendment—which I developed really out of the direct experience of communities in my own State of Massachusetts. For there I have seen the value of so many of these peer group assistance programs.

Within the Greater Boston area there are approximately 50 community-based programs, which have sprung up completely with community support. There is little or no State aid or assistance. They are sponsored locally by different concerned citizens and groups which have contributed extensively in the direction of those programs. I think each is making a special contribution in terms of meeting the ever-expanding need to combat drug addiction and abuse.

An example of the types of programs which could receive assistance is project ACID, operating in Malden, Mass. ACID is a structured, therapeutic program and rehabilitative center—including a residential house, sensitivity sessions, and other problems.

ACID deals primarily with young people, often in their late teens. Not only medical experts, but ex-addicts or contemporaries familiar with drug and related problems help the participants.

I had an opportunity to meet the leaders, and in particular to speak with three young ex-addicts in project ACID, during field hearings which I chaired at the high school in Winchester, Mass.

The school auditorium contained around 3,000 students, and we had a panel program which included narcotics addicts, teachers, students, and parents.

In the final part of the symposium these three young ex-addicts spoke about their experiences and difficulties, and their effect on the students was extraordinary. Not only was there an immediate impact in terms of interest, but I received scores of letters from parents and others as a result of that particular meeting. This ACID program made a very profound impact.

Mr. President, as I have mentioned here in the Senate on other occasions, in my own State of Massachusetts we have numerous other community-based drug education, rehabilitation, and treatment centers. They have developed out of local concern. They are offering the comprehensive, community-oriented assistance which is necessary to reach the factors underlying the turn to drugs.

In Boston, project PLACE is a drop-in center, a counseling service, and a 24-hour-a-day switchboard or "hot line." But because of inadequate resources it is overcrowded and often must turn runaways and youths back out into the streets after a few days.

The Martha Eliot Clinic, staffed by two ex-addicts, provides group therapy sessions and other outpatient rehabilitation. It cannot afford inpatient services.

Boston State Hospital has 20 beds for inpatient therapy and an extensive aftercare program and outpatient treatment for about 200 a week. They too lack resources for adequate expansion.

Project FIRST's halfway house is limited to a few beds, and its outpatient program is far short of meeting demand.

In the suburbs also, shortage of funds is curtailing a number of community-based programs. Project CONCERN in Winchester sends educational material to every resident, offers speakers to neighborhood groups, and has organized student-run education programs in the schools. But they still must refer youngsters who come to them for help to other rehabilitation programs.

Marathon House in Attleboro offers a long-term, residential, self-help program for addicts similar to Daytop Village and Synanon House. In each case, the directors must devote disproportionate time to seeking money—too often without success.

Young citizens in Newton are establishing a "Freeport" house for youths. Melrose a few months ago had a successful demonstration of a mobile van with material and young people discussing drug education. New Bedford is raising over $100,000 all on its own for a new program.

These are small operations, struggling to make ends meet. And they can never really do the job without vastly increased resources—at the local, State, and Federal levels.

Just a few weeks ago Lt. Salvi A. Pascucci, the head of the local police juvenile bureau in Framingham, Mass., expressed this need. In discussing the town's consideration of a drug education and rehabilitation center for the area, Lieutenant Pascucci said:

> We need this center badly and now. People don't know just how bad the problem is here, and in surrounding towns.
>
> My department gets calls every day from parents whose children are on drugs. They want help, but we have no means to help them.

And the lieutenant emphasized:

> Such a program must be away from the police and courts or the kids won't participate.

We cannot afford to view drug abuse as simply a law enforcement problem. Ask the parents of a child who has run away from home, of a youth who has fallen behind at school as he rubs shoulders with the drug culture, of a son or a daughter who has grown increasingly distant and uncommunicative and wrapped up in drugs, of a teenager who is inevitably exposed to drugs at school—ask that parent if law enforcement is enough.

What every community needs is a place where parents and young people can turn—either alone or together—to discuss the dissatisfaction and alienation which underlie the turn to drugs; a place where parents can get advice and education about drugs; a place where youths can explore their common problems and frustrations, where they can learn both the true dangers of drugs and the emptiness of drugs as a way to resolve more basic problems.

Young people need a place to go for personal or medical advice without fear of arrest. Parents need a place to ask questions, identify substances, and learn facts without fear that this will get their son or daughter in trouble with the law. Doctors need the freedom to give medical help without being required to turn over names and numbers to the police.

Mr. President, my amendment provides for Federal aid primarily to so-called peer group assistance programs. It would provide aid for telephone hot-line services; for store-front drop-in centers; for therapeutic, self-help programs run by ex-addicts such as Synanon of California, Daytop Village in New York City, and Marathon House in Rhode Island and Massachusetts; and for other programs primarily organized and operated by persons with the same social, culture, and age backgrounds as those of the persons served.

Communities throughout the United States are finding that peer group oriented activity is the most constructive in meeting the problems of youth. Young people trust other young people—those who have shared the common frustrations and the experience of growing up in the drug culture—much more than they trust established institutions. The company and encouragement of peers gives youngsters the strength to resist harmful drugs. The availability of a place to go and friends to talk with gives them an alternative to running away.

It seems to me that the peer group programs are one of the most important and significant in meeting the problems of drugs, and they deserve every kind of assistance we can give.

I view the kind of commitment we have made in section 4 to authorize $29 million over 3 years—$5 million the first year, $10 million the second year, and $14 million the third year—as being a very conservative outlay in terms of our resources. If we want to achieve a really comprehensive and effective education program through this and other provisions in the bill, $29 million is a very limited investment at best.

Given the kind of initial efforts being made with local support in communities around the country, the resources which we can make available to those communities can really have an important impact in the whole educational field.

I am delighted that my amendment was accepted and included in the bill as reported from committee. I have been

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in contact with the sponsor of the House legislation, Congressman MEEDS, who has been extremely interested in and favorable to my additional proposal as well.

Once again I want to join my other colleagues who have commended our distinguished chairman of the subcommittee. He has been tireless in his efforts and energies. Not only has he a unique background and experience but he has made a commitment to this whole effort.

I think he has been enormously expansive in his willingness to test and examine new ideas.

I think that is what we are really going to have to have if we are to come to grips with the problem.

I think the piece of legislation before us is imaginative and sensitive and may very well provide an important key to the solution of some of the difficult problems in terms of the difficulties and tragedies of some of our young people in their involvement with drugs.

I yield the floor.

Mr. HUGHES. Mr. President, I thank the distinguished Senator from Massachusetts for the great contributions he has made. I think the amendment he offered to this particular piece of legislation is a very valuable contribution. It was accepted by both sides of the committee and I think will make a great contribution to America and fill an important need in this area.

I am pleased that the Senator from Massachusetts is giving us continued service in the hearings he himself has held and in the contributions he has made in probing the problem. I am delighted we have this amendment as part of the overall bill, and I am sure it can only help us in our approach to the drug problems involved.

Mr. President, I ask unanimous consent that certain excerpts from the report on the bill be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

SUMMARY

H.R. 14252, as reported, would encourage the development of new and improved curriculums in drug abuse education; demonstrate their use; evaluate their effectiveness in model programs; demonstrate developed educational materials; provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; authorize the Secretary of the Department of Health, Education, and Welfare to make grants to local educational agencies and other private and nonprofit organizations for community information programs on drug abuse (including seminars, workshops, and conferences) and for community-oriented education projects (including personal and telephone counseling and information services, neighborhood aid and information centers, and peer group leadership programs); provide for coordinating the activities of the Federal Government in drug abuse education by establishing an Interagency Coordinating Council which would include the Secretary of the Department of Health, Education, and Welfare, the Attorney General of the Department of Justice, the Commissioner of Education of the Department of Health, Education, and Welfare, and Director of the National Institute of Mental Health of the Department of Health, Education, and Welfare and representatives from such other agencies and departments as the Secretary of Health, Education, and Welfare might designate; establish an Advisory Committee on Drug Abuse Education consisting of persons familiar with education, mental health, and legal problems associated with drug abuse and use to review applications and make recommendations on grant applications; provide for technical assistance by the Department of Health, Education, and Welfare, and the Department of Justice to assist local educational agencies, public and private nonprofit organizations, and institutions of higher education in the development and implementation of programs on drug abuse education.

HEARINGS

General hearings on the extent and character of the drug abuse and drug dependence problems were held by the Alcoholism and Narcotics Subcommittee of the Labor and Public Welfare Committee on August 6, 7, and 8, 1969, in Washington, D.C.; on September 26 and 27, 1969, in Los Angeles, Calif.; on September 29, 1969, in Denver, Colo.; on October 2, 3, and 4, 1969, in New York, N.Y.; and on February 14, 1970, in Des Moines, Iowa. Hearings on H.R. 14252 and its Senate companion bill, S. 3015, were held by the subcommittee on August 27, 1970, in Washington, D.C.

During the above hearings the subcommittee heard from a broad cross section of interested individuals, including educators, doctors, lawyers, students, and parents. Broad support was indicated for the concepts embodied in the legislation.

SCOPE OF DRUG ABUSE AND DRUG DEPENDENCE PROBLEM

It is estimated by Government health authorities that there are approximately 100,000 to 125,000 active narcotic abusers in the United States. The estimated range of persons directly affected by abuse of nonnarcotic drugs such as sedatives, stimulants, tranquilizers, and related drugs lies somewhere between a quarter and a half million people. Dr. Stanley F. Yolles, former Director of the National Institute of Mental Health, has stated:

"The number of nonnarcotic drug abusers, including those addicted or habituated to agents such as sedatives, stimulants, marihuana, LSD, and related drugs, and certain 'tranquilizers,' can only be grossly estimated. Inferences as to the size of the problem can be drawn however, from data on production and illicit diversion of barbiturates and amphetamines.

"About 8 billion amphetamine tablets (40 tons) are produced in a year—enough to provide each man, woman, and child in the United States with 35 doses. About half of these tablets, it is estimated, go into illicit channels of distribution at bars, gas stations, and restaurants.

"Five hundred tons of barbiturates were produced 10 years ago. This is enough to provide 28 doses for each persons in the population."

A conservative estimate of persons in the United States, both juvenile and adult, who have used marihuana at least once is about 8 million and may be as high as 12 million people.

President Nixon has pointed out that—

"Between the years of 1960 and 1967, juvenile arrests involving the use of drugs rose by almost 800 percent; half of those now being arrested for the illicit use of narcotics are under 21 years of age. New York City alone has records of some 40,000 heroin addicts, and the number rises between 7,000 and 9,000 a year. These official statistics are only the tip of an iceberg whose dimensions we can only surmise."

The Subcommittee on Alcoholism and Narcotics, in its hearings throughout the country, found that the drug problem is a ranking public concern. The number of drug abusers and experimenters is increasing at a rate that seems to be a geometric progression. Drug use is spreading to ever younger children—especially in the elementary grades in our large cities. Hard narcotics have invaded the suburbs and the small towns. A dramatically increasing number of substances is being used to induce kicks, and drugs are being employed in weird and dangerous combinations.

The price we have been paying as a society for essentially ignoring the drug priorities in the country is enormous. One does not have to go far to recognize that illegal drug trafficking is one of the principal causes of crime in this country. Certainly the use of illegal narcotics is a principal cause of crime in the Nation's Capital and in the surrounding metropolitan area. Between one-half and three-fourths of the serious crime in that area is drug related. Drug-related crime costs the citizens of the Washington metropolitan area upward of $30 million a year.

The cost in terms of crime is only the beginning. The quantifiable factors associated with narcotic abuse includes costs for law enforcement, crime associated with abuse, lost productivity, the cost of research and treatment programs, and welfare costs associated with broken families and unemployed abusers. Government health authorities have estimated that the total of involuntary social costs of narcotic drug abuse alone amounts to $541 million per year.

But the greatest price of all is the price paid in human lives—the lives of the hundreds of thousands of narcotics addicts and drug abusers who are only living in the shadows of society—half alive, half free.

NEED FOR LEGISLATIVE ACTION

Throughout the hearings of the Subcommittee on Alcoholism and Narcotics there has been a clear current of support for increased efforts in and focus on the educational area. Support comes from all sectors of our communities. Doctors, lawyers, law enforcement officials, parents, students, and, of course, educators, have all expressed strong interest in the development of the most effective prevention program possible.

Dr. Henry Brill, chairman of the American Medical Association's Committee on Alcoholism and Drug Dependence, has stated:

"In the course of the American Medical Association's work in this field, we have been profoundly impressed by the fundamental importance of public education about drugs. * * * "* * * within recent years we have seen the spread of drug-taking among identifiable large groups of young persons in this country. The importance of preventive education as a control measure in this situation has been widely recognized and many agencies within and outside of Government have taken an active role in developing educational programs. But up to the present time these programs have consisted of scattered undertakings, mostly on a pilot level, divided among areas and related to each other only in a general way. * * *

"* * * In all of this work, one finds lacking any firm knowledge as to what constitute the best methods in such educational programs and how each program should be designed to meet the needs of a specific target population, whether it be at a given grade level in school or a socioeconomic group that is particularly at risk. Efforts to create more effective systems of training and education are hampered because they have been forced to depend on the simplistic and impressionistic evaluations of results and, up to now, no agency has been in a position to apply systematically formal techniques of design and evaluation to the field."

Spokesmen for the National Education Association told the subcommittee:

"We believe that H.R. 14252 is an essential first step toward attacking the growing problem of drug abuse. We do not believe it is the whole answer. There are no quick and easy solutions. But we must begin. It is of utmost importance that the schools face the problem squarely. Punitive measures have not proved adequate to the task. It is apparent that different approaches to the problem must be developed, tried, tested, evaluated—and promoted. Parent education as provided for in H.R. 14252, is essential. The feeling of shock and revulsion which parents experience is understandable—but not curative in itself. Indeed, the best type of parent education, along with the best programs for children and youth, will be preventive."

Because of the recurrent theme in the hearings of support for a strong and clear emphasis on preventive activities to combat drug abuse and drug dependence, the committee feels that it is necessary for the Congress to place a special legislative focus upon establishing and strengthening preventive activities at all levels in the communities of the country. In recommending this legislation, the committee does not intend to limit the scope of those authorities which presently exist and which authorize executive branch action in the area of drug abuse prevention. Further, while the act sets forth various types of activities for which funds may be made available, the enumeration in the act is not intended to be exhaustive, and other programs meeting the broad purposes of the act may receive assistance.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Short title

Section 1. This section provides that the act may be cited as the Drug Abuse Education Act of 1970.

Statement of purpose

Section 2. Subsection (a) of this section states the congressional finding that drug abuse "diminishes the strength and vitality of the people of our Nation," that such abuse is increasing, that there is "a lack of authoritative information and creative projects designed to educate students and others" in this area, and that Government and private efforts are required to remedy the situation.

Subsection (b) of this section states the purposes of the bill to be: To encourage the development of new and improved curriculums, to demonstrate their use and evaluate their effectiveness in model programs, to disseminate educational materials, to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders, and to offer community education programs for parents and others.

Drug abuse education projects

Section 3. This section authorizes the Secretary of Health, Education, and Welfare to:

1. Make grants to, or contracts with, institutions of higher education, other public or private agencies, institutions, and organizations for such activities as:

(*a*) Curriculum development and preparation on the use and abuse of drugs;

(*b*) Projects to test the effectiveness of such curriculum; and,

(*c*) Dissemination of curricular materials and other formation to public and private elementary, secondary, and adult education programs for applicants who have conducted projects.

2. Provide for the evaluation of curriculums developed in such projects, either directly or through arrangements with institutions of higher education or other public or private institutions and agencies.

3. Make grants to institutions of higher education and to local educational agencies for preservice and inservice training programs on drug abuse for teachers, counselors, law enforcement officials, and other public service and community leaders.

4. Make grants to local education agencies and other public and private nonprofit organizations for community education programs on drug abuse (including seminars, workshops, and conferences) involving parents and others in the community.

5. Make evaluations of the training and community education programs authorized by this section.

6. Make grants to develop programs or projects to recruit, train, organize, and employ professionals, former drug users, and others to organize and participate in drug abuse education programs.

The section also provides that the Secretary may utilize up to 5 percent of the funds appropriated to carry out the act to pay reasonable and necessary expenses of State educational agencies for planning, development, and implementation of drug abuse education programs.

In addition, the section provides that any amendment to an application under the act shall be considered in the same manner as original applications except as the Secretary may otherwise provide by regulation.

The section authorizes appropriations for a 3-year period to carry out the provisions of the section. The authorized appropriations are:

$5 million for the fiscal year beginning July 1, 1970;

$10 million for the fiscal year beginning July 1, 1971;

$14 million for the fiscal year beginning July 1, 1972.

Community education projects

Section 4. This section authorizes the Secretary of Health, Education, and Welfare to make grants or contracts with public or private nonprofit agencies, organizations, and institutions for community-oriented education projects on drug abuse and drug dependency. The projects include, but are not limited to, personal and telephone counseling and information services, neighborhood aid and information centers, and peer group discussion programs.

The section authorizes appropriations for a 3-year period to carry out the provisions of the section. The authorized appropriations are:

$5 million for the fiscal year beginning July 1, 1970;

$10 million for the fiscal year beginning July 1, 1971;

$14 million for the fiscal year beginning July 1, 1972.

Interagency Coordinating Council on Drug Abuse Education

Section 5. This section provides for the establishment of an Interagency Coordinating Council on Drug Abuse Education which shall be appointed by the Secretary of Health, Education, and Welfare and which shall consist of the Secretary or his designee as Chairman, the Attorney General or his designee, the Commissioner of Education, and the Director of the National Institute of Mental Health. This subsection further authorizes the Secretary to designate representatives of other departments and agencies having a substantial interest in the field of drug abuse education when such departments or agencies agree to provide a representative to the Council.

The section provides that the Council advise in the coordination of drug abuse activities of all Federal departments and agencies involved in this field.

It requires the Secretary of Health, Education, and Welfare to promulgate regulations establishing procedures for consultation with other appropriate agencies, both public and private.

The section requires as a condition to the Secretary's approval of an application for assistance under section 3 of this act that the Council be given an opportunity to review the application and make recommendations thereon within a period not to exceed 60 days.

Advisory Committee on Drug Abuse Education

Section 6. This section provides for the appointment by the Secretary of an Advisory Committee on Drug Abuse Education which shall—

(1) Advise the Secretary on administration, operation, and regulations for programs assisted under the act;

(2) Make recommendations regarding the allocation of funds under the act among the various purposes set forth in sections 3 and 4, and regarding criteria for establishing priorities, including those designed to achieve appropriate geographical distribution of approved projects;

(3) Review applications under section 3 of this act and make recommendations on project applications;

(4) Review the administration of programs under the act, and make recommendations to the Secretary, including recommendations for amendments to the act; and

(5) Evaluate programs and projects under the act and disseminate the results of such evaluations.

The section provides that committee members shall be appointed without regard to the civil service laws and that the committee shall consist of 21 members with the Secretary designating the chairman. Members of the committee shall be persons familiar with education, mental health, and legal problems associated with drug abuse, young persons, ex-users, parents, and others.

The section also provides that members of the Committee shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime. While serving away from their homes or regular places of business, this section further authorizes members travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

Technical assistance

Section 7. This section provides that the Secretary of Health, Education, and Welfare and the Attorney General may upon request render technical assistance to local educational agencies, public and private nonprofit organizations, and institutions of higher education in the development and implementation of drug abuse education programs. This assistance may include information regarding effective methods of coping with problems of drug abuse or personnel qualified in the field.

Payments

Section 8. This section provides that payments under the act may be made in installments and in advance, or by way of reimbursement.

Administration

Section 9. This section authorizes the Secretary to utilize the services of other Federal or other public or private agencies in carrying out the act and to pay for such services either in advance or by way of reimbursement.

Definitions

Section 10. This section defines "Secretary of Health, Education, and Welfare; and "State" to include, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Mr. HUGHES. Mr. President, I yield the floor.

The PRESIDING OFFICER. If there be no further amendment to be offered, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

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The committee amendment, as amended, was agreed to.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from West Virginia, (Mr. BYRD), the Senator from Connecticut, (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from West Virginia) (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, both the senior and junior Senators from West Virginia (Mr. RANDOLPH and Mr. BYRD) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from Kentucky (Mr. COOPER), the Senator from Florida (Mr. GURNEY), the Senator from Illinois (Mr. PERCY), and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. HATFIELD) are detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Florida (Mr. GURNEY), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. PERCY), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 79, nays 0, as follows:

[No. 385 Leg.]

YEAS—79

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Boggs
Brooke
Burdick
Byrd, Va.
Cannon
Case
Church
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ervin
Fannin
Fulbright
Goodell
Gore
Gravel
Griffin
Hansen
Harris
Hart
Hartke
Holland
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff
Saxbe
Schweiker
Scott
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—21

Anderson
Bayh
Bible
Byrd, W. Va.
Cooper
Dodd
Eastland
Ellender
Fong
Goldwater
Gurney
Hatfield
Hollings
McCarthy
Mundt
Percy
Randolph
Russell
Smith
Sparkman
Tydings

So the bill (H.R. 14252) was passed.

Mr. HUGHES. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KENNEDY. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the Senate is again grateful to the distinguished Senator from Iowa (Mr. HUGHES). His leadership in efforts to meet the drug problem are well known and with the success of this proposal he has obtained another important achievement in this vital area. The Senate is deeply grateful.

The Senate is grateful also for the support of the distinguished Senator from Nebraska (Mr. HRUSKA), the distinguished Senator from Massachusetts (Mr. KENNEDY), and others. The cooperation of all Senators was vital for this great success.

FEDERAL DRUG ABUSE AND DRUG DEPENDENCE PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

Mr. HUGHES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1355, S. 3562.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 3562) to provide a comprehensive program for the prevention and treatment of drug abuse and dependents.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, the understanding of the leadership is that there will be no vote on this bill tonight but that it will be the unfinished business for tomorrow. We are hopeful of getting action on it very soon after termination of the morning business.

For the information of the membership, there will be no further votes this evening.

Mr. President, as I understand from the earlier order, we had temporarily laid aside the proposed constitutional equal rights amendment, House Joint Resolution 264, and the request that was made when we initially took up the occupational health and safety bill, was that it would be laid before the Senate at the termination of the health and safety bill. I believe I am correct in that assumption.

Now, Mr. President, I ask unanimous consent that the Senate continue to lay aside the proposed equal rights amendment, House Joint Resolution 264, until the pending legislation, S. 3562, is disposed of.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF THE HONORABLE WILLIAM L. DAWSON

Mr. STEVENSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 1261.

The PRESIDING OFFICER (Mr. BELLMON). The Chair lays before the Senate House Resolution 1261, which will be stated.

The assistant legislative clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable William L. Dawson, a Representative from the State of Illinois.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. STEVENSON. Mr. President, on behalf of myself and the senior Senator from Illinois (Mr. PERCY), I submit a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the resolution.

The assistant legislative clerk read as follows:

S. RES. 483

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable William L. Dawson, late a Representative from the State of Illinois.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The PRESIDING OFFICER. Without objection, the resolution is considered and unanimously agreed to.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, and, pursuant to Senate Resolution 483, as a further mark of respect to the memory of the Honorable William L. Dawson, late a Representative from the State of Illinois, that the Senate now adjourn.

The motion was agreed to; and (at 5 o'clock and 3 minutes p.m.) the Senate adjourned until tomorrow, November 18, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 17, 1970:

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. William Charles Gribble, Jr., 574–12–9564, U.S. Army.

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in grades as follow:

To be general

*Lt. Gen. Henry Augustine Miley, Jr., 031–30–1192, Army of the United States (major general, U.S. Army).

To be lieutenant general

*Maj. Gen. Woodrow Wilson Vaughan, 444–40–8227, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

*Maj. Gen. Robert Ray Williams, 520–44–0828, U.S. Army.

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be first lieutenant

Fedok, Edward A., 208–36–1016.
Lent Morris J., Jr., 489–42–5888.
Smith, John C. B., 239–70–7026.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, section 3283 through 3294 and 3311:

To be major

Ballard, Lowell L., Jr., 240–30–0847.
Condry, Willie J., 215–20–4485.
Dandridge, James T. L., 421–36–8671.
Deitch, Raymond, 197–24–8338.
Johnson, Harvey C., Jr., 422–36–1459.
Redd, John H., Jr., 226–36–2298.
Weight, J. O., 528–42–4653.

To be captain

Arensman, John B., 345–36–8349.
Augsburger, Wilson L., 329–32–9993.
Barcomb, Paul J., 108–32–7786.
Beck, Wilbur L., Jr., 230–46–1094.
Beilharz, Kurt O., 098–32–3106.
Bland, Andrew R., Jr., 248–44–8290.
Branstuder, Phillip V., 492–38–5375.
Brickhouse, Eugene A., 219–36–5527.
Brown, Emma J., 269–38–9958.
Bryant, Robert H., 266–44–1501.
Burg, Hans A., 427–66–0854.
Carey, Dan A., 479–38–4830.
Clezie, Leonard, 294–32–5928.
Coulson, James E., 156–24–0851.
Crabtree, Kenneth G., 523–40–0138.
Donovan, Charles F., 012–30–8728.
Dragozetich, William J., 324–32–9235.
Florio, Paul J., 527–52–9970.
Gardner, Paul B., 036–26–1159.
Garnett, James A., 224–46–0334.
Heizer, Alfred S., Jr., 452–66–0649.
Jackson, Claude K., 549–52–0801.
Jorge, Marlene M., 575–30–9920.
Kenigsberg, Herbert S., 131–30–2284.
Lawson, Herbert L., 450–56–4601.
Lopez, De La Cruz, Juan R., 267–68–4514.
Mason, Charles F., 233–56–6485.
Moss, Willard J., 435–44–4298.
Nagelhout, Maynard A., 503–46–7418.
Norwood, Frank R., Jr., 451–60–9786.
Powell, Robert L., Jr., 261–46–6827.
Prosser, James R., 250–48–9930.
Reed, Charlie W., 426–62–8407.
Rinaldi, Charles F., 041–28–9632.
Roby, Roger R., 503–30–8301.
Rubin, Kenneth E., 251–66–9597.
Simmons, James L., 228–38–0752.
Smith, John W., 286–24–1344.
Smith, Paul D., Jr., 265–42–6691.
Spencer, Sherman L., 436–50–1531.
Strieper, Gerard L., 370–40–8634.
Stuart, Larry E., 257–54–1141.
Stubbs, William F., 096–26–1492.
Tate, Charles G., Jr., 577–46–4446.
White, Willington E., 248–48–5075.
Whitmire, Richard E., Jr., 460–54–2592.
Willdermood, Lance L., 490–34–4946.
Wilson, Roy W., 467–54–6944.
Young, Edward M., 570–52–1134.
Young, James V., 441–38–2894.

To be first lieutenant

Ahrens, Robert E., 566–50–2215.
Asselin, Leo J., Jr., 264–60–5955.
Baetcke, Dorothy A., 230–54–9714.
Barnhorst, William H., 305–44–6031.
Beaton, Edward A., 028–30–1074.
Behler, Gene R., 351–30–3873.
Bird, John C., 553–56–8573.
Blackwood, Lynn G., 537–40–5698.
Boegler, Kenneth G., 034–30–8181.
Bond, James J., III, 424–58–2556.
Brennan, Richard T., 377–40–7002.
Buchanan, Samuel J., 465–60–5130.
Campbell, John C., 228–56–9704.
Carney, John W., Jr., 227–50–8701.
Carter, Ronald W., 262–76–4522.
Coombe, David A., 040–36–4599.
Cramer, Edward J., Jr., 097–32–8606.
Cunningham, Bobby J., 424–48–7789.
Davis, Walker B., Jr., 338–34–1137.
Dela Cruz, Jessie M., 511–42–7769.
Donahue, Michael D., 464–66–6222.
Dubay, Donald A., 004–38–3463.
Eaton, Douglas C., 448–42–3734.
Evans, Fred W., 222–28–0372.
Ewing, David R., 446–42–4123.
Faulk, Charles W., Jr., 158–32–3915.
Ferinde, John, 147–32–3283.
Gass, James M., 510–42–7777.
Gildersleeve, James L., 538–38–0625.
Gillikin, Bruce D., 463–64–6119.
Griesse, Ronald M., 506–50–9398.
Hayes, David W., 023–30–2114.
Hruza, John D., 506–50–1402.
Huffman, James A., 554–74–0155.
Hutton, Irvin L., 228–50–6530.
Imhof, Richard H., 398–40–1301.
Ivan, Dennis, 172–34–5758.
Jesson, Bruce E., 549–62–6183.
Keogh, John R., 435–62–1257.
Kirchner, John E., 453–64–6227.
Koshetar, Paul, Jr., 185–36–7272.
Lenhardt, Alfonso E., 076–34–9027.
Lewis, L. Kirk, 533–38–9285.
Lichtenberger, Peter W., 016–34–1577.
Lombardo, Wayne W., 434–60–2900.
Longan, Patrick B., 565–54–5326.
Lord, Robert L., 258–68–2329.
Lyons, John W., 001–26–3791.
Madden, Franklin M., 188–32–9343.
Martin, Mary E., 513–42–0871.
Mathewson, Robert W., 080–34–4029.
Matthews, Merald L., 441–36–6743.
McAnally, James L., 464–70–6419.
McCamley, John J., 203–28–1651.
Merritt, Donald E. S., 563–46–4714.
Miller, Thomas E., 410–70–6311.
Myers, Richard E., 427–88–3877.
Organek, John F., Jr., 041–34–8946.
Paduano, Ralph J., 054–19–9985.
Parker, Harry L., 427–86–6287.
Pearson, Billy H., 403–60–5263.
Paul, Joseph J., 453–68–4462.
Peterson, Clarence D., 517–34–4727.
Philbrick, Jon D., 467–64–5590.
Pitts, James H., 246–58–6628.
Pitts, Walter G., 420–50–0476.
Plymate, Stephen R., 508–52–4471.
Raab, Larry L., 404–60–3802.
Ratcliffe, William S., 526–58–2355.
Raymont, Richard J., 183–34–1799.
Razel, John M., 276–38–1642.
Richardson, Troy E., 462–60–8150.
Ritchey, Charles N., 386–40–7440.
Ross, Thomas P., 516–44–1856.
Runy, John, 008–30–6376.
Salaz, Richard C., 530–24–1843.
Sauls, Heyward C., 251–58–0548.
Saylor, Dennis L., 200–32–6901.
Schroeder, Owen R., Jr., 415–58–5632.
Schwebach, James J., 389–42–4908.
Scott, David G., 051–36–9198.
Seibert, Richard R., 573–58–2868.
Sewell, James W., 488–52–5156.
Shea, William E., 524–52–7494.
Shipman, Ted L., 249–52–4137.
Shiver, Eustice M., 265–58–2312.
Singleton, Peter T., Jr., 257–68–8374.
Smith, Houston W., 430–74–7172.
Smoot, Charles V., 229–46–3120.
Sontag, Adolph J., Jr., 266–58–4273.
Spradling, David K., II, 442–40–2355.
Stacey, Clifford W., 419–54–6736.
Tannehill, George L., II, 197–34–6032.
Tanner, Warren M., 370–36–4636.
Tauscher, Elwood R., 297–36–4872.
Teele, Arthur E., Jr., 261–82–2171.
Thomas, Robert H., Jr., 548–74–3032.
Thomason, Joel F., Jr., 247–76–7732.
Thorne, James R., 462–62–6066.
Tifft, Richard P., 560–52–0443.
Torgenrud, Terry W., 502–42–5816.
Trimble, Joseph F., 439–62–0255.
Turnbull, James W., 143–34–3740.
Voda, John J., Jr., 188–32–6035.
Vogel, Lyle P., 486–46–9594.
Wade, Thomas G., 320–36–6084.
Waity, Raymond T., 186–34–7095.
Walker, John C., 281–34–5769.
Walton, Benny B., 267–62–8983.
Watts, Charles D., Sr., 250–58–5511.
White, Aubrey, 466–64–6310.
White, Ronnie R., 441–44–6737.
Whitwill, David K., 553–68–2984.
Wilkins, John C., 504–46–6730.
Williams, Jimmy G., 438–52–0680.
Wilson, Charles R., 263–64–2608.
Wimberley, Ronald J., 252–68–3582 .
Wood, Gail W., 450–74–1710.
Young, Hansford L., 235–64–2558.
Young, Thomas F., 233–68–4837.

To be second lieutenant

Allen, Clay W., III, 460–80–7577.
Alley, Richard F., Jr., 232–74–2531.
Ball, Larry E., 494–48–9138.
Blaney, Daniel J., 156–34–3915.
Bost, William G., 253–72–7064.
Boyd, David G., 343–42–8932.
Carpenter, William J., 518–50–4870.
Clark, Jerry S., 445–44–1840.
Coffman, James H., 527–58–0029.
Cumbie, Donovan R., 462–68–7184.
Doremus, Darrell D., 408–70–7720.
Erickson, Marlin D., 477–48–2312.
Evans, Randall L., 453–72–5121.
Ferris, Patrick E., 214–42–6288.
Gibbs, Charles J., 051–36–1925.
Harper, Melvin G., 267–88–6604.
Jones, William W., 254–78–0833.
Keating, William J., Jr., 555–60–5945.
Lawyer, Robert A., 131–34–2700.
Lilly, Lawrence E., 493–50–4951.
McLain, Ford R., 104–34–2616.
McNeill, Dan K., 245–74–4203.
Pitt, John M., 347–36–5878.
Pratt, James T., III, 041–36–1510.
Proud, James F., 166–38–4356.
Rock, Richard W., Jr., 530–28–5359.
Ruth, Dennis R., 532–42–8030.
Schreifer, Stephen P., 367–44–6676.
Scruggs, Rhett W., 008–30–5351.
Selman, Joseph R., Jr., 214–52–7848.
Shafer, Keith O., 216–52–3695.
Solook, John T., 141–34–3375.
Spencer, Weldon O., Jr., 450–70–9673.
Starita, Dennis M., 143–36–0159.
Starnes, Robert W., 585–18–8744.
Steinberg, Arthur F., 029–32–2411.
Stoddart, William J., 530–30–7426.
Stoll, Ned C., 514–44–7701.
Stubbs, Peggy A., 252–78–3869.
Sutherland, James W., III, 215–50–9071.
Taylor, Roy G., 446–42–3114.
Thorlakson, Robert E., 501–46–8449.
Weaver, Dwight D., 431–82–2159.

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*Indicates ad interim appointment.

White, Langfred W., 257-68-2416.
Winkler, Darrell V., 291-38-8459.

U.S. MARINE CORPS

Having been designated, in accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. Hugh M. Elwood and Maj. Gen. Donn J. Robertson, U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant generals while so serving.

Lt. Gen. Keith B. McCutcheon, U.S. Marine Corps, for appointment to the grade of general while serving as Assistant Commandant of the Marine Corps.

Gen. Lewis W. Walt, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of general.

Lt. Gen. William J. Van Ryzin, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

U.S. COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of captain:

William C. Behan
Herbert M. Hartlove
Harry H. Keller, Jr.
Wilfred H. Shaw
Paul W. Meyer
Forrest E. Stewart
George N. Wood
Richard G. Donaldson
Arthur G. Morrison
John T. Rouse
David E. Metz
James R. Meeker
Frederick J. Lessing
William E. West, Jr.
Joseph A. Macri
Richard J. MacGarva
Donald J. Riley
Thomas F. McKenna, Jr.
Richard D. Hodges
John C. Dowling
Walter B. Alvey
William L. Webster
John M. O'Connell, Jr.
Alvin T. Durgin, Jr.
Walter F. Bartlett
Milo A. Jordan
Frederick O. Wooley
Norman C. Venzke
Raymond H. Wood
Clifford F. Dewolf

The following-named Reserve officer to be a permanent commissioned officer of the Coast Guard in the grade of lieutenant:

Larry K. Carr.

HOUSE OF REPRESENTATIVES—*Tuesday, November 17, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be strong, not in yourselves but in the Lord, in the power of His boundless resource. Ephesians 6: 10.

O God and Father of us all, out of the differences and divisions of this world we come humbly to worship Thee. From things that man is doing to man we enter Thy presence to think of what Thou art doing for man. As we pray reveal to us Thy glory, bestow upon us Thy wisdom, make us equal to the tasks of these troubled times and ready always to walk the path of goodness, truth, and love. As we pray do Thou purify our affections, refine our ambitions, cleanse our minds, and strengthen our spirits that we may think clearly, plan wisely, and work diligently for the good of our beloved country.

We pray for our President, our Speaker, and every Member of Congress. We pray for those who serve our country at home and abroad, particularly our prisoners of war. May Thy spirit steady them and strengthen them for every experience.

Grant that Thy mighty energy may surge through the peoples and governments of the world that we may learn the art of living together on this planet.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

IN THE MATTER OF THE UNITED STATES AGAINST WILLIAM L. CALLEY, JR.—COMMUNICATION FROM THE CLERK OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
October 23, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: On this date, I have received a subpoena by registered mail sent by Captain John P. Partin, JAGC, U.S. Army that was issued in the Fifth Judicial Circuit, Fort Benning, Georgia, 31905. The subpoena appears to be in connection with the case of the United States of America v. 1Lt. William L. Calley, Jr.

This subpoena commands me to appear on the 20th day of November 1970 before general court-martial of the United States at Building 5, Fort Benning, Georgia and requests certain House records that are outlined in the subpoena itself. Captain Partin, the Assistant Trial Counsel in the case, outlines in his letter alternate procedures wherein, under certain conditions, a certified copy of the House vote or resolution, or certified copies of the House records under consideration be forwarded to the Court by the return date in lieu of the Clerk's appearance in Fort Benning, Georgia. The letter also contains a list of witnesses and an attested copy of Court Order Number 19, issued by the Military Judge in the Fifth Judicial Circuit, Fort Benning, Georgia.

The rules and practices of the House of Representatives, House Resolution 288 of June 16, 1953, and House Resolution 15 of January 3, 1969, indicate that no official of the House may, either voluntarily or in obedience to a subpoena duces tecum, produce such records without the consent of the House being first obtained. It is further indicated that copies of the requested papers may not be supplied without such consent.

The subpoena in question and Captain Partin's letter, together with its list of witnesses and Court Order Number 19, are herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,
W. PAT JENNINGS, *Clerk,*
U.S. House of Representatives.
By W. RAYMOND COLLEY.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

SUBPOENA FOR CIVILIAN WITNESS

General Court-Martial of the United States, U.S. Army Infantry Center and Fort Benning, Fort Benning, Georgia.

The President of the United States, to Mr. William Pat Jennings, Clerk of the House of Representatives.

You are hereby summoned and required to appear on the 20th day of November, 1970, at 9 o'clock a.m. before a General court-martial of the United States, at Building Number 5, Fort Benning, Georgia, appointed by Court-Martial Convening Order Number 70, Headquarters, U.S. Army Infantry Center and Fort Benning, Fort Benning, Georgia, dated 24 November 1969, to testify as a witness for the Court in the Case of United States v. 1 Lt. William L. Calley, Jr. (and bring with you the transcripts of the testimony or any statements made to the My Lai Investigating Subcommittee by any of those persons whose names appear on the attached list).

Failure to appear and testify is punishable by a fine of not more than $500 or imprisonment for a period not exceeding six months, or both.

Bring this subpoena with you and do not depart from the court without proper permission.

Subscribed Fort Benning, Georgia, this 20th day of October, 1970.

Capt. AUBREY M. DANIEL III, JAGC,
Trial Counsel.

IN THE MATTER OF THE UNITED STATES AGAINST WILLIAM L. CALLEY, JR.—COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
October 16, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: On this date, I have received a letter from the Trial Counsel, dated October 14, 1970, in the case of United States v. William L. Calley, Jr. containing an unattested copy of Court Order Number 19 of the same case issued by the Military Judge in the Fifth Judicial Circuit, Fort Benning, Georgia that requests production of certain evidence of witnesses in possession and under the control of the House of Representatives.

Since House Resolution 15, of January 3, 1969, specifically precludes the release of such matter, I have this date so advised the Trial Counsel. The letter of request with its appended List of Witnesses and the copy of Court Order Number 19 are herewith attached for such action as the House in its wisdom may see fit to take.

Sincerely,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.
By W. RAYMOND COLLEY.

The SPEAKER. The Clerk will read the court order.

The Clerk read as follows:

[In the Fifth Judicial Circuit, Fort Benning, Ga., Court Order No. 19]

UNITED STATES *v.* WILLIAM L. CALLEY, JR., FIRST LIEUTENANT, U.S. ARMY

I

This Court, having reviewed the record and exhibits, and having heard oral argument on the issue of the release of testimony taken before the House Armed Services Subcommittee investigating the alleged incident at My Lai, now makes the following findings of law and fact:

II

Counsel for the accused, pursuant to applicable military law, formally requested counsel for the Government to obtain for use by the defense all witness testimony and statements taken by the Armed Services Investigating Subcommittee of the Committee on Armed Services, House of Representatives, Ninety-first Congress, Second Session, during that subcommittee's investigation of the alleged My Lai incident.

Counsel for the Government properly forwarded this request to the Honorable F. Edward Hébert, Chairman of the above mentioned Subcommittee. Speaking for the Subcommittee, Chairman Hébert replied that it was the view of the Subcommittee that only Congress can direct disclosure of legislative records; that the Jencks Act is not applicable to Congress; and that the matters sought were not within the purview of *Brady* v. *Maryland,* 373 U.S. 83 (1963). The import of his letter was to deny administrative access to the Subcommittee's records on the broad discovery basis sought by counsel for Lieutenant Calley.

On 15 July 1970, the Subcommittee issued a report on its investigation, containing the following explanation of why the Subcommittee had not published a transcript of its proceedings at the same time as its report:

"Although lack of cooperation on the part of the Department of the Army seriously impeded and delayed the work of the Subcommittee, its investigation has now been completed. However, the transcript of testimony is classified and will not be released until final disposition has been made of all criminal cases now pending or which may arise from the My Lai affair. This impounding is deemed necessary since the record contains matter which, if published, might be considered by the Government or the defense to be prejudicial.

"However, because of the sensational manner in which a significant portion of the news media reported the My Lai incident, the Subcommittee feels obliged to attempt to put material events in a proper perspective in a public report." (H.R. Rep. No. , "Investigation of the My Lai Incident," 91st Cong., 2d Sess., p. 4).

Defense has now petitioned this Court for relief in securing production of the testimony and statements from the Subcommittee. As authority for this petition, defense relies upon the Constitution, the Uniform Code of Military Justice, the Manual for Courts-Martial, *Brady* v. *Maryland,* 373 U.S. 83 (1963), the Jencks Act, 18 U.S.C. § 3500, and "any other authority which this court may find applicable." The Government replies that such testimony and statements, having been made in Congressional Executive Session, are not discoverable nor may judicial process compel their release by Congress.

In open court, counsel for both parties agreed that release of the testimony and statements to counsel, under appropriate limitations on disclosure would prejudice neither party.

III

The first question presented is whether such testimony is discoverable by an accused.

By Act of Congress the right of pretrial discovery is broader in military legal procedure than in most, if not all, other courts in the United States (Article 46, UCMJ, 10 U.S.C. § 846). Entitlement to discovery is dependent upon the relevancy of the material sought and reasonableness of the request (*United States* v. *Franchia,* 13 USCMA 315, 32 CMR 315 (1962)). An accused must, of course, be afforded some latitude in his exploration for relevant, admissible evidence and the formal process devices provided by Congress and by the President, under authority granted by Congress, are available to assist him in this search. However, the discovery processes are not designed to permit an accused to fish blindly for evidence with only hope for tackle and prayer for bait.

In this case, Chairman Hébert has provided counsel with the names of all witnesses appearing before the Subcommittee. Most of these witnesses have testified at other investigations. The defense has been provided with all testimony and statements obtained by investigators working under the direction of The Inspector General, the Criminal Investigation Division, and the "Peers Inquiry." All criminal investigative case progress notes were furnished the defense to permit counsel to contact any witness interviewed by the criminal investigators, including those from whom statements were not taken. In addition, the defense has been provided with blanket travel orders so that counsel may travel to and interrogate any potential witness at Government expense. This Court finds that the steps taken to date adequately protect the "equal opportunity to obtain witnesses and other evidence" granted trial and defense counsel by Article 46 of the Code (10 U.S.C. § 846).

IV

The second question is whether this Court should attempt to secure for the accused statements and testimony given to the Subcommittee by those witnesses who will also testify for the government at trial.

In *Gordon* v. *United States,* 344 U.S. 414 (1952); *Jencks* v. *United States,* 353 U.S. 657 (1957), and like cases, the Supreme Court held that in certain circumstances an accused should be provided with prior statements made by Government witnesses. Moreover, the desirability of granting the accused access to such material was formally recognized by Congress itself in its passage of the Jencks Act (see 18 U.S.C. § 3500; 103 Cong. Rec. 15781, *et seq.*). As is patently apparent, comparison of in-court testimony with prior out-of-court testimony is one manner in which a witness' credibility may be determined by the Jury and the truth disclosed.

Without reaching the precise issue of whether the Jencks Act itself applies, this Court is satisfied on the facts presented that in its quest for the truth, and to promote the ends of justice, it should issue process seeking the release of the above described witness statements and testimony, taken by the Subcommittee, for us in this trial under the restrictions described in paragraph V below.

V

Without question this court recognizes the Constitutional right of the House of Representatives to keep in its exclusive possession "such Parts [of its proceedings] as may in [its] Judgment require Secrecy" (Article I, Section 5, Constitution of the United States).

House Resolution 15, Ninety-First Congress, First Session, implements this Constitutional power. In part it provides:

"That when it appears by the order of any court in the United States or a judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of Justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House. . . ."

Under this resolution, upon determination by a court that papers or documents sought by a party are material and relevant, the Clerk of the House is authorized to supply certified copies of the matters without further action by the House, unless the matters are (1) papers of a Member, officer or employee, or (2) minutes or transcripts of executive sessions, or any evidence of witnesses in respect thereto. [Release of the latter is a matter to be handled under the general provision of Resolution 15 quoted above.] Contra to H. Res. 15.

It is therefore concluded that the witness' testimony and statements taken in executive session before the Subcommittee investigating the alleged My Lai incident are subject to judicial process only pursuant to House Resolution 15 or when the House of Representatives otherwise authorizes release of such testimony.

VI

Wherefore, to promote the ends of justice, this Court hereby seeks the release of all statements and/or testimony of those prosecution witnesses who have previously testified before the Armed Services Investigating Subcommittee of the Committee on Armed Services, House of Representatives, Ninety-first Congress, Second Session. If released, these matters will be held by this Court until after the witness to which each relates has testified. Counsel will be ordered not to disclose to the public or counsel in other cases the contents of any document provided them except to the extent actually used for impeachment in court.

Pursuant to the Uniform Code of Military Justice and Manual for Courts-Martial, Government counsel is directed to serve a copy of this order on the Clerk of the House of Representatives, together with a list of all witnesses that he intends to call and who have also testified before or given statements to the "My Lai Investigating Subcommittee," for such action as the House of Representatives, under House Resolution 15 and other applicable rules, deems consistent with the ends of justice and the rights and privileges of that House.

Dated this 13th day of October, 1970.

REID W. KENNEDY,
Military Judge.

IN THE MATTER OF THE UNITED STATES OF AMERICA AGAINST DAVID MITCHELL, STAFF SERGEANT, U.S. ARMY—COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

October 22, 1970.

The HONORABLE SPEAKER,
U.S. HOUSE OF REPRESENTATIVES.

DEAR SIR: On this date, I have been served with a subpoena by the Chief, Investigations Division, Office of the Chief of Legislative Liaison, The Pentagon, that was issued by the Sixth Judicial Circuit, Fourth Judicial Area, First Armored Division, Fort Hood, Texas, 76545. This subpoena appears to be in connection with the case of United States of America v. David Mitchell, SSG, U.S. Army.

This subpena commands me to appear on the 6th day of October 1970 before general court-martial of the United States, at Building 2230, Fort Hood, Texas and requests certain House records that are outlined in the subpoena itself, which is attached hereto.

The rules and practices of the House of Representatives, House Resolution 288 of June 16, 1953, and House Resolution 15 of January 3, 1969, indicate that no official of the House may, either voluntarily or in obedience to a subpoena duces tecum, produce such records without the consent of the House being first obtained. It is further indicated that copies of the requested papers may not be supplied without such consent.

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS, *Clerk,*
U.S. House of Representatives.
By W. RAYMOND COLLEY.

XUM

The **SPEAKER**. The Clerk will read the subpena.

The Clerk read as follows:

SUBPENA FOR CIVILIAN WITNESS

General Court-Martial of the United States, 1st Armored Division, Fort Hood, Tex.

The President of the United States, to Hon. William Pat Jennings, Clerk of the U.S. House of Representatives.

You are hereby summoned and required to appear on the 26th day of October, 1970, at 8 o'clock A.M., before a general court-martial of the United States, at Building 2230, Fort Hood, Texas, convened by an order of the Commanding General, 1st Armored Division, Fort Hood, Texas, dated 2 October 1970, to testify as a witness for the prosecution in the case of United States v. David Mitchell, SSG, U.S. Army (and bring with you transcripts of the testimony of CW2 Hugh Thompson, CW2 Jerry Culverhouse, Mr. Lenny B. Laguney, and Mr. Lawrence M. Colburn, taken by the My Lai Incident Subcommittee, F. Edward Hébert, Chairman).

Failure to appear and testify is punishable by a fine of not more than $500 or imprisonment for a period not exceeding six months, or both.

Bring this subpena with you and do not depart from the court without proper permission.

Subscribed at Fort Hood, Texas, this 19th day of October, 1970.

Col. GEORGE R. ROBINSON, J.A.G.C.,
Military Judge.

[Sixth Judicial Circuit, Fourth Judicial Area, First Armored Division Fort Hood, Tex., Court Order No. 5]

UNITED STATES *v* DAVID MITCHELL, SSG E6

I

This court, having reviewed the record and exhibits on the issue of the release of testimony taken before the House Armed Services Subcommittee investigating the alleged incident at My Lai, now makes the following findings of law and fact:

a. That documentary evidence in the possession and under the control of the House of Representatives in the form of testimony given by the following named persons: *Lawrence M. Colburn, Jerry Culverhouse, Lenny Lagunoy* and *Hugh Thompson* before the House Armed Services Subcommittee concerning the alleged incident at My Lai, is needed by both the defense and prosecution as well as this court in the trial of *United States v. Mitchell.*

b. That the production of the above described documentary evidence will promote the ends of justice and preserve the integrity of our juidical system.

II

Therefore, the trial counsel is hereby ordered to apply to the Clerk of the House of Representatives pursuant to House Resolution 15 for the above described testimony of the named individuals as soon as possible.

Dated this 19th day of October 1970.

Col. GEORGE R. ROBINSON, JAGC,
Military Judge.

PROPOSAL TO CHANGE RULE ON TRADE BILL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material.)

Mr. **GIBBONS**. Mr. Speaker, as you so well know, tomorrow the House of Representatives is scheduled to take up the trade bill. This trade bill has been reported from the Committee on Ways and Means with seven dissenting votes, and it was reported by the Committee on Rules under a closed rule—a no amendment rule.

Tomorrow during consideration of the rule I intend to oppose the closed rule, and if the previous question is voted down and if I am recognized, to submit a substitute for that rule. I will submit a substitute that allows the Members of the House to consider this bill in an orderly fashion after general debate under the normal 5-minute rule, the only restriction being that only motions to strike shall be in order.

I hope that the House will adopt the proposal that I will put forward. This is the most serious matter, the most serious policy decision that the House of Representatives has been called upon to make, certainly in my time of office here, and perhaps in the last 30 or 40 years.

Mr. Speaker, I would say that the action I urge the House to take is not unprecedented, for in 1953 the House adopted the same type of rule for the consideration of a trade bill. I would hope that all Members tomorrow who are present will vote down the previous question when the motion is made by the gentleman from Texas (Mr. YOUNG), of the Committee on Rules, and I further hope, Mr. Speaker, that you will recognize me so that I might present a substitute for the rule as reported by the Committee on Rules.

ADVERTISING UNDER ALMOND MARKETING ORDERS

Mr. **SISK**. Mr. Speaker, by direction of the Committee on Agriculture, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13978) to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, lines 1 and 2, strike out "striking the period at the end of the first proviso and inserting in lieu thereof" and insert "inserting before the colon at the end of the first proviso the following".

Page 2, line 7, strike out "order." and insert "order".

The **SPEAKER**. Is there objection to the request of the gentleman from California?

PARLIAMENTARY INQUIRY

Mr. **HALL**. Mr. Speaker, reserving the right to object, I would like to propose a parliamentary inquiry.

The **SPEAKER**. The gentleman will state his parliamentary inquiry.

Mr. **HALL**. Mr. Speaker, I ask if the Chair would consider this as legislative business of the House of Representatives?

The **SPEAKER**. Yes; this is legislative business, and it is being considered under a unanimous-consent request.

Mr. **HALL**. Mr. Speaker, a further parliamentary inquiry.

The **SPEAKER**. The gentleman will state his parliamentary inquiry.

Mr. **HALL**. Is it not customary and, indeed, in accordance with clause 6 of rule XXIV that reads to this effect:

> On the third Tuesday of each month after the disposal of such business on the Speaker's table as requires reference only, that the Private Calendar is called as the next order of business?

If so, would that not apply prior to legislative business before the House?

The **SPEAKER**. The gentleman's statement is correct with one qualification. The Chair may recognize a Member for a unanimous-consent request. A unanimous-consent request has been made.

Mr. **HALL**. Then, Mr. Speaker, under the circumstances I am constrained to object.

The **SPEAKER**. Would the gentleman prefer to have the Private Calendar called first, and that the gentleman from California call this matter up later?

Mr. **HALL**. I certainly would, Mr. Speaker.

Mr. **SISK**. Mr. Speaker, in observance of the rules of the House, I am happy to withdraw the unanimous-consent request.

The **SPEAKER**. The gentleman's request is withdrawn.

PRIVATE CALENDAR

The **SPEAKER**. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

DR. ANTHONY S. MASTRIAN

The Clerk called the bill (H.R. 15760) for the relief of Dr. Anthony S. Mastrian.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ATKINSON, HASERICK & CO., INC.

The Clerk called the bill (H.R. 10534) for the relief of Atkinson, Haserick, & Co., Inc.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CLAUDE G. HANSEN

The Clerk called the bill (H.R. 13807) for the relief of Claude G. Hansen.

Mr. **DUNCAN**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

JOHN R. GOSNELL

The Clerk called the bill (H.R. 13469) for the relief of John R. Gosnell.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

DAVID L. KENNISON

The Clerk called the bill (H.R. 15272) for the relief of David L. Kennison.

There being no objection, the Clerk read the bill as follows:

H.R. 15272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to David L. Kennison the sum of $1,721.61 in full settlement of all his claims against the United States for the amount he paid in special expenses incurred in a move from the State of Arizona to the District of Columbia for the purpose of employment with the Department of Transportation which expenses the Department of Transportation specifically promised to pay and/or reimburse, including, but not necessarily restricted to, costs involved in selling an Arizona residence and buying a Virginia residence, a per diem allowance for each member of his family, the cost of temporary quarters, and other miscellaneous expense.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike "$1,721.61" and insert "$1,307.88".

Page 2, line 7, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE F. MILLS

The Clerk called the bill (H.R. 15415) for the relief of George F. Mills.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REFERENCE OF H.R. 1390 TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS

The Clerk called House Resolution 108, referring H.R. 1390 to the Chief Commissioner of the Court of Claims.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

THOMAS J. BECK

The Clerk called the bill (H.R. 4982) for the relief of Thomas J. Beck.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MAUREEN O'LEARY PIMPARE

The Clerk called the bill (H.R. 12962) for the relief of Maureen O'Leary Pimpare.

There being no objection, the Clerk read the bill as follows:

H.R. 12962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(23) of the Immigration and Nationality Act, Maureen O'Leary Pimpare may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIA DE CONCEICAO BOTELHO PEREIRA

The Clerk called the bill (H.R. 12990) for the relief of Maria de Conceicao Botelho Pereira.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DRAGO MIKLAUSIC

The Clerk called the bill (H.R. 1508) for the relief of Drago Miklausic.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MATYAS HUNYADI

The Clerk called the bill (H.R. 3436) for the relief of Matyas Hunyadi.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CLINTON M. HOOSE

The Clerk called the bill (H.R. 4665) for the relief of Clinton M. Hoose.

There being no objection, the Clerk read the bill as follows:

H.R. 4665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clinton M. Hoose, of Alexandria, Virginia, the sum of $3,634.64 in full settlement of all his claims against the United States arising in connection with a reduction in his salary for the period beginning October 1, 1962, and ending October 30, 1964, while he was a contract employee of the Central Intelligence Agency. The said Clinton M. Hoose agreed to such a reduction in salary because of certain provisions of Federal law relating to restrictions on the concurrent receipt of civilian compensation and military retired pay, which provisions were later rendered retroactively inapplicable to certain retired officers by section 201(g) of the Dual Compensation Act of 1964.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 7, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A. HUGHLETT MASON

The Clerk called the bill (H.R. 5017) for the relief of A. Hughlett Mason.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ROGER STANLEY, AND THE SUCCESSOR PARTNERSHIP, ROGER STANLEY AND HAL IRWIN, DOING BUSINESS AS THE ROGER STANLEY ORCHESTRA

The Clerk called the bill (H.R. 5943) for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

XUM

HERSHEL SMITH, PUBLISHER OF THE LINDSAY NEWS, OF LINDSAY, OKLA.

The Clerk called the bill (H.R. 6100) for the relief of Hershel Smith, publisher of the Lindsay News of Lindsay, Okla.

There being no objection, the Clerk read the bill as follows:

H.R. 6100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Hershel Smith, publisher of the Lindsay News, of Lindsay, Oklahoma, is relieved of all liability for payment to the United States of the sum of $966.77, representing the difference between the amount which should have been paid and the amount actually paid by the said Hershel Smith for postage on second-class mailings of the Lindsay News for the period from September 22, 1962, through July 22, 1964, such underpayment having resulted from his reliance upon postal rates specified in good faith by the appropriate postmaster although such rates were erroneous.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Hershel Smith the sum of any amounts received from him on account of the underpayment referred to in the first section of this Act.

With the following committee amendment:

Page 2, after line 7, add the following:

"No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES ZONARS

The Clerk called the bill (H.R. 7955) for the relief of Charles Zonars.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CENTRAL GULF STEAMSHIP CORP.

The Clerk called the bill (H.R. 12958) for the relief of Central Gulf Steamship Corp.

There being no objection, the Clerk read the bill as follows:

H.R. 12958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Central Gulf Steamship Corporation, a Delaware corporation, the sum of $100,910.19 in full settlement of all its claims against the United States for reimbursement of customs duties paid by the corporation on certain steel which arrived at the Port of New Orleans during 1968 and 1969; such duties were incurred as a result of delays attributable entirely to the Government of the United States.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike "$100,910.19" and insert "$50,055.95".

Page 1, lines 10 and 11: Strike "; such duties were incurred as a result of delays attributable entirely to the Government of the United States".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAVID Z. GLASSMAN

The Clerk called the bill (H.R. 13805) for the relief of David Z. Glassman.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MARCOS ROJOS RODRIGUEZ

The Clerk called the bill (S. 1187) for the relief of Marcos Rojos Rodriguez.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 2514) for the relief of Arline Loader and Maurice Loader.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ARTHUR JEROME OLINGER, A MINOR

The Clerk called the bill (S. 703) for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually.

There being no objection, the Clerk read the bill as follows:

S. 703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, notwithstanding any statute of limitation, bars of laches, or lapse of time, or that the claims herein arose in a foreign country, jurisdiction is hereby conferred upon the United States District Court for the District of Hawaii to hear, determine, and render judgment upon the claims of Arthur Jerome Olinger and his father, George Henry Olinger, for compensation for a fractured skull and other injuries sustained by the said Arthur Jerome Olinger at the age of four, such injuries having occurred as a result of a fall from the third floor of Government quarters, owned and controlled by the United States, known as Feebren Strasse II, Warner Barracks, in Bamberg, Germany, on September 22, 1962.

SEC. 2. Suit upon any such claims may be instituted at any time within one year after the date of the enactment of this Act. Proceedings for the determination of such claims and review thereof, and payment of any judgment thereon, shall be in accordance with the provisions of law applicable to cases over which the court has jurisdiction under section 1346(b) of title 28 of the United States Code. The application of section 2680(k) of title 28 of the United States Code to the claims herein is waived. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

With the following committee amendment.

Strike all after the enacting clause and insert:

"That notwithstanding the limitations of subsection (b)(1) of section 2733 of title 10 of the United States Code, or any other statute of limitations, the claim of Arthur Jerome Olinger, a minor, for injuries and consequent disability resulting from a fall on or about September 29, 1962, from an upper floor of Government quarters known as Feevren Strasse II, Warner Barracks, Bamberg, Germany, filed within one year of the effective date of this Act shall be held to be a timely claim and shall be received, considered, settled, and, if meritorious, paid in accordance with the otherwise applicable provisions of section 2733 of title 10 of the United States Code. Nothing in this Act shall be construed as an inference of liability on the part of the United States."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KONRAD LUDWIG STAUDINGER

The Clerk called the bill (S. 737) for the relief of Konrad Ludwig Staudinger.

There being no objection, the Clerk read the bill as follows:

S. 737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (9) of section 212(a) of the Immigration and Nationality Act, Konrad Ludwig Staudinger may be issued an immigrant visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act. This Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ANASTASIA PERTSOVITCH

The Clerk called the bill (S. 3620) for the relief of Mrs. Anastasia Pertsovitch.

There being no objection, the Clerk read the bill as follows:

S. 3620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mrs. Anastasia Pertsovitch, the widow of Mr. Dmytro Pertsovitch, a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of said Act shall not be applicable in this case.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. PANG TAI TAI

The Clerk called the bill (S. 3853) for the relief of Mrs. Pang Tai Tai.

There being no objection, the Clerk read the bill as follows:

S. 3853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a) (25) of the Immigration and Nationality Act, Mrs. Pang Tai Tai may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRUCE M. SMITH

The Clerk called the bill (S. 3858) for the relief of Bruce M. Smith.

There being no objection, the Clerk read the bill as follows:

S. 3858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, the periods of time that Bruce M. Smith has resided in the United States since he was lawfully admitted to the United States for permanent residence on May 23, 1961, shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act. In this case the petition for naturalization may be filed with any court having naturalization jurisdiction.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the concurrent resolution (S. Con. Res. 79) favoring the suspension of deportation of certain aliens.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the concurrent resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2302) for the relief of Mrs. Rose Thomas.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PHILIP C. RILEY AND DONALD F. LANE

The Clerk called the bill (H.R. 11676) for the relief of Philip C. Riley and Donald F. Lane.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ROBERT L. STEVENSON

The Clerk called the bill (H.R. 15864) for the relief of Robert L. Stevenson.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARION OWEN

The Clerk called the bill (H.R. 15865) for the relief of Marion Owen.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILLIAM E. CARROLL

The Clerk called the bill (H.R. 16276) for the relief of William E. Carroll.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARLO BIANCHI & CO., INC.

The Clerk called the bill (H.R. 17853) for the relief of Carlo Bianchi & Co., Inc.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

JAMES E. MILLER

The Clerk called the bill (S. 878) for the relief of James E. Miller.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CAPT. WILLIAM O. HANLE

The Clerk called the bill (S. 882) for the relief of Captain William O. Hanle.

There being no objection, the Clerk read the bill as follows:

S. 882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain William O. Hanle, United States Army, retired, of Joppa, Maryland, is hereby relieved of all liability to repay to the United States the sum of $15,348.32, representing salary paid him during the period from July 9, 1962, through November 30, 1964, while he was employed as a criminal investigator at the mid-Atlantic regional office of the Internal Revenue Service at Philadelphia, Pennsylvania, in violation of section 2 of the Act of July 31, 1894 (28 Stat. 205; 5 U.S.C. 62), which prohibits the employment of certain retired military officers in a civilian position, the said William O. Hanle having advised the Internal Revenue Service of his retired status prior to his employment. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Sec. 2. In determining length of service for purposes of step increases, retirement, annual and sick leave, and any other employee rights and benefits the said Captain William O. Hanle shall be entitled to credit for such period during which he was employed and received salary as a criminal investigator for the Internal Revenue Service.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DONAL E. McGONEGAL

The Clerk called the bill (S. 1422) for the relief of Donal E. McGonegal.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Donal E. McGonegal of Springfield, Virginia, is hereby relieved of all liability for repayment to the United States of the sum of $728.37, representing the amount of overpayments of per diem he received, as the result of administrative error, from the United States Navy during the period from June 26, 1966, through November 22, 1966, while the said Donal E. McGonegal was serving on active duty with the United States Navy. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Donal E. McGonegal, the sum of any amount received or withheld from him on account of the overpayment referred to in the first section of this Act.

(b) No part of any amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANCIS X. TUSON

The Clerk called the bill (H.R. 4463) for the relief of Francis X. Tuson.

There being no objection, the Clerk read the bill as follows:

H.R. 4463

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That notwithstanding the limitations of section 2401 of title 28 of the United States Code, or of any other statute of limitations, jurisdiction is hereby conferred upon any United States district court to hear, determine, and render judgment in accordance with the otherwise applicable tort claims provisions of title 28 upon the claims of Francis X. Tuson of Worcester, Massachusetts, against the United States, based upon an accident which occurred on or about May 31, 1962, when a United States mail truck collided with a police ambulance operated by him at Commercial and Foster Streets in Worcester, Massachusetts. Any action commenced under the authority of this Act shall be filed within one year of the date of approval of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK E. DART

The Clerk called the bill (H.R. 13182) for the relief of Frank E. Dart.

There being no objection, the Clerk read the bill as follows:

H.R. 13182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Ephriam Dart, chief petty officer, United States Navy, the sum of $6,678.00 representing compensation for the loss of his household goods and personal effects which were destroyed by a fire on February 18, 1969, at the Collings Warehouse in Westerly, Rhode Island, where the goods and effects were in temporary storage while Mr. Dart was awaiting Government quarters. The fire occurred after the expiration of Mr. Dart's period of authorized temporage storage at Government expense, but he never received notice of the expiration of such period.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert:

"That the claim previously filed by Frank E. Dart, Chief Radarman, United States Navy, for the loss of personal effects and household goods suffered as the result of a fire on or about February 18, 1969 at Collings Moving and Storage, Westerly, Rhode Island, shall be held and considered to be a claim cognizable under the Military Personnel and Civilian Employees Claims Act of 1964, as amended (Public Law 89-185, 78 Stat. 767, as amended; 31 U.S.C. 240-243), and the Secretary of the Navy is hereby authorized to consider, settle, and, if found meritorious, to pay the claim in accordance with the otherwise applicable provisions of that Act. The United States shall be subrogated to any rights of the said Frank E. Dart against any third parties based on the same loss to the extent of the amount so paid."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RUTH V. HAWLEY, MARVIN E. KRELL, ALAINE E. BENIC, AND GERALD L. THAYER

The Clerk called the bill (H.R. 14703) for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

THADDEUS J. PAWLAK

The Clerk called the bill (H.R. 15270) for the relief of Thaddeus J. Pawlak.

There being no objection, the Clerk read the bill as follows:

H.R. 15270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $1,042.50 to Thaddens J. Pawlak of the Department of the Army, formerly of Chicago, Illinois, who was ordered to report for duty at his new duty station at Fort Sheridan, Illinois, on or about May 7, 1967, for relocation allowances authorized by the Administrative Expenses Act of 1946 (60 Stat. 806), in accordance with the provisions of the regulations of the Bureau of the Budget contained in Circular Numbered A-56 Revised, October 12, 1966, except that the time limits contained in section 4.1d of the circular will not be applied to expenses incurred in connection with said relocation prior to the enactment of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike "Thaddens" and insert "Thaddeus".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JACK B. SMITH AND CHARLES N. MARTIN, JR.

The Clerk called the bill (H.R. 15505) for the relief of Jack B. Smith and Charles N. Martin, Jr.

There being no objection, the Clerk read the bill as follows:

H.R. 15505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Jack B. Smith, postmaster, and Charles N. Martin, Junior, publisher of Atlanta's Suburban Reporter of Atlanta, Georgia, are relieved of liability to the United States in the amount of $3,696.80, an amount claimed to be due by the Post Office Department for revenue deficiencies resulting from errors in postage on second-class material at the post office at East Point, Georgia, in the period from July, 1964 through 1967, inasmuch as the material which should have been rated second-class and received second-class service, was on instructions from the Post Office Department and Postmaster, rated, handled and transmitted as third-class material and did not at any time receive second-class treatment.

SEC. 2. Charles N. Martin, Junior is hereby relieved of the obligation of $3,696.80, which represents the differential between second-class and third-class service, and Jack B. Smith, postmaster, is likewise relieved of any obligation related thereto, and the Post Office Department is further instructed to make the necessary bookkeeping entries to remove this item as an amount due inasmuch as second-class service was never rendered.

With the following committee amendments:

Page 1, line 6, strike "$3,696.80" and insert "$3,572.18".

Page 2, line 5, strike "$3,696.80" and insert "$3,572.18".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

WARREN BEARCLOUD, PERRY PRETTY PAINT, AGATHA HORSE CHIEF HOUSE, MARIE PRETTY PAINT WALLACE, AND PERA PRETTY PAINT NOT AFRAID

The Clerk called the bill (H.R. 15805) for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, and Pera Pretty Paint Not Afraid.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

RICHARD N. STANFORD

The Clerk called the bill (H.R. 16965) for the relief of Richard N. Stanford.

There being no objection, the Clerk read the bill as follows:

H.R. 16965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Richard N. Stanford (Chief Warrant Officer, United States Air Force, retired) of Fort Walton Beach, Florida, is relieved of liability to the United States in the amount of $3,044.16, representing the living quarters allowance received by the said Richard N. Stanford as a result of administrative error during the period beginning June 13, 1966, through April 30, 1968, while he was employed by the Department of the Air Force at the Rhein-Main Air Base, Germany. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Richard N. Stanford an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike "$3,044.16" and insert "1,921.62".

Page 2, line 1, strike "Unitd" and insert "United".

Page 2, line 12, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IRENE SADOWSKA SULLIVAN

The Clerk called the bill (S. 1785) for the relief of Irene Sadowska Sullivan.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

ADVERTISING UNDER ALMOND MARKETING ORDERS

Mr. SISK. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 13978) to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, lines 1 and 2, strike out "striking the period at the end of the first proviso and inserting in lieu thereof" and insert "inserting before the colon at the end of the first proviso the following".

Page 2, line 7, strike out "order." and insert "order".

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 353]

Abbitt
Abernethy
Adams
Alexander
Annunzio
Aspinall
Baring
Beall, Md.
Berry
Blackburn
Blatnik
Brock
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Button
Camp
Celler
Clark
Clawson, Del
Clay
Coughlin
Cowger
Daddario
de la Garza
Dent
Devine
Dowdy
Dulski
Edmondson
Eilberg
Fallon
Farbstein
Feighan
Fish
Flowers
Ford, William D.
Gallagher
Gaydos
Gilbert
Goodling
Gray
Halpern
Hansen, Wash.
Hays
Hosmer
Hungate
Jarman
Jones, Tenn.
Kuykendall
Langen
Lowenstein
Lukens
McCarthy
McCloskey
McClure
McKneally
Macdonald, Mass.
Mann
Mathias
May
Mayne
Meskill
Mills
Mize
Montgomery
Murphy, Ill.
Ottinger
Pettis
Pike
Pirnie
Poage
Podell
Powell
Price, Tex.
Railsback
Rivers
Rodino
Roudebush
Ruppe
Sandman
Scheuer
Skubitz
Smith, N.Y.
Springer
Stanton
Symington
Thomson, Wis.
Wilson, Bob
Wold

The SPEAKER. On this rollcall 342 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE COMPREHENSIVE MANPOWER ACT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1252 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1252

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19519) to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability, and for other purposes, and all points of order against sections 502, 515, and 522 of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. MOSS). The gentleman from Indiana (Mr. MADDEN) is recognized for 1 hour.

(Mr. MADDEN asked and was given permission to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1252 provides an open rule with 2 hours of general debate for consideration of H.R. 19519. This comprehensive legislation will answer a long-delayed need for development of a national manpower policy to be implemented by reorganizing and extending the present manpower system. The Education and Labor Committee has held extensive hearings on this manpower legislation. All segments of our economy—business, industry, labor, representatives of the administration—have testified before the Education and Labor Committee on the necessity to streamline, expand, and more effectively establish a system that will, eventually, train and aid millions of our workers, both young people and elderly unemployed, to secure employment and diminish our welfare and relief rolls.

The necessity for the Congress to take decided action on this long-delayed legislation meets the endorsement of about everybody who has read the provisions of this bill. The Secretary of Labor and the Nixon administration entirely endorse the legislation as is evidenced by a letter received by Chairman PERKINS from J. D. Hodgson, Secretary of Labor, which I include with my remarks:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, September 30, 1970.

Hon. CARL D. PERKINS,
House of Representatives,
Washington, D.C.

DEAR CHAIRMAN PERKINS: It gives me great pleasure to advise you that the bill entitled the Comprehensive Manpower Act, introduced today by Congressmen O'Hara, Quie, and Steiger, has the full support of the administration. This bill is a responsible response to President Nixon's request for comprehensive manpower legislation and is con-

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sonant with the basic principles of manpower program reform he proposed.

You may be sure that this bill has my warmest personal support.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

Mr. Speaker, one of the outstanding features of the bill has been to recognize the need to provide for State and local employment program planners to train and provide suitable workers to meet the individual local needs and respond to extraordinary local community conditions. In the past confusion and various activities and administrative restrictions have seriously handicapped the effectiveness of manpower programs. Demands for reform of these unemployment and employment problems have come from members of both political parties and from local program managers and national and regional advisory committees.

This bill will eliminate redtape, streamline many programs and curtail duplication and will train and qualify every American seeking work.

Since the enactment of the Manpower Development and Training Act of 1962 the Economic Opportunity Act of 1964, individual programs have lost much of their flexibility. Proliferation of training programs has led to overlapping and uncoordinated services.

H.R. 19519 provides for a comprehensive manpower services program to provide for referral to employment, training, and related services for unemployed and underemployed persons, veterans, and unemployed youth. This bill will improve the labor market by developing information systems and reducing impediments to employment.

The bill establishes a program of financial assistance to designated prime sponsors, or other public or private employers to help such employers train their employees for higher level jobs.

A public service employment program is authorized and a number of Federal manpower programs are provided: $2 billion is authorized for fiscal year 1972, $2.5 billion for fiscal year 1973, and $3 billion for 1974. In addition, a National Manpower Advisory Committee is provided for comparative evaluation of different manpower programs. This legislation passed the Education and Labor Committee by a vote of 25 to 3.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. Speaker, I reserve the balance of my time.

Mr. GROSS. Mr. Speaker, will the gentleman yield before he leaves the well of the House?

Mr. MADDEN. Yes.

Mr. GROSS. Why are points of order waived against sections 502, 515, and 522?

Mr. MADDEN. According to the testimony before the Rules Committee, this was done due to the transfer of funds. That is why the points of order were waived.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, I also wonder about the identity of the author of this resolution which the gentleman from Indiana has submitted to the House, in view of the fact that it says "for the consideration of the bill (H.R. 19519) to assure an opportunity for employment to every American seeking work."

Now, how does this bill assure the opportunity for employment to every American who wants to work?

Mr. MADDEN. Well, it provides opportunities to take advantage of the training programs offered, and that will insure an opportunity for employment, if he is otherwise unqualified.

Mr. GROSS. Someone is a real optimist. Whoever wrote that resolution is a real optimist. I believe the gentleman from Indiana will agree with me on that.

Mr. MADDEN. Well, anyway, it will greatly aid in reducing unemployment which I think is very necessary at this time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, House Resolution 1252 provides for 2 hours of debate for the consideration of the bill H.R. 19519. It is an open rule. It does waive points of order on sections 502, 515, and 522, because those three sections transfer funds, and it is necessary to waive points of order.

Mr. Speaker, the purpose of the bill is to coordinate and unify many separately funded and administered manpower training programs into a single program to insure maximum benefits for those served.

Over the last decade manpower training programs have grown by leaps and bounds. These programs were developed separately to meet what were believed to be diverse problems or groups. Funds were allocated on a category basis and administrative personnel proliferated. This patchwork approach with difused responsibility among several agencies has made it impossible to establish an effective Federal-State-local partnership for delivery of manpower services.

The President, in his manpower message last year, urged a complete reform and restructuring of our manpower programs. This the bill seeks to do.

State and local planners are to be provided with more flexibility to develop local programs to meet local needs, rather than to be required to fit such needs into a federally developed category assistance program. The bill also eliminates the categorical earmarking of funds and moves to the block-grant approach in which funds are available for manpower programs and services purposes but individual State and local administrators can use funds as they determine best fit their local situations.

The bill seeks to set the framework for a closer partnership between cities and States in planning and administering manpower programs. This is done to help eliminate duplication of programs, gaps in services, and much of the general confusion which now characterizes the situation.

Title I authorizes the Secretary of Labor to provide a comprehensive delivery system for manpower services by way of agreements he will enter into with Governors and mayors of major cities. This authority to restructure the existing programs is the heart of the bill.

Title II establishes a new program for upgrading skills of employed workers and will be incorporated into the restructuring authorized by title I. States will receive 90 percent Federal assistance.

Title III creates a new public service employment program to provide jobs for unemployed persons to whom regular employment is not available. Federal funds will pay 80 percent of the cost of the program. This, too, will be incorporated into the overall program of title I.

The Secretary of Labor is authorized by title IV of the bill to undertake manpower research studies, demonstrations, and pilot projects in order to continuously develop more successful programs. A computerized job bank is also authorized.

The bill authorizes $2,000,000,000 for fiscal 1972 and $3,000,000,000 for 1973. In each year one-quarter of the funds are allocated to title IV projects and the remaining to programs set up in titles I, II, and III. At least 18.75 percent of this must be used for title III programs. The title also allocates funds among the States by formula.

The administration supports the bill. There are no minority views.

Mr. Speaker, I urge adoption of the rule.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19519) to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability, and for other purposes.

The SPEAKER pro tempore (Mr. Moss). The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19519, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 1 hour, and the gentleman from Wisconsin (Mr. STEIGER), will be recognized for 1 hour.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, H.R. 19519, the Comprehensive Manpower Act, is one of the most important measures that has been approved by the Committee on Education and Labor this session.

But I would not be standing here today if it were not for the diligent and dedicated efforts of my colleagues Jim O'Hara, Dominick Daniels, Bill Steiger, and Al Quie. These are the men who did the work and put together a truly bipartisan bill. They are to be complimented and congratulated.

Mr. Chairman, this bill draws upon many of the best proposals that have been made by Mr. O'Hara, Mr. Steiger, Mr. Hawkins, the administration and others who have submitted bills to our committee. It incorporates a number of provisions that were developed over several months by the Senate Labor and Public Welfare Committee. It is the result of direct discussions between committee members of both parties and the Labor Department. The Secretary of Labor has advised me that this bill has "the full support of the administration" and his "warmest personal support." It has been reported out by our committee with a 25 to 3 vote.

In this bill, we do something about rising unemployment; we do something about inadequate public services in our communities; and we do something about simplifying the existing tangle of job training programs.

It will replace the Manpower Development and Training Act of 1962, and the manpower provisions of the Economic Opportunity Act of 1964. Under one broad and flexible authority it will reform the delivery of our manpower training programs.

Since 1962 these programs have grown from $70 million to $1.6 billion a year. Over 1.3 million persons now participate each year in these programs.

At present most of these programs are administered through over 10,000 contracts which the Labor Department has with a wide variety of program sponsors. The scope and complexity of these programs have outgrown the Labor Department's capacity to administer them directly in an efficient and effective manner.

Under the comprehensive manpower act the money to pay for these manpower programs will be given to State and local governments who will be prime sponsors. In this bill a State, a city, or a combination of cities and/or counties are eligible to be designated prime sponsors by the Secretary of Labor.

These prime sponsors will be able to plan and administer comprehensive manpower programs shaped to meet the unique needs of their areas. Such plans will be approved and funded by the Labor Department. Most manpower programs will be conducted through such prime sponsors.

A prime sponsor generally will not operate programs. He will be the local broker. In consultation with his local, broadly representative manpower council, he will identify and enter into agreements with public and private agencies in the community which he feels are best equipped to provide a particular service.

This is a major reform. We used to have federally established programs, each with its own budget. Under that scheme the Labor Department used to tell the communities what services they should and could provide. Now the States and cities are going to tell the Federal Government what they want to do.

The most important thing this bill does, however, is to create jobs. Title III of this bill established a public service employment program. This program will provide jobs for unemployed persons who cannot get regular work. Local officials—such as your mayors or county judges—Governors, and other public agencies and institutions will design and operate these programs. We feel that there are many, many needed public services in such areas as health, public safety, education, rural development, recreation, maintenance of parks, streets and other public facilities, solid waste removal, housing, beautification, and conservation. We see this program as having a double benefit: It will give people worthwhile jobs, and it will help provide urgently needed services to the community.

I know that down my way we need this type of program in the worst sort of way. Just in a three- or four-county area around my home county I would estimate we could put 500 to 600 people to work repairing buildings and roads and houses and restoring the environment which is being torn up by all the strip mining, and performing many other tasks which would tremendously benefit these little rural communities where there is no job opportunities and no chance this work would get done any other way.

The committee has taken great pains to assure that these will be real, not "make work" jobs. In addition, where the applicant and the Labor Department agree it is appropriate, further training to public service employees will be provided under other titles in the act in order to qualify them for jobs not supported under this act.

The need for a program of public service employment has long been stressed by many public officials, economists, and manpower experts. Its enactment at this time is vital. Unemployment has now reached 5.5 percent, the highest rate in 7 years. During the months that this legislation has been under consideration, the ranks of the unemployed have increased by 1.7 million persons.

Finally, title IV of the bill gives the Secretary authority to make direct Federal grants in order to continue some nationally administered programs such as the Green Thumb for older workers, special programs for Indians, Job Corps, and some pilot and demonstration programs.

These are the highlights of the Comprehensive Manpower Act. I would now like to insert a brief title-by-title summary:

Title-by-Title Summary

TITLE I—MANPOWER SERVICES PROGRAM

This title authorizes the Secretary of Labor, principally through agreements with Governors and mayors of larger cities (100,000 population or more) and rural areas with high unemployment and substantial outmigration, acting as "prime sponsors", to provide a decentralized, comprehensive delivery system for manpower services. Prime sponsors, submitting acceptable plans, will be authorized to design a manpower program incorporating the "mix" of services which best meets local needs and problems. All workable and effective forms of remedial actions are authorized, including program approaches developed under current legislation MDTA-type training, neighborhood youth corps projects, work experience and training of the "mainstream" and "new careers" variety and so forth.

Section 104 provides that the following shall be eligible to the prime sponsors:

(1) Any State;

(2) Any city with a population of 100,000 or more;

(3) Any county or other unit of general local government of 100,000 or more persons having general governmental powers substantially similar to a city and serving a susbtantial part of a functioning labor market area;

(4) The largest city of any State which does not have a city of 100,000;

(5) Any combination of units of local general government covering a geographical area having a population of 100,000 or more and which serves a substantial part of a functioning labor market area;

(6) Units of government in rural areas with substantial outmigration and high unemployment, irrespective of the population criterion.

At present, the Department of Labor is dealing with over 10,000 different sponsors in administering various manpower programs under their jurisdiction. Under this bill that number would be substantially reduced because most manpower programs will be conducted through such prime sponsors. It would appear that after the criteria in the bill are applied, some 300 to 350 units of government would qualify for prime sponsor status.

TITLE II—OCCUPATIONAL UPGRADING

This title establishes a new program for upgrading the skills of workers in private and public employment. Employers will be assisted in meeting the training costs of moving employees to more responsible and better paying jobs and, at the same time, opening up entry opportunities for unemployed workers. Bonuses will be awarded to employers who retain upgraded employees for 1–2 years after their training.

TITLE III—PUBLIC SERVICE EMPLOYMENT

This title establishes a public service employment program. This program will provide employment in needed public services for unemployed and underemployed persons for whom other employment is not available. Eligible applicants are the prime sponsors I just described and other public agencies and institutions. Federal funds will be available to pay 80% of the program cost.

The creation of a public service employment program reflects the recognition that an effective manpower policy must include massive job creation. "The comprehensive manpower act" now before you authorizes that a minimum of 18 and ¾ percent of the annual funds appropriated be used for title III. If, for example, 2 billion is appropriated for fiscal year 1971, a minimum of $375 million would be devoted to public service employment. Thus, at an average cost of $5,000 per job, for example, (the Federal Government would pay 80 percent of the costs, or $4,000) about 94,000 new jobs would be created.

Clearly the need for public service employment exists. The Kerner Commission recommended 1 million jobs. The commission on technology, automation and economic progress in 1966 stated that there are 5.3 million jobs that can be filled. A study done by Harold Shepard for the Upjohn Institute based on a survey of mayors indicates that 143,000 jobs could be quickly filled by the disadvantaged in the cities of 100,000 or more in municipal agencies alone if Federal funds were available for salary support.

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With the national overall unemployment rate at 5.5 percent in September additional jobs are needed in the inner cities and rural areas that feed the urban unemployment pools. At the 27 days of hearings the select subcommittee on labor held on proposed comprehensive manpower legislation, the committee learned that existing training programs are undermined because of an acute shortage of jobs for those who graduate.

The **AFL–CIO** testified:

"A Federal program to create public service jobs for the longterm unemployed and seriously underemployed was needed in 1968 and 1969. It is even more essential today . . . While no one would deny the importance of training in helping the disadvantaged to adjust to society, training in and of itself is not enough. It would compound the problem to give training and hope to the disadvantaged and then throw them back into the morass from which they came. We must not make this mistake."

The noted economist Professor Charles G. Killingsworth also attested to the urgent need for developing a large-scale public service employment program now. He said that "the great merit of a public service employment program is that it could be aimed specifically at those sectors of the labor market that benefit least from the growth of aggregate demand." That is, the less-skilled and the less-educated reap much less than a proportionate share of the benefits of economic growth. Having the Government create some new jobs is the best way to remedy this situation.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES

This title authorizes the Secretary of Labor to conduct a program of manpower research studies and experimental, demonstration and pilot projects. In addition, the Secretary is called upon to develop a comprehensive system of labor market information and to conduct a program of manpower utilization in labor shortage and labor surplus areas. The title authorizes a program of evaluation studies, a joint labor-OEO study of anticipated barriers to employment and training and technical assistance for persons engaged in the administration of manpower programs.

This title also instructs the secretary to develop a national computerized job bank and to launch and report on a special research-pilot program on developing employment opportunities for disadvantaged persons in federally-assisted programs. It provides that the secretary may conduct services and activities authorized elsewhere in the bill and incorporates the provisions for the job corps currently contained in the economic opportunity act.

TITLE V—MISCELLANEOUS

This title contains a series of miscellaneous provisions, including appropriations, funding, reports, relationships with other agencies and effects of existing laws. Appropriations authorized under this title rise from $2 billion for FY 1972 to $3 billion for FY 1974. Funds are to be allocated as follows: Three-quarters for the conduct of title I, II and III and one-quarter for title IV. On a nationwide basis, not less than 18.75 percent appropriated under the act is to be used for public service employment under title III. The title also provides for allocation of funds among the states and areas and provides additional financial assistance to governmental units which cooperate on an areawide basis and to prime sponsors who coordinate with vocational education agencies.

Mr. Chairman, this bill is a major step in the direction of assuring every American citizen an opportunity for gainful productive employment. It is no cure-all, but it is our best effort in this vitally important area.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I thank the gentleman for yielding.

There were a couple of questions I wanted to direct to the Chairman on title I and on title III. The Chairman makes the statement that it would not weaken vocational education. However, is it not true that under title I we would authorize mayors, community action agencies to set up dual training systems including almost every educational function, and there is no requirement that they use the existing school system. Is that not true?

Mr. PERKINS. Let me say to the gentlewoman from Oregon, with all her knowledge and ability, she can realize that it is not our intention to nor does this bill set up another or a "dual training system" throughout America. This bill permits a better organized system of delivering manpower programs, utilizing existing agencies more effectively than under existing manpower legislation. At this point let me summarize those provisions of the bill calling for an educational agency involvement.

The Comprehensive Manpower Act, H.R. 19519, consolidates existing authority now contained principally in title I(B) of the Economic Opportunity Act and the Manpower Development and Training Act.

Let me say to the gentlelady from Oregon that title I(B) of the Economic Opportunity Act contains no specific requirement with respect to the utilization of vocational education agencies and resources.

The provisions of the Comprehensive Manpower Act requiring the involvement and utilization of vocational education agencies and resources are applicable to both the authorities formerly contained in the Manpower and Development and Training Act and the authorities formerly contained in title I(B) of the Economic Opportunity Act.

Section 104(b)(2) requires vocational education agencies to be represented on the Manpower Council of the prime sponsor. In this connection section 104(b)(2) specifies as one of the conditions for the establishment of a manpower services council, and I quote: "Provide that the council shall include members who are representatives of community action programs; the public employment service; education and training agencies and institutions, including vocational educational agencies and community post secondary educational and training institutions; social service programs, including child care, environmental quality, health, recreational, vocational rehabilitation, and welfare agencies; industrial development organizations; apprenticeship programs, business; labor; and veterans organizations";

Section 105(b)(6) requires that to the extent appropriate use of local services already available including specifically the vocational educational agencies. This requirement deals with applications of prime sponsors and the section specifically provides: "utilizing, to the extent appropriate, those services and facilities which are available, with or without reimbursement of the reasonable cost, from Federal, State and local agencies, including but not limited to the State employment service, State vocational education and vocational rehabilitation agencies, area skills centers, local educational agencies, postsecondary training and education institutions, and community action agencies, but nothing contained herein shall be construed to limit the utilization of services and facilities of private agencies, institutions and organizations (such as private businesses, labor organizations, private employment agencies, and private educational and vocational institutions) which can, at comparable cost, provide substantially equivalent training or services or otherwise aid in reducing more quickly unemployment or current and prospective manpower shortages";

Section 108 of the bill requires the concurrence of the Department of Health, Education, and Welfare for any financial assistance for services of a "health, education, or welfare nature."

In this regard, section 108(a) provides and I quote:

> The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines with respect to assistance for services of a health, education, or welfare character under this title and he shall not provide financial assistance for services of a health, education, or welfare character under this title unless he shall have first obtained the concurrence of the Secretary of Health, Education, and Welfare. Such services include but are not limited to basic or general education; educational programs conducted in correctional institutions; institutional training; health, child care, and other supportive services; and new careers and job restructuring in the health, education and welfare professions.

With respect to title IV of the Comprehensive Manpower Act dealing with research and demonstration in the manpower field concurrence in any training components must be obtained from the Secretary of Health, Education, and Welfare. The language is to be found in section 401(b) which reads in part:

> Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

In section 504 a bonus funding incentive is provided to encourage prime sponsors to involve vocational education agencies in program development and activities. The specific language is to be found in section 504(d) and reads:

> (d) The amount available pursuant to clause (1)(B) of subsection (a) for the purposes of this subsection shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the establishment by the prime sponsor of appropriate procedures for coordination and cooperation with agencies administering vocational education programs in the area to be served by any such sponsor. Financial

assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to such prime sponsor under subsection (b) of this section. The Secretary, with the concurrence of the Secretary of Health, Education, and Welfare, shall establish criteria for the establishment of such procedures.

Finally, let me say to the gentlelady—which to me further emphasizes the importance which the committee and the Congress attaches to the involvement of existing educational agencies and resources—there are requirements for reports from the Secretary of Labor and the Secretary of Health, Education, and Welfare regarding the utilization of vocational education resources in manpower programs. In this regard section 525(a) reads:

> The Secretary of Labor and the Secretary of Health, Education, and Welfare shall report to the Congress by January 20, 1972, on the extent to which community colleges, area vocational and technical schools, and other vocational educational agencies and institutions are being utilized to carry out manpower training programs supported in whole or in part from provisions of the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and this Act, the extent to which administrative steps have been taken and are being taken to encourage the use of such facilities and institutions and agencies in the carrying out of the provisions of this Act and any further legislation that may be required to assure effective coordination and utilization of such facilities and agencies to the end that all federally supported manpower and vocational educational programs can more effectively accomplish their objectives of providing all persons needing occupational training an opportunity for such training.

Mr. Chairman, at this point I would like to insert in the Record communications of endorsement for the legislation and acclaim for certain features of the Comprehensive Manpower Act expressed in a letter of November 17 to me from the National League of Cities and the U.S. Conference of Mayors, a letter of November 16 from the executive director of the American Vocational Association to my distinguished colleague from Michigan, Mr. James G. O'Hara, a memorandum from the Chairman of the National Advisory Council on Vocational Education of November 13 to the Chairman of the State Advisory Councils on Vocational Education, a letter from the Executive Director of the American Vocational Association to the Assistant Secretary for Manpower dated November 12, a communication from the Secretary of Health, Education, and Welfare dated November 13 to the Chairman of the National Advisory Council on Vocational Education, a communication from the Assistant Secretary for Manpower in the U.S. Department of Labor dated November 13 to the Executive Director of the American Vocational Association, a communication dated November 12 addressed to the Chairman of the National Advisory Council on Vocational Education from the Assistant Secretary for Manpower in the U.S. Department of Labor and a communication dated November 12 addressed to the Chairman of the National Advisory Council on Vocational Education from my distinguished colleagues, James O'Hara and Bill Steiger:

National League of Cities,
U.S. Conference of Mayors,
Washington, D.C., November 17, 1970.

Hon. Carl D. Perkins,
Chairman, Committee on Education and Labor, Rayburn House Office Building, Washington, D.C.

Dear Mr. Chairman: The mayors throughout the nation strongly endorse and urge the immediate passage of H.R. 19519, "The Comprehensive Manpower Act." This bill warrants their full support because of two basic concepts: first, this legislation would for the first time give local elected officials the opportunity to place and operate manpower programs; second, this legislation if enacted would result in a public service employment program launched from the Federal level to local governments thereby providing jobs that are sorely needed at a time when unemployment continues to rise.

For a number of years the U.S. Conference of Mayors and National League of Cities have supported manpower development and training programs which enable citizens to be trained and placed in meaningful jobs. We have repeatedly urged that Mayors be allowed to assume leading roles in the coordination of manpower programs at the local level.

In 1967, the Senate considered the Emergency Employment Act of 1967 which would have provided Federally funded jobs at the local level. This measure unfortunately failed by only a few votes. Both the National League of Cities and the U.S. Conference of Mayors were in the forefront pushing for this legislation.

Later, in 1968 at both of the Annual Conventions of the League and the Conference, resolutions and policy were adopted urging the Congress to pass legislation giving the mayors the opportunity to plan and operate local manpower programs. In addition, both organizations urged immediate adoption of a massive public service employment program. At every Annual Convention of our organizations since 1968, manpower—training and jobs for the unemployed and underemployed—has been a major topic of discussion.

Resolutions and policy are mere words unless supported by action. For the past 18 months we have taken the course of action through manpower seminars which have been held throughout the country and which have involved city officials of over 100 cities. The seminars were most productive in that they demonstrated the willingness on the part of local officials to become directly involved in seeking solutions to the problem of providing training and providing jobs at the local level. And through these discussions the need for the mayor to be the major coordinating force and the need for a massive public service employment program was quite clear. Fortunately, as mentioned above, the manpower legislation before you contains these concepts.

It was after these seminars, this display of interest in manpower programs on the part of the local officials, that the U.S. Department of Labor offered grants to approximately 135 of our larger cities to provide mayors with manpower planning personnel. As of the first of November, 87 cities had secured final approval of their grant applications; others were awaiting funding. This personnel will indeed help local officials in preserving and developing our human resources.

There are those concerned about the conflict at the local level as to who will operate these programs if the legislation before you is enacted. A few years ago there was evidence that in some cities the community action agency and city hall were at odds. But, on the whole, that is no longer true today. A recent report released by the National Association of Community Development shows that the mayors are increasingly taking the lead in coordinating the various manpower programs and that community action agencies, which have a coordinating role are beginning to look with favor on the trend. Quoting from the report:

> The Mayors of America's cities are in a very pivotal position with regard to manpower. . . . In most cases, the Mayors are seen by the community action agencies not as a threatening force, but potentially as a helpful force in the coordinating of manpower programs. The basis of an alliance exists between the community action agency and the Mayors in seeking greater local determination and control.

Hopefully the facts outlined above will clear some of the questions relative to the mayors' desire to take a lead role in local manpower programs and as to how the mayors' role in coordinating these vital programs is perceived at the local level.

We again urge on behalf of the nation's mayors immediate passage of H.R. 19519, "The Comprehensive Manpower Act". Much of our legislative effort was spent earlier this year in pushing the bill through the Senate. We were most pleased by the large vote on manpower legislation, similar to the House bill, by that body. We urge you to use your influence to secure immediate action in the House so that a bill can be approved and forwarded to the President before this session ends.

In conclusion, we would like to point out that the mayors are attempting to cope with the unemployment now facing the nation with limited authority and limited resources. This legislation, if enacted and implemented immediately, would go a long way in assisting them in meeting the basic need—a decent job with a decent wage—for many of our citizens. With continuing rise of unemployment that basic need cannot be met without the help of the Federal government.

Sincerely,

John J. Gunther,
Executive Director.

American Vocational Association, Inc.,
Washington, D.C., November 16, 1970.

Hon. James G. O'Hara,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. O'Hara: This is in response to your request for comments on the Comprehensive Manpower Act (H.R. 19519). We concur with the overall purpose of this bill "To assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability . . ."

Also, it has become apparent that the responsibility for the administration of a manpower development program must be tied down to prevent duplication, overlapping and inefficiency in the management of the program.

Our prime concern is that of making the public education system responsive and responsible for providing the education and training component of any manpower development program.

We commend the architects of this legislation for including the following provisions:

(a) Vocational educators shall serve on the Manpower Services Councils (Sec. 104(b)).

(b) Prime sponsors must use to the extent appropriate the services and facilities of vocational and technical schools and area skill centers in carrying out the institutional training and educational components of a comprehensive manpower plan (Sec. 105(b)(6)).

(c) Through the State comprehensive manpower plan the State must take additional steps to assure the participation of State-supported vocational education agencies in prime sponsors' programs in order to avoid unnecessary duplication of facilities and activities (Sec. 107(b) (1–2)).

(d) Beyond regular program funds special incentive grants (up to $75 million in FY 72 will be made to State and local prime sponsors who develop exemplary linkages between manpower programs and vocational education (Sec. 504(d)).

(e) HEW and Labor must concur in *any* rules, regulations, standards of performance, and guidelines which would affect the role and function of vocational education agencies (Sec. 108).

(f) *Any* components of comprehensive manower program applications which deal with vocational education and institutional training must be approved jointly by HEW and Labor (Sec. 108).

(g) Within six months of the CMA's effective date, HEW and Labor must report to Congress on the utilization of area vocational and technical schools under CMA and the steps taken to increase their utilization and effectiveness (Sec. 525(a)).

(h) At the same time, the U.S. Office of Education must report to Congress on the extent to which vocational education activities and goals are being incorporated into general elementary and secondary education programs (Sec. 525(b)).

The exchange of letters between Malcolm R. Lovell, Jr., Assistant Secretary for Manpower, U.S. Department of Labor, and myself answers some of our concerns about specific provisions of the bill and helps to clarify the intent of the legislation. (Copies of letters attached)

It is our intent to stimulate the public schools to provide education and training to carry out the mandates of this legislation. It is also our intention to be alert to bypassing the schools in the delivery of the educational component of this legislation.

The position of the American Vocational Association in regard to manpower legislation is stated in the resolution approved by the AVA House of Delegates, December 10, 1969. (Copy attached)

In view of the apparent safeguards to that portion of the public being served under this legislation to assure that they have opportunities for an educational program that provides them upward mobility in career development, we believe this legislation will make a major contribution to resolving some of our Nation's social and economic problems.

Sincerely yours,

LOWELL A. BURKETT,
Executive Director.

NATIONAL ADVISORY COUNCIL
ON VOCATIONAL EDUCATION,
Washington, D.C., November 13, 1970.

To: Chairmen, State Advisory Councils on Vocational Education.

Following the meeting of the Chairmen and Executive Directors of the State Advisory Councils on Vocational Education with members of the National Advisory Council on Vocational Education in Washington on November 6–7, 1970, we took up your concerns as expressed in the passed resolutions (enclosed) with representatives of the Department of Health, Education, and Welfare, the Department of Labor and members of Congress.

Those with whom we spoke were sympathetic with these concerns and enclosed are responses from Malcolm R. Lovell, Jr., Assistant Secretary of Labor for Manpower, Congressman James G. O'Hara (D), Michigan, and Congressman William A. Steiger (R), Wisconsin, and Secretary of Health, Education, and Welfare, Elliott Richardson. These responses go a long way toward relieving the concerns that were expressed at the meeting.

It now seems appropriate that the efforts of both the State and National Advisory Councils on Vocational Education should be directed toward seeing that the views expressed by these responsible national officials are carried out in practice.

Sincerely,

HUGH CALKINS,
Chairman.

AVA POLICY RESOLUTIONS

(Adopted by the House of Delegates, December 10, 1969, Boston, Mass.)

10. MANPOWER LEGISLATION

Whereas, the first annual report of the National Advisory Council on Vocational Education has highlighted the failure of our schools to educate to the level of adequate employability nearly 25 percent of the young men and women who turn 18 each year as a waste of money as well as human resources; and

Whereas, the violence, unrest, and alienation of thousands of Americans are, in part, a result of unemployment and unequal opportunity; and

Whereas, the Manpower Development and Training Act of 1962 has provided both jobs and basic education and training for more than one million persons, many of whom came from the ranks of the hard core unemployed; and

Whereas, the Vocational Education Amendments of 1968 are directed toward meeting the social and economic needs of all people of all ages of all communities:

Therefore, Be It Resolved, that the American Vocational Association through its members, give support to legislation to extend and improve manpower programs in order that education and training may be made available for the population that has not been served by the traditional system of education; and

Be It Further Resolved, that the American Vocational Association, through its members, work for legislation that will strengthen and improve the educational components of manpower development including guidance, thereby making vocational education and guidance an integral part of the nation's manpower policy; and

Be It Further Resolved, that the American Vocational Association, through its members, support legislation to implement a total program of vocational education and guidance to the end that the schools, as established institutions of our society, provide for the career development needs of all persons.

AMERICAN VOCATIONAL ASSOCIATION, INC.,
Washington, D.C., November 12, 1970.

Hon. MALCOLM R. LOVELL, JR.,
Assistant Secretary for Manpower,
U.S. Department of Labor,
Washington, D.C.

DEAR MR. LOVELL: Since 1917 it has been the responsibility of the public schools of this Nation to provide education and training to supplement the on-the-job training done by business and industry in developing the manpower resources of this Nation.

In 1962, the Manpower Development and Training Act recognized the need to further expand educational services to disadvantaged individuals to make them employable. The schools were given responsibility for the educational component of the manpower program. We believe that the arrangements in the 1962 Act have helped to make the public schools more responsive to this need.

The pending manpower legislation could very well destroy this relationship unless some assurances are built into the legislation. I have reviewed H.R. 19519 and the report on this legislation and recognize that certain promises are implied. We must both be frank to admit that vocational education and Department of Labor representatives, in many cases, differ philosophically and practically in their approach to manpower development.

I am firmly convinced that there is a need for a cooperative working relationship. As the legislation is now drafted, the Department of Labor will have the responsibility for expenditure of Federal funds and thus control the program.

In view of the fact that both the Executive and Legislative Branches of the Federal Government look upon this legislation with favor, I hope that you will be agreeable to making provisions in the development of intent of this proposed legislation, for adequate funds and job slots in the Department of Health, Education, and Welfare to carry out its powers of concurrence. I am assuming that concurrence also means a veto power by the Department of HEW if programs are not educationally sound. Funds should also be available to state and local public education systems to employ staff to coordinate ongoing vocational education programs with the new programs proposed in this legislation.

We would very much appreciate having some assurance from the Department of Labor that adequate staff will be available to the Department of HEW, the Bureau of Vocational-Technical Education, and the state departments of education to enable education to fulfill its role in providing the educational component of manpower development.

I will appreciate hearing from you.

Sincerely yours,

LOWELL A. BURKETT,
Executive Director.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., November 13, 1970.

Mr. HUGH CALKINS,
Chairman, National Advisory Council on Vocational Education, Washington, D.C.

DEAR HUGH: The Department of Health, Education, and Welfare strongly supports the proposed Comprehensive Manpower Act (H.R. 19519). This proposed piece of legislation will assist the Department to make vocational education more effective in meeting the manpower needs of our nation. It will provide a vehicle for vocational educators to act as partners in the planning and implementing of a comprehensive manpower system.

I believe that the bill gives me the responsibility and the opportunity to review and clear all Federal rules, regulations, and standards of performance which could effect educational programs and other programs under the traditional purview of the DHEW. Pursuant to this authority we will exercise a preclearance on the above aspects of State plans and other program plans. The requirement of concurrence gives me the opportunity to ensure that program sponsors of manpower programs will look to existing vocational education facilities, area school centers and post-secondary technical schools to the full extent of their capability to provide institutional training and basic and remedial education under a community comprehensive manpower program.

I understand there has been some concern among the State advisory councils that this bill might create a "dual school system." I believe that this is without foundation.

The Department of Health, Education, and Welfare must report to Congress early in the process of implementing this bill on the extent to which the vocational education agencies are being utilized. This report will provide the Congress with ample opportunity to see that its intent is fully carried out.

I am pleased to know of your interest in this bill and the active manner in which both the State and National Advisory Councils are carrying out their responsibilities under the Vocational Education Amendments of 1968.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., November 13, 1970.

Mr. LOWELL A. BURKETT,
Executive Director, American Vocational Association, Washington, D.C.

DEAR MR. BURKETT: I appreciate very much your recent letter and want to assure you that I am most sensitive to the concerns you have expressed. In our view the proposed Comprehensive Manpower Act (H.R. 19519) will greatly strengthen the opportunities for vocational education to develop our Nation's manpower. I want to assure you and your membership that the Department of Labor is committed to the fullest utilization of the educational system under this bill, which has the full support of the Administration.

As one who has served both the educational system and manpower programs in my public life, I share the aversion to the possibility that a "dual school system" might ever emerge—one serving the advantaged middle-class, the other serving the poor and disadvantaged. General educational and occupational skill training opportunities must be part of a continuous process, available to all citizens as best suits their individual needs.

The Department of Labor has taken careful steps to assure that the Nation's vocational educators are integral partners in planning and implementing a comprehensive manpower system.

At the State and local level representatives of general and vocational education programs and post-secondary training must serve on the Manpower Services Councils. Responsible to the Governors and Mayors (or other local elected officials) serving as prime sponsors, these councils will have major roles in planning and evaluating local manpower programs. Through Federal regulations it will be clear that the educational community must be represented on these councils by officials such as the Superintendent of Schools, the Director of Post-Secondary Education, and others who have major and substantive responsibility for the community's educational programs.

Second, State and local prime sponsors will rely upon existing vocational education facilities, area skill centers, post-secondary technical schools for the provision of institutional training and basic and remedial education under a community's comprehensive manpower program. The proposed Comprehensive Manpower Act contains strong safeguards against the duplication of facilities and programs or the utilization of the existing educational resources to less than their full capability.

As evidence of the Labor Department's commitment to this policy, it was through our initiative that the incentive funds set aside to stimulate exemplary utilization of the vocational education system under the House bill were more than doubled over the level allowed under the Senate's manpower bill. We view these funds (up to $75 million under a $2 billion authorization) as offering an opportunity for very creative and innovative programs and for strengthening the staffing of State Departments of Education and local vocational education agencies in fulfilling their enlarged responsibilities under this Act.

We strongly support the requirement, introduced by Congressman Lloyd Meeds, that the Department of Labor and the Department of Health, Education and Welfare report to Congress early in the process on the extent to which the vocational education agencies are being utilized under the Comprehensive Manpower Act. We also fully support the intent of the special report, to be prepared by the Commissioner of Education, on the integration of vocational and general education objectives throughout the Nation's school systems. Effective vocational orientation and preparation at the earlier stages of a child's life would obviate the long-term need for many of our adult manpower training efforts.

Finally, the Comprehensive Manpower Act requires the concurrence of the Secretary of Health, Education and Welfare in any actions under the Act of an educational nature. This responsibility extends both to the development and issuance of rules, regulations, guidelines, or standards of performance which would affect educational programs and the approval of the educational and institutional training components of annual comprehensive program plans and individual project grants. Clearly, as our full partner in implementing new manpower legislation HEW will have both the responsibility and the authority to disapprove any programs which are not educationally sound.

We recognize that HEW will require effective staff capability both nationally and in its regional and field offices to carry out this major responsibility. I want to assure you that the Department of Labor will lend its vigorous support to HEW's staffing requirements under the Administration-supported Comprehensive Manpower Act.

As both Assistant Secretary of Labor for Manpower and one who is vitally concerned with vocational education, I deeply value your support and look forward to the guidance and leadership which the American Vocational Association can provide in strengthening our partnership under the Comprehensive Manpower Act.

Sincerely,

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., November 12, 1970.

Mr. HUGH CALKINS,
Chairman, National Advisory Council on Vocational Education, Washington, D.C.

DEAR MR. CALKINS: The proposed Comprehensive Manpower Act (H.R. 19519) is an unparalleled opportunity to strengthen the partnership between manpower programs and vocational education in the development of our Nation's manpower. I want to assure you (and other vocational educators who may have expressed their concern) that the Department of Labor is committed to the fullest utilization of mainstream educational institutions under the Administration-supported bill.

As one who has served both the educational system and manpower programs in my public life, I share the aversion to the possibility that a "dual school system" might ever emerge—one serving the advantaged middle-class, the other serving the poor and disadvantaged. General educational and occupational skill training opportunities must be part of a continuous process, available to all citizens as best suits their individual needs.

The Department of Labor has taken careful steps to assure that the Nation's vocational educators are integral partners in planning and implementing a comprehensive manpower system.

At the State and local level representative of general and vocational education programs and post-secondary training must serve on the Manpower Services Councils. Responsible to the Governors and Mayors (or other local elected officials) serving as prime sponsors, these councils will have major roles in planning and evaluating local manpower programs. Through Federal regulations it will be clear that the educational community must be represented on these councils by officials such as the Superintendent of Schools, the Director of Post-Secondary Education, and others who have major and substantive responsibility for the community's educational programs.

Second, State and local prime sponsors will rely upon existing vocational education facilities, area skill centers, post-secondary technical schools for the provision of institutional training and basic and remedial education under a community's comprehensive manpower program. The proposed Comprehensive Manpower Act contains strong safeguards against the duplication of facilities and programs or the utilization of the existing educational resources to less than their full capability.

As evidence of the Labor Department's commitment to this policy, it was through our initiative that the incentive funds set aside to stimulate exemplary linkages between manpower programs and vocational education were more than doubled over the level allowed under the Senate's manpower bill. We view these funds (up to $75 million under a $2 billion authorization) as offering an opportunity for very creative and innovative programs.

We strongly support the requirement, introduced by Congressman Lloyd Meeds, that the Department of Labor and the Department of Health, Education and Welfare report to Congress early in the process on the extent to which the vocational education agencies are being utilized under the Comprehensive Manpower Act. We also fully support the intent of the special report, to be prepared by the Commissioner of Education, on the integration of vocational and general education objectives throughout the Nation's school systems. Effective vocational orientation and preparation at the earlier stages of a child's life would obviate the long-term need for many of our adult manpower training efforts.

Finally, the Comprehensive Manpower Act requires the concurrence of the Secretary of Health, Education and Welfare in any actions under the Act of an educational nature. This responsibility extends both to the development and issuance of rules, regulations, guidelines, or standards of performance which would affect educational programs and the approval of the educational and institutional training components of annual comprehensive program plans and individual project grants.

We recognize that HEW will require effective staff capability both nationally and in its regional and field offices to carry out this major responsibility. I want to assure you that the Department of Labor will lend its vigorous support to HEW's staffing requirements under the Comprehensive Manpower Act.

As both Assistant Secretary of Labor for Manpower and one who is vitally concerned with vocational education, I look forward to new challenges and opportunities for creative partnership under the Administration-supported Comprehensive Manpower Act.

Sincerely,

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

CONGRESS OF THE UNITED STATES,
Washington, D.C., November 12, 1970.

Mr. HUGH CALKINS,
National Advisory Council on Vocational Education, Washington, D.C.

DEAR MR. CALKINS: It has come to our attention that members of the National and State Advisory Commissions on Vocational Education have expressed concern over the legislative intent of some of the provisions of H.R. 19519, the Comprehensive Manpower Act. For the benefit of your membership, as well as that of the State Advisory Commissions, we would like to comment on these questions.

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First, some concern has been expressed over the meaning of "concurrence" as used in H.R. 19519. Sec. 108(a) of H.R. 19519 states that "the Secretary of Labor shall not issue rules, regulations, standards of performance or guidelines with respect to assistance for services of a health, education, or welfare character under this title and he shall not provide financial assistance for services of a health, education, or welfare character under this title unless he shall have first obtained the concurrence of the Secretary of Health, Education, and Welfare. Such services include but are not limited to basic or general education; educational programs conducted in correctional institutions; institutional training; health, child care and other supportive services; and new careers and job restructuring in the health, education, and welfare professions."

The phrase "The Secretary of Labor shall not issue rules . . . shall not provide financial assistance . . . unless he has first obtained the concurrence of the Secretary of Health, Education, and Welfare" cannot reasonably be interpreted to mean anything *but* that the Secretary of Health, Education, and Welfare must give his *prior approval* before the Secretary of Labor can do those things.

It seems to us that the very words of the legislation thus leave no room for doubt that the intention of the bill and of its sponsors is that the Secretary of Health, Education, and Welfare will take positive action on such matters, not merely give them passive acknowledgment.

The second assertion which has been brought to our attention is that this bill somehow conceals an intent to create a "dual school system". This is without foundation.

The Committee Report addresses itself to that fear, and seeks to show that any such concept is foreign to the intent of the sponsors of this legislation.

The Congress has repeatedly rejected the notion of a "dual school system", and sponsors of this bill join in that rejection.

In fact, far from making a "dual school system" possible, the bill is replete with provisions for linkages with existing vocational educational institutions. Section 104 requires vocational educators to be a part of the manpower councils which develop comprehensive plans for the prime sponsor. Sec. 106(b) requires the use of existing educational services and facilities, to the full extent appropriate. Section 504(d) provides a financial incentive to prime sponsors to create and utilize linkages with existing vocational education institutions. Sec. 525 provides for two separate reports on the utilization of such existing institutions.

In conclusion, then, we hope this letter will clarify what had seemed to us to be the obvious intent of H.R. 19519.

Very truly yours,

James G. O'Hara,
William A. Steiger,
Members of Congress.

Mrs. GREEN of Oregon. If I may I should like to restate my question. In fact, I agree with the chairman that community action agencies ought to be on the advisory council. My question was, however, does not this bill give the authority to a mayor or to a community action agency not just to be on the council but to set up an entire educational training system, developing comprehensive manpower programs, which includes all the 22 manpower training programs we have included, including those in correctional institutions, do job placement, do counseling, and guidance? Section 107 (b)(2) also requires State employment directors to share Wagner Peyser resources and facilities. Is it not true that this bill does allow a community action agency not only to be on the council but also to set up a dual training system in the various parts of the bill? Is that not true?

Mr. PERKINS. Let me say to the distinguished gentlelady that this bill permits a community action agency to become a prime sponsor only in the event that some local governmental unit fails to take action or fails to submit a plan.

We felt—and I believe rightly, because some community action agencies are presently administering several of these programs—they should be able to submit a plan, where it developed that no plan would be submitted to serve the poor, unless the community action agency acts.

But the bill does not provide that the community action agency would have priority to be the prime sponsor over applications of the cities, counties, or the States which want to and qualify to become prime sponsors.

Mrs. GREEN of Oregon. The House language is ambiguous as to whether the State or the community action agency would come after the city if the city does not choose to administer a comprehensive program. The Senate language is very clear, in the Senate report, that it is the intention for the community action agencies to run the comprehensive manpower program, and the House language is ambiguous on that on page 16, lines 1 to 11 and page 17, lines 13 to 18.

Mr. PERKINS. The House language, to my way of thinking, is very clear. We provide that where cities are eligible to become prime sponsors they will take preference over the State. If the cities want to become prime sponsors the community action agencies will not be the prime sponsors. But where dereliction has taken place somewhere along the line and it is necessary to come forth with a program, in that event certainly the community action agencies would be entitled to become prime sponsors.

Mrs. GREEN of Oregon. May I turn to title III and ask some questions about its provisions.

Mr. PERKINS. All right.

Mrs. GREEN of Oregon. Can a community action agency be the applicant for a public employment program?

Mr. PERKINS. The community action agencies as such could not be applicants for a public service employment program. It is contemplated that units of government will be the outlet in the legislation. That is the way I read title III.

Mrs. GREEN of Oregon. Would you please turn to page 32 of title III, in line 4, where it says clearly, with regard to an applicant for a public service employment application, "Prime sponsors designated pursuant to the provisions of title I of this act"; And the chairman stated a few moments ago—and this is obviously true—that a community action agency can be a prime sponsor under title I. Therefore, it makes a community action agency an applicant for a public employment program. Is that not correct?

Mr. PERKINS. Let me put it this way. A community action agency as such could not apply for a public service employment project unless it were a prime sponsor which it can not be unless the appropriate city or county refused to become the prime sponsor.

Mrs. GREEN of Oregon. But it does give the CAA the authority.

Mr. PERKINS. It could give the CAA the authority where it has been designated the prime sponsor through default or neglect of the appropriate local government to become the prime sponsor.

Even then, the unit of government would have the right to apply for public service employment jobs under title III, notwithstanding the fact that it might not have opted to become the prime sponsor.

Mrs. GREEN of Oregon. May I ask a few other questions about title III?

Mr. PERKINS. Certainly.

Mrs. GREEN of Oregon. To be eligible for employment under title III, the public employment section, you only have to be employed for 5 weeks?

Mr. PERKINS. Unemployed for 5 weeks or partially unemployed for 10.

Mrs. GREEN of Oregon. But you only have to be unemployed for 5 weeks.

Mr. PERKINS. Fully unemployed for 5 and partially for 10.

Mrs. GREEN of Oregon. And underemployed for 10 weeks—which is defined as working less than 35 hours a week for 10 weeks. I agree with you.

Let me pose this question. In the public employment section, there is no preference for people on welfare or for veterans. If at Seattle, where there is high unemployment, an engineer at Boeing is laid off who has a $25,000 a year job and he is unemployed for 5 weeks, is it not true under this bill, he can become an engineer with the city of Seattle or the city of Portland at the prevailing wage of which may be $20,000 to $25,000? Because the bill provides an employee must be paid the minimum under Fair Labor Standards, the State minimum on the prevailing wage for comparable work in public employment in that area. In addition to that, he is guaranteed unemployment compensation and workmen's compensation, health benefits, retirement benefits, and promotional opportunities. Is it not true such a person would be eligible for all this? And if so—what is the incentive to ever get off the public employment payroll?

Mr. PERKINS. Mrs. Green, I tried to follow your question, and I think I did. You stated certain hypothetical possibilities which seem pretty far-fetched to me. I cannot realistically visualize an application such as you describe nor the Secretary approving it if such an application were to be submitted.

Mrs. GREEN of Oregon. But is it true that under the bill this would be allowed?

Mr. PERKINS. No. As a practical matter it would not.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman from Kentucky yield?

Mr. PERKINS. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding.

On page 33, lines 8, 9, and 10, clause (C), calls for "prevailing rates of pay in the same labor market area, for persons employed in similar public occupations," and I underline that word "public". In answer to the question asked by the distinguished gentlewoman from Oregon, it is "No." It is not comparable rates between Boeing and the city of Seattle. It is comparable rates of a similarly engaged engineer employed by the city of Seattle and not employed by private industry.

Mrs. GREEN of Oregon. Mr. Chairman, if the gentleman from Kentucky will yield further for the purpose of permitting me to direct a question to the gentleman from Wisconsin, if the engineer is laid off at Boeing, and if he is employed under the public service employment section, he will be paid the prevailing rate that other people employed in the engineering field are paid; is that not true? Further, if that is $20,000, that is what he would be paid?

Mr. STEIGER of Wisconsin. That would represent a different situation.

Mrs. GREEN of Oregon. And, he would be eligible under this bill for the public employment section benefits at that rate; is that not correct?

Mr. STEIGER of Wisconsin. Assuming he meets the criteria contained in the bill and is unemployed, it does not make any difference what his employment rate was as compared with someone employed in the private sector.

Mrs. GREEN of Oregon. I understand that.

Mr. STEIGER of Wisconsin. The original question which the gentlewoman from Oregon asked, the answer to it is "No."

We are not talking about employing a Boeing engineer and his being hired at an identical wage rate as a Seattle engineer.

Mrs. GREEN of Oregon. Mr. Chairman, if the gentleman from Kentucky will yield further, you will find that these people so employed are often employed at wages which are comparable to private industry in order to be competitive.

If I may direct a further question to the chairman of the committee——

Mr. O'HARA. Mr. Chairman, will the gentleman yield on the last point?

Mr. PERKINS. I yield to the gentleman from Michigan.

Mr. O'HARA. I would like to call the attention of the distinguished chairman and others who are interested in this question to section 306 which appears on page 36. This section directs the Secretary in evaluating applications submitted to him under the public service employment title to this effect: He shall consider the cost to the Government of each such application in relation to the number of eligible unemployed persons who will find employment under the application, the need of the community for the services to be performed under the application, and the nature and extent of unemployment in that particular community. So, it is simply not a realistic probability that we would have a contract providing for the employment of five engineers at $20,000 per year in preference to a plan providing for the employment of 100 unemployed construction workers at a much lower annual rate.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman from Kentucky yield further?

Mr. PERKINS. I yield further to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I am not suggesting that those would be the only alternatives. The point I am making is that there is no limitation contained in the bill as to the time that a person can be employed, the amount of salary or wages he can receive, and, of course, the fringe benefits I listed. There is no incentive to get off the public unemployment rolls and back into private industry.

Under the public employment section I believe we established the fact a moment ago, that a community action agency also could be an applicant for a public employment program. So, we greatly enlarge the role of the community action agencies from their authority under the OEO. We would now let them set up comprehensive manpower training programs under title I and additional public employment programs under title III. We make CAA's the public sponsor of the public employment programs.

May I also ask the chairman if it is not true that under the Federal civil service program we have certain qualifications which we demand before a person can be employed at a certain grade level. However, under this public employment section there is absolutely no requirement for grade level or salary level qualifications. Anyone can be hired if they are unemployed for 5 weeks or for 10 weeks on a part-time basis.

Mr. PERKINS. I will say to the distinguished gentlewoman from Oregon that the gentlewoman is omitting one important factor and that is this: The proposal will come from the local level. I cannot visualize any county judge or circuit judge or any custodian or manager of a hospital that would squander money on unqualified people when they have to come up with 20 percent of the costs involved.

So this program, to my way of thinking, will work out well and give those people who really want work and are the most in need of it the opportunity for that work, and this legislation in the public service title does just that.

The community action agencies are presently involved with administering many of these programs. Notwithstanding their know-how, we do not give them any preference in this bill. But if no one else makes an application they should certainly be entitled to make an application, and work it up from the local level and become a prime sponsor.

Mrs. GREEN of Oregon. Mr. Chairman, in this bill, as I read it, CAA's are given preference over the States. I refer to page 17, lines 13 through 18. In establishing training programs, they certainly are given preference over the educational systems, and State departments of education. The latter two are not even mentioned as possible prime sponsors.

Let me ask one other question on the public employment:

Under Civil Service we do have qualifications? When you establish a public employment program which is a corollary to the Federal civil service program with 80 percent of the tab picked up by the Federal Government, and when we require no qualifications at all, and we have no limit on the salaries that can be paid, or the duration of public employment, is it not possible that in a community action agency, we could have the greatest political boondoggle that this country has ever seen?

Mr. PERKINS. I do not believe so, I will say to the gentlewoman from Oregon, and I think we should leave it to the mayors as to the qualifications of the employees to get that work done which is most in need that is not presently being done. And that is the real purpose of this title. And they have to spell out in their applications just how many employees he intends to employ, and for what purpose, the salaries he intends to pay, and so forth.

Mr. Chairman, I want to say, in conclusion, that I feel that I should compliment the gentlemen who have worked so untiringly on this legislation, the gentleman from New Jersey (Mr. DANIELS) the gentleman from Michigan (Mr. O'HARA) the gentleman from California (Mr. HAWKINS) and the gentleman from Minnesota (Mr. QUIE) and the gentleman from Wisconsin, (Mr. STEIGER) and of course the remainder of the subcommittee. These gentlemen I have mentioned worked day in and day out over a period of many months to try to improve this legislation, so we could get a manpower bill this year. I personally feel that they have done a wonderful job, and that this committee should wholeheartedly support their efforts.

Mr. AYRES. Mr. Chairman, I rise in support of H.R. 19519. As the principal sponsor in the House of President Nixon's proposal for a Comprehensive Manpower Act, I am particularly pleased to be a sponsor of this bill. The bill before us—in very large part—carries out the President's program and it has the full support of his administration.

The heart of the President's proposals—and of this bill—is the combining of many separate legislative authorizations for manpower training into a single new authorization. This bill does not combine all manpower programs, but it goes a long way in that direction. As my colleague, the gentleman from Ohio, JOHN ASHBROOK, told the Rules Committee in support of the rule, this bill has been needed for several years.

The second major accomplishment in this bill is that it would strengthen and consolidate the administration of manpower programs at the State and local levels. It has affirmative provisions for the participation of States while at the same time assuring a role for the mayors and councils of our major cities. As the Representative in Congress for one such city, Akron, Ohio, I feel that our local people can do a first-rate job with the support that this bill would give them.

Now, this is not a perfect piece of legislation and some fears have been expressed concerning it. In particular, vocational educators and directors of manpower skill centers have been fearful that their part in manpower training would be diminished. Let me say right here as a part of the legislative history of this bill that this is not the intent of our Committee on Education and Labor. That is why we reported this bill with a committee amendment—section 525—which directs the Secretaries of Labor and of Health, Education, and Welfare to report back to the Congress on the extent to which vocational education agencies and institutions have been utilized. We expect that they will have a very significant role—preferably a more significant role than is the case under existing legislation—in carrying out the purposes of this legislation.

In Akron, for example, we have a very good and very successful manpower training skill center which is equipped to handle a wide variety of training assignments. I expect that this center will continue to be utilized and its work expanded when Akron sets up its own program under this bil. For example, I think these existing skill centers could do a good job of helping people who are entering upon public service employment programs under title III of this bill. This expanded use of existing vocational facilities is consistent with our intentions in enacting this legislation.

Mr. Chairman, this bill is an important step toward the development of a national manpower policy which will take a unified approach to manpower training. We need to do more. We must, for example, continue to strengthen and expand vocational-technical education until every single child in school is preparing for his or her life's work. When that becomes a reality we shall not need to worry about unemployment which is caused by lack of skills, and this will be a better and stronger America. H.R. 19519 points in that direction.

President Nixon deserves great credit for the initial proposals which led to this bill. Secretary of Labor Hodgson and former Secretary Shultz and their associates in the Department of Labor share in that credit. They have performed brilliantly.

I think also that great credit is due to the leadership on our committtee of the subcommittee chairman, DOMINICK DANIELS, who conducted extensive hearings, and to the support he received from the ranking Republican, BILL SCHERLE, who steadfastly supported the President's proposals. Finally, without the leadership of our colleagues AL QUIE, BILL STEIGER, and JIM O'HARA in working out a compromise bill, no legislation would have been possible.

Mr. Chairman, this is one of the most important and constructive bills to come before the 91st Congress, and I urge its enactment.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, almost 18 months ago I introduced on the floor of the House H.R. 10908—the Comprehensive Manpower Act of 1969. Joining me in sponsoring this bill and identical legislation, H.R. 11108, were Representatives QUIE, ERLENBORN, DELLENBACK, ESHLEMAN, HANSEN of Idaho, WIDNALL, BROCK, and COLLINS.

When I introduced H.R. 10908, I noted that our present manpower efforts fall far short of meeting the full scope of our current and future employment needs. Present programs are fragmented, overlapping, and contradictory. The result is that the people who need the services the most are often getting them only in an incoherent, inefficient, and frustrating way, if at all. Unless we begin to build a planning and delivery system which utilizes both the public and private sectors at the Federal, State, and local levels, we shall not be able to cope with this Nation's manpower requirements.

From the outset I have felt new manpower legislation should have certain general objectives. It should facilitate long-range manpower planning; adapt the program mix to community circumstances; and allow packaging of services according to individual need.

Such legislation must also strengthen the State and local role in manpower planning and implementation while maintaining Federal guidance.

Clear responsibility for the success or failure of manpower programs should be vested in State and local political officials who are answerable to their constituents and hence to the clients served. At the same time sufficient authority and resources must be placed in the hands of State and local administrators to enable them to meet the challenges within their jurisdictions both with sustained plans of action and with sufficient flexibility to adjust their programs to the unique and changing needs of each community.

Mr. Chairman, the bipartisan measure which is brought before you today meets these goals in an admirable fashion.

The actual birth of this measure has been swift. However, the period of discussion has been long and thoughtful. H.R. 19519—the Comprehensive Manpower Act—draws together many of the best elements of proposals put forward by myself, the gentleman from Michigan (Mr. O'HARA), the Nixon administration, and others who have submitted proposals to the House Committee on Education and Labor. It reflects testimony from 27 days of public hearings conducted under Chairman DANIELS of the Select Subcommittee on Labor. It adapts ideas and concepts that have been developed through several months of consideration by the Senate Committee on Labor and Public Welfare. Under the leadership of Chairman PERKINS it has received almost unanimous bipartisan support in the Committee on Education and Labor.

The gentleman from Kentucky and the gentleman from Michigan have both explained the provisions of the bill in some detail, and I would like to express my gratification for the manner in which we have achieved a consensus on the basic ingredients of reforming our manpower programs.

Before proceeding, Mr. Chairman, I would like to pay tribute to Dr. Sar Levitan and Dr. Garth Mangum of the National Manpower Policy Task Force whose ideas and guidance were invaluable to me in the preparation of my original manpower bill and throughout the deliberations on this legislation. I am greatly indebted to them both.

The genesis of the administration's work in this field began with George Shultz, the former Secretary of Labor, and Arnold Weber, his Assistant Secretary for Manpower. It has been ably continued by Secretary Hodgson and Assistant Secretary Malcolm Lovell. Mac Lovell has been invaluable in both working within the executive branch and with Congress to bring this bipartisan bill to fruition. He deserves a lion's share of the tributes for his work.

Finally, I want to give special recognition to the work of Peter Kobrak, formerly of my staff, and now a professor at the department of political science at the University of Wisconsin, Milwaukee. I am deeply grateful for the invaluable assistance he provided throughout the formulation and development of this legislation.

H.R. 19519, the Comprehensive Manpower Act, consolidates authority and funds from our two principal manpower training statutes—the Manpower Development and Training Act and the Economic Opportunity Act—under a single broad act.

It focuses national leadership on the Secretary of Labor while strengthening his partnership with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity in their areas of special interest and responsibility.

It decentralizes responsibility for planning and administering manpower programs to Governors and local officials, who can be held more directly accountable to those they serve.

It decategorizes the current array of prepackaged programs and provides local planners with the flexibility to shape available resources to meet individual needs.

It provides new opportunities for creative partnership between State and local authorities to combine resources and programs under their direction in a more comprehensive approach to community needs.

These are satisfying—even exciting—achievements to those of us who have followed closely the evolution of national manpower policy.

Throughout our deliberations on this legislation, we were plagued by the question of what size and type of local governmental unit should operate its own manpower programs and how this separate operation could best be tied to manpower planning at the Federal and State level.

The Center for Governmental Studies undertook for the Manpower Administration of the Labor Department a two-part study aimed at developing a better understanding of the practical issues inherent in the decentralization of manpower programs to the State and local level. The first report dealt with State manpower organization; the second with metropolitan manpower organization. Both provide vital data which will be invaluable to the Labor Department as it begins the decentralization process provided for in H.R. 19519.

Perhaps the key to decentralization, and decategorization as well, is flexibility. Because of its overall responsibility for administering individual manpower programs, the Manpower Administration, as the Center's study points out, has in the past of necessity devoted most of its attention to "setting precise program guidelines, issuing directives, reviewing applications for funds, granting funds and attaching conditions, conducting financial audits and performing program monitoring." The Center states in their report that at present, "broad national objectives and overall program objectives seldom come into view at the local level. And there is relatively little training and technical assistance emanating from the Manpower Administration." The Center sets two goals for Federal administration under a decentralized system. First, there needs to be a better articulation of goals and objectives. Second, there needs to be a vast increase in the quantity and quality of technical assistance and staff training. If H.R. 19519 is to succeed, Federal agencies must find ways to feed into the State and local planning process their general advice and technical information, their more cosmopolitan perspective, and their evaluation data on local experiments, without dominating and directing State and local activities. To quote the Center's report again:

> A fundamental objective is to develop local capability for conducting effective manpower programs. This means that local prime sponsors must be given the opportunity to determine priorities based upon local conditions, to plan programs which respond to local needs, to allocate funds among the most appropriate agencies, to conduct programs and link components together, to evaluate local efforts, and to reallocate funds and reassign responsibilities as appropriate. It also means the right to make mistakes, which are inevitably part of the process of developing capability.
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> The challenge to the federal government is to carry out responsibilities which can be fulfilled only at the national level while enhancing state and local capacity for planning and delivering manpower services.

H.R. 19519 contains several provisions designed to enhance the Federal Government's new role, as well as State and local capabilities. Title IV of the bill sets out Special Federal Responsibilities. Of particular importance in this title are sections, 406 and 407, Training and Technical Assistance. Under this section the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare and the Director of OEO shall provide either directly or through other arrangements, preservice, and inservice training for specialized, supportive and supervisory or other personnel and technical assistance necessary for carrying out the programs established by the act. He can assign personnel to public or private agencies, institutions, or employers to assist them in planning and operating programs. The Secretary is also directed to survey ongoing programs of staff training, analyze regular manpower programs to determine the quality of present training and future staff requirements, and plan for and provide an integrated system of short term and intermittent staff training in managerial and technical matters relating to the conduct of manpower training programs and services for Federal, State, and local personnel.

Local and State prime sponsors will need a substantial number of technical skills to plan and carry out manpower programs; knowledge of what a comprehensive manpower system means and how to obtain and use the tools available to them; and the capacity to select and assess the abilities of various organizations to conduct the several program elements.

The Labor Department, along with HEW and OEO, can provide invaluable assistance in this area as long as they remain flexible to meet community needs and do not regress to the regimentation and guideline-oriented mentality imposed by our present system.

The Labor Department will have other responsibilities not directly addressed in this legislation, but nevertheless vital to the operation of manpower programs based on national manpower needs and goals. We have seen in the development of the JOBS program, a great commitment of Federal resources in one type of activity to the exclusion of other desirable and congressionally mandated or suggested Federal activities. It would mean certain dilution of comprehensive manpower policy if such a situation occurred under the new system we desire to create. This is not a condemnation of the JOBS program, it is simply a realization of how a concentration of Federal resources available to the Secretary of Labor for the operation of nationally oriented programs can thwart other equally important activities when it is vested in one single approach to solving our manpower problems.

I must also mention the role of the Employment Service in Federal manpower policy. We have provided in H.R. 19519 for important linkage between the State manpower operation and Employment Service activities in section 107, Special Requirements for State Prime Sponsors. There is no similar provision in the Senate-passed bill. In H.R. 19519, any State seeking assistance under the Comprehensive Manpower Act or the Wagner-Peyser Act must submit a State comprehensive manpower plan to the Secretary of Labor which among other important criteria must provide for the conduct of programs financed under the Wagner-Peyser Act consistent with the objectives of a comprehensive manpower system. In the original administration proposal, H.R. 13472, it was envisoned that the Employment Service would have a major role in operating manpower programs. Testimony and reports available to our subcommittee make it clear that the quality and ability of the Employment Service varies greatly throughout the country, and thus the degree of Employment Service participation in manpower activities should also vary. At present the local Employment Service is the delivery end of a Federal-State apparatus. We have perhaps been lax in not stipulating further in this legislation greater linkages between funds and activities of the Employment Service and local prime sponsors. As it is, in section 105(b)(5), we require the utilization to the extent appropriate, those services and facilities which are available from Federal, State, and local agencies, including the Employment Service. We also require—section 104(b)(2)—that the public Employment Service be represented on the Manpower Services Council which will review manpower needs and programs and make recommendations to the prime sponsors. And we require in section 105(b)(9) that prime sponsors must provide for the integration of services with other manpower and manpower related services in its area for which financial assistance is provided by the Secretary of Labor. It is vitally important that Employment Service and manpower activities be coordinated at the local level and that there be mutual cooperation and assistance. But the Secretary of Labor will also have a good deal of responsibility here to insure that coordination and cooperation between Employment Service and prime sponsor are accomplished to the benefit of the individual client and in a manner suitable to the local situation. There would be nothing more detrimental than to have the Employment Service role imposed indiscriminately from Washington.

H.R. 19519 is intended to provide a comprehensive, coordinated system of manpower service to benefit those in need of assistance. It was my original intent in introducing H.R. 10908 to emphasize the need to make political officials responsible for the success or failure of manpower programs under their jurisdiction. H.R. 10908 was also designed to achieve long range, as well as short range, comprehensive planning on an areawide basis so that we might assess present and future manpower needs and design programs and services accordingly. While not set forth in H.R. 10908, it was also my desire to give a degree of autonomy to those areas which have the largest population concentration.

As I stated previously, finding the right combination of these three factors and translating that into legislative language was no small challenge.

What witnesses before your subcommittee, as well as manpower experts in independent studies, were to make clear was that there is no one formula which can be applied uniformly throughout the country. Thus, in H.R. 19519 we have attempted to set down broad guidelines of what is desirable, while combining this with a degree of flexibility for the Secretary of Labor to determine the demands of local conditions.

The Metropolitan Manpower Organization study of the center for governmental studies set out vividly the diversity of situations which exist at both State and local level with regard to size, government, economy, governing coalition, and so forth.

H.R. 19519, through five categories of eligible prime sponsors—State; city of 100,000 or more or with the largest population in a State; counties of 100,000 or more which exercise local governmental functions similar to those of a city; combinations of units of local general government which have a population base of 100,000 or more and serve a substantial part of a single labor market; and units

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of local general government in rural areas which have substantial outmigration and high unemployment—seeks to reduce the number of prime sponsors and thereby facilitate coordinated and comprehensive manpower planning and administration.

However, H.R. 19519 also stipulates that in addition to meeting the above criteria those desiring to be prime sponsors must submit to the Secretary of Labor a plan which includes evidence of capability for carrying out a comprehensive manpower plan of services in accordance with criteria set forth in section 105 of the act. The Secretary is also empowered to choose from local units of government which seek prime sponsorship for the same area, the one which he judges can do the job most effectively. How the Secretary of Labor exercises his responsibilities in evaluating the ability of prime sponsor applicants will be of the utmost importance. There may well be a temptation to certify prime sponsors solely on the basis of size and geographic criteria, but this would be a serious mistake. The ability of the prime sponsor to carry out its responsibilities will either make or break the decentralized and decategorized system, and this ability should weigh heavily in the Secretary's decision. The Center for Governmental Studies' report here again has cited some valuable information and recommendations with regard to the powers, responsibilities and capabilities prime sponsors should have, and I commend these to the Labor Department as they develop their policy in this area.

The committee has given particular emphasis to the desirability of labor marketwide coverage. As the committee report points out:

> Job opportunities and manpower training needs are governed by labor market conditions which are no respecters of political jurisdictions.

The committee has strived through various mechanisms in H.R. 19519 to encourage labor marketwide planning and coordination, while at the same time vesting accountability in political officials.

To facilitate a comprehensive approach to manpower planning and development, I believe it is imperative that we limit eligible prime sponsors, with the exception of rural areas, to those areas which have populations of 100,000 or more and serve as an identifiable labor market. The Senate bill includes cities and areas of 75,000.

Based on the most recent estimates of the Census Bureau I have available, there are 145 cities with a population of 100,000 or more persons and 226 cities with 75,000 persons. There are 326 counties with over 100,000 persons, but 434 counties with over 75,000. This is a net difference in number of eligible prime sponsors in this category of 189. The impact of using areas of 100,000 rather than areas of 75,000 becomes even greater if you look at the effect the two figures have in certain States. In the State of California, for example, using the 75,000 cutoff instead of 100,000 would increase the number of eligible prime sponsors by 30: In Texas by 12; in my own State of Wisconsin and the State of Pennsylvania by eight. In these States, the Governors have taken an active role in manpower planning and in improving the delivery system throughout the State of manpower services.

No estimate has been made, and it is really impossible to do so at this time, of the number of units of local government which might join together and seek prime sponsorship, but the bill contains the option so that in those areas in which such an arrangement is desirable and which have the capabilities to conduct separate manpower activities prime sponsorship will be possible.

The whole thrust of a comprehensive approach to manpower service, however, is to discourage uncoordinated, disoriented efforts which thwart rather than aid the individual. In my opinion, planning should take place on a statewide basis, on a regional basis where appropriate labor market functions are to be served, and on a local basis where the capabilities exist and where the area to be served functions as a labor market.

A quick glance at H.R. 19519 might result in the mistaken impression that cities and local areas are emphasized and encouraged at the expense of Governors and the States. Should this result, it would be a tragedy, in my opinion. My original bill put major emphasis on the State as planner and coordinator of manpower programs throughout its jurisdiction. While jobs do not stop at State boundaries any more than they stop at city boundaries, the State constitution and statutes govern many institutions, organizations, and activities which are integral parts of manpower programs; the State Department of Labor, Employment Service, Department of Public Instruction; vocational education and rehabilitation agencies, and others are directly involved in activities which affect manpower services at the local level; the State plays a large part in attracting businesses to its borders, in gathering statistics and in countless other activities which have repercussions at the local level. Thus, it is important that State government take a constructive interest and be an active participant in manpower needs and programs. A number of States have already shown an active concern for manpower planning and programing within their boundaries. I am proud to say that my own State of Wisconsin, under the leadership of Gov. Warren Knowles, is among this group.

The Governors should be encouraged, and the Secretary of Labor should be active in this area, to not simply sign off on local prime sponsor applications but to examine each one carefully and indicate to the Secretary the extent to which they are compatible with the manpower needs of the State, the State plan, the proposed plans of service of other agencies providing related assistance, and so forth. Of course, the Governors must first develop their own State plans and mobilize their State agencies and resources, but after accomplishing this, if they fail to work constructively with local prime sponsors to have a meaningful integration of State and local programs, then they will, by default, forfeit the role H.R. 19519 gives them and in so doing will greatly hamper the Federal-State-local partnership which H.R. 19519 envisions and which the sponsors feel is so vital to a successful manpower effort.

A word should be said about interstate cooperation. Some areas such as Kansas City, Mo., and Kansas City, Kans., are already working together effectively in areas of social concern and have begun to do some coordinated manpower planning. In other areas, such as Washington, D.C., and the surrounding Maryland and Virginia suburbs, the need for an interstate approach to manpower problems is evident. This is an area in which the Secretary of Labor can be particularly helpful using funds allotted to him.

One activity which was not specifically set forth in H.R. 19519, but which deserves both Federal, State, and local attention, is the need for job creation and development activities in the private sector. Under H.R. 19519, we do create a job bank to facilitate job location and placement, but to quote from the Center for Governmental Studies report:

> Job banks do not eliminate the need for job development and job restructuring efforts. These still are critical to manpower programs for the disadvantaged, and need to be performed at each level of operation in a manner appropriate to the respective level.

There are a number of sections in the act under which job development and restructuring activities could take place—sections 102, 401, 403, 405, 414, part C of title IV.

I would like to comment on an additional dimension of this act.

The Comprehensive Manpower Act will also create a new program of public service employment to serve, as our committee report has noted, as "a supplement to manpower training programs."

I think it is important to emphasize the fact that the public service employment program created by title III is a "supplement to manpower training programs." By no means is this type of program meant to detract from or supplant the need for effective manpower planning, training, and placement in the private sector or in nonfederally supported public service jobs. I would oppose such a program. I have also continuously opposed a massive federally financed public service employment program as a means of solving all our economic and social ills. In truth, we know almost nothing about operating a large scale modern public service employment program. The conditions which exist today cannot be compared to the 1930's which is the only time the Nation experimented on a large scale with public service employment. There have been few studies done on the issue, and those that have been completed have concentrated more on the need for public services than on how such an employment system might be run and how desirable the "employer of last resort" approach might actually be. No real attention has been given to cost; the geographical, occupational or skill feasibility of matching eligible clientele with available jobs; how best to administer such a large scale program, and many other questions. So I would oppose a bill which attempted to solve our employment problems entirely through a massive public service employment program.

I support title III of H.R. 19519, however, because it seeks to meet an existing need, but is carefully drawn to emphasize the movement of people into employment which is not subsidized under this bill.

I do want to emphasize that we should not raise false hopes about the ability of title III or federally subsidized public service employment on any scale solving all our problems.

Sar Levitan has just delivered an excellent address to the New York State School of Industrial and Labor Relations at Cornell University on the realistic role of manpower programs in a slack economy. His comments on public service employment are particularly important to put into perspective what we can accomplish and what we have to consider in initiating public employment programs. I would like to include the complete text of Dr. Levitan's remarks at the end of my statement.

Trends in employment are the product of broad economic and social forces, a complex web of public and private actions in which an active manpower policy plays only a limited role. The ranks of the unemployed measure in the millions. New jobs which can be created through appropriations under this legislation measure in the tens of thousands, Amid all the competing and worthy demands made on the Federal budget, appropriations for Federal manpower programs are unlikely to rise rapidly to the many billions of dollars required to create sufficient jobs to reduce dramatically the levels of unemployment. Public service employment can contribute to the provisions of job opportunities for the unemployed. It is not, of course, the overall solution.

In a similar fashion, while there are pressing needs for more public services, employment in State and local government has been one of the fastest growing sectors of our economy for the last decade. Over the last decade employment in State and local government has grown by 3.4 million employees, over 350,000 new jobs each year. State and local tax revenues have increased by $4 to $5 billion annually. Federal grants-in-aid, which support a wide variety of activities, have increased by $2 to $3 billion each year. Public service employment under this bill can contribute to the expansion of needed public services. However, the basic source of growth will continue to be from State and local revenues and Federal grants-in-aid. Indeed, in title IV this bill directs the Secretary of Labor to undertake a comprehensive assessment of the job-creation impact of Federal assistance programs. He will take active steps to open up a greater proportion of these jobs to the disadvantaged. Tapping into this basic source of governmental financing may yield great benefits for the disadvantaged.

I believe that the true significance of public service employment—title III—will be as a new tool in our manpower development program.

We have been careful to assure that title III supports real tasks, not "make-work," which the local community vitally needs.

We have been careful to assure that unemployed persons employed through title III receive wages, benefits, and opportunities equivalent to the local government's regular employees.

But we have been particularly careful to assure that public service employment programs will continue to develop participants' skills and move them through time into jobs which are created through the regular growth of public and private employment.

This goal—the movement of people over time into employment which is not subsidized under this bill—will be accomplished in ways which will not jeopardize the well-being and economic security of the individual.

Instead, the bill places upon our institutions—the Labor Department and the State or local governmental employer—a constant obligation to concern themselves with the development and occupational mobility of public employees.

Before any public service employment program is approved, the local government must develop appropriate programs for training and upgrading its employees, including public service employees.

Before any public service employment program is approved, the public employer and the Labor Department must agree on specific objectives—for the movement of persons employed thereunder into public or private employment not supported under this act.

Such goals, will, of course, vary from community to community. They will depend on the rate of growth in the employer's regular employment, turnover rates, and promotional opportunities, the comparative availability of suitable work in private employment, and other such factors.

Such goals will be met in a variety of ways—

Some public service employees shall be trained and promoted to higher positions within the local government which are financed through regular revenues.

Other public service employees may be shifted laterally onto locally financed payrolls to fill vacancies in similar jobs left by regular employees who have themselves been promoted to higher positions. These perhaps may have been upgraded occupationally under title II programs.

Still other public service employees may leave such jobs for better opportunities in private employment. This is particularly likely when title III is providing temporary employment for unemployed but skilled workers whose regular jobs have vanished during economic downturns.

Thus, over time title III will provide a constantly renewed pool of opportunities through which most participants have moved in the process of securing career opportunities which are not dependent upon these manpower funds.

The committee has been very clear in setting forth the responsibilities of the Secretary of Labor to approve and monitor these programs.

The Secretary of Labor must assure that every reasonable opportunity to find other suitable employment or enter other manpower training programs has been explored before an individual is certified for public service employment.

The program must not only provide whatever training is necessary to equip such unemployed persons to carry out their new tasks, it also must be linked to upgrading programs which offer opportunities for upward mobility.

The Secretary must maintain a continuing review of the status of each enrollee to assure that he is always being considered for referral to suitable regular employment or other manpower training programs.

Where public employers are not meeting agreed goals which I mentioned, the Secretary may terminate the program or decrease the share of Federal funds which must support the program.

Finally, under title IV the Secretary, in consultation with the Director of the Office of Economic Opportunity, will initiate action to encourage State and local government to modernize their personnel systems, seeking to remove artificial barriers to careers, employment, and occupational advancement for disadvantaged persons.

Thus, I am satisfied that we have struck a proper balance. We have recognized the legitimate interest in new job creation for the unemployed and the expansion of needed public services. And we have maintained the basic integrity of public service employment as part of a process of human development to which our manpower program is committed.

Before completing my remarks I want to pay particular attention to the role of vocational education in a comprehensive manpower system. H.R. 19519 is in no way intended to be the vehicle for the initiation of a "dual system" of education and training. On the contrary, the committee intends that every effort be made to coordinate manpower and vocational education activities, and that to every extent possible manpower programs use services and facilities available from vocational schools, area skill centers and postsecondary training and education institutions, including secondary schools, both public and private. The committee report very carefully sets this out as does H.R. 19519. In addition, the Secretary of Labor and the Secretary of Health, Education, and Welfare must report to Congress by January 20, 1972, on the extent of utilization of vocational education programs in the overall manpower program and make further recommendations for administrative and legislative action. The U.S. Commissioner of Education must also report on the extent to which vocational information and preparation have been integrated into regular elementary and secondary school programs and how these linkages might be improved.

Manpower programs provide remedial vocational training and skills, as contrasted with the preventive programs undertaken through the regular public and private secondary and postsecondary schools. I have been a strong supporter of preventive programs and worked hard on the development of the Vocational

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Education Amendments of 1968. I do not feel we should continue to put money into remedial manpower training while neglecting our preventive vocational education system, thus I will continue to work for the implementation of the 1968 Vocational Education Amendments and for the strengthening of our vocational education system.

In addition to the preventive role, vocational educators, and educators in general, have important contributions to make to remedial manpower training. H.R. 19519 is designed to encourage the active participation of vocational educators and representatives of elementary, secondary and postsecondary schools in the planning, development and operational phases of manpower programing. This input will be vital to the success of a comprehensive and coordinated system. We have not attempted to list title by title the different types of people we expect to be involved in manpower programs. We should not overlook, however, the local and State elementary and secondary school officials. Other groups that will undoubtedly make a contribution are the State and National Advisory Councils on Vocational Education.

After we resume in the House, Mr. Chairman, I would like to include at this point in my remarks an exchange of correspondence between the Secretaries of Labor and Health, Education and Welfare, the gentleman from Michigan (Mr. OHARA) and myself with Mr. Hugh Calkins, Chairman of the National Advisory Council on Vocational Education. These letters point to the very positive role vocational and general education are to have in the success of manpower programs.

In closing, I would simply say that we have had too much unhealthy competition between labor and education at all levels in the past. It is time to put an end to it and to get on to the constructive work that needs to be done.

Mr. Chairman, months ago we embarked on an effort to create a new and flexible context for the development of a comprehensive manpower system. This bill achieves this goal. Enactment of this legislation is an urgent need.

The correspondence follows:

NATIONAL ADVISORY COUNCIL ON
VOCATIONAL EDUCATION,
Washington, D.C., November 13, 1970.
To Chairmen, State Advisory Councils on Vocational Education:

Following the meeting of the Chairmen and Executive Directors of the State Advisory Councils on Vocational Education with members of the National Advisory Council on Vocational Education in Washington on November 6–7, 1970, we took up your concerns as expressed in the passed resolutions (enclosed) with representatives of the Department of Health, Education, and Welfare, the Department of Labor and members of Congress.

Those with whom we spoke were sympathetic with these concerns and enclosed are responses from Malcolm R. Lovell, Jr., Assistant Secretary of Labor for Manpower, Congressman James G. O'Hara (D), Michigan, and Congressman William A. Steiger (R), Wisconsin, and Secretary of Health, Education, and Welfare, Elliot Richardson. These responses go a long way toward relieving the concerns that were expressed at the meeting.

It now seems appropriate that the efforts of both the State and National Advisory Councils on Vocational Education should be directed toward seeing that the views expressed by these responsible national officials are carried out in practice.

Sincerely,
HUGH CALKINS,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 12, 1970.
Mr. HUGH CALKINS,
National Advisory Council on Vocational Education, Washington, D.C.

DEAR MR. CALKINS: It has come to our attention that members of the National and State Advisory Commissions on Vocational Education have expressed concern over the legislative intent of some of the provisions of H.R. 19519, the Comprehensive Manpower Act. For the benefit of your membership, as well as that of the State Advisory Commissions, we would like to comment on these questions.

First, some concern has been expressed over the meaning of "concurrence" as used in H.R. 19519. Sec. 108(a) of H.R. 19519 states that "the Secretary of Labor shall not issue rules, regulations, standards of performance or guidelines with respect to assistance for services of a health, education, or welfare character under this title and he shall not provide financial assistance for services of a health, education, or welfare character under this title unless he shall have first obtained the concurrence of the Secretary of Health, Education, and Welfare. Such services include but are not limited to basic or general education; educational programs conducted in correctional institutions; institutional training; health, child care and other supportive services; and new careers and job restructuring in the health, education, and welfare professions."

The phrase "The Secretary of Labor shall not issue rules . . . shall not provide financial assistance . . . unless he has first obtained the concurrence of the Secretary of Health, Education, and Welfare" cannot reasonably be interpreted to mean anything *but* that the Secretary of Health, Education, and Welfare must give his *prior approval* before the Secretary of Labor can do these things.

It seems to us that the very words of the legislation thus leave no room for doubt that the intention of the bill and of its sponsors is that the Secretary of Health, Education, and Welfare will take positive action on such matters, not merely give them passive acknowledgment.

The second assertion which has been brought to our attention is that this bill somehow conceals an intent to create a "dual school system". This is without fonndation.

The Committee Report addresses itself to that fear, and seeks to show that any such concept is foreign to the intent of the sponsors of this legislation.

The Congress has repeatedly rejected the notion of a "dual school system", and sponsors of this bill join in that rejection.

In fact, far from making a "dual school system" possible, the bill is replete with provisions for linkages with existing vocational educational institutions. Section 104 requires vocational educators to be a part of the manpower councils which develop comprehensive plans for the prime sponsor. Sec. 106(b) requires the use of existing educational services and facilities, to the full extent appropriate. Section 504(d) provides a financial incentive to prime sponsors to create and utilize linkages with existing vocational education institutions. Sec. 525 provides for two separate reports on the utilization of such existing institutions.

In conclusion, then, we hope this letter will clarify what had seemed to us to be the obvious intent of H.R. 19519.

Very truly yours,
JAMES G. O'HARA,
WILLIAM A. STEIGER,
Members of Congress.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., November 13, 1970.
Mr. HUGH CALKINS,
Chairman, National Advisory Council on Vocational Education, Washington, D.C.

DEAR HUGH: The Department of Health, Education, and Welfare strongly supports the proposed Comprehensive Manpower Act (H.R. 19519). This proposed piece of legislation will assist the Department to make vocational education more effective in meeting the manpower needs of our nation. It will provide a vehicle for vocational educators to act as partners in the planning and implementing of a comprehensive manpower system.

I believe that the bill gives me the responsibility and the opportunity to review and clear all Federal rules, regulations, and standards of performance which could effect educational programs and other programs under the traditional purview of the DHEW. Pursuant to this authority we will exercise a pre-clearance on the above aspects of State plans and other program plans. The requirement of concurrence gives me the opportunity to ensure that program sponsors of manpower programs will look to existing vocational education facilities, area school centers and post-secondary technical schools to the full extent of their capability to provide institutional training and basic and remedial education under a community comprehensive manpower program.

I understand there has been some concern among the State advisory councils that this bill might create a "dual school system." I believe that this is without foundation.

The Department of Health, Education, and Welfare must report to Congress early in the process of implementing this bill on the extent to which the vocational education agencies are being utilized. This report will provide the Congress with ample opportunity to see that its intent is fully carried out.

I am pleased to know of your interest in this bill and the active manner in which both the State and the National Advisory Councils are carrying out their responsibilities under the Vocational Education Amendments of 1968.

Sincerely,
Secretary.

U.S. DEPARTMENT OF LABOR,
Washington, November 12, 1970.
Mr. HUGH CALKINS,
Chairman, National Advisory Council on Vocational Education, Washington, D.C.

DEAR MR. CALKINS: The proposed Comprehensive Manpower Act (H.R. 19519) is an unparalleled opportunity to strengthen the partnership between manpower programs and vocational education in the development of our Nation's manpower. I want to assure you (and other vocational educators who may have expressed their concern) that the Department of Labor is committed to the fullest utilization of mainstream educational institutions under the Administration-supported bill.

As one who has served both the educational system and manpower programs in my public life, I share the aversion to the possibility that a "dual school system" might ever emerge—one serving the advantaged middle-class, the other serving the poor and disadvantaged. General education and occupational skill training opportunities must be part of a continuous process, available to all citizens as best suits their individual needs.

The Department of Labor has taken careful steps to assure that the Nation's vocational educators are integral partners in planning and implementing a comprehensive manpower system.

At the State and local level representatives of general and vocational education programs and post-secondary training must serve on the Manpower Services Councils. Responsible to the Governors and Mayors (or other local elected officials) serving as prime sponsors, these councils will have major roles in planning and evaluating local manpower programs. Through Federal regulations it will be clear that the educational community must be represented on these councils by officials such as the Superintendent of Schools, the Director of Post-Secondary Education, and others who have major and substantive responsibility for the community's educational programs.

Second, State and local prime sponsors will rely upon existing vocational education facilities, area skill centers, post-secondary technical schools for the provision of institutional training and basic and remedial education under a community's comprehensive manpower program. The proposed Comprehensive Manpower Act contains strong safeguards against the duplication of facilities and programs or the utilization of the existing educational resources to less than their full capability.

As evidence of the Labor Department's commitment to this policy, it was through our initiative that the incentive funds set aside to stimulate exemplary linkages between manpower programs and vocational education were more than doubled over the level allowed under the Senate's manpower bill. We view these funds (up to $75 million under a $2 billion authorization) as offering an opportunity for very creative and innovative programs.

We strongly support the requirement, introduced by Congressman Lloyd Meeds, that the Department of Labor and the Department of Health, Education, and Welfare report to Congress early in the process on the extent to which the vocational education agencies are being utilized under the Comprehensive Manpower Act. We also fully support the intent of the special report, to be prepared by the Commissioner of Education, on the integration of vocational and general education objectives throughout the Nation's school systems. Effective vocational orientation and preparation at the earlier stages of a child's life would obviate the long-term need for many of our adult manpower training efforts.

Finally, the Comprehensive Manpower Act requires the concurrence of the Secretary of Health, Education and Welfare in any actions under the Act of an educational nature. This responsibility extends both to the development and issuance of rules, regulations, guidelines, or standards of performance which would affect educational programs and the approval of the educational and institutional training components of annual comprehensive program plans and individual project grants.

We recognize that HEW will require effective staff capability both nationally and in its regional and field offices to carry out this major responsibility. I want to assure you that the Department of Labor will lend its vigorous supoprt to HEW's staffing requirements under the Comprehensive Manpower Act.

As both Assistant Secretary of Labor for Manpower and one who is vitally concerned with vocational education, I look forward to new challenges and opportunities for creative partnership under the Administration-supported Comprehensive Manpower Act.

Sincerely,

MALCOLM R. LOVELL, JR.,
Assistant Secretary for Manpower.

FEDERAL MANPOWER PROGRAMS IN A SLACK ECONOMY

(By Sar A. Levitan, Center for Manpower Policy Studies, the George Washington University)

A favorite pastime during the 1970 summer doldrums was guessing whether the nation was in a recession. Any number could play the game, but politicians were most active. Economists, on the whole, were either uncommonly silent or spoke with a forked tongue.

The views of politicians were easily predictable. Administration spokesmen kept assuring the public that the unfolding economic senario followed the script laid out by the Republican planners (though many of them did not cherish this appellation). Politicians carrying the sign of the donkey saw it differently. They failed to discern the trade off between inflation and unemployment and complained that the Nixon policies were spinning a recession without arresting inflation. The outs blamed the ins for reviving old-fashioned recessions with a new twist: the Nixon economics also carried a strong dose of inflation.

The caution of economists was easily explained. Ritual required that economic indicators speak first to the computers in the National Bureau of Economic Research; only then could the word be revealed to the multitudes. But the sages (or computers) in NBER refused to speak and economists were at a loss to interpret their silence.

Simple folk, a category which includes most of us, also played the recession game. Folowing the well-established law—the one of whose ox is being gored—those who were affected by the economic decline in late 1969 and 1970 had little doubt that we were in a recession. But most were unaffected and so remained inactive spectators in the politicians' game.

Out of the speculation, however, some inconvertible facts emerged. Unemployment rose to 5.1 percent and many feared that it would continue to rise. Only the most optimistic expected that it would decline below 5 percent before sometime in 1971. In 31 large cities and 564 other areas the recession game was a serious matter indeed. Unemployment in these cities had reached over 6 percent, by any standard substantial and, to many, downright disturbing. The usual victims of unemployment—youths, blacks, and members of other minority groups—lived in a recession economy even when tight labor market conditions existed and to them the game was nothing novel.

It is little wonder in this uncertain atmosphere that policy shapers felt uneasy about the applicability of traditional manpower programs which had expanded during the 1960s to train those who were unable to compete for sustained gainful employment. Though initiated in a period of relatively high unemployment in the early 1960s, these manpower programs had undergone considerable changes, and by the time of the downturn (or recession) in economic affairs they focused largely on the needs of the poor, poorly educated, and unskilled—the disadvantaged, in the lexicon of the manpower experts.

The precipitous rise in unemployment during 1970 meant that over a million more people will be looking for work and that the incidence of unemployment will rise by more than double that amount during the course of the year. Hundreds of thousands more will leave the labor market because of gloomy employment prospects. All types of workers will be affected, but unemployment will be concentrated among blue collar workers and those at the end of the labor queue who suffer the most serious disadvantages in competing for existing jobs.

With rising unemployment, not only are there increasing numbers of persons needing manpower service, but there is also a change in the nature of the clients and the economic environment in which the manpower programs must function. Jobs are no longer plentiful, placements are not easy, more competent workers are now competing with the disadvantaged for available jobs, and businessmen are less willing to participate in manpower programs. The programs designed to aid the poor and unskilled in tight labor markets quite obviously must be adjusted to these changing circumstances.

ADAPTING TO RISING UNEMPLOYMENT

The challenge to manpower policy planners and administrators is to adapt programs to serve these new clients without ignoring the interests of their old clientele. The task is difficult not only because of budgetary constraints but also because manpower administrators have little experience in operating manpower programs in a labor market with rising unemployment.

For the purpose of our discussion, it is useful to differentiate between programs in which private employers participate and those which are administered and conducted by government agencies. Manpower programs oriented towards the private sector are likely to be more effective in tight labor market conditions than when slack occurs. Subsidies to hire and train disadvantaged workers, to induce business to locate in depressed areas, or to eliminate discrimination will have their greatest impact when qualified workers are not readily available, when firms are expanding and opening new plants, and when the supply of "preferred" workers are dried up. Conversely, when firms are forced to lay off employees because of declining demand, when they have excess capacity and are trying to eliminate all but their most efficient plants, and when fears of unemployment lead to employee antipathy towards newly-hired disadvantaged workers, OJT or locational subsidies will be less effective. This has clearly been the experience under the JOBS program, where terminations increased and hires decreased markedly in the economic decline at the end of 1969 and the beginning of 1970; in fact, funds originally earmarked for JOBS had to be reallocated to other manpower programs.

Public-sector training is virtually imperative in slack times, if for no other reason than to fill the gap left by declining private-sector participation (assuming that the level of funds allocated to manpower programs is maintained). Institutional training provides at least income maintenance and occasionally useful preparation for work along with basic education. In loose labor markets, the opportunities of potential enrollees to opt for jobs instead of training are reduced, and employers are less likely to pressure training institutions to speed the delivery of trainees. Under these circumstances, more persons are likely to participate in and complete a course of training under the manpower programs. Because placements and employment rates are closely correlated with duration of stay, institutional programs should become more effective.

It is also likely that manpower programs will serve a different clientele when unemployment is high than they did when jobs were plentiful. Increasingly during the 1960s, the more seriously disadvantaged workers were helped—in large part a result of expanding employment opportunities generally. The queue of job seekers moved forward rapidly and the disadvantaged, who were next in line for employment, were most in need of manpower services. But the fact that manpower programs then emphasized the needs of the unskilled, poorly-educated, and members of minority groups subject to discrimination does not mean that they will continue to do so. Under all the programs there has usually been a tendency to "cream" from the available and intended clientele

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these most likely to benefit from assistance. If demand slackens, it is safe to say that more advantaged workers will seek out and be selected for manpower programs; workers with more severe problems will receive less attention. For instance, in the JOBS program, as unemployment increased in 1970, the average family income of participants under contract increased steadily, indicating the selection of a less disadvantaged group. No doubt this is happening under other manpower programs, although data are not yet available to substantiate this charge.

A fairly certain development is that disadvantaged workers will find it more and more difficult to find private sector employment, and that they will likely fall into dependency. Because there are many useful jobs which need to be done in the public sector, many of which can be filled by those with low skills, public job creation is urged as an alternative to the expansion of relief rolls. The Senate Committee on Labor and Public Welfare has already reported out a bill (S. 3867) which proposes that one-third of manpower funds be earmarked for public employment projects.

Labor market services should also be adjusted to changing economic conditions. When jobs are plentiful, the public employment agencies function as labor exchanges; but they can also reach out to disadvantaged persons, providing them with needed counseling and help, inducing them to seek and find jobs. When unemployment is high, however, fewer firms turn to the public employment agencies, and those that do can choose among recently employed and less disadvantaged workers. If the needs of the disadvantaged are not ignored, this is exactly the time when job development and placement efforts should be intensified—even though they will be less successful in terms of placements. While the recently unemployed should be aided in quest for work, the hard-core must not be ignored; and if they cannot find private jobs, public employment or other manpower programs should be made available. Unfortunately, most employment service offices become bogged down administrating an increasing unemployment insurance caseload during slack times, and thus play only a passive role as a labor exchange for the declining number of job offers.

Taken together, these adjustments would suggest a strategy which runs as follows: When unemployment rises, manpower expenditures should be shifted into the areas of public employment and training because private employers will be less willing to hire and train disadvantaged workers, and because many previously hired will be laid off because of slackening demand. Institutional training and public employment must be expanded to assist such workers. Because enrollees are likely to stay longer in institutional programs, these can concentrate on basic education and the more serious problems of marginal workers. Adequate income support must also be provided. Private-sector incentive programs must change their focus from increasing the number of hires or relocating firms to reducing the number of workers who are dismissed or the number of depressed area plants which must be closed. In other words, they should perform a holding action so that prior accomplishments will not be undone. The employment service must likewise increase job development and placement efforts for those recently unemployed, directing them to available manpower programs. Outreach efforts must necessarily be diminished, with a holding action again stressed.

Whatever the rhetoric used by the federal administration, the direction of manpower programs has been shifting albeit too slowly along these lines. While most experts would agree that such a strategy would maximize the impact of manpower programs in slack times, one must emphasize the uncertainty underlying these prescriptions. The simple fact is that we do not know how effective manpower programs can be at higher rates of unemployment. In all likelihood some will be better than others, but we cannot expect them to have as favorable an impact in slack times—even though the need for them is more pressing. When demand slackens, it may be wiser public policy to forego training efforts and shift manpower funds to income maintenance. Much will depend on the duration of the recession; it might be wasteful and also frustrating to the trainees to train people for nonexistent jobs.

Underlying the suggested strategy is the assumption that the shifts in program emphasis can be achieved efficiently and with little loss of time. Past performance in the administration of manpower programs does not necessarily support this assumption. In the present case, administration spokesmen have been entirely too slow in acknowledging the economic downturn when it occurred; and needed adjustments in manpower programs have been delayed.

THE POTENTIAL OF PUBLIC EMPLOYMENT

At the center of the proposed shifts of manpower efforts is greater emphasis upon public employment. The normal reaction is to launch and expand job creation when unemployment rises, and this has been the case during the 1970 decline.

Expansion of public employment is probably a wise strategy, but it is not above question. Certainly the evidence of its effectiveness is mixed, and it has hardly been subjected to careful analysis. In tight labor markets there is little interest in public employment programs, while during economic downturns arguments are hastily mounted to get programs underway. Many misconceptions prevail, and these should be cleared up before any large-scale commitments are made.

Public job creation to absorb the unemployed reached its peak during the New Deal. The Public Works Administration, the Works Progress Administration, and the Civilian Conservation Corps provided income and work for millions of people. And despite the image of the leaf-raking WPA worker which still persists, many workers must have done more than a fair day's labor: the thousands of buildings and hundreds of thousands of highways attest to the useful work performed by the New Deal public employment agencies. If a cost-benefit ratio could be applied to these programs, there is little doubt that it would be highly favorable.

More recent experience with public employment programs has been less favorable. The Work Experience and Training Program initiated under the 1964 "war on poverty," for instance, was addressed to a potential clientele numbering more than 2 million, and it was hoped that eventually the program could reach the majority of these people. By 1968, the program had been dropped, with general agreement that it fell far short of intended goals. Out-of-school NYC, another antipoverty effort, started out with high hopes and reached a point where 189,000 slots were planned in fiscal 1966. Here, too, performance was judged to be deficient, and the program has since been cut back to some 30,000 slots. Only Operation Mainstream, a public works program serving mostly older workers in rural areas, has been favorably received, though it has remained a very modest effort.

Public employment programs have been deemphasized the last few years because of the increasing availability of jobs in the private sector, but also because the programs have shared certain shortcomings. First, they were rapidly expanded and then contracted, so that the enrollees' work could not be well planned. While it is difficult to measure the value of work done, available evidence indicates that it was slight. Participants in the programs did not seem to benefit apart from the income they received. The limited dosages of education and counseling consumed a fair amount of time and money, but there is no persuasive evidence that the services improved the enrollees' later work experience. The jobs which were created lacked attraction and carried little prestige, and in many areas there were difficulties in filling available slots. If the analysis of some labor market economists is correct, many similarly unattractive jobs in the private sector also remained unfilled, and in such areas it was simply wasteful to create new jobs in the public sector. Many public employment projects were merely stopgap measures, with few permanently beneficial effects and even questionable impact at the time. Perhaps such jobs were preferable to income transfers, but they were hardly equal to manpower services with a long-run payoff.

Operation Mainstream which provides public employment in conservation work in rural areas is a notable exception. The clientele is older, so that basic education and vocational training are not important components. Their time is productively utilized because very little is spent on training. Since participants would otherwise probably be unemployed, and many of their families on assistance, any positive contribution they can make is all to the good. Clearly the ingredients to success in Operation Mainstream could be duplicated in more rural areas when job deficits exist, but only for a similar clientele.

From this mixed experience, it is difficult to arrive at a clear judgment on the effectiveness of public employment programs. It should be obvious, however, that the term covers many different types of activities, ranging from simple conservation work under Operation Mainstream to paraprofessional positions under New Careers; it can serve a range of clienteles, from elderly workers desiring an income supplement to youths who need preparation for future labor force participation; it can be planned as a temporary measure to cushion the effects of a short-term slump or a long-run measure to combat secular changes in the economic structure.

Unfortunately, these distinctions are too often ignored. Arguments for increased public employment, bolstered by public concern over rising unemployment rates, tend to follow rather simplistic lines. Public employment is urged by those who believe that "structural unemployment" has increased markedly, as more and more workers become obsolete because of technological change. While unemployment rates have fallen among the disadvantaged, and income has increased in recent years, much of this has been due—they argue—to an arbitrary statistical decision not to count enrollees in manpower programs as unemployed or to exclude them from labor force statistics and to the induction into the armed forces of an additional 800,000 men, many of whom would have been unemployed or else would have filled jobs opened to disadvantaged workers. With increasing or higher unemployment rates, many of these more disadvantaged workers are unable to find private sector jobs. The proper course of action, according to the structuralists, is to generate public employment for those who cannot find jobs in the open market.

Supporters are also found among those who see the needs for large numbers of unskilled workers in the rapidly expanding public service areas such as health, education, sanitation, welfare work, and conservation. Though estimates of job vacancies in public employment are suspect and may frequently be blown up to support claims of unmet needs, they have ranged from 5.3 million for the nation in 1966 to 300,000 in 130 large cities in 1968. Whatever the precise number, it is apparent that hundreds of thousands of persons could be absorbed in highly productive full-time public employment.

The most common mistake is to equate estimated job vacancies with actual openings. Various pressing needs always compete for available resources, and in allocating additional expenditures the authorities may opt for constructing new facilities rather than hiring new workers. Even if it is decided to hire additional workers, it would be incorrect to assume that this need can be filled by those who are unemployed, or that supply can be efficiently matched with demand through a subsidized public employment program. Real life is much more complex. For instance, Mayor Carl Stokes of Cleveland estimated in the summer of 1970 that only 2,900 of the 6,900 additional positions needed by his city could be filled, with training, by disadvantaged unemployed persons; 4,000 of the jobs would require more highly skilled workers not found among the clientele of the manpower programs. Certainly Mayor Stokes would not deliberately underestimate the potential utilization of disadvantaged workers. Given a choice, most cities would probably fill their skill needs first; and at least they would require many additional qualified or credentialed employees before they could effectively use the unskilled and deficiently educated, who would require training before they could become fully productive.

Unskilled manpower can be utilized in rural conservation work, which remains labor intensive despite the use of machines to do much of the work which was performed manually in the New Deal days. The problem is that the disadvantaged in urban areas have never expressed great enthusiasm for the idea of moving to rural areas in order to accept minimum wage jobs. Unless unemployment rates are extremely high, as they are for youths in the summer, it is unlikely that the public needs for workers in rural areas will be met from the pool of unemployed in the cities.

Finally, most of the needs, especially in urban areas, are for full-time, long-term workers. But economic slumps since World War II have lasted on the average less than a year. While one might think offhand that numerous tasks could be performed by an enlarged public work force during periods of temporarily high unemployment, the experience of summer NYC suggests the acute difficulties of putting enrollees to work, even at present operating levels. Especially in large cities, there may not be a very large demand for temporary unskilled employees.

Clearly, then, public employment has serious drawbacks in aiding the unemployed during economic declines. While expansion of public employment is warranted, and even promises some success, it should certainly not supplant all other approaches. So far, we do not know whether public employment can put the disadvantaged to productive work in the present day and age, or even whether it is an attractive alternative to monetary and fiscal measures increasing aggregate demand. Public employment must be viewed as an experiment and its implementation must depend upon changing economic conditions; it should not be promoted as a proven solution to evolving problems.

MANPOWER PROGRAMS AND ECONOMIC POLICY

The inherent deficiencies of a rapid expansion of public employment are shared by other manpower efforts. Rapid expansion of these programs is likely to be sustained by allocating increasing shares of manpower funds to income maintenance (which may be desirable in a period of high unemployment but should not be confused with skill training) and administrative overhead.

Of course, manpower programs have been touted as a major ingredient of overall federal economic policies. The argument begins with the recognition that there is a necessary trade-off between price stability and unemployment. The experience of industrial nations has been that prices rise when aggregate demand is high, when employers are hiring to increase production, and when wages are rising as employers compete for scarce labor. Alternatively, prices fall or remain stable when demand is slack, when employers are terminating excess workers in the face of falling sales, and when unemployment is consequently rising. The trade-off between price changes and unemployment has shown a fair degree of statistical regularity over time, which has meant that monetary and fiscal policies influencing aggregate demand could only reduce unemployment by raising prices, or vice versa.

The attractiveness of manpower programs, according to received theory, is that they can shift the terms of trade-off so that lower levels of unemployment can be achieved with less inflationary pressure. Rehabilitation and training programs, it is reasoned, reduce "structural unemployment" by preparing technologically displaced or educationally deficient workers for useful work. In addition to reducing unemployment, prices will be diminished to the degree that the social benefits of the training programs exceed their cost. Improved labor market services reduce the time lost between jobs and, thus, the level of unemployment. Greater mobility of workers helps fill job vacancies which would otherwise have contributed to rising prices in tight labor markets. Thus improved placement, counseling, outreach, and mobility-inducing measures reduce "frictional unemployment," resulting in a decline in both prices and unemployment. Finally, efforts to improve vocational training and counseling of workers and measures to boost the supply of skilled laborers remove labor bottlenecks and increase productivity by lowering unit labor costs.

These theoretical arguments are grounded in economic experience. Manpower programs do promise to improve the terms of trade-off between unemployment and inflation. But the impact of the trade-off should be placed in the proper perspective; members of Congress, executive officials, and even economists have sometimes shared inflated notions about the potentialities of manpower programs. The hoped-for improvements will be realized only over the long-run; even then, their impact may not be great. Currently some *450,000* people are enrolled in Labor Department-funded manpower programs, compared with approximately *4 million* unemployed and more than 80 million in the labor force. If past experience is any guide, a third of the enrollees will drop out of the programs, and more than half will show no benefits in employment and earnings. Improvements for those who are helped cover the initial costs only over the long run, and these improvements might be only slightly greater than would have been achieved by spending the manpower funds some other way.

On the theory that every little bit helps, I would reject the limitations of manpower programs as an argument against their utilization as counter-cyclical measures. As long as their proper role is understood, manpower policy could be used to "fine-tune" the economy, not only by varying the mix of manpower programs in response to economic fluctuations, but also by adjusting the level of expenditures. One way to do this is to provide for an automatic increase in manpower funds when unemployment passes a certain level. The Nixon administration has proposed that allocaitons to manpower programs administered by the Department of Labor be boosted by 10 percent when unemployment reaches 4.5 percent for three consecutive months, an increase of about $160 million at current annual outlays. This trigger mechanism might be extended by additional boosts in manpower funds for increases in unemployment above 4.5 percent. For example, if manpower funds were boosted by 10 percent for each .2 percent increase (above 4.5 percent) in unemployment over a period of three months, there would have been a 30 percent automatic increase of manpower funds in September 1970.

This would probably be a useful measure, for as unemployment increases it is logical to step up aid to its victims. While aggregate demand management can change the level of unemployment, the effects must first filter down through the economy. Manpower expenditures, on the other hand, are directed specifically to those who are most in need of help. Dollar for dollar, manpower programs probably have more impact on unemployment than other types of spending, and expanding them may be the best way to help the unemployed when demand slackens.

None of this is to imply that manpower programs will have a large countercyclical effect. For instance, if an unemployment rate increase of 1 percent triggered a 10 percent increase in manpower expenditures, roughly 45,000 additional slots could be created. The trigger mechanism could be adjusted to release more funds for manpower programs as the 1950 Senate Committee bill did. It is doubtful, however, whether bona fide training slots could be created on short notice. The Senate proposal would still fall short of needs. A 1-percent rise in unemployment means that on the average 800,000 more workers will be out of jobs, and that the number of persons unemployed 15 weeks or longer during the course of the year will increase even more. Any reasonable expansion in manpower programs would absorb only a small proportion of a recession's victims, and manpower policy is hardly a substitute for monetary and fiscal measure in controlling fluctuations. Manpower policy we must have, but we must not overestimate its efficacy in a slack economy.

Mr. DENNIS. Mr. Chairman, will the gentleman yield for a question?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Indiana.

Mr. DENNIS. Would the gentleman advise us whether or not his original bill, H.R. 10908, contained a section similar to title III providing for public service employment?

Mr. STEIGER of Wisconsin. No, it did not, though within the list of eligible categories in title I of my bill there was a provision which would have made eligible the carrying out of a program of public service employment.

Mr. DENNIS. Is my understanding correct that the gentleman's bill was basically a manpower training bill rather than a public service employment measure?

Mr. STEIGER of Wisconsin. The original bill was both a bill aimed at attempting to decentralize and categorize our present manpower programs, as well as to bring about more flexibility at the local level in order to make the programs meet the needs of the people at the local level. It did not, however, have a separate category of public service.

Mr. DENNIS. Would the gentleman agree with me that a bill which did not contain title III, the public service section, would be a materially different bill

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than the bill now before us? In other words, if we have a manpower training bill, that is one thing. It does not necessarily require the creation of public jobs. The thrust of such a bill would be to prepare people for private jobs. Now we have before us a different type of measure. Is that not correct?

Mr. STEIGER of Wisconsin. Yes, obviously so, I will say to the distinguished gentleman from Indiana. When we go back into the House I will ask unanimous consent to include a number of documents within my statement. One of them, to which I would refer the gentleman and ask him to read, is by Dr. Sar A. Levitan, director, Center for Manpower Policy Studies, George Washington University, entitled, "Federal Manpower Programs in a Slack Economy."

The point Dr. Levitan makes, and I happen to think it is a valid point and which is why I support this bill, is that to simply talk about training for jobs in the private sector at a time when unemployment is going up and job openings in the private sector are going down, does not make much sense. We have to recognize there is now a new kind of economic situation from that which we had in the early sixties when employment kept going up and job openings kept becoming available.

Therefore, there is a reason for the dual prong or really a multiple approach of training of upgrading of skills and job opportunities provided for by public service employment for those unemployed.

Mr. DENNIS. The gentleman would agree with me that in view of the different thrust of the two things, a person might easily be in favor of a manpower training type of bill and still have reservations as to a bill which goes into the question of creating public jobs. Is that not so?

Mr. STEIGER of Wisconsin. I will say some might have that view.

Mr. SCHERLE. Will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Chairman, I noticed the gentleman referred to Sar Levitan on two different occasions. I know that the so-called workers experience program under OEO, for example, was dropped completely by 1968 because it did not produce results. A noted manpower expert such as Sar Levitan, who is hardly a conservative Republican, has been very critical of public service programs. Recently he said: "Many public employment projects were merely stopgap measures without full permanent beneficial effects and even questionable impact at the time." Mr. Levitan went on to describe such jobs "as hardly equal to manpower services with a longrun payoff." And this is the reason for manpower training—the longrun payoff. Even the very noted specialist the gentleman mentions criticizes the public service because it is not substantial and will not do the job.

Mr. STEIGER of Wisconsin. I will say to the gentleman from Iowa there is no question that public service employment poses many problems. I want to make it very clear that if this were a massive employer-of-last-resort concept, the gentleman and I would be on the same side in opposing it. It is not that. It is in my judgment an effective, tightly controlled, clearly designated public service program of employment to make available to communities with pressing needs that do exist, a program that can be justified in a slack economy such as we have now.

Mr. SCHERLE. If my colleague will yield further, I heartily disagree with this statement, because facts prove to the contrary, that makeshift work, temporary stopgaps do not provide the means for these people for long-term employment. If we can train people for jobs society demands, fine and dandy, but when we have to create jobs with no future for these people, I think we do them harm. Under the public service sector, this will do just that.

I will say as a member of the Committee on Education and Labor, there was no provision for public service whatsoever under the original provision. Under our able chairman, Hon. DOMINICK DANIELS, we travelled from coast to coast on manpower training hearings to try to bring together a comprehensive program and eliminate the loose aspects of the present program, because we have found embezzlement, corruption, and everything else. Then suddenly we are confronted with "public service employment," which really plays no part in this at the present time. It is just unfortunate that we were forced to adopt this portion of the bill to get out a comprehensive manpower bill. It is a sad commentary on the fate of the poor people.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comment. Obviously I do not agree it is unfortunate that we have this section. I think it is justified, and it deserves to be supported at the present time.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, I notice on page 7 of the report:

> On a nationwide basis, not less than 18.75 percent appropriated under the Act is to be used for public service employment under Title III.

When we get to the funding of this legislation, whatever the total figure, 18¾ percent of what we appropriate will have to go to this public service area. I am concerned that we may be building into this legislation a special lobbying activity from all the so-called public service entities around the country.

There is a natural tendency for communities to look to the total figure carried in these authorizing bills and then calculating 18¾ percent as their share. If we appropriate any amount less than the full authorized level the 18¾ percent is going to be proportionately less; and I can foresee this very vocal group of public service entities having a disproportionate voice in determining the overall figure appropriated just so they will be assured of getting 18¾ percent of the total authorized level of spending.

Mr. STEIGER of Wisconsin. The gentleman from Illinois may in fact be correct in his analysis as to what the impact of that language is. I felt and still feel that the provision of the 18.75 percent is a legitimate provision.

A compromise was worked out. This does represent a compromise between those who wanted none and those who wanted more. The bill passed by the other body, as I recall, gave something like 15 percent of the funds for this provision.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield myself 1 additional minute.

Therefore, this was an effort to try to reach some understanding which would provide a legitimate amount for this one section, regardless of the appropriation level, even if it were less than that provided in the authorization.

Mr. MICHEL. Is this the only instance in the bill where there is a provision saying "not less than?"

Mr. STEIGER of Wisconsin. It is my best recollection it is the only provision.

Mr. MICHEL. Normally an authorization sets a ceiling for us, and we operate within zero to that ceiling. This would appear to be one where we are bound by a kind of reverse English, "not less than."

Mr. STEIGER of Wisconsin. I do not know that it poses any more difficult problem for the Appropriations Committee. All they would do is arrive at the overall level, and there would be a guarantee for public service employment based on that figure.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield momentarily so that I may perhaps further answer the question asked by my colleague from Illinois?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Iowa.

Mr. SCHERLE. The minimum under this bill is an assurance of $1,405,250,000 over the next 3 years, to be drained away from meaningful job training and dumped into public service employment. There is no doubt that this huge amount must be spent on that category of employment, even if there is no need for it or value from it can be demonstrated. It is mandatory under the provisions of the bill that $1,405,000,000 be spent. There is no way to get away from it.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota, Mr. QUIE.

Mr. QUIE. Mr. Chairman, as the two gentlemen who have spoken so far, I also support H.R. 19519, the Comprehensive Manpower Act. I was glad to cosponsor it.

I should also add that it has the complete support of the Nixon administration, and I feel that a substantial majority in this body too, will be supporting it.

It is true that it is not a perfect bill, as so much of the legislation which comes out is not perfect legislation in the eye of each beholder.

There were three major bills introduced, which came to the attention of our committee. One was by our colleague from Michigan (Mr. O'HARA). One was by our colleague from Wisconsin (Mr. STEIGER). The other was the administration bill.

This bill is not exactly like any of those three, but we find that those three parties, the gentleman from Michigan, the gentleman from Wisconsin, and the administration, have come to an agreement on this bill and support it in the form it is presently in. It is true each of those three, as I, if they could write it better themselves, would probably write it differently. However, I believe it is a good compromise and a good bill and it ought to have the support of all of our colleagues.

This bill accomplishes the single most important objective in President Nixon's manpower proposals—it consolidates within a single authorization a whole series of manpower programs authorized under the Manpower Development and Training Act and under the Economic Opportunity Act. A number of these programs were very narrowly drawn so as to leave little administrative flexibility in their application. The new authorization is broad in scope and will be flexible in operation. It will unify Federal administration of manpower training, and do so in such a way that the program can be made responsive to greatly varying individual needs and to rapidly changing economic conditions.

The following is a list of the programs consolidated by this bill, the 1970 expenditures and the 1971 budget level for each:

Manpower programs consolidated by H.R. 19519 1971 budget and 1970 expenditures

[In millions of dollars]

	1971 Budget	*1970 Estimate*
JOBS and MDTA on-the-job training	345.9	192.0
CEP	212.4	189.1
MDTA: institutional training	205.0	200.0
Public Service Careers	51.0	24.8
In-school Neighborhood Youth Corps	196.4	195.1
Out-of-school Neighborhood Youth Corps	120.7	100.4
Job Corps	191.7	179.5
Operation Mainstream	41.0	41.0
MDTA part-time and miscellaneous	7.0	5.0
MDTA disadvantaged youth program	23.9	10.0
OEO program support	18.8	19.0
Labor Department program support	80.3	57.0
Totals	1,494.1	1,212.9
Change in resources and budget carryovers	+134.3	+266.7
Total	1,628.4	1,479.6

Since the MDTA authorization is open-ended there is really no way of comparing the stated authorizations in H.R. 19519 with the existing authorizations. Also, since this bill's initial authorization is for fiscal 1972, for which there is no budget figure, it has no effect upon the budget. However, the President has budgeted for fiscal 1971 over $1.6 billion for the programs included in this bill. The bill authorizes an appropriation for fiscal 1972 of $2 billion. So the stated authorization for 1972 is very close to current expenditures and, in fact, leaves little room for expansion. It is a conservative bill in this respect. The fiscal 1973 and 1974 authorizations of $2.5 and $3.0 billion, respectively, do provide ample room for expanding the program if that proves desirable.

This bill carries out another major objective of the Nixon administration—to provide a better and more orderly means for the effective participation of State and local government in the manpower programs. It follows the pattern of the administration proposal in encouraging State participation. MDTA operates differently than the other manpower programs which receive authorization under the Economic Opportunity Act, but this makes certain that each State is required to develop plans to fulfill their needs. It does give a major role to large urban areas in the States. I should add the bill is not exactly the way that I think it should work but I know that it fits within the views of the majority of the Members of the Congress who do not want the mayors subservient to the Governors.

Therefore I say that this is a good compromise, because you need to develop legislation so that it conforms with the views expressed by a majority of the Members of Congress.

The bill provides an effective mechanism for government, both State and other governmental entities within States, to consolidate and unify manpower programs. The programs themselves would be conducted with the assistance of manpower services councils which would include representation of all agencies and groups concerned with manpower training. The council in each area would have a central role in the planning and development, and evaluation, of training programs. In my judgment, this is the only way to proceed in constructing a manpower program which is genuinely responsive to local needs.

There have been fears voiced that a statewide manpower council would invade other related programs such as apprenticeship training and vocational education. The bill just does not affect the administration of those programs. It does require representation of these related activities on the manpower services council. It does provide that local manpower plans will integrate their services with any others supported by the Secretary of Labor and utilize other services and facilities where appropriate. In the case of a State comprehensive manpower plan, the State must provide for "the cooperation and participation of all State agencies providing manpower and manpower-related services" in developing and implementing the State program.

This makes good sense. This approach is long overdue in the whole field of manpower training. It is the only way we can assure the maximum return for the billions of dollars we are investing. We must begin to enlist all of our resources in a unified attack on the problems of unemployment and underemployment. This bill is not the whole answer—but it is a beginning.

There have been other concerns voiced about this bill and, I regret, much of this is based upon misinformation about its provisions. There are many problems to be worked out in the development of manpower programs, and while those problems must be faced squarely and realistically, it does not help to exaggerate them.

One of these problems is the role of public vocational education in manpower training. Some of us on the committee were instrumental in developing both the 1963 and the 1968 Vocational Education Acts and the comprehensive manpower bill. We are convinced that vocational education must continue to be strengthened and that this bill would have that effect. It provides for the participation of vocational educators on the manpower councils. It provides for the utilization where appropriate of vocational training facilities. It provides—for the first time—a financial incentive for local manpower agencies to develop procedures for coordination and cooperation with vocational education programs. It requires a special report by the Secretaries of Labor and Health, Education, and Welfare on the extent to which vocational education is being utilized to carry out the manpower programs, and on the administrative steps they have taken to effectuate such utlization. Finally, the Secretary of Health, Education, and Welfare has ample authority to assure that the integrity of the educational component of these training programs is protected.

As a supporter of vocational education, I view these provisions as a major step forward. Hopefully, the day will come when our regular school systems place sufficient emphasis on occupational education that the need for manpower training will be greatly diminished. We must work toward that day. But at the same time we must recognize that vocational education today cannot fill our manpower training needs and at the same time carry out its principal function.

This bill assigns an important role to vocational education. It will help to further strengthen vocational education. There are some who have felt that this would provide for a dual school system and that the manpower program, the manpower development training program, and the Economic Opportunities Act authorizations of the past which do a comprehensive manpower training program, would now create a dual school system. I do not believe that is true.

I believe any possibility of a dual school system coming into being, if it has not already come into being, in the vocational education field already exist because the authorizations for these programs have not been changed from present law in this regard. It is true that under the Manpower Training Act there is a requirement that the institutional programs such as vocational education be given greater stress. I believe that this act, when passed, will operate in the same way. It will be only in those areas where inadequate vocational education is not made available where there is a possibility that other agencies listed in the bill would assume such responsibilities. So, it is only in the case of a vacuum that the danger exists, and if that exists, those services are not already available to the people who need them. The following are letters to the National Advisory Council

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on Vocational Education to bear this out:

NATIONAL ADVISORY COUNCIL ON
VOCATIONAL EDUCATION,
Washington, D.C., November 13, 1970.

To: Chairman, State Advisory Councils on Vocational Education:

Following the meeting of the Chairmen and Executive Directors of the State Advisory Councils on Vocational Education with members of the National Advisory Council on Vocational Education in Washington on November 6–7, 1970, we took up your concerns as expressed in the passed resolutions (enclosed) with representatives of the Department of Health, Education, and Welfare, the Department of Labor and members of Congress.

Those with whom we spoke were sympathetic with these concerns and enclosed are responses from Malcolm R. Lovell, Jr., Assistant Secretary of Labor for Manpower, Congressman James G. O'Hara (D), Michigan, and Congressman William A. Steiger (R), Wisconsin, and Secretary of Health, Education, and Welfare, Elliot Richardson. These responses go a long way toward relieving the concerns that were expressed at the meeting.

It now seems appropriate that the efforts of both the State and National Advisory Councils on Vocational Education should be directed toward seeing that the views expressed by these responsible national officials are carried out in practice.

Sincerely,

HUGH CALKINS,
Chairman.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., November 12, 1970.

Mr. HUGH CALKINS,
Chairman, National Advisory Council on Vocational Education, Washington, D.C.

DEAR MR. CALKINS: The proposed Comprehensive Manpower Act (H.R. 19519) is an unparalleled opportunity to strengthen the partnership between the manpower programs and vocational education in the development of our Nation's manpower. I want to assure you (and other vocational educators who may have expressed their concern) that the Department of Labor is committed to the fullest utilization of mainstream educational institutions under the Administration-supported bill.

As one who has served both the educational system and manpower programs in my public life, I share the aversion to the possibility that a "dual school system" might ever emerge—one serving the advantaged middle-class, the other serving the poor and disadvantaged. General educational and occupational skill training opportunities must be part of a continuous process, available to all citizens as best suits their individual needs.

The Department of Labor has taken careful steps to assure that the Nation's vocational educators are integral partners in planning and implementing a comprehensive manpower system.

At the State and local level representatives of general and vocational education programs and post-secondary training must serve on the Manpower Services Councils. Responsible to the Governors and Mayors (or other local elected officials) serving as prime sponsors, these councils will have major roles in planning and evaluating local manpower programs. Through Federal regulations it will be clear that the educational community must be represented on these councils by officials such as the Superintendent of Schools, the Director of Post-Secondary Education, and others who have major and substantive responsibility for the community's educational programs.

Second, State and local prime sponsors will rely upon existing vocational education facilities, area skill centers, post-secondary technical schools for the provision of institutional training and basic and remedial education under a community's comprehensive manpower program. The proposed Comprehensive Manpower Act contains strong safeguards against the duplication of facilities and programs or the utilization of the existing educational resources to less than their full capability.

As evidence of the Labor Department's commitment to this policy, it was through our initiative that the incentive funds set aside to stimulate exemplary linkages between manpower programs and vocational education were more than doubled over the level allowed under the Senate's manpower bill. We view these funds (up to $75 million under a $2 billion authorization) as offering an opportunity for very creative and innovative programs.

We strongly support the requirement, introduced by Congressman Lloyd Meeds, that the Department of Labor and the Department of Health, Education and Welfare report to Congress early in the process on the extent to which the vocational education agencies are being utilized under the Comprehensive Manpower Act. We also fully support the intent of the special report, to be prepared by the Commissioner of Education, on the integration of vocational and general education objectives throughout the Nation's school systems. Effective vocational orientation and preparation at the earlier stages of a child's life would obviate the long-term need for many of our adult manpower training efforts.

Finally, the Comprehensive Manpower Act requires the concurrence of the Secretary of Health, Education and Welfare in any actions under the Act of an educational nature. This responsibility extends both to the development and issuance of rules, regulations, guidelines, or standards of performance which would affect educational programs nad the approval of the educational and institutional training components of annual comprehensive program plans and individual project grants.

We recognize that HEW will require effective staff capability both nationally and in its regional and field offices to carry out this major responsibility. I want to assure you that the Department of Labor will lend its vigorous support to HEW's staffing requirements under the Comprehensive Manpower Act.

As both Assistant Secretary of Labor for Manpower and one who is vitally concerned with vocational education, I look forward to new challenges and opportunities for creative partnership under the Administration-supported Comprehensive Manpower Act.

Sincerely,

MALCOLM R. LOVELL, JR.,
Assistant Secretary for Manpower.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 12, 1970.

Mr. HUGH CALKINS,
National Advisory Council on Vocational Education, Washington, D.C.

DEAR MR. CALKINS: It has come to our attention that members of the National and State Advisory Commissions on Vocational Education have expressed concern over the legislative intent of some of the provisions of H.R. 19519, the Comprehensive Manpower Act. For the benefit of your membership, as well as that of the State Advisory Commissions, we would like to comment on these questions.

First, some concern has been expressed over the meaning of "concurrence" as used in H.R. 19519. Sec. 108(a) of H.R. 19519 states that "the Secretary of Labor shall not issue rules, regulations, standards of performance or guidelines with respect to assistance for services of a health, education, or welfare character under this title and he shall not provide financial assistance for services of a health, education, or welfare character under this title unless he shall have first obtained the concurrence of the Secretary of Health, Education, and Welfare. Such services include but are not limited to basic or general education; educational programs conducted in correctional institutions; institutional training; health, child care and other supportive services; and new careers and job restructuring in the health, education, and welfare professions."

The phrase "The Secretary of Labor shall not issue rules. . . . shall not provide financial assistance . . . unless he has first obtained the concurrence of the Secretary of Health, Education, and Welfare" cannot reasonably be interpreted to mean anything *but* that the Secretary of Health, Education, and Welfare must give his *prior approval* before the Secretary of Labor can do those things.

It seems to us that the very words of the legislation thus leave no room for doubt that the intention of the bill and of its sponsors is that the Secretary of Health, Education, and Welfare will take positive action on such matters, not merely give them passive acknowledgment.

The second assertion which has been brought to our attention is that this bill somehow conceals an intent to create a "dual school system". This is without foundation.

The Committee Report addresses itself to that fear, and seeks to show that any such concept is foreign to the intent of the sponsors of this legislation.

The Congress has repeatedly rejected the notion of a "dual school system", and sponsors of this bill join in that rejection.

In fact, far from making a "dual school system" possible, the bill is replete with provisions for linkages with existing vocational educational institutions. Section 104 requires vocational educators to be a part of the manpower councils which develop comprehensive plans for the prime sponsor. Sec. 106(b) requires the use of existing educational services and facilities, to the full extent appropriate. Section 504(d) provides a financial incentive to prime sponsors to create and utilize linkages with existing vocational education institutions. Sec. 525 provides for two separate reports on the utilization of such existing institutions.

In conclusion, then, we hope this letter will clarify what had seemed to us to be the obvious intent of H.R. 19519.

Very truly yours,

JAMES G. O'HARA,
WILLIAM A. STEIGER,
Members of Congress.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., November 13, 1970.

Mr. HUGH CALKINS,
Chairman, National Advisory Council on Vocational Education, Washington, D.C.

DEAR HUGH: The Department of Health, Education, and Welfare strongly supports the proposed Comprehensive Manpower Act (H.R. 19519). This proposed piece of legislation will assist the Department to make vocational education more effective in meeting the manpower needs of our nation. It will provide a vehicle for vocational educators to act as partners in the planning and implementing of a comprehensive manpower system.

I believe that the bill gives me the responsibility and the opportunity to review and clear all Federal rules, regulations, and standards of performance which could effect educational programs and other programs under the traditional purview of the DHEW. Pursuant to this authority we will exercise a pre-clearance on the above aspects of State plans and other program plans. The requirement of concurrence gives me the opportunity to ensure that program sponsors of manpower programs will look to existing vocational education facilities, area school centers and post-secondary technical schools to the full extent of their capability to provide institutional training and basic and remedial education under a community comprehensive manpower program.

I understand there has been some concern among the State advisory councils that this bill might create a "dual school system." I believe that this is without foundation.

The Department of Health, Education, and Welfare must report to Congress early in the process of implementing this bill on the extent to which the vocational education agencies are being utilized. This report will provide the Congress with ample opportunity to see that its intent is fully carried out.

I am pleased to know of your interest in this bill and the active manner in which both the State and National Advisory Councils are carrying out their responsibilities under the Vocational Education Amendments of 1968.

Sincerely,

Secretary.

Vocational educational legislation, as many of you know, has had the strong support of myself during the past few years. I helped develop the 1963 act as well as the 1968 act. I believe the Congress was right in providing for increased appropriations by 78 percent for vocational education above any other type of education. This is where we have the greatest need for improvement.

Mr. Chairman, I believe that this bill will be an assistance and help to vocational education rather than endanger it. I believe it will strengthen it.

Another critical issue is public service employment. There is honest disagreement on this issue. Many would have preferred a bill without a separate public service title. Others on the committee would have preferred a stronger provision than this bill has, or perhaps even a bill limited only to adding a public service employment title to existing manpower legislation. H.R. 19519 represents a reasonable compromise between these positions.

I think it is useful to point out that training for public service positions is not a new feature in our manpower training programs. There has always been authorization to train people for positions in the public sector, including on-the-job training in public agencies. In addition, two specific programs under the Economic Opportunity Act, "Mainstream" and "New Careers," for which President Nixon has budgeted over $90 million, are precisely the kind of activity authorized by title III of this bill. Those OEO program authorizations are repealed by this bill. Also, the out-of-school Neighborhood Youth Corps, which is budgeted at over $120 million for fiscal 1971, is largely a public service employment operation—and this authorization also is repealed by this bill and included in the overall authority of the new legislation.

So it really cannot be argued that title III embarks the Federal Government upon some vast new enterprise of subsidized public employment. The difference between this bill and the existing manpower programs with regard to employment in the public sector is one of emphasis and degree, not one of kind. Many of the arguments made against title III, to the extent that they have merit, apply with equal force to existing programs which would be consolidated by this bill. While there are legitimate questions about the place of public service employment in our manpower program, they are not questions uniquely raised by this bill, and they would not be resolved by removing title III from the bill. I think the prudent course is to keep title III in this bill and see how it functions over a period of time as compared with the previous public service programs. We always have the option of modifying or repealing it.

Mr. Chairman, here are many important aspects of this bill which should be discussed and I am certain that they shall be in the course of the debate. For example, the bill formally transfers the Job Corps to the Department of Labor where it can be fully integrated into the total manpower training program. While some of us might prefer seeing the entire operation folded into the vocational education legislation, this move nevertheless puts the Job Corps in a better context—as an integral part of the larger manpower program.

Then, too, there is the tremendously important authorization of a National Computerized Job Bank which a number of us have been advocating for several years. This is a major feature in a general upgrading of emphasis on better labor market information, which is essential if we are to make significant progress in solving manpower problems. We cannot afford any longer to place our main reliance upon techniques of obtaining and using job data which are as outmoded as the quill pen. This bill moves us strongly in the right direction of developing comprehensive national and regional systems of labor market information.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. When the gentleman uses the expression "public employment—public occupations" the gentleman means government and things of that nature?

Mr. QUIE. Only government. It would be limited to the public agencies. No private agencies would be subsidized to provide employment under title III.

Mr. ROGERS of Colorado. Mr. Chairman, if the gentleman will yield further, the agency itself could go ahead and provide the method of training for public employment?

Mr. QUIE. That is right.

Mr. ROGERS of Colorado. There will be some of us who will not be in the next Congress. If we got an agency to help train us how to get back, could we qualify under this title?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. QUIE. It depends on what kind of public service one is talking about.

Mr. ROGERS of Colorado. It is very evident that if one ran for public office and did not get reelected he is deficient and needs a little training so he can get back. I want to know if that situation meets the requirements under this title.

I want to know if that meets the requirements under this legislation?

Mr. QUIE. I would expect that it would not, because all of the Members of this body who have been reelected and those who have replaced those who were not elected, want to make certain that no one else learns those skills that we acquired that enabled us to stay in office.

Mr. ROGERS of Colorado. Then the gentleman feels that if I voted for this bill I would not be having a conflict of interest?

Mr. QUIE. No; the gentleman would not be having a conflict of interest, there would not be any chance for that to occur.

Mr. Chairman, I would like to raise one point that a number of people have questioned us about, and that is whether we have in writing this bill provided assistance only for those who are young; who previously perhaps received assistance under the Neighborhood Youth Corps, or the Job Corps, or also for those who are in their employable years, say, from 21 to 55, and whether there is anything now available to those who are older.

As I look at this it is true that we do not have programs set out such as a Green Thumb program, for instance, identified as such in the legislation. I know that there are some who would like to have some of these programs specified and named in the legislation, but I doubt that that would be wise for us to single them out as such.

There have been some excellent programs. I mentioned the Green Thumb program, and there was also the foster grandparents program, and they have been outstanding as assistance for those who are older individuals. Also in the case of the foster grandparents program, it is excellent in what it has done for the mentally retarded children they worked with. It is interesting, as I have probably mentioned on this floor before, that many of the older men who went into the Green Thumb program did so because they wanted to earn some money to pay for their medical bills, and they found out after they had been in the Green Thumb program doing something worthwhile for themselves, and the community could see it was worthwhile for them, that their physical ills went by the wayside, and they did not have the medical costs any more. It is healthy for older people to be able to have some employment.

As we know, the unemployment of the older people has increased as the unemployment of the youth has increased. It is not as great as the unemployment of the youth, those who have not reached the age of 21, but it has been increasing. In 1969 6.8 million persons 55 and older fell below even the most restrictive poverty guidelines. This is up 100,000 over the previous year. Twenty-eight percent of all poor are over 55. Ten years ago they were only 24 percent. Yet, only about 4 percent of the participants in manpower programs were over 55.

From last January there has been a 103-percent increase in the number of persons aged 55 and over who are still in the labor force and who are unemployed for over 27 weeks.

Mr. Chairman, at this time I would like to engage in a colloquy with my colleague, the gentleman from Michigan (Mr. O'HARA), who is one of the main authors of this bill, in order that we can develop some legislative history.

Does the gentleman from Michigan agree with me that it is the intent of the committee and the authors of the bill that the legislation can include older people just as we have included those below the age of 55?

Mr. O'HARA. If the gentleman will yield, it was certainly the intention of the drafters of the bill, and it is the intention of the committee, that all of those who are eligible to receive services under the existing MDTA, or the programs in title 1–B of the Economic Opportunity Act, remain eligible to receive similar services under this legislation. Certainly the drafters and the Congress recognize that older workers have a very serious problem, and they would expect that this serious problem would be faced in the administration of the new program.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 2 additional minutes to the gentleman from Minnesota.

Mr. QUIE. Under the present authority also, if the gentleman would respond further, there is a provision for national programs to be funded.

Now the purposes of these national programs could be funded locally by the prime sponsors as we understand, but would the gentleman agree with me that there is still provision for funding of national programs? I will use as an example of this, a senior aides program, or the green thumb program, as examples of this type of national program under the authority in the bill we are considering.

Mr. O'HARA. That is entirely right. It is true that programs operated under title I or under title III would have to be sponsored by a local sponsor. But it is also true that the Secretary is appropriated very considerable funds under title IV, and he can use those funds under title IV for the purpose of carrying out programs authorized under titles I, II, or III.

It is here in section 431 on page 51 which reads:

> In carrying out his responsibilities under this Act, the Secretary is authorized under this title to provide for services and activities authorized under any other part of this Act.

He has a considerable portion of the funds authorized for his use under title IV. So he could use that authority to enter into national contracts of the sort the gentleman has described.

Mr. QUIE. I thank the gentleman. It is true we have included people of all ages in this legislation. But in some cases the local communities emphasis may somewhat ignore older people because of the need of the younger people, which exists, let us say, because of unemployment due to discontinuance of a defense contract. The need may be so great that the prime sponsor may feel there is not a sufficient priority locally for the older individuals.

But the need exists for people of all ages, and if that be the case, the Secretary then could move through a national program and provide assistance for it to operate.

Mr. O'HARA. I agree completely with the gentleman's analysis.

Mr. QUIE. I thank my colleague, the gentleman from Michigan.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Chairman, I thank my colleague for yielding. I would like to pursue the colloquy engaged in by the gentleman from Minnesota and the gentleman from Michigan.

Is there any restriction under the present programs by which the various age groups could not be employed or participate? That is, completely forgetting about the public service section or part of this bill.

Mr. QUIE. Is the gentleman talking about title I or title II of this bill or is he talking about the present law?

Mr. SCHERLE. I am talking about the present law.

Mr. Chairman, what programs have restrictions that are confined to the extent where the various age groups could not participate in some contract or under existing programs?

Mr. QUIE. I would say that under existing programs they are categorical ones some only for younger people like neighborhood youth corps so we can get away from that categorization here.

Using Neighborhood Youth Corps as an example, instead of submitting requests within the narrow bounds of a categorical program and the money available in it, a community can survey its needs and if they are greater than normal for young people under 21, the greatest priority can be placed there within the total of the funds available under this bill rather than the smaller amount under the Neighborhood Youth Corps. If the highest priority and the greatest need is for an older group of people, funds would be made available under this authorization rather than requiring the local community to find another categorical program in which their people hopefully could fit. This bill would permit programs to fit the needs of people rather than require the prime sponsors to find people to fit the description of a limited program.

That is the big advantage of this legislation.

Mr. SCHERLE. Is it not true that the present programs can do training for public service jobs under the various authorizations?

Are there not multiple programs in progress today to serve everyone, without having to join another program now costing billions of dollars, called "Public Service?"

It was my impression that the Government should be an employer of last resort and not an employer of first resort.

Mr. QUIE. Title III will make the Federal Government an employer of last resort. It is true that there is public service employment for some people of the various age groups. However, they are bound and restricted in a way that does not make for good administration.

In some communities they are really forced to move where the money is, which may not be the area of their greatest need.

Therefore, under this one, as comprehensive as it is, I think it will enable us to get more results from the money being expended.

I think there will be a substantial improvement under the program providing people of substantial competence who exist at the local level. I, for one, believe that people of substantial competence do exist at the local level who will utilize this program.

Mr. SCHERLE. Mr. Chairman, will my colleague yield for another question?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. SCHERLE. Would it not be more advisable and less expensive to put the $1.5 billion in the existing programs that we have today, reducing some of the restrictions, rather than to spend all that money on administration when we could be providing that money for training the unskilled, the unemployed, and the underemployed?

Mr. QUIE. My point of view is that there would be less cost involved, but this is a difference in the points of view of the two of us. You believe that it would cost more to administer the programs under this bill. I feel it would cost less. Only time will tell which of us is right. I would say that experience would be more to your point of view, because it seems that the cost of administration goes up on any program. We realize that due to inflation and everything else things cost more. But I am confident that at least it would be a more efficient and effective administration than the program ever has been before.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. My question is directed to unemployment compensation section. I know that the unions are strongly supporting this bill, and I know that one of their goals has been the nationalization of unemployment compensation. At the present time there are about 9.4 million, as I understand it, State and local employees, public employees. Of the 9.4 million public employees, there are only about 627,000 who are covered by unemployment compensation. This means that those public agencies, State and city, who are covered by unemployment compensation would have to absorb all of this, or the others would have to provide either through insurance by a recognized carrier, or by self-insurance.

Of course, unemployment compensation is not under the jurisdiction of our committee, but is under the jurisdiction of the Committee on Ways and Means. But do you think that this kind of provision on page 35 is really workable, when only 627,000, about 6 percent of the employees, are covered by unemployment compensation—do you think it is workable or do you think this is a sleeper in an effort to bring about the nationalization of unemployment compensation?

Mr. QUIE. I would say first it would be difficult for me to give you the kind of assurance that you ask, not having served on the committee that handles unemployment compensation, the Ways and Means Committee.

I see both the gentleman from Michigan and the gentleman from Wisconsin want the answer. I will yield first to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding. Section 304 is the section to which the gentlewoman from Oregon has made reference. I have an amendment which I intend to offer at the appropriate time to strike section 304. It would be, I think, fair to say that that is a section that was developed in the legislation, the full impact of which was not totally realized. Otherwise I would not have supported its being there. But I think we can take care of the problem by supporting an amendment to strike the section, and therefore at the time the bill is passed that problem will not be posed.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Michigan.

Mr. O'HARA. I might say that I for one will certainly support the Steiger amendment. Section 304 is a section which was contained in the original bill I had introduced. At that time the public service employment provisions of the bill involved not only public employers but also private nonprofit employers. When we changed the bill to exclude private nonprofit employers and inserted new provisions requiring equality of treatment, I did not immediately realize the impact that section 304 would have on the situation. I will support the amendment to take section 304 out of the bill, because it would have an effect that was unintended, and an effect that we did not realize until after the bill had been reported.

Mr. QUIE. I recognize the two gentlemen who were instrumental in putting together most of the compromise here have some questions about that provision as well. So no one can give any assurances.

Finally, Mr. Chairman, this bill moves us farther in the direction of the development of a coherent national manpower policy. We are still a long way from having such a policy which would integrate and rationalize all Federal programs in education and training. That is why I have advocated a new Cabinet-level Department of Education and Manpower to provide the necessary focus at the Federal level for this development. I believe that this bill—by consolidating much of the existing Federal manpower effort into a single package—makes the goal I seek closer to attainment.

I urge enactment of H.R. 19519.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the subcommittee, the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Chairman, H.R. 19519, the Comprehensive Manpower Act, would bring about urgently needed reforms in the existing manpower programs, which in the past have been heavy on bureaucratic proliferation and weak on the placement of people in jobs. This bill, which emerged from the Education and Labor Committee with strong bipartisan approval, seeks to bring order out of chaos and to give mayors and Governors coordinated authority to plan and operate manpower programs together with the Secretary of Labor.

Twenty-seven days of hearings were held by the Select Subcommittee on Labor, which I chair. Documented at the hearings was the widespread need to reorganize and strengthen the delivery of manpower services. Testimony from manpower experts, program administrators, and trainees demonstrated the overwhelming urgency to decentralize and decategorize the present programs.

In addition, the rise in the unemployment rate to 5.6 percent of the labor force gives even greater emphasis to the need for this measure. Today, more than 4.7 million workers are unemployed. This is the highest level of unemployed workers since the fall of 1961.

For these reasons, members of both parties met and drafted compromise legislation incorporating the basic provisions of bills introduced earlier by Mr. O'HARA, Mr. AYRES, Mr. HAWKINS, and Mr. STEIGER of Wisconsin.

All of the bills considered had three fundamental goals:

First. To develop workers' abilities;

Second. To create jobs which will make the most of these abilities; and

Third. To match workers and jobs.

Originally, the intent of the Manpower Development and Training Act of 1962 was to grant the Federal Government a leadership role in providing supportive services such as referrals, research, and consultation. Under this act, institutional skill training services were directed by the Department of Health, Education, and Welfare, and on-the-job training was provided by the Department of Labor. The commitment of the Federal Government to reach out to help the disadvantaged was formalized in the Economic Opportunity Act of 1964.

Since the enactment of these laws, individual programs have lost much of their flexibility. Our hearings uncovered the fact that the proliferation of training programs has led to overlapping and uncoordinated services. It was not unusual for a trainee to go from one skill program to another at great cost to the Government, and never actually be qualified for an available job.

Unfortunately, the well-motivated trainees have become increasingly disillusioned with this obviously frustrating situation. A revised manpower program such as is proposed by H.R. 19519 has become an urgent necessity.

H.R. 19519 consists of a statement of purpose and five titles:

Title I provides for a comprehensive manpower services program to provide for referral to employment; training and related services for unemployed and underemployed persons, veterans, and prison inmates; and improvements in the labor market by developing information systems and reducing impediments to employment. This program includes at least: Education, orientation, employability skills, occupational training, and a range of activities designed to increase employment potential; employment programs for low-income youth, new careers for the chronically unemployed poor in beautification and similar programs; programs to stimulate job opportunities by incentives for public and private employers; and improvements in the labor market through employment centers and relocation payments.

Title II establishes a program of financial assistance to prime sponsors designated under title I or other public or private employers to help such employers train their employees for higher level jobs.

Title III authorizes a public service employment program. The employment must be by Federal, State, or local government agencies and must provide a useful public service. Employees must have been unemployed for at least 5 weeks or have been employed part time for at least 10 weeks. Special consideration is given persons with family responsibility. Employees must be paid the applicable minimum wage or the prevailing rate for the work, whichever is higher.

The employment program must be tied in with other manpower training programs and have specified objectives for moving employees into nonsubsidized employment. Federal support is 80 percent of the cost of the program, but this may be reduced if the goals for moving employees into regular employment are not met.

Title IV provides for a number of Federal manpower programs including: research and development, labor market information, improvement of manpower utilization, evaluation, and training and technical assistance. It also establishes a national computerized job-bank program and a new program to improve employment opportunities for the disadvantaged in federally assisted programs.

The existing Job Corps program is transferred to the Secretary of Labor under this title.

Title V authorizes $2 billion for fiscal year 1972; $2.5 billion for fiscal year 1973; and $3 billion for fiscal year 1974. In addition, this title also provides for a national manpower advisory committee for comparative evaluation of different manpower programs. Title V also contains numerous technical and miscellaneous provisions including appropriate repeals of existing law.

The need for this important legislation was well stated in the President's message of August 12, 1969, on manpower training, in which he said:

> The confused state of affairs in the development of human resources can no longer be tolerated. Government exists to serve the needs of people, not the other way around. The idea of creating a set of programs, and then expecting people to fit themselves into those programs, is contrary

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to the American spirit; we must redirect our efforts to tailor government aid to individual need.

H.R. 19519 reaffirms the premise that, with strong Federal direction, local and State governments have the capacity to pull together resources in a way which will provide maximum benefit to the individual. Although this bill is not a panacea, it merits your strong support.

In closing, I want to pay tribute to our late colleague, Elmer Holland, who did so much landmark work in this field, and to Mr. O'HARA, Chairman PERKINS, Mr. STEIGER of Wisconsin, and Mr. QUIE, whose untiring efforts over the past years have helped to bring to the House today legislation which will enhance the entire range of manpower services.

With a comprehensive program of placement, training, and public service employment, our Nation can say directly—to all American citizens—we will assure opportunity for employment to every American seeking work.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, first of all may I say that I have the greatest respect for the chairman of the subcommittee, the gentleman from New Jersey (Mr. DANIELS). I do not know of any more hardworking and conscientious Member of the House than Congressman DANIELS. Through the years I have learned more and more to respect him as a Member of this body.

May I also say I believe there is probably nothing that needs reorganization more than the manpower training programs, when we have 22 separate manpower training programs and 34 auxiliary services, with duplication and overlapping. Of the ones administered by the Department of Labor this year we are spending $2.5 billion, at a time of high unemployment. So I am not opposed to reorganization. People in my district have been installed in as many as three manpower training programs and still are on the welfare rolls. It has almost become a way of life with the weekly stipends. I asked to be on this subcommittee in order to see if we could draft a bill to bring about needed changes. For a long time, I had high hopes that a meaningful compromise and an effective one could be written that we could all enthusiastically support.

Therefore it is with deep regret I rise to oppose this legislation and hope it will be recommitted for further work.

The importance of the legislation before us, its significance to millions of Americans and the vastness of the undertaking which it would authorize demands that this Congress make a careful, deliberate, and detailed analysis of everything this bill would intend to do.

We simply have not been able to do this since it was first introduced on September 30, and first formally presented to the House on October 14, the last day the House was in session prior to the election.

To sum up the basic objections to this bill, I refer my colleagues to my remarks in the October 14 RECORD as well as to a brief overview of the bills major problems.

First of all, I do suggest that one of the great needs in the House—in fact, a far greater need than attention to the seniority system—is attention to the committee system.

On October 14, if Members care to look at the RECORD, I pointed out this was a bill literally put together in the middle of the night, and finished at 3:30 in the morning by two or three Members and staff people. There were parts and pieces and bits of six or seven different manpower training programs put in this new 72-page bill. No one except the two or three of the 35 Members knew which parts of which bills were retained or which parts of which bills were dropped. On that same day at 10:30, the meeting was called, and there was no one except the two or three Members who worked on that full committee who had an opportunity even to read the bill to find out what was in it. The 72-page bill, with some new material added—for example—eligibility of rural areas as prime sponsors—was never read in the committee. The 72-page bill was reported out the same day it was put together with copies Xeroxed for Members. It was the intention to take this bill up the day before the recess, but it was delayed on October 14.

This bill is a multibillion dollar bill and will affect the lives of millions of people. I suggest, that when we talk about congressional reform, we really need to look very closely at how the committee system works and to decide for ourselves whether or not we can honestly tell onetime visitors in the galleries that while Members are not on the floor that "the real work is done in the committees."

I suggest the work on this bill has not been done in the committee.

Let me turn to the bill itself.

This bill would create an adversary situation for manpower training by making it a community action program or have the community action agency so deeply involved—at the expense of local and State authorities, funded the first year at a level of $2 billion, and free from the control, or even veto, of a State's Governor.

This bill fails at its efforts to reform by continuing in the committee report the dreary categorization of programs, and although decreasing the number of authorities which deliver manpower programs, it increases the duplication of services, further adding to the frustration of the individual seeking help.

The vast authorities given to the Secretary of Labor in this bill are so broad and comprehensive that almost any criticism of it would be inadequate in the short time which this Congress has had to study all of the concepts involved here.

However, some of the problems of the bill have come to light and have been studied by those affected. In my experience during the recess in Oregon there have been few individuals or groups who in conscience can support this legislation.

In fact, in the words of Glenn "Pat" Randall, secretary-treasurer of the Oregon AFL–CIO:

> There is something in this bill to make everyone mad!

Yet, we are asked to approve today, the work of a small group of Congressmen, Labor Department officials, and committee staffers who worked late one night to arrive at a compromise House answer to an unrealistic piece of legislation by the Senate.

The difficulties posed by the bill have never been examined by the House Committee on Education and Labor and the bill in final form with parts of other bills retained or deleted was never subjected to scrutiny in a public hearing in this body. Public agencies never knew which parts were kept, further it has had little attention from the press, and comes before the House today still as a "sleeper." Few of us are really familiar with its provisions, and those of us who are still cannot honestly testify as to what exactly the bill will do.

There are some things, however, which are evident:

First. It puts the community action agencies in charge of manpower programs—if city mayors do not want to be prime sponsors.

Although an effort appears in the bill to involve "local units of government" this is deceptive, for community action agencies retain the major role.

The Senate report summarizes the role of CAA's:

> Thus, the committee bill provides that CAAs must be represented on the Manpower Services Council, which will design local manpower programs. It requires that prime sponsors' plans must show that CAAs will be involved in the planning and implementation of the program. It leaves the way clear for a designated prime sponsor to subcontract the operation of manpower programs—or any portion of the program—to CAA's *a procedure which the committee expects will be followed in many communities*. If a prime sponsor fails to meet the real needs of the poverty community, the bill enables a Community Action Agency to protest directly to the Secretary. If a city declines to seek designation as a prime sponsor, the CAA is the next eligible applicant. (Senate Report, pg. 19)

The above summary is also applicable to the House bill since the wording of this section has been directly borrowed from S. 3867. Thus the language of the Senate report will carry the legislative intent for this section.

What is actually being constructed here is permanent operational support for the Nation's more than 900 community action agencies outside of the framework of the Economic Opportunity Act—an expanded role for CAA's that have not been outstanding by past performances.

In both 1967 and in 1969 the Congress took deliberate action to build into the operation of community action programs responsibility and authority of both State and local elected officials. The veto of any Economic Opportunity Act program by the Governor of the State in which the program operates has always been an important factor in the poverty program. Under this legislation, however, no such veto power is authorized any Governor. Under this bill the Governor has a review function only.

In short, this bill creates a $2 billion manpower program which is at least as great and perhaps greater than the entire funding of the Economic Opportunity Act without an effective built-in control by the State government. It is a refunding of the operating arm of the OEO through the aegis of the Labor Department.

Second. This bill fails to solve the most pressing and perplexing problem of the relationship of vocational education to manpower training. It leaves unanswered these questions: First, what is the appropriate relationship between Office of Education vocational education programs and other Federal manpower training programs? Second, how can the confusion that exists between HEW-administered manpower programs and Department of Labor administered programs be reconciled?

By failing to importantly involve vocational education in the operation of manpower programs in the local level, the bill fails to encourage coordination of the effort on the local and State level between vocational education and other related manpower programs.

Its failure to give proper consideration to vocational education in the schools will make it exceedingly difficult for those in education to encourage or even push our high schools and community colleges to better serve that 80 percent of our population that will never graduate from a 4-year college.

Any comprehensive manpower legislation should encourage our schools and colleges to accept "career" or "occupational" training as one primary goal. This bill does little, if anything, to push in this direction. In fact, if this bill stands as written, it encourages a dual educational system—one academic and operated in the traditional manner—and one vocational training system operated by the mayor or the community action agencies.

Rather than exclude, this Congress should exert great effort to create and to integrate vocational education in the total manpower training picture. Schools and colleges should become full-working partners in any manpower service program.

The role of vocational education in manpower programs was the subject of a memo sent by John D. Ehrlichman, Assistant to the President for Domestic Affairs, to HEW Secretary Elliot L. Richardson on September 8, 1970.

In his memo Ehrlichman asked that the following questions be studied:

First. What are the strengths and weaknesses of current vocational education programs? To what extent do the weaknesses reflect administrative shortcomings rather than unsatisfactory legislation?

Second. What is the proper relationship between vocational education and other Federal programs, particularly in manpower and higher education?

Third. How can Federal vocational education programs best reflect the administration's interest in, first, the "income strategy," second, the new federalism, and, third, the blue collar worker?

Fourth. To what extent could substantial improvements in vocational education be made within the current levels of expenditure?

Fifth. How can Federal vocational education programs best serve as catalysts for reform in the often moribund State vocational education agencies, without violating the principles of the new federalism?

Sixth. How can the longstanding confusion that exists between HEW and the Department of Labor in this field be eased, and the administration of Federal vocational education programs be correspondingly simplified?

This memo was written just after the Senate manpower bill was passed and just before the House bill was reported out of the Education and Labor Committee. The questions which it raises, therefore, are timely and important and indicate a very thorough study of the role of the Federal Government in vocational education should be made before any comprehensive manpower legislation is attempted.

Similarly, it should be reported that at least two of the main sources of support cited by the Senate in its explanation of the integration of educational programs are not in favor of this type of legislation at this time.

The Council of Chief School Officers took a position more than a year ago against any comprehensive legislation for manpower without proper integration of vocational education programs. On November 7 in Washington, the chairmen of the State Advisory Councils on Vocational Education voted 40 to 2 to ask Congress to postpone consideration of this bill.

With permission I include a letter from the chief State school officer of my State of Oregon regarding this very problem:

NOVEMBER 16, 1970.

Hon. EDITH GREEN,
Congress of the United States,
Washington, D.C.

DEAR MRS. GREEN: H.R. 19519 must be delayed for more study. It has two serious defects:

This bill fails to provide incentive to encourage cooperative planning between state and local government. It is essential that we strive for a coordinated system of manpower planning and administration involving all levels and segments of government. This will actually set up an adversary situation in manpower training.

Vocational education is not mentioned in the bill in spite of the fact it is considered a vital part of the whole manpower picture. If high schools and community colleges are to be full working partners in the manpower training picture lets include them in, rather than out.

Sincerely,

DALE PARNELL.
Superintendent of Public Instruction.

Third. This bill downgrades the role of the State and the authority of the Governor.

In addition to the heavy involvement of community action agencies in all manpower programs, this bill provides for the potential duplication of the activities of the State offices of employment security all over this country.

The State employment services which are funded under the Wagner-Peyser Act, first passed in the early days of the depression, provided the "nuts and bolts" of all manpower services. These are the testing, counseling, recruiting, and placement activities. They are presently done under the direction of the States and involve all of the resources within the State in locating the areas of need and in providing for the training and placement of those who need jobs. Most of the 22-odd manpower programs now in existence rely greatly upon the activities of the State employment services even where existing programs are operated by schools, cities, or community action agencies.

If the establishment of a new area of government at the local level funded directly by the Secretary of Labor is allowed, the carefully established coordination and cooperation between employers, labor, public agencies, and minority groups that are vital to the placement of the unemployed will be duplicated and perhaps destroyed.

Several specific areas come to mind in this regard: First, veterans; second, apprenticeship training; and, third, unemployment insurance.

First. The placement of veterans has long been a traditional job of State employment services and one which today looms as an even more serious problem than before. In a period of high unemployment, we are expecting many veterans to return from Vietnam to look for work.

However, the preferential consideration traditionally given to veterans is not mentioned in this bill.

The extra effort to assist returning veterans has long been a part of State employment service functions. However, in providing for the duplication of Wagner-Peyser functions by local units of government or community action agencies, this bill does not require veterans assistance should be carried out at the local level.

Second. Apprenticeship information centers have been funded under the Wagner-Peyser Act and operated by the State employment services since November of 1963.

The purpose of the centers are first, to gather and disseminate information on an apprenticeship; second, screen applicants for the joint apprenticeship councils; and third, to involve more minority group participation in apprenticeship programs.

As part of the State employment service, the AIC's work closely with the Federal Bureau of Apprenticeship and Training and State labor bureaus.

Because the activities of the State employment services could be duplicated by local prime sponsors, the careful, controlled relationships between management, labor, and State government which have been so important in offering placement to minority people could be irradicably damaged.

In the State of Oregon, for instance, the apprenticeship advisory committee is appointed by the Governor and consists of representatives of labor, manage-

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ment, and from minority groups and community action agencies as well. The force which holds the committee together, however, is that of the Governor's office. It would be a cruel hoax upon the poor, especially those in ghetto areas to destroy the State's influence over apprenticeship and relegate the program to the destructive influences of ghetto politics.

If apprenticeship information screening and recruitment were to become subject to the duplicative efforts of various agencies, a minority person might very well indeed find that his actual chances at possible placement almost nil.

The apprenticeship information centers operated by the State employment services have finally eliminated the old runaround minority persons experienced as they were sent from one apprenticeship center to the next without any hope of getting a job. The apprenticeship information centers further have eliminated suspicion by minorities because they have provided authentic, up-to-date information about where vacancies do and do not occur. It also has freed the Bureau of Apprenticeship and Training and the State bureaus of apprenticeship from testing, counseling, and screening functions. The apprenticeship bureaus have been free to concentrate on job placement.

Third. Unemployment insurance: I believe a serious question should be asked. Is the purpose of the bill to provide the basis for federalization of the unemployment insurance program?

Since the unemployment insurance tax on employers does fund Wagner-Peyser activities in a State and funds the unemployment compensation collected by claimants, any efforts to federalize it could be of serious consequence to each State and to employers within that State. I have already pointed out in my colloquy with the chairman that of 9.4 million State and local public employees, only 627,000 are covered by unemployment compensation. Is section 304 workable or is it there to prove it unworkable so we will nationalize it?

As previously stated, also, the downgrading of the State role is significantly carried out by giving the State literally a third choice as an applicant for a manpower services program.

The bill specifically states that, if a State and local unit of government propose a manpower plan for the same area, the secretary shall approve the plan of the local unit of government. The bill also states that when the local unit of government does not decide to operate a manpower services program, a community action agency may submit an application.

There are some who have contended that the ambiguity in the bill's language gives both the State and community action agencies second preference in operating a manpower program. However, the ambiguity in the bill is erased by explicit language in the Senate report:

> If a city declines to seek designation as a prime sponsor, the CAA is the next eligible applicant. (Senate Report, September 9.)

The fourth point concerns public service employment. Title III of this bill attempts to provide jobs for both the skilled and the unskilled as well, in a period of general unemployment.

However, the original intent of this title has become so perverted from its original purpose of providing an alternative to welfare costs and unemployment insurance that it has now become a program for the employers—a sort of revenue sharing program in disguise with 80 percent subsidy to any CAP or local government who applies for funds under this title.

The idea of some of us on the Select Subcommittee on Labor had been to provide an alternative to welfare and unemployment insurance and to provide a means by which those suffering a loss of jobs during an inbalance in the Nation's economy could continue to lead a productive life and continue to support the economy by their labors.

However, this idea was lost when the public service proposal became a part of this bill.

The basic intention of providing an alternative to welfare was dropped and the jobs to be offered under this title could become permanent and a way of life.

This was done by stipulating that the holders of such jobs would be assured of the prevailing wage with no dollar ceiling, and workmen's compensation, unemployment insurance, retirement, promotional opportunities, and career advancement.

My colleague from Wisconsin (Mr. STEIGER) is correct when he says that the bill provides language that encourages these individuals be moved up and out of public service employment and into regular employment.

However, I question that it is possible for this to be done since the basic intent that this should be an alternate to welfare has been dropped and since all the benefits and protections of normal permanent employment have been added. It is possible under this title for an unemployed engineer in a place of high professional unemployment, such as is being experienced now in Seattle, to be hired by a local unit of government at his previous salary.

Although the Senate committee estimates that the average salary to be earned under this title would be $4,000 a year it is perfectly possible for an engineer, such as I have mentioned, to earn $15,000 to $20,000 a year on the public employment program, 80 percent of which is paid by the Federal Government.

And since his place in the job is not in anyway tied to a resurgence in the economy, he could stay as long as he liked and as long as the city on the community action agency can claim that there is work needed to be done which he is capable of doing.

The program then becomes an aid to the employer, but if one is interested in the idea of revenue sharing by local government, as I am, this title as it is presently written offers some grim possibilities.

It is so encumbered by Federal requirements, such as the one that all old as well as new employees of an applicant under this title must be receiving both unemployment compensation and workmen's compensation, that it may convince local government that it should not get involved in either this public service program or any future revenue sharing program which may be established.

It also promises to become so embroiled in bureaucratic regulations and local controversy that it may destroy the very idea of revenue sharing itself.

There are a number of concerned and responsible groups and individuals who have communicated their concern over this legislation to me. Although some national associations who are close to the Federal bureaucracy have evidenced support for this bill I have found that opposition in my own State and in other States as well comes from educators, organized labor, State Governors, local government officials, and associations of both public and private agencies and groups. I include here in the RECORD copies of letters and statements of some of those who have communicated their concern to me:

RESOLUTION ADOPTED BY THE STATE ADVISORY COUNCILS ON VOCATIONAL EDUCATIONAL EDUCATION AT THEIR JOINT MEETING IN WASHINGTON, D.C. ON NOVEMBER 7, 1970.

In view of the fact that both the present manpower, programs and vocational education programs can continue in effect until fiscal 1972, the State Advisory Councils on Vocational Education urge that the Congress postpone further consideration of H.R. 19519 (Comprehensive Manpower Act) until the proposed legislation can be reviewed in light of the evaluation requests made of the Department of Health, Education, and Welfare, the Department of Labor, and the Office of Economic Opportunity, by Mr. John Erhlickman, Assistant to the President for Domestic Affairs.

The State Advisory Councils further urge that, pending the results of the aforementioned evaluation, the Congress enact a comprehensive piece of legislation dealing with occupational education in all its aspects, such legislation to include, but not be limited to, the role of vocational education, manpower programs, and the Office of Economic Opportunity, in occupational training.

DEAR MRS. GREEN: We need comprehensive manpower training legislation, but not H.R. 19519. This bill deserves public hearings and much amending. This bill violates many of the principles of sound government and solid manpower training.

Sincerely,

EDWARD WHELAN,
President and Executive-Secretary,
Oregon AFL–CIO.

STATE OF CALIFORNIA,
HUMAN RELATIONS AGENCY,
Sacramento, Calif., November 9, 1970.

Staff
Hon. EDITH GREEN,
Portland, Oreg.

DEAR SIRS: California is exploring different approaches through the Governor and the Congressional delegation on this bill. We appreciate the efforts of Mrs. Green in seeking a thorough analysis of manpower legislation before passage. We all seek better manpower bills but believe efforts of Congress to rush a bill through could have adverse effects. The best approach, if feasible, would be to delay the matter until the next Congress or at least to delay any implementation date to allow pilot studies.

We look forward to working with Mrs. Green and you to reach these goals.

Sincerely,

ALAN C. NELSON,
Assistant Director, Department of Human Resources Development.

STATE OF OREGON, EMPLOYMENT DIVISION,
Salem, Oreg., November 12, 1970.
Hon. EDITH GREEN,
House Office Building,
Washington, D.C.

DEAR MRS. GREEN: In many instances in the past you have complimented this agency for the fine job we are doing in the manpower field. We have sincerely appreciated the interest you have shown in our activities.

Because of its effect on this agency and the total manpower delivery system, we are much concerned about the manpower legislation now being considered by the Congress—specifically HR 19519, which is scheduled to come before the House on November 17, 1970. We do recognize the need for additional legislation to better coordinate and facilitate the manpower programs in order to better provide for the needs of the labor force.

We have carefully studied and analyzed House Resolution 19519. In our opinion, this legislation does not meet the needs for an adequate delivery system. The need is for the designation at the state level of a comprehensive manpower agency for coordinating and implementing programs. This bill removes all authority from the state and invests total authority in the Secretary of Labor at the national level. Further, the bill completely eliminates the possibility of coordinating activities within a state by establishing a multiplicity of prime sponsors answering directly to the Secretary of Labor. The bill further eliminates the public employment service as a deliverer of manpower services, except in cases where they are able to negotiate a contract with a prime sponsor.

With all the expertise we have in the business of training minority and other disadvantaged people, the job of selling the disadvantaged to the employers is still a difficult task. We feel we have done a good job, and the job we are doing will continue to improve as long as we are able to face realistically the problems of the unemployed.

It is imperative that we have a state coordinating program so that we may help improve the employability of people to meet the qualifications of the employers, as well as continuing to work with employers to reduce their hiring requirements.

That part of the bill pertaining to public service employment is a very difficult type of program to administer, but we feel that with the experience that we have gained through administration of such programs as WIN, STEP and other manpower programs, we would be in a better position to coordinate this program on a state level, through our various local offices, to insure proper screening of individuals and matching them with employer needs.

House Resolution 19519 would seem to decentralize administration of manpower programs, whereas in reality the Secretary of Labor retains total authority and would be attempting to directly administer programs at the local level, completely bypassing state government. In the past, attempts to administer programs on such a basis have been less than satisfactory. Examples of such administrative arrangements are the Concentrated Employment Program, and similar activities. In Portland, where the CEP has been moderately successful, the community action agencies have contracted with the Employment Division to carry out the manpower components of their program. This creates another layer of administration and creates many problems in coordination and communication. It is our feeling that if this program could have been coordinated on the state level, a more effective operation would have resulted.

I would like to also point out that this bill would bring the Apprenticeship Information Centers (which are located in major cities) under the control of the Mayor or other prime sponsors.

When a revision of the employment and training program was first mentioned, the Department of Education and the Governor's Office were two of the prime components for essential statewide coordination. When H.R. 19519 was drawn up, however, these two most important offices were eliminated. Communication on employment and training between communities would be almost totally lacking. We feel that a state comprehensive manpower agency should be designated with the capacity to coordinate programs on a statewide basis, while at the same time allowing full input from local government and community organizations.

I urge you to oppose House Resolution 19519 as presently written and to use your considerable influence toward the passage of constructive manpower legislation. Towards this end, I stand ready to discuss this further with you or to provide additional comments or information which may be of assistance to you.

Sincerely,

ROSS MORGAN,
Administrator.

TEXAS EMPLOYMENT COMMISSION,
Austin, Tex., November 10, 1970.

DEAR CONGRESSWOMAN: On October 1, 1970, we wrote you our concern regarding the Manpower Training Bill, H.R. 19519. It was pointed out that information had been received that a determined effort would be made to pass this legislation prior to the congressional recess for election. As you know, the bill was called up on the last day but was not passed prior to the recess. Reportedly, it is on the House calendar for consideration on November 17.

We are still greatly concerned because of the substantial weaknesses in this comprehensive manpower legislation and urge that these weaknesses be eliminated prior to its enactment. There are four major weaknesses in the bill:

1. It fails to establish a coordinated state comprehensive manpower plan.

2. It would create substantial conflict and confusion, both legislatively and administratively, by requiring that the state comprehensive manpower plan under this Act provide for the conduct of the programs financed under the Wagner-Peyser Act. The state plan under the Wagner-Peyser Act must provide for the employment service program throughout the state, whereas the state comprehensive manpower plan under this Act by Statute covers only those areas in the state which are not included in areas covered by local prime sponsors.

3. It proposes to set up a public service employment program wherein federal, state, and local governments will provide useful public service employment to unemployed persons. The provisions of the bill contain such limitations and restrictions on state and local governments for participation in this program that very few will be able to participate.

4. The bill fails to provide veteran's preference for job training and job counseling services to veterans. This is highly important, particularly with respect to the thousands of veterans who will be returning home as the Vietnam War situation continues to decelerate.

The bill raises some other real questions in that it provides for seven and one-half billion dollars to be spent in the next three years on the manpower training programs. In addition, the public service employment provision places no specific limitation on the period during which an individual may be retained in such employment and, in fact, requires that an enrollee receive the minimum wage and all fringe benefits of regular employees with such employer. A very real question is what incentive does any enrollee in the public service employment have to enter the regular employment field.

We urge that before you support this legislation, the weaknesses pointed out above be corrected. We attach a draft of four amendments which we feel will correct these weaknesses and greatly improve the bill.

Very truly yours,

MRS. NANCY SAYERS,
Chairman.
J. E. (ED) LYLES,
Commissioner.
W. S. BIRDWELL, Jr.,
Commissioner.

NOVEMBER 16, 1970.
Hon. EDITH GREEN,
Rayburn House Office Building,
Washington, D.C.

DEAR MRS. GREEN: We in National PTA see legislation to meet the present great need for employment opportunity particularly among youth and among low income families, as greatly to be desired. Nevertheless, we fear the present bill is so confused that it would be ineffective, and raise hopes it could not fulfill.

We should prefer to see the bill restudied and a stronger measure enacted as early as possible in the next Congress.

Sincerely,

MRS. EDWARD F. RYAN,
Legislative Chairman, National Congress of Parents and Teachers.

NEW HAMPSHIRE ADVISORY COUNCIL FOR VOCATIONAL-TECHNICAL EDUCATION,
Concord, N.H., November 10, 1970.
Congresswoman EDITH GREEN,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSWOMAN GREEN: The New Hampshire Advisory Council for Vocational-Technical Education encourages and gives its wholehearted support to your attempt to return the Comprehensive Manpower Bill, H.R. 19519, to Committee for further study.

Besides being a monstrous, political boondoggle the bill presently written has many other defects.

1. It opposes a paramount point made by the National and State Advisory Councils for Vocational Education; that the key to a successful reduction in unemployment of the disadvantaged is to reduce the flow of untrained youth into the pool of unemployed.

On a planned gradual basis a program which only seeks to reduce the unemployed out of the pool will never solve the problem. Success in reducing this problem can only be accomplished by stemming the flow into this pool. Money should be made available to the vocational education departments to perform the education and training so necessary in producing trained and skilled citizens capable of performing the would be needed tasks accomplished by business and industry.

Sincerely,

ANDREW J. MOYNIHAN,
Chairman.
PAUL H. GOLDSMITH,
Executive Director.

SALEM PUBLIC SCHOOLS,
Salem Oreg., November 12, 1970.
Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

MADAM: When I was separated from the service at the conclusion of World War II, I was employed by Salem Public Schools to head up the Adult Education program, this position I still hold.

I am committed to the idea that education should be performed by educators, and should be organized and administered by

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them. I was shocked when I found out during the national conference of National Association for Public Continuing and Adult Education that you will be voting on the Comprehensive Manpower Act, HR 19519, upon your return to Washington, D.C., and that the House of Representatives might take affirmative action on this house act.

It seems to me that the passage of this bill would in effect set up a duplicate educational system for the United States, and this is contrary to my idea of how education should be handled in these United States.

Presently, we have an adequate administrative framework for any educational programs which are necessary in the field of adult education, and we have capable administrators handling these programs. It is incomprehensible to me to visualize setting up a new network of governors and mayors as prime sponsors of manpower programs under the Comprehensive Manpower Act, which would in effect parallel existing efforts in this area.

I am well acquainted with other efforts of the Department of Labor to function as an educational agency, and I want you to know that I feel its efforts have been less than desirable.

Your voting "No" on HR 19519 will be an important step towards stabilizing education in these United States.

Very truly yours,

George D. Porter,
Supervisor of Adult Education.

Advisory Council of Vocational
Education, State of Delaware,
Dover, November 8, 1970.

Hon. Edith P Green,
Representative from Oregon,
Washington, D.C.

Dear Rep. Green: A hue and cry arose at the meeting of the State Advisory Councils on Vocational Education (in conjunction with the National Advisory Council on Vocational Education's "State Councils Committee) in Washington, D.C., November 6 and 7 concerning the relative merits of H.R. 19519, the Comprehensive Manpower Act. Since some of the members were not familiar with this latest Manpower bill, it became difficult to obtain a consensus of what direction the group should take. As you know, the State Advisory Councils have representatives of labor, industry, and the general public, as well as professional educators.

Hence, the news that you would favor a postponement until some of the very strong differences among the many different interests could perhaps be resolved, was received with enthusiasm by many.

I am sure that every person attending our meeting is vitally interested in the best education and training for all people, and the funds with which to do the job, but any bill that can evoke so much emotion from all sides, including those of the many assistants sent over from "The Hill," must have a great deal lacking. Should such a controversial measure pass, I see nothing but further bickering and mistrust among the agencies involved. We deserve better than that. Anything you can do will be greatly appreciated.

Sincerely yours,

Martha Bachman,
Chairman, Delaware Member, NACVE.

Connecticut Association of
Manpower Education,
Waterbury, Conn., November 12, 1970.

Hon. Edith Green,
House of Representatives,
Washington, D.C.

Dear Mrs. Green: Your comments in the Congressional Record of October 14th, 1970 in connection with proposed manpower legislation, H.R. 19519, were of great interest to the educators of our Association, since we are deeply concerned with the intent of the proposed bill.

We believe that the language of the proposed legislation is definitely designed to eliminate the role of education in manpower training programs, with every indication that educational functions will be turned over to Labor and community action programs. Obviously the function of established educational channels is circumvented. The use of existing educational facilities and trained personnel may be ignored and extreme concern must be evidenced for the creation of a dual school system.

By all indices, institutional training provided through our State education systems has proven for many years to be the most successful of all manpower programs and has achieved the greatest degree of accountability in trainee growth, employment and fiscal responsibility.

We are not opposed to comprehensive manpower legislation, but MDTA Programs being operated by the Connecticut State Board of Education in State vocational-technical schools and Connecticut public schools will be emasculated by the language of the proposed legislation.

It is obvious that you are knowledgeable concerning manpower training and we commend you for your interest. We hope you will continue your close scrutiny of the provisions of the proposed legislation and exert your influence to assure that positive action by the Secretary of HEW is required in all areas where education and training are an integral part of the new legislation.

Very truly yours,

Paul V. Duffy,
President.

As early as a year ago the chief State school officers of this Nation adopted a resolution on comprehensive manpower training, which vigorously opposed putting one department in charge of all manpower programs and urged that vocational education be included in any comprehensive manpower program.

Following is a copy of that resolution:

Comprehensive Manpower Training

The Nation supports a galaxy of remedial manpower training programs, some of which cost as much as $12,000 for every man or woman placed on a job.

Each year thousands of young men and women enter the job market without the skills and attitudes employers require. Add to this the millions of people who are underemployed due in part to an inadequate education.

Out of some 25,000 distinguishable occupations only 20 percent of these jobs require a college bachelors degree or more for job entry. Yet much of the federal, state and even local appropriation and spending for education operates as though *all* students were preparing for jobs requiring a typical 4 year college education.

The National Advisory Council on Vocational Education Report of July 15, 1969 has clearly identified that the reform of American schools (with emphasis on the 80 percent of the jobs not requiring a typical college education) will not come about if the Federal government continue to invest nearly $4 in remedial manpower programs for each $1 it invests in preventive vocational programs.

Several legislative proposals now before the Congress, including a bill supported by the Administration, direct that the vast majority of manpower training resources be placed in the Department of Labor which emphasizes remedial programs.

Therefore, be it resolved that the Chief State School Officers vigorously oppose efforts to give the Department of Labor prime responsibility and prime funds for manpower training for the following reasons:

Under the Manpower Development and Training Act, the Nation's schools have played a central role in meeting our diverse and changing manpower training needs. The schools have led in the development of new mechanisms such as skills centers training, occupational clusters, and open-ended programs. They have developed new approaches to provide occupationally-oriented basic education and communications skills for disadvantaged adults. They have promoted cooperative training with business and industry. They have provided leadership to meet technological change with programs in emerging occupations. They have developed promising new methods and materials to meet the varied training needs of target groups that had previously been ignored. The Congress has emphatically endorsed the success of all these approaches. Many of the innovations developed in MDTA institutional training programs have been adopted by regular school programs.

Despite this successful record administration spokesmen would, under the guise of centralization of overlapping programs, ignore the massive investment and statutory responsibility of the schools in favor of developing a separate school system for the disadvantaged to provide him only with the absolute minimum education and training required to buy a job. Opportunities afforded individuals under this dual system would not be comparable. A short-run manpower program concerned only with placing individuals in entry-level employment is a poor substitute for a successful, long-run, person-centered program of education and training which helps insure future job mobility and the development of the total individual.

Be it further resolved that the Council of Chief State School Officers supports the 1969 resolution of The American Association of School Administrators of 1969 calling for establishment of a Federal Department of Education and Manpower Training.

Oregon Vocational Association,
November 16, 1970,

Representative Edith Green,
Washington D.C.

Executive Board of Oregon Vocation Association representing vocational teachers and administrators statewide strongly urges you refer H.R. 19519 manpower bill back to committee for further refinement. Language of this and S–3967 very loose. Both bills confusing, difficult to interpret, appear to have potential for establishing dual system of education. Specific deficiencies appear in provisions for non-educators to have major part in creating and implementing educational programs wipes out MDTA. May encourage Dropouts from schools by putting premium on failure. Language rewrite should at very least put responsibility of institutional training with established public educational system.

Dan Dunham,
President.

In conclusion, Mr. Chairman, I am not going to make any effort to amend this bill. I believe if it were really amended in the proper way, it would require 20 or 30 amendments. I know the wheels are greased and this bill will go through, but I cannot let this opportunity go by without expressing, Mr. Chairman, my deep concern about the way in which we legislate in this House on programs costing billions of dollars and affecting the lives of millions of people.

It would seem to me that we should recommit this bill; I will not make such a motion but I will support it. It could be considered by the next session of Congress and we could really have a meaningful and effective reorganization of the manpower training programs that is so desperately needed. In addition—with 5 or 6 percent unemployment, the Ways and Means Committee might consider, with the Education and Labor Committee, a guaranteed job program instead of a guaranteed income. Meaningful jobs would be provided which would be better than welfare or better than unemployment compensation—but not so permanent and so attractive—there is no incentive to ever get off.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. I thank the gentleman.

Mr. Chairman and fellow colleagues, prior to the explanation by the gentlewoman from Oregon I was a little concerned that the program that had worked very successfully in Arizona was not mentioned in the report, but now understanding the rather expeditious handling of the bill, I can understand how perhaps there were some other things left out of the report, also.

I claim no expertise in the manpower situation, but I would like to call the attention of the House to a program that is known as SER. It stands for Service Employment and Redevelopment. In Arizona it has been eminently successful. It is a community action program to which we can point with pride. It is one in which the Federal Government involvement is limited to furnishing money. The expertise is furnished by local Mexican-American leaders who are concerned with the underemployed among their people.

Mr. Chairman, at the risk of burdening the members of the Committee of the Whole House on the State of the Union with a statistic or two, I would point out that the largest operation in Arizona under the direction of SER, founded in July 1968, and located at Goodyear, Ariz., last year located in excess of 2,200 jobs at an average cost of $766 per employee. This was done with a staff of only 17. This, I might point out with a great deal of pride, was more people than the same program placed in the entire State of California. In my opinion it represents great evidence and very viable evidence of the success of this specific program. The remaining ingredients are dedication and specific knowledge on the part of those who are directing the program as well as action by the community employees who most need the help.

These things have been achieved through SER in Arizona.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, I am quite disappointed with my side of the aisle because this was not a compromise bill at all. It was a Potsdam agreement. Historically speaking, all of us know what effect that agreement has had—we are poor negotiators.

Mr. Chairman, it is my position that new, comprehensive, forward-looking manpower training legislation which will address the real needs of the Nation in the years ahead should be enacted. For this very reason, I oppose H.R. 19519.

This bill would send us down the endless road of make-work employment by public agencies—precisely the opposite direction of genuine employment opportunities which can and should be developed for unemployed and underemployed citizens—at a cost impossible to calculate.

It should be made clear at the outset that, even though this bill is a far cry from the comprehensive reform proposed by President Nixon, I could support it if it were not for the so-called public service employment title guaranteeing a minimum expenditure of nearly one-fifth of the vast funding authorized by this bill.

The main purpose for the following observations is to set forth my objections to this title.

QUESTIONABLE COMMITTEE PROCEDURES

Before examining the substantive problems of this bill, I must object to the manner in which the bill was handled in our committee. If the committee system is to work effectively, it must follow orderly procedures. This bill typifies the performance which, unfortunately, has come to characterize the Committee on Education and Labor.

Following 5 months of intensive hearings, expertly conducted by Subcommittee Chairman DOMINICK V. DANIELS, the subcommittee did not act on this legislation for 5 long months. Then, suddenly, a bill covering only so-called public service employment was introduced and reported by the subcommittee in one session and without discussion.

At this juncture, and even more hurriedly, round-the-clock private negotiations between a few members of the subcommittee and representatives of the Department of Labor produced this bill. Since the subsequent sessions of the full Committee on Education and Labor—in which the bill was reported—were public and covered in detail by the press, there is no need to dwell on them. Suffice it to say that the bill thus reported was not considered in an orderly way. The content of the bill, however, explains the procedure.

PRESIDENT NIXON'S PROPOSAL

Almost forgotten—and virtually abandoned by the Department of Labor in its unseemly haste to draft any legislation—is President Nixon's proposal over a year ago to develop a comprehensive manpower program, decentralized in administration and refocused on the real education and training needs of the unemployed. The President's proposal would have eliminated the narrow and conflicting categories of training—as this bill does to some extent—and would have assured genuine responsibilities at the State and local levels—which this bill does not.

The committee could have worked its will in ways that would have improved President Nixon's bill. It could, for example, have taken constructive action to insure that the manpower programs complement and reinforce existing federally supported vocational-technical education—upon which, ultimately, we must depend for lasting answers to our manpower problems. It completely missed this opportunity.

Indeed, the President might well wonder why his own Department of Labor abandoned his program. The answer may lie in the fact that, except for the mandatory spending requirements for public service employment, this bill could be written in a single sentence: "The Department of Labor is hereby authorized to spend $7,500,000,000 for whatever manpower training programs it wishes to conduct in any manner it sees fit."

PUBLIC SERVICE EMPLOYMENT

The price of any bill at all, and one far too high to pay for the bill thus purchased, was the assurance that a minimum of $1,405,250,000 over the next 3 years would be drained away from meaningful job training and dumped into public service employment. Note that this huge amount must be spent on this category of employment, even if no need for it or value from it can be demonstrated. This not only goes against the thrust of a bill, which eliminates categories; it goes against all sense and reason.

This is not to say that a genuine job opportunity or employment need in the public sector should not be the target of manpower training. Quite obviously it should, and in the absence of this title there would be adequate authority to conduct this sort of training. The very existence of a completely separate title, with its own funding and its own ground rules, suggests a purpose other than bona fide manpower training.

Indeed, this title even suggests a purpose other than even the creation of make-work projects in the public sector because that authorization is also contained in the broad authority conferred by the rest of the bill—section 102(a)(19) on page 10 of the bill. Why, then, is there any need for a separate title?

The only purpose served by the title is to launch the Federal Government on a vast new program, in which even the initial cost will be nearly $1.5 million, perhaps more, since this is a minimum figure, subsidizing employment in State and local public agencies. Worse, the agencies have no compelling need for such employment. Even the committee report, while paying lip service to the notion that these will be meaningful jobs, recognizes that the program is designed for individuals which training programs thus far have not reached.

This program will in fact make the Federal Government the employer of last resort. It is an elaborate "cop-out" from the whole concept of manpower training.

There are arguments to be made on both sides of the issue of whether or not the taxpayers of the Nation should assume this vast new burden, but it is my firm belief that our committee has not given adequate consideration to these arguments, and I reject the idea that the Congress should adopt this course with no further debate.

If the public service employment concept is to be our national policy, it should be determined only after exhaustive deliberation and after the American taxpayer has had a chance to consider the matter. Most Federal income is derived from the personal income of families with less than $10,000 a year, often earned at tough jobs and all too often at more than one tough job. These are the men and women who really pay for all of these Government programs. Few of them have complained about footing the bill for training someone to earn a decent living. Americans understand and support such programs. But they might find public service employment more than a little hard to swallow. Economists and sociologists can talk all they want about job creation, but when the average taxpayer examines the job that has been created and finds out where the bill was sent, he is not likely to applaud.

I urge that this bill be cleaned up by removing title III, and I will offer an amendment at the proper time to eliminate that portion which detracts from the bill and which will prove cumbersome to administer—the Government should be the employer of last resort—not first resort.

I have listened to my colleague, the gentleman from Kentucky, this afternoon expound upon the various programs we have now in existence.

I have before me a list of manpower programs which they claim will be consolidated—not abolished and not eliminated—but consolidated, which means they will continue to exist. There are 11 of them.

JOBS and MDTA on-the-job training; CEP; MDTA: institutional training; Public Service Careers; In-school Neighborhood Youth Corps; Out-of-school Neighborhood Youth Corps; Job Corps; Operation Mainstream; MDTA part-time and miscellaneous; MDTA disadvantaged youth program; OEO program support; and Labor Department program support.

How in the world can we as reasonable men fund another program costing $1.5 billion and say that we need another program because the existing programs are such that people of various ages cannot participate? I think that is utterly and completely ridiculous.

It seems to me, and I have been on this committee for 4 years, and I have worked with all these antipoverty programs, that consolidation is good. But the need for another program of $1.5 billion to be spent for another program is foolhardy and extremely wasteful.

(Mr. GAYDOS, at the request of Mr. Perkins, was granted permission to extend his remarks at this point in the Record.)

Mr. GAYDOS. Mr. Chairman, I rise in support of H.R. 19519, which legislation I believe is vital today because it will solve what rapidly is becoming one of the country's most critical problems—rising unemployment. This legislation came out of the Select Subcommittee on Labor, of which I am a member, and I know how much hard work has gone into it. Many hearings were held over a period of several months and I assure you its provisions have received critical analysis by all the members of the subcommittee.

H.R. 19519 is important because it consolidates existing job training programs which have lost their flexibility and have become ineffective due to duplication of services or a lack of coordination. It cuts through redtape and streamlines many programs. At the same time, it distinguishes between the ineffective programs and those which have proven successful, such as the opportunities industrialization center.

However, H.R. 19519 is more than just a project to train the untrained. It provides jobs for workers who have completed their training. It is a waste of time and money to train an individual for a particular job and then find his talents are not utilized because there is no place for him. H.R. 19519 also provides hope for the worker who is locked in a dead-end job. I know of nothing more frustrating than to want to improve one's self and yet be unable because there are no opportunities available.

H.R. 19519 also proves to be a link between the Federal Government and local governments. Too often in the past there have been social programs launched with the best of intentions that crashed on the rocks because of a lack of communications between governmental bodies. This legislation gives to the prime sponsors greater control over the operation of the training program.

Mr. Chairman, I represent an area, the 20th Congressional District of Pennsylvania, where unemployment, while below the national average, is becoming increasingly disturbing. The district's rate of unemployment was 4.0 percent in June 1970, as compared to a national average of 5.1 percent. We know, of course, the national average has risen since then and now approaches the 6 percent level. I believe it is safe to assume the increase also is reflected on the district level. In fact, Mr. Speaker, over the past weekend, the news media in my district reported an anticipated cutback in the working force of the steel industry, the bread-and-butter industry of western Pennsylvania.

Title 3 of H.R. 19519 has great potential to ease the unemployment crunch through jobs provided by the public service employment provision. Many vital programs in education, environment, health, and neigborhood improvement have been stagnant due to the lack of qualified personnel to guide them. Title 3 attempts to fill that void, thereby benefiting not only the individual but the community too.

Title 2 of the bill is designed to help the worker caught in a "dead end" job, not because he lacks talent or motivation, but because he lacks the necessary training required to improve his employment level. Under this provision of the bill before us, financial assistance is available to public and private employers participating in the job-training program. The willing worker thus gets a chance to move up the ladder, increasing his value to his employer. At the same time, the rung he vacates can be filled by another untrained worker who has his eyes set on higher goals.

I am heartened by the provision in the bill which permits communities to join other communities, or county and State governments, and become prime sponsors of training programs. Now, many of the present stagnated programs, mentioned before, can be revitalized with the prime sponsors as the operators, not some bureaucratic agency far removed from the scene of the problem.

Mr. Chairman, the proposed appropriation for this new manpower training program totals $7.5 billion, spread over a period of 3 years. Some may feel this is an expensive experiment. I do not. I feel it will be money well spent. This is one program, I believe, where the taxpayer will get a meaningful return on his tax dollar. Furthermore, I am confident this program will prove the Federal Government can work with local and State governments in a real revenue-sharing venture by providing real jobs for all classes of needy.

Mr. Chairman, I urge passage of H.R. 19519 for the good of the American worker, for the good of his employer, and for the good of our country.

(Mr. NIX, at the request of Mr. Perkins, was granted permission to extend his remarks at this point in the Record.)

Mr. NIX. Mr. Chairman, in 1962, the Congress laid the foundation for a national manpower program with the enactment of the Manpower Development and Training Act. That act was a beginning only, and we have amended it five times since then in order to try to meet the problems that were made evident by experience. The Congress also created major manpower programs in the Economic Opportunity Act of 1964, and it also has been regularly amended to meet and try to deal with newly emerging problems.

We have legislated on an ad hoc basis and the result has been an increasing proliferation of different programs and an administrative structure incapable of adjusting to the variety of local situations.

I support the Comprehensive Manpower Act because it is a well-thought-out and carefully constructed solution to the problems besetting our manpower training programs. It abolishes the separate program categories which have forced people to be fitted into the slots available in the programs rather than tailoring programs to meet the needs of people. Training programs will never achieve their potential until we assess the needs of the individual and determine what program he needs—and the Comprehensive Manpower Act provides the potential of doing just that.

The bill also provides an imaginative approach to the vexing question of the relative roles of Federal, State, and local governments in the implementation of our manpower program. We all realize that manpower problems are too localized to be solved from Washington—but we also realize that if the Federal Government is going to provide the funding, it cannot abdicate its responsibility of seeing to it that the funds are spent to achieve national objectives.

The bill achieves these dual objectives by providing for a system of State and local prime sponsors who will develop local plans geared to the needs of their own communities. These plans must be developed with the participation of affected private and governmental interests, and they must be approved by the Secretary of Labor if they meet the statutory requirements. In funding programs, the Secretary will insure that local needs are met but without sacrificing national priorities.

In its policies of decategorization and decentralization, the bill represents a constructive advance over the present array of programs. But the bill is more than that—much more. There is no point in training a man and then having no job for him at the end of the training. That is a waste of the taxpayers' money and a blow to the trainee's morale. The bill comes to grips with this problem—because it not only trains people for jobs, but also provides jobs for people. With over 4 million unemployed, we must provide jobs or we do not have a manpower program worth the name.

The bill establishes a public service employment program which will provide jobs for the unemployed and—and let me emphasize that and—provide desperately needed public services. While we have millions unemployed, we have a desperate inability to get our public needs met. The public service employment program deals with both of these problems and deserves the support of all those concerned with our unemployed workers and our unmet needs.

The Comprehensive Manpower Act is a workable, bipartisan approach to consolidating and improving our manpower programs. I urge its enactment.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Chairman, in 1962 I was privileged to be a member of the subcommittee which was then chaired by our good friend, the late Member from the State of Pennsylvania, Elmer Holland, that put the original Manpower Development Training Act legislation on the books.

I have been a member of the subcommittee that has worked on and produced each of the succeeding revisions and extensions of the Manpower Development and Training Act.

I have worked under the leadership of the gentleman from Kentucky and the gentleman from New Jersey on these programs and on the manpower component of title I(b) of the Economic Opportunity Act.

I noted during that period of time that there was great bipartisan support for this program. I might say that the first real attacks that I have heard on these programs in the Congress have been just in the last few weeks.

One thing on which we agreed—and I think it was good for the country that we did—was the advisability and the necessity of a strong Manpower Development and Training Act. I might say that each and every time we went back to that legislation—and we have done it several times—we have strengthened these programs and made them better. This bill that is before us today is but one other step in the process of strengthening these programs and making them serve more people and serve them more effectively and more efficiently. That is why we are here.

We are not here to create a boondoggle. Indeed, manpower programs are too widely respected and too important to the American people to turn it into a boondoggle. We are here instead to improve the administration of the programs that we now have. We are here instead to provide two new components that a manpower program ought to have but our programs have not had, and we have had hearings on them not only in this Congress, but we have been talking about them for years. They do not come as a surprise to anyone.

So it is almost in fulfillment of an unwritten tradition that H.R. 19519 comes to the House under the sponsorship of 10 Democratic and nine Republican members of the Education and Labor Committee. It is in keeping with the traditions of manpower legislation that the chairman and the ranking minority member of the committee are among its sponsors, as are five of the six subcommittee chairmen of that committee.

Furthermore, Mr. Chairman, it is part of the customary consensus that surrounds manpower legislation that brings this bill to the House with the endorsement of business groups such as the U.S. Chamber of Commerce and the NAM and with the endorsement of organized labor. The bill comes to the House with the endorsement of the American Vocational Association, the U.S. Conference of Mayors and League of Cities, with the endorsement of common cause, which grew out of the Urban Coalition Action Council, with the formal endorsement of the Republican leadership of this House, and of the administration, and to the best of my knowledge, without the formal opposition of any major segment of the American public, any major segment of the economy, any major social group, any major political organization, or any of the professional organizations which might be expected to be concerned.

H.R. 19519 is probably not perfect, Mr. Chairman. It was written by fallible human beings, and they usually fail to achieve perfection. But it is a bill we can all be proud to be involved with. It is a bill which will broaden the content of our national manpower services, and it will improve the system by which those services are brought to those who need them.

No service now available will be lost, no client now receiving manpower services will be deprived of them, no community need suffer any reduction in the level or quality of manpower services that are now available. And, indeed, new services and new programs will become available, along with improved means for the community to be involved in the planning of these services and their delivery.

The first objective sought by the drafters of H.R. 19519 was the consolidation of major manpower programs into one flexible instrument.

We did not seek to find a single kind of manpower program which would meet everyone's need. That search would, of course, have been doomed to failure from the start.

Manpower programs serve many different clientele, with many different needs. So we did not try to find one answer to 100 questions. But we did try to take the various authorities, most of them statutory, upon which existing major manpower programs are based, and replace them with this one enactment. We sought to equalize the allowances available for various programs. We sought to so describe the kinds of programs that could be offered as to take full advantage of what we have learned in the past, without unduly restricting access to any given program. We sought, above all, to put an end to the situation where a manpower program designed for a particular clientele might be vainly searching for enough people who fit its specifications while another program, designed for a slightly different clientele might be unable to meet half the demands placed upon it. Excessive categorization, Mr. Chairman, had resulted in just that kind of situation, and it had created rigid walls and dividing lines where doors and windows were needed instead.

We have, then, decategorized in the sense that separate programs are no longer carefully and rigidly defined, each with a specific clientele, each with a separate authorization and a separate statutory base. However, Mr. Chairman, we have retained virtually all the authority for the substance of each of the existing programs.

Let me be more specific.

In section 102, which is the bill's "shopping list" of basic manpower training programs, there is no mention by name of the Opportunities Industrial Centers, or of Operation SER, a generally similar program which is rendering valuable service among Spanish-speaking communities. But there is section 102(a)(2). Read in context section 102(a)(20) provides that—

> The Secretary shall, to the extent needed in each State or local area, provide comprehensive manpower services which shall include but not be limited to, the development of job opportunities through the establishment and operation of centers for low-income persons who are unemployed or underemployed, providing recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services.

This is, let me repeat, just one of the 20 items on the shopping list. Similar entries on the list repeat existing authority for the job referral and placement functions of the public employment service, institutional training, basic education as a part of skills training, outreach, prevocational orientation, work experience, on-the-job training, part-time training, the basic language under which the Neighborhood Youth Corps was first created, language which underlies the JOBS program, and the authority for operation mainstream, New Careers, and most of the other MDTA and OEO manpower programs. We have not sought to cut back on the kinds of services and programs that can be made available to those in need of manpower services. We have simplified the statutory substructure.

In titles II and III of the bill we have actually expanded the kinds of manpower services available. Title II tries to fill a need which on-the-job training programs could have filled but did not—the need for a formal program of occupational upgrading—training by which people who do have jobs, who are a part of the industrial mainstream can be helped up the job ladder.

Under the title II upgrading program, employers who undertake to provide skill training to their own employees to prepare them for positions of greater skill, responsibility and pay can apply to the Secretary for assistance. If the Secretary makes an agreement with such employers, he will pay them ninety percent of the actual instructional expense, other ordinary and necesary training costs, and trainee wage payments for the time spent in training, less, of course, the value of productive services rendered by such employees. In addition, employers can receive bonus payments calculated under formulas which in effect reward the employer for actually upgrading the employee and for retaining him in his employ for a substantial period of time. The bonus payments are stretched out over a period of time in order to make sure that the employer is not merely retaining the employee to collect the bonus, but that, on the contrary, he has done a good job of training him, and has turned the employee into an even more useful employee than he was at first.

Upgrading was always a possibility under MDTA, but in our very understandable national concern with the plight of the disadvantaged, we have tended since 1965 at least to softpedal manpower programs which are designed to bring services immediately to those who are in the economic mainstream, and to emphasize instead those programs whose immediate beneficiaries are those outside of that mainstream. Upgrading programs are not, of course, barred to the disadvantaged or even intended primarily for those who are not disadvantaged. But upgrading, by taking men and women who have full-time jobs and helping them get better jobs, is a way of helping the blue-collar worker directly, and, by making the entry level job which he vacates available, it also helps the man who has no job and no job skills at all. Upgrading, in other words, helps clear that bottom rung on the job ladder through which those who have never been in the real job market must enter it. But it does so by helping those who are on those low rungs to get to higher rungs.

Title III of this bill adds yet another basic kind of manpower services and one which, in the times in which we find ourselves, will be of special significance to a great many Americans of all walks of life.

I refer, of course, to the creation in title III of a public service employment program. Since this is the major substantive innovation of H.R. 15919, I will spend more time discussing it than I have on the other substantive programs.

From a careful reading of my mail, of the comments other Members have made, and some of the descriptions that have appeared in the press, I am persuaded that I should begin by telling this House what the public service employment is not intended to do.

First, Mr. Chairman, the public service employment program is not a poverty program. It is not and never was intended to be, limited to the hard-core unemployed. It is, and has always been intended to be a program for the unemployed—long-term or not such long-term; skilled or unskilled. It is a program designed to put people to work when they are not working, and I, for one, make no apologies whatever for the fact that among the people who will be put to work under this program will be people who have come from good jobs, and who will, when economic conditions are better, probably go back to those same good jobs.

Second, Mr. Chairman, public service employment is not a substitute for the family assistance plan. It is not a substitute for unemployment compensation, nor is it any other grandiose solution to all the mammoth complex of problems posed by the existence of people for whom income maintenance programs are needed. If there are members who at one time persuaded themselves that public service employment would let us do away with welfare or with unemployment compensation, or with other symptoms of the fact that there is poverty in our society, then I am sorry they misunderstood. But I never sought to sell public service employment on such a basis, and I know of no supporter of the concept who has done so.

Public service employment, Mr. Chairman, is one means—one out of many means—of combating the economic distress that springs from unemployment. But in my most optimistic dreams, I do not anticipate a public service employment program that will permit us to solve the problems of every person who needs financial assistance. Public service employment is not going to meet the needs of the welfare mother who cannot leave her children to accept it. It is not going to meet the needs of the senior citizen who may be physically unable to work. It is not going to meet the needs of the disabled and handicapped American who cannot work. It is not going to end the need for a family assistance program. But it may alleviate some of the demand on such a program. It may make it possible for the funds appropriated for such programs to get to more people.

Public service employment is not a temporary make-work program to be utilized solely in times of recession—or transition—or whatever you may want to call ties such as these.

Public service employment visualizes putting people who need work to work at jobs which need to be done. We are not talking here about "leaf raking" though we may well be talking about maintenance and operation of parks and other conservation-centered activities. We are not talking about building dams or hospitals or schools, but we are talking about hiring people to work inside those hospitals and schools.

The bill itself contains a shopping list in section 2(g) and another such list in section 102(a)(11). Both of these lists are illustrative, rather than definitive. But both of them give the reader an idea of the kind of work we expect and intend public service employment programs to support. The jobs should be jobs providing needed public services. They should be jobs which the public agency providing them might not otherwise be able to undertake, but they should be jobs which that agency feels are a relatively high-priority investment of public funds. We are not creating a program of "make-work" in H.R. 19519. There is no need to make work. The times in which we live have created a very ample amount of work that needs desperately to be done. All H.R. 19519 seeks to do is to help finance the work. In doing so, this bill will serve the public interest both in terms of helping get needed work done, and helping unemployed people to find work.

Public service employment, Mr. Chairman, is not intended to be a kind of second class job a kind of last-resort employment which self-respecting Americans will take only to avoid the dole. These jobs are to pay the same salaries and to provide the same fringe benefits as those paid to and enjoyed by other people working at the same public jobs. Earlier proposals to limit the salaries at these jobs to some percentage below that paid to other people doing the same work for the same employer were rejected out of hand and will continue to be opposed by the sponsors of this bill. We do not intend, Mr. Chairman, that the people holding public service jobs shall be treated like charity cases. As long as they are working and performing a public service, they shall be compensated, both in salaries and fringe benefits, just like the people working next to them.

Public service jobs are an honorable way of making a living, and should carry with them neither an economic disadvantage nor a moral stigma.

And certainly, Mr. Chairman, it would ill behoove the Congress, composed as it is entirely of people on the public payroll, to point the finger of scorn at other people on the public payroll as though that payroll were fit for no one but the incompetent, the unambitious and the lazy. If there are any among us who think that working at a public service job is beneath the dignity of the self-respecting, then to be consistent, they should leave this public service institution at the first opportunity.

While we are discussing the concept of equality of treatment, Mr. Chairman, there is an amendment that I wish to announce will be offered later, and which the bill's sponsors have agreed to accept.

Section 302(e) of this bill expresses the basic concept of equality of treatment, and we are all in agreement that that subsection shall remain intact. Section 302(e) provides simply and in express words, that all public service employees shall receive fringe benefits such as unemployment compensation, workmen's compensation, retirement eligibility, health insurance, and other benefits at the same level and to the same extent as other employees of the employer, and that they will be entitled to working conditions and promotional opportunities neither more nor less favorable than other employees. To that principle, the sponsors of this bill will admit no exceptions, no qualifications, no weakening.

Section 304 which comes two pages later, was taken from an earlier draft of the bill—and was put in the bill when it was envisaged that private employers as well as public employers might be eligible to sponsor public service jobs. Section 304 provides, in effect, that employers who are not required under State law to provide workmen's compensation and unemployment compensation to their employees, must undertake to do so through self-insurance or other devices, in order to be eligible employers under this Title.

As I say, Mr. Chairman, this section was meant to apply primarily to private employers, and, if private employers were still eligible under this title, I would insist that section 304 remain in the bill. However, private employers were stricken from the list of eligible sponsors. Section 304 should, in all probability have been stricken at the same time.

Since that time, Mr. Robert Guttman of the Legislative Reference Service, at the request of the subcommittee, has looked into the impact of section 304 on public employers. He has advised us that only a very tiny fraction of public employment now—at the State and local level—is covered by unemployment compensation, and an indeterminate but not very massive percentage is covered by workmen's compensation. Thus, for a local agency to participate in title III might require that agency to cover all its employees—current employees as well as the new ones—for both unemployment compensation and workmen's compensation. Further, such coverage might very well not be simply subject to the discretion of the local agency under applicable State law. It might well become necessary for a locality to obtain permission from the State legislature to extend such protection to its employees and this might delay the initiation of a public service employment program for months or even years, if not prevent it altogether.

Clearly, the principle of equality of treatment of title III employees and other employees does not require that both be given benefits neither enjoys without the program. Clearly, too, as valuable as the concepts of unemployment compensation and workmen's compensation are for public employees, it serves no one to prevent the tiring of title III employees until the day—I hope not too distant—when all public employees, employed under whatever authority—and covered by these benefits.

I would want at this point, Mr. Chairman, to make perfectly clear my own commitment to and unequivocal support of legislation which would extend Federal unemployment compensation to all public employees, at whatever level. And I believe, too, that the State legislatures should move to strike any existing bans against workmen's compensation for public employees—following, in this, the lead of the Federal Government, which extended workmen's compensation to its own employees nearly 60 years ago, and which is still a pace setter in the workmen's compensation field.

But, because of the deletion of private title III employees, because of the unintended impact of section 304 on public agencies, and because we have secured such broad bipartisan agreement for the language of section 302(e), I am prepared to accept an amendment later today to strike section 304 from the bill, and I am happy that the gentlemen on the other side of the aisle are in agreement with me on this point.

A few more words, Mr. Chairman, on what public service employment is and what it is not, and on what title III provides, and I shall conclude on that topic.

Public service employment is visualized under this legislation, rather differently than existing programs of the Department of Labor to which it has been likened.

Public service employment, for example, is not primarily a training program, though training services under title I can be made available to title III employees in appropriate cases through title I channels, and using title I money. Title III is intended to put people to work. Title I is intended to provide people with other manpower services. The authority and the funds under these two titles should not be confused.

The language to be found in subsection 302(g) requires public employers to operate or maintain linkages with upgrading programs under title II, or other Federal manpower programs for the purpose of assisting such employees to find permanent, upwardly mobile careers, with the same or other employers. Subsection (h) requires that objective shall be set for the movement of title III employees into employment not supported by this title.

Mr. Chairman, let no one interpret this title as giving authority to the Secretary of Labor to establish preordained, rigid and restrictive time limits on the employment of specific individuals under title III. The objectives which are authorized under title III should be set, agreement by agreement, through negotiation with each employer, and in the light of the actual conditions which confront the actual employer and the actual employees at the actual time and place of the agreement. If the employer simply fails to abide by agreements into which he has freely entered, he may and indeed he shall have the Federal share of the costs of subsequent agreements reduced in an appropriate amount. But this penalty is not to be utilized simply as a cattleprod, designed to rush title III employees into and out of jobs without regard for the condition that prevail. If there are no jobs "out there" in the economy, there is nothing in H.R. 19519 which requires or justifies kicking title III employees back into the unemployment from which this title has rescued them. H.R. 19519, Mr. Chairman, to reiterate a concept I sought to express earlier, does not rest on the assumption that public employment is economically wasteful, fiscally irresponsible, or morally weakening. We want to extend the benefits of title III to as many people as may need it, and we are perfectly willing to encourage employers to move their title III employees upward and into nonsupported employment, but we have not designed title III as a revolving door, hinged on the premise that "a welfare job and a welfare check" are equally degrading.

One last point about the public service employment program, Mr. Chairman, and here I must refer to a later part of the bill.

In section 502, the bill prescribes the allocation of funds among the several titles of the act. Basically, the section allocates 25 percent of the funds for title IV, and allows the remaining 75 percent to be distributed among titles I, II and III as shall seem appropriate. Section 502(b) further authorizes the Secretary to transfer up to 25 percent of the amount allocated to any given program under the act to another program. This subsection concludes, however, with a very important proviso. This language, to be found on p. 52, lines 17–20, of the bill, reads:

> *Provided*, That on a nationwide basis an amount not less than 18.75 per centum of the amount appropriated under this Act shall be used to support public service employment under title III.

Mr. Chairman, I call the attention of the House and of the Department of Labor, to the words "shall be used to support public service employment under title III." The proviso does not permit the Secretary to arrive at the 18.75 percent floor figure by counting, for example, overall administrative costs which have been arbitrarily alloted to title III. It will not be possible, for example, to fund upgrading or training programs out of the 18.75 percent that may be allocated to title III, and then claim that the allocation has met the requirements of the proviso. 18.75 percent of all the funds appropriated for this act must be used to support public service employment, and other costs either must come out of other allocations, or, at the very least, be in addition to the 18.75 percent allocated to title III.

If, Mr. Chairman, by some reversal of present economic trends, we arrive at that happy day where there simply are not enough unemployed persons to utilize 18.75 percent of the funds appropriated under this act in furnishing them with jobs, then I will be the first to support legislation relaxing the rigorous interpretation which I have today made of the proviso in section 502(b). But until then, I think it important to insist more urgently that these dollars be put to the use that was in our minds when we drafted the proviso to section 502(e).

I shall soon relinquish the floor, Mr. Chairman, to my colleagues, or yield for questioning. Let me however, conclude these introductory remarks by saying something about the delivery system enshrined in title I of the bill.

I say no more than I have said before when I confess that delivery systems do not seem to me to be the vitally important matter they are to those who derive their living from operating them. Eighteen months ago, when I introduced H.R. 11620, with the consponsorship of 115 of my distinguished colleagues, that bill was

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virtually silent about "delivery systems." And to my good friends in the manpower game, who accused me of ducking the hard question of a delivery system, I demurred.

H.R. 11620, I said, in effect, leaves the Secretary of Labor the hard job of working out a delivery system, and does not do the work for him. But I think that is all right, because I am not convinced that a single delivery system, all nailed down in legislative form, with all kinds of hard decisions apparently previously decided for the administrators, is essential.

We pay manpower administrators quite handsomely to make tough decisions. We should not protect them from the consequences of their own mistakes by giving them legislative language to hide behind when they make mistakes.

I made this observation at least partly because of my conviction that whatever the Congress may do legislatively, the bureaucracy will only carry out what they want to, anyway.

Well, Mr. Chairman, the solution I proposed—and which I still think would work best—to give the full authority and the full responsibility to the Secretary of Labor, or to the Secretary of Health, Education, and Welfare, or to some one Federal official, at one and the same time—letting him make the decisions, and letting him answer for his own mistakes—this modest proposal suffered the fate of all simple solutions. And I mourn its demise with moderation, because I still don't really think the delivery system question is that central to the manpower problem.

H.R. 19519, Mr. Chairman, does have a delivery system. And while it relieves the Secretary of Labor of making a great many decisions, it still vests some discretion on him. I hope that in future years the Secretaries of Labor will not claim great personal credit for the happy results of doing what the law says, and blame the Congress for the mistakes they make when they exercise their own discretion. But my hopes, like my regrets, are moderate.

Essentially, the "delivery system" for title I programs is the prime sponsor. And essentially, the prime sponsor is, first, a local government or group of governments, as described in section 104(a)(2), secondly a state, and third, in the absence of an application from a local government, a community action agency.

The population requirements for a prime sponsor are set forth in the bill, as are the exceptions to it. The prime sponsor is required to make an application, and the application must meet certain conditions set forth in section 104(b). The conditions include the appointment of a manpower services council which will assure that all interested elements of a community are involved in the development of a comprehensive manpower plan.

The prime sponsor's application must set forth, in effect, a "mix" taken from the programs available under title I, adapted to the needs of the prime sponsor's area. Here, in the ability of the prime sponsor to request and the Secretary to deliver a varying mixture of programs and services as needs vary from area to area, is the real meaning of decategorization and decentralization. Here is where it is essential that there be the kind of program flexibility that H.R. 19519 permits—and, indeed, requires.

Local prime sponsors are given an unmistakeable priority over other eligible sponsors, and in view of the clear intent of the bill that local sponsors are the "preferred instruments," it would seem appropriate for the Secretary of Labor in issuing his regulations and guidelines under this title, to so set such guidelines as to effect this preference.

I would hope, for example, that we would not again hear of the Department of Labor requiring local prime sponsors to utilize the public employment service as an overall purveyor of manpower services many of which are wholly beyond the competence of those agencies.

Section 105(b)(6) requires that a prime sponsorship application shall include provisions for utilizing "to the extent appropriate" services already available from existing Federal, State, or local agencies. And, to the extent appropriate, the public employment service should probably be selected by the prime sponsor as an employment service. But it has no prima facie claim to be the chief operating arm of the prime sponsor. It has no claim at all beyond those areas in which it has a demonstrated competence. As chief sponsor of this bill, I trust that area of competence will not be "interpreted" or "guidelined" beyond the bounds of reality.

My words, Mr. Chairman, should not be interpreted as showing any particular animus against the public employment service. Section 105(b)(6) clearly suggests that existing public agencies ought to be used wherever they are appropriate to use. But I would hope that under this legislation, there might be some trend away from conferring official responsibilities and slicing up power among agencies and people solely in terms of the title they bear.

To give another example, the Secretary's decisions regarding aid to educational institutions under this bill, like the judgments regarding health and welfare services, must be made—with the agreement—the prior approval—of the Secretary of Health, Education, and Welfare. And that is as it should be. But, Mr. Chairman, I would hope the Secretary of Health, Education, and Welfare would do more than look at an organization chart when he decides who will get a "piece of the action" under H.R. 19519.

In short, Mr. Chairman, the thrust of this legislation is not to safeguard those particular professional interests or that particular professional interest. Professional talents are of inestimable value to the provision of manpower services, but the need of the whole community to be involved in what affects the whole community is of prior importance.

The delivery system in H.R. 19519 reflects the entire philosophy with which we have approached this legislation. That philosophy is based on the notion that the best way to learn what is needed in a local community in manpower services is to look to that community for its own insight and its own direction.

As Clemenceau said about war, so I say about manpower policy.

It is too important to be left to the experts.

Mr. PERKINS. Mr. Chairman, I yield an additional minute to the gentleman from Michigan.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Minnesota.

Mr. FRASER. I want to commend the gentleman for the initiative and leadership that he is providing on behalf of this bill, which I think is a most important piece of legislation. I have four questions that I want to ask the gentleman that relate to current programs I am concerned about. I want to make sure that they will continue to be authorized under this bill if this bill does become law.

For example, there are a number of activities including Senior Aides and Green Thumb programs which involve senior citizens in constructive and rewarding work. Some people are concerned, however, that under title III older people might be excluded from public service employment. I wonder if the distinguished gentleman would like to comment on that.

Mr. O'HARA. May I say to the gentleman from Minnesota that certainly is not our intention. We recognize that older citizens have an employment problem, and their problem is among the most severe of any group in the American society.

We want them to have the full range of opportunities available to them that are presently available to them—and more. Indeed, it is our hope that under this legislation we can do all the things we are now doing for the older workers and more besides.

Mr. FRASER. Mr. Chairman, I thank the gentleman. I have another question related to our own State of Minnesota. At the present time the State Highway Department in Minnesota has a subcontract with Project Green Thumb. This subcontract permits the utilization of State funds to employ senior citizens in a project which maintains interstate rest areas. Will the new program, as envisioned under public service employment, permit public agencies to subcontract with private organizations which in turn would employ retired persons who might otherwise not qualify for employment with these public agencies because of restrictions such as those of age?

Mr. O'HARA. There is certainly nothing in the legislation which would prohibit it. It is up to the State Highway Agency in this case to determine how they shall perform the public service functions under title III, if they have a title III agreement and they could involve an organization such as Green Thumb if they chose to do so.

Mr. FRASER. Another question relates to the problems of Indians, residents of depressed areas in inner cities, and older citizens. Under provisions of section 302, paragraphs (h) and (i) it appears as if the Federal share could be reduced if it was found that the employer was not meeting his obligations to place qualified trainees into career employment. Possibly this could lead contractors to accepting for the programs only those individuals who have the best chance to make this transition to career employment, thus excluding trainees who might have additional handicaps in securing career employment.

Mr. O'HARA. Certainly it is our anticipation, and the reason we set no such rigid criteria in the legislation itself is that we expect these objectives to be flexible and to take into account the nature of the work and the problems involved in actual career placement.

In addition, we have an exception under the penalty for not meeting the objectives that permits the penalty to be waived if his failure is not the fault of the sponsor or is due to economic or other conditions beyond the control of the contractor.

Mr. FRASER. So it shall not be necessary to employ only those for whom it is felt there will be the best opportunity for transition to career employment. I thank the gentleman.

I have a final question: Is there any restriction on setting up part-time public service employment as is now operated in Senior Aides and Green Thumb?

Mr. O'HARA. None whatsoever. There could be a part-time public service program if that was the need of the community in the opinion of the sponsor.

Mr. FRASER. Mr. Chairman, I thank the gentleman for his very helpful comments.

Mr. DANIELS of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I take this opportunity to congratulate the chairman of the committee and the chairman of the subcommittee and the ranking minority member of the committee for the work they have done on this legislation.

None of the provisions are more important than the public service employment program, which has been tested in the crucible of practical experience in our country during the past 4 years. The new careers program, which I sponsored as an amendment to the poverty program in 1966, has proven itself beyond all question of doubt as a program that offers hope, and independence and self-esteem to millions of unemployed and underemployed Americans who want to work in useful, satisfying jobs. Rather than criticizing this program, we should consider it one of the great elements in this bill.

I would like to ask the gentleman from Michigan a few questions in connection with the role of the aging in this program. I do not have any doubt as a general matter it is intended that the aged be included, but I would like to ask questions with specific reference to title I, section 101(a)(3) which mentions people in correctional institutions, and regarding section 101(a)(7) where young people are mentioned. I just would like reassurance that this does not mean the middle aged and the older workers should not be included and given equal priority under the title I programs.

Mr. O'HARA. That certainly is the case. There is no intention whatever to exclude them.

Mr. SCHEUER. I notice that you have incorporated into section 102 of title I the original new careers program and also the Mainstream program. I hope it is the intention of the committee that existing programs of this type will not be discontinued but rather that they will be reshaped and expanded.

Mr. O'HARA. If the gentleman will yield further, we hope that a new careers program—as with other programs permitted under the act, under this new legislation with new administrative provisions and delivery systems will be permitted to grow and flourish without some of the restrictions that have held it down in the past.

Mr. SCHEUER. In that connection, the language has been changed in the Mainstream title. Is this to imply it is in any way restricted to exclude any activities of senior citizens aides and "green lights" financed under this title?

Mr. O'HARA. No. It is our intention that anything which can presently be done can be done under the new legislation.

(Mr. ALEXANDER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ALEXANDER. Mr. Chairman, after listening to this debate and upon conference with the gentleman from New York (Mr. SCHEUER) and the gentleman from Michigan (Mr. O'HARA) it is my understanding that the sponsors interpret the language of this bill to include representation of older citizens organizations and agencies serving the elderly on advisory and policy committees under this act. I trust that in this same spirit of inclusion that rural organizations are included in these committees. Therefore, I will conclude from all remarks that the sponsors intended that rural groups should be included.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, if we could, and would, actually and honestly, devise a governmental program of efficient and effective manpower training, truly designed to be free of political boondoggling and extravagance, and tailored not to create make-work public jobs as a lasting burden on the taxpaying public, but rather to equip people with needed skills and to move them expeditiously into private and gainful employment, I would be sympathetic of such a program, and to such an effort.

Whether, and to what extent, this can actually be accomplished—in the nature of things—by means of a governmental program—is, to my mind, debatable; but it is not debatable, I think, that the present bill fails to do the job.

If H.R. 19519 were confined to the subject of manpower training, we would still have questions of possible political activity, the effect on existing vocational education programs, bureaucracy, extravagence, inefficiency, conflict of interest, and so on; but at least we would be coping with the problem of training and we would be presumably concerned only with preparation and education for gainful private employment. The game might be worth the candle.

Title III, however, in its present form, provides, in addition, for allegedly useful public employment—which will probably, in practice, all too often prove to be of a make-work character.

In this title, lipservice is given to the idea of moving those employed in this service on into private employment not supported by the act; but this expression of alleged policy is rendered largely negatory by provisions which grant to these allegedly temporary public employees all the fringe benefits of regular and permanent governmental employment, even including retirement; by vague provisions which set up no ascertainable standards for "the move of persons employed—into public or private employment not supported under this act;" and by provisions which allow the Secretary, in his untrammeled discretion, to waive any momentary penalty for the failure to accomplish this alleged objective.

Again the bill authorizes the Director of the Office of Economic Opportunity to make grants and contracts for evaluation of the programs conducted pursuant to the act, without setting forth any guidelines or restrictions with respect to contracting with former OEO employees; and this despite the recent widespread and unfavorable publicity concerning the conduct of the Office of Economic Opportunity in this very field.

All in all, it is my judgment that, instead of a sober-minded measure for manpower training, we are faced again with an expensive and political-minded measure which will create one more playhouse for the bureaucrats, and one more talking point for so-called liberal politicians, with a minimum of actual and practical benefit to the poor, and at a cost of billions of hard earned tax dollars, paid by the employed and productive members of the community.

People who are truly knowledgeable in this field, and who are generally more philosophically sympathetic to such experiments than I probably am, such as our distinguished colleague, the gentlewoman from Oregon (Mrs. GREEN) are not satisfied with this bill in the form in which it now appears.

I do not believe that I can conscientiously give this present measure my vote and my support.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, title III of H.R. 19519 authorizes a program of public service employment. It envisions the temporary employment of the unemployed by governmental units, thus solving the unemployment problem. Persons employed under the program would be assured the same opportunity for promotion and would enjoy all of the fringe benefits of regular employees, in-

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cluding retirement. The title hopefully intends that those so employed would be moved off the program and into regular employment, either in the private or governmental sectors of the economy. I do not believe many would ever be moved out of the program. They will not want to move and governmental employers will find it difficult to remove them. They will find themselves fixed for life. Though its proponents deny it, this title is clearly within the concept of Government as an employer of last report.

On page 12 of the committee report we read:

> It has been a widely held belief and the widely accepted basis for these programs that aggregate demand resulting in a steady growth of the economy by itself can "solve" the unemployment problem. This analysis leads to the current assertion that the present growing unemployment rate is "transitional." Unfortunately, the manpower programs of the 1960's have not reached and are not reaching a major segment of urban and rural poor. In many instances, the jobs have not materialized. People have been trained for jobs that do not exist. The private sector has not created sufficient jobs.

Therefore, the Government must create them. This is the philosophy of the Government as employer of last resort. I disagree with the committee's conclusion that the private sector is incapable of providing jobs. The private sector will always provide jobs for those with suitable skills. Our manpower programs are at fault for not developing the skills. The idea that the unemployment problem can be solved by placing on Government payrolls those who through lack of skill and job discipline are unable to obtain and hold a job in the private sector is not sound. Under such a program governmental units will be burdened with even more inefficiency and bungling.

The inclusion of title III in this bill makes it unacceptable to me, and if the programs title III authorize become the law, I predict that the outcry against Government inefficiency, waste, duplication, and low morale in the Government service will become even louder than it is today.

I will vote against the bill in its present form for that reason. I am also disturbed by the transfer of all vocational training programs to the Department of Labor. I believe they belong for the most part in the Department of Education.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, I rise in support of H.R. 19519, the Comprehensive Manpower Act. This legislation is sorely needed in view of unemployment and underemployment which confronts many parts of the Nation today. It is regrettable that the House did not have an opportunity to work its will prior to the election recess. However, passage of this legislation at this time could represent one of the most important actions of this 91st Congress.

If implemented correctly, this legislation will be of great value in reducing unemployment and decreasing underemployment, giving aid and assistance to those who would like to move up in their own scale of productivity and their standard of living.

As a member of the appropriations subcommitte which deals with funding of our manpower training programs, I have long recognized the need for a major reform including decentralization and decategorization. While this may not be a perfect bill, it does meet the imperative need for manpower program reform.

Under the present system, we are dealing with an almost unmanageable collection of manpower programs. The Department of Labor, in fact, directly administers abut 10,000 separate manpower agreements with States, local governments, public and private organizations.

This has strained the ability of the Department to conduct these programs with maximum efficiency; created duplication and inefficiency; and frustrated the efforts of the individual at the local level to receive the help he so desperately needs.

Some of the necessary reforms in this bill would:

Decentralize administration of manpower programs to local communities and the States; provide flexible, noncategorical, funding for manpower programs so they may be planned in the community, by the community, to meet community needs; consolidate the major manpower development programs administered by the Labor Department in a comprehensive manpower services system; unify administration of manpower services by creating State or area single prime sponsors; and facilitate the use of the manpower program as an economic stabilizer.

Mr. Chairman, the consideration of manpower program reform is taking place at a time when there has been a substantial rise in the rate of unemployment. The transition from a wartime to a peacetime economy has caused what we hope will be only a temporary unemployment problem in the Air Capital of the Nation—Wichita, Kans., and other towns and cities over the Nation.

Clearly the present manpower program does not meet the needs of all workers who have been displaced during this period of economic transition.

This legislation attempts to meet a pressing need, in part, by streamlining and consolidating the administration of existing manpower programs—decentralizing decisionmaking on the appropriate mix of manpower services to the levels of Government closest to the area of unemployment, the city, the State, or the rural area.

In addition to the passage of H.R. 19519, I urge that prompt consideration be given by the House leadership to scheduling committee hearings on legislation that I have cosponsored providing for a cooperative effort between Government and industry to forestall further unemployment among those who have been engaged in defense-oriented research and development programs.

I refer to H.R. 19190, the Conversion Research and Education Act, which provides for a three-phase program to redirect the talents of skilled persons, such as engineers, scientists and technicians, to civilian areas of work.

We must not lose the capabilities of these skilled workers as we redirect our national priorities to such problems as the environment, transportation, health, education, and urban and rural development.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield myself 3 minutes.

As the debate begins to close, and we come to the point at which we start the 5-minute process of amending, I want to make it clear there are some statements which have been made here this afternoon with which I very much disagree.

I want to make sure that the members of the committee clearly understand that while the time this bill took in being drafted, in being put together, may appear to be a relatively short amount of time, I believe the record is replete with the history of the hearings and of the discussions which took place among members of the subcommittee and of the full committee before this final bill came to the full Committee on Education and Labor.

Surely, we did go late at night. We did put this together in an effort to try to reach a bill that could be supported by Members on both sides of the aisle and was agreeable to the administration.

That is what this bill does. It is supported by the Nixon administration, and it does represent a bipartisan compromise among people who have long held an interest in manpower legislation and programs.

I believe it also ought to be clear for those who say there is an effort to create a dual school system, that simply does not stand up under the light of examination. With all due respect to the gentlewoman from Oregon, I simply do not understand why she has gone as far as she has in attempting to make the statement that there was any kind of effort to create a dual school system.

We have a letter from the American Vocational Association, from Lowell Burkett, the executive director. I will quote from the letter:

> We commend the architects of this legislation for including the following provisions:
>
> a) Vocational educators shall serve on the Manpower Services Councils (sec. 104(b)).
>
> b) Prime sponsors must use to the extent appropriate the services and facilities of vocational and technical schools and area skill centers in carrying out the institutional training and educational components of a comprehensive manpower plan (see 105(b) (6)).
>
> c) Through the State comprehensive manpower plan the State must take additional steps to assure the participation of State-supported vocational education agencies in prime sponsors' programs in order to avoid unnecessary duplication of facilities and activities (See 107(b) (1–2)).
>
> d) Beyond regular program funds special incentive grants (up to $75 million in FY 72) will be made to State and local prime sponsors who develop exemplary linkages between manpower programs and vocational education (Sec. 504(d)).
>
> e) HEW and Labor must concur in *any* rules, regulations, standards of performance,

and guidelines which would affect the role and function of vocational education agencies (Sec. 108).

f) *Any* components of comprehensive manpower program applications which deal with vocational education in institutional training must be approved jointly by HEW and Labor (Sec. 108).

g) Within six months of the CMA's effective date, HEW and Labor must report to Congress on the utilization of area vocational and technical schools under CMA and the steps taken to increase their utilization and effectiveness (Sec. 525(a)).

h) At the same time, the U.S. Office of Education must report to Congress on the extent to which vocational education activities and goals are being incorporated into general elementary and secondary education programs (Sec. 525(b)).

In view of the apparent safeguards to that portion of the public being served under this legislation to assure that they have opportunities for an educational program that provides them upward mobility in career development, we believe this legislation will make a major contribution to resolving some of our Nation's social and economic problems.

Sincerely yours,

LOWELL A. BURKETT,
Executive Director.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield to me?

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, before I yield, I want to quote further from another letter. This is from the Secretary of Health, Education, and Welfare, Elliot Richardson, dated November 13, 1970. He says:

> I understand there has been some concern among the State advisory councils that this bill might create a "dual school system." I believe that this is without foundation.

Mrs. GREEN of Oregon. Would the gentleman yield to me?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentlewoman.

Mrs. GREEN of Oregon. A correction of the RECORD, please. I believe my statement was that this bill for the first time would give mayors and community action agencies the authority to set up dual training systems. Would you not agree that this is the case under this bill?

Mr. STEIGER of Wisconsin. As I understand the legislation, the effort is to be made to insure that they use the existing ongoing training facilities in education or noneducational programs, and clearly no one intends and I do not think this bill proposes that there be a duplication of facilities and services available from that which already exists today.

Mrs. GREEN of Oregon. Under the advisory council various people serve, but they give the authority to the prime sponsor, who may be the mayor or, if the mayor does not want to do it, then the community action agency. Neither of these has ever had authority before to establish complete separate training programs, with no requirement to use the school system. If the gentleman from Wisconsin believes the mayors and the CAA's are to use existing training facilities, then the law should require it.

Mr. STEIGER of Wisconsin. They do not under this bill.

Mrs. GREEN of Oregon. It seems to me that we are making a remarkable change of direction in terms of the educational system in this country, because private and public institutions have always had primary responsibility for academic, vocational, and technical education. Vocational education training programs are expiring next year. So it seems to me we ought to look at those and decide if HEW and the Secretary of Labor are to share responsibility and funds before we make this radical change.

Mr. STEIGER of Wisconsin. I appreciate the gentlewoman's comment, but let me be completely honest about it. We have had a series of categorical grant programs since 1962 under MDTA and the Economic Opportunity Act. The number of sponsors at the present time exceeds 10,000. May I ask since 1962 who has been doing it? Has there been a mayor or even a school system that has? The answer is "no." There has been a whole series of public, private, and nonprofit and profit groups who have been involved in the training programs.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield myself 1 additional minute.

What we are doing here, I will say, is we are taking a significant step in the direction of correcting some of the problems that we had in the past to place responsibility on the elected public officials, as I believe it ought to be, who are responsive to the people in a local area and not engaging in an effort to create a duality of training systems. I disagree with the gentlewoman's analysis of the situation. I might also say there is not an expanded role for the community action agencies. It does not expand the role but, if anything, we bring the community action agency more into the mainstream of the agencies serving the public than they have been in the past under the concept that we have had in the past.

Mr. PERKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, I wish to address myself to two of the problems, one which was just discussed and one which has been discussed at various times this afternoon.

First, this legislation creates a public service employment section which to me seems to be a very good thing. It would seem to me that any meaningful manpower program which was adopted at this place and time in our history under the economic situation which we presently face and which did not have a public service employment sector, would be a farce. We have in this Congress adopted a lot of programs which have raised the aspirations of people and a good manpower program should do that. But there should be something to satisfy those aspirations.

Mr. Chairman, a good manpower program should train people for jobs, but jobs ought to be available. If they are not available and if we do train people, we really create frustration. Jobs simply are not available today.

Mr. Chairman, we very badly need in this legislation and in any meaningful manpower program a good public employment sector as an essential ingredient.

I would not like to see a manpower bill emerge from this Congress without a public service employment sector.

The second problem is that this might create a dual school system. I agree very much with the things that the gentleman from Wisconsin (Mr. STEIGER) has said.

First of all, we are faced with a plethora of programs today, none of which are required to be coordinated through local educational agencies as the gentlewoman from Oregon pointed out.

This bill then is a vast improvement on the existing situation.

Under this legislation we bring all of those programs together. We meet these requirements. We require that the vocational education people be represented on the board. We require that they use local educational facilities. We require a report from the Secretary of the Department of Health, Education, and Welfare and the Commissioner of Education with regard to the utilization of the vocational educational facilities and the cooperation and coordination and planning of the Federal institutions.

We provide an incentive for the prime sponsors to utilize local educational institutions and local educational facilities by giving them up to a 20-percent increase above what they otherwise would be entitled to if they will coordinate their plans and cooperate with the local vocational education institutions.

So, far from creating a dual school system, it seems to me that this brings under one roof and provides for certain requirements which do not presently exist, all of which will redound to the benefit of ongoing education. That is why I rather suspect that the American Vocational Education Association and the vocation educators are supporting this legislation.

Mr. PERKINS. Mr. Chairman, I yield the remaining 3 minutes on this side of the aisle to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I shall support this legislation, but I have serious misgiving about one feature of it. I would like to focus attention on this aspect of the bill.

In the Southwestern States of Texas, Arizona, California, New Mexico, and Colorado, there are 5 million Americans of Mexican descent, people many of whom are bilingual. They give our society much diversity and strength. These are good people who pay taxes, bear all the burdens of citizenship, and send their sons off to war in a much greater proportion than some other groups.

Mr. Chairman, in many respects, over the years we have shortchanged these fine people—in terms of fair employment, decent schools, and in other ways as well. They often get the less-skilled jobs, and the lower-paying work.

I commend the committee for its hard work to bring greater order and effectiveness to Federal manpower training programs.

There is, however, one area which troubles me. In the Senate version of the bill, certain excellent programs currently underway are specifically authorized. One of these is Jobs for Progress—Operation SER.

I am familiar with SER. It has been my privilege to work closely with the organization and to witness the effective work it is doing to assist in the economic uplift of Spanish-speaking Americans and other disadvantaged groups.

Just last July we were able to obtain a $302,000 grant to fund a Tucson, Ariz., office of SER to provide vocational education and complete preemployment preparation for participants. We had been trying for 2 years to get SER into Tucson because we knew of its effective work in other communities.

"Ser," the Spanish verb for "to be," is used as an acronym for "service, employment, and redevelopment," and the organization is more than living up to its name.

SER is vital to the training efforts directed to the Spanish-surnamed and it serves other disadvantaged groups as well. We in Arizona are very concerned that failure to include SER in a categorical authorization might jeopardize an outstanding, well-run program.

I would like, then, to ask the sponsors of this legislation now before us for some assurances. I am sure the committee has taken a good look at the accomplishments of SER and respectfully ask the bill sponsors to make known their desires that proven programs such as SER will continue to play a vital role in federally supported training efforts. We who represent large groups of Spanish-surnamed Americans solicit assurances here today on behalf of a solid program which is giving real help and hope to many.

Mr. O'HARA. I thank the gentleman for his continuing and constructive interest in manpower programs, and in Operation SER. Let me give the gentleman what I might call a categorical assurance that Operation SER is completely and unequivocally authorized by section 102(a)(20) of the bill before us. The language of that provision gives unmistakable and clearcut authority for the continuation of the work being done by Operation SER among the Spanish-speaking communities. Operation SER, like the OIC's, is a program of which we can all be proud, and it can continue its splendid work under this bill.

Mr. UDALL. I thank the gentleman. Those of us who represent constituencies in this area are very concerned about this problem. Many of my colleagues from the Southwest have publicly expressed their concern over the failure to specifically mention SER in the bill and have spoken to me today. These include my colleague, the gentleman from Arizona (Mr. RHODES), the gentleman from California (Mr. BELL), the gentleman from California (Mr. VAN DEERLIN), the gentleman from California (Mr. HANNA), the gentleman from Texas (Mr. GONZALEZ), the gentleman from Texas (Mr. WHITE), the gentleman from Colorado (Mr. EVANS), the gentleman from Colorado (Mr. ROGERS), and they have all been here on the floor this afternoon because of this concern.

I would like to thank the gentleman from Michigan (Mr. O'HARA), for his assurances on this successful program. I trust it will be continued.

All of us from this area would have preferred that it be specifically spelled out as it was in the Senate bill, and perhaps that can be done in conference. I thank the gentleman for giving us some comfort assurance.

Mr. WHITE. Mr. Chairman, if the gentleman will yield, apparently then it was merely an omission in the report itself, which does mention other programs. It was the intent of the committee to mention SER in the report?

Mr. O'HARA. If the gentleman will yield further, it was, indeed.

Mr. WHITE. It is a very worthwhile program, and I want to associate myself with the remarks made by the gentleman from Arizona (Mr. UDALL).

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, I thank the gentleman for yielding.

As has been pointed out by the gentleman from Arizona, this program has worked effectively in the State of Colorado in taking care of the underprivileged who do not have the opportunity to secure employment. And I do hope that when we get to the conference that the word "SER" will remain in the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL of California. Mr. Chairman I would like to associate myself with the remarks of my distinguished colleague from Arizona (Mr. UDALL) concerning the outstanding record of Project SER.

The SER program in my own congressional district merits highest recognition and commendation for its many fine accomplishments. There was certainly no intention by members of the Education and Labor Committee to exclude mention of SER from the pending bill, and I am sure that the oversight will be corrected when this legislation goes to conference.

Mr. VAN DEERLIN. Mr. Chairman, I am pleased to rise in support of H.R. 19519. The Committee on Education and Labor, under the able leadership of Chairman PERKINS, has presented the House with a bill that substantially reforms and expands existing Federal manpower programs. While I fully support this legislation, I am concerned about the omission of any specific reference to the Operation "Service-Employment-Redevelopment" program of job training and placement for Mexican-Americans.

Operation SER has proven highly successful in my own San Diego area as well as many other locales throughout the Southwest. SER is unique, I believe, in that it is the only jobs program in the Labor Department run by and for Chicanos.

I strongly support the concept of a separate program tailored to the needs of the Spanish-speaking community. The cultural and linguistic barriers blocking advancement through other channels can be effectively overcome only by this kind of specialized treatment.

SER has been in business nationally for barely 4 years and in San Diego County only since July 1968. But in that short span of time, the results have been gratifying. By the end of this year, nearly 500 Mexican-Americans in the San Diego area will have been equipped by SER to win and hold good jobs. I am told by Max Hernandez, the SER project director in San Diego, that 87 percent of the graduated trainees were still in their original jobs 6 months after taking them, a remarkable retention rate.

This year alone, SER in San Diego will prepare 230 persons for gainful employment, compared with 180 who completed the program last year. For enrollees with the greatest linguistic and educational handicaps, SER operates special prevocational courses, to provide the basis for more advanced job training. Federal funding, which hopefully will be continued by H.R. 19519, has been approaching $300,000 a year for the San Diego SER.

I understand there is no intent on the part of the Committee on Education and Labor to omit Operation SER from the manpower programs authorized by H.R. 19519.

I join Mr. UDALL and other colleagues in speaking out for Operation SER today simply so that the RECORD will show that the House—far from overlooking SER—feels that this most valuable program should be continued and if possible expanded.

Mr. PELLY. Mr. Chairman, unemployment in the area around Seattle presently exceeds 11 percent. There are many reasons for this, but primarily the blame can be placed on the national tight-money condition and cutbacks in defense spending by the Federal Government.

President Nixon has reported to Congress that our economy has halted its decline and is stabilizing which certainly is rewarding news. However, what the Seattle area needs is prompt local action to reverse its unemployment statistics which are double the national rate.

Much of this help must come from Congress, and it is for this reason that I urge support of H.R. 19519, the Comprehensive Manpower Act. This bill would consolidate most of the major Federal manpower programs in operation today and provide for their coordination of the other programs which are maintained under separate statutory authority.

This is a new approach, offering a fresh avenue to a solution of our problems in this regard. Rather than prescribing at the national level, we would develop a specific, uniform combination of services which would be provided locally, principally through agreements with Governors and mayors of larger cities acting as "prime sponsors" to provide a comprehensive delivery system for manpower services.

The Governor of the State of Washington has two changes he would like to have made, and I hope we can accomplish them. But, in the overall, H.R. 19519 is an important reform and improvement of our manpower programs, and it is drastically needed in areas such as the one I serve to help remedy unemployment.

Mr. HAMMERSCHMIDT. Mr. Chairman, demonstrating my support of the public service employment title of the Comprehensive Manpower Act—H.R. 19519—I wish to commend publicly the achievements in Arkansas of green thumb and green light.

Public service employment can be channeled effectively and efficiently. Older women and men, given the opportunity, have been responsible for much beautification and improvement of communities in which they live. Through various projects, they have made real contributions. At the same time they use their own talents on such significant jobs as the development of parks and overlooks, the rebuilding of bridges and roads, and so forth. These men and women range in age from 55 to 94.

Green thumbers have renovated the boys' club centers of both Garland and Johnson Counties. In the process they have earned the respect and friendship of the youth they help. Green light workers have helped the needy to help themselves while performing much needed services within their communities.

I include the following articles in the CONGRESSIONAL RECORD so that my colleagues may know of their accomplishments:

[From Life magazine, Oct. 16, 1970]

MUSCLING OUT OF RETIREMENT

If America has a lost generation today it is surely that group we euphemistically term "senior citizens" and doom to poverty and boredom. Old farmers are especially afflicted: few have much money (they did not even come under Social Security until the 1950s), and their lifetimes of hard physical labor were habit-forming. Thus news of the success of a program aimed at helping such men comes as a happy exception to the general geriatric gloom. For retired farmers in 17 states, the answer has proved to be Green Thumb. Funded by the federal government and administered by the National Farmers Union, the project got under way in 1966 and now employs some 3,000 men. Their ages average 69—the oldest is 94—yet they put in a solid eight-hour day three days a week on useful projects that range from grass and tree planting to cleaning out lakes and building picnic tables and fireplaces. Their pay is a modest $1.60 an hour, but for most of them what counts is the opportunity to work. One man, retired for several years and feeling poorly, joined Green Thumb and has now helped build two dozen new parks. Now that he's 78 and feeling fine, he's thinking about getting married.

[From the Glenwood Herald, June 11, 1970]

GREEN LIGHT PROGRAM HELPS THE NEEDY HELP THEMSELVES AND OTHERS, TOO

(By Ray Ross)

If there were some way the needy could be helped by employment instead of outright charity, and at the same time, they could contribute to the social, economic and cultural betterment of the community, surely this means should be put into use.

The experimental Green Light program, which is employing seven women at Norman, may be just such a plan. The needy are helped, and in the process they help others who are in need, because they are paid by the hour to help others, and their pay makes them independent and self-supporting.

In Norman, at least, the federally financed program which is sponsored in this state by the Arkansas Farmer's Union, is contributing to better meals and more sanitary cafeteria facilities for the public schools.

"The school district just couldn't afford the help we needed in the school lunchroom, and the Green Light program has helped keep the school lunch plan operating," said David Scott, superintendent of Norman School District.

The seven ladies who are participating in the experiment also lauded the Green Light program.

"Before we hired these women to help, we didn't have time to clean up the tables between the time the elementary school children finished and the high school children came into the lunchroom," said Mrs. Willie Dee Carpenter, cook who is in charge of the lunch room and of the women who work there.

"Since we've had enough help to keep the tables clean, there's been a big increase in the number of high school students who are getting hot lunches."

Prior to the beginning of the Green Light program, only 75 high school students were coming to the lunchroom regularly, Mrs. Carpenter said. After the program got going, 90 high school students regularly get hot lunches. This is from an enrollment of 130 students, she said.

"Not only is the lunchroom and the kitchen kept cleaner, but because we have enough help, we can take more time to prepare the food and make it better and tastier," Mrs. Carpenter said.

Her helpers agree.

Mrs. Kathleene Hamner was the first to be employed under the Green Light program. She now is a regular cook's helper. Next were Mrs. Ruth Foshee. As evidence of the plan's success grew, so did the number of women who were employed. Third to be employed were Mrs. Florence Ogle and Mrs. Media Hamilton. Fourth were Mrs. Pearl Gaston and Mrs. Fannie Carter.

Basic requirements for employment are that the women must be at least 55 years old, they must need financial assistance, and they must be able-bodied. They have to pass rigid health examinations for instance, in order to work in the school kitchens and lunchrooms.

The ladies are paid at the rate of $1.60 an hour, and may not work more than 24 hours a week. Even so, they do not spend that much time in the school lunchroom, even when school is in regular session. They also work for others who need help.

"I split kindling for one old woman who couldn't get outside during last winter's cold weather," Mrs. Hamner said.

"I scrubbed the floor and washed dishes for one of my neighbors who was sick and couldn't afford to hire it done," said Ruth Foshee.

"I cleaned the cookstove and refrigerator for an old man who didn't know how to do these things," said Mrs. Hamilton.

The other ladies also told how they helped with cooking, sewing, cleaning and other household work when neighbors became in need of these services. They apparently can go wherever needed, and are not restricted to their own communities.

Maybe, because of their own needs, they understand the need of others.

Mrs. Gaston and Mrs. Carter are prime examples. Both were widowed within recent years.

"I was too old to get a job, and I was lonely," said Mrs. Carter. "I needed something to do, and I also need the money. This makes me get out and see people, and besides, I like children."

Mrs. Gaston put it another way.

"It helps me meet people with confidence," she says. "I was too old and too inexperienced to find any kind of regular job. I have neighbors on either side who now call me when they need me. It helps me spiritually, as well."

Mrs. Ogle and Mrs. Hamilton have different problems. Their husbands are retired and disabled.

"It helps me keep up my spirits," Mrs. Ogle said. "We are paying our way."

Mrs. Hamilton told about her recent major surgery.

"Because I was working on the Green Light, the state paid my hospital bill," she said. This saved her from financial disaster, and prevented the necessity of welfare.

Mrs. Carpenter speaks glowingly of the ladies who have been selected to work with her.

"I've never worked with a nicer group of women, and they all get along well together and do their work well.

"I guess they know we all need each other," she said.

Superintendent Scott hopes the plan will continue. He applied for the program as soon as it became available, working with Glen McCalman, field representative, and Lewis Johnson Jr., McCalman's superior.

"Norman has seven of the 42 Green Light ladies in Arkansas," Scott said.

"I don't know if the program will continue, but its counterpart for men, the Green Thumb program, appears to be permanent.

"But if the Green Light has worked as well in other parts of Arkansas as it has in Norman, then it surely should continue," he said.

"We hope it does," Mrs. Carpenter says. "We need the Green Light here."

[From the Hot Springs New Era, Aug. 27, 1970]

GREEN THUMB MEMBERS GIVING NEW FACE TO CITY'S BOYS' CLUB

The Hot Springs Boys' Club is getting a face lift this summer, and getting it much cheaper than could normally be done.

A group of retired men, able to work and tired of sitting back and trying to live on social security, are doing most of the work.

This is done through Green Thumb.

The Green Thumb organization specializes in finding projects and jobs for elderly persons.

Bob Kissire, manager of the Boys Club, says he is more than satisfied with the work of the Green Thumb members. Kissire said they had saved the Boys' Club about $3,500 on the project.

"It would normally have cost about $6,500 or more, but since the men are paid through the Green Thumb oragnization, all we had to do was furnish the materials, which has amounted to about $3,000 so far," Kissire said.

"We hope that as the public becomes aware of the work of the Green Thumb Organization here they will offer more support," Kissire said. "We hope to keep them long enough to build four ball fields that we desperately need, and also get the outside of the building painted."

Dispite wrinkles and other signs of aging, the men are able in their work. The average ages are from 65 to 83, but it doesn't show as they scamper up and down the ladders and scaffolds.

So far, the crew of seven men has built a new incinerator, painted the gym, put new ceilings in four rooms, painted all of the rooms, plastered some of the walls, decked 200 feet of storage area and cleaned the flower bed.

The men started the work on the Boys' Club about four months ago. They work three days a week.

XUM

They must pass a physical and be retired to qualify for the organization.

The men on the Boys Club project are from Hot Springs.

Mr. BROOMFIELD. Mr. Chairman, in the sixties we appropriated huge sums for countless programs in the areas of housing, welfare, pollution and job training. We were beginners then: admittedly, some of our plans were poorly devised and poorly received. These have been discarded. Others, however, floundered not because of their content, but rather, because they were badly administered or unevenly distributed. We could not know then that this would happen; we had to learn from experience.

Now, in this new decade, we know which programs we can rely upon. Our problem is to guarantee that they work properly: that they are efficiently administered and fairly distributed. This is no easy task, but I believe the Comprehensive Manpower Act is proof that it can be done.

Job training measures adopted since 1961 have met with only limited success for a number of reasons. First among these must be the categorical nature of most manpower assistance. Funds have been authorized for narrowly defined purposes with little flexibility to adjust to changing local conditions or to the individual worker's needs. Too often we have tied the hands of those who deliver manpower assistance by specifying too strictly the measures they can take.

A second and related problem is the inability of the Federal bureaucracy to meet individual State and local needs. Their approach has been increasingly heavy-handed, distributing funds as though job needs were shared by city and suburb or by the South and the North, when, in most cases, they are widely varying.

In this same vein, we must criticize the wide range of authority in the Federal administration of job training programs. So many different agencies are involved in the process that it is virtually impossible for the left hand to know what the right hand is doing. When we recognize further that so many of the programs naturally overlap, it is not difficult to understand the confusion and duplication of effort that characterizes our general approach in the area of manpower.

Finally, job training assistance has justifiably concentrated on the needs of the hard-core unemployed or the poor. It is time now that we offer help to the unemployed former worker as well. This is the man whose original skills qualified him for our labor force, but who has since been laid off by general economic trends or the incredible advances of technology.

These then are the four major problems with which we are faced. Their solution depends on the success of a series of steps proposed in the Comprehensive Manpower Act. Quickly, they call for consolidating the major programs administered by the Federal Government, providing services to meet the individual needs of our workers, decentralizing the delivery of job programs to State and local governments, and noncategorical, flexible funding for such programs so that they may be planned in the community, by the community to meet community needs.

Let us look at the bill in greater detail. Title I makes the Secretary of Labor the sole Federal agent responsible for the delivery of manpower services. The Federal bureaucracy can no longer, therefore, quibble over jurisdictions or duplicate each other's efforts. The authority is fairly and comprehensively placed in one department, not a slew of minor agencies.

But title I also provides that the Secretary must act principally through agreements with Governors and mayors of the larger cities, who, in the language of the bill, act as "prime sponsors" of job training in their areas of influence. This is, of course, designed to eliminate what I earlier described as the "heavy-handed" approach to the problem: each geographic unit, whether State or city, would receive the help it particularly needs. And the same would apply for the individual worker.

This concept is further advanced by the fact that a large number of programs with different targets are available under the title, thereby guaranteeing the Governor or mayor a complete system to select from. It is clear that decentralization alone would not have been enough. Indeed, if there were but one or two programs to choose from, there would be no need for decisions by the local community. The committee, therefore, provided that funding for manpower programs be flexible enough to be applied to any situation by the State or local official, whether it be the case of an individual worker recently unemployed or an entire city beset by an influx of hard-core underemployed. Even then the ultimate control still resides with the Secretary of Labor, who must insure that the local or State unit is meeting its commitments as promised. What title I gives us is a centralized Federal role at the top, a larger role for State and community officials in the actual administration of training assistance, and a more flexible system of assistance for them to select from. In this way, the bill would meet the widely varying situations around the country and the widely different needs of individual employees.

Title II establishes a new program to upgrade the skills of already employed workers. It too would be dispensed within the process described in title I. States and communities would receive 90 percent Federal funding to be matched by 10 percent nonfederal shares. The point of this proposal is to help workers bypassed by advances in technology to again become productive.

In title III the committee offers a public service employment plan, which would create jobs in the public sector for unemployed persons and, in this way, permit State and local governments to provide services that have too long been ignored. In periods of economic slowdown this measure will prove essential to meet the needs of jobless workers. Employment would be offered in fields such as education, recreation, public health and sanitation, and law enforcement. This would complete the truly comprehensive manpower system we have demanded for so long.

Finally, in title IV the Secretary of Labor is authorized to conduct research studies and pilot projects in the job training area. He is instructed further to develop an expanded national computerized job bank to provide systematic labor market information. This last step is, I feel, long overdue.

Mr. Chairman, in September of 1970 the unemployment rate stood at 5.5 percent with more than 4.3 million workers seeking employment unsuccessfully. It should be clear that our present manpower programs do not meet the needs of all workers in times of economic downturn. This bill will meet those needs by opening up new areas of employment in the public sector and by streamlining, consolidating, and decentralizing the all-important administration of job training programs.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 19519, the Comprehensive Manpower Act of 1970. This measure has the laudable goal of assuring the opportunity for employment to every American seeking work. It would make available the education and training needed to qualify a person for employment consistent with his highest potential and capability.

The legislation restructures present manpower programs to authorize a truly flexible and comprehensive array of manpower services. The Secretary of Labor is called upon to deliver these services through sponsors who may be States, cities of 100,000 population or more, combinations of local governments adding up to more than 100,000, or smaller governmental units with high out migration and high unemployment. In order to insure that the program operates as closely as possible to actual unemployment and underemployment problems, a local government's application for sponsorship would take precedence over that of a State.

Trainees who do participate in various programs, such as Neighborhood Youth Corps, Operation Mainstream, New Careers, MDTA, and so forth, are assured proper working conditions, workmen's compensation, and training allowances at least equal to the minimum wage.

The bill also establishes a new program to upgrade the occupational status of underemployed workers. This section would would allow both public and private employers to apply for Federal assistance for job improvement programs for their employees. In this manner, lower paid workers will receive the opportunity to prepare themselves for higher paying jobs with greater responsibility.

Under title III of the bill, a new public service employment program is created. The Secretary of Labor, under this program, could make agreements with any public agency to employ unemployed or underemployed persons in public service occupations in fields such as education, health, conservation, rural development, recreation, public safety, neighborhood improvement, maintenance of public facilities, and mass transportation. This title contains a prohibition against such agreements if they will result in displacing present employees.

Mr. Chairman, passage of the Comprehensive Manpower Act is particularly vital in view of the present economic slowdown and high unemployment. We have witnessed a substantial rise in unemployment in recent months with the October 1970 rate standing at 56 percent and representing more than 4.3 million jobless workers. The bill before us is a worthwhile attempt to meet this critical situation and I urge its approval.

Mr. TIERNAN. Mr. Chairman, I am extremely pleased to rise in support of the Comprehensive Manpower Act of 1970, H.R. 19519.

One decade ago we realized the need for a national manpower policy aimed at alleviating the plight of the disadvantaged, the hard-core unemployed, and the poor. Technological change required that the opportunity for employment be provided for every American seeking work. This purpose was carried out through education and training programs to qualify persons for employment consistent with his highest potential and capability.

But problems arose which have made it almost impossible to administer a comprehensive and effective manpower program. These problems include duplication and overcentralization, multiple funding sources, disparate administrative systems, and incompatible program standards. The necessary Federal-State-local partnership needed for an effective program is missing.

In this day of highly technical skills and underemployment, the need for an effective manpower training program is evident. And so today we consider a bill which would continue to help the hard-core unemployed or the disadvantaged, as well as those who are presently working far below their full potential and those who, although not now working, have been in and out of the labor force.

H.R. 19519 is aimed at coordinating the myriad, separately conceived, overlapping manpower programs. This legislation will decentralize the administration of these programs, provide flexible funding, consolidate the major development programs, provide an equitable distribution of resources, provide for a National Computerized Job Bank, and facilitate the use of the manpower program as an economic stabilizer. This legislation is long overdue and I urge all of my colleagues to support it.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 19519, the Comprehensive Manpower Act. This act represents a departure from the approach we have used in the past in dealing with our employment and job training programs.

PRIME SPONSORS

Under title I, a new system is created whereby State and local government agencies act as "prime sponsors" of manpower programs. Any city, county, or group of cities with a population of at least 100,000 may apply to become a "prime sponsor." All prime sponsors must appoint a manpower services council, including representation from community action agencies, the State employment service, education agencies, welfare agencies, social service programs, business, labor and veterans groups. The Federal Government will finance professional staff, planning and administrative expenses for these local manpower councils.

Under this act, the prime sponsor has the responsibility for administering the manpower programs in its area. Thus, the various programs and organizations—currently numbering over 10,000—will be consolidated under the direction of an estimated 300 to 350 prime sponsors.

OCCUPATIONAL UPGRADING

Title II instructs the Secretary of Labor to assist private and public employers in meeting the costs—up to 90 percent—of providing their employees with the education and skills needed to qualify for better jobs. Under this section, an employer can apply for Federal funds to aid him in training his employees for advancement. Thus, new employment opportunities will result at the entry level.

PUBLIC SERVICE EMPLOYMENT

Of particular interest to local governments, which may be understaffed due to a lack of funds, is title III. This section allows prime sponsors and other public agencies to apply to the Secretary of Labor for financial assistance in amounts up to 80 percent of the costs of hiring people to work in public service jobs. Opportunities may be available in such public service areas as education, health, housing, mass transportation, conservation and environmental protection and, if an agency cannot afford to hire such personnel, it may obtain Federal funds to assist them.

EXPANDED JOB OPPORTUNITIES

Mr. Chairman, several programs that have proven successful must be not only continued, but expanded. Neighborhood Youth Corps, Operation Mainstream, and Opportunities Industrialization Centers, and other organizations have provided effective services to individuals and communities and they are meeting the needs of many of our citizens. To reach the Mexican-American community, we in the West are fortunate to have such organizations as Operation SER—also known as Jobs for Progress—and the Mexican-American Opportunities Foundation.

The objectives of SER are to broaden employment opportunities; to provide programs of job placement and training; to devise techniques and methods of reaching, stimulating, and involving the communities in solutions of their problems; to provide guidance and assistance in establishing local programs of basic education, vocational education, and other related subjects; to assist the states in personnel recruitment; and to aid in the relocation of disadvantaged persons wishing to move where jobs are more plentiful.

Operation SER has been unusually successful in meeting the employment needs of the Mexican-American community and I feel that its role must be continued in order to help people who are determined to help themselves.

The Mexican-American Opportunities Foundation is also operating successfully in job-training and bilingual education programs. Their efforts have given hope to disadvantaged Mexican-Americans, and they have improved the quality of life for thousands through job-placement and training.

I am confident that these programs will continue to aid the unemployed and underemployed by improving their skills and talents so that they will find meaningful employment in the labor force.

REORDERING OF PRIORITIES

An area which I feel is extremely important, especially to those of us from California, is the plight of those who have been laid-off due to cutbacks in defense and space contracts. We must put these industries back on their feet by encouraging them and by providing incentives to redirect a portion of their resources and technology toward the commercial market.

While maintaining a defense posture second to none, we must ease the transition of men and resources to civilian-oriented activities. The tremendous resource of personnel with experience and knowledge must be channeled into fields which will improve the quality of life for all of our citizens. Housing, pollution control, and mass transportation are but a few of the fields that our scientific and technical community can enter.

I was pleased to co-author the Conversion Research and Education Act of 1970 which aims at helping the aerospace and defense industries convert a part of its resources and talent from defense-related activities to the commercial market. This bill, while establishing programs of retraining and education, also directs the Small Business Administration to assist small business firms in achieving conversion by providing technical grants, loan guarantees, and interest assistance payments.

While I feel that the Comprehensive Manpower Act, H.R. 19519, is a progressive measure, I feel that in the coming months we must enact legislation aiding the industries which have contributed so much to our national defense, and in our conquest of space, to convert a part of their talents to commercial enterprises.

Mr. HATHAWAY. Mr. Chairman, I wish to support the provisions of H.R. 19519 and call attention to the desperate need of the older person for training and employment under this bill.

Senior citizens have been constantly underrepresented in manpower programs with resulting increases in unemployment for that age group. For instance, unemployment for persons 55 to 64 rose an alarming 90 percent from January 1969 to September 1970.

Apart from meeting the economic needs of senior citizens, the senior community service project operated by the National Council on Aging, has insured the personal dignity of older persons in Maine. For instance, 19 aides were assigned to community action agencies in so-called hunger counties where they assisted in certifying approximately 38,000 people for surplus foods in areas where there had been no similar programs.

As indicated, the Maine senior community service project has demonstrated that employment and productive activity can be a major source of positive health for many older persons.

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In a period of expanded need for community services, the experience and skills of older workers can be effectively utilized as demonstrated through the successful efforts of older persons employed as aides in the Maine senior community service project.

Mr. COHELAN. Mr. Chairman, I rise in strong support of H.R. 19519, the Comprehensive Manpower Act. I am an original cosponsor of H.R. 11620, a similar manpower measure. Many of the provisions of my original bill are incorporated in the legislation that this Chamber is considering today.

This bill, the Comprehensive Manpower Act of 1970, represents a major advance over the existing approaches in manpower programs. Let me briefly summarize the provisions of this bill:

In title I there is the consolidation of manpower programs; specifically those under the Manpower Development and Training Act and title I of the Economic Opportunity Act. This streamlined approach to manpower training will be under the Secretary of Labor. The Secretary can provide these services through local prime sponsors; that is, State officials, city officials of cities having a population of 100,000 or more, and officials representing a combination of cities of 100,000, and so forth. It is to be noted that the local area applications take precedence over those of the State. This could be a distinct advantage—having the program administered at the local level with oversight at the Federal level. This increased flexibility of delivery will hopefully assure a better end product.

It is to be noted that the conditions of employment of the trainees are protected. There is a specific provision for proper working conditions, workmen's compensation, and training allowances that approach the minimum wage.

In title II of this legislation there is a specific provision for occupational upgrading. This feature of this bill is a definite addition to existing manpower programs. There is nothing more frustrating than a worker being locked into a position without possibilities for advancement. I am hopeful that this legislation will make upward mobility a reality for the many workers who have the motivation to advance but no opportunity for continued training.

Mr. Chairman, in an economy that has a 5.6-percent unemployment rate, it would be unreasonable to place all our efforts on job training for nonexistent jobs. Yet even with a high unemployment rate, many vital tasks are not being completed in areas such as education, health, environment, neighborhood improvement, and mass transportation. These areas need qualified personnel but there remains a lack of funds for such programs. Title III of this bill attempts to provide personnel for jobs in such areas that I have mentioned as well as provide training so that employees can upgrade their skills. This public service employment provision holds great potential for the future.

Since there is no universally applicable method for job training but this bill encourages new directions and innovative planning. For example, in title I there is a provision for increased local control of programs, subject to Federal review: Title IV provides for continual research and development in manpower programs and for the centralization of labor supply and demand information.

Mr. Chairman, I urge my colleagues to adopt this far-reaching legislation today.

Mr. PRICE of Illinois. Mr. Chairman, as a cosponsor of this legislation, I am very concerned with the manpower policy now in existence. The existing policy in the United States can best be described as confused. The manpower programs now in effect, although well intended, overlap and yet have left gaps. This has led to gross inefficiency, and wasted funds. Funds of those programs have been pigeonholed, thus preventing individual communities from adapting the programs to their individual needs. Finally, there has been poor coordination between State, local, and Federal administrators.

The purpose of this act is to provide a comprehensive manpower program instead of a splintered one. It will reach more than the disadvantaged. It will provide an opportunity to any and all persons for the further education and training that is needed for the employment that best suits their talents.

In order to accomplish this purpose, decentralized administration is essential. This act provides for the services to be administered on State and local levels. This will result in a program that is nationwide yet highly individualized. It will be able to respond to the particular needs of a community, yet will be centralized enough to prevent an overlapping of services in an area.

This legislation also provides for flexible funding. Again, this will permit the specialized administration that is requisite to any effective large-scale program. Every community has different resources and different demands. It follows, therefore, that each community also requires different remedies.

For the economic potential of the United States to be met, the economic potential of each individual must be met. Every person must have the opportunitty to fulfill his potential. Otherwise, the United States is a loser, too.

This bill provides the comprehensive reform that is needed now. Training opportunities will be made available to all who require them. The system of delivery of manpower services has been improved and noncategorical funding has been provided for.

It is a goal of the Government to provide an opportunity for employment for anyone seeking work. This legislation will help to meet this goal in the most expedient way.

Mr. RAILSBACK. Mr. Chairman, manpower training programs since 1961 have multiplied and proliferated rather haphazardly. No longer are they limited to providing job skills for only the "hard core" unemployed and disadvantaged. Now there are programs to help servicemen reenter civilian life, programs to keep teenagers in school, programs to rehabilitate ex-convicts, programs to retrain workers displaced by technological change and programs to help the semiskilled get better paying jobs. Still, it is clear that not all Americans seeking employment can find suitable jobs.

The manpower training bill represents a multi-pronged administrative attack upon employment and the rigidity, inefficiency, duplication and lack of coordination among the different manpower training programs. By transferring major administrative responsibility from the Federal Government to State and local authorities, funds should reach local communities more quickly and efficiently.

Title I of the bill consolidates local manpower training programs into a single comprehensive program. Program sponsorship becomes a function of State and local governments instead of the Federal Government. The effect of this provision is twofold: it creates a more effective local delivery system and makes funding criteria more flexible.

That there is a shortage of entry-level employment opportunities in private business and industry has long been recognized. By encouraging employers to retrain workers for advancement to more responsible and better paying jobs, title II will increase the number of entry-level positions available for unemployed and underemployed workers.

Additional job opportunities will be created through the Public Employment Service. PSE jobs are not "make work" jobs but jobs which will begin to fulfill unfilled public needs in health, recreation, public safety, street and park maintenance, rural development, beautification, conservation and transportation. Municipalities estimate that there are at least 140,000 jobs now in education, health, police, fire and sanitation departments which can be filled by people without technical or professional training.

Many of these essential services are not provided by municipalities and public institutions at the present time simply because they lack revenues to meet an expanded payroll. Under the Public Employment Service provision, the Federal Government will pay up to 80 percent of the costs of providing such services. Local communities pay the remainder. In order to qualify for Federal support, however, jobs must be demonstrably justifiable on their own merits, irrespective of employment statistics.

Employment in public service jobs will help the chronically unemployed acquire the work habits and occupational skills needed for subsequent work with private employers and provide temporary relief for workers laid off from other jobs.

Finally, the bill authorizes the Secretary of Labor to develop a computerized job bank for identifying and matching manpower needs and manpower resources at the local, State and Federal level. The purpose of the job bank is to expedite the referral of qualified job applicants to suitable employment opportunities. Although job bank data will be available to both public and private employers, the bank is not intended to displace private employment agencies. Its primary purpose is to get more people off the welfare rolls and onto payrolls.

In short then, the House bill will not only coordinate existing manpower training programs and correct many administrative deficiencies but also help to reduce unemployment. Therefore, I urge my colleagues to support H.R. 19519.

Mr. WHALEN. Mr. Chairman, the passage of the Comprehensive Manpower Act, H.R. 19519, will enable the community service program for senior citizens, such as the one I am familiar with in Dayton, Ohio, to continue and perhaps expand to incorporate even a wider range of services for the community. The Senior Citizens Center of the Greater Dayton Area operates the Senior AIDES Program for the National Council of Senior Citizens and the Department of Labor.

This program, begun in March 1969, employs 62 of the elderly poor in 12 different community service agencies. These senior aides are performing a broad range of tasks—from homemaker and hospital aides to teacher and infant care aides—necessary to community life. For example, they assist technical and professional personnel in caring for the too-often forgotten members of the Dayton community—the mentally retarded at the Montgomery County Board of Retardation, the underprivileged at the West Dayton Self-Help Center, the lonely at the Dayton State Hospital, and the preschool children of working mothers.

Earning approximately $2.15 an hour and working far more than the 20 hours for which they are paid, the aides have been able to help themselves as well as others.

Mr. Chairman, Dayton has demonstrated a great need for the services currently being extended to the community by the senior aides. Scores of other communities similar to Dayton have requested senior aides help. The needs will be partially filled by the provisions of this legislation.

Mr. ZABLOCKI. Mr. Chairman, I urge the continuance and expansion of the community service employment programs for senior citizens in H.R. 19519, the Comprehensive Manpower Act. These employment programs for low-income elderly are an integral part of our communities. For example, in my home district of Milwaukee, Wis., Project Involve is the agency that sponsors the National Council of Senior Citizens senior aides program.

Employed by the program are 60 senior aides in outreach efforts which seek out elderly poor in desperate need of help and guidance. Project Involve is part of the inner city development project of the Community Relations-Social Development Commission in Milwaukee County. As a result of having the senior aides project in Milwaukee, other community programs have been greatly enhanced—such as the recently OEO-funded senior opportunity services project.

Part of the senior aides outreach work involves calling on those in need of assistance in areas ranging from welfare, medical care, food stamps or emergency food to basic homemaker assistance, and legal assistance. Frequently, these aides simply help to ease the loneliness of those who live alone. Occasionally the welfare department utilize the senior aides in making visits in cases determining need and assistance.

Senior aides reach out with ready hands of help in many directions. In 1 month's time, for instance, senior aides contacted over 1,220 elderly citizens with followup services to more than 1,050 elderly poor. These senior aides, with a variety of educational and employment backgrounds, have each developed distinctive service skills or benefit to the elderly. The fact that they themselves are older is an important quality in the aides, as they have more rapport with the elderly poor in the understanding of their problems.

It is vitally important to the elderly poor of Milwaukee that the senior aides project, and the operational scope of Project Involve, be continued and expanded. This program's contribution has had a dramatic impact on the important work of identifying and responding to the needs of the elderly community. We cannot forget these people who have been the backbone of our society for so many years and who deserve to live their lives with meaning and dignity.

Mrs. DWYER. Mr. Chairman, presently over 20 different manpower programs exist which are in desperate need of coordination and reorganization. In recent years, this need has become even more apparent, and we have become increasingly aware of the definite need to achieve a comprehensive manpower policy. I am convinced the legislation we have before us today—the Comprehensive Manpower Act—will serve our purpose.

This bipartisan compromise was reported from the House Education and Labor Committee only last month. Very briefly, it will provide employment opportunities to every American seeking work and the education and training necessary for the attainment of that individual's highest potential.

In view of the fact that the seasonally adjusted unemployment rate for October was 5.6 percent, for September 5.5 percent, for August 5.1 percent, and for July 5 percent, the Congress must move swiftly to curb this spiraling condition. I am, therefore, pleased the full House membership has the opportunity to review the bill H.R. 19519, and I take this time to urge the support of my colleagues.

As we are all aware, far too often the State and local bodies are unable to bring their expertise to a problem which the Federal Government deems necessary to eliminate. However, the Comprehensive Manpower Act capitalizes upon the resources of these bodies. The bill is flexible, noncategorical and, unlike many of our Federal programs, decentralizes the administration of this program. In this way, the manpower program will better meet and solve the problems of the communities by enlisting their help. At the same time, it reserves in the Office of the Secretary of Labor the responsibility for assuring that these sponsors maintain a commitment to further the bill's purposes.

The legislation also makes significant gains in improving our present manpower programs by consolidating many of them into a comprehensive services system. It also implements this program as an economic stabilizer.

Finally, the Comprehensive Manpower Act provides for a national computerized job bank—a proposal I have long advocated.

However, there is one section to which I should now like to draw attention. Section 104, subsection (a), states that in order to be eligible for comprehensive services programs, an area must maintain a population of 100,000 or more or, in conjunction with other areas, establish such a population. I am certainly hopeful that this measure will receive broad interpretation by the Department of Labor.

For example, Plainfield, N.J., population 55,000, would not be eligible for assistance despite the fact it is a recognized labor market unless it is permitted to join with surrounding communities. Therefore, it is my sincere hope that with passage of the Comprehensive Manpower Act goes a broad interpretation of this particular section. Without it, such cities as Plainfield would certainly be slighted.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman from Arizona (Mr. Udall) for yielding, thereby permitting me to associate myself with the remarks made by him, Mr. Rhodes, and Mr. Steiger regarding the very successful SER manpower training program that has helped so many Mexican-American and Spanish-speaking people acquire jobs and subsequently enhance their ability to improve their standard of living.

I believe this legislative history made in the colloquy between Mr. Udall and Mr. O'Hara, the principal author of the bill, is important in order to establish the intent of the House regarding the ability of programs, like SER, to continue unmolested and undisturbed. This assurance strengthens the legislation, in my judgment.

In order to clarify and convey the success story of the SER program, I want to read into the Record a recent U.S. Department of Labor news release describing Operation SER because it clearly illustrates what can be done with the right kind of program direction. Spanish-speaking and surnamed people are a wonderful and very proud people that I have enjoyed working with. The underlying philosophy of SER is sound and has great potential.

Having said this, I now would like to read into the Record the following contents of the Labor Department news release:

Thirteen Thousand Mexican-Americans Win Jobs Through Operation SER

A three-year struggle to form a Mexican American self-help organization that so far has reached, counseled, trained, registered and placed nearly 13,000 workers is told in the 1970 report of Operation SER.

The report, announced today by Assistant Secretary of Labor Malcolm R. Lovell, Jr., outlines the history, problems and accomplishments of the Labor Department-funded program.

SER (Service, Employment and Redevelopment) originally was called Jobs for Progress, Inc., but soon was refered to by the acronym SER, which in Spanish means "to be." SER was formed in 1966 by the League of United Latin American Citizens (LULAC) and the American GI Forum.

SER is run by Hispanos and focuses on urban areas of five southwestern States—Arizona, California, Colorado, New Mexico and Texas—where the Spanish-surnamed population is more than five million.

Cultural differences, language barriers, economic discrimination and problems evolving from a change from rural to urban society can be dealt with more effectively by utilizing the internal leadership structure of the Mexican American communities. This is the premise of the intensified manpower organization.

SER works with community groups to get disadvantaged, jobless, or under-employed Mexican Americans into the mainstream through economic betterment. SER supplements the role of regional social services, manpower agencies and institutions in the field of jobs.

The manpower program reported it placed the 12,781 people in five States divided thus: Arizona, 2,223; California, 2,089; Colorado, 1,410; New Mexico, 1,877, and Texas, 4,312. An additional 870 placements were not documented by State.

A study of 7,970 persons that SER placed in jobs during the three years showed that about half of them were placed in jobs that paid at least what they had been making before they were unemployed. The other half found jobs that paid substantially more than before. The survey showed also that the "stepup" occurred mainly for persons in the $3,000 range—the area on the border of poverty and non-poverty.

According to the report filed by Operation SER, the program has demonstrated that Federal funds invested in such a project can produce a high immediate return in new jobs for the unemployed and in the development of new skills for the underemployed.

Some other points made in the report:

Many areas of the Southwest have traditionally hired Mexican Americans only for the most unskilled categories of work. Consequently, prevailing wages have been very low.

Further use of the SER Skills Bank network is expected to help increase both the rate of placements and the efficiency of local training projects. (No SER project had dropouts from skills training that exceeded 20 percent, and it often ran as little as five percent.)

In the three years of the program, there has been a notable improvement in the quality of referrals, counseling, and prevocational training.

The program has countered stereotypes and proved to some large private companies that Mexican Americans are as "teachable" as any other group.

One of the problems of the past has been the small number of entry-level jobs the Mexican American has had to compete for.

It was important to demonstrate to the Mexican American community that it could work with the Federal Government to help itself.

Local community participation and involvement in the development of the SER effort is built into the structure of SER boards of directors to allow for "maximum feasible participation."

It was found that materials on Mexican American manpower were literally nonexistent. A registration form for the Skills Bank was developed in cooperation with the Regional Skills Bank to provide data on registrants.

Problems that SER staff had to overcome included establishing credibility and competence, avoiding interference with established, effective channels, and convincing local communities that the SER effort was neither "tokenism" nor political.

Unfavorable attitudes that extend to the hard-core unemployed were compounded and complicated by the cultural and language differences that make communication difficult.

One way to overcome some of the difficulties was an intensive counseling of the trainee for both objective and personality difficulties and a strong conscious effort to instill individual, community and ethnic pride.

There was a heavy emphasis on short-term goals and a conscientious effort to see that the individuals kept working toward these goals.

SER counselors and administrative personnel use self-identification as Mexican-Americans to very great advantage. In addition, they can "push" trainees and registrants in a manner that is quite beyond the ability of Anglo-American personnel.

When trainee characteristics were studied in September 1968, it was found that of the 1,029 trainees then in SER classes (skills training and various types of prejob training) 85.1 percent were heads of households. Eleven percent were welfare recipients at the time they entered the training.

In ethnic composition 90 percent were Mexican American, 4.19 percent were Negro, and 4.0 percent Anglo. Of this group, 96 percent had less than a high school education. The average grade attainment was the sixth.

In a substantial manner, SER "has demonstrated that a wide base of support through the involvement of Mexican American civic organizations is possible at very small cost in administrative friction."

Operation SER has demonstrated that the existing base of public agencies is well served by a Federal program that utilizes their services and yet provides an extra measure of Mexican American sensitivity. These agencies gain more effective outreach and confidence from the community.

The study pointed out that there are still many problems to be solved. Some cities with massive Mexican American populations are still not being reached by local projects. Their problems are compounded by not having skills and very often little ability to communicate in English.

The Regional Office of Operation SER is located in Santa Monica, Calif. Nicandro F. Juarez is executive director. Alfonso G. Sanchez of Santa Fe, New Mexico, is chairman of the National Board of Directors.

Mr. RHODES. Mr. Chairman, Operation SER is a Mexican-American self-help organization which actively counsels, trains, registers, and places workers in various types of jobs in five Southwestern States, including my home State of Arizona.

SER was not mentioned in the House version of the Comprehensive Manpower Act. The need, however, for this type of program is well established and could and should be included in the bill which we are considering today.

I am sure that the Congress means SER to be funded. I trust it will be.

Mr. HANNA. Mr. Chairman, I take this opportunity to commend to you and my colleagues in this House the worthy activities of an organization known as SER—services, employment, and redevelopment. This organization, as my good friend and colleague from Arizona has noted, is composed of an energetic and committed group of Mexican-Americans who are diligently endeavoring to better their position and those of their brothers in this great country.

I am pleased to represent a county which is benefiting from SER. The plight of my Mexican-American constituents has been significantly improved in the years this group has been in operation.

I am relieved to hear the author of the legislation before us today, the Comprehensive Manpower Act, state that it is the intent of this measure to cover SER. I hold hopes, however, that the conference committee will specifically include in the final bill the needed funding and commitment to the SER program.

Mr. SIKES. Mr. Chairman, we in Florida have, for a long time, been concerned with stronger employment and training programs and we have felt that much of this could best be accomplished at the State levels. I am confident that this objective is shared by a great many others. We feel that the greatest efficiency and economy in the expenditure of Federal tax dollars in these areas is through the active cooperation and participation of the State agencies which deal with these subjects. The employment security agency in the State of Florida has been the prime partner with the Department of Labor in providing such services.

We have noted, however, a current trend away from the dependence on State agencies and a corresponding expansion of the activity of the Federal agencies in these fields in Florida and elsewhere. This is disappointing. We had hoped that new legislation, instead of emphasizing this trend, would revise the Federal administrative framework to provide necessary funds to support manpower programs through responsible roles within the State agencies. We think this legislation should insure a healthy level of intergovernmental cooperation between State and local officials. We want emphasis on maximum utilization of the agencies which can make best use of the experience and knowledge available in whatever field.

We do not think that H.R. 19519 would move in the right direction. We think it would aggravate the problems which already have been noted. Rather than establishing a public service employment program geared to move people off of unemployment and welfare rolls and into a competitive labor market, it proposes a self-perpetuating bureaucracy of its own by guaranteeing a public service employee either the entry wage or the prevailing wage, whichever is higher, for his particular occupation. Certainly this affords little inducement to seek a similar job in a competitive field without the security of a guarantee. As well, this public service program would guarantee the employee unemployment compensation benefits and workmen's compensation benefits. Therefore, in many cases, he is better off in his newly created Federal job than he could be in the competitive market and certainly he enjoys a greater sense of security under this plan.

This bill does little to establish responsibility on the part of the States, or their chief executives, to plan, develop, and administer a comprehensive manpower program consistent with the principles and objectives outlined in the act. It does little to improve intergovernmental relationships between State and local officials or to make economy out of existing resources and personnel in the State employment security agencies. Instead, this legislation advances the proposition of overweighting the Secretary of Labor with authority to circumvent the Governor and the employment security agency, going direct to local governing officials to negotiate a contract for the funding of a local manpower plan. In fact, the only requirement imposed on a local governing official suggesting that his plan be coordinated at all is that which states that the plan must be approved by the local community action agency. As you may know, community action program agencies act as independent contractors with the national office and have no obligation to reconcile or coordinate their activities with State agency officials.

The Department of Labor advises that this bill will increase the role of the employment security agency and that it makes more money available for manpower services. While this is true, it is also more important to note that there is no expectation that the employment security agency's authority for executing its responsibilities will increase, rather that they will be diminished and agency resources more greatly used by local prime sponsors without regard to existing program priorities to be administered by the State. It is also not unreasonable to anticipate that any extra funds appropriated will be more than absorbed in the substantial increase in administrative expenses which would be generated by the number of prime sponsors eligible to operate under this program.

I consider it unfortunate that this legislation has come to the floor at this late hour in the congressional session. I feel that it should be recommitted and that a more workmanlike job be done in the next Congress when there will be ample opportunity for full and proper consideration of the measure and its objectives.

Mr. ALBERT. Mr. Chairman, in Poteau, Okla., there are few Federal programs that excite people. The alphabet of Washington is not understood. But they do know about a program of the Department of Labor called Green Thumb. It is something that everyone understands because it reaches to the heart of the problems of the community. The same is true in Stigler and many other towns in eastern Oklahoma. There are men who have worked hard all their lives and now at age 60 or 70 find themselves without a job and without enough to live on. Green Thumb provides them an alternative to poverty or welfare—a job. It provides jobs in public service. They do not earn a lot, only $1,600 a year, but it is $1,600 they have earned and not taken from welfare. These men build parks and carry out conservation projects. They renovate community and historical sites. With their hands and skills they make eastern Oklahoma a better place to live. They get training and help in getting jobs outside the program. Some of them make it in full-time employment in local industry. Others, while not yet getting jobs in other employment, are making it with dignity and by the sweat of their brow.

Everyone is proud of Green Thumb in eastern Oklahoma. There is something stirring in seeing proud men building a new park, planting trees, or developing a nature trail. Eastern Oklahoma has seen Green Thumb, and has accepted it as the pilot demonstration for the public service employment program.

I suggest this kind of public service employment and the bill before the House today. In order that all Members may know of the benefits of the Green Thumb program to southeastern Oklahoma, I include at this point in the Record an article from the McAlester Democrat or the Green Thumb program in McCurtain, Okla.:

McCurtain Sports A New City Park

Not many towns the size of McCurtain, Oklahoma (population 528) can sport a new city-owned park and outdoor-recreation center.

"We would have never been able to build the new park, either," said the energetic mayor of McCurtain, Mrs. Nellie May, "if it hadn't been for the labor provided through the Green Thumb program."

McCurtain's new park is located on a 60-acre tract west of the Haskell County town on Highway 31. It is built around a strip-mining pit lake which was once a safety hazard and an eyesore to the community. The lake now serves as the center of activity for the recreation area.

The Green Thumb program is not an organization of civic-minded gardeners as the name might imply, but a labor and job training program operated by Green Thumb, Inc., a wholly owned subsidiary of the National Farmers Union.

State director of Green Thumb, Inc., is Chester Stone of Oklahoma City.

"We get a lot of blank stares when we mention the Green Thumb program," Stone said, "but this is to be expected with a program as new as ours." The program was initiated nationwide in 1964 and work was activated in Oklahoma in March of 1968.

Funds for installing Green Thumb projects like the one located at McCurtain come from contracts negotiated annually with the U.S. Department of Labor.

Mrs. May said that area residents headed up by the local Extension Home Demonstration Club had contributed some $700 toward purchasing materials used in the project. She also cited County Commissioner Roland Smith for doing land smoothing and earthmoving on the park.

"We're working with the power company now to have the park lighted for use in the evenings," the lady mayor said.

The Haskell County Soil and Water Conservation District donated 500 pine seedlings to the project that were planted on the strip-pit spoil banks.

Herbert Banks, district conservationist with the Soil Conservation Service at Stigler, worked with Mrs. May in preparing a conservation plan for development of the McCurtain park. A soil survey and aerial photos of the area were used by Banks in planning what work would take place.

"In passing the area prior to the time that park improvement work began, I don't believe I ever saw a person in the area. Now it is in constant use by local children, adults and tourists," Banks said.

"An undeveloped strip pit and an overgrowth of brush and weeds; that's about all that was here when work first started," he recalled.

The brush and weeds are gone and in their place are well-trimmed shade trees, picnic tables, barbeque grills, and a swimming area.

Roland Ragland, field supervisor of Green Thumb, Inc., works with Stone on recruiting employees, "green thumbers," for the program.

"To qualify for the program," Ragland stated, "a man must be 55 years of age or older and have an income of no more than $2000 per year. The national average age of participants is 69 years," he said.

It may be hard to believe that men past normal retirement age can do a topnotch job, but the quality of masonry and carpentry work done at the McCurtain project speaks for itself.

Jake Walters, 70, Raymond Shaw, 67, and Elmer McKinney, 67, are representative of the 14 men working on the McCurtain Green Thumb project. Each, by modern-day standards, is a likely candidate for leisurely retirement, but they find staying active and productive more to their liking.

"It's not often men our age get a chance to work at a full-time job," McKinney said.

"There's nothing as boring as sitting around the house looking for things to do to pass the time away. This opportunity to get outdoors and work regularly has sure meant a lot to me," he added.

Shaw and Walters echoed McKinney's feelings and stated they were looking forward to working as long as their health permitted.

Stone commented that he never ceased to be amazed by the work his men could do and by new skills they could learn. "These picnic tables we are building here were designed by one of our employees down in Latimer County. He didn't like the design we were using earlier so he set about to design a better one," the director noted proudly.

The work being done at McCurtain is the second Green Thumb project in Haskell County. A park renovation project was completed at Stigler in December of last year.

Mr. O'HARA. Mr. Chairman, during the debate on H.R. 19519 today, some Members have expressed the view that community action agencies would move in and take over manpower programs generally. As has been, I hope, adequately explained, the city as a prime sponsor has a priority claim over the CAA or any other applicant for prime sponsorship. Only if the mayors of these cities fail to exercise their option, will the CAA's even be authorized to submit applications.

As evidencc of the commitment the mayors of our great cities have to exercise their title 111 duties, I include in the Record telegrams from the mayors of Philadelphia, San Francisco, Boston, and a great many other major cities, which I have received today supporting H.R. 15919, as well as a letter from the U.S. Conference of Mayors and the National League of Cities:

Jacksonville, Fla.,
November 16, 1970.

Hon. James O'Hara,
House of Representatives,
Rayburn Building,
Washington, D.C.:

The comprehensive manpower act H.R. 19519 is needed to provide local planning and control of Federal manpower programs as Mayor of Jacksonville, Florida, I strongly support the concept and goals of H.R. 19519.

Hans G. Tanzler.

Washington, D.C.
November 16, 1970.

Congressman James G. O'Hara,
Rayburn House Office Building,
Washington, D.C.:

Confirming my phone call Re H.R. 19519. Please be assured that assigning major responsibility for planning and resource allocation to the mayor's office would be a long and much needed step in the sensible administration of manpower programs and the monitoring of local agency activities.

Kevin H. White, *Mayor of Boston.*

Chattanooga, Tenn.,
November 16, 1970.

Representative John O'Hara,
Rayburn House Office Building,
Washington, D.C.:

We have wired Representatives William E. Brock and Howard Baker asking their support of the O'Hara Comprehensive Manpower Bill and their opposition to crippling amendment to the Public Service of Employment Section.

A. L. Bender,
Mayor.

Baltimore, Md.,
November 16, 1970.

Hon. James O'Hara,
House Office Building,
Washington, D.C.:

I strongly urge your support of the O'Hara Comprehensive Manpower Act Bill H.R. 19519 when it comes before the House tomorrow. To be specific, I am in strong support of the provision in the bill which provides for job creation in the form of a public service employment program as well as the opportunity for mayors to plan and operate manpower programs at the local level.

Thomas J. D'Alesandro III,
Mayor.

Utica, N.Y.,
November 16, 1970.

Congressman James O'Hara,
Rayburn Building,
Washington, D.C.:

Strongly support Comprehensive Manpower Act H.R. 19519. Strong need exists for mayors to plan and operate manpower programs at local levels.

Dominick N. Assaro,
Mayor, City of Utica.

New Haven, Conn.,
November 17, 1970.

Congressman James O'Hara,
House Office Building,
Washington, D.C.:

As members of executive committee of Connecticut conference of mayors, and as mayors of individual cities, we urge you vote for comprehensive manpower act H.R. 19519 without amendment unemployment in Connecticut has doubled since last year mayors want and need power to plan and operate manpower programs at local level. Direct funds to cities for new public service jobs will provide needed employment not just training. However must have adequate funding on a long term basis to avoid false promises.

Executive Committee, Conn. Conference of Mayors: Mayor Hugh C. Curran, Bridgeport, President; First Selectman Clarence F. Heimann, Trumbull; Mayor Donald T. Dorsey, Meriden; First Selectman Johne Sullivan, Fairfield; Mayor Antonina Uccello, Hartford; Mayor Gino Arconti, Danbury; Mayor Bartholomew Guida, New Haven; Mayor Frank Zullo, Norwalk; Mayor Paul Manafort, New Britain.

Providence, R.I.
November 17, 1970.

Congressman James G. O'Hara,
Rayburn Building,
Washington, D.C.:

Re H.R. 19519, Comprehensive Manpower Act, we strongly urge support of the above bill enabling mayors to plan and execute programs.

Joseph A. Doorley, Jr.,
Mayor of Providence.

New Haven, Conn.,
November 17, 1970.

Representative James O'Hara,
Rayburn House Office Building, Washington, D.C.:

I strongly urge you to support the comprehensive Manpower Act as proposed in H.R. 19519.

This bill warrants the support of those who recognize that public service positions are keenly needed both to provide essential services as well as serve as a tool to combat rising unemployment.

In addition, this bill logically and appropriately places the responsibility for the administration of the program in the mayor's office where its efficient and effective operation can best be assured.

Bartholomew Guida,
Mayor.

San Francisco, Calif.,
November 17, 1970.

Congressman James O'Hara,
Rayburn House Building, Washington, D.C.:

Urge passage today of Comprehensive Manpower Act HR 19519 without amendments. Consider passage vital to development of local plan of action for efficient delivery of manpower services. An adequately funded public service employment provision is critical to increase job opportunities in San Francisco.

Joseph I. Alioto,
Mayor.

Philadelphia, Pa.,
November 17, 1970.

Hon. James O'Hara,
Rayburn Building, Washington, D.C.:

It is most urgent that the Comprehensive Manpower Act receive support in the form in which it will be presented to the Congress on Tuesday, November 17. As Mayor of Philadelphia and president of the U.S. Conference of Mayors, I join with my fellow mayors in supporting the key provisions of the bill which assure that mayors will have control over the disbursement of manpower funds in their cities. Also, I support the creation of a public service employment program.

James H. J. Tate,
Mayor.

National League of Cities,
U.S. Conference of Mayors,
November 17, 1970.

Hon. James G. O'Hara,
U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

Dear Congressman O'Hara: The mayors throughout the nation strongly endorse and urge the immediate passage of H.R. 19519, "The Comprehensive Manpower Act." This bill warrants their full support because of two basic concepts: first, this legislation would for the first time give local elected officials the opportunity to place and operate manpower programs; second, this legislation if enacted would result in a public service employment program launched from the Federal level to local governments thereby providing jobs that are sorely needed at a time when unemployment continues to rise.

For a number of years the U.S. Conference of Mayors and National League of Cities have supported manpower development and training programs which enable citizens to be trained and placed in meaningful jobs. We have repeatedly urged that Mayors be allowed to assume leading roles in the coordination of manpower programs at the local level.

In 1967, the Senate considered the Emergency Employment Act of 1967 which would have provide Federally funded jobs at the local level. This measure unfortunately failed by only a few votes. Both the National League of Cities and the U.S. Conference of Mayors were in the forefront pushing for this legislation.

Later, in 1968 at both of the Annual Conventions of the League and the Conference, resolutions and policy were adopted urging the Congress to pass legislation giving the mayors the opportunity to plan and operate local manpower programs. In addition, both organizations urged immediate adoption of a massive public service employment program. At every Annual Convention of our organizations since 1968, manpower—training and jobs for the unemployed and underemployed—has been a major topic of discussion.

Resolutions and policy are mere words unless supported by action. For the past 18 months we have taken the course of action through manpower seminars which have been held throughout the country and which have involved city officials of over 100 cities. The seminars were most productive in that they demonstrated the willingness on the part of local officials to become directly involved in seeking solutions to the problem of providing training and providing jobs at the local level. And through these discussions the need for the mayor to be the major coordinating force and the need for a massive public service employment program was quite clear. Fortunately, as mentioned above, the manpower legislation before you contains these concepts.

It was after these seminars, this display of interest in manpower programs on the part of the local officials, that the U.S. Department of Labor offered grants to approximately 135 of our larger cities to provide mayors with manpower planning personnel. As of the first of November, 87 cities had secured final approval of their grant applications; others were awaiting funding. This personnel will indeed help local officials in preserving and developing our human resources.

There are those concerned about the conflict at the local level as to who will operate these programs if the legislation before you is enacted. A few years ago there was evidence that in some cities the community action agency and city hall were at odds. But, on the whole, that is no longer true today. A recent report released by the National Association of Community Development shows that the mayors are increasingly taking the lead in coordinating the various manpower programs and that community action agencies, which have a coordinating role are beginning to look with favor on the trend. Quoting from the report:

> The Mayors of America's cities are in a very pivotal position with regard to manpower . . . In most cases, the Mayors are seen by the community action agencies not as a threatening force, but potentially as a helpful force in the coordinating of manpower programs. The basis of an alliance exists between the community action agency and the Mayors in seeking greater local determination and control.

Hopefully the facts outlined above will clear some of the questions relative to the mayors' desire to take a lead role in local manpower programs and as to how the mayors' role in coordinating these vital programs is perceived at the local level.

We again urge on behalf of the nation's mayors immediate passage of H.R. 19519, "The Comprehensive Manpower Act". Much of our legislative effort was spent earlier this year in pushing the bill through the Senate. We were most pleased by the large vote on manpower legislation, similar to the House bill, by that body. We urge you to use your influence to secure immediate action in the House so that a bill can be approved and forwarded to the President before this session ends.

In conclusion, we would like to point out that the mayors are attempting to cope with the unemployment now facing the nation with limited authority and limited resources. This legislation, if enacted and implemented immediately, would go a long way in assisting them in meeting the basic need—a decent job with a decent wage—for many of our citizens. With continuing rise of unemployment that basic need cannot be met without the help of the Federal government.

Sincerely,

PATRICK HEALY,
Executive Vice President,
National League of Cities.
JOHN J. GUNTHER,
Executive Director,
U.S. Conference of Mayors.

Mr. CONYERS. Mr. Chairman, the deplorable rise in the rates of unemployment and underemployment are painfully felt by millions of Americans in both urban and rural environments. There exist today pockets of poverty across the Nation where people are compelled to endure inadequate education, inferior housing, and persistent joblessness.

The U.S. Department of Labor tells us that while the current rate of unemployment has risen above the 5 percent mark, in the low-income areas of the Nation's largest eight cities, that figure varies from 8 percent to 13.5 percent. We are told further that if one adds to the regularly listed unemployed the jobless who have dropped out of the labor market and the millions more who are in low-paying or part-time jobs, then the so-called subemployment rate for poverty areas of these eight urban centers ranges from over 25 percent to over 45 percent.

Information of this nature arouses in me not only a sense of tragedy, but an even firmer resolve. For I have always considered the economic security of each individual to be a vital prerequisite for a free and democratic society.

After the eruptions of 1967 in Detroit, I set about with the help of a good many people operating within both the Government and the private sector to fashion an omnibus bill that attempted to deal aggressively and thoroughly with the urgent dilemma of unemployment and underemployment in America. Implicit in the title of the bill, "The Full Opportunity Act," is the condition that this legislation sought to make a reality for the entire Nation. Among its various titles, we concerned ourselves with full-employment opportunity, a comprehensive minimum wage, equal employment opportunity enforcement, the concept of family allowances, adequate housing, fair housing, improved public education, and equal opportunity to postsecondary education.

I do not claim that our omnibus bill posed an immediate solution to America's unemployment crisis, but in its treatment of the subject, it took into account the interrelationships between the many individual aspects of the problem. I am convinced that any effective piece of legislation affecting the labor situation must take into account the full range of factors that ultimately influence the job market.

The bill before us, the Comprehensive Manpower Act, deals with this broad spectrum more completely than any other employment legislation of recent years. I commend Mr. O'HARA, my colleague from Michigan, Mr. DANIELS of New Jersey and the other members of the committee for the considerable attention they have brought to this bill. I feel that their efforts have resulted in a program that will fully utilize human resources to meet community needs. Even more, they have submitted a vehicle that can do much to restore freedom and democracy to the lives of millions.

Mr. RARICK. Mr. Chairman, the Comprehensive Manpower Act declares among its objectives "to promote maximum employment, production, and purchasing power—an opportunity for a gainful, productive job to every American who is seeking work." Certainly this is persuasive and is a laudable undertaking.

Yet, it is quite apparent that the reaction and fervor indicated in support of this bill is generated in an artificially created atmosphere as if to solve the ever-increasing unemployment rolls.

As if under standard operating political procedure, few seem interested in attacking the cause or the root of the problem of escalating unemployment, but rather seem satisfied to shadow-box effects and interpretations to fool the public with more rhetoric and cliches such as "guaranteed jobs for all."

It is simple logic that the U.S. workers and taxpayers cannot divide their wealth, jobs, and industrial development with all of the retrogressive nations of the world and still maintain our acceptable economic status.

Surely, no one has forgotten the many foreign aid pipelines of U.S. tax dollars, and international banking contributions to upgrade our many foreign friends with new industry and jobs for their people. Can anyone have forgotten the 400-page report from the World Bank, delivered to President Nixon as the blueprint for his task force on international development—see my remarks, CONGRESSIONAL RECORD, October 6, 1969, page H9129—nor the passage in September of this year of H.R. 18306, authorizing the giving away of over a billion dollars in taxpayers' money to the International Monetary Fund, World Bank, Asian Development Bank, and the Inter-American Development Bank for the announced purpose of creating jobs and industrial development outside the United States.

Already, the birds are flying back to roost as we find our high standard of living being plagiarized by foreign goods and materials against which our labor and producers cannot compete in any marketplace. This is but the beginning, as our people follow the melodious tune of the Socialist piper calling for equal division of wealth, goods, and jobs around the world. So this bill now purports to attack the growing unemployment problem by diverting the people's attention away from the cause, promising as a solution the training of people for jobs that do not exist or for lack of a better description, training people for jobs which are created by political expediency for the sole purpose of improving statistics.

The provisions of this bill present the ultimate in "featherbedding" as the American people are now being asked to pay to make our mistakes less noticeable and less painful under the international "share the wealth program." This bill not only represents the height of Socialist control over every unit of labor in our country under a labor czar but is a coverup for the political planning of those who have committed us to a role of destruction of our system of government as well as a program of retardation of our leadership in the economic world.

I just wish that the hard-working productive American people could be present during these debates and could listen to the upside down rationalizations and political justifications for putting the American people under the controls of this legislation.

I must cast my people's vote against such legislation that would be detrimental to their welfare and security. My people are seeking honest solutions to the unemployment problem, not more Federal regulations and socialism.

Mr. VANIK. Mr. Chairman, I support the Comprehensive Manpower Act, H.R. 19519, which is before the House today.

A great deal of study and consideration has been given to this bill and it is a great improvement over the original bill recommended by the administration. But it is time we acted. During the sessions of the 91st Congress, an additional 2 million Americans have become unemployed. In the Greater Cleveland community which I represent, unemployment reported under present procedures has risen from 2.3 percent in January 1969 to 3.8 percent in September. In my opinion, these figures are low by almost 2 percentage points.

The Congress has supported fiscal and monetary policies which would have prevented much of this unemployment while halting inflation. The administration has refused to use these economic tools.

It is clear now that while we continue to try to get the economy moving again, we must develop a better and more streamlined manpower program. I believe that the bill before us does that.

First, the bill ends the terrible proliferation of separate categorical programs which duplicate each other in attempting to deliver manpower services. Under the present system, there is a great deal of waste and confusion which should be eliminated. For example, the Welfare Federation of Cleveland, Ohio, has, for 3 years now, conducted an inventory of Cleveland's special federally funded manpower programs. The federation is, to my knowledge, the only citizen-based organization in the country that has made an attempt to evaluate the federally funded manpower programs at work in the Cleveland community.

The federation's latest report dealt with 14 separately funded programs and did not even consider several others. The report's conclusion is that while the programs have helped many people, "the unemployment rate of their target population—Cleveland's inner city disadvantaged—has not been significantly affected." This is a particularly sad commentary when one realizes that Cleve-

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land's inner city unemployment rate is one-third again as high as the average for six major city slum areas. Clearly, more has to be done and done more effectively.

The new bill provides for a "prime sponsor" in major metropolitan areas who, in cooperation with those civic groups now conducting manpower training programs, will apply for one large program grant. The new program will allow flexibility and unity in getting manpower services to those who need them the most. With unity of purpose and increased funding in manpower programs, it is my hope that more of the hard-core unemployed can be reached.

Other titles of this bill provide for a new program for upgrading the skills of employed workers who at the present time seem struck in low-wage or dead end jobs. Other titles provide for the continuation of the Job Corps program, as well as the development of a national computerized job bank.

At a time when the administration's economic policies have created so many more unemployed, it is particularly important that we move into the area of job creation. With tremendous shortages in hospital orderlies and support personnel and other personnel in the public sector, this bill will provide assistance that will provide the double benefit of employment and public service.

I would like to add, Mr. Chairman, that while this bill will be of great assistance to the many hard-core unemployed, it does not solve the problem of unemployment facing many of our most highly trained and educated workers. With the leveling off of defense spending, draftsmen, physicists with Ph. D.'s, and other extremely well-qualified—and well-paid—personnel are walking the streets in search of jobs.

To let the talent represented by this unemployment go to waste is a disastrous loss to the Nation—especially when there are so many problems facing the Nation which these men could help to solve.

Research, design, development, and construction in the area of air and water pollution control, new forms of clean energy, better transportation, the eradication of disease, and the utilization of ocean resources are frontiers which require the commitment of national resources—and the employment of these unemployed technicians and scientists.

I have cosponsored legislation which would provide an emphasis for research in these areas so as to utilize the talents of this new class of unemployed. I hope, Mr. Chairman, that legislation meeting this new problem can soon be considered and passed.

Mr. DULSKI. Mr. Chairman, the manpower bill, H.R. 19519, is the logical extension of a program that has been in pilot project operation for the past 2 years with resounding success in several communities, including my own.

The Community Welfare Council of Buffalo and Erie County administers the senior aides program in behalf of the National Council of Senior Citizens.

Sixty-two 55-year-old and older individuals have been engaged in community service employment on a paid part-time basis and as a result, many high-quality services are now available in Buffalo and Erie County for our elderly population.

Data collected by the community aides identified individuals who were physically and mentally handicapped, lonely, living in poor sanitary conditions and living in abject poverty. As a result of the community aides' report, needed services were identified and friendly visiting services and homemaker home-health aides were implemented.

FRIENDLY VISITING SERVICE

Friendly visiting service is one of the high-priority needs of the elderly in Erie County. Numerous senior citizens centers, lounges, agencies, and organizations are being used as a base for the information and referral aides. In this way they are able to cover large sections of the community and to determine the needs of other older persons.

The senior aides have demonstrated through identifying the needs of other older people and filtering these needs to the proper sources for appropriate referrals, that in some cases lives have been saved. In many cases individuals and families, who otherwise would have not been aware of services available to them, are now receiving services.

It is doubtful that some individuals would have received aid had it not been for the "outreach" aspect of this project. Indication of successes are obvious: the information and referral aides have conducted 34,000 interviews, and visits to homes; 3,590 individuals and families have received services as a result of these efforts.

MANY RECEIVE ASSISTANCE

Services have included medicaid, social security benefits, employment, housing, nursing home care, and financial assistance among others. The homemaker home-health aides have served 760 individuals and families. As a result of this service, some of these individuals have been able to remain in their homes instead of being institutionalized.

The friendly visitors have served 68 families. They have brought cheer to the lonely, shopped, written letters and brought many isolated elderly in contact with the outside world. One hundred and fifty-four blind persons have been referred to the New York State Commission for the Blind and Visually Handicapped.

The humanitarian achievements of this program really are beyond measurement and the proposed extension warrants full support of the Congress.

The **CHAIRMAN.** Under the rule, the Clerk will read the bill for amendment by title.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Comprehensive Manpower Act."

STATEMENT OF PURPOSES

SEC. 2. The Congress finds and declares that—

(a) To attain the objective of the Employment Act of 1946 "to promote maximum employment, production and purchasing power" we must assure an opportunity for a gainful, productive job to every American who is seeking work and make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability.

(b) It is within the capability of the United States to provide every American who is able and willing to work, full opportunity, within the framework of a free society, to prepare himself for and obtain employment at the highest level of productivity, responsibility, and remuneration within the limits of his abilities.

(c) The growth of the Nation's economic prosperity and productive capacity is limited by the lack of sufficient skilled workers to perform the demanding production, service, and supervisory tasks necessary to the full realization of economic abundance for all in an increasingly technical society, while, at the same time, there are many workers who are working below their capacity and who with appropriate education and training could capably perform jobs requiring a higher degree of skill, judgment, and attention.

(d) The human satisfaction and sense of purpose so important to employment cannot be fulfilled unless employees have a reasonable opportunity to advance in employment to positions of greater responsibility, status, and remuneration.

(e) The placement of unemployed or underemployed workers in private employment is hampered by the absence of a sufficient number of appropriate entry level employment opportunities to satisfy the need therefor and that the preparation of workers now occupying such places for, and their employment in, more responsible positions would increase the number of appropriate entry level employment opportunities.

(f) It is in the interest of workers, employers, and of the Nation to promote the filling of skill requirements in industry and to provide for the upward mobility of industrial workers by a program that will enable employers to educate and train their employees for positions of greater responsibility, to provide opportunities for advancement to industrial workers, and to create employment opportunities for the unemployed.

(g) There are great unfilled public needs in such fields as health, recreation, housing and neighborhood improvement, public safety, maintenance of streets, parks, and other governmental facilities, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement and that to meet these urgent public needs it is necessary to devote greater resources to public service and to expand public service employment.

(h) The organization and delivery of manpower training services is increasingly complex, the technological nature of the services is expanding, and the trained staff to provide such services is scarce, thus requiring an intensive program of technical assistance and staff training to public and private agencies providing manpower services, and

(i) The economic prosperity of the United States and the well-being and happiness of its citizens would be enhanced by the establishment of a comprehensive manpower policy and program designed to assure every American an opportunity for gainful productive employment and to provide the education and training needed by any person to qualify for employment consistent with his highest potential and capability.

TITLE I—MANPOWER SERVICES PROGRAM

GENERAL RESPONSIBILITIES

SEC. 101. (a) The Secretary of Labor (hereinafter referred to as the Secretary) shall develop and carry out a program of comprehensive manpower services under this title that will—

(1) provide for the prompt referral of those persons who are qualified and are seeking work to suitable employment opportunities;

(2) provide training and related manpower services to all other persons who are unemployed, in danger of becoming unemployed, employed in public service jobs authorized in title III, or employed in low-paying jobs who could through further training qualify for job opportunities that would provide an adequate standard of living for themselves and their families;

(3) provide appropriate training and related manpower services for persons in correctional institutions to assist them in obtaining suitable employment upon release;

(4) provide appropriate training and related manpower services for persons who have recently been or will shortly be separated from military service,

(5) develop an early warning system and standby capability that will assure a timely and adequate response to major economic dislocations arising from changing markets, rapid technological change, plant shutdowns, or business failure;

(6) promote and encourage the adoption of employment practices by public agencies, nonprofit agencies, labor organizations, and private firms that will remove unreasonable barriers to employment, without reducing productivity, and expand opportunities for upward mobility;

(7) reduce the level of youth unemployment by improving the linkages between educational institutions and job markets; and

(8) support and encourage the development of broad and diversified training programs by public, nonprofit and private employers designed to improve the skills and thereby the promotion and employment opportunities of employed workers.

(b) The Secretary shall be responsible for the coordination of the activities of other Federal agencies that may contribute to the accomplishment of the purposes of this Act, for promoting the maximum possible coordination of State and local public agencies and private agencies and for recommending to the President and to the Congress combinations of programs or shifts in responsibility that facilitate the achievement of the purposes of this Act.

COMPONENTS OF MANPOWER SERVICES PROGRAMS

SEC. 102. (a) In meeting the responsibilities imposed on him by section 101, the Secretary shall, to the extent needed in each State and local area, provide a comprehensive manpower services program for all those eligible under this title which shall include but shall not be limited to the following:

(1) A program for testing, counseling, and selecting for occupational training those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without training.

(2) Programs for the attainment of basic education and communications and employment skills, by those eligible persons who indicate their intention to and will thereby be able to pursue, subsequently or concurrently, courses of occupational training of a type for which there appears to be a reasonable expectation of employment, or who have completed or do not need occupational training but do require such other preparation to render them employable.

(3) Outreach to find the discouraged and undermotivated and encourage and assist them to enter employment or programs designed to improve their employability.

(4) Prevocational orientation to introduce those of limited experience to alternative occupational choices.

(5) Short-term work experience with public and nonprofit agencies for those unaccustomed to the discipline of work.

(6) Communication and employability skills for those pursuing, subsequently or concurrently, courses of occupational training who require such other preparation to render them employable and for those with sufficient skills for suitable employment who require such preparation to become employable.

(7) Occupational training designed to improve and broaden existing skills or to develop new ones.

(8) On-the-job training provided by public, nonprofit and private employers.

(9) Part-time training for employed persons where such training would lead to improved employment opportunities.

(10) Programs to provide part-time employment, on-the-job training, or useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school.

(11) Special programs for jobs in public and private agencies leading to career opportunities including new types of careers, in programs designed to improve the physical, social, economic, or cultural conditions of the community or area served in fields including but not limited to conservation, pollution, beautification, health, education, welfare, neighborhood redevelopment, rural development, transportation, recreation, maintenance of parks, streets, public facilities, and public safety, which provide maximum prospects for advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

(12) Programs to provide incentives to private employers, nonprofit organizations, and public employers to train or employ unemployed or low-income persons, including arrangements by direct contract, for reimbursement to employers for the costs of recruiting and training such employees to the extent that such costs exceed those customarily incurred by such employer in recruiting and training new hires, payment for on-the job counseling and other supportive services transportation, and payments for other extra costs including supervisory training required by the program.

(13) Skill training centers wherever a consolidation of occupational training and related manpower services would promote efficiency and provide improved services.

(14) Supportive and followup services to supplement work and training programs under this and other Acts, including health services, counseling, day care for children, bonding, transportation assistance, and other special services necessary to assist individuals to achieve success in work and training programs.

(15) Employment centers and mobile employment service units to provide recruitment, counseling, and placement services, conveniently located in urban neighborhoods and rural areas and easily accessible to the most disadvantaged.

(16) Special job development efforts to solicit job opportunities suited to the abilities of the disadvantaged jobseeker and to facilitate the placement of individuals after training including referral to employment opportunities in urban and suburban areas outside their own neighborhoods.

(17) Job coaching for a limited period to assist the employer and the worker to insure job retention.

(18) Relocation payments and other special services as needed to assist unemployed individuals and their families to relocate from a labor surplus area to another area with expanding employment opportunities where a suitable job has been located. Preference for such assistance shall be provided those who have been provided training before relocation or have been accepted for on-the-job and other types of employer-directed training.

(19) Special programs which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health, education, day care, and recreation services.

(20) The development of job opportunities through the establishment and operation of centers for low-income persons who are unemployed or underemployed, providing recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services.

(b) Where appropriate, the services authorized by this section may be provided, in whole or in part, through residential programs.

ELIGIBLE APPLICANTS

SEC. 103. (a) To the extent consistent with the purposes of this title, the Secretary is authorized to enter into arrangements with any eligible applicant in accordance with the provisions of this title in order to make financial assistance available for the purpose of carrying out manpower services when the Secretary determines that such services can be most effectively implemented by such applicant.

(b) For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) prime sponsors designated pursuant to plans approved by the Secretary under section 104; and

(2) other public and private agencies, institutions, and organizations, including community action agencies.

PRIME SPONSORS

SEC. 104. (a) For the purposes of this title—

(1) any State; and

(2) any unit of general local government—

(A) which has a population of 100,000 or more persons on the basis of the most satisfactory current data available to the Secretary and (i) which is a city or (ii) which is a county or other unit of general local government which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to have general governmental powers substantially similar to those of a city and to serve a substantial part of a functioning labor market area; or

(B) which has a population of less than 100,000 persons on the basis of the most satisfactory current data available to the Secretary and which has the largest population of any unit of general local government meeting the requirements of clause (i) or (ii) of subparagraph (2)(A) in a State; and

(3) any combination of units of general local government which covers a geographical area which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data

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available to the Secretary and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to serve a substantial part of a functioning labor market area;

(4) any unit or combination of units of general local government, without regard to the population requirements of clauses (2) and (3), in rural areas designated by the Secretary which have substantial outmigration and high unemployment; shall be eligible to be a prime sponsor of a comprehensive manpower services program in accordance with the provisions of this section.

(b) Any State or unit (or combination of units) of general local government which is eligible to be a prime sponsor under section (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary a prime sponsorship plan including provisions which evidence capability for carrying out a comprehensive manpower services plan in accordance with section 105(b) of this title and provisions for the establishment of a manpower services council which—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such council shall appoint the members of the council and shall designate one member to be chairman;

(2) provide that the council shall include members who are representative of community action programs; other significant segments of the poverty community; the public employment service; education and training agencies and institutions, including vocational educational agencies and community postsecondary educational and training institutions; social service programs, including child care, environmental quality, health, recreation, vocational rehabilitation, and welfare agencies; industrial development organizations; apprenticeship programs; business; labor; and veterans organizations;

(3) provide that the chairman of the council shall, with the approval of the council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the council;

(4) set forth procedures under which applications for financial assistance for any fiscal year will be submitted by the prime sponsor which shall be responsible for planning for and carrying out services for which financial assistance is provided under this title and under which appropriate arrangements may be made for the council's participation in planning and development, including initial preparation of such applications;

(5) set forth the prime sponsor's plans for conducting on a continuing basis surveys and analyses of needs for manpower services in the area served by the prime sponsor to be used in the development of applications for assistance under this title;

(6) set forth arrangements assuring that community action agencies will be involved in the development of applications for financial assistance and in the implementation of programs assisted under this title;

(7) set forth the prime sponsor's plans for evaluating (with the assistance of the council) the effectiveness of programs for which financial assistance is provided under this title; and

(8) describe the area to be served by the prime sponsor.

(c) In any case in which a State has submitted a plan under this section to serve a geographical area under the jurisdiction of a unit (or combination of units) of general local government which is eligible under clause (2), (3) or (4) of subsection (a) and which has submitted a plan under this section meeting the requirements set forth in subsection (b), the Secretary shall approve the latter plan after carrying out the procedures set forth in subsection (d). When two or more units (or combination of units) of general local government each submit plans which include a common geographical area under their respective jurisdictions and which are consistent with the purposes of this title and meet the requirements set forth in subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the unit of general local government plan which he determines will most effectively carry out the purposes of this title.

(d) The Secretary shall not approve a prime sponsorship plan submitted under this section unless—

(1) the plan was submitted to the Secretary by such date as the Secretary shall prescribe by regulation, prior to the beginning of the fiscal year when such plan is to take effect, in order to provide a reasonable period of time for review in accordance with the provisions of this section;

(2) a copy of such plan has been submitted for comment thereon to the Governor of the appropriate State; the Governor has been provided such period of time, as the Secretary shall prescribe by regulation, after the copy of such plan was sent to him, during which time he may submit comments on such plan to the Secretary, a copy of which comments shall be sent to the plan applicant; and, if comments have been submitted by the Governor, such additional period of time, as the Secretary shall prescribe by regulation, has passed, during which time the Secretary shall, to the extent practicable, confer with and encourage the plan applicant to resolve any differences arising from such comments;

(3) in the case of a plan submitted by a State, satisfactory arrangements are set forth for serving all geographical areas under its jurisdiction except for areas for which a local prime sponsorship plan is approved under this section.

(e) In the event that a unit (or combination of units) of general local government eligible to be a prime sponsor under subsection (a) does not submit a plan meeting the requirements set forth in this section, a community action agency serving a geographical area under the jurisdiction of such unit may submit a prime sponsorship plan for that area.

(f) Except as provided in subsections (c) and (d), the Secretary may approve any prime sponsorship plan submitted under this section if it is consistent with the provisions of this title. A plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefor;

(2) for a reasonable time to submit corrective amendments to such plan; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(g) For the purpose of making such payments as may be reasonably necessary to cover the staff and other administrative expenses of the councils established pursuant to subsection (b) and to support other planning and evaluation activities of price sponsors, the Secretary shall reserve not less than 1 per centum of the amounts available for titles I, II, and III of this Act to be allocated in the same manner as set forth in section 604.

APPLICATIONS

SEC. 105. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth—

(1) a description of the services for which such financial assistance will be used;

(2) assurances that the services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such services under such supervision;

(3) any arrangements made for services to be performed, on a reimbursable basis or otherwise, with the public employment service or any other public or private agency, institution, or organization;

(4) a description of the areas to be assisted by such programs, including data indicating the number of potential eligible participants, and their income and employment status;

(5) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

(b) An application submitted by a prime sponsor for financial assistance for any fiscal year shall set forth, in addition to the requirements set forth in subsection (a), a comprehensive manpower services plan for that fiscal year which shall include provisions for—

(1) coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services in order to achieve their full economic and occupational potential, effectively serving on an equitable basis the significant segments in that population;

(2) increased occupational opportunities and work experience for eligible individuals;

(3) intensified efforts to relieve skills shortages;

(4) effective utilization of manpower in our economy;

(5) appropriate arrangements with community action agencies, and, to the extent appropriate, with other community-based organizations serving the poverty community, for their participation in the conduct of programs for which financial assistance is provided under this title;

(6) utilizing, to the extent appropriate, those services and facilities which are available, with or without reimbursement of the reasonable cost, from Federal, State, and local agencies, including but not limited to the State employment service, State vocational education and vocational rehabilitation agencies, area skills centers, local educational agencies, postsecondary training and education institutions, and community action agencies, but nothing contained herein shall be construed to limit the utilization of services and facilitates of private agencies, institutions and organizations (such as private businesses, labor organizations, private employment agencies, and private educational and vocational institutions) which can, at comparable cost, provide substantially equivalent training or services or otherwise aid in reducing more quickly unemployment or current and prospective manpower shortages;

(7) Long-term projections of requirements for manpower and manpower-related services, and planning for meeting such requirements, in the area served by the prime sponsor;

(8) evaluating the effectiveness of programs for which financial assistance is provided under this title in achieving the objectives of such programs; and

(9) integrating the services provided under this title with other manpower and manpower-related services in the area served by the prime sponsor for which financial assistance is provided by the Secretary of Labor.

APPROVAL OF APPLICATIONS

SEC. 106. An application, or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) the application meets the requirements set forth in section 105;

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(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary;

(5) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary;

(6) the approval request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement.

SPECIAL REQUIREMENTS FOR STATE PRIME SPONSORS

SEC. 107. (a) Any State seeking assistance under this Act or the Wagner-Peyser Act (48 Stat. 113) shall submit an annual State comprehensive manpower plan to the Secretary for approval in accordance with the requirements of this section.

(b) The State comprehensive manpower plan shall—

(1) provide for the cooperation and participation of all State agencies providing manpower and manpower-related services in the development and implementation of comprehensive manpower services plans by prime sponsors in accordance with the provisions of this Act;

(2) set forth an overall State plan for the development and sharing of resources and facilities needed to conduct manpower programs without unnecessary duplication and otherwise in the most efficient and economical manner;

(3) contain information regarding economic, industrial, and labor market conditions which will be useful to prime sponsors in the development and implementation of comprehensive manpower services plans under this Act including but not limited to job opportunities and skill requirements, labor supply in various skills, occupational outlook and employment trends in various occupations, and economic and business development and location trends;

(4) provide for the conduct of programs financed under the Wagner-Peyser Act in accordance with such rules, regulations, and guidelines as the Secretary determines necessary for the purpose of providing coordinated and comprehensive assistance to these individuals requiring manpower and manpower-related services to achieve their full occupational potential in accordance with the policies of this Act; and

(5) contain other items as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

CONCURRENCE OF OTHER AGENCIES

SEC. 108. (a) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines with respect to assistance for services of a health, education, or welfare character under this title and he shall not provide financial assistance for services of a health, education, or welfare character under this title unless he shall have first obtained the concurrence of the Secretary of Health, Education, and Welfare. Such services include but are not limited to basic or general education; educational programs conducted in correctional institutions; institutional training; health, child care, and other supportive services; and new careers and job restructuring in the health, education, and welfare professions.

(b) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines relating to the participation of community action agencies and other community-based organizations serving the poverty community under this Act unless he shall have first obtained the concurrence of the Director of the Office of Economic Opportunity.

SPECIAL CONDITIONS

SEC. 109. The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(2) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(3) appropriate workmen's compensation protection will be provided to all participants;

(4) the program does not involve political activities;

(5) participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(6) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(7) persons shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation;

(8) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this title and not to supplant such other funds;

(9) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this title.

ALLOWANCES AND COMPENSATION

SEC. 110. (a) The Secretary shall where appropriate provide for the payment of weekly allowances to individuals receiving services under this title. Such allowances shall be at a rate prescribed by the Secretary which, when added to amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6 (a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessities furnished to the trainee. The Secretary shall take such action as may be necessary to insure that such persons receive no allowances with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein without good cause. Notwithstanding the preceding provisions of this subsection, the Secretary may, in accordance with such regulations as he shall prescribe, make such adjustments as he deems appropriate in allowances which would otherwise be payable under this Act, including but not limited to adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be carried on. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) For purposes of subchapter I of chapter 81 of title 5, United States Code, any person receiving services under this title shall, under such circumstances and subject to such conditions and limitations as the Secretary shall by regulation prescribe, be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except that in computing compensation benefits for disability or death, the monthly pay of such a person shall be deemed to be his allowance for a month, if he is receiving one. Regulations prescribed by the Secretary under this subsection may include but are not limited to adjustments in the amount of compensation payable under this subsection to take into account entitlements to workmen's compensation under other applicable laws or arrangements.

Mr. **PERKINS** (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. **SCHERLE**. Mr. Chairman, I make the point of order that a quorum is not present.

The **CHAIRMAN**. The Chair will count.

Seventy-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 354]

Abbitt
Abernethy
Adair
Adams
Addabbo
Anderson,
  Tenn.
Annunzio
Ashley
Aspinall
Baring
Beall, Md.
Berry
Blatnik
Boggs
Brock
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Button
Camp
Carney
Clark
Clawson, Del
Clay
Colmer
Coughlin
Cramer
Daddario
Davis, Wis.
de la Garza
Dent
Devine
Diggs
Dingell
Dowdy
Edmondson
Eilberg
Fallon
Farbstein
Flowers
Gallagher
Gilbert
Goodling
Gray
Hanley
Hansen, Wash.
Hays
Hébert
Heckler, Mass.
Horton
Hosmer
Jarman
Jones, Tenn.
Kuykendall
Langen
Long, La.
Lukens
McCarthy
McCloskey
McClure
McKneally
Macdonald,
  Mass.
MacGregor
Mann
May
Mayne
Meskill
Mills
Montgomery
Poage
Podell
Moorhead
Murphy, Ill.
Murphy, N.Y.
Ottinger
Patman
Pettis
Powell
Price, Tex.
Purcell
Railsback
Rivers
Rodino
Roudebush
Ruppe
Sandman
Satterfield
Schadeberg
Skubitz
Smith, Calif.
Smith, N.Y.
Springer
Stanton
Steiger, Ariz.
Stokes
Taft
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Vander Jagt
Wilson, Bob
Wilson,
  Charles H.
Wold

XUM

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 19519, and finding itself without a quorum, he had directed the roll to be called, when 329 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER: On page 17 between line 12 and line 13 amend section 104(d) by inserting a new subsection (4) as follows:

"(4) The plan is coordinated with the State comprehensive manpower plan."

Mr. WAGGONNER. Mr. Chairman, as I understand this proposal, title I establishes a priority under which manpower programs will be assigned sponsors on a priority basis.

First, priority is given to mayors of cities over 100,000 and in the instance of cities of less than 100,000 in size, they must band together as a group or local political subdivisions must ban together, to be able to participate in these programs.

If the mayors of cities over 100,000, or if in the instance of a group of cities banding together—if they fail to band together and they reject sponsoring these programs, the next priority is assigned to community action agencies under the Office of Economic Opportunity.

It is my understanding further that these sponsors must prepare plans. They must then consult with the Community Action Agency and their plans must be reviewed by the State.

What this amendment proposes is to make crystal clear what members of the committee tell me the bill does already—but I do not agree that it is clear enough.

The amendment says that the plan—and the plan I am talking about is that plan which is submitted by mayors of cities of over 100,000 in size or groups banded together—that their plan is coordinated with the State comprehensive manpower plan.

I simply submit to you that unless planning is coordinated, there is no way under the blue canopy of heaven to have a comprehensive manpower plan within the States. There is far too much fragmentation and duplication now. There will be more under this proposal.

Look at page 3 of the report. Either you mean what you say or you do not mean what you say.

You say on page 3 of the report that:

> The reforms proposed in this bill, designed to remedy the shortcomings of the present arrangements, would: Unify administration of manpower services by establishing State or area single Prime Sponsors.

Now there is no way to unify if the States cannot coordinate beyond the local level.

You say further that this proposal would:

> Require annual comprehensive manpower operating plans as the basis of versatile grants.

You say also that among other things this proposal will provide for a national computerized job bank. If you do not let the State do this, then the only way you can have comprehensive manpower operating plans or a national computerized job bank is to make a czar out of the Secretary of Health, Education, and Welfare and then he will be coordinator nationwide for every city and for every political subdivision in the United States. It is just this simple.

If you are going to plan, somebody has to coordinate. What is wrong with the States coordinating where the States have the responsibility for coordinating other educational programs and other training programs? Do not downgrade the States below OEO.

It is just that simple, Mr. Chairman. I would like for someone to set forth a rationale which will justify what we are doing and disprove the need for comprehensive planning and coordinating by the State. It cannot be done. I ask this amendment be adopted and that we clarify the intent of the bill. If you were honest with yourselves you would admit that this stems from partisan feuds where there are Democratic mayors and Republican Governors or vice versa and Members of the opposite party in the Congress.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. PERKINS. Mr. Chairman, if the Members of the Committee will turn to page 12, section 104 sets forth the prime sponsors. Every State may submit a proposal under this legislation. But other groups within the State likewise may submit a plan if they are eligible to become a prime sponsor. The State will comment on every plan that is submitted by any applicant prime sponsor regardless of whether it is a city or a county or a group of such that becomes the prime sponsor; the State will comment on every plan from every source that is submitted.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield at that point?

Mr. PERKINS. Yes, I will yield, but first let me point out that the legislation so requires that they comment. But we do not intend to give the State complete authority where local discretion of the manpower programs would be more effective.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Is the gentleman saying that when a State submits a plan, a prime sponsoring unit or body as well will submit a plan——

Mr. PERKINS. In many instances the State may be the only prime sponsor.

Mr. WAGGONNER. The Secretary would then determine which of the plans he would accept?

Mr. PERKINS. The Secretary will determine consistent with section 104 who shall be the prime sponsor, whether it be a city with a population over 100,000 or whether it is a group of county units that have gotten together.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield further?

Mr. PERKINS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I am not talking about determining the prime contractor. Suppose we have arrived at an agreement about the priority order for becoming a prime sponsor. Does the Secretary of Health, Education, and Welfare have the decisionmaking authority to determine whose plan he will accept if the prime sponsor—a city, for example—submits a plan and the State submits a plan?

Mr. PERKINS. The State department of economic development in every State of the Union may submit a plan and they will comment on the plan. The State will comment on every plan submitted by a prime sponsor. We intend coordination with the State, but we do not give the State absolute authority. I do not feel that the Members in this body want to give the States absolute authority over the cities and over county units when they qualify. Let me make that clear.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield at that point?

Mr. PERKINS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. You made a serious mistake. Let me ask you one question. A minute ago you stated that the State department of economic development would submit a plan. Are we ignoring the Commissioner of Labor and the Commissioner of Education?

Mr. PERKINS. I am talking about the economic development agency, the manpower agency of the State or whatever it may be called in a State's organization of government.

Mr. WAGGONNER. The State manpower development agency.

Mr. PERKINS. The State manpower agency. Certainly I am. It will be left to the Governor to determine how that plan shall be submitted, and the Governor or his designee will comment on every plan that is submitted from any prime sponsor. I feel that the gentleman's amendment will just confuse and interfere with other prime sponsors, and I personally think that we should vote down this amendment because the bill does provide for effective State involvement.

But I do not feel we should give the State complete authority over all manpower programs and disregard the cities and disregard the counties. The way we have left the sponsorship in my judgment will bring about close coordinate—better coordination than any other way. I ask that the gentleman's amendment be voted down.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the amendment offered by the gentleman from Louisiana is a good one. If we do not make a provision in the bill that the various programs must be coordinated, then we have the possibility of a multitude of cities within a State or all kinds of organizations, having their own programs as prime sponsors. It is questionable, as I read the report, whether these cities must do anything other than just check the State on the program. The gentleman says they must contact the State. Beyond that there is not any other authority they have to follow. So if the Secretary of Labor wants to set up a program in Houston or San Francisco or El Paso, he can choose that city even if the State does not want it, or even if the State education agency or the State vocational agency says it is not a good program and not well coordinated.

Somewhere in this program we ought to have a central place where the various programs can be coordinated. I daresay, as I am advised, the very purpose of this act is so we can have coordination on the 20 or so various manpower training programs.

We have taken away, in effect, the State's veto on any kind of manpower program unless we adopt the amendment of the gentleman from Louisiana, which says simply we should have a coordinated program or authority within a State.

I do not know why the gentleman would object to the State having some kind of final word on this thing. If the State wants to be a prime sponsor or files its own plan, then it would have authority over those areas that would not be covered by any other kind of prime sponsor, but that might be the only thing left to the State. Suppose 20 cities in my State were involved—my employment agency in Texas would not have any say over those agencies. I have had objections from various agencies in my State that this is not a proper thing.

The gentleman says the States may hold up the program. The truth is the States for years have been practically all the muscle necessary to carry on the Public Employment Service.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, the gentleman knows the State employment offices and State educational agencies are represented on the manpower council. That insures that there will be great State expertise and influence in the program and the State is well represented on each one of these councils.

Mr. PICKLE. I would remark to the gentleman, we have under the present employment program, the Bureau of Employment Security, created under the Wagner-Peyser Act, provisions that established the Public Employment Service within the various States. This is what we have had since 1933. They file a plan and operate under it. If we now say, in addition to that program—and I am going to offer an amendment on this in a minute—we must have a State comprehensive plan, and any other of the 50 agencies in a State can bypass the employment division.

Mr. PERKINS. Mr. Chairman, if the gentleman will yield further, they will have the same authority if this bill is passed without this amendment as they have now today. In the case of the Neighborhood Youth Corps and many other presently ongoing manpower programs the employment offices do not now have complete authority. They do not now necessarily have authority over Main Stream or the concentrated employment programs today. Why should we give the State complete authority over these programs that are working so well? That is my point of view.

Mr. PICKLE. We are asking for coordination.

Mr. PERKINS. We already have coordination.

Mr. PICKLE. You would have if you kept the present law.

Mr. WAGGONNER. I have in my hand a list of 22 special manpower programs of major impact, such as the manpower development training programs, their subprograms, the National Alliance of Businessmen, residential programs, and so on and on.

This proposal calls for the consolidation of all these programs. I should like for anybody to tell me how these can be coordinated and consolidated at the same time.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will be brief, because I know Members are interested in moving along on this bill.

At first blush the amendment offered by the distinguished gentleman from Louisiana might seem appealing, but I believe it is important to understand how we arrived at where we are on this bill.

The other body passed a bill which is also in the form of a comprehensive manpower act, in which the role of the States, in my judgment, was downplayed. The administration made clear it was opposed to the provisions of the Senate-passed bill on comprehensive manpower because the role of the States was less than the administration thought it ought to be.

The administration offered, through Senator Dominick of Colorado, a series of amendments designed to correct deficiencies in the bill passed by the other body. Those amendments were not accepted.

When the bill came to the Committee on Education and Labor, one of the first things which was done was the approach made by Secretary Hodgson through a letter to the chairman, Mr. Perkins, and the ranking minority member, Mr. Ayres, and a number of others on the committee, saying in effect, "We think it is important to pass a comprehensive manpower bill in this session. Here is the Senate bill, and here are the amendments which we offered which we think will help correct the Senate bill."

I can say that all the amendments that were offered by the administration, including the one relating to the role of the States, are embodied in this bill. Therefore, the administration supports this bill.

One of the reasons why they do is because there is an appropriate role for the States.

Quite clearly I would prefer to have the States play a bigger role. The bill which I introduced, H.R. 10908, would have the States doing all of the work in the comprehensive manpower field. I still hold to that as being my ideal.

What this bill does is to say that there is a local prime sponsor, for those of 100,000 or more or a combination thereof, that has first preference. The State role is for the balance of the State, if there are areas, as I am sure there will be in every State in this Nation. They have to prepare a State plan.

That plan is covered in the language on page 23, and I quote:

> Set forth an overall State plan for the development and sharing of resources and facilities needed to conduct manpower programs without unnecessary duplication and otherwise in the most efficient and economical manner;

Then, of course, there are the provisions further, which say that a local prime sponsor's plan must be submitted to the State for comment. The State is to be given time for independent comment before it is forwarded to the Secretary.

This is, in my judgment, the time necessary and the role necessary for there to be legitimate coordination between the local prime sponsor and the State.

Therefore, I oppose the amendment and feel that the bill in its present form does exactly what ought to be done under the circumstances.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Let me ask the gentleman two questions.

Does the bill in its present form provide for only review and comments on the prime sponsor's plan by the State?

Mr. STEIGER of Wisconsin. That is correct.

Mr. WAGGONNER. Does the bill in its present form provide that before any plan can be put into effect it must be approved—not reviewed and commented on but approved by the Director of the Office of Economic Opportunity?

Mr. STEIGER of Wisconsin. For review?

Mr. WAGGONNER. The manpower plans of a prime sponsor.

Mr. STEIGER of Wisconsin. No.

Mr. WAGGONNER. I believe the gentleman had better read his bill again.

Mr. STEIGER of Wisconsin. If the gentleman from Louisiana will point to that section he believes gives the authority for there to be automatic review by OEO I will be happy to comment. There is a provision which says there can be an opportunity for comment by a Community Action Agency, as there can be an opportunity for comment by the Government.

Mr. WAGGONNER. But the manpower plans overall must be approved by the Director of the Office of Economic Opportunity.

Mr. STEIGER of Wisconsin. My answer is "No." I do not believe that is in the bill.

Mr. WAGGONNER. Does the Senate bill provide for that?

Mr. STEIGER of Wisconsin. Does the Senate bill provide for that?

Mr. PERKINS. There is nothing in the bill about that.

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Mr. STEIGER of Wisconsin. It is my time, Mr. Chairman.

There is nothing in the bill, to the best of my knowledge, but I cannot say. The Senate bill is a lengthy bill, and maybe there is something in there to that effect. I cannot tell you; however, it is not in our bill. I can tell you that.

Mr. WAGGONNER. There is that language in the Senate bill?

Mr. STEIGER of Wisconsin. I do not know. Approval is by the Department of Labor and not by the Office of Economic Opportunity under this House bill.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this time not in direct participation on this particular amendment but in order to have some questions answered that may help to clarify a matter in my mind and which might prevent my having to offer an amendment on a subsequent title.

Earlier in the general discussion the gentleman from Arizona (Mr. UDALL) referred to specific projects and mentioned one especially significant to the southwest section of the United States which is popularly known as Project SER. Inasmuch as the Senate version specifically refers to this and other projects of like nature and the House version does not, obviously this bill will go to conference.

I also heard the remarks made in the dialog between the gentleman from Arizona and the various members of the committee. What I want to know at this time is, assuming the matter goes to conference and assuming that this particular section is mentioned, will the conferees—and quite obviously the chairman and most of those gentlemen who are here today will be in the conference—will the conferences support Project SER specifically?

Mr. PERKINS. Will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman.

Mr. PERKINS. Let me say to the gentleman that I agreed with the colloquy that took place between the gentleman from Michigan (Mr. O'HARA) and the gentleman from Arizona (Mr. UDALL). We certainly have no intention anywhere along the line of tearing up or tearing down any existing programs. In the language in the report we did mention some programs but in every instance we stated in the report that we were not limiting the programs to the ones mentioned. So I can assure the gentleman we will certainly say it is our intention to hold fast to all of the existing programs that are working so well not only in your section but in other sections of the country as well.

Mr. GONZALEZ. I thank the distinguished chairman.

I want to ask also a question mostly for clarification. I accept the words of good faith on this and other programs, but on pages 51 and 52 of the bill it mentions funds available for specific programs. It seems to me, if I interpret this correctly, this bill will set up a fixed schedule of priorities and emphasis insofar as the administration of the program is concerned. Then it further specifies the percentages that will be directed to the different categories of programs. Three-quarters shall be for training and employment programs carried out under titles I, II, and III of this act; and second, one-quarter shall be for activities under title IV of this act, et cetera.

My question is this: Does not this language have a direct and inimicable effect and impact with respect to funding, when and if funds are available for this type of program? Will it not, in effect, deemphasize this program?

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. Certainly.

Mr. O'HARA. The program to which the gentleman from Texas has referred is in the interpretation of the committee given earlier by the gentleman from Arizona (Mr. STEIGER) and repeated here in the colloquy with the gentleman from Texas is that recognized activities under title I——

Mr. GONZALEZ. Right.

Mr. O'HARA. You could spend any part of the funds devoted to title I for the operation of SER or similar programs available to meet the greatest needs in the particular area.

Mr. GONZALEZ. So, it is the gentleman's interpretation that this would not deemphasize or place any limitation upon the expenditure of funds for this operation?

Mr. O'HARA. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. WAGGONNER).

The question was taken; and on a division (demanded by Mr. WAGGONNER) there were—ayes 35, noes 71.

So the amendment was rejected.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been here throughout the debate today. I take this time primarily because I would like to bring to the attention of the committee and to the attention of the House something about the administration of these programs which disturbs me deeply even as one who is ardently for all types of vocational and manpower training programs.

I had occasion about a year and a half ago to follow up one of these programs because I had read in the press about an innovative program of training for oceanography and marine sciences aboard the SS *Explorer* here in the District of Columbia. Because of this, I checked later to find out the results of the program here. It was a phase 1 and a phase 2 program which, incidentally, carried a price tag of $8,000 per enrollee. There were 61 students selected, 35 of whom graduated. Of those who are presently working, 12 are working for the District of Columbia in the sewage disposal department. The balance of them are employed in totally unrelated jobs that have absolutely nothing to do with their training program.

I am concerned as to how carefully these programs are followed, who passes judgment upon an oceanography and marine sciences program to determine at what point this becomes a valuable training program for the purpose of placing the trainees in that particular line for which they were trained.

Now, this program is continuing. I am concerned, based upon my experience not only with this program but with other programs, as to whether or not they are just set up and how much attention is given to them and how successful the programs are.

This program, incidentally, has been renewed again, and if the result is an indication I wonder if the committee does not have a responsibility to make a determination as to whether or not these are the best types of programs, whether or not they achieve the goals or the purposes for which they are set up. It would seem to me, from the results that I have accumulated merely by following this one program, that there is certainly a great inadequacy in terms of accomplishing the goals. I would like to find out from the committee whether the committee ever reviews these programs, and makes a determination as to whether or not there should be a program, or one that would be more efficient in terms of what the intent and purpose of these programs are.

Mr. PERKINS. Mr. Chairman, if the gentleman will yield, let me say to my distinguished colleague that we do review programs, and have records. Many studies have been made of some of the programs, and of course the money goes down the drain, I will say, occasionally, but by and large the results of these programs are outstanding. The placements from the training programs are outstanding.

I could go into detail on some of these programs, and give them for 1968, 1969, and 1970, but I will put some of the studies into the RECORD because the results are good in most of these programs.

Mr. COLLIER. These results are merely statistical in terms of the number employed?

Mr. PERKINS. They are.

Mr. COLLIER. Are there studies made on the relationship of the training to the job that eventually the trainee is placed in?

Mr. PERKINS. Including the dropouts, the placement percentages, all along the line.

Mr. COLLIER. If that is the case, may I suggest that this is one that was overlooked because it would certainly appear from the facts that I have gathered that it hardly merits a renewal, because I can see little relationship between a training program in oceanography and marine sciences to what eventually the trainees wind up doing.

Mr. PERKINS. I agree with the gentleman that not all the training programs have worked.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman yielding. The point the gentleman has made is a good point, and I would be one who quite frankly would have to say that we do not always do our job as well as we should, but the very situation the gentleman has brought our attention to is, it seems to me, a further reason why this bill is important.

What we have now, as we are all aware, is that we have training program sponsors all across this country, and the Committee on Education and Labor and the Department of Labor, and I do not care who you name, simply are not in a position to be able to make judgment on 10,000 programs. What this bill attempts to do is limit the number of planning contracts and the number of sponsors. so that it at least is manageable so that we can decategorize and decentralize, and so that we can begin to make better judgments than any we can hardly begin to make under our present system.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the Comprehensive Manpower Act.

Mr. Chairman, I want to express my full support for this bill to thoroughly revamp our manpower training programs. It is difficult to believe that it was not until 1961 that we began to institute large-scale Federal manpower programs. For in the 9 short intervening years we have authorized such a vast array of programs and accumulated such a baffling aggregation of acronyms as to suggest many decades of legislative labor. If these programs were functioning effectively, we could perhaps excuse this untidy proliferation of categorical programs. But the sad truth is they are not. Rather than training individuals for a productive role in the economy these programs are becoming, in some areas, a haven for professional job trainees who are shunted from program to program, never seeing the light of day in the real job market. Also the heavy hand of centralized administration in Washington means that often workers are trained for jobs for which there is little demand in the immediate locale.

Mr. Chairman, these deficiencies are producing rather serious adverse consequences. The population we are seeking to help is becoming increasingly cynical and distrustful as a result of loud promises and promotion but little results. The taxpaying public is becoming increasingly irritated by the seeming bureaucratic sieve into which its hard-earned dollars are disappearing. And one would think that the administrators themselves, at all levels of Government, must be becoming extremely harried by the mounting accumulation of redtape, duplication, and overlap.

In his manpower message to Congress, President Nixon zeroed in on the heart of the problems in the manpower training area: Too many narrow categorical programs and too much heavy-handed control from Washington. His prescription was consolidation and decentralization. I am happy to note that this legislation embodies the President's recommendations. First, by greatly expanding the role of State and local governmental units through the provision for "prime sponsors" we can begin to get the administration of manpower training efforts back to a level where peculiar local needs can be recognized, and the right "mix" of programs fashioned in response. And, second, by bringing the farflung empire of manpower acronyms under a single title, and by providing block-grant-type aid to prime sponsors who develop qualifying comprehensive manpower programs, we will be able to eliminate much of the current confusing redtape in the grant application and administration process.

Mr. Chairman, this manpower bill contains a second, and I think equally important, break with the past. Until now, the preponderant thrust of Federal manpower programs has been in bringing marginal workers into entry-level jobs. While this objective is a laudable one, it has had the undesirable effect of significantly increasing the competition for a type of job, the supply of which is slowly, if at all, expanding. This is precipitating no small amount of resentment in the white "blue-collar" community which, however mistakenly, feels its jobs are being threatened. At the same time we continue to suffer the built-in inflationary effects of a chronic shortage of manpower at the higher levels of the job ladder.

I believe this bill will help to remedy this situation in two ways. First, by providing aid toward 90 percent of the cost of training current employees, we will be encouraging a vitally needed redistribution of manpower toward the higher end of the job ladder. Second, by not concentrating our entire manpower effort at the inelastic "entry level" labor market portal, we will indicate to our hard-working blue-collar citizens that the Government is interested in helping to improve their economic position as well as that of the poor and the blacks. At the same time, the supply of entry-level jobs will be increased providing otherwise nonavailable openings for the unemployed or marginally employed poor.

Mr. Chairman, a third important innovation in this bill is title III providing Federal aid for up to 80 percent of the cost of training public service employees. Now, I am not one who has any use or tolerance for merely "make work" programs or for hastily expanding Government payrolls. However, I am confident that this is not the purpose nor will it be the effect of this section of the bill. To qualify for Federal aid an institution must provide pay scales, working conditions, fringe benefits, and promotion opportunities equal to those for regular employees. All the manpower projections for the next decade that I have seen indicate that the public or governmental employment will be far and away the most rapidly expanding sector of the job market. If we are truly to open solid opportunities for our deprived citizens, this is one of the most promising areas to enlarge our efforts.

Mr. Chairman, let me conclude with one brief reservation or note of caution. I have been most disturbed by the recent finding of the U.S. Civil Rights Commission that there is considerable laxity, indifference, and negligence in the implementation and enforcement of civil rights and equal employment guarantees at all levels of Government. By greatly increasing the area of local discretion and responsibility we are, let us be candid, opening up the possibility that this poor performance will continue or perhaps get worse. I certainly hope and trust that it will not. But I want to urge that those responsible for administering this legislation at all levels make added and more strenuous efforts to see that the letter and spirit of our civil rights statutes are faithfully adhered to.

AMENDMENT OFFERED BY MR. BUCHANAN

Mr. BUCHANAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BUCHANAN: Page 4, strike out lines 20, 21, and 22 and insert in lieu thereof the following:
>
> "(1) provide for the prompt referral to suitable employment opportunities of persons who are seeking work, with special consideration for the placement of qualified individuals who are unemployed, unskilled, or underemployed;"

Mr. BUCHANAN. Mr. Chairman, this is a very simple amendment. It substitutes for the language in the House bill in this particular, the language in the bill already passed by the other body, the bill, S. 3867. It adds to the language of title I, section 101(a)(1) in essence the provision—"With special consideration for the placement of qualified individuals who are unemployed, unskilled or underemployed."—which would help to fulfill the purposes of the committee, as stated on page 2 of the report:

> National manpower policy, partly by design, and partly by the context in which it has developed, has found itself for the most part aiming at alleviating the plight of those who have been variously termed, the disadvantaged, the hard-core unemployed, or the poor. The manpower programs under the Economic Opportunity Act have been so directed by their very nature, and by the nature of the legislation in which they are established; the MDTA manpower programs, after being enacted to serve the needs of persons newly uprooted by technological change, have been redirected, by regulation and by legislation, to serve this same clientele.
>
> The Comprehensive Manpower Act must continue to serve this clientele.

This simply would zero in on the unemployed, the unskilled or the underemployed—or in other words, the disadvantaged, the hard-core unemployed, or the poor.

It might also be termed a private enterprise amendment because it discourages across-the-board competition not only by the State employment services but by whatever community action agency may get into this program with the private employment agencies and would cause us to zero in this legislation on the disadvantaged and the poor. Therefore, it would serve a meritorious purpose governmentally and would be in keeping with the private enterprise system that has been the strength of this country.

Mr. Chairman, I urge the acceptance of this amendment by my colleagues.

Mr. O'HARA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I find myself in the unusual position of defending the State unemployment services, although I have had my differences with them on this bill.

XUM

But I think they deserve a defense in this particular instance.

The amendment offered by the gentleman from Alabama would in effect say to the State employment services, "Go ahead, train people for jobs—do all of the things that a comprehensive manpower system ought to do. But when it is all over with, then you cannot really do anything for anyone unless he is unemployed or lacking skills or underemployed."

Presumably, you could send him over to a private employment service after he got 2 years of training, to see if they could find him a job.

I do not think it would be wise or helpful to confine the public employment service to serving only the unemployed or those who lack skills or who are underemployed.

I think in order to have a comprehensive system—sometimes you have people who come in who have skills but who are not working at the jobs at which they have the skills and who need, or who may need, some kind of training and a placement assistance. I think they ought to be helped too.

Neither do I think that private employment agencies would be assisted by the adoption of the amendment that has been proposed. I know that the private employment services think they would be, but I do not think the Congress wants to get into the fight between the private and the public employment services. I certainly do not want to and I would rather leave it out of this bill and let them carry out their fight in some arena other than the Manpower Act.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman.

Mr. BUCHANAN. Mr. Chairman, I find myself in the unusual position of having to defend the other body.

In its wisdom the other body did include this language. I believe the gentleman is reading a great deal more into it than is in the language itself, "with special consideration for the placement of qualified individuals who may be unemployed, unskilled, or underemployed."

It seems to me that this is not an absolute prohibition but is pointing in the direction of the group that in your own committee report the committee has said you need to make the primary clientele.

It seems to me that the gentleman is reading a good deal more into this language than is contained in it. This is one instance where I have to applaud the wisdom of the other body.

Mr. O'HARA. I am glad the gentleman from Alabama qualified his applause in that way. I would provide less applause in their instance too.

I ask for the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. O'HARA) there were—ayes 42, noes 46.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: On page 22 of the Act, line 19, amend Section 107(a) by striking out the words "or the Wagner-Peyser Act (48 Stat. 113)," and further amend Section 107(b)(4) at line 18 on page 23, by deleting the word "conduct" and substitute therefor the words "utilization to the maximum extent possible."

The CHAIRMAN. The gentleman from Texas is recognized in support of his amendment.

Mr. PICKLE. Mr. Chairman, the Wagner-Peyser Act programs are largely funded from revenue derived from the Federal Unemployment Tax Act, which established a special wage tax to pay the administrative costs of the Federal-State employment security program. This is the act that provides the money to run all the public employment services in the United States today. It was 0.3 of 1 percent, then 0.4, and I believe now will be 0.5 of 1 percent at the first of the year. But this money is a Federal tax, and it runs all these employment programs.

These funds and activities are of a substantially different nature than the Federal grants which may be available under this act under consideration. To secure the funds under the manpower program a State should not be compelled to agree to certain programs and other conditions not necessary to the operation of the Wagner-Peyser programs, but which might be particularly inherent to a State comprehensive plan. For example—and hear me—a State could lose all of its Wagner-Peyser funds for the administration of its employment security program—and that could include the administration of the work test requirement to claimants for unemployment insurance—if the State did not agree to participate in any one program funded under this particular act. Therefore, it is proposed that the inclusion of the reference to the Wagner-Peyser Act in section 107(a) be deleted.

Under the provisions of the Wagner-Peyser Act, the States already have to submit plans in which they agree to comply with the Secretary's rules and regulations.

Such requirements provide ample authority to achieve the necessary coordination and integration of Wagner-Peyser programs with other manpower programs. Then, consistent with the first part of that amendment, I would say at the latter part of this particular amendment, we would also change the word "conduct" to the words "utilization to the maximum extent possible of funds financed under the Wagner-Peyser Act in accordance with the Secretary of Labor's guidelines."

If we do not adopt this amendment, it would create substantial conflict and confusion, both legislatively and administratively, by requiring that the State comprehensive manpower plan under this act provide for the conduct of the program financed under the Wagner-Peyser Act. The State plan under Wagner-Peyser must provide for the employment service program or the present program throughout the State, whereas the State comprehensive plan under this act by statute covers only those areas in which the States are not included in areas covered by local prime sponsors.

Mr. Chairman, we have the Wagner-Peyser that finances our programs. If we do not take out this particular language under Wagner-Peyser, then we are going to have the entire public employment service program being operated by the State on the one hand, and a State comprehensive plan operated on the other; and the State could have nothing to do in any area wherever there was a prime sponsor in any other cities. It would create all kinds of confusion.

Some will say this is technical and we ought to agree to the amendment. I hope the Committee does agree to it. But the entire State program is paid now with a Federal tax. If we do not take this out, we are going to have absolute confusion as to which program will apply, or this would be a great disservice to the States. We ought to adopt this amendment and not try to compound added confusion as to who should be administering these programs. At least keep the present programs where they would not be ruled out of conformity. This problem—conformity—is hanging over the heads of the States and they are going to have the threat of being ruled out of conformity if we do not pass this amendment.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, the law as it is now does not require States to share Wagner-Peyser funds with sponsors of manpower training programs. The gentleman from Texas is absolutely correct. Unless the gentleman's amendment is adopted, we are not going to have coordination, but we are going to have duplication under Wagner-Peyser funds, because the prime sponsor would not be required to use the facilities of the State. They could or could not, as they so choose. They could also set up duplicate facilities and services.

Mr. PICKLE. The gentlewoman is exactly correct.

Mr. MEEDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman said these programs are of a different nature. I must emphatically disagree with that statement. The Wagner-Peyser Act is really the end product of the manpower program, and if there is no coordination between what the manpower training facility or portion of the act is doing and the end product or the placement in job opportunity, then we have fallen down in the placement, where we most sorely need coordination.

The gentleman from Texas a moment ago supported the amendment of the gentleman from Louisiana, saying that the States should coordinate. I agree. We do have a section here which says the States will coordinate. The gentleman from Louisiana overlooked it. But I agree with the gentleman from Texas, but he is now saying that the Federal Government should not coordinate the activities of all the States. So it seems to me to be inconsistent to support the amendment which the gentleman from Louisiana offered and then to come in with the gentleman's amendment which strikes out coordination, requiring the public placement facility to be coordinated with the job training function. There is a second thing I would like to point out and then I will yield to the gentleman.

The second thing I would like to point out is that the State employment security departments today are operating, many of them, job manpower programs. They are coordinating with the MDTA programs, they are coordinating with the OEO programs, and they are coordinating with the Department of Labor programs in many instances in my State, and I assume it is the same in the State of the gentleman. The coordination is good at the present time, and I see no reason why we should harm that coordination by requiring that they not coordinate, because, it seems to me, that is what the amendment of the gentleman will do.

Mr. PICKLE. The gentleman could not be more wrong by saying I am trying to do away with coordination. I say that is the very thing we need. I regret the amendment of the gentleman from Louisiana was not adopted. It was sorely needed.

When the State files under the Wagner-Peyser Act, it already submits a State plan. It operates an employment service by law.

Mr. MEEDS. But that State plan is not required to be coordinated with this, which would now be a new Manpower Training Act. Therefore we would dissemble the training end from the placement end.

Mr. PICKLE. What is sought to do by this law is to completely do away, in effect, with the Wagner-Peyser Act.

Mr. MEEDS. We are not asking to do away with the Wagner-Peyser Act.

Mr. PICKLE. Then take that part out.

Mr. MEEDS. They will continue to function. All we are asking is that they coordinate their activities with the manpower training activities. This is an essential request if we are to have a coordinated manpower program.

Mr. PICKLE. The State would like to coordinate the program. My employment service has asked for this permission, and wants to support it.

Mr. MEEDS. That is all we are asking that they do.

Mr. PICKLE. The interstate conference representatives of the various State employment agencies voted almost 50 to 1 to support this coordinated amendment, this particular amendment before us here. Every State except one or two has said by vote, and so notified your committee, that it would like to see these amendments added, and certainly this amendment with reference to the Wagner-Peyser Act.

Mr. MEEDS. There are many things with respect to which the State employment security people disagree about this bill, because they feel it is an invasion of their prerogatives.

All we ask them to do in this section—and the gentleman may have objection to other parts of the bill—is to coordinate the job-finding activities with the job-training activities.

Mr. PICKLE. If that is all the gentleman wanted, why did he not support this coordinated amendment offered awhile ago?

Mr. MEEDS. I point out, if the gentleman will look on page 16, he will find exactly what he was asking for. That is page 16, line 20.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Pickle).

The question was taken; and on a division (demanded by Mr. Pickle) there were—ayes 33, noes 43.

So the amendment was rejected.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to continue with another brief question of clarification of the role of the elderly citizen under this act, and I should like to ask the question of the gentleman from Michigan.

I notice in section 104(b)(2) on page 14, line 7, where the suggested members of the Manpower Services Council are listed, there is no reference to organizations concerned with the problems of the elderly. Perhaps you could give us assurances that committees on aging in the States and community agencies dealing with older people and organizations representing older people in effect will be "included in."

Mr. O'HARA. I will say to the gentleman I would consider that organizations representing the elderly are within the purview of the language on line 9 of page 14, subsection (2), and therefore they could be included on the Manpower Services Advisory Council.

Mr. SCHEUER. I thank my colleague.

Now, on the question of technical assistance, a great deal of technical assistance on the national level has been found necessary to assist community action agencies in developing and formulating good programs not only for young people but for the elderly as well. Is it possible that the Department of Labor can provide this technical assistance, similar to that provided to new careers programs in the past, either directly or by contract to prime sponsors, thus assuring that they get the necessary help in planning, building, and administering programs for elderly persons?

Mr. O'HARA. Will the gentleman yield?

Mr. SCHEUER. I am glad to yield to the gentleman.

Mr. O'HARA. It would seem to me that under title IV, "Special Federal Responsibilities," it would be possible to provide technical assistance of the sort described by the gentleman from New York.

Mr. SCHEUER. One last question.

Title I, section 109, clause 7, says that a person shall not be referred to training in an occupation which required less than 2 weeks of preemployment training unless there are immediate employment opportunities available in that occupation. Under the present mainstream program great value has been placed on the flexibility to tailor jobs to train and employ special kinds of applicants, especially older persons. For those who have been unemployed for long periods of time, there is a therapeutic value in putting a short period of classroom training. Then they can be given both periodic classroom training and intensive on-the-job training by craftsmen or skilled professionals. I trust that this section would not mean that all such classroom training would have to be carried out during the first 2 weeks, and that it would mean that on-the-job training could be carried on after the initial 2-week period.

Mr. O'HARA. Certainly on-the-job training is training. When we talk about preemployment training we mean prefull employment. In other words, you could not consider the period of time you were in on-the-job training as being full employment. It would have to be counted as additional training. Therefore, I do not think the concern you have expressed is one that would prevent elderly workers from enjoying the proved benefits of continuing part-time on-the-job training after a short period of full-time job training.

Mr. SCHEUER. I thank my colleague.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. DENNIS

Mr. DENNIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dennis: Page 25, line 14, after the semicolon at the end of line 14 insert "and that neither the program, the funds provided therefor, or the personnel employed therein, will be, in anyway or to any extent, engaged in the conduct of political activities, or in the support or furtherance of, or in opposition to, any political candidacy."

Renumber the following lines accordingly.

Mr. DENNIS. Mr. Chairman, this is a very simple and, I trust, a noncontroversial amendment which is in no wise in conflict with and, on the contrary, is completely in conformity with the thrust and purpose of the bill.

The bill as presented by the committee provides that the Secretary shall not provide financial assistance for any program under this title unless he determines that the program does not involve political activities, among other things. I simply add by this amendment to that language the words of the amendment so that the bill will read that the Secretary shall not provide financial assistance to any program unless he determines that the program does not involve political activities and that neither the program, the funds provided therefor, nor the personnel employed therein will be in any way or to any extent engaged in the conduct of political activities, or in the support or furtherance of or in opposition to any political candidacy. In other words, I simply underline and make more specific the rather general language now in the statute.

I think none of us wish to make these programs into political footballs. I am sure the committee does not wish to do so because they wrote the antipolitical activity provision into the bill. I am simply clarifying and strengthening and making more specific that provision.

Mr. Chairman, I think the amendment is a good one and I trust it will find acceptance on the part of all concerned.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

XUM

Mr. Chairman, I agree that the amendment which has been offered by the gentleman from Indiana is a simple one but I believe the gentleman from Indiana has misconstrued the purpose and intent of this particular provision of the act. The section specifically reads that the Secretary shall not provide financial assistance for any program under this title unless he determines it is in accordance with such regulations as he shall prescribe and that the program does not involve political activity.

This is very, very clear. However, the proposed amendment goes quite far and says that anyone involved in any training program shall not engage in political activity. I, personally, feel that this represents an invasion of an individual's rights and would be unconstitutional.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. DANIELS of New Jersey. I am glad to yield to the gentleman from Indiana.

Mr. DENNIS. I do not agree that that is quite what this language means, if fairly interpreted.

I would suggest to the gentleman from New Jersey that it simply means that personnel engaged in these programs with this money shall not engage in political activities as a part of their activities while in that program and while using this money. Certainly, that is the intention of the amendment. I think that is what it says.

Mr. DANIELS of New Jersey. Might I respond by saying that I do not believe the gentleman's amendment reads that way. The gentleman's amendment says, following the language of subparagraph (4) following the wording contained in the bill, "The program does not involve political activities;", that neither the program, the funds provided therefor or the personnel employed therein will be in any way or to any extent engaged in the conduct of political activity and in that respect I believe it to be unconstitutional because of its invasion of an individual's rights to participate in political activities.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. DANIELS of New Jersey. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Would it be fair to say that funds and programs under this act would be covered insofar as employees are concerned by the Hatch Act?

Mr. DANIELS of New Jersey. Absolutely.

Mr. STEIGER of Wisconsin. And would it not also be fair to suggest that this language contained in the Dennis amendment may, in fact, in spite of the Hatch Act, represent a limitation upon the Hatch Act or upon that which is present law?

Mr. DANIELS of New Jersey. It may be. However, I do not know all of the specific terms of the Hatch Act.

Mr. STEIGER of Wisconsin. Mr. Chairman, I would concur with the gentleman from New Jersey that the amendment can be mischievous because there are very few of us who really know the full coverage of the Hatch Act and I do not want to go beyond the Hatch Act. I am sure that the employees covered under this bill are covered by the Hatch Act and that is the way they ought to be.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. DANIELS of New Jersey. Yes; I yield further to the gentleman from Indiana.

Mr. DENNIS. I am not satisfied that the employees referred to here in these programs would be covered by the Hatch Act, although I do not have the detailed terms of the Hatch Act in mind.

But I say again that the primary thrust of this proposed amendment, when fairly interpreted, involves this program and these people while in their capacity as engaged in this program. There is no intention here and, of course, you could not write a bill which said that someone engaged in this program could not engage in any political activity. However, you can say he cannot engage in political activity as a part of this program, and that is all I am doing and all that I seek to accomplish.

Mr. DANIELS of New Jersey. The act already says that the program does not involve political activity and we included a semicolon at that point and that is as far as the committee desires to go.

Therefore, Mr. Chairman, I oppose the amendment.

Mr. KAZEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I only ask for this time in order to ask the gentleman this question: Is it the gentleman's understanding that all employees under these programs come under the Hatch Act?

Are all the employees, all of the people that are paid with Federal funds for these programs, do they come under the Hatch Act? I understood the gentleman to say they did, and I would like to have that statement clarified.

Mr. DANIELS of New Jersey. I believe that those people who are engaged in running and administering the program, as supervisors, are covered by the Hatch Act, but I do not believe that any trainee would be so involved.

Mr. KAZEN. I was asking about those employees that receive Federal money under these training programs regardless of what capacity they serve in, as long as they are paid with funds that are earmarked for these programs. Is it my understanding that you are telling us now that they fall within the Hatch Act?

Mr. DANIELS of New Jersey. I say the trainees would not come under the Hatch Act, but the personnel administering the programs would come under the Hatch Act.

Mrs. GREEN of Oregon. Mr. Chairman, if the gentleman will yield, I would just like to raise a question in view of what my good friend, the chairman of the subcommittee, has said, because the director of one of the grandparent programs in my county is the full-time Democratic county chairman——

Mr. DANIELS of New Jersey. Has the gentlewoman brought that to the attention of the proper officials?

Mrs. GREEN of Oregon. I brought it to the attention of the committee. I pointed out to the OEO and to my Democratic friends that it would be perfectly possible if anybody wanted, in a Republican administration, to place every single county Republican chairman on the public payroll. There would be no violation of the law, they ruled.

I would also like to say to my distinguished Democratic colleagues that they really ought to look at this bill, because they were not nearly as charitable to the Nixon administration 2 weeks ago as they are now, because this could turn into the biggest political operation that this Congress has ever seen. The public employment title has absolutely no safeguards as are required in the other Federal employment program, the civil service program.

Mr. KAZEN. Mr. Chairman, since this debate has taken the turn that it has, I do not see why the committee would object to this amendment. It would just make sure that no political activities are engaged in by any employees of these programs. I want to make sure that those employed in these programs can be good, full-time employees who would devote all of their time, talents, and energies to these manpower training programs in order to help people who are trying to learn a trade or a vocation in order to be able to support themselves and their families.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—OCCUPATIONAL UPGRADING

AUTHORIZATION OF PROGRAM

SEC. 201. The Secretary shall carry out a program under which public and private employers will undertake to provide the necessary education and skill training to prepare employees for positions of greater skill, responsibility, and remuneration in the employ of such employers. Financial assistance under this title may be provided by the Secretary pursuant to an application submitted by eligible applicants who shall be—

(a) prime sponsors designated pursuant to the provisions of title I of this Act; and

(b) other public and private employers.

REQUIREMENTS FOR APPLICATIONS

SEC. 202. Any application must contain assurances satisfactory to the Secretary that—

(a) the positions for which employees will be trained are positions that cannot with reasonable effort be filled by the employer with unemployed or underemployed workers already possessing such skills and willing to accept such employment;

(b) the selection of trainees shall be based upon merit, ability, and length of service, and that no person shall be selected as a trainee until such person has been in the employ of the employer for a period of not less than six months;

(c) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment in a recognized skill or occupation in the service of that employer and of other employers in the same industry;

(d) the training period is reasonable and consistent with periods customarily required for comparable training;

(e) adequate and safe facilities and adequate personnel and records of attendance and progress are provided;

(f) successful completion of the employee's training program can reasonably be expected to result in an offer of employment in the employer's own enterprise in the occupation for which he will be trained at wage rates not less than those prevailing for the same or similar occupations in that industry;

(g) the training and placement of such employees is part of a program that can reasonably be expected to lead directly to the employment of an equivalent number of new employees in entry level employment; and

(h) the trainees are compensated by the employer at such rates, including periodic increases, as may be deemed reasonable under regulations hereinafter authorized, considering such factors as industry practice and trainee proficiency, and that in no event shall the wages or employment benefits of any trainee be less than those received by him immediately before his starting such training program.

PAYMENTS TO EMPLOYERS

Sec. 203. Such agreements shall provide for payment to the employer undertaking a training program under this title in an amount equal to—

(a) ninety per centum of the instructional expense, other ordinary and necessary training costs, and trainee wage payments for the time spent in training less the value of productive services rendered by such trainee, plus

(b) a bonus payment to reward the efforts of employers whose programs under this title have resulted in substantial upgrading and high retention, to be computed as follows:

(1) at the end of the first twelve months following the completion of a program authorized under this title, 20 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees; and

(2) at the end of the second twelve months following the completion of a program authorized under this title, 10 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any amendments to title II?

(Mr. BENNETT asked and was given permission to extend his remarks at this point in the Record.)

Mr. BENNETT. Mr. Chairman, the thrust of the bill we are considering, H.R. 19519, the Comprehensive Manpower Act of 1970, is a positive step toward the important goal of giving every American the special training he needs to pursue the vocation his talent and abilities demand. The bill may need some amendments; but its objectives are surely proper ones.

I became particularly aware of this problem in a narrow area when I learned of the high degree of recidivism among inmates of our prison systems, that is, the high number of ex-convicts who return to prison for committing new crimes. It is a sad fact today that at least 40 percent of all offenders eventually return to prison. This indicates that there are some very serious defects in our criminal rehabilitation system. The answer to this problem could be comprehensive manpower training for prisoners so that when they are released, they will be able to pursue useful and constructive lives, and will not be tempted to return to a life of crime.

On the first day of the 91st Congress, I introduced H.R. 947, to provide for programs of job training and education of inmates of correctional institutions.

I first introduced this legislation in the 89th Congress, in 1966, and appeared before the committee, accompanied by expert witnesses in the field of corrections who endorsed my bill. The committee included in the amendments to the Manpower Development and Training Act that year an experimental program of education and training for inmates, and I am deeply grateful for this positive action by the committee. Over the last 3 years the Department of Labor's limited program under section 251 of the Manpower Development and Training Act of 1962 has accomplished much. There have been 37 projects in 29 States training over 2,000 inmates at a low cost of $1,300 to $1,400 per inmate. The program expired June 30, 1970, and has never had direct funding. Thus far, only about $7½ million has been spent. One of these pilot projects was at Apalachee Correctional Institutions, Chattahoochee, Fla., in my home State, where 240 inmates were included in the program. I understand that the results of these programs have been encouraging.

I am pleased to note that under H.R. 19519 such programs may be established. I believe this will accomplish much toward reducing the very disturbing and shocking rate of recidivism in our prisons, and the rising crime rate which costs the United States $27 billion annually.

Another aspect of this legislation which reflects the purpose of legislation I have previously introduced is provision for public employment where private employment is not available. Too many of our training programs have erroneously assumed that private enterprise can always absorb all of those trained. This has not always occurred; and the governmental approach is therefore needed if we are to try to provide a society in which all our adult citizens have a reasonable chance to work to support themselves, as an alternative to being unproductively on welfare rolls.

I congratulate the chairman and the distinguished members of the Education and Labor Committee for their work on this legislation.

The CHAIRMAN. If there are no amendments to title II, the Clerk will read.

The Clerk read as follows:

TITLE III—PUBLIC SERVICE EMPLOYMENT

AUTHORIZATION OF PROGRAM

Sec. 301. The Secretary shall carry out a program under which Federal, State, and local governments will provide useful public service employment to unemployed persons. Financial assistance under this title may be provided by the Secretary only pursuant to an application submitted by an eligible applicant, who shall be—

(a) prime sponsors designated pursuant to the provisions of title I of this Act; and

(b) other public agencies and institutions (including public service agencies and institutions of the Federal Government).

REQUIREMENTS FOR APPLICATION

Sec. 302. Any application for financial assistance under this title shall provide that—

(a) all persons employed thereunder, other than necessary technical, supervisory, and administrative personnel, will be selected from among eligible unemployed persons;

(b) to the maximum extent possible, technical, supervisory, and administrative personnel shall be recruited from among fully qualified, eligible unemployed persons;

(c) among eligible unemployed special consideration for employment shall be given to heads of households who are not covered by, or who have exhausted their entitlement to unempolyment compensation;

(d) persons employed under such agreements shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same labor market area for persons employed in similar public occupations:

(e) all persons employed under such agreements will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(f) the provisions of section 2(a)(3) of Public Law 89–286 shall apply to such agreements;

(g) the applicant shall maintain or provide linkages with upgrading and other programs under this Act, and other Federal or federally supported manpower programs for the purpose of:

(1) providing those persons employed under the agreement who want to pursue work with the employer, or in the same or similar work as that performed under the agreement with opportunities to do so and to find permanent, upwardly mobile careers in that field; and

(2) providing those persons so employed who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare themselves for, and obtain work in other fields;

(h) objectives shall be set for the movement of persons employed thereunder into public or private employment not supported under this Act; and

(i) the approvable request for funds does not exceed 80 per centum of the cost of carrying out this program: *Provided*, That, if the employer has not achieved the objectives prescribed pursuant to clause (h) under any agreement, the Secretary shall reduce the Federal share in any continuation or extension of the agreement, unless the Secretary ascertains that the applicant was without fault or that economic conditions in the area precluded accomplishment of such objectives.

INFORMATION FOR EMPLOYEES

Sec. 303. Every person employed under agreements under section 301 shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

ENTITLEMENT TO EMPLOYEE BENEFITS AND PROTECTION

Sec. 304. No agreement shall be entered into under section 301 with an employer who is, or whose employees are, under State law, exempted from the operation of the State

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workmen's compensation or unemployment compensation laws, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as allowed by State law, that the person employed under the agreement shall enjoy workmen's compensation and unemployment compensation coverage equal to that provided by law for covered employment.

MAINTENANCE OF EFFORT

SEC. 305. (a) No financial assistance contract shall be provided under section 301 unless the Secretary determines that the execution of the agreement will result in an increase in employment opportunities over those which would otherwise be available and that it will not result in a reduction in the employment and labor costs of the employer or the displacement of persons currently employed, including partial displacement resulting from a reduction in hours of work or wages or employment benefits.

(b) Where a labor organization represents employees who are engaged in similar work to that performed under the agreement in the same labor market area, such organization shall be notified prior to entering into the agreement.

EVALUATION OF APPLICATIONS

SEC. 306. In evaluating applications submitted under this title the Secretary shall consider the cost to the Government of each such application in relation to—

(1) the number of eligible unemployed persons who will be provided with employment under the application;

(2) the need of the community for the services to be performed under the application; and

(3) the nature and extent of the unemployment in the community in which the agreement is to be performed.

OBLIGATIONS OF THE SECRETARY TO ENROLLEES

SEC. 307. The Secretary shall on behalf of the enrollees be responsible for—

(1) assuring that every reasonable opportunity to find suitable regular employment or to enter a program authorized under Federal, State, or local manpower programs, has been explored before the individual is certified for public service employment;

(2) the provision of skills training to the extent necessary to equip unemployed persons to accept employment under agreements entered into under this title; and

(3) maintaining a continuing review of the status of each enrollee to assure that he is receiving consideration for referral to suitable regular employment or to manpower training programs.

DEFINITIONS

SEC. 308. For purposes of this Act—

(1) The term "eligible unemployed person" means any individual who has demonstrated that he is able and willing to work and (A) has been unemployed for five or more weeks, or (B) is employed on a part-time basis.

(2) The term "part-time basis" means less than thirty-five hours a week for a continuous period of ten weeks or more.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

The committee amendment: Page 32, beginning in line 21, strike out "heads of households" and insert in lieu thereof "persons who have dependents living in the same household".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHERLE: Beginning with line 21 on page 31, strike out everything down through line 15 on page 37; and on

Page 3, strike out lines 17 through 24, and redesignate subsections (h) and (i) as subsections (g) and (h), respectively; and

Beginning in line 25 of page 4, strike out "employed in public service jobs authorized in title III,"; and on

Page 18, beginning in line 12, strike out "I, II, and III" and insert "and II"; and on

Page 18, line 14, strike out "604" and insert "404"; and

Redesignate sections 401 through 431 as sections 301 through 331, respectively; and on

Page 37, line 16, strike out "TITLE IV" and insert "TITLE III"; and on

Page 46, line 17, strike out "412" and insert "312"; and

Redesignate sections 501 through 525 as sections 401 through 425, respectively; and on

Page 51, line 6, strike out "TITLE V" and insert "TITLE IV"; and on

Page 52, beginning on line 5, strike out "I, II, and III" and insert "I and II"; and on

Page 52, line 8, strike out "IV" and insert "III"; and

Beginning with the colon in line 16 on page 52, strike out everything down through "Act" in line 20; and on

Page 53, line 19, strike out "I, II, and III" and insert "I and II"; and on

Page 54, beginning in line 22, strike out "I, II, and III" and insert "I and II"; and on

Page 66, in lines 19 and 22, strike out "IV" and insert "III"; and on

Page 70, line 4, strike out "IV" and insert "III".

Mr. PERKINS (during the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with. If I understand the gentleman's amendment, he undertakes to strike the whole of title III?

Mr. SCHERLE. Yes.

Mr. Chairman, I offer the amendments en bloc because they are technical and conforming amendments that are required if the amendment to strike title III prevails.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SCHERLE. Mr. Chairman and Members of the House, we now come to the heart of the bill, title III. The question is simple and the decision should be just as simple.

Do you want to spend $1.5 billion for the deserving poor or do you want to waste it on a duplicate program operating within the same agency? That is the question we are faced with now.

Mr. Chairman, my amendment would remove title III—the so-called public service employment title—from this bill.

Let me make one thing clear. This special title serves no purpose—there is ample authority in this bill to train people for real jobs in public agencies. Section 102(a), in paragraphs (5), (8), (11), (12), and (19), contains all the authority needed to conduct any kind of job training program in the public sector.

For example, paragraph (5) authorizes "short-term work experience with public and nonprofit agencies for those unaccustomed to the discipline of work."

Paragraph (8) authorizes "on-the-job training provided by public, nonprofit, and private employers."

Paragraph (11) authorizes "special programs for jobs in public and private agencies leading to career opportunities, including new types of careers," in a wide variety of public programs in such fields as health, education, welfare, pollution control, beautification, et cetera.

Paragraph (12) authorizes "programs to provide incentives to private employers, nonprofit organizations, and public employers to train or employ unemployed or low income persons" and to pay recruitment, training, and counseling costs.

Finally, paragraph (19) authorizes special programs of public works for people who are chronically unemployed, have poor employment prospects, and are unable to secure training under other programs.

One may well ask, then, "Why is title III in this bill?"

The answer, Mr. Chairman, is quite simple but very difficult to understand. Title III requires that the Federal Government over the next 3 years must spend a minimum of $1.4 billion to create jobs in public agencies. This is not sound policy; it is not manpower training. It is a vast new program where the Federal Government acts as an "employer of first resort" and not of last resort. It is contrary to every purpose of this bill.

This bill started out as one which would eliminate narrow categories of training programs, so that job training would be flexible enough to meet local and regional needs. The bill without the public employment sector allows this. It consolidates a whole group of special programs under one broad authority.

I repeat—it consolidates programs but does not eliminate them nor does it abolish them. Then title III is added and we are right back to a mandatory program—nearly 20 percent of the funds on a national basis must be spent for so-called public service employment.

The experience with public employment projects has not been good—certainly not good enough to merit this special, mandatory spending title. The so-called work experience program under OEO, for example, was dropped completely by 1968 because it did not produce results. A noted manpower expert such as Sar Levitan—who is hardly a conservative Republican—has been very critical of public service employment programs. Recently he said:

> Many public employment projects were merely stopgap measures, with few permanently beneficial effects and even questionable impact at the time.

Mr. Levitan went on to describe such jobs as "hardly equal to manpower services with a longrun payoff." This is not the answer to unemployment and underemployment in America.

We are not talking about swallowing a single bite but a whole banquet of federally subsidized makework. The bill for this banquet will be sent to already overburdened taxpayers. There is only one way to hold this bill to its proper role of manpower training for honest jobs—and that is to eliminate title III from this bill.

There is not a single Member of this body who sincerely believes that new programs are not expensive, particularly those that overlap and, ladies and gentlemen, this one does. Would you not rather spend $1.5 billion, the cost of this new bureaucratic, duplicative, overlapping program, for the deserving poor rather than finance duplicate administration for duplicate programs? As I said earlier, there are now 11 programs existing that serve all the purposes that we need. They will not be eliminated. I urge adoption of the amendment.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. PERKINS. Mr. Chairman, to my way of thinking, this is the most important part of the bill. In title III we are trying to do something about rising unemployment in this country, and we are trying to do something about inadequate public service. I personally feel that the 18¾ percent of the funds appropriated should be the minimum expended for title III, public service employment.

We have had some experience with this section. The mainstream workers throughout the South and in the ghetto areas of this country have been comprised mostly of the elderly. Here we take into consideration the youths, the middle aged, and adults of all ages for public service employment. It has been estimated that we have about 12 million government employees; that is, the States have about 10 million and the Federal Government 2½ million. We need to render proper service to the people in America today by employment of an additional 500,000 public service employees—in the hospitals, in the parks, in the city halls, in the county governments, in rebuilding roads that would otherwise not be repaired. Here we undertake to do something for 100,000 of those people. Certainly with people being automated out of work and with the high rate of unemployment, I personally feel we would be derelict and irresponsible if we struck this title from the bill.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, I wish to associate myself with the remarks of the distinguished Chairman. I would like to point out that I have in my hand a news release issued by the U.S. Department of Labor dated Friday, November 6, 1970, which contains the latest figures of the Department with reference to our unemployment situation in America. Out of a total civilian work force of over 83 million Americans, the rate of unemployment, seasonably adjusted, is now 5.6 percent. The total number of unemployed, seasonably adjusted, is 4,700,000 persons. In view of the fact that over the past several months the employment situation in this country has gradually deteriorated, and that there are presently almost 5 million people unemployed, it is necessary for the Federal Government to take the leadership and the innovation to provide jobs, particularly where they may be furnished.

One of the avenues where employment is needed very, very badly and where the employer cannot afford to furnish such employment is in public service. Many of our States, many of our counties, many of our local governments need necessary help. They need to place people in jobs to benefit the communities and the State, but because of the lack of necessary financies, they are unable to furnish the necessary jobs. This program under title III will enable the States and the local authorities to fulfill these needs.

Mr. PERKINS. Mr. Chairman, I thank the distinguished chairman of the subcommittee.

I yield now to the distinguished gentleman from Illinois (Mr. Pucinski).

Mr. PUCINSKI. Mr. Chairman, I associate myself with the remarks by the gentleman from New Jersey (Mr. Daniels).

I would like to point out that 27 percent of the unemployed are between the ages of 16 and 19. The young people would be helped by this legislation. There just is no visible help for those young people except for a bill like this. When we consider that 27 percent, better than a quarter of those unemployed in America, are between the ages of 16 and 19, we know why we have problems in this country.

Mr. WAGGONNER. Will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Louisiana (Mr. Waggonner).

Mr. WAGGONNER. Mr. Chairman, under title III, the employment section, I believe the bill specifies that the Federal Government will pay 80 percent of the employment costs of the individuals. Is that correct?

Mr. PERKINS. That is correct.

Mr. WAGGONNER. Then the local agency which sponsors the manpower program would pay the remaining part of it.

Mr. PERKINS. That is correct.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

(On request of Mr. Waggonner, and by unanimous consent, Mr. Perkins was allowed to proceed for 2 additional minutes.)

Mr. WAGGONNER. Mr. Chairman, if the gentleman will yield further, in the instance of a community action agency being the prime sponsor, could the community action agency provide the 20 percent from appropriated funds furnished by Congress or would it be required to raise the money in addition to the appropriated funds?

Mr. PERKINS. There is no exception made for any community action agency. It will operate in the same way any other prime sponsor would operate, and the 20 percent would have to be paid.

Mr. WAGGONNER. It would have to be paid, but by whom? Must they raise that money locally?

Mr. PERKINS. They would raise it locally.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I take this time to ask my colleague, the gentleman from Michigan, a question about this particular title. In the bill adopted by the other body there are provisions which specifically provide funds and authorization for funding opportunities industrialization centers. In our bill the language is much broader, and it does not specifically identify programs such as the opportunities industrialization centers. I want to make some legislative history today.

I cite from the report on page 6 that—

> The language in section 102(a) (20) of the bill is intended to authorize the continuation of Opportunities Industrialization Centers, which have been so highly successful.

I want to ask the gentleman from Michigan, one of the prime sponsors of this bill, if indeed programs such as the opportunities industrialization centers will be protected adequately by the broad language of the present bill and will they be continued?

Mr. O'HARA. Mr. Chairman, if the gentleman will yield, I would like to say that certainly they will be protected under section 102(a) (20) to which the gentleman has referred. As a matter of fact, I think there is practically a unanimous feeling of the committee that the OIC's have been doing an excellent job and ought to be continued.

Mr. PUCINSKI. Mr. Chairman, I thank the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe it ought to be quite clear that this bill is a finely balanced effort to reach some agreement as to what needs to be done in the manpower field. It involves really three things.

On one hand it involves the question of decentralization and decategorization that is encompassed in title I, essentially. Second, it involves an upgrading feature that is found in title II. Last, it involves the feature found in title II proposed to be struck by the Scherle amendment for a public service employment concept within this legislation.

I believe it is important that all of us on both sides of the aisle understand that there is, from my standpoint, at least, a real argument that we do have to go through about exactly what we talk about when we discuss public service employment.

I said earlier in the general debate that this is not a section devoted to putting the Federal Government as an employer of last resort. It is not a massive program, and it is not without its limitations.

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As a matter of fact, in a letter from the Chamber of Commerce of the United States dated October 12, 1970, they said, and I quote:

> We are gratified to note that the bill contains recommendations that the National Chamber made to your Committee in our testimony on April 29 and again in our letter of September 28, 1970:
>
> * * * * *
>
> The public service employment program in the House bill is of sufficient size to cope with the current needs in the public sector, and yet is reasonably limited to permit proper administration.

I placed in the RECORD some time ago the letter from the AFL–CIO. In that letter they supported this bill and said, among other things:

> With national unemployment continuing to climb, this bipartisan bill, with its job-creating provisions as well as its reform of present Federal manpower programs, is urgently needed.

Let me be honest. One of the things we have gone through under our present programs, under the Johnson administration, was the so-called JOBS program, job opportunities in the business sector. The JOBS program was not even specifically authorized by the Congress, but they found sufficient authority to go ahead with it.

One of the things in that JOBS program was the concept of the Federal Government paying the training costs of employees in the private sector. Many people, Republicans and Democrats alike, including the Nixon administration, supported the JOBS idea.

I will have to say, in all honesty, I do not believe one can have it both ways. One cannot on the one hand support the JOBS concept of the Federal Government helping to pay the training cost in the private sector and then not turn around and recognize the same argument can be used for the public sector.

That is what title III is all about. It is taking the resources of the Federal Government on an 80 to 20 matching basis and making them available to the local communities and saying, "We believe there are needy jobs in the public sector as there were in the private sector under JOBS for people unemployed or underemployed."

Therefore, I believe this provision is important and this amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SCHERLE).

The question was taken; and on a division (demanded by Mr. SCHERLE) there were—ayes 31, noes 69.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. STEIGER of Wisconsin: On page 35, lines 1–13, strike SEC. 304 and renumber sections 305 to 308 inclusive, as sections 304 to 307, respectively.

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. PERKINS. Mr. Chairman, will the distinguished gentleman yield to me?

Mr. STEIGER of Wisconsin. I am happy to yield to the chairman of the committee.

Mr. PERKINS. Mr. Chairman, we accept this amendment because we want the public service employment section to apply universally everywhere.

Mr. STEIGER of Wisconsin. I thank the chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to title III?

AMENDMENT OFFERED BY MR. DENNIS

Mr. DENNIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DENNIS: Page 33, line 11, strike out lines 11 through 17, inclusive.

Mr. DENNIS. Mr. Chairman, this amendment simply strikes from the bill the following language which applies to the public service jobs we have just been discussing under the previous amendment here to title III. This language is stricken by this amendment:

> (e) all persons employed under such agreements will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer—

That is, of the governmental unit—

> and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

I do not find too much difficulty in accepting the idea of public employment as an emergency measure in the case of an economic depression. Maybe even the more extensive type, certainly much more extensive, provided by this bill would be more acceptable if it were amended so as to do what the committee suggests they are trying to do. They say here in the bill that the objective here shall be for the movement of persons employed on the public service jobs into public or private employment not supported by this act.

I think that is a worthy objective, if you are going to have public service employment, to make it a temporary thing and move these people out into other employment not supported by this act. I do not see how you are going to do it, though, if you give them a permanent home with all of the fringe benefits—not only the same wages but all of the fringe benefits—including even retirement—that you give to regular governmental employees. Why should a man who gets one of these jobs ever move off? There is no time limit in this bill. There is nothing that says he has to get off it once he has it. Here you are going to give him a permanent Government job, just like any other Government job, with all of the insurance benefits and retirement after he is age 65. Very likely he is a fellow who could never have gotten such a job in the first place if it were not for this program here. I say that if you are really trying to do something for a temporary unemployment situation and if you are really trying to move these people out of this program and into private employment, you have to take this kind of language out of the bill or you are never going to move them. You are just building a permanent Government employment setup here at the expense of the taxpayer.

Mr. Chairman, that is the purpose of my amendment.

Mr O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

It is not the intention of the committee to create second-class jobs. It is the intention of the committee that when a man is employed in public service employment and is working doing the very same work, at the very same hours and very same place as the man next to him, that he should receive the same pay and fringe benefits. That is all we intend to say; that he should not be treated better or worse but that he certainly should be treated the same as the fellow worker next to him. In my opinion that is a fair principle. Therefore, I urge defeat of the amendment.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Indiana.

Mr. DENNIS. I would like to point out that I have not attempted to touch the same rate of pay in this amendment. I am just talking about these fringe benefits such as retirement and things of that kind.

Mr. O'HARA. I appreciate that, but I want to say that fringe benefits are a part of pay and you are not providing equal pay if you do not provide equal fringe benefits as well as equal wage rates.

Mr. LANDGREBE. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Indiana.

Mr. LANDGREBE. Mr. Chairman, I wish to subscribe to the comments made by my distinguished colleague, the gentleman from Indiana (Mr. DENNIS), and to heartily endorse his comments.

Mr. Chairman, I urge all Members of this Congress to vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS).

The question was taken; and on a division (demanded by Mr. DENNIS) there were—ayes 32, noes 56.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DENNIS

Mr. DENNIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DENNIS: Page 34, line 17, place a period, instead of a comma, at the end of line 17, and strike out lines 18, 19, and 20 in their entirety.

Mr. DENNIS. Mr. Chairman, this is a very simple amendment and it does just this: The bill says, the committee bill says, that, in any of these plans for public employment, objectives shall be set for the movement of persons employed there under into public or private employment not supported under this act. It does not say how you would set the objectives or what they are. But it says one thing. It says if they do not move these persons into public or private employment not supported under the act, then the Secretary shall reduce the Federal share in any continuation or extension of the agreement. That is the only penalty provided for not moving them.

Then, the bill proceeds to nullify that by saying that the Secretary shall reduce the Federal share unless he ascertains that the applicant was without fault or that economic conditions precluded the accomplishment of the objectives.

No standards are set by which the Secretary shall be guided. So, in effect, he does not have to reduce the Federal share because the governmental employer does not, in fact, move these people out into private employment; because the Secretary can decide in his own mind, by his own standard, without any guidance, that the situation is excused and that, therefore, it should not be done.

All I am doing is taking that option away from him by striking these three lines, and saying that if the program does not in fact move these people into some other employment, then the Secretary must indeed reduce the Federal support. That is the way to get the thing accomplished, the thing which the committee says it is trying to do; and anybody knows it will not in fact do this, the way the bill is now drawn. Therefore, I think this is a good amendment and I urge its adoption.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment offered by the distinguished and able gentleman from Indiana would, I think, be a serious mistake. The reason I say that is because the concept here of the language of the committee report and the language of the bill is intended to insure that there is movement between those on public service employment off of public service employment rolls and into either the upgraded section or, under title I, the training and retraining section, to any place in other private sectors. What the amendment offered by the gentleman from Indiana would do would take away from the Secretary of Labor any ability to be flexible and it would do great harm to local communities which were without available work and found themselves in an economic condition that precluded the accomplishment of the objective of getting people off of public service employment.

What, I think, it would end up doing would be to create real hardships on those communities who through no fault of their own may be in a situation to have to terminate a program even though the real need, because of the economic conditions, continued to exist. I think the amendment would be a mistake. I urge that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES

PART A—MANPOWER RESEARCH AND DEVELOPMENT

RESEARCH AND DEVELOPMENT

SEC. 401. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies, the findings of which may contribute to the formation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability promotion of more effective manpower development, training, and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; upgrading of skills; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement, opportunities and services for older persons who desire to enter or reenter the labor force, and for improvements of opportunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty ignorance, or prejudice.

(b) The Secretary shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems. In carrying out this subsection with respect to programs designed to provide employment and training opportunities for low-income people, the Secretary shall consult fully with the Director of the Office of Economic Opportunity. In carrying out this subsection the Secretary of Labor shall, where appropriate, also consult with the Secretaries of Health, Education, and Welfare, Commerce, Agriculture, and Housing and Urban Development, the Chairman of the Civil Service Commission, and such other agencies as may be appropriate. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(e) The Secretary shall conduct such research and investigations as give promise of furthering the objectives of this Act either directly or through grants, contracts, or other arrangements.

LABOR MARKET INFORMATION

SEC. 402. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a National, State, local, or other appropriate basis, including but not limited to information regarding—

(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

(b) Information collected under this section shall be developed and made available in a timely fashion to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

MANPOWER UTILIZATION

SEC. 403. (a) The Secretary shall establish a program for the improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower. The Secretary shall conduct this program either directly or through such other arrangements as he may deem appropriate.

(b) The Secretary is authorized to provide financial support for studies of the utilization of manpower and of job design by any employer or group of employers in industries where there are a large number of unskilled employees, with a view to redesigning and rearranging the work patterns involved in the jobs, so that career ladders may be created where they do not exist, or are clearly inadequate.

EVALUATION

SEC. 404. (a) The Secretary shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons of various ages, and the adequacy of their mechanism for the delivery of services. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

(b) The Director of the Office of Economic Opportunity is authorized to conduct, either directly or by way of contract, grant, or other arrangement, a thorough evaluation of all programs and activities conducted pursuant to this Act to determine the effectiveness of such programs and activities in meeting the special needs of disadvantaged, chronically unemployed, and low-income persons for meaningful employment opportunities and supportive services to continue or resume their education and employment and to become more responsible and productive citizens. The Director of the Office of Economic Opportunity shall report to the Secretary on the evaluation authorized by this subsection at least once in each calendar year.

REMOVAL OF ARTIFICIAL BARRIERS TO EMPLOYMENT AND ADVANCEMENT

SEC. 405. The Secretary, in consultation with the Director of the Office of Economic Opportunity, shall conduct a continuing study of the extent to which artificial barriers to employment and occupation advancement, including civil service requirements and practices relating thereto, within agencies conducting programs under this Act restrict the opportunities for employment and advancement within such agencies and shall develop and promulgate guidelines, based upon such study, setting forth recom-

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mendations for task and skill requirements for specific jobs and recommended job descriptions at all levels of employment, designed to encourage career employment and occupational advancement within such agencies.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 406. In carrying out his responsibilities under this Act, the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, where appropriate, shall provide, directly or through grants, contracts, or other arrangements, preservice and inservice training for specialized, supportive, and supervisory or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise pertains to the purposes of this Act. Upon request, the Secretary of Labor may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years. In order to encourage the establishment and operation by low-income persons and their representatives of centers on the local level which are designed to provide comprehensive employment and related service for low-income persons who are unemployed or underemployed, the Secretary of Labor shall, in consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity, wherever feasible, provide training and technical assistance by grants, contracts, or other arrangements with individuals and organizations who have demonstrated a capacity to establish and operate such programs.

SEC. 407. (a) In carrying out his duties under this Act, the Secretary shall:

(1) Survey, at regular intervals, the various training programs and opportunities available to or utilized by staff of manpower service programs, including both managerial and technical staff.

(2) Analyze the manpower programs, operating or planned, including the conceptual basis, the operating structure, and the clientele to be served, in order to determine current and future staff training requirements thus correcting or avoiding deficiencies in staff performance and enhancing the impact of programs.

(3) Plan for and provide directly or by contract an integrated system of short term and intermittent staff training and instruction in managerial and technical matters relating to the conduct of manpower training programs and services, including but not limited to on-the-job training, the establishment and maintenance of fellowships and traineeships, exchange programs, and such other devices as are deemed necessary or appropriate. The staff training system thus established shall be aimed at and include manpower training and service staff at Federal, State, and local levels funded directly or indirectly by this Act and special attention shall be given to the utilization of this staff training system in a manner which will increase the number and effectiveness of previously disadvantaged persons serving in career staff capacities. Training under this section shall provide for such stipends and allowances (including travel and subsistence allowances) as may be deemed necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided for any one course of study for a period in excess of four years.

PART B—NATIONAL COMPUTERIZED JOB BANK PROGRAM

FINDINGS AND PURPOSE

SEC. 411. The Congress hereby finds that the lack of prompt and adequate information regarding manpower needs and availability contributes to unemployment, underemployment, and the inefficient utilization of the Nation's manpower resources. The Congress further finds that the development of electronic data processing and telecommunications systems has created new opportunities for dealing with this difficult problem. It is therefore the purpose of this title to enlist the tools of modern technology in a cooperative Federal-State effort to reduce unemployment and underemployment and more adequately meet the Nation's manpower needs.

ESTABLISHMENT OF THE PROGRAM

SEC. 412. The Secretary shall develop and establish a computerized job bank program for the purpose of—

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs; and

(4) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies, and other interested individuals and agencies.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program. The program established under this part shall be coordinated with the comprehensive manpower services program established under title I.

CONDUCT OF THE PROGRAM

SEC. 413. For the purpose of carrying out the program established in section 412, the Secretary is authorized to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary may conduct the program on a regional or interstate basis either directly or through grants, contracts, or other arrangements with public or private agencies and organizations. He may also conduct the program when he finds that a State or local program will not adequately serve the purposes of this part. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this part be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this part.

EXPERIMENTS, DEMONSTRATIONS, RESEARCH AND DEVELOPMENT

SEC. 414. The Secretary may conduct directly, or through contracts, grants, or other arrangements with public or private agencies or organizations, such experimental or demonstration projects, research and development as he deems necessary to improve the effectiveness of the program established under this part.

RULES, REGULATIONS, AND STANDARDS

SEC. 415. The Secretary shall prescribe such rules and regulations and standards as may be necessary to carry out the purposes of this part, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out the program established by this part, and including rules and regulations to assure the confidentiality of information submitted in confidence.

PART C—DEVELOPMENT OF EMPLOYMENT OPPORTUNITIES FOR DISADVANTAGED PERSONS IN FEDERALLY ASSISTED PROGRAMS

PURPOSE

SEC. 421. The purpose of this part is to establish a program of research, development, and pilot activities for the purpose of determining the level of employment generated by Federal grant and assistance programs and the degree to which such programs can provide an increased source of opportunities for the employment and advancement of disadvantaged persons.

RESEARCH

SEC. 422. The Secretary is hereby authorized to undertake studies of the contribution of Federal grants-in-aid and other Federal assistance programs to the overall employment level. Such studies may include but are not limited to collection and analysis of information on the number of positions wholly or partially supported by Federal assistance programs, their occupational structure, wage, and salary levels, projections for future growth, requirements and qualifications for entry into such positions, promotional and career development opportunities, the educational, vocational, and other relevant characteristics of those who occupy such positions, and the effects of such employment on employment generally. The heads of all Federal departments and agencies administering grants-in-aid or other Federal assistance programs are hereby directed to cooperate fully with the Secretary in the conduct of such studies. They shall transmit to the Secretary annually estimates of the employment increases or decreases expected to result from the planned expansion or reduction of such programs, and as conditions warrant, on call from the Secretary, contingency plans and estimates relating to the increase in employment which would be created if such programs are expanded under conditions of persistent high unemployment and underemployment.

PILOT PROGRAMS

SEC. 423. (a) The Secretary of Labor is authorized to conduct experimental, developmental, demonstration, and pilot programs to carry out the purposes of this part. In the conduct of these programs, the Secretary is authorized to enter into agreements with the heads of other Federal departments and agencies administering grants-in-aid and other forms of Federal assistance to establish annual and multiyear goals for the employment of disadvantaged persons in employment wholly or partially supported through such Federal assistance. For the purposes of carrying out these agreements, Federal departments and agencies may provide, notwithstanding any other provision of law, that the fulfillment of such goals shall be a condition for receiving such assistance.

(b) Programs under this part shall, to the extent practicable, be designed to eliminate artificial barriers to employment and occupational advancement, including merit system requirements and practices related thereto, which restrict opportunities for the employment and advancement of disadvantaged persons.

(c) Funds made available for the purpose of carrying out this part may be allocated and expended, or transferred to other Federal agencies for expenditure, as the Secretary of Labor deems necessary for carrying out the provisions hereof.

(d) Activities for which funds made available under this part may be expended shall include, but are not limited to, the following:

(1) extraordinary costs of training and supportive services necessary to improve the performance of disadvantaged persons who are employed pursuant to agreement under this section;

(2) costs of providing orientation, counseling, testing, followup, and other similar manpower services determined necessary to assist such individuals to achieve success in employment.

REPORTS

SEC. 424. The Secretary shall transmit to the Congress annually a report of his findings and recommendations arising out of the programs and studies under this part.

PART D—SECRETARY'S RESPONSIBILITY

SEC. 431. In carrying out his responsibilities under this Act, the Secretary is authorized under this title to provide for services and activities authorized under any other part of this Act.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT OFFERED BY MR. DENNIS

Mr. DENNIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DENNIS: Page 42, line 8, after the period at the end of line 8 insert the following: "The Director of the Office of Economic Opportunity shall make no contract, grant, or other arrangement regarding the evaluation authorized by this subsection, with any individual who has been employed by the Office of Economic Opportunity, within a period of one year following the termination of his said employment; or with any firm or partnership, any one of the partners or executive or managing members of which has been employed by the Office of Economic Opportunity, within a period of one year following the termination of such employment by such partner or by such executive or managing member; or with any corporation, any officer, director, or executive or managing employee of which has been employed by the Office of Economic Opportunity, within a period of one year following the termination of such employment on the part of such officer, director, or executive or managing employee."

Renumber the following lines accordingly.

Mr. DENNIS. Mr. Chairman, this is an amendment which has no quarrel whatsoever with the general thrust and purpose of this bill and which ought to be, I think, acceptable to every member of the Committee.

The section which I am seeking to amend says that the Director of the Office of Economic Opportunity is authorized to conduct, either directly or by way of contract, grant, or other arrangement, a thorough evaluation of all programs and activities conducted pursuant to this act.

Now, anybody who has been reading the newspapers lately, or who has been familiar with the situation at all, knows that there has been a great scandal because of the evaluation contracts, so-called, carried out by the Office of Economic Opportunity in which millions of dollars of the public money have been expended on such contracts with people who have just left the Office of Economic Opportunity, formed a private consulting business, and then gotten the contract with the agency that they just left.

It seems to me that those things should not be done under any administration, of either party; it does not help anybody. And I do not think this administration or this Director wants to do it at all. All this amendment does is to say that no evaluation contract shall be made by the Director of OEO with any individual who has been employed by the agency within a year of the termination of his employment, or with any partnership or organization which has such an individual as a partner, or a managing member, or with any corporation which has such an individual as an officer or a director, or an executive or managing employee.

Those types of people, organizations, and firms cannot contract with the Office of Economic Opportunity for an evaluation contract until they have been out of office for at least 1 year.

I would like to see anybody here suggest what is wrong with that amendment. I hope it will be accepted by the committee.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I really hesitate to oppose this amendment offered by the distinguished gentleman from Indiana because this is an amendment which I think is close to what at least was tried in the Economic Opportunity Act, though I am not sure successfully.

Let us understand two things—one, the Office of Economic Opportunity is already doing almost this same thing—not identically, I might add, and that is a big difference.

The Office of Economic Opportunity instruction 26-1, chapter 10, Code of Regulation 45, section 1026.

What they are doing is different than the Dennis amendment in two regards. One—they say on a competitive bid, a written waiver by the Deputy Director is required if there is an employee who is a former OEO employee and employed by that company that won the competitive bid.

Second, on a noncompetitive bid or contract, a written decision must be made by the Director himself in instances where there may be a former employee of the Office of Economic Opportunity now employed by that company.

Mr. Chairman, I think the Dennis amendment, laudable as it is, and I agree that this kind of thing does need to be done, does go too far. It runs counter to what is already being done by the OEO.

I might just say to the gentleman from Indiana that when we have the Economic Opportunity Act for renewal, I think the Committee on Education and Labor will continue to take a long, hard look at the question of former employees of the agency being a part of the operation of companies doing business for whatever reason with the OEO.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to my colleague.

Mr. DENNIS. Mr. Chairman, I appreciate that suggestion but I would suggest to the gentleman, if he agrees with me, that this sort of thing should be statutory rather than merely by regulation of the agency; if he agrees that we should write it down by law—binding them, as Jefferson put it, by the chains of the Constitution, then there is no better occasion for doing that than right here and now.

Mr. STEIGER of Wisconsin. May I say to the gentleman, my concern here is that I would be delighted to try to work out the language in the OEO Act to do this, but the language in the Dennis amendment, I think, in its present form, is open to some question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS).

The question was taken; and on a division (demanded by Mr. DENNIS) there were—ayes 40, noes 52.

Mr. DENNIS. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments to title IV? If not, the Clerk will read.

The Clerk read as follows:

TITLE V—MISCELLANEOUS

AUTHORIZED APPROPRIATIONS

SEC. 501. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $2,000,000,000 for the fiscal year ending June 30, 1972, $2,500,000,000 for the fiscal year ending June 30, 1973, and $3,000,000,000 for the fiscal year ending June 30, 1974.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

FUNDS AVAILABLE FOR SPECIFIC PROGRAMS

SEC. 502. (a) The amounts appropriated to carry out this Act for any fiscal year (except for amounts otherwise reserved in accordance with this Act or expressly limited in an appropriation Act to a specific purpose under this Act) shall be allocated among the titles of this Act in such a manner, subject to subsections (b) and (c) of this section, that of the amounts so appropriated—

(1) three-quarters shall be for training and employment programs carried out under title I, II, and III of this Act; and

(2) one-quarter shall be for activities authorized under title IV of this Act.

(b) Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing or appropriating funds for any such program or activity, not to exceed 25 per centum of the amount appropriated or allocated from any appropriation for any fiscal year for carrying out any such program or activity under this Act may be transferred and used by the Secretary for carrying out any other such program or activity under this Act: *Provided*, That on a nationwide basis an amount not less than 18.75 per centum of the amount appropriated under this Act shall be used to support public service employment under title III of this Act.

(c) To the extent necessary to enable the Secretary to make funds available to carry out any grant or contract entered into prior to the effective date of this Act under the Manpower Development and Training Act of 1962, as amended, or title I of the Economic Opportunity Act of 1964, as amended, the Secretary may transfer funds from amounts allocated for newly authorized programs under this Act.

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ADVANCE FUNDING

SEC. 503. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the adverse funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

ALLOCATION OF FUNDS

SEC. 504. (a) The amounts available for any fiscal year for titles I, II, and III which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1) (A) not more than 5 per centum shall be available for financial assistance under subsection (c) of this section, and (B) not more than 5 per centum shall be available for financial assistance under subsection (d) of this section;

(2) not less than 70 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the—

a. labor force,
b. unemployment,
c. lack of full-time employment,
d. insured unemployed,
e. average weekly unemployment compensation benefits paid,
f. number of teenagers fourteen through seventeen years of age,
g. persons heading low-income families,
h. unrelated low-income persons,

of the State bears to the respective totals thereof of the United States, the demonstrated capacity of sponsors to conduct effective programs, and the relative size of allocations previously received by each State for comparable manpower purposes; and

(3) the remainder shall be made available to the Secretary to carry out the purposes of titles I, II, and III.

(b) The amount apportioned to each State under clause (2) of subsection (a) shall be apportioned among areas within each such State so that areas served by prime sponsors approved under the provisions of section 104 of this Act are apportioned funds in the same manner as provided in clause (2) of subsection (a). To the maximum extent feasible, such apportioned funds shall be expended through approved applications submitted by such prime sponsors.

(c) The amount available pursuant to clause (1)(A) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the designation of prime sponsors for appropriate labor market areas or portions thereof. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to the area so covered under subsection (b) of this section. The Secretary shall confer with units of general local government eligible to be prime sponsors in appropriate labor market areas and encourage such units to cooperate on an areawide basis to the maximum extent practicable.

(d) The amount available pursuant to clause (1)(B) of subsection (a) for the purposes of this subsection shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the establishment by the prime sponsor of appropriate procedures for coordination and cooperation with agencies administering vocational education programs in the area to be served by any such sponsor. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to such prime sponsor under subsection (b) of this section. The Secretary, with the concurrence of the Secretary of Health, Education, and Welfare, shall establish criteria for the establishment of such procedures.

(e) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under subsections (a)(2) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsections (a)(2) and (b) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days advance notice to the prime sponsor for such area of the proposed reallocation. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(2) or (b), and no revision in the apportionment of the funds not so reallocated shall be made because of such reallocations.

(f) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(2) and (b) of this section and the labor market areas described (d) of this section.

DEFINITIONS

SEC. 505. For the purposes of this Act, except as otherwise specified, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

LEGAL AUTHORITY

SEC. 506. (a) The Secretary may prescribe such rules, regulations, guidelines, and other published interpretations or orders under this Act as he deems necessary. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, for the purpose of carrying out this Act shall contain, with respect to each material provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based. Such rules, regulations, guidelines, and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

(b) The authority of the Secretary relating to disapproval of prime sponsorship plans under section 104(f) shall not be delegated outside the Office of the Secretary or of the Assistant Secretary for Manpower.

SPECIAL LIMITATIONS AND CONDITIONS

SEC. 507. (a) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, or to assist in relocating establishments from one area to another. Such limitation on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(b) Any amounts received under chapters 11, 13, 31, 34, and 35 of title 38, United States Code, by any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

OTHER AGENCIES AND DEPARTMENTS

SEC. 508. (a) In the performance of his function under this Act, the Secretary, in order to avoid unnecessary expense and duplication of functions among Government agencies, shall use the available services or facilities of other agencies and instrumentalities of the Federal Government. Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such services and facilities as he may request for his assistance in the performance of his functions under this Act.

(b) The Secretary shall carry out his responsibilities under this Act through the maximum utilization of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal, and local agencies, and other appropriate public and private organizations and facilities.

COMPARATIVE PROGRAM INFORMATION

SEC. 509. The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in training and employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers;

(3) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

NONDISCRIMINATION

SEC. 510. The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

REPORTS

SEC. 511. The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources, use, and training, and his recommendations for the forthcoming fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources, utilization, and training.

AUTHORITY TO CONTRACT AND EXPEND FUNDS

SEC. 512. The Secretary may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as he may prescribe), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustment in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

ACCEPTANCE OF GIFTS

SEC. 513. The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept in the name of the Department, and employ or dispose of in furtherance of the purpose of this Act, or any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

ACCEPTANCE OF VOLUNTARY SERVICES

SEC. 514. The Secretary is authorized in carrying out his functions and responsibilities under this Act to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

ACCEPTANCE OF FUNDS

SEC. 515. The Secretary is authorized to accept and utilize in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

TRANSFER OF FUNDS

SEC. 516. Funds appropriated under the authority of this Act may be transferred, with the approval of the Director of the Office of Management and Budget, between departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

UTILIZATION OF SERVICES AND FACILITIES

SEC. 517. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

RENTAL, ALTERATION, AND IMPROVEMENT OF BUILDINGS

SEC. 518. The Secretary is authorized, in carrying out his functions under this Act, to expend funds without regard to any other law or regulations for rent of buildings and space in buildings and for repairs alteration, and improvement of buildings and space in buildings rented by him; but the Secretary shall not utilize the authority contained in this section—

(1) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which it is needed, and

(2) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

EXPENDITURES FOR PRINTING AND BINDING

SEC. 519. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to expend funds made available for the purposes of this Act for such printing and binding as he determines necessary, without regard to any other law or regulation.

CRIMINAL PROVISIONS

SEC. 520. Title 18 of the United States Code is amended by adding a new section 665 to read as follows:

"THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT

"SEC. 665. (a) Whoever, being an officer, director, agent, or employee of or connected in any capacity with any agency receiving financial assistance under the Comprehensive Manpower Act embezzles willfully, misapplies, steals, or obtains by fraud any of the moneys, funds, assets or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Comprehensive Manpower Act induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned not more than one year, or both."

INTERSTATE AGREEMENTS

SEC. 521. In the event that compliance with provisions of this Act requires cooperation or agreement between States; the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

EFFECT ON EXISTING LAWS

SEC. 522. (a) Effective with respect to fiscal years after June 30, 1971, the Manpower Development and Training Act of 1962 is repealed. Unexpended appropriations for carrying out such Act may be made available to carry out this Act, as directed by the President.

(b) All functions of the Director under part A of title I of the Economic Opportunity Act of 1964 are hereby transferred to the Secretary of Labor and part A of title I shall, without regard to the expiration date specified in section 171, become part E of title IV of this Act. Any reference to part A of title I of the Economic Opportunity Act or any provision thereof in any other law of the United States shall be deemed to be a reference to part E of title IV of this Act or the corresponding provision thereof.

(c) Effective with respect to fiscal years ending after June 30, 1971, title I of the Economic Opportunity Act of 1964 is amended by—

(1) amending all of the matter that appears preceding part D thereof to read as follows:

"TITLE I—MANPOWER DEVELOPMENT AND COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

"PART A—RESEARCH, EXPERIMENTAL, AND DEVELOPMENT AUTHORITY IN THE MANPOWER AREA

"STATEMENT OF PURPOSE

"SEC. 101. It is the purpose of this part to provide authority for the conduct of research, experimental, and developmental activities focused on providing more effective means for dealing with the employment and employment-related problems of the economically disadvantaged.

"ACTIVITIES AUTHORIZED

"SEC. 102. (a) The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for the payment of all or part of the costs of developing and carrying out programs designed to further the purposes of this part. Programs assisted under this part shall be of an experimental, developmental, demonstration, or pilot nature and shall be structured in such manner as the Director deems will best equip them to yield information as to the relative effectiveness of various approaches (including new approaches and refinements or variations of traditional approaches) directed to the solution of the employment and employment-related problems of the economically disadvantaged. Such programs may include provision for supportive and followup services.

"(c) In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor, and, as appropriate, the heads of other Federal agencies.

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 103. The Director may provide (directly or through contracts or other appropriate arrangements) technical assistance to assist in the initiation or effective operation of programs under this part. He may also make arrangements for the training of instructors and other personnel needed to carry out programs under this part.

"RESEARCH AND EVALUATION

"SEC. 104. The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for research pertaining to the purposes of this part. He shall also provide for the careful and systematic evaluation of programs related to the purposes of this part, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practical, and providing information needed to assess the relative potential of the various approaches employed in such programs for contributing significantly to the solution of employment and employment-related problems of the economically disadvantaged. In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor and, as appropriate, with the heads of other Federal agencies.

"SPECIAL CONDITIONS

"SEC. 105. Participants in programs under this part shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.";

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(2) redesignating part D thereof as part B and sections 150 through 155 as sections 121 through 126, respectively;

(3) striking out part E thereof; and

(4) redesignating part F as part C and section 171 as section 141.

(c) Effective with respect to fiscal years after June 30, 1971, section 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" at the end of paragraph (2) thereof, by inserting in lieu of the period at the end of paragraph (3) a semicolon and the word "and", and by adding the following new paragraph:

"(4) with the approval of the Secretary of Labor, in Job Corps centers operated under title IV of the Comprehensive Manpower Act.

(d) Grants and contracts entered into pursuant to the provisions of title I of the Economic Opportunity Act of 1964 and the Manpower Development and Training Act of 1962 prior to the effective date set forth in subsections (a) and (b) of this section shall not be affected by the provisions of this section.

ADVISORY COMMITTEES

SEC. 523. (a) The Secretary shall appoint a National Manpower Advisory Committee which shall consist of ten members and shall be composed of representatives of labor, management, agriculture, education, and training, and the public in general. From the members appointed to such Committee the Secretary shall designate a Chairman. Such Committee, or any duly established subcommittee thereof shall from time to time make recommendations to the Secretary relative to the carrying out of his duties under this Act. Such Committee shall hold not less than two meetings during each calendar year.

(b) For the purpose of making expert assistance available to persons formulating and carrying on programs under this Act, the Secretary shall, where appropriate, require the organization of a community, State, and/or regional basis of labor-management-public advisory committees.

(c) The National Manpower Advisory Committee may accept gifts or bequests, either for carrying out specific programs or for its general activities or for its responsibilities under subsection (b) of this section.

(d) Appointed members of the National Manpower Advisory Committee shall be paid compensation at the rate of $100 per diem when engaged in the work of the National Manpower Advisory Committee, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

EFFECTIVE DATE

SEC. 524. The effective date of this Act, except as otherwise provided, shall be July 1, 1971. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 71, after line 21, insert the following:

"REPORTS

"SEC. 525. (a) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall report to the Congress by January 20, 1972, on the extent to which community colleges, area vocational and technical schools, and other vocational educational agencies and institutions are being utilized to carry out manpower training programs supported in whole or in part from provisions of the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and this Act, the extent to which administrative steps have been taken and are being taken to encourage the use of such facilities and institutions and agencies in the carrying out of the provisions of this Act and any further legislation that may be required to assure effective coordination and utilization of such facilities and agencies to the end that all federally supported manpower and vocational educational programs can more effectively accomplish their objectives of providing all persons needing occupational training and opportunity for such training.

"(b) The Commissioner of the United States Office of Education shall report to the Congress by January 20, 1972, on the extent to which vocational orientation, preparation and education are being incorporated in regular elementary and secondary education programs and curricula to the end that education institutions serving youth during years of compulsory school attendance are affording meaningful opportunities, education and incentives for students to enter vocational careers and on any legislation that may be necessary to facilitate an appropriate blend of vocational and academic education."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. PUCINSKI. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. PUCINSKI. Mr. Chairman, on page 57, section 504 states—

> The Secretary shall publish in the Federal Register the apportionments required by subsections (a)(2) and (b) . . .

This deals only with State apportionments under the bill. I would like to ask the two principal sponsors of the bill what provisions are made in this act to make sure that all rules, regulations, or guidelines proposed or promulgated under this act will first be published in the Federal Register. I have an amendment at the desk which would require such publication, but the sponsors assure me that the amendment is not necessary; they assure me it is the intent of the sponsors of this legislation that all rules and regulations to be proposed and promulgated under this act will first be published in the Federal Register so all Members and all interested parties will have an opportunity to study the proposed rules before they become effective. I shall not offer the amendment.

What happens with legislation time and time again, as we have seen, is that Congress labors hard over a bill and all the intricacies of the bill, and we go ahead and finally adopt legislation. But when the administrators of legislation promulgate their rules and regulations, very often any similarity between their guidelines or regulations and what Congress had intended is purely coincidental. It seems to me there is a serious diminution of the power of the Congress when we permit administrators to write their own rules or regulations without giving Congress an opportunity to study the proposed rules before they become effective.

Mr. Chairman, I know it would be impossible for a legislative body to write all the rules and regulations on legislation. We must delegate this responsibility to the administrator. But because we are delegating this responsibility, Congress passed the Administrative Procedures Act to give Congress an opportunity to review proposed regulations before they become law.

Over the years the APA has been eroded and we have seen administrators bypass their responsibility by issuing guidelines to avoid publication in the Federal Register.

So, what I want to do is ask assurance, for the purpose of legislative history, from both the principal sponsors and perhaps the chairman of the full committee that all rules, regulations, guidelines, instructions, policies, and whatnot, proposed under this act will first be published in the Federal Register, so all interested parties, including Members of Congress, can see how they are administering this bill before the guidelines become effective. Usually what happens is they publish those guidelines, and the guidelines become effective on a certain date, and no one has the opportunity to comment on them. Now the courts have even ruled guidelines have taken on the color of law. I would like to have the assurance of the sponsors of the bill on this matter.

Mr. O'HARA. Mr. Chairman, if the gentleman will yield, I assure the gentleman from Illinois it is entirely our intention, and we try to embody it in section 506, that all rulemaking and promulgation of regulations is governed by the Administrative Procedures Act, which should apply in full force to the provisions of this act. Any regulations must be adopted in accordance with the Administrative Procedures Act, and the rulemaking processes under the Administrative Procedures Act must be followed, including notice and publication in the Federal Register and opportunity for comment and criticism of the proposed regulations.

Mr. PUCINSKI. Mr. Chairman, I thank the gentleman. I have a further question.

The Administrative Procedures Act specifically excludes statements of policy. I assume what we are saying is that the basic rules under which this act will be administered must be published in the Register before they become operative and effective. Statements on policy embellishing or elaborating on such rules need not be, but the basic rules must be published in the Register before they become effective. In other words, we do not recognize any bypass of publishing the proposed rules or regulations by calling them guidelines and avoiding publication.

Mr. O'HARA. I am not going to try to interpret the Administrative Procedures Act, but it is our intention that regulations adopted under this act must be published in the Register before they have any effect.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I concur with the remarks of the gentleman from Michigan. As far as I am concerned, anything having the force and effect of law or regulation under law should be published.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask some questions of the chairman of the committee and perhaps the minority member who is handling this particular legislation.

Title V of the bill sets forth the level of funding and specifies that for the purposes of this act for fiscal year 1972, ending June 30, 1972, there will be appropriated $2 billion; and for fiscal year 1973, $2.5 billion; and for fiscal year 1974, $3 billion.

Now it goes on and says, further, on page 52 of the bill, that three-quarters of this money, or 75 percent, shall be for training and employment programs carried on under titles I, II, and III of this act, and one-quarter shall be for activities authorized under title IV of this act. Title I is the manpower services program, title II is the occupational upgrading, and, of course, title III is the public service employment section.

Mr. Chairman, I have in my hand here a list of 11 programs that are manpower programs to be consolidated by this proposal, and including the budget carryover of $134.3 million, the total funds for the 1971 budget are $1,628,400,000. If we are going to allocate 75 percent of this money to titles I, II, III, and another 25 percent to title IV, I submit that with creating a new program, as we are doing with title III, we are going to have less money in the overall for these programs being consolidated than we had last year, and we are going to have this year. The 11 job programs are listed. The manpower programs are listed. We have available now for fiscal year 1971, $1,628,400,000. So what programs are going to be cut when we have an authorized appropriation of $2 billion for fiscal year 1972?

Mr. PERKINS. Let me say to my distinguished colleague, we have the public service program, which is a new program, as the gentleman has stated. We earmark 18.75 percent of the amount appropriated.

Of course we must not presume that the Appropriations Committee and the House will starve the ongoing programs which are well established.

This program is serving annually 1.3 million people today. It will take more money to see the best possible accomplishments. The authorization in my judgment will take care of all the programs you mention at the present levels and permit modest expansion. I am most hopeful that the entire $2 billion will be appropriated. I believe 18.75 percent set aside for the public service program is reasonable but at the same time I would like to see the authorizations raised above the levels the bill provides to assure that under no conceivable circumstance any program will suffer, and that effective expansion can take place.

Mr. WAGGONNER. I think the gentleman misses the point.

This bill authorizes only $2 billion for all of the programs we will continue, plus the new public service program. If we have to allocate 18.75 percent of whatever is appropriated up to $2 billion, for the public service program, and then another 25 percent has to be spent on title IV, which is for research, this will of necessity leave much less money in the programs that are being consolidated and continued than they have had for a number of years.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to any Member who can give me an answer. Somebody is fixing to get a lot less money.

Mr. STEIGER of Wisconsin. May I say that I do not concur with the analysis of how the funding is to be allocated.

We are talking about 18.75 percent of the allocation of the appropriation for title III, whatever the appropriation is.

In the omnibus section of the bill the $2.5 billion or $3 billion has no relationship to what may be appropriated by the Appropriations Committee.

Mr. WAGGONNER. The gentleman has proved the point. Out of an appropriation of $2 billion for fiscal year 1972 we would take the 25 percent for title IV and add to that the 18.75 percent for title III. These two figures total 43.75 percent which must be given to titles III and IV, so the old continuing programs, which has had $1,628,000,000, are going to have just what is left, which is a lot less than they have had before.

Mr. PERKINS. Let me say to my very distinguished colleague that for title IV we do reserve 25 percent.

Mr. WAGGONNER. We reserve 25 percent.

Mr. PERKINS. Just a moment. Included in the $1.28 billion which the gentleman referred to as present level of funding of ongoing manpower programs is approximately $200 million for the Job Corps which by this bill is now in title IV and would be funded out of the 25 percent.

Mr. WAGGONNER. I have a list of them.

Mr. PERKINS. Moreover, the funds in this title, title IV, can be transferred to titles I, II, or III, because the language in the bill so provides. That would take care of any possible discrepancy which I believe the gentleman is speaking about.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. WAGGONNER was allowed to proceed for 1 additional minute.)

Mr. WAGGONNER. Is the gentleman saying that the Secretary of Health, Education, and Welfare, in spite of a prohibition which allocates 25 percent to title IV and 18.75 percent to title III, can use the funds somewhere else? Is the gentleman saying that these figures can be manipulated by the Secretary?

Mr. PERKINS. No. Let me say this to the gentleman: It is only 18.75 percent of the amount appropriated for title III.

As to title IV, if the gentleman will turn to page 51, part, D, he will find this language:

> SEC. 431. In carrying out his responsibilities under this Act, the Secretary is authorized under this title to provide for services and activities authorized under any other part of this Act.

That simply gives the Secretary flexibility, if there is a shortage, to take care of the funding of some program of some prime sponsor under some other title. He can transfer money.

AMENDMENT OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBERTS: On page 71, after line 15, insert the following: Amend H.R. 19519 by redesignating section 524 to become section 525 and inserting the following as a new section 524:

"SEC. 524. (a)—JOBS COUNSELING, TRAINING AND PLACEMENT SERVICE FOR VETERANS

"Sec.
"2001. Definitions.
"2002. Purpose.
"2003. Assignment of veterans' employment representative.
"2004. Employees of local offices.
"2005. Cooperation of Federal agencies.
"2006. Estimate of funds for administration; authorization of appropriations.
"2007. Administrative controls; annual report.
"2008. Cooperation and coordination with the Veterans' Administration.

"2001. Definitions

"For the purposes of this chapter—

"(1) the term 'eligible veteran' means a veteran of any war, or of service after January 31, 1955, as defined in section 101 of this title; and

"(2) the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"2002. Purpose

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end, policies shall be promulgated and administered, so as to provide such veterans the maximum of employment and training opportunities.

"2003. Assignment of Veterans' Employment Representative

"The Secretary of Labor shall assign to each State a veterans' employment representative, and such assistant veterans' employment representative as he shall determine to be necessary to assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing ap-

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pointments in competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engaged in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veteran's particular qualifications with an available job or on-the-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, and training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"2004. Employees of Local Offices

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and his assistants.

"2005. Cooperation of Federal Agencies

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"2006. Estimate of Funds for Administration; Authorization of Appropriations

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor.

"(b) There are hereby authorized to be appropriated such sums as the Congress shall determine to be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate required pursuant to subsection (a).

"(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary based on a demonstrated lack of need for such funds for such purposes.

"2007. Administrative Controls; Annual Reports

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling service.

"(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2005 of this title and a statement of the reasons for such determination.

"2008. Cooperation and Coordination With the Veterans' Administration

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The amendments made by this section shall become effective ninety days after the amendment of this Act.

On page 71 line 17 strike out "524" and insert "525."

On page 71 line 23 strike out "525" and insert "526."

Mr. ROBERTS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, and printed in the RECORD. I will explain the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ROBERTS. Mr. Chairman, the purpose of this amendment is essentially fourfold. It would restore to this bill the Veterans Preference Act. Essentially it tracks title 38 of the Veterans Preference Code. It is not in this bill, although the distinguished gentleman from Michigan points out that on page 5, I believe it is, there is some reference to veterans preference. However, the bill does not provide for veterans preference. The amendment I propose provides first job and job training and counseling service programs exactly parallel to the present veterans program. Two, employment service placement programs. Three, job placement service programs for eligible veterans to provide them with maximum employment and training opportunities. It has one other provision. It would make it possible for the Veterans' Administration to be a prime sponsor.

If you will recall, this act primarily will apply to cities of 100,000. You are going to have a lot of veterans who do not live in a city of 100,000 and who have no way of getting a sponsored program.

All this amendment does is to track exactly the veterans section of title 38. I think all of us want the returning veterans, particularly those coming back from Vietnam, to be sure that they have everything all of the other veterans have had. That is all I propose with this amendment.

Mr. Chairman, I shall not belabor the point any further, because I think all of the Members here want to see veterans preference included in this type of training activity.

I respectfully ask that the House adopt the amendment.

Mr. O'HARA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, one of the objectives of this legislation is to combine separate categorical programs into one flexible program to serve all. I hope that we will not abandon that concept for any particular group, no matter how deserving.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am amazed that there is opposition to the amendment which has been offered by the gentleman from Texas (Mr. ROBERTS). I support the amendment.

Mr. Chairman, in all of the other employment programs we have today veterans' preference is taken into consideration. The estimates are, if the Nixon administration is successful in carrying out the planned withdrawal of troops from Vietnam, that there will be 750,000 veterans who will move into the labor market during the next fiscal year.

I have heard members of the committee, including the gentleman from Michigan, assure other people in order to decrease opposition to the bill that we would continue the programs for the elderly and some of the other categorical programs which we now have. The chairman has also indicated the same thing.

Here we have the one group in the country doing the most for this country and making the greatest sacrifice and we are giving them absolutely no preference at all.

The gentleman from Texas is also correct in terms of the number of days served.

I suggest that the allocation formula in this bill on page 54 will give very definite preference to people in certain areas of this country such as Detroit, Mich., and a few other places under the formula on page 54 where the unemployment rate is very high. Some States will be preferred over others under this formula. There is no limit to the percent of funds, a preferred area may receive.

It seems to me it is equally desirable to give some kind of preference to the 750,000 veterans who are going to be returning to this country. The Wagner-Peyser funds will be dissipated when they are required to be shared with other prime sponsors as is required in paragraph 2, page 23. An even less efficient job may be done in counselling and placing veterans.

Mr. Chairman, I would hope that the amendment which has been offered by the gentleman from Texas will be adopted.

Mr. SISK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like very much to direct a question to the gentleman from Texas (Mr. Roberts) if he would make himself available at the microphone. The question is this:

Is this the amendment which had been proposed and expected to be offered by the gentleman from Texas (Mr. Teague), chairman of the Committee on Veterans' Affairs?

Mr. ROBERTS. That is correct. As the gentleman knows Mr. Teague of Texas is unable to be here.

Mr. SISK. It is my understanding that this has been looked at by the Veterans' Affairs Committee of the House and I can assure my friends here that there is great concern today across the country about what seems to be a lackadaisical approach to preserving veterans' preference in connection with some of the programs now in existence.

I might further say that I met recently with a group of people who are very much concerned about this situation.

I recognize it is very late in the evening to start a discussion at this time, but it seems very important to me that this matter be very seriously considered, and that veterans' preference definitely be written into this bill in line with what I understood to be the position of the Committee on Veterans' Affairs, and particularly the gentleman from Texas (Mr. Teague) and who, of course, is very much concerned.

I am just interested in seeing to it that these boys who are coming back—and there are thousands of them, and there are going to be hundreds of thousands of them—that their preference is definitely going to be protected because we have passed laws that say that they must be throughout the last 40 years. It would seem to me that in connection with this bill that certainly it would be important to consider that part of the program.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in opposition to the amendment, and I move to strike the requisite number of words.

Mr. Chairman, I hate to oppose this amendment. We all want to do the best job possible for our veterans. I do not think there is anybody in this room who would not want to make sure that those who have served in our Armed Forces are treated correctly. But the gentleman from Michigan was absolutely on target when he made the point that he did that we are talking here, not about the Wagner-Peyser Act, which has always had the Veterans Employment Service concept, but about MDTA and the Economic Opportunity Act, and those have never had a special provision for veterans.

This amendment, as I understand it, having read it briefly, since it is a lengthy amendment, which has been offered by the distinguished gentleman from Texas, would also create an assistant veterans' representative in each State.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman.

Mr. SISK. Let me assure the gentleman that based on what is happening right now, we need this veterans' representative in each State. I would think that is a very minor expense to see to it that these returning veterans do get the preference I think this Congress traditionally has intended that they get.

Mr. STEIGER of Wisconsin. Mr. Chairman, I agree with the gentleman from California—it was originally intended for them to have.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from New York.

Mr. BINGHAM. I wonder if the gentleman could explain to us whether the veterans' organizations, as such, have been interested in this amendment? I am not aware that they have been, and I wonder too if we have heard anything from the veterans' organizations in support of this amendment or whether it comes, as has been indicated by the gentleman from Michigan, from the State employment services.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman.

Mr. TEAGUE of California. Mr. Chairman, to my recollection, we have not heard from any veterans' organization in support of this amendment.

Mr. STEIGER of Wisconsin. I have not heard from any veterans' organizations in support of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Roberts).

The question was taken; and on a division (demanded by Mr. Perkins), there were—ayes 66, noes 55.

So the amendment was agreed to.

Mr. DINGELL. With our vote today on the manpower bill we hope to continue and expand the community service employment program for senior citizens. One example of this program is in Detroit, Mich., with the Senior AIDES project of the National Council of Senior Citizens which is sponsored by the city of Detroit Mayor's Committee for Human Resources Development.

A total of 60 Senior AIDES are scattered throughout the city in 29 work stations in a project that has Senior AIDES doing meaningful work for all age groups. Senior AIDES at community development centers assist social case workers and work in medical services clinics; Senior AIDES in Detroit General Hospital perform as nurses' assistants, lab assistants, and hospital clerks; and at the Detroit Recorder's Court, Senior AIDES serve as copy clerks, and supply clerks. Recently added to the work stations were such sites as the State of Michigan Civil Rights Commission, the International Afro-American Museum and a number of day-care centers where AIDES work with children of working mothers.

Supervisors at varied work stations have been so gratified by the service provided by the Senior AIDES under their supervision that they have requested additional Senior AIDES, and other private and nonprofit organizations who have been informed about the project are on a waiting list of work stations where Senior AIDES can be placed. In effect, the impact on the community has been fantastic, and the demand is great for expansion of these Senior AIDES services in Detroit.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Brooks, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 19519) to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability, and for other purposes, pursuant to House Resolution 1252, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SCHERLE. I am in its present form, Mr. Speaker.

XUM

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SCHERLE moves to recommit the bill H.R. 19519 to the Committee on Education and Labor.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 80, nays 275, not voting 79, as follows:

[Roll No. 355]

YEAS—80

Andrews, Ala.
Ashbrook
Baring
Betts
Bevill
Blackburn
Brinkley
Buchanan
Burke, Fla.
Burleson, Tex.
Cabell
Caffery
Chappell
Clancy
Collins, Tex.
Colmer
Crane
Daniel, Va.
Davis, Ga.
Dennis
Dickinson
Dorn
Downing
Edwards, La.
Fisher
Flynt
Foreman
Fountain
Fuqua
Gettys
Goldwater
Green, Oreg.
Griffin
Gross
Hagan
Haley
Hall
Hébert
Henderson
Hutchinson
Jarman
Jonas
Jones, N.C.
King
Kyl
Landgrebe
Landrum
Lennon
Long, La.
McMillan
Mahon
Marsh
Martin
Mizell
Nichols
O'Neal, Ga.
Passman
Patman
Pickle
Poff
Rarick
Roberts
Rogers, Fla.
Rousselot
Ruth
Satterfield
Schadeberg
Scherle
Schmitz
Scott
Sebelius
Sikes
Steiger, Ariz.
Stephens
Stuckey
Thompson, Ga.
Waggonner
Watson
Whitten
Wyatt

NAYS—275

Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashley
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Carey
Carney
Carter
Casey
Cederberg
Celler
Chamberlain
Chisholm
Clausen, Don H.
Clay
Cleveland
Cohelan
Collins, Ill.
Conable
Conte
Conyers
Corbett
Corman
Cowger
Cramer
Culver
Daniels, N.J.
Davis, Wis.
Delaney
Dellenback
Denney
Derwinski
Diggs
Dingell
Donohue
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Farbstein
Fascell
Feighan
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Gray
Green, Pa.
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Koch
Kyros
Latta
Leggett
Lloyd
Long, Md.
Lowenstein
Lujan
McClory
McCulloch
McDade
McDonald, Mich.
McFall
MacGregor
Madden
Mailliard
Matsunaga
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mollohan
Monagan
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pike
Pirnie
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Robison
Roe
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ryan
St Germain
Saylor
Scheuer
Schneebeli
Schwengel
Shipley
Shriver
Sisk
Slack
Smith, Calif.
Smith, Iowa
Snyder
Stafford
Staggers
Stanton
Steed
Steele
Steiger, Wis.
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, N.J.
Tiernan
Tunney
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Ware
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NOT VOTING—79

Abbitt
Abernethy
Adair
Adams
Annunzio
Aspinall
Berry
Blatnik
Brown, Mich.
Brown, Ohio
Button
Camp
Clark
Clawson, Del
Collier
Coughlin
Cunningham
Daddario
de la Garza
Dent
Devine
Dowdy
Edmondson
Eilberg
Fallon
Flowers
Gallagher
Gilbert
Goodling
Griffiths
Hanley
Hansen, Wash.
Hays
Hosmer
Ichord
Jones, Tenn.
Kuykendall
Langen
Lukens
McCarthy
McCloskey
McClure
McEwen
McKneally
Macdonald, Mass.
Mann
Mathias
May
Mayne
Meskill
Mills
Mize
Montgomery
Moorhead
Morton
Murphy, Ill.
Pettis
Poage
Podell
Powell
Price, Tex.
Purcell
Railsback
Rivers
Rodino
Roudebush
Ruppe
Sandman
Skubitz
Smith, N.Y.
Springer
Stokes
Taft
Teague, Tex.
Thomson, Wis.
Ullman
Wilson, Bob
Wold

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Abernethy for, with Mr. Annunzio against.

Mr. Teague of Texas for, with Mr. Stokes against.

Mr. Montgomery for, with Mr. Rodino against.

Mr. Dowdy for, with Mr. Dent against.

Mr. Rivers for, with Mr. Eilberg against.

Mr. Abbitt for, with Mr. Moorhead against.

Mr. Flowers for, with Mr. Sandman against.

Mr. Price of Texas for, with Mr. Hanley against.

Until further notice:

Mr. Adams with Mr. Adair.

Mr. Edmondson with Mr. Camp.

Mr. Gallagher with Mr. Lukens.

Mr. Purcell with Mr. Ruppe.

Mr. Clark with Mr. Pettis.

Mr. Aspinall with Mr. Kuykendall.

Mr. Blatnik with Mr. Taft.

Mr. Jones of Tennessee with Mr. Berry.

Mr. Macdonald of Massachusetts with Mr. Brown of Michigan.

Mr. Murphy of Illinois with Mr. McClure.

Mr. Podell with Mr. Button.

Mrs. Griffiths with Mr. Devine.

Mrs. Hansen of Washington with Mr. Hosmer.

Mr. Mann with Mr. Skubitz.

Mr. Ullman with Mr. McEwen.

Mr. McCarthy with Mr. Smith of New York.

Mr. Daddario with Mr. Mathias.

Mr. Mills with Mr. Bob Wilson.

Mr. Fallon with Mr. Morton.

Mr. Gilbert with Mr. Mayne.

Mr. de la Garza with Mr. Brown of Ohio.

Mr. Roudebush with Mr. Del Clawson.

Mr. Langen with Mr. Collier.

Mr. McCloskey with Mr. Springer.

Mr. Mize with Mr. Cunningham.

Mr. Coughlin with Mr. Meskill.

Mr. Goodling with Mr. Thomson of Wisconsin.

Mr. Wold with Mr. Railsback.

Mrs. May with Mr. McKneally.

Mr. O'NEAL of Georgia changed his vote from "nay" to "yea."

Mr. TAYLOR changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the bill S. 3867, to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves to strike out all after the enacting clause of S. 3867 and insert in lieu thereof the provisions contained in the bill H.R. 19519 as passed, as follows:

That this Act may be cited as "The Comprehensive Manpower Act".

STATEMENT OF PURPOSE

SEC. 2. The Congress finds and declares that—

(a) To attain the objective of the Employment Act of 1946 "to promote maximum employment, production and purchasing power" we must assure an opportunity for a gainful, productive job to every American who is seeking work and make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability.

(b) It is within the capability of the United States to provide every American who is able and willing to work, full opportunity, within the framework of a free society, to prepare himself for and obtain employment at the highest level of productivity, responsibility, and remuneration within the limits of his abilities.

(c) The growth of the Nation's economic prosperity and productive capacity is limited by the lack of sufficient skilled workers to perform the demanding production, service, and supervisory tasks necessary to the full realization of economic abundance for all in an increasingly technical society, while, at the same time, there are many workers who are working below their capacity and who with appropriate education and training could capably perform jobs requiring a higher degree of skill, judgment, and attention.

(d) The human satisfaction and sense of purpose so important to employment cannot be fulfilled unless employees have a reasonable opportunity to advance in employment to positions of greater responsibility, status, and remuneration.

(e) The placement of unemployed or underemployed workers in private employment is hampered by the absence of a sufficient number of appropriate entry level employment opportunities to satisfy the need therefor and that the preparation of workers now occupying such places for, and their employment in, more responsible positions would increase the number of appropriate entry level employment opportunities.

(f) It is in the interest of workers, employers, and of the Nation to promote the filling of skill requirements in industry and to provide for the upward mobility of industrial workers by a program that will enable employers to educate and train their employees for positions of greater responsibility, to provide opportunities for advancement to industrial workers, and to create employment opportunities for the unemployed.

(g) There are great unfilled public needs in such fields as health, recreation, housing and neighborhood improvement, public safety, maintenance of streets, parks, and other governmental facilities, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement and that to meet these urgent public needs it is necessary to devote greater resources to public service and to expand public service employment.

(h) The organization and delivery of manpower training services is increasingly complex, the technological nature of the services is expanding, and the trained staff to provide such services is scarce, thus requiring an intensive program of technical assistance and staff training to public and private agencies providing manpower services, and

(i) The economic prosperity of the United States and the well-being and happiness of its citizens would be enhanced by the establishment of a comprehensive manpower policy and program designed to assure every American an opportunity for gainful productive employment and to provide the education and training needed by any person to qualify for employment consistent with his highest potential and capability.

TITLE I—MANPOWER SERVICES PROGRAM

GENERAL RESPONSIBILITIES

SEC. 101. (a) The Secretary of Labor (hereinafter referred to as the Secretary) shall be developed and carry out a program of comprehensive manpower services under this title that will—

(1) provide for the prompt referral of those persons who are qualified and are seeking work to suitable employment opportunities;

(2) provide training and related manpower services to all other persons who are unemployed, in danger of becoming unemployed, employed in public service jobs authorized in title III, or employed in low-paying jobs who could through further training qualify for job opportunities that would provide an adequate standard of living for themselves and their families;

(3) provide appropriate training and related manpower services for persons in correctional institutions to assist them in obtaining suitable employment upon release;

(4) provide appropriate training and related manpower services for persons who have recently been or will shortly be separated from military service;

(5) develop an early warning system and standby capability that will assure a timely and adequate response to major economic dislocations arising from changing markets, rapid technological change, plant shutdowns, or business failure;

(6) promote and encourage the adoption of employment practices by public agencies, nonprofit agencies, labor organizations, and private firms that will remove unreasonable barriers to employment, without reducing productivity, and expand opportunities for upward mobility;

(7) reduce the level of youth unemployment by improving the linkages between educational institutions and job markets; and

(8) support and encourage the development of broad and diversified training programs by public, nonprofit and private employers designed to improve the skills and thereby the promotion and employment opportunities of employed workers.

(b) The Secretary shall be responsible for the coordination of the activities of other Federal agencies that may contribute to the accomplishment of the purposes of this Act, for promoting the maximum possible coordination of State and local public agencies and private agencies and for recommending to the President and to the Congress combinations of programs or shifts in responsibility that facilitate the achievement of the purposes of this Act.

COMPONENTS OF MANPOWER SERVICES PROGRAMS

SEC. 102. (a) In meeting the responsibilities imposed on him by section 101, the Secretary shall, to the extent needed in each State and local area, provide a comprehensive manpower services program for all those eligible under this title which shall include but shall not be limited to the following:

(1) A program for testing, counseling, and selecting for occupational training those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without training.

(2) Programs for the attainment of basic education and communications and employment skills, by those eligible persons who indicate their intention to and will thereby be able to pursue, subsequently or concurrently, courses of occupational training of a type for which there appears to be a reasonable expectation of employment, or who have completed or do not need occupational training but do require such other preparation to render them employable.

(3) Outreach to find the discouraged and undermotivated and encourage and assist them to enter employment or programs designed to improve their employability.

(4) Prevocational orientation to introduce those of limited experience to alternative occupational choices.

(5) Short-term work experience with public and nonprofit agencies for those unaccustomed to the discipline of work.

(6) Communication and employability skills for those pursuing, subsequently or concurrently, courses of occupational training who require such other preparation to render them employable and for those with sufficient skills for suitable employment who require such preparation to become employable.

(7) Occupational training designed to improve and broaden existing skills or to develop new ones.

(8) On-the-job training provided by public, nonprofit and private employers.

(9) Part-time training for employed persons where such training would lead to improved employment opportunities.

(10) Programs to provide part-time employment, on-the-job training, or useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school.

(11) Special programs for jobs in public and private agencies leading to career opportunities including new types of careers, in programs designed to improve the physical, social, economic, or cultural conditions of the community or area served in fields including but not limited to conservation, pollution, beautification, health, education, welfare, neighborhood redevelopment, rural development, transportation, recreation, maintenance of parks, streets, public facilities, and public safety, which provide maximum prospects for advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

(12) Programs to provide incentives to private employers, nonprofit organizations, and public employers to train or employ unemployed or low-income persons, including arrangements by direct contract, for reimbursement to employers for the costs of recruiting and training such employees to the extent that such costs exceed those customarily incurred by such employer in recruiting and training new hires, payment for on-the-job counseling and other supportive services transportation, and payments for other extra costs including supervisory training required by the program.

(13) Skill training centers wherever a consolidation of occupational training and related manpower services would promote efficiency and provide improved services.

(14) Supportive and followup services to supplement work and training programs under this and other Acts, including health services, counseling, day care for children, bonding, transportation assistance, and other special services necessary to assist individuals to achieve success in work and training programs.

(15) Employment centers and mobile employment service units to provide recruitment, counseling, and placement services, conveniently located in urban neighborhoods and rural areas and easily accessible to the most disadvantaged.

(16) Special job development efforts to solicit job opportunities suited to the abilities of the disadvantaged jobseeker and to facilitate the placement of individuals after training including referral to employment opportunities in urban and suburban areas outside their own neighborhoods.

(17) Job coaching for a limited period to assist the employer and the worker to insure job retention.

XUM

(18) Relocation payments and other special services as needed to assist unemployed individuals and their families to relocate from a labor surplus area to another area with expanding employment opportunities where a suitable job has been located. Preference for such assistance shall be provided those who have been provided training before relocation or have been accepted for on-the-job and other types of employer-directed training.

(19) Special programs which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health; education, day care, and recreation services.

(20) The development of job opportunities through the establishment and operation of centers for low-income persons who are unemployed or underemployed, providing recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services.

(b) Where appropriate, the services authorized by this section may be provided, in whole or in part, through residential programs.

ELIGIBLE APPLICANTS

SEC. 103. (a) To the extent consistent with the purposes of this title, the Secretary is authorized to enter into arrangements with any eligible applicant in accordance with the provisions of this title in order to make financial assistance available for the purpose of carrying out manpower services when the Secretary determines that such services can be most effectively implemented by such applicant.

(b) For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) prime sponsors designated pursuant to plans approved by the Secretary under section 104; and

(2) other public and private agencies, institutions, and organizations, including community action agencies.

PRIME SPONSORS

SEC. 104. (a) For the purposes of this title—

(1) any State; and

(2) any unit of general local government—

(A) which has a population of 100,000 or more persons on the basis of the most satisfactory current data available to the Secretary and (i) which is a city or (ii) which is a county or other unit of general local government which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to have general governmental powers substantially similar to those of a city and to serve a substantial part of a functioning labor market area; or

(B) which has a population of less than 100,000 persons on the basis of the most satisfactory current data available to the Secretary and which has the largest population of any unit of general local government meeting the requirements of clause (i) or (ii) of subparagraph (2)(A) in a State; and

(3) any combination of units of general local government which covers a geographical area which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to serve a substantial part of a functioning labor market area;

(4) any unit or combination of units of general local government, without regard to the population requirements of clauses (2) and (3), in rural areas designated by the Secretary which have substantial outmigration and high unemployment; shall be eligible to be a prime sponsor of a comprehensive manpower services program in accordance with the provisions of this section.

(b) Any State or unit (or combination of units) of general local government which is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary a prime sponsorship plan including provisions which evidence capability of carrying out a comprehensive manpower services plan in accordance with section 105(b) of this title and provisions for the establishment of a manpower services council which—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such council shall appoint the members of the council and shall designate one member to be chairman;

(2) provide that the council shall include members who are representative of community action programs; other significant segments of the poverty community; the public employment service; education and training agencies and institutions, including vocational educational agencies and community postsecondary educational and training institutions; social service programs, including child care, environmental quality, health, recreation, vocational rehabilitation, and welfare agencies; industrial development organizations; apprenticeship programs; business; labor; and veterans organizations;

(3) provide that the chairman of the council shall, with the approval of the council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the council;

(4) set forth procedures under which applications for financial assistance for any fiscal year will be submitted by the prime sponsor which shall be responsible for planning for and carrying out services for which financial assistance is provided under this title and under which appropriate arrangements may be made for the council's participation in planning and development, including initial preparation of such applications;

(5) set forth the prime sponsor's plans for conducting on a continuing basis surveys and analyses of needs for manpower services in the area served by the prime sponsor to be used in the development of applications for assistance under this title;

(6) set forth arrangements assuring that community action agencies will be involved in the development of applications for financial assistance and in the implementation of programs assisted under this title;

(7) set forth the prime sponsor's plans for evaluating (with the assistance of the council) the effectiveness of programs for which financial assistance is provided under this title; and

(8) describe the area to be served by the prime sponsor.

(c) In any case in which a State has submitted a plan under this section to serve a geographical area under the jurisdiction of a unit (or combination of units) of general local government which is eligible under clause (2), (3) or (4) of subsection (a) and which has submitted a plan under this section meeting the requirements set forth in subsection (b), the Secretary shall approve the latter plan after carrying out the procedures set forth in subsection (d). When two or more units (or combination of units) of general local government each submit plans which include a common geographical area under their respective jurisdictions and which are consistent with the purposes of this title and meet the requirements set forth in subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the unit of general local government plan which he determines will most effectively carry out the purposes of this title.

(d) The Secretary shall not approve a prime sponsorship plan submitted under this section unless—

(1) the plan was submitted to the Secretary by such date as the Secretary shall prescribe by regulation, prior to the beginning of the fiscal year when such plan is to take effect, in order to provide a reasonable period of time for review in accordance with the provisions of this section;

(2) a copy of such plan has been submitted for comment thereon to the Governor of the appropriate State; the Governor has been provided such period of time, as the Secretary shall prescribe by regulation, after the copy of such plan was sent to him, during which time he may submit comments on such plan to the Secretary, a copy of which comments shall be sent to the plan applicant; and, if comments have been submitted by the Governor, such additional period of time, as the Secretary shall prescribe by regulation, has passed, during which time the Secretary shall, to the extent practicable, confer with and encourage the plan applicant to resolve any differences arising from such comments;

(3) in the case of a plan submitted by a State, satisfactory arrangements are set forth for serving all geographical areas under its jurisdiction except for areas for which a local prime sponsorship plan is approved under this section.

(e) In the event that a unit (or combination of units) of genreal local government eligible to be a prime sponsor under subsection (a) does not submit a plan meeting the requirements set forth in this section, a community action agency serving a geographical area under the jurisdiction of such unit may submit a prime sponsorship plan for that area.

(f) Except as provided in subsections (c) and (d), the Secretary may approve any prime sponsorship plan submitted under this section if it is consistent with the provisions of this title. A plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefor;

(2) for a reasonable time to submit corrective amendments to such plan; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(g) For the purpose of making such payments as may be reasonably necessary to cover the staff and other administrative expenses of the councils established pursuant to subsection (b) and to support other planning and evaluation activities of prime sponsors, the Secretary shall reserve not less than 1 per centum of the amounts available for titles I, II, and III of this Act to be allocated in the same manner as set forth in section 604.

APPLICATIONS

SEC. 105. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this title. Any such application shall set forth—

(1) a description of the services for which such financial assistance will be used;

(2) assurances that the services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such services under such supervision;

(3) any arrangements made for services to be performed, on a reimbursable basis or otherwise, with the public employment service or any other public or private agency, institution, or organization;

(4) a description of the areas to be assisted by such programs, including data indicating the number of potential eligible participants, and their income and employment status;

(5) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

(b) An application submitted by a prime sponsor for financial assistance for any fiscal year shall set forth, in addition to the requirements set forth in subsection (a), a comprehensive manpower services plan for that fiscal year which shall include provisions for—

(1) coordinated and comprehensive assistance to those individuals requiring manpower and manpower-related services in order to achieve their full economic and occupational potential, effectively serving on an equitable basis the significant segments in that population;

(2) increased occupational opportunities and work experience for eligible individuals;

(3) intensified efforts to relieve skills shortages;

(4) effective utilization of manpower in our economy;

(5) appropriate arrangements with community action agencies, and, to the extent appropriate, with other community-based organizations serving the poverty community, for their participation in the conduct of programs for which financial assistance is provided under this title;

(6) utilizing, to the extent appropriate, those services and facilities which are available, with or without reimbursement of the reasonable cost, from Federal, State, and local agencies, including but not limited to the State employment service, State vocational education and vocational rehabilitation agencies, area skills centers, local educational agencies, postsecondary training and education institutions, and community action agencies, but nothing contained herein shall be construed to limit the utilization of services and facilities of private agencies, institutions and organizations (such as private businesses, labor organizations, private employment agencies, and private educational and vocational institutions) which can, at comparable cost, provide substantially equivalent training or services or otherwise aid in reducing more quickly unemployment or current and prospective manpower shortages;

(7) long-term projections of requirements for manpower and manpower-related services, and planning for meeting such requirements, in the area served by the prime sponsor;

(8) evaluating the effectiveness of programs for which financial assistance is provided under this title in achieving the objectives of such programs; and

(9) integrating the services provided under this title with other manpower and manpower-related services in the area served by the prime sponsor for which financial assistance is provided by the Secretary of Labor.

APPROVAL OF APPLICATIONS

SEC. 106. An application, or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) the application meets the requirements set forth in section 105;

(3) an opportunity has been provided to the community action agency in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary;

(5) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary;

(6) the approval request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement.

SPECIAL REQUIREMENTS FOR STATE PRIME SPONSORS

SEC. 107. (a) Any State seeking assistance under this Act or the Wagner-Peyser Act (48 Stat. 113) shall submit an annual State comprehensive manpower plan to the Secretary for approval in accordance with the requirements of this section.

(b) The State comprehensive manpower plan shall—

(1) provide for the cooperation and participation of all State agencies providing manpower and manpower-related services in the development and implementation of comprehensive manpower services plans by prime sponsors in accordance with the provisions of this Act;

(2) set forth an overall State plan for the development and sharing of resources and facilities needed to conduct manpower programs without unnecessary duplication and otherwise in the most efficient and economical manner;

(3) contain information regarding economic, industrial, and labor market conditions which will be useful to prime sponsors in the development and implementation of comprehensive manpower services plans under this Act including but not limited to job opportunities and skill requirements, labor supply in various skills, occupational outlook and employment trends in various occupations, and economic and business development and location trends;

(4) provide for the conduct of programs financed under the Wagner-Peyser Act in accordance with such rules, regulations, and guidelines as the Secretary determines necessary for the purpose of providing coordinated and comprehensive assistance to these individuals requiring manpower and manpower related services to achieve their full occupational potential in accordance with the policies of this Act; and

(5) contain other items as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

CONCURRENCE OF OTHER AGENCIES

SEC. 108. (a) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines with respect to assistance for services of a health, education, or welfare character under this title and he shall not provide financial assistance for services of a health, education, or welfare character under this title unless he shall have first obtained the concurrence of the Secretary of Health, Education, and Welfare. Such services include but are not limited to basic or general education; educational programs conducted in correctional institutions; institutional training; health, child care, and other supportive services; and new careers and job restructuring in the health, education, and welfare professions.

(b) The Secretary of Labor shall not issue rules, regulations, standards of performance, or guidelines relating to the participation of community action agencies and other community-based organizations serving the poverty community under this Act unless he shall have first obtained the concurrence of the Director of the Office of Economic Opportunity.

SPECIAL CONDITIONS

SEC. 109. The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(2) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(3) appropriate workmen's compensation protection will be provided to all participants;

(4) the program does not involve political activities; and that neither the program, the funds provided therefor, or the personnel employed therein, will be, in any way or to any extent, engaged in the conduct of political activities, or in the support or furtherance of, or in opposition to, any political candidacy.

(5) participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(6) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(7) persons shall not be referred for training in an occupation which requires less than two weeks of pre-employment training unless there are immediate employment opportunities available in that occupation;

(8) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this title and not to supplant such other funds;

(9) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this title.

ALLOWANCES AND COMPENSATION

SEC. 110. (a) The Secretary shall where appropriate provide for the payment of weekly allowances to individuals receiving services under this title. Such allowances shall be at a rate prescribed by the Secretary which, when added to amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6(a) (1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or

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other necessities furnished to the trainee. The Secretary shall take such action as may be necessary to insure that such persons receive no allowances with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein without good cause. Notwithstanding the preceding provisions of this subsection, the Secretary may, in accordance with such regulations as he shall prescribe, make such adjustments as he deems appropriate in allowances which would otherwise be payable under this Act, including but not limited to adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be carried on. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) For purposes of subchapter I of chapter 81 of title 5, United States Code, any person receiving services under this title shall, under such circumstances and subject to such conditions and limitations as the Secretary shall by regulation prescribe, be considered an employee of the United States within the meaning of the term "employee" as defined in section 801 of title 5, United States Code, and the provisions of that subchapter shall apply, except that in computing compensation benefits for disability or death, the monthly pay of such a person shall be deemed to be his allowance for a month, if he is receiving one. Regulations prescribed by the Secretary under this subsection may include but are not limited to adjustments in the amount of compensation payable under this subsection to take into account entitlements to workmen's compensation under other applicable laws or arrangements.

TITLE II—OCCUPATIONAL UPGRADING

AUTHORIZATION OF PROGRAM

SEC. 201. The Secretary shall carry out a program under which public and private employers will undertake to provide the necessary education and skill training to prepare employees for positions of greater skill, responsibility, and remuneration in the employ of such employers. Financial assistance under this title may be provided by the Secretary pursuant to an application submitted by eligible applicants who shall be—

(a) prime sponsors designated pursuant to the provisions of title I of this Act; and

(b) other public and private employers.

REQUIREMENTS FOR APPLICANTS

SEC. 202. Any application must contain assurances satisfactory to the Secretary that—

(a) the positions for which employees will be trained are positions that cannot with reasonable effort be filled by the employer with unemployed or underemployed workers already possessing such skills and willing to accept such employment;

(b) the selection of trainees shall be based upon merit, ability, and length of service, and that no person shall be selected as a trainee until such person has been in the employ of the employer for a period of not less than six months;

(c) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment in a recognized skill or occupation in the service of that employer and of other employers in the same industry;

(d) the training period is reasonable and consistent with periods customarily required for comparable training;

(e) adequate and safe facilities and adequate personnel and records of attendance and progress are provided;

(f) successful completion of the employee's training program can reasonably be expected to result in an offer of employment in the employer's own enterprise in the occupation for which he will be trained at wage rates not less than those prevailing for the same or similar occupations in that industry;

(g) the training and placement of such employees is part of a program that can reasonably be expected to lead directly to the employment of an equivalent number of new employees in entry level employment; and

(h) the trainees are compensated by the employer at such rates, including periodic increases, as may be deemed reasonable under regulations hereinafter authorized, considering such factors as industry practice and trainee proficiency, and that in no event shall the wages of employment benefits of any trainee be less than those received by him immediately before his starting such training program.

PAYMENTS TO EMPLOYERS

SEC. 203. Such agreements shall provide for payment to the employer undertaking a training program under this title in an amount equal to—

(a) ninety per centum of the instructional expense, other ordinary and necessary training costs, and trainee wage payments for the time spent in training less the value of productive services rendered by such trainee, plus

(b) a bonus payment to reward the efforts of employers whose programs under this title have resulted in substantial upgrading and high retention, to be computed as follows:

(1) at the end of the first twelve months following the completion of a program authorized under this title, 20 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees; and

(2) at the end of the second twelve months following the completion of a program authorized under this title, 10 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees.

TITLE III—PUBLIC SERVICE EMPLOYMENT

AUTHORIZATION OF PROGRAM

SEC. 301. The Secretary shall carry out a program under which Federal, State, and local governments will provide useful public service employment to unemployed persons. Financial assistance under this title may be provided by the Secretary only pursuant to an application submitted by an eligible applicant, who shall be—

(a) prime sponsors designated pursuant to the provisions of title I of this Act; and

(b) other public agencies and institutions (including public service agencies and institutions of the Federal Government).

REQUIREMENTS FOR APPLICATION

SEC. 302. Any application for financial assistance under this title shall provide that—

(a) all persons employed thereunder, other than necessary technical, supervisory, and administrative personnel, will be selected from among eligible unemployed persons;

(b) to the maximum extent possible, technical, supervisory, and administrative personnel shall be recruited from among fully qualified, eligible unemployed persons;

(c) among eligible unemployed special consideration for employment shall be given to persons who have dependents living in the same household who are not covered by, or who have exhausted their entitlement to, unemployment compensation;

(d) persons employed under such agreements shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, as amended, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same labor market area for persons employed in similar public occupations;

(e) all persons employed under such agreements will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(f) the provisions of section 2(a)(3) of Public Law 89–286 shall apply to such agreements;

(g) the applicant shall maintain or provide linkages with upgrading and other programs under this Act, and other Federal or federally supported manpower programs for the purpose of:

(1) providing those persons employed under the agreement who want to pursue work with the employer, or in the same or similar work as that performed under the agreement with opportunities to do so and to find permanent, upwardly mobile careers in that field; and

(2) providing those persons so employed who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare themselves for, and obtain work in other fields;

(h) objectives shall be set for the movement of persons employed thereunder into public or private employment not supported under this Act; and

(i) the approvable request for funds does not exceed 80 per centum of the cost of carrying out this program: *Provided*, That, if the employer has not achieved the objectives prescribed pursuant to clause (h) under any agreement, the Secretary shall reduce the Federal share in any continuation or extension of the agreement, unless the Secretary ascertains that the applicant was without fault or that economic conditions in the area precluded accomplishment of such objectives.

INFORMATION FOR EMPLOYEES

SEC. 303. Every person employed under agreements under section 301 shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

MAINTENANCE OF EFFORT

SEC. 304. (a) No financial assistance contract shall be provided under section 301 unless the Secretary determines that the execution of the agreement will result in an increase in employment opportunities over those which would otherwise be available and that it will not result in a reduction in the employment and labor costs of the employer or the displacement of persons currently employed, including partial displacement resulting from a reduction in hours of work or wages or employment benefits.

(b) Where a labor organization represents employees who are engaged in similar work to that performed under the agreement in the same labor market area, such organization shall be notified prior to entering into the agreement.

EVALUATION OF APPLICATIONS

SEC. 305. In evaluating applications submitted under this title the Secretary shall consider the cost to the Government of each such application in relation to—

(1) the number of eligible unemployed persons who will be provided with employment under the application;

(2) the need of the community for the services to be performed under the application; and

(3) the nature and extent of the unemployment in the community in which the agreement is to be performed.

OBLIGATIONS OF THE SECRETARY TO ENROLLEES

SEC. 307. The Secretary shall on behalf of the enrollees be responsible for—

(1) assuring that every reasonable opportunity to find suitable regular employment or to enter a program authorized under Federal, State, or local manpower programs, has been explored before the individual is certified for public service employment;

(2) the provision of skills training to the extent necessary to equip unemployed persons to accept employment under agreements entered into under this title; and

(3) maintaining a continuing review of the status of each enrollee to assure that he is receiving consideration for referral to suitable regular employment or to manpower training programs.

DEFINITIONS

SEC. 307. For purposes of this Act—

(1) The term "eligible unemployed person" means any individual who has demonstrated that he is able and willing to work and (A) has been unemployed for five or more weeks, or (B) is employed on a part-time basis.

(2) The term "part-time basis" means less than thirty-five hours a week for a continuous period of ten weeks or more.

TITLE IV—SPECIAL FEDERAL RESPONSIBILITIES

PART A—MANPOWER RESEARCH AND DEVELOPMENT

RESEARCH AND DEVELOPMENT

SEC. 401. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies, the findings of which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability; promotion of more effective manpower development, training, and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; upgrading of skills; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement, opportunities and services for older persons who desire to enter or reenter the labor force, and for improvements of opportunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty, ignorance, or prejudice.

(b) The Secretary shall establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems. In carrying out this subsection with respect to programs designed to provide employment and training opportunities for low-income people, the Secretary shall consult fully with the Director of the Office of Economic Opportunity. In carrying out this subsection the Secretary of Labor shall, where appropriate, also consult with the Secretaries of Health, Education, and Welfare, Commerce, Agriculture, and Housing and Urban Development, the Chairman of the Civil Service Commission, and such other agencies as may be appropriate. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

(c) The Secretary shall conduct such research and investigations as give promise of furthering the objectives of this Act either directly or through grants, contracts, or other arrangements.

LABOR MARKET INFORMATION

SEC. 402. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

(2) job opportunities and skill requirements;

(3) labor supply in various skills;

(4) occupational outlook and employment trends in various occupations; and

(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

(b) Information collected under this section shall be developed and made available in a timely fashion to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

MANPOWER UTILIZATION

SEC. 403. (a) The Secretary shall establish a program for thte improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower. The Secretary shall conduct this program either directly or through such other arrangements as he may deem appropriate.

(b) The Secretary is authorized to provide financial support for studies of the utilization of manpower and of job design by any employer or group of employers in industries where there are a large number of unskilled employees, with a view to redesigning and rearranging the work patterns involved in the jobs, so that career ladders may be created where they do not exist, or are clearly inadequate.

EVALUATION

SEC. 404. (a) The Secretary shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons of various ages, and the adequacy of their mechanism for the delivery of services. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

(b) The Director of the Office of Economic Opportunity is authorized to conduct, either directly or by way of contract, grant, or other arrangement, a thorough evaluation of all programs and activities conducted pursuant to this Act to determine the effectiveness of such programs and activities in meeting the special needs of disadvantaged, chronically unemployed, and low-income persons for meaningful employment opportunities and supportive services to continue or resume their education and employment and to become more responsible and productive citizens. The Director of the Office of Economic Opportunity shall report to the Secretary on the evaluation authorized by this subsection at least once in each calendar year.

REMOVAL OF ARTIFICIAL BARRIERS TO EMPLOYMENT AND ADVANCEMENT

SEC. 405. The Secretary, in consultation with the Director of the Office of Economic Opportunity, shall conduct a continuing study of the extent to which artificial barriers to employment and occupation advancement, including civil service requirements and practices relating thereto, within agencies conducting programs under this Act restrict opportunities for employment and advancement within such agencies and shall develop and promulgate guidelines, based upon such study, setting forth recommendations for task and skill requirements for specific jobs and recommended job descriptions at all levels of employment, designed to encourage career employment and occupational advancement within such agencies.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 406. In carrying out his responsibilities under this Act, the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, where appropriate, shall provide, directly or through grants, contracts, or other arrangements, preservice and inservice training for specialized, supportive, and supervisory or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise pertains to the purposes of this Act. Upon request, the Secretary of Labor may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two year. In order to encourage the establishment and operation by low-income persons and their representatives of centers on the local level which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed, the Secretary of Labor shall, in consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity, wherever feasible, provide training and technical assistance by grants, contracts, or other arrangements with individuals and organizations who have demonstrated a capacity to establish and operate such programs.

SEC. 407. (a) In carrying out his duties under this Act, the Secretary shall:

(1) Survey, at regular intervals, the various training programs and opportunities available to or utilized by staff of manpower service programs, including both managerial and technical staff.

(2) Analyze the manpower programs, operating or planned, including the conceptual basis, the operating structure, and the clientele to be served, in order to determine current and future staff training requirements thus correcting or avoiding deficiencies in staff performance and enhancing the impact of programs.

(3) Plan for and provide directly or by contract an integrated system of short term and intermittent staff training and instruction in managerial and technical matters relating to the conduct of manpower training programs and services, including but not limited to on-the-job training, the establishment and maintenance of fellowships and traineeships, exchange programs, and such other devices as are deemed necessary or

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appropriate. The staff training system thus established shall be aimed at and include manpower training and service staff at Federal, State, and local levels funded directly or indirectly by this Act and special attention shall be given to the utilization of this staff training system in a manner which will increase the number and effectiveness of previously disadvantaged persons serving in career staff capacities. Training under this section shall provide for such stipends and allowances (including travel and subsistence allowances) as may be deemed necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided for any one course of study for a period in excess of four years.

PART B—NATIONAL COMPUTERIZED JOB BANK PROGRAM

FINDINGS AND PURPOSE

SEC. 411. The Congress hereby finds that the lack of prompt and adequate information regarding manpower needs and availability contributes to unemployment, underemployment, and the inefficient utilization of the Nation's manpower resources. The Congress further finds that the development of electronic data processing and telecommunications systems has created new opportunities for dealing with this difficult problem. It is therefore the purpose of this title to enlist the tools of modern technology in a cooperative Federal-State effort to reduce unemployment and underemployment and more adequately meet the Nation's manpower needs.

ESTABLISHMENT OF THE PROGRAM

SEC. 412. The Secretary shall develop and establish a computerized job bank program for the purpose of—

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs; and

(4) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies, and other interested individuals and agencies.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program. The program established under this part shall be coordinated with the comprehensive manpower services program established under title I.

CONDUCT OF THE PROGRAM

SEC. 413. For the purpose of carrying out the program established in section 412, the Secretary is authorized to make grants to State or local agencies for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary may conduct the program on a regional or interstate basis either directly or through grants, contracts, or other arrangements with public or private agencies and organizations. He may also conduct the program when he finds that a State or local program will not adequately serve the purposes of this part. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this part be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this part.

EXPERIMENTS, DEMONSTRATIONS, RESEARCH AND DEVELOPMENT

SEC. 414. The Secretary may conduct directly, or through contracts, grants, or other arrangements with public or private agencies or organizations, such experimental or demonstration projects, research and development as he deems necessary to improve the effectiveness of the program established under this part.

RULES, REGULATIONS, AND STANDARDS

SEC. 415. The Secretary shall prescribe such rules and regulations and standards as may be necessary to carry out the purposes of this part, including standards to assure the compatibility on a nationwide basis of data systems used in carrying out the program established by this part, and including rules and regulations to assure the confidentiality of information submitted in confidence.

PART C—DEVELOPMENT OF EMPLOYMENT OPPORTUNITIES FOR DISADVANTAGED PERSONS IN FEDERALLY ASSISTED PROGRAMS

PURPOSE

SEC. 421. The purpose of this part is to establish a program of research, development, and pilot activities for the purpose of determining the level of employment generated by Federal grant and assistance programs and the degree to which such programs can provide an increased source of opportunities for the employment and advancement of disadvantaged persons.

RESEARCH

SEC. 422. The Secretary is hereby authorized to undertake studies of the contribution of Federal grants-in-aid and other Federal assistance programs to the overall employment level. Such studies may include but are not limited to collection and analysis of information on the number of positions wholly or partially supported by Federal assistance programs, their occupational structure, wage, and salary levels, projections for future growth, requirements and qualifications for entry into such positions, promotional and career development opportunities, the educational, vocational, and other relevant characteristics of those who occupy such positions, and the effects of such employment on employment generally. The heads of all Federal departments and agencies administering grants-in-aid or other Federal assistance programs are hereby directed to cooperate fully with the Secretary in the conduct of such studies. They shall transmit to the Secretary annually estimates of the employment increases or decreases expected to result from the planned expansion or reduction of such programs, and as conditions warrant, on call from the Secretary, contingency plans and estimates relating to the increase in employment which would be created if such programs are expanded under conditions of persistent high unemployment and underemployment.

PILOT PROGRAMS

SEC. 423. (a) The Secretary of Labor is authorized to conduct experimental, developmental, demonstration, and pilot programs to carry out the purposes of this part. In the conduct of these programs, the Secretary is authorized to enter into agreements with the heads of other Federal departments and agencies administering grants-in-aid and other forms of Federal assistance to establish annual and multiyear goals for the employment of disadvantaged persons in employment wholly or partially supported through such Federal assistance. For the purposes of carrying out these agreements, Federal departments and agencies may provide, notwithstanding any other provision of law, that the fulfillment of such goals shall be a condition for receiving such assistance.

(b) Programs under this part shall, to the extent practicable, be designed to eliminate artificial barriers to employment and occupational advancement, including merit system requirements and practices related thereto, which restrict opportunities for the employment and advancement of disadvantaged persons.

(c) Funds made available for the purpose of carrying out this part may be allocated and expended, or transferred to other Federal agencies for expenditure, as the Secretary of Labor deems necessary for carrying out the provisions hereof.

(d) Activities for which funds made available under this part may be expended shall include, but are not limited to, the following:

(1) extraordinary costs of training and supportive services necessary to improve the performance of disadvantaged persons who are employed pursuant to agreement under this section;

(2) costs of providing orientation, counseling, testing, followup, and other similar manpower services determined necessary to assist such individuals to achieve success in employment.

REPORTS

SEC. 424. The Secretary shall transmit to the Congress annually a report of his findings and recommendations arising out of the programs and studies under this part.

PART D—SECRETARY'S RESPONSIBILITY

SEC. 431. In carrying out his responsibilities under this Act, the Secretary is authorized under this title to provide for services and activities authorized under any other part of this Act.

TITLE V—MISCELLANEOUS

AUTHORIZED APPROPRIATIONS

SEC. 501. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $2,000,000,000 for the fiscal year ending June 30, 1972, $2,500,000,000 for the fiscal year ending June 30, 1973, and $3,000,000,000 for the fiscal year ending June 30, 1974.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

FUNDS AVAILABLE FOR SPECIFIC PROGRAMS

SEC. 502. (a) The amounts appropriated to carry out this Act for any fiscal year (except for amounts otherwise reserved in accordance with this Act or expressly limited in an appropriation Act to a specific purpose under this Act) shall be allocated among the titles of this Act in such a manner, subject to subsections (b) and (c) of this section, that of the amounts so appropriated—

(1) three-quarters shall be for training and employment programs carried out under titles I, II, and III of this Act; and

(2) one-quarter shall be for activities authorized under title IV of this Act.

(b) Notwithstanding any liimtation on appropriations for any program or activity under this Act or any Act authorizing or appropriating funds for any such program or activity, not to exceed 25 per centum of the amount appropriated or allocated from any appropriation for any fiscal year for carrying out any such program or activity under this Act may be transferred and used by the Secretary for carrying out any other such program or activity under this Act: *Provided,* That on a nationwide basis an amount not less than 18.75 per centum of the amount appropriated under this Act shall be used to support public service employment under title III of this Act.

(c) To the extent necessary to enable the Secretary to make funds available to carry out any grant or contract entered into prior to the effective date of this Act under the Manpower Development and Training Act of 1962, as amended, or title I of the Economic Opportunity Act of 1964, as amended, the Secretary may transfer funds from amounts allocated for newly authorized programs under this Act.

ADVANCE FUNDING

SEC. 503. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the adverse funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

ALLOCATION OF FUNDS

SEC. 504. (a) The amounts available for any fiscal year for titles I, II, and III which are not otherwise reserved in accordance with this Act shall be allocated in such a manner that of such amounts—

(1) (A) not more than 5 per centum shall be available for financial assistance under subsection (c) of this section, and (B) not more than 5 per centum shall be available for financial assistance under subsection (d) of this section;

(2) not less than 70 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the—

a. labor force,
b. unemployment,
c. lack of full-time employment,
d. insured unemployed,
e. average weekly unemployment compensation benefits paid,
f. number of teenagers fourteen through seventeen years of age,
g. persons heading low-income families,
h. unrelated low-income persons,

of the State bears to the respective totals thereof of the United States, the demonstrated capacity of sponsors to conduct effective programs, and the relative size of allocations previously received by each State for comparable manpower purposes; and

(3) the remainder shall be made available to the Secretary to carry out the purposes of titles I, II, and III.

(b) The amount apportioned to each State under clause (2) of subsection (a) shall be apportioned among areas within each such State so that areas served by prime sponsors approved under the provisions of section 104 of this Act are apportioned funds in the same manner as provided in clause (2) of subsection (a). To the maximum extent feasible, such apportioned funds shall be expended through approved applications submitted by such prime sponsors.

(c) The amount available pursuant to clause (1)(A) of subsection (a) shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the designation of prime sponsors for appropriate labor market areas or portions thereof. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to the area so covered under subsection (b) of this section. The Secretary shall confer with units of general local government eligible to be prime sponsors in appropriate labor market areas and encourage such units to cooperate on an areawide basis to the maximum extent practicable.

(d) The amount available pursunt to clause (1)(B) of subsection (a) for the purposes of this subsection shall be available to the Secretary for the purpose of providing additional financial assistance as an incentive for the establishment by the prime sponsor of appropriate procedures for coordination and cooperation with agencies administering vocational education programs in the area to be served by any such sponsor. Financial assistance provided to any such prime sponsor may not exceed an amount equal to an additional 20 per centum of the financial assistance otherwise available to such prime sponsor under subsection (b) of this section. The Secretary, with the concurrence of the Secretary of Health, Education, and Welfare, shall establish criteria for the establishment of such procedures.

(e) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under subsections (a)(2) and (b) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsections (a)(2) and (b) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days advance notice to the prime sponsor for such area of the proposed reallocation. Any funds reallocated under this subsection are not required to be apportioned in accordance with subsection (a)(2) or (b), and no revision in the apportionment of the funds not so reallocated shall be made because of such reallocations.

(f) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a)(2) and (b) of this section and the labor market areas described in subsection (d) of this section.

DEFINITIONS

SEC. 505. For the purposes of this Act, except as otherwise specified, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

LEGAL AUTHORITY

SEC. 506. (a) The Secretary may prescribe such rules, regulations, guidelines and other published interpretations or orders under this Act as he deems necessary. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, for the purpose of carrying out this Act shall contain, with respect to each material provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based. Such rules, regulations, guidelines and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

(b) The authority of the Secretary relating to disapproval of prime sponsorship plans under section 104(f) shall not be delegated outside the Office of the Secretary or of the Assistant Secretary for Manpower.

SPECIAL LIMITATIONS AND CONDITIONS

SEC. 507. (a) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, or to assist in relocating establishments from one area to another. Such limitation on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(b) Any amounts received under chapters 11, 13, 31, 34, and 35 of title 38, United States Code, by any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

OTHER AGENCIES AND DEPARTMENTS

SEC. 508. (a) In the performance of his function under this Act, the Secretary, in order to avoid unnecessary expense and duplication of functions among Government agencies, shall use the available services or facilities of other agencies and instrumentalities of the Federal Government. Each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such services and facilities as he may request for his assistance in the performance of his functions under this Act.

(b) The Secretary shall carry out his responsibilities under this Act through the maximum utilization of all possible resources for skill development available in industry, labor, public and private educational and training institutions, State, Federal, and local agencies, and other appropriate public and private organizations and facilities.

COMPARATIVE PROGRAM INFORMATION

SEC. 509. The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in training and employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers;

(3) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

NONDISCRIMINATION

SEC. 510. The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such

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program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

REPORTS

SEC. 511. The Secretary of Labor shall make such reports and recommendations to the President as he deems appropriate pertaining to manpower requirements, resources, use, and training, and his recommendations for the forthcoming fiscal year, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to manpower requirements, resources, utilization, and training.

AUTHORITY TO CONTRACT AND EXPEND FUNDS

SEC. 512. The Secretary may make such grants, contracts, or agreements, establish such procedures (subject to such policies, rules, and regulations as he may prescribe), and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including (without regard to the provisions of section 4774(d) of title 10, United States Code) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

ACCEPTANCE OF GIFTS

SEC. 513. The Secretary is authorized, in carrying out his functions and responsibilities under this Act, to accept in the name of the Department, and employ or dispose of in furtherance of the purposes of this Act, or any title thereof, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

ACCEPTANCE OF VOLUNTARY SERVICES

SEC. 514. The Secretary is authorized, in carrying out his functions and responsibilities under this Act to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

ACCEPTANCE OF FUNDS

SEC. 515. The Secretary is authorized to accept and utilize in carrying out the provisions of this Act funds appropriated to carry out other Federal statutes if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

TRANSFER OF FUNDS

SEC. 516. Funds appropriated under the authority of this Act may be transferred, with the approval of the Director of the Office of Management and Budget, between departments and agencies of the Federal Government, if such funds are used for the purposes for which they are specifically authorized and appropriated.

UTILIZATION OF SERVICES AND FACILITIES

SEC. 517. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

RENTAL, ALTERATION, AND IMPROVEMENT OF BUILDINGS

SEC. 518. The Secretary is authorized, in carrying out his functions under this Act, to expend funds without regard to any other law or regulations for rent of buildings and space in buildings and for repairs, alteration, and improvement of buildings and space in buildings rented by him; but the Secretary shall not utilize the authority contained in this section—

(1) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which it is needed, and

(2) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of his intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

EXPENDITURES FOR PRINTING AND BINDING

SEC. 519. In addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to expend funds made available for the purposes of this Act for such printing and binding as he determines necessary, without regard to any other law or regulation.

CRIMINAL PROVISIONS

SEC. 520. Title 18 of the United States Code is amended by adding a new section 665 to read as follows:

"THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT

"SEC. 665. (a) Whoever, being an officer, director, agent, or employee of or connected in any capacity with any agency receiving financial assistance under the Comprehensive Manpower Act embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Comprehensive Manpower Act induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned not more than one year, or both."

INTERSTATE AGREEMENTS

SEC. 521. In the event that compliance with provisions of this Act requires cooperation or agreements between States; the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

EFFECT ON EXISTING LAWS

SEC. 522. (a) Effective with respect to fiscal years after June 30, 1971, the Manpower Development and Training Act of 1962 is repealed. Unexpended appropriatons for carrying out such Act may be made available to carry out this Act, as directed by the President.

(b) All functions of the Director under part A of title I of the Economic Opportunity Act of 1964 are hereby transferred to the Secretary of Labor and part A of title I shall, without regard to the expiration date specified in section 171, become part E of title IV of this Act. Any reference to part A of title I of the Economic Opportunity Act or any provision thereof in any other law of the United States shall be deemed to be a reference to part E of title IV of this Act or the corresponding provision thereof.

(c) Effective with respect to fiscal years ending after June 30, 1971, title I of the Economic Opportunity Act of 1964 is amended by—

(1) amending all of the matter that appears preceding part D thereof to read as follows:

"TITLE I—MANPOWER DEVELOPMENT AND COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

"PART A—RESEARCH, EXPERIMENTAL, AND DEVELOPMENTAL AUTHORITY IN THE MANPOWER AREA

"STATEMENT OF PURPOSE

"SEC. 101. It is the purpose of this part to provide authority for the conduct of research, experimental, and developmental activities focused on providing more effective means for dealing with the employment and employment-related problems of the economically disadvantaged.

"ACTIVITIES AUTHORIZED

"SEC. 102. (a) The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for the payment of all or part of the costs of developing and carrying out programs designed to further the purposes of this part. Programs assisted under this part shall be of an experimental, developmental, demonstration, or pilot nature and shall be structured in such manner as the Director deems will best equip them to yield information as to the relative effectiveness of various approaches (including new approaches and refinements or variations of traditional approaches) directed to the solution of the employment and employment-related problems of the economically disadvantaged. Such programs may include provision for supportive and followup services.

"(c) In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor, and, as appropriate, the heads of other Federal agencies.

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 103. The Director may provide (directly or through contracts or other appropriate arrangements) technical assistance to assist in the initiation or effective operation of programs under this part. He may also make arrangements for the training of instructors and other personnel needed to carry out programs under this part.

"RESEARCH AND EVALUATION

"SEC. 104. The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for research pertaining to the purposes of this part. He shall also provide for the careful and systematic evaluation of programs related to the purposes of this part, directly or by contracting for independent evaluations, with a view to measuring specific benefits, so far as practical, and providing information needed to assess the relative potential of the various approaches employed in such programs for contributing significantly to the solution of employment and employment-related problems of the economically disadvantaged. In formulating plans for the implemenattion of this section, the Director shall consult with the Secretary of Labor and, as appropriate, with the heads of other Federal agencies.

"SPECIAL CONDITIONS

"SEC. 105. Participants in programs under this part shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.";

(2) redesignating part D thereof as part B and sections 150 through 155 as sections 121 through 126, respectively;

(3) striking out part E thereof; and

(4) redesignating part F as part C and section 171 as section 141.

(c) Effective with respect to fiscal years after June 30, 1971, section 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" at the end of paragraph (2) thereof, by inserting in lieu of the period at the end of paragraph (3) a semicolon and the word "and", and by adding the following new paragraph:

"(4) with the approval of the Secretary of Labor, in Job Corps centers operated under title IV of the Comprehensive Manpower Act."

(d) Grants and contracts entered into pursuant to the provisions of title I of the Economic Opportunity Act of 1964 and the Manpower Development and Training Act of 1962 prior to the effective date set forth in subsections (a) and (b) of this section shall not be affected by the provisions of this section.

ADVISORY COMMITTEES

SEC. 523. (a) The Secretary shall appoint a National Manpower Advisory Committee which shall consist of ten members and shall be composed of representatives of labor, management, agriculture, education, and training, and the public in general. From the members appointed to such Committee the Secretary shall designate a Chairman. Such Committee, or any duly established subcommittee thereof shall from time to time make recommendations to the Secretary relative to the carrying out of his duties under this Act. Such Committee shall hold not less than two meetings during each calendar year.

(b) For the purpose of making expert assistance available to persons formulating and carrying on programs under this Act, the Secretary shall, where appropriate, require the organization of a community, State, and/or regional basis of labor-management-public advisory committees.

(c) The National Manpower Advisory Committee may accept gifts or bequests, either for carrying out specific programs or for its general activities or for its responsibilities under subsection (b) of this section.

(d) Appointed members of the National Manpower Advisory Committee shall be paid compensation at the rate of $100 per diem when engaged in the work of the National Manpower Advisory Committee, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

SEC. 524. (a)—JOB COUNSELING, TRAINING AND PLACEMENT SERVICE FOR VETERANS

"Sec.
"2001. Definitions.
"2002. Purpose.
"2003. Assignment of veterans' employment representative.
"2004. Employees of local offices.
"2005. Cooperation of Federal agencies.
"2006. Estimate of funds for administration; authorization of appropriations.
"2007. Administrative controls; annual report.
"2008. Cooperation and coordination with the Veterans' Administration.

"2001. Definitions

"For the purposes of this chapter—

"(1) the term 'eligible veteran' means a veteran of any war, or of service after January 31, 1955, as defined in section 101 of this title; and

"(2) the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"2002. Purpose

'The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end, policies shall be promulgated and administered, so as to provide such veterans the maximum of employment and training opportunities.

"2003. Assignment of Veterans' Employment Representative

"The Secretary of Labor shall assign to each State a veterans' employment representative, and such assistant veterans' employment representative as he shall determine to be necessary to assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engaged in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veterans' particular qualifications with an available job or on-the-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, and training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"2004. Employees of Local Offices

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and his assistants.

"2005. Cooperation of Federal Agencies

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"2006. Estimate of Funds for Administration; Authorization of Appropriations

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor.

"(b) There are hereby authorized to be appropriated such sums as the Congress shall determine to be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate required pursuant to subsection (a).

"(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary based on a demonstrated lack of need for such funds for such purposes.

"2007. Administrative Controls; Annual Reports

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling service.

"(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2005 of this title and a statement of the reasons for such determination.

"2008. Cooperation and Coordination With the Veterans Administration

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The amendments made by this section shall become effective ninety days after the enactment of this Act.

EFFECTIVE DATE

SEC. 525. The effective date of this Act, except as otherwise provided, shall be July 1, 1971. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of enactment.

REPORTS

SEC. 526. (a) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall report to the Congress by January 20, 1972, on the extent to which community colleges, area vocational and technical schools, and other vocational educational agencies and institutions are being utilized to carry out manpower training programs supported in whole or in part from provisions of the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and this Act, the extent to which administrative steps have been taken and are being taken to encourage the use of such facilities and institutions and agencies in the carrying out of the provisions of this Act and any further legislation that may be required to assure effective coordination and utilization of such facilities and agencies to the end that all federally supported manpower and vocational educational programs can more effetcively accomplish their objectives of providing all persons needing occupational training an opportunity for such training.

(b) The Commissioner of the United States Office of Education shall report to the Congress by January 20, 1972, on the extent to which vocational orientation, preparation, and education are being incorporated in regular elementary and secondary education programs and curricula to the end that educational institutions serving youth during years of compulsory school attendance are affording meaningful opportunities, education, and incentives for students to enter vocational careers and on any legislation that may be necessary to facilitate an appropriate blend of vocational and academic education.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 19519) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week and any variations, if there are to be any.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the gentleman from Michigan, we still plan to go ahead with H.R. 18970, the Trade Act of 1970, which is programed for tomorrow.

That will be followed by H.R. 19504, the Federal-Aid Highway Act of 1970, should we get a rule on it. If a rule is not granted the highway bill would have to go over probably to week after next.

If the gentleman will yield further, for this benefit of the Members of the House, I would like to advise that we do not plan any business for Thursday, November 26, Thanksgiving Day, or Friday, November 27. In other words, at the close of business Wednesday, we expect no business for the remainder of the week. We do not know yet whether we will adjourn by resolution or whether we will go over and have a pro forma session on Friday, but we will not have any business after the close of business on Wednesday, November 25, until noon the following Monday.

Mr. GERALD R. FORD. But the Members can expect important legislative business on Monday, Tuesday, and Wednesday of that week?

Mr. ALBERT. Very important legislative business. As of now indications are we will probably have the occupational health and safety bill, and one of the appropriation bills, taking 3 days to complete them all.

Mr. GERALD R. FORD. Would the distinguished majority leader have any information for guidance as to when the House or the Congress might return following sine die adjournment, which will probably come between the middle and the 23d of December?

Mr. ALBERT. If the gentleman will yield, of course, anything I would say would be speculative and it would be subject to the will of the Congress, both Houses of the Congress, and I could not make a definite statement.

If we are in late in December, I would say for the convenience of the Members and also for the convenience of the administration we would certainly not come back, or I certainly would not want to come back, before the 18th or the 20th of January, and I would not think it would be possible or it would be likely for us to come back before the 11th or the 12th of January.

Mr. GERALD R. FORD. Mr. Speaker, I thank the distinguished majority leader.

AN APOLOGY TO JOHN CIARDI

(Mr. PATTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATTEN. Mr. Speaker, as one Member of Congress I apologize to John Ciardi who is loved and respected in our community by everybody who knows him.

I have checked, and there is not one single bit of evidence to justify John Ciardi's name on the list of alleged radicals released by the House Internal Security Committee. I say to the Members of this House and to the American public that John Ciardi is not a radical who advocates the violent overthrow of our Government. We love him for his writing, for his poetry, for his reviews. I can assure you that I have observed Mr. Ciardi's work for many years, and there is not the slightest suggestion of a radical trend in anything he ever wrote or said.

I would like to place in the CONGRESSIONAL RECORD John's own statement, "Manner of Speaking," which was printed in the November 7, 1970, issue of Saturday Review. It reflects much better than my words the truly wonderful nature of a fellow American:

MANNER OF SPEAKING

I am an ironist by profession. I do have other callings. In any given hypothetical life a hypothetical child will cry from a hypothetically burning building. At that point a specific emotion must answer, and I know of no ironic way to run through the flames to rescue the child. Irony can, in fact, be a way of life. As a profession it is more nearly a mannerism, a tonality to go with what T. S. Eliot called "The face that one prepares to meet the faces that you meet."

Irony is a recognition of one's own ambiguities in the presence of situations too complex for an unmixed response. It is an adjustment to one's own seriously taken unimportance in the overwhelming mass of otherness. It is a permission granted, in some hope of urbanity and grace, to other men to take their own unimportance seriously. It is, when that permission is understood, a peacemaker. It is, above all, a denial of demagogic impulse, an assertion that a stance taken a step or two to one side of clamoring confrontation is likely to lead to a better understanding than will emerge from a belly-bumping squabble.

A man becomes an ironist, I suppose, in the act of learning to distrust the oversimplifications of sincerity raised to a shout. An ironist cannot talk to a Fascist, to a hardhat, to a haranguer of the by-God truth, to an anarchist on his way to throwing the bomb, or to any man so saved, solved, and concluded within himself that all answers are his. At any such meeting the ironist is reduced to rueful reflections on the bull ape's adaptation to technology and to the hope that the ape will somehow manage to flail out his psychic craving for an absolute assurance of his own rightness without destroying the freedom of others to live in the balance of their confusions.

As an ironist, I am not given to flag waving. I distrust the truculent assumption of flag wavers that they are more patriotic, more honorable, and more fit for grace than are those who have evolved smaller gestures. Flag wavers are like baby-kissing politicians: They may truly love children, but the act of kissing them in public and on camera is at least partly calculated for reasons that have little to do with the baby that is being kissed. I am not ready to charge them with dishonesty; I just don't want them to kiss my baby.

In soul privacy, and in an experience beyond irony, I have kissed my own babies as they came. In much the same way I have raised the flag in honest devotion, never with any inclination to prove I love it more than anyone else, to fly it higher than my neighbor flies his, or to make others admire me for flying a larger flag than theirs. What is truly love in sufficient to itself. What is constantly declamatory cannot be entirely love. I have loved my country enough to go into combat against its enemies; I have honored the good in those institutions that have best served my sense of the American ideal; and I have opposed what I understood to be public evil. I am an American. I have never assumed that I am a better American than my neighbor. I have some personal distaste for public display. When the baby is to be kissed, I know the feel of it in my arms, I know the tug of what is between us, and I prefer to kiss it in private, which is to say where we both live.

In the practice of my public irony I write for *SR*, which is to say in a magazine whose purposes I endorse and whose readers I respect. I would not willingly have any suspicion of double-dealing arise between me and my colleagues or between me and my readers. For a moment, therefore, I must abandon irony and ambiguity for a declaration of clear purposes. The House Internal Security Committee (HISC) has declared in the public press that I am a radical, A radical is one who advocates the violent overthrow of the government. I am no such thing and I never have been. I have, to be sure, affronted HISC by opposing its methods, or rather by opposing those of the House Un-American Activities Committee (HUAC) before it, and those of the Dies Committee before that. I have, as a matter of fact, been buried in my translation of Dante's *Paradiso* and so far out of political touch that I had not realized HUAC had been superseded by HISC, though I take all three of these committees to be sequentially one, and consistently in the pattern of McCarthyism. Within that pattern, HISC's charge against me is reckless, cynical, or so seriously misinformed as to constitute an abuse of official responsibility.

It is not my habit to assert my patriotism as if I were entitled to a special grace for being a loyal American. I prefer to think of patriotism as a common quality, as much and as truly yours as mine and part of our common understanding of one another. The occasion having offered itself, however, I welcome so natural an opportunity to phrase as best I can what America means to me and what I think it should mean to those who are not merely loudly but thoughtfully patriotic. I think perhaps every man ought to examine the condition of his national faith from time to time. I am sorry I have not done so before.

I am, in some imperfectly practiced way, some sort of intellectual. An intellectual is a man capable of being thrilled by ideas.

I believe that the American experiment in democratic government is compounded of some of the most thrilling ideas ever evolved by mankind. They are not the ideas of any single man. They are part of the informed aspiration of all European thought. Men glimpsed those component ideas and fumbled for them for millennia, sometimes achieving pieces of the total concept, sometimes dying a traitor's death for having advocated some part of the idea.

For most of 2,000 years more Europeans were not citizens but subjects of a royal authority that was not only absolute but divinely decreed. As (I believe) Robert Herrick put it:

> "Twixt kings and subjects there's this mighty odds:
> Subjects are ruled by kings, kings by the gods."

The king not only ruled but owned his subjects as creatures of his absolute whim. Bit by bit then, at a cost that the stones of the Tower of London can attest, men began to evolve a less capricious sense of their worth as human beings and a firmer sense of their right to a voice in their own destiny. The ideas of a practical democracy began to take form in the minds of men.

The forces of the American Revolution synthesized those ideas into a working theory of government in which the authority of the king's whim was replaced by a machinery designed to express the popular will.

Free men were to determine their own destinies. They were to be equal under law. The law itself was forbidden inquisitorial practices: A man accused at law was to be considered innocent until proved guilty before a jury of his peers; he could not be held without being properly charged; he was entitled to trial without unreasonable delay; he could not be forced to testify against himself; no confession was to be wrung from him under torture; a man found guilty of a given charge was to be sentenced according to stated law, and cruel and unusual punishment was forbidden; a man's right to privacy was not to be invaded except by authority of a writ issued by a court for substantial reason; every man was entitled to be represented by counsel.

Every one of these ideas is an assertion of the rights of man and of the worth of a man's life. Behind every one of them, there was in the minds of our Founding Fathers a memory of royal tyranny, of night raids, of men tossed into dungeons without charges and forgotten there without redress, of men accused of "invisible" crimes and hauled before inquisitors and tortured into confessions of guilt. The American republic replaced the whims of absolute power with the dignity of government under stated law.

The men who founded the Republic understood the abuse of power—they had lived under its abuse. Carefully, therefore, they limited the powers of each branch of government by a system of checks and balances. They sought to make government responsive to the will of the people, and—once more recoiling from the memory of what had happened to those who disagreed with royal policy or who had been moved to worship outside the established church—they stipulated the right of free speech (which is to say the right of outspoken dissent under the law) and of free worship. The American Revolution was not a clash between farmers and redcoats; it was a true revolution in the minds and hopes of man.

There was in the minds of the Founding Fathers an eighteenth-century idea of "a social contract." The essence of that idea was an agreement between government and the governed: The ideal government would ask of men only as much as was required for the secure and peaceful functioning of the nation. Men would give just that much and no more to the public good, and, that granted, each man was free for his own pursuit of happiness so long as it did no legal wrong to his neighbor's pursuit.

These are, of course, ideal concepts. Concept, once institutionalized, develops a bureaucracy, and bureaucracies develop not concepts but habituations and expediences. The greatness of the American founding concepts is not measured by the fact that bureaucratic practice has sometimes abused them but that they have survived every abuse by men who have been willing to sacrifice great principle for small expedience. The supreme test of the validity of these concepts is in their adaptability to change. Articulated for a small and remote nation of fishermen, subsistence farmers, and handcrafters, they remain sufficient to the needs of a huge and enormously complex industrial world power.

The American system is a political democracy with a capitalist economy. I believe that system has provided more of the good and more of the hope of life for more people than has any other governmental system known to history. There have been, and there are, inequities in the system. The system itself is larger than its inequities, and it contains within itself adequate means for reforming those institutions that give rise to inequities. To make such an assertion complacently is fatuous. To declare one's faith in the system and to work within it for the reform of objectionable institution is to act as the Founding Fathers meant Americans to act. Every federal administration since the beginning has had to work in this way in order to meet shifting necessity.

Federal administrations, of course, have authority on their side. The private citizen has his right to petition, to dissent, and to organize for redress of grievance. He need not be right in another man's opinion. It is enough that he be convinced of his own rightness and that he seek reform through legal means. When the American mind achieves its own best level, reasoned dissent is an honorable thing. There has, alas, always been a taint of knownothingism in American politics. I will still cling to my faith that the system, especially when charged by the personal magnetism of a great President, can triumph over the human taint in all things, at least to the extent of keeping our imperfections short of catastrophe, even perhaps to the extent of pushing them one soul-inch closer to hope.

The system, being huge is, ponderous. To reform abuses that have accreted to it is a work of patriotic patience. Inevitably, then, those who suffer from inequities in the system will lose patience and turn to violence. Today we are terrorized by bombers, snipers, arsonists, and destructive mobs. The mass of the American people, made restive by these nobly motivated but criminal and unbearable acts of violence, seems to be on the verge of a violent reaction to violence. When large numbers of people take part in such violence (as in the case of lynch mobs, ghetto uprisings, and violent student confrontations), all of us are tested. We could call out machine gun squads and mow them down. But what are we then? We could look away and let criminals have the streets. But what are we then?

I know of no easy answers. It is, I believe, a testing time in the American soul, and neither radicalism nor superpatriotism is a good enough answer. I believe that the American system will prove, as it has proved in the past, that it is responsive to its own ideals and that it is capable of adjusting within itself to the strains of changing times. I honor that system, honor its stated ideals without reservation, and dissent from such institutions as HISC because I see them as agencies of distrust that work against the good of the nation.

In the exercise of my dissent I have from time to time signed petitions and allowed organizations to list me on their letterheads.

XUM

Presented with a petition, I have not looked under the psychic or social bed of the man who offered it to me. I read it. If I agreed with what it said, I signed it.

In signing it I have agreed only with what I have read and not necessarily with any other declared or hidden purposes of those who circulated the petition. I will not deny what I believe to be just. The fact that the devil can quote scripture is no reason for turning the faithful against it.

True, some devious organization might use my name, for what little it is worth, to promote something other than its declared ends. As far as I am concerned, I have, in any given case, signed only to what was openly declared—exactly that much and no more.

Such a position may be attacked as politically naïve. So be it, I am not in any deep sense a political animal. I have come to numbered years, and I mean only to live them out in something like a possible openness of mind, beyond any thought of saving the world and, ideally, toward some graceful exit line. I hold, in any case, that it is better to be naïve than to be afraid to sign oneself to honest principle. I have it in mind that during the fever of McCarthyism a Chicago newspaperman typed out the beginning of the Declaration of Independence in the form of a petition, went out on the streets with it, and could find no one willing to sign it.

I must think of that day as a dark time of the Republic. I choose not to live in such darkness. I will sign openly and live openly to what I believe to be for the good of the nation. I am, in part and on specific issues, a dissenter. I am in no sense a radical. I am totally invested in the economy and totally devoted to the founding principles of the American nation. When my thoughts—only sporadically—turn to politics, I turn out to be some sort of moderate liberal. I am confused by most of what is happening. I doubt that I shall outlive confusion. If the choice is between optimism and pessimism, pessimism is a bit more natural to my mind, but I am willing to strain toward hope on any evidence that justifies me in so straining. I am disturbed by the truculence of super-patriots who bellow oversimplified and often bloody solutions to complicated problems. Because such super-patriots wave the flag so aggressively in the course of their harangue, and because I find them distasteful, I am disinclined to imitate their gestures. But it is my flag, too, though I prefer not to hit my neighbor over the head with the flagstaff. I am an American. I hope to be a good American. HISC's action in branding me a radical is a slander. If the committee is composed of good but merely misinformed and misguided men, it owes me a public apology. With or without such an apology, I shall oppose the continued existence of HISC. Offered such an apology, I can at least stop thinking of HISC as a body of cynical liars.

SHORTEN CAMPAIGNS

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the recently completed election has once again emphasized the need for some legislative sanction to shorten our political campaigns and I once again urge my colleagues to join with me in taking action to bring about such a restriction.

There is no reason why we cannot conduct our presidential and other campaigns with the economy of time and the minimum of expenditure which characterize the national elections in nearly every other democratic country in the world.

Why should we be unable to exercise the restraint that is shown in Israel, in England, in Canada, and in scores of other countries?

Surely, the vast expenditures of money in this country are not only unnecessary but frequently counterproductive. This was graphically demonstrated in the last campaign in Illinois and in New York.

Certainly, the constant hammering bores and eventually turns off the elector.

Finally, the tendency of our campaigns is such that the only one who will be able to run for public office will be a young, all-American millionaire because the financial and physical problems have become so enormous.

The Congress has recently taken action to limit expenditures for campaign television and radio spending even though the President has mistakenly seen fit to veto this bill, a veto I hope will be overridden. I submit that we should now move into the area of expenditure of the time of the electorate and the physical and emotional energies of our candidates.

My proposal is to limit the presidential campaigning time to 60 days by making it impossible to hold a Presidential Nominating Convention earlier than that time. I have long hoped that voluntary restraint by the parties might limit campaigns but this has proved to be unwarranted. Accordingly it seems to me that a legislative remedy is necessary and desirable. Accordingly I ask the support of this House for the passage of the bill, H.R. 18905 which I have introduced to accomplish this result.

I include editorials on this subject which appeared this week in the Danbury News-Times, Waterbury American, and Meriden Journal:

[From the Danbury News-Times, Nov. 11, 1970]

Shorten the Election Campaigns

It's time to revive the proposal advanced a few years ago by Congressman John S. Monagan to shorten the length of political campaigns.

Steps should also be taken to reduce the costs of campaigns.

In Connecticut, for instance, the campaign period began a year ago, got started in earnest in January, wound up to one climax with state conventions in June, to a second with the statewide and district primaries in August and then really got going after Labor Day, coming to the final climax on Nov. 3.

Similar lengthy campaigning occurred, to a greater or lesser degree, in the other 49 states.

In contrast, the government in Great Britain announced in April the election of a new parliament had been set for June 18. The actual campaign began late in May and ran for three weeks. Labor, favored to retain control of Parliament and therefore of the executive offices in April when the elections were first set, lost to the Conservatives.

The new prime minister, Edward Heath, took office late in June and the new Parliament was in session on July 2.

The senators and congressmen, governors and state legislators and others elected in the 50 states Nov. 3 won't take office, for the most part, until the first week of January, a year after many of them began their campaigns.

The British system may be too short for American tastes, but what prevails in this country now is clearly too long and too expensive for the candidates and too long and often too boring for the public.

[From the Waterbury American, Nov. 16, 1970]

Shorter Campaigns Possible

Nothing has demonstrated the need for shorter election campaigns more than the months of political in-fighting which Connecticut has just undergone.

U.S. Rep. John S. Monagan has long been a crusader for shorter campaigns on the national level. Returning to Congress for a seventh term gives him added seniority and added weight in influencing legislation. Perhaps he can introduce legislation which would establish the dates for holding national nominating conventions, pushing them back closer to election day.

But the voters of Connecticut need not await federal action to shorten political campaigns. The Connecticut General Assembly can make changes in the state law which will accomplish the same result.

The legislature sets the deadlines for holding nominating conventions and for selecting delegates to those conventions. All that is needed is to delay these conventions and the primaries which can follow them until closer to election day. Even a 30-day delay would be a major improvement.

Another legislative action which can save the taxpayers money—and economics are urgently needed on every level of government—is to require that primaries be consolidated and that they be held on the same day for both parties. The cost of telephones, of renting polling places or paying extra for janitors in schools, the cost of added police protection and even of poll workers would be reduced thereby.

It would be well for new members of the legislature to start drafting legislation now to accomplish these economies in the primary election system. Early introduction of such bills would permit them to be speedily acted upon.

[From the Meridan (Conn.) Journal, Nov. 9, 1970]

For Shorter Campaigns

Everybody has a different interpretation of the results of the election.

But everybody agrees on one thing: The campaign was too long.

It was too long for the candidates, who have been at it day and night for months, ever since the conventions this summer. Some of them, who came up the hard way via primaries, have been campaigning since last spring. All have been using vast amounts of time and energy badly needed for their public service or their private affairs.

It was too long for the good of good government. Candidates running for reelection, or for election to another public office beside the one they currently held, had to take time off from their legislative or administrative jobs in order to compete—and the affairs of government suffered while the taxpayers in effect footed the bills.

It was too long for the patience and understanding of the voters. The sheer momentum of time quickly disposed of examinations of meaningful issues, and the whole affair degenerated into trival commercial exploitation and name-calling ad nauseam.

How to improve things? We could call for a gentlemen's agreement, both on primary campaigning and on the regular election work. But some of the most effective campaigning is done under the guise of public information, especially by those already in office. And electioneering has a proven tendency to persuade people to forget that they're gentlemen—or even ladies.

The only cure is to move the date of the conventions well into September. A month is plenty of time in which to present the meaningful issues to the voters, and to acquaint them with the character of the candidates. Six weeks is more than ample.

We can't think of anybody who wouldn't benefit from the time, money, candidate energy, and voter patience that would be saved by such a move.

PAST ATTORNEY GENERAL RAMSEY CLARK

(Mr. ROONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY of New York. Mr. Speaker, no doubt some of the Members read this morning's front page of the Washington Post, the article written by Ken W. Clawson, Washington Post staff writer, which stated:

> J. Edgar Hoover yesterday called former Attorney General Ramsey Clark a "jellyfish" and the worst Attorney General he has encountered in 45 years as director of the Federal Bureau of Investigation.
>
> Hoover said in an interview that Clark was "like a jellyfish . . . a softie," unlike his father, former Attorney General and Supreme Court Justice Tom Clark, whom Hoover described as a "good, strong man."

I thoroughly subscribe to these words of the Director of the Federal Bureau of Investigation. I could even add a few of my own. I could call this young fellow who libelled and slandered me after a quarter of a century of honorable service in this body a pusillanimous nincompoop, or something of that sort. He is ingrate No. 1 on my list of ingrates.

Now, I have seen Attorneys General come and go hearing their appropriations requests for the Department of Justice, beginning back in the days of Attorney General Francis Biddle of Philadelphia. Biddle was succeeded by this nitwit Ramsey's father, who is a fine and honorable man who made a distinguished, highly capable Attorney General in the years from 1945 to 1949. I knew them all up to and including the present Attorney General, John Mitchell.

Please excuse me if I am glad to add these words to what Mr. Hoover thinks of this young upstart, who I do not think could be elected dogcatcher in any political jurisdiction in the United States of America.

FORMER ATTORNEY GENERAL RAMSEY CLARK

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, I am sorry to hear my distinguished friend from New York—and he is my friend—characterize a distinguished man in such a way.

I recognize the right of the gentleman from New York to have his opinions, and I have always admired and respected the fact that he has them and he states them so strongly, but I do not think it should go without comment.

I do not believe, in the judgment of anyone I know, that Ramsey Clark deserves being called a nincompoop. As a matter of fact, I think quite the opposite.

One might disagree with his philosophy. One might disagree with some of his actions. I will not embark on a discussion, because I have not seen the press report of the comments of the distinguished Director of the FBI.

I believe that Ramsey Clark is a fine and upstanding and courageous and brilliant lawyer. I think that he distinguished himself as our Attorney General.

I just regret—and I do so respectfully—that he has been characterized by my friend from New York as he was.

Mr. ROONEY of New York. Will the distinguished gentleman from New Jersey yield?

Mr. THOMPSON of New Jersey. I will be delighted to yield to the gentleman.

Mr. ROONEY of New York. Does the gentleman from New Jersey realize that for over 25 years he has had nothing to do with the appropriations for the Attorneys General and law enforcement whereas the gentleman from New York has had intense experience over all these years?

Mr. THOMPSON of New Jersey. The gentleman from New Jersey knows that for 16 years, although he has not had the privileged position of being a member of the Committee on Appropriations where my friend from New York has distinguished himself, the gentleman from New Jersey at least has had to do with appropriations so much as to vote for or against them, to read the hearings, and to listen carefully and respectfully and to make his own judgments.

The gentleman from New York can simply look at my record.

Mr. ROONEY of New York. Oh, I would not deign to compare my record with that of the gentleman from New Jersey. Not at all. I have a good name and no one can libel and slander me and get away with it. Particularly after all I did for him.

Mr. THOMPSON of New Jersey. The gentleman might compare——

Mr. ROONEY of New York. I come from the waterfront of Brooklyn. We know what law and order is.

Mr. THOMPSON of New Jersey. You know what law and order is and perhaps you might know what nincompoops are, but you do not define them.

Mr. ROONEY of New York. All you have to do is to go over here to the other side of the Speaker's chair, consult the dictionary and find out what a nincompoop is.

Mr. THOMPSON of New Jersey. I do not agree with that, either. I think there are a great many distinguished and honorable men on the other side, whether they are from Brooklyn or not. I just object to the characterization as a nincompoop of a man who served his country as well as Ramsey Clark has. You might have your judgment, and I respect your right to have it, but I also hope that you would respect my right to dissent from it, because I believe that he is a spendid man.

STATEMENT BY J. EDGAR HOOVER ON RAMSEY CLARK

(Mr. GROSS asked and was given permission to address the House for 2 minutes and to revise and extend his remarks and include extraneous matter.)

Mr. GROSS. Mr. Speaker, I suggest that FBI Director J. Edgar Hoover uttered the understatement of this and probably any other year when he said yesterday that Ramsey Clark was the worst Attorney General he had ever seen.

This petty little man has come out with a book ludicrously entitled "Crime in America." It is ludicrous because if Clark knew anything about crime in this country when he sat in the Attorney General's chair, he did less than nothing to fight it.

In fact, Clark was one of the leaders of the ultraliberal permissivists who were in power at the time and who so admiringly pampered the revolutionists and protected the common criminals who roamed the streets with increasing abandon because they knew they were being fawned over by Clark and his kind.

In this alleged book, Clark takes a gratuitous slap at one of the finest, ablest, and most completely dedicated public servants in the history of this Republic.

Whether this pusillanimous author attacks Mr. Hoover out of rage, or jealousy, or simply in an effort to further his own egotistical craving for political power does not really matter.

The mistake he made, was to go bear hunting with a popgun.

STATEMENT BY J. EDGAR HOOVER ON RAMSEY CLARK

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HALL. Mr. Speaker, upon reading the comments in the morning newspaper that FBI Director, J. Edgar Hoover made in reference to two former Attorneys General, I can only ask, why did he treat them so gently? Methinks I could have supplied him with more descriptive and even anatomical terms.

Be that as it may, Mr. Hoover certainly "hit the jellyfish on the tentacles" when he described Ramsey Clark as the worst Attorney General he had ever served with, even worse than Robert Kennedy.

No one has been a stronger critic of former so-called Attorney General Clark than have I, however, his credentials or training for the position have never been at issue. What has been debatable, and what has undoubtedly led Mr. Hoover to take umbrage, is the way that Mr. Clark perverted the intent of the Office of Attorney General by attempting to turn it into a "bleeding heart," social welfare agency.

The Federal Bureau of Investigation under the leadership of J. Edgar Hoover has always held to the highest standards and this Nation will always be in its debt for the integrity and sense of purpose it has shown while carrying out its assigned mission. As Mr. Hoover said, "the FBI never makes recommendations or draws conclusions." It is a factfinding agency.

It is to our benefit that the bureau has resisted all attempts to dilute its strength and reduce its vigil. We take pride in the remarkable record that the FBI has made.

XUM

I include the interview as part of the RECORD:

PRAISES MITCHELL AS "VERY HUMAN": FBI'S HOOVER SCORES RAMSEY CLARK, RFK

(By Ken W. Clawson)

J. Edgar Hoover yesterday called former Attorney General Ramsey Clark a "jellyfish" and the worst Attorney General he has encountered in 45 years as director of the Federal Bureau of Investigation.

Hoover said in an interview that Clark was "like a jellyfish . . . a softie," unlike his father, former Attorney General and Supreme Court Justice Tom Clark, whom Hoover described as a "good, strong man."

The FBI director said he would accept the judgment of the elder Clark on his stewardship of the FBI, but that Ramsey Clark was even a worse Attorney General than the late Robert F. Kennedy. Hoover said Kennedy was the first Attorney General with whom he had troublesome relations. In the last six months of Kennedy's tenure, Hoover said, he did not speak to Kennedy.

"If ever there was a worse Attorney General it was Ramsey Clark," he said. "You never knew which way he was going to flop on an issue.

"He was worse than Bobby (Kennedy). At least Kennedy stuck by his guns, even when he was wrong."

Hoover added, however, that "until Bobby Kennedy came along" he had never had trouble with Attorneys General.

He called Attorney General John N. Mitchell an "honest, sincere and very human man" and added, "There has never been an Attorney General for whom I've had higher regard."

The director's criticism of Clark was prompted by the former Attorney General's book, "Crime in America," being published this week. In it Clark charges that Hoover's "self-centered concern for his own reputation" led the FBI into glory-seeking rather than effective crime control.

Clark charged that the FBI was tardy in moving against organized crime and that a conflict resulted between Hoover and Kennedy, who Clark said was the first Attorney General to have a "commitment to control of organized crime."

Clark could not be reached for comment on Hoover's remarks.

In the interview, Hoover said there was never any trouble with Kennedy on the organized crime issue. He pointed out that the FBI did not have the federal laws to fight organized crime that have been passed in recent years.

"But there was trouble," Hoover said. "The trouble was that Kennedy wanted to loosen up our standards and qualifications; to discard the requirement that agents hold degrees in law or accounting. He even wanted to discard the bachelor's degree as a requirement.

"In short, he wanted more Negro agents."

Hoover said he refused, and that Kennedy brought up the subject "half a dozen times."

"I told him, 'Now Bobby, I have no prejudices. The FBI has Negro agents, Indian agents, Chinese agents and all kinds of other agents. Any one who can meet the qualifications can have a job, and I'll have it no other way.' "

Hoover said he told Kennedy that if he didn't like his position, "Why don't you get another director? You may not know it, but I can retire at full salary. Now, I give half of my salary in taxes, so it's costing me money out of pocket to continue."

The director said that "right afterwards" he went to the White House and told President Johnson about the confrontation.

STAND BY YOUR GUNS

"The President said, 'Stand by your guns.' I didn't speak to Bobby Kennedy the last six months he was in office." That was in 1964.

The FBI has a total strength of 18,000, and will get an additional 1,000 agents under provisions of the 1970 Omnibus Crime Control Act. It has been widely believed that these additional agents will be used on college campuses, where the Bureau now has jurisdiction over bombings and arson to most buildings.

Hoover called this concept "absolutely untrue." He said the extra agents would be scattered through the Bureau for a variety of duties created by expanding federal jurisdiction in bombings of federally financed buildings as well as making certain types of gambling a federal offense inside a state's borders.

He said he recently wrote former Justice Abe Fortas a letter following a speech in which Fortas criticized using undercover FBI agents on campuses. Hoover said there are no undercover FBI agents on campuses, and that agents will only go on campus to investigate actual bombings.

Threats of bombings or arson, he said, would be turned over to campus police and local police to investigate.

Hoover blamed college administrators and faculty as much as a small group of students for the wave of campus disruptions.

"Some faculty are worse than the hippies," he said. "Ninety per cent of the students want an education and they are prevented by hippies who are encouraged by some of the faculty."

Campus disruptions would stop, he said, "if college presidents had the courage and guts to expel and make it stick." He praised S. I. Hayakawa for his handling of disruptions at San Francisco State College.

Most college administrators, Hoover said, are soft. "They come up through the academic process, and there is nothing worse than an intolerant intellectual. They're soft, and they never want to accept responsibility."

NO CONCLUSIONS ON KENT

He added that the "people shouting the most are a minority that do not believe in tolerance."

It is true, he said, that students often haven't been able to make their views known to college administrations, trustees and other governing bodies. He said these lines of communications should be opened, and that students should work vigorously to make their views known, but without disruption and intolerance.

The director said he was disappointed to read in various publications that the FBI concluded various things about last spring's shootings at Kent State University in Ohio. "The FBI never makes recommendations or draws conclusions," he said. "We are a fact-finding agency."

It was the Justice Department, he said, that concluded that National Guardsmen fired into students in panic during a confrontation. But Hoover said he was glad the Defense Department will intensify National Guard training.

Professionalism under fire is insisted upon by the director. FBI agents are instructed, he said, not to be promiscuous with firearms, but to shoot to kill when they are threatened by an assailant with the means to kill. "A man never knows about himself until he is tested by battle," he said.

Hoover recalled that during the 1930s he "always hated to sit behind a mahogany desk" when his men were in action in the field.

He said that on one raid, he noticed an agent who answered the command to advance by going in the opposite direction, panicking. "He was not yellow," Hoover said. "He was just not made of the stuff for an FBI agent. Of course, I got rid of him immediately."

Hoover, who will be 76 in January, was relaxed and hearty during a rare interview in his office that lasted about two hours. In referring to his age, he said that he no longer bothers to deny that he may retire. But he pointed out that like all agents he has undergone an annual physical examination since 1938.

"I was in better shape at my August, 1970, examination than I was in 1938," he said.

But he admitted that he has a tendency to put on weight and is constantly on a diet. At his favorite luncheon spot in the Mayflower Hotel, the director has been reduced to a grapefruit salad with cottage cheese and black coffee.

ARREST RATIO HIGH

But Hoover seems to thrive on this kind of discipline. He repeated several times that law enforcement officials must adhere to strict standards, personally and professionally, to carry out their assignments.

And while he considers all law officials members of a close fraternity and is concerned with the increasing danger to their safety, he is opposed to a proposed bill making the killing of a policeman a federal offense.

Such a move would give the FBI jurisdiction in these cases.

He said the bill comes too close to making the FBI a national police force, something he said he has opposed since 1924 when he became the director.

In addition, FBI records show that in 96 per cent of police murders, arrests have followed within 30 days, usually by the police force to which the victim belonged.

"It's a matter of pride, too," Hoover said. "The FBI goes all out when an agent is killed; so do local or state police."

He said more policemen have been killed in the last two years than at any other time, with many deaths attributed to senseless, sniper slayings.

General crime, he said, has never been greater than now. "It has reached an apex." Hoover then listed three areas of combatting crime and made these observations:

Law enforcement—Better training and higher salaries have increased the professionalism of police on all levels and they are doing a better job than most people recognize.

Courts—On the federal level alone, 1,200 cases, some of them as old as two years, are still awaiting adjudication. Courts are uneven in their justice, often giving inadequate sentences and probation when they shouldn't. In the District of Columbia, one bank robber was released on his own recognizance and committed another bank robbery.

Sometimes, Hoover said, the criminal justice system just makes a mistake.

He said a classic example of this came during the early 1960s in a District Court trial when Teamsters leader James R. Hoffa was charged with trying to bribe a staff member of Sen. John McClellan (D-Ark.), who was then investigating labor racketeering.

Hoover said that at the trial Hoffa was identified as the man who gave the staff member money. It occurred in a taxi driven by an undercover FBI agent.

"In the middle of the trial," Hoover said, "Joe Louis, the former heavyweight champion, came into the courtroom and embraced Hoffa. The jury found him innocent."

Hoover said that McClellan's investigation and subsequent FBI work that eventually put Hoffa in the federal prison at Lewisburg, Pa., led to the suspicion that there was great corruption in the American trade union movement.

Hoover called Hoffa's later convictions and imprisonment "good riddance to bad rubbish" but he said it was not representative of unions.

"George Meany, for example, is one of the finest men I know. There are no Communists in the AFL–CIO and he doesn't tolerate corruption.

"He's a fine man and the AFL–CIO is a fine organization."

Prisons—They are the last place of concern for those who finance the criminal justice system. Rehabilitation services are negligible and should be greatly improved.

Hoover said he seemed always to be involved in controversy with "bleeding hearts who accuse him of being opposed to parole and probation.

He said he has only been opposed to abuses of parole and probation. People just don't understand, he said, that on the state level, a life sentence means 21 years, with the prisoner eligible for parole in seven years. On the federal level, he said life is 45 years, with eligibility for parole in 15 years.

"I still believe that punishment is a deterrent. Where a serious crime has been committed, a substantial sentence should be imposed."

He said his contacts with prison inmates led him to believe the death penalty is also a deterrent and should be imposed in a few serious cases such as premeditated murder and kidnaping where the victim is harmed.

In Hoover's time, major crimes have shifted in style and type from the kidnapings of the 1930s through bank robberies, organized crime and radical political crimes.

Hoover said that despite the widespread belief that the FBI constantly wiretaps, there are only about 40 wiretaps authorized by the Attorney General for national security cases. All other wiretaps are court-authorized and being used effectively, especially in gambling cases.

ASKED WIRETAP CURB

Hoover recalled that during the 1940s he was the only intelligence official in Washington who didn't have the authority to wiretap. He said he urged Tom Clark, who was then Attorney General, to ask President Truman to curtail wiretapping except upon approval of the Attorney General.

During this period, Hoover said the late columnist Drew Pearson accused him of tapping his telephone. Hoover, who said he did not personally like Pearson, denied the allegation but checked on it after Pearson left his office.

"I found that another agency indeed had tapped his telephone," Hoover said.

He added that it was a standing rule in the FBI not to tap the telephone of any newsman, senator or congressman.

Hoover has often been at odds with the Supreme Court, although he now sees some improvement with the addition of President Nixon's two court appointees.

He described Chief Justice Warren Burger as an "excellent chief justice" and said the appointment represented a "wise decision by the President."

Hoover said he didn't know Justice Harry Blackmun, but that he considered him a "very able judge."

After nearly a half-century of dealing with criminals, Hoover said that John Dillinger, Alvin Karpis and other notorious gangsters were really less dangerous than the current crop of new, less experienced criminals.

And the style of the gangster of the 1930s has also disappeared, he said.

He recalled that Karpis, who was on the FBI's Ten Most Wanted List, used to send him letters and postcards from around the nation threatening to kill him, challenging him to a personal duel and mocking efforts to catch him.

Hoover said that in early May, 1936, he was testifying before a congressional committee when agents located Karpis in New Orleans.

The director ordered a stakeout and flew to New Orleans to personally arrest Karpis.

Karpis was getting into a car with an accomplice when Hoover stuck a pistol in his ribs. The gangster turned and mildly said, "Well, you got me."

He had recognized Hoover from a newspaper photograph taken the year before when the director caught a sailfish off the Florida coast.

Hoover said he got into the back seat of a police car with Karpis, while an agent from Oklahoma drove and Karpis' mistress sat in the front. They were taking the prisoners to FBI headquarters in New Orleans for questioning when Hoover noticed they seemed to be traveling in circles.

"I discovered," said Hoover, "that neither I nor the agent—who was there just for the Karpis raid—knew where our office was. At that point, Karpis spoke up and asked us if it were in the old Post Office or the new one."

Hoover said he first told Karpis to keep quiet as befitted a prisoner, but then identified the old Post Office as the site.

"Karpis then guided us to our office. He said he had been planning to rob the old Post Office and knew its location."

Later, Hoover was escorting Karpis to Minneapolis to stand trial for kidnaping. When the plane landed in Kansas City to refuel, Hoover purchased a newspaper whose headline read, "Karpis robs Detroit bank."

Amused, Hoover got on the plane and showed the paper to Karpis, who smiled and said "This time I have a good alibi."

"He had a sense of humor, a good sense of humor," Hoover said.

H.R. 19519, THE COMPREHENSIVE MANPOWER ACT

The SPEAKER pro tempore (Mr. PATTEN). Under a previous order of the House the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, in 1946, Congress passed the Employment Act, declaring that—

> It is the continuing policy and responsibility of the Federal Government . . . to coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining . . . conditions under which there will be afforded useful employment opportunities . . . for those able, willing, and seeking to work . . .

We have come to a time in the history of this great country, when, more than ever before, we need to create and maintain conditions under which useful employment opportunities can be afforded to those able, willing, and seeking to work. We need to create and maintain conditions under which those who, left behind by the ravages of rampant technological advances, are able to secure employment with their limited technological knowledge and skills. Last month, 4.7 million people were left without jobs. And an innumerable greater number are spending their lives performing tasks at the lowest level of the economic ladder, unable to advance because they do not have the proper training.

It is high time we do something about these people. It is not that we have not been trying. We have tried very hard since the passage of the Manpower Development and Training Act in 1962, with our endless assortment of manpower programs, each directed to its own particular segment of the economic and unemployment spectrum.

But the time is long past due when we need to unify these programs into a meaningful whole. We need to interrelate and coordinate them so they will not overlap one another, leading to inefficiency and wasted resources. We need to blend them to eliminate the rigidity in Federal funding which prevents from being met some of the most urgent needs of people in particular segments of the population, and of people in diverse geographic areas. And, finally, we need to coordinate them with the realities of the real world, so that when enrollees have completed their training programs, they can begin to be productive members of society, instead of having to accept the continued degradation of unemployment, or being continually shuffled to other dead end training programs.

This Comprehensive Manpower Act, while not being a panacea for all the manpower ills, will begin to solve many of these problems.

It will solve many of the problems of inefficiency and wasted resources through the concept of the prime sponsor, who, with a manpower council will coordinate all the manpower programs in that particular area, and with the recommendations of the Governor will tie them in with the overall State manpower plan. The bill is set up so that much thoroughness will be required of the prime sponsor and council of the area requesting Federal funds. Rather than being able to receive funds by merely submitting a request abounding in good philosophical intentions, areas will be required to include long-term projections of requirements for manpower aid related services, and specific plans for meeting such requirements.

This will solve one of the greatest problems plaguing the manpower programs—the problems resulting from the fact that training programs have been conducted without the necessary regard for existing job vacancies. In addition, the manpower services program will include the necessary placement functions. These, in addition to the requirement of long-term manpower projections, will maintain the training programs in close contact with the realities of the job market.

In addition, title IV sets up a national computerized job bank which will, among other things, help find vacancies for the backlog of trainees who were turned out of their training programs onto a job market that could not absorb them. And if people were mistakenly trained for nonexistent jobs in one area, but jobs which do exist in another suitable employment, relocation assistance will be provided.

The enactment of this bill will, in addition, solve the problem of financial rigidity hampering the effectiveness of the program in meeting specific needs in particular geographical areas. The bill requires only that three-quarters of the annual appropriation go for training and employment programs, including general manpower programs and related supporting services, public service employment, and occupational upgrading programs in titles I, II, and III. The only other earmarking, and that can hardly be called a restriction, is that on a na-

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tionwide basis 18.75 percent of the total annual appropriation in the act must go toward public service employment.

Finally, this bill addresses itself to those innumerable people spending their lives performing jobs at the lowest level of the economic ladder, who are unable to make the grade up a rung because they have no opportunities for suitable training. I think this bill does a commendable job of outlining an occupational upgrading program, including incentives to businessmen to make it work. On one hand it helps perform a great service to the economy in providing for the training for those hard-to-fill jobs, of individuals who are capable of performing them. This will begin to close the abyss on one side of which lies those jobs for which adequately trained workers are not available. But this bill will also begin to close the abyss from the other side upon which rest those workers who are unable to obtain work. It will do this by training workers at the lowest level of the economic ladder to fill otherwise unfillable jobs higher up, requiring technically trained workers. These newly trained workers will thereby be vacating entry level jobs to make way for the untrained workers.

We can only guarantee freedom to the individual in this country if we help him over the hurdles placed in his way, through no fault of his own, by the tremendous technological advances in recent years. While these advances have provided us with an ever-expanding economy, they have, at the same time, created as byproducts along the way, unemployment and resulting social problems. Social welfare is not the answer. Educational programs in schools are good for those otherwise potentially unemployable young people just about to enter the labor market. But what we really need is a good coordinated system of training programs for those already in the labor market completed with related placement and supportive services so necessary to the overall goal of helping our constituents find useful employment opportunities. I believe this bill, if enacted, will accomplish those ends, and solve many of the urgent problems brought about by the unwieldly conglomeration of uncoordinated manpower programs. I wholeheartedly urge its immediate passage.

PUBLIC SERVICE EMPLOYMENT BILL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Indiana (Mr. Hamilton) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, I rise in support of the public service employment bill (H.R. 19519). Green thumb, a mainstream program, has demonstrated that public service employment can be run effectively and efficiently.

There are millions of older, low-income, rural men and women in America today who are unable to find employment because some employers think this segment of our population is too old to work. For the past 4 years, the green thumb program has proved this line of thinking to be wrong. Seventeen States across the Nation employ almost 3,000 people in jobs concerned with the problems of our ecological balance, beautification, environmental, and community betterment.

Indiana is proud to have 294 members of the green thumb and green light programs bettering the Hoosier State. Green thumbers have helped their communities by refurbishing schools and senior citizens centers, maintaining and building parks, building Headstart centers, cleaning up our highways and planting trees, grass, and shrubs.

Green light ladies in Indiana have worked as county home aides aiding patients and personnel as well as working in the hospital lunchrooms.

State and local governmental officials have repeatedly praised the work of green thumb and green light. Green thumb is demonstrative of what public service employment can mean to the older citizen and what it can do for our society.

I feel the information in the following article on this most worthwhile program should be of utmost interest to all Members of this Congress. If all public service programs can be as effective as green thumb, then I ask for more similar programs.

I insert this article in the Congressional Record:

Green Thumb Workers in Washington County are Happy With the Program

The Green Thumb program has been accepted well in Washington County, and no one has accepted it better than the men who are working on it.

They work with the Washington County Highway Department and Indiana Highway Department, and when we found them Monday they were clearing non-mowable brush from the edges of a county road.

The first one we talked to, Joe Reinier, 68, of Campbellsburg, is in his first year of working with the Green Thumb project, but it hasn't taken him long to find out he likes it. He worked for three years at Spring Mill, he told us, and has worked outdoors virtually all of his life. It's understandable that he would prefer outside work to being inside all of his working day.

County highway worker Forest Noland told us that all of the Green Thumbers were good workers, and commented that they ". . . do a pretty darn good job, too."

In addition to Reinier, we talked to Everett Zink, 77, of Campbellsburg, Burl Botorff, 65, of Rt. 2, Campbellsburg, Cyril G. Humphrey, 73, of Rt. 1, Vallonia, Kirby Hughes, 74, of Campbellsburg, and J. D. Armstrong, 49, of Rt. 1, Campbellsburg.

Hughes, who acts as the foreman of the crew, and Humphrey are in their fourth year with the program having started with it in 1966, the year of its inception. Armstrong is in his third year, while Bottorff and Zink are both first-year workers.

Their comments ranged from, "I think it's a great thing, this program," to "It's sure helped me out a lot." None seemed the least bit dissatisfied with working out on county roads, and it seemed to us that we were lucky to have caught them on their noon hour. They echoed this sentiment, saying, "It wouldn't have been too long before we'd have been gone." The crew was working on the Herb McCoskey Road in Polk Township, but was getting ready to travel to the South Boston area.

Wayne Vance, of Seymour, in charge of the program for the state of Indiana, says that Washington County was probably the second in the state to embrace the project, putting it into effect immediately after Scott County did so in 1966.

Green Thumb is a non-profit organization under a grant from the U.S. Department of Labor in cooperation with the National Farmer's Union and state and local agencies.

There are several million older low income people living in rural areas, who through no fault of their own, cannot continue to farm or find employment. Having poor job prospects and often living in rural pockets of poverty, these older farmers face years of deprivation and poverty for themselves and their wives and families.

Project Green Thumb seeks to use the skills of these older and retired low income farmers in conserving and beautifying America.

The problem of the older and retired worker in rural areas of the country was a cause of grave concern to President Johnson, who, in a communication to the Senate in 1967, said, "Hundreds of older unemployed and retired farmers and rural workers have gained in income and dignity while contributing to the safety and beautification of state highways, schools, parks, and rural towns, through projects such as Green Thumb. I have asked the Director of the Office of Economic Opportunity in cooperation with the secretaries of Agriculture and Labor to expand this activity, and to develop many ways to provide meaningful public service opportunities to the elderly in rural areas."

NEW CANAL REPORT INVITES NATIONAL PERIL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. Flood) is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, on November 13 and 14, 1970, major newspapers of the United States announced that the report of the investigation on the feasibility of constructing a new isthmian canal of so-called sea level design authorized by Public Law 88–609 will be submitted to the President on December 1.

The news stories making that announcement may or may not have been authorized by the Atlantic-Pacific Interoceanic Canal Study Commission, which has been directing the preparation of the report, but everything points to their general accuracy. Because of the wide disseminations of the news stories I deem it wise that some discussion of their subject be given from a congressional forum, for they may well be the opening blast in what will become the most extensive canal debate in the 20th century.

The main points of the 3000 page report, as gleaned from the press, are not surprising to me. They include the following:

First. The site chosen for the proposed sea level canal is in Panama about 5 miles west of the Canal Zone known as Route 10 and is to be constructed by conventional means at a cost initially estimated between $2 and $3.5 billion.

Second. The proposed alternative is a canal of so-called sea level design in the Canal Zone, which was recommended in 1947 by a previous canal inquiry.

Third. Nuclear excavation is eliminated because of the dangers of contamination and the limitations of the test ban treaty.

Fourth. Ecological hazards incident to constructing a salt water channel between the two oceans are apparently dismissed as matters of little consequence.

Fifth. The United States would operate and defend the canal for Panama while that country would have full territorial sovereignty.

Five years and an expenditure of $21.4 millions were required to produce the forthcoming report. As indicated in many addresses in the Congress by me during this period the effort throughout was been characterized by babble, bubble, and Babel, and now proves itself to have been protracted, expensive and futile. The inquiry has looked into many phases of the problems involved except those most directly concerned and considered most solutions except those that apply.

From 1904 to June 30, 1968, the total costs of the Panama Canal enterprise to the American taxpayer were:

Gross construction, maintenance and operation	$864,000,000
Gross defense and protection	4,305,000,000
Total	5,169,000,000

If these sums were converted into 1970 dollars the totals would be far greater.

Under the proposed sea level plan, as described in the newsstories, the United States would be required to give military protection for the proposed canal in perpetuity at the continuing expense of our taxpayers but have no title to the new canal. Thus our country would have responsibility without authority in an area of endemic revolution and violence. I can think of no better formula for total chaos on the isthmus than the program evidently contemplated in the forthcoming report. Moreover, it is an invitation to national peril that ignores the Soviet menace; and this alone is enough to destroy the recommendations involved. We should not run the hazards of transforming Panama into another Cuba and the Panama Canal into another Suez.

None of the newsstories so far read even note or discuss the major modernization of the existing canal, known as the third locks-terminal lake plan, for which legislation is now pending in both the House and Senate and which is strongly supported by independent experts as offering the only sensible solution of the canal problem. This plan would retain the fresh water barrier between the two oceans thus avoiding the danger of upsetting the marine ecological balance that many respected biologists fear would result from a sea level undertaking.

These dangers include the invasion of the Atlantic by Pacific sea snakes, which are as deadly as the cobra and related to it and might spread as far as Virginia and Brazil. Moreover, the major modernization of the existing canal is covered by present treaty provisions and a new treaty with Panama would not be required, thus enabling the United States to retain its indispensable sovereignty over the protective frame of the Canal Zone.

Mr. Speaker, the facts that I have enumerated are paramount considerations and cannot be ignored by the Congress. The present canal is not obsolete but is approaching capacity saturation.

It is obvious from reading the newsstories that their authors are not sufficiently grounded in the canal subject to provide the clarifications required. To meet this need I would recommend a 1966 volume of my addresses on Isthmian Canal Policy Questions—House Document No. 474, 88th Congress—and my testimony on August 3, 1970, before the House Subcommittee on Foreign Affairs in hearings on Cuba and the Caribbean, pages 203–231. In the latter, I quoted a 1970 "Memorial to the Congress" by the Committee for Continued U.S. Control of the Panama Canal, which gives in simple form the essentials of a highly complicated problem and what is required to increase its capacity and operational efficiency.

One point that I would like to stress is the fact that the much propagandized and costly sea level proposal hinges, I repeat, hinges on ceding U.S. sovereignty over the Canal Zone to Panama before constructing any new canal. This makes imperative the adoption by this body of the Panama Canal sovereignty resolutions now pending and on which hearings have been held. This step should clear the way for action by the Congress on pending measures for solving the basic canal modernization problem by the economic and time-tested terminal lake solution.

In order that the indicated newsstories may be readily available to the Congress and the Nation at large, I quote three of them as parts of my remarks:

[From the Washington Daily News, Nov. 13, 1970]

Canal at Sea Level Urged

(By James R. Whelan)

Nearly six years and $21.2 million after beginning its work, a presidential commission is about to recommend construction of a sea-level canal in Panama by conventional means.

The Atlantic-Pacific Interoceanic Canal Study Commission will deliver its long-awaited report to President Nixon on Dec. 1, opening immediately the floodgates of debate likely to rage in Congress, international councils and scientific circles for years to come.

An official who has seen a draft of the 3,000-page final report said "it contains something for everyone."

Interviews with people close to the commission's work, plus study of commission and other documents, indicate the report will contain the following major recommendations:

Nuclear devices cannot be used to dig the canal because doing so would violate the test-ban treaty, because the proposed canal route is heavily populated and because not enough is known about nuclear cratering.

Fears of some scientists notwithstanding, the commission finds no solid evidence now to justify fears of massive extermination of marine species once the two oceans are joined by a free-flowing waterway. But much more study will be needed in measuring the full ecological impact of a sea-level canal.

Of 34 possible routes in five countries, the commission will come out flatly for one, known as Route 10. It is situated just 10 miles west of the present canal but five miles beyond the borders of the U.S.-controlled Canal Zone that slices thru Panama.

Target date for finishing the new canal should be around 1990, when the present canal and its system of locks will have outlived its usefulness. Interestingly, the commission debunks the once popular fears of imminent obsolescence of the present canal, pointing out that it is still usable for 95 per cent of the world's shipping. Significant exceptions are aircraft carriers and supertankers.

Cost of building the new canal will range between $2 billion and $3.5 billion, depending mainly on when work finally starts.

The United States would operate the canal for Panama and provide the defense shelter, but Panama would retain full territorial sovereignty. Along with the question of division of revenues from canal operations and status of the present canal zone, this is one of the built-in nightmares of negotiating a treaty acceptable to the United States and Panama.

The present canal would continue to operate wtihout interruption during the five to 10-year construction period, and then eventually could be ceded to the Republic of Panama.

The commission has been headed from the start by Robert B. Anderson, former secretary of the treasury and Navy. A four-man permanent professional staff occasionally swelled to 800 contract scientists, engineers and others. The AEC and the Defense and State departments and other government agencies contributed to the study. The commission had been given $24 million but spent only $21.2 million.

[From the New York Times, Nov. 14, 1970]

Route Is Chosen for New Panama Canal

(By Richard Halloran)

Washington.—A Presidential commission has selected a route for a new sea-level Panama canal that runs across the Isthmus in Panamanian territory 10 miles west of the present Canal Zone.

The panel, known as the Atlantic-Pacific Interoceanic Study Commission, is scheduled to recommend that choice to President Nixon before Dec. 1.

John P. Sheffey, executive director of the commission, declined to confirm or deny the selection. But other informed sources close to the commission made clear what the choice was.

The commission, headed by former Secretary of the Treasury, Robert B. Anderson, ruled out the use of nuclear devices to build the new canal. The members were said to have feared that nuclear excavation might produce too much radiation and would be too close to population centers.

The elimination of nuclear excavation eliminated other possibilities, it was reported, that ranged from routes along the Nicaraguan-Costa Rican border in the north to a route through the mountains and jungles of Colombia in the south. Conventional excavation along those sites was deemed to be prohibitively expensive, it was understood.

The commission is scheduled to meet once more to review its selection and other recommendations before reporting to the President. It was charged with studying the canal question in relation to defense, foreign relations, shipping, finances and engineering.

The panel's recommendations as to who should build, own, operate and be allowed to use the canal could not be determined. Over the years, a variety of suggestions ranging from strict United States control to total internationalization have been made.

President Nixon would have to agree on the selection and then obtain Congressional approval of appropriations before construction could start. The commission will estimate costs of the new canal at between $2-billion and $3.5-billion.

CANAL OVERBURDENED

Just when construction would begin would be determined by Presidential and Congres-

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sional action. The present canal, overburdened by traffic and unusable by the world's largest tankers, is expected to become obsolete around the year 2000.

Representative Daniel J. Flood, the Pennsylvania Democrat who has made a specialty of Panama Canal Zone issues, expressed immediate and vigorous opposition to the commission's reported selection. Mr. Flood, reached in Wilkes Barre by telephone, said "there was never any doubt that when the commission finished that would be their conclusion."

He contended that the commission had "wasted bags of money" surveying areas it knew could not be used for the new canal. He has long been an advocate of enlarging and improving the present canal.

Mr. Flood said that he and his supporters would oppose senatorial approval of the treaty with Panama that would be necessary before construction could start. He said also that any move to dispose of the present Canal Zone would come under the purview of the House and he promised strong opposition there.

The United States has been trying to negotiate a set of new treaties with Panama to cover defense, the building of a new canal and disposal of the present canal.

TERRAIN SIMILAR

The proposed route for the new canal runs through terrain similar to that through which the present canal runs. To excavate a sea-level canal would require cuts down to 600 feet in some places, compared with 500-foot cuts in sections of the existing canal.

The sources said that controlling the Caribbean and Pacific tides on either end of the canal was technically feasible. But they said the commission did not have enough knowledge to estimate whether the ecological balance in the two oceans would be upset by the sea-level canal.

The commission, which has been in existence six years, spent $21.4-million of its $24 million appropriation. In addition to Mr. Anderson, the members are Robert G. Storey, president of the Southwestern Legal Foundation in Dallas, Milton S. Eisenhower, president-emeritus of Johns Hopkins University; Brig. Gen. Kenneth E. Fields, a retired Army officer of Greenwich, Conn., and Raymond A. Hill, a consulting engineer in San Francisco.

[From the Washington Post, Nov. 14, 1970]

STUDY SEEN URGING 2D PANAMA CANAL

(By Thomas O'Toole)

A blue-ribbon presidential panel is expected to recommend that the nation construct a new canal across the isthmus of Panama to carry shipping between the Atlantic and Pacific oceans.

The Atlantic-Pacific Interoceanic Canal Study Commission, which was appointed by President Johnson in April, 1965, to explore the feasibility of a second Panama canal, will pass on to President Nixon on Dec. 1 its recommendation that the nation spend $3 billion constructing a sea level Atlantic-to-Pacific canal that could be ready to handle shipping by the year 1990.

While commission officials refused to comment on their recommendations, it is understood they will offer the President the option of constructing a second canal inside the U.S.-owned Panama Canal Zone or just outside the Canal Zone through land held by the Republic of Panama.

Each option has sizable disadvantages to it, though both would require spending the same sums on canals almost identical in size—40 miles long, about 600 feet wide and 60 feet deep.

The disadvantage of a second canal inside the Canal Zone is that it would require the eventual destruction of the present Panama Canal.

A second Canal Zone canal would intersect the present canal several times, and since the new canal would be a sea level canal it would mean that the lake which makes up the heart of the present canal would have to be drained. The lake stands 85 feet above sea level.

The main disadvantage to a canal outside the Canal Zone is that it would run through the Republic of Panama, raising questions of ownership, royalty payments, construction delays motivated by politics and even disruptive riots like those that rocked Panama in 1964.

There is another obstacle to a sea level canal that has nothing to do with where it is built.

A sea level canal means mixing the waters of the Atlantic and Pacific in a location where they have never been mixed before, which raises scientific questions that are certain to rage on long after such a canal is built.

Some scientists feel that a sea level canal means certain death for many marine species in both oceans, either from unfamiliar predators who make their way from the other ocean or from sudden temperature changes that result from a mixing of the colder Pacific with the warmer Atlantic.

The presidential panel studying a second canal has looked into this question and claims it is not half as serious as many scientists make it sound.

"The Batelle Memorial Institute has evaluated these dangers," a source close to the commission said, "and has found no direct evidence that a sea level canal might harm marine life."

Despite all the obstacles, the commission is understood to feel that a second canal must be built to accommodate the growing numbers of large ships in the world's merchant fleets and in our own navy.

The present canal cannot handle ships larger than 65,000 tons, which means it cannot accommodate most of the supertankers being built today. The present canal is also unable to take on the large U.S. aircraft carriers, whose decks are too wide for the canal's system of locks.

HON. WARREN E. HEARNES, GOVERNOR OF MISSOURI, PLACED CAMPAIGN ISSUES IN PROPER PERSPECTIVE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, during the past campaign the American people were bombarded with rhetoric about what has been labeled the social issue, patriotism, and law and order. Fortunately, there were public officeholders who attempted to put the issues in proper perspective; one of whom I had the privilege of hearing at an October 22 testimonial dinner for Illinois State Senator William Lyons at Litchfield, Ill. The speaker for the occasion was the Honorable Warren E. Hearnes, Governor of Missouri.

As Governor Hearnes eloquently noted:

> I do not believe that patriotism, or opposition to violence, is divided along party lines. I do not believe the people will follow any political leader who tries to divide them in that manner.

His prophecy indeed proved correct as the election returns came in. The American people exercised the sound judgment that some politicians had callously written off.

For the benefit of my colleagues, I include Governor Hearnes' speech at this point in the RECORD. After reading it, I am confident many people will agree with me that we may well see Governor Hearnes in a national political office.

The address follows:

ADDRESS OF GOVERNOR WARREN E. HEARNES

With the approach of the November election, it seems one of the developments I had looked forward to with great anticipation is now not very likely to occur. Perhaps I am old fashioned in my political beliefs, but I had hoped for a serious national discussion of our country's most pressing domestic problem—the condition of the economy.

Yes, before you ask the question, I am well aware of the life and death nature of an impressive list of social issues including poverty and pollution of the environment. But I also am aware of the fact that the solutions being discussed for those problems carry a large price tag. And there is no doubt in my mind that the first priority must be assigned to saving our national economy if we intend to do anything about other problems.

During this campaign, I had hoped to hear some answers from the political party of the Nixon administration. They are the ones who control the executive branch of the federal government, and they should answer for the combined inflation, recession and unemployment now sweeping the country.

Personally, I would like to hear their comments concerning the present unemployment rate of 5 and one-half percent. I would like to hear their reaction to the forecasts of economic experts both inside and outside the federal government who say the unemployment rate will reach six percent by next summer. And I know their answers would be of interest to the two million people who have lost their jobs since the Nixon administration took office.

The Vice President, however, is taking a different approach on the campaign trail. He chooses to ignore the economic plight for which the administration is responsible. Instead of answering to the people for economic blunders, he has chosen the theme of violent revolution and is attempting to blame it on the Democratic Party. Regrettably, the White House has stooped to echo his position.

In attempting to avoid their responsibility for the condition of the economy, these Republican leaders have attacked everyone else and tried to picture themselves as the only true, patriotic Americans. This has all the earmarks of a smear campaign.

I do not believe that patriotism, or opposition to violence, is divided along party lines. I do not believe the people will follow any political leader who tries to divide them in that manner. Members of both major political parties stand together in their love for our country and their determination to improve it through lawful means.

Tonight, then, let us look at the issue of order versus chaos not from the Vice President's viewpoint of divisiveness, but from the only basis on which this issue can be analyzed—that of Americans united.

Abraham Lincoln once wrote, "The dogmas of the quiet past are inadequate to the stormy present."

He was writing about events now a century removed—a conflict of ideas and deep-rooted beliefs which created a situation that obviously could not endure for long. As President of this nation, and charged with keeping it "indivisible with liberty and justice for all", he fulfilled his oath of office and resisted even to the degree of facing our country's only civil war.

In resisting efforts to forever divide these United States through violent disobedience of a government entrusted to foster freedom as well as law and order, Abraham Lincoln and his contemporaries strengthened all levels of government. For more than a century—and let us hope many centuries to come—Americans have benefitted because this democracy proved its own ability to survive threats from within as well as without.

One of the greatest legacies each generation can provide those that follow is a freedom to accept or reject the democracy so many have sought to preserve and encourage. It is a governmental system designed to allow citizens to seek their own fulfillment within duly constituted, and agreed upon, restrictions and protections necessary to save it from the self-defeating status of a social jungle.

As Americans of each generation look for better and more enlightened avenues toward personal fulfillment, they also contribute to their democracy's continuation. One of the most important elements of this nation's strength through its democracy is its ability to allow for weakness, but this requires intelligent dialogues, debates and unrelenting self-appraisal.

At times, our citizens have reflected tendencies evident throughout all centuries—a tendency to recognize and claim their own rights, while at the same time ignoring or infringing upon the rights of others. True liberty cannot exist in this fashion, because true liberty is a product of sincere and effective recognition and respect for the rights of others.

It is logical that some segments of our population, inflamed over personal grievances or the desire for more rapid social change, should become resentful. It is logical that some of them find words of fiery promise attractive as final resolutions to their problems. Logic is cast to the winds, however, when they follow leaders who promise intellectualism through the closing of colleges; justice through the release of accused murderers; peace through the bombing of buildings; and freedom through the kidnapping and killing of public officials.

All of us here tonight know that somehow we must find proper antidotes to social ills such as poverty and unemployment—just as surely as we press our search for medical solutions to cancer and other diseases. With medicine we realize more money and more research must be combined with a third ingredient—the frustrating passage of time.

We must come to the same logical realization concerning social change. We will not clear away poverty tomorrow morning through a magic formula, and certainly not through violence. Revolutionary action will at best slow down the process of curing poverty and at worst will put a complete stop to it. More study, more enlightened and practical legislation, more years of an expanding economy—these are some of the ingredients for a successful attack upon this quiet and deadening plague gnawing at our greatness.

Until this attack results in poverty's unconditional surrender, we know hunger, as well as damages to human dignity and wellbeing, will continue in many places throughout this nation.

Let those of us who believe in the democratic way admit its processes move more slowly than a dictator's decree. And let others admit that a fire bomb does not destroy the root of whatever grievance they claim—but does destroy public willingness to work for the correction of grievances.

We must continue our search within a democratic structure for opportunities—not guarantees. These opportunities should provide every American with adequate shelter, food and other basic necessities for living—and fringe benefits of spiritual and physical fulfillment as well.

We must remain steadfast in our hopes and our prayers that logic will prevail and those pushing hardest for social change will realize that the sometimes slow pace of democracy still affords the best opportunity. If our prayers are not answered, every measure within our power will be taken to quickly and effectively quell any disorder, because we have no alternative.

As surely as Abraham Lincoln recognized the tragic consequences of his Presidential oath a century ago, others in positions of duly determined authority today know there can be no acceptable dissent outside obvious channels of law and order.

Violent revolution transcends any plausible label of justifiable grievance, because widespread tolerance of lawlessness denies understanding or faith in our democratic processes. These processes are not infallible, but they do allow more unfettered criticism and opposition to elected leaders than any government yet devised on this earth.

When radicals attempt to enforce their views through violence, the privilege of dissent becomes anarchy and it makes a mockery of the democratic constitution which guarantees it. None of us can be allowed to take at gunpoint or through intimidation what we lack or what we covet.

If we wish to enjoy the benefits of free citizens, we must also accept the responsibilities which make that freedom possible—sometimes we must even accept the fact that these responsibilities include offering an attentive ear to those whom we oppose. This nation is not composed of 200 million human islands. We are a vast and inter-related community, and certainly no responsible citizen of that community condones destruction of lives and property.

Equally, this principle applies to any unthinking persons who might attempt revenge upon those with whom they disagree or whom they believe to be in sympathy with radical leaders. This cannot be allowed because we all must be assured adequate protection under law and order. I must answer in the same fashion as each of you to this system of protection for our physical welfare. Law and order can never be a one-way street, I cannot bend it to my own purposes, or flout it, and neither must anyone else be allowed to do so.

No responsible person in this nation can be a partner in the dissolution of our moral strength or forget that in any civilization murder is murder, arson is arson and stealing is stealing—regardless of real or alleged reasons given for them. We cannot exist in chaos because it is weakening and debilitating to any society founded for mutual protection and progress.

No individual or group—regardless of their cause—can be allowed to contribute to chaos. Defiance of accepted and recognized laws only breeds suffering, terror and tragedy.

Our democracy and the citizen family it governs can be improved by orderly change. Never can it be made better and stronger by senseless violence and destruction.

These, ladies and gentlemen, are principles in which we believe. We may strongly oppose Republican leaders for what they have done to our economy, and they may oppose Democrats on other issues, but on the crucial matter of building a better nation within the law we stand as one.

I believe Abraham Lincoln, a Republican, gave us guidance along those lines a century ago which literally determined the fate of the nation. And I believe another man from Illinois, a Democrat, gave us inspiration and leadership on the same topic in this century.

I know all Americans look forward to the time forecast by the late Adlai Stevenson, the father of your distinguished candidate for the United States Senate, who envisioned a day when "no man rattles a saber and no man drags a chain."

THE AMERICAN BANKER URGES THE BANKING COMMUNITY TO FACE THE FACTS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the American Banker, a daily publication that goes primarily to the banking industry, has some good advice for the big banks concerning last week's excellent television show, "The Banks and the Poor."

In an editorial on Monday, November 16, the American Banker warns the big banks, the "public is coming to care more and more about what banks are doing to help solve its problems, much more than ever before."

The American Banker goes on to tell the banking industry that it should "accept the challenge head on." The editorial further states:

> This involves a willingness to state their own case with candor and vigor, to say what is being done, what the objectives are, and what the difficulties are along the way, and to be willing to argue the merits of the course with those who will be most affected by its outcome. It involves also a willingness to hear out in full the hopes and gripes of those the banks are seeking ultimately to serve, and even to be held up for criticism by observers who are not impartial.

Many of us in the Congress have long sought this kind of candor from the banks. In most cases, we have not received it. Time after time, the big banks have dodged inquiries from the Congress and have attempted to block even the most basic studies of banking practices. On some occasions, the banks have failed to put in public appearances on important banking legislation at the same time that their lobbyists were hard at work behind the scenes.

Both the public and the banks would benefit from an open and free discussion of the financial issues before the Nation. Such a discussion, however, must mean a full revelation from the big banks; the public and the Congress are not willing to accept the public relations hand-outs as the final word on what the banks are doing.

The NET show, "Banks and the Poor," has hopefully opened a new channel of communication on these vital issues. I commend the American Banker for its forthright editorial on the issues raised by this television show.

Mr. Speaker, I place in the RECORD a copy of the editorial.

TOUGH ORIENTATION COURSE

Bankers on the whole did not like the way they were treated on the recent National Educational Television broadcast "Banks and the Poor." But they still can learn some important lessons from the whole unpleasant experience.

One of the most important generalities, which became sharply focused into a specific example by this episode, is that the more an institution is involved with the public, the more vulnerable it is to criticism. This does

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not mean, of course, that exposure should be limited, but rather that a tougher hide and more resilient spirit is required than in more private affairs.

Given the fact that banks are committed, both by their own determination and by the force of events over which they have no control, to increasing involvement in public affairs, then the broad lesson taught by the NET experience may be considered as something in the nature of a freshman orientation course, preparatory for much more rigorous exercises to come.

For the public is coming to care more and more about what banks are doing to help solve its problems, much more than ever before. The banks simultaneously are making much greater efforts in these areas than ever. But both sides are new at it.

The public is not clear about just what it wants from the banks, does not know exactly what the banks can do to deal with various problems, and does not care very much about the heavy constraints placed upon bank activity by both civil law and institutional prudence. Public judgment, to a great extent, starts with the sight of a great deal of money in the hands of the banks, and a great many obvious ways in which it could be used. All too often it stops there too.

The banks, on the other hand, for all their goodwill, are groping into areas where they have not ventured before, and are being asked to go even farther. They are bound to make mistakes, and are bound to be aggrieved when they are charged with these mistakes in loud, intemperate, sometimes even unfair terms, right out in front of the public that they are trying to help.

But there is no point in avoiding it, or even resenting it, unless the banks want to chuck the whole effort and give up any attempt to meet the shifting and intensifying demands of the public they serve. And hardly anybody in the banking business wants to do that.

On the contrary, the industry has made an impressive commitment to change, and specifically to grapple with those of the myriad problems which beset society in the United States today for which it possesses special skills. The challenge is to adapt those skills to the modern, expanded, more public versions of those old problems.

One of the great ways to accomplish adaptation is to become engaged—to accept the challenges head-on, to become experienced in the new, rougher forms of communication. This involves a willingness to state their own case with candor and vigor, to say what is being done, what the objectives are, and what the difficulties are along the way, and to be willing to argue the merits of the course with those who will be most affected by its outcome. It involves also a willingness to hear out in full the hopes and gripes of those the banks are seeking ultimately to serve, and even to be held up for criticism by observers who are not impartial.

This all can be made to contribute to a more perceptive discernment of the vital element in any issue, provided bankers do not let themselves be distracted by peripheral unpleasantness.

It is understandable that bankers do not relish this form of hard contact; but if they are to achieve the goals they have set for themselves, as an industry, as institutions and as individuals, they will have to learn how to learn from it. The big adjustment will come when they can learn not to reject it as improper, but as an expression, however crude, of need, for which banks are being sought for constructive response. In those terms, the dialogue can be eminently worthwhile.

And if the NET program has brought that shock of recognition to bankers who have not realized it before, then it will have been a useful experience, albeit not a pleasant one, and perhaps more effectively educational than its producers anticipated.

A REPLY TO A PERSONAL ATTACK

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, yesterday a Member of this House made a personal attack against me, apparently out of pique for having been linked with banks in various newsstories.

It saddens me that any Member of this body would feel it proper and necessary to stoop to personal attacks on a colleague. Such tactics only reflect on the Member making the attack and upon the good name and reputation of the House of Representatives.

I learned of the personal attack on me some hours after it was delivered on the floor of the House. I immediately communicated with the gentleman from Pennsylvania (Mr. WILLIAMS) and I place in the RECORD a copy of my letter.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 16, 1970.
Hon. LAWRENCE G. WILLIAMS,
House of Representatives,
Washington, D.C.

DEAR MR. WILLIAMS: Your floor speech attacking me has just been called to my attention. I regret greatly that you did not see fit to follow normal House courtesy in notifying me that you planned a personal attack on another Member. However, the lack of courtesy is not the issue.

As you are probably aware, the filings of campaign expenditures of various political fund-raising committees are required, by law, and must be sworn to by the appropriate official of such committees. Likewise, I hope you are aware that these records are open to public scrutiny and that the various newspaper reporters are free to avail themselves of this information at any time.

Before you made your speech, I am sure you were fully aware that Wright Patman has absolutely nothing to do with the filings by BANKPac or any other fund-raising committee. Likewise, you are aware that I have no control over what any news media might report from the official records on file with the Clerk of the House of Representatives. I am not overly concerned about your charges in this area because I am sure that anyone with even a modicum of understanding of the workings of the House of Representatives or the press would dismiss your statements.

Your statements about the Justice Department investigation are, to put it mildly, puzzling. On October 26, I wrote the Attorney General a detailed letter urging that he take a look at various fund-raising activities being carried on either directly or indirectly by the commercial banking industry. BANKPac was mentioned along with a number of other fund-raising activities being carried on by this industry. The filings with the Clerk of the House of Representatives, about which you complain, were apparently not filed until Saturday, October 31. When I wrote my letter to the Attorney General, I had no knowledge whether you or any other Member of the Committee had received contributions from any of these groups.

However, if you are concerned about the Justice Department investigation, it may be well to address your further statements directly to that department. I am in receipt of a letter, dated November 9, from Mr. Will Wilson, Assistant Attorney General, Criminal Division, who states:

"Some of the material referred to in your letter had already come to the attention of the Department . . ."

In short, Mr. Williams, with or without my letter, it is apparent that the Justice Department is pursuing an investigation of such fund-raising activities.

I am certain that you are not serious when you indicate that a Member of Congress should not refer possible law violations to the Justice Department. In fact, the withholding of such information would, in itself, be a violation of the statutes.

Your statement says that you have received assurances from the American Bankers Association concerning the activities of BANKPac. I find this information most significant since it was my understanding that the A.B.A. has gone to great lengths to indicate that it has no control over or knowledge of the specific political activities of BANKPac. Any information that you have in this area might be quite helpful to further investigations.

In closing, let me emphasize that I fully understand your concern if for some reason your name has been falsely listed in the records. I am sure that there are appropriate steps that could be taken to clarify your position, but I am sure that you can understand that this is not the responsibility of Wright Patman.

Sincerely,

WRIGHT PATMAN.

DEFEAT THE RULE ON THE TRADE BILL

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, tomorrow, when the House considers the rule on the trade bill, I hope that the House will vote down the previous question. The trade bill in its present form is totally unacceptable and is a hodgepodge of mischief. It should be defeated.

Today, former Senator Paul Douglas made the following statement in a telephone conversation to me:

> The Quota bill of 1970 is worse than the Tariff increase of 1930 that launched a Trade War and led to retaliation on the part of European countries. Though the Smoot-Hawley Act still permitted competition between importers, the Quota bill of 1970 would automatically end competition between importers and result in higher prices to the consumer. It would lead to retaliation on imports from America by other countries and check the normal flow of our goods abroad.
>
> The men opposing this Quota bill are doing this in the best interests of the country and the American consumer in an effort to prevent price increases by domestic monopolies and quasi-monopolies.
>
> I hope the Congress will think long and hard before enacting any form of restrictive trade legislation. The present bill must be defeated.

Senator Douglas is one of 17 surviving signers of a petition by 1,028 economists to President Hoover in 1930 urging that he veto the Smoot-Hawley tariff. Hoover did not and international trade throughout the world was severely damaged, contributing to a deepening depression and the instability of the Western democracies.

Senator Douglas helped draft a warning about the present quota bill, scheduled to come before the House tomorrow. This warning and protest, released September 18, was signed by over 4,500 professional economists from every State in the Union.

With Senator Douglas, I urge that we defeat the rule and the bill and make a new start on trade legislation in the next Congress.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States leads the world in the production of plastics and resins. In 1968 production was 6,689,900 metric tons for the United States compared to 3,413,100 for Japan and 3,256,000 for West Germany.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Teague of Texas (at the request of Mr. Albert), for today and remainder of week, on account of illness.

Mr. Blatnik (at the request of Mr. Albert), for today, on account of official business.

Mrs. Hansen of Washington (at the request of Mr. Albert), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Halpern (at the request of Mr. Eshleman), for 5 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Caffery), to revise and extend their remarks and include extraneous material:)

Mr. Hamilton, for 10 minutes, today.
Mr. Flood, for 30 minutes, today.
Mr. Lowenstein, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Fascell and to include extraneous material.

Mr. Ichord.

Mr. Sisk to revise and extend his remarks on H.R. 13978.

Mr. Hammerschmidt, and to include extraneous matter during general debate on H.R. 19519.

Mr. Ayres, immediately preceding the remarks of Mr. Steiger of Wisconsin in general debate in the Committee of the Whole today.

Mr. Dingell (at the request of Mr. Perkins), to extend his remarks immediately preceding the rising of the Committee.

Mr. Steiger of Wisconsin and to include extraneous matter with the remarks made during debate on H.R. 19519.

Don H. Clausen during his remarks on H.R. 19519 of today.

(The following Members (at the request of Mr. Eshleman) and to include extraneous matter:)

Mr. Denney.
Mr. Schmitz in five instances.
Mr. Pelly.
Mr. Duncan.
Mr. Whitehurst.
Mr. Wyman in two instances.
Mr. Collier in five instances.
Mr. Robison.
Mr. Ashbrook.
Mr. Broyhill of Virginia.
Mr. Derwinski in four instances.
Mrs. Dwyer in three instances.
Mr. Reid of New York.
Mr. Davis of Wisconsin.
Mr. Dellenback.
Mr. Rhodes in two instances.
Mr. Whalen in two instances.
Mr. Don H. Clausen.
Mr. Reifel.

(The following Members (at the request of Mr. Caffery) and to include extraneous matter:)

Mr. Lowenstein in five instances.
Mr. Symington.
Mr. Waldie.
Mr. Roybal in eight instances.
Mr. Farbstein in four instances.
Mr. Boland in two instances.
Mr. McCarthy in five instances.
Mr. Dingell in two instances.
Mr. Conyers in five instances.
Mr. Kyros.
Mr. Jacobs.
Mr. Wolff.
Mr. Cabell in two instances.
Mr. Rooney of New York in two instances.
Mr. Cohelan in three instances.
Mr. Dulski in five instances.
Mr. Fraser in two instances.
Mr. Minish.
Mr. Hanna in five instances.
Mr. Teague of Texas in eight instances.
Mr. Bolling in three instances.
Mr. Zablocki in two instances.
Mr. Koch in three instances.
Mr. Murphy of New York in two instances.
Mr. Hagan in two instances.
Mr. Jones of Alabama in two instances.
Mr. Gibbons.

ADJOURNMENT

Mr. CAFFERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 18, 1970, at 12 o'clock noon.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22) (U.S. title 5, sec. 3331), to be administered to Members and Delegates of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

"I A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 91st Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C., title 2, sec. 25), approved February 18, 1948: Charles J. Carney, 19th District, Ohio; George W. Collins, Sixth District, Illinois; Edwin B. Forsythe, Sixth District, New Jersey; Robert H. Steele, Second District, Connecticut; and John Ware, Ninth District, Pennsylvania.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2544. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice of the intention of the Department of the Navy to donate a surplus firetruck to the borough of New Shrewsbury, N.J., pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

2545. A letter from the Assistant Secretary of the Interior, transmitting the second 5-year report of the investigation of the need for continuing assistance to Boulder City, Nev., for the cost of supplying water to the municipality, pursuant to section 9(e) of the Boulder City Act of 1958; to the Committee on Interior and Insular Affairs.

2546. A letter from the Assistant Secretary of Commerce, transmitting a finding that there is a need for a specific flammability standard for children's sleep wear, together with the proposed standard for such apparel; to the Committee on Interstate and Foreign Commerce.

2547. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2548. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend Public Law 91-514; to the Committee on Merchant Marine and Fisheries.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

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By Mr. KING:

H.R. 19814. A bill to provide that railroad employees may retire on a full annuity at age 60 or after serving 30 years; to provide that such annuity for any month shall be not less than one-half of the individual's average monthly compensation for the 5 years of highest earnings; and for other purposes; to the Committee on Interstate Foreign Commerce.

By Mr. O'KONSKI:

H.R. 19815. A bill to amend title II of the Social Security Act to provide that an individual's primary insurance amount may be computed on the basis of his 3 years of highest earnings during the 10-year period immediately preceding his retirement or death; to the Committee on Ways and Means.

By Mr. PATMAN:

H.J. Res. 1403. Joint resolution to provide an additional temporary extension of the Federal Housing Administration's insurance authority; to the Committee on Banking and Currency.

By Mr. TEAGUE of California:

H.J. Res. 1404. Joint resolution to authorize the erection of a Seabee memorial; to the Committee on House Administration.

By Mr. TIERNAN (for himself and Mr. CONTE):

H.J. Res. 1405. Joint resolution to authorize the erection of a Seabee memorial in the District of Columbia; to the Committee on House Administration.

By Mr. KING:

H. Con. Res. 784. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

By Mr. PATMAN:

H. Con. Res. 785. Concurrent resolution authorizing the printing as a House document, the book entitled, "Our American Government and How It Works: 1001 Questions and Answers"; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 19816. A bill for the relief of Lan thuc Le and Nga Thi Nguyen-Le; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 19817. A bill for the relief of Dan Quoc Dao and his wife, Loan Thi Phung Dao; to the Committee on the Judiciary.

H.R. 19818. A bill for the relief of Dzung thi Kim Tran and Nguyet thi Tran; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

632. By the SPEAKER: Petition of Orville L. Cain, Grass Valley, Calif., relative to redress of grievances; to the Committee on the Judiciary.

633. Also, petition of the General Executive Board of the International Ladies' Garment Workers' Union, relative to imports of women's and children's apparel; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

THE TRANSITION FROM WAR TO PEACE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. SIKES. Mr. Speaker, the House has great appreciation for Secretary of Defense Melvin Laird, a long-time, outstanding Member of this body. He has gained important new laurels as the head of a great and essential branch of our Government. I take pleasure in presenting for reprinting in the CONGRESSIONAL RECORD an address delivered by Secretary Laird in Chicago on October 22 before the Chicago Council on Foreign Relations:

ADDRESS BY THE HONORABLE MELVIN E. LAIRD

The United States today is in transition from an old era to a new era; America is in transition from war to peace.

I want to talk with you about our number one goal—peace—about the policies which the Nixon Administration is pursuing to achieve it, and about a strong military assistance program as an indispensable ingredient of our strategy for peace.

The transition of our country from war to peace is seen in the steady reduction of American troop strength in Vietnam; in the decreasing American casualties; and in the declining economic burden of the war in Indochina.

Our country also is in transition from the outdated defense policy of the past—a policy in which we carried a disproportionate burden—toward a new policy of shared responsibility.

Our country is in transition from a foreign policy of confrontation toward a policy of negotiation.

These changes in our relations with other nations have a most significant impact on our domestic affairs, enabling us to begin also a momentous transition at home.

The United States today is in transition from a wartime economy to a peacetime economy. A massive shift of manpower and other productive resources is taking place. The economy is readjusting itself from production for what once had seemed an endless war to production for peace—hopefully the first full generation of peace in the 20th Century.

Our country is in transition, as well, from a defense-dominated federal budget to one in which spending for defense is overshadowed by spending for human resources.

And, our country is in transition from military forces obtained in large part through the draft toward military forces composed increasingly of volunteers. Our objective is to reach zero draft calls by July, 1973.

The great goal we are seeking through these multiple transitions is peace for the generation of Americans now reaching maturity—a just and lasting peace, peace in Southeast Asia, in the Middle East, peace everywhere.

This goal of general peace is not a utopian dream. It is not beyond our reach. It would, of course, be utopian to expect that peace will be attained by a miraculous evaporation of the ideological differences among nations. It would be utopian to expect peace to be accomplished by the sudden disappearance of the clash of national interests or of historic antagonisms.

It would be equally utopian to expect that the goal of general peace can be reached by unilateral disarmament or by blind trust in the intentions of adversary nations.

But it is *not* utopian to believe that mankind's common interest in avoiding the potential horror of future wars can lead nations to choose other means of resolving differences.

The strategy by which we hope to realize our goal of peace is summarized in the three pillars of President Nixon's Foreign Policy for the 1970's—partnership, strength, and a willingness to negotiate.

The course which the President has chosen to attain this goal is the course of shared responsibiilty. It is not the path of isolationism—which history has taught us, does not lead to peace in the world. Nor is it the path of the pax Americana, which would impose on our country the burden of bearing principal responsibilty for the safeguarding a peace everywhere in the world against all possible threats.

The President's course carefully maintains a level of military strength adequate to meet the threats to our security, avoiding truculence, provocation, or domination on the one hand and, avoiding, on the other, the weakness that invites aggression.

The President's course is the path of meaningful negotiation. It is not the inflexible intransigence of non-negotiable demands, nor is it a mindless willingness to barter away our rights—or the rights of any other nation—in order to achieve agreement.

I do not underestimate the problems and the obstacles that lie along the paths we are pursuing. And I know that the question of whether we reach our goal will not be unilaterally settled by what we alone do or fail to do; for peace is not a gift that any one nation by itself can bestow on the world.

Therefore, one of the pillars of our foreign policy is this willingness to negotiate. We are attempting to give fresh impetus to the process of international negotiation. We do so both by using this practice for the settlement of our problems with other nations and also by encouraging negotiation between other states to settle problems in which we are not directly involved.

We have demonstrated our willingness to negotiate and to help others in getting to the negotiating table—in Vienna, Helsinki, Paris, New York, Washington, and several other places around the world.

Of course, if negotiation is to succeed in avoiding conflict, the willingness of one disputing party to negotiate must be matched by equal willingness on the part of other parties.

It must be clearly understood that if this mutual willingness to negotiate existed with relation to the war in Southeast Asia, hostilities there could be speedily brought to an end on terms that are fair to all parties.

President Nixon has clearly offered the elements of a just peace in Southeast Asia. His proposal has been endorsed by the Republic of Vietnam, the Republic of Cambodia, and the Kingdom of Laos. Hanoi, of course, has so far publicly rejected this suggestion as it did the President's earlier proposals for peace.

I hope Americans always will remember that neither peace nor freedom is secure if willingness to negotiate is not constantly complemented by military strength.

Recent events in the Middle East demonstrated again the value of the military strength which the United States has maintained in the Mediterranean. For more than 20 years, the Sixth Fleet has been in that sea—visible evidence of the ability and the determination of our country to deter aggression and to protect American lives. There can be no doubt that the peaceful presence of the Sixth Fleet has been a powerful restraining influence in the Middle East.

It is impossible for any of us to know beyond doubt what the situation in the Middle East would be today if the Sixth Fleet had not been present and if steps had not been taken to augment it when the threat of a general conflagration suddenly darkened the area. I can report to you, however, the considered judgment of many leaders of the nations of Europe and the Middle East with whom I discussed this matter in the course of the recent trip which I made with President Nixon.

In summary, some leaders believe that, if the Sixth Fleet had not been there, there would be no ceasefire today in the Middle East. If it had not been there during the turmoil and conflict in Jordan, some believe the hostages would not today be free, nor would the hostilities in Jordan have come to an end so quickly and without deep involvement of other nations.

This episode graphically illustrates how military power serves the cause of peace. It shows why President Nixon regards strength as one of the three pillars of a strategy of peace.

And so I emphasize at every opportunity the importance of maintaining a military capability that will constitute a credible deterrent—a deterrent to any breach of the peace that would affect the security of the American people or their vital interests. I want to emphasize that we have been able to cut back on our military spending in 1969 and in 1970 largely as a result of progress in Vietnamization. But I must clearly point out that the cuts we have programmed go as far and as fast as we dare go in reducing our military forces at the present time. I hope that when Congress assembles again next month, it will fund fully the budget requests made by the President for our national defense.

Now, let me return to the principle of partnership, of shared responsibility.

The relationship between the United States and our friends and allies is undergoing transition. Simply stated, responsibility which we have long borne exclusively—or in major part—for peace and security is being shared with other nations. Those nations are assuming greater responsibility for their own defense.

This transition is being accomplished with especially encouraging results in the Republic of Vietnam. It has permitted us to reduce authorized American manpower levels from the 549,500 that existed when we assumed office to a new strength of 284,000 by next May.

The transition we are seeking to make is not a simple one. We are seeking to adapt U.S. policy to the realities of a world in transition and, through U.S. policy, to help guide this changing world toward lasting peace. This requires that many habits and much doctrine developed over the course of the past 25 years be modified. It is difficult to transfer to others a part of the burden which the United States has been carrying for that long period of time—even in the case of nations which have in full measure the ability and the will to assume more of the collective burden. The transfer must be gradual and must be so timed in each of its phases that excessive risks are avoided.

In many respects we already are well on the way to implementation of our new foreign policy. Since President Nixon took office in January 1969, there have been 112 foreign base reduction actions and 68 foreign base closures. These actions alone have resulted in a reduction of more than 60,000 civilian and military positions overseas.

By next spring, under present plans, the total number of American military personnel overseas will be at least 300,000 below the level stationed abroad when President Nixon entered the White House.

The reduction of American troop levels and of American bases abroad must not, of course, leave a total vacuum. As we reduce the American presence and thereby reduce the risks to our servicemen and the strain on our economy, we also must be prepared to increase reasonably our military assistance to nations we expect to assume increased military responsibility.

Many nations are willing and able to provide manpower for their own defense but lack the means to convert it to well-trained and properly equipped armed forces. By furnishing the materiel and training support essential to the development and maintenance of such forces, the U.S. Military Assistance Program and the U.S. Foreign Military Sales Program serve as key instruments in the implementation of the Nixon Doctrine.

Unless we provide these nations further assistance, the basic policy of decreasing direct U.S. involvement overseas simply cannot be successful.

It troubles me, therefore, to report to you that the appropriation for the Fiscal Year 1970 Military Assistance Program was the lowest in the history of the program—$350 million. Prior to 1967, the appropriation averaged around $2 billion a year. This is a trend which must be reversed if we are to bring more Americans home from overseas.

Nations able to pay for military equipment which our national interest leads us to supply to them *do* make payment, either in cash or by a credit arrangement. The nations of Western Europe and Japan, which once received military grants from us, now *pay* for what they receive. To engage in such transactions with other nations, the Department of Defense needs legislation which authorizes the permissible levels of Foreign Military Sales.

This Foreign Military Sales authorization has been languishing in conference between the House and the Senate for several months now in a dispute over an irrelevant provision. I hope that the Congress will no longer delay action on this vital legislation when it reassembles in November.

We must help our allies compensate for the reduction in our presence overseas through increased military assistance and sales.

Korea provides a good example of the Nixon Doctrine at work. We have announced our intention to reduce the authorized strength of U.S. forces in Korea by 20,000 by the end of this fiscal year. But if our Korean allies are to shoulder more of the burden of their own defense, and if the United States is to honor its obligations to Korea, then we must assist them in carrying forth the modernization of their forces to handle greater defense responsibilities.

From every point of view—political, economic, military—it makes sense to increase the military assistance given to nations which help strengthen the fabric of world peace.

It is better to supply American equipment than American troops.

It is better for us who give as well as for those who receive. It reduces the chances that Americans will have to fight in the future. And, from the economic point of view, it is far less expensive to send equipment than to maintain our troops and our equipment for long years in foreign lands.

I cannot stress too strongly the need for increased understanding and support of this vital element of the Nixon Doctrine. A vigorous and revitalized Military Assistance and Foreign Military Sales Program is an absolutely essential ingredient of our new Foreign Policy for the 1970's. Without such a program, we will be severely restricted in our determination to honor our obligations, to support our allies and, at the same time to reduce present U.S. forces in Asia and elsewhere while diminishing the likelihood of having to commit American ground combat units in the future.

As Secretary of Defense, I have carefully avoided optimistic predictions about future events which always are uncertain and too often beyond our control.

I do believe, however, that there is reason for satisfaction in what has been accomplished so far in making the difficult transitions which President Nixon has set in motion. The two wars that were raging when the President assumed office have simmered down. American involvement in Vietnam has been substantially reduced. A ceasefire is in effect in the Middle East.

The orderly transition course we have been following has brought progress. This progress should hearten us as we continue the unfinished work that lies between us and our goal—the firm establishment of general peace for the next generation.

SENATOR MUSKIE'S ELECTION EVE ADDRESS REASSURING

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. KYROS. Mr. Speaker, each of us today returns to this body with memories of our own election campaigns, pleasant or otherwise. Many of these recollections are highly personal. Most of our fellow Americans were involved in election activities to a far lesser degree, however, and as November 3 approached there were several newspaper accounts of general voter apathy throughout the Nation.

Then, on the evening of November 2, millions of men and women throughout the land were inspired by words which needed to be said, and said well. From their television screens, a man spoke quietly, not with a stridency of an election-eve broadcast, but with a reassuring message for Americans of all political dispositions. He spoke of the promise of our Nation and of the sense of reason, and trust, which must remain our abiding political tradition. He spoke solemnly and frankly, as is his nature. Many of us were so very, very grateful that our own thoughts and beliefs were being so well expressed, by so fine an individual.

That individual is Maine's own ED MUSKIE, who returns to Washington with our State's trust in him newly reaffirmed. His speech and an editorial which appeared in the Portland Press Herald of November 4, 1970, follows:

[Editorial from the Portland Press Herald, Nov. 4, 1970]

MOMENT OF STATESMANSHIP

The degree to which Senator Edmund S. Muskie's election eve television address may have influenced the Nation's voters is only one of many campaign imponderables.

Whatever its affects may have been on the electorate, it struck us as one of the Senator's finest campaign quarter-hours.

There was nothing namby-pamby about the speech. The Senator laid it on the line. Perhaps the term "low-key" is simply incompatible with an address in which a political contender accuses the President of leading, inspiring, and guiding a campaign built on lies, slander, name-calling and "de-

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ception of almost unprecedented volume." Yet that was the manner of presentation and perhaps that, as much as the content of the remarks, made it particularly effective. Certainly it was in welcome contrast to the transparent, emotional cheer-leading in which the President has indulged for several days and which has become virtually a career for the Vice President.

It wasn't so much a speech as a living room conversation. It was a Franklin D. Roosevelt fireside chat with video added. Even in its fiercest allegation it was quiet and restrained in tone. It was a presentation constructed on reason and happily devoid of the passion that has been almost the sole content of so much of the oratory from the top rank Republicans.

As this was written, millions of Americans were marking ballots all across the country. The decision, in Maine and the Nation, was still in the future. Whatever the judgment would be, Senator Muskie had brought a moment of statesmanship to what had been a noisy but barren exercise in political superficiality.

Remarks by Senator Edmund S. Muskie

Fellow Americans—

I am speaking from Cape Elizabeth, Maine—to discuss with you the election campaign which is coming to a close.

In the heat of our campaigns, we have all become accustomed to a little anger and exaggeration.

Yet—on the whole—our political process has served us well—presenting for your judgment a range of answers to the country's problems . . . and a choice between men who seek the honor of public service.

That is our system.

It has worked for almost two hundred years—longer than any other political system in the world.

And it still works.

But in these elections of 1970, something has gone wrong.

There has been name-calling and deception of almost unprecedented volume.

Honorable men have been slandered.

Faithful servants of the country have had their motives questioned and their patriotism doubted.

This attack is not simply the overzealousness of a few local leaders.

It has been led . . . inspired . . . and guided . . . from the highest offices in the land.

The danger from this assault is not that a few more Democrats might be defeated—the country can survive that.

The true danger is that the American people will have been deprived of that public debate—that opportunity for fair judgment—which is the heartbeat of the democratic process.

And that is something the country cannot afford.

Let me try to bring some clarity to this deliberate confusion.

Let me begin with those issues of law and order . . . of violence and unrest . . . which have pervaded the rhetoric of this campaign.

I believe that any person who violates the law should be apprehended . . . prosecuted . . . and punished, if found guilty.

So does every candidate for office of both parties.

And nearly all Americans agree.

I believe everyone has a right to feel secure . . . on the streets of his city . . . and in buildings where he works or studies.

So does every candidate for office, of both parties.

And nearly all Americans agree.

Therefore, there is no issue of law and order . . . or of violence.

There is only a problem.

There is no disagreement about what we want.

There are only different approaches to getting it.

And the harsh and uncomfortable fact is that no one—in either party—has the final answer.

For four years, a conservative Republican has been Governor of California.

Yet there is no more law and order in California today than when he took office.

President Nixon—like President Johnson before him—has taken a firm stand.

A Democratic Congress has passed sweeping legislation.

Yet America is no more orderly or lawful—nor its streets more safe—than was the case two years ago . . . or four . . . or six.

We must deal with symptoms—strive to prevent crime; halt violence: and punish the wrongdoer.

But we must also look for the deeper causes . . . in the structure of our society.

If one of your loved ones is sick, you do not think it is soft or undisciplined of a doctor . . . to try and discover the agents of illness.

But you would soon discard a doctor . . . who thought it enough to stand by the bed and righteously curse the disease.

Yet, there are those who seek to turn our common distress to partisan advantage—not by offering better solutions—but with empty threat . . . and malicious slander.

They imply that Democratic candidates for high office in Texas and California . . . in Illinois and Tennessee . . . in Utah and Maryland . . . and among my New England neighbors from Vermont and Connecticut—men who have courageously pursued their convictions . . . in the service of the republic in war and in peace—that these men actually favor violence . . . and champion the wrongdoer.

That is a lie.

And the American people know it is a lie.

And what are we to think when men in positions of public trust openly declare—

That the party of Franklin Roosevelt and Harry Truman which led us out of depression . . . and to victory over international barbarism;

The party of John Kennedy who was slain in the service of the country he inspired;

The party of Lyndon Johnson who withstood the fury of countless demonstrations in order to pursue a course he believed in;

The party of Robert Kennedy, murdered on the eve of his greatest triumphs—

How dare they tell us that this party is less devoted or less courageous . . . in maintaining American principles and values . . . than are they themselves.

This is nonsense.

And we all know it is nonsense.

And what contempt they must have for the decency and sense of the American people to talk to them that way—and to think they can make them believe.

There is not time tonight to analyze and expose the torrent of falsehood and insinuation which has flooded this unfortunate campaign.

There is a parallel—in the campaigns of the early fifties—when the turbulent difficulties of the post-war world were attributed to the softness and lack of patriotism of a few . . . including some of our most respected leaders . . . such as General George Marshall.

It was the same technique.

These attacks are dangerous in a more important sense—for they keep us from dealing with our problems.

Names and threats will not end the shame of ghettos and racial injustice . . . restore a degraded environment . . . or end a long and bloody war.

Slogans and television commercials will not bring the working man that assurance—of a constantly rising standard of life—which was his only a few years ago . . . and which has been cruelly snatched away.

No administration can be expected to solve the difficulties of America in two years.

But we can fairly ask two things: that a start be made—and that the nation be instilled with a sense of forward movement . . . of high purpose.

This has not been done.

Let us look, for example, at the effort to halt inflation.

We all agree that inflation must be arrested.

This administration has decided it could keep prices down by withdrawing money from the economy.

Now I do not think they will ever control inflation this way.

But even if their policy was sound, the money had to come from someone.

And who did they pick to pay?

It was the working man . . . the consumer . . . the middle class American.

For example, high interest rates are a part of this policy.

Yet they do not damage the banks which collect them.

They hardly touch the very wealthy who can deduct interest payments from their taxes.

Rather they strike at every consumer who must pay exorbitant charges on his new car or house. And they can cripple the small businessman.

Their policy against inflation also requires that unemployment go up.

Again, it is the working man who pays the price.

In other fields the story is the same.

They have cut back on health and education for the many . . . while expanding subsidies and special favors for a few.

They call upon you—the working majority of Americans—to support them while they oppose your interests.

They really believe that if they can make you afraid enough . . . or angry enough . . . you can be tricked into voting against yourself.

It is all part of the same contempt . . . and tomorrow you can show them the mistake they have made.

Our difficulties as a nation are immense, confused and changing.

But our history shows—and I think most of you suspect—that if we are ever to restore progress it will be under the leadership of the Democratic party.

Not that we are smarter or more expert—but we respect the people.

We believe in the people.

And indeed we must—for we are of the people.

Today the air of my native Maine was touched with winter . . . and hunters filled the woods.

I have spent my life in this State . . . which is both part of our oldest traditions and a place of wild and almost untouched forests.

It is rugged country, cold in the winters, but it is a good place to live.

There are friends . . . and there are also places to be alone—places where a man can walk all day . . . and fish . . . and see nothing but woods and water.

We in Maine share many of the problems of America and, I am sure, others are coming to us.

But we have had no riots or bombings and speakers are not kept from talking.

This is not because I am Senator or because the Governor is a Democrat.

Partly, of course, it is because we are a small State with no huge cities . . . but partly it is because the people here have a sense of place.

They are part of a community with common concerns and problems and hopes for the future.

We cannot make America small.

But we can work to restore a sense of shared purpose, and of great enterprise.

We can bring back the belief—not only in a better and more noble future—but in our own power to make it so.

Our country is wounded and confused—but it is charged with greatness and with the possibility of greatness.

We cannot realize that possibility if we are afraid . . . or if we consume our energies in hostility and accusation.

We must maintain justice—but we must also believe in ourselves and each other—and we must get about the work of the future.

There are only two kinds of politics.

They are not radical and reactionary . . . or conservative and liberal. Or even Democrat and Republican. There are only the politics of fear and the politics of trust.

One says: You are encircled by monstrous dangers. Give us power over your freedom so we may protect you.

The other says: The world is a baffling and hazardous place, but it can be shaped to the will of men.

Ordinarily that division is not between parties, but between men and ideas.

But this year the leaders of the Republican party have intentionally made that line a party line.

They have confronted you with exactly that choice.

Thus—in voting for the Democratic party tomorrow—you cast your vote for trust—not just in leaders or policies—but for trusting your fellow citizens . . . in the ancient traditions of this home for freedom . . . and most of all, for trust in yourself.

TRADE BILL TO COST AMERICAN CONSUMER $3.7 BILLION PER YEAR

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. VANIK. Mr. Speaker, on Thursday, November 12, the Washington Post carried a front-page article about the disastrous effect the Trade Act of 1970—scheduled to be considered by the House on Wednesday—will have on the American consumer. The article cited a study by Federal Reserve Board member Andrew Brimmer that the quota bill would cost consumers $3.7 billion a year and raise the Consumer Price Index by almost 1 percent.

As the world's leading trader with a favorable balance of trade, America stands to lose the most from any decline in world trade—and this bill will create a decline. If the Trade Act is passed other nations will retaliate and hundreds of thousands of jobs in the export market will be lost at the same time that the consumer will have to pay more.

The article is as follows:

[From the Washington Post, Nov. 12, 1970]

QUOTAS COULD COST SHOPPERS $3.7 BILLION

(By Robert J. Samuelson)

Trade legislation establishing quotas on textile and shoe imports could cost consumers $3.7 billion more a year by 1975, a member of the Federal Reserve Board declared yesterday.

It was the first estimate by a qualified source of the cost of the trade bill to American consumers.

The trade bill, now pending before Congress, could increase total expenditures for apparel in 1975 from $52.7 to $54.5 billion, and inflate the cost of shoes from $5.9 billion to $7.8 billion. Andrew Brimmer said in a paper prepared for delivery at the University of Maryland.

The cumulative effect would be to raise the Consumer Price Index almost 1 percent, according to Brimmer.

Though warning that the estimates should be treated with "considerable caution," he said they indicate the "rough magnitude" of the expense of protecting U.S. products from less expensive imports.

The trade bill, approved by the House Ways and Means Committee, is now awaiting action by the full House and the Senate Finance Committee. It's fate, however is confused by the imminent resumption of negotiations between the United States and Japan over voluntary Japanese textile import quotas.

Textile quotas have been the only restrictive item in the trade bill supported by the Nixon administration.

Yesterday the Japanese ambassador in Washington predicted that a voluntary agreement would shift the government's position.

"I have no doubt that the administration would fight hard against the trade bill if we can reach an agreement," Nobuhiko Usiba said in an interview with United Press International. "I have no doubt that the administration is very much against the trade bill."

Under the bill, the volume of imports in 1971 would be restricted to the average annual level (country-by-country) of imports between 1967 and 1969. That level could be increased 5 per cent annually beginning in 1972.

Foreign textile and shoe products enjoy a significant price advantage over American goods, primarily reflecting cheaper labor costs.

According to Brimmer, the average price for an imported piece of apparel is slightly more than $6 against an American figure of $10. For shoes, he said, foreign imports cost only three-fifths as much as U.S. products.

Without import restrictions, this price edge could result in an expansion of foreign textile apparel to 14 per cent of the U.S. market in 1975 (against 7.76 per cent in 1969 and 5.21 per cent in 1965) and foreign shoes to nearly 70 per cent of the total American market (against 25.9 per cent in 1969 and 13.34 per cent in 1965), according to Brimmer's calculations.

The quotas in the trade bill would probably cause a contraction of imports' share of U.S. consumption by 1975—down to 6.18 per cent for textiles and 23.83 for shoes, Brimmer said.

As an alternative to quotas, Brimmer suggested that the government augment its assistance to firms in distress.

"It is far preferable to adopt more effective programs to provide retraining and transitional benefits or financial assistance for those who are displaced by competitive forces over which they have no control—whether the forces originate at home or abroad," he said.

Quotas, he contended, would provide little help to the companies most endangered by rising imports: small firms.

The textile industry, Brimmer said, "is in the process of consolidating into larger, more profitable units" capable of generating sufficient new investment to offset high labor costs. Between 1958 and 1957, for example, the number of firms producing cotton fabrics declined 30 per cent, the number making synthetic fabrics slipped 17 per cent—reductions paralleled in other sections of the industry.

Brimmer's projections were immediately criticized by a leading supporter of the trade legislation.

In a telephone interview, O. R. Strackbein, Washington representative of the Nationwide Committee on Import-Export Policy, said, "There is no possible way for him (Brimmer) to establish that (the price predictions) as a fact or even a profitable fact. If he has gone through a computer process, the output is no better than the input."

Strackbein said his own studies indicate that the prices of products now subject to quotas have "lagged behind general price increases."

"The actual reason for import quotas is not to raise prices, but prevent prices from dropping to disastrously low levels," he said. Such steep declines, according to Strackbein, are "ruinous to (domestic) industry" while allowing foreign producers to maintain a profit.

VIETNAM NEGOTIATIONS: A NEGOTIATOR'S VIEW

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BINGHAM. Mr. Speaker, Theodore Kheel, one of our Nation's foremost labor mediators, recently traveled to Paris to observe the negotiations there. His observations were published in Interplay, a magazine of international affairs, and were reprinted in the New York Times on October 30, 1970.

I feel Mr. Kheel's observations are of particular value and I include the full text of his article at this point in the RECORD:

HOW TO SETTLE VIETNAM

(By Theodore Kheel)

As one professionally interested in negotiation, I went to Paris to see if it looked like a negotiated settlement in Vietnam is possible.

The roadblocks to analysis are immeasurable. Talks like these cannot be conducted in a fishbowl. In Paris it is only the propaganda, the press handouts, that are available for study.

But in their public utterances, interestingly enough, all participants indorse the same "final" political solution: an election in which the people of South Vietnam choose the government they want to lead them. Of course, it would be naive not to realize that, behind this apparent agreement, is concealed a basic contest over control of South Vietnam.

In South Vietnam what matters is who runs the government when an election is held. Those who start with control of the army, police and other instruments of government obviously have a decided edge over those trying to gain control. Since all negotiators seek to bargain from strength, it is not surprising that the Communists insist on getting rid in advance of our troops and what they call "the Thieu-Ky-Kheim" administration. Nor is it strange that we are opposed.

The question of control is central to the issues framed in the negotiations in Paris.

If we accept the current Communist proposals, they will surely win the election and control of South Vietnam. If they accept our proposals, the Thieu administration will win. We are anxious to end the war in Vietnam

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but hardly indifferent to arrangements that would produce a Communist victory. And the same but opposite is true of the Communists.

So, it is naive to think that the North Vietnamese or Vietcong will negotiate election arrangements that begin with the Thieu Government possessing a commanding advantage. And it is equally clear that we are not about to renounce the existing leaders of the Saigon Government.

But we might be asked this question: Can we and should we treat separately our insistence that the Thieu-Ky-Khiem government remain at the bargaining table and the degree of support they should get from us in negotiation? The question seems to suggest that, to reach a negotiated settlement, we may have to do more than merely act as agent for Saigon.

Indeed, it may be that the general endorsement of an election has made the negotiations more difficult for everyone. What is really being discussed is the final political arrangements for Southeast Asia. It might be easier to do this directly.

Is there any possibility of a negotiated settlement? Its importance cannot be overstated. We may succeed in getting our troops out of the war through Vietnamization, but we shall not be able to relieve ourselves of heavy financial and material burdens except through a negotiated settlement. Nor will withdrawal of troops itself end the war.

But a settlement cannot be negotiated on a formula that spells certain defeat for either side. It can only succeed if it permits both sides to continue to exist. No negotiator will voluntarily agree to his extinction. Perhaps a settlement can be achieved through a neutralist regime. Perhaps the negotiations should be enlarged to include all of Indochina and Russia and China, as President Nixon has suggested. But it is important for us to see the negotiations for what they are: a contest for control and, in this respect, an alternative to the military conflict.

Is it possible to evolve a solution through negotiation under these circumstances? To answer this question, we must weigh the hard realities of what the participants see as their own self-interest. But if a negotiated settlement is to be achieved, one thing is clear: it must be based on some form of compromise on political control among the contending forces in South Vietnam.

THE NEED FOR A FEDERALLY SPONSORED FAMILY PLANNING PROGRAM

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. CLAY. Mr. Speaker, controversy over birth control and family planning programs has almost totally subsided—"reason" being the victor. In fact the pendulum on this issue has apparently swung to the point where virtually no other federally sponsored community based program shares such general accord.

It is important, however, it seems to me to keep quite separate, concepts of family planning and population control. I think that point was very well made by Hon. Willie Brown, member of the California State Assembly when he testified before the Senate Committee on Labor and Public Welfare.

Mr. Brown said:

First, we should strive to maintain some differentiation between family plannng and population planning—population planning is a procedure whereby a national policy is developed for all Americans whether they are rich or poor, concerning the desirability and means of controlling the rate of growth of the total population. No final program or direct services are yet available in this area.

Family planning, on the other hand, is the means whereby individual families can voluntarily select the number of children and the interval between births that best meets their needs in individual situations.

Family planning programs should be offered to the poor as a matter of equity so that they may have the same control over their lives as their more affluent neighbors. The control or limitation of population is not a feature of such programs or services.

Family planning and population control, like gasoline and alcohol, often are closely associated, but they don't necessarily mix well. While it is true that benefits from population control may be expected for the country as a whole, acceptance of family planning by disadvantaged populations as a health measure delivered in the context of a health service has been better to the extent that it presented as a personal benefit, while it is most markedly rejected when it is presented as a mandatory population planning.

I think it is clear that the Family Planning Services and Population Research Act which I have cosponsored maintains the important distinction that Mr. Brown deals with. The whole thrust of the service portion of the bill is to assist individual families in making their own decisions about how many children they want and when they want them.

The emotional, health, and economic benefits to a family who can plan the arrival of an infant for a time which is beneficial to both parents and child are countless. Studies have clearly shown that poor families with fewer children: that is, no more than they desired, have a greater opportunity to move out of poverty in the short run and long run. And looking into the future, children born into a poor family with limited numbers of siblings have more of a chance to escape poverty in their adulthood than do children born into a poor family with four, five, or more brothers or sisters.

It is disturbing that while our Government spends billions of dollars on projects and activities which are completely unrelated to its citizens' well being, it cannot find adequate resources to fully fund a successful program like family planning, which is greatly in demand by poor and affluent alike because of its far reaching benefits.

I hope that the administration and my colleagues will join me in support of the Family Planning Services and Population Research Act.

"INSINUENDOS" AT HARRIMAN

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BINGHAM. Mr. Speaker, although Mr. Averell Harriman needs no defense against the wild-swinging attacks of Vice President AGNEW, the record should be set straight now and again. To that end, Miss Kay Halle wrote the following excellent letter to the Washington Post last month:

"INSINUENDOS" AT HARRIMAN

Vice President Spiro Agnew, foreign policy expert come-lately, has recently chosen, in Cleveland and elsewhere, to level his "insinuendos" at Averell Harriman, implying—among other odd "theories"—that Mr. Harriman is soft on communism.

To keep the record straight, it was Mr. Harriman who was first to point out the threat of Soviet postwar intentions in 1944 and flew to San Francisco in 1945 to underline his warning to the American delegation and the American press at the organizing conference of the United Nations. As Mr. Harriman was a leading figure in NATO and directed the Marshall Plan in Europe which helped prevent Soviet domination of Western Europe, Mr. Agnew appears to have twisted his "facts" to suit his own fictions.

As one counter to Mr. Agnew's distortions it is worth repeating Sir Winston Churchill's judgment of Averell Harriman, given during a foreign affairs debate in Britain's House of Commons in 1951:

"I attached great importance," he said, "to the announcement that the President (Harry S. Truman) was sending Averell Harriman to Persia. *He is a man who has a complete grasp of the whole world scene and a man of the highest personal capacity* . . . Mr. Harriman's exertions have . . . *brought the prospects of a resumption of civilized conversation much nearer than they were before.*" (My italics).

And it was Mr. Churchill who counseled his political colleagues: "Never fall below the level of events." Mr. Agnew reached new heights in "falling below the level of events" when he chose as his target Averell Harriman, one of our greatest and most distinguished public servants.

KAY HALLE.

WASHINGTON.

RESEARCH AND DEVELOPMENT ASSURES SUPERIOR WEAPONS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. SIKES. Mr. Speaker, the importance of research and development is, unfortunately, being taken for granted in some quarters. It is today's research and development that provides the weapons of tomorrow. America's declining military budget doubly emphasizes the need for adequate research and development.

An important contribution to this subject was made recently by Hon. David Packard, Deputy Secretary of Defense, at the annual convention of the Instrument Society of America Civic Center, in Philadelphia. I am pleased to submit it for publication in the CONGRESSIONAL RECORD:

ADDRESS BY THE HONORABLE DAVID PACKARD, DEPUTY SECRETARY OF DEFENSE AT ANNUAL CONVENTION OF THE INSTRUMENT SOCIETY OF AMERICA CIVIC CENTER, PHILADELPHIA, PA.

I am pleased to be with you here today at the kickoff of the Silver Jubilee Conference and Exhibit of the Instrument Society of America. I want to congratulate this Society and all of its members for the great contribution that has been made to the development of instrumentation during the last twenty-five years. Having spent my professional career in this field, I have had the opportunity to see at first-hand the rapid development in the whole area of instrumentation and measurement in which you are involved.

As I thought about what I might discuss with you this morning, I quite naturally wanted to make my comments in the perspective of the past twenty-one months I have spent in the Department of Defense.

I am, of course, well aware that research and development supported by the Department of Defense has been a very strong factor—if not the key factor—in the development of measurement technology over the last quarter century. I plan, therefore, to talk today about where we have been and where we might be going in Department of Defense supported Research and Development.

Ever since the end of World War II research and development supported by the Department of Defense has provided the major support for expansion of nearly all U.S. technology.

This clearly has been true in the field of electronics. There defense programs have provided the main support for the rapid development of radar, new communication technology and computers.

In addition, a great deal of the technical progress in aviation has come from DoD supported research and development. All turbojet and turbofan engines used in commercial aircraft have evolved from military R & D programs. The Boeing 707 was derived directly from the Air Force C–135. Light observation helicopters developed for the Army have found many civil applications.

Somewhat less well-known is the part Defense has played in developing materials. Aluminum is found today in thousands of every-day products, but it was developed from a rare and costly metal to its widespread use today by work founded on the military need for aluminum in aircraft. Similarly, the current titanium industry is a direct consequence of Department of Defense-sponsored materials research and development.

Today, titanium alloys are used in both military and civilian aircraft as airframe structures and in the compressor stages of the engines. Without titanium no supersonic transport would begin to meet its operational demands. The corrosion resistance of titanium has put it into such civilian applications as food and chemical processing, and titanium uses in the near future will include desalination plants, steam power generating equipment, and equipment for the entire transportation industry.

In yet another area, the development of glass-reinforced plastics was the first important product in the class of materials known as composites. Rocket cases for both stages of the Polaris missile as well as for the third stage of the Minuteman missile utilize this material.

Military development of glass-reinforced plastics has spurred the civilian use of these materials in boats, truck cabs, trailer bodies, fishing poles, shotgun barrels, pipe, battery cases, storage tanks, and aerial booms for utility trucks. Glass-flake reinforced plastics are found in electrical insulation, as are polyethylene laminates in waterproof liners and containers. It is estimated that in the next five years there will be a growth of more than 300% in the commercial use of glass-reinforced plastics. Examples of estimated 1975 uses included auto, railroad and truck parts; shipping containers; mobile homes; farm equipment; tanks; pipe; ducting; boat hulls and other marine equipment; and electrical and utility equipment—an estimated annual total usage of more than two billion pounds.

The use of satellites for communication, navigation, mapping and weather observations was initiated by the Department of Defense. This technology was rapidly transferred to the civilian sector—for example, the Comsat Corporation. The Federal Communications Commission is now considering an industrially operated satellite system to provide a television and communication transmission capability for the entire United States.

Medical contributions such as greatly improved treatment for severely burned patients, helicopter evacuation and subsequent treatment for serious traumatic injury, and a vaccine for meningitis are valuable advances grounded in DoD research, and I could cite many other examples.

This rapidly developing technology clearly gave great impetus to progress and growth in instrumentation and measurement.

It is well known that from World War II until 1960 U.S. military research and development was by far the major part of the total technological effort of our country. In 1960, for example, the DoD R. & D. budget was $5.6 billion of a total U.S. Federal R. & D. level of about $8.7 billion.

The space program, together with expanding defense research, brought the total U.S. government research and development expenditures to a peak of about $13 billion in 1966 and 1967; defense was about half of that.

But now in 1970 the total U.S. government research and development is going down to a level of around $11 billion, with both space and defense declining rapidly and with defense still about half the total.

I cannot emphasize too strongly the fact that I am very concerned about this decline in our country's total research and development effort. The R. & D. decline has grave implications for the future military strength of the entire free world. It has grave implications for the future economic growth of the United States, because defense supported research over the past twenty-five years has been a decisive factor in both this country's military capability and its economic growth.

The men who set the pattern for military research and development in the United States after World War II had great vision and wisdom. They had seen the United States leap to the forefront in world technology during that war. They recognized that technology was a basic reason why the Allies won the war; that it was such things as radar, the proximity fuse and nuclear technology that largely made the difference. They realized that a major, well-conceived program of defense research and development could help assure for the United States the military strength necessary for world leadership. More important, they recognized that defense research and development required the broadest possible base of technology and technical education. And they recognized that research and education are the job of this nation's universities; that this was where the pay-off would be the best.

I saw this military-supported combination of research and education blossom at Stanford, just as it blossomed at MIT, Cal Tech, and other universities throughout the country. It was Department of Defense support for research-and-engineering education at Stanford which enabled that university to develop into one of the great engineering schools of the world. The same progress occurred at dozens of major universities throughout the country.

The benefits from Defense-supported research and development seeped far and wide into the national economy. Your industry is a good example. There was a great deal of work during this entire period in the field of instrumentation that was not directly supported by defense funding. On close examination, however, one can find very few areas in the field of instrumentation and measurement which did not in some way, either directly or indirectly, greatly benefit by this significant level of Defense research and development.

This span of twenty-five years which covers the history of your Society has been the era of greatest progress in instrumentation and measurement, as well as in nearly every other field of technology. The great technical progress of this era has, without any doubt, been the direct result of a continually increasing level of research and development in the United States.

But, the level of research and development is, as I said and as you know, now going down. It began to go down with the reduction in space programs. And now we are faced with the prospect of a reduction in defense programs which are still over half of the total. We were reaching the end of an era of increasing research and development budgets for the United States beginning in January 1969 as I first took on this job, but let me assure you that this was not and is not my objective.

Nevertheless, we face the possibility of continually decreasing Defense Department expenditures for research and development because of radically—and I mean that in a strict definition—changed attitudes in the universities, in the scientific community, and among some elements of the general population. These attitudes are reflected, of course, in the Congress; and they seem to be bringing about a response which, in my opinion, could result in a significant and dangerous change from the quarter century of great technological progress of the past in the United States.

There are two questions of great concern to me about this situation.

First, what does it mean for the future military capability and therefore security of our country?

Second, what does it mean for the future technological and educational base of the country and therefore for its potential for economic and social development?

Let me address, first, the impact of a lower national research and development effort on our future defense capability.

Clearly, the world is no less hostile than it has been. In fact, the threat of conflict and violence is, if anything, increasing. The Soviet Union has been building up its development and production of military weapons. At the present time the Soviet build-up of strategic nuclear forces and naval forces is more rapid than it ever has been. One can hardly deny that forces of subversion and revolution inside the boundaries of many free world countries are expanding at an alarming rate, not only in traditionally troubled areas like the Middle East, but even right here at home in the United States, in Canada and in South America.

At the present time we are from two to four years ahead of the Soviet Union in every important area of weapons technology. In strategic forces we now have better ICBMs, better ABM technology and better equipment at every level of detail that is important. The Soviets have larger missiles now because they have chosen to go that way, not because their technology is better. We now have better ships, better submarines and so forth, across the board, in nearly every area. Our weapons are better now because we developed a substantial lead in technology during World War II. And we have maintained high enough levels of research and development to stay ahead ever since. We had a scare with Sputnik but that was the result of a wrong decision on our part, not a lack of technology. There may be a Sputnik now and then in the future, but this will pose no danger as long as we maintain

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our lead in technology. If we ever lose the lead we now have in all major areas of military technology, we will inevitably face the prospect of having to accept a Sputnik not just in one or two unimportant areas now and then, but the prospect of a Sputnik in every important area of military weapons, in strategic nuclear forces, in naval forces, and in conventional ground forces. No responsible administration official nor any member of Congress can afford, in my opinion, to take that gamble with the future security of our nation and the future safety of our people.

Now, I would like to make it quite clear at this point I am not just reviewing this situation to make a case for higher military budgets. In planning our military forces and developing our budgets for the future, we already have recognized the desire of President Nixon and of our people to have fewer dollars spent on defense, and more federal dollars available for non-defense programs.

We have recognized the fact that nearly all our free-world friends and allies have rapidly growing economies, and can therefore be expected to carry a larger share of our mutual defense burden. We have recognized that through negotiation it may be possible to reduce the levels of armament, particularly in the strategic areas. We also believe negotiation is the best way to resolve the problems of the Middle East and of Southeast Asia.

Given all these factors, I believe we can afford to at least level-off our expenditures for military forces, and indeed reduce them to some extent—and Secretary Laird and I have done just that.

But, as we have lower levels of forces we cannot afford to have at the same time inferior weapons. We have superior weapons now, and the reason we do is that up until this time we have had a larger and better military research and development program than the Soviet Union.

Unfortunately, the House has cut back this year our request for research and development funds, and unless we can reverse this trend there will be only one possible result—the Soviet Union will come to have a larger and better military R&D effort, and in due course, will have superior weapons in every category.

I realize that, with regard to the impact of research and development on the growth of the economy, it is not necessary that R&D be supported by the Defense Department. It can be supported by other federal funds. However, we must remind ourselves that we get a double benefit from defense supported research and development. A high level of R&D is the only way we can be assured of superior weapons in the future. And on the average, a defense dollar supporting R&D will contribute to this country's economic and social progress just as effectively as a non-defense dollar supporting R&D.

I am not particularly troubled that a few university faculties have chosen not to support defense-funded research. I do not think that has much effect on our ability to get the necessary R&D done. There are many other universities where defense support is welcome, and there are many scientists and engineers to do the work.

In summary, research and development has been a key element of our nation's strength, the sources of a better life for our people and the decisive element in assuring their security. Our society and the world around us present ever increasing demands on our imagination and technical excellence. Mel Laird and I accept our responsibility to see that these demands are accurately described to the Congress and the American people.

In the final analysis, you of the Instrument Society of America and your counterparts in other areas of technology, carry both the challenge and the ability to meet these demands. I am confident that you will join us in stepping up to these responsibilities.

AN OLD SOLDIER AND NEW POLITICS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. SCHMITZ. Mr. Speaker, at this point I would like to include in the RECORD the comments of a man recently retired from the U.S. Armed Forces. Mr. R. D. Patrick Mahoney fought for his Nation in World War II, Korea, and for the last 4 years in Southeast Asia. We owe him a debt of gratitude. He is good enough to tell us why he fought.

Vietnam has never been a test of courage of the American fighting man, for that has never been in doubt. It has been and is, rather, a test of the will of those 7,000 miles behind the lines of freedom forces. The will of many of those in the rear has wavered. Defeatism has assumed protean forms ranging from cries of conscience to studious realism which insists that America cannot defend freedom in many parts of the world.

The defense of freedom in many areas of the non-Communist world is on the verge of being abandoned. We cite the impossibility of imposing an American design on the rest of the planet. Instead of abandoning the method of contesting the issue widely known as limited war, which attempts to convince the enemy that aggression does not pay while at the same time promising that he will not be overthrown under any circumstances, we are contemplating abandoning the fight entirely. We are starting to confuse the results of tactical absurdity with strategic necessity. America cannot survive in a world in which the Communists have extended their sway to all other areas.

If we can be beaten into submission in Vietnam there is no reason to think that the same fate will not await us in other places, if we follow the same policy. A global retreat does not mean that we will avoid other losses as much as it means that we have forsaken our interests in many places. Do we think that we can escape an enemy who does not want a people such as ourselves to exist?

Winston Churchill's statement on the signing of the agreement at Munich is appropriate today.

> And do not suppose that this is the end. This is only the beginning of the reckoning. This is only the first sip, the first foretaste of a bitter cup which will be proffered to us year by year unless, by a supreme recovery of moral health and martial vigor, we arise again and take our stand for freedom as in the olden time.

There have been over 2 million men at this point who have fought the Communist enemy in Southeast Asia. These men are not likely to forgive those who would annul their sacrifices by promoting surrender.

Excerpts from Mr. Mahoney's comments in the Review of the News follow:

AN OLD SOLDIER AND NEW POLITICS

It doesn't seem so long ago that Boston College, my *alma mater*, was not only one of the world's great seats of learning but was also among the nation's foremost centers of anti-Communism. Well do I remember the authority with which the learned Fathers there emphasized that the Great Encyclicals of my Church teach "there can be no collaboration with atheistic communism in *any* manner whatsoever." Often I listened as such great teachers as Fathers Francis E. Low and John C. Ford reiterated again and again that the threat to our Church and our Nation was the Godless force of the International Communist Conspiracy. The best efforts of free men, they said, must be dedicated to its destruction. There was to be "no collaboration with atheistic communism in *any* manner whatsoever." It was an "inherent evil," to be destroyed as a part of the moral duty of every educated Christian.

The good Fathers were right of course. All *too* right. I have seen the Communists at first hand—from World War II, through Korea, and over the last four years in Vietnam and the war zones of Southeast Asia. Many of my best anti-Communist friends are still out there. Or pieces of them.

Men like Colonel Patrick Fallon, who went down from his Skyraider on July 4, 1969, defending the people of Laos. He is still missing.

Men like Green Beret "Snake" Hosking, who in Vietnam smothered a grenade with his own body so that others might live. Charles "Snake" Hosking was posthumously awarded the Congressional Medal Of Honor.

Men like an Irish immigrant named Michael Murphy, who left a good job in the States because he thought he owed his adopted country something extra for granting him citizenship. Mike was an American A.I.D. man in Vietnam who organized villagers to plant their rice in peace. Michael Murphy bled to death in III Corps area of Vietnam mortally wounded by Communist terrorists.

Men like that closest of my anti-Communist friends, whose name I dare not repeat here because he has been abandoned by the inaction of his government to the hell of a North Vietnamese prison camp.

My anti-Communist friends! There is a whole lost legion of them marching the hills from Korea to Vietnam. A lost legion of the best Americans you could ever hope to know. The names and faces flood back now. The sacrifices. The commitment. It all seems so long ago, and yet it is only a month since I retired from the military.

There is a tradition that old soldiers, freshly out of uniform, are asked of the battles they fought. I expected that. I never expected to return to an America in which I would be asked *why* I fought. Why I have spent my life fighting the Communists in the uniform of my country. A student at Boston College, at my own *alma mater*, asked me that question the other day.

I replied by quoting a captured directive of the Vietcong for May 18, 1969. Typical of regular orders to the revolutionary cadre, it declared: "Each district cell must exterminate three wicked tyrants living in district seats or wards, and warn thirty other enemy personnel that they will be punished if they do not conform by rallying to our cause." It was one of a continuing series of orders for the sort of terrorism I witnessed in the ruins of Hue, where the Vietcong systematically murdered nearly 4,000 of the city's leading citizens—an eighty-year-old teacher, the priests, members of the faculty of the Hue University Medical School, and on and on.

As Stephen Hosmer described the Hue massacre in May of 1970 for the official *Rand Report,* nearly 4,000 of the city's leaders in every field were found "beaten to death, shot, beheaded or buried alive and many bodies were found bound together in groups of 10 or 15, eyes open, with dirt or cloth stuffed in their mouths."

That is why I fought. That is the face of Communism as more than a million American servicemen have now seen it. *That* is the war in Southeast Asia as I have seen it myself. That is what I fought to stop. What my friends died to stop. Fathers Low and Ford would understand. If they were still teaching at Boston College the student who asked *why* I fought would not have had to ask.

SUPPORT FOR H.R. 19519, COMPREHENSIVE MANPOWER ACT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, tomorrow the House will consider H.R. 19519, the Comprehensive Manpower Act.

The U.S. Chamber of Commerce has prepared an excellent summary of the genesis of this legislation and the improvements which it feels the House Education and Labor Committee has made in the Senate-passed version, with particular emphasis on the elimination of categorical programs and the refinements in the public service employment program. I think my colleagues will find it helpful in preparing for the debate on H.R. 19519, and I have included the text at the end of my remarks.

I have also included a letter in support of the House committee bill from Prof. Charles A. Myers, Chairman of the National Manpower Policy Task Force. The task force provided major impetus for reform of our present manpower system and has contributed to the development of H.R. 19519 throughout the Senate and House deliberations. The Chairman's support is most appreciated.

[From Here's the Issue, Chamber of Commerce, Nov. 13, 1970]

MANPOWER PROGRAM REFORM

One of the first bills on which the House is scheduled to vote when it returns from its election recess is "The Comprehensive Manpower Act."

The bill (H.R. 19519) has an interesting history. A manpower reform measure requested by the Administration has been pending before the House Education and Labor Committee for many months, but passage during this session appeared unlikely. Two events changed the situation.

One was the decision to hold a lame duck session which provides necessary time, and the other was Senate passage of "The Employment and Training Opportunities Act on September 17 (S. 3867).

Following the Senate approval, the House Education and Labor Committee, which had already held hearings, quickly went into action. A new bi-partisan bill was written in a night session, and the "compromise" bill which emerged was endorsed by the Administration.

The bill was brought to the House floor on the last day of the pre-election session, but was postponed for a number of reasons, including scanty attendance.

As now pending, the House bill is called a "compromise" with good reason. For some time it has been obvious that Congres accepts the general idea of manpower program reform. But there are quite different philosophies as to what form reorganization should take. And there are substantial differences of opinion over the magnitude and character of a proposed new public service employment program—that a Democratically-controlled Congress insists must be included in any manpower reform bill.

The question now is not so much whether the House will approve a bill, but whether amendments on the floor and actions in a subsequent Conference will move the bill in the direction of the far less desirable Senate-approved measure.

PROGRAMS HAVE GROWN PIECEMEAL

To understand the current controversy, it is useful to look quickly at the way in which basic problems have developed in our manpower program.

The original Manpower Development and Training Act (MDTA) provides training for the unemployed or underemployed persons who cannot reasonably be expected to obtain full-time employment without training.

Much of the impetus for passage of the MDTA came from those who regarded it as a method for dealing with the problems of workers who lived in depressed areas or were unemployed due to changes in technology. Heavy emphasis was placed on the re-training of workers.

Since that time, numerous other programs have been approved by Congress. In accord with present emphasis, most of them have been aimed at the "hardcore" unemployed and those living in the inner cities. Moreover, many of them have been designed to reach a particular "category" of workers—the poor, the young, the aged, and so on—and they are called for this reason "categorical" programs.

A few examples will illustrate both the nature of the programs and the concept of "categories."

The *Work Experience* program seeks to raise the employability of needy adults, particularly unemployed parents of dependent children. On-the-job training may be provided in the public and private sectors in such occupations as nurse aides, hospital orderlies, clerical and sales work, laboratory aides, and so on.

Operation Mainstream provides work-training and employment projects augmented by supportive services, for chronically unemployed adults. The projects are of a type that will improve or beautify the communities or areas where they are located.

The *Neighborhood Youth Corps,* on the other hand, is designed to help young people. It embraces three programs: (1) an in-school program providing part-time work and on-the-job training for students in high school from low-income families; (2) an out-of-school program aimed at economically-deprived school dropouts; and (3) a summer job program for these students.

The *Job Corps* is also aimed at the young people (16–21). It is a residential program of basic education, skill, training, and citizenship attitude for young men and women who are out of school and out of work, and is designed to help those who need a change of environment to develop motivation and skills.

JOBS (Job Opportunities in the Business Sector) provides funds to pay the extraordinary expenses of employers who hire and train the disadvantaged for permanent jobs in the company.

As the number of these programs have multiplied, other programs have been created to make them more effective.

For example, the *National Alliance of Businessmen (NAB)* does not provide jobs or set up national programs; rather, it is a merchandising mechanism to encourage local communities to participate in the JOBS program.

The *Concentrated Employment Program (CEP)* provides a central intake center in a ghetto area for recruiting, counseling and preparing individuals to participate in other manpower programs or to place them in jobs.

As of June 1, 1970, the Labor Department estimated the total number of trainees in the Labor Department's Manpower programs at 452,975.

As the number of programs have increased, costs have also skyrocketed. Federal expenditures for manpower development and training have increased from less than $60 million in 1963 to $1.6 billion in 1968 and 1969. The administration has recommended a further increase to $2 billions.

"HIGH COSTS, POOR RETENTION"

Despite the expenditures of vast sums of money, few, if any, people could be found to argue that the present approach has been highly successful.

The Senate Labor Committee reported:

"It must be conceded that virtually all of the various manpower training programs which have developed since 1962 have fallen far short of expectations. They have been characterized by high costs, poor retention, and poor records of job placement. They have suffered from administrative disarray. They have been criticized for lack of flexibility, for failing to meet the real needs of trainees and the communities in which they live."

Undoubtedly, we need to know much more than we do about techniques for turning the hard-core unemployed into productive workers. But part of the trouble can also be traced to the number of rigid programs.

The House Committee reported:

"The multiplicity of existing manpower programs were developed one by one over the last several years to meet what appeared to be the separate needs of various groups of people.

"Administrative efforts to coordinate the myriad, separately conceived, overlapping programs have not been very effective.

"The patchwork of programs and responsibilities within and among agencies has made it impossible to establish an effective Federal-State-local partnership for delivery of manpower services.

"The Nationally mandated list of disconnected categorical programs with their rigid allocation of resources and mix of services are almost inevitably unresponsive to each community's own perception of the needs of its citizens.

"The multiple funding sources, disparate administrative systems, and incompatible program standards have resulted in the words of the President of the United States, in 'an endless ribbon of redtape . . .' which seriously impedes the delivery of manpower services to the persons they are intended to help."

What this means in practical terms was explained in somewhat simpler terms in testimony presented on behalf of the National Chamber at the Senate hearings:

"Baltimore, for example, has 25 manpower programs and 15 manpower-related programs . . .

"The resulting confusion cannot be overemphasized. Program content aside, employers are hard pressed even to keep informed about the merit of the various programs. A personnel director is besieged by job developers from programs that, to him, simply represent a host of alphabet-soup acronyms, such as NYC, JOBS and NAB. Each program has its own funds, its own organization, its own staff, its own objectives, its own regulations, and its own clients. This proliferation of overlapping programs is a barrier preventing personnel directors from making the best decisions about which program to use. The success of manpower programs depends on these key officials.

"Rigid categorization guidelines also inhibit the development of programs which

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meet local needs. Presently, local programs are designed to fit contract specifications. rather than employer and enrollee needs.

"Another problem caused by the current rigid categorization of programs is the necessity for project-by-project contract approval. This causes many difficulties, not the least of which are time consuming red tape and delays."

THE SENATE'S PROPOSED SOLUTION

In its Report, the Senate Committee said it had found differences of opinion over some aspects of a solution, but in general there had been agreement that:

The various legislative authorizations should be consolidated.

A much more important role in administration should be given to elected officials in State and local units of government.

Responsibility at the Federal level should be centralized.

Manpower programs must somehow be made flexible enough to meet widely differing situations around the country and widely differing individual needs.

Although the Senate Committee thus clearly identified the direction that changes should take, there is considerable question whether the bill it approved moves satisfactorily in that direction.

The failure comes from two major sources.

The bill does not go far enough in decentralizing authority to the States and eliminating the categorical programs.

It goes much too far in grafting on a huge public service program.

REDUCING THE NUMBER OF SPONSORS

The Secretary of Labor told the Senate Committee that his Department is dealing with over 10,000 different sponsors in administering the various programs under its jurisdiction.

To make manageable the number of sponsors and promote decentralization, the Administration proposed that the Governor of each State appoint a prime sponsor for manpower programs in his State as well as a prime sponsor for each of the standard metropolitan areas in his State—unless the highest elected officials representing 75 percent of the population of the metropolitan area agreed upon a public or private agency to serve as prime sponsor.

Under the bill, all prime sponsors would be required to appoint a manpower services council to plan manpower programs and to make recommendations to the prime sponsors. The Council would be composed of representatives of community action agencies, vocational schools, business, labor and veterans groups, and others.

The principle of a State prime sponsor was accepted—but modified as the result of the battle that has been going on throughout this session between Governors and Mayors over control of Federal funds.

The Committee went along with the Mayors to a large extent, and the bill permits each city of 75,000 population or more—and certain counties which exercise local government functions—to work directly with the Labor Department. The bill, moreover, makes it clear that these local units can by-pass the Governors, if they so desire.

CATEGORIZATION CONTINUED

An even worse flaw in the Senate bill, however, is its failure to move sufficiently far in eliminating the categorical programs.

If one word dominated the hearings, it was the word "flexibility." As has been noted, when programs are set up for specific categories of recipients, flexibility is lessened. The closing of a plant in a community, for example, might suddenly require emphasis on re-training older workers—and yet all the funds available could be those earmarked for training high-school dropouts.

The Senate bill eliminates some of the categories, but it retains most of them under the direct operational authority of the Secretary of Labor. Moreover, it creates additional new categorical programs. For example:

A community environment service would be created to provide full-time and part-time jobs for persons "to help restore a livable environment in urban and rural areas."

The Secretary of Labor would also enter into contracts with public or private employers to upgrade employees, to provide funds for job opportunities for "low-income persons who are unemployed or underemployed", and to carry out a special program to provide business management education and training.

In short, the Senate bill will prepetuate many of the problems stemming from the system of categorization and create new ones

PUBLIC SERVICE EMPLOYMENT

At the same time that the Senate bill does not go far enough in "de-categorizing" programs, it goes much too far in emphasizing public service employment.

The Committee stated flatly that it developed the bill to meet "the twin crisis—widespread unemployment and seriously inadequate public services."

In doing so, it changed substantially the purpose which has hitherto been dominant of "alleviating the plight of those who have been variously termed, the disadvantaged, the hard-core unemployed, or the poor."

Essentially, the bill provides that prime sponsors submit a plan to the Secretary of Labor for putting the unemployed and the underemployed to work in public programs, such as health, public safety, education, transportation, recreation, waste removal, pollution control, housing, neighborhood improvement, etc.

Under the plan, the Federal Government would pay 80 percent of the cost—estimated at $5,000 per job per year. Thus, about 250,000 jobs would be created for each $1 billion appropriated.

Justification for believing that a bill which started out to improve our manpower services is being converted into a giant public service employment program can be found in the way that funds are to be distributed.

The bill proposes a basic authorization of $2 billion for fiscal year 1972; $2.5 billion for fiscal year 1973, and $3 billion for fiscal 1974.

But consider: Only one-third of this amount would be used for the comprehensive manpower programs to be run by the prime sponsors.

One-third would remain in the categorical programs.

One-third would be put into the new public service employment programs.

And that is not all. The public service program would be granted an additional authorization ranging from $750 million in fiscal 1971 to $1 billion in 1972, and which would grow thereafter.

Supplemental views by Senator Dominick (R–Colo.) and others point out:

"The bill provides only the most minimal link between the public service employment program and the basic manpower delivery system provided in the bill. Very likely, the large bulk of public service job programs . . . would . . . be conducted independently of the basic manpower program.

"We hold it a crucial concept that the role of the public service employment in the manpower program should be one of providing temporary jobs as part of the preparation of disadvantaged individuals for placement in nonsubsidized public and private employment . . ."

In practice, it is virtually certain that the $4.5 billion earmarked for public service employment is so large as to prevent any meaningful training from taking place.

The intention to integrate public service employment into manpower programs is a noble objective as yet unaccomplished in other smaller manpower programs.

Sar Levitan, a noted manpower expert, recently pointed out:

"More recent experience with public employment programs has been less favorable. The Work Experience and Training program initiated under the 1964 "War on Poverty," for instance, was addressed to a potential clientele numbering more than two million, and it was hoped that eventually the program could reach the majority of these people. By 1968, the program had been dropped, with general agreement that it fell far short of intended goals.

"Out-of-school NYC, another antipoverty effort, started out with high hopes and reached a point where 189,000 slots were planned in fiscal 1966. Here, too, performance was judged to be deficient, and the program has long since been cut back to some 30,000 slots.

"Only Operation Mainstream, a public works program, serving mostly older workers in rural areas, has been favorably received, although it has remained a very modest effort . . .

"Many public employment projects were merely stopgap measures, with few permanently beneficial effects and even questionable impact at the time. Perhaps such jobs were preferable to income transfers, but they were hardly equal to manpower services with a long-run payoff."

Although authors of the bill would dispute it, the size of the program gives grounds for believing that the concept of public service employment is being changed into the "employer of last resort" concept, which in practice generally evolves into the creation of "make-work" jobs.

A Chamber spokesman told the Committee:

"Our experience with NAB demonstrates that the 'last resort' employment will be untenable, if for no other reason than that the potential trainees for such a job just won't buy it. Retaining the disadvantaged, chronically unemployed is difficult at best when the job is 'meaningful.' If the 'job' is merely a 'make-work' job that is simply an income supplement, a disadvantaged person is no more likely to stay in that job than he is in a job as a low-paid dishwasher."

HOUSE BILL IS BETTER

The bill (H.R. 19519) on which the House will vote holds far more promise.

Like the Senate bill, it permits each State and the cities to apply to the Secretary of Labor for the role of prime sponsor of manpower programs in its areas—although the House bill sets the city population at 100,000 rather than as 75,000 as in the Senate bill.

The major advantages, however, come from the House bill's treatment of the (1) categorical programs; and (2) public service employment.

The rigid categories are eliminated. The whole present array of specialized services is authorized, but the programs are lumped broadly together, so that, in the words of the Committee, local administrators are given "maximum flexibility in determining the appropriate mix of services which will best meet local needs."

This approach was endorsed by the National Chamber in a letter to the Education and Labor Committee:

"The consolidation of manpower programs will permit the development of truly comprehensive local manpower programs. The present proliferation of categorical programs is the problem most commonly cited by our members in their criticisms of manpower programs."

The letter further pointed out:

"The second great advantage of the House-drafted bill over the Senate-passed bill lies in the fact that its public service employment program is of sufficient size to cope with the current needs in the public sector, and yet is reasonably limited to permit proper administration."

The basic authorization of $2 billion for FY 1972, $2.5 billion for 1973, and $3 billion for 1974 is similar to the Senate bill, but these sums include the public employment features. The House bill would require something less than 20 percent of the total be spent on the public service feature, whereas the Senate bill not only provides that one-third be devoted to this purpose, it adds huge additional funds.

The great danger, of course, is that the House bill will be substantially weakened, before it is voted into law, either through the addition of categorical programs or by greatly expanding the public employment program.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY, ALFRED P. SLOAN SCHOOL OF MANAGEMENT,
Cambridge, Mass., October 30 1970.

Hon. WILLIAM STEIGER,
U.S. House of Representatives,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE STEIGER: Sar Levitan has sent me copies of H.R. 19519, in which you joined with Representative O'Hara in introducing in the House on October 5, 1970, along with the Report on the bill and the Manpower Administration's comparison of this bill and S. 3867.

I have read these with great interest, because it seems to me, as Chairman of the National Manpower Policy Task Force, that this bill contains many of the best feature of earlier bills, without some of their faults. It comes closest to what the Task Force recommended in its published statement of February 1970.

While I may personally differ with the bill on some points, I like its emphasis on occupational upgrading, and the mandatory link with the Public Service Employment program in Title II. It is important to have those newly hired in public service employment move up the occupational ladder, or out into better private sector jobs than they might otherwise have achieved directly.

This bill also avoids the special categories which bothered me in the Senate bill. While I agree with the 18.75% of funds to be set aside for public service employment, this is much less categorical and rigid than the Senate bill which specified much larger dollar amounts. The requirement that "to the maximum extent feasible," these funds be spent through prime sponsors' plans at the city and state levels is also in line with the need to decentralize the development and administration of comprehensive manpower programs.

I hope very much that the House and the Senate will act favorably on this bill when the present session of Congress resumes next month. Other members of the Task Force have been urged to give you the benefit of their individual views, since our next full meeting is not until November 18–19, 1970.

Sincerely yours,

CHARLES A. MYERS,
Professor of Industrial Relations.

THE POLLUTED OCEANS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. DINGELL. Mr. Speaker, the Christian Science Monitor of October 3–5, 1970, carried an excellent editorial entitled "The Polluted Oceans." So that my colleagues will have an opportunity to read this editorial, I include its text at this point in the RECORD:

THE POLLUTED OCEANS

Capt. Jacques Cousteau, the French oceanographer, has added his voice to those who warn that not only the lands, and the air we breathe, but the great oceans are being polluted by man.

The warning is sharp and timely. As Captain Cousteau says, "All pollution, including that of motor vehicles, ends up in the sea." One estimate is that mankind has added a half-million different substances to the oceans, many of them harmful to fish, plankton, crustacea or to the small free-floating plants called diatoms which supply at least half the world's replenishment of its oxygen.

Remember that Thor Heyerdahl, crossing the Atlantic in his papyrus reed boat, said his crew could not always fill their tooth mugs from the ocean, because the water was dirty! What goes into the ocean? (Indeed, what doesn't!) Oil, lead, mercury, nuclear waste, chemical effluents, war gases, pesticides, detergents. Most everything liquid that men throw away reaches the sea, unless it decomposes very rapidly.

Captain Cousteau spoke his mind to committees of the Consultative Assembly of the Council of Europe, meeting in Strasbourg. His view is that Europe, along with the United States and Japan, is responsible for 70 percent of the world's pollution. He argues that a Europe-wide organization should tackle the whole pollution problem, ahead of the United Nations—because the UN includes many underdeveloped countries which would disclaim major responsibility.

American officials estimate that some 13 million tons of oil have gotten into the oceans—oil spillage from tankers, freighters and rigs, waste motor oil, waste gasoline, various solvents. Oil floats on the surface, cuts off light and air, harms marine creatures generally. As for lead, it is found in remote seas at seven to 10 times the normal level. Radioactive substances are found in all oceans and in all marine organisms.

Captain Cousteau has his own "distress plan" which extends to all pollution. He would educate public opinion, end overpopulation, persuade states and industries to "clean up" their messes through tough regulations and international sanctions if need be, and stop the use of the oceans as a "nuclear refuse bin."

The nations of the world should be immensely alert to this peril to the seas. It is proposed now that the oceans be mined, and farmed. Mining could mix the deep and surface waters, again harming sea life. The oceans are mankind's last frontier. Should they become seriously polluted, humanity's prospects of survival on earth would be very dim.

SIX AMERICAN POW'S DEAD, HANOI SAYS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. SCHMITZ. Mr. Speaker, We have just learned of the deaths of six American prisoners of war being held in North Vietnamese prison camps. I would like to express my sympathy for the families of these men. I would like to express my lack of sympathy with present policies in regard to Vietnam which are content to abstain from the use of the force necessary to secure the release of our men in Communist prison camps.

A story in the New York Times quotes the North Vietnamese Communist spokesman, Cora Weiss, to the effect that the release of the names of the men who died, and four others which are still alive, show that the North Vietnamese are following a humanitarian policy toward our men. This is one of the most cynical statements it has ever been my displeasure to read.

The Communists total noncompliance with the Geneva Convention of 1949, to which they are a signatory, and the reports of those few prisoners who have been released indicate that the medical care being received by our men is inadequate. To cite cases of men who have died, and whom might have been saved had modern medical facilities been available, as indicative of North Vietnamese humanitarianism is absurd and malicious.

President Nixon's Director of National Security Affairs has plainly stated that:

> It is very hard to see what we could do in Southeast Asia that would produce a direct confrontation with the Soviet Union.

This is a far cry from Dean Rusk's lamentations regarding Vietnam that:

> We could let this move into a general war that would knock out 300 million people in the first hour.

It is heartening to see that the policy we are following in Vietnam is no longer dictated by paralyzing fear of the Soviet Union. It is difficult to see why, with this fear factor removed, we do not initiate positive efforts to secure the release of our men. A positive effort in war consists in attempting to impose one's will upon the enemy. The means used to secure compliance is the necessary force.

The New York Times article of November 14, 1970, follows:

SIX AMERICAN P.O.W.'S DEAD, HANOI INFORMS A PEACE GROUP

North Vietnam has disclosed that six American servicemen it held prisoner have died. Hanoi also confirmed the identities of four additional American prisoners.

A Government spokesman in Washington said this was the first information that any prisoners had died in North Vietnam.

The announcement was made at a news conference here yesterday by Mrs. Cora Weiss, co-chairman of the Committee of Liaison with Families of Servicemen Detained in North Vietnam, a New York-based peace group.

Identification of the four new prisoners brings to 339 the number of American prisoners confirmed by North Vietnam. The previous belief, based on information supplied to a visiting peace group in Hanoi last June, was that a list of 335 men was final and complete.

The Defense Department challenged this figure at the time, asserting that it believed 376 men were held by Hanoi.

PROVIDES HOPE FOR FAMILIES

United States officials said yesterday that the confirmation of the four new names "reopens the list and provides hope for the families of men whom North Vietnam still has not supplied any information about."

According to the Pentagon, 780 men are officially listed as missing in action over North Vietnam, with 1,525 missing in all of Southeast Asia.

Three of the men Hanoi has now confirmed as prisoners had been listed by the Pentagon as presumed captured. They are Lieut. Cmdr.

John H. Fellowes of Virginia Beach, Lieut. Col. George Everett Day of Glendale, Ariz., and Lieut. James J. Connell of Wilmington, Del.

The fourth, Maj. Ben Marksbury Pollard of Colorado Springs, had been listed as missing in action but there had been no indication that he had been captured.

NAMES NOT RELEASED

The six men said to have died in prison had been listed by the Defense Department as presumed captured.

Mrs. Weiss refused to release the names of the six dead men because of what she termed family reasons. She did not provide any information on how or when the men had died.

She said she had informed the men's families of the deaths.

A State Department official said: "There is grave concern over the news, since no information has been supplied on the date or circumstances of the men's deaths."

He added that the men's families had been told previously that the men were alive.

The Committee of Liaison was organized in December, 1969, with the agreement of the North Vietnamese, to transmit letters from prisoners to their families in the United States. At the news conference, at the Hotel Diplomat, Mrs. Weiss said that with the recent arrival of 571 letters the committee had received a total of 2,203.

She asserted that the arrival of the letters and the disclosure of the four names "shows that the North Vietnamese are following a humanitarian policy toward the prisoners."

RICHARD CARDINAL CUSHING

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BOLAND. Mr. Speaker, I want to join you in paying tribute to Richard Cardinal Cushing, probably the most celebrated and most beloved Catholic churchman of his era. It is something of a cliche—indeed, it is as threadbare a cliche as any in the stock of obituary writers—to say someone was a "man of the people." In Cardinal Cushing's case, however, the phrase is accurate. He would have no part of the patrician aloofness usually associated with princes of the church. Dancing a clumsy jig with old ladies in a nursing home, cheering the Red Sox in a voice as rough hewn as his broad Irish face, playing Santa Claus at the home for retarded children he founded, Cardinal Cushing had a boundless enthusiasm for life. Afflictions that might have crippled a lesser man—cancer, emphysema, ulcers—did not dim his spirit or dull his wit.

Cardinal Cushing himself admitted he was no theologian or scholar. He took leave early from the first Ecumenical Council—a council he helped create by his lifelong belief in religious liberty—because he could not understand Latin. What he could do is raise money, and he did it astonishingly well. He built up the modern archdiocese of Boston virtually singlehandedly, raising $100 million for projects ranging all the way from hospitals to sports leagues for children.

Yet the money he raised with such uncanny skill did not touch his personal life. Born in a shabby walkup tenement in turn-of-the-century South Boston, Cardinal Cushing lived simply and frugally all his life. When he became archbishop of Boston, for example, he summarily dismissed the retinue of servants his predecessor had employed.

His humanity, his compassion, his love for people of all religions and all walks of life earned him the affection of millions.

I put in the RECORD at this point, Mr. Speaker, a Time magazine article that eloquently sums up the cardinal's life:

BIG MAN IN A LONG RED ROBE

To the many who knew him and the millions who watched him from afar, the life of Boston's Richard Cardinal Cushing was a montage of endearing and memorable vignettes. In some of them he was the Populist Prince, handing out miniature liquor bottles at an old folks' home ("Holy water! That's what it is! But don't sprinkle it around. Pour it down!"). In others he was the Court Clown mugging shamelessly in a sailor's hat or a baseball cap. On a cold November day in 1963 he was the nation's own Job, his prayer cracking with grief as he called on the angels to carry his "dear Jack" to Paradise.

Behind the many roles was a man solid and roughhewn. The son of an Irish-born blacksmith, Cushing had a face like a Connemara bogman and a voice like coal rattling down a chute into a South Boston basement. He seemed not so much to live life as to wage it, suggesting that the years were too short for what he had to do. Only his huge energy obscured the truth about how long, and how seriously he had been ill. For years he fought off migraine headaches, ulcers, asthma, and emphysema—the latter two so debilitating that he had to keep oxygen at his bedside. Cancer was also an old enemy and, as it turned out, the final one. When he died last week at 75, the disease had so ravaged Cushing's 6-ft. frame that he had wasted from a robust 200 lbs. to a mere 140 lbs.

ONE-DAY RANSOM

Less than two months ago, in a dramatic changing of the guard (Time, Sept. 21), Cushing turned over his diocese to the Most Reverend Humberto S. Medeiros, an activist bishop who had previously headed the diocese of Brownsville, Texas. "The will to live will be gone," predicted an old friend. Said another: "He's not able to do anything else except be Archbishop of Boston.

Yet Cushing never sought the role that he retained for 26 years. From the beginning, he wanted to be a missionary. In 1962, he tried to resign in order to finish his career in the missions of Latin America. Instead, he remained a founder—and funder—of mission work, even establishing his own Society of St. James the Apostle for work in Latin America. His ability to raise money for the church at home and abroad was prodigious—a total of more than $100 million in 26 years. Just before Christmas in 1961, he raised $2,900,000 in cash in one day to ransom the Cuban prisoners captured in "dear Jack's" Bay of Pigs invasion.

Part of Cushing's ability to sell a cause was surely his own quiet example of personal austerity: he joked about his official residence being "the biggest joint on Commonwealth Avenue," but his personal life within it was simple and frugal. Once he amazed a visitor by proudly showing off a $3 pair of black loafers he had picked up at Filene's basement. Part of his effectiveness, too, was Cushing's broad, transparent humanity, which seemed to embrace not only every faith but even, on occasion, rather conflicting ideologies. "He had a good word to say for everyone who came down the pike," explained an admirer in discussing Cushing's mixed bag of enthusiasms. He was an early, lifelong member of the N.A.A.C.P., and the first Catholic prelate to urge his flock to attend Billy Graham's crusades. He could also praise the anti-Communism of the John Birch Society and write a glowing foreword to a book by the director of the Moral Re-Armament movement.

GOD KNOWS

He had an invincible, perhaps sentimental belief that people could be wrong but not really bad, and that, in any event, it was not the place of one human to judge another. When some Catholic churchmen criticized Jacqueline Kennedy's marriage to the divorced Aristotle Onassis, it was Cushing who chided them. "Only God," he said, "knows who is a sinner and who is not."

Rightly but a shade too formally, some Bostonians called him "the Cardinal of Charity." That he was; and for it, both Catholics and non-Catholics in the U.S. honored Cushing with an effection exceeded only by their love for Pope John XXIII. The affection followed him everywhere, but nowhere did it surround him more warmly than on his visit to the annual Christmas party at St. Coletta's, an institution for "exceptional" children he founded in Hanover, Mass.

The cardinal never missed the party, even putting on his "red dress" for the occasion because the children liked it. One small boy at the school may have spoken for much of the world when a radio reporter asked him to describe Santa Claus. "He's big, and he wears a long red robe," said the child. "And," the boy continued, talking out of the side of his mouth in a raspy voice, "he talks like this."

Fittingly, Richard Cardinal Cushing was buried last Saturday in a simple crypt in the chapel at St. Coletta's, "facing the children," as he had wished.

REPORT TO CONSTITUENTS

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. MESKILL. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following report to my constituents:

CONGRESSMAN MESKILL REPORTS TO YOU

WASHINGTON, D.C.,
October 1970.

DEAR FRIENDS: The adjournment of the 91st Congress will mark the end of my two terms as your Congressman. The four years I have spent in Washington have proved exciting, educational and fulfilling.

I appreciate your many letters and visits, informing me of your views on national issues and pending legislation. Your Congressman is your voice in Government. You have an obligation to transmit your opinions to him and he has the responsibility to answer to you for his actions. I tried to effectively represent my District and trust you have found me to be a dedicated, responsive Representative.

At this critical juncture in our history I urge your active participation in the affairs of government. All citizens must realize that to enjoy the rights and privileges of a democracy they must meet the responsibilities inherent in such a society.

Thank you for giving me the opportunity to serve as your Congressman.

Sincerely,

TOM MESKILL.

BILLS INTRODUCED

Key measures I introduced in the Second Session of the 91st Congress are listed below. Some of these bills I consider to be among the most important I have sponsored in my two terms. These bills cover a wide range of issues aimed at alleviating pollution, crime, drug abuse, unemployment and other crucial problems facing the nation today.

H.J. Res. 1106: Equal Rights Amendment.

H.R. 15693: Prohibits use of the mails for unsolicited salacious advertising (passed by the House).

H.R. 16575: Amends the Internal Revenue Code to encourage higher education.

H.R. 17217: Extends to all unmarried individuals the full tax benefits now enjoyed by married individuals filing joint returns.

H.R. 17349: Provides funds for mortgage financing at reduced rates of interest to low- and middle-income families (now public law).

H.R. 17602: Provides for drug abuse and drug dependency prevention, treatment and rehabilitation programs.

H.R. 17825: Omnibus Crime Control and Safe Streets Act Amendments.

H.R. 18402: Suspends U.S. aid to nations failing to curtail drug traffic.

H.R 18533: Establishes a Commission on Long Island Sound to formulate a plan for the development and protection of the area.

H.R. 18592: Regulates dumping of industrial wastes into U.S. coastal waters.

H.R 18737: Insures that modern construction methods, including pre-fab and modular units, will be used in building of federally assisted housing

H.R. 18724: Creates a tri-state Metropolitan Drug Addiction Control Agency for the major counties of New York, New Jersey and Connecticut.

H.R. 18901: Establishes a Commission to investigate the adequacy of the physical and mental examinations conducted by the Armed Forces for selective service registrants.

H.R. 19164: Authorizes research and educational programs to facilitate transition to a peacetime economy.

H.R. 19257: Authorizes a study of national policy regarding dumping into the oceans.

JUDICIARY COMMITTEE

In this session I became the ranking Republican member of the Immigration and Nationality Subcommittee and cosponsored legislation to further ease the restrictive and discriminatory aspects of our present immigration policy.

The emphasis of the Immigration and Nationality Act Amendments of 1970 is focused on (1) re-uniting families by easing restrictions on the immigration of certain relatives of U.S. citizens and permanent aliens; (2) redistributing visa numbers among the various preference classes to supply the country with professional, skilled and unskilled labor for occupations now experiencing shortages in the domestic labor markets.

POST OFFICE AND CIVIL SERVICE COMMITTEE

Comprehensive postal reform was one of the most important legislative packages of this session. As a member of the House Post Office and Civil Service Committee I am proud to have been a part of the 18-month effort of reorganizing the antiquated Post Office Department into a modern, self-supporting mail service.

The Postal Reorganization Bill of 1970 establishes the Postal Service as an independent agency. Necessary management flexibility is provided and all classes of mail will bear a rate in relation to the cost of delivery. The new Postal Service ushers in an era of dignity and respect for postal employees by providing for collective bargaining and abolishing political involvement in appointments and promotions.

CONGRESS IN 1970

Although Congress has been criticized for not solving all of our national crises in one massive outpouring of funds and legislation, I believe that as never before the voice of the people was heard throughout the halls of Congress during this second session.

In response to the demand for a Congress responsive to the critical issues of the day, we have tried to meet our responsibilities in education, in health, in housing, in anti-pollution measures, in public works, in the problems of minority groups and in the lot of the average working person. You might say that the legislation we enacted reflects our interest in human beings and our concern to provide the people of this country with the better life.

A brief synopsis of House action and my position on the more crucial issues facing our nation follows:

Congressional reform

For the first time since 1946 the House passed legislation to update Congressional procedures.

The Congressional Reform Act of 1970 incorporates a wide variety of changes but the most important provisions are those to end secrecy in the House. The legislation requires all votes taken in closed committee meetings to be made public, listing how each member voted, and ends the non-record voting by which most issues are decided in the House. This legislation will enable constituents to better determine how their individual Representatives cast specific votes.

I favored this legislation as I consider it urgent that the legislative body be strengthened and its operations simplified so it can once again become a co-equal branch of Government with the Executive and responsive to the public will.

Economy

Rising costs are placing enormous pressures on the pocketbooks of wage earners, housewives, farmers and retired people. Those on fixed incomes suffer the greatest and I fully support automatic Social Security cost-of-living increases.

Inflation is gradually but surely being curbed by controlled spending by the Federal Government itself. It may hurt to bring our Federal budget into balance but in the long run it will be far less painful than the alternatives, which are unending increases in living costs and, eventually, bankruptcy for the people and their Government.

Connecticut has been severely affected by huge cutbacks in military spending. Many small defense-oriented industries are facing financial difficulties, and unemployment in some of our cities is far above the national average.

To minimize the impact of defense production cutbacks on our economy and to facilitate the national transition from a wartime to a peacetime economy, I introduced the Conversion Research and Education Act of 1970. This is possibly one of the most important bills of the second session.

Realizing that our economy cannot long sustain the present rate of unemployment, I also sponsored legislation designed to stimulate useful employment in areas suffering from inordinately high rates of unemployment.

Environmental protection

The 1970s must be the Environmental Decade if we are to provide for man's survival, much less the amenities of a pleasing life.

"Environmental concerns" encompasses not only air and water pollution but also population, food and nutrition, parks and open space, plants and wildlife, chemical and thermal pollution, noise control, disposal of man's trash and conservation of natural resources.

With a long-standing interest in conservation I have supported passage of environmental legislative measures and have introduced in this session alone six bills to help alleviate our polluted world. These range from providing Federal assistance for programs to recycle solid waste materials to establishing an Intergovernmental Commission to develop a comprehensive plan for the future development, protection and administration of the natural resources of Long Island Sound. I am also fighting to save Connecticut's wetlands and for continued Federal funding of the Milford Laboratory.

Welfare reform

For years we have followed the depression-born "service" approach to social welfare whereby the Government itself tried to provide "services" such as shelter, food, training and medical care. In many cases the programs failed because too much of the money went for administrative bureaucracy and too little reached the needy.

For the first time since the 1930s the House has acted to completely restructure our present ineffective welfare system. Substituting a "workfare" approach, the House passed its version of the President's Family Assistance Plan and is awaiting Senate action. However the differences are finally resolved, the important result will be to throw out the present system which breeds more dependency and poverty than it corrects and replace it with a new foundation on which to build more farsighted, productive programs.

Crime

To combat the terrifying escalation in crime the House passed the Safe Streets and Omnibus Crime Control Act Amendments, providing help to local law enforcement officers, and the Organized Crime Control Act, aimed at eliminating crime syndicates.

While these measures will provide the tools to combat crime, at the same time we must heed the advice given by Chief Justice Warren Burger in his "State of the Judiciary" address. Our judicial system needs to be completely overhauled and more judgeships created to alleviate the backlog of cases.

I recently accompanied the Select Committee on Crime on a tour of the Meriden School for Boys and Long Lane School for Girls. This visit forcefully impressed upon me the need to reorient our approach to the treatment of juvenile delinquents. I have urged creation of an Institute for Continuing Studies of Juvenile Justice to redirect our whole approach to the problem of juvenile delinquency.

Drugs

There can be little doubt that the nation is faced with a drug problem of near epidemic proportions. Several provisions of legislation I introduced to help solve this problem were incorporated into the recent House-passed Drug Abuse Prevention and Control Act. This bill provides broader enforcement powers against illegal drug traffic and authorizes funds for drug abuse education and for treatment and rehabilitation of addicts.

I have introduced legislation to create a tri-state Metropolitan Drug Addiction Commission to be the only drug addiction control agency in the 22 major counties of New York, New Jersey and Connecticut. Coordination of our regulatory and enforcement efforts on the federal, state and local levels is the only way in which we can effectively deal with narcotics addiction and the crime which it produces. Another bill I cosponsored authorizes the President to suspend economic and military assistance under foreign aid programs to any country which fails to curb its drug traffic.

FEDERAL TAX DOLLARS FLOW TO THE SIXTH DISTRICT

One of the duties of a Congressman is to help the people and the communities he represents to benefit from Federal programs enacted by Congress. The figures listed below are a sampling of major Federal grants and contracts to governments, firms and other organizations in the Sixth District since January 1, 1970. The compilation is not complete since many of the Federal agencies

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could provide information only on amounts granted through June 30th.

These figures are not meant to be an indication of the total expenditure of Federal funds in our area since such major items as Social Security, Veterans and Civil Service pension benefits, educational assistance, Federal and postal employees salaries, most student loans and small business loans and some long-term projects and contracts are not included. The Sixth District benefits, in addition, by programs which affect more than one district or are state-wide in scope. In many areas these figures show that available funds fall far below the level of needs in our District. They point up the need for *prompt enactment of a program of Federal revenue-sharing with state and local governments.*

Federal agency and project	*Total since January 1970*
Department of Defense: Materiel for aircraft ships and submarines	$65,240,000
National Aeronautics and Space Administration: Life support systems, aircraft products	15,144,000
Department of Housing and Urban Development: Urban renewal, low rent housing, water and sewer projects	13,164,274
Department of Interior: Water pollution control facilities, park sites	3,285,600
Department of Transportation*: Transportation improvement programs, paving, landscaping	1,325,524
Office of Economic Opportunity: Headstart, legal aid, community action programs	414,718
Department of Agriculture: Rural community sewer systems	385,760
Post Office Department: Acquisition of sites, equipment	335,500
Department of Justice; Law enforcement	186,490
National Science Foundation: Research	70,120
Total	99,551,986

* Does not include funding from the Highway Safety Bureau or Federal Aid to Airport programs.

Grants from the Department of Labor for fiscal year '70 for job training, work incentive programs and youth corps totaled $14,784,940.

Grants from General Services Administration for fiscal year '70 for supplies totaled $14,560,414.

COMPETITIVE STATUS OF THE UNITED STATES IN WORLD TRADE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. **SIKES**. Mr. Speaker, there are many, in and out of Congress, who are greatly concerned with the serious and increasing threat to American industry and American workingmen from foreign competition. This is well brought out in a statement by Mr. O. R. Strackbein before the U.S. Tariff Commission on November 4. It is particularly apropos that his comments be studied in advance of the trade bill which is to be considered in Congress this week:

COMPETITIVE STATUS OF THE UNITED STATES IN WORLD TRADE

The factors of competition in world trade have undergone a transformation in recent times because of the technological revolution. The possession or nonpossession of favorable natural resources of climate, soil, water, minerals and other elements that underlie advantages of production, is no longer the principal determinant of competitive status in world trade that it was before technology took a hand. The virtual ousting of natural rubber and silk by chemistry offers a good example. Substitution of one product for another, abetted not only by chemistry but by metallurgy, mechanical innovations and discoveries, has upset earlier natural advantages or transformed them throughout the world on a broad scale.

The great economic and industrial advancement of Japan serves as the best example. Without modern technology, a country so poor in natural resources could never have moved to the forefront as did Japan. Had that country been guided by the principles of free trade it would never have got off the ground industrially.

Nevertheless, no country is uniformly competitive on all fronts in all products. Even in technology there is no magic that overcomes all economic disadvantage at one time. Also, technology is not evenly distributed, so to speak, even within the same country among all industries and elements of production, including managerial energy and competence. Beyond that, technological advancement, like inventions, cannot be scheduled.

Therefore no country can be expected to be a leader in all items of production at any time. Moreover, it may lead in one field or complex of products for some years only to be surpassed another time; or, where it lagged in some segment it may come to the forefront because of some new discovery or invention.

If the technological disturbance is not enough to upset the fine equation of absolute or comparative advantages as it may exist at least theoretically at a given time, the appearance on the scene of the managed economy, quite surely completes the demolition. Few theories, free trade not excepted, can withstand the frustrations, disruptions, distortions and interferences produced by economic regulation that is the product of political considerations. Here is the pitfall of much economic theory. That fact no doubt explains the unabashed pragmatism that rules the roost today in the political-economic world.

To assess the competitive status of the United States in world markets and within this country *vis-a-vis* imports becomes a matter of fact and not of theory.

So far as our overall balance of trade is concerned, the facts are obscured by the statistical practices of the Department of Commerce which persists in a gross distortion of the import and export movements. It continues to tabulate our imports on the basis of foreign value rather than c.i.f., which includes the costs of shipping, insurance, etc. Few other countries follow this practice. This basis of tabulation undervalues our imports by an estimated 10%. That is the factor employed by the International Monetary Fund to bring our imports to a level comparable with those of other countries.

At the same time our exports are made to appear, so far as competitive standing is concerned, larger than they really are—namely, by including shipments under Foreign Aid, Food for Peace, subsidized agricultural products, grants and give-aways.

The distortion ranges from $4 to $5 billion in our annual trade, skewed in the direction of producing a favorable balance and making our competitive position in the world look good when it is actually in deficit. I offer for the record an account of this practice under the title of "Trade Statistics—A Continuing Distortion."

Yet, even this distortion cannot hide our trade deficit in recent years if we compare our share of the world export trade with that of the remainder of the world. In 1960 the share was 16%; in 1962 it was 15.1%, falling to 14.5% in 1965, to 14.3% in 1968 and to 13.9% in 1969. (See Statistical Yearbook, United Nations, 1969; Int. Financial Statistics, Sept. 1970, IMF, p. 34 and 51.)

These overall statistics, however unfavorable they may be, do not reveal the underlying trends. The following table is more revealing:

U.S. EXPORTS AND IMPORTS, 1960-69

[In percent]

Country	Increase in—	
	Exports to	Imports from
Japan	141.1	325.4
West Germany	66.4	190.2
EEC countries	75.7	156.3
Italy	76.4	206.8
United Kingdom	57.0	113.5
All of Asia	97.4	204.1
EFTA countries	63.4	127.2
Sweden	43.4	108.2
Canada	239.8	258.1
Argentina	5.3	58.0
Peru	13.6	71.6
Mexico	74.1	132.3
Latin American Republics	36.1	19.4
World total	84.6	146.0
World, less Canada and Latin America	81.8	160.8

The table shows that our exports from 1960 through 1969 grew much less rapidly than our imports.

Another significant trend in our trade has been the shift from raw material imports toward those of finished manufactures. From 1956–68 imports of raw materials increased from 100 to 130 while imports of manufactured goods (exclusive of semi-manufactures) rose to 402. The ratio of increase for manufactured goods was 13 to 1 over the increase in raw materials.

This trend has a special meaning to labor. The imported raw materials do not displace nearly as much labor as do the finished manufactures which incorporate the full complement of processing and manufacturing employment. Today about two-thirds of our imports consist of manufactured products. The shift has meant more labor displacement by imports.

If we analyse our exports we encounter a further confirmation of our generally weak competitive position. Such export surplus as we do achieve is confined largely to machinery, including transport equipment, including, in turn, aircraft exports; to some sophisticated equipment, such as computers; and chemicals.

Yet even in the case of machinery exports our balance is narrowing. In 1960 we exported 4.7 times as much machinery as we imported. In 1969 the ratio was less than 2 to 1. In 1969 our exports of machinery and transport equipment amounted to $16.38 billion and represented 43.8% of our total exports.

This is, of course, not a healthy condition. Our exports of "Other Manufactured Goods" rose from only $3.8 billion in 1960 to $7.0 billion in 1969. Imports of the same goods rose from $4.5 billion to $12.0 billion, or 163% compared with an export rise of 83%.

Included among the "Other Manufactured Goods" are iron and steel mill products shoes, textiles, clothing, glass, glassware pottery, clocks and watches, nails, screws, nuts and bolts, toys and athletic goods, rubber and plastic manufactures, bicycles and parts, motor scooters, hand tools, plywood, cameras, musical instruments, radio and TV sets, phonographs and records, sound recorders, handbags, umbrella frames, canned mushrooms, optical goods, etc. In this group as a whole we suffered a deficit of $5 billion in 1969, even when imports are tabulated on their foreign value rather than their cost landed in this country.

In agricultural products imports are growing rapidly and have caused difficult problems in tomatoes, strawberries, citrus fruits, canned olives and mushrooms, meat, lamb, potatoes, dairy products, mink, fish, oysters, crabmeat, flowers, etc.

In minerals we have a trade deficit in petroleum, copper, lead, zinc, bauxite and aluminum. We do enjoy a handsome export surplus in coal; but it is far outbalanced by our deficit in petroleum. (See Stat. Abs., U.S. 1970, Table 1029, p. 650.)

Our trade in agricultural products has sunk rapidly in relation to other goods. During the 1957–1961 period agricultural exports were 23% of our total exports; in 1969 only 16%. During the same period agricultural imports declined from 28% of total imports to 14% in 1969. (See Stat. Abs., of the U.S. 1970, Table 946, p. 602.)

If we eliminate the Foreign Aid, Food for Peace, and similar agricultural shipments we incurred a deficit in 1969, with official exports reported at $5.7 billion compared with imports of $4.9 billion.

Our unbalanced competitive position is further underlined by the fact that employment in the production of manufactured goods in which we have a trade deficit is some 2 million higher than employment in the manufacture of the narrow segment of products in which we enjoy an export surplus.

That the export surplus in machinery and transport equipment is not solid may be inferred from its narrowing in recent years and from the fact that the great rise in industrial machinery exports is attributable largely to the growth of our investment in foreign manufacturing enterprises. These enterprises are increasing their exports to this country and may be expected to shrink our export markets for the products they are producing in foreign markets.

From the foregoing recitation of competitive status of numerous products of industry and agriculture, it is clear that this country, despite its high productivity per man-hour, enjoys a competitive advantage in foreign markets in only a few products, and, further, that this advantage is not solid. It is also clear that our imports of many goods have been rising much more rapidly than our exports of them.

The technological revolution and the mass-production system that brought us world leadership have now been diffused to other industrial countries. This fact has made effective the competitive advantages of low foreign wages. The wage-gap was not competitively so dangerous while our output per man-hour held such a comfortable lead. While the wage-gap persists, the productivity-gap has been closing.

The very fact that other countries have adopted our mass production system has indeed brought them higher productivity. Failure to adopt the other half of the American equation, namely, *mass consumer purchasing power,* derived from high wages, has left these countries with surpluses that their consumers are not able to absorb because their wages are not commensurate with their increasing productivity.

These countries therefore look to the United States as an outlet for their surplus output. They would not be so dependent on our market if they but increased their wages to the point of ability to buy the output of their improved production machine.

The industries of this country would have no difficulty competing with imports if wages were lowered to their foreign counterpart; but they would be unable to dispose of their output and would accumulate intolerable surpluses under such conditions.

The persistence of international cost differentials results from the universal interferences with free competition. These interferences are principally governmental and of political origin, and may be expected to endure. Therefore there is little hope that the competitive disadvantages suffered by many of our industries can be corrected, especially since technology is now international. New productivity attainments of domestic industries are soon diffused to other countries.

This fact means that artificial interventions must be instituted lest capital move abroad even more rapidly and that our domestic industry will otherwise be inundated progressively by higher tides of imports.

Already the inundation has reached intolerably high levels in numerous industries. The following table shows the market penetration achieved by imports in 1969 with respect to the listed products, as compiled by the Tariff Commission in a recent hurried survey:

Short title, percent of domestic market supplied by imports, 1969

Fish products:	
Swordfish	90
Cod, etc. fillets	80
Oysters, canned	72
Scallops, fishmeal and sardines	56–60
Leather and fur skins:	
Calf, goat, miscellaneous mink	46–64
Vegetables:	
Fig paste, apricots, dried; olives, garlic, strawberries, pimentos, cucumbers, tomatoes, eggplant, mushrooms, canned	18–48
Tung oil	82
Whisky	32
Hardwood plywood:	
Birch, luan, Sen, others	26–92
Cotton fabrics:	
Gingham	71
Shop towels	33
Duck	20
Sheeting	19
Pile fabric	42
Fish netting	28
Manmade fabrics:	
Filament, polyester	25
Filament, rayon	25
Apparel:	
Sweaters	41
Shirts, men/boys, dress	30
Blouses, not knit	27
Men/boys sport shirts	25
Women's, girls slacks	25
Chemicals:	
Benzenoid drugs	28
Melamine	36
Monsodium glutamate	20
Sod. silicofluoride	28
Caffeine	64
Antibiotics	18
Synthetic vitamin C	28
Residual fuel oil	64
Ceramics:	
Wall tile, glazed	28
Mosaic tiles	68
Earthenware	30–76
Chinaware	28–96
Glass (rolled, sheet)	28–33
Glassware, handmade	40
Lead unm'f'd	41
Zinc unm'f'd	54
Steel:	
Alloy	34
Structural	20
Carbon pipe and tube	18
Trans. tower parts	32
Barbed wire	45
Wire rope	20
Nails	45
Wood screws	58
Stainless steel flatware	49
Power trans. chains	29
Sewing machine and parts	58
Winding and warping machine	37
Knitting machine needles	46
Electronic devices:	
Microphones, loudspeakers	20
TV receivers and phono-combinations	30
Radio receivers	73
Combination electronics and parts	57
Calculating machines	60
Automobiles:	
New passenger cars	16
Snowmobiles	58
Motorcycles, tires, and parts	86–95
Footwear:	
Nonrubber, men, boys, women, misses, infants	22–36
Athletic	20
Rubber, protective	25
Combs	66
Artist brushes and pencils	45
Umbrellas	79
Clothespins	37
Wigs, toupees, etc	79
Headwear, knit, fur	20–30
Gloves, leather	35
Optical goods:	
Lenses, prisms, etc	43
Telescopes, etc	26
Microscopes	39
Balances	25
Watches, clocks, movements, and watch parts	21–52
8 mm mtn. p. cameras	47
35 mm still cameras	100
Enlargers	66
Light meters, etc	45
Musical instruments:	
Wood-wind	64
Electronic	71
Other, stringed	76
Bicycles:	
Bicycle parts and tires	36–53
Table tennis equipment:	38
Badminton	95
Baseballs and gloves	32–95
Tennis balls and racquets	35–76
Skis, snowshoes	68
Dolls, stuffed fig	23
Electric shavers	20

For the sake of abbreviation the short titles are not fully descriptive and in some instances not sufficiently segmented. However, the serious market penetration of imports is readily visible. If trends in recent years could be shown the threat would loom higher.

THE AMERICAN YOUTH SYMPHONY AND CHORUS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the background and outstanding accomplishments of the American Youth Symphony and Chorus, which have just completed their sixth annual European concert tour.

The American people should be proud of this fine group of young people and their excellent representation of our country on their tours abroad.

The material follows:

ABOUT THE AMERICAN YOUTH SYMPHONY AND CHORUS

The American Youth Symphony was founded in 1964 as the School Orchestra of America. The orchestra was completely reorganized by Dr. Donald E. McCathren in 1967 and received its present name at that time. The American Youth Symphony Chorus was founded in 1967 and has become an important part of the American Youth Symphony program.

The American Youth Symphony & Chorus is dedicated to the development of American youth and the furtherance of peace and understanding throughout the world through the performance of music. A nonprofit organization incorporated under the laws of Pennsylvania, the orchestra and chorus have received the highest praise for their musical achievements, for their contributions to peace in the world, for their accomplishments in motivating young people to a serious high purpose in life, and for their portrayal of a realistic picture of America.

The American Youth Symphony & Chorus have made five highly successful European Concert Tours. Typical of some of the comments regarding the orchestra and chorus are as follows: "It was a surprise to me to hear the results of your musical achievements. I think America can be proud of such a wonderful orchestra and chorus. I especially liked hearing you play the national anthems for it reminded us of the friendship between our countries. The program was a great pleasure for everyone to hear. You played like professional musicians" . . . *Mr. Hubert Roeterdink, member the Royal Netherlands Military Band.*

"What you have done this evening is to tell the world what America is all about. You have been able to do this more effectively in one evening than I could in an entire year of speeches". *Hon. Kingdom Gould, U.S. Ambassador to the Duchy of Luxembourg.*

"We were amazed that your young musicians are capable of accomplishing such a brilliance in sound and harmony", *Melmut Ernst, Munich, Germany.*

"It is generally known that American symphonic orchestras rank among the world's best. Those who heard the American Youth Symphony quickly realize what quality lies in the American musical art. Although the orchestra which appeared in Krizanke consisted of young people, it still demonstrated a surprisingly high level of technical skill. Such almost unbelievably high maturity and excellent musical training at an early age of the musician offers excellent material for symphonic orchestras. Although every year new youngsters join this orchestra, their conductors, and here we must mention particularly the Orchestra's director, Dr. Donald E. McCathren, and his associate, Prof. James Paterson, achieve a perfect homogenus performance of all the instrumental sections. The orchestra captivated their listeners not only with their technically perfect presentation but also with their discipline, enthusiasm and temperament". . . *Mr. Primoz Kuret, Music Critic, Liubljana Daily, Yugoslavia.*

The American Youth Symphony & Chorus made its first Bermuda Cruise Concert Tour in June of this year aboard the *Greek Line Ship TSS Olympia.* A junior American Youth Symphony and Chorus made up of students ages 11 to 14 was formed for the first time and participated in the concert tour. AYSC and Jr. AYSC Studio Bands were also formed and were an integral part of this concert tour.

The orchestras, choruses and studio bands performed for the school children of Bermuda as well as the grand opening concert of the Bermuda Summer Arts Festival. The tour was a splendid success and AYSC has already received an invitation from the Bermuda Arts Council to perform in Bermuda the following summer. For a great many people in Bermuda, especially the school children, it was the first time they had ever heard a symphony orchestra. The government of Bermuda hopes to establish an instrumental music program in their school system as a result of the concerts presented by the American Youth Symphony & Chorus and the Jr. American Youth Symphony and Chorus.

The American Youth Symphony and Chorus has received much recognition both at home and abroad. One of the most recent honors received was the presentation of the George Washington Medal of Honor Award by the Freedoms Foundation at Valley Forge for outstanding accomplishments in helping to achieve a better understanding of the American Way of Life. Numerous gold medals have been received in Europe for excellence in musical performance.

Many businesses, foundations, fraternal organizations, clubs, civic groups, churches and individuals have made contributions to assist deserving students to have the experience of traveling and performing with the American Youth Symphony & Chorus. It is the hope of the AYSC officials that financial assistance can be obtained to further expand this program and to permit every qualified student, regardless of their financial means, to be able to have the experience of participating in this great adventure in world peace through music.

EMBASSY OF THE UNITED STATES OF AMERICA,
Prague, Czechoslovakia, August 7, 1970.

Dr. DONALD E. MCCATHREN,
Musical Director, American Youth Symphony and Chorus, Duquesne University, Pittsburgh, Pa.

DEAR DR. MCCATHREN: The fine concert given by the American Youth Symphony and Chorus in Prague last Saturday, August 1, was a memorable evening for all of us who were there. On behalf of my wife and myself and of all my other colleagues who enjoyed this rare evening of American music, many thanks. The Czech audience expressed their appreciation by their warm and enthusiastic reception of your music on Saturday, and one of the national dailies, *Svobodne Slovo,* had an article about your performance on August 4; I am attaching a copy of the paper and an informal translation of the article.

With best wishes,

Sincerely,
ANDREW T. FALKIEWICZ,
First Secretary of Embassy,
(Press and Culture).

AMERICAN YOUTH SYMPHONY AND CHORUS, PRAGUE, CZECHOSLOVAKIA CONCERT, AUGUST 4, 1970

TRANSLATION

"All those who looked forward to the concert of the American Youth Symphony and Chorus Concert at the Valdstejn Garden on Saturday evening were at first seemingly out of luck. A storm came just as the concert was moved to Mestska knihovna Auditorium. Here, however, the organizers underestimated not only the size of the audience, but also the size of the orchestra and chorus. A comparatively small stage cannot squeeze in more than 120 people. Thus, the pianist had to stretch to see the conductor and vice versa. The chorus stood beneath the stage and the choirmaster in the audience. Water served for refreshment . . .

Since the success or failure of such a performance lies primarily with the performers and the audience, we may say without exaggeration that the Evening of the American Music was a great success. Bearing in mind the young age of the American boys and girls (11–21 years) the technical perfection and maturity of the entire symphony orchestra and chorus was surprising. The public was captured by the directness, elation, and temperament so inherent to young people. Under the batons of Dr. Donald McCathren and James Paterson there were played Symphony No. 2—Romantic of H. Hanson, Rhapsody in Blue by G. Gershwin, with soloist N. Sluszny of Belgium, music by T. Kirk, J. Paterson and R. Matesky. The chorus, with choirmaster L. Kline, sang songs by W. Billings, P. Royer, Ch. Bryne and others. Young Americans from all parts of the USA are on their sixth tour this year. They were already in Belgium, Luxembourg, Austria. From Prague they will be proceeding to West Germany, Denmark, Germany and England. This outstandingly successful travel of American music is conducive to better knowledge of this country and contributes to improving relations between people and understanding among nations."

(Svobodne Slovo of August 4, 1970)

1970 AMERICAN YOUTH SYMPHONY & CHORUS, EUROPEAN TOUR PERSONNEL

Musical Director: Dr. Donald E. McCathren, Pittsburgh, Pa.

Tour Public Relations Director: Mrs. Millicent McCathren, Pittsburgh, Pa.

Associate Conductor: Prof. James Paterson, Pittsburgh, Pa.

Choral Director: Mr. Lyle Kline, Brookings, S.D.

Director of Personnel: Mr. Frank Farina, Pittsburgh, Pa.

Assistant Director of Personnel: Mr. Ben Casar, Pittsburgh, Pa.

Executive Secretary: Mrs. Barbara Paterson, Pittsburgh, Pa.

Tour Secretary. Mrs. Edith Casar, Pittsburgh, Pa.

Piano Soloist: Mr. Naum Sluszny, Brussels, Belgium.

Photographer: Mr. Edson Perry, Wolcott, Conn.

Nurses: Miss Stephanie Milak Mingo Junction, Ohio; Mrs. Catherine Vensel, Pittsburgh, Pa.

Chorus Accompanist: Mr. John Sayre, New Brighton, Pa.

Choral Coaches: Miss Ruth Roberts, Delmar, N.Y.; Mr. James Sevast, Elmira, N.Y.

String Coaches: Miss Wanda Whitaker, Canton, Ohio; Miss Patricia Fraunberger, Bryn Mawr, Pa.; Mr. Nigel Holme, Miami, Fla.

Brass Coaches: Mr. Donald Chadderdon, Hamstead, N.Y.; Miss Barbara Bisek, Thompson, Iowa.

Librarian: Miss Nancy Goldbach, Monaca, Pa.

Orchestra Manager: Mr. Kurt Steinhauser, Park Ridge, Ill.

Student Managers: Charles Kritko, Munhall, Pa.; John Nagy, Munhall, Pa.; James Wade, Bethel Park, Pa.

Chaperones: Miss Barbara Bright, Mingo Junction, Ohio; Mrs. Edith Casar, Pittsburgh, Pa.; Mrs. Nettie Catz, Pittsburgh, Pa.; Mr. Donald Chadderdon, Hamstead, N.Y.; Mrs. Gaile Hardwick, Angleton, Tex.; Dr. Milton Hardwick, Angleton, Tex.; Mrs. Nigel Holme, Miami, Fla.; Miss Kathleen McDonough, Pittsburgh, Pa.; Miss Karen McClellan, Mattoon, Ill.; Mrs. Naomi Mortle, Pittsburgh, Pa.; Miss Juanita Murrah, Beaumont, Tex.; Mrs. Velma Peters, Lorraine, Kans.; Mrs. Kathleen Scott, Mingo Junction, Ohio; Miss Ruth Teague, Gary, Ind.; Miss Wanda Whitaker, Canton, Ohio; Mrs. Glen Yates, Leawood, Kans.

ORCHESTRA

violin

Cynthia Baum, Valley Stream, N.Y.; Patricia Dwyer, Grand Rapids, Mich.; Bonnie Edney, Huron, S.D.; Michael Ensenat, New Orleans, La.; Anita Evane, Canton, Ohio; Theresa Hanson, Monaca, Pa.; Samuel Orbovich, Steubenville, Ohio; Kathryn Parsons, Evansville, Ind.; Patricia Powell, Morresville, Ind. Bonnie Richardson, Canton, Ohio; Cheryl Simpson, Berea, Ohio; Susan Schreck, Jamestown, N.Y.

Jackson Snyder, Findlay, Ohio; Nelson Stewart, Davenport, Iowa; Barbara Stevens, Alexandria, Va.; Jeannette Swesey, Alexandria, Va.; John Vestman, Newport Beach, Calif.; Kathy Wacker, Cheektowaga, N.Y.; Shirley Wilson, Joliet, Ill.; Bernard Zimmerman, Morgantown, W. Va.; Wanda Whitaker, Canton, Ohio; Patricia Fraunberger, Bryn Mawr, Pa.

viola

Robert Churchill, Huron, S.D.; Robert Heckmann, Newark, Del.; Sarah Lynn, Clarendon Hills, Ill.; Christine McIlwain, Holland, Mich.; Linda Miller, Covina, Calif.; Nigel Holme, Miami, Fla.

cellos

Richard Heckmann, Newark, Del.; Scott Lavender, Findlay, Ohio; Daria Rosso, Pottstown, Pa.; Jeanne Shumway, Playa Del Rey, Calif.; Michael Scruggs, Pennsville, N.J.; Darlene Skipper, Beaumont, Tex.; Leonard Johnson, Pittsburgh, Pa.

bass

Phillip Gray, Martinsville, Ind.; Timm Miller, Elkhart, Ind.; Stephen Misiewicz, Livonia, Mich.; Carolyn Wahl, Cheektowaga, N.Y.

harp

Elaine Peters, Lorraine, Kans.

flute

Michelle Geoffroy, South Bend, Ind.; Carin Levine, N. Miami, Fla.; Barbara Nelson, Glenn Falls, N.Y.; Mary Porter, Charleston, S.C.; Barbara Walker, Altoona, Pa.; Elizabeth Williams, Edina, Minn.

oboe

Janet Butterbaugh, Elkhart, Ind.; Patricia Kelly, Findlay, Ohio; Paula Rossbacher, Greenfield, Cory, Pa.; Jon Schneider, Great Neck, N.Y.

English horn

Patricia Kelly, Findlay, Ohio.

clarinet

Barbara Andrews, Merion Station, Pa.; Robert Cantor, Great Neck, N.Y.; Barry Numerick, Jeannette, Pa.; Darlene O'Brien, Mingo Junction, Ohio.

Alto Clarinet: Nancy Goldbach, Monaca, Pa.

Bass Clarinet: Wayne Rush, Easton, Pa.

Contra Bass Clarinet: Leslie Kopp, Newport News, Va.

saxaphone

E Flat Alto: Thomas Oshnock, Greensburg, Pa.; Charles Kritko, Munhall, Pa.

B Flat Tenor: David Schiff, Wilmington, Del.

E Flat Baritone: Barry McCray, Conway, S.C.

Bassoon

Melody Shahan, Gallipolis, Ohio; Vicki Wilkof, Canton, Ohio.

French Horn

Judith Ballis, Hanover, N.J.; Sara Brewer, Findlay, Ohio; Mark Denman, Zanesville, Ohio; Karen Jessen, McMurray, Pa.; Martha Marvel, Ft. Myers, Fla.; Nadya Nelson, Park Ridge, Ill.; Adele Roper, Leland, Iowa; Polly Ann Suda, Garden City, N.Y.; Mary Sue Robison, Grants, N.M.

Trumpet

Wendell Banyay, Evans City, Pa.; Dale George, Arcadia, Calif.; Bernard Nero, Clairton, Pa.

Trombone

Richard Linn, Wexford, Pa.; Barbara Lutz, Edina, Minn.; Barbara Bisek, Thompson, Iowa.

Tuba

George Parks, Newark, Del.

Percussion

Donn Jones, Arcadia, Calif.; Michael Manion, Comstock Park, Mich.; William Panos, Altoona, Pa.; Melvin Van Der Bie, Holland, Mich.

CHORUS

Soprano

Dorothy Arend, Alexandria, S.D.; Rhonda Bachmann, Clarence, N.Y.; Judy Gannon, Madison, S.D.; Darlene Karas, Cedar Knolls, N.J.; Cynthia Locke, South Charleston, Ohio; Rebecca McCathren, Bethel Park, Pa.; Anita Scott, Mingo Junction, Ohio; Karen Scott, Lafayette, Ind; Deborah Williams, Tawas, Mich.; Ruth Roberts, Delmar, N.Y.

Alto

Deborah Baron, Indianapolis, Ind.; Diane Beynon, Pittsburgh, Pa.; Joy Blackford, Greenwood, Ind.; Carol Hollingsworth, Pittsburgh, Pa.; Mary Iverson, Dickinson, N.D.; Deborah Jackson, Sedona, Ariz.; Peggy Jarvis, Morgantown, W. Va.; Deborah Rogers, Wessington Springs, S.D.; Kyan Stouder, Huntington, Ind.; Tanis Toponak, Lewiston, N.Y.; Michelle Wright, Grand Rapids, Mich.

Tenor

James Sevast, Elmira, N.Y.; Kirk Anderson, Alexandria, Minn.; Leslie Christen, Huron, S.D.; Stanley Krawson, Wintersville, Ohio; Gene Miller, Brookings, S.D.; Michael Miller, Bethel Park, Pa.; John Nagy, Munhall, Pa.; Charles Kritko, Munhall, Pa.; Ronald Smith, Estelline, S.D.; Kurt Steinhauser, Park Ridge, Ill.

Bass

Dale Anderson, South Bend, Ind.; Ben Barnes, Elkhart, Ind.; James Goehring, Wessington Springs, S.D.; Joel Godbey, Tucson, Ariz.; Kenneth Kirk, Brookings, S.D.; John Kolczynski, Port Bryon, N.Y.; James McKeel, Monaca, Pa.; Pete Ofstedal, Brookings, S.D.; James Wade, Bethel Park, Pa.; Mark Wahlstrom, Brookings, S.D.

MEMBER OF CAMPUS UNREST COMMISSION SPEAKS OUT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. HAMILTON. Mr. Speaker, Mr. Erwin D. Canham, a member of the President's Commission on Campus Unrest and editor in chief of the Christian Science Monitor, has recently written a series of articles on the campus crisis. They are, as Mr. Canham indicates, his "own personal perception of a very grave and complex national and worldwide problem." And I recommend them to my colleagues as reading of the highest caliber.

The articles follow:

BUILDING BRIDGES TO YOUTH

(By Erwin D. Canham)

BOSTON.—I have just spent four of the most stirring and enlightening months of my life, looking into the question of campus unrest. What I write now is in no sense an attempt to justify the report of the President's commission. It is my own personal perception of a very grave and complex national and worldwide problem.

Fundamental misunderstandings between what are called the two cultures in America exist and are growing deeper.

They could lead to far greater disasters than any we have yet seen if they are not understood and reduced.

I say this in awareness of several factors:

At this writing, conditions on campuses seem calmer than for many months.

President Nixon has defused one of the biggest potential bombs in his proposals for a peaceful settlement in Indo-China. Unless something very untoward happens calling for a large-scale resumption of war, this cause for explosion is under control.

The bombings which have intensified in many public places also have burst out on campuses, but evidently without much student support. Indeed, they have evoked student disgust except in the most militant or "crazy" groups. Yet there is plenty of tinder lying around. There are potential sparks.

Politicians running for office find the hard line irresistible. They know people are fearful and resentful of campus unrest and of violence in general. They want to take ungrateful Junior to the woodshed. One way is at the polls.

Having said all this, I would urge Americans to look beyond these immediate phases. What is happening in the United States, and in much of the rest of the world, goes far beyond Vietnam and social injustice and food in the college dining halls and bombings.

EASY TARGET

We have come to a turning point in history which we must all try to understand. If we do not, great anguish and turmoil lie ahead. If we do build bridges of understanding, world society—led by the United States—could move into a wonderfully hopeful period.

It is awfully easy to blame all youth unrest today to "permissiveness." It is perfectly true that many family attitudes have changed, 19th century disciplines have altered, religious and moral standards have been revised and weakened; mass communication pours a flood of entertainment and selected, intensified, emotionalized news into consciousness; the educational process is sometimes disturbing, sometimes irresponsible.

The list of factors is endless. They add up to change. It is simple to say that a return to the good old days would solve everything. Yet of course it would not solve anything because it cannot be done.

There is also widespread feeling that hardline tactics will work. Voters are refusing to support bond issues for education. Legislatures are imposing various restrictions. They, too, are starving higher educational systems by cutting appropriations drastically. Boards of regents, especially those who are politically designated, are cracking down. Various disciplinary measures are proposed.

FEELING OF REPRESSION

All this is understandable. But it will make matters worse. Of course there can be no compromise with crime or violence. The campus is no sanctuary. Arson and terrorism, forcible denial of freedom of speech, demonstrations that deprive others of rights, are all unjustified and should be prevented or punished under the law.

But all such measures, however valid and necessary, add up to a feeling of repression on the part of large elements of youth. Unless such law enforcement is balanced by an even more earnest and intense effort to understand what is happening in the new youth culture, they can only make disaster more likely.

So we come always to the challenge of understanding.

Look at what has happened in the world during the last two decades, especially. The two superpowers, with a third coming along, have destructive devices by which all civilization and human life could be destroyed. Over the heads of all young people hangs the fear that theirs might be the last generation in history.

SWEEPING CRITIQUE

Latterly, they have also become very aware of the possibility that pollution of the thin shell of atmosphere around earth might smother life and order as we know it. They see population growth and uncontrolled technological spread grievously altering the human environment.

This is just the beginning, however apocalyptic, of the forces influencing youthful thought. Industrial society in the United States, and a good deal of the rest of the world, is producing abundance. Yet poverty and misery continue. Social injustice persists. Awareness of it intensifies pain and discontent.

XUM

The youthful critique of conventional culture in the United States is very sweeping. It is exaggerated. One thing I have learned is to translate youthful rhetoric, couched in its sweeping terms, into discourse to which most of us are accustomed. Doing so, I have found rational bases for criticism which we must all face.

The new so-called counterculture is in great opposition to many values and life styles of the old. Youth is often by nature oppositional. Cannot all of us remember how we argued with our parents? But today the opposition is so deep as to strain understanding.

The nature of the new culture is very carefully described in Chapter 2 of the White House commissions report. I would hope that as many Americans as possible could read this chapter, which will soon be available from the Government Printing Office and in paperbacks. It would be as useful reading as any of us can do these days.

HEADY STUFF

A few words of quotations show something of the gap across which we have to stretch our hearts and minds: The aim of the new culture "was to liberate human consciousness and the quality of experience; it sought to replace the materialism, the self-denial and the striving for achievement that characterized the existing society with a new emphasis on the expressive, the creative, the imaginative. The tools of the workaday institutional world—hierarchy, discipline, rules, self-interest, self-defense, power—it considered mad and tyrannical. It proclaimed instead the liberation of the individual to feel, to experience, to express whatever his unique humanity promoted."

This is, you will say, pretty heady stuff. So it is. But it shows a little of the profound change toward which certainly the trend-setting leadership of youth today is striving. So intensely are such views held that they have become comparable to a religious experience, a conversion, with some of the same mysticism and occasional intolerance.

Punitive measures do not change such views. They have never done so, whether attempted with guns or with lions. Usually repression intensifies and deepens such conviction.

UNKNOWN DIMENSIONS

It does not help to say that the freedom to hold such views is a result of a lot of hard work within the terms and disciplines and incentives of the old culture. Perfectly true. But all that hard work, the fruitage of the industrial system, has brought us to the point where deeper social values and goals are required and are possible.

That is what youth is reaching for. In fact, it is the attainment of such purposes that has always been the dream of free society. Youth, in a commission phrase, seeks to make over America in its own image.

Social historians can find parallels to this new culture in the past. Some will feel that this present phase, too, will pass. But today's world has dimensions unknown before: the danger of annihilation, the potency of the industrial system to produce adequacy for all, the vast ubiquity of communication, the shrinking nation and world, the mobility of society, the dawn of the space age.

CULTURAL PENETRATION

There is no denying that the new culture is "radical." Its radicalism has subversive components. Some of these will be discussed more specifically later. But if the challenge to postindustrial society is a radical one, so was the American Revolution.

Yet the yearning for free society and the freedom of individuals challenges today's police state everywhere. The kind of radicalism which stems from Marxism, or from the political purposes of Moscow, Peking, or Havana is something else again. It is another and more severe repression.

The new culture oversimplifies. It is full of naiveté. It unjustly condemns a great deal that must instead be improved and saved. But its values are not to be ignored nor despised.

There is great power in the new culture. It is penetrating the old. If you doubt it, just look at men's hair styles. Sideburns have crept down the oldsters' cheeks. More than a few grizzled beards have appeared. Clothing is brighter.

Ideas change, too. In short, there are meeting grounds on which the two cultures in America could come together. Fear and hate and scorn on both sides will keep us apart.

To argue for understanding is not to argue for tolerance of evil. That's what the youth culture says, too. Once we stop accusing one another we can move together for the better fulfillment of the age-old dreams of humanity.

CAMPUS CRISIS

(By Erwin D. Canham)

A great many American believe that campus unrest—and, indeed, the general social unrest that surrounds it—are a result of Communist subversion and conspiratorial organization.

The theory is seductive but it is not correct. Of course, Communists and other subversives make all the trouble they can. Yet the causes of violence in American life are far wider. We hamper the effectiveness of our response to these dangers if we blame them largely on a convenient Red scapegoat.

Happily, the Federal Bureau of Investigation has been very clear on this point. Speaking at Williamsburg, Va., on Oct. 12, William C. Sullivan, top assistant to J. Edgar Hoover, said the Communist Party "is not in any way causing or directing or controlling the unrest we suffer today in the racial field and in the academic community."

Mr. Sullivan went on to say that the Communists "do attempt to exploit troubled situations." He added that "the Communist Party today is not nearly as extensive or effective as it was a number of years ago."

PARTY FRAGMENTED

The extreme Left in the United States today is severely fragmented. The Communist Party of America carries on, but as a shadow of its former self. It has always been thoroughly infiltrated by informers. Wisecrackers have long insisted that the CPUSA would be hard hit without the dues of FBI members!

Marxists of varying hues and allegiances are far more extensive. Those who proclaim their support of Mao Tse-tung are much in evidence. Che Guevara, the supporter of Fidel Castro, who was killed in Bolivia, has become a kind of folk hero to young American revolutionaries. Hundreds of young Americans have made pilgrimages to Cuba, to work in the sugar cane harvest and absorb propaganda and techniques.

Handbooks and manuals on bombmaking and placing have been widely reproduced, so naively distributed as to suggest that the conspirators are very amateur indeed.

But the results and the damage are far from amateur. The nation wrestles excruciatingly with the problem of bombing of public places. Bombings on campus seem to have reached a point of diminishing returns. Only a very few students are sympathetic to destruction of the facilities which will help them get an education. An authoritative response which blamed or penalized all students could change this healthy situation.

MILITARY INVOLVEMENT

The small fragment of committed radicals and "crazies" can do a great deal of harm. The Weathermen, formerly a faction of Students for a Democratic Society (SDS), but now underground, has boasted of its bombing plans and exploits. It has sympathizers in other factions of the extreme Left.

There are somewhat misleading facts which would seem to tie campus violence to a carefully organized enemy-supported conspiracy. At Kent State, the Liquid Crystals Institute did work for the Department of Defense which allegedly is useful in detecting campfires in jungle areas.

It is easy to see how this project could be both a target for Communist sabotage and an incitement to students who are bitterly opposed to the war in Vietnam, especially in its application of highly technical methods of killing to a peasant population. Which group tried to close the institute?

At the University of Wisconsin, too, an important military involvement made the Army Math Research Center relevant both as an enemy objective and as a symbol to students of their university's active, financed support of war. The motives interlock but are different.

At Harvard, the Center for International Studies can be described as a significant ideological ally of both the Pentagon and the State Department. Certainly it is a kind of think tank. Hence somebody, presumably the Weathermen, selected it as a target.

The Communists might be expected to support any kind of antimilitary activity, thus to weaken American national defense. Hence the efforts to drive the Reserve Officers Training Corps off campuses might be regarded as pro-Communist. To recruit reserve officers from well-educated civilians is presumably to make a better Army than to have it led entirely by service-academy graduates. Or is it?

An effort to discredit, weaken, and even destroy the great institutions of higher learning in the United States would surely serve the purposes of the nation's enemies. The colleges and universities are essential to a healthy society. To throw them into confusion, to set them back for a generation, is a goal of great magnitude. To arouse America's conventional society against its youth is a grievously wounding tactic.

It is well established that radical teams have traversed the United States, going from campus to campus, seeking to stir up trouble. Familiar faces have been seen at the demonstrations and riots from coast to coast.

Several professional radicals came to Kent State a few days before the tragic events there last May. Yippie leader Jerry Rubin spoke at a rally. His repulsive bombast about killing parents was not well received. The FBI reports do not support the view that any of the disturbances at Kent State during May 1–4, 1970, were planned by members of the SDS.

PROTECTIVE HANDS

Yet there are plenty of evidences of a revolutionary underground or many undergrounds in the United States. Two honor graduates of Brandeis University who were accused of taking part in the shooting of a policeman incident to a bank robbery in Boston disappeared into what seemed clearly to be protective hands. They had been involved in revolutionary activities for several months.

The tragic case of Diana Oughton, who was blown up while in the act of fabricating bombs in Greenwich Village, most vividly illustrates the radicalizing of well-educated, cultivated, wealthy young people. She was part of the Weatherman group.

It is reasonable to suppose that some Moscow money, some funds from Peking and even Havana, have gone to pay for radical activities in the United States. But it would be my guess that for every dollar that may come in foreign Communist money, there are $100 in native American wealth.

Here is one poignant example. An SDS leader in a major university area was the son of a millionaire in the Southwest. The father drank heavily, sometimes beat up his wife and his son. When the young man reached 21 his father gave him $200,000 and said: "I never want to see you again." Every penny of the money went into the SDS coffers.

PANGS OF CONSCIENCE

Probably this case could be multiplied many times. There are hundreds of young people in the United States, inheritors of great wealth, who today suffer from pangs of conscience. Their money flows into radical channels. Moscow can save its dollars.

Charges are made of infiltration in college faculties of Communists and other subversives. In the 1930's it is well known that Communists did infiltrate many levels of American life. Marxism had many converts in academia. It would be naive to suppose that there are not such sympathizers today.

Indeed, some faculty members proudly proclaim their adherence to some form of Marxism, like the redoubtable intellectual leader of the extreme Left, Prof. Herbert Marcuse of the University of California at San Diego.

Such identified Marxists may confuse young minds but they are not secret agents and not always activists. They are part of the academic freedom which is so vital a part of a free society. The errors they teach must be counterbalanced by more sound and convincing views on the side of what most of use regard as truth.

The trouble is with less identified teachers, and with liberals so freewheeling as to suggest destructive nihilistic thought and action. There are also professors and junior faculty, in many disciplines often far removed from politics or history, who are exceedingly active in protest movements. Some of them have been identified in actions verging on the criminal, and of course they should be sought out, punished, and removed from teaching.

REVOLUTIONARY APPEAL

A meeting at Columbia University in September, 1965, of the First Annual Socialist Scholars Conference brought together a good many active revolutionaries. A Yale professor at the meeting was quoted as saying, "I wonder whether every teacher who calls himself a socialist doesn't have a duty to become a professional revolutionary."

The influence of such teachers cannot be denied. It is difficult to control. It can be countered not by witch-hunting which denies freedom of thought and teaching, but by even more vigorous presentation of sounder views.

Despite evidence of some external forces, it still seems clear that the basic causes and instruments of violence on American campuses are home-grown. On the fringes of the counterculture that has grown up are the terrorists and the "crazies." Newsweek in its issue of Oct. 12 carried a revealing interview with a young Vietnam war veteran, member of an all-white, all-male revolutionary gang.

"The people," he said to the Newsweek reporter, "have to be told we're not really a bunch of Communist murderers in disguise. We want change now. And nothing is at our disposal but violence. We can't even demonstrate without getting clubbed and teargassed. Well, if we can't live in peace the rich can't live in peace. There will be all-out war within a year. And when the pig picks up arms this time, he won't get rocks and bottles back—he'll get rifle rounds."

UNDERGROUND PRESS

There is plenty of such talk going round, especially in the so-called underground press. There is a Liberation News Service supplying these papers with revolutionary copy. Some of it feeds into the regular campus press.

Some of all this may well come from external enemies. But on the evidence, much more comes from the elements of an age of war, of violence, of disillusionment, of mass neurosis, of a society partly sick.

We will help heal this ailing society more effectively when we diagnose it accurately. And the diagnosis takes us deep into American social and political conditions.

Some Campuses Avoided Violence

(By Erwin D. Canham)

Only 5 percent of United States campuses experienced any sort of violence this year. Only 30 percent of campuses were involved in any degree of strike activity during the tumults of May, 1970.

The quiet places were not all apathetic or heedless. Many of their students were responsibly concerned with their nation's policies. Many opposed them.

But somehow they had learned the ineffectiveness, indeed the folly, of violence.

Something of this lesson has spread from the 70 percent to the others, in this fall of 1970. Reaction to the Portage County grand jury's findings on the Kent State episode has been very mild. Though the grand jury indicted many students and exonerated the National Guard, the Kent students behaved moderately and demonstrations did not break out elsewhere.

Why were the 70 percent tranquil throughout?

Because conditions prevailed on their campuses, quite irrelevant to national or international policies, which either prevented or curbed disorder.

Many colleges and some universities are still church-related. Generally speaking they have a deep sense of order. Many of them also have rather rigid measures of control, and many of their students feel a sense of inner religious commitment to discipline.

Brigham Young University, in Provo, Utah, is a vast, swiftly growing institution under the control of the Church of Jesus Christ of Latter-day Saints. Its students are profoundly motivated by their religious commitment. Ernest Wilkinson, president, has maintained firm standards of faculty control and student discipline.

His students, however, reflect the mores of their faith in their daily lives. Among other things, they have little sympathy for conscientious objection. Many of them have served valiantly in all recent U.S. wars.

The Mormon Church also engages in extensive youth activities. Its young men are inspired to spend two years of their lives in active missionary work, far from home and basically uncompensated by the church itself. Family units are zealously maintained in close relationship. Religious discipline permeates all aspects of individual conduct.

Naturally, even in the relatively freer atmosphere of university life, these standards and inner controls hold over. Thus the university is able to preserve order within itself and in its general community.

DISTURBED SEMINARIES

Other church-related or influenced colleges or universities have shown varying measures of the same tranquility. But not all, by any means. Some institutions actively administered by members of religious orders have had their share of protest.

Fordham University in New York was more than once disturbed by protesters. Boston College was occasionally the scene of student strikes which put intense pressure on its administration. This despite the fact that they, like many other universities and colleges, are closely related to the Jesuit order and are administered by clergy.

Even seminaries for the training of clergy often have been very lively places. Students who also would seem to have a genuine religious commitment have been led to protest, sometimes violently. Their "witness" was to protest, first perhaps nonviolently, but then occasionally in the occupation of executive offices or other campus facilities.

In general, the smaller colleges with backgrounds of church relationship have escaped bad trouble. Partly this was caused by their frequent isolation from urban areas, their size—which permitted an atmosphere less boisterous than the multiversities—and by the skill and wisdom of their administrations, their faculty, and student leadership. And, of course, many of them enjoyed the kinds of inner disciplines manifest at Brigham Young University.

The vast majority of institutions, church-related or not, for these and many other reasons, have been peaceful. Many of them were politically alert and civically active but they found ways to avoid disruption.

A good illustration was Bates College, in Lewiston, Maine. There the students were hit as vigorously as students were universally by the news of the four deaths at Kent State. The student leaders called for a mass meeting on May 5. They invited faculty members and the college president, Dr. Thomas Hedley Reynolds, to address them.

After a good and vigorous discussion of all sides of the Vietnam and Kent State situations, the students voted 214 to 142 to "strike."

However, many students also signed up for various committees to work within the community. They also wrote letters to members of Congress and marched to the post office to mail them en masse. They marched peacefully and were well received in the community. They organized a special program to give blood to the two hospitals. They organized more than 200 of their number to work with the Department of Sanitation to give Lewiston its annual spring cleanup.

Dr. Reynolds says: "We weathered the storm without losing our integrity or compromising our position as an educational institution rather than a political one."

A good many American college presidents would echo some such views. Such is the prevailing climate on the overwhelming majority of small campuses and a few of the big ones.

The prescriptions by which order can be inner discipline of students and faculty, preserved on campus differ widely. There is clearly nothing that works so well as Wisdom, common sense, openness on the part of administrations are invaluable.

Furthermore, it is the elite institutions that have had the worse trouble. The degree of political and sociological awareness has a lot to do with the climate. The average income of the families from which students come would not be a bad indicator of the tendency to violence. A sense of guilt generated by affluence and inherited wealth runs through much of the protest movement.

And there is "permissiveness." The religious precepts accepted at Brigham Young are carried out in institutional policy by President Wilkinson. He believes that proper university management can minimize what he calls anarchy. He feels the notion that universities are enclaves or sanctuaries should be dissipated; that taxpayers have a right to intervene through legislatures; that trustees need to be more active and should delegate power to presidents rather than to faculty committees; that faculties should be under better control and more heavily focused on teaching; that "rigorous discipline" should be restored; that schools should not close early or give credit for courses not completed; that courts and judges should be more severe with students; that there ought to be better business management of institutions of learning; and that students rather than institutions should receive direct financial aid from legislatures.

This mostly severe set of recommendations illustrates the wide range of view held by responsible educators. Whether what works at Brigham Young would succeed at Yale is scarcely worth speculating upon. We are a pluralistic university society.

But the quiet places are sitting happily back, a satisfied look on their faces. Junior has been taken to the woodshed (or was taken there, figuratively or spiritually long hence) and all is tranquil. For how long is anybody's guess.

Black Students—They Speak Out for Their People

(By Erwin D. Canham)

Black students play a spectacular role in the present era of student protest.

Their motives are profoundly different from those of white students. They are protesting against the consequences of centuries of discrimination and repression. They are protesting the still widening economic gap between blacks and whites in the United States. They are protesting for the opportunity to compete on equal terms in white America.

Knowing education to be the key to progress in American society, they are protesting for a fair chance.

"But," many white Americans will ask, "don't they have a fair chance now?"

The answer is emphatically "No."

First of all, most blacks can only attend distinctly inferior elementary and high schools. They are poorly prepared for college and university. They come from impoverished homes. The average family income of students in black colleges is less than $4,000 a year, as recorded by a report of the Carnegie Commission on Higher Education.

The black colleges themselves, where about 50 percent of all black students are enrolled and which in 1968 accounted for 80 percent of the degrees earned by all blacks, are largely impoverished and deprived.

LARGE NEED POORLY MET

The predominantly black colleges and universities still suffer at the hands of government. The total federal financial aid to higher education in 1969 was over $4 billion. Of this only $119 million, representing 3.5 percent of the total, went to predominantly black colleges and universities. Yet their need was relatively greater than that of the white institutions.

The chiefly black land-grant colleges and universities do not get a fair deal at either state or federal levels. Federal and state aid to such white institutions totals $650 million a year, while the predominantly black land-grant colleges in the same states received only slightly more than $70 million. Per student, that amounts to $1,365 for blacks and $2,300 for whites.

Protest on the mainly black campuses has been less disruptive and violent than at many white institutions. More students, coming from poor farm families, are soberly intent on getting an education. The religious background which underlay many of the colleges still persists in disciplines and attitudes.

The spectacular demands of black students at largely white institutions relate mainly to black aspirations for identity, pride, and opportunity. Beginning in the middle 1960's, blacks have sought facilities and curricula which permitted them to strengthen their sense of identity as blacks rather than submerge it in white institutions.

SPECIAL EFFORTS FEASIBLE

Thus they asked for special black residences, representation on various committees, and black study programs. Scholars agree that there has been shameful neglect of black history and culture. But the programs being set up must be academically responsible. Special efforts can well be made to compensate for the neglect of the past. But it will do more harm than good to set up programs that are either unsound in scholarship or present a new form of indefensible racism.

The black student movement, whether at mainly black or white institutions, is at the very heart of black aspirations in America today. One black educator has written: "Campus unrest among black students . . . represents the opinion, feelings and attitudes of the black communities in general across the country. The frustration, anger, outrage, fears and anxieties of black students are expressive of the same feelings and emotions which exist among a large spectrum of the black population—'moderate' as well as 'militant.' "

WIDENING GAP

My months of contact with the four black members of the White House Commission, who could be classified as "moderates" by any standard, convinced me of the truth of this statement. There were many personal differences among them, as they were among the whites, but from a young Harvard graduate student to a West Point lieutenant general they expressed eloquently the feeling that blacks in America are in many significant respects worse off today than they were 10 years ago.

This statement seems incredible to many whites. But if you look at various measuring sticks, the conclusion is impelling. The relative income of black families compared with white has not increased. They have run hard, but not stayed in the same place. They have fallen behind.

During the 30 years from 1940 through 1969, the percentage of black men and women between 25–34 with four or more years of college increased less than the percentage of whites of the same age group. Thus an already wide gap was further increased, despite a numerical increase in black college enrollment.

Between 1964 and 1968 the total of nonwhite college-trained males in the labor force (and perhaps this is as relevant a statistic as we could have) rose by 13,000 from 266,000 to 279,000, or slightly less than 5 percent. In the same period, the number of whites in the same group rose by almost one million, from 5,158,000 to 6,076,000, or nearly 18 percent.

In 1969, one black male in 14 in age group 25–34 had received a college education. For white males in the same age group the figure is one in five.

ALL-WHITE COURTS

In 1968, a black high-school graduate earned less than a white male who had only completed grade school. A black who had completed four or more years of college earned less than a white who had completed only high school.

An American black rarely sees another black on the side of the authoritarian fence. Revius Ortique, the eminent black lawyer who was a member of the Scranton Commission, pointed out that although blacks make up a large percentage of those called into the courts of law, there is hardly a black judge, a black bailiff, a black sheriff, or other officer of the court in a large part of the nation. No "soul brother" face is to be seen on the establishment side.

A similar dearth of blacks exists throughout the nation at all levels of authority. It may be pointed out that blacks have not been able yet to qualify for many of these jobs, but it cannot be denied that many have lacked opportunity even to try to do so or have been discriminated against in the process of doing so.

Thus the blacks push forward for higher education. Nearly all Americans give lip services to the goal of more and better education for blacks. Not all of them mean it. Some whites fear a better-educated black. They know, correctly enough, that better education—for a time at least—will not lessen but will intensify pressures and unrest.

The better-educated black has a more acute sense of what he has been denied down through the years, and in many respects is still being denied. Thus the awareness of repression grows, even when the fact of repression does not. It is the awareness that creates the climate of unrest.

PERSISTENT MILITANCY

There will continue to be pressure for greater financial support for the chiefly black colleges and universities. They need and deserve it. If they continue to be victimized by unfairness, by a deliberate and fearridden effort to starve black education, there could be serious trouble.

In the chiefly white institutions, there will continue to be plenty of black militants. They will keep on demanding more and more recognition of their identity as blacks. Most of them will not wish to be integrated, to be absorbed into white society even on the campus. In the long run, they accept integration as a goal but only after black identity and dignity have been affirmed and protected.

Some of their militance may be extreme, for they are protesting against old grievances newly exposed and exacerbated. And they, like white groups, have been infiltrated by revolutionaries. Some of them have affiliations with Communist and other Marxist elements in the world. They are angry and violent.

The sense of repression felt by many blacks is so great that they do not hesitate to describe it as "genocidal." This usage is hard for whites to grasp. They mean that their very sense of entity and being is under pressure from a society which—consciously and unconsciously—is aggressively white and always has been.

If the goals and aspirations of black students are reasonably met—better institutions, better recognition of blackness everywhere, better chance to compete—their still increasing alienation from American society can be stemmed. Thus the campuses offer a magnificent opportunity to make progress in healing what is surely the deepest and saddest breach in American life.

The Unstudents—Frightened, Lonely, Lost

(By Erwin D. Canham)

The problem of nonstudents and semistudents and the street people who surround most college and university areas in the United States is increasingly severe.

Many of the activists who make most of the trouble come from these largely nonstudent groups. The blame comes back on the university itself.

Moreover, the satellite areas contain elements which run the whole gamut from crime and tragedy to idealistic utopias. These communities are likely to enlarge in the United States. They may become permanent. They must be understood, not just eyed with distaste or bewilderment.

The makeup of the "culture islands" is very diverse. They include:

Students who prefer not to live on campus, or for whom the university has no accommodations.

Nonstudents, camp followers, hangers-on: the street people.

ACCOMPANIMENT OF CRIME

Dropouts or runaways. There are hundreds of thousands of these in the United States each year.

A grim underworld of crime: drug-pushers, thieves, merchants of vice.

Young adults living together, sometimes married, sometimes not, often with children, but attracted to the freedom of the new communities.

The atmosphere of such areas also varies widely. In large cities they blend with the slums. As criminal elements have moved in they have become armed and terrifying. It is blood chilling that such places should be havens for alienated children running away from home.

Even where no large-scale defined communities have grown up, there are apt to be a considerable number of street people floating in and out of university and college towns. They are everywhere.

And every resort area, every attractive climate in this nation, has drawn to it in appropriate season part of the floating population of youths which is one of the most striking aspects of 1970 America. Their mobility is incredible. It has girdled the globe, from Acapulco to the Himalayas.

VIOLENCE OR GENTLENESS

There are also the communes, from the cities to the countryside, from Vermont to the Pacific foothills, resembling to some degree the utopian colonies which have marked America for two centuries. When these communes launch into the crimes of which the Manson group is charged, the blood runs cold. Often, however, they show the gentleness and love of Brook Farm and Bronson Alcott.

Through many of the street people and the communes runs a deep religious streak, as the saffron-robed, shaven chanters and dancers of the Hare Krishna remind us in so many cities. There are more than a few mystic or robed orders running communes, asking money on streets, living lives of retreat.

It is hard to find accurate words to described the pervasive phenomenon. For many, no doubt, it is a search for life-styles that will reflect greater freedom, individuality, and openness than the conventional culture. There is a deep sense of sharing, of community, of willingness to help others. Peace and love and nonviolence are preached. Some of the most noble of social elements mingle with some of the most sordid.

If these mixed youth communities are to become permanent, we must find ways of helping them reduce crime and achieve genuinely and legitimately the freedoms they seek.

Whatever happens, many of the street people are in desperate need of help. They need health services. They need psychiatric aid. They are getting very little.

COLD REJECTION RECORDED

Dr. Joseph Brenner of Massachusetts Institute of Technology, founder-director of the free Cambridgeport Clinic in Cambridge, Mass., has told the touching story of the 2,300 to 3,000 dropouts he estimates to be wandering on his city's streets. One youth, suffering from a bad trip on LSD, was asked if he had a friend with whom the physicians could talk. Yes, he said, his best friends were in the waiting room. They were, indeed, glad to help. But they had only met the youth that evening as they waited for help themselves.

This love and understanding between the street people were not matched in another experience recorded by Dr. Brenner. A 19-year-old girl from a comfortable Boston home had run away, become ill, needed home care. When Dr. Brenner called her mother he was met with a stream of abuse, told she "couldn't care less." Renewed efforts met with cold, hostile rejection.

SATELLITE AREAS GROW

Unhappily this alienation happens many times. On the other hand, many of the facilities set up to aid the runaways are successful in reuniting them with their families. But the rescue services usually have to be rendered by very sympathetic persons, near the peer group of the sufferers.

One such project, just one out of many in the nation, is run in Boston's South End by theological students from nearby institutions. It is called Project Place. It announces itself widely in the underground press. It runs an open line of continuous telephone counseling, especially for drug victims.

It offers refuge to its share of the estimated 750,000 runaways in the nation each year. Staffed by young people, many of whom have been dropouts themselves, it counsels them on health and psychiatric problems. It gives them food and shelter. Last year 5,752 bed-nights were offered in the two Victorian town houses in the South End. Often 30 young people will be sleeping in their residential accommodations while another 60 are bedded down on the floor in reception rooms.

A related but different problem focuses on the growing satellite communities, such as Isla Vista, beside the University of California at Santa Barbara, but 10 miles from that city itself. There 9,000 students (for whom the university has no living accommodation) and 4,000 others are grouped into a "community" without official government of its own, isolated from urban or much suburban life. The magnificent setting beside the Pacific has been wasted. Multiple-unit apartments and private dormitories predominate. Privacy is hard to come by. There are too many dogs.

INFORMAL GOVERNMENT SET UP

The "community" is an unincorporated area of Santa Barbara County, under the government of its board of supervisors. It has many needs, from sidewalks to law-enforcement officers based in the community. To meet the need of government of its own, an unofficial Community Council has been set up, for which all over the age of 16 have a right to run and vote. Students are "enfranchised" by this extralegal device, and there is much inner community feeling, based on shared need and outlook.

Here it was, however, that rioting broke out last spring, with intemperate violence on both sides. There could hardly have been a more distressing situation. Isla Vista is still there, an entirely abnormal situation, but with many concerned people wondering how it will evolve. As universities continue to expand, often not being able to provide enough dormitory housing, students will expand into neighboring areas. Their mingling with all the other disparate elements of the youth culture can intensify problems.

But it is the wandering young people, not just the students, who offer a challenge to America. In so many cases they are frightened, lonely, lost, seeking identity and place. Some of them are grim evidence of the breakdowns of family life in the United States. They also show, especially in cases where families have done their best to understand and communicate, that the pull of the youth culture and the "freedom" of the new society is a very magnetic pull indeed.

Conceivably such communities could evolve into healthy situations. Idealism might come out on top. But for this, the nation must make greater progress in controlling the drug problem. Drugs are the manifest curse of the youth culture. The problem of illegal marijuana begins to resemble the problem of prohibition. Law enforcement is difficult to the point of impossibility. And marijuana opens the door to hard drugs.

ORPHANS CAN'T BE ISOLATED

There is also the problem of organized crime, which has found a field day among the street people. Especially through drug addicts who must steal to pay for their fixes. Drugs and familiar crime are far more pervasive than revolutionary activities in the enclaves of the street people. But terrorism is planned there, too, with easy chances for concealment.

America cannot isolate its orphans. It cannot hound them out of existence. It cannot club or shoot them off the streets.

And I suppose there is no reason why youth communities should not exist, just as "golden age" ones do.

But the millions of wanderers, the hundreds of thousands who dwell in special areas and communities, must be kept in healthy relationship with the total society.

All the circumstances which lead children to run away need prayerful, sensitive consideration by parents. The factors which have produced a drug culture need to be curbed. The sources of alienation need to be reduced. All this can gradually come about as the two cultures listen to one another, strive to understand one another, and find meeting grounds on which both can serve the goals—as there are such goals—on which both agree.

HOW NOT TO START A RIOT

(By Erwin D. Canham)

The two cultures in America meet face to face these days on Main Street in any university town.

Of course, town and gown have met—and clashed—as long as universities have existed. More blood was spilled thus in the Middle Ages than ever since.

But today university authorities, police forces, the National Guard, the governors, and the federal government have a large collective problem of law enforcement.

It is not an easy problem. On the terms and methods of its fulfillment a good deal of peace or strife depends.

I for one applaud President Nixon's order to the Federal Bureau of Investigation to investigate criminals on campus. The subversives and terrorists, whether students or perhaps in some cases even faculty members, should be ferreted out and prosecuted under due process of law. Their incendiary activities taint and sometimes beguile honest students.

It is important to find out where the real plotters and terrorists are on campuses and in their vicinity. Thus intelligence work is vital. The use of police undercover agents posing as students is tricky. There is danger that the campus atmosphere will be poisoned by the belief that undercover agents are lurking in every classroom and that dossiers are being prepared and stored on every outspoken student. Yet a good deal can be done without harm. Skillful police work can be preventive insurance. Skill pays off all down the line of law enforcement.

"INTELLIGENCE" CAN BE RISKY

The authorities should not be gullible in their assessment of so-called intelligence. The civic officials at Kent State said freely they were convinced—as Gov. James A. Rhodes hinted he was when he called in the National Guard—that planeloads of dangerous radicals were landing at nearby Akron and Cleveland. These rumors were entirely false, but they seemed to have influenced the decisions of the authorities. Every military officer knows well the dangers of false "intelligence."

When it comes to the issue of subversive teaching, as compared with overtly illegal acts or incitements, we enter very difficult ground. Some teaching may be dangerous but not illegal. Then it is the problem of university discipline and responsibility. We cannot have thought control, or idea control, in the free society we cherish.

Mass meetings can be held and very violent things be said without breaking any law. The police come into the arena when there is disorder and the danger of criminal acts. Their role on the campus is tremendously difficult. Yet, despite high emotions, in May, 1970, in hundreds of cities, thousands of policemen coped with mass student demonstrations with exemplary skill. The tragic spots, like Kent, Jackson, Santa Barbara, etc., were the exceptions rather than the rule.

EFFORTS AT IMPROVEMENT PUSHED

It is widely agreed that police forces in the United States need upgrading in pay, professionalism, and training especially to cope with civil disorder. Efforts are under way, legislation has been passed, to improve the quality of police work in the United States. Every step in this direction will increase respect for the police. A police system is sometimes no stronger than its weakest link. A single ill-advised act can precipitate a riot—unnecessarily and undeservedly.

The police are under terrible attack in America today, especially in urban slums. They have been rarely attacked physically on campuses, especially with lethal weapons.

And so, despite the legendary hostility between some police forces and undergraduates, it is frequently observed that those policemen who have the most contact with students like them best and handle them most skillfully. They tell me, around Boston, that police regularly assigned to beats that bring them in contact with students can be distinguished readily in riot situations for their skill and understanding as compared with the men brought in from other areas.

University administrators and law-enforcement professionals must have learned a lot this year. They can overcome many past mistakes. They should have plenty of discussions, long before trouble starts, planning what they will try to do to cope with various situations. It must be decided in advance who will call in the police, who will give the orders as the situation continues.

Police need the right tools with which to handle or disperse crowds. These include protective devices and nonlethal weapons. Many imaginative suggestions have been made but relatively little progress has been seen in new measures and skills.

TRAINING FOCUSED ON WAR

When and how to disperse an illegal assembly, when and how to break up a sit-in or other illegal occupation of property, when and how to handle an actual mob—these are all technical skills that benefit from sophisticated knowledge. Some of this analysis is taking place, but more is needed.

Yet, compared with police forces both local and state, the techniques of the National Guard are far behind. This is not really the guard's fault. Criticism of the guard at Kent State is resented by many who realize the guard's legitimate and worthy role in the whole panoply of national defense and civil order.

The trouble is that the National Guard has been assigned tasks for which it had limited training and improper equipment. The disgrace lies with those who failed to foresee these fatal flaws. Between September, 1967, and June, 1970, the guard was ordered to help in curbing civil disorders, urban and campus, 221 times. They were required to play almost no role in Southeast Asia. And yet their training remains overwhelmingly for war. Their six months' initial training is identical with regular-Army troops. After the 1967 disturbances they were required to have 33 hours of training for civil disturbance, but the requirement was cut back to 16 hours annually and 8 hours for new recruits, with no such training to take place during summer camp.

STATE POLICE OFTEN CAN DO BETTER

Typically the guardsmen do not have as good protective equipment as police have. In many cases their weapons are entirely unsuited to crowd control. Of course the men and officers earnestly apply themselves to their tasks. But with limited training and poor equipment, their morale for crowd control can hardly be very good, their self-confidence is weakened, and fear or anxiety creeps in.

Many responsible officers are working hard at better training of the National Guard for their tasks. And in most instances the guard has functioned well. It remains an essential part of ultimate law enforcement. But governors must think responsibly before they call in the guard. Often the state police can do a better job where local forces—as in small communities—are inadequate.

The act of calling in police to a campus should be wisely considered. Often such an invasion can precipitate a riot when a crowd would have subsided of itself. Quite possibly this would have happened both at Kent and at Jackson. But of course force and a firm line are sometimes badly needed.

One of the best examples came at Dartmouth College in May, 1969, when a protesting group had occupied the administration buildings. The college authorities obtained an injunction from the court, and the state police were called in from both New Hampshire and Vermont. They evicted the students who were breaking the law without use of clubs or other weapons, all under the watchful eye of Gov. Walter R. Peterson Jr. His personal presence and careful advance planning and instructions prevented worse rioting. Students and faculty were subsequently prosecuted; many served brief terms in jail.

The role of law enforcement is under siege in the United States today. The police have been elected for special vilification throughout the revolutionary underground. The courts are similarly attacked. It is well understood by those who wish to destroy the system that law and law enforcement must be undermined first.

MERE REPRESSION POSES THREAT

The response of law-enforcement officials and of the public will make matters worse if it is merely repressive. The only alternative more dangerous is vigilantism.

But intelligent, carefully prepared sensibly equipped police work can support law more than anything else.

Nowhere is this crisis being acted out more decisively than on the campuses. The score is not bad. Utter tragedies have happened in only a few places, although their effects sweep like wildfire across the nation and around the world.

The police task is exceedingly difficult. It becomes almost impossible when kidnappings and the holding of hostages occur. Recent events in Canada and the Middle East have shown the frequent helplessness of law enforcement.

There are not enough police officers, there is not enough National Guard, to enforce the peace if a sufficient proportion of the citizenry—on campus or off—becomes alienated.

Wise students will behave themselves for fear of destroying the entire system. Wise officers will show skill and proper restraint.

There is much that can be done on both sides to help restore order in the most effective manner. Planning, equipment, intelligence, cooperation—these are all significant.

No free society can achieve real peace with guns. And so the problem of law enforcement, like all other aspects of the current clash of cultures, comes back to understanding.

RESHAPING THE UNIVERSITIES

(By Erwin D. Canham)

It is possible that out of present turmoil, American colleges and universities will be reshaped into the kind of communities of teaching and learning they ought to be.

Certainly massive efforts are under way to diagnose their ills and prescribe cures. The Carnegie Commission on Higher Education is in the throes of producing a report of some 80 volumes. And just about every institution is engaged in deep, traumatic introspection.

It really is no wonder they are in trouble. The big ones have grown faster than anything has a right to grow healthily. They are distorted by such pressures as that for open admissions, or for major public or private services they really should not perform. Costs of operation are going up dizzily. Sources of revenue are shaky, whether at the decision of legislatures, wealthy alumni, or foundations.

In a time of vast social and political change, universities and colleges are breeding grounds and arenas of conflict for all sorts of ideas. They should be. But the fact makes them vulnerable.

SPOILERS SEEK CHAOS

Moreover, anarchistic revolutionaries who would destroy the entire system seek shrewdly to destroy the universities first. They do not want restructuring and reform. They do not want real freedom. They want chaos. Fortunately there are only a few of these spoilers, but a few can do great harm.

The rest of us, the great majorities—silent and otherwise—must through our support see that institutions of higher learning are not weakened or destroyed.

It is perfectly evident that great changes must be made. The goal is to restore institutions of teaching and learning, true communities of scholars and doers, exemplars of character building and mind expansion.

They are also centers of research and exploration on today's vast and dizzy frontiers of knowledge. Never was there greater need for true universities and colleges, for never did knowledge need to be understood with greater insight and wisdom.

Start with the colleges. They are more easily remodeled. They can be quite selective in their admissions policies. Therefore they can come close to shaping a student body which is appropriate to the particular function of the college. They need not include students rebelliously or apathetically there just because their parents went, or they need a work license, or seek a status symbol.

QUESTION TO ASK

Perhaps the best question parents, students, and the college could ask is: "Why go to college at all?" If the purpose is one of true self-development, not a four-year interlude before the reality of work, and if the development is handled with academic discipline, through communication with authentic teachers, the experience is invaluable.

The best of colleges could be truly thoughtful, truly scholarly, truly committed to sound and competitive social values. They could develop leadership. They could be genuine communities in the way a multiversity never could be.

Their faculties should be carefully chosen for dedication to teaching and learning, and for their recognition of academic responsibility as well as academic freedom. Academic responsibility is an easy phrase. What it means to me is that there should be an honest and fair fight between conflicting ideas and interpretations of facts.

There has not been such a fair fight in recent years. The trend of academic teaching has been heavily to what is called the left. That's all right if competitive views are adequately presented and taught, so that students have a real choice.

It is just as misleading to have an economics department made up of all liberals as to have them all conservatives. The trouble is that the system feeds on itself, and fewer conservatives are being produced in the graduate schools. An academic rebel on the right should be very welcome these days.

ADVANTAGE ENJOYED

The college has the inestimable advantage of close relationships between students, faculty, and administration. Workable systems of governance are possible by which students can participate in matters affecting them most nearly, and faculty can collaborate closely with administration—and even trustees.

Admirable systems of college governance are being hammered out these days. They need not make campuses over into New England town meetings. But they can achieve far greater participation and communication than ever before. They can build closer-knit, healthier communities than ever before.

The problem of the big university is far tougher. There should certainly be limits on their giantism. Or they should be subdivided into colleges or clusters.

They have great advantages, especially at the postgraduate level. But they have lost human scale, they have ceased to be communities. They have naturally been the scene of the worst violence and revolutionary plotting. Their presidents and deans deserve sympathy, and more often than not, respect.

With universities the need is to sift out the people who should not be there at all, and help them to find their right learning experience elsewhere. Vocational and technical schools are admirable for many, and should not be confused with universities.

It is possible that a good deal of the responsibility for vocational education should be transferred to private enterprise. Business and industry might well maintain directly (as they do now in some part) and indirectly the training process for many of their employees.

They would receive training in circumstances far more conducive to learning and motivation than at present. What is now a resented symbol—the diploma as job ticket—could be part of the overt process. Hypocrisy would be ended.

UNIVERSITY ROLES PERVERTED

Universities have been very bad in their deviation from the basic role of teaching, learning, and even of research. Government has moved in, with its billions. Deans and professors build empires with federal funds. Some of them become millionaires as private consultants.

The planes from Boston on Thursday afternoon used to be crowded with Massachusetts Institute of Technology or Harvard professors heading for Houston or Seattle or almost anywhere else where the bond between knowledge and industry paid big honoraria. They are not so crowded these latter days, as defense contracting tapers off. And of course, many—perhaps most—took the planes to Washington.

The inflow of federal money has greatly expanded the frontiers of research. Even in defense, there has been very large fallout of knowledge adaptable to a great range of human need. When the fruits of such research flowed freely—without classification as secret—into the channels of scientific knowledge, the advantages were large.

But classified research in universities uses the scholar or scientist in a different sense. He and his institution should be very sure that the service to the national interest clearly outweighs the disadvantages of making the open university a closed agent of defense power. Indeed, many believe that all defense research should be channeled from the open university, dedicated to scholarship, into the special institute totally in government hands.

PRIVATE NEEDS SERVED

Universities also serve private and community needs. There has been a colossal expansion of institutions and departments devoted to urban studies and many other specialized areas of public and private concern. The service role of universities is important. But it is not the primary mission. Students should not have to pay the price.

Indeed, nearly every aspect of the problem comes back to the relationship between teacher and student, and the quality of the teacher. Universities have fallen deeply into the practice of using graduate teaching assistants.

They are by definition inexperienced, and often overworked, underpaid, and distracted by their own degree programs. They can also be academically irresponsible and unbalanced. They are used because they are cheap, and as soon as the universities can afford to do better they should.

TENURE TACTIC ABUSED

The practice of tenure, intended to protect academic freedom, is grossly abused. Before tenure, the department faculty sometimes resembles a club of like-minded zealots with acolytes striving to please; afterward, there is precious little evaluation of quality of work and enforcement of intellectual discipline. It is a wonder the system works as well as it does.

Even with tenure, there is a lot of movement between universities these days. The professor often has little loyalty or fellow-feeling to his institution. His link is with his field of work.

Proposals for free-entry and -exit universities are made. The student is like the patron of the public library. He takes what he chooses, absorbs it at his own pace. Either he gets an education or he does not. Operated recklessly, this could be permissiveness raised to an extreme. Eat what you like.

Perhaps this is no worse than the opposite extreme: cramming the student with course and degree requirements which are ingested under orders and spewed back at examination time, bearing little relevance to the needs of the student and his future life. For the motivated, bright student, the open university would give the chance of an education in jig time, without wasted effort, unnecessary courses, needless expense.

FAITH NOT LOST

Colleges and universities need to win back the public confidence. For many reasons, they have lost it. Their own willingness to accept responsibility for reform will go far toward restoration. Americans have not lost faith in higher education.

The reform program must be comprehensible to those whose confidence has been shaken. Perhaps it can be explained in terms of getting rid of meaningless and valueless rigidities—a step which would seem to be toward "permissiveness"—in order to achieve a deeper sense of structure, purpose, and morale based on a freer, more open, more individualized concept. Truer order can really grow out of self-reliance, purpose, and motivation.

I believe colleges and universities will get their morale back, but they face an era of experimentation which will not restore confidence automatically. We may face an interlude of trial and error, with plenty of mistakes being made.

Out of it all could come new institutions based on old traditions but with more discrimination, more responsibility, more true freedom, more dedication to the one person for whom the colleges and universities exist: the student.

HOW TO CLOSE THE GAP

(By Erwin D. Canham)

It seems extravagant to say that America is slipping dangerously toward misunderstanding and hostility comparable to last century's Civil War itself.

And yet the gap between the two "cultures" in America and in much of the rest of the world is in many ways a bewildering, profoundly disturbing phenomenon.

The "new" or "counter" culture is relatively small. But it has penetrated widely among youth and its thrust goes deep into society itself.

This new culture is marked physically by differences in dress and life style. It stresses values related to humanness and the sacredness of life and feeling. It is often utopian, sometimes mystical, sometimes felt with the fervor of religion.

But the new culture attacks the old: It believes industrial society has weakened human purpose; that the gap between ideals and performance has never been greater; that the American nation is betraying its role at home and in the world.

The old culture attacks the new: It scorns the new life styles openly (while adopting some of them—sideburns, beards, men's bright clothes) and points out that without the economic achievement of the old there would be no margin to support the new.

The divisions are often marked by intolerance, by hate, by fear.

PRINCIPLES AND STANDARDS

Oh, sure, we have been a divided country before, not just in war. Kids and their parents have misunderstood one another in every generation. It is easy to say that a little old-fashioned discipline would set everything straight. Or that if only we could keep those Communists out we would have no trouble. Or suppress the radical professors in college. Or the Eastern liberals. Or something.

When you look hard at the phenomena in American life today, however, you see that the divisions are very deep. There are surface divisions, related to such issues as the unprecedentedly distasteful war in Vietnam. There are deep divisions, related to ethical principles and standards of value. There are crime and violence. There is the narcotics curse. There are the terrorists, and the worst part of their terrorism may be the well-educated, well-reared, delicate and lovely young girls who do not hesitate to make bombs and plant them in public places, sometimes—fortunately—with a warning telephone call.

The integrative fabric of American society—which is its public morality—is in danger.

I do not think this is exaggeration. But I think the situation can be saved. We can make peace.

What are the elements of a peace program?

The first step has already been taken by President Nixon in his latest Indo-Chinese settlement proposals. It must be made clear and credible that the United States is doing everything it can to end the war. This minimizes or removes one temporary cause of national malaise.

The second step has been under way for some time, but with setbacks. We must make swifter progress toward full social justice for America's minorities: the blacks, the Chicanos, the Indians, the poor.

A third step is so impelling that it might provide a platform on which we could all come together. It would be: far more intensive work to find out how badly we have upset our relationship with nature, and what we need to do to make peace with it.

At present, antipollution programs are regarded by many blacks and the poor as an effort to change the subject—a cop-out. We must persuade them that the struggle for social justice does not need to be subordinated, but that if we are making earth's atmosphere unfit to breath or to live in, nobody will survive.

Thus an environmental program on a scale commensurate with the gravity of the problem could bring young and old together, could unify the two cultures in a common cause, possibly around the world. I believe few people, even the doomsayers, have yet realized how massive a program we must have—locally, nationally, internationally—to get the world physically back on the right track. I hope this awareness will grow soon, and that it will help us unite.

Meantime, the two cultures in America should open wider channels of communication with each other. Few of us know what actually is going on in the minds and hearts of the others. Few are willing to listen.

We will hear from one another a good deal we cannot accept. But we can strive to comprehend. The voices of the new culture do not have ready a program of reformative action. Steps they proposed are often wildly impossible of fulfillment. Sometimes they are merely destructive. Nor, indeed, does the conventional culture have a persuasive reform program at hand.

I believe the two cultures should get together to work out practical measures of progress. Criticism and response should join. The two cultures could blend, as America has blended many inheritances down through the years.

There could be an agenda of issues. On them we could work together. Government could give the lead, but the task of developing a program would lean heavily on public opinion and citizen action. Here are some of the ways we could work together:

Recognizing that unilateral disarmament by the United States would be suicidal folly, we could put greater pressure behind the negotiation of limitation of armaments agreements with the Soviet Union. In short, raise this issue to the magnitude it deserves.

Demand more effective grappling with the waste and inordinate power of the defense establishment. Already careful studies of this problem exist. Little is being done to carry out their recommendations.

Curb the political and economic power of the military-industrial complex. An important step, perhaps the most vital, would be reform the rules of Congress so that committee chairmen representing districts with heavy defense benefits would not dictate legislative action. Truly effective popular demand could bring about congressional reform.

Press harder for real tax reform. The present laws are unfair, they distort the whole economy, they give inordinate benefits to a few. The subject is complex but it cannot forever be postponed.

Grapple with the unending spiral of wage-price increases. If national government continues to be ineffective in coping either with trade-union power or managed-price increases, then consumers' strikes can again be pushed. They could be extremely effective.

Encourage young people to participate still harder in the political process. Welcome them. Utilize them. Prove to them that work within the system is better than trying to destroy it.

Awaken the rest of us to the need for greater civil and political participation. Even to vote regularly would be a big gain. General citizen activity in the political process would be a sensational step forward. Apathy is the present curse.

Open doors for young people in the whole range of civil and service organizations which perform so much of the nation's work through voluntary activity. The instruments exist. They have only to be used.

Just ahead—if, indeed, we are to have programs that will cope adequately, with various forms of pollution—we must forge governmental methods of regulation and control of a magnitude never before contemplated in what we would like to keep a free society.

Here are platforms on which the most thoughtful citizens, people of the old and new cultures, could collaborate in working toward solutions.

UNFINISHED BUSINESS

These are concrete, pragmatic, difficult issues. They are certainly part of our unfinished business.

Such tangible steps, and many more, could provide an agenda for interaction by the two cultures.

Transcending them all is the need for mutual respect.

The reconciliation of American society begins in the hearts of us all. Each one of us, on both sides of the gulf, could literally stop backbiting the other. We could reaffirm our common humanity. We could express the love we profess.

Dwellers in the old culture could hear and see the sincerity and meaning of the new; dwellers in the new culture could perceive that history and experience are not dead and valueless, but useful guides for the future.

If the chasm which now yawns in American society can be spanned there is great promise and hope. We must work at it.

TWENTY-FOUR HOUR PATROL POWER IN INDIANAPOLIS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr .BRAY. Mr. Speaker, the Indianapolis City Police Department has used an old tool—the patrol car—on a new plan that shows great promise in coping with city crime rates.

The following article from the November 1970 FBI Law Enforcement Bulletin, by Indianapolis Police Chief Winston L. Churchill, describes what was done:

TWENTY-FOUR HOUR PATROL POWER

(By Winston L. Churchill)

The crime rate has become one of the major issues of the 1970's. Indianapolis, seeking a way out of the seemingly bottomless pit of spiraling crime, has pioneered a new plan using an old tool—the patrol car. Since traditional police practices seemed to have little effect on the crime rate, the Indianapolis Police Department took a long look at old methods and decided to try to increase the protection that one man and one car can give to the public.

In 1969 the Indianapolis City Council, at the urging of the Police Department, passed an ordinance appropriating $650,000 to be financed by a bond issue, for the purchase of 347 new 1969 vehicles. We purchased standard four-door sedans with police package and automatic transmissions. By the time the police accessories were added, the cars cost approximately $2,600 per unit. Not included is the cost of radios which are leased ($144 per year) and insurance ($125 per year).

In September 1969, 455 marked patrol cars were issued to uniformed patrolmen, sergeants, and lieutenants. Since there were not enough new cars to issue one to each man, we decided to issue them to the patrolmen on regularly assigned beats. Superior officers were issued 1968 cars. The department felt that the patrolmen, who are the backbone of any police department, should have firstline equipment.

Rules were published pertaining to off-duty use of cars. Basically officers are urged to use the cars as they would their own private vehicles. Prudence, good taste, and commonsense are stressed. Radio contact is to be maintained at all times and officers are expected to respond to serious nearby calls. Emergency runs are forbidden while non-police passengers are in the car.

VEHICLE MAINTENANCE

Periodic maintenance is performed at the municipal garage, and regular maintenance schedules are set up on the officer's off-duty time. Routine car care such as washing is the responsibility of the individual officer. Monthly inspections are held by shift commanders to check car condition and equipment. Past departmental policy called for the replacement of vehicles every 2 years. We hope that the increased care by the individual officer will lengthen the car life by one-third.

Department research has shown that the practice of off-duty service has saved thousands of man-hours. Formerly cars were serviced and washed during duty hours.

Before the cars were issued to the patrol officers, men coming on duty reported to central headquarters, received instructions from the shift commander, picked up the cars left by the previous shift, and drove to their beats. This procedure took from 20 to 30 minutes. At the end of each tour of duty, the men would leave their beats, come downtown, gas their cars, and park them at headquarters. This practice would sometimes begin as much as 30 minutes before shift change. The time loss meant that the city was virtually unprotected for 1 hour each shift change or a total of 3 hours each day.

The present system allows the department to schedule the rollcalls at locations in the various districts. Sector lieutenants arrive at headquarters prior to shift change to pick up the orders of the day. They meet their men at predetermined sites, such as schoolyards, parks, or other areas where a large number of patrol cars might intimidate potential lawbreakers.

DOUBLE COVERAGE

Oncoming shifts meet the lieutenants, receive orders, and are on their respective beats within minutes of shift change. During rollcall the car radios are left on and the men are subject to call. One important side effect of the program is that the oncoming and offgoing shifts meet at the rollcall sites and exchange information concerning the beat activities.

Now at a time when previously there was virtually no street coverage, the department can, if necessary, utilize double coverage. On several occasions men have been held over when civil disturbances threatened. This was accomplished by assembling the offgoing shifts at designated areas to be used as a fully equipped mobile force.

How do the men like the program? A good indication of their feeling is that for the first time the uniformed men are not as eager to get transfers to the detective division. The men feel that the loss of the car plus the expense of buying business suits for work are not worth the regular hours and weekends off which most detectives enjoy.

The men, with the department's blessing, have added personal touches to their cars. Accident investigation men have added specialized first aid equipment; lockboxes have been installed in most cars to neatly store rain gear and flares. For the first time most cars sport a coat of wax. The department feels that these special touches are an indication of high morale, personal pride, and professionalism among the men.

RIGHT PLACE—RIGHT TIME

When the program was instituted, there was concern in some quarters that incidents which would mar the department image might occur. However, the opposite has been true. On several occasions off-duty men have been at the right place at the right time. One off-duty sergeant was on his way home from a meeting at headquarters when he was flagged down by two women who had heard a tavern owner call for help. He notified headquarters by radio and went to the scene. Another off-duty patrolman driving nearby with his 8-year-old son heard the call over his radio. The patrolman put his son inside a nearby warehouse and told him to stay there until he got back. After aiding the sergeant in the capture of three robbery suspects, the patrolman returned and picked up his son. Other instances of men assisting at the scene of serious accidents, searching for lost children, and rendering emergency first aid to neighborhood residents are commonplace.

INCREASED PROTECTION

Economically from the citizen and businessman's viewpoint, the new program is inexpensive compared to the protection rendered. Initial studies indicate an increase of about one-third more driving time for each vehicle for use during an officer's off-duty hours. The public is therefore receiving this extra one-third more protection for only the operating expense of the vehicles. The manpower in this instance is free. Maintenance records now being stored in computers will enable us to readily analyze expenses and flag any vehicle whose maintenance cost becomes excessive.

The Indianapolis Police Department 24-hour-patrol program is too new to evaluate with any conclusiveness. Nor do we know what permanent effect it will have on our crime rate. We believe, however, that the presence of so many police vehicles on the streets will deter lawbreakers. We have experienced a decline in burglaries and vehicle thefts during 1970, but all other crimes have increased. While crime has been increasing at a rate of about 10 percent, the arrests for major offenses in Indianapolis have increased by 43 percent in 1970. We believe the 24-hour-car system has contributed to this arrest increase.

Crime control was the primary purpose in setting up the 24-hour-car system. However, a very welcome and dramatic effect has been made in the traffic area. Our traffic arrests have not increased, yet our traffic fatalities are 39 percent below last year and pedestrian accidents are down 34 percent. We have experienced a decrease in traffic accidents. It appears that the presence of police cars parked and cruising in so many areas of the city has had a definite effect on the driving habits of our citizens.

The Indianapolis Police Department is pleased with the results of the 24-hour-car system. However, we are not satisfied with any increase in crime. We therefore are involved in a continuing research program in an effort to establish new patrol procedures to complement the car system.

The 24-hour-car concept is not the total answer to the crime problem. We did not think it would be, but it has proven to be the useful tool we envisioned. Hopefully it is one of the devices that will help police officers stem the rising crime tide and allow law enforcement to move to the plus side of the statistical ledger.

HIJACKERS OF FREEMASONRY

HON. OTTO E. PASSMAN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. PASSMAN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the New Age magazine, November 1970]

THE GRAND COMMANDER'S MESSAGE: HIJACKERS OF FREEMASONRY

Washington Post editorial of September 9, 1970, commented on the presidential ballot in Chile for a reported Marxist and Mason. It set forth this incredible claim:

"De Allende, a medical man, is no ordinary doctrinaire ideologist. His anti-establishment attitudes may come as much from being a Mason as from being a Marxist."

That is Masonic-hijacking, for it is a distortion of the meaning of Masonry, tending to create fear and hatred and to divert public opinion into a false direction. The invidious nature of the mentioned "anti-establishment attitudes" is obvious from this and similar articles, including alleged socialization of the economy, confiscation of private property, suppression of the press and alliances with Cuba's Castro. Any American Mason knows that these attitudes of atheistic Marxism are diametrically opposed to those of our Deity-conditioned Masonry. The two simply cannot coexist. To claim otherwise indicates either careless editing, woeful ignorance, or deliberate calumny.

Masonry in its history has been the victim of many unfair attacks. In some areas of the world, to paraphrase Shakesphere, slanderous tongues have done it to death. Often we have suffered in silence, content that:

"Be thou caste as ice, as pure as snow, thou shalt not escape calumny."

Yet, fairness and justice impel the observation that the charge now made is so far from reality as to be an outrage. It is a low blow. It is cruelty to those patriot Masons who were responsible for the civil and religious freedoms we enjoy. At its worst it smacks of the rapacious greed and the "big lie" technique with which dictators have confiscated the properties and imprisoned the leaders of our brethren abroad. We have every right to cry foul!

Consider those who have persecuted Masonry and then ask why. One of the first acts of the Russian Bolsheviks in 1917, precursors to our present-day Communists, was to dissolve all Lodges. Bela Kun in 1919 proclaimed the dictatorship of the proletariat in Hungary and ordered dissolution of all Lodges. Spain's first dictator, General Primo de Rivera, abolished Freemasonry in 1925. Mussolini, who tried unsuccessfully more than once to join a Masonic Lodge, having established his regime, decreed in 1924 that no member of his Fascist Party could be a Mason, and proceeded in 1925 to exterminate the Lodges and imprison the leaders. The Nazis, on Hitler's rise to power, dissolved Germany's Grand Lodges and sent prominent dignitaries to concentration camps. Gestapo agents seized the membership lists, looted the libraries and the collection of Masonic objects. Much of this was exhibited in an "Anti-Masonic Exposition" started in 1937 by Goebbels in Munich. This poured over into Austria where Masters of Lodges were confined in notorious concentration camps, including the living hell of Dachau. Similar mistreatment was repeated on Hitler's takeovers of Czechoslovakia, Poland, Holland, Belgium, Norway and Denmark. Nations subservient to Germany similarly were obliged to enact punitive laws against Masonry. General Franco of Spain in 1940 sentenced all Masons in his nation automatically to ten years in prison. When France fell the Vichy government dissolved the Lodges, seized their properties and imprisoned the leaders.

Misguided church heirarchies also have blasted forth Bulls from time to time, trickily directed not against individuals but against the whole Masonic Order, prompted primarily because they could not impose upon everyone their political, social, and religious dictates as long as there were freedom-minded people. They considered the Masons a bar to their desire to dominate. No wonder the Bulls frequently have been coldly received or ignored.

Masonry is tolerant and universal, embracing all men, and all religions with a belief in God. We therefore welcome, for example, a Christian, or a Jew, or a Buddhist, or a Mohammedan. There is no divisive dogma or creed. Many a member of the clergy who graced a pulpit has felt he was a better man and a better minister or priest because of his Masonry. They found in their Lodges high religious ideals amid centers of enlightenment and good fellowship.

Mason-baiting therefore has been the practice of the White Terrors, the Red Terrors, and the Black Terrors. The full sorrowful story includes murder, inquisitions, imprisonment, tortures, looting of treasures and charities and outlawing of organizations.

Why? Why this fanatical hatred? Why this misdirected animus? The answer is simple. It is demonstrated in Masonry's history and purpose. For centuries Masons have opposed intolerance and bigotry, spiritual despotism and political tyranny. They have stood for integrity, for freedom and for individual dignity. They refrain from meddling in politics. They believe in a Divine Power, in morality and in a practice of charity, the teachings of which are derived in Lodge meetings with similar minded men. It is not a secret society. Its design, its object, its moral and religious tenets and humanitarian doctrines are as open and available as the obvious places where we meet. It is not a religion. It is dedicated to bringing about the Fatherhood of God, the Brotherhood of Man and the making of better men in a better world, wiser men in a wiser world, happier men in a happier world.

As individuals, enlightened Masons have advanced the cause of human progress and its republican institutions. They laid the intellectual and spiritual foundations of America. The authors of the great first Encyclopedia—Diderot, d'Alembert, Condorcet, Helvetius—were Masons. When Benjamin Franklin went abroad as an envoy to France and met there with his brethren in Masonry, it was with the moral strength gathered in Masonic Lodges for individual action outside the Lodges. Similarly, George Washington, his most trusted generals and Alexander Hamilton, Robert Morris, Paul Revere, John Marshall, John Hancock, and many of the cosigners of the Declaration of Independence were Masonically so inspired. When Voltaire went to Paris, the year he died at 79, he was initiated into Freemasonry. The ceremony climaxed with Benjamin Franklin handing Voltaire the Masonic apron that the great Helvetius had worn. Voltaire then kissed the apron. As he did so he must have remembered the hounding and killing of Masons who met in the sewers of Paris just before the French Revolution in 1789.

Masons historically have been in the forefront of movements that fired the imagination of freedom-loving people throughout the world. Goethe, Mozart, LaFayette were enthusiastic Masons as was the great Hungarian hero of democracy Kossuth, who found temporary refuge in America. Garibaldi was a Thirty-third Degree Scottish Rite Mason and a Grand Master. Leaders of the Young Turkish Committee that in 1908 forced Sultan Hamid "the Damned" to give their nation a parliamentary form of government were Masons. In Latin America the great liberators, Bolivar, San Martin, Mitre, Alvear, Sarmiento, Juarez, were active members who put into practice their Masonic humanitarian ideals. They were charged in Lodges with teachings that enabled them to become individual champions of democratic progress and of religious and civil liberty.

The hatred of the Nazis, the Fascists and the Communists was not merely emotional. It went deeper. The cleavage was a fundamental divergence of creed, namely, the totalitarian super racial versus the Masonic ideal of equality and freedom and the fulfillment of man's destiny as an individual.

From "the time whereof the memory of man runneth not to the contrary," Masonry always has championed the highest ideals of civilization. When permitted to flourish, those ideals have come nearest to realization

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and in a climate of the highest living standards. Conversely, when suppressed, the humanitarian ideals and freedoms and the welfare of the people have deteriorated.

Perhaps we can best sweep away the rubbish of anti-Masonic ravings with the words of a great Mason and guardian of American freedoms, the man who in 1793 while our first President wore a Masonic apron and laid the cornerstone of the Nation's Capitol in Masonic ceremonies—George Washington:

On August 22, 1790, he wrote this letter to King David's Lodge in Newport, Rhode Island:

"Being persuaded that a just application of the principles, on which the Masonic fraternity is founded, must be promotive of private virtue and public prosperity, I shall always be happy to advance the interests of the Society, and to be considered by them as a deserving brother."

Today our four million plus Masons in the United States happily and proudly join in those sentiments. They number among them prominent statesmen, scientists, businessmen, artists, writers, clergymen, government officials, professional men, military men, rich men, poor men, lawyers, doctors, professors, mechanics, laborers, democrats, republicans, butchers, bakers, and candlestick makers, strong exponents of Americanism all.

We could list hundreds whose names, brilliant in history and fame, adorn schools, streets, and municipalities, the halls of our lawmakers and the executive offices of our government. In this setting, the Scottish Rite of Freemasonary enjoys amazing success and popularity, at home and abroad, symbolizing to all peoples the ideals and principles of freedom, the independence from fear and archaic superstition and serfdom, the dynamic Masonic leadership and action, and the onward march of a free, a wise and a happy humanity. We proclaim in our Scottish Rite what we believe is right and true and honorable and pay homage to our great national heritage and to the beneficent Deity that gave us life. Consequently, since a lie never fits a fact and facts are stubborn things, the attempts at Masonic-hijacking will never succeed. Long may our Masonary live and flourish in the free soil of a free world!

BIBLIOGRAPHY ON DRUG ABUSE, USE, EXPERIMENTATION, AND EFFECTS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. COHELAN. Mr. Speaker, on March 17, 1970, I inserted in the CONGRESSIONAL RECORD an extensive bibliography on drug abuse, use, experimentation, and effects, both behavioral and psychological. This bibliography was compiled by the Committee for Psychedelic Drug Information of Berkeley, Calif.

This committee, which is attempting to encourage a wider dissemination of information on the effects of drugs, has recently compiled an updated bibliography on this issue which may be helpful in attempting to understand the consequences of drug usage and abuse.

Mr. Speaker, I am pleased to insert the committee's bibliography that I hope will be of interest to my colleagues in the House and the readers of the RECORD:

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Compiled by the Committee for Psychedelic Drug Information, P.O. Box 851, Berkeley, CA. 94701. The Committee is a non-profit service organization. All contributions are tax deductible.

For additional copies, please send a self-addressed stamped envelope with any sized contribution to the committee. Thank you.

The Drug Problem—Selected References

Prepared especially for designers and implementors of programs and policies aimed at alleviating the problem of drug abuse among youth.

GENERAL INFORMATIONAL SOURCES

Educational Research Information Center for information regarding ERIC's Document Reproduction Service and Drug Abuse Bibliography write ERIC at 4936 Fairmont Ave., Bethesda, Maryland 20014.

National Clearinghouse for Drug Abuse Information (National Institute of Mental Health) has initiated a 24 hr. telephone service to answer requests for information regarding drugs. The number is Area Code 301/496–7171. Written inquiries may be sent to the Clearinghouse, Box 1701, Washington, D.C. 20013. Requests for literature should be sent to "Publications"; requests for other services should be addressed to "Information Services".

National Coordinating Council on Drug Abuse Education and Information, Inc. *If*—A Newsletter on the latest developments in drug abuse education. Write to the Council, Suite 212, 1211 Connecticut Ave., N.W., Washington, D.C. 20036. Year subscription to If—$3.50.

National Coordinating Council on Drug Abuse Education and Information, Inc. *Drug Abuse Information Service: Grassroots*. The Drug Abuse Information Service is offered at the fixed cost of $60 a year. Included is a monthly supplemental service, and special supplements. Write to the Council, Suite 212, 1211 Connecticut Ave., N.W., Washington, D.C. 20036. (Beginning publication in Fall 1970).

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Science Information Exchange Descriptions of research projects (current or recent) may be obtained. For a full description of services write to the Exchange at 209 Madison National Building, 1730 M Street, N.W., Washington, D.C. 20036.

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THE QUIET ROOMS OF HELL

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. BRAY. Mr. Speaker—

> Captives sick and sunless, all a labouring race repines Like a race in sunken cities, like a nation in the mines. They are lost like slaves that swat, and in the skies of morning hung The stairways of the tallest gods when tyranny was young. They are countless, voiceless, hopeless as those fallen or fleeing on Before the high King's horses in the granite of Babylon. And many a one grows witless in his quiet room in hell Where a yellow face looks inward through the lattice of his cell, And he finds his God forgotten, and he seeks no more a sign . . .

G. K. Chesterton wrote these lines in his famous poem "Lepanto," which dealt with the great naval battle between the Turks and the combined Venetian-Papal fleet under Don John of Austria in 1571. The above quote refers specifically to the plight of the Christian captives in Turkish galleys, who, of course, were set free after the battle was over and the Turks were defeated. But from what we know of the plight of our own men in North Vietnamese prison camps, the description is grimly and tragically true of their situation today.

Throughout all of recorded human history, the blood-spattered annals of mankind's wars have had their added measure of bestiality from treatment accorded war prisoners. The Assyrians, twenty centuries before Christ, slaughtered all prisoners in religious rites. During the siege of Tyre by Alexander the Great in 332 B.C., the Tyrians openly slaughtered Greek captives on the city walls. When the city finally fell, this cost them dearly. Alexander's troops butchered 8,000 Tyrians on the spot and sold 30,000 into slavery.

Roman imperialistic character had a sinister side. After the legions had defeated the Greeks in Macedonia, at Pydna, in 168 B.C., the example of Tyre was repeated: slaughter for many, slavery for the rest. At the end of the war between Sulla and Marius, in 82 B.C., the victorious Sulla sent his prisoners to the arena, to be butchered. After the Roman General Varus was defeated, with his three legions, in the Teutoburger Forest in northwest Germany in 9 A.D., the Roman soldiers not killed in the fighting were crucified, buried alive, or sacrificed to the Germanic gods.

Basil II, of Byzantium, completely destroyed the growing power of the Bulgarians in a hideous 30 years' war. After his victory in 1014 A.D., he blinded 15,000 prisoners, leaving one eye in every hundredth man to lead the tragic mob back to the Bulgarian Tsar Samuel.

The onset of the "Age of Chivalry" modified things somewhat—for the knights and the nobles. Capturing a knight and holding him for ransom was much wiser than killing him on the spot, and thus inviting a blood feud for revenge. Chivalric rules demanded courtesy to prisoners, and moderation in ransom. Froissart, one of the outstanding chroniclers of the time, mourns the fact that after one battle, there had been slaughter of "as many good prisoners as would well have brought 400,000 francs." As a rule, prisoners were released on their word of honor to return at a given date, with the ransom. Few knights broke the pledge.

Shakespeare, in his "Henry V," has King Henry order every man to kill his prisoners, during the battle of Agincourt in 1415. However, in the two speeches in the play immediately following Henry's order, we find two different opinions:

> Fluellen. "Kill the boys and the luggage! 'tis expressly against the law of arms: 'tis as arrant a piece of knavery, mark you now, as can be offered; in your conscience, now, is it not?"
>
> Gower: "Tis certain there's not a boy left alive; and the cowardly rascals that ran from the battle have done this slaughter: besides, they have burned and carried away all that was in the king's tent; wherefore the king, most worthily, hath caused every soldier to cut his prisoner's throat. O, 'tis a gallant king!' . . ."

At times, killing prisoners was a mutual thing, as has been shown. After the fall of Acre, during the Third Crusade, in 1191 A.D., Richard the Lion-Hearted became angry over what he thought was Saladin's failure to return the True Cross and 3,000 Christian prisoners, in exchange for 3,000 Moslems. Richard ordered the Moslems killed; Saladin, on hearing the news, gave the same order for the Christian knights.

The chivalric code was not restricted to Europe. Around the 8th Century A.D., a recognized code of behavior for the military grew up in Japan, known as "the way of the horse and the bow." It lasted close to one thousand years. Interestingly enough, it was in Asia that we have one of the first written records of the need to treat prisoners well—albeit for a purpose. Chang Yu, around 1000 A.D., wrote:

> All soldiers taken must be cared for with magnanimity and sincerity so that they may be used by us.

But in the 18th century the old Japanese code was replaced by "Bushido," meaning, literally, "The Way of the Warrior." There was infusion of certain elements of moderation and conservatism, and some parts of Confucian teaching. But, as Field Marshal Sir Bernard Law Montgomery of Alamein bluntly put it in his "A History of Warfare":

> However, this "moderation" had little effect on the behaviour of Japanese soldiery during the 1939/45 war, when their brutal treatment of prisoners in the Far East was

> past all belief and broke all accepted rules of civilized conduct—under the cloak of bushido.

In 1587, 1 year before the defeat of the Spanish armada, the Spanish commander in chief had orders to kill every man he found on board any English ship he might capture.

Of course, the following year, the armada was swept into flight, and many of its ships, trying to make an end run north around England, were wrecked on the coast of Ireland. Queen Elizabeth I sent home all Spaniards who survived the wreck, and who had also been lucky enough to be captured by English soldiers or sailors instead of by the Irish. The Irish killed most of them they caught.

William Augustus, Duke of Cumberland, son of George III and victor over Bonnie Prince Charlie and his Scots Highlanders at Culloden in 1746, ordered all Scots prisoners to be put to death. Tradition has it he wrote the order on the back of a nine of diamonds, and supposedly whenever a true Scotsman plays this card, he spits. The English named a flower "Sweet William" after the Duke—although not because of Culloden; the Scots did remember Culloden, for their part, and to this day in Scotland the same flower is called Stinking Willie.

Two incidents in American history come to mind when both sides knew no prisoners would be taken.

The first was after the infamous Cherry Valley Massacre, of November 11, 1778, during the Revolutionary War. Described by historians as "monuments to the bloodthirsty Johnson family, the Butlers—John and Walter—and Chief Joseph Brant's Indians" the Tory/Indian atrocities in northern Pennsylvania and New York left the night hideous with flames of burning settlers' cabins, and the screams of the dying.

Action after the massacre was accompanied by great cruelty on both sides. There is one account of a frontiersman, having come upon a fallen Indian, wounded after a skirmish. "I beg you," cried the Indian. "Give me quarter!" "I give you Cherry Valley quarter," growled the settler, and buried his tomahawk in the Indian's skull.

The second was at the defense of the Alamo, February/March 1836. Generations of American schoolchildren have known the story, and thrilled to it, how Colonel Travis answered Santa Ana's demands for surrender with a cannon shot.

Santa Ana's troops promptly raised the blood-red flag of "No Quarter" and to back it up, as the Mexican storming columns swept forward, the Mexican bands in the background were heard playing the sinister "Deguelo," or "Cutting-of-Throats." And, of course, as the world knows, no one was spared.

Captain Wurz, commander of the Confederate prison camp at Andersonville during the American Civil War, was hanged after the war for alleged mistreatment of Union prisoners. To this day his case is still controversial and the issue will probably never be settled. It is recorded, though, on the day he was hanged, the soldiers drawn up in ranks around the gallows began chanting "Wurz! Remember Andersonville! Wurz! Remember Andersonville!" as the hood was placed over his head. And they kept up the chant until the trap was sprung.

Basil II's grim cruelty toward his Bulgarian prisoners was topped by the Ethiopians after the Battle of Adua, or Adowa, in 1896. An Italian force of 20,000 had rashly attacked Emperor Menelek's 90,000, in mountainous country. The lead Italian brigade was surrounded and wiped out to a man; the other three were then overwhelmed one at a time. Sixteen hundred Italians were taken prisoner; it was Menelek's policy to treat his captives humanely, but before his men could be stopped, some truly ghastly mutilation had been inflicted on some of the prisoners. The records are still unclear as to exactly what happened, but the details speculated on do not belong here.

The Hague Regulations of 1907 tried to codify some of the better forms of POW treatment. It was decreed that all personal belongings except weapons, horses and military papers were to remain property of the prisoner. POW's were to be treated as well in all respects as the troops of the nation that captured them, as to food, clothing and quarters. Opinion differed here; some nations considered boots to be part of military equipment, rather than clothing. Prisoners' labor might be used except officers; however, officers frequently asked for work to relieve the interminable boredom of prison camp life—but such labor was not to be excessive, must have nothing to do with military operations, and must be paid.

Again, from Montgomery's book:

> These regulations were to be disgracefully contravened by the Japanese during the 1939/45 war, particularly on the notorious "Railway of Death" in Siam. During the two great wars, 1914/18 and 1939/45, Britain and Germany reached agreement that neither side would employ prisoners within nineteen miles of the firing line.

American POW's helped grow potatoes in Germany during World War II; German POW's, likewise, worked on American farms. There is more than one former member of the German Wehrmacht who spent a couple of years in this country, farming, in World War II, and today still speaks English which is a weird mixture of either southern or Middle West accent, combined with World War II GI phrases.

There was a phenomenon during World War II with grim implications that, although recorded and written about, was pretty much ignored as to what it might mean for the future. This was Communist treatment of prisoners of war, and, likewise, Communist attitudes towards their own men who might be captured by the enemy.

The Soviet Union regarded its own men, taken captive by the Germans, as having ceased to exist. As far as the Kremlin was concerned, they were no longer fighting men, therefore they were not worthy of notice, nor concern. Not to their Government, which made not one single move in their behalf, nor, might it be added, for their families. A captured Soviet soldier was a dead Soviet soldier. Some came home after the war. Accounts of their treatment and reception vary; most seem to agree, though, that a returned Russian prisoner of war did not have an easy way of it.

The Germans were not noticeably tender toward Soviet POW's; official Nazi doctrine had tagged all Slavs, and Russians in particular, as "untermensch"—subhuman. German POW camps for Russians, according to the few stories that ever came out, were full of horrors unparalleled, due mainly to just plain neglect.

The Russians reciprocated; the most famous instance is that of the fate of the 130,000 Germans taken prisoner after the Battle of Stalingrad, when Field Marshal von Paulus' 6th Army Group had to surrender after being encircled. Less than 5,000 ever came home; some did not return to Germany until almost 20 years afterward. The Russians simply denied their existence, then suddenly let them go.

No one thought, during those days of the 1940's, that we would ever face a Communist enemy on the battlefield. Perhaps some particularly astute observer read into the Soviet Union's attitude toward its own prisonsers an ominous warning of what would come from an enemy armed not only with weapons, but also with Communist ideology. At any rate, we were unprepared for the grinding shock of the Korean POW experiences, when "brainwashing," an invented term, became an integral part of the English language.

Ordinary brutality—I use the term "ordinary" in a relative sense here—can be understood. War is brutal; everything about it makes it so. But mix this brutality with the added and heretofore unknown ingredient of brutality as a part of political doctrine, and use of prisoners for political purposes as part of the entire POW picture, and the Western World finds itself confronted with yet a new horror of war that had been unanticipated and unimagined until it burst on us with full force.

To Hanoi, its 33,000 prisoners held by South Vietnam are, as were Russians held by the Germans, "nonpersons." Hanoi has not made the slightest effort to show it cares where they are, who they are, or what happens to them. Unless, of course, it can do so for propaganda purposes; the Con Son incident of a few months ago is a case in point. Unfortunately, Con Son was also jumped upon by many Americans as food for their own gristmills; I wrote a newsletter at the time about it all, and the text of the newsletter follows:

> There is a lot of cheap moralizing and hasty headline-grabbing going on right now about the "discovery" of the prison camp on Con Son Island, off South Vietnam. I put "discovery" in quotes, because the entire story was first brought out almost exactly a year ago. I also wish to put on record the fact that there would be no such "discovery" of a prison camp in North Vietnam; there, the enemies of the regime are shot, out of hand.
>
> Believe it or not, a Member of the House of Representatives charged that Con Son is "a symbol of how some American officials will cooperate in corruption and torture because they want to see the war continued and the government they put in power protected." This asinine drivel was answered sharply and correctly by an editorial in the National Observer. In part:

". . . Getting Thieu and Ky is a longstanding game—in which there has been far more weeping and gnashing of teeth over what they have allegedly done than hard evidence of ill doing—of which Con Son, though not really dramatic, is rather heaven-sent. . . . We would be more impressed by all the concern over atrocity if it were applied to atrocities themselves and less to political targets.

The very nadir of flagellation of the American Republic for being an "accomplice" to Con Son appeared in a column in the Washington, D.C. Star. The writer whined on bitterly at some length, then, in a truly incredible statement, had this to say:

"The House (of Representatives) is the last body in the world to make a protest of conscience. It displays cages used by the North Vietnamese for American POWs under the dome (of the Capitol) and concentrates on *the mote in the enemy's eye. . . .*" (Italic added.)

I could not believe I had actually read this. Here, at its sordid worst, is the very example of what I have been talking about: we, in the American Republic, are supposed to writhe in torment of guilt and feel ourselves beasts because of Con Son, while North Vietnamese prisoner of war camps, with all their blatant inhumanity to our fellow Americans, represent nothing more than a "mote in the enemy's eye."

But another writer for the Washington Star wrote in a much different vein. He is a prominent writer on foreign affairs and author of several very good books. From his column:

". . . When you have seen an Israeli spy swinging like an over-ripe pear from a Damascus gibbet, you learn to turn away dry-eyed from lesser horrors. When you remember the whiteness of the bones of a dead Belgian nun's legs, after Lumumba's Simbas have whipped her with bicycle chains, you can stand a lot. . . . The Con Son story, of course, will be used to illustrate other random theories. The political flagellants will enjoy their own and their country's pain tremendously. . . .

"But before the cacophony of outrage wells up, it might be well to recall the testimony before a naval board of inquiry of Commander Lloyd M. Bucher, skipper of the intelligence ship PUEBLO. Bucher, his fists clenched and weeping from time to time, on Jan. 23, 1969, had this to say about the way the North Koreans treat those who disagree with Pyongyang's policies:

" 'There was a man strapped to a wall. They (the North Koreans) explained he was a South Korean spy. He was alive . . . but had a compound fracture of his upper right arm with the bone sticking out. He was stripped to the waist. He had completely bitten through his lower lip and the lip was hanging on the side of his mouth.

" 'His right eye had been put out. His head was hanging down and there was a lot of black matter running out of his eye and down his cheek. He was under three spotlights. . . .'

"So much for the tender-hearted regimes of Kim Il Sung, and the late Ho Chi Minh, so beloved of those who would save us from the fascism of Thieu. It is right to mourn for the prisoners of Con Son Island. But it would be wrong and false to forget Bucher's South Korean and thousands of others who this very day are experiencing torments far more excruciating than Thieu's prisoners. . . ."

Man was created *lower* than the angels; he is afflicted with a lesser nature that will surface from time to time. No one is free of it, and there is cruelty and brutality brought on in a moment of stress—when a man or a nation fights for life—that can afflict any person, any country.

But then we have the spectacle of cruelty and brutality for the sheer sake of it—as a matter of ideology, as a matter of national policy, as an intrinsic part of a creed. The most authoritative and exhaustive and scholarly work on Stalin's ruthlessness is quite fittingly and accurately named *The Great Terror*. Here is brutality as, almost, an article of faith. Bucher saw and felt it in North Korean prison camps; God alone knows how many of our fellow Americans suffer from it in North Vietnam.

I heard no shrieks over the Communist massacre of thousands of South Vietnamese at Hue. That story, for that matter, had a rather difficult time making the front pages. I heard no exhortations from columnists after Commander Bucher wept on the witness stand over what he had seen. Why is this?

For myself, it has gone to the point where I for one will no longer, in a spirit of tolerance, let it go by. I will no longer admit, to anyone, that those who strain the gnat of Con Son and swallow the camel of Hue, or of North Vietnam's POW camps, have merely a blind spot, and have just slipped a little.

No, in thunder! I choose to call it what it is; political cynicism that would sicken Stalin; revolting propagandizing that would make Goebbels retch; callousness towards their own country that would halt Quisling and Laval in their track and moral prostitution that has reached depths of depravity hitherto unplumbed in the annals of the American Republic.

And, while we are on the topic of blind spots, let us turn the light for a moment on another one that has rankled me for some time. There is much talk of reordering priorities and giving our Republic's attention to the most pressing matters at hand. Some of this is loose and careless; some of it is valuable, and contains much in it that is worthwhile. But what I have found most repulsive and sickening, for some time now, is the river of pity and sympathy that is beginning to flow for Americans who have fled to Canada or Sweden or some other country—either as deserters from the Armed Forces, or as outright draft dodgers.

A few items; from New York Magazine, October 19, 1970:

> TORONTO, CANADA.—The draft community of Americans here is stirring things up politically (on the issue of U.S. annexation of Canadian gas and other natural resources, for instance), running restaurants and art galleries, working in the theater, filmmaking, teaching in universities, and generally contributing to the vitality of Canada.
>
> We used to benefit from the high quality of other countries' political refugees. Now Canada is benefiting from ours.

From the Chicago Tribune, December 18, 1969:

> A group of Detroit clergy and laymen presented a "token gift" of $1,000 today to representatives of United States draft dodgers and military deserters. The presentation was made on the Ambassador Bridge which links Detroit and Windsor, Ontario.

From the Washington Post, August 24, 1970:

> Michigan Democrats yesterday endorsed the concept of granting amnesty to draft resisters who have been jailed or fled the country. The resolution was passed by the party's state convention as an amendment to one calling for an end to the draft except during a state of declared war.

From the New York Daily News, September 16, 1970:

> Mayor John Lindsay . . . said last April 29, in a question-and-answer period following a speech at the University of Pennsylvania:
>
> "The ones I have unending admiration for are the guys who say 'I simply will not serve in the Army of the United States in Vietnam,' and are willing to take the consequences for it. These are the guys who are heroic."

A U.S. Senator has asked for establishment of a national commission to determine whether amnesty should be granted to the estimated—figures vary—20,000 who have fled to Canada, and 400 who are in Sweden. A Member of the U.S. House of Representatives, after a visit to a draft-dodger haven in Canada, returned to hail them as first-rate young men. Another Member of the House told a college audience:

> As the draft and the war end, we must require the President to grant general amnesty and pardon for those young men who have been jailed, deprived of the rights of citizenship or driven into exile because of their sincere beliefs on the injustice of the war.

It must be noted here that 51 percent of Canadians polled did not want their country to be a haven for draft dodgers from the United States. And, as for these "fine young men" in Sweden, to date 100 of the 400 have been in trouble with the police; 56 of them are up on drug charges.

In response to the drivel I have cited above, I cite:

William S. White, in the Washington Post, December 6, 1969:

> And speaking of compassion for these "refugees," as they are so tremulously called, where is the Christian charity for those other young men lost in the green hells of Vietnam because they did not reckon that every man had a right, in the end, to make his own personal law and his own foreign policy?

Ernest Cuneo, of North American Newspaper Alliance, in the Indianapolis Star of September 1, 1970:

> Since about 50,000 American servicemen who had to take their deserters and draft-dodgers places never came home except in coffins, it seems eminently fair that the evaders whose places they filled be free to pursue such life, liberty and happiness they may find in any country but the one for which their substitutes died.

Smith Hempstone, Washington Star, June 10, 1970:

> In short, it would be intolerably unjust to grant a full and unconditional amnesty to those who declined to serve their country when their country rightly or wrongly, called upon them. To do so would be to cheapen the personal sacrifice made by other young Americans who did what was required of them, some at the cost of their lives.
>
> One has no desire to be punitive or harsh. But, as the 19th century philosopher Herbert Spencer wrote, "The ultimate effect of shielding men from the effects of (their) folly is to fill the world with fools."

For myself I find it incredible that any American should prattle so senselessly about those who turned their faces and ran, at a time when the fate of hundreds of their fellow Americans are unknown. As I said, a reordering of priorities is necessary. Not alone in tribute to the fallen, but also in service to those who are not dead, but neither are they alive. How any American could turn his thoughts to the welfare and comfort of those living relatively safe and easy lives abroad at such a time when the fate of hundreds is unknown, and far from being settled, is beyond me. It must make our enemies wonder, too, what manner of country they face.

The point has been made, and I think it is a good one, that Hanoi must be closely watching Western reaction to the Middle East plane hijackings, the kidnapings in Latin America, and the present hideous situation in Canada. It is known for instance that Peking and North Korea encouraged the Palestinian commandos in their Middle East hijackings. Reports indicate Hanoi is taking great interest in Canadian Premier Trudeau's reaction to his own problems with terrorists.

It is also well known that for the last 6 or 7 years Hanoi has placed great value on having prisoners as pawns and chips in bargaining talks. Captured documents, and statements of interrogated prisoners, confirm this. And, of course, Hanoi's own actions with U.S. servicemen back it up.

There is no immediate, hard-and-fast answer to give in attempts to resolve our present dilemma over the prisoner situation. The President has gone as far as is humanly possible; indeed, his recent offer for immediate, unconditional exchange of all prisoners of both sides is quite probably unprecedented in modern warfare. But, given Hanoi's attitude toward its own men—it probably counts one of ours worth 5,000 North Vietnamese—the prospects of any success in this maneuver are not good.

One thing has, it seems to me, been established. That is, the value of a "hard line" on the matter. In mid-July 1966, Hanoi announced that captured American fliers would be treated as war criminals. This was followed by pictures, released from Hanoi, of manacled prisoners being paraded through Hanoi streets. This strategy on Hanoi's part backfired, badly.

The Pope, the U.N. Secretary General, and American peace organizations appealed to Hanoi to stop the "trials." Twenty-three Senate "doves" issued a strong statement condemning the "trials" and there were some not-very-veiled hints of instant retaliation of a sort Hanoi had not expected if the trials were carried out. On July 23, 1966, Ho Chi Minh announced the trials had been cancelled.

There are, at latest and most accurate count, both missing in action and known prisoners, approximately 1,429 Americans unaccounted for; a few have been definitely identified but for the greater majority of names on lists, their fate is unknown.

There are, waiting for them, hundreds of Americans of their immediate families—fathers, mothers, wives, children.

Now, admittedly, at times, there are great temptations to say, "They would not be there, if."

If the war had been prosecuted as a war should have been?

If we had never been involved at all?

If we would immediately, unconditionally and unilaterally withdraw?

All of these arguments are academic, and, as such, worthless. It is useless to speculate on them or to engage in recriminations among ourselves as to their correctness. As arguments, as points to be considered, they are futile. Conduct of the war in the past, which, if more vigorous, might have ended it by now with a victory in the military sense, simply was not done. Involvement is now a matter of recorded history. Withdrawal? Did Nazi Germany's "withdrawal" from the Soviet Union, and subsequent total defeat, mean German prisoners were returned at once? Not at all; the record is clear on that point; some did not see their homes again for 20 years. The Korean war has been over for 15 years; there are still almost 400 American soldiers unaccounted for from that conflict. They are either dead or they are still being held in some remote camp in North Korea.

The stark, simple, horrible truth of the matter is this: there is in all probability not one single thing the U.S. Government, or individuals, or groups—with in the Government, or out, acting together or singly, acting publicly or privately—can do to effect these men's release unless and until the whim of North Vietnam sees it advantageous to go along.

Then, are we to conclude, that everything that has been done, is being done, and will be done—is all of this to no avail? No, I think not. For these reasons:

We are a humane people, we who have centuries of Western civilization and culture, with a Judaeo Christian heritage behind us. We, as a country and as a people, are not writing off these men and putting their files away in storage with the notation "unsolved" or "unknown." We are not turning our backs on their wives, their children, their parents, their brothers and sisters. We will not abandon them to the fate of which Lord Byron wrote so graphically in his "The Prisoner of Chillon," as the prisoner prepared to accept his lot:

> It might be months, or years, or days—
> I kept no count, I took no note;
> I had no hope my eyes to raise
> And clear them of their dreary mote;
> . . . I learned to love despair . . .

These men are pawns to Hanoi. They, and their families, are pawns to a hideous ideology that thrives on terror, fattens on misery, grows on despair, and takes to its own bosom consolation from the discomfort of others.

So, then, if our fellow Americans are to be pawns to our enemies, then these same fellow Americans must be symbols to us. For the prison cell they occupy today will be ours tomorrow if we falter for one moment in our resolve to free them. The agony of separation and longing that their families feel, now, will be visited upon this country one hundred thousand fold if for one instant our enemies feel we weaken in this resolve.

"And therefore never send to know for whom the bell tolls; it tolls for thee," wrote John Donne. The prison cells gape wide for the rest of us. Fill them we will, if our enemies for one moment feel they can pressure or blackmail or coerce us into a position where we are at their mercy.

A symbol, in our sense, for these reasons, is immeasurably stronger than a pawn, in Hanoi's sense. Let us, then, as a people and as a nation, as a mighty Republic, let our resolve be stiffened and strengthened by the memory of these men and by the living, day-to-day example of the courage and fortitude shown by their wives and families. Especially their wives, these incredibly gallant women, who hold families together, who dry the tears of their children, who hope, and who so nobly live up to Milton's reminder that "they also serve who only stand and wait."

These men and their families have kept, and are keeping, faith with the American Republic. It would be the darkest blot upon our history's pages, and upon the folds of our flag, if that Republic failed to keep faith with them.

One of the noblest, most moving verses ever written on the plight of prisoners was one by the great Russian poet, Alexander Pushkin. It is said of Pushkin that—

> He is placed in the company of Dante, Shakespeare, and Goethe by his compatriots. The intensity of his passionate nature was governed by a wide intelligence, a capacity for detachment, and above all by a sense of measure and harmony.

The following lines, given here in the Max Eastman translation, were written for those who toiled in Siberian prisons, under the Czars. It is perhaps an irony of history that I should invoke them now, on behalf of those held under communism, which replaced the brutality the czars with brutalities Pushkin could never have imagined under the commisars. But the sentiment and the spirit—and the promise—are timeless, and eternal:

MESSAGE TO SIBERIA

> Deep in the Siberian mine,
> Keep your patience proud;
> The bitter toil shall not be lost,
> The rebel though unbowed.
> The sister of misfortune, Hope,
> In the under-darkness dumb
> Speaks joyful courage to your heart;
> The day desired will come.
>
> And love and friendship pour to you
> Across the darkened doors,
> Even as round your galley-beds
> My free music pours.
>
> The heavy-hanging chains will fall,
> The walls will crumble at a word;
> And freedom greet you in the light,
> And brothers give you back the sword.

HUMAN PROBLEM

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. KYROS. Mr. Speaker, as we take up debate on the Trade Act of 1970, I would like to bring to the attention of my colleagues a letter which I received in my office today from Mr. Marcel Bertrand of Biddeford, Maine.

This letter sets out most explicitly the human problems confronting us; the

Pepperell Manufacturing Co., referred to in the letter, is a large textile concern which has suffered from the continuing increase in the level of foreign imports. In fact, as a direct result of the loss of jobs from this company, the Biddeford-Sanford area has been designated as a redevelopment area under the Economic Development Act. As we consider the various economic theories pro and contra the Trade Act, I hope we will also consider the dilemma confronting those who are most directly affected.

The letter follows:

NOVEMBER 14, 1970.

DEAR MR. KYROS: I know you're busy, but I want to know what it is that is being done to help get work for the people of Biddeford, Maine, and surrounding communities.

As you know the Pepperell Manufacturing Company, Biddeford's only industry has closed its door and 900 people are out of work. One of them was my father who worked for Pepperell for some 30 years. The past five years he's been a foreman—now he was told he's got to find some other type of work. What kind of work can a 53-year-old man whose whole life has been working for Pepperell get? No one wants to hire him, no one needs an old man who has only a few years left to work. All of his pension, hospitalization, etc., is gone. All he has worked for all his life for his old age is gone. No benefits. I just returned from the U.S. Army in April, but finding no work in Maine I had to go and work in Massachusetts.

Sincerely yours,

MARCEL A. BERTRAND.

MR. TIM PAULSEL LIKENS MODERN DAY UNITED STATES TO BIBLICAL BABYLON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include an address made by my good friend Mr. Tim Paulsel of Fort Worth to his Sunday school class on Sunday, August 23, 1970. I think it worthwhile reading for every Member of this body:

ADDRESS BY TIM PAULSEL

As you hear my voice this day, I ask your sufferance. Mercy—remember—is, by many, set above justice! As a rule, I do not use notes or read when I am speaking, but because of the importance of the occasion and the topic assigned me concerns "A Responsible Person," it is my feeling that such a subject should not be treated so lightly, and I have therefore attempted to go into the background of how we got to be that way—and in what direction the present day "responsible" people are headed.

Peter states: "But ye are a chosen generation, a royal priesthood, an holy nation, a peculiar people; that ye should shew forth the praises of him who hath called you out of darkness into his marvellous light;"

Paul says that through Christ we are all children of Abraham, so I bow to no man or to no particular race in my feeling that we present-day Christians have the same closeness and relationship to the God of Israel that was handed down through Abraham, Isaac and Jacob when a covenant was made and delivered to them that they were chosen above all people.

Dr. Edward Teller recently said in a speech in Pennsylvania that it is the purpose of the teacher to teach and of the student to learn—to learn the truth and so to arrive at what I consider IS the truth. Like others of old who have done research, so have I.

May I name a few from whom I have received a portion of knowledge that I here impart to you today. First, the Bible . . . Homer . . . Herodotus . . . the un-named soldier of Napoleon who discovered the Rosetta Stone . . . the Englishmen George Smith and Leonard Wooley . . . the Germans Georg Friedrich Grotefend and the greatest of all archeologists, Heinrich Schliemann . . . and to numerous others I am indebted for their aid in the preparation of this paper.

To not have the exact truth is a terrible thing. For instance, the ten-year battle for Troy would probably never have been fought had the Greeks known the truth. They beseiged the city and in doing so, lost their great warrior, Achilles, while also causing the death of the great Trojan hero, Hector. After having breached the city walls, they found no Helen about whom the war was waged—as Herodotus discussed centuries after Homer had written his incomparable Illiad that Alexander, who had stolen the wife of Menalaus, had taken her to Egypt instead of to Troy.

In our own time, in response to a request from Governor Andrews of Massachusetts, Abraham Lincoln wrote probably the most beautiful letter of his life to a Mrs. Bixby. It had been reported that she had lost five sons in battle and so he wrote this lady, expressing his gratitude for the nation, and the pride that must have been hers to have placed so great a sacrifice on the altar of freedom. The real truth came out later after the letter was written, that two of the sons had actually died in battle, one became a prisoner of the Confederates, another became a prisoner of the Confederates, and then joined the Confederate Army; and the youngest son deserted the Army and went to sea. So we see what misinformation can bring about.

Longfellow described the universe by saying:

Softly, one by one, in the infinite meadows of Heaven blossomed the lovely stars—the forget-me-nots of the Angels.

And indeed I subscribe to this beautiful description of space. Our Spacemen today tell us that there are billions of solar systems such as our—which they claim is a minor one—(and yet it is ten billion miles across, they say). However, I have no doubt but that the God in which I believe can cause it all to vanish in the twinkling of an eye, including space itself.

I am persuaded, like Peter was when he declared, "For we have not followed cunningly devised fables when we made known unto you the power and coming of our Lord Jesus Christ, but were eyewitnesses of his majesty." As far as I am concerned, he nailed it down and gave the substance of proof to the truth in which I believe, "for he received from God the Father honour and glory, when there came such a voice to him from the excellent glory: 'This is my Beloved Son in Whom I am well pleased.'" "No prophecy of the scripture is of any private interpretation for the prophecy came not in old time by the will of man: but holy men of God spake as they were moved by the Holy Ghost."

Judge Abner McCall, President of Baylor University, states clearly my views and, I hope, that of all Baptists and—indeed—the creed of all Christians when he said the basic principles of Baylor University are old. "We believe", said he, "in an infinite, eternal, omnipotent, omniscient God as revealed in His Son Jesus Christ through Whom we are offered salvation. We believe in a personal God who created man uniquely in His own image, Who has an inalienable and infinite compassion for every man, and in Whose sight man is of inestimable value. We believe that God has a purpose and will for man and that this purpose and will is embodied in the Great Commandment to worship God with all our heart, soul, and mind, and to love our neighbor as ourself. We believe it is the divine will that man do justly, love mercy, and walk humbly with God. We believe there is a divine stamp on personal integrity, morality, and responsibility, upon respect, compassion, and concern for all fellowmen, upon justice, courage and freedom. We recognize that there must be a constant search for proper and effective implementation of these with differences of opinion thereon, but regard the principles as immutable."

We know that there are many in the world who do not believe in God, in his special concern for man, in man's unique nature, or in God's purpose and will for man."

"There are many who claim that there are no eternal unchanging truths, that such truths are relative and changing with the time, place, and people; and that all questions remain forever open, and the search for truth on every point is endless."

Thus spoke Judge McCall.

And, yet, with all these beliefs of ours about God, these truths as we have today proclaimed, I am persuaded that if we fail to hear the echo of the words of the poet who sang, "Stand Up! Stand Up! for Jesus!" that we as a nation of Christian people may cease to exist and the noose of oppression that each new session of our high court . . . of each session of our Congress . . . of each newly-elected President of our country . . . that through these three branches of our Federal Government our country will feel the lash of the beast as spoken of by John in his Revelations . . . and that our civilization is being destroyed; and with that destruction, so will we who are true believers of God suffer more and more by reason of a repressive central government that may very well come into our churches with restrictive measures; then may we well remember that in Fort Worth, Texas on the 23rd day of August, 1970, we addressed ourselves to you to be of strong courage, and—if must be—fight the good fight with all the weapons at our command in behalf of our beliefs and truths; to be a strong willed, steady, hard-working, hard-headed "responsible" person; that we no longer be timid and permit a few to lead the majority to another day of Babylon in our own time, for if we continue to permit such things that are trampling our God-Given rights, great will our fall be when that dreaded Day is upon us.

However, I am not forgetful that it has been well said no one is so foolish to prefer war to peace—peace in which the fathers bury their sons instead of sons burying their fathers; and yet we cannot hide ourselves behind the wall of unreality and thus feel as the foolish people of Babylon did when Cyrus the Great conquered that Great City in 539 B.C. Even today, there is little evidence that such a great city ever existed.

Consider, for a moment, this city—this immense place, with its unbelievably deep and wide moat all around. Its outer walls and inner walls that hid the Babylonians, their Gods, their festivals, their merry-making and other enterprises from a world of reality . . . a city, four square if you please, 14 miles in each direction and a moat full of water all around the city. The construction of the moat and walls was as follows:

First, they removed the dirt and made it into kiln dried bricks; they lined the walls of the pit with these bricks, forming the moat. The bricks of the walls were made from these self-same bricks. We have at this day in the museum of East Berlin some of these bricks to tell us of their beautiful colors, well preserved, with ornate animal, human and other designs, to make probably the most beautiful brick wall this world has ever seen. The mortar used for the brick was hot asphalt and every 30th course of brick had as a binder a layer of woven reeds.

It had 25 brass gates in each of its four 14-mile long walls, with brass lintels and brass side-posts. The outer wall was 300 feet high and 75 feet thick. Upon the top of the wall were apartments for the people to live in—and around the entire wall on each side, room was left between for chariots with teams of 4 horses to travel and turn around. On the inside of the city, just beyond this 300 foot high wall was another smaller but not inferior wall.

They diverted the water from the Euphrates River into the moat and through the center of the city flowed the mightly Euphrates River itself, with brass gates along the river's edge.

The city had provided for itself within these walls, several years supply of food to withstand the attack of Cyrus the Great; thus, secure, they gave themselves over to revelry and giving obeisance to their Gods.

The task that confronted Cyrus to get across this moat and breach the walls of Babylon was one so formidable that it was almost beyond human comprehension with the machines available at that time, and yet the way he solved it was simple. He dug a canal around the moat on the outside of the walls and diverted the River Euphrates; then no longer did the river flow deeply through the center of the city, but was now about knee deep. And the soldiers simply waded the water and came in by this unprotected portion of the city. The people, inside with their feelings of smugness and built-in self-confidence that they had constructed the ultimate in self-defense, failed to close the gates at the river's edge, so the Good-Time Charlies, with their Merry-Making Janes, were self-centered and whooping it up because it was one of their customs to forever hold festivals and have a good time, and forget about the realities of life.

So, in marched the Army of Cyrus the Great. And this Army was literally inside the center of the city before the people and its king realized what was really going on. And so the fall of Babylon was accomplished, and great was the fall thereof!

The great Babylon, with its mighty walls and protective moat, had succumbed to the enemy from without because of the weaknesses of the people and their failure to face facts as they were from within and from without.

So, today, I declare to you that our nation is facing—as John foretold in Revelations—the fall of our Babylon, and great will be the fall thereof! For today, we must and should face any and all enemies of our way of life; for when we are conquered—as indeed we must be unless we take heed—we must not pursue life as we do on our present road. We are all hell-bent upon the road, with our enemies from without, aided by many in high places of our government. And yet, there are many voices crying out that our nation is unwilling to face the realities of the present. We have thus become a confused people with the endless propaganda from abroad spread by their chosen spokesmen in our fair land.

For we, like the Babylonians of old, do not wish to face up to facts. We build the greatest wall of defense the world has ever known. Weapons of war never dreamed of that would stop the Armies of any nation. We bury these weapons in the ocean because our enemy prods use on to a supposed road of peace. They cry peace when there is no peace. Our governing bodies, both local as well as national, attempt to hide from us the certainties and the realities of this life; and they are delivering us, I declare to you, into the hands of the enemies who are also the enemies of the God we serve.

For we are indeed a chosen generation, a peculiar people; that should shew forth the praises of Him Who hath called us out of darkness into His marvelous light. It is our duty to our God . . . to ourselves . . . to our country . . . to be a "responsible" person and do something about it.

Will you, a small portion of this "responsible" people join with me in trying to make ourselves be like unto that little cloud of old from which came rain in the days of Elijah to save from starvation the children of Israel, and ask the

God of our Fathers, known of old
Lord of our far flung battle-line
Beneath whose awful hand we hold
Dominion over palm and pine.

Lord God of Hosts, be with us yet
Lest we forget—lest we forget!

All valiant dust that builds on dust
And guarding calls not Thee to guard
For frantic boast and foolish word
Thy mercy of Thy people, Lord!

Be with us yet
Lest we forget—let we forget!

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE FATHERS OF THAT YOUTH CULTURE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. BOLLING. Mr. Speaker, following is a provocative article by Robert L. Bartley, member of the Wall Street Journal's editorial-page staff. It appeared in the Journal of October 19, 1970:

[From the Wall Street Journal, Oct. 19, 1970]

THE FATHERS OF THAT YOUTH CULTURE

(By Robert L. Bartley)

Several years before the Scranton Commission elaborated its "new youth culture" or anyone was writing books about the "counter culture," literary critic Lionel Trilling was already analyzing the emerging "adversary culture." To understand the turmoil of the 1960s, it's important to know that Mr. Trilling wrote not of college kids but of adult intellectuals.

The point is especially pertinent to the Scranton Commission's conclusions: That a basic, "perhaps the basic," cause of campus unrest has been the emergence of "a new youth culture that defines itself through a passionate attachment to principle and an opposition to the larger society." This is a sound insight, though of course one need not sympathize with the fawning tone toward this subculture that crops up now and then in the report and almost always in news stories about it. In fact, the full text is on balance an amazingly profound document to have been put together by a committee, let alone a Presidential commission.

Still, to analyze the oppositional subculture of college youths without reference to the oppositional subculture of adult intellectuals is to overlook the obvious. The Scranton Commission does offer some useful comments about how certain parental values are transmitted to activist youths and reinforced by college faculties, and on the possibility that the deepest causes of unrest are yet to be found in social and economic currents reaching back a century or more. Yet it would have been able to uncover a great deal more of the genesis of campus disorder, and to illuminate far more of what disorder tells us about the more general condition of our time, if it had spent some time specifically on intellectuals, their alienation and their status.

The unrest, after all, is found at universities, which are, after all, citadels of intellectual endeavor. Most writers on intellectuals offer definitions that would not necessarily include any college professor; they stress neither pure intelligence nor mastery of a given discipline, but rather a creative and speculative bent of mind. The purest intellectual probably is the creative artist, who is usually more comfortable outside the university. But intellectuals do set the tone of a university, and especially on those campuses where disruption came earliest and strongest. The type of student from which the disruptions come is under the tutelage of intellectuals; indeed it seems for all their evident anti-rationalism some radicals begin their trek by striving to become intellectuals.

INTELLECTUALS AND ALIENATION

Like businessmen or bureaucrats or whatever, intellectuals have their own peculiarities. As in other groups, the general tendencies are often marked by conspicuous exceptions, and bitter internal quarrels abound. Yet there are the predominant attributes of a specific class, with its own interest, its own social agenda, its own traditions, its own inner needs. Among the most pronounced historical results of Western intellectual traditions and intellectual impulses has been a sense of alienation—from society, sometimes from life, and most particularly from a nation's power holders.

One of the leading writers on intellectuals as a class, Edward Shils of Cambridge and the University of Chicago, writes that "any effort to understand the tradition of the intellectuals and their relations with the authorities" must recognize that the vocation of intellectuals is "striving for contact with the ultimately important." From this the intellectual draws "the self-regard which comes from preoccupation and contact with the most vital facts of human and cosmic existence, and the implied attitude of derogation toward those who act in more mundane or more routine capacities."

In many types of intellectual endeavor alienation is almost inherent. Writing of the thrust of literature over the last two hundred years, Mrs. Trilling remarks that a historian "will take virtually for granted the adversary intention, the actually subversive intention." Literature has had the "clear purpose of detaching the reader from the habits of thought and feeling that the larger culture imposes, of giving him a ground and a vantage point from which to judge and condemn, and perhaps revise the culture that produced him."

The tradition of alienation has been especially strong among American intellectuals, for few societies have historically accorded them less power or status. Their estate is traced in Richard Hofstadter's Pulitzer-prize winning "Anti-Intellectualism in American Life." Intellectuals led society in Puritan New England and in founding the Republic, but were almost entirely divorced from power and often scorned from the collapse of the Federalist Party until the onset of the New Deal.

"Being used to rejection, and having over the years forged a strong traditional response to society based upon the expectation that rejection would continue, many of them have come to feel that alienation is the only appropriate and honorable stance for them to take," Mr. Hofstadter observed.

A GAIN IN STATUS

Starting on a national scale with the New Deal, and vastly accelerated by the surprise of Sputnik, the intellectual started to gain status and even power in America. It became apparent that the expertise needed in modern times is often found only among intellectuals. By 1963, when Mr. Hofstadter's book was finished, intellectuals basked in a quite unaccustomed glow, represented among officials of the Kennedy Administration and celebrated at White House soirees.

In a concluding chapter that now seems eerily prophetic, though, Mr. Hofstadter wrote that "this acceptance sits awkwardly on their shoulders." Most accepted society, but only uneasily. The tradition of alienation was so strong that, especially for the young intellectuals, to join society was to sell out, to cease to be an intellectual. Even if society wants to embrace intellectuals, they must do something—anything—to maintain their detachment and alienation.

This, Mr. Hofstadter wrote, "leads to a kind of desperation, which may in itself command sympathy but which ends only in the search for a 'position' or pose. Dissenting intellectuals often seem to feel that they are morally on trial for being intellectuals, and their moral responsibility is then interpreted as responsibility primarily to repudiation and destruction; so that the measure of intellectual merit is felt to lie not in imagination or precision, but in the greatest possible degree of negativism. The responsibility of the intellectual is not seen, in the first instance, as a responsibility to be enlightening about society but rather to make an assertion against it—on the assumption that almost any such assertion will presumably be enlightening, and that in any case it re-establishes the writer's probity and courage."

The embers Professor Hofstadter so shrewdly discerned even at the height of Camelot leaped to raging blaze as the nation plunged into the griefs we now know as the '60s: The assassinations, the war, the riots in slum and campus. In this atmosphere the strident New York Review of Books, given to stunts like adorning its cover with directions for Molotov cocktails, quickly surpassed more sedate magazines as the most prestigious organ of the intellectual community.

There and elsewhere the troubles of the nation were articulated in terms of the intellectuals' inner need to make a case against society. The war's brutalities became the ultimate expression of America, a case of "imperialism." Despite the historically impressive gains with civil rights, we were told this society was irredeemably "racist." Attempts to prevent arson and pillage became evidence of "political repression." And while not every intellectual agreed with those formulations, those who did not were largely silent.

WAR'S END WOULD HELP

"Radicalism is irresistibly chic," Mr. Hofstadter told a Newsweek interviewer by mid-1970. "I don't suppose there was any age in which you had such a mass consensus of intellectuals on their own alienation as you have in this period." He added that while an end to the war would help, the younger intellectuals probably would not change their minds until they were "surprised in some tremendous way," as the 1930's intellectuals who expressed their alienation through Communist flirtations were surprised by the Nazi-Soviet pact.

There is also the matter, as Mr. Trilling has observed, that as an adversary culture develops it itself spawns the same social controls found in any other culture; "it generates its own assumptions and preconceptions, and contrives its own sanctions to protect them." These sanctions are mainly matters of peer group pressure, but at times they become more blunt: You do not allow W. W. Rostow to return to his previous post at MIT, but you do take up a collection to pay Angela Davis' salary when she is fired at UCLA.

The evolution of an adversary culture, significantly, did not slow the status gains of intellectuals during the 1960s, at least as measured by surface indicators. The decade opened with the complaint that college professors were paid "less than truck drivers." As it closed, a survey published by the Chronicle of Higher Education found the typical full professor was paid $19,269, not at a few prestige universities but at 1,148 institutions.

President Johnson felt the need for a special White House aide in charge of relations with the intellectuals, certainly a singular distinction for a social group. His failure to win their approval was widely regarded as a special failing of this Administration; whole books have been written about it.

The moral authority of the intellectual community reached a new peak during the decade, especially among the rapidly growing number of persons exposed to a college education. The Scranton Commission remarks, "Since science and critical method are enshrined in the university, it occupies a place in the public imagination that may be compared to that of the church in an earlier day."

Especially in a society permeated by instant national communication, this authority is real power. The authority and status of intellectuals have spread their views far beyond a small avant-garde to a wide class of camp followers. Writing in the current Public Interest, sociologist Daniel Bell observes, "The protagonists of the adversary culture, despite their sincere and avowed subversive intentions, do substantially influence, if not dominate, the cultural establishments today—the publishing houses, museums, galleries; the major news, picture and cultural weeklies and monthlies; the theater, film, and the universities."

"The intelligentsia has been transformed from a tiny group of marginal status to a fast-growing, increasingly organized mass playing a key role in the functioning of the system," writes another sociologist, Richard Flacks, in Trans-action. The growth of this "antibourgeois" class to critical size, he argues, is the fundamental cause of revolutionary unrest on campus. He reports that when he and his colleagues "looked into the social background of New Left students, we found that our group of activists was distinct from other college students in the degree to which they aspired to be part of the intelligentsia."

Mr. Flacks is not a right-wing anti-intellectual but a founder of the Students for a Democratic Society. He celebrates the revolutionary culture rather than attacks it, but other than that his view of its tendencies and origins is difficult to distinguish from that of Spiro Agnew. The counter-culture is not a youth culture but an intellectual culture.

Spreading recognition of this could cause a new wave of mindless anti-intellectualism, of course, and some careful distinctions need to be drawn. American society does need to grant its intellectuals a proper esteem. It's obviously wrong to condemn every intellectual for the sins of some. In the past few months, indeed, certain well-placed intellectuals have shown new vigor and confidence in debunking radicalism, and in time this trend could conceivably spread to college kids and even journalists. Also, the problems at hand, those of beliefs and symbols that hold a society together, are profoundly intellectual problems. If intellectuals did much to cause them, it's also up to intellectuals of one sort or another to repair them. Until the proper intellectual foundation is laid, it's futile to implore a political leader to bring us together.

MORAL LEADERSHIP

Still, if our crisis consists of an adversary culture leading its youthful aspirants if not to violence at least pell-mell to the brink of it, then what does it mean to call for "moral leadership" from the President? Presumably the Scranton Commission means he should endorse the social and cultural prescriptions of the intellectual class. But another view of moral leadership might be rejecting those prescriptions when they clash with the President's own feelings, showing that the moral authority of intellectuals is not after all beyond question.

This is what the Administration is in fact doing through Spiro Agnew and "the social issue." Not without some success, it is trying to halt the status gains of intellectuals, to dilute the moral authority of the prevailing elite. Spiro Agnew attacks "the foolish fads of phoney intellectuals" in precisely the same spirit that Franklin D. Roosevelt attacked "the Ishmaels and the Insulls."

Insull (singular) was acquitted, but the Insulls (plural) found that FDR suceeded in his attempt to undermine their formerly unquestioned authority. As it pondered its experience, the nation concluded that it had invested too much trust in the moral authority of the business elite, that it had forgotten that elite had its own axes to grind.

What then will the nation conclude as it ponders its experience during the 1960s? In that decade American society invested an unprecedented status and authority in a class by tradition and instinct alienated from American society. Revolt broke out among the youths in closest contact with the same class, most sensitive to its new status and most likely to aspire to joining it. Will we really conclude that this "new youth culture" arose by spontaneous generation from youthful idealism, or will we conclude that two and two make four? Might we even conclude that there are dangers in trusting too much the moral authority of an intellectual elite, that it too has its own axes to grind?

PRODUCTION ROOT OF INFLATION CURE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. DERWINSKI. Mr. Speaker, as economists debate the impact of the General Motors' contract settlement and we in Congress face the issue of tariff legislation later this week, an editorial in the Sunday, November 8 San Diego Union, is pertinent to both these points.

The editorial also makes the proper point that many of the economic problems facing the country cannot be automatically solved by Washington but by the natural working of our economic structure:

[From the San Diego Union, Nov. 8, 1970]

PROTECTIVE TARIFF NO SOLUTION: PRODUCTION ROOT OF INFLATION CURE

Few national problems have had more intensive application of rhetoric than did the subject of inflation during the last election campaign.

As is usual in the heat of campaign, there was little more than surface treatment of the issue although the speakers may have

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been sincere and their arguments may have been touched with the truth.

Certainly it is true that the inflation is due in part to the fact that we as a nation spent $60 billion more than our national income during the decade of the 1960s.

It is equally true that the reluctance of Congress to curb spending to stay within our income at the present time contributes heavily to the continuing upward economic spiral.

Similarly, the uneasy economy and unacceptable unemployment are due in part to the fact that defense reductions have eliminated more than 300,000 jobs, and that the General Motors strike is costing the nation an estimated $90 million a day in lost business. The multiplier effect of both of these is enormous.

Not enough has been said, however, about one of the major causes of inflation and unemployment that is within the scope of each of us individually to correct to some extent.

The key is in the word "productivity."

Productivity is the factor that has made the working man of the United States of America unique in the world. His ability to use the tools of a sophisticated technology to out-produce all other artisans has made American goods competitive in world markets, even in economically backward nations.

Productivity of the American worker also has made the price of the things that he bought for his own needs and pleasures a reasonable proportion of his own paycheck.

Finally, it is his productivity that has given the American worker the highest income in the world and the highest standard of living.

Unfortunately, we seem to have lost sight of the importance of productivity in the scheme of things. More and more the wage settlements reached in major industries have no relationship to increased output, but are merely designed to pay for the higher prices of things. The higher prices, in turn, are created by the decreasing output of the individual artisan.

Nowhere is the result more visible than in the increasing clamor in Washington for tariff or quota protection from the effort of the working man abroad. Today the protection is demanded for shoe and textile industries. Tomorrow it could be sophisticated electronics devices, computers, aircraft and even agricultural commodities.

This is why it is futile to turn to Washington in the long run to solve inflation. When all is said and done, the final answer to inflation in a free enterprise economy lies in the natural wage and price controls created by a production-conscious society.

WHAT THE PUBLIC DOES NOT KNOW COULD KILL SOMEBODY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent editorial entitled "What the Public Does Not Know Could Kill Somebody" appearing in volume 35, No. 19, dated October 1, 1970, of that publication.

Hopefully, widespread awareness of the contents of this article will bring about some desirable rethinking on the part of the administration on handling of pollution abatement practices.

The editorial follows:

WHAT THE PUBLIC DOESN'T KNOW COULD KILL SOMEBODY

The polluters' most important product is public ignorance. And over the years corporate polluters have successfully fought every attempt to find out what they are dumping into the public's air and water.

Their tactics have ranged from putting pressure on the government through the infamous business "advisory" committees up to and including flatly refusing to come clean even when they know their noxious emissions pose a threat to public health.

The House Conservation and Natural Resources Subcommittee has probably been the most consistent of the many official efforts to make industrial polluters reveal the content of their effluents. For almost seven years the Subcommittee has pushed for cooperation between industry and the Federal Government. And for almost seven years the polluters and their captives in the "regulatory agencies have refused.

Meanwhile back at the plant, industry uses an estimated 17 trillion gallons of water a year but treats less than 5 trillion.

In 1964, 1967 and 1968, however half-heartedly, the Interior Department apparently did ask the Bureau of the Budget to approve an inventory of industrial waste discharges, but the BOB (now Office of Management and Budget) refused approval. In 1969 Interior made noise about an inventory, but didn't even produce an echo.

Subcommittee Chairman Henry S. Reuss of Wisconsin finally tired of the obvious stalling by the Executive agencies and called a Congressional hearing on September 17 to get the responsible government officials on the block.

During the hearing Reuss charged BOB withheld approval of the inventory in the past because many industries opposed it. He cited the Bureau's refusal in 1968 after the inventory was opposed by the Advisory Council of Federal Reports, an organization organized and financed by the Chamber of Commerce, National Association of Manufacturers and other national business lobbys.

Reuss nominated the Bureau of the Budget as "My candidate for the environmental boobie prize of the environmental decade."

FWQA Commissioner David Dominick testified that the need for full industrial waste data pervades every major aspect of Federal and State efforts to prevent, control and abate water pollution. Which is exactly why so many people have fought so hard for an effluent inventory. And that's exactly why the polluters have resisted so fiercely: if you don't even know what they're dumping you can hardly make them clean it up.

In the finest tradition of political "coincidences," OMB spokesman Robert F. Kruegger told the Subcommittee that only two days before the hearing OMB had "informally approved" an Interior Department industrial waste inventory.

By the middle of October, Interior will mail industries a questionnaire asking them to disclose the quantity and kind of goodies they unload on the environment. Compliance with the request will be entirely voluntary, of course.

If a company does decide to cooperate, any information that would disclose trade secrets will be kept confidential. But Congressman Reuss demanded and received an Interior commitment that the names of all companies, especially those who do not cooperate, and the nature of their discharges will be made available to the affected party, the public.

Interior is sure to get good cooperation from responsible corporations that have done their best to minimize pollution and have viable programs underway to further reduce emissions. Far from anything to hide, these companies have something to be proud of these days.

But the chronic polluters who consistently abuse the public's health and the environment for relatively little extra profit aren't about to cooperate voluntarily or truthfully with anyone. Secrecy is their only protection from public outrage.

Even Office of Management and Budget spokesman Robert F. Kruger acknowledged, "I would have personally very grave reservations as to the success of this kind of approach in obtaining forthright, honest, complete reporting in response to this questionnaire."

Ralph Nader bluntly challenged a polluter's right to any kind of anonymity. "I fail to see why the intrusion into the environment of the citizen of lethal toxic contaminating ingredients that go into the water and underground and seeping into the water that way should be given any protection whatsoever as private property. I fail to see why any of those contaminants should have a legal protection that contraband doesn't have. If anything, they should have less legal protection than contraband because contraband doesn't kill people. It doesn't give them diseases. It doesn't poison their drinking water. And it doesn't contaminate food products."

The nation has long had a more direct avenue for identifying the incredible variety of substances dumped into the public's waters. A U.S. Army Corps of Engineers spokesman told the Subcommittee that the 1899 Refuse Act requires polluters of navigable waterways to obtain a permit which requires identifying the nature of their discharges. "Furnishing information on effluents is not going to be voluntary and is going to be required. We cannot compel someone to furnish information about the quality of their effluent, but we are in a position to say that unless you do so we will not consider your application for a permit."

Through no fault of the Corps, however, the Justice Department is trying its best to forget that particular law exists, forcing private citizens with limited or nonexistent resources to file their own suits.

The real kicker, however, is that the Corps' incredibly belated enforcement of the 1899 Act is hamstrung by lack of personnel. It currently has only 110 people working on permits. In the heavily industrialized Detroit area, for example, two men attempt to monitor 3000 miles of shoreline. The Corps has requested $4 million for personnel to work in the environmental field, but the Office of Management and Budget hasn't approved the request. And quite frankly, it probably won't.

The OMB has consistently thwarted attempts at identifying the nature of industrial discharges. Interior's voluntary questionnaire will do little to rock the boat, so approval was painless. In this context, it's highly unlikely OMB would give the Corps money to enforce a *mandatory* disclosure of pollution ingredients.

So as a practical matter, for all its obvious limitations, Interior's voluntary industrial waste discharge inventory is the best game in town. It was either a voluntary inventory or no inventory at all. Congressman Reuss' Subcommittee and other citizen advocates intend, if necessary, to pry the names of non-cooperating industries out of Interior. And through it's highly unlikely, except in the case of imminent health hazards like mercury, Interior may be able to use any true information that's provided as a lever to encourage voluntary cleanup.

The Inventory has a much more practical value, however. A legitimate, official attempt at voluntary compliance is an absolutely necessary prerequisite to official, enforced compliance. And the latter is as inevitable as the public's demand for it.

INVESTIGATING THE GREEK PRISONS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. SCHMITZ. Mr. Speaker, there has been an inordinate amount of criticism by our mass media of the current Government of Greece. It is along the lines of an historical pattern. Any government which is staunchly anti-Communist immediately becomes suspect of the most heinous crimes against humanity.

It is encouraging to find that the Nixon administration has not allowed itself to be misled by the deluge of villification and invective which has poured forth from certain segments of our mass media aimed at creating dissension between the United States and our long-time ally, Greece. The recent lifting of the partial arms embargo which had been mistakenly established by the Johnson administration was an action clearly in line with our own national interests and is to be applauded.

To help clear the air in connection with the internal situation in Greece, I would like to include in the RECORD at this point several articles by Mr. Thomas J. Haas. Mr. Haas took it upon himself to travel to Greece and form his own opinion of the situation there. His findings differ radically from the run-of-the-mill, unthinking, parrot-like condemnations of this gallant ally. The first article appeared in the review of the News and the second in American Opinion magazine.

The articles follow:

INVESTIGATING THE GREEK PRISONS

(By Thomas J. Haas)

As Alitalia's Flight 424 touched down at Athens airport I was already making mental notes. Athens—the Cradle of the West, the birthplace of formal drama and philosophy, the Acropolis, Pericles, St. Paul . . . and, yes, the Athens of the Colonels. What would it be like? I didn't believe the "Liberal" attacks on the new regime—but surely the *New York Times* isn't *always* wrong? Well, I would soon know.

The new terminal building gave an immediate impression of order and efficiency. The man at the passport control station was far more pleasant, and the procedure much quicker, than it had been in Paris or Rome.

I expected a thorough search. Instead, I got a smile and was waved on through. As the taxi sped to the center of the city I noticed that my driver was listening to a speech over his radio. I tried to catch a word or two, but to no avail. Then, as we passed the beautifully lighted ruins of an ancient temple, the cabby looked back with a proud smile, pointed to the radio, and said: "Papadopoulos!" I looked out with delight at the Greek past; my driver was listening, with equal pleasure, to what he obviously considered the Greek future.

The mood of that first hour was borne out by everything I saw during the week I was in Greece. Here was an orderly, clean, peaceful country; here a pleasant, friendly, happy people, proud of their heritage and of their Government. The only brute viciousness I experienced occurred when an obviously Communist dog bit me in the Plaka district, which is slightly below the Acropolis.

Today there are two Greek nations: the real Greece and the Greece of the *New York Times, Look,* and other purveyors of Leftist fairy tales. The lies about the anti-Communist Government of Premier George Papadopoulos have been so vicious, so constant, and so completely universal that it is almost impossible for anyone who has not recently been in Greece to appraise the state of affairs in that country. There have been a few articles exposing the hundreds of lies about the regime, but even these missed the point that the situation in Greece is the *exact* opposite of the one reported in our mass media, where white has been depicted as black; good as bad; truth as error.

American journalists have not been satisfied with damning Greece for the unpardonable sin of anti-Communism. No, they have gone so far as to claim that these people, who were once so admirable under a Leftist regime, have turned into bloodthirsty monsters under the evil influence of the anti-Communist Colonels. We have been told that naive actresses, timid song writers, and even a virtuous Playboy Bunny, have been scooped off the streets of Athens and thrown into dungeons to be tortured hour on end by sadistic guards. When I asked an official at the Press Division why the Greek Government has not done more to expose this nonsense, she replied: "How? Can people really believe this? And if they are so gullible, what can we say that will convince them otherwise?" I was not especially impressed by that reply until I had seen one of the dreaded Greek prisons for myself.

When your correspondent asked permission to visit a prison to see what was really going on, the Government immediately agreed to my request. I was surprised to be told that I could visit any prison of my choice in all Greece. I chose Korydallos Penitentiary, where most of the inmates are "political prisoners"—Communinst terrorists and murderers. If there were torture chambers to be found, this was the place to find them.

I was surprised to learn that while the main buildings at Korydallos have been in use for some years the prison complex has recently undergone extensive remodeling. Much of it is new. As we arrived (I was accompanied by a reliable interpreter), relatives and friends of the prisoners were waiting at the gate with bundles. They told me that anything within reason may be given to the prisoners.

The assembled visitors were not, of course, in a festive mood. Neither were they distraught. They resembled those one might expect to see waiting for visiting hours to begin at a hospital. These were not the faces of people waiting to see loved ones put on display after hours of torture in a dungeon.

I was given a *complete* tour of the penitentiary by its warden, a career man with twenty-seven years of service behind him. His comments were void of political overtones. Here was a professional penologist, proud to show the institution under his charge to a visiting American.

One is at once struck by the informality of the prison. A number of inmates, in civilian clothes, were walking casually about the brightly lighted, spotlessly clean corridors. Except for those sentenced to life imprisonment, the inmates are free to wear whatever they wish. The Greek Government says it believes that prison uniforms degrade the individual and thwart rehabilitation.

Our first stop was a cell block. The cells were only a little smaller than my deluxe hotel room in Athens—about the size of a room in a moderately priced American hotel. They each contained a bed (which I found to be reasonably comfortable by American standards), a table and chair, shelving for personal belongings, and a sink and toilette facilities. Each had a large window overlooking the courtyard or, depending on the side of the cell block, the Athenian mountains. (Either way, it was a better view than the one from my hotel room.) Furthermore, there was an opening in the cell door to provide cross-ventilation (I had no cross-ventilation in my hotel room), a radiator *twice* the size of the one in my room, a call button directly connected to the infirmary for use of the prisoner in case he took sick, and an outlet where the inmate could plug in earphones and listen to recorded music! At the entrance to the cell block was a water cooler from which prisoners could be served ice water.

I asked to go downstairs—to what the warden had called the dungeon. There we found shower facilities with hot and cold water (only the better Greek hotels have hot showers). Next to the shower room was a modern laundromat.

So much for the dungeon!

Upstairs, we viewed the prison's new kitchen facilities. The modern equipment would be the envy of any Hilton; the cabinet tops were all of marble. We also inspected the courtyard, where the inmates were taking their exercise and engaging in various sports. All looked healthy and well fed, and they seemed to be cheerful—certainly more so than I would be in *any* prison. The inmates also had available a recreation room where they could play table games and listen to phonograph records. Please remember, these are the Communist prisoners the *New York Times* assures us are being brutalized and confined in concentration camps!

After leaving the old section of the penitentiary, we proceeded to the area where the new church will be built. The government is also building workshops and a new hospital. (So progressive is this prison program that the new hospital will have a special psychiatric ward.) Next we inspected the nearly completed conference room to be used for discussions between inmates and their lawyers. It was as modern as any I have seen anywhere in America. Nearby were handsome new visiting quarters.

You will understand that I was not surprised when I learned that an Attorney General from the United States had earlier inspected this same prison and admitted that there was not a single penitentiary in his state as modern as Korydallos. And the modernization was accomplished under the *Papadopoulos* regime—a Government accused throughout the world of brutality to prisoners.

Finally, I interviewed the warden. He is a pleasant, vigorous man—a career man, as I have noted, having served as a prison official continuously for twenty-seven years. Are we to believe that under the Papandreou regime he was a saint, but that with the advent of the Papadopolous Government he suddenly became a sadist?

Nonsense!

The warden refused to discuss the prisoners in political terms. Rather, he considered them as individuals in need of rehabilitation, and he showed a genuine concern for their spiritual and physical well-being. Again and again he emphasized his belief that most of the inmates could be rehabilitated, and that this could best be accomplished by treating the men well and fairly. Before I left his office, he pointed to the picture of Jesus over his desk. He spoke quietly: "I believe that every man should have such a constant reminder of the need and importance of Christian love, and the tenets of Christ, in every human endeavor. A warden is no different in that respect from any other man."

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The reader will note that I compared the prison cells to my Greek hotel room, and found the cells only a little inferior. What then is the relation between prison conditions and those in the villages?

There is none!

I visited a number of Greek villages, and not the poorest by any means. With the exception of the very barest essentials the villagers have none of the comforts of the incarcerated criminals. They are lucky to have running water, much less electrically cooled ice water; they are lucky to have a radio, much less piped in music; they are lucky to have a doctor within fifty miles, much less a sick-call button by the bedside; they are lucky to have an ancient washing machine, much less a new laundromat; and on and on. Greece's convicted Communists are probably living better than they have ever lived before. True, the workers and the peasants have their freedom, whereas the prisoners are confined. But if the jailed Communists had had their way, the people would not have been left with even their freedom.

I realize that this account is so radically different from the one presented in the mass media that it might well raise questions as to my credibility. (Is Korydallos a Potemkin?) But what about the credibility of the International Press?

That, alas, is the point!

In the above account I have simply given a straight presentation of what I saw with my own eyes. The significance of the fact that this report is so completely at odds with the accounts in our mass media is to me overwhelming and terrifying evidence of conspiracy. Greece has been so surrounded by the Big Lie that not only does everyone believe the Lie, but now no one will believe the Truth.

Other American reporters have visited Korydallos, seen exactly what I saw, and come back to write of it as an example of the horrors of Greek prisons. Other American reporters have interviewed prisoners, asked them if they had been tortured, been told no, and then come back to write of torture in the Greek prisons citing as victims the very prisoners who denied being tortured. The falsehoods about Greece in the International Press are so colossal as to stagger the imagination. They are so contrary to the truth that one who has not been in Greece cannot even begin to comprehend their magnitude and viciousness.

But consider the vital, determined, and inspiring nation that lives behind this paper curtain of falsehood. Again, I shall rely upon a personal experience, simply trying to record what I saw and heard.

The event was a celebration at the Athens Stadium commemorating the third anniversary of the Colonels' Revolt. The same program was presented on two nights (Sunday and Monday, May tenth and eleventh). The first was open to the general public; the second reserved for high school and college students. Here was an excellent chance to judge the popularity of the regime. An honest International Press might have asked: Would Greeks attend such a pageant? And, if they came, would they support the Government with cheers, or record their displeasure by silence? Yet, so completely has the Greek Government been prejudged by the press that to the best of my knowledge I was the only foreign journalism to bother to attend the affair.

The 80,000 Greeks who attended each night were wildly enthusiastic. It was not the forced enthusiasm one might see at a Communist celebration, or a hysterical response of the sort that occurred at Nuremberg. The applause and cheers were spontaneous and *individual*, each reacting to what touched him personally. It was, I suppose, like combining an American football game and a political rally for George Wallace.

As we entered the stadium, martial music played from the loudspeakers was periodically interrupted by the voice of Premier Papadopoulos: "Communism must be destroyed!" . . . music . . . "Greece shall live!" . . . music . . . "Victory over Communism!" . . . music . . . .

The opening of the program was signalled by a blast from trumpeteers who lined the top of the classical stadium. Several hundred young people, boys and girls alternated, dressed in white, marched onto the field followed by a hundred flag-bearers and a band. After the national anthem, the youths formally pleged themselves to the Greek fight against Communism. The stadium fell dark, the field emptied; out of a smokescreen at one end—out of the mist of the past—marched a procession from the millennia of Greek history.

First came the Creteans with their "Snake Goddess," the cup-bearers, the head of the Minotaur. Then the Mycenaeans with a hundred girls dancing to lute and lyre. Next representatives of the Classical period with two chariots, the elders, the Olympic runners. The Byzantine era was heralded by two cavalry units. Then came the Court and the Patriarch. Over a huge Bible carried by an attendant, flood lights formed an immense cross in the Athenian sky.

The bitter years of Turkish domination were symbolized by a candlelight procession through the dark stadium, accompanied by an awesome Byzantine chant. As the loudspeakers recorded the overthrow of the Turks, the candles went out.

When the lights came on again the entire field was covered by hundreds of Greek dancers in the costumes of the various regions. The dancers were replaced by a huge stage mountain, moved onto the center of the field. After a mock battle between the forces of Greece and those of the Fascists and Nazis, Greek soldiers and refugees stood at the base of the mountain as the top opened to reveal a famous Greek singer whose songs had done much to maintain the morale of the troops during that terrible period. As she sang her patriotic songs the audience exploded in appreciation—if anything, the response of the young people was even greater than that of their elders the night before.

As the singer was escorted from the field, another woman appeared at the top of the mountain to relate how the Communists had taken advantage of the chaos after the war, and during the Leftist collapse in recent years, to try to seize control of Greece. And, as the mountain disappeared to the right, a beautiful float—representing the April 21 Revolution and the rebirth of an anti-Communist Greece—entered from the left, followed by the young people and flag-bearers. A sky-rocket exploded high above the stadium, and down came a parachute bearing an illuminated portrait of Premier Papadopoulos. The applause of the audience was hearty and prolonged as the program concluded in a massive display of fireworks.

The celebration at the stadium symbolized the new Greece: A people being brought in living contact with their heritage; a people once more standing between Western Civilization and the totalitarian hordes.

The message of April 21 was: Greece shall not die. The people understood, they believed, and they have responded with a new confidence in themselves and in their nation. They have responded with hope, with vitality, and with determination. The people of Greece are happy, they do not live in fear, and they are grateful to Premier Papadopoulos.

But there are forces determined that Greece *shall* die; that she shall be murdered. Our controlled press is in the forefront of the pack of would-be assassins, and Greece is only one intended victim.

The ultimate target, of course, is America. But the Communists know that each blow at an anti-Communist Greece is a blow at the United States. The same forces screaming lies about the Greek prisons are screaming lies about "police brutality" in America. They are attacking Greece not because of any evil in her, but to serve the purposes of the monstrous evil in themselves.

George Papadopoulos and the Greeks

To understand Greek Premier George Papadopoulos—the man and his mission—we must consider the historic role of the nation which produced him. The great contributions of Greece to sculpture, painting, literature, medicine, science, and philosophy are well known. But the role Greece has played in preserving and defending this heritage is often overlooked in a day when Western Civilization is under attack everywhere.

When the Persian kings, first Darius and then Xerxes, led their million-man Army against a divided Greece in the Fifth Century B.C., there seemed no hope for the Greeks. Yet, in one of the greatest and most important series of campaigns in history, at the cost of countless Greeks dead and Athens burned, the Persians were defeated. If the Persians had been victorious, their occupation and influence would almost certainly have prevented the development of Western Civilization as we know it.

In any case, that Civilization would have been destroyed in its infancy if the Greeks of Constantinople had not later stopped the sweep of the Moslem hordes by guarding the invasion route to the West for nearly eight centuries. When Constantinople finally fell, a Europe immensely more powerful than the one at the time of the first assault nearly fell also, with the Moslems reaching the very gates of Vienna. Again the Greeks had saved Europe, and again they paid a terrible price—this time, four hundred years of Turkish occupation.

Today the world is faced with the greatest threat in history—more brutal than even the Persians could imagine, more powerful than any ever dreamed of by the Moslems. And, again, it is the Greeks who man the ramparts of the West. Little Greece, ancient Hellas, today stands as the most committed opponent of Communist tyranny in all Europe. If Greece falls to the Communists, the Mediterranean Sea will become a Russian lake.

The Soviet fleet is already in the Mediterranean in strength, and the Communists completely control the land base from Syria to Algeria. The apparent "Eastward look" of Spanish policy will, if continued, leave only Greece as an obstacle to unquestioned Soviet domination of the Mediterranean and Red seas. With such control the Soviets can use their troops in Czecho-Slovakia as a powerful threat behind ultimata to the nations of Europe which few will dare reject. Without exaggeration, the fall of the present Government in Greece could seal the fate of all Europe. And the destiny of Greece, and thus of Europe, is in the hands of George Papadopoulos.

Who and what is Papadopoulos? First, last, and always he is a Greek. He was born on May 4, 1919, in Eleochorion, a small and rather poor village in the Achaia region of Greece. But Papadopoulos was not warped and twisted by early years of poverty, as the radical Press would have us believe. His family was poor, yes; but not desperately so. His father's salary as the village schoolmaster did not allow much room for luxuries after providing for the needs of his wife and five children, but he gave his son George something far more important than an easy life—he gave him a sound discipline of mind and body, and an unquenchable thirst and love for knowledge.

After receiving primary education in his father's school, young George Papadopoulos attended secondary school in Patrai and then went on to the War Academy, graduating in 1940 as a second lieutenant. He had attained the highest possible grades there, and it was at the Academy that he began collecting books. This scholarly avocation resulted in his having time at the April Revolution the best and most complete library of Greek authors, from ancient to modern, in the entire country.

Here indeed was a rare personality—an intellectual, a soldier, a strict disciplinarian, and a man of the people. And he was steeled by fire. Two months after his graduation from the War Academy the Greek-Italian war broke out and the young officer was assigned to the Albanian front. His combat record was "excellent," and he was awarded the Medal of Valor and twice the War Cross. During the German occupation he joined the national resistance units. From November 1944 to January 1945 he was a staff officer, and then served in Intelligence until May 1946.

With the outbreak of the Communist guerrilla war, Papadopoulos served nineteen months as a commander of artillery and took part in operations on Grammos Mountain, at Souli, in the Peloponnesus, in Roumeli, and at Agrafa. After the Communists were defeated in the field, he was assigned to the Artillery School as an instructor, and attended the School of Army Engineers Corps. He had earlier graduated from the Artillery School and the Officers Training School. From 1955 to 1957, Papadopoulos served at the Intelligence Bureau of the Army General Staff and attended the Higher War School (1955), the Naval Academy (1956), and the Armed Forces School of Special Weapons (1958)—always graduating with academic distinction.

From August 1959 to July 1964 George Papadopoulos was posted at the Central Intelligence Service. And, after an artillery command, he served from August 1966 until April 21, 1967, at the Third Staff Bureau of the Army General Staff.

As Papadopoulos moved up the ranks, he watched the political situation in Greece go from bad to worse. By the early months of 1967 the crisis was reaching catastrophic proportions. The nation faced a complete economic collapse and a Communist takeover. Radical Premier George Papandreou and his Communist Harvard-trained son, Andreas, were throwing the nation to the Reds. The Communist terrorists Papandreou had released from prison were tearing Greece apart. Strikes, demonstrations, and riots led by the Reds were paralyzing the nation. The end was near. Parliament, which should have moved forcefully to avoid the imminent disaster, was too steeped in corruption to act. And the corruption was not limited to monetary affairs alone. As one Greek citizen told me: "It is so good now to have a government run by men instead of homosexuals."

Papandreou even had the university fees raised so high that only the sons of the wealthy or the graft-soaked politicians could obtain a college degree. No one would deal with the national crisis or the corruption because nearly all were in on the take. With seventeen different Parties there was always the change of Deputy A and his Party forming a Government and really getting to the big money—to hell with the people.

The situation in Greece seemed hopeless when on April 21, 1967, a group of Army officers took charge of the Government and made George Papadopoulos Prime Minister. The corrupt Parliament was suspended.

We have now answered: Who is George Papadopoulos? But what is he? More specifically, is he a dictator? This is, of course, a matter of semantics. If by dictator one means a tyrant in the fashion of Josef Stalin, no. If one means dictator in the ancient sense—a man who is selected for leadership in a time of national emergency, and who takes upon his shoulders, with no thought of his own well-being, the cares of his nation for the duration of a crisis . . . a man such as Pericles—then, yes, George Papadopoulos is a dicator.

Here is a man who has voluntarily undertaken a task nearly impossible to complete successfully. Here is the material of legends; here the stuff of ancient Greece. Papadopoulos works eighteen to twenty hours a day, seven days a week. When he returns home to his wife, Despina, and two daughters (his son, an engineer, is married and lives elsewhere), it is not to a palatial villa. His home is typical of the residence of a moderately successful Greek doctor or lawyer; not spectacular by the standards of his country, and quite humble by those of the United States.

What has Papadopoulos done? First, and most important, he has saved Greece from a Communist takeover. If he had waited a year, six months, a month, it might have been too late. But he did not wait. And, after becoming Prime Minister, he rounded up the Communist leaders, organizers, and agitators . . . and jailed them. These were no idealists or parlor pinks—they were hard-core Reds, many of whom had been serving prison terms for mass murder and atrocities before being released by Papandreou. Premier Papadopoulos simply put them back in prison. Yet, since the April 21 Revolution, and contrary to Communist propaganda, not one drop of blood has been shed by the Government.

What is more, lesser offenders have been offered their release by simply signing a pledge to refrain from political activity. But few of the Comrades will sign. They have been directed by their superiors to stay in prison and play martyr, in the hope that the *New York Times*, America's slick media, and "our" State Department will be successful in destroying the present Government. Such Communists hope then to become the masters of Greece.

Meanwhile, the new Government's five-year economic development program is running well ahead of schedule. Furthermore, decentralization is the keynote of the regime. And, Premier Papadopoulos is making powerful attempts to distribute the political, economic, social, and intellectual life of Greece over all the country, rather than permit Athens to continue sapping the vitality of the nation for its own benefit.

When Prime Minister Papadopoulos introduced a new reform Constitution, it was supported at the ballot box by an overwhelming majority of the Greek people. The Prime Minister and his Government are working feverishly to complete the mechanics of this new Constitution. When it goes into effect, in a year to a year and a half, George Papadopoulos will be excluded from serving in the Government by an age-limit clause upon which he personally insisted.

What kind of dictator is this—an anti-Communist intellectual who works eighteen to twenty hours a day preparing a new governmental order which will exclude him from any political power?

Yet, if the International Establishment and the kept Press have their way, the new anti-Communit Greece will be smothered in her cradle. The "East" will be victorious! Christian charity and national interests demand that the American people come to the defense of Papadopoulos and Greece. But, even more important, the West must come to realize that the attack on Greece is only one more part of the Communist strategy. Greece is the key to the Mediterranean. The Communists need it to turn the lock on an imprisoned Europe. Only George Papadopoulos and his anti-Communist Government stand in their way.—THOMAS J. HAAS.

TOO LITTLE TOO LATE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. ROBISON. Mr. Speaker, I include the following editorial from the October 2 New York Times in the RECORD because it points out most vividly the dangers for this winter. I have cosigned letters asking that the Cabinet Task Force's Report on Oil Import Control be implemented. When that request went unheeded, I joined in sponsoring a House resolution to the effect. Now it appears that the President will be denied the option of moving from quotas to tariffs or to free trade because of provisions in the Trade Act of 1970, if that bill should pass the Congress.

I, for one, find it difficult to understand how our national security is enhanced by the maintenance of oil quotas if those quotas operate so as to threaten to expose a large segment of our population to a winter without adequate heating oil. Additionally, the effect of a quota is invariably higher prices for the consumer—since domestic industry knows that it is guaranteed a share of the market. I would urge the President, while he still has the authority, to implement the recommendations of the task force so that supply will equal demand and price will be at a reasonable level.

The editorial follows:

MAN-MADE FUEL CRISIS

It comes as a stunning surprise to most Americans to realize that a temporary shortage of coal, oil and natural gas may produce power blackouts and brownouts this winter. That surprise is heightened by the state's notice to New Yorkers that fuel rationing might be necessary here for the first time since World War II. The ordinary citizen's astonishment is justified. If ever there was a man-made crisis, this is it.

There is no shortage of coal, oil and gas as such. The nation's reserves of all three are still enormous. Foreign sources are also available. But several special circumstances have developed at the same time to cause disruptions in the normal marketing of these fossil fuels.

The United States is a coal-exporting country, and coal exports have risen this year. Heavy exports have tied up railroad coal cars at seaports where they wait for days to be unloaded. The new Federal Coal Mine Safety Act—long overdue and still slackly enforced—has pinched production because companies are closing small mines rather than making the capital investment necessary to bring them up to the new Federal safety standards. But, basically, the shortage is not of coal but of railroad cars.

The international oil market has been upset because Libya is restricting production in an apparent effort to get a higher royalty for its oil. Syria, bringing pressure for higher transit fees, has refused since May to repair a break in a major pipeline. But the United States could easily overcome these adverse factors if domestic oil production were not rigged low to keep the price stable and imports from Venezuela not rigidly restricted.

Natural gas has moved temporarily into short supply, partly because gas producers and distributors did not foresee the extent to which the public outcry for clean air

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would send the demand for their product skyrocketing. Unfortunately, however, another part of the explanation is that the major oil companies, which own the lion's share of gas leases, are not averse to an artificially induced gas shortage which would heighten the pressure for a hefty increase in gas prices.

The Council of Economic Advisers' first "inflation alert" noted that fuel prices have been advancing with "exceptional rapidity" this year. The cost of bituminous coal climbed at a 34.4 percent rate in the first quarter, then shot up at an 81 percent rate in the second quarter. Residual fuel prices went up at a 36 percent pace in the first quarter and 60 percent in the second.

The Administration's instinctive response to this many-sided problem was to let it drift. Dr. Paul W. McCracken, the President's chief economic adviser, said several weeks ago: "I think the most helpful solution from what very little I have been able to see of this problem at the moment would be to pray for a benign weatherman this winter."

With the seriousness of the problem becoming more apparent every day, however, the White House has now announced some small measures. They seem more designed to take the political heat off the Administration than to provide real heat to anyone else.

The Interstate Commerce Commission has doubled the charge for railroad cars standing idle in loading zones. The import quota of 40,000 barrels a day on fuel oil used for home heating on the East Coast is to be doubled in the first quarter of 1971, but with a compensating reduction in the last nine months of next year to maintain the over-all average. Other import restrictions are eased in minor ways. "In view of numerous uncertainties, no one can now be sure that these steps will be adequate," the Administration spokesmen observed.

The Administration has spent a year and a half marching up the hill and then down the hill on oil import quotas. It is time to march back up the hill and stay there. Oil import quotas make no sense at any time, as the President's own task force has made plain. In a time of fuel shortage, they constitute nothing less than an attack by the Federal Government on the welfare of millions of its own citizens to safeguard oil industry profits. The Eastern Seaboard should routinely meet much of its energy needs by imports of oil from Venezuela. The quota changes announced this week amount to mere trifling with the issue.

The regulatory commissions in the oil-producing states could be prodded to increase the number of days on which oil is pumped from existing wells. The doubling of charges on idle railroad cars is a step in the right direction, but the Department of Transportation could work with the coal-carrying railroads to devise new procedures and, if necessary, new incentives and stiffer penalties to get them to cut their "turn-around time" on unloading coal cars.

If fuel rationing is necessary this winter, homes and stores will have to take precedence over heavy industry. But this is a choice which should not have to be made. Aggressive Government leadership can still make it unnecessary.

IN SUPPORT OF OUR POLICEMEN

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. DENNEY. Mr. Speaker, as I was reading through the October 1970 issues of the Industrial Banker, published monthly by the American Industrial Bankers Association, I noted with special interest a full page encouraging good relations with our law enforcers. The promotion depicted a lone police officer on his nightly rounds and was accentuated by the following text:

> Frustrating. That's what it's like to be a cop today.
>
> We hired that guy to do a job. A job too rotten for us to do. Then we isolate him. Fight him. Ignore him.
>
> That's what it's like to be a cop. And it's getting worse.
>
> Good men are leaving our police forces. And other good men aren't joining.
>
> We can't let it happen. We have to care. Do something.
>
> You've heard it and read it a hundred times: write your officials. Support new tax measures. Back legislation.
>
> Sure, you'll do those things . . . when you have time.
>
> But here's something you can do right now, and it won't take any time at all . . . smile at the next policeman you see.

I want to commend Leonard G. Rose, president of the National Account Systems, Inc. of Chicago, Ill., for initiating this promotional campaign in the Industrial Banker.

I know I will remember to smile at the next policeman I see, and I hope that all those taking note of these remarks will too.

TRIAL

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. MINISH. Mr. Speaker, I should like to point out to my colleagues the forthcoming "trial" expected to open shortly in Leningrad involving at least 20 Russian Jews.

This trial may signal another wave of harassment against Jews in the Soviet Union, and should be condemned for its Gestapo tactics.

Two hijackers of a Soviet airliner diverted to Ankara, both of whom are non-Jews, are no longer in the U.S.S.R. but in Ankara. Thus far, Soviet attempts to extradite them have been unsuccessful. Yet documents brought back from the U.S.S.R. by tourists within recent weeks attest to the fact that the first eight of 10 persons arrested after the hijacking were Jews said to have applied for permission to emigrate to Israel. A roundup of searches and arrests by the Soviet authorities have netted several more persons, all of whom are Jews.

The swiftness of the arrests, said to be completed within 30 minutes, coupled with the lack of any information from the actual hijackers no longer within the U.S.S.R., leads us to believe that this is simply another trumped up charge in order to permit Russia to persecute its dissatisfied Jewish population.

Mr. Speaker, as a sponsor of House Concurrent Resolution 744, which condemns religious persecution by the Soviet Union and gives congressional support to the President to diplomatically negotiate for Soviet Jews to emigrate to Israel, I believe that it is necessary to remain aware of the terrible invasion of human rights perpetrated by the Soviets against Jews. We must see to it that the pernicious antisemitic activities of the Russians are brought to public attention in the hope that they will be mitigated.

COOLING WORDS ON A HOT ISSUE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. HANNA. Mr. Speaker, "Cooling Words on a Hot Issue" appeared in the October issue of Fortune. I commend heartily this editorial to my colleagues' attention as an excellent example of a balanced approach to the critical housing problem facing our Nation today.

The editor endorses the very sensitive analysis of residential segregation presented by Anthony Downs, a noted housing consultant.

It is clear to me that we cannot solve our housing problems by having one generation of ghettos follow another. We must have a well financed and planned housing program, as well as an adequate insurance program to protect the sizable investment of the program and to accomplish its goals effectively.

In many of the Government housing redevelopment efforts a significant problem has arisen in that insurance has not been readily available due to the propensity of urban areas for high rates of crime and disorder. As Mr. Downs indicates, we must insure that the redevelopment efforts do not result in a lowering of the standards of care and general well-being of the surrounding community. One possibile remedy would be to restrict the allocation of Federal assistance moneys to those projects assured of adequate insurance coverage for the new and existing property owners.

It is very fortunate that we have articulate voices such as Mr. Downs' to comment on this problem. I would hope that this article and others like it will spur renewed efforts to provide the necessary housing and insurance so gravely needed in our country.

The article follows:

COOLING WORDS ON A HOT ISSUE

Without fanfare, the federal government has been getting very deeply involved in subsidizing housing. Next year about 500,000 new homes—at least one out of four that are built—will carry some form or other of subsidy to keep down the mortgage interest rate, the homeowner's monthly payment, or the rent. The federal role in housing will grow even larger in subsequent years, and it will give the government weighty leverage in dealing with what George Romney, Secretary for Housing and Urban Development, has described as the nation's most explosive domestic problem: the pattern of racial segregation in the suburbs that helps keep blacks locked in overcrowded core-city slums.

Desegregation of the suburbs would not only ease some of the problems of the cities, but would also provide blacks with a healthier environment. They would have a much better chance of seizing opportunities available in the fast-growing suburban job market. Residential mixing would produce substantial school integration without resort to long-range busing.

More than federal financial incentives are needed, however, to overcome the deep-seated resistance among many white suburbanites to the introduction of low-income black families into their communities. Secretary Romney quickly discovered that when he recently tried to open up housing in a blue-collar suburb outside Detroit. Nor are moral preachment and legal pressure likely to have much effect. Racial prejudice undoubtedly plays a part in suburban opposition to integration, but other concerns, some of them quite rational and justifiable, are also involved. What is needed is dispassionate analysis of factors that trouble even relatively unprejudiced suburban homeowners, and practical suggestions for dealing with these practical concerns.

Just such an approach has been proposed by Anthony Downs, a Chicago housing consultant with an impressive record of working to break down residential segregation, in testimony before the Senate Committee on Equal Educational Opportunity. He not only examines the causes of suburban uneasiness, but also suggests several means for allaying legitimate fears.

"Every household," Downs says, "is necessarily and rightly concerned with the nature of its neighbors regarding certain aspects of their behavior—particularly public comportment and the way they maintain and use their property." Middle-income homeowners oppose low-cost, integrated housing in their communities because they fear that local taxes will rise, that property values will decline, and that there will be more crime and disorder in the neighborhood.

These anxieties, although no doubt often exaggerated, are by no means wholly unrealistic. Low-income families add more to school costs than they pay in local taxes, and therefore, under the prevailing system of school financing, are bound to put an additional financial burden upon middle-income property owners. Property values do not always go down when low-income or minority-group families move in, but this possibility certainly exists, particularly if there is a wave of panic selling. The majority of poor people are decent human beings and good citizens, but crime and disorder are unquestionably among the byproducts of poverty. It is for this very reason that many law-abiding low-income families are anxious to get away from their present surroundings.

Instead of castigating suburban homeowners for wishing to hold down their taxes, protect the value of their properties, and raise their children in safe and orderly communities, Downs argues that we should find ways to carry out integration without infringing unduly on these normal human objectives. The tax problem, for instance, could be greatly moderated if state and federal governments accepted a larger part of the responsibility for financing education, thus taking the pressure off the local property tax. Some form of government-supported property-value guarantees or insurance for homeowners in areas where subsidized low-income housing is being built would help allay worries over declining real-estate values. A government policy of scattering subsidized low-cost houses or locating them in small clusters would prevent massive change in the nature of single communities or neighborhoods. More controversially, Downs proposes that the government place a definite limit on the proportion of low-income families that would be permitted to locate in a given area.

We hope Downs's sensible and constructive suggestions will be remembered as the government gets further into the difficult problem of residential segregation. His reasonable way of looking at the problem, in fact, is a model for debate on any critical social issue today.

THE VETERANS VOICE

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. CABELL. Mr. Speaker, a longtime friend of mine and a friend of the veterans of Dallas County, Mr. Hymie Greenspan, has written the following article in celebration of Veterans Day and I want to insert it in the RECORD:

VETERANS DAY 1970

Again we observe another Veterans Day in America and again Americans are still giving their lives on the field of battle representing the American people on distant shores. Your editor could discuss many phases of our policy as it effects our fighting men, but I feel that the following message which was delivered sometime ago on a Veterans Day by American Legion Commander John Olear of Waterbury, Connecticut properly sets the tone for the appropriate observance of this year's Veterans Day. Your thoughts on this day must be sincere as to the sacrifices that our fighting men and their families have made and are making today for all Americans. I am hopeful that a unified America will this year pause and pay proper tribute to all veterans who have fought for freedom and human dignity. Yes, I am still hopeful for the attainment of a lasting "Peace with Honor."

A TRIBUTE TO ALL VETERANS

It is appropriate on this Veterans Day since we are observing it during a period of national unrest and uncertainty, to look realistically at some facts that have been forgotten.

First and foremost, let it be remembered that no one wants peace more passionately than those who have fought for it.

There is no greater dedication to the cause of a world at peace than that of a man or woman who has lived through the hell of war. Can anyone know the importance of peace more than the man who served with the A.E.F. at Seicheprey, or the soldier or marine who fought in the sugar cane fields of Okinawa, or the sailor on convoy duty through the submarine infested North Atlantic, or the airman in the lonely battle in the sky, or the nurse of WAC under enemy bombardment?

These people cherish peace because they know what war is. But they cherish honor also. And they also cherish simple love of country.

The veterans want peace; of course they do; but they want "Peace with Honor." When American troops have marched off to war, they have marched in freedom's cause. They have sought no new territory, and no new peoples to enslave. They have fought for freedom and for the right of each people to choose its own government in its own way.

These men who fought—the veterans whom we honor today—were and are the real champions of peace. Only those who have lived intimately with the horrors of war can truly know how vitally urgent it is that we build a world in which all men and all nations can live in peace together as neighbors in peace and harmony.

These men know also that surrender to aggression does not mean real peace. They know that a temporary cessation of hostilities resulting from a yielding to the aggressor will be used by the aggressor only to build up his strength for new and greater assaults on free nations and free men.

TIME FOR REMEMBERING

It would be a mockery if we let the social unrest of today serve to downgrade in the slightest the valor and the sacrifices of those who have fought in freedom's cause from Valley Forge to Vietnam.

Today should instead be an occasion for paying even greater tribute to them—those veterans who fought under the flag of the country they loved. Veterans Day should be a time for remembering—and today, in remembering, let us seek a deeper appreciation of our veterans.

On this day of remembering, let us make the record show that we have deepened our admiration for those who have served their country in uniform—that we are etching deeper into the metal of history our gratitude to those who went to war in freedom's cause. Let us remember those who fell in battle, giving their all on the altar of freedom, and let us hail with affectionate pride those who returned safely from the field of battle.

VETS FOUGHT FOR ALL AMERICANS

Let us also remember, on this day for remembering, that it is only because of the courage and the sacrifices of those who fought for America and freedom that Americans are able to meet today in an assembly such as this. But for what the Veterans did, this city and this land would today be under the jackboot of a foreign dictator.

Our Veterans fought for the freedom of all Americans—even those who today consider it fashionable to dishonor their contributions and belittle their memories.

HON. HERBERT TENZER

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. FARBSTEIN. Mr. Speaker, I came across an article in the East Side News, a weekly publication with wide circulation throughout the Lower East Side of New York City which I have the honor to represent in the Congress, about our former colleague, the Honorable Herbert Tenzer of New York. Having known and served with Congressman Tenzer it affords me great pleasure to bring to the attention of my colleagues this partial résumé of his many efforts, membership, and leadership in the various organizations and laudatory projects and programs mentioned:

HON. HERBERT TENZER

(By Abe E. Eisenstein)

The story of the Hon. Herbert Tenzer and fame of such a character can find no limit in earthly gratitude from all concerned. If there is any single attribute which characterizes his life—it is dedication to service. The beloved native East Sider, Brooklynite, Queensite, New Yorker, Herbert Tenzer is a long time noted leader in community, civic, educational, recreational, religious and charitable endeavors. He is a doer as well as a giver. He is a deeply religious man. He is a man of warmth and friendly personality, a man of heart, compassion, courage, and dedicated to all the people. His dedication to men, women, and children transcends race, color or religious beliefs.

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The prominent New York attorney (235 East 42 St., Man.), humanitarian, active patriotic and public-spirited citizen, Herbert Tenzer is a former outstanding business executive, former chairman board of directors of Barton Candy, Inc., a labor-management relations expert, a former-founder president (now honorary) of the Brooklyn Crown Heights Talmud Torah and Yeshivah, a member of the East Side Chamber of Commerce, Pheta Alpha Phi, a "Guardian of Israel," a chairman (since 1933) of the Federation of Jewish Philanthropies, an Honor Roll member of the United Jewish Appeal, member of the Masons, Shriner, K. of P., B'nai B'rith, served as president of the National Council to Combat Blindness (Fight for Sight), voting member N.Y. City division American Cancer Society, organized and handled Rescue Children, Inc., after World War II, chairman of MIND—Maimondes Institute for New Development—a school for exceptional children, past president Congregation Beth Sholom (Lawrence, L.I.), national secretary Synagogue Council of America, chairman South Shore Albert Einstein College of Medicine, Trustee of Yeshiva University, member of the Grand Street Boys Assn., and many more.

Son of the late noted East Side businessman, Michael and Rose (Bernstein) Tenzer, Herbert Tenzer was born in an old tenement house on the Lower East Side on Nov. 1, 1905. He is one of seven children—Sam, Milton (Dec.), Estelle, Jeanette (Dec.), Bertha, and Eva.

Famed East Side old P.S. 34 alumnus and active member of its alumni, Herbert Tenzer was a boy member of the well known Aimwell Club at The University Settlement. Later, he was a volunteer youth leader and settlement worker. He is also a noted alumnus of Stuyvesant High School (Class of 1923), New York University Law School (Class of 1927), an honorary member University Amigos and member of The University Settlement Alumni Assn. He is at present a prominent leader in Lawrence, Long Island, and a member-officer of many well known organizations.

Former distinguished United States Congressman (5th District, Nassau County), Herbert Tenzer served two terms (1964–68) and did not seek a third term. He was a member of the House Judiciary Committee and served high in The House of Representatives as an active law maker. He always welcomed suggestions from responsible dedicated citizens and organizations, faced all the facts and showed the way to a possible solution of the problems. In the time he served in The House of Representatives, Mr. Tenzer has won the profound respect and affection in both sides of the aisle. He has helped stretch many minds and broaden many horizons.

The many awards, citations, encomiums, that have been heaped on attorney Herbert Tenzer, have been well deserved. He married the lovely young lady, Florence R. Novor, on June 29, 1930. There is a rich life before them and a legacy of fine children—Diane, Barry (an attorney), grandchildren, and a family circle.

East Siders, New Yorkers, family, alumni, co-workers, associates, and friends everywhere join the many, many thousands throughout the nation in saluting you—attorney Herbert Tenzer—on your 65th birthday year. May the good Lord give you health and strength to continue your "Ma'asim Tovim" in behalf of all people everywhere.

RESPONSES TO ANNUAL CONSTITUENT QUESTIONNAIRE

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. DELLENBACK. Mr. Speaker, again this year, as I have each year since I have been in the Congress, I sent a questionnaire to citizens of Oregon's Fourth Congressional District in which I asked for their opinions on a number of issues facing the Congress.

I think the questionnaire is a useful tool for measuring the views of a large and diverse congressional district. Questionnaires, together with the hundreds of letters I receive each month and frequent conversations with constituents, help me learn the thinking of the district.

The questionnaire is designed so that both husband and wife can express opinions.

The results of my latest poll follow:

[In percent]

	Husband	Wife	Total
1. U.S. military policy in Vietnam should be: (check 1)			
(a) Withdrawal of all U.S. troops by some set time	34.6	39.9	37.3
(b) Phased withdrawal of all U.S. troops based on progress of Vietnamization program	54.8	52.1	53.5
(c) Escalation of military effort	10.6	8.0	9.3
2. What action should the Federal Government take in connection with 1st-time use of marijuana? (check 1)			
(a) Eliminate present penalties	16.8	15.4	16.1
(b) Reduce present penalties	19.7	21.1	20.4
(c) Retain present penalties	16.8	18.4	17.6
(d) Increase present penalties	45.3	43.3	44.3
3. Should the Federal Government provide tax incentives for industry to install pollution control devices?			
Yes	57.7	60.6	59.2
No	40.5	39.0	39.8
4. As an alternative to the present welfare system, President Nixon has proposed a work incentive and job training program while guaranteeing a basic level of financial assistance. Do you favor this proposal?			
Yes	80.9	84.1	82.5
No	13.8	13.3	13.6
5. What action should the Federal Government take to meet the U.S. population problem? (check as many as are appropriate):			
(a) Promote distribution of birth control information	66.7	71.0	68.9
(b) Promote distribution of birth control devices	52.9	53.5	53.2
(c) Relax restrictions in present abortion laws	52.4	50.5	51.5
(d) Reduce the number of income tax exemptions for dependents	45.6	45.7	45.7
(e) Take no action	8.1	8.6	8.4
6. What action should the Federal Government take in connection with student unrest? (check 1)			
(a) Cut off Federal aid to students participating in violent activities	54.4	57.3	55.8
(b) Cut off Federal aid to students participating in demonstrations	14.6	15.0	14.8
(c) Cut off Federal aid to colleges not controlling violent activities of their students	32.3	29.4	30.9
(d) Leave action to colleges and States involved	21.8	22.4	22.1

I also listed 20 issues and asked constituents to number in order the six they consider the "highest priority areas of national concern." I then weighted and ranked the answers, giving more weight, for example, to an item marked "1" than to one marked "6."

It is interesting to compare the rankings of different age groups, as follows:

PRIORITY RATINGS—WEIGHTED

UNDER 30 AGE GROUP

1. Pollution.
2. Vietnam.
3. Inflation.
4. Crime.
5. Poverty.
6. Conservation.
7. Race relations.
8. Education.
9. Student unrest.
10. Tax reduction.
11. Defense budget.
12. Tax reform.
13. Draft reform.
14. Housing.
15. ABM.
16. Electoral reform.
17. Exploring space.
18. Agriculture.
19. Gun control.
20. Social security.

30–45 AGE GROUP

1. Pollution.
2. Vietnam.
3. Crime.
4. Inflation.
5. Poverty.
6. Tax reform.
7. Student unrest.
8. Tax reduction.
9. Education.
10. Conservation.
11. Race relations.
12. Housing.
13. Defense budget.
14. ABM.
15. Draft reform.
16. Social security.
17. Gun control.
18. Electoral reform.
19. Agriculture.
20. Exploring space.

45–60 AGE GROUP

1. Crime.
2. Inflation.
3. Pollution.
4. Vietnam.
5. Student unrest.
6. Tax reduction.
7. Tax reform.
8. Poverty.
9. Education.
10. Conservation.
11. Housing.
12. Social security.
13. Race relations.
14. Defense budget.
15. ABM.
16. Draft reform.
17. Electoral reform.
18. Agriculture.
19. Gun control.
20. Exploring space.

SENIOR CITIZENS OVER 60

1. Crime.
2. Inflation.
3. Pollution.
4. Vietnam.
5. Student unrest.

6. Social security.
7. Tax reduction.
8. Poverty.
9. Tax reform.
10. Conservation.
11. Education.
12. ABM.
13. Housing.
14. Electoral reform.
15. Agriculture.
16. Defense budget.
17. Race relations.
18. Draft reform.
19. Gun control.
20. Exploring space.

VETERANS DAY 1970

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. ZABLOCKI. Mr. Speaker, Veterans Day 1970 has passed but its significance and essence lingers longer than the 24 hours set aside to honor our brave fighting men and women who have given their most prized possessions—their lives—that their fellow countrymen might live in a world longing for peace.

I was privileged, Mr. Speaker, to participate in Veterans Day parades in Milwaukee. It was indeed gratifying to see Milwaukee's streets lined with people who, by their presence, were saying a special thank you to those brave and loyal Americans who accepted their responsibilities as citizens. Participating in the events were civic, veterans groups, and auxiliary units. Special guests were two of Wisconsin's Medal of Honor winners, Gary Wetzel, whose artificial hand symbolizes his sacrifice in the Vietnam war, and Einar Ingmann who served in the Korean war, as well as Milwaukee's 1970 Veteran of the Year, Joseph A. Greco. Their sacrifice merits the respect of every American.

But along with the gratitude expressed on Veterans Day, comes a painful sorrow—the sorrow of loss, of pain, of death. For the freedom and liberty which we retain today has been purchased with the sacrifice of American veterans throughout America's 194-year history. On nine occasions since the founding of this Nation, Americans have been asked to bear arms in her defense. Over a million men and women have never returned from those battlefields to enjoy the fruits of their sacrifice while millions more came back maimed—yet proud to have served.

We have learned the bitter lesson that peace is not an absolute that can be found or achieved and then enjoyed once and for all. There is no plain and definitive formula by which peace can be maintained. However, it is because of the sacrifices made by Americans in time of national peril that this Nation exists today; and it is for this reason that America cannot allow the passage of time to obscure or minimize the memory of our heroic dead.

Nor can we afford to forget that when the guns cease firing and the soldier once again becomes the civilian, it is he who contributes to a stronger, better America through his work in every trade, every profession, and every form of human endeavor.

It has been said that in times of protest, it is an unpleasant task to pay tribute to the serviceman. I think not. America has every reason to honor her veterans both for services rendered on the battlefield and at home for the preservation of our democratic ideals. It is for this reason that Veterans Day is such a meaningful holiday. America salutes her veterans both living and dead for services which can never adequately be rewarded.

A SCOTTISH VIEW OF WEST FLORIDA IN 1769

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. FASCELL. Mr. Speaker, in 1769, a British Admiralty chartmaker, George Gauld, described the unspoiled wilderness shores, bays, and rivers of Florida in an unpublished 30-page report. While his navigational charts were posthumously made public and used by the Admiralty, it fell to one of the Scot's descendants, Dr. Charles A. Gauld, to call our attention to the historical importance of his ancestor's observations.

Dr. Gauld is a distinguished student of Florida history and a member of the faculty of Miami-Dade Junior College's South Campus. He is presently at work on a major encyclopedia of Florida, a compendium of information about the State.

Dr. Gauld's article, "A Scottish View of West Florida in 1769," appeared in the 1969 issue of Tequesta, the annual publication of the Historical Association of Southern Florida. I am pleased to be able to call our colleagues' attention to this historian and his scholarly efforts in the field of Florida history:

A SCOTTISH VIEW OF WEST FLORIDA IN 1769

(By Charles A. Gauld, Ph. D.)

A scholarly Scot wrote but never succeeded in publishing a 30-page "General Description of the Sea Coasts, Harbours, Lakes, Rivers etc. of the Province of West Florida, 1769." He was George Gauld, born in Scotland in 1732. He received an honorary M.A. from Aberdeen, one of the four democratic Scottish universities. As a chart-maker for the British Admiralty, his death in 1782 may have occurred in London or at sea. Gauld's charts for navigation between East Florida and the British West Indies were posthumously published by the Admiralty. That of the Tortugas and Florida Keys or Martyrs appeared only in 1815.

Gauld's two pamphlets were issued in London by William Faden in 1790 and 1796. The second, of 28 pages, was entitled "Observations on the Florida Kays, Reef & Gulf with Directions for Sailing along the Kays from Jamaica by the Grand Cayman & the West End of Cuba; also a Description, with Sailing Instructions, of the Coast of West Florida between the Bay of Espiritu Santo & Cape Sable." There was added, "by George Gauld, to accompany his Charts of those Coasts, surveyed and published by order of the Rt. Hon. the Lords Commissioners of the Admiralty, to which have been added a description of the East Coast of Florida between Cape Florida & Cape Canaveral (and) within the Florida Reef."

The 1796 pamphlet was consulted by Dr. Wallace McMullen in his "English Topographical Terms in Florida, 1563–1874" (University of Florida Press, 1953, 227 pp.) Gauld's 1769 manuscript is useful both for some topographical terms and for place names of the British era in West Florida.

George Gauld served the Admiralty in Florida from 1764 until 1771. In 1773 he presented to the American Philosophical Society in Philadelphia his West Florida manuscript, hoping for its publication in the Society's "Transactions" along with his communication on measuring the height of Catherine's Hill and of the magnificent Blue Mountains in Jamaica. The latter was enclosed in Gauld's letter to Hugh Williamson, presumably a Scottish member of the Society, dated Port Royal, Jamaica, February 15, 1773. Neither manuscript was published in the "Transactions." Perhaps Gauld was inspired to write to the Philadelphia body through his associates in West Florida, Dr. John Lorimer, presumably another Scot.*

It would be interesting to know of any relations between Gauld and William Roberts, whose "*Account of the First Discovery & Natural History of Florida*" (London, 1763) Gauld probably read. Also Gauld's ties in Florida with Captain Bernard Romans, author of "*A Concise Natural History of East & West Florida*" (New York, 1775). The American Philosophical Society has no information on Gauld, who may even have donated his 1769 manuscript while on a visit to Philadelphia. The Scottish National Library and the British Museum also lack information on Gauld's career. Aberdeen University Library stated that Gauld studied there between 1750 and 1753 and was given an honorary M.A. in 1759 while an Admiralty mathematics teacher.

We can assume that Gauld attended the East Florida Masonic Lodge meetings in St. Augustine with such Caledonians as Governor James Grant, royal superintendent of Indian affairs John Stuart, Rev. John Forbes, the Lieutenant Governor Dr. James Moultrie, John Bethune from the Isle of Skye, and Dr. Andrew Turnbull, who in partnership with Sir William Duncan, introduced Mediterranean colonists into his short-lived New Smyrna colony. In addition, Gauld may well have participated in Scottish Rite Masonic rituals in Pensacola with such Scotsmen as Governor George Johnstone, the rich Indian traders William Panton and John Leslie, and the brilliant half-Scottish leader of the Creek Nation, Alexander McGillivray.

There follow passages of interest from the two-century old manuscript. Gauld began, "The Province of West Florida (is) the frontier of the British Dominions in America," extending some 350 miles west of the Apalachicola River nearly to New Orleans. He foresaw great advantages from the region's possession by a maritime commercial nation. He admired a unique red bluff near Santa Rosa Island at the entrance of Pensacola Bay. Chart and navigation conscious, Gauld cautioned of dangers from shoals and the lowness of the treeless island, hard to distinguish. He described anchorages in deep water protected from storms for vessels seeking the hard-to-find mouths of the Mississippi River, an area as fertile as the Nile delta. "Vessels that draw above 11 feet cannot enter the Mississippi's passes without being lightened."

Gauld then described bays, estuaries, lagoons, creeks and rivers of West Florida. Choctaw Indians were killing the cattle of the few settlers on St. Louis Bay, forcing them to leave in 1767. He visited some new settlements on the Pearl River where tobacco,

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*Alabama professors Robert Rea of Auburn and Jack D. L. Holmes of Birmingham plan research on Lorimer, whose letter of April 21, 1769 appeared in the "Transactions" (I:250), according to Gauld's pamphlet of 1796.

XUM

indigo, cotton, rice, corn and many vegetables were raised in rich soil. The indigo rivalled that of Guatemala. The settlers planned to make barrel staves of white oak. Gauld lauded the timber available for masts and shipbuilding. Further west he noted that French settlers were raising cattle and were clandestinely making pitch, tar and turpentine, and selling these naval stores very profitably in New Orleans to France and Spain "as we have no army posts or vessels to prevent them."

Johnstone in Pensacola in 1765 ordered the construction of Fort Bute on the Mississippi. "But after Governor Johnstone's departure it was abandoned and demolished by order of General Gage in 1768, the consequence of which measures are already obvious. . . . Had it not been for the withdrawing of the British troops from the Mississippi, that country would in all probability have been well settled by this time (by Britons). During the late disturbances at New Orleans, a great many of the French inhabitants were desirous of settling on our side of the river. Some of them had actually embarked with their families, Negroes and effects on the arrival of the Spanish troops, but afterwards allowed themselves to be dissuaded, partly because Irish-Spanish General O'Reilly gave them assurances that everything would be forgiven." Many French, with no British presence, suffered greatly in the New Orleans area, according to Gauld. "The French in general in Louisiana have an utter abhorrence of the Spaniards which will probably last for generations."

"It would be of great advantage to British West Florida to have one or two small armed vessels" cruising between Pensacola and New Orleans. Gauld saw them preventing clandestine activities in naval supplies and helping to secure to Britons a considerable trade with the aborigines.

Gauld noted that Nassau Road, west of Pensacola, was named by "Dr. Daniel Cox, an adventurer about the time of King William III." Nassau Road was termed one of the best anchorages for large ships in all West Florida. Another was Ship Island with its "high hummock" and ample fresh water and cattle for beef. He found a few French at Biloxi raising cattle and producing pitch and tar despite the troublesome Choctaws. Shallow Biloxi Bay abounded in excellent oysters as Father Charlevoix also observed. Gauld mentioned the Pascagoula River mouths and estuary as virtually paved with oysters. He saw some farms but learned that the red men killed the cattle. "The Choctaws were always firmly attached to the French (in) Louisiana, and it will probably be some time before they are thoroughly reconciled to the British."

The observant Scot carefully described navigational matters for all West Florida such as channels, shoals and deep, protected anchorages as well as soils and forests. On Dauphin Island he pondered the age of overgrown shell mounds. He said that Hawkes Bay was named for the British armed schooner "Hawke" used in his surveys. The bay had been choked by a hurricane.

Gauld wrote, "Mobile is a very considerable place (with) a small fort, formerly called Fort Conde, now called Fort Charlotte, built of brick, and a neat square of barracks. The town is pretty regular, of an oblong shape on the west bank of the river by the bay. Several of the richest of the French left Mobile on its being given up to the English, but a great many still remain in the town and at their plantations on the river and on both sides of the bay. There is a considerable Indian trade carried on. Mobile (under us) has sent yearly to London skins and furs worth £15,000. At present this may be called the only staple commodity in the Province."

He ascribed summer fevers and agues in Mobile to the many marshes and lagoons rather than to mosquitos. He referred to the Spanish River and the "Alibama" River near Mobile, and to the chief settlements of the Upper Creeks and "the French fort at Alibama evacuated in 1763. "It has not since been garrisoned by us." Gauld mentioned the Tombeebe (Tombigbee) River in the country of the Chickasaws. The British commander at Pensacola in 1767 ordered the Tombeebe fort abandoned. Good soils for rice, thick cane brakes, and fine stands of cypress, elm, ash, hickory and red and white cedar were listed.

Gauld explained that the Perdido River was named because a Spanish ship was lost (perdido) near its mouth. Canoes were portaged from the Perdido Bay to a coastal lagoon leading to Pensacola. He added in the margin, possibly in 1773, that at a narrows in Perdido Bay "a ferry has been established and a new road opened (which) cuts 20 miles from the land journey and saves a day between Mobile and Pensacola. A sawmill had recently been erected nearby." The Perdido was formerly the boundary between Spanish Florida and French Louisiana, Gauld added.

He described the Pensacola bar approaches as involving sightings of the red cliff and "Reid's tree," and predicted that the Indian name Pensacola would endure. Gauld reviewed French and Spanish contention over Pensacola and its Fort San Carlos in 1719–22. The Spanish "signal house" on Santa Rosa Island was "greatly improved of late by General Haldimand." Spanish Pensacola was on the island until inundated by a hurricane about 1754, when it was moved to its present site.

Governor Johnstone considered moving the tiny, ramshackle Pensacola to another site on the bay. It had just been abandoned by 600 Spaniards and Catholic Pensacola Indians (and some mestizos) whom Spain moved to Veracruz, Mexico.* But he decided that its present site was best and had the British town "regularly laid out" early in 1765. Gauld described it as stretching about a mile along the bay and a quarter mile inland. At the west end was a fine stream for filling the water casks of ships. Nearby was a naval reservation with "garden, storehouses, hospital etc." He added that the military garrison had a reservation of 200,000 square yards in the middle of Pensacola, dividing it in two. "It can be of no great service for defense (against) either savages or a civilized enemy." The hill behind town was named for General Gage, who later fought American colonists seeking independence. "The hope of a Spanish trade induced many Britons to settle here at great expense. It has not yet answered their expectation. The principal objectives ought to be the Indian trade (plus) indigo, cotton, rice, hemp, tobacco and lumber, the natural products of the country."

Pensacola's sandy soil could be made to produce lettuce, tomatoes, turnips, carrots and potatoes, along with oranges, figs and peaches. "Provisions of all kinds are now very plentiful. His Majesty's troops and ships are always supplied with fresh beef (from around Mobile?), and the inhabitants buy it for half a bit a pound."

Near Pensacola was "an iron mine where a large natural magnet was lately found." Gauld later added, "now in the possession of Dr. Lorimer."

Near the mouth of the Escambia River lay "Campbell Town, a settlement of French Protestants, about ten miles from Pensacola by land and 13 by water . . . unhealthy because near marshes." Several French died. Great Britain had settled them there in to produce silk, but the effort failed. Gauld spoke of the Escambia valley's good soils, vegetation and tall pines, fine for masts and yard arms for the royal navy. "Many other vessels have been supplied from them." He listed a thousand-acre reserve on the large peninsula in Pensacola Bay with its stands of live oaks and large pines for firewood for the navy and army. Possibly it was part of the reservation for naval supplies set aside by President Monroe and unfortunately abandoned. Nearby another British naval reserve was created at a former royal careening place where in 1766 a wharf was begun by order of Sir William Burnaby, then commander-in-chief in Jamaica. Nothing had been done with these reserves as of 1769. There was a private careening wharf, apparently near Deer Point and the Santa Rosa Channel.

Santa Rosa Island extended east nearly 50 miles, "very remarkable for its white sandy hummocks." Choctawhatchee Bay was called by Gauld, St. Rose's Bay, with an entrance barely five feet deep. Into it flows the "Chactahatchi" River. Some 35 miles upstream lived "Coussa Indians who have joined the Creeks and sometimes bring provisions and wildfowl to Pensacola in their canoes," although generally too lazy to do so as required by treaty.

Gauld wrote of the St. Joseph area, deserted by the Spaniards about 1700 only to return in 1719 after Pensacola protested a French fort there in 1717. He thought the bay ideal for making salt for curing bass, red cod and other abundant, excellent fish. His final word to Britons under full sail at night off West Florida was to beware the many logs disgorged by the Mississippi in flood.

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* Robert L. Gold, "The Settlement of the Pensacola Indians in New Spain (Mexico), 1763–70," *Hispanic American Historical Review,* vol. 45, no. 4, Nov. 1965, pp. 567–76.

DR. DONALD G. EMERY NAMED DIRECTOR OF THE NATIONAL READING CENTER FOUNDATION

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. REID of New York. Mr. Speaker, during the recent recess, I received with mixed emotions the news that Dr. Donald G. Emery, Superintendent of Schools in Scarsdale, N.Y., had been named Director of the National Reading Center Foundation.

I was delighted that a distinguished educator of Dr. Emery's caliber had been selected for such an important position, yet I was dismayed that the Scarsdale school system would be losing such an outstanding and completely dedicated superintendent.

The Scarsdale schools have flourished under his guidance since 1965, and I am certain that, with Dr. Emery as its director, the National Reading Center will make constructive progress toward eliminating illiteracy in this country.

We in Westchester have been fortunate to have had the benefit of Dr. Emery's experience, commitment and concern for quality and equality in education. He has contributed much to Scarsdale and to our county as a whole, and we will miss his leadership and effective administration. On the other hand, the National Reading Council will gain as its director an educator of proven competence and ability, with a broad range of experience.

A native of Indianapolis, Dr. Emery was graduated cum laude from Indiana Central College in 1941. He received his master's degree from Butler University in 1945 and his Ph. D. from the University of Iowa in 1949.

He was a civilian consultant on educational programs for the Strategic Air Command in Europe during spring, 1960 and was among the 10 school superintendents participating in the study of European education in 1964. He also took part in the invitational appraisal of binational schools in Brazil in 1968.

In announcing Dr. Emery's appointment to head the National Reading Center, Walter W. Straley, chairman of the National Reading Council, said:

> We are fortunate in being able to obtain the services of a man of Dr. Emery's calibre. His varied experience gives him first hand knowledge of problems in all segments of the educational field.
>
> Together with Dr. Wayne Howell of Encyclopaedia Britannica Films, he conceived "Project Discovery", a highly successful program in the use of film on a saturation basis in classrooms.
>
> As Superintendent of Schools in Shaker Heights, Ohio, he developed an outstanding biracial community and school program, and at his present position in Scarsdale, he reorganized the approach to curriculum development to secure broad, continuous involvement of the teaching faculty.
>
> His work in the adult education field has been equally impressive. While serving as Dean of the College of Adult Education at the University of Omaha, he directed one of the Mid-West's largest adult education programs, generating a nationwide reputation for quality adult education.

In a statement at the time of his appointment, Dr. Emery said, in part:

> I would first assure you I am properly impressed by the substantial challenge, and intrigued by the opportunity that serving as Director of the National Reading Center presents.
>
> What we plan to do is to complete all possible tasks that are necessary so that every child and every adult who is presently handicapped in his ability to read but who is denied the opportunity to full access to this society, because of reading deficiency, will have that deficiency eliminated and will have an opportunity for a fair vocational opportunity; social mobility, to be a free man and a citizen in all the respects that are denied anyone who does not have ordinary functional ability with that basic skill of reading.
>
> The statistics about the inability to read or limitations in reading are staggering statistics in terms of the nation as a whole. Our basic approach to accomplishing this task is to serve as a catalyst, a rallying agent, to stimulate a great and unique partnership in this country of many segments of both the public and private sectors of the economy and society; for many of us to join together and in separate ways and together do those things yet to be identified and designed that will, in fact, open up the opportunity of this society to those persons who cannot read or read well enough.
>
> The right to read must be a birthright of every child from now on. There is no longer the need for that not to be true. Our job in the next decade is to remove that handicap, that disability, from the society. We are not so naive as to presume we will do this singlehandedly or by ourselves, or even through our organization, the Reading Center. But we do believe that The Reading Center, with the help of the Council, and this partnership can be the avenue to cause this accomplishment to happen in our society. . . ."

SAVINGS ACCRUED THROUGH MEDICAL RESEARCH

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. WALDIE. Mr. Speaker, the current need for continued medical research in our country is one of great importance as many of us are aware. However, during periods of fiscal stress, funds for medical research are at times not available. Yet the demands persist.

In an attempt to show that funds allocated for medical research are wisely spent, Dr. H. Hugh Fudenberg, professor of bacteriology and immunology at the University of California, San Francisco, and chairman of the Committee on Congressional Liaison on Health, Education and Welfare, for the American Association of Immunologists, has taken the time to compile and make available to the Members of the Congress figures which would indicate the validity of his appraisals.

I call the attention of my colleagues to his findings:

SAN FRANCISCO, CALIF.,
September 14, 1970.

HON. JEROME R. WALDIE,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WALDIE: I and other biological and medical investigators are grateful to you for your support and past efforts to prevent reduction in Federal funding for basic research in these areas. I believe (and, indeed, hope) that it was partly through your efforts that representatives of two scientific associations to which I belong (the American Association of Immunologists and the American Society for Clinical Investigation) were permitted to testify at the recent hearings of the House and Senate Subcommittee on Health, Education and Welfare Appropriations.

I have been told that these witnesses were articulate and well-informed, and presented convincing, ethical and intellectual data supporting the views of scientists in general. However, despite the aid of Congressmen who share your views on the importance of research in this country, I fear that in these times of fiscal stress only hard economic data on dollars saved through research versus dollars spent can convince the Congress, the Bureau of the Budget, and the present Administration that funds thus allocated are wisely spent. Therefore, with apologies for the intrusion of your time, I enclose what data I have been able to garner on the economcs of basic medical research. Since my work is largely (though not wholly) in Immunology, and is supported for the most part by the National Institute for Allergy and Infectious Diseases, I shall confine the data listed on the enclosed sheets to funds saved as a result of funds expended for basic research in this area, mostly by this Institute. I shall try to outline for you savings accrued through virtual eradication of three diseases of immunologic or infectious nature. Perhaps scientists in other areas, supported by other Institutes, could be encouraged to gather similar data in their areas of scientific (though not economic) expertise. If you wish references to the original literature from which these data were obtained, I shall be glad to provide these for you.

Very sincerely,
H. HUGH FUDENBERG, M.D.

I. The eradication of poliomyelitis resulted directly from research funds granted to determine whether viruses would grow in monkey kidney. They did!!! Therefore, it became possible to grow large quantities of viral material so that the Salk and Sabin vaccines could be given to virtually all persons at risk.

Insofar as I can ascertain, economic data on cost-benefit poliomyelitis are available only for the type of poliomyelitis known as paralytic poliomyelitis, and only for the years 1955–1961. During this seven-year period, the use of Salk vaccine prevented approximately 154,000 cases of paralytic polio as based on the difference in incidence during this period and the period during the three immediate pre-vaccination years 1955–1961; of those affected during this period, again based on data from the preceding three years, 12,500 would have died, 14,300 would have experienced no residual disability; of the remainder, 36,400 would have been severely disabled, 58,100 moderately disabled, and 32,700 have suffered only slight disability.

1) Estimates of the *medical care costs* avoided through prevention of paralytic cases during these seven years are estimated at $327,000,000 based on hospital costs *at that time* (obviously, much higher since), length of hospital stay, cost of other services (braces and appliances, special nursing, physical therapy, etc.).

2) Estimates of loss of lifetime income, based on age at which morbidity and mortality occurred, and on sex, the per capita lifetime income lost (assuming 100 percent loss of income for deaths), 50 percent for severe disability, 25 percent for moderate disability, and 10 percent slight disability for males, and a total cumulative income; for males of $226,040, and for females of $44,850 was $6,389,700,000 (for males, approximately $5.1 billion, and for females $1.3 billion).

Total savings [$0.3 billion from 1) and $6.4 billion from 2)]	$6, 700, 000, 000
Costs:	
Purchase of vaccines	129, 800, 000
Physicians' vaccination fees	468, 600, 000
Vaccine administration	13, 300, 000
Total	611, 700, 000
Vaccine research and field trials	41, 300, 000
Estimated net gain accrued	6, 053, 000, 000

II. Tuberculosis:

Data have been compiled for the period 1954 to 1969, since 1954 was the first economic year in which the control of tuberculosis by chemotherapy and chemoprophylaxis has been recorded. The data below represent conservative figures, since they are based on the following estimates, which are, indeed, conservative:

(a) average cost of hospitalization in 1954—$15.00/day; average cost of hospitalization in 1969—$38.00/day.

(b) average loss of productivity per hospitalized patient in 1954—$2,000/year; in 1969—$4,000/year.

(c) Calculated on data from the U.S. Veterans Administration and the United States Public Health Service, the average per diem census in all hospitals in the United States for tuberculosis was 100,000. The figures below are based on the assumption that the incidence of new cases of tuberculosis would have declined 3.5%/year without chemotherapy so that 58,600 beds would have been occupied in 1969 (assumption).

(d) cost of out-patient clinic was 10% of the cost of care in hospital (probably, at least for the year 1969, a very excessive estimate; therefore, a conservative estimate as compared to present savings).

Resuling estimates—in billions of dollars

Savings in hospitalization costs	$4.19
Cost of out-patient care of non-hospitalized patients	—.42
Net savings on treatment	3.77
Savings in decreased loss of productivity	1.20
Estimated economic benefit	4.96

It is noteworthy that during this same period of time the Congress of the United States allocated $773.1 million (less than one-sixth this amount) to the National Institute of Allergy and Infectious Diseases for support and training in the area of all infectious and immunologic diseases.

III. An immunization effort against measles was initiated in the United States in 1963; this again, was made possible by the research which made large-scale propagation of viruses possible. Ender, J. F., and Peebles, T. C.: Propagation in tissue cultures of cytopathogenic agents from patients with measles. *Proc. Soc. Exp. Biol. Med., 86:* 277–286, 1954.) In 1968, the estimated number of measle cases was 250,000, about 6% of the estimated mean for the ten-year period (1953–1962) preceding immunization.

For every 100,000 cases of measles, 100 cases of measles encephalitis can be expected to occur; of these 100, 10 will die, and 33 will be mentally retarded, or have other central nervous system damage. Long-term institutionalization is assumed for this latter group. In addition, an average of 500 more patients with measles will deevlop complications such as pneumonia, or otitis, or other illness severe enough to warrant hospitalization.

Based on an estimated mean hospital stay of 14.6 days for encephalitis patients, and 8.5 days for other hospital patients; the estimated number of hospital days/100,000 cases of measles is 5,710—1,460 for encephalitis patients, and 4,250 for other patients. The following computation assumes that half the number of patients not hospitalized were attended by physicians (half in physicians' offices, and half in patients' homes). (Data from the National Center for Health Statistics indicated that 51% of measles patients were medically attended in 1964, and 65% in 1965.) Other figures are based on data that hospitalized encephalitis patients were charged $190.00/patient in 1966 for physicians' services, and that hospitalization costs at short-stay community hospitals for non-encephalitic acute measles ranged from $38.91 in 1963, upward to $54.09 in 1967, and that hospital costs for encephalitis patients were $73.00 in 1966 (Schwab, P. M.: *Public Health Reports 83:* 860–966, 1968).

The cost of custodial care is estimated at $3,000/patient a year for the institutionalized patient:

Savings based on above	$531,543,000
Cost of immunization (at $3.00/dose of vaccine)	108,300,000
Net savings	423,243,000

Savings: Direct medical:	
Physicians' services in offices:	
Encephalitis cases	173,000
Other acute cases	37,259,000
Physicians' services in hospitals:	
Encephalitis cases	1,971,000
Other acute cases	2,755,000
Hospital services:	
Encephalitis cases	12,359,000
Other acute cases	17,490,000
Gamma globulin for contacts	5,558,000
Lifetime care for mentally retarded	200,833,000
Total	278,398,000
Indirect—due to loss of productivity:	
Premature death	49,904,000
Mental retardation	166,433,000
Work losses	36,808,000
Total	253,145,000

In summary, the basic research which led to the measles vaccine during the years 1963 to 1968 averted 9.7 million acute cases of measles, and 3,244 cases of mental retardation. It is also estimated to have saved 55,000 hospital days, 291,000 years of normal life, more than 1.6 million work days, 32 million school days and $423 million. (Incidentally, about 90% of the savings in each of these categories was realized in the last three years—the period of intensive national effort to eradicate measles.)

IV. Other examples might be cited, though it is too early to garner meaningful economic data. For example, funds awarded to investigate "feedback control" of antibody synthesis led to the introduction of the use of minute amounts of anti-Rh antibodies into Rh negative mothers, eliminating their ability to make antibody to the red cells of their fetus when Rh positive (about 85% of the time), and will, within the next few years, lead to the complete eradication of hemolytic disease of the newborn with the economic savings accruing from exchange transfusions avoided, doctors costs avoided, and institutionalization due to severe brain damage avoided, as well as to the abolition of intrauterine death due to this cause (hydrops fetalis).

STUDENT PETITION TO CONGRESS FORECASTS WORLD TRADE WAR

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. GIBBONS. Mr. Speaker, under leave to extend my remarks, I would like to have included in the CONGRESSIONAL RECORD a statement and a declaration that has been sent to me by the Student Coalition for Development. The student coalition has made a study of the pending trade bill and particularly its harmful quota aspects concerning developing nations.

The student coalition is now circulation this declaration to interested student leaders on campuses throughout the Nation.

Attached are the statement and declaration:

STUDENT COALITION FOR DEVELOPMENT

STUDENT PETITION TO CONGRESS FORECASTS WORLD TRADE WAR

NEW YORK, November 5.—A grass-roots petition-campaign asking Congressmen to vote down the proposed "Trade Act of 1970" is hitting campuses and communities throughout the United States today, led by a team of students from universities and colleges across the country.

Their petition, titled "Declaration on the Trade Act of 1970", forecasts massive unemployment, spiraling prices, shattered international prestige for the U.S., and a worldwide trade war if the act is allowed to pass into law. The statement begins by urging Congress to "vote down the Trade Act" and gives five reasons for doing so before calling upon "every American to make his voice known to Congress by endorsing this Declaration".

RISING PRICES

The petition claims that the Trade Act will deal a severe blow to the world's poorer nations and will uproot "a generation of progress towards a more rational world economy". It further states that the Act "will increase inflation at the expense of the consumer by limiting foreign competition in the American market", "will cause unemployment to spiral, as a result of protectionist reciprocation by other nations", and "will contravene every recent international trade accord that the United States has signed".

COALITION FOR DEVELOPMENT

The Declaration and the campaign to endorse it, are the work of a nationally representative team called the U.S. Student Coalition for Development, formed in 1969 to create greater understanding on the American campus of people and problems in the world's developing regions. Their campaign to stop the Trade Act first arose out of a concern for America's impact on much poorer countries.

Campaign co-ordinator Paul A. Laudicina, who spent this summer with a Coalition team in Chile, Bolivia and Peru, says he believes that the legislation wouldn't have a chance of passing Congress if the American people knew its implications.

The political hostility which caused the Second World War resulted from an international economic crisis intensified by the protectionist tariff legislation of Smoot-Hawley in 1930. The Trade Act of 1970 is equally dangerous.

RESPECT FOR THE PROCESS

"Those of us who become aware of the implications have a responsibility to tell others", he said. "This is why we have chosen a petition campaign, because we have respect for the democratic process, in contrast to the way powerful special interests are attempting to push this bill through Congress".

DEADLINE NOV. 19TH

The Coalition's campaign plan calls for student and community leaders to circulate the Declaration as widely as time will allow before Congressional consideration of the legislation begins on Nov. 19. A Coalition office at 20 West 40th Street in New York has sent out 10,000 Declaration petitions to campus and community organizations, student newspapers and other mass media, as well as congressmen and senators.

Campaign leaders expect to reach their greatest audience with the co-operation of campus newspapers and student leaders. "We hope that those who don't receive the Declaration personally will read it in their local paper and send their endorsement directly to the Coalition's New York headquarters," said Laudicina today. "We have a good supply of Declarations for such requests, although the petition is easily re-printable locally, and some campuses have been mass producing them".

The mail-out is being supported by a telephone follow-up, to stress the urgency of the campaign in view of the deadline for presentation to Congress.

STUDENTS LOSE FAITH

Laudicina, a 21-year-old Brooklyn-born University of Chicago '70 graduate, claims students lose faith in the Government's stated desire to build a more prosperous world for all when they witness Congress' serious consideration of the Trade Act. "Such legislation stifles the growth of less-developed countries by limiting their access to the

American market and diminishing their vital export earnings", he says.

INFLATION AND UNEMPLOYMENT

"In our own national interest we must urgently curb inflation and reduce unemployment, yet this bill threatening to become law will create greater inflation and more unemployment. It is legislation by the powerful few at the expense of the voiceless many".

"It will make meaningless the 'International Development Strategy for the Second Development Decade', which received U.S. approval in the U.N. General Assembly less than one month ago. How can our Government's word bear any credence at all if the Trade Act becomes law?" the student leader asked.

NO CAUSE FOR HOPE?

"We who seek signs for hope in the way our nation is ordering the present to build for the future, do not see the 'Trade Act of 1970' as a cause for hope. We earnestly urge Congress to reject the legislation, and the people of the United States to lead the way by telling their elected representatives what they think of the proposed Trade Act".

Contact: Student Coalition for Development—20 West 40 St., New York 10018 (212) 563-1779.

DECLARATION ON THE "TRADE ACT OF 1970"

We, citizens of the United States of America, urge Congress to vote down the "Trade Act of 1970".

Whereas, it will unleash an international trade war by uprooting a generation of progress towards a more rational world economy;

Whereas, it will contravene every recent international trade accord that the United States has signed;

Whereas, it will undercut the efforts of the poorer nations of the world to increase their vital export earnings;

Whereas, it will increase inflation at the expense of the consumer by limiting foreign competition in the American market; and

Whereas, it will cause unemployment to spiral, as a result of protectionist reciprocation by other nations.

Therefore, we call upon every American to make his voice known to Congress by endorsing this Declaration.

BILL TIMMONS AND CONGRESS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. COLLIER. Mr. Speaker, now that the furor of preelection partisan politics has subsided I would like to enter into the RECORD a news story that recognizes and praises the ability of one of the President's deputy assistants, William E. Timmons.

The article appeared in the Chicago Tribune on November 17 and was written by Willard Edwards. The article follows:

YOUNG NIXON AIDE HAS POWER

(By Willard Edwards)

WASHINGTON.—In the opinion of several White House insiders, the youngest and least-publicized of the President's top assistants is probably the one most responsible for Nixon's strategy, tactics and successes in dealing with a Democratic-controlled Congress.

He is William E. Timmons, 39, the Presidential assistant for congressional relations. He is entrusted with direct charge over White House contact with Capitol Hill. His name seldom appears in print because he shuns interviews, believing they can only handicap his performance.

"He's got one of the toughest jobs in Washington, dodging brickbats flying between the legislative and executive branches," remarked an admirer. "He must be constantly aware of the political consequences as he prods for action on administration bills. He's liked by both Republicans and Democrats and has done a remarkable job."

Timmons, despite his comparative youth, is a veteran of national and congressional politics. He is a former aide to Rep. William Brock, now Tennessee's senator-elect; a former director of congressional relations for the Nixon-Agnew ticket in 1968.

The President took office as the first Republican in 120 years to start his term by facing a hostile Congress. He was elected with the support of a fraction over 43 per cent of American voters.

Nixon saw in the Senate ambitious Democratic Presidential aspirants such as Edmund Muskie, Edward Kennedy, George McGovern and others. All were eager to frustrate his recommendations. He saw a handful of Republican defectors who, on key votes, would make the G. O. P. minority even smaller.

Under these circumstances, most of Nixon's legislative goals could have been denied. He did suffer defeats over the Senate's refusal to confirm two southern nominees for the Supreme Court. Many of his measures were revised and amended. Some were shelved.

The administration's legislative achievements, otherwise, have been described by at least one Democratic leader as amazing. Nixon initiated and expanded major antiballistic missile programs, phased out the income tax surcharge, reformed the tax-laws, beat the McGovern-Hatfield end-the-war amendment and bottled up the Cooper-Church provision infringing on his constitutional powers.

Other accomplishments: major modernization of airports and airways, a strong crime control measure, environmental quality legislation and unemployment benefits. The Selective Service law was made more equitable and the antiquated Post Office Department converted into an independent agency.

"He took the pollution issue away from Muskie; the war issue from McGovern; foreign-policy making from Bill Fulbright," conceded one of the President's foes. "His vetoes of excessive appropriations were smart. He got himself a substantial legislative package."

Timmons is given credit for much of this success. He has a staff smaller than those allotted to Kennedy and Johnson aides with similar duties. He works 12 hours a day, six days a week, shepherding administration measures thru subcommittees, committees and on the floors of both houses.

Meanwhile, Republican conservatives in Congress have been alerted to pressures on the President to interpret the elections as a signal that the nation is turning to the left. Timmons, a conservative since his days as a leader of the Young Republicans, will be occupying a hot seat if any such inner-party dispute arises. He's already proved that he weathers high temperatures well.

CARA OFFERS A UNIQUE SERVICE TO CHURCH IN THE UNITED STATES

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. McCARTHY. Mr. Speaker, in recent years research and planning have come of age in all our institutions and organizations. Research, we are gradually learning, is no panacea for the ills that beset our institutions and society. It is nonetheless an essential component of sound decisionmaking in the contemporary world.

As with other critical major sectors of society—business, labor, government, academia—our churches are also utilizing research and planning to improve their responses to the needs of their members and of the American community.

Exemplifying the growth of this trend within religious bodies is CARA—the Center for Applied Research in the Apostolate—an independent but church-related national Catholic cooperative research center. Established in 1965 as a nonprofit body by more than 200 religious superiors and provincials, Catholic bishops and lay leaders, the center has already made major contributions both to the church and to our national well-being.

With its strong interfaith and ecumenical emphasis, CARA's concerns are as broad as those of the church, and it develops activities for both home and overseas. The center has a research council composed of distinguished Catholic, Protestant, and Jewish scholars and social scientists, and its rural, urban, and campus research programs are widely recognized for their usefulness to both public and private sectors alike.

Much of the center's steady growth is due to its outstanding board of directors, which has been composed of a cross-section of American leaders. Among these members have been:

Richard Cardinal Cushing, the recently retired Archbishop of Boston, honorary president, whose vision in 1961 triggered the establishment of CARA;

John Cardinal Krol, Archbishop of Philadelphia, former president of CARA during the center's period of most rapid growth; Cardinal Krol is the secretary of the National Council of Catholic Bishops;

Mr. Philip D. Lewis, K.S.G., vice president of CARA; a former member of the board of directors of the Catholic University of America, Mr. Lewis is a well-known Florida businessman and civic leader;

Miss Genevieve Blatt, CARA secretary-treasurer; in 1964 Miss Blatt was the Democratic candidate for the U.S. Senate from Pennsylvania; a former Assistant Director of the U.S. Office of Economic Opportunity, she was also elected for four terms as Pennsylvania's Secretary of Internal Affairs;

Mr. Charles M. Grace, chairman, CARA Finance Committee; in 1969 Mr. Grace was named a Knight of the Holy Sepulchre for his many religious activities, and his national leadership in the environmental field is well known;

The Most Reverend Leo C. Byrne, Coadjutor Archbishop of St. Paul-Minneapolis, who has provided essential leadership for CARA's Campus Ministries Department;

Mr. John G. Foerst, president of Community Counselling Service, Inc., of New York; in 1966 Mr. Foerst conducted the first study of CARA's financial potential

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and is greatly responsible for CARA's financial successes;

Dr. T. Franklin Grady, dean of Jamestown College, Jamestown, N. Dak.; Dr. Grady is the representative in CARA of the Knights of Columbus, which has provided a $250,000 5-year grant to the center for campus related research;

Mrs. Eugene J. McCarthy, M.A., Litt. D., Washington, D.C., author and lecturer; Mrs. McCarthy who is also a Board member of Church Women United, has provided leadership for the center's ecumenical emphasis;

The Reverend Frederick A. McGuire, C.M., assistant director of the Latin America Bureau, U.S. Catholic Conference; a former executive secretary of the Mission Secretariat, Father McGuire was one of the founders of CARA;

Mr. John McShain, Philadelphia businessman and philanthropist; Mr. McShain's long and distinguished business career has made him aware of the need to improve church management;

Mr. John O'Neil, finance chairman of General Tire and Rubber Co.;

The Most Reverend Ernest L. Unterkoefler, Bishop of Charleston, S.C.; theologian, ecumenist, and a very active member of CARA's Finance Committee;

The Most Reverend Coleman J. Carroll, Archbishop of Miami, whose much-cited work with Cuban refugees has helped direct CARA's focus toward the needs of Spanish-speaking Americans;

Mrs. Richard H. Walsh, supreme regent, Daughters of Isabella; Mrs. Walsh led the Daughters to help support CARA's Africa Department, starting in 1968;

Mr. Harry John, President of De Rance, Milwaukee, Wis.; Mr. John is deeply concerned with the church's overseas program;

Mr. Paul Noelke, president of Serra International; a body of distinguished Catholic laymen who promote church vocations, Serra has long worked hand-in-hand with CARA.

At the present time CARA's president is John J. Cardinal Carberry, Archbishop of St. Louis. He has encouraged the center to develop its research and planning activities so that the authentic voice of the laity and non-Catholics can be incorporated into the church's decision-making machinery. Illustrative of this unique CARA approach to planning is its program with the Archdiocese of Washington which is described in the news story below.

Much credit for CARA's success is due to the combined efforts of the deceased vice president of its board of directors, the Reverend James Darby, S.M., former president of the Conference of Major Superiors of Men, its executive director, the Reverend Louis J. Luzbetak, S.V.D., and development director, Francis X. Gannon, Ph. D.

Father Luzbetak is a member of the Anthropos Institute, Germany, founded by the world-renowned Father Wilhelm Schmidt, S.V.D., under whom he studied in Fribourg, Switzerland, and received his doctorate. He is a fellow of the American Anthropological Association and was president of the Catholic Anthropological Association—1962–68—and a Ford Foundation overseas fellow in New Guinea.

Mr. Gannon's many-sided career has been particularly helpful to the center's public relations and financial development activities. A former research director, Eastern Conference of Teamsters, he also spent 3 years in Central America helping the State Department set up the U.S. program for the Regional Economic Integration Movement, assisted in establishing the framework for HEW's civil rights and antipollution programs, and has been a key coordinator for several national and State political campaigns.

At present CARA has a full-time staff of 30. It has been supported by professional talent contributed from approximately 25 religious communities and orders of men and women and is currently at work in six dioceses across the Nation. In addition, the center has a wide range of activities underway or in the planning stage for its various clients and constituencies. Its management staff has recently been strengthened by two nationally known figures: Sister Peter Claver, O.P., D.L.S., who has served as President of the Library Education Division of the American Library Association and as a member of the association's Committee on Accreditation; and the Reverend Thomas H. McBrien, O.P., St. D. While serving as president of the St. Thomas Aquinas Foundation, Father McBrien helped established the Yale University unit of the Leonine Commission, an international program which is developing the critical edition of Aquinas' works.

CARA is the first and only national cooperative venture of its kind in the history of American Catholicism. Nearly 5 years of planning went into its creation. Another 5 years of trial and error have proved that the vision of its founders was quite correct: The center is meeting a genuine need of both the church and the American community. No doubt CARA will require several more years before it reaches its full potential. But it is well underway. As a center for applied research it is already fulfilling its original goal—helping to bring men closer to God and to each other through research and planning. The board and staff of this unique center are to be congratulated for the manner in which they are seeking to serve all Americans.

The material follows:

[From the Catholic Standard, Oct. 1, 1970]

CARA Offers a Unique Service to Church in the United States

The Center for Applied Research in the Apostolate, which designed the self-study of the Archdiocese, is a Washington-based research center that provides a service unique in American Catholicism.

In its five years in existence CARA has grown from modest beginning to a highly professional, diversified organization that puts the tools of modern research in the service of Church decision-makers.

CARA is located in the 1700 block of Massachusetts Ave., N.W.—known as Washington's "research row" because it houses a number of research and planning agencies. The center was started, however, in a converted row house near Catholic University in March, 1965.

RAPID GROWTH

Its rapid growth in physical facilities and, more important, in program and staff in the intervening five years indicates its growing acceptance and prestige. CARA is the only central agency in the country established to research and help plan all aspects of the U.S. Church's apostolic mission in the contemporary world, both at home and overseas.

As its name indicates, the center focuses not on "pure" research—knowledge for its own sake—but on the application of research findings to the decision-making process.

The center houses a number of departments. These include a church personnel department, which has conducted a number of studies on the recruitment, training and use of church manpower; a department of religious women; a theology department; a "town and country" department concerned with the Church's mission in small town and rural areas; several overseas departments; and a campus ministries department.

SELF-STUDY

The Washington self-study was designed by CARA's department of diocesan services, which also is providing professional staff and consultation for the life of the project. The project director is Father Gervase Beyer, O.F.M. Conv., while Gilbert A. Lowe, Jr., and Sister Marguerite Moore are research associates.

"Research is an essential component of sound decision-making in today's complicated, fast-changing world," Father Beyer commented recently. "Government and industry have come to recognize this fact, and increasingly the Church does too.

"We at CARA are honored that the Archdiocese of Washington has selected us to provide professional services to its self-study."

VARIED RESEARCH

The center has performed numerous research activities in its five years on behalf of the U.S. bishops, religious orders, dioceses, and other Church organizations. Among these have been developing a model program for training overseas missionaries; a study on the assessment of candidates for religious life; preparation of a national "profile" of U.S. seminarians; a study of the role of parents in developing vacations; a number of workshops and orientation courses dealing with such subjects as the Church in the inner city, the non-metropolitan apostolate, Africa, and vocations; preparation of a U.S. seminary directory; and a major study of clergy distribution conducted for the bishops.

Currently the center's staff numbers more than 30 and includes sociologists, anthropologists, educators, theologians and specialists in other fields. Its work is carried out under the direction of a board made up of bishops, priests, religious and lay people.

CARA's research director is Father Louis Luzbetak, S.V.D., who has been with the center since its founding. An anthropologist and former Ford Foundation Overseas Research Fellow, he is the author of several works including the prize winning book, "The Church and Cultures: An Applied Anthropology for the Religious Worker."

DYNAMIC ACTION

The center, he says, is "tremendously interested in dynamic action," in line with its emphasis on "applied" research.

"We are concerned with the utilization of knowledge—with steering practical knowledge through channels that will end up in action," he declared.

The agency sets several definite criteria for taking on a research assignment. These include that the research be of "service to the apostolate" and therefore of service to the decision-makers in the Church, especially the heirarchy; that the research be based on sound theology; and that it be carried out according to professional research standards. The center also puts stress on the urgency of issues to be researched, their practicality, and the avoidance of duplication of work being done by others.

According to CARA staff members, the Washington Archdiocesan self-study—a massive undertaking aimed at evaluating the spectrum of apostolic activities here and developing plans for the future—is a major example of the sort of project the center exists to serve and will be a significant model for many other dioceses in the country. It will be, Father Beyer said, "the largest study of its kind ever undertaken by an American diocese."

From CARA's point of view, a particularly noteworthy feature of the Washington project will be its massive grassroots participation.

"We don't propose to bring in a team of researchers who will give the Archdiocese a once-over and come up with packaged solutions," Father Beyer said. "Instead, the plan calls for the people of the Archdiocese themselves to examine the full-range of the Church's programs, evaluate them—their strengths and their weaknesses—and develop plans of action for the future.

"CARA will be helping through this process. But we will not dictate the outcome."

IMPLEMENTATION

In line with the center's emphasis on the use of research findings to further the mission of the Church, CARA staff members already are thinking beyond the completion of the Washington self-study next June to the implementation phase, when plans of action developed during the project will be put into effect. They said it is likely that findings of the self-study will lead to new programs and structures in the Archdiocese, including probably an Archdiocesan-level office of research, plans and programs.

"We're promoting a cause—the mission of the Church," Father Luzbetak said.

STATUS OF PROCEEDINGS IN FEDERAL COURTS ON ENJOINING THE PRINTING AND DISSEMINATION OF HOUSE REPORT NO. 91-1607

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. ICHORD. Mr. Speaker, on October 14, 1970, I advised the House of an action—civil action No. 3028-70—which had been instituted in the U.S. District Court for the District of Columbia to enjoin the printing and dissemination of a committee report to the House—No. 91-1607—titled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities." See Congressional Record, October 14, 1970, pages 36680 and 37110. Following this statement, the House recessed until November 16, 1970.

Meanwhile, further proceedings were had in this civil action. This case is, of course, a matter of great concern to this legislative body for it involves a most serious intrusion by the judicial branch upon the legislative duties and privileges of the House and constitutes likewise a denial of that freedom of speech accorded to Members by the speech and debate clause of the U.S. Constitution, article I, section 6.

Following the entry by Judge Gesell on October 13, 1970, of a temporary restraining order which after argument was extended on October 23, 1970, the court thereafter on October 28, 1970, granted permanent injunctive relief against the Public Printer and Superintendent of Documents. An appeal was taken on October 30, 1970, to the court of appeals and a request made upon that court for expedited processing of the appeal so that the action might be considered and decided before Congress returned from its recess.

In a per curiam order of November 5, 1970, the court of appeals denied the request of the committee for expedited processing. Thus the permanent injunction issued by Judge Gesell on October 28, 1970, continues in effect as of this date, awaiting further argument and disposition in the normal course and delays of the business of the court of appeals.

For the information of the House, I include herewith copies of the proceedings in the case to date. They are as follows:

First. Plaintiffs' complaint for injunctive and declaratory relief.

Second. Record of proceedings before Judge Gerhard A. Gesell of October 13, 1970.

Third. Judge Gesell's temporary restraining order.

Fourth. Motion of plaintiffs for preliminary injunction, together with plaintiffs' memorandum of points and authorities in support of motion for preliminary injunction.

Fifth. Defendants' motion to dismiss, together with attached affidavits of Donald G. Sanders, chief counsel, House Committee on Internal Security, and Adolphus N. Spence, Public Printer, and defendants' memorandum of points and authorities in opposition to plaintiffs' motion for preliminary injunction and in support of defendants' motion to dismiss.

Sixth. Motion of plaintiffs for order directing certain of the defendants to show cause why they should not be held in contempt, together with memorandum of points and authorities in support of motion of plaintiffs for order directing defendants to show cause why they should not be held in contempt.

Seventh. Order of Judge Gesell of October 23, 1970.

Eighth. Memorandum opinion of Judge Gerhard A. Gesell, dated October 28, 1970, together with order of court.

Ninth. Defendants' motion in U.S. court of appeals—case No. 24, 761—for summary reversal of the district court's order or, in the alternative, for expedited processing of this appeal.

Tenth. Per curiam order of U.S. court of appeals of November 5, 1970, denying motion for summary reversal or, in the alternative, for expedited processing of the appeal.

The material referred to follows:

Complaint for Injunctive and Declaratory Relief

[U.S. District Court for the District of Columbia, Civil Action No. 3028-70]

(Nat Hentoff, 25 Fifth Avenue, New York, New York;

John Doe; Richard Roe, on their own behalf and on behalf of all others similarly situated, Plaintiffs, *v.* Richard H. Ichord, Claude Pepper, Edwin W. Edwards, Richardson Preyer, Louis Stokes, John M. Ashbrook, Richard L. Roudebush, Albert Watson, and William J. Scherle, as Chairman and Members of the Committee on Internal Security of the United States House of Representatives, 309 Cannon House Office Bldg., Washington, D.C. 20515; Donald G. Sanders, Chief Counsel, Committee on Internal Security of the United States House of Representatives, 309 Cannon House Office Bldg., Washington, D.C. 20515;

Carper W. Buckley, Superintendent of Documents; and James L. Harrison, Public Printer, United States Government Printing Office, North Capitol and H Streets, Washington, D.C. 20401, Defendants)

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

1. This is a class action to enjoin the filing, printing, publication, and dissemination of a report listing persons whom the defendants assert are "radical revolutionaries", which publication is for the purpose of deterring college and universities from permitting such persons to appear and speak on their campuses.

PARTIES

2. Plaintiffs:

Plaintiffs are citizens of the United States. On information and belief, they have been named in the above-mentioned report and, along with the others in the class, labeled as "communists", "radical revolutionaries", and "radical pied pipers of pernicious propaganda."

3. Defendants:

Defendant Richard H. Ichord is Chairman of the Committee on Internal Security of the United States House of Representatives (hereinafter the Committee). Defendants Claude Pepper, Edwin W. Edwards, Richardson Preyer, Louis Stokes, John M. Ashbrook, Richard L. Roudebush, Albert Watson and William J. Scherle are members of the Committee. Defendant Sanders is the Chief Counsel of the Committee. Defendants Buckley and Harrison are officials of the Government Printing Office and are responsible for the printing of official government documents. All defendants are to be found in the District of Columbia.

CLASS ACTION

4. Plaintiffs sue in their own behalf and on behalf of a class of persons consisting of those whose names appear in the report (hereinafter "blacklist") which defendants are about to publish. Joinder of all members of the class is impractical because the members of the class are so numerous and because of the short time available for seeking immediate relief. The claims of the named plaintiffs are typical of the class. The relevant questions of law and fact are common to all and plaintiffs will fairly and adequately represent the interests of the class. The defendants have acted on grounds generally applicable to the class. An adjudication of the rights of the individual representatives would as a practical matter be dispositive of the interests of all other members of the class and would avoid inconsistent or varying adjudications and multiple litigation.

JURISDICTION OF THE COURT

5. This suit raises questions under the Constitution and laws of the United States and the amount in controversy, exclusive of interest and costs, exceeds $10,000. Jurisdiction rests on 28 U.S.C. §§ 1331, 1332, 2201 and 2202 and on D.C. Code 11-521.

CAUSE OF ACTION

6. Plaintiffs are persons of various professions and political beliefs who have spoken at a number of colleges and universities, exercising their rights of free speech under the First Amendment of the United States Constitution.

7. On May 18, 1970, defendant Ichord advised the other defendant members of the

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Committee that he planned to investigate the honoraria paid to persons "whom we know to be associated with revolutionary groups."

8. In June, 1970, defendant Ichord wrote to the presidents of 179 American colleges and universities, requesting that they identify such speakers, their sponsors, the amount and source of any honorarium.

9. On information and belief, many colleges and universities responded to that request by supplying the Committee with the names of such persons.

10. On information and belief, the Committee has compiled this information into a blacklist which it plans to file on the afternoon of October 14, 1970, as an official document of the Committee and which will be printed, published and made available to the public.

11. The blacklist identifies all those on it as "members, or participants in the activities of communist, communist-front, or communist-infiltrated organizations, and/or militant, radical or extremist groups, or self-proclaimed revolutionaries."

12. The assertion in the blacklist that all those on it fall into such categories is false, and, is in any event an unwarranted categorizing of political speech in an attempt to inhibit and deter such speech.

13. The aforesaid project, and the filing and publication of the aforesaid blacklist has no legitimate legislative purpose, but is being carried out by the defendants with the purpose and effect of: (1) deterrring colleges and universities from permitting plaintiffs to appear on their campuses as speakers, on the basis of the false assertion that such activities by these colleges and campuses finances and thereby promotes "the radical, revolutionary movement"; and (2) punishing plaintiffs for their views by exposing them to the harassment normally associated with blacklisting.

14. No adequate remedy at law eixsts for plaintiffs and the class they represent.

15. Unless relief is granted, plaintiffs will suffer irreparable injury.

Wherefore, the plaintiffs pray for the following relief:

1. That the Court declare that the actions of the defendant committee members in preparing and seeking to publish the aforesaid blacklist are unconstitutional.

2. That the Court enjoin the defendants from filing, printing, publishing or disseminating the blacklist and from disclosing any material or information contained in it.

3. That the Court grant such other relief as it deems appropriate.

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Of Counsel:

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[U.S. District Court for the District of Columbia]

VERIFICATION OF COMPLAINT

(Nat Hentoff, et al., Plaintiff, *v.* Richard H. Ichord, et al., Defendants)

The undersigned attorney for plaintiff hereby avows that he is familiar with the subject of the complaint in this action, that he has read the foregoing complaint, and that, to the best of his knowledge, the factual allegations contained therein are true and correct.

LAWRENCE SPEISER.

Subscribed and sworn to before me this 13th day of October, 1970.

——— ———.

My Commission expires March 31, 1972.

[In the U.S. District Court for the District of Columbia, civil action No. 3028–70]

NAT HENTOFF, ET AL., PLAINTIFFS, *v.* RICHARD H. ICHORD, CLAUDE PEPPER, EDWIN W. EDWARDS, RICHARDSON PREYER, LOUIS STOKES, JOHN M. ASHBROOK, RICHARD L. ROUDEBUSH, ALBERT WATSON AND WILLIAM J. SCHERLE, AS CHAIRMAN AND MEMBERS OF THE COMMITTEE ON INTERNAL SECURITY OF THE UNITED STATES HOUSE OF REPRESENTATIVES, ET AL., DEFENDANTS

OCTOBER 13, 1970,
Washington, D.C.

The above-entitled cause came on for hearing on Plaintiffs' Complaint for Injunctive and Declaratory Relief before the Honorable Gerhard A. Gesell, United States District Judge, at 2:00 p.m.

Appearances: Lawrence Speiser, Esq., Hope Eastman, Esq., Counsel for Plaintiffs. Joseph M. Hannon, Assistant United States Attorney, Counsel for Defendant Donald G. Sanders.

COURT'S RULING

Proceedings

The CLERK. Civil Action No. 3028–70, Nat Hentoff, et al. v. Richard H. Ichord, et al. Mr. Lawrence Speiser and Mrs. Hope Eastman for the Plaintiffs. Mr. Joseph M. Hannon for the defendants.

* * * * *

The COURT. Gentlemen, in view of the time factors that are involved and knowing that this matter will unquestionably be taken this afternoon to the Court of Appeals, the Court is going to undertake to give its ruling orally at this time.

The Court has before it in this case a complaint for injunctive and declaratory relief framed as a class action seeking a temporary injunction to enjoin a proposed report of the Committee on Internal Security of the House of Representatives, captioned, "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities."

The complaint verified by its counsel in general terms indicates that the proposed report is scheduled to be published at noon tomorrow.

Initially the Court is confronted with the claim by amicus that there has not been appropriate notice under Rule 65. The Court feels that in view of the presence of the various officials here in Court today, the urgency of the situation and the fact that Plaintiffs were lulled into a belief that Mr. Hannon represented all of the Defendants, that the spirit of the rule has been met and, accordingly, the Court will entertain and consider the issues presented on the merits.

The first matter the Court must determine is whether or not there is in this case subject matter jurisdiction. The complaint states a claim under the Constitution, clearly raises a Federal question. There is also clearly alleged an imminent threatened injury, and the issue presented, as the Court sees it, is concrete, a specific real and live issue tendered for specific adjudication.

The merits present a question involving separation of powers which is always a very difficult question for the Court to confront, as it arises particularly these days with increasing frequency.

Obviously, this Court must accord deference to the Committees of Congress, a coordinate branch of the Government, and to their authority to conduct investigations and proceed in the conduct of Congressional affairs. But it is clear under the decision of the Supreme Court in the Powell case, which the Court believes overrules a number of the cases cited by amicus, as interpreted by our Court of Appeals in the Davis case, the Court is not barred from considering a constitutional issue of this urgency and specificity merely because it may involve some intrusion into the delicate area of separate powers under our Constitution. Thus the Court feels the matter must be resolved in accordance with traditional consideration of equity following the standards that are appropriate in a situation of this kind in the exercise of the Court's discretion.

There is not presented here any challenge to the authority of the Committee to engage in the work of the Committee under the various general assignments it has had from the Congress. The more specific question presented is whether there is a valid legislative purpose with respect to this particular document which is before the Court. In other words, is this report pursuant to a valid legislative purpose of Congress conducting its traditional role or is it merely, to use the language of such cases as Watkins v. United States, "an attempt to expose the private affairs of individuals for the sake of exposure alone?" That is the initial question which the Court must confront here.

The issue also, as the Court sees it, is not, as the Plaintiffs suggest, whether or not the report in its entirety should in any way be enjoined but more specifically the question of whether or not an injunction should issue with respect to the publication of the names of listed speakers that are set forth in various lists in the proposed report because it is in that respect that there may be an intrusion into the rights of individuals threatening their rights of free speech and assembly under the Constitution for the sake of exposure rather than for any legislative purpose.

While the Committee apparently undertook to inquire into whether or not various subversive organizations, so-called, were receiving funds from speakers on the various campuses of the United States, it made no definitive investigation into that issue as far as this report is concerned but merely satisfied itself with obtaining a list of speakers, then checking various private and public lists available to the Committee for the purpose of determining whether there was any indication that any of these people in any way had any connection with organizations which the Committee considered in some manner extremist, revolutionary or distasteful to the members of the Committee. The purpose in publishing the names is clearly suggested in the galley where it is stated that:

"The Committee believes that the limited sampling made is sufficient to alert colleges and university administrators, alumni, students and parents to the extent of campus speaking in promoting the radical revolutionary movement." Clearly a non-legislative purpose.

It appears to the Court that the Plaintiffs here have a legitimate grievance and that the Court should permit all of the interested parties full opportunity to be heard on the matter. The Court appeals to the conscience of the Congress and feels that the traditional methods which have long applied in the Federal Courts of this land should apply in this case just like any other case, and that there should be a careful examination into anything that purports to be, as this does, an indirect attempt to inhibit and deter freedom of speech under the First Amendment in a manner which is contrary to constitutional principles and chilling in its effect.

The Court is well aware that there is no practical remedy if Congress, in its wisdom, chooses directly or indirectly to ignore the Court's order.

Basic rights of Plaintiffs may be infringed as the Court sees these papers and our Constitution demands that they be given their day in Court. Hence the Court has concluded that a temporary restraining order must issue and that the matter should be set down for a hearing on a preliminary injunction at the earliest possible moment. Under the rules it can be set down in two days if the Defendants wish to take advantage of the provisions of Rule 65, to which reference has been made.

The Court feels that considerations of fairness and proper regard for the rule of law requires this result and the Court earnestly hopes that the Defendants will accept the necessities of orderly procedure.

There is no consideration of the public interest that has been brought to the attention of the Court that necessitates any immediate release of the challenged document. It is the traditional role of the Court of equity to preserve the status quo which is preserved by enjoining the release of these names and the Court feels that the plaintiffs have a reasonable likelihood of success on the merits.

There is no effort here to impede investigatory activities of the Congress and there is no effort in any way here to restrict what Congress may say or do on the floor of the Congress. There is nothing here that affects speech and debate by Congressmen.

The Court will issue a temporary restraining order permitting the publication of this report but enjoining any publication in the report listing the speakers. The names of the speakers as listed shall not be published and any publication of those names is legally unauthorized.

I have before me a proposed form of restraining order which has been submitted by the Plaintiffs. I think it can be readily adapted to the ruling of the Court, limited to the names of the speakers.

I say to you, Mr. Hannon, that this matter will be set before a Judge of this Court within two days or next week, in accordance with whatever is the wish of the Defendants in that regard. If you wish a forty-eight-hour hearing, it will be granted.

I would ask counsel to look at the proposed restraining order which was handed to the Court and make the necessary changes in it consistent with the ruling the Court has just made. When you have done that and have reached some conclusion as to the date of the hearing, I can endorse the order accordingly.

I want to express my appreciation for the presence of the distinguished gentlemen here from the Congress. I have attempted to do what a Federal Judge always should do in circumstances such as this, to do what is fair and right in connection with the serious constitutional issues raised and I feel certain that upon a full hearing as to these matters all of the rights and interests of the parties can be fully developed.

Mr. HANNON. I don't believe Your Honor was reading from an opinion?

The COURT. No, I have no opinion in front of me.

Mr. HANNON. Is this going to be written up as the findings of fact and conclusions of law of the Court?

The COURT. This would constitute my findings of fact and conclusions of law as required under the rule. I will direct the court reporter to transcribe it immediately for the benefit of all concerned. I have no opinion here.

Mr. HANNON. Yes, Your Honor.

The COURT. I have simply had an opportunity to look at these and make a few notes.

Mr. HANNON. I appreciate what Your Honor has told me and we would like a copy of the Court's findings.

The COURT. Yes.

Mr. HANNON. I suggested to the Court that you had no jurisdiction over the members of the Congress. The Supreme Court has said so twice. Although Your Honor was very careful in your opinion, I did not catch who the Court is going to enjoin, who you are going to enter the restraining order against. You didn't mention who it is Your Honor is restraining in that. I would like that, please.

The COURT. I would think the injunction should run to all persons other than the named Congressmen, themselves. It would run to the printer and to all of the staff and all of the people that would necessarily be involved in the publication.

Mr. HANNON. Not to the members of the Congress but to the staff, the other Defendants named and their agents, is that what I understand, Your Honor?

The COURT. That is what I have in mind. I see no need of enjoining the members of Congress. They are free to publish this report in so many ways anyhow there is no point in trying to get involved in that. They can make speeches on television; they can talk everywhere they wish.

Mr. HANNON. If Your Honor is clear in his mind, as I am in mine, that the Court does not have jurisdiction over these Congressmen by virtue of Powell v. McCormack, which Your Honor adverted to, and Dombrowski v. Eastland, would the Court at this time sua sponte dismiss this lawsuit as to the members of the Congress?

The COURT. No.

Mr. HANNON. Thank you, Your Honor.

The COURT. You gentlemen can bring back the order to chamber when you have it in shape.

CERTIFICATE OF COURT REPORTER

I, Ida Z. Watson, certify that I reported the proceedings in the above-entitled cause on October 13, 1970 and that the foregoing Pages 1 to 10, inclusive, constitute the official transcript of the Court's Ruling.

IDA Z. WATSON.

[U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, CIVIL ACTION No. 3028–70]

(Nat Hentoff, et al., Plaintiffs, *v.* Richard H. Ichord, et al., Defendants)

TEMPORARY RESTRAINING ORDER

It appearing to the Court from the verified Complaint and the application for Temporary Restraining Order and accompanying affidavit that a Temporary Restraining Order pending hearing and determination of plaintiffs' motion for a preliminary injunction should issue, because, unless defendants (except the named Members of Congress) are restrained from printing, publishing and distributing the Report on Honoraria Paid Guest Speakers for Engagements at Colleges (a copy of which has been filed and impounded as the Court's Exhibit) which contains any list of names of individuals who have had speaking engagements at colleges or universities, plaintiffs will suffer immediate and irreparable injury, loss, damage and infringement of constitutional rights before a hearing can be had on plaintiff's motion for a preliminary injunction;

And the Court having concluded from the materials before the Court that the printing, publication and distribution of any such lists of names as part of said Report may be unlawful, unauthorized by Congress, serves no proper legislative purpose and infringes upon the constitutional rights of those so named;

Now, therefore, it is ordered, that defendants (except the named Members of Congress) and their agents, servants, employees and attorneys, and any persons acting in active concert or participation with them (except the named Members of Congress), be and they are hereby restrained until the determination of plaintiffs' motion for a preliminary injunction from directly or indirectly seeking to print, publish or distribute any list of names of individuals who have had speaking engagements at colleges or universities as part of a proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities.

It is further ordered, that the 23rd day of October 1970 at 9:30 o'clock a.m., at the United States Courthouse in Washington, D.C. is fixed for the time and place of hearing plaintiffs' motion for a preliminary injunction.

It is further ordered, pursuant to Rule 65(c) that plaintiffs post a bond in the sum of one dollar ($1.00).

GERHARD A. GESELL,
Judge.

[U.S. District Court for the District of Columbia, civil action No. 3028–70]

(Nat Hentoff, et al., Plaintiffs *v.* Richard H. Ichord, et al., Defendants)

MOTION OF PLAINTIFFS FOR PRELIMINARY INJUNCTION

Plaintiffs respectfully move the Court for a preliminary injunction enjoining defendants and their agents, servants, employees and attorneys, and any persons acting in active concert or participation with them, from directly or indirectly seeking to print, publish, distribute, or otherwise disseminate any list of names or individuals who have had speaking engagements at colleges or universities as part of a proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities pending conclusion of this proceedings. Plaintiffs respectfully request that the preliminary injunction specifically include all defendants including the named Members of Congress except to the extent that Article I, Section 6 of the United States Constitution confers immunity to said Members with respect to their speeches on the floor of the House of Representatives and extension of their remarks in the Congressional Record.

The grounds for this Motion are set forth with particularity in the Memorandum filed herewith in support of this Motion.

Respectfully submitted.

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Of Counsel:

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[U.S. District Court for the District of Columbia, civil action No. 3028–70]

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

(Nat Hentoff, et al., Plaintiffs *v.* Richard H. Ichord, et al., Defendants)

Plaintiffs have brought this action for declaratory judgment and injunctive relief. They seek to have declared illegal and to prevent actions by and under the auspices of the defendants which, at best, are designed to inhibit plaintiffs' exercise of their First Amendment rights of freedom of speech.

Now before the court is plaintiffs' motion for a preliminary injunction to preserve the *status quo pendente lite.* After ruling from the bench on October 13, 1970, this court on October 14, 1970 signed a limited temporary restraining order against some of the defendants. Plaintiffs seek to enjoin, pending litigation of this proceeding on the merits, all of the defendants from taking any further steps to have printed and distributed a college speaker blacklist proposed by defendants for release as an official document of the United States House of Representatives.

With respect to the defendant members of Congress, plaintiffs seek preliminary injunctive relief only to the extent that the actions of these defendants are not clearly immune from question and process by virtue of the Speech or Debate Clause of the Constitution (Art. I, Sec. 6). Since the proposed blacklist report palpably serves no valid legislative purpose, plaintiffs submit that the Art. I, Sec. 6 immunity involved here extends only to speeches on the floor of the House of Representatives and insertions in the Congressional Record. Under the circum-

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stances of this case, defendants—including the defendant members of Congress—can and should be enjoined *pendente lite* from causing release of the proposed blacklist report as an official report bearing the imprimatur of the United States House of Representatives. In addition, said defendants can and should be enjoined from any other action, not specifically immune from judicial scrutiny under Art. I, Sec. 6, which would be in furtherance of defendants' obvious goal of infringing on plaintiffs' First Amendment freedoms.

I. STATEMENT OF FACTS

The court has impounded, and has before it, a copy of a proposed report by the House Committee On Internal Security entitled "Limited Survey Of Honoraria Given Guest Speakers For Engagements At Colleges And Universities". (Court Exhibit) This proposed Committee report grows out of an investigation, conducted through a survey by staff personnel of the Committee, addressed to some 179 colleges and universities in the United States. A survey questionnaire sought to elicit a list of speakers who had appeared on the campuses of various educational institutions and to determine the extent of honoraria received by these speakers. The stated objective of the Committee in conducting this survey "was to determine whether or not honoraria paid might be of sufficient amount to indicate a prime source of financing to revolutionaries" (Court Exhibit, p. 6). However, the proposed report itself disclaims any demonstrated link between paid speaking engagements and "financing to revolutionaries." As stated in Court Exhibit, p. 8: "*The Committee has no way of ascertaining whether honoraria paid as indicated herein to a speaker inured to the benefit of the organizations with which they are identified* or *that the individuals were speaking in behalf of such organizations.*" (Emphasis added)

Upon receiving responses to its survey questionnaire, the Committee staff engaged in the following exercise (Court Exhibit, p. 8):

"All the names of speakers furnished by the colleges and universities were searched in public source material available to the committee to ascertain whether individuals of the same names had been identified as members, or participants in the activities of communist, communist-front, or communist-infiltrated organizations, and/or militant, radical, or extremist groups, or self-proclaimed revolutionaries or provided public support to such groups and organizations."

The "public source material" searched by the Committee was not identified.[1] And, notwithstanding its disclaimer of ability to link speaker honoraria with the designated "groups and organizations", the proposed report asserted that: "the people of the United States have a right to conclude that the campus-speaking circuit is certainly the source of significant financing for the promoters of disorderly and revolutionary activity among students. Speaking appearances are not only revenue-producing, but afford a forum where the radicalization process may be continually expanded." (Court Exhibit, p. 14)

The report further asserts that "the Committee believes that the limited sampling made is sufficient to alert college and university administrators, alumni, students, and parents to the extent of campus speaking in promoting the campus revolutionaries." (*Ibid.*) The text of the proposed report concludes as follows (*ibid.*):

"The committee believes that further, more costly, probing of this matter would only add greater detail to the findings—not greater enlightenment. This report, therefore, concludes the committee's inquiry into the question of honoraria paid campus speakers."

On October 13, 1970 plaintiffs instituted this action and, at 2:00 p.m. on that date, a hearing was heard before this court on plaintiffs' motion for a temporary restraining order. An order in a form attached hereto (Attachment A) was issued by this court at approximately 10:00 a.m. on October 14, 1970. The court ordered as follows: "that defendants (except the named Members of Congress) and their agents, servants, employees and attorneys, and any persons acting in active concert or participation with them (except the named Members of Congress), be and they are hereby restrained until the determination of plaintiffs' motion for a preliminary injunction from directly or indirectly seeking to print, publish or distribute any list of names of individuals who have had speaking engagements at colleges or universities as part of a proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities."

Later in the day on October 14, defendant Congressman Ichord appeared before the press and stated his intention that the report ultimately will be given wide distribution as a formal report of the Committee and an official House document. (See Affidavit, Attachment B, pp. 4 and 6) In fact, press reports on October 15 did in fact list certain of the names contained in the proposed report. At his press conference, defendant Congressman Ichord stated his intention to refrain from having the text of the proposed report inserted in the Congressional Record so as to avoid rendering this proceeding moot. (See Attachment B, p. 3)[2] In the view of defendant Ichord, this court's temporary restraining order "is such a ridiculous, perplexing decision in my opinion, that I want this matter litigated to the fullest extent." (*Ibid.*)

II. ARGUMENT

A. A preliminary injunction is appropriate in this case

The purpose of interlocutory relief is, of course, to maintain "the status quo among the parties until a full adjudication of the claims of all parties be had." *International Ass'n of Machinists of Aerospace Workers* v. *National Railway Labor Conference*, U.S. Dist. Ct. D.C., Nos. 298–70, 299–70, — F. Supp. — (January 31, 1970) On this present motion for preliminary injunction, the court "is called upon to exercise its discretion 'upon the basis of a series of estimates.'" *Perry v. Perry*, 88 U.S. App. D.C. 337, 338, 190 F.2d 601, 602 (D.C. Cir. 1951); *Industrial Bank of Washington* v. *Tobriner*, 132 U.S. App. D.C. 51, 54, 405 F.2d 1321, 1324 (D.C. Cir. 1968).

As stated by the court in *Green v. Kennedy*, 309 F. Supp. 1127, 1132 (D.D.C. 1970), decision on a motion for a preliminary injunction is controlled "by the convergency of . . . interrelated considerations. These are as follows (*ibid.*):

"(1) The issue on the merits is grave and substantial, and plaintiffs have a reasonable probability of success. (2) The primary effect of the temporary injunction is to preserve the status quo pendente lite. (3) Plaintiffs are threatened with irreparable injury if the injunction is denied, and the final decree is in their favor. (4) On the other hand if the temporary injunction is granted but final degree is rendered against plaintiffs, little if any permanent injury will be done to others, and such harm as may eventuate is outweighed by the other considerations calling for a temporary injunction. (5) The public interest is served by grant of the temporary injunction.

Abridgement of First Amendment freedoms is inherently grave and substantial, giving rise to incalculable and irreparable injury.[3] Conversely, the proposed report contains no suggestion that its precipitous release is required in the public interest or to safeguard defendants from irreparable harm in the event defendants prevail on the merits.

The determinative issue now before the court is whether there is a reasonable probability that plaintiffs will succeed on the merits. Plaintiffs submit that, as on the plaintiffs' earlier motion for temporary restraining order, the Court should conclude that preliminary injunctive relief is clearly warranted:

Basic First Amendment rights are at stake. Plaintiffs have been chosen for defendants' blacklist by virtue of plaintiffs election to speak on the campuses of colleges and universities. The purpose of the release of the proposed report is to sound an "alert" to the public of vague and unspecified affiliations by plaintiffs with one or more of a catalogue of purportedly undesirable organizations.

Defendants' proposed report serves no valid legislative purpose. On its face, the proposed report marks the conclusion of the Committee's investigation. Significantly, the proposed report does not even pretend to be addressed to the members of Congress. In short, the proposed report serves *no* legislative purpose, valid or otherwise, since it is not intended for the consumption of the legislators, By no stretch of the imagination can the proposed report qualify as aiding "the Congress or any committee of the House in any necessary remedial legislation." (Rule XI.11, Rules of the House of Representatives, adopted by the 91st Congress)

Defendants' actions since the institution of this litigation, and subsequent to the issuance of the temporary restraining order herein, make clear defendants' intentions. As stated on October 14, 1970 by defendant Congressman Ichord, the proposed report is designed to identify "radical revolutionary speakers who advocate the violent overthrow of the government." (See Attachment B to this motion, p. 3)[4] Widespread distribution of the proposed report, including distribution to colleges and universities, is contemplated. The only ostensible purpose of the proposed report is to deter the designated speakers from further campus speaking engagements.

In issuing its temporary restraining order herein, this court made clear its concern to avoid judicial infringement on the prerogatives of a coordinate branch of government. (Transcript of Court's Ruling herein, October 13, 1970, pp. 3–4) The court's deference to the Congressional defendants has, unfortunately, enabled defendants to release to the press—directly, and not simply via disclosure immune to judicial scrutiny under the Speech or Debate Clause of the Constitution—the basic contents of the proposed report, including the names of the persons contained therein. Defendants' actions since the court's ruling on plaintiffs' earlier motion—and particularly defendant Ichord's intemperate attacks on the motivations underlying this court's actions[5] and his rejection of this court's appeal to the conscience of the Congress—have made it clear that the judicial restraint exercised herein vis-a-vis members of a coordinate branch of government is not being reciprocated. However, there is still available to this court—and it is essential to full preservation of plaintiffs' rights—the opportunity to forestall the printing and distribution of the proposed report as an official document of the United States House of Representatives. Moreover, under the circumstances of this case, plaintiffs submit that there are impelling reasons for the court to limit any restraint on the exercise of its injunctive powers to those actions expressly declared immune by the Constitution.

Footnotes at end of article.

B. Defendants propose actions which, if permitted, would clearly infringe on plaintiffs' first amendment rights

Plaintiffs will not restate in detail here their earlier arguments that preliminary injunctive relief is required to prevent a serious infringement on their freedom to engage in protected First Amendment activities. (A copy of Plaintiffs' Memorandum of Points and Authorities in Support of Plaintiffs' Motion for a Temporary Restraining Order, together with accompanying affidavit, is annexed hereto as Attachment D and incorporated herein by reference.)

Plaintiffs' principal reliance is, of course, upon *Watkins* v. *United States*, 354 U.S. 178 (1957), where the Supreme Court held that "there is no Congressional power to expose for the sake of exposure." (345 U.S. at 200) See also *Stamler* v. *Willis*, 371 F. 2d 413 (7th Cir. 1966). The contemplated action of defendants will, without question, impart the chilling effect on exercise of First Amendment rights that was condemned by the Supreme Court in *Dombrowski* v. *Pfister*, 380 U.S. 479 (1965).

Notwithstanding the presence of Congressional defendants, the instant case raises issues comparable to those litigated in *Boorda* v. *Subversive Activities Control Board*, 421 F. 2d 1142 (D.C. Cir. 1969), *cert. denied*, 397 U.S. 1042 (1970). There the court held that Section 13(g)(2) of the Subversive Activities Control Act was unconstitutional in permitting public disclosure of an individual's membership in the Communist Party without any finding that the individual shared in any illegal purposes of the organization. In the instant case, the proposed Committee report itself disclaims any ability to provide a relevant nexus between the named speakers and the organizations with which they are asserted to be affiliated.

Plaintiffs' claims of future harassment and impairment of First Amendment freedoms are real, and not just ephemeral. As noted in Attachment D, blacklisting of individuals in the past has led to severe financial loss, social ostracism, illness, and other difficulties. (See cases cited in Attachment D, p. 4) Moreover, the activities of defendants to date vis-a-vis these plaintiffs suggest that release of the proposed report may simply be a precedent, and a predicate, for further harassment comparable to that described by the Supreme Court in *United States* v. *Rumeley*, 345 U.S. 41 (1953). That case involved an attempt by a Congressional Committee to compel an organization known as the Committee for Constitutional Government to disclose the names of those who purchased its books and pamphlets for the purpose of learning its supporters and the source of its funds. Justice Douglas, in a concurring opinion joined by Justice Black and cited with approval by the Court in *NAACP* v. *Alabama*, 357 U.S. 449 (1958), was concerned with just the type of harassment intended by the Committee in the instant case (357 U.S. at 57–58):

"If the present inquiry were sanctioned, the press would be subjected to harassment that in practical effect might be as serious as censorship. A publisher, compelled to register with the Federal Government, would be subjected to vexatious inquiries. A requirement that a publisher disclose the identity of those who buy his books, pamphlets, or papers is indeed the beginning of surveillance of the press. True, no legal sanction is involved here. Congress has imposed no tax, established no board of censors, instituted no licensing system. But the potential restraint is equally severe. The finger of government leveled against the press is ominous. Once the government can demand of a publisher the names of the purchasers of his publications, the free press as we know it disappears. Then the spectre of a government agent will look over the shoulder of everyone who reads. The purchase of a book or pamphlet today may result in a subpoena tomorrow. Fear of criticism goes with every person into the bookstall. The subtle, imponderable pressures of the orthodox lay hold. Some will fear to read what is unpopular. what the powers-that-be dislike. When the light of publicity may reach any student, any teacher, inquiry will be discouraged. The books and pamphlets that are critical of the administration, that preach an unpopular policy in domestic or foreign affairs, that are in disrepute in the orthodox school of thought will be suspect and subject to investigation. The press and its readers will pay a heavy price in harassment. But that will be minor in comparison with the menace of the shadow which government will cast over literature that does not follow the dominant party line. If the lady from Toledo can be required to disclose what she read yesterday and what she will read tomorrow, fear will take the place of freedom in the libraries, bookstores, and homes of the land. Through the harassment of hearings, investigations, reports, and subpoenas government will hold a club over speech and over the press. *Congress could not do this by law.* (Emphasis added)

C. Defendants' distribution of portions of the blacklist to the press does not moot plaintiffs' case

Notwithstanding this court's appeal to the "conscience" of the Congress, certain of the defendants—with knowledge of this Court's decision—released the names in question to the press on the afternoon of October 14, 1970. The list appeared in at least one newspaper the following morning. Defendants may well argue now that, the harm already having been done, the case is moot and should be dismissed. However, this case is still very much alive.

The Supreme Court has recently restated its standard for determining when a case or controversy becomes moot. In *Powell* v. *McCormack*, 395 U.S. 486 (1969), where Powell's claims concerning the legality of his exclusion from the 90th Congress, as well as his claim for back pay remained unresolved, the Court said:

". . a case is moot when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome. . . . Where one of several issues presented becomes moot, the remaining live issues supply the constitutional requirement of a case or controversy." (395 U.S. at 496–97)

Even where the defendants have abandoned allegedly unlawful conduct, the Supreme Court has held that a continuing dispute over the legality of those acts prevents a case from becoming moot. *Walling* v. *Helmrich & Payne Co.*, 323 U.S. 37 (1944).

In this case, the dispute over the legality of defendants' conduct remains.[6] In fact, all of the issues remain "live" and unresolved, although some of the harm sought to be avoided by plaintiffs through this suit may have already been done. The important factor is that much of the harm which the defendants seek to do the plaintiffs has yet to be accomplished. Publication and distribution of the list as an official House document will carry much greater weight and thereby have a much stronger "chilling effect" on plaintiffs' activities and rights, than its far more casual release to the press. Congressman Ichord has made quite clear his intention to distribute this report widely, especially to administrators, parents, and students at our colleges and universities.

It also must be remembered that plaintiffs continue to seek a determination that publication of the list to "alert" others to the "evil" consequences of constitutionally protected conduct involves no proper legislative purpose and unlawfully and unconstitutionally "chills" constitutional rights. Even if the members of Congress could file this report and suffer no consequence because of immunity under the Speech and Debate Clause, a judicial decision that its publication is both unlawful and unconstitutional could help to counteract its impact.

There can be no doubt that the plaintiffs' effort to put an end to these future harms and to minimize the effort of any harm already done meets the *Powell* test. Plaintiffs very real interests also meet the test set down in *Davis* v. *Ichord*, No. 23.426 D.C. Cir. (August 20, 1970), —— U.S. App. D.C. ——, —— F. 2d ——. There the Court held (slip opinion, p. 8) that plaintiffs' effort to quash a subpoena had become moot because "no action associated with the subpoenas or hearing is threatened." Plaintiffs here, despite the defendants' limited publication of the list, are indeed, as Congressman Ichord's own words make clear, presently threatened with further publication and distribution of the list.

The fact that only a portion of the harm has occurred further supports plaintiffs position. For example, in the latest of a long line of cases, the Supreme Court has recently emphasized that appeal of a criminal conviction does not become moot when the defendant finishes his sentence, because such convictions "entail adverse collateral legal consequences," *i. e.*, other harms which will still flow from such a conviction. *Sibron* v. *New York*, 392 U.S. 40, 55 (1968). Similarly in *Scoville* v. *Board of Education of Joliet*, 286 F. Supp. 988 (N.D. Ill. 1968), affirmed 2–1, 415 F. 2d 860 (7th Cir. 1969), *reversed on other grounds en banc on rehearing* April 1, 1970, the District Court refused to dismiss as moot an action for declaratory and injunctive relief against a school which had expelled students for publishing a newspaper although the semester for which they had been barred was over. Plaintiffs in *Scoville* also sought to restrain the defendants from communicating the substance of events to colleges and employers. The situation here is comparable. The occurrence of partial harm should not preclude this Court from restraining the defendants from causing plaintiffs even further harm.

Even if the defendants could establish that all the harm had already been done, there would be another important reason for the Court to hear this case. The Supreme Court long ago recognized the unjustness of permitting defendants to thwart review of their conduct by an act which harms plaintiffs before review can take place, and thereafter to argue that the plaintiffs should wait until the next time their rights are violated to seek their vindication. Understanding that the defendants would be likely to allege "mootness" the next time as well, the Supreme Court has established a doctrine of "continuing controversy" to guard against just this result. *Southern Pacific Terminal Co.* v. *ICC*, 219 U.S. 498 (1911). In recent years, the Court has relied upon this doctrine to decide the merits of cases involving issues of public interest where the original harm had already occurred, but was capable of repetition unless the Court ruled it unlawful or unconstitutional. *Moore* v. *Ogilvie*, 394 U.S. 814 (1969); *Carroll* v. *Princess Anne*, 393 U.S. 175 (1968).

This approach has been followed in this Circuit in cases involving the assertion of First Amendment rights to demonstrate and communicate political views where the particular occasion which triggered the suit has passed before judicial review can take its course. As the Court of Appeals so aptly put it,

"When controversies present what are essentially recurring issues of public interest they are not mooted because the most recent particular occasion for consideration of the issue has come and gone." *Women Strike*

Footnotes at end of article.

for Peace v. *Hickel,* No. 23,268 (August 1, 1969) (Slip op. 11); See also *Jeanette Rankin Brigade* v. *Chief of Capitol Police,* —— U.S. App. D.C. ——, 421 F.2d 1090, 1092–3 (D.C. Cir. 1969).

If the defendants here are permitted to moot this case by releasing an unofficial report to the press each time threatened individuals sue to protect their rights, the defendants would be able to evade review by causing the very harm the court is being asked to prevent before the Court can act to do so. Whether publication and dissemination of this political blacklist for the purposes stated by the Committee violates the First Amendment rights of the Plaintiffs is a "public interest" question which sorely needs resolution. The court should insure that persons, including plaintiffs herein, whose rights are once "chilled" in this fashion, will have a remedy without being forced to wait until the next time they are harmed.

D. The congressional defendants do not enjoy absolute immunity from process in this case

This court did not include the Congressional defendants within the scope of the October 14 temporary restraining order. Such omission, was, we believe, an exercise of judicial restraint. The Speech or Debate Clause of the Constitution (Art. I, Sec. 6) does not grant absolute immunity to the Congressional defendants in this proceeding.[7] The test which appears to be emerging from the current cases is whether the Congressional activity not on the floor of the House is pursuant to a valid legislative purpose. Plaintiffs submit that where, as here, Congressional defendants' activities off the floor of the House are not pursuant to a valid legislative purpose, said Congressional defendants stand in no different stead than the other defendants.

The question of whether the Speech or Debate Clause affords immunity to a Congressman in a suit seeking injunctive relief for alleged violations of First Amendment rights has never been directly decided. In *Powell* v. *McCormack,* 395 U.S. 486 (1969), the Supreme Court found it unnecessary to decide whether the Clause would be a bar if a Congressman was not acting in the sphere of valid legislative activity or, assuming that he was, whether the fact that a damage suit or criminal prosecution was not involved would remove the immunity provided by the Clause. In reliance upon *Powell,* the Seventh Circuit in *Stamler* v. *Willis,* 415 F. 2d 1936 (7th Cir. 1969, *cert. denied,*—U.S.—(1970) found it unnecessary to decide "whether under the Speech or Debate Clause the plaintiffs would be entitled to maintain this action solely against members of Congress where no other remedy was available." 415 F. 2d at 1368.

In reaching this decision, however, the court in *Stamler* relied on a concession by plaintiffs that "a judgment against the prosecutors will afford appellants [plaintiffs] all the relief they request."

Unlike *Powell* and *Stamler*, however, plaintiffs here cannot obtain full relief unless the injunction applies to the Congressional defendants as well as the non-Congressional defendants. Defendant Congressman Ichord has already demonstrated his willingness and intention to frustrate this court's inquiry by proceeding on his original course of publication of the blacklist to a point just short of what he believes would render the proceeding moot. The Court of Appeals for this Circuit has not aforeclosed an injunction against the Congressional defendants. Indeed, Judge Leventhal in *Davis* v. *Ichord, supra,* while recognizing the decisions in *Powell* and *Stamler,* indicated that the maintenance of an action against Congressional defendants in a case such as this one is still an open question, (Concurring Opinion of Leventhal, J. in *Davis* v. *Ichord, supra,* at 24–25).

Current cases construing the Speech or Debate Clause all involve the question of where that Clause provides immunity in actions by private parties for damages or in criminal prosecutions. *U.S.* v. *Johnson,* 383 U.S. 169 (1966) involved a criminal prosecution;[8] *Barr* v. *Mateo,* 368 U.S. 564 (1959), *Tenney* v. *Brandhove,* 341 U.S. 367 (1951), and *Dombrowski* v. *Eastland,* 387 U.S. 82 (1967), all involved damage actions. These cases, although construing the Clause broadly, indicate that the Supreme Court believes there are limits to immunity under the Clause. Thus, in *Tenney,* the Supreme Court found that immunity existed when a Congressman was acting within the scope of "legitimate legislative activity," a suggestion which also appears in *Johnson,* where the Supreme Court stated that the Clause could *not* reach conduct "that is in no wise related to the due functioning of the legislative purpose". (388 U.S. at 172) Finally, in *Dombrowski* v. *Eastland, supra.,* the Supreme Court, in dismissing the complaint against a Senator for failure to show his involvement in activity which could result in liability, implied that the Speech or Debate Clause would not automatically have immunized a Senator had such evidence been shown. In *Dombrowski,* the Supreme Court accepted the *Tenney* test of whether legislators are engaged "in the sphere of legitimate legislative activity", and implied that the Senator may not have been acting in a way which would satisfy that test. (See Note, "The Scope of Immunity for Legislators and Their Employees," 77 Yale L.J. 366 (1967).)

In the present case, this court predicated its issuance of a temporary restraining order on the finding that the proposed blacklist report was not the product of pursuit of a valid legislative purpose. (Transcript of Court's Ruling on October 13, 1970, pp. 4–5) Accordingly, under the rationale of *Tenney* and *Dombrowski,* this Court is not constitutionally barred from entering an injunction against the Congressional defendants.

* * * * *

For the reasons stated herein, plaintiffs respectfully move the Court for a preliminary injunction enjoining defendants and their agents, servants, employees and attorneys, and any persons acting in active concert of participation with them, from directly or indirectly seeking to print, publish, distribute, or otherwise disseminate any list of names or individuals who have had speaking engagements at colleges or universities as part of a proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities pending conclusion of this proceeding. Plaintiffs respectfully request that the preliminary injunction specifically include all defendants including the named Members of Congress except to the extent that Article I, Section 6 of the United States Constitution confers immunity to said Members with respect to their speeches on the floor of the House of Representatives and extension of their remarks in the Congressional Record.

The grounds for this Motion are set forth with particularity in the Memorandum filed herewith in support of this Motion.

Respectfully submitted.

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FOOTNOTES

[1] It is important to note at the outset that one of the fundamental purposes underlying plaintiffs' pursuit of this litigation is to prevent the generation of spurious "public source material" involving plaintiffs and which bears the prestigious imprimatur of an official document of the United States House of Representatives.

[2] Plaintiffs do not concede that printing of the proposed report *in toto* in the Congressional Record would render the proceeding moot. See Section II., C, below.

[3] As stated in *The Washington Free Community, Inc.* v. *Wilson,* No. 23,438, slip opinion at 9 (D.C. Cir., December 12, 1967), even a delay in the exercise of First Amendment rights constitutes an irreparable injury to those seeking to exercise them.

[4] Defendant Ichord's public statements appears to go somewhat beyond the report itself. Plaintiffs do not propose to inhibit the defendants' own freedom of expression. However, plaintiffs do, through this litigation, seek to prevent the defendants from enjoying the singular advantage of bootstrapping their personal opinions in derrogation of the plaintiffs' with an official document, of their own creation, bearing the imprimatur of the United States House of Representatives.

[5] Defendant Ichord has accused this court of permitting "personal philosophical and ideological commitments to overrule his better legal judgment." (Attachment B to this Memorandum, p. 2) This defendant has ascribed to this court's earlier ruling herein the quality of leading "to the ultimate tyranny of the judiciary over the legislative body." (*Id.* at 7) Additional remarks by defendant Ichord concerning this court's ruling appear in the Congressional Record of October 14, 1970, p. 37110–37111. (Attachment C to this Memorandum)

[6] Defendant Ichord has publicly stated his view that any court action on the plaintiffs' claims would be illegal. It should also be noted that, while the parties cannot stipulate that a case is not moot, Congressman Ichord published the list outside the Congressional Record precisely to avoid making the matter moot. (See Attachment B)

[7] Clearly Article I, Section 6 of the Constitution extends to speeches on the floor of the House and extension of remarks in the Congressional Record. And plaintiffs do not here contend that this court should seek to enjoin printing and distribution of the official journal of House debates, the Congressional Record.

[8] A case likely to be relevant is *United States* v. *Brewster,* decided by the U.S. District Court for the District of Columbia on October 9, 1970. No opinion has yet issued.

[U.S. District Court for the District of Columbia, civil action No. 3028–70]

MOTION TO DISMISS

(Nat Hentoff, et al., Plaintiffs, *v.* Richard H. Ichord, et al., Defendants)

Defendants respectfully move this Honorable Court to dismiss this action on the grounds that:

1. The suit is barred by the Separation of Powers Doctrine and the Speech and Debate Clause of Article I, Section 6, of the Constitution of the United States;
2. The defendant Members of Congress are immune from suit;
3. The Court is without jurisdiction to interfere with the legislative process of the Congress by proscribing the printing and the

distribution of the Report of a Committee of the Congress;

4. The Court lacks jurisdiction over the subject matter of this action;

5. The complaint does not present a justifiable issue and there exists no basis for the granting of equitable, declaratory or other relief; and

6. The complaint fails to state a claim upon which relief can be granted.

In support of this Motion to Dismiss the Court's attention is respectfully invited to the attached affidavits of the defendants Sanders and Spence, filed herein as defendants' Exhibits A and B, respectively, and to the defendants' "Memorandum of Points and Authorities in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Defendants' Motion to Dismiss."

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KEVIN T. MARONEY,
Deputy Assistant Attorney General.
BENJAMIN C. FLANNAGAN,
Attorney, Department of Justice.
GEORGE W. CALHOUN,
Attorney, Department of Justice.
Attorneys for Defendants Ichord, Pepper, Edwards, Ashbrook, Roudebush, Watson, Scherle, Sanders, Darling and Spence.

DEFENDANTS' EXHIBIT A

[U.S. District Court for the District of Columbia; civil action No. 3028-70]

AFFIDAVIT OF DONALD G. SANDERS

(Hentoff, et al. *v.* Ichord, et al.)

CITY OF WASHINGTON,
District of Columbia:

I, Donald G. Sanders, a defendant in the above action, do depose and say that:

(1) I am a member of the professional staff of the United States House of Representatives and employed by the House as Chief Counsel for the House Committee on Internal Security. I perform my duties under the direction and supervision of the chairman of the Committee and at the direction of the said Committee on Internal Security. Included among my duties is the supervision of the staff employees and work of the Committee under the direction of the said chairman and Committee.

(2) The House Committee on Internal Security is a standing committee of the U.S. House of Representatives, constituted as such by the rules of the House, enacted by House Resolution 7, January 3, 1969, as amended by House Resolution 89, February 18, 1969, pursuant to Article I, Section 5 of the Constitution of the United States which authorizes the House to determine the rules of its proceedings.

(3) House Rule X enacted as aforesaid provides that there shall be elected by the House, at the commencement of each Congress, a standing committee designated as a Committee on Internal Security, to consist of 9 members. By House Resolution 251 agreed to on February 18, 1969, the House elected to the standing committee of the House of Representatives on Internal Security Richard H. Ichord (chairman), Claude Pepper of Florida, Edwin W. Edwards of Louisiana, Richardson Preyer of North Carolina, Louis Stokes of Ohio, John M. Ashbrook of Ohio, Richard L. Roudebush of Indiana, Albert W. Watson of South Carolina, and William J. Scherle of Iowa.

(4) House Rule XI of the 91st Congress, enacted as aforesaid, defines the powers and duties of the said Committee on Internal Security, inter alia as follows:

"RULE XI. POWERS AND DUTIES OF COMMITTEES

* * * * *

"11. Committee on Internal Security.

"(a) Communist and other subversive activities affecting the internal security of the United States.

"(b) The Committee on Internal Security, acting as a whole or by subcommittee, is authorized to make investigations from time to time of (1) the extent, character, objectives, and activities within the United States of organizations or groups, whether of foreign or domestic origin, their members, agents, and affiliates, which seek to establish, or assist in the establishment of, a totalitarian dictatorship within the United States, or to overthrow or alter, or assist in the overthrow or alteration of, the form of government of the United States or of any State thereof, by force, violence, treachery, espionage, sabotage, insurrection, or any unlawful means, (2) the extent, character, objectives, and activities within the United States of organizations or groups, their members, agents, and affiliates, which incite or employ acts of force, violence, terrorism, or any unlawful means, to obstruct or oppose the lawful authority of the Government of the United States in the execution of any law or policy affecting the internal security of the United States, and (3) all other questions, including the administration and execution of any law of the United States, or any portion of law, relating to the foregoing that would aid the Congress or any committee of the House in any necessary remedial legislation.

"The Committee on Internal Security shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

"For the purpose of any such investigation, the Committee on Internal Security, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member."

* * * * *

(5) At a meeting of the said Committee duly called and held on February 20, 1969, at which a quorum of the Committee were in attendance, and at which I was personally present, Chairman Ichord submitted a proposal to the members of the Committee for a study of revolutionary violence within the United States. The proposal was in written form, a copy of which had been delivered to each member of the Committee and which he read as follows:

"I desire hereby to lay before the Committee a proposal for study and investigation in depth of revolutionary violence within this Nation.

"It is becoming increasingly evident that one of the gravest threats to our internal security and to the free functioning of our democratic institutions is posed by the activities of certain organizations which would effect changes in our government or its administration by other than constitutional processes. Recent investigations of this Committee, the statements of responsible officials, Federal and State, and daily press reports, appear to me to sustain this conclusion.

"In this respect, moreover, we are faced with ever-mounting demands from the Members of the House and the public for legislative action, both for additional legislation and with respect to the examination and appraisal of the administration and enforcement of existing law, including proposals for constitutional amendment as well.

"I need not state that the legislative problems we face on the subject of subversion are of the utmost complexity and difficulty not solely from the constitutional standpoint, but equally so from the standpoint of developing practical and effective legislation. We must find the answers to certain basic questions, among which are the following: Is additional Federal legislation necessary? What form should such legislation take? Should these statutes be essentially regulatory or penal? Can we profitably amend existing statutes in this area? What is the Federal role, as contrasted with the State role, in the exercise of the police power on this subject?

"In addition, a number of bills have already been referred to the Committee. Undoubtedly additional legislation will also be referred to it from time to time. Such legislation involves a number of subjects vital to the protection and maintenance of our internal security, including such subjects as the protection of defense facilities, the security of classified information released to industry, Federal employment security, vessel, ports, and harbor security, the protection of our armed forces during periods of undeclared war, passport security, proposals with respect to the Emergency Detention Act of 1950, etc.

"The answer to the foregoing questions, and the disposition of such legislation, will obviously require the most painstaking and thorough inquiry and understanding of the extent, character and objectives, the organizational forms, financing, and other facts, with respect to those organizations and individuals engaged in revolutionary violence, sedition, and breach of peace and law, as are proper subjects of investigation as mandated by the House. Obviously, we cannot legislate in a vacuum.

"I therefore submit for your approval my proposal that, under my direction, the staff be authorized to undertake preliminary studies and inquiries, the results of which I shall, from time to time, report to the full Committee with a view toward the subsequent authorization of such full scale investigations and public hearings as to the Committee may seem desirable and necessary."

A discussion followed, and on motion made and seconded, the following resolution was adopted:

"*Resolved,* That the Chairman be directed to cause staff studies and preliminary inquiries to be made with respect to the organizations and subjects herein proposed, and to report on same from time to time, with his recommendations, with a view toward determining whether full-scale investigations and public hearings shall be authorized and conducted by the Committee with respect to any such organization or subject."

(6) The chairman thereupon directed me, as Chief Counsel, to cause the staff of the Committee to undertake preliminary studies in accordance with the resolution thus adopted. Pursuant to such resolutions and directions, I caused staff studies and reports to be prepared on revolutionary violence, and the reports were submitted from time to time to members of the Committee for their views.

(7) At a meeting of the Committee, duly called and held on March 6, 1969, at which a quorum was present and at which I was in attendance, a discussion was had on the subject of the aforesaid staff studies. The following resolution was moved and adopted:

"Whereas, on February 20, 1969, considering that a serious threat is posed to the internal security of this Nation and to the free functioning of its democratic institutions by the activities of certain organizations which would effect changes in our government or its administration by other than constitutional processes, the Chairman accordingly proposed a study and investigation

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in depth of revolutionary violence within the United States for the purpose of resolving a number of legislative problems, including an appraisal of the administration and enforcement of existing law, an examination of the respective roles of the Federal and State governments in the exercise of the police power, the need for remedial legislation, and to assist in the disposition of bills referred to the Committee, on subjects committed to it by the mandate of the House;

"Whereas, a resolution on that date was adopted by the Committee directing the Chairman to cause staff studies to be made with respect to such organizations and subjects, and to report on the same, from time to time, together with his recommendations, with a view toward determining whether full-scale investigations and public hearings shall be authorized and conducted with respect to any such organization and subject;

"Whereas, certain staff studies have been reported and the Chairman has recommended that the Committee on Internal Security undertake initially an investigation of the origin, character, objectives, activities, and other facts relating to the Students for a Democratic Society;

"Whereas, the Committee has considered such recommendation;

"Now therefore be it resolved, That investigation in depth by the Committee on Internal Security, or by a subcommittee thereof appointed by the Chairman for that purpose, be conducted in Washington, D.C., or at such place or places, and on such date or dates, as the Chairman may determine, on the following subjects of inquiry;

"The origin, history, organization, character, objectives, and activities of the Students for a Democratic Society, with particular reference to (1) the extent to which it may be involved in acts of violence or other unlawful activities to accomplish any of its purposes or objectives; (2) the extent to which, and the manner in which, it may incite or employ acts of force, violence, terrorism, or any unlawful means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (3) the extent to which, and the manner and means by which, it or any of its chapters or affiliated groups may be controlled, directed, or assisted by organizations or individuals who seek to overthrow or assist in the overthrow or alteration of the form of Government of the United States or of any State thereof by unlawful means, or by any such means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (4) the manner in which it is financed and supported; (5) the extent to which it may act in concert with, aid or assist, or be supported by, foreign Communist powers, their agents or nationals; and (6) all other facts in relation to the foregoing."

(8) Similarly, on the basis of staff studies and reports, which were undertaken and circularized to the Committee pursuant to the resolution of February 20, 1969, the Committee met from time to time and agreed to undertake investigations of other relevant organizations and activities, including but not limited to the Black Panther Party, specifically authorized by Committee resolution adopted October 8, 1969, and the New Mobilization Committee to End the War in Viet Nam by resolution adopted December 10, 1969. The following are extracts from the resolutions duly adopted by the Committee with respect to such investigations:

"Now therefore be it resolved, that the Committee on Internal Security conduct an investigation in depth in Washington or at such other place or places as the Chairman may determine on the following subjects of inquiry:

"The origin, history organization, character, objectives, and activities of the Black Panther Party, with particular reference to (1) the extent to which it may be involved in acts of violence or other unlawful activities to accomplish any of its purposes or objectives; (2) the extent to which, and the manner in which, it may incite or employ acts of force, violence, terrorism, or any unlawful means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (3) the extent to which, and the manner and means by which, it or any of its chapters or affiliated groups may be controlled, directed, or assisted by organizations or individuals who seek to overthrow or assist in the overthrow or alteration of the form of Government of the United States or of any State thereof by unlawful means, or by any such means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (4) the manner in which it is financed and supported; (5) the extent to which it may act in concert with, aid or assist, or be supported by, foreign Communist powers, their agents or nationals; and (6) all other facts in relation to the foregoing.

"Now therefore be it resolved, that an in-depth investigation be conducted by the Committee on Internal Security, or by a subcommittee thereof appointed by the Chairman, concerning the following:

"The origin, history, organization, character, objectives, and activities of the New Mobilization Committee To End The War In Vietnam, with particular reference to (1) the extent to which it may be involved in acts of violence or other unlawful activities to accomplish any of its purposes or objectives; (2) the extent to which, and the manner in which, it may incite or employ acts of force, violence, terrorism, or any unlawful means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (3) the extent to which, and the manner and means by which, it or any of its chapters or affiliated groups may be controlled, directed, or assisted by organizations or individuals who seek to overthrow or assist in the overthrow or alteration of the form of Government of the United States or any State thereof by unlawful means, or by any such means to obstruct or oppose the Government of the United States in the execution of any law or policy affecting the internal security of the United States; (4) the manner in which it is financed and supported; (5) the extent to which it may act in concert with, aid or assist, or be supported by, foreign Communist powers, their agents or nationals; and (6) all other facts in relation to the foregoing."

(9) Pursuant to House Rule XI, the Committee has conducted extensive hearings and investigations, which were published from time to time and reports rendered and filed with the House, as required by the Rule, which provides that the Committee shall report to the House the results of any such investigation authorized under Rule XI, together with such recommendations as it deems advisable. Several of the available Committee publications are submitted herewith for the information of the Court.

(10) Pursuant to the authority conferred by House Rule XI and Committee resolution aforesaid of February 20, 1969, the chairman also directed me to cause staff studies to be made with respect to the financing of revolutionary violence and activities through speaking engagements on college and university campuses. The members of the Committee were advised of the action of the chairman in a memorandum dated May 14, 1970, addressed to all members of the Committee, which I caused to be delivered on May 18, 1970, to each member thereof, which reads as follows:

"Re Survey of colleges and universities with regard to honorariums paid to guest speakers.

"I have become increasingly concerned over the past months with the financing of revolutionary groups through speaking engagements on our college and university campuses. Accordingly, I have asked the staff to prepare a list from public source material to determine the extent of speaking engagements by those persons who we know to be associated with revolutionary groups.

"Though the extent of honorariums paid to college and university speakers is not always reported in the newspapers, the limited information that is available suggests to me that honorariums may well be of significance in funding the activities of revolutionary groups. In March of this year, J. Edgar Hoover, in his testimony before the House Subcommittee on Appropriations, discussed financing and furnished the names of Black Panther speakers who appeared before secondary schools, colleges and universities during the year 1969. Attached is an excerpt from Mr. Hoover's testimony for your consideration.

"I have requested the staff to prepare, in the form of a survey, a letter to be sent to selected colleges and universities in the 50 states, requesting the voluntary participation of these schools in providing to us information with regard to speakers they have had on campus, group identification and sponsorship of speaker, the amount of honorarium paid (check or cash), to whom this money was paid and the source of funds involved.

"It appears to me that this is a logical inquiry in connection with the Committee fulfilling its mandate and I would be most appreciative of your suggestions and comments with regard to this proposed survey and its implementation."

(The statement of J. Edgar Hoover, Director of the Federal Bureau of Investigation, to which reference is made, is attached to this affidavit and made a part hereof.)

(11) Subsequently at a meeting of the Committee, duly called and held on June 16, 1970, at which a quorum was in attendance and at which I was present, the chairman called up the subject of this aforementioned memorandum of May 14, 1970, for discussion by the Committee. Following discussion, it was duly moved, seconded, and agreed that the survey and inquiry on this subject be undertaken. The progress and development of the survey was likewise considered in subsequent meetings of the Committee.

(12) The Committee staff was then directed to prepare a final report for consideration by the Committee and with a view toward reporting the results of the investigation to the House in accordance with the authority and direction of House Rule XI. At the instruction of the chairman, the proposed report, titled "Limited Survey of Honoraria Given Guest Speakers for Engagements At Colleges and Universities," was disseminated to all members of the Committee. At a meeting of the Committee, duly called and held on October 7, 1970, at which a quorum was in attendance and at which I was present, the report was considered, amendments made, and as thus amended the Committee agreed that the report be made to the House.

(13) In accordance with the authority and direction of the Committee, and in accordance with the rules of the House, the report was filed with the House by the chairman on October 14, 1970, and designated House of Representatives Report No. 91-1607, which was referred to the Committee of the Whole House on the State of the Union.

(14) The House Committee on Internal Security is an investigating Committee, as well as having a bill reference function, and is mandated by the House to make its investigations on the subjects set forth in House Rule XI and to report to the House the results of any such investigation so as to aid the Congress or any committee of the House in any necessary remedial legislation. A large number of bills are pending before various committees of the House related to the question of revolutionary violence and the activities of revolutionary organizations, several of which are submitted herewith for the information of the Court.

DONALD G. SANDERS.

Sworn to and subscribed before me, the undersigned Notary Public, this 19th day of October, 1970.

[SEAL] AILEEN M. FOLEY,
Notary Public.

My commission expires: July 14, 1974.

DEFENDANTS' EXHIBIT B

[U.S. District Court for the District of Columbia, civil action No. 3028–70]

AFFIDAVIT

(Nat Hentoff, et al., Plaintiffs, *v.* Adolphus N. Spence, Public Printer, and Rowland E. Darling, Acting Superintendent of Documents, et al., Defendants)

WASHINGTON,
DISTRICT OF COLUMBIA, *ss:*

Adolphus N. Spence, being first duly sworn, deposes and says:

I am the Public Printer of the United States, having been duly appointed by the President of the United States, by and with the advice and consent of the Senate. The statements set forth in the following numbered paragraphs are true and correct to the best of my knowledge, information and belief:

1. Under the terms of 44 U.S.C. 301 the Public Printer is mandated to take charge of and manage the Government Printing Office.

2. The Public Printer is further mandated by 44 U.S.C. 1702 to appoint a competent person to act as Superintendent of Documents.

3. Congress is required under 44 U.S.C. 501 to have all of its printing, binding and blankbook work done at the Government Printing Office, with certain exceptions not here applicable.

4. There is discretion vested in the Public Printer as to what Congressional material he will or will not print. The provisions of chapter 7 of title 44, U.S.C. require him to print the reports and other documents of Congress as evidenced by section 701.

An order by either House of Congress to print a report or other document need only signify the "usual number" of copies for binding and distribution among those entitled to receive them which shall be printed.

5. Of the number of reports printed a certain amount must be bound.

6. The Public Printer is further required to make a certain distribution of all reports printed as set out in chapter 7 of title 44.

7. In addition, he shall supply the Superintendent of Documents with sufficient copies of reports to be bound and distributed to State libraries and other designated depositories for their permanent files under 44 U.S.C. 738.

8. As provided in 44 U.S.C. 1903, copies of publications furnished to depository libraries by the Superintendent of Documents shall include all publications, not confidential in nature, printed upon the requisition of a congressional committee.

9. A number of copies of all Congressional reports is also required by 44 U.S.C. 1718 and 1719 to be printed and furnished to the Library of Congress for use in the District of Columbia and for international exchange.

10. House Report 91–1607, entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," was duly authorized and submitted for printing to the Government Printing Office in the normal course of business on September 21, 1970.

11. In accordance with the requisition and the terms of title 44 U.S.C. the Government Printing Office commenced work on the required number of copies of the report.

12. The temporary restraining order issued in this action has prevented the Public Printer and the Superintendent of Documents from executing their statutory responsibilities as required by the act of Congress set forth as title 44 United States Code.

ADOLPHUS N. SPENCE.

Subscribed and sworn to before me this 16th day of 1970.

ALICE K. COMO,
Notary Public.

My commission expires February 29, 1972.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Dismiss with attached Affidavits of the defendants, Sanders and Spence were served on the plaintiffs by delivering a copy to the Office of their counsel Lawrence Speiser, Esquire, 1424 16th Street, N. W., Suite 501, Washington, D. C. 20006 on October 20, 1970.

Attorneys for Defendants Ichord, Pepper, Edwards, Ashbrook, Roundenbush, Watson, Scherle, Sanders, Darling and Spence:

BENJAMIN C. FLANNAGAN,
Attorney, Department of Justice.

[U.S. District Court for the District of Columbia, Civil Action No. 3028–70]

DEFENDANT'S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION AND IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS

(Nat Hentoff, et al., Plaintiffs, *v.* Richard H. Ichord, et al., Defendants)

I. STATEMENT OF CASE

Plaintiffs seek a preliminary injunction restraining the named defendants from printing and distributing in any form the "Report on Honoraria Paid Guest Speakers for Engagements at Colleges" (a purported copy of which has been filed and impounded as the Court's Exhibit) which contains a list of some of the names of individuals who have spoken at Colleges or Universities. The Report by the Committee on Internal Security of the House of Representatives was prepared by the Committee and given to the United States Government Printing Office for printing and distribution on September 21, 1970, pursuant to the provisions of Title 44 of the United States Code, Sections 501 and 701.

This action was filed on October 14, 1970, at which time plaintiffs moved for a temporary restraining order, which motion was heard and granted on that date by Judge Gesell. The verified complaint sought a declaratory judgment that the actions of the defendant-Committee members in preparing and seeking to publish the aforesaid Report are unconstitutional; an injunction halting the defendants from filing, printing, publishing, or distributing the report or disclosing any material information contained therein; and the grant of such other relief as the Court deemed appropriate.

The Temporary Restraining Order issued by Judge Gesell provided that the hearing on plaintiffs' Motion for a Preliminary Injunction would be held on October 23, 1970.

Contrary to situations which existed when the T.R.O. was entered last week, the Report in question has been formally filed by the Committee with the House and referred to the Government Printing Office for a printing of 6,000 copies. The final printing of the Report is being held in abeyance pending the disposition of the restraining order. And as evidenced by the affidavit of the defendant Spence dated October 16, 1970, on file herein as defendants' Exhibit B, the temporary restraining order issued in this action prevents the Public Printer and the Superintendent of Documents from carrying out their statutory responsibilities as required by the Act of Congress as set forth as Title 55, U.S. Code.

The matter is now before the court on plaintiffs' Motion for a Preliminary Injunction and defendants' Opposition thereto. Defendants have also filed a Motion to Dismiss.

II. STATEMENT OF FACTS

The pertinent facts are fully set forth in the affidavits of the defendants Sanders and Spence filed herein as Defendants' Exhibits A and B, respectively, and in the interest of brevity the facts will not be repeated here.

III. ARGUMENT

The plaintiffs' motion for a preliminary injunction should be denied and the defendants' motion to dismiss should be granted since the suit is barred by the Speech and Debate Clause of the Constitution of the United States and by the Separation of Powers Doctrine; the defendant members of Congress are immune from suit; the Court is without jurisdiction to interfere with the legislative process of the Congress; the Court lacks jurisdiction over the subject matter; the complaint does not present a justiciable issue; denial of relief to plaintiffs will cause them no irreparable injury; the granting of injunctive or declaratory relief would substantially harm the public interest; there is no likelihood that the plaintiffs will prevail on the merits; the plaintiffs are not otherwise entitled to relief; and the complaint fails to state a claim upon which relief can be granted.

A. Speech and debate clause

Article 1, Section 6, Clause 1, of the Constitution of the United States provides in part that:

"The Senators and Representatives . . . shall . . . be privileged . . . for any speech or debate in either House, (and) they shall not be questioned in any other Place."

It has been held that this clause should be read broadly and interpreted liberally. *United States* v. *Johnson*, 337 F. 2d 180 (4th Cir., 1964); *affirmed* and remanded, 383 U.S. 169, for the purpose of this clause is to promote free expression within the House of Congress. Another purpose of the Clause is to prevent any judicial interference with the legislative process by restricting the power of the courts to interfere. *James* v. *Powell*, 274 N.Y.S. 2d 192, 26 A. 2d 295; *affirmed* 277 N.Y.S. 2d 135, 18 N.Y. 2d 931, 223 N.E. 2d 562. Thus, it has been held that a witness may not recover damages for injury to his reputation resulting from a Congressional hearing. *Yellin* v. *United States*, 374 U.S. 109 (1963). Nor will a claim of an unworthy purpose destroy the Congressional privilege to be free from civil process and provide a proper basis for judicial interference, *Tenney* v. *Brandhove*, 341 U.S. 367 (1951), for legislators are immune from interference with the discharge of their legislative duty. Also, it has been held that the privilege is an *absolute* immunity, *Barsky* v. *United States*, 167 F. 2d 241 (D.C. Cir., 1948); *certiorari denied*, 334 U.S. 843 (1948), and, therefore, the legislative purpose, motive, or reasonableness of conduct is irrelevant. *McGovern* v. *Martz*, 182 F. Supp. 343 (D.C. D.C. 1960). It has also been held that the privilege is not limited by any requirement that the conduct complained of be "pertinent" to official business of the legislators and, therefore, Congressmen have been held to be immune from liability for statements, no matter how false or defamatory, made in the course of their official duty. *Washington Post Company* v. *Keogh*, 365 F. 2d 965, 125 App. D.C. 32 (1966); *certiorari denied*, 385 U.S. 1011. And, it is of no concern

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whether the action is a civil or criminal proceeding insofar as the privilege is concerned. *United States* v. *Johnson, supra.* Finally, and most importantly, the privilege extends to written reports presented by Committees to the House. See, e.g., *Powell* v. *McCormack,* 395 U.S. 486 (1969); *Kilbourn* v. *Thompson,* 103 U.S. 168 (1880); *Washington Post Company* v. *Keogh, supra*; and *Methodist Federation for Social Action* v. *Eastland,* 141 F. Supp. 729 (D.C. D.C. 1956), citing *Hearst* v. *Black,* 87 F. 2d 68, 66 App. D.C. 313 (1936).

In *Methodist Federation* this Court considered a similar case. Briefly, the facts of that case were as follows:

The Internal Security Sub-Committee for the Senate had published a 100-page pamphlet discussing the Communist Party of the United States and, in a Concurrent Resolution passed by the Senate and the House, it was ordered that an additional 75,000 copies of the document would be printed. In the pamphlet, plaintiff-organization was characterized as a Communist-front type organization which, plaintiff alleged, was false as well as defamatory. Plaintiff also alleged that the reprinting of the document would cause irreparable injury; that the Resolution abridged plaintiff's rights of free speech, assembly, press, and religion; that it deprived plaintiff of liberty and property without due process of law; and that it was a Bill of Attainder. By way of relief plaintiff sought a declaration that the Resolution was unconstitutional, a Temporary Restraining Order, and an order enjoining the defendants from printing and distributing the Senate document. The District Court agreed to grant the temporary relief and issued a Temporary Restraining Order against the public printer. At the same time the Court asked for an appointment of a three-judge District Court.

Such a court was convened and, in denying plaintiff's request for an injunction, Judge Edgerton, speaking for the Court, restated the pertinent parts of the Speech and Debate Clause of the Constitution and stated:

"Nothing in the Constitution authorizes anyone to prevent the President of the United States from publishing any statement. This is equally true whether the statement is correct or not, whether it is defamatory, and whether it is or is not made after a fair hearing. Similarly, nothing in the Constitution authorizes anyone to prevent the Supreme Court from publishing any statement. We think that it is equally clear that nothing authorizes anyone to prevent Congress from publishing any statement." Id. at 731.

The Court noted that no previous case had been demonstrated as an authority for such an injunction and, relying on *Hearst* v. *Black, supra,* the Court held that such an injunction would be improper. For that reason, the Court dismissed the complaint for failure to state a claim upon which relief could be granted.

In *Hearst,* our Court of Appeals held that it was without jurisdiction to restrain a Committee of the Congress from keeping messages or making use of them or disclosing their contents, notwithstanding allegations that the messages had been unconstitutionally obtained by a Federal agency and been transmitted to the Congress in violation of appellant's constiutional rights. In denying relief the Court stated:

". . . the universal rule, so far as we know it, is that the legislative discretion in discharge of its constitutional functions, whether rightfully or wrongly exercised, is not a subject for judicial interference.

"The Constitution has lodged the legislative power exclusively in the Congress. If a court could say to the Congress that it could use or could not use information in its possession, the independence of the Legislature would be destroyed and the constitutional separation of the powers of government invaded. Nothing is better settled then that each of the three great departments of government shall be independent and not subject to be controlled directly or indirectly by either of the others. 'This separation and the consequent exclusive character of the powers conferred upon each of the three departments is basic and vital—not merely a matter of governmental mechanism.'" at 71–72.

The Court also stated:

"If courts cannot enjoin the enactment of unconstitutional laws—as to which proposition there can be no doubt—then by the same token they cannot enjoin legislative debate or discussion of Constitutional measures because of the incidental disclosure or publication of knowledge unconstitutionally acquired."

None of the cases cited by plaintiff requires this Court to disregard the plain intendment and holding of *Hearst,* which has not been overruled. On the contrary, *Hearst* was cited by the Court of Appeals for this Circuit in its order of June 4, 1970, in the *United States Servicemen's Fund* v. *Eastland, et al.,* D.D.C. Civ. Action No. 1474–70 and D.C. Cir., No. 24,412, and, in our view, served as the rationale for the order in that case.

In the *Fund* case, bank records were subpoenaed from a third party, the Bank. And while we do not agree that the *Fund* plaintiffs have any standing to object to the release of the Bank's records, whatever may be the final holding of that case, it is not controlling here. On the contrary, our Court of Appeals has taken protective action under assumed jurisdiction only to allow it to decide whether it may accord judicial relief *prior to* the delivery of documents to the Congress under the implicit recognition that there would be no jurisdiction in the court to grant relief once the documents were a part of the files and records of the Congress. See *Order* filed June 4, 1970, by our Court of Appeals in the *Fund* case, which action, we believe, was taken under *dicta* of the Court in *Hearst* v. *Black, supra,* 87 F. 2d 68 at 71, where the court indicated that the Court might have jurisdiction if judicial relief were sought prior to the transmittal of telegrams, therein involved, to the Congress.

Here, to enjoin the Public Printer, the mere scribe of the Congress, from printing the Committee's Report in the manner required by the Congress would constitute a direct restraint on the Congress and on the conduct of its legislative business and would violate the Speech and Debate Clause of Article I, Section 6 of the United States Constitution. As the Supreme Court made clear in *Powell* v. *McCormack, supra,* 395 U.S. 486 at 502, Committee Reports are not the proper subject for judicial scrutiny or review, because the provisions of the Speech and Debate Clause extend as much to the issuance of Reports of the results of investiagtions as it does to the act of voting.

B. Separation of powers

To grant the relief sought would be an invasion of the perogatives of the legislative branch and a serious interference with Congressional investigations in direct violation of the Constitutional Doctrine of Separation of Powers. *McGrain V. Daugherty,* 273 U.S. 135, 160–182 (1927); *Humphrey's Executor* v. *United States,* 295 U.S. 602, 629–30 (1935); *Coleman* v. *Miller,* 307 U.S. 433, 454–455 (1939); *Barrenblatt* v. *United States,* 360 U.S. 109, 132–133 (1959); *Hutcheson* v. *United States,* 369 U.S. 599, 622 (1962); *Yellin* v. *United States, supra.*

Courts should not exercise their jurisdiction to control the subject matter of Congressional investigations or the resulting reports or documents therefrom to be filed with or by Congress. *Mins* v. *McCarthy,* 209 F. 2d 307 (D.C. Cir., 1953); *Hearst* v. *Black, supra.; Pauling* v. *Eastland,* 288 F. 2d 126 (D.C. Cir., 1960); *Methodist Federation for Social Action* v. *Eastland, supra.; Fischler* v. *McCarthy,* 117 F. Supp. 643 (S.D. N.Y., 1954), affirmed 218 F. 2d 164 (2d Cir., 1954); *Krebs* v. *Ashbrook,* 407 F. 2d 306 (D.C. Cir., 1968) (concurring opinion) cert. denied, 393 U.S. 1026 (1969).

In *Pauling* v. *Eastland, supra,* a Senate subcommittee has ordered Pauling to appear and produce certain records and, prior to appearing, Pauling sought a declaratory judgment that the directive of the Subcommittee was void and an injunction restraining the enforcement of the directive and possible prosecution for failure to comply with the subpoena issued under the authority of that directive. The Court of Appeals for this circuit affirmed the decision of this Court denying the requested relief.

In refusing to consider the validity of the Subcommittee's command, the Court of Appeals held that it could not "interfere with or impede the processes of the Congress by proscribing anticipatorily its inquiries," 288 F. 2d at 128, and that an arrest, indictment or conviction was a necessary precondition to the "incidence of judicial power," Id. at 129 stating:

"The courts have no power of interference unless and until some event, such as an arrest, indictment or conviction, brings an actual controversey into the *sphere of judicial authority.* The courts cannot interfere merely upon the petition of a person potentially liable to some event." *Ibid.*

The Court of Appeals also affirmed the denial of the requested declaratory judgment stating:

". . . a declaratory judgment would be as effective an impingement upon and interference with legislative proceedings as a flat injunction would be. Thus I think that a declaratory judgment respecting the validity of contemplated Congressional action would violate the doctrine of separation of powers and would be an illegal impingement by the judicial branch upon the duties of the legislative branch." Id. at 130.

The rule of *Pauling* v. *Eastland* is applicable to the issues presented in this case, for there has been no event, such as an arrest, indictment or conviction, to present an actual controversy into the sphere of judicial authority. See also, *Krebs* v. *Ashbrook, supra; Watkins* v. *United States,* 354 U.S. 178 (1957) (conviction); *Barenblatt* v. *United States, supra.* (conviction); *Shelton* v. *United States,* 327 F. 2d 601 (D.C. Cir., 1963) (conviction); and *Stamler* v. *Willis,* 415 F. 2d 1365 (7th Cir., 1969).

That the decision in the *Methodist Federation Case, supra,* was sound and proper then and now is obvious. Were relief to be granted in such cases, courts would face a multiplicity of requests for injunctions to halt the publication of proposed Bills, final Bills, and Joint Resolutions to which complainants would object. And, after Bills and Resolutions, would come speeches, debates, Committee reports, and, finally all congressional publications. The resulting temporary restraining orders alone would effectively halt or impede Congressional activity, a result which this Court would not want, and which the Constitution does not permit.

C. Congressional immunity

This Court has no jurisdiction to enjoin the activities of the Congress or its members, for they are immune from such action. *Dombrowski* v. *Eastland,* 387 U.S. 82, 84–85 (1967); *Powell* v. *McCormack, supra.*

D. Lack of jurisdiction

1. Legislative Purpose

Although we believe the court lacks jurisdiction even to inquire as to the existence of a valid legislative purpose with respect to a Report proposed to be filed by a Committee with the whole House, in this case it is, in any event, clear that the Committee was pursuing a valid legislative purpose. As more fully appears in the affidavit of the defendant Sanders on file herein as defendants' Exhibit A, on February 20, 1969, at a Committee meeting the Chairman proposed a study of revolutionary violence within the United States which study would encompass the "extent, character and objectives, the organizational forms, financing and other facts with respect to those organizations and individuals engaged in revolutionary violence, sedition and breach of peace and law." The Chairman's proposal was adopted by the Committee on that same day.

Pursuant to the authority conferred by House Rule XI and the Committee Resolution of February 20, 1969, the Chairman directed a staff study to be made with respect to the financing of revolutionary violence and activities through speaking engagements on college and university campuses. On the basis of the results of that staff study the Chairman proposed by a memorandum dated May 14, 1970, that an inquiry be made of selected colleges and universities requesting their voluntary disclosure as to the amount of honoraria paid to all guest speakers (other than academicians and lecturers) together with group identification or sponsorship of the speaker, the manner of payment, to whom paid, and the source of the funds. This proposal was adopted by resolution of the Committee on June 16, 1970, and certain colleges and universities were duly surveyed, following which the results of the investigation were presented to the Committee. By resolution on October 7, 1970, the Committee determined to report the results thereof to the House. This Report was filed with the House by the Chairman on October 14, 1970, and designated House of Representatives Report No. 91–1607, which was referred to the Committee of the Whole House on the State of the Union.

It is apparent, therefore, that House Report No. 91–1607 is the result of a study undertaken by the Committee pursuant to the responsibilities imposed upon the Committee to make inquiry into those organizations which, by their activities, would effect changes in our Government or the administration of our Government by other than constitutional processes. Since preliminary data available to the Committee indicated that guest speakers representing such organizations had made numerous appearances on many college and university campuses and had received honoraria which could be of significance in the funding of their activities, the Committee on Internal Security requested the voluntary cooperation of colleges and universities in the furnishing of information with respect to the payment of such honoraria as a part of its inquiry to ascertain the means by which such organizations are financed. This inquiry as to possible means of financing of certain organizations was obviously only a small part of the Committee's continuing investigation into the "extent, character and objectives, the organizational forms, financing and other facts, with respect to those organizations and individuals engaged in revolutionary violence, sedition and breach of peace and law." Inasmuch as the inquiry was germane to the investigative responsibility of the Committee, as mandated by the House in Rule XI, the results of the investigation were reported to the House as required by Rule XI. (See, e.g., the Committee Hearings concerning the Students for a Democratic Society, and other Hearings and Reports which we are lodging with the Clerk herewith.)

3. Motives

The Court, in its ruling in this case, appeared to take umbrage with the language in the Report which said:

"The Committee believes that the limited sampling made is sufficient to alert colleges and universities administrators . . . to the extent of campus speaking and promoting the radical, revolutionary movement."

In so reacting, the Court suggests that it felt the purpose of the Report was, in some way or another, intended solely to be an attempt to influence campus administrators in making their decisions as to who should be allowed to appear and speak on campuses and that, therefore, such an attempt was not a valid, legislative purpose.

Even assuming *arguendo* that the Court's suspicions were correct and that a motive of the Committee was as the Court feared, the Court cannot restrain the publication of the Report. The Supreme Court in *Watkins* v. *United States,* 354 U.S. 178 (1957) considered a similar case. There, the contention of Petitioner was that the Subcommittee involved in that case was engaged in a program of exposure for the sake of exposure. He alleged that the sole purpose of the inquiry was to bring down upon himself and others the "violence of public reaction" because of past beliefs, expression, and association. In support of his position, petitioner pointed to a report to the House made by a Committee and to House Bills in which it was suggested that the Congress had the right to focus the spotlight of publicity upon activities such as the petitioner's, and it was the duty of the Congress to inform the American people of such conduct. In its decision, the Supreme Court held that its task was not to test the motives of the Committee members for "their motives alone would not vitiate an investigation which had been instituted by the House of Congress if that *assembly's legislative purpose is being served.*" (Emphasis supplied). Id at 200.

In other words, the motives for the Congressional activity are of secondary concern if a legislative purpose is being served. An important distinction in the decision in that case became evident when the Court held that it is the responsibility of Congress, in the first instance, to insure that *compulsory process* is used only in furtherance of a legislative purpose. As was indicated earlier no compulsory process is involved in this case. The information was arrived at voluntarily and that alone distinguishes and lessens the requirements of the *Watkins* case in the instant case. Later, in ***Barenblatt*** v. ***United States,*** 360 U.S. 109 (1959) the Supreme Court again considered whether an investigation was related to a valid legislative purpose and held that "Congress may not constitutionally *require an individual to disclose* his political relationships or other *private* affairs except in relation to such purpose." (Emphasis supplied) Id. at 127, citing ***Watkins*** v. ***United States, supra,*** at 198. Once again, the Court's language clearly limited its rulings to investigations by Congress which involved *compulsory disclosure* by the individual. In this case, we have not such compulsory process; this House Committee herein involved simply recounted facts already made public and voluntarily given by third parties.

E. First amendment rights

Plaintiffs contend that if the report is printed and made public it will infringe upon their First Amendment rights. They contend the Report is nothing more than a black list labeling plaintiffs as "radical revolutionaries" and as *members* of groups described, among other things, as "Communist," "radical revolutionaries" or "extremists." They also allege that the report will have a chilling effect on future campus activity by plaintiffs, as well as having other unnamed adverse consequences.

Plaintiffs are wrong on all counts. First, plaintiffs were not labeled as "radical revolutionaries." As the Committee on page 5 of this Report clearly points out, the Report did not endeavor to ascertain whether the individuals were speaking on behalf of the organizations listed. Further, the Committee did not describe plaintiffs as radical revolutionaries or *members* of the groups described but, instead, the Committee simply recounted the fact that the individuals named in the report had, in the past, been publicly *identified with* the organizations by *the news media.* Unlike plaintiffs' contention, the Committee, in its Report, reached no conclusion regarding the political characterization of the plaintiffs but, rather, it simply recounted in substance facts set forth in other documents readily available to the public.

While plaintiffs allege a mere chilling effect on their First Amendment rights, the congressional prerogatives stand frozen. And yet, the Committee by its Report has in no way chilled their rights by halting plaintiffs from speaking on campuses. The Committee has no power over colleges or campuses to accomplish the desire implied by plaintiffs, nor does the Committee in its Report recommend any action be taken by the Congress to fulfill such a desire. Instead, the only First Amendment rights presently denied are those of the members of the Committee who seek to express the information contained in the Committee Report.

A major purpose of the First Amendment is to protect the *free discussion* of government affairs including all matters relating to political processes. *Mills* v. *Alabama,* 384 U.S. 214 (1966). The constitutional protections for free speech and press were fashioned to assure unfettered interchange of ideas. *New York Times* v. *Sullivan,* 376 U.S. 254 (1969). Here, a Committee of the House of Representatives desires to report to the House. Plaintiffs object to the alleged purpose for the Report, and this Court, in its findings of fact and conclusions of law, has in effect stated that the House Committee and its members have more limited First Amendment Rights, than do plaintiffs. On page 4 of its ruling, this Court set forth a *new* limiting factor on the First Amendment insofar as the House is concerned. It required the Congress to *prove* the legislative purpose for a document *before* it could be printed. This, then, is an affirmative burden on the Congress which it must meet before it can speak through a printed Report of one of its Committees.

To say, in effect, that Congress may *not speak unless* it proves a *proper* legislative purpose for the speech is to deny that Branch and its members the First Amendment Rights herein claimed by plaintiffs.

In the past it has been held that even falsity of the speech *cannot provide a proper* basis for enjoining the speech. *Bond* v. *Floyd,* 385 U.S. 116 (1966). Nor is proof of ill will, evil motive, or intention to injure a sufficient basis to justify interference with speech. *Rosenblatt* v. *Baer,* 383 U.S. 75 (1966). And, the First Amendment allows speech which includes vehement, caustic, and unpleasantly sharp attacks. *Linn* v. *Plant Guard Workers* 383 U.S. 53 (1966). Even when there is unpleasant exposure involved, the speech must be allowed for the risk of exposure is an essential incident of life in a society which places a *primary* value on freedom of speech and of press. *Time, Inc.* v. *Hill,* 385 U.S. 374. In this case, we have none of these factors. Instead, we have a Report, the truthfulness of which is unchallenged, of facts already exposed to the public. And yet, before the Committee can speak through a printed Report in the normal fashion even to the 435 Members of the House of Representatives much less the public, it must prove that its purposes are valid. Such a requirement would be clearly unconstitutional in our judgment.

F. Injunctions

As the court in ***Konigsberg*** v. ***Time, Inc.,*** 288 F. Supp 989 (D.C.D.C., 1968) stated "a court of equity will not, except in special circumstances, issue an injunction order re-

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straining libel or slander or otherwise restricting free speech."

In that case, *Life* magazine published an article entitled "The Mob: The Congressmen and the Hoodlum." The Court denied plaintiffs request for an injunction and stated "to enjoin any publication no matter how libelous, would be repugnant to the First Amendment to the Constitution." And, in *Alberti* v. *Cruise*, 383 F. 2d 268 (4th Cir. 1967) the court refused to issue an injunction even in the face of tortious conduct, such as defamation or harassment. Even where property rights are involved, courts generally will not issue an injunctive order restricting the fragile right of free speech. *Birnbaum* v. *Wilcox-Gay Corp.*, 17 F.R.D. 133. Injunctive relief will be granted only where extraordinary and unusual conditions have been found to exist. *Rampton* v. *Fox*, 235 F. 2d 883 (10th Cir. 1956). The reason for such decisions is that there is no power, the exercise of which is more delicate, more dangerous in a doubtful case, and which requires greater caution, deliberation, and sound discretion, than the issuing of an injunction. *Time, Inc.* v. *T.I.M.E., Inc.*, 123 F. Supp. 446 (S.D. Calif. 1954). Courts have also held that an injunction will never issue to restrain an act which does not give rise to a cause of action. *United States* v. *Koch Bros. Bag Co.*, 109 F. Supp. 540 (W.D.Mo. 1953); *Beranek* v. *Wallace*, 25 F. Supp. 841 (N.D. Ind. 1939). Nor will injunctions lie to allay a litigant's fears; there must be evidence of real injury threatening. *Humble Oil and Refining Co.* v. *Harag*, 262 F. Supp. 39 (E.D. La 1966); *Worthington Pump and Machinery Corp.* v. *Douds*, 97 F. Supp. 656 (S.D. N.Y. 1951); and *Hersey Creamery Co.* v. *Hershey Chocolate Corporation*, 269 F. Supp. 45 (S.D. N.Y. 1951). And, an injunction cannot be granted where the injury is merely anticipatory. *Veatch* v. *Wagner*, 116 F. Supp. 904 (D.C. Alaska, 1953). More on point, nothing in the Constitution authorizes anyone to prevent the Congress from publishing any statement. *Methodist Federation for Social Action* v. *Eastland*, *supra*.

Preliminary relief should not be granted for plaintiffs have not made a strong, or for that matter, any showing that they are likely to prevail on the merits of a cause so that the court is convinced with reasonable certainty that they would succeed at a final hearing.

See, e.g., *Virginia Petroleum Job, Ass'n.* v. *Federal Power Commission*, 259 F. 2d 921, 925 (D.C. Cir. 1958); *Foundry Services, Inc.* v. *Beneflux Corp.*, 206 F. 2d 214 (2d Cir. 1953); *Walt Disney Productions, Inc.* v. *Souvaine Selective Pictures, Inc.* 98 F. Supp. 774 (S.D. N.Y. 1951); *Eighth Regional War Labor Board* v. *Humble Oil & Refining Co.*, 145 F. 2d 462 (5th Cir. 1944), cert. denied, 325 U.S. 883 (1945); *Electric Bond & Share Co.* v. *Securities and Exchange Commission*, 92 F. 2d 580 (2d Cir. 1937), affirmed, 303 U.S. 419 (1938); *Madison Square Garden* v. *Braddock*, 90 F. 2d 924 (3rd Cir. 1937); *Ex parte Young*, 209 U.S. 123 (1908); *Hall Signal Co.* v. *General Ry. Signal Co.*, 153 Fed. 907 (2d Cir. 1907).

Moreover, plaintiffs' motion for a preliminary injunction is now moot since the Temporary Restraining Order was issued only to prevent the disclosure of the names listed in the Report, the Report is now a public document, it having been filed by the Committee with the whole House on October 14, 1970, the names of the persons mentioned in the Report have been extensively reported in the public press, see, for example, the *New York Times* of October 15, 1970, page C23, and there is no practical remedy available to the plaintiffs, a result anticipated by the Court at the time of the issuance of the Temporary Restraining Order.

To the contrary, plaintiffs have shown no extraordinary and unusual circumstances; they have demonstrated no evidence of a potential cause of action if the Committee publishes its Report; nor have they shown evidence of a real irreparable injury threatening. Instead, they have shown that any possible exposure has already occurred by reports in the news of their past conduct. For these reasons, plaintiffs have failed to present a claim upon which relief can be granted.

IV. CONCLUSION

For the foregoing reasons, the defendants respectfully submit that plaintiff's motion for a preliminary injunction should be denied, that defendants' Motion to Dismiss should be granted, and that the action should be dismissed with prejudice.

Attorneys for Defendants Ichord, Pepper, Edwards, Ashbrook, Roudebush, Watson, Scherle, Sanders, Darling and Spence:

J. Walter Yeagley,
Assistant Attorney General.
Kevin T. Maroney,
Deputy Assistant Attorney General.
Benjamin C. Flannagan,
Attorney, Department of Justice.
George W. Calhoun,
Attorney, Department of Justice.

Certificate of Service

I certify that a copy of the foregoing Defendants' Memorandum of Points and Authorities in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Defendants' Motion to Dismiss was served on the plaintiffs by delivering a copy to the Office of their counsel Lawrence Speiser, Esquire, 1424 16th Street, N.W., Suite 501, Washington, D.C. 20006 on October 20, 1970.

Attorneys for Defendants Ichord, Pepper, Edwards, Ashbrook, Roudebush, Watson, Scherle, Sanders, Darling and Spence:

Benjamin C. Flannagan,
Attorney, Department of Justice.

[U.S. District Court for the District of Columbia, civil action No. 3028–70]

Motion of Plaintiffs for Order Directing Certain of the Defendants to Show Cause Why They Should Not Be Held in Contempt

(Nat Hentoff, et al., Plaintiffs, *v.* Richard H. Ichord, et al., Defendants)

The plaintiffs hereby move that this Court enter an order directing the defendant Douglas C. Sanders to show cause why he, his agents, servants, employees and attorneys, and any persons acting in active concert or participation with him or them, should not be held in contempt for failure and refusal to comply with a temporary restraining order signed by this Court on October 14, 1970. In support of this motion, the plaintiffs aver as follows:

1. Following the institution of this action by the plaintiffs on October 13, 1970, a hearing was held before this Court at 2:00 P.M., on that date on plaintiffs' motion for a temporary restraining order. At the end of that hearing, this Court announced its ruling that a temporary restraining order would be issued running to all persons other than the named Congressmen, including "all of the staff and all of the people that would necessarily be involved in the publication" of the list in the proposed report described in that order of the names of college speakers. Defendant Sanders was personally present at that hearing and was represented by counsel, Assistant United States Attorney Joseph M. Hannon. Both Mr. Sanders and Mr. Hannon were present when the Court announced its ruling on plaintiffs' motion for a temporary restraining order.

2. At 10:10 A.M., on October 14, 1970, this Court signed the temporary restraining order attached as Exhibit A to plaintiffs' motion for a preliminary injunction filed on October 20, 1970. That order provides in part as follows:

"Now, therefore, it is ordered, that defendants (except the named Members of Congress) and their agents, servants, employees and attorneys, and any persons acting in active concert or participation with them (except the named Members of Congress), be and they are hereby restrained until the determination of plaintiffs' motion for a preliminary injunction from directly or indirectly seeking to print, publish or distribute any list of names of individuals who have had speaking engagements at colleges or universities as part of a proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities."

3. A copy of that temporary restraining order was served by a United States Marshal upon Mr. Sanders and upon the Congressional defendants at approximately 2:30 P.M. on October 14, 1970.

4. Plaintiffs allege, on information and belief, that at approximately 4:00 P.M. on October 14, 1970, after Mr. Sanders had been served with a copy of that temporary restraining order, the Honorable Richard H. Ichord, member of the United States House of Representatives, Chairman of the House Committee on Internal Security and a defendant in this action appeared before representatives of the press and delivered an oral statement concerning proceedings in this case and responded orally to press inquiries concerning those proceedings. (See Attachments B and D.) At that time, at least one copy of the proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities which contained the list of names of individuals who have had speaking engagements at colleges and universities was distributed to a member of the press. (See Attachment B.)

5. Plaintiffs allege, on information and belief, that Defendant Sanders was present at that press conference and that he or his staff participated in the calling of the press conference and, at least indirectly, in distributing and seeking to distribute copies of that report containing such a list. Plaintiffs allege, on information and belief, that at least in one instance, upon receiving a request from a member of the press for such a report, Defendant Sanders gave a copy of the report to Congressman Ichord so that it could be handed to the requesting representative of the press. (See Attachment B.)

7. Plaintiffs allege, on information and belief, that other members of the staff of the Committee on Internal Security of the House of Representatives, acting as the agents, servants, employees and attorneys of Defendant Sanders and acting in active concert and participation with him, participated in making arrangements for the aforementioned press conference, and thereby directly or indirectly participated in the distribution of copies of that report to members of the press. (See Attachment B.)

8. By the aforesaid acts, Defendant Sanders and members of the staff of the aforesaid Committee were in willful and contemptuous violation of this Court's temporary restraining order.

Wherefor the plaintiffs hereby respectfully move that this Court issue an order to the Defendant Sanders and to the other members of the staff of the House Committee on Internal Security to show cause why he or they or any of them should not be held in contempt of the temporary restraining order of this Court dated October 14, 1970, because of the aforesaid acts, and the plaintiffs further move that this Court grant such further and additional relief to the plaintiffs as it may deem just and proper.

Respectfully submitted.

Attorneys for Plaintiffs:

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Hope Eastman.
Mitchell Rogovin.
John T. Rigby.
Jeffrey D. Bauman.
Robert D. Rosenbaum.

Of Counsel:

MELVIN WOLF,
American Civil Liberties Union Foundation.
ARNOLD & PORTER.

[U.S. District Court for the District of Columbia, civil action No. 3028–70]

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION OF PLAINTIFFS FOR ORDER DIRECTING DEFENDANTS TO SHOW CAUSE WHY THEY SHOULD NOT BE HELD IN CONTEMPT

(Nat Hentoff, et al., Plaintiffs, *v.* Richard H. Ichord, et al., Defendants)

In the motion which this memorandum supports, the plaintiffs ask this Court to issue an order directing Defendant Sanders and the other members of the staff of the Committee on Internal Security of the House of Representatives to show cause why he or they or any of them should not be held in contempt of the temporary restraining order signed by this Court on October 14, 1970 (annexed hereto as Attachment A).

That temporary restraining order prohibited Defendant Sanders and his agents, servants, employees and attorneys and any persons acting in active concert or participation with him or them from directly or indirectly seeking to print, publish or distribute any list of names of individuals who had speaking engagements at colleges or universities, as part of a proposed Report on Honoraria Paid Guest Speakers for Engagements at Colleges and Universities (the "Report").

This Court announced from the bench its ruling on the plaintiffs' motion for a temporary restraining order at approximately 3:00 P.M. on October 13, 1970. At the time of that announcement, Defendant Sanders was personally present in the court and was represented by counsel, Assistant United States Attorney Joseph M. Hannon. (Transcript of hearing, October 13, 1970, Tr. 4, 5). In addition, Mr. Sanders and the Congressional defendants were served with a copy of that order by a United States Marshal at approximately 2:30 P.M. on October 14, 1970. Notwithstanding that order, however, plaintiffs have alleged, on information and belief, that Defendant Sanders participated in the distribution of at least one copy of the Report containing the proscribed list during a press conference which began at approximately 4:00 P.M., on October 14, 1970.[*] Plaintiffs have further alleged, on information and belief, that other members of the staff of the House Committee on Internal Security participated with Mr. Sanders in arranging the press conference, thereby directly or indirectly participating in the list's distribution.

Plantiffs have alleged, on information and belief, that at that press conference Mr. Sanders, although expressly subject to this Court's restraining order, participated indirectly in the distribution of the Report to members of the press by handing a copy of the Report to Chairman Ichord, who thereupon, handed that Report to a news reporter. Chairman Ichord has previously directed that reporter to see the Committee staff for a copy of the Report. Certainly Mr. Sanders, himself a lawyer, could not have understood from anything that he heard in court at the time that this Court announced its ruling on plaintiffs' motion for a temporary restraining order or from anything in that order that he was free to participate, even indirectly, in the distribution of the Report. This Court's order served upon Mr. Sanders prior to the press conference, made that clear by restraining him from "directly or indirectly seeking to" distribute the Report.

Moreover, it would be unreasonable to assume that arrangements for the press conference were made without the active participation of members of the staff of the Committee. It is entirely possible that members of that staff also participated with Mr. Sanders in the distribution of the list. And since Mr. Sanders, as Chief Counsel of the Committee, has as his duties, "the supervision of the staff employees and work of the Committee under the direction of the . . . chairman and committee," Affidavit of Donald G. Sanders attached as defendants' Exhibit A to defendants' Motion to Dismiss, it is probable that Mr. Sanders participated in the making of those arrangements.

There is no doubt that this Court has the authority to hold Defendant Sanders and any other members of the staff of the Committee who played a role in the list's distribution in contempt of its temporary restraining order pursuant to Section 18 U.S.C. §401. As the Supreme Court said in *Gompers* v. *Buck's Stove & Range Co.,* 221 U.S. 418, 450 (1911):

"The power of courts to punish for contempts is a necessary and integral part of the independence of the judiciary, and is absolutely essential to the performance of the duties imposed on them by law. Without it they are mere boards of arbitration whose judgments and decrees would be only advisory.

"If a party can make himself a judge of the validity of orders which have been issued, and by his own act of disobedience set them aside, then are the courts impotent, and what the Constitution now fittingly calls the 'judicial power of the United States' would be a mere mockery."

In *Nelson* v. *Steiner,* 279 F. 2d 944 (7th Cir. 1960) the Court of Appeals affirmed the District Court's holding in contempt of employees of the Executive Branch of the Federal Government, namely a District Director of the Internal Revenue Service and the Chief of the Claims Section, Tax Division, Department of Justice for failure to comply with an order of the District Court. The Court of Appeals said:

"That the action of defendants was taken pursuant to instructions of superior authority is no defense. The executive branch of government has no right to treat with impunity the valid orders of the judicial branch. An order issued by a court with jurisdiction over the subject matter and person must be obeyed by the parties until reversed by orderly and proper proceedings. And the 'greater the power that defies law the less tolerant can this Court be of defiance', *United States* v. *United Mine Workers of America,* 330 U.S. 258, 293, 312, 67 S. Ct. 677, 705, 91 L. Ed. 884."

In *Land* v. *Dollar,* 190 F. 2d 366 (D.C. Cir. 1951), cert. granted, 341 U.S. 737 (1951), cert. dismissed on motion of petitioner, 344 U.S. 806 (1952), the Court of Appeals issued an order to the Secretary of Commerce and certain other government officers to show cause why they should not be held in contempt of an order of the Court. The Court, in speaking of *Gompers* v. *Buck's Stove & Range Co., supra,* said:

"There can be little doubt of the teachings of that case. An order issued by a court having jurisdiction of the persons and subject matter must be obeyed, even though the defendants may sincerely believe that the order is ineffective and will finally be vacated, even though the Act upon which the order is based is void, even though the order is actually set aside on appeal, even though the basic action becomes moot. This must be the rule, said the Chief Justice, because of the necessities of orderly process under our constitutional system of government. Those necessities override every feeling of loyalty to leaders, or doubt as to validity, or of outrage as to the determination, or of shock as to consequence."

Upon the return of that order to show cause, the Court held the Secretary of Commerce, the Solicitor General, members of the Department of Justice and certain other persons in contempt of its order. *Sawyer* v. *Dollar,* 190 F. 2d 623 (1951), cert. granted, 342 U.S. 875 (1951), *vacated as moot,* 344 U.S. 806 (1952). The defendants had argued that they were immune from punishment for contempt as members of the Executive Branch of Government, but the Court held that even the Secretary of Commerce, although acting on express orders of the President of the United States, was not immune from the contempt powers of the Court.

Plaintiffs have information and belief but do not have personal knowledge of the precise nature of Mr. Saunders' participation in the distribution of the Report and of the actions in concern with him and at his direction by members of his staff and the staff of the Committee. But personal knowledge of such facts is not required in support of a motion for an order to show cause why defendants should not be held in contempt. *United States* v. *United Mine Workers Union, supra; N.L.R.B.* v. *Arcade-Sunshine Co.,* 122 F. 2d 964 (D.C. Cir. 1941); *N.L.R.B.* v. *Red River Lumber Co.,* 109 F. 2d 157 (9th Cir. 1940). In *N.L.R.B.* v. *Red River Lumber Co.,* the Court said:

"The respondent contends that because all the allegations in the petition are upon information and belief this court has no jurisdiction to punish for the alleged contempt. The authorities cited by respondent do not sustain this view, nor is it tenable."

The plaintiffs do not have the power of investigation into the facts concerning the distribution of the Report and are therefore not in a position to have personal knowledge in that regard. The plaintiffs pray that the Court require Defendants Sanders and the other members of the staff of the Committee, who alone have such knowledge, to show whether he or they or any of them did in fact willfully and contemptuously violate the order of this Court.

Respectfully submitted.

Attorneys for Plaintiffs:

LAWRENCE SPEISER.
HOPE EASTMAN.
MITCHELL ROGOVIN.
JOHN T. RIGBY.
JEFFREY D. BAUMAN.
ROBERT D. ROSENBAUM.

Of Counsel:

MELVIN WULF,
American Civil Liberties Union Foundation.
ARNOLD & PORTER.

[U.S. District Court for the District of Columbia, civil action No. 3028–70]

AFFIDAVIT OF HOPE EASTMAN

(Nat Hentoff, et al., Plaintiffs, *v.* Richard H. Ichord, et al., Defendants)

I, Hope Eastman, being duly sworn, depose and say that:

1. I am one of the attorneys for the plaintiffs in the above-captioned suit.

2. On information and belief, the following events took place:

a. Congressman Richard H. Ichord held a press conference on the afternoon of October 14, 1970, commencing at 4:00 p.m., at which he criticized the filing of this suit and this Court's decision to issue a temporary restraining order.

b. During the questioning period, one of the reporters present asked Congressman Ichord where a reporter could obtain a copy of the report in question that afternoon.

c. Congressman Ichord referred the reporter to his staff and indicated that he would direct his staff to give the reporter a copy of the report if there were one available.

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[*] See Attachment B, an affidavit concerning the fact of the press conference. Annexed hereto as Attachment C is a press release by Congressman Ichord on October 14, 1970. Annexed hereto as Attachment D is an affidavit embodying the text of the press conference referred to above.

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d. Donald Sanders, Committee Chief Counsel, who was present at the press conference, gave a copy of the report to Congressman Ichord so that it could be handed to the reporter who had requested it.

e. Members of the staff of the Committee on Internal Security participated in making arrangements for the press conference.

HOPE EASTMAN.

Subscribed and sworn to before me this 22nd day of October 1970.

ANN O'DELL
Notary Public.

My Commission expires February 14, 1973.

AFFIDAVIT

DISTRICT OF COLUMBIA, *ss:*

I, John T. Rigby, being sworn, say:

1. I am a member of the law firm of Arnold & Porter, 1229 Nineteenth Street, N.W., Washington, D.C. 20036. It is my information and belief that on October 14, 1970, the Honorable Richard H. Ichord, Member of the United States House of Representatives and Chairman of the House Committee on Internal Security, appeared before representatives of the press, delivered an oral statement concerning the proceedings of *Hentoff* v. *Ichord*, D.D.C. Civil Action No. 3028-70, and responded orally to press inquiries concerning those proceedings.

2. It is my information and belief that the statements made at the aforesaid press conference by Congressman Ichord were as follows:

"Gentlemen.

"I've called this press conference because of several calls directed to my office and because of the fact there seems to be considerable confusion about the court decision that was today handed down by Judge Gesell of the Federal District Court. I would open by stating that earlier this year William Kunstler, counsel for the Chicago Seven, stated that 'we raise most of our money through speaking engagements'. In May of this year the House Committee on Internal Security authorized a limited, voluntary survey of educational institutions for the purpose of obtaining information as to the extent of honoraria being used as a source of financing revolutionary activities. Last Wednesday the Committee on Internal Security, with one dissenting vote, ordered that the results of the survey be reported to the House. In some way unknown to me a copy of the unpublished report came into the possession of American Civil Liberties Union and this suit to which I was referred was filed in the District Court of the District of Columbia for the purpose of enjoining me, as Chairman of the House Committee on Internal Security, from filing a report in the House of Representatives. I point out that the order did not personally enjoin me. I filed the report at 12 o'clock noon. However, the order finally entered up by Judge Gesell enjoined the government printer, one James L. Harrison, from printing the report. I'd also point out that apparently this was a mistake, because James L. Harrison is not now government printer.

"This is the first time to my knowledge that this has happened in the history of the American Republic. As an attorney, I would say that Judge Gesell's order is very strange and very perplexing. I think that Judge Gesell has permitted personal philosophical and ideological commitments to overrule his better legal judgment. If such a decision were permitted to stand you would have the outrageous and ridiculous legal principle written into law that the First Amendment rights of radical revolutionary speakers advocating violent overthrow of the government in this country are absolute while the right—while a Congressional Committee has neither freedom of the speech or freedom of the press. This is an attempt by Judge Gesell in my opinion to do something indirectly which he could not do directly under the Speech and Debate Clause of the Constitution of the United States.

"With that statement out of the way, I'd be very happy to answer any question that you might have.

"Yes."

Q. "Mr. Ichord. Are you, or anybody on your Committee, or anybody else for that matter, going to insert this in the Congressional Record?"

A. "I have not inserted the matter in the Congressional Record. Of course, I could insert the matter in the Congressional Record at any time. There is no order against my doing so or any member of the Congress doing so. I have not done so because I did not want this matter to become moot. This is such a ridicu——" (Q. "To become what?" A. "Become moot") "—This is such a ridiculous, perplexing decision, in my opinion, that I want this matter litigated to the fullest extent. And I would point out that you members of the press should be quite concerned about this, because, if you can enjoin, infringe, prohibit freedom of press on the part of a Congressional Committee, then definitely you can on the part of the private press."

Q. "Do you know whether any members of your Committee who are presumably the—to have access to it."

A. "I do not know whether they have done so, but I would point out to you that it is already a privileged document. This is why this is such a strange, perplexing matter to me. I don't know what Judge Gesell has in mind. This is a privileged document twice. It is privileged by reason of the fact that ACLU filed it in the United States District Court. It is privileged by the fact that it is now a House document. It is in the possession of the House document. I could have at any time several thousand copies of the report printed. As a matter of fact, they have been distributed very freely. I have not filed it in the Congressional Record. I will do so if I see fit to do so, because there is no injunction against me whatsoever."

Q. "So, practically you will have to do it today because the Congress is closing."

A. "Well, of course, the Congress will be coming back in November the 16th, I believe."

Q. "You say there have been several thousand copies printed and dis——"

A. "No, I did not state that there have been several thousand copies. There have been several copies distributed. One was in the hands of the American Civil Liberties Union and filed in the Court. This is a matter—it's already a matter of public knowledge. But I did not file it in the Congressional Record myself today because I want to make sure that this matter is litigated. As I stated, I do not fully understand the thrust of this decision. I don't want to make the issues involved moot. And for that reason I have not filed. I will do so if I see fit to do so at a later date.

"Yes."

Q. "Mr. Ichord, Judge Gesell has set down the matter for a full hearing on October 23rd. Will you appear in court to defend the case—?"

A. "Well, of course, that will be for the House to decide. I could not speak to that at this time. As a matter of fact I have not, I have not been served with any paper in the case whatsoever. It is true, and this is another strange aspect of the case, it is true that I was named as a party defendant. But no paper has been served upon me and no order has been directed toward me. I do not know whether at this time I am even technically a party or not. It is my understanding, however, that my name still, as well as the other members of the Committee, still appears on the caption of the case.

"Yes."

Q. "Are you going to investigate how this report got into the hands of the ACLU?"

A. "I do not know how the report got into the hands of the ACLU. I would point out that the report was distributed to all of the members of the Committee. The Committee did vote to report the matter to the House for printing. I don't think that anyone, whoever handed the report to ACLU, violated any of the rules of the House or of the Committee, but certainly I think there were some violations of the rules of courtesy.

"Any other questions? Be very happy to answer them. Yes."

Q. "Will the report be distributed to college campuses now?"

A. "The report will be distributed wherever we wish it to be distributed. It is a privileged document. I have not decided how many documents, how many reports I will have printed but, as many copies as we have available are fully available to the press, and I would state that it is fully privileged."

Q. "If you were a newspaper reporter and wanted a copy of this report this afternoon, where would you go to get it?"

A. "If you'll ask my staff, and they have a copy available, I shall direct them to give you a copy of it."

"Yes."

Q. 'Congressman. This is the third occasion in which the D.C. District Court has enjoined a Congressional investigation. Does this raise any questions in your mind as to the role of the courts versus the role of the Congress in terms of set patterns now emerging?"

A. "Well, I have spoken to several members of the House, including the leadership of the House. They are very concerned about the ultimate thrust of this decision if it were permitted to stand. Because if this can be done against the House Committee on Internal Security it can be done against any Committee of the House. Yes, I think Judge Gesell, as I stated before, has not fully thought this matter through. Such a decision—if it were permitted to stand—could only, in my opinion, lead to the ultimate tyranny of the judiciary over the legislative body."

Q. "Mr. Chairman."

A. "Yes."

Q. "Do you intend to appeal the decision yourself?"

A. "I am looking into the various aspects of the case at the present time. As I stated previously, no paper has been served upon me, no order has been directed against me. There is some question in my mind at this time as to whether I'm even in a position to appeal the case. I think when everyone sits back, has an opportunity to sit back and look at this decision, it might be that the entire House of Representatives could well join in. These are the matters that I am studying at the present time from the legal standpoint."

Q. "Congressman, the court has taken no other formal action other than the action of the temporary injunction against government printer?"

A. "That's quite true."

Q. "Other than set the hearing on October 23rd?"

A. "Yes. This was a temporary restraining order against the public printer, and it has come to my attention by a third party, that it has been stated, and even acknowledged by Judge Gesell, that there would be no prohibition against a Member of Congress placing it in the Congressional Record. But I have not chosen to do for the reason that I previously stated.

"Thank you very much, gentlemen."

JOHN T. RIGBY.

Subscribed and sworn to before me this 22nd day of October, 1970.

ANN O'DELL,
Notary Public, District of Columbia.

My commission expires February 14, 1973.

Certificate of Service

I hereby certify that I have this day served the accompanying Motion of Plaintiffs for Order Directing Certain of the Defendants to Show Cause Why They Should not be held in Contempt and Supporting Memorandum of Points and Authorities upon the attorneys for defendants by causing copies to be delivered by hand to the Assistant United States Attorney, Joseph Hannon, and Kevin T. Maroney, Deputy Assistant Attorney General, United States Department of Justice.

Lawrence Speiser,
Attorney for Plaintiffs.

October 23, 1970.

[U.S. District Court for the District of Columbia, civil action No. 3028–70]

Order

(Nat Hentoff, et al., Plaintiffs, *v.* Richard H. Ichord, et al., Defendants)

This cause came on for hearing on the 23rd day of October, 1970 upon plaintiffs' motion for a preliminary injunction and defendants[*] opposition thereto and during the argument on the motion, the parties to the action through their counsel having agreed that the Court could consider this matter on defendants' motion to dismiss, plaintiffs' complaint for permanent injunction and the record and counsel for defendants[*] having deferred to the Court's request that the temporary restraining order entered in this cause be extended to the close of the Court's business on the 28th day of October, 1970 in order to afford the Court the opportunity to make findings of fact, conclusions of law and to enter the final judgment in the action, it is by the Court this 23rd day of October, 1970

Ordered that the temporary restraining order entered herein by the Court on the 14th day of October, 1970 be and the same hereby is extended to the close of the Court's business on the 28th day of October, 1970 and it is

Further ordered that the Clerk of Court be and he is hereby directed to record in this Court's docket an entry reflecting the agreement of the parties[*] to this action made through their counsel that this cause has been submitted to the Court for final disposition on defendants' motion to dismiss, plaintiffs' complaint for permanent injunction and the record.

Gerhard Gesell,
U.S. District Judge.

Certificate of Service

I hereby certify that service of the foregoing proposed Order has been made upon plaintiffs by hand delivering a copy thereof to their attorney, Lawrence Speiser, Esq., this 23rd day of October, 1970.

Joseph M. Hannon,
Assistant U.S. Attorney.

[In the U.S. District Court for the District of Columbia, Civil Action No. 3028–70]

Memorandum Opinion

Nat Hentoff, et al., Plaintiffs, *v.* Richard H. Ichord, et al., Defendants)

This is a class action for declaratory judgment and injunctive relief. Plaintiffs seek to enjoin the official publication and distribution of a Report of the Committee on Internal Security of the House of Representatives. The matter is before the Court on affidavits and briefs after full argument. The parties have stipulated that the record before the Court is complete and that the case is in posture for final disposition.

Defendants in this action are the members of the House Committee on Internal Security, its Chief Counsel, the Public Printer and the Superintendent of Documents. The Report in question is entitled "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities," consisting of 25 pages. A copy of the Report as filed with the House of Representatives following the commencement of this action is in evidence. The Public Printer is presently subject to a Temporary Restraining Order issued by this Court, restraining any printing or distribution of the Report which the Chairman of the Committee has released to the press.

A foreword to the Report prepared by the Committee's Chairman states its origin:

"Early this year, I became concerned—as did many of my colleagues—with frequent news accounts of inflammatory speeches which were being made to large audiences on college and university campuses by the radical rhetoricians of the New Left promoting violence and encouraging the destruction of our system of government. At times, reference was made in these reports to the fact that the speakers who preached such a message of hate for America and its institutions often received substantial appearance fees.

"A question which persistently confronts our committee is the one of how and where revolutionary movements in the United States obtain the financing for their activities."

The Report presents the results of a survey conducted by the Committee's staff without use of any formal process. The Committee staff by correspondence obtained information from a number of institutions of higher learning, listing speakers who had appeared on their campuses and in some cases the honoraria paid them.

A list of 1168 names thus obtained, as supplemented by newspaper data, was then checked against Committee sources in an effort to determine whether or not any of the speakers had been associated with one or more of 12 organizations.[1] In this fashion the Committee isolated the names of 65 individuals. The Report, after describing the procedures summarized above, listed the names of each of the individuals so chosen, their alleged associations or affiliations, and the honoraria paid them individually where that had been ascertained. The Report raised the inference, without any positive evidence or any effort to obtain such evidence, that the sums paid for the speeches might have been made available in whole or in part, to the organizations. The Report concludes as follows:

"The committee believes that further, more costly, probing of this matter would only add greater detail to the findings—not greater enlightenment. This report, therefore, concludes the committee's inquiry into the question of honoraria paid campus speakers."

No legislation is mentioned or recommended.

When the complaint was filed, the Report was due to be released at noon on the following day. Plaintiffs sought to prevent filing, printing or any republication by a temporary restraining order. On October 13, 1970, the Court enjoined printing and distribution but refused to interfere with the filing of the Report with the House of Representatives or to enjoin any member of the Committee from discussing or disseminating the Report on or off the floor of the House.

Plaintiffs contend that the publication through the Public Printer and wide dissemination of the Report is still contemplated. This is not in dispute. The Printer has been directed initially to print 6,000 copies. Plaintiffs urge that this contemplated publication and distribution will infringe the rights of the 65 listed individuals under the First Amendment, and that it is being undertaken by the Committee without any proper legislative purpose. Plaintiffs ask that the Court enjoin the members of Congress, their agents and representatives and the Public Printer from any publication and distribution of this Report, limiting its disclosure to insertion in the *Congressional Record* and such discussion as follows in the normal process of any debate on the floor of the House.

By motion to dismiss, the Department of Justice, which appears on behalf of all defendants,[2] raises a series of objections which place in focus the difficult constitutional issues presented by this action. Defendants assert that the publication and distribution of the Report is protected both by the Speech or Debate Clause of the Constitution and by the doctrine of separation of powers. Furthermore, defendants claim that the Report was prepared for a proper legislative purpose, but that in any event the Court is wholly without power to prohibit the printing and distribution of any report on any subject prepared by any committee of Congress for any purpose where the information contained in the report has been gathered by the committee without use of process or other legal compulsion. Thus the issues as framed relate to whether the Court has any authority to entertain the complaint in any of its aspects and, if so, the extent of relief which is appropriate under the Constitution.

Before turning to a review of the authorities, it is important to emphasize that this litigation unquestionably presents an immediate issue of free speech and assembly. The Report is exclusively concerned with speakers on college campuses who appeared there by invitation or otherwise and discussed issues of current importance in our society. It is not suggested in the Report that the speeches in any instance presented any clear or immediate danger, but simply that the speakers are "Pied Pipers of pernicious propaganda." They are listed in the so-called "blacklist" merely because they spoke and are believed to have been at some time associated with an organization distasteful to the Committee.

The Committee listed speakers in the report apparently with the hope and expectation that college officials, alumni and parents would bring social and economic pressures upon the institutions that had permitted these speeches in order to ostracize the speakers and stultify further campus discussion. The Report states:

"If, in a sampling of 3½% of the institutions of higher education, funds in this volume [$108,967.85] are derived by such persons, the people of the United States have a right to conclude that the campus-speaking circuit is certainly the source of significant financing for the promoters of disorderly and revolutionary activity among students. Speaking appearances are not only revenue-producing, but afford a forum where the radicalization process may be continually expanded. . . . The committee believes that the limited sampling made is sufficient to alert college and university administrators, alumni, students, and parents to the extent of campus speaking in promoting the radical revolutionary movement. . . ."

Thus, whether or not the Report was prepared pursuant to a proper legislative purpose, a matter which will be considered below, there can be no question as to its impact upon the right of free speech and assembly. This is an area that our form of government, our Constitution and decisions of the Su-

Footnotes at end of article.

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[*] No appearance has been entered in this action in behalf of Congressmen Louis Stokes and Richardson Preyer. They are not represented in this action by counsel.

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preme Court emphasize is entitled to the closest scrutiny and the broadest possible protection. *See, eg., Bates* v. *City of Little Rock,* 361 U.S. 516 (1960); *West Virginia Board of Education* v. *Barnette,* 319 U.S. 624 (1943); *Abrams* v. *United States,* 250 U.S. 616 (1919) (Holmes, J. and Brandeis, J., dissenting). Recent history is full of instances where disregard for these basic freedoms has done damage to individuals and corroded our institutions. *See, e.g., Barenblatt* v. *United States,* 360 U.S. 109, 147–59 (1959) (Black, J. dissenting); Appendices 4 and 5 to Jurisdictional Statement filed in the Supreme Court in the case of *Stamler* v. *Willis* (filed herein as Plaintiffs' Exhibit 1). Plaintiffs clearly demonstrate that they are faced with irreparable injury if publication of the "blacklist" under the auspices of the Congress is allowed, and accordingly defendants must demonstrate a constitutionally protected justification for publication.

First it is suggested that the publication of this Report is protected by the Speech or Debate Clause of the Constitution. Article I, Section 6, Clause 1, of the Constitution reads in pertinent part:

"The Senators and Representatives . . . for any Speech or Debate in either House . . . shall not be questioned in any other Place."

In considering the application of this Clause to the issues here presented, it should be noted that no injunction is sought to prevent any members of the Committee or other members of the House or Senate from discussing the Report, its contents or its import on the floor of Congress. Nor is any injunction sought which will prohibit placing the Report in the *Congressional Record* for the information of all members of Congress. Plaintiffs concede and the Court so holds that under the Speech or Debate Clause there is no power in the Court to enter prohibitions of this type. The question presented is a narrower one, namely, whether the Speech or Debate Clause has been or should be interpreted to have a broader application than these privileges which it clearly grants.

The scope of the protection afforded by the Speech or Debate Clause has been considered by the Supreme Court on five occasions: *Kilbourn* v. *Thompson,* 103 U.S. 168 (1881); *Tenney* v. *Brandhove,* 341 U.S. 367 (1951); *United States* v. *Johnson,* 383 U.S. 169 (1966); *Dombrowski* v. *Eastland,* 387 U.S. 82 (1967); and *Powell* v. *McCormack,* 395 U.S. 486 (1969). These cases establish that the courts lack jurisdiction to entertain an action seeking any remedy against a member of Congress for any statement made or action taken in the sphere of legitimate legislative activity. As stated in *Powell:*

"The purpose of the protection afforded legislators is not to forestall judicial review of legislative action but to insure that legislators are not distracted from or hindered in the performance of their legislative tasks by being called into court to defend their actions. . . . Freedom of legislative activity and the purposes of the Speech or Debate Clause are fully protected if legislators are relieved of the burden of defending themselves." 395 U.S. at 505.

The Supreme Court in *Powell* left open the question whether an action could be maintained against Congressmen to compel the seating of a member of the House, the restoration of seniority privileges, and the award of back pay. 395 U.S. at 506, f. 26. Plaintiffs contend that the discussion in *Powell,* together with such decisions as *McGovern* v. *Martz,* 182 F. Supp. 343 (D.D.C. (1960), and *Long* v. *Ansell,* 63 U.S. App. D.C. 68, 69 F. 2d 386 (1934), indicates that this Court may restrain Congressmen from publishing, filing, or distributing, except by insertion in the *Congressional Record,* a report that impinges upon First Amendment rights.

The Court is of a contrary view. Members of Congress have the same right to speak as anyone else. Their legislative activities are not limited to speech or debate on the floor of Congress. Information in this Report involves matters of public concern, and the Court will take no action which limits the use that individual Congressmen choose to make of the Report or its contents on or off the floor of Congress. No injunction is appropriate against any Congressman named defendant. This leaves for disposition the question of what relief, if any, should be granted as to the Public Printer, the Superintendent of Documents[3] and employees or representatives of the Committee.

It is claimed that the protection afforded individual Congressmen by the Speech or Debate Clause is equally applicable to the Public Printer, and any members of the Committee staff when acting at the express direction of the Committee or of Congress. Reliance is placed primarily on *Methodist Federation for Social Action* v. *Eastland,* 141 F. Supp. 729 (D.D.C. 1956), where both the Public Printer and the Superintendent of Documents were among the defendants in an action seeking to enjoin publication and distribution by a Senate Subcommittee on Internal Security of a document which named the plaintiff as a communist-front organization. A three-judge court dismissed the complaint against all defendants, apparently relying, among other things, on the Speech or Debate Clause. While the plaintiff's claim was founded on an alleged libel in the report and not, as here, on an abridgment of First Amendment freedoms, the language of the court was broad:

"Nothing in the Constitution authorizes anyone to prevent the President of the United States from publishing any statement. This is equally true whether the statement is correct or not, whether it is defamatory or not, and whether it is or is not made after a fair hearing. Similarly, nothing in the Constitution authorizes anyone to prevent the Supreme Court from publishing any statement. We think it equally clear that nothing authorizes anyone to prevent Congress from publishing any statement." 141 F. Supp. at 731.

In its application to members of Congress, this language is consistent with this Court's decision that no injunction should issue against the members of the Committee. Insofar as the court in *Methodist Federation* read the Speech or Debate Clause or the separation of powers doctrine to afford complete protection to anyone other than Congressmen, however, the decision has been in effect overruled by *Powell,* where the Supreme Court stated: "That House employees are acting pursuant to express orders of the House does not bar judicial review of the constitutionality of the underlying legislative decision." 395 U.S. at 504. *See also, Dombrowski* v. *Eastland,* 387 U.S. 82, 85 (1967); *Stamler* v. *Willis,* 415 F.2d 1365, 1368 (7th Cir. 1969).

This case is, of course, somewhat distinguishable from *Powell* on the grounds that the report of a Committee of Congress is involved rather than congressional action affecting qualification for office. Defendants argue that the printing of a committee report by the Public Printer is a ministerial function necessary to allow Congressmen to bring their views before the Congress and the public, and hence a function insulated from judicial power. Nothing in the Constitution or the cases suggests, however, that a committee report is a necessary adjunct to speech or debate in Congress. Article I, Section 5, of the Constitution provides that "Each House shall keep a Journal of its Proceedings, and from time to time publish the same . . . ," a mandate fulfilled by the printing of the *Congressional Record.* As previously indicated, publication of the Report in the *Congressional Record* cannot be enjoined. Additional printing of a committee report for wide public distribution and sale, however, stands on a wholly different footing. While it is printed and distributed to members of Congress pursuant to statute, 44 U.S.C. §§ 701 et seq., nothing in the Constitution compels its publication, and its further printing and public distribution is not necessary to give effect to the freedom of Congressmen to speak and debate on or off the floor. The Speech or Debate Clause does not necessarily bar an action to enjoin the Public Printer from printing a committee report for public distribution.

Defendants also argue that this Court lacks jurisdiction because the issue presented involves a "political question," and hence is not justiciable. This question of justiciability cannot, of course, be determined by simple rules or principles. While courts have in a long series of cases found the separation of powers doctrine no bar to judicial review of congressional investigations,[4] defendants suggest that the issue in all these cases was the validity of formal congressional process. Accordingly, the Deputy Assistant Attorney General contended at oral argument that these decisions support the proposition that a Committee of Congress can print in a report anything it pleases, without interference from the judiciary, so long as the information is not gathered by compulsory process. This argument ignores the fact that the use of information, fully as much as the process by which it is gathered, may infringe constitutionally protected freedoms. *Cf. Menard* v. *Mitchell,* No. 22,530 (D.C. Cir. June 19, 1970). The decision to print and widely distribute the Committee Report involved here is no more a "political question" than the decision by the House of Representatives to exclude one of its members reviewed in *Powell.*

Apart from the total privilege afforded by the Speech or Debate Clause, the authority of a congressional committee to publish and distribute a report at public expense is not unlimited but is subject to judicial review in the light of the circumstances presented. In *Watkins* v. *United States,* 354 U.S. 178 (1957), the Supreme Court considered at length the relationship between congressional investigations and the Bill of Rights. Noting that congressional concern with alleged threats of subversion had brought about a new phase of legislative inquiry involving broad-scale intrusions into the lives of private citizens, it declared that First Amendment rights "may be invoked against infringement of the protected freedoms by law or by lawmaking." Unwilling to assume, as defendants do here, that 'every congressional investigation is justified by a public need that overbalances any private rights affected," the Court emphasized that where exposure and invasion of private rights are the result of a legislative inquiry, the inquiry must be justified by a genuine, specific legislative need.

"No inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress. Investigations conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible." 354 U.S. at 187.

Thus the issues here presented necessitate consideration of the legislative purpose underlying the Report, if any be shown. Judicial inquiry into the matter of legislative purpose must be undertaken with caution and great deference to the regularity of actions by a coordinate branch of government. No precise guidelines have been laid down by prior decisions concerned with this troublesome question. Congress to be sure has wide powers to investigate and report in aid of legislation, but where its activities encroach upon constitutionally protected liberties, a subordinating interest of the

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Footnotes at end of article.

State must be affirmatively shown. See *Barenblatt* v. *United States,* 360 U.S. 109, 127 (1959).

Each situation must be analyzed on its own special facts. Here the Report not only fails to indicate any legitimate legislative purpose, but on its face contradicts any assertion of such a purpose. While counsel suggests that the Report could have been intended to stimulate legislation concerning the financing of "subversive" organizations, the Committee made no attempt to ascertain whether any honoraria were being channeled to such organizations, and acknowledged that no further inquiry into the matters covered by the Report was contemplated. No proposed or contemplated legislation is mentioned. Nor could the listing of names of speakers possibly be relevant to an inquiry concerning finances, and yet the list comprises the heart of this Report. The appeal is to college administrators, alumni and parents, not to members of Congress. The conclusion is inescapable that the Report neither serves nor was intended to serve any puropse but the one explicitly indicated in the Report: to inhibit further speech on college campuses by those listed individuals and others whose political persuasion is not in accord with that of members of the Committee.

If a report has no relationship to any existing or future proper legislative purpose and is issued solely for sake of exposure or intimidation, then it exceeds the legislative function of Congress; and where publication will inhibit free speech and assembly, publication and distribution in official form at government expense may be enjoined. This is such a report.

The Court recognizes that an injunction against public printing and distribution of the Report, except through the *Congressional Record,* will not prevent distribution and discusison of the so-called "blacklist." There are limits to judicial power just as there are limits to congresisonal committee action under our tripartite form of government.

The Court is impelled to exercise its discretion in favor of an injunction, limited though it may be, for several reasons. These are times of stress when our most cherished institutions are threatened by extremists of many different persuasions. It is in these circumstances that the right of free speech and assembly must be jealously safeguarded by all branches of government to the end that the interchange of ideas and discussion, not violence, shall fashion the future of this democracy. There are undoubtedly individuals who would destroy our institutions and form of government. If any of them are listed in this Report, our Constitution nevertheless preserves their right to speak even though their acts may be restrained. It is alien to any legitimate congressional function, as well as contrary to our most established traditions, for any Committee of the Congress to disseminate lists designed to suppress speech. Members of the Committee may speak their minds, and their words will carry added weight because of the great prestige of their high office. They cannot, however, by the mere process of filing a report devoid of legislative purpose, transform these views into official action by the Congress and have them published and widely distributed at public expense.

The Court notes the increasing tendency of the legislative branch to investigate for exposure's sake, and expresses the hope that members of Congress will by rule and attitude limit Congressional inquiry to those matters amenable to constitutional legislative action. The Congress, the Judiciary, and the Executive branch properly seek remedies against violent conduct, but the marketplace of ideas cannot be closed and all branches of Government must in the last analysis depend on the common sense of citizens. This is the essence of democracy and it is in times of stress that the fundamental requirement of free speech and non-violent assembly must be assiduously preserved wherever possible.

The action is dismissed as to all Congressmen named defendants and the Committee's Chief Counsel. The Public Printer and the Superintendent of Documents are permanently enjoined from printing and distributing the Report. The motion latterly made by plaintiffs to show cause why certain defendants should not be held in contempt of the Temporary Restraining Order is denied.

The foregoing constitutes the Court's Findings of Fact and Conclusions of Law. The Court's Order is filed herewith.

Gerhard A. Gesell,
U.S. District Judge.

October 28, 1970.

FOOTNOTES

[1] The 12 organizations listed in an appendix to the Report are: Nation of Islam; Communist Party; National Committee to Abolish HUAC; National Mobilization Committee to End the War in Vietnam; Socialist Workers Party; [Persons] Cited for Contempt in Connection with the "Chicago Seven" Conspiracy Trial; Black Panther Party; Students for a Democratic Society; Student Non-Violent Coordinating Committee; New Mobilization Committee to End the War in Vietnam; Spring Mobilization Committee to End the War in Vietnam; and Youth International Party (Yippies).

[2] Congressmen Preyer and Stokes are not represented by counsel in this action.

[3] The Superintendent of Documents is a subordinate of the Public Printer. While the Public Printer is appointed by the President, 44 U.S.C. § 301, he is a legislative employee. Duncan v. Blattenberger, 141 F. Supp. 513, 515 (D.D.C. 1956).

[4] *See, e.g.,* Watkins v. United States, 354 U.S. 178 (1957); Barenblatt v. United States, 360 U.S. 109 (1959); United States v. Rumely, 345 U.S. 41 (1953); Stamler v. Willis, 415 F. 2d 1365 (7th Cir. 1969). In Davis v. Ichord, No. 23,426 (D.C. Cir. Aug. 20, 1970), the Court of Appeals rejected the separation-of-powers argument in an action seeking to enjoin the maintenance and use by this same Committee of an alleged "political blacklist." Dismissal of that case was upheld only on the basis that the threatened injury alleged by plaintiffs had by the time the case was decided become so improbable that the controversy was no longer "live."

[In the U.S. District Court for the District of Columbia, civil action No. 3028–70]

ORDER

Nat Hentoff, et al., Plaintiffs, *v.* Richard H. Ichord, et al., Defendants)

Plaintiff's application for declaratory judgment and permanent injunctive relief having, with consent of the parties, come before the Court on affidavits, and the Court, after briefs and full argument, having filed herewith its Memorandum Opinion containing Findings of Fact and Conclusions of Law, it is

Ordered that the Public Printer and the Superintendent of Documents be and each is hereby permanently enjoined from printing and/or distributing, or directly or indirectly causing to be printed or distributed any copy of a Report of the House Committee on Internal Security captioned "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities" or any portion, restatement or facsimile thereof, provided however that in the event said Report or any part thereof shall be introduced into or be mentioned during the course of proceedings of the House or of the Senate this injunction shall not apply to subsequent normal publication or distribution of the *Congressional Record* in full text, without special reprinting or excerpting of any portion or portions relating to said Report; and it is

Further ordered that the complaint be and it is hereby dismissed as to all parties except the Public Printer and the Superintendent of Documents, and the Temporary Restraining Order previously entered in this case is and shall be desolved upon the service of this Order on the Public Printer; and it is further

Adjudged and declared that said Report of the House Committee for Internal Security is without any proper legislative purpose and infringes on the rights of individuals named therein as protected by the First Amendment to the Constitution of the United States, and that any publication of said Report at public expense, except as herein provided, is illegal.

Gerhard A. Gesell,
U.S. District Judge.

October 28, 1970.

[U.S. Court of Appeals for the District of Columbia Circuit, No. 24761]

Richard H. Ichord, et al., Defendants-Appellants *v.* Nat Hentoff, et al., Plaintiffs-Appellees)

MOTION FOR SUMMARY REVERSAL OF THE DISTRICT COURT'S ORDER ENJOINING THE PUBLIC PRINTER AND THE SUPERINTENDENT OF DOCUMENTS FROM PRINTING OR DISTRIBUTING A HOUSE DOCUMENT OR, IN THE ALTERNATIVE, FOR EXPEDITED PROCESSING OF THIS APPEAL

Defendants-Appellants move for summary reversal of, or in the alternative, expedited consideration of their appeal from, the order* of the District Court (per Judge Gesell) entered on October 28, 1970, enjoining the Public Printer and the Superintendent of Documents from printing and/or distributing any copy of a Report of the House of Representatives captioned "Limited Survey of Honoraria Given Guest Speakers for Engagements at Colleges and Universities", which order of the Court also declared said Report to be without a proper legislative purpose.

The notice of Appeal was filed on October 30, 1970.

The grounds for this Motion are fully set forth in the supporting Memorandum attached hereto.

Respectfully submitted.

Attorneys for Defendants-Appellants:

John F. Doherty,
Acting Assistant Attorney General.
Kevin T. Maroney,
Deputy Assistant Attorney General.
Benjamin C. Flannagan,
Attorney, Department of Justice.
George W. Calhoun,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion For Summary Reversal of The District Court's Order Enjoining the Public Printer And The Superintendent Of Documents From Printing Or Distributing A House Document Or, In The Alternative, For Expedited Processing Of This Appeal was served on the plaintiffs-appellees by delivering a copy thereof to the office of their counsel, Lawrence Speiser, Esquire, c/o American Civil Liberties Union, 1424—16th Street, N.W., Room 501, Washington, D.C. 20036 on November 2, 1970.

Attorney for Defendants-Appellants:

Benjamin C. Flannagan,
Attorney, Department of Justice.

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*A copy of Judge Gesell's Opinion and Order is attached hereto.

[U.S. Court of Appeals for the District of Columbia Circuit, No. 24761]

MEMORANDUM IN SUPPORT OF DEFENDANTS-APPELLANTS' MOTION FOR SUMMARY REVERSAL OF THE DISTRICT COURT'S ORDER ENJOINING THE PUBLIC PRINTER AND THE SUPERINTENDENT OF DOCUMENTS FROM PRINTING OR DISTRIBUTING A HOUSE DOCUMENT, OR IN THE ALTERNATIVE, FOR EXPEDITED PROCESSING OF THIS APPEAL

(Richard H. Ichord, et al., Defendants-Appellants, *v.* Nat Hentoff, et al., Plaintiffs-Appellees)

This memorandum is filed in support of defendants-appellants' Motion for Summary Reversal of the Judgment of the District Court (per Judge Gesell) entered October 28, 1970, enjoining the Public Printer and Superintendent of Documents from printing and/or distributing an Official House of Representatives Document entitled "Limited Survey of Honoraria Given Guest Speakers at Colleges and Universities" or, in the alternative, for expedited processing of this appeal. Notice of appeal was filed on October 30, 1970.

Defendants-appellants believe that the complaint, the motions (with affidavits, Bills and Resolutions attached thereto and memoranda of points and authorities in support thereof) filed with the Court below, and the subsequent oral argument, are a sufficient presentation of the issues. However, additional typewritten briefs may be desirable.

The critical issue presented by this case involves the power of the Judiciary to enjoin the printing and distribution of an official House Document—a Report of the House Committee on Internal Security which has been duly filed with and received by the whole House. It is our position that the District Court erred in finding it had jurisdiction,[1] for the Speech and Debate Clause of the Constitution and the doctrine of Separation of Powers prohibits judicial interference in this case, and the question involved is of such substantial public importance, that this Court should consider and decide the case before Congress returns on November 16, 1970 from its present recess.

So long as the order of the District Court remains effective, the House of Representatives is prevented from printing and distributing an official House Document for circulation to its members, and to its constituency, in the normal fashion of the established legislative processes.

SPEECH AND DEBATE CLAUSE

In its Memorandum Opinion, setting forth its Findings of Fact and Conclusions of Law, the District Court held that the Speech and Debate Clause of the Constitution did not extend immunity from judicial interference to House Reports printed by the Public Printer pursuant to an order of the House of Representatives and, in so finding, appellants contend the Court below clearly exceeds its jurisdiction. In ***Kilbourn* v. *Thompson***, 103 U.S. 168 (1880), the Supreme Court held:

". . . it would be a narrow view of the Constitutional provision [Speech and Debate Clause] to limit it to words spoken in debate. The reason of the rule is as forcible in its application to *written reports presented in that body by its Committees,* to Resolutions offered, which, though in writing, must be reproduced in speech, and to the act of voting, whether it is done vocally or by passing between the tellers. In short, to things generally done in the House by one of its members in relation to the business before it." at 204. (Emphasis supplied).

Later in ***Methodist Federation for Social Action* v. *Eastland***, 141 F. Supp. 729 (D. D.C. 1956), a three-judge district court refused to enjoin the publication of a Senate Report and held:

"Nothing in the Constitution authorizes anyone to prevent the President of the United States from publishing any statement. This is equally true whether the statement is correct or not, whether it is defamatory or not, and whether or not it is made after fair hearing. Similarly, nothing in the Constitution authorizes anyone to prevent the Supreme Court from publishing any statement. ***We think it equally clear that*** *nothing authorizes anyone to prevent Congress from publishing any statement.*" at 731 (Emphasis supplied).

* * * * *

"We have no more authority to prevent Congress or any Committee or public officer acting in the express direction of Congress, from publishing a document than to prevent them from publishing the Congressional Record." at 732.

In *Barr* v. *Matteo*, 360 U.S. 564 the Court recognizes that the Constitution conferred an absolute privilege to members of both Houses of Congress in respect to any speech, debate, oath, *report* or action done in the session. 360 U.S. at 569. More importantly, the Supreme Court in ***Powell* v. *McCormack***, 395 U.S. 486 (1969) recently considered again this issue and held:

". . . it would be a 'narrow view' to confine the protection of the speech and debate clause to words spoken in debate. *Committee Reports,* Resolutions, and the act of voting are equally covered as are 'things generally done in a session of the House by one of its members in relation to the business before it'. at 502. (Emphasis supplied).

For these reasons it is clear that a report of the House falls within the Speech and Debate Clause of the Constitution and as such it is immune from any judicial inquiry into the contents thereof.

For these reasons, it is clear that the Report involved is protected by the Speech and Debate Clause from judicial interference and, thus, the court below lacked jurisdiction to enjoin its printing, publication or distribution.

SEPARATION OF POWERS

In *Hearst* v. *Black*, 66 App. D.C. 313, 87 F. 2d 68 (1936), this Court held:

". . . the universal rule so far as we know it, is that the legislative discretion in discharge of its constitutional functions, whether rightfully or wrongfully exercised, is not a subject for judicial interference.

"The Constitution has lodged the legislative power in the Congress. If a Court can say to the Congress that it could use or could not use information in its possession, the independence of the legislature would be destroyed and the constitutional *separation of the powers* of government invaded. Nothing is better settled that each of the three great departments of government shall be independent and not subject to the control directly or indirectly by either of the others. 'This separation and the consequent exclusive character of the powers conferred upon each of the three departments is basic and vital—not merely a matter of governmental mechanism.'" at 71–72 (Emphasis added).

In the instant case the House Committee has conducted an investigation. An important distinction should be noted with respect to that investigation. All of the information gathered was taken from public source material (i.e., newspapers, and magazines, etc.) or from voluntary responses to a letter of inquiry sent out by the Committee. At no time was the Committee's power of compulsory process employed. That is of importance in this case for as the Supreme Court in ***Watkins* v. *United States***, 354 U.S. 178 (1957), held:

"[T]he legislature is free to determine the kind of data which should be collected. It is *only those investigations that are conducted by the use of compulsory process* that give rise to the need to protect the rights of the individuals against illegal encroachment." at 215 (Emphasis supplied).

Thus it is clear that judicial interference with Congressional investigations is proper only in certain limited circumstances when the power of compulsory process is employed by the Congress, as, for example, in a contempt of Congress case, and it follows that if a court cannot interfere with an investigation it cannot interfere with the publishing of a report of that investigation. This Court in ***Pauling* v. *Eastland***, 109 U.S. App. D.C. 342, 288 F. 2d 126 (D.C. Cir. 1960), held that it was powerless to act in the absence of an "incidence of judicial power". In this regard the Court stated:

"The Courts have no power of interference unless and until some event such as an arrest, indictment or conviction, brings an actual controversy into the sphere of judicial authority. The courts cannot interfere merely upon the petition of a person potentially liable to some event." at 129.

Continuing, this Court stated:

"A declaratory judgment would be as effective an impingement upon an interference with legislative proceedings as a flat injunction would be. Thus I think that a declaratory judgment respecting the validity of contemplated Congressional action would violate the doctrine of separation of powers and would be an illegal impingement by the judicial branch upon the duties of the legislative branch." at 130.

See also ***McGrain* v. *Daugherty***, 273 U.S. 135, 160–182 (1927); ***Humphrey's Executor* v. *United States***, 295 U.S. 602, 629–630 (1935); ***Coleman* v. *Miller***, 307 U.S. 433, 454–455 (1939); ***Barenblatt* v. *United States***, 360 U.S. 109, 132–133 (1959); ***Hutcheon* v. *United***

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[1] Although defendants-appellants limit their discussion of the basis for the motion for summary reversal to lack of jurisdiction, they do not, in so doing, wish to convey the impression that the question of jurisdiction is the only point in the court's decision with which they disagree. On the contrary, they would object to the court's findings that the Report is a "blacklist"; that the purpose of the Report was to "ostracize the speakers (named therein) and stultify further campus discussion"; that the Report need mention or recommend legislation before it can be printed; that the Report needs to demonstrate a proper legislative purpose before it can be printed; that there was no proper legislative purpose behind the Report; that the court can inquire into the legislative purposes for internal legislative activity such as printing House Documents; that plaintiffs have demonstrated any irreparable injury flowing from the publication of the Report; that congressional immunity from judicial interference does not extend to the persons enjoined by the court's order; that the Report infringes on plaintiffs' First Amendment rights; that (impliedly) the House of Representatives, through one of its printed House Documents, has no similar First Amendment right of Freedom of Speech; that the Legislative Branch is increasingly investigating for the sake of exposure only; and, that the court is not enjoining the House of Representatives from acting, to name just a few. However, defendants-appellants are of the opinion that these issues go to the merits which, they contend, cannot be reached in the absence of jurisdiction. For this reason, defendants-appellants would restrict the Motion for Summary Reversal and memorandum in support thereof to that threshold question.

States, 369 U.S. 599, 622 (1962); and *Yellin* v. *United States*, 374 U.S. 109 (1963).

Although the District Court scrupulously avoided enjoining the members of the House or their staff employees, the injunction issued is no less a direct interference with the use by the House of its normal processes in having a Committee Report—now officially a House Document—printed pursuant to the provisions of Title 44 of the United States Code, and thereby making it available in the normal manner for distribution to other members of Congress and to the public as well.

It is small solace to the House to say that a Committe can file whatever Reports it wishes, and its members can say whatever they wish, but that a court (absent a controversy involving compulsory process as in *Watkins and Bareblatt, supra*) has jurisdiction to review such Reports to ascertain whether they are accompanied by a valid legislative purpose, and then to enjoin printing by the Public Printer if the court disagrees with the Committee.

The courts totally lack jurisdiction to sit as a "Council of Revision", *National Student Association* v. *Hershey*, — U.S. App D.C. —, 412 F. 2d 1103, 1114 (1969), of the internal legislative processes of Congress. Nor is the court empowered to act as a censor of what a Committee of Congress chooses to report to the whole House and its constituency. Furthermore, the courts may not act either as the supervisor, or as the conscience of the Congress. If a Committee of Congress exceeds appropriate bounds of propriety, that is a matter for the Congress to deal with and, ultimately for the electorate to pass on, not the judiciary.

In behalf of its plea for an expedited hearing on this matter, defendants-appellants would point out to the Court that the legislative process of the House of Representatives has been impeded since October 14, 1970. Each day the House of Representatives and the Congressman are denied the use of this Report represents an irreparable injury to the legislative function.

If this Court should decide against defendants-appellants' motion for summary reversal, defendants-appellants' move in the alternative for an expedited appeal of this matter and respectfully propose that this Court set November 4, 1970, for submission of appelants' brief and November 6, 1970 for appellees' brief and set the oral argument before November 12, 1970 since Congress, now in recess, will reconvene on November 16, 1970.

Respectfully submitted.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing memorandum in support of defendants-appellants' Motion for Summary Reversal of the District Court's Order Enjoining the Public Printer and the Superintendent of Documents from Printing or Distributing a House Document or, in the Alternative for Expedited Processing of this Appeal was served on the plaintiffs-appellees by delivering a copy thereof to the office of their counsel, Lawrence Speiser, Esquire ℅ American Civil Liberties Union, 1424 16th Street, N.W., Room 501, Washington, D.C. 20036, on November 2, 1970.

BENJAMIN C. FLANNAGAN,
Attorney, Department of Justice.
Attorney for Defendants-Appellants.

[U.S. Court of Appeals for the District of Columbia Circuit, September term, 1970, civil action 3028–70]

[No. 24,761]

ORDER

(Nat Hentoff, et al. *v.* Richard H. Ichord, et al. Rowland A. Darling, Superintendent of Documents, A. N. Spence, Public Printer, United States Government Printing Office, Appellants)

Before: Wright, McGowan and Tamm, Circuit Judges in Chambers.

On consideration of appellants' motion for summary reversal of the District Court's Order enjoining the Public Printer and the Superintendent of Documents from printing or distributing a House document or, in the alternative, for expedited processing of this appeal, of the opposition filed with respect thereto and of the record on appeal herein, it is

Ordered by the Court that appellants' motion for summary reversal or, in the alternative, for expedited processing of this appeal is denied.

Per Curiam.

Circuit Judge Wright did not participate in the foregoing order.

THE COMPREHENSIVE MANPOWER ACT AND PROJECT GREEN THUMB

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. FRASER. Mr. Speaker, I strongly support H.R. 19519, the Comprehensive Manpower Act. Among the many reasons why I support this measure is this important consideration: It will permit a continuation of the projects Green Thumb and Green Light under section 102. Under these programs senior citizens in 17 States are enabled to supplement their often wholly inadequate social security benefits. For some of them, this project has become the means of survival. Passage of this bill is absolutely essential for these citizens' well-being.

Ronald Ross in a recent article appearing in the Minneapolis Tribune discusses the Green Thumb project and the needs of these men. He also points out the extremely valuable contributions that the individuals participating in the project make to their community, their country, and to themselves. The article follows:

BACK HOME

(By Ronald Ross)

BEMIDJI, MINN.—The leaves were changing along the road to Bemidji, patches of gold and scarlet among the dark greens.

Five years in Asia, spent for the most part in the muggy heat of Indochina, and one forgets the blessings of the changing seasons.

Other forgotten things: the mournful sound of trains in the night, the pungent smell of skunk by the highway.

Bemidji: a strip of motels by the lake, the fresh red brick of the State College with its freshmen in green and white beanies and new 13-story high rise dormitory among the pines and birch, and, best of all, the old promise of the North Woods.

Life is spent very much outdoors, winter and summer, but even here the plague of pollution is creeping forward.

Carson Berglund, 25, a state forester with the Minnesota Conservation Department, told of a small state lake and picnic grounds at the edge of town that at the peak of last summer was flooded by as many as 1,400 people in a single day.

"It got so bad we were considering closing it. The toilets aren't built for that number of people, and the motor boats have pretty near fouled the lake with oil slick," he said.

He said he still was fighting a battle with a nearby community whose residents insisted on dumping their garbage at the edge of a state forest.

Among the more-pleasant jobs Berglund said he works on is the Green Thumb program, an employment project sponsored by the National Farmers Union under a grant from the U.S. Department of Labor.

Green Thumb and its counterpart, Green Light for women, is a program designed specifically for the older, retired, low-income American; it offers jobs in projects beautifying state highways, improving and developing state parks.

Some 3,500 older Americans, teetering on the edge of survival, participate on the program in 17 states; 288 of them in Minnesota, 70 in South Dakota and 50 in North Dakota.

They work three days a week and are paid $1.60 an hour, which keeps their annual income at a level that does not disqualify them for Social Security benefits.

There are now some 20 million Americans aged 65 and over, and the Green Thumb program in Bemidji was the first chance since my return from Vietnam to catch the flavor of what life for many of them has become.

Henry Verheigen is 65 and for many years he was a dairy farmer until illness forced him to give it up. For a while he and his wife lived on his relief check and in 1966 he moved into Bemidji and got a job in the Federal Building here.

That lasted six months, and then he found work in the geography department at Bemidji State College, doing odd jobs, drawing maps among them.

That job, too, ran out in time.

"There were no jobs for a man like me," he said.

In June 1969 he found work again swabbing at a hamburger stand, working after the place closed at 1 a.m., for $100 a month.

In March of this year, he joined the Green Thumb project; now he and his wife, who "works a little, cleaning office for a construction company, an hour a day," find they can get by on his $48.40 a month from Social Security, $140 a month from Green Thumb, and his wife's meager wages.

What Green Thumb has meant for Verheigen, most of all, is quite simple: "being occupied."

"I can do almost anything they tell me," he said, with obvious pride. "Painting, making signs, trimming trees, shoveling dirt. I just like to work."

Charles Harrell is 60. For 18 years he was a brick cutter in Indianapolis, Ind., and moved to Bemidji 11 years ago to work in the resorts that are the town's major industry.

He and his wife, who has heart trouble, have full custody of two of his grandchildren. They own their own home and now can manage to live off his $86 welfare benefits and $140 from Green Thumb.

He told me a story that I must assume is typical: looking for work, determined to work as long as he could, he returned to Indianapolis last year and got a job in the same plant where he had worked once before.

"I could only work there a few months," he said. "We were paying $150 a month rent and I had to make $75 a week to make it.

"But there was no overtime, so I had to give it up and find something else."

He applied at another plant in the area.

"They just took one look at me," he said. "Just asked my name and age. Didn't even hand me an application.

"They said I was too old and I was an insurance risk."

"So, I figured, 'If this is all in life, we'll just go back to Bemidji and starve.' "

"I've never asked for charity. As long as I can work I want to."

Basil (Stub) Himes is 64. He lost his eyesight in 1938 and has worked at many odd jobs since that time. He was one of the first to be brought into the Green Thumb program in the Bemidji area.

He can't do the same work the other men do in the forest, but he's kept busy around the Northland Apartments where he and his wife live. Northland is a Bemidji Housing and Redevelopment Authority development for the low-income elderly.

"Without Green Thumb," he said, "I'd still be scratching."

"To me, it's just like starting to live all over again.

"I got some of the things we couldn't get before. I got the color television for my wife which might seem funny to you, my not being able to see.

"The going's a lot better now. Usually people like us is like an old used car, just sitting biding time."

Out at Bemidji State Park, where the Green Thumb crew worked indoors last winter, I talked to Wally Bartel, 24, the park ranger.

"They're real good workers," he said. "They take pride in what they do, and they do a good job at most anything.

"Without them, I'd say we'd be real hard put to keep the park up to standards."

HARRIMAN ON SOUTHEAST ASIA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. BINGHAM. Mr. Speaker, One of the world's greatest experts on dealing with the Communist world, W. Averell Harriman, has written for Look magazine November 17 issue, an impressive summary of his views on the war in Indochina. He concludes: "if policies giving Thieu a veto are continued, there is no end to the war. The idea that Vietnamization is going to force the North Vietnamese to negotiate on our terms is nonsense. The hope that if the American people stand behind the Vietnamization of the war, Hanoi will give in just doesn't make any sense."

Governor Harriman urges that "all our troops should be withdrawn from Vietnam—on a prompt, announced schedule," pointing out that this would "compel the Thieu government to undertake serious negotiations for a responsible settlement."

I commend Governor Harriman's well-reasoned and forceful article to my colleagues in the Congress and to all readers of the CONGRESSIONAL RECORD:

When negotiations with the North Vietnamese began in Paris on May 10, 1968, President Johnson asked Cyrus Vance and myself to handle them. Cy had been Deputy Secretary of Defense. He had also undertaken troubleshooting assignments for the President in Cyprus, Korea and at home during the summer riots of 1967. Cy was more than a deputy, he was my partner throughout the long and frustrating months. And no one could have had a better one.

After nearly six months' discussion, President Johnson was able to stop the bombing at the end of October, 1968. Throughout this period, President Thieu of South Vietnam had never indicated that he was not willing to join the talks in Paris. We had considerable difficulty in getting the other side to agree to negotiate with his representative. They seemed to have a special bitterness toward Thieu, as they had been fighting him for years, way back to the period when they considered him a mercenary of the French.

For our part, we refused to accept the NLF as independent participants. We maintained they were creatures of Hanoi. We finally settled on a compromise that satisfied both sides, including Thieu, we believed. There were, of course, two sides to the negotiations, but each side would have the right to include anyone it wanted. The North Vietnamese informed us the NLF would participate on their side, and we informed them the Saigon government would participate on ours.

Then, to the President's surprise (we were aghast in Paris), at the last moment, Thieu refused. Clark Clifford, the Secretary of Defense, in his November 12 press conference, described in detail this unjustified action.

There seems to be little doubt that through one channel or another, Thieu was counseled to wait until after the American presidential election. He was evidently told Nixon would be much harder-line than Humphrey, and he was warned that if negotiations began, Humphrey might be elected.

I don't in any way suggest that Richard Nixon knew anything about this. But some believe that if we had started actual negotiations during the week before Election Day, it might well have made a small, but vital, difference in the election. If Hubert Humphrey had been elected President, we would have been well out of Vietnam by now. I can say this with assurance because I am satisfied he would have appointed either George Ball or Clark Clifford his Secretary of State, and I know where they stood.

Between the election and inauguration, we worked hard to get negotiations going. I am not very good at making a case for the enemy, but the North Vietnamese did disengage in the two Northern provinces of I Corps. The fighting there nearly stopped. They took 90 percent of their troops out, and sent half of them above the 20th Parallel, some 200 miles to the north. It seemed clear to us that this was an invitation to reduce the level of fighting and perhaps work toward a cease-fire.

I felt the B-52's were an important negotiating weapon. Although the North Vietnamese never admitted the damage done, they did describe to us in Paris the terrific effect on morale of hell breaking loose from the sky without warning. I felt that in return for the stopping of B-52 raids, they might well agree to stop their terrorist activities at least in the cities, and their ambushing along the principal highways. From the North Vietnamese actions as well as what they said, I believe that had substantive negotiations begun in early November, as had been agreed to, progress in reducing the level of combat could have been made, permitting some troops to start home that year—1968.

Instead, even after President Thieu agreed to permit his representatives to join the talks in Paris, there was that undignified row about the table. The North Vietnamese were willing to accept a round table, which we in Paris had recommended. Historically, that has always been the way to avoid questions of protocol. Thieu refused, however, for the simple reason that he did not want to have any substantive discussions before President Nixon came in. In fact, he tried to break up the discussions entirely until, as I understand it, President-elect Nixon sent word to him that he wanted the talks to continue.

Some people say the Russians won't help us out of Vietnam, I can say they did help us—in October, 1968. That is a fact. And they helped in January too. They didn't stop the war. They have only limited influence with Hanoi, but when we are moving toward an agreement, they can be of considerable help and can remove roadblocks.

But the Soviets won't try to force North Vietnam to accept our dictates. They look upon North Vietnam as what they call a "sister" Communist state. They feel they have an obligation, as the great leader of the Communist camp," to support them.

When I left Paris in January, 1969, we had arranged that the two sides, with two on each side, would sit down privately and talk together. There is no doubt in my mind that President Thieu scuttled those negotiations and he did it consciously. He announced on January 29 that he was not going to sit down in private, and one of his spokesmen said, "What we have got to tell the Communists, we have already told them in Paris, and it is not necessary to have private meetings with them." This was, of course, nonsense, because they knew that we got nowhere in those public discussions, and that whatever progress was made had to be made privately. So there were no private talks held among the four.

Our formal meetings were held at the Hotel Majestic, an official building of the French Government. Although the press was not admitted, these meetings were thoroughly publicized. Our private talks were conducted in secret by special arrangement. We held many of them over the months in secluded places. Although it became known to the press that there were private talks, no one knew when or where we met. Nor was there a leak from either side of a word we discussed.

My partner, Cy Vance, stayed on in Paris for a month, and during that period, Ambassador Lodge had no private talks on substantive matters. I understand he didn't attempt to have such private talks for two months. By that time, Thieu had "graciously" stated that he would sit down privately with the other side, but the chain was broken. Thieu had stated at the same time that under no circumstances would he agree to a coalition government, and under no circumstances would he agree to permit a Communist party in South Vietnam. These were prior conditions that the other side would not take. So that action by Thieu blocked progress in Paris.

Why should we give Thieu the right to dictate American policy? I can't conceive why anybody should give a veto to a foreign potentate, no matter who he is.

We should want to stop this fighting in Vietnam. To me, the Vietnamization of the war is an immoral thing. We have no right to perpetuate the fighting. Every effort should be made to end the human tragedy that is going on in South Vietnam.

Our political objectives in Vietnam cannot be achieved by military means. We can expand the war to include Cambodia, Laos, North Vietnam and then China, and even the Soviet Union, but this war cannot be won. That is not the fault of the United States. It's the nature of the problem that exists there.

Unfortunately, this Administration has not concentrated its attention on negotiations but rather on military action.

On April 20, 1970, the President held out hope that a "just peace" was in sight, yet ten days later the war was expanded. There seems to be an idea that military blows can force the other side to negotiate on our terms. All our past experience in Vietnam shows that this is a delusion.

The Administration's program of Vietnamization of the war is not in my opinion a program for peace but is a program for the perpetuation of the war. At best, we can only hope for a reduction of less than half of our forces in South Vietnam two and a half years after this Administration took office. But after that, there is no assurance whether or when the balance of our forces will be withdrawn. The South Vietnamese troops are able to take on more of the load of our combat troops, but there is no indication that they can operate successfully without American air, artillery and logistic support.

Furthermore, the Vietnamization of the war is dependent on an unpopular and repressive military government. With all of the military influence, President Thieu and Vice President Ky got less than 35 percent of the votes cast in 1967; over 60 percent of the votes were cast for civilian candidates who had some kind of peace plank in their platform. This election confirmed that the people of South Vietnam want peace and not a continuation of the war.

The senatorial elections this August gave further evidence of the desire of the people to end the war. The anti-war Buddhist slate, headed by Vu Van Mau, which reportedly emphasized peace through compromise, was among the three slates elected. It got more votes than even the leading pro-government slate backed by the government and the military. It is significant also that the other slates were beaten. The third winning group was anti-government on domestic issues.

I said on several occasions in Paris, with the approval of Washington, that the United States was against imposition of a government on the people of South Vietnam, either by Hanoi or Washington. I must say I stated that in the hope that it would have an influence in the United States as well as in North Vietnam. But now we find we are trying to impose this military regime on the people of South Vietnam. It is common knowledge that Thieu is putting a number of opposition leaders in jail—even a member of the Lower House, Tran Ngoc Chau, in violation of his constitutional immunity.

It's hard to envision a satisfactory solution unless Thieu does what we have tried to get him to do since 1967: broaden his government. He should rally the non-Communist forces, form an alliance representative of the majority of the people of South Vietnam. Big Minh, who was undoubtedly the most popular of the generals, is in this mood. I have talked to Senator Don, who was also a general, but is now a leader of the opposition in the Senate. The Buddhists, the Cao Dai, Hoa Hao, the labor unions and other non-Communist groups must be brought in. (Thieu himself is a Catholic.) They are anxious to have an end to the war. They want to stay in their country. They know that a military victory can't be won, and they are ready to make a political settlement. But they need to organize together so as to be able to win the political contest that will come after the end of hostilities. That is what we ought to be concentrating on doing.

All our troops should be withdrawn from Vietnam—on a prompt, announced schedule as proposed by former Secretary of Defense Clark Clifford. This will compel the Thieu government to undertake seriously negotiations for a responsible settlement. Thieu must bring into his government the political elements desiring peace and send to Paris a team willing and able to negotiate with the NLF for a compromise solution. If this is done, I believe the other side will join in serious negotiations.

The assurance from us that we intend to remove our troops completely from South Vietnam is necessary to get the North Vietnamese to negotiate a reasonable compromise. Obviously, if Hanoi were recalcitrant, the President, I would hope, in consultation with the Senate, could hold up the withdrawal schedule.

Our withdrawal should be responsible, and I believe that it can be—without delaying the return of our troops. We helped set this country on fire, and we must help put it out. I have been convinced that the other side will agree to one vital point at least—that there will be no reprisals by either side, with supervision by an international body. Also we must make arrangements for the immediate return of our men who are prisoners of war. Other issues must be subject to negotiation among the Vietnamese themselves.

In the many private discussions I had with the North Vietnamese in Paris, there is one thing that I learned. They are fiercely nationalistic. They particularly want to be independent of China. With this in mind, they established friendly relations with the French after the war with France ended. Now, if our war can be ended, they want similar relations with the United States. Like Tito, they recognize the need for an alternative to being compelled to rely on their powerful Communist neighbor.

I therefore believe that it is important for us to come to an understanding with Hanoi We must recognize that the North Vietnamese did not keep the Laos Agreement in 1962 for a single day, and some understanding must be reached that is to their interest to keep for a period of years. If we are to have peace in Southeast Asia, some understanding must be arrived at along the lines of President Johnson's Johns Hopkins speech of April, 1965, for reconstruction and regional development, with the participation of the North Vietnamese.

Events have made this more difficult. The Red Chinese have consistently taken a negative position on a peaceful solution in the area. China's influence, I believe, was at its lowest point in 1968. Developments following the overthrow of Sihanouk and our intervention in Cambodia have lifted Chinese influence to a new high.

The Administration's Cambodian policy has exposed its present aim in Vietnam as well as in Cambodia. It is to attempt to support pro-Western military governments regardless of local opposition. This is quite impossible of permanent achievement without the continued presence of large United States forces in Vietnam and a perpetuation of the fighting. Aside from North Vietnam, these countries are so close to the Chinese border that this policy is provocative and will be interpreted by Red China as a threat to its security. If we looked at the area dispassionately, we could not avoid the conclusion that neutral, nonaligned governments are the best we can expect, and are in the long run compatible with our interests.

We have been told that "our will and character" are being tested by our actions in Indochina. That is not correct. What is being tested is our judgment and the wisdom of our purpose.

Here at home, I believe student unrest and the generation gap were widened by disillusion over Vietnam. In the view of many students, if the older generation could be so unwise and unmoral about this war, they must be basically responsible for other wrongs in our society.

I am not suggesting that stopping the war tomorrow would end campus unrest, but it would be the first important step in that direction. Unhappily, President Nixon has scorned student opinion on Vietnam, and this has led to increased campus tensions.

It is easy to be destructive. I reject the rock throwers and the burners. They not only destroy, but their excesses play into the hands of the most reactionary. However, I have profound respect for students who are taking constructive action.

The reality of the situation is that we have wasted many months. The tragedy of lost American lives, the tragedy of the division of our country, the tragedy of the diversion of resources that we ought to be applying to the many urgent needs in this country should be brought to an end.

But if policies giving Thieu a veto are continued, there is no end to the war. The idea that Vietnamization is going to force the North Vietnamese to negotiate on our terms is nonsense. The hope that if the American people stand behind the Vietnamization of the war, Hanoi will give in just doesn't make any sense.

Some people talk about an "honorable" settlement. Are we trying to save our face and our military honor? No! We have responsibility and I am for a responsible withdrawal. There must and there can be agreement on no reprisals and on immediate return of our prisoners. We have to stop the killing. We have an obligation to do so. The kind of America I believe in would do that.

INVITATION TO DISASTER

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. DERWINSKI. Mr. Speaker, a necessarily consistent concern must be maintained over the growing threat to the United States and the free world inherent in Soviet military expansion. This point is well made in an editorial, Saturday, November 7, in the Polish American of Chicago, Ill., which I insert into the RECORD:

INVITATION TO DISASTER

Many people are old enough to recall the stunning shock of military invasion. They remember when Hitler unleashed his armies against Europe and the unbelievable "Day of Infamy" when the bombs rained on Pearl Harbor. To them, the present trend toward expanding vague, politically motivated, social welfare programs—at the expense of U.S. military security—is an open invitation to disaster. So is the phenomenon of a minority of young people undercutting at every turn the military stature and capability of our country. While these things are going on in our land, what of the outside world?

A student of communist strategy, Senator Henry M. Jackson of Washington State warns, "The Soviet Union is now, for the first time in Russian history, a global military power. Looking ahead, the somber prospect is a Soviet Union increasingly bolder in its policies and more disposed to throw its military weigh around to support its great power interested and to extend Soviet influence into new areas of the world."

The declining regard in which the rest of the world holds the U.S. and the growing boldness of the Soviet Union are clear danger signals of the fate that awaits the weak and unwary. We are not so far removed as we may think from conditions similar to the days when Indians lurked behind every bush waiting for a chance to scalp the careless settler.

XUM

SIKORSKY HELICOPTERS FLY ON MISSIONS OF MERCY IN PERU

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. GIAIMO. Mr. Speaker, last May 31, a tragedy perhaps unparalleled in the history of the Western Hemisphere struck the peaceful nation of Peru. In two brief minutes of horror, 50,000 men, women, and children were killed, 100,000 injured, and at least 800,000 left homeless by a devastating earthquake.

The world's response to this catastrophe was overwhelming. The United States, the Soviet Union, and many other countries both large and small rushed aid to the crippled nation. Tons of medical equipment, food, clothing, and other supplies were brought by air and sea to the coast of Peru and then were carried to the interior where the damage was most severe. Doctors and nurses were flown in; the injured and homeless were flown out.

The men of U.S. Marine Medium Helicopter Squadron 365 took part in these missions of mercy. Their story was published recently in Sikorsky News, the newsletter of Sikorsky Aircraft Division of United Aircraft Corp. in Stratford, Conn. Despite its technical terminology, that is, in fact, a heartwarming story of sacrifice and determination. It underscores the fact that nations can cooperate and people can work together in a time of tragedy. For this reason, I felt that I should bring it to the attention of our colleagues:

MARINE CH-53Ds SAVE PERUVIANS

JACKSONVILLE, N.C.—The Marine Corps Air Station at nearby New River, a sprawling 2,600-acre flatland, is home base for 52 Sikorsky-built CH-53A and CH-53D helicopters.

Col. Glenn R. Hunter, newly named commanding officer of Marine Aircraft Group 26, can look from his office window and check the squadrons that use the big twin-engine transports.

Marine Heavy Helicopter Squadron 362 and HMH-461 are operating squadrons preparing for duty overseas; they use only CH-53 Sea Stallions. Marine Medium Helicopter Squadron 365, a squadron whose history began in 1963 with UH-34Ds (also built by Sikorsky), recently became something new in Marine aviation—a tactical composite helicopter squadron. It has four CH-53Ds, 10 CH-46Ds, and two UH-1Es.

"NEW ENVELOPE"

Hunter, a 28-year Marine veteran whose rotary-wing experience began with HO3S-1s (Sikorsky S-51s) in the early 1950s, termed the composite idea "a new envelope for helicopter operations." There was competition, at first, between those attached to different models. There is now a common bond.

That bond was cemented by a disaster, one of the most devastating earthquakes in Peru's history. Last May 31, a two-minute rumbling whose epicenter was in the Pacific Ocean off Peru's northwest coast buried towns and isolated villages. The dead were estimated at 50,000, the injured, 100,000, the homeless, 800,000. The destruction spread from 40 miles north of Chimbote, an industrial city of 60,000 on the northern coast, to 40 miles north of Lima, Peru's capital in the south. More than 8,000 square miles were affected. The damage extended inland 75 miles.

HELICOPTER HISTORY

HMM-365 made helicopter history. It was the first tactical composite squadron assigned to a relief mission of this scope. It was the first to send its helicopters from sea level to altitudes of 15,000 feet—and more.

In the middle of May, Lt. Col. Robert H. Nelson, HMM-365's commanding officer, loaded men and aircraft aboard the U.S.S. Guam, a helicopter landing platform (LPH-9), and headed south for a routine landing exercise. The mixed helicopters on the carrier bore the identification YM (Yankee Mike) on their tail sections. Helicopter personnel included 43 officers and 201 enlisted men. Ten of the officers were CH-53D pilots and co-pilots. Their job during the Caribbean maneuvers was to support a battalion of Marines from Camp Lejeune, just east of New River.

As Peru struggled to recover from the May 31 damage, help was pledged by other countries. The Guam picked up supplies at Balboa in the Canal Zone and steamed south. The carrier anchored in the harbor at Chimbote, where more than half the buildings had been leveled. A landing area was established on a soccer field near the harbor. The first supplies were flown ashore. From June 12 to June 22, the men and aircraft of HMM-365 were pressed to rush emergency help to both the coast and the interior.

Medical teams were dropped into the valley of the Santa River, called "the Switzerland of South America," a fertile green oasis between two mountain ranges, the Cordillera Negra, bleak and black, on the west, and the Cordillera Blanca, with snow-capped mountains rising more than 22,000 feet on the east.

CH-53D'S PLAY LARGE PART

CH-53Ds and CH-46Ds flew through passes and deposited medical teams and supplies on the Inca-inspired terraces that marked villages on the slopes that led into the valley. UH-1Es made observation flights. In 10 days, HMM-365 flew 811 sorties, 471 hours in the air, and carried 1,276 passengers, 185 medical patients, and 429,000 pounds of cargo. The four CH-53Ds, able to fly higher and with larger loads, accounted for more than a third of the air time, 166 hours.

When it was over, the Guam made its way back through the Panama Canal to conclude the Caribbean landing exercises. The men of HMM-365 returned to New River July 15 after 63 days at sea. They spoke quietly but proudly, of their experiences.

Capt. Vance Baker, 26, and Lt. James D. Pelkey, 27, had been assigned to HMM-365, as were the eight other CH-53D pilots and co-pilots, from HMH-362 and HMH-461.

CONDITIONS DESCRIBED

"Peru was strange and often terrible," Baker said. "You never saw such a variety of terrain. The 40-mile-wide strip along the coast was flat and sandy, almost Sahara-like. Then came the first mountains, rocky and dark, without vegetation. The valley was green and lush, often hidden in fog, overlooked by the second range on the east. Scud and cloud layers covered the area from sea level to 2,000 or 3,000 feet (induced by the cold, offshore waters of the Humboldt Current). We had to climb on instruments, then switch to visual on top. The altitude at 12,000 or 15,000 feet affected depth perception. We hit all kinds of turbulence in the mountains, turbulence that affected approaches and landings."

"One thing we noticed about high altitude flying," Pelkey said, "was a reduction in fuel consumption. Our fuel would last, maybe, three and a half hours, in the thin air, as compared to two and a half at sea level. The highest altitude I think we hit was 17,400 feet. We had oxygen along and used it."

COMPOSITE TEAMS

The helicopters delivered composite teams—a nurse, doctor, interpreter, Navy corpsman, and Marine radioman—to the villages during the first relief flights. Priorities were established and cleared through Peruvian government control. Then, supplies were flown in to the sites that needed them most. The injured were flown out.

"Most of the medical evacuation patients were people who had broken bones and were suffering from gangrene," Pelkey said.

One of the patients was a seven-year-old girl, Aliva Trejo, resident of a village called Mato, the home for 800 Indians approximately 8,000 feet above sea level. Nearly half the village had been destroyed. Aliva was dug from the rubble by her father, Romulo, three days after the first slides. For the next two weeks she lay immobile, both legs broken, her pelvis fractured, her head severely lacerated. A CH-53D flew her to the hospital aboard the Guam, where she was placed in a body cast, then transferred to the hospital in Chimbote.

"We saw tremors and landslides in the mountains weeks after the first quake," Baker said. "In the afternoon, with the sun in the west, we'd head into the valley—and into dust that rose to 10,000 feet. It was like an inferno."

EAPS USED

The helicopters usually flew in pairs. EAPS (engine air particle separators) were used on the CH-53Ds to guard against the ingestion of dust and sand. Despite the conditions, HMM-365 continued its record of more than 50,000 accident-free flying hours. Landing zones were tricky. Smoke bombs were dropped to establish wind movements. Baker's toughest landing zone was Huallanca, a village at 5,000 feet, mountains rising 10,000 feet above it.

"Power lines boxed in the village," Baker said. "It was a key area for dispersing supplies, like medicine, food, tents, and blankets, but the power lines and the turbulence made it difficult." Pelkey remembered a landing zone at 11,500 feet, located on a slope in such a way that the CH-53Ds had trouble turning after the approach to effect a landing.

"One pilot was waved off three times," he said. Another landing field at Paramonga, on the coast, was covered with molasses to keep down the dust.

MRS. NIXON VISITS

Yungay, a town of 3,500, was located just below a reservoir in the Santa River valley.

"Snow caps from the mountains broke off," Baker said, "and water overflowed the land. The city was buried by a wall of mud. The tops of royal palm trees, 40 feet high, were just visible after the quake. There was a figure of Christ in benediction high above the town—almost buried in the same sea of mud. We landed across the river. It was terrible."

Early in July, Mrs. Richard M. Nixon, wife of the president, visited the stricken areas. At Anta, she boarded Marine Corps One, a Sikorsky VH-3A helicopter, to survey the damage. She saw the remains of Yungay and said afterwards: "The mud is beginning to recede now. Eventually, they will find the bodies. It is so sad."

"We flew past our book limits time after time," Pelkey said. "The people were important. They were grateful. They gave us everything they could give: hats, ponchos, things like that. In one village, the local band turned out. Baker was impressed by the smoothness of the operation. "It was a combination of elements working together," he said. "It approached combat in that sense." Maintenance men labored around the clock on the Guam to keep the helicopters in the air.

Sgt. Melvin Jones, a Kentuckian whose first experience with CH–53As dates back to 1966, said briefly: "The CH–53Ds really made it in Peru They flew above the gross weight. They did everything."

PRAISE FOR CH–53DS

On June 20, HMM–365 delivered more than 30 tons of food and supplies to the interior. Drums of gas and oil were flown to Macate where a bulldozer, needed to clear the roads, had been idle because of lack of fuel. A port call was made at Lima (where Lt. Col. Nelson was awarded the Peruvian Cross of Naval Merit) before departure. HM2 Joe W. Cowling, a Navy corpsman, said: "Working with gangrene patients . . . and saving the life of a small baby or adult and the smiles of a mother because you saved her baby or husband added depth and scope to your job."

Adm. Ephraim P. Holmes, speaking for the Navy's Atlantic Fleet, said: "Despite the unfamiliar nature of the areas, despite adverse weather conditions that sometimes hampered operations, the Guam, her men, and helicopters got there and made the difference between life and death for hundreds of Peruvian survivors."

Baker and Pelkey, the former a native of California, the latter brought up in Milwaukee, both veterans of Vietnam, both Marines since 1966, were lavish—like Jones—in their praise of the CH–53Ds. "They performed beautifully," Baker said. A report on Col. Hunter's desk detailed the mission: "Most operations received radar-controlled climbout to VFR (visual) on top," it read in part. "Thorough instrument training was necessary."

HMM-365 returned to routine in August with riverine training in South Carolina. The squadron returned Sept. 3 to New River. Soon after, it left again for maneuvers in the Mediterranean. The men, however, won't forget Peru; the Peruvians won't forget the "pajaros" (birds) of HMM-365.

CHANGES AT BASE

Future pilots and co-pilots of HMH-362, HMH-461, and HMM-365 now can get the training needed for DaNang or Chimbote in a new 13,000-square-foot building at New River. The building houses Marine Aircraft Training Group 40, which includes HMHT-401, a squadron equipped with CH-53Ds. Lt. Col. Joseph G. Walker, who heads HMHT-401, said the first group of four students had graduated in August after classroom instruction and 65 hours of air time—approximately 10 weeks in all. The eight CH-53Ds used by the squadron had flown nearly 300 hours in August. Walker said. He said eight CH-53D students could be handled at one time.

"Aircraft availability is important," he said. "Our maintenance men are veterans of Vietnam, most of them, and they see that the birds fly." Enlisted Marines, who have finished basic training, also can be channeled into further schooling through MATG-40.

New River has changed since it was first commissioned as Peterfield Point in 1944. At that time, there were several hundred yards of concrete and a few Quonset huts. When World War II ended, the field was closed; it was reopened in 1951. MAG-26 moved to New River from Cherry Point, N.C. (now headquarters for the 2nd Marine Aircraft Wing, which includes MAG-26), in 1954. The group received its first CH-53As in 1967.

A multi-million dollar construction program, now underway, promises to make New River one of the largest helicopter bases in the world. A brochure printed for a June 24 change of command ceremonies that saw Col. Hunter named head of MAG-26 and Col. Joseph A. Nelson (former commander of MAG-26) named head of the air station ended on this note:

"Marine Corps Air Station, New River, has been characterized by growth since the deployment of helicopters to this area in 1954, and with the introduction of new helicopter weapons systems at present and in the future, it will continue to expand . . ."

HOUSE OF REPRESENTATIVES—*Wednesday, November 18, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou art my rock and my fortress: therefore for Thy name's sake lead me and guide me.—Psalm 31: 3.

O God, our Father, in this quiet moment of prayer we lift our hearts unto Thee, who art from everlasting to everlasting. In this capital of freedom do Thou guide with the spirit of understanding and good will these Members of Congress. By their words and deeds may they seek to bring healing to our Nation and peace to our world.

In these days when men are divided, nations differ, and the world is in danger, grant unto us the wisdom, the power, and the love to burn the barriers to brotherhood as we endeavor to do justly, to love mercy, and to walk humbly with Thee.

In the spirit of the Lord of Life we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14252. An act to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

The message also announced that the Senate had passed the following resolution:

S. Res. 483

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable William L. Dawson, late a Representative from the State of Illinois.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

PROPOSAL TO CHANGE RULE ON TRADE BILL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, as you well know, and all Members of the House I believe well know, today is a very important day in the history of the House of Representatives. We are going to consider the most far-reaching trade measure or antitrade measure that has been considered in this Congress in the last 30 or 40 years.

Mr. Speaker, I have made my views known on this bill, and when the rule is considered today I intend to oppose the rule and to oppose the previous question, and if the previous question is voted down I shall then ask to be recognized to submit an amendment.

The amendment will be a partially open rule which will allow motions to strike.

I envision that the bill will be read title by title and that as we come to the end of a title, Members may then strike any provision within that title—either the whole title or any part thereof.

I hope all Members will recognize this as an opening of the closed-rule process that has been rather traditional in the consideration of bills from the Committee on Ways and Means on trade. But, I would point out that as recently as 1953 a rule such as this was adopted by the House when the trade bill that year was being considered.

TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, this morning in the Democratic caucus an extremely meritorious resolution was unanimously adopted commending the Honorable JOHN W. McCORMACK, of the State of Massachusetts, for his participation in last November's campaign.

This resolution was offered by our distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT), and I wholeheartedly subscribe to the resolution which is as follows:

RESOLUTION BY REPRESENTATIVE CARL ALBERT, DEMOCRATIC CAUCUS, NOVEMBER 18, 1970

Whereas the Honorable John W. McCormack, the distinguished and beloved Speaker of the House of Representatives, has served in the Democratic leadership of the House longer than any person in history; and

Whereas the Speaker of the House has exercised exemplary leadership to the Congress, to his party, and to the citizens of this nation throughout his tenure in office; and

Whereas that leadership was an indispensable ingredient in achieving solid Democratic victories for the 92nd Congress and state governorships and legislatures; and

Whereas the Speaker, while fulfilling admirably all the duties of his official position, served equally as an eloquent spokesman for the party and on the issues during the 1970 election campaign; and

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Whereas the Speaker elevated that campaign to a higher plane by focusing on valid issues, promoting rational debate, maintaining a demeanor fitting of high public office, and disdaining divisive and inflammatory rhetoric; and

Whereas by his unfailing example, his display of political acumen and timing, his knowledgeable focus on the real issues in the closing days of the campaign in the face of the directed and contrived campaign of fear and divisiveness by the leading spokesmen of the minority party; and

Whereas his efforts in the late days of the campaign, and the catalyzing effect of his statements on the issues were resoundingly more successful than all the months of the country-crossing campaigns of leading elected and appointed officials of the minority party in the Executive Branch, including some who neglected constitutional duties to press the campaign and raise funds; Be it therefore

Resolved, That this Democratic Caucus express its unanimous gratitude to Speaker John W. McCormack for his leadership and guidance during the election period just completed; for his understanding of the American electorate; for his human compassion and wisdom; for his quiet strength and courage; and be it further

Resolved, That we pay tribute to the Speaker by rededicating ourselves as American citizens to the tradition of service and devotion to high principles that he has embodied throughout his public career.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 356]

Abernethy
Adams
Aspinall
Berry
Blatnik
Boggs
Bow
Brown, Mich.
Brown, Ohio
Button
Camp
Celler
Chisholm
Clark
Clawson, Del
Clay
Collier
Corman
Cramer
Daddario
de la Garza
Dingell
Dowdy
Edmondson
Fallon
Ford,
William D.
Gallagher
Gilbert
Goldwater
Goodling
Hansen, Wash.
Hollfield
Hosmer
Langen
McClure
Macdonald,
Mass.
Mayne
Miller, Calif.
Murphy, N.Y.
Nichols
Ottinger
Passman
Poage
Pollock
Powell
Price, Tex.
Rhodes
Ruppe
Sandman
Scheuer
Skubitz
Springer
Taft
Teague, Tex.
Wold
Wydler
Yates

The **SPEAKER.** On this rollcall 376 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CUBA IS A WARM-WATER BASE FOR SOVIET RUSSIA

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, I take the floor at this time to comment further on the development that has been underlined by this morning's front-page story of the Washington Post concerning a secret type of talk or agreement that had been reached between the United States and Russia concerning the construction of submarine bases in Cuba. After reading the article, I believe it is quite clear the truth has not been fully discussed.

As I pointed out before the recess period, the developments in Cuba are a direct threat to the well-being and the security of this Nation. It is true that Cuba alone does not pose any threat. Everybody tends to completely underestimate the extent and the size of the threat because of the size of the nation, but Cuba, as the warm-water base of Soviet Russia, is something that has been completely and is still continuing to be completely underestimated.

The state of turmoil that exists generally in the Western Hemisphere is propitious for developments that pose a real and a constant and a growing threat to America's security. For reasons best understood by experts, our country has allowed a vacuum to exist in Latin America, and into this vacuum is rushing a strong force that does not bode well to this country.

I was hopeful this administration would confront Soviet Russia and determine exactly what is going on. It is true that the base which caused the furor at Cienfuegos did have some activity that apparently ceased, but the activity has been merely transferred to other ports, such as Mariel, which is an excellent port facility and not one that has been pictured as meaningless by those who continue to discount and minimize the threat.

FREE WORLD FLAG VESSELS DOCKING IN NORTH VIETNAM

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, according to Department of Defense information made available to me, during October only one free world flag vessel docked in North Vietnam. This one British flag arrival brings the total this year to 53 free world arrivals as compared with 85 during the first 10 months of 1969. Coupled with the sharp decline in casualties, these figures show the progress that the administration is making in shutting down the war.

I commend the Nixon administration for its efforts to cut off the enemy's supplies. Nonetheless, I still maintain that one ship is one too many and urge that these pressures be continued as long as American men are fighting in Vietnam.

FREE WORLD-FLAG SHIP ARRIVALS IN NORTH VIETNAM

	United Kingdom	Somali Republic	Cyprus	Singapore	Japan	Malta	Total
1969:							
January	8	2	1				11
February	6		1	2	1		10
March	6	1					7
April	7			1	1		9
May	9	1	1			1	12
June	6	2	2	1			11
July	6	1					6
August	4		2				6
September	4		1	1			6
October	4		1		1	1	7
November	7						7
December	7						7
Total	74	7	9	5	3	1	99

	United Kingdom	Somali Republic	Cyprus	Singapore	Japan	Malta	Total
1970:							
January	2	1				1	4
February	5	1					6
March	3	1					4
April	7	2					9
May	6	3					9
June	3	2					5
July	4	3	1				8
August	2			1			3
September	4						4
October	1						1
Total	37	13	1	1		1	53

ECONOMIC STRANGULATION OF DOMESTIC INDUSTRY

Mr. WYMAN. Mr. Speaker, as the House prepares to debate the Trade Act of 1970 it is important to remember a basic truth about this proposed law because of the alarmist propaganda from some sources contending its passage would set off a trade war.

Even if enacted into law, the Trade Act of 1970 need never apply by its own terms if our foreign friends will negotiate voluntary agreements in the nature of orderly marketing arrangements. Even the ceilings that the proposed act establishes may be exceeded by such voluntary agreements.

This legislation does not initiate a trade war. It is merely the expression and declaration of concern by the Representatives of the American people that American industry and jobs are not going to be surrendered willy-nilly to foreign workers. We are perfectly willing to have foreign production share in the American market place. We are desirous that bargains shall continue to remain available to the consuming public at home.

But we are also determined that sharing shall not mean surrender of whole industries, and that wholesale unrestricted invasion of selected markets in textiles and shoes will not be permitted. Congress is going to require this by law with or without the recommendation of the Department of State and with or without the blessing of any particular administration.

To do less would be to betray the American workingman who is up against dollar a day wages abroad.

ELECTION AS CHAIRMAN OF STANDING COMMITTEE ON GOVERNMENT OPERATIONS

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 1263) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1263

Resolved, That Chet Holifield, of California, be, and he is hereby, elected Chairman of the standing committee of the House of Representatives on Government Operations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 18970, TRADE ACT OF 1970

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1225 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1225

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18970) to amend the tariff and trade laws of the United States, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed eight hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendments shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1225 provides a closed rule, waiving points of order, with 8 hours of general debate for consideration of H.R. 18970, the Trade Act of 1970. Some of the old acts which the bill amends might have carried some appropriation in the original act, thereby making it subject to a point of order. That is the reason the waiver of points of order was granted.

The general purposes of H.R. 18970 are:

First, to extend the authority of the President to enter into foreign trade agreements through June 30, 1973, and to authorize the President to proclaim, subject to certain conditions and limitations, such modification or continuance of any existing duty or other import restriction or such additional import restrictions as he determines to be required or appropriate to carry out such trade agreements. The President would be granted the authority to reduce rates of duty by 20 percent or 2 percentage points below the level to which the United States was committed on July 1, 1967;

Second, to amend the tariff adjustment assistance provisions of the Trade Expansion Act of 1962 (TEA) in order to assure that U.S. industries, firms, and workers who may be seriously injured or threatened with serious injury from increased imports may be provided with tariff adjustment or other adjustment assistance needed to remedy such injury;

Third, to provide for the imposition of temporary quantitative limitations on imports of certain textile and footwear articles and for authority to negotiate international agreements or arrangements with respect to such articles, in order to assure the nondisruptive marketing of the imports of such articles into the United States;

Fourth, to provide a deferral of U.S. tax for domestic corporations engaged in export sales in order to remove an income-tax disadvantage to U.S. export sales of U.S.-owned foreign subsidiaries; and

Fifth, to amend certain other provisions of the tariff and trade law in order to meet immediate trade problems.

The bill incorporates in modified form the trade proposals made by the President to the Congress on November 18, 1969, some elements of many other trade proposals regarding orderly marketing of imports, the domestic international changes in our trade and tariff laws.

H.R. 18970 deals with the basic issues both in terms of the long-run interests of this country in economic cooperation and trade liberalization and the more immediate needs of producing and consuming interests in the United States.

Mr. Speaker, I urge the adoption of House Resolution 1225 in order that this all important bill may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I believe we may be starting on not only a rather controversial matter but also probably one of the most important matters that will be brought up before this 91st Congress, H.R. 18970, the Trade Act of 1970.

We held extensive hearings in the Rules Committee. They were extremely interesting and very intelligent. All the Members who desired to be heard were heard.

There were a number of Members who had different suggestions, from the standpoint of not desiring a closed rule. Some wanted to open it to have the bill read by sections. Some wanted to have the oil quota situation changed. Many other suggestions were offered to the Rules Committee. Some Members brought in, actually, their suggested substitute rules, for the one that was offered to us by the Ways and Means Committee.

But in the end result after several motions were made and voted upon, this particular rule, which was so adequately explained by the gentleman from Texas, was voted by the Rules Committee by a vote of 8 to 7.

Subsequent to that time a number of Members have indicated positions that they intend to take. A number of discussions have taken place.

I think on each of the desks on each side of the aisle there is an amendment to the rule which I believe the gentleman from Florida intends to offer if the previous question is voted down.

The bill probably does not go as far as some would like to have it go. On the other hand, I think it may go further than some would like to have it go. I believe the citrus industry is concerned. They feel, as they explain it to me, that if we start placing quotas, maybe they will be harmed by other countries placing quotas on citrus and thus less citrus could be sent abroad. The aircraft industry also feels the same way, and lots of organizations say that we should have worldwide free trade. The League of Woman voters so indicates. I think it would be fine, too, but it just does not seem to work out that way. Rather, it seems to be a one-way street. We take everything in the United States, but what we send to Japan are only things that they cannot produce for themselves or what they want to come in there. So we really have no world trade, and apparently we will not get it.

The administration has been working with Japan. Secretary Stans has devoted a tremendous amount of time and effort to try to work out an amiable, fair agreement. What the results of it are I do not know, but there are some indications that maybe progress is being made.

The purposes of the bill are:

First. To extend the authority of the President to make foreign trade agreements through June 30, 1973, including his authority to modify, within limits, any existing import duty or other restriction as he deems necessary to carry out such trade agreements.

Second. To amend existing law with respect to Federal assistance for domestic firms, industries, and workers who are seriously injured or threatened with serious injury from increased imports.

Third. To provide temporary quantitative limits on imports of textiles and footwear.

Fourth. To provide a deferral of U.S. corporate tax payments to businesses engaged in export sales where foreign prof-

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its earned are used abroad to increase American export sales.

The President now has no authority to enter into foreign trade agreements; this authority expired on June 30, 1967, and has not yet been renewed. President Nixon asked for a continuation of this authority in his trade message of November 18, 1969. The bill extends this authority to July 1, 1973. It also provides that the President may reduce existing import duties by up to 2 percent as a part of any trade agreement he concludes.

Title I, section 104, freezes the current oil import quota system into law. It provides that the quota system with respect to oil shall not be modified by the imposition of any import duty or fee as a replacement for the present quota system.

With respect to assistance to those domestic firms and employees damaged by increased imports, the bill amends existing law to require the Tariff Commission or the President to determine if increased imports "contribute substantially" to causing serious injury. If so, and if injury is found to have in fact occurred, the President is required to take such action as he deems necessary to prevent or remedy the injury. Import restrictions may be imposed unless he determines such action would not be in the national interest.

The bill provides to employees of damaged firms who are laid off that they shall be paid an allowance equal to 75 percent of their average weekly wage or 75 percent of the weekly national manufacturing wage, whichever is lower. This is an increase from the present percentage figure of 65 percent.

Title II of the bill imposes import quotas on textiles and nonrubber footwear. Beginning in 1971, these imports are to be limited to the annual average of such goods imported during the 3 calendar years 1967–69. This limitation will apply to each individual country importing to the American market. The President may exempt from these restrictions articles which do not disrupt the market, are in short supply, or where the national interest requires such an exemption. All quota limitations imposed by the bill will end on July 1, 1976, unless the President determines that an extension is in the national interest, in which case such limitations may be extended for a period of up to 5 years.

The Antidumping Act is amended to bring its provisions into play more quickly when foreign countries "dump" imports on the American market. The bill also provides authority for the President to proclaim changes in the tariff schedules of the United States under any international trade agreements when he determines that the concessions granted will be fully reciprocated in similar concessions for American exports. Any such Presidential proclamation would be subject to a congressional veto by concurrent resolution within 60 days.

Finally, the bill provides for a deferral of U.S. corporate taxes on profits earned abroad by American companies engaged in the exporting business under certain conditions. Current Federal tax law discriminates against American companies which produce goods in the United States for export as opposed to companies who sell abroad their products which are produced abroad by their foreign subsidiaries. In the first instance, all profits are taxable in the year earned, while in the latter instance profits are not taxed until actually returned to the United States, usually as dividends to shareholders to the parent company.

Under the bill an American company selling domestically produced goods abroad will not be taxed on its foreign profits until it returns them to the United States if it uses such foreign-earned profits to further expand its foreign sales or invest them in expanding their production facilities to produce goods in the United States for further export sales.

Under the bill 50 percent of such profits in 1971 and 75 percent in 1972 and 1973 would quality under this new tax program. In 1974, 100 percent of such profits would qualify for deferred tax treatment until returned to the United States. The estimated loss in revenues in 1974 and thereafter ranges from $630,000,000 up to $955,000,000.

There are no departmental views contained in the report.

Dissenting views are filed by a bipartisan group of seven members who believe that the bill should be defeated. Their separate views, containing their reasons, follow:

Mr. Vanik opposes the deferred tax program as a new tax loophole favoring those in the export business. He also opposes the continuation of the oil quota system as proposed in the bill.

Mr. Corman and Mr. Gibbons have filed dissenting views opposing the bill because it continues the oil quota system, it provides a quota system for textiles and footwear, and because of the deferred tax proposal for American exporters.

Mr. Conable and Mr. Pettis oppose the bill because of the philosophical reasons underlying it. They believe its provisions, in attempting to protect American industries and jobs, may provoke a trade war. Other methods should be utilized in their opinion.

Mr. Speaker, I reserve the balance of my time.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman if I have any time.

Mr. VANIK. Is the gentleman in support of or opposed to the closed rule?

Mr. SMITH of California. I voted in favor of the rule to report it to the floor of the House.

Mr. VANIK. That still does not indicate the gentleman's position on the rule.

Mr. SMITH of California. I will be voting, I will say to the distinguished gentleman, and I will be voting on the previous question and will be recorded at that time.

Mr. VANIK. Will the gentleman advise me what value there is to an 8-hour debate under a closed rule? This rule provides for 8 hours of very valuable time on the floor, and I wonder what value it has if it cannot effect any change in the product.

Mr. SMITH of California. We will be here for quite a while, until Christmas, in order for the other body to get caught up, so we might as well spend some time here today and tomorrow on the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I have several requests for time. I would like to ask unanimous consent that the Record reflect that where I yield I yield for the purpose of debate only.

The SPEAKER pro tempore (Mr. Holifield). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. YOUNG. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. Gibbons) for debate only.

Mr. GIBBONS. Mr. Speaker, I want to express my personal appreciation to the gentleman from Texas (Mr. Young) for granting me this opportunity to debate this rule because I have signified to the gentleman from Texas and to other Members of the House, Mr. Speaker, that I intend to oppose this rule and to ask the House to vote "no" on the previous question.

Mr. Speaker, if the House votes "no" by a majority vote and if the Speaker recognizes me, I shall then present a modified closed rule or modified open rule to continue the debate and the discussion of this bill.

I do this because I think this is one of the most serious pieces of legislation that has ever reached this House floor in the short eight years I have been here. We will make policy affecting our economic system, policy affecting the world economic system that will affect internal policies not only of this Nation but also of the world.

Mr. Speaker, there is much at stake contained in this bill. There is at stake American jobs. There is at stake American prosperity. There is at stake here world peace. There is at stake here so many things that it would be impossible to enumerate all of them.

I do not intend to go into the merits or demerits of this bill at this time but I do want to talk seriously about a responsible type of open rule under which we can consider this piece of legislation.

All of us know that bills from the Committee on Ways and Means, certainly those bills dealing with trade, have for a long time been brought to the floor of the House of Representatives under a closed rule, although such is not the practice in the other body.

In 1953 the Rules Committee reported a rule very similar to the rule that I propose here for consideration of the trade bill at that time. So we are not breaking new ground and it is not without precedent.

Mr. Speaker, the proposal I make is a very simple one; that is, after the bill is read, amendments to strike provisions of the bill would be in order. I have suggested in my proposed rule that the bill be read by title because the bill is rather logically and neatly arranged by title. When the completion of the title has been reached by the reading clerk, then amendments to strike any matter within that title will be in order.

Mr. Speaker, that is all this rule proposes to do. It does not open up this bill so that other new material, new items can be added to it, but only motions to strike will be in order. If you will examine the bill closely it will require some perfecting amendments if certain things are stricken.

But these amendments are restricted like renumbering sections and the placing of periods and other punctuation, as well as printing in upper and lower case letters.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Under the gentleman's proposal it would be possible, would it not, to strike a part of a title, such as to strike out from the bill those provisions that apply to footwear articles?

Mr. GIBBONS. Yes; or the provisions applying to oil or the provisions applying to textiles or ties or the provisions applying to mink skins or anything of that sort. But you could not add new material to the bill.

Mr. WYMAN. Mr. Speaker, if the gentleman will yield further, then the effect of the gentleman's proposal will be inescapably to substantially alter the proposal before the House, depending upon the amendments that are offered?

Mr. GIBBONS. Depending upon what the will of the majority of the House is. I do not know what the will of the majority of the House is and I do not think anyone can stand here at this stage of the game and tell us what the will of this House is. It may well be that nothing will be stricken from the bill, although I believe certain items are objectionable. They are objectionable to me, and it seems they are objectionable to other people. Therefore, I think we ought to have an opportunity to at least discuss it and vote on them and let the majority rule.

Mr. WYMAN. I thank the gentleman.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from New York.

Mr. CONABLE. As I understand the rule you are proposing, assuming you are recognized by the Speaker after the previous question is defeated, you would be avoiding the common argument addressed against the writing of bills of a technical nature on the floor of the House by limiting any changes that would be made to deletions; is that not correct?

Mr. GIBBONS. That is correct.

Mr. CONABLE. I thank the gentleman. The gentleman has made a very interesting proposal.

Mr. GIBBONS. Mr. Speaker, I ask all Members to vote "no" on the previous question.

Mr. SMITH of California. Mr. Speaker, I yield 7 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I rise to urge my colleagues to vote "no" on the previous question. I do not make such a recommendation lightly or easily. Indeed, let me be quite candid and honest with you from the very beginning: In Rules Committee on September 24 I voted for a closed rule. In doing so, I deferred to precedent, the conventional wisdom and the leadership of Chairman MILLS.

And there was good reason not to tamper with tradition on this matter. Since the end of World War II the United States and the Congress have compiled a most enviable record of leadership and intelligent policymaking in the area of international trade. Much of the credit for this achievement, I believe, must be ascribed to our determination and the practice to deal with these sensitive and complicated issues in the calm, quiet atmosphere of committee deliberation rather than amidst the hurried bustle of this Chamber.

Moreover, I quite frankly despaired that this imprudent and ill-timed trade bill could have been improved upon under any kind of rule—closed, modified, or open. To be sure, I never for a moment harbored any intention of supporting this measure. On the day of the rules committee decision, I released a statement to the press which said, in part, "this is the wrong bill, at the wrong time, and it addresses itself to the wrong problems. It will be bad for Illinois, bad for the Nation, and bad for international trade. Farmers, consumers, workers, and investors will all be adversely affected." Nevertheless, I saw little to be gained by departure from a sound precedent when the promise of success was so slight.

For let us recall that the time was one when the forces of protectionism were at floodtide. During the long spring and summer of committee hearings the representatives of special, parochial interests—company officials, labor union leaders, local government spokesman—had streamed endlessly into this city. One by one they came forward with their pleas for protection: the manufacturers of scissors and shears, toys, umbrellas, and novelties; the producers of glue, flowers, candles, and sporting goods; the makers of pins and fasteners, mushrooms, honey, footwear, and textiles and apparel.

All told the same story of woe and alarm: the American economy was imperiled; jobs were daily disappearing in droves; the balance of trade was sinking into a state of chronic disrepair; the domestic market was soon to be innundated with the products of cheap foreign labor. It was, therefore, time to call a halt.

These groups worked hard. They collared and buttonholed. They turned out a torrent of facts, figures, charts, and memorandums. They made a powerful case for reassessing the Nation's 30-year standing policy of promoting more liberal trade. They gained an enormous amount of support.

But in all this process, to use the words of the eloquent editorial in this week's Time magazine: "One voice was never heard on Capitol Hill—the voice of the U.S. consumer." And indeed, it might never have been heard, save for the fortuitous intervention of our democracy's wise requirement that holders of the public trust return every 2 years to face the judgment of the people. For it was quite a different chorus that confronted many of us as we worked the campaign trail.

During the month that we were in recess we had ample opportunity to hear other voices. Indeed, it was much less a chorus than a cacophony of confused, troubled voices, apprehensive about the precarious state of the economy. The resentments of the elderly and those on fixed incomes tightly clutching their shrinking dollars clashed with the fears of the young jobholder casting worried glances at the growing unemployment line. The frustrated family unsuccessfully seeking a home, the distraught small businessman unable to secure a loan, the desperate low-income family unable to extend its credit, the discouraged wage earner watching each new gain in pay being eaten up by the rising consumer price index, all merged in a blur and tangle of concern and unease.

This is not to imply, of course, that the economy is hopelessly wrenched out of shape or that disaster impends. Let us face the facts squarely: we have just swallowed some bitter fiscal and monetary medicine—the inevitable price we had to pay for our heedless indulgence in the latter half of the past decade. The medicine, in my view, has begun to have an effect; excess demand has been abated, and the bubble of inflationary psychology punctured. For this reason it is now time to move ahead to more stimulative, expansionary economic policies. But I ask, how are we to accomplish this, if we simultaneously inject a massive new shot of inflation into the economic bloodstream?

Mr. Speaker, let us make no mistake about it—a new surge of inflationary pressures would surely be the result of a retreat to protectionism. Andrew Brimmer of the Federal Reserve Board, for instance, has computed that the textile and shoe sections of this bill alone, would in time amount to nearly $4 billion in additional costs to consumers. And this is only a small part of the story. Of greater import still is the fact that it has not been manufactured goods, but services that have contributed to the heady upward flight of the Consumer Price Index during recent years. Between 1960 and 1969 the overall index rose 24 points. For commodities, however, it rose only 19 points and for durable goods only 11. Yet, in this same period the cost of services leaped 42 points.

Now part of the reason for the relative price stability on the goods side of the ledger has been the spur of vigorous import competition; a factor which has had not only a healthy restraining influence on prices, but also has provided low-cost alternatives in many consumer products that would not otherwise be available. For an illustration of this point, one only need recall that at the end of a decade of inflation the index for consumer electronics, an area of substantial import penetration, stood below the level of 1960.

Shall we now reverse this process? Remove this restraining influence, and invite the onset of an inflationary surge in the goods' sector akin to that wracking the service sector of the economy?

I say "no." Now is not the time to throw a roadblock in the way of the stimulative fiscal and monetary policies we need to move our economy back to full employment. Now is not the time to cut off the supply of low-cost apparel, footwear, and other goods upon which our low-income population is so vitally dependent in its quest for economic self-sufficiency and independence. Now is not the time to hastily adopt an expedient and short-term solution to a complicated long-range problem.

Mr. Speaker, let me briefly mention one other interest that has not been heard from adequately: The millions of farmers, workers, businessmen and investors in this country connected with export industries; industries that can expect to suffer devastating retaliation if this trade bill is approved. And let no one say that such a threat is illusory or unreal. I have just returned from a week-long Atlantic Conference in Puerto Rico. There I had opportunity for extensive, frank discussion with representatives of a number of European and Latin American countries, some of them government leaders and others from the private sector.

Let me assure you, they are not bluffing. When they make menacing sounds about retaliation, they mean business. I cannot help but fear that a retreat to protectionism in this country might well ignite a dizzying, sickening round of retaliation and counterretaliation, capable of undoing in a few short years the whole fragile structure of more liberal international trade wrought with so much patience and hard labor over these past 35 years. I cannot believe that the American people are now ready to forsake the mantle of leadership we have borne in fashioning that structure for such a precarious mess of porridge.

Mr. Speaker, let me conclude by returning to my original point. I believe that since the completion of the fall campaign, a more adequate and balanced representation of the interests and forces in American society has begun to weigh in. Those desiring a return to a more prosperous economy, low and middle-income consumers, export-related workers and businessmen, and those who do not want to see the United States retreat from international responsibility, have all begun to make their voices and interests felt.

And let me underscore this last concern. We have made great efforts and expended considerable resources in the past two decades to help secure social and economic development in the third world. President Nixon has made the encouragement of self-development and greater self-sufficiency the cornerstone of his new American foreign policy for the 1970's. In light of this, are we well advised to close off our vast domestic market to the products of the fledgling industries in these countries? Would it not be a gross contradiction of our basic foreign policy posture to dry up the source of the desperately needed exchange earnings required by these countries to propel themselves into economic independence and growth? The question, it seems to me, answers itself.

For all these reasons, I now have hope that we can improve and pare down this bill. I believe that despite the risks, we are now justified in departing from precedent, in laying aside temporarily a tradition that, on the whole, has served us well. In saying this, I do not by any stretch of the imagination advocate an open rule substitute. What I do advocate, though, is the opportunity for this body to strike by section. To trim down the many ill-advised and dangerous portions of this bill, leaving provisions for a renewal of Presidential negotiating authority, the repeal of American selling price, more generous adjustment assistance, and improved antidumping and countervailing duty mechanisms.

Having done that, then let us turn in the new Congress to the many real and serious problems caused by import penetration and disruption, and seek solutions by means of adjustment policies that are truly compatible with a competitive, dynamic economy, technological progress, and international responsibility.

Mr. YOUNG. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, I think there is much logic and reason in dealing with ways and means bills under a closed rule, generally, because they deal with very complex tax matters where one phrase or one sentence can have a tremendous impact on the revenues of this Nation.

I suggest that this bill is different from the ordinary in that it deals with two separate and distinct matters—two separate parts of the code—and that House Members ought to have some ability to express their individual views on individual portions of this bill.

The tax portion is one of substantial consequence. It is estimated by the Treasury that it will involve about $600 million a year in revenue losses. It is estimated by our own staff on the committee that it will amount to near $1 billion a year in revenue losses. That is this proposal. We ought to have an opportunity to address ourselves separately as to that.

Now as to the trade bill itself, admittedly, it all deals with one part of the code. But it really is a mixed bag. One provision in it gives the President additional authority to negotiate for tariff reductions. That is obviously to expand our foreign trade.

There are other provisions for adjustment assistance—and antidumping. That is to protect American industry from unfair practices and to take care of any industry or labor group that is dislocated because of imports.

But then in addition, there are some highly dangerous, potentially disastrous provisions to embark upon import quotas.

I would hope that whatever the House does, it would not require Members to cast a simple "yes" or "no" vote on the whole bag of proposals. I think we have the capacity, the understanding and the discretion to separate out the different provisions in this bill and to vote separately on each of these provisions, whether it is an open rule or a modified rule or whatever the House decides.

But I sincerely hope that the House will not decide to force every Member to vote up or down a bill which is so broad and so diverse as this bill is.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise in opposition to this closed rule which would force us to swallow every section of the trade bill, no matter how indigestible, in order to obtain any of the considerable benefits it would provide.

There is one provision in particular which I simply cannot stomach. It would do a great disservice to all Americans as consumers and as taxpayers. I refer to section 104(a) which would help to perpetuate the inequitable mandatory oil quota program.

In February 1970, after a full year of study, the President's own Cabinet Task Force on Oil Import Control found there is absolutely no justification for continuing these oil quotas which cost the American consumer over $5 billion annually. Instead, the task force urged an end to quotas, and a switch to a tariff system.

This recommendation would lead to lower oil prices and additional revenues of at least $500 million for the Treasury. The present system simply lines the pockets of a handful of major oil companies who are given these quotas.

Section 104(a) is a specific rejection of the task force proposal. In recent testimony, Gen. George A. Lincoln, Chairman of the President's Oil Policy Committee, opposed this provision, because—and I quote—"it takes away from the President a flexibility that he should be allowed to retain in dealing with problems that may come up in the future which cannot possibly be foreseen in detail now."

Mr. Speaker, the presence of this obnoxious provision in this bill is an affront not only to the President, but to all of us in this Chamber who are concerned with the interests of the consumer. To force us to accept this as the price for vitally needed trade legislation is pure and simple blackmail. I for one will not stand for it.

This is why I must oppose this closed rule. But, let me set the record straight, Mr. Speaker. Despite suggestions to the contrary, I do not and will not support an open rule. No responsible legislator can support this. It would expose this legislation to an avalanche of additional special interests to help this industry and that. It would turn this bill into a "Christmas tree" so overloaded with goodies that it would compel a Presidential veto, if it did not fall of its own weight.

Mr. Speaker, the alternative rule which I support would simply permit amendments to strike. It would not permit the addition of any new provisions. I for one will have little difficulty in supporting the rest of this bill if I am not, at the same time, asked to drive another nail in the coffin of petroleum consumers in the process. I know that many of my colleagues, especially in New England, share this view.

I urge all my colleagues to join me in voting down the previous question on this proposed rule. Only then will we be able to support what is, in the main, a good bill. It is unfair not only to the Members of this House, but to all Americans to ask us to pay this price.

Mr. BOLLING. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Speaker, I strongly urge all of you to support the closed rule as reported by the Rules Committee for the consideration of the bill, and also to vote for the bill itself.

Passage of this legislation is of vital interest to all the people of New England. I do not know of any legislative enactment in recent years which is so important to my section of the country.

A great deal has appeared in the press about the so-called oil amendment. I voted against this oil amendment, but unfortunately it was adopted in the House Committee on Ways and Means. However, we had only seven members on the committee who would vote against the oil amendment. It is my feeling that the Senate, with its flexible rules, should be the body where the attempt should be made to strike out the so-called oil amendment. If the oil amendment is deleted from the bill in the Senate, then all of my colleagues in New England can try to prevail on the conferences to support the position of keeping the oil amendment out.

I have a list of some of the companies in New England that are affected by this trade bill. This is their only chance for relief. In Massachusetts today we have over 160,000 people unemployed and walking the streets, without a job and without any prospect for a job. The electronic industry has been seriously injured. The shoe industry has been mortally wounded. The textile industry is in real trouble. The cities of New Bedford, Fall River, Lowell, Lawrence, Haverhill, Pittsfield, Springfield, and Boston in Massachusetts, as well as other cities, are suffering this untold misery of continuing acceleration of unemployment.

I predict here in this House today that if we do not pass this bill, the unemployment in my State could go as high possibly as 200,000 by the end of 1971, and, yes, it could reach the figure of a quarter million people unemployed in my home State in 1972.

Make no mistake about it: The big issue in the 1972 campaign is going to be jobs. It is going to be jobs in the district of every Member of the U.S. Congress. I do not care where the Member comes from. The imports, accelerated in this country, have flooded the market and have driven American workers out of jobs, and that is going to be the big issue. Members are going to answer for it. They are going to answer for those jobs just as sure as they are sitting here, and the only answer we can give is to vote for the closed rule. There are flexible rules in the other body, and they can take care of the oil provisions.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Speaker, yesterday the House passed a $7.5 billion package directly aimed at solving some of the unemployment problems in this country.

This manpower training program hopefully will be of great benefit in our efforts to reduce unemployment in America. One section of that bill authorized $1 billion for establishing public jobs throughout the Nation, with a majority of salaries for those jobs being paid by American taxpayers.

Today, Mr. Speaker, by adopting the rule on debate of H.R. 18970, the Trade Act of 1970, the House will have before it legislation dealing directly and effectively with unemployment in this country as well as preventive medicine to protect the workingman from the ills of unemployment.

Adoption of this rule, and subsequent passage of the bill will assure thousands upon thousands of people throughout America that their jobs will not be lost because of the importation of goods produced by low-wage labor.

I cannot stress too strongly the immediate need for this legislation, and thus for a rule which will provide for a swift and uncomplicated disposition of the bill.

If we had considered legislation such as this 2 years ago, we would have 85,000 more people employed in the textile and apparel industries. Those who have been exploiting our markets with goods manufactured with low-cost labor have refused to negotiate any reasonable quotas, and because of their refusal to negotiate and our inaction, we are now paying the severe consequences in the loss of jobs, but the one who suffers the most is the man with a family who has lost his job at a textile plant and cannot find another one.

I congratulate the very able chairman of the Ways and Means Committee, the gentleman from Arkansas (Mr MILLS), and the ranking Republican on that committee, the gentleman from Wisconsin (Mr. BYRNES), and the committee for their outstanding work during the many weeks of preparing this vital legislation.

The bill is now in final form. Its conditions are well known, its great support among my colleagues is already a matter of record, since more than half of them are cosponsoring similar legislation, its provisions have been carefully selected, its urgency is of crisis proportion.

Because of all these factors, the Ways and Means Committee has wisely sought a rule under which the House could best and most expeditiously consider this legislation, and the Rules Committee has recommended such a rule.

Therefore, I strongly urge my colleagues to abide by the wisdom of this decision and vote for adoption of the rule recommended by our Rules Committee.

Mr. YOUNG. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I expect to vote against the previous question and to support the proposal which is made by my distinguished colleague, the gentleman from Florida (Mr. GIBBONS), to provide for an opportunity for this body to strike provisions from this bill which it may be necessary to strike.

Frankly, the 8 hours of debate provided under this rule is wasted time. I do not know what we are going to do if we cannot amend the bill. We can merely talk. We can save a great deal of time if we just eliminate that debate time, if this gag rule is adopted.

Mr. Speaker, I cannot understand how this body can go along with a proposal like this bill, which provides for a $990 million tax writeoff, a loss to the Treasury of almost $1 billion at a time when we are experiencing a tremendous deficit, and at a time when we face an inflationary problem which has still not been resolved.

Furthermore, I want the House to have an opportunity to strike the oil quota provision. It seems to me that what we do in this bill by locking in the oil quota provision is to provide a monopoly of resources and price fixing prices which cost the consumer $5 to $7 billion annually. Through tax privilege, oil has generated the financial strength to buy heavily into the coal resources of the United States. In addition, it is heavily invested in the uranium resources. Soon all of the energy resources of this country will be owned and controlled by the oil industry which will have unprecedented power of economic strangulation.

This bill provides dangerous power in the hands of those who can economically strangle this Nation. It is done through the quota provisions that are provided in this bill.

The closed rule must be defeated. This body must exercise its will in striking from this bill such provisions which cannot be sustained by a majority vote.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. First, I want to commend the gentleman from Ohio and associate myself with his remarks.

Second, those making the argument that the oil provision should be taken care of over in the Senate and not in the House are saying, are they not, that the Senators are capable of making this change to delete the oil amendment and the House is incapable of offering and making a decision on this amendment. Is this the interpretation of the gentleman from Ohio.

Mr. VANIK. It seems to me the House is just as capable as the other body in resolving this issue and having a fair debate and a meaningful debate, with the privilege of offering amendments.

Mr. CONTE. The gentleman is absolutely correct.

Mr. VANIK. I urge my colleagues to vote down this rule and to support the proposal by my colleague from Florida.

Mr. SMITH of California. Mr. Speak-

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er, I yield 2 minutes to the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Mr. Speaker, I rise in opposition to the rule, and I urge a negative vote on the previous question, so that hopefully this will make in order the motion by our colleague from Florida (Mr. Gibbons).

It is very plain to everyone here today that the crucial vote on this trade bill will come on the rule and not on final passage. By the time we get to final passage the issue will be joined and the outcome easily predicted. There are enough troops lined up on the very clear final passage issue to see it breeze through.

Where there is a chance to improve this bill is by voting down the previous question, to make in order amendments to the bill, to delete certain items.

In attempting to get to the floor today I had to elbow my way through a swarm of lobbyists in the corridors. It was all I could do to get to the floor. These lobbyists are well represented, I am told, elsewhere in this Chamber.

No doubt they are here to serve what they think are the best interests of the textile industry, of the shoe industry, of the mink industry or whatever it might be. It is our burden, however, to weigh the interests of these special groups as they perceive their interests against the broader interests of the American people, whether these interests be as consumers, as farmers, as taxpayers, or simply as citizens.

Let me say that there is a grave challenge and issue to the national security involved here. This bill would punish our friends, friends like the democratic government of Italy? What effect this will have if we take this major step backward in terms of trade policy, introduce a volatile new political issue in areas of Italy where Communists are strong.

It behooves us to consider such broad national security aspects before making the crucial vote on the previous question.

Mr. YOUNG. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut (Mr. Monagan).

Mr. MONAGAN. Mr. Speaker, I rise in opposition to the rule and in opposition to the previous question.

This is not an easy decision to make because of the complexities of the legislation proposed here today and also because there are many provisions in it which I can agree with. However, there are two principal objections that I find.

First of all, it is discriminatory in its selection of the products that are preferred; namely, oil, textiles, and nonrubber footwear. It eliminates all of the others, many of which are manufactured in my own district, probably one of the most industrialized in the country, and which in the judgment of their producers both management and labor, and in my own judgment, are equally worthy of consideration for quotas rather than being relegated to the remedy of adjustment assistance, which deals with damages or unemployment compensation rather than jobs.

The second question for me involves, of course, the continuation of the quota system for oil. Certainly all of us in the Northeast, in the State of Connecticut and in the other States in the northeastern part of the country, are terribly concerned about what the future may bring. As has been suggested previously in this debate, the President's own Commission suggested a change from a system of quotas to one of tariffs. Not only has this suggestion been repudiated, but the quota system would be perpetuated in this legislation. What this might bring for the homeowners of Connecticut and New England in the winter ahead is certainly a matter of tremendous concern to us.

For this reason, Mr. Speaker, I am opposed to this provision in the bill and would welcome an opportunity to amend it.

Mr. GIAIMO. Mr. Speaker, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from Connecticut (Mr. Giaimo).

Mr. GIAIMO. Mr. Speaker, I would like to associate myself with the comments of my colleague from Connecticut (Mr. Monagan).

I am opposed to the gag rule and to this legislation. I do not think it is the proper approach to this very difficult problem of trade and the balance of trade relationships between the United States and other nations. It is discriminatory and it picks out the textile industry, the oil industry, and the nonrubber footwear industry for special treatment, but it has no concern at all with the balance of the trade problem facing the United States.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. Wyman).

Mr. WYMAN. Mr. Speaker, I rise in support of the closed rule in this instance. I want to make a few observations relative to the basic issue involved in the forthcoming vote on the previous question.

It is very clear that anyone favoring the leverage that is given the Chief Executive by this bill on any of the items covered in the bill should vote in favor of the previous question when that question is before us. The President needs this leverage to be able to negotiate trade agreements with importing nations. Without it why should they negotiate when Congress has failed to provide any meaningful restrictions on floods of foreign imports that are wiping out U.S. jobs?

The gentleman from Illinois (Mr. Anderson) suggested that the consumer's voice is not being heard on Capitol Hill. I hope the gentleman also recognizes the fact that unemployment in America at this time is becoming of real concern. Unless we do something to protect American jobs in this bill we will surrender hundreds of thousands of jobs to workers at the expense of American workers. This is bound to result in a big increase in unemployment in the United States. It is in the consumers' interests that these workers stay at work and off unemployment compensation. We cannot have our cake and eat it too. We cannot maintain the highest standard of living in the world with the highest wages paid without guaranteeing a share of our market to the U.S. worker.

Mr. Speaker, the suggestion has been made that provisions of this bill if enacted would freeze the Northeastern United States to a higher price for oil. I do not believe this to be accurate. The quotas for oil in district 1 would remain subject to amendment and regulation by the President and the Office of Emergency Preparedness. The oil provision is a compromise to get this bill to the floor. It is not a roadblock to relief for New England, although those of us from that area would, of course, prefer that it not be in the bill.

Yet, if we start the process suggested by the gentleman from Florida of allowing deletions from the bill one by one, it is bound to mean the loss of the bill itself.

Those gentlemen who are familiar with our parliamentary procedures know that there are not enough votes on separate amendments to take care of shoes alone, not enough votes to take care of textiles alone; but if we all stand together across industry lines to protect the jobs of the American working men and women, we can pass this legislation—and it ought to be passed by this House. It ought to be passed by the other body, and promptly signed by President Nixon.

Mr. Speaker, we simply cannot just surrender our jobs and our industries to foreign nations just because from their lower standard of living they pay vastly lower wages than we do. To vote against the previous question in these circumstances is a heavy responsibility for any Representative in this House because it is a vote against the bill itself. I urge a vote of "aye" on the previous question.

Mr. YOUNG. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. Dent).

Mr. DENT. Mr. Speaker, time does not allow me to go into the details of this legislation. However, I would recommend to the Members that if they have time to read the September 29 Congressional Record, p. 34202, containing a history of trade in the United States that I put into the Record, I would like to suggest that there is one thing we must remember in legislating and that is this: That there has to be some equality of consideration for all those concerned, and not just those who are able to belong to a certain committee that is able to do something for those who find themselves in the same distress or even more distress than the textile workers, or the shoe workers, for instance.

Mr. Speaker, my State is the largest shoemaking State in the United States of America. It has an unemployment rate of about 40 percent due to the influx of leather shoes since the passage of the Reciprocal Trade Adjustment Act under President Kennedy. At that time the textile workers, 2 days before the vote, were given a concession which called for the imposition of a tax per pound on imports of cotton content, the content of all products coming into the United States, equal to the subsidy per pound of cotton support. Well, that was never passed and never approved, but instead of that we passed an equalizer or so-called one-price cotton, selling to the American textile mills at the same price that we were selling cotton in the world market.

Mr. Speaker, I have all the respect in the world for those who can get for themselves that which they deny to others, if in so doing they do not injure others. I say the 15 percent peril point limitation means 17 million tons of steel, meaning, ladies and gentlemen of this House, 104,000 steelworkers' jobs.

We are closing the door in this particular piece of legislation on 420,000 textile jobs which will be eliminated. We are closing in this particular piece of legislation all hope of my 40 percent of shoemakers ever getting back to work. We are not saying a word about tool steel. Seventy percent of the tool steel industry in the United States will not last 5 years in this country, and without this industry, ladies and gentlemen, there will be no industry. The textile industry cannot maintain this economy; shoes cannot maintain this economy.

What this legislation should be is a simple formula giving us a trigger at that point of injury and peril when an industry finds itself unable to compete. This is a day of world competition and nothing else. Vote down this rule.

In so doing we may get legislation that treats all industry, all workers equally.

Who are we to say that one industry is worth saving and another must die.

Why do we try to make one industry's workers a preferred, protected job status and the rest of us tuned to the will-o'-the-wisp of the inexact science of foreign relations.

Trade is an economic exact science and must be treated as such.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Speaker, I do not know of any legislation in recent years that has received more consideration than the bill this rule would make in order for consideration. I would just refer the Members to the summary statement in the report of our great Committee on Ways and Means, which is the committee that has been created to do the spadework on legislation in the field of trade, social security, and taxation. These are all intricate subjects that must of necessity be developed within the calm and deliberative atmosphere of a committee room, rather than on the floor of the House of Representatives, where we have 435 Members, many of whom have divergent views.

Experience in the past indicates that legislation of this nature simply should not be undertaken to be written on the floor of the House of Representatives.

I think anyone who reads the summary statement, from which I wish to quote briefly must conclude that we who do not serve on the Committee on Ways and Means can be confident that this bill was given close and careful consideration and the terms of it were agreed upon only after long deliberation and debate within the committee, after listening to hundreds of witnesses, and that we would not be justified in repudiating the action of that committee.

The committee says this in its report:

> H.R. 18970 represents many months of effort by your committee to bring to the House a trade proposal which will provide a sound base for the continuation of a long-range trade expansion policy and will meet the immediate need of United States producing and consuming interests, and other economic interests both in domestic markets and abroad. The bill incorporates in modified form the trade proposals made by the President to the Congress on November 18, 1969, some elements of many other trade proposals regarding orderly marketing of imports which had been referred to the committee, other suggestions for changes in our trade and tariff laws made during the course of the public hearings, and the domestic international sales corporation proposal made to the committee by the Secretary of the Treasury.

Now, I invite your attention particularly to the following which also is taken from the committee report:

> Your committee devoted over one month to public hearings, receiving testimony from 377 witnesses representing all segments of the United States economy. The printed record includes hundreds of written communications from interested persons and organizations from all parts of the country. The public hearings were in addition to similar hearings held by the committee in 1968. The extensive information and the individual views were helpful to the committee in its task of formulating the policies reflected in H.R. 18970.
>
> Your committee met in executive sessions for over a month in developing the bill. Your committee believes H.R. 18970 deals with the basic issues presented by the many trade proposals brought to the committee's attention—

And so forth.

What I am saying is that the committee which has jurisdiction and expertise in this field, after long, careful and deliberate study and consideration developed this bill. It is my opinion that if the previous question is voted down and an open or modified rule is adopted, this bill will not be considered in the House today, and perhaps never. I do not have any authority for that statement other than my own opinion, but I am not willing to run the risk and I do not believe the 250 Members who cosponsored this bill would want to run that risk either.

If you change the rule reported by the Rules Committee, my judgment is that you will kill this bill so far as the House being given an opportunity for its consideration.

I do not want to see this bill killed because it means so much to so many people in the United States and represents so many man-hours of hard work and consideration by the very committee that we have selected to do the spadework on legislation of this sort.

Something has been said in the course of the debate so far about a comment made recently by a governor of the Federal Reserve Board; that is, a member of the Board of Governors. He made the statement that this bill, if enacted, would cost the consumers of the United States substantial sums of money.

The Deputy Assistant Secretary of Commerce, Hon. Stanley Nehmer, delivered a speech here in Washington and I have before me a release of his speech which is marked for release for the afternoon papers today, and, therefore, I am at liberty to use it, in which Mr. Nehmer completely demolished the arguments of the governor of the Federal Reserve Board who made that statement.

Mr. Nehmer, for example, made the point that Mr. Brimmer fails to understand that consumers are also taxpayers; and he makes a number of other very important points in this speech.

Mr. Speaker, I ask unanimous consent to include the text of Mr. Nehmer's speech as part of my remarks at this point in the RECORD.

The SPEAKER pro tempore (Mr. HOLIFIELD). Without objection, it is so ordered.

There was no objection.

The speech referred to is as follows:

THE TEXTILE ISSUE: FACT AND FICTION

(Remarks by Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, prepared for delivery at the board meeting of the National Association of Wool Manufacturers, Washington, D.C., Nov. 18, 1970)

I

I am pleased to have the opportunity to meet with you today, at a time when Congressional consideration of legislation which can affect your industry is moving toward its final stages in this session of Congress.

The solution which the Administration seeks to the problem of burgeoning and disruptive textile imports is the textile legislation now before the Congress. The Administration has taken that position with reluctance because we have always felt and still feel that the preferred way to deal with the textile import problem is through negotiated agreements with our principal foreign suppliers. But, in the absence of any constructive negotiated solution, legislation represents the only means to bring an end to this long-standing, frustrating problem. Secretary of Commerce Stans advised the House Ways and Means Committee on June 25 that the Administration supports the enactment of the textile provisions of the trade bill.

In recent weeks, and particularly during the last week, a number of statements have been made and articles printed on the textile situation. Many of these have shed much heat, but little light, on the textile import issue. We have had much fiction, but few facts. I would like to take this opportunity to comment in particular on one of these statements, prepared for an economics seminar, which received considerable attention in the press. I am referring to the comments of Governor Andrew F. Brimmer of the Board of Governors of the Federal Reserve System concerning import controls and domestic inflation as it relates to the textile issue.

But before getting to the basic questions raised by Governor Brimmer's analysis, I want to emphasize that my comments will be confined to the textile features of the trade bill and the textile issue. They do not in any way represent my judgment or that of the Administration as to other features of the trade bill or as to the position of the Administration on the bill as a whole. Secretary Stans and others in the Administration have expressed our views and deep reservations about many aspects of the trade bill in their recent testimony to the Senate Finance Committee, and I need not repeat that this morning.

II

The key to an understanding of the Administration's support of the textile quota provisions of the trade bill was stated by

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Secretary Stans to the Senate Finance Committee on October 12:

"The basic thrust of the textile provisions of this bill is in the direction that we have pursued for many months—the negotiation of viable international textile agreements. The quota provisions of the bill would be superseded by bilateral or multilateral textile agreements and may be waived for non-disruptive imports or where the President may find it to be in the national interest not to impose quotas."

This reading of the bill is not arrived at lightly. It is based on our direct and extensive participation in the drafting of the textile provisions of Title II of the trade bill, and it recognizes that the Ways and Means Committee adopted changes suggested by the Administration in this Title during the course of its very thorough and extensive deliberations.

Secretary Stans and other Administration witnesses had urged modification of the bill originally introduced by Chairman Mills to provide for exemption of non-disruptive goods. This and other changes were developed during the course of hearings, and were adopted by the Committee. A central feature of these changes is to assure a flexible instrument that can be used to bring about negotiated agreements. The Ways and Means Committee itself supports this view of the bill in its report by stating that "it is intended that, insofar as may be possible, the limitation of these imports will be accomplished through the negotiation of voluntary agreements provided for under Section 202 and that the quota provisions of Section 201 will assist in the negotiation of such agreements as well as to provide protection for the domestic market and workers in cases where such agreements are not concluded."

We have said over and over again that we will never cease to negotiate on the textile issue, even if quota legislation is enacted. The public record and the record of the Ways and Means Committee are clear to all who wish to avail themselves of the hard fact of our position on this question.

But Governor Brimmer has not consulted the record. How else to explain his statement which at once recognizes that, under the provisions of Title II the President may exempt non-disruptive articles, that he may waive quotas when he finds it in the national interest to do so, and that negotiated agreements automatically supersede quotas—and yet offers the following as the basic working assumption of his analysis:

"It was assumed that—if quotas were imposed—the amount of imports authorized would be that stipulated under H.R. 18970. In 1971, imports would be held to the 1967–69 average; then, beginning in 1972, the amount authorized would be increased by 5 per cent of the amount authorized in the immediately preceding year."

Governor Brimmer bases his entire estimate of the cost of the textile portions of this bill to consumers on this assumption. If valid, it would mean that 1971 textile imports would represent a rollback of about 25 percent from current levels. This is not fact; it is fiction. Indeed, Governor Brimmer even fails to note that cotton textile imports, which this year will account for some 1.6 billion yards, out of total imports of some 4.4 billion yards, are automatically exempted from quotas by the bill so long as we participate in the Long Term Cotton Textile Arrangement.

In the face of the record, in the face of a clearly stated Administration intention, and in the face of the realities of our textile trade and our textile policy, in which we have always provided substantial access for imports to our market, he assumes that there will be no exemptions for non-disruptive articles, and that either no agreements will be negotiated or, if any agreements are negotiated, there would be no increase above the 1967–69 average provided for in such agreements. That does not make sense.

And where does this wrong assumption lead Governor Brimmer? Following a fairly elaborate analysis which encompasses estimates of 1975 demand versus 1975 imports on the basis of these quotas, and a price analysis about which I shall comment later, we are shown an alleged cost to consumers of $1.8 billion for these textile quotas. At this cost, which he feels would have an inflationary impact on the economy, Governor Brimmer concludes that a solution other than import quotas is needed to provide the help to workers and firms in the industry which he agrees is needed.

III

Governor Brimmer's proposed solution is not new. Alarmed at the possible cost of $1.8 billion to American consumers, he recommends that we ". . . adopt more effective programs to provide re-training and transitional benefits or financial assistance for those who are displaced by competitive forces over which they have no control—whether the forces originated at home or abroad." He offers no analysis of his proposed solution. Indeed, from his paper one would assume that an adjustment assistance program for textiles is free, and that American taxpayers are in some way different from American consumers.

But our experience thus far with adjustment assistance and our estimates for the future in textiles are quite to the contrary. Before getting to that, however, we should perhaps establish a basic line of logic. First, we should recognize that consumers pay taxes. Second, we should recognize that adjustment assistance or any other kind of assistance costs money. Third, we should recognize that such money comes from the Treasury Department which gets it basically from tax revenues. A conclusion begins to emerge, namely, whatever money an adjustment assistance program costs will be borne by taxpayers, a worthy group difficult to distinguish from American consumers.

Now, perhaps we should look at how much an adjustment assistance program might cost in dealing with a problem of the scope and nature of that which confronts the textile industry and its workers. The textile-apparel complex directly employs some 2.3 million workers in some 35,000 separate establishments located in every state of the Union. On the basis of our experience with the automotive arrangement with Canada, we have estimated that adjustment assistance per 100,000 workers certified as eligible to apply for such assistance would cost in the neighborhood of $265 million a year. This assumes that of those certified, only 75 percent finally qualify and receive assistance. Of that 75 percent, only one-fourth receive training allowances. I use the 100,000 figure because it has a peculiarly current significance. From January of this year through September, the latest month for which we have data, textile and apparel employment in the United States was down by 100,000 jobs. A total of 125,000 lost jobs in textile and apparel by the year's end is certainly a real possibility.

Obviously not all of the jobs were lost to import competition, but just as obviously a great many of them were, since American consumption of textiles did not decrease, but the import share of that consumption increased. It is a relevant figure to consider. But we should not assume that a 100,000 or 125,000 job loss will be the end of our textile issue in the absence of a sound solution to the import problem. It can reasonably be predicted that additional job losses of a similar magnitude will continue to occur over the next four or five years in the absence of controls on textile and apparel imports. This annual figure of $265 million would be repeated several times over.

And what about firms? Adjustment assistance to firms also requires money. Our experience in cases of assistance to firms and the kind of capital requirements that might be involved there is less than in the area of worker assistance, simply because there have been fewer successful applications. We do know, however, that on September 29, 1970, the Small Business Administration announced a plan of assistance to the Emil J. Padar Co. (producer of barber chairs) which provided for loans totalling $4,125,000. Other adjustment assistance proposals are being considered by the Commerce Department at the present time. While their cost will vary significantly, I know of at least one that is expected to exceed $1 million.

The textile-apparel industry is composed of some 35,000 establishments owned by some 30,000 firms. Obviously, many of these firms will need assistance. Some of them perhaps will need as much assistance as the Emil J. Padar Co. Others will need less. Surely some will require more. Little imagination is required to forecast that the application of figures in the order of magnitude of $1 million per firm to a very small percentage of these firms, i.e. 2 or 3 percent, produces rather large dollar outlays by the Government for an adjustment assistance program.

For example, assuming 30,000 firms, and assistance for the stated percent at the indicated level, we see: 1% at $1 million=$300 million; 2% at $1 million=$600 million; 3% at $2 million—$1.8 million.

Note that this 3% is only 900 firms, and a $2 million loan is less than one-half of what was deemed necessary to do the assistance job required for a barber chair manufacturer. Obviously the Brimmer solution would bring us to the threshold of a major financial undertaking that staggers the imagination.

Perhaps we should again note that, as Secretary Stans has stated, "The textile industry is too big for any kind of solution that we would be able to apply internally." Consumers, as tax payers, would bear the burdens of such a program.

Indeed, this is perhaps the key distinction between the textile and shoe cases. The 100,000 jobs lost in textile and apparel this year equals 50% of the total U.S. employment in the nonrubber footwear industry. Rather than 30,000 firms, there are 675. So different in size are these problems that they do, in fact, take on a difference in kind.

We believe a reasonable internally-oriented program can meet the problems of the shoe industry. The Administration has put forward such a program. In addition, the Tariff Commission's injury investigation now underway at the request of the President will help us to fill in gaps where import relief may be needed for particular products.

IV

Let us return briefly to another part of Governor Brimmer's analysis. He assumes that the unit value of imports (at retail) is about $6 as compared to a domestic value of about $10. He further assumes that the effect of the quota is to require that each item not available from imports be obtained domestically. Thus, the buyer of a unit who cannot obtain a $6 unit because of the quota must obtain a domestic replacement at $10. Cost of quota? $4 per unit. Net result based on his demand projections and on his import-supply projections? $1.8 billion.

But here again, I think we are dealing with a false assumption. Namely, that all imports and all domestic articles cover the same price spread in unit value. This ignores the fact that imports are generally more concentrated in value terms than is domestic merchandise which covers in significant quantity the entire range of price and quality. In short, the unit value comparison is not realistic. The $6 item that the consumer replaces with a domestic item is not replaced with a $10 item, but with an item of the same quality whose unit value is likely to be much closer to $6 than to $10.

Every dollar of reduction of that $10 unit in Governor Brimmer's analysis reduces the $1.8 billion cost figure by twenty-five percent. Thus, if a $6 item is replaced by a $7 domestic item the $1.8 billion cost drops to $450 million. You may have noticed that this is far below any reasonable estimate of the cost of an adjustment assistance program.

Governor Brimmer also fails to account for the cost to the Treasury of lost revenue from tax payers who used to work in the textile and apparel industry but are forced into adjustment assistance payments, and from firms which used to make a profit in that industry but no longer do so. Our estimates of the lost wages alone for 100,000 workers amount to more than $500 million a year, or more than $625 million a year for 125,000 workers. And this is cumulative, so that, in the absence of meaningful restraints on imports, by the fifth year alone, it could be somewhere between $2.5 and $3.0 billion. Obviously, this loss to the economy is reflected in lost expenditures by these people, as well as in non-payment of taxes. From contributors to our tax revenue and economic activity, these people shift to recipients of public assistance.

These figures on workers and firms do not reflect community losses sustained as a result of this loss of buying power, increased welfare costs, and lost local tax revenue from unemployed workers and closed plants. Over a five-year period, we could conceivably be dealing with an economic impact measurable in tens of billions of dollars.

As a final note, Governor Brimmer also largely assumes that the only real force holding down textile-apparel inflation is imports, and that a lessening of this pressure means equivalent upward price movement. But we are looking at an extremely competitive industry. Apparel, the focus and example chosen for his analysis, is without doubt the least concentrated major American industry. Its largest firm accounts for but 2 percent of the industry sales and its 8 largest together account for only 15 percent. Firms in this industry clearly face the knife-edge of competition, with or without imports.

There are other technical deficiencies in Governor Brimmer's analysis which I will not pursue in detail at this point, but which further undermine his conclusion.

For example, Governor Brimmer's method of calculating the cost of quotas on apparel depends completely on reducing the entire range of apparel items and pieces to a single "average price" measure. He does this by taking a poundage figure for all retail apparel purchases and dividing it into the total value of such purchases for both domestically produced items and for imports. But there is absolutely no relationship in the market place between the weight of an apparel item and its price. Anyone who looks at his wife's clothing bills knows this.

Also, we know that many of the factors relied upon in Governor Brimmer's method are not the constants he assumes them to be. This is true, for example, of the composition of the consumer's price index basket of goods and services. The only constant about this basket is that it changes all the time as per capita incomes rise and new consumer goods appear on the market. Six years is a long period for which to assume zero change in areas as dynamic as incomes, tastes, and actual consumer expenditures.

Governor Brimmer's method rests on arbitrary assumptions which introduce a serious systematic upward bias into his results and on crucial measurements which are technically unacceptable. Finally, there are also inaccuracies in his summary of the provisions of the bill, which cast additional doubt on the soundness of the paper. In short, good cloth cannot be woven from bad yarn.

V

What can be said, then, about the effect on prices of the textile provisions of the trade bill?

First, we should recognize that textile and apparel imports will continue at high levels under the bill. Instead of the disruptive 47 percent growth in imports of man-made fiber textile products which occurred in the first nine months of this year over the same period of 1969, which was 25 percent higher than the 1968 level, which was 52 percent higher than the 1967 level, we should see a smaller and non-disruptive rate of growth in such imports.

Second, our experience with regard to cotton textile imports which have been subject to control since 1961 under international agreements, has been that prices have risen only slightly. In 1960, the year before these arrangements began, the wholesale price index for cotton products (1957–59=100) stood at 104.4. In September 1970, it was at 106.4. During the same period the index for all industrial commodities increased from 101.3 to 117.1.

Third, the key to the future of prices of textiles and apparel lies in maintaining a viable, competitive domestic industry, that is, in the competition of 30,000 firms for the consumer's business. If imports should further reduce the size of this industry significantly, we can all view with alarm the impact on the consumer.

VI

Thus, I do not accept Governor Brimmer's analysis of the textile situation or his recommendations for a solution to the textile import problem. In my view, public debate on the trade bill and the Congressional debate we shall witness this week are not well served by an analysis which starts from false premises and carries them through to extreme conclusions. One point made by Governor Brimmer is his often repeated caveat, lost in some public reports, that his "estimates are obviously tentative and should be interpreted with considerable caution." I agree with that, and how!

We can only hope that fact, not fiction, will prevail on this issue in the coming weeks.

Mr. YOUNG. Mr. Speaker, I yield to the distinguished gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Speaker, I support the bill which is before the House and the closed rule which would make House consideration of the bill in order. I feel that both are essential.

In recent days the House has been deluged with free trade arguments and with propaganda against H.R. 18970. It must be borne in mind that this is not protectionist legislation. It is reciprocal trade legislation—something which is badly needed, something to bolster the courage of the administration and the State Department so that they will stand more strongly for U.S. interests in trade negotiations.

This legislation is long overdue. It has been years since the Congress has had an opportunity to express in a positive way its feelings on trade legislation. Failure to approve the closed rule means that we shall lose this chance and possibly the only chance to be helpful to American industry and to American workmen for other years to come. We should support the closed rule and the bill.

Those of us who are genuinely concerned about the increasing severity of the competition of foreign goods with those of American manufacturers have long urged the enactment of legislation which gives some measure of protection. We have seen American industries forced to the wall and American workmen thrown out of jobs as more and more foreign producers flood the American market each year with their products.

We are not impressed by the argument that we should adhere to the free trade policies which have long been advocated by the State Department. In the main, they are free trade policies only insofar as the United States is concerned. Many foreign nations have for a long time blocked free entry for most U.S. goods by special taxes. It is time for the United States to protect its own interests. We have an opportunity to do so here today insofar as the House is concerned by voting for the closed rule and for the bill.

Mr. YOUNG. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. Bolling).

Mr. BOLLING. Mr. Speaker, I opposed this rule in the Rules Committee. A closed rule was adopted 8 to 7. A motion to make it an open rule was defeated, after having been adopted momentarily; it was defeated 8 to 7.

This is the result, in part, of a recommendation made by President Nixon a year ago. I had thought, after listening to the discussion of this bill by a great many Republicans and Democrats, some for and some against the bill, that probably it would disappear on November 4, but I find it still here.

I happen to believe that this bill should not be considered on this 18th of November, 1 year after the recommendations of President Nixon. The people of the country have voted in a new Congress. It is a full year after the President made his recommendation. The economic situation here and abroad is remarkably different from what it was a year ago. And if there needs to be a consideration given to all the complicated problems that are involved in this bill, it should be given by the new Congress, by the new Committee on Ways and Means, on new recommendations from President Nixon.

We are beginning to hear from abroad for the first time, not threats of retaliation to this bill, but words of concern about the state of their economies. The economies of the other developed nations are beginning to experience the same kind of trouble that this ecomony has experienced for a year. This bill is the wrong bill at the wrong time and in the wrong Congress.

I personally favor the defeat of the rule. I will, however, because there are many Members who believe there should be a debate on the matter and an opportunity to deal with the matter not under a closed rule, but under a rule that will allow strikes, support the effort to vote down the previous question, and I will support the substitute rule to be offered by the gentleman from Florida (Mr. Gibbons). But I think somebody should say that at least one Member of this House believes that this bill is headed in the wrong direction at the wrong time and for the wrong reasons. I believe we forget what has happened to us before. We have heard a good deal about isolationism in foreign affairs and defense, and I hope we recognize that this is the other partner in the move toward isolationism. This is the move toward economic isolationism, and I think it is an extraordinarily dangerous step for this lameduck Congress to even consider.

I urge that the rule be defeated.

Mr. BROYHILL of North Carolina. Mr. Speaker, in the normal course of legislative events, I have generally been opposed to closed rules because I feel that the Members of the House should have the opportunity to make changes in bills which may not have been foreseen or approved by the committees reporting the measures. In the case of H.R. 18970, however, I strongly believe it is wise to support the Ways and Means Committee in allowing the bill to remain intact as the committee has written it.

The committee has conducted exhaustive hearings into the Nation's trade policies over the past several decades and the effect they have had on our economy and trade balance with other countries. I believe that this bill provides a balanced trade policy which will best serve the national interest in the 1970's. In our deliberations here, we must not allow this bill to become cluttered with extraneous amendments which do not serve the interests of our national economy. I urge the House to accept without change the rule on this bill.

Mr. PELLY. Mr. Speaker, I rise to urge support for voting down the previous question on the rule so that we can get a rule that would make it possible to eliminate objectional provisions of H.R. 18970, the Trade Act of 1970. If this attempt is not successful, then I will vote against the Trade Act as it is presently written.

One of the significant shortcomings of the committee's consideration is its failure to consider relative national priorities. With the trade surplus in June the largest in 4 years and with exports in the first half of 1970 running 14 percent ahead of last year, it is hard to understand why a new special tax incentive is so high on our list of priorities that it warrants the expenditure of $630 million or more a year. It is especially difficult to understand such a priority at a time when funds for many other programs are being cut back and when we find ourselves faced with the prospect of a sizable budgetary deficit, variously estimated at levels as high as $10 billion.

In addition, Mr. Speaker, the Puget Sound region, as well as the rest of the State of Washington, is suffering from heavy unemployment at the present time. Our economy cannot stand the enactment of a law such as provided by the Trade Act of 1970.

I urge support for amending the bill, and, as I said, should this move fail, I strongly urge defeat of H.R. 18970.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of H.R. 18970, the Trade Act of 1970, which has been a maligned and misrepresented piece of legislation. It has, in the vernacular, taken a "bum rap."

Newspaper editorial writers have called it, among other things, the most restrictive trade bill in 40 years. But the truth is, the Trade Act of 1970 is a complex and many-sided measure, which does not deserve most of the labels that have been placed on it.

This is a bill tailored for its times.

We are on the threshold of a new decade, and the Trade Act of 1970 was put together with today and tomorrow, not yesterday, in mind.

Unlike decades past, the 1970's demand truly innovative moves by the United States in the international marketplace.

Our country is no longer the unchallenged leader in global exchange. Other nations, notably Japan and Germany, which we helped rebuild after World War II, are offering strong and growing competition for both goods and markets throughout the world.

Also of significance are the fast-rising international trading blocs, such as the Common Market. Hailed at birth as outgoing assets to a world seeking freer trade, they have matured as ingrown conclaves of protectionism.

Against this background, the Committee on Ways and Means tried to perfect a bill which would:

First, encourage substantial increases in the exports of U.S. goods to other countries;

Second, offer assurances to our trading partners that the United States remains ready and willing to negotiate for fairer and freer trade; and

Third, enable American industries and workers to gain more prompt and adequate relief from unusually heavy inroads of imports.

The bill's principal ingredient to stimulate exports is a provision to permit establishment of Domestic International Sales Corporations, or DISC's.

Under present law, American firms can set up foreign subsidiaries to take advantage of lower labor costs abroad. By so doing, they also can take advantage of a provision of law allowing the income of their foreign subsidiaries to remain untaxed until it is returned to the United States.

The committee's bill would extend this same tax deferral privilege to the DISC's. Their profits would not become subject to U.S. income tax until distributed to shareholders. The aim, of course, is to encourage American enterprises to manufacture goods domestically and ship them abroad, thus keeping both jobs and capital at home.

In an effort to show American conciliation in world trade, another provision of the bill paves the way for removal of the so-called American selling price—ASP—system of customs valuation, which has drawn strong objections from our trading partners. In effect, the bill authorizes the President to proclaim an end to ASP, whenever he feels this country has received the best possible concessions in return.

The bill recognizes also that sound trading must be reciprocal. A number of provisions are included along this line, among them a strengthened "escape clause" mechanism, and other avenues of potential relief for domestic industries seriously injured by rapidly rising imports.

However, it is most important to keep in mind that woven throughout the bill, in all its provisions which could lead to increased tariffs or import quotas, is an overriding clause allowing the President to decline to take action whenever and wherever he feels it would be contrary to the national interest.

The bill allows the President to be highly flexible in his actions on trade, and it restores his authority to proclaim reductions in rates of duty. It also gives him added power to act against discriminatory moves by other countries.

Now, Mr. Speaker, I mentioned at the outset that this bill had been maligned and misrepresented. And I would like to take this opportunity to put to rest, permanently, I hope, one particular allegation made against the measure and those who have supported it.

Some observers, who apparently did not bother to read the bill itself, charged that it would establish quotas on the importation of oil, costing American consumers vast sums of money and contributing to a shortage of fuel oil.

In the first place, Mr. Speaker, this bill does not provide for an oil import quota. It merely amends section 232 of the Trade Expansion Act of 1962. Under this section, the President is empowered to restrict the importation of any commodity which he feels poses a threat to the national security.

The only restrictions imposed under this section is on crude oil, and the form of the restriction is a quota. The action dates back to 1959, which means that four Presidents have felt that quotas on crude oil were necessary for national security reasons. Any one of them could have moved to lift the quotas at any time, and the committee amendment would not change the status of this 11-year-old action.

It would simply prevent the President from using tariff adjustments to restrict imports under the section. It does not prevent the President from adjusting imports to any level he deems appropriate in maintaining national security. Nor does it affect the President's flexibility in modifying import limitations already in effect.

Unfortunately, Mr. Speaker, this is just one of the many misunderstandings about the Trade Act of 1970 which have been circulated.

It is my hope that this debate on the subject of the House bill will make this measure more thoroughly understood, and thus help remove the apprehensions that some citizens have about it.

It is clear, Mr. Speaker, that the existing trade law has outlived its time and its usefulness, and that we need very badly a new and workable replacement.

To gain a full realization of this need, all we have to do is look around us, at home as well as abroad.

Over the 5 years, from 1965 to 1969,

imports to our shores have outgained our exports by about 70 percent, and we have bought from other countries half again as much as they have bought from us.

Our merchandise balance, once profitably high, plunged to $800 million in the hole last year. And our share of world exports has steadily declined.

And all this time, Mr. Speaker, we have refrained from adding the barriers to trade which other nations have been piling on. Just to list the nontariff restrictions instituted by our trading partners would consume a very large book, indeed.

To highlight our predicament, let us look at Japan, where an American businessman would be limited to 7 percent of the equity of any Japanese company, where quotas and licensing restrictions are imposed on almost every conceivable type of imported product, where exporting industries get a heavy helping hand from the Japanese Government, and where production workers last year were paid an estimated 76 cents per hour on the average, contrasted to $3.19 per hour for their American counterparts.

In order to cope with such conditions—the international trade agreements enjoyed in other countries but barred by law in the United States; the growth of nontariff trade barriers abroad; and the impossible wage differentials on all sides—we desperately need a new law under which we can operate more effectively.

The Trade Act of 1970 is the kind of law we need. It is the kind of law we simply must have if we are to compete in the world marketplace of today, and tomorrow, too.

Mr. BOLAND. Mr. Speaker, I rise in support of the modified rule sought by my colleagues in the New England delegation. Such a rule—allowing deletions in the bill, but prohibiting any additions—would give us a welcome opportunity to strike the provisions barring the replacement of the oil import quota system with a tariff system. The quota system—a thorn in the side of New England consumers for a decade now—restricts all but a trickle of inexpensive fuel oil imports into the Northeastern United States. As a result, Mr. Speaker, the domestic oil industry rules the New England marketplace for petroleum products with something akin to feudal sovereignty. The domestic industry raises prices virtually at whim, forcing consumers throughout the Northeast to dig deeper and deeper into their pocketbooks each winter. Fuel oil costs in New England are now running a staggering 60 percent—that figure is quite accurate: 60 percent—over the costs only a year ago. A shortage of fuel oil, moreover, recurs each year with the same dreary and disheartening regularity. This winter the shortage threatens to take on the proportions of a crisis. Evidence is mounting that the domestic oil industry is creating what is tantamount to a deliberate shortage, concentrating on the manufacture of highly lucrative products such as jet fuel.

The quota system shields the oil industry against virtually any kind of foreign competition, giving it a stranglehold on the Northeast. Is this free trade, Mr. Speaker? Is it fair trade? Does it allow manufacturers to compete in an open marketplace? The answer is all too obvious.

The oil quota system can now be abolished outright by a stroke of the President's pen. Created by Executive order late in President Eisenhower's administration, the quota system has never been part of this country's statutory code. As it is now written, however, the trade bill would have the effect of making the system law. It stipulates that no "fee or tariff" may be imposed under the Trade Expansion Act's national security provisions—provisions that now govern oil imports. Quite obviously, Mr. Speaker, this stipulation would crush any effort to substitute an equitable tariff system for the patently inequitable quota system. Granted, it might seem remotely possible to establish tariffs under Trade Expansion Act provisions other than the national security provisions I have just cited.

Such an achievement, however, would take tortuous and tedious maneuvering. I will grant still further, Mr. Speaker, that nothing in this trade bill explicitly prohibits the President from amending or abolishing the quota system. Yet, what is the likelihood—one in 100? one in 1,000?—that the President would throw wide the gates to oil imports without even the possibility of tariff controls.

As strongly as I can, Mr. Speaker, I urge the adoption of a modified rule. I want to make plain, while I have the chance, that I most emphatically do not support an open rule granting any kind of amendment. Such a carte blanche rule might destroy the trade bill, mutilating it beyond recognition. I believe its provisions—with the conspicuous exception of the oil import provisions—are sound ones eminently worthy of support.

What are those provisions? They are quite simple: first, they would stem the veritable torrent of shoes and textile imports now threatening American industry and its workers; second, they would give the President authority to restrict any imported product that constitutes a comparable threat.

It is cruelly ironic, Mr. Speaker, that New England suffers from import trade policies no matter how generous or how stingy they are. Oil imports, as I mentioned earlier, are all but flatly prohibited in the Northeast. New England consumers are denied inexpensive foreign imports of a product as vital to their lives as food or clothing. Yet, in other markets—shoes, textiles, and electronics are remarkably good examples—imports flourish without restrictions. Hundreds of industries and hundreds of thousands of jobs are in peril. Foreign manufacturers are taking up a larger and larger share of the U.S. marketplace each year. In some markets—indeed, in many of them—foreign imports are approaching domination. This is not scare talk, Mr. Speaker. It is a stark reality. The livelihood of the American working man and woman is at stake here.

I will not bore you today with tables of statistics. The alarming trends they reveal are obvious—indeed, so conspicuous that even the most cursory glance is enough. The work force at General Instrument Corp.'s Sickles Division in Chicopee, Mass., to cite just one example in the electronics field, dwindled from 3,000 to 1,000 within a few years. The Palmer, Mass., division of Colorado Fuel & Iron Corp., a wire manufacturer, is shutting down, throwing nearly 650 men and women out of work. Shoe factories throughout Massachusetts—throughout all of New England, in fact—have been closing for the past several years. Many small towns, once the homes of thriving industries turning out everything from ceramics to pickled olives, are now impoverished. The plants have closed down or moved.

Here is just a partial list of threatened industries in New England: Textiles and apparel, shoes, rubber footwear, leather goods, brass mill products, stainless steel flatware, flax yarn and threads, fish nets, card clothing, pulp and paper machinery, machine tools, scissors and shears, handbag frames and purse frames, fine and speciality wire, stainless steel sinks, Christmas decorations, electronics, mink fur skins, clothespins and veneer products, precision bearings, antifriction bearings, sprocket chains, builders' hardware, wood screws and comparable fasteners, bicycles and cycle parts, slide fasteners, safety pins and straight pins, fishery products, marble, granite, confectionery products, green olives.

The most ardent opponents of the trade bill contend it will inhibit "free trade," fomenting a trade war among the world's most powerful industrial nations. This—if I may speak bluntly, Mr. Speaker—is little more than nonsense. First, nothing even distantly or tenuously comparable to "free trade" exists in many U.S. marketplaces. Foreign manufacturers, unencumbered by tariffs or quotas of any real significance, have free access to the American consumer. But domestic American industry—the industry that gives that consumer his paycheck and buying power—cannot sell its products in foreign supply nations. Tariff and comparable duty barriers erected by foreign governments, barriers often far steeper than the ones contemplated in the bill before us today, thwart "free trade." Can U.S. industries sell cars in Germany, television sets in Japan, cutware in Sweden? We all know the answer.

The vast disparity in wage rates between American and foreign industry blocks "free trade" even here at home. A Taiwan radio manufacturer paying its workers 10 cents an hour enjoys an insuperable advantage over an American firm paying $4 or $5 an hour. Free competition—that is to say, free competition in the sense that adversary companies share all the advantages of an open marketplace—is nothing short of a myth.

I believe in the concept termed "free world trade." Indeed, the concept is so alluring that no rational man could dispute its benefits. But it does not now exist. Like something out of an Orwel-

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lian nightmare, foreign and domestic manufacturers are "free" but the foreign ones are more free than the domestic ones.

The trade bill we will consider today would lead to a state of affairs far closer to "free world trade" than exists today. It would assure that foreign and domestic industries share equitably in the American marketplace, setting the kind of trade standards that would allow each to compete fairly for the consumer's dollar. The quotas sought in the bill are generous enough—indeed, ample enough—to give foreign supply nations their just share of the market. The quotas are high enough, in fact, to prevent any of the retaliatory steps that the bill's opponents have envisioned.

With the exception of its oil provisions—and, after all, people cannot buy oil if they do not have jobs—the bill is a sound and evenhanded one.

Here are just a few of the telegrams I have received from industries in my district and State supporting the bill:

SPRINGFIELD, MASS.,
November 16, 1970.

EDWARD P. BOLAND,
Member of Congress,
Washington, D.C.:

Foreign made imported roller chain shipments represents 25.3 percent of the total U.S. market today. This is an increase from 3.3 percent in 1955, and currently growing at a rate of 25 percent per year.

The import of 22,000,000 lbs. of foreign product represents the loss of about 1,600 skilled jobs to our industry, and an estimate of 400 jobs to our company in Mass.

We request your action to prevent further deterioration of our market in order that we have a vital industry and jobs for our State.

PAUL R. COHN,
Rex Chainbelt Inc.

SPRINGFIELD, MASS.,
November 16, 1970.

EDWARD P. BOLAND,
Member of Congress,
Rayburn Office Building,
Washington, D.C.:

Re your telegram regarding impact of foreign made products the effect to date on our business and employment level has been very nominal, however we anticipate this changing over the next two to three years because of the anticipated impact of foreign made goods primarily in the major appliance field.

JOSEPH A. OLSEN,
Springfield Wire, Inc.

SPRINGFIELD, MASS.,
November 16, 1970.

Hon. EDWARD P. BOLAND,
House of Representatives,
Washington, D.C.:

In response to your wire of Nov. 14 we advise that foreign production has made increasing and steady inroads into our fuel injection product sales over past ten years, initially in farm tractor and industrial engine lines and more recently into heavy duty truck and locomotive business. Employment and production in Springfield operation down approximately 30 percent or 675 workers because of this and related problems.

RALPH HERSHFELT,
Vice President and Division Manager,
American Bosch Division.

SPRINGFIELD, MASS.,
November 17, 1970.

Representative EDWARD P. BOLAND,
Rayburn Building,
Washington, D.C.:

Your favorable vote on H.R. 18970 Foreign Trade Bill required to offset impact of lower tariff under Kennedy rounds. Imports have caused loss of business with resulting shorter work week and prospects are for increased foreign competition.

CHENY BIGELOW,
Wire Works, Inc.

SPRINGFIELD, MASS.,
November 16, 1970.

Hon. EDWARD BOLAND,
Rayburn Office Building,
Washington, D.C.:

Strongly urge vote for H.R. 18970, Trade Act of 1970. Impact of 46 percent gross in imports of manmade fibers over 1969 has been primary contributor to the twenty four percent decline in Monsanto operating income for the first nine months of 1970, compared to same period in 1969. Imports will continue to escalate unless adequate controls are legislated and absence of controls will continue to adversely affect Monsanto.

FRANCIS KEARNEY,
Plant Manager, Bircham Bend, Monsanto Co.

SPRINGFIELD, MASS.,
November 16, 1970.

Hon. EDWARD P. BOLAND,
Rayburn House Office Building,
Washington, D.C.:

Re your wire of today regarding the Trade Act of 1970 which will be voted on by the House on Wednesday.

Imports have already affected the Springfield plant in an indirect way and are predicted to have a direct affect in the future. Imports of products made with manmade fibers have increased 47 pct. in the first nine months of 1970 over the record level of the same period 1969. This has had a serious effect on our major customers and has naturally resulted in a sharp decline in their purchases of fibers from us. The earnings of the company have been adversely affected by these imports to a degree that affects growth of other parts of the company including the Springfield area.

In addition, the provision in the Trade Act for domestic international sales corporations will make the Springfield plant products more competitive in export markets.

For the future, Monsanto and other plastic companies in the area have publicly stated concern over the competitive position of plastic products made in the area. The additional tariff cuts on these products in 1971 and 1972 and the 40 pct. higher cost of U.S. raw materials over those used abroad will cause these products to be non-competitive in world markets, including the U.S.

This obviously will affect our employment and make it far more difficult to attract capital dollars to the Springfield plant. We hope this puts the importance of the passage of this bill in the proper perspective from our point of view.

Regards,

G. M. ELLSWORTH,
Plant Manager, Monsanto Co.

SPRINGFIELD, MASS.,
November 16, 1970.

Hon. EDWARD P. BOLAND,
Member of Congress,
Washington, D.C.:

Re tel 11-14. Hard to measure direct impact. Threat of going abroad creates pressure on prices. Believe there is a considerable volume of imported forgings and forged products affecting U.S. employment. Appreciate your concern.

Good luck.

C. A. EAGLES,
President, Storms Drop Forging Co.

SPRINGFIELD, MASS.,
November 17, 1970.

EDWARD P. BOLAND,
Member of Congress,
Washington, D.C.:

As a manufacturer of certain types of drop forgings for the automotive industry, we feel that we are affected indirectly by imported cars and trucks. In addition as a manufacturer of a line of completed mechanics wrenches for a large national distributor we are affected by imports of these tools but do not have the figures to substantiate. We are also aware that other factors, both domestic and international, have an impact on our business operations within the Commonwealth of Massachusetts. Factors such as the current economic downturn Mideast crisis and the Vietnam conflict have some adverse effect on our business. At the present time our mass operations are working reduced hours and we are not hiring any manufacturing personnel.

MOORE DROP FORGING CO.
GERALD A. ASSELIN.

Mr. SMITH of California. Mr. Speaker, I have no further requests for time.

Mr. YOUNG. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 189, nays 204, not voting 41, as follows:

[Roll No. 357]

YEAS—189

Abbitt
Adair
Albert
Alexander
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ayres
Baring
Belcher
Betts
Bevill
Biaggi
Blackburn
Blanton
Bow
Brasco
Bray
Brinkley
Brock
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Caffery
Carey
Carney
Casey
Cederberg
Chamberlain
Chappell
Cleveland
Collins, Ill.
Collins, Tex.
Colmer
Corbett
Cowger
Cramer
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
Denney
Dennis
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Eshleman
Evins, Tenn.
Feighan
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Foreman
Fountain
Frey
Fulton, Tenn.
Galifianakis
Garmatz
Gettys
Gilbert
Gray
Green, Oreg.
Griffin
Griffiths
Grover
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hanley
Harsha
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Howard
Hull
Hunt
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
Kluczynski
Kuykendall
Kyl
Kyros
Landrum
Lennon
Lloyd
Long, La.
Lukens
McDade
McMillan
MacGregor
Mahon
Mann
Marsh
Martin
Melcher
Mills
Minshall
Mizell
Mollohan
Montgomery
Morton
Murphy, Ill.
Murphy, N.Y.
Natcher
Nichols
O'Konski
O'Neal, Ga.
Passman
Patten
Pepper
Perkins
Philbin
Pickle
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Purcell
Quillen
Rarick
Rivers
Roberts
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Schneebeli
Shipley
Sikes
Slack
Snyder
Staggers
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Thompson, Ga.
Thomson, Wis.

Tiernan
Ullman
Waggonner
Wampler
Ware
Watson
Watts
White
Whitehurst
Whitten
Winn
Wyman
Young
Zion

NAYS—204

Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Barrett
Beall, Md.
Bell, Calif.
Bennett
Biester
Bingham
Boland
Bolling
Brademas
Broomfield
Brotzman
Brown, Calif.
Burke, Fla.
Burton, Calif.
Byrne, Pa.
Carter
Celler
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cohelan
Conable
Conte
Conyers
Corman
Coughlin
Crane
Culver
Daniels, N.J.
Delaney
Dellenback
Dent
Derwinski
Devine
Diggs
Donohue
Dulski
Dwyer
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Farbstein
Fascell
Findley
Fish
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Green, Pa.
Gross
Gubser
Gude
Hamilton
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Helstoski
Hicks
Hogan
Holifield
Horton
Hungate
Hutchinson
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Keith
King
Kleppe
Koch
Landgrebe
Latta
Leggett
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McCulloch
McDonald, Mich.
McEwen
McFall
Madden
Mailliard
Mathias
Matsunaga
May
Meeds
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Mize
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Myers
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Patman
Pelly
Pettis
Pike
Pucinski
Quie
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Riegle
Robison
Rodino
Roe
Rogers, Fla.
Rosenthal
Roth
Roudebush
Rousselot
Roybal
Ryan
Scherle
Scheuer
Schmitz
Schwengel
Scott
Sebelius
Shriver
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Stafford
Stanton
Steele
Steiger, Ariz.
Stokes
Talcott
Teague, Calif.
Thompson, N.J.
Tunney
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Weicker
Whalen
Whalley
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wylie
Yates
Yatron
Zablocki
Zwach

NOT VOTING—41

Abernethy
Aspinall
Berry
Blatnik
Boggs
Brown, Mich.
Brown, Ohio
Button
Camp
Clawson, Del
Collier
Daddario
de la Garza
Dingell
Dowdy
Eckhardt
Edmondson
Edwards, La.
Fallon
Gallagher
Goodling
Hosmer
Langen
McClure
McKneally
Macdonald, Mass.
Mayne
Ottinger
Poage
Pollock
Powell
Price, Tex.
Rhodes
Ruppe
Skubitz
Springer
Taft
Teague, Tex.
Wold
Wydler

So the previous question was not ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Boggs for, with Mr. Teague of Texas against.

Mr. Abernethy for, with Mr. Dingell against.

Mr. Edmondson for, with Mr. Gallagher against.

Mr. Fallon for, with Mr. Blatnik against.

Mr. Dowdy for, with Mr. Daddario against.

Mr. Price of Texas for, with Mr. Button against.

Mr. Rhodes for, with Mr. Hosmer against.

Mr. Collier for, with Mr. Pollock against.

Mr. McKneally for, with Mr. Del Clawson against.

Mr. Berry for, with Mr. Camp against.

Until further notice:

Mr. Macdonald of Massachusetts with Mr. Langen.

Mr. Edwards of Louisiana with Mr. Brown of Michigan.

Mr. Ottinger with Mr. Ruppe.

Mr. Aspinall with Mr. Wydler.

Mr. Eckhardt with Mr. Springer.

Mr. de la Garza with Mr. Goodling.

Mr. Mayne with Mr. Brown of Ohio.

Mr. McClure with Mr. Skubitz.

Mr. Wold with Mr. Taft.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GIBBONS

Mr. GIBBONS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GIBBONS: Strike out all of that material beginning on page 1, line 10, after the comma down to the period on line 7, page 2, and insert the following in lieu thereof: "the bill shall be read for amendment under the five-minute rule by titles instead of by sections. No amendments shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means or amendments proposing to strike out any matter in the bill and such amendments of a conforming or clerical nature as are necessary to perfect the text of the bill following the adoption of any such amendment to strike. Amendments that may be offered to said bill under the terms of this resolution shall be in order, any rule of the House to the contrary notwithstanding."

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. GIBBONS. Mr. Speaker, as the House has already voted, I shall endeavor to be brief and not to use the full 1 hour.

As I understand the parliamentary situation—and I make this statement for the benefit of Members who have asked me questions—I control the time for 1 hour. I shall be most happy, of course, to yield to any Member who has any question or who wishes to discuss the amendment. I shall be happy to yield to any Member for a question or debate or any purpose other than to amend this proposal.

If this is then voted down, someone else will control the hour or the time until a final rule is adopted.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I wonder if the gentleman would clarify this point. Under the amendment to the rule the gentleman has now offered, will it be possible for individual Member to move to strike the last word during the reading of the bill and thereby get 5 minutes for purposes of debate?

Mr. GIBBONS. Yes; it would be possible.

If Members would like to have a copy of the proposal, I have some mimeographed copies here, and there are copies on each of the main tables. They can have copies for their own purposes or for reading.

There is nothing very magical or very different about my amendment to the rule than the rule reported by the Rules Committee. All my amendment seeks to do is to give each Member of this House, as the bill is read, as each title is completed, the opportunity to come in and present an amendment to strike—not an amendment to add any new material and not any amendment to add any substance to the bill, but only to strike from that bill.

If things are stricken, obviously it is going to be necessary to adopt clerical or perfecting amendments relating to punctuation and numbering and so on, and that is provided for in this rule.

This rule also provides there shall be the same amount of general debate as provided in the rule reported by the Rules Committee.

There is really no substantial difference in the rule I am proposing or the amendment to the rule I am proposing other than that this rule, if adopted, would allow Members to come in and to strike from this very important bill and this very controversial bill items that the Members do not agree with.

Mr. O'NEILL of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Massachusetts for purposes of debate.

Mr. O'NEILL of Massachusetts. What is the proposed amendment the gentleman from Florida is going to offer if this rule prevails?

Mr. GIBBONS. I have a number of amendments, but I would not be so presumptuous as to say I would introduce all the amendments that are possible in this. Let me say there are about five or six major controversies in this bill. One of the controversies, of course, involves oil. Whoever gets the floor first can be recognized on that one. One of the controversies involves textiles, and one of the controversies, of course, involves mandatory quotas in textiles, one involves mandatory quotas on shoes, and one of the controversies involves the DISC, the Domestic International Sales Corporation. There are controversies on mink skins.

There are many, many amendments that could be introduced. I would expect that as we went through the bill there would be opportunities to hear all of those, as well as the pro forma amendments to gain time to discuss other parts of the bill.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Illinois for purposes of debate.

Mr. PUCINSKI. Mr. Speaker, the gentleman in his remarks referred to the fact that this bill would provide some relief for three categories, for textiles and oil and shoes. As I understand the gen-

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tleman's amendment, there is nothing in this amendment that would give any Members of this body an opportunity to improve this legislation to the extent that relief could be provided for any other industries.

For instance, we know that by April 1 of 1971, there is not going to be a single colored television set made in America any place. I represent a district that has a large electronic industry—at least, had it, but is not going to have it after April 1. There is nothing in the amendment offered by the gentleman that would give this Member an opportunity to improve this bill to bring some relief to that particular industry. All the amendment offered by the gentleman does is merely permit us perhaps to water this bill down, but it does not permit us to improve it to the extent that it will help any except these three basic industries, and we can only knock these three industries out, so I am puzzled as to why anybody should support this amendment within those rigid limitations. Will the gentleman explain?

Mr. GIBBONS. The gentleman's question touches on one of the more sensitive points in the House of Representatives. There has been for a long time objection expressed to the closed rules from the Ways and Means Committee. The excuse has always been or the reason has always been that these are very complicated matters, and that not only were they complicated, but also there was always a chance for logrolling.

My amendment would not permit the adding of new material to the bill. It would only permit the striking of material from the bill.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from New York for the purpose of debate.

Mr. WOLFF. Is it not true the automatic triggering devices in the bill today would provide for other industries?

Mr. GIBBONS. That is correct, but not mandatorily.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from Ohio.

Mr. VANIK. Has my distinguished colleague made any determination as to whether or not this bill will be called up in the event this rule is adopted?

Mr. GIBBONS. No, sir; I have not.

Mr. VANIK. One of the things which has come to my attention is the fact that under the rules which still prevail in the House the vote on any of the sections to be striken, or any language to be stricken, would be a nonrecorded vote in the Committee of the Whole.

Would there be any great harm if this entire program were carried on in the new Congress, when we could consider new rules which might make it possible to get a recorded vote on this bill section by section?

Mr. GIBBONS. Well, of course that is the decision the Members will have to make when the rule is finally considered, on final passage of the rule.

Mr. VANIK. One of the things that is raised by this very problem is the failure in the Reform Act which we have just adopted to provide for record votes under situations where there is a closed rule. A closed rule in a sense keeps nonrecorded some of the essential votes that might be developed on a very important piece of legislation of this type. Would the gentleman not agree with that?

Mr. GIBBONS. Yes, sir; that is correct.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from Washington for the purpose of debate.

Mr. ADAMS. Mr. Speaker, I rise in opposition to considering these very controversial tariff and trade amendments under a closed rule which would prevent the Members from making any change in the tariff and quota system set forth in the committee bill.

I will vote against the previous question in order that the House will be able to vote on the amendment of the gentleman from Florida (Mr. Gibbons) that would at least allow the Members to strike certain sections of the bill. This is a compromise amendment which would not allow the bill to be amended so as to add many additional provisions to it but would allow Members to strike some of the very controversial trade quota restrictions contained in the bill.

I resent a district in the State of Washington that is heavily involved in the export-import trade, both through the Port of Seattle and through activities of our major transportation companies, such as the Boeing Co. and our shipyards.

I have received letters from Gov. Daniel J. Evans, of the State of Washington, on July 21, 1970, and September 17, 1970, urging that I oppose the restrictive quotas and support a concept of freer trade. I also have telegrams of July 23, 1970, and November 7, 1970, from the Port of Seattle urging opposition to the restrictive legislation contained in this bill. I have also received a letter dated July 23, 1970, from the county executive of the metropolitan county of King which contains Seattle in its boundaries, and a letter of September 24, 1970, and a telegram dated November 16, 1970, from the executive director of the Washington Public Ports Association, all of which oppose the trade bill.

I requested information from the Boeing Co. regarding the value of Boeing jetliners and spare parts delivered to foreign airlines since 1959. I want to report to you that non-U.S. customers have received 634 of the more than 2,000 passenger jets delivered by Boeing, with a value of $3.5 billion. The first Boeing jetliner for an overseas customer was a 707–120 delivered to Qantas Airways of Australia in 1959. Starting in that year, the export figures of the Boeing Co. were as follows: 1959, $53 million; 1960, $250 million; 1961, $86 million; 1962, $127 million; 1963, $45 million; 1964, $95 million; 1965, $245 million; 1966, $269 million; 1967, $347 million; 1968, $554 million; 1969, $413 million; and through October 1970, $672 million.

I cite this information to you to indicate the tremendous importance of selling our products abroad if we are to maintain a balance of trade favorable to the United States. If this bill should produce a trade retaliation policy such as was produced by the Smoot-Hawley Tariff Act in the early 1930's, then we could produce a worldwide depression. I think our position should be toward expanding the American economy and world trade which produce prosperity throughout the world and not toward restrictions and limitations which may produce a shortrun benefit for the few but in the long run narrow the world's industrial base and produce worldwide unemployment which can have as its consequence a worldwide depression.

During the last week I was in Japan as a member of the House Interstate and Foreign Commerce Committee working with officials of the Japanese National Railroad on possible application of Japanese techniques used on the Tokaido Express to our faltering railroad passenger system in conjunction with the Railroad Passenger Service Act which this Congress has just passed and which will be reported to the Congress by the executive branch in 90 days and put into operation in May of 1971. While visiting Japan I had an opportunity to discuss this bill at length with members of our State Department, with representatives of the Port of Seattle, and other Washington State firms which are doing business with Japan. They are all deeply concerned about the effects of this bill on foreign trade between the United States and Japan. I would point out that we sell over $1 billion worth of agricultural products to Japan each year which can easily be replaced by other sources in Canada, Australia, and elsewhere. This accounts for the concern of many of the wheat producers in my State of Washington.

On Friday of last week while in Japan, I received information that the Japanese Government has taken the position that it will immediately discuss voluntary quota restrictions on textiles with the United States. I would like to ask the gentleman from Florida (Mr. Gibbons) whether he has any additional information on this subject and if this has in fact been considered by the Committee on Ways and Means on the presentation of this legislation.

Mr. GIBBONS. No, sir. The only thing I know about this—and I hate to use that old cliche—is what I have read in the newspapers. I do not have any inside information.

Mr. ADAMS. I thank the gentleman.

Mr. HANNA. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from California for the purpose of debate.

Mr. HANNA. As I understand the purpose behind a closed rule, in the ordinary instance, for tax measures and for trade measures such as this, we have been constrained to go along with the rule under the principle that it is very difficult to write this kind of legislation on the floor of the House.

It seems to me what commends the suggestion that is contained in the gentleman's amendment is it at least gives us an opportunity to make a decision on the various sections of the bill, as to whether we want them or do not want them. It does not put us in the posture, as was suggested by the gentleman from Illinois, of trying to write this kind of legislation on the floor, on the suggestion of some Member, without any indication of hearings or the deep ramifications that might come from a decision to add some items into this very complicated bill.

I believe the gentleman is exactly on point and on course. The Members of this body ought to at least have the right to decide whether they are going to be for this kind of quota system for the various items covered in this bill and as to whether or not they want to go along with this other supposedly positive suggestion that is contained in it, which has more of a tax benefit to export rather than in this other field in which we are dealing.

So I think I am correct, am I not, that the gentleman is trying to keep within the spirit of the closed rule in that we do not try to write this complicated legislation on the floor of the House without the benefit of hearings or going through all of the ramifications of the things that might be associated with what has been suggested here; and, rather, we are going ahead with the decisionmaking process on the items described in the report we have before us. Is that a correct statement?

Mr. GIBBONS. Yes, sir. I think that the gentleman's observation is very sound.

Mr. HANNA. I certainly support the gentleman and hope the Members of the House will go along with this kind of modified rule.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I am happy to yield to the gentleman for the purpose of debate only.

Mr. MATSUNAGA. First of all I wish to commend the gentleman in the well for the leadership he has shown on this matter.

The rule which the gentleman proposes calls for reading the bill by titles instead of sections. This will not in any way preclude an amendment which will remove sections within the title, will it?

Mr. GIBBONS. No; it will not. The purpose of having a whole title read at one time is, for instance, if you tried to remove one of the mandatory quotas in title II, you would have to have a number of different amendments in order to accomplish this. We thought it would be better—and I discussed it with Members, and I feel it would be better—to have an orderly way of considering this and not get all mixed up in whether or not you had passed a certain section or whether a certain section had been read or not. In this way the entire title will be read and it will be thrown open to amendment at any point in that title. The bill is very neatly arranged, so that if we limit our amendments to items within that title, we will hit the controversial parts. The purpose of having the bill read by titles is that amendments will then allow people to go freely within the title to strike out any provision of that title that the majority of the Congress thought should be stricken out.

Mr. MATSUNAGA. Is it the intent of the gentleman in the well to offer an amendment deleting that section or those sections pertaining to textiles?

Mr. GIBBONS. I have not decided what amendments to introduce myself. I am sure there will be a lot of amendments introduced on all of these items. We will have to see where the chips fall.

Mr. MATSUNAGA. The objection, then, that we may end up with a Christmas tree is not applicable to the rule that the gentleman offers in view of the fact that the gentleman's proposal would only permit the striking out of certain items; is that correct?

Mr. GIBBONS. Yes, sir. There would be no Christmas tree. There might be a skeleton but no Christmas tree.

Mr. MATSUNAGA. I thank the gentleman.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I am happy to yield to the gentleman for the purpose of debate only.

Mr. FULTON of Pennsylvania. The question comes up that no amendment shall be in order to said bill except by direction of the Committee on Ways and Means. Let me ask the gentleman, Are there any amendments that the Committee on Ways and Means has in mind that they are ready to offer in this event?

Mr. GIBBONS. I do not know unless there are some technical ones. I do not recall any votes that we have taken since the bill was reported. But I do not expect any.

Mr. FULTON of Pennsylvania. So there is no amendment that has already been passed and is ready to be offered by the Committee on Ways and Means?

Mr. GIBBONS. No, sir.

Mr. FULTON of Pennsylvania. So that merely eliminates that section from the general rule?

Mr. GIBBONS. That is the standard boilerplate clause in all of the so-called closed rules.

Mr. FULTON of Pennsylvania. The last sentence of your amendment says that amendments that may be offered to said bill under the terms of this resolution shall be in order any rule of the House to the contrary notwithstanding. That means very definitely that every rule of the House is set aside as to germaneness, as to applicability, and as to extent and really as to subject matter under your amendment, does it not?

Mr. GIBBONS. No.

Mr. FULTON of Pennsylvania. As I understand it, it does.

Mr. GIBBONS. The gentleman misstates my amendment. The body of my amendment says only motions to strike. So, unless it is in that bill it cannot be stricken. It cannot be added to. You cannot bring in something else. Only motions to strike the provisions of the bill would be in order.

Mr. FULTON of Pennsylvania. Mr. Speaker, if the gentleman will yield further, I want to make my point more clear. We are then in the House not proceeding on the same broad basis as the other body proceeds on its amendments? We are still very restrictive under your amendment?

Mr. GIBBONS. The gentleman is correct. I believe it is a responsible manner in which to handle this very important problem.

Mr. BURLESON of Texas. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Texas.

Mr. BURLESON of Texas. Well, further reviewing the points as to who and what may offer amendments to strike certain provisions of the pending bill, in the second sentence, again repeating, you say that no amendment shall be offered or be in order to said bill except amendments offered by direction of the Committee on Ways and Means.

What constitutes "direction"?

Mr. GIBBONS. I think I know what it means. Let me say that is in the original rule that we are debating here. As I say, I hesitate to call it "boilerplate" but I notice it is in all of the closed rules and I am not attempting to change that procedure.

Mr. BURLESON of Texas. Mr. Speaker, if the gentleman will yield further, this would mean, however, in response to the gentleman from Pennsylvania, that we are not creating a Christmas-tree bill, but does this mean that a member of the Ways and Means Committee could offer new material?

Mr. GIBBONS. No. Under the closed rule as reported from the Rules Committee, the Ways and Means Committee could direct its chairman—and it has many times in the past directed its chairman—to make additions or corrections in the legislation then pending even though we had a closed rule. In other words, the rule was always closed except to a majority of the Ways and Means Committee. I would not say it is "boilerplate" in all of these closed rules.

Mr. BURLESON of Texas. Would this then mean that the Ways and Means Committee would have to convene itself to give direction to the manager of the bill?

Mr. GIBBONS. I would imagine that it would. I know in the past we have done that. I remember on the revenue bill which passed last year after the bill was reported. I think we had an amendment that we directed the chairman to offer.

Mr. BURLESON of Texas. Mr. Speaker, if the gentleman will yield further, it seems to me this would be a rather awkward situation, if the Ways and Means Committee had to convene to take some action to give direction before we could proceed here with any amendments on the floor. Would that be the case?

Mr. GIBBONS. That has always been that way. I am not trying to change it. What I am trying to do is to grant to the other Members of the House a right to come in here and send an amendment to the desk and get 5 minutes to debate it then there will be 5 minutes in opposition, and also pro forma amendments to gain additional time like motions to strike the last word which would be available. But you could not come in, for

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instance, and add some other item like TV sets or you could not come in and add tomatoes and strawberries as some of us perhaps would like to do if we had a broad open rule.

Mr. BURLESON of Texas. Mr. Speaker, if the gentleman will yield further, then the gentleman says the only amendments that would be in order would be amendments to strike out any item contained in the pending bill. This would mean that any Member could offer amendments or motions to strike?

Mr. GIBBONS. Could offer any motion to strike.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I would like to say that I did vote against the previous question and I think there is merit in the pending amendment the gentleman from Florida has offered. My question involves a situation in which the House now finds itself, and I wonder what the gentleman's opinion is about this: It would seem to me that in view of the fact that a very unusual action and, perhaps, unprecedented action has been taken in rejecting the action of the Ways and Means Committee for a closed rule, that the membership generally is either in doubt about the wisdom of the bill as recommended by the Committee on Ways and Means or is in doubt about the wisdom of taking action on a bill of this character and scope at this time in view of the fact that Christmas is about 5 weeks away and there is considerable doubt that the other body will take any action this year. Does the gentleman think that the best thing to do with this would be not to proceed with it, but simply postpone any further action until the 92d Congress?

Mr. GIBBONS. That is a very tough question to answer. I do not support the bill in its present form, and perhaps even if we go through on the amendment process I may not vote for it.

I would say to the gentleman from New Jersey that there are some good things in the bill that must at some time in the future be enacted, at least it is my point of view that there are some good things in the bill that must be enacted. I would hope that we would dispose of my particular amendment and then let the House go along and finally decide what it wants to do. I would not be so presumptious as to tell 434 other Members how to cast their vote on this.

Mr. FRELINGHUYSEN. It does seem to me that what the House may be doing is getting itself out in a position that it may well end up with a skeleton bill, but it cannot end up with a bill identical, or presumably will not end up with a bill identical, with the recommendations of the committee, and that it might be better, instead of the House taking action, for the House to postpone action until next year.

Mr. TUNNEY. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from California.

Mr. TUNNEY. Mr. Speaker, I thank the gentletman very much for yielding.

Mr. Speaker I voted "no" on the previous question and I am going to support the amendment offered by the gentleman from Florida because I think it is a good amendment. But if the amendment offered by the gentleman from Florida carries and if the committee decides to withdraw the bill from consideration in this session of the Congress I would not want my vote to be construed by the Japanese Government for one that they do not have to continue negotiations on the textile and/or the textile imports to the United States. I personally believe that the Japanese Government has pursued unfair trade practices with the United States. There has been a substantial increase in the importation of oil and textiles, and yet at the very same time the United States finds it very difficult to move American products into Japan, and the countermarkets in Japan are almost totally impossible.

I want to make the point on the amendment offered by the gentleman from Florida before the bill is withdrawn, if in fact it will be withdrawn, that in the opinion of the speaker the Japanese Government is going to have to proceed with all due pace on the negotiations regarding textile imports.

Mr. HUNGATE. Mr. Speaker, I concur with the views expressed on this bill by my colleague from California (Mr. TUNNEY). I would further add that I think unfair foreign competition exists to the textile industry, as he has indicated, and also in particular to the shoe industry. The manufacture of foreign textiles and footwear is conducted under conditions and for wages that would never be tolerated here. Some of the problems posed by these foreign imports and too often overlooked are well stated in the following editorial:

> SPANISH KIDS ARE DIFFERENT
>
> "The golf links lie close by the mill
> And almost every day
> The laboring children can look out
> And see the men at play."
>
> When Sarah N. Cleghorn wrote those lines in 1915 she jolted the conscience of American women and the last remnants of child labor on this country died. But that was before women became politically organized and moved into the back room where the special interests make their trades.
>
> Well, in spite of the huckster's song you haven't come a long way Baby. You're right back where you started. For in publicity opposing quotas on shoe and textile imports, your League of Women Voters in Maine and Massachusetts are on record as favoring child labor.
>
> Please don't say nobody told you. You know that in Spain, one of the largest exporters of shoes to the United States, the apprentice system allows the use of 12 to 14 year old children at ten hours a day. And you know that 10 to 15 year old children help man some shoe factories in South America.
>
> This is a shameful thing and the women who were cajoled into accepting the stand of the League's foreign policy committees should resent being hoodwinked into publicly favoring child labor.
>
> Can it be that Maine and Massachusetts women have consciences so elastic that they will condone child labor just so long as it is not in their home town? We are moved to ask Do American women really think that Spanish kids are different?

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from New York.

Mr. CELLER. Mr. Speaker, has the gentleman any information that the committee will not withdraw the bill if his amendment prevails?

Mr. GIBBONS. No, I do not.

Mr. CONTE. Mr. Speaker, will the gentlemon yield?

Mr. GIBBONS. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, at the outset I want to commend the gentleman in the well. I worked very closely with the gentleman during the past several weeks on this particular amendment, and I vote "no" on the previous question. I support his amendment at this time, which is simply an amendment to strike from the bill, and not to add to the bill and make it a Christmas-tree bill.

I think that we in New England and the eastern seaboard now have been given an opportunity to straighten out the oil situation in this bill, which really compounds a felony by freezing the hands of the President, and changing the oil quota system in the way of a tariff system that is very crucial on the eastern seaboard, and amounts to a $5 billion additional cost to the consumers on oil.

If the amendment offered by the gentleman from Florida is adopted by the House, the Congress will be given an opportunity to work its will and strike out that section from the bill.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I want to say that I certainly support the amendment, or the proposal offered by the gentleman from Florida. In his statement on the proposal the gentleman from Florida reassured us that under his rule it would be possible to strike out any language in the bill or any section of the bill.

I wonder if the gentleman from Florida would yield so that I could address a parliamentary inquiry to the speaker?

Mr. GIBBONS. I will be glad to yield for the purpose of a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. VANIK. I would like to make this parliamentary inquiry.

Mr. Speaker, under the rule as has been submitted by the gentleman from Florida, am I correct in understanding that it will be in order to strike out either any language or any section or any provision which presently exists in the trade bill as reported by the Committee on Ways and Means?

The SPEAKER pro tempore (Mr. ROONEY of New York). Under the terms of the amendment, any motion to strike out any language, word or otherwise in any part of the bill would be in order.

Mr. VANIK. Including an entire section?

The SPEAKER pro tempore. Including an entire section, or title.

Mr. VANIK. I thank the Speaker.

Mr. GIBBONS. Mr. Speaker, I yield to the gentleman from New Hampshire (Mr. CLEVELAND) for purposes of debate.

Mr. CLEVELAND. Mr. Speaker, referring to your earlier dialog with the gentleman from New Jersey (Mr. FRELINGHUYSEN), I gathered from that dialog, and I want to make the record clear on this, that you are opposed to the bill in its present form and that you are not sure you will vote for the bill even if it is skeletonized through the process of the amendment that you offer?

I think this is important because on procedural votes, there will always be the question of why some voted the way they did on a procedural vote.

Certainly, if the sponsor of a motion is against the bill and if the sponsor of the next motion to amend the rule is against the bill, it certainly raises a reasonable supposition at least that a vote in favor of such motions would be votes against the bill. That is the way I interpret it and as a supporter of the objectives of this legislation. I thank you for yielding and invite your comment.

Mr. GIBBONS. I am opposed to the bill in its present condition and in its present form. There are many things in it that I think could be stricken without substantially hurting the position of this country. I have not made up my mind as to how I will vote. I will do as I think most prudent Members of this body would do and that is to wait to see the final form of the bill and then decide how they are going to vote.

There are many things in this bill that are good. There are other things I think, in my opinion, should be stricken.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, I hope the House will adopt the gentleman's amendment, and for several reasons, but principally because I think this is bad legislation, as it now stands. I do not think it can be made good legislation by virtue of an amendment.

Therefore, it is my hope that the leadership will carry out the threat that has been expressed here on every hand that if the amendment is adopted that the bill will be junked for the rest of this session. I hope that is true and the committee will come out with some good legislation in the next session of the Congress—and legislation that will not have to be attached to a social security bill in order to get it through the House of Representatives.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Maryland for the purposes of debate.

Mr. LONG of Maryland. Mr. Speaker, I agree with the gentleman on his amendment. I am opposed to this bill also, the way it stands.

I think the gentleman's amendment offers a very sound and responsible way to provide, as between those of us who are dissatisfied with the legislation under a closed rule, but still recognize the impossibility of making a wide-ranging piece of legislation through a completely open rule.

Mrs. HECKLER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentlewoman from Massachusetts for purposes of debate only.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I wish to commend the gentleman on his amendment and to express my opinion that it is entirely desirable.

In the last round of votes, I happened to have voted for the previous question although I harbor strong opposition to certain sections of the bill and found the oil provisions undesirable and unwarranted. As a New Englander, I recognize only too well that there are very substantial problems in the textile and shoe industries. It was authoritatively circulated on this floor that the bill would have been absolutely defeated unless the previous question prevailed.

In order to save the valuable provisions of the bill, and the purpose of the bill itself, I voted for the closed rule.

However, I far prefer the gentleman's approach which allows for a section-by-section analysis and vote on the bill. I feel the stakes involved in this debate today are very high indeed.

This year I went to Japan and had an opportunity to speak with the American Ambassador. I happen to consider myself an advocate of free trade and realize we live in a very small world indeed. But free trade depends on voluntary agreements among the nations. The Japanese at the time of my visit would not negotiate a fair trade arrangement on textiles. At this moment the Japanese are barely beginning to negotiate and they are stalling to see what action this House takes.

A quarter of the seats in the textile factories in Fall River, Mass., in my district, were empty this year as I went through those factories. Japanese competition has been a very substantial factor in causing this unemployment. Obviously, we must give muscle to our negotiators, and I think the only way to do so is to open up the bill and give our negotiators the kind of backing they need, not to protect all industry or to develop fortress America, but to give American employment the opportunity it sorely needs and badly deserves. I ask the House to support the gentleman's amendment.

Mr. GIBBONS. Mr. Speaker, I yield to the gentleman from Illinois (Mr. YATES) for purposes of debate.

Mr. YATES. I thank the gentleman for yielding. There is some disagreement as to what the parliamentary situation will be if the gentleman's amendment is voted down. Will the gentleman yield to me so that I might propound a parliamentary inquiry to the Chair?

Mr. GIBBONS. I am glad to yield to the gentleman from Illinois for the purpose of his propounding a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. ROONEY of New York). The gentleman will state it.

Mr. YATES. Mr. Speaker, what will be the parliamentary situation in the event the amendment offered by the gentleman from Florida is voted down?

The SPEAKER pro tempore. The resolution before the House will then be voted upon.

Mr. YATES. Will the resolution be voted on or will the previous question be again submitted to the House before that vote?

The SPEAKER pro tempore. If a motion to adopt the previous question is agreed to, the House will vote on the resolution.

Mr. YATES. But the first vote, then, will occur on the previous question again, and if that is voted up, the vote will then occur on the original rule; is that correct?

The SPEAKER pro tempore. If that situation arises.

Mr. YATES. I thank the Chair.

Mr. LENNON. Mr. Speaker, will the gentleman from Florida yield to me for purposes of debate?

Mr. GIBBONS. I am glad to yield to the gentleman from North Carolina for purposes of debate.

Mr. LENNON. Has the gentleman been advised that the chairman of the Ways and Means Committee will withdraw the bill from consideration of the House today if the gentleman's amendment is adopted?

Mr. GIBBONS. I have not discussed that matter with the gentleman from Arkansas.

Mr. LENNON. Would the gentleman object to my asking that question of the chairman of the Ways and Means Committee at this time for the information of Members of the House? I think the House is entitled to know the intention of the majority of the members of the Ways and Means Committee in the event the resolution is amended. Would that gentleman object to the House having that information?

Mr. GIBBONS. I would not object to yielding for that purpose.

Mr. LENNON. Will the gentleman yield, then, so that I might address that question to the chairman of the committee?

Mr. GIBBONS. Certainly.

Mr. LENNON. Mr. Speaker, I wonder if the chairman of the Ways and Means Committee will tell the House whether it is his intention to withdraw the bill from consideration of the House if the amendment offered by the gentleman from Florida is adopted.

Mr. MILLS. If the gentleman from Florida will yield, let me respond in this way on the question of withdrawing the bill: I have specific instructions from a majority of the Ways and Means Committee—the vote was 17 to 7 with one member voting "present" to order the bill reported, and even a greater majority with reference to the rule—to bring this bill to the floor of the House under a closed rule. The committee by votes specifically rejected the proposals by the

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gentleman from Ohio and the gentleman from California who wanted a different type of rule. If a closed rule is not agreed to, I could not bring the bill to the floor of the House until I go back to the committee and get further instructions from the committee. And, certainly, that would not occur today.

Mr. LENNON. May I have the permission of the gentleman from Florida to ask the chairman of the Ways and Means Committee one further question?

Mr. GIBBONS. Certainly.

Mr. LENNON. I interpret that statement, Mr. MILLS, to mean that if we adopt the amendment offered by the gentleman from Florida, then you will have to take the bill back to the full Ways and Means Committee for further direction as to how you shall bring it to the floor?

Mr. MILLS. That is correct. If the gentleman will yield further, at that point the committee could instruct me to bring the bill to the House as the rule provides—whatever the House does with respect to the rule—or they could ask me to go back to the Rules Committee and get an open rule, if they should so instruct.

Mr. LENNON. May I ask another question for the information of the Members of the House?

Mr. GIBBONS. Certainly.

Mr. LENNON. If you should have the same direction by the committee with which you now stand before the House, what would be the situation then?

Mr. MILLS. I take the direction of the Ways and Means Committee, which instructs me with respect to legislation, extremely seriously, and I am not going contrary to what the committee instructs me to do.

Mr. LENNON. If they instruct you to bring it back again tc the House under a closed rule, it would then be stalled for the rest of the session; is that correct?

Mr. MILLS. I am just the chairman of the committee. I am bound by what the committee decides.

REQUEST FOR PERMISSION FOR COMMITTEE ON RULES TO FILE A REPORT

Mr. ALBERT. Mr. Speaker, will the gentleman yield to me for the purpose of making a unanimous-consent request?

Mr. GIBBONS. I am glad to yield to the majority leader for that purpose.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Reserving the right to object——

Mr. HALL. Mr. Speaker, reserving the right to object, may we ask the purpose of this unanimous-consent request, and does it pertain to the matter at hand?

Mr. ALBERT. It pertains to the highway bill.

Mr. HALL. Further reserving the right to object, Mr. Speaker, may I ask the distinguished majority leader if action has been completed by the committee, to his knowledge, on the matter for which he asks unanimous consent?

Mr. ALBERT. It has not been, but action is contemplated within a matter of minutes.

Mr. HALL. Then, Mr. Speaker, I am constrained to object.

The SPEAKER pro tempore. Objection is heard.

Mr. RANDALL. Mr. Speaker, I hope I shall never readily or easily agree, without a long and determined fight to consider any kind of legislation on the floor of this House under procedures which bar the majority of the membership from its rightful participation through the amendment process.

Once again today all of us are being asked to consider the important trade bill of 1970 under a rule which forces all of us to meekly surrender ourselves to the will of the members of the Committee on Ways and Means.

Let me emphasize that I have the highest regard for the members of that great committee and the greatest respect for its able chairman.

Yet, I cannot forget that the people of our congressional district elected me to represent them in Congress. I am denied the right to represent them under a closed or "gag" rule. I cannot responsibly represent my people if I am barred from the opportunity to offer amendments to this trade bill, tax bill, social security legislation or welfare legislation.

It is for these reasons that I have consistently voted against all closed rules in my years in Congress.

The RECORD will show that earlier today I voted against the previous question on the adoption of the rule. I did so because I thought there would thus be restored to the House an opportunity to include not only textiles and shoes but also perhaps steel and electronic items in this bill. When the Speaker recognized the gentleman from Florida (Mr. GIBBONS), a member of the Ways and Means Committee, there was offered a modification to the closed rule. The exact wording of his amendment provided that there could be amendments by direction of the Committee on Ways and Means and there could be amendments to strike out certain provisions of the bill and also provide that there be amendments of conforming or clerical nature to perfect the text of the bill.

Of course, there was some merit in the debate which followed that this entire legislation be put over to the new Congress under new rules. Then there was argument to the effect that if an open rule was granted this would become kind of a Christmas tree. Certainly, that would not be possible under the modified open rule of the gentleman from Florida. For my part, I believe that we should get some relief from the flood of imports as soon as possible without any further delay particularly for the textile and shoe industries.

Now, Mr. Speaker, I voted "no" on the previous question because I intend to vote for the modified open rule of the gentleman from Florida (Mr. GIBBONS), because it is an improvement so far as it goes over the out and out gag rule. But, Mr. Speaker, I would not want my vote against the previous question to be construed as saying to the Japanese we are declaring a recess on negotiations with them to reduce their flood of imports when they have said to use in effect they are not interested in importing into their country any greater quantities of our American made products. Mr. Speaker, I could not let a "no" vote be construed as wanting to delay consideration of the shoe and textile provisions in the bill brought to us under a closed rule. I voted "no" on the previous question because I was hopeful we might be able to provide some relief for steel and electronics as well as shoes and textiles.

On procedural votes, they are, of course, subject to various interpretations and that is why I am taking this time to explain my position.

During the time of the discussion on the previous question and after that and while the roll was being called, I took it upon myself to visit on the floor with several available members of the Ways and Means Committee and the distinguished chairman. I learned in these conversations that if the closed rule should in the final analysis be defeated the chairman would have to go back to the Committee on Ways and Means before he would call up for consideration before the House the badly needed trade bill of 1970.

Repeating, it is my intention to support the Gibbons modified rule. Should it fail to be adopted it is my intention to most reluctantly in this exceptional set of circumstances bite the bullet, grit my teeth and support the closed rule because I am convinced after conversations with members of the Ways and Means Committee and the chairman that the Trade Act of 1970 as it is now written is, so to speak, the last train out and last clear chance to do anything for our shoe and textile people. The fact that we are not satisfied with the trade bill in its present form is no reason that an effort should not be made to provide some relief to two important industries rather than for us to face the possible alternative of no relief for any of our industries.

There is a quotation to whom at the moment I cannot make proper attribution as to author which states, "consistency, thou art a jewel." To vote for any closed rule I suppose is to engage in consistency. I heard Members say that consistency is not as great a virtue as the perseverance of a Member of Congress to fight for the interest of his constituents at all times and under any set of circumstances. In our area some of our shoe plants have already been closed down. In other instances, their output has been reduced. Our garment plants are not running at maximum capacity. Clearly then, as repugnant as a closed rule may be it is the only chance for legislation this session of Congress for relief from excessive foreign competition. Without this bill we will continue to export American jobs. There are areas where our shoe plants, garment factories, steel mills, and electronic plants are suffering layoffs.

If I must today reluctantly compromise a principle or opposition to a closed rule then whether or not I am consistent and whether or not these circumstances constitute such a great urgency as to make an exception, all of these are of secondary importance to the plight of those industries that have suffered too long without the relief the Trade Act of 1970 will provide.

PROVIDING FOR CONSIDERATION OF H.R. 18970, TRADE ACT OF 1970

Mr. GIBBONS. Mr. Speaker, I do not detect anyone else asking me to yield.

Therefore, Mr. Speaker, I move the previous question on the amendment and on the resolution.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Florida.

The question was taken; and on a division—demanded by Mr. FULTON of Pennsylvania—there were—ayes 93, noes 91.

Mr. YOUNG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 192, nays 201, not voting 41, as follows:

[Roll No. 358]

YEAS—192

Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Barrett
Beall, Md.
Bell, Calif.
Bennett
Biester
Bingham
Boland
Bolling
Brademas
Broomfield
Brotzman
Brown, Calif.
Burton, Calif.
Byrne, Pa.
Carney
Chisholm
Clancy
Clausen, Don H.
Clay
Cohelan
Conable
Conte
Conyers
Corman
Coughlin
Crane
Culver
Daniels, N.J.
Delaney
Dellenback
Derwinski
Devine
Diggs
Donohue
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Evans, Colo.
Farbstein
Fascell
Findley
Fish
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frey
Fuqua
Giaimo
Gibbons
Goldwater
Gray
Green, Pa.
Gross
Gubser
Gude
Hamilton
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Heckler, Mass.
Helstoski
Hicks
Holifield
Horton
Hungate
Hutchinson
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Keith
Kleppe
Koch
Landgrebe
Latta
Leggett
Long, Md.
Lowenstein
McCarthy
McClory
McCloskey
McCulloch
McEwen
McFall
Madden
Mailliard
Mathias
Matsunaga
May
Meeds
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Mize
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Myers
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill, Mass.
Pelly
Perkins
Pettis
Pike
Quie
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Riegle
Robison
Rodino
Roe
Rogers, Fla.
Rosenthal
Roth
Roudebush
Rousselot
Roybal
Ryan
Scherle
Scheuer
Schmitz
Schwengel
Shipley
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Stafford
Stanton
Steele
Steiger, Ariz.
Stokes
Symington
Talcott
Teague, Calif.
Thompson, N.J.
Tunney
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Weicker
Whalen
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wylie
Yates
Zablocki
Zion
Zwach

NAYS—201

Abbitt
Adair
Albert
Alexander
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ayres
Baring
Belcher
Betts
Bevill
Biaggi
Blackburn
Blanton
Bow
Brasco
Bray
Brinkley
Brock
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Caffery
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clark
Cleveland
Collins, Ill.
Collins, Tex.
Colmer
Corbett
Cowger
Cramer
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
Denney
Dennis
Dent
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Eilberg
Eshleman
Evins, Tenn.
Feighan
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Foreman
Fountain
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Gettys
Gilbert
Gonzalez
Green, Oreg.
Griffin
Griffiths
Grover
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hanley
Harvey
Hathaway
Hays
Hébert
Hechler, W. Va.
Henderson
Hogan
Howard
Hull
Hunt
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
King
Kluczynski
Kuykendall
Kyl
Kyros
Landrum
Lennon
Lloyd
Long, La.
Lukens
McDade
McDonald, Mich.
McKneally
McMillan
MacGregor
Mahon
Mann
Marsh
Martin
Melcher
Mills
Minshall
Mizell
Mollohan
Montgomery
Morton
Murphy, Ill.
Murphy, N.Y.
Natcher
Nichols
O'Konski
Olsen
O'Neal, Ga.
Patman
Patten
Pepper
Philbin
Pickle
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quillen
Rarick
Rivers
Roberts
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Schneebeli
Scott
Sebelius
Shriver
Sikes
Slack
Staggers
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taylor
Thompson, Ga.
Thomson, Wis.
Tiernan
Ullman
Waggonner
Wampler
Ware
Watson
Watts
Whalley
White
Whitehurst
Whitten
Wright
Wyman
Yatron
Young

NOT VOTING—41

Abernethy
Aspinall
Berry
Blatnik
Boggs
Brown, Mich.
Brown, Ohio
Button
Camp
Clawson, Del
Collier
Daddario
de la Garza
Dingell
Dowdy
Edmondson
Edwards, La.
Fallon
Gallagher
Goodling
Hosmer
Langen
Lujan
McClure
Macdonald, Mass.
Mayne
Ottinger
Passman
Poage
Pollock
Powell
Price, Tex.
Rhodes
Ruppe
Skubitz
Springer
Taft
Teague, Tex.
Wold
Wydler

So the amendment was rejected.

The Clerk announced the following pairs:

Mr. Teague of Texas for, with Mr. Boggs against.

Mr. Dingell for, with Mr. Abernethy against.

Mr. Gallagher for, with Mr. Edmondson against.

Mr. Blatnik for, with Mr. Fallon against.

Mr. Daddario for, with Mr. Dowdy against.

Mr. Hosmer for, with Mr. Price of Texas against.

Mr. Button for, with Mr. Collier against.

Mr. Pollock for, with Mr. Rhodes against.

Until further notice:

Mr. Aspinall with Mr. Berry.

Mr. Macdonald of Massachusetts with Mr. Brown of Michigan.

Mr. Passman with Mr. Langen.

Mr. Edwards of Louisiana with Mr. Lujan.

Mr. de la Garza with Mr. Mayne.

Mr. Ottinger with Mr. Ruppe.

Mr. Wydler with Mr. Springer.

Mr. McClure with Mr. Skubitz.

Mr. Brown of Ohio with Mr. Del Clawson.

Mr. Goodling with Mr. Taft.

Mr. O'KONSKI changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the resolution.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Was the previous question adopted?

The SPEAKER. The Chair will state that the previous question was ordered on the amendment and on the resolution.

The question is on the resolution.

Mr. BOLLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 203, nays 187, not voting 44, as follows:

[Roll No. 359]

YEAS—203

Abbitt
Adair
Addabbo
Albert
Alexander
Anderson, Tenn.
Andrews, Ala.
Annunzio
Baring
Barrett
Beall, Md.
Belcher
Betts
Bevill
Biaggi
Blackburn
Blanton
Boland
Bow
Brasco
Bray
Brinkley
Brock
Brooks
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Byrnes, Wis.
Cabell
Caffery
Carey
Carney
Carter
Cederberg
Chamberlain
Chappell
Cleveland
Collins, Tex.
Colmer
Cowger
Cramer
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Denney
Dennis
Dickinson
Donohue
Dorn
Downing
Duncan
Edwards, Ala.
Eilberg
Eshleman
Evins, Tenn.
Fascell
Feighan
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Foreman
Fountain
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gettys
Gilbert
Gray
Griffin
Griffiths
Grover
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hanley
Harsha
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kee
Keith
Kluczynski
Kuykendall
Kyl
Kyros
Landrum
Lennon
Lloyd
Long, La.
Lujan
Lukens
McDade
McEwen
McKneally
McMillan

MacGregor
Mahon
Mann
Marsh
Martin
Melcher
Miller, Ohio
Mills
Minshall
Mizell
Mollohan
Montgomery
Morton
Murphy, Ill.
Murphy, N.Y.
Natcher
Nichols
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patten
Pepper
Perkins
Philbin
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quillen
Randall
Rarick
Rivers
Roberts
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Ruth
St Germain
Sandman
Satterfield
Schadeberg
Schneebeli
Scott
Shipley
Sikes
Sisk
Slack
Smith, N.Y.
Snyder
Staggers
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Thompson, Ga.
Thomson, Wis.
Tiernan
Waggonner
Wampler
Watson
Watts
Whitehurst
Whitten
Wyman
Yatron
Young
Zion

NAYS—187

Adams
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Ayres
Bell, Calif.
Bennett
Biester
Bingham
Bolling
Brademas
Brotzman
Brown, Calif.
Burke, Fla.
Burton, Calif.
Byrne, Pa.
Casey
Celler
Chisholm
Clancy
Clark
Clay
Cohelan
Collins, Ill.
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Crane
Culver
Daniels, N.J.
Dellenback
Dent
Derwinski
Devine
Diggs
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Evans, Colo.
Farbstein
Findley
Fish
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frey
Fulton, Pa.
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Green, Oreg.
Green, Pa.
Gross
Gubser
Gude
Hamilton
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Helstoski
Hicks
Hogan
Holifield
Horton
Jacobs
Johnson, Calif.
Johnson, Pa.
Karth
Kastenmeier
Kazen
King
Kleppe
Koch
Landgrebe
Latta
Leggett
Long, Md.
Lowenstein
McCarthy
McClory
McCloskey
McCulloch
McDonald, Mich.
McFall
Madden
Mailliard
Mathias
Matsunaga
May
Meeds
Meskill
Michel
Mikva
Minish
Mink
Mize
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Myers
Nedzi
Nelsen
Nix
Obey
O'Hara
Patman
Pelly
Pettis
Pickle
Pike
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Riegle
Robison
Rodino
Roe
Rosenthal
Rousselot
Roybal
Ryan
Saylor
Scherle
Scheuer
Schmitz
Schwengel
Sebelius
Shriver
Smith, Calif.
Smith, Iowa
Stafford
Stanton
Steiger, Ariz.
Stokes
Talcott
Teague, Calif.
Thompson, N.J.
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Ware
Weicker
Whalen
Whalley
White
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wylie
Yates
Zablocki
Zwach

NOT VOTING—44

Abernethy
Aspinall
Berry
Blatnik
Boggs
Broomfield
Brown, Mich.
Brown, Ohio
Bush
Button
Camp
Clausen, Don H.
Clawson, Del
Collier
Daddario
de la Garza
Dingell
Dowdy
Edmondson
Edwards, La.
Fallon
Gallagher
Goodling
Hosmer
Langen
McClure
Macdonald, Mass.
Mayne
Miller, Calif.
Ottinger
Passman
Poage
Pollock
Powell
Price, Tex.
Rhodes
Ruppe
Skubitz
Springer
Taft
Teague, Tex.
Wold
Wydler

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Boggs for, with Mr. Teague of Texas against.

Mr. Abernethy for, with Mr. Dingell against.

Mr. Edmondson for, with Mr. Gallagher against.

Mr. Fallon for, with Mr. Blatnik against.

Mr. Dowdy for, with Mr. Daddario against.

Mr. Collier for, with Mr. Hosmer against.

Mr. Rhodes for, with Mr. Pollock against.

Mr. Bush for, with Mr. Camp against.

Mr. Price of Texas for, with Mr. Button against.

Mr. Berry for, with Mr. Del Clawson against.

Mr. Passman for, with Mr. Miller of California against.

Until further notice:

Mr. Aspinall with Mr. Broomfield.

Mr. Macdonald of Massachusetts with Mr. Don H. Clausen.

Mr. Brown of Ohio with Mr. Langen.

Mr. Edwards of Louisiana with Mr. Brown of Michigan.

Mr. de la Garza with Mr McClure.

Mr. Ottinger with Mr. Mayne.

Mr. Goodling with Mr. Ruppe.

Mr. Wydler with Mr. Skubitz.

Mr. Wold with Mr. Springer.

Mr. CARNEY and Mr. PHILBIN changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

PERMISSION TO FILE REPORT ON INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS UNTIL MIDNIGHT, NOVEMBER 19

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow, November 19, to file a privileged report on a new Independent Offices and Department of Housing and Urban Development Appropriation Bill, 1971.

Mr. TALCOTT reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ANNOUNCEMENT REGARDING RULES COMMITTEE MEETING

Mr. COLMER. Mr. Speaker, I wish to announce to the members of the Rules Committee that the meeting called for 4 o'clock has been canceled, and the meeting will go over until Monday.

TRADE ACT OF 1970

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18970) to amend the Tariff and Trade Laws of the United States, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18970, with Mr. FLYNT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 4 hours, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 4 hours.

The Chair recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, let me go immediately, if I may, to a brief explanation of what is in the bill before the Committee of the Whole.

I am doing this because I have read quite a bit in the public press and elsewhere about it. As the author of the bill, along with the gentleman from Wisconsin, at the direction of the Committee itself, I am somewhat confused by some of these reports, and I can imagine that Members of the House who are not on the Ways and Means Committee could likewise be confused, because what I have read about the bill raises some question in my mind about whether or not the draftsmen put into the bill the decisions of the Ways and Means Committee or the decisions of some other group, since there is very little similarity between what I have read in some of these articles describing the bill—I am not saying all of it, but I say some of it—and really what I understand is in the bill.

So let me go briefly, if I may, to what I think is in the bill. I have read it again since we had the election on November 3, so I am not trusting my memory of some 6 or 8 or 10 weeks, however long it has been. I have gone back and reread it.

Let me advise you about the five broad purposes that are in the bill.

First, this bill would extend the authority of the President to enter into foreign trade agreements through June 30, 1973, and would grant to the President additional new authority to reduce duties.

I have not read about that in many of the articles that I have read about this bill. This additional authority is to reduce the duties, not below what the duties are now, but below what the duties will be on January 1, 1972, when the last stage of the Kennedy reductions go into effect. Now, have you all been advised in the newspapers about that?

Second, it would amend the tariff adjustment and adjustment assistance provisions of the Trade Expansion Act of 1962. I will come to an explanation of that in a moment.

Third, it would provide temporary—and get the word "temporary"—quantitative limitations on imports of certain textiles and footwear and authority to negotiate international agreements in order to insure nondisruptive marketing of textiles and footwear imported into the United States.

Fourth, it would provide for a deferral of—this is such a bad thing, according to some of my friends—it would provide for a deferral of the U.S. income tax on domestic corporations engaged in export sales. Why? In order to remove an income tax disadvantage to U.S. exports and thus to U.S. jobs.

Fifth, it would provide for action in certain other trade areas of immediate concern.

Now, Mr. Chairman, let me get down to some of the details of these five broad purposes and the reasons for the bill.

Due to the great controversy this bill has apparently created, I believe Members of the House deserve an explanation of how and why the Committee on Ways and Means reached these major decisions which are reflected in the various provisions of H.R. 18970.

It has been 8 years since the Congress has reviewed the foreign trade policy of the United States. I say the Congress, because the Committee on Ways and Means has had some hearings during this period of time, but it did not report legislation to the House. That means that the last review that the Congress had of this subject matter culminated in the Trade Expansion Act of 1962.

You may remember that as that bill passed the House it did so by what was then the largest vote percentagewise and in numbers for any extension of the reciprocal trade agreement program in its history. That was in 1962. That act granted broad new trade agreement authority to the President. Perhaps this was the broadest authority we have ever given the President under any extension or any initiation of the trade agreements program. This was general authority he had over a 5-year period to reduce duties by not more than 50 percent of the rate that was in existence on July 1, 1962.

Mr. Chairman, as I was saying, this bill in 1962 provided for authority in the President to reduce those duties in effect on July 1, 1962, but not to exceed 50 percent.

Now, are you aware of the fact that since that time, since that legislation passed, this general authority has been used almost to its maximum in reductions of rates in the Kennedy round of trade negotiations? I am not quarreling with that.

Moreover, the trade agreement authority under that act expired on June 30, 1967. For more than 3 years the President has been without any trade agreement authority.

The escape clause provisions are permanent but the authority to negotiate and the authority to reduce duties has always been fixed by Congress for a limited period of time and subject to review.

The trade agreement authority, as delegated by the Congress and implemented by the President, has been the keystone of U.S. foreign trade policy since 1934.

The President in his message to the Congress 1 year ago, as was pointed out during the discussions earlier, indicated that the administration had reviewed the policy of freer world trade and found that its continuation is in our national interest. This bill does not contravene that purpose or objective.

In that message the President also indicated that the trade problems of the seventies will differ significantly from those of the past. The President stated that the trade bill he was submitting to the Congress would restore the authority needed by the President to make limited tariff reductions, take concrete steps toward the increasingly urgent goal of lowering tariff barriers to trade and recognized the very real plight of particular industries, companies, and workers faced with import competition and to provide for readier relief in these special cases; and also to strengthen the General Agreement on Tariffs and Trade by authorizing the appropriation of funds for U.S. participation in the GATT.

These things you have not heard about, have you, that are in the bill? I know you have studied the bill but you have not read about these matters in the newspapers or heard about them in the media.

The President also in that message recognized that there were certain special problems which I will talk about in just a few minutes. H.R. 18970, the bill reported by the Committee on Ways and Means, is responsive to these four goals listed in the President's message and includes every one of them. Indeed, the bill contains provisions totally responsive to every separate proposal contained in the tariff bill submitted by the President which the gentleman from Wisconsin (Mr. BYRNES) and myself introduced; everything that he asked for is in it.

Then a little later on he asked us to do some more things.

As requested by the President, H.R. 18970 extends the President's trade agreement authority, as I pointed out, to reduce duties by 20 percent. It amends section 252 of the Trade Expansion Act of 1962 with respect to foreign import restrictions, just as he asked for.

The bill not only adopts the amendments requested by the President but gives the President new direction and authority to act against foreign import restrictions or other policies which unjustifiably or unreasonably burden U.S. commerce.

One important provision in the 1962 act dealing with foreign import restrictions was limited to agricultural products. As requested by the President, we expanded the provision to cover all types of products exported by the United States.

One aspect of the trade relations emphasized in the President's message was the American selling price system of valuation. During the Kennedy round of trade negotiations, the American selling price system, although limited in application as it is, came to be characterized as a symbol of U.S. nontariff trade restrictions. Every time our negotiators would talk to other country's negotiators about their barrier against our exports, they said, "Oh, but you Americans have violated all the laws of nature by continuing ASP."

The President requested us to let him go forward with the agreement that had been reached in connection with the Kennedy round which would eliminate the American selling price system of valuation.

Now, this provision has been highly enjoyed and highly regarded by those people who have had the benefit of it in the past, so you can understand that they did not much like giving it up. They came to the committee and they argued with the committee against the elimination of the American selling price, but the committee finally decided to include in the bill authority for the President to announce its termination whenever he was convinced that we in turn were receiving sufficient quid pro quo for its elimination.

Now, we did not do it just like he asked, but the important thing to remember is that he can do exactly what he said he wanted to do under what we did report.

The bill also provides for the authorization of appropriations for the GATT, as I pointed out.

As the Members of the House well know, the tariff adjustment and assistance systems provisions incorporated in the act of 1962 have not worked, and they could not work, contrary to what we anticipated, because the criteria established in title III of the Trade Expansion Act for determining eligibility for industries, firms, and workers seeking tariff adjustments or adjustment assistance from injurious imports, unfortunately were too rigidly drawn. That is why, when workers were out of work as a result of increasing import no relief could be given because the criteria for granting assistance were just entirely too rigid.

The President asked for us to change that provision. The law now says that the Tariff Commission, in order to find somebody eligible for tariff adjustment assistance, or this assistance provision, must find that the injury resulted "in major part from a trade agreement concession." It is impossible to prove or to show, and the Tariff Commission must find that such increased imports are "the major factor" in causing or threatening to cause serious injury to the domestic industry.

These two criteria together proved to be almost insurmountable. Only recently have cases been decided in favor of the injured party.

We have amended it; we have not provided it exactly as the President said he wanted it done, but the purpose in the President's mind to remove the rigidity so that people actually injured could

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get help can be accomplished under the bill. In my opinion, it is not open as some have said, to any abuse, because nowhere at any time under this bill can any industry get any kind of a relief through the escape clause except that it show that the industry and its workers are being subjected to serious injury from imports, or they are being threatened with serious injury from imports.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. Well, its rigidity was not entirely the fault of the law. What about the personnel on the Tariff Commission and the authority to the President to overrun it?

Mr. MILLS. The Tariff Commission was just not able to find this injury to result in major part from a trade concession, or a major part from increased imports.

What is a major part? There are a lot of interpretative factors that go into this. I know because I have some constituent interest in one of these cases. One of my good friends in Little Rock back in 1965 or 1966 wrote me a letter and gave me the names of some 200 employees. They were involved in a very fine operation making ceramic tile in Little Rock. They were being laid off and he wrote me the names and addresses and he wanted me to write each one a letter explaining why they were being laid off—because he did not have the heart to tell them. I did not either.

But we tried to get the Tariff Commission to resolve that case through an escape clause proceeding. The Department of Labor joined them in it and the Commissioners by a vote of 6 to 0 said that there was no injury to these people because of imports. When the Japanese at that time had an overwhelming part of the ceramic tile consumed in the United States. But even under those conditions the Tariff Commission apparently could not find injury under the existing criteria. Under the bill they will be able to reach the more obvious and reasonable finding.

We say that all they have to do now is to show that increased imports are contributing substantially toward causing or threatening serious injury and that there is no necessity in the bill to continue to have to prove that this injury results from some trade concession that we make.

Now, under the bill, if increased imports are contributing substantially to the serious trouble that this company is having, the Tariff Commission then can so find and recommend relief.

Now, Mr. Chairman, let me resume my discussion of the reasons for this bill before us today.

While not objecting to this change in criteria for adjustment assistance, spokesmen for the administration apparently felt that the "contribute substantially" criteria for tariff adjustment goes too far in liberalizing the criteria for industry relief.

However, the provision as amended by the committee is based on the concept of serious injury and the withdrawal of tariff concessions, fully recognized in article XIX of the GATT. The committee feels that it will provide the most fair and balanced criteria for responding to the changing needs of domestic industries while recognizing the integrity of our international trade obligations, both explicit and implicit.

As I have indicated, the failure of existing tariff adjustment provisions to offer meaningful relief to industries experiencing serious injury from imports has resulted in a loss of confidence on the part of domestic producer interests in the fairness of existing trade law. As Members of the House are well aware, this loss of confidence is evident in the hundreds of bills introduced by Members of this House and referred to the Committee on Ways and Means. Many of these bills provide for quota protection for industries which have experienced a loss in their share of the domestic market to rapidly increasing imports. Thus, and I believe that Members will agree, the committee amendments to the tariff adjustment provisions which restore the opportunities for relief which existed prior to 1962 are necessary to avoid the hiatus of the past 8 years. The ineffectiveness of the tariff adjustment provisions has both heightened the concern of domestic producers and led foreign exporters to expect that they may ship to this country in ever-increasing volumes regardless of market impact with impunity. This can no longer be the case.

As indicated in the President's message, the trade problems of the 1970's differ significantly from those in the past. The most welcome growth in productive capabilities abroad has resulted in new competitive pressures for U.S. producers not only in third markets but in the U.S. market. The United States is a large and attractive market. In some cases, countries with increased productive capability have attempted to export to the United States to the full extent of their growing capabilities. Such import increases can cause economic adjustments in this economy greater than our own domestic producers can sustain, both in magnitude and the time permitted for healthy economic adjustment.

These developments have had their impact both in terms of the balance-of-trade and balance-of-payments position of the United States. The impacts of rapidly growing foreign capabilities to export to the U.S. market have been magnified during the inflation we have experienced in the past few years. We have been far too slow to recognize the implications of these dynamic shifts in the world economy.

For the most part, the quota bills introduced in the House would limit increases in imports to proportional increases in the domestic market. While recognizing that these proposals were responsive to actual trends in trade in many instances, the committee determined that it could not, in the interest of continuing the policy of freer world trade, enact blanket quota legislation. It sought to be responsive to rapidly increasing and injurious import competition in various product lines by providing an additional injury determination under the tariff adjustment provisions. This provision, as reported by the committee, has been completely misinterpreted by those who apparently see no need for anticipating levels of trade under which reasonable economic adjustments can be made and which are essential to maintain, if indeed we are to continue our policy of freer world trade.

The additional injury provision requires first that a finding of serious injury to the domestic industry be made by the Tariff Commission. Then and only then does the Commission examine the specific conditions relating to the criteria of the additional injury determination. The criteria for this special finding of more severe injury requires either, first, that the trend in increased imports in relation to domestic consumption meet certain statistical standards, or, second, that such increased imports are resulting in declines in domestic production or in the employment related to the product. If either of these conditions are met, the Commission would also have to establish that the prices of the imported product and the unit labor cost involved in its production are substantially below those related to the production of the domestic product with which such imports are competing.

These criteria will be difficult to establish. However, if conditions in the U.S. market are such that within a 3-year period the trends in imports in relation to domestic consumption meet either the statistical criteria or declines in domestic production and employment and stem primarily from substantial differentials in prices and unit labor costs, it was the committee's view that the serious injury being experienced by the domestic industry should receive greater consideration than a case of serious injury under the regular tariff adjustment provisions.

The form of remedy recommended by the Tariff Commission is to be binding on the President in the case of the additional injury finding in the absence of a national interest determination by the President. However, and I wish to emphasize this point, the types of remedy which the Tariff Commission may recommend are the same as under present law. That is, the Commission may recommend increased tariffs, import quotas or any combination of restrictions on imports. The interpretation that has been given to this amendment as omnibus quota provision is ill founded.

The committee has amended the criteria for eligibility for adjustment assistance to firms and workers along the lines of the change in criteria for tariff adjustment relief—that is, it must be found that increased imports are "contributing substantially" to the serious injury. Further, the committee's amendment of the Trade Expansion Act would require that the President make adjustment assistance available in those cases in which he does not act to remedy serious injury by tariff adjustment means. In other respects, the bill as reported by the committee fully adopts the recommendations contained in the President's trade message.

I would only add at this point that the amendments the committee has agreed to and recommends to the House with regard to tariff adjustment and adjustment assistance represent changes that the committee feels are necessary and desirable. The committee has retained for the President sufficient flexibility to meet the requirements of the national interest in acting on Tariff Commission recommendations.

In its amendments, the committee has continued to recognize that a policy of freer trade will call for economic adjustments. In its amendments, the committee has also recognized that such adjustments cannot be permitted to affect domestic producing interests to the extent that the costs of such economic adjustments exceed the benefits resulting from a policy of freer trade.

As I have indicated, the committee was confronted with many trade proposals introduced by a substantial proportion of the House membership seeking limitations on imports. Many dealt with the problem of textile imports. The longstanding problem in world trade in textiles has been recognized by the U.S. Government and most contracting parties to the GATT in the negotiation and continuation of the Long-Term Arrangement on Trade in Cotton Textiles. However, developments in world trade in textiles since the negotiation and renewal of the Long-Term Arrangement have continued as a problem for the U.S. textile industry. Its problem received the concern of principal spokesmen for both major political parties. The President in his trade message and on other occasions has referred to the textile import problem as "a special circumstance that requires special measures."

As the Members may be aware, I have fully supported the efforts of the administration, including Secretary of Commerce Stans in the attempts to negotiate an international agreement under which the problems of world trade in textiles could be dealt with on a basis of international cooperation. I have attempted to make clear that while I have been personally opposed to solving international trade problems by the enactment of statutory quotas, the enactment of such controls would be found necessary by the Congress in the absence of an international agreement.

During the committee's hearings on trade and tariff proposals, it became obvious that for a variety of reasons such an international agreement could not be reached. As a result, prior to the close of the hearings, the quota proposals with respect to textiles contained in H.R. 16920 then being considered by the committee were supported by Secretary Stans on behalf of the President. These provisions as amended by the committee encompass almost all of the recommendations made by the executive branch.

I have received no information that would indicate that the administration no longer supports these provisions.

In the many trade proposals pending before the committee, the problems facing the American footwear industry have received the greatest emphasis not only by witnesses before the committee but by many Members of the House. The rapid degree of import penetration which shoe manufacturers have faced is greater in some respects than the problems that have been experienced by textile producers and their workers. Although the administration did not support the inclusion of nonrubber footwear in the quota provisions developed by the committee, it was determined, almost overwhelmingly by the committee, that the domestic footwear industry merited the same consideration being provided the textile industry. From the previous position that many Members of the House have taken on this issue, I feel sure that Members will support this position.

The committee is well aware of the departure from previous policy that title II of H.R. 18970 represents. I would like to emphasize that these measures are temporary in nature. Further, they provide the President with the same degree of flexibility which he will have under the new provisions of the tariff adjustment amendments.

These include the authorization of international agreements under which reasonable levels of trade may be established, the provision relating to the exception from quotas for imports found to be nondisruptive of the U.S. market and finally the President's flexibility to exempt from quota products or countries should the national interest require it. The provisions are all designed to permit the President to meet the requirements of the national interest while at the same time recognizing the tremendous problem that the textile and footwear industries face at this time.

The committee has been concerned with the administration of other provisions of trade law which have long been a part of the conditions under which domestic producers and foreign producers are to operate in the U.S. market. For a number of years, the committee has had before it legislation intended to amend the Antidumping Act of 1921 in order to make it more responsive to the needs of domestic industries faced by unfair pricing practices of foreign exporters. However, there have been indications recently that the existing Antidumping Act can be administered in a manner that will prevent unfair pricing practices in the sales of imported products. The committee amendments to the Antidumping Act are intended to require expeditious and fair investigation and execution of this law.

The committee has also amended the countervailing duty provisions of the Tariff Act of 1930 which is intended to offset the subsidization of foreign exports. Too often in the past this law has not been administered as intended by the Congress. The committee has amended the provision to require action by the Secretary of the Treasury within a specific time period. Moreover, it has amended the provision to recognize that in certain cases imports already subject to quantitative limitation should not be placed in double jeopardy by the imposition of countervailing duties. Such cases in the past have resulted in failures to carry out the provisions of law which tend to erode its effectiveness.

In two limited cases has the committee recognized that the import problems faced by domestic producers require immediate changes in the restraints imposed under the Tariff Act. In the case of glycine, the determination of dumping and the imposition of dumping duties have under the circumstances not remedied the injury to the industry caused by dumped imports. In the case of mink furskins, the peculiar agricultural and marketing cycle faced by domestic producers appears to require restraints not presently available under existing tariff provisions.

On the express recommendation of the administration and continued urging by the Secretary of the Treasury, the committee has included in the bill a provision which would defer income tax on the earnings of particular corporations engaged in export sales. Tax practices of developed countries and the effect of the existing rules under the GATT disadvantage U.S. exporters. In face of these disadvantages, the committee determined that encouragement to U.S. export sales is necessary. Moreover, the tax burden on export earnings compared with tax burdens imposed on earnings from U.S. investments abroad encourages foreign investment over increased domestic production for export. The committee determined that the domestic international sales corporation proposal of the administration will provide a necessary stimulus both to export sales and to the encouragement of continued production and employment in this country.

The proposed Trade Act of 1970, H.R. 18970, as reported by the committee, seeks to be responsive to the existing challenges which the United States faces at this time. It also provides a base upon which the United States can continue its policy of freer world trade grounded in the basic assumption that cooperation in world trade must proceed on a reciprocal and mutually beneficial basis.

The great preponderance of the U.S. economy in the post-World War II period has given way to strong economies and strong competitors in world markets. The extent to which the United States can continue its leadership in freer world trade policy is dependent upon the degree of responsibility and the extent of international cooperation that other countries are willing to assume.

A careful reading of H.R. 18970, a careful reading of all of its provisions, raises the question of why foreign countries are threatening retaliation against the United States. I would assume that the GATT rules do not permit retaliation until the commercial interest of the country proposing such retaliation has actually taken place. I would submit that the thrust of H.R. 18970 is a warning to other countries—not a bluff, not a threat, but merely a warning. It is, however, a warning of what can take place if there is not to be a recognition of mutual problems and a willingness to solve them in the spirit of cooperation. The provisions of the bill authorize the President to work out with our trading partners those most immediate trade problems which

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are recognized in the bill and those problems which may be recognized under safeguard procedures provided in the bill. This bill is a well balanced bill which meets the requirements of the United States in its international trade position today. It sets the groundwork for continued cooperation in international trade policy for the future.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. DENT. It is true that prior to the introduction of this bill it looked like there may be some kind of legislative enactment on the protective side of trade. Prior to that there was no relief granted under the trade adjustment assistance. But, as for my own district, I now have about 1,000 workers who are receiving trade adjustments under the bill, that bill we are talking of at present.

Mr. MILLS. That is right. I know that this is one of the few cases in which such relief was granted.

Mr. DENT. Yes, that is true, but there is nothing in this bill or any past or present bill now in effect that does anything to give relief for 1 year or 15 months for those who are over 60 years of age or provide manpower training which they get out of acts in Congress, but nothing in this or any other piece of legislation yet which says that any of these men are ever going back to making glass.

Mr. MILLS. No; and there is nothing here that guarantees that they will go back to making anything. But there is within this bill plenty of authority to the Tariff Commission and the President to see that the serious injury that befalls anybody as a result of imports can be corrected.

Mr. DENT. That is true. If the gentleman will yield further on this point, then why is it not good enough for the textile workers—if it is good enough for my workers?

Mr. MILLS. Let me speak to that point. I know that there are those who think we have been overly concerned perhaps about textile employees and shoe employees.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. RIVERS. Did not the chairman and the committee say that the authority for the President presently to negotiate in all of this year and the Kennedy round is expiring and he needs this bill. The only authority he has left to help industry is the saving clause?

Mr. MILLS. He does not have any authority to reduce any rate of duty at the present time. This involves the Tariff Commission—how to decide that some industry is being injured under the escape clause.

Mr. RIVERS. That is right.

Mr. MILLS. We would have to, as we upped the duty as we have always done in the past, compensate for that raised duty on the product of the injured industry by lowering a duty on some other product being imported. He has no authority to do that now. So actually if the Tariff Commission recommends now under existing law the raising of a duty to protect an industry that is being driven out of existence, the President cannot raise the duty without running the risk of immediate retaliation by the country that ships to us those commodities that are destroying our industry. He cannot compensate for it by reducing the duty. He must have this authority.

Mr. RIVERS. He must have this authority to continue.

Mr. MILLS. What I am saying to my dear friends is this, that everything the President has asked for in his far-reaching proposals to continue to keep us in this free trade flow is in this bill. Is that not correct, I ask my friend from Wisconsin? Everything the President has asked for at some point is in this bill; is that not correct?

Mr. BYRNES of Wisconsin. The gentleman is absolutely correct.

Mr. MILLS. I do not disagree with anybody for insisting that he is always right, and the President has that privilege as far as I am concerned. I just do not happen always to agree that he is always right.

We did put some thing in here which he did not suggest. I have never known since I have been a member of the Ways and Means Committee a President's proposal to have all the t's crossed and the i's dotted just as he wanted it in the first instance. If we had passed the legislation that they sent up from these departments, nine times out of 10, it would not have done what they wanted done anyway. So we had to rewrite in many instances; indeed, in nearly all instances.

All in the world we have done that seems to make this bill so bad in the eyes of some very vocal people is to provide in the bill a provision that is the brain child of my friend from Wisconsin, if I may congratulate him. It says, in addition to the ordinary escape clause arrangement, where the Tariff Commission finds injury and makes a recommendation to the President, and the President can do anything with it he wants to do, we are going to write another provision in. I have already referred to the details, and I want the gentleman to discuss it, but it is this so-called triggering thing they refer to. It looks to imports that are coming into the United States with such speed and velocity that they are taking over 15 percent of the American market, and their share of the market has growth by 3 or 5 percentage points in a recent period.

If the Tariff Commission finds that to be the case and other criteria are met, such as a decline in volume in an industry, and they are selling at prices substantially lower than the price of the same commodity produced here, then the Tariff Commission decides what kind of relief is necessary to that industry to stop this serious injury, and if they say it is an increase in duty, or if they say it is a tariff-quota arrangement or a quota, if the President decides to take action to remedy the injury to industry, he must follow the findings of the Tariff Commission.

Members of Congress in the past have said that the Tariff Commission's recommendations to the President in some instances should be more effective. All we are doing is saying that under these circumstances, if the President finds he wants to do something for this industry, he cannot argue with the relief suggested by the Tariff Commission. But even then he does not have to do it. If he says it is not in the national interest for us to take action, that it would cause other problems, he does not have to take action. Moreover, he does not have to tell what national interest is involved. This is another instance in the bill in which we would give him almost unlimited flexibility to do in this field what he and his advisors think ought to be done. This is a "bad" provision?

Then there is another "bad" provision. It is perfectly all right to have quotas on textiles.

But it is not good, he says, and we do not need to provide the same relief for the problems of the shoe industry. I am a little surprised at the President. I think he has been either oversold in the relationship that exists between the textile problem and the shoe problem by the textile people or undersold by the people engaged in the shoe business. If there is anything clear in my mind from the studies of this matter we have made in the Ways and Means Committee, it is that if there is a difference in the import problems of the textile industry and the shoe industry, it is that those of the shoe industry are greater.

I suggest that Members go downtown; go down there with your wife some time when she is buying those pairs of shoes each month. Yours does not? Oh, I am surprised. I will have to talk to my wife. All right, but I am surprised that the Members do not have these problems. But go through this experience. You will find that women buy 50 percent of all the shoes that are used in the United States. The men use about 25 percent of them and our children as they grow up use the other 25 percent. But at any rate, go downtown with your wife when she buys that one pair of shoes you let her buy and see how many of the shoes are American-made any more. See how many of them come from other countries. We, of course, are talking about shoes made of leather. See where they come from.

Quite frankly, I cannot see a bit of difference in the world in the basic problems of the two industries. The administration recognized the textile problem, evidently because of the size and concentration of the industry. But, we must recognize that the shoe industry, likewise, involves thousands upon thousands of jobs, dispersed within small communities throughout the Nation. So how can I say I am going to give this kind of legislative relief to one, and I am not going to give it to the other? If one is entitled to it, the other is entitled to it, and I think both of them are entitled to it.

Why? Why do I think that? Because the technology that we have had over the years and the modernization we have had in our plants and the equipment in recent years are not any different, not any greater now than the technology and modernization and know-how in the most underdeveloped country in the world as far as textiles and shoes are concerned. They have it.

Then what else do they have? They have a wage rate in those countries that I think is a disgrace to the countries and to humanity.

I have asked the Japanese representatives of their Government why in the name of goodness do they not stimulate a market in Japan for greater consumption of that which they produce? They said, "How do you do that?" I said, "You start with a 75-cent-an-hour minimum wage and then let nature take its course." Those people who have 50 cents an hour today buy so little of what is produced in Japan, so that Japan in order to carry out its economic program of expansion—and Members ought to read about it sometime—has to continually increase exports, and they have done it.

There is a gentleman here from New Hampshire who can tell us about the complete domination in recent years of the miniature precision and instrument ball bearings. That is in the State of this gentleman, is it not?

Mr. CLEVELAND. Yes, sir.

Mr. MILLS. The gentleman has two companies left out of 10 and he is not going to have one of them in less than 12 months if we do not do something about it. He has been trying for 2 years to have this industry declared essential to national defense under the national security provision where this importance could be recognized, but other than getting a hearing over there and watching the industry go down, there has been nothing. But 75 percent of its total production goes to NASA operations and to defense? Is that correct?

Mr. CLEVELAND. That is right, and just to enlarge slightly on the importance of this particular industry, we do not have a missile that can fly or a guidance system that can function or an airplane that can function or anything in our whole arsenal of defense or space that is not totally dependent on this particular industry and its ongoing capability. It is being destroyed piecemeal. Downtown at the Office of Emergency Preparedness, they sit on their hands, and have for more more than 2 years, and cannot even give us a decision. It is a disgraceful situation and if I can obtain time I will discuss it further tomorrow.

Mr. MILLS. They will say they can buy these things from Japan more cheaply now. We did that with silk. We used to produce silk garments and things made of silk in the United States. Finally we discontinued the importation of silk for shirts and things like that, but the items made of silk are still produced outside of the United States, not inside, and the price today is approximately twice what it was when we had both imports and domestic production.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I thank the gentleman for yielding. I have been waiting patiently, because I have been on the floor all afternoon sitting with the Pennsylvania delegation, and I have voted on every rollcall. Immediately after rollcall No. 359 I went out and checked the tally sheets and found that on the adoption of the rule on the trade bill, I was not registered as voting. I will, at a later time in the House, ask unanimous consent to correct that rollcall.

Mr. MILLS. I thought the gentleman voted "yea." I made a mistake.

Mr. FULTON of Pennsylvania. That was Mr. FULTON of Tennessee.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Florida.

Mr. PEPPER. I should like to have a statement from the able chairman, whom we all respect so highly, about an aspect of the matter which means more to a lot of the people in this country, and I believe to a lot of the Members of the House, than specific provisions of the bill. I refer to what has been said by a lot of economists, and what has been said by a lot of critics of this bill, that perhaps it is not so bad per se within its own provisions but that this bill is a turning back of the economic policy of this country toward the days of high tariffs which were epitomized in the Smoot-Hawley tariff of the early 1930's.

Mr. MILLS. I have touched upon that already, but I will be glad to expand further on what I have said.

Mr. PEPPER. That is one subject which I believe is important to the people.

Mr. MILLS. There are three or four things which they say about this bill. It is said that if we pass this bill there will not be anything imported into the United States, so that everything sold will be much higher. That is one of the myths about this bill, because there is nothing in this bill to cut off our markets. Even under title II, we provide for imports to share in our growth.

Another thing said is that if we pass this bill, oh, everybody will rise up and retaliate against us. To me that is a myth, because I am confident they want the market more than retaliation. They get little of substance from retaliation; they gain a great deal from our market.

And another thing said is that we are turning 180° now, going back away from the policy that we have been following in this Government since 1934. To me that is completely false, because we have put in this bill every liberalizing feature the President asked for.

With respect to these temporary limitations that we put in, which we thought were necessary for the time we are passing through, they are for 5 years. Any time a tariff commission develops a recommendation to the President under an escape clause action and the President implements it, that is in effect for 4 years and subject to his review.

The quota limitations on shoes and textiles are for limited periods of time. We know that the particular problems of these two industries are such that if they do not have some assistance within that 5-year period, and through that 5-year period, all of the textile apparel business is going to be outside of the United States.

There will not be a shirt made in the United States, in my opinion, in 5 years if this legislation does not pass. We will not be able to find any printed goods, in my opinion, in the United States in 5 years if this bill is not passed.

There may be some segments of the textile industry, such as these rather large ones, which will continue to exist, because they have such a diversity of production.

But the Members should talk with these fellows from South Carolina, North Carolina, Georgia, Virginia, and other places where I have been. Talk with them about this line of production, down now, that operated 4 years ago, or this line of production, down now, that operated 4 or 5 years ago. Talk to them about the 65,000 to 70,000 people who are not working now, who were working at this time last year in the textile and apparel business. Talk to the people in New York City, where so much of this apparel industry is centered, about the hours that they work now, those who are working, compared to the hours they worked before.

These are serious problems. I have tried to tell our friends that—the Japanese, the people in the European Common Market—and have said, "Anytime you have a problem, you tell us about it."

The **CHAIRMAN.** The time of the gentleman from Arkansas has again expired.

Mr. MILLS. Mr. Chairman, I yield myself an additional 5 minutes.

The **CHAIRMAN.** The time of the gentleman has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 5 additional minutes.

All in the world we have been trying to impress the other country's problems with is the fact that we now have some problems and if we do not resolve these problems, then the clock might be turned back. If this legislation is not passed now, I shudder to think of the legislation that the Congress might well pass 2 years from now when I suspect you will have a very high percentage of the people of the United States unemployed in whatever industries they may be. If you do not believe that they will find it difficult to stay in operation in the electronics industry, just look around and see where these consumer electronic products are produced that are in all of our stores. They talk about the consumer going to have to pay more than he does now.

In order to be a consumer you have to be on welfare or a retirement system of some kind or else working and producing goods to make a living. You cannot be a consumer under 65 years of age, hardly, I do not suppose, without working. So I say you do not want to mislead people altogether by making them think that we are nothing but a bunch of consumers in the United States and that nobody works here. At least 75 percent of our people work. In order to be consumers people have to work. In order to be able to work there has to be some degree of protection of their jobs against serious injury from imports. So I do not see how you can differentiate between the consumer and the worker in this country.

Do you know who asked me to intro-

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duce this bill the first time it was introduced to provide quotas on shoes and textiles made of wool and manmade fibers? The workers in New York City. Last April I sat down with the labor leaders who represent these people in the shoe industry and in the tannery industry and in the textile industry. They asked me to do it because they were scared to death about what was happening to the jobs of their members throughout the United States, and labor representatives in these industries went all out for it.

Mr. VANIK. Mr. Chairman, will the gentleman yield. If the distinguished gentleman will yield to me, as he knows, I oppose the oil quota sections. In our public hearings there was no discussion about the need for going in this direction. So, of course, I was surprised, as a member of the committee, when we did.

Mr. MILLS. Do you not remember the testimony of our former colleague, Mr. Ikard, and a group with him describing the fallacy contained in what is called the President's Cabinet report?

Mr. VANIK. Yes. It was in the Cabinet report.

Mr. MILLS. They were recommending you take care of oil imports through your tariffs rather than through your quotas. Let me get straight on it. Any time you raise tariffs you raise the price of that which comes into the United States. It is just that simple. If your people in New York and in the East want to have a tariff system for your fuel that you must have that comes from abroad, then go back and tell your constituents that it is going to cost you more money in the process.

I had something to do with the drafting of the national security provision back in the 1950's. The late Senator Kerr and I worked on it in conference with other Members. Mr. Byrnes was also a Member. You remember we did it in the conference. The House adopted it, and the Senate adopted the provision, too. What is here in law now we worked out in that conference. We never intended any such use of tariff duty adjustments. Whenever an industry essential to national defense was being impaired by imports we intended that that injury be eliminated immediately in the interest of national defense through the use of a quota, which would do it.

Mr. VANIK. There is a distinction, if my distinguished chairman will yield. In the oil quota we simply assigned——

Mr. MILLS. Oh, I recognize that in the application of quotas, there are problems. There is no question about it.

Mr. VANIK. It is a complete gift to the industry.

Mr. MILLS. If we want to clean up the oil quotas, that is another thing. I think there should be some changes made in the use of them. I agree with that completely. It may not be good now, but you are not going to protect your consumer if you convert from a quota system to an increase in duty. It just will not work. The price of your fuel coming into different ports from different areas of the world is, of necessity, different. It ranges up and down.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 5 additional minutes.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Illinois.

(Mr. PUCINSKI asked and was given permission to revise and extend his remarks.)

Mr. PUCINSKI. The distinguished chairman has spoken of the alternatives which are contained in this bill. I think everyone knows that the electronics industry in this country is now a disaster area.

Mr. MILLS. There appears to be no question about it.

Mr. PUCINSKI. We have lost millions of man-hours of work because of foreign competition.

I want to ask the distinguished chairman this question: Is there not something in this bill which recognizes the fact that by April 1, 1971, there is not going to be a single color television set produced in the United States? There were 30 million sets produced in this country and not one of them made in the United States.

Mr. MILLS. These things are made in my State, too. I have only very little textile industry in my district, but I recognize their problems. However, the electronics industry is a big industry in the district represented by the gentleman from Arkansas (Mr. Hammerschmidt).

Mr. PUCINSKI. It is a big industry in my district also.

Mr. MILLS. It is a big industry in the district represented by the gentleman from Arkansas (Mr. Alexander). I know the problem, but my goodness alive, what would the hue and cry be if we had a bill to give for every 70 different types of articles on which bills have been introduced a quota? The President said we should not have quotas on shoes but we have one on shoes after he kicked the gate down.

Mr. PUCINSKI. What relief can this industry look forward to in the future?

Mr. MILLS. There is plenty of relief contained in this bill if they will go through the escape clause and particularly that provision which makes it mandatory on the President to provide this relief. The Tariff Commission can recommend the remedy and the President can act unless he finds that giving them relief is contrary to the national interest. Lawyers who represented these industries said that if we did loosen up the rigidity of the escape clause procedure they could get relief under it and we have given them that opportunity.

Mr. PUCINSKI. Mr. Chairman, if the gentleman will yield further, is it not true that the Tariff Commission now wears two hats? It sets foreign import tariffs and quotas and then determines if those tariffs and quotas are hurting American industry. I have introduced a bill to provide judicial review. There should be further machinery to take care of this situation. A great weakness in the operation of the system is the fact that the same people are creating these problems.

Mr. MILLS. The Tariff Commission will be all right in my opinion if they will get an understanding of the intent of the Congress, and if we can correct what we did in 1962.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Of course I yield to the gentleman from Iowa.

Mr. GROSS. Who said that? Who kicked the gate down?

Mr. MILLS. The President asked for quotas on textiles.

Mr. GROSS. I wondered to whom the gentleman was referring.

Mr. MILLS. I am sorry. I thought I made that clear.

Mr. GROSS. Who kicked the gate open?

Mr. MILLS. The President; and for the life of me I cannot bring myself to understand the thinking of those who advised the President to the effect that you can get quotas on textiles because of their problem, but you do not have quotas on anything else.

Mr. GROSS. The question is that certainly the House Ways and Means Committee is autonomous.

Mr. MILLS. Is what?

Mr. GROSS. The House Ways and Means Committee is autonomous.

Mr. MILLS. Oh, I thought the gentleman said "harmless."

Mr. GROSS. Perhaps I should have said that but I did not intend to.

So, why continue to come back to the President as being the culprit? How about the Congress? It can write any kind of law it wants to.

Mr. MILLS. I am just saying that it appears he does not like this provision that Mr. Byrnes of Wisconsin created.

He did not like this, and although I think all of the members of the committee except one voted to keep the shoe quota in; he did not like that.

So I say I just do not understand the thinking of these people who are advising him, because I know you cannot pass it without the shoe provision.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute.

I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I appreciate that the gentleman is trying to make a good case for a bad bill.

Mr. MILLS. Wait a minute. I never said that.

Mr. DENT. I have an opinion, and the gentleman has an opinion.

Mr. MILLS. I have never said that on the gentleman's bill coming up out of the Committee on Labor.

Mr. DENT. I mentioned it just as a reflection of the situation that to me is very serious. The gentleman said the President decided the textile industry needed relief. He said, "Now, I decided that shoes," he said "I think shoes need relief."

Mr. Chairman, I think tube steel needs relief. I can give proof that glass needs relief. Why can we not write legislation that treats each one of these workers the same?

Mr. MILLS. We have.

Mr. DENT. The glass workers should be given assistance, we should give relief to them, and we should go on to the tube steel workers, and give them the same blessing.

Mr. MILLS. There's not an industry in this country that owes more, in my opinion, to a certain Member of this Congress than does the steel industry, because it was here that the motivation occurred for the voluntary agreement on the importation of steel. I know now that they have gotten out of the cheaper steel and into the more expensive steel, and that some adjustment needs to be made there.

Mr. DENT. I agree.

Mr. MILLS. Then we certainly know about the steel industry, and I think it is absolutely essential to our national security. There is nothing in the existing law, however, that the steel industry can do about getting relief, but the steel industry can get relief with respect to those articles that are seriously injuring the steel industry that are coming through imports.

Mr. DENT. I agree with the gentleman. However, I want to say that my observations——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute.

Mr. DENT. I want to make it clear, I think the gentleman is right, but my observations made from much traveling through many countries are that they will not ask for relief, because there is no need to ask for relief. They are not measuring their existence today or their progress today on the production within the confines of the United States. I visited $47 million worth of new building construction going on today in a new steel mill in South America. I saw the largest engine plant ever built anywhere in the world being built in Mexico. There is nothing in this that makes any kind of exception to the trade bill. I saw 55,000 jobs move across the Rio Grande River within the last 3½ years.

I tell you industry does not give a tinker's darn about where they produce, and you have no right to ask them to, because they will only think of the rules that harm them and how they work. The only ones who are something in the steel industry today are not the stockholders, and it is not the industry, it is the worker, the worker who loses his job. We must equate jobs with trade.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS. I have gone on much further than I intended, but, Mr. Chairman, I will yield myself 1 additional minute.

Mr. DENT. I am sorry for taking so much time.

Mr. MILLS. Oh, no, I was not referring to that, but that I have overlooked many additional important parts of the bill that I wanted to talk about.

I mentioned them briefly, and I am hopeful that the distinguished gentleman from Wisconsin (Mr. BYRNES), and other members of the committee, will go into a more complete discussion, if you will, of this so-called trigger mechanism, and why we accepted it. And they will discuss DISC, and I may tomorrow want to say something additional about DISC because, as I said earlier in the course of my discussion, I think that it is greatly misunderstood. I think those people in labor who are viewing it as they do are taking a very shortsighted view of it, because if ever anything was ever thought of that, I think, offers greater hope in reversing this trend in the exportation of jobs abroad, it is this thing called DISC. Yes, we do have to pay the prices, but not of collecting the taxes that are earned in the sale of these American-made goods.

The tax on the manufacturing part of it will be paid immediately, but only that tax with respect to the profit attributable to the sale of the American-made article abroad will not be immediately collected. And if it amounts to $1 billion it means in all probability that we have materially increased American production, and therefore increased American jobs. Before concluding, however, I would like to make a detailed explanation of the bill.

TRADE AGREEMENT AUTHORITY

Under section 101 of the bill, the authority of the President to enter into trade agreements with foreign countries or instrumentalities thereof would be extended until July 1, 1973. This authority expired on July 1, 1967, and would be reinstated on the enactment of H.R. 18970. The committee believes it is important to the proper conduct of our foreign trade relations that this delegation of authority be reinstated for the period requested by the President.

The President would be authorized to proclaim such modifications of existing import restrictions as are required or appropriate to carry out any new trade agreements. Under the bill, he is authorized to reduce by 20 percent or by 2 percentage points, the rates of duty which will exist when the final stage of the Kennedy round reductions is to be made effective on January 1, 1972.

In providing this new authority, it is understood that it will be used primarily to offer new tariff concessions to affected countries, when the President is required under the tariff adjustment provisions or otherwise to proclaim increased import restrictions on an article covered by concessions granted by the United States in trade agreements. The authority would not be used for any new major tariff negotiations. The President would be able to use the authority in limited negotiations on one or several products to resolve individual trade problems causing difficulties for U.S. exporters.

Use of the authority is subject to the termination and prenegotiation safeguard procedures already prescribed in the Trade Expansion Act of 1962.

The bill does not renew or extend any of the other authorities to modify tariffs provided in sections 202, 211, 212, or 213 of the Trade Expansion Act of 1962.

The bill provides that the tariff concessions agreed to under this new authority shall be staged in at least two installments with 1 year intervening. It also provides that tariff reductions agreed to under the new authority may be combined with any remaining stages of earlier proclamations made pursuant to the Kennedy round of trade negotiations.

It is assumed that the President would not stage any new concession concurrently unless he had previously determined that this could be done without detriment to the U.S. industry producing the article or articles affected by the tariff reduction.

OTHER PRESIDENTIAL AUTHORITY

FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATORY ACTS

Section 103 of the bill would amend section 252 of the Trade Expansion Act of 1962 and provide new authority and direction to the President to act against import restrictions or other acts of foreign countries which unjustifiably or unreasonably burden, or discriminate against U.S. commerce.

By removing the word "agricultural" from section 252(a) the President is directed to take such action as he deems necessary and appropriate when a foreign country unjustifiably restricts "any" U.S. product. Such action under existing provisions of the law might include the imposition of duties or other import restrictions on products of the foreign country imported into the United States.

The bill would amend section 252(b) of the Trade Expansion Act to direct that the President shall take certain actions whenever a foreign country whose products benefit from U.S. trade agreement concessions provides subsidies or other incentives to its exported products to other foreign markets so that U.S. sales of competitive products to those other markets are unfairly affected thereby. This amendment was recommended by the executive branch and approved by the committee as necessary to protect U.S. commercial interests.

In addition, the bill would increase the authority of the President under section 252(b) of the Trade Expansion Act by enabling him to impose duties and other import restrictions whenever such a foreign country is maintaining nontariff restrictions substantially burdening U.S. commerce, engaging in discriminatory acts which unjustifiably restrict U.S. commerce or providing such subsidies or other incentives for its exports.

Section 252(c) would be amended by directing and authorizing the President to take action whenever a foreign country whose products benefit from U.S. trade agreement concessions maintains unreasonable import restrictions which substantially burden U.S. commerce. The President would be authorized and directed to impose duties or other import restrictions on the products of such foreign country in such instances as well as

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to suspend or withdraw trade agreement concessions or to refrain from proclaiming benefits to carry out trade agreements with such foreign countries.

Since subsections (a) and (b) of section 252 are both directed toward foreign import restrictions and discriminatory acts which are illegal, the committee determined that the scope of presidential authority to act to prevent the establishment or obtain the removal of such foreign import restrictions ought to be the same in both subsections. Consequently, a new subparagraph (C) to the latter subsection provides powers equal to that provided in existing (a)(3). Similarly it was deemed desirable that subsection (c)(1) be amended to give the President power to impose duties or other import restrictions against the unreasonable, though legal, foreign government practices to which that subsection is directed. Finally, it was deemed desirable that the obligatory word "shall" used in both of the two first subsections, with regard to the President's action, should also be used in the third subsection in place of the existing "may," subject, of course, to his having due regard for the international obligations of the United States.

These amendments provide important new direction and authority to the President to act to protect the interest of U.S. commerce. Not only should the President respond to this additional direction by the Congress to protect U.S. commercial interests, it is also incumbent on such domestic producing interests to use the provisions in section 252(d) to fully and accurately inform the President when action is taken or contemplated by foreign countries in order that the President and those to whom he has delegated this responsibility may act promptly and effectively.

It must be recognized that over the years, the United States has granted increased market access to foreign produced goods in order to gain greater access in foreign markets for goods produced in the United States. It is incumbent on both the Government and U.S. producing interests to cooperate in the maintenance of access to foreign markets on a fair and reasonable basis for goods produced in the United States.

One example of foreign import restrictions which unreasonably and in some cases unjustifiably restrict U.S. commerce is the national procurement policies and practices of foreign governments and Government-owned or Government-controlled instrumentalities.

Testimony received by the Committee on Ways and Means indicates that most nationalized industries and Government-controlled utilities of other industrial nations procure their equipment almost exclusively from their own respective domestic sources.

The most notable example of such buy-national procurement policies and practices involves large electrical equipment—turbine generators, power transformers, and power circuit breakers which are the backbone of electrical power systems. Such exclusionary practices by foreign governments effectively prevent U.S.-made products from competing in those foreign markets. At the same time, industries in these countries, secure in their insulated home markets, are free to enter the U.S. market. They are even encouraged by Federal procurement policy to sell to nonmilitary Federal Government agencies in the United States, subject only to the modest, and clearly stated, Buy American Act differential.

Such practices not only involve hundreds of millions of dollars of high-technology products essential to this country's electrical energy systems, they result in one-way trade antithetical to the basic idea of reciprocity in foreign trade relations. U.S. manufacturers of such equipment should be permitted to compete in such foreign markets in the same manner as foreign manufacturers are permitted to compete here. To the extent that foreign government restrictions against the purchase of U.S. equipment deny market access equivalent to that afforded foreign products in the United States, they are unreasonable. In some cases they may be unjustifiable within the meaning of section 252(a) and section 252(b)(2) and should be examined on a case-by-case basis and the appropriate action taken as required by the amendment to section 252.

NATIONAL SECURITY PROVISION

Section 104 of the bill would amend section 232 of the Trade Expansion Act of 1962, the national security provision, to provide that any adjustment of imports under that section shall not be accomplished by the imposition or increase of any duty, or of any fee or charge having the effect of a duty. A review of the legislative history of section 232 of the Trade Expansion Act and its predecessor provisions in the trade agreements legislation, indicates that the delegation of authority to the President to adjust imports should be limited to the use of quantitative limitations.

The amendment to section 232 is not intended in any way to foreclose the President from adjusting imports to such levels as he deems necessary to prevent impairment to the national security. Nor does it affect the flexibility of the President to modify import limitations already imposed under section 232 to meet increased demands for raw materials or other emergency requirements which may arise from time to time.

The bill would also amend section 232 with respect to the time within which the Director of the Office of Emergency Preparedness is to make a determination with respect to applications for action under the national security provision. Delays too often ensue in reaching determinations under this section. Under the bill, a determination on new applications is to be reached within 1 year after the date on which the investigation is requested. Determinations on active pending cases are to be made within 60 days of the date of enactment of this act.

TARIFF ADJUSTMENT AND ADJUSTMENT ASSISTANCE TARIFF ADJUSTMENT

Section 111 of the bill would amend section 301(b) of the Trade Expansion Act in a number of significant ways. That is: First, by liberalizing existing criteria for tariff adjustment; second, by adding an additional determination as to the nature of the injury; third, by including a definition of the term "domestic industry producing articles like or directly competitive with the imported article"; fourth, by directing the Tariff Commission also to investigate factors which in its judgment may be contributing to increased imports of the article under investigation; fifth, by changing the voting requirements of the Commission in regard to its determinations with respect to tariff adjustment remedies; and, sixth, by making the tariff adjustment procedures applicable to the products of all countries.

The bill would accomplish liberalization of present tariff adjustment criteria basically by: First, eliminating the present causal connection between increased imports and trade-agreement concessions; and, second, by substituting for the present concept of "the major factor"—in existing paragraph (3)—the concept of section 7 of the Trade Agreements Extension Act of 1951, as amended.

Thus, under the bill, it is to be determined whether increased exports "contribute substantially—whether or not such increased imports are the major factor or primary factor"—toward causing or threatening to cause serious injury. The parenthetical language was inserted to contrast the proposed criteria with the existing concept of "the primary factor" proposed by the administration, and to show that these latter concepts were not in any sense controlling in the interpretation of the concept provided in the amendment to section 301(b) of the Trade Expansion Act. The committee's acceptance of the criteria of section 7 of the 1951 Extension Act was also based upon the fact that such criteria had previously been determined by the President to be compatible with our obligations under the GATT.

The term "like or directly competitive," used in the bill to describe the products of domestic producers that may be adversely affected by imports, was used in the same context in section 7 of the 1951 Extension Act and in section 301 of the Trade Expansion Act. The term was derived from the escape-clause provisions in trade agreements, such as article XIX of the GATT. The words "like" and "directly competitive," as used previously and in this bill, are not to be regarded as synonymous or explanatory of each other, but rather to distinguish between "like" articles and articles which, although not "like," are nevertheless "directly competitive." In such context, "like" articles are those which are substantially identical in inherent or intrinsic characteristics—that is, materials from which made, appearance, quality, texture, and so forth—and "directly competitive" articles are those which, although not substantially identical in their inherent or intrinsic characteristics, are substantially equivalent for commercial purposes, that is, are adapted to the same uses and are essentially interchangeable therefor.

The elimination of the causal connection between increased imports and trade-agreement concessions will result in the necessity for the Commission to consider the impact of imports from all countries rather than from those entitled to the rates in rate column numbered 1 of the TSUS.

The bill would amend the tariff adjustment provisions to provide an additional determination as to the nature of injury. If an affirmative injury determination is made under section 301(b)(1), an additional determination would have to be made under new subsection 301(b)(5) as amended. The additional determination as to injury would be as to whether either of the conditions specified under (A) or (B) described below in combination with the conditions specified in (C) below, exist:

(A) Imports of the article under investigation constituted more than 15 percent of apparent U.S. consumption of the article in the first calendar year preceding the calendar year in which the investigation was instituted, the ratio of imports of such article to consumption for such first preceding calendar year increased absolutely by at least 3 percentage points over the corresponding ratio for the second calendar year preceding the calendar year in which the investigation was instituted, and the ratio of imports of such article to consumption for such first preceding calendar year increased absolutely by at least 3 percentage points over the corresponding ratio for the third calendar year preceding the calendar year in which the investigation was instituted.

(B) As a result of increased imports first, domestic production of the like or directly competitive product is declining or is likely to decline so as to substantially affect the ability of domestic producers to continue to produce the like or directly competitive product at a level of reasonable profit, and second, production workers' jobs, man-hours worked, or wages paid production workers in the domestic production of the like or directly competitive product are declining substantially or are likely to decline substantially.

(C) First, the imported article is offered for sale at prices which are substantially below those prevailing for like or directly competitive products of comparable quality produced in the United States and constitutes an increasing proportion of apparent domestic consumption, and second, the unit labor costs attributable to producing the imported article are substantially below those attributable to producing like or competitive articles in the United States.

The definition of "domestic industry" included in the bill encompasses the so-called segmentation concept which was a part of former section 7 of the 1951 Extension Act. By virtue of this definition, the domestic industry will include the operations of those establishments in which the domestic article in question—that is, the article which is "like," or "directly competitive with," the imported article, as the case may be—is produced. Where a corporate entity has several establishments—that is, divisions or plants—in some of which the domestic article in question is not produced, the establishments in which the domestic article is not produced would not be included in the industry. The concern of the Tariff Commission is to be with the question of serious injury to the productive resources—that is, employees, physical facilities, and capital—employed in the establishments in which the article in question is produced. Indeed the tariff adjustment provisions are concerned with the status of productive resources of the product in question located in the United States and not the totality of productive resources owned by the domestic producers involved.

The bill would require the Tariff Commission, in the course of any proceeding initiated under paragraph 301(b)(1), to investigate any factors which may be contributing to increased imports of the article under investigation. Such factors would include the effect of tariff concessions, foreign wage rates, and also possible dumping, subsidization, or other forms of unfair competition. If the Tariff Commission has reason to believe that increased imports are attributable in part to circumstances which come within the purview of the Antidumping Act, 1921, section 303 or 337 of the Tariff Act of 1930, or other remedial provisions of law, it would be directed to promptly notify the appropriate agency and to take such other action as it deems appropriate in connection therewith.

This provision is designed to assure that the United States will not needlessly invoke the escape-clause—article XIX of the GATT—and will not become involved in granting compensatory concessions or inviting retaliation in situations where the appropriate remedy may be action under one or more U.S. laws against unfair competition for which no compensation or retaliation is in order.

Under the amended tariff adjustment provisions, a finding of serious injury to the domestic industry is considered to be an affirmative injury determination if a majority of the Tariff Commissioners present and voting so determine. In addition, the remedy determination of a majority of the Commissioners voting for the affirmative injury determination shall be treated as the remedy determination of the Commission.

This bill would amend section 351 of the Trade Expansion Act to provide that the President shall, upon receipt of an affirmative injury determination, proclaim such import restrictions as he determines to be necessary to prevent or remedy serious injury, unless he determines that it would not be in the national interest. When the Tariff Commission makes an injury determination and makes the aforementioned additional determination provided for in section 301(b)(5), the President is directed to implement the remedy determination of the Commission unless he determines that such action would not be in the national interest. Thus, in amending the tariff adjustment provisions, it is intended that a finding of serious injury to a domestic industry by the Tariff Commission be binding on the President, although the remedy for such injury is left to the President except in cases of a more severe injury finding under 301(b)(5). Therefore, it is intended that a national interest finding by the President not to proclaim a tariff adjustment remedy should be broadly based and not solely on the desirability of pursuing a liberal trade policy.

The bill would make no change in the existing provisions for congressional review which applies to those cases where the President does not carry out the remedy determination of the Commission.

The review procedures on outstanding tariff adjustment actions are amended to provide that the Tariff Commission, in its reports on conditions in the industry concerned with the tariff adjustment, will include information on the steps taken by the firms in the industry to compete more effectively with imports.

The reporting requirements regarding such reviews of tariff adjustment actions are also amended to provide that the Tariff Commission will make findings similar to those in an original tariff adjustment investigation if it should determine in an investigation reviewing an outstanding tariff adjustment action that the existing restrictions on imports are insufficient to prevent or remedy serious injury to the domestic industry. Such finding would be in addition to that presently required with regard to the effect of a reduction or elimination of a tariff adjustment action.

Section 352 of the Trade Expansion Act is amended to provide that the President may negotiate orderly marketing agreements at any time after an affirmative injury determination. Further, the amendment provides that such agreements may replace in whole or in part tariff adjustment actions.

ADJUSTMENT ASSISTANCE

Adjustment assistance for firms and workers injured by increased imports is made more readily available under this bill. The bill also provides that the President, instead of the Tariff Commission, will make the substantive determinations of eligibility.

In addition, firms or workers may petition directly to the President rather than to the Tariff Commission as at present, and firms and workers may apply directly to the Secretaries of Commerce or Labor, respectively, after Presidential action providing for such requests following a Tariff Commission finding of injury to an entire industry.

The basic formula for the weekly trade readjustment allowance payable to an adversely affected worker is increased in the bill to 75 percent of his average weekly wage or to 75 percent of the average weekly manufacturing wage, whichever is less, reduced by 50 percent of the amount of his remuneration for services performed during the week.

Affected workers have a responsibility to endeavor to give prompt notice of difficulties by applying for assistance as soon as they become unemployed or are threatened with unemployment. Section 301(a)(2) of the Trade Expansion Act would be amended to provide that petitions filed by or on behalf of a group of workers shall apply only with respect to individuals who are, or who have been within 1 year before the date of filing of

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such petition, employed regularly in the firm involved. Individuals who become unemployed or underemployed after the date of the filing of the petition may be eligible to apply under any certification issued if they are members of the group described therein.

The bill provides that the President shall determine whether an article like or directly competitive with an article produced by the firm or an appropriate subdivision thereof is being imported in such increased quantities, either actual or relative, so as to contribute substantially toward causing or threatening to cause serious injury to such firm or subdivision or unemployment or underemployment of a significant number or proportion of the workers of a firm or appropriate subdivision thereof.

It is intended that in most cases unemployment or underemployment of a significant number or proportion of the workers shall be found where the unemployment or underemployment, or both, in a firm, or an appropriate subdivision thereof, is the equivalent of a total unemployment of 5 percent of the workers or 50 workers, whichever is less. At the same time, there are many workers in plants employing fewer than 50 workers. Accordingly, there may be cases where as few as three workers in a firm, or an appropriate subdivision thereof, would constitute a significant number or proportion of the workers.

It is intended that an "appropriate subdivision" of a firm shall be that establishment in a multiestablishment firm which produces the domestic article in question. Where the article is produced in a distinct part or section of an establishment—whether the firm has one or more establishments—such part or section may be considered an appropriate subdivision. In the Trade Expansion Act, this concept was confined to groups of workers. This bill would extend the concept to firms as well.

Section 301(c) of the Trade Expansion Act, as amended, would provide for reports from the Tariff Commission to assist the President in making determinations with respect to petitions filed by firms or groups of workers.

The factual report of the Tariff Commission of the facts disclosed by its investigation with respect to a firm or group of workers is to be made at the earliest practicable time, but not later than 60 days after the date on which it receives the request of the President.

After receiving the Commission's report, the President is to have a maximum of 30 days in which to make his determination as to whether the firm or group of workers is eligible to apply for adjustment assistance.

For transitional purposes, investigations relating to adjustment assistance under existing section 301(c) in progress immediately before the date of enactment of H.R. 18970 are to be continued as if the investigation had been instituted under the amended section 301(c) and the petition treated as filed as of the date of enactment. Tariff Commission determinations pending before the President on date of enactment are also to be subject to the amended criteria and procedures.

If the President makes an affirmative determination on a petition for adjustment assistance with respect to any firm or group of workers, he shall promptly certify that such firm or group of workers is eligible to apply for adjustment assistance. This certification permits the firm to apply to the Secretary of Commerce and individual workers to apply to the Secretary of Labor to seek the types and amounts of adjustment assistance provided for in chapters 2 and 3, respectively, of title III of the Trade Expansion Act of 1962. Certifications of groups of workers specify the workers' firm or appropriate subdivision and, under section 302(d) of the Trade Expansion Act, the date on which the unemployment or underemployment began or threatens to begin.

Section 302(e) of the Trade Expansion Act provides that the President shall terminate the effect of any certification of eligibility of a group of workers whenever he determines that separations from the firm or subdivision thereof are no longer attributable to the conditions specified in section 301(c)(2) or section 302(b)(2). Such termination applies only with respect to separations occurring after the termination date specified by the President.

H.R. 18970 specifically authorizes the President to delegate any of his functions with regard to determinations and certifications of eligibility to apply for adjustment assistance.

Section 302(a) is amended to deal with Presidential actions after receiving a Tariff Commission report containing an affirmative injury determination for an industry. If the President provides tariff adjustment for an industry, he may also provide that its firms or workers, or both, may request the Secretaries of Commerce and Labor, respectively, for certifications of eligibility to apply for adjustment assistance. If the President does not provide tariff adjustment for the industry, he shall provide that both firms and workers may request the respective Secretaries for certifications. Notice must be published in the Federal Register of each such action taken by the President. As amended, section 302(a) also requires that any request for such a certification must be made to the Secretary concerned within the 1-year period—or such longer period as may be specified by the President—after the date on which the notice is published.

Under section 302(a) a firm or group of workers is not automatically certified as eligible to apply for adjustment assistance. Following Presidential action upon request by a firm in the industry found to be seriously injured or threatened with such injury, the Secretary of Commerce, in effect, must conclude whether the increased imports found by the Tariff Commission to have caused or threatened serious injury to the industry as a whole have also caused serious injury to the individual firm in question. Similarly, upon request by a group of workers in a firm in such industry, the Secretary of Labor must conclude whether the increased imports have caused or threatened unemployment or underemployment to a significant number or proportion of the workers of the firm or an appropriate subdivision thereof. In both situations, under existing provisions of 302(b), the increased imports must have been the major factor in causing or threatening to cause injury or unemployment. Your committee has amended these provisions to conform to the liberalized criteria in amended section 301(c).

This function given to the Secretaries of Commerce and Labor reflects the intention that adjustment assistance is not to be extended to a firm or group of workers which has not satisfied the conditions of eligibility.

The committee has added a requirement with respect to certifications made by the Secretary of Labor under section 302(b). Such certifications shall only apply with respect to individuals who are or who have been employed regularly in the firm involved within 1 year before the date of the institution of the Tariff Commission investigation relating to the industry. This refers to industry investigations instituted by the Commission whether by petition on behalf of the industry or by request, resolution, or motion, as the case may be, as provided in section 301(b). It is not intended that these certifications be limited to those individuals who are or who have been employed in the firm involved within the 1-year period antedating the institution of the Tariff Commission investigation. Individuals who become or will become unemployed or underemployed—or threatened therewith—after the date of the institution of the investigation or after the date of the filing of the request with the Secretary of Labor may be eligible to apply under the certification if they are members of the group described therein.

Several changes are made in the adjustment assistance program for workers directed at helping adversely affected workers adjust to the loss of employment and reenter the labor force as rapidly and efficiently as possible. Section 326 of the act would now expressly provide that workers are to be afforded, where appropriate, testing, counseling, training, and placement services available under any Federal law.

The level of weekly trade adjustment allowances is now inadequate in view of increases in benefit levels under other programs. The bill would increase the basic formula to a level of 75 percent of the worker's average weekly wage or 75 percent of the average weekly manufacturing wage, whichever is less, reduced by 50 percent of the amount of his remuneration for services performed during the week. If this provision had been in effect in the summer of 1970, the maximum payment would have been $98 per week.

This increase is based on the policy inherent in the Trade Expansion Act of 1962 that readjustment allowances are intended to do more for adversely affected workers than the compensation provided by unemployment insurance. The level of benefits available under State unemployment insurance has increased appreciably since 1962, and some States now provide unemployment compensation higher than the readjustment allowances established in the Trade Expansion Act of 1962.

QUOTAS ON TEXTILES AND FOOTWEAR

Title II provides temporary measures to restrict imports and avoid the threat of serious injury to the textile and footwear industries and further deterioration in the domestic market for textiles and apparel and nonrubber footwear.

This is to be accomplished by—

First, the establishment of annual quotas, based on imports during 1967–69, by category and by foreign country of production for all categories of textile articles and footwear articles which may be imported during each calendar year beginning after December 31, 1970;

Second, authorizing exemptions from such quotas when the President determines that exemption will not disrupt the domestic market or that exemption is in the national interest; and

Third, authorizing negotiation of agreements with foreign countries which would result in the regulation of imports into the United States of textile articles or footwear articles or both and would supersede the statutory quotas for the articles covered by the agreements.

Within this general framework, title II authorizes increased imports where the supply of articles subject to limitation is inadequate to meet domestic demand at reasonable prices; provides for certain exclusions with respect to noncommercial entries and to articles already subject to international agreement; and establishes the applicability of the rulemaking provisions of the Administrative Procedure Act to various actions under title II of the bill. Title II terminates at the close of July 1, 1976, unless extended in whole or in part by the President following his determination that such extension is in the national interest.

These provisions are designed to provide a mechanism for establishing a reasonable and effective limitation on U.S. imports of textile products and of nonrubber footwear products for the broad purpose of remedying market disruption in those cases in which it now exists, and of preventiing the spread of market disruption to other categories of articles. It is intended that, insofar as may be possible, the limitation of these imports will be accomplished through the negotiation of voluntary agreements provided for under section 202 and that the quota provisions of section 201 will assist in the negotiation of such agreements as well as to provide protection for the domestic market and workers in cases where such agreements are not concluded.

The quota, exemption, and agreement provisions of title II are intended to assure that all textile articles and all footwear articles, as defined, come within the scope of such provisions and may, at any point in time, be subject to quota or agreement if they are not at such time exempted.

Annual quotas are established by statute on the total quantity of each category of textile articles, and of footwear articles produced in any foreign country which may be imported during 1971 and in each subsequent year. The limit for 1971 for each category of articles produced in each country is the average annual quantity of such articles from such country which was imported during the years 1967, 1968, and 1969.

U.S. imports of footwear—nonrubber—have also increased in recent years, from a 1961 level of 40 million pairs to a 1969 level of 202 million pairs. Each recent year has seen a sharp and substantial rise in these imports, from 133 million pairs in 1967, to 181 million in 1968 and to more than 200 million in 1969. 1970 imports are expected to exceed 260 million pairs.

Accordingly, to relieve the market disruption and the dislocation to firms and workers in these industries, and to restore to them the possibilities for full and equitable participation in future market growth, the 1967–69 average annual level base formula has been adopted as the base for the statutory quotas.

The quantities provided for under the base level—1967–69—formula may be increased annually beginning January 1, 1972, by not more than 5 percent of the amount authorized for the preceding calendar year if the President determines that an increase is consistent with the purposes of section 201—section 201(b)(1) and (b)(2)(A). Any percentage increase granted for a category of articles is to be the same for such category from all countries.

Section 201 also provides—subsection (b)(2) that a yearly determination be made of the quotas which would apply for each category of articles from each country throughout the life of this title II, notwithstanding that such limitations may not, in fact, be in effect as a result of the operation of other provisions of this title—for example, the exemption authority, section 201(d) or the agreements negotiated, section 202. This requirement will assure that a continuing reference point is maintained enabling the comparison of statutory quotas with negotiated agreements and with actual trade which has been permitted to occur as a result of use of the exemption authority by the President.

Section 201(b)(3) provides that when a quota under this section begins or resumes after a period in which the article produced in a foreign country was exempted from quota as a result of a Presidential decision, or an agreement under section 202, and the President determines that imports of such article from such country during the 1967–69 period were insignificant, a more recent base period shall be used with respect to such article from such country if he finds that use of such more recent base period is consistent with the purpose of this section. In that event, the quota for such articles shall be an amount equal to the average annual imports of such article from such country during the three calendar years preceding the year in which the quota goes into effect. Under this provision, the President will have flexibility in a case in which a given country's base period trade—that is, U.S. imports from that country in the 1967–69 period—was insignificant and the article has been the subject of an exemption by the President under section 201 (d) or was exempted under an agreement provided for in section 202 or 204(b).

Section 201(c) further provides for the spacing of allowable annual quotas over the course of a calendar year as appropriate to carry out the purposes of section 201.

Title II provides three mechanisms through which textile or footwear articles may be exempted from the quotas imposed under subsections 201 (a), (b), and (c), in the absence of an international agreement concluded under section 202 (or the arrangement or agreement referred to in subsection 204(b)).

NONDISRUPTIVE IMPORTS

The President is authorized by section 201(d)(1) to exempt articles produced in any foreign country if he determines that imports of such article produced in such country are not contributing to, causing, or threatening to cause market disruption in the United States. These exemptions, which may be made for an initial 1 year period, and which may be extended for additional periods not to exceed 1 year each, and may be terminated by the President at any time upon his finding that the article in question is contributing to, causing, or threatening to cause market disruption in the United States.

In making the determinations under section 201(d)(1) and in making similar determinations under other provisions of title II, the President is to consider market conditions in the United States for articles similar to the imported articles in question, taking particular account of the relevant market disruption standards set forth in annex C of the long-term arrangement regarding international trade in cotton textiles.

Disruptive conditions in the market for any product cannot in all cases be precisely measured. Thus, while the conditions referred to in the long-term arrangement are generally found in a circumstance of market disruption, it is not always the case and in other situations different elements may be considered in determining the state of the domestic market for the articles concerned.

THE NATIONAL INTEREST AND SUPPLY AT REASONABLE PRICE

Title II also provides that the President may exempt articles from the quotas when he determines that such action would be "in the national interest." However, it is understood that it might not always be appropriate or possible for the President to indicate what particular reasons may have motivated his determination to act on the basis of the national interest criteria.

The President is also authorized to provide for additional imports in excess of established quotas or in addition to the limitations provided in agreements whenever he finds that the total supply from domestic and foreign sources, of textile articles or footwear articles similar to those subject to limitations under such quotas or agreements will be inadequate to meet demands at reasonable prices.

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NEGOTIATION OF AGREEMENTS

Section 202 provides an alternative to the statutory quota provision of section 201. It authorizes the negotiation of voluntary agreements with the countries exporting textile articles, footwear articles, or both. These agreements would provide for the quantitative limitation by category of the textile articles and/or the footwear articles which these countries may export to the United States during each year of the agreement. Such agreements may be administered on the basis of either import controls by the United States or export controls by the country concerned or a combination thereof. Whenever such agreements are in effect, the articles which are included under them are exempted from the quota provision of section 201. Both multilateral agreements and bilateral agreements and arrangements are provided for under section 202 and the President is authorized to issue regulations necessary to carry out such agreements.

Section 202(b) authorizes the President to issue regulations limiting the quantity of articles which may be imported from countries not participating in a multilateral agreement whenever such an agreement is in effect among countries, including the United States, accounting for a significant part of world trade in the article concerned, and such agreement contemplates the establishment of limitations on trade in such articles which are produced in countries which are not participating in such agreement. It is intended in this context that a "significant part of world trade" would be in excess of 50 percent of such world trade in the article concerned. The regulations issued by the President under section 202(b) may not provide for lesser quantities from such countries than would be applicable if the quota provision of section 201 applied to such articles.

A multilateral agreement or arrangement covering wool and/or manmade fiber textile products or footwear products could be implemented under this section with respect to imports from countries which did not participate in such an arrangement. The authority provided in section 202(b) is patterned after that provided under section 204 of the Agricultural Act of 1956, as amended in 1962. Any agreement, whether bilateral or multilateral, would be concluded under the authority of section 202(a); section 202(b) authorizes only the issuance of regulations governing imports from countries not participating in multilateral agreements. Section 202(a) authorizes the issuance of regulations covering imports of articles from countries participating in bilateral or multilateral agreements concluded thereunder.

In determining which articles are exempted from quotas as a result of the conclusion of an agreement under section 202, any article falling under the purview of such agreement, whether or not a specific ceiling or limitation has been established for such article in that agreement, is to be exempted from the quota provision provided that under the agreement a mechanism is established whereby the entry of such article into the United States can be limited. This applies with respect to multilateral as well as bilateral agreements or arrangements. In many U.S. bilateral agreements on cotton textiles, some articles are subject to specific limitation while others are subject to consultation provisions. These latter articles—in a similarly structured agreement pursuant to which limitation can be established—could be exempted from section 201 quotas.

The bill provides that negotiated agreements with foreign countries will supersede the quotas that otherwise would be imposed. The existing multilateral cotton textile agreement is specifically given this same treatment by the exclusion of articles subject to it for such time as the United States remains a part to that agreement.

ADMINISTRATIVE PROVISION

Section 205 provides generally for the administration of title II. It incorporates by reference the rulemaking provisions of the Administrative Procedure Act—which has been codified in title V of the United States Code—with respect to all actions taken under certain specified provisions. Actions brought under these rulemaking procedures concern increases in the quotas, use of the more recent base quotas for countries whose exports were insignificant during the 1967–69 base, exemptions and terminations of exemptions on the grounds of market disruption or the lack thereof in accordance with section 201(d)(1), the issuance of regulations affecting trade of nonparticipating countries (sec. 202(b)), and increases in imports authorized under section 203. Also subject to such rulemaking provisions are the issuance of regulations by the Secretary of Commerce, with respect to the exclusion of certain noncommercial articles, the issuance of determinations by the Secretary of Commerce that certain articles should be included in the definition of textile articles under section 206 notwithstanding that they have been classified elsewhere in the Tariff Schedules, and the determination by the Secretary of Commerce of the category systems for textile articles or footwear articles to be established for the purpose of the administration of title II.

Application of the rulemaking procedures of these actions is intended to provide assurance of opportunity for public comment and notice of actions intended to be taken as well as of those which have been taken, and to provide for public hearings where that is deemed appropriate under the circumstances in accordance with that act—subchapter II of chapter 5 of title 5, United States Code.

In addition, the bill requires that all quantitative limitations established under title II whether by statute or by agreement, all exemptions and terminations of exemptions, and all regulations issued to carry out title II be published in the Federal Register. Furthermore, to assure an additional comprehensive source of information regarding the state of quota limitations, exemptions, and limitations established under agreements, all of such information is to be included on a continuing basis as a part of the appendix to the Tariff Schedules of the United States. This publication will also include actions taken pursuant to the long-term cotton textile arrangement.

Use of these rulemaking and notice procedures are intended to provide a sound basis for the development of an effective public information program regarding the operation of this title II. Public hearings should be held in connection with the establishment of the administrative machinery for the quota provisions of title II.

The President has been given full flexibility and latitude to develop regulations providing for efficient and fair administration of the quotas. It is expected that the President will, consistent with efficient administration and to the extent practical, use this authority to provide for administration of these provisions to insure against inequitable sharing of imports by a relatively small number of the larger importers. If on the basis of the experience with administering these provisions, it is determined that additional legislative authority is required to provide for an efficient and fair administration, it is expected that legislative recommendations will be promptly made to the Congress.

EXCLUSIONS

Importation of personal belongings of persons who have lived overseas, articles brought back to the United States by returning tourists, and similar situations are not to be subject to the quota limitations.

The Secretary of Commerce would be authorized to issue regulations prescribing the circumstances under which articles imported in noncommercial quantities for noncommercial purposes may be entered free of quota restrictions. Section 204(b) excludes from title II all articles subject to the long-term cotton textiles arrangement so long as the United States is a party thereto. In addition, certain cordage which is subject to a quantitative limitation in the bilateral agreement with the Philippines—the Laurel-Langley agreement—is exempted for such time as that agreement remains in effect.

Section 204(c) provides that section 22 of the Agricultural Adjustment Act, as amended is not affected by title II.

DEFINITIONS

Section 206 of the bill defines the terms "textile article" and "footwear article" by reference to the applicable provisions of the TSUS.

Except as indicated below, the term "textile article" is limited to any article classified in schedule 3 of the TSUS, if such article is wholly or in part of cotton, wool or other animal hair, human hair, manmade fiber, or any combination or blend thereof, or cordage of hard—leaf—fibers.

Specifically excepted from the term, are: raw cotton, cotton wastes and advanced wastes, and cotton processed but not spun; raw wool or hair, wastes and advanced wastes of wool or hair; wastes and advanced wastes of manmade fiber; and scrap cordage and rags. In addition to articles classified under schedule 3, the term includes certain headwear and gloves provided for in schedule 7, parts 1B and 1C of the TSUS, if wholly or in chief value of cotton, wool, or manmade fiber.

In addition, the Secretary of Commerce would be authorized to control under title II of the bill an article which would have been classified under one of the provisions of the Tariff Schedules referred to in section 206(1) but for the inclusion of some substance or because of processing which caused it to be classified elsewhere, in a provision of the Tariff Schedules designed to embrace nontextile articles. The purpose of this provision is to prevent or remedy the abuse of the quotas or agreements by avoidance practices which, because of the requirements of customs laws and interpretations, result in the article being classified as other than a textile article, even though it is fundamentally a textile article in use, purpose and design.

Any article included in the definition, "textile article," which is admitted under item 807.00 of the Tariff Schedules or under the appendix to the Tariff Schedules, is also included. Thus, an article which, if wholly manufactured in a foreign country of foreign materials would be under quota, but which has been manufactured or assembled in part of American fabricated components and which is admitted under item 807.00, is covered by title II.

Also excluded by the definition of "textile article" are certain woven fabrics for use only in the manufacture of portions of neckties "other than the linings thereof."

The term "category" is defined as a group of textile articles or of footwear articles as defined by the Secretary of Commerce using the applicable five- and seven-digit item numbers of the Tariff Schedules of the United States, Annotated. It is recognized that the development of such a category system can affect trade levels provided for in this title and it is intended that any changes in such a system will be carefully considered and that the public will have an opportunity to comment on them prior to their adoption. Under this definition, the Secretary of Commerce may revise the category system adopted initially for purposes of title II. Such revisions should be made as infrequently as practicable in light of trade conditions, recognizing the value of a continuing and consistent system.

The term "produced" is defined to mean produced or manufactured, and as such incorporates the standard used in determining the country of origin of an imported article for U.S. customs purposes. Thus, in setting base levels, exemptions, or other controls "by country," title II relies on the existing U.S. customs determinations of country of origin of the articles in question.

TERMINATION

Chapter 2 of title II provides that the title will expire at the close of July 1, 1976, unless the President extends it in whole or in part prior to such time.

The President is authorized to make such an extension for additional periods not to exceed more than 5 years at any one time if he determines that such extension is in the national interest. In making such determination, the President shall seek the advice of the Tariff Commission and of the Secretary of Commerce and the Secretary of Labor in addition to such other advice as he may wish to seek. The President is required to report to the Congress with respect to any action taken by him under this provision. Section 211(d) provides that arrangements or agreements included prior to the termination of title II shall remain in effect beyond such termination date if their terms so provide, and that any regulations issued under section 202 in connection with such agreements would similarly remain in effect.

TARIFF COMMISSION

The Tariff Commission, which was established in 1916, is a permanent independent nonpartisan body whose principal function is to provide technical and fact-finding assistance to the Congress and the President upon the basis of which trade policies may be determined. The bill strengthens the Commission by amending section 330 of the Tariff Act of 1930 by increasing the number of Commissioners from six to seven and to change their terms from 6 to 7 years. This amendment and the amendments to the tariff adjustment provisions of the Trade Expansion Act would render unnecessary the "tie vote" provisions in section 330(d) which in practice have not proved entirely satisfactory. In conformity with this change in the size of the Commission, the bill also would provide that not more than four of the Commissioners should be of the same political party, rather than three as at present. It is not intended by this change to transform the Commission into a partisan body. The Commission and its staff must be selected on the basis of merit if the Commission is to effectively assist the Congress and the Executive in their determinations with respect to foreign trade policy.

U.S. CONTRIBUTIONS TO THE GATT

Pursuant to the request by the administration, the bill would provide a section in title II of the Trade Expansion Act which would authorize the appropriations annually of such sums as may be necessary for the payment by the United States of its share of expenses of the contracting parties to the General Agreement on Tariffs and Trade. The U.S. contribution to the GATT in the past has been funded out of the International Conferences and Contingencies Appropriation of the Department of State budget under general provisional authority—see section 5 of Public Law 84–885, approved August 1, 1956. This provision in no way changes the U.S. rights and obligations under the GATT which is in the nature of an executive agreement which the United States and other contracting parties are applying only provisionally.

ANTIDUMPING AND COUNTERVAILING DUTY PROVISIONS

ANTIDUMPING PROCEDURES

Section 301 of the bill would amend procedures under the Antidumping Act to require the Secretary of the Treasury to decide, within 4 months after a question of dumping is properly raised by or presented to him, whether withholding or appraisement of affected merchandise should be ordered. The significance of withholding of appraisement is that, if there is later a finding of dumping, the assessment of dumping duties is effective as of the date of withholding.

If the Secretary's decision is affirmative, it will be published in the Federal Register. A negative decision in this respect will be accomplished by a tentative determination that the merchandise is not being or likely to be sold below its fair value. The bill provides that, within a period of up to 3 months after the tentative negative determination is published, the Treasury Department may order the withholding of appraisement if it has reason to believe or suspect that sales below fair value are taking place. Alternatively, the Treasury Department will publish a final negative determination of sales at less than fair value. Under the Treasury's present practice and that contemplated in the future, interested persons are given an opportunity to request an informal hearing on the merits of a withholding of appraisement or a tentative negative determination.

It is believed that the abbreviated procedures provided for in the bill represent a reasonable compromise of all of the interests involved, and would emphasize the desire by Congress that American industry be protected from injuries resulting from unfair pricing practices as contemplated in the Antidumping Act.

Section 301(b) would adopt in the law the substance of the existing Treasury Department practice, as reflected in section 153.3(b) of the Treasury regulations (19 CFR 153.5(b)), under which decisions regarding dumping are made with respect to merchandise from state-controlled economy countries.

COUNTERVAILING DUTY PROCEDURES

Section 302 of the bill would amend section 303 of the Tariff Act of 1930 in a number of important respects. Section 303 is the statute under which the Secretary of the Treasury determines whether imported foreign articles receive a bounty or grant. The Secretary is required to ascertain and determine, or estimate the net amount of any bounty or grant, and is required to declare the net amounts so determined and order the imposition of countervailing duties.

Although the present statute is mandatory in terms, it does not compel the Secretary to act within any specified period of time. The bill would impose on the Secretary of the Treasury the responsibility to make his determinations as to whether a bounty or grant exists

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within 12 months after the question is presented to him.

Existing Treasury regulations call for certain types of information to be presented by a person who alleges that an imported article is receiving a bounty or grant. It is understood that the Treasury Department will amend its regulations to require the Commissioner of Customs to determine, within 30 days after the information is first received, whether the information submitted is adequate under the regulations to enable Customs to proceed with the matter. The new regulations will also provide that the person submitting the information will be advised in writing within the 30 days whether or not Customs will proceed with the inquiry. If the information submitted is inadequate, Customs' advice to the person furnishing it will include a statement of the reasons why. The date of affirmative advice would be "the date on which the question is presented" for purposes of triggering the commencement of the 12-month period within which your committee's amendment would require the Secretary to act.

The 12-month limitation would be applicable only with respect to questions presented on and after the date of enactment of the bill. Any inquiries relating to the application of countervailing duties which are already pending in the Treasury Department on the date of the enactment of the bill will not be affected by the 12-month limitation for action. However, the Treasury Department has agreed to make all reasonable efforts to proceed with such inquiries as promptly as possible.

The present statute is mandatory, in that the Secretary is required to apply countervailing duties to "dutiable" merchandise which benefits from a bounty or grant. Section 302(a) would extend the provisions of the statute to nondutiable items. However, in the case of nondutiable items, there will be an additional requirement of a determination by the Tariff Commission that an industry in the United States is being, or is likely to be, injured, or is prevented from being established, as a result of the importations benefiting from the bounty or grant. The Tariff Commission is required under the bill to make an injury determination with respect to nondutiable imports within 3 months after the initial determination by the Secretary of the Treasury that a bounty or grant is being paid or bestowed. This language conferring jurisdiction on the Tariff Commission was derived verbatim from the Antidumping Act, 1921, and is intended to have the same meaning.

There is no requirement in the existing statute that a U.S. industry be injured as a result of imported foreign merchandise benefiting from a bounty or grant before countervailing duties are to be imposed, and there shall continue to be no such requirement at this time with respect to "dutiable" imports.

The bill also provides for suspension of liquidation in the event the Secretary of the Treasury determines a bounty or grant exists with respect to nondutiable imports. The suspension would take effect with respect to merchandise entered, or withdrawn from warehouse for consumption, on or after the 30th day after publication in the Federal Register of the Secretary's determination of the existence of a bounty or grant. The significance of this suspension is that if there is later a determination of injury by the Tariff Commission, the subsequent countervailing duty order, requiring the assessment of duties equivalent to the amount of the bounty or grant, issued by the Secretary of the Treasury following the Tariff Commission's determination of injury, would be effective as of the date of suspension of liquidation.

Section 302 of the bill also provides that all determinations by the Secretary with respect to the existence of a bounty or grant and all determinations by the Tariff Commission with respect to injury will be published in the Federal Register. Under the current Treasury practice, countervailing duty orders become effective 30 days after publication in the Customs Bulletin. Accordingly, this new provision will advance by 2 or 3 weeks the date orders become effective by avoiding present printing leadtime lags in publication of the Customs Bulletin.

Under the bill, the Secretary of the Treasury will have some discretion in applying the countervailing duty law to an article whose exportation to the United States is limited by an arrangement or agreement entered by the Government of the United States. The bill provides that no countervailing duty shall be imposed on such an article unless the Secretary determines, after seeking information and advice from such agencies as he may deem appropriate, that such quantitative limitation is not an adequate substitute for the imposition of the countervailing duty.

The effective date of the provisions of the bill amending the countervailing duty procedures is to be the date of enactment of the bill.

AMERICAN SELLING PRICE SYSTEM OF VALUATION

The administration had proposed that the Congress approve the elimination of the American selling price—ASP—system of customs valuation in return for tariff and nontariff concessions by other countries. The products now subject to the ASP system are benzenoid chemicals, canned clams, wool-knit gloves, and rubber-soled footwear. The administration proposal would have been effected by having the Congress authorize the President to proclaim such modifications of the Tariff Schedules of the United States—TSUS—necessary to carry out two agreements concluded as part of the Kennedy Round of tariff negotiations: First, the multilateral agreement relating principally to chemicals, supplementary to the Geneva—1967—protocol to the General Agreement on Tariffs and Trade; and, second, bilateral agreement with Japan relating to canned clams and wool-knit gloves.

Rubber-soled footwear was not included in any Kennedy round agreement. Accordingly the administration proposed that Congress authorize the President to proclaim such changes in the TSUS as might be necessary to carry out an agreement he might enter into provided that the rates of duty to be substituted for the ASP rates for rubber-soled footwear were not less than a specified minimum.

The Committee on Ways and Means deemed it preferable to authorize the President to proclaim the TSUS changes needed to eliminate ASP as are required or necessary to carry out any agreement he may have negotiated with one or more countries which relate primarily to ASP, if he determines that the agreement is fully reciprocal as to benefits and obligations. Thus, the bill provides such authority. A proclamation or proclamations providing for the elimination of ASP on chemicals, canned clams, and wool-knit gloves must be submitted to each of the Houses of Congress and can only take effect 60 calendar days later, provided that both Houses of Congress do not adopt a concurrent resolution stating that Congress disapproves of the agreement.

This provision in the bill can only be used for the elimination of ASP on chemicals, canned clams, and wool-knit gloves. Elimination of ASP on the remaining item, rubber-soled footwear, can only be achieved by submitting for Congressional approval any ad referendum agreement the President may negotiate.

The administration should continue to seek a fully reciprocal agreement with the foreign countries exporting rubber-soled footwear to the United States. If such an arrangement can be reached it should be forwarded to the Congress for its approval and provide for the final elimination of the American selling price from the U.S. customs law.

The bill recognizes the desirability of maintaining a continuing surveillance for a period of 5 years on the results of the elimination of ASP as regards chemicals. It therefore provided that annual detailed reports on the production and sales of synthetic organic chemicals and imports thereof be provided by the Tariff Commission to the President for this purpose.

MISCELLANEOUS AMENDMENTS

1. AMENDMENTS TO THE AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

Your committee has also amended the special adjustment assistance provisions of section 302 of the Automotive Products Trade Act of 1965. The time for filing petitions under these provisions expired at the close of June 30, 1968. The amendment, in effect, restores, without a specific termination date, the authority for filing petitions by firms and groups of workers for a determination of eligibility to apply for adjustment assistance.

The bill would also change the existing standard of "the primary factor" as the required causal link between dislocation and the operation of the agreement to conform to the more liberal standard contained in the Trade Expansion Act as amended by H.R. 18970. The bill would substitute "a substantial factor" in place of "the primary factor" in sections 302 (a), (d), and (g) of the Automotive Products Trade Act of 1965. This new standard will apply to all pe-

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titions filed after the date of enactment of this act including peitions with respect to dislocations which began after June 30, 1968. A requirement is included that petitions with respect to dislocations which began after June 30, 1968, and before July 1, 1970, must be filed on or before the 90th day after the date of enactment of this act.

CERTAIN CLASSIFICATIONS BY THE SECRETARY OF AGRICULTURE

Section 342 of the bill provides that the Secretary of Agriculture rather than the Secretary of the Treasury shall have the final administrative responsibility for determinations as to whether or not any article or class of articles falls within one of the article descriptions under part 3 of the Appendix to the Tariff Schedules which contain the import restrictions proclaimed pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624).

RATES OF DUTY ON MINK FURSKINS; REPEAL OF EMBARGO ON CERTAIN FURS

Section 343 of the bill establishes separate provisions under which a tariff-rate quota system is imposed on furskins of mink whether or not dressed.

The serious decline in the domestic industry is a cause for real concern.

Imports of mink furskins within the quota quantity will continue to be dutiable at existing rates of duty except that such skins raw or undressed the product of Communist countries will become dutiable at the rate of 30 percent ad valorem.

In each calendar year when the quota has been filled, mink furskins would become dutiable for the rest of that calendar year at the rate of 25 percent ad valorem if imported from non-Communist countries and at the rate of 40 percent if imported from Communist countries. The bill would make the current rates of duty on certain wearing apparel of mink in schedule 7, part 13, subpart B, of the TSUS permanent rates of duty. Thus, the rates of duty on dressed mink furskins—dyed and not dyed—and on wearing apparel of mink, scheduled to be further reduced during the next 2 years under the Kennedy round trade agreement, would be frozen at their present levels.

The bill would also repeal headnote 4 of subpart B of part 5 of schedule 1 of the TSUS. This headnote contains a provision, originally enacted as section 11 of the Trade Agreements Extension Act of 1951, under which ermine, fox, kolinsky, marten, mink, muskrat, and weasel furs and skins, dressed or undressed, the product of the USSR or of Communist China, are prohibited importation into the United States. Furskins, the product of Communist China, however, will continue to be subject to the Foreign Assets Control Regulations, which currently prohibit importation.

RATE OF DUTY ON GLYCINE AND CERTAIN RELATED PRODUCTS

Section 344 of the bill establishes separate provisions under which a tariff-rate quota system would be imposed on aminoacetic acid—glycine—and salts thereof and certain mixtures of such acid or its salts.

Under the tariff-rate quota system, importers would still be allowed to import at the existing level with no increase in the current rate of duty. Imports in excess of this quantity, however, would be subject to an additional duty of 25 cents per pound. It is expected that this provision would allow domestic producers to recover from the damage caused by the dumped imports because of the advantage it would give them in producing to meet the increasing demand in the United States for this product.

The rates of duty on both the imports which are within the quota and those which are over-quota would become permanent statutory rates. Thus, they would not be subject to further reductions under the Kennedy Round trade agreement.

INVOICE INFORMATION

The enforcement of the statistical requirements for imports, as set forth in the statistical headnotes and seven-digit classifications of the TSUSA, is a primary responsibility of customs officers and should be given attention by them accordingly. Such enforcement would be facilitated by the enactment of section 345 of the bill which would amend section 481(a) of the Tariff Act of 1930 to require invoices to provide a product description which would enable customs officers to classify imports for statistical as well as for duty purposes.

This new statistical requirement is in no way intended to be an impediment to trade. Rather, it is intended to provide necessary information as to trade that is taking place, to the long run interest of foreign exporting and domestic business, both importer and producer.

TRADE WITH FOREIGN COUNTRIES PERMITTING UNCONTROLLED PRODUCTION OF OR TRAFFICKING IN CERTAIN DRUGS

Under section 346 the President would be authorized to impose an embargo or suspension of trade with a nation which permits uncontrolled or unregulated production or trafficking in opium, heroin, or other poppy derivatives in a manner to permit these drug items to fall into illicit commerce for ultimate disposition and use in this country.

DOMESTIC INTERNATIONAL SALES CORPORATION

As I previously mentioned, the committee concluded that a tax deferral provision should be provided to encourage U.S. export sales and the location of plants in the United States.

The bill provides a system of tax deferral for a new type of U.S. corporation known as a domestic international sales corporation, or a "DISC." Under this tax system, the profits of a DISC are not to be taxed to the DISC but, instead, are to be taxed to the shareholders when distributed to them.

The basic idea of the proposal is to encourage a domestic corporation, which either is engaged in exporting or which hopes to enter into exporting, to set up a new corporation, a DISC, to carry on its export sales. The parent corporation, pursuant to a special pricing rule, would be allowed to sell its export products to the DISC at less than the arm's-length price generally required in the case of sales to a foreign subsidiary. According to this special pricing rule, a DISC would be permitted to earn up to the greater of 4 percent on sales or 50 percent of the combined income of the DISC and the related person arising from the sale of the property—plus, in either case, an amount equal to the 10 percent of the DISC's export promotion expenses. The DISC would then sell these export products for use abroad. The profits from these sales, determined according to the special pricing rule, would not be subject to U.S. tax so long as the profits were not distributed and were invested in specified types of "export assets."

The profits earned by a DISC are taxed to the shareholder—usually the parent corporation—when these profits are distributed to a DISC's shareholders and also when the DISC fails to continue qualifying as a DISC—in this case the profits are taxed to the shareholders as "deemed" distributions. Generally, however, a loan by a DISC of its profits to its parent company is not considered a distribution which ends the tax deferral.

When a DISC's profits are distributed to a corporate shareholder, the shareholder is treated in most respects as if it were the initial recipient of the profits. As a result, no intercorporate dividends received deduction is available for these profits. Instead, the profits are to be treated as foreign source income, and the shareholder is to be allowed a credit against its tax liability on these profits for any income taxes paid to a foreign country.

To qualify as a DISC, at least 95 percent of a corporation's gross receipts must arise from export sale or lease transactions and other export-related investments or activities. In addition, at least 95 percent of the corporation's assets must be export related. Included in export-related assets are "producer's loans" which are loans—subject to certain restrictions—made to the U.S. parent producer—or any other U.S. exporter—to the extent of the borrower's assets used for export business. These loans by a DISC do not give rise to taxation of the DISC or to the parent on the amounts loaned.

Although generally the income of a DISC is not to be subject to current taxation, each year a DISC is to be deemed to have distributed to its shareholders certain types of income, thus subjecting that income to current taxation in the hands of the shareholder. The principal type of income falling in this category is the interest realized by the DISC on its "producer's loans."

The bill provides a 3-year phase-in period during which only a portion of a DISC's profits are relieved of current taxation. In the first year—1971—50 percent of a DISC's profits are not currently subject to taxation, and in the second and third years, 75 percent are not currently subject to taxation. After that time, the proposal becomes fully effective.

The CHAIRMAN. The time of the gentleman has again expired.

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The gentleman from Arkansas has consumed 47 minutes.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. BETTS).

Mr. BETTS. Mr. Chairman, I do not particularly relish the idea of following the distinguished chairman because he is always so clear, complete, and concise in his statement. I find it difficult for me to add anything to the arguments that he has already made in favor of the bill.

I simply want to associate myself with his position and urge the membership to go along with him in supporting this bill.

In addition to that, I would like to make some observations that are pertinent to consider along with the technical and complicated provisions of the bill.

The first observation I would make is this. The Constitution of the United States gives the Congress the authority to regulate trade with foreign countries and to fix tariffs and duties. Along the line somewhere, and I suspect it goes back even beyond the Reciprocal Trade Agreements Act, we assumed the philosophy it was too complicated for the Congress to handle so it had to be delegated to the President and to the President's negotiators.

Here are some of the things that happen when the Congress delegates too much to somebody else to perform the duties which constitutionally are part of the duties of the Congress.

Take the case where some industry or some company has been harmed by imports and there has been some injury. The Tariff Commission makes a finding that there is an injury and the case goes to the White House. The State Department gets into it. Immediately the prime purpose of the bill to correct an injury to some industry becomes of secondary importance. The prime importance apparently seems to be some political considerations that enter into the case—diplomatic considerations—where ambassadors call at the White House or the State Department, we are told, and urge that consideration be given to the fact that if relief is granted to this particular company or to this industry it will cause unfriendly and complicated relations with some foreign government.

So really the prime purpose of the Tariff Commission and of tariff relief and quota relief or any kind of relief for injury caused by imports becomes of secondary importance.

As the chairman pointed out, one of the things this bill does is to bring this back into the concept that Congress or its agent, the Tariff Commission, has something to say.

Even so, a great deal of discretion is left to the President. He appoints the Tariff Commission. I think it is well to point out at this juncture that this bill increases the membership of the Tariff Commission. Whereas at present it is a six-man commission, one member has been added so we have done away with the complications of a tie vote. Any recommendation made to the President for tariff or a quota or other relief has to be done by a majority of the Commission.

Second, and I would like to be corrected if I am wrong. I believe that even if there is an injury determination made by the Tariff Commission with recommendations for relief, that we have amended section 352 of the Trade Expansion Act—and I will ask the chairman if I am not correct—even after the Tariff Commission has made a finding in the majority of cases the President has the right to negotiate agreements in addition to or supplemental to the findings of the Tariff Commission. Is that not correct?

Mr. MILLS. The gentleman is eminently correct. The President still under this legislation would not have to do what the Tariff Commission recommends.

Mr. BETTS. I think that is important. Even though we try to restore some of the power back to the Congress in the Tariff Commission, the President still has the right to go beyond any relief recommended and negotiate with our trading partners on any basis he sees fit.

The second observation I would like to make is with relation to the ancient and age-old issue between what is popularly known as protectionists and free-traders. I think this is sort of deplorable. I find a growing tendency to attach some sort of stigma to anybody who wants to stand up and protect American industry. Such a person is immediately pegged as a protectionist, and that is supposed to be something wrong. Personally I do not know why, for practically every country in the world except the United States is protectionist.

Let me read from the report of the committee into the record, language which states this much better than I can. The quotation appears on page 9:

> The United States remains the most accessible market to the effort of foreign producers. Despite the claims of our trade partners, United States duties, subject to continued reductions under the trade agreements program, are at the lowest average level of any major industrialized country.

I believe in free trade. I see nothing particularly wrong with the concept of free trade. The problem is that the concept of free trade has to be based upon complete and mutual cooperation on the part of every country in the world. And that simply does not take place, as the statement I read from the report proves. Practically every other country in the world has higher tariffs and more strict import restrictions than the United States. Free trade is a concept like disarmament. It looks good on paper, but it will not work unless every country in the world follows it. So as long as our trading partners are committed to the restrictions which they have, it seems to me we are justified in trying to balance these restrictions with restrictions of our own.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I am glad to yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. If the gentleman's point is correct, I wonder if the best way to get our trading partners to reduce the discrimination that presently exists is to provide discriminations on our own part. I would think we do not have to accept the basic principle of free trade, but we could be for freer trade. I gather from what the gentleman is saying that he would like to see restrictions on trade reduced, but it is because our trading partners have these restrictions, the gentleman feels it is justifiable for us to have restrictions of our own. But is this in our national interest? Is that not basically what we are asking ourselves in this bill?

Mr. BETTS. I think it has to be. That gets into a field that I am going into a little later. I will quote the statement the chairman made in the committee, and he can say whether or not I am right or wrong. He mentioned that whenever our negotiators go to GATT—and we have some sort of tariff-reduction agreement with our trading partners, our negotiators are hardly back in Washington before our trading partners have dreamed up some non-tariff barrier. This question of how nice we are going to treat somebody else is something that I think has to be changed and altered to fit the situation. We have tried to be nice ever since we have had reciprocal trade agreements. We have tried to be nice ever since the 1962 Trade Expansion Act. I am not saying our trading partners have not been nice, but they have not responded to the purpose of our trade agreements and our trade acts to bring the whole thing into balance.

I ask the chairman if that is not correct.

Mr. MILLS. I agree with the gentleman completely. Let me add this, if I may, in respect to the question asked by the gentleman from New Jersey. Is the gentleman aware of the fact that we have not on one occasion, in all the years we have participated in GATT, ever seriously pressed a case where we had complete right to press it?

That is all the proof necessary. In the case of Japan, about 87 instances have occurred where they have been in violation of something, 100 or more restrictions they have had over the years, and they have not allowed an article made in a textile plant to be shipped to Japan. Does my friend know that? They will not allow an American car to come in unless it is brought in at about $25,000—or something like that. I use Japan only as an example.

Does the gentleman know that our great friend Greece—which through the generosity of his committee has been built up—takes pleasure in devising safety regulations for highway use that are just about 3 inches shorter than the shortest made American car—so the American-made car cannot go in because of the violation of the Highway Safety Act. They do all these things.

If the gentleman can name to me one instance where the United States discriminates in some situation—and, yes, it does with respect to agricultural commodities, because we have imposed quotas on those in response to the price support program—but for every one the gentleman can name to me, I can name two dozen for any of the countries in Europe or for Japan.

Mr. BETTS. I want to make this statement, and this is a prediction, that if this bill passes, there will be all sorts of offers on the part of our trading partners to negotiate.

Mr. MILLS. Yes, of course. I appreciate the gentleman's point, but some discussion was made earlier, during the discussion of the rule, that we do not need this bill now, because Japan and others are perfectly willing to negotiate. Just let this bill fail to pass and I wonder how long they are willing to stay at the negotiating table.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I think both the gentleman from Arkansas and the gentleman from Ohio have misconstrued what I am saying. I am not saying we should be nice and let the others walk all over us. What I am saying is if we start putting barriers to trade, in cases where it is to our advantage to encourage world trade, we are going to encourage additional barriers.

The way to get rid of some of the barriers the gentleman from Arkansas referred to, in both Greece and Japan, is not to put up quotas and barriers to trade ourselves. I think the only thing that makes sense, if we want to encourage world trade, is to do everything we can to negotiate our position.

I do not see how the committee handles this point. All we are going to do is to kick off a real trade war. We have seen signs of retaliation already, even among our trading partners. It is easy to scoff at the dangers that this represents, because if we do this they have their own justification, pointing to us as a major trading partner, and we should be doing more, not less, to reduce those trade barriers.

Mr. BETTS. I have understood the gentleman's position, but I would like to make one statement. The gentleman refers to retaliations. That boils down to this. Other countries say, "Yes, you pass this bill, and we are going to do something." But they have already done it, with all sorts of nontariff barriers. If we listen to that, then we are in a passing legislation for other countries rather than for our own industries.

The gentleman says this is not to the advantage of the United States. But the question on what is to the advantage of the United States that we have in the last analysis delegated to the President giving him the authority to make this very determination?

Mr. MILLS. If the gentleman from Ohio will yield, I will ask the gentleman this question: As a result of our hearings and everything else, is the gentleman from Ohio not now convinced that ours is the only open market in the world? None of the other countries permit commodities of other countries to come in without some limitations. Most of them do not allow commodities to come in without the value-added tax, which they developed in lieu of duties. We have reduced our duties down to 12.5 percent on the average, and they have reduced theirs somewhat but nothing like that low, and then they built back the reduction through the device of the value-added tax or something else, or they put on some limitations, for instance, on shipments from Korea, from South Korea to Japan, or from Taiwan to Japan, or from Hong Kong.

Ask these people how Japan reacts to their exports.

Mr. BETTS. In answer to the question the chairman asked me, I will say I believe we listened to more than 300 witnesses, and I do not see how anybody could sit there and listen to the complaints of the many industries which came before us and not be impressed with the facts the chairman has related.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. BETTS. As the chairman pointed out in the committee, it looks like the rest of the countries are making a dumping ground of the United States.

Mr. MILLS. There is no question about it.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. There is an issue raised of retaliation, and also a question as to whether this is a 180 degree turn and a really bad proposition.

I should like to call attention to the comments in an editorial in the London Times which I believe puts this in a better perspective than our own papers have done.

In the first place, they point out, and it is certainly a fact, that in any trade war Europe and Japan have much more to lose than the United States, because they are dependent to a much greater degree on world trade than we are. Because of our market we do not have the same dependence.

Let me point out a statement contained in this editorial. The editorial says:

> The United States has a much stronger case against Japanese quantitative restrictions on manufactured imports and against the Common Market's common agricultural policy than anyone has against the present United States trade bill.

That is how they put this bill before us in a proper context in terms of our situation as against the European situation and as against the Japanese situation.

Let me go on a bit further, because I believe it might be well to clear the air on this early in the debate. They point out:

> It is certainly open to European and Japanese authorities to adopt realistic exchange rates against the dollar through the mechanism of more flexible adjustments—

Here is the point—

> Until Europe and Japan show themselves willing to act on exchange rate policy on Japanese import quotas and on agricultural trade with Europe, the United States Congress is going to look with a jaundiced eye on shrill threats from junior trading partners to immolate themselves unless the United States forbears from—

And mark this; this is how they describe our bill—

> its marginally deplorable trade bill.

The point is it is just unrealistic to suggest that the passage of this kind of legislation is going to encourage retaliation or is going to encourage a trade war.

What we have to do is look after our own interest. Then, when these other countries recognize that is being done, they will start getting into a more rational attitude toward freer trade and restrictions they impose not only on us but on everybody else.

Mr. BETTS. I thank the gentleman.

Mr. JONAS. Mr. Chairman, will the gentleman yield for an observation on that point?

Mr. BETTS. I yield to the gentleman from North Carolina.

Mr. JONAS. Some countries are threatening retaliation which proclaim to be such advocates of free trade, but the Department of Commerce advises me that eight European countries and Canada today have agreements with Japan—and some of them with Korea, Taiwan and Hong Kong—restrict imports of wool and manmade fibers, textiles and apparel into those countries.

To prove that is so, I quote from the testimony of Secretary Stans before the Ways and Means Committee as follows:

> United Nations figures in addition to our own import figures show that in 1968, while the United States was taking 20 percent of Japan's textile production exports, the EEC imported only 3 percent.

Why do they not take some of Japan's textile imports instead of having the United States assume the burden of assimilating all their exports in textiles?

I quote one other portion.

> We imported 51 percent of Japan's apparel exports and EEC took only 5 percent.

Mr. BETTS. I think the gentleman is making a good point. It was brought out in our committee that much of the opposition from some of our trading partners to our restricting imports is that if we do, then they will become dumping grounds for these particular products and they will have to do something. I think the gentleman is making a very good point.

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me?

Mr. BETTS. I will be glad to yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I want to express my commendation to the gentleman from Ohio for the fine statement he is making. I would like to ask a technical question of either the gentleman or the chairman of the committee.

As the gentleman knows, I have joined in cosponsoring the basic bill and was particularly instrumental in and pleased that the basic bill included a reference to cordage products manufactured in my particular district. What I wanted to ask the gentleman particularly is this question:

I noticed in section 206 of the bill, which covers the definition of textile articles, that fibers of cotton, wool, and certain scrap materials have been spe-

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cifically excluded from the coverage of the definition. However, the fibers from which cordage products are manufactured and which are all imported by producers have not been similarly excluded.

It is my understanding that due to the wording of section 206 concerning cordage products, the committee did not believe it necessary specifically to exclude the fibers from which cordage products are made. So my question is simply this: Am I correct in my understanding that the materials for the making of hard fiber cordage products are excluded from the quotas established by the bill?

Mr. BETTS. That is my understanding of it.

Mr. MILLS. Will the gentleman yield to me?

Mr. BETTS. I am glad to yield to the distinguished chairman.

Mr. MILLS. The gentleman is eminently correct. The answer is emphatically yes.

Mr. STRATTON. I thank both the chairman and the gentleman from Ohio.

Mr. DENT. Mr. Chairman, will the gentleman yield to me?

Mr. BETTS. I do not have much time, but I will be glad to yield to the gentleman.

Mr. DENT. I wanted to ask a question here, because I believe if everybody's cards are on the table we will understand this better. Let us take the imports by one of the largest manufacturers of automobiles in the United States. This import is a car called the Pinto. It comes into the United States absolutely tariff duty free of any kind because of an automobile free trade arrangement with Canada. However, parts that go into it come from Germany and France, which are dutiable in the United States. By going to Canada, however, these parts are put into the Pinto and they are swung across our U.S. borders tax exempt, duty free, and everything else. What answer is it to the import problem if you bring in an import car because it has an American manufacturer's name on it, and how does that help the worker in the automobile industry?

Mr. VANIK. Mr. Chairman, will the gentleman yield to me?

Mr. BETTS. I will be glad to yield to the gentleman if I have any time left.

Mr. VANIK. I would like to inquire of my distinguished colleague from Ohio as to whether or not he is in a position to give the committee the President's position on the total package. I know that the President is apparently for some sections and opposed to others. I would appreciate having either the gentleman or the ranking Republican member give some statement or idea as to what the President's position is on this. Is the President for the bill in this combined conglomerate package or is he opposed to it? It would be a help to the committee to have this information.

Mr. BETTS. I think it has been stated in the press that the President is for the textile restrictions and DISC. I suspect when it is all over he will have to make his judgment on what is passed by both Houses and agreed to in conference. I do not think that this is a decision anyone can make right now as to whether he, or anyone else, is for the whole bill in its entirety.

I do not pretend to speak for the President and, actually, I cannot answer the gentleman's question any better than that.

Mr. VANIK. I would hope before this discussion is over with we might have some expression as to that.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I think it is no secret that the President is opposed to the basket provision that we put in and which I sponsored. They would prefer to have that out. They would prefer to have the shoe quotas eliminated. They would prefer that we come as close to the President's bill, the bill that the President requested, as we can. That is their position.

I think it would be rather pointless to suggest that they make a determination as to what the President's position would be or would not be to this, because he has to look at what he gets at the time he gets it at the White House desk and weigh it at that time. But there is no question about what his attitude is about this bill. He would like to see it considerably changed from what it is.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Iowa.

Mr. GROSS. The point is that Members of the House must vote this up or down, must take it or leave it at the end of this debate. We are going to go on record for this bill one way or the other, for or against it. It would be helpful to us to know. In other words, we have no alternative.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the chairman of the committee.

Mr. MILLS. I do not suppose I should get into this. I have no business getting into this, but let me say that I have dealt with more than just this one President and I do not find him to be any different from any of the others. I have had them to call me into the White House, Democratic Presidents, and pressure me and twist my arm and do everything they could to get me to do something just like they wanted it done, and they kept up the pressure all the way through even to the conference. I am satisfied in my own mind that the President will focus his attention upon what we are doing and if he does so he will find there is an awfully lot more good in this bill than there is bad in it.

The only two things he can find in it that he thinks are bad are the things to which the gentleman from Wisconsin referred. But there are a dozen things that he wanted and they direct themsleves in the direction that he wants trade to go, on a freer basis. So I would think he would reach the conclusion which the gentleman from Ohio and all the rest of us have reached, all of us having a responsibility of our own to discharge. We either vote for something because we think it is in the national interest and is good or we vote against it because we think it is not, regardless of the position of the President.

Mr. BETTS. I think the chairman's comments are pertinent because there are some things in this bill that I do not agree with. However, I think it is a good overall bill and I shall support it.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I appreciate the gentleman yielding again.

What disturbs me about the discussion that has been had with the members of the Ways and Means Committee is the strong protectionist flavor that I detect, and I can only call it "protectionist" because certainly we should not have been on the course we have been operating for a decade. The gentleman from Ohio referred to the fact that the United States is a dumping ground. Well, if there is really dumping practiced by foreign countries, legislation is already on the books to prevent that and to take retaliatory measures.

The gentleman from Arkansas referred to the fact that the United States is the only open market in the world. Well, it is open, with qualification. However, that begs the question about whether it is wise for us to be a restrictive market ourselves because our trading partners are not as open as we would like. Is this not going to be a turning back to nationalism in the trade field which has been disadvantaged as practiced in the late twenties and early thirties? Is it not a reversal of the course which has been of great benefit to us because of the substantial exports we have been able to make on the basis of a reasonably free trade policy between countries and the fact that there are imports of automobiles into this country has not led the automotive industry to this protectionism or to back this bill?

We understand they are not in favor of this, and you have of course some good and bad things to say about the various provisions, and of course we have to weigh one thing against the other, but this way that the gentleman from Ohio points out that we have got to go up or down with no possibility of taking out anything, and certainly no possibility of adding anything, this is what worries me. Basically, the arguments that have been presented here have been strongly protectionist—the poor, weak, defenseless United States has to retaliate against its trading partners because they have been unfair, and this you say will lead them to be more fair, but I would guess that it is going to lead us into more trouble.

Mr. BETTS. The gentleman in stating his case was sound, and I have tried to point out before that I do not see anything particularly wrong with being a protectionist. I mean, after all, it is simply a method of looking toward the betterment of our whole industrial-labor conditions, and even after we have said that I am not so sure this is a strong protectionist bill. I do not think there has been a single statement made here that it is a strong protectionist bill. I think what we are trying to do is we are trying to bring it into balance and have the same sort of restrictions in our trade laws that other countries have in theirs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BETTS. Mr. Chairman, I would like to talk some more if I can secure some more time.

Mr. BYRNES of Wisconsin. I yield 5 additional minutes to the gentleman from Ohio.

Mr. BETTS. I thank the gentleman for the additional time, and I will yield to the gentleman if I can, but I think this ought to be said: there have been a lot of statements about the United States being a dumping ground, an open market, and about what our trading partners do, and I want to say that no one on the Committee on Ways and Means has any thought of trying to infringe upon the friendship of any country or any of our trading partners. This is the least thought in our minds. I think we cherish the friendship we have with each of our trading partners, from Japan, Taiwan, and even into Europe.

All we are trying to do is bring this thing into balance, and hope they will realize that we have the same interests in our trade policies that they have in their trade policies. It is not precisely a protectionist bill in the sense of a Hoot-Smawley bill, or some of the other famous tariff bills of the past. All this is is a bill to bring our trading provisions into balance with the rest of the world, and in doing so we have no intention of hurting our friendship with anybody.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, this is with reference to the comment of my friend, the gentleman from New Jersey (Mr. FRELINGHUYSEN), about our great export surplus. I would remind the gentleman that in 1961 we were net exporters of textile and apparel products, and in 1970 the trade deficit of exports and imports of textiles and apparel will be $1 billion.

Mr. FRELINGHUYSEN. If the gentleman will yield further——

Mr. BETTS. I think that is pretty obvious.

Mr. JONAS. Is that not correct? Does the gentleman not agree that this is not making much progress in building surplus?

Mr. BETTS. I agree, and that is one of the reasons for the pressure that the committee had to pass this bill.

Mr. FRELINGHUYSEN. If the gentleman will yield further, in view of the fact that the gentleman from North Carolina (Mr. JONAS) says the textile picture is bad in the past decade, granted; everybody knows this, but this bill is not going to prevent Japan from exporting substantial textiles; but what it is going to do is discriminate against countries like Korea and Taiwan at the expense of Japan. Japan is actually going to have its segment of the market protected.

I think this develops further inequities, and it is not really going to protect our domestic market, but there is going to be a substantial Japanese share.

Mr. BETTS. I think that what the gentleman from New Jersey is saying should probably be said on his own time.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Arkansas.

Mr. MILLS. There is no discrimination against anybody. This applies to quotas, the quota applies across the board to all titles, every title, and that any country that wants to can get out from under it by entering into a voluntary agreement, and the President is given the authority to do that.

Mr. BETTS. And he can place it on a country-by-country or product-by-product basis.

Mr. MILLS. Exactly.

Mr. BETTS. I want to make a comment, if I could, about the American selling price, and that is a very controversial section. I think it should be borne in mind that the American selling price is supposed to be a symbol of American nontariff barriers.

Well, we have entered into agreements with some other countries and the agreement is this—and this is important—we will repeal the American selling price and then the agreement goes into effect. Then other countries will try to repeal some of the tariff barriers mentioned in the agreement.

I think that is a lopsided agreement. I am not particularly for or against the Amercan selling price, but I do think before repealing it or before we take any steps to eliminate it from our tariff laws, there ought to be another agreement entered into in which we are on an equal basis with our trading partners so far as the terms of the agreement are concerned.

I am not satisfied with what is in the bill so far as the American selling price is concerned—but I hope when and if this bill becomes law, the President or the White House or whoever is going to be charged with carrying out the terms of this agreement and insofar as the American selling price is concerned—will make an honest and conscientious effort to see that before the American selling price is removed that there is a really fair agreement between us and our trading partners on this subject.

These are the observations I had in mind, and I think this is worth repeating at the end. This is a moderate bill. In many respects it does not go as far as I would go. It is one which recognizes, I think, both the liberal hope that in the future there will be trade expansion without restrictions and on either side, and the protectionist hope that there is going to be some help for those industries and workers who are harmed by imports from other countries.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise in support of H.R. 18970, the Trade Act of 1970. Although I believe this legislation with its several broad provisions should be passed without change, I want to direct my remarks particularly toward the textile import quota provisions of the bill.

Today, the American textile and apparel industry faces a critical challenge caused by the enormous increases in imports of textile and apparel products manufactured from synthetic fibers and wool. The picture is gloomy and the future for the American textile industry is bleak, indeed, if corrective steps are not taken now. The action proposed in the trade bill relating to textile and apparel imports is essential for the future, orderly development of our domestic market. It is equally essential for maintaining the jobs of tens of thousands of Americans who earn their livings in textile mills.

As the discussion of this bill has gone on, there has been an obvious attempt by those opposed to it to insist that it is a narrow and regional attempt to secure unjustified protection for an industry which is, after all, expendable. Certainly, such arguments are false. Those succumbing to them are, in my opinion, undermining the American economy which can ill afford to lose one of its major industries. The debate here today climaxes months of effort to move this legislation to the floor of the House. I am glad that in this process, there has been a broad recognition of the seriousness of the problem demonstrated by the fact that over 250 Members of the House of Representatives have joined as cosponsors of the so-called Mills bill. The formula for textile import quotas in the absence of voluntary agreements has been included in this legislation.

Textile and apparel production in this country is a major industry which employs one out of every eight Americans involved in manufacturing. During the past 12 months, 100,000 jobs have been lost in this industry and thousands who remain on the payrolls are on short workweeks. Investments in new plants and equipment have declined from $820 million in 1966 to an estimated $580 million for 1970. And net profits on sales in the second quarter of 1970 were at an annual rate of 1.8 percent, as compared with the all-manufacturing average of 4.4 percent. In the State of North Carolina alone, 20 textile plants have been forced to close down since January of last year. The same pattern is nationwide.

The problems in the textile and apparel industry have especially serious consequences for the State of North Carolina and for the 10th Congressional District which I represent here. In the eight counties of my district, this industry provides 67,000 jobs, representing 55 percent of the factory work force. An annual payroll of $300 million provided by these jobs is the economic backbone for many of the towns and cities in my area.

But this vital industry is by no means only a regional concern. Although the textile industry is concentrated in States in the South and on the east coast, there

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are textile or apparel facilities in every State in the Union. On a nationwide basis, the textile and apparel industry accounts for 2.4 million jobs with a payroll of $10.8 billion. Federal, State, and local taxes generated from this industry amount to $2.5 billion per year. The widespread effects of an unhealthy textile industry are obvious from these figures.

There is also a human side to the textile problem that cannot be expressed in cold statistics. More than any other major industry, textile plants are located in small communities; about 60 percent of textile industry workers are employed in nonmetropolitan areas. The textile industry and the industries which service it are the backbone of many small towns.

In addition, the textile industry is a large employer of semiskilled workers for whom job opportunities in more complex manufacturing industries are foreclosed. It is a gateway industry from unskilled to skilled labor. Surely we do not need increases in migration to the large cities and the seemingly insoluble problems which accompany urban growth which would undoubtedly occur if these people are denied honorable and decent jobs in their hometowns. The textile industry has done much to accomplish the preservation of small towns and communities, and this is a part of American life which should not be sacrificed.

At the same time that conditions have been growing worse for the textile industry, the level of textile and apparel imports into the United States has increased tremendously. From 1965 to the present, imports have increased from 2 billion to approximately 4.4 billion square yards.

In 1967, imports of textiles and apparel from Japan stood at 352 million yards. Two years later, they had grown to 585 million yards and the increases are continuing in 1970. Between 1967 and 1969, imports of manmade fibers and apparel from Korea grew from 64 million yards to 137 million yards. Hong Kong exports to the United States jumped from 75 million yards in 1967 to 145 million yards in 1969. Taiwan in 1967 sent 59 million yards to American markets. By 1969, the figure had grown to 238 million yards.

This drastic increase in imports, coupled with the decline in our domestic textile industry, caused President Nixon to seek agreements with textile-producing countries to limit further import increases of synthetic fibers and wool similar to agreements already in effect for cotton textile imports. Negotiations, principally with Japan, have gone on for nearly 2 years without result.

What is occurring is a tremendous trade "blitz" by Japan, organized and promoted by all the resources available to the Japanese Government. The economic progress made by Japan in the past decade is fabulous and, as a friend of Japan, the American people congratulate them. However, we must understand that our congratulations must not allow a permissiveness for Japanese imports to destroy our own productive capacity in a major industry. Japan must understand this, too. We have a sovereign obligation to the American people to assure that unfairness does not occur and that our major industries, including textiles, are not systematically reduced to impotence by tactics which would be illegal if they were formulated in this country.

The remedy proposed in the Trade Act of 1970 is mild medicine for such a serious affliction. The textile industry does not ask that future textile imports be drastically limited or cut back from present levels. It asks only that future increases be planned and held to a fixed percentage of our domestic production.

The bill proposes to establish basically the same import plan for wool and man-made fiber products which has existed for cotton textiles since 1961. Under this long-term cotton agreement, imports have not been reduced but have increased from less than 400,000 bale equivalents in 1961 to more than a million last year.

A point that has not been emphasized enough is that this bill would first and foremost encourage voluntary, negotiated agreements, and only after attempts to achieve such agreements had failed would import quotas be imposed. Although Japanese trade negotiators have for 2 years failed to reach agreement on voluntary import quotas with our Government, Japan presently has voluntary agreements with nine importing countries to restrict trade in wool and man-made fiber textiles. Department of Commerce statistics show that in 1968 the United States took 20 percent of Japan's textile mill product exports and 51 percent of apparel exports, while the European Economic Community imported only 3 percent of textile mill products and 5 percent of apparel.

Those opposed to import quotas on Japanese textiles feel that they would lead to retaliation by the Japanese against our exports to that country, mainly of agricultural products. Upon closer scrutiny, however, this argument holds little merit. Japan's purchases of foreign goods are based, sensibly enough, on where the best values can be obtained. Any retaliation by the Japanese against our exports would be economically reckless for them, especially considering the fact that the United States presently receives nearly one-third of Japan's entire export trade. Surely the Japanese would not risk their best foreign market by such retaliatory action.

Opponents of this measure also argue that restricting imports will cause increased prices to consumers of textile and apparel products. There is no basis for this distorted supposition. Textile products have been among the least inflation-prone of any manufactured item during the past 2 years of rapidly rising prices. This is true both of cotton textiles, which are already under an import quota system, and of other textiles, which are not.

In addition, nothing in the bill would substantially alter existing relationships between the supply of foreign and domestic textile products. In fact, the proposal specifically provides for exempting from its provisions imports that are not disrupting the U.S. market and for increasing imports if the supply of any textile article is inadequate to meet consumer demand at reasonable prices.

I would emphasize again the need to preserve and improve the present position of our domestic products in the U.S. market and to plan future growth so that our industries can keep a favorable share of the market with foreign competitors. It is high time that we updated our trade policies to face the realities of international trade in the decade of the 1970's. I believe that the Trade Act of 1970 is a fair and reasonable means to achieve this goal.

Mr. TUNNEY. Mr. Chairman, the importance of California as an economic unit cannot be easily overstated. In the aggregate production of goods and services—gross product—California is exceeded by only seven entire nations—the United States as a whole, the Soviet Union, Japan, West Germany, the United Kingdom, and France. The emergence of this State as one of the world's leading manufacturing centers, combined with its dominance in agricultural output within our 50 States and its strategic geographic location, all contribute to make California currently a contender for the United States ranking position among all States for export trade.

California's growing export sales are expected to top an estimated $3 billion mark in 1970. Last year booming exports provided a direct income to Californians of an estimated $2,908 million. Should services related to the export trade be considered, that sum would be vastly larger.

Export trade from California flows mainly through five commercial ports and several airports. The largest tonnage of exports in 1967 was handled in San Francisco while Los Angeles harbor almost equaled the same tonnage—over five million each. Long Beach handled almost five million tons, while Stockton and San Diego followed with one million and half-a-million tons, respectively. The growth of export trade through these ports—not all originating from California—has averaged at about 16 percent annually for the last 3 years.

SIGNIFICANCE OF THE INDUSTRIAL SECTOR TO CALIFORNIA'S EXPORTS

Foreign sales of transportation equipment at an estimated $836 million, among which aircraft is dominant, have been soaring and constitute the largest industrial sector contributing to exports. Nonelectric and electric machinery bought by foreigners amounted to $293 million and $269 million respectively; while sales of processed food yielded $183 million and those of chemicals $146 million. The State also exported an estimated $77 million of fabricated metal products, $74 million of petroleum and coal products, and $66 million of instruments. Substantial quantities of primary metals, lumber and wood products, rubber and plastic products were also sold abroad. More details can be found in the appended table.

Notable industrial centers contribut-

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ing to California's export trade are Los Angeles-Long Beach, San Jose, and San Francisco-Oakland. Important centers of manufactured products sold abroad are Anaheim, San Bernardino, San Diego, Sacramento, Stockton, Fresno, Vallejo and Bakersfield.

CALIFORNIA'S AGRICULTURAL EXPORTS

Although California continued to be the Nation's number one farm State in 1969 for the 22d consecutive year in total value of cash receipts from farm marketings, it ranked third in farm exports, following Illinois and Texas. At a downward revised annual rate of $400 million of export sales for 1969, the current year export-position is believed to have recovered by about 4 percent increase to a level of $415 million.

The strength of California's agriculture lies in the primacy of this State in the production of specialized crops while remaining strong in all fields except tobacco and soybeans. According to the State's Department of Agriculture there are 46 commercial crop and livestock commodities in which California ranks first nationally. The diversified balance of agriculture in this State is also reflected in the export experience of farm products. These consist principally of three categories: fruits and vegetables which are exported fresh and frozen; livestock, poultry and dairy products; and field crops among which cotton, rice and feed grains hold strong positions.

The substantial stake in exports by California's farmers is underscored by the State's cash receipts from foreign sales of agricultural commodities which historically have been just under one-tenth of total receipts from farm marketings.

CALIFORNIA'S CUSTOMERS ABROAD AND THE CHANGING PATTERN OF TRADE

Although California faces the Pacific Ocean, and the U.S. trade with Asia and Oceania has been increasing in general, while trade with Japan has been climbing in particular, the principal customers of California's products remain the countries of Western Europe. This situation underscores dramatically the high mobility of goods in international commerce.

Californian exports of a variety of industrial and farm products go not only to Canada and Mexico overland, but overseas to Belgium, France, Germany, Holland, Italy, and the United Kingdom among others in Europe. California's best customers in the Pacific are Hong Kong, Japan, Korea, Taiwan, and Australia. Similarly California imports from many of these countries textiles, shoes, bicycles, office machines, electronics, cars, steel and a variety of other products.

It should be noted that the United States is far less in a position to dictate its conditions and terms of trade with its trading partners than it may have been a decade or more ago. It is a fact that the U.S. merchandise export trade has been steadily growing nearly every year since 1948 in absolute terms—from $12,577 million in 1948 to $16,434 million in 1959; and to $37,274 million in 1969. But it is also a fact that the United States relative share of global export trade has fallen sharply from 21.9 percent in 1948 to 14.9 percent in 1953. Since then it has been shrinking to 14.2 percent in 1959 and 13.7 percent last year.

Thus the U.S. dominance in world trade has been tempered by the current presence of two notable major trading areas—the European markets and the Japan-Asian markets. To this pattern one must add the growing importance of the Soviet Union—with whom most industrial nations except the United States trade at significant levels—in the international flow of goods and services and the emergence of Mainland China as the fifth aspiring area of consequential world traders.

It is clear then that California's stake in international trade results not only from its strong position in industrial and agricultural exports produced in the State, but also from being at the crossroads of export and import activities by sea, air and land, servicing the increasing flow of world trade. The preservation of this favorable combination is vital to California's economic health.

To underscore this view and all its implications, in August 1970, the Bank of America has announced the formation of a new unit to be known as the "International Business Development California Market." The express intent of this move by the largest banking institution in the United States is to promote the growth of California's foreign trade and especially its exports. The new unit will assist California bank branches in handling international services so that California firms can gain accelerated access to international banking consultations and general services connected with trade, anywhere in the worldwide system of the bank. This approach should greatly enhance the ability of willing California companies to engage in or increase their participation in foreign trade, regardless of size, location, or past experience, and successfully compete in international business.

IMPACT OF THE PROPOSED "TRADE ACT OF 1970" ON CALIFORNIA EXPORTS

The new foreign trade bill cannot be categorized simply as either "protectionist" or "free trade" legislation. Most issues remain unclear. Much depends on the interpretation and implementation of the new provisions by the occupant of the White House. Some voices have already been raised, suggesting that the nimble footwork of any President could set foreign trade policy direction not in terms of economic impact and well-being of the Nation's interest, but of partisan domestic political ends, this on the heels of a concerted effort in Congress to trim presidential authority in foreign affairs generally.

Whatever the outcome, however, the "Trade Act of 1970," H.R. 18970, in its present form is extremely important. Its departure from overall policy prevailing for more than three decades could be momentous. To the extent that it advocates restrictive measures to the free flow of goods across international borders, it will hurt our national economy in the aggregate more than it may aid any segment of it. There is no doubt that the bill contains potentially adverse effects to California's economy and exports. On the other hand, the bill proposes remedies to U.S. industries, firms and groups of workers with significant amendments to existing laws for bringing fast and substantial relief to domestic producers adversely affected by foreign competition. Although the new proposed processes are not simple and would be partly based on a revamped Tariff Commission, they could become the most significant aspect of the whole trade legislation. They have the potential of achieving a practical solution to economic dislocation originating from international competition by viewing this problem as a temporary and transitional period of adjustment rather than a permanent injury requiring major surgery by instituting full-fledged protectionist quotas on imported goods. It would seem thus, that the current difficulties with international trade appear to be placed where they properly belong—within the province of a national adjustment process through domestic policies aimed at correcting the economic difficulties of sectoral producers.

The historical preponderance of the U.S. trade balance in international trade, and the current evidence of its resurgence from the lows of the past 2 years on the one side and the general protectionist provisions of the Trade Act of 1970 on the other, illustrate the ambivalence of the U.S. policy on the whole matter of foreign trade. Thus a reliable analysis of the new trade bill in terms of total impact and areas of impact is impossible at this stage. Should this bill become law, it will certainly lead to "new" import restrictions by the biggest trading nation in the world; yet it is impossible to foresee where and how because of the host of variables both inside and outside of the U.S. Government jurisdiction.

On balance, considering the basket of goods produced in California and those exported and imported with their relative importance to the State's economy, any new restrictions imposed to foreign imports in those fields explicitly mentioned by the new bill—textiles and shoes—and those potentially within the provisions of the bill—from chemicals to metal products, from nonmetallic products to a host of consumer goods—would adversely affect the well-being of all Californians in their role of consumer, because there is general agreement that prices of domestic goods will tend to rise. It may well be that some isolated and personal indirect benefits will accrue to workers in the textile and footwear industries, perhaps even to some in petroleum and the steel industries, and some branches of electronics. But the mainstay of Californian big producers and successful businesses domestically and internationally—aircraft, farming, transportation and port facilities, food processing and other industries of many specialties—would be net losers.

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ESTIMATED FOREIGN TRADE EXPORTS FROM CALIFORNIA, BY SELECTED INDUSTRIES, 1960-69

[In millions of dollars]

Industry	Exports[1]				Percent change, 1960-69
	1960[2]	1966[2]	1969[3]	1970[3]	
Total exports	1,778	2,200	2,908	+	+64
Total manufacturing	1,386	1,785	2,508	+	+81
Food products	163.	224	183	−	+14
Lumber and wood products	14	22	42	+	+200
Chemicals	79	95	146	+	+85
Petroleum and coal products	84	64	74	−	−12
Rubber and plastic products	9	24	25	+	+178
Primary metals	47	43	46	+	−2
Fabricated metals	34	72	77	+	+126
Nonelectrical machinery	101	227	293	+	+190
Electrical machinery	78	190	269	+	+249
Transportation equipment	513	476	836	+	+63
Instruments	[4] 27	52	66	+	+144
Other manufactured products[5]	237	296	451	+	+90
Farm products[6]	392	415	400	+	+2

[1] All exports excluding shipments to the U.S. Armed Forces and supplies for vessels and planes engaged in foreign trade. Agricultural commodities are generally estimated at world prices to more accurately reflect the State's stake in the Nation's export market. This tends to understate the value of agricultural exports to the State's economy.

[2] From the "Survey of the Origin of Exports of Manufactured Products 1966," Bureau of the Census, series MA-161(66)-1 (rev.) and from "U.S. Agricultural Export Shares by Region and State," USDA, ERS—foreign Nos. 174 and 241.

[3] 1969 estimates are based on annual projections of 1966 data by industry. Assumptions made in correlating the U.S. economy with the State economy reflect more trends than absolute changes in trade direction. While estimates are of course subject to revision this table will permit a reasonably accurate perspective of the current level and trends of exports from this State. For 1970 we have indicated expected growth (+) or decline (−) of exports.

[4] Assigned estimate, no absolute figure available.

[5] Includes ordnance, tobacco, textiles, apparel, furniture, paper, printing, leather, stone and clay, and miscellaneous manufacturing.

[6] Data reflect substantial downward adjustments of 1960 and 1966 figures estimated in 1966 as revised in 1968 by the Economic Research Service of USDA.

Therefore, in the interest of California, I must vote against the Trade Act of 1970 since it represents a radical departure from traditional U.S. trade policies.

I share the concern of Congress that in many areas foreign nations have set up illegal and unjustified nontariff trade barriers thus denying certain U.S. products access to their markets.

There is presently authority, under the Trade Expansion Act, to negotiate away many of these restrictions if exercised in a vigorous manner. The President must exercise his present authority to the fullest extent possible.

More effort must be made by the Treasury Department to detect and restrict imports dumped on the U.S. market in violation of the Anti-Dumping Act.

The U.S. Tariff Commission must double its investigatory efforts under the "escape clause" mechanism to grant relief to products injured by imports.

Programs must be formulated to provide needed assistance to those industries being adversely affected by imports, rather than endangering the jobs of the employees of other industries, particularly in States such as California, as the enactment of H.R. 18970 would do.

Mr. COHELAN. Mr. Chairman, I rise in opposition to H.R. 18970, the Trade Act of 1970.

I voted against the previous question and for the Gibbons amendment to assure that each Member would be given the opportunity to amend this bill. Unfortunately, a closed rule, which I voted against, was adopted and I cannot support this bill as a whole for some of the major provisions of this measure will result in higher costs for the consumer and, possibly, an extensive trade war.

I am not unsympathetic to the plight of industries that are subject to unfair import practices. For this reason I support full and active enforcement of the Anti-Dumping Act of 1921. However, I cannot subscribe to the imposition of quotas to assure a certain level of profit for favored industries. After a careful study of the figures, some facts stand out; after the "onslaught" of textile imports, U.S. industry increased textile product employees by 57,600 and apparel employees by 180,000. In addition, aftertax profits in textile mills increased from $329 million in 1960 to $621 million in 1969, and from $152 million in 1960 profits in finish products and apparel to $523 million in profits in 1969. Faced with this data, it is hard to justify industrywide textile import quotas as required in this bill. A more reasonable approach partially covered in this bill would be to stress adjustment assistance to help firms and workers in noncompetitive plants to move into more competitive businesses.

I am fearful that even the temporary imposition of quotas will lead to a wave of protectionism throughout the world. The cost to the average American consumer should be kept in perspective, and it is well to note that Andrew Brimmer, the noted economist and member of the Federal Reserve Board, has estimated that the cost of textiles and shoes could increase by $3.7 billion for American consumers.

There is another aspect to the consumer problem. In title I of this bill, the oil import quotas are given legislative authority. This means that the oil import quotas are frozen into mandatory legislative authority and removed from the discretionary authority of the President. It has been reliably reported that the oil import quotas now cost the American consumer between $5 and $7 billion annually. The enactment of such provisions would further remove the possibility of ending these unconscionable quotas.

Also there is another provision to this bill that is highly questionable; that is, the establishment of the Domestic International Sales Corporation (DISC) which has been justified as an incentive to increase U.S. exports. This argument should be subject to the most extreme skepticism since there is little information to suggest that an increase in promotional activity or small cuts in the price per unit will greatly upgrade U.S. exports. Indeed, based on information from the Joint Committee on Internal Revenue Taxation and the Treasury Department, for each increase of $1 of exports under DISC, we are asked to lose between 42 cents to 50 cents of revenue. At a time in our Nation's history when there are many urban problems in such areas as education, housing, environmental deterioration, and hunger, we can ill afford to speculate on the possibility that $630 million in tax revenues will be lost in an effort to increase U.S. exports.

It is for these reasons, Mr. Speaker, that I cannot support the Trade Act of 1970. I am hopeful that realistic voluntary trade quotas will be established and that our trade position will improve. I strongly feel that a retreat into quotas and tax incentives is the wrong approach to this problem.

I urge my colleagues in the House to also vote against this measure.

Mr. FLOOD. Mr. Chairman, as my colleagues well know, my State of Pennsylvania is the leading shoe manufacturing State in the Nation.

Last year, we shipped 25 percent by value of all the footwear produced in the United States and our 24,000 shoe manufacturing workers earned and spent $103.7 million in Pennsylvania last year. The footwear industry is vitally important to my State and my congressional district and yet I see it seriously threatened by low-wage imports. In my judgment the legislation we have before us today is literally the only thing that can save the footwear industry in this country.

The tragic history of the American shoe industry over the past 10 years is illustrated by the unbelievable record of imports since 1960. A few statistics, all too uncomfortably familiar to those in the industry, may be helpful.

In 1960, U.S. imports of leather and vinyl footwear were 26.6 million pairs. That represented 4 percent of our domestic footwear supply. Our production that year was 600 million pairs. The 1960's generally, was a decade of unparalleled growth for the U.S. economy.

So at the end of 1969 we take another look at the shoe industry, and what do we see? Imports hit 195 million pairs, 7½ times the 1960 figure. They accounted for over 25 percent of our domestic supply. Meanwhile our American industry produce only 581 million pairs in 1969, 19 million less than in 1960. And for the first 3 months of 1970 imports captured 32 percent of our market. Nearly one-third of all the shoes sold in America are made abroad.

Now there is not any doubt as to why this fantastic growth has occurred. Anybody who can compare the $2.79 average hourly wage, including fringes, which shoe workers earn in the United States with the $1.07 they earn in Japan, or the 50 cents they earn in Spain can understand this readily.

I have examined a study prepared for the American Footwear Manufacturers Association in October 1968 by Dr. Alfred J. Kana, associate professor of statistics and management science at Seton Hall University. Dr. Kana's forecasts show a steady increase in imports to 468 million pairs by 1975 and a steady decline in domestic production to 519 million pairs in that same year, when imports will be an incredible 48 percent of our domestic market.

Unfortunately, Dr. Kana's study has already proven to be optimistic about the ability of the U.S. footwear industry to fight a delaying action. The study forecasts 1970 imports at 220 million pairs, a figure which will be far exceeded this year on the basis of first-quarter figures. The study also shows production declining to 600 million pairs by 1971, whereas we did not even make that pairage in 1969.

Last year, I joined with two-thirds of the House and two-thirds of the Senate in signing a petition asking the President to do something about this critical import problem. The only thing that happened was the industry got studied some more. I do not know what more you can learn about the industry after you know the facts which have been set before the Ways and Means Committee and before the public.

I introduced H.R. 17100 and testified before the Ways and Means Committee on June 2, 1970.

There are people who will tell you that the reason for the import surge is that U.S. producers lag behind foreign manufacturers in style. That is a lot of baloney. Now, most people agree today that style has become internationalized by jet transportation. Shoes shown in Paris or Florence today are in our footwear factories in Pennsylvania a day or so later, while footwear shown in New York can be produced in Europe next week. One of the biggest imported men's shoes today is the wing tip which has been a staple in the American market for many years. Another very popular import style is the hand-sewn moccasin, which is copied abroad and sent into this country at much lower prices, due to the tremendous amount of hand work. Now, where do you think the hand-sewn moccasin style came from?

During the midthirties, we ran our factories in this country on sandalized shoes that are now being imported in large numbers. The platform shoe, which originated in America in the late thirties, is a big rage today out of Italy and Spain.

It must be obvious that if there were no differential in price and the import advantage was style alone, American industry could copy any new fashion that looked promising and make an excellent profit. But the fact remains that these shoes cannot be produced here at anywhere near their cost abroad.

It is also said that the American footwear industry is operating at capacity as far as labor is concerned, that we cannot supply the footwear needed, and that retailers must go abroad to get merchandise. This just simply is not the situation. Even though the labor situation may be tight in some areas, that with shoe imports increasing between 30 and 40 percent a year domestic manufacturers are certainly not going to make capital expenditures in building new factories or modernizing their old ones, or spend money in employing and training additional people.

Many people outside of the industry state that the answer to the industry's problem is to increase exports of footwear from the United States. This has been tried time and time again. Even if prices were competitive, American manufacturers could not export to any important extent. Most shoe producing countries of the world have high tariffs or protect their domestic footwear industries through border taxes, exchange restrictions, or licensing. At the same time, these countries encourage footwear exports to the United States through export subsidies, credits on domestic taxes paid on footwear exports, and concessions on freight. No wonder foreign footwear manufacturers think our great market is inviting. U.S. tariffs on footwear prior to the Kennedy round reductions averaged about 12 percent on imported footwear. When the Kennedy round reductions are completed in 1972, they will average about 8 percent, and there are few, if any, hidden barriers.

Another question which is often asked: Why do manufacturers import footwear? Wholesalers without manufacturing facilities first recognized the great profit possibilities in the wide price differential existing between the American footwear and footwear produced in Italy, Spain, and Japan. Then a number of domestic manufacturers who could not compete closed their factories and became importers.

With increase in competition, pressure from importers and manufacturers' own customers it was esential for self-preservation for aggressive domestic shoe producers to add importing to their manufacturing activities. They had established channels of distribution and they knew the footwear market. They saw the great inroads being made by imports, the effect on domestic growth, and, most importantly, knew that for 10 years the industry had been seeking help from the Government without success. Under these circumstances, why should successful manufacturers allow others to build up a large import business?

A substantial part of the 195 million pairs imported in 1969 were brought in by domestic manufacturers. As imports continue to rise, more and more footwear manufacturers must follow the same practice, and more and more jobs will be exported. Small communities over the entire country will have less employment which will cause a migration of workers to the ghettos of the larger cities. This, in turn, will cause more relief and more problems of other kinds. There will be less taxes paid by the American footwear manufacturers and allied industries; the balance of payments will become worse. It is estimated that the importing of footwear contributed a deficit to the balance of trade payments in 1968 of $320 million and it will undoubtedly be close to $432 million in 1969.

Though I have dwelt at some length on the domestic shoe manufacturing aspects of this issue, I certainly strongly support the protection of other domestic industries in the apparel field including neckwear products.

I believe they should receive whatever protection is required to keep them viable and in a healthy economic condition.

We must not lose sight of the fact that this Nation is presently in the throes of an economic recession and we must bolster our economy with all the aids that are required. If we do not do it, who else will?

Mr. HANNA. Mr. Chairman, the November 1, 1970, issue of Forbes observes:

> The World's lasting fortunes and its great lasting business successes have almost always gone . . . to those who recognize and capitalize on vast sweeping changes in technology, sociology or economics. Such an opportunity today, unquestionably, is the emergence of the Pacific Basin as a major economic force in the world.

Trade flows among the United States, Japan, Canada, Australia, and New Zealand now total well over $50 billion. It has doubled in the last 5 years. Bankers and industrialists in my home State of California see Los Angeles, the largest west coast port, becoming a hub of finance in the West, like New York in the East. The ports of Seattle and Portland will be, as Boston, ancillary ports. San Francisco and San Diego will blossom with the Pacific trade, as Baltimore and Charleston have done on the Atlantic.

The potential for trade, travel, industry and all kinds of business is easily recognizable by all. The question remains whether the United States is prepared to aggressively take advantage of these opportunities or whether it will retreat in the face of competition from Japan and other emerging economic powers in the Pacific.

This is the principal question contained in the quota bill before this Congress. It raises a challenge for all commerce and industry in general, but a most critical and particular one for California and the West. We are the ones that stand to gain from a successful, aggressive participation in the boom of the Pacific. We of the West stand to lose the most by a negative and retreating posture in the face of challenges from imports abroad. Granted that Japan is a fierce and, to some extent, even a favored competitor, that is not to say that given some necessary adjusting to the toughness of the challenge the United States could not hold its own.

Instead of trade barriers we should move with tough negotiations, better financing for exports, market assistance, and a totally aggressive posture in the tradition of the Yankee traders of an earlier era. What we cannot afford is a

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stance suggested in the bill before Congress on trade quotas.

Mr. VANIK. Mr. Chairman, the trade bill which we consider today should be defeated. The policies established in this conglomerate proposal will be very difficult to change after they have been "frozen" into the law. Every Member will be held to account for the total package.

How can we explain support for the oil-quota provisions which allocate the quota to a privileged few who enjoy windfall profits based on the differential between the domestic price and the import price of oil. A tariff based on this differential would bring into the Treasury an additional $1.5 billion each year with no increase in consumers' prices.

Today's action guarantees this windfall to a handful of oil producers for the indefinite future.

The oil quotas combined with the system of domestic production controls provides a completely controlled pricing of oil which creates increased consumer costs estimated between $5 billion to $7 billion each year.

If we are to fight inflation, we must begin with oil. Tax-free profits have given oil the financial power to invest heavily in coal and uranium. The energy resource monopoly exercised by oil today is a national scandal. Coal prices have doubled for almost everyone in the last 6 months.

Last week, two major oil companies announced a 25-cent-per-barrel hike in prices. Motorists will soon be assessed another cent per gallon on motor fuel. Every motorist will be compelled to pay more tribute to oil.

The oil-quota system is one of the most costly instruments of inflation. It deserves to be repealed rather than enshrined. For this provision alone, this trade bill should be defeated.

Mr. MILLS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLYNT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18970) to amend the tariff and trade laws of the United States, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks on the bill H.R. 18970 in the body of the RECORD today.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

REQUEST FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, I object.

ECONOMIC AND MILITARY ASSISTANCE TO FREE NATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–419)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In today's world, peace is synonymous with the strength of America and her friends.

Economic and military assistance to free nations willing to defend themselves is central to our new conception of American leadership for the 1970s and is crucial to America's hope of working with other nations to bring about the preconditions for peace in the world.

In my February 1970 Foreign Policy Message, I reported that it was our goal to reduce the level of our direct involvements abroad as the capability of friendly nations to provide for defense of our mutual interests increases. At that time I sought the cooperation of the Congress in this task. The provision of support for our friends is a key element in our national security policy. Such support is essential if our policy is to succeed. This is why I ask today for a supplemental appropriation of economic and military assistance funds.

The first six decades of the Twentieth Century taught us that a stable and tranquil world requires American participation in keeping the peace. For us to abdicate that responsibility would be to magnify the world's instability and turmoil for us as well as for our friends, and American strength remains one pillar of our foreign policy.

The United States is not going to withdraw from the world. But times are changing; for us to fulfill our responsibility now, we must link our efforts more closely with those of our friends to build the foundations of peace.

The decade of the 1960s taught us that it is neither necessary, nor even possible, for the United States to bear the principal burden for the defense or economic progress of all our allies and friends. They are now ready and willing to assume an increasing share of the burden for their own defense, and are developing the strength to do so—but they will continue to need our help as they move toward ultimate self-reliance.

The free world looks to this kind of American leadership in the 1970s. It is an American contribution which will encourage and enable other nations to do their part. It is a role for the United States in the world which will enlist the support of the American people, and which America can—and must—sustain.

It is in America's national interest to support the growing efforts of our friends. The overwhelming evidence of the last 25 years—from the Marshall Plan to Vietnamization—is that a systematic program that helps other nations harness their own resources for defense and development enables them to take on the primary burden of their own defense.

Helping countries that demonstrate the capability to help themselves enables us to reduce our direct overseas involvement; it eases our budgetary and balance of payments burdens; and it lessens the likelihood of the engagement of American forces.

We are already carrying out this policy. Since I took office, we have already lowered our military presence abroad:

—Already, 68 installations abroad have been closed, and 44 more have been reduced.

—By next spring, under present plans, the total number of American military personnel overseas will be at least 300,000 below the number that were abroad in January of 1969.

But our national security requires that we provide friendly nations the military and economic assistance they need to defend themselves.

The change that the Nixon Doctrine calls for—from bearing the primary responsibility ourselves to enabling our friends to shoulder it much more themselves—is not a simple one to carry out. We must make this change in a way that permits our friends to adjust materially and psychologically to the new form and content of American support.

If we were to shift too quickly, without offsetting with assistance what we are taking away in direct American involvement, we would risk undermining their self-confidence. If we were to change too slowly, bearing too much of the burden ourselves too long, we would risk eroding their incentives for self-reliance.

In either case, we would fail to provide our friends with the means and confidence to help themselves, and we might ultimately face the dilemma of either letting them down or asserting a direct presence ourselves.

In the Middle East, we see how crucial it is to preserve the military balance so that those who are already willing and able to defend themselves can continue to do so. The interest of all nations would be best served by limiting the shipment of arms to that explosive region, but until this objective can be achieved, we must help prevent a shift in the military balance that would undermine the chances for peace.

In the Middle East and elsewhere, we must strike a careful balance. While we must understand the limitations of our assistance, we must never underestimate its critical value in achieving and preserving such balance.

The supplemental program which I submit today will help achieve this balance, by responding to critical needs that have arisen since my original request for 1971 foreign assistance funds.

1. MIDDLE EAST

Nowhere is our support more necessary or more closely linked with our efforts to achieve peaceful solutions than in the Middle East. Peace will come to the Middle East when all parties feel secure from the threat of military dominance and recognize that the only permanent way to resolve deepseated differences is by negotiation and never by war.

We must now act to preserve the delicate military balance in this area, which will encourage those negotiations leading to peace.

A. ISRAEL

Israel has demonstrated a strong will to survive in freedom. We had hoped that recent agreements and arrangements in the Middle East would lead toward peace and make it unnecessary to provide large amounts of military assistance to any of the belligerents in the area. This hope has not yet been realized.

Continued large scale shipments of military equipment by the Soviet Union are a fact that cannot be denied. The buildup of the surface-to-air missile complex in the cease-fire zone west of the Suez Canal, in disregard of the cease-fire-standstill agreement, requires us to redress the imbalance it has caused.

As authorized by the Defense Procurement Act, *I request that the Congress appropriate $500 million to provide Israel with the credits that will assist her in the financing of purchases of equipment that have been necessary to maintain her defense capability, and to ease the economic strain caused by her expanded military requirements.*

B. JORDAN

A stable and viable Jordan is essential if that nation is to make a positive contribution toward working out an enduring peace settlement which would serve the interests of all nations in the Middle East. The Jordanian government has recently demonstrated its determination and capacity to resist aggression by forces which oppose a peace settlement and threaten to weaken the stability of that country. But Jordan, which has previously paid for its military equipment, cannot afford to meet this new defense burden, and has asked us for assistance. *I request that the Congress provide $30 million toward meeting Jordan's request.*

C. LEBANON

Lebanon, which has also been threatened, has taken a moderate stance and a positive approach in the search for peace. To assist Lebanon to maintain a stable domestic base for responsible engagement in the search for peace, *I request the Congress to appropriate $5 million toward meeting Lebanon's request.*

2. EAST ASIA

In July 1969, on my trip through Asia, I reaffirmed our determination to provide security support, while calling upon countries which receive our assistance to assume the primary responsibility for their own defense. Equally important, I emphasized the need to provide the help essential for such nations to assume this responsibility quickly. While reducing the direct participation of our forces we must help these other countries develop the capability to carry out the increased responsibilities they are assuming.

In Asia, this approach has provided the basis for a major reduction in our military presence as well as major long term budgetary and balance of payments savings. Authorized troop levels have been reduced by:

—165,000 in Vietnam; further reductions of 100,000 will be accomplished by next spring;

—20,000 in Korea;

—6,000 in Thailand; further reductions of 9,800 are in process;

—6,000 in the Philippines.

Let us look at the countries in Asia where our help is required as nations move toward greater self-reliance.

A. VIETNAM

United States troop withdrawals in Vietnam mean a reduction in the amount of dollars spent by the Department of Defense, and by our soldiers in Vietnam; and these dollars have been an essential factor in that country's economic stability.

Anticipating that Vietnam would require additional funds this year, my budget message suggested that an extra $100 million might be required. *I am now requesting an amount smaller than that—$65 million—but I regard this smaller sum as most important in insuring the success of our Vietnamization program.* It is important because:

—The Vietnamese, with United States encouragement, have recently begun a significant set of economic reforms which can be effective only if the stability of the Vietnamese economy is maintained.

—The Vietnamese economy will bear an increasing burden of defense as United States troops are removed. That burden could create economic disruption to the point that it would jeopardize that nation's stability, thereby threatening the progress of Vietnamization and future troop withdrawals.

B. CAMBODIA

The operations in the Cambodian border sanctuaries in May and June helped assure the continued success of Vietnamization and of our troop withdrawal programs. As we knew at the time would be the case, the operations seriously impaired the enemy's ability to operate in South Vietnam, and contributed to the progress which has reduced our casualties there to the lowest level since 1965. Continuing operations by South Vietnamese and Cambodian forces in the border areas will make possible continued progress.

Cambodia itself has mobilized its own manpower and resources in defense of its independence and neutrality. The Cambodian armed forces have grown from some 40,000 before North Vietnam's invasion in April to more than 150,000 today. It is essential that we supplement Cambodia's own efforts by providing resources which are critically needed to enable it to continue to defend itself. Its ability to do so is a vital element in the continued success of Vietnamization.

Cambodia's needs have been urgent, and as Congress has been informed, I have directed that funds be transferred from other already severely limited programs to meet these critical needs. *I am requesting $100 million to restore funds to such vital programs as those for Taiwan, Greece and Turkey.*

The need for these programs—to support our NATO allies and to assure stability in the Mediterranean and in East Asia—are no less urgent today than when I originally requested the funds to implement them; it was only because of the extraordinary urgency of Cambodia's needs that I directed this temporary transfer.

To meet Cambodia's urgent needs for the remainder of this fiscal year, *I request that the Congress provide $155 million in new funds to be directly allocated to the Cambodian program ($70 million for economic support; and $85 million for military assistance)*. Seventy percent of the military assistance will be for ammunition.

C. KOREA

I have announced our intentions to reduce by 20,000 the authorized level of United States forces in the Republic of Korea. This has placed a greater defense burden on the Koreans.

Our present assistance to Korea is mostly in the form of operation and maintenance items for their military forces. These items do not help to modernize the Korean force structure as we must do if we are to help Korea improve its own defense capability. *I therefore request authority to transfer to Korea equipment currently being utilized by United States forces scheduled to be withdrawn.*

Additional assistance is required this year as part of Korea's major five-year program to modernize its defense forces and to enable it to effectively meet outside threats as we reduce the level of direct U.S. involvement. These funds are needed now to insure that the needed equipment will be delivered in good time. *I request that the Congress provide $150 million in support of this modernization of South Korea's defense.*

3. OTHER PROGRAMS

There are two additional needs for the military assistance program that have arisen since the Congress considered my request earlier in the year.

First, I directed that the Indonesian program be increased by $13 million from the previous level of $5 million for fiscal year 1971. Indonesia—with its population of over 110 million—occupies a key position for the future peace of Southeast Asia, and has shown a strong determination to resist threats to its security and stability. It is in our interest to support such encouraging developments in a nation which can play a key role in the stability of its entire region.

Second, anticipated recoveries of funds from past years' programs in various parts of the world are not materializing; a shortage of $17 million in these resources is now expected. These funds are needed to continue our assistance

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programs at necessary levels, and have been recognized as such by the Congress. Any shortfalls in these recoveries therefore would require reductions in already severely limited programs, and must be offset.

I request that this $30 million be restored to the military assistance program.

* * * * *

The funds requested represent a considerable sum. But the growing strength of our friends and their willingness to accept a greater responsibility for their own defense will mean increased effectiveness of our own efforts, and a lessened possibility that our men will have to risk their lives in future conflicts.

At this time, in light of certain extraordinary needs and in order to continue the success of the approach outlined in the Nixon Doctrine, we must provide additional resources to those of our friends whose security is threatened. The expenditures are essential to the support of our national security goals and our foreign policy interests, as we reduce our direct involvement abroad.

We must signal clearly to the world, to those who threaten freedom as well as those who uphold freedom, that where our interests are involved the United States will help those who demonstrate their determination to defend themselves. Our foreign policy cannot succeed without clear evidence that we will provide such help.

I believe the American people deeply understand the need for secure friends and allies to provide the foundation for a stable peace.

I believe the American people are prepared to accept the costs of assistance to these nations, to reduce the political and economic costs of maintaining a direct United States presence overseas—and thereby to avoid a possible cost of American lives.

RICHARD NIXON.

THE WHITE HOUSE, *November 18, 1970.*

ROGERS CALLS FOR RUSSIAN-AMERICAN AGREEMENTS OVER CUBA TO BE MADE PUBLIC

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, in light of events over the past 4 months in Cuba, I feel it is time that agreements or commitments between the United States and Russia concerning Cuba be made public.

I have for some time now been concerned over the activity of Russian ships in the Caribbean, especially concerned with the possible establishment of a submarine base in Cuba.

Apparently the administration also became concerned when Russian ships, including a submarine, a subtender, and ocean-going tugs docked in the port city of Cienfuegos and construction of personnel facilities was reported. That was in September.

But then the administration, after issuing statements which warned Russia of building a base for missile-firing submarines, said that the movement of the subtender and tugs out of Cienfuegos indicated things were all right again. Facts developed that the subtender and tug simply moved from the south coast of Cuba to the north coast of Cuba to the city of Mariel. This did not stay my concern.

All that is needed for a submarine base is the tenders and the tugs and barracks for supporting personnel. But on November 1, a statement was released that the ships had left Mariel and that they were no longer in Cuban waters.

This proved to be misleading again, for the ships simply circled the island and again pulled into Cienfuegos. Two days ago a Defense Department spokesman offered a "no comment" when asked about construction at Cienfuegos.

Mr. Speaker, it is time that the Congress and the American people are informed as to the agreements which are in force between the United States and Russia concerning the military use of Cuba.

In September the administration expressed alarm over the construction at Cienfuegos, leading one to believe that this was in violation of the so-called 1962 agreement. Then there was silence.

Today we read of a verbal agreement or commitment made between Russia and the United States this year.

The Congress and the people of the United States have a right to know what agreements or commitments we do have with Russia concerning Cuba.

The neglect which had been shown to Cuban affairs and for that matter to the entire of South America is not, I feel, in the best interest of the United States. We should be vitally interested in what is happening just to the south of us, yet we have for the most part not given proper priority to the southern portion of our own hemisphere.

I am today calling on the President to make public any and all agreements which concern Cuba. They have remained secret for too long. And at the same time, I would suggest that the President and his advisers give more serious attention to consideration of the military, economic and political state of our hemisphere.

TRADE ACT OF 1970

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to call attention of the Members of Congress a letter I have sent to all my colleagues in the House from New England? This letter clearly outlines the problems of industries in my area of the country. I might also point out at this time that the issue that confronts our Nation at this time is the ever growing problem of unemployment. In my home State of Massachusetts the unemployment figures have risen to over 160,000. At the present rate of plant closings and cut down of employee roles this figure could reach 200,000 by the end of 1971 and if no relief is given to these troubled industries by the passing of the trade bill of 1970 then unemployment in my home State could very well reach the staggering figure of a quarter of a million.

Those who are taking the reckless step to oppose this legislation will be held accountable by the electorate in 1972. The issue is clearly drawn—unemployment and its causes will be the No. 1 priority—jobs-jobs-jobs.

The letter referred to is as follows:

DEAR COLLEAGUE: On Wednesday, November 18, the House will debate and vote on the rule for the consideration of H.R. 18970, the "Trade Act of 1970," one of the most important bills which the 91st Congress will consider. If the previous question is agreed to, and the rule is adopted, the House will then begin consideration of the trade bill.

I strongly urge all of you to support the closed rule as reported by the Rules Committee for the consideration of this bill and to vote for the bill itself. *Passage of this legislation is of vital interest to all of New England.* I do not know of any legislative enactment in recent years which is so important to our section of the country. For the first time the many industries which are threatened by runaway import competition are given a ray of hope for the future. The bill contains procedures making it possible for those industries which can make a good case to show they are suffering serious injury or are threatened with serious injury to receive some relief.

Based upon information submitted to us during the lengthy public hearings conducted by the Committee on Ways and Means on this legislation, it is clear that at least the following industries in New England have an important stake in the passage of this legislation: textiles and apparel, with 177,000 jobs spread throughout New England; shoe plants, with 70,000 jobs located throughout New England; rubber footwear; leather goods; brass mill products; stainless steel flatware; flex yarns and thread; fishnets; card clothing; pulp and paper machinery; machine tools; scissors and shears; handbag frames and purse frames; fine and specialty wire; stainless steel sinks; Christmas decorations; electronics; mink for skins; clothespins and veneer products; miniature precision bearings; anti-friction bearings; sprocket chains; builders hardware; wood screws and related fasteners; bicycles and cycle parts; slide fasteners; safety pins and straight pins; fishery products; marble; granite; confectionery products; and green olives.

Much has appeared in the press about the possible effect on New England of the modification contained in the bill on the national security amendment. While I opposed the amendment, it should be made clear that *this in no way affects the President's authority to eliminate the oil quotas which we oppose.* He has that authority today and will have it after this bill becomes law and can exercise it if he so chooses.

On the other hand, for House Members to use the oil quota amendment as an excuse for voting against the bill will in effect amount to a vote against providing reasonable avenues of relief from unreasonable import competition for the types of New England industries which I have mentioned above. In my opinion, this is not a justifiable position because I believe our obligation in the House is to provide relief for the above New England industries rather than risk the writing of another Smoot-Hawley bill on the House Floor which could very well happen.

It is my feeling that the Senate with its flexible rules should be the body where the attempt should be made to strike out the so called oil amendment. If the oil amendment is deleted from the bill in the Senate then the entire New England Congressional delegation in the House can then call upon the House Conferees for favorable action. I realize that we in New England are faced with a difficult decision. However, courage and common sense are very much needed at this time of high unemployment. If New England is going to survive economically, if we are to prevent the further closing of textile, footwear and tannery plants, if we are to stop further layoffs in the electronic industries and all the other thousands of job losses, we must act wisely.

Considering the whole bill, which includes all of the provisions which the President asked for, one could quite justifiably say that it is an expansionist trade bill. At the same time, it includes reasonable provisions for relief for American industries seriously injured or threatened with serious injury from import competition.

I have attached an analysis of the oral and written testimony presented in the hearings of the Committee on Ways and Means by domestic producers located in New England. As you review this list, note the location of these industries and consider how important they are to the individual communities.

I strongly urge that you vote to support the closed rule, including a vote for the previous question on the rule, and that you vote for the bill.

Sincerely,

JAMES A. BURKE,
Member of Congress.

[From *Hearing on Tariff and Trade Proposals* Before the Committee on Ways and Means, May and June 1970]

DOMESTIC PRODUCING INTERESTS LOCATED IN NEW ENGLAND WHICH HAVE EXPRESSED CONCERN WITH INCREASING COMPETITION FROM IMPORTS

PRODUCT; INDUSTRY, COMPANY, AND LOCATION; COMMENT AND HEARING PAGE REFERENCE

Textiles and Apparel: Textile and apparel plants spread throughout New England: Approx. 177,000 jobs—Supported H.R. 16920. See pages 1240–42 for statement by Northern Textile Association.

Card Clothing: Card clothing manufacturers in Mass. and Conn.—Favors import quotas on textiles, p. 1589.

Fish Nets: Fish netting manufacturers: East Haddam, Conn.; Hope, R.I., East Hampton, Conn.—Favors liberalized escape clause and H.R. 16920, p. 1599.

Flax yarns and thread: Ludlow Corp., Needham Heights, Mass.—Favors import quota or increased duties, p. 1611.

Stainless Steel flatware: Gorham Corp., Providence, R.I.; International Silver Co., Meriden, Conn.; Hobson & Botts Co., Danbury, Conn.; Reed and Barton Corp., Taunton, Mass.; and Majestic Silver Co., New Haven, Conn.—Favors resolution calling for negotiation of increased tariff, p. 1808.

Brass mill products: Copper and Brass Fabricators Council Brass mills located in Conn., Mass., R.I.; *Connecticut:* Ansonia, Bridgeport, Bristol, Meriden, Newtown, New Haven, New Milford, Norwalk, Seymour, Stratford, Thomaston, Waterbury; *Massachusetts:* Attleboro, New Bedford, South Hadley Falls, Taunton; and *Rhode Island:* Cranston, East Providence, Lincoln—Favors liberalized escape clause, p. 1830.

Stainless steel sink: Stainless Steel Sink Corp., New Bedford, Mass.—Favors increased tariff on fabricated stainless products, p. 1914.

Fine and specialty wire. Fine and Specialty Wire Manufacturers Association located in Conn. and Mass.—Favors import quotas, p. 1954.

Footwear: Shoe plants located throughout New England: Approx. 70,000 jobs—Supports H.R. 16920, p. 1984.

Rubber footwear: Cambridge Rubber Co., Cambridge, Mass., Converse Rubber Co., Malden, Mass., Goodyear Rubber Co., Boston, Mass.—Continuation of existing levels of tariffs, if ASP is to be eliminated, p. 2103.

Leather goods: Plants in Mass., New Hampshire, and Rhode Island—Favor import quotas, p. 2147.

Pulp and paper machinery: Pulp and Paper Machinery Association Plant in New England—Favors liberalized escape clause, p. 2486.

Machine tools: Machine Tool Builders Association, specifically Brown and Sharp, Kingstown, Rhode Island—Favors liberalized escape clause, p. 2493.

Scissors and shears: Acme Shear Co., Bridgeport, Conn.; John Ahlbin & Sons, Bridgeport, Conn.; W. H. Compton Shear Co., New Bedford, Mass.; A. Lincoln Co., Bridgeport, Conn.; and Miller Forge Manufacturing Corp., Keen, New Hampshire—Favors import quota, opposes further tariff reductions, p. 2758.

Handbag frames and purse frames: Empire State Novelty Corp., Connecticut—Requested tax relief.

Christmas decorations: Manufacturers of Christmas decorations: Bradford Novelty, Boston, Mass.; Mystic Novelty, Wakefield, Mass.; Paper Novelty, Stamford, Conn.; and Mr. Christmas, Providence, R.I.—Favor reduction of imports, p. 2782.

Electronics: Electronics Industry, Association and various divisions. Plants located throughout New England.—Position varies, but all expressed concern with rising imports, particularly with dumping practices, p. 2787.

Unions in the Electronics Industry.—Favors repeal of TSUS items 807.00 and 806.30 on U.S. products assembled abroad.

Mink fur skins: National Board of Fur Farm Organizations; Mink farmers located in Conn. and Mass., in particular.—Favors tariff quota, p. 3051.

Associations of Fur Farm Suppliers: In Boston, Mass., New Bedford, Mass., Glouster, Mass., and Stoughton, Mass., Andover, Conn.—Supports import control, p. 3180.

Clothespins and veneer products: Wooden clothespins and other woodenware products plants in *Maine* and *Vermont.*—Favors liberalized escape clause, p. 3332.

Miniature precision bearings: Miniature precision Bearing Co., Keene, New Hampshire; New Hampshire Ball Bearings, Inc., Peterborough, New Hampshire.—Favors tightening of national security provisions of Trade Expansion Act, p. 3345.

Anti-friction bearings: Anti-Friction Bearing Manufacturers Association; Abbott Ball Co., West Hartford, Conn.; The Barden Co., Danbury, Conn.; The Fafnir Bearing Co., New Britain, Conn.; Hartford-Universal Co., Rocky Hill, Conn.; MPB Corp, Keene, New Hampshire; New Hampshire Ball Bearings, Inc., Peterborough, New Hampshire; Norma FAG Bearings Corp., Stamford, Conn.; Pioneer Steel Ball Co., Inc., Unionville, Conn.; Superior Steel Ball Co., New Britain, Conn.; The Torrington Co., Torrington, Conn.; and Winsted Precision Ball Corp., Winsted, Conn.—Favors import quota, p. 3740.

Sprocket Chain: American Sprocket Chain Manufacturers, Association and Acme Chain Division, North American Rockwell, Holyoke, Mass.—Favors liberalized escape clause and omnibus quota legislation, p. 3756.

Builders Hardware: Builders Hardware Manufacturers Assn.—Favors liberalized escape clause, p. 3811.

Wood screws and related fasteners: United States Wood Screw Service Bureau, Various plants in Conn., Mass., Rhode Island and New Hampshire—Supports import quotas, p. 3822.

Bicycles and cycle parts: Bicycle Manufacturers Association; Columbia Manufacturing Co., Westfield, Mass.; Androck, Inc., Worcester, Mass.; Hartford Precision Products, Rocky Hill, Conn.; Kilian Steel Ball Corp., Hartford, Conn.; The Mattatuck Mfg. Co., Waterbury, Conn.; Mesinger Mfg. Co., Inc., Bethel, Conn.; Persons-Majestic Mfg. Co., Worcester, Mass.—Favor import quotas, pp. 3850, 3860.

Slide Fasteners: Slide Fasteners Association; Pilling Chain Co., West Barrington, Rhode Island; Prentice Corp., Kensington, Conn.; and Scouill Manufacturing Co., Waterburg, Conn.—Favors liberalized escape clause, p. 3871.

Safety pins and straight pins: Pin, Clip and Fastener Association; Scovill Mfg. Co., Oakville, Conn., Star Pin Company, Shelton, Conn., The Risdon Mfg. Co., Nagatuck, Conn., The Risdon Mfg. Co., Waterbury, Conn., Union Pin Co., Winsted, Conn., William Prym Inc., Dayville, Conn.—Favors liberalization of escape clause, page 3878.

Fishery products: *Maine* Sardine Packers Association.—Favors import quotas and liberalized escape clause, p. 3892. Groundfish, Massachusetts and other states.—Favors import quota.

Marble: Marble Institute of America and Laborers International Union of North America; *Vermont* and *Massachusetts.*—Favor import quotas on manufactured marble, p. 4121.

Granite: National Building Granite Quarries Association, Inc., Concord, New Hampshire. Also quarries located in *Maine* and *Vermont.*—Request help with import problem, p. 4152.

Confectionery: National Confectioners Association.—Favors import quotas, p. 4232.

Green Olives: Green Olive Trade Association Plant in Boston, Massachusetts.—Favors higher tariff on green olives in consumer packages.

[From the Patriot Ledger, Nov. 13, 1970]

NIXON CONSIDERS DROPPING QUOTAS FOR OIL IMPORTS

WASHINGTON.—The Nixon administration is considering temporary abandonment of oil import quotas and the freeing of oil production on federal off-shore leases from state control.

RADICAL CHANGE

Administration sources today said the moves are being considered in the wake of recent crude oil price increases. If these steps are taken, they would represent a radical change in Washington's present oil policies.

The Office of Emergency Preparedness (OEP) yesterday announced that it plans to investigate the reasons for and consequences of the price increases.

George A. Lincoln, director of the OEP, said the agency will undertake the investigation with the help of the Justice and Interior departments and other branches of government, as required by the basic oil Import Proclamation of 1959.

Any OEP recommendation to the President would concern the national security effect of the increases, Mr. Lincoln observed.

HOME HEATING OIL

Administration officials said while there are no import quotas on crude oil, their investigation may prove that dropping the import quotas on number two home heating fuel may stimulate the market and help bring oil prices down.

Concerning the freeing of oil production on federal off-shore leases from state controls, the administration sources said this would allow oil producers to increase their output above the state regulated limits, thus increasing the supply and decreasing the price.

The OEP investigation will begin next week when the agency will ask all interested parties to submit their comments on the reasons for and solutions to the present oil shortage.

The agency expects the New England Congressional delegation to submit comments again urging the end of the oil import quotas.

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Thomas Eastley, executive secretary to the New England Council, said a temporary abandonment of the quotas "will not solve the problem we've been facing for ten years." He said a series of stopgap measures have been taken "after every fuel crisis," and that a "sensible new national oil policy" is needed for long-range fuel needs.

PERSONAL EXPLANATION

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, because of official committee business, I returned to Washington only late yesterday and was thus unable to vote on the Comprehensive Manpower Act which passed the House Tuesday. Had I been here, I would have voted for the bill and against the motion to recommit.

Mr. Speaker, in addition, had I been here on Monday I would have voted for the bill authorizing additional appropriations for the Civil Rights Commission, and the bills authorizing the Family Planning Services and Population Research Act, and the benefits bill for families of servicemen missing in action, captured, or interned.

Resolution 1355 concerning the war powers of the Congress and the President seems to do nothing to restate the constitutional powers of the Congress and the President with a reporting requirement added. I do not believe it will solve the problem of the Presidential use or war powers but it seems to do no harm so I would have voted aye on the resolution.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, some noteworthy remarks in the November issue of the Buckeye Farm News are pertinent and worth repeating in an effort to accentuate the positive side of America. The editorial comment states that if the world population were condensed into an imaginary town of 1,000 persons, some interesting observations could be made on how we Americans, by comparison, measure up to the rest of the world.

Sixty persons out of the 1,000 would represent the total U.S. population, with the rest of the world represented by 940.

The 60 Americans would be receiving half of the total income of the entire community; the 940 other persons would share the remaining half. Of the 60 Americans, the lowest income groups would be better off than the average in much of the rest of the town.

The 60 Americans would possess nearly 16 times as much goods, per person, as all the rest of the people. On an average they would produce 16 percent of the town's total food supply.

Few will dispute the fact that we have problems. But then again, we have the resources, the determination and the ability to alleviate them.

THE CONTINUING CALLOUSNESS OF PRISON OFFICIALS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the brutality of our penal system goes on and today's headlines are reminiscent of those of yesterday and of so many prior years. Little has changed. In today's New York Times there is a report on the findings of the New York City Corrections Board on the suicide of a man who was being detained in the Tombs. The board stated that the young man—found hanging in his cell last month—was a victim of an "inhuman" system of criminal justice and detention procedures that had deranged him and permitted his suicide. This superb report, prepared under the chairmanship of William J. vanden Heuval, should be read by everyone interested in the conditions prevailing in the Tombs.

I have had extensive correspondence with the corrections department of both the city and State of New York on their policies, particularly as they apply to prisoner correspondence and visitation privileges. I have brought my correspondence on this subject to the attention of this House because it reflects the callousness of the prison officials toward their prisoners. In the instance of one prisoner, Nathan Wright, who has been denied both correspondence and visitation privileges with his common law wife of 4 years, my correspondence goes back to May 30, 1970, and the situation has yet to be corrected. And recently, I was advised that yet another prisoner, Theodore Webb, who is also incarcerated in the same New York State Napanoch correction facility, has been denied correspondence and visitation privileges with his common law wife and child.

Mr. Speaker it is evident that it is time for this Congress to consider the legislation that has been introduced by our distinguished colleague (Mr. MIKVA), H.R. 16794, of which I am proud to be a cosponsor, to establish minimum standards for correctional institutions and to provide Federal funds to assist State and local prisons in meeting these standards. It is my hope that this legislation will be considered early next year by the Judiciary Committee.

I would like to set forth for printing in the RECORD the correspondence I have had with the corrections department since my last report to this House on September 29, 1970, as well as excerpts from the board of correction's report to the mayor of the city of New York.

STATE OF NEW YORK,
DEPARTMENT OF CORRECTIONS,
Albany, N.Y., October 1, 1970.

Hon. EDWARD I. KOCH,
House of Representatives,
Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Receipt is acknowledged of your letter of September 28, 1970, addressed to Mr. Manuel T. Murica, Counsel to this Department, advising that you have received word from Commissioner McGrath that he has authorized this Department to permit common-law wives to visit City prisoners held in State facilities.

I am attaching copy of my letter of September 29, 1970, addressed to Commissioner McGrath which, I believe, is fully self-explanatory.

Yours very truly,
JOHN R. CAIN,
Acting Commissioner.

SEPTEMBER 29, 1970.

Hon. GEORGE F. MCGRATH,
Commissioner, Department of Correction,
New York, N.Y.

DEAR COMMISSIONER MCGRATH: Receipt is acknowledged of your letter of September 21, addressed to Mr. Manuel T. Murcia, Counsel to this Department. It has been our understanding when you transfer your inmates to one of the State facilities, such as Clinton or Eastern, that you should furnish those institutions with a considerable amount of information, including the visiting and correspondence lists approved by your people for the inmate concerned.

Failing to receive such information from you, we must apply our regulations which are certainly very, very liberal, but which do not mention "common-law" as there is no such status in New York State. Generally speaking, an inmate may correspond with one girl friend and receive visits from her, provided that neither the inmate nor the girl friend involved is otherwise legally married.

Even in those cases exceptions can be made wherein the whereabouts of the girl friend's former husband has been unknown for a period of years, or wherein the whereabouts of the inmate's legal wife has been unknown for a number of years, and wherein it appears that granting this permission would not be detrimental to the sanctity of marriage, and would not be encouraging promiscuity.

Yours very truly,
JOHN R. CAIN,
Acting Commissioner.

Mr. EDWARD I. KOCH,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Please be advised that I am in receipt of letters from you dated September 28, 1970 and October 3, 1970. Upon receiving your letter dated September 28, I was left quite puzzled, because of the fact, that affixed to it, was the following notification by this institutions administration:

"This has been the policy, as long as there is not a legal wife.

"If there is a legal wife, common-law wives are still not allowed."

Then when I received the Congressional Record House Résumé from you on October 7, 1970 I was even further bewildered, when I read certain of the letters that you had sent to various different State and Correctional officials, which you had been in contact with during the recent months, concerning the issue of my still being legally married although separated from my wife for five years, as being the reason why I cannot now write to my present common-law-wife, with whom I have lived with for the same amount of time. Please allow me to refer you to your correspondence to Commissioner McGinnis on the date of August 25, 1970.

You stated to him, that you had been told by Commissioner George F. McGrath that in New York City Correctional facilities, "Inmates are permitted to write to and receive mail from anyone." Did your letter to me dated September 28, 1970, in effect, mean that we city prisoners located here at Napanoch, N.Y., are entitled to the same writing and visiting privileges that we had formerly enjoyed at Rikers Island; and this being the case that we are able to now write to our common-law wives regardless of whether or not if we are still considered legally married, in view of the extenuating circumstances aforementioned? If this is so, would you kindly write and notify me and this institution's administration of the change made in its correspondence practices.

Thanking you, for all that you have done thus far, I remain,

Sincerely,

NATHAN WRIGHT No. 309.

OCTOBER 9, 1970.

JOHN R. CAIN,
Acting Commissioner, Department of Correction, Albany, N.Y.

DEAR MR. CAIN: I have your letter of October 1 with the copy of your letter of September 29 sent to Commissioner George McGrath.

Your letter of September 29 does not reflect the substance of the statement which you made to me in your letter of September 9. You will recall that at that time you stated ". . . we advised Commissioner George F. McGrath that if he will authorize such females to be placed on the City Inmates' Visiting List, we will honor his designation." The commitment which you made then is considerably reduced by your letter of September 29 where instead of carrying out Commissioner George McGrath's authorization you hedge his authorization with restrictions that evidently do not apply to New York City prisoners held in New York City detention facilities.

Once again I am calling upon you to provide to all prisoners in your custody and sent to you by the New York City Department of Corrections the visitation privileges authorized by Commissioner George F. McGrath. I also believe that you should extend the same visitation privilege to all state prisoners as well.

I would like to close my file on this particular matter and cannot do so until I receive your verification that this has been done. I therefore would appreciate your prompt response.

Sincerely,

EDWARD I. KOCH.

STATE OF NEW YORK,
DEPARTMENT OF CORRECTION,
Albany, N.Y., October 14, 1970.

Hon. EDWARD I. KOCH,
House of Representatives,
Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Receipt is acknowledged of your letter of October 9, 1970. I find that my letter of September 29, 1970, addressed to Commissioner George F. McGrath of the New York City Department of Correction, a copy of which was sent to you under date of October 1, is fully self-explanatory, and reflects positively the policy of this Department.

Your contention that this does not reflect the substance of the statement which was made to you in our letter of September 9 is merely one of interpretation, and you must note that this letter was signed by the counsel of this Department. The Counsel does not make policy.

I note the third paragraph of your letter where you are calling upon us to provide to all prisoners in our custody sent to us by New York City the visitation privileges authorized by Commissioner George F. McGrath. Again I must reiterate that our policy is outlined in my letter of September 29, addressed to Commissioner McGrath.

I note also your statement that you believe that we should extend the same visitation privileges to our State prisoners as well. While we appreciate your recommendations, we reserve the right to make the policy on these matters for the State Department of Correction.

Yours very truly,

JOHN R. CAIN,
Deputy Commissioner.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 19, 1970.

Mr. JOHN R. CAIN,
Deputy Commissioner, State Department of Correction, Albany, N.Y.

DEAR MR. CAIN: I have your letter of October 14th—and it would seem that you are determined to put up every obstacle possible so as to prevent prisoners from seeing their common-law wives.

Your counsel, Mr. Murcia said in his letter of September 9th to me that "we advised Commissioner George F. McGrath that if he will authorize such females (common-law wives) to be placed on the City Inmates' Visiting list, we will honor his designation." It seems to me that he was clearly talking about the category of "common-law wives," but now you say that you have to receive a separate authorization for each individual City prisoner, knowing full well that this means a burdensome—and therefore probably often forgotten—amount of paperwork on the part of the City. In your letter of October 14th you also seem to find it necessary to make an excuse for Mr. Murcia and his statement of September 9th—you note that he is the Counsel of the Department and that the Counsel does not make policy. This may be true, but I would submit that he probably is in the best position to know what rights a City prisoner has, and legally how authorizations can be made by the City. The simple problem is, Mr. Cain, that you do not want to honor Commissioner McGrath's authorization and so you are finding an excuse not to.

It seems to me that it is really ridiculous that your Department should put up such a struggle to block these correspondence and visitation privileges which surely can mean so little to the institution, and the purpose of the institution—"to correct" (I assume I am right in choosing the verb in that in one of your previous letters you took such care to note that you no longer use the words "prison" and "reformatory" in referring to your institutions and instead call them "correctional facilities."). But, these privileges can mean so much in terms of the morale and disposition of the prisoner in the institution and then his ability to rejoin society when he is released. Naturally we assume that it is best for a man to have a family to go back to—but we have to recognize that this is often not the case, and it seems to me that a common-law wife situation provides a more affirmative milieu than none at all. This is to put the argument in terms of what is good for the prisoner and for society—but beyond this, I would suggest that whether a man has a legal or common-law wife is really not the concern of the State Corrections Department.

I would urge that you reconsider your position, particularly with regard to the City's prisoners, but also with respect to the state's prisoners.

Sincerely,

EDWARD I. KOCH.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 19, 1970.

Hon. LOUIS J. LEFKOWITZ,
Attorney General, Capitol,
Albany, N.Y.

DEAR LOUIS: Since May I have been in communication with the State Department of Corrections on the matter of prisoners' correspondence and visitation privileges with common-law wives. This matter was raised by a City prisoner, Nathan Wright, who is being held at Napanoch where he is not allowed to either write or visit with his common-law wife of four years, whereas these privileges were enjoyed at Rikers Island.

Enclosed is the correspondence on this matter. You will note that on September 9th, the Department of Corrections' Counsel, Manuel T. Murcia advised me that if Commissioner George McGrath "will authorize such females (common-law wives) to be placed on the City's Inmates' Visiting List, we will honor his designation." On September 21, Commissioner McGrath complied with this request and sent the Department the authorization.

But, on October 1st, Commissioner John Cain of the Department demurred and said no, the privileges still could not be extended to the City's prisoners unless an individual authorization, by name, was given for each prisoner. Obviously, this is just one more effort to place an obstacle before us.

I would appreciate your help in obtaining the Department's cooperation so that the privileges can be instated. Surely, the present proscription can be contributing nothing toward realizing the purpose of the correctional institution.

Sincerely,

EDWARD I. KOCH.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 19, 1970.

Mr. ROBERT DOUGLASS,
Counsel, Office of the Governor,
State of New York,
Albany, N.Y.

DEAR BOB: I would like to bring to your attention once again the matter of prisoner visitations by common-law wives.

The State Corrections Department has yet to allow the New York City prisoners held in its facilities to correspond and visit with their common-law wives. The Department continues to refuse these privileges even though on September 21st City Corrections Commissioner George F. McGrath wrote to the Department authorizing common-law wives to visit City prisoners held in State facilities.

While the Department's Counsel, Mr. Murcia had previously told me by letter of September 9th that if Commissioner McGrath "will authorize such females to be placed on the City's Inmates' Visiting List, we will honor his designation," Commissioner Cain now tells me that an individual authorization for each prisoner must be made by the City. This is an obvious effort to make the City's task more difficult and to put up another obstacle so as to avoid giving the prisoners these very meager privileges.

I am enclosing the most recent correspondence I have had with the Department on this matter. It is evident that this is just a subjective decision on the part of Commissioners McGinnis and his colleagues—Commissioner Cain unintentionally made this clear by his efforts in his letter of October 14th to diminish the importance of Mr. Murcia's statement by saying that the letter of September 9th "was signed by the Counsel of this Department. The Counsel does not make policy."

I would urge your immediate intervention in this matter so that this senseless proscription demanded by just a few persons in the Department, but affecting a number of prisoners, can be overcome.

I trust that the Governor shares my feelings on this matter—and I hope that action can be forthcoming from your office in the very near future.

Sincerely,

EDWARD I. KOCH.

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 16, 1970.

GEORGE MCGRATH,
Commissioner, Department of Correction,
New York City.

DEAR GEORGE: I have been advised that Theodore Webb (Rikers Island #770-483, state #1822), a City prisoner currently serving at Napanoch, has been denied visitation and correspondence privileges from his common-law wife. Mr. Webb has been married before and divorced, and his first wife has remarried. While he was incarcerated at the Tombs from November 1969 to January 1970 and at Rikers Island from January to October 1970, he received visits and extensive cor-

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respondence from his common-law wife. But these privileges are currently being denied him in the State facility because he does not have the divorce papers from his first marriage. There is a further tragic aspect to this case in that Mr. Webb and his common-law wife are the parents of a child.

Pursuant to the correspondence I have had with the State authorities, it would appear that a letter from you authorizing visitation and mail privileges would be honored. Would you kindly send such a letter to John R. Cain, Deputy Commissioner of the Department of Correction, and send me a copy for my files.

I would also appreciate your issuing a blanket authorization covering all City prisoners in state custody, granting the same visitation and mail privileges which those prisoners would have were they incarcerated in City penal institutions. I would also appreciate receiving a copy of that letter.

Sincerely,

EDWARD I. KOCH.

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 17, 1970.

JOHN R. CAIN,
Deputy Commissioner, State Department of Correction, State Office Building, Albany, N.Y.

DEAR MR. CAIN: I am enclosing a copy of a letter sent to George McGrath, Commissioner of the New York City Department of Correction.

I would hope that you would establish a policy for all City prisoners transferred to State institutions so they would have the same privileges which they have in the City prison system. This would also eliminate individual letters for different prisoners' requests.

I would appreciate your advising me as to what that policy would be.

Sincerely,

EDWARD I. KOCH.

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 17, 1970.

WILLIAM VANDEM HEUVAL,
Chairman, New York City Board of Corrections, New York, N.Y.

DEAR BILL: I am enclosing more correspondence on visitation privileges, or lack of them, in State institutions. I would appreciate your looking into the two cases of Nathan Wright (correspondence which I sent you previously) and Theodore Webb, and doing what you can to have the State authorize those same privileges enjoyed by prisoners in the City penal system when they are transferred to State facilities.

Please keep me advised.

Sincerely,

EDWARD I. KOCH.

[From the New York Times, Nov. 18, 1970]

EXCERPTS FROM CORRECTION BOARD'S REPORT ON THE "DEATH OF A CITIZEN,' JULIO ROLDAN"

I. JULIO ROLDAN: PERSONAL DATA AND INFORMATION

Julio Roldan was born in Aquadilla, P.R., on Oct. 27, 1936. He came to the United States for the first time as a teen-ager. He attended Morris High School, a predominantly black and Puerto Rican low academic high school in the South Bronx. Roldan dropped out of school after his 10th grade, and returned to Puerto Rico. Like many other Puerto Ricans, he returned to the United States several times, before finally entering the Army in 1961. He served two years, as a medical corpsman. He was honorably discharged on Aug. 29, 1963. His service to the United States Army is without blemish.

Roldan had never married. He lived for several years with his brother, Israel [a Protestant minister in the Bronx]. During that time he was studying to become a member of the clergy. He stopped these studies when he decided that the life of a clergyman was irrelevant to many of the problems facing the Puerto Rican people.

The testimony of his friends and family reveal that he was deeply affected by the inequities he saw, both here and in Puerto Rico. Beginning in 1966, Roldan traveled frequently between New York and Puerto Rico, never settling in any one place and often living out of a knapsack. He became interested in the Puerto Rican Independence movement at that time, and be began to view social injustice in political terms.

His interest in the independence movement led to an arrest in Puerto Rico. He was tried and convicted of flag-burning in Aquadilla, and fined $25 in 1969.

Roldan joined the Young Lords party in August, 1970. He was a Young-Lord-in-Training, and the chief cook of the mess hall at 75 East 110th Street, where he also was living at the time of his death.

Roldan earned his living selling leather items which he made himself. He was also a poet:

City of Strangers

City of strangers
And I don't think they know me
Nor care about my woes
I'm just they say at heart a bum
An earth rejected skum . . .

Let's Get Together Because I Love You

So you see
Oh What's the name
Democracy
I sooner say
Beaureaucracy
But what the hell
If I can spell
I'm just a spick to you
But I love you
Together
We can save
The world for our kids . . .

II. JULIO ROLDAN: CIRCUMSTANCES OF HIS ARREST AND ARRAIGNMENT

On the evening of Oct. 13, 1970, the Young Lords had organized a demonstration to complain of poor garbage collection. The demonstration took place in the vicinity of 112th Street and Lexington Avenue, and extended throughout the surrounding area. Julio Roldan and Roberto Lemus [a member of the Young Lords] were participants in it.

As Lemus described the scene, he and Roldan were walking down 110th Street, between Madison and Park Avenue. They observed some burning papers inside the entranceway to the premises at 55 East 110th Street. Both men walked inside the building in an effort to extinguish the blaze. At that moment a car (identified by Lemus as a Bonneville with New Jersey license plates) came to an abrupt halt in front of the entrance to 55 East 110th Street. Three men emerged from the vehicle with guns drawn.

The police officers were dressed in plain clothes and were subsequently identified as members of the Narcotics Squad. Lemus says that he tried to explain to them that he and Roldan were merely attempting to extinguish the fire, which had apparently resulted when some of the debris in the street was blown inside the entranceway to the apartment building. The police interrupted his explanation, and frisked and handcuffed both Lemus and Roldan.

The arresting officer, Hubert Erwin, of the Narcotics Squad, stated that he was accompanied by two other patrolmen, Donald McCarthy and James Murphy and were in Murphy's Rambler station wagon which had New York license plates.

Erwin related that Lemus had picked up a wad of newspaper, and Roldan had set it on fire, and had walked into the building at 55 East 110th Street to set afire more papers which were lying in the hallway. They had just managed to set these papers afire when the officers arrived and arrested them.

REPORTS INSULTS

Lemus says that he and Roldan were placed in the car and taken to the precinct house, during which time they were continuously insulted and "picked on." Roldan received the brunt of the insults, and according to Lemus, was visibly agitated by them. The arresting officers referred to Roldan as "Cookie" (because he was a cook), and repeatedly asked him why he did not go back to Puerto Rico from where he had come.

At the 25th Precinct, Erwin filled out some papers and at approximately 1 A.M., on Wednesday, Oct. 14th, he asked the arrestees if they wanted him (Erwin) to make any telephone calls for them. They asked Erwin to call the office of the Young Lords, tell whoever answered that they had been arrested, indicate the charge, and ask the office to arrange for attorneys to represent them. As a matter of policy, Erwin would not let the arrestees make their own telephone call.

At approximately 3:30 A.M., Barbara Handschu, an attorney, and Carol Goodman, a law clerk, arrived at the precinct house. Handschu and Goodman identified themselves and asked to speak with the arrestees. Erwin refused to permit them to see Lemus and Roldan in private, and instead made certain that either he or one of the other arresting officers was present at all times during their conferences with the two arrested men.

Officer Erwin says that while the arrestees were at the 25th Precinct, he "read off the sheet of constitutional rights" to them. Roldan refused to answer any questions, and instead asserted that he was a prisoner of war and was not obliged to answer any questions. Edwin related that Roldan was more difficult to deal with than Lemus and that Roldan kept "spouting Mao."

Again, according to Lemus, at about 7:30 A.M., on the morning of October 14, Officers Erwin and Murphy took the arrestees to 100 Centre Street. While Erwin drew the complaint, he questioned the arrestees and was even more insulting to Roldan than he had been previously. Roldan was getting progressively madder and more agitated. During the morning the arrestees were placed in the bullpen on the third floor at 100 Centre Street. Counsel for the arrestees, Dan Pochoda for Roldan and Miss Handschu for Lemus, were not permitted access to the arrestees.

At approximately 2:30 P.M., the case was called [before Criminal Court Judge Hyman Solnicker] and Mr. Pochoda had not yet conferred with his client, Mr. Pochoda asked the judge for an opportunity to speak with Mr. Roldan before the case was heard, but the judge said that there was not sufficient time, they could see how crowded the courtroom was, and that the case must proceed. Roldan yelled that "There is no justice in this court. There is no one here to represent us. Our lawyers have not had a chance to speak with us. This is only happening because I'm Puerto Rican."

The judge resented the interruption, said he would give them a second call and would place their names at the bottom of the list. Officer Erwin took the arrestees from in front of the judge, and returned them to the court pen. Officer Erwin then handcuffed the arrestees together and permitted them to speak with their attorneys.

EXCHANGE IN COURT

Judge Solniker called the case again at approximately 4 P.M. Mr. Pochoda argued that it made no sense for the Young Lords to attempt to burn down a building which contained Puerto Rican inhabitants, many of whom were their own friends. The judge and the district attorney interrupted the attorney and then Mr. Roldan interrupted them, shouting that he had set no fire. The judge told him to be quiet and threatened him with contempt of court, at which time, Mr. Roldan shouted some epithets at the Court. The judge then said "Take him out."

Bail was set by Judge Solniker at $1,500, a reduction from the $2,500 bail requested by the district attorney.

On Oct. 14, 1970, the day on which Roldan was arraigned (and apparently a rather average day in terms of arraignment statistics), Judge Solniker had 283 cases appear before him. Thus, on the average, in an eight-hour day (and Judge Solniker works at least that many hours in the courtroom, with hardly time for lunch, and leaving decisions and other research for his home hours), the judge could give only 1.7 minutes or 102 seconds to each matter.

The courtroom is crowded and noisy. The judges who preside are themselves offended by the lack of decorum and the practical necessities of moving the calendar of cases. Moreover, if a defendant exhibits evidence of psychiatric problems, the courts have been advised that Bellevue Hospital is unable to accept the defendant because of its present caseload.

Factors Considered

Judge Solniker was asked by the Board of Correction interviewers what factors he considered when setting bail. He cited the kind of crime—"if burglary is in a residential apartment, I tighten up because of the narcotics probability and the tendency of violence to innocent people." He stated he also considers the "yellow sheet" of the defendant, a police record that reflects prior arrests and convictions. If the defendant is represented by Legal Aid, an ROR (Release on Recognizance) report is prepared which indicates whether the defendant is married, employed, etc., and gives information which the judge can consider in determining the likelihood of the defendant jumping bail and leaving the jurisdiction.

If a defendant is privately represented (as Mr. Roldan was), the irony is that an ROR report is not prepared. The defendant's attorney is expected to make the argument that his client should be released on his own recognizance. The transcript in the Roldan arraignment shows that his attorney never had a chance to make an argument for his immediate release pending trial.

The people of New York were represented at the arraignment by Assistant District Attorney Alan Frazer. Mr. Frazer, who has been with the District Attorney's office since 1968, has had considerable experience in arraignments, alternating on a monthly basis between arraignments and jury trials. He pointed out that a normal caseload consists of some 300 cases per day. During a one-hour period in which Mr. Frazer was present on Oct. 14, 1970, he handled some 30 cases.

The appearance of the defendant before the judge for araignment is the first time that a District Attorney has general knowledge of the case before him. He relies heavily on the complaining witness or the arresting officer, who stands at his side during the arraignment.

During the arraignment, Mr. Frazer requested that bail be set at $2,500 for each defendant. He based this on (1) the nature of the charge [attempted arson] (2) the fact that the police told him that the defendants had given a false address (neither the police nor the District Attorney verified this charge. In fact, the address given was the Young Lord's Headquarters), (3) the arresting officer confirmed that the defendants were "Young Lords," and (4) the building was an occupied apartment house. Mr. Frazer concluded that this was a "heavy case" from the unfriendly tone of the police officers.

III. ROLDAN'S IMPRISONMENT AND THE CIRCUMSTANCES OF HIS DEATH

Wednesday, Oct. 14, 1970

At approximately 5:30 P.M. Julio Roldan was brought into the Manhattan House of Detention for Men the "MHD".

The captain in charge of the receiving room when Roldan was processed considers an outbreak by a person in the courtroom to be behavior abnormal enough to require the person to be put under special observation, even if the prisoner is quite calm and relaxed in the receiving room. However, neither the captain nor any other officer remembers being informed of any such behavior on the part of any prisoner brought into the receiving room on that day. Therefore, rather than being assigned to a special observation section on the eighth floor, Roldan was routinely assigned to a general detention area on that same floor.

He proceeded to the medical examination room where a brief medical history was taken. Unless a prisoner complains about some ailment, he is pushed through without any further attention from the doctors. The reasons given are that there are not facilities available to give a medical examination to every inmate, and that there are not adequate facilities to give a thorough examination to even a single inmate.

Roldan was taken from the receiving room in a group of 12 and led to the elevator. When the elevator reached the eighth floor, six prisoners were taken to the central control area of the floor which is referred to as the "Bridge." The A man, the officer who stays on the Bridge at all times and is in charge of the floor, then assigned the men to cells. The officer who took Roldan and the other man to their cells remembers Roldan being extremely quiet throughout the entire time he was on the Bridge and being taken to his cell.

At approximately 7:30 P.M. Roldan was put into cell Lower E–4.

According to his cellmate and other prisoners, Roldan was upset when he arrived in his cell. He was alternately frustrated, angry, crying, laughing and occasionally gave hostile looks to his cellmate. That evening Roldan rambled at great length in both Spanish and English about many subjects, including the oppression of minority groups, starving babies, killing of blacks, revolution, that the Establishment was trying to kill minority groups and him, corruption and poison in the air. At times he would hang on the bars with his hands or bang his fists on the cell wall. He shouted "more power to the people."

Thursday, Oct. 15, 1970

During the course of the morning Roldan appeared quite upset. His cellmate has stated that Roldan would jump on his bunk and after five minutes would jump down, take off his belt, stretch it, put the belt back on and then jump back onto the bunk. He did this repeatedly. The belt was described as a thick leather strap.

According to the prisoners, at approximately 11 A.M., Roldan's cellmate was reading at the stool and table when Roldan jumped down off of his bed and told his cellmate "I will prove to you that I am a man." Roldan swung at him and a fight ensued with the two prisoners rolling on the floor and on the lower bunk. The other prisoners sent up a howl and officers came and broke it up by standing outside of the cell and ordering the prisoners to separate. At approximately 11:30 A.M. Roldan's cellmate was moved to Lower E–6. Roldan was not particularly loud in the time immediately following his segregation.

Late that evennig, as he had done during that afternoon, and the preceding evening, Roldan again talked at length about revolution, the poor, the Young Lords, and people in the street. He was again described as being coherent but repetitious. Other inmates chanted "you're right brother, you're right" as Roldan preached revolution.

Friday, Oct. 16, 1970

At approximately 6:50 A.M. on the sixth floor of the MHD, Roldan's name was called two or three times over the loudspeaker. This was because a telegram had been delivered to that floor addressed to Roldan. It was evidently misdirected. The floor log for the sixth floor shows that Roldan's co-defendant was assigned to that floor but that Roldan was never on the floor.

The sixth-floor A officer at that time stated that he looked up the name on the telegram in his floor book and found that Roldan was not on his floor. However, since there may have been a mistake, he read the telegram, which is standard procedure, and called out Roldan's name several times over the sixth floor loudspeaker. He then put the telegram back into the envelope and, as is procedure, left it in the gate by the elevator for the elevator operator to take it to the proper floor. The sixth-floor A officer remembers the gist of the telegram to be "Sit tight, we are trying to get bail money up." Representatives of the Young Lords reported sending such a telegram.

The officer assigned to operate the elevator at that time does not remember picking up a telegram on the sixth floor, and the A officer on the eighth floor does not remember receiving a telegram for Roldan.

At about 7:30 A.M. breakfast was served by Help [the nickname of a sentenced prisoner doing janitorial work on the floor.] Help remembers saying "Hi, brother" to Roldan and Roldan taking his tray to the table. Help then swept the area around the cell at about 7:50 A.M., and left the area. Several of the prisoners went to sleep or dozed after eating (which is usual). No prisoner remembers hearing anything out of the ordinary. No prisoner remembers seeing any officer near the E tier at this time. One prisoner in a cell next to Roldan and another prisoner in a cell on the Upper E tier remembers hearing a noise coming from Roldan's cell. One prisoner described it as "sounding like someone beating on bars" and the other did not know what it was but thought perhaps Roldan was making bongo-like drummings on his table or stool.

At approximately 8:30 A.M. a correction officer who had been assigned to count the number of prisoners was walking in front of the cells when he discovered Roldan hanging from the rear bars of his cell.

There are several stories about how the body was discovered. The confusion is partially explained by the fact that of seven officers on duty that morning, five, including the officer who discovered Roldan's body, had been with the department less than three weeks.

At the entrance to the cell the officers saw a completely limp body hanging by a belt from the rear cell bars. The belt was tied around the top horizontal bar in a position approximately over the center of the shelf-like stool. Three officers remember seeing Roldan's feet extending beyond the top of the stool and stated that in their opinion he could have, at any time, stepped up onto the stool. The inmate helper who saw the body stated that Roldan's feet were a few inches above the seat, but he also stated that the bars at which the belt was tied to the top of the seat is 66½ inches and Roldan was 63 inches tall.

The doctor stated that as he was nearing the cell he heard someone say, "I think he is gone," and he entered the cell, he took one look at Roldan and knew that he was dead. Still, he listened for the heart beat and made certain tests. The doctor pro-

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nounced his D.O.A. at a few minutes past 8:30 A.M. and left the cell. After the doctor stated that Roldan was dead, the house captain ordered the cell locked.

The cell was examined by a captain and an officer to determine if a suicide note had been written, but nothing at all was found. The cell was later opened to permit a Catholic chaplain to administer last rites.

The autopsy began sometime after 4:00 on the afternoon of Oct. 15.

We conclude that the report of the Medical Examiner should be accepted.

William vanden Heuvel, Chairman; William H. Dribben, Vice Chairman; Miss Nyrka Torrado Alum; Mr. Joseph T. DeMonte; Mr. Geraldo Rivers; Mr. William H. Satterfield; Mr. David Schulte; Mrs. Rose Singer; Rev. Manny Lee Wilson.

EFFECTS OF IMPORT QUOTAS ON DOMESTIC PRICES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, O. R. Strackbein, president of the Nationwide Committee on Import-Export Policy, has written two significant papers relating to the effects of import quotas on domestic prices. In view of the prospective consideration of trade legislation and the contention of certain free trade supporters that quotas increase prices to domestic consumers, Mr. Strackbein's review of the actual record is most illuminating.

For the information of my colleagues I am happy to append Mr. Strackbein's studies to these remarks:

IMPORT QUOTAS AND PRICES: A REVIEW—I

(By O. R. Strackbein, president, the Nationwide Committee on Import-Export Policy, July 6, 1970)

A constant patter of comment tells us that import quotas will raise domestic prices of the products that are the subject of such quotas.

It should be possible to test the soundness of this unsubstantiated theory. To do so we should trace the wholesale price trends of products that are "protected" by import quotas compared with the price trend in general and the price on particular products that are not so "protected."

PETROLEUM

A favorite whipping boy is oil, or petroleum. An import quota was established in 1958, first on a voluntary basis, followed by a mandatory quota, effective March 1959.

The wholesale price of refined petroleum products expressed in an index form, where 1957–59 equals 100 had risen to only 100.3 in 1968 and 101.8 in 1969. A very recent rise carried the level to 104.2 in May 1970.

This compared with an index for all commodities, where 1957–59 again is 100, of 108.8 in 1968, 113.0 in 1969 and 116.8 for May 1970.

"All commodities," of course, include those on which we have import quotas. Therefore it will be desirable to compare the refined petroleum price level with that of other products that are not subject to an import quota. If we select another fuel, namely, coal, which has no import quota and should therefore not be free to move upward in price because it is not "protected," we find a sharp contrast. The wholesale price index had reached 107.1 in 1968, rose to 116.2 in 1969 and zoomed to 146.9 in May 1970.

Surely if there were an import quota on coal, the quota would be blamed for this runaway price. Obviously other factors were at work.

We find, in other words, that the wholesale price of refined petroleum increased distinctly less than wholesale prices of all commodities and very much less than the price of its competing energy fuel, namely, coal. (For confirmation, see Survey of Current Business, U.S. Department of Commerce, June 1970, p. S–8.)

COTTON TEXTILES

Another product that is the subject of an import quota or its equivalent is cotton textiles. An arrangement was made with Japan alone, effective January 1, 1957, whereby that country restricted its cotton textile exports to this country. This arrangement was superseded October 1, 1961 with the so-called Long-Term Arrangement negotiated under GATT. This arrangement covered some 30 countries and about 90% of our total cotton textile imports.

The wholesale price of cotton products (1957–59 equaling 100) was 105.2 in 1968. In 1969 it remained at 105.2 and in May 1970 stood at 105.8.

Once more we encounter a very moderate price rise compared with the general commodity wholesale price-level, which, as we saw, had risen to 116.8 in May 1970. (Reference: same, p. S–9).

Wool products, which are *not* under quota restrictions, had an index level of 103.7 in 1968, compared with 105.2 for cotton products or only 1.5 below cotton products. The index rose to 104.6 in 1969 but fell to 103.8 by May 1970. It thus stood only 0.1 higher in May 1970 than in 1968. In the case of cotton products the increase from 1968 to May 1970 was only 0.6. Thus there was little to choose between the wholesale price movement in cotton and woolen products. Yet the one was under an import quota or its equivalent while the other was not.

In the case of man-made fiber textile products there was a decline in wholesale prices since 1957–59, accounted for by increased productivity. The index stood at 90.8 in 1968 and moved lower to 89.5 in May 1970.

The downward trend of man-made fiber textile products has been of longstanding. Measured on the 1947–59 base, as compared with 1957–59 base as used here, the wholesale price in 1959 had already declined to 81.1. This was before imports reached a significant volume. Thus the further price decline on the 1957–59 base to 89.5 in 1970 merely represented a continuation of the cost reduction process that had already dropped prices in the decade of 1949–59 by merely 20%. (Survey of Current Business, October 1961, p. S–8.)

There is nothing in this record to show that the price of cotton textiles rose as a result of the import limitation. In any event the price increase through May 1970 was comparatively modest, lagging distinctly behind the general commodity wholesale price index.

In a pamphlet recently issued by the United States-Japan Trade Council it is asserted (p. 10) that **"Textile Quotas Would Have Slight Benefit but Very High Cost."**

"In sum," it says, "proposed textile quotas would be enormously costly to the United States.

"Quotas would accelerate inflation, raising clothing prices to consumers.

"They would boomerang against U.S. export sales and harm the economies of port cities."

Against this cry of alarm, the wholesale price trend of cotton textiles of the past ten years while these products have been under import limitation, stands as a complete rebuttal.

SUGAR

Yet another product that is under import quota control is sugar. This quota has been in effect antedating World War II.

In 1955 the retail price of sugar was 10.4¢ per lb. Ten years later (1965) the price was 11.8¢. In 1968 the price was 12.5¢. In 1969 it was 12.7¢ and in April 1970 it was 13.4¢. In 15 years the retail price increased only 28.8%. (Statistical Abstract of the U.S., 1969, Table 512, p. 350; and Survey of Current Business, June 1970, p. S–29.) Compare this increase in retail sugar prices since 1955 with the all-consumer price increase of 34.6% on the 1957–59 base, a period during which all food prices rose 32.4%—also a period during which public transportation cost rose 66.6%, medical care 63.6%. Keeping in mind that 1955, the base of our retail sugar price, antedated the index base of 1957–59 by several years, it is clear that the consumer paid distinctly less for sugar in terms of price increase than he paid for consumer goods in general, or for food in general, and much less than for transportation and medical care which were not pinched in point of supply by an import quota.

It follows that the sugar quota also cannot be used to demonstrate that import quotas raise prices unreasonably, or even as much as the rise in other prices.

WHEAT

Wheat is under a severe import restriction that permits less than 1% of domestic production to be imported, in pursuance of a limitation imposed under Sec. 22 of the Agricultural Adjustment Act in 1941.

The price of wheat (hard winter, No. 2, Kansas City) has fallen quite sharply in recent years. The price per bushel was $2.22 in 1950. In 1955 the price was $2.25. By 1960 the price had dropped to $2.00. In 1968 it had sunk to $1.46 per bushel, and in May 1970 it was $1.53.

Corn is not the subject of an import quota. The 1950 price (yellow, No. 2, Chicago), was $1.50 per bushel. In 1955 the price was down to $1.41. The decline, as in the case of wheat, continued. In 1960 it stood at $1.15; in 1968 it was $1.14 and in May 1970 it was $1.30 (yellow, No. 3, Chicago. The difference from No. 2 is very slight, as note, that in 1968 the price of No. 2 in Chicago was $1.14 while that of No. 3 was $1.11). (See Statistical Abstract of the U.S., 1969, Table 504, p. 343; and Survey of Current Business, June 1970, p. S–27.)

Comparing the price trend in wheat with that in corn we find that from 1950 to May 1970 the price of wheat dropped 31% while that of corn dropped only 13%. Yet it was wheat and not corn that was "protected" by an import quota. The wheat price dropped over twice as much in the 20 years as the price of corn.

Since 1960 the price of wheat dropped from $2.00 per bushel to $1.53 in May 1970, a decline of 23%. The price of corn, by contrast, rose from $1.15 per bushel in 1960 to $1.30 in May 1970. This was an increase of 13%. Thus while the price of the "protected" wheat dropped 23%, that of corn which was not under an import quota, rose 13%.

In comparison with other commodities the price of both wheat and corn has dropped while the other prices rose rather sharply, especially in recent years.

RAW COTTON

The price of raw cotton has also declined. The decline was greater than that of wheat and corn, dropping from some 36¢ per lb. to some 22¢, or by more than 36%. Yet raw cotton imports are limited under Sec. 22 of the Agricultural Adjustment Act to a quantity less than 5% of domestic production. (Statistical Abstract of the U.S., 1969, Table 505, p. 344.) (There is some difficulty in reconciling the Statistical Abstract prices with those in the Survey of Current Business, but the discrepancy is not sufficient to destroy the value of the comparisons.)

DAIRY PRODUCTS

With a base of 1957–59 equaling 100, the wholesale price index of dairy products stood at 94.0 in 1955, at 105.0 in 1960. In recent years the price rose to 118.5 in 1966, to 127.7 in 1968 and on to 135.4 in May 1970. This was an increase of 29% since 1960, and compares with an increase since 1960 of 18.6% in wholesale price of "Farm Products, Foods and Feeds," which, of course, includes grains, on which the price, as we have seen, dropped considerably.

Dairy products enjoy an import limitation under Sec. 22 of the Agricultural Adjustment Act, and the price increase has outpaced that of other farm products, as mentioned, but did not outpace wholesale prices of many other products. Dairying has declined quite sharply per capita. Milk produced on farms was less than 1% higher in 1968 than in 1950, despite the considerable increase in population. The number of cows and heifers kept for milk declined by more than 40%. Unquestionably these factors have influenced the price of dairy products much more than the import quota.

The wholesale price of agricultural machinery and equipment on an index base of 100 for 1957–59 rose to 137.4 by May 1970. There is no import quota on this machinery and equipment. Moreover, agricultural implements are duty free! If imports exert such a salutary effect on prices the effect must have failed in this instance.

CONCLUSION

The foregoing recitation can leave little doubt that import quotas have not led to higher prices; indeed, quite the opposite. With the exception of dairy products, with respect to which other powerful factors, such as the public acceptance of oleomargarine, played a large part, the prices on products that are "protected" by import quotas, have lagged distinctly behind average prices and far behind prices on some other products that were under no import quota limitation.

The cry that the imposition of import quotas would be costly to consumers is unfounded, and those who continue to raise the cry are guilty of misleading the public.

QUOTAS AND PRICES: A SECOND LOOK—II

(By O. R. Strackbein, president, the Nation-Wide Committee on Import-Export Policy, August 17, 1970)

Because of some questions raised about the coverage of products that were not included in a previous review of the subject "Import Quotas and Prices—A Review," dated July 6, 1970, issued by this office, a second look is desirable to dispel any doubts about the validity of the conclusions reached in that review.

The United States-Japan Trade Council, specifically, challenged the review in a 13-page reply. In the reply the Council mentions Meat, Steel and Peanuts as important products that were not in our review. The allegation is correct. They were not included.

However, meat is not the subject of an import quota. It is under a ceiling, established in 1964, that would trigger a quota if imports should breach the ceiling. The only time when such a breach was imminent, which was very recently, the ceiling was lifted slightly to permit more imports.

It may, of course, be argued with some validity that the ceiling has operated as an import quota without invoking the actual administrative burden of an outright quota.

An answer on meat prices is therefore in order.

MEAT PRICES—WHOLESALE

It is true that meat prices have moved upwards since 1964, the year in which the ceiling legislation was passed. The U.S. Department of Agriculture, Statistical Reporting Service, keeps an account of prices on cattle meat, hogs and sheep.

The 1964 average price of beef was $18 per 100 lbs. In June 1970 the price was $28, representing an increase of 55%. The table below shows the price trend from 1964:

Beef prices	*Per 100 pounds*
1964	$18.00
1965	19.90
1966	22.20
1967	22.30
1968	23.40
1969	26.20
1970:	
January	26.20
February	27.20
March	28.80
April	28.60
May	27.90
June	28.00

This record of beef prices may be compared with that of hogs (pork):

Hog prices	*Per 100 pounds*
1964	$14.80
1965	20.60
1966	22.80
1967	18.90
1968	18.60
1969	22.20
1970:	
January	26.30
February	27.40
March	25.60
April	23.80
May	22.90
June	23.20

From these tables, to repeat, we find that beef prices rose from $18 per 100 lbs. in 1964 to $28 in June 1970, an increase of $10 or 55%. We find also that pork prices rose from $14.80 per 100 lbs. in 1964 to $23.20 in June 1970, after having reached a peak of $27.40 in February 1970. The rise from 1964 to June 1970 was $8.40 per 100 lbs., which is to say, 56.7%, or a shade more than the price of beef.

However, at the peak, which was $28.80 for beef in March 1970, and $27.40 for pork in February, beef had risen 60% since 1964 while pork had risen 85% compared with 1964.

Which of the two meat products, beef or pork, it might be asked, was under an import restriction? According to the inflationary theory of import quotas it must have been pork, since the price rose higher than did the price of beef. Yet, it was beef and not pork that was and is under such a restriction.

Thus, while beef prices did rise more than the general wholesale price level and more than other farm products in general, the rise was not as great as that on its companion product, pork, which had no import restriction.

STEEL PRICES

In the case of steel an international arrangement was concluded toward the end of 1968 under which the principal foreign suppliers of this country agreed to limit their exports to the United States. The arrangement took effect at the beginning of 1969.

The item was not included in our REVIEW because the time elapsed since January 1969 is too brief to draw final conclusions.

Nevertheless since the United States-Japan Trade Council raised the question a response is in order.

According to the Survey of Current Business of July 1970, the wholesale iron and steel price index, where 1957–59 equals 100, stood at 105.6 in 1968, or the year before the export restriction by other countries took effect. In June 1970, the index had moved to 120.2. This was a rise of 14.61 points or 13.9%.

The index for all commodities had risen during the 1957–59 period to 117. Thus the wholesale prices of iron and steel exceeded the rise since 1957–59 by 3 percentage points or 2½%. This is not a serious rush ahead of the general price level, especially when compared with the rise in nonferrous metal prices which jumped from a base of 125.1 in 1968 to 155.0 in June 1970. Among the meals that made up these rising prices were nickel, copper, aluminum, lead. The composite increase was 25%.

Also, the wholesale price of coal far outstripped the price of steel, rising from a base of 107.1 in 1968 to 152.8 in 1970. Coal, as it happens, is an important raw material used in the production of steel.

Yet neither nonferrous metals nor coal have import restrictions in effect.

The price of iron and steel may be double-checked by the price of financed carbon steel. The average price for 1968 was 8.73¢ per lb. By May 1970, the price had risen to 9.74¢ per lb. This was an increase of 11.57%, compared with the rise of 13.9% in the composite price of iron and steel, quoted above. (See Survey of Current Business U.S. Department of Commerce, July 1970, p. S-32, bottom of page.)

There is nothing in the price trend of iron and steel since 1968 that would support the inflationary charge leveled against import quotas, especially when other metal prices which were not under a quota rose appreciably more sharply, and also coal.

It is reliably reported that prices of iron and steel also rose more sharply in West Germany, Japan, Britain and France than in this country. According to a public statement made by the Chairman of the American Iron and Steel Institute, Mr. George A. Stinson, market prices of steel in West Germany have risen 19% since the inception of the "Voluntary Limitation Program" went into effect; 18% in the United Kingdom, 13% in France and from 15% to 50% in Japan, depending on the product. These increases all outran the price increase of steel in this country.

PEANUT PRICES

Another product that was not mentioned in the Review above referred to was peanuts. The reason for the omission was that the item is not in the item listing provided by the Survey of Current Business which was the source of most of the other price data tabulated nor up to date in the Statistical Abstract.

However, the Department of Agriculture does report the season average prices of peanuts annually; and these are available through 1969, but not for 1970.

Peanuts are under price support and an import quota limitation. This quota was established in 1953 under Section 22 of the Agricultural Adjustment Act.

The 1953 "season average price" was 11.1¢ per lb. By 1969 this average price had risen to 12.2¢ per lb., or almost exactly 10%. Yet by the 1957–59 price index base currently in use, the wholesale price of all commodities had risen 17% by June 1970. The wholesale price of farm products in general on the 1957–59 base was 111.3 in June 1970.

Since 1953 antedates the 1957–59 price base by several years it is clear that the price of peanuts ran behind the general price level by a very considerable margin, and also behind farm prices in general.

It cannot be properly asserted therefore that the omission of peanuts from the previous Review answered by the United States-Japan Trade Council changed the conclusion from what it would have been had this farm product been included. The experience with peanuts as with the price trend on all the other products that are under import quotas

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covered under the original Review except dairy products, as noted in that Review itself, supports the conclusion that import quotas cannot be saddled with the objection that they are inflationary.

FURTHER CONCLUSION

What might indeed be said is that one of the price purposes of our import quota or similar limitation on imports is to prevent a drop in prices to a level so low that it would be disastrous to domestic producers but that might still return a profit to foreign exporters to this country because of their lower costs.

To say that it is the purpose of quotas to raise prices would be to say that to date nearly all our quotas have failed of their purpose because most of them have not succeeded in keeping up with the general price level, as demonstrated in our preview review. They could then apparently be discarded with safety; but that is not the essential purpose of the quota.

However, that the floor under prices might give way because of imports if the quotas were removed, and thus produce an untenable price level for domestic producers, be their product textiles, sugar, petroleum, wheat, peanuts, meat or steel, represents the motivation for such quotas as a preventive measure, rather than a windfall or the possibility of gouging the consumer.

The need for such quotas does not rise in this country but in the foreign countries that enjoy a competitive advantage over us, provided by their lower wages. They need foreign markets because they do not pay their workers enough to buy the increased output of their farms and industries attributable to highly improved technology; and look to us to provide the purchasing power that results from our higher wages.

INTERSTATE COMMERCE COMMISSION

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, Donald L. Jackson, Commissioner, Interstate Commerce Commission, has brought to my attention an article which appeared in the Changing Times, the Kiplinger magazine, concerning some new rules for long-distance moving.

In these days when one of the national pastimes seems to be clobbering the ICC over the head, the following article about the Commission's new rules should be of great benefit to every family on the move.

The article follows:

LEARN THE NEW RULES ON LONG-DISTANCE MOVING

The mere thought of a long-distance move is enough to give a householder the shudders. You turn over your valued possessions to a trucker who may also be carrying the goods of other families and may go hundreds of miles out of the way before arriving at your destination.

The experience is unsettling even if you've moved several times before. For quite a few customers in the past, the experience has been nightmarish, as attested by complaints lodged with moving companies and the Interstate Commerce Commission, which regulates the interstate moving industry.

From now on things should be better. At least that's the stated purpose of a new set of ICC rules that became effective last June. Here's the gist of them—not all the rules, just those covering the problems that cause the most complaints. If you're planning a move, check them carefully before you sign up with any mover.

1. *Summary of information for shippers of household goods.* This is the title of a general information booklet prescribed by the ICC. The mover is required to give you a copy before you complete arrangements for your move. It tells in simple language what you should expect of your mover and what he will expect of you.

2. *Transportation with reasonable dispatch.* Movers must handle shipments with "reasonable dispatch," defined essentially as transporting your goods within the period of time you and the mover have agreed to. However, schedule changes are permitted.

3. *Notification of delays in pickup and delivery.* If the mover is unable to meet a pickup or delivery date, he must notify you promptly and set an alternate date. He must keep a record of the reason for each delay and the time involved. One purpose of this and the previous rule is to encourage you and your mover to understand each other's needs and problems when setting dates.

4. *Early delivery.* It's prohibited—unless you agree to it. Otherwise, the mover must bear all extra expenses if he places your shipment in storage and reloads and delivers it on the specified date. On the other hand, you may have to bear these extra costs if you are not on hand to receive your shipment within three hours of the agreed-to time for delivery.

5. *Cost estimates.* If you request it, the mover must provide you with an estimate—on an ICC-approved form—of the cost of your move. Unless you have arranged credit with the moving company, all household shipments are C.O.D. Among other things to be shown on the new estimate form is the maximum amount of money required in order for a C.O.D. shipment to be unloaded at its destination: the amount of the estimate plus 10%. If for some reason actual charges exceed this figure, you have an additional 15 business days to pay the balance. You may require the mover to advise you of actual weight and charges as soon as these figures are determined if you provide him with an address or telephone number where you can be reached during transit. Movers must file with the ICC a quarterly report of estimates that have run over or under actual charges by more than 10%.

6. *Extra charges.* A mover's rate schedule must list separately the charges for such extras as appliance services, packing and unpacking.

7. *Weight.* The new rules require weight certification tickets to be attached to the bill of lading. A "constructive weight," computed by cubic footage, can be used only if certified scales are not available, and all such cases must be reported in detail by the mover to the ICC. The rules also make clear that you have the right to observe the weighing of your shipment or to request a reweighing at your destination.

8. *Order for service.* You must be presented this form in advance of your move. It contains the name and address of the mover's representative at your destination, the maximum amount due on a C.O.D. shipment, promised pickup and delivery dates or specified period of time, and other pertinent information.

9. *Bill of lading.* This is your contract for transportation and receipt for your belongings. It must include much of the information on the "order for service," the tare weight (weight of the moving van and its contents before your shipment is loaded) as well as the gross and net weights, plus other data.

10. *Mover's liability.* When you sign the delivery receipt, you are accepting your belongings in *apparent* good condition except for any damages or losses that you have noted on the receipt. However, this signed receipt does not release the mover from liability, whether or not you make notations of loss or damage at this time. Read your information booklet at the outset to understand just what his liability is. Briefly, it will be limited to 60 cents per pound per article or container, if you specifically declare that figure in writing; there is no extra charge for this coverage. Obviously, that's not enough for many items—try weighing a lamp and figuring its value by this formula. You can increase the mover's liability by setting your own valuation on the shipment or by multiplying the shipping weight by $1.25 to determine the total valuation. By paying 50 cents per $100 of the valuation you choose, you make the mover liable for actual value if a particular item is lost or damaged; if the entire shipment is lost, he is liable for the total valuation figure. Technically, this is not insurance; movers are prohibited from selling you any. But they must be insured to guarantee payment of claims to the extent of their liability.

11. *Claims.* The mover must acknowledge a written claim for damage or loss within 30 days after receipt, and pay, decline or make a written settlement offer on it within 120 days. He must notify you and the ICC every 30 days thereafter of the status of an unresolved claim. ICC rules permit you nine months from the date of delivery in which to file claims with your mover. You must have proof of your claim, and the best kind of proof is a note of any loss or damage made at the time of delivery on the bill of lading, inventory or delivery receipt.

If you feel the mover has violated his agreement with you, has broken an ICC rule or is not handling a claim properly, be sure to call it to his attention. If you can't get satisfaction, you can file a complaint with the ICC or the American Movers Conference. Check the phone book to see whether there is a regional ICC office in your city. You can write to Director, Bureau of Operations, Interstate Commerce Commission, Twelfth St. and Constitution Ave., N.W., Washington, D.C. 20423; American Movers Conference, Consumers Service Dept., 1625 O St., N.W., Washington, D.C. 20036.

These agencies may be able to help you, but the longer you wait to act on a complaint, the less likely you are to get good results. And don't expect immediate relief for your problems. Moving may not be as nervewracking as it used to be, but nobody said it was easy.

WHEN NOT TO MOVE

Moving during the "peak season"—May to October, when 60% do it—causes more problems than any other single factor. A long-distance moving van holds about six normal shipments. Obviously, a delay at one stop can cause delays in other pickups and deliveries. If you must move during the peak season, follow these instructions:

Allow plenty of flexibility in your schedule.

Make sure you have sufficient cash (or certified check, money order, etc.) on hand before your C.O.D. shipment arrives.

Show the mover's agent everything you plan to move and request every extra service you want when he makes his initial estimate.

File claims promptly and with adequate proof.

JAPAN'S EXPORT STRATEGY—A SOBERING VIEW OF OUR COMPETITION IN WORLD MARKETS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, while the Congress fiddles over establishing a proper American policy response to the increasing threat of imports, the Japanese go blithely on with an export strategy that is second to none in the world.

In the September 1970 issue of Fortune, Louis Kraar graphically details the Japanese export strategy which has, and is, causing concern throughout the free world. After reading the article, I am sure you will agree that it is little wonder that the flag of the rising sun seems never to set in world trade. Based on a powerful Government-business complex, complete with price cutting and cartels, and infused with patriotic zeal, the Japanese leave no stone unturned to exploit market expansion.

If you were to come from a congressional district such as mine, where steel, glass, clothing, and other articles are produced, you would know how it feels to be on the receiving end of Japan's exporting blitz.

Jobs and job opportunities have been lost due to imports. Plants have been shut down. Equipment has been idled. Venture capital has disappeared. Livelihoods ended. Revenues stopped. Whole communities are dying.

It is long past time for Congress to rectify the disastrous effects of unimpeded imports into the United States. For 37 years, Congress has allowed the executive branch in the form of the State Department to manage our trade relations based on a free trade theory which has no basis in fact in the real world.

Enough, I say. Who comes first—American or Japanese workers?

The article follows:

How the Japanese Mount That Export Blitz

(By Louis Kraar)

To hard-pressed competitors around the world, Japan's export drive is taking on the overtones of a relentless conspiracy to invade and dominate every vital international market. Almost everywhere, from North America to Southeast Asia, the Japanese are steadily increasing their already enormous share of sales. The very rhetoric of Japanese businessmen reinforces the image of a hyperaggressive trading power—with talk of "advancing" into a new area, "forming a united front" against foreign rivals, and "capturing" a market.

Moreover, this thrust comes from a nation that firmly shields its own market against foreign competitors, who are thus doubly provoked and are now threatening economic warfare.

In the non-Communist Far East, which accounts for almost 30 percent of Japan's export sales, ever rising trade imbalances are spurring Thailand, Taiwan, and other countries to consider higher tariffs and other defensive restrictions. Says José Diokno, chairman of the Philippine Senate Economic Affairs Committee: "We realize that the Japanese are getting through commerce what they failed to achieve through the war."

The trade clash is even more intense in the U.S., which buys nearly a third of Japans exports and is its largest single customer. Tokyos refusal to adopt long-term "voluntary" limits on textile exports has prompted a reluctant Nixon Administration to support stringent legislation setting quotas. And atop this significant American retreat from a free-trade stance, protectionist forces in Congress are pressing for even broader restrictions on other products. "The present economic image of Japan in the United States is not poor; it is bad," observes Philip H. Trezise, Assistant Secretary of State for Economic Affairs.

Japanese manufacturers of television sets are facing a major showdown with American competitors, who have accused the Japanese products and arm companies with exnized market prices—a charge on which a U.S. Treasury ruling is soon expected. While the Japanese TV set makers firmly deny dumping, other Japanese manufacturers openly acknowledge that they often use cutthroat export prices for market penetration. To establish its air conditioners in Western Europe, for example, Hitachi, Ltd., deliberately sold below cost for three years. As a company executive puts it, with surprising candor: "If you get a better price in some countries, then you can sell to others for a 'dumping' price. As long as the unit production cost is low, the company still has an over-all profit from its total sales. We sold at a loss in Europe to break into the market, and now we're making a profit there."

Such practices fall somewhere in the gray shadows of the General Agreement on Tariffs and Trade, and the argument will doubtless continue as to whether they are in actual violation. Meanwhile, Japanese exports are expected to keep right on soaring. They are now projected to reach nearly $42 billion by 1975, producing a staggering trade surplus of $12 billion, a prospect that leads Assistant Secretary Trezise to warn: "I seriously question whether the international system can stand a Japanese global trade balance of $12 billion in 1975."

The starting point for this trade offensive is an economy of phenomenal strength, directed wholeheartedly toward growth rather than immediate profit. Over the past decade the Japanese gross national product has increased by an average of more than 16 percent annually, and from this ever broadening base, exports have also been rising by an average of 16 percent a year—about twice as fast as the growth of world imports. The entire economic system is, inherently, a powerful export-promotion apparatus. Always anticipating growth, corporations routinely expand manufacturing facilities to optimum size, pushing excess production onto world markets at profit margins that competitors find cruelly low—when they exist at all. Now Japan is preparing to move on to new trade peaks by emphasizing exports of entire industrial plants. As befits an insular industrial giant, it is also making long-term deals overseas to assure a stable supply of raw materials for use in the ever greater expansion of its export position. Within five years the Japanese expect a 123 percent rise in exports, enough to seize at least 10 percent of the global market.

Hit with the full impact of this aggressive export drive, rival industrial nations are now beginning to ponder the singular, and devastatingly effective, tactics being employed by the Japanese. The program has some highly original features that will be hard to match:

The export offensive is commanded by Premier Eisaku Sato in person; he heads the Supreme Trade Council, where top business and government leaders quietly slice up the world market and set annual goals for every major product and country.

To boost exports, the government backs corporations with an arsenal of help—credit at preferential rates, attractive tax incentives, and even insurance against overseas advertising campaigns that fail to meet sales targets.

Cartels of exporters meet regularly to fix prices and lay plans for overwhelming foreign competitors.

A large and growing foreign-aid program is, at heart, another export-promotion device, fueled with long-term credit and direct investments.

Giant general trading companies spearhead the export drive. Their tireless sales forces abroad are backed by the full force of Japan's banks and government ministries.

A government-owned company, JETRO, operates on a global basis to promote Japanese of dumping—i.e., selling below recogport intelligence.

EXCEEDING TARGETS IS A DUTY

The key to the entire program is intimate, effective teamwork between corporate executives and government officials at every level. United by a group spirit that makes the Japanese behave like a tight-knit family, businessmen and bureaucrats cooperate to promote continuing growth. "If business goes one way and government goes another way, it would bring harmful effects for the country," explains a Finance Ministry economist. So they coordinate plans in the clubby atmosphere of formal consultative committees and over evening cocktails in the Ginza, Tokyo's business entertainment district. This government-business interaction is so close and constant that the system is often dubbed Japan, Inc.

Detailed strategy for the export drive is developed through the Supreme Trade Council, a thirty-member body that brings together the country's elite from key ministries dealing with the economy and from the major private industries. At its last semiannual meeting in July, the council projected a 14.3 percent growth for exports to $19.2 billion in the fiscal year ending next March 31. Says a government official deeply involved in the planning: "Once the target is announced, business leaders think it is their duty to achieve it. Usually, they exceed the goal."

To carry out expansion plans, the Ministry of International Trade and Industry (MITI) constantly confers with company representatives about allocation of resources. Through "administrative guidance" (which is almost always obeyed), MITI even sets minimum sizes for industrial plants when it feels economy of scale is vital. The Ministry of Finance, through the Bank of Japan, funnels funds to areas with the highest growth potential. By backing an extremely high use of corporate debt to finance growth, this ministry and the central bank play a key part in setting the pace and direction of expansion. This government structure stabilizes a Japanese business system devoted to high growth—the launching platform of the export offensive.

Since companies normally finance expansion by borrowing about 80 percent of their total capital, mostly from banks, debt service is a major fixed operating cost. Japan's tradition of virtual lifetime employment, with a paternalism that fosters an unusually dedicated and productive work force, makes labor costs another fixed expense. "The high break-even point set by fixed labor costs and debt costs means that new facilities are operated at capacity, and products are moved into world markets at relatively low prices," notes James C. Abegglen, vice president of the Boston Consulting Group, Inc., a management-consulting organization that has closely analyzed Japan's business strategy.

START WITH A SACRIFICE FLY

The system enables companies to use highly flexible market penetration tactics. Two Japanese auto makers—Nissan Motor Co. and Toyota Motor—established footholds in the U.S. by offering dealers higher commissions than were given on other imported cars, as well as unusually generous advertising support, according to the Boston Consulting Group. In the Philippines, Toyota has captured a quarter of all auto sales, after initially selling to taxicab fleet owners on terms of nothing down and a six-month holiday on installment payments. "They were losing money on us outright for about two years just to introduce Toyota vehicles in the Philippines," says Pablo Carlos, executive vice president of Delta Motor Corp., Manila, which assembles and distributes Toyota cars. Other Japanese companies readily acknowledge that they forgo profits to break open new markets. "When there's sharp competition and we want to introduce our products, then in the initial sale we made a sort of

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"sacrifice hit," declares Morihisa Emori, managing director of Mitsubishi Shoji Kaisha, Ltd., the general trading company with the largest total sales. There is a distinctively Japanese motive behind such tactics, he explains: "In America top management people are big stockholders and are more defensive about maintaining profits. For us, growth is most important."

Such penetration pricing is not only a significant competitive device, but also sets the base for handsome future profits. The rapid growth of production facilities at the sacrifice of high immediate returns cuts unit costs; this steadily leads to large profit margins at the same time that it allows highly competitive prices to squeeze out rivals. Until three years ago, Japan's shipbuilding industry operated at almost no profit margin for exports, according to a highly qualified Tokyo accountant; now Japanese yards have heavy backlogs of orders, turn out half the annual ship tonnage of the world, and report tidy earnings. Norihiko Shimizu, a Japanese economist with the Boston Consulting Group, declares: "Japan's pricing policies can in no way be termed dumping. They constitute a powerful competitive weapon in capturing and holding market share."

"OUR EQUIVALENT OF KNIGHTHOOD"

The Japanese team goes after exports with genuinely patriotic zeal. Toyota, the country's exporting champion, proudly cheers on assembly-line workers with large monthly posters depicting on a world map the number of cars sold in each major overseas market. (The government recognizes such success with handsome certificates of merit—"our equivalent of knighthood," says a Toyota executive with a smile.) In the same spirit, Matsushita Electric Industrial Co., Ltd., which exports nearly 20 percent of its total sales of National and Panasonic appliances, starts the day with a company song urging workers to build "a new Japan" by promoting production—"sending our goods to the people of the world, endlessly and continuously, like water gushing from a fountain."

Directly and indirectly, government policies work to concentrate new investment where worldwide demand is currently highest—heavy machinery, chemicals, and high-precision products. Moreover, following a strategy agreed upon by the government-business establishment, Japanese corporations are giving exports an integral—and larger—role in their blueprints for expansion. For example, Hitachi, a leading manufacturer of heavy electrical equipment and industrial machinery, is embarked on an extensive drive to make greater inroads in world markets by not only selling more equipment, but peddling technical know-how and forming joint ventures abroad; Hitachi's goal is to raise the export portion of total sales from 14 percent last year to 23 percent by 1975. Likewise, Teijin Ltd., which now exports about 30 percent of its synthetic-textile production, is spawning joint ventures outside Japan and diversifying into oil drilling, titanium production, and the processed-food industry.

Over the next ten years Teijin plans to expand sales tenfold—half of which is to be exports. Says Teijin President Shinzo Ohya, "It's practically our duty to increase exports." To widen opportunities abroad, other manufacturers are designing products specifically for overseas markets, ranging from miniature office computers to entire fertilizer factories for underdeveloped nations. Akai Electric Co., Ltd., has emerged as a major producer of tape recorders by specializing in higher-priced machines ($300 and up) and it sells about 95 percent of its production abroad.

In crucial areas of trade, the full force of Japan's subtly interlocking system can almost always overwhelm foreign competition. Bidding for a recent telephone-equipment contract in Taiwan, a consortium of Japanese telecommunication companies won the order after a government official urged individual manufacturers to combine forces, cut prices, and forgo most profits "to get the business for the good of Japan." Japan's competitive edge is sharpened further by government-backed credits at relatively low interest rates, which finance about 10 percent of the country's exports. In bidding against Italian and American competitors for a chemical plant in Latin America, Niigata Engineering Co., Ltd., sweetened its low bid by offering substantial government financing from the Export-Import Bank of Japan. This was the case, too, when Chiyoda Chemical Engineering & Construction Co., Ltd., last year went after a $31-million job to build a refinery for Standard Oil (N.J.) in Singapore. In the final weeks of competition against European and U.S. contractors, the Japanese company hastily arranged $12 million in government financing for the project over seven years at 6.5 percent annual interest. Recalls a Chiyoda official: "The question of financing was raised about one month before award of the contract. I was in America, talking to Esso in the daytime and talking to Japan on the phone at night. Our people checked with the Japanese Government and within three weeks had some indication of approval. That was just one week before the contract was awarded."

TANKERS AND INSTANT NOODLES

The uniquely Japanese *soogoo shoosha*, general trading companies, add a number of effective touches of their own. As the principal sales agents for all products, these mammoth companies mobilize the combined forces of manufacturers, banks, and government and are the day-to-day leaders in Japan's assault on world markets. The ten largest trading houses are responsible for some 50 percent of the country's exports and 65 percent of imports. Together with smaller, specialized firms, the traders make more than 70 percent of Japan's total foreign sales.

"We handle about 7,000 different commodities ranging from turnkey industrial plants and 300,000-ton tankers to small packages of raisins or instant noodles," says Emori of the Mitsubishi trading company, the sales leader with an annual turnover exceeding $9 billion. The trading firms thrive on a traditional form of Japanese economic cooperation. Most manufacturers concentrate entirely on production, assigning to traders both the buying of raw materials and the selling of finished products at home and abroad. As middlemen, the large trading companies earn their profits (with margins as low as 0.5 percent) on massive turnovers. In returns for commissions, trading houses assure manufacturers of growing markets and come to their aid with timely infusions of credit.

Astute, energetic trading-company representatives work almost everywhere, sniffing out opportunities for Japanese manufacturers. In Indonesia, competitors are amazed that trading agents travel to small factories far from the capital and give away ballpoint pens, cigarette lighters, and other advertising gifts—all in hopes of eventually selling equipment to those remote plants. "The sun never set on Mitsui's globe-girdling establishment," boasts the company; its 2,100 employees in sixty-four foreign countries are based not only in the obvious business centers, but also in such places as Chittagong, Sofia, and Mexicali. Trading-house operatives are the eyes and ears abroad for Japanese industry.

Single-minded in their dedication to expanding international markets, Japanese trading executives foresee a never ending rise of exports. The headquarters of larger houses are so jammed with a daylong procession of clients and potential customers that entire corridors are set aside as "visitors' rooms." There businessmen sit on overstuffed couches with white linen antimacassars and make deals while sipping tiny cups of green tea. The working rooms are overflowing with the bursting energy of lifetime employees devoted, above all, to selling more for Japan.

Armed with timely business intelligence from their men overseas, the trading firms organize manufacturers to get the orders, and draw on their government contacts for financing. Under the direction of trading firms, Japan has steadily moved from just supplying foreign markets with petrochemicals and fertilizer to exporting entire industrial plants. Mitsui alone has sold twenty-two chemical plants to developing countries in the past five years.

To enhance Japan's competitive position in world markets, the traders are intensifying their efforts in new directions. "When there are many international tenders for electrical generators or other machinery, Japan will become one unit, and we won't compete with each other," explains Mitsubishi's managing director. The government encourages such teamwork among Japanese companies, which businessmen readily accept because it helps assure long-term credits and expands foreign orders. "From past experience, we've found more advantage than disadvantage in cooperating for the good of the country," says Jiro Fukushi, managing director of Marubeni-Iida Co., Ltd., another large trading house.

TEAMING UP WITH RIVALS

Japanese manufacturers have long followed the tactic of forming export cartels, which MITI officially sanctions and protects. By getting toegther, companies that normally compete in Japan cooperate to preserve the quality of export merchandise and prevent any company from underselling by such a wide margin that it would harm others in the industry. "The function of these associations is to keep the price of export commodities at a certain level," explains Masafumi Goto, director-general of MIT's Trade and Development Bureau. "When an outsider, a company that's not a member of the association, rushes into the market at a lower price, MITI under law can order the outsider to stop." Increasingly, the giant trading houses themselves are teaming up with rivals and with manufacturers to push into overseas markets with an even more potent single force.

Seven trading companies, for example, banded together with three Japanese steelmakers to obtain orders last year for $100 million worth of pipe for the Trans-Alaska Pipe-line System under construction by a consortium of U.S. and British petroleum companies. "In this kind of epoch-making, huge project, cooperation among all our companies gives us a better chance against European mills," says an executive of Sumitomo Shoji Kaisha, Ltd., the trading company that was picked as "champion" by the team and put in charge of the negotiations.

Pitted against U.S. and European bidders for another recent oil-pipeline contract in Ecuador, the Sumitomo and Mitsubishi trading companies joined forces to win the contract for three Japanese steel companies. A Sumitomo official candidly describes the thinking behind such cooperation: "If we compete against each other overseas, it's no use; some foreign company may get the job. We have to present a joint front against the overseas competitors. This will become more and more necessary as the years go by—to keep up our competitive advantage against other countries. In order to safeguard Japanese interests against powerful foreign companies, we must form a united front."

Since any major international transaction must be cleared, at least informally, with MITI, the Japanese Government is able to guide trading-house teamwork in directions that will expand markets. One result is an easy blending of official aims with private business interests—as when Japanese trading firms signed a five-year contract with the Soviet Union in 1968 to import $163 million worth of lumber from Siberia in exchange for exports of machinery and textiles valued at the same amount. Japan sorely needs lumber, while its manufacturers are always seeking new outlets.

DIGGING IN ABROAD

In a departure from the customary middleman role, trading houses are developing raw-material sources abroad for Japanese industries. Marubeni-Iida is helping Canada's Fording Coal Ltd. finance a mine that, over fifteen years, will supply twelve Japanese steel mills with 45 million long tons of coking coal. Such projects for importing essential raw materials ultimately strengthen Japan's position as an exporter of manufactured goods, and they also lead to immediate sales abroad: Marubeni-Iida is selling Japanese bulk carrier vessels to Canadian mining companies. Rival trading firms also team up to develop overseas resources—for instance, Mitsubishi and Mitsui have jointly invested in a Zambia copper mine in collaboration with the Anglo American Corp.

In another new foreign-sales initiative, trading firms are actively promoting joint industrial ventures abroad. Mitsui, for instance, has invested in some ninety-five foreign ventures, including a plastics plant in Portugal, a peppermint-oil and crystal refinery in Brazil, and a factory for making galvanized iron sheets in Thailand. Says a Mitsui executive, "These improve export circumstances for Japanese industry."

Above all, the traders are willing to adapt to almost any situation that presents a sales opportunity. They handle trade between other countries, not only for the relatively small commissions but for business intelligence that leads to Japanese exports. Marubeni-Iida, for instance, has long sold sugar to the U.S. for a Philippine mill; its contacts in Philippine industry have led to substantial contracts to equip several sugar mills with Japanese machinery—always with backing from the Ex-Im Bank of Japan.

If the sale is significant, trading houses can even arrange deals that relieve overseas customers of the need to provide foreign exchange. Sumitomo has an agreement with the Indonesian state oil company, Pertamina, to build in Sumatra a $30-million oil refinery, financed entirely by the Japanese Government and commercial banks. Pertamina will pay for the project by supplying Suimtomo with heavy oil over a five-year period, receiving credit at the going price. The trading company will make a profit both ways, according to a Sumitomo official: "The refinery contract will produce some profit on the sale of machinery and services, and then the import of the oil to Japan will also give us a commission.'"

Trading firms can operate widely and flexibly because they are plugged into every level of the Japanese establishment, which supports their role as Japan's most aggressive overseas sales force. The big traders are interlocked with major manufacturers; some (such as Mitsubishi and Mitsui) are an integral part of the zaibatsu, or large industrial groups, while others maintain managerial ties with scores of independent manufacturing concerns. These corporate relationships ensure traders a stable base of clients. The trading houses attract still more clients by borrowing enormous sums (up to twenty times their total capital) from banks and offering loans to manufacturers. Many smaller Japanese companies, which have difficulty obtaining bank credit, rely on the traders for financing.

The government works closely with the trading companies, too. An association of fourteen top trading companies meets every other month, often with government officials present, to discuss foreign-trade tactics. Inevitably, such gatherings of supposed competitors fortify cooperative bonds. When mainland China's Premier Chou En-lai announced in April that Peking would not trade with Japanese companies dealing with Taiwan and South Korea, the major trading companies reacted as though they had arranged a division of labor. Some firms chose to stick with China, while others decided to maintain business with Taiwan and Korea. But the over-all result so far has been to ensure Japan's continued access to all those coveted markets.

So intimate is the cooperation between government ministries and large trading firms that it is impossible to determine which is really trying to influence the other; usually they are united in the cause of trade expansion. Therefore it is not unusual to hear trading-house executives sounding like government officials.

"It's our duty to help other countries develop," says Mitsui's executive managing director, Hisashi Murata.

A colleague adds, "It's our duty to sell more."

"Yes," continues Murata, "but in doing business, we've got to help the countries, too. Otherwise we might get kicked out of exporting to them."

Indeed, the Japanese have at long last become slightly embarrassed by the angry tide of complaints about their trade offensive, which has piled up enormous and still-growing surpluses in Tokyo's favor. To placate disgruntled trading partners abroad, the government-business establishment has pledged to put more emphasis on imports and has launched a major foreign-assistance program. Even the Supreme Trade Council (until recently called the Supreme Export Council) has a new face and a working committee on imports. But all these moves actually help spur exports.

AID, BUT TO WHOM?

Although carried under the banner of "economic cooperation," nearly half of Japan's total $1.2 billion assistance to developing countries last year consisted of export credits for the purchase of Japanese products. Private companies handle most of these sales with government financing, actively seeking out and signing deals that are officially called foreign aid. "We are always approaching foreign governments and business circles to determine what is needed for their development. We put our tentacles all round to see where the business opportunities are," says Mitsui's Murata.

Lumped into the aid package are direct private investments (totaling $144,100,000 last year), which also stimulate Japanese exports. Overseas joint ventures, carefully coordinated with the government, open up fresh markets for Japan. With combined financial help from major trading companies, banks, and the government, Nippon Steel has established joint-venture mills in Malaysia, the Philippines, and Brazil. The mills are considered "foreign aid" even though all are equipped with Japanese machinery, and the Philippine mill buys semiprocessed hot coils from Nippon Steel. None of the foreign affiliates competes in Japan's principal markets in highly industrialized countries. By spawning manufacturing affiliates for textiles in underdeveloped countries, Japanese companies benefit both from cheaper labor and from new outlets for petrochemicals required by the foreign factories.

Japan has pledged to increase private and government "economic cooperation" to about $4 billion by 1975. But the move toward larger assistance is closely related to export promotion. MITI says that exports must continue increasing by at least 15 percent annually to help meet the nation's foreign-aid target. Simultaneously, corporations are cranking up larger export plans on the basis of greater long-term credit expected from the aid program.

Surprisingly, in view of the tremendous overseas sales effort, Japan's economic strength is relatively independent of trade. Exports account for only about 9 percent of G.N.P., in contrast to 19 percent for West Germany and 35 percent for Holland. While Japan naturally must export to pay for foreign purchases of raw materials, its relative dependence on imports is shrinking. Technological advancement has reduced reliance on imports of machinery, and the more advanced heavy and chemical industries require proportionately less in the way of imported raw materials.

A larger sense of nationalism derived from growth and market expansion—not hard economic necessity—seems to drive the Japanese toward ever rising exports. "They're somewhat intoxicated by the figures. All of this has become almost a religion for them," observes a U.S. businessman who has spent the past twenty-five years in Japan.

PROBLEMS AT HOME

Ultimately, long-repressed domestic demands could slacken the pace of export growth. Despite its emergence as the third-largest economic power in terms of G.N.P. (after the U.S. and the Soviet Union), Japan still faces widespread deficiencies in housing, social services, and roads, as well as a choking environmental pollution. The industrious work force has lately been demanding—and getting—wage increases that outpace productivity gains.

A few government advisers are beginning to urge a slowdown in the export campaign, in favor of a more balanced growth to prevent inflation and improve the quality of life. Dr. Nobutane Kuichi, seventy-one, a former banker and Finance Ministry official who now heads the business-supported Institute of World Economy, urges: "Someone in authority must take the initiative. Confrontation between us and the world is no good. I'd like to see the growth rate of our exports decline from last year's 22 percent to no more than 10 percent, ideally 7 percent. I have told this to the Prime Minister, and he doesn't like it because everything is geared to exports. They probably won't accept my view by persuasion, but by necessity we'll be following it within two years because of inflation and a shortage of manpower. Gradually, they will see the foolishness of expansion for the sake of expansion."

Although the Japanese deeply respect men of age and experience, there's little sign of widespread support yet for Dr. Kuichi's view. The consensus of Japan's closely meshed government ministries and business corporations is still for rampant export expansion. As a Mitsui trading-company executive says, "We now handle more than 12 percent of Japanese exports, and soon it will be 15 percent. The sky is the limit."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLATNIK (at the request of Mr. ALBERT), for today, on account of official business.

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SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. McCloskey), to revise and extend his remarks and to include extraneous matter:)

Mr. Miller of Ohio, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Broyhill of North Carolina, to revise and extend his remarks today on House Resolution 1225.

All Members (at the request of Mr. Smith of California and Mr. Young), to extend their remarks in the Record and to include extraneous material on House Resolution 1225.

Mr. Hungate, to revise and extend his remarks following those of Mr. Tunney.

Mr. Randall to extend his remarks immediately prior to the vote on the Gibbons amendment to House Resolution 1225 today.

Mr. Mills to revise and extend and include extraneous matter with the remarks he made during general debate.

(The following Members (at the request of Mr. McCloskey), and to include extraneous matter:)

Mr. Cowger.
Mrs. Heckler of Massachusetts.
Mr. Beall of Maryland.
Mr. Erlenborn.
Mr. Teague of California.
Mr. Harvey.
Mr. Wyman in two instances.
Mr. Schwengel in two instances.
Mr. Robison.
Mr. Riegle.
Mr. Horton.
Mr. Schmitz in three instances.
Mr. Duncan in two instances.
Mr. Derwinski in three instances.

(The following Members (at the request of Mr. Randall), and to include extraneous matter:)

Mr. Patten.
Mr. Leggett.
Mr. Rostenkowski.
Mr. Podell in three instances.
Mr. Garmatz.
Mr. Daniels of New Jersey.
Mr. Long of Louisiana.
Mr. Kyros in two instances.
Mr. Boland.
Mr. Van Deerlin in five instances.
Mr. Cohelan.
Mr. Bingham in five instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 13978. An act to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 737. An act for the relief of Konrad Ludwig Staudinger;

S. 882. An act for the relief of Capt. William O. Hanle;

S. 902. An act to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country;

S. 1422. An act for the relief of Donal E. McGonegal;

S. 2455. An act to authorize appropriations for the Civil Rights Commission, and for other purposes;

S. 3620. An act for the relief of Mrs. Anastasia Pertsovitch;

S. 3853. An act for the relief of Mrs. Pang Tai Tai; and

S. 3858. An act for the relief of Bruce M. Smith.

ADJOURNMENT

Mr. RANDALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, November 19, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2549. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1971 for foreign assistance (H. Doc. No. 418); to the Committee on Appropriations and ordered to be printed.

2550. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the "limitation on general and administrative expenses", Panama Canal Company fund, for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for an increase in the limitation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

2551. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Canal Zone Government for "Operating expenses", for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

2552. A letter from the Secretary of Transportation, transmitting a report of the purchases and contracts made by the Department under clauses 11 and 16 of section 2304(a) of title 10, United States Code, during the period of May 1 through November 1, 1970, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

2553. A letter from the Attorney General, transmitting a report on voluntary agreements and programs pursuant to section 708(e) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

2554. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of a Presidential determination authorizing an increase in military grant assistance, pursuant to sections 610 and 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL:

H.R. 19819. A bill to authorize the Small Business Administration to guarantee any bid, payment, or performance bond under an agreement entered into by a small-business concern which is a construction contractor or subcontractor; to the Committee on Banking and Currency.

By Mr. EILBERG:

H.R. 19820. A bill to terminate the airlines mutual aid agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (by request):

H.R. 19821. A bill to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans' Affairs to establish and carry out a program of exchange of medical information; to the Committee on Veterans' Affairs.

By Mr. FRIEDEL:

H. Res. 1264. Resolution relating to the limitation on the number of employees who may be paid from the clerk-hire allowances of Members of the House and Resident Commissioner from Puerto Rico; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 19822. A bill for the relief of Dickran H. Hadjian; to the Committee on the Judiciary.

By Mr. CLARK:

H.R. 19823. A bill for the relief of Marija Jurisic; to the Committee on the Judiciary.

By Mr. ROGERS of Florida (by request):

H.R. 19824. A bill for the relief of Uhel D. Polly; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 19825. A bill for the relief of Nguyet thi Tran and Dzung thi kim Tran; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

634. By the Speaker: Petition of the King County Council, State of Washington, relative to the treatment of alcoholism as an illness; to the Committee on Interstate and Foreign Commerce.

635. Also, petition of James E. Morgan, Washington, D.C., relative to redress of grievances; to the Committee on the Judiciary.

636. Also, petition of the American Ornithologists' Union, relative to the preservation of the Jamaica Bay Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

SENATE—*Wednesday, November 18, 1970*

The Senate met at 10 a.m. and was called to order by Hon. Robert C. Byrd, a Senator from the State of West Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Living Lord of Life, wilt Thou cross the threshold of our inner lives and abide with us, not only in the morning hour, but through every moment of this day. Make us honest enough to bear the vision of the truth wherever it may lead us. Spare us from any compromise with principle and from the expediency which wounds the soul and shrivels the character. In tense moments make us fit to live with. By the presence of Thy spirit enable us to contend without being contentious, to disagree without being disagreeable, to persevere without discouragement, and in all our ways to honor Thee. And when the day is done may we have the rest of those at peace with Thee and all mankind.

Bless this Nation and make it a blessing for furthering Thy kingdom of righteousness, justice, and love throughout the whole world.

In the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER.** The clerk will please read a communication to the Senate from the President pro tempore (Mr. Russell).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., November 18, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Robert C. Byrd, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, November 17, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements during the period for the transaction of routine morning business today be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTERESTING LETTER FROM A CONSTITUENT

Mr. YOUNG of Ohio. Mr. President, it may not be unusual that a Senator now and then receives a demand from a constituent that he resign. I assume some of the colleagues in the Senate Chamber at this time have received such a letter now and then from some crackpot in their States. I do not think my State of Ohio has a monopoly on crackbrain extremists and nuts.

The other day, Mr. President, I received an interesting letter from an Ohio constituent demanding that I immediately resign as Senator in order to permit Governor Rhodes to appoint Representative Robert Taft, Jr., Senator-elect, to take my place. No, the writer of that demand is not a crackpot, and could not be referred to as a crackpot, although his intelligence could be questioned. He is the majority floor leader of the Ohio House of Representatives. This fellow's name is Robert E. Levitt. Whether he is a crackbrain or not and lacking in intelligence, I leave to you to judge. I have misgivings about him.

His letter was interesting. In fact, he was so proud of it he released the contents to newspapermen. I was not surprised when I received the letter a few days later.

Robert E. Levitt, Canton, Ohio, Republican, wrote me as follows:

Stephen M. Young,
U.S. Senator, Senate Office Building, Washington, D.C.

Dear Senator Young: I strongly urge your immediate resignation from the United States Senate.

This step would have a significant beneficial impact on the people of Ohio. First of all, it would permit the appointment of Senator-elect Robert Taft, Jr., and he could then acquire important Senate seniority over other newly elected first-term members of the Senate. This would be a real service to Ohio in terms of advantages accruing to Mr. Taft in securing more desirable committee appointments, etc.

A personal advantage in your resignation would be that you would no longer have any obligation to represent the people of Ohio in the United States Senate and, if you chose, would be free to continue your senile meddling and ill-advised, intemperate and inaccurate statements with respect to the unfortunate disturbances at Kent State University in May, 1970.

Your favorable consideration of this request would be the zenith in your public career and would be long and favorably remembered by the people of Ohio.

Yours truly,

Robert E. Levitt.

Mr. President, it has been the rule in my Senate office for nearly 12 years to answer all letters from constituents, even those such as this from crackpots, nuts, and pipsqueaks. Therefore, I answered this fellow's letter. Mr. President, my letter to him is as follows:

Mr. Robert E. Levitt,
Canton, Ohio

Sir: You are an ignorant jerk or a liar. Which is it? You wrote me a most insulting letter, of course giving it to the newspapers so you could read your name in print. You would be too cowardly to call me a senile meddler to my face else you might lose your false teeth. Furthermore, you are a liar in charging I made intemperate and inaccurate statements that guardsmen committed murder at Kent State last May 4th. Vice President Agnew, who of course has access to all the evidence in the Justice Department stated in California that "murder was committed by national guard officers and men on the Kent State campus—not murder in the first degree—but murder."

I am told you are regarded as the backside of a jackass. Furthermore, you are a silly ass in urging I resign from the U.S. Senate to permit Governor Rhodes to appoint Congressman Robert Taft, Jr. as Senator. Ohio voters determined six years ago they wanted me in the Senate instead of Taft. I will serve Ohio citizens with the same fidelity and zeal and vote in accord with my judgment and conscience right up to next January 4th just as I have for nearly 12 years. It would be unthinkable for me to render the disservice of resigning simply to permit Congressman Taft, Jr. to take over.

Stephen M. Young,
U.S. Senator.

A STRANGE ANIMAL

Mr. SCOTT. Mr. President, a constituent in Massachusetts last week was amazed to see washed up on the shore a strange animal, without surviving head, somewhat desiccated, long haired, with a body like a camel, and without legs—a very strange animal, indeed. It has not yet been fully identified.

I suggest that the proper name for this animal would be "extra session."

ORDER OF BUSINESS

Mr. YOUNG of Ohio. Mr. President, may I be recognized for another 3 minutes?

The **PRESIDING OFFICER** (Mr. McGovern). The Senator from Ohio is recognized for 3 minutes.

MURDER AT KENT STATE

Mr. YOUNG of Ohio. Mr. President, that special Portage County grand jury directed by Seabury Ford, Republican executive committee chairman of Portage County, and Robert Balyeat, special counsel to the Republican attorney general, handpicked by Governor Rhodes to direct proceedings of a special grand jury convened by these two and Robert Kane, Republican county prosecutor, reported as expected whitewashing the National Guardsmen. President White of Kent State University had not asked Governor Rhodes to send guardsmen onto the campus of Kent State. He did not want them there. He was shocked later when he knew their guns were loaded with live ammunition.

These friends of Governor Rhodes withheld from grand jurors the conclusions of 100 FBI agents. Also withheld from these special county grand jurors were the conclusions of seven investigative reporters released for publication following 2 weeks intensive investigation that murder was committed by guardsmen. In fact, Seabury Ford stated publicly following release of the Portage County grand jury report whitewashing the National Guardsmen and reporting they shot in self-defense. "The National Guardsmen should have shot all the troublemakers."

Mr. President, Seabury Ford and his associates made one surprising omission in the grand jury report. They failed to return four indictments naming four students, two girls and two boys, who were shot to death. The facts are that on Monday, May 4, not one National Guardsman required even first aid treatment and not one was injured except from their own tear gas. One guardsman fainted and another had a heart attack. Of four students killed and nine seriously wounded by National Guard gunfire, two were hit in front at a distance of from 50 to 150 feet and all others were hit by bullets striking in the side or back and at distances from 150 to 750 feet.

Dean Kahler whose ambition was to be a football coach was struck in the back. He will be in a wheelchair as long as he lives, paralyzed from the waist down. He was 300 feet from the frontline of National Guardsmen.

Allison Krause, a sweet, gentle girl, who on Sunday said hello to a National Guardsman slipped a flower into the trigger housing of his rifle, saying, "Flowers are better than bullets." Allison was a gentle, loving, beautiful, and happy girl, sometimes carried a little kitten and sat with it on the campus. She was 110 yards from the frontline of the guardsmen.

Robert Stamps of Cleveland, 609 feet distant from the frontline of guardsmen—twice the length of a football field—was shot in the back, the rifle bullet missing his spinal column by 1 inch and exiting in front.

Joseph Lewis, the closest to the frontline of guardsmen, made an obscene gesture toward a National Guardsman at a distance of 60 feet from the frontline of the guardsmen.

Jeffrey Miller, 85 yards to the frontline of the guardsmen, was shot and killed. Sandy Scheuer, 110 yards distant, was shot and killed. William Schroeder was facing away from the guardsmen when he was killed.

Not one of the students killed or wounded was a radical. Not one had participated in any violence in Kent at any time during the preceding week and not one resorted to violence that Monday morning.

The President's Commission on Campus Unrest, concluding its report, stated:

> The indiscriminate firing of rifles into a crowd of students and the deaths that followed were unnecessary, unwarranted, and inexcusable.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT NIXON SHOULD OFFER EXCHANGE OF 36,000 PRISONERS OF WAR IN RETURN FOR 1,000 AMERICAN PRISONERS HELD IN NORTH AND SOUTH VIETNAM

Mr. YOUNG of Ohio. Mr. President, in all the wars in the history of our Republic never have we had such an abominable system as "body count." This was concocted some years ago in the course of the undeclared war which we were then waging in Vietnam and which has now been expanded to fighting in Cambodia, Laos, and Thailand. It is now even referred to by Pentagon leaders as the Indochinese war. Regardless of what this war is termed, it is an undeclared war. It is an immoral war in a land 10,000 miles from home, of no importance whatever to the United States. It is the most unpopular and the longest war ever waged in the Nation's history. With the exception of World War II, it is the most costly war in the loss of priceless American lives.

At this time, we believe that approximately 1,000 American fighting men, most of them officers in our Air Force, are prisoners of war. Most were known to have been shot down over North Vietnam and over the Gulf of Tonkin or South China Sea. Information from the Red Cross reveals that approximately 459 prisoners of war are held either by the Vietcong, or forces of the National Liberation Front, in South Vietnam or are held as prisoners of war in North Vietnam. We know only the names of these men. We know little of their health or treatment. The additional 500, reported as missing in action, are presumed prisoners of war. It is hoped and believed that practically all of them are prisoners of war. Some few may have been killed when their planes were shot down, but there is real hope that most are prisoners of war.

I have no means of knowing how many of the 36,000 Vietcong and North Vietnamese held as prisoners by the friendly forces of South Vietnam are officers. Probably relatively few are in fact officers. It is sad to relate that the South Vietnamese armed forces usually torture prisoners of war turned over to them by American GI's. We know from pictures on our screens that invariably Vietcong taken prisoners are immediately tortured by the South Vietnamese, sometimes even murdered. Americans witnessed on their television screens Ky's henchman General Loan, now a high official in the Saigon militarist regime, manacle a Vietcong officer, violating the Geneva regulations, and then murder him. Loan emptied his revolver into the prisoner, immediately after the unfortunate soldier was turned over to him by the Americans.

It is an unfortunate policy that prisoners taken by our GI's are turned over to ARVN forces who do very little fighting but invariably torture or murder prisoners of war.

Veterans of World War II never beheld a German prisoner of war hooded with his hands manacled behind him as is common practice with captured Vietcong or North Vietnamese. We should by all means offer to exchange all these 36,000 prisoners of war for the 1,000 Americans. This operation, of course, should be handled entirely by the International Red Cross and in accord with the Geneva rules, to which we are a signatory, pertaining to the humane treatment of prisoners of war.

Here is one proposal which might be accepted, as the Pentagon claims the Vietcong are suffering a shortage of manpower due to heavy losses. Unfortunately, this would be a slow process. There is one quick answer to our involvement in this undeclared war and to the return of our missing soldiers. This would be to end our involvement in the brutal, immoral Southeast Asia war immediately and then bring the boys home in the same manner they were sent there, in ships and planes, and at the same time welcome the return of all Americans who have been held as prisoners of war.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. YOUNG of Ohio. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNIVERSITY OF MICHIGAN, OHIO STATE UNIVERSITY TO PLAY "GAME OF THE YEAR"

Mr. GRIFFIN. Mr. President, on Saturday, November 21st, in Columbus, Ohio, the University of Michigan's football team is scheduled to engage a football team from Ohio.

The University of Michigan and Ohio State University will play the most important collegiate football game of the 1970 season. People from the great State of Ohio remember well a-year-ago when

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the Buckeyes proved to be no match for the mighty Wolverines of Michigan. The University of Michigan victory—a convincing 24 to 12 decision—rocked the partisans of Ohio State.

Throughout the past year, Buckeye fans have been waiting for this rematch. In fact, winning this game seems to have become an obsession. Press reports indicate that Ohio State has been preparing for this game since the day after last year's defeat. But let me say, that neither threats in the press nor an aroused Ohio citizenry can intimidate this great Michigan team. On behalf of Coach Bo Schembechler's Wolverines, let me say that Michigan will indeed show up for the game this Saturday.

A national television audience will also witness this classic. I have full confidence that when it is over, the world will know that the mighty Wolverines are the superior team, worthy of number one national rank.

My judgment, however, has been disputed by the distinguished junior Senator—and soon to be senior Senator—from Ohio (Mr. SAXBE).

The good Senator—perhaps more out of loyalty than keen insight—because he is an Ohio State alumnus—has even gone so far as to make a gentlemanly wager on the outcome of the contest.

Mr. President, the wager is this:

If, by some twist of fate, Ohio State should emerge the winner, I have agreed to present my good friend from Ohio with a fish. Not just an ordinary fish, mind you, but a Coho Salmon, which has quickened the heartbeat of many an angler in Michigan and is a most tempting meal fit for a king—not to mention a distinguished solon from Ohio.

On the other hand, Mr. President, if Michigan wins on Saturday, the Senator from Ohio will present the junior Senator from Michigan with a glass container of one of Scotland's most famous products, which will be ensconced at the bottom of a bushel basket teeming with Buckeyes.

I have no doubt, Mr. President, that following Saturday's game the squirrels on the Capitol grounds will be well fed this winter.

And so on Saturday, Mr. President, Michigan fans the world over will be singing with great gusto, Hail to the Victors.

LIMITATION ON CAMPAIGN EXPENDITURES

Mr. COOK. Mr. President, last night on station WTOP, at 10 o'clock, there was presented probably one of the most comprehensive editorial statements yet made in regard to the political broadcast bill.

Although I might say, Mr. President, that while I do not totally agree with all of the statements and proposals made on the program last night, I feel it is important, in regard to the reckless action of the Senate in picking on one medium as opposed to an overall campaign reform bill that can really get the job done. I have obtained a copy of the script, entitled "Money and Morality and Politics."

I should like to read the first three or four paragraphs, Mr. President:

> Has television become a menace to the American political system?
>
> Growing numbers of people seem to think so. Particularly among the press and among politicians, there's a clamor to curb and restrain broadcast stations, in the dreamy hope that this somehow will make the body politic well again.
>
> The hue-and-cry in some instances borders on hysteria. TV and radio are being caricatured as little black boxes spouting venom and smear and pap on behalf of candidates for public office. The real focus ought to be on those *politicians* who deal in venom and smear and pap when they get on the air.
>
> Television, in particular, is being characterized as a money-hungry machine which enriches itself during the election season, and which singlehandedly is inflating the costs of campaigning beyond the reach of the ordinary candidate. That's poppycock.
>
> Money—and its potentially corrupting influence—is very much a problem in American politics. But the problem neither begins nor ends with television.
>
> We at Post-Newsweek Stations are appalled at the reckless and dangerous exaggerations which are flying about.
>
> *All* media—and that includes broadcasting—have some unmet obligations in the handling of elections.
>
> But while Congress and rival media have been on the warpath to put broadcasters down, there has been much winking at the *real* issues of money and morality which are undermining our political system.
>
> Many newspapers have sanctimoniously cheered Congress on with its anti-broadcasting legislation. But most newspapers have a long way to go to meet their obligations to the American electorate.
>
> There *is* a sickness in politics, but TV and radio haven't caused it.

It goes on, Mr. President. I ask unanimous consent that the entire script be printed in the RECORD at this point.

There being no objection, the script was ordered to be printed in the RECORD, as follows:

MONEY AND MORALITY AND POLITICS

(An editorial statement by WTOP-TV, written and narrated by Norman Davis, executive producer, Ray Hubbard, produced by Post-Newsweek stations)

NORMAN DAVIS. Has television become a menace to the American political system?

Growing numbers of people seem to think so. Particularly among the press and among politicians, there's a clamor to curb and restrain broadcast stations, in the dreamy hope that this somehow will make the body politic well again.

The hue-and-cry in some instances borders on hysteria. TV and radio are being caricatured as little black boxes spouting venom and smear and pap on behalf of candidates for public office. The real focus ought to be on those *politicians* who deal in venom and smear and pap when they get on the air.

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We at Post-Newsweek Stations are appalled at the reckless and dangerous exaggerations which are flying about.

All media—and that includes broadcasting—have some unmet obligations in the handling of elections.

But while Congress and rival media have been on the warpath to put broadcasters down, there has been much winking at the *real* issues of money and morality which are undermining our political system.

Many newspapers have sanctimoniously cheered Congress on with its anti-broadcasting legislation. But most newspapers have a long way to go to meet their obligations to the American electorate.

There *is* a sickness in politics, but TV and radio haven't caused it. In the next half-hour, we'll attempt to show you what has.

The 1970 election season was a record-setter in almost every way. Time called it a "contest of bank accounts and artful contrivance," and in large measure that's what it was.

Never before had so many voters been wooed by so much money. Maybe forty or fifty million dollars in Congressional campaigns alone.

Never before had there been such massive merchandising of faces and philosophy. Showers of dollars bought slick brochures, computerized battleplans, helicopters, high-powered consultants, newspaper displays, telephone solicitation, bumper stickers, billboards, and much more.

Never before had television and radio been used so extensively. Because the campaign was more *visible* on television than anywhere else, it was for many only a short jump to conclude that whatever was cockeyed and distasteful in the campaign must have been the fault of television.

Television became the scapegoat in 1970.

Candidates flocked to television for one reason: it's far and away the most dynamic and personal way to get to the voters.

It's true that some candidates had more access to television than others—but don't stop there. Candidates with bulging money-bags had better access to *all* media than did those whose campaign treasuries were small. This is a singularly important point: it was the availability of *money* which meant access to the voters—or the lack of access.

There's one stark truism about politics in the '70s: a fat bankroll can't guarantee victory, but you can't mount a major campaign without a big treasure-chest.

That's the issue on which Congress has turned its back.

It took big money to go for a seat in Congress in 1970. It took big money to defend a seat in Congress. A candidate in a contested House race had to have at least $100,000 to compete. In Senate races, that figure goes up to $250,000 as a minimum, even in small states.

In the big glamorous races, the figures were astronomical. Howard Metzenbaum in Ohio spent over a million dollars in an unsuccessful try for a Senate seat. In New York, Nelson Rockefeller was swept back into the governor's office on a tide of greenbacks that may have totalled six million dollars. The three-way Senate race in New York among Buckley, Ottinger, and Goodell consumed overall some five or six million dollars. It may have been more.

Candidates either inherited the money, earned it, or went begging for it. Scores of powerful, wealthy special interests were eager to provide it, and it can reasonably be assumed that big contributions very often came with strings attached.

Money—not television or radio—is a very serious danger to the American political system. Our notion of a free society will become a farce if candidates routinely can buy high public office—or can be bought on the way there.

Senator Thomas Eagleton has warned of what looms ahead: "government of the rich, by the rich, and for the rich."

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What has Congress done to enable the qualified citizen who isn't rich to have a crack at public office? Nothing.

Instead Congress whipped up and passed last September an anti-broadcasting bill. The legislation would set rigid limits on the amount of money candidates could spend on TV and radio. The bill said nothing about any other medium.

Such a law *could not succeed* in its intended goal of giving the poor candidate a break.

If a candidate has a bundle of money at his disposal and is restricted on his use of radio and TV, do you think for a minute that he'll save his money? Not a chance. He'll put every available nickel into billboards, newspapers, direct mail, vast computer systems, or anything else that will help get him elected. Where will that leave the candidate who *isn't* well-heeled? Out in the cold, where he is today.

There's another dangerous pitfall in the bill Congress has aimed at TV and radio. It would strike at and constrict the medium which is the most successful device ever known for getting political information to the public. Some of that information is trivial and banal, but no matter. In a free society, the individual citizen has to sort out the political wheat from the political chaff, and over the long run he seems to do it rather well.

Television contributes very substantially to that sorting-out process. The nation needs a *greater* flow of political information—not less. The bill approved by Congress doesn't do anything for political communication.

Fortunately, the bill was vetoed by the President in October. Unfortunately, there's talk now in Congress of attempting to override that veto.

The TV-radio bill was a mis-guided missile. What we need from Congress is a barrage of bills that will deal with the *real* money problems in politics. We have suggestions on how that can be done.

Proposal #1. Congress should write legislation that will deal with the *overall* money spent in political campaigns.

There really are only two basic remedies—either a *ceiling* on spending, or a *floor* beneath spending.

If a ceiling on all spending were imposed, it would say to candidates: you can spend your money any way you want, but you must not spend more than X dollars. A ceiling—toughly enforced—would mean that public office no longer would go to the highest bidder. Many are quick to argue that spending ceilings are unenforceable. We're ready to argue that Congress has never seriously tried the enforcement approach.

The principal alternative to a ceiling is a floor. That means that every serious candidate would be assured a money base from which to pursue a campaign. We're talking here about some form of public subsidy for campaigns.

This is not the place to examine the relative merits of spending ceilings or spending floors. But until Congress goes for one or the other, the rich candidates will continue to have the overwhelming advantage in politics.

It's well to point out that not only do wealthy contenders have advantages—incumbents do, too. People already in office have many forums and plenty of recognition. Those who challenge incumbents also need opportunities for recognition.

There's another way in which Congress can sharply diminish the influence of big money in politics.

Proposal #2. Congress should enact the strongest possible disclosure law for contributions and expenditures in political campaigns.

The present disclosure law is a wretched failure. It allows politicians to hide the sources of campaign money and the ways in which it is spent.

The persistent refusal of Congress to open to public view the ledgers of campaign finance is a monumental hypocrisy.

For Congress to point an accusing finger at television, while permitting the real truth about political money to be concealed, is to introduce a red herring into a serious issue.

A disclosure law that really discloses will deter special interest groups from flooding key races with big money, because they'd be visible for the first time.

Not just any disclosure law will do. There are dozens lying around and most of them are made of fluff. The toughest bill drafted so far was the so-called Ashmore-Goodell bill of 1967. We call on Congress to write it into law.

There's another hidden way in which many Congressmen feather their own nests, and it ought to be halted.

Proposal #3. Congress ought to see to it that its members are prevented from using staff, offices, and communications facilities to promote their candidacies. The Twentieth Century Fund and other study groups have found flagrant abuses in this area. The advantages to incumbent Congressmen in such situations are enormous.

Proposal #4. Congress ought to provide for at least one free mailing for each legally-qualified candidate for Congress.

This might involve one 2-ounce letter to the equivalent of each registered voter in a House district or in the state for Senatorial candidates. It might be wise at the outset to limit the service to general elections.

A free mailing would give substantial aid to the poor candidate. It would cause barely a ripple in the U.S. Mail.

Proposal #5. Congress should amend the federal communications act at least to the extent of exempting candidates in major races from the provisions of Section 315.

Section 315 is a notorious provision which seriously hampers useful dialogue during political campaigns. It requires broadcasters who give air time to the major candidates in a race to give equal time to frivolous or splinder candidates, who may be many in number.

Most broadcasters would provide more exposure for the serious candidates if the law were amended. As the *Wall Street Journal* observed, "The best idea . . . would be to give television wide leeway to see what sort of job it could do."

The single TV-radio bill which is now in dispute *cannot* reduce the unfair advantage held by rich candidates. The proposals we have made for Congress *can* make politics much more fair.

The communications media in the United States, by and large, *also* are vulnerable on the matter of providing access for candidates to the voters.

Proposal #6. All media, we believe, should reduce charges to candidates across the board. That means *all* media—TV, radio, newspapers, billboards, direct mail, and all other. *All* media should voluntarily adopt *substantial* discounts for political advertising.

One of the glaring hypocrisies of the day is that many newspapers which have heaped praise on Congress for ordering spending limits on TV and radio make *no meaningful contribution* themselves toward the reduction of campaign costs.

The ten leading newspapers in the country in terms of circulation treat candidates, with very minor exceptions, like any other advertising clients.

That's inexcusable. All media should *encourage* political ads with worthwhile discounts.

Proposal #7. All media, we believe, should voluntarily provide some free services to candidates—beyond the usual business of covering the news.

By this we refer to free air time, free newspaper space, free billboard space, and so on. This free access should apply at least to candidates in major races, and at least in general elections.

Such policies would materially ease the financial squeeze on many candidates.

We think this is so important that national bodies such as the National Association of Broadcasters and the American Newspaper Publishers Association should write this commitment explicitly into their code, and blow the whistle on members who ignore it.

During the 1970 campaign, Post-Newsweek Stations engaged in some successful experimenting in this direction.

All of our stations—WTOP television and radio in Washington, WJXT in Jacksonville, WPLG-TV in Miami, and WCKY radio in Cincinnati—provided a 50% discount on all advertising rates across the board to political candidates.

In addition, all of our stations provided substantial *free* time to candidates in major races. It cost the candidates nothing at all and they did with the time as they wished.

The total value of the time given away outright—combined with the money saved for candidates through our discounts—was $413,000. We think this very materially increased the opportunities for candidates in the communities we serve to reach the voters.

TV and radio have been unjustly blamed for the money problems in politics. Now, some also are trying to hold broadcasters accountable for the poor manners and bad taste of politicians—particularly that which shows up in political advertising. That's not fair, either.

Again, because politics is most visible on the television tube, many have assumed that TV stations are responsible for the political garbage which sometimes is produced.

Jack Gould, the radio-TV critic for the New York Times, put it this way:

"In (the) wretched spot announcements and the dismal prose of the campaign on TV there was no serious discussion of the overriding issues of the day. Rather, in many states there was mere invective, with innumerable candidates saying that, if elected, they had some magic formula for making good on promises."

Well, since when has campaigning been any different? How often in all of this country's history have candidates dealt with serious issues before any large audience?

If we can turn a phrase, the problem is not the *medium*—it's the *message*. The solution is not with television stations. The solution lies with politicians.

Some would like to deal with the glossy, superficial politics of 1970 by invoking censorship or other restraints on the media.

How soon will we demand, instead, more responsible and mature behavior by *politicians?*

The Federal Trade Commission has the role of assuring truth-in-advertising. We applaud that. We think candidates ought to give more respect to the principle of truth-in-*political* advertising.

Sometimes political ads get pretty rough. The smear was very much in evidence in the 1970 campaign.

(*On film:* ads from three campaigns in 1970.)

(1 minute montage of photos and such showing smear tactics in earlier times.)

What should be *done* about unfair and superficial campaign tactics? Is there any remedy for a blitz of television spot announcements?

These are tough questions, but one thing is for sure: We certainly want as *little* restraint as possible from the government on these things. The writers of the First Amendment to the U.S. Constitution intended it that way.

Freedom of speech, you see, applies to politicians quite as much as to any other citizens. Unless politicians—both in and out of office—have the freedom to attack vigorously and to criticize severely, those in power will become *entrenched* in power, and the free society will cease to exist.

The line between severe criticism and personal vilification is very thinly drawn—if you can find it.

The First Amendment *must* apply to politics to the fullest possible extent. If we have to suffer some fools along with the wise men, that's the risk built into a democratic society.

The *ultimate* judge of campaign morality is and must be the voter. The 1970 elections showed in some situations that voters reject excesses of money and extreme tactics in campaigns.

The best single remedy for foul play in elections is to take steps that will quicken the backlash.

Since 1954, there has existed a Fair Campaign Practices Committee—a private, nonprofit, bipartisan group which serves as an *intermediary* when the political dirt flies. Here is the committee's Executive Director, Samuel Archibald.

The unfairness in those TV spots ought to be obvious. Some television political smears have become classic. Here are some from the 1950's and the 1960's.

On film: selection of ads from earlier campaigns.)

Foul play certainly isn't limited to political ads on television.

(Tydings ad.)

One of the most controversial ads of 1970 was this one. It appeared in scores of newspapers across the country, although a number of major market newspapers refused to publish it.

The target in this case was Maryland Senator Joseph Tydings. In slightly varied form, the same ad was used to attack other candidates. The thrust of the copy is an attempt to link Tydings with the statements and positions of others. It's a textbook case of guilt-by-association—a below-the-belt tactic which has no place in responsible politics.

(Murphy ad.)

This ad, if anything, is even more evil because it's so coarsely done. It appeared in the Los Angeles Times on the Monday before election day. The text makes it rather clear that a vote for John Tunney for the Senate is a vote for anarchy. The advertisement is a gross distortion of the candidate's views and record. A more reckless political play on fear would be hard to find.

The political woods were full of half-truths, innuendos, and defamations in 1970. That's always been the case, however. The smear probably is as old as the spoken word. It certainly is as old as politics in America.

SAMUEL ARCHIBALD. The Fair Campaign Practices Committee doesn't make findings. It doesn't issue judgments. As a matter of fact, I don't think that any organization—a government organization or a private organization—should make judgments in this area. It's too much power to put in the hands of any group. The Committee just collects the facts from both sides when there is a complaint of violation of the Code of Fair Campaign Practices. It makes these facts available to the information media, and the information media writes a story about it, covering both sides, a comprehensive and objective story usually in the context of the Code of Fair Campaign Practices, and the voters make the judgment on election day.

This is an effective way, it works. Eighty-four percent of the candidates who filed a valid complaint of violation with the Committee went on to win their races. I think that proves that this sort of a democratic system does work.

Mr. DAVIS. For almost 200 years in this country, news media have filled a vital role as critics, judges, and irritants. *News media* have the key responsibility for challenging what politicians say in their political ads—and elsewhere. There are a number of steps which can be taken to curb abuses on the political stump.

Proposal No. 8. News media should aggressively support the Fair Campaign Practices Committee. In an election season, the committee's files are bulging with charges and replies on smear tactics. All media—newspapers in particular—should give these cases prominent display. Some brighter light turned on the committee's activities could make political morality a lively and continuing issue.

Proposal No. 9. We believe all news media have an affirmative duty to create *more* situations in which candidates *confront each other*. Candidates who decline to face their opponents deserve scorn and criticism. Confrontation is immensely valuable because it forces candidates to defend their statements and their actions.

TV and radio have managed this with debates and other formats. We need more of that. A few newspapers and news magazines devote many, many columns to confrontations between candidates. We need more of that.

The New York Times, for example, devoted three whole pages recently to the transcript of an interview with all candidates for Governor of New York. U.S. News & World Report long has made a practice of intensively grilling candidates and publishing the outcome.

Our Washington television station—WTOP–TV—recently devoted an entire evening of prime time to debates and confrontations among candidates for governor, Senator, Congressman, and other seats.

Proposal No. 10. We believe that *all* media should voluntarily adopt safeguards against the last-minute blitz in political advertising.

We believe it is quite proper to refuse to accept *any* political advertising during the last 48 hours of a campaign.

We believe that other reasonable rules can be drawn by the media that will prevent heavy, saturation advertising placements by individual candidates during the final week of a campaign.

We are reluctant to recommend more stringent steps at this point. But we make this prediction: unless politicians begin to exercise more responsibility and restraint in their political ads, the day will come when the public will demand that political advertising be limited to such essentials as name, age, and educational background.

In this special presentation, we have tried to emphasize that the responsibility for the excesses and the evils of campaigning rests not only with broadcast stations but with the political candidates who use them—not only with television spending, but with overall spending in campaigns.

We opposed vigorously the spending limits bill which Congress directed at radio and TV, but mere opposition is not enough and that's why we have outlined here some constructive alternatives.

The President also opposed the bill. It is incumbent on the President, we believe, to propose and to work for *substantive* reforms in our political process.

Our 10 proposals have room for improvement, but we believe they point the way. Here again, briefly, is what we recommend:

Congress must deal with the problem of *overall* spending in campaigns by dealing with the availability of money to candidates.

Congress should enact the toughest possible disclosure law for campaign finances. The Ashmore-Goodell bill is a proper model. Hidden money in politics has the potential to corrupt, and that's why the public has a need to know exactly who is bankrolling each candidate.

Congress should bar its members from using their official staffs and official privileges for direct political gain.

Congress ought to provide for at least one free mailing for each legally qualified candidate for the House and Senate.

Congress should amend Sec. 315 of the federal communications act to encourage more TV and radio exposure for serious candidates.

All media should adopt voluntarily substantial discounts for political advertising.

All media should provide some free time or free space at least to candidates in major races.

All media should aggressively support and give wide, continuing coverage to the Fair Campaign Practices Committee and its activities.

All media should create more situations in which candidates *confront* each other.

All media should adopt rules that will prevent the last-minute blitz in political advertising.

If there is a central responsibility for reform, it belongs in Congress.

The fateful question for American politics is this: will Congress *deal* with this issue . . . or will it override the Nixon veto on a platform of pious platitudes which are as self-serving as they are dangerous to the free flow of information?

Thank you, and good night.

Mr. COOK. I might also say that on Monday of this week, the distinguished minority leader put into the RECORD a speech that I made at the annual meeting of the Kentucky Broadcasters Association in Lexington, Ky., in which I set forth some of the problems and inequities in this bill.

Mr. President, I stated, for instance, that the State of New Jersey has no television stations at all. A candidate for the U.S. Senate in New Jersey to be allotted 7 cents per voter, based on the last election, puts him at the mercy of going into the two richest broadcasting areas in the world, New York and Philadelphia. When he spends his 7 cents per voter in those two areas, he loses 65 percent of his 7 cents, because 65 percent of the listening audience do not even live in the State of New Jersey.

The situation is hardly any better in my State. To run for office in the State of Kentucky, one must not only utilize the broadcast facilities within the State, but must also utilize television facilities in Cincinnati, Ohio, Evansville, Ind., Huntington and Charleston, W. Va., Knoxville, Tenn., Nashville, Tenn., and Cape Girardeau, Mo.

I also pointed out, Mr. President, that 54 Members of Congress had no election in November at all, and that their real election is the primary. Yet this bill gives to a primary challenger of a congressional candidate 3.5 cents a voter, or $10,000, whichever is the greater. Yet, that is the true election, not the election in November. There are no equitable provisions in this bill to handle such a situation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator

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from Kentucky may have an additional 5 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **COOK**. I thank the Senator.

I also ask unanimous consent to put into the RECORD, Mr. President, an article which was published in the Washington Post on November 5, 1970, entitled "Election Blurs Image of TV Image Makers," written by Bernard B. Nossiter, in which he sets forth the won-lost record of the five best known image makers.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ELECTION BLURS IMAGE OF TV IMAGE MAKERS

(By Bernard D. Nossiter)

A few weeks ago, David Garth, the high pressure maker of TV political images, gruffly told a visitor to his mod New York office:

"We'll know who the geniuses are on Nov. 4."

Yesterday, the answer was available. It came from one of his chastened colleagues who said:

"I don't think there are any geniuses."

A glance at the efforts of five of the most famous media advisers, the producers and packagers of television political commercials, bears out this modest view.

The five managed media efforts for 26 clients in state-wide races. Twelve were winners, 11 were losers, and the results are still not in for two cliff-hanging races involving three customers.

Charles Guggenheim, a low-keyed maker of documentaries and leading exponent of the unrehearsed commercial, summed it up.

"Some people in my field think they are kingmakers. That is exaggerated."

Ever since the best selling book by Joe McGinnis, "The Selling of the President 1968," a popular cult has grown up around the image makers. They have been glorified as contemporary Pygmalions, breathing life into political Galateas.

Ironically, the printed media—newspapers, news magazines and research organs—have broadcast the myth most strenuously; many politicians (perhaps excluding Lawton Chiles, the new Democratic Senator-elect in Florida) have swallowed it whole, and the commissions (15 per cent of the ads' cost) have come in a golden stream to the practitioners.

As it happened, the central figure in the McGinnis book, Harry Treleaven, had one of the unhappiest election nights last Tuesday. Four of his five Republican clients lost, including William C. Cramer, who may have spent nearly $1 million on television in an unsuccessful effort to defeat Chiles.

A lesser hero in the McGinnis epic, Roger Ailes, did somewhat better. His REA Productions handled four clients, came up with two winners and has another, Richard Roudebush (R), hanging by his teeth in the Senate race in Indiana.

But in yesterday's aftermath, Ailes' brother Robert, vice president of REA Productions, was modest about all this. He is the man who said that no geniuses were crowned on election night and he continued:

"There are no races where media (management) made the big difference. The ones that were going to win in this election year won without any help. I can't see any campaign that was turned around because of the (TV) media."

Apart from Roudebush, the Ailes brothers also advised Francis Sargent, re-elected governor in Massachusetts; Thomas Meskill, the gubernatorial winner in Connecticut, and Jack Olson, who lost the governor's race in Wisconsin.

Robert Ailes said: "Sargent was ahead all the way. Meskill was the right man in the right place at the right time. This same phenomenon worked against Jack Olson."

Guggenheim, adviser to four winning and three losing Democrats, endorsed this. "The results," he said, "underline my view. Where it (television) really has a dramatic effect is in a primary, where there's no opposition (television campaign) and little press coverage."

At least one professional, however, sees no need for beating his breast. Joseph Napolitan, who handled two winners, one loser and one in an undecided contest, says flatly:

"For the most part. the candidates would have done worse than they did" without professional media aides.

"I've been running campaigns for 14 years," he says. "I'd have to be pretty dumb not to absorb knowledge about what works and what doesn't. It's almost like feeding stuff into a computer to find out whether something is useful or not. A guy who does this all the time has an advantage over one who doesn't."

Napolitan explains away losers by saying, "The favorite very seldom comes to us."

What about his man Mandel, a favorite from start to finish in the Maryland Governor's race?

"We constructed a big campaign that kept (Sargent) Shriver from running," he replies.

In any case, none of these witnesses, agnostic or true believer, is abandoning his business and none expects the demand for his services to decline.

Politicians, said Guggenheim, are "caught." Television "is a vital part of the arsenal. You need it to protect your flanks."

"It's like a civil war. The cavalry may break through, but it can't unless the infantry and artillery are holding the flanks."

Robert Ailes borrows his imagery from game theory to make the same point. "We're getting more and more into a defensive battle. If one candidate uses it, the other must."

The accompanying table records the 1970 record of five leading media managers, their party affiliation, clients, and the offices their clients sought. (Garth, something of a swinger, tends to take on Democrats although he first rose to prominence with Mayor John Lindsay of New York. This fall, Garth handled one Republican, Herbert DeSimone, seeking the governorship in Rhode Island.)

IMAGE MAKERS' RECORD

Joseph Napolitan (D) 2–1–1 (winners, losers, undecided). Winners: Burns, Gov., Hawaii; Mandel, Gov., Md. Loser: White, Gov., Mass. Undecided: Litch, Gov., R.I.

Roger Ailes (R) 2–1–1. Winners: Meskill, Gov., Conn.; Sargent, Gov., Mass. Loser: Olson, Gov., Wis. Undecided: Roudebush, Sen., Ind.

David Garth (D) 3–2–1. Winners: Stevenson, Sen., Ill.; Gilligan, Gov., Ohio; Tunney, Sen., Calif. Losers: Ottinger, Sen., N.Y.; Walinsky, Atty. Gen., N.Y. Undecided: DeSimone (R), Gov., R.I.

Charles Guggenheim (D) 4–3. Winners: Hart, Sen., Mich.; Lucey, Gov., Wis.; Kennedy, Sen., Mass.; Moss, Sen., Utah. Losers: Gore, Sen., Tenn.; Metzenbaum, Sen., Ohio; Duffey, Sen., Conn.

Harry Treleaven (R) 1–4. Winner: Brock, Sen., Tenn. Losers: Bush, Sen., Tex.; Romney, Sen., Mich.; Kleppe, Sen., N. Dak.; Cramer, Sen., Fla.

Totals—12 winners, 11 losers, 3 undecided.

Mr. **COOK**. On the basis of that record, only 12 of the 26 managed candidates won their elections. I think this greatly diminishes the agreement for this bill.

Mr. President, I am one who feels that one of the primary responsibilities of Congress is to write good legislation, not expedient legislation. I think the cost of campaigning should be set forth at all levels and for every medium. To pick on one medium is almost, in essence, to take the first amendment of the Constitution and say that those freedoms apply to some advertising media, but not to this one.

So, Mr. President, I have put these items into the RECORD, in the hope that my colleagues will read them, and in the hope that they will fully appreciate the significance of this program legislation.

ORDER OF BUSINESS

Mr. **KENNEDY**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **KENNEDY**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COMMUNICATION FROM EXECUTIVE DEPARTMENT

The **ACTING PRESIDENT** pro tempore (Mr. BYRD of West Virginia) laid before the Senate the following letter, which was referred as indicated:

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. McGOVERN:

S. 4509. A bill for the relief of Arthur G. Patzia; and

S. 4510. A bill for the relief of Roger L. Oehler; to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 4511. A bill to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes; and

S. 4512. A bill to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minn.; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Jackson when he introduced the bills appear below under the appropriate headings.)

By Mr. BAYH:

S. 4513. A bill for the relief of Elisabeth Fahringer; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 4514. A bill to amend the Higher Education Amendments of 1968 in order to terminate certain Federal financial assistance to institutions of higher education not carrying out the intent of section 504 of such act relating to eligibility for student assistance; to the Committee on Labor and Public Welfare.

(The remarks of Mr. THURMOND when he introduced the bill appear below under the appropriate heading.)

S. 4511—INTRODUCTION OF A BILL TO DECLARE THAT CERTAIN FEDERALLY OWNED LANDS WITHIN THE WHITE EARTH RESERVATION SHALL BE HELD IN TRUST FOR THE MINNESOTA CHIPPEWA TRIBE

Mr. JACKSON. Mr. President, on behalf of the senior Senator from Colorado (Mr. ALLOTT) and myself, I introduce, for appropriate reference, a bill to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes.

This measure has been submitted and recommended by the Department of the Interior, and I ask unanimous consent that the letter accompanying the proposed legislation be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 4511) to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes, introduced by Mr. JACKSON (for himself and Mr. ALLOTT), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, presented by Mr. JACKSON, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 30, 1970.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "To declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration and that it be enacted.

This proposed bill transfers the beneficial interest to approximately 28,700 acres of federally owned submarginal land within the White Earth Reservation to the Minnesota Chippewa Tribe with the title to be held in trust by the United States. The bill also provides protection to any person who may have vested rights in the land. It further provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

These lands were originally tribally owned, but they were allotted under the allotment acts and subsequently passed from Indian ownership. They were acquired by the United States during the middle 1930's under Title II of the National Industrial Recovery Act (48 Stat. 200), and subsequent relief acts at a cost of $175,664. The purchase of the submarginal land was but a small part of the submarginal land program undertaken by the Federal Government for the benefit of Indians.

In Circular No. 1, issue on June 7, 1934, by the Federal Emergency Relief Administration, to govern the acquisition of submarginal lands, it is stated that the land acquisition program of the Federal Government would be of three major types, the third type being "Demonstration Indian lands projects," which would include lands to be purchased primarily for the benefit of Indians. It was further stated that the objectives of the programs include "Improvements of the economic and social status of 'industrially stranded population groups,' occupying essentially rural areas, including readjustment and rehabilitation of Indian population by acquisition of lands to enable them to make appropriate and constructively planned use of combined land areas in units suited to their needs." The circular set forth the following five types of demonstration Indian areas to be included in the program: (1) checkerboarded areas; (2) watershed or water control areas; (3) additional lands to supplement inadequate reservations; (4) lands for homeless Indian bands or communities now forming acute relief problems; and (5) lands needed for proper control of grazing areas.

In a memorandum of understanding between the Federal Resettlement Administration and the Office of Indian Affairs, approved by the Administrator of Resettlement Administration on October 19, 1936, it is stated that:

"Whereas, the lands being acquired under this program are situated almost entirely within the existing Indian Reservations to which they are intended for addition for the purpose of providing subsistence farm sites and consolidated grazing areas for the exclusive use of Indians; and

* * * * *

"2. Pending the transfer of the lands within these projects to the Office of Indian Affairs for permanent administration for the exclusive benefit of Indians, the Commissioner of Indian Affairs is hereby authorized to exercise, and hereby agrees to assume the responsibility for administration and maintenance of those projects, subject to the following stipulations:

* * * * *

"4. Upon the consummation of its land acquisition program in connection with the projects listed in paragraph 1, the Resettlement Administration will recommend to the President that the lands within those projects be transferred to the Office of Indian Affairs for permanent administration for the exclusive benefit of Indians."

The records disclose a complete understanding between the Federal agencies involved in the acquisition and administration of submarginal lands on or near Indian reservations. It was that the lands were being selected for acquisition in connection with demonstration Indian projects; that they were needed by the Indians; that they would be utilized by the Indians in connection with the use of Indian-owned lands; and that proper recommendations would be made at the appropriate time for the enactment of legislation to add these lands permanently to Indian reservations.

Jurisdiction over the White Earth submarginal land was transferred by Executive Order 7868, dated April 15, 1938, from the Department of Agriculture to the Department of the Interior for the benefit of the Indians, insofar as consistent with the conservation purposes for which the lands were acquired.

The full legal and equitable title to the lands is in the United States. The lands, technically, are not subject to the provisions of Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522), because they were transferred to the Department of the Interior about two months before most of the submarginal land projects were placed under the act. Nevertheless, that Act was intended to and did control all of the submarginal land projects under the jurisdiction of the Secretary of Agriculture on that date, that is June 9, 1938, including the Indian projects that were transferred to the Department of the Interior after that date. Under that Act the lands are to be used for a program of land conservation and land utilization broadly described to correct maladjustments in land use, control erosion, further reforestation, preserve natural resources, mitigate floods, prevent the impairment of dams and reservoirs, conserve surface and subsurface moisture, protect watersheds, and protect the public lands, health, safety, and welfare. The lands may be sold or donated to public agencies on condition that they be used for public purposes, or the lands may be transferred by the President to any Federal or State agency for administration in a manner that will further the land conservation and land utilization program authorized by the Act.

As neither Title III of the Bankhead-Jones Farm Tenant Act nor the original recovery and relief Acts under which the lands were acquired contemplate transfer of program lands to private owners, the lands in question have been administered by the Department of the Interior for more than 25 years for the dual purpose of conservation and benefit to the Indians. The fact that the lands are interspersed with 25,380 acres of Indian tribal lands and 2,070 acres of allotted lands, makes that form of administration the only practical method of accomplishing the conservation purpose for which the lands were acquired. The maladjustments in land use were, to a large extent, caused by the allotment of tribal lands and subsequent sales in relatively small acreages. These maladjustments have, for the most part, been corrected by integrating the administration of the submarginal lands with the remaining Indian tribal holdings. If the land is transferred to the tribe, such administration will, of course, be continued.

About 24,258 acres of the submarginal land are in 16 fairly solid blocks of adjoining tracts, located in two townships in Mahnomen County. The other 4,437 acres consist of 38 scattered tracts in four townships in Becker County which adjoins Mahnomen County. The 54 tracts range in size from 20 to 14,319 acres. Their present estimated fair market value based not only on increasing land values, but primarily on increasing timber values and growth is $745,500. This land is considered to be without value for minerals, either metalliferous or nonmetalliferous, although one permit has been issued for the removal of sand and gravel.

Improvements consist mainly of dwellings and farm buildings that were on the land when it was acquired by the Government. In addition, some improvements have been made on lakeshore lots by individuals who leased the lots from the Bureau of Indian Affairs under revocable permits.

Practically all of these submarginal lands are best suited to forestry production and should be managed with the tribal lands as a tribal unit. The cutting of timber on submarginal lands is presently limited to only that which is necessary to prevent the loss of fire-killed, wind-thrown or other damaged timber, and that which impairs productivity.

The Department has permitted the use of these lands by the tribe on a revocable permit basis. The tribe has in turn issued permits directly to individuals.

The White Earth Reservation Council, on December 2, 1961, adopted a provisional economic development plan which includes the use of submarginal and tribal lands. Tribal officers approved the plan on March 8, 1962. On August 13, 1962, this Department recommended to the Area Redevelopment Administration, Department of Commerce, the acceptance of the White Earth Overall Economic Development Program, which was subsequently approved by the Area Development Administration on September 8, 1962. Under this plan, one of the most urgent needs is for the White Earth Reservation to acquire title to the submarginal lands. In a letter

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addressed to the Commissioner of Indian Affairs, the Chairman of the Minnesota Chippewa Tribe stresses that the lands have not been developed to their highest potential because of the limitations of the revocable permits. The goals of the program are to provide employment for residents of the reservation area; improve living standards with better housing, health and welfare facilities; full utilization of the natural resources; education and training of members to permit the earning of more adequate incomes; and cooperation with public agencies and individuals in economic development of the reservation area. The resources to be developed in accordance with this plan include cultivation of cranberry marshes, cultivation and harvesting of wild rice, mink farms, poultry raising, harvesting of maple syrup, dairying and agricultural pursuits and greater utilization of recreational resources. A Job Corps Center was developed on tribal land contiguous to the submarginal land. These improvements could be used as a nucleus for development of the submarginal land in conjunction with the tribal program. These uses are consistent with those recommended by the Minnesota Conservation Department and Mahnomen County Conservation Needs Committee. The White Earth Overall Economic Program will have many lasting benefits for the Indians of the White Earth Reservation, and the acquisition of these submarginal lands by the tribe is essential to the full realization of this program.

Because of the limitation on revocable permits, tribal plans for campground development, lakeshore leasing, access road construction, individual home construction, and industrial development are in effect prohibited with respect to the submarginal land, since the tribe is unable to encumber leaseholds of up to 25 years with an option to renew for a like period as they can do on tribal lands. Thus proper economic utilization of the submarginal land is being stifled because industry cannot construct the improvements necessary to make full use of the property.

For these reasons, it is urged that these lands be donated in trust to the tribe by the enactment of this legislation. The Minnesota Chippewa Tribe, by Resolution No. 50-67 dated January 13, 1967, has urged that this be accomplished.

The Office of Management and Budget has advised there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

A bill to declare that certain federally owned lands within the White Earth Reservation shall be held by the United States in trust for the Minnesota Chippewa Tribe, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, all of the right, title, and interest of the United States in the lands, and the improvements thereon, that were acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now administered by the Secretary of the Interior for the benefit of the Minnesota Chippewa Tribe, White Earth Reservation, are hereby declared to be held by the United States in trust for said tribe, and the lands shall be a part of the reservation heretofore established for the tribe.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

S. 4512—INTRODUCTION OF A BILL TO DECLARE THAT THE UNITED STATES HOLDS CERTAIN LANDS IN TRUST FOR THE MINNESOTA CHIPPEWA TRIBE, MINN.

Mr. JACKSON. Mr. President, on behalf of the senior Senator from Colorado (Mr. ALLOTT) and myself, I introduce, for appropriate reference, proposed legislation submitted by the Department of the Interior to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minn.

I ask unanimous consent that the letter to the Vice President from Assistant Secretary Loesch, dated November 3, 1970, be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 4512) to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minn., introduced by Mr. JACKSON (for himself and Mr. ALLOTT), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, presented by Mr. JACKSON, is as follows:

U.S. DEPARTMENT OF INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., November 3, 1970.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "To declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

This bill provides that two tracts of government-owned land and certain town lots will be held in trust by the United States for the Minnesota Chippewa Tribe. It also provides that the government-owned tracts are subject to the right of the United States to use the tracts and improvements as fire tower sites for so long as there is need. Section 2 of the bill provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

The lands to be held in trust for the Minnesota Chippewa Tribe are comprised of one 79.15-acre tract located on the Grand Portage Reservation, a 5-acre parcel located on the Nett Lake Reservation, and 11 lots reserved for government purposes and one block reserved for school purposes in the White Earth Townsite, Minnesota.

Title to the 79.15-acre tract was acquired by the United States for use as a fire tower site under a declaration of taking filed in 1938, at a cost of $395.75 which was paid from appropriated funds. This tract is still used as a fire tower site. However, we have determined that 2.5 acres are adequate for this purpose and the remaining land is surplus to our needs. The bill provides that the United States shall have the right to use the 2.5-acre parcel and improvements thereon as a fire tower site for so long as the need remains.

Improvements on this property at the present time consist of a cabin valued at $900 and a fire tower valued at $1,600. The present fair market value of the land is approximately $1,200. The land is in a completely forested area and is one of the few remaining alienated tracts within the exterior boundaries of the reservation. The tract blocks in with solid Indian ownership and its acquisition by others would adversely affect the economy of the Indians. The area is included in the overall development program plan of the reservation and would be an asset to the tribe in the development of tourism and the recreational potential of the area.

The tract of 5 acres, more or less, located on the Nett Lake Reservation was purchased by the government for a fire tower site and is still used for this purpose and as a site for a radio repeater tower for the United States Border Patrol under a revocable permit. It has been included in this legislative proposal to eliminate piecemeal legislation, such as would otherwise result when the parcel is no longer needed by the Federal Government. The bill provides that this 5-acre site and improvements shall be subject to the right of the United States to use the same for so long as the need shall remain.

The original purchase price was $25 which was paid from Indian Agency Buildings funds. Improvements consist of a cabin valued at $990 and a fire tower valued at $1,600. The land has a nominal value of $50. This 5 acres, which is in a completely forested area bounded on the west and south by Minnesota Chippewa tribal land, blocks in nicely with tribal land. It is the only remaining government-owned land on the Nett Lake Reservation. At the termination of its present use it would have only a nuisance value to adjacent landowners and could adversely affect tribal land management if declared excess and disposed of to other than the Chippewa Tribe.

Certain scattered, unimproved lots within the White Earth townsite are also included in this bill. The White Earth townsite was established on the White Earth Reservation pursuant to the Act of March 1, 1907 (34 Stat. 1032). Reserves were made for government and school purposes, and the reserved lots were dedicated to public uses by the Department on August 3, 1908. After the reserves were made most of the town lots were sold. The few remaining unsold lots in the townsite were temporarily withdrawn from disposal of any kind pursuant to Department Order of November 2, 1934. In 1966 the Department determined that the unsold town lots could be restored to tribal ownership under authority of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463), but the reserved lots that had been dedicated to public use before the townsite was put up for sale could not be restored except by express congressional authorization. The unsold town lots have since been restored to the tribe.

The present value of the reserved town lots is estimated at less than $100. No improvements have ever been placed on these lots, and they are all excess to our needs. As the lots are situated in the vicinity of Indian land and Indian housing, the tribe has need for these lots.

So far as is known the lands included in this proposed bill are without value for minerals, either metalliferous or nonmetalliferous.

The Minnesota Chippewa Tribe has submitted formal resolutions requesting the enactment of legislation to have the United States take these lands in trust for the tribe.

The Office of Management and Budget has advised there is no objection to the presentation of this proposed legislation from the standpoint of the administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

A bill to declare that the United States holds certain lands in trust for the Minnesota Chippewa Tribe, Minnesota

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the following described lands are hereby declared to be held by the United States in trust for the Minnesota Chippewa Tribe, subject to all valid existing rights:

(1) Southeast quarter southwest quarter and lot 2, Section 8, Township 63 north, Range 5 east, fourth principal meridian, Minnesota, comprising 79.15 acres, subject to the right of the United States to use as a fire tower site for so long as the need shall remain a 2.5-acre parcel and improvements thereon, described as the northeast quarter southeast quarter of lot 2, Section 8, Township 63 north, Range 5 east, fourth principal meridian, Minnesota.

(2) All that portion of lot 5, Section 1, Township 64 north, Range 22 west, fourth principal meridian, Minnesota, described as commencing at a point on the line between Sections 1 and 2 located 1,402 feet south of the north section corner common to said sections, thence south along said line a distance of 660 feet, thence east a distance of 330 feet, thence north a distance of 660 feet (compass variation 6 degrees east of north), thence west a distance of 330 feet to the point of beginning, comprising 5 acres, more or less, subject to the right of the United States to use said tract and improvements for so long as the need shall remain.

(3) Lots 1 through 9 of Block 1, lot 1 of Block 15, lot 3 of Block 16, and all of Block 17 of the White Earth Townsite as shown on the townsite plat of survey approved by the Assistant Secretary of the Interior on August 3, 1908, such townsite being located in Section 23, Township 142 north, Range 41 west, fifth principal meridian, Minnesota.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of Section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this act should or should not be set off against any claim against the United States determined by the Commission.

S. 4514—INTRODUCTION OF A BILL TO AMEND THE HIGHER EDUCATION AMENDMENTS OF 1968

Mr. THURMOND. Mr. President, we are all concerned with the disruptions on the campuses of our colleges and universities throughout the United States. Riots and other disorders have hindered and in some cases ceased the orderly processes which are necessary in an educational environment. Colleges have been forced to close down, millions of dollars worth of property have been destroyed, and thousands of law-abiding students have been denied the educational opportunity for which they and their parents are paying.

The vast majority of students are fine law-abiding citizens who are diligently trying to better themselves with a formal education. However, there are always those few who have no concern for the rights of others and have no respect for the law. The problem with students who break the law on campus is especially acute because of the varying attitudes school administrators and faculty have toward such students. In some cases school officials have taken a firm attitude toward students convicted of campus disruptions. However, there are some schools which almost encourage unlawful disruptions by their tolerable attitude toward those students who break the law on campus. This is evidenced by the fact that many school administrations have refused to comply with the Federal requirement that Federal aid be suspended from any student convicted of participating in campus disorders. If colleges which receive tremendous benefits from these Federal funds are not going to comply with the law, these benefits should be stopped.

Ideally, school officials who value the benefit of various Federal programs on their respective campuses would comply with the minimum requirements which now exist. In most cases it is highly preferable for local levels, whether governments or educational institutions, to administer their own affairs when Federal funds are involved. However, when local college administrators exhibit a totally irresponsible attitude toward the use and distribution of these funds, steps must be taken to rectify the situation.

A very necessary requirement has been placed on educational institutions which are recipients of Federal programs—that they must suspend Federal aid to any student convicted of participating in campus disorders. Unless this requirement is followed, it means that the American taxpayer is paying for the education of radicals, anarchists, and in some cases common criminals. This is intolerable. Since this requirement is not being complied with in too many cases, it is imperative that strict measures be imposed.

Mr. President, I introduce a bill which would require that Federal aid be suspended from those colleges and universities which refuse to comply with the existing requirement concerning the suspension of Federal aid to any student convicted of participating in campus disorders.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred.

The bill (S. 4514) to amend the Higher Education Amendments of 1968 in order to terminate certain Federal financial assistance to institutions of higher education not carrying out the intent of section 504 of such act relating to eligibility for student assistance, introduced by Mr. THURMOND, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. RANDOLPH. Mr. President, we have just listened to the words of the Senator from South Carolina with reference to the cost to the taxpayers—often large sums of money—for the repair of damages which have taken place on campuses, including the buildings which have been constructed with aid from the Federal Government.

I am wondering whether the Senator from South Carolina is familiar with the cost of $582,000 at Stanford University in California to replace the broken windows in the buildings on that university campus, and to remove the obscenities which have been drawn or written on the walls of the buildings, including the residence of the president of the university.

The Senator from South Carolina has mentioned the cost to taxpayers. Would the Senator like to respond further as to where responsibility for the payment of that $582,000 finally rests.

Mr. THURMOND. I wish to commend the able Senator from West Virginia upon the pertinent remarks he has made. I appreciate what he has had to say. There is no question that when buildings of colleges are destroyed, when bombings take place that sometimes cost hundreds of thousands of dollars, that cost invariably rests upon the taxpayers.

I thank the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, that was my understanding. In the final analysis, any costs incurred at Stanford University, or any other university or institution of learning, will probably be upon the shoulders of the American taxpayers.

Mr. President, it is my conviction that an institution of learning, be it a public school or a university, is a place for study and understanding and debate, discussion, dissent, and decision. It is not a place for wanton destruction of property, often accompanied by violence.

Mr. THURMOND. The Senator is correct.

ADDITIONAL COSPONSORS OF A BILL

S. 4492

At the request of the Senator from South Dakota (Mr. MCGOVERN), the Senator from Ohio (Mr. YOUNG), the Senator from Missouri (Mr. SYMINGTON), the Senator from Indiana (Mr. HARTKE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Maine (Mr. MUSKIE), were added as cosponsors of S. 4492, the Agricultural Act of 1970.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, November 18, 1970, he presented to the President of the United States the following enrolled bills:

S. 737. An act for the relief of Konrad Ludwig Staudinger;

S. 882. An act for the relief of Capt. William O. Hanle;

S. 902. An act to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country;

S. 1422. An act for the relief of Donal E. McGonegal;

S. 2455. An act to authorize appropriations for the Civil Rights Commission, and for other purposes;

S. 3620. An act for the relief of Mrs. Anastasia Pertsovitch;

S. 3853. An act for the relief of Mrs. Pang Tai Tai; and

S. 3858. An act for the relief of Bruce M. Smith.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1971—AMENDMENTS

AMENDMENT NO. 1072

Mr. BYRD of West Virginia (for Mr. WILLIAMS of New Jersey) submitted amendments, intended to be proposed by

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Mr. Williams of New Jersey, to the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 1073

Mr. KENNEDY. Mr. President, on behalf of the distinguished Senator from Minnesota (Mr. Mondale), I send to the desk an amendment, and ask that it be printed.

The PRESIDING OFFICER (Mr. Cranston). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1074

Mr. YARBOROUGH (for himself, Mr. Javits, Mr. Williams of New Jersey, Mr. Pell, Mr. Kennedy, Mr. Eagleton, Mr. Cranston, Mr. Saxbe, and Mr. Mathias) submitted an amendment-intended to be proposed by them, jointly, to House bill 18515, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 1075

Mr. MATHIAS (for himself and Mr. Tydings) submitted an amendment, intended to be proposed by them, jointly, to House bill 18515, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 1076

Mr. CRANSTON. Mr. President, I am submitting, for myself, Senator Harris and 24 other Senators, an amendment to delete section 208 from H.R. 18515, the Labor-HEW appropriation bill as reported by the Appropriations Committee. This amendment, which would eliminate the 115-percent limitation on Federal grants to States for administration, training, and social services for all public welfare programs and restore the open-ended nature of the Federal share authorized by the Congress in the Social Security Act, is intended to supersede Amendment No. 1070, submitted by Senators Harris and Ribicoff yesterday. I will outline the reasons for this amendment when we call it up.

Mr. President, I ask unanimous consent that the text of this amendment, submitted for Senators Harris, Talmadge, Ribicoff, Brooke, Mondale, Javits, Bayh, Eagleton, Gore, Gravel, Goodell, Hart, Hatfield, Hughes, Inouye, Kennedy, McCarthy, McIntyre, McGovern, Nelson, Pell, Percy, Randolph, Williams of New Jersey, and Yarborough, be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Schweiker). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 1076) is as follows:

On page 38, beginning with line 12, strike out through line 18.

On page 38, line 19, redesignate section 209 as section 208.

SOCIAL REHABILITATION PROGRAMS IN JEOPARDY

Mr. YARBOROUGH. Mr. President, one of the troublesome features of the pending Labor-HEW appropriations bill is section 208 which would curtail the ability of the various States to maintain and expand their programs for the disadvantaged. I am pleased to support my esteemed colleague, Senator Cranston, as a cosponsor of his amendment to delete section 208 from the bill.

If left in the bill and enacted into law, section 208 would place an arbitrary limit on Federal matching funds for State expenditures on administrative costs, training costs, and the cost of social services for such programs as old-age assistance, aid to the blind, aid to the disabled, and aid to families with dependent children. During the current fiscal year, the administrative expenses under the section 208 provision would be subject to a 115-percent ceiling of the aggregate amount spent by each State for these purposes during fiscal year 1970.

The 115-percent limitation would constitute an inequitable financial burden on the majority of the 50 States, but the implications would be particularly severe for the State of Texas and its people. There has literally been a "caseload explosion" in my home State. For example the number of cases under the aid to families with dependent children has doubled during the past 2 years, and the number of recipients under the program is presently increasing at a rate of 8,000 persons per month.

There are those who will argue that section 208 is merely aimed at cutting unnecessary "administrative costs." While this is a commendable goal, it must be recognized that it is the people in need of expanded programs of social service who would suffer the most from the "penny wise and pound foolish" ceiling on Federal matching funds.

Under section 208, the State of Texas stands to lose $6.1 million in Federal money which is required to finance administrative, training, and social service programs in fiscal year 1971. This financial burden would force the elimination or substantial curtailment of day care education programs for children, family planning programs, and consumer education programs throughout the State. Many of these programs in Texas are still in their infancy, and must not be left to perish for lack of Federal support.

I urge my colleagues in the Senate to support this proposed amendment which would delete section 208 from the Labor-HEW appropriations bill. We cannot turn our backs on States which are making a bona fide effort to provide and expand programs of social rehabilitation for their people.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1068 TO H.R. 18515

At the request of the Senator from New York (Mr. Javits), the Senator from Massachusetts (Mr. Brooke) was added as a cosponsor of H.R. 18515, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

AMENDMENT NO. 1069 TO H.R. 18515

At the request of the Senator from Michigan (Mr. Griffin), the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of Amendment No. 1069 to H.R. 18515, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

ADDITIONAL STATEMENTS OF SENATORS

UNITED STATES SECURITY AND "RUSSIA'S BIG RED FLEET"

Mr. THURMOND. Mr. President, much has been published about the rising sea power of Soviet imperialism and much more will be published in the future. The latest contribution as to the relative strengths of the United States and Soviet Navies is a highly informative article in the November 1970 issue of the Reader's Digest by Hanson W. Baldwin, the noted former military editor of the New York Times, on the subject of "Russia's Big Red Fleet."

In this article, Mr. Baldwin emphasizes some very important facts affecting the security of the United States and, indeed, of the entire free world, among them the following:

First. That vessels in the Soviet Navy are relatively new while many U.S. vessels are over age.

Second. That Russia has a total of 1,500 naval vessels in commission whereas the United States has about 550 vessels.

Third. That in range and firepower most new Soviet naval vessels outmatch ours and have a 1- to 3-knot superiority in speed.

Fourth. That the Soviet Navy is superior to ours in submarines.

Fifth. That the United States is superior in giant aircraft carriers but that these are a "wasting asset" which someday will be superseded.

Sixth. That the Soviets are preparing to "leapfrog" the carrier stage of naval development.

Seventh. That unless the United States strengthens our Navy rapidly the Soviets will be in a position to challenge us successfully on the high seas; and that it has already conducted globewide naval maneuvers—something that the United States has never attempted.

Published shortly before the report of the current interoceanic canal investigation under Public Law 88–609 is due to be submitted, the article is most timely in countering some of the misleading propaganda for the construction of a vast sea level project at Panama to accommodate huge aircraft carriers that will eventually have the same fate as battleships.

Mr. President, because the indicated article is illuminating and should be helpful to Congress, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

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RUSSIA'S BIG RED FLEET

(In range and firepower, most new Soviet naval vessels now outmatch ours, and they have a one- to three-knot advantage in speed. A military expert issues a warning.)

(By Hanson W. Baldwin)

Two recent incidents, though very different in scale, typify the newfound confidence and audacity of the fast-growing Soviet navy.

Last summer, just a few miles off the Florida coast, a Soviet electronic trawler, monitoring the first underwater firing of our new Poseidon missile, almost rammed a U.S. destroyer. The Russian spy ship, which constantly patrols off the missile range at Cape Kennedy, made determined (but abortive) attempts to pick up remnants of the submarine's missile-tube cover, which is ruptured by the launch.

Last spring, Moscow conducted a type of naval exercise that we have never attempted—the first coordinated maritime global war game in history, Exercise Okean (Ocean). Red fleet headquarters in Russia controlled more than 200 ships deployed around the world. Hundreds of other ships and planes participated in waters nearer Russian shores. Land-based aircraft, armed with anti-shipping missiles and torpedoes, crisscrossed the North Sea and overflew the Mediterranean. Long-range reconnaissance planes, with many kinds of monitoring equipment and air-to-ship missiles, ranged over virtually the entire North Atlantic, utilizing Cuban fields as advance bases.

Russian fleet activity in the open seas is today five times greater than it was four years ago. To emphasize the giant strides the Soviet navy has made, Vice Adm. Hyman G. Rickover, who helped to father the nuclear submarine, told a Congressional committee almost two years ago that he would "rather command" the Soviet submarine force than our own. Today the overall naval comparison would be far more disquieting:

Gun for gun and ship for ship, most Soviet naval vessels outrange ours, and they have a one- to three-knot advantage in speed. Moreover, the Russian ships are new; much of our fleet dates from World War II.

Russian winged missiles for use against other ships, and airborne anti-ship homing missiles with ranges of 20 to 450 nautical miles, are unmatched by any missile now in operation in the U.S. Navy.

The United States has no counterpart to Moscow's small, high-speed, missile-armed motorboats of the type which, under the Egyptian flag, sank the Israeli destroyer *Elath*.

The Russians maintain some 1500 naval vessels in commission; in the next fiscal year the active operational fleet of the United States may drop to about 550 vessels.

The Soviet submarine fleet, the world's largest, will soon operate more nuclear submarines than the United States. And in three to four years, the *only* advantage the United States now enjoys in strategic weapons will be neutralized: by then, the Soviets will have more ballistic missiles at sea than the United States.

In short, the Soviet navy, which was solely a defensive coastal force in World War II, then for 15 years a submarine navy, is now fast becoming a well-rounded fleet, able to fight on the surface, under the surface and in the air, to escort and attack convoys, to land troops on foreign shores and, above all, to project Moscow's power far beyond the borders of the "heartland."

The Russian submarine fleet is still in many ways the most important element of the Soviet navy, not only because of its great size (395 submarines, as against Germany's 57 when World War II started) but also because of the new role of the nuclear-powered submarine as a missile platform, with the capability of launching a knockout punch against any land target on earth.

U.S. submarine experts have been surprised—indeed, astonished—by the capabilities of Soviet submarines. We got a real shock when a Russian submarine trailed the nuclear powered carrier *Enterprise* across much of the Pacific at submerged speeds of 25 knots.

The new Soviet Y-class subs, like our Polaris submarines, carry 16 missiles each, and the Soviet building program may produce a fleet of 50 of these by 1974 or 1975—nine larger than our total of 41. Their other class of submarine, the attack type, is fast, agile and equipped with numerous kinds of sensing apparatus. So many of these craft are being launched that our experts believe the Soviet admirals hope to "saturate" our Polaris fleet—follow Polaris subs to their patrol stations and thus neutralize their importance as a deterrent.

The Soviet surface fleet is, in some ways, even more modern and impressive than its submarine flotillas. Many of the new ships are powered with gas turbine engines—one of the latest developments in marine power plants.

In one important element of modern power—ship-based aircraft—Moscow is still clearly unequal to the U.S. Navy. The Soviet fleet has, as yet, no aircraft carriers (as we know them) in commission. The U.S. Navy is able with its floating landing fields to project tactical air power—fighters, reconnaissance and attack aircraft—to any part of the world's oceans, and to provide air cover over nearly any portion of the world's coast line.

Today this is a powerful advantage. But technologically it is a wasting asset. The huge flat-top will someday be superseded. It is quite possible that the Soviets are preparing to leapfrog the traditional carrier stage.

The first step in this direction appears to have been the construction of two 23,000-ton ships unique in design—the *Moscow* and the *Leningrad*. They have broad flight decks aft, used thus far for launching helicopters; anti-aircraft, anti-submarine and sophisticated electronic systems are located forward. Their primary role today is anti-submarine warfare. But they have secondary roles in amphibious warfare—helicopter-borne ship-to-shore troop movements. Some experts believe that the next step is the ing fixed-wing fighters aboard the *Moscow* utilization of very-short-takeoff-and-land-class and other ships that are now under construction.

These are all formidable strengths, which few Americans have adequately appreciated. Yet the Soviet navy also has many weaknesses. Its logistic support is a composite of the very old and the very new. On the one hand, the Russians have apparently accomplished a re-supply feat that we have not even attempted—replacement of missiles in a missile submarine in mid-ocean. On the other hand, most Soviet support vessels are slow commercial or semicommercial types utilized temporarily for naval auxiliary service. Soviet ship replenishment is usually done at anchor; the Russians have not mastered the massive, mobile floating-base techniques which have enabled U.S. combat ships to remain under way for long periods.

Further, some of the Soviet navy's fighting ships are unkempt, and close inspection reveals rust on the missile launchers and scant evidence that their weapons have ever been fired in practice. And though the Soviets now utilize most of the instrumentation familiar to the West in anti-submarine warfare—sound and magnetic and infrared detection devices—they have not yet shown any consistent capability in locating and tracking submerged submarines. Similarly, Moscow's attempts to develop a long-range amphibious capability are still in their infancy.

The Russian navy's greatest weakness is probably its staying power. Many U.S. experts think that today it is a "one-shot navy," or "firststrike navy," with no good way to provide re-loads of missiles or ammunition, replenishment or spare parts for ships operating far from home waters.

But the great question mark of the Soviet navy today is: What about the men? Is Ivan really a sailor?

The Soviet sailor has the spirit and the love of fatherland that is essential to any *esprit de corps*. He does not need, or expect, the luxuries and permissiveness to which the young American is accustomed. A background of decades of experience in modern naval science and technology is lacking. But the Russians are making major efforts to compensate for this. The Soviet Naval Academy, dating back to Czarist days, is now supplemented by at least ten newer naval "colleges."

Virtually all Soviet naval officers and all except about 150,000 of the 465,000 enlisted men are permanent professionals. Pay by our standards is relatively low, but the economic lot of the Russian naval professional is better than that of the average man in the U.S.S.R. Above all, he enjoys a psychological reward now lacking in the U.S. Navy: his profession is highly regarded by his countrymen; he is a defender of the fatherland, and for many Russians there can be no higher calling.

Adm. Sergei Gorshkov, the five-star head of the Russian navy has presided over the renaissance of the Red fleet, and many other Soviet spokesmen have made Moscow's naval goals absolutely clear: first, a navy second to none; then, one superior to all, to dominate the world of water, which is seven tenths of the globe.

Today, Moscow cannot turn blueprint into actually. It cannot yet challenge successfully on all the high seas the might of the United States. But tomorrow, unless we strengthen our Navy rapidly, could tell a different tale.

UNIVERSITIES AND POLITICS: A QUESTIONABLE MIXTURE

Mr. DOLE. Mr. President, the educational institutions of the Nation—I speak particularly of those involved in the process of higher learning—as a body have long been considered one of the main foundation stones of this Republic. Benjamin Franklin said nothing brought forth such good interest as the investment in education. A man might empty his purse into his head, Franklin said, and thus insure that he could never be robbed of his most prized possession.

Since before the founding of our Nation, great educational institutions have been a part of the American way of life. Harvard was founded in 1636; Yale in 1701; Columbia in 1754. Even in the comparatively young Western States, higher education dates back 100 years and more.

I say all that to make the point that it has been well established that the American people, through their history and tradition, have indicated the greatest of interest in helping provide places where one may continue learning, may continue the educational process to the limit of one's ability. This is fairly basic—fundamental—with us. We are appreciative that the value, the need, the scope, the benefits of education—particularly higher education—have been recognized and taken into account in our official and legal acts within the Republic.

The legislation that brought many of our State-supported institutions into ex-

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istence is evidence that the Senate, as well as the people of this great Nation, has long recognized and valued the educational process.

AN ENDANGERED HERITAGE

Now, unfortunately, Mr. President, we have those among us who would abandon that heritage, tear down a tradition that stretches back into history, across to Europe and into the cradles of civilization. There are those in the educational community who would, it appears, willingly bring down the entire structure of our higher education system with the argument that it has become irrelevant and must be destroyed before we can progress further.

Mr. President, I do not propose to take the Senate's time with a refutation of that argument. I believe it falls of its own weight. Certainly the actions of those radical elements, and the barbarism which they exhibit, wins them few friends and a host of disapproving enemies.

What concerns me far more than the Jerry Rubins, and the William Kunstlers, and the other recognized anarchistic elements, Mr. President, is those who—from within—would pull down the educational house while all the time wrapping themselves in the robes of academic freedom and educational immunity.

The far more dangerous proposition, Mr. President, is that which springs from within the colleges and universities themselves, in the form of either weak administrations, or militantly destructive faculty and students.

The principles of law and their application with relationship to academic freedom, came together for me recently in an old speech by Charles Evans Hughes, one of the most noted legal minds ever to sit on the highest tribunal of our land. Mr. Chief Justice Hughes told the American Law Institute in 1936:

> In the highest ranges of thought, in theology, philosophy, and science, we find differences of view on the part of the most distinguished experts—theologians, philosophers and scientists. The history of scholarship is a record of disagreements. And when we deal with questions relating to principles of law and their applications, we do not suddenly rise into a stratosphere of icy certainty.

Mr. President, I think that that paragraph displays the even-handed judicial temperament which made the late Chief Justice so revered. He recognized that the Court, the Congress and the people, may each, from time to time, be wrong. But he also recognized that the disagreements within these sectors were not licenses to tear down the established system, for in a decision he wrote the following year, he spoke of the importance of retaining the rights of free speech and the opportunity for free political discussion—

> . . . to the end that the government may be responsive to the will of the people and that changes, if desired may be obtained by *peaceful* means. (Emphasis added.) Therein lies the security of the Republic, the very foundation of constitutional government.

It concerns me when some of our leading educators are willing to risk the destruction of the educational system to which we owe so much, because they either do not have the vision to discern the dangers bearing down upon them, or the backbone to resist those dangers.

A CLEAR AND BALANCED ANALYSIS

I was pleased to see recently an analysis published by the American Enterprise Institute, which calls attention in a most scholarly and collected way, to the dangers facing some of our most prominent educational institutions if they continue to follow the popular course urged on them by some elements.

The book to which I refer is a special analysis of "Political Activities of Colleges and Universities—Some Policy and Legal Implications." It is the product of a distinguished team of writers, who are authorities in their respective fields. They are: Robert Bork, professor of law, Yale University; Howard G. Krane, attorney at law, Chicago, Ill.; and George D. Webster, attorney at law, Washington, D.C.

These gentlemen have done a magnificent job in putting together some astounding legal aspects of tax law that relate to the political activities that have been so loudly and vociferously proposed on many campuses.

Many in this Chamber are lawyers. Many enjoy, as I do, exploring the possible implications and the effects of certain laws which we are considering. It is not only an intellectual exercise, but, of course, it is also a matter of tremendous concern for all Americans.

Here are some concepts which I am sure most of us have not considered. Yet here we have three distinguished attorneys who have carefully worked out most of the legal factors that can be brought to bear in these issues. I think they have not only uncovered a fascinating area of law, but also a vital one that is likely to come into play in the future.

The gist of the matter is this: Colleges and universities that engage in political activities, including recesses to permit students and faculty to campaign in the public elections, expose themselves to serious legal penalties.

This is a fascinating concept and if I were a college president today, faced with some of the very hot, and very delicate, political demands being put before the academic world today—I think I would surely want my legal counsel to have the benefit of this study and analysis.

TWO LEGAL ASPECTS

A brief summary of the material should be of general interest to the Senate, since most of us are, at one time or another, quite concerned with the working of the two major sections of the law here presented.

Schools engaging in political activities—and I will discuss what might constitute such activities in just a moment or two—face the extreme danger of losing their tax exemptions under the Internal Revenue Code. In fact, university officials could expose themselves to criminal sanctions for violation of the Federal Corrupt Practices Act.

THE INTERNAL REVENUE CODE

Let us consider the Internal Revenue Code first.

The book states:

> Section 501(c)(3) of the Internal Revenue Code provides that an exempt organization, including an educational institution, shall lose its exemption from federal income taxes if any "substantial part" of its activities "carrying on propaganda, or otherwise attempting to influence legislation," or if it should "participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office." A parallel provision, Section 170(c), denies a deduction from income taxes for donors to institutions that violate these proscriptions.

The writers take note of the possible "out" in that the IRS could take the position that the penalties are too severe, and on its own motion elect not to proceed administratively to enforce the law. But even though the IRS might not act against a university, the analysis points out that a private citizen, perhaps an alumnus who finds himself in disagreement with the current policies of the administration of the school, may have the right to bring a "mandamus" suit to force the IRS to perform its administrative function.

The authors say:

> The law may well be developing in such a way as to permit a private citizen to compel the Internal Revenue Service to act in the face of a clear violation of the statute if the Internal Revenue Service refuses to take the initiative itself.

The authors base their interpretation on recent civil rights cases in which the Government was ordered to stop issuing exemption rulings and approving deductions to private schools in Mississippi without first ascertaining that the schools were not operated on a segregated basis.

The authors also cover advice given to schools by the American Council on Education which suggests a university might rearrange its schedule to permit faculty and students to participate in political campaigns. They conclude that there might not be a problem only if in the rearrangement of the university calendar, it is done as a permanent matter without regard for a particular political race, and particular issues. But that does not appear to be the case—at least in most instances of which I am aware.

The study concludes in this regard:

> In such circumstances, arguably, the university may be contributing to the campaign just as much as if it ran a voter registration drive that it knew would substantially aid one candidate over another. The authors note that the plan for students who actually drop out of the university calendar to take part in the campaign, or if the calendar is rearranged for that purpose, the university may still be liable even if the missed or rescheduled classes are actually held. Such an action might avoid the charge that the university indirectly financed candidates, but "it does not avoid the reality of a dramatic intervention in the campaign."

The study notes, however, that campus newspapers are more or less free to support the candidates of their choice, or the issues they choose.

It is interesting to me that the authors have gone into the question of what might be the reasons of Congress for establishing these laws. It is a more difficult task, since the legislative history

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of these bills contains little or no reference to such questions as these. Apparently, the framers of the tax code did not think the problems of such magnitude involving the academic community would ever come up.

The authors deal with the "tax equity" rationale, and a "social policy" rationale. I shall not attempt to duplicate their efforts here, Mr. President. Suffice it to say that they concluded that both rationale probably underlie the statute to some degree. I suspect that if we ever see a great deal of action in this area, then we—the Congress—will have to come back at some future time and lay down some legislative guidelines and rules that will pertain to these situations.

The degree to which university facilities, in addition to university professors, students and other personnel have been involved in these questionable areas is most revealing.

For instance the study notes:

> After the Cambodian intervention political groups were frequently given access to university computers, research facilities, office buildings, classrooms, and auditoriums . . . mailing lists were used to send leaflets opposing Congressmen up for re-election to alumni.

Mr. President, I think it does not take too much reasoning on the part of Congress to see just how such tax exemption could easily be abused—in fact it appears that there may already have been substantial violations of the IRS code in this area.

There are many other aspects of this part of the law that are discussed. For instance, what constitutes "attempting to influence legislation?" We are all familiar with the fact that the Sierra Club lost its tax exemption because its attempts to influence Congress were interpreted as "too substantial" to maintain its tax exemption.

There are Gordian knots here to be untangled as to how much time "belongs" to a college professor, and how much belongs to the institution. The same holds true for students, but for different reasons.

The question of what is "substantial" is a complex one, but it is treated in a most lucid manner in the book to which I have been referring.

THE CORRUPT PRACTICES ACT

To turn for a moment to the other aspect of the law: the criminal sanctions that could possibly be imposed on university officials under the Federal Corrupt Practices Act.

Section 610 of title 18 of the Criminal Code makes it a crime:

> For any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in Congress are to be voted for.

The fines for violating this act are very stiff, but have seldom been imposed.

Since most educational institutions are corporations—the "any corporation whatever" phrase would seem definitely to apply. The violations bring a "fine of not more than $5,000; and every officer or director of any corporation who consents to any contribution or expenditure by the corporation, shall be fined not more than $1,000 or imprisoned not more than one year or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years or both."

Incidentally the "anything of value" rule that applies in this case includes . . . "a gift, loan, or advance of money, or 'anything of value.'" The terms also include any promise or agreements to make a contribution or expenditure in connection with an election. Salaries and wages of corporate or labor union officers and regular employees, while engaged in political activities of supporting a candidate for nomination or election to a Federal office, would constitute expenditures within the meaning of section 610 of the FCP act.

This is not dead law, for the analysis shows some 18 cases prosecuted under this act since 1968.

This is a most complete study. Yet for all its thoroughness, it is neither bulky, nor written in such legal jargon as to make one put it back on the shelf. I should think it reasonably easy for the average layman, and even the bright high school student to understand and grasp.

Included in the volume are two statements of policy for university presidents in the light of the campus disorders of last year, and the years before.

They make interesting reading, too; and they appear to be sound and safe policy statements. In fact, one wonders why they have not been carried out with more vigor.

In short, I have found this book on the current difficulties facing our college administrators to be fascinating reading. I commend it to all who have an interest in the continuing education of our young people. I commend it for its sound and reasoned approach. The authors apparently did not make up their minds and then set out to vindicate their convictions. Rather, their work strikes me more like that of a well-informed debater, explaining his side of the question as well as that of the "other" side.

The fact remains that many of our institutions of higher learning have edged closer and closer to the edge of political involvement. What this means for our total system is significant. It is crucial to the future of the system. For if by involving the universities actively in partisan politics the extremists succeed in destroying the universities, then they will have indeed done irreparable harm to our country.

I think the time has come that someone sounded an alert, a warning bell, in this arena, for I do not feel comfortable knowing that tax money which I have helped contribute and raise may be used against me or against anyone in any future election. These issues should be aired. The implications, dangers, risks, and involvements should be subjected to the sunlight of public scrutiny. College officials have responsibilities to their trustees, alumni, students, and faculties. They, and we as taxpayers, should be paying more attention to these vital and important questions.

Again, Mr. President, I commend this analysis to the Members of the Senate for its study and for your own enlightenment. This is a serious question, and we are allowing our institutions of higher learning to walk along the edge of a morass which may so damage the whole system that it will be years, even decades in recovering. I do not think we can afford such a loss.

EXCUSES, EXCUSES, EXCUSES

Mr. PROXMIRE. Mr. President, yesterday the index of industrial production dropped by 2.3 percent. That is indeed a gloomy fact only partially explained by the loss of production occasioned by the General Motors strike.

But on a news program today, Herbert Stein of the Council of Economic Advisers parried the bad news by stating that we should not be taking the temperature of the economy every hour. But the administration and Mr. Stein have a double standard. They have greeted every minor increase in the favorable economic indicators or decreases in the unfavorable ones with unprecedented joy. When the price indexes declined in August, the administration was exultant. But when it went up in September by almost precisely the same amount, they largely ignored it.

But what one does need to do is to look at the basic facts. Unemployment is at 5.6 percent, with 2 million more men and women out of work than in January 1969.

The price indexes continue to rise. Industrial production is down. Retail sales are off. Commercial bank credit is down. And interest rates remain very, very high. While housing starts have edged up, they are still 1 million units below the number needed on an annual basis to meet the Nation's housing goals and housing needs.

The economic game plan was to reduce prices from a 4.5 percent rate of annual increase to a 3 percent rate without increasing unemployment. But now the rate of increase is at 6 percent per year and unemployment is at 5.6 percent and going up.

The economic facts are that the economy is still in great difficulty. The game plan has failed. An incomes policy is needed. We need to stimulate housing where both the need is great, the resources are idle. There small amounts of Federal stimulus can bring forward very large resources from the private sector.

The basic facts about the economic situation are given by the Federal Reserve Board. Yesterday they issued their report entitled "National Summary of Business Conditions." I hope the administration economists will read it and act on it.

I ask unanimous consent that the summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

NATIONAL SUMMARY OF BUSINESS CONDITIONS

Industrial production, nonfarm employment, and retail sales declined in October reflecting in part the General Motors strike. The unemployment rate edged up. Com-

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mercial bank credit declined, the money supply changed little, and the expansion in time and savings deposits slowed. Between mid-October and mid-November, yields on U.S. Government and municipal bonds declined and yields on corporate securities changed little on balance.

INDUSTRIAL PRODUCTION

Industrial production in October was 162.3 per cent of the 1957–59 average, down 2.3 per cent from September and 7.0 per cent below the July 1969 peak. The auto strike accounted—for about one-half of the 3.8 point decline in the total index in October, with the balance reflecting further curtailments in output of consumer durable goods other than autos, business and defense equipment, and industrial materials.

With the strike continuing through October, auto assemblies dropped sharply further and were at an annual rate of 4.0 million units, compared with 5.7 million units in September and 8.4 million in August. Production of television sets increased in October but output of most other household goods declined. Production of industrial, commercial, and freight and passenger equipment was reduced further. Among materials, output of steel, construction materials, paper and some chemical and rubber products was down.

EMPLOYMENT

Nonfarm payroll employment declined in October with a large part of the drop attributable to the General Motors strike. Employment in manufacturing dropped sharply but increased in services, trade, and State and local government. The average workweek in manufacturing rose 0.1 hour to 39.4 hours in October, from the reduced September level. The unemployment rate edged up slightly further to 5.6 per cent.

RETAIL SALES

The value of retail sales declined about 1.5 per cent from September to October as sales at automotive stores declined sharply. Excluding the automotive component, sales at durable goods stores were unchanged and at nondurable goods stores rose 1 per cent.

AGRICULTURE

Farm output in 1970 is now estimated to be about the same as last year. Livestock output is expected to be up about 5 per cent reflecting gains in meat and poultry production. Crops, however, will be down about 2 per cent because of planned cuts in food grains and a 10 per cent reduction in corn because of blight.

WHOLESALE AND CONSUMER PRICES

Wholesale prices rose 0.2 per cent from mid-September to mid-October after seasonal adjustment. A sharp increase of 0.6 per cent in prices of industrial commodities, led by increases for 1971-model passenger cars, more than offset a decline of 1.4 per cent in prices of farm and food products.

Consumer prices rose 0.5 per cent in September, seasonally adjusted; a reversal of the August decline in food and gasoline prices, and increases in new car and house prices contributed to the faster pace.

BANK CREDIT, DEPOSITS, AND RESERVES

Commercial bank credit, after adjustment for changes in loans sold to affiliates, declined $600 million in October compared with an average monthly increase of almost $5 billion during the third quarter. Total loans and holdings of U.S. Treasury securities both declined following substantial expansion over the third quarter. Holdings of other securities, however, continued to increase rapidly reflecting acquisitions of both municipals and Federal agency issues.

The money supply declined nominally in October following a slight increase in September. For the third quarter, growth in the money supply was at an annual rate of 5.1 per cent. Expansion in time and savings deposits slowed somewhat in October—$4 billion compared with over $5 billion per month during the third quarter. At large commercial banks, both acquisitions of large negotiable CD's and inflows of consumer-type time and savings deposits were smaller than in other recent months. "Other" time deposits declined. At country banks, however, growth in time and savings deposits continued strong.

Net borrowed reserves of member banks averaged about $285 million over the four weeks ending October 28 compared with $375 million in September. Member bank borrowings declined further but excess reserves also dropped somewhat.

SECURITY MARKETS

Yields on U.S. Government securities continued to decline sharply from mid-October to mid-November. Treasury bill rates fell about 40 to 60 basis points on average, with the 3-month bill bid at around 5.45 per cent in the middle of November. Yields on most notes and bonds declined some 20 to 35 basis points.

Yields on new and seasoned corporate securities increased slightly in late October on heavy volume but by mid-November had fallen to the month earlier levels. Municipal bond yields fluctuated mildly but on balance were over 20 basis points lower at the end of the four week period.

Common stock prices changed little on balance with volume declining slightly over the period.

LT. SIDNEY A. MOHSBERG III, AWARDED BRONZE STAR

Mr. MATHIAS. Mr. President, I have recently learned that the heroism of Lt. Sidney A. Mohsberg III has been rewarded by the presentation of the Bronze Star. Lieutenant Mohsberg received the medal for his gallant action on the night of February 16 last in attempting to rescue a wounded Vietnamese trainee from a stricken river Monitor, which was burning, in danger of sinking, and under fire at the time.

Lieutenant Mohsberg is to be commended as much for the humanitarian motives of his deed as for the bravery of the deed itself. He is exemplary of the American combat soldier and of the role that the United States would like to play in the world.

We, as a Nation, have been criticized for our involvement in Vietnam. There have been many Americans, including myself, who have questioned whether our policies in Southeast Asia are in the long-term best interest of this Nation. But when confronted with the acts of such men as Lieutenant Mohsberg we can all take some comfort in knowing that whatever our diplomatic or military policy may be, it is our men in the field who will always make the quality of our motives known to the world.

I wish to extend my congratulations to Lieutenant Mohsberg and ask unanimous consent that the text of his citation be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CITATION TO LT. SIDNEY AUGUSTUS MOHSBERG III

The President of the United States takes pleasure in presenting the Bronze Star Medal to Lieutenant (junior grade) Sidney Augustus Mohsberg III, United States Navy, for service as set forth in the following:

"CITATION

"For heroic achievement in connection with operations against the enemy while serving with River Assault Division One Five One in the Republic of Vietnam on the night of 16 February 1970. As the Division Chief Staff Officer, Lieutenant (junior grade) Mohsberg was at his general quarters station in the coxswain's flat when Armored Troop Carrier Three Eight came under heavy enemy rocket and automatic weapons fire while proceeding in column with Monitor Five and Armored Troop Carrier Three Seven on the Vam Co Dong River. Two enemy rockets exploded in the water. One enemy rocket struck the starboard quarter of Monitor Five, penetrated the engine room bulkhead, produced holes in the starboard engine and imbedded shrapnel in equipment throughout the engine room. A sea suction valve jammed open causing flooding while a large oil fire started in the bilges and engulfed the engine room. Simultaneously, a fourth enemy rocket struck the fifty caliber machine gun in the starboard side of the mortar pit, wounding several crewmen and staring a fire among the mortar increment bags, ammunition boxes and grenade containers lying on the mortar pit deck. Lieutenant (junior grade) Mohsberg directed Armored Troop Carrier Three Seven to provide suppressing fire against the enemy positions while Armored Troop Carrier Three Eight maneuvered to aid the stricken Monitor; transferred all personnel to two river patrol boats which were scrambled to assist; positioned the two Armored Troop Carriers in midstream; and pounded the enemy fighting positions on the opposite bank. He was informed that a wounded Vietnamese trainee was still on board the Monitor whereupon he boarded Monitor Five on the port side at the mortar pit and with two volunteers entered the forty millimeter cannon mount and the mortar pit among smouldering fires and hot ammunition. He disposed of hot rounds in the forward spaces, then entered the smoke filled berthing and ammunition stowage area in search of the Vietnamese and to check the condition of the ammunition. Under his direction the fires were extinguished, engine room flooding stopped and Monitor Five was towed to safety. By his daring actions and loyal devotion to duty in the face of personal risk, Lieutenant (junior grade) Mohsberg upheld the highest traditions of the United States Naval Service."

Lieutenant (junior grade) Mohsberg is authorized to wear the Combat "V".

For the President

JOHN J. HYLAND,
Admiral, U.S. Navy,
Commander in Chief U.S. Pacific Fleet.

CITATION TO LT. SIDNEY AUGUSTUS MOHSBERG III

The President of the United States takes pleasure in presenting the Bronze Star Medal to Sidney Augustus Mohsberg, III, Lieutenant (Junior Grade), United States Navy for service as set forth in the following:

"CITATION

"For meritorious service while serving with friendly foreign forces engaged in armed conflict against the North Vietnamese and Viet Cong communist aggressors in the Republic of Vietnam from May 1969 to May 1970. While serving as Operations Officer of River Assault Division One Five One, Lieutenant (junior grade) Mohsberg participated in numerous water mobile operations which assaulted enemy strongholds in support of the Second Brigade, Ninth Infantry Division, United States Army. In November 1969, he was assigned as Chief Staff Officer of River Assault Division One Five One deployed in small units throughout Operation Giant Slingshot on the Vam Co Dong and Vam Co Tay rivers. He also served as a patrol officer of river assault support boats and achieved significant success against the enemy during night patrols in Kien Tuong province. On 16 February 1970, three river assault craft came under heavy enemy rocket and automatic weapons attack while patrolling the Vam Co Dong river. One of the boats had taken numerous direct hits and was beached, burning and sinking. Lieutenant (junior grade) Mohsberg, accompanied by two volunteers, boarded the ammunition ladened craft, then under his direction, extinguished the fires, controlled the flooding and disposed of the ammunition. His efforts were instrumental in saving the valuable craft. Lieutenant (junior grade) Mohsberg's exemplary professionalism, devotion to duty and courage under fire were in keeping with the highest traditions of the United States Naval Service."

The Combat Distinguishing Device is authorized.

For the President

E. R. Zumwalt, Jr.,
Vice Admiral, U.S. Navy,
Commander U.S. Naval Forces, Vietnam.

GREAT SALT LAKE

Mr. MOSS. Mr. President, one of the most widely known phenomena in my State of Utah—Great Salt Lake—is once again becoming a tourist magnet.

The history of the lake—its rise and fall as a resort area, and its recent partial restoration in this respect after years of neglect—was chronicled recently by Jack Goodman in the New York Times.

The north end of Antelope Island, in Great Salt Lake, is at present being developed into a State park, with camping and sanitary facilities and a road system linking them, but not yet paved. A road leading from the mainland in Davis County now provides access to the island. This means that, for the first time in many years, both Utahans and visitors to the State can visit a choice area of the lake and try floating like a cork in its salty waters.

I have a bill pending which would establish a Great Salt Lake National Monument on Antelope Island and provide for the development of the full scientific, scenic, and recreational potential of the area. This would be preferable to the limited development possible in a State park on the north end of the island, but I hail what has been done as an excellent first step.

I ask unanimous consent that the excellent article published in the New York Times of November 1 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Nov. 1, 1970]

Utah's "Dead Sea"—Alive and Well Again After Years of Neglect

(By Jack Goodman)

Great Salt Lake, Utah.—After three decades of neglect, the West's "dead sea" is alive and well once again, attracting bathers, boaters, campers and sightseers in force. To help effect the rehabilitation of Utah's Great Salt Lake, approximately $1-million has been spent on land acquisition, road-building and beach reclamation, and a sizable state park has been opened on the Great Salt Lake's Antelope Island.

Other factors contributing to the revival of this salty inland sea as a vacationland:

A 60-passenger catamaran-hulled excursion craft has restored cruise service on the lake where the last paddlewheel turned 90 years ago.

Shoreline communities, which once dumped raw waste into the lake, have been ordered to stop the practice.

Copper smelters upwind from beach areas are pledged to cut back emissions of gases that have periodically enraged bathers.

Entomologists have concentrated their efforts on finding a method of smiting the pesky brine flies that occasionally rout lake shore picknickers.

The lake level has stabilized and even risen a few inches in recent months, a fact of prime importance to bathers and boaters.

DOWN ON THE BRINY

Pointing to the renewal of the Great Salt Lake as a tribute to the persistence of tourists, Senator Frank E. Moss, Democrat of Utah, and Gov. Calvin E. Rampton said they had received a steady stream of letters over the years complaining about the briny sea.

"Everyone remembered those geography book pictures of bathers floating in the Great Salt Lake and refused explanations why they couldn't do likewise," Senator Moss noted.

"We found you could explain, explain and explain about lack of sanitation, lack of access and the shrinking lake and the growing mud flats," says Governor Rampton. "The visitors always had a final word—in spite of everything they wanted to visit the lake and try floating like a cork."

After an initial effort to establish a national park, a national monument or a national recreation area on the lake's islands, Senator Moss joined forces with the Governor and Utah's State Park Commission to obtain funds to purchase land and build an access road to Antelope Island, largest of the nine islands in the lake.

ROUTE TO THE CAUSEWAY

Earlier this year, I drove north 25 miles on Interstate 15 from Salt Lake City to the hamlet of Syracuse. Then I headed west half a dozen miles across green farmlands to the glittering hardpan bordering the lake and took Utah Route 127, the new 10-mile causeway linking the mainland with Antelope Island and Utah's new Great Salt Lake State Park.

The rock and gravel causeway extends in an arc to the island, rising a dozen feet above the surrounding marshland and the saline lake. Hopefully, when funds are available, the causeway will be surfaced with asphalt, but as of now, it is two lanes wide, rough in spots but easily negotiable, even by cars towing camper trailers.

Great Salt Lake State Park occupies the northern third of Antelope Island, which is 15 miles long and five miles wide. The park has been equipped with camping and sanitary facilities; a 10-mile road system links beaches at Bridger Bay on the northern tip with a second beach area at White Rock Bay on the western shore. Roads also extend to campgrounds, picnic sites and overlooks. None of the roads are paved as yet.

REWARDING OVERLOOK

First-time visitors to Antelope Island should drive to the Bridger Overlook, 800 feet above the lake, then climb the half-mile-long foot trail to a rocky picnic site atop the island summit. The view is one of the most rewarding in all the West.

Below the rocky crest lies rolling country reminiscent of the Scottish Highlands, but replete with Western sagebrush, sunflowers and range grasses. With luck, one may spot a herd of buffalo roaming the parkland or glimpse a mule deer. The antelope have gone, but south of the park fence cowboys still ride the range and periodically round up the island cattle.

Beyond the treeless peaks and shrub-dotted ranchland, the island shoreline, caked white with salt, looks precisely like the coral strands of a Pacific island, a resemblance made more startling by the blue waters of the shallow lake extending off towards distant Carrington and Bird Islands on the western horizon.

Twenty miles due east is the lengthy mountain wall of the Wasatch Range, its 11,000-foot-high snowcapped peaks towering above green farms and the cities of the Salt Lake Valley. Off to the west, the snowy peaks of the Pilot and Stansbury ranges mark the Nevada border.

STRANGE ECOLOGY

Great Salt Lake State Park serves as an outdoor classroom for visitors intrigued by the strange geology and history of the region. From the island's summit, one can survey much of the area covered by prehistoric Lake Bonneville in Ice Age days.

"Benchmarks" on the island and on the distant mountains clearly mark the 5,135-foot altitude level of the fresh-water lake before it overflowed its northern barriers as the result of quakes or land subsidence.

Wading out from the lake shore campground at Bridger Bay, today's bather must march nearly a quarter-mile across a sandbar before reaching water deep enough to float upon. It is due to this gentle slope that the lake can shrink a mile or more around its edges following a drop of just an inch or two in mean depth. Due to this same gradual shelving a half-dozen resorts gave way to lakeside mud flats in bygone years.

Like Jim Bridger and other mountain men who first tested the brine, today's bathers float easily on the water because of its 27 per cent salt content. The big lake, fed by the fresh-water Bear, Weber and Jordan Rivers, has no outlet, and salts deposited by the mountain streams are gradually concentrated.

Evaporation and streamflow maintain a close balance, but evaporation is gradually victorious over the years. Eventually, in some dim and distant future, the Great Salt Lake, itself a remnant of Lake Bonneville, will vanish, unless recurring plans to dike its shallows and retain water in its deeper arms are carried out.

Lying at an altitude of 4,200 feet above sea level, the lake has an average depth of 10 feet and is 35 deep at its deepest point, between Antelope and Carrington Islands. Scientists say that this is about four feet shallower than the average depth in 1850, when Capt. Howard Stansbury of the Army Engineers ran the first survey. By the 1880's, G. K. Gilbert, the geologist, predicted the shrinking lake would vanish in less than a century; however, in light of the recurring cycles of wet years, today's scientists are more optimistic and say the lake will be with us long enough for our great-grandchildren to enjoy.

SPECIAL SAILING

Aside from taking a junket to Antelope Island and its state park, the best way to get the "feel" of the Great Salt Lake is to sail on it, a diversion that was not possible until the recent advent of the catamaran-type cruiser.

Back in 1871 the 150-foot long paddlewheel steamer, "City of Corinne," carried ore, freight and passengers from Lake Point on the south shore to the rowdy junction town of Corinne on Bear River Bay, where connections were made with the new transcontinental railroad and freight wagon routes to the Montana mines.

When the mining venture failed, the three-deck steamer was renamed "General Garfield" in honor of the President, and the ship carried excursionists for a dozen years until she finally ended her run for lack of passengers.

For a long time after that, it was fashionable to "go to sea on the Great Salt Lake" aboard the Southern Pacific Railroad, which halted its transcontinental cars so that pas-

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sengers could take snapshots or view the sunsets—but not bathe.

FADING GLAMOR

At the turn of the century, Saltair at the south end of the lake flourished as the area's largest resort. Featuring "the world's largest dance floor," a roller coaster, a seafood restaurant and a beachfront pavilion, Saltair drew crowds traveling by trolley car from Salt Lake City.

Saltair went into decline with the advance of the automobile and in the mid-1950's, after the lake again shrank considerably, the trolley line gave up the ghost and the resort closed its doors. With windows broken and floors warped, its major pavilions stand today as reminders of another era.

Sparking the present-day revival on the lake is a man with no less a nautical name than Long John Silver. For the past dozen years, Silver has been improving a beach and restoring boating facilities for excursionists. At his resort, called Silver Sands, he has installed a parking lot and food-service area and set up cabanas and showers to accommodate up to roughly 1,000 visitors a day.

For a $1 parking fee, visitors can picnic at pavilion tables, slip into bathing suits in the beachfront cabanas, venture into the lake to test its flotation quotient and use the Silver Sands showers to wash away the salt that crusts the skin, hair and suit of every bather. (Bathers are warned against ducking under water because the salt stings the eyes for hours.)

AMPHIBIOUS TOUR

Silver first added a few canoes to his beach facilities, then purchased a trio of surplus Army landing craft that can trundle over mud flats before chugging out into deep water. Dubbing them "Sea Monsters," the proprietor has popularized amphibious half-hour rides into the lake for $1. During the ride, passengers dip for "brine shrimp," tiny larva-like wrigglers that are the sole living creatures in the saline lake.

Salty as his namesake, Silver has long harbored a desire "to cruise the lake," and this year he acquired a 60-foot-long, 60-passenger cruiser. A far cry from the slow-moving paddlewheeler of yesteryear, the "Islander" can zip along the lake at 30 miles an hour.

The new queen of the lake, leaving from Silver Sands, makes three-and-one-half hour cruises to Antelope and White Rock islands each Monday, Tuesday and Thursday for $5; one-and-one-half hour cruises each Monday, Tuesday and Thursday at 2 P.M., 4 P.M. and 6 P.M. for $3.50; and a six-hour cruise on Sundays, leaving at 10 A.M., for $8. Each Tuesday, Thursday and Sunday at 8:30 P.M., Silver skippers a two-hour dinner cruise, something of a bargain affair, since it includes a slide show, a narrative of the lake's history and a roast beef dinner, all for $5.95.

SUN AND MOON

Since the lake is rimmed by mountains and high desert country, sunsets are spectacular, and moonrise over the lake and its islands also rates superlatives.

Now that the "Islander" is carrying excursionists, other boatmen, especially sailboat aficionados, are beginning to return here. The state park on Antelope Island has two launching ramps and another is available at the Silver Sands harbor. Unfortunately, the saline content of the water can quickly damage the average outboard (the "Islander" has a non-corrosive hull and special shafting), so owners of small boats must hose off their craft after each trip. However, sailboat skippers are discussing a yacht club and regattas, and there is serious talk of a major land development on the lake's south shore, complete with a golf course, beach, boat-harbor, motel and condominiums.

SENATOR NORRIS COTTON SAYS "YES" TO QUOTAS

Mr. McINTYRE. Mr. President, my distinguished and able senior colleague from New Hampshire (Mr. Cotton) is participating in a most interesting and important debate in the pages of the current issue of the American Legion magazine.

The debate is on the question "Are Import Quotas Needed To Protect U.S. Industries?" The Senator takes the affirmative side.

Since my colleague is known as one of the most loyal devotees of our national pastime, may I borrow from baseball's language by saying he has hit another "grand slammer" in presenting his views in favor of the need for quotas. I compliment him on his succinct statement of the case.

Mr. President, so that all of us may have a chance to read his words in case we miss them in the Legion magazine, I ask unanimous consent that his statement be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Are Import Quotas Needed To Protect U.S. Industries?—Yes

If you play in a ball game where your competitor makes all of the rules, you're going to lose the ball game.

That's a fact of life the country faces in the matter of world trade. The situation can improve, but only if the United States takes steps to influence what is happening today.

We're a nation dedicated to free trade but we'll never see it so long as we sit idly by and permit every other nation to corner the market.

Every country with which we trade, without exception, places restrictions on the goods which we export. These restrictions take the form of export licenses, quotas, duties or sanitation laws. They're designed to penalize us . . . to make it more difficult to merchandise our goods on a competitive basis in foreign lands, or to force us to keep those goods at home.

Meanwhile, our foreign neighbors enjoy complete freedom to make the United States a "dumping ground." We're deluged with foreign automobiles, cameras, clothing, shoes . . . even ball bearings and electronic components, manufactured at far less cost than is possible in the United States.

It takes but a smattering of economic knowledge to visualize the certain result . . . and we see it too often. Thousand of Americans have lost jobs. Plants have closed and their owners have endured the agonies of bankruptcy.

We've learned, ironically, that when our own people have been driven to the wall, the price of foreign items inevitably goes up.

Some in our land today would have us adopt a "protectionist" philosophy to meet this situation on an "eye for an eye" basis. I disagree with that concept.

For my part, in advocating import quotas, I have called only for limitations on the growing volume of goods we're receiving from overseas so that our own plants and workers can remain in the thick of competition.

Last December, I offered an amendment which would have given the President a wedge in dealing with the sticky problem of foreign imports. It sought to authorize special U.S. restrictions until such time as our foreign neighbors ease the limitations they place on us. That done, it made it mandatory that the President remove those restrictions.

The amendment passed the Senate but was rejected by the House on the grounds that a tax bill was not its proper vehicle. Four months later, however, more than 250 House members joined in sponsoring the present Ways and Means foreign import bill.

Free trade must be a two-way street if it ever is to enjoy real meaning in the world. If the scales continue to be weighted in one direction only, it won't even reach the conception stage.

AUTUMN ATTRACTION IN WESTERN MARYLAND

Mr. MATHIAS. Mr. President, I recommend to Senators a feature published in the Sunday supplement of the Washington Star of September 20. The subject of the feature is the migrations of predatory birds which may be seen passing through one of the most scenic areas in Maryland. I join Alice Weschke, the author of the feature in recommending the vantage point at Monument Knob on South Mountain. Not only is this a good spot for viewing passing birds in flight; it is also one of the few serene spots from which one can detachedly watch the scenario of life in the country unfolding below. It is the type of place which, for its beauty and its scope, can not help but give pause to reflect upon the fullest range of man's workings.

Visitors to western Maryland are struck by the placid quality of the valleys and by the timelessness of the world's oldest mountains. These scenic valleys are patterned with fields of corn and clover, punctuated by towns and church steeples. It is vision at any time of year, but when set off by the autumn foliage of the oaks and perhaps, with luck, given climax by a soaring hawk it is complete.

I ask unanimous consent that the feature by Alice Weschke be printed in the Record.

There being no objection, the feature was ordered to be printed in the Record, as follows:

Where the Hawks Fly

(By Alice Weschke)

The technicians were working round the clock to ensure that all technical systems were in order. As in a spacecraft, everything must function with an efficiency greater than 99 percent.

I was there for only half an hour. But suppose I had been there, inescapably, not just for a few hours, or even a few weeks, but for months and years. Would I have grown used to it, as men grow used to so much; would I have adapted, and been able to live and work quite normally? Or would those narrow quarters have become more and more oppressive, my companions more and more irritating, the carpets and curtains an affront, and the darkness outside—whether of sea or space—intolerable?

I don't know. That is what the aquanauts are trying to find out. It is a strange thought that the road to Mars should lead through the waters of the Caribbean.

Appearing out of the cool mists of morning and the crystal heat of autumn afternoons, the majestic annual procession of the great hawk migrations south to warmer lands passes by our very doorstep. One of the more exciting concentrations comes to a climax this week.

Although hundreds of bird and nature lovers make a rewarding pilgrimage to Hawk Mountain Sanctuary near Drehersville in eastern Pennsylvania for the finest of box seats for the hawk extravaganza, area residents have a nearer grandstand only one hour from the Capital Beltway at Monument Knob in the 108-acre Washington Monument State Park, halfway between Middletown and Boonsboro on Alternate Route 40 out of Frederick, Md.

Atop South Mountain at the 34-foot high cylindrical stone tower, the watcher finds a setting of stone seats along a parapet that gazes over the vast valley with its distant, toy-sized houses, barns, farms, schools and suburbia, interspersed with fields and woodland. Three states are visible: Maryland, Virginia and West Virginia.

The tower, which opens at 10 a.m., has an interior spiral staircase leading to the roof for a splendid survey of the flyway. Reputedly the first monument to George Washington, the original tower was erected by the citizens of Boonsboro in 1827. The current structure is a replica built in 1936 by the Civilian Conservation Corps under the direction of the National Park Service and the Maryland State Department of Forestry.

The valley of the hawks. Viewers atop a stone tower on South Mountain near Frederick, Md., will be treated to one of nature's finest spectacles this month as thousands of hawks fly on by their way south.

Despite a lack of impressive numbers, the South Mountain lookout offers a wide variety of migrant birds of prey. They glide below the tower just over the tree line halfway down the slope, or silently wash aloft by an air current from the northern approaches. At 1,500 feet, Monument Knob transports the earthbound mortal into the migrants' realm, with its interplay of light and air above an infinitely remote valley floor of highways, cars and artificial routine. Atop South Mountain the visitor senses the affinity of the great birds with the seasonal winds, the timelessness of their passage and the elegance of their maneuvers.

The great wall called South Mountain is part of a ridge which begins near the Hudson River, varying in height, which comprises the eastern face of the Appalachians. The long ridge was named Kittatinny, "Endless Mountain," by the Indians, and is termed Blue Mountain in Pennsylvania. "Our" South Mountain is actually a range made up of summits and ridges varying from 1,200 to 2,100 feet in elevation beginning as a rise in the plain about 25 miles southeast of Harrisburg, Pa., and extending over 60 miles in a southerly direction. Another mountain begins west of Boonsboro and is called Elk Ridge; in Virginia, the wall is the familiar Blue Ridge.

Monument Knob is edged with good—though limited—views. Autos leaving Alternate Rt. 40 halfway between Middletown and Boonsboro are driven up the highway to the state park and left 1,100 feet from the summit in a parking lot. The tower is reached through the forest, where migrations of smaller birds in the treetops can be observed. No pets are allowed.

The Appalachian Trail dribbles its way across the Knob and down the other side of the mountain, disappearing like a brook among the trees at the edge of the park.

The fall migrations are the most dramatic because they are concentrated as the birds take advantage of the winds that follow low pressure areas in Canada, New England and New York. The spring migrations in late April as the birds return north are spread out over a vaster area and in much smaller numbers.

Optimum flight conditions are created by approaching cold fronts from the north marked by major weather changes including clearing skies, lower temperatures, strong northwest winds. Washington Knob is an ornithological observatory because, in addition to being accessible, it is on the windward side of the Kittatinny Ridge, where the air striking the flanks of the mountain is swept upward in powerful drafts, like spray hitting a rock. Upon these deflective currents and thermals the great birds soar.

One day last year (Sept. 20), 140 broad-winged hawks were seen at the Knob. And, if many of the larger flights pass unseen along or south of the Knob, one can hope for a small overflow at the tower. Some years ago on a September day 342 hawks were sighted at 3:15 p.m. headed south between the Knob and Catoctin Mountain. They were viewed from the Foxville Fire Tower 10 miles northeast of the Knob, where only 21 of the concentration were reported.

Of the hawk species which one might see at the Knob, at least five are endangered or fast reaching that status: peregrine falcon, bald eagle, golden eagle, marsh hawk, osprey. DDT, which endangers all living tissue, has been gnawing at the great hawk populations. They feed principally upon rodents, insects and fish, which in turn have been thoroughly doused with pesticides. Consequently, one cannot expect to see the masses of birds blackening the sky that greeted observers prior to the 1930s and 1940s.

In Maryland, hawks and eagles—indeed, all birds of prey—are protected by state law. Deploring the day when these handsome and beneficial birds were shot willy-nilly, Roger Tory Peterson, whose field guides have educated innumerable nature lovers, notes: "Today we know how important the hawks and other predators are to the natural balance, guardians, as it were, of the health and vigor of the outdoor world."

There are three common types of hawks. With practice, one can identify them by their shape, and, with more practice, by species. The accipiters possess long tails and short, rounded wings and include: goshawk, Cooper's hawk, sharp-shinned hawk; the butoes, with broad wings and broad, rounded tails include: red-tailed hawk, red-shouldered hawk, broad-winged hawk, short-tailed hawk, rough-legged hawk, Swainson's hawk, and Harlan's hawk; falcons, with long tails and long, pointed wings include: the sparrow hawk, pigeon hawk, gyrfalcon, duck hawk.

The accipiters, with their short wings, do not soar in circles high in the air as much as the buteos. Their typical journey is marked by several short, quick beats and a sail. The buteos, or buzzard hawks, are the aerialists.

In addition, the visitor should be alert for occasional bald and golden eagles, the immense scions of cloud and light, which soar on flat wings spread six to seven feet. The bill of an eagle is nearly as long as the head and helps in identification. The blackish turkey vulture, with its six-foot wing span, hovers with wings dihedral (inclined upward at an angle to the body) or teeters off into space across the wide valley like a tight-rope walker. The osprey, a large, water-loving, eagle-like hawk, is black above and white below, and flies with a decided crook in the wings.

There has been one rule-of-thumb for hawk watches: no wind, no hawks. Then the experts turn around and cite fantastic migrations on calm or "bad" days. It is probably better not to set rules for bird watching, because Nature has her own logic; but the best wind for hawking is generally from the northwest, preferably after a low-pressure disturbance in the north. The worst is from the southeast.

There are other reasons why at the Knob one may not sight certain mass bird movements: poor timing by visitors, poor visibility due to weather (smog, low clouds, rain), and inattentiveness. Hawk watches require time and patience and are not for the person seeking novelty for its own sake.

In September the day's events often end about 4 p.m. (exceptions to be anticipated); October, sunset; November, about 2:30 p.m.

The hawk migrations are so spaced that from mid-August until December one can visit the Knob in hopes of seeing some of the great birds of prey. Broad-winged hawks, bald eagles and ospreys begin drifting along the Kittatinny Ridge in mid-August, buoyed by thermals from the valleys veiled in summer heat and smog. On a bright Saturday last month this watcher had all but given up hope after three hours of waiting when two turkey vultures swooped down upon the tower and performed an exquisite *pas de deux* overhead for fully 30 minutes. The vultures may have been resident birds but their *divertissement* was welcome and provided good camera practice for later migrant flights.

In September the turkey vultures, Cooper's hawk, red-tailed hawk, sparrow hawks, as well as more ospreys and eagles, glide past South Mountain along with the exciting numbers of broad-winged hawks in the third week of the month. In October, sharp-shinned hawks predominate. November brings goshawks, red-tailed hawks and occasional eagles.

Monument Knob isn't the only hawk-watching spot by any means. At the corner of 18th and R Streets NW on a busy spring evening, stalled by a traffic tangle, the writer glanced aloft to view five hawks plus a straggler calmly putting miles between themselves and Dixie, working northward for the summer. High-rise apartments, with their unobstructed views, are ideally situated for watching flights. Evidence of the ancient invisible avian trails is everywhere.

The glimpse of even one of these great birds gliding above South Mountain, flight plan folded tightly within the envelope of instinct, sailing freely over the plain, drifting with a slight adjustment of wing over the tower in silence and in beauty, can be the prize memory of an autumn day.

A UNIVERSITY VIEW OF THE FOREST SERVICE

Mr. METCALF. Mr. President, in previous statements before the Senate, I have voiced concern over management practices in our national forests. This is a concern shared by other Senators who have also commented extensively on forest management in their respective States. We are increasingly brought to realize that this is an issue which is national in scope and it is an issue which directly involves the public, since what is at stake are public lands managed by public agencies.

I am pleased today to present an important new report on this problem. This is a report which was originated by concerned members of the public and produced by experts, at their own expense. Approximately a year ago I received a large number of letters from constituents in western Montana who were particularly worried about what they saw happening to their surroundings. Pictures, angry words, and news articles described logging practices which appeared to disregard every value of forest use except that of the cheapest removal of logs. In response to this, I expressed my concern to the Forest Service and, at the same time, requested Dean Bolle of the forestry school and the University of Montana to do an independent study of the problem.

The results have been most gratifying.

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The Forest Service itself selected a group of its own well-qualified professionals to conduct an in-house analysis of the problem as it existed in the Bitterroot Valley. Their report was released in May of this year and represents a sincere attempt to provide an objective evaluation of the dilemmas of forest management in the area under study. Copies of this study are available from the Forest Service, Division of Information and Education, Missoula, Mont.

In the meantime, however, the select committee convened by Dean Bolle has produced an independent, more pervasive analysis of the larger problems of forest management and has suggested some fundamental methods of cure. The select committee considers not only the most immediate problem of clear cutting, but also the general issues of overcutting and of multiple use. And they critically analyze—a rare and valuable asset in any committee report—the decisionmaking procedures within the agency itself.

The possible dangers of clear cutting have been cited often before. These include soil disruption, ill effects on wildlife, scenic degradation, and water pollution, among others. The Federal Water Quality Administration, for example, warns that "logging operations all too frequently result in adverse impacts on many other multiple uses of Federal lands, as well as on the uses of the water of those streams far downstream from the logged areas—even to the estuaries where rivers enter the sea."

The select committee's report, however, goes further. It focuses upon what had been considered the primary defense of clear cutting: economic efficiency. The report disputes the common assumption that clear cutting, in the way it has been used in the past, is the most profitable method of timber harvesting. And beyond this, the report suggests a new look at land classification in terms of what it designates as "timber mining."

The report recognizes the difficult situation in which the Forest Service stands in regard to policy formulation. The Forest Service is constantly pressed by the administration for greater lumber output to meet national needs. Industry pressures for more cutting are enormous. But the agency may be too willing to accede to these pressures "from above." The report sums up this dilemma in its statement of findings:

> It appears inconceivable and incongruous to us that at this time, with the great emphasis upon a broad multiple-use approach to our natural resources—especially those remaining in public ownership—that any representative group or institution in our society would advocate a dominant-use philosophy with respect to our natural resources. Yet it is our judgment that this is precisely what is occurring through the federal appropriation process, via executive order and in the Public Land Law Review Commission's Report. It would appear to us that at this time any approach to public land management which would de-emphasize a broad multiple-use philosophy, a broad environmental approach, a broad open-access approach, or which would reduce the production of our public lands resources in the long run is completely out of step with the interests and desires of the American people. What is needed is a fully funded program of action for quality management of all of our public lands.

The conclusion is, then, that we are not just dealing with questions of natural beauty, wildlife, and pollution, however important these may be, but with the fundamental processes of forest economics. This is an important finding, and coming as it does from a committee composed of three professional foresters, a professor of wildlife, a political scientist, a sociologist, and an economist, it deserves to be heard.

I might add that this report embodies the finest example of public interest and involvement in an environmental issue. The people of Montana took the initiative in making their own concerns known; a local newspaper, the Missoulian, printed a series of outstanding articles on the problems; and the faculty members of the University of Montana devoted countless unpaid hours to the study, discussion, and analysis of the issue. On behalf of the other members of the Montana congressional delegation—Senator Mansfield, Representative Olsen, Representative Melcher, and myself—I want to thank the people of Montana who made this report possible. I ask unanimous consent that the select committee's report be printed in the Record, and commend it especially to members of the Interior, Agriculture, and Appropriations Committees, to the resource management agencies, and to the Office of Management and Budget. I ask unanimous consent that biographical information on the select committee also be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

December 2, 1969.

Dr. Arnold Bolle,
Dean, School of Forestry, University of Montana, Missoula, Mont.

Dear Dean Bolle: Enclosed are copies of letters I have received recently from constituents in the Bitterroot Valley.

These letters reflect the writers' and my growing concern over Forest Service management practices within the Bitterroot National Forest and elsewhere.

I am especially concerned, as are my constituents, over the long-range effects of clear-cutting, and the dominant role of timber production in Forest Service policy, to the detriment of other uses of these national resources.

I believe that a study of Forest Service policy in the Bitterroot by an outside professional group would be beneficial to the Montana Congressional delegation and to the entire Congress, especially the Senate and House Interior Committees. The Bitterroot is a typical mountain timbered valley and the results of such a study might well be extended to recommendations national in scope. I hope appropriate faculty members at the University of Montana will participate. If this is possible, I would welcome whatever policy recommendations such a committee would offer.

I look forward, as always, to receiving advice from the best School of Forestry in the nation.

Kindest regards.

Very truly yours,

Lee Metcalf.

A Select Committee of the University of Montana Presents Its Report on the Bitterroot National Forest

STATEMENT OF FINDINGS

1. Multiple use management, in fact, does not exist as the governing principle on the Bitterroot National Forest.

2. Quality timber management and harvest practices are missing. Consideration of recreation, watershed, wildlife and grazing appear as afterthoughts.

3. The management sequence of clear-cutting-terracing-planting cannot be justified as an investment for producing timber on the BNF. We doubt that the Bitterroot National Forest can continue to produce timber at the present harvest level.

4. Clearcutting and planting is an expensive operation. Its use should bear some relationship to the capability of the site to return the cost invested.

5. The practice of terracing on the BNF should be stopped. Existing terraced areas should be dedicated for research.

6. A clear distinction must be made between timber *management* and timber *mining*. Timber *management*, i.e. continuous production of timber crops, is rational only on highly productive sites, where an appropriate rate of return on invested capital can be expected. All other timber cutting activities must be considered as timber mining.

7. Where timber mining, i.e. removing residual old growth timber from sites uneconomical to manage, is to be practiced, all other onsite values must be retained. Hydrologic, habitat, and aesthetic values must be preserved by single-tree selection cutting, a minimum disturbance of all residual vegetation, and the use of a minimum standard, one-time, temporary road.

8. The research basis for management of the BNF is too weak to support the management practices used on the forest.

9. Unless the job of total quality management is recognized by the agency leadership, the necessary financing for the complete task will not be aggressively sought.

10. Manpower and budget limitations of public resource agencies do not at present allow for essential staffing and for integrated multiple-use planning.

11. Present manpower ceilings prevent adequate staffing on the BNF. Adequate staffing requires people professionally trained and qualified through experience.

12. The *quantitative* shortage of staff specialists will never be resolved unless the *qualitative* issue with respect to such specialists is first resolved.

13. We find the bureaucratic line structure as it operates, archaic, undesirable and subject to change. The manager on the ground should be much nearer the top of the career ladder.

14. The Forest Service as an effective and efficient bureaucracy needs to be reconstructed so that substantial, responsible, local public participation in the processes of policy-formation and decision-making can *naturally* take place.

15. It appears inconceivable and incongruous to us that at this time, with the great emphasis upon a broad multiple-use approach to our natural resources—especially those remaining in public ownership—that any representative group or institution in our society would advocate a dominant-use philosophy with respect to our natural resources. Yet it is our judgment that this is precisely what is occurring through the federal appropriation process, via executive order and in the Public Land Law Review Commission's Report. It would appear to us that at this time any approach to public land management which would de-emphasize a broad multiple-use philosophy, a broad environmental approach, a broad open-access

approach, or which would reduce the production of our public land resources in the long run is completely out of step with the interests and desires of the American people. What is needed is a fully funded program of action for quality management of all of our public lands.

THE PROBLEM

The problem arises from public dissatisfaction with the Bitterroot National Forest's overriding concern for sawtimber production. It is compounded by an apparent insensitivity to the related forest uses and to the local public's interest in environmental values.

In a federal agency which measures success primarily by the quantity of timber produced weekly, monthly and annually, the staff of the Bitterroot National Forest finds itself unable to change its course, to give anything but token recognition to related values, or to involve most of the local public in any way but as antagonists.

The heavy timber orientation is built in by legislative action and control, by executive direction and by budgetary restriction. It is further reinforced by the agency's own hiring and promotion policies and it is rationalized in the doctrines of its professional expertise.

This rigid system developed during the expanded effort to meet national housing needs during the post-war boom. It continues to exist in the face of a considerable change in our value system—a rising public concern with environmental quality. While the national demand for timber has abated considerably, the major emphasis on timber production continues.

The post-war production boom may have justified the single-minded emphasis on timber production. But the continued emphasis largely ignores the economics of regeneration; it ignores related forest values; it ignores local social concerns; and it is simply out of step with changes in our society since the post-war years. The needs of the post-war boom were met at considerable social as well as economic cost. While the rate and methods of cutting and regeneration can be defended on a purely technical basis, they are difficult to defend on either environmental or long-run economic grounds.

Many local people regard the timber production emphasis as an alien orientation, exploiting the local resource for non-local benefit. It is difficult for them to distinguish what they see from the older forest exploitation which we deplored in other regions. They feel left out of any policy formation or decision-making and so resort to protest as the only available means of being heard.

Many of the employees of the Forest Service are aware of the problems and are dissatisfied with the position of the agency. They recognize the agency is in trouble, but they find it impossible to change, or, at least, to change fast enough.

Multiple-use is stated as the guiding principle of the Forest Service. Given wide lip-service, it cannot be said to be operational on the Bitterroot National Forest at this time.

A change in funding to increase considerably the activities in nontimber uses would help, but could not be effective until legislative and executive emphasis changed.

But even with this modification the internal bureaucracy of the agency and the lack of public involvement in decision-making make real change unlikely.

As long as short-run emphasis on timber production overrides long-run (and short-run) concern for related uses and local environmental quality, real change is impossible and the outlook is for continued conflict and discontent.

PROBLEM ELEMENTS

The committee found that the controversy surrounding the Bitterroot is both substantial and legitimate. While it is true that in a good many areas the conflict has been expressed in highly emotional and charged terms with many inaccuracies, still it is the opinion of the committee that the Bitterroot Controversy is a very real problem situation. It is a very serious local problem of the Bitterroot Valley and Western Montana, and for the United States as a society in general. The controversy contains many elements. A partial listing of these elements will help to elucidate the complexity of the controversy.

1. Over the past few years management decisions and policies have frequently resulted in situations that have disappointed virtually all the publics that make use of the Bitterroot National Forest. Frequently this has led to situations in which the land managers have found themselves isolated from these publics, and to situations in which their word with respect to land management policies was substantially discounted. This situation results, in our opinion, not necessarily because of poor local management or local inefficiencies, but because of policies laid down in Washington, in legislation and through the appropriations process as it is then implemented by the executive branch at its higher levels. This is especially true with respect to Congressional funding of the various program activities that would make the language of the Multiple-Use Act a set of realities instead of slogans.

2. Until relatively recently, timber management of the Bitterroot National Forest was handled entirely by nature, primarily through wild forest fires. Such management (accidentally) led to "even-aged" stands of timber particularly in the back country. Quite logically, Forest Service policy has developed to continue deliberately such even-aged timber management. Many of the practices of even-aged management are essential elements in the controversy (i.e., clear-cutting, regeneration practices, road construction for such sales, clean-up methods, and logging practices).

3. Much of the Bitterroot National Forest is fairly steep to rugged terrain. As a consequence, results of timber management practices are clearly visible from areas prized for recreational and aesthetic values and more recently by real estate development interests within the Bitterroot Valley.

4. An error in the calculations of the allowable cut for ponderosa pine occurred in the Bitterroot National Forest. As a result an over-cut of pine has taken place in recent years. Mills within the area attempted expansion on the basis of the anticipated cut and the change in sales patterns lead to public controversy and major skepticism over Bitterroot National Forest management in general.

5. As a result of change technology and changing markets, species not formerly salable from public lands have had markets develop. Consequently species not formerly cut, e.g., lodgepole pine, have been sold and cut. Harvesting lodgepole pine involves clear-cutting and to promote regeneration severe slash burning of the entire cut and exposure of the mineral soil. The severe land treatment involved in such harvest comes under increasing public condemnation not only in the Bitterroot, but quite generally throughout the United States.

6. A decision to stop clear-cutting as a cutting practice may be a decision not to cut most mature lodgepole pine on the Bitterroot National Forest. The lumber industry, together with some members of the Congress and elements of the executive branch oppose reducing the amount of merchantable timber harvested.

7. Throughout our society major changes are taking place with respect to public involvement in the decision, formulation and policy-making processes in all areas. The various groups involved locally (and across the country) in the Bitterroot Controversy are a reflection of the nature of these changes. Traditional complex bureaucratic structures such as the Forest Service are only beginning to feel the tactics and devices employed by this new spirit of public involvement.

8. Local residents who are familiar with the systems of cutting used earlier are disturbed with the change, do not understand the reasons for the difference and doubt that the forest can continue to produce at the present level continuously.

9. There is a great deal of waste material left on the ground after clear-cutting. People see many logs that they consider merchantable. Brush is scattered throughout the area. The soil has been scarified by bullozers, there are great windrows of material piled up. They protest both the ugliness of the area and the considerable waste they see in unused materials.

10. Bitterroot residents have a deepseated love for their valley. Their view of the landscape is precious to them.

11. The population has and is being rapidly augmented by new residents who are attracted by the beauty of the valley. Many of these new residents are intelligent, vocal and well-informed in ramifications of the environmental movement. They feel strongly that the social and aesthetic values of the forest community are being given short shrift.

12. There is concern among some people in the logging industry and woods workers as well as other local people that the present rate of cut on the Bitterroot National Forest is too heavy and that future employment and income are threatened.

THE FOREST SERVICE TASK FORCE REPORT

As part of our study the committee carefully examined the report "Management Practices on the Bitterroot National Forest, A Task Force Appraisal May 1969—April 1970." In order to appraise fairly or to fairly understand our evaluation of that report the following background information is essential. Prior to May of 1969 the Bitterroot National Forest controversy began to receive substantial public and media attention, and developed into a major management problem for the Forest Service. In an effort to document the problems, to investigate them and to make recommendations with respect to the problems for management of the Bitterroot National Forest, Neal M. Rahm, Regional Forester, and Joseph F. Pechanec, Director of the Intermountain Forest and Range Experiment Station, appointed an "in-house" task force to provide them with a study and a report. The Task Force was instructed "to make a complete, impartial appraisal of (the) management practices." As a format for their study and report they chose letters to Mr. Rahm from two groups within the Bitterroot (pp. 3–7 of the Report).

The Task Force Report is basically an answer to the specific questions posed in those two letters.

Our evaluation of the Task Force Report will be broken into two parts. First we wish to coment on pp. i-v, 1–69. Second we will comment separately on the final section, "What Challenges Do Wildlife, Aesthetics, Recreation, and Livestock Pose for Timber Management," pp. 70–76.

Comments with respect to pp. i–v, 1–69: The Task Force, in our considered judgment, did a commendable job in analyzing and publicizing the results of its investigation of the charges relative to timber management. These pages of the Report are addressed to major issues relative to management in the Bitterroot National Forest; they examine the issues raised by the two letters and the Report used as a framework.

There are several minor errors in the Report. These errors were virtually unavoidable given the methodology pursued by the

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Task Force in its examination. While it is an "in-house" report it was not subjected to agency editing and evaluation prior to publication or other protective devices that could have been employed by the Forest Service and that could have resulted in quibbling away its essential clarity and relevancy. We wish to state, however, our belief that it is a psychological impossibility to evaluate one's own efforts objectively.

With respect to the specific recommendations of the Report our committee offers the following comments:

On page 9 the Task Force observes: "There is an implicit attitude among many people on the staff of the Bitterroot National Forest that resource production goals come first and that land management considerations take second place." We believe that this is so not merely with respect to the Bitterroot National Forest. It is widespread throughout the Forest Service, especially with respect to timber production in a sense that getting the logs out comes first. High quality, professional management of the timber resources is all too rare—growing the best possible trees, on the highest quality sites, and allocating the production dollar toward growing commercial stands of timber only on those sites. The pressures upon the Forest Service to get the logs out cannot be surmounted without the express assistance of the Congress. The pressures come not merely from private industry and from local communities dependent upon logs from public lands for their mills, *more importantly* the pressures come from (1) efforts to produce timber faster by legislative fiat; (2) efforts to produce timber faster by Presidential proclamation without corresponding increases in funds allocated to the Forest Service for reforestation and timber stand improvement; and, (3) efforts to produce timber faster or at least remove it faster in terms of the recommendations of the Public Land Law Review Commission. To our committee many of the recommendations of the Public Land and Law Review Commission appear totally insensitive to the general mood of the group within American society expressing their desires with respect to the disposition and use of our national forests and other public lands. The efforts of the Public Land Law Review Commission to erode the meaning and spirit of the Multiple-Use Act by making timber production the dominant use on suitable public lands can be found in many places within their report. (See specifically pp. 28, 93, 95–100.)

It appears inconceivable and incongruous to our committee that at this time, with the great emphasis upon a broad multiple-use approach to our natural resources—especially those remaining in public ownership—that any representative group or institution in our society would advocate a dominant-use philosophy with respect to our natural resources. Yet it is our judgment that this is precisely what is occurring through the federal appropriation process, via executive order and in the Public Land Law Review Commission's report. It would appear to us that at this time any approach to public land management which would de-emphasize a broad multiple-use philosophy, a broad environmental approach, a broad open-access approach, or which would reduce the production of our public land resources in the long run is completely out of step with the interests and desires of the American people. What is needed is a fully funded program of action for quality management of all of our public lands.

The Task Force observes on page 14: "Increased funds alone will not solve present problems." We concur. In order to provide quality management of our public lands—with due emphasis to considerations of environmental quality—the public agencies providing the direction and management must be adequately staffed to do the task. Present manpower ceilings prevent adequate staffing. Additional staff is required in many areas, e.g. soils, landscape architecture, integrated management planning, wildlife, recreation, to mention only a few. In many, if not most of these areas the staff needed must be professionally trained and qualified through experience, not merely as the result of assignment. Such staff must be in a position to provide management direction, not merely advice.

A re-evaluation of lines of authority and career ladders of the Forest Service is essential. Today the land manager making basic management decisions on the ground is near the bottom of the career ladder. We find this situation archaic, undesirable, and subject to change. The position of the on the ground manager, the district ranger, should be substantially upgraded and be much nearer the top of the career ladder than at present.

In general terms our committee also concurs in the other major observations and recommendations up through page 69 of the Report. In places we would change the emphasis somewhat; in other instances we concur, upon the assumption that the technical information behind the recommendation is correct.

In one additional instance we wish to concur specifically in a recommendation of the Task Force and then amplify the recommendation. On page 15 the Task Force recommends: "Multiple-use plans on the Bitterroot National Forest must become the controlling documents *in fact as well as in principle*. This will require strengthening these multiple-use plans so they clearly establish goals and direction of management on individual areas." (Emphasis supplied.)

Multiple-use planning must precede management commitment of land to known or expected production goals. Multiple-use planning of public lands is a very special kind of planning, which must include effective public participation. Such special planning requires the availability and direct participation in the planning of well-qualified specialists in all relevant resource fields. Unless such specialists are a part of the planning process they are not in a position to influence the management decisions that must be made. It is not enough to bring the specialists in to review and notify the plan when initially completed. Such a process is at best a poor compromise within a poor process. *Manpower and budget limitations of public resource agencies, in our opinion, do not at the present time allow for this essential staffing and for this process of integrating multiple-use planning.* Needless to say specialists of all kinds that are required for such a planning process cannot be expected to arise as the result of in-line promotion within the present career ladders of public land-use agencies.

Comments on pp. 70–76 of the Bitterroot Report: The weakest section of the Bitterroot Report is the chapter entitled "What Challenges do Wildlife, Aesthetics, Recreation, and Livestock Pose for Timber Management." Perhaps it should have been left out completely, for in its present form it merely draws attention to its inadequacies and reinforces the public charge that the Forest Service is primarily oriented toward timber harvest as the dominant use of national forests.

Our main reaction is that the questions raised in the chapter title are not answered. In less than seven pages, four major resource areas are disposed of in a casual and general manner. Despite all the rhetoric in the rest of the report regarding multiple-use planning, no real commitment or expertise was demonstrated.

Wildlife—One very disturbing aspect of the Task Force Report, especially since it was specifically singled out for special treatment by both the Ravalli County Resource Conservation and Development Committee (p. 5) and the Bitterroot Multiple-Use Association (p. 7), was the attitude toward wildlife management. They did conclude that "much more information was needed concerning the relation of elk to other resource management activities" and suggested future cooperative efforts with the Montana Fish and Game Department.

There are other big game species besides elk however, and other game species besides big game, and other wildlife than those species sought by hunters. Again we find the emphasis being placed on the dominant species with little feeling for the equally important, if less exploitable, faunal members of the forest ecosystem.

Aesthetics—Scattered throughout the report are references to aesthetics with the suggestion that a landscape architect be assigned to every sale. It is not clear whether such a person would have veto power over the sale and sale specifications, or whether he would be called upon, after the fact, to apply his skills toward a cosmetic treatment of an existing, or an about to be produced, eyesore.

If effective multiple-use planning were a reality, management plans would not always start with a timber sale which would later be negated by adverse reports from watershed experts or landscape architects. Long range timber industry plans are rudely interrupted when "areas are withdrawn from cutting: (p. 39 #2) and the worst kind of public relations is experienced."

Recreation—The fastest growing use of national forest lands is reputed to be recreation but if so, it went almost undetected in the Task Force Report. One general recommendation (p. 76 #4) and a page more or less devoted to a discussion of recreation needs and planning is grossly inadequate. The recreationist may enter the forest via a logging road but this cannot be attributed to recreation planning. Perhaps recreation needs should be determined by the public, not for the public.

Range—The coverage of range management and livestock activities on the Forest was so superficial that it is difficult to evaluate objectively. We get the impression that the Task Force was defending Forest Service practices as being of no harm to livestock operators. What is not covered, however, is the fact that neither have they been aided, and no data seems to be available to assess possible harmful or conflicting situations between livestock and tree regeneration, or livestock and wildlife.

Perhaps many of the short-comings of the non-timber oriented activities of the national forests can be remedied by increasing appropriations and lifting the man-power ceilings, but there are other considerations: (a) inadequate staffing may be a *qualitative* matter. The personnel director within the agency cannot be the final judge of "expertise" or "qualified professionals." This must be a matter for external evaluation. (b) The *quantitative* shortage in services of other disciplines (wildlife biologists, landscape architects, etc.) will never be resolved if the leadership does not recognize or is not sympathetic to the needs for other services than timber management.

The Task Force Report does recognize the latter possibility (p. 13) in part when it states that "The necessary funds for these services have not been included in the estimated costs."

Why haven't they been included? Perhaps in retrospect it can be said that unless the total management job is understood, the agency leadership will probably not "aggressively (seek) the necessary finances."

ECONOMICS, CONVENTIONAL FORESTRY, AND A SUGGESTED CHANGE

In the preceding section we have examined the Task Force Report, and we accepted the assumptions and institutions of both the agency and the forestry profession. In this section we relax those constraints to take a broad look at the assumptions and institutions. First, a simple economic analysis of the timber management practices we observed is made. The devastating consequences of such analysis should have been apparent on the Bitterroot; we will explain why they were overlooked. Finally we will suggest an alternative management process.

While the problem in the Bitterroot Valley is complex and many-faceted, in the final analysis it resolved into disaffection on the part of some elements of the public with the practice of "clear-cutting, terracing, and planting."

This problem has been examined, reviewed and debated from a dozen points of view—ecology, aesthetics, wildlife, water yield, timber production, and others. Curiously however, very little has been said about the *economic aspect* of the practice. One might explain this phenomenon on the grounds that economics is an inexact science and besides good input data doesn't exist—but these limitations apply equally or more so to the other facets of the entire controversy. The fact is that any consideration of the economic facts casts the problem in a whole new light. It helps to identify weak spots in past arguments. It points the way towards a more rational analysis of the problem. It helps to identify real issues in the controversy.

To make the maximum contribution, a whole series of sophisticated economic studies would be necessary. The industries in the Bitterroot Valley (timber, grazing, recreation) should be examined to determine their regional and national importance and to measure their interdependence and impact upon the resources of the Bitterroot National Forest. Social values and costs should be evaluated for alternative land uses in the area. And so on and on. These undertakings are beyond the scope of our report, but the utility of such economic studies can be demonstrated by taking a brief look at a narrow aspect of the problem: an example of economic analysis of clear-cutting and terracing in the Bitterroot Valley.

To demonstrate the economic irrationality of the practice of "clear-cutting, terracing, and planting," we indulge in simple mathematics.

Assume the following:

Establishment costs (Regeneration), $50/acre (this is conservative).

Other costs, none (an unrealistic, but simplifying assumption).

Rotation length, 120 years (close to the average reported for ponderosa pine, in the Task Force Report).

Yield at rotation age, 20 MBF* (optimistic for most sites on the Bitterroot).

Stumpage value, $25/MBF* (in 1970 dollars).

Interest rate, 5% (this approximates the rate being paid on longterm government bonds—a conservative figure. See Appendix B).

If we invest the $50 in stand establishment *and charge no other costs* through the 120-year period, the stand at harvest would have to be worth $17,445 per acre, in order to return 5 percent on the initial public investment in regeneration. If the actual yield were 20 MBF per acre, the stumpage value would have to be $872 per thousand board feet. If the stumpage value were actually $25/MBF (in 1970 dollars) the yield would have to be 697,000 board feet per acre. It would obviously be impossible to achieve yields of these magnitudes.

It is enlightening to work the problem in reverse. In order to earn 5 percent on the investment, with yield and stumpage assumptions given, the stand would have to be established at a cost of $1.43 per acre. If we relax the conservative assumptions used in this illustration, and set more realistic values for costs, yields, and interest rates—the results become ludicrous. The only way to justify the practice is to *ignore* economic analysis as a tool of decision-making.

The conclusions are clear and incontestable. *Clear-cutting and terracing cannot be justified as an investment for producing timber on the Bitterroot National Forest.* There are better and much more economical ways to provide for the nation's timber needs.

If we eliminate timber as a justification for terracing, what is left? Not water. Terracing may not impair water yield or quality, but nobody has yet shown that it improves water production. Not grazing. The purpose of terracing is to eliminate grass and other vegetative competition, which hardly enhances the grazing potential. Not recreation or aesthetics. There seems little doubt that the original forest or a naturally regenerated forest is more pleasing to look at or recreate in. There seems to be no possible way of justifying these practices.

Then why have the practices been used?

The core of forestry professionalism, the central tenent of professional dogma, is sustained yield timber management. This concept was introduced into American forestry by early Chief Foresters Bernhard Fernow and Gifford Pinchot in the late 1800's, but it was developed and rationalized in the mercantile economies of Germany and France a century before that. These economies were characterized by stability, certainty, and, via the prohibition of imports, a selfimposed scarcity.

The scarity of natural resources, though self-imposed, was no less real, and thus natural resources were "conserved." Labor and capital, relatively more abundant, were applied to timberlands. The management objective became the maximum biologically sustainable quantity of the physical product, wood.

With its implicit assumptions of scarcity, this dogma became the central dictum of professional forestry. As dogma it remains virtually unchallenged in American forestry education. The graduates of that education staff the Forest Service. We found much evidence that a major element in the Bitterroot Controversy was just this professional dogma. "Productivity" we learned time and again, meant maximum physical production of sawlogs. Much timberland was being harvested ostensibly to "get it into production." The idea that a scraggy stand of overmature timber could and does provide *other* values was alien and largely absent from the thinking of most of the professional foresters we encountered: this in spite of their lip service to "multiple-use."

If "productivity" is held to mean simply sawlogs at any cost then much of what we observed was wholly rational. We question seriously such a constrained definition. If "productivity" includes recreation, watershed, wildlife, and aesthetic values then much of what we saw cannot be rationalized at all. For certainly the idea that clear-cutting a forest to "get it into production" is similar to military rationale of destroying a town to save it. Clear-cutting and terracing, the technical means of regenerating timber stands, effectively eliminate a large number of alternatives or managerial options.

The first option that is foregone is the basic choice—whether to cut at all. Having decided to cut, the second option foregone is the choice of how much to cut. By striving to meet an allowable cut set at the level of maximum sustainable volume yield, an inappropriate cutting program is almost guaranteed. It is unrealistic to assume that all the volume produced is suitable or properly available for cutting, or that it is economical to cut. It has already been noted that it may be uneconomical to regenerate and grow new stands of timber after clear-cutting. If economic parameters were built into the allowable cut calculations, it is clear that the annual cut on the Bitterroot Forest would be substantially reduced below current levels.

Consideration of economic factors also suggests that a variety of alternatives to clear-cutting and terracing should be evaluated. A partial list follows:

1. Removal of large timber by highgrading, leaving a residual stand that could be re-cut on a long cutting cycle of perhaps 40 or 50 years.
2. Cut the overstory but retain the understory for advanced regeneration, even if this means a timber species conversion or the necessity of accepting a low quality or low vigor second growth stand.
3. Use an even-aged cutting system (clear-cut, seed tree, or shelterwood) *but depend on natural regeneration*, even if this means long regeneration periods and irregular stocking.
4. Make a more drastic distinction between high quality and poor quality sites. On the most productive and assessible sites, manage as *intensively* as economic conditions allow (even clear-cutting and artificial regeneration). On low quality sites minimize capital investments or postpone all cutting to some indefinite future date.

These, and similar alternatives, have one thing in common. They would reduce timber yields somewhat in both volume and value, but they would greatly reduce dollar investments (costs) in timber management and increase the yield of non-timber benefits. The improvement in economic efficiency (i.e. the benefit/cost ratio) would be substantial. Termination of the practice of clear-cutting and terracing would mean that public funds would no longer be invested in an uneconomical and unpopular program in the Bitterroot Valley. It would be consistent with the highest traditions of wise land management, and though it might be traumatic in the short run it would certainly be a credit to the agency.

Our Committee concludes that the practices of terracing on the Bitterroot National Forest be stopped as a general management tool. Further, we recommend that the existing terraced areas be carefully studied over the course of the next decade and that these existing examples be considered as primarily a research tool. Last, we recommend that where the decision is made to cut mature timber on sites of low value that the Forest Service defend the cutting not as timber management for sustained yield but as "mining" an existing natural resource.

What we seek here is a clear distinction between cutting timber as a step in timber *management*, and cutting timber as a *mining* activity. We do not categorically oppose such *mining* for reasons to be explained shortly; but to equate any timber cutting consistently and blindly with timber management is a gross professional error.

We see a need to reclassify timberland on an economic basis instead of on a physical, cellulose-quantitative basis. Land which is economic to manage for timber crops will return a decent rate of interest on capital invested. On this land, timber harvesting as a step in timber *management* is rational. But land which supports timber that is economic *only to cut* is not capable of earning a satisfactory return, in which case the harvest is tantamount to a mining operation. In other words, if we cannot afford economically to initiate, grow, and harvest a second stand of timber, then we are simply mining the first stand. At times this can be defended. But we must stop confusing cutting with management. We found a great deal of such confusion on the Bitterroot.

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*MBF=thousand board feet.

One consequence of distinguishing between management and mining has been referred to above: we recommend "managing" only the highest quality sites, investing in regeneration and protection costs where satisfactory rates of return can be demonstrated.

Another consequence of making the distinction would be to induce a very careful and deliberate sequence of choices on low quality growing sites. The initial decision, whether to cut at all, simply could not be made on the basis of "getting the land into production." By definition, there would be no intention whatsoever of investing in post-cutting regeneration costs. Thus, the initial choice of whether to cut at all would need to be an analytical, stand-by-stand decision, not a doctrinaire decision.

Given the decision to mine the timber on a low quality growing site, the next choice would be one of cutting methods. Since there would be no systematic concern for a subsequent crop of commercial timber, all silvicultural necessities could be ignored. If by clear-cutting and terracing we unwittingly sacrifice aesthetic values, game habitat, natural hydrology, and recreational values, the mining technique should be deliberately designed to protect or enhance these values. We mean, specifically, that the cutting method should protect or enhance the other values *on the site*. We heard many times that clear-cutting and terracing enhanced such other values on the adjacent hillside, or downstream, or over the ridge, and this is specifically what we do *not* mean. We believe that on-site, co-existing, simultaneous values need not be sacrificed. Sensitive, careful timber mining would avoid doing so. We recommend cutting on a single-tree selection basis. We would minimize the permanent road system, building low-standard, single-lane, one-time roads that would be seeded to grass and closed at the end of the timber mining activities. We would not terrace. We would not strip. We would not plant.

Such activity would rest very lightly on the land. Aesthetic values, natural hydrology, game habitat, and recreational values would remain virtually intact. Yet the residual timber value could be captured.

We see no reason to sacrifice non-timber values to silvicultural methods that have no economic rationale. Hence we suggest that a sensitive but deliberate timber mining activity be considered a legitimate alternative.

We heard many times that clear-cutting and terracing were necessary to control certain diseases—notably dwarf mistletoe—and to lessen the hazard of wildfire. Timber mining would not achieve either goal. But we are unconcerned, for the argument is unconvincing in the first place: existing, commercial timber has grown in the face of these environmental factors. We suspect subsequent, "unmanaged" stands can do the same. A stronger case can be made on the basis of "whole forest" management. We are becoming increasingly aware of the beneficial effects of fire, for example, on other, non-timber values in the forest. We do not yet, and may never, see a positive value in dwarf mistletoe; but in regard to wildlife, watershed, and aesthetic values, it is at least neutral. Timber mining, one aspect of "whole forest" management, can withstand the fire/disease criticism with relative ease.

We realize these suggestions are unorthodox. We realize they are clearly antithetical to professional dogma; but that dogma has contributed substantially to the Bitterroot problem. We realize that the ultimate adoption of these suggestions is a matter of professional reorientation and may involve statutory modifications as well. We realize these things. Yet we propose these changes, convinced that superficial shifts in management practices will not suffice.

THE PROBLEM OF PUBLIC SERVICE BUREAUCRACY

Earlier we listed some of the sources of the conflict over management practices in the Bitterroot National Forest. The last item we listed referred to the changes taking place within our society. We would, at this point, like to comment in more depth on that point.

A large part of the Bitterroot Controversy results from the great disparity in values and objectives among the various groups involved in the Bitterroot. We doubt that the most carefully developed arguments will ever convince opponents of the appropriateness of some of the now practiced land management practices, e.g. clear-cutting lodgepole pine, terracing, or high standard road construction. Regardless of any developed fund of knowledge, research results, or even conditions of pure and simple fact, some of the groups involved in the Bitterroot National Forest are opposed to these land management practices under any and all circumstances; and nothing that can be said is likely to change their views, their positions or their unconditional opposition. At this point we must note that the crucial issue then becomes one of examining the process through which unpopular decisions involving public policy must be made.

The Forest Service like other complex organizations has developed a highly systematic, rational, routinized approach to problem-solving and decision-making based upon a programmatic definition of problems and solutions. While pragmatically quite defensible (it gets the job done) this approach overlooks many highly significant factors affecting the ultimate impact of policy and decision on people and groups not involved in policy formulation. Those most directly affected, in this instance the interest groups in the Bitterroot, have little reason to accept practices imposed upon them through bureaucratic decisions made elsewhere. They insist on being a part of the decision-making process, and their participation must be more meaningful than invitations to public hearings and briefing sessions.

Institutions and agencies currently are undergoing major changes in relationship between practitioners and clients, between purveyors of services and constitutents. Resource management agencies in common with educational, religious, medical, and other service-oriented institutions are caught between the conventional, essentially conservative, bureaucratic structure of the past and the modernist conception of service as a two-way process. The patient today is insisting on being fully informed about the diagnosis and prognosis of his case by the physician. The recipient of social aid insists on being part of the decision that affects him. The modern parishioner demands a reciprocal interaction with his priest or his pastor. Clients no longer are willing to receive passively whatever good the dispensing person or agency chooses to dispense. We can expect to see the acceptors of services increasingly demanding a significant role in the processes that affect their interest. There is no reason to expect the Forest Service to be exempt from this trend toward a more democratic participation in policy formulation and decision-making. The Service must realize that all significant interests in the communities affected by its policies must be involved. Moreover, this involvement must comprehend more than formal, but frequently superficial, operation of an information and education apparatus. The Forest Service must develop techniques which will include the various publics in the policy, formulation, and decision-making processes as these processes evolve. Inevitably this must mean occasional, if not frequent, modification of preconceived courses of action.

Bureaucratic structures such as the Forest Service not only alienate public support, they also inhibit effective exploitation of key personnel. In order to maximize local community resources and to attract local community support those persons in the Service most intimately associated with local community interests must be free to act. They require a latitude and a flexibility of operation which is denied them within the conventional bureaucratic structure. The person most sensitively located to relate constructively to local people is the district ranger. He represents the Forest Service. He makes administrative decisions within limits imposed by agency policy. By and large, the image he projects is likely to determine the way in which those within his district perceive the total organization. Yet his authority is severely limited and all too frequently his decisions and answers are bureaucratically determined. Despite reservations or frustrations that he may feel, his ultimate action is likely to be taken within the context of his supervisor's office and eventually of the regional forester's office. He is therefore denied the flexibility to meet issues and problems on an ad hoc basis. It might almost be said that his decisions are always predetermined, at least with respect to major issues and problems.

Since successful performance of bureaucratic roles, and therefore recognition and advancement, depends on definitions of performance that are bureaucratically determined, personnel at the district and forest level can scarcely be blamed for keeping this firmly in mind. That it acts as an impedance to public understanding and community participation is in a sense irrelevant. A ranger's future professional success is much more likely to be determined by judgments made within his organization than by judgments about the Forest Service and its management policies made within the community.

If our contentions are correct, and we believe that they are, then one aspect of the controversy involving the Bitterroot National Forest can be said to apply to the Forest Service more generally. The Forest Service as an effective and efficient bureaucracy needs to be reconstructed so that substantial, responsible, local public participation in the processes of policy-formulation and decision-making can *naturally* take place.

Last, it is our opinion that our comments in this final section come as no surprise to the Forest Service. It is our belief and opinion that the Service is engage in a serious process of self-examination. In that process of self-examination we urge consideration for the point of view that stresses the most efficiency in providing effective public involvement in public decision-making, even if internal bureacratic efficiency must in some ways be sacrificed.

NEED FOR RESEARCH

The Bitterroot Valley, while unique in some spcific ways, is really representative of a large part of the Rocky Mountain West. It is characterized by vast open space, low population density, an economy based on wildland resources, and a culture that is in transition from the "frontier" type with emphasis on exploitation to a more mature kind in which stability and environmental amenities are held in higher regard. Commodity resources (timber, minerals, grass, etc.) are increasing in value as the national economy continues to grow; but non-commodity resources (wildlife, aesthetics, recreation opportunities, etc.) are increasing even more rapidly in value as the national stock of these items dwindles and our affluent population puts more emphasis on the quality of life.

Thus we see the Bitterroot Valley faced with the same dilemma as so many other areas in the Rocky Mountain West—the need for more economic growth and development, but a strong desire to maintain or preserve a high quality natural environment. We need more wood products, but we want clean air and beautiful vistas. Herein lie the seeds of discontent, conflict, and controversy. But, here also is an opportunity and a challenge.

There is no reason to assume that economic development and environmental quality are mutually exclusive or irreconcilable. History and experience indicate that the problem is a difficult one—and we do not have the solution at hand. But, an objective appraisal of the situation leads to optimism, not pessimism. Trees can be cut without leaving an unsightly mess, roads can be built so that they complement the natural beauty of the countryside, disturbed areas can be rehabilitated, people can use the land for recreation without destroying it—and so on. We have failed in the past, not because the problem is unsolvable, but because we didn't recognize the scope of the problem, we didn't utilize enough ingenuity, and we just didn't try hard enough. In particular, we didn't invest sufficiently in research and we didn't make optimum use of the limited research information that was available.

The need for a more viable research program seems painfully obvious. For example, one can turn at random to almost any page in the Bitterroot Task Force Report and find either a statement of dubious validity, an admission of inadequate knowledge, or an overt plea for more reliable information. The writers of that report apparently feel that major improvements could be achieved by expanding the staff support available to decision-makers in the agency. But it is also clear that even staff experts would frequently be helpless because of the serious shortage of basic data concerning the resources and knowledge of the effects of man's activities. A vastly expanded research effort is ultimately the only solution to the fundamental question—how can we use these wildland resources without having a deleterious effect on the natural environment?

It also follows, of course, that the research must be well directed, competently performed, and effectively disseminated. It should concentrate on areas of critical importance or where existing knowledge is weakest . . . e.g. watersheds, wildlife, and recreation (including esthetic considerations). It should also examine certain managerial matters, such as procedures for formulating policy (e.g. how best to involve the public) and procedures for evaluating investment alternatives (e.g. economic analysis, systems analysis, etc.).

The Bitterroot Valley (and much of the Rocky Mountain West) is posing unprecedented problems, and we must have more and better knowledge if we expect to deal effectively with these new situations. This knowledge must come in large measure from organized research. Empirics, experience, and intuition will not suffice.

APPENDIX A—COMMITTEE ORIGIN AND ACTIVITIES

This report is addressed to the Montana Congressional delegation which requested a study of the Bitterroot conflict. Specifically, Senator Lee Metcalf asked the Dean of the University of Montana Forestry School to establish a study committee to examine the issues, the opinion, and the facts relative to the public controversy surrounding land management policies on the Bitterroot National Forest. To provide the basis for this report a number of things have been done during the past year.

1. A study committee was selected composed of the Dean of the School of Forestry, a wildlife research specialist, a quantitative forest economist, a forest policy specialist, a sociologist with special interest in bureaucracy, a political scientist with a specialty in pressure groups, and a public policy economist. All members of the committee have substantial experience with the Forest Service and with most federal and state land management agencies, their past and current problems, and their personnel.

2. The committee made two major field trips to the Bitterroot National Forest and communities it encompasses, once accompanied by Bitterroot National Forest personnel and again by members of the Sleeping Child Water Users Association.

3. An aerial inspection of the Bitterroot National Forest was made by some members of the committee to examine the results of past and present management practices.

4. Individual visits to various portions of the Bitterroot National Forest were made by members of the committee.

5. The committee attended the Task Force presentation to the public and the Forest Service at Hamilton on May 11, 1970, and it attended the Task Force presentation to the supervisory personnel of the Bitterroot National Forest.

6. The committee met with major groups and principals in the controversy.

7. The committee considered carefully the documents relating to timber and other resource supply and use for the Bitterroot National Forest.

8. The committee examined in depth and in detail the Task Force presentation, "Management Practices on the Bitterroot National Forest April 15, 1970."

9. The committee studied the current accounts of similar conflicts in West Virginia, Colorado, Wyoming and other areas.

10. In a substantial number of meetings the committee met and argued at length all aspects of the controversy at all stages in its examination of the problems relating to the Bitterroot National Forest.

11. All members of the committee served without special compensation and at personal expense to each member of the committee.

APPENDIX B—ALTERNATIVE INTEREST RATE CALCULATIONS

	Interest rate			
	3 percent	5 percent	6 percent	8 percent
Value at end of rotation (to earn indicated interest rate)	$1,736	$17,445	$54,409	$512,650
If yield were 20 MBF, stumpage would have to be (per MBF)	$86.80	$872	$2,720	$25,632
If stumpage were $25/MBF, yield would have to be (MBF per acre)	69.4	697	2,176	20,506
To earn indicated interest rate, stand establishment would have to be accomplished with (per acre)	$14.41	$1.43	$0.46	$0.05

NOTES

(1) Actual rate of return on regeneration investment under indicated assumptions—1.9 percent.

(2) With modified but more realistic assumptions (establishment costs—$75; annual cost for protection, administration, etc.—$0.65 per acre per year; rotation—100 years; yield—15 MBF per acre; etc.): Rate of return—0.85 percent.

(3) No matter how the assumptions are relaxed (e.g. assuming large yields, etc.) the rate of return cannot be made to rise above 2.3 percent (unless nonsense assumptions are used).

BIOGRAPHICAL INFORMATION ON THE SELECT COMMITTEE

The seven members of the Select Committee on the Bitterroot National Forest are members of the faculty of the University of Montana in Missoula. At the time the committee was established in December 1969 four members of the committee including the chairman were members of the School of Forestry and three members were from the College of Arts and Sciences. In July of 1970 one member of the committee, an economics professor, resigned from the College and accepted a position of Professor of Forestry in the School of Forestry.

1. ARNOLD W. BOLLE

Arnold W. Bolle has been Dean of the School of Forestry and Director of the Forest and Conservation Experiment Station at the University of Montana since 1962. He has served on the faculty since 1955. Research and publications have spanned the natural resources area including forestry, wildlife, watershed, outdoor recreation and product manufacturing. Primary area of interest has been in multiple use management and the development of plans and programs to meet changing future need.

He was awarded his doctorate in public administration from Harvard University in 1960 and also has a master's degree from Harvard in 1955, a B.S. in forestry from the University of Montana in 1937 and a B.A. in Liberal Arts from Northwestern College in 1934. He is acting Director of the Environment and Resources Analysis Center, serves on two committees for the National Academy of Sciences, is past president of the National Council of Forestry School Executives, is a member of the Executive Board of the Association of State College and University Forest Research Organizations, is director and past president of several Montana resource organizations, and has served as advisor and consultant to several federal and state resource agencies. He is a member of many professional and scientific organizations: AAAS, Society of American Foresters, Wildlife Federation, American Forestry Association, Soil Conservation Society, Wilderness Society, Range Management Society, Phi Kappa Phi, Xi Sigma Phi, and others.

2. R. W. BEHAN

R. W. Behan, Associate Professor of natural resource policy and administration, joined the School of Forestry faculty in 1963. He had previously served six years with the U.S. Forest Service in the Alaska Region. At the time of his resignation, he was functional staff assistant to the Forest Supervisor of the Chugach National Forest, in charge of timber management, wildlife management, fire control, and multiple use planning.

Behan holds B.S.F. and M.S.F. degrees from the University of Montana, and has recently submitted his Ph.D. thesis to the University of California at Berkeley. It is entitled "Wilderness Decisions in Region I, U.S. Forest Service: A Case Study of Professional Bureau Policy Making," and reflects Behan's interest in the processes of public policy making. He has published other research in journals of both the fields of natural resource management and of public administration.

He is a member of the American Association for the Advancement of Science, the American Forestry Association, the Forest History Society, the American Society for Public Administration, the Society of American Foresters, and is a director and president of the Montana Conservation Council, Inc.

Behan, his wife Ann, and their three children live near the campus in Missoula.

3. W. LESLIE PENGELLY

W. Leslie "Les" Pengelly is Professor of Wildlife Management at the University of Montana. He was appointed to the University of Montana School of Forestry staff in 1963, after serving (1954–63) as University of Montana wildlife extension specialist. His time is divided between the School of Forestry where he teaches wildlife management courses and the School of Education where he teaches general conservation courses. He was recently appointed Coordinator of Environmental Studies Program for the University.

Prior to 1954, he was a research biologist for the Idaho Fish and Game Department, instructor at the University of Idaho, Moscow, instructor at Utah State University, and a high school teacher in Michigan. He also taught at the University of Alaska, Fairbanks (1968–69).

He earned his B.A. in biology from Northern Michigan College in 1939. He received his M.S. in wildlife management from the University of Michigan in 1948 and his Ph.D. from Utah State in 1961.

Dr. Pengelly has published several publications on ecology and wildlife. His research includes projects on fire ecology, wilderness ecology and the history of the Yellowstone elk herd. He has presented many papers on conservation issues at national conferences.

In 1967 he earned a national professional conservation award presented by the American Motors Company. He is a member of four national honor societies: Phi Sigma, Sigma Xi, Xi Sigma Pi and Phi Kappa Phi.

Active in public service, Dr. Pengelly gives many conservation talks at schools, service organizations, clubs and professional societies. He is nationally known for his ability as a speaker. He serves on many campus and forestry school committees.

His professional association memberships include the Wildlife Society, the Northwest section of the Wildlife Society and its Montana chapter, the Wilderness Society, Michigan Foresters' Association, the National Wildlife Federation, the Montana Wilderness Association and the American Association for the Advancement of Science.

Dr. Pengelly was born in Negaunee, Michigan in 1918. He and his wife Mary, have six children.

4. ROBERT F. WAMBACH

Dr. Robert F. Wambach, a 1957 graduate of the University of Montana School of Forestry, returned to his alma mater in 1967 as an associate professor of forest economics. He also serves as Associate Dean of the School of Forestry and Director of the Montana Forest and Conservation Experiment Station. Prior to his arrival at the University of Montana he was a Research Project Leader for the U.S. Forest Service (1959–67) in Minnesota and Michigan; and before that he spent five years in the U.S. Air Force as a Russian linguist.

Dr. Wambach studied forestry at the University of Michigan (1948–50). He attended Syracuse University (1952–53) and received a certificate in Russian Area Studies. Returning to forestry, he attended the University of Montana (1955–57) and received his B.S. in forestry. He received his M.F. in forest management from the University of Michigan (1959) and his Ph.D. from the University of Minnesota (1966).

He is the author of numerous technical bulletins and articles which have appeared in scientific journals. He is considered an authority in the fields of forest economics and management science, and is called upon frequently to lecture on these topics at other universities and at regional and national meetings.

He belongs to several professional, honorary, and scientific societies, including the Society of American Foresters, American Economic Association, American Association for the Advancement of Science, Xi Sigma Pi, Gamma Sigma Delta, etc. Dr. Wambach serves on numerous professional, academic, and civic committees, including the Montana Environmental Coordinating Council, the Montana Water Resources Research Council, the University Faculty Senate, and the Intermountain Fire Research Council.

Robert Wambach was born in 1930. He and his wife Carla, have three children. They make their home in Missoula's Rattlesnake Valley.

5. GORDON BROWDER

Gordon Browder is Professor of Sociology and Executive Director of the Institute for Social Science Research. He was the first chairman of the University's Department of Sociology serving from 1948 through 1967. During the past 22 years Professor Browder has served on virtually every significant University committee including being chairman of the faculty's governing body the Faculty Senate.

His education and experience prior to joining the University of Montana in 1948 include graduation from the public schools of Dinwiddie County, Virginia; receiving the B.A. in English from the University of Virginia in 1936, and the M.A. in Sociology from the University of North Carolina in 1941. Further graduate work in sociology led to his receiving the Ph. D. in Sociology from the University of North Carolina in 1943. He has served as Research Associate for the Bureau of Research in the Social Sciences at the University of Texas as well as Instructor of Sociology at Texas, instructor in sociology for the U.S. Army University at Shrivenham, England following his service during the war in the Infantry, and taught sociology at the University of Florida during 1946–48.

Browder has published regularly and widely during the past 30 years. His publications center around his interestes in criminology, demography and conservation of human and natural resources. He is a member of the American Sociological Association of which he is a Fellow, the Pacific Sociological Association, the Rocky Mountain Social Science Association, the American Association for the Advancement of Science, and the Montana Academy of Sciences.

He is a member of the Region 1 Advisory Council, the Governor's Crime Control Commission, the Governor's Task Force on Indiana Problems, and serves on the Board of Directors of the United Givers of Missoula. He is also a member of Alpha Kappa Delta, the national sociology honorary, Pi Mu Alpha, the national social science honorary, is listed in *Who's Who in America, Who's Who in the West* and in *American Men of Science*.

Browder was born in Petersburg, Virginia in 1914. He and his wife, Alice, have three sons.

6. THOMAS PAYNE

Thomas Payne joined the University of Montana faculty in 1951 as a member of the Political Science Department. He is a graduate of Westminster College in Fulton, Missouri (A.B. 1941), and received his graduate education in political science at the University of Chicago (A.M. 1948, Ph. D. 1951). In recent years he has been President of the Northwest Political Science Association as well as Vice President. He is a member of the Executive Council of the Western Political Association and a member of the board of editors of *The Western Political Quarterly*.

At the present time Professor Payne is on a sabbatical leave in Washington, D.C. He is continuing his research in pressure groups and their impact on Montana. His research and publications during the past twenty years have centered upon the political proccesses in the West, especially within Montana.

Thomas Payne was born in 1920 in Fulton, Missouri. He and his wife, Katie, reside with their two sons in Missoula.

7. RICHARD E. SHANNON

Richard E. Shannon has been a professor of economics at the University of Montana for the past 14 years. On July 1, 1970 he became Professor of Forestry and Director of the School of Forestry's Master of Resource Administration program. He is the chairman of the School for Administrative Leadership which celebrated its Silver Anniversary during 1970.

Professor Shannon received his undergraduate degree in economics from William Jewell College in Liberty, Missouri. His graduate degrees were conferred by the Ohio State University in 1950 and 1955. Prior to joining the faculty of the University of Montana he taught at Ohio State, Michigan State and Kenyon College. He is a member of The American Economic Association, The Royal Economic Society, regional associations, and American Forestry Association.

He is the author of several economic monographs involving public finance, economic growth, state and local planning efforts and similar topics.

Shannon was born at Hardin, Montana in 1926. He has lived in various parts of Montana. He and his wife, Gerry, have three daughters.

JOHN HANSON: FIRST PRESIDENT?

Mr. MATHIAS. Mr. President, it is the nature of this age to cast many things into doubt but it is unusual when the basic tenets of history find themselves open to question. Every schoolboy in the United States knows that George Washington was the first President under our Constitution, but may I suggest to Senators that not even this widespread belief is exempt from the scrutiny and debate of historians. Indeed, there are those who would challenge George Washington's priority in the American Presidency, though not, of course, his primary role in American history.

There is carefully documented evidence that, in fact, the first President was John Hanson of Maryland. John Hanson, a planter in southern Maryland and a member of the colonial legislature, moved to Frederick in 1773. Within a year he was chairman of a meeting at which Frederick County was the first colonial county to place an embargo on British goods. Later he almost single-handedly held out for a definition of the boundaries of colonies which were chartered by the Crown for almost unlimited tracts of Western territory. It is now generally agreed that without this definition the United States today would be dominated by four vast States. Still later, on November 5, 1781, John Hanson took office on the first day of the first Federal year under the Articles of Confederation as the President of the United States.

It is hardly fitting to attempt to summarize the arguments and the documentation of John Hanson's claim to a place in history; they are much better presented in a feature by James D. Snyder. Rather, let me express my gratitude both to Mr. Snyder for his distinguished scholarship and to Judge Edward S. Delaplaine, of Frederick, who has contributed so much through his extensive collection of historical documents. Let me recommend to Senators this feature which appeared in the September issue of Valleys of History, published by the Potomac Edison Co., of Hagerstown. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

JOHN HANSON—THE FIRST PRESIDENT?

(By James D. Snyder)

For nearly two centuries, Americans have been taking it for granted that George Washington was our first President. But it may not be true.

While no one would dispute Washington's greatness, a small vocal group of historians insists that the *real* first President's birthdate, was not Feb. 22, but April 3. Or April 15.

On one of those dates in 1715 (the records conflict) a son named John was born to the Swedish-descended Hanson family on their "Mulberry Grove" plantation in Southern Maryland. In manhood, John Hanson became a fixture in the colonial Maryland legislature, a crusader for independence, and finally, our first President under the Articles of Confederation. Hansonites say that since the United States was a functioning, independent nation under the Articles, Hanson was indeed our first Chief Executive in every sense.

Historical fact makes their case intriguing, if not compelling. In 1777, in the midst of the Revolutionary War, the Continental Congress drew up Articles of Confederation by which the new Union would be governed if the war were won. By March 1781 the last of the 13 rebel colonies ratified the agreement. When the British surrendered at Yorktown in October, Congress proclaimed that the new nation's first "federal year" under the new articles would begin Nov. 5. And on that day, John Hanson, then 66, took office as "President of the United States in Congress Assembled."

Some skeptical historians have dismissed the Hansonites' claim on grounds that the Articles of Confederation "cannot be considered a Constitution at all, but merely an agreement between the states to meet and discuss mutual problems." But writings of prominent Early Americans indicate otherwise. Hansonites point out that George Washington and other contemporaries like Benjamin Harrison and LaFayette, referred variously to the Articles as "the constitution," and the "Federal constitution." Nearly 80 years later, President Abraham Lincoln declared in his first Inaugural Address that "The Union is much older than the Constitution. The faith of all 13 states," he said, "was expressly plighted, and engaged that it should be perpetual, by the Articles of the Confederation."

But Hanson detractors argue, too, that he was merely a presiding officer—a figurehead. Again, the record doesn't agree. Both Hanson and George Washington carried the the titles of "President" and "Excellency," while in office. Washington himself wrote to congratulate Hanson on his "appointment to fill the most important seat in the United States." In 1783, when Foreign Affairs Secretary Arthur Lee was asked for advice on how to receive dignitaries from abroad, he gave this reply: "The President of Congress, being at the head of the Sovereignty of the United States, takes precedence of all and every person in the United States."

Moreover, Hanson's term was hardly a passive one. Under his Presidency the new nation for the first time won recognition from foreign governments, exchanged ambassadors, signed treaties of alliance, and floated a foreign loan—one that bore the signature of "President John Hanson."

Hanson and Congress also created many national institutions which endure today. Among them:

Proclamation of the last Thursday in November as a national day of Thanksgiving.

Adoption of the Great Seal, with the eagle, olive branch, and motto: E Pluribus Unum (one out of many).

Establishment of a uniform federal currency.

Creation of several federal offices, including a post office, a judiciary system, a Department of Foreign Affairs (today's State Department), and Superintendent of Finance (Treasury Secretary).

The meager official record on Hanson indicates he was probably both forceful and daring. At age 58, by then a leading citizen of Southern Maryland and a 16-year member of the colonial legislature, Hanson suddenly left the comfortable plantation life and settled 150 miles northwest in Frederick County.

One can only guess why. Ways were slow and set in rural Southern Maryland. Frederick, a gateway to the unsettled West and hotbed of rebellion to the English Crown, was wild, exciting, and full of opportunity.

Almost as soon as he arrived, Hanson was a driving force for independence. In 1774, when other colonists were only muttering about revolt, Hanson chaired a meeting at which Frederick became the first colonial county to vote a blockade on all trade with England. The following summer, he played a big role in forming the Association of Freemen of Maryland—the first state-wide group approving the use of force to repel British troops. And when war broke out, Hanson chaired a county committee to mobilize men and supplies.

Some also contend that if it hadn't been for John Hanson, America might still consist of just 13 states—four of them with huge boundaries.

The scene: 1779. The war is all but over. Hanson is elected to Congress from Maryland. The Articles of Confederation have already been submitted to the 13 states—and all appear ready to ratify it.

But Hanson, as newely-elected chairman of the Maryland delegation, refuses. The reason: the Articles do not contest the claim of four states to vast areas westward. Virginia, for example, had been given a charter from James I to all lands outside the 13 colonies "from sea to sea north and northwest." Similar grants from later English monarchs assigned New York, Connecticut and Massachusetts rights to vast areas in the Western frontier.

Hanson announces that Maryland will not ratify the articles until they include a new provision. It reads: "The United States in Congress Assembled shall have the sole and exclusive right . . . to ascertain and fix the western boundaries of such states . . . as the numbers and circumstances of the people may require."

At first Hanson and Maryland were labeled obstructionists. But within eight months his perserverance had brought all 12 other state delegations around to his view. All four contenders finally, dropped this "for the good of the Union."

Historians now agree that without such a provision, the nation today might be dominated by four vast, sprawling states.

What was Hanson like personally? Unfortunately, history leaves even fewer footnotes about the man himself than of his official acts. It *is* known that he had a wife named Jane, that they raised nine children, and that a son named Alexander served as a wartime private secretary to General Washington. And it is likely that since the Hanson plantation in Southern Maryland was just a few miles across the Potomac River from Washington's Mount Vernon, the two saw each other often socially.

Perhaps the best source is retired Judge Edward S. Delaplaine, a devotee of Maryland's history, who claims "one of the largest files anywhere" on Hanson. "I would describe him as portly, a man of action—a true patriot who was much respected," says the Frederick resident. "I think he must have been extremely popular to have been named President of Congress in his first year there."

But how strange that so few Americans have ever heard of Hanson. Contemporary histories list only his official acts. The Encyclopedia Britannica did not see fit to mention him until 1940—and then only briefly. And while Hanson's large three-story house still stands in downtown Frederick, you wouldn't recognize it from the other old office buildings on the street except for a small wall plaque noting the name of its former owner.

Even Hanson's death is a mystery. According to most accounts, he succumbed suddenly at age 68 on November 22, 1783 while visiting relatives on their Oxon Hill, Md., plantation not far from Mulberry Grove, his birthplace. Presumably, he was buried in the owner's family plot, but no one knows where.

In 1938 citizens of Frederick sought to solve the riddle by writing to Undersecretary of State Summer Wells, who had since purchased the old Oxon Hill manor. Replied Wells: "Unless some record can be found establishing the fact that John Hanson was actually interred in the . . . family graveyard . . . there is no way I know of to find out other than a careful examination of all the remains in the graveyard." This he refused to permit.

Thus, both the life and remains of John Hanson are covered by the sands of time. But not completely. If you should have a chance to tour Capitol Building, make a point of visiting Statuary Hall near the Great Rotunda. There, representing Maryland among the greatest Americans is perhaps the only life-sized statue of the man who may one day be recognized as our first President. Ironically, he stands across the hall from his one-time friend and neighbor, George Washington.

THERE IS A DESPERATE NEED FOR WORLD LAW AND GREATER COOPERATION AMONG ALL NATIONS

Mr. PROXMIRE. Mr. President, in the last third of the 20th century the need for world law and greater international cooperation is becoming more apparent every day.

The tremendous population explosion, the worldwide environmental crisis, the food shortage in certain areas of the world, and the proliferation of nuclear weapons, just to mention a few, all point to the need for more international cooperation. None of these problems can be solved by one nation. They obviously will not be resolved until all the nations of the world are willing to work together on these crucial problems.

Where can we in the United States begin to further the cause of world law and international cooperation?

The most obvious place to begin is by ratification of the three major Human Rights Conventions of the United Nations. Specifically, I am referring to the Convention on the Political Rights for Women, the Convention on the Abolition of Forced Labor, and the Convention on the Prevention and Punishment of the Crime of Genocide. By ratifying these conventions we could make our support for world law and greater international cooperation unequivocally clear.

It is obvious to everyone concerned with the problems confronting man that we must face our responsibility to all men, regardless of nationally.

I am reminded of a statement made by Ambassador Charles W. Yost, the U.S. representative to the United Nations, before hearings on the genocide convention of the Subcommittee of the Com-

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mittee on Foreign Relations of the Senate in the spring of this year. Mr. Yost said, in part:

> This Genocide Convention is an assertion by the community of nations that a certain particularly heinous act, perpetrated against any national, or ethnic, or racial, or religious group whatsoever, is wrong—wrong not only in the domestic law of this or that State, but wrong also in the law and opinion of the community of nations itself.
>
> This is a very great statement of principle for the community of nations to have made. I strongly believe that the formal acceptance of that principle by the United States of America with our position of power and our historic commitment to justice, will not only be helpful to our reputation in the world. It will, in addition, serve that basic purpose which President Nixon, in his message to the Senate on this subject, called "the building of international order based on law and justice."

I think all of us should give some thought to this fine statement by our U.N. Ambassador. International order is essential. We can move in that direction by ratifying the Genocide convention which is now before the Senate Foreign Relations Committee.

CANADA LEADS THE WAY

Mr. YOUNG of Ohio. Mr. President, Canada, our neighbor to the north, has now officially recognized mainland China as a nation and will profit by increased trade. In recent years, Canada has exported 500 million bushels of wheat to China receiving in payment cash on the barrelhead in gold. China has one-fourth of the people of the entire world. We should recognize that government and maintain an embassy in Peking instead of depending on Hong Kong as our only open window to the Orient. Americans would prosper by the sale of billions of dollars of nonstrategic goods by opening trade with mainland China. We could sell billions of dollars of products of American farms and factories to this new customer and at the same time we would no doubt import millions of dollars of handicraft, furs, and other products of China. Why should we continue to stand on the sidelines while the United Kingdom, France, and now Canada have recognized China with its 800 million people, and profited by major trade relations now greatly increasing in volume month after month? Furthermore, nations like individuals do not usually fight with their best customers.

IMPORT CONTROLS AND DOMESTIC INFLATION

Mr. MATHIAS. Mr. President, a most distinguished analysis of the impact of trade policy on the American consumer was recently presented to the economics seminar of the University of Maryland. It is a comprehensive paper, treating in great depth the problems facing the textile and shoe industries. It was prepared by Mr. Andrew H. Brimmer, a member of the Board of Governors of the Federal Reserve System, who may be considered to be a preeminent authority in this field.

Mr. Brimmer concludes that the trade legislation before us will be very costly to the average American, will have an unmistakenly inflationary effect and, what is more, will certainly not be a cure-all for the textile and shoe industries. In fact, Mr. Brimmer makes a very strong case that this legislation will be detrimental to those industries in the long run.

I urge Senators to be aware of this study as the debate on the Trade Act approaches. I ask unanimous consent that Mr. Brimmer's paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

IMPORT CONTROLS AND DOMESTIC INFLATION

(By Andrew F. Brimmer)

The new drive for protection, epitomized in the proposals to impose quotas on imports of shoes and textiles, could have serious adverse effects on U.S. consumers, on workers generally, and on the economy as a whole. At the same time, the imposition of import quotas on shoes and textiles would do little to solve the basic problems plaguing those two industries. This is the lesson we should have learned from the experience of the petroleum and sugar industries which are already protected by quotas.

This latest campaign to erect barriers against imports has sparked a new round of arguments about the merits of free trade vs. protectionism, and a phalanx of industry and labor organizations has been arrayed on the side of protection. Opposition to the proposals has also been vigorous, most of it coming from importers, academic economists, and communications media. Spokesmen for the Federal Government have been heard on both sides of the issue—and with varying degrees of support for quotas on particular commodities.

However, one crucial voice—that of the American consumer—has been scarcely heard. Few questions have been raised about the costs to consumers of import quotas on shoes and textiles. Yet, it is the American consumer who ultimately would bear the burden of such restrictions: his range of choice would be limited, his costs of clothing would rise appreciably, and further pressure would be exerted on the general level of consumer prices. Moreover, among consumers, the burden would fall most heavily on those low income groups that can least afford to bear it.

These are among the main conclusions emerging from an assessment of the probable effects of import quotas on shoes and textiles which I have had underway—from time to time—since last spring. Essentially, the assessment is based on an analysis of domestic consumption and foreign trade patterns during the 1960's and a projection of demand and supply conditions to 1975. The main provisions of the proposed trade legislation (H.R. 18970) serve as the framework for the inquiry. The assumptions (and limitations) of the analysis are spelled out below, but the most important results can be summarized briefly at this point:

If quotas on footwear stipulated in the proposed bill were adopted, the extra cost to consumers would be in the neighborhood of $1.9 billion in 1975, compared with the level of expenditures that might be expected in the absence of quotas.

In the case of textiles (where apparel would be the main item affected), the extra cost to consumers might be about $1.8 billion in 1975.

In the absence of quotas on footwear and apparel, domestic prices of these commodities would probably decline by an amount large enough to result in a modest decrease in the general level of consumer prices. However, with quotas imposed, the total consumer price index in 1975 (using a base of 1969=100) would be almost 1 percentage point higher—and the index excluding foods and services would be about 1½ percentage points higher—than might be expected in the absence of quotas.

These estimates are obviously tentative and should be interpreted with considerable caution. Nevertheless, they do suggest the general direction and rough magnitude of the additional burdens consumers would have to sustain if the legislation is adopted and if quotas on imports of shoes and textiles were imposed as specified. Moreover, these costs would probably be close to the minimum, since quotas on other types of consumer goods might soon follow.

The evidence on which these estimates are based is presented below. First, however, it might be helpful to summarize those provisions of the proposed legislation that are most relevant to the first part of the present discussion. Other provisions are referred to at later points in this paper.

LEGISLATIVE PROPOSALS TO IMPOSE IMPORT QUOTAS

Under H.R. 18970, proposed as amendments to existing tariff and trade laws of the United States,[1] the President's authority to enter into trade agreements with foreign countries would be extended until July 1, 1973. This authority was granted originally under the Trade Expansion Act of 1962; but with the expiration of this Act three years ago, the President has not had such authority.

The President would be able to reduce the rates of duty to which the U.S. was committed on July 1, 1967[2] by not more than 20 percent or 2 percentage points, whichever is lower. Such tariff reductions must take place in at least two stages with one year intervening between each reduction. The intention of this provision is apparently to give the President authority to compensate our trading partners for actions the U.S. may take to restrict imports under the proposed legislation.

The bill strengthens the President's powers to retaliate against foreign countries which "unreasonably" or "unjustifiably" restrict U.S. exports. Under the bill, the President would be able to impose tariff duties or other import restrictions on the products of a foreign country which is discriminating against U.S. products—whether agricultural or nonagricultural—whereas previously he could do so only in the case of agricultural products.[3] In addition, subsidies provided by a foreign country on its exports to foreign markets which unfairly affect U.S. exports to those same markets are specifically listed as "unjustifiable" discriminatory acts and as such would be grounds for U.S. retaliation.

The bill outlaws the use of tariff duties to limit imports for national security reasons; only quantitative controls can be used. This provision would prevent the President from abolishing the oil import quotas and imposing tariffs instead.

Quotas would be imposed on textiles and footwear, by country and by category. In 1971, imports of each category of textile and footwear articles in each country would be limited to the average annual quantity of such articles imported from that country during the years 1967, 1968, and 1969. Beginning in 1972, the quantities permitted by this base level formula may be increased by not more than 5 per cent of the amount authorized in the preceding year. Cotton textiles already covered by quotas under the Long-Term Cotton Textile Arrangement will be exempt from the proposal quotas.

Also, specific textile or footwear articles may be exempted if they cause no market disruption, if it is in the national interest to do so, if total supply from domestic and foreign sources is inadequate, or if voluntary quotas with exporting countries are negotiated. The import quotas on textiles and footwear may

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be extended by the President but for no more than 5 years at a time. If they are extended, the quotas will expire on July 1, 1976.

QUOTAS VERSUS STRUCTURAL PROBLEMS IN THE TEXTILE INDUSTRY

As I stressed above, the imposition of import quotas will do little to correct the basic problems with which textile producers are confronted. The textile industry is undergoing a major structural adjustment of which the rise in imports in recent years is only one symptom—despite the attempts to associate all the difficulties of the industry with imports. In fact, curtailing imports will only delay and distort the adjustment process which is necessary for the viability of the industry in the long run.

The adjustment problems faced by an individual textile firm are determined partly by the extent to which it concentrates on a particular sector of the industry. The scope of the textile industry can be defined in at least two ways. In terms of materials, textiles include all products of cotton, man-made fibers, wool, and silk—and combinations and mixtures of these and other fibers and substances. In terms of stage of processing, textiles encompass fiber (but not the raw material in its natural state), fabrics and apparel. Fabrics may be finished materials (capable of being made into final products) or "gray goods" (requiring further processing before final use). The proposed quotas would have their heaviest impact on imports of man-made materials and manufactures—especially on apparel and fabrics.

The rise in market penetration of imported textiles reflects in part the slowness with which a traditionally small unit industry adapts to new technology. Even in industries where the average unit of production is large, the adaptation to technological change may be slow. This is illustrated dramatically by the time it took the steel industry to convert its facilities to the new oxygen process—partly under the spur of competition from rising imports. The lag is even more pronounced for a small unit industry such as textiles. However, that the process is underway is demonstrated by the continuing trend toward concentration in the industry and by the rate of profitability of the larger corporations.

Between 1958 and 1967, the number of firms manufacturing textiles declined sharply. For example, during this period, the number of companies producing woven cotton fabrics declined by 30 per cent; the number making synthetic fabrics dropped by 17 per cent, and the number producing items of apparel such as men's suits and shirts and women's suits and underwear decreased between 20 per cent and 35 per cent. The result was that by 1967 the 50 largest companies accounted for about two-thirds of the industry's output.

Yet, as suggested by statistics relating to the 500 largest industrial corporations in the United States, even the largest firms in the textile industry—on the average—appear to be smaller than their counterparts in other industries. (Source: *Fortune* magazine, as reported in U.S. Bureau of the Census, *Statistical Abstract*, 1963 and 1970).

	1961	1969
Assets per employee:		
All corporations	$16,264	$21,545
Textile manufacturers	11,035	14,609
Apparel manufacturers	7,982	10,204
Sales per employee:		
All corporations	20,506	27,986
Textile manufacturers	14,572	20,195
Apparel manufacturers	12,234	15,799

In general, the largest textile firms appear to be about two-thirds to three-quarters as large as the top industrial firms in the economy as a whole. The typical large apparel manufacturers appear to be roughly one-half to three-fifths the size of their counterparts in other industrial sectors. Moreover, while the gap in terms of sales per employee was closed somewhat for apparel firms during the 1960's, the overall lag for both textile and apparel firms remains large.

In terms of profitability, the largest firms in the textile industry have continued to improve their position, compared with their counterparts in other manufacturing industries. Again, this conclusion is supported by statistical information relating to the 500 largest industrial corporations:

	1961	1969
Sales per dollar of invested capital:		
All corporations	$1.92	$2.41
Textile manufacturers	1.93	2.66
Apparel manufacturers	2.44	3.30
Return on invested capital (percent):		
All corporations	8.3	11.3
Textile manufacturers	6.1	7.9
Apparel manufacturers	8.8	11.9

Sales by textile firms per dollar of invested capital were roughly the same as those for all large corporations in 1961, and they were moderately higher in 1969. For apparel firms, reflecting the relatively smaller investment required to enter the field, sales per dollar of investment were one-quarter to one-third higher in both years. Partly for the same reason, net profits of apparel firms as a percentage of invested capital were slightly higher in both years than for large manufacturers generally—and considerably higher than for firms producing textiles, for whom the rate of return was more than one-quarter below that for all large industrial corporations.

For textile and apparel manufacturers, data on net profits after taxes as a percentage of sales give an even clearer picture of the divergent trends among large and small firms within these industries:

	1961		1969	
	All corporations	Largest firms	All corporations	Largest firms
All manufacturing	4.30	4.20	4.79	4.60
Textile manufacturing	2.09	3.00	2.85	3.20
Apparel manufacturing	1.27	3.00	2.31	3.60

For all textile and apparel manufacturers in 1961, net profits in relation to sales were about one-half to seven-tenths below the rate for all industrial firms combined. But for the largest firms in both segments of the industry, the short-fall was only 30 per cent. During the 1960's, the rate of return on sales for all textile and apparel firms rose much faster between 1961 and 1969 than for manufacturing as a whole. For the largest textile and apparel producers, the rate of advance was less than that for all firms in these sectors—partly reflecting the fact that only the most successful smaller units remained active over the decade. Nevertheless, the largest textile and apparel producers in 1969 were still substantially more profitable per dollar of sales than was the average firm in the industry.

The general conclusion to be reached from an analysis of the above information seems clear: the textile industry in the United States is in the process of consolidating into larger, more profitable units. The largest firms in the industry (and the number of such firms remains large enough to assure vigorous competition) have been maintaining their profitability compared with manufacturing as a whole. Given the economies of scale afforded by a rapidly changing technology, they should achieve further improvement.

Competition from imports is only an added feature—not the major cause—of the problems currently facing the weaker units in the industry. Protection from imports will not preserve the smaller firms facing competition from the larger, more adaptable and efficient domestic enterprises. Instead, the burden of quotas designed to provide such protection will be borne primarily by the American consumer. Let me make it perfectly clear—as I will explain later—I would like to see the businesses and workers who suffer in this rapid technological shift helped by the Federal Government to make an adjustment—we cannot be indifferent to their problems.

IMPORT QUOTAS VS. STRUCTURAL PROBLEMS IN THE SHOE INDUSTRY

The shoe industry is also suffering from serious structural problems, and the imposition of import quotas would contribute little toward their solution. As is generally known, the shoe industry is a labor-intensive industry, with low wages, low productivity, a relatively low rate of investment, and with a large portion of its output concentrated in small plants.

For example, in 1967, there were about 1090 establishments in the United States producing leather footwear. Employment per establishment averaged about 200 workers. With so many producers, no single firm—or small group of firms—controlled a large enough share of the market to serve as a focal point for the industry. It is estimated that, in 1967, the largest producer accounted for about 6½ per cent of domestic output; the four largest accounted for 25 per cent, and the top eight accounted for 34 per cent.

Within the industry—even among the larger firms—factories are usually highly specialized. Not only is production capacity likely to be geared to a particular segment of the market—such as women's vs. men's shoes—but it may be even further subdivided within these categories. This lack of diversification means that individual firms are highly exposed to short-run shifts in demand for products which are themselves subject to sharp changes in fashion. The smaller firms in particular have great difficulty in coping with such changes in styles. Moreover, the purely seasonal variation in output is also considerable.

The production process in the shoe industry necessitates great reliance on labor. In fact, a substantial number of processes in shoe manufacturing are essentially handicraft operations. The reasons for this center mainly in the unevenness of the materials employed (e.g., no two pieces of leather are identical) and the considerable variety of widths and lengths required for each shoe model. Thus, because of these constraints, technological advances have been slow, and automation has made little progress in the shoe industry.

The entry of new firms into the shoe industry is fairly easy. The amount of capital investment required is fairly modest. By long-standing trade practices, a considerable part of the machinery needed for shoe manufacturing is leased—rather than purchased—from equipment producers. The lease arrangement also normally provides for the payment of a fixed monthly rent and a payment based on the rate of production. The result is that a new firm avoids both a large initial capital investment and the high fixed overhead cost of idle equipment during periods of low seasonal activity. Consequently, while failures are frequent, new entry is also frequent, and the industry remains populated by a large number of small, high-cost firms.

Partly reflecting these characteristics, the profitability of the shoe industry historically has been low. This remains true today, but the industry did improve its relative position during the 1960's. This improving trend is evident in the following figures (source: Securities Exchange Commission—Federal Trade Commission and the Federal Reserve Board):

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	Net profits after taxes				
	As percent of sales			As percent of net worth	
Year	Manufacturing total	Nondurable goods	Leather and leather products [1]	Nondurable goods	Leather and leather products [1]
1961	4.3	4.7	1.1	9.6	4.4
1962	4.6	4.7	1.7	9.9	6.9
1963	4.7	4.9	1.8	10.4	6.9
1964	5.2	5.3	2.6	11.5	10.5
1965	5.6	5.5	3.8	12.2	11.6
1966	5.6	5.6	3.0	12.7	12.9
1967	5.0	5.3	2.9	11.8	11.3
1968	5.1	5.3	3.3	11.9	13.0
1969	4.8	5.0	2.6	11.5	9.3

[1] Nonrubber footwear accounts for approximately two-thirds of the value of output in the industry.

In the early 1960's net profits after taxes as a percentage of sales in the shoe industry averaged about one-third of the profit rate in nondurable goods industries and in manufacturing generally. But since the mid-1960's the relative rate for the industry has been one-half or higher. When net profits after taxes are compared with net worth, the profitability of the shoe industry is shown to have improved even more markedly. While the rate of return on this basis in the shoe industry was about two-thirds that for all nondurable goods producers in the early 1960's, it was roughly on par with the rate for the group as a whole through 1968. Last year, the ratio declined to about four-fifths, but this was well above the proportion recorded in the early years of the last decade.

From this brief survey of the shoe industry, I conclude that—rather than adopting import quotas—efforts should be made to cope with some of the basic structural problems facing the industry. I will return to this point in a later section of this paper.

DEMAND FOR AND SUPPLY OF TEXTILES AND FOOTWEAR

To estimate the costs of the proposed quotas to the American consumer, it is necessary to make a judgment about the conditions that may govern the future demand for and supply of the commodities that would be subject to the restrictions. This is an extremely difficult task, and only the roughest kind of quantitative estimate can be made. And even to do this requires one to make several highly simplified assumptions about consumer behavior and other factors that will influence the market. But even though the estimates derived below are highly tentative and show only the direction and rough magnitude of the cost to consumers of imposing import quotas an textiles and shoes, I believe it is important at least to attempt to quantify what this issue means to consumers.

The statistical information used in the analysis and the method of deriving the estimates are shown in Table 1, attached.

The analysis turns on a set of simplified and consumption of textiles and footwear assumptions about the pattern of imports in 1975. In carrying out the analysis an examination was made of data on consumption, imports, the relationship of imports to consumption, prices of the domestically produced commodity, and prices of the corresponding import. The behavior of these variables during the decade of the 1960's was studied. But trends in the period 1965–69 were used as benchmarks for the projection of the demand for and supply of nonrubber footwear and apparel (the most important consumer goods component of the textile category) to 1975.

The tasks to be performed were (1) to estimate the domestic demand for each type of commodity in 1975, (2) to estimate the division of the supply of each type of commodity between domestic production and imports, and (3) to estimate the difference (in dollars) of meeting a larger share of demand from domestic suppliers rather than from importers.

In estimating consumption in 1975, it was assumed that per capita consumption will continue to increase between 1969 and 1975 at the same rate recorded between 1965 and 1969. As shown in Table 1, for apparel, the average annual rate of growth in the 1965–69 period was 3.2 per cent, and for footwear it was 1.0 per cent. Extending these rates of change in per capita consumption to 1975, and given the Census Bureau's projection of U.S. population in 1975, total volume of consumption of apparel and footwear in 1975 was derived. This volume was then converted to dollar terms.

It was further assumed that—in the absence of the quota—the ratio of imports to consumption in 1969–75 would maintain the same annual average rate of increase that occurred in the 1965–69 period. For apparel, the rate of increase in that ratio was 10.5 per cent, and for footwear it was 18.0 per cent. By extending the rates of change in the import/consumption ratio to 1975 and applying the resulting ratio for 1975 to total estimated consumption in that year, the volume of imports, without quota, was obtained. In converting consumption and imports from volume to value terms, it was assumed that prices of both domestically produced and imported goods would remain the same in 1975 as they were in 1969. Such prices in themselves are only very rough estimates. (In other words, expenditures were expressed in 1969 prices.) It was also assumed that there were no supply contrants, either foreign or domestic.

It was assumed that—if quotas were imposed—the amount of imports authorized would be that stipulated under H.R. 18970; in 1971, imports would be held to the 1967–69 average; then, beginning in 1972, the amount authorized would be increased by 5 per cent of the amount authorized in the immediately preceding year.

Given the 1975 consumption level, it remained to determine what the dollar cost to the consumer would be if he had to shift his purchases from the cheaper foreign to the more expensive domestic product as a result of the imposition of a quota.

COST OF QUOTAS TO CONSUMERS

The above assumptions and calculations provided very rough estimates of the dollar cost to consumers of imposing quotas on apparel and footwear. For apparel, the extra cost might be in the neighborhood of $1.8 billion in 1975. In the case of footwear, it might approximate $1.9 billion. As stressed several times, these are only tentative estimates, and they should be interpreted with considerable caution. However, even if they were cut in half, they suggest that the adverse impact on consumers of putting quotas on these commodities would be considerable.

A brief discussion of recent trends in demand and supply in the two industries might help place the estimates in perspective.

The Case of Apparel:[4] In 1969, consumer expenditures on apparel amounted to about $42.3 billion, an increase of 39 per cent—or an annual average rate of about 8½ per cent—since 1965. Measured in physical volume (measured in pounds, raw fiber equivalent) the annual average rate of increase was about 4 per cent. In 1969, imports represented 7.8 per cent of total consumption (by volume), compared with 5.2 per cent in 1965. In the 1965–69 period, imports rose at an annual average rate of 15 per cent—far outstripping the 4 per cent rate of expansion of domestic production. As indicated above, the ratio of imports to total consumption rose at an annual average rate of 10.5 per cent between 1965 and 1969.

This sharp swing to imports was due to several factors, but the differential in prices between the imported and domestically produced items undoubtedly played a major role. For example, in 1969, the unit value of apparel of all kinds consumed (which can be interpreted as an average price) was $10 compared with just over $6 for the unit value of imports, adjusted to a retail basis.

Given this evidence of a strong demand for imported apparel, it seems reasonable to assume that consumers would continue to turn in the direction of foreign suppliers. If the projected rise in per capita consumption in 1975 were to be achieved—despite the imposition of a quota—the greater demand would have to be satisfied by domestic producers.

This could only be done at higher prices than would be the case if imports are not subject to a quota. As indicated in Table 1, the unit value of apparel consumption in 1975 was estimated at $9.74 without a quota and at $10.08 with a quota. In other words, prices probably would decline slightly without a quota, but the imposition of restrictions would prevent this and perhaps cause a small rise in the average price. Since it was assumed that the physical volume of consumption would remain unchanged—with or without a quota—the higher unit value resulting from a quota is translated into a higher level of consumer expenditures.

Without a quota, consumer outlays for apparel in 1975 were estimated at $52.7 billion; with a quota, outlays were estimated at $54.5 billion. This difference of $1.8 billion is the cost of the quota to consumers. This is an extra cost of about 3½ per cent.

The Case of Footwear: Imports of nonrubber footwear have grown much more rapidly than domestic output in recent years. However, the growth has been concentrated in certain types.

In 1965, domestic purchases of nonrubber footwear totaled 720,000 pairs; by 1969, the total had risen to 781,000 pairs. This was an increase of 8½ per cent, or an annual average rate of 2.1 per cent. Imports rose at an annual average rate of 20 per cent in these years and accounted for 26 per cent of total consumption (by volume) in 1969 compared with 13 per cent in 1965.

Whether consumers would have increased their purchases to this extent if less expensive imported shoes were not available is very doubtful. The recently released report of the Presidential Task Force on nonrubber footwear concluded that "from the consumer point of view, imports have opened up important new options. The extremely low-priced imports, priced often far below any comparable domestic footwear except canvas-upper, rubber soled footwear, have provided entire *new* lines of basic foot coverings. At the other end, there can be little doubt that styles developed abroad in the higher prices ranges have also provided new consumer choices."

The imposition of quotas on imports of footwear would be highly regressive, since it would be concentrated on imports of inexpensive types. For example, in 1969, the unit value of imports (estimated at $5.32 retail) was about three-fifths the unit value of all domestic footwear consumed in that year ($8.77). In 1965, the price differential in favor of imports had been even greater, since the price of imported shoes rose much faster than the domestic product in the 1965–69 period.[5]

In the face of this experience with shoes—as in the case of apparel—it seemed reasonable to assume that consumers would continue to rely heavily on imports in the years ahead. In fact, if the rate of increase in the import/consumption ratio that prevailed in the 1965–69 period were to persist through 1975, imports could account for about 70

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per cent of the domestic market for shoes in the latter year. The imposition of the quotas stipulated in the proposed legislation would hold the ratio to 24 per cent in 1975.

Thus, the public would have to meet the growth in demand from higher priced domestic sources. Without a quota, the unit value for total consumption of footwear was estimated at $6.72 in 1975—about 23 per cent below that for 1969. With a quota, the figure was estimated at $8.87—or 32 per cent higher than would be the case without a quota.

Using the estimates of the volume of consumption and unit values, the value of consumer outlays for footwear was determined. In 1969, this amounted to $6.9 billion. Without a quota, the level was estimated at $5.9 billion in 1975—despite an estimated increase of 12½ per cent in the physical volume of consumption—and reflecting the lower unit price of imports. However, with the quota imposed, domestic production would supply over 70 per cent of the total demand at unit prices almost one-third higher than the prices for imports.

Under these circumstances, the level of consumer expenditures is estimated at $7.8 billion in 1975. This is an extra cost of $1.9 billion—or a premium of about 30 per cent—that can be assigned as the burden of a quota on footwear.

IMPACT OF QUOTAS ON THE DOMESTIC PRICE LEVEL

If quotas were applied to imports of apparel and footwear along the lines discussed above, they would add significantly to domestic inflationary pressures. This result stems from the fact that the domestically produced article—shoes or apparel—is more expensive than the equivalent imported article. In the absence of quotas, consumers are expected to increase the proportion of their total consumption devoted to cheaper imported shoes and apparel so that the average unit cost of these items would decline over the 1969–75 period. The proposed quotas, however, if imposed, would effectively freeze the import share of total consumption of footwear and apparel at about the present level, rather than allowing it to increase. Thus, the quotas would prevent the average unit cost to the consumer from declining as it would do if consumers were permitted to buy imports without restraint.

The higher unit prices resulting from the imposition of the quotas can be translated roughly into increases in the consumer price index (CPI). Using the same assumptions about the pattern of consumer demand and supply conditions discussed above—along with data on the relative importance of apparel and footwear in total consumer expenditures, the effects of quotas on the CPI were estimated. The calculations are shown in Table 2.[6]

If imports of apparel and footwear are permitted to grow freely without quotas, and if the behavior of other components of the index are held constant, under the assumptions specified above, it is estimated that the total consumer price index would decline by 0.6 per cent, and the CPI excluding foods and services would decline by 1.4 per cent, between 1969 and 1975 (1969=100). On the other hand, the imposition of quotas on imports of apparel and footwear is estimated to result in a small increase from 1969 to 1975 of approximately 0.1 per cent in the total CPI and of around 0.2 per cent in the CPI excluding foods and services (1969=100). Thus, on an index base of 1969=100, the total CPI would be 0.7 percentage points higher, and the CPI excluding foods and services would be 1.6 percentage points higher, in 1975, with a quota than without a quota, assuming no change in other items of the CPI.

Thus, it appears that the adoption of quotas, aside from their other adverse effects, would aggravate inflationary pressures as well. This general conclusion seems evident—although again it is necessary to interpret the above estimates of the effects on the CPI with considerable caution.

Looking beyond the apparel and footwear industries, there can be no doubt that protectionist devices hurt our efforts to fight inflation and undermine our efforts to raise exports. In fact, many countries have used trade policy to induce greater imports as an effective way to combat rising domestic prices, and to induce their industries to operate more efficiently. Our own experience has been that the greatest increase in our overall imports has come since 1965—and has coincided with our failure to control inflation. Excess demand with rising prices is the basic cause of our trade problem, and we cannot expect to get relief from measures that will keep prices high.

Moreover, in their concern with rising imports, proponents of quotas forget that we are still a great and effective exporting country. We have succeeded in raising exports to an annual rate of $42 billion—double the 1960–65 rate. At this rate, exports are greater than total domestic expenditures on residential structures or on automobiles and parts. When exports are so important to many sectors of our economy, especially agriculture, it would be a tragic mistake to start a round of retaliatory trade restrictions such as darkened the depression years. And if we are to make genuine progress in export expansion, we will need to achieve—and maintain—a much greater degree of domestic price stability than we have attained in recent years.

If we can achieve this objective, I would hope that at some point, perhaps before 1975, our competitive position for shoes and textiles—and certainly overall—would improve so that the sharp uptrend in imports would be moderated.

I do not believe the threat of imposing quotas would be effective in getting other countries to lower their barriers to U.S. exports. In my view, the only policy that will achieve this in the long run is a policy that encourages greater trade flows under free competitive conditions.

AN ALTERNATIVE COURSE FOR PUBLIC POLICY

In commenting on the adverse effects of quotas on consumers, I am not suggesting that the textile and shoe industries face no problems. Quite the contrary, as indicated above, they are confronted with serious structural problems, and the sharp rise in imports in recent years has added to these. Both workers and businesses (especially the smaller firms) are being affected adversely.

For example, in the case of footwear (which must be considered a low-wage industry in the United States), foreign producers enjoy a sizable cost advantage. In mid-1969, the average wage of shoe production workers in the United States was about $2.29 per hour. In Italy, their counterparts received about $1.04 per hour, and the corresponding figures were $0.58 and $0.56, respectively, in Japan and Spain. The low foreign wages more than offset the higher output per manhour of the U.S. workers. Consequently, foreign producers of footwear could land shoes in the United States at prices well below U.S. production costs.

A similar story can be told for textiles. So, the competitive impact of imports in both industries is severe. Those employed in the industry—both workers and business enterprises—do need help. However, in my judgment, quotas are simply the wrong way to help them. Instead of pursuing that course, I think it is far preferable to adopt more effective programs to provide retraining and transitional benefits or financial assistance for those who are displaced by competitive forces over which they have no control—whether the forces originate at home or abroad.

In this connection, the provisions for adjustment assistance in the proposed quota bill point in the right direction, but they could be improved considerably. The criteria to be met in granting assistance to industries, firms, or workers hurt by increased imports are liberalized by the bill. In general, the increase in imports would no longer have to be the "major factor" causing or threatening to cause serious injury; it would only have to "contribute substantially" to the injury. In determining whether serious injury to an industry has occurred, moreover, fairly rigid rules would be established: the imported article must constitute over 15 per cent of apparent U.S. consumption, and the ratio of imports to consumption must have increased by at least 3 percentage points in the year immediately prior to the investigation and by at least 5 percentage points in the year before that; *or* domestic production, jobs, man-hours worked, or wages must be declining substantially; *and* the imported articles are sold at prices substantially below those of comparable domestic products, and foreign unit labor costs are substantially below U.S. unit labor costs.

Under these rules, many industries—which previously could not obtain relief—might qualify for assistance. While some liberalization of the criteria for assistance would be helpful, there is a real danger that the grant of protection might go too far. Under the umbrella of adjustment assistance, even some of the strongest or least efficient industries might find shelter. Moreover, it would also be preferable to consider the need for adjustment assistance apart from any proposal to impose quotas.

CONCLUDING OBSERVATIONS

In addressing myself to the question of the effects of quotas on shoes and textiles, I have attempted to show the adverse impact on consumers. The direction and rough magnitude of that impact have been indicated at several points in this discussion. But before concluding this presentation, it might be well to remind ourselves of the bad experience we have already had with quotas.

There are several items on which mandatory import quotas have been in effect for an extended period—principally petroleum and sugar—and these provide some clues to the cost of import quotas. The situation on oil imports have been intensively studied by a Cabinet Task Force on Oil Import Control, whose report was released early this year. The Task Force found that, "In 1969 consumers paid $5 billion more for oil products than they would have paid in the absence of import restrictions. By 1980 the annual cost to consumers would approximate $8.4 billion. Without import controls the domestic wellhead price would fall from $3.30 per barrel to about $2.00, which would correspond to the world price. Although we cannot exclude the possibility, we do not predict a substantial price rise in world oil markets over the coming decade." A majority of the Task Force recommended that the present quotas be replaced by a system of tariffs involving a lesser degree of protection. It seems to me that this would move us some distance in the right direction.

In the case of sugar, the policy of controlling supplies goes back to the mid-1930's, and is intended to maintain stable prices and support the domestic sugar industry. The sugar control program has many complexities, but one clear result is that the U.S. sugar price averages considerably higher than the world price. One of the reasons that the quoted world price is so low—currently about 4 cents per pound compared with a domestic equivalent price of about 8 cents per pound—is that foreign producers, after supplying their U.S. quota amount at very favorable prices, can afford to sell their residual supplies on world markets at very

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low prices and realize a reasonable overall profit margin. If the United States were to remove its controls on sugar imports, the price to U.S. consumers would tend to fall, the world price would rise, and a single effective price would be established at some level between the two.

In the meantime, however, quotas on oil are in effect, and consumers are paying the cost. And, sadly, the new quota and its replacement with a tariff, which at least would have the virtue of allowing the total supply to rise—although at higher prices.

So, although we may have to live with the existing quotas for some time, I wonder how many of us—as consumers—would like to add others?

FOOTNOTES

[1] The bill was drafted and adopted by the House Ways and Means Committee in mid-August, and it cleared the House Rules Committee in early September. The full House of Representatives is expected to vote on the measure soon after the end of the election recess in mid-November. The Senate Finance Committee has adopted a bill similar to that approved by the two House Committees. The Senate as a whole is also expected to vote on the matter before the end of the year.

[2] In effect, this means the rates of duty which will exist when the final stage of the Kennedy Round tariff reductions takes place on January 1, 1972.

[3] As before, the President can also prevent a foreign country who unreasonably or unjustifiably restricts U.S. exports from receiving the benefits of U.S. trade agreement concessions.

[4] This part of the discussion was restricted to apparel—and fabrics were excluded—for several reasons. In the case of cotton and man-made materials (particularly finished goods), import prices exceed domestic prices, so a small net saving might result if a quota were adopted. In the case of wool, no cost would be incurred because the quota would not be restrictive. In each of these cases, the estimates were calculated but not included because of lack of space.

[5] It has been estimated by the Tariff Commission that domestically produced nonrubber footwear is approximately twice as expensive as imported footwear. This is in the aggregate, covering all types. We have assumed, as indicated by the Tariff Commission study, that the retail markup is the same for both imported and domestic shoes, i.e., 50 per cent. This assumption is under heavy attack by the Tanners' Council which has charged that the markup on imported shoes is 75 per cent to 130 per cent compared with 50 per cent for shoes made in the U.S. Therefore, says the Council, the consumer is not really benefitting from the import of low-priced shoes. There may be some validity to this although the Tariff Commission has not been able to confirm it.

[6] In making these estimates, the data on consumption and unit values presented in Table 1 were used along with information showing the approximate weights for footwear and apparel in the total CPI and in the CPI excluding foods and services. The percentage changes in the CPI, which would occur from 1969 to 1975 with and without the quotas, were thus estimated.

TABLE 1.—DEMAND AND SUPPLY OF APPAREL AND FOOTWEAR, 1965-75

Commodity	1965	1969	Average rate of growth 1965-69 (percent)	Projected 1975: Without quota	Projected 1975: With quota
APPAREL					
Domestic demand:					
Value of consumption (dollars in millions)	$30,505	$42,302	8.5	$52,725	$54,528
Volume of consumption (millions of pounds)	3,568	4,226	4.3	5,412	5,412
Unit value (dollars per pound)	$8.55	$10.01	4.0	$9.74	$10.08
Per capita consumption (pounds)	18.34	20.80	3.2		
Cost of quota (dollars in millions)					$1,803
Sources of supply (volume, millions of pounds)	3,568	4,226	4.3	5,412	5,412
Domestic production (millions of pounds)	3,382	3,898	3.6	4,647	5,077
Imports (millions of pounds)	186	328	15.2	765	335
Unit value of imports, retail (dollars per pound)	(1)	$6.14		$6.14	$6.14
Imports as percent of total	5.21	7.76	10.5	14.13	6.18

Commodity	1965	1969	Average rate of growth 1965-69 (percent)	Projected 1975: Without quota	Projected 1975: With quota
FOOTWEAR					
Domestic demand:					
Value of consumption (dollars in millions)	$5,273	$6,850	6.8	$5,906	$7,793
Volume of consumption (thousands of pairs)	719,729	780,741	2.1	878,697	878,697
Unit value (dollars per pair)	$7.33	$8.77	4.6	$6.72	$8.87
Per capita consumption (pairs)	3.70	3.84	1.0		
Cost of quota (dollars in millions)					$1,887
Sources of Supply (thousands of pairs)	719,729	780,741	2.1	878,697	878,697
Domestic production (thousands of pairs)	623,738	578,533	−1.9	264,312	669,301
Imports (thousands of pairs)	95,991	202,208	20.5	614,385	209,396
Unit value of imports, retail (dollars per pair)	$3.08	$5.32	14.7	$5.32	$5.32
Imports as percent of total	13.34	25.90	18.0	69.92	23.83

[1] Not available.

TABLE 2.—THE EFFECT ON THE CONSUMER PRICE INDEX IN 1975 OF IMPOSING IMPORT QUOTAS ON FOOTWEAR AND APPAREL

	1969	1975: Without quota	1975: With quota
Apparel:			
Value of consumption (millions of dollars)[1]	$42,302	$52,725	$54,528
Volume of consumption (millions of pounds)	4,226	5,412	5,412
Unit value (dollar per pound)	$10.01	$9.74	$10.08
Change in unit value from 1969 (percent)	0	−2.70	+.70
Weight in consumer price index (percent):			
Total	7.03	7.03	7.03
Excluding food and services	17.10	17.10	17.10
Change in CPI from 1969 to 1975 (1969=100 percent)[2]:			
Total	0	−.19	+.05
Excluding food and services	0	−.46	+.12

	1969	1975: Without quota	1975: With quota
Footwear:			
Value of consumption (millions of dollars)[1]	$6,850	$5,906	$7,793
Volume of consumption (thousands of pairs)	780,741	878,697	878,697
Unit value (dollars per pair)	$8.77	$6.72	$8.87
Change in unit value from 1969 (percent)	0	−23.38	+1.14
Weight in consumer price index (percent):			
Total	1.60	1.60	1.60
Excluding food and services	3.89	3.89	3.89
Change in CPI from 1969 to 1975 (1969=100 percent)[2]:			
Total	0	−.37	+.02
Excluding food and services	0	−.91	+.04

[1] Assumes prices of both domestically produced goods and imports are same in 1975 as in 1969. Changes in unit value thus reflects changes in the quantity of imports or domestically produced goods consumed.

[2] Assuming that the behavior of all other components of the CPI are held constant between 1969 and 1975.

PULLOUT PRICE

Mr. YOUNG of Ohio. Mr. President, now our good Uncle Sam is being blackmailed by our "friends and allies" of Southeast Asia for pulling out our troops from Vietnam, South Korea, and other areas. Thieu and Ky of South Vietnam are demanding $4.5 billion a year in military and economic aid over the next 5 years. That is not the worst. South Korea demands $3 billion for military modernization of its army and navy. Also, assurance of no withdrawal of American troops before 1975. Although fighting ended in Korea more than 20 years ago, unfortunately we still have 56,000 troops in South Korea. We should have pulled them out years ago. South Korea has more than twice the population of North Korea and an army, air force, and navy superior to that of North Korea. Thailand, in addition to 6 huge air bases which cost our taxpayers nearly $1 billion, demands $50 million each year in addition to what we have been paying to employ her soldiers as mercenaries to fight in Cambodia and against Thailanders who oppose the monarchy there. Also, that corrupt old warlord Chiang Kai-shek, who has been maintained by us in Formosa, demands millions in submarines, planes, tanks, and self-propelled artillery. Apparently, President Nixon believes our Nation has a mandate from Almighty God to police the entire world. He proposes to substitute taxpayers' billions for American manpower.

A. AUBREY BODINE

Mr. MATHIAS. Mr. President, every visitor to my office is struck with the beauty of Maryland as seen through the lens of Aubrey Bodine's camera and preserved by him in photographs of artistry and integrity. Over the decade I have served in Congress, Aubrey Bodine has given to the people of Maryland, through me, a collection of pictures of the State that are not only the principal ornament of the office, but also testimony that his generosity was equal to his genius. His last gift, a prize-winning scene of oystermen on Chesapeake Bay, was only recently added to the collection.

But now Aubrey Bodine is dead, and Maryland and the Nation have lost a unique artist. Mr. Bodine died at the Johns Hopkins Hospital in Baltimore on October 28 after being taken ill in his darkroom at the Baltimore Sun, where he was photographic director of the Baltimore Sun Magazine.

Born in Elkridge in 1906, Mr. Bodine was the preeminent photographer of his beloved State of Maryland, capturing in his meticulous work the countless faces and vistas of the Free State, from the wetlands and watermen of the Eastern Shore to the mountains and valleys of Western Maryland. His remarkable photographs were published in 4 books and were a frequent feature of the Baltimore Sun, on whose staff he served for a full half-century.

During his distinguished career, Mr. Bodine was awarded hundreds of prizes in national and international competitions. His photographs were purchased by the Smithsonian Institution and the Metropolitan Museum of Art, and exhibited in one-man shows in Baltimore and in Moscow. Equally significant as a measure of his art are the countless copies of various Bodine photographs which his friends and admirers throughout Maryland have clipped from the Sunpapers and saved for years, in appreciation of the evocative beauty and calm of his work.

Aubrey Bodine was a true artist with a camera, often waiting many hours or returning to a scene many times to catch the precise angle of shadow or touch of sunlight which he sought. Equally painstaking in the darkroom, he never altered his patient, respectful approach to his craft. His perfection and perceptive eye established a new standard of quality for his profession, and he captured the beauty of Maryland as no other man has.

Mr. President, all photographers and all Marylanders mourn the passing of this great artist. I wish to express my personal sympathy to his family, and to include in the RECORD, in tribute, three articles which, together, summarize the extraordinary quality of A. Aubrey Bodine and the legacy of his lifetime of work in his chosen profession.

I ask unanimous consent to have printed in the RECORD an article from the Baltimore Sun of October 29, an article from the Washington Post of October 30, and a letter to the editor which was published in the Sun of November 5.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

A. AUBREY BODINE DIES AT 64

A. Aubrey Bodine, photographic director of *The Sun Magazine* and a *Sunpapers* photographer for nearly 50 years, died yesterday afternoon at the Johns Hopkins Hospital.

He was internationally known for his pictorial photographs of Maryland, most of which originated on his newspaper assignments.

Mr. Bodine, who was 64, was taken ill in his darkroom at the newspaper yesterday morning.

CONTINUED TO WORK

Though in poor health in recent years, he continued to work. He had just finished a major assignment for *The Sun Magazine*, photographing his favorite scenes throughout Maryland. In August he celebrated his 50th anniversary with the *Sunpapers*.

Mr. Bodine was born in Elkridge, the son of Joel Goode and Louise A. Wilson Bodine. Afer a few years in the public schools of Elkridge he switched to St. Paul's School.

He started working for the *Sunpapers* August 29, 1920, while still attending St. Paul's, which was then on Franklin Street. He was 14. His first job was in the business department but within a year he was transferred to the advertising art department.

Because of an interest in photography developed at St. Paul's, he was soon making pictures of ice boxes, console radios and furniture suites for newspaper advertisements.

ROTOGRAVURE SECTION

On weekends he began taking pictures of the harbor and the Patapsco River and submitting them to Mark Watson, the Sunday editor, who used them in the rotogravure section then known popularly as the "brown section." The pictures were so outstanding that in 1927 Mr. Bodine was transferred to the Sunday Department. At night he studied design at the Maryland Institute.

Every Sunday the brown section would have one or more pages of Bodine photographs of Maryland scenes—spring plowing, the Charles street Easter parade, oyster dredging, the mountains of Western Maryland. Those pictures were made on glass-plate negatives.

In 1941 Mr. Bodine was appointed head of the Sunday *Sun* photographic department. In January, 1946, he became photographic director of the Sunday *Sun Magazine* when it replaced the rotogravure section.

CRITIC'S VIEW

One critic once observed of Mr. Bodine's work: "Bodine the artist is most seen in his pictures of the landscape. There is a wonderful communion between nature and this man, enabling him miraculously to present the essence of a particular site in photographic form."

The Middletown Valley, not far from his mother's family home in Boonsboro, was one of his favorite subjects. He thought Frederick was the prettiest town in Maryland. The most interesting and scenic county of the Eastern Shore, he felt, was Dorchester because of its vast mashes.

Contrary to what many believed, Mr. Bodine did not use a wide variety of cameras or a great deal of expensive equipment. His favorite camera was a 5-by-7 Linhorf so battered and worn that it looked like it might have been abandoned on a battefield by Mathew Brady.

On at least one occasion, as if to prove his point that expensive equipment was not necessary, Mr. Bodine published full-page layouts of pictures taken with a simple Brownie box camera.

The pictures, printed in the *Sun Magazine* in 1957, showed the same attention to detail and the same quality of his other prints and served as models for a special "snapshot contest" the newspaper was running at the time.

Mr. Bodine was famous for his use of sunlight and shadows in his pictures. Many were made near daybreak, on rainy evenings or frosty mornings. To get sunlight, mist or shadow precisely the way he wanted them, he would wait for hours, go back—even great distances—and, if necessary, postpone taking the picture for months. This would often drive his editor to distraction.

One editor wrote of him, "He has a deep appreciation of beauty in all its forms and moods. Heart and mind create the photograph that is distinguished by its beauty, clarity and air of tranquility. In looking at one of his pictures I am usually struck first by its beauty, then by its simplicity of form. I think that what he leaves out of a picture is almost as important as what he allows into it. He has a gift for isolating and dramatizing beauty, and of hiding or subduing anything that detracts from it. If I come upon a view that I have first seen in a Bodine picture, I am often disappointed. Actuality is seldom as beautiful as Bodine's portrayal."

WON FELLOWSHIP

For his work in bringing a new concept of artistic expression to newspaper photography he was awarded a Fellowship in the Photographic Society of America. This is the highest honor bestowed by the largest photographic group. He was also named a fellow in the National Press Photographers Association, the first photographer to achieve both honors. In 1957 the National Photographers Association named him Newspaper Magazine Photographer of the Year.

For many years he exhibited his work in national and international competition and won hundreds of trophies, medals and ribbons.

He has had a one-man show at the Baltimore Museum of Art and another in Moscow. His work has been purchased by the Smithsonian Institution and the Metropolitan Museum of New York. His pictures clipped from the Sun Magazine have been used in schools, treasured in scrapbooks and tacked up in crossroad garages.

His picture, "oyster dredgers" snapped while he clung with one arm to a rocking boat, won a $5,000 savings bond, first prize in a national contest which drew 50,000 entrees. The following year he entered the same contest and won second prize, which he regarded as a greater feat.

He has produced four picture books, "My Maryland" (1952) "Chesapeake Bay and Tidewater" (1954), "The Face of Maryland" (1961) and "The Face of Virginia" (1963). All have been reprinted. He also provided pictures for two guide books on Baltimore and Annapolis. The books were published by Bodine & Associates which has also published other local books.

Mr. Bodine had sorrel-colored hair which he wore close-cropped. He dressed nattily and in a colorful manner and always smoked a corncob pipe. He often used the pipe as a signature when taking a picture of the interior of a home, leaving it on a table or desk so it would be visible in the photograph.

He prevailed upon government officials, even the Governor, to have branches trimmed, signs removed, or in one instance a tree removed if these things interfered with his best camera angle. When he couldn't get a sign removed he would sometimes make his own sign and hang it over the offending one while he made the picture.

In addition to his wife, Mrs. Nancy Tate Bodine, he is survived by a daughter, Jennifer Beaty Culver, a step-daughter, Mrs. Michael) Moore, of Pittsburgh, a brother, Seeber K. Bodine, of Baltimore and a sister, Mrs. Charles Walter, of Randallstown.

Funeral services will be held at 10 A.M. Saturday at the Jenkins funeral establishment, 4905 York road. Burial will be in Greenmount Cemetery.

XUM

PHOTOGRAPHER A. AUBREY BODINE DIES

A. Aubrey Bodine, the prize-winning photographic director of the Baltimore Sun Magazine and a staff member of that paper for 50 years, died Wednesday in Baltimore following a stroke at the age of 64.

Mr. Bodine, who had been in ill health for the past few years, became sick in the newsroom Wednesday morning. He was taken to the Johns Hopkins Hospital, where he died a few hours later.

Internationally known for his photographs of Maryland scenes, Mr. Bodine specialized in the distinctive uses of sunlight, shadows and clouds.

His photographs were distinguished by their clarity and tranquility. He often placed his photographs in competition and during his career won hundreds of trophies and medals.

Norman Driscoll, secretary of the White House Press Photographers Association and a former co-worker of Mr. Bodine's, remembers him as "a master at printing."

According to Driscoll, Mr. Bodine would spend a whole day making one print. "He could come back with a lousy negative," said Driscoll, "and turn it into the best picture you'd ever seen."

Mr. Bodine has had one-man shows in both Baltimore and Moscow. His photographs have been purchased by the Smithsonian Institute here and the Metropolitan Museum of New York.

Four of his books have been published: "My Maryland" in 1952; "Chesapeake Bay and Tidewater" in 1954 "The Face of Maryland" in 1961, and "The Face of Virginia" in 1963.

A native of Elkridge, Md., Mr. Bodine began working for The Sun in 1920, at the age of 14. He began in the paper's business section, then switched to the advertising art department and, finally, because he kept submitting pictures taken on his own time, was assigned to the photography staff.

A habitual pipe smoker who carried as many as six pipes around in his pockets, Mr. Bodine always used a 5-by-7-inch view camera mounted on a tripod. Though the camera was conspicuous, a former colleague remembers that Mr. Bodine had a way of making himself obscure.

"Mr. Bodine could make himself invisible," he said. "Nobody would pay any attention to him, and the result was great candid pictures."

Driscoll remembers him as a man who was abrupt and straightforward, but at the same time generous to a fault.

He showed his generosity to other photographers by dropping out of the annual National Press Photographers Association competition relatively early in his career to give someone else a chance. His own explanation was that he had more sets of the Encyclopedia Brittanica (the first prize) than he would ever need.

Mr. Bodine is survived by his wife, Nancy, and a daughter, Jennifer Culver, both of Baltimore; stepdaughter, Mrs. Michael Moore, of Pittsburgh, and a brother, Seeber K. Bodine, and a sister, Mrs. Charles Walter, both of Baltimore.

A. AUBREY BODINE

Sir: In 1934 A. Aubrey Bodine came to the Rinehart School of Sculpture to photograph my Prix de Rome entry.

The pains and delicate care he took in carrying out this photographic project was amazing to me and of course greatly appreciated. Because of the size of the sculpture he insisted on distance—which he alone took the time to arrange. One of the photographs appeared in *The Sun* on May 1, 1934.

Thirty-two years later, on an assignment to *The Sunday Sun* Magazine Mr. Bodine came to photograph my new studio. During this series of picture-taking he wanted to photograph the dome. In order to get the result he wanted he lay flat on his back in the right spot on the floor and as a result took a fantastic shot—with the same care he took in 1934.

His fame and success in no way altered his endles search for perfection.

REUBEN KRAMER.

Baltimore.

CONCLUSION OF MORNING BUSINESS

Mr. KENNEDY. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

THE FEDERAL DRUG ABUSE AND DRUG DEPENDENCE PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

Mr. KENNEDY. Mr. President, I understand that S. 3562 is the unfinished business. Am I correct in that understanding?

The PRESIDING OFFICER. That is the business before the Senate to be disposed of.

Mr. KENNEDY. Am I also correct in understanding that House Joint Resolution 264, Equal Rights, has been laid aside until the completion of S. 3562?

The PRESIDING OFFICER. The Senator is correct in that understanding.

Mr. KENNEDY. I ask unanimous consent that S. 3562, the Drug Abuse Act, be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CONSUMER PROTECTION ACT OF 1970

Mr. KENNEDY. Mr. President, I also would like to ask—would like to move that S. 3201 be laid before the Senate.

Mr. COOK. Mr. President, reserving the right to object, and I may not object——

The PRESIDING OFFICER. Will the Senator withhold and let the clerk report?

Mr. COOK. Mr. President, if the Senator is asking unanimous consent——

The PRESIDING OFFICER. The Senator did not ask unanimous consent. He moved that the clerk report the bill.

Mr. COOK. May I ask whether unanimous consent should be asked to bring up that bill?

The PRESIDING OFFICER. The Senator from Massachusetts moved that the Senate proceed to the consideration of the bill, and such a motion is in order.

Mr. COOK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will report the bill first, and then the Senator may take such action as he wishes.

The assistant legislative clerk read as follows:

A bill (S. 3201) to amend the Federal Trade Commission Act to provide increased protection for consumers, and for other purposes.

CALL OF THE ROLL

Mr. COOK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. COOK. Mr. President, I object.

The PRESIDING OFFICER (Mr. ALLEN). Objection is heard. The clerk will continue to call the roll.

The legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 386 Leg.]

Aiken
Allen
Baker
Boggs
Byrd, W. Va.
Church
Cook
Cotton
Dole
Ervin
Gravel
Griffin
Hart
Holland
Hruska
Jordan, N.C.
Kennedy
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Packwood
Saxbe
Schweiker
Scott
Sparkman
Spong
Stevens
Stevenson
Young, N. Dak.
Young, Ohio

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from New Jersey (Mr. CASE), the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from Florida (Mr. GURNEY) and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER. A quorum is not present.

Mr. KENNEDY. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Brooke
Burdick
Byrd, Va.
Cannon
Cooper
Cranston
Curtis
Dominick
Eagleton
Fannin
Fulbright
Goldwater
Goodell
Gore
Harris
Hartke
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Long
Magnuson
McCarthy
Miller
Mondale
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Russell
Smith
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Yarborough

The PRESIDING OFFICER. A quorum is present.

Mr. KENNEDY. Mr. President, I withdraw my previous motion.

The PRESIDING OFFICER. The motion is withdrawn.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that House Joint Resolution 264, which I understand would automatically have come down, be carried over, under the same stipulation, until tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not expect to object—let me make a brief statement.

I understand and appreciate the difficulties——

Mr. MANSFIELD. Would the Senator allow me to lay another measure before the Senate?

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar——

Mr. GRIFFIN. Mr. President, I reserve my right to object.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. GRIFFIN. I realize the difficulties of scheduling, and I do not particularly envy the problem that the majority leadership has under the circumstances. But I would like to make it abundantly clear that particularly when it comes to controversial measures, the minority expects and wants some notice about the scheduling.

I want to acknowledge to the distinguished majority leader that, generally, that has been the case in the past.

We have just completed a live quorum call. The call obviously had something to do with the fact that a very controversial bill was suddenly about to be called up without adequate notice. Some of our Members—I am sure this would apply to some on the majority side—are out of the city—some who are very interested in the bill. They want to be here. In some cases, they wish to present amendments.

While I would not want to object to laying aside temporarily the equal rights amendment in order to take up other matters, we do expect to have some reasonable notice about the matters to be brought. Accordingly, I would feel constrained to object to the unanimous-consent request unless there is some reasonable notice to our side as to what the legislative schedule is going to be.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GRIFFIN. Yes; I am glad to yield.

Mr. MANSFIELD. May I say that I must apologize for what happened on this bill, but that the bill I would like to lay before the Senate now has been cleared with the other side, and, to the best of my knowledge, there is no objection to it. I must take the blame for what happened.

Mr. GRIFFIN. Further reserving the right to object, I want to make it very clear that, generally, the majority leader is very, very considerate in this regard, and I do not wish to be critical of him.

Could the majority leader give us some further indication of the schedule beyond the bill which he is about to lay before the Senate?

Mr. MANSFIELD. Yes.

May I say, first, that calling up the class consumer bill was done after notifying staff on the minority side, though interested Senators were apparently not consulted, and for that I apologize. It should have been done. Second, it should be said that the measure appeared on the minority leader's list of legislation which would be considered before an adjournment sine die. It appeared also in the list of items to be passed submitted for the RECORD last October 7. It was reported to the Senate last October 5.

What I would like to do now is to take up H.R. 8298, the so-called barge bill, which has been cleared on both sides, and follow that, possibly, by the joint resolution to establish a Joint Committee on the Environment; then to get started this evening, just for the kickoff, so to speak, with the opening statements on the Department of Labor and Health, Education, and Welfare appropriation bill.

Tomorrow, of course, there will be the conference report on the farm bill, which will take at least a day and perhaps longer. If we get bogged down on that, because it is a privileged matter, we will then go back to the HEW bill, and that could take us into Friday.

On Monday, the Senate will face up to the question of overriding or not overriding the President's veto of the TV bill, so-called.

Mr. GRIFFIN. I thank the majority leader.

I want to make it clear that we expect the class action bill to be called up. It is on the Calendar. No one expects that it will not be called up. But we only would like to have some reasonable notice.

Mr. MANSFIELD. Perhaps some time next week. All sides are so notified and it is hoped that every effort will be made to be prepared.

Mr. KENNEDY. Mr. President, reserving the right to object, as the one who made the motion to call up the class action measure, in consultation with my leader, I do think it is appropriate, in terms of the response to my good friend, the able assistant leader of the minority, to observe that it is my understanding this class action measure was placed on the minority leader's list of important pieces of legislation on Monday last. And I further understand that the majority leader did indicate that there was a strong possibility that this measure would be called up this week, in fact that it was so indicated in the RECORD. I do distinctly recall that the majority leader's list of items, presented to the Senate on October 7, before the recess, indicated this bill should be called up before any sine die adjournment.

The President, so I understand, has indicated strong support for this measure, so bringing this matter up now is consistent with trying to expedite the President's priorities.

I understand the concerns that have been expressed by the minority leader and the Senator from Kentucky. But I think it is appropriate, to note that inasmuch as all of us are impressed by the importance of this kind of legislation, including the President, that the leadership is trying to see that there would be due consideration of this measure on the floor.

Several Sentors addressed the Chair.

Mr. MANSFIELD. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. MANSFIELD. In view of a situation which has begun——

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. COTTON. I should like to ask the Senator from Massachusetts if he will yield me one moment to try to clear the record on one point he has made.

The Senator from Massachusetts, both now and in conversation with me earlier, when the Senate was not in session, has indicated—and he undoubtedly has every reason to believe it—that the President is enthusiastically behind the class action bill. I think there is some mistake there, and I do not want this to pass without at least setting the record straight so far as the understanding of the Senator from New Hampshire is concerned.

The PRESIDING OFFICER (Mr. ALLEN). The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, under the previous stipulation, the unfinished business be laid aside under the same arrangements as requested earlier.

The PRESIDING OFFICER. The request was that the unfinished business be laid aside until the end of morning business tomorrow—or the morning hour?

Mr. MANSFIELD. The morning hour tomorrow, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered. The unfinished business will not be laid before the Senate until the end of the morning hour on the next legislative day.

The Senator from New Hampshire has the floor.

Mr. COTTON. Mr. President, the Senator from New Hampshire, as the ranking Republican member of the Commerce Committee, has the understanding that the President originally favored a class action bill. The Senator from New Hampshire has a clear understanding from the White House—not directly from the President but from those who represent him—that the class action bill in its present form is highly objectionable to the administration.

The Senator from New Hampshire also understands, and he wishes to be corrected if he is mistaken, that the class action bill was originally on the list of "must" legislation as presented by

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the majority leader prior to recess. When we reconvened, that list was submitted to the minority leader, the able Senator from Pennsylvania (Mr. Scott), who made several additions.

I am sure it is not intentional on the part of the distinguished Senator from Massachusetts (Mr. Kennedy), but I think it is erroneous to suggest that the President is pressing for the passage of this particular bill in its present form.

It is the understanding of the Senator from New Hampshire that although the President wants a class action bill, he would prefer no bill at all to the class action bill in its present form.

Mr. COOK. Mr. President, will the Senator from New Hampshire yield?

Mr. KENNEDY. Mr. President, if I may make a comment about that. There are three factors: First, that the President did want a class action legislation, and I think that statement still remains unrefuted; second, that this was a priority item agreed to by the minority leader; and, third, the majority leader indicated there was every indication it would be called up this week.

Personally, Mr. President, I feel that this is one of the most important pieces of legislation pending on the legislative calendar.

The record indicates, I think, strong support by the administration for this kind of legislation. The report of the Commerce Committee, on this bill, on page 2, represents remarks by Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs. Her testimony was some of the most compelling to be heard by the committee.

Mr. COOK. Mr. President, there is a point on which the record should be made clear and about which we should have no doubt. I have a statement in my hand that the distinguished majority leader made in the Senate, on October 7, 1970, and attached to it is a list of what he considered to be the matters to be brought before the Senate and for the remainder of this session.

The first one is the social security amendments and the second one is the consumer class action bill, S. 3201.

Mr. MANSFIELD. Will the Senator from Kentucky yield there?

Mr. COOK. Apparently, Mr. President, if I may continue, the minority leader did also accept this list and added the trade bill, the hijacking, and the tax bills.

Mr. SCOTT. That is right.

Mr. COOK. So that it was a decision of the majority that this action be taken and not a matter of priority in regard to the minority leader.

Mr. MANSFIELD. I think this is a minor point. I do not want to be involved in this. There is something to be said on both sides.

Mr. COOK. I only want to put the minor point to rest.

Mr. MANSFIELD. I did say that on October 7—there is no question about it.

Mr. MAGNUSON. Mr. President, this is not a minor point. I say to the majority leader that this is a little like the Senator from New Hampshire (Mr. Cotton) and I being coaches and having a game called without being notified to be there. It is not minor; we should pass a class action bill in this session. The members of the Commerce Committee are ready to face up to it regardless of what side they are on. There are several amendments which will be highly controversial. I think administration and Commerce Committee action show that everyone wants to pass some kind of class action bill this session. We are ready to get at it. But it was my understanding—I checked last night—that we would bring up the agricultural conference report and then we would take up HEW which the Senator from New Hampshire and I are involved in, and then we would follow that, maybe, with the class action bill, if the schedule looks right.

Mr. MANSFIELD. Mr. President, will the Senator from Washington yield there?

Mr. MAGNUSON. It seems now that the agricultural conference report cannot be brought up at this time——

Mr. MANSFIELD. Not until tomorrow.

Mr. MAGNUSON. Not until tomorrow. But we are ready to face the issue of class action and I am sure every one of the members of the Commerce Committee knows what he wants to do. There will be several amendments——

Mr. MANSFIELD. If the Senator will yield there briefly, what I was referring to as a minor point was the question of the listing and not the legislation.

Mr. SCOTT. Mr. President, will the Senator from Montana yield?

Mr. MAGNUSON. Another thing I want to mention; there is the mixing bill on the calendar—it seems that the Commerce Committee is involved in just about everything here these past 4 or 5 days—and both the majority and minority leaders and the members of the Commerce Committee are interested in the mixing bill. We are perfectly willing to have that brought up. The Senator from South Carolina is the man who held the hearings and he knows the subject. He asked me last night on the telephone about all this, and I said I did not think the mixing bill would come up today. So he is not here. I can handle the mixing bill, but I would rather not do it until he shows up.

Mr. SCOTT. The Senator from South Carolina wants the bill passed, does he not?

Mr. MAGNUSON. Surely.

Mr. SCOTT. So far as I know, there is no opposition to its passage. The Senator would not object to that?

Mr. MAGNUSON. There is a little opposition to it from some of the people on the lower Mississippi River. They want to be heard. They will be heard. It should not take us over a half an hour to do it. We are in that position. The big thing is we have got to get HEW out of the way. We are ready to move on that as fast as we can settle these windups.

Mr. SCOTT. If the Senator will yield further, I want to say that all that concerns me in this matter—and I am sure the distinguished majority leader as well—is that we have some order and some understanding that there is no controversy here about bringing up and disposing of all matters. If we can include the consumer legislation, we want to do it. The objection was raised, and I was one of those who raised it, that at least those involved should be notified. Through an unfortunate situation, on which the minority leader will take the blame——

Mr. MANSFIELD. No, the Senator from Montana is to blame. It is my fault.

Mr. SCOTT. It was not necessary that the members of the Judiciary and Commerce Committees be notified because there is some incomplete action in the Judiciary Committee on this still. So that any attempt on the part of anyone to fix the blame on a partisan basis would be in error. Any attempt to prejudge who is for or who is against a consumer bill would be entirely in error. But the distinguished Senator from New Hampshire (Mr. Cotton), the ranking member of the Committee on Commerce, has done yeoman work in attempting to work out an excellent bill. So has the Senator from Kentucky (Mr. Cook) and the Senator from Michigan (Mr. Griffin), as well as other Members on the other side of the aisle. We want somethink workable done here.

But we want to know when things are coming up. If we do not know when things are coming up, we are going to assert our prerogative to see that the Senate operates in a manner which protects the interests of all persons concerned. Let us not draw any conclusions that anyone is against the bill until the roll is called down here. When the roll is called down here, a lot of us will answer to our constituents without fear or favor. That is the time to make a political issue if anyone wants to do so.

Mr. COTTON. Mr. President, is it the understanding that we will take up the HEW bill some time later in the day, and that it will be laid aside tomorrow for the agricultural conference report?

Mr. MANSFIELD. Yes. It is a privileged matter.

Mr. COTTON. I happen to know, or think I know, of quite a few amendments that will be offered to the HEW bill. We usually have them and know we are going to have them.

It is also my understanding that on Monday we will take up the Presidential veto.

Mr. MANSFIELD. Mr. President, I would hope that it would be possible to work out with the Republican leadership a time limitation so that we can have a definite time as to when the vote will take place. There will be plenty of time in the meantime to argue the matter.

Mr. COTTON. I think it is unfortunate that the HEW bill, which is an extremely important issue, will probably go over until Monday. I do not believe that if we are interrupted tomorrow by the agricultural bill we can get it out of the way by Friday.

Mr. MANSFIELD. I think we can. But I would like to keep the Senate working as far as we can. The cupboard is pretty bare as far as the calendar is concerned. It will depend upon the Senate as a whole in view of the box that the joint leadership finds itself in.

Mr. SCOTT. Mr. President, I think we can get agreement to vote on the television bill if we can do it on Monday. A lot of Senators cannot get here until 4 or quarter after 4 in the afternoon on Monday.

Mr. MANSFIELD. That would be all right.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, at this time, with the concurrence of the distinguished Senator from New Hampshire, I ask unanimous consent that the debate on the question of the overriding of the Presidential veto begin at 1 o'clock on Monday and that the vote occur at 4 o'clock.

Mr. SCOTT. The planes get in at 4 o'clock. Would the distinguished majority leader agree to 5 o'clock?

Mr. MANSFIELD subsequently said: Mr. President, I forgot to add to the unanimous-consent agreement for the vote on the President's veto of S. 3637, the proviso that the time be equally divided between the majority and minority leaders or whomever they may designate.

I ask unanimous consent to have that included in the unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I designate the distinguished Senator from Rhode Island (Mr. PASTORE) to represent me.

I will make that 2 o'clock and 5 o'clock rather than 1 o'clock and 4 o'clock.

Mr. MAGNUSON. Mr. President, we can get through with the HEW bill if we put some time limitation on amendments. Even if the agricultural bill takes a long time, we could be through by Friday or Saturday if necessary.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Montana requests that on Monday, starting at 2 o'clock, the Senate debate the matter of the overriding of the Presidential veto of the radio and television bill and that the vote on that bill occur at 5 o'clock. Is there objection?

Mr. COTTON. Mr. President, reserving the right to object—and I shall not object, of course—I hope that the majority leader will see to it that we do not find ourselves in the position of having an early vote on Monday on the HEW bill before we take up the Presidential veto, if we have not finished the HEW bill by that time.

Mr. MANSFIELD. If the Senator would accept this suggestion, if that occurs, the joint leadership at that time would ask that the vote on the HEW bill take place immediately after the vote on the question of the overriding of the Presidential veto.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, in statement form, is as follows:

Ordered, That the Senate proceed to vote at 5 o'clock p.m. on Monday, November 23, 1970, on the motion to override the President's veto on S. 3637, to revise the provisions of the Communications Act of 1934 which relate to political broadcasting, with debate on the motion between 2 o'clock p.m. and 5 p.m. being equally divided and controlled by the majority and minority leaders, or their designees.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, it is not the intention of the joint leadership at this time to call up H.R. 8298 because of the fact that other Senators who are interested in that matter are not present.

NATIONAL RETAILING WEEK

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Calendar No. 1232, House Joint Resolution 1255, which has been cleared on both sides. It is only a resolution to set aside a certain week as National Retailing Week.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 1255) to authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the joint resolution was considered, ordered to a third reading, read the third time, and passed.

PROGRAM

Mr. MANSFIELD. Mr. President, if the Senator would yield, I would like to reiterate what I have said to the assistant minority leader. It is the intention to start later this afternoon on the opening statements covering the HEW appropriations bill, on tomorrow to take up the conference report on the farm bill, on Monday to take up the question of overriding the veto, and some time next week, hopefully, to take up the consumer class action bill. If there are any further possibilities, I will of course confer with the Republican leadership so that they will be fully aware.

I again express my apologies for not notifying them.

Mr. SCOTT. Mr. President, if the majority would accept a suggestion, I propose that before we consider the consumer protection bill that we be given at least 1 day's notice.

Mr. MANSFIELD. That is satisfactory; at least 1 day's notice.

JOINT COMMITTEE ON THE ENVIRONMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1040, Senate Joint Resolution 207.

The PRESIDING OFFICER (Mr. ALLEN). The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 207) to establish a Joint Committee on the Environment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the joint resolution which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 17, after the word "chairman.", strike out "The" and insert "Except for the year 1970, the"; on page 2, line 20, after the word "of", insert "the interrelationship between"; in line 22, after the word "and", where it appears the first time, strike out "their effect on"; on page 4, line 17, after the word "the", strike out "appropriate"; and in line 21, after the word "the", where it appears the first time, strike out "appropriate"; so as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a joint congressional committee which shall be known as the Joint Committee on the Environment (hereafter in this joint resolution referred to as the "committee") consisting of eleven Members of the Senate to be appointed by the President of the Senate, and eleven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Of the eleven Members of the Senate appointed under this subsection, six members shall be from the majority party and five members shall be from the minority party. Of the eleven Members of the House of Representatives appointed under this subsection, six members shall be from the majority party, and five members shall be from the minority party. In the appointment of members of the committee under this subsection, the President of the Senate and the Speaker of the House of Representatives shall give due consideration to providing representation on the committee from the various committees of the Senate and the House of Representatives having jurisdiction over matters relating to the environment.

(b) The committee shall select a chairman and a vice chairman from among its members, at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Except for the year 1970, the chairmanship shall alternate between the Senate and House of Representatives with each Congress, and the chairman shall be selected by members from that House entitled to the chairmanship. The vice chairman shall be chosen from the House other than that of the chairman by the Members of that House. The committee may establish such subcommittees as it deems necessary and appropriate to carry out the purpose of this joint resolution.

(c) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony.

(e) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall

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be kept in the offices of the committee or such other places as the committee may direct.

(f) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate or to the House of Representatives.

Sec. 2. (a) It shall be the duty of the committee—

(1) to conduct a continuing comprehensive study and review of the interrelationship between the character and extent of environmental and technological changes and population, communities, and industries.

(2) to study methods of using all practical means and measures, including financial and technical assistance, in a manner calculated to foster, promote, create, and maintain conditions under which man and nature can exist in harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans; and

(3) to develop policies that would encourage maximum private investment in means of improving environmental quality.

(b) The environmental quality report required to be submitted pursuant to section 201 of the National Environmental Policy Act of 1969 shall, when transmitted to Congress, be referred to the committee, as well as to standing committees in the Senate and the House of Representatives having jurisdiction over the subject matter of such report.

(c) On or before the last day of December of each year, the committee shall submit to the State and to the House of Representatives for reference to the standing committees an annual report on the studies, reviews, and other projects undertaken by it, together with its recommendations. The committee may make such interim reports to the standing committees of the Congress prior to such annual report as it deems advisable.

(d) Before undertaking any study or investigation, the committee shall notify and consult with standing committees having jurisdiction over the subject matter thereof to avoid unnecessary duplication with any investigation undertaken by any other joint committee, or by any standing committee of the Senate or of the House of Representatives.

Sec. 3. (a) For the purposes of this joint resolution, the committee is authorized, as it deems advisable, (1) to make such expenditures; (2) to hold such hearings; (3) to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate and of the House of Representatives; and (4) to employ and fix the compensation of technical, clerical, and other assistants and consultants. Persons employed under authority of this subsection shall be employed without regard to political affiliations and solely on the basis of fitness to perform the duties for which employed.

(b) The committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Congress, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

Sec. 4. To enable the committee to exercise its powers, functions, and duties under this joint resolution, there are authorized to be appropriated for each fiscal year such sums as may be necessary to be disbursed by the Clerk of the House of Representatives on vouchers signed by the chairman or vice chairman of the committee.

Mr. MAGNUSON. Mr. President, this is a report from the Committees on Commerce, Interior and Insular Affairs, and Public Works.

Over the past 10 years Congress has enacted many new substantive programs which are designed to improve the Nation's capacity to deal with pressing environmental problems and to improve the quality of life in America. These measures have included far-reaching air- and water-pollution control legislation, a greatly expanded national recreational program, measures to conserve open space, fish and wildlife conservation measures, the land and water conservation fund, measures to deal with solid waste problems, controls for pesticide and chemical proliferation, and many other important conservation, recreation, and environmental measures.

The hearings on Senate Joint Resolution 207 were held jointly by the three committees that are most involved in environmental legislation coming out of the Public Works Committee, Committee on Commerce, and the Committee on Interior and Insular Affairs. Of course, two or three other bills have come from other committees.

Environmental questions cut across the jurisdiction of a great number of the Senate committees. There has been some argument about jurisdiction between committees concerning who should have jurisdiction of this bill or that bill involving questions of the environment.

We are hopeful that we can resolve many of these problems. At some time the Committee on Rules and Administration will have to get together and revise the jurisdictional areas of the committees of Congress. They are getting very confusing. Naturally, each committee wants to reserve its own jurisdictional authority. Sometimes the matter causes the delay of bills that ought to be passed promptly in order to expedite the improvement of the environment. We think that this joint committee will do a great deal to resolve some of these matters.

According to the Legislative Reference Service—

> There are over 40 bills and resolutions pending before Congress which propose some form of restructuring of the Legislative Branch to deal with environmental problems. These measures range from the creation of new standing committees, select committees, and joint committees to proposals to establish an office of technology assessment as an arm of Congress.

I could go on and read from the report. But rather than do that, Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the committee report on this matter.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

INTRODUCTION

Over the past 10 years the Congress has enacted many new substantive programs which are designed to improve the Nation's capacity to deal with pressing environmental problems and to improve the quality of life in America. These measures have included far-reaching air- and water-pollution control legislation, a greatly expanded national recreational program, measures to conserve open space, fish and wildlife conservation measures, the land and water conservation fund, measures to deal with solid waste problems, controls for pesticide and chemical proliferation, and many other important conservation, recreation, and environmental measures.

In the 91st Congress legislation has been enacted which deals in a fundamental way with the organization of the executive branch for environmental management. Other measures are now pending in the form of far-reaching reorganization plans. These measures reflect an appreciation of the fact that the effectiveness of substantive programs depends in large measure on the organizations and institutions for developing, effectuating, and enforcing policies and programs.

Legislative measures enacted in this Congress include the National Environmental Policy Act which, among other things, established a three member Council on Environmental Quality in the Executive Office of the President, and the Water Quality Improvement Act of 1970 which established the Office of Environmental Quality to provide additional staff support to the Council and to the President. Both of these acts were designed to deal with the problems growing out of increased specialization and fragmentation of responsibility for environmental management within the executive branch.

On July 9, 1970, the President sent to Congress Reorganization Plan No. 3 which would create an independent Environmental Protection Agency (EPA). That Agency would be composed of offices and administrations now scattered throughout the Government having responsibility for one or more phases of protection of our total environment—air, water, and land. The plan is predicated upon recognition that:

"Despite its complexity, for pollution control purposes the environment must be perceived as a single, interrelated system. Present assignments of departmental responsibilities do not reflect this interrelatedness."

Enactment of these measures has given or will give the President and the American people an institutional framework within the executive branch which can provide an overview of environmental problems and an ongoing assessment of issues, problems, trends, and areas requiring attention and special treatment.

The committees believe that the creation of a nonlegislative Joint Committee on the Environment will provide the legislative branch with a parallel overview capacity on a continuing basis. While all committees of the Congress have an important role to play in exercising oversight and enacting legislation to maintain and improve the quality of America's natural environment, it is clear that none of the existing congressional committees is equipped, or has the jurisdictional authority, to provide a comprehensive overview which will identify emerging problems which threaten the deterioration of man's environment.

BACKGROUND

Legislative proposals designed to improve congressional capacity to cope with environmental problems and to deal with the forces of change created by man's growing mastery of science and increasing technological powers have been introduced and considered in previous Congresses.

Proposals to establish a Select Committee on Technology and the Human Environment were introduced by Senator Muskie and others in the 89th and 90th Congress. These measures were actively considered by the Subcommittee on Intergovernmental Relations of the Committee on Government Operations. The hearing record and the subcommittee reports on Senate Resolution 298 (89th Cong.) and Senate Resolution 78 (90th Cong.) provide important documentation and testimony on the need for a congressional institution capable of providing a continuing assessment and investigatory capacity to deal with environmental problems not within the legislative jurisdiction of existing standing committees.

A full documentation of legislative proposals introduced in the 90th Congress dealing with legislative organization for environmental decisionmaking is set out in appendix B of a special report to the Committee on Interior and Insular Affairs entitled "A National Policy for the Environment," committee print, July 11, 1968. Additional documentation of proposals in the 89th and 90th Congresses is found in a "Congressional White Paper on a National Policy for the Environment," appendix p. 17, Senate Committee on Interior and Insular Affairs and the House Committee on Science and Astronautics, October 1968; and Legislative Reference Service Multilith, TP–450, SP–170 entitled "Environmental Quality: Selected Bills and Resolutions, June 20, 1969."

In the present Congress, an initial tabulation indicates that over 40 bills have been introduced which are concerned either with a national policy for the environment or the establishment of machinery to study the overall problems of the human environment.

It is the committees' judgment that the establishment of a non-legislative Joint Committee on the Environment will be useful in developing a coordinated congressional response to environmental problems; in insuring that environmental degradation problems are not overlooked; and in undertaking in-depth studies of problems which are not within the province of the standing committees.

PURPOSE

The primary purpose for establishing a Joint Committee on the Environment is to improve congressional capacity for gathering relevant information on present and emerging environmental problems and to create a well-staffed congressional institution that can make a continuing assessment of the relationship between man and his environment.

Senator Magnuson noted when Senate Joint Resolution 207 was introduced that:

"In this time of rapid change and progress Congress must retain flexibility as an institution and be prepared to improve its structure in order to meet and solve important problems facing the Nation. There are no more pressing national problems than those embodied in the term "environment." It is time for Congress to adjust its structure to meet head on in a coordinated fashion these problems."

1. Relationship to Standing Committees.—The members of the three reporting committees are in full agreement that the creation of a Joint Committee on the Environment is in no way intended to infringe in any way upon the legislative, substantive or oversight jurisdiction of any standing committee. As Senator Muskie noted in his introductory statement on June 4:

"It is not the intent of this resolution to establish a committee which would infringe the substantive jurisdiction of any standing committee. The joint committee would have no jurisdiction over legislation or powers of legislative oversight. Rather, it would provide a source of information and analysis not now available to the Congress. Information which the standing committees do not have the time nor the mandate to develop for themselves.

"Standing committees are increasingly burdened with legislative proposals within their special fields, and the committee staffs have little opportunity to explore the broad relationships between other fields and the environment. The hearings developed by the joint committee would provide Members of Congress, their assistants, and committee staff members with information for the development of legislative and executive policy."

Senator Jackson, in his introductory remarks on the joint resolution noted that:

"On a subject so pervasive, broad, and important as "environment" and the "quality of life," no committee may exercise exclusive jurisdiction. It is also clear, however, that environmental management must be viewed in a comprehensive way. We have established the Council on Environmental Quality or provide an overview of the environmental system within the executive branch. We have, as yet, no comparable forum within the Congress to consider the general status of the environment at large. We must do so if our presently fragmented, problem-solving efforts in this area are to made cohesive."

The need for an "integrating forum" and an increased information gathering capacity was discussed by Senator Baker:

"It is clear that environmental issues cross every area of jurisdiction and although rational management dictates a division of responsibilities, it is essential that an integrating forum be available to Congress to explore the full range of the problems arising in man's relationship to his environment.

"The Joint Committee on Environment would serve this important role; having as its principal function the development of information on the broad range of problems and making that information available to the authorizing committees of Congress, thereby assisting in the development of a unifying thread holding together the multitude of congressional activities."

Concern was expressed by Senator Hart on the need for informal procedures to better coordinate the Nation's response to environmental problems and to avoid waste and duplication of effort:

"Although the Congress in the past years has become increasingly sensitive to problems of environmental quality, its efforts have been hampered to a significant degree by a lack of coordination. Duplication of effort has too often denied valuable resources or projects of vital importance. Laudable efforts have too often been dissipated by dispersal in different and sometimes inconsistent directions."

Senator Nelson said:

"It is equally important to provide Congress with an effective service mechanism that will make a continuing study of Federal environmental progress, will regularly report on Federal activities in this regard, and will make long-range assessments and recommendations in the broadest environmental context. In making new policies and in judging present ones, every congressional committee is increasingly confronted with the task of making very difficult decisions having environmental implications in some way."

We contemplate that there will be a close relationship and continuing dialogue between the appropriate standing committees and the joint committee in the selection of appropriate areas of inquiry and investigation. In this way coordination may be enhanced, duplication may be avoided, and relevant information and studies may be made available on a timely basis. Senator Muskie stated in his introductory statement that:

"The standing legislative committees involved with the environment should help determine the areas of inquiry which they felt were most relevant to their requirements. They could help guide the effort of the joint committee along lines which would assure maximum benefit to the standing committees."

The committee is in full accord on the need for consultation and the desirability of having the joint committee proceed in a manner which would assure maximum benefit to the work of the standing committees. Section 2(d) of the joint resolution is designed to establish a notification and consultation procedure which will allow the standing committees a role in guiding the work of the joint committee.

STAFFING REQUIREMENTS

The committees strongly feel that the staff of the joint committee should be selected solely on the basis of their professional qualifications and their ability to provide the members of the joint committee as well as the Congress with competent and objective information. Identifying, describing, and presenting to the Congress the major environmental issues facing the Nation will require many skills and the expertise of many disciplines. These include, but are not limited to law, economics and the natural sciences.

LEGISLATIVE HISTORY

At the present time the Legislative Reference Service reports that there are over 40 bills and resolutions pending before Congress which propose some form of restructing of the legislative branch to deal with environmental problems. These measures range from the creation of new standing committees, select committees, and joint committees to proposals to establish an office of technology assessment as an arm of the Congress. These measures call for the establishment of an institution to provide oversight, conduct studies, and recommend environmental legislation, utilizing such variant titles for the committee as "environmental quality," "environment and technology" and "environmental quality and population policy."

House Joint Resolution 1117 which was passed by the House May 25, and referred to the Senate June 1, uses the short title, "Joint Committee on the Environment." The House resolution and Senate Joint Resolution 207, which was introduced in the Senate June 4, were jointly referred to the Committees on Public Works, Commerce and Interior, and Insular Affairs with instruction to report back to the Senate by July 15. By unanimous consent the instruction to report back to the Senate was later extended to July 22.

Both Senate Joint Resolution 207 and House Joint Resolution 1117 are similar to a Senate resolution to create a Senate Select Committee on Technology and the Human Environment, first introduced in the second session of the 89th Congress by Senator Muskie as Senate Resolution 298. A hearing was held on that resolution on December 15, 1966, and the resolution was reintroduced in the next Congress as Senate Resolution 68. This proposal was the subject of further hearings before the Intergovernmental Relations Subcommittee of the Government Operations Committee in March and April of 1967, and was reported favorably to the full committee.

In the 91st Congress the measure was reintroduced as Senate Resolution 78, and hearings were held in March, April, and May of 1969.

On June 29, 1970, special subcommittees of the Interior, Commerce, and Public Works Committees met jointly to consider Senate Joint Resolution 207. Following the meeting, the subcommittees reported to the parent committees. On July 7, the Interior and Insular Affairs Committee ordered Senate Joint Resolution 207 reported to the Senate with the amendments recommended by the special subcommittee. The Public Works Committee ordered Senate Joint Resolution 207 reported on July 16, and the Commerce Committee reported the legislation on July 21. No objections to the joint resolution were raised in any of the committees.

Mr. MAGNUSON. Mr. President, I have an amendment to the bill, about which I have conferred with the chairman of the Committee on Interior and Insular Affairs, my distinguished col-

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league (Mr. JACKSON) the Senator from West Virginia (Mr. RANDOLPH), and others involved in this matter.

The PRESIDING OFFICER. The Chair will state there are a number of committee amendments. Does the Senator ask that the committee amendments be considered en bloc?

Mr. MAGNUSON. Mr. President, I ask that the committee amendments be considered en bloc.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The amendments were agreed to.

Mr. MAGNUSON. Mr. President, I now send to the desk the amendment to which I referred.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 1, line 7, after the word "Senate," add the words "acting upon the recommendations of the Majority and Minority Leaders,"

Mr. MAGNUSON. Mr. President, technically, of course, the Vice President appoints these committee members. We would add that it should be done on the advice of the minority and majority leaders.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. AIKEN. I wish to ask the Senator to what extent, if any, the proposed legislation would affect legislation now referred to the Joint Committee on Atomic Energy.

Mr. MAGNUSON. It would not. This is not a legislative committee.

Mr. AIKEN. I thank the Senator.

Mr. MAGNUSON. Mr. President, in view of the fact that there is so much conflict about jurisdiction on environmental problems as they concern the Committee on Public Works, the Committee on Commerce, the Committee on Interior and Insular Affairs, the Joint Committee on Atomic Energy, and other committees——

Mr. AIKEN. And the Committee on Agriculture and Forestry.

Mr. MAGNUSON. Yes. It cuts across everything. We may have to make a decision one of these days if we are going to have a special committee to handle these matters. I am not sure, but this is a beginning. It is not a legislative committee, but we hope we can collect many ideas and submit an arrangement on environmental problems.

Mr. AIKEN. This legislation would not affect in any way insecticides, pesticides, fungicides, and so forth. Is that right?

Mr. MAGNUSON. No. We have a lot of those bills in the Committee on Commerce and the Committee on Public Works. There are also bills concerning those matters before the Committee on Interior and Insular Affairs.

Mr. AIKEN. And the Defense Committee.

Mr. MAGNUSON. Yes. It cuts across everything.

Mr. AIKEN. Very well.

Mr. MAGNUSON. But we hope we can be helpful in putting some of these things together to achieve the goals and objectives we all want in the field of environment.

Mr. AIKEN. My only purpose in rising at this time was to keep the RECORD clear.

Mr. MAGNUSON. We hope we can correlate some of these matters. When I read from the report that there are at least 40 bills, I would guess that there are 250 such bills in the House and in the Senate. We hope we can bring these matters together.

The PRESIDING OFFICER. Would the Senator from Washington explain after which word "Senate" in line 7 the amendment is to go?

Mr. MAGNUSON. The second word "Senate" on page 1, line 7 where it states, "The President of the Senate—."

Mr. JAVITS. Mr. President, I think this is a worthy idea. It follows very much along the lines we have pursued in the hunger situation and the school desegregation situation. I think it can be very useful, especially in view of the interest of the young in the problems involving the environment. It would give them a focal point for new ideas.

Mr. MAGNUSON. Obviously, the standing committees now have the expertise in certain matters and should continue their initiative on certain environmental issues. For instance, the Senator from Vermont and I are concerned about the pending power shortage that will occur in this country. If we talk about nuclear power it is necessary to get the advice and expertise of people who have been working on it for a long time. The Committee on Public Works has been very active in clean air and water pollution, whereas the Committee on Commerce is charged with all matters offshore. However, we are all trying to achieve the same goal.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD, because I think it is quite proper to do so, a list of the distinguished sponsors.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Mr. Muskie (for himself, Mr. Jackson, Mr. Magnuson, Mr. Randolph, Mr. Baker, Mr. Bayh, Mr. Bible, Mr. Boggs, Mr. Cannon, Mr. Church, Mr. Cooper, Mr. Eagleton, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. McGee, Mr. Mansfield, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Nelson, Mr. Packwood, Mr. Pell, Mr. Percy, Mr. Spong, Mr. Stevens, Mr. Tydings, Mr. Yarborough, Mr. Young of Ohio, and Mr. Williams of New Jersey).

Mr. MUSKIE. Mr. President, Senate Joint Resolution 207, to establish a joint committee of the Congress on the environment, marks an important commitment to the preservation of the human element. I have sought this commitment since 1966, and as sponsor of this resolution I am gratified at its fulfillment. The creation of the joint committee is an outgrowth of efforts over the last 5 years in behalf of a select committee in the Senate.

The fundamental purposes of the joint committee will be to improve congressional ability for gathering relevant information on environmental problems and to enable the Congress to make a continuing assessment of the relationship existing between man and his environment.

We live in a finite world where all our life systems, natural, and synthetic, depend on each other. The air we breathe; the water we drink; the food we eat; the housing over our heads; the energy and resources we consume; and even the laws by which we live are all critical parts of the human environment. When those parts become substantially out of balance, as they are now, we are in trouble.

Our environment is under increasing pressure from a rising population, from growing use and consumption of our resources and from accelerating scientific and technological advances. We face enormous problems because our environmental planning has been haphazard or nonexistent.

For those of us responsible for the welfare of our communities and the wellbeing of our citizens, these pressures on the environment pose a serious challenge. Many competent scholars question whether we can identify the dangers ahead and control environmental change without modifying our present institutions of Government.

Congress has not developed an adequate mechanism for the assessment of environmental problems and for the review of the management of these problems. Instead, we have groped from crisis to crisis, creating a fragmentation of laws and programs to meet short-range needs. This approach has diffused Federal responsibility and confused State and local governments.

Recently, in response to this increasing problem, Congress established a Council on Environmental Quality and an Office of Environmental Quality in the office of the President. We have also approved creation of an environmental protection agency. These are important changes, but they are not enough.

It is important that Congress have its own mechanism for keeping itself informed on environmental change. Congress should have its own early warning system on the benefits and hazards of economic, scientific, and technological change and on needed public and private investment in environmental protection.

Over 40 eminent scientists, educators, Government officials, and spokesmen for professional organizations emphasized the need for a congressional forum in hearings before the Senate Subcommittee on Intergovernmental Relations during the 89th and 90th Congresses on resolutions which I introduced to create a Select Committee on Technology and the Human Environment.

Dr. Donald Hornig, former science adviser to the President, and Director of the Office of Science and Technology, saw the interaction between advancing technology and society as a problem rooted in history. He said:

> What is new, is the scale, the variety, and the speed of change, both in man's physical and his social environment.
>
> This is a "deadly serious game of tight-rope walking," as we "sustain rapid economic growth, we must also attempt to foresee the consequences of major changes to protect ourselves from unintended secondary effort. . . ."
>
> This is why I think it is very important there be in Congress a forum for discussing the overall problems, and not just the problems as defined by the structures of congressional communities.

Lee C. White, former Chairman of the Federal Power Commission, indicated the important role he felt such a committee could play, when he said:

> The special advantage would be its ability to illuminate new and unexpected relationship between technological advance and human environment, without being limited by lines of committee jurisdiction or the bounds of a particular item of particular legislation. We need studies of this type every bit as much as we need detailed examination of particular problems.

The Joint Committee on the Environment to be established by Senate Joint Resolution 207 would provide such an opportunity for environmental inquiry and assessment. Through its hearings and reports, the Joint Committee could make an important contribution to scholars and academic institutions, to professional organizations, and to the public at large.

Mr. President, the quality of life and the environment supporting it which we pass on to our children will reflect our ability to define the problems we face as much as our determination to solve them. If we fail to complete the work we have begun, future generations will have to pay more than the price of our inaction. The future of our society will depend on how well we, at the Federal level, provide the leadership and the answers with respect to the critical relationship between our human and natural resources.

A Joint Committee on the Environment will be a step toward this leadership.

JOINT ENVIRONMENTAL COMMITTEE NEEDED

Mr. RANDOLPH. Mr. President, the measure before the Senate to establish a Joint Committee on the Environment deals with a matter of great concern in our country.

As chairman of the Committee on Public Works, which has primary jurisdiction over much environmental legislation, and as a cosponsor of this important proposal, I am acutely aware of the need for legislation to protect our environment and of the public demand for action.

Earlier this week I spoke of the demonstrated public willingness to pay the price of environmental enhancement as reflected in the election returns. Voter approval on November 3 of a high percentage of bond issues for environmental improvement proves that our citizens are serious and are ready and willing to pay for the costs.

On another level, the executive branch of the Federal Government is reorganizing agencies concerned with the environment and creating a major new agency to cope with the problems of pollution and environmental degradation and enforcement.

The Congress, too, is participating in this effort through the passage of effective legislation to correct the abuses of the past and prevent their recurrence.

The United States is mounting a major assault on pollution. The Congress must adjust its organization so that we can contribute fully and efficiently to the elimination, in as large a measure as possible, of pollution from our world.

Creation of the Joint Committee on the Environment is a sound step we must take. Such a body would be of immense help in coordinating the work of the several standing committees with responsibility for environmental legislation.

Through the functioning of the Joint Committee on the Environment, the Congress could provide the kind of prompt and effective response to the urgent demands being made on it by a public that will no longer tolerate the destruction of our natural environment.

Mr. President, I urge the adoption of this resolution, which the Commerce Committee and the Interior Committee and the Public Works Committee, have cooperated in preparing.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 207) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. J. Res. 207

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a joint congressional committee which shall be known as the Joint Committee on the Environment (hereafter in this joint resolution referred to as the "committee") consisting of eleven Members of the Senate to be appointed by the President of the Senate, acting upon the recommendations of the majority and minority leader, and eleven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Of the eleven Members of the Senate appointed under this subsection, six members shall be from the majority party and five members shall be from the minority party. Of the eleven Members of the House of Representatives appointed under this subsection, six members shall be from the majority party, and five members shall be from the minority party. In the appointment of members of the committee under this subsection, the President of the Senate and the Speaker of the House of Representatives shall give due consideration to providing representation on the committee from the various committees of the Senate and the House of Representatives having jurisdiction over matters relating to the environment.

(b) The committee shall select a chairman and a vice chairman from among its members, at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Except for the year 1970, the chairmanship shall alternate between the Senate and House of Representatives with each Congress, and the chairman shall be selected by members from that House entitled to the chairmanship. The vice chairman shall be chosen from the House other than that of the chairman by the Members of that House. The committee may establish such subcommittees as it deems necessary and appropriate to carry out the purpose of this joint resolution.

(c) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony.

(e) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct.

(f) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate or to the House of Representatives.

Sec. 2. (a) It shall be the duty of the committee—

(1) to conduct a continuing comprehensive study and review of the interrelationship between the character and extent of environmental and technological changes and population, communities, and industries.

(2) to study methods of using all practical means and measures, including financial and technical assistance, in a manner calculated to foster, promote, create, and maintain conditions under which man and nature can exist in harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans; and

(3) to develop policies that would encourage maximum private investment in means of improving environmental quality.

(b) The environmental quality report required to be submitted pursuant to section 201 of the National Environmental Policy Act of 1969 shall, when transmitted to Congress, be referred to the committee, as well as to standing committees in the Senate and the House of Representatives having jurisdiction over the subject matter of such report.

(c) On or before the last day of December of each year, the committee shall submit to the Senate and to the House of Representatives for reference to the standing committees an annual report on the studies, reviews, and other projects undertaken by it, together with its recommendations. The committee may make such interim reports to the standing committees of the Congress prior to such annual report as it deems advisable.

(d) Before undertaking any study or investigation, the committee shall notify and consult with standing committees having jurisdiction over the subject matter thereof to avoid unnecessary duplication with any investigation undertaken by any other joint committee, or by any standing committee of the Senate or of the House of Representatives.

Sec. 3. (a) For the purposes of this joint resolution, the committee is authorized, as it deems advisable, (1) to make such expenditures; (2) to hold such hearings; (3) to sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate and of the House of Representatives; and (4) to employ and fix the compensation of technical, clerical, and other assistants and consultants. Persons employed under authority of this subsection shall be employed without regard to political affiliations and solely on the basis of fitness to perform the duties for which employed.

(b) The committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimburs-

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able basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Congress, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

SEC. 4. To enable the committee to exercise its powers, functions, and duties under this joint resolution, there are authorized to be appropriated for each fiscal year such sums as may be necessary to be disbursed by the Clerk of the House of Representatives on vouchers signed by the chairman or vice chairman of the committee.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I understand the leadership is ready to recess in a little while. While the germaneness rule has not yet expired I ask, with the consent of the leadership on the floor, that I be allowed to proceed for 15 minutes as in the morning hour.

The PRESIDING OFFICER. If there is no pending business, the Senator may proceed.

REPRESENTATION OF CHINA IN THE UNITED NATIONS

Mr. JAVITS. Mr. President, I wish to call to the attention of the Senate today a situation which has developed in the United Nations where I have the honor to be the delegate this year to the General Assembly. The matter to which I address myself requires congressional attention, in view of the past record of Congress on this subject.

In my capacity as U.S. Delegate to the General Assembly of the United Nations I have had a particular opportunity to give attention to the question of representation of China—one of the most complex and sensitive issues before the world today. During my absence in Europe on NATO business, the U.S. position was stated by Ambassador Phillips on November 12 in a speech to the General Assembly.

The U.S. position this year on the admission of the People's Republic of China is in my judgement a new position; for the first time in 20 years, the United States has moved away from a position of outright opposition to Peking's admission.

The Nixon administration is to be commended for this major initiative which is in accordance with the Nixon doctrine governing U.S. policy in Asia. The support of the Congress on so vital a matter of U.S. policy is of the greatest importance.

The speech of Ambassador Phillips showed that the main thrust of the U.S. position is that the United States opposes the expulsion of the Republic of China on Taiwan as the precondition for the admission of the People's Republic of China into the U.N. The corollary of this proposition is to open the door for a change in the U.S. position, the main thrust of which has been heretofore to oppose the admission of the People's Republic of China to the U.N. per se. I agree with this new position adopted by the Nixon administration and consider that following the vote in the U.N. a similar reopening of the question in the Congress is essential.

The record of Congress on this subject would indicate support for a continued U.S. position of opposition to the admission of the People's Republic of China into the U.N., regardless of terms. For example, the last rollcall vote we had in the Senate on this question was on July 23, 1956, when House Concurrent Resolution 265 was passed by a vote of 86 to 0.

It has long been the practice to include "sense of Congress" expressions, opposing the admission of the Chinese People's Republic, in foreign assistance legislation, as well as in State Department Appropriations Acts.

For example, the Foreign Assistance and Related Programs Appropriations Act, 1970, approved on February 9, 1970. retains this provision in its section 105, which is an old-style congressional expression of view on the Chinese representation issue. The Department of State, Justice, and Commerce, the Judiciary and Related Agencies Appropriations Act, 1971, approved on October 21, 1970, just before the election recess, states:

> SEC. 105. It is the sense of the Congress that the Communist Chinese Government should not be admitted to membership in the United Nations as the representative of China.

In view of this legislative history, I feel it is essential that the Congress express its support for the posture adopted on this question by the Nixon administration, as embodied in a statement of November 12 given by Ambassador Phillips.

I ask unanimous consent that the text of this speech be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, once the vote is taken in the U.N., I shall submit to the Senate an appropriate resolution, which I hope will begin the debate for taking a new position on the part of Congress in respect of the admission of Communist China to the U.N.

I expect the vote this year will show a mixed result. It seems likely that the Albanian resolution, calling for Peking's admission and for Taipei's expulsion might possibly even gain a majority for the first time this year. Also, and very importantly, the "Important Question" resolution cosponsored by the United States is likely to receive a strong majority again this year. If this is, indeed, the result, the General Assembly will in effect have upheld the position of the Nixon administration—that is, also favoring the continued membership on some acceptance terms of the Republic of China's Government on Taiwan.

The task for next year will be to devise a new resolution which will effect the will of the majority—that is representation for both Peking and Taipei. I hope the United States will take the leadership in devising a new resolution to this end for presentation next year. I hope also that a climate will have been created in the Congress to facilitate such a decision.

It is unreasonable for Peking to insist on Taipei's expulsion as a condition for its acceptance of membership. It is equally unreasonable for Taipei to insist on Peking's continuing exclusion as the condition for its continuing participation. I hope the United States will do its best to get both the governments of Peking and Taipei to drop their rigid preconditions for participation in the United Nations. This could be done without settling the question of whether there is one China, two Chinas, or one China and one Taiwan.

Because of the U.S. relationship with the Nationalist Government in Taipei, I feel that the United States bears a special diplomatic responsibility to convince the Government of the Republic of China to recede from its rigid attitude of refusing to participate in the United Nations if the Chinese People's Republic should be voted in.

In recognition of the first 20 years of the United Nations, and of the great changes in the world scene which have taken place since the United Nations was founded, the United States should take a lead in proposing the principle of universality with respect to membership in the United Nations for all those willing in good faith to undertake the obligations of the U.N. Charter. Under this sensible and equitable formula, both Peking and Taipei would be welcome to participate. Both are functioning governments in control of significant populations and territory.

While it is possible that both or either of the governments of Peking and Taipei may stick to their rigid posture of preconditioning the other's exclusion as the price of its membership, I believe that the best and most efficacious position for the United States and for the United Nations is one which embraces the principle of universality as to all willing in good faith to undertake the obligations of the Charter. This would then make it clear that the exclusion of either Peking or Taipei was a decision of that government and not a decision of the United States or the United Nations.

There is an essential task to be performed in Congress in support of the Nixon administration's initiative to meet the challenge of the Chinese representation issue. Members of the Senate will recall the history of congressional expressions of opposition to Peking's entry into the United Nations. These expressions, beginning with Senate Resolution 36 passed on January 23, 1951, were the product of the deep feeling engendered by the Korean war period. While appropriate to their time, I believe that the day has come for the Senate to reexamine its position.

The Congress needs to buttress the administration in seeking a new, more realistic and—in terms of world opinion—more widely acceptable resolution of this complex issue which is so gravely important to the peace of the world and the future of the United Nations. In my judgment, this could best be done in a way which will make it possible for Taipei to remain in, while also making it possible for Peking to come in. Both governments have a significant contribution to make.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. KENNEDY. I regret that I did not hear the earlier part of the speech of the distinguished Senator from New York, who serves with great distinction on the Foreign Relations Committee. What was the intention of the Senator from New York in terms of the Security Council?

Mr. JAVITS. I believe that to be the knottiest question. There are several possible formulas to handle that question. I do not wish to express a personal judgment on the matter at this time. Rather, I want to focus attention on the first part of the problem—That of opening up United Nations membership to both governments. The Security Council seat is a problem which the United Nations and other nations will have to wrestle with, once the first hurdle has been crossed.

The administration maintains there really has been no change in its policy, but it seems to me it is a change and it is a major change which opens the way, at long last, to the United States receding from a position which has really been unaltered for over 20 years—that of simply and flatly opposing the admission of Communist China. We may be able to help, in the Congress, with a formula, so that the U.S. position might be founded on the ways and means rather than on a doctrinaire attitude of flat opposition.

It seems to me that has been foreshadowed in the administration. The question is "Will we followup in the Congress"? I hope we will. I am hoping to bring the issue to a debate by bringing the question before the Congress in the form of a resolution.

Mr. KENNEDY. I thank the Senator. I look forward to reading his comments with great interest.

I was interested in the fact that in the last couple of weeks the United Nations has admitted Fiji, with a population a little less than that of Indianapolis; and still China, with a population of close to 800 million, has been denied admission.

I thank the Senator. I look forward to reading his remarks in the RECORD.

Mr. JAVITS. It seems to me that as a delegate, but being in effect the Senate's delegate, it was my duty to ascertain what was going on and, without trying to commit the administration, to bring before the Senate what I really feel is a new fork in the road. In view of the record which the Congress has on this issue, we ought to join in taking advantage of the opportunity which has now been created to move our Nation's position forward in a constructive and realistic way.

I thank my colleague.

EXHIBIT 1

STATEMENT BY AMBASSADOR CHRISTOPHER H. PHILLIPS, U.S. REPRESENTATIVE, IN PLENARY, ON CHINESE REPRESENTATION, NOVEMBER 12, 1970

Mr. President, distinguished delegates: We have before us for consideration once again a proposal sponsored by Albania, Algeria and sixteen other states to expel the Republic of China from the United Nations and to place in the same seat representatives from the People's Republic of China. I use the words "once again" because this proposal, and the resolution which seeks to effect it, differ not at all from similar proposals and resolutions which we have considered—and decisively rejected—many times in the past. My Delegation hopes that it will be rejected again this year.

Mr. President, the position of the United States is well known. We have joined with the governments of seventeen other states, embracing representatives from every continent, in co-sponsoring a procedural resolution which affirms that any proposal to change the representation of China in the United Nations is an important question and requires a two-thirds majority for adoption. This is a long-established position of the General Assembly, affirmed and re-affirmed by large majorities on many occasions when there has been a substantive debate on the issue of Chinese representation.

We would do well to look into the matter and understand why the "important question" procedure has so consistently received overwhelming support, particularly since we have already heard it attacked as nothing more than a transparent device for withholding from the People's Republic of China something which, it is claimed, is its own. The fact of the matter, however, is that far from being some sort of maneuver, the "important question" procedure found in Article 18 of our Charter is one of the most essential protections of all members of the United Nations, whether large or small. The plain language of Article 18 is that decisions of the General Assembly on important questions shall be made by a two-thirds majority of members present and voting. Important questions are defined in that Article as recommendations with respect to international peace and security, election to various offices within our organization, questions relating to the operation of the trusteeship system and the budget, the suspension of rights and privileges of membership, the admission of new members and the expulsion of present members—and this is precisely what document A/L 605 would have us do.

Mr. President, to insist on the integrity of the Charter, to re-affirm the protections which it provides, and to insist that these protections must be available to all members without distinction, is not only a matter of self-interest for all of us within this room; it is also a matter of simple equity and justice. It would set a most dangerous precedent to expel a Member of the United Nations—an act that has never been taken in this Organization's quarter century of life—by a simple majority of those present and voting. Those who may be tempted to disregard the Charter's safeguards because of their views on the present issue should consider carefully whether at some future time on some future issue they might find themselves in a position similar to that in which some have sought to place the Republic of China. We should remain faithful to the plain words of the Charter and ensure that these words apply to all without discrimination. In thus re-affirming the "important question" principle we will be taking an action that relates to far more than just the question of Chinese representation.

It is for these reasons that my country has joined in co-sponsoring the resolution set forth in document A/L. 599. It is for these reasons that I strongly urge all Members, regardless of their position on the substantive question of Chinese representation, to vote to re-affirm this vital procedure.

Mr. President, I turn now to the substantive resolution, contained in document A/L.605. You are all well aware of my Government's firm opposition to this draft resolution. Its proposal to expel the representatives of the Republic of China is both unwise and unjust.

Mr. President, the expulsion of a member state is a most serious business. Article 6 of the Charter reserves this action to cases in which a member has persistently violated the principles upon which our organization was founded, and it requires joint action by both the Security Council and the Assembly. There is not a single act of the Republic of China that would justify these extreme measures. Yet the resolution before us has deliberately joined the concept of admitting the People's Republic of China to the call for expelling the Republic of China. Indeed they are so joined as to prevent the extrication of one from the other.

We have heard it said before, and doubtless it will be repeated during the course of this debate, that the People's Republic of China is a reality that cannot be ignored. Indeed that is so. And I do not believe any of us here today, or any of the governments that we represent, ignores that reality. As far as the United States is concerned, as most are aware, we have actively sought to move from an era of confrontation to an era of negotiation. Representatives of my Government have met with representatives of the People's Republic of China twice this year and would have met more often had Peking been willing to do so. And my Government has taken a number of concrete actions—actions for which we neither proposed nor anticipated a quid pro quo—to ease relations between us. The fact of the matter is, the United States is as interested as any in this room to see the People's Republic of China play a constructive role among the family of nations. All of us are mindful of the industry, talents and achievements of the great people who live in that ancient cradle of civilization.

But let us also remember, Mr. President, that the Charter nowhere confers upon states the right to make their own conditions for membership in the United Nations. Neither in the Charter, nor in any resolution is it written that a state may say "We will join, but only if you expel member X". What the Charter does say is that membership shall be open to all peace-loving states able and willing to carry out the obligations of membership, and that members may be expelled only if they have persistently violated the principles of the Charter.

All of us must recall that many times during the period of General Debate earlier in this session, and in the speeches delivered during the special commemorative week, we have heard distinguished delegates, Foreign Ministers, and even Heads of State warmly endorse the principle of universality of membership of the United Nations. How curious it is that some of the same delegations who then urged universality of membership, now with equal fervor urge that we expel one of our present members. Surely if universality means anything at all, it means that we add to our present membership, not subtract from it. My Government fails to see how it is possible for a delegation that favors universality of membership—or for any delegation at all—to vote to expel from our midst a government which:

Effectively governs 14 million people—a population larger than that of two-thirds of the members of this Assembly;

Is recognized diplomatically by more than sixty of the members of this organization;

Has been a member of the United Nations since the organization's founding;

Has worked faithfully and constructively for the good of the organization;

Has contributed more than its share to the work of the Specialized Agencies;

And has consistently sought to assist the process of development throughout the world.

The sponsors of the resolution now before us, as they have done in previous years, would have us ignore such considerations and, by spurious appeals to the principle of universality and misrepresentation of fact, call on us to expel a member which has faithfully abided by the Charter of this Organization. Such a demand clearly violates the principles of equity and justice. It should be opposed by all those who believe that these principles should guide the actions of this Organization and who maintain that the Charter must be upheld if this Organization itself is to survive and be effective.

Mr. President, we believe that these reasons require that this Assembly reject this proposal to expel the Republic of China from the United Nations. Whatever views Members may hold on the question of Peking's participation, we do not see how the purposes of this Organization can be served by expelling any Member which has long and faithfully observed the obligations set forth in its Charter.

It is on this basis, Mr. President, that I urge the distinguished delegates of this Assembly to reject decisively the resolution contained in document A/L.605.

PART-TIME JOBS FOR WOMEN IN FEDERAL EMPLOYMENT—A WAY TO DEAL WITH "JOB FREEZES" AND "EMPLOYMENT CEILINGS"

Mr. JAVITS. Mr. President, it ought to be self-evident to us all that there is a great unused reserve of skilled talent among the women of this country, and very often the waste of this talent—particularly among married women with school-age children—could be overcome if only there were useful employment available on a part-time or half-time basis, so that mothers could work the first half of the day and still be home, if they wish, to be with their children when they return home from school.

The Federal Government, as the largest single employer in the Nation, has an obligation, in my view, to lead the way in dealing with this problem. Indeed, the executive branch of the Government has, on a number of occasions, urged Government agencies to make employment available to them and others who can only work part-time.

Each branch of the executive department has, in recent years, been placed under various "ceilings" and "job freezes," and it has come to my attention that the application of these limits may operate unfairly and unintentionally to preclude part-time employment which is so necessary for the solution to this problem. For the effect of these ceilings is very often to confront the executive department head with an unfair dilemma: each new part-time employee is charged against the department's overall employment ceiling just as if it were a full-time job, and so, if the department head wishes to divide one full-time job into two part-time jobs, he risks being charged with two jobs, instead of one, in order to get the same work done.

What is needed is some flexibility in these employment ceilings, so that a department head may—if he wishes to—convert one full-time job into two half-time jobs without paying any "extra price" in terms of the job ceiling.

To explore the implications of such a policy, I have asked my administration assistant, Frank Cummings, to correspond with the executive branch and determine what flexibility there may be, and that correspondence has revealed a most encouraging willingness to make the conversion almost routinely.

As the experience of my office has been that department heads are unaware of this flexibility, however, I take this occasion to call their attention to certain statements in a recent letter from the assistant director of the Office of Management and Budget in the White House. After conceding that the present ceilings on total employment and full-time employees yield a "derived ceiling" on part-time employment, the OMB letter notes that "our regulations do not preclude splitting a full-time job into two half-time jobs," but of course that does not solve the problem of the ceiling.

What is most important, I think, however, is the following statement, and I call it to the attention of my colleagues and to the heads of the various executive branches, departments and agencies:

> There can be circumstances, however, under which this requires a change in the total ceiling allowed—*a change which would be almost automatically granted upon request.*

Thus, it now appears that applications for conversion of an employment ceiling to permit the splitting of one full-time job into two-half jobs would be almost routinely granted, and I hope very much the heads of the departments in the executive branch will keep this in mind and use this flexibility where the situation permits, because it will permit them to make most effective use of a most important and effective segment of our population.

Mr. President, I ask unanimous consent that the correspondence I have discussed be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., October 23. 1970.

Mr. FRANK CUMMINGS,
Administrative Assistant to Senator Jacob K. Javits, Senate Office Building, Washington, D.C.

DEAR MR. CUMMINGS: In further response to your letter of October 12 as extended in your conversation with Mr. George Strauss, let me try again to explain what the policies and procedures are with respect to personnel ceilings.

Actually, at the President's direction, this Office establishes two kinds of ceilings. As indicated in my letter of October 3, these are (1) full-time, permanent employment, and (2) total employment. By subtracting (1) from (2), the difference becomes, in effect, a limitation on the number of part-time, temporary, and intermittent employees. Since all ceilings apply to the last day of each fiscal year, June 30, the agencies have flexibility as to how to apply these ceilings within the year, particularly with respect to the nonfull-time employment.

In short, all employment is subject either to actual or a derived ceiling, and all employees in each category of employment must be included in the monthly employment reports which are furnished to the Congress, and which the Committees of the Congress, the President, and this Office use to monitor administration of the ceiling requirements.

Apparently, there is no problem in your mind with respect to the category of full-time, permanent employees—that is, persons occupying permanent positions who have a base workweek of 40 hours. Mr. Strauss informs me that you still have problems with that category of employees which you designate as "part-time, permanent"—for example, two persons each working 20 hours a week and both performing the same duties so that the sum of the hours worked by both is the equivalent of one full-time, 40-hour a week permanent job. So far as the ceiling procedure is concerned, the issue of "permanent" has nothing to do with the subcategory "part time." A part-time employee, regardless of the nature of his employment is one who works less than 40 hours a week. His employment may be regular and recurring (in other words, permanent); it may be for a temporary period; or it may be intermittent in the sense of working only when called in, but it is still the kind of employment which is subject to the derived ceiling.

If persons seeking regular, permanent, part-time jobs have been told that this is impossible because each such position must be charged against the full-time, permanent ceiling, they have been incorrectly advised. This Office, together with the Civil Service Commission, has strongly urged that Government agencies make employment available to women who can work only part time; to the physically handicapped, many of whom cannot work full time; to persons who want to work only part time because of their desire to continue their education; and to similar categories.

Returning again to the way in which you state your concern in the last two paragraphs of your letter of October 12, our regulations do not preclude splitting a full-time job into two half-time jobs. There can be circumstances, however, under which this requires a change in the total ceiling allowed—a change which would be almost automatically granted upon request.

In past years several women's professional groups have raised this issue on a theoretical basis, but we have never had specific factual information about any qualified woman who has been denied a position for this reason. If you have—or can obtain—such information in a specific case, we would like to have it and do something about it. Although we recognize that ceilings are somewhat arbitrary and cumbersome, we try to administer them in a way that permits or even encourages the kind of flexibility that results in improved efficiency and productivity. If executive agencies are not moving along similar lines, we will be happy to take up specific cases with the taxpayer can obtain the best value for each dollar spent.

In your conversation with Mr. Strauss, you asked for the language used in our standard letter in which ceilings are transmitted to the agencies. I attach the section of our Examiner's Handbook which gives the exact language as it was used in February 1970 for the ceilings as of June 30, 1970 and the preliminary ceilings of June 30, 1971. There is almost always some adjustment of the current year ceilings in the course of the review of the budget which takes place each fall.

Sincerely,

ROGER W. JONES,
Assistant Director.

Attachment.

Executive Office
of the President,
Bureau of the Budget,
Washington, D.C.

Honorable [Full name]
[Title]
Washington, D.C. [Zip Code]

Dear Mr. [Title]:

This letter formally conveys the results of the President's review of your 1971 budget submission, establishes revised 1970 ceilings for your department [agency], and discusses potential problems in connection with the Government-wide ceiling on 1970 outlays established by Public Law 91–47.

1971 BUDGET ALLOWANCES

The President has approved *1971* allowances for your department [agency], including both 1970 supplementals and 1971 items proposed for separate transmittal, as shown on page[s] [show appropriate page numbers in Part 5 of the Budget] of the 1971 Budget.

[Insert here any separate policy determinations that the division believes should be included, such as notification of amounts for specific items that were included in budget allowances. Items that can be found in the printed schedules of the budget may be omitted or referenced as appropriate.]

[When exceptions to the provisions of circular No. A–22 have been requested with respect to prestige vehicles, use the applicable paragraph.]

Use if exception is authorized.

As an exception to Bureau of the Budget Circular No. A–22, you are authorized [state the exception].

Use if exception is denied.

No exceptions to Bureau of the Budget Circular No. A–22 are authorized.

EMPLOYMENT CEILINGS

The ceilings on civilian employment established by the President for your department [agency] are set forth below. The data reflect revised *1970* ceilings, and *1971* ceilings based on the allowances specified above.

These ceilings exclude disadvantaged summer and part-time youth and worker-trainees under the Public Service Careers program. (Instructions and limitations on such excluded employees will be issued by the Civil Service Commission.) Employment under items of pending or proposed legislation is included in the total ceiling figures and is listed separately; such employment will be considered part of your ceilings only if Congress enacts the proposed legislation and related funds are provided [available].

June 1970, revised, June 1971.

Total employment, excluding disadvantaged youth and Public Service Careers trainees.

Full-time employment in permanent positions, excluding Public Service Careers trainees.

Employment included above for items of pending or proposed legislation:

Total employment, excluding disadvantaged youth and Public Service Careers trainees.

Full-time employment in permanent positions, excluding Public Service Careers trainees.

These ceilings cover all employment in your department [agency], including any reimbursable arrangements [and allocations]. If reimbursements [and allocations] do not materialize as estimated, you should hold your employment down accordingly. If additional employment is needed because of unexpected growth in the volume of activities so financed, you should arrange with the other agency concerned to reduce its ceiling[s] by a number at least equal to the increase needed in your ceiling[s]. Requests for adjustments from both agencies should be submitted concurrently to the Bureau of the Budget for approval.

[Use heading and language below as applicable]

[Adjustments for staff detailed to the White House]

Use if appropriate to specify amounts of adjustment.

The 1971 Budget proposes that, beginning in fiscal year 1971, agency staff in White House positions are to be charged to the "Salaries and expenses" appropriation of the White House office. Accordingly, your 1971 allowances and employment ceilings have been reduced by $____________ and ________ employees for this reason.

Use if amounts of adjustment do not warrant identification.

The 1971 Budget proposes that, beginning in fiscal year 1971, agency staff in White House positions are to be charged to the "Salaries and expenses" appropriation of the White House office. Your 1971 allowance and employment ceilings have been appropriately adjusted for this change.

1970 OUTLAY CEILINGS

For 1970 the Government-wide ceiling on outlays established by Public Law 91–47 is legally controlling. Despite a concerted effort by the Administration to hold operations within the legal ceiling established by the Congress, it now appears—because of increases in uncontrollable items—that spending in 1970 will exceed that ceiling.

In the Budget Message, the President recommended amendment of the outlay limitation provisions of Public Law 91–47 to permit the limitation to be raised by the full amount of the growth in outlays for the designated uncontrollable programs, and to enlarge the ceiling sufficiently to permit prudent management of the Executive Branch without forcing crippling cuts in vital programs. However, in view of the uncertainty of congressional action on this recommendation, executive agencies must exercise more positive control of their outlays during the remainder of fiscal year 1970.

The *1970* outlay ceiling for your department [agency] is set forth in Attachment A. This ceiling supersedes and is to be substituted for that given to you in our letter of [date of earlier ceiling letter]. It agrees with amounts shown for your department [agency] in the 1970 column of the 1971 budget.

Use where applicable.

Since your 1970 appropriation[s] had not been enacted when the 1971 budget was prepared, adjustments may be necessary as a result of final congressional action. You will be advised of such adjustments as required.

ADMINISTRATION OF 1970 OUTLAY CEILING

It is imperative that your 1970 outlay ceiling be strictly observed over the remainder of fiscal year 1970. Your department's [agency's] operations must be adjusted to remain within the prescribed amounts. Further, you must recognize that your outlay ceiling, when added to those of other agencies, results in a Government-wide total that is in excess of the current statutory limitation. If *legislative relief*—such as the amendment proposed by the President—*is not obtained, drastic cutback action will later be required.*

It is readily apparent that, in the present situation, all executive agencies must cooperate fully with the Bureau of the Budget if the Administration is to keep abreast of the relationship of expected 1970 outlays to the Government-wide outlay ceiling imposed by Public Law 91–47. For this purpose, I am requesting each agency head to maintain an internal control system that will permit the submission—quickly and accurately—of current data on status and plans with respect to agency outlays. This action supplements the requirements established in paragraph 5 of Bureau of the Budget Bulletin No. 70–3 on "Control of outlays during fiscal year 1970."

This control system should be established in such a way that it will identify—on a current and up-to-date basis—the status of your financial situation in relation to amounts shown in Attachment A. The system should use as a base figure the April 15, 1969 outlay estimate for your agency; and should reflect the changes that have been made and will occur in relation to that base with respect to each of the control elements of the ceiling imposed by Public Law 91–47. These include changes in:

Uncontrollable items designated in the law.

Receipt items designated in the law.

Appropriation amounts resulting from congressional enactments.

Amounts allowed by Congress for proposed legislation which provides budget authority or *requires* subsequent 1970 appropriation.

Estimates that need to be recognized because of lack of congressional action.

Bureau of the Budget examiners will be glad to assist your staff in coordinating your base estimates with those we are using centrally. Following up on the provisions of Bureau of the Budget Bulletin 70–3, Bureau of the Budget staff will also periodically (1) contact individual agencies concerning explanations of status and possible ceiling revisions, or (2) request (on relatively short notice) status reports on the kinds of changes identified above, and agency plans for the remainder of fiscal year 1970. As part of such submissions, you may also be requested to furnish the basis for the estimates and reestimates used for those items that are not yet firm or actual figures. Such information will be necessary for effective administration on a Government-wide basis.

Sincerely,

Director [for oral review agencies], or Deputy Director [for all other agencies].

ATTACHMENT A

1970 OUTLAY CEILING [NAME OF AGENCY]

Date ———.

Amount (in thousands)

1. Federal funds.
a. Gross amounts.
b. Deductions: (proprietary receipts and inter-fund transactions).
c. Total, Federal funds.
2. Trust funds.
a. Gross amounts.
b. Deductions (proprietary receipts and inter-fund transactions).
c. Total, Trust funds.
3. Deduction for intragovernmental transactions.
4. Total, net outlays.

Separate Allowances and Determinations: [Divisions to use as appropriate].

A. $—— of the amount on line [1a] [2a] is for the following:

[List separately amounts allowed for (1) major relatively uncontrollable items (identifying specifically those designated in Public Law 91–47); (2) 1970 unabsorbed pay increases; and (3) special foreign currency programs.]

B. Line [1b] [2b] contemplates $——— of offsetting receipts for the following:

[List separately significant amounts, specifically identifying those designated in Public Law 91–47.]

C. $——— of the amount on line [1a] [2a] is for the following:

[Specify separately the amount allowed for each item of proposed or pending legislation.]

D. [Insert other special guidance as appropriate.]

October 12, 1970.

Mr. Roger W. Jones,
Assistant Director, Office of Management and Budget, Washington, D.C.

Dear Mr. Jones: Many thanks for your letter of October 3, 1970, in response to my letter of September 10 to Gene Cowen.

XUM

I must say that your answer, while it reviews the general principles applicable to various departments of the Executive Branch, does not strike me as responsive to the central question raised in my original letter. As I understand your answer, the "ceilings" apply to "full time permanent positions only," but do not apply to "part time, temporary, or intermittent employment." But with respect to the latter, the context of your discussion suggests to me that *part time permanent* would be subject to the ceiling, and that the flexibility referred to in your letter really applies only to *part time temporary* employment. (Please correct me if I am wrong.)

My letter, on the other hand, was addressed to the problem of persons (principally women) seeking *part time permanent* employment, who have experienced negative reactions on the ground that the filling of two half time permanent positions would be charged against the ceiling to the same extent as the filling of two full time permanent positions. Either I am wrong in interpreting your rules and regulations, or at least various departments of the Executive Branch are wrong, because it is clear to me that there are departments of the Executive Branch which interpret your rules and regulations as I do.

Could you please clarify the matter, and if, in fact, your regulations do preclude the splitting of a full time job into two half time jobs, my Senator and I would like to know the reason why. We understand, of course, that the "ceiling" might be used in a given instance as a convenient way of not hiring someone who might otherwise not be hired in any event.

What we would like to know is whether these ceilings would preclude an agency from hiring two half time employees in lieu of one full time employee, if, in fact, the agency *wanted* to hire these two half-time employees but would do so only if the agency would not be charged against its ceiling with two full time jobs.

Many thanks for your cooperation.

Sincerely,

FRANK CUMMINGS.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., October 3, 1970.

Mr. FRANK CUMMINGS,
Administrative Assistant to Senator Jacob K. Javits, Senate Office Building, Washington, D.C.

DEAR MR. CUMMINGS: Your letter of September 10, 1970, addressed to Mr. Eugene Cowen, on the subject of relaxing Federal employment ceilings with respect to part-time employees, has been referred to me for reply.

In order to fully respond to your suggestion, I should like to review some of our employment ceiling procedures and concerns.

Administrative employment ceilings are established each year during the President's annual budget review process. However, if unforeseen situations arise, agencies may appeal to this Office for relief at any time. Such requests are evaluated on the basis of demonstrated need of the requesting agency and are related to the needs of all other agencies and the total employment situation in the executive branch. On this basis relief is either granted, partially granted, or denied, and the agency concerned is notified accordingly.

The ceilings set by this Office for full-time, permanent employment and for total employment—the latter category includes part-time, temporary and intermittent employees—apply to June 30 of each year, thereby giving flexibility to agency heads. While this flexibility may not provide a wide latitude for full-time permanent employment, it does give agency heads unlimited flexibility within the fiscal year for temporary employment. Further, it offers far more administrative latitude than the arbitrary month-to-month cutback formula under section 201 of Public Law 90–364 which was only repealed by the Congress in July 1969, after the President committed his Administration to exercise strict administrative controls over the level of Federal employment.

With respect to the setting of a ceiling "for other than full-time, permanent employment," the Bureau of the Budget in fiscal year 1967 placed ceilings on full-time, permanent positions only. The part-time, temporary, and intermittent employment (which was thus removed from the ceiling) expanded by 10 percent during this year, even though we believed such an increase would not be possible under our control of the dollar expenditures for personnel compensation. We are strongly of the view that since *significant* seasonal variations are common for this type of employment, the fact that ceilings apply to June 30 provides substantial flexibility to agency heads for this category of employment during the remainder of the year.

Our experience indicates that the public at large, Members of Congress, and most Presidents (all with prior Senate experience since World War II) have taken the position that Federal employment is excessive, and that ceilings, in addition to budget dollars, are necessary and should be used to restrain further growth. As you probably know, monthly reports on Federal employment are made public by both the Joint Committee on the Reduction of Federal Expenditures and the Civil Service Commission. Public and Congressional attention focuses on the total Federal employment in terms of how many are actually on the Federal payrolls and reported in the statistics just mentioned.

It has been our observation, based on experience in several Administrations, and on requested increases by Federal agencies that, in the absence of ceilings, employment would increase at a faster rate than the President or the Congress would find acceptable. Also, it seems evident that dollar limitations alone would not keep employment from increasing year after year. There have been occasions, for example, when the filling of vacancies was deliberately delayed by agencies in order to use funds late in the fiscal year to fill a greater number of positions, which in turn were annualized in the following year's budget.

Nevertheless, if concrete plans are developed and an agency can demonstrate the need, we will be glad to entertain specific proposals for the reduction of full-time, permanent and the increase of part-time positions in a ratio that seems reasonable under the circumstances.

I would just like to add one other thought. On occasion agency interviewers of prospective employees have been known to use employment ceilings as a convenient excuse to turn down job applicants who do not fully meet qualifications, agency work schedules, or who want part-time work. I trust that this is not the case in the situations you have in mind.

Since repeal of the statutory employment restrictions of Public Law 90–364, this Office has not received agency requests for employment ceiling relief for the reasons stated in your letter.

I hope that this reply has been informative and helpful.

Sincerely,

ROGER W. JONES,
Assistant Director.

SEPTEMBER 10, 1970.

Hon. EUGENE COWEN,
Special Assistant to the President, The White House, Washington, D.C.

DEAR GENE: As you know, various Government agencies operate under a "freeze" or "job limit" as to hiring additional personnel.

It has come to my Senator's attention that, when an agency or department is not permitted to hire more than a set number of employees, this limit may operate to the disadvantage of applicants, particularly women, who would be interested in part-time employment. Evidently the departments and agencies are not permitted to take a full-time job which could be filled under the limit and divide it into two half-time jobs, without being charged with "two jobs."

As you no doubt are aware, there is an enormous reserve of unused skilled talent among married women, particularly those with children. Many such women could and would work, if only they could find jobs which were about 40–60% full-time, thus enabling them to work, for example, from 9 a.m. to 3 p.m., and then get home when the kids return form school. But if an agency or department will have to charge two half-time jobs as the equivalent of two full-time jobs of "freezes" or "ceilings", the chances of such part-time employment will be (as they now are) just about nil.

My Senator is interested in exploring the possibility of a change, either in the law or in existing regulations, to permit such half-time jobs to be charged "two for one" against any hiring limits.

Could you let me know whether this would be feasible, what the problems are, or at least to whom I should speak to get details?

With best wishes,

Sincerely,

FRANK CUMMINGS,
Administrative Assistant to Senator Javits.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1350, H.R. 18515.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 18515) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

RECESS

Mr. KENNEDY. Mr. President, it is the understanding of the leadership that the chairman of the committee, the Senator from Washington (Mr. MAGNUSON) will make his comments and presentations to the Senate beginning at the hour of 2 o'clock.

Therefore, I move that the Senate stand in recess until 2 p.m.

The motion was agreed to; and (at 12 o'clock and 41 minutes p.m.) the Senate took a recess until 2 p.m.

The Senate reconvened at 2 p.m., when called to order by the Presiding Officer (Mr. KENNEDY).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 703) for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 2108. An act to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes; and

S. 2543. An act to prohibit the movement in interstate or foreign commerce of horses which are "sored," and for other purposes.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4463. An act for the relief of Francis X. Tuson;

H.R. 4665. An act for the relief of Clinton M. Hoose;

H.R. 6100. An act for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla.;

H.R. 12958. An act for the relief of Central Gulf Steamship Corp.;

H.R. 12962. An act for the relief of Maureen O'Leary Pimpare;

H.R. 13182. An act for the relief of Frank E. Dart;

H.R. 15270. An act for the relief of Thaddeus J. Pawlak;

H.R. 15272. An act for the relief of David L. Kennison;

H.R. 15505. An act for the relief of Jack B. Smith and Charles N. Martin, Jr.; and

H.R. 16965. An act for the relief of Richard N. Stanford.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. BYRD of West Virginia):

S. 737. An act for the relief of Konrad Ludwig Staudinger;

S. 882. An act for the relief of Capt. William O. Hanle;

S. 902. An act to amend section 1162 of title 18, United States Code, relating to State jurisdiction over offenses committed by or against Indians in the Indian country;

S. 1422. An act for the relief of Donal E. McGonegal;

S. 2455. An act to authorize appropriations for the Civil Rights Commission, and for other purposes;

S. 3620. An act for the relief of Mrs. Anastasia Pertsovitch;

S. 3853. An act for the relief of Mrs. Pang Tai Tai;

S. 3858. An act for the relief of Bruce M. Smith; and

H.R. 13978. An act to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 4463. An act for the relief of Francis X. Tuson;

H.R. 4665. An act for the relief of Clinton M. Hoose;

H.R. 6100. An act for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla.;

H.R. 12958. An act for the relief of Central Gulf Steamship Corp.;

H.R. 12962. An act for the relief of Maureen O'Leary Pimpare;

H.R. 13182. An act for the relief of Frank E. Dart;

H.R. 15270. An act for the relief of Thaddeus J. Pawlak;

H.R. 15272. An act for the relief of David L. Kennison;

H.R. 15505. An act for the relief of Jack B. Smith and Charles N. Martin, Jr.; and

H.R. 16965. An act for the relief of Richard N. Stanford.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. KENNEDY). The HEW appropriation bill, H.R. 18515.

Mr. MANSFIELD. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President. I should like to present the usual request: I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded as original text for purpose of amendment, provided that no point of order shall be considered to have been waived by reason thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, after line 2, strike out:

"MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

"For expenses, not otherwise provided for, necessary to carry into effect the Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2571–2620), $744,494,000 to remain available until June 30, 1972."

And, in lieu thereof, insert:

"MANPOWER TRAINING ACTIVITIES

"For expenses, not otherwise provided for, necessary to carry into effect the Manpower Development and Training Act of 1962, as amended, and title I, parts A, B and E of the Economic Opportunity Act of 1964, as amended, $1,504,794,000: *Provided*, That the amount of $744,694,000 appropriated herein for the Manpower Development and Training Act of 1962, as amended, shall remain available until June 30, 1972: *Provided further*, That the amounts appropriated herein for title II, parts A and B of the Manpower Development and Training Act of 1962, as amended, for expenses of programs authorized under the provisions of subsection 123 (a) (5) and (8) of the Economic Opportunity Act of 1964, as amended, shall not be subject to the apportionment of benefits provisions of section 301 of the Manpower Development and Training Act: *Provided further*, That this appropriation shall not be available for contracts made under title I of the Economic Opportunity Act extending for more than twenty-four months: *Provided further*, That all grants agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant: *Provided further*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964 and for the purchase of real property for training centers."

On page 3, line 13, after "$42,165,000", insert a comma and "to remain available until June 30, 1972;".

On page 7, line 14, strike out "$16,500,000" and insert "$16,700,000".

On page 7, line 21, after the word "rendered", strike out "$45,000,000" and insert "$45,531,000"; and, in line 24, after the word "which", strike out "$27,953,000" and insert "$28,159,000".

On page 10, line 10, after the word "and", strike out "$614,000" and insert "$674,000"; and, in line 12, after "(63 Stat. 409)", strike out "$9,752,000" and insert "$9,812,000".

On page 12, at the beginning of line 8, strike out "$106,003,000" and insert "$110,503,000"; and, in the same line, after the word "which", strike out "$27,900,000" and insert "$28,900,000".

On page 12, line 20, after "(42 U.S.C. 3251 et seq.)", insert a comma and "and under the Federal Coal Mine Health and Safety Act of 1969"; and, in line 22, after the word "aircraft", strike out "$52,580,000" and insert "$62,000,000".

On page 13, line 8, after "(Public 89–793)", strike out "$368,516,000" and insert "$390,516,000".

On page 14, line 8, after the word "Act", strike out "$247,178,000" and insert "$250,000,000".

On page 14, line 19, after the word "Act", strike out "$255,339,000" and insert "$255,659,000".

On page 15, line 8, after the word "Act", strike out "$96,502,000" and insert "$115,000,000"; in line 9, after the word "which", strike out "$79,500,000" and insert "$97,998,000"; and, in line 11, after "title IX", insert a colon and "Provided, That of the amount appropriated $6,000,000 shall be available for research and demonstration projects on early care for suspected coronary patients."

On page 16, line 2, after the word "aircraft", strike out "$41,938,000" and insert "$50,000,000".

On page 16, line 10, after "(42 U.S.C. 2681–2687)", strike out "$181,521,000" and insert "$196,521,000"; and, in line 17, after the word "Act", insert a colon and "Provided, That there remain available until expended $5,000,000 for grants and $10,000,000 for loans for nonprofit private facilities pursuant to the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90–457): Provided further, That the Secretary is authorized to issue commitments for direct loans to public agencies in accordance with section 627 of the Public Health Service Act which shall constitute contractual obligations of the United States, the total of such outstanding commitments not to exceed $30,000,000 at any given time; to sell obligations received pursuant to such commitments as provided in section 627, and the proceeds of any such sale shall be used to make a direct loan pursuant to the outstanding commitment under which the obligations were received."

On page 17, after line 5, insert:

"For an additional amount for grants or loans pursuant to section 601(b) of the Public Health Service Act, for such hospitals and related facilities as are specified for this purpose in the report of the Sen-

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ate Appropriations Committee, $8,703,078; to be made without regard to the allotments and priority provisions of title VI of the Public Health Service Act."

On page 19, line 3 after the word "Act", strike out "$227,383,000" and insert $235,383,000".

On page 19, line 8, after the word "Act", strike out "$178,479,000" and insert "$203,479,000".

On page 19, line 12, strike out "$35,257,000" and insert "$36,257,000".

On page 19, line 17, after the word "diseases", strike out "$138,339,000" and insert "$140,339,000".

On page 20, line 2, strike out "$100,807,000" and insert "$115,807,000".

On page 20, line 7, after the word "diseases", strike out "$102,249,000" and insert "$102,749,000".

On page 20, line 15, strike out "$166,072,000" and insert "$171,072,000".

On page 21, line 5, after the word "sciences", strike out "$20,620,000" and insert "$21,620,000".

On page 21, line 16, after the word "Act", strike out "$260,934,000" and insert $295,000,000".

On page 22, line 9, after the word "Act", strike out "$10,954,000" and insert "$11,014,000"

On page 22 line 15, after the word "resources", strike out "$66,201,000" and insert "$66,801,000"

On page 22, line 20, after the word "facilities", strike out "$126,100,000" and insert "$150,000,000".

On page 23, line 5 after the word "Act", strike out "$19,769,000" and insert "$22,233,000".

On page 25 after line 15, insert:

"OFFICE OF EDUCATION

"ELEMENTARY AND SECONDARY EDUCATION

"For an additional amount to carry out the Follow Through program, as authorized under section 222(a)(2) of the Economic Opportunity Act of 1964, $70,400,000."

On page 27 line 12, strike out "$120,000,000" and insert "$98,000,000".

On page 27, line 17, after the word "Act", strike out "$566,640,000" and insert "$575,640,000"; in line 22, after the word "and", strike out "$8,000,000" and insert "$13,215,000"; in the same line, after the word "for", strike out "construction"; and, in line 24, after "June 30,", strike out "1972" and insert "1973".

On page 28, line 21, after the word "Aging", strike out "$32,000,000" and insert "$34,000,000".

On page 29, line 9, after "(74 Stat. 364)", strike out "$75,435,000" and insert "$77,435,000".

On page 29, line 25, after the word "Service", strike out "$35,067,000" and insert "$33,000,000".

On page 32, line 4, after "(20 U.S.C. 101–105)", strike out "$1,557,000" and insert "$1,517,000".

On page 32, line 18, after "(68 Stat. 265)", strike out "$6,870,000" and insert "$7,225,000"; and, in line 20, after the word "expended", insert "and $128,000 shall be for carrying out an adult education program".

On page 33, after line 9, insert:

"OFFICE OF CHILD DEVELOPMENT

"For carrying out, except as otherwise provided, section 426 of the Social Security Act of April 9, 1912 (42 U.S.C. 191), and for partial support of a White House Conference on Children and Youth, and for the conduct of the Project Headstart program under section 222(a)(1) of the Economic Opportunity Act of 1964, $346,417,000, of which $399,000,000 is for Project Headstart."

On page 33, at the beginning of line 21, strike out "$7,927,000, together with not to exceed $947,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein" and insert "$8,874,000".

At the top of page 34, strike out:

"OFFICE OF CHILD DEVELOPMENT

"For carrying out, except as otherwise provided, section 426 of the Social Security Act and the Act of April 9, 1912 (42 U.S.C. 191), and for partial support of a White House Conference on Children and Youth, $5,917,000."

On page 36, line 9, after the word "University", insert a comma and "the National Technical Institute for the Deaf, the Model Secondary School for the Deaf".

On page 38, after line 11, insert a new section, as follows:

"SEC. 208. None of the funds contained in this title may be used for payments to any State for fiscal year 1971 for services, staff training, and administrative expenses under titles I, IV (part A), X, XIV, and XVI of the Social Security Act which, in the aggregate, exceed 115 percent of the aggregate amount estimated for these purposes for such State for fiscal year 1970."

On page 38, at the beginning of line 19, change the section number from "208" to "209".

On page 41, line 26, after the word "amended", strike out "$2,046,200,000" and insert "$894,400,000"; and, on page 42, line 9, after "1964", insert "and for the purchase of real property for training centers".

On page 43, after line 17, insert:

"PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

"To enable the Department of Health, Education, and Welfare to make payment to the Corporation for Public Broadcasting, as authorized by section 396(k)(1) of the Communications Act of 1934, as amended, for expenses of the Corporation, $22,500,000 to remain available until expended: *Provided,* That in addition, there is appropriated in accordance with the authorization contained in section 396(k)(2) of such Act, to remain available until expended, amounts equal to the amount of total grants, donations, requests, or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation during the current fiscal year, but not to exceed a total of $5,000,000."

On page 44, after line 7, insert:

"NATIONAL CREDIT UNION ADMINISTRATION

"For necessary expenses of the National Credit Union Administration, with respect to consumer credit training, as authorized by section 21(f)(2) of the Federal Credit Union Act, as amended (12 U.S.C. 1766), $500,000."

Mr. MAGNUSON. Mr. President, I have a general statement on this very important bill—the Senator from New Hampshire (Mr. COTTON), the ranking minority member, also has a statement—which I should like to present to the Senate at this time. It is my understanding and his understanding, too, with the leadership, that we will present our general statements today and that there will be no votes on any amendments until an appropriate time tomorrow, either before the agricultural conference report or immediately thereafter.

Mr. President, the Labor-HEW bill, H.R. 18515, as reported to the Senate, provides a total amount of $19,070,964,078.

It is to be understood that this year's HEW appropriations, on the education appropriation section of the bill, that the House made it a separate item and we took it up some months ago as a separate item. The President vetoed that bill and then the Senate and the House proceeded to override the veto. Thus, we are dealing here with all the appropriations involving Labor and HEW with the exception of the Office of Education portion.

As I mentioned, the bill totals $19,070,964,078.

This is an increase over 1970 of $2,568,293,048, an increase over the President's recommendations of $311,587,078, and an increase over the House allowance of $246,301,078.

Before I turn to an explanation covering the highlights of the bill and the reasons for the committee action in providing some increases in the Nation's health care, and a stronger commitment in helping our poor escape poverty, I ask unanimous consent to have printed in the RECORD at this point, a summary table showing all of the action to this point on well over 100 line items in this major money bill.

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

MAJOR INCREASES OVER THE HOUSE ALLOWANCE RECOMMENDED IN H.R. 18515 BY THE SENATE APPROPRIATIONS COMMITTEE

Department of Labor, $991,000: Mostly in wage and labor standards; to fund a new program of jobs for returning veterans; and to promote employment of the handicapped.

Environmental Health Service, $13,920,000: For programs under the Clear Air Act $4.5; occupational health $5; solid waste management and water hygiene $4.3.

Mental Health, $22,000,000: $20 million for additional staffing of community mental health centers; $2 million for State hospital's staff improvement programs.

Comprehensive Health Planning and Services, $2,822,000: To improve migrant health services.

Maternal and child health, $320,000: To expand dental care program for children.

Regional medical programs, $18,498,000: To more adequately support emergency cardio-respiratory mobile care units; kidney treatment centers; and cancer treatment centers.

Communicable diseases, $8,062,000: For state and local immunization programs in diphtheria, measles, polio and venereal diseases.

Medical facilities construction, $23,703,078: To meet special Hill-Burton needs of 35 projects in nine states and allow scheduled improvements in D.C. hospital program.

National Institutes of Health, $118,590,000: For medical research and treatment centers of the 11 Institutes $57.5 million, especially in heart, stroke, cancer, spinal cord, and blood diseases; $23 million for construction of health education facilities; $2.4 million for the National Library of Medicine Biomedical communications programs; health manpower $34 million with $16 for institutional support and $18 in student loan programs.

Rehabilitation Services and Facilities, $19,000,000: Services for mentally retarded $12; rehabilitation services for migrants $5 million; and income maintenance experiments $2 million.

Gallaudet College, $355,000: Restore cut in academic program and initiate an adult education program.

Office of Child Development, $19,200,000: For Headstart and research and demonstration projects. Net increase over House allowance $246,301,078. Net increase over President's request $311,587,078.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971

TITLE I—DEPARTMENT OF LABOR

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity (1)	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] (2)	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] after 2 percent reduction (3)	Budget estimates of new budget (obligational) authority fiscal year 1971 (4)	New budget (obligational) authority recommended in the House bill (5)	New budget (obligational) authority recommended in the Senate bill (6)	Senate bill compared with— New budget (obligational) authority fiscal year 1970 (enacted to date) (7)	Senate bill compared with— Budget estimates of new budget (obligational) authority fiscal year 1971 (8)	Senate bill compared with— New budget (obligational) authority in House bill (9)
MANPOWER ADMINISTRATION								
Manpower Training Activities								
Training and allowance payments:								
Job opportunities in the business sector/on-the-job training	$229, 608, 000	$229, 608, 000	$260, 000, 000	$260, 000, 000	$260, 000, 000	+$30, 392, 000		
Concentrated employment program	199, 000, 000	199, 000, 000	199, 000, 000	192, 440, 000	192, 440, 000	−6, 560, 000	−$6, 560, 000	
Public service careers	96, 000, 000	96, 000, 000	132, 000, 000	126, 800, 000	126, 800, 000	+30, 800, 000	−5, 200, 000	
Institutional training	245, 000, 000	245, 000, 000	256, 000, 000	256, 000, 000	256, 000, 000	+11, 000, 000		
Part-time and other training	10, 084, 000	10, 084, 000	10, 084, 000	10, 084, 000	10, 084, 000			
Disadvantaged youth program	76, 400, 000	76, 400, 000				−76, 400, 000		
In-school	62, 400, 000	62, 400, 000	62, 400, 000	59, 100, 000	59, 100, 000	−3, 300, 000	−3, 300, 000	
Summer programs	121, 500, 000	121, 500, 000	146, 500, 000	138, 670, 000	138, 670, 000	+17, 170, 000	−7, 830, 000	
Out of school	98, 000, 000	98, 000, 000	134, 200, 000	127, 000, 000	127, 000, 000	−29, 000, 000	−7, 200, 000	
Job Corps	170, 200, 000	170, 200, 000	180, 000, 000	170, 390, 000	170, 390, 000	+190, 000	−9, 610, 000	
Operation Mainstream	41, 000, 000	41, 000, 000	41, 000, 000	38, 800, 000	38, 800, 000	−2, 200, 000	−2, 200, 000	
Program support	17, 400, 000	17, 400, 000	18, 300, 000	18, 300, 000	18, 300, 000	+900, 000		
Program services:								
Employment security services	44, 892, 400	44, 892, 400	50, 492, 000	50, 492, 000	50, 492, 000	+5, 599, 600		
State institutional training services	8, 000, 000	8, 000, 000	8, 000, 000	8, 000, 000	8, 000, 000			
On-the-job-training services	1, 500, 000	1, 500, 000	500, 000	500, 000	500, 000	−1, 000, 000		
Planning and technical assistance	18, 109, 000	18, 109, 000	21, 929, 000	18, 929, 000	18, 929, 000	+820, 000	−3, 000, 000	
Labor market information and job matching	15, 934, 000	15, 934, 000	29, 089, 000	29, 089, 000	29, 089, 000	+13, 155, 000		
Jobs for Veterans					200, 000	+200, 000	+200, 000	+200, 000
Total, manpower training activities	[2] 1, 455, 027, 400	[2] 1, 455, 027, 400	[2] 1, 549, 494, 000	1, 504, 594, 000	1, 504, 794, 000	+49, 766, 600	−44, 700, 000	+200, 000
MANPOWER ADMINISTRATION, SALARIES AND EXPENSES								
Experimental, demonstration, and research programs	19, 709, 000	19, 709, 000	20, 618, 000	19, 768, 000	19, 768, 000	+59, 000	−850, 000	
Planning, research, and evaluation	3, 896, 900	3, 896, 900	4, 232, 700	4, 141, 400	4, 141, 400	+244, 500	−91, 300	
Training and employment	6, 397, 900	6, 397, 900	7, 878, 800	7, 504, 900	7, 504, 900	+1, 107, 000	−373, 900	
Trust fund transfer	(11, 852, 700)	(11, 852, 700)	(12, 033, 600)	(12, 033, 600)	(12, 033, 600)	(+180, 900)		
Federal institutional training service	2, 572, 600	2, 572, 600	2, 572, 600	2, 572, 600	2, 572, 600			
Civil rights compliance			96, 000	54, 000	54, 000	+54, 000	−42, 000	
Trust fund transfer	(617, 000)	(617, 000)	(628, 700)	(628, 700)	(628, 700)	(+11, 700)		
Executive direction:								
General administration	1, 623, 300	1, 623, 300	1, 695, 000	1, 676, 200	1, 676, 200	+52, 900	−18, 800	
Trust fund transfer	(373, 300)	(373, 300)	(373, 100)	(378, 100)	(378, 100)	(+4, 800)		
Financial and management services	2, 811, 600	2, 811, 600	3, 039, 500	2, 913, 500	2, 913, 500	+101, 900	−126, 000	
Trust fund transfer	(2, 241, 200)	(2, 241, 200)	(2, 277, 600)	(2, 277, 600)	(2, 277, 600)	(+36, 400)		
Manpower management data systems	3, 007, 600	3, 007, 600	3, 040, 200	3, 040, 200	3, 040, 200	+32, 600		
Trust fund transfer	(1, 496, 200)	(1, 496, 200)	(1, 517, 000)	(1, 517, 000)	(1, 517, 000)	(+20, 800)		
Reports to the public on manpower programs	619, 700	619, 700	494, 200	494, 200	494, 200	−125, 500		
Total, Manpower Administration, salaries and expenses	40, 638, 000	40, 638, 600	43, 667, 000	42, 165, 000	42, 165, 000	+1, 526, 400	−1, 502, 000	
Bureau of Apprenticeship and Training								
Promote apprenticeship and training	6, 872, 498	6, 872, 498	6, 958, 000	6, 958, 000	6, 958, 000	+85, 502		
Unemployment Compensation for Federal Employees and Ex-Servicemen and Trade Adjustment Activities								
Payments to Federal employees	63, 600, 000	63, 600, 000	68, 500, 000	68, 500, 000	68, 500, 000	+4, 900, 000		
Payments to ex-servicemen	121, 400, 000	121, 400, 000	131, 000, 000	131, 000, 000	131, 000, 000	+9, 600, 000		
Trade adjustment activities	2, 930, 000	2, 930, 000	600, 000	600, 000	600, 000	−2, 330, 000		
Total, unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities	187, 930, 000	187, 930, 000	200, 100, 000	200, 100, 000	200, 100, 000	+12, 170, 000		
Limitation on Grants to States for Unemployment Compensation and Employment Service Administration								
Unemployment Insurance service	(284, 033, 000)	(284, 033, 000)	(320, 031, 000)	(312, 831, 000)	(312, 831, 000)	(+28, 798, 000)	(−7, 200, 000)	
Employment service	(328, 968, 000)	(328, 968, 000)	(352, 141, 000)	(347, 341, 000)	(347, 341, 000)			
Administration and management	(39, 771, 000)	(39, 771, 000)	(42, 528, 000)	(42, 528, 000)	(42, 528, 000)			
Contingency Fund	(13, 000, 000)	(13, 000, 000)	(3, 000, 000)	(15, 000, 000)	(15, 000, 000)	(+2, 000, 000)	(+12, 000, 000)	
Total, limitation on grants to States for unemployment compensation and Employment Service Administration	(665, 772, 000)	(665, 772, 000)	(717, 700, 000)	(717, 700, 000)	(717, 700, 000)	(+51, 928, 000)		
Unemployment Insurance Service								
Unemployment insurance service	(4, 210, 000)	(4, 210, 600)	(4, 274, 000)	(4, 274, 000)	(4, 274, 000)	(+63, 400)		
Total, Manpower Administration	1, 690, 468, 498	1, 690, 468, 498	1, 800, 219, 000	1, 753, 817, 000	1, 754, 017, 000	+63, 548, 502	−46, 202, 000	+200, 000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971—Continued

TITLE I—DEPARTMENT OF LABOR—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

						Senate bill compared with—		
Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date)[1]	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] after 2 percent reduction	Budget estimates of new budget (obligational) authority fiscal year 1971	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in the Senate bill	New budget (obligational) authority fiscal year 1970 (enacted to date)	Budget estimates of new budget (obligational) authority fiscal year 1971	New budget (obligational) authority in House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
LABOR-MANAGEMENT SERVICES ADMINISTRATION								
Labor-management relations services	$397, 400	$397, 400	$402, 200	$402, 200	$402, 200	+$4, 800		
Labor-management policy development	658, 200	658, 200	1, 265, 400	965, 400	1, 065, 400	+407, 200	−$200, 000	+$100, 000
Administration of reporting and disclosure laws	9, 331, 700	9, 331, 700	10, 747, 092	10, 378, 092	10, 478, 092	+1, 146, 392	−269, 000	+100, 000
Veterans' reemployment rights	1, 290, 108	1, 290, 108	1, 511, 508	1, 511, 508	1, 511, 508	+221, 400		
Federal labor-management relations	750, 000	750, 000	2, 517, 500	2, 517, 500	2, 517, 500	+1, 767, 500		
Executive direction and administrative services	710, 200	710, 200	725, 300	725, 300	725, 300	+15, 000		
Total, Labor-Management Services Administration	13, 137, 608	13, 137, 608	17, 169, 000	16, 500, 000	16, 700, 000	+3, 562, 392	−469, 000	+200, 000
WAGE AND LABOR STANDARDS ADMINISTRATION								
Improving and protecting wages of the Nation's workers:								
Compliance and enforcement	21, 862, 038	21, 862, 038	22, 364, 900	22, 364, 900	22, 570, 900	+708, 862	+206, 000	+206, 000
Wage and employment standards	803, 400	803, 400	814, 000	814, 000	814, 000	+10, 600		
Special wage standards	1, 771, 200	1, 771, 200	1, 790, 100	1, 790, 100	1, 790, 100	+18, 900		
Executive direction and planning research	2, 946, 600	2, 946, 600	2, 984, 000	2, 984, 000	2, 984, 000	+37, 400		
Wage determinations under Davis-Bacon Act	951, 700	951, 700	1, 523, 000	1, 276, 400	1, 276, 400	+324, 700	−246, 600	
Improving safety and working conditions of workers	5, 453, 894	5, 453, 894	5, 901, 900	5, 370, 900	5, 695, 900	+242, 006	−206, 000	+325, 000
Advancing opportunities and status of women	1, 057, 800	1, 057, 800	1, 179, 800	1, 179, 800	1, 179, 800	+122, 000		
Federal contract compliance:								
Federal contract compliance	605, 000	605, 000	1, 568, 300	1, 568, 300	1, 568, 300	+963, 300		
Plans for progress	227, 000	227, 000				−227, 000		
Workmen's compensation	6, 255, 500	6, 255, 500	7, 369, 400	7, 369, 400	7, 369, 400	+1, 113, 900		
Executive direction, planning, evaluation, and research	277, 438	277, 438	429, 600	282, 200	282, 200	+4, 762	−147, 400	
Total, Wage and Labor Standards Administration	42, 211, 570	42, 211, 570	45, 925, 000	45, 000, 000	45, 531, 000	+3, 319, 430	−394, 000	+531, 000
EMPLOYEES' COMPENSATION CLAIMS AND EXPENSES								
Federal civilian employees benefits	45, 943, 500	45, 943, 500	95, 627, 200	95, 627, 200	95, 627, 200	+49, 683, 700		
Armed Forces reservists benefits	11, 175, 000	11, 175, 000	10, 775, 000	10, 775, 000	10, 775, 000	−400, 000		
War Claims Act benefits	400, 000	400, 000	400, 000	400, 000	400, 000			
Other benefits	2, 597, 500	2, 597, 500	2, 997, 800	2, 997, 800	2, 997, 800	+400, 300		
Total employees' compensation claims and expenses	60, 116, 000	60, 116, 000	109, 800, 000	109, 800, 000	109, 800, 000	+49, 684, 000		
BUREAU OF LABOR STATISTICS								
Manpower and employment	9, 371, 900	9, 371, 900	10, 170, 300	9, 770, 300	9, 770, 300	+398, 400	−400, 000	
Prices and cost of living	3, 801, 300	3, 801, 300	4, 556, 100	4, 086, 100	4, 086, 100	+284, 800	−470, 000	
Wages and industrial relations	3, 765, 300	3, 765, 300	4, 293, 200	3, 935, 200	3, 935, 200	+169, 900	−358, 000	
Productivity, technology, and growth	1, 498, 600	1, 498, 600	1, 522, 600	1, 522, 600	1, 522, 600	+24, 000		
Foreign labor and trade	519, 400	519, 400	529, 900	529, 900	529, 900	+10, 500		
Executive direction and staff services	4, 492, 954	4, 492, 954	4, 990, 400	4, 790, 400	4, 790, 400	+297, 446	−200, 000	
Revision of the Consumer Price Index	644, 000	644, 000	1, 515, 500	1, 515, 500	1, 515, 500	+871, 500		
Total, Bureau of Labor Statistics	24, 093, 454	24, 093, 454	27, 578, 000	26, 150, 000	26, 150, 000	+2, 056, 546	−1, 428, 000	
BUREAU OF INTERNATIONAL LABOR AFFAIRS								
International organizations affairs	151, 700	151, 700	154, 300	154, 300	154, 300	+2, 600		
Foreign labor and manpower policy and program development	330, 000	330, 000	335, 300	335, 300	335, 300	+5, 300		
Labor and manpower technical services	153, 200	153, 200	156, 500	156, 500	156, 500	+3, 300		
Trade negotiations and economic policy development	390, 500	390, 500	398, 000	398, 000	398, 000	+7, 500		
Executive direction and management services	436, 600	436, 600	445, 900	445, 900	445, 900	+9, 300		
Total, Bureau of International Labor Affairs	1, 462, 000	1, 462, 000	1, 490, 000	1, 490, 000	1, 490, 000	+28, 000		
SPECIAL FOREIGN CURRENCY								
Special Foreign Currency			75, 000	75, 000	75, 000	+75, 000		
OFFICE OF THE SOLICITOR								
Litigation	684, 700	684, 700	771, 100	771, 100	771, 100	+86, 400		
Interpretations and options	606, 400	606, 400	615, 300	615, 300	615, 300	+8, 900		
Trust fund transfer	(157, 000)	(157, 000)	(157, 000)	(157, 000)	(157, 000)			
Labor relations and civil rights	359, 100	359, 100	361, 400	361, 400	361, 400	+2, 300		
Legislation	593, 200	593, 200	597, 400	597, 400	597, 400	+4, 200		
Labor-management laws	391, 200	391, 200	399, 200	399, 200	399, 200	+8, 000		
Field legal services	2, 658, 600	2, 658, 600	2, 714, 400	2, 714, 400	2, 714, 400	+55, 800		
	428, 100	428, 100	425, 200	425, 200	425, 200	−2, 900		
Total, Office of the Solicitor	5, 721, 300	5, 721, 300	5, 884, 000	5, 884, 000	5, 884, 000	+162, 700		

Footnotes at end of table.

Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date)[1]	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] after 2 percent reduction	Budget estimates of new budget (obligational) authority fiscal year 1971	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in the Senate bill	Senate bill compared with—		
						New budget (obligational) authority fiscal year 1970 (enacted to date)	Budget estimates of new budget (obligational) authority fiscal year 1971	New budget (obligational) authority in House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
OFFICE OF THE SECRETARY								
Executive direction	$1, 125, 700	$1, 125, 700	$2, 456, 400	$1. 806 400	$1, 806, 400	+$680, 700	−$650, 000	
Office of information	381, 400	381, 400	326, 600	326, 600	326, 600	−54, 800		
Office of the Assistant Secretary for Administration:								
Immediate office	147, 200	147, 200	147, 600	147, 600	147, 600	+400		
Office of Management Assistance	112, 200	112, 200	113, 300	113, 300	113, 300	+1, 100		
Personnel operations	1, 510, 300	1, 510, 300	1, 448, 600	1, 448, 600	1, 448, 600	−61 700		
Library	413, 600	413, 600	418, 500	418, 500	418, 500	+4, 900		
Office of Budget Policy and Review	208, 300	208, 300	310, 600	310, 600	310, 600	+102, 300		
Office of Program Review and Audit	1, 564, 200	1, 564, 200	1, 923, 600	1, 923, 600	1, 923, 600	+359, 400		
Trust fund transfer	(593, 000)	(593, 000)	(595, 000)	(595, 000)	(595, 000)	(+2, 000)		
Office of Management Systems	582, 400	528, 400	537, 000	537, 000	537, 000	+8, 600		
Purchase of data processing equipment			1, 931, 000	1, 931, 000	1, 931, 000	+1, 931, 000		
Appeals from determinations of Federal employee claims	173, 300	173, 300	174, 800	174, 800	174, 800	+1, 500		
Promoting employment of the handicapped	575, 000	575, 000	614, 000	614, 000	674, 000	+99, 000	+60, 000	+$60, 000
Total, Office of the Secretary	6, 739, 600	6, 739, 600	10, 402, 000	9, 752, 000	9, 812, 000	+3, 072, 400	−590, 000	+60, 000
Total appropriations, Department of Labor	1, 843, 950, 030	1, 843, 950, 030	2, 018, 542, 000	1, 968, 468, 000	1, 969, 459, 000	+125, 508, 970	−49, 083, 000	+991, 000

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Appropriation/activity	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
FOOD AND DRUG ADMINISTRATION								
Food and Drug Control								
1. Food and drugs	$58, 152, 500	$58, 152, 500	$62, 725, 000	$62, 725, 000	$62, 725, 000	+$4, 572, 500		
2. Hazardous products	4, 355, 000	4, 355, 000	5, 144, 000	5, 144, 000	5, 144, 000	+789, 000		
3. Pesticides	12, 544, 000	12, 544, 000	14, 938, 000	14, 938, 000	14, 938, 000	+2, 394, 000		
4. Program management	6, 566, 000	6, 566, 000	6, 742, 000	6, 742, 000	6, 742, 000	+176, 000		
Total, FDA	81, 617, 500	81, 617, 500	89, 549, 000	89, 549, 000	89, 549, 000	+7, 931, 500		
ENVIRONMENTAL HEALTH SERVICE								
Air pollution control:								
1. Abatement and control	35, 914, 000	35, 194, 000	40, 301, 000	40, 301, 000	42, 801, 000	+7, 607, 000	+$2, 500, 000	+$2, 500, 000
2. Research and demonstration	66, 419, 000	59, 669, 000	57, 282, 000	57, 282, 000	58, 282, 000	−1, 387, 000	+1, 000, 000	+1, 000, 000
(Sec. 104 research)	(45, 000, 000)	(38, 250, 000)	(27, 900, 000)	(27, 900, 000)	(28, 900, 000)	(−9, 350, 000)	(+1, 000, 000)	(+1, 000, 000)
(Obligations)	(37, 880, 000)	(37, 880, 000)	(33, 915, 000)	(33, 915, 000)	(34, 915, 000)	(−2, 965, 000)	(+1, 000, 000)	(+1, 000, 000)
3. Manpower training	5, 516, 000	5, 516, 000	5, 750, 000	5, 750, 000	6, 750, 000	+1, 234, 000	+1, 000, 000	+1, 000, 000
4. Program management	2, 653, 000	2, 653, 000	2, 670, 000	2, 670, 000	2, 670, 000	+17, 000		
Total	109, 782, 000	103, 032, 000	106, 003, 000	106, 003, 000	110, 503, 000	+7, 471, 000	+4, 500, 000	+4, 500, 000
Environmental control								
1. Solid waste management	15, 275, 000	15, 275, 000	15, 336, 000	17, 136, 000	19, 276, 000	+4, 001, 000	+3, 940, 000	+2, 140, 000
2. Occupational health	10, 353, 000	10, 353, 000	13, 423, 000	8, 283, 000	13, 423, 000	+3, 070, 000		+5, 140, 000
3. Radiological health	16, 639, 000	16, 639, 000	16, 862, 000	16, 862, 000	16, 862, 000	+223, 000		
4. Community environmental management	5, 872, 000	5, 872, 000	4, 712, 000	4, 712, 000	4, 712, 000	−1, 160, 000		
5. Water hygiene	2, 701, 000	2, 701, 000	2, 344, 000	2, 344, 000	4, 484, 000	+1, 783, 000	+2, 140, 000	+2, 140, 000
6. Program management	3, 237, 000	3, 237, 000	3, 243, 000	3, 243, 000	3, 243, 000	+6, 000		
Total	54, 077, 000	54, 077, 000	55, 920, 000	52, 580, 000	62, 000, 000	+7, 923, 000	+6, 080, 000	+9, 420, 000
Buildings and facilities								
(Obligations)	(4, 844, 000)	(5, 861, 000)	(21, 750, 000)	(21, 750, 000)	(21, 750, 000)	(+15, 889, 000)		
Office of the Adminstrator	4, 078, 000	4, 078, 000	4, 775, 000	4, 244, 000	4, 244, 000	166, 000	−531, 000	
Total Environmental Health Service	167, 937, 000	161, 187, 000	166, 698, 000	162, 827, 000	176, 747, 000	+15, 560, 000	+10, 049, 000	+13, 920, 000
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION								
1. Research:								
(a) Grants	85, 254, 000	85, 254, 000	87, 740, 000	89, 600, 000	91, 600, 000	+6, 346, 000	+3, 860, 000	+2, 000, 000
(b) Direct operations	25, 952, 000	25, 952, 000	26, 389, 000	26, 389, 000	26, 389, 000	+437, 000		
Subtotal	111, 206, 000	111, 206, 000	114, 129, 000	115, 989, 000	117, 989, 000	+6, 783, 000	+3, 860, 000	+2, 000, 000
2. Manpower development:								
(a) Grants	118, 366, 000	118, 366, 000	116, 350, 000	116, 350, 000	116, 350, 000	−2, 016, 000		
(b) Direct operations	5, 603, 000	5, 603, 000	5, 671, 000	5, 671, 000	5, 671, 000	+68, 000		
Subtotal	123, 969, 000	123, 969, 000	122, 021, 000	122, 021, 000	122, 021, 000	−1. 948, 000		
3. State and community programs:								
(a) Community mental health centers:								
(1) Construction	35, 500, 000	29, 200, 000				−29, 200, 000		
(Obligations)	(29, 586, 000)	(29, 586, 000)	(27, 300, 000)	(27, 300, 000)	(27, 300, 000)	(−2, 286, 000)		
(2) Staffing	47, 550, 000	47, 550, 000	60, 100, 000	80, 100, 000	100, 000, 000	+52, 550, 000	+40, 000, 000	20, 000, 000
(b) Narcotic addiction and alcoholism programs	12, 000, 000	11, 175, 000	15, 900, 000	11, 900, 000	15, 900, 000	+4, 725, 000		
(c) Direct operations	2, 453, 000	2, 453, 000	2, 499, 000	2, 499, 000	2, 499, 000	+46, 000		
Subtotal	97, 503, 000	90, 378, 000	78, 499, 000	98, 499, 000	118, 499, 000	+28, 121, 000	+40, 000, 000	+20, 000, 000
4. Rehabilitation of drug abusers	16, 619, 000	16, 619, 000	19, 640, 000	19, 640, 000	19, 640, 000	+3, 021, 000		
5. Program support	11, 384, 000	11, 384, 000	12, 367, 000	12, 367, 000	12, 367, 000	+983, 000		
Total	360, 681, 000	353, 556, 000	346, 656, 000	368, 516, 000	390, 516, 000	+36, 960, 000	+43, 860, 000	+22, 000, 000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971—Continued

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note —All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity (1)	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] (2)	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] after 2 percent reduction (3)	Budget estimates of new budget (obligational) authority fiscal year 1971 (4)	New budget (obligational) authority recommended in the House bill (5)	New budget (obligational) authority recommended in the Senate bill (6)	Senate bill compared with— New budget (obligational) authority fiscal year 1970 (enacted to date) (7)	Senate bill compared with— Budget estimates of new budget (obligational) authority fiscal year 1971 (8)	Senate bill compared with— New budget (obligational) authority in House bill (9)
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—Continued								
Saint Elizabeths Hospital	$14,212,000	$14,212,000	$14,823,000	$14,823,000	$14,823,000	+$611,000		
(Obligations)	(41,428,000)	(41,428,000)	(42,077,000)	(42,077,000)	(42,077,000)	+649,000		
Health Services Research and Development	42,653,000	42,474,000	57,403,000	57,403,000	57,403,000	+14,929,000		
Comprehensive Health Planning and Services								
1. Partnership for health grants:								
(a) Planning	20,000,000	19,008,000	22,000,000	22,000,000	22,000,000	+2,992,000		
(b) Formula	100,000,000	90,000,000	90,000,000	90,000,000	90,000,000			
(c) Project	73,843,000	73,596,000	109,500,000	109,500,000	109,500,000	+35,904,000		
Subtotal	193,843,000	182,604,000	221,500,000	221,500,000	221,500,000	+38,896,000		
2. Migrant health	15,000,000	15,000,000	15,000,000	15,000,000	17,822,000	+2,822,000	+$2,822,000	+$2,822,000
3. Standard setting and resource development	10,252,000	10,252,000	10,434,000	10,434,000	10,434,000	+182,000		
4. Program management	4,380,000	4,380,000	4,564,000	4,564,000	4,564,000	+184,000		
Total	223,475,000	212,236,000	251,498,000	251,498,000	254,320,000	+42,084,000	+2,822,000	+2,822,000
Less trust fund transfer	−4,320,000	−4,320,000	−4,320,000	−4,320,000	−4,320,000			
Total appropriation	219,155,000	207,916,000	247,178,000	247,178,000	250,000,000	+42,084,000	+2,822,000	+2,822,000
Maternal and Child Health								
1. Maternal and child health:								
(a) Formula grants	108,000,000	108,000,000	118,600,000	118,600,000	118,600,000	+10,600,000		
(b) Project grants	77,869,000	75,825,000	83,030,000	83,030,000	83,350,000	+7,525,000	+320,000	+320,000
(c) Research and training	17,085,000	14,885,000	17,085,000	17,085,000	17,085,000	+2,200,000		
(d) Program management	3,071,000	3,071,000	3,109,000	3,109,000	3,109,000	+38,000		
Subtotal	206,025,000	201,781,000	221,824,000	221,824,000	222,144,000	+20,363,000	+320,000	+320,000
2. Family planning:								
(a) Grants and contracts	22,800,000	22,800,000	32,015,000	32,015,000	32,015,000	+9,215,000		
(b) Program management			1,500,000	1,500,000	1,500,000	+1,500,000		
Subtotal	22,800,000	22,800,000	33,515,000	33,515,000	33,515,000	+10,715,000		
Total	228,825,000	224,581,000	255,339,000	255,339,000	255,659,000	+31,078,000	+320,000	+320,000
Regional Medical Programs								
1. Regional medical programs:								
(a) Grants	73,500,000	73,500,000	79,500,000	79,500,000	97,998,000	+24,498,000	+18,498,000	+18,498,000
(Obligations)	(73,500,000)	(78,500,000)	(94,500,000)	(94,500,000)	(112,998,000)	(+34,498,000)	(+18,498,000)	(+18,498,000)
(b) Direct operations	1,771,000	1,771,000	1,812,000	1,812,000	1,812,000	+41,000		
Subtotal	75,271,000	75,271,000	81,312,000	81,312,000	99,810,000	+24,539,000	+18,498,000	+18,498,000
2. Technical assistance and disease control	20,930,000	18,287,000	13,168,000	13,168,000	13,168,000	−5,119,000		
3. Program management	1,947,000	1,947,000	2,022,000	2,022,000	2,022,000	+75,000		
Total	98,148,000	95,505,000	96,504,000	96,502,000	115,000,000	+19,495,000	+18,498,000	+18,498,000
Communicable Diseases	41,301,000	41,301,000	41,538,000	41,938,000	50,000,000	+8,699,000	+8,462,000	+8,062,000
Medical Facilities Construction								
1. Construction grants	172,200,000	172,200,000	50,000,000	172,200,000	180,903,078	+8,703,078	+130,903,078	+8,703,078
2. Direct loans			30,000,000				−30,000,000	
3. Interest subsidies			5,000,000	5,000,000	5,000,000	+5,000,000		
4. D.C. medical facilities	10,000,000	8,500,000			15,000,000	+6,500,000	+15,000,000	+15,000,000
5. Program direction and technical assistance	4,149,000	4,149,000	4,321,000	4,321,000	4,321,000	+172,000		
Total	186,349,000	184,849,000	89,321,000	181,521,000	205,224,078	+20,375,078	+115,903,078	+23,703,078
Patient Care and Special Health Services	77,443,000	77,443,000	79,889,000	79,889,000	79,889,000	+2,446,000		
National Health Statistics	9,174,000	9,174,000	9,918,000	9,668,000	9,668,000	+494,000	−250,000	
Retired pay or commissioned officers	16,700,000	16,700,000	19,501,000	19,501,000	19,501,000	+2,801,000		
Building and Facilities								
(Obligations)	(2,805,000)	(2,805,000)	(10,121,000)	(10,121,000)	(10,121,000)	(+7,316,000)		
Office of the Administrator	11,043,000	11,043,000	11,812,000	11,812,000	11,812,000	+769,000		
Total, Health Services and Mental Health Administration	1,305,684,000	1,278,754,000	1,269,880,000	1,384,090,000	1,459,495,078	+180,741,078	+189,615,078	+75,405,078

Footnotes at end of table.

						Senate bill compared with—		
Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] (2)	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] after 2 percent reduction (3)	Budget estimates of new budget (obligational) authority fiscal year 1971 (4)	New budget (obligational) authority recommended in the House bill (5)	New budget (obligational) authority recommended in the Senate bill (6)	New budget (obligational) authority fiscal year 1970 (enacted to date) (7)	Budget estimates of new budget (obligational) authority fiscal year 1971 (8)	New budget (obligational) authority in House bill (9)
NATIONAL INSTITUTES OF HEALTH								
Research Institutes								
Biologics Standards	$8, 443, 000	$8, 441, 000	$8, 640, 000	$8, 838, 000	$8, 838, 000	+$397, 000	+$198, 000	
National Cancer Institute	190, 969, 050	181, 332, 000	202, 383, 000	227, 383, 000	235, 383, 000	+54, 051, 000	+33, 000, 000	+8, 000, 000
National Heart and Lung Institute	171, 792, 500	161, 049, 000	171, 747, 000	178, 479, 000	203, 479, 000	+42, 430, 000	+31, 732, 000	+25, 000, 000
National Institute of Dental Research	30, 914, 500	28, 860, 000	34, 563, 000	35, 257, 000	36, 257, 000	+7, 397, 000	+1, 694, 000	+1, 000, 000
National Institute of Arthritis and Metabolic Diseases	141, 171, 000	132, 091, 000	132, 152, 000	138, 339, 000	140, 339, 000	+8, 248, 000	+8, 187, 000	+2, 000, 000
National Institute of Neurological Diseases and Stroke	102, 892, 000	96, 320, 000	96, 972, 000	100, 807, 000	115, 807, 000	+19, 487, 000	+18, 835, 000	+15, 000, 000
National Institute of Allergy and Infectious Diseases	101, 166, 500	98, 321, 000	99, 219, 000	102, 249, 000	102, 749, 000	+4, 518, 000	+3, 530, 000	+500, 000
National Institute of General Medical Sciences	159, 987, 000	148, 309, 000	148, 376, 000	166, 072, 000	171, 072, 000	+22, 763, 000	+22, 696, 000	+5, 000, 000
National Institute of Child Health and Human Development	77, 318, 000	76, 221, 000	93, 303, 000	94, 436, 000	94, 436, 000	+18, 215, 000	+1, 133, 000	
National Eye Institute	25, 398, 500	23, 892, 000	25, 686, 000	30, 986, 000	30, 986, 000	+7, 094, 000	+5, 300, 000	
National Institute of Environmental Health Sciences	18, 485, 000	17, 730, 000	19, 843, 000	20, 620, 000	21, 620, 000	+3, 890, 000	+1, 777, 000	+1, 000, 000
John E. Fogarty International Center for Advanced Study in the Health Sciences	2, 954, 000	2, 791, 000	2, 664, 000	3, 582, 000	3, 582, 000	+791, 000	+918, 000	
Total	1, 031, 491, 500	975, 267, 000	1, 035, 548, 000	1, 107, 048, 000	1, 164, 548, 000	+189, 281, 000	+129, 000, 000	+57, 500, 000
Health Manpower								
1. Institutional support:								
(a) Medical, dental, and related	105, 000, 000	101, 400, 000	113, 650, 000	116, 350, 000	130, 350, 000	+28, 950, 000	+16, 700, 000	+14, 000, 000
(b) Nursing	8, 400, 000	7, 000, 000	11, 000, 000	11, 000, 000	12, 500, 000	+5, 500, 000	+1, 500, 000	+1, 500, 000
(c) Public health	10, 071, 000	9, 471, 000	9, 071, 000	9, 071, 000	9, 471, 000		+400, 000	+400, 000
(d) Allied health professions	11, 587, 000	10, 988, 000	14, 245, 000	14, 245, 000	14, 245, 000	+3, 257, 000		
Subtotal	135, 058, 000	128, 859, 000	147, 966, 000	150, 666, 000	166, 566, 000	+37, 707, 000	+18, 600, 000	+15, 900, 000
2. Student assistance:								
(a) Traineeships	20, 670, 000	20, 670. 000	22, 270, 000	22, 270, 000	22, 870, 000	+2, 200, 000	+600, 000	+600, 000
(b) Direct loans:								
(1) Medical, dental, etc	23, 781, 000	15, 000, 000	12, 000, 000	22, 000, 000	33, 576, 000	+18, 576, 000	+21, 576, 000	+11, 576, 000
(Obligations)	(24, 894, 000)	(16, 113, 000)	(12, 000, 000)	(22, 000, 000)	(33, 576, 000)	(+17, 463, 000)	(+21, 576, 000)	(+11, 576, 000)
(2) Nursing	16, 360, 000	9, 610, 000	9, 610, 000	15, 610, 000	21, 000, 000	+11, 390, 000	+11, 390, 000	+5, 390, 000
(Obligations)	(19, 031, 000)	(12, 281, 000)	(9, 610, 000)	(15, 610, 000)	(21, 000, 000)	(+8, 719, 000)	(+11, 390, 000)	(+5, 390, 000)
Subtotal, direct loans	40, 141, 000	24, 610, 000	21, 610, 000	37, 610, 000	54, 576, 000	+29, 966, 000	+32, 966, 000	+16, 966, 000
(c) Scholarships:								
(1) Medical, dental, etc	15, 541, 000	15, 541, 000	15, 000, 000	15, 000, 000	15, 600, 000	+59, 000	+600, 000	+600, 000
(2) Nursing	7, 178, 000	7, 178, 000	17, 000, 000	17, 000, 000	17, 000, 000	+9, 822, 000		
Subtotal	22, 719, 000	22, 719, 000	32, 000, 000	32, 000, 000	32, 600, 000	+9, 881, 000	+600, 000	+600, 000
Subtotal, student assistance	83, 530, 000	67, 999, 000	75, 880, 000	91, 880, 000	110, 046, 000	+42, 047, 000	+34, 166, 000	+18, 166, 000
3. Manpower requirements, utilization and program management	16, 771, 000	16, 746, 000	18, 388, 000	18, 388, 000	18, 388, 000	+1, 642, 000		
Total, Health manpower	235, 359, 000	213, 604, 000	242, 234, 000	260, 934, 000	295, 000, 000	+81, 396, 000	+52, 766, 000	+34, 066, 000
Health Education Loan Funds								
Sales insufficiencies and interest losses	957, 000	957, 000	3, 083, 000	3, 083, 000	3, 083, 000	+2, 126, 000		
(Obligations):								
(a) Loan activity	(10, 128, 000)	(10, 128, 000)				(−10, 128, 000)		
(b) Interests and insufficiencies	(3, 553, 000)	(3, 553, 000)	(5, 711, 000)	(5, 711, 000)	(5, 711, 000)	(+2, 158, 000)		
Total	957, 000	957, 000	3, 083, 000	3, 083, 000	3, 083, 000	+2, 126, 000		
Dental Health	11, 722, 000	10, 824, 000	10, 954, 000	10, 954, 000	11, 014, 000	+190, 000	+60, 000	+60, 000
Research Resources	71, 324, 000	62, 692, 000	63, 701, 000	66, 201, 000	66, 801, 000	+4, 109, 000	+3, 100, 000	+600, 000
Construction of Health Educational Research, and Library Facilities								
1. (a) Medical and related	94, 500, 000	94, 500, 000	94, 500, 000	94, 500, 000	111, 230, 000	+16, 730, 000	+16, 730, 000	+16, 730, 000
(Obligations)	(112, 922, 000)	(112, 922, 000)	(94, 500, 000)	(94, 500, 000)	(111, 230, 000)	(−1, 692, 000)	(+16, 730, 000)	(+16, 730, 000)
(b) Dental	23, 600, 000	23, 600, 000	23, 600, 000	23, 600, 000	28, 380, 000	+4, 780, 000	+4, 780, 000	+4, 780, 000
(Obligations)	(28, 200, 000)	(28, 200, 000)	(23, 600, 000)	(23, 600, 000)	(28, 380, 000)	(+180, 000)	(+4, 780, 000)	(+4, 780, 000)
2. Nursing	8, 000, 000	8, 000, 000	8, 000, 000	8, 000, 000	10, 390, 000	+2, 390, 000	+2, 390, 000	+2, 390, 000
(Obligations)	(8, 137, 000)	(8, 137, 000)	(8, 000, 000)	(8, 000, 000)	(10, 390, 000)	(+2, 253, 000)	(+2, 390, 000)	(+2, 390, 000)
3. Health research facilities								
(Obligations)	(22, 000)	(22, 000)				(−22, 000)		
Total, construction	126, 100, 000	126, 100, 000	126, 100, 000	126, 100, 000	150, 000, 000	+23, 900, 000	+23, 900, 000	+23, 900, 000
(Obligations)	(149, 281, 000)	(149, 281, 1000)	(126, 100, 000)	(126, 100, 000)	(150, 000, 000)	(+719, 000)	(+23, 900, 000)	(+23, 900, 000)
National Library of Medicine	19, 573, 000	19, 263, 000	19, 769, 000	19, 769, 000	22, 233, 000	+2, 970, 000	+2, 464, 000	+2, 464, 000
Buildings and Facilities	1, 900, 000	1, 615, 000				−1, 615, 000		
(Obligations)	(6, 032, 000)	(6, 017, 000)	(6, 656, 000)	(6, 656, 000)	(6, 656, 000)	(+639, 900)		
Office of the Director	7, 845, 000	7, 845, 000	8, 206, 000	8, 206, 000	8, 206, 000	+361, 000		
Scientific Activities Overseas (Special Foreign Currency Program)	3, 455, 000	3, 455, 000	32, 444, 000	32, 444, 000	32, 444, 000	+28, 989, 000		
Total, National Institute of Health	1, 509, 726, 500	1, 421, 622, 000	1, 542, 039, 000	1, 634, 739, 000	1, 753, 329, 000	+331, 707, 000	+211, 290, 000	+118, 590, 000
OFFICE OF EDUCATION								
Elementary and secondary education—follow-through	[10] 70, 300, 000	[10] 70, 300, 000	[10] 69, 000, 000	[10] 70, 400, 000	[10] 70, 400, 000	+100, 000	+1, 400, 000	

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971—Continued

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note —All amounts are in the form of definite appropriations unless otherwise indicated]

						Senate bill compared with—		
Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date)[1]	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] after 2 percent reduction	Budget estimates of new budget (obligational) authority fiscal year 1971	New budget (obligational) authority recommended in the House bill	New budget (obligational) authority recommended in the Senate bill	New budget (obligational) authority fiscal year 1970 (enacted to date)	Budget estimates of new budget (obligational) authority fiscal year 1971	New budget (obligational) authority in House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
SOCIAL AND REHABILITATION SERVICE								
Grants to States for Public Assistance								
1. Maintenance assistance	$4,350,180,000	$4,350,180,000	$4,943,551,000	$4,943,551,000	$4,943,551,000	+$593,371,000		
2. Repatriated U.S. nationals	700,000	600,000	770,000	770,000	770,000	+170,000		
3. Medical assistance	2,654,122,000	2,654,122,000	3,109,685,000	3,109,685,000	3,109,685,000	+455,563,000		
4. Social services	463,738,000	463,738,000	509,328,000	509,328,000	509,328,000	+45,590,000		
5. State and local training	23,264,000	23,264,000	25,536,000	25,536,000	25,536,000	+2,272,000		
Subtotal (noncontrollable)	7,492,004,000	7,491,904,000	8,588,870,000	8,588,870,000	8,588,870,000	+1,096,966,000		
6. Child welfare services	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000			
7. Research and training	17,200,000	16,980,000	17,080,000	17,080,000	17,080,000	100,000		
Total	7,555,204,000	7,554,884,000	8,651,950,000	[3] 8,651,950,000	[3] 8,651,950,000	+1,097,066,000		
Work Incentives								
1. Training	94,140,000	85,140,000	92,750,000	73,257,000	66,257,000	−18,883,000	−$26,493,000	−$7,000,000
2. Day care	25,860,000	16,860,000	77,250,000	46,743,000	31,743,000	+14,883,000	−45,507,000	−15,000,000
Total	120,000,000	102,000,000	170,000,000	120,000,000	98,000,000	−4,000,000	−72,000,000	−22,000,000
Rehabilitation Services and Facilities								
1. Services:								
(a) Basic State grants	436,000,000	436,000,000	503,000,000	503,000,000	503,000,000	+67,000,000		
(b) Innovation	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000			
(c) Rehabilitation service projects:								
(1) Regular expansion grants	9,500,000	9,500,000	12,800,000	12,800,000	12,800,000	+3,300,000		
(2) Training in industry	500,000	450,000	1,000,000	1,000,000	1,000,000	+550,000		
(3) New careers	1,000,000	900,000	2,000,000	2,000,000	2,000,000	+1,100,000		
(4) Services for migrants			5,000,000		5,000,000	+5,000,000		+5,000,000
(5) Workshop improvement	10,533,000	9,906,000	11,300,000	11,300,000	11,300,000	+1,394,000		
(6) Initial staffing	550,000	550,000	550,000	550,000	550,000			
Subtotal	22,083,000	21,306,000	32,650,000	27,650,000	32,650,000	+11,344,000		+5,000,000
(d) Services for the mentally retarded	24,969,000	23,644,000	24,790,000	24,790,000	[7] 36,790,000	+13,146,000	+12,000,000	+12,000,000
Subtotal	486,252,000	484,150,000	563,640,000	558,640,000	575,640,000	+91,490,000	+12,000,000	+17,000,000
2. Facilities:								
(a) Vocational rehabilitation facilities	3,500,000	2,892,000				−2,892,000		
(Obligations)	(3,841,300)	(3,233,000)				(−3,233,000)		
(b) Facilities for the mentally retarded	12,031,000	10,226,000	8,000,000	8,000,000	(7)	−10,226,000	−8,000,000	−8,000,000
Subtotal	15,531,000	13,118,000	8,000,000	8,000,000		−13,118,000	−8,000,000	−8,000,000
Total	510,783,000	497,268,000	571,640,000	566,640,000	575,640,000	+78,372,000	+4,000,000	+9,000,000
Programs for the Aging								
1. State grants	13,000,000	13,000,000	15,200,000	15,200,000	15,200,000	+2,200,000		
2. Foster grandparents program	9,250,000	8,817,000	10,000,000	10,000,000	11,000,000	+2,183,000	+1,000,000	+1,000,000
3. Research and training	6,110,000	5,942,000	6,800,000	6,800,000	6,800,000	+858,000		
White House Conference on Aging	(250,000)	(250,000)	(1,000,000)	(1,000,000)	(1,000,000)	(+750,000)		
4. Retired Senior Volunteer program (RSVP)					1,000,000	+1,000,000	+1,000,000	+1,000,000
Total	28,360,000	27,759,000	32,000,000	32,000,000	34,000,000	+6,241,000	+2,000,000	+2,000,000
Juvenile Delinquency Prevention and Control	10,000,000	10,000,000	15,000,000	15,000,000	15,000,000	+5,000,000		
Research and Training								
1. Research and demonstrations:								
(a) Rehabilitation	21,425,000	20,603,000	22,360,000	[4] 26,360,000	26,360,000	+2,468,000	−2,000,000	
(b) Social services	3,500,000	3,289,000	6,000,000					
(c) Income maintenance experiments	8,000,000	8,000,000	12,000,000	8,000,000	10,000,000	+2,000,000	−2,000,000	+2,000,000
Subtotal	32,925,000	31,892,000	40,360,000	34,360,000	36,360,000	+4,468,000	−4,000,000	+2,000,000
2. Training	27,700,000	27,700,000	27,700,000	27,700,000	27,700,000			
3. Special centers	10,875,000	10,331,000	13,375,000	13,375,000	13,375,000	+3,044,000		
Total	71,500,000	69,923,000	81,435,000	75,435,000	77,435,000	+7,512,000	−4,000,000	+2,000,000
Social and Rehabilitation Activities Overseas (Special Foreign Currency Program)	2,000,000	2,000,000	7,000,000	4,000,000	4,000,000	+2,000,000	−3,000,000	
Salaries and Expenses	28,645,500	28,645,500	37,829,000	35,457,000	33,390,000	+4,744,500	−4,439,000	−2,067,000
Less trust fund transfer	−360,000	−360,000	−390,000	−390,000	−390,000	−30,000		
Total	28,285,000	28,285,500	37,439,000	35,067,000	33,000,000	4,714,500	−4,439,000	−2,067,000
Total, Social and Rehabilitation Service	8,317,132,500	8,292,119,500	9,566,464,000	9,500,092,000	9,489,025,000	+1,196,905,500	−77,439,000	−11,067,000
SOCIAL SECURITY ADMINISTRATION								
Federal Funds								
Payments to Social Security Trust Funds								
1. Matching payments for supplementary medical insurance	928,151,000	928,151,000	1,245,282,000	1,245,282,000	1,245,282,000	+317,131,000		
2. Hospital insurance for uninsured	617,262,000	617,262,000	878,688,000	878,688,000	878,688,000	+261,426,000		
3. Military service credits	105,000,000	105,000,000	105,000,000	105,000,000	105,000,000			
4. Retirement benefits for the uninsured	364,151,000	364,151,000	370,916,000	370,916,000	370,916,000	+6,765,000		
Total	2,014,564,000	2,014,564,000	2,599,886,000	2,599,886,000	2,599,886,000	+585,322,000		

Footnotes at end of table.

Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] (2)	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] after 2 percent reduction (3)	Budget estimates of new budget (obligational) authority fiscal year 1971 (4)	New budget (obligational) authority recommended in the House bill (5)	New budget (obligational) authority recommended in the Senate bill (6)	Senate bill compared with— New budget (obligational) authority fiscal year 1970 (enacted to date) (7)	Senate bill compared with— Budget estimates of new budget (obligational) authority fiscal year 1971 (8)	Senate bill compared with— New budget (obligational) authority in House bill (9)
Special Benefits for Disabled Coal Miners	$7,250,000	$7,250,000	[5] $(153,000,000)	(6)	(6)	−$7,250,000	(−$153,000,000)	
Total, Federal funds	2,021,814,000	2,021,814,000	2,599,866,000	$2,559,886,000	$2,599,886,000	+578,072,000		
Trust Funds								
Limitation on Salaries and Expenses	(934,369,000)	(934,369,000)	(997,461,000)	(997,461,000)	(997,461,000)	(+63,092,000)		
Limitation on Construction			(2,800,000)	(2,800,000)	(2,800,000)	(+2,800,000)		
(Obligations)	(5,004,000)	(5,004,000)	(13,096,000)	(13,096,000)	(13,096,000)	(+8,092,000)		
Total Social Security Administration	2,021,814,000	2,021,814,000	2,599,886,000	2,599,886,000	2,599,886,000	+578,072,000		
SPECIAL INSTITUTIONS								
American Printing House for the Blind	1,404,000	1,404,000	1,476,000	1,557,000	1,517,000	+113,000	+41,000	−$40,000
National Technical Institute for the Deaf								
1. Academic program	2,851,000	2,851,000	3,608,000	3,608,000	3,608,000	+757,000		
2. Construction			16,136,000	16,136,000	16,136,000	+16,136,000		
Subtotal	2,851,000	2,851,000	19,744,000	19,744,000	19,744,000	+16,893,000		
Model Secondary School for the Deaf								
1. Academic program	427,000	427,000	2,182,000	2,182,000	2,182,000	+1,755,000		
2. Construction	351,000	351,000	250,000	250,000	250,000	−101,000		
Subtotal	778,000	778,000	2,432,000	2,432,000	2,432,000	+1,654,000		
Gallaudet College								
1. Academic program	4,494,000	4,494,000	5,750,000	5,470,000	5,825,000	+1,331,000	+75,000	+355,000
2. Construction	1,106,000	1,106,000	1,400,000	1,400,000	1,400,000	+294,000		
Subtotal	5,600,000	5,600,000	7,150,000	6,870,000	7,225,000	+1,625,000	+75,000	+355,000
Howard University								
1. Academic program	21,109,000	21,109,000	24,000,000	24,000,000	24,000,000	+2,891,000		
2. Construction	30,410,000	30,410,000	1,000,000	1,000,000	1,000,000	−29,410,000		
3. Freedmen's Hospital	9,875,000	9,875,000	11,185,000	11,185,000	11,185,000	+1,310,000		
Subtotal	61,394,000	61,394,000	36,185,000	36,185,000	36,185,000	−25,209,000		
Total, special institutions	72,027,000	72,027,000	66,987,000	66,788,000	67,103,000	−4,924,000	+116,000	+315,000
OFFICE OF CHILD DEVELOPMENT								
1. Research and demonstrations			8,500,000	3,500,000	5,000,000	+5,000,000	−3,500,000	+1,500,000
2. White House Conference on Children and Youth	400,000	400,000	600,000	600,000	600,000	+200,000		
3. Administration and technical assistance	1,507,000	1,507,000	2,355,000	1,817,000	1,817,000	+310,009	−538,000	
4. Headstart	[11] 326,000,000	[11] 326,000,000	[11] 339,000,000	[11] 321,300,000	[11] 339,000,000	+13,000,000		+17,700,000
Total	327,907,000	327,907,000	350,455,000	327,217,000	346,417,000	+18,510,000	−4,038,000	+19,200,000
DEPARTMENTAL MANAGEMENT								
Office for Civil Rights	6,666,000	6,666,000	8,874,000	8,874,000	8,874,000	+2,208,000		
Less trust fund transfer	−856,000	−856,000	−947,000	−947,000		+856,000	+947,000	+947,000
Total	5,810,000	5,810,000	7,927,000	7,927,000	8,874,000	+3,064,000	+947,000	+947,000
DEPARTMENTAL MANAGEMENT								
1. Executive direction	6,523,000	6,523,000	8,299,000	7,637,000	7,637,000	+1,114,000	−662,000	
2. Public information	691,000	691,000	729,000	729,000	729,000	+38,000		
3. Community and field services	4,223,000	4,223,000	5,415,000	5,096,000	5,096,000	+873,000	−319,000	
4. Legal services	4,063,000	4,063,000	4,488,000	4,420,000	4,420,000	+357,000	−68,000	
5. Financial management:								
(a) Audit	11,455,000	11,455,000	12,917,000	12,774,000	12,774,000	+1,319,000	−143,000	
(b) Other	2,246,000	2,246,000	2,477,000	2,375,000	2,375,000	+129,000	−102,000	
6. National Summer Youth	[8] 3,000,000	[8] 3,000,000				−3,000,000		
7. Administrative management	5,984,000	5,984,000	7,144,000	6,405,000	6,405,000	+421,000	−739,000	
8. Surplus property utilization	1,380,000	1,380,000	1,456,000	1,389,000	1,389,000	+9,000	−67,000	
Subtotal	39,565,000	39,565,000	42,925,000	40,825,000	40,825,000	+1,260,000	−2,100,000	
Less trust fund transfer	−5,429,000	−5,429,000	−5,855,000	−5,725,000	−5,725,000	−296,000		
Total	34,136,000	34,136,000	37,070,000	35,100,000	35,100,000	+964,000	−1,970,000	
Total, departmental management	39,946,000	39,946,000	44,997,000	43,027,000	43,974,000	+4,028,000	−1,023,000	+947,000
Total, HEW	13,914,091,500	13,767,294,000	15,765,955,000	15,878,615,000	16,095,925,078	+2,328,631,078	+329,970,078	+217,310,078
TITLE III—RELATED AGENCIES								
National Labor Relations Board	$38,522,000	$38,522,000	$37,930,000	$39,430,000	$39,430,000	+$908,000	+$1,500,000	
National Mediation Board	2,353,000	2,353,000	2,394,000	2,394,000	2,394,000	+41,000		
Railroad Retirement Board:								
Payment for military service credits	19,206,000	19,206,000	19,969,000	19,969,000	19,969,000	+763,000		
Limitation on salaries and expenses	(16,162,000)	(16,162,000)	(16,740,000)	(16,740,000)	(16,740,000)	(+578,000)		
Federal Mediation and Conciliation Service	9,027,000	9,027,000	9,508,000	9,508,000	9,508,000	+481,000		
United States Soldiers' Home (trust fund appropriation):								
Operation and maintenance	9,445,000	9,445,000	9,822,000	9,822,000	9,822,000	+377,000		
Capital outlay	170,000	170,000	128,000	128,000	128,000	−42,000		

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971—Continued

TITLE III—RELATED AGENCIES—Continued

[Note —All amounts are in the form of definite appropriations unless otherwise indicated]

Appropriation/activity	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] (2)	New budget (obligational) authority fiscal year 1970 (enacted to date)[1] after 2 percent reduction (3)	Budget estimates of new budget (obligational) authority fiscal year 1971 (4)	New budget (obligational) authority recommended in the House bill (5)	New budget (obligational) authority recommended in the Senate bill (6)	Senate bill compared with— New budget (obligational) authority fiscal year 1970 (enacted to date) (7)	Senate bill compared with— Budget estimates of new budget (obligational) authority fiscal year 1971 (8)	Senate bill compared with— New budget (obligational) authority in House bill (9)
ECONOMIC OPPORTUNITY PROGRAM								
Community Development Programs								
(a) Research, development and evaluation	$75,600,000	$75,600,000	$118,300,000	$114,600,000	$114,600,000	+$39,000,000	−$3,700,000	
(b) Health and nutrition programs	155,200,000	155,200,000	176,800,000	195,300,000	195,300,000	+40,100,000	+18,500,000	
(c) Legal services programs	53,800,000	53,800,000	63,400,000	61,400,000	61,400,000	+7,600,000	−2,000,000	
(d) Community action operations	382,100,000	382,100,000	384,600,000	388,600,000	388,600,000	+6,500,000	+4,000,000	
(e) Special impact program	36,800,000	36,800,000	32,100,000	37,100,000	37,100,000	+300,000	+5,000,000	
(f) Migrant program	30,900,000	30,900,000	35,500,000	35,500,000	35,500,000	+4,600,000		
(g) VISTA	35,000,000	35,000,000	38,500,000	36,500,000	36,500,000	+1,500,000	−2,000,000	
Subtotal	769,400,000	769,400,000	849,200,000	869,000,000	869,000,000	+99,600,000	+19,800,000	
Rural loan program	9,400,000	9,400,000	5,000,000	9,400,000	9,400,000		+4,400,000	
General support	16,000,000	16,000,000	16,000,000	16,000,000	16,000,000			
Total	[12] 794,800,000	[12] 794,800,000	[12] 870,200,000	[12] 894,400,000	[12] 894,400,000	+99,600,000	+24,200,000	
Federal Radiation Council	132,000	132,000	144,000	144,000	144,000	+12,000		
President's Committee on Consumer Interests	460,000	460,000	810,000	810,000	810,000	+350,000		
National Commission on Product Safety	1,475,000	1,475,000				−1,475,000		
President's Council on Youth Opportunity	300,000	300,000	300,000	300,000	300,000			
Cabinet Committee on Opportunities for Spanish-Speaking People	537,000	537,000	675,000	675,000	675,000	+138,000		
Payment to the Corporation for Public Broadcasting	15,000,000	15,000,000	22,500,000		27,500,000	+12,500,000	+5,000,000	+$27,500,000
National Credit Union Administration			500,000		500,000	+500,000		+500,000
Total, new budget (obligational) authority, related agencies	891,427,000	891,427,000	974,880,000	977,580,000	1,005,580,000	+114,153,000	+30,700,000	+28,000,000
Grand total, new budget (obligational) authority	16,649,468,530	16,502,671,030	18,759,377,000	18,824,663,000	19,070,964,078	2,568,293,048	+311,587,078	+246,301,078
Consisting of—								
Definite appropriations	16,618,589,530	16,471,792,030	18,725,053,000	18,790,339,000	19,036,640,078	+2,564,848,048	+311,587,078	+246,301,078
Indefinite appropriations	30,879,000	30,879,000	34,324,000	34,324,000	34,324,000	+3,445,000		

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[1] 1970 appropriations are adjusted to be comparable to the 1971 estimates.

[2] Includes budget amendment of $5,140,000; not considered by House.

[3] The proposed general provision limiting social services, administration, and training to 115 percent of the 1970 budget estimate was included in the bill.

[4] Undistributed as yet.

[5] Tentative estimate. Supplemental will be submitted as soon as final estimate can be made.

[6] Open-ended; obligations authorized to be charged to subsequent appropriations.

[7] Construction of facilities for the mentally retarded becomes a part of the formula grant (up to 50 percent) under the provisions of the Developmental Disabilities Bill, S. 2846.

[8] Represents Office of Economic Opportunity funds administered by the President's Council on Physical Fitness and Sports in fiscal year 1970.

[9] Includes work and training activities transferred from Office of Economic Opportunity. The Senate Committee provided $760,100,000 for these activities.

[10] Reflects transfer of Follow Through program from Office of Economic Opportunity.

[11] Reflects transfer of Head Start program from Office of Economic Opportunity.

[12] Reflects transfer of work and training activities to the Department of Labor, and child development programs to the Department of Health, Education, and Welfare.

BUDGET REQUESTS

Mr. MAGNUSON. Mr. President, for the second successive year, our committee must express grave concern about the apparent downgrading of health as reflected by the budget requests.

Some programs were cut below 1970 levels, others were given only insignificant increases, and most would remain at funding levels that would hardly allow a maintenance of effort level of activity.

Health problems still beset the American people which must be recognized as a serious threat to our society. All of us on the appropriations committee are mindful of the importance of holding down Federal expenditures, especially in an inflationary period. But we also know that we would not be fulfilling our responsibilities if we failed to exercise independent judgment in considering this appropriation bill.

Congress must again and now reassert its leadership in the health field if this crisis is to be reversed.

The expenditures for medical education and research have been limited in the campaign against inflation. It will be recalled that the President vetoed the entire HEW appropriation bill last year based upon what he said was his considered judgment that this bill would be inflationary. We agree that inflation is an ever-increasing problem with which we all must be concerned, but I should like to suggest that restriction of such funds is actually inflationary.

How much greater would the gross national product be in a given year if disease and premature mortality from diseases had not interfered?

Billions of dollars of productivity are lost each year. With more adequate support for medical education and research we can do "our thing" and help reduce these inflationary pressures and also reduce the pain and grief to millions of our citizens and the costs.

False economy can result when action is deferred on pressing domestic needs. The inflationary fires in the health care industry will continue to burn out of control until there is an adequate supply of trained manpower. This is one of the major reasons for the high costs of hospital and medical care.

HEALTH MANPOWER

In April of this year, the Public Health Service reported on the present status of our health manpower needs. For 1970 they estimate the total shortage of doctors, dentists, nurses, and allied health personnel to be 482,000.

For 1980 their projections were even more disturbing if we continue present levels of effort in these health manpower training programs—in 1980 they estimated these shortages would be 725,000.

Therefore, in light of a thorough examination of the needs of health manpower, health research, and the special health care delivery programs reflected in this budget bill, we are recommending an appropriation that exceeds the President's requests by $311.6 million.

Although that is a significant sum, it works out to less than 2 percent of the total amounts involved here. Less than three one-hundredths of 1 percent of our gross national product.

After reviewing all these programs we made a number of adjustments. We provided increases in two major health areas, the Hill-Burton hospital construction and modernization program, and the National Institutes of Health, where we recommend increases of $327 million.

The vast majority of our increases were in health—medical research, health manpower, and the delivery of health services.

I will not repeat all of those figures, or detail our recommendations. They are all covered in a very succinct report to the Senate on this bill.

Just over two-thirds of our increase above the President's requests is in the National Institutes of Health.

Some $34 million of that is for their special health manpower programs. For direct support to health educational institutions—the schools of medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, public health, nursing, and veterinary medicine—and for sadly needed loan funds for students in all of these health educational programs.

I know that my colleagues on the committee join me in hoping these increases are approved, and expended, so they might give impetus to the vitally important health manpower programs which have lagged far behind the rhetorical statements about the Nation's urgent needs for physicians, nurses, and ancillary health personnel.

Under the recommendations submitted to the Congress, only 10 percent of the nursing students and 12 percent of the health professions students now enrolled in such programs could have secured educational loans. I want to stress that I refer to loans, which would be repaid, with interest, by these students once they graduate.

Under the increases we are recommending, some 21 percent of the nursing students and 34 percent of the health professions students could be assisted with loans. In both categories, this is slightly less than the actual percentages of students who needed such loans, and received them, during 1969. It is far less than what the schools report to be their needs, but it is just below the authorization limit for the health professions and up to the absolute limit for nursing students.

In numbers, these recommendations will assist an additional 16,272 nursing students and an additional 18,594 students enrolled in schools of medicine, dentistry, osteopathy, podiatry, optometry, pharmacy, public health, and veterinary medicine.

I should point out at this time that we rejected recommendations that would have restricted these programs to purely medical specialties. Another item of special concern to the committee was the suggestion embodied within the budget presented which would have precluded the schools of veterinary medicine from the institutional formula grants, and which would have curtailed the participation of their students, along with students in schools of public health, from student assistance programs.

The committee not only rejected that proposal, but has specifically restored those funds. As much as we do agree that there is a critical shortage of physicians, we were unanimous in our determination that all of the health professions, nursing and allied health professions should continue to participate fully in these programs.

In reference to the health professions and nursing student loans I want to say a particular word about recent efforts of the Department to arbitrarily limit access of students to these loan programs.

The basic authorization established these programs to grant loans to those students who, for financial reasons, might otherwise be prevented from completing their educational program. Responsibility is placed upon the participating educational institutions to evaluate individual applicants and determine eligibility upon the basis of need. Those institutions must also invest their own funds in loans as well as cover all administrative expenses.

All of the evidence submitted to our committee indicates that health profession and nursing students from the lowest economic groups have received the highest number of loans. I do not believe the basic law needs to be changed, and I do not agree with administration proposals that would limit access to those students from families with annual incomes of less than $10,000. Discretion and flexibility must be retained and we should leave to the participating institutions the responsibility of making these difficult decisions.

Within the regional medical program we added almost $4 million to help train more allied health personnel—the technicians and physicians assistants who can help bring better care to the sick, and we also restored the hospital improvement grant program to the 1970 operating level—a program that helps all of the State mental hospitals improve their treatment programs and upgrade their professional staffs.

CONSTRUCTION

For the construction of new teaching facilities in the health professions there is an alarming backlog of approved but unfunded projects. Every State and region is involved. In many instances, projects are ready to go to contract, local and State financing secured, bonds floated, and interest charges running—but no Federal matching funds are available.

This backlog of approved projects is well over $2 billion—more than two-thirds of that State and local funds—about $600 million of anticipated, almost promised and approved Federal matching. Regrettably, only $150 million is provided in this bill—we have increased the President's request and the House allowance, by $24 million.

COMMUNICABLE DISEASES

Another cause of real alarm is the increases in communicable diseases. For the first time in a decade, polio is on the increase. In some areas diptheria is on the increase: across the Nation, every mother—especially expectant mothers—fear another breakout of German measles; and nationwide, various venereal diseases are on the increase.

To bolster State and local efforts at immunization programs against communicable diseases, we have added $8 million to this bill over the President's recommendations which merely maintained the same dollar figures as last year. Future costs of an unchecked German measles epidemic alone could exceed all of the increases contained in this bill.

Hospital construction and modernization under Hill-Burton received special attention by our committee. We added almost $24 million, and together with the House increases this will be $116 million more than the President requested.

This increase cannot meet all the needs, but it will help a program of overwhelming significance to almost every community in our Nation. And it will be especially helpful to some 35 projects in nine States that were sadly shortchanged under fiscal controls imposed by the administration during fiscal 1970. A listing of those specific projects appears in our committee report, pages 27 and 28.

MENTAL HEALTH

For the community mental health program we have recommended an additional increase of $20 million for staffing of these vital community resources that have helped thousands of Americans, restored them to sound mental health, and saved those patients, their families, State and local governments, untold millions of dollars.

Together with the House allowances, our recommendations are $40 million over the President's requests. This will allow the community mental health program to proceed in an orderly manner—and not languish for lack of funds to meet the minimum staffing requirements of those centers that are located in over 250 cities across the Nation. After the tremendous capital investment that has been made by State and local units, private charitable organizations and individuals, we cannot renege on the Federal share.

For special services to the mentally retarded that are rendered by the Social and Rehabilitation Service, we allowed $4 million more than the President requested. Here again is a program that not only helps render care to those in need, but which has proven highly successful in returning to gainful employment those afflicted with these ailments.

Like the community mental health program, this is an investment which in the long run saves taxpayers funds and untold expenses by families of those recipients.

Mr. President, many of these programs are truly blue chip investments, returning far more than we have ever expended.

HEALTH MANPOWER—RESEARCH

Another factor that must be recognized in biomedical research and the production of health manpower is that if significant efforts are compromised today then many years must be spent to regain lost momentum. Reductions in health care, health manpower, and health research funding to possibly control inflation is tantamount to balancing the budget by the sacrifice of human lives. The shrill voices of the budget balancers are wrong if they think this is the way to right a failing economy. It is the shortfall in revenues from a no-growth economy and the excessively high interest rates that are pushing up the needle of inflation.

Biomedical research and the translation of what has already been discovered into the mainstreams of our health care delivery system, received very special attention from our committee.

REGIONAL MEDICAL PROGRAMS

We had a great deal of testimony on regional medical programs. I would guess that 98 percent of the testimony was favorable. Those testifying thought these

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programs should be expanded, and we paid special attention to this matter. We found, and I am sure the testimony and the report points out, that these regional medical programs have developed a framework of cooperative relationships for improving the organization and delivery of health services throughout our Nation.

This has been accomplished by developing the voluntary cooperation of the various providers of health care—both public and private—in identifying the patients' needs. When these have been determined, the local and regional groups and institutions develop projects and programs to meet those needs.

These RMP activities include the full spectrum of health care: prevention, primary care, specialized care using the latest scientific techniques, and rehabilitation. The regional medical program provides funds for organizing a system of health care locally acceptable and responsive to local needs, but linked to regional and national resources not available locally. It is also helping in that area so badly neglected by almost everyone—planning and innovation for better systems of delivery of health care.

By increasing the allowances for RMP by $18.5 million, we can help bolster training programs in allied health that I already mentioned; provide special support to expand the emergency mobile care units for heart attack and stroke victims that are proving so successful; help to build regional cancer treatment centers where there are not such facilities available today; and increase the rate of development of kidney disease treatment centers and the training of those health professions specialists who can render treatment to kidney disease victims.

NIH—RESEARCH

For basic and applied research at the National Institutes of Health we increased the House allowances by $57.5 millions. Together with the House increases we approved, the total increase over the President's recommendations would be $129 million, or about 12 percent.

These increases cover all of the 11 research institutes, but the major increases are in cancer, heart, stroke, lung, arthritis, and neurological diseases. Although primarily for research into all the diseases that plague mankind. Necessary funds were also restored to keep special training and fellowship programs supported at their 1970 levels.

Mindful that greater knowledge of genetics will ultimately solve a whole spectrum of diseases, we approved a special allowance granted by the House for a genetics task force.

Current knowledge of genetics must be brought into sharper focus and the leads at hand developed in an orderly way. This special program of project grants in genetics-related research will accomplish those purposes.

Mr. President, some criticism has been directed toward biomedical research.

Some have said that it takes too long for what is newly discovered, what has been found to be effective, to become available to all. That it takes too long to get from the research labs what is new into the mainstream of the delivery of health care to all Americans.

Regrettably, that allegation is true in many instances, that is why we have recommended increases in the regional medical program, the comprehensive health program, and NIH to increase our efforts in the applied research area. That is why we recommend adding more to the National Library of Medicine and the development of the Lister Hill Biomedical Communications Network.

But another allegation is made that the expansion of research activity diverts too many physicians from their primary task of treating the sick. That is not true.

Most of the laboratory research in the biomedical sciences is done by scientists with a Ph. D. degree who are not licensed to provide health care. Those Ph. D.'s conduct over 70 percent of the research projects supported by NIH.

The remaining NIH projects are clinical research projects, involving human patients receiving specialized treatment and such projects must involve medical doctors and health professionals.

Such a physician has not been diverted from patient care. On the contrary, he is deeply involved in patient care, and those patients are probably getting better attention than would normally be the case. In most instances many other health professionals are being trained in patient care at the same time this clinical research is being conducted.

These efforts are most deserving of continued Federal support. Any curtailment of these research funds could prove costly in both financial and human terms.

Like most everything involved in health—research does not stand alone. It is intertwined with the delivery system and training programs, especially the improvements we hope to achieve.

FELLOWSHIPS AND TRAINING GRANTS

Health manpower training programs are equally complicated and I would not take the time to explain all that went into our considerations. We did maintain the fellowship and training grants at the 1970 levels, and refused to approve further reductions in those programs.

We must not shirk our obligations in training programs because once again any lost momentum cannot be recovered at some later time. In years to come, we know that new medical schools and other health professions schools will have to be established and funded. We know this is a certainty.

If we are to have adequately prepared teachers, professors and technicians to fill the professional staffs of those new schools—and replace those in existing schools—only the training programs of today will produce those people. This is not a spigot we can casually turn on or off. This is a resource of talented people, highly trained, that must be constantly nurtured and renewed. Time is just as precious as dollars if not more so, and we cannot afford to lose a moment.

RETURNING MEDICAL CORPSMEN

In the delivery of health care the real excitement of those who are striving to improve the delivery systems is directed toward developing programs to train new types of professionals who can play a significant role in ministering to the needs of the sick and helping to prevent illness.

These are technicians, physicians assistants, specialized nurses—all different types. One of the greatest resources of potential participants in these new fields of health manpower are returning medical corpsmen.

Previously, most of these men and women, with invaluable training and practical experience gained during their tour of service, did not enter into a health career in civilian life immediately upon discharge from the military.

Currently, about 30,000 enlisted medical corpsmen are being discharged every year.

Through the special efforts of the Defense Department, and officials in the Department of Health, Education, and Welfare, over 40 percent of those people are now being attracted into health careers.

Through a joint Federal-State venture known as Operation MEDHIC, the transition of those trained medical personnel into civilian health occupants is being facilitated.

In a related effort, MEDEX programs have developed a model for training selected medical corpsmen to serve as physicians' assistants, particularly for medical practice in rural America which is suffering from severe shortages of physicians.

The cooperative efforts of the Defense Department, HEW, the various regional medical programs, health professions schools, the States and professional societies is exemplary. It proves what can be done.

The committee, at the urging of Chairman RUSSELL, also included funds for a new "jobs for veterans" program to increase the number of job opportunities for all Vietnam veterans. The Department of Labor will conduct this program along with other departments and agencies involved in veterans affairs.

ENVIRONMENTAL CONTROL

Special concern for the health of our environment was also evidenced by our committee. Many of the Federal programs that help States and local communities achieve cleaner air, better methods of solid waste disposal, more effective sewage systems, and more reliable supplies of drinking water—these are contained in this bill and are under the jurisdiction of HEW during this fiscal year.

Again, we found recommendations that would make it impossible to achieve minimum goals. We were faced with instances where the President's requests would force reductions of effort—or barely allow for the same level of activity as last year. We did not feel such neglect to be tolerable.

For the environmental health service we have provided an additional $13.9 million. This is primarily for programs under the Clean Air Act; for improved occupational health programs to assist mineworkers—this is a special program under a special bill; for solid waste management research and demonstrations—not the construction of solid waste facilities, but for some management research in this field, and for demonstrations, which we think will prove more than helpful; and for the training of additional employees who work within the municipal and rural water systems across our Nation.

With the overwhelming evidence, acknowledged by almost everyone in public and private positions of responsibility, that we must have action now against environmental pollution, we were disappointed—to say the very least—at the administration's proposals to cut down on research and development in environmental control.

Alarming incidents occurring around the country tell of chemical poisoning of drinking water, cities run over with garbage, and smog alerts are not isolated incidents.

Yet the reductions for research grants training and fellowships proposed throughout the Environmental Health Service would cripple efforts to gain new knowledge and increase the supply of both the skilled scientists and the technicians capable of dealing with these serious problems.

There is a great shortage of people who are experienced in this field in the country, especially those in the day-to-day operations at the local level.

In recognition of the paucity of trained personnel to carry out programs in solid waste management, we added $2.1 million for the support of training grants—primarily in the field of solid waste disposal techniques.

We added a similar amount to accelerate existing programs of surveillance technical assistance, and research and training to help rectify the deficiencies identified in the findings of a recently completed nationwide survey of community water supply systems.

Special efforts will be made to provide the States the technical assistance needed to put to use existing technology related to the detection and treatment processes for contaminants in drinking water.

Under the Clean Air Act we added $2.5 million to provide increased assistance to State and local control agencies in preparing their air quality standards implementation plans, to increase work on health effects research, and to work in air quality monitoring.

We provided an additional $1 million to accelerate motor vehicle pollution research and to implement the Federal clean car incentive program. We provided a similar increase to give additional training opportunities for technical personnel for industry. Federal, State, and local government research and control operations in air pollution.

If we are to have any hope for successes in solving these environmental health problems, these additional funds are an absolutely necessity.

TRANSFER AND CONSOLIDATION OF OEO APPROPRIATIONS TO LABOR AND HEW

Finally, a major action by our subcommittee—and agreed upon by the full membership of the Appropriations Committee—has to do with the Office of Economic Opportunity.

The President requested slightly over $2 billions for OEO programs during fiscal 1971, yet only about 43 percent of those funds are actually administered by OEO.

Over 57 percent of that $2 billion goes to the Departments of Labor and HEW. Where the funds are actually administered for programs like manpower training and retraining, for Headstart and Follow Through.

The committee has been highly critical of this "pass through" type funding for several years. Last year we stated our objections strongly. We were then, and are now, convinced that such procedures are cumbersome and inefficient at best—and possibly highly wasteful at worst.

I know that this questionable procedure has caused countless problems with local agencies—public and private—who have been on the frontlines and dealing directly with the recipients of these many programs.

Considerable time and effort has been expended by OEO officials who have been involved in transferring these funds. I often question what is accomplished by all these discussions and conferences.

Our criticism last year apparently went for naught. The administration proposals for 1971 would continue this questionable "pass through" practice. The committee version recommends that the Headstart appropriation be transferred from OEO to the Office of Child Development, HEW, and the Follow Through appropriation be transferred from OEO to the Office of Education, HEW. Both would be funded at the level of the President's budget request.

This transfer will not in any way affect the authorization for these programs. Presently, these programs are administered under a memorandum of agreement which delegates authority for administering the programs from the Director, OEO to the Secretary, Health, Education, and Welfare. While this agreement will have to be "rephrased" to recognize the technical fact that the money is appropriated to HEW rather than OEO, this would not require changing the substance of the agreement nor the way the programs are administered.

It is important to understand that the legislative authority of these programs remains in the Economic Opportunity Act. The committee had no intention nor, to the best of the committee's knowledge would HEW or OEO have any intention of going counter to either the letter or the spirit of the authorizing legislation nor the wishes of the appropriate legislative committees. The people served by these programs should have no concern that transferring the location of the money will force a change in how these programs are administered. In fact, it is the committee's belief that transferring the appropriations to HEW will decrease uncertainty and confusion.

Mr. COTTON. Mr. President, will the Senator yield for a brief question?

Mr. MAGNUSON. I yield.

Mr. COTTON. Does the distinguished chairman agree with me in feeling that if we succeed in abolishing this transfer of funds from OEO to HEW, and in other cases to the Department of Labor, the saving of manpower engaged in the physical acts of the transfer will mean that more money than heretofore has reached the pockets of the needy, that with the same appropriations, the needy will get more money?

Mr. MAGNUSON. That is perfectly true. Also, it would reduce the uncertainty of local administration of these things, which means that the program should be much more effective.

Answering the question of the distinguished Senator from New Hampshire, recipients would thereby be assured just what amounts of money would be available and would not be dependent on any problems that OEO has with internal distribution of the funds.

Regarding the direct appropriations to Labor, the Senate and the House have approved separate manpower bills that contain the same provisions with respect to consolidation of OEO work and training programs with other manpower programs in the Department of Labor.

The distinguished occupant of the Chair, the Senator from Vermont (Mr. PROUTY) knows that the Committee on Labor and Public Welfare is expected also to deal with the Headstart program in a similar manner at the beginning of the next session, which should be done. So none of the proposed legislation will become effective until fiscal year 1972, and in the meantime, we will eliminate immediately the confusion in the pass-through practice.

From the standpoint of authorizing legislation, the language proposed for the consolidated appropriation clearly identifies the authorizing legislation. Further, it is not unusual that a given appropriation include funds authorized under two or more different pieces of authorizing legislation—that is, the appropriation for "Labor-Management Services Administration, salaries and expenses"—that is the line item—is authorized by the Welfare and Pension Plan Disclosure Act and the Labor-Management Reporting and Disclosure Act, two bills with which the present occupant of the Chair is very familiar.

Administratively, we see no major change in the operation of the work and training programs of the Economic Opportunity Act. The new legislation in both Houses of Congress clearly defines a role for OEO in the planning and evaluation of manpower programs for the disadvantaged. The OEO delegations will still be in effect, and OEO will still have the same role in operations which they had in the past. The primary benefit to be gained from the consolidation will be simplification in the administration of funds. In fiscal year 1970, for example, funds for the regular neighborhood youth corps summer program were in the OEO appropriation but the supplemental appropriation was made to the MDTA account. The Appropriations Committee is correcting this problem by the proposed consolidation and believes this is essential to sound and efficient administration of the programs now.

It is for these reasons that this com-

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mittee feels that it can make considerably more sense out of the appropriation structure, without foreclosing in any way on the deliberations of the legislative committees.

In essence, by the elimination of this administrative transfer of funds, we will eliminate some other "buckpassing" that has gone on. We also will eliminate some of the duplication and overlapping.

Mr. President, at this point, I request unanimous consent to have a table printed in the Record showing the effect of the committee action on the funding levels, including the committee's recommended increase for the popular Headstart program.

There being no objection, the table was ordered to be printed in the Record, as follows:

OFFICE OF ECONOMIC OPPORTUNITY

AMOUNTS REQUESTED IN THE 1971 ECONOMIC OPPORTUNITY PROGRAM BILL

Appropriation/activity	1970 comparable appropriation	1971 budget	1971 House action	Committee recommendation
FUNDS TO OEO				
Economic opportunity program:				
1. Community development programs:				
a. Research, development, and evaluation	$75,600,000	$118,300,000	$114,600,000	$114,600,000
b. Health and nutrition programs	155,200,000	176,800,000	195,300,000	195,300,000
c. Legal services programs	53,800,000	63,400,000	61,400,000	61,400,000
d. Community action operations	382,100,000	384,600,000	388,600,000	388,600,000
e. Special impact program	36,800,000	32,100,000	37,100,000	37,100,000
f. Migrant program	30,900,000	35,500,000	35,500,000	35,500,000
g. VISTA	35,000,000	38,500,000	36,500,000	36,500,000
Subtotal	769,400,000	849,200,000	869,000,000	869,000,000
FUNDS TO LABOR				
2. Work and training programs:				
a. JOBS	47,000,000			
b. Concentrated employment	149,400,000	123,000,000	116,440,000	116,440,000
c. Public service careers	47,000,000	96,600,000	91,400,000	91,400,000
d. In-school and summer programs	183,900,000	208,900,000	197,770,000	197,770,000
e. Out of school	98,000,000	134,200,000	127,000,000	127,000,000
f. Job Corps	170,200,000	180,000,000	170,390,000	170,390,000
g. Operation Mainstream	41,000,000	41,000,000	38,800,000	38,800,000
h. Program support	17,400,000	18,300,000	18,300,000	18,300,000
Subtotal	753,900,000	802,000,000	760,100,000	760,100,000
FUNDS TO HEW				
3. Child development programs:				
a. Headstart	326,000,000	339,000,000	321,300,000	339,000,000
b. Follow Through	70,300,000	69,000,000	70,400,000	70,400,000
c. National summer youth	3,000,000			
Subtotal	399,300,000	408,000,000	391,700,000	409,400,000
FUNDS TO OEO				
4. Rural loan program	9,400,000	5,000,000	9,400,000	9,400,000
5. General support	16,000,000	16,000,000	16,000,000	16,000,000
Total	1,948,000,000	2,030,200,000	2,046,200,000	2,063,900,000

Mr. MAGNUSON. In reference to OEO itself, I would like to say a word about their legal services programs. We recommend that the full amount appropriated for legal services be used for actual operations and that any funds necessary for technical assistance, training, or evaluation, be funded from the much larger general funds granted OEO for those purposes. This would be the same as they have done in previous years.

We also expressed concern about recent proposals that would have transferred the control over local legal services programs to the regional directors of OEO.

Such a transfer would seriously impede the success of legal services programs by denying them resources and by stripping them of the political independence that they need if they are to retain their vitality.

I am pleased that the Director of OEO has revised his reorganization plans for legal services. He has wisely chosen to listen to the voices of reason here on the hill and elsewhere—rather than choose the expedient path which would have freed him from political heat at the cost of a vital national program.

SECTION 208—GENERAL PROVISION

Mr. President, we again had a sticky problem on a general provision—section 208. We spent a great deal of time on this in the committee, and I think we came up with a sensible approach. The administration proposed to close the open end on the payment of welfare services, and suggested a 110-percent ceiling on payments to States—allowing each State at least a 10-percent increase over last year, if they deemed it desirable. I want this to be clear. It has nothing to do with the money payments to recipients. This proposal would reduce or stabilize the Federal obligation and put a greater burden on the States should they want to or be required to continue to increase their services. The committee found that this was a little discriminatory between States and contained an exception clause. Some States would not have been affected to any great extent. Other States would have had to drop their programs from levels they now provide. So we thought that a limitation at 115 percent would more nearly even this out, and that is in the bill.

As I understand it, the House did not include this provision in their bill.

The committee is suggesting that the limitation be placed at 115 percent.

Mr. President, I request unanimous consent that a separate document showing the effect the 115-percent limitation has on each State, be printed in the Record at this point.

There being no objection, the document was ordered to be printed in the Record, as follows:

Social and Rehabilitation Service

GENERAL PROVISIONS—SECTION 208

The Senate Committee version of Section 208 is as follows:

"None of the funds contained in this title may be used for payments to any State for fiscal year 1971 for services, staff training, and administrative expenses under titles I, IV (Part A), X, XIV, and XVI of the Social Security Act which, in the aggregate, exceed 115 percent of the aggregate amount estimated for these purposes for such State for fiscal year 1970."

If the Senate, and subsequently the Congress, should fail to adopt Section 208, the August State estimates indicate that an additional appropriation of $183 million would be required for the cost of services, administration, and training.

According to the August State estimates, almost 75 percent of the additional $183 million would be received by four States: $71 million would go to California, and more than half of the remaining $112 million would be received by Pennsylvania, Michigan and New York.

Purpose of Section 208

The original justification for making public assistance an "open-ended" appropriation was to protect the rights of individuals who were entitled to and in need of cash assistance. In other words, the Congress did not want to see a person in need denied assistance because an appropriation had not been passed at the Federal level. This concept of an "open-ended" appropriation was later extended to program administration, training, and social services aspects of the overall public assistance program. The Administration believes that appropriations for these activities should be controllable. The Executive and the Congress should make deliberate choices—in advance—as to their size and character and as to the Federal financial Government does not exercise this control—it merely pays the bills as rendered by the States. This is what Section 208 was intended to correct.

Effect of Section 208 on States' estimated requirements

The wording of the limitation requires that the increase in 1971 be limited to 115 percent of the 1970 level for the aggregate payments for social services, administration of cash payments to welfare recipients, and training made to the States for 1970. This would permit the State to decide which of the program elements could be constrained and still effectively carry out those of highest priority.

Based on the August data from the States for 1971 requirements, application of the 115 percent limitation, without exception, would produce the following:

1. 23 States will have no problem since the limitation would provide more than their current estimate;
2. 10 States would receive 90 percent or more of their requirements;
3. 11 States would receive between 80 percent and 90 percent of their requirements;
4. 10 States would receive less than 80 percent of their requirements; These States are Alaska, California, Georgia, Hawaii, Maryland, Michigan, New Hampshire, Oregon, Pennsylvania, and Texas.

Listing of States by percentage of fiscal year 1971 request for services, administration, and training allowed under 115 percent limitation

[Dollars in thousands]

Received.—Total request (23 States): Arizona, Arkansas, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Mississippi, Missouri, Montana, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, Utah, Vermont.

	Savings
90 to 99.9 percent of request (10 States):	
Alabama	**863**
Colorado	**826**
Iowa	**906**
New York	**16,515**
Ohio	**1,623**
Puerto Rico	**568**
Virgin Island	**8**
Virginia	**810**
Wisconsin	**427**
Wyoming	**116**
80 to 89.9 percent of request (11 States):	
Florida	**2,685**
Guam	**26**
Idaho	**376**
Kansas	**1,129**
Louisiana	**2,292**
Minnesota	**2,357**
Nebraska	**878**
New Jersey	**3,113**
Tennessee	**2,304**
Washington	**4,249**
West Virginia	**2,189**
Less than 80 percent of request (10 States):	
Alaska	**566**
California	**70,677**
Georgia	**5,012**
Hawaii	**1,237**
Maryland	**5,589**
Michigan	**15,374**
New Hampshire	**534**
Oregon	**3,674**
Pennsylvania	**29,202**
Texas	**6,589**

EFFECT OF SECTION 208 (115 PERCENT) BASED ON STATES' AUGUST ESTIMATES

	Fiscal year 1970 estimate	Fiscal year 1970 times 115 percent	Fiscal year 1971 estimate	Fiscal year 1971 allowance under limitation	Estimated savings	Allowance as percent of 1971 estimate
United States	827,561	951,699	1,114,250	931,522	182,728	
Alabama	7,593	8,732	9,595	8,732	863	91
Alaska	1,835	2,110	2,676	2,110	566	79
Arizona	3,181	3,658	3,632	3,632		100
Arkansas	3,773	4,339	4,215	4,215		100
California	223,150	256,623	327,300	256,623	70,677	78
Colorado	11,305	13,001	13,827	13,001	826	94
Connecticut	8,198	9,428	8,230	8,230		100
Delaware	1,061	1,220	1,157	1,157		100
District of Columbia	6,111	7,028	6,344	6,344		100
Florida	15,357	17,661	20,346	17,661	2,685	87
Georgia	13,058	15,017	20,029	15,017	5,012	75
Guam	146	168	194	168	26	87
Hawaii	1,780	2,047	3,284	2,047	1,237	62
Idaho	1,533	1,763	2,139	1,763	376	82
Illinois	32,748	37,660	36,520	36,520		100
Indiana	6,778	7,795	7,150	7,150		100
Iowa	6,964	8,009	8,915	8,009	906	90
Kansas	6,943	7,984	9,113	7,984	1,129	88
Kentucky	7,852	9,030	8,623	8,623		100
Louisiana	14,254	16,392	18,684	16,392	2,292	88
Maine	4,141	4,762	4,267	4,267		100
Maryland	16,926	19,465	25,054	19,465	5,589	78
Massachusetts	15,630	17,975	15,698	15,698		100
Michigan	25,852	29,730	45,104	29,730	15,374	66
Minnesota	10,885	12,518	14,875	12,518	2,357	84
Mississippi	5,427	6,241	6,121	6,121		100
Missouri	18,226	20,960	18,180	18,180		100
Montana	2,712	3,119	2,986	2,986		100
Nebraska	5,062	5,821	6,699	5,821	878	87
Nevada	1,636	1,881	1,776	1,776		100
New Hampshire	992	1,141	1,675	1,141	534	68
New Jersey	19,510	22,437	25,550	22,437	3,113	88
New Mexico	5,268	6,058	5,133	5,133		100
New York	132,108	151,924	168,439	151,924	16,515	90
North Carolina	13,621	15,664	9,500	9,500		100
North Dakota	2,673	3,074	3,088	3,074	14	100
Ohio	19,417	22,330	23,953	22,330	1,623	93
Oklahoma	10,940	12,581	11,811	11,811		100
Oregon	9,836	11,311	14,985	11,311	3,674	75
Pennsylvania	29,346	33,748	62,950	33,748	29,202	54
Puerto Rico	5,556	6,389	6,957	6,389	568	92
Rhode Island	3,972	4,568	3,267	3,267		100
South Carolina	4,315	4,962	4,705	4,705		100
South Dakota	2,371	2,727	2,649	2,649		100
Tennessee	9,859	11,338	13,642	11,338	2,304	83
Texas	16,751	19,264	25,853	19,264	6,589	75
Utah	3,844	4,421	4,376	4,376		100
Vermont	1,620	1,863	1,423	1,423		100
Virgin Islands	184	212	220	212	8	96
Virginia	6,861	7,890	8,700	7,890	810	91
Washington	22,037	25,343	29,592	25,343	4,249	86
West Virginia	8,682	9,984	12,173	9,984	2,189	82
Wisconsin	16,462	18,931	19,358	18,931	427	98
Wyoming	1,219	1,402	1,518	1,402	116	92

Mr. MAGNUSON. I am sure this section will draw attention tomorrow and again in conference, if it reaches that point.

However, the committee is greatly concerned about the spiraling costs of welfare services and welfare outlays in general. When we talk about the cost of welfare services, we are not talking about the money that goes to the recipients. We are talking about services and administrative costs. There have been some valid complaints that the administration of welfare services are costing too much—that it is not getting down to the people. This may be a sensible restriction, but I am sure we are going to have some discussion about it on the floor of the Senate and surely in the conference with the House, if it should pass the Senate. By including this new section in the bill, we are providing a forum for debate in hopes that something can and will be done.

EFFECT OF RECOMMENDATIONS

In summary, the recommendations before the Senate in this appropriation bill total $19,070,964,078.

Two major departments—HEW and Labor—six special institutions, and some 13 related agencies are involved. Approximately 110 separate line items are in this bill, and hundreds of programs and activities.

I have not counted up the number of witnesses we heard, but the Senator from New Hampshire and I think it was close to 250. These were not just witnesses; they were witnesses who had some official position in a department or those on the outside who were deans of medical schools or presidents of universities or scientists and those who had not just a passing interest in these matters, but intimate working knowledge and invaluable expertise.

This is a long and complicated bill. There was much discussion. There was not so much controversy. There was concern as to how much of our capabilities we could use in this important field, whether we were going too far, whether we were not giving enough, or doing the kind of job we should do, particularly in the health field. The Department of Labor is continually expanding. It is involved in rehabilitation and job training programs. More and more we have been passing bills giving them additional responsibility. I think the appropriations and the recommendations this year for the Labor Department are the highest of all time.

Mr. President, we could not agree with every recommendation of the administration, departmental officials, and the President of the United States or the House, but that is the very essence of the appropriation process.

We spent many days working, sometimes late in the evenings, hearing the testimony of hundreds of witnesses.

Along with my colleagues, we spent days and days hearing from hundreds of different witnesses who testified about all these programs.

We finally arrived at our recommendations after extensive deliberations, collectively and personally.

I believe wholeheartedly in these recommendations. They are not those of the Senator from Washington—in some instance I personally would have done more—in other, perhaps less. But they are sound recommendations, and they are reasonable. We tried to make them fiscally responsible. I think that we have. We think they are reasonable. We can defend them in conference. Therefore, the committee is hopeful that additional amendments will not be loaded upon this bill, making this bill seem unreasonable in size—difficult to get through conference and difficult to acquire a Presidential signature. We have gone through that before.

We have worked hard and long on this bill and we think it is a sensible one. If I had my way, I would do certain things differently, but it is a combination of what everyone seemed to think we wanted to do within our capabilities.

There is no use repeating that the programs are important to the Nation,

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to every citizen and to every family in America. They are important to the well-being of our whole society.

They assist those who are often unable to assist themselves, especially the young, the aged, and the sick.

They help to improve our environment.

They will help to solve some of the very complex and difficult ecology problems that face America today.

They will help to build much needed medical facilities.

They will help reduce unemployment.

They will help to train countless men and women who are not available today to help deliver adequate health care to our people.

They will help to bring about much needed improvements in the health care delivery systems of our Nation.

They will help to solve some of the mysteries of diseases and sicknesses that plague all mankind.

The Senator from New Hampshire and all of us on the committee are not just confining this to the United States alone. If we could find something in the health that will benefit the people of the world, we hope that it will be used all over the world.

Mr. President, I strongly recommend to the Senate the bill as reported.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, there is no need for the Senator from New Hampshire to detain the Senate by reason of any extended opening remarks on the bill.

The distinguished Senator from Washington (Mr. MAGNUSON), the chairman of the subcommittee, has just concluded a very thorough, accurate, and fair appraisal of the bill and of the committee's actions upon the bill. It would be simply repetitious if I were to retrace these steps and repeat the details contained in the bill.

Mr. President, the Senator from Washington, in handling this bill which contains approximately 5,000 pages of testimony and in dealing with the many problems contained in the bill has, in my judgment and my sincere belief, accomplished a very remarkable and able piece of legislative work. I heartily commend him, and I have valued the opportunity to work with him.

There may be minor points on which we do not see eye to eye. I remember on one occasion when former President Lyndon Johnson was a Member of the Senate that he made a remark that somehow lingers in my memory. He said that when two men think alike on every point, it can be pretty definitely assumed that only one of them is doing the thinking. Therefore, I would not rubberstamp every opinion that my distinguished chairman may have on minor points.

It has been a privilege to work with the Senator from Washington. We are in accord on the major points. I think that is also true with respect to nearly all members of the Appropriations Committee.

I would like to express my own appreciation for the able assistance of Harley Dirks, Bill Kennedy, and the other members of the staff, both of the majority and minority. They have worked with all of us. There has not been any time that members of the committee could not obtain the assistance of staff members.

Mr. MAGNUSON. Mr. President, I agree with those sentiments.

Mr. COTTON. Mr. President, I think I may be pardoned for a moment for saying something that we may not hear too much of in this special session. I want to say something in defense of the President of the United States. That is not simply because I represent the Republican minority on the committee.

We will hear much criticism in the next couple of days concerning the failure of the administration to give adequate support in its budget recommendations to this program, that program, or some other program. We will hear many comments in the next couple of days about the money that we spend for other purposes and the alleged—and I emphasize that word—reluctance of the administration to be generous enough in these great humanitarian programs.

Mr. President, I want to call attention to the fact that last year we passed a bill which was vetoed. We then reduced the amount contained in that bill by 2 percent and passed a new bill. So, the ultimate result was a 2-percent reduction of the amount contained in the bill the Congress had previously enacted. The amount was still substantially in excess of the President's budget recommendations last year.

This year the President's recommendations that came to Congress on the HEW appropriations contained an increase in the amount over last year's appropriations by $2,256,706,000. That is approximately $2¼ billion.

Mr. President, when all is said and done, I feel entitled to say that represents the fact that the administration is straining every resource and has gone just as far as it felt it could go in view of the overall fiscal situation confronting the country to deal as generously as possible with all of these problems that are so vital and in which we are all interested, wherever we sit in the Senate.

That is what the Congress started out with—a proposed budget that contained an increase of $2¼ billion over the appropriations for the last fiscal year.

The committee also desired to go as far as it could. So the committee proceeded after long and careful and painful consideration—because it is not easy to put a dollar-and-cent limitation on many of these programs that deal with human life and human suffering and human happiness—to add amounts so that the programs exceed the President's recommendations this year by $426,611,078. That represents nearly another one-half billion dollars. To be sure, there were certain decreases that took place that reduced the amount to $311,587,078.

I wish to read into the RECORD the specific increases recommended by the committee: Air pollution control, $4.5 million; environmental control, $6.080 million; Health Services and Mental Health Administration, $43.860 million; comprehensive health planning services, $2.822 million; maternal and child health, $320,000; regional medical centers, $18.498 million; communicable diseases, $8.462 million; Hill-Burton funds, $115,903,078; NIH research institutes, $129 million and NIH health manpower, $52.766 million; construction, $23.9 million; social rehabilitation services, $12 million; programs for the aging, $2 million; National Relations Board, $1.5 million; and payment for public broadcasting, $5 million; making a total of $426 million-plus added to the bill and recommended by the subcommittee and the full Committee on Appropriations.

Mr. President, no matter what we reported, if we had wanted to play the old game of trying to do everything we could to hold down the ultimate size of the bill, we might well have reported a lesser figure in order to have something to bargain with and in order to accept here and there a good many amendments. But, Mr. President, when you are dealing with the health of the Nation, that is not the way a committee of the Senate should act and so we differed on some points but we reached an understanding and a meeting of the minds and we sincerely tried in this committee to recommend every last dollar we felt we could squeeze justifiably into this bill, and we tried to place the most dollars in the most critical areas.

Our judgment may not be perfect. I do not know of any man or group of men whose judgment is perfect. But I do know it is our best judgment and it is our honest judgment. It does not hold back anything for bargaining purposes.

So I join my distinguished chairman, the Senator from Washington. I would be the last one to suggest that this bill could not be improved or to suggest Senators should not work their will and endeavor to place before the Senate any changes in the bill that they feel are justified, but I sincerely hope that the Senate will not try to balloon the amount of this bill so high that we run into difficulties and go through any such experience as we had to pass through last year, bearing in mind that when this appropriation has passed through the committee of conference and, we hope, signed by the President, much of the fiscal year will have passed and large increases could hardly be squeezed into the closing months of a fiscal year with effectiveness and much money would be wasted.

I can sincerely suggest to the Senate it would gain little and lose much if any substantial increase were made in this appropriation bill. Someone has reported to me—I think someone from the staff—that already there are printed Senate floor amendments which would increase this bill by some $600 million more. Bearing in mind that the President exercised his judgment and recommended an increase of $2.25 billion over last year's appropriation and that the House and the Senate have increased it by $311.5 million, I think it would be unfortunate if we did not restrain ourselves and try to keep the bill within reasonable limits so that we can get it through conference, get it to the President, get it enacted, and enable the health services and authorities, the Headstart program and all of the other programs, to know what they are going to get so that they may be in a position to plan and spend the money wisely.

Mr. President, I hope this bill will be enacted and I solicit the support of Members of the Senate.

Mr. YARBOROUGH. Mr. President, I have introduced today an amendment to the bill providing appropriations for the Departments of Labor and Health, Education, and Welfare on behalf of myself and the Senators JAVITS, WILLIAMS of New Jersey, KENNEDY, MATHIAS, EAGLETON, PELL, SCHWEIKER, CRANSTON, and SAXBE.

I offer this amendment as chairman of the Subcommittee on Health of the Committee on Labor and Public Welfare. As the chairman knows, it is a bipartisan effort by Senators from both parties on an emergency matter. I understand this amendment will be considered tomorrow under the agreement entered into today.

The purpose of the amendment is to give emergency assistance to medical schools of this country, many of which are in dire financial straits while at the same time we are facing a critical shortage of doctors.

I am certain that Senators have noticed the reports in the Washington Post in the last few days in connection with the dire financial straits of George Washington University, where they are being forced to close the teaching hospital and medical school there.

That situation is repeated in medical schools in Chicago, St. Louis and Cincinnati. There are a number of medical schools in very critical situations. Nearly all of the medical schools of this Nation are beleaguered by a gargantuan financial crisis. Quite literally, they have begun to feed off of themselves; that is, they are increasingly being forced to expend their endowments in order to keep from going under. An elementary knowledge of economics is enough to enable us to conclude that the policy can be sustained for only a short period of time.

If we are to have any hope of effectively grappling with the health care crisis which afflicts this country, it is essential that our academic medical centers be financially stable. We cannot expect those institutions to substantially expand their efforts, as they should, when they can barely keep their heads above water financially.

In response to that dilemma, the Senate in passing S. 3586, the Health Training Improvement Act of 1970, included a provision to establish a 1-year disaster relief program for medical schools in financial distress.

The principal author of that act was the Senator from New York (Mr. JAVITS). That was to be a special, 1-year program designed to enable the medical schools to survive for 1 year. This was to be a special 1-year program of assistance. It was designed to allow them to survive for an additional year in anticipation of the renewal of the basic legislative authority for medical schools. In conference with the House, however, that proposed authority was deleted. However, the conferees did make two very important points:

> (1) The Congress finds and declares that the Nation's economy, welfare, and security are adversely affected by the acute financial crisis which threatens the survival of medical and dental schools which provide the highest quality of teaching, medical and dental research, and delivery of health care for the Nation.
>
> (2) Existing law authorizes appropriations up to $168 million for formula grants and project grants to health professions schools covering a wide variety of purposes. The budget submitted by the Administration calls for the appropriation of $113 million of these authorized amounts, leaving approximately $55 million in authorization for appropriations for fiscal year 1971. Among the purposes for which funds may be appropriated pursuant to this remaining $55 million authorization, as described in section 772 of the Public Health Service Act, are appropriations for providing assistance to "any such schools which are in serious financial straits to meet their costs of operation or which have special need for financial assistance to meet the accreditation requirements.
>
> The conference substitute would provide authority to meet the purposes of the Senate amendment by providing that funds appropriated for fiscal year 1971 to meet the needs set out in the previously quoted language are authorized to remain available until expended, or until June 30, 1972, whichever first occurs. To the extent that funds are requested by the administration for this purpose, this authority will permit added flexibility in the use of these funds. The managers on the part of the House also wish to point out that section 601 of the Hospital Construction and Modernization Amendments of 1970 will apply to funds appropriated pursuant to this authorization, and therefore are not subject to administrative cutbacks or withholding from expenditure, so that if appropriated, these funds will be used for aid to these schools.

Mr. President, the Senate Appropriations Committee, of which I am a member, did not have these facts at the time it marked up the Labor-HEW appropriations bill. The Senate did not adopt the conference report on S. 3586 until October 14, the "11th hour" prior to its recess.

We could not get that conference report over to the Senate from the House until about 3 o'clock on the afternoon of the 14th. After the conference had completed its work on the 5th and 6th of October, the House declined to take it up until the 13th of October. So the Senate Appropriations Committee did not have the benefit of the action of the legislative committees. The House got it to us on the 13th of October. We passed it between 3 or 4 o'clock on the afternoon of the 14th of October.

The HEW appropriations bill had been reported out the day before. Had we benefit of the action of the legislative committees earlier, we might very well have revised substantially upward our appropriation under the existing authority.

The amendment now before this body is designed to make clear our commitment to stand behind these great centers of medical excellence. It raises the appropriation to the limit of the authorization, $168 million. That amounts to an increase of about $38 million above the committee's bill, to support medical schools in dire need. To do any less, amounts to nothing less than false economy. Imagine the costs associated with revitalizing these institutions after they have collapsed. The proposed course of action is, therefore, sound, and prudent, in accordance with the formula just given by the distinguished Senator from New Hampshire. It is sound and prudent, and will keep medical schools open and prevent the need for having to restore and revitalize and reopen them.

As chairman of the Health Subcommittee, in August I sent out an appeal asking the schools to increase their enrollments by 5 or 6 percent. They all responded that they already had increased them from 8,000 to 11,000. As chairman of the Health Subcommittee, I sent another appeal to the medical schools to increase the number of students from one to five. There are 134 counties in this country without a single medical doctor in them. One hundred schools responded by saying that they could not add one more student to the student body. I think they could have. I think we all realize they could have. But five medical schools added 15 students. That will help. It will mean 15 doctors practicing in 15 counties which presently have no medical doctors. But they all pleaded the dire need for such a program.

By followng this course of action, it gives us an additional period of time in which we of necessity must address this problem on a far more comprehensive basis. Until then, however, this amendment averts disaster.

Mr. President, this amendment has bipartisan support. It makes sense. As the Senator from New Hampshire explained, this proposal is not intended to criticize the administration. This is a situation we are in. With the collapse of medical care and the shortage of personnel to administer the programs, I think there is a great need for this measure. So I urge my colleagues on both sides of the aisle to cast their vote of confidence for medical education in America when the amendment is offered.

I am hopeful that the distinguished sponsor of the bill will consider the requests that came before us, after the appropriation bill had been reported, on the 13th. I am hopeful that he will accept the bipartisan amendment, which is sponsored by a number of Senators, when, at the appropriate time, it is offered.

Mr. BOGGS. Mr. President, I should like to take just a minute or two, if I may, to make a brief observation and ask the distinguished chairman of the committee a question at this point.

I have been very much interested in the problem of the health manpower in the United States and am gravely concerned about providing an adequate supply of doctors and dentists for the Nation.

There is a crisis here in our National Capital for the schools of medicine at George Washington University and Georgetown University and the School of Dentistry at Georgetown University. The presidents of these universities have testified before Congress that they have exhausted their financial reserves in keeping these schools going and now are

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into their endowments and that these endowments will be used up before the end of the present academic year.

The testimony given before our committee indicates the emergency nature of the situation which has developed. Many graduates of the schools in question are physicians in my own State of Delaware, and students from Delaware now attend these institutions; so I am very firsthandedly concerned.

Since the authorizing bill for the medical dental manpower bill for the District of Columbia of 1970, S. 3974, is still under consideration by Congress, some remedy must be found as an interim method of keeping these schools open until the authorization is passed.

These schools have demonstrated their critical need of $6.2 million in order to stay in existence. My question to the Senator from Washington is, Is it the intent of the committee that funds would be made available to meet these applications?

Mr. MAGNUSON. I will say to the distinguished Senator from Delaware that we increased the institutional amount by $15.9 million, as he will recall, $14 million can be used for these fine schools here, and other places. I must say for the Record that one of the reasons for the increase was the pressing need that existed and the testimony that we had in behalf of these schools, the Senator mentioned as well as others. The Senator from Texas and others have a similar amendment, which would add an increase of $38 million to the $14 million.

Of course, as the Senator knows, we could not single out any certain school. But a lot of our testimony was about the plight of these schools, and I am hopeful that this money will be used in the best possible way.

Mr. BOGGS. I thank the distinguished chairman. As I understand it, the increase to the amount of $14 million was made in view of the testimony and the evidence before our committee as to the need of these schools?

Mr. MAGNUSON. Yes.

Mr. BOGGS. And it was increased to that amount in order that it might be possible to take care of these schools?

Mr. MAGNUSON. And testimony as to several other schools throughout the Nation. I think the Senator from Texas had the figures. There is a substantial amount in there now. We will have to meet that problem, but the $14 million additional for medical, dental, and related schools is in the bill now.

Mr. BOGGS. I thank the chairman for his reply. It has been a privilege to serve on this subcommittee. I compliment the distinguished and able chairman of the committee, the Senator from Washington (Mr. Magnuson), and the distinguished and able ranking minority member, the Senator from New Hampshire (Mr. Cotton) for their devotion and dedication, and the long hours and consideration they have given to this bill. I think it is a good bill, and I am hopeful that, with due consideration, the Senate may proceed to move along and enact it in substantially its present form.

Mr. MAGNUSON. The Senator from New Hampshire and I appreciate the Senator's kind words, but we had to have a lot of help from the Senator from Delaware and others, because some days we got pretty exhausted. The Senator from Delaware was dedicated to this effort, as well as the Senator from Hawaii, who was at most of the meetings. Many of the Members obviously could not attend them all; there were too many hearings.

Mr. BOGGS. I thank the Senator very much.

Mr. MATHIAS. Mr. President, for myself and my distinguished colleague the senior Senator from Maryland (Mr. Tydings), I submit an amendment to the pending Labor-HEW appropriations bill to provide $15 million for the Department of Health, Education, and Welfare to convert the laboratories and related facilities at Fort Detrick, Frederick, Md., which have been used up to this time for purposes of biological warfare, into a comprehensive health research center.

As the Senator is well aware, President Nixon, in a historic declaration, has renounced biological warfare as an instrument of the policy of the United States. This amendment would enable the National Institutes of Health to assume operations at this unparalleled research installation. It would provide funds for about 700 scientific and support personnel, thus keeping together in national service the bulk of the exceptional research team assembled at Fort Detrick. Finally, the amendment would permit the Detrick team to proceed with vital health research for which they and their laboratories are uniquely qualified.

According to the National Institutes of Health, the research programs funded under this amendment would include slow virus disease research; studies on hepatitis, fungal diseases, and latent viruses in animals; tissue culture studies of genetic defects; laboratory support for the national dental caries program; broad research on diseases of the eye; and the study of cancer-producing and related viruses, viral oncology, and chemical carcinogenesis.

A table summarizing these programs and the personnel and facilities required was placed in the Record of August 13, 1970, by the senior Senator from Maryland (Mr. Tydings) and may be found at pages 28703–28705 of the Congressional Record.

Mr. President, I contend that this amendment gives contemporary meaning to the biblical injunction that man should beat his swords into plowshares. By adopting this amendment, the Senate can take a major step toward converting a major national scientific resource from the tasks of defense to a new, peaceful mission, devoted to the solution of our most pressing health problems.

It was on November 25, 1969, almost a year ago, that President Nixon announced his historic decision that the United States would renounce the first use of lethal chemical and biological warfare. Literally from that day to this I have been in frequent contact with the President's Science Advisor, the Secretary of Health, Education, and Welfare, the Secretary of the Army, and other officials, urging them to develop a plan for the use of these Detrick laboratories without delay.

As this planning proceeded, the Army cooperated to an encouraging extent by postponing several scheduled reductions-in-force so that the personnel at Detrick could be held together until studies of the Fort's potential and alternatives could be completed. This fall, however, budget considerations have compelled the Army to announce their intention to proceed with substantial RIF's unless funds can be secured to support comprehensive research programs there.

It would be extremely shortsighted and costly to the Nation to allow the tremendous resources of Fort Detrick to be undermined by further delay or indecision. Once scattered, the installation's unique research teams, with talent and experience in many scientific disciplines, could not be reassembled. The physical facilities of Detrick represent an investment of over $200 million and could not be easily or cheaply duplicated anywhere else.

Conversion of Fort Detrick to health research, on the other hand, should be very easy. The type of defensive biological research conducted at this facility since World War II is very closely allied to peacetime health research, and Detrick personnel have already made countless contributions to science and medicine as byproducts of their defense efforts.

Representatives of NIH and many other Federal agencies have agreed that little or no modification of Detrick facilities would be required to initiate major new research programs there.

I ask unanimous consent to have printed at the conclusion of my remarks an inventory of scientific personnel now at Fort Detrick, and a summary of the potential contributions which this impressive facility and its team can make toward resolving our urgent national health and environmental problems.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. Mr. President, this amendment actually proposes a very modest national investment, compared with the great national benefits which the conversion of Fort Detrick will provide. Approval of this amendment would be a forward-looking action, totally consistent with the efforts of this Congress and this administration to reshape our national priorities in response to the Nation's domestic needs.

I want to thank the distinguished Senator from Washington, the chairman of the subcommittee, for his hospitality to this amendment, and the distinguished Senator from New Hampshire, the ranking minority member, for his kindness and courtesy on this and all other occasions. I urge their careful analysis of the amendment, and also urge the Member of the Senate to support it and enact it as a part of this appropriation.

Mr. MAGNUSON. Mr. President, the Senator from New Hampshire and I had the staff inquire just what NIH would use this for, and they have a pretty detailed statement. Will the Senator put it in the RECORD? If not, we will put it in the RECORD. It sets out the uses.

Mr. MATHIAS. I would be very grateful to the Chairman, and I ask unanimous consent that that statement be printed in the RECORD following these remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 2.)

Mr. MAGNUSON. The intended uses will not duplicate anything that is going on now. They are in new fields which are set forth in the effect of the amendment.

Following the Senator's remarks, I should like to insert in the RECORD a letter from the president of the department of bacteriology of the University of California, who is also on the board of directors of the American Society for Microbiology, setting forth what they would do.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 3.)

Mr. MAGNUSON. It is an exciting new field. It deals with slow virus disease research, animal holding facilities, the special study of hepatitis, virus and tissue culture in support of the dental caries program, broad research on eye diseases, and the study of cancer producing and related viruses. This is the exciting new field in cancer research—whether or not viruses cause some types of cancer. They are zeroing in on research in the whole broad field of virus.

Mr. MATHIAS. As the distinguished chairman knows—and I am grateful to him for his comments—this laboratory, because of the nature of its previous use, has particular application to the areas of research that he has just reviewed—the area of cancer research; for example, in which, as we make further progress, the safety of laboratory personnel will be a factor. These laboratories are built for just that kind of research. I think it is important not only from a local point of view but also from a national point of view.

Mr. MAGNUSON. It is a rare occurrence for us in the Appropriations Committee, and particularly this committee, that we do have a chance to convert a technically fine laboratory, one of the finest in the world, from manufacturing things that are going to kill people to looking into something that is going to keep them alive.

Mr. MATHIAS. I agree with the chairman, and I hope the Senate will embrace this opportunity.

Mr. MAGNUSON. It is a rare opportunity for us.

The **PRESIDING OFFICER.** The amendment will be received and printed.

EXHIBIT 1

		Number	Degrees			
			M.D.	VMD	Ph. D.	Masters
	BIOLOGICAL SCIENTIST					
401	Biologist	7				3
401	Bioscience administrators	5			3	
403	Microbiologist	140	1	2	40	32
414	Entomologist	1			1	
430	Botanist	1				1
434	Plant pathologist	11			9	2
435	Plant physiologist	5			5	
437	Horticulturist	3				
471	Agronomist	4			2	
	MEDICAL SCIENTIST					
602	Medical officer	2	2			
610	Nurse	4				
701	Veterinary medical officer	4		4		
	PHYSICAL SCIENTIST					
1301	Physical scientist	12			4	4
1306	Health physicist	1				
1310	Physicist	9				1
1320	Chemist	36			10	7
1520	Mathematician	3				2
1529	Mathematical statistician	4			2	
1530	Statistician	1				
	ENGINEERS					
801	General engineer	5				
810	Civil engineer	1				
830	Mechanical engineer	23				1
850	Electrical engineer	2				
855	Electronic engineer	2				
861	Aerospace engineer	1				1
893	Chemical engineer	18				2
	Total		3	6	76	56

POTENTIAL FOR SOLVING CURRENT URGENT NATIONAL PROBLEMS

The inherent characteristics of the existing Detrick plant and the existing Detrick research team, together with the record of their past accomplishments, provide unequivocal evidence of their potential for solving current urgent national health and environmental problems.

In recent months, Detrick has been visited by representatives from a number of government agencies. All have indicated that work for their agencies could be done in Detrick facilities with little or no modification required. These agencies have included: Technical Services Division, Consumer Marketing Service, USDA; Food and Drug Administration; a panel from Dr. Emil M. Mrak's Advisory Committee on Pesticides and Their Relationship to Environmental Health; Veterinary Biologics Division, USDA; Federal Water Pollution Control Administration, Department of Interior; Environmental Health Service, USPHS; DHEW; National Cancer Institute and National Institute of Allergy and Infectious Diseases, NIH, DHEW; Communicable Disease Center, USPHS, DHEW; and Consumer Protection Division, USPHS, DHEW.

What are some of the areas in which Detrick can make contributions? Detrick can provide research facilities and a proven staff for work in almost any field of biomedical and environmental interest to existing or new Federal agencies that currently lack either the personnel or facilities to pursue assigned programs. A few representative examples follow:

Studies of the "slow virus" diseases of animals which apparently have counterparts in and may be transmissible to humans.

Studies with hazardous virus diseases, such as hepatitis, diseases transmitted by insects; hemorrhagic fevers, including exotic viruses like the Lassa virus, which caused a number of deaths among unprotected investigators in Africa and which infected several U.S. investigators who were working with the virus in this country.

Use of the available pilot plant and cell culture facilities to obtain large quantities of their by-products such as proteins and nucleic acids.

Cancer Research: One of the hopeful National goals is the elimination of cancer as a major disease during the 1970s. Detrick facilities and personnel are eminently suited for contributing to such research. Pilot plant facilities can provide the basic prerequisite, large-scale cell culture production, not only for the propagation of potential cancer-producing viruses but also for the study of tissue cell and virus genetics. Additionally, the Detrick professional staff includes a number of virologists and geneticists who have been collaborating with their colleagues at the National Cancer Institute in this field.

Infectious Disease: Detrick facilities have been expressly designed for infectious disease research and its staff has over a quarter of a century's experience in this field. Effective utilization of Detrick's resources in this field require nothing in the way of facilities modification or research staff supplementation. It could, for example, undertake immediate research on cholera, which has recently seen a worldwide resurgence. It also has substantial experience in, and the necessary facilities for the laboratory investigation of vaccination by aerosols.

Ecological & Environmental Problems: Detrick's personnel and facilities are readily adaptable to work on current problems in these fields. For example, without any modification of facilities or change in the research staff, Detrick could pursue studies of: atmospheric pollution and methods to detect it; soil pollution by pesticides; automobile pollution abatement; water pollution by human wastes, detergents, and pesticides; the development of environmental quality standards; the long- and short-term effects of radiation pollution; and the assessment of human, animal, and plant damage from environmental pollutants.

EXHIBIT 2

EFFECT OF AMENDMENT TO H.R. 18518

This amendment would allow the Department of Health, Education, and Welfare—in particular, the National Institutes of Health—to assume operation of the main research and development area and adjacent animal facilities located at Frederick, Maryland, which has become surplus to the needs of the Department of Defense. The conversions of these special scientific facilities to peacetime biomedical research would provide a capability for badly needed investigations to advance the state of the Nation's health. Programs would include "Slow Virus" Disease Research; Animal Holding Facilities; Studies on Hepatitis, Fungal Diseases and Latent Viruses in Animals; Tissue Culture Studies on Genetic Defects; Support of National Dental Caries Program; Broad Research on Diseases of the Eye; Production of Senescent Animals Needed in Aging Research; and Study of Cancer-Producing and Related Viruses, Viral Oncology and Chemical Carcinogenesis.

The operating and servicing costs of these programs for a full-year would be $15 million.

XUM

SUMMARY—ESTIMATED NIH SPACE AND FUND REQUIREMENTS AT FORT DETRICK

[Dollars in thousands]

			Annual cost				1st year cost—Jan. 1–June 30, 1971				
			Personal services				Personal services				
	Space needed	Square footage	Positions	Amount	Other costs	Total costs	Positions	Amount	Nonrecurring costs	Other costs	Total costs
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES											
1. "Slow virus" disease research—Studies on certain animal diseases having apparent counterparts in human infection, in facilities having adequate provision to protect the staff. Investigations will involve naturally occurring slow viral diseases of animals, to ascertain whether these viruses are the cause of certain chronic diseases of man. Scrapie and progressive pneumonia of sheep, Aleutian mink disease, and encephalopathy of mink are the currently known animal diseases in this category. Studies will include isolation and characterization of etiologic agents, the mechanisms of infections, pathologic processes, and immunologic mechanisms. Human specimens from patients with comparable chronic diseases will be included in the studies. Characteristic also of such studies is the need of secure facilities for the long-term holding of experimental animals from rodents to primates.	Building No. 560	130,155	20	$240	$130	$370	20	$90	$13	$60	$163
2. Hazardous virologic research—Studies on virologic diseases, the agents that are dangerous to the health and lives of the staff and require containment facilities for the holding of experimental animals. The projects selected are those infectious disease studies which have been handicapped or in some cases almost impossible, due to a lack of suitable biohazard containment facilities. Projects will include (1) Hepatitis—the recent discovery of the Australian antigen has stimulated research interest in this important disease; (2) Arboviruses—this large group of viruses includes a number that are highly infectious to man requiring special containment facilities, in addition, comprehensive studies with many strains present problems of preventing cross contamination; (3) Hemorrhagic fever and other exotic viruses—study of these viruses in segregated suites of laboratory and animal holding facilities will avoid unfortunate fatality experiences such as those with the Machupo, Marburg, and Lassa viruses; and (4) Exotic agents of unknown pathogenicity—newly discovered agents, and usually viruses, are recovered from animals and man which turn out to be more hazardous than anticipated. Ability to study such new agents immediately, safely, and effectively is of utmost importance.	Building No. 539	96,778	55	660	581	1,241	55	255	55	200	510
3. Other research requiring special facilities—Studies in this area are characterized by their need for facilities that protect the staff from the organism being studied, protect the experiments from contamination, require aerosol and controlled environment equipment, and provide for long-term holding of experimental animals in protected facilities. Studies will include viral respiratory disease research, special research in tuberculosis, and research on antiviral substances including interferon and interferon inducers.	Building No. 376; building No. 539.	25,000	35	420	400	820	35	150	45	180	375
4. Supporting—Laboratory direction and administrative support for the above three programs, increased staff in the office of the Institute Director, and the maintenance of the agent, storage and distribution facility.	Building No. 560		10	120	78	198	10	50	10	30	90
Total NIAID programs		251,933	120	1,140	1,189	2,629	120	545	123	470	1,138
NATIONAL INSTITUTE OF NEUROLOGICAL DISEASE AND STROKE											
1. Relocate the Patuxent Laboratory—with its "slow virus research" program. There are 12 positions and $200,000 in the 1971 budget for this program. No additional funds or positions are being requested.	Laboratory	6,500									
	Animal	7,000									
2. Relocate animal holding facilities—There is $300,000 in the 1971 budget which supports animal holding contracts. The efforts could be moved to Fort Detrick, but only with the provision that the positions would be made available to perform the services. No additional funds are needed at this time.	Laboratory	5,000									
	Animal	17,000	15				15				
3. Epidemiological and infectious disease studies—Studies of the immuno-pathogenesis of subacute sclerosing panencephalitis, multiple sclerosis, and Creutzfeld-Jacob disease, etc., and of the role of simultaneous chronic virus infections in such diseases.	Laboratory	200									
	Animal	3,300	6	72	8	80	6	24	7	4	35
4. Genetic engineering research—Utilizing the tissue culture and fermentation facilities, take over the ongoing Fort Detrick operation. Utilizing the knowledge, skill, and facilities of a group of geneticists and tissue culture specialists now at Detrick, change their direction of research to health-related studies toward the curing of hereditary diseases by genetic transfer.	Building No. 376; building No. 539.	15,000	14	168	112	280	14	84		76	160
Total NINDS programs		54,000	35	240	120	360	35	108	7	80	195
DIVISION OF BIOLOGICS STANDARDS											
1. Study hepatitis in primates, smallpox and monkey pox, tuberculosis and B.C.G. and other vaccines, fungal diseases, plague and tetanus, cytomegaloviruses, and latent viruses in animals used as the sources of cells for vaccine development. Utilize facilities for large-scale tissue culture production. Acquire expertise on problems involving the possible oncogenic viruses of human beings and the "slow" viruses.	Laboratory	6,800	41	492	208	700	41	127	20	78	225
	Animal	6,800									
	Contamination	1,000									
	Office	1,500									
	Cold storage	4,000									
	Also animal center space. Building No. 539.										
Total DBS		20,100	41	492	208	700	41	127	20	78	225

[Dollars in thousands]

			Annual cost				1st year cost—Jan. 1–June 30, 1971				
			Personal services				Personal services				
	Space needed	Square footage	Positions	Amount	Other costs	Total costs	Positions	Amount	Nonrecurring costs	Other costs	Total costs
NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES											
1. Large-scale pilot plant production of bacteria and viruses, and from these and from normal animal tissues the isolation of large quantities of pure proteins and nucleic acids (such as DNA, the genetic material).	Building No. 431 Building No. 470 Building No. 472	25, 600 37, 600 6, 500	45	$540	$540	$1, 080	45	$145	$100	$215	$460
2. Tissue culture—It is now possible to grow outside the body tissues from patients with diseases of genetic origin. Detrick's facilities are outstanding for this purpose. When these human tissues are grown in the test tube, it is usually possible to pinpoint the exact chemical defect which causes the disease; and these cultures provide a rapid and convenient means of evaluating possible treatments.			15	180	180	360	15	60	50	60	170
Total NIAMD programs		69, 700	60	720	720	1, 440	60	205	150	275	630
NATIONAL INSTITUTE OF DENTAL RESEARCH											
1. Laboratory research and control activity in support of national caries program—A new laboratory base must be created in support of the national caries program. Enlarged microbiological facilities are needed where the identification, characterization and manipulation of microorganisms known or thought to be pathogenic in the caries process can be performed. Large volumes of oral plaque samples can be microbiologically screened. Of equal importance to adequate laboratory support for the National Caries Program would be facilities and resources for biochemical and chemical analyses, especially those relating to trace elements in tooth samples and body fluids. Elimination of dental caries is primary; however, the need to remedy the ravages of dental disease in the existing population is needed. The Detrick primate facilities have great potential for use in screening candidate material for implants.	Building 560	5, 000	20	240	340	580	20	108	30	140	277
2. Viral etiology of oral soft tissue lesions—Research relating to the role of viruses in the etiology and pathogenesis of infection. Focused new studies concern (1) the viral etiology of aphthous ulcers of the mouth, and (2) systematic exploration of possible viral etiology of oral tumors, particularly defining the oncogenic impact of derpes simplex.	Building 560	9, 000	10	120	200	320	10	52	20	85	157
Total NIDR programs		14, 000	30	360	540	900	30	160	50	225	434
NATIONAL EYE INSTITUTE											
1. Laboratory for animal models of diseases of visual system—Simulating a number of diseases of the eye and visual system in experimental animals, study in mechanism of these diseases in animals which have a counterpart in man, including retinitis pigmentosa in C_3H strain mice, galactose cataracts in weaning rats, glaucoma in congenital buphthalmic rabbits, etc. Develop new animal models for other diseases in man such as diabetic retinopathy, retinal detachment, and unveitis.	Animal space building 1021–1040–1043–1049.	3, 825	8	60	150	210	8	20	18	65	10
2. Laboratory for ocular tissue research—Establish a regional distribution point for biological material used in vision research utilizing the large abattoir in Frederick which would result in having available large quantities of purified photopigments and enzymes from ocular tissues.	(2) Cold rooms (2) laboratories building 560.	900	6	68	67	135	6	24		35	59
3. Tissue and organ culture laboratory—Recent advances in growing cornea and retina in tissue culture as well as the organ culture of lens make possible the study of such disease processes as herpes complex keratitis, retinoblastoma *** cataracts. The availability of *** ocular tissue from the *** in Frederick and the isolation and decontamination facilities at Detrick makes this type of research possible.	(3) Laboratories building 560.	1, 350	4	58	47	105	4	24		21	45
4. Regional toxicology unit-mechanism and treatment—Establish the first facility in the *** where vision research is being conducted in the broad are of toxicology of air pollutants, household plants, insecticides, herbicides, *** and medicinals. The aerosol units and other specialized *** devices for the handling of *** materials *** are available at Detrick for performing this type of research.	(6) Laboratories animal operating room building	2, 700 900 450	9	121	195	316	9	55	20	30	155
Total NEI programs		10, 125	27	307	459	766	27	123	38	201	362
NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT											
1. Gerontological research—Establish a source for senescent animals critical to the goals of the Gerontology Research Center. Such sources are unavailable at this time. The ability to support species other than rats in an outside facility would provide major assistance and permit full activiaton of the gerontological program.	Building 539	539	6, 000	15	111	34	145	15	48		15
Total NICHHD programs		6, 000	15	111	34	145	15	48		15	68
NATIONAL CANCER INSTITUTE											
1. Engineering and consultation for containment of bio-hazards—To provide consultation in the effective utilization of facilities, equipment and procedures for containment of biohazards to assure that investigators are following optimal procedures of safety.	Building 560	13, 500	21	252	248	500	21	105	30	98	238
2. Tissue culture requirements of cells for optimal virus production.	Joint use of space with NIAMD in buildings 431, 470 and 472.		5	60	90	150	5	16	10	25	50
3. Large-scale production of suspect viral tumor agents			+18	216	284	500	18	60	30	70	160
4. Purification of viral reagents			+15	180	220	400	15	54	30	60	140
Total NCI programs		13, 500	59	708	842	1, 550	59	235	100	253	588

SUMMARY—ESTIMATED NIH SPACE AND FUND REQUIREMENTS AT FORT DETRICK—Continued

[Dollars in thousands]

	Space needed	Square footage	Annual cost				1st year cost—Jan. 1–June 30, 1971				
			Personal services		Other costs	Total costs	Personal services		Nonrecurring costs	Other costs	Total costs
			Positions	Amount			Positions	Amount			
CENTRAL SUPPORT SERVICES											
1. Research services—This would include production and long-term holding of animals inoculated with hazardous infectious agents; increased production of bacteriological and tissue culture media; development of new approaches in the detection and containment of bio-aerosols, viruses, infectious agents and isotopes; medical library services; medical arts and photography services; and fabrication and maintenance of research equipment.	Shop space in building 1054 plus program space in various buildings listed above.		30	$240	$760	$1,000	30	$120	$80	$380	$580
2. Engineering Services—This would include utilities service; building maintenance and alteration; shops service; and grounds and road maintenance.	Same as above		205	1,640	2,540	4,180	205	820	500	1,270	2,590
3. Administrative Services—This would include communications; fire protection and guard service; transportation service; custodial service; supply operations; and property management.	Same as above		65	520	300	820	65	260	40	150	450
Total support services			300	2,400	3,600	6,000	300	1,200	620	1,800	3,620
Subtotal—Operating cost			687	6,778	7,712	14,490	687	2,751	1,108	3,397	7,256
Repair and improvements (buildings and facilities)—This item includes general repair and improvement of a recurring nature such as roofing, painting, laboratory facilities, utility repairs, etc.					500	500				300	
Total		[1] 439,358	687	6,778	8,212	14,990	687	2,751	1,108	3,697	7.256

[1] Laboratory space only.

EXHIBIT 3

AMERICAN SOCIETY FOR MICROBIOLOGY,
Davis, Calif., October 12, 1970.
Hon. WARREN MAGNUSON,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MAGNUSON: As you know, the former biological warfare station of the Department of Defense known as Fort Detrick and located in Frederick, Maryland, is an important biological research facility with a large and most capable staff of microbiologists and other scientists. Over the years, since World War II, Fort Detrick has contributed materially, not only to the security of the United States, but also to progress in public health, to developments in fermentation processes, and to unique concepts in apparatus and laboratory design. Fort Detrick is now being gradually reduced in staff, and we may look forward to the loss of a facility with unique human resources and unusual physical equipment.

Many agencies and groups have studied the Fort Detrick situation with a view to its redeployment for research and development directed towards peaceful uses. The most likely successor to the Department of Defense is the Department of Health, Education and Welfare, since the Fort Detrick establishment is particularly adapted to biochemical and related research. The problem, however, is one of funding. Unless supplemental funding is provided for the Department of Education, Health and Welfare specifically for maintaining this unique facility, the NIH and its parent, HEW, will not be able to assume operation of Fort Detrick, since they are unlikely to divert monies from other important and established programs for this purpose.

Now a rider has been added to the Senate Appropriations Bill for HEW and Labor, through the initiative of Senator Tydings of Maryland, which will provide the funding necessary to continue a program at Fort Detrick in the interests of the public health, although, of course, at a reduced scale. It is most important that this amendment be incorporated and approved as part of the appropriation to HEW. Our country can ill afford the loss of a unique team which has been assembled at Fort Detrick, and it seems folly to close these unusual and uniquely equipped laboratories which are the product of more than 25 years of careful and continuous development.

From your comments at the Senate Appropriations Subcommittee hearings on the HEW and Labor Budget I am confident of your support of domestic health-related research and hope that you see in the Tydings amendment an opportunity to further this work. I was also much pleased to know that you are in communication with a mutual friend who is doing so much for the development of science in the Seattle area, Dr. Dixie Lee Ray.

As a native of Washington may I express my admiration and appreciation of your admirable representation of our state over such a long period in the Senate.

Very truly yours,
ROBERT E. HUNGATE.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

PROPOSED SUPPLEMENTAL APPROPRIATION OF ECONOMIC AND MILITARY ASSISTANCE FUNDS—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–419)

The PRESIDING OFFICER (Mr. SCHWEIKER) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In today's world, peace is synonymous with the strength of America and her friends.

Economic and military assistance to free nations willing to defend themselves is central to our new conception of American leadership for the 1970's and is crucial to America's hope of working with other nations to bring about the preconditions for peace in the world.

In my February 1970 Foreign Policy Message, I reported that it was our goal to reduce the level of our direct involvements abroad as the capability of friendly nations to provide for defense of our mutual interests increases. At that time I sought the cooperation of the Congress in this task. The provision of support for our friends is a key element in our national security policy. Such support is essential if our policy is to succeed. This is why I ask today for a supplemental appropriation of economic and military assistance funds.

The first six decades of the Twentieth Century taught us that a stable and tranquil world requires American participation in keeping the peace. For us to abdicate that responsibility would be to magnify the world's instability and turmoil for us as well as for our friends, and American strength remains one pillar of our foreign policy.

The United States is not going to withdraw from the world. But times are changing; for us to fulfill our responsibility now, we must link our efforts more closely with those of our friends to build the foundations of peace.

The decade of the 1960's taught us that it is neither necessary, nor even possible, for the United States to bear the principal burden for the defense or economic progress of all our allies and friends. They are now ready and willing to assume an increasing share of the burden for their own defense, and are developing the strength to do so—but they will continue to need our help as they move toward ultimate self-reliance.

The free world looks to this kind of American leadership in the 1970s. It is an American contribution which will encourage and enable other nations to do their part. It is a role for the United States in the world which will enlist the support of the American people, and which America can—and must—sustain.

It is in America's national interest to support the growing efforts of our friends. The overwhelming evidence of the last 25 years—from the Marshall Plan to Vietnamization—is that a systematic program that helps other nations harness their own resources for defense and development enables them to take on the primary burden of their own defense.

Helping countries that demonstrate the capability to help themselves enables us to reduce our direct overseas involvement; it eases our budgetary and balance of payments burdens; and it lessens the likelihood of the engagement of American forces.

We are already carrying out this policy. Since I took office, we have already lowered our military presence abroad:

—Already, 68 installations abroad have been closed, and 44 more have been reduced.

—By next spring, under present plans, the total number of American military personnel overseas will be at least 300,000 below the number that were abroad in January of 1969.

But our national security requires that we provide friendly nations the military and economic assistance they need to defend themselves.

The change that the Nixon Doctrine calls for—from bearing the primary responsibility ourselves to enabling our friends to shoulder it much more themselves—is not a simple one to carry out. We must make this change in a way that permits our friends to adjust materially and psychologically to the new form and content of American support.

If we were to shift too quickly, without offsetting with assistance what we are taking away in direct American involvement, we would risk undermining their self-confidence. If we were to change too slowly, bearing too much of the burden ourselves too long, we would risk eroding their incentives for self-reliance.

In either case, we would fail to provide our friends with the means and confidence to help themselves, and we might ultimately face the dilemma of either letting down or asserting a direct presence ourselves.

In the Middle East, we see how crucial it is to preserve the military balance so that those who are already willing and able to defend themselves can continue to do so. The interest of all nations would be best served by limiting the shipment of arms to that explosive region, but until this objective can be achieved, we must help prevent a shift in the military balance that would undermine the chances for peace.

In the Middle East and elsewhere, we must strike a careful balance. While we must understand the limitations of our assistance, we must never underestimate its critical value in achieving and preserving such balance.

The supplemental program which I submit today will help achieve this balance, by responding to critical needs that have arisen since my original request for 1971 foreign assistance funds.

1. MIDDLE EAST

Nowhere is our support more necessary or more closely linked with our efforts to achieve peaceful solutions than in the Middle East. Peace will come to the Middle East when all parties feel secure from the threat of military dominance and recognize that the only permanent way to resolve deep-seated differences is by negotiation and never by war.

We must now act to preserve the delicate military balance in this area, which will encourage those negotiations leading to peace.

A. ISRAEL

Israel has demonstrated a strong will to survive in freedom. We had hoped that recent agreements and arrangements in the Middle East would lead toward peace and make it unnecessary to provide large amounts of military assistance to any of the belligerents in the area. This hope has not yet been realized.

Continued large scale shipments of military equipment by the Soviet Union are a fact that cannot be denied. The buildup of the surface-to-air missile complex in the cease-fire zone west of the Suez Canal, in disregard of the cease-fire-standstill agreement, requires us to redress the imbalance it has caused.

As authorized by the Defense Procurement Act, *I request that the Congress appropriate $500 million to provide Israel with the credits that will assist her in the financing of purchases of equipment that have been necessary to maintain her defense capability, and to ease the economic strain caused by her expanded military requirements.*

B. JORDAN

A stable and viable Jordan is essential if that nation is to make a positive contribution toward working out an enduring peace settlement which would serve the interests of all nations in the Middle East. The Jordanian government has recently demonstrated its determination and capacity to resist aggression by forces which oppose a peace settlement and threaten to weaken the stability of that country. But Jordan, which has previously paid for its military equipment, cannot afford to meet this new defense burden and has asked us for assistance. *I request that the Congress provide $30 million toward meeting Jordan's request.*

C. LEBANON

Lebanon, which has also been threatened, has taken a moderate stance and a positive approach in the search for peace. To assist Lebanon to maintain a stable domestic base for responsible engagement in the search for peace, *I request the Congress to appropriate $5 million toward meeting Lebanon's request.*

2. EAST ASIA

In July 1969, on my trip through Asia, I reaffirmed our determination to provide security support, while calling upon countries which receive our assistance to assume the primary responsibility for their own defense. Equally important, I emphasized the need to provide the help essential for such nations to assume this responsibility quickly. While reducing the direct participation of our forces we must help these other countries develop the capability to carry out the increased responsibilities they are assuming.

In Asia, this approach has provided the basis for a major reduction in our military presence as well as major long-term budgetary and balance-of-payments savings. Authorized troop levels have beed reduced by:

—165,000 in Vietnam; further reductions of 100,000 will be accomplished by next spring;

—20,000 in Korea;

—6,000 in Thailand; further reductions of 9,800 are in process;

—6,000 in the Philippines.

Let us look at the countries in Asia where our help is required as nations move toward greater self-reliance.

A. VIETNAM

United States troop withdrawals in Vietnam mean a reduction in the amount of dollars spent by the Department of Defense, and by our soldiers in Vietnam; and these dollars have been an essential factor in that country's economic stability.

Anticipating that Vietnam would require additional funds this year, my budget message suggested that an extra $100 million might be required. *I am now requesting an amount smaller than that—$65 million—but I regard this smaller sum as most important in insuring the success of our Vietnamization program.* It is important because:

—The Vietnamese, with United States encouragement, have recently begun a significant set of economic reforms which can be effective only if the stability of the Vietnamese economy is maintained.

—The Vietnamese economy will bear an increasing burden of defense as United States troops are removed. That burden could create economic disruption to the point that it would jeopardize that nation's stability, thereby threatening the progress of Vietnamization and future troop withdrawals.

B. CAMBODIA

The operations in the Cambodian border sanctuaries in May and June helped assure the continued success of Vietnamization and of our troop withdrawal programs. As we knew at the time would be the case, the operations seriously impaired the enemy's ability to operate in South Vietnam, and contributed to the progress which has reduced our casualties there to the lowest level since 1965. Continuing operations by South Vietnamese and Cambodian forces in the border areas will make possible continued progress.

Cambodia itself has mobilized its own manpower and resources in defense of its independence and neutrality. The Cambodian armed forces have grown from some 40,000 before North Vietnam's invasion in April to more than 150,000 today. It is essential that we supplement Cambodia's own efforts by providing resources which are critically needed to enable it to continue to defend itself. Its ability to do so is a vital element in the continued success of Vietnamization.

Cambodia's needs have been urgent, and as Congress has been informed, I have directed that funds be transferred from other already severely limited programs to meet these critical needs. *I am*

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requesting $100 million to restore funds to such vital programs as those for Taiwan, Greece and Turkey.

The need for these programs—to support our NATO allies and to assure stability in the Mediterranean and in East Asia—are no less urgent today than when I originally requested the funds to implement them; it was only because of the extraordinary urgency of Cambodia's needs that I directed this temporary transfer.

To meet Cambodia's urgent needs for the remainder of this fiscal year, *I request that the Congress provide $155 million in new funds to be directly allocated to the Cambodian program ($70 million for economic support; and $85 million for military assistance).* Seventy percent of the military assistance will be for ammunition.

C. KOREA

I have announced our intentions to reduce by 20,000 the authorized level of United States forces in the Republic of Korea. This has placed a greater defense burden on the Koreans.

Our present assistance to Korea is mostly in the form of operation and maintenance items for their military forces. These items do not help to modernize the Korean force structure as we must do if we are to help Korea improve its own defense capability. *I therefore request authority to transfer to Korea equipment currently being utilized by United States forces scheduled to be withdrawn.*

Additional assistance is required this year as part of Korea's major five-year program to modernize its defense forces and to enable it to effectively meet outside threats as we reduce the level of direct U.S. involvement. These funds are needed now to insure that the needed equipment will be delivered in good time. *I request that the Congress provide $150 million in support of this modernization of South Korea's defense.*

3. OTHER PROGRAMS

There are two additional needs for the military assistance program that have arisen since the Congress considered my request earlier in the year.

First, I directed that the Indonesian program be increased by $13 million from the previous level of $5 million for fiscal year 1971. Indonesia—with its population of over 110 million—occupies a key position for the future peace of Southeast Asia, and has shown a strong determination to resist threats to its security and stability. It is in our interest to support such encouraging developments in a nation which can play a key role in the stability of its entire region.

Second, anticipated recoveries of funds from past years' programs in various parts of the world are not materializing; a shortage of $17 million in these resources is now expected. These funds are needed to continue our assistance programs at necessary levels, and have been recognized as such by the Congress. Any shortfalls in these recoveries therefore would require reductions in already severely limited programs, and must be offset.

I request that this $30 million be restored to the military assistance program.

* * * * *

The funds requested represent a considerable sum. But the growing strength of our friends and their willingness to accept a greater responsibility for their own defense will mean increased effectiveness of our own efforts, and a lessened possibility that our men will have to risk their lives in future conflicts.

At this time, in light of certain extraordinary needs and in order to continue the success of the approach outlined in the Nixon Doctrine, we must provide additional resources to those of our friends whose security is threatened. The expenditures are essential to the support of our national security goals and our foreign policy interests, as we reduce our direct involvement abroad.

We must signal clearly to the world, to those who threaten freedom as well as those who uphold freedom, that where our interests are involved the United States will help those who demonstrate their determination to defend themselves. Our foreign policy cannot succeed without clear evidence that we will provide such help.

I believe the American people deeply understand the need for secure friends and allies to provide the foundation for a stable peace.

I believe the American people are prepared to accept the costs of assistance to these nations, to reduce the political and economic costs of maintaining a direct United States presence overseas—and thereby to avoid a possible cost of American lives.

RICHARD NIXON.

THE WHITE HOUSE, *November 18, 1970.*

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

Mr. KENNEDY. Mr. President, at the outset I want to commend the senior Senator from Washington (Mr. MAGNUSON) for the excellent bill which his committee has developed on Labor-HEW-OEO appropriations. As usual, Senator MAGNUSON has given close and thorough attention to every important program in this bill, and the Appropriations Committee has strengthened the bill considerably by adding vitally needed money to most of the underfunded programs. The ranking minority member of the subcommittee, the Senator from New Hampshire (Mr. COTTON), has also contributed to substantially improving H.R. 18515 in committee .

Mr. President, I had the privilege of presenting testimony to the Appropriations Subcommittee on this legislation.

I appreciate the consideration which was given, and I am pleased that several of my recommendations have been adopted in committee. Rather than going through the bill in detail at this point, I would like to discuss some of the major concerns I have in the context of H.R. 18515.

First, in the area of health services, I am pleased that the committee increased funds for the community mental health centers by $20 million. The program has been enormously successful, and these increases will permit some of the needed expansion.

The committee bill also increases the funds for the regional medical program by over $18 million.

RMP is designed to bring the results of medical research closer to the local practitioner and his patients. The regional program has completed its planning stage and is now moving into the operational stage in high gear. A substantial increase in operational funds is required if the program is to meet its promise but no such increase is being requested by the administration. In my opinion, the regional medical program has demonstrated its value. It deserves to be adequately funded.

In the area of drug abuse and dependence, the committee has accepted modest increases above the administration request. I commend the committee for its interest. And I would like to emphasize that subsequent to initial consideration of H.R. 18515 Congress enacted into law a drug control bill which includes authorizations for special and emergency projects in the area of rehabilitation, treatment, and prevention. This is only a modest program—nowhere near as comprehensive as the programs in S. 3562, which is currently on the calendar—but I would hope that funds could be provided perhaps in a supplemental appropriation later this year. I know that several of the members of the Subcommittee on Alcoholism and Narcotics feel that this would be appropriate, and we are considering an amendment at a later time.

Also in the area of health services, I am pleased to note that the committee increased funds for the migrant health program.

This is a relatively modest program through which the health needs of many of our migrant agricultural workers are met. At present, however, less than one-third of the migrants have access to these programs of health care. Recognizing the need for increased funding Congress amended the Public Health Service Act this year to authorize the appropriation of $20 million for fiscal year 1971. Nevertheless, the administration requested only $15 million—the same amount as was appropriated last year.

I also appreciate the committee's prompt and constructive action in response to the recent enactment of the Developmental Disabilities Services and Facilities Construction Act of 1970 which I sponsored. This act extends and expands the Federal programs for mentally retarded persons. It was just signed into law on October 30—but the committee recognized how pressing the needs were and responded with modest funding.

Second, I commend Senator MAGNUSON and his committee for their sensitivity to the needs for health research.

I am convinced that America as a Nation is not committing a sufficient proportion of its resources to health research. To illustrate, it is enough to look at what is perhaps the most feared disease in our society today—cancer. In 1969, 323,000 Americans died of cancer. This figure for just 1 year, is seven times the number of our combat fatalities in the entire 9 years of the Vietnam war.

We spend billions on the war, but only a pittance to fight cancer. On an annual per capita basis, we spend about $125 on the war for every man, woman, and child in America, while our per capita expenditure for cancer research is only 87 cents. Indeed, we spend $19.50 per person on space research to land three men on the moon, but only 87 cents per person to save 300,000 men from cancer. The same unhappy comparisons can also be made for heart disease and many of the other killer diseases that plague our society.

We simply cannot continue our present unwise allocation of resources. The list of examples of misdirected Government spending and short-changed health programs is almost endless. It is clear that we must begin to aline our priorities in a more effective manner, and I can think of no more suitable starting place than the lifesaving medical research supported by the National Institutes of Health.

The sad fact is that NIH research appropriations have leveled off over the past 4 years, after rising substantially during the early 1960's. For fiscal year 1969, the total appropriation for NIH research institutes was $1,090 billion. Last year the appropriation was down to $1.028 billion and subsequently, HEW announced its intention of actually spending $55 million less than this amount. For fiscal 1971, the Nixon administration requested only $1.032 billion, or essentially the same amount that was appropriated last year.

This apparent leveling off of funding actually represents a sharp decline in Federal support for medical research. The major factor is inflation. It has been conservatively estimated that the cost of conducting medical research is now increasing at the rate of 10 percent per year. Thus, even for the research community simply to stand still with respect to NIH-financed research, the NIH budget should be increased by 10 percent per year. In fact, however, because of inflation, the administration's budget request is the equivalent of imposing a 10-percent cut on research funds.

The current cutbacks in medical research represent a national crisis of immense magnitude. NIH-financed researchers are now fighting a life and death struggle for their scientific lives,

The committee recognizes these needs and took steps to meet them. The bill as reported out contains an additional $57.5 million for research and treatment centers of the National Institutes of Health. This is far less than needed, but certainly a strong improvement.

Third, I am pleased that the committee has responded partially to our health manpower needs.

One program that lies at the heart of the health manpower crisis is the program of direct loans to students in the health professions. Young Americans in these schools are attempting to secure the professional training necessary for a lifetime of service to their fellow men. We cannot afford to allow even one of these students to drop out of his studies merely because he lacks the financial resources to complete his training.

Time and again in recent years, students of the health professions have shown their willingness to borrow money to complete their training and then pay back these loans, with interest, after they have begun to earn their living. The schools have requested more than $43 million in loan funds for fiscal year 1971. The Health Manpower Act of 1968 authorized the appropriation of $35 million for loans to medical students. Even if fully funded, this amount would cover only 75 percent of the requests already made for such loans. Tragically, the administration is requesting only a fraction of the amount necessary—just $12 million—for this crucial program.

I would say, Mr. President, at this point, that I think any review of student attendance in many of our greatest medical schools today would show, tragically, that usually only those who are the most well-off financially are able to attend the medical schools. That is really a great tragedy. Even when making funds available for loans, we will be virtually compelling many of our youngest and finest students, in order to gain access to the schools, to commit themselves to years of paying back their loans. What's more, this comes at a time when many of our youngest medical students are moving from the highly skilled areas of practice into the delivery of health services.

Recently, I was amazed to read a poll taken of students in the medical schools in Massachusetts and to see the contrast in the nature of the medical profession over the period of the past 3 to 5 years. Now young medical students are much more interested in going into the delivery of health services rather than into the specialization area—where it is much more lucrative, of course, but perhaps not nearly so satisfying.

What we are doing is placing additional burdens on the young students who are having to borrow the money and thereby go into sizable debt if they want to work in the areas of greatest health need. We are placing additional restrictions on them at the very time when there is a tremendous demand in the medical profession for doctors and technicians to go into the disadvantaged areas of the country, more so than into the traditional and specialized areas which are lucrative and would make it easier for these young students to pay back their loans. So we are penalizing them additionally.

So the Appropriations Committee deserves to be very much commended for making important restoration of funding in this area.

The committee brought the direct loan program up to $33.5 million, and increased all health student assistance by a total of over $18 million.

I am hoping that on the floor the committee will also be favorably disposed to an amendment sponsored by myself and several colleagues on the Committee on Labor and Public Welfare to provide emergency relief in the form of institutional funds for medical and dental schools in financial distress.

Mr. President, let me now turn to the OEO appropriation. We once more are faced with the need to strip away political rhetoric and demonstrate whether or not the Congress of the United States is ready to meet its responsibilities to all of its citizens. This Nation is the wealthiest in the world, with a gross national product which continues to climb over $900 billion. Our median family income is now over $8,000 a year and the majority of our citizens are surrounded by the trappings of affluence—60 million automobiles, 70 million television sets, and so on.

Despite our aggregate prosperity and national wealth, however, there remains the unpleasant fact that 25 million Americans live in poverty—lacking the proper food, clothing, shelter, and medical care which most of us take for granted, and locked out from the education and training opportunities that could lead to a better life.

For the past 5 years, the Office of Economic Opportunity has been far ahead of the remaining Federal Establishment in searching for ways to end the misery of poverty. Many of its programs have become the symbols of our Nation's commitment to eradicate the fear and reality of poverty. Headstart, Concentrated Employment, Legal Services, neighborhood health centers—these programs do more than simply provide vital, long-sought services to the Nation's poor. They contain requirements for the maximum participation of the poor, which at least create a basis for the involvement of the poor in the decisions over their own destiny.

In the Nation, 11 million Americans have escaped poverty since 1965. OEO programs have played a key role in yielding those results.

In Massachusetts, community action agencies such as ABCD in Boston have provided ways for poor people to define their need for themselves. Their decisions have taken form and shape in the counseling, job training, education and health programs operated by this community action agency.

In Boston's Columbia Point housing project 6,000 persons receive comprehensive medical care at a neighborhood health center. In Springfield, the concentrated employment program provides Spanish-speaking participants with English literacy courses as well as the job skills that will enable them to obtain better jobs and employment.

In Cambridge and close to a dozen other Massachusetts communities, legal service projects have established strong advocates on behalf of the poor in their dealings with the law. A statewide experimental defender program in criminal law, as well as extremely successful research and demonstration projects on poverty law, have given thousands of persons legal assistance that they could not otherwise afford.

For East Boston and Roxbury, special impact programs have meant the real possibility of a comprehensive development plan, designed and implemented by people themselves.

These are a few of the successful projects in Massachusetts and in the Nation

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which demonstrate the potential and impact of OEO antipoverty programs.

I have cosponsored an amendment to increase the appropriations of the Office of Economic Opportunity to $2.245 billion. This represents a hike of $181.6 million over the amount recommended by the Senate Committee on Appropriations. It would bring appropriations up to the full amount authorized by the Economic Opportunity Act Amendments of 1969.

The $181 million amendment would restore the $42 million cutback by the House in manpower and training programs. At a time when the Nation is suffering a 5.6 percent unemployment rate and when in my State of Massachusetts unemployment is at its highest level since 1958—and I know very well the extraordinary unemployment situation which exists in the home State of my good friend from Washington—I do not believe we can afford to reduce these vital programs which are aimed to provide young and old alike with the skills needed to obtain work.

Already the word has gone out to the manpower training agencies in Massachusetts that a 10-percent reduction in the concentrated employment program would result from the House-proposed reduction in funding. These CEP programs exist in New Bedford, Lowell, Boston, and Springfield—cities whose unemployment levels are among the highest in the Nation.

Mr. President, there are 25 major areas of unemployment in this country at this time and five of them exist in my own State of Massachusetts. We have extensive unemployment in the southeastern part, and in the traditional areas of Lawrence, Lowell, and other cities. To cut back on these programs at this time will bring an additional kind of hardship to those people who want to work. We should provide additional programs to give these people the opportunity to work, particularly if we are in the hopeful situation which the administration talks about as having leveled off in terms of unemployment and the economy generally, moving toward a higher level of employment throughout the country. To reduce manpower training and development programs at this critical moment would be disastrous for thousands of our citizens.

Passage of the amendment also would mean that the young will not be shortchanged by the Congress. The national Headstart program has been the focal point of early childhood education efforts. Yet, it served an estimated 150,000 fewer children last year because the shift to the full-year program with its increased cost was not matched by any increase of funds. Now the $339 million appropriated in the committee version—while an improvement over the House—will still leave another 62,000 children without a chance for Headstart this summer.

I have had a chance in recent weeks to travel around my State, as I am sure many of my colleagues have had in their States, and meet parents and children in the Headstart programs—in Gloucester, Peabody, Fall River, and other communities. It would be a great loss to many thousands of these children if opportunities for next year are denied. I think it would be a serious detriment to the program and would deny development of the full educational potential of the young.

I believe that we can afford the additional $60 million to see that those children have an equal educational opportunity. When the Labor and Public Welfare Committee authorized $398 million, our report read:

> A cut back in the number of children served by this program—which currently serves only about 10 percent of the preschool-children in need—cannot be justified.

Perhaps the best and most forceful evidence of the success of Headstart is shown by the more than 500 letters that I have received from parents, teachers, school administrators and experts such as the Governor's Advisory Committee on Child Development, urging the full funding of Headstart programs. They see the children every day and they know what will happen if those children are forced out of Headstart programs. Already, they have been told that in Massachusetts, the $443,000 sliced from the program a year ago will be followed by another $633,000 cut if the lower proposed funding level is retained.

When interested Massachusetts parents learned of the possibility of the cut, they organized a Headstart Crisis Day. They contacted their Senators, their Congressmen, their Governor. They believe in the program that they were conducting and they let us know. Letters were written, petitions were signed, and meetings were held to say that disadvantaged children of the State of Massachusetts and across the Nation cannot afford these cutbacks. I could not agree with them more. A nation that is willing to spend billions of dollars in cost overruns in defense programs surely can afford $398 million to insure that 529,406 disadvantaged children have an opportunity for a decent education.

The amendment also provides additional funding of the Special Impact program which is perhaps unique in the antipoverty effort. In Bedford-Stuyvesant and Hough we already have the proof of this program's potential to create multi-purpose community development corporations which are partnerships between the poverty and business communities. The corporations have involved local residents in their own economic development, reducing economic dependency and lessening community tensions.

The President has slashed his request for the special impact program to $32.1 million, and although the Senate Appropriations Committee wisely has increased that amount, I believe that the value of this program justifies higher funding at the $39.1 level. For Congress authorized even more in the Economic Opportunity Amendments of 1969, and the backlog of applications is substantial.

The amendment also brings the appropriations level of other extremely important OEO programs at or near their authorization level. Follow Through, Vista, Special Impact Migrant program, and Rural Loans are brought closer to their authorization level, and Legal Services and Health and Nutrition programs are also brought closer to levels consistent with the need that has been shown through the Nation.

Many of us have returned from campaigns that took us to all corners of our States. We know that poverty exists in every one of our States. We have seen the poverty and we have seen the people. We have heard their frustrations and we have tried to understand their anger. To fail to provide the necessary funding for this OEO program would be to fail in our commitment to the poor of this Nation. We must not allow that to happen.

Mr. MAGNUSON. Mr. President, I thank the Senator from Massachusetts for his kind remarks. We have always been very grateful for his appearances before the committee. He has always had well reasoned statements and has given us a great deal of guidance in this complex bill. We appreciate it very much.

Mr. President, we have told all Senators that there would no votes on any amendments today. It is my understanding that we will start tomorrow unless the agricultural conference report is taken up. That, of course, would be a privileged matter and we would have to wait to get back to the HEW bill until after that matter was concluded.

We have no further general statements on the HEW bill. Some amendments have been laid at the desk.

Mr. President, I yield the floor.

Mr. CRANSTON. Mr. President, I wish to take this opportunity to express my deep appreciation and admiration of my distinguished colleague, Senator MAGNUSON, chairman of the Labor-HEW Subcommittee of the Appropriations Committee, for his statesmanlike and forward-looking efforts in connection with the fiscal year 1971 Labor-HEW appropriation bill, H.R. 18515. Senator MAGNUSON's diligent and enlightened leadership on this bill, particularly in vital health programs, is evident in the much needed increases contained in the committee-reported bill for medical research, health manpower, and health services support.

I also wish to express my gratitude to the distinguished ranking minority members of the subcommittee and of the full Appropriations Committee (Mr. ALLOTT and Mr. YOUNG of North Dakota) and to the other members of the committee for their support of increases above the budget requests for these vital health programs.

Although I am fully cognizant of the need to halt the cruel inflationary spiral which is robbing all Americans of their economic security and well-being, I do not believe this goal can or should be met at the expense of the health of our citizens. In its report on H.R. 18515, the Appropriations Committee stated this principle, as follows:

> Reduction in health and health research funding to control inflation is tantamount to balancing the Federal budget by the sacrifice of human lives.

I am very pleased that the committee has seen fit to include in the bill increases for many of the health programs which I highlighted in testimony before the Labor-HEW Subcommittee last June 16. Overall, the committee has been responsive to the urgings of public and private witnesses for adequate support of medical research, health manpower, and health services support.

In particular, I am delighted that the reported bill includes an increase of $40 million above the budget request for staffing of community mental health centers, as recommended in my June 16 testimony and in a September 15 follow-up letter to Senator MAGNUSON, signed by me and nine other members of the Labor and Public Welfare Committee.

Other important increases recommended by the committee for programs discussed in my testimony in June include the following.

Health professions and nursing student loans. The reported bill would provide $21 million, the full authorized amount, for assistance to students in schools of nursing and approximately $33.5 million for loans to students in the health professions. This total of $54.5 million is almost exactly the amount I recommended last June:

> The level of support requested for FY 1971 for the health professions student loan programs can only work to the detriment of the strenuous efforts now underway to expand enrollments at medical and other health professions schools across the nation, and will particularly aggravate the inequities which continue to result in the exclusion of many students from poor and middle-income families who are qualified for and strongly desire to enter the health professions.
>
> The President's budget proposes a decrease in funds for health professions student loans of $3 million below the level appropriated in FY 1970, and $14.5 million below the appropriation level of 1969. The FY 1971 authorized amount is $35 million, yet the budget request is only $12 million. The authorization for loans to nursing students is $21 million; the administration has requested but $9.6 million.
>
> The present unmet need in these professions is commonly recognized to be approximately 50,000 doctors and 150,000 nurses. I strongly urge that the full authorized amount for health professions and nursing loans of $56 million be appropriated instead of the budget request of only $21.6 million.

Construction of health educational, research, and library facilities. The committee has recommended an increase of $23.9 million over the budget request and the House figure. In light of the backlog in approved, unfunded projects as of June 30, 1970, of $581.2 million—of which $86.3 million is for projects in California—this increase is certainly needed and can be very effectively used. The committee report recognizes that "a rapid and significant expansion of these facilities" is essential to the solution of our national health crisis.

Closely related to the need for meaningful levels of student assistance and construction of educational facilities is the need for an expansion of institutional support. The committee recommends an increase of $16.7 million for health professions institutional support, as well as a small increase in support for schools of nursing. Again, these increases are essential if we are to expand our capacity to train additional health professionals and to enable health education facilities to respond creatively to demands for the training of entirely new types of health personnel. In my testimony I spoke to these needs as follows:

> Similarly, the appropriation request of $113,650,000 for institutional and special projects grants to medical, dental and related health professions schools, is only 70 percent of the 1971 authorized level, compared with 87 percent of the authorization appropriated in FY 1970. These grants are specifically designed to assist in making the basic improvements cited by Secretary Finch and Assistant Secretary Egeberg as part of their goal to "shorten the time needed for training and to orient their training more towards the immediate needs of the country. . . ." Special project grants provide the basic means of support for the development of programs in new fields and for innovations in curriculum and teaching, as well as for assistance to schools in serious financial straits.
>
> However, according to the AAMC which represents the medical schools and their teaching hospitals responsible for the undergraduate and graduate education of all the physicians this country produces, more than half the medical schools in the nation have been awarded special projects grants on the basis of financial distress. The need to offset that financial distress which has beset so many schools will severely diminish the funds available to finance sorely-needed innovation, curriculum changes, and other new developments. In other words, we will barely be standing still rather than striding forward in the effort to combat the health crisis, unless we provide support at the full levels authorized for FY 1971.
>
> I believe the full $168 million for project grants for medical, dental, and related schools and $40 million for schools of nursing which has been authorized for fiscal year 1971, must be appropriated.

The committee has recommended significant increases in the appropriations for the National Cancer Institute and National Heart and Lung Institute. These increases—$32.6 million and $32 million, respectively—will make possible a significant expansion of our efforts to find a cure for cancer—the second leading cause of death in the United States—and to improve our knowledge of the causes and cures of the pulmonary diseases and afflictions which are taking an increasingly serious toll on our Nation's health. During my testimony in June I devoted considerable attention to these two major health problems:

> There is one other critical area in the health field which I would like to discuss, and that is the federal contribution to basic medical research through the National Institutes of Health. Support for basic research during the past two decades has brought us to the threshold of an era of unparalleled potential for biomedical breakthroughs. The continuation of this progress can be assured only through undiminished support of clinical and fundamental research, of education and training to maintain and enlarge our scientific manpower pool, and of the effective application of laboratory discoveries to the improvement of direct patient care.
>
> In particular, I am deeply concerned about the need for continued support of research into the causes and cures of cancer. I am sure the Subcommittee remembers the moving testimony of Dr. Richard Wolk, of San Rafael, California, last December. Dr. Wolk, whose son, Brian, is a victim of leukemia, showed you a portfolio of sadly beautiful pictures of children who have had their lives tragically and painfully shortened by the onslaught of leukemia. You will be interested to know that Dr. Wolk has given up his general practice in favor of a fellowship in medical oncology at Mt. Zion Medical Center in San Francisco. In his words, "I want to take part in the action as the conquest of cancer is achieved."
>
> Cancer remains the second leading cause of death in the United States, with approximately 650,000 new cases and more than 320,000 deaths each year. If current trends in cancer incidence and mortality are not abated or reversed, it is estimated that we will reach an incidence of 815,000 new cases and 360,000 deaths by the end of this decade.
>
> Federally-supported cancer research has amounted to nearly $1.5 billion over the past 10 years and this research has provided promising leads and opportunities in the areas of virus and chemical causation, immunology and chemotherapy. This progress must be vigorously exploited, and in order to meet that goal we must provide for an increase in appropriations of 20 percent, or $40 million over FY 70, for the National Cancer Institute in order to compensate for the effects of inflation—about 10 percent—and to ensure the availability of additional resources to step up the fight against this killer disease. The administration has requested a level of $202 million, a $24 million increase, for FY 1971. I would urge that the Subcommittee provide for an additional $16 million in order to bring the total FY 1971 appropriation to a level of $218 million, or 20 percent above that for FY 1970.
>
> I would also like to urge the appropriation of an additional $5.5 million for the National Heart and Lung Institute. I am concerned over the inadequacy of the resources devoted to the study of pulmonary diseases. While these diseases have suffered a decline in attention and prestige since the achievement of significant breakthroughs in the treatment of tuberculosis, the incidence of other disabling lung diseases, such as emphysema and bronchitis, is on the increase. Environmental pollution's effect on the incidence or aggravation of such diseases has become a subject of deep concern to many scientists and laymen. One doctor in Los Angeles, specializing in lung ailments, has offered the frightening statistic that anyone over the age of 12 in Los Angeles is afflicted with some degree of emphysema. And any damage caused by the environment is further compounded by the effects of cigarette smoking.
>
> Early in 1968, an advisory committee on cardiopulmonary disease was created by the National Heart and Lung Institute to advise on the adequacy of current cardiopulmonary research and on the opportunities and needs for expanded research and training. In their October 1969 report, the advisory committee found that there is a need for "prospective epidemiologic studies of chronic lung disease such as bronchitis and emphysema to determine if their prevalence is actually increasing and to search for clues as to their causation." The committee further found that there was inadequate data available to evaluate the adequacy of research in "occupational respiratory diseases and the effects of air pollution."
>
> These serious gaps in our knowledge about the incidence, cause, and cures of lung diseases can be corrected if adequate funds are made available to develop needed university curriculums in the lung field and pulmonary research centers which can provide a focal point for studies in this area.
>
> It is estimated that only 358 of the 182,000 physicians in private practice today are primarily specialists in pulmonary disease, and that one-half of the medical residencies in pulmonary disease are unfilled because medical schools are unable to obtain pulmonary disease faculty to promote this important field of medicine. There is a need for aggressive assessment of medical school curriculums in the lung field to revise and revitalize them so they will attract the med students to a specialty in lung diseases. The administration budget has allocated nothing for the development of the curriculums in medical schools which could attract the current student body to this specialty. I would urge that $2.5 million be appropriated for this purpose—this sum when divided among the over 100 medical schools would mean each school would re-

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ceive an undergraduate teaching grant of less than $25,000, little enough when one considers the magnitude of the need.

Another vital method of attracting manpower into this important area, is the establishment of pulmonary centers at university medical centers where there is already a nuclei of activities in research and clinical investigation. Such centers can produce the environment which will attract more physicians into academic research or practice in the pulmonary field. The administration's FY 1971 budget request includes funds to support the establishment of one such center, however, I believe the capability exists in the nation's medical community to implement many more such centers and I urge that an additional $3 million be appropriated for this purpose. This $3 million would make possible the establishment of an additional four centers.

I believe that appropriation of the $5.5 million for the purposes I have outlined—which when added to the administration request would bring the total appropriation for the National Heart and Lung Institute to about $177 million—would give a much needed impetus to our ability to combat pulmonary diseases.

Finally, I want to congratulate the committee for its emphasis throughout the report on the importance of innovative approaches to health care delivery. For example, the committee provided for an increase of $18.5 million over the budget request for regional medical programs. Approximately $4 million of this increase would provide support for programs to evaluate methods of recruiting, training and utilizing new types of health services personnel and to increase the career mobility of allied health workers.

Similarly, the committee directed that $6 million of that $18.5 million increase be utilized for a nationwide study of the best manner of initiating and upgrading community systems for early coronary care and related services for cardiorespiratory emergencies. This step parallels my recommendation, in a letter to the chairman on September 14, for the appropriation of $10 million under a new provision of the Hill-Burton program for project grants for construction and modernization of emergency facilities. In the letter I noted the enormous potential of innovative approaches in emergency transportation systems, such as mobile cardiac care units. It has been estimated that such units could save approximately 20 percent of the 250,000 heart attack victims who now die each year outside hospitals. Thus, I am extremely pleased that this type of mobile coronary care will be supported and implemented through the regional medical programs.

Although I do not agree completely with all of the committee's recommendations, I firmly believe that, on balance, Senator Magnuson and the committee have struck a most reasonable balance among many meritorious, competing health programs and interests. These Senators deserve the praise and thanks of all Americans concerned about the methods and quality of medical care in this country. I urge the Senate to give its strong support to the increases in vital health programs' appropriations. The urgency of the crisis in health care has not abated in the slightest during the past year, and it is imperative that we maintain and, wherever possible, expand those programs which will most effectively contribute to meeting and overcoming that crisis.

Mr. President, I ask unanimous consent that the September 14 and 15 letters to Chairman Magnuson to which I referred earlier be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Washington, D.C.,
September 15, 1970.

Hon. Warren G. Magnuson,
Chairman, Labor-HEW Subcommittee, Committee on Appropriations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: As members of the Labor and Public Welfare Committee, we are writing on a bipartisan basis to register our deepening concern over the future of the community mental health center program in this country. It is our strong feeling that a level of support beyond the budget request is needed if we are to sustain the momentum which has been generated in community-based treatment of mental illness since the passage of the Community Mental Health Centers Act of 1963.

According to a recent article in the *Wall Street Journal,* "The federally-supported Community Mental Health Centers program, begun in the early 60's and counted on to fill a major part of the gap in community care, is in disarray." Increasing numbers of patients are being released from mental institutions—375,000 last year from state and county mental hospitals alone—in keeping with the idea that "after-care" in the society they left is more beneficial than extended confinement in mental institutions. In the absence of such care, patients are too often continued on drug therapy, instead of receiving the counseling and care which would fully restore them to society Although the community mental health center program held great promise of contributing significantly to the solution of this problem it has not expanded adequately to do the job.

The Congress recognized and responded to these enormous needs by passing earlier this year the Community Mental Health Centers Amendments of 1970 (P.L. 91–211). This Act provides for increased federal support of existing programs and authorizes important new initiatives in poverty areas and in children's and other services. It has been estimated that 1½ million children with serious learning and behavior problems require the attention of mental health specialists in order to be able to continue in school. For urban and rural poverty areas, which have a high incidence of mental illness and few local resources with which to deal with the problem, the new preferential funding authorized in P.L. 91–211 is vital if a beginning is to be made in overcoming the handicap of mental illness among the poor.

The greatest need is for more money for staffing grants. The administration originally requested an appropriation of $60.1 million, which would permit them to make no new staffing grants and would allow for only continuation grants to centers already in operation. The House voted to increase that amount by $20 million in order to make it possible to fund the backlog of 61 centers whose initial staffing applications were approved but unable to be funded from FY 1970 monies.

The administration has recommended that the Senate accept only $9.5 million of the $20 million added by the House for new staffing grants. In the face of an anticipated demand of $30 million in new requests during FY 1971 and the backlog of $20 million in approved but unfunded requests at the end of FY 1970, this amount is grossly inadequate. Moreover, the administration has stated that it intends to allocate the $9.5 million only to those centers which have already received construction grants. This includes $6.8 million in approved staffing applications carried over from FY 1970, leaving only $2.7 million for newly-constructed centers submitting applications for an initial staffing grant during FY 1971.

Communities which have not needed or have not already received a construction grant, but which have worked for months or even years to gain community support and raise the required matching funds, would simply not be funded. This includes $13.2 million in applications approved but unfunded during FY 1970, as well as any centers submitting new requests during FY 1971 which have not aleardy received a construction grant.

Finally, although P.L. 91–211 provides that up to five percent of the funds appropriated for new staffing grants may be devoted to the initiation and development of programs serving urban or rural poverty areas, no money would be available for this important purpose under either the administration request or the House-passed bill.

We, therefore, strongly urge that your subcommittee accept the full $20 million added by the House for staffing grants to those 61 centers approved but unfunded at the end of FY 1970, and that an additional $20 million be included in order to permit a modest number of new staffing awards and the initiation of at least a few programs in poverty areas. We also urge your consideration of an appropriate level of funding within the $12 million authorization for children's mental health services. We feel strongly that the purpose of the original Community Mental Health Centers Act of 1963 and the intent of Congress in expanding this innovative program earlier this year deserve a high priority.

We appreciate your commitment to effective funding of health programs and thank you for your consideration of our views.

With best regards.

Sincerely,

Alan Cranston, Peter H. Dominick, Thomas F. Eagleton, Harold E. Hughes, Edward M. Kennedy, Walter F. Mondale, Gaylord Nelson, Winston L. Prouty, Richard S. Schweiker, Harrison A. Williams, Jr.

September 14, 1970.

Hon. Warren G. Magnuson,
Chairman, Labor-HEW Subcommittee, Committee on Appropriations, U.S. Senate, Washington, D.C.

Dear Maggie: I know you are aware of the great rehabilitation work of Dr. Howard Rusk. I had the opportunity of meeting Dr. Rusk and touring his fine facilities at the Institute of Rehabilitation Medicine in New York recently. I have also had the privilege of working with him in connection with the oversight hearings of the Veterans Affairs Subcommittee on the medical care provided to wounded Vietnam veterans.

Dr. Rusk is also president of the World Rehabilitation Fund, Inc., which has provided leadership and assistance in research and rehabilitation programs around the world. I have reviewed with great interest material provided by Dr. Rusk about the work of the Fund. As you know, the rest of the world is far behind the United States in the use of prosthetics and orthotics, and the international research and demonstration program of the Department of Health, Education and Welfare has supported with counterpart funds held in U.S. accounts in dozens of countries vitally important rehabilitation research and service programs in these countries. The availability of counterpart funds means that there is no cost to the American people for these important programs. The administration has proposed that $7 million in counterpart funds be made available for international rehabilitation programs of HEW's Social and Rehabilitation Service during fiscal year 1971. However, this amount was reduced by the House to $4 million.

I am enclosing for your information a copy of an article by Dr. Rusk which appeared in the *New York Times* after a similar cut was made in this program last year. I hope that, upon reading Dr. Rusk's article, which details the enormous success of these overseas programs, you will agree with me that the full $7 million of the budget request should be restored by the Senate in the Labor-HEW appropriation bill, H.R. 18515. In light of the fact that no new expenditure of funds is required, I believe this is the minimum level of support which this excellent program should receive.

I also wish to request that you give serious consideration to including in H.R. 18515 an appropriation of $10 million for project grants for construction and modernization of emergency room and transportation facilities. This new five-year project grant program was recently added to the Hill-Burton program by the Hospital and Medical Facilities Construction and Modernization Amendments of 1970 (P.D. 91-296). The appropriation of $20 million during each of the next five years for matching grants of up to 50 percent of the cost of the project was authorized.

It was noted in the Senate report on this bill that emergency room usage, particularly in urban hospitals, has doubled and tripled in recent years imposing serious strains on the ability of the hospitals to provide care. In addition, improvements in the delivery of health care can be made through innovations in emergency transportation systems. One example of this is the possibility of including, at a modest cost of $1,000 to $1,500 apiece, mobile cardiac care units in ambulances. It has been estimated that such systems could save approximately 20 percent of the 250,000 heart attack victims who now die each year outside hospitals.

The new project grant program would also cover procurement of helicopters and related equipment. Our investigation into the medical care provided to Vietnam veterans has graphically illustrated the unprecedented role that helicopters have played in saving the lives of men wounded on the battlefield. This promising new technological application could be equally beneficial in civilian situations such as traffic accidents or in remote rural areas.

I strongly urge that the sum of $10 million be provided this year so that innovations in providing emergency medical care like those I have described above may be implemented.

Thank you for your consideration.

Sincerely,

ALAN CRANSTON.

Mr. NELSON. Mr. President, at the time we became aware that the Office of Economic Opportunity and the Department of Health, Education, and Welfare were seriously considering cutbacks in the Headstart program and other locally planned community action programs, the Subcommittee on Employment, Manpower, and Poverty surveyed community action and Headstart programs around the country.

As the Senate begins consideration tomorrow of H.R. 18515, the Labor-HEW and related agencies appropriations, it will consider the level of appropriations for Headstart and similar programs. Senator JAVITS and I, together with a bipartisan group of 12 additional Senators, have introduced an amendment to raise OEO appropriations from the $2.064 billion recommended by the Senate Appropriations Committee to the $2.245 billion level.

All across the country, Headstart programs report cutbacks of 7 to 18 percent in their Headstart allocations at a time when they would require a 10- to 12-percent increase simply to continue serving as many children as they served last year. This at a time when by and large they are serving less than 20 percent of the children in their areas in need of Headstart services.

In order that the Senators may have a chance to evaluate this information for themselves, I am asking that there be printed in the RECORD a selection of letters from Headstart programs and others. This is merely a sampling of letters so that Senators can see the impact at the local level of the administration's action in cutting Headstart programs. I particularly want to draw the Senator's attention to the number of letters which say that the Office of Economic Opportunity puts the responsibility for Headstart cuts on the Congress.

The fact of the matter is that even the amount of money already appropriated this year by the House is $98 million more than was appropriated last year. Last year the OEO appropriation was $1.948 billion; this year the House allowed $2.046 billion. Therefore, any cut below last year's dollar figures for Headstart is caused by the administration's own priorities.

Congress already has authorized $398 million for the Headstart program for fiscal 1972. The amendment Senator JAVITS and I are sponsoring will provide this level of funding, so that Headstart programs need not be cut back.

The administration has requested $802 million for manpower programs, which are especially crucial in view of present high unemployment figures. The amendment Senator JAVITS and I are sponsoring will provide this level of funding, so that manpower programs need not be cut back.

The administration in OEO has some new innovative projects which it would like to develop under the heading of research and evaluation. The amendment Senator JAVITS and I are sponsoring will provide sufficient funds so that OEO may carry out those projects, without cutting back on Headstart and manpower programs in order to do it.

The attached letters give a feeling of what the attitude all across the country is on this issue.

They demonstrate a sense of shock and outrage that, at this moment in history, the Congress and the administration would cut back on funds for these vital programs which are presently serving only a fraction of those who are eligible and who need this assistance.

I hope these letters will be helpful to Senators in assessing the urgency of this very important matter.

I ask unanimous consent to insert in the RECORD a factsheet, a survey table, and the letters I have discussed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET.—JAVITS, NELSON, MONDALE, AND CRANSTON AMENDMENT (NO. 1068) TO H.R. 18515 (HEW-LABOR-OEO APPROPRIATIONS)

[In millions of dollars]

	Work training	Head start	Total OEO
Javits amendment	802	398	2, 245
Appropriations Committee	760	339	2, 064

Background: Although the Economic Opportunity Amendments of 1969 ear-marked $398 million for Headstart, $910.3 million for Work and Training programs, and specific sums for other Economic Opportunity Act programs, the Administration budgeted sums far short of the demonstrated need for programs providing services of direct benefit to poor people while substantially increasing research activities. The Senate Appropriations Committee accepted the Administration requests for greater funds for research but then wrote into the reported bill sums at far lower levels than are needed particularly for Headstart and Work and Training programs.

Headstart: The reported bill would accept and write into the law the budget request level of $339 million for Headstart rather than the basic authorized level of $398 million. For Headstart the reported bill would result in fewer children served than last year—because of less-than-anticipated carryover funds and higher costs—whereas the Amendment would provide for a modest increase in program services, as shown in the following table:

	Cost (millions)	Children, year-round	Children, summer
Fiscal year 1970	$326	262, 900	208, 700
House allocation	321	251, 000	125, 000
Senate Appropriations Committee	339	262, 900	145, 900
Javits amendment	398	320, 706	208, 700

Work and training: The Senate Appropriations Committee also wrote into the reported bill an even lower level than the Administration's original budget request for Work and Training programs. The original budget request of the President was $802 million for Work and Training, but out of the total OEO appropriation amount the House Appropriations Committee report allowed $760 million for Work and Training and the Senate Appropriations Committee wrote into the bill itself that figure, a cutback of $42 million from the original budget request of the President. The Amendment would restore the original requests and prevent the following cutbacks:

Concentrated employment program	$6, 500, 000
Public Service careers program	5, 200, 000
Neighborhood Youth Corps in-school	3, 300, 000
Neighborhood Youth Corps summer	7, 830, 000
Neighborhood Youth Corps out-of-school	7, 200, 000
Job Corps	9, 610, 000
Operation Mainstream	2, 200, 000
Total	41, 840, 000

Other OEO programs: In addition to increased funding for Head Start and Work and Training, the Javits-Nelson-Mondale-Cranston Amendment would—

Allow increased funding for health and nutrition programs, including Alcoholism and Drug Abuse programs and Emergency Food and Medical Services;

Enable the Administration to expend the funds it plans for research development, and evaluation, without cutting back on proven anti-poverty programs;

Provide funds to allow other anti-poverty programs to meet increased costs without retrenching on services.

XUM

FISCAL YEAR 1971 FUNDING FOR ECONOMIC OPPORTUNITY ACT PROGRAMS (HEW-LABOR-OEO APPROPRIATIONS BILL H.R. 18515)

[In millions of dollars]

	President's January budget	Current administration budget at House-passed level	Senate Appropriations Committee report	Javits-Nelson-Mondale-Cranston proposed amendment to appropriations bill in Senate
Work and training (pts. A, B, and E of title I of the Economic Opportunity Act)	802	760	760	802
Headstart	339	321	339	398
Other OEO programs	939	965	965	1,045
Total OEO budget	2,080	2,046	2,604	2,245

ALABAMA

Child Development Center,
Cave Street School,
Tuscumbia, Ala.

1. In August 1970 we were told to submit a budget for the 1970–71 year showing a 6% cut in our funding level.

a. Present funding level: $137,272.00.

b. OEO's reduced funding level: $129,036.00.

c. Reasons given by OEO for cut in funds: Lack of funds.

d. Impact on your program; for example, number of children who will be cut out of Head Start or trainees eliminated from Manpower program.

Loss of one teacher and a 6% reduction in all services (medical, dental, food etc.) to the children.

2. Please estimate what funding level would be necessary to maintain your present program, in terms of a percentage increase in present budget.

With costs rising in all categories it would require a 4% increase to maintain our present program.

3. What percentage of the eligible or needy population are you now serving? 97%.

Mrs. Virginia W. Clark,
Director.

Organized Community Action
Program, Inc.,
Troy, Ala.

1. OEO has not yet notified us regarding budget cuts; however, we expect a cut of from three to ten percent of our current federal funds ($573,000), on the basis of other cuts in Alabama.

2. To maintain our *present* program, we would need a seven percent increase, to cover area cost-of-living increases in salaries, rents, supplies, and utilities.

3. We are now serving approximately sixty percent of the needy population; the services we offer, however, are not sufficient for any of those we serve (total population: 68,500; poverty population, 34,000).

Yours,

Hugh Kilmer,
Director of Planning.

Sumter County Opportunity, Inc.,
Livingston, Ala.

1. We have not been officially notified that our budget would be cut by O.E.O., but in a discussion via telephone with our Budget Management Officer in Atlanta, we were advised that our budget would probably be cut by some $200,000.

a. Our present funding level is $548,815.

b. If we are reduced by $200,000, our funding level would be $348,815.

c. As forestated we have not received an official letter stating that our funding level would be reduced as of this date.

d. If, our Regional Budget Management Officer is correct in his prediction that our budget will be cut some $200,000 or more, approximately 150 children of the 365 that we are now serving will have to be dropped from our program. About 25 of the 59 target area non-professional workers who are on the poverty level would also be without jobs.

2. We would need $548,815 our present funding level to maintain our present program.

3. We are serving about ½ of our eligible and needy population at the present.

May I also state that our central PAC has requested that we expand our program for fiscal year 1971–72, to include 200 additional needy children Head Start age. Unless more money is available, this will of course, be impossible.

Eunice Outland,
Head Start Director.

Montgomery Community
Action Agency,
Montgomery, Ala.

For program year "F", beginning March 1, 1970, we were advised on October 5th that our maximum funding level would be $723,000 as compared with a current level of $755,000 in OEO programs.

Mr. Roy Batchelor, Regional Director, has stated that the Southeastern Region is being cut an average of about 8%; the reason given is that carry-over funds have been declining—that projected carry-over is now about 3% where it has been about 11%.

Additionally, HEW/Atlanta has advised us that our federal share for Head Start will be reduced by 10%—from $1,370,000 to $1,233,000. No specific reason has been offered other than anticipated reduction at the Washington level.

The impact of reduction in OEO funds will be felt principally in reduced services to target areas by Neighborhood Service Centers. Programs in Adult Basic Education, Home Economics and Vocational Training will be affected as well as our efforts toward community organization—the attempt to establish viable incorporated groups in target areas.

The impact of reduction in HEW funds will be reflected in reduction of Head Start classes by about 100 children, and postponing further effort in New Careers Development.

In order to maintain the present program with a normal increase in salaries and resulting fringes, we would need increase from present funding levels as follows: OEO Programs, 5%; Head Start, 4%.

We estimate we are serving about ⅓ of the needy population in this county in the following programs:

OEO—Conduct and Administration, Neighborhood Service Centers (9), Adult Literacy, Emergency Food, Family Planning, Comprehensive Health Services.

HEW—Head Start.

DOL—Neighborhood Youth Corps, Mainstream.

Joseph A. Gannon,
Executive Director.

Cullman-City
Child Development Center,
Cullman, Ala.

1. OCD has notified us that our Budget must be cut for the coming Program Year.

A. The present funding level is $177,661.

B. And the reduced funding level will be $172,331.

C. The reason given was that Congress had cut the overall appropriation.

D. The impact on the Program will be, no salary increase's for the third straight year, and it almost resulted in a salary decrease, due to this, we continue to loose degreed personnel.

We will not cut back the number of children served. We had to cut the number of auxillary employees by attrition and by the release of the part time Speech Therapist and Psychologist.

Equipment and supplies must be held to a bare minimum.

We will keep the highest possible Program quality, regardless of the funds cut.

2. The funding level necessary to maintain the present Program would need to be at least five percent (5%) higher than the present funding level because of the rising cost of operation.

3. We are now serving approximately 80% of the eligible population.

Yours truly,

Jere R. Aldridge,
Director.

Community Action Program, Selma
and Dallas County Economic Opportunity Board,
Selma, Ala.

1. Has OEO notified us that our budget must be cut for the coming year? Yes.

a. Present funding level: $524,000.

b. Reduced funding level: $469,000.

c. Reason for cutback: 1. Reduced appropriations for OEO.

d. Impact on our programs: The Dallas-Selma Economic Opportunity Board serves the indigents of Dallas County, Alabama, which has a population of 57,000. This agency also administers the Emergency Food and Medical Program in seven surrounding counties: Wilcox (15,726), Marengo (22,793), Choctaw (16,014), Sumter (16,002), Greene (10,336), Hale (15,580) and Perry (15,014). The reduced funding level ($55,000 plus) will hamper the overall operations of the agency but the Emergency Food and Medical Program will suffer most. This program gives direct assistance to 40,000 persons for Food Stamps or voucher purchase of food and 11,000 indigent school children for school lunches. It is estimated that this combined number may be reduced to 39,000 persons. Also several persons may be terminated because of the lack of funds.

2. Estimated funding level necessary to maintain present programs: The costs of goods and services is ever increasing; hence, the funding level should increase. We feel that at least a 15% increase to $602,000 would be justifiable.

3. The percentage of the needy population presently served by this agency is 51%.

Another situation that we feel needs to be brought before the proper authorities is the fact that the funding level of community action agencies is based on initial funding and frozen at that level pending initiation of additional projects, which means that projects in operation since 1965 must operate in 1970 on the same amount of funds. This in itself tends to weaken a project in either one of two ways; namely, no increase in salaries, fewer fringe benefits, no incentive, loss of efficient personnel, salary schedule and wages unattractive to prospective employees, but adequate services are maintained for those served on a decreasing basis from year to year because of the increasing cost of goods and services. Cost of living increases given employees annually, incentive step raises given employees on merit system, adequate fringe benefits for employees securing and maintaining efficient staff, and attractive salaries for prospects. However, this is accomplished by siphoning funds from categories other than personnel costs annually from within budget which decreases funds used for providing services. (This plus the increasing costs of goods and services.) Neither of these are very attractive, because they both defeat the purposes of OEO Community Action and the alleviation of poverty.

It seems that OEO should attain the same status as "old line" Federal agencies wherein program appropriations and allocations are made in accordance with the cost of living index, that normal increases would be built into funding levels.

E. Johnson,
Acting Executive Director.

Huntsville-Madison County Community Action Committee, Inc.,
Head Start Child Development Program
Huntsville, Alabama.

1. We have been notified by the DHEW (not OEO) Regional Office that our budget must be cut.

a. Funding level for "D" year was $297,130 (our beginning date is September 1 and end date is August 31).

b. Reduced funding level was set at $288.216. However, we have still not received final approval at this level despite the fact we are two months into our new funding year. Rumor has it that we may be cut still further.

c. The reason given (verbally) for the cut in funds was that the South-East Region was cut by eight (8) million.

d. Impact on our program: No children have been cut out at this point—this will be done as *only* a final resort. However, medical and dental treatment must be significantly reduced if local sources of funds fail to materialize. Planned expenditures for consumable supplies and equipment have been reduced to far below the needed level. The same applies to travel which will mean fewer and shorter field trips. The food budget has ben cut significantly—we hope we can live with it.

2. Funding level necessary to maintain present program: $323,000 (approximate).

3. We are serving 200 children out of an estimated 2,700 in need.

It is heartbreaking to see our already pitifully inadequate funding be reduced just at the point when we believe both staff, parents, and resident boards have developed the expertise necessary to make the program function in the way we had hoped it could.

Jane Reed, *Director.*

ALASKA

Rural Alaska Community
Action Program, Inc.,
Anchorage, Alaska.

Present funding level for Head Start is $813,800 and will be reduced by 5%, or $40,690, to a level of $773,110. Nationwide funding cut was reason given. 60 children will be eliminated as well as a number of staff people. 38% of the eligible population is now being served, and the full $813,800 is needed to maintain current level.

Byron I. Mallott,
Executive Director.

Anchorage Community College,
Head Start Program,
Anchorage, Alaska.

Present funding level is $212,500 and will be reduced by $53,000, eliminating services for 15–20 families. Reason given by OEO: "cost per child in Anchorage was more compared to the other areas of the state." 90 children, or 1/20 of eligible children are now being served, and for present program to continue, an estimated budget of $226,000 would be necessary.

Jesse Kinard,
Executive Director.

ARKANSAS

Black River Area
Development Corp.,
Pocahontas, Ark.

Summer Head Start present funding level is $82,000 and will be reduced to $65,600, resulting in the elimination of 68 children from that program. Full year Head Start is presently funded at $142,000 and will be reduced to $127,800, resulting in the elimination of 44 children from program (a total 112 children will be dropped). Summer Head Start now serves 95% of eligible population, and full year 13%. An increase of 5% in each program would enable them to continue at present level.

Jim Jansen,
Director.

Southwest-Arkansas Development Council, Inc.,
Texarkana, Ark.

Present funding level for Head Start is $155,000 and may be cut 7% to 10%, down to $124,000 or $140,000. Summer program this year served 740 children and provided 148 jobs for area residents. At the present funding level 40 children have been dropped, and if the cut becomes effective, 200 more children will be affected.

Thomas L. Hudman,
Executive Director.

Rogers Community Day Care Center, Inc., Central United Methodist Church,
Rogers, Ark.

This Day Care Center is supported by the First Christian Church, St. Andrew's Episcopal Church, the Presbyterian Church, Central United Methodist Church, and the Rogers Community Fund. The program uses volunteer help and several Neighborhood Youth Corps people.

Charles P. McDonald,
Chairman, Board of Directors.

Arkansas Mid-Delta OEO, Inc.,
Helena, Ark.

Present funding level for Head Start is $509,599 and will be cut by 6%, with a "cutback at the National level" as the reason. 20 children will be dropped from program. Program now serves 20% of the needy population, and the program would have to operate at $560,559 to maintain present level.

Margaret Staub,
Director.

Head Start Child Development,
Crowley's Ridge Development Council, Inc.,
Arkansas.

Present funding level for Head Start is $420,000 and will be cut back 7–10%, resulting in the loss of 50 or more children from the program. About 65% of the eligible population is now served, and a 5% increase in funding level would be necessary to maintain present program.

Dorothy Book,
Director.

Northwest Arkansas Economic
Opportunity Agency,
Rogers, Ark.

Preset funding level for full year Head Start is $171,428 and will receive a 7–10% cutback; present funding level for summer Head Start of $50,000 will be cut back by 20%. 75 youngsters will be dropped from program. About 10% of the eligible population is now being served, and if budget could be maintained at present level, program could continue to operate without reductions in children or services.

Wallace E. Smith,
Executive Director.

IDAHO

El-Ada, Inc.,
Community Action Agency,
Boise, Idaho.

We have been notified by our regional office that a cut is being made in our funding level. The information you requested is as follows:

1. a. Present funding level—$144,969.

b. OEO's reduced funding level—$130,000.

c. No reason for the cut has been offered other than that because of the pending cuts the National Office has been forced to set interim guidelines.

d. Impact on our program—the possibility of not having any program in two rural areas. Each program would serve 50 children—primarily migrant—and would employ 8–10 low income people.

2. We have been able to plan a budget for 1971 at the same funding level as 1970—$144,969. An increase would be welcome but lack of one would not jeopardize the program. However, a cut would leave us in a precarious position.

3. At our present funding level we are serving approximately 50% of the eligible needy population for the Day Care Centers.

The El-Ada Day Care programs are operated for low income underemployed or in-training mothers. There are two centers in Boise serving 50 children. Other centers are day care center in Homedale (Owyhee County) for 50 children—95% of them are migrant farm worker's children. In Elmore County a center will operate in Hammett for 50 children from migrant families. These have been planned for 5 month programs, with a possibility of becoming 8 month programs.

Most of the programs in Idaho would suffer from a cut in funding. Our El-Ada program would be definitely handicapped with a loss of $15,000. An increase in our funds would mean that we could serve more eligible low income people in a much wider area of need—and this is why we are in existence.

We in Idaho have seen positive results of the Headstart and Day Care program operations. Hundreds of youngsters have had dental care—many for the first time. All are given nutritious meals. Those with different ethnic backgrounds have not had to change—our meals have been planned around their own food preferences. Migrant mothers have realized a peace of mind about their young children. By using a Day Care Center they don't have to take their children to the fields with them or worry about the competence of a baby sitter. All of the parents are encouraged to participate in the program. They are able to become a productive part of the community through their efforts to achieve a successful social and educational experience for their children.

In many areas people who have been migrants are now choosing to live permanently in Idaho's rural communities. Their children are the potential community leaders of tomorrow. Headstart and Day Care will be the first step toward their preparation for this role. These programs are helping the parents assume a responsible place in the community now.

Joan Lingenfelter,
Director, Child Development Program.

ILLINOIS

Project Head Start, Economic Opportunity Commission of Saint Clair County,
East St. Louis, Ill.

We too have been advised by the Regional Office of Health, Education and Welfare (Office of Child Development) of a possible 7–10% reduction in funds allocated to our East St. Louis Headstart Program.

At our current funding level of $436,000 this could mean a loss of up to $43,600. Reasons for the cut are a reduction in funds allocated to our region.

Such a loss of funds would result in the forced closing of at least two classrooms. Fifty children would therefore be eliminated from the program. In addition, six jobs all held by Headstart parents would also be cut out of our operation.

A funding level of $436,000 will sustain our operation for the next year. We now serve 17% of the total eligible population.

DENNIS STOKES, *Director*.

PROJECT HEAD START,
Quincy, Ill.

We have not been "officially" notified of any budget cut however, through personal contacts at the upper level, it has been strongly hinted.

a. This year's approved budget—$107,028.

b. See Item (1).

c. Major cuts in congressional funding.

d. 30 children will need to be dropped if purported cuts of 10%–14% is to be put into effect.

2. To maintain next year's program, $115,000.00 minimum.

3. We are now serving approximately 90%.

WILLIAM SACADAT, *Director*.

JOLIET-WILL COUNTY COMMUNITY
ACTION PROGRAM,
Joliet, Ill.

Our present funding level is near $500,000. We have been informed by both OEO and the Department of Health, Education and Welfare that there will possibly be a 10% cut in our budgets for the coming year.

This was not a statement given directly to this agency or its administration but a statement that was made in general to the 25 CAP's within the State of Illinois. The reasons given for the OEO cut in funds was that the Regional Office is going to be faced with an appropriate 10% cut in the funds available to them plus the loss of carry over funds that had been available in previous years due to the fact that CAP's were not spending all of the funds allocated to them because of poor management, late funding and a number of other reasons.

Although this statement was not made directly to us as an individual agency, we feel that it would be a grave deterrent to the future success of our agency which has just emerged from caretaker status if our programs were cut in the coming year. Presently, we have more programs than we have ever had and it appears as though the problems of the past will be greatly over shadowed by the successes and gains that we are presently making.

We feel certain that if the budget is to be cut within the next year, it will represent a slap in the face to the people we are serving but also to our board, staff and other agencies who have worked so hard to revitalize an agency that had slid downhill because of misinformation, some poor planning and lack of adequate participation by local agencies and governing bodies.

We presently feel that we have overcome these difficulties and if we are allowed to function for another year, at least our present funding level, our agency will have made great strides towards breaking the cycle of poverty that exists within our area. Examples of how programs will be hurt if a 10% cut were to occur include the following: The loss of at least one Head Start class which includes one teacher, one teacher aide, one bus driver, 20 students and possibly one other member of our supportative service team. In Day Care, the loss of 10% of our revenue would result in a loss of 10 children, one teacher, one teacher aide and possibly our kitchen staff. In NYC, it would mean a loss of at least 12 slots and one staff member. For each program, we could go right down the line and subtract at least 10% of the number of participants and approximately two to three per cent of the supportative services that are provided for each program. This would be a disaster because we know we are already grossly underfunded.

THOMAS L. BRADLEY,
Executive Director.

COOK COUNTY OFFICE OF
ECONOMIC OPPORTUNITY
Chicago, Ill.

We have received notification from Region V, OEO, that our budget would be cut during its program year (F), April 1, 1971 through March 31, 1972.

a. CCOEO's present federal funding level is as follows:

Local initiative: 979,835 (Administration, Planning, Community Service Centers, Housing Development, Youth Development).

Earmarked: 689,958 (Family Planning, Emergency Food and Medical Services, Legal Services, VISTA).

Headstart: 1,371,000 (Full Year Part Day, Day Care).

Manpoyer: 912,710 (NYC, OJT).

b. CCOEO's reduced funding level is as follows:

Local initiative: 790,000 for a reduction of: 189,835.

Earmarked: 550,617 for a reduction of: 139,341.

Head Start: 1,234,000 for a reduction of: 137,000 (expected but not official).

Manpower: unknown; On the Job Training probably to be eliminated in February, 1971.

c. The reasons for the cut in local initiative funds is explained in the attached letter from Mr. W. Verduin, Regional Director dated, September 2, 1970. The reasons for cuts in the earmarked funds are also explained as having to do with substantially reduced carry-over balances. Recent information indicates that Legal Services and Head Start will be cut, but the announcement is not official and the reasons have not been made clear. As of the date of this letter, information has been received that some of these reductions will not be as great as previously announced, but this word is not official.

This Agency's programs in Housing Development, Medical Services, and Child Feeding and Nutrition—all pilot programs with excellent evaluations—all being reduced or eliminated. Again, the lack of carry-over funds, together with no substantial increase projected in community action program funds, accounts for these reductions.

d. The impact of these reductions on the programs of CCOEO will be widespread probably resulting in:

(1) Elimination of the youth development program.

(2) Elimination of the low-income housing production program of the Agency with the resultant loss of the production of several hundred new low-income housing units in one depressed community.

(3) Elimination of the Maywood Comprehensive Health Care Clinic with an average patient load of over 1,000.

(4) Elimination of the child feeding and nutrition program serving over 350 children daily, and substantial reduction in the supplemental food distribution program now reaching about 7,000 individuals.

(5) Reduction in the number of Head Start children by 10 to 15%.

(6) Curtailment of the Agency's planning, research, training and evaluation components.

This Agency would need about an 8 to 10% annual increase to maintain current operating levels taking into account tenure salary increments, and inflationary cost increases in goods and services.

CCOEO, Inc. reaches approximately:

(a) 16% of eligible population in Community Action Programs

(b) 10% of eligible Head Start children

(c) 2% of population eligible for Manpower and Youth-training services. (On a year-around basis; percentage approaches 70% in summer).

BENJAMIN T. SCOTT,
President.

CHICAGO COMMITTEE ON
URBAN OPPORTUNITY,
Chicago, Ill.

We were informed by the Great Lakes Regional Office of the Office of Economic Opportunity on August 14, 1970 that our versatile funding level for program year "G" was to be 8.8% less than the previous year's level. The primary reason given for this reduction was that the Regional Office had experienced a decrease in carry-over funds from the previous years. This cut represented a reduction from a funding level of $13,062,000.00 for program year "F" to $12,570,000.00 for program year "G".

In addition to this cut, we were informed that our Emergency Food Program funds were being reduced to $250,000.00, a decrease of 23% from last year's level of $325,000.00. We were further advised of a reduction to $90,000.00 from $100,000.00 the previous year's funding level for our Senior Opportunity Service Program. This represented another 10% cut in our funds.

On October 7 we received telephone notification from the Regional Office of the Office of Child Development that we should start immediately to identify areas where we could absorb a 10% cut across the board in our Head Start Program. We were informed that a letter of instructions for implementing these cuts would be forwarded shortly.

We immediately proceeded to follow these instructions by scheduling exploratory conferences with each of our delegate agencies. Subsequent to these conferences, our delegate agencies organized for protesting these cuts. As they were gaining impetus, we, fortunately, received both a verbal and written communication from the Regional Office of the Office of Child Development, advising that we were authorized to maintain our program at the current funding level and that we will be notified if any cuts will be required later.

(Mrs.) MURRELL SYLER,
Executive Director.

PEORIA CITIZENS COMMITTEE
FOR ECONOMIC OPPORTUNITY, INC.,
Peoria, Ill., November 2, 1970.

Our present funding level for the areas to be cut is $267,000.00. The area to be cut in our program is identified as local initiative funds. There are four program accounts which are funded under local initiative at our agency. They are: Central Administration, Neighborhood Service System, Planning Development and Youth Development.

These accounts which total $267,000.00 have been cut by $15,000.00. More specifically, the Youth Development account which was budgeted at $40,000.00 has been cut to $35,000.00, a reduction of $5,000.00. The other three accounts, Central Administration, Neighborhood Service and Planning had a total budget of $227,000.00, and our instructions were that these would be cut in the aggregate of $10,000.00, with the discretion left to the local community as to where to realize the cut.

The reasons given by OEO for the cut in funds is stated in a letter submitted to us and dated September 2, 1970, from Mr. Wendell Verduin, Director of the Region Five Great Lakes Office of Economic Opportunity, Chicago. A copy of this letter is enclosed with the information we are supplying. The basic concept seems to be that the local initiative resources allocated to OEO Region Five from Headquarters are $5,481,000.00 less than the amount needed in this region to continue funding Community Action Agencies at their present level. This letter was one which was sent to all Community Action Agencies, and we did not receive a written indication of the amount which would be cut from our programs, but were informed from Regional OEO via the telephone that our local initiative funds would be cut $15,000.00 and specifically the Youth Development $5,000.00, and the other three accounts, an aggregate of $10,000.00 for the three.

The impact on our program here in Peoria, of course, will be significant. In addressing ourselves to the full meaning of the cuts, as related to our agency, the staff prepared a list of alternative ways to approach these impending cuts. These were submitted to our Executive Committee and ultimately to our Board, and no official action has been taken on these as yet in that our programs will not be affected until January 1, 1971. However, for your information, also enclosed with this reply is the narrative concerning the alternatives presented to our Executive Committee, as well as the progress report which was ultimately submitted to our Board with regard to this.

The second item in your request asked to estimate the funding level necessary to maintain our present programs, in terms of a percentage increase and percentage in present budget. Actually, the restoration of the $15,000.00 would maintain our present program at the proper level. The cut of $15,000.00 in our local initiative would create some problems. We do not see an absolute need to increase our budget beyond the present level, excluding the cuts. Of course, like many agencies, we feel that additional funds over and above our present allocation could enhance our capabilities to deal with the problems of poverty. However, this would take more than a superficial response in terms of indicating these areas of need.

Item three asked what percentage of the eligible or needy population our agency is now serving. Our present agency structure including the Legal Service and Head Start accounts, which are of course ear-marked funds, as well as the local initiative program accounts, would serve people in the following categories: Legal Services probably will end the year with an active case load of something like 1300 to 1400 clients; the Head Start Program serves 540 children and their families, this is Summer Head Start; our Neighborhood Service System is actively working with some 1300 families in the poverty community. By way of indication of what the percentage of that is, the recent State of Illinois Annual Poverty Report indicates that some 28% of the total Peoria County population of 205,000 persons is at the income level between three and five thousand dollars annual income. In that regard, other figures which we have indicate that there are approximately between sixteen to twenty thousand persons in the City of Peoria in the target communities who are in the low-income and poverty categories. We would estimate then that this would constitute some four to five thousand families, and in that regard, our agency probably is addressing itself to the needs of about 30% to 35% of these persons.

KENLEY R. WADE,
Executive Director.

IOWA

SOUTHEAST IOWA HEAD START,
Burlington, Iowa.

Southeast Iowa Head Start operates ten part-day Head Start classes for 172 children in five centers located in Washington, Henry, Lee and Des Moines Counties, with the Southeast Iowa Community Action Org., Inc., as the grantee.

1. OEO notified us through a letter from Mr. Kenton Williams, Assistant Regional Director, Office of Child Development, HEW, Kansas City, dated October 12, 1970, that our funds would be cut 7%.

a. Our present funding level is $170,887.

b. The 7% reduction would make our funding level $158,925, a cut of $11,962.

c. The letter from Mr. Williams gives the following reasons for the cut:

"The Region VII funding plan is based upon our Region's share of the Head Start earmarked funds and our Regional projection of 1970 carry-over funds. The total of the anticipated new funds and the carry-over represents our total Regional funding level.

"The current Regional plan is based upon each agency's Fiscal Year 1970 funding level less a percentage cut, uniformly applied, necessary to adjust to the fiscal 1971 projected Regional funding level."

d. If we were to absorb this loss by a cut in number of children, it would be necessary to close 2 of our 10 classes. To save the money by cutting out trainees or low-income employees would be impossible for two reasons:

(1) We need the present number to operate the program, although a cut of two classes would eliminate two low-income teacher aides.

(2) The savings from cutting the low-income people would be impractical since it would not cover much of our loss.

Actually, we are planning to absorb the loss in the following ways: We intend to operate a quality program for the present number of employees, of whom 50% are low-income, up to two or three weeks before the close of the eight-month funding period.

We are embarking on an area-wide fund-raising program in the hopes that we can continue for the full 34 weeks. We are incorporating Title I employees wherever openings allow, and we are appealing for volunteer help with our enormous children's transportation costs.

The main impact on our program is the tension, fear, and insecurity suffered by both staff and parents since we were already funded when the cut was announced, our people were all hired, and we were beginning with the highest hope and greatest pride in the history of Southeast Iowa Head Start. With enthusiastic community cooperation we had enlarged our program by one class of 16 children on the same funding that we had in 1969–70.

2. To maintain our present program, we need a 5% increase over the 1970–71 funding of $170,887.

3. Because of the transportation difficulties, we are able to serve less than 50% of our rural poor. With present unemployment and inflation circumstances, we are probably not reaching more than 50% of the urban low-income population.

CAROLYN A. FRIEDSON,
Director, Head Start.

MATURA ACTION CORP.,
Creston, Iowa.

1. Has OEO notified you that your budget must be cut for the coming year? If so, supply: Yes.

a. Present funding level; Local Initiative—$177,000. Summer Head Start—$57,072. NYC—$159,250.

b. OEO's reduced funding level; Local Initiative—$173,770—2% reduction. Head Start—$52,905—7% reduction. NYC—$130,250—19% reduction.

c. Reasons given by OEO for cut in funds; Regional Office states Congress did not appropriate adequate funds.

d. Impact on your program; for example, number of children who will be cut out of Head Start or trainees eliminated from Manpower program. In-school NYC—Same 48. Could use 100 additional slots to fill the need. Out-of-School NYC—Cut from 48 to 14. Because an experimental program was not refunded. Summer NYC—125. Could use an additional 100 slots. Head Start—7% cut in Head Start, from last year to this year represents reduction of services to 6 children. Local Initiative—The reduction in Local Initiative funds makes it necessary to reduce outreach.

2. Please estimate what funding level would be necessary to maintain your *present* program, in terms of a percentage increase in present budget. At least 20%—(Since inception of our program we have lost approximately 35% of our funding.)

3. What percentage of the eligible or needy population are you now serving? 13% of the potential due to budgetary limitations.

JOE PALS,
Executive Director,
MATURA Action Corp.

UPPER DES MOINES
OPPORTUNITY, INC.,
Emmetsburg, Iowa.

Regional O.E.O. notified us on September 15, 1970, that our O.E.O. funds would be reduced from $154,956 to $152,260 for the next funding year.

On October 27, 1970, our regional O.E.O. field representative verbally informed us that the funds would not be reduced from last years level.

Regional H.E.W. informed us on October 12, 1970, that our Head Start funds would be reduced by 7% for the next funding year.

We estimate that a funding level of $160,379 for O.E.O. and $222,888 for H.E.W. would enable us to maintain our present programs. A reduction in H.E.W. funds will mean we will serve 165 instead of 200 children. We are now serving 11% of the eligible population.

D. CRAIG FORD,
Deputy Director.

NORTHEAST IOWA COMMUNITY ACTION CORP.,
Decorah, Iowa.

1. a. Present funding level. O.E.O. 221,151; Headstart 134,788.

b. O.E.O.'s reduced funding level: O.E.O. 217,920; Headstart 124,353.

c. Reason given by O.E.O. for cut in funds: Lack of money.

d. Impact on our programs: We may have to choose between being understaffed or serving fewer people, possibly both. In addition to the across-the-board cut in Headstart funds, we are told to expect a 20 percent cut, unless we transfer the Summer Headstart Program to a year round program. This means a reduction of from 15 summer classes and 3 year round classes to 8 year round classes, since it must be done with less money than we are presently allowed.

Of the approximately 250 children who could be served in the summer class only 75 of them can be served in the year round classes. Also the 3 current year round classes will have to be cut from 10 months to 9 months and will have to be limited to one age group instead of the present two.

2. Funding level necessary to maintain present programs: Summer Headstart 140,000. If converted to full year Headstart 225,000; O.E.O. 223,000.

3. Percentage of eligible or needy now being served: Approximately 17%.

JAMES R. KRAMBEER,
Deputy Director.

HACAP HEAD START PRESCHOOL,
Iowa City, Iowa.

1. The regional OEO–HEW office has notified us that year round budgets must be cut 7.3% (year round programs), 30+% (summer programs).

a. Our present funding level is $182,037.

b. The reduced funding level is $169,094.

c. Reason given for cut is that more carry over funds were anticipated than there actually will be.

XUM

d. Impact on our program: in Johnson County increased community cash support will be used to cushion the cut, instead of being used to expand the program as planned. In Jones County cut back in number of children served. In Linn County cutback in quality.

2. A 5% funding increase would be necessary to maintain our present program.

3. We are serving in full year full day groups: Johnson County—50% of eligible children; Linn County—None; Jones County—None.

We are serving in summer groups: Johnson County—None; Linn County—75%; Jones County—90%.

We are serving in full year part day groups: Johnson County—60%; Linn County—25%; Jones County—None.

We are part of the Hawkeye Area Community Action Program, 105–8th Avenue S. E., Cedar Rapids, Iowa, 52401, Grant #6114, Executive Director, Russell Proffitt.

(Mrs.) CAROL FRACASSINI,
Head Start Center Supervisor,
Johnson County.

GREATER OPPORTUNITIES, INC.,
Des Moines, Iowa.

Greater Opportunities has received word that we will definitely get a cut in funding of our 1971 Head Start budget.

1. a. Present funding level: Our present funding level of $286,036.00 will be converted to full-year Head Start programs.

b. OEO's reduced funding level: The reduced funding level as suggested to our agency will be 7% of our total allocation ($20,022.52).

c. Reasons given by OEO for cut in funds: The reason given was that the Region VII funding plan, based upon the regional share of Head Start ear-marked funds and the regional projections of the 1970 carry over funds dictates that our regional allocation will not be enough to fund existing Head Start programs for 1971 as they did in 1970. Hence, our agency will experience a 7% cut in funds.

d. Impact on your program; for example, number of children who will be cut out of Head Start or trainees eliminated from Manpower program. First of all, to experience the suggested cut, it will be necessary to close two classrooms (40 children). In each center we have approximately 10 low-income persons who would lose employment because of proposed reduction in funds.

We will need approximately a $300,000 funding level to maintain our present program. This is a reflection of the rising cost of goods and services. There are approximately 1200 eligible Head Start children in our quad-county area. Hence, we will actually need a budget of approximately $960,000 for a total funding to take care of unmet needs of our pre-school impoverished children. This figure is approximated from a sum of $800.00 per child per year.

We are now serving about 33% of the eligible Head Start Children.

ALFRED B. BROWN,
Executive Director.

KANSAS

S.E.K.–C.A.P. INC.,
Girard, Kans.

The following information concerns the *Southeast Kansas Community Action Program's* funding status.

DOL	$589,530
HEW	522,000
OEO	407,929
Total	1,519,459
DOL	$589,530
HEW	485,460
OEO	398,389
Total	1,473,379

DOL—No cut.

HEW—Regional 7% cut for all Head Start Programs in Region 7.

OEO—No reason stated.

This is very hard to estimate but in order to operate at this reduced funding level, there will be less people involved.

The necessary funding level to maintain the present program would be a 7% increase in our funding level.

DOL=25% (Work/Training).
HEW=25% (Head Start).
OEO=34%.

GARY L. PETTUS.

ECONOMIC OPPORTUNITY
FOUNDATION, INC.,
Kansas City, Kans.

Current O.E.O. Funding, $669,000.

Head Start Funding, $909,000.

O.E.O. reduced funding level:

O.E.O., $579,000.

Head Start, $845,000.

Elimination of a Training and Technical Assistance Project directed at Advisory Board members in cooperation with the Model Cities effort.

2% general reduction of funds.

Elimination of the Training and Technical Program listed above.

No new or innovative programs.

Elimination of one Head Start Center, i.e. approximately 30 children.

O.E.O., $720,000.

Head Start, $1,000,000.

Approximately 25–30% of the eligible population is currently being served.

These statistics are from the Research Department of the Economic Opportunity Foundation, central headquarters located at 1707 N. 7th, Kansas City, Kansas 66101. This agency operates under Grant No. 0694.

JOHN L. ZUMWALT,
Managing Director.

KENTUCKY

FAYETTE COUNTY PUBLIC SCHOOLS,
Lexington, Ky.

Our funding level for the Full Year Head Start program was cut $8,329.00. This amount was transferred from Summer 1971 program. Our funding level is $169,742 with the $8,329 added to comply with our proposal. Our Summer 1971 allocation is $91,225 and $99,554. We are being encouraged to convert the summer allocation into the Full Year program so we can dodge another cut.

The cut for this year did not eliminate any children because of the transfer of funds. However, we will eliminate approximately 250 children from the summer program due to conversion. We feel that the summer program is not sufficient, and conversion should take place.

To fund our present program with 15 children per class and not 20, as we now have, would take an additional 15% funding.

We are serving approximately 35% of the eligible children. To serve the entire group with adequate housing, staff, etc., would cost approximately $500,000 or more.

The Head Start program is excellent. We cannot finance a kindergarten program, therefore, this is the only program for these children.

FRANKLIN W. SANDERS,
Associate Superintendent for State and Federal Programs, Division of Community Relations.

KNOX COUNTY ECONOMIC
OPPORTUNITY COUNCIL, INC.,
Barbourville, Ky.

Last year's funding for the Knox County Economic Opportunity Council's Program year was $242,867. For the present 1970–71 program year our funding will be $235,581. The reason given by OEO for this reduction was simply that a shortage of OEO funds necessitated a percentage cut in fund for community action agencies.

The most obvious impact such a reduction has had on our program is the elimination of some staff positions within the Early Childhood and Economic Development Programs. To maintain the program level of the 1969–70 year, we would require $279,200, which is a 19% increase over the amount we are presently funded. We are presently serving approximately 50% of the eligible or needy population of this area.

HOLLIS D. WEST,
Executive Director.

JACKSON-CLAY CHILD
DEVELOPMENT PROGRAM,
Manchester, Ky.

We were first told that the Jackson/Clay CAA would sustain an across-the-board cut of 7%. This was later increased to 14.5% for the Community Action part of the funding. This included approximately 22% cut in Emergency Food and Medical Services, a 40% cut in Account 62, or our Economic Development component. We are one of the few CAA's that had its Headstart Program cut only 3%.

In answer to specific questions, please note the following: a) present funding level of both OEO and HEW administered funds $563,000, b) OEO's reduced funding level $516,000, c) reason given by OEO for cuts—cuts ordered by national OEO headquarters, d) impact on our program: Had to reduce 8 weeks for full-year Headstart; eliminate all except extreme emergency help for malnutrition cases; and cut in monies used to create permanent employment and job development.

This agency would need double this amount of current funding in order to increase substantial services in the various programs. Seventy per cent (70%) of our population fall within the federal government guidelines.

We are now serving in some capacity approximately 20–30% of the citizens in need of our agency.

Headstart in Clay County is desperately needed to limit the per cent of retainees in the first grade, and provide nutritional and health services. Most of us know schools today are middle-class oriented and our children living 24 miles up hollows are not middle-class. They need broad experiences so they may be able to adjust socially, emotionally, physically and mentally.

PADUCAH PUBLIC SCHOOLS,
Paducah, Ky.

OEO has notified us that our budget has been cut for our 1970–71 program year.

(a) Present funding level: $122,001.00.

(b) OEO reduced funding level by 15%.

(c) We were told that there had been a cutback in the funding level by the House for fiscal 1971. Most surprised to see in your letter that in fact there has been a $98 million increase over the $1,948 billion appropriated for fiscal 1970.

(d) We have cut our operation from 9½ months to 9 months of operation in order that we not drop any children. This 15% reduction in funding had forced us to reduce all categories in our budget by 15%.

We could operate well on our original request of $143,428.00. This is a 15% increase over our present budget.

We are serving 75% of those eligible for this program.

RICHARD B. BROWN,
Assistant Superintendent.

HOPKINS-MUHLENBERG COMMUNITY
ACTION COMMITTEE, INC.,
Madisonville, Ky.

In answer to your letter of October 20, 1970, OEO has notified us that our budget must be cut for the coming year. Our funding level for the year 1969–70 was $214,542. OEO has informed us that our versatile funds will be reduced by approximately $1,000.

Several attempts were made to determine why this reduction but we were unsuccessful.

HEW has informed us that our budget for the 1970–71 year will be cut $2,500. This was an overall Head Start cut.

Only yesterday we were informed that our Summer Head Start Program may receive an additional 20% cut. Our feeling here is that this is a means of phasing-out Summer Head Start Programs. The impact on our program basically would be a loss or elimination of approximately 60 Head Start children. We regard this a step into the past. To maintain only our present program we would estimate an increase of 3% of our existing funding level.

JOE LOVELL,
Acting Director.

MISSISSIPPI RIVER ECONOMIC OPPORTUNITY COUNCIL, INC., COMMUNITY ACTION PROGRAM,

Fulton, Ky.

OEO has informed us that our funds must be cut for the coming program year. This cut will affect all initiative funds and Headstart funds will possibly mean eliminating some staff. We have tried with the small amount of funds to serve four counties with approximately 950 square miles and 32,229 people.

Our present funding level for Community Action is $134,000 divided into three components:

Conduct and Administration	$31,576
Community Organization	87,651
Senior Citizens	14,773
Emergency Food and Medical	20,000
Total	154,000

$154,000 but we have never received a Manpower Grant.

OEO's reduced funding level is uncertain to us because from the memo from OEO because of limited federal appropriation the *maximum* level for next program year will be $163,000 broken down into the following categories:

Conduct and Administration	$31,576
Community Organization	86,651
Senior Citizens	13,773
Emergency Food and Medical	30,000

Reason given by OEO for anticipated cut, congress has not appropriated the money.

The impact on our program this will have, it will eliminate any chances of us ever getting a Manpower program here. OEO has never helped us by giving us a grant for Manpower. We do not have a Neighborhood Youth Center Slots, Mainstream or Greenthumb.

We can truthfully say that because of lack of funds, no Manpower funds, no manpower programs. We are not serving 5% of the needy population in the four county area, of the 32,229 people that live in the four county area, 65% are below the poverty guideline.

Our Headstart budget for the funding level for last year was $81,999 for eight weeks. OEO has reduced this to $79,537 and have required that we go to a full year Headstart Program, the reason given by OEO for cutting funds is listed in their letter. Due to reduction in Headstart appropriation there will be an additional decrease in federal funds. The impact this will be on our program will be that we must serve less children, from 325 to 60. We have requested money to serve all 350 in this area, but the response we get is that Headstart appropriation has been reduced by congress. According to OEO figures we will need $350,000 to serve a full year Headstart program as it takes approximately $1,000 per child.

RUFUS ADKINS, Jr.,
Executive Director.

LOUISIANA

ST. MARY PARISH HEADSTART,

Franklin, La.

In the St. Mary Parish Headstart, after having our children's physicals done ninety per cent (90%) of two hundred (200) children was suffering from anemia, and to cut off some of their health care could be damaging for their entire life.

OEO has notified me that there would be a seven to ten percent (7–10%) cut in our budget for the coming year.

a. Our present funding level is $222,789.

b. Our reduced funding level is at the present unknown.

c. The reason that OEO gave for the cut in funds is that there is a shortage of funds.

d. The cutback of funds would have a great impact on my program. I cannot say exactly the number of children who will be cut off of Headstart, but I do know if there were a cut the very needy children would suffer, because for some children this is the only well balanced meal they will get.

Of the two hundred (200) children, not one had had a physical examination or had ever seen a dentist.

This would be the worst thing ever to happen to the poor families and their children. Instead of a cut back of funds we could use an increase of about twenty per cent (20%) of the present budget.

We are now serving twenty-five per cent (25%) of the needy population in St. Mary Parish.

MRS. CALDONIA B. LEE,
Headstart Director.

AVOYELLES PROGRESS ACTION COMMITTEE,

Marksville, La.

We have been alerted by H.E.W. to expect a cut in Head Start funds in the amount of a 7% to 10% decrease. At present, the budget we work under allows us to serve about 20% of the children's needs. We can readily see that we need a substantial increase in funding level rather than this proposed cut.

If this 7–10% decrease is definite, we would have to decrease the number of children by about 75 to 100.

Our grant number is 5109, and we are the Avoyelles Progress Action Committee, Inc., located in Marksville, Louisiana.

RODNEY L. JUNEAU,
Executive Director.

CENLA COMMUNITY ACTION COMMITTEE, INC.,

Alexandria, La.

In accordance to information received from the desk of the Assistant Regional Director of the Office of Child Development, the HEW Dallas Regional Office, dated September 21, 1970, reduction in Head Start's funding level, CCAC, Inc., makes the following report based upon the Summer and Full Year Head Start remaining separate programs.

Summer Head Start total funding, federal and nonfederal:

Total $223,953. Anticipated loss (20%) 44,791. Total after reduction $179,162.

Total number of children this program year: 920. Anticipated loss 53. Total after reduction 867.

Full Year Head Start total funding, federal and nonfederal:

Total $893,716. Anticipated loss (7%) 62,560. Total after reduction $831,156.

Total number of children this program year: 650. Anticipated loss 59. Total after reduction 591.

The total funding level for Cenla Community Action Committee, Inc., "2,509,036". Anticipated loss 107,351.

These are the only official reductions in funds that have been received by this office to date.

The effect this will have on our program and community will be a loss of 112 children from our current programs. This will also mean additional expenditures upon families that are already experiencing tight money problems. As of this date, we are only serving approximately 44% of the eligible families now.

In our Full Year Head Start Program there is a waiting list for placement for some of our services. In order to serve the ones that we are serving, we had to re-establish criteria because of the large number that made applications for services to this program.

There is a slight possibility that the Policy Committees will concur and merge Summer and Full Year Head Start Programs. If so, this will ease the additional loss. This agency has received no other official notices; unofficially, we have been informed of a 5% reduction of the total programs.

Once again may I re-emphasize that the above figures that were given on the programs represent the total federal and nonfederal shares. Our federal share in Summer Head Start is 174,281. The federal share of Full Year Head Start is 696,716.

W. A. GRIFFIN,
Director.

ST. MARTIN IBERIA LAFAYETTE COMMUNITY ACTION AGENCY, INC.,

Lafayette, La.

Our Regional Office has notified us of a possible cut in funds for the coming year. A copy of that correspondence is attached.

The present Head Start funding level is *784,653*. The reduced funding level would be approximately *700,000*.

Any reduction in our present funding level would result in one or several of the following:

1. Reduction in number of children and families served.

2. Reduction in number of persons employed.

3. Prevention of expansion to areas not yet served.

4. Dissatisfaction among the populous that taxpayers money is not being used for programs needed and wanted in the area.

The reason for this cut was caused by reduction in funding level for the Program Year 1970.

Our program presently serves only about 30% of the eligible Head Start children in the area. The Policy Council has previously set as a priority the expansion of Head Start to other needy areas that are requesting it but have not been able to be served because there has never been enough funds. Now, what could we do with increased funds?

This is our situation:

In our present Head Start Programs—namely, St. Martin, Iberia, Lafayette Parishes, we are serving 870 children. However, we have a current waiting list of 550 eligible participants who we cannot serve because of lack of funds. With an increase of 50% over our present level we could maintain our present program and increase the participants and make provisions for salary increases according to our Career Development Program.

Head Start is one of OEO Programs sponsored by S.M.I.L.E. CAA, Inc., along with Administration, Neighborhood Service Center, Emergency Food, Human Resources and Youth Enrichment. We have also been notified about across the Board cut on all funded programs, when we cannot financially meet program needs as present conditions exist.

Funding cutbacks would seriously hamper efforts already limited by funding shortages. In St. Martin Parish alone for example, approximately 4,396 persons left the parish during the period 1950–60, mainly for economic reasons.

57.7% of the 6,504 families earn less than $3000 annually. 1263 families earn less than $1000 per year.

Head Start and the other anti-poverty programs *have* reached the people. The Emergency Food and Medical Program has bridged the gap between hunger and food stamps in many instances.

Ills of children and families have been treated and services provided for such things as severe rickets, parasites, tuberculosis and other diseases.

KEN MALVEAUX,
Executive Director.

ACTION ASSOCIATION, INC.,
LASALLE MULTI-PARISH COMMUNITY,
Harrisonburg, La.

The Southwest Regional Office through which the LaSalle Community Action Association, Inc. receives its OEO funds has not established a definite guide on budget cuts for the next program year. Mr. Griffith, the Regional Director stated in a meeting in Baton Rouge on October 12, 1970 that there would be a cut back in the CAP programs funding for the State of Louisiana. Since that time no action has been taken regarding the situation.

This CAA's total funding level (Federal funds) is approximately $544,000 per year. The only area in which we have been given explicit indication of a cut back is in our Head Start program. This program is funded for $30,848. The cut back is to be approximately 7 to 10 percent of this figure.

Any cut back on any of our programs would so seriously hinder our impact on the problems of poverty as to make the program almost totally ineffective.

The funding level necessary to let this agency operate next year at the same program level would have to increase by approximately 10 percent. This would not expand any of the present programs nor the out reach. It would only make possible the same level of activity that is presently in progress.

This agency serving a five-parish area has a total population of approximately 70,000 people. Of this number 56.1 percent fall below the national poverty guideline. Due to lack of funding to involve programs and the number of staff available to meet the needs in this area, we are only able to reach about 50 percent of those who are qualified for and need our services.

NORMAN E. TISON,
Executive Director.

MARYLAND

COMMUNITY ACTION COMMITTEE OF
ALLEGANY COUNTY, MARYLAND,
INC.,
Cumberland, Md.

I. A. Present funding levels—HEW $142,000, OEO 71,400.

B. Threatened reduced funding levels—HEW $133,060, OEO 63,067.

C. Reasons given by OEO for reduction based on pending appropriations.

D. 1. With the HEW reduction at least fifteen (15) children would be eliminated from our program.

2. With the OEO reduction the number of persons who are participants in our program would be reduced by at least 800. This number primarily are out-reached through OEO efforts and placed in labor programs, i.e., O.J.T., MDTA, Small Business, etc.

II. In terms of a percentage increase in our present funding level, we would require a 20% increase to maintain our current program activities.

III. With the present funding level which limits our staffing, only 4 to 5% of the needy population is being served;

Therefore this agency and the residents of Allegany County would sincerely hope the Senators realize the impact a reduction would make in our activities. Hopefully, also they will recognize the need for increased funding to areas such as ours, which has 20.6% of its population living on income less than $3,000 and has an unemployment rate of well over 7 per cent. Also, in this county, shamefully, data indicates that 27% of the population 25 years and older have less than an eighth grade education. The funds we receive from OEO go into programs designed to combat these conditions.

LUCILLE J. METHENY,
Executive Director.

ANNE ARUNDEL COUNTY ECONOMIC
OPPORTUNITY COMMITTEE, INC.,
Annapolis, Md.

The program of the Anne Arundel Economic Opportunity Committee, Inc., serves the entire county.

1. Has OEO notified you that your budget must be cut for the coming year?

Yes.

1970

a. Agency Versatile funds, Account #CG2160	$92,986
Head Start	143,000

1971

b. Agency Versatile Funds, CG2160	92,986
Head Start cut 7%	132,990

In addition to the overall cut, there was a deficiency of $9000 in the 1970 Head Start Grant for food, due to uneligibility of these children for food supplement from Department of Agriculture.

c. The reason given for the cut was that insufficient appropriations required a 7% cut in Head Start across the board.

d. The 7% reduction of Head Start funding along with previous deficiencies means that one teacher and two aides must be dropped, thus eliminating one class of 15 children. This reduces the total program from 105 children to 90 children.

In-place funding for the general CAA programs (agency versatile funds) means that necessary activities must be reduced to provide for normal increases in salaries and inflation. This is our third year of in-place funding, while our program needs continue to expand.

2. Please estimate what funding level is necessary to maintain your present program.

To maintain our present Head Start Program an increase of 15% in Head Start funds is needed.

To maintain our present program (other than Head Start) an increase in our versatile funds of 7½% is necessary.

3. What percentage of the needy population are you now serving?

The 1970 census regards 11% (32,043) of the 291,300 residents of Anne Arundel County as having incomes of less than $3000. Our various programs reach 6,000 of the poor scattered over the county.

In regard to Head Start, about 1000 children in the county are eligible and would participate if our program could accommodate them. This year we are providing for 105, next year for 90. We have available space provided by public and private in-kind contributions to take care of 300 Head Start children, but additional staff members are needed to operate these facilities. Staff can be obtained only with more cash resources to pay their salaries. Local funding sources have already been tapped to support our low-cost day care program for children of low-income working mothers. This program is partially self-supporting through fees paid by their parents. It provides activities similar to Head Start for 67 pre-school children.

We feel that our program, which was originally under-funded because of a late start, has been stunted by refunding "in place". Selectivity in funding, rather than across-the-board controls, would enable successful programs such as ours to extend their effectiveness.

ARTHUR H. FAWCETT,
President, Board of Directors.

SHORE UP, INC.,
Salisbury, Md.

Our present funding level: $152,000 for youth development in program year ended April 1. $113,000 for local initiative funds for program year ended September 30.

Last year we were authorized $398,000 in Head Start funds from HEW.

Reductions are as follows: Youth development to $132,000.

Local initiative funds to $94,000.

Five percent cut in Head Start.

OEO has not given specific reasons for the cuts. Such problems as headquarter's demands for experimental money, instructions for programs in place and the like have been offered.

The impact has been felt most keenly in Head Start. Overhead costs remain constant while a 5% reduction has prevented us from opening a center that would serve between 15 and 45 children. Differences in other funds has caused us to eliminate 20 enrollees from training and related programs.

A funding level necessary to maintain our present program should be increased by 5 to 7% rather than decreased by 5%.

In answer to your question about the percentage of eligible or needy population we are now serving, I would say that Head Start is serving 20% of eligible children, and our other programs are serving approximately 15% of the eligible population.

R. SCOTT WILSON,
Executive Director.

MASSACHUSETTS

SPRINGFIELD ACTION COMMISSION,
PROJECT HEAD START,
Springfield, Mass.

OEO through DHEW–OCD has informed us that our budget will be cut between 9–11% amounting to approximately $13,000.00. We are presently funded for $112,967.00. The cut will reduce that to $100,000.00. This reduction will force us to drop 40 children from a program serving 125 children. 6,000 children in our target communities are potentially eligible for our program and we have over 200 on the waiting list.

In order to provide staff with step-level and cost of living increases and maintain quality service in service areas such as psychological, health, dental and speech and hearing, it is necessary for us to be funded at a level of at least $130,000.00. But that level is for a 35 week program. Since we are providing day care services to children of working mothers too, we need to be funded at a level sufficient to operate a twelve month program.

ROBERT S. SWAN,
Director, Project Head Start.

TRIUMPH, INC.,
Taunton, Mass.

I represent 108 families of low-income status with pre-school age children enrolled in our local Head Start program in Taunton, Mass. We are a single purpose agency with no funded CAA. We operate under a governing body known as Triumph, Inc.

We have been in the unfortunate straits of repeatedly having to diminish the quality of our program last year for lack of funds. We have also had to cut the number of children we can serve each year for the same reason.

A policy statement issued on September 30, 1970 from the Regional Office of Child Development informs us that further reductions are anticipated for fiscal 1971. Reasons given for these cuts are based on a reduction of prior year unexpended funds and partly on anticipated reductions in new appropriations.

Our present funding level is $109,000; the same as 1968–1969, 1969–1970 and 1970–1971. The reductions are expected to be between 9–11% for fiscal 1971. This means a further reduction in both quality and quantity of our efforts. We now serve approximately 65% of those children and families needing the program. Cuts to the extent of 10% would mean that of our 6 classes of 18 children each, we would have to drop back to 4 classes of 18 children each and reduce the number served to less than 50%. This is wholly inconsistent with the needs of poor families in our county. We need more money not less.

We are unable to provide any auxiliary services such as medical, dental or psychological and believe me, a large number of our families desperately need just such attention.

Our funding level ought to be in the neighborhood of $160,000 per year to allow us to adequately meet the needs of our low-income families. This is only adequate and by no means excessive. To maintain our present program an allocation of $118,000 would be needed.

It is our sincere hope that due consideration will be given to the needs of early childhood programs before cuts are authorized.

WILLIAM C. EMSLEY,
Director, Operation Head Start.

COMMUNITY TEAMWORK, INC.,
Lowell, Mass.

We are facing impending cuts in three programs: Head Start, CEP, and NYC. Across the board cuts for this region have been announced for the Head Start program. We have been notified of specific cuts for the CEP program, and NYC cuts for the In-School program are already in effect. The effect of these cuts have been summarized on the attached sheet. May I point out that in all three areas we were not notified of the cuts by OEO, but rather by the administering agencies, HEW and DOL respectively.

We are, of course, concerned about these actions. In light of the President's earlier announcement of increased emphasis on the early childhood field, this proposed cut, in the only nationwide federally funded program of this kind, seems a contradiction.

Our concerns about impending cuts in manpower programs are especially acute since the employment picture in the area is quite grim. The unemployment rate is now 9.3%, the highest in Massachusetts and one of the highest in the nation. Lowell has just been reclassified into area E by the DOL, which means it is an area of substantial unemployment. We are the only SMSA in Massachusetts to have this rather unfortunate distinction. To cut ongoing manpower programs at this time seems a contradiction. Our NYC program has been a success from the start and consistently maintains a waiting list of around two hundred. Recent statistics from the DOL places CEP placement rate as second highest in the region, although our funding level is one of the lowest. Approximately $225,000 for manpower purposes is coming into the area from the DOL. However, in light of these impending cuts, the effect of this additional money is neutralized.

LEO F. DESJARLAIS,
Executive Director.

ONBOARD INC.,
New Bedford, Mass.

Through the Office of Child Development, we have been informed that our Head Start budget will be cut 11% from its present level of $67,800 to approximately $60,342. The indicated reasons for this, from the Office of Child Development, are the expectations of Federal funding cuts to the Head Start Program. The proposed cut in our budget would mean the elimination of approximately 22 of our present pre-school children.

Our present funding level is as follows by component:

Basic Versatile	$282,000
Youth Development	18,000
Health Services	14,000
Training and Technical Assistance	40,000
Legal Services	75,000
Head Start	67,800

In order to maintain our present programs at their current level, we estimate that it would be necessary to be funded at an increase of 10% due to increases in personnel, facilities, and service costs.

At present, we are serving approximately 35% of the eligible population of our target areas.

In addition to the above, we are aggressively seeking new OEO funding for expanding and upgrading of Health Services and the expansion of the existing inadequate Surplus Food Commodity Distribution Program.

JOHN C. SHARP,
Executive Director.

ACTION FOR BOSTON
COMMUNITY DEVELOPMENT, INC.,
Boston, Mass.

ABCD, which is the community action agency for Boston, currently receives funds from all three of the above-named Federal sources. Our prospects for funding in the coming year differ somewhat with regard to each of the three agencies, and I will treat them separately below.

I. OEO FUNDS:

We currently receive funds from OEO both for programs administered by OEO and for Head Start which is administered by HEW. The OEO-administered programs are of two types: programs running on a continuing basis and those funded for limited periods of time.

With regard to OEO-administered programs running on a continuing basis:

OEO has not notified us that our budget must be cut for 1971. Our present funding level for these kinds of programs is $7,434,464.

Because of increased operating costs due to inflation, we estimate that to maintain our present programs at their current levels our budget would need to be increased by 7%, or by $520,414 in 1971.

The various individual programs funded by this budget serve different proportions of the eligible populations. Overall, we estimate we are able to serve approximately one-tenth of the needy population in the City of Boston at our current funding level.

With regard to OEO-administered programs running on a limited basis:

We currently have three special grants (for family planning, for narcotics addiction, and for school hot lunches) each of which began in July, 1970, and will run out in the middle of 1971. The total amount of funds in these three grants is $1,026,827. OEO has indicated to us that funding for two of these grants (family planning and narcotics) will be made available again. The hot lunch program, which accounts for $96,000, will not be refunded. Funds in this program have been used to renovate school kitchens and the need for this will have been filled at the termination of the funding.

Again because of increasing costs due to inflation, we estimate that to maintain programs of this type a year from now we will need budget increases of 7%.

We estimate that with the family planning grant we will be able to serve approximately 50% of the eligible population in the City of Boston and with the narcotics program approximately 75% of the eligible population in a deliberately limited service area consisting of three housing projects.

With regard to Head Start:

We have been notified by the Regional Office of Child Development that our budget must be cut for the coming year. Our present funding level is $2,655,340. The reduced funding level is to be $2,363,252. The reasons given by OEO for the cut in funds are: reduced appropriations in OEO-funded programs and over-projections of 1969 and 1970 unexpended funds needed for funding in 1971 programs. If the budget cut is implemented, we will be forced to eliminate 197 children and their families from our Head Start program.

We feel that to maintain Head Start in Boston at an effective level, it would be necessary to increase our present budget by 24.1%. This increase would offset the rise in operating costs due to inflation and would restore the program to its level prior to a cut which we sustained in 1968.

We currently have enrolled in the Head Start program 16% of those children in Boston who are eligible.

II. DOL funds:

We currently receive funds from the Department of Labor for a Concentrated Employment Program for the Neighborhood Youth Corps.

With regard to CEP:

DOL notified us several months ago that our CEP budget would be cut for the coming year. Our present level of funding is $5,604,000. DOL planned to cut these funds to $5,182,500. After protracted negotiations, DOL has recently agreed to fund us again at the current level. The reason given for the planned cut was an overall reduction in CEP funds nationally, although DOL stated that ours is one of the best of the many CEPs across the country. Had the cut been affected, we would have had to drop 300 slots in our Manpower training programs.

Due to increases in the number of persons unemployed in Boston over the course of the past year, we estimate funding for the CEP program would have to be increased by 50% for us to continue to have the same relative impact on the population which is unemployed and subemployed as we have in the past. A minimum 7% increase in funding would again be required merely to offset inflationary rises in operating costs.

We are currently providing employment services (training or direct job placement) to 10% of the eligible population in the city, including persons who are unemployed and subemployed.

With regard to the Neighborhood Youth Corps:

DOL has not notified us of any cut in these funds. Our present level of funding for NYC is $1,427,000.

This is a first-time grant, funded at what we consider to be a realistic level.

We are currently serving 18% of the eligible population in Boston in the NYC program.

III. HEW funds:

We currently receive funds from HEW for the Foster Grandparents program and for a special Health Training Program.

With regard to Foster Grandparents:

HEW has not notified us of any forthcoming cuts in the Foster Grandparents program, which is currently budgeted for $225,697. However, this program was cut by 5% last year and the grant, as it is now structured, does not provide any funds for overhead costs amounting to approximately 8.1% of the program funds. If this 8.1% were to be paid out of the current grant, program operations would be severely damaged.

As far as program operations go, the current grant level will be adequate to support Foster Grandparents at its present level next year.

Foster Grandparents currently serves about 4% of the elderly population eligible to participate.

With regard to the Health Training Program:

This program is a demonstration project which has been funded for two years and which, as planned, will terminate next year. The amount of funding for the program is $53,897 per year.

If the program were to be continued, we would again need about 7% additional funds to maintain it at its present level.

The Health Training Program serves approximately 25% of the population which is eligible.

JOHN REPOLA,
Deputy Executive Director.

XUM

MICHIGAN

THE PUBLIC SCHOOLS OF THE CITY OF MUSKEGON,

Muskegon, Mich.

1. Has OEO notified you that your budget must be cut for the coming year?

It has been rumored and we have heard of the possibility that a 10% reduction in available funds will come about before the end of the present school fiscal year.

A. Present funding level, $180,000.

B. OEO's reduced funding level, $18,000 leaving an amount of $162,000.

C. Reasons given by OEO for cut in funds: Reason was failure of the President to release budgeted amounts and cutbacks in OEO preparations.

D. Impact on your program; for example, number of children who will be cut out of Head Start or trainees eliminated from Manpower Program.

If the above cutbacks are implemented it will result in 30 fewer children being serviced under Head Start. The reason for the large number is that fixed costs in tooling up for programs resulted in lower expansion costs for more children and higher costs for fewer children.

2. Please estimate what funding level would be necessary to maintain your *present* program, in terms of a percentage increase in present budget.

Our present program as carried out in 1969–70 would necessitate a 7% across the board increase for all personnel. This would mean at least an $11,000 increase over last year's program. Due to the fact that reductions in service had to be initiated under the 1970–71 program, we were able to maintain the same number of children in the program but reduce the number of teachers under contract.

3. What percentage of the eligible or needy population are you now serving?

At the present time we are serving approximately 40% of needy children in our target district schools only. In other than target schools we are offering no service at all.

JAMES K. AUSTIN,
Director of Federal Programs.

ECONOMIC OPPORTUNITY COMMITTEE,

Eloise, Mich.

We have not been notified of any budget reduction. We have been told that there *might be* a reduction of 8–10%, however.

(a) Present funding level $536,000.

(b) Unknown.

(c) Recommended reduction by House.

(d) A 10% reduction in our budget would take away $53,600 and would be a major crisis. If the 10% budget cuts were made in the Summer programs about 178 children would be dropped from the program.

In order to maintain our present program, we would need a budget increase of 6–10%.

We are presently serving between 30 and 50% of the eligible population in our Wayne County. Of these being served, 60% are in summer programs and 40% are in full year programs.

In summary, any reductions in Head Start funding would be a tragedy. The Kirschner reports indicate that Head Start is a most successful Community Action Program for poor people.

JEROME C. FALWELL,
Child Development Coordinator.

TRI-COUNTY COMMUNITY ACTION COMMISSION, INC.,

Benton Harbor, Mich.

Our Regional Office has notified us of the possibility of a 10% cut in our present funding level, and warned us to be prepared for it.

(a) Our present funding level is $95,400.00.

(b) The reduced funding level would be $85,860.00.

(c) Anticipated cut in O.E.O. appropriation level.

(d) It would eliminate 10% of the children we could serve at the present funding level.

A minimum 5% increase would be necessary to maintain our present program.

We are now serving only 10% of those eligible.

ORION H. FLOWERS,
Director.

COMMUNITY ACTION PROGRAM.

Yes, we were notified by O.E.O. of our funding cut.

No, we were not given a reason, other than Congress was cutting Head Start appropriations for fiscal 1971.

Our present funding level is $248,000.

Our reduced funding level is $239,000.

We have had to absorb this cut by reducing staff and cutting back on student transportation. It is in the area of transportation that we feel will greatly reduce the effectiveness of the program.

It is impossible to cut our program in other areas because of today's high costs without reducing the number of children served. We have not cut the number of children under this funding level, but we will be deeply concerned over the attendance in the coming months.

This reduction in our budget will hurt our mission in our community because we now are serving only 27% of the total eligible children.

RAYMOND K. TARDY,
Director, Community Action Program.

MAYOR'S COMMITTEE FOR HUMAN RESOURCES DEVELOPMENT,

Detroit, Mich.

The 1,006 employees in the fifth largest city can testify that appropriations since Fiscal Year '69 have been far from adequate. FY '69 versatile funds were reduced from $7,465,000 to $6,965,000 because the Regional Office "welched" on an agreement to absorb the annual City of Detroit 6% wage increase. The result of the reduction was to trim a budget providing for the grantee and delegate agencies new hires, promotional opportunities, consultants and reimbursements to community representatives. We were barely able to avoid lay-offs.

On June 3, 1970 the MCHRD submitted its Program Year "F" budget. Again we were advised that the annual wage increase of 6% could not be absorbed. The submittal was at a level of $6,965,000. Three weeks later we were advised that because of reduced appropriations, all CAA's would suffer further reductions. The large cities in Region IV were to receive an 8% cut. The versatile funding level for our Agency was arrived at in the following manner:

PY "E"	$6,875,000
NSP Core Services	+200,000
PDP	+90,000
Total	7,165,000
8 percent	573,200
Total	6,591,800

See attached Sept. 2 letter to all Regional CAA's.

As a consequence of the 1970 reduction, the Executive Committee of the Policy-Advisory Committee decided that no employees would be terminated. The MCHRD has 91% para-professionals. However, the attached reductions were necessary in order to arrive at the assigned level (see attachment). The bracketed numbers indicate the number of affected staff.

In order to extend our four (4) target area boundaries as required by the Letter of Understanding of September 24 which in effect establishes the *present* program, it would be necessary for this Agency's versatile level to be increased by ten percent (10%) or an increase to $7,250,900.

Since 1966 no demographic study to determine the real percentage of eligible has been made. Since that time we have annually reported 250,000. However, with the middle-class exodus from the City, the increase of inner-city residents, the displacement of inner-city residents by the introduction of two additional freeways and the addition of services to eligible residents from outside the boundaries of the four (4) target areas, it is planned to begin a demographic study as of November 2.

It is suspected that the study will reveal approximately 300,000 eligible residents. At the present level the cost per recipient (250,000) is $26.37. For 300,000 recipients at a level of $6,591,800 service delivery cost will be reduced to $21.97 per beneficiary.

How does this CAP, nationally noted for having the quality program, continue to deliver needed service to approximately 16% of the City's population with continued budget reductions? Fortunately, for this Fiscal Year we will not experience a Head Start cut.

GEORGIA R. BROWN,
Director.

ECONOMIC OPPORTUNITY, INC., OF MONROE COUNTY,

Monroe, Mich.

The Chicago office has warned this Agency of impending cuts in current funding level of eight percent, O.E.O. funds. We were also advised that we prepare for this cut for our new program year, December 1, 1970.

Present Federal funding levels are:

O.E.O.—Versatile Funds	$62,000.00
O.E.O.—Earmarked Funds	58,000.00
Total O.E.O. Funds	120,000.00
Full Year Head Start (H.E.W.)	69,000.00
Operation Mainstream (D.O.L.)	95,000.00
Neighborhood Youth Corps (D.O.L.)	139,000.00

Reductions in the funding level will curtail operation of this Agency in the following categories:

1. Elimination of the limited Legal Aid that we are now able to provide. This is a top priority in this County in terms of need. Presently, there are 50 families awaiting legal assistance.

2. Cut in Neighborhood Service programs planned by the poor.

3. No expansion of Family Planning service into the rural areas.

4. No Neighborhood Service Centers, a priority, listed in the rural areas of Monroe County which has no agency services.

5. Elimination of job slots. No salary level is now more than $10,000.00.

6. Cut in food service and nutrition program for 300 hungry children.

7. A cut in the number of youth served in the Youth employment program.

HEALTH, EDUCATION AND WELFARE

Under the present budget, Head Start must cut to a four day a week classroom to allow for the Career Development program which is now required. Two non-professional slots are to be eliminated in order to serve the 60 children. The new cut would eliminate 15 children from our present enrollment.

DEPARTMENT OF LABOR

Operation Mainstream must end its program of employment for 50 persons. Many of these persons were considered unemployable. It is now funded until December 30, 1970.

Neighborhood Youth Corps maintains a stand-by list of 100 disadvantaged teenagers, waiting for their first chance at a part-time job. The program now provides job slots to 55 In-School, 15 Out-of-School and 160 Summer.

This Agency's Plans and Priorities, as identified by the poverty population, calls for job-skill training, basic education and health services, none of which can be ever considered under a reduced funding level.

This Agency would require at a minimum, an increase of six percent from each funding source, in order to maintain its present service. We are presently serving on a daily basis 885 low-income individuals. This does not include referrals and other Outreach services.

Monroe County, which is 75% rural, has had an unemployment rate of 10%. 50% of the labor force must find employment outside the County.

The poverty population numbers 14,000 persons who are located in pockets throughout the County.

IRENE FINCK,
CAP Director.

MISSOURI
JEFFERSON-FRANKLIN
COMMUNITY ACTION CORP.,
Hillsboro, Mo.

We have been notified of budget cuts as follows:

OEO-COMMUNITY ACTION PROGRAMS

1. (a) Present funding level, $112,602.

(b) Reduced funding level (2% reduction in funds), $110,350.

(c) Reasons: Our Letter of Understanding did not give a specific reason for the reduction.

(d) Impact on our program: With a 2% reduction, a fewer number of families will be served by our General Services program.

2. In order to maintain our present program level, a 7% increase above our present funding level would be required. This would allow retention of present staff and cost of living adjustments for staff presently employed.

3. We are presently serving approximately 20% of those eligible to receive the benefits of our programs.

HEW—HEAD START PROGRAMS

1. (a) Present funding level, $177,521.

(b) Reduced funding level: HEW, who administers the OEO Head Start monies by delegation agreement, has notified us of a 20% reduction if we do not convert our Summer Head Start program to a Full Year Head Start program, and if we convert from a Summer program to a Full Year program, we will only receive a 7% reduction in funds.

(c) Reasons: The reason given by HEW for this action is that OEO's appropriation bill has not been passed, however, HEW reports funds have been allocated to Region VII and this funding level is based upon the amount earmarked in the appropriation bill, taking into consideration projected carryover funds from grantees who do not spend the amount of the grant monies allocated to them.

(d) Impact on our program: This will have a significant impact on our Head Start program. We have been serving 400 children in a Summer Head Start program, and 54 children in a Full Year program. Under the above mentioned guideline, we have no alternative other than to convert to a Full Year Head Start program because a 20% reduction in grant funds would seriously cut back the Summer program.

Projecting a 7% cut and full conversion of the Summer program to Full Year, we will serve approximately 140 Head Start children, versus serving 454 children the previous program year; thus, 314 children will not receive medical, dental, and psychological exams and follow-up, nor will they receive a hot lunch, or be exposed to the Head Start classroom activities.

2. In order to maintain our present programs, a 4% increase above our present level would enable us to continue our present programs; however, we are serving a very small percentage of those eligible to receive the services of the Head Start program.

3. Approximately 2½% of those eligible to participate in Head Start are being served by the Full Year Head Start program, and approximately 15% of those eligible to participate in the Summer program are participating; thus, there is a lot of room for expansion in the Head Start area.

This Community Action Agency operates programs in Jefferson and Franklin Counties which are located just south and west of St. Louis and St. Louis County and are among the fastest growing counties in the State of Missouri.

RONALD J. RAVENSCRAFT,
Director.

ECONOMIC OPPORTUNITY CORP.
OF GREATER ST. JOSEPH,
St. Joseph, Mo.

HEW's office of Child Development has notified us that our budget must be cut for the coming year.

A. Our present funding level for Head Start is $245,813.

B. HEW's reduced funding level for next year will be $228.606.

C. Reason given for cut was reduction in appropriation of funds for Head Start.

D. Impact on our personal situation was not being able to open one (1) class this year consisting of twenty (20) children and not being able to expand to more classes next year where the need for such is definitely existent.

We would need approximately a 14% increase over present budget funding level to accomplish "D" above.

We are presently serving 34% of the eligible or needy population in this agency's area.

STEVE HALL,
Headstart Director.

DANIEL BOONE COMMUNITY
ACTION AGENCY, INC.,
Bowling Green, Mo.

OEO, via the Kansas City Region VII Office of Child Development, has notified the Daniel Boone Community Action Agency Head Start Program that we must suffer a 7% budget cut beginning Fiscal Year 2–1–71. Our present funding level is $212,952 for 198 children and their families. In order to comply with the 7% reduced funding level, we will have to cut our budget to $198,045. This, of course, will have a tremendous impact on our 9-County rural—semi-urban Agency for at the present time, we are only able to serve 21.1% of the eligible children in seven (7) counties and zero per cent of the eligible children in the additional two (2) counties served by your Agency. This cut must, of course, be absorbed by cutting no less than twenty-six (26) children and five (5) manpower trainees from our budget, or approximately 14% of those persons we are now able to serve. I am sure you will realize that this figure represents not only the 7% budget cut but an additional 6½ to 7% cost of living cut that must be absorbed at this time.

In regard to the reason given by OEO for the cut in funds, it has not been clearly stated. However, it is the assumption of this office that the funds which are desperately needed by our target area residents are being siphoned off at the top level for the increased cost of administration and research. Of course, you recognize as do we, that the person suffering the most is the grass roots resident for whom the program was originally designated.

In order to maintain our inadequate but present program, we would have to anticipate a budget of no less than $225,730 for Fiscal Year 1971–72.

I would like to point out to the Subcommittee that we have more than the requested local support or non-federal share within our 9-County Agency. We are realizing 24% or $70,801 non-federal share at this time, or 4% over the amount requested for Program Year E.

If we may be of any further assistance to the Senate Subcommittee on Employment, Manpower and Poverty, please contact us immediately, and we will make every effort to provide you with the information and the support so requested.

DOROTHY M. BISHOP,
Headstart Director.

WEST CENTRAL MISSOURI
RURAL DEVELOPMENT CORP.,
Appleton City, Mo.

West Central Missouri Rural Development Cooperation is a Community Action Agency serving nine very rural counties in West Central Missouri. This community action agency receives $566,882 directly from OEO and $223,342 from HEW for Project Head Start. Due to the time of funding, September 1, this CAA budget was cut only $3,750 this year. Considering cost increases, this amounts to a 1.6% funding cut at a time when 4.6% more was needed just to "break even".

Due to the time of funding, guidance has not been received as to OEO funding for next program year. Unofficially, the CAA has been warned to anticipate budget cuts. Cuts of 7%, or $16,750, are anticipated in Head Start monies for next year. The reason given for these probable cuts is an anticipated reduction in OEO and HEW funding levels.

Funding cuts experienced, thus far, by this CAA have resulted in:

(1) A reduction of the number of participants in a hot meals program for senior citizens.

(2) Inability to undertake research and evaluation projects.

(3) Elimination of partial support for locally funded and operated youth programs originally stimulated by the CAA, but being "spun off" to local communities.

Several alternatives are faced by Project Head Start due to anticipated funding cuts. These include:

(1) The elimination of one class (twenty children).

(2) Reduction in the quantity and quality of health services provided (Head Start children average 1.8 health problems per child that can be remedied).

(3) Situation of all classes in major towns with no transportation provided from farm areas or smaller towns.

CAA funding levels of $612,232 from OEO and $231,209 from HEW would be required to maintain present levels.

Statistics indicate an excess of 45,000 poor people reside in this area. Many of the poor are never counted. During the last program year the CAA dealt with 6,038 low income people. Many others benefited indirectly from programs the CAA stimulated others to undertake.

An important consideration in determining funding levels of programs dealing with the poor is that many of the poor do not want to remain so. While many of this CAA's efforts are intended to help the poor, the major aim is to provide avenues for escape from poverty. For every dollar this CAA spends, 97c worth of increased earning capacities result (measure by one years earnings or increased earnings as compared to earning capacities prior to participating in CAA activities. Those whom the CAA has assisted carry their improved capabilities into future life while the CAA continues to help still others obtain the skills and attitudes necessary to become self sustaining, dignified human beings.

CHARLES BRAITHWAIT,
Executive Director.

DELTA AREA ECONOMIC
OPPORTUNITY CORPORATION,
Portsgeville, Mo.

We have just received our Letter of Understanding from the Regional Office and find that our flexible or versatile funds have been reduced by 2% or $13,780 from the previous year. In regard to Head Start, we have been notified that our funding level has been reduced by 7% or $82,000. The reason given for these cuts actually and simply stated was that appropriations would not be such as to maintain the level of funding. Another reason was that more sophisticated fiscal management has cut the normal carry over funds which have existed in past years. As to the impact on our program, the cut will bring a tightening of belts and curtailment of services in some instances. In Head Start at least 200 eligible children will be excluded from the program.

The funding level necessary to maintain our present program is exactly the decrease in percentage and dollars as indicated by the cut.

We are naturally happy to present this information and hope that this trend does not continue in the future because each item of our service demands an increase since all services have increased in unit expenditures.

C. B. HUBER,
Executive Director.

NEW JERSEY
JERSEY CITY CHILD
DEVELOPMENT CENTERS,
Jersey City, N.J.

Present funding level is $682,000 (a reduction from $718,000), and a further cut is proposed of 8.5% with no reasons given. Number of children has already been reduced in the Head Start program from 479 to 412 and will have to be cut even more. Center now serves 10% of the needy population, and needed to maintain the present size will be a reinstatement of the 13.5% cut.

"Length of Program will have to be shortened by more than a month. Important staff personnel will not be hired. Morale will be completely destroyed. Experienced staff will look for new positions."

GERTRUDE C. ZEITLIN,
Executive Director.

HOBOKEN ORGANIZATION AGAINST
POVERTY AND ECONOMIC STRESS,
Hoboken, N.J.

Present funding level is $239,000 for CAA and $61,000 for Head Start, and proposed 5% cut will reduce CAA to $227,000 and Head Start to $58,000. Organization expects no reduction in the 264 Head Start children now served since it is a summer program. But the Concentrated Employment Program anticipates a cut of nearly $300,000 which will result in closing of two program accounts, New Careers and Mainstream, which will involve about 250 enrollees. HOPES serves a population of 45,000, and at least a 10% increase in funds is needed to maintain present level. OEO gave no specific reason for cut at local level only that "the national appropriation will necessitate such a reduction."

E. NORMAN WILSON, Jr.,
Executive Director.

PASSAIC HEAD START PROJECT,
Passaic, N.J.

Present funding level is $53,101, a cut of 3%, reducing the federal share to $50,343, with "national cut" as reason given for their reduction. Program presently has a class of 20, only .02% of the eligible population of 650 to 700 children. Program estimates its needs at $80,000 or a 55% increase for federal share.

"The impact of this reduction is vital . . . this delimiting amount cripples the quality of our services and of the effectiveness of our program."

MISS MEGAN THOMAS,
Director.

BERGEN COUNTY COMMUNITY ACTION
PROGRAM, INC.,
Hackensack, N.J.

CAA present funding level is $265,000 and will be cut to $260,000, with no reason given. Program personnel and effectiveness will be adversely affected. Program now serves 45% of eligible population and would need a 5% increase or $278,250 to maintain present level.

JOHN P. LYLE,
Executive Director.
JOANNE BUZZETTA,
Program Analyst.

BERGEN COUNTY COMMUNITY
ACTION PROGRAM, INC.

Present funding level for full-year Head Start is $173,458 and will be reduced by 7% to $161,316, with reason given for reduction as "funds requested by Head Start not given." Program will be cut back by 1 month and reductions will occur in field trips, consultant services and staff Travel. Program serves .04 of needy population. To maintain current level a 5% increase or $182,130 is needed.

Present funding of summer Head Start program is $24,398 and will be reduced by 20% to $19,519. This program serves .06 of the needy population.

BETTY B. SPRINGER,
Educational Coordinator.

BAYONNE ECONOMIC OPPORTUNITY
FOUNDATION,
Bayonne, N.J.

Present funding is $8,000. Program serves 68 children, now even half of eligible population in community. A 15% increase is needed to maintain present level of program, and to expand facilities and accommodate other eligible children a 100% increase would be necessary.

RABBI R. H. BENDELSTEIN,
Headstart Director.

OCEAN COMMUNITY
ECONOMIC ACTION NOW, INC.,
Toms River, N.J.

CAA has not been notified of OEO cut in funds. It presently serves 59.4% of needy population. Budget level of $310,103 is necessary to maintain present level. The HEW community representative advised that they can expect a cut in full year Head Start program of 5% to 7%, that all programs over $40,000 can expect to receive a cut from 3% to 11% depending on size of program, and that their summer Head Start program may receive a 20% cut in funds. Reason given was "reduction in National funding level." Present funding level for 2 full year Head Start programs is $164,000 and this could be reduced to $155,800 or $152,520 depending upon percentage of cut. Summer Head Start would be cut from $90,000 to $72,085.

Head Start programs currently serve 2% of eligible population. Cuts would shorten full year Head Start programs and eliminate 68 children from summer program. A 20% increase in funding would be necessary to maintain current program level.

State Dept. of Employment Security informed them that their budget for On-the-Job Training program would be reduced to 13% of total budget, representing a cut of $16,000. This amounts to a reduction only in administrative area, but the program only can serve 5% of the eligible population.

ROBERT L. TARVER,
Executive Director.

PATERSON TASK FORCE
FOR COMMUNITY ACTION, INC.,
Paterson, N.J.

Present funding level is $569,000 for agency and $258,000 for Head Start and will be reduced to $558,000 and $237,000 respectively, with reasons given as "regional and national cut-backs." One Head Start center will be closed and general services will be severely reduced. CAA presently serves 25% of needy population and Head Start, 5%. A 15% increase, to $654,000, would be necessary to maintain present program level.

ODIS B. WALKER,
Comptroller.

ATLANTIC HUMAN RESOURCES, INC.,
Atlantic City, N.J.

Funding level of $613,826 was reduced by 5% to $583,000 in Sept., 1970. Reason given by OEO: ". . . to absorb reduction of Fiscal 1971 estimated national Head Start funds available for refunding existing grantees. Should appropriations for Head Start be greater than expected, Department of Health, Education and Welfare, Office of Child Development will restore the 5% to the Grantee on 'the basis of established need.'" Program currently serves 21%, or 440, of the 2,079 eligible children. A 10% increase in funding level would be necessary to maintain present program level.

MRS. JANE M. FLIPPING,
Project Director.

PATERSON, N.J.

Present funding level of $258,000 will be reduced to $237,000 in Head Start program. Reason given was "national cut-backs." One center will be eliminated. Needy population now served is 5%, and an increase of 12% would be necessary to maintain present program.

POLICY ADVISORY COMMITTEE.

NORTH HUDSON COMMUNITY
ACTION CORP.,
Union City, N.J.

CAP present funding level is $97,000, and agency has not yet been informed of a cutback yet. Agency can serve only 15% of eligible population. Summer Head Start program, funded at $67,000, was able to reach 284 children officially and about an additional 120 through volunteers, etc. They were offered a full year Head Start program a few months ago, with promises of at least double the funding level, and told that if they did not go for year round Head Start they would have none. "Now we are told that we must have year round Head Start *and* that our funding level will not be increased over last year. At best this means we can handle 45 children. Only three classes in an area where over 1,000 children enter public school kindergartens with critical language problems" (area has high percentage of Cuban refugees).

NICHOLAS MASTORELLI,
Executive Director.

OHIO
KNO HO CO COMMUNITY
ACTION COMMISSION,
Warsaw, Ohio.

Current funding level of HEW funds is $91,755. They have not been told of a cut but CAA's in area have been warned of possible cuts from 7 to 8%. Funding level for Neighborhood Youth Corps program is $40,920. "Effective February 1, 1971, the Federal Minimum Wage Law will increase the hourly wages paid to Neighborhood Youth Corps Enrollees from 1.45 to 1.60. Without a corresponding increase in funding for this program you can readily see that the number of youth being served will have to be reduced." Without a budget increase in current level, 15 children will have to be eliminated from Head Start, 20 enrollees will have to be eliminated. 10% of needy population is reached, and an 8–10% increase in funds will be necessary to maintain present level.

JOHN F. GRAHAM,
Executive Director.

COMMUNITY ACTION PROGRAM CORP.,
Marrietta, Ohio.

Present OEO funding level is $201,000 and HEW funding level is $102,500. OEO funds will be reduced by 7.7% and Head Start will be reduced by 10%. Reasons given: "reduction of carry-over balances, increasing costs; tentative Congressional appropriations will not sustain current level of funding for programs such as Headstart." 30 part-time, low-income persons will lose employment; and 15–25 Head Start children will be eliminated. A 6% increase in funding level will be necessary to maintain current level.

"The real American tragedy would be the demise or ineffectiveness of O.E.O. which represents local initiative; human importance; and a chance for people to participate in the building of a society which provides a better life for everyone, be it in terms of needed dollars, education, self-worth, hope or dignity . . ."

ANTHONY MELE,
Executive Director.

BUTLER COUNTY COMMUNITY
ACTION COMMISSION,
Hamilton, Ohio.

Present OEO funding level is $472,175 and will be reduced by 7.74%. Funds that were earmarked (Head Start, Legal Assistance, Family Planning and Neighborhood Youth Corps) were not cut. Program currently serves 50% of eligible population and a 10% increase in funds would enable them to maintain present level.

J. C. HORNBERGER,
Executive Director.

FAYETTE COUNTY COMMUNITY
ACTION COMMISSION,
Washington C. H., Ohio.

Present funding levels are $71,000 for OEO, $30,000 for summer Head Start and $17,500 for N.Y.C. No reduction in levels. 24% of current eligibles are being served, 120 children in Head Start. Present funding is adequate, but if the $30,000 figure were reduced, the number of children will decrease.

JACK M. HAGERTY,
Executive Director.

COMMUNITY ACTION ORGANIZATION,
Marysville, Ohio.

Present funding level is $212,628 for overall program, and it will be reduced to $190,000. Reason given: "funds not available." Program personnel and services will be affected. Program is serving 20% of eligible population, and a 13% increase in funding level would be necessary to maintain present level.

J. W. HENRY, Jr.,
Executive Director.

GALLIA-MEIGS CORP. FOR
COMMUNITY ACTION,
Pomeroy, Ohio.

Present funding level for total program is $477,641, including levels for HEW, OEO and Labor. OEO's share will be reduced by 2½% down to $55,000. Reason given: "forced to reduce the overall regional budget." 420 children are presently being served by Head Start. To maintain present program Head Start should be increased by 15%, Program Administration by 10%, Medical Programs by 20%, and Labor programs by 20%.

"The cut-back in age hurt our drop-out N.Y.C. program more than anything. We used to have a 16 to 21 age range, now we have a 16 to 17 age range only . . . in the rural area, young people don't drop out of school until they get ashamed of their age and also, here in Ohio, they are required to go to school until they are 18 years old."

RICHARD G. SAYRE,
Executive Director.

COMMUNITY ACTION,
Wright-Patterson Air Force Base.

OEO present funding level is $480,000 and will be reduced to $450,000. Current Head Start funding level of $550,000 will be reduced by 11% necessitating the dropping of 80 children from program. 415 Head Start children now served, and 16% of needy.

ALBERT G. ROSENBERG,
Executive Director.

JACKSON-VINTON
COMMUNITY ACTION, INC.,
Wellston, Ohio.

Present funding level is $149,000 and OEO's reduced funding level will be $136,000. 85 children will be eliminated from summer Head Start; a 50% reduction to support to 250 community people; reduction of 30 indigent patients per week from general medical clinic; elimination of family planning project; discontinuance of 2 jobs held by low-income people, 25% of eligible population is now being served, and a 42% increase will be necessary to maintain present program.

"In the past six months, we have become somewhat alarmed, as we see efforts that we have made for four years having to be demoralized because of sudden unexplained changes being passed down from the federal authorities. The general environment thus created on this level, tends to keep our personnel in a chaotic state. If such uncertainty as we have experienced continues to exist, it can only evolve into total collapse of the effectiveness of the local anti-poverty effort."

MARVIN J. HUSTON,
Executive Director.

COMMUNITY ACTION COMMISSION,
Findlay, Ohio.

Present OEO funding level of $376,238 will be reduced by 4.4%–7.74%. With a minimum cut, 35 participants in Head Start will be dropped (10%) and 98 participants will be dropped from other programs. 11.8% of the needy population is now being served, and a 41% increase in all OEO programs would be necessary to maintain present level.

FRANK KELLEY,
Executive Director.

WARREN-TRUMBULL COUNCIL
FOR ECONOMIC OPPORTUNITY,
Warren, Ohio.

Present funding level is $186,000, and they have been informed that it will be cut, but not by how much. Reason given: "five million dollar deficit due to reclaiming of PTO funds." 65 senior citizens terminated from program, loss of enrollment in NYC program, and curtailment of services are impact of reductions. 24% of eligible population is served, and a 10.8% increase in funding would be necessary to maintain present level.

JAMES R. SHELTON,
Executive Director.

GREATER AKRON COMMUNITY ACTION COUNCIL,
Akron, Ohio.

Present funding level is $2,100,984 and will be reduced to 1,915,537, with reason given as "program and administrative deficiencies." Approximately 800 poor people per quarter (a 3-month period) will not be involved in program. 34.8% of needy population is now being served, and to maintain present level of program a 4.35% increase would be needed.

DONALD J. ELLIS,
Executive Director.

AUGLAIZE-MERCER BI-COUNTY
COMMUNITY ACTION COMMISSION,
Celina, Ohio.

No OEO cuts have been made, and agency has been promised a 4% increase beginning next April. They may receive a cut in Head Start funds, but this is not certain.

FRANK HUNSBERGER,
Executive Director.

THE MARION-CRAWFORD
COMMUNITY ACTION COMMISSION,
Marion, Ohio.

Present versatile funding level is $114,000 and will be reduced by OEO to $110,000. Less than 25% of eligible population is now being served, and an increase of at least 11½% would be necessary to maintain present program.

DONALD P. SHANAHAN,
Executive Director.

MANSFIELD, OHIO.

Present funding level is $293,751 and has not been reduced. 35% of eligible population in area is being served.

JOHN WARREN HOUSTON,
Executive Director, CAP.

CAC OF THE CINCINNATI AREA,
Cincinnati, Ohio.

Total federal funding level of Head Start program is $1,070,564 and serves 1,331 children. It will be cut by 10%, and one of the reasons given was "that the Senate Finance Committee had earmarked another $17.7 million nationally, making the Chicago Regional deficit projection $4.902 million which cannot be absorbed without program cut backs." Program currently serves less than 3% of needy population.

MARION JELIN,
Education Coordinator.

ASHLAND-WAYNE COMMUNITY
ACTION COMMISSION,
Ashland, Ohio.

Present funding level for CAC is $53,247 and will be reduced to $47,500. Reason given: "the cut in local initiative funds, available to Region V, a result of Congressional action." Impact will be felt mainly in rural area where poverty is at high level. Less than 10% of needy population is being served, and an increase of 8½% would be needed to maintain present program.

AUSTIN PEASE,
Chairman of the Board.

NORTHWESTERN OHIO COMMUNITY
ACTION COMMISSION,
Defiance, Ohio.

Present funding level is $229,362; for Head Start it is $107,000 (cut from previous level of $165,000). A reduction will take place in the next funding level. Reasons given for cut: "better organized and wiser spending of the CAP agencies with less P.T.O. monies remaining and less monies not spent for programs; not complying to certain required reports; letters written by the public; and monies mis-appropriated." Reasons given over phone. Cuts will affect personnel and number of program participants (no figures given). Total increase needed would be $61,000 to maintain present level.

FRANK W. JEFFERY,
Executive Director.

MUSKINGUM ECONOMIC
OPPORTUNITY ACTION GROUP, INC.,
Zanesville, Ohio.

Present funding level is $169,000 and will be reduced by 7.74% to $144,000. Health

XUM

services to poor eliminated for 1,000 people; reduce Foster Grandparent care to children from 800 to 0; reduce to 0 the number receiving Emergency Food and Medical Services; 2,000 adults and 150 children eliminated from Neighborhood Service Centers. 65% of eligible population now being served, and 11% increase needed to maintain present program.

Robert P. Windisch,
Executive Director.

Communicty Action Committee
of Pike County, Inc.,
Waverly, Ohio.

Present funding level is $82,435 and OEO's reduced funding level will be $75,000. Reasons given: "extending program year for some agencies; funds allocated for program accounts all being used by end of program year." They also expect a drastic cut in summer Head Start funds. About 85% of the eligible population is being served, and a 5% increase would be necessary to maintain present program.

Truman Kneisley,
Executive Director.

Oregon

Clatsop County Intermediate
Education District,
Astoria, Oreg.

Dear Sirs: The following information is provided as per your request of October 20, 1970. Our Head Start program is a summer program and has been funded at $42,300.00. We have been notified that this amount will be reduced to $25,400.00 if we continue our summer program or $33,800.00 if we convert to a full year program.

It is impossible for us to convert to a full year program due to lack of funds and lack of space when schools are in operation. For some reason the Department of Health, Education, and Welfare notified congressman Wendell Wyatt that we would probably convert to a full year program. I do not know where they received their information, but it did not come from us as a conversion of this type is impractical.

Neither HEW or OEO has actually notified us of the reason for the cut other than to suggest that it was a pro rata share of the total National Head Start cut. HEW did inform congressman Wyatt that the reduction is not based on the President's requested budget but on OEO's intention to reallocate these funds to other programs.

Our current program is designed to service 135 underprivileged children. With the proposed reduction of funds my estimate is that we would have to cut the number of children participating in the program to 80. In order to maintain the program at the current level, we feel we would need a minimum increase of 6% in our allocation.

George E. Long,
Head Start Director.

Jackson County Community
Action Council, Inc.,
Medford, Oreg.

I have responded to your request for information in an as brief and to the point manner as possible. Such a serious matter tempts me to go on in detail describing what a cut in poverty funds can do to an organization such as ours. However, I realize you will receive input from hundreds of CAP's and must have brief data.

The following represents the funding cuts for the Jackson County Community Action program serving Jackson County Oregon:

I. Has OEO notified you that your budget must be cut for the coming year? If so, supply:

A. Our program year began on November 1, 1970. Our present funding total is $474,900. $213,000 of this is for our Head Start program which is a delegate agency of the CAA. $261,900 if for other CAA programs.

B. Last program year our CAA programs received $211,000 and our Head Start program $213,000. We have also been notified to expect a cut in Head Start funds of approximately $16,000. If this cut takes place we will then be operating with $49,100 less than last program year.

C. The cut in CAA funding was explained by OEO Regional as not being, in effect, a cut. They point out that we began the last program year with a lower funding but were given additional money to enlarge our Manpower program.

The pending cut in Head Start funds was explained as likely future Senate action following cuts passed by the House of Representatives.

D. The reduction of funds available to our program has had a major impact in several areas. First, it should be noted that the reduction in funds was in local initiative programming rather than earmarked funds, which has resulted in at least the following impact:

1. Attempts by the local community action program to use local initiative funds to develop *innovative* programs and activities designed to respond to the self-felt needs of target area residents has been severely curtailed.

2. Local support in the form of a 10% cash contribution by the county government has been jeopardized by a reduction in federal funds which threatens to shake their confidence in the community action program.

3. There has been a 25% reduction of personnel and services from the previous year in local initiative programs. Among the activities hardest hit were outreach services designed to identify and involve the poor in self-help and community services activities and employment services.

4. The reduction in funds has created additional resentment because we were the first community action program in the newly created region to be evaluated, and despite a very good evaluation our funding levels were reduced.

5. The target areas served by the local community action program has suffered what amounts to a severe economic recession with their annual unemployment rate soaring over 7%. High interest rates and a slow down in construction designed to slow down inflation has dealt a staggering blow to our lumbering economy. Since federal spending here is half the national average many local residents feel federal spending cuts are ill timed and not consistent with national objectives spelled out by Congress and the Administration.

6. The effect of the $16,000 cut on the Head Start program has not been fully determined as of yet. However, it is obvious that either less services will be provided or less children will be served.

II. Please estimate what funding level would be necessary to maintain your present program, in terms of a percentage increase in present budget:

Our program could operate well on the last year level of $524,000 if approximately 5% were added for wage advancement and cost of living increase.

III. What percentage of the eligible or needy population are you now serving?

In the previous program year we contacted an estimated 20% of the needy or eligible population in the target areas served by the local community action agency.

We do not suggest that we should have the resources available to contact 100% of the target population since we share this responsibility with other social service agencies.

Our major concern has been our inability to tackle local poverty-related problems because of lack of resources. Among the more pressing problems we have not begun to effectively resolve are—

1. *Services to the elderly*—this dispite the fact that one-third of the eligible population falls into this category.

2. *Transportation services*—this despite the fact that most rural areas have no access to public transportation.

3. *Health services*—this despite the fact that medical care for the indigent adult is virtually non-existent in the county.

There are major areas of concern, but not an exhaustive list which might include vocational education, crime and delinquency prevention, and economic development, etc.

Jon Deason.

Mid-Columbia Community
Action Council, Inc.,
The Dalles, Oreg.

Thank you for your inquiry concerning the OEO and HEW funding of the Mid-Columbia Community Action Council, Inc. Our present funding level is as follows:

Versatile funding	$95, 400. 00
Special Summer Impact (Youth)	7, 000. 00
Senior Opportunities	23, 900. 00
Head Start	28, 500. 00
Total funding	155, 200. 00

In addition to the above, this CAC share an Operation Mainstream Program with two other Eastern Oregon CAC's representing 8 counties. Our share of this project is approximately $55,000.00 per year. We have also had some funding from Programs for Aging Americans through the State which will terminate June 30, 1971. These funds were used to provide transportation for senior citizens in isolated rural areas and governed by the senior citizens it serves.

With our $28,500.00 Head Start funding, we have two early childhood development child care centers; one written to serve 80 migrant and local poor children and the other serving 40 resident poor children. Through the use of volunteers, we have served 170 children with these programs. Our goal is to have year round child care centers which provide early childhood development and free the parent to work or train for a job. A cut in funding would be disastrous. We need additional funds, and have had recognition at local, State, Regional and even national level for excellence in program quality.

Please note enclosure for notice to this CAC of cut-backs. This has been a year round program funded under program account 23 for over one year, which is not recognized in this notice. Evidence has been mailed to Regional Office along with the second enclosure which is our Board's reaction to the cut-back.

It is estimated that the CAC programs are reaching and serving between 10 and 15% of the eligible poor.

We are particularly concerned with the tendency to *destroy* rural programs with large cut-backs. In addition to our Head Start cut-back, we are informed through our Regional Field Representative that our Youth money will not be funded as written. We receive $7,400.00 per year and the criticism is that we do not have a year round program. With this money, we support a Work and Recreational Live-In Camp for 30 boys (80% are disadvantaged) in Hood River County and the County provides $12,650.00. Secretary of State Clay Myers has visited the Camp and suggested that it might be used as a model for the State. We also support a "Hotline" which is run by youth and provides a number for troubled youth to call for help. All information is confidential. An advisory council of 15 professional adults is available for consultation and all cases are referred to the professionals. The program is a year round service to troubled youth and is a success in many respects. It is too new to really evaluate at the present time.

We do not know *why* small rural programs are being cut, and *plead with our Washington representatives to see that it does not happen*. Now that the people of our community are aware of poverty problems, they are coordinating their efforts to solve them. We do have the advantage of knowing everyone and sharing information, which the cities do not have. I do not mean to imply that we do not have our opposition in the community, but it is becoming increasingly less vocal.

To continue our operation at its present level, we will need approximately a 6% increase. It would be our hope that such an increase would be *specifically identified to increase all OEO allocations* as I fear it could be earmarked for other purposes.

Please hear our plea for continuation of rural programs. Even though they are not adequate in funding, they have caused some very effective programs, community awareness and involvement in the Mid-Columbia area in Oregon.

Mrs. RITA SWYERS,
Executive Director.

LANE HUMAN RESOURCES, INC.,
Eugene, Oreg.

In response to your notice of October 29, 1970 concerning the need for information on OEO programs we respectfully submit the following concerning our organization.

Lane Human Resources, Inc., is the Community Action Agency for Lane County, Oregon. Lane County is located in the West Central portion of Oregon and includes Eugene which is the second largest city in Oregon. The population of the county is estimated at 212,000 persons. The county covers an area of 4610 square miles. Our community action agency is preparing to enter into its sixth year of operation and is an outgrowth of a former juvenile delinquency study project, started in 1962, known as the Lane County Youth Project.

Our present budget consists of $344,000 versatile funds which is a reduction from the fiscal 1969–1970 allocation of $367,000.

These funds are used to establish a housing program, a system of outreach centers, a community organization program and a job development program.

We also operate a small elderly program of $26,000 which is totally inadequate to the magnitude of the need. In addition $56,000 is used for a legal services program which has been delegated to the local Bar Association.

In answer to your questions, OEO has not notified us of any proposed budget cuts but it has stated that these may occur.

HEW/OCD did notify us that our Head Start program would be cut $14,000 from last years appropriation of $153,456. This places a level of $141,456 for the coming years programs.

The reason given was that Congress has not appropriated enough money to cover the costs of maintaining the present program levels and that there have been less surpluses available to re-cycle to make up the deficits and that it was a national decision.

The effect on the program will mean the cutting out of one full year site. This represents 20 full year slots and will affect a minimum of 30 children.

In answer to your second question at least a 10% increase is needed to offset the cost of living and other higher program costs involved to accomplish the same goals.

We are having to cut some programs to offset these increased program costs this next program year.

In answer to your question three, we are serving approximately 10% of the total poverty population of Lane County in some way or other.

ELWIN E. GROUT,
Associate Director, Planning, Research and Evaluation.

LANE HUMAN RESOURCES, INC.,
Eugene, Oreg.

This is in response to the questionnaire regarding our funding situation. The following information is related to Lane Human Resources, Inc., Child Development Program, Oregon CAP 7020.

1. Has OEO notified you that your budget must be cut for the coming year? Yes.

(a) Present funding level: $153,400.

(b) OEO's reduced funding level: $141,900.

(c) Reasons given by OEO for cut in funds: Cut at national level.

(d) Impact on your program: 30 children cut 1 professional and 7 non-professional staff cut.

2. Please estimate what funding level would be necessary to maintain your present program, in terms of a percentage increase in present budget: $159,000.

3. What percentage of the eligible or needy population are you now serving? 10%.

Mrs. MARILYN HOLSTROM,
Director.

WESTMORELAND COUNTY CONFERENCE FOR ECONOMIC OPPORTUNITY, INC.,
Greensburg, Pa.

UNITED STATES SENATE,
Committee on Labor and Public Welfare,
Washington, D.C.

DEAR SIR: As per your request for information from the Westmoreland County Conference for Economic Opportunity, Inc., regarding our funding situation to assist the Senate in determining the proper level of funding for OEO, please consider the following:

1. The Office of Economic Opportunity has informed us, through our Regional Representative, that programs funded with OEO Funds will receive the same allocations as they did for last year's program. This in essence represents a "cut" in that normal cost of living increases are reflected in our projected budget. The Department of Health, Education and Welfare, on the other hand, notified this agency on October 9, 1970, that funds available for our Full-Year, Full-Day and Full-Year, Part-Day Head Start Programs will suffer the cut back.

a. Present Funding Level:

OEO Funds	$139,584
HEW Funds	460,710
DOL Funds	162,000
Total	762,294

b. According to the memo dated October 9, 1970, we can expect a 7% cut back on our HEW appropriations for last year on:

Present, $460.710.

Next Program Year, $428,460.

Cut, $32,250.

Percentage, 7 percent.

c. Reasons given for cut:

(1) Reduction in Head Start Fiscal Year 1970 national appropriation.

(2) High estimate of carryover balances had been incorporated in the budgets of all regional offices for the new fiscal year.

d. We will attempt to maintain individuals center enrollment on an equal par with present capacity but will be forced to cut back on: equipment necessary to provide a comprehensive educational program; field trips which provide the additional experiential base to assure competitive equivalency with children in the middle and upper income sectors; the overall nutritional program and parent related services. This would represent a cutback in the comprehensive services offered the total family by our Head Start Program.

2. To maintain our present program for the next fiscal year, we would need an approximately 10% increase across the board or:

Present	
OEO	$139,584
HEW	460,710
DOL	162,000
Total	762,294
Next fiscal year	
OEO	$153,542
HEW	506,781
DOL	178,200
Total	838,523
Increase	*Percent*
OEO	10
HEW	10
DOL	10
Total	10

3. We are serving approximately 25% of the 13,417 families in poverty in Westmoreland County or 3,354 families. If we propose to reach more individuals, additional funds are essential.

THOMAS G. NIGGEL,
Administrative Assistant, Westmoreland County Conference for Economic Opportunity, Inc.

PENNSYLVANIA
GREATER ERIE COMMUNITY
ACTION COMMITTEE,
Erie, Pa.

Senate Sub-Committee on Employment,
Manpower and Poverty,
U.S. Senate, Washington, D.C.

DEAR SIR: This is in answer to your letter of October 20, 1970:

1. We received a notice of a reduction in funding from the HEW Region III Office dated October 9, 1970:

a. Our present funding level is $420,000.

b. We were told to expect a 7% cut. This would mean almost $30,000 less for us.

c. We were told the cut was necessary because less money was appropriated in 1970, less carry-over funds were available than anticipated, and an additional cut in appropriations is anticipated for 1971.

d. The impact could be felt in one or more ways; eliminate summer program for 100 children if we are allowed to apply converted monies to ongoing full year Head Start; or cut back full year classes (our cutback represents the cost for approximately 30 children); cut services and salaries across the board.

Our Head Start Council is already setting up educational meetings for our parents so they will be fully informed of the cutback and have input as to where these cuts should occur.

2. We had to cut our program from 230 days to 220 days this program year so a minimum of a 5% increase would be needed to maintain the program we had before. Increased costs, such as transportation, would make an 8–10% increase more realistic.

3. We estimate we are serving approximately 25% of those needing services.

Our Head Start program is funded through the Greater Erie Community Action Committee, H2020, H2604, PA 22 and PA 24.

It cannot be gainsaid that any reduction in funding will seriously diminish the positive impact of our Head Start Program. We would greatly appreciate any assistance you can give us in securing adequate financial support.

Thanking you for your interest and support, I am

Respectfully yours,
ROBERT B. WILEY,
Executive Director.

CENTENNIAL SCHOOLS,
Warminster, Pa.
Senate Subcommittee on Employment, Manpower and Poverty,
Old Senate Office Building,
Washington, D.C.

DEAR SIRS: The O.E.O. has notified us of an across the board seven percent cut of funding in our region for Head Start for our forthcoming fiscal year, March 1, 1971 to February 28, 1972. Our present funding level for fiscal year, March 1, 1970 to February 28, 1971 for our Full Year Head Start program (school year=10 months) is $51,647.00 federal share and $23,532.00 non-federal share. The stated reason for the O.E.O. cut is the decrease in federal appropriations. The impact of a financial cut of this size on our program will be devastating with the "drying" up of federal resources and the steadily rising costs and salary increases, there can be no alternative other than the decrease of the number of children and families served.

Considering cost of living increments and the lack of responsiveness of O.E.O. to the recent annual increases in the cost of living, it would be necessary for us to have a fourteen percent increase in our present federal share of budgeting costs to simply maintain at present level our program for poverty families.

Due to O.E.O. maintenance of on level funding for the past few years, it has been necessary to cut staff regularly. We no longer have staff available to keep track of the extent of poverty needs in our community in an accurate fashion. All that we know is that we, by far, are not serving all of the poverty families in the ghetto of Lacey Park.

How can we help you provide more specific information regarding our needs? Our parents and other citizens will gladly come to Washington to testify regarding our needs.

BETTY K. MELLOR,
Director of Social Services.

COMMUNITY ACTION PROGRAM OF LANCASTER COUNTY,
Lancaster, Pa.
STAFF DIRECTOR,
Subcommittee on Employment, Manpower, and Poverty, Old Senate Office Bldg., Washington, D.C.

DEAR SIRS: The following are answers to the questions in your letter of October 20, 1970:

1. Only for our Head Start components:

a. Grant No. H-2054, $143,000; Grant No. H-2540, $87,000.

b. 7 percent cut: Grant No. H-2054, $133,000, Grant No. H-2540, $80,000.

C. Orders from headquarters.

d. Grant No. H-2054 serves 90 children in Lancaster City on a Full Year Full Day Care basis—all poverty level—all from parents who are employed, seeking employment, or in O.J.T. programs. We would probably cut 15 children in order to implement the necessary career development steps and training needs for our non-professional staff, as well as to meet the rising costs of operation.

Grant No. H-2540 serves 60 children (30 in each of two rural target areas, Columbia, Pa. and Ephrata, Pa.) on the same Full Year Full Day care basis. These are new centers, the result of conversion of a Summer Head Start program. They will have operated 8 months on the $87,000. Reduced to $80,000 would mean cutting 15 children from the program while trying to stretch it to 12 months. We feel the latter is necessary since we are getting some rural parents to go to work or to seek employment—which are direct by-products of providing day care for them.

2. Grant No. H-2054, $150,000=5% increase, Grant No. H-2540, $104,000=20% increase (includes going from 8 to 12 months operation).

3. With over 6,000 poor pre-school children in the county, serving a total of 150 children is 1/40 of the eligible population or .025%.

If there is any other way in which we can help you prepare for the Senate vote, please get in touch with us. I will be attending the White House Conference on Children, but I'm afraid any recommendations from that meeting will be too late to have impact on the Senate appropriations.

I am taking your suggestion and sending the above information to Senators Scott and Schweiker.

Sincerely yours,
DOROTHY STEVENSON,
Director of Planning.

LITTLE NEIGHBORHOOD SCHOOLS, INC.,
Philadelphia, Pa.
Subcommittee on Employment, Manpower and Poverty, Old Senate Office Building, Washington, D.C.

DEAR SIRS: Yes, we are one of the programs asked to cut our budget.

(a) We are at present funded at $100,000 (round figures).

(b) We have been told to reduce our budget 7%. No matter how it is done, by shortening the program (already shortened from 12 to 10 months) or dropping staff, or dropping children, it will reduce services that are already minimal.

(c) The reason for the proposed cut is a reduction in federal appropriations.

(2) We need an increase of at least 10%, in order to keep up with inflation, and to grant small raises to our non-professional staff.

We are a grass-roots community action program and have been in operation since 1965.

We serve 75 families at or below OEO defined poverty levels. We also serve almost 1,000 neighbors through supplementary activities.

Please let us know whether we can do anything else to support the efforts of you and your committee.

IDA M. BRODSKY,
Founder-Director.

COMMUNITY ACTION COMMITTEE FOR BEAVER COUNTY, OFFICE OF ECONOMIC OPPORTUNITY,
Monaca, Pa.
Senate Subcommittee on Employment, Manpower and Poverty, U.S. Senate, Labor and Public Welfare, Washington, D.C.

DEAR SIRS: In reply to your letter of October 20, 1970 I submit the following information:

1. Has OEO notified you that your budget must be cut for the coming year? If so, supply:

OEO has notified us that a Head Start budget cut for the coming year will include 7% cut for full year and deletion of the summer program. (See attached.)

	Amount	Amount reduced
(a) Present funding level:		
Full year Headstart	$98,000	
Summer Headstart	16,000	
Conduct and administration	92,000	
Neighborhood services	28,000	
Emergency food and medical	50,000	
Total	281,000	
(b) OEO's reduced funding level:		
Full year Headstart	91,140	$6,860
Summer Headstart		16,000
Conduct and administration	92,000	
Neighborhood services		28,000
Emergency food and medical	86,000	
Total	269,140	53,860

c. *Reasons given by OEO for cut in funds:* (See attached.)

d. *Impact on your program; for example, number of children who will be cut out of Head Start or trainees eliminated from Manpower program.*

In the Summer Head Start Program, 75 children will be cut out of the program. In the Conduct and Administration, unless a supplemental grant of $28,000 is allocated, it is anticipated that one Neighborhood Center would be closed down resulting in dismissal of 7 employees, and a 25% reduction in delivery of services to the poor.

2. *Please estimate what funding level would be necessary to maintain your present program, in terms of a percentage increase in present budget.*

Funding level to maintain present program is $323,000 or 20% increase in present budget.

3. *What percentage of the eligible or needy population are you now serving?*

25%.

We hope that the above information proves helpful in your attempts to assist us to maintain services to the poor.

Sincerely yours,
FRANCENA R. COLAMARINO,
Senior Coordinator.

WILKES-BARRE CITY SCHOOLS,
Wilkes-Barre, Pa.
Senate Subcommittee on Employment, Manpower and Poverty, Old Senate Office Building, Washington, D.C.

DEAR SIRS: We are writing to you on behalf of the Wilkes-Barre City School District Head Start Program which is delegated by the Luzerne County Commission on Economic Opportunity to the Wilkes-Barre City School System.

1. The Commission on Economic Opportunity has notified us that there would be a seven per cent cut for the coming year. Our fiscal year runs from January 1, 1971 to December 31, 1971.

Presently, we are funded for $131,321. A seven per cent cut brings us to $122,126. The Commission on Economic Opportunity has written to explain that there would be a seven per cent cut in the region for all full-year Head Start Programs due to cuts in appropriations and little excess funds remaining from the current operating year. With this in mind, it is possible that we may have to request permission to fund the program with five classes of 18 children each and a teacher and aide rather than the current six classes with 15 children, a teacher and an aide. In terms of a cut-back, other staff personnel will have to be deleted from the program. The length of time—which has currently been a ten-month program—will probably go back to nine months or less if we are to maintain a program of 90 children as we do today.

2. The staff includes nine professional people who are to be given increases under the Wilkes-Barre City School's guidelines to a minimum of $300. The P.S.E.A. is currently negotiating with the School Board for increases up to $1,000 for all professional staff. This would seriously affect the budget within the school system. Non-professional people who also receive regular increases will either have the length of their time each day cut back or be eliminated and replaced with volunteers. This would seriously hamper both the progress of the non-professional staff in their growth and career development and damage the program to a very real extent.

3. Presently, we are serving 50 per cent of the eligible and needy pre-school children enrolled in the school district. Also, each year the evaluators recommend that the program be increased to meet the needs of those youngsters who are unable to participate, since our budget limits us to 90 children.

We urge your consideration and express on behalf of the parents our very real concern for what has been a successful program for six years by virtue of the participation of children and their parents in gaining needed strengths.

Sincerely,

EVELYN S. GURBST,
Director, Head Start Program,
Wilkes-Barre City School District.

YOUNG WOMEN'S CHRISTIAN ASSOCIATION CHILD DEVELOPMENT PROGRAM,
Reading, Pa.

Senate Subcommittee on Employment, Manpower and Poverty, Old Senate Office Building, Washington, D.C.

DEAR SIRS: I am writing to urgently appeal to your committee to reconsider the reduction of OEO funds for the fiscal year 1971, for Head Start programs.

In a memo of October 9, 1970 from our Region III Assistant Director, Fred Digby, we were informed that we should plan the application for refunding at an anticipated 7% reduction of our 1970 funding. To be specific our program is a full day-full year Head Start program in the city of Reading, Pa., funded with OEO-HEW funds allocated through the Economic Opportunity Council of Reading and Berks County. Our 1970 budget of $127,125 provides child care services to 75 children in 5 centers full day-full year thus enabling mothers to secure employment and upgrade their family income. Our program employes 10 teacher aides from the low income area, thus upgrading their family income. In the reduction memo we were told this 7% reduction reflected our share of the total cut in the national appropriation for the fiscal year.

In order to maintain our present program providing the complete educational, social service, nutritional and health services for our participants, we would have to increase our 1971 budget to $137,525. To increase salaries to the present salary scale of employees in other federally funded child care programs in our area, our budget would have to be approximately $154,000. This gives us only three alternatives: retain present low salary scale, close one child care center thus cutting out services to 15 children and their families or cut down on the total amount or quality of services now given to our participants. Naturally we are reluctant to resort to any of these alternatives because we feel our program is meeting the needs of at least 75 children of the many needy families in our community. One has only to walk into any one of our child care centers to see the eager faces of these children and realize that we are giving them that necessary head start toward a better life in today's society.

On behalf of the children, their families and our staff I urgently appeal to you and your committee to review and reconsider this reduction. Please restore the funding level to meet the needs necessary for us to carry on a quality program and not make it necessary for us to resort to one of the above alternatives. We need your immediate action in this important matter.

MRS. DAVID L. PHILLIPS,
Program Coordinator.

LOWER BUCKS CHILD
DAY CARE CENTER,
Bristol, Pa.

Senate Subcommittee on Employment, Manpower and Poverty, Old Senate Building, Washington, D.C.

DEAR SIRS: The Lower Bucks Child Day Care Center, operated as a delegate agency of the Bucks County Opportunity Council, has received word that our budget would be cut by seven per-cent this year. This is supposed to be due to the fact that anticipated surplus funds are now not available.

This will mean a cut of $5,000.00 in our operating budget at a time when we can no longer hold the line on expenses; with the cost of every item being used in the program increasing. It will also mean no salary increments for the staff, who have not had one in the past two years. No allowances can be made for additional training for the staff or for any type of upgrading in the program.

We also will not be able to replace equipment that is in the classroom or to purchase new items for same.

In order to update our program and keep abreast of the rising costs we would need at least a ten per-cent increase in our federal funding.

For the past two years there have been no allowances for the above mentioned items and this year several of our previously federal funded items were transfered to the nonfederal funded category.

Members of the Board of Directors have given valuable voluntary time towards fund raising, in recent years, to help us meet our ever increasing local share. This time could well be spent on helping the staff with curriculum and in getting facilities for additional care.

If anything can be done to reduce these cuts and increase our funding, you would have the thanks and appreciation of the Board, the Staff and most of all the children.

Sincerely yours,

MRS. LORETTA WHETSTONE,
Director.

RHODE ISLAND
PROJECT HEADSTART,
Woonsocket, R.I.

Reference is to your letter of October 20, 1970, requesting information about the funding situation of the Woonsocket Head Start Program.

The pertinent information is as follows:

1. Our present funding level is $39,000.
2. OEO's reduced funding level is 11% ($4,290)—net $34,710.
3. The reason given by OEO is that the Congress has decreased its appropriation for OEO programs.
4. In Woonsocket's program such a cutback would result in four children and one trainee being eliminated.
5. Actually, it would require a 3% increase in our present budget to maintain our program.
6. We now serve 10% of the needy population.

I join with the thousands of Americans who implore you and respectfully seek your strong support in the fight to prevent the cut-back from becoming law.

MRS. JEAN SADWIN,
Woonsocket Headstart Director.

SELF-HELP, INC.,
East Providence, R.I.

In response to your letter of October 20, the following information is submitted:

SELF-HELP, INC.,
Riverside, R.I.

Present funding level for our Community Action Program is $139,000 for program year "E", effective November 1, 1970. This is the same funding level as last year and has remained static for several years. As a result, program services have been gradually reduced in the face of rising costs. To have maintained our program at last year's level would require a seven per-cent budget increase.

The funding level for the Summer Head Start program was $37,000. The funding statement on Head Start programs, dated 9/30/70, outlined the anticipated cutbacks in summer programs. The Parent Advisory Groups voted to retain the summer program and automatically incurred a 20% reduction in funds. The number of children previously served in the summer programs was 165; it is not clear at present how this number will be affected by the cutback.

One year ago an effort was made to start a Day Care program for 85 children, budgeted at $140,000; for various reasons it never became operational.

Under the present guidelines we will be trying to serve four communities with approximtaely $30,000. To operate only a summer program at last year's level would require a 30% increase. Percentage increases for a year-round Head Start or Day Care facility, based on the above figure, would be astronomical.

Approximately 40% of the eligible population will participate in our program.

I hope this information will be of some assistance in your effort to increase the appropriations in the Senate.

JAMES J. O'MALLEY,
Executive Director.

CRANSTON COMMUNITY ACTION
PROGRAM COMMITTEE, INC.,
Cranston, R.I.

DEAR SIRS: I am grateful to have this opportunity to voice the grave concern the Cranston Community Action Program Committee Inc. has over the impact a budgetary cut will have on our Head Start Program.

We have been notified that we face a nine to eleven percent cut in our present allocation. This would undoubtedly mean the end of Head Start in the City of Cranston.

Our present funding level is totally inadequate. Efforts to keep a quality program operating is a constant challenge to all those involved. The uncertainty and low level of funding undermines the effectiveness of the program as we must constantly divert our energies to fund-raising activities in order to survive.

Cranston is the fourth largest city in Rhode Island with a population of 75,000. Between ten percent and fifteen percent of the population falls into the low-income classification. Presently we operate a token program for thirty children. Due to the funding restrictions imposed upon us, we receive $21,150 in Federal money.

To sustain our present project and to offer a quality program which can be expected to have some significant impact upon those youngsters who participate and their families, it is imperative that our funding level be doubled.

To begin to meet the needs of the eligible population in this community would require approximately a ten-fold increase in our allocation.

Since we were officially notified of the impending cut in Head Start, this is our most immediate concern. However, we would like to bring attention to the fact that the Community Action Program agency in this community is also operating on a shoestring budget. Our total funding is $90,000, which includes a $15,000 Family Planning project. Those pressures facing Head Start are felt perhaps more intensely by the sponsoring agency as we struggle to maintain a quality program. Our funding level has remained at $75,000 since the inception of the program in this community in 1966.

In spite of this, our impact has been significant. We also realize that there is much more that must and can be done.

I sincerely hope that the members of Congress recognize how essential it is to keep a force operating in the interest of the low-income residents of our community alive and vital.

MRS. ADELAIDE LUBER,
Executive Director.

WARWICK COMMUNITY ACTION, INC.,
Warwick, R.I.

Our Community Action Program is operated in and for the City of Warwick in Rhode Island. It is Grant Number 1019.

XUM

Our agency has been funded at the same level for the past two program years, and we have been notified that we will be funded at the same level *or less* for 1971. Our funding level is $112,000 Federal share. Because of increased cost of operation and personnel, we have had to continually cut-back. This next program years' funding will necessitate the termination of three employees because of lack of funds.

Warwick has approximately 11 percent of its total population (83,000) eligible for our program under Federal Poverty Guidelines. Our agency services an estimated 30 percent of the needy in the city. Our funding level should be at least $150,000 (Federal) to maintain our *present* program. Our agency also received funds from the Labor Department to operate a Neighborhood Youth Corps In-School Program. Our budget for this program is inadequate to meet the needs. We have a waiting list of seventy (70) eligible applicants. We have been funded at the same level on an extended contract since March 1968. Our funding level for this program is $90,000, and we need double that amount to meet the needs of our city's disadvantaged youth.

Our Head Start Program was informed of an 11 percent cutback from our present funding level of $82,000. Again, this will cause a cut-back in service. A funding level of $125,000 is needed to maintain our present program.

The Foster Grandparent Program operated by our agency is the only one in the state of Rhode Island. At present, we are funded for $92,000 to employ forty-two "Grannies". Again, we have a waiting list. A 5 percent cut-back is experienced here to a budget that is inadequate. A budget of $115,000 should be funded to maintain the present programming.

It is demoralizing and discouraging to face continual cut-backs and restrictions in our funding. Staff is hard to retain and attract. Community participation is also difficult to maintain and recruit because of the question of survival. The adverse publicity and reaction from Congress does not help.

I firmly believe that a decision should be made to fully attack the problems of poverty through the OEO programs or to terminate OEO, rather than run it with inadequate funding clouded by insecurity.

The subcommittees efforts on behalf of the OEO Program is greatly appreciated and much needed.

LEO G. PERRONE,
Executive Director.

BLACKSTONE VALLEY COMMUNITY,
ACTION PROGRAM, INC.,
Pawtucket, R.I.

In response to your request for information on the funding situation of the Blackstone Valley Community Action Program, Inc., I hereby submit the following information:

1. OEO has not yet notified this agency of its funding level for next year. However, even if the budget is not reduced, and we receive only the same amount we received in previous years, this budget will be tantamount to a budget cut.

AGENCY ORIGINALLY UNDERFUNDED FOR POPULATION AREA

Pawtucket Community Action Program was originally funded in 1966 at $143,041, annual versatile funds for population of 77,538. Pawtucket agreed to add Central Falls, Cumberland and Lincoln to its area with the assurance of sufficient additional funds to serve the additional population, and the Blackstone Valley Community Action Program was formed in December, 1966, to serve an area of 134,654 people.

In actual fact, annual funding was only increased to $219,484 (1967) so that the agency received a 53% increase in funds to serve a 73% increase in population.

FUNDS CUT IN 1968

The next year (1968) the total allocation was cut to $208,000, so that a 45% increase in the original Pawtucket funding now had to serve the 73% increase in people served.

While Pawtucket's original allocation figured out on the basis of $1.82 per resident, funds now equal $1.54 per person for the area served by the BVCAP. It should also be noted that the agency serves a geographic area of 54 square miles, necessitating large transportation and communication expenses. See the attached "Comparison of Population & Funds Providence & Blackstone Valley Community Action Program Area" for one example of the discrepancy in funding for the BVCAP.

NO INCREASE IN VERSATILE FUNDS

In spite of the original underfunding of BVCAP for the size and population of the area it serves, there has been no increase in versatile funds from OEO. The agency has been forced to operate in 1970 with the same funds as in the two previous years and with less than in 1967. At the same time operating costs have steadily risen.

HEW has notified this agency of a 20% cut in funds for Summer Head Start.

(a) Present funding level—$75,675.

(b) Reduced funding level—$60,540.

(c) Reasons given—"reduction of prior year unexpended funds" and "anticipated reduction ($17.7 million) in new appropriations based on the earmarking language in the Economic Opportunity Act.

(d) Impact on program—elimination of 34 to 60 children from summer Head Start.

2. Present versatile CAP funds—$208,000.

Projected funds needed for 1971—$290,000 to continue programs on same level.

3. Percentage of eligible or needy population BVCAP serves—20,383 total poor in area.

Number of program participants for last quarter reported (June 1–August 31, 1970)—3,884.

Percentage served—19%.

Center attendance in quarter—11,794.

I trust this information will be helpful.

VINCENT S. CEGLIE,
Executive Director.

SOUTH CAROLINA

OFFICE OF ECONOMIC OPPORTUNITY,
DILLON-MARION COMMUNITY ACTION, INC.,
Marion, S.C., October 27, 1970.

SUBCOMMITTEE ON EMPLOYMENT, MANPOWER, AND POVERTY,
Old Senate Office Building,
Washington, D.C.

DEAR SIRS: In response to your October 20, 1970, request for information regarding our funding level, I am submitting the following:

Present funding level: OEO total budget, $343,037; HEW Federal Funds, $120,534; Dept. of Labor, $396,880 (NYC & Mainstream).

OEO's reduced funding level: OEO total budget, $324,108; HEW—notified of considerable cut, but figures not yet available. Manpower—has not notified us of a cut.

Reasons given for cut—reduction in carryover funds available in OEO. HEW-reduction in funds to be approved by Congress.

Impact on program—two outreach workers to be cut out of Neighborhood services program, reduction in amount of funds available to fight malnutrition (about $17,000); will cut a number of Head Start children, but number not available until exact amount of funds cut is known.

Funding level necessary: OEO total budget, $349,454; HEW Federal Funds, $123,543.

What percentage of eligible population serving? 56%–60%.

If more definite figures are available prior to November 6, 1970, we will forward them immediately. Please do not hesitate to call on me if there is something that needs clarification or if I can be of any further help to you.

Very truly yours,

NANCY G. FINKLEA,
Director of Information.

WILLIAMSBURG-LEE COUNTIES ECONOMIC OPPORTUNITY COUNCIL, INC.,
Kingstree, S.C., November 4, 1970.

COMMITTEE ON LABOR AND PUBLIC WELFARE,
U.S. Senate,
Washington, D.C.

DEAR SIR: In reply to your letter of October 20, 1970 in reference to our funding level, please be advised of the following:

1. This CAP Agency has been notified that its funding level will be $154,280 for Program Year "E", which is $45,000 less than Program Year "D".

(a) The reason which was given for cutting this agencys' fund was a limited appropriation.

(b) The Head Start Program funding level is $144,376 this year and was $148,841 Program Year "D".

To begin with, the funds for Head Start which we are using came from a Summer Head Start Program, which means that about 18% of the low-income children are being served in a Year Round Head Start Program.

2. It is the Boards' thinking that the $45,000 which was cut, plus $10,000 to give a 3% raise in salaries and $600,000 to be used to give the other 650 low-income children an opportunity, is needed. This would amount to about 100% increase in our present budget.

3. It is estimated that we are serving about 30% of the needed population in some cases, and less in other cases.

We hope that this information can be used to show an overall picture of how much OEO is needed. If this agency can be of any further service at any time, please do not fail to call.

Sincerely,

P. G. GOURDIN,
Executive Director.
E. I. LAWRENCE,
Assistant Director, Program Coordinator.

LEXINGTON-RICHLAND ECONOMIC
OPPORTUNITY AGENCY,
Columbia, S.C., November 6, 1970.

Senate Subcommittee on Employment, Manpower and Poverty, U.S. Senate, Washington, D.C.

DEAR MR. BECHTEL: This is in reply to your letter dated October 20, 1970, requesting information regarding the funding level of OEO. The answers to your specific questions are as follows:

1. We have heard rumors that we must cut our budget for the current fiscal year but we have received no such official notification. Our staff is experiencing a great deal of anxiety while waiting for a final decision. We did receive small decreases in our approved budget for our Head Start and Neighborhood Youth Corps Programs which forced us to reduce the number of children and trainees which we had planned to serve.

2. Our present funding level is $2,211,118 and it will require a total of $2,476,452 or an increase of twelve percent (12%) during the next fiscal year in order for us to maintain our programs at the same level of operations.

3. We estimate that we are only serving 18 percent of our population found in families with incomes below the povery level according to the latest OEO criteria.

We hope the above information proves useful to your Committee and that you will exert every effort to obtain an adequate appropriation. Our programs are well accepted in our area of operations and we would like to think that one day more of our needy people can be brought back into the mainstream of our Society.

If we can be of further assistance, please do not hesitate to let us know.

Sincerely,

Dewey M. Duckett, Jr.,
Executive Director.

Berkeley, Colleton, and Dorchester Counties, Economic Development Corporation,
Walterboro, S.C., November 5, 1970.
Senate Subcommittee on Employment, Manpower, and Poverty,
U.S. Senate,
Washington, D.C.

Dear Sirs: In regard to your letter of October 20 concerning the funding level of our program we submit the following information:

1. a. $538,224.00; b. $44,602.00; c. Reason not stated; d. Number of children in Head Start remain the same the budget cut effected personnel, travel, consumable supplies and other costs.

2. $602,826.00.

3. We estimate that we are now serving approximately 50% of the eligible or needy population.

If our office can be of further assistance to you, please advise.

With kind regards, I remain

Yours truly,

Thomas Myers,
Director of Program Planning and Operation.

Orangeburg Area Committee for Economic Progress, Inc.,
Orangeburg, S.C., November 5, 1970.
Senate Subcommittee on Employment, Manpower, and Poverty,
U.S. Senate,
Washington, D.C.

Dear Sirs: This letter is in answer of your inquiry of October 20, 1970.

1. Has OEO notified you that your budget must be cut for the coming year? Yes.

a. Present funding level: $439,866.00, OEO; $67,374.00, HEW.

b. OEO's reduced funding level: $391,866.00.

c. Reasons given by OEO for cut in funds: Deficit in regional office.

d. Impact on your program; for example, number of children who will be cut out of Head Start or trainees eliminated from Manpower program. This will mean less emergency food for the poor and less work with youth development in Orangeburg and Calhoun Counties. This cut will also prevent us from increasing our staff and make it impossible for us to serve the poor as we see the need.

2. Please estimate what funding level would be necessary to maintain your present program, in terms of a percentage increase in present budget. $439,866.00 No increase over present budget.

3. What percentage of the eligible or needy population are you now serving? Calhoun County: ⅔ of population; Orangeburg County: ⅗ of population.

Very truly yours,

Lula L. Wilkinson,
Executive Director, CAA.

Charleston County Economic Opportunity Commission,
Charleston, S.C., November 4, 1970.
Committee on Labor and Public Welfare,
U.S. Senate,
Washington, D.C.

Dear Sirs: We are enclosing the information that you requested for your Committee, regarding our funding situation, in order to assist the Senate in determining the proper level of funding for OEO.

We hope that this information will be helpful in your presentation. If there is any further information or assistance you may need, please let us know.

Sincerely yours,

C. S. Campbell,
Executive Director.

Charleston County Economic Opportunity Commission,
Charleston, S.C.

1. Has OEO notified you that your budget must be cut for the coming year? If so, supply:

Yes, OEO has notified us that our budget will be cut for the coming year. The cut involves at least four of our programs: namely, the Charleston Industrial Education Center (CIEC) cut $75,550, Emergency Food and Medical cut $15,000; Youth Development program cut $5,100 and Head Start cut $36,391. However, we received small increases in some of our programs, the largest being in the form of an added program to the Comprehensive Medical Program, a program for Alcoholics in the amount of $112,663 and $60,000 for a Public Service Careers program.

a. Our present funding level is $2,947,468.

b. OEO reduced funding level is $2,896,296.

The overall net reduction is $51,172. However, this is somewhat unrealistic due to the net gain in the Comprehensive Medical program.

c. Reasons given for cut in funds:

The reason given for the reduction for the Emergency Food and Medical program is the Regional claim that there was a reduction in the total amount of funds available for all Food and Medical programs.

Charleston Industrial Education Center (CIEC) reduction was a Regional decision.

Head Start reduction was considered to be part of an over-all reduction in Head Start funds in the Southeast region. The reason given for the reduction in the Youth Development program is that a similar request was approved in the previous grant for center renovations, minor repairs and building and maintenance tools.

d. Impact on your programs:

The cut in funds has made a tremendous impact on our programs. CIEC had to reduce their intake of trainees from 240 to 180. The cut will possibly have an effect on the quality of our Head Start program, the number served by Emergency Food and Medical and the number of areas served by the Youth Development program.

2. The estimated funding level necessary to maintain our present programs, in terms of a percentage increase to present budget is +15%.

3. We are now serving 25% of the eligible or needy population.

Carolina Community Actions, Inc.,
Rock Hill, S.C., November 5, 1970.
Senate Subcommittee on Employment, Manpower, and Poverty, U.S. Senate, Washington, D.C.

Dear Sirs: I am sorry for the delay in responding to your letter of October 20, 1970. I had however some pressing matters including recent notification of OEO funding.

Here is the information you requested:

1. O.E.O. did notify us that the budget would be cut. In fact that has already occurred.

a. The funding level for 1969–70 operational year (grant CG3141/D) which ended September 30, 1970 was $482,858 in federal funds. (Does not include U.S. Department of Labor fundings).

b. The funding level for 1970–71 operational year which began October 1, 1970 and which ends September 30, 1971 (Grant CG 3141/E) is $447,708 in federal funds. (Does not include U.S. Department of Labor fundings.)

c. The reasons given for this were:

1. A reduction in and reassment of carryover funds from prior years.

2. A reduction in the allocation from Congress for O.E.O. for 1971 fiscal year.

d. The main reductions will cause:

1. Less gardens for low-income people estimated from 400 last year to 200 this year. (50% reduction).

2. Less money available for individual determination programs in training and technical assistance for poor people in Model Cities area. (50% reduction).

3. Less staff travel funds.

4. Fewer school lunches for children in Emergency Food funding. (40% reduction).

5. Less funds for direct food purchases, food stamp purchases and medical examinations in Emergency Food funding. (15% reduction).

6. No funds for training of poor in planning concepts particularly in rural areas. (100% reduction).

7. Reduction in dentists' time which will result in less children treated in the Dental Health program. (8% reduction).

8. Reduction in camp maintenance fees for one program for underprivileged boys which will probably allow one week of camp as opposed to two. (Reduction about 33%).

These statements refer only to federal share of program costs and they are the effect upon only a portion of the programs. Only OEO direct funding is included.

2. The funding level necessary to maintain the present program would be that contained in 1a above.

3. The percentage of the population now being served is estimated at 25%. This is service in one form or another by the agency.

The grant number for this agency is CG3141 for OEO fundings, M–1153–45 for Mainstream, R3–8096–43 (In-School) and R–1055–45 (Out-of-School) for Neighborhood Youth Corps and E/HO 3141 for Head Start.

I hope this is the information you wanted.

Sincerely yours,

John R. Rumford,
Executive Director.

Florence County Office of Economic Opportunity,
Florence, S.C., October 30, 1970.
Senate Subcommittee on Employment, Manpower, and Poverty, Washington, D.C.

Dear Sirs: This is the information requested in determining the proper level of funding for OEO.

1. (a) Present funding level: $494,169. (b) OEO's reduced funding level: $19,767. (c) Reasons given by OEO for cut in funds: Nationwide cut for all Head Start Budgets. (d) Impact on your program; for example, number of children who will be cut out of Head Start of trainees eliminated from Manpower program. Reduced length of program—from 12 to 11 mos. Decreased centers' staff salaries.

2. Please estimate what funding level would be necessary to maintain your *present* program, in terms of a percentage increase in present budget. 20%.

3. What percentage of the eligible or needy population are you now serving? Approximately 15,000.

Sincerely yours,

(Miss) Thelma Brown,
Director, Full Year Headstart.

TEXAS

Jefferson County Economic Opportunity Commission, Inc.,
Beaumont, Tex.

We are supplying the following information in response to your request of October 20, 1970:

1. HEW has notified us that our budget must be cut for the coming year.

a. Present funding level: OEO, $262,200; HEW, $458,696; Total, $720,896.

XUM

b. Reduced funding level: OEO, $262,200; HEW, $428,512; Total, $690,712.

c. Reason given by HEW for cut in funds: Decrease in appropriations at the Regional level.

d. Impact on our program: Approximately 80 children cut out of our Head Start program. This is based on a $30,000 cut in the OCD programs that would eliminate three teachers and three teacher aides.

2. Approximately a 5% increase up to $450,000 would be necessary to maintain our present program.

3. Percentage of eligible population now being served:

COMPONENT, ELIGIBLE, AND NOW SERVED

Day Care, 480, 25 percent.
SPISD Head Start, 175, 85 percent.
BISD Head Start, 300, 66⅔ percent.
Summer Head Start, 237, 84 percent.

Thank you very much for your concern. We wish you every possible success in your efforts to increase appropriations for fiscal 1971.

JAMES G. HENDRICKS,
Executive Director.

DALLAS COUNTY COMMUNITY ACTION COMMITTEE, INC.,
Dallas, Tex.

This is in response to your letter of October 20, 1970 regarding funding levels of this Community Action Agency.

1. OEO has verbally indicated that our Agency will be cut in its funding level for our next Program Year.

2. Our present funding level is as follows: a. OEO, $2,100,000.00; USDL, $2,500,000.00; HEW, $880,000.00.

3. OEO will cut approximately 10%.

4. The reasons given by OEO are simply that funds are not available for versatile programs. There may be some special purpose program monies available that we may apply for. Outside of fifty children to be eliminated from a proposed Head Start Program, there will be no reduction in services by this Agency. We feel economies effected in better management will maintain the present level of service and action. However, this Agency had planned to expand its service area utilizing the same funding level as last year.

5. This Agency feels that at least the same funding level as currently being received is absolutely necessary for Dallas County. Increased funding levels are, of course, desired, but this Agency still must face its maximum potential with the current monies available.

6. We are dealing on an annual basis with approximately 33% of those who are eligible for our services.

Please advise us if there are any further answers required.

BENNETT I. MILLER,
Acting Executive Director.

ECONOMIC OPPORTUNITIES ADVANCEMENT CORP.,
Waco, Tex.

Thank you for your letter from the Subcommittee seeking information from us regarding our funding situation. We appreciate the efforts of the Subcommittee to increase the Economic Opportunity Act Amendment appropriations.

We have been informed by the Office of Economic Opportunity and the Department of Health, Education, and Welfare, that our funding level may be decreased approximately 5% from OEO and anywhere from 7% to 12% from HEW. Such action would have the following results:

a. Present funding level is $1,364,331.

b. OEO and HEW reduced funding level would be $1,282,709.

c. The reasons given by OEO and HEW for cuts in funding are: reduction in national appropriations; smaller carry-over fund balances by grantees, and greater demands on the part of grantees to maintain their present level of operations.

d. The impact on the reduction of funds would result in:

1. Elimination of most of the rural work being done by EOAC.

2. Serving only 430 pre-school children in Head Start instead of 460.

3. If ear-marked programs are decreased by 5%, a reduction in the Planned Parenthood program would curtail services to approximately 3,000 women.

4. The Emergency Food and Medical Services funds would be exhausted six months before the end of the program year.

5. A serious decrease in the number of personnel in Administration, Planning, Neighborhood Centers, and Community Organization. These programs already are operating with limited staffs and any additional decreases would cause a complete curtailment of many of the program efforts. We are presently operating the total EOAC program at a 4.3% administrative cost.

We have calculated that the present budget would need an increase of 6% in order for EOAC to maintain its present level of operation.

EOAC is presently serving approximately 35% of the eligible needy population in McLennan County.

To identify the program operations of Economic Opportunities Advancement Corporation we are listing the following grant numbers: CG 5059/E, H 5059/E, CG 5814/A, and CG 6789/A.

CHARLES W. DOREMUS,
Executive Director.

ECONOMIC OPPORTUNITIES DEVELOPMENT CORP.,
San Antonio, Tex.

This is in response to your letter of October 20, 1970, requesting information on our funding situation.

The Economic Opportunities Development Corporation of San Antonio and Bexar County, Texas, is the CAA for the area indicated in its title.

To date, OEO has not notified us of a contemplated budget cut, however, we are in receipt of a letter from the Dallas Regional Office of the Department of HEW advising us of an anticipated reduction in funding for our Full Year Head Start Program. They estimate the cut to be between 7% and 10% across the board.

Our response to your numbered questions, therefore, reflect only the Head Start Program.

1. a. $1,034,373 (Present funding level). b. $930,936 (Estimated reduced funding (level). c. Likelihood of reduction in the appropriation for Fiscal Year 1971 is reason given for anticipated reduction. d. Reduction from 800 to 750 children plus reduction of teachers and teacher aides and other supportive staff would result.

2. An estimated increase of 6% would help us maintain the level of living salary increases, etc., dictate increases in all quality single purpose programs to maintain effectiveness.

3. Four percent (4%) of the eligible children are presently being served.

GENE RODRIGUEZ, Jr.,
Executive Director.

BOWIE COUNTY ECONOMIC ADVANCEMENT CORP.,
Texarkana, Tex.

In answer to your letter of October 20, 1970 concerning the level of funding for OEO, I submit the following financial information affecting the local Community Action Agency, Bowie County Economic Advancement Corporation, funded by the Office of Economic Opportunity.

1. This agency's overall budget has not been reduced, however, one of the program accounts, Summer Head Start, has been reduced 20%, or from $82,398 to $65,918 or a total of $16,479 reduction. May I further point out that this agency has had to operate at the same funding level for the past three years.

a. Present funding level $389,446.

b. OEO's (HEW) reduced funding level $372,922.

c. The agency received a 20% cut in the budget for Head Start. A reduction in the funding level in fiscal year 1970 and the likelihood of a further reduction in appropriation for fiscal year 1971 was given as the reason for a reduction of 20% in the funding level of the Head Start Program operated by this agency.

d. This agency is presently frozen at 284 children requiring 19 classes located in five different school districts scattered throughout Bowie County. The reduction will make it necessary to eliminate 6 classes, thereby depriving 180 children of Head Start training or closing down one of the centers involving 60 children. The closing of any one center operated by this agency would create problems for the agency in the field of public and human relations.

The 284 children allocated to the agency for 1970 did not meet the needs of the communities. We received applications for 181 eligible children that we could not serve. The demand for slots in the Head Start program, I am sure, will increase because of the number of families that will become eligible as a result of increased unemployment in this area. As of September 1970 Bowie County has a 7.4% unemployment as compared to 3.3% September 1969. Texarkana's percentage of unemployment is above the State average of 3.8% and National average of 5.1%. If this trend continues we will undoubtedly have more and more families becoming eligible and requesting Head Start training for their 3 to 5½ year olds.

2. Based on present operation of this agency, the funding level should be increased to a minimum of 7.9% annually. This then would make it possible for management to provide increase in salaries of employees; repair, replacement and purchase of equipment when needed. Anything less than that means that the agency cannot compete with salaries paid by other agencies such as Model Cities Program, Concentrated Employment Program, Mental Health and so forth.

3. At present we are serving 30% of the eligible or needy population.

Hope that this information will serve your purpose and be of benefit to all Community Action Agencies now being funded under the Office of Economic Opportunity.

E. E. COLLINS,
Executive Director.

VERMONT

CHAMPLAIN VALLEY OFFICE OF ECONOMIC OPPORTUNITY, INC.,
Burlington, Vt.

I am pleased to give you the information requested in your letter of October 20, 1970.

1. Yes, cuts were announced for the Head Start Programs in the following amounts:

	Question A	Cut	Question B
Elimination of summer Head Start	$9,600	$9,600	0
Approximately 10 percent cut of full-year Head Start	237,438	23,743	$213,695
Total Head Start	247,038	33,343	213,695

A cut of more than 13%.

C. First, we were made to believe that the cut was necessary because of an overstated estimate of the FY carry-over balance. On September 10, Mr. Zeigler didn't even seem to be aware that the cut was nation-wide (see attached letter of Mr. Zeigler to House Representative Robert Stafford). Later, we were told, always insufficiently, that the reduction would be permanent.

D. In the school year ending June 1969, we had 270 children in twelve centers. Because we had no hopes that the gradual devaluation of the dollar would be compensated by an equivalent increase in funding, we already closed one center (twenty children). If the ten percent cut becomes effective, we will have three alternatives:

1. Close another center.

2. Run the centers for 15 children, instead of 20, 30, and 40.

3. Run for eight months instead of nine.

In addition, elimination of the Summer Head Start would effect 80 additional children in Burlington.

2. An increase of at least six per cent or $14,822 would be necessary only to compensate for the current inflation.

But, our last year's program is grossly underfunded. For example, Champlain Valley OEO could not enforce in Head Start its prior decision to pay no wages lower than $2.00 per hour.

3. We estimate that in 1970 there are between 1,500 and 2,000 low-income families with preschool children. Last school year, we served 270 children, which is about 90% of those eligible.

In addition to the Head Start cut, all Neighborhood Youth Corps programs in Vermont were reduced last year by approximately one-third of their enrollees.

If you have any further questions, please contact me.

JOSEPH H. VANHOENACKER,
Executive Director.

OCCSA DAY CARE PROGRAM,
Newport, Vt.

The following statistics apply to Head Start Grant #H–1018–E–H–O, for Caledonia, Essex and Orleans counties in Vermont.

1. We have been notified by the Office of Child Development that we are to expect a cut for the coming year. OEO's role in this cut has not been explained officially.

(a) Our present funding level is $151,322.

(b) The reduced funding level is expected to be $134,677 with the maximum cut.

(c) The reasons listed were the same on all official notifications.

(d) We expect to have to cut one full program from our project. At a maximum this could remove Day Care Services from a population of 7,000 people. Some of the money will filter into other centers but at least five low income people will lose jobs.

We also extensively use Neighborhood Youth Corps and Operation Mainstream aides in our centers, as well as providing employment for them at the end of their training. At a maximum three Mainstream-Neighborhood Youth Corps training slots would be lost and two former Mainstream-Neighborhood Youth Corps employees would lose their jobs.

2. In order to maintain our present program, including paying for some free services which will be terminated next year, to keep up to the cost of living, to add salary increments, we will need to increase our budget by 11%, or $16,800.

3. It is very roughly estimated that we are serving 20% of the eligible population.

PETER GARON,
Director, Day Care Centers.

STATE OF VERMONT,
OFFICE OF ECONOMIC OPPORTUNITY,
Montpelier, Vt.

The following is the response of the Vermont State Office of Economic Opportunity to your inquiry of October 20, 1970 relative to the Head Start funding problem and how it affects programs in Vermont.

1. Has OEO notified you that your budget must be cut for the coming year? Yes.

State-Wide	
A. Present funding level	$829,882
11% cut	91,287
B. OEO's reduced funding	738,595

C. Reasons given by OEO for cuts—See attached memorandum.

D. Impact on programs—1. Number of children eliminated from services i.e., medical, psychological, educational, and dental. (approx. 150); 2. Number of staff and trainees terminated (Approx. 21); 3. Social & economic losses to children, parents, and communities immeasurable but certainly severe; and 4. Number of centers closed (7).

In rural areas the impact of these reductions is multiplied by the fact that in some cases one center may serve 8 or 10 towns and even with our existing program, we are only serving, on an average, approximately 30% of those eligible and in some areas of the state as little as 2% or 3% of those eligible.

2. To maintain our present program activity it is estimated that at least a 10% increase would be necessary.

3. At the present time on a statewide basis the Child Development Program is serving approximately 30% of those eligible. (I believe this estimate is high).

If we can be of further assistance in restoring these funds, please do not hesitate to contact this office.

FRANCIS MCFAUN,
Chief, Technical & Technical Assistance.

BENNINGTON-RUTLAND
OPPORTUNITY COUNCIL, INC.,
Bennington, Vt.

This is in response to your inquiry of October 20th in regard to the OEO funding situation.

The only information we have on a budget cut for the coming year is in reference to Head Start. Our latest memo is dated October 29, 1970, and comes from Mrs. Rheable Edwards, Assistant Regional Director of HEW, Region I.

The following information applies to our Head Start program.

1. Yes.

a. Present funding level: $69,000.

b. Reduced funding level: $61,410.

c. Mistake at National level in projection of Carry Over. Balance and due to shifts and priorities within OEO caused by ear-marking language of the Bill.

d. Impact on our program:

1. One very rural area, consisting of several small villages, would be cut out of program.

2. 15 children who represent only 2% of eligible families in area would be lost.

3. Three staff, one of former welfare status would be cut.

4. Two mainstream (Manpower) trainees would be terminated.

5. The children and their families would cease receiving medical, psychological, educational and dental services.

6. The general community would lose an opportunity to be involved in Head Start Program.

2. Our present full-year program (one month old) is funded at summer 1969 Level and is unrealistic. However, to maintain it we estimate a 10% funding level increase.

3. As mentioned in *d-2* at present our two counties of about 1,600 sq. miles are serving 2% of the eligible population. Based on 1960 census there are 3,892 low-income families with approximately 1,900 eligible pre-school children. We serve 95.

We appreciate anything you can do to restore the Head Start cut and to get the Mondale-Cranston Proposal Appropriations Amendment passed.

ROBERT L. GREEN, Jr.,
Executive Director.

COMMUNITY ACTION COUNCIL, INC.,
Montpelier, Vt.

Following is in response to your letter of October 20, 1970 regarding the inadequacy of the OEO budget.

1. a. Present funding level—$420,377.

b. OEO's reduced funding level—Head Start reduction of 11%.

c. Reasons given by OEO for cutting funds—Reasons have been vague and contradictory. Latest explanation is the action of the House in passing a $321,000,000 budget for Head Start.

d. Impact on program—Alternatively lessening of over-all quality or closing of two centers and denial of Head Start experience to approximately 36 children.

2. Funding level necessary to maintain present program is a figure of $463,414. . . . This figure represents an increase in estimated cost of living since the last Head Start increase of three years ago. This figure does not, repeat, does not, represent any change in staff salaries which are at present, well below non OEO personnel of comparative or lesser experience or responsibility.

3. Percentage of needy being served—44%.

I raise the question as to the advisability of maintaining a program at the plainly insufficient levels applied to OEO. It would seem the effort for productive development is nullified and the possibilities of negative reaction are amplified.

PETER R. LEWIS,
Executive Director.

VIRGINIA

COMMUNITY ACTION AGENCY, INC.,
Williamsburg, Va.

Present funding level for Head Start is $35,228 and will be reduced by 7% to $32,763. Program now serves 160 children, and 30 will be lost due to reduction. About 20% of eligible population is now being served, and an increase of 20% would be necessary to maintain present level.

W. L. TRUMBO,
Executive Director.

SOUTHWEST COMMUNITY ACTION
COUNCIL, INC.,
Huntington, W. Va.

Full year Head Start is present funded at $129,702 and will receive a 7% cut. Number of Children affected has not yet been determined. 40% of the needy population is now being served, and a minimum increase of 5% is necessary to maintain current level.

Mrs. JOAN E. ROSS,
Executive Director.

ARLINGTON COMMUNITY ACTION
PROGRAM, INC.
Arlington, Va.

Present level of funding (figures not given) for CAP will be reduced by about $74,000. Staff is main area where impact will be felt. About 18–20% of needy population is now being served, and an increase of about 79% would be necessary to operate effective program.

WILLIAM N. THOMAS.

NEWPORT NEWS OFFICE OF ECONOMIC OPPORTUNITY,
Newport News, Va.

Present funding level for Head Start is $178,488 and will be reduced by 11%, to $158,448. "Insufficient appropriations" was reason given. Staff and services to community will be main areas of impact. About 10% of present population is being served

XUM

and an increase of 25% would be necessary to maintain present level.

GEORGE E. WALLACE, Jr.,
Deputy Director.

SCOTT COUNTY RURAL AREAS
DEVELOPMENT ASSOCIATION, INC.,
Gate City, Va.

Present Head Start funding level is $48,000 and will be cut by 7% to a total of $44,640. 45 Children are currently being served, and they will try to keep all of them in program. Funding should be doubled to maintain present level. One-third of eligible 5-year olds are now being served.

DAVID H. TAYLOR,
Executive Director.

SOUTHEASTERN TIDEWATER
OPPORTUNITY PROJECT,
Norfolk, Va.

Present funding level for Head Start of $834,000 will be cut by 7% to $776,000, resulting in the elimination of 45 children from program. An 18% increase in funds would be necessary for this program to operate at present level. CAP funding will remain the same, or $614,124.

GEORGE C. CRAWLEY,
Executive Director.

YORK COUNTY PUBLIC SCHOOLS,
Yorktown, Va.

Present funding level for Head Start will be cut from $23,179 to $21,620. At least 13 children will be eliminated. 34% of eligible children are now being served, and a 7% increase in funding would be necessary to continue operations at present level.

G. H. POPE,
Division Superintendent.

NEW RIVER COMMUNITY ACTION, INC.,
Christiansburg, Va.

Present versatile funding level is $122,000 and for Head Start $220,852. Summer Head Start will receive 7% cut. 40 Children will probably have to be dropped from program. 30% of eligible children are now being served by Head Start full year and summer programs; 10% of needy are reached through other CAP programs; and 15% of those in need of jobs are reached through manpower program. A minimum increase of 5% would be needed to maintain present level.

GEORGE W. DALLEY,
Executive Director.

COMMUNITY IMPROVEMENT COUNCIL, INC., HEAD START—CHILD DEVELOPMENT,
Danville, Va.

Present funding level for Head Start is $95,000 and will be cut by 7%, or by $6,650. 105 Children are now being served, and it is not determined yet what number of children will be affected. Present funding level would enable them to continue current program.

Mrs. MARY WOODING,
Director.

CHARLOTTESVILLE-ALBEMARLE COMMUNITY ACTION ORGANIZATION, INC.
Charlottesville, Va.

They have not been informed of a cut yet. They now serve 35% of eligible population, and a 20% increase in funding would be necessary for them to maintain present program.

WILLIE FRENCH,
Executive Director.

LYNCHBURG COMMUNITY
ACTION GROUP, INC.,
Lynchburg, Va.

Operating budget will remain the same except for a 4% cut in Head Start. Budget cut from $172,000 to $165,889. 100 Children are now in Head Start, and it is felt they can remain. 30% of eligibles are now being served.

HAYWOOD ROBINSON, JR.,
Executive Director.

WASHINGTON
CAP DIRECTORS' ASSOCIATION, INC.,
Port Townsend, Wash.

Your letter of October 20, 1970, regarding Office of Economic Opportunity funding, has been discussed fully by the Washington State CAP Directors' Association on October 29–30, 1970. It was agreed at this meeting that while each Executive Director would respond individually, they would also respond collectively regarding a general matter.

All community action agencies in the state of Washington with Head Start programs have been notified of funding cuts in varying degrees of severity. We submit, collectively, that we are meeting only some 15 per cent of the known need in our communities, and these budgetary cuts only aggravate the problems. Inflation alone is constantly injuring the programs without the added burden of actual dollar decreases.

We hear rumors of cuts in other OEO programs from the national news media. As of this date, however, none of us have been officially advised of any cuts. If appropriations are cut, however, together with inflationary pressures, program reductions will, of necessity, occur in other poverty programs, which, even now, are under-financed. We believe the War on Poverty should be strengthened, rather than weakened and strongly support your sub-committee's endeavors.

BEN S. ILWANGER.

EDWIN T. PRATT CENTER FOR
COMMUNITY ACTION,
Seattle, Wash.

As the State of Washington's largest Community Action Program (C.A.P.), funded under Title II of the Economic Opportunity Act, we are grateful for your request for information.

Irrespective of the following data requested by your office and the attached budgets, the Seattle-King County Community Action Program (SKCEOB) has two very basic concerns with Congressional funding patterns in general. These are:

1. The increasing prevalent trend to "earmark" funds into such categorical cells as health, legal services, manpower services, and the like. At the local level, categorical earmarking of funds create service agencies that are functionally specialized so that most will treat only one kind of problem. Services handling health problems, education, employment, fields or responsibility and application. In addition, there are divisions of responsibility among federal, regional, state and local agencies. Services to the poor thus becomes locked in a never-ending cycle between various interest groups. But more important, the resulting situations produce fragmented and uncoordinated services. As advocates of the poor in Seattle-King County, the local Community Action Program (C.A.P.) must have the fiscal/programmatic flexibility to respond to local needs in a comprehensive manner and no degree of justification or "earmarking" will explain to our Skid Row Community why poor people died of exposure (there were 7 reported deaths) last winter because versatile funds were unavailable.

2. A corollary tendency is internal to National O.E.O., but is nonetheless of some concern to local Community Action Programs. This is the policy of National O.E.O. to make direct grants to institutions/organizations outside of existing (C.A.P.) agencies. The application of such grants requires separate administrative, fiscal, reporting and evaluation structures. In many cases, neither the regional office nor the local C.A.P. agency are informed. Not only does such procedures create excessive overhead costs, but also poor coordination and duplication of services at the local level. Furthermore, as established by Title II of the E.O.A., the Community Action Program is the one organization mandated by law whose primary mission is to provide the overall anti-poverty thrust in a given political division. As such, the poor are involved in every aspect of program designed affecting their health and welfare. However, we are unable to answer their request for information about O.E.O. grants passing to organizations external to the local C.A.P., particularly to those who do not even request C.A.P. input, let alone that of the poor whom they propose to serve.

This C.A.P. agency has good reason to be concerned about these areas. Having survived an era of euphoric rhetoric about poverty and the resulting poor fiscal and administrative management thereof, we are disturbed by imprudent national policies which mitigate against strategies formulated at the local level to alleviate the causes and conditions of poverty in the Seattle-King County Area. In specific response to items 1 through 3 of your letter, please see attachments A, B, and C. The Regional Office of Economic Opportunity has not notified this C.A.P. officially that there would be overall budget reductions. However, as we are officially the prime sponsors of the Headstart Programs, as well as DOL-Manpower Programs, the reductions sustained in these programs seem to be coming about as a matter of Congressional attrition policies. Of course, from our vantage point the reductions seem arbitrary, unreasonable now wholly inconsistent with National mandates.

Again, SKCEOB appreciates the interest shown by the Subcommittee on Employment, Manpower and Poverty. If I or staff can be of further assistance, please forward same at your convenience.

JEFFERSON W. WOODS,
Executive Director.

ATTACHMENT A CONCENTRATED EMPLOYMENT PROGRAM

	CEP III, 10 months	CEP III, level annualized	CEP IV, October 24, 1970 to October 23, 1971	Percent of CEP III
EOA	954,802	1,145,762	880,000	76.6
MDTA	307,000	368,400	360,000	97.7
Total		1,514,162	1,240,000	81.9 100.0
Net reduction				−18.1

Note: The drastic effect of this reduction, as can be seen, lies in the EOA funds. While MDTA remains at substantively the same amount as CEP III, these funds are 100 percent obligated to the Washington State Department of Employment Security, and are thus of no use, as presently programmed in the relief of other subcontracts. The reason given by DOL for the reduction of EOA-CEP funds was national reduction of appropriation to the Economic Opportunity Act as it affects the concentrated employment program in region X. The effect of this reduction has been to reduce the administrative staff 15 percent; to cut supportive services (transportation, reimbursements, dental and medical services) and to substantially lower the overall quality of services provided.

HEAD START PROGRAM

1,642,000 to August 31, 1970.

1,422,000 "cut in funds" to August 31, 1971.

(NOTE.—HEW has informed the local CAP that such reductions are made as part of overall National appropriations. HEW has further informed the local CAP that it may anticipate further reductions. The total HEW reduction amounts to 10% over this year's allocation.

(Although no decision has been made at

the local level, several options are available. Final determination will probably combine two or more of the following):

(a) reduce administrative staff
(b) reduce supportive staff
(c) reduce classroom days
(d) cut-back on full-day programs
(e) reduce participants by 150 children or 16.7%

ATTACHMENT C—OEO FUNDING PATTERN

CG0681	Fiscal year—9 months ending Mar. 31, 1971	Annualized funding level
CAP versatile	989, 389	1, 319, 185
Family planning	59, 447	79, 263
Legal services	197, 795	263, 727
Youth program	111, 453	148, 580
Total CG0681	1, 358, 068	1, 810, 755
CG 0002: Seattle Opportunities Industrialization Center		332, 000
CG 0011 (10 months): Emergency food	80, 000	80, 000
CG 0806-2A (to July 31, 1971): Comprehensive health	298, 784	298, 784
CG 0027 (5 months): Mobilization of resources	35, 000	0
Total OEO funding, actual and projected at present program levels	2, 103, 850	2, 521, 539

Note: No notification of planned reduction from OEO funding.

HEAD START CHILD
DEVELOPMENT CENTERS,
Olympia, Wash.

In accordance with O.E.O. policy the Head Start budget for Mason-Thurston Counties was submitted May 5, 1970. A telegram was received in September authorizing continuation of the program for 1 month; again in October another telegram was received. Not until October 20, 1970 was the revised budget received by this office. This process is entirely too long. Because of the delay there will be an additional $300.00 in accounting costs.

1. The budget was cut 7.5% or $10,417.

Past Federal funding level $138,898.00.

O.E.O. reduced it to $128,476.00.

Reasons given for cuts—reduction in all programs and need for research and evaluation monies.

Impact: There will be 1 month less operation—this of course means cuts in salaries.

There are 8 trainees who may again need Public Assistance.

There will be 10 less children.

There will be fewer field trips.

There will be reduction in amount of equipment (replacements i.e. records, books, crayons etc.)

2. The former Federal funding level of $138,898.00 of previous years barely covered basic costs. Therefore a restoration of 7.5% in present Federal funding level of $128,476.00 is essential.

3. Percent of population below O.E.O. poverty guidelines: Thurston County, 19.8%, and Mason County, 21.6%.

Number of 4 yr. olds of Public Assistance families: 300.

There are many more children whose families are not on Public Assistance but whose incomes are marginal.

This year, again, we are focusing on families as well as children. Of our 91 families 75 need and desire further education; G.E.D. etc. Because of lack of transportation in rural areas it is necessary to take classes to them. There are limited funds for this as well as for books and supplies, and yet if the families are to upgrade themselves this is essential. Funds are also needed to help pay for necessary babysitting to attend the classes. As you know when the parents are involved in classes, the school attendance and work of all the children improve.

The enclosed brochure gives pertinent facts regarding the Head Start program. The figures are all up to September, 1969.

If there is further information which would be helpful, please let me know.

MRS. VIRGINIA SAIBEL,
Director.

TACOMA PUBLIC SCHOOLS,
Tacoma, Wash.

I am happy to respond to your request for information regarding the Tacoma Public Schools' Head Start Programs funding situation.

We have been notified that our budget for the current school year will be cut by seven and one-half percent. This represents a reduction of $32,198.

Our original budget of $429,313 in Federal funds, less the $32,198 leaves a balance of $397,115; $287,526 in full-year, part-day Head Start and $77,390 in full-year, full-day Head Start.

The reasons given by the Office of Economic Opportunity for the reduced funding level were that the uncertainty of the funding picture based on the House passed version of the OEO appropriation forced them to make the cuts at this time.

The impact of these cuts on the program is severe. While in this instance, we did not cut centers or children, (we had to do that by one center, eighteen children, prior to submitting our budget just to provide for increased costs), we have made cuts that will drastically affect the quality of the program. Personnel cuts included one half-time psychologist, one social worker, a part-time speech development specialist and one teacher. Cuts were also made in supplies and equipment, which were already at a low-level.

The *minimum* funding level to maintain our *present* level would be a restoration of the $32,198 cut from our budget. A realistic funding level one that would restore the program to the level of last year and anticipated increased costs of operation for the next year would add approximately $60,000 to the amount necessary.

Keep in mind that with the $32,198 restored and an additional $60,000 to bring us back to our operating level of last year, we would still be serving only about 60% of the low-income four-year-olds in Tacoma proper and less than 30% of the four-year-olds eligible in Tacoma-Pierce County.

If you consider three-year-olds, these percentages are halved again.

It should also be remembered that with the present economic condition in our area, the numbers of those who qualify for Head Start increases daily.

Those of us who work directly with low-income residents can sometimes serve as the barometer of community attitudes. It is my opinion that Head Start in addition to its many benefits to the children involved, is the one anti-poverty program that has received true identification as a program of and by the poor. Low-income people feel it is their program they participate as aides, as volunteers, as policy makers—they make decisions that make a difference in their lives. They are recipients of envy because they have something *really* worthwhile that is not readily available to the more affluent community. The pride of accomplishment that they reflect in word and action is a motivating factor in their desire to be productive members of society. When the Congress suggests or implies that Head Start funds will be cut, it is to them like their opportunity for true self-respect is once again being stripped away.

I implore you to not only continue, but expand the Head Start Program. Its beneficial effects to the children, their families and the "low-income" community are immeasurable.

JAMES H. ROBERTSON,
Director Head Start.

KITSAP COMMUNITY ACTION PROGRAM,
Bremerton, Wash.

This is in reply to your letter of October 20, 1970, wherein you requested information about our funding level for next program year.

We have been informed that we shall be receiving the same amount of OEO versatile funds as we have in the past which is $156,000. However, the Regional Office of Child Development has indicated to us that our Head Start Programs will be reduced by 4 per cent. Since our current funding level is $94,000, this will mean a cut of $3,760. We are also faced with the fact that we have received $7,000 for the past three years from the OEO/OCD Indian and Migrant Desk. However, we have doubts that this money will be granted again, since we cannot run a Head Start class for a full year for that amount; and we do not have sufficient low-income Indian children to fill the class. Also, we have $7,300 of State OEO money written into our current budget. This funding is also in jeopardy since the biennium ends June 30, 1971, and there is question as to whether the program will be refunded particularly in light of the state tax reform measures which failed in yesterday's election. These potential cuts equal $18,060 which is equal to the budget for one of our full year, part day Head Start Centers which serves fifteen children. Our total Head Start Program currently serves sixty children—thirty at a Day Care Center and fifteen each in two centers in the North and South ends of the county. Therefore, we are facing a 25 per cent reduction in the number of children we serve.

We are a small, largely rural county of 100,000 people. Our primary industry is Puget Sound Naval Shipyard and its related facilities. The shipyard has and is experiencing some cut backs in the labor force as has our neighboring community—Seattle—with its Boeing plants. There has been closure of a Naval Ammunition Depot. Our present unemployment rate is about 8 per cent and from all indications will get worse. Our Aid to Dependent Children case load has nearly doubled in the last two years. We are faced with a high rate of school dropouts, many of whom find their way to the welfare rolls. With all these inter-playing factors, it is obvious that we should be serving more, not fewer, children in the coming program year. Doctor Edward Zigler, Director of the Office of Child Development, has stated that nationally we are probably serving 15–20 per cent of the children eligible for Head Start; and we have no reason to doubt that this is true of our community.

We believe that to continue our program at its present level, we would need all our present funds plus another five to seven per cent to allow for inflationary rises.

MRS. BONNIE L. LOOP,
Child Development Coordinator.

WEST VIRGINIA

NORTH-CENTRAL
WEST VIRGINIA COMMUNITY
ACTION ASSOCIATION, INC.,
Fairmont, W. Va.,

The North-Central West Virginia Community Action Association, Inc. is a six-county CAP covering an area of 2,280 square miles and having a population of 184,801.

Our Project Year is November 1 to October 31; therefore, we are just entering a new Project Year.

1. (a & b)

Herein I am listing the various Programs: the 1969-70 allocation and 1970-71 allocation.

	Project year 1969–70	Project year 1970–71
OEO	$338,071	$320,000
Year-round Headstart	367,329	315,235
Summer Headstart	66,000	(1)
Legal service	65,000	(2)
Mainstream	86,050	86,050

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[1] Allocation reduced 7 percent.

[2] Allocation not made at this date.

(c) The only reason that we have been given is lack of funds.

(d) The cutbacks will do extensive harm to the Head Start Program in that we will have 150 to 200 youngsters who cannot be enrolled in the Project. In the Manpower Program we have been allocated 27 slots in the Mainstream Project. We have requested 125 slots. The Out-of-School NYC Program is sponsored by another agency but serves only three of the six counties. We would need an additional 115 slots in order to include three additional counties.

2. In order to maintain a satisfactory program we should have a minimum of a 35% increase over our 1970–71 allocation.

3. The percentage of eligible needy population which we are serving will vary with respect to each of the programs; however, an estimated 62% of the needy population is being served.

J. J. STRAIGHT,
Executive Director.

PRIDE IN LOGAN COUNTY, INC.,
Logan, W. Va.

DEAR SIRS:

We are in receipt of your communication of October 20, 1970. Our agency, PRIDE in Logan County, Inc., is the administering agency of the Head Start program under Grant H–2773 and the Community Action Program under Grant CG–2021. As per your inquiry, we submit the following information.

1. We have been notified that our Head Start program budget must be cut, but as of this date, we have not received an official notice of any cuts in any CAP program funding.

(a) Present funding level:

Head Start program—$138,411.

CAP programs:

Program Acct. 01—19,938.

Program Acct. 08—91,262.

Program Acct. 55—50,000.

(b) OEO's reduced funding level: Head Start program, $132,240., a cut of 4%. CAP programs, unknown at this time.

(c) Reasons given for cut in funds: The reason given for the 4% Head Start program cut is that there has been an overall cut, and 4% is our share in the cut.

(d) The 4% cut in our Head Start program will not make a reduction in the number of children enrolled in our Head Start program. We are going to make every effort to absorb this cut in a reduction of supplies, equipment and repairs.

In re: CAP programs—Our major problem is that we are finding it most difficult to initiate new programs due to a lack of funds.

2. A 10% increase in funding before the reduction will enable us to maintain our present programs. This will permit us to grant a 5% annual raise per employee according to our personnel policy, and if possible, additional benefits as an incentive for each employee to upgrade themselves through a continuous educational program.

3. With our present funding level, we are able to reach 20% of our needy population.

Thank you for your interest, and we hope this information will be of some help to the Subcommittee.

ROSCOE THORNBURY,
Executive Director.

MERCER COUNTY COMMUNITY ACTION ASSOCIATION,
Bluewell, W. Va.

In reply to your letter regarding our funding situation we submit the following information.

1. Has O.E.O. notified you that your budget must be cut for the coming year. Ans. YES

(a) Present funding level $110,200.00

(b) O.E.O.'s reduced funding level; $102,486.00

(c) Decrease in funding due to pressure from Congressman

(d) Impact on program; approximately 15 children along with 4 Head Start staff members or cutting program short of allotted time.

2. Please estimate what funding level would be necessary to maintain your present program; in terms of a per-centage increase in present budget. 10%

3. What per-centage of the eligible on needy population are you now serving? 20%

Hopefully this information can be of assistance to you in your presentation to the Senate.

THELMA PAYNE,
Headstart Director.

THE COUNCIL OF THE SOUTHERN MOUNTAINS, WEST VIRGINIA BRANCH, MCDOWELL COUNTY CHAPTER, INC.,
Welch, W. Va., October 26, 1970.

DEAR SIRS: Many thanks for your letter dated October 20, 1970.

We are submitting the following information as per your request:

I. We have been notified that our Head Start budget must be cut for the coming year. We have received no notification of a cut in CAP funds.

(a) Present funding level:

CAP	$383,054
Headstart	418,256
Total	801,310

(b) OEO reduced funding level:

CAP	$383,054
Headstart	388,996
Total	772,050

(c) Reasons given by OEO for cut in funds: See attachment (1.C).

(d) Impact on program:

7½% cut in salary for Headstart staff (this was done in lieu of cutting the number of children).

Deletion of three (3) full-time and one half-time staff positions.

Reduced the amount budgeted for children and parents as follows:

Food: From forty (40¢) cents per day to twenty-five (25¢) cents per day.

Equipment: from $100 per room per year to $50 per room per year.

Consumable supplies: From $100 per room per year to $50 per room per year.

Parent Activities: From $100 per room per year to $50 per room per year.

Transportation: Decrease of 33⅓% resulting in crowded schedules and increased the number of children per vehicle to be transported.

II. Estimated Funding Level Necessary to Maintain Present Program:

Fourteen (14%) percent in terms of percentage increase will be necessary to maintain our present program.

III. We are now serving approximately forty-five (45%) percent of eligible or needy population.

We do hope the data contained herein will be of value to you. If additional information is needed, please contact me.

HAROLD P. COOPER,
Executive Director.

TRI-COUNTY COMMUNITY ACTION AGAINST POVERTY, INC.,
Charleston, W. Va.

DEAR SIRS: In response to your letter of October 20, 1970, Multi-CAP is anxious to respond and participate in any other way it can in presenting an accurate statement to the Senate and House on the results of OEO funding of the past year.

Multi-CAP serves low-income people in four West Virginia counties: Boone, Clay, Kanawha, and Putnam. It is the largest CAP in the State and is headquartered in Charleston, the capital city. A total of 19,699 families with annual incomes of $3,000 or less reside in the four-county area.

OEO has notified us of a reduced budget level for the current program year, 9–1–70 through 8–31–71. Our Program Year C funding level was $709,440. It is being reduced to $647,000 due principally to the following reasons given by OEO:

(a) An anticipated Congressional cut in funds causing all CAP agencies to take a predetermined cut by the Regional Budget Division.

(b) Two special projects which were funded last year will not be refunded this year despite the importance and success of the programs. They include Management Improvement which was funded for $10,000 and Agriculture Development which was funded for $29,320.

(c) Another unfortunate situation is the ruling by OEO to disallow extension of any program beyond the dates stated in the grant action. A three-month Emergency Food funding request was recently received half way through the planned timetable. The funds were not allowed to be expended beyond the project end date. Consequently, most of the $14,532 had to be returned. An Agriculture Program funding request was submitted in December 1969 but not funded until June 1970, despite the fact it was submitted for an operation period from 3–1–70 to 8–31–70. Nearly 50% of the funds were unexpended and are having to be returned with no new funds available for this program and a refusal by OEO to extend the time period. This factor could result in the elimination of a very vital economic development program which has combined many area resources to enable low-income people to become commercial vegetable producers.

We have today received a memorandum from the Department of Health, Education and Welfare Regional Office which says that our Summer Head Start funding request must be at a level which is 7% less than our funded Head Start program for 1970. Due to an expected reduced appropriation by the Congress, the Head Start budget reduction will reduce enrollees by about 7%.

Because of increased personnel and operational costs, the total community action program is facing a continuous cutback in staff and funds for the third consecutive year. Unfortunately, we are faced each year with cutting back a little bit more. To maintain our present program would require an approximate 4% increase in funding beyond the current funding level of $709,440. This approximates $35,500 which is an increase of 13% over the funding level given us by OEO in their recent Letter of Understanding.

An unduplicated count of program participants indicates that Multi-CAP has served 21,556 people during the program year which is 28% of the total four-county poverty population. In addition, there are several activities of the CAP which indirectly benefit all low-income people or major classifications of low-income people such as through legal class actions, urban renewal target area relocation commitments and advancement of regional issues.

Mrs. Sylvia D. Parker,
Acting Executive Director.

Wisconsin

Dane County Headstart Parent
Advisory Council, Inc., Project
Headstart,
Madison, Wis., November 3, 1970.

Senate Subcommittee on Employment, Manpower, and Poverty, U.S. Senate, Washington, D.C.

Dear Sirs: In March and April of 1971, 240 Head Start children will be at home. This is the result of a previous funding reduction and cost of living increase. We reduced, therefore, from 12 to 10 months and cut 15 children or one center.

We have been informed verbally by our Regional Office that we should expect a 10–14% reduction when we submit our budget for 1971–72. At our present funding level of $270,000, this means a reduction of $27,000 to $37,800.

Should such a reduction occur again, we would have to: 1. Reduce from 10 months to 8 months; 2. Reduce from 13 to 10 centers; 3. Reduce quality by reducing staff time to the project; 4. Reducing Centers would take away 54 more children, plus 10 staff positions, 8 of which are low-income positions filled by our parents and other poor; 5. Further reduce our office, and classroom supplies which is already below par.

Head Start in Dane County has been of assistance to entire families, not just children.

We urge you to support a substantial increase to the Head Start budget as suggested by Senators Mondale and Cranston.

Sincerely,

Mrs. Barbara J. Shade,
Director, Dane County Head Start.

Southwestern Wisconsin Community Action Program, Inc.,
Dodgeville, Wis., November 5, 1970.

Senate Subcommittee on Employment, Manpower and Poverty,
U.S. Senate, Washington, D.C.

Dear Sirs: We hope that the following information on our Agency and its programs will be of some assistance to you in your efforts regarding OEO funding.

In answer to your questions:

1. OEO has notified us that our budget will be cut.

a. Present funding level:

$94,000 OEO grant to Agency for Program Administration, Housing Services, Senior Opportunities & Services, Community Organization.

$10,000 OEO grant to Agency for Emergency Food and Medical Services Program.

$95,000 DOL contract for 50 Operation Mainstream enrollees under Economic Opportunity Act Title I–B.

$118,810 DOL contract (Since June, 1968) for Neighborhood Youth Corps enrollees (20 in-school, 90 summer) under Economic Opportunity Act Title I–B.

$40,000 HEW grant for Summer Head Start for approximately 135 children under Economic Opportunity Act.

b and c. The reduced funding level and the reasons for the cut in funds are best explained by referring you to the enclosed letter.

d. Impact of reduced funding on our programs: We have not received any notification regarding our Head Start or NYC Programs. The Operation Mainstream contract expires on December 31, 1970. The list above indicates the number of enrollees that would be affected by non-renewal of the programs.

2. We estimate that a 5% increase in our funding level is needed to maintain our present program.

3. We estimate that the Agency is serving about one-third of the eligible or needy population in this area. We have waiting lists for slots in the NYC and OM programs. The Parent Advisory Committees of the Head Start Program are already preparing for an anticipated program renewal. Each week the Agency becomes a little better known, and more people come seeking some forms of assistance.

Please contact us if any additional data are needed.

Sincerely,

Mrs. Peg Rasch,
Executive Director.

Kenosha Unified
School District No. 1,
Kenosha, Wis., November 3, 1970.

Senate Subcommittee on Employment, Manpower, and Poverty, Washington, D.C.

Dear Sirs: This letter is in response to your communication of October 20, 1970 concerning the funding situation in the local Head Start program.

Those of us who are involved in the Kenosha Unified School District Head Start program (Grant Number H–4125) are alarmed and concerned over the reports of threatened cuts for the program. Having to remain at the same funding level for each of the past two years has been, in effect, working with cutbacks since our expenses have risen each of those years.

In answer to the questions, O.E.O. has not notified us officially that our budget must be cut for the coming year. However, state and regional staff members have indicated such a possibility by questioning us concerning the implications a reduction would have for us.

A condition accompanying the current grant also indicates that we must be alert to the possibility of "legislative or other fiscal limitations affecting H.E.W. programs and funding".

The Kenosha Unified School District Head Start funding level is presently $182,000.

The implied cuts discussed with us have been from 4% to 10%. The reason given is simply that Congress is unlikely to appropriate the funds.

A cut of 10% would make it necessary to decrease drastically the number of children and families served and/or would undoubtedly have a negative effect on the quality of staffing and career development opportunities as well as an unfavorable effect on health and parent involvement components of the program.

To meet the increasing costs an increase of 8% to 10% in funding is realistic and imperative.

The local program is reaching an estimated 75% of the eligible children in Kenosha.

Thank you for your interest in and concern for the funding of the Head Start Program.

Sincerely,

Edith S. Watts,
Director, Headstart.

Dane County Headstart Parent
Advisory Council, Inc.,
Madison, Wis., November 3, 1970.

Senate Subcommittee on Employment, Manpower, and Poverty,
U.S. Senate, Washington, D.C.

Dear Sirs: In March and April of 1971, 240 Head Start children will be at home. This is the result of a previous funding reduction and cost of living increase. We reduced, therefore, from 12 to 10 months and cut 15 children or one center.

We have been informed verbally by our Regional Office that we should expect a 10–14% reduction when we submit our budget for 1971–72. At our present funding level of $270,000, this means a reduction of $27,000 to $37,800.

Should such a reduction occur again, we would have to 1. Reduce from 10 months to 8 months. 2. Reduce from 13 to 10 centers. 3. Reduce quality by reducing staff time to the project. 4. Reducing Centers would take away 54 more children, plus 10 staff positions, 8 of which are low-income positions filled by our parents and other poor. 5. Further reduce our office, and classroom supplies which is already below par.

Head Start in Dane County has been of assistance to entire families, not just children.

Sincerely,

(Mrs.) Barbara J. Shade,
Director, Dane County Headstart.

Menominee Community
Action Program,
Keshena, Wis., October 28, 1970.

Senate Subcommittee on Employment, Manpower, and Poverty,
Old Senate Office Building,
Washington, D.C.

Dear Sirs: In response to your inquiry of 20 October, we supply you the following information:

1. OEO has notified us that our budget for November 1970–October 1971 must be cut and that our budget for November 1971–October 1972, may be additionally affected.

(a) Present CAP funding level $147,850.00.

(b) OEO's reduced funding level $115,000.00.

(c) Reasons given by OEO for present cut, vary as follows:

(1) Underspending by agency on Regional P.I.P. basis.

(2) Deletion of "one-shot" funds from program.

(3) Non-availability of local initiative money.

(4) By previous agreement with past CAP Director.

(5) Over-all 7.74% Regional reduction anticipated.

(d) Impact on program.

(1) Discontinuation of Evaluation Program. (One professional position).

(2) Discontinuation of Newsletter Publication (One local paraprofessional position).

Newsletter circulation of approximately 2,000, bi-weekly.

(3) Cut back in Outreach Program by deletion of two local paraprofessional positions (two remain on program) with subsequent curtailment of Outreach target contacts and activities.

2. Funding level necessary to maintain present programs, $135,000.00, a decrease from present budget at $147,850.00—an increase of approximately 15% over the reduced budget of $115,000.00.

3. CAP Program now serves approximately one-half of the needy population.

Sarah L. Skubitz,
Executive Director.

Racine County
Community Action
Program Committee, Inc.,
Racine, Wis., November 11, 1970.

Senate Subcommittee on Employment, Manpower, and Poverty,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

Dear Sirs: First, may I apologize for my lateness in responding to your letter of October 20, 1970. Pressing agency problems prevented me from responding as soon as I would have liked.

Regarding budget cuts, OEO has not officially notified the agency of any cuts to be made. Unofficially, we expect a possible cut of approximately $13,000 to $19,000.

XUM

1. In responding to your questionaire, I am taking the liberty to differentiate between OEO funds, HEW funds and Labor Department funds. Response is as follows:

A. Present funding level:

OEO	$336,687
HEW	261,804
Labor Department	93,000
Grand total	691,491

B. *OEO's reduced funding level;* reduced funding will be in Local Initiative Funds at approximately $13,000 to $19,000.

C. Reasons given by OEO for cut in funds; failure of Congress to make appropriations.

D. Impact on program; decrease in Local Initiative funds would mean loss of personnel and services provided to the low-income. It would mean complete shut-down of certain Program Accounts.

2. Please estimate what funding level would be necessary to maintain your present program, in terms of a percentage increase in present budget.

We would estimate conservatively that a 10 percent increase would be necessary to maintain the present program operations.

3. What percentage of the eligible or needy population are you now serving?

We would estimate that we are serving approximately 65 percent of our needy population.

I should mention here that the agency will not experience any cut in its Head Start budget as we have been funded for this Program Year. However, we are opposed to any cuts that may be planned for the future and support all efforts to defeat plans to cut the Head Start budget.

Sincerely,

Ernest D. Denny,
Executive Director.

EMERGENCY FOOD PROGRAM

Mr. McGOVERN. Mr. President, as we consider appropriations for the Office of Economic Opportunity, I would like to share some of my experience with OEO use of funds available to alleviate hunger. It is a subject I feel particularly close to.

As Federal feeding programs go, the budget for the emergency food and medical services program is one of the smallest. But the impact of that program is enormous. The emergency food program was established out of the desperate need presented to this body in the first of the hunger hearings, in 1967. There were Federal feeding efforts then, as now; and then, as now, there were eligible and needy individuals for whom the available programs were not working. The emergency food program was instituted to help those programs better meet existing needs, and to support efforts to improve national nutrition.

Unlike the food stamp and commodity distribution programs, emergency food has concentrated on using small amounts of money to experiment and to demonstrate methods for improving overall program operation. Its projects will make it possible for the food dollars in our larger programs to do a better job. Last year the program supported some 400 projects. Food services were provided to individuals at a rough cost of $10 per person. Badly needed information in areas like food enrichment, school lunch research, nutrition education, how poor people spend their food dollars was developed. These projects will help us improve the operation of all of our family feeding efforts, and upgrade the nutritional status of the general public.

The return we will realize in national nutrition, in more rational planning, and in improved nutrition for all American schoolchildren, is incalculable. It is for such ends that we vote today to strengthen the OEO appropriations.

RECOGNITION OF SENATOR GOODELL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the disposition of the reading of the Journal and any unobjected-to-items on the legislative calendar, the Senator from New York (Mr. Goodell) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate adjourn in accordance with the previous order.

The motion was agreed to; and (at 4 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Thursday, November 19, 1970, at 10 a.m.

EXTENSIONS OF REMARKS

MILITARY MEN IN SPACE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. TEAGUE of Texas. Mr. Speaker, recently an article entitled "Military Produces Space Heroes" written by my good friend, Col. William C. Moore, vice-commander of Headquarters Command, U.S. Air Force, Bolling Field, Washington, D.C., appeared in the Air Force Times. Because so very few people realize the great contribution the military has made to our space program, I include the article in the Record at this point:

Military Produces Space Heroes

(By Col. William C. Moore)

Two national heroes retired from the USAF recently, Col. Frank Bowman, commander of Apollo VIII, which orbited the moon and blazed the trail for Neil Armstrong's moon landing, ended 20 years of AF service July 18. Eight of those years were with the space program.

Col. Leroy Gordon Cooper, one of the original seven astronauts and commander of "Faith 7," the last of the Mercury flights, retired at Ellington AFB, Tex., July 31 following 21 years' service, 11 with the space program.

Each received the Legion of Merit. The citations emphasized their military service along with their service to the National Aeronautics and Space Administration.

The U.S. space effort is essentially a nonmilitary program oriented to peaceful purposes, and from its beginning the military contribution has received limited public recognition. Military men assigned to NASA seldom wear their uniforms.

However, at a recent ceremony at the Manned Space Center in Houston, at which 70 military men with NASA received military medals for their service to the space program, all wore their uniforms.

For some who had been in the space program for as long as 11 years it was a rare occasion. They had never seen so many uniforms. Some didn't realize so many military men were working with the space program.

Little public attention has been given to the fact that, of the 73 astronauts who have been selected for the space program, 49 are military—25 Air Force, 19 Navy and 5 Marine.

Twenty-four are civilians. Of these, only Neil Armstrong. John Swigert, Russell Schweickart, Walter Cunningham and Fred Haise have flown. All are ex-military pilots—Armstrong and Haise, Navy; Swigert and Schweickart, Air Force; Cunningham, Marines.

Less public attention has been given to 165 other military men, including 150 USAF, who work for NASA. These men range in rank from sergeant to lieutenant general (Sam Phillips, who returned to a military assignment after the moon landing is the lieutenant general). Many have seen service in Vietnam.

Their military expertise is far ranging: radio biologist, aerospace trajectory analyst, lunar surface operations officer, space radiation technician, Apollo flight planning engineer, lunar module vehicle engineer, physical training supervisor.

The lack of recognition for their part in the space program understandably annoys people in the military services who would like to identify themselves and their service with the heroes of the space age. Marines still grimace when recalling John Glenn's ticker-tape parade down Broadway in a business suit. To them he was a Marine. He was the product of a system that gave him the stuff of which heroes are made. To all Marines, the uniform which is symbolic of the system, deserved the accolades as much as John Glenn.

Marines didn't know the character of Colonel Glenn before he was a Marine. But they know what the system gave his character: Self-discipline, resourcefulness, elan, cool courage, competence, pride, self-reliance, technical expertise—all the things so essential to being a hero.

A Navy system not unlike the Marine's produced Wally Schirra, Charles Conrad and Alan Shepard. The nerves of Wally Schirra, who performed the first rendezvous in space with such precision and self-reliance, were conditioned long before by the exacting standards demanded by the Navy in routine formation flying.

An Air Force system not unlike those of the Navy's and Marine's produced Frank Borman, Gordon Cooper, Buzz Aldrin and Gus Grissom. Long before he made his lonely, record-breaking orbit in "Faith 7", Gordon Cooper had been conditioned to the loneliness and apprehension he would experience in orbit by flying as an Air Force "fighter jock" in single-place fighters having only one engine. Frank Borman was conditioned in "Beast Barracks" and "Plebe Year" at West Point where he adopted the motto "Duty, Honor, Country" as his life-long code long before he devoted every minute and every hour to each word in that code during the days he and his crew became the first to orbit the moon.

Tom Stafford, now Chief Astronaut, is a product of two systems, having graduated from the Naval Academy and now serving in the Air Force as a colonel.

The military systems that produced the heroes of today's space age are not much changed from those that produced yesterday's heroes whose exploits were in the interest of building the nation; Captain Lewis and Lieutenant Clark, along with other adventurers and fighting men who won and opened the West; Adms. Evans and Sperry, leaders of President Teddy Roosevelt's goodwill voyage of the Great White Fleet; Gen. George Goethals and the building of the Panama Canal; Army Gen. William Gorgas and the fight against malaria and yellow fever; Commodore Perry and the opening of Japan; Adm. Richard Byrd and his exploration of the Arctic and Antarctic; General Lindbergh, who learned to fly in the Army Air Service only two years before his epic flight to Paris.

Today the system that produced the men to do all these things is much maligned. Never has the military been so badly treated. Never has its image been so poor.

Yet the system will continue to produce men like Frank Borman and Gordon Cooper, who have now retired. They have received the accolades heroes deserve. It is sad to report that the system that produced them has not.

NEW IMPETUS FOR "NEW TOWNS"

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. COHELAN. Mr. Speaker, the decay of the quality of life in our urban areas has produced a trend in the establishment of planned cities.

The trend is not widespread but it does offer one alternative to the housing and residential patterns that have become so widespread.

I have followed some of these developments with interest and in a recent article, George Favre reports on one of the more successful "new towns," Columbia. He reports that progress in Columbia is not overwhelming but compared to other cities it does seem to offer a promise for an improved quality of life.

I commend this article to the readers of the RECORD:

PREPLANNED DEVELOPMENTS: NEW IMPETUS FOR "NEW TOWNS"

(By George H. Favre)

COLUMBIA, MD.—Urbanists who said the postwar committee to build "new towns" had been canceled by high land, labor, and financing costs may have been a bit hasty.

There are hints of new life in the "new town" movement. The towns of Columbia, Md., Reston, Va., and Irvine, Calif., are the prototypes of totally preplanned developments that include homes; recreational facilities, shopping and business areas, and schools. These "new towns" were conceived as a better alternative to the sprawling growth taking place throughout the United States.

The latest sign that more Columbias, Restons, and Irvines may yet be built comes from Congress. The Senate now has passed an omnibus housing bill that included $240 million for "new town" development. If it survives in the joint committee compromise version, builders will be encouraged to float bond issues for "new town" efforts, knowing that the funds are there to back the bond issues and help pay interest costs.

In face of this prospect, the now existing new towns are bound to get more scrutiny than ever.

Columbia, Md., is as good a place to start as any. Planned and built by the Rouse Company of Baltimore, it combines the planning idealism of James Rouse, company president, with his hard economic realism.

COMPROMISE REACHED

The result is not an architectural tour de force, as was the original concept of Reston, Va. It is a compromise, combining the ideal of maximum open space, convenience, and livability with the architectural orthodoxy that best suits midstream American tastes.

On those terms, Columbia is a success. More important, it succeeds handsomely in the profit area which, in this capitalist society, is, after all, where it's at.

Three years and three months have passed since the first resident moved into Columbia.

In that period the town has begun to develop growing pains. They could be termed the signs of early urban puberty.

Political activity is still in the earliest struggle stages, a chick pecking the first opening in the walls of the corporate shell. As the town grows and the parent company disengages itself—another six to eight years —these spasms may be expected to increase in regularity and intensity.

COUNTY PLAYS ROLE

Columbians now number 10,000. That means they already make up one-fifth of the population of rural Howard County, to which the town looks for most of its services. Though the county welcomed this prodigious infant into its family of communities (it had little choice; Mr. Rouse bought up the land quietly and presented the county with a fait accompli) it must face the day when Columbia will dominate it by sheer force of numbers.

Eventually the town will reach 110,000 citizens, double the county's entire present population. The adjustments to this new political reality will most certainly incur tensions along the way.

Racially, Columbia comes close to an ideal mix, so far. While Rouse Company keeps no ethnic census—to do so would invite manifold problems, since some 30 nationalities are already represented in its citizenry— a rough estimate of 15 to 20 percent nonwhite residents appears to exist.

NO ABRASIVE INCIDENTS

If racial tensions exist, they have yet to surface in any deeply abrasive way.

Yet there are feelings that more blacks should be represented in the "village" association boards, in the ranks of businessmen who service the town, and—curiously—in the ranks of Rouse Company employees. James Rouse is a committed integrationist. It was he who set the policy of full integration in the new town. It is he who sees that the policy is carried out.

But as yet, there is only one black businessman in town. Robert Harper is owner of a dry-cleaning establishment in the village of Oakland Mills.

Robin Harper, his attractive and thoughtfully spoken college-age daughter, is an enthusiastic Columbian. "We love it here," she told a visitor, adding that her family finds it a totally different experience from East Baltimore, where they had lived.

SUBSIDIZED HOUSING PLANNED

She admits there have been incidents that could be interpreted as racist. While blacks live in a totally desegregated pattern and mix freely with whites, she says, "It took my father three years to get in here. We think the delay was unnecessary. And when you apply for housing, you don't see blacks working in the sales offices."

Economically the mix is lower- to upper-middle income. There are few really low-income families, for the obvious reason that they cannot afford Columbia housing. But subsidized low-income housing does exist, and more will be built.

Perhaps the "new town's" biggest challenge lies with its young people. The Rouse Company, through the Columbia Park and Recreation Association, provides teen centers, swimming pools, and a host of social and recreational services. Even so, many teen-agers complain there is "nothing to do."

Drugs are available and in wide use. The problem is an open one, openly discussed. A series of hard-rock concerts, held in the magnificently located outdoor music shed this summer, had to be curtailed because of violence and wide-open drug peddling.

SELF-CONTAINED CITY

Despite the problems, which are the same problems of almost any suburb, Columbia is a living, breathing community of people. It works. Compared with most suburbs, it works exceptionally well.

Rouse Company officials do not think of Columbia as a suburb. It was designed with loving care to be a self-sustaining city, economically independent of either Washington or Baltimore, though it lies astraddle U.S. 29, halfway between both.

When Columbia reaches its goal of 110,000 residents, it will be a city in fact as well as a name. Currently it is quintessentially suburban. Most of its breadwinners work in one of the two larger cities. But when fully developed, an anticipated 65,000 jobs will mean Columbia will have its own suburbs and be a net importer of workers.

For now, says housewife Brenda Ericsson, "I think of it as a suburb, but more exciting than Greenbelt [Md.] where we lived before. We really love it, being in on the beginning of something new." As she watched her two children dance around the edge of a fountain in the Wilde Lake village center, she added:

"Of course, it is still a company-owned town. We don't yet have the political control we would like. But that will come in a few years. Even so, I'm more interested in community affairs here than I was in Greenbelt."

CAMPUS VIOLENCE ANALYZED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. HAMILTON. Mr. Speaker, unemotional discourse on the problem of campus violence has become the exception rather than the rule. After observing numerous campaigns nationwide that threw much heat but little light on this problem, I found the following article to be most refreshing. I recommend it to my colleagues as "must" reading:

[From the New York Times Magazine, Nov. 8, 1970]

THE UNHOLY ALLIANCE AGAINST THE CAMPUS

(By Kenneth Keniston and Michael Lerner)

American higher education is taking a beating from political extremists of both the right and the left, and the beating is having its intended effect. Polls show that Americans are fed up with campus unrest, which they consider the nation's No. 2 problem. During the political campaign, politicians found that attacking "violent students" and "lax faculty members" was an excellent way to win votes.

The most highly publicized attacks on the universities have come from the right wing. The Administration's acrimonious alliterator has barnstormed the country, blaming campus disorders on "the disgusting permissiveness of campus officials." Gov. Ronald Reagan agrees: "The campus . . . has now become the arena for oppression by revolutionaries, vandals, arsonists and terrorists." And Martha Mitchell, the wife of the Attorney General, summed up the views of many rightists when she said: "The academic society is responsible for all our troubles in this country. These are the people that are destroying our country."

But the attack on higher education from the extreme left is just as vehement. "American universities are absolutely central components of the social system of technological warfare-welfare capitalism," says an S.D.S. pamphlet. According to the Free Speech Movement in Berkeley in 1964, the student is a mere "mercenary, paid off in grades, status and degrees, all of which can eventually be cashed in for hard currency on the job market. . . . Credits for courses are subtly transformed into credit cards as the multiversity inculcates the values of acquisitive society." Said a radical Harvard student recently: "It isn't just one man . . . it's a lot of men who sit on the Corporation, who have certain interests. They may not think such nasty thoughts all the time, but they do things that are a lot nastier. And they don't come down to see us; they send their pigs down here to do it for them."

Behind their superficial differences in rhetoric, right-wing and left-wing extremists are in astonishing agreement about higher education. First, they agree that campus discipline is unjust and politically motivated—for the rightist, it is permissive; for the leftist, it is repressive. Second, they agree that universities systematically indoctrinate their students with abhorrent political ideas—for the rightist, with radical and revolutionary ideas; for the leftist, with the values of the welfare-warfare state. Third, they agree that American higher education has become "politicized"—for the rightist, into a launching pad for revolution; for the leftist, into a tool of the military-industrial Establishment. In short, the radical extremes are allied in blaming the campuses for unrest.

Many Americans reject these extreme charges. But they are aware that higher education has myriad failings—the multiversity is impersonal; educational quality is often poor; many campuses have been inadequately prepared for disorders when they came. Thus, even though they reject the extremist attacks, many people have been persuaded that the shortcomings of the campus *are* a crucial cause of campus disruption, and that campus reforms would lessen or perhaps eliminate the disorders that have swept higher education.

But this conclusion, however plausible it seems, is incorrect. We have examined hundreds of studies of student protesters, of the institutions where protest occurred, of the attitudes of students and faculty members toward protest issues and of the consequences of protest. These studies support neither the extremists' charges nor, more important, the view that campus reforms will significantly affect campus unrest.

There is a widespread impression, created by the mass media and reinforced by certain politicians, that disruptive and violent disorders are typical of campus unrest.

In fact, the overwhelming majority of campus protests in recent years have been peaceful, orderly and clearly within the bounds of dissent protected by the First Amendment of the Constitution. A study of campus protests in 1968–69 showed that more than three-quarters of America's 2,500 colleges and universities experienced either no protests at all or peaceful protests. Violent protests involving property damage or personal injury occurred on fewer than 7 per cent of all campuses. During the last academic year, the American Council on Education found that incidents occurred on two-thirds of all campuses, but only about 9 per cent reported violence. And last May, after Cambodia, Kent State and Jackson State, only 4 per cent of 1,800 college presidents reported violent protests on their campuses. The evidence, then, is clear: violent and disorderly protests are the exception, not the rule, in American higher education.

Furthermore, the absolute number of protests on American campuses has not increased dramatically in the last six years. From a 1964–65 study of 849 colleges, we can estimate that there were about 370 student protests per 100 colleges. A roughly comparable study conducted in 1969-70 showed only a small rise to 386 protests per 100 colleges.

How, then, has the impression been created that an ever-larger proportion of campus protest involves illegality and disorder? What are the facts?

The number of campus protests concerned with social, political and off-campus issues has increased sharply in recent years. In 1964–65, only 34 per cent of protests concerned off-campus issues. But in the last academic year, more than 80 per cent of all incidents involved issues like the war, racial policies and ecology. A survey of college presidents showed that in May this year 57 per cent judged that Cambodia, Kent State and Jackson State had had a "significant impact" on their campuses.

Where violence has occurred, it has become increasingly intense. On the one hand, there have been more incidents of burning, trashing (i.e., systematic window smashing) and bombing—although many of them have not been perpetrated by students. On the other hand, these incidents have led to greatly increased police and National Guard intervention and to the unwarranted violence of civil authorities at Kent State and Jackson State. The percentage of campuses reporting students arrested increased from less than five in 1968–69 to almost twelve in 1969–70.

American students show diminishing confidence in the ability of established institutions to achieve social changes that students consider increasingly necessary. For example, in May, 1970, 75 per cent of American college students agreed that "basic changes in the system will be necessary" to improve the quality of life in America, while only 19 per cent believed this country "is currently on the right track." More important, 44 per cent maintained that "social progress" was more likely to occur through "radical pressure from outside the system" than through the "major institutions in our system—government, business, etc."

Last year saw the rise of a new urban terrorism initiated by a tiny handful of young, mostly nonstudent extremists. The killing of a graduate student in the terrorist bombing of the Mathematics Research Center at the University of Wisconsin is the most dramatic symbol of the emergence of groups willing to use violence systematically. Even more disturbing is the attitude of a minority of students who condone terrorism.

Political rhetoric and selective reporting by the mass media thus conceal the real complexity of the situation on the campuses. The average protest was no more likely to be violent last year than the year before. There has been no major increase in the number of protests, although their focus has shifted dramatically to off-campus, social and political issues. But in a few protests, the level of violence on the side of both students and the police has increased greatly. And students are more convinced of the need for "basic change" in society but less confident of the capacity of "the system" to produce it. Terrorism has increased, and a minority of students is unwilling to condemn terrorist activities.

But political rhetoric thrives on oversimplification. The media, too, portray the dramatic confrontations but not the far more common peaceful protests. The terrorist acts of an infinitesimal fraction of one per cent of young people are used to condemn the majority of students. Neglected in this oversimplification is the fact that the vast majority of American students, at the same time they become more frustrated, more opposed to the war and less confident of basic American institutions, have so far remained committed to peaceful dissent.

Most American students, then, like most of the American public, are caught in a pincer movement between the extreme right and the extreme left. On the one hand, rightist politicians tar all student protestors with the brush of terrorism. On the other hand, the handful of terrorists are equally eager to identify peaceful dissent with guerrilla warfare and to persuade Americans that there is no middle ground. Each extreme feeds on the other in what Clark Kerr, not noted for overstatement, has called an "unholy alliance against democracy." Without real student violence, the extremists of the right could not call for repression, and without the violent call to repression by the extreme right, left-wing terrorists would find little support among their fellows.

In the middle are 99 per cent of American students, constantly told that they either *are* or *must* be violent. Erik Erikson long ago suggested that if you label a person with opprobrium long enough, he will eventually accept this "negative identity." Together, the extremists of the right and the left who dominate the headlines are helping enforce an identity of violence upon students. At the same time, these extremists are succeeding in convincing other Americans either that peaceful dissent is unjustified or that the only effective form of social action is violence.

But what *does* cause the unrest that clearly exists on American campuses? Most people would agree that even *one* violent protest on campus is one too many. The 500 to 600 that occurred last year were clearly too many. The question remains, then, whether the extremist analysis of the causes of dissent is accurate: Are the universities permissive or repressive? Do they indoctrinate their students with abhorrent political ideas? Is the campus becoming politicized? And are these alleged failings the causes of campus unrest?

"One element in the current wave of disruption is the failure of college administrators to vigorously uphold the law . . . . To allow permissiveness in the enforcement of campus laws is to teach delinquency with respect to community laws. Administrators are being severely exploited by hardcore militants who know that the conscience of an administrator in an academic environment leads him to bend over backwards . . ."—Gov. Ronald Reagan.

"A University which orders a thousand club-swinging Fascist cops against its students and praises their action, a University which directs plainclothesmen to viciously beat innocent spectators and praises their action, a University that permits mounted police to violate her grounds and to trample students and faculty outside her gates and praises their action, this University is not safe for Man."—"The Communes" at Columbia University, after the police bust, 1968.

Extremists of right and left agree that university discipline is both unjust and politically motivated. The argument that dominates the headlines from the right is that the "permissiveness" of campus authorities and faculties is responsible for the "wave of violence" on the campuses. Left extremists agree that student violence is related to unjust discipline, but they see it as a response to the unjustified punishment of students and to police brutality. Leftists claim that police actions at Columbia and the Chicago convention or the deaths at Kent and Jackson State demonstrate the "repressive" nature of the American system and the complicity of the universities with that system. In fact, of course, some extremists work to provoke police violence, just as the police have hired agents who incite students to violence. Each side then uses charges of "police brutality" or "student violence" to recruit new supporters.

But the facts suggest that neither critique of campus discipline is correct. Though exact figures are hard to come by, available evidence indicates that campus officials have not as a rule failed to punish students for violent, illegal protest. There are exceptions that make headlines: the black students who appeared with guns on the Cornell campus shocked the nation, even though they were later turned over to local authorities for prosecution. But media exploitation of these examples hides the basic trends. One study of 28 colleges and universities showed that campus protests resulted in 950 suspensions or expulsions of students along with another 800 reprimands. Another study found violent protests were followed by campus or civil-court discipline in more than 75 per cent of the colleges where they occurred. Considering that "violent protests" included protests in which fistfights broke out between demonstrators and counter-demonstrators, the finding that 75 per cent of these protests resulted in disciplinary actions against students suggests a firm response.

Are student demonstrators being coddled by civil authorities? The number of students arrested increased from 4,000 in 1968–69 to 7,200 last year. If we study in detail some of the most publicized campus disorders, like Berkeley 1964, University of Chicago 1969, Columbia 1968 or Harvard 1969, in every case students were either convicted by the courts (almost 800 at Berkeley) or suspended and expelled by the university (123 at University of Chicago).

As to the left-wing charge of the systematic repression of students, this, too, has little substance. Clearly, police have far too often reacted with illegal violence to campus disorders that profoundly threaten them on many levels, and for which they are usually ill-trained and ill-equipped. But this is scarcely the norm. The behavior of New Haven police during the May Day demonstrations is a case in point. Faced with rock-throwing demonstrators eager to provoke trouble, Chief Ahern's highly professional force responded with minimum violence and inflicted no serious injuries on anyone. Similar stories of police restraint could be told in countless other communities during the student demonstrations that followed the invasion of Cambodia and the deaths at Kent and Jackson State last year. Those two colleges provided the tragic and inexcusable exceptions. But 1,500,000 students were involved in demonstrations during May 1970, and the overwhelming majority met a restrained response from civil authorities.

"[*In*] *last year's lurch-ins, smash-ups, and lock-outs on so many distracted campuses . . . the real common denominator was the covert encouragement given the neo-Nazis by certain professors. It amounted to a surreptitious, lip-smacking, 'Go-ahead-and-bust-things - up - and - we'll - stand - behind-you' prodding . . . these mixed-up mentors encouraged their present hecklers to rebel for the sake of rebelling, to demonstrate for the sake of demonstrating, to flout authority for the sake of chaos.*"—Max Rafferty.

"*The faculty is engaged in the process of transmitting lies from one group to another, and the lies they tell, especially in the social sciences, are lies that help to perpetuate the status quo . . . Or else they teach the wrong stuff. If you're in economics . . . they teach you how to do statistics so you can work for the Pentagon or for G.M. Or, if you're in sociology, you don't learn how to criticize the society . . . It's complete ideology we get from our professors . . . That's why so few professors side with us.*"—Mark Rudd.

The second charge heard from extremists is that college students are systematically indoctrinated—either to become violent radicals or complacent robots of the System. Rightists assail radical professors; leftists view the universities as centers of indoctrination for the military-industrial complex.

Clearly there are radical professors, and clearly universities do train students for careers in the American system. But once again the facts contradict the ominous cast which extremists try to lend to these realities. For example, one extensive study of the role of faculty in campus unrest finds that faculty support or leadership of disruptive and violent protests was extremely rare. From this study, we can infer that in fewer than 2 per cent of campus protests were any faculty members involved as leaders of disruptive or violent actions. And in most such cases, faculty leadership consisted of one or two men in a faculty community overwhelmingly opposed to their actions.

Faculty members do, however, frequently support nonviolent protest against the war or social injustice. One study showed 49 per cent of all protests involved at least one faculty member. Another study found that 15 per cent of a national sample of faculty members had supported the goals and tactics of the most recent campus protest, although faculty support was almost entirely restricted to nonviolent protests. Indeed, the most common role of faculty members has been to deter headstrong students from disruptive or violent action. Even most "radical" faculty members are as committed to nonviolence, or as opposed to counterproductive violence, as they are committed to basic social change.

Even if faculty members do not actually lead their students into violent protests, it could still be true, as rightists charge, that they indoctrinate their students with revolutionary or violent ideas. But this claim is also incorrect. The Carnegie Commission on Higher Education in a recent comprehensive survey of American faculty members found that 81 per cent of faculty members agree that "campus disruptions by militant students are a threat to academic freedom," while 79 per cent believe that "students who disrupt the functioning of the college should be expelled or suspended." Indeed, the typical American faculty member emerges from the Carnegie study as a man with political views like those of most other Americans with comparable education and background. He tends to oppose the war and racist practices. But predictably, as far as his own campus is concerned, he is generally conservative, defending institutional neutrality and strongly opposed to disruption and violence.

The radical left, in contrast, charges that higher education indoctrinates students with a military-industrial, racist-imperialist mentality. This charge also suffers before the facts. Studies of the effects of higher education show that it lessens rather than increases students' unquestioning acceptance of the status quo. When students who go to college are compared with youths of equal ability and motivation who do not, we find that the college students become less authoritarian, more open to new views, less dogmatic and more inquiring and open-minded. In brief, if college inculcates anything, it is the necessary qualities of democratic man. Such studies show that higher education, far from processing students into robotlike acceptance of the military-industrial society, leads them to great independence, precisely because it provides that "intellectual stimulation" which Vice President Agnew reports he found so rewarding in his own college years.

The most decisive refutation of the leftist charge that the universities are centers for reactionary indoctrination is the growing liberalism of college students. Radicals who claim universities castrate their students intellectually find it impossible to explain why American students are taking an increasingly active role in attempting to redress the injustices of American society.

In short, the charge of indoctrination—right or left—does not stand well with the facts. What higher education does do, though doubtless not well enough, is to help promote a more questioning, open-minded, tolerant and searching attitude in its students. But this is a consequence not of reactionary brainwashing or radical indoctrination, but of "intellectual stimulation" itself.

"The rich and powerful private universities, the gigantic state universities (which pay no more attention to their state governments than an overgrown spoiled brat to a neurotically indulgent parent), and innumerable colleges which follow in their wake are taking the parents' and taxpayers' money and maintaining privileged sanctuaries within which irregular hostile forces wage psychological and urban guerrilla warfare against the United States . . . The universities are killing themselves, killing America, killing civilization."—M. Stanton Evans, associate editor, American Opinion.

"We began to understand the university system in a different way. No longer could we criticize it for being an ivory tower, because we began to see that the university itself was a key part of the machinery of violence that was being used in Vietnam. Our professors were using their so-called academic freedom to perfect methods of torture, methods of chemical and biological warfare. The Department of Defense was financing endless studies of how to defeat guerrillas and revolutionaries."—Tom Hayden.

The third charge on which extremists basically agree is that the universities have been politicized—transformed either into revolutionary bases or tools of militarism. The traditional posture of the university has been "institutional neutrality." Extremists believe this posture has today been abandoned with disastrous results. Reactionaries say politicization has made the campuses into launching pads for revolution: even the involvement of students and faculty as private citizens in anti-war and anti-racist politics is seen as an erosion of academic neutrality. Radical leftists in turn seize upon the issue of military research and training to demonstrate the "complicity" of the campuses with the military-industrial complex.

The facts fail to support either of these positions. To be sure, "institutional neutrality" is, in the broad sense, a "political" position. And the university is necessarily a part of the society that sustains it. But the evidence shows that extremely few American colleges or universities have taken institutional positions on anything except matters that directly affect their immediate self-interest.

Again and again, members of campus communities have tried (though not always successfully) to make it clear that they speak as individuals, not as representatives of their colleges. This distinction between the actions of individual members of academic communities, acting as citizens, and the actions of their institutions is often lost on the public. Last May the sight of college presidents joining students in talks with Congressmen

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on the Vietnam war often created the impression that colleges as institutions had taken a position on the war. In fact, only 4 per cent did.

Surveys of faculty opinion make clear that "politicization" of the university would be bitterly opposed by the overwhelming majority of faculty members. The Carnegie survey of faculty opinion found that when it comes to protecting their own turf or allowing anyone else to speak for them on political issues, most faculty members are very conservative. Indeed, as a group, they are considerably more dedicated to academic freedom and institutional neutrality than are most members of the general public.

The extreme left charge of politicization relies heavily on the fact that a few major universities have been dependent on secret research funds for their teaching and research operations. But, in 1966–1967, the Federal Government in fact contributed only 13 per cent of the direct instructional costs of higher education. If we include indirect costs, the Federal share shrinks to 4 per cent—a remarkably tiny indicator of the university's complicity. It is true that the Federal Government provides the lion's share of research funds: about 87 per cent of $2-billion dollars in 1967. But this year only 1.89 per cent of Federal research grants were classified. In short, out of the total university research budget, about 1½ per cent is related to secret military work.

Some would say that even 1½ percent is too much, while others would deplore the dependence of a few institutions on military research contracts. But whatever view one takes, the charge that American higher education is dominated by military research money hardly stands up to examination. M.I.T., generally cited as the classic instance of a military research-dominated institution, is ending all classified defense research but does not plan to go out of business. In fact, most Federal grants, like most business contributions, go to areas that are little involved in politics. Medical education, for example, is largely dependent on both public and private grants. But it takes a twisted logic to argue that Federal support for training researchers to study cancer or control pollution is part of a reactionary plot linking universities to the war machine.

The more general leftist charge that the universities are unduly tied to political and corporate interests often starts from the fact that boards of regents and trustees are weighted with corporate executives. Their political views are usually more conservative than those of the campus communities they oversee. As Jerry Rubin puts it, "We learned the inside story . . . The very same racists who controlled the business world controlled the university, too."

Yet it is ironic that leftists, who once bitterly assailed Senator Joseph McCarthy's tactic of "guilt by association," today use this same tainted brush against all trustees with business associations, arguing that their business contacts prove they are mere tools of the military-industrial complex. Trustees from the business world can be enlightened—witness the governing board of Yale. Or they can be vindictive—witness many of the regents of the University of California. In our view, trustees and regents should represent a far wider range of views, ages and interests than they generally do. But on principle it is perfectly proper that those who help finance higher education should have their representatives involved in overseeing institutions supported by alumni gifts and public taxes.

There are dangers of politicization of the university. But they are more subtle than the extremists of either the right or the left recognize. One danger is that there might develop on American campuses a climate of opinion so unanimous that active discussion of some issues would be effectively silenced. By and large this has not happened, but it is a danger against which academic communities must constantly guard. Another danger is that "string-attached" research, training or action grants could lead universities into massive "complicity" with controversial political policies. Yet the over-all trend in recent years has been away from such "string-attached" grants. The greatest danger of politicization, however, today comes from a public rapidly being persuaded that the universities are centers of sedition and causes of unrest. Politically motivated efforts to "get rid of campus radicals," however profitable they might be to unscrupulous candidates, would indeed erode the fundamental principles of institutional neutrality and academic freedom.

The three major extremist charges against the university must all be labeled false. Improper discipline, indoctrination and politicization are dangers that higher education must constantly resist. But the claim that American higher education has systematically employed disciplinary procedures in either a permissive or a repressive way is simply not supported by the facts. Nor have colleges and universities brainwashed their students into bomb-throwing revolutionaries, much less converted them into obedient robots for the military-industrial complex. As for politicization, the over-all trend in recent years has been toward increasing academic freedom and institutional neutrality. On all counts, then, the extremist allegations that point to the "failings" of the campus as the causes of campus unrest are simply not supported by an overview of the facts.

Few Americans would completely agree with the extremist positions that we have outlined. But many conservatives, moderates and liberals, in the very act of refuting the extremist charges, have uncritically assumed a *casual link* between the shortcomings of the campus and student unrest. Americans know there is much wrong with higher education; they know there is much student unrest. In the process of rejecting the specific content of extremist charges, they have unwittingly begun to accept the underlying assumption that campus unrest is the result of university shortcomings. But this alleged casual link simply does not stand up before the evidence.

Consider the common charge that unrest is caused by the "impersonality of the multiversity." There is no question that vast campuses with immense classes and little personal attention for students have grown up: one-quarter of our 7,000,000 college students are today enrolled on campuses of more than 15,000 students. Since protests are both more common and bigger on these large campuses, it is easy to assume a connection between impersonality and protest.

But the connection is false. There is more of everything at larger institutions. Large campuses are also more likely to have chapters of Young Americans for Freedom (a right-wing group), literary magazines, science clubs, fraternities, and massive football rallies. The obvious explanation is that, compared to small colleges, large universities have more students available for almost everything. Not surprisingly, they have more and bigger protests as well.

But suppose we compare large and small campuses in terms of the number of protests per 10,000 students that occur on them. We come to the paradoxical conclusion that there are fewer protests per 10,000 students at large institutions than at small ones. The statistic is partially artificial: protests are not like the number of cases of influenza, which should bear a perfect relationship to campus size. But this statistic does put in perspective the allegation that the "impersonality" of the multiversity causes campus unrest.

The second apparently plausible charge is that the educational deficiencies of colleges cause campus unrest. Students generally arrive at college with high expectations about both the educational experience and the social life that await them. They are invariably disappointed. Colleges with a rich social life are rarely as stimulating intellectually as students expect, and vice versa. Many students' hopes are dashed in their freshman year; as a result some are genuinely dissatisfied with their college experience.

Surprisingly, however, 75 per cent of college seniors at all institutions (including the vast multiversities) consider the higher education "basically sound," while only 4 per cent judge it "basically unsound." Another poll found that college students have a higher opinion of universities than of any other institution in American life. More important, research has shown no relationship between the student's educational dissatisfaction and his involvement in protests. A study of the Free Speech Movement at Berkeley in 1964 found that arrested students and their supporters were just as pleased with their education as their non-protesting classmates. Another study compared S.D.S. members and student-government leaders at Michigan State: both groups thought they were getting an equally fine education.

Furthermore, if protests result from discontent with education, we would expect those who get the worst education to protest most. But other studies show that student protesters tend to be more intellectually oriented and somewhat better students than non-protesters. As a result, at any given college, protesters generally receive more personal attention (smaller classes, honors programs) and more intense intellectual stimulation. Furthermore, the colleges and universities where protests have been most common are not those that provide inferior education. The roster of colleges with large protests includes most of America's most distinguished institutions, where the quality of undergraduate educations is highest.

One study demonstrates especially conclusively the absence of any relationship between college characteristics and the proportion of students involved in anti-war protests. The researchers first "held constant" the characteristics of incoming freshmen. Enabled by statistical techniques to assume that all of the colleges studied admitted identical students, they then examined the effects on protests of 58 different objective characteristics of each college.

But once the characteristics of incoming freshmen were accounted for, the researchers found that only one of their 58 measures of campus characteristics was related to the percentage of students in anti-war protests. That one measure was the presence on campus of many organized musical and artistic activities! And taking that campus characteristic into account increased the accuracy of their prediction about anti-war protests by only one half of one per cent—hardly a notable increase.

Among the campus characteristics that did *not* have any connection with the percent of students in antiwar protests were the type of college or university, the type of administrative control (public versus private), geographic region, the severity of administration policies about a variety of student activities, the verbal aggressiveness of students in the classroom, the cohesiveness and school spirit of the campus, the regularity of student sleeping habits, the extent to which classroom activities were formally organized, the degree of student involvement in classroom discussions, and so on.

This study, like a similar study of protests over racial issues, shows that once we control for the kind of freshmen admitted, campus characteristics have a negligible effect on student involvement in protest. If this is true, then arguments that the campus itself is the cause of unrest are simply incorrect. And proposed solutions to the "problem of campus unrest" that urge campus reforms are building on a frail reed indeed.

The liberal critique of higher education starts from real shortcomings of American campuses. But the apparently plausible argument that these shortcomings—impersonality, poor education and so on—are *casually* related to campus unrest turns out to be completely untrue. The mountain of studies on campus unrest indicates that the campus itself has virtually nothing to do with whether protests occur on it. For an explanation of campus unrest we must look elsewhere—on the one hand to the changing characteristics of the students entering American higher education, and on the other hand, to the issues about which they protest.

Research on student protest and campus unrest indicates very clearly that the best way to predict the presence or size of protests on any given campus is to study the characteristics of incoming freshmen. In the previously mentioned study, researchers found that simply knowing the kinds of freshmen admitted to American colleges would have enabled them to predict with 83 per cent accuracy the percent of students involved in anti-war protests. A freshman class that has high percentage of students who mark "none" for religion on questionnaires, many National Merit Award winners and many students who seek competence in a performing art, tends to have large anti-war demonstrations. In all, 33 different characteristics of the freshman class were related significantly to anti-war protests. Comparable results were obtained in a study of protests over race-related issues.

This study confirms what dozens of other researchers have found: students who protest are different in a variety of ways from those who do not, and the main reason some campuses experience more and bigger protests than others is that these campuses admit more of the kinds of student who appear "protest-prone."

Aware of this conclusion, some Americans have begun to argue that the best way to "stamp out campus unrest" would be to deny college admission to students who are "protest-prone." Yet once we begin to study the implications of this policy, it turns out to be both illegal and disastrous in its results.

First, a policy of excluding the "protest-prone" would of course be illegal, unconstitutional and quite contrary to the spirit of American democracy. Peaceful dissent and non-violent protest—which comprise the overwhelming proportion of campus unrest—are not only legal but in the long run essential to the vitality of this nation. Under the First Amendment, the Constitution explicitly protects the right of free speech and dissent. Discriminatory admission policies aimed at excluding potential dissenters would be contrary to the hard-won freedoms of this nation. Any institution that adopted such a policy would violate the very law of the land, which the policy was intended to protect.

Furthermore, the students to be kept out would include many of the best students in the country. Study after study has shown that students involved in protests tend to be above-average students who do well on aptitude tests, who are intellectually independent and inquiring. They place special stress on values like serving their fellow men, acquiring a good education, expressing their convictions and feelings directly, and solving the problems of their society.

Protest-prone students, then, tend to be young men and women that most American families take pride in, that American high schools consider their best products and that colleges consider themselves lucky to attract. To keep them out of American higher education, colleges would have to give preference to students who do *poorly* on aptitude tests, who *lack* intellectual independence and curiosity, who have *little* interest in serving their fellowmen, who do *not* wish to express their convictions and feelings, and who are *not* interested in solving the problems of their country. To bar potential protesters from college would thus deprive American society of the educated talents of young men and women whose ability and idealism it desperately needs if the problems of our society are to be solved.

But even if we considered it desirable to exclude protest-prone students from colleges, we have no way of doing so with any accuracy. It is fairly easy to predict the *institutions* that will have large protests against the war or alleged racial inequities. But it turns out to be very difficult to predict the *individual students* who will be actively involved in protests. Predictions of protests by institutions have an accuracy of up to 80 per cent. But predictions of individuals who will protest are only about 18 percent accurate. Any net cast out for protest-prone students would therefore catch mostly students who wouldn't become involved in protests at all.

Finally, to try to close the college gates to potential protesters would be extraordinarily counter-productive. It would produce precisely the kind of bitterness, rage and turn toward violence which it attempts to prevent. No imaginable policy could be better calculated to turn moderate high school graduates into extremists, liberal students into arsonists and revolutionaries. Students locked out of American campuses on the dubious grounds that they *might* engage in protests, a small proportion of which *might* be disruptive or violent, would be rightly embittered and enraged. A policy intended to reduce disruption and violence would only produce and even justify it. In short, an effort to exclude students who might protest would be not only illegal, destructive to society and impossible to achieve, but massively counter-productive.

We conclude that most political discussions of campus unrest bear almost no relationship to the known facts. They are a mixture of misinformation, innuendo, stereotyping and falsification. The "disgusting permissiveness" of American campuses is not responsible for student unrest. Nor is the political characterization of student protesters as bums, rotten apples, nihilists and animals applicable to the vast majority of students who protest local practices and national policies.

American higher education, despite its many defects, has accomplished the extraordinary feat of educating nearly half of this nation's youth—something never before achieved in world history. And American students, despite their myriad shortcomings, have shown a concern with social justice, peace, and the quality of American life that commencement orators have been urging upon them for decades. The view that "campus unrest" is a national disaster to be solved by attacking higher education or protesting students is both inaccurate and unjust.

Research on campus unrest and student protesters agrees on one critical point: the major determinants of protest among students are their values and their perceptions of the world around them. Over the last generation, we have carefully brought up our children to be committed to social justice, racial equality and peace. But simply having high values and a special sensitivity to injustice and hypocrisy is not by itself enough to produce protest. In addition, students must see their values contradicted and their commitment to social change obstructed by the actual practices and policies of their society. Today, our society still is deeply involved in a war that most Americans believe we never should have entered, still accept widespread psychological and social racism, still does not provide many Americans an adequate standard of living and health, still cannot restore the quality of the environment. These social facts, which contradict the values taught to young Americans in their homes, their schools and their churches, must be considered as much the "causes" of campus unrest as the growing readiness of students to protest in the service of their ideals.

If the continuing deficiencies in American life are to be remedied—and most Americans agree they must be—then both higher education and college students desperately need public understanding and support, rather than politically motivated attacks. For although the shortcomings of higher education do not cause campus unrest, they do severely limit the capacity of our campuses to educate a generation adequately equipped to deal with the problems of the last third of the 20th century.

Many criticisms of American higher education seem to us fully justified. The mammoth multiversities are indeed impersonal. Most young Americans do not receive the quality of education they deserve. American universities need serious reforms in governance. More adequate preparations for campus disorders are called for. Greater emphasis must be placed on teaching and learning. Campus members must be more explicit about their responsibilities, and not simply about their rights. And American campuses must work to re-create a real sense of community. If American higher education is to educate well the many millions who will enter college in the next decades, it must change; and change will in turn require the understanding and support of the American public.

Nor should we forget the shortcomings of protesting students. For all of their intelligence, commitment and idealism, they are at an age when thinking tends to be particularly ideological. Their intelligence and social concern in no way guarantees the wisdom of the policies they propose. Many naively believe that the personal ethics by which they are attempting to shape their individual lives can be projected without modification as guides for a national policy. Many lack awareness of the social, legal, economic and political requirements of a technological nation of 200,000,000 people. Many show great empathy for the downtrodden, oppressed and poor, but astonishingly little empathy for working-class and middle-class Americans. Many pride themselves on being a post-Freudian generation, but are bad psychologists with little awareness of how painful it is for people to change the convictions and values on which they have built their lives. And many lack understanding of the enormous obstacles that must be overcome before the social changes they desire can be achieved.

In short, dissenting students are usually idealistic and intelligent, but not always wise. The very shortcomings of youth mean that today more than ever before they must be *educated*. The qualities youth inevitably lacks—experience, informed intelligence, an awareness of complexity, tolerance for others with different views, compassion for one's adversaries, and above all wisdom—these are precisely the qualities which higher education at its best helps stimulate in the young. The unprecedented challenge to American colleges and universities is to help inform

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the idealism of dissenting students with understanding and wisdom.

It is for this reason that the crisis produced by the attacks of extremists against higher education is so grave. The first result of a triumph of extremists would be to cut off support from higher education. We already see this beginning to happen. Yet without support, higher education cannot improve; and without vital colleges and universities, the young cannot be educated to deal with the problems of the nation. Colleges must deal firmly with disruptive protest and pursue terrorism with severity. But firmness will be of no avail if support for higher education is choked off, and if violent protest and its severest pathology, terrorism, are not recognized as the tragic symptoms of basic national problems.

Higher education must be reformed to serve society better, not destroyed as a scapegoat for underlying national problems. Students must be educated to be wise, humane and effective, not attacked as anarchists and terrorists. And the extremist attacks on higher education must be seen for what they are—efforts to polarize the nation further, insults to the decency and intelligence of the American public, divisive calls to anarchy or repression.

FRATERNAL ORDER OF POLICE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. JACOBS. Mr. Speaker, the following testimony was delivered before Subcommittee No. 2 of the Committee on the Judiciary, October 7, 1970, by Sgt. Jack Stonebraker, national legislative representative of the Fraternal Order of Police.

It is men such as Sergeant Stonebraker that make law enforcement a profession. It is time we begin treating law enforcement officers as professionals.

The testimony follows:

Fraternal Order of Police

There follows the text of the testimony of Jack Stonebraker, Jr. National Legislative Representative of the Fraternal Order of Police, before the Subcommittee No. 2 of the House Committee on Judiciary with regard to H.R. 7989, October 7, 1970.

My name is Jack L. Stonebraker, Jr. I am National Legislative Committee Chairman for the Fraternal Order of Police, the oldest and largest of National police organizations. I am a full-time police officer, have been for 14 years, in the city of Muncie, Indiana. I come to Washington, D.C. bi-weekly to promote legislation beneficial to police officers nationally, and to the professionalization of law enforcement so we may enjoy the preservation of life, liberty, property, and the pursuit of happiness as these were granted by the Constitution and the Bill of Rights.

Mr. Chairman, thank you for affording me the privilege of presenting facts in behalf of H.R. 7989, introduced by Representative Andrew Jacobs, Jr. and over 100 of his colleagues. I am most happy that this Committee is considering this legislation which would provide extended benefits to law enforcement officers and firemen not employed by the United States who are killed or totally disabled.

As professional law enforcement personnel we feel that we serve the citizens of the United States on the home front, as the "Thin Blue Line" as the military services of the country do on foreign soil, in that we provide the citizens with the protection of life, liberty, property, and the pursuit of happiness.

Police officers are charged daily with making split second decisions which in effect can "give a life, save a life, take a life," including their own lives. Such decisions are more often than not reviewed by the community, and in many cases by the judicial system which in many instances takes months, or years to resolve.

As this committee knows, in 1967 the Congress approved legislation of a bill extending the benefits of the Federal Employees Compensation Act to police officers killed or disabled in the line of duty provided that such duty involved the enforcement of a Federal law.

The measures before this Subcommittee today, introduced by Representative Jacobs of Indiana and more than 100 other Congressmen would extend survivor benefits to any police officer killed or disabled in the line of duty. In other words the survivor benefits would be extended, if state law was involved and, as we interpret it, even a local ordinance.

The benefits would be reduced by the amounts provided for survivors by the states and local governments but let me point out that eighteen states and the District of Columbia provide no benefits to policemen, or to firemen, killed in the line of duty.

Under ordinary circumstances, a policeman's life is not an enviable one. The pay has always been poor; J. Edgar Hoover and other authorities terming it a national disgrace. Within the past two or three years, the burdens laid upon law enforcement officers have been greatly increased.

The danger which is present even in relatively calm times, has been compounded by a series of developments of which the Subcommittee is well aware. The tremendous increase in violent demonstrations on and off the campuses, has added to the perils of police work. Moreover, in 1969 and 1970, militant groups dedicated to violence and, in some instances having as a particular objective the murder and wounding of police officers became active. I refer in particular to the Black Panthers, described by Mr. Hoover as a "black extremist organization, consisting for the most part of hoodlum-type revolutionaries."

Mr. Hoover also said:

"Since its inception, the BPP has reserved its most vicious invectives for law enforcement officials. 'Off the Pigs!' jargon for 'kill the police' is a familiar shout at Panther rallies. Panther publications abound with cartoons encouraging physical attacks on police depicted as pigs. Toddlers in Panther 'school' do their exercises to the accompaniment of the chant, 'There is a pig upon the hill—if you don't kill him the Panthers will.' "

Undoubtedly, the Panther propaganda has had its effect upon other extremist groups who also hate and attack police. Already, in 1970, 18 policemen have been killed without provocation. Hundreds of police officers have been wounded, and many firemen also have been attacked as they tried to put out blazes or answered fire alarms.

Only recently police intelligence information received from within the State of New Jersey showed that the Panthers had rescheduled a "National Kill a Pig Week", from the 1st of October to the 7th. We have no way of knowing how many states were included in this program, nor what the results will be. Since 1960, a total of 561 professional law enforcement officers have given their life in order to protect the rights of the majority of our citizens. Another 365 officers have been killed by accident making the total 926.

The increasing physical danger to police officers is shown by other records which show a steady rise in the number of policemen killed in the line of duty. At least 57 have already died in the line of duty in 1970 and there were 86 such deaths, an all time high, in 1969.

The crime rate goes up and up. In many cities, the streets are not safe at night and there are some areas where the passerby is not safe in the daytime. Many businesses in the larger cities are folding, simply because they are robbed and burglarized so often that continuation is impossible, particularly in view of the fact that insurance is unobtainable in many instances and, in others, is so high that the premiums cannot be paid by the operators or owners of business houses.

All this is familiar to most of you and we appreciate your concern for the welfare of police and their families, as is evidenced by the legislation upon which I am testifying. Obviously, an orderly society is impossible without adequate and efficient policemen. Today, many police forces are understaffed, an almost chronic condition in cities with high crime rates. Young men are avoiding police work. Not only is the pay comparatively low, but the danger is ever present. As a police officer for more than 14 years, I know that the wife and the family of thousands of policemen in this country wonder, when he leaves for duty, whether he will come home again and, if so, will he be wounded when he does arrive.

The Fraternal Order of Police feels that a series of measures should be enacted by The Federal Government to make police work more attractive. One of the most important is to extend survivor benefits to all police officers killed or disabled in the line of duty. I don't think that I have to emphasize the point that almost all crime is, in reality, interstate in character.

Let us say, for example, that a car is stolen in the District of Columbia and transported a short distance into Maryland and that, in an attempt to recover the vehicle, the officer is killed. The officer's dependents would be entitled to survivor benefits under the Federal law. The widow would receive 45 percent of her husband's monthly wage rate until she remarried.

The widow with dependents would receive 40 percent of her dead husband's salary. Each child under 18 would get 15 percent of the father's salary, up to a miximum of 75 percent.

In instances of disability without dependents, the widow's benefits would equal two-thirds of the monthly salary. With dependents, it would equal three-fourths of the monthly salary.

But let us assume that the automobile is stolen in the District of Columbia and that in an attempt to recover the car, an officer is killed, or disabled. His dependents get nothing, even though, as in the case of the other officer, he was simply trying to do his duty.

Should the dependents of a police officer killed or disabled in the line of duty be subjected to the daily hardships and crisis just because their husband or father believed in the foundation upon which our nation was founded, swore to uphold the Constitution of the United States, and gave his life in hopes that they might enjoy a society free from violence, murder and hatred? We of the profession and of the Fraternal Order of Police throughout the United States of America say no and that no is without reservation or prejudice.

I submit that this situation is most unfair to the unfortunate District of Columbia officers and his dependents in the hypothetical instance where the stolen vehicle did not go across a state line. I submit that the situation which exists today is unfair to the officers in the other 18 states which provide no specific benefits to policemen, or firemen, killed or disabled in the line of duty—unless a Federal crime was involved.

The fact that more than 100 members of the House of Representative have introduced companion bills to the original Jacobs measure is very gratifying and heartening to us. We regard it as a sign that members of Congress are beginning to realize that the police forces over this country must be at full strength and must be efficient. Any program to curtail crime will fail unless we maintain adequate and capable policemen on duty in sufficient numbers to discourage the criminal and to apprehend him quickly when he does break the law.

Nor need I point out the death of a police officer is also a financial burden upon the community, as the funds invested in his training etc., are lost completely as a replacement must be trained and schooled.

I do not have to tell you that the overwhelming majority of policemen are family men. Nor do I need to emphasize that the death of a policeman, or his disability, results in almost every instance to most serious consequences to his widow and children, to say nothing of the grief and sorrow which must be undergone.

As an example, look at the recent burglary of an Armory and the holdup of a bank in the City of Boston where a law enforcement officer was killed. This act was committed by known felons either on bond for a previous crime, or released from the penitentiary.

I could cite example after example where officers have been killed in the line of duty, leaving a wife and children as survivors. And in most cases the benefits provided them by city, county and state statutes were and are little or nothing, amounting really to an insult to the society which the husband or father protected. I submit to this committee that we have an obligation and responsibility to those who protect us from day to day, in light or darkness, rain, sleet, snow or shine. Let us show the member of the "thin Blue Line" that we so appreciate his dedication, and let us endorse this legislation and approve it so his mind can be set at ease. He will know that if he isn't to return home, his family will be protected, and benefits provided.

Nor do I have to tell members of this Subcommittee that we are engaged in a war with crime, a war which we are losing. There is much talk of reviving the downtown and ghetto areas in many of our major cities. where crime is rampant, as it is in most ghetto sections and in many down town sections too, this talk of restoration is idle unless law and order can be restored. I want to point out to you that most of the sections blighted by riots during the past few years are still blighted. Only recently, a good part of Fourteenth Street in Washington, hard hit by disorders which followed the death of Martin Luther King, once again were hit by violence and looting. Many of the victims of the rioters were black.

Adequate and efficient police forces across the country are not all that needs to be done in the crime field. The FOP feels that the whole field of criminal law must be completely done over so that criminals may not spend months, or years, after lawless acts, awaiting trial, meanwhile committing other crimes. We feel that the Courts must face reality and realize what a cancer crime has come to be and what a curse it has come to be to the country as a whole.

But first steps first and that is why we urge the passage, as quickly as possible, of HR 7989, which would extend survivor benefits and which would help in the objective we all seek—a stable, orderly and prosperous society.

Gentlemen of the Congress, I sincerely appreciate the opportunity to appear before you, and I ask your most serious and sincere deliberations on HR 7989. Thank you.

CAMPAIGN IN SUPPORT OF FAMILIES OF U.S. POW'S

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. TEAGUE of Texas. Mr. Speaker, within a very short period of time, tons of mail from aroused citizens of the United States will be dumped on Hanoi; the Vietcong, and North Vietnamese delegations in Paris relative to their treatment of American POW's. This action has been stimulated by not only the National League of American Prisoners of War families but veteran organizations, labor unions, and other patriotic groups. Under leave to extend my remarks in the RECORD, I wish to include an article from the November 1970 issue of Navy magazine and an article from the November 1970 issue of the VFW magazine which outlines these activities:

[From the Navy magazine, November 1970]

GROUND SWELL OF PUBLIC OPINION HEARTENS FAMILIES OF U.S. POW'S

(By Heather M. David)

Within the next two months, some 100 tons of mail from concerned citizens of the United States will be collected in New York for shipment to the North Vietnamese and Viet Cong delegations in Paris, urging a change in their treatment of American prisoners of war and those missing in action in Southeast Asia.

The letters, from all over the country, representing every element of the economic and political spectrum, will be transported by Teamster Union volunteers to New York, and loaded by the Longshoreman's Union for shipment abroad. They will express the increasing, country-wide concern about the welfare of American servicemen held by the North Vietnamese, the Viet Cong, and the North Vietnamese and Pathet Lao in Laos.

The mail shipment will be tangible evidence of the ground swell of public opinion on the POW-MIA issue. The response of the American people to the letter writing drive, the many new newspaper and magazine stories (see NAVY, June 1970), and the actions of Congress including the historic joint session addressed by Frank Borman, have been heartening to the families, who feared their men and had been forgotten.

The wives and relatives of the servicemen held captive for so long are beginning to feel they are not alone in their concern, and they are warmed by the number of letters which have come from all corners of the country offering help and comfort.

The families formally organized the National League of Families of American Prisoners and Missing in Southeast Asia June 30 in Washington, D.C., in a room in the Reserve Officers Association building on Capitol Hill. Here several wives work full time answering calls, and coordinating the efforts of the 2,000 or so family members of the League throughout the country, who are trying to arouse the public on this problem.

WIVES STIFLE EMOTION

The wives have been incredibly valiant, stifling their own emotional problems and overcoming a natural reluctance to publicize their personal lives and emotions. They have made hundreds of speeches and quietly make their rounds to editors offices swallowing their pride when rebuffed and refusing to let discouragement overcome them.

They have been encouraged by donations—most of which have ranged from $1 to $100—from the many people who, unsolicited, want to help. The total nears $40,000, and does not include the equally valuable professional assistance donated by such people as Washington journalist Louis Stockstill and lawyer Charles Havens who have worked long hours giving them, respectively, press relations and legal advice.

Others, like the Disabled American Veterans, are donating their efforts in producing radio and television spots with actors and actresses. The Jaycees have also done a tremendous job in helping get mail to the North Vietnamese, as have other service organizations. The Air Force Association has been particularly active in publicizing the problem.

The wives and family members themselves, however, probably have been the most effective force. Their appearances, wherever they go, have stimulated interest and sympathy. Recently, they drew an almost 100 per cent response from members of the House and Senate in getting signatures on pledges to support the cause.

In addition to continuing the things they already are doing, the members hope to enlist support among college students. "Facing radical elements does not faze us," says national coordinator Jo Ann Vinson. "Our appeal is humanitarian, not political." Other activities, such as a national billboard campaign, are in the offing.

The recent worldwide trip by President Nixon's own representative, former astronaut Frank Borman, was also effective in at least producing ripples of protest around the free world. Although the response in some countries was disappointing, one of the most hopeful signs, surprisingly enough, was the apparent sincere and genuine willingness of the Algerian government to help on this issue, despite its disagreement with the U.S. position on the war. This unexpected source of support was most encouraging, and the kind which many feel will do the most good.

Another encouraging sign has been the willingness of the North Vietnamese delegation to meet with U.S. Congressmen in Paris. The VC initiative in offering the POW's as a main bargaining point also is seen as a hopeful sign; although some fear the men's lives may be used as political levers to gain points in negotiations.

POW'S SECOND CHOICE TO MIDI

Press coverage on the POWs, particularly newspaper and magazine, has greatly increased in the past few months. Television continues to be the least responsive of the elements of the news media to the issue—but even this has improved. ABC recently aired a one-half hour special, NBC reportedly has one in the works, and CBS has shown an increased interest in the subject, including a five minute special report.

The coverage by no means matches that given the holding of hostages by Arab guerrillas or even that given mini versus midi skirts, but the wives try to be philosophic about it and are grateful for what they do get.

Congressional support has also grown, although there are still some notable holes in the curtain. Eighty-nine Senators, and 406 Congressmen signed the letter carried in August to the North Vietnamese delegation, a

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significantly greater number than that on the Joint Congressional Resolution a year ago. Eleven Senators did not sign, however, for a variety of reasons.

All this has helped. The number of men permitted to write from North Viet Nam has increased to 328. 224 more than just a year ago. One letter even has come from South Viet Nam. the first out of a Viet Cong prison camp. And there have been other recent encouraging signs.

But despite the ground swell of activity which at the very least has been a comfort to the families, not one man has been released in the last year. Only one letter was received from the South, where 541 men are missing in action. None has ever been received from Laos, where 227 are unaccounted for.

Neither have there been impartial inspections of prison conditions in North Viet Nam, Laos or South Viet Nam, nor lists of names, and many men have not yet even been permitted to write their families.

MOST HELD SEVERAL YEARS

The total number of letters, about 2,100, is only a small fraction of the number which should have been received had the North Vietnamese and VC been complying with the Geneva Convention. Several men have been held for six years, many for more than five. Almost all in the North have been there more than two years.

Each holiday time, many of the families hope the North Vietnamese will release a few men as a humanitarian gesture. This year is no exception. Officials, however, are somewhat less optimistic.

"I'm not very hopeful," one Defense Department official says. "There has been so much pressure now, that the token release of one or two prisoners would simply call the world's attention to the North Vietnamese and reveal the treatment for what it has been."

Some of those concerned at the Defense Department feel prisoner release is now an all-or-nothing situation.

Sometime in the near future, a delegation from the League of Families will travel the now well-worn path to Paris and will try again to persuade the North Vietnamese and National Liberation Front delegations to address the POW issue at the negotiating table.

This is a coequal point in the President's proposals for peace in Southeast Asia, one, it will be stressed, which could be immediately negotiated. With the tons of mail and Congressional signatures, the League hopes to reinforce its point that the North Vietnamese and NLF have nothing to gain by continuing to mistreat the prisoners.

[From the VFW magazine, November 1970]

POW CRUSADE HAS JUST BEGUN

"My crusade has just begun," Commander-in-Chief H. R. Rainwater pledged after being refused a chance to present to the North Vietnamese peace delegation in Paris petitions signed by more than 2 million Americans demanding the release and humane treatment of American prisoners of war held by Communist forces in Southeast Asia.

After three days of attempting to make an appointment with Mai Van Bo, North Vietnam's delegate-general at the Paris peace talks, Rainwater and Mrs. Mary Cottone, President of the Ladies Auxiliary, went to the residence of the delegation in Paris to hand over the petitions personally.

This is the account of the rebuff, according to Leon G. Turrou, Commander of V.F.W. Post 605 in Paris:

"Upon arrival at the residence, the Chief rang the bell, whereupon an official of the North Vietnamese delegation appeared at the spy-window and asked the Chief who he was.

"He then handed him his calling card as well as that of Mrs. Cottone and asked to see the chief delegate. After about two or three minutes, the same person appeared again, accompanied by another North Vietnamese. He made the 'victory' sign and repeatedly uttered 'no, no, no,' meaning that the chief delegate declined to see him. It was apparent to the Chief that quite a bit of excitement was going on inside."

French police assigned permanently on guard at the residence then asked Rainwater and Mrs. Cottone to leave and they returned to their hotel.

At a press conference later Rainwater told correspondents:

"Perhaps I was vain to think after so many others have already failed, that the so-called peace negotiators would see me and accept these 2 million signatures of Americans from all walks of life. I did believe, however, that because I do represent an organization of 1,600,000 men who served their country on foreign soil during time of war, I might be granted special consideration.

"Our members and the more than 450,000 members of our Ladies Auxiliary understand intimately the problems of war and the problems of prisoners of war and for that reason I was hopeful that these people would talk with us.

"I still stand ready to talk with them any time or any place, be it Paris or Hanoi, but at the same time promise North Vietnam and its allies that my crusade has just begun."

Rainwater said that on his world tour "I shall expose the inhumanity of North Vietnam to all who will listen" and that when he returns to the U.S. he "will do all in my power to generate a national movement by all the American people demanding the release of the not forgotten American prisoners of war."

Continued refusal by North Vietnam to act humanely on the prisoner issue, Rainwater said, could result in his suggesting to President Nixon that "we review all of our country's options regarding action against North Vietnam as I was directed to by the delegates attending our last National Convention."

With Rainwater and Mrs. Cottone were the wives of two prisoners. One of them has heard nothing of her husband for five years and she has been refused any information about him by the North Vietnamese delegation in Paris.

Rainwater warned that North Vietnam "may soon discover that whatever gains it has made in influencing public opinion in the U.S. have been dissipated by its failure to abide by the standards established by the Geneva agreement regarding prisoners of war."

The petitions, weighing 1,200 pounds, were sent to Paris in 11 cases. The signatures were collected by V.F.W. members in less than four weeks.

While in Paris Rainwater met with Henry Duvillard. French minister for veterans affairs, through Turrou's efforts. Duvillard praised the efforts being made by President Nixon to end the Vietnam War and called the refusal of the North Vietnamese to see Rainwater "a grievous error."

[From the VFW magazine, November 1970]

HELP FREE THEM!

Members of the Veterans of Foreign Wars and its Ladies Auxiliary know too well the horrors of war such as death and crippling injury. But even worse is cruel imprisonment—as evidenced by the inhumane treatment of Nazi concentration camps of World War II or the brain-washing techniques used by the Communists on American prisoners of the Korean War.

Perhaps there is no crueler example of physical and mental subjugation than that of American servicemen held by the Communists in Southeast Asia. Held in cages, subjected to a diet fit for pigs, beatings, torture and the anguish of being fed propaganda slanted to indicate their fellow Americans do not care about them. These are just some elements of this inhuman treatment.

But now you, as members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, can do something about this barbaric treatment.

Commander-in-Chief Herbert R. Rainwater sought personally to do something about the POWs and men missing in action believed held by the North Vietnamese. He was rebuffed at every turn—they would not look at or even accept petitions containing over 2 million signatures of American citizens concerned over the inhumane treatment these estimated 1,400 POWs are receiving. They shut the door in his face. (See page 24.)

But this rebuff has not halted Commander-in-Chief Rainwater. Firmly believing that a show of concern—that Americans are united over the wellbeing of our POWs—he called upon all V.F.W. and Auxiliary members to launch a massive letter writing campaign.

"At no time in the history of the V.F.W. has the importance of such a campaign been so vital. We must clearly demonstrate that we firmly hold to our belief in helping our fellow man—and there is none more evident than the POW issue. It is not one hollowly espoused by our members," he said. "I may have not been able to personally deliver those petitions containing signatures of 2 million concerned Americans to the North Vietnamese in Paris, but I'm certain the 2 million V.F.W. and Auxiliary members can get their message through via mails."

The letters are to be addressed to:

Xuan Thuy
Delegation of the Democratic
Republic of Vietnam
8. Avenue General Leclerc
94 Choisey-le-Roi
Paris, France

Postage will cost only 20c. Your letter should contain the following points: (1) The names of all Americans held (prisoners of war and missing in action) be released. (2) Humane treatment of all held. (3) The return home of all prisoners starting immediately with the sick and disabled.

Following is a suggested letter to Xuan Thuy in Paris. It can be adapted to your needs.

"Sir:

"I appeal to you, your government and its citizens to honor the Geneva Convention in your treatment of American and Allied prisoners you hold in Southeast Asia.

"As a fellow human being, I urge that you immediately release the names of all those held prisoner of war, that the Geneva Convention be abided with in their treatment and the return home of all of them—starting immediately with those who are sick or disabled.

"I am one of among millions of Americans who strongly feel there can be no peace settlement until such action is taken by your government. Without such a civilized policy, I will be compelled to urge the government of the United States of America to undertake in the strongest measures possible—military, economic and political—to resolve this issue."

"Sincerely,"

(Your Name).

These are fellow Americans we are talking about. If you were one of them, wouldn't you expect—and truly believe—that someone cared and was doing something about it?

[From the VFW magazine, November 1970]

LET US SHOW OUR CONCERN: 1970–71 GOALS OF VFW OUTLINED BY COUNCIL AND NATIONAL COMMITTEES

Expanded Veterans of Foreign Wars programs were outlined to members of the National Council of Administration when they met in Kansas City, Oct. 5 and 6.

Commander-in-Chief H. R. Rainwater urged that V.F.W. members continue working on behalf of American prisoners held by Hanoi, the Viet Cong and the Pathet Lao.

"We must show our men over there that they have not been forgotten by the American people," Rainwater said.

"We will not ease up in our campaign on their behalf until we are successful in gaining their release."

At the same time Rainwater reported on plans to deliver petitions to the North Vietnamese delegation at the Paris peace talks containing more than 2 million signatures (see page 24). He has since launched a letter campaign (page 25).

"The petitions have been circulated by V.F.W. Posts throughout the nation," he said. "They show that Americans are deeply concerned and are solidly united on the prisoner issue."

During the Council sessions one bundle of petitions bearing 1 million names was sent to Paris.

Rainwater also announced that membership has increased 200,000 more than at a comparable period last year.

The Council of Administration voted to hold the 1972 National Convention in Minneapolis after deciding at the 71st National Convention in Miami Beach, Fla., to withdraw the 1972 event from New York.

This action was taken because of New York Mayor John Lindsay's comment that the "heroes" are those who go to Canada or Sweden to avoid military service.

The Council also approved a record high budget of $5,588,000, an increase of $350,000 over the previous high established a year ago. The higher budget was made possible by a boost of 87,000 in membership to put the total to 1,600,000, largest in V.F.W. history.

In the evening of Oct. 5 Adjutant General Julian Dickenson was presented with the V.F.W. Distinguished Service Medal by immediate Past Commander-in-Chief Ray Gallagher in recognition of his 20 years of service in office. The presentation was made in accordance with a testimonial resolution adopted by the 71st National Convention praising Dickenson for his contributions to the organization.

Cooper T. Holt, a Past Commander-in-Chief and Executive Director of the V.F.W.'s Washington Office, warned that adoption of a bill introduced in the Senate by Sen. Edward Kennedy (Mass.) and Rep. Martha Griffiths (Mich.) to establish a national health insurance plan could result in VA hospitals being absorbed by other federal agencies for use by the general public.

"This is the most dangerous thing for veterans," Holt said. "The 166 VA hospitals would be the first to be taken over."

Other speakers included Senior Vice Commander-in-Chief Joseph L. Vicites who called on the Council members to "go out of here filled with enthusiasm to increase membership." He pledged also that in 1970–71 "I will speak up on the issues."

Junior Vice Commander-in-Chief Patrick E. Carr told the Council members "to attend every statewide event in your districts because the Council is the governing body between Conventions. Make your suggestions to Department Commanders and they will be glad to receive them."

NATIONAL COMMITTEES MEET

Prior to the Council of Administration meeting, National Committees on V.F.W. programs held sessions to make plans and set goals for 1970–71. Following are brief reports on these meetings. (See page 20 for Legislative, National Security and Foreign Affairs and Civil Service and Employment.)

IS WORLD WAR III BEING KINDLED IN THE MEDITERRANEAN?

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. FARBSTEIN. Mr. Speaker, in view of the ever-deepening crisis in the Middle East and the danger that this crisis presents to world peace, I share with my colleagues the very interesting analysis, "Is World War III Being Kindled in the Mediterranean?", that appeared in a recent issue of Prevent World War III:

IS WORLD WAR III BEING KINDLED IN THE MEDITERRANEAN?

The emergence of a Moscow-Cairo Axis in the Middle East, with Libya and other Arab states as lesser partners, presages a clash with the Free World powers that must be avoided by wise statesmanship now, before the nations enter upon the dark, one-way road that leads to global warfare.

It is obvious that men and women who believe in freedom cannot allow a totalitarian force to destroy the rights of small nations—and here we speak not only of Israel, but also of Arab states like Lebanon, Tunisia and Jordan, as well as non-Arab states like Turkey.

The world is already in a precarious state of balance—a balance of nuclear terror—between the two super powers. If that balance were to be notably upset—as it would be if the Soviets were to overwhelmingly increase their ascendance in a major part of the world such as the Middle East—then instead of a balance of terror, and instead of the faltering hope of detente which has been so carefully nurtured in the SALT talks and elsewhere, we would have a condition of complete and dangerous unpredictability. The result would be either an enormously accelerated arms race, an adventurist war of preemption, or the prospect of general war by accident. Common sense must reject all such alternatives.

ARMING FOR A NEW WAR?

For a long time, regional understandings such as NATO have helped to delimit, if not the spheres of influence claimed by East and West, at least the spheres in which war was a dangerous possibility.

For a generation, this delimitation has been accepted.

Now, with the open assignment of Soviet airmen as part of the Egyptian airforce, the open use of Egyptian ports by the Soviet fleet, and the sale by France of 125 modern planes to Libya (an adjunct of the Moscow-Cairo Axis), a totally new picture is being created.

Until recently, Moscow's regional propaganda line was based primarily on support to the Arabs, and sought political advantage in Middle East chaos. Now the position has changed; Russian propaganda justifies an armed Soviet presence in the Middle East, and the imperialist purpose becomes visible behind the diplomatic fog.

USSR STAKES OUT "SOUTHERN FRONTIER"

After many years of co-existence with the American 6th Fleet in the Mediterranean, Moscow chose the time of the NATO meeting in Rome to announce a new policy. Read the following broadcast by Radio Moscow, beamed to Italy just as the NATO ministers assembled on May 27, 1970:

"The situation in the Mediterranean has indeed worsened in these last few years—not due to the Soviet Union, but indeed because of the presence in this sea—which is thousands of kilometers from U.S. coastlines—of the U.S. 6th Fleet which the peoples of the Mediterranean describe very accurately as a policeman . . . NATO is the active ally of American imperialism in these matters . . .

"In regard to the presence of Soviet warships in the Mediterranean, a sea that lies close to the frontiers of the Soviet Union . . . the Soviet Union maintains its ships there to guarantee the defense of its southern frontiers."

Thus, for the first time since the Czars, we hear the Mediterranean spoken of as an extension of the "southern frontiers" of Russia. And "guarding" these frontiers is extended to include a "guarantee" of the Arab states, as well as "the southern frontiers of the socialist community." Therefore, Moscow openly asks the American fleet to get out, denouncing it as "the aggressor."

This is a radical change of attitude from the days when we thought the Cold War was coming to an end, when the Mediterranean was thought of as a *mare librum*, and the Middle East was under some kind of United Nations supervision (ineffective though it proved to be).

President Nixon declared in his basic statement, "Foreign Policy for the 1970's," that "the United States would view any effort of the Soviet Union to seek predominance in the Middle East as a matter of grave concern." When Secretary of State Wm. P. Rogers, using the most moderate of language, complained of the Soviet increase in forces as "a serious matter," Moscow called his remarks "provocative," and openly admitted the increase in its armament.

CHAOS IN THE MAKING

Events in other places serve to add to our cause for alarm. If the Arab states have been divided between those attached to the Russian axis, and those in chaos, the situation is rapidly worsening. As we go to press, we hear of the murder of an American diplomatic attache by guerillas in Jordan, the kidnapping of another, and two successive attempts to assassinate King Hussein. It is not too much, indeed, to say that because of the Soviet-Egyptian-supported guerrillas, a state of near civil war exists in Jordan, and may spread quickly to places like Lebanon. Every disorder of this type constitutes an excuse for further disturbance, and new adventurism by the Moscow-Cairo Axis.

We cannot look to the Security Council for solutions, because it has become prosecutor, judge and executioner for only one side of the dispute.

The situation is further complicated by the effort of Maoist China to establish some kind of presence of its own in the Middle East, leading to a constant competition between Moscow and Peking spokesmen as to which can use the strongest language in support of "the people's war"—i.e., the guerrillas. Long ago Peking made its radio available to El Fatah, and scarcely an issue of the official PEKING REVIEW fails to present some major article bolstering up the cause of the guerrilla forces. On May 25, 1970, for example, Premier Chou En-lai himself addressed a letter to the El Fatah head, Yassir Arafat, reiterating Peking's *"unswerving support of your struggle."*

Meanwhile, on June 15, President Nasser, appearing jointly with the new Libyan Premier, proclaimed once again his "firm rejection" of any attempt to reinstate the United Nations ceasefire.

As 79 members of the United States Senate summed up the picture in a joint letter to Secretary of State Rogers on May 28, recent events have created *"a growing military imbalance"* in the area. *"The Soviet Union,"* they write, *"has taken the unprecedented steps of overly involving in increasing num-*

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ber of its own military personnel in a state far from its own borders," as part of a *"reckless escalation of the Mideast conflict."*

From the point of view of Israel, Prime Minister Golda Meir has put it even more plainly: *"The Soviet Union in pursuit of its scheme to dominate the Middle East does not care if Israel goes up in flames."*

Now is the time for the common sense of mankind to reassert itself. If we cannot have brotherhood, let us at least seek safety and order—because otherwise the alternative is too terrible to contemplate. Let us at least not try to upset balances that have worked for a reasonable number of years. Let us try, where these balances have come into doubt, to repair them, and to aid the freedom-loving countries on whose frail power they depend. The other choice, as Dean Rusk has put it, is "the path that leads over the cliff."

WAR POWERS OF THE PRESIDENT AND CONGRESS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. HELSTOSKI. Mr. Speaker, yesterday we had the opportunity to define the powers of the President and the Congress relating to war and our commitment to send troops into areas of conflict.

Mr. Speaker, a resolution of this importance should have had the greatest possible exposure in this body. It should not have been brought up under a procedure that did not permit any amendments to it.

The resolution does nothing to alter the present course of the President and the Congress under existing laws and the Constitution. While the objective is meritorious, the language of this resolution is far from binding upon the President to refrain involving the Armed Forces of the United States in armed conflict.

I am concerned that section 2 of the resolution may be construed by the President as being given a "blank check" to embark upon a military adventure into any area of the world. The words "whenever feasible" can be constructed by the President in any way that he determines. Under the broad powers of the Constitution he can send troops wherever he chooses, and there is nothing in the language of this resolution which would preclude this action.

This resolution, while a grand compilation of words, is absolutely meaningless. I believe that the Congress should assert its absolute power to require the President to desist from hostilities which may be undertaken without the declaration of war by the Congress. There are so many loopholes in this resolution's two sections, sections 2 and 3, that it tends to go in the opposite direction to what Congress intends.

Mr. Speaker, I have voted against this resolution because I am skeptical that the wording of it will attain our objective for peace in the world. I shall continue in my efforts to bring back our boys from Vietnam and from sending others into areas of combat.

VISA DENIED DR. ZAMOSKIN

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. KOCH. Mr. Speaker, the Department of State has recently denied a visa to Soviet sociologist, Dr. Yuri A. Zamoskin, who was scheduled to lecture in this country at over 15 colleges. All the necessary papers were ready until last Thursday when the State Department decided to take a harder line with the U.S.S.R. on the issuance of visas. I would like to submit for inclusion in the RECORD my letter of today to Secretary of State William P. Rogers urging that he instruct the U.S. Consulate in Moscow to release the visa prepared for Dr. Zamoskin.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 17, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. ROGERS: I am most disappointed in the position taken by the Department of State in not authorizing a visa to Dr. Yuri A. Zamoskin of the USSR to begin his scheduled lecture tour yesterday in the United States. Dr. Zamoskin, the Vice President of the Soviet Sociological Association, editor of the Journal of Philosophy, and author of 21 books, is a leading sociologist who was scheduled to speak on the problems of today's youth in the USSR at over 15 colleges, including Rutgers, Dartmouth, Kent State, Cornell, Columbia and Duke University.

His documentation and arrangements were all in order until last Thursday when the Department of State decided it was necessary to obtain an agreement from the Soviet government that they would entertain a reciprocal proposal for an American lecturer to speak in the Soviet Union. This assurance demanded by the Department of State is already implicit in the exchange agreement. It is my understanding that the Soviet government feels that this new position held by the Department of State contradicts the existing cultural exchange agreement between our two countries. This is seen as a new approach, a hard-line policy on the part of our government by demanding special assurances from the USSR that they will consider entertaining an American lecturer at a later date.

Dr. Zamoskin has visited the United States at least 5 times and has met and exchanged views with leading educators throughout this country. As recently as 1967 he participated in the proceedings of the American Sociological Association in the U.S. He is esteemed by sociological and soviet experts at our own universities and held by them to be a leading exponent of Soviet liberal views.

May I suggest that the Department of State immediately authorize the United States Consulate in Moscow to release the visa prepared for Dr. Zamoskin and then, at a later date, test the good faith of the USSR government when we have a specific lecturer or lecturers to suggest to them. If we find that there is no reasonable reciprocity on the part of the Soviet government, then, at that time, we can adjust our policies accordingly. The goal should be a fair and open exchange of ideas, particularly at the university level where academic freedom should flourish and be encouraged.

Sincerely,

EDWARD I. KOCH.

"GLAMOR" OF NARCOTICS CONCEALS A SORDID LIFE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. DERWINSKI. Mr. Speaker, there is a necessary and, in fact, long overdue concern over the tremendous and adverse affect of narcotics in our educational institutions. The complications of drug abuse must be effectively emphasized and a program to convince youngsters that the avoidance of experimentation with drugs is essential to their well-being must necessarily be emphasized.

A very effective, hard-hitting editorial in the Harvey, Ill., Tribune, Thursday, November 12, emphasized the problem as effectively as any recent commentary that I have read. The item follows:

"GLAMOR" OF NARCOTICS CONCEALS A SORDID LIFE

The media was criticized by speakers at a recent Thornton Community college-Illinois Law Enforcement commission workshop for contributing to the drug problem by "glamorizing" the situation. But a newspaper's responsibility is to present both sides of a situation, and both the parents and the children involved in or contemplating involvement in drugs tend to glamorize the situation, within the strict definition of the word, themselves.

Glamorous means "having an imaginary and emotional appeal." For parents, many without the facts and operating on rumors, the situation becomes quite emotional. This is understandable among those who do care about their children, but when drug addiction symptoms become apparent, parental emotions often become unreasonable, sometimes resulting in compounding the problem instead of helping.

A booklet, "Living a Nightmare" put out by the Harvey Police department, suggests that parents in discussing the problem with their children be frank, honest, factual and definite. Copies of this worthwhile booklet are still available at the station located on Broadway across from the Municipal building.

Another way for parents to correct their mistaken ideas about drugs is to support drug abuse workshops and hear speakers available through police departments and schools. A drug rehabilitation center, Foundation I Clinic, recently opened on 154th street in Harvey, has indicated a need for both community and financial support.

Young people, too, have a tendency to glamorize the situation. To many of them, drugs make the ugly beautiful, the painful pleasant, and the real unreal. Another illusion youths hold concerning drugs is that within the peer group, involvement is "cool." This is true, but after a period of time, they find the error of their own illusion. An addict loses his cool in his desperation and soon becomes something for his former friends to pity. With those of his friends who accompany him in drugs, past friendship becomes a threat to the addict who can only see his next fix. As the brain cells die, the profound thoughts and beautiful music become jumbled and the beauty of sight and hearing are dulled instead of heightened.

Drug addiction is glamorous: but it is a romantic world of illusions which eventually shatters a young person's enthusiasm, talent and happiness and sometimes results in death, a very ugly twist of fate for someone who seeks life most—the young.

Perhaps society's biggest job then is to get the "message" to its youth of the dire results of addiction. Prevention, in this case, is easier than cure.

DOMINANT ROLE IN ADMINISTRATION POLICIES?

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent article appearing in volume 35, number 19, of the Conservation News published October 1, 1970, by the National Wildlife Federation, the great national citizens conservation organization, entitled "Are Industries To Play the Dominant Role in Administration Policies?"

That superb article points out actions by the executive branch of the Government raising real questions as to whether the progress desired by all of our people is being achieved in preserving natural resources, protecting the public lands, combating pollution, and assuring a desirable environment. It follows:

ARE INDUSTRIES TO PLAY THE DOMINANT ROLE IN ADMINISTRATION POLICIES?

(By Louis S. Clapper)

In its first Annual Report, the new Council on Environmental Quality said that "historians may one day call 1970 the year of the environment."

Few persons would quarrel with that evaluation because, with the "Earth Day" observance and the enactment of significant new legislation, 1970 has been memorable. The Congress has adopted landmark legislation such as the National Environmental Policy Act and the Water Quality Improvement Act, improved environmental considerations in the Airport and Airway Development Act, and soon may approve of strengthening changes to existing laws on air pollution control and solid waste disposal. A historic court decision, in the so-called Boca Ciega case, said the Army Corps of Engineers has the authority to deny permits to dredge and fill on grounds of environmental damage. And, the President this year himself exerted significant leadership in a special message on the environment to the Congress, recommending a 37-point program. He also ordered Federal agencies to clean up their pollution, took important steps to prevent oil pollution and clean up any which occurs, and proposed taxes on leaded gasoline to reduce air pollution. Truly, 1970 has been the "Year of the Environment."

Despite all of these developments, however, there is a growing suspicion among conservationists and environmentalists that industries may be gaining a dominance where they can play a leading role in the formulation and implementation of Administration policies. Here are the reasons why 1970 may also become known as the "Year of the Industrialists":

Item: On January 28, the Administration announced a delay in imposition of the grazing fee increase planned for 1970. While this "moratorium" was imposed for at least one year ostensibly to allow the Secretaries of Agriculture and the Interior to study recommendations of the Public Land Law Review Commission, pressures from western livestock interests were instrumental in the decision. Actually, the practice of grazing of privately-owned livestock on Federal ranges has been "studied to death" and, before the moratorium, the fees were found to be so low as to constitute a subsidy for a tiny segment of the livestock industry. The grazing fee increases were programmed to reach full market value in ten years. Now, the livestock interests are working either to get the moratorium extended or the fee increases reduced. Due to these pressures over many years, public lands have been badly damaged through overgrazing.

Item: On April 9, 1970, the President announced the establishment, by Executive Order, of a National Industrial Pollution Control Council composed of 63 officials of major industries, including several polluters. Bert S. Cross, of Minnesota Mining and Manufacturing Company, was named as chairman. The 3–M Company manufactures a product widely used by its subsidiary, National Advertising Company, which is generally credited with being the biggest opponent to the removal of billboards in the highway beautification plan supported by the Department of Transportation. Others included in the star-studded lineup are executives of many of the Nation's largest lumbering, mining, oil, and manufacturing companies, some of which have been under close Federal scrutiny for polluting water and air resources. Then, the Administration sought $475,000 for operations of this well-heeled group, or nearly one-third of the amount it requested for activities of the Council on Environmental Quality which is responsible for riding herd on all Federal activities, including those which supervise industries. How well will the Administrator of the new Environmental Protection Agency be able to crack down on polluting industries when they are represented in the Cabinet by the Secretary of Commerce and he is not?

Item: On June 19, 1970, the President ordered Federal agencies to formulate plans to permit increased production of timber, probably to the deteriment of other valid uses of Federal forests. Even a Republican leader in the Congress, such as Mr. John P. Saylor (Pa.), described this as a successful end run by the timber industry to gain by Executive fiat the special advantages they could not achieve by legislation. Mr. Saylor credited the White House and said: ". . . conservation, environment, ecology, that is, the public's concerns, are to be subservient to the pressures and profits of the logging and lumber industry."

Item: In July, 1970, full impact of the insidious poisoning of lakes and streams by mercury wastes was sweeping across America, with evidence of the dangerous element found in waterfowl and fish and other creatures. The Secretary of the Interior said he was moving against ten industrial plants and "we are developing hard evidence against a number of other companies." He said these discharges "represent an intolerable threat to the health and safety of Americans." Then, in August, Alabama officials reportedly were ready to move to shut down industries discharging mercury into public waters. Yet, the Federal Government baffled Alabamans by pulling the rug out from under the State officials by establishing something of a temporary accommodation tolerance up to a half-pound per day for mercury dischargers, giving them time to install clean-up equipment. Mercury can be kept out of public waters entirely through recycling.

Item: On September 9, a writer for the New York Times authored an article attributed to White House sources which alleged that Carl L. Klein, Assistant Secretary of the Interior for Water Quality and Research, was a principal obstacle to the enforcement of anti-pollution laws. The article hinted that Klein was too soft. In truth, Klein probably was too brash and tough. The condition of Puget Sound in Washington is an example. A conference, first step in complicated Federal law enforcement procedures was held in 1962 to initiate a badly-needed cleanup process. The second session of this conference was held in 1967, when the polluting municipalities and industries agreed to a cleanup compliance schedule. However, some of the polluters are not progressing as rapidly as many people think they can and should. The largest plant involved, the Scott Paper Company, has been given until 1978 by the State as a deadline to clean up part of its wastes—16 years after the initial conference had decided what should be done. Klein wanted to call a public hearing, second stage in the law enforcement process, for the purpose of bringing facts out on the table and to try for an earlier compliance dealine. However, orders "from upstairs" came to cancel the hearing and any pulloff had to originate either with the Secretary or at 1600 Pennsylvania Avenue. Klein resigned September 17.

Item: An almost-forgotten section called the Refuse Act in the 1899 Rivers and Harbors Act prohibits the discharge of "refuse matter of any kind or description whatever" into any interstate or intrastate navigable water of the U.S. except under a permit from the Army Corps of Engineers. While municipal sewage is exempted, almost all other pollutants supposedly are covered, including discharges of oil, chemicals, garbage from ships, and even heat. The Corps of Engineers has issued relatively few permits over the years and obvious violations of the Act are widespread. However, the Corps of Engineers and the Justice Department are bending over backward to not conflict with water pollution abatement efforts of the FWQA—or to prosecute violators. Curiously enough, Seattle attorney Marvin Durning in April asked the U.S. Attorney to prosecute and fine under provisions of the Refuse Act the industries which are dumping refuse into Puget Sound. When no action was forthcoming on July 9, he went to court against ITT Rayonier, Inc., charging the firm with dumping pulp wastes into the Sound. Thus far, there is little evidence that the Administration wants to develop a coordinated crackdown on industrial polluters, using either new or newly-rediscovered laws, or even to ask for additional funds to employ more people for increased surveillance.

Item: For years, industrial and business groups opposed a strong Federal water pollution control program, including grants to cities for the construction of waste treatment plants. This attitude stemmed from the realization that, once the cities cleaned up, the public finger would be pointed at industrial polluters. In 1969, the Administration proposed that only $214 million be appropriated (as had the Johnson Administration) for fiscal 1970.

The Congress, however, responding to widespread public demands, appropriated $800 million. Then, the Administration obligated only $360 million, leaving a $440 million "carryover." Much of this slowdown was due to a shortage of manpower to process applications from the States and cities. Of 150 positions authorized the FWQA was allowed only 90 and some of these were not filled.

Federal agencies now are busy drafting their proposed budget for fiscal 1972. After a thorough going over, this Budget will be sent to the Congress in January. Earlier this year, Thomas L. Kimball, Executive Director of the National Wildlife Federation, directed an open letter to the President. He asked: "Are you spending enough to repair the damage done to the environment—to safeguard our natural resources," pointing out that natural resources ranked 13th or dead last among the priorities in the 1971 budget request. How much money is allocated for wise

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management of natural resources, for water and air pollution control, and for effective protective law enforcement will be an index toward how much influence industrial interests have gained within the Administration in this "Year of the Environment."

SALT AND SANITY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. BOLLING. Mr. Speaker, the following article by Marshall D. Shulman is a thoughtful and timely report on relations between the United States and U.S.S.R. It appeared in the New York Times of November 10, 1970:

SALT AND SANITY

(By Marshall D. Shulman)

(NOTE.—Marshall D. Shulman is Professor of Government and Director of the Russian Institute, Columbia University.)

The barometer of tensions between the U.S. and the Soviet Union has fluctuated wildly lately between "détente" and "confrontation" and there is a danger that an opportunity is being lost to bring some sanity to bear on the one problem on which the two countries have overlapping interests—strategic weapons competition.

That opportunity exists because, for the first time, there is a rough balance between the strategic nuclear arsenals of the two super-powers. The differences between the kinds and numbers of weapons on each side has no practical significance. However, the present gross balance is not likely to last long.

If the two countries continue to build up their strategic arsenals, we will soon move into a period of greatly increased instabilities, largely because the weapons now being developed and deployed are feeding doubts on each side.

The major reason why the Strategic Arms Limitation Talks (SALT) do not appear able to take advantage of the present opportunity, except for marginal aspects, is that the tides of politics are currently running in a conservative direction in both countries.

On the Soviet side, the orthodox wing of the party bureaucracy is currently in the ascendary, committed to conformism at home and unremitting struggle against "imperialism" abroad. This is a time of critical debate in Moscow—concerning the Five-Year Plan, the party congress to be held in the spring, decisions regarding resources and policies. During these debates, conflicting assumptions regarding Soviet relations with the United States will be argued.

To the leadership in Moscow, the dominant pressures in this country appear to be militarism and reaction. They note the talk of reduced military budget, but pay more attention to Administration pressure for rapid deployments of MIRV and ABM. They would be interested in the President's words regarding trade possibilities, but are more impressed with the rejection of the Ford deal. They find it difficult to distinguish between what is said for reasons of domestic politics and for reasons of state.

Moreover, expectation of gains from an active "anti-imperialist" campaign is stimulated by Soviet observation of disorders in American society, the American mood of contraction from involvements abroad, and the reduction in confidence in America on the part of its friends. The temptation to press political competition actively is made almost irresistible by the prospect of decisive gains in the Arab world and in Western Europe.

With all this in mind, the Soviet Union is expanding its presence on the global scene, developing military capabilities and diplomacy, pressing political competition as hard as necessary and—in the case of the Middle East—as close to the margins of risk as the prize warrants.

Nevertheless, despite this prospect of heightened political competition, and despite ascendant conservatism in the two political systems, progress could be made in SALT if Washington operated on the basis of a more differentiated view of the relationship than is suggested by the alternation of "détente" and "confrontation." SALT does not signify détente or rapprochement. What it should signify is mutual interest in damping down the strategic weapons competition.

There are some in the Soviet Union who share this view, but it will take learning time and restraint on our side if this view is to become widely enough shared to overcome the military desire to catch up with the United States qualitatively (e.g., in MIRV testing) as well as to push ahead quantitatively.

We both need to improve our signaling about SALT. Previous signals have been smothered in the noise of domestic politics and short-sighted efforts to gain bargaining advantages. Soviet signaling is inhibited by the fear that an expression of concern will be taken as a sign of weakness. The possibilities for substantial and timely discussions of MIRV thus have been greatly reduced.

The moment is important. We may miss a time to influence Russian decisions about how much of their resources to put into strategic weapons; Moscow may miss the point that a conservative U.S. Administration can do some things more easily than a liberal Administration; and we both may miss an opportunity to improve our security by stabilizing the strategic weapons competition.

THE COMPREHENSIVE MANPOWER ACT AND THE SENIOR AIDES PROGRAM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. FRASER. Mr. Speaker, in order to provide a decent and meaningful life for all older Americans in this country, especially those of low income, I support the passage of the manpower bill which provides for continuation and further development of senior community service employment programs. This new concept toward helping our Nation's elderly poor will eliminate to a great extent many social-oriented problems in our communities.

The concept has been in effect in some 20 demonstration projects throughout this country for the past 2½ years. It has more than demonstrated its worth.

The Minneapolis program is operated by Minneapolis AFL–CIO Central Labor Union Council under contract with the National Council of Senior Citizens and U.S. Department of Labor.

The AIDES, all over 55 years of age, and all living on incomes of $1,800 a year or less, are proving that their vitality, human spirit and willingness to help are assets we cannot afford to lose in meeting community problems.

The senior AIDES program in Minneapolis has won State awards for its services to the mentally retarded, has presented a plan for a model senior service center to the model cities board, and has helped local community agencies redouble its efforts to reach the isolated and the poor.

To date, approximately 500 have applied for the 60 positions offered as senior AIDES.

The senior AIDES program in Minneapolis, under the leadership of Mrs. Kersten, has demonstrated the need to further the efforts of senior citizens in this very vital area.

The passage of this bill will substantially advance this cause.

CAMPUS VIOLENCE AND THE WAR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. SCHMITZ. Mr. Speaker, Paul Linebarger wrote in "Psychological Warfare":

> The intent of propaganda is always a result observable in action.

Many people have mistakingly blamed the Vietnam war for the violent and destructive activities carried out at home by students and nonstudents. But violence on campuses in the Western Hemisphere does not mysteriously erupt due to conflict in Asia. Nothing even slightly similar took place during the Korean war.

Student violence focused on our deployment of men to the Southeast Asian theater of the global war arises not from the war itself, but rather from student attitudes toward our resistance to Communist aggression in that area of the world. Their hostile attitudes have been purposely fostered and cultivated by various individuals whose mission it is to drive the United States out of Vietnam.

In 1965 the Senate Internal Security Subcommittee, in Senate document No. 72, 89th Congress, first session, stated—and supplied the necessary evidence to show—that "the control of the anti-Vietnam movement has clearly passed from the hands of the moderate elements who may have controlled it at one time, into the hands of Communists and extremist elements who are openly sympathetic to the Vietcong and openly hostile to the United States."

This 256-page report was put out 5 years ago. Since that time Communist and extremist control of the movement has not abated, although it has been camouflaged by the large numbers which have been rallied in support of Soviet foreign policy objectives in Southeast Asia. One of the more despicable aspects of this situation is that the colleges have paid to have their students indoctrinated with various distortions, misrepresentations, and blatant lies, whose influence upon the students is now reflected in ever-widening circles of blood and destruction. Just recently at Irvine, within

11 days of a speech at the UCI campus by the well-known revolutionary, Tom Hayden, a Stanford Research Institute building was bombed and the local branch of the Bank of America was severely damaged by fire.

The purpose of propaganda is always action. The purpose of anti-Vietnam, anti-American propaganda is action against America.

The House Internal Security Committee just concluded a study on campus speakers which gives us insight into the magnitude of the pro-North Vietnamese propaganda effort conducted on the campuses. The House committee sent out a questionnaire to 179 colleges and universities requesting information on speakers who had appeared on campus in the last 2 years. From the 95 colleges and universities which responded, in full or in part, to the committee's survey, it was determined that in the last 2 years no less than $100,000 had gone to speakers representing organizations violently opposed to our actions in Vietnam and bent on revolution in the United States. These organizations ran the gamut from the Communist Party to the Youth International Party—Yippies.

When it is realized that these 95 colleges represent less than 4 percent of the educational institutions in the country, and that all of these 95 did not respond in full to the questionnaire, a little extrapolation allows us to see that well over a million dollars must have been paid to these revolutionaries. Is it any wonder that much feeling on the campuses is directed against our actions in Vietnam? In the name of free speech the educational institutions have not only helped spread violence among their students but have supported through speakers' fees the individuals who are responsible.

A study dealing with Chinese Communist indoctrination techniques, used so successfully against American prisoners during the Korean war, gives us the following information:

> The indoctrination program was divided into two phases. The first phase was called by Army psychiatrists the "mind conditioning phase." During this period, the lecturer aimed at making the prisoners hate America. They were told that the South Koreans had treacherously attacked the peaceful North Koreans, etc., etc. . . .

The mind conditioning phase of enemy indoctrination procedures is now being undertaken in the citadels of higher learning in the United States.

Losing the war will not restore order on the campuses. Restoring order on the campuses will, however, strengthen the war effort and save American lives in Vietnam.

DEFENSE BUDGETS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. TEAGUE of Texas. Mr. Speaker, recently I received a letter from my good friend Mr. Russ Clark, of Dallas, Tex., whose close association with our aerospace programs has prompted him to write of his deep concern for the future of our defense stature. Under leave to extend my remarks in the RECORD, I include Mr. Clark's letter:

DALLAS, TEX.,
November 3, 1970.

Hon. OLIN E. TEAGUE,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR "TIGER": As a concerned citizen of Texas and the United States, I am writing to you to express my very deep personal feelings relative to the current position and projected trends in our U.S. Government support for Science, Technology, and DOD Defense Systems.

Because of my vocation, I have very recently had the personal privilege of hearing the Deputy Secretary of Defense, the Honorable David Packard, and the Director of Defense Research and Engineering, the Honorable John S. Foster, Jr., discuss in some privileged meetings the implications of the current, DOD-planned FY–71 Defense budget and the current guidelines to the DOD for the five-year preliminary Defense budget planning for FY–72 through FY–77.

A concerned citizen must be shocked if he understands that the proposed FY–71 budget, in terms of "real" purchasing power of our inflated dollar, is on the order of $2 billion less than the FY–60 Defense budget.

Further, the thoughtful and knowledgeable citizen would be equally shocked if he understood that the DOD support of Science and Technology in its programs, again in terms of "real" dollars, for the FY–71 requested Defense budget is lower than recent preceding years; and, particularly, that the current guideline planning for the "out" years (FY–72 through FY–77), again in terms of "real" dollars, is projected to decrease year by year. The Science and Technology benefits that are realized from the DOD RDT&E authorized and appropriated budget have significant and enduring effect on our scientific and technology base for many other government programs, such as NASA, DOT, and improvement of our Ecology.

I know it is difficult to convey to the average citizen, but the lead time involved from basic research through applied research and development to useful products, whether it be defense systems or ecological systems, is long and difficult and requires sustained funding and dedication of scientific and engineering personnel.

I am sure I do not need to comment in depth on the well known threat to our society of the continuing advancements in Science, Technology, and Offensive-Defensive Systems of unfriendly countries who continually increase, year by year, their support, in terms of "real" dollars, in these activities.

Sir, my special, personal plea to you, who represent the people of Texas and our country, is that to obtain economic growth with social justice, and a national defensive capability that will effectively deter aggressive nations, you do all you possibly can to create knowledge and understanding of the issues among the people of Texas, whom you represent; and, particularly at this time, to support, as a minimum, the DOD FY–71 budget request; and, further, if you are as concerned as I am, to obtain authorization and appropriation of more Defense dollars than DOD has requested in FY–71.

I would be most pleased at any time when I am in Washington to amplify in person my concern as expressed above.

Let me thank you for your consideration of this critical subject.

Sincerely,

J. RUSSELL CLARK.

THIS WAY LIES MADNESS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. SCHMITZ. Mr. Speaker, an ancient Greek proverb said:

> Those whom the gods would destroy, they first make mad.

There are times when it seems that today's America is bent on proving its truth anew.

On the same day recently, October 21, two news stories appeared in Eastern papers. One, an Associated Press dispatch from Baltimore, reported that a Federal judge had just ruled that the Baltimore City Police Department could not refuse to put a nudist on the police force, ordering that he be hired within 7 days.

Federal Judge Edward S. Northrop was said to have declared "that the decision not to hire the department's top applicant because of his membership in a nudist colony violated the Glen Burnie man's constitutional right of free association."

The other story, appearing in the Buffalo, N.Y. Evening News, and also reporting the action of a judge, began as follows:

> Six of Mrs. Cecilia Gracey's nine children have been taken from her and placed in foster homes because she refused to send them to a school for "sex teaching."

Public school authorities in Oswego County, N.Y., have admitted that abortion was discussed in a class which Mrs. Gracey's children were required to attend. Judge Donald Comstock reportedly stated, regarding her children:

> I have an obligation under the law to see that they get an education. I had no alternative.

At the time the story was written, Mr. and Mrs. Gracey did not even know where their three youngest school aged children had been taken.

A society which simultaneously, by court decision, compels the hiring of nudists as policemen and takes children away from their parents for not attending classes in which abortion is discussed, is a society well on the road to insanity.

Some will say these are mere isolated instances, and so they are—now. That is why they are still newsworthy. But the pattern of madness they reveal is spreading—and infectious. This is worse than moral bankruptcy; it is a total perversion of common decency and common sense.

For several years I have been warning of the dangers of the continuing drive by our Government school systems—which is the proper name to give to what we usually call "public schools"—to change and dominate the children who attend them, estranging them thereby from their parents. The current practice of administering amphetamines and related powerful drugs to young children in many Government schools, which was the subject of a special hearing September 29 by Congressman CORNELIUS J.

GALLAGHER's Subcommittee of the House Government Operations Committee, is further alarming evidence of this trend. Testimony presented at that hearing revealed the extent of the pressure put on parents who try to resist, or decline to consent to the drugging of their children at school.

To quote the testimony of Mrs. Daniel H. Youngs, of Indianapolis, Ind., formerly of Little Rock, Ark.:

> The next few months the pressure was extreme. We received almost daily notes from the children's teachers and calls from the school. We were told our children had completely quit trying and were failing every subject. We knew what they were trying to accomplish by this, because we knew parents in the neighborhood that submitted their children to the program because they couldn't take the pressure. Believe me, it wasn't a pretty sight to see little children's personalities changed with the use of drugs.
>
> My husband and I had no one to turn to. We knew that the school officials would do nothing. At this point we felt we had two alternatives: leave Arkansas or stay and fight. We chose to stay and fight. We knew there were hundreds of children on drugs and someone, somewhere would listen and help us put a stop to this program. We were wrong!

Mrs. Youngs listed no less than 15 officials and other persons to whom she appealed for help. None could or would do anything to protect her children.

But to take a child away from his home and his parents altogether, and place him in another home without his parents' consent or even knowledge because of a dispute over his schooling, is utterly unforgivable. This sort of thing is characteristic of the Soviet Union and Red China, but so far as I know this is the first time it has happened in the United States. In other cases children have been forcibly returned to government schools, or their parents have been fined or briefly jailed for withdrawing them from school, but never before to my knowledge has a child been legally removed from his home for this reason. And this case involves not just one child, but six.

That is why the case of the Gracey family deserves nationwide attention. If the reported facts are false, this should be established without delay. If they are true, they constitute the clearest proof so far of the full extent of the nightmare which our government school system is rapidly becoming, and of the crying need for action at every level of government to call a halt to such monstrous abuses of power.

ROORBACK STYLE: THE SMEAR ARTIST

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. BOLLING. Mr. Speaker, the integrity of our national politics is discussed in the following column by James Reston which appeared in the Kansas City Star of October 30, 1970:

ROORBACK STYLE: THE SMEAR ARTIST

(By James Reston)

WASHINGTON.—The last few days of a political campaign are always the most dangerous, for then candidates are vulnerable to damaging and misleading attacks which they have no time to answer.

The last-minute smear is one of the oldest and ugliest tactics of American politics, and lately it has been used against Sen. Edmund S. Muskie of Maine, among others.

For example, a three-quarter page ad has recently been appearing in some Maine newspapers signed by Carl L. Shipley, a Republican national committeeman from the District of Columbia, who identifies himself as "Treasurer, Committee for a Respectable Congress."

The advertisement asks:

"What kind of man is Edmund Muskie?" and answers as follows: "You can't be sure by what he says today in Maine at election time. But you can find out something about him by taking a look at what he and his friends, whose support he accepts, have been saying all along. If you agree with their views on excusing lawlessness, on undermining national defense, on forgiving rioters and looters, and on accepting the use of marijuana and heroin by our young people, then Muskie is your kind of man."

Fortunately Senator Muskie had time to publicize and dramatize this as "a vicious, irresponsible, deliberate untruth," but a similar ad was run against Sen. Joe Tydings in Maryland and Congresman Tunney, the Democratic candidate for the Senate in California, and it is a warning of what can be expected in the closing hours of this squalid campaign.

The presidential campaign of 1844 gave a name to this sort of thing. It was called a "Roorback." At that time, when the Tennessee Democrat, James K. Polk, was running against Henry Clay of Virginia, then a Whig, the Ithaca, N.Y., Chronicle, a Whig newspaper, published what purported to be an excerpt from one Baron Roorback's journal in which Roorback claimed to have watched the purchase of 43 slaves by Polk with "the mark of the branding iron and the initials of his name on their shoulders . . ."

In actual fact, though this was widely reprinted just before the voting and Polk actually won the election, there was no such event, and there was no Baron Roorback; but the last-minute smear was established and we have had "Roorbacks" ever since.

What is interesting now, however, is not that the dirty tricks of politics go on but that they seem to be accepted so casually. Many of the one-minute political television ads are based on the same kind of misleading statements as the Muskie ad, with quotes taken out of context and the candidate accused of believing any statement ever made by any of his supporters.

Even our most respectable colleagues on the Wall Street Journal dismiss the current political appeals to fear by recalling, quite accurately, that the Democrats have often done the same thing. Boys will be boys, they seem to be saying a little sadly. "But let it pass; mostly we remember a quote from that wise old American philosopher, Mr. Dooley: 'Politics ain't beanbag.' "

Which is true enough, but one thing is fairly clear. This dirty stuff won't "pass" until the voters demonstrate that it doesn't pay off on election day. No doubt Shipley thought he would get away with the smear on Senator Muskie or he wouldn't have placed the ads.

Tens of millions are being spent on tricky TV ads in this campaign—all on the assumption that the papers and the voters will either let them pass or shrug them off.

Every campaign seems to develop new techniques designed to mislead the public. For example, in this compaign, President Nixon has been condemning campus protesters, which is fair enough, but Newsweek magazine reports this week that in order to dramatize the President's counterattacks on the student radicals, "on occasion the President's staff leaks a few hecklers into the hall so that Mr. Nixon may back them down."

Hugh Sidey makes the same point in this week's Life magazine. "Nixon's advance men," he writes, "this fall have carefully arranged with local police to allow enough dissenters in the staging areas so the President will have his theme well illustrated as he warms to his job."

Well, as Carl Shipley would probably say, if that's the sort of politics you want, all you have to do is let it pass. But in a way, the real issue of the 1970 congressional elections is not the candidates but the tactics. For one thing is fairly clear: The President is making a test in this election to see whether his appeals to fear of crime, drugs, smut and permissiveness in general can be used to create a new conservative political majority in America.

If the Nixon-Agnew type of scare politics works in the '70 election, it is almost sure to be carried over into the presidential election of 1972, dividing and polarizing the politics of the nation even more than at present.

This is what this campaign is all about: It is about the integrity of our national politics and if this cannot somehow be established, it is hard to imagine how we can solve the rest of our staggering problems.

MAYOR CERVANTES SPEAKS

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. SYMINGTON. Mr. Speaker, a recent address by the Honorable Alfonso J. Cervantes, the mayor of the city of St. Louis, has been brought to my attention.

In his thoughtful discourse, Mayor Cervantes points out that:

> Though the federal grants-in-aid systems for the central cities of older metropolitan areas has been substantially advantageous in many instances, on an over-all evaluation, the categorical grant system has been over-regulated, under-supported, divisive, wasteful, frustrating, completely beyond the federal bureaucracy's capacities, substantially ineffective, in the long run subversive of the very federal system that gave it birth, and that the whole system must be radically altered from a revenue grant system to a revenue sharing system.

Mayor Cervantes reaches the further conclusion that revenue sharing is the appropriate strategy to return to the cities' mayors the responsibility and authority to carry out their mandate. Without revenue sharing the authority over the various programs is located in Washington and not in the cities where the people and their problems are.

With Harvard Prof. Edward Banfield, author of the Model Cities Task Force Report recently released by the White House, Mayor Cervantes maintains that with the growth of Federal grants-in-aid from millions to billions the Federal Government is confronted with a basic decision: either the Federal Government will have to greatly expand its present bureaucracy or it will have to return the administration of the programs to the cities themselves. Mayor Cervantes suggests that the unwelcome alternative of multiplying the Federal bureaucracy with the consequent minimization of the local authority is antithetical to our Federal system and that which our Founding Fathers envisioned.

Fortunately, the mayor was able to make his remarks before the very officials responsible for Federal grant programs at a conference at Annapolis, Md., held in furtherance of a 3-year program to improve and streamline Federal grant program administration.

I commend Mayor Cervantes' interesting and informative address, and am pleased to include it in the RECORD for the attention of my colleagues:

FEDERAL REVENUE SHARING AND THE CITIES: A VIEW FROM ST. LOUIS

(By Hon. A. J. Cervantes)

Gentlemen: It may sound like a bit of banter and playful needling for a Mayor of one of the older, larger cities to initiate our discussion by stating:

"I have dreamed of the day when I would have the chief administrators of the federal grant program before me so that I could tell them exactly what I as a Mayor think of their whole system of categorical grants."

I know some Mayors who are so exasperated with the whole federal grant system that they would give up their own spleen and their cities' "maximum feasible participation" programs to have the opportunity to meet in one room with you chief administrators of the Departments of Labor, Justice, Commerce, Defense, Agriculture, Transportation, HEW, HUD and OMB to tell you that as far as the core cities and their poverty peoples are concerned the grant system itself hasn't worked, isn't working, and can't possibly work."

These Mayors would tell you that the whole system of categorical grants "is over-regulated, under-supported, divisive, wasteful, frustrating, completely beyond the federal bureaucracy's capacities, substantially ineffective, in the long run subversive of the very federal system that gave it birth, and that the whole system must be radically altered from a revenue grant system to a revenue sharing system."

I think, gentlemen, that you will agree with me that that would be quite a statement.

But it is not my temperate intention to make such a statement.

Furthermore, I need not make such a critical statement.

For, as I will document in a moment, this statement has already been implicitly made by our President, Mr. Richard Nixon, and by the conservative Republican Mr. Edward Banfield in his Model Cities Task Force Report released by the White House just two weeks ago.

MY ROLE BEFORE YOU TODAY

I recognize that I am before some of the most intelligent, committed, and capable administrators of which this country can boast.

You and your agencies' representatives have always treated St. Louis with a consideration and generosity far beyond the call of duty.

I wish to take this occasion to thank you and your representatives for all the creative assistance that you have afforded St. Louis and other cities, such as St. Louis, now in the throes of the urban crisis.

I know that the reason why we are here today is to address ourselves to the question of federal grant reform.

The particular categorical grant reform under consideration is that of revenue sharing.

My simple role is merely to give some informal observations on federal-city relationships as seen from the office of a Mayor.

My point of departure are the words of President Nixon and Professor Banfield in submitting why, and I quote the Banfield Task Force's principal recommendation, "most federal aid should go to the cities by way of revenue-sharing rather than by categorical grants-in-aid."

1. *"Fiscal mismatch."*—Fourteen months ago today, on August 13, 1969, President Nixon announced to Congress that he was submitting legislation providing "without federal strings" Federal Revenue Sharing with State and local governments.

Mr. Nixon first pointed out that "Revenues of the Federal government have increased ninety-fold in thirty-six years."

"Under our current budget structure," continued Mr. Nixon, "Federal revenues are likely to increase faster than the national economy. At the local level, the reverse is true. . . . The result is a 'fiscal mismatch' with potential Federal surpluses and local deficits."

NINE THOUSAND PRESENT!

My head swims and my mouth waters when I try to conjure with the concept of a ninety-fold increase of federal revenues in 36 years.

How does near-bankrupt St. Louis react to this?

Despite the fact that in the past 36 years St. Louis, as other older core cities, has become a concentration center of high cost citizens, its revenue increase has not been 9000% but 600% (from $18 to $109 millions).

In St. Louis we are averaging a yearly revenue increase of only 1.3% with a yearly cost increase of over 5%.

Income—1.3% increase.

Outgo—5.1% increase.

Clearly something had to give in St. Louis. Poorer City services, streets not fixed, one-third of the housing stock in serious disrepair, housing code enforcement lapsing, inadequate money to pay for policemen, firemen, teachers, city workers; peak taxation and peak deficits—the whole urban crisis bag—with bankruptcy not far down the fiscal pike.

A MARSHALL PLAN FOR AMERICAN CITIES

I have just returned from the International Conference of Mayors in West Berlin.

While attending the conference I was the guest of West Berlin's Mayor Klaus Schuetz.

The other evening I remarked to Mayor Schuetz how amazed I was that the cities of Europe so recently in war bombed ruins were now beautifully rebuilt. European cities that I saw do not have the core rot slums that infect American cities.

Mayor Schuetz with a shrug of his shoulders uttered two words that speak volumes: "Marshall Plan."

A Marshall Plan for ravaged European cities but no Marshall plan for ravaged American cities.

Here likewise is a type of "fiscal mismatch."

FEDERAL SPENDING PRIORITIES

You notice that I have not said that the federal government has not supplied the St. Louis community with money.

It has.

Lots of it.

According to the computer print-outs of the Federal Information Exchange System, in Fiscal Year '68 it was $1.7 billion.

In Fiscal Year '69, $1.5 billion.

During the first half of this past Fiscal Year it was $571 million.

But as with the general national spending priorities so with the federal spending pattern in St. Louis. Two-thirds of the federal spending in St. Louis is for military and defense-related expenditures. $1.2 billion or 66% of the $1.8 billion spent by the federal government in the City of St. Louis in '68 are listed under "Department of Defense" expenditures.

50,000 NEW HOMES?

Of course I am proud of what St. Louis industries are doing for national defense.

But I am sure that you sympathize with me when I sigh a bit when I hear those billions of dollars of Phantom Jets roar over City Hall on the way to Viet Nam. I quietly think of what it would mean to our city if only $1 billion of this investment could be put into St. Louis housing.

ONE BILLION!

A billion dollars would build 50,000 $20,000 nomes!

And that too is a fiscal mismatch. There were not 50,000 homes built in St. Louis last year but only 7 throughout the whole of the City.

2. *Inherent ineffectiveness of the categorical grant system.*— But the "fiscal mismatch" argument of federal-city relationship is of itself no argument whatsoever in favor of the revenue sharing plan.

And neither the President nor the Banfield Report says that it is.

All that the "fiscal mismatch" argument indicates is that the cities deserve more money from the federal government in order to fulfill their tasks.

Just because you put one gallon of gas in a Cadillac car for a five-gallon trip is no argument against the Cadillac because the gas investment brings the Cadillac far short of its goal.

Pour a greater gas investment into the same car and it will get you where you want to go.

And here we come to the cutting edge of the President's and the Professor's capital argument.

THE VEHICLE ITSELF IS DEFECTIVE

Their argument is, and I agree, that the more fiscal gas that the United States pours into this categorical grant vehicle the more clearly we see that the vehicle itself is defective.

The system itself is incapable of getting us where we want to go.

It's not the drivers of the vehicle—you administrators.

It's not the amount of gas—the amount of money that is poured into the system.

It is the categorical grant system itself which must be replaced by a new model called "Revenue Sharing."

EXAMPLES FROM ST. LOUIS

Let us take several examples from my home town:

a. *Education.*—Consider Title I of the Elementary and Secondary Education Act.

It was certainly programed for the right goal. It was set to alleviate the educational distress primarily of the disadvantaged. That was the target goal.

It was juiced up with a billion dollars worth of gas.

But the system itself proved incapable of reaching its goal of assisting primarily the poor.

In the Office of Education's 268 page report analyzing Title I, the average Title I expenditure per participant in rich districts was $226 as compared to $107 in poor districts.

In the St. Louis Metropolitan area these appalling disparities mean that if a child is a resident of Clayton, an affluent suburb, almost $1,500 will be invested in his education.

If he is a resident of the City of St. Louis one-half of $1,500 will be expended.

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If he is a resident of Kinloch less than one-fourth of the Clayton $1,500 will be expended.

And, I submit, the life's chances of each child varies accordingly.

The present federal grant system did not, as Congress and its administrators intended, lessen this inequality of opportunity. It had the opposite effect. It heightened the inequality.

We recognize that the impeding intervening variable is the State Government through which most grants to the cities, as those of the Office of Education, must pass through—or be rerouted or blocked. The system as it is established cannot reach its goal.

b. *Housing-Highways.*—Or take the cases of the federal mortgage and the federal highway grants.

These programs are heralded as having been eminently successful.

And they were.

Except for the older central cities of our metropolitan areas.

These programs have ringed the expanding black neck of the central city with a lilly white lasso and stabbed the heart of the central city with severing concrete knives.

Just how long will it take Secretary Romney and his Assistant Secretary Jackson, for all of their uniquely wonderful work, to bind up the federally inflicted wounds of a divided society with the alleviating ointment of suburban open housing?

c. *School Lunch Program.*—The following is a statistic that I simply cannot understand. It concerns the federal school lunch program. I don't understand it because I happen to know that the Department of Agriculture and the Office of Education have done everything possible to assist St. Louis in a very special way.

But the statistic is this. Throughout the State of Missouri 60% of the children are receiving hot lunches. In the affluent St. Louis County it is only 40%. But in the City of St. Louis where poverty is concentrated it is only 20% of the pupils who are receiving hot lunches.

During this past year there were over 30,000 children from aid to dependent children families in our St. Louis schools. Less than half of them received free lunches. (cf. *St. Louis Globe Democrat*, 3/2/70)

The grant system as now devised has not been able to provide preferential and compensatory mass services primarily for the no-income and low-income citizen even when it is so programmed.

d. *The Laws Delay.*—It is inevitable that a system as incredibly complex and run by individuals who are neither immediately present nor immediately involved should be characterized by delay and uncertainty.

St. Louis has been waiting for thirty-five years, through a whole succession of congressional delays, to see the completion of the Jefferson National Expansion Memorial.

Not all of our grants take this long to come through. But considering the number of steps and forms and processes that must be traversed before a grant-in-aid can be delivered to a city, it is a wonder that they don't take this long.

Year after year in our summer programs, for instance, we do not know until June how much money will be available for our various programs. Without these special federally assisted programs I know the city would literally go up in flames. But it would be a relief if we could plan not by crisis but by orderly process.

I look forward to the time when under a revenue sharing formula that considers not only population and tax effort but likewise need, the cities will know exactly how much grant money will be coming to them. I have much greater confidence in the speed and efficiency of a computer working in the basement of the Treasury Department in getting our St. Louis grants delivered than I have in my own efforts at walking with my hat in one hand and a tin cup in the other from door to door in the Congressional and Department hallways.

THE PRESIDENT SPEAKS

President Nixon and Professor Banfield develop in greater detail why the categorical grant system is no longer solvent.

President Nixon speaks of the growing impossibility of a grant system to run a $28 billion program spread over a half a thousand separate and uncoordinated aid categories in thousands of cities. He speaks of "overlapping programs at the State and local level"; of "the distortion of State and local budgets"; of "increased administrative costs"; of "program delay and uncertainty"; of the "creation of new and frequently competitive state and local governmental institutions"; and of the growing threatening loss of faith "in the power and efficacy of the Federal government."—President Richard Nixon, "Revenue Sharing With State and Local Governments" (August 13, 1969) in *The New Federalism*, p. 50.

THE BANFIELD REPORT

The Banfield Report bases its case against the categorical grant system on the grounds that the programs it funds have been over-regulated and under-supported. The Report's key point is that the system itself will no longer work:

"Now that billions instead of millions are being appropriated, *the system simply will not work as it used to;* Congress and the federal bureaus cannot possibly regulate and supervise the details of hundreds of programs operating in thousands of cities. It is necessary either to give local governments vastly greater freedom in the use of federal funds or else in effect to replace them with a much enlarged federal and state bureaucracy. We have no doubt whatever as to which alternative is preferable."

THE ST. LOUIS MODEL CITIES PROGRAM

To conclude our second consideration on the inherent ineffectiveness of the presently constituted federal grants-in-aid system let me cite our experience with the Model City Program.

Believe me when I say that from the very first day that this program was announced we went to work on it. Those supplemental grants that were a part of the program looked too good to be true: no strings attached, federal funds could be used to match other federal funds, every dollar might thereby attract another five or six dollars. There was no doubt about it—and I still have no doubt about it—that the Model Cities was indeed a giant step in the right direction.

HARD WORK

Literally hundreds of meetings where held in my office over the past four years trying to understand and work out this program.

We canvassed for thousands of petitions and signatures to send to Washington to get the legislation passed.

We worked far into many a night with the hundreds of volunteers needed to get what we thought was a rather sophisticated systems analysis proposal into Washington first. And it *was* the first to arrive.

But despite all our local hard work and despite all the hard work of the federal, regional and state administrators I believe the grants-in-aid system as embodied in the Model Cities program prevented full success.

Such a long range, comprehensive federal program as the Model Cities process demands continuity of administration, consistency of policy, and continued strong federal inter-agency commitment.

THE CHANGE OF ADMINISTRATIONS

But, as all elected officials know, continuity of administration depends upon the voters. There can be changes of administrations. And with these changes of administrations there can likewise be changes of emphasis in policy, directives, and inter-departmental commitment.

This all sounds innocent enough until you start to reduce it to practical city politics. Such changes can put the dependent city administrations in an awkward bind.

Was the federal administration requiring a comprehensive or a selective approach to the problems of the Model City target area? Could or could not the Neighborhood corporations operate programs as well as plan, monitor, and evaluate them? And was the program itself a "Neighborhood" or a "City Hall" program?

A NEIGHBORHOOD PROGRAM

On this last item I had been given to understand that is was basically a "Neighborhood" program. And I accepted it as such. I was and am now primarily interested in getting the services to the low income peoples and if the federal government were deciding—as in the OEO program—to go the non-City Hall route, then I would abide by their decision.

Indeed I went so far as to arrange a massive luncheon to which I invited not only the local notables but likewise the top federal administrators of the Model City Program.

At this luncheon I delivered what I thought to be a mighty powerful talk declaring that the St. Louis Model City Program would be a "Neighborhood Power" program. The neighborhood residents themselves would decide how they would spend "their" Model Cities money.

I can still feel the pat on the back and the shake of the hand of the then prime federal administrator of the Model Cities program. And I can still hear the ring of his voice as he said: "Fine, Fine." And so said they all.

A CITY HALL PROGRAM

I won't go into the bloody details.

But I will tell you that the St. Louis poverty people's money—which is and was from the beginning my prime goal—was held up for nine months while we tried—and to some extent vainly—to turn the program around from a "neighborhood-without-City Hall" program to a "neighborhood-with-City Hall" program.

I would hate to have an unexpurgated dictionary of all the terms that have been informally applied to me as Mayor during this excruciating "back to City Hall" process.

Gentlemen, I have nothing but the highest respect for the ability and commitment of federal administrators.

But I say that under the present system of grants where you are congressionally charged with the ultimate responsibility and try to run everything from Washington for a hundred thousand different neighborhoods throughout a pluralistic country such catastrophic misunderstandings, seemingly contradictory directives, and riot-provoking discontinuities of promises and expectations are inevitable.

I agree with President Nixon and Professor Banfield—the system simply must be changed.

3. *The present system deprives the city of a mayor who has responsibility and authority.*—The federal grant system of its very nature deprives the local executive of his authority and effectiveness in whatever area it extends its assistance.

As a group we are not complaining. But I am merely giving you cues as to why the new system of revenue sharing must be instituted if we are to have a federal system based upon the ideals of our founding fathers—and of sound management.

"LOS ANGELES DOESN'T STAND FOR A DAMN THING!"

Let me give you this example.

It was during the days of the Urban Crisis hearings of the Senate Executive Reorganization Subcommittee.

There occurred a highly publicized confrontation between two Senators and a Mayor.

The famous Senators were after the political scalp of the Mayor of Los Angeles.

When their persistent questioning of Mayor Yorty elicited the agreement of the Mayor that he did not have control over manpower, welfare, education, housing, taxing, and a whole host of urban programs that a Mayor would have to have in order to be substantially responsible for the welfare of his City's inhabitants, one of the Senators tartly remarked: "Well, Los Angeles doesn't stand for a damn thing."

What these ill-tempered and misplaced words of this great Senator were really saying was that the Mayor's role in a City means very little—doesn't stand for a damn thing—if all of his chief functions have been preempted by a massive anonymous and distant bureaucracy.

WHAT ABOUT THE OTHER CITIES?

Despite the Senator's intemperate manner of expressing the situation, he was substantially correct.

But it is likewise true that with the expansion of federal grant-in-aid programs the cities no longer have control over their own manpower, housing, welfare, taxing, education or other key systems. The grant system has taken them over.

And here I come to my key point.

As long as the categorical grant system is in control the local chief executive cannot be in control.

This is a severe condemnation of the total contemporary grant-in-aid system. I wish to document the statement.

"A DECLINE IN AUTHORITY"

President Nixon in his request for Revenue Sharing legislation stated that the "Rapid growth in Federal grants has been accompanied by. . . . A decline in the authority and responsibility of chief executives, as grants have become tied to functional bureaucracies."

"PILING ON REGULATIONS AND MORE REGULATIONS"

The Banfield Report analyzes the red tape dynamics of this loss of local control from federally funded programs:

"As a rule Congressional purposes are stated in very general terms. Agency heads, in prescribing the detailed regulations by which these purposes are to be given content in particular circumstances, necessarily rely heavily on their own more or less arbitrary judgments. There is no reason to suppose that their judgments about what is or is not implied by a statement of Congressional intent is necessarily sounder than the somewhat different judgments that might be made by other persons—local government officials, for example. To be sure, the agency heads are under the discipline of knowing that they may be called publicly to account before a Congressional committee if they make determinations that are clearly inconsistent with the spirit, not to mention the letter, of the law. The effect of this discipline, however, is to incline them to play it safe by piling on regulations and more regulations. They know that they will not be praised for getting things done; their problem is to avoid being blamed for doing things that Congress—or rather certain Congressmen—do not want done, and the way to avoid blame is to take a few chances as possible. It is probably safe to say that timid bureaucrats produce more red tape than arrogant ones."

WHO IS THE PROGRAM ADMINISTRATOR?

What President Nixon infers when he states that there has been a decline of authority of local executives "as grants have become tied to functional bureaucracies" and what Banfield spells out is that under the present system of grants you administrators in Washington are constrained to keep the controls over the programs and that you can't possibly hand over the authority to the Mayor or to anyone else.

You are the administrator and for all the euphemisms that are used with us Mayors we know you are the prime administrators.

You have the money to pay the piper and you call the tunes you see fit.

Your priorities are your priorities—and not necessarily the Mayor's.

Your application forms, your management devices, your multifarious reporting systems, your multiple audit systems are yours—a hundred strong and by no means standardized even in your own Departments.

This is all built into the present system.

"Better that all should suffer rather than one should go astray."

More than that.

Your far-flung Department may detect the mishandling of let us say OEO or HUD monies in New York or Berkeley and all but immediately the St. Louis GAP administration is penalized with a dozen more "safeguards" though year after year the St. Louis Human Development Corporation has handled a $17 million program with disadvantaged persons and has not been guilty of misplacing a cent.

Gentlemen, the United States can not have it both ways.

Either Washington will be the prime administrators of the program or the United States will adopt a system of revenue sharing whereby the authority can be handed back to the local communities.

A PLANE LOAD FROM ST. LOUIS

The sharpness of this dichotomy of either Washington or St. Louis will run the St. Louis program came home to me the last time I was in Washington several months ago.

The then Deputy Assistant Secretary for Model Cities had very generously agreed to listen to the St. Louis Model City's Neighborhood Residents' request that the Model City Agency be allowed to operate the programs they had planned.

With extreme patience Mr. Baida listened to the whole story from about twenty of us. In his explanation two points became pivotal: The Mayor was the head of the Model City Agency and those residents who were on the Board of Directors could not operate the programs.

When I suggested that if I were the head of the program then I could have these residents operate the programs they had planned, Mr. Baida replied: "No, I too have my responsibilities. We have our guidelines."

Mr. Baida was right. Within the present categorical grant system, Washington is the prime administrator of the program and not St. Louis.

A MAYOR AND "HIS" ANTI-POVERTY PROGRAM

Let me close with a story about the early days of our CAP organization.

I became Mayor in early '65 and found that my predecessor, a very able administrator, had organized in the Mayor's office an independent non-profit corporation known as the OEO–HDC. It had a magnificent Board of Directors. A dozen of the best citizens to made up what was really a "dream board."

But now there appeared on the scene from out of Washington a brilliant and charming young Lochinvar with stars in his eyes, down on his cheek and the fresh savor of his Ivy League garland still on his brow ready to do battle with all the iniquity of City Hall and this "unrepresentative" Board of Directors.

Our Washington emissary was immediately ready to program our operation.

First of all the Board Room of the Mayor's office was no place to hold anti-poverty program meetings. The meeting place had to be changed!

Second, even the blacks on the Board, our local Negro hero, a judge, who is still the Chairman of the Board; a Negro woman lawyer who is still on the President's Commission on Civil Rights; and several other Negroes of comparable stature were not, said Mr. Lochinvar, representative of the poor.

I suggested that if the Board must be enlarged could we not recruit our additional members from the elected PTA Presidents in the poverty neighborhoods?

This would not do, I was informed, since PTA Presidents even from the poverty neighborhoods were likewise part of the "power structure."

Today the Board of Directors of our CAP agency is composed of 36 members and I as Mayor have the right to designate three of the 36 members.

I judge our HDC organization to be one of the nation's best. In this evaluation I believe the OEO administrators will agree.

But this is beside the point.

The focal issue to be seized is that wherever the federal grant system provides its service to a city there is likely to be, in President Nixon's words, "an accompanying decline in the authority and responsibility of chief executives, as grants have become tied to functional bureaucracies."

"NEW APPROACHES"

Gentlemen, can you imagine my delight when I read in the paper just two weeks ago today this headline: "Nixon Administration To Revise Grant System To Aid Urban Revival."

I feverishly read on:

"In three to eight cities . . . City Halls will be given authority to use Model Cities money as they wish without prior approval from Washington. The usual Federal audits will be conducted later. . . .

"In three to eight other cities, the Mayors will be given virtual veto, or checkoff powers, over all Federal grants flowing into the cities. This will give them authority to coordinate Federal spending at the local level. . . .

"In several other cities, all poverty areas within the municipal boundaries will be included in what is termed the model neighborhood. . . .

"According to sources who have been working on the revisions, the planned changes are an essential part of President Nixon's 'New Federalism Policy' which would give more money and authority to state and local governments."

A TELEGRAM FOR A PILOT CITY

This announcement of the Nixon Administration's "new approaches" could be an answer to a City's plight and its prayer.

As in this talk we spoke of:

1. *Fiscal Mismatch,* this new pilot program speaks of more money to the cities;

2. *The Inherent Ineffectiveness of the Categorical Grant System:* the new pilot program speaks of a City using Federal monies without prior approvals and with subsequent audits;

3. *The Present System Deprives the City of a Mayor with Authority and Responsibility* and the New Federalism Policy would restore the local authority to his traditional role within a strong Federal system.

You can rest assured that within minutes I had contacted Mr. Arthur Kennedy, the Director of our local Model Cities Program, and we dispatched this telegram to Secretaries Romney and Richardson who had made the announcement:

Dear Mr. Secretary: Greatly intrigued with your desire to make Model Cities effort a more effective part of the national urban pol-

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icy. Am vitally interested in St. Louis being a part of the initial testing of this major new thrust.

Our Model Cities program, with its necessarily limited target area and our citywide *Challenge of the 70's* organization and process, make St. Louis an ideal major city to participate fully in this new endeavor.

Mr. Arthur Kennedy, Director of our Model Cities program, and Dr. Lucius Cervantes, Director of our Washington Office, *Challenge of the 70's*, will contact your office regarding the city's desire to meet the criteria of selection for this creative experiment.

THE NEW FEDERALISM

Gentlemen, you have been very indulgent in listening to me recount St. Louis' "Perils of Pauline" in its relationships with the federal government.

I thank God that I am a part of a federal democratic system where such dialogues can take place across party lines.

All of us in municipal management are grateful to Dwight Ink, Tom Graves and the Office of Management and Budget for this opportunity to present our views in a direct and first-hand manner.

This is the first time, so I am informed, that the chief administrator of a major American City has been invited to confer with the top administrative officials of the principal Federal agencies to discuss in depth our common goal—putting available tax resources into a working machinery to properly deliver services to our people.

I know that you are striving for what I am striving: the general welfare of our people.

You and I both believe that the federal system with its allocation of due powers to the federal government, the state government, and the local government is necessary for that dream to be realized.

Our President has stated that "through revenue sharing an important measure of political power is returned to the people" and that "revenue sharing is the financial heart of the New Federalism."

As the Mayor of a Midwestern River City, Chairman of both the Missouri Muncipal League and the St. Louis Metropolitan Council of Governments (East-West Gateway Coordinating Council), a Democrat and a concerned citizen, I agree wholeheartedly with Mr. Nixon in what he rightly calls a bipartisan thrust for the establishment of a Federal Revenue Sharing System that will go a long way toward making the New Federalism a reality.

"VIETNAMIZING" VIETNAM'S ECONOMY

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. COHELAN. Mr. Speaker, the issue of the war in Vietnam was not an overriding concern in the recent elections, yet it remains one of our most important national problems. Although many Members of Congress, I among them, have agreed forcefully for an accelerated end to a large-scale military presence in Southeast Asia, the Nixon administration has embarked on a much slower withdrawal rate in the hope that the Government of South Vietnam will be able to solidify its political base.

The cornerstone of the "Vietnamization" program is that the Government of South Vietnam will be able to effectively deal with its economic deterioration. The United States has been attempting, with limited success, to help stabilize the Vietnamese economy, but the problems are not only caused by a large U.S. presence but also by the lack of action on the part of the South Vietnam Government to take a forceful stand on inflation.

Dr. Stephen Enke, in an informative article, has suggested two immediate economic goals for South Vietnam—a realistic exchange rate of the piaster and a more adequate system of taxation.

I commend this article to the readers of this Record.

[From the Wall Street Journal, Oct. 5, 1970]

"Vietnamizing" Vietnam's Economy

(Note.—Over the weekend the South Vietnamese government decreed a "parallel" exchange rate among other measures designed to curb inflation; for certain transactions, notably exports and piaster purchases by foreigners (including allied soldiers), the rate was set at 275 piasters to the U.S. dollar. Many in the U.S. Congress do not think the steps are adequate. The following article, written just before the announcement, gives an idea of why the legislators feel that way.

(Dr. Enke has been a division head at Rand Corp., a visiting professor of economics at Yale and a Deputy Assistant Secretary of Defense (economics). During the past five years he has directed several studies of the Vietnamese economy. The views expressed in this article are his responsibility, not that of his past or present employers.)

(By Stephen Enke)

Vietnam, according to reporters, is headed for an "economic" crisis that will jeopardize "Vietnamization." But the impending crisis is in reality financial rather than economic, and the remedy is not more U.S.-financed imports but a realistic exchange rate for the piaster and increased domestic taxes in South Vietnam.

The South Vietnamese piaster is at this date still officially exchanged at a rate of 118 to the dollar. This is the rate at which our Government buys the piasters it needs to hire local labor, buy local provisions, and so forth. It is the rate at which Vietnamese importers officially buy foreign exchange if they can get licenses and dollars to import. It is the rate at which GIs are supposed to buy piasters, but seldom do, for the black market rate runs between 300 and over 400 piasters to the dollar. The 118 rate is more than five years old, and during this time the domestic price level has tripled.

DEFICITS AND PAPER MONEY

The piaster depreciates because money in circulation has been increasing around 30% a year on an average. When the Saigon government's budget is in deficit it issues additional paper money to fill the gap. Even after receipts from customs and other import-related taxes, there is a large and increasing deficit every year.

The South Vietnamese government receives more from import-related duties and customs than it does from all domestic taxes on land, beer, gasoline, business and other incomes, and everything else. The income tax falls disproportionately upon government employees, who almost alone have tax money withheld from their wages, and yields little. Agricultural land pays almost no taxes even though good rice land may produce a crop worth 25,000 piasters or so per hectare at the farm.

It is imports that provide most government receipts. These are financed by the U.S. Government, not by exports. They cost the U.S. one way or another over two-thirds of a billion dollars a year. These varied imports include rice, building materials under the Commodity Import Program, together with motor-scooters, durable consumer goods and other "luxury" items otherwise financed. These imports have not, however, been yielding all the government receipts they could. This is because import licensing is restricted, and the piaster is officially over-valued.

Consider imported widgets. As inflation continues, the sale price of widgets in Saigon rises. But the cost to the importer is the same, if the piaster price in dollars or yen is unchanged and the import taxes paid are unchanged. The widening margin results in excess profits for the importer, except insofar as he must share them with officials. These excess profits and pay-offs are a sort of "leakage" in U.S. support.

If only nominal profits were earned, the South Vietnamese government would receive more piaster receipts per dollar of U.S. support. This would happen if the piaster price of foreign exchange increased as the internal purchasing power of the piaster declined. A substantial across-the-board devaluation of the piaster and institution of a flexible piaster price on dollars to licensed importers is therefore urgently needed.

The South Vietnamese government is likely to have larger deficits and print money more rapidly because of past and future U.S. troop wtihdrawals. Presumably the Department of Defense and GIs will buy fewer piasers with dollars as fewer soldiers remain in the country. It is these dollars, which the Saigon government sells to importers for unrestricted use, that yield the most budget revenues per dollar through high "luxury" goods duties. Accordingly, foreign exchange reserves have been falling, until recently import licensing was restricted to reduce sales of foreign exchange to importers. The result has been to make import licenses and associated exchange more profitable to those fortunate to secure them. The loss of potential government receipts per dollar of U.S. support is thereby increased.

Those U.S. officials who influence our annual support level must attempt some very difficult estimates. They must try to assess how much faster domestic prices will rise relative to the circulating money stock and how much socially divisive inflation is tolerable. If these officials want import licensing to become unrestricted, in an effort to plug the leakage in U.S. support, they must try to guess what piaster exchange rate (X) is compatible with what U.S. support level (Y) and what budget deficit (Z), all subject to the requirement, say, that the Saigon government's foreign-exchange reserves neither increase nor decrease.

No mortal economist knows how to juggle this collection of X, Y and Z. If the South Vietnamese Government taxes less than expected at home or spends more on wage increases than expected, the Z budget deficit will be greater than "planned." With unrestricted import licensing, importers will want to buy more foreign exchange, all financed by U.S. support. As a result, if foreign-exchange reserves are to be held constant, there must be either an increase in the Y support level or in the X exchange rate. More Y costs the U.S. taxpayer more and gives Vietnamese consumers more imported goods. A higher-than-X piaster rate costs our taxpayers no more and provides Vietnamese consumers with no less.

ARGUING FOR X RATES

The strongest arguments can be made for letting the X exchange rate be the variable. Then the related Y support level and Z budget deficit can be set annually for each year. Unexpected tax short-falls or spending over-runs by the South Vietnamese government, resulting in more deficits and money in circulation, then alter the exchange rate but not the level of U.S. support or the physical inflow of imports.

Arranging for an officially flexible exchange rate is not difficult and requires very little time for preparation, whereas collection of a productive land tax would take a year to organize. There could be a weekly auction of unrestricted foreign exchange and of restricted Commodity Import Program dollar credits. The Saigon government as auctioneer could protect itself against collusion by setting a minimum piaster price each session. It should make sure that all legitimate purchasers of foreign exchange for current account transaction can become accredited attendees at such auctions. Dollar exchange in different "lot" amounts could be auctioned against sealed bids. The total dollar sum to be auctioned weekly is easily determined from the known level of U.S. support.

The alternative of a supposedly single act of devaluation can only be partially effective. For prestige and political reasons the new official piaster price on the dollar will almost certainly be set too low. As inflation continues the true external value of the piaster will continue to fall. Import licensing will have to be reintroduced, excess windfall profits and pay-offs will reappear, and U.S. support will again be partially wasted. So in time there will have to be another undignified "catchup" devaluation.

These suggestions are aimed at coping with a financial, not an economic, crisis. The piaster may be ailing, but the consumers of South Vietnam are not. The availability for consumption in Vietnam of non-military goods is probably a third higher than it was five years ago.

Obviously, the war and inflation have benefited some more than others, so that an internal redistribution of real income is desirable. Rice growers and farmers generally are doing quite well except when they are refugees from their lands.

One major reason that South Vietnam is not suffering economically is that unemployment has been eliminated. With new demands for services and goods, and more money in circulation to "lubricate" such transactions, there has been an increase in the gross domestic product for several years, with only moderate price increases. Young men might go into the armed forces, but their work around the farm was taken over by relatives.

Under these conditions, if real income needs to be redistributed for equity reasons, this should be done by usual fiscal means. Profitable rice and urban lands should be taxed to pay for supplemental soldiers' wages. There is no justifiable reason why the U.S. taxpayer should finance more imports so that the real incomes of those worse off can be supplemented by piaster expenditures without inflation.

Originally the idea was that U.S. support should compensate for lost domestic production of consumer goods because of mobilization for war. But no such consumption gap occurred during the years that underemployment was being eliminated. Gradually, the U.S. began instead to fill the budget deficit gap with imports, so that the less the Saigon Government taxed and the more it spent the more imports the U.S. financed to contain inflation. Less fiscal responsibility was rewarded with more consumer goods imports. Thus the U.S. Government during previous Administrations came to establish a perverse set of incentives for the South Vietnamese government.

THE GOVERNMENT MUST GOVERN

The fundamental object of "Vietnamization" is surely to make the South Vietnamese government and people more self-reliant and independent. The goal of the U.S. is to help them to help themselves. In part this means that they do more of the fighting if we will give them the necessary equipment. But it also means that the South Vietnamese government must increasingly govern, not only as regards maintaining physical security, but also by performing more functions of government more adequately.

One such crucial function of government is taxation. No country can really become a nation that lacks a government with the ability and will to tax. The U.S. Government, as part of this serious exercise in nation building, needs itself to adopt policies that will encourage those with the power in Saigon to tax and govern fully.

SPEAKER McCORMACK'S WARNING TO AMERICA

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. JONES of Alabama. Mr. Speaker, an editorial in a recent issue of the Athens, Ala., News-Courier calls attention to and praises the observations of our distinguished colleague, the Honorable JOHN MCCORMACK, concerning the dangers of misreading the significance of international communism and its designs on our country.

In view of our colleague's exceptional record of service to our Nation and his unique positions of leadership in this House for the past 30 years, his words of advice should have the widest possible distribution.

I am proud to associate myself with the editorial of Mr. Beasly Thompson in the Athens Courier, and I include his comments in my remarks so that my colleagues may know of these observations:

MCCORMACK'S WARNING TO AMERICA

John McCormack has served in Congress for 42 years—under one-fourth of the men who ever lived in the White House—and as Whip and Speaker of the House for 30 years—longest of any man in the leadership of either major party in the history of Congress. For 14 months, after the assassination of President Kennedy, he was next in line for the presidency. He used to ask himself in those days about foreign developments, "Well, what would you do, John?"

In a coprighted interview with U.S. News and World Report, McCormack issued a warning for the American people, a warning born of his long and close observation of our relations with other governments. In the 30s, he said he saw what appeasement did, when Britain and France let Hitler get away, first with the Rhineland—thinking he'd be satisfied—then Austria, saying "Well, we can live with him."

Today, McCormack finds a tendency in America to "misread the significance of international Communism and its designs upon our country." And, then adds, "Arrogant aggression, whether under Nazism or under international Communism, isn't something Americans can ignore and live with."

McCormack exploded the popular belief that Communism has mellowed as more and more people say, "We can live with Communism." As for himself, he said, "I can live with the Communists if they will leave other countries alone. But the Soviet and Chinese Communists are just as much bent on world domination today as they ever were. There may be tension between the two, but they can get together overnight, and they'd both like to see the world dominated by Communism, with America isolated. Then they could fight it out to see who would be the No. 1 Communist nation."

If John McCormack does nothing else for the nation he has served so long and so well, his warning would be a great epitaph to a unique career. It should bring us back to the realities around us, not let the surface evidence blind us to the dangers through which we live.

GEN. W. C. WESTMORELAND, CHIEF OF STAFF, U.S. ARMY, ADDRESSES THE NATIONAL ASSOCIATION OF LAND-GRANT UNIVERSITIES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include the text of the address of Gen. W. C. Westmoreland to the Council of Presidents of the National Association of Land-Grant Universities. I commend its reading to all in this body who have any doubts as to the role the ROTC program has played in our defense structure:

ADDRESS BY GEN. W. C. WESTMORELAND

I welcome the opportunity to address the members of this Council this morning. As Superintendent of the United States Military Academy for three years from 1960–1963, I have more than a casual appreciation for the responsibility in heading an institution of higher learning.

Some in our society would place us poles apart . . . you in the academic world and me in the profession of arms. Yet our two professions do hold similarities:

Yours appears to be growing as hazardous as mine.

The turnover within your ranks is approaching the turbulence within mine.

And, finally, the maxim of tactical security that has long been a part of the Army lexicon is now a part of your vocabulary.

In a more serious vein . . . as a professional soldier responsible for your Army of over a million men and women . . . I can assure you we have much in common.

First, we are both vitally concerned with youth.

Next, we both seek to instill initiative and responsibility in those within our charge.

Further, we both share an interest in preparing young people for a future in our society.

Moreover, we both are eminently concerned with education and the betterment of the individual through learning.

And finally, we both engage our young people at a time in their lives that is crucial to them as individuals . . . molding life patterns that are vital to our future society.

Over the years, I have had the opportunity, like you, to know our young people. I have known the American serviceman in the most difficult and hazardous conditions. I have seen him in peace and in three wars. His dedicated and professional performance can in large part be attributed to what he has received from our schools—both civilian and military.

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Like your profession, the Army today is deeply involved in every aspect of training and education. Because we replace about one-third of our manpower each year, our school system of necessity is literally the largest campus in the world.

In addition to the Military Academy at West Point, the Army school system consists of 2 colleges, 20 branch schools, and 11 specialist schools. In these schools, we offer over 900 different courses of instruction on a campus that is located in 17 different states. By the end of this fiscal year, we will have had 67,000 in the classroom each day of the year and will have enrolled over 350,000 servicemen in Army schools. These courses cover a wide spectrum of academic subjects as well as skills, trades and crafts. And most of these are transferable to civilian pursuits.

Education means a great deal to the soldier, the Army and the Nation. What is not well known are the additional educational opportunities the Army provides its personnel. Let me list a few:

During FY 70, 55,000 soldiers completed high school or received equivalency certificates and over 500 received baccalaureate or advanced degrees through the Army's General Education Development Program.

These were part of the 200,000 soldiers who took advantage of Army sponsored educational opportunities—from the elementary through the university level—during the past fiscal year.

Additionally, in this period, over 38,000 men who did not possess the necessary mental prerequisites entered the Army and have been given the opportunity to improve their basic level of education to meet our minimum standards.

While the Army provides extensive educational opportunities to those within its ranks, we do look to civilian institutions to provide the intellectual foundation so necessary for the enlightened leadership in our modern Army.

Today, over 90 percent of our career officers hold undergraduate degrees. Our goal is, of course, to attain 100 percent.

Some 25 percent of our career officers already hold advanced degrees. We estimate that approximately 75 percent of our career officers may expect the opportunity to gain advanced degrees during their service.

In working toward our goals, we currently have over 3,500 officers enrolled in civilian colleges and universities in pursuit of graduate as well as undergraduate degrees.

But nowhere is our dependence on the civilian education system more demonstrated than in ROTC.

In my opinion ROTC plays two vital national roles. It undeniably contributes to the defense and preparedness of the United States. But it also develops discipline, character, leadership, and patriotism in young people . . . young people who will be among the future leaders of this Nation.

ROTC is and will continue to be our major source of newly commissioned officers each year. We seek in this program to develop enlightened leadership in young men and motivate them towards service to country.

Our overriding concern must be that our soldiers are led by the very best. In a society which is growing more permissive, the selection of leaders not only becomes more difficult but also more important. If we cannot obtain the best from the campuses of America, where do we as a nation turn for quality leadership in the quantity we require in our Armed Forces?

ROTC is a valuable leavening and balancing influence on our Army Officer Corps that draws its men from a number of sources. Through ROTC, we acquire men who can think logically and clearly, who can articulate their thoughts and attitudes, who bring with them from throughout our country . . . and from a variety of educational institutions . . . an understanding of local, regional, and college community backgrounds and viewpoints.

To achieve the quantity required without sacrificing quality means that we must exert every effort to improve the program at camps as well as on campuses. Because of my personal interest, I visited each of our camps during the summer of 1969. As a result, during the past year, we have made a searching examination of our Summer Camp Program. I believe that we have made sound progress in improving ROTC Summer Camps. To stress the high priority that we place on the Camp Program, I placed a brigadier general in command of each of the 1970 Camps. In addition, we have placed greater emphasis on making training more challenging and stimulating.

We have revitalized our Summer Camps along these lines. We have shifted our emphasis from a vocational approach to one of leadership development and evaluation. Our Camp theme is now "Preparation for Leadership." We have emphasized creation of a solid military environment with serious, no-nonsense training designed to afford each cadet maximum opportunity for leadership development.

Our philosophy is to encourage cadets to approach their training as apprentice officers . . . in short, to learn responsibility. Learning by doing is just a part of this task. Equally important, cadets must gain an appreciation for the planning, equipment, and coordination required to conduct each class. Cadets are encouraged to analyze each activity and discuss among themselves and with their instructors the teaching techniques used and how the training could be improved. They are encouraged to approach instruction . . . not just from the standpoint of taking required training . . . but rather from the standpoint of a young officer who needs to know how the training is conducted so he can use the knowledge later.

We have also instituted a successful and popular senior officer seminar program. These seminars were conducted by two senior general officers . . . at three of the six 1970 Camps—Fort Knox, Fort Lewis and Indiantown Gap. Our objectives were to inform cadets of the Army's role in American society and to provide cadets an opportunity to question senior Army officers directly. Two benefits stand out. These seminars have shown the young men that we care. And the panel members had a stimulating exposure to the ideals, values and goals of college students who aspire to be junior officers. The seminars were accepted enthusiastically . . . 98 percent of over 5,500 cadet participants recommended a similar program for 1971.

We are also examining the Basic Camp toward making it more attractive. The educational approach is being raised above the individual soldier training level. We want an approach that is appealing and challenging—at a level in keeping with the academic standing and future of the two year program applicant.

Next year we are pointing for as much progress as we have made this year. The theme "Preparation for Leadership" appeals to me as a logical carry over for next summer. Cadets must be challenged to view each training or leadership situation as an intellectual exercise. Each training situation should confront the cadet with two objectives: (1) a skill to be mastered and the rationale for learning it, and (2) how the cadet would teach the skill when he becomes an officer.

Perhaps the best indicator of progress in our camps is from cadet evaluations. Marked improvement was noted in leadership opportunities, physical and mental challenges, and in the areas of camp management. The results of these evaluations are reassuring.

I now want to turn to ROTC on campus. Because ROTC is a visible symbol of the military establishment, and is close at hand, it has borne the brunt of antimilitary feeling. It will probably continue to be for sometime a prime target of hate, irrational behavior and emotional immaturity.

We are working, however, to improve our program on campus and to support better a meaningful dialogue.

Our new program of instruction for Senior ROTC has been published and was distributed on August 5. This flexible "Core Curriculum" is designed to fit the wide variety of institutions hosting ROTC. Professors of Military Science are given maximum flexibility in administering this program of instruction. They now have means to blend the precepts of the military profession with the philosophies of the institution. We anticipate, however, that modifications of the curriculum will be in order based upon experience and evaluation.

The key in sustaining a meaningful dialogue between the Army and students rests with the Professors of Military Science at those institutions hosting ROTC. We are instituting additional means to assist them in this regard. In view of the importance of the communication process, ROTC instructors must be thoroughly prepared for the problems they may encounter on campus. They must understand the importance of listening and identifying with students. They must be able to argue persuasively and thoroughly both sides of a question. What we need is empathy, not dogmatism.

How to engage in student dialogue is just as important as what to engage in. Techniques and attitudes are important. Give and take, admission of fallibility, and concessions of valid points are essential to establish credibility with young doubters. Not infrequently, how a course is presented is as valuable as what is presented. We are pointing for ROTC instructor orientation courses that will emphasize these areas in the future.

We are also taking steps to improve the quality and credentials of our ROTC staffs. We are stabilizing assignments. Officers possessing a master's degree will be assigned to a three year tour. In September, we began a program in which officers without a master's degree may volunteer for a maximum of two years graduate study followed by a two-year ROTC assignment at the same institution. So far, more than 700 officers have volunteered. And we estimate that 1,800 will enter this program over the next five years. We expect these actions not only to result in wider acceptance of our instructors by students and university officials, but also to improve the current image of the ROTC.

In another effort to improve that image, the Advertising Council has agreed to take on ROTC as a tri-service project. Advertising costs will be paid by the news media as a public service. Materials are currently being produced and should be ready for distribution to the news media by the first of January.

We are also seeking ways to increase the number of black cadets participating in the ROTC program. In an age of minority group awareness, our record at the junior leadership level is not good. In 1965, 3.5 percent of our first lieutenants were from minority groups. This percentage had dropped to 1.9 percent in 1970. Other company grade statistics are comparable. We realize that the Army is undergoing stiff competition for the bright, motivated black. Accordingly, the Army staff is currently examining ways to attract more blacks into the ROTC program.

During a recent inspection trip to Kentucky, I witnessed a unique program recently started by the Army Reserve's 100th Training Division. On weekends, Reservists in this unit train ROTC cadets from five universities. These college students participate willingly and enthusiastically. Citizens from nearby communities provide land for small-scale field training exercises, I have asked the Army staff to see how this training can be expanded.

We are making every effort to improve Army ROTC. Our program must be dynamic—one that can adapt to changing circumstances and at the same time produce officers of the quality and standards that we seek. Although much remains to be done, I am optimistic.

Just as we seek quality in our Officer Corps, so also we need enlisted men in the required skills and numbers who are motivated, well trained, and dedicated to serve.

As you know. I have committed the Army to move with all its energies toward a zero draft—a volunteer force. Our task will not be easy.

The Army is in a period of sweeping transition. We are redeploying forces from Vietnam, inactivating units and reducing the size of our support base in the United States. And at the same time we are still fighting a war.

I am well aware of the arguments both for and against the draft. Yet if our citizens support the President in his efforts to end the Vietnam War, then I believe that Selective Service must be extended beyond its expiration date of June 30, 1971. Additionally, the draft must be retained as national insurance.

Movement toward a zero draft—volunteer Army will take time. To achieve our goal will require us to double or triple our enlistments and re-enlistments. A large part of our problem is to increase the number of volunteers in the Army Reserve and National Guard at the same time we increase volunteers in the Active Army. To emphasize the importance I attach to this task, I have appointed Lieutenant General George Forsythe as my Special Assistant in developing programs designed to achieve a Modern Volunteer Army.

How successful we are in attracting quality personnel in the skills we need depends on three things:

The professional climate we generate and sustain within the Army.

Resources, and I mean money.

And most important, how the Armed Forces are viewed by the public at large.

Our Army is an organization of young people. Today the average age of those in the Army is less than 23 years. Over three-fourths of our enlisted strength has less than three years of service. We must make the Army better understood by these young men who fill our ranks.

We will leave no stone unturned. We are reviewing all our policies and administrative procedures to make Service life more attractive. Nothing is considered sacrosanct except where military order and discipline are compromised. In this, we cannot and will not yield.

We will need to increase pay. And we will probably find that additional money will primarily be put in those skills that have least application to civilian pursuits . . . the combat arms. But success will not be forthcoming without support from the Administration; the Congress; the news media; civic, business, education and religious leaders . . . and the public.

We cannot attract the kind of soldier we need in an organization maligned by some, directly attacked by others, and halfheartedly supported by many. This country cannot have it both ways. If the Army is viewed by a large segment of the population, particularly the youth, as an organization to be shunned and avoided, no amount of money will encourage young men to enlist.

The Army as an organization . . . sworn to defend the foundation of our Nation . . . the Constitution of the United States . . . will continue to serve this country in its traditional role. But what the Army does and how well we do it depend on people.

The values we cherish hold our Army together. Without them we have no esprit de corps, no morale, no discipline. And an undisciplined Army is a menace to society.

The ideals soldiers cherish are valuable in all walks of life. Hopefully we engrain or reinforce these ideals in the majority of Americans who pass through our ranks. Like you . . . we also are concerned about America's most valuable asset—her young people.

DRUG ABUSE: A GLOBAL MENACE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. WOLFF. Mr. Speaker, I know all my colleagues share my deep concern about the serious menace of drug use among young people in our society. What we sometimes fail to recognize is that this is an international problem affecting our friends throughout the world.

Edward H. Meyer, president of Grey Advertising, recognized the global implications of this problem in an important speech delivered at the United Nations on September 21, 1970. Since Mr. Meyer's speech was on so important a subject and so cogent in its comments, I believe all the Members should have an opportunity to read this speech.

Accordingly, I include Mr. Meyer's speech in the RECORD at this point:

DRUG ABUSE: A GLOBAL MENACE

(By EDWARD H. MEYER)

Only ten years ago, a serious business thinker, Professor Theodore Levitt, writing in the Harvard Business Review, expressed the then prevailing view on the proper relationship between business and society. Said he:

"In the end, business has only two responsibilities—to obey the elementary canons of everyday face-to-face civility (honesty, good faith, and so on) and to seek material gain."

Eight short years later, C. W. Cook, Chairman of General Foods, expressed a new trend in business thinking when he said:

"As a matter of enlightened self-interest, more and more businessmen accept the fact that the social as well as the economic environment in which they operate has an impact on both corporate objectives and future growth."

Today's enlightened U.S. businessmen see a radical switch in business priorities. Says B. R. Dorsey, President of Gulf Oil:

"The *first* responsibility of business is to operate for the *well-being* of society."

That is a far cry from the traditional attitude that the sole function of business was to generate jobs and wealth!

And the pace of corporate involvement with the pressing societal issues of our time is accelerating rapidly in this country. Behind it lies the sudden recognition that the problems we face are so awesome and urgent that they are no longer susceptible of solution by people acting as private individuals, or even by government alone.

We see a growing awareness by business that we are indeed threatened on every hand—by the holocaust of war, by racial violence, by the paralysis of our educational institutions, by the destruction of our environment, by the specter of world famine, by the burden of poverty, by the disaffection of the young.

We also see a concomitant awareness growing: that all of the social ills besetting us are not local or even national in nature. They are international in scope—and cry out for global action to alleviate them.

My presence here today at the U.N., in this most international of all settings, is symbolic of the tragically international character of one of the newer and more frightening crises we face. That is the mounting problem of drug abuse, particularly among the young people of the world. It is a global problem—one which threatens to destroy the health and strength of the society in which we function as businessmen as well as human beings.

If our tragic experience with drug abuse in this country is any guide, the problem is one which, once it starts, can snowball perilously fast. Grim statistics suggest that we here in the U.S. are in the grip of a heroin epidemic among the young. The prospect of thousands and thousands of teenagers involved in crime to support their habit and facing eventual death from the use of this most deadly drug is, indeed, a chilling one. No less disquieting is the prospect of a good percentage of a whole generation—the generation on which our future rests—opting for other forms of drugs as a way of coping with life—or copping out of it.

Close to home to business, too, is the appalling recent spread of drug abuse in industry. Newspaper headlines tell the story:

"Growing use of narcotics saps industry." (*N.Y. Times*)

"The rising problem of drugs on the job." (*Time*)

"Drug-taking a lot more prevalent than top management willing to admit." (*Dun's Review*)

"The creeping drug menace in retailing." (A three-part series in *The Merchandiser, Magazine of Mass Retailing*)

So acute has the problem become that the Commerce and Industry Association of New York recently held a top-level meeting, the first ever devoted to drug abuse in industry.

While the social and economic problems of drug abuse may be much more widespread and severe at the moment in this country than elsewhere, there is considerable evidence that it is growing in a number of countries. Let me read you something just published by our British agency. It's the opening section of a special drug-abuse edition of our international newsletter, *Grey Matter:*

"'He was emaciated and filthy. His arms were covered with septic scars. He slept all day and went out all night. He died three days before his 23rd birthday.'

"These are the words of a middle-class British mother describing her son, who was a registered heroin addict before he was 18. Like most people in this country, she had ignored the symptoms that American mothers have been forced to recognize.

"'One of the biggest problems to fight,' says an American expert, 'is the attitude it can't happen here. The drug addict today is as socially taboo as the alcoholic 100 years ago. People intentionally adopt a position of ignorance in the childish belief that this will make the unwelcome problem go away.'"

The English text goes on:

"Britain—Next Victim? Dr. Sidney Cohen, head of the Narcotics Division of the U.S. National Insitute of Mental Health, recently came to Britain at our request to look at the picture here. He found the present British situation equivalent to that in America five years ago. He thinks proper instruction in America five years ago could have stopped it in its tracks."

XUM

We agree, and that's the reason I'm here talking with you today.

The research that we and our 11 Grey International partner agencies have recently been conducting into the scope of drug abuse around the world suggests that the situation, as we shall see later, is already deteriorating in a number of countries.

And for those lands where the problem is not yet serious, in this age of instant communication and supersonic travel, how long can they really remain free of the threat of drug abuse? Particularly given the worldwide nature of the youth cult. Young people today are more similar to each other, country to country, in dress, music and attitudes than they act, look, think (and dance) like their elders at home. The generation gap looms far wider than the international gap—a factor which could well encourage drug abuse to leapfrog national boundaries far faster than people expect.

But what is the most disturbing to us, who have been so deeply involved in the problem here in the U.S., is that we see in most of the 11 countries we've studied terrifying similarities to the situation in the U.S. only a few short years ago. All too many of the other countries are refusing to admit the problem is serious. And they are unwilling, or unable to marshall the kind of major effort needed *before* (not after, as in the U.S.) the situation gets out of hand. The rest of the world must *not* make the same mistakes we did. They must not let ignorance about the problem, popular indifference (or even fear) and bureaucratic lethargy keep them from starting the broadest possible attack on this global menace right *now*. Believe me, prevention beforehand is infinitely preferable to attempted treatment afterward. My message today is an urgent one. Wake up world—before it's too late!

An effective program against drug abuse must bring to bear all the weapons that society offers: sound knowledge of the problem; proper laws and their enforcement; adequate treatment and rehabilitation; intensive education at all levels; and the *broadest possible dissemination of correct information on the threat*. And that is where we come in. One of the biggest problems in preventing drug abuse in our case in the U.S. was public ignorance of the facts. And as far as we can tell from our studies, the same is true overseas.

One of the most effective ways to inform people about drugs and alert them to the dangers involved is through the great modern channels of communication: television; radio; the press; posters. That's how we got involved; so before I report to you on the situation and progress overseas, let's go back and see what happened here.

Our special interest in and knowledge of the whole area of drug abuse began in 1968, when we accepted the assignment from the National Institute of Mental Health to develop this country's first advertising campaign aimed at combatting drug abuse.

Grey was not only the first advertising agency to approach the contemporary problem of drug abuse on the national level; it was also the first in action on the state level. Our West Coast office served as the volunteer agency on an anti-drug-abuse campaign for the State of California, where, according to Governor Ronald Reagan, drugs were nearing "epidemic proportions."

Going in, we knew we were entering a problem area fraught with controversy, emotion, anger, mistrust, and just plain misinformation. Violently conflicting opinions on every aspect of the problem, though loudly voiced, were frequently founded on fancy, rather than the few facts available.

To get the facts, an agency team of eight people spent almost a year on its homework. They talked to cops, physicians, parents, users, dealers, educators, sociologists, psychiatrists, current addicts, former addicts, housewives, and all the teenagers they could contact.

What came out of it all was not one campaign, but many, aimed at the different forms of drug abuse: LSD; "speed"; marijuana; "ups and downs"; heroin, and cocaine.

The results? A series of outstanding broadcast commercials, posters and print ads (they have won dozens of awards, including, most recently, two Gold Lions at The Venice Film Festival).

But, more importantly, they got broad exposure on television, on radio, in magazines and newspapers, on posters and buses; and they drew requests for over 20 million pieces of educational material on drugs.

Our experience in preparing these campaigns left us with some fine advertising materials, a rare depth of knowledge about a new and complex subject, and a burning desire to involve ourselves more deeply in the whole problem of drug abuse. Our partner agencies in other countries (you see the heads of many of them here with you today) were enthusiastic about investigating the possibilities of anti-drug-abuse programs in their countries, with the view to tackling it on an international basis.

Then, in June, under the aegis of the I.A.A., whose president, Jere Patterson, is here today, the newly established Institute of International Advertising designated Grey and International Partners as the volunteer agency on its very first international public service advertising project—a global attack on drug abuse. With that announcement, we went to work to survey the situation and the prospects for action in each of the 12 countries where we are represented.

We also studied the various types of drug problems in different countries, the degree to which the materials we have or can obtain are applicable, and the best ways to make them available to the public and private agencies which are trying to forestall or cope with the drug problem.

Naturally, there were tremendous variations, country by country, in the problems involved. The usefulness of U.S. educational materials on drugs varied widely, although we were surprised to find how much interest they evoked in a number of countries and how easily it was felt that some could be made useful. Finally, we found that the ways of taking action to implement the program and the speed of our progress varied in different countries because of profound differences in everything from the availability of public service media to bureaucratic attitudes and practices.

However, we are underway to varying degrees in a number of countries. Let me give you the highlights of what we found out and what's happening, country by country, in alphabetical order.

AUSTRALIA

Australia is one country where concern is mounting, after a period when many people felt that both state and federal governments were tending to play ostrich and deny the existence of the problem. Now it is recognized as serious. An investigation of the drug problem by the federal government is now under way. The government, health and parent organizations are aroused. The business world, in particular, is stirred to action. When *The Australian,* a prominent newspaper, offered 20 pages free to advertising agencies for ads on social problems, messages against pollution and the drug problem filled eight out of every ten ads. There is evidence that the tempo of the anti-drug crusade is mounting rapidly.

Our agency is in touch with broadcast media, which are already running anti-drug messages and documentaries, and it has presented the Grey campaign to them. Grey is also working closely with the leading drug-abuse expert in Australia, whose foundation is being backed by local business houses.

AUSTRIA

In Austria, where only "100 incidents of drug abuse were reported in recent years", the problem is apparently not considered grave. As the agency's report states:

"As drug abuse is not a serious problem, only school authorities are concerned about it." Understandably so, perhaps, since our agency reports drug usage at the high school level! Schools are distributing anti-drug-abuse literature to pupils this Fall.

BELGIUM

Belgium reports a potential problem with one of the most dangerous forms of drug abuse, "Speed" (amphetamines). Surveys at the Universities of Ghent and Louvain showed, respectively, that 25% and 33.9% of the students were using such drugs.

Other than that, the problem of drug abuse has apparently received little attention yet in Belgium. However, members of various government agencies and ministers are expressing growing concern, and the government is studying the possibility of having films produced on the subject of drug abuse.

Our agency there is arranging to have our anti-drug commercials shown to government representatives, with the possibility that adaptations will be broadcast on the National State TV network during a special week in November of programs against alcoholism and other addictions.

CANADA

North of the border, Canada, too, is facing a mounting problem—with drug use penetrating down into lower schools. Prevention programs there are also stymied by the same two factors present in other countries and which originally hampered U.S. efforts to get going.

One is the lack of a central government authority dealing with the problem (responsibility, as in the U.S., is divided between justice and health).

The other is the same lassitude about the problem we once faced in the U.S. However, government concern is growing, as evidenced by the formation of a nation-wide commission on the subject (which just issued its report, suggesting, among other things, relaxing laws on "hash"). As far as our Canadian company can determine, there have been no moves by the private sector to tackle the issue. At the moment, the only material available is the program proposed by Grey.

FRANCE

In France, the realization is growing that drug abuse is a potential threat. Some indications: in 1965, arrests for drug abuse totalled 165: in 1969, there were 1,200; scattered reports in the press indicate spread of drug use even down to the lower schools. The Brigade des Stupefiants in the Ministere de l'Interieur regards drug abuse as both a social and a legal problem. Paris is a center with one-third of the hard-drug users in the nation, estimated at 45,000.

The government, which has recently toughened both its drug laws and their enforcement, is studying a number of aspects of the problem, including the establishment of addict-treatment centers, more severe censorship on drug use in films, and the possibilities of a preventive-anti-drug-abuse program under the auspices of the Ministry of Education.

Dorland & Grey has made a public announcement of its intent to involve itself in the drug abuse area in France. They have assigned an agency task force to the problem and have already approached an organization called "Les Grandes Causes Nationales", which was supposed to have sponsored an anti-drug program in 1970, offering to coordinate any effort.

They plan to attack the problem by concentrating at first on one or two drug types particularly dangerous in France. However, according to our French friends, they expect the task of fighting drug abuse there to be a "long and difficult" one. One handicap is in the area of public service advertising communication: apparently, media "are tired of giving free space."

GERMANY

German popular awareness of the drug threat is growing, due to extensive coverage in the press. Our agency, Gramm & Grey, reports that in 1968 the number of drug-related crimes totalled 1,500. In 1969, it jumped to 4,405. That's an increase of 297% in one year. For 1970, the Germans expect an even bigger jump because that's when the drug abuse problem first became acute. Crimes such as pharmacy burglaries, prescription thefts, and customs confiscations of drugs have multiplied, so that the public has become extremely concerned. The German government, too, is stepping up activities on all fronts. Public officials are quoted as saying that:

> They were not going to wait with any preventive measures against narcotics until the figures were as high as those reported from Sweden and the U.S.

It is interesting, if depressing, to note in this connection that the vocabulary of German drug users consists mainly of American terms; a glossary included in the report from Gramm & Grey includes the following German colloquial names for better-known drugs:

Formal: Opium and opiates—Colloquial: "O", "hard stuff", "brown stuff" (raw opium), "H" (heroin), 'M" (morphine).

Formal: Hashish and Marijuana—Colloquial: "heu", "hasch", "hash", "grass", "pot", "tea", "weed", "shite", "joint" (marijuana cigarette).

Formal: Cocaine—Colloquial: "C", "koks", "coke", "charley", "white stuff", "schnee."

Formal: Hallucinogens—Colloquial: "acid."

Formal: Stimulants—Colloquial: "prelus", "captas", "speed", "pep pills", "purple hearts."

This Summer, the German government allocated 1.5 Million Deutschmarks to fight drug abuse, including an educational program.

With the help of Dr. Cohen, Gramm & Grey got in touch with the proper officials at the National Health Ministry and the Central Office for Health Education. When our German colleagues get back after this trip here, they will discuss the drug-abuse program with both groups of officials, with a view to further action. Their present plan envisions presenting our material to see what use or adaptation—tailored to the needs of the German public—might be made of the U.S. advertising.

GREAT BRITAIN

In Great Britain, the number of heroin addicts under age 20 has multiplied a thousand times since 1960. Present average age of death is 24—and declining. In that country, drug abuse is growing rapidly and the forms it is taking are similar in type—if not yet in degree—to the U.S. Grey in London has been exploring all avenues to give as broad exposure to the drug-abuse campaign as possible. Since many of the American TV spots are considered proper for the British situation, only changes in the voiceover are needed. If the effort succeeds to the point where new materials are required, it is expected that private or governmental support could be obtained.

We are seeking government support for our drug-abuse efforts. This is essential in Britain because, among other things, it is the key to gaining an entree to media, which contribute space quite infrequently and mostly at the request of the government. However, our agency is convinced that media would probably do more if more requests—public and private—were made for their cooperation.

Meanwhile, Grey has been actively contacting all possible avenues for exposure and coming up with some interesting opportunities.

One is a possible editorial feature on drug abuse in the *Daily Express*, Britain's middle-class daily, with a circulation of 4 million, plus running actual Grey Advertising print ads, with funds to come possibly from the Beaverbrook Foundation.

We have also been in touch with the Managing Director of Scottish and Grampian Television, who is very interested in drug abuse. He is willing to run commercials on fringe time on Scottish Television free, but would rather help us to raise outside money to pay for a proper heavyweight campaign across the network. To do so, he is working to set up a lobby among British businessmen and government officials to support our advertising and, thus, gain financial backing from the government's Central Office of Information (which has monies available for publicity in the safety and health fields).

We are also working with the British Bureau of Television Advertising (B.B.T.A.), which represents the fourteen regional companies constituting Britain's one commercial television network, and which has strong contacts with the independent/quasi-governmental bodies controlling commercial television. B.B.T.A., impressed with the drug-abuse films, plans to present them on September 22 to the Independent Television Association and Health Education Council, which controls government-financed drug-abuse publicity in the U.K. If favourably received then, the campaign could be well on its way to going on air in Britain.

In addition, Grey-London plans to show the campaign to top officials in the Home Office, to the Association for the Prevention of Addiction, who have also expressed interest in seeing drug-abuse commercials, and to Bow Group, leading group of young liberal members of the Conservative Party (the Conservative equivalent to the Labour Party's Fabian Society), who should constitute a major influence on Conservative government opinion.

HOLLAND

In Holland, drug abuse is rearing its ugly head and is getting attention from more local and regional authorities. The Dutch government is becoming concerned. A recent survey of high school graduates showed that 11% had used drugs. Of this group, 65% had used hashish and marijuana, 12% hard drugs, and 23% both soft and hard drugs.

Dutch businessmen have always been noted for a keen awareness of their social responsibilities, and media contribute generous amounts of free-time space for public interest advertising. According to a recent cable from our partner in Holland, S.I.R.E. (Institute for Ideal Advertising), the agency which channels public service campaigns, will consider the possibility of sponsoring the drug-abuse campaign.

ITALY

In Italy, the government has stepped up its fight on drug abuse, which is on the increase. Between January and July, 1970, police confiscated more than twice as much hashish as they did the year before and 30 times more than the 1967 total. Because there are indications of drug use in high school as well as college, the Italian government plans to launch an anti-drug campaign in the schools. O.T.I.P.I., the Italian association of full-service agencies, has recently created an arm, Pubblicita e Progresso, to sponsor public service campaigns in media donated by the F.I.P. (Space-Brokers Association). Its first project, an ad campaign encouraging blood donation, will start in February, 1971. Our Italian partner, Milano e Grey, has proposed an anti-drug campaign as the second project; it will be discussed at a meeting next month.

JAPAN

Although drug abuse in Japan has not reached U.S. proportions, mass media are running warnings against drug abuse, specifically pills, hard drugs, and LSD (which was recently added to a tough anti-drug law). At the moment, according to Grey-Daiko, the urgent problems of air pollution and traffic accidents are getting most of the emphasis in the public service programs of government and the press.

Any effort to mount a public service anti-drug abuse campaign in Japan faces the fact that there is no tradition there of donation of free media space or volunteer agencies, such as we enjoy here under the auspices of The Advertising Council. However, our managing director there feels strongly that the anti-drug issue would be a good public service project for the Japanese advertising association to take on. At present, there is no official agency devoted to the problem, and it could help improve advertising's image. With the recent rising level of advertising in Japan, it is coming in for sharper consumer scrutiny and more criticism.

PHILIPPINES

In this country, where we have a close working relationship with a local agency, National-Ad, the government is mounting a threefold attack on drug abuse: strict law enforcement; an audio-visual educational campaign aimed at schools and colleges, civic groups and the police; and treatment for addicts. Nation-Ad, which has already received requests for anti-drug material from schools, is using the Grey commercial and ads with teenagers.

SPAIN

In Spain, where pep pills are more freely available over the counter than they are in the U.S., and where its proximity to North Africa makes it a favorite route for young drug users, drug abuse is regarded as an extremely serious problem. Seizures of illicit drugs at the border are three times as great this year as last year. A major clamp-down by the government is now under way.

Government-owned TV makes available air time for public service causes, and the government even solicits space and time from privately-controlled media. To date, however, it has been difficult to interest private enterprise in the problem. This is partly due to the fact that, like many other countries, the concept of public service by business is considerably less developed than in the U.S. and is of less public relations value. Rasgo-Grey in Madrid has made approaches to pharmaceutical companies in an effort to interest them in the drug-abuse problem and is working hard to find a "sponsor".

VENEZUELA

Drug abuse is not yet considered a problem in Venezuela. However, there is increasing concern over a significant increase in marijuana use (especially at the high school level) and a moderate increase in the use of LSD and cocaine. Generally regarded as a problem for law enforcement, drug abuse now is also beginning to be perceived as a social problem. As far as we can determine, neither government nor private enterprise has developed plans for combatting drug abuse, although efforts are being made to form a national committee to combat drug abuse; but the going is slow.

However, although media in Venezuela do not regularly contribute free time for public service projects, the three major Venezuelan networks offered Kittay-Grey our time gratis if the agency develops an anti-drug-abuse campaign, which they are now producing, based on the material from the U.S.

UNITED STATES

Meanwhile—back at the ranch—here in the U.S., we have been active in several areas.

XUM

In New York City, we are working with the Urban Coalition's newest task force, one on drug abuse. We have volunteered our services and our materials for their use.

A recent issue of *Grey Matter*, devoted to drug abuse, has been widely circulated and published in six languages. Response has been extremely enthusiastic.

We have been actively soliciting on the outside all material, written and on film, available on the subject of drugs. We have received magnificent cooperation from the press and NBC, CBS, ABC, and Westinghouse, who have made available their comprehensive coverage on radio and TV to us. I would like to thank their representatives here today for their assistance.

At this point, we are probably the most complete source of anti-drug-abuse communications materials anywhere.

We are happy to make our facilities available to help extend distribution of this excellent U.S.-produced print, film and broadcast material overseas—wherever possible and useful. When so many millions of dollars and so much time and effort have gone into the U.S. anti-drug-abuse programs, what a waste not to disseminate it in other countries where it may prove useful!

We have had unsolicited inquiries from countries as far apart as Lebanon, New Zealand and Switzerland, saying they had heard of our efforts and offering their collaboration in their countries. We plan in due course to make these materials and our speeches available throughout the world in this common objective.

And, finally, we hope today to enlist the support of the U.N. in getting the ear of local government bodies, in reaching media, in reaching health authorities, in getting as much exposure as possible to stop—to the extent advertising can help to stop—the spread of this insidious scourge.

We are happy to offer our services in coordinating, with your support, an exchange of information and communication on drug abuse that is *truly* global. For only through united action can we help to conquer this new and destructive global malady.

LE GRAND CHARLES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. MURPHY of New York. Mr. Speaker, Charles de Gaulle symbolized the indestructible spirit of his beloved France as a leader of the Free French in World War II and later as its two-term President. He somehow seemed indestructible. With his death last Monday night at his country home in France at the age of 79, the world lost an articulate and dynamic statesman, for which we consistently admired him, and for which we respect his memory. Mr. Speaker I include the following article by John Quinn of the November 11, 1970, New York Daily News on the lonely vision of Le Grand Charles: a greater France. It tells succinctly and movingly of the crusading career of this brilliant statesman. The article follows:

THE LONELY VISION OF LE GRAND CHARLES: A GREATER FRANCE

(By John Quinn)

He was an intransigent aristocrat in an egalitarian era, and the measure of Charles de Gaulle's greatness can be found in the marks he left upon it. When he died in retirement of a heart attack Monday, he was less than two weeks away from his 80th birthday.

At his death, the old soldier who kept the honor of his beloved France bright during the dark days of World War II and who rescued her from internal collapse during the agonizing settlement of the Algerian rebellion was still characteristically appraising his own achievement in those elegantly worded and dispassionate memoirs that occupied his private hours after the war.

Charles Andre Marie Joseph de Gaulle was born in Lille, Nov. 22, 1870, second son of Henri de Gaulle, a professor of philosophy and science at the Catholic Institute of Paris and a provincial aristocrat.

According to family recollections, Charles was a "devilish" youth, addicted to practical jokes, but soon developed into a precocious student, particularly of military history.

He once refought the Battle of Agincourt, in which the ragged crossbowmen of Henry V of England humiliated the refulgent cavalry of France. In de Gaulle's version, the French won. For him, as for his well-remembered contemporary, Douglas MacArthur, there was no substitute for victory, no compromise with defeat.

Naturally he went to the military academy at St. Cyr, where he ranked 15th in a class of 200, and then into the regiment commanded by Col. Henri Phillipe Petain, who later led the collaborationist Vichy regime after the German conquest of France during World War II, while de Gaulle rallied the Free French to continue the fight against Hitler.

"What are you doing here?" British Prime Minister Winston Churchill asked the ragged gaunt de Gaulle when he fled to London with a skeleton staff after the collapse of France. "I have come to fight," he replied laconically, and fight he did—with Churchill and U.S. President Franklin D. Roosevelt almost as much as against the Germans.

He could not accept his senior allies' belief that defeat had made France a second-class power, and never forgave Roosevelt for not inviting him to the Yalta conference in which Britain, the U.S. and Russia laid plans for postwar Europe.

"He really does think he's Joan of Arc," Roosevelt once remarked to Churchill. "Yes," responded Winnie, "but the bishops won't let me burn him."

After the war, came the power and the glory—for a time, as de Gaulle tried to piece together from France's splintered political framework a modern state. Soon tiring of what he considered seamy political intrigue ("Since a politician never believes what he says," he once commented, "he is always astonished when his word is taken for granted."), he retired to the pastoral fastness of his home in Colombey-les-deux-Eglises to continue his memoirs, confident that the call would come again to save France.

It did, but not until 1958, when military pressure against the regime of Premier Pierre Pflimlin toppled the Fourth Republic, reincarnated in the Fifth Republic in the towering, awkward figure of the aging general.

And it was then, in the twilight of his life, that de Gaulle's public career began to approach its zenith.

He unhesitatingly put down (they would say "betrayed") the generals who had brought him to power, to keep Algeria French, notably Jacques Massu and Raoul Salan. With clear insight into historical force, he realized that an independent Algeria was an idea whose time had come. He believed that, freed from onerous burden of colonies, France might again exercise cultural and political sovereignty over Europe.

Disregarding the bitter rebukes of many of his countrymen ("a bunch of sheep," he once characterized them) he ruled, both domestically and internationally, virtually by executive fiat and had the new French constitution tailored to fit his idiosyncratic notions.

And his rule was replete with paradox.

An austere, even puritanical Catholic, he nevertheless actively and persistently courted the Soviet Union, although, as Walter Lippmann so acutely perceived, he never could have done so without having the American atomic wall behind which to retreat if needs be.

Yet he also found it essential to "the grandeur of France," which he so metronomically invoked whenever necessary to bring public opinion into line, to build his own nuclear "force de frappe," at a very great cost to France's straining economy.

Perhaps it was also requisite for French grandeur that he regularly beat the "Anglo-Saxons"—the U.S. and Britain—both verbally and, as occasion demanded, economically. So he continually found reason to frustrate Britain's desire to enter the European Common Market, ever protective of France's antique, ever-costly and underproductive agricultural system.

So he abruptly and remorselessly pulled France out of the North Atlantic Treaty Organization and chased NATO headquarters out of the country.

So, in 1964 just as American involvement in Vietnam began in earnest, he decided to recognize Communist China, pointing out candidly that France couldn't ignore a nation of 600 million people, however unpalatable she might find its government.

So in 1968 he led a determined and marvelously orchestrated attack on the Yankee dollar and the British pound as norms of international currency. And what did the old aristocrat wish to substitute? Gold, naturally. Although the pound was humbled through deflation, America's gold reserves repulsed deGaulle's sortie (one of the few battles he lost).

So, in 1967 he mounted a platform outside Montreal's City Hall and proclaimed, "Vive le Quebec Libre" the rallying cry of French Canadian separatists.

That this was a studied, deliberate insult to the Canadian government, whose guest he was, never for a second ruffled his immense aplomb.

And this was one of his few major pronouncements delivered publicly. Usually, he chose television as a forum to speak to France and the world in carefully constructed set pieces delivered in sonorous accents and always using the royal "we" ("We have decided," "We have demanded," "We have recognized").

His press conferences were also elaborately styled, deftly executed and frequently devastating. Questions were always required to be submitted in advance, and de Gaulle would answer or not answer them as he wished.

But de Gaulle was far more than a showman. History has already proved him to have been prophetic on a number of complex world issues.

As an obscure colonel in 1934 he virtually wrote the battle plan for the German blitzkrieg six years later. Convinced that motorized armor would pierce conventional fortifications, however massive—like a fleet running back leaving a ponderous lineman clutching the air—de Gaulle wrote his "The Army of the Future" in an attempt to alert France to its danger. Unfortunately, the German General Staff read the book with enormous interest. The French ignored it.

He counseled the late President Eisenhower not to become involved in Vietnam, and foresaw in surprisingly meticulous detail the almost endless mischief this has caused the United States both domestically and internationally.

His relations with the U.S. warmed somewhat after Nixon was elected President, for he regarded Nixon as "highly intelligent, well-informed and pragmatic." By that, he doubtless meant that Nixon would recognize the imprudence of America's sprawling overseas commitments and gradually disengage from them, both in Europe and the Far East.

De Gaulle regarded the world as a dullard schoolboy to be dragged, usually unwillingly, to the path of rectitude. Sometimes he dispensed a sweet, more often a buffet. Hence those affronted by his arrogrance were many.

He mortally offended Jews, for example, when, in switching France's allegiance in the Middle East from Israel to the Arab states, he did so in terms that Tel Aviv—to say nothing of Seventh Avenue—considered highly insulting.

As usual, de Gaulle rejected the beef.

Then, too, even though it was he who brought about the unanticipated postwar French alliance with the hated Germans, his unbending hauteur annoyed a number of Bonn officials.

Yet even his bitterest enemies would agree that he was a man of exceptional—even classical—character. Greatness was not thrust upon him. He seized it. But not, of course, for personal gain, only for the greater glory of France, his magnificent and lifelong obsession.

THE LATE MR. LOUIS A. ECKL, DISTINGUISHED EDITOR

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. JONES of Alabama. Mr. Speaker, Mr. Louis A. Eckl, an outstanding public figure in our Nation and a friend of many Members of the House, passed away in Florence, Ala., last week.

He was an outstanding journalist and an effective community leader whose compassion for the conditions of others was boundless. For more than 30 years, I knew him as an intimate friend and valued adviser.

The kind of man he was shows through in the comments of his fellow workers and friends. I include three articles from the November 10, 1970, Florence Times-Tri-Cities Daily in tribute to him as a part of my remarks at this time:

TIMES DAILY EDITOR LOUIS A. ECKL DIES

(By Pete Kelley)

"Thou know'st 'tis common; all that lives must die, passing through nature to eternity."

Louis A. Eckl began his last published column with that quotation. Those who didn't know him may have thought they were reading about a premonition when they read that column in his beloved Florence Times Tri-Cities Daily after learning of Eckl's death Monday night.

Those who worked closely with him and knew him well, know it was nothing like that. For one thing, that column was written several days ago. But more important, they knew that he was too much an optimist for anything like that. There were many other unpublished columns, like the one scheduled for Nov. 22 trying to generate interest in a memorial to FDR in the Muscle Shoals area.

Eckl died Monday about 7:30 p.m., the victim of a reaction to penicillin. He had been having considerable trouble with an infected tooth recently and left the office about 3 p.m. Monday to see a dentist.

Two teeth were extracted and the dentist gave him a penicillin tablet. He had taken the drug before with no ill effects. He became ill at home shortly thereafter and a doctor was called to his home about 6:30. The physician said Eckl was definitely suffering a mild penicillin reaction. The standard treatment for penicillin reaction was administered, even though the physician didn't think it was necessary at the time.

What happened later has not been determined, but he became much worse and was dead on arrival at ECM Hospital about 7:30 p.m.

Thus ended the career of a St. Florian farm boy who threw down his hoe in the cotton patch in June of 1928 and headed for Florence to look for work.

The qualifications he presented to J. L. Meeks, Sr., then publisher of the Florence Times-News, were "two years of college and a pretty good speller." His parents thought he had made a poor bargain when he was hired a few days later at no salary.

"Mr. Meeks told me I could come to work for experience," Eckl later remembered.

By 1932, Eckl had advanced to $35 per week. Two weeks after his marriage to his Irish sweetheart, the former Patricia Dowd, of Tanner, his salary was cut to $25.

It wasn't long before he acquired the title of "Editor."

"That was a joke," he later said. "I was it." Together with a lady proofreader, who doubled as women's editor and secretary to the publisher, Eckl got out the news side of the paper every day.

Over the years, honors and recognition from the community, state and nation came to the man who was pioneering for civil rights long before the Civil Rights Act of 1954 and the man who became the "Voice of TVA."

One of the highlights of his career was "Eckl Night" held Feb. 11, 1965 when some 300 Shoals and Tennessee Valley citizens joined with high government officials to honor the Executive Editor of the Florence Times Tri-Cities Daily.

Spokesman representing every phase of community life praised Eckl for his efforts in behalf of TVA, human rights, and general progress in the field of journalism. Representatives from business, industry, labor, religion and education were on hand to pay tribute.

As President of Citizens for TVA, Inc., Eckl was leading the fight to gain additional support for TVA.

Other observations in Eckl's last column Monday were:

"Although wise men have told us that it is not the length, but the quality of our lives that counts, yet it seems that we will do almost anything to keep from thinking of that inevitable day . . ."

"Yet nearing 62, we must admit that we were cheered up considerably the other day when we read that the way to live to be 100 (or more?) is to be contented and cheerful. To which we would add—grateful."

". . . It would seem that the best way to increase longevity is to maintain a useful and satisfying role in society and keep a cheerful disposition."

"Other centenarians are tax assessors, physicians, farmers, and newspaper columnists. (That newspaper columnist bit is really exciting!)".

"Hope really does spring eternal in the human breast."

A TRIBUTE TO LOUIS A. ECKL

(By Bob Martin)

On the back of an award hanging on the wall at the Florence Times Tri-Cities Daily office there's the following typewritten comment:

"The Florence Times Tri-Cities Daily entries covered a variety of subjects, ranging from the private education financial crisis to Governor Brewer's concern over the race issue. Justice Douglas' attack on the Army Corps of Engineers and a review of what makes the Shoals an unusual area. It was evident that this newspaper strove to present the issues fairly and to draw sound conclusions."

The comment was from John Seigenthaler, editor of the Nashville Tennessean.

The award was for the best editorials during 1969 in Alabama daily newspapers.

The recipient was Louis A. Eckl.

From June of 1928 until Monday night, Nov. 9, 1970, Louis Eckl lived and loved his career as a reporter and editor.

He was a newspaperman in the truest sense, and although he had his own opinions about subjects ranging the spectrum from religion to politics, he never failed to allow the issues to be presented fairly and he always attempted to draw sound conclusions.

Of journalism, Louis Eckl always said: "You'll never get rich," but his own life refuted that statement and he was one of the best examples of those folks who are rich in friends, in honesty, in love for their fellow human beings and in love of life itself. He always strove to be fair and honest and an excellent example of his fairness has always been in respecting the religious beliefs of all people. A Catholic, he always leaned over backward to be fair in print with other faiths and religions.

He had but one job in his 42-year newspaper career and that was here in the Muscle Shoals Area which he loved. He had three other loves in his life . . . his family, of course . . . his job . . . and TVA. If Louis Eckl's vocation was the newspaper, his avocation was TVA. He grew up with TVA and died as the long-time president of Citizens For TVA. At one time in recent years he was under serious consideration as a member of TVA's Board of Directors. He covered TVA in its infancy and became an active participant in furthering the authority in later years.

Over the years Louis Eckl's typewriter beat out a steady plea for human rights. He minced no words about kluxers, militants or governors. He's been both cursed and hated but he had a philosophy about this. "You can call me anything you want to. I'm sure I've been called worse before," he once told an irate telephone caller.

Of his many accomplishments, Louis Eckl's work in the field of human rights was his most cherished. In his early newspaper career he met a Negro professor from Tuskegee at a Federal Court hearing in Montgomery. The man was not allowed to vote. "We got to talking about the Negro's struggle to vote and I told the man 'You've got to be patient.' "

"He just looked at me and then he said, 'How long?'," Eckl recalled.

Of his many editorials on human rights, Eckl was most proud of one entitled "The Injustice of Man's Justice," published on May 2, 1963. "Governor Wallace has a chance to insulate both the whites and Negroes of Alabama against pain, poverty and disaster if he will stand for justice instead of their imprisonment and if he will fight for their right to the ballot and other rights under law of which they have been robbed far too long in too many places in the state," Eckl wrote.

Not only was Louis Eckl a distinguished man in his community and Nation, he was respected and loved by his fellow workers or his "fellow slaves," as he often said. He never ducked an argument about religion, politics or Notre Dame football and friendly debates over these matters were not uncommon in the newsroom and composing room.

He was the type of man you just didn't expect to die, but even though his earthly life has ended, many of the things which Louis Eckl said and accomplished will live in human hearts for eternity.

TRIBUTES FOR ECKL ABUNDANT

Tributes to Louis A. Eckl, executive editor of Florence Times TriCities Daily, flowed into the newspaper office this morning.

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Congressman Bob Jones said, "Louis Eckl was a giant in his community and his profession, and an outstanding public figure in our country. I knew him intimately for 30 years and I cherished and valued his friendship. I leaned heavily on him for advice on public issues, and I will miss his counsel."

Richard N. Hammell, president and publisher of Florence Times Tri-Cities Daily, said, "The untimely death of Louis Eckl is a tremendous loss to this newspaper, the community, the entire Tennessee Valley, the state, county, and the newspaper profession. He was a truly remarkable man and the most dedicated person I've ever known. We, at this newspaper, shall not see his likes again."

Barrett C. Shelton, publisher of the Decatur Daily: "The death of Louis Eckl takes from our midst a fighter for the rights of all people. He loved this Tennessee Valley. He loved the United States of America. He loved people. The imprint of his courage and sincerity will long sustain."

Fred Dillon, former managing editor of this newspaper, commented, "I don't know of any person who really loved the Valley and its people more than Louis Eckl. He always wanted to see the little man treated fairly. He rose from a country boy of the soil to the chief editorial voice of the Muscle Shoals area, and was highly regarded by his coworkers all over the state."

Mayor Bill Batson of Florence—"He was one of the first people I met when I moved to Florence, and had been my friend ever since. This is a great loss to me personally, as well as the community. He was a great citizen, always doing what was best for the area, never considering himself."

Frank Stone, who worked with Eckl for more than 40 years at this newspaper, commented, "He was a fine man, one of the finest I've ever known. He never had anything bad to say about anyone."

Bob Holloway, southeast public relations director for Reynolds Metals Co., said, "Louis Eckl earned the respect of every person who worked with the newspaper, both as a responsible journalist and as a warm human being who worked hard for the people of the Muscle Shoals area. Lou might well be called "the conscience" of the community. He sometimes advocated unpopular viewpoints, because he was far sighted enough to see they would help the people of this area he loved so much."

Three directors of TVA joined in the tribute to Eckl with the following comment:

"Louis Eckl was a dedicated leader in the development of N. Alabama and the entire Tennessee Valley. His integrity and his knowledgeable approach to the needs and potential of the area made him an effective spokesman for the Valley and its people. The heritage he leaves is a region which is better than it was because he lived and worked here."

Frank Dirago, Colbert businessman and long-time friend, said, "We had worked together in church circles and he held one of the highest honors in the Church. Pope John appointed him a Knight of St. Gregory. He was one of the most valuable men to this community."

NEWSMEN SPEAK

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. COHELAN. Mr. Speaker, during the recent campaign, the Vice President made a number of questionable statements. I do not detract from his right to express his opinion, indeed I defend his right to the fullest, but I do feel that his suggestion and charges must be subject to the most careful scrutiny and analyses.

In one of his more questionable suggestions, he stated that reporters should be subject to public examination to enlighten the American people about the reporters' prejudices.

Two distinguished reporters answered the Vice President's suggestion and I would like readers of the RECORD to have the opportunity to be aware of their positions:

NEWSMEN SPEAK

The Vice-President proposes that network commentators, like this one and brothers Smith and Reynolds down the street at ABC —people of that type, he says—be publicly examined by government personnel. The public has a right to know, he says, our opinions and prejudices.

The phrase, "people of that type" hurts a bit; we certainly don't think of Mr. Agnew as a type; we think he's an original.

What really hurts is the thought that maybe nobody's been listening all this time. If, after some 30 years and thousands of broadcasts, hundreds of articles and lectures and a few books, one's general cast of mind, warts and all, remains a mystery, then we're licked and we fail to see how a few more minutes of examination by government types would solve the supposed riddle.

Mr. Agnew wants to know where we stand. We stand—or rather sit—right here, in the full glare. At a disadvantage as against politicians; we can't cast one vote in committee, an opposite vote on the floor; can't say one thing in the North, an opposite thing in the South; we hold no tenure, four years or otherwise, and can be voted out with a twist of the dial.

We can't use invective and epithets, can't even dream of impugning the patriotism of leading citizens, can't reduce every complicated issue to yes or no, black or white, and would rather go to jail than do bodily injury to the English language.

We can't come down on this side or that side of each disputed public issue, because we're trying to explain far more than advocate and because some issues don't have two sides; some have three, four or half a dozen and in these matters we're damned if we know the right answer. This may be why most of us look a bit frazzled while Mr. Agnew looks so serene. . . .

Finally, at the risk of sounding a bit stuffy, we might say two things. One, that nobody in this business expects for a moment that the full truth of anything will be contained in any one account or commentary, but that through free reporting and discussion, as Mr. Walter Lippmann put it, the truth will emerge.

Second, that the central point about the free press is not that it be accurate, though it must try to be; not that it even be fair, though it must try to be that; but that it be free. And that means, in the first instance, freedom from any and all attempts by the power of government to coerce it or intimidate it or police it in any way.—Eric Sevareid, CBS-TV Evening News

A growing number of people, on the Right and on the Left, believe that journalism should be an extension of politics by other means. The New Left thinks we are tools of the Establishment; the New Right (in Washington) thinks we are a liberal conspiracy. Both sides want us to sign up and get on the team—get with it. But the people who say this don't understand the nature of the business.

Reporters, I confess, think somewhat alike. Men who work for the New York Daily News and the New York Times tend to come to similar judgments on men and events. This is because reporters share a communality of experience which is unique; reporters, by the nature of their work, spend time with the poor, with the hungry, with the wounded and dispossessed of our society. Young men who begin as police reporters see a sort of Dickensian underside of American life. When they begin covering politics, they see the differences between rhetoric and reality; this produces an important kind of skepticism. . . .

But any group of people professionally involved with the problems of poverty and hunger and crime and housing and race and war and domestic violence and politics —any group exposed to these things is likely to develop an attitude toward life. A bias. Reporters, I think, probably have a bias toward rational solutions to known problems; a bias toward social action; a bias toward people who are really trying to help, a bias toward pragmatism and common sense. Reporters are people—and they tend to appreciate other people who are not pompous and self-serving; they tend to appreciate competent and honest men; they tend to be hard on scoundrels and buffoons.

They learn—first-hand—that things must be done (in effort and money) to solve problems, and that gets them in trouble with the conservatives. They learn—firsthand, in the wars and riots—that violence and radicalism seldom solve anything, and that gets them in trouble with the New Left.

Most reporters are members of the extreme center—I am—and it's a difficult place to be these days.—John Chancellor, NBC-TV. Remarks to the American Civil Liberties Union.

DRUG ABUSE—WORLD'S NO. 1 PROBLEM

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. ROONEY of New York. Mr. Speaker, recently my good friend, Samuel F. Pryor, was invited to address the annual meeting of the International Narcotics Association in Honolulu, Hawaii. The meeting was concluding a week long discussion of one of the major problems all over the world—the abuse of narcotics and drugs. In his remarks, Mr. Pryor hit hard at some of the basics that we must keep in mind if we are to prevail in this battle against one of mankind's greatest illnesses. I recommend Mr. Pryor's remarks to every one of my colleagues. Under the permission heretofore unanimously granted, I include the remarks at this point in the RECORD:

SPEECH BY SAMUEL F. PRYOR

Thank you, Mr. Executive Director. You have given me a great privilege and an honor by inviting me to speak to such a dedicated group of law enforcement officers and their wives. This dinner marks the end of a week-long study and discussion of what is the most *serious* of all the world problems—the abuse of narcotics and dangerous drugs.

It is appropriate that this international meeting of you narcotic agents and you *who* are our international guests—it is appropriate that this international meeting should meet here in Hawaii. I may be partial because Mrs. Pryor and I are part-time residents here and two of our five children and six of our fifteen grandchildren are full-time residents. To us Hawaii is a part of heaven. I tried to explain this recently to my grandchild, Cynthia, age 9.

I told her that her grandmother and I had made a special trip around the world. We decided not to read a newspaper or look at television but just to look at the world around us without these influences. We proved to each other that we were truly living in a world of beauty except for those people who cause sorrow, war, pollution, racial hatred and self-destruction. I told her we truly live in a part of heaven. But, we are here on trial to see how we can keep it heaven.

Strange to say in this age of so-called double generation gaps Cynthia did not dissent but seemed to accept this somewhat rosy picture of our world and our society. I hope she grows up with a faith in what man can do rather than despair over what he has left undone.

Two weeks ago I attended the annual meeting of Interpol in Brussels and I came away from that conference with a strengthened conviction that narcotics abuse is truly our number one world problem. It can undermine our entire civilization. Eugene Rossides, the leader of the United States delegation made the following statement to the delegates there—delgates who were the foremost law enforcement officers of 102 nations.

I quote him: "The United States today is facing a domestic crisis in drug abuse which is unparalleled in our entire history. In New York City alone, three to four persons are dying each day, either from overdoses or from the synergistic effects of a combination of drugs. The State of Virginia reported only a few days ago that 150 persons had died last year from drug related causes. In the State of California arrests for drug violations are not numbered in the 100's or in the 1000's but in tens of thousands—and the really sad aspect is the fact that so many of our young people are the victims."

Then the U.S. delegation offered these resolutions: Resolution one

In recognition of the alarming rate of growth of drug abuse throughout the world,

In awareness that drug abuse has cut across all social and economic strata and is increasingly corrupting the youth of all nations,

Interpol's International General Assembly, particularly recommends that all representatives urge their governments to eliminate the illegal cultivation of the opium-poppy, marijuana and the coca leaf.

RESOLUTION TWO

Resolve that in view of the epidemic proportion of the abuse of marijuana it is urged that all member nations engage in protracted responsible educational campaigns to alert youth on the dangers of marijuana.

Further that it should be specifically emphasized in such educational campaigns that the active ingredients in marijuana are dangerous and deleterious to the health and well being of youth.

The delegates from over 102 countries must have had faith in the judgment of the U.S. delegation for these resolutions were unanimously adopted.

I have often pondered over this matter of faith which I hope my grandchildren will grow up with as I have traveled over the world and visited the sites of ancient states and cities which are either in ruins or buried beneath the desert sands. As historian Arnold Toynbee has noted, in the case of civilization after civilization, destruction has invariably come from within. Rome, Egypt, Babylon, Crete, Greece, Assyria and in our own hemisphere, the Mayas and the Incas, were not destroyed from without. When the final test came, these once healthy cultural systems found themselves sick and helpless. They could not defend themselves, because they had already lost faith in themselves. What part did the abuse of narcotics and dangerous drugs play in this loss of faith and develop a population of sick and helpless people?

We are today living through another testing time for man's faith in himself and his works. It is a period of contest and conflict. Between ideologies. Between the benefits and the costs of technology. Between the "haves" and the "have-nots" on a rapidly shrinking planet. Between the individual and the organization of society demanded by an ever-increasing population. Between the positive and the natural law—that is, between society's codes and man's conception of the rule of law. And, of course, between idealism and practicality—between what might be done and what can be done. This, today, is called the generation gap.

Such periods are the breeding ground of change, of the reassessment of goals and values. They call for both faith and flexibility. They demand patience and hard decisions. They encourage extremism, for they provide a social ferment in which the cop-outs and the militants and the opportunists—the slack end of society—flourish. But they are also periods of great opportunity, for they offer men of good will a chance to redress old wrongs and to improve the quality of life for everyone.

For the young, such periods of transition are particularly trying. They lack a sense of history by which to measure our steps forward and the tolerance to accept compromise. Many of the signposts which guided us are down. Many of the goals which beckoned to us don't seem to them worth the effort. They want to conform, to belong, and if their family life is wanting they will look for a substitute. Witness the "Manson family."

Our greatest gift to this rising generation is understanding and a safe mooring for the duration of the storm.

It is against this background that I would like to place our present-day drug problems.

What I say will be brief and general, for many of you have spent a week listening to the experts on all phases of the subject. And I hope what I say will be practical, for I have balanced my association with the enforcement agencies with many years' work with the Boys Club of America on the problems of our youngsters.

As I see it, there are today two separate but related problems involved in drug abuse. There is, first, the hard-core narcotic abuse and its related illegal international trade. This I will call the traditional drug problem.

Then there is the younger generation drug abuse problem—what we call in this country the pot culture. There is, of course, some overlap and the use of pot is but a step from mainlining, but the diagnosis and the treatment of the two problems should be quite different. One is a dangerous sickness, the other a death dealing fever.

I see no reason why, given the necessary international cooperation, courageous tough courts and some more help on the firing line, we can not control the traditional drug abuse problem. There are no apologists for the murderous trade in hard narcotics and no controversy over its costs to society and for the addict.

Here the law should strike fearlessly and without compassion. Fines and moderate jail terms are simply a part of the cost of doing business in the illegal hard narcotics trade. We must raise the ante for those who deal in death and degradation. Society must demand mandatory death sentences—or, at the very least, life imprisonment—for the convicted drug trader and supplier. This would price that way of earning a dirty living out of existence. Unless the courts face up to the problem, we are abetting criminals and increasing crime.

The adolescent drug scene presents a different set of problems. In the case of pot, its common denominator, we do have a controversy. This odd controversy, in essence, is not over the question of whether marijuana is a dangerous drug but over the question of how dangerous it is. While we research the harmful potentials of marijuana, we already know that centuries of experience with various forms of the drug have shown that its continued use can degrade the life style of whole populations. And that in its stronger forms, the hemp plant can at times lead to extreme violence and murder. For the word "assassin" comes from the Arabic "hashshashin" which means hashshash-eaters. This is the same pot the Ottoman beys fed their teen-agers before they were sent out to murder the Christian leaders of the Crusades. And this is the pot some would have us sell our youngsters on the schoolyards and the campuses.

The pot culture has its apologists—a small but eloquent group of fuzzy-heads and weak kneed bleeding hearts who believe that if you can't solve a social evil today you should make it a way of life tomorrow. These advocates of the legalization of a mind-altering drug range from the headline-hunting anthropologist Margaret Meade, who knows better, to lip-smacking columnists like the Washington Post's Van Hoffman and Earl Ubel of CBS, who ought to know better.

Finally, we have the tawdry glorification of the adolescent drug scene by some parts of the entertainment industry and the press, the T.V. and by *political* militants who want to use the youthful spirit of dissent for their own ends. Selling pot by rock marks a new low for the so-called lively arts.

The amoral climate of *permissiveness* of misguided encouragement by certain public voices and the conformism which motivates so many young people makes the pot culture fad one of the greatest challenges of our time. It must be discouraged—the "in" thing must be made the "out" thing—if we are to ever have another generation of healthy, self-respecting world citizens.

It is a time for guidance and for education in the grim and nasty side of drug abuse. It is a time to polish the good and not the bad apples in the barrel. It is a time for every public figure—in politics and sports, in industry and the arts—to stand up and be counted. It is time, too, for the responsibility to be squarely placed where it so often lies—every parent should be held publicly accountable for his children's drug involvement. Law enforcement and punishment should begin in the home. The prime minister of one of these beautiful islands here in the Pacific answered me when I asked him why his island had such a good reputation for law and order—particularly as to young people using dangerous drugs. He answered me by saying: "Mr. Pryor—the answer is simple—if a young person, a teenager, disobeys the law—particularly our narcotic laws, we don't arrest him or her, we arrest their parents."

It is also time for us to enlist that greatest force of all—that tremendous majority of properly-motivated *young* people who know what the score has to be at the end of the tragic drug game. Let's enlist the strong and the clear-eyed to help the blind and the weak. I would like to see a missionary force

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of young people boldly grappling with the pot problem wherever it occurs. There is both logic and justice in the young helping the young, for they speak the same language. The pot graduate will be the social problem of *their* generation.

Our young people face a difficult future. They will need all their strength and will to have a full measure of self-discipline to solve the problems that the times and we have bequeathed to them. The transient euphoria of drugs and dope will never solve these problems. Nor will the illusions of an altered mind.

They lead to another solution. I think Aldous Huxley, the late English writer, who knew whereof he spoke, had that in mind when he wrote:

"In the course of history many more people have died for their drink and their dope than have died for their religion or their country. The craving for alcohol and the opiates has been stronger, in these millions, than the love of God, of home, of children, even of life. Their cry was not for liberty or death; it was for death preceded by enslavement."

Finally, I believe the majority of the citizens of our Nation are united in their determination to combat the engulfing, vicious and rapidly growing tide of drug abuse. The President and the Vice President have undertaken personal leadership in a new and dynamic fashion.

Those who work against us are small in number and of dubious motivation. Their only weapons are tricks and words but they have proven extremely able in the manipulation of propaganda.

Since I have told you my talk with my grandchild about living in part of heaven may I close by telling you what I have written my five children and fifteen grandchildren quoting to them Matthew v: 17–19. When Christ started his ministry he made his position clear on law and order. "Think not that I am come to destroy the law. I am not come to destroy but to fulfill. Whosoever shall break one of these least commandments, and shall teach men so, he shall be called the least in the kingdom of heaven. . . ."

May God bless you all in your dangerous work, which is so important to our country and the world. Good night.

CHILE TO BE ANOTHER CUBA?

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 16, 1970

Mr. WYMAN. Mr. Speaker, few people realize the vast difference between a Marxist and a Marxist-Leninist. In a nutshell the latter is a Communist who adopts the Leninist theory of violence when and as necessary to achieve a Communist-dominated world.

A man with such beliefs is reported to be the new President of Chile, the South American nation with the vast coastline and the important copper deposits. Like Canada's recent legalizing of Communist diplomatic immunity in that nation by extending recognition to Red China, the Allende ascension to power in Chile can only mean more trouble and more violence for trouble-ridden South America. It also means trouble in capital letters for American foreign policy to the South of us.

Of interest in this connection is the following Hemisphere Hotline Report of the Prewett Associates for the week of October 26, 1970. It should be remembered by those responsible for U.S. foreign policy that all Marxist-Leninists everywhere are fanatically committed to the destruction of the United States by any means possible. No amount of "being nice" to them will or can alter this dedication to the removal of the last remaining obstacle—so they think—to world domination by Communist totalitarianism which is the United States of America. Caution, restraint, and constant vigilance must remain the cardinal facets of our policy toward Chile under Salvador Allende.

The report follows:

"BIG CON" STARTS OVER MARXIST CHILE

WASHINGTON, D.C.—The Chilean Congress has named a Marxist-Leninist, Dr. Salvador Allende, to be Chile's president for six years. And another big con is on.

For those observers who have lived immersed in Latin American affairs and in its history for many years, the "big con" now being set up over Chile recalls similar curtains of bland, favorable information that have closed down between the U.S. general public and extremist regimes hostile to the U.S. This happened notably during the 1930's, when Gen. Lázaro Cárdenas as Mexico's president took that country to the extreme left. It happened again in the 1960's when powerful organs of U.S. opinion took Fidel Castro on faith and reflected only minimally, if at all, the many failures of his system of applied Marxist-Leninism.

When Cárdenas left Mexico's presidency in 1940 after six years of waging economic war on U.S. interests and bolstering trade and political ties with Hitler's Germany and Mussolini's Italy, every sector of the Mexican economy was in ruins. (This was the subject of an on-the-ground study by Virginia Prewett, later published as her first book, "Reportage on Mexico.")

After its hot-fought 1940 elections, Mexico began to turn away from the Cárdenas stance and during World War II, the U.S. poured hundreds of millions into Mexico to rehabilitate its economy. After the war, Mexico's policy gradually changed until U.S. capital and U.S. tourists were being invited in on a large scale. Mexico has developed with this substantially pro-U.S. stance, while keeping alive the legend that its progress is somehow really due to its extreme leftist era.

Fidel Castro swung much farther to the left and was finally forced out of the family of Western Hemisphere governments. Castro's failures in attempting to create a viable communist-dominated economy outside the U.S. orbit (that is, without exports to the U.S.) have been spectacular, though Cuba has received Soviet subsidies of from $365 to $400 million a year. Castro himself admitted this in detail on July 26, 1970, although this confession received little notice from those U.S. sectors that had put their faith in him.

And now Chile, in its own way, will follow the same trail. And it will become just as hard, if not harder, to get balanced information out of Chile, as Allende conducts his particular experiment in applying Marxist-Leninism to a Latin American economy.

SPECIFIC DETAILS OF THE "CON"

Now that the big con about Chile is on, anybody who reports anything not favorable will automatically be called a "rightist," with suggestions that he oppresses the poor. Already the picture being painted is that of "good guys" supporting Allende, and "bad guys" on the other side. We shall see much more of this.

As one example, one New York Times correspondent has of late started calling the newspaper chain of the Edwards family in Chile—which is a prime target of Marxist ire—a "near-monopoly" when it is mentioned. This is a slight coloration, actually the application of a pejorative description and therefore editorializing. News dispatches are not supposed to editorialize.

Another example of the subtle ways in which the big con will be pressed upon us concerns the press buildup of the character and role of Gen. Rene Schneider, the Chilean Army commander shot by unknowns just before Allende was confirmed as Chile's president.

Major dispatches to the U.S. painted him as a non-political general, symbol of objectivity vis-a-vis Chile's far leftists. In this light, he is shown as a martyr sacrificed by vicious "rightists" seeking victims among the uncommitted.

The truth is quite other. The "Hemisphere Hotline" Report No. 41, of Oct. 12, 1970, revealed an under-the-table deal between Chile's Christian Democrats and Allende over control of the military. When the CD's made their face-saving demands for new constitutional guarantees in return for voting for Allende in the Congressional runoff, they bowed to Allende's counter-demand not to give Congress the power to disapprove presidential appointments to high military commands. Dr. Allende insisted on keeping this power in his own hands, and the CD's went along.

This one detail obviously puts final power into Allende's hands. At need, he can invoke military rule and suspend all the guarantees of the new constitutional "Bill of Rights" insisted on by the CD's. Gen. Schneider was a friend and supporter of the CD's very leftwing leader, Radomiro Tomic, and the Christian Democrats could not have made the deal with Allende without his approval.

Giving this approval is one big reason why Schneider should have been singled out for assassination. For opponents of Marxist-Leninism in Chile feel that he sold out the military to Allende.

HOW THE "BIG CON" CAN COME ABOUT

One reason why the "big con" can succeed and many dispatches to the U.S. can be colored without a conscious desire on the part of editors here at home for this to happen arises from the pressures brought on career foreign correspondents by leftwing governments.

The career correspondent is sent to Latin America by a big newspaper or chain of papers, he usually looks forward to going to Europe later, as a promotion to a better post. But if he gets in bad with Castro or some other leftwing government, this cuts into his chances at about half the posts in Europe—those in Eastern Europe. The latter posts are usually considered stepping stones to even more important assignments—in East or West Berlin, Paris or London.

"Keeping the bureau open" also hangs heavily over correspondents where extremists want to influence the outgoing news. For an irate government can not only expel a correspondent—as both Chile and Peru have expelled representatives of leading U.S. media lately—but the government can also forbid other correspondents from the same organization to come into its country.

U.S. correspondents over the world, against great odds, on the whole struggle hard to keep their news reports balanced. But often a newspaper, to get out of the dilemma of keeping a correspondent in a leftist hotspot, will send there a man whose personal leanings are in that direction. Then faith and hope begin to color fact.

Also, in a country where extremists are riding high, sources for the other side of the story get harder to reach. Often the most searching reporter risks the liberty or the life of an anti-regime source, even by talking to him. In Castro's Cuba, for example, reporters are under strict surveillance at all times.

Another way the big con works is for the extremists to get hold of their country's media and produce saturation propaganda. This influences some observers even without their being aware of it.

COMMUNIST VIOLATION OF CONSULAR TREATY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. RARICK. Mr. Speaker, during consideration of the pros and cons of our country entering into a consular treaty agreement with the Soviet Union, the proconsular lobby advanced as their prime selling point that under the agreement Americans captured or imprisoned behind the Iron Curtain would be able to enjoy early contact with their country through the U.S. Consul. Supposedly, this argument neutralized all opposition and the treaty was agreed upon.

However, like all treaties, the verbage and provisions are no more reliable than the veracity or trustworthiness of the contracting parties.

The Soviet Union has never honored any treaty or international commitment unless it resulted in her advantage.

The first opportunity for a showing of compliance under the Consular Convention occurred in Communist Armenia on October 21 of this year. On that date, a border incident took place involving Maj. Gen. Edward C. D. Scherrer, head of the U.S. military mission in Turkey, Brig. Gen. Claude M. McQuarrie, Jr., head of the Army section of the mission, Maj. James Russell, pilot of the aircraft, and a Turkish liaison officer identified as Col. Cavdat Deneli.

According to Pentagon officials, a twin-engine Beechcraft plane carrying these officers was reported missing on a routine inspection of Turkish military installations along the Turkish-Soviet Armenian border.

On October 22, the Soviet Government announced it had the military officers in custody and American authorities asked for "consular access" to the three American officers.

The Soviet Government failed to honor this request until 5 days after the downing of the plane. Accordingly, on October 29, the United States charged in a note to the Soviet Union, protesting Soviet failure to release the officers, that the Soviet Government was in clear violation of the consular convention and called for the immediate release of the plane and its passengers. In what was termed a "strongly worded protest" the United States said that there was "no justification for any further delay" in freeing the passengers.

The Soviet infraction of the Consular Convention related to the right of consular visit under the terms of the convention. Article 12, paragraph 3 of the convention states:

> A consular officer of the sending state shall have the right without delay to visit and communicate with a national of the sending state who is under arrest or otherwise detained in custody or is serving a sentence of imprisonment. The rights referred to in this paragraph shall be exercised in conformity with the laws and regulations of the receiving state, subject to the proviso, however, that the said laws and regulations must not nullify these rights.[1]

This paragraph was further refined in paragraph 2 of a protocol to the convention which states:

> It is agreed between the Contracting Parties that the rights specified in paragraph 3 of Article 12 of the Consular Convention of a consular officer to visit and communicate with a national of the sending state who is under arrest or otherwise detained in custody shall be accorded within two to four days of the arrest or detention of such national depending upon his location.[2]

In charging the Russians of violating the Consular Convention, the American note pointed out that Moscow had not allowed American diplomats access to the passengers until 5 days after they had landed on Soviet soil.

So the Russians continue to prove their inability to perform honorably even under their own treaties.

The retaliatory action by our diplomats has not been to vitiate or cancel the treaty but rather to report that our top eschelon diplomats will shun high Soviet cocktail parties and permit only diplomatic novices to toast the Bolsheviks in public.

And so, history records another broken Soviet promise. The American people will never know the true facts of the capture of two U.S. generals in Armenia. Their briefing is top secret in the interest of preserving constructive U.S.-Soviet relationships. Full disclosure of the facts might make the American people mad.

I insert several newsclippings in the RECORD:

[From The New York Times, Oct. 30, 1970]

UNITED STATES SAYS SOVIET VIOLATED CONSUL PACT IN PLANE CASE

(By Terence Smith)

WASHINGTON, October 29.—The United States charged the Soviet Union today with a "clear violation" of the consular convention between the two countries and called for the immediate release of the United States Army plane and passengers detained in Armenia since they landed there eight days ago.

In a strongly worded protest note, the United States said that there was "no justification for any further delay" in freeing the two Army generals, an Army major and a Turkish colonel who was accompanying them.

The note, which was presented to the Soviet Ambassador, Anatoly F. Dobrynin, at the State Department by Under Secretary of State John N. Irwin 2d, replied to a Soviet protest received in Moscow on Monday.

RUSSIAN EXAMPLE FOLLOWED

Contrary to usual diplomatic practice, the State Department made public the text of its reply immediately. The Russians broadcast the text of their protest before the formal note was delivered to the United States.

Emerging from a 25-minute meeting with Mr. Irwin, Ambassador Dobrynin said that the passengers "might be" released, but that it would depend on an investigation of the incident.

He said that the consensus reached in his meeting with Mr. Irwin was that "it would be better for this sort of incident not to happen again and that generals should stay where they belong."

In accusing the Russians of flouting the 1968 United States-Soviet consular convention, the American note pointed out that Moscow had not allowed American diplomats access to the passengers until five days after they landed on Soviet soil.

"The consular convention specifically requires that access be accorded within four days at the most," the statment said.

The exchange of protest notes has raised the temperature of the United States-Soviet argument over the release of the plane and passengers. The State Department insists the plane strayed across the Soviet-Turkish border inadvertently, without "hostile or ulterior intent."

HARD LINE CONTINUING

United States officials are visibly upset by the Soviet tactics, which they regard as another indication of a continuing Russian hard line in relations with the United States. One official charged that the Russians seemed to be "squeezing every soft spot they can find" in their dealings with this country.

Another concern among United States officials is that the Russians may be holding the passengers in an effort to force Turkey to turn over four Soviet airplane hijackers.

Soviet authorities have demanded the extradition of two, the Lithuanian father and son accused of killing a Russian stewardess and diverting an Aeroflot airliner to Turkey on Oct. 15. There has been no official request for the extradition of the other two, who diverted a small Aeroflot plane to Turkey on Tuesday.

Washington's note said the United States had acted in "restrained and constructive" fashion when Soviet aircraft or vessels recently intruded into American airspace or territorial waters.

It specifically cited a Soviet flight over the Aleutian Islands in March, 1969, and the intrusion into Alaskan waters in April, 1970, by the Soviet tanker Mozyr, which, the note charged, "extensively polluted United States territorial waters with oil."

In a subsequent statement, the State Department spokesman, Robert J. McCloskey, said that the United States had strictly adhered to the consular convention terms as recently as February, when Soviet diplomats were granted access to an accused spy within the four-day limit. The case involved Aleksandr V. Tikhomirov, a Soviet citizen working as a translator for the United Nations Secretariat. He was subsequently expelled.

EMBASSY PRESSES SOVIET

(By James F. Clarity)

MOSCOW, October 29.—The United States Embassy pressed the Soviet Union today for the immediate release of the plane and the four officers—Major Gen. Edward C. D. Scherrer, head of the United States joint military mission in Turkey; Brig. Gen. Claude M. Mc-

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[1] U.S. Congress. Senate. Committee on Foreign Relations. Consular Convention with the Soviet Union. Hearings. Eighty-eighth Congress, second session. Washington, U.S. Govt. Print. Off., 1967. p. 287.

[2] *Ibid.*, p. 291.

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Quarrie Jr., his aide for ground forces; Maj. James P. Russell Jr., the pilot, and Col. Cevdat Deneli, a Turkish liaison officer.

Since the landing, in the border town of Leninakan, the Soviet authorities have given no public indication when they might release the officers and the plane, a twin-engine, six-seat Beechcraft U–8.

Boris H. Klosson, the American charge d'affaires here, went to the Foreign Ministry this afternoon and repeated the request for release to Georgi M. Kornyenko, head of the ministry's American desk.

Mr. Klosson, the ranking American diplomat here while Ambassador Jacob D. Beam is out of the country, also repeated the American contention that the violation had been accidental. He asked that embassy officials be allowed to see the detained officers a second time next Monday, if they have not been released by then.

The Soviet authorities declined a second visit Tuesday, after two American officials met with the officers in Leninakan on Monday.

PILOT'S ERROR BLAMED

The American consular officials who talked with the four said that the pilot had blamed heavy winds and his own navigation mistakes for the violation. The plane was said to have been taking the officers on a tour of Turkish military bases.

The Soviet protest indicated disbelief that the incursion had been accidental, but yesterday, Pravda, the Communist party newspaper, said that the violation had apparently been an accident.

Tonight, Tass, the official press agency, issued a long commentary castigating the United States, often in harsher terms than were used in the Government protest Monday.

The commentary, signed by Leonid Velichansky, described the craft as a "warplane of the United States Air Force." American military bases in foreign countries, Tass said, were "hotbeds of aggression, intervention and espionage linked with the United States claim to the role of a world policeman, dictated by the mad desire of United States imperialism to dictate its will to all mankind."

[From the New York Times, Oct. 23, 1970]

Two U.S. Generals in Soviet Union After Their Plane Strays

(By Bernard Gwertzman)

Moscow, October 22.—The Soviet Union announced tonight that a United States Air Force plane, missing on a flight over Turkey with two American generals aboard, had violated Soviet airspace and landed in Soviet Armenia near the Turkish border.

A statement issued by Tass, the Soviet press agency, said the small plane was in good condition and the four men aboard—three Americans and a Turk—were in good health.

Tass said the aircraft landed yesterday at a field near the border town of Leninakan. Known until 1924 as Aleksandropol, it is a textile center with a population of about 140,000 some 55 miles northwest of the Armenian capital of Erivan.

No details were disclosed and the wording of the Tass statement was noncommital as to course of action the authorities might take.

[In Washington a State Department spokesman said Moscow had been asked to permit "consular access" to the two generals and their pilot, a major. The term is usually employed when officials are seeking to visit Americans in custody.]

LACK OF INVECTIVE NOTED

According to some Western diplomats in Moscow, the lack of invective in the Soviet statement seemed to indicate that Moscow would not make a major issue of the trespass by the six-passenger craft, which the Turkish authorities have said was on a routine flight from Erzurum in eastern Turkey to Kars, some 50 miles from the Soviet border.

Tass said "the competent Soviet authorities have been instructed to investigate the circumstances connected with the above-mentioned violation of the Soviet Union's frontier by the plane of the U.S. Air Force."

The Turkish announcement had listed the men aboard as Maj. Gen. Edward C. D. Scherrer, 57 years old, head of the United States military mission in Turkey. Brig. Gen. Claude M. McQuarrie Jr. 45, head of the Army section of the mission, and Major James Russell of the Air Force. Tass identified the Turkish officer as a colonel named Deneli.

The incident came a week after a Soviet airliner with 46 passengers aboard was hijacked to the Turkish border town of Trebizond by a Lithuanian and his son. A Soviet stewardess was killed and the chief pilot and the navigator were wounded.

NO DECISION IN TURKEY

The Soviet Government has asked the Turkish authorities to extradite the men, Pranas Brazinskas-Koreivo and his son Algirdas, but the Turkish Government has announced no decision.

There was some speculation that the Russians might hold the military men until the hijackers were turned over, even though the cases were unrelated. Others maintained that Moscow might release them promptly to show good faith, putting "moral pressure" on the Turks to reciprocate.

When the United States Embassy was informed of the plane's whereabouts, the chargé d'affaires, Boris H. Klosson, asked for consular access. There was no immediate response.

In July, 1960, an RB–47, an American reconnaissance plane, was shot down by Soviet aircraft. The two survivors were released by Premier Nikita S. Khrushchev in January, 1961, as a sign of goodwill to the new American President, John F. Kennedy.

The most publicized violation of Soviet airspace was the U–2 affair, in which Francis Gary Powers was shot down in his high-flying reconnaissance plane in May, 1960. He was released in exchange for the Soviet spy Col. Rudolf Abel in 1962.

United States Applies for Access

Washington, October 22.—A State Department spokesman said today that the United States had asked for "consular access" to the three American officers.

A press officer, John King, said he did not know whether the Americans and the accompanying Turkish officer were being held prisoner. The term "consular access" usually indicates that officials are seeking to visit Americans in custody.

A Defense Department spokesman described as entirely likely a Turkish report that the plane, reported lost in bad weather, had been escorted to an airfield in Armenia by Soviet jets.

The Pentagon sources stressed that the men, with the Turkish colonel as liaison officer, were on a routine inspection of Turkish military installations.

The aircraft, a twin-engine Beechcraft, carried no reconnaissance equipment, the Pentagon officials said. It has a normal cruising speed of about 170 miles an hour.

The officials said they did not expect difficulties in obtaining the release of the plane and the Americans. There was some concern, however, that the Soviet Union might hold the Turkish officer as leverage in its effort to extradite the two Lithuanians who hijacked the Soviet airliner.

The mission headed by General Scherrer, who is from Shawneetown, Ill., advises the Turkish armed forces on use of equipment provided by the United States. General McQuarrie is from Fort Benning, Ga., and Major Russell from Piney Woods, Miss.

Pentagon biographies show that General Scherrer has not had an intelligence assignment since 1950 and that General McQuarrie has had none.

[From the New York Times, Nov. 10, 1970]

Two Generals Will Be Freed, United States Is Informed by Soviet

(By Terence Smith)

Washington, November 9.—The Soviet Union advised the United States today that it would release the two United States Army generals it has been holding since their small plane crossed the Turkish border into Soviet Armenia on Oct. 21.

Ambassador Anatoly F. Dobrynin called Secretary of State William P. Rogers this afternoon and told him that Maj. Gen. Edward C. D. Scherrer, chief of the United States military mission in Turkey, and his assistant, Brig. Gen. Claude M. McQuarrie Jr., "will be released and permitted to leave the Soviet Union."

The State Department spokesman, Robert J. McCloskey, said the United States hoped the two officers would be released within 24 hours. Other sources indicated that the pilot of the plane, Maj. James P. Russell, who was also detained, probably would fly the small Air Force plane back to Turkey in the next day or two.

"CONSTRUCTIVE STEP" HAILED

In Key Biscyane, Fla., where President Nixon is vacationing, the White House press secretary, Ronald L. Ziegler, said the President considered the generals' release a "constructive step in United States-Soviet relations."

The Turkish radio announced earlier today that the fourth passenger in the plane, a Turkish colonel who served as liaison officer, had been handed over to Turkish authorities at Kizilcakcak, just across the border from the Soviet Armenian town of Leninakan, where the plane and the four officers had been held.

The United States has said that the plane strayed across the border while the generals were on an inspection tour of Turkish military facilities. The Soviet Union charged that the they had crossed the border with hostile intent.

Colonel Russell was quoted by American consular officials as having said that he was en route from Erzurum to Kars and had landed at Leninakan in the belief that it was Kars. The detained officers were visited twice by consuls attached to the United States embassy in Moscow.

The Soviet decision to free the men followed nearly three weeks of acrimonious argument between two countries over the nature of the border-crossing incident, straining the atmosphere between Moscow and Washington.

In exasperation at the Soviet delay in releasing the officers, the United States instructed its top-level diplomats to boycott Soviet celebrations marking the 53d anniversary of the Bolshevik Revolution.

United States officials said this evening that evening that they assumed the Russians had decided they had exploited the incident "for all the propaganda it was worth" and therefore agreed to release the officers.

Throughout the nearly three weeks of their captivity, the Americans were kept in a comfortable Government villa in Leninakan and occasionally permitted to tour the town under guard. On several occasions, they were submitted to what officials described as "lengthy and intensive" questioning about the incident and the scope of United States military activities in Turkey.

[From the Washington Post, Nov. 7, 1970]

UNITED STATES SNUBS RUSSIAN FESTIVITIES

(By Murrey Marder)

The United States deliberately displayed double irritation with the Soviet Union last night for the Soviet Embassy's gala 53d anniversary celebration of the Bolshevik revolution.

The equivalent of two diplomatic slaps on the wrist were delivered by the State Department, in carefully-calibrated quantity.

First, the department in mid-afternoon, announced that no high-ranking U.S. officials would attend Soviet anniversary celebrations around the world. That was to register American displeasure over the continued Soviet detention of two U.S. generals and a major, whose light aircraft landed just over the Soviet-Turkish border on Oct. 21.

Second, at 5:15, just 45 minutes before the start of the Soviet Embassy reception here, the embassy was informed that the United States is expelling a Tass news agency correspondent, Leonid Zhegalov, "in direct reciprocity for the unjustified expulsion" from Moscow two weeks ago of Newsweek correspondent John Dornberg.

To cap off the actions, the same middle-rank official—Adolph Dubs, chief of the Soviet desk at State—who delivered this expulsion notice was sent to the Soviet Embassy as senior official representing the United States. Originally, a higher ranking officer, Richard T. Davies, a deputy assistant Secretary of State, was scheduled to attend.

The decision to downgrade attendance at the Soviet Embassy reception was made so late that the word did not get passed around fully. State Department Legal Adviser John R. Stevenson turned up at the reception, coming directly from the United Nations, as did William H. Sullivan, deputy assistant secretary for East Asian affair, and other junior officials. But no top-level officials attended.

At the reception, however, Soviet Ambassador Anatoliy F. Dobrynin, dismissed the display of U.S. irritation as inconsequential.

One chief of mission was exempted from the rule of nonattendance. Ambassador Gerrard Smith, head of the U.S. delegation to the U.S.-Soviet arms limitation talks in Helsinki, was given freedom of choice about going in line with baisc U.S. policy to separate those talks from other U.S.-Soviet tensions.

In explaining the diplomatic snub, State Department Press Officer John F. King said it was ordered because "there has been no indication" that the detained U.S. officers "will be released shortly."

The Russians are holding Maj. Gen. Edward C. D. Sherrer and Brig. Gen. Claude M. McQuarrie Jr., and Maj. James P. Russell. Their U.S. liaison plane, U.S. officials say, "accidentally strayed 12 miles over the Soviet border, landing in Leninakan. With them was Turkish liaison officer Col. Civat Denli, whose impending release was announced Thursday.

There have been unofficial reports from Moscow, but no official confirmation, that the three Americans also will be released soon.

The U.S. decision to register rising impatience was authorized by the White House. Because of the "unwarranted detention" of the U.S. crew and plane, the official statement said, "it has been deemed inappropriate this year for senior American officials to accept the hospitality of the Soviet government on the occasion of the November celebrations."

The expelled Tass newsman, Zhegalov, is required to leave the United States within three days.

REPRESENTATIVE WILLIAM L. DAWSON—A GREAT AMERICAN

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. MURPHY of New York. Mr. Speaker, our colleague, William L. Dawson, spent close to 30 years in the House of Representatives to prove "with effective leadership that God did not handicap me by making me black." He proved his point, innumerable times and in many ways. For Bill Dawson was an American, a Congressman, and a Negro in that order. He served all of his constituents all of the time. His passing last week is a loss to not only those of us who were privileged to know and serve with him, but to the countless thousands of people who benefited from his sage counsel and progressive legislative record. Under the leave to extend my remarks in the RECORD, Mr. Speaker, I would like to include the moving tribute paid Mr. Dawson by Washington Post writer Ellen Hoffman.

The article follows:

REPRESENTATIVE WILLIAM L. DAWSON DIES

(By Ellen Hoffman)

Rep. William L. Dawson (D.-Ill.), who once said he was a "congressman first and a Negro second," died yesterday of pneumonia at Chicago's Veterans Administration Research Hospital. He was the oldest member of Congress.

The 84-year old congressman was the first Negro to head a committee of the U.S. House of Representatives. In recent years, he had become a target of civil rights activists who claimed he placed loyalty to the Democratic Party over his commitment to his race.

House Speaker John W. McCormack, a close personal friend and political ally of Mr. Dawson, yesterday called the Illinois congressman "one of the most constructive-minded men I have ever met . . . He served people by fighting for the passage of humane and progressive legislation that meant so much to countless millions of Americans.

Mr. Dawson, who had served in Congress since his election from a predominantly black South Side Chicago ward in 1942, did not run for re-election this year. At the time of his death, he was chairman of the House Government Operations Committee and a member of the House District Committee.

Mr. Dawson turned down an offer to become the first Negro member of the Cabinet when President-elect John F. Kennedy asked him to serve as Postmaster General in 1960.

He said he could be more effective if he remained in Congress as a committee chairman. He also was vice chairman of the Democratic Party.

Mr. Dawson was born in Albany, Ga., where he attended a local teachers college before going on to attend and graduate from Fisk University in Nashville, Tenn. He worked as a bell-hop to earn money for college.

After graduating from Fisk, he went to Chicago in 1912 and studied at Chicago-Kent College of Law and the law school of Northwestern University.

In 1917, he joined the Army. He served in Europe during World War I and was wounded.

Returning to Chicago after the war, he began to practice law in 1920. He was not the first Negro congressman from the city. In 1920, a Republican, Oscar De Priest, was elected to Congress.

Mr. Dawson became active in the Republican Party in the early 1930s. However, he switched to the Democrats in 1939 when then-mayor Ed Kelley named him committeeman from the city's second ward.

In 1942, he was nominated and won the election for congressman on the Democratic ticket.

One of his first legislative actions as a congressman was to testify before the Senate Judiciary Committee in support of a bill that would have abolished the poll tax.

He was the only Negro in Congress at the time, and a number of his colleagues were white supremacists. "I've got a job to do, and I don't want to be distracted from it," he replied to critics who charged that he submitted too easily to Jim Crow laws.

When Mr. Dawson was named chairman of the House Committee on Expenditures after the 1948 elections, he had only attended two meetings of the committee. He spent most of his time in his Chicago office.

Along with Rep. Adam Clayton Powell (D-N.Y.) he voted in 1951 against a bill that would have created a veterans hospital for blacks in Virginia.

But he and Powell, for some time the only other black congressman, later clashed over the question of how to push for expansion of civil rights.

On one occasion, Powell charged that Dawson and Chicago Mayor Richard J. Daley were denying antipoverty funds to a militant black group called The Woodlawn Organization because they feared the money would be used to organize political opposition.

The National Association for the Advancement of Colored People (NAACP) attacked Mr. Dawson for what they called his "silence, compromise and meaningless moderation" on issues including a bill Powell sponsored in 1956 to cut off federal aid to states with segregated school systems.

But throughout his career, Mr. Dawson maintained that his aim was "to prove with effective leadership that God didn't handicap me by making me black."

In his 1966 campaign for the House, Mr. Dawson was challenged by a young black Republican named David Reed. Reed argued in his campaign that Mr. Dawson did not bring relief to the poor black residents of Chicago's South Side.

Although Mr. Dawson did not receive the approximately 80 per cent majority that he tallied in earlier elections, he won in a vote of 91,000 to 34,000.

A member of the House District Committee since 1958, he went on the record as an opponent of freeway expansion in Washington.

Mr. Dawson had been ill for a long time and had not been seen much in Congress recently.

He is survived by his wife, Nellie B.; a son, William L. Jr., and a daughter, Barbara Morgan, all of Chicago.

RICHARD CARDINAL CUSHING

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. ZABLOCKI. Mr. Speaker, this country lost more than a spiritual leader with the passing of Richard Cardinal Cushing. It lost a man whose warmth and generosity transcended his religious role to touch the hearts of all Americans.

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Prince of the Catholic Church, yet the first prelate to urge his faithful to attend Billy Graham crusades; Archbishop of Boston, with all the pomp that implies, yet so "down to earth" as to joke that his official residence was the "biggest joint on Commonwealth Avenue"; the cardinal was equally devoted to the famous and unfortunate in his flock.

To many he will be best remembered as the priest who, at the funeral of his friend the President, commended the soul of "dear Jack" to the angels in Paradise. But many Bostonians refer to him as the "Cardinal of Charity" for his untiring work for the poor and needy. His ability as a fund raiser was most evidenced when in 1962 he raised $1 million in 48 hours as the anonymous donor to secure the release of Cuban prisoners of the Bay of Pigs invasion by Christmas eve.

Held with affection and esteem by men of all faiths, Cardinal Cushing believed that men could be wrong without being really bad. He encouraged interfaith cooperation and became one of America's foremost proponents of ecumensim. His support of brotherhood and attacks on prejudice were among his most remembered qualities.

We mourn the death of Richard Cardinal Cushing and extend our sympathies to the people of Boston on the passing of their beloved son.

FUNDING FOR HEADSTART

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. DULSKI. Mr. Speaker, last July the House acted on the fiscal 1971 appropriation bill for the Labor and Health, Education, and Welfare Departments.

Recently transferred to the HEW budget is the Headstart program, perhaps the most successful antipoverty program operated within the Office of Economic Opportunity. Headstart now is made an activity of the Office of Child Development in HEW.

President Nixon's budget recommended $339 million for fiscal 1971. The House approved only $321.3 million.

HEW has notified Members and local program units of cuts in their allocations ranging up to 13.5 percent for larger programs like the very successful program in my home city of Buffalo, N.Y.

The belt-tightening in our Buffalo program already has gone the limit in order to meet the cutback in funding from the previous year—fiscal year 1969. Further cuts can only result in curtailed enrollment and closing of centers in Buffalo.

This would be a tragic mistake. Headstart is a good program and should be funded so that it can continue at least at its present level.

The Senate is scheduled to begin considering the Labor-HEW appropriation bill on Wednesday. The Senate Appropriations Commmittee recommended the full budget request of $339 million.

However, HEW Secretary Richardson has said that the agency will need still another $11 million—a total of $350 million—to maintain the fiscal 1970 level. The administration has not changed its original request.

Today, about 150 parents of Headstart children in Buffalo made an all-night bus trip to the Nation's Capital to visit their Congressmen and Senators in connection with the Headstart program reduction.

Their concern is well founded and I hope that their representations will produce the desired results.

I can speak well for the Buffalo group. It was well organized and dedicated to its chore of telling the story of Headstart. I spent some time with them during their lunch period and found them very attentive and quite well informed.

Mr. Speaker, I hope sincerely the Headstart program will receive the additional funding it needs and deserves.

As a part of my remarks, I include an editorial from the November 14, 1970, edition of the Buffalo, N.Y., Evening News.

DO NOT CUT HEADSTART FUNDS

When Congress reconvenes next week, the Senate should restore spending cuts made by the House for Head Start, the popular preschool education program for thousands of children from impoverished families.

As matters now stand, the House-voted cutbacks threaten to cost New York State $2.7 million and Buffalo $101,600 in Head-Start funds. If actually carried out, such a reduction would be penny wise and pound foolish.

The Nixon administration doubts the effectiveness of Head Start educational, health and social programs because studies have suggested that any gains derived from them faded after the children entered the regular school system. But the administration has no doubts about the fundamental concept of extra help for disadvantaged pre-schoolers. In fact the President has hinted that preschool programs might profitably embrace children even younger than three, the existing Head Start minimum. Experiments to discover alternative programs are under way.

Hence, this is a holding period, really, when the concept of pre-school help is accepted and when Head Start, despite flaws, has shown at least some concern and transitory benefits. With no more promising alternative ready to go, Congress should reject the temptation, acquiesced in by the House, to shrink Head Start spending below the modest $339 million President Nixon had asked for.

STATEMENTS OF WITNESSES APPEARING BEFORE THE COMMITTEE OF THE DISTRICT OF COLUMBIA

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, for approximately 3 hours today, I conducted a meeting in the District of Columbia Committee hearing room, at which an overflow, standing-room-only group representing the tourist industry in Washington, D.C., presented their pleas to Mr. Robert E. Jordan III, General Counsel of the Department of the Army, to reject a proposal to close Arlington National Cemetery to all sightseeing buses, charter buses, school buses, limousines, taxicabs, and tour guides with the exception of Landmark Tours, Inc., operating as "Tourmobile" under contract with the Department of the Interior.

Mr. Jordan was most cordial and assured the industry spokesmen their case would be carefully reviewed and the tentative decision to close the cemetery reviewed. In the meantime, however, I include at this point in the RECORD the prepared statements of some of the industry representatives, so that all Members of this body and all who read the RECORD may know the grave impact closing of Arlington National Cemetery to all commercial vehicles may have not only on the tourist business in our Nation's Capital, but on the comfort, convenience, and accessibility of visitors from across the Nation and from foreign lands.

Mr. Speaker, I urge my colleagues to join me in an effort to prevent such a disaster from occurring in our Nation's Capital.

The statements of the main spokesmen follow:

STATEMENT OF IRVING SCHLAIFER

Congressman Broyhill, and all of those here today, my name is Irving Schlaifer. I live at 1344 Kennedy St., N.W., Washington, D.C. 20011. I am Chairman of the Emergency Taxicab Committee. Its membership is made up of those in the taxi industry and those in the sightseeing industry that may from time to time, find a need, that through it, they can voice their opinions and take a stand on the various problems that they face.

First of all, Congressman Broyhill, we want to thank you for all that you have done to keep Arlington National Cemetery open to all sightseeing buses, charter buses, school buses, limousines, taxicabs and tour guides. There were at least 35 members of the sightseeing industry and the taxicab industry that attended the 3 P.M. meeting in your office on Tuesday, October 20, 1970.

We met with you for almost one hour. We asked that you do everything in your power to keep the cemetery open to us. After hearing us out and questioning us, you agreed to help us all that you could. You got on the phone and called the Secretary of the Army's office, the Secretary of the Interior's office and the White House. In less than 24 hours you were able to inform us that the cemetery would remain open indefinitely and that you would arrange for a hearing with the Secretary of the Army's staff sometime after November 15th.

In our letter of Wednesday, September 23, 1970, sent to each Member of Congress we went into detail as to why we were opposed to the closing of the cemetery to the sightseeing industry and the taxicab industry. We want this letter to be made a part of this record. We also want our letter of Tuesday, November 10, 1970, that was sent to over 700 tour guides, to be made a part of this record.

All of us are opposed to the closing of the cemetery to our vehicles. We have sacrificed a great deal of talent, time and money to make the sightseeing industry and the taxicab industry of this city, the Capital of this nation, what it is today. A lot of sweat, blood and tears have gone into our efforts. Now, that we have succeeded in making the sightseeing industry a strong and respectable profession, we find ourselves fighting for our lives, fighting to save our businesses, fighting to provide for our families and fighting to keep bread and butter on our tables.

Whether we are owners of buses, limousines or taxicabs, or, are only employed by owners of such services, we represent millions of tax dollars. We bitterly resent any attempt to use our tax dollars for the purpose of making us lose our businesses, lose our jobs, lose our livelihood, or, lose our opportunities for advancement. We believe in the free enterprise system. We can't survive, when the Department of the Interior, an agency of the United States government, outlaws our more than 50 year-established tour business in Arlington National Cemetery, franchising this business, exclusively, to a favored California based corporation.

There was a time, years back, that the general public and the small independent business men had to put up with the robber Barons of Industry. It was necessary to control their ruthless and cut throat activities through legislation. Now, we are faced with the same kind of robber Barons of Government, the bureaucrats. This is exactly what the Department of the Interior has become, and, it is obvious that we need legislation to control them.

We can easily understand a government agency stepping in and providing a needed service, when private industry fails or refuses to provide it. There has never been a need for the Department of the Interior to get into the sightseeing and transportation business in Washington, D.C. There has always been more than enough commercial operators to take care of all of the demands for sightseeing services or for transportation services. The rates charged by these commercial services have always been competitive and reasonable.

The Department of the Interior has trump up an excuse for getting into the sightseeing and transportation business in Washington, D.C. So, they invented the problem, they then started up the problem, and, they then claimed that they had the answer to the problem. They use the greatly exaggerated excuse that a shuttle bus was desperately needed in the Mall area, from the foot of Capitol Hill to the Lincoln Memorial. First, they started out with a 10¢ ride. Then, it went to a 25¢ ride. Then, it went to a 50¢ ride. Then, it went to a $1.00 ride, and now, it is a $2.00 ride! In the past four years the Department of the Interior has authorized the Mall shuttle bus fare to be increased from 10c to $2.00! 20-fold; 1,900%!

The Department of the Interior sold a bill-of-goods to the Secretary of the Army's staff, that they should have a complete monopoly on the sightseeing and transportation services in Arlington National Cemetery. They then decided to agree that because of an alleged traffic problem, it was absolutely necessary that such a step should be taken.

The Department of the Interior is determined to destroy an entire sightseeing industry. The bureaucrats in the Department of the Interior look upon our Arlington National Cemetery not as hallowed ground, but, as a "gold mine" to be exploited. Worst of all, it will not end here. The Department of the Interior is determined to expand its operation to other points of interest and exploit them. This shuttle bus operation will spread like a cancer, and, like a cancer it must be stopped immediately.

The shuttling of tourists from one point of interest to another, has always been well taken care of by the mass transit buses and by the taxis. We have one of the best mass transit bus systems in the world. It has adequate bus routes in and near the Mall area, with frequent service. It is actually less expensive for these tourists on a tight budget to use our mass transit buses and taxis. With buses, they get transfer privileges at no extra cost, making it possible for them to travel great distances in the city for the same original fare. With taxis, these tourists get fast, efficient door-to-door service.

Even right now, many of the shuttle bus passengers must use taxis to get to the White House before it closes at 12 noon, and, use taxis to get to the Bureau of Engraving and Printing before it closes at 2:30 P.M. It just means that these passengers wind up paying double fare, first, to ride the shuttle buses, and after, to ride taxis. What these passengers thought was a bargain ride on the shuttle buses, proves to be no bargain ride at all. These passengers are in such a hurry to take advantage of this so-called bargain ride, that they don't stop to realize that the shuttle bus never promise to get them any place on time, it just says that it will get you there. It is not until these passengers have paid for their ride on the shuttle buses, that they find out that they do not have enough time left to reach points of interest which have definite closing times, that they suddenly realize that they have been taken for real suckers. This is exactly what will happen when they are required to ride the shuttle buses in the cemetery, and, then miss seeing the Changing of the Guard.

In virtually every tour trip that we offer to the public, the most important part of it is, the visit to Arlington National Cemetery. Take that away from us, and, you virtually destroy the sightseeing industry. This is exactly what is going to happen, if the Secretary of the Army's staff is allowed to go ahead with their plans to give a monopoly to the Department of the Interior to provide all of the sightseeing and transportation services in the cemetery.

This proposed monopoly, will not only eventually destroy the sightseeing industry, it will immediately destroy the delicate control of the very tight time schedule every bus operator and tour guide must work under. The most important reason that these tourists use our services, is that, they prefer to ride on a reserved seat basis, because their time is extremely limited, and, because they are relying on our professional knowledge and ability to show them all that we can, within the amount of time that they have available to visit the main points of interest in the Nation's Capital.

How in the world can 10, 20, 30, 40 or 50 buses, arriving at the cemetery with just 20 minutes to spare, make it in time for the Changing of the Guard at the Tomb of the Unknown Soldiers, if they must first unload their passengers in the new parking area, and, waste precious time loading these same passengers on the shuttle buses, just to ride a short distance to the Tomb? Limousine and taxicab passengers will just wind up getting lost in the crowd. If, any of these passengers miss the Changing of the Guard, it will mean for most of them, their last chance to have seen it, because, they are here for this one and only time. A great percentage of these visitors are here for just the one day and must travel on to other cities, or, to other countries.

The sightseeing industry is going to wind up with a lot of angry and dissatified passengers, if, what is proposed at the cemetery, is allowed to take place. If, the name of the game is to waste time, bring about complete confusion, create deep dissatisfaction and generate a great deal of anger when visiting the cemetery, then the outlawing of established sightseeing industry and the giving of a monopoly to the Department of the Interior will accomplish it.

The Department of the Interior and the Secretary of the Army's staff acted very arbitrarily, and, in a very high-handed manner in what they did. The least that the Secretary of the Army's staff could have done, was to call in the key members of the sightseeing industry and the taxicab industry, and, asked them for whatever solutions they might have proposed to control the traffic problem in the cemetery.

It is obvious to us, that the Secretary of the Army's staff was sold a bill-of-goods by the Department of the Interior. The staff swallowed the scheme hook, line and sinker. Had the Secretary of the Army's staff gone down to the Mall and watched how the shuttle buses actually operated, day in and day out, they would never have touched it; not with a 10 foot pole!

During the busy summer season, it was not unusual to see 50, 60, 70, 80, 90, or more people, waiting in long lines for the shuttle buses. When the shuttle bus finally showed up, it could pick up only 3 or 4 passengers and then drive on, leaving the rest to stand and wait that much longer. It was also a common sight to see 2, 3, 4, or 5 of these shuttle buses just pass them up completely. We have seen them crowd on as many as 30 people in the aisles when all seats were taken, even though they claim there is a seat for everyone.

We have heard many complaints from the shuttle bus passengers about their being passed up and left standing in the hot weather, cold weather, rain and snow for long periods of time. What sense does it make to put an end to the excellent service already being provided by the sightseeing industry and the taxicab industry at Arlington National Cemetery, and, in its place, force people to use a shabby, unreliable service?

The independent tour guide, the independent taxi driver and the independent limousine driver, that we are speaking for, works strictly on their own. We are not on any payroll. Every bit of work that we get, comes to us the hard way. Nothing is put in our laps or handed to us.

When we take our sightseeing passengers to Arlington National Cemetery, we point out the gravesites of famous people and famous military heroes, such as, Robert Todd Lincoln, son of President Abraham Lincoln, President William Howard Taft, John Foster Dulles, General Leonard Wood, Astronauts Virgil Grissom and Roger Bruce Chaffee, General John J. Pershing, General George Marshall, General Bedell Smith, etc. We point out where they have buried those who had served in the Civil War, Spanish-American War, War I, War II, and, the military nurses' section.

When we show our sightseeing passengers all of these points of interest, we are using those roadways and traveling in those sections, where very few burials take place these days. The limousine and taxi tour guides are able to show much more of the cemetery than the buses. The buses are restricted to certain roadways and cannot tour the cemetery in the same way as the limousines and taxis. The proposed use of the shuttle bus in the cemetery will also be restricted to certain roadways. Since all buses are restricted, this is the main reason why the sightseeing passengers want and use the added service that the limousine and taxi tour guides can give to them.

If, we are prevented by the Department of the Interior from making our trips to the cemetery, as we have always done in the past, we will be virtually put out of business. Having a good day, or, having a bad day depends almost entirely on our getting a sightseeing trip. Over 90% of these sightseeing trips include a visit to Arlington National Cemetery. Many of our sightseeing passengers feel that they can see much of what

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is in the downtown area pretty much on their own, but, realize that they are much better off with us, when it comes to visiting the cemetery.

Even if the Department of the Interior, in order to justify a monopoly at the cemetery, were to tell us that they would provide all of the transportation there free of charge, we would still reject the proposal as unworkable. The Secretary of the Army's staff must recognize that we have a very serious problem trying to be on time for the Changing of the Guard, so that our passengers can see it. Anything that will necessarily delay us at the cemetery, such as, boarding a shuttle bus, whether you pay for it, or, can go free, should not be adopted.

We agree with the Army that there is a serious traffic problem at Arlington National Cemetery. We agree that something should be done about the commuter vehicles, and, that something should be done about the private tourist vehicles. It would be to the advantage of the private tourist vehicles to be required to park in the new parking area by the main gate. It would keep them from getting confused and lost in the cemetery. It would be easier for them to walk from this new parking area to the main points of interest in the cemetery.

Another very important reason for the tourist vehicles to be required to use the new parking area, is for their own personal security and protection of their valuables. Last year alone, in 1969, over $80,000 in cash was taken by thieves breaking into the cars that were parked all over the cemetery. Heaven only knows the full amount of these losses, when you add in the cost of stolen cameras, clothnig, credit cards, etc.

The cemetery guards are not armed and they are not equipped with two way radios when on foot. It would be easy for them to prevent such thieves from breaking into the cars of tourists, if private cars were restricted to a designated parking area, where three or four guards could patrol it effectively. They could easily spot the thieves and they could quickly eliminate such tourist losses.

Once a suitable control is placed on the private tourist vehicles and the commuter vehicles, the cemetery roadways will become open and clear. The drivers of buses, limousines and taxis know what they must do and will not get lost or confused in the cemetery. Suitable bus route signs can be placed in easy to read locations. All commercial vehicles can be easily rerouted whenever a funeral procession is planned.

We recognize that priority should and must be given to funeral processions, those visiting the gravesites of relatives or friends, and, other official needs that take place from time to time at the cemetery.

A suitable sign can easily be posted at the main gate stating that only authorized vehicles are allowed to use the cemetery roadways. Listed in this authorized category would be, cars in a funeral procession, cars visiting the gravesite of a relative or a friend, cars attending official ceremonies, buses, limousines, taxicabs and cars driven by tour guides.

We would like to know why the shuttle buses are allowed to operate without license plates and without licensed guides? We would like to know why the shuttle buses do not have to pass D.C. inspection, meet the I.C.C. regulations, or, display an insurance sticker in its windshield? We would like to see a complete financial report about the shuttle bus operation. We would like to know just who the stockholders are that operate the shuttle buses? It is extremely important that we know just who we are really dealing with, when we talk about the shuttle buses.

Congressman Broyhill, we deeply appreciate the opportunity you have granted us, to explain our dilemma and we ask for your help.

We see nothing wrong in honest competition in a free enterprise system. But, honest competition does not exist when it involves the Department of the Interior's shuttle bus operation. The Department of the Interior sees to it that their shuttle bus operator gets every advantage and that we get none.

The shuttle bus is allowed to advertise their services in the Mall area, with a big price sign on the outside of it, we are not. They are allowed to use tape recordings at the Bureau of Engraving and Printing, and at, the Washington Monument, telling people to use the shuttle bus, we are not. They are allowed to advertise the shuttle bus service in the lobby and on the bulletin boards in the various government buildings, we are not. They are allowed to hang signs advertising the shuttle bus service on the information booths in the Mall area, we are not. They are allowed to distribute brochures advertising the shuttle bus services in the Mall area information booths, to tourists waiting in the line to go into the White House, the line at the Washington Monument and other points of interest, we are not. The Mall area information booths do everything that they can to promote the services of the shuttle bus and remain virtually silent about the other bus, limousine and taxi services. We are entitled to as much consideration and more, since we are licensed and the shuttle buses are not.

If we were to operate our vehicles without license plates, D.C. vehicle inspection stickers, D.C. insurance stickers and no licensed guides, we would be immediately stopped and arrested. We ask that here and now, that the shuttle buses' operation be stopped immediately until they comply with all of the rules and regulations that we must comply with. We object very strenuously to the idea that there is one set of rules and regulations for us, and, no set of rules and regulations for the shuttle buses.

For years and years the Smithsonian Institution museum buildings were always open to the public from 9 A.M. to 4:30 P.M. But, when the shuttle bus started its full-time operation in the Mall area, it is rumored that the Department of the Interior got the Smithsonian Institution to open its museum buildings one hour later, from 10 A.M. to 5:30 P.M. The truth of the matter, is, that at least one of their buildings, History and Technology, should be open from 8 A.M. to 10 P.M. year around. This would permit the sightseeing industry to spread its work load over a greater period of time.

If, as it is rumored, the Department of the Interior was able to get the Smithsonian Institution to open an hour later, so that it would work out better for its shuttle bus schedule, then what is to stop them from saying that in the cemetery, the first Changing of the Guard that they have scheduled for the shuttle bus will be set for 10 A.M.? This will mean, that for those of us that make the 8 A.M. and 9 A.M. Changing of the Guard, we won't be able to make it. We will be forced to work out our schedules to fit the shuttle bus schedules.

The two so-called temporary buildings of World War I, the Navy Department and the War Munitions buildings, on Constitution Avenue between 17th Street and 21st Street are finally being torn down. Once the land on which they stand, is cleared of these buildings, how will it then be used? Since the Department of the Interior will have control over the use of this land, it is rumored that they plan to make it into an enormous parking lot and terminal for their shuttle bus operation. This terminal will then be directly linked to the cemetery. In the meanwhile, the Department of the Interior proposes that the shuttle bus go from the Lincoln Memorial, across the Arlington Memorial Bridge, to the new parking area at the cemetery. The Army should refuse to let the shuttle buses enter the cemetery until they are properly licensed.

SEPTEMBER 23, 1970.

In re the Secretary of the Army and the Secretary of the Department of the Interior decision to close the roadways of Arlington National Cemetery to all vehicular traffic, except those vehicles in a funeral procession, visiting a gravesite or attending special ceremonies. These two government agencies have summarily and arbitrarily decided that only one commercial transportation service shall be allowed to use the cemetery roadways, the Tourmobile, operated by Landmark Services, Inc., effective November 1, 1970.

DEAR MEMBER OF CONGRESS: The transportation and sightseeing industry of Washington, D.C. desperately needs the help of every Member of Congress. Because of recent events, we are in serious trouble and face the threat of being put out of business unless you help us immediately.

On Tuesday, August 4, 1970, Page C–1 of The Washington Post, it was announced by the Army that the Arlington National Cemetery roadways will be closed to tourist and commuter vehicles, starting November 1, 1970, and, that, those wishing transportation to points of interest in the cemetery will have to use the Tourmobile operated by the Landmark Services, Inc.

It was alleged that the increased traffic congestion caused by commercial buses, tourist autos and daily commuter traffic made it necessary to take this step. According to a traffic survey made last summer, showed a daily average of 3,600 autos and 70 buses.

The traffic problem at the cemetery has been caused mainly by the thousands of visitors being told to drive their cars into the cemetery by the personnel manning the information booths in the Mall area operated by the Department of the Interior's National Park Service, and, by the personnel employed as drivers and guides on the Tourmobiles.

The National Park Service did this deliberately in order to create a serious and virtual uncontrollable problem of traffic congestion at the cemetery, so that, they could claim that they had a solution for it. Their solution was to bar all unessential traffic, any competitor, and, that the Tourmobile should be the only commercial service to be allowed the use of the cemetery roadways.

Naturally, an exclusive monopoly of this sort will prove extremely profitable and in their extreme greediness, they want it all for themselves. We say that this arrangement will create far more problems than it will solve. What the National Park Service and the Tourmobile operators propose to do, will destroy the dignity of the cemetery and turn it into something that can be best described as a carnival, a county fair, or, a state fair. What a sad end for this famous cemetery.

We recognize that priority should and must be given to funeral processions, those visiting the gravesites of relatives and the other official needs that take place from time to time at the cemetery.

It should be pointed out that the drivers of buses, limousines and taxicabs are well acquainted with the cemetery roadways and know just what to do. The number of commercial vehicles there at any one time is only a drop in the bucket as compared to the number of private vehicles that are sightseeing in the cemetery. The drivers of these private vehicles are constantly lost and confused on the cemetery roadways and therefore create virtually all of the traffic problems.

It is these drivers that should be required to use the new parking area just one block south of the cemetery's main gate. They can easily walk to the main points of interest in the cemetery from this parking area. Should any visitor desire transportation in the cemetery they should make arrangements to get it in the city where such services have always been available.

The traffic congestion at the cemetery is not a year 'round problem. It is a problem during the months of June, July and August. During the other nine months of the year there is no problem. The new parking area south of the main gate will take care of the traffic problems caused by the private vehicles that are just sightseeing in the cemetery. Walking should be no problem for them at the cemetery. Sightseers visiting Mt. Vernon, the home of George Washington, our first President, are required to walk even greater distances than they would be required to walk at the cemetery.

It is extremely important to remember that a great many of these visitors do not want to be forced to ride the Tourmobile and be shuttled around like a herd of cattle. They realize that the Tourmobile service is slow and not on any time schedule. These visitors are very often on very tight time schedules when they need to catch a bus, train or airplane. Even when they are driving their own cars, their time is often very limited. To them, it is worth the small extra expense to ride on a reserve seat basis in a regular sightseeing bus, limousine or taxi. Many visitors that have serious physical handicaps can only use a limousine or taxi to visit the various points of interest in the city and in the cemetery. Many thousands of trips are taken in limousines and taxis because visitors can see just what they want and use up very little time in doing so. The National Park Service and the Tourmobile take the attitude that if the visitors do not want to see it their way, then they should see nothing at all.

The Tourmobile is proposing to charge $1.25 for each adult and 75¢ for each child. These charges can prove to be extremely expensive to large groups wanting or needing transportation in the cemetery. For example, a bus arriving at the cemetery with 50 adult passengers must park in the new parking area south of the main gate. Because these passengers want transportation to the points of interest in the cemetery, they must then pay out an additional $62.50 to the Tourmobile operator for approximately one hour of waiting and riding. What a nice, legal way for the Tourmobile operator to clip the public. This makes the cemetery a real "gold mine" for the Tourmobile operator.

We say that it is highway robbery for these people who have already paid once for their trip, to be forced to pay a second time when in the cemetery. This is nothing more than a shakedown racket engineered by the Secretary of the Army and the Secretary of the Department of the Interior.

Sightseeing buses, charter buses, school buses, limousines and taxis have always been welcome and encouraged to bring as many visitors as they could to the cemetery. These operators, over the years, have used a great deal of talent, time and money to build up the importance of why these visitors should take these trips to the cemetery. Now that is a very important part of the various sightseeing trips that they offer, they are being told that they are no longer needed, wanted or welcome. They are being bluntly told that the only commercial service that will be allowed to use the cemetery roadways, will be a less than 2-year old newcomer in the business in this area, the Tourmobile operator. The Tourmobile operator is to have a complete monopoly. The fact that we have "Grandfather Rights" means nothing.

The Tourmobiles are the only commercial vehicles in this area that are allowed to operate without a license plate of any kind. The Tourmobiles should be required to get District of Columbia license plates. Their guides are not licensed. Their guides should be required to have a guide badge issued by the District of Columbia. Our vehicles must have license plates. Our tour guides must be licensed. What justification is there for letting the Tourmobiles operate without being properly licensed?

How is it that the Tourmobile operator can get preferential treatment, while the other sightseeing operators and transportation services that have been here for years, get the bums' rush and no consideration of any kind? Why is it right for two government agencies to hold secret negotiations and decide for themselves that they shall exercise life or death over other commercial vehicles that have always been permitted and encouraged to come into the cemetery? These two agencies have made no attempt to hear from those of us who will suffer the most. Apparently equal protection under the law means nothing to them.

The commercial transportation needed at the cemetery can be best taken care of by those of us that have always been providing it. Those of us that make frequent trips to the cemetery find it unbelievable that we were never asked or consulted as to what solutions we could offer that would help to solve the problem of excessive vehicular traffic in the cemetery.

We had no traffic problem in the cemetery prior to President John J. Kennedy's burial there in November of 1963. Naturally, the assassination of President Kennedy shocked millions of people. As many of them that could, have visited his gravesite at Arlington National Cemetery.

Originally, when the Army wanted some suggestions, they did call in the bus operators. The bus operators agreed to cut out their general tour of the cemetery and go directly to the parking area near the Tomb of the Unknown Soldier. At that time, there was no Tourmobile and the National Park Service stayed out of it altogether.

Little did any of us dream that the National Park Service had developed a master plan, that over a period of several years, it would take over the functions of the mass transit buses, sightseeing buses, limousines and taxis wherever possible. First, in the Mall area between the U.S. Capitol building and the Lincoln Memorial. Second, in Arlington National Cemetery. We are convinced that their third step will be to run trips to Mt. Vernon, the home of our first President. Where will it stop? When will it end?

All of us pay dearly in federal, state and local taxes. Why is it necessary for the National Park Service to take the position that it must get into the transportation and sightseeing business in the Nation's Capital? There are already more than enough commercial services available to take care of the demand. Just what is wrong about having a tax-supported agency, such as the National Park Service, telling the visitors to make use of the many commercial services that are already available?

Over the years, the visitors to our Nation's Capital have been educated to leave their cars parked at their motels or hotels. These visitors made good use of the mass transit buses, sightseeing buses, limousines and taxicabs. Then along came the National Park Service with its information booths and cutthroat, cut-rate Tourmobiles, telling everyone to bring their cars into the already overcrowded and traffic congested downtown. The National Park Service and the Tourmobile has made an already terrible traffic problem even worse. Even some of the National Park Service's Park Police will tell you that the Tourmobile has caused more problems than it has solved and the best thing that could happen, would be for the Tourmobile to be put out of business.

The way that the Secretary of the Army and the Secretary of the Department of the Interior have secretly conspired to deliberately give the Tourmobile operator a complete monopoly at Arlington National Cemetery stinks to high heaven.

This entire affair should be thoroughly investigated. Surely, you as a Member of Congress can request that the General Accounting Office assign one of its top investigators to file a full report as to what are the financial arrangements that the Tourmobile operators have made with the National Park Service, the number of passengers it has carried, how much profit it has made and how much money the National Park Service has made on its contract with them. One other mystery that should be cleared up, is, just who are the stockholders in the Landmark Services, Inc., the operators of the Tourmobile.

We ask that you as a Member of Congress, request that the Secretary of the Army cancel its contract with the Secretary of the Department of the Interior until full public hearings can be held with them and, in particular, with the appropriate Committees of Congress.

We will appreciate everything you can do to stop what is happening to our industry. We will appreciate an early reply to this letter.

Sincerely yours,

IRVING SCHLAIFER,

Chairman, Emergency Taxicab Committee.

NOVEMBER 10, 1970.

From Irving Schlaifer, Chairman, Emergency Taxicab Committee.

This letter is being sent to you to bring you up-to-date as to what is happening in regards to the announced November 1, 1970, closing of Arlington National Cemetery to all sightseeing buses, charter buses, school buses, limousines, taxicabs and tour guides.

First, the enclosed letter dated Wednesday, September 23, 1970, was sent to each Member of Congress objecting to the proposed closing of Arlington National Cemetery. Second, a meeting was held with Congressman Joel T. Broyhill of Virginia, at 3 P.M. Tuesday, October 20, 1970. There were at least 35 members of the sightseeing industry and the taxicab industry at that meeting representing all of us.

Congressman Broyhill met with us for almost an hour and was very impressed with what we had to say to him about keeping Arlington National Cemetery open. Congressman Broyhill immediately got on the phone and called the Secretary of the Army's office, the Secretary of the Interior's office and the White House.

Congressman Broyhill assured us that he would do everything in his power to keep the cemetery open. In less than 24 hours he informed us that the cemetery would remain open indefinitely and that he would arrange for a hearing with the Secretary of the Army's staff sometime after the 15th of November.

This hearing date has now been definitely set for November 17, 1970, 2:30 P.M., District of Columbia Committee, Room 1310, Longworth House Office Building, South Capitol Street and Independence Avenue, Washington, D.C. To make certain that there are no last minute changes you can call Congressman Broyhill's office 225-5136.

It is extremely important that you make effort to be there in person to attend this hearing. The more of us that show up, the better our argument will be to keep Arlington National Cemetery open. If, for some reason you cannot be there yourself, then be sure that your wife or husband, son or daughter, relative or friend, be there in support of us.

A number of us have already arranged to speak for those that we represent. It is important that you, as a licensed guide write to Congressman Joel T. Broyhill, Room 2109, Rayburn House Office Building, Washington, D.C. 20515, and, in your letter tell him that you are in support of those of us that are doing everything we can to keep the cemetery open. The fact that you will take the time and trouble to write this letter and the fact that you will take the time and

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trouble to attend this hearing in person, will do more than anything I know of to help us win this battle.

The following is a copy of my statement to Congressman Broyhill, October 20th:

Congressman Broyhill, we have a cross section of men and women here today, who make their living in the sightseeing industry, and, who in one way or another provide transportation services to the millions of tourists that visit our Nation's Capitol each year.

All of us are seriously concerned about the announcement that the Secretary of the Army and the Secretary of the Department of the Interior released to the press August 4, 1970, that the Arlington National Cemetery roadways will be closed to tourist and commuter vehicles, starting November 1, 1970 and, that, those wishing transportation to points of interest in the cemetery will have to use the Tourmobile operated by the Landmark Services, Inc. Their proposed charges for this service will be $1.25 for each adult and 75c for each child.

This proposed change at Arlington National Cemetery will put a great many men and women out-of-work. Thousands of jobs are dependent on the sightseeing work to and from Arlington National Cemetery. The Amalgamated Transit Union Local 689, Local 1131, Local 1138, and, other union locals in this area are opposed to this proposed change. These union locals represent thousands of men and women and they consider this proposed change a serious threat to their jobs, their livelihood and opportunities for advancement. We urgently request that immediate steps be taken to keep Arlington National Cemetery open to all tour guides, sightseeing buses, charter buses, school buses, limousines and taxicabs.

Congressman Broyhill, we are asking that you do everything in your power to protect us from the loss of our businesses, loss of our jobs, and, loss of our livelihood in the sightseeing industry that we have served so well.

Congressman Broyhill, we are asking that you do everything in your power to contact the Secretary of the Army and contact the Secretary of the Department of the Interior and in the strongest terms possible urge them to call off this closing date of November 1, 1970 and ask them that they continue to leave Arlington National Cemetery open until more conferences and more meetings can be held with all of the interested parties, so that, in the spirit of true cooperation a satisfactory solution can be worked out.

Please Note: It will be extremely difficult to park your car on Capitol Hill on the day you will attend the hearing at 2:30 P. M., November 17th. Park your car at a convenient downtown parking lot and take a cab or bus to Capitol Hill. Arrive early.

STATEMENT OF HARRY KELLY

I am Harry Kelly. I work for the D.C. Transit System. I am a member of the bus drivers' Union, Local 689 of the Amalgamated Transit Union. There are approximately 3,000 others like me. About 1 out of 4 of us lives in northern Virginia.

I appreciate sincerely, Mr. Congressman, the opportunity you have given us to speak with you about our problem with the threatened closing of roads in Arlington National Cemetery to vehicular traffic. I appreciate, also, that the Secretary of the Army was willing to cooperate to the extent of delaying indefinitely the effective date of the order to close the road and sincerely hope that through your good offices, Mr. Congressman, it will be possible to convince the Secretary that the orders to close the roads be completely lifted.

We, of course, have a selfish interest. To us the order means job opportunities, hours of work. It means the livelihood of men who live and work in the community and whose wives and children are dependent on such work to continue to be a part of the community.

It is a good estimate that during the spring and early summer about 50 D.C. Transit buses each day go to the Arlington National Cemetery as part of their regular work. During Easter week that number even doubles. There are actually days when 100 or more D.C. transit buses carry visitors to the Nation's Capital to Arlington National Cemetery. Even apart from these important sightseeing seasons, on a regular day-in or day-out basis, there are not less than 10 of our buses going to Arlington National Cemetery each day.

We sincerely believe we perform a service in providing such transportation. The proposed order closing roads to vehicular traffic would reduce that service and would take our jobs away from us.

I would like to point out how important this is in another sense. In most other communities, local sightseeing must be done on the buses of the local system. Here in Washington, in the Nation's Capital, sightseeing work is done not only by the local systems but by all of the transit operations that come into the area. In that sense, then, although our interest in jobs is very, very important for us, we represent only a small portion of the work being done by bus operators in this field.

In addition to being bus operators who depend for a livelihood on this work, we are also conscious of the community's needs and are proud enough of that community in which we live to want it to be able to continue to operate. Our best guess is that if the proposed order is permitted to stand, our employer, the D.C. Transit System, will lose about ¼ of a million dollars' worth of business a year. The simple fact is that that ¼ million dollars of income will have to be supplied in some other fashion. That immediately raises the specter of another fare increase in a fare structure which is already so high as to deny public transportation to the people in our community who need it the most. Any order which suggests such a possibility must be looked at as unreasonable.

We are also proud to be a part of the community in which it is possible for visitors to come and see Arlington National Cemetery, the Tomb of the Unknown Soldier, Custis Lee's Mansion, and the Kennedy tombsite. With the present sightseeing arrangements under which a trip to Arlington National Cemetery is incorporated into the basic tours, it is possible to make such a visit with the existing fare structure. If the proposed order, which denies the Cemetery roads to vehicular traffic, becomes effective, the only way visitors to our area will be able to see the Arlington National Cemetery is by paying an additional fare or by walking. I sincerely believe that to thus reduce the attractions of our community either by making it unavailable or by making the Cemetery visit more costly is a mistake because it will reduce the flow of sightseers and therefore adversely affect that very substantial portion of our community which depends for its very existence on the flow of such sightseers.

There is no benefit which can be achieved by closing the roads to vehicular traffic which is even remotely commensurate with the very significant damage which would be done.

For these many reasons, we urge on you most strongly that every effort should be made so that the Secretary of the Army will rescind the order in its entirety.

To show a more disturbing cause which in our opinion is discrimination, this vehicle which runs in Washington, D.C. has no license; the people who conduct the lectures have never had to pass a test for that type of work in the District of Columbia; however, all other lecturers must pass a competent test given by the District Government, secure a guide's license and a chauffeur's permit and each year the license must be renewed which takes our time and money. Furthermore, in times of emergency in the City, you will find no Landmark vehicles around government buildings for protection such as D.C. Transit and their operators provide, and, in addition, you will not find Landmark buses transporting civil disturbance units from place to place in Washington and helping the body of law enforcement officers in their work. We do this work, also, for the protection of the City.

Many of us are veterans of World War II, Korean and Viet Nam conflicts, and we, as such, are shocked that the U.S. Army and our Government would permit the situation that is now developing in Arlington Cemetery or in the Nation's Capital as a whole where sightseeing is concerned.

We ask, also, that private enterprise of the nature upon which America was built to be allowed to continue.

STATEMENT OF WILLIAM B. GROSSMAN

Gentlemen, my name is William B. Grossman and I am the Assistant Vice President and Manager of Casser Tours located in New York City.

My remarks today are based on the many years experience myself and my company have had in the motor coach tour business. In the past 25 years we have had the privilege of transporting many hundreds of thousands of people to points of historical and scenic beauty throughout the United States. Of these numbers, the majority have been to Washington, D.C. and the surrounding historic area.

We find the proposed granting of sightseeing privileges in Arlington National Cemetery to a private enterprise a most unfortunate circumstance. There are several reasons we object to this directive, which in our opinion is certainly against the interests of the general public.

It seems totally unfair in our opinion to tax the public's admission to an area that has become a national shrine. From our knowledge of the facts, the granting of this license will give a monopoly on the patriotic feelings of many Americans who visit the District of Columbia.

The problem of traffic in Arlington National Cemetery is certainly not to be overlooked. The orderly conduct of the normal affairs of this important landmark and resting place of many American heroes should naturally receive prime consideration. However, it does not seem reasonable or equitable to us that the solution proposed by the National Park Service is in the best interests of the traveling public.

To cite our own case, our tours of Washington, D.C., which originate in New York City and the surrounding Metropolitan area include in its cost the following items: hotel accommodations, transportation, guide service, and any sightseeing charges and admissions. Since the Tourmobile Corporation, upon the institution of its service in the Cemetery, plans to charge $1.25 for its service it will be necessary for us to pass this charge on to the consumer.

Since $1.25 in our estimation is more than a nominal charge, it will be impossible for us as a tour operator to absorb this cost. The addition of this charge to our tour price, for an item which heretofore had been free and which reasonably can continue to be so, is making one more inflationary burden on the consumer.

The granting of this exclusive franchise certainly seems to be very much in opposition to the traditional, democratic process by which most governmental agencies either municipal, state or federal, grant rights. For one, to the best of our knowledge, there has been no opportunity given for public bidding, public application or any form of public hearing on this matter. No consideration has been given to the many hundreds of companies and individuals who have been operating in Arlington National Cemetery for many years. What is even more against tradition is the fact that at no time has consideration been given to the so-called "grandfather rights" which are normally taken into account. It seems to us that if a governmental agency such as the Interstate Commerce Commission sees fit to give cognizance to "grandfather rights" that this tradition be carried forward to other governmental bodies.

The total absence of hearings of the type mentioned in the preceding paragraph would certainly make one suspect that in the granting of this license all the facts were not presented to the public. It would seem that if the National Park Service had nothing to hide they should be more than willing to hold public hearings on this matter. What is even more disturbing is that if this unprecedented act were allowed to stand it might provide the basis for the arbitrary granting of exclusive business opportunities in parks and most areas of public domain.

We, in conclusion, strongly urge all members of this committee give utmost consideration to a review of the granting of this license. In view of the serious consequences of this act in depriving some persons of a part of their livelihood and a breach of the democratic process we humbly request that a public hearing on this matter be held.

STATEMENT OF MILDRED B. ELLIS

Ladies and Gentlemen, my name is Mrs. Mildred B. Ellis. I appear here today, representing the Guide Service of Washington, Inc., as their official testee. I am Secretary-Treasurer of the Corporation, also act as General Manager. Offices are located in the Dodge House at 20 E St. NW, Washington, DC. Our business furnishes licensed guides for charter buses, or families in their private automobiles. for the purpose of sightseeing in the Metropolitan Area. For the season 1970, we have 62 English speaking guides, some of whom have foreign language capabilities, and then, another group of 10 who do only foreign language tours; all of these ladies are personally trained as guides by our Organization, duly licensed by the District of Columbia, and work only through our office. When we have more requirements than can be filled by this staff, we also employ other licensed, free lance guides of the Area.

This year, as of November 15th, we have personally handled some 107,500 persons for tours of the area. Almost without exception, all of these tours have gone to Arlington. Many have been conducted in foreign languages. The people we have cared for, have ranged in age and experience from the little Cub Scout of about 8 years of age to the senior citizen who sometimes measures ten times that age.

My contention that Arlington procedures should remain as at present, is based upon two-fold reasoning: the financial one, and the other, perhaps even more important, the emotional, or I might say, moral and human side of the question.

Were Arlington Cemetery closed to charter buses or guide driven automobiles and limousines guide services will be cut drastically, in many instances, completely. Our Corporation could not exist on "half day" reservations. Therefore, basing our opinion upon the almost certain influence of closing Arlington to charter buses, I can firmly say that the Guide Service of Washington could no longer exist. Hence, as a Corporation, it would quickly go out of business, and these some 75 persons presently working with us (and next year's staff was to have been greater). would be bereft of this income.

And now, to the second reason—Gentlemen, what *is* Arlington? It is the largest National Cemetery. It has become one of our National Shrines. It is a symbol—a symbol of the reverence and respect to our War Dead, and therefore, a dedication of our Country to Freedom, to the individual his right to his pursuit of happiness, to our American way of life. It is not reasonable to deny people the privilege, as well as the right, of visiting these points, to pay their respects, to show their beliefs.

First, let's speak of the foreign visitor. Of the nearly 2700 tours we have handled this year, 360 were with foreign groups, roughly, 14,400 people—(breakdown—112 French Groups, 89 Italian, 53 German, 44 Spanish, 57 Japanese, and 5 Miscellaneous). It cannot be emphasized enough as to the importance of Arlington to the foreign visitor. Their tours here usually consist of only 2½ to 3 hours. Hence, it means they have a riding tour past the White House, the Federal Triangle, the Capitol, but, always, always a stop at Arlington! The time consumed by walking into the Tomb, or transferring them into other transportation to coordinate with the Change of the Guard on the hour, makes such a plan not just unrealistic, but impossible.

Thinking now beyond the welfare of the individual, the visit of the foreigner to Arlington has immeasurable other benefits. Our government yearly spends thousands of dollars promoting its people-to-people programs around the world. What is a better program, really, than we are putting into action here? The misconceptions of the foreign visitors about the American people are appalling! Our image abroad, gained through newspapers, magazines, movies, has been of concern to our government for years. In this time in Arlington, it is so beneficial for the visitor to have the personal contact with a cultured, well-educated and well-informed guide. Here we have at our fingertips, this people-to-people approach. We should grasp such an opportunity, not throw it away. Our guides make up a really dedicated group, and take great pride in their work; our files are full of comments about this very personal rapport that comes through the visit to Arlington. Without the capability of communication in the language, and the time gained by our present method of handling, none of these side benefits could be reaped.

The American visitors—many of our very young or very senior citizens could not walk in. Can you also appreciate the problems involved, even under the best of conditions, in keeping groups of children, or almost worse, of senior citizens, together? This is the task of the experienced tour guide, and would be the impossible task of any other type of service.

Since those coming to Washington usually are on a very tight schedule, time is always of essence. Every minute we can save in the accomplishment of each item, is very important. If we can no longer adhere to schedule as we do now, we will soon find that Arlington will be eliminated from the tours. This will be a serious plight, especially for student groups, who in these turbulent times, probably need more than any other group, the image and symbolism found there. This is, in reality, then taking away their privilege and right to visit Arlington.

These are the very sincere views of our Organization. If we can be of further assistance to those who must make the final decision about Arlington, it would be our privilege to help.

In closing, I will speak again of Arlington as a symbol, and thereby, of special meaning to ALL the citizens of the World. Let us take away with us the last lines of President Harding's address, at the Dedication of the Tomb of the Unknowns, on November 11, 1921: . . . "He died for his Country, and greater devotion hath no man than this. He died unquestioning, uncomplaining, with faith in his heart and hope on his lips—that his Country should triumph and Civilization survive."

That, gentlemen, is Arlington. We cannot deny that symbol to anyone.

Thank you.

STATEMENT OF MR. JACK E. BROWN, EXECUTIVE VICE PRESIDENT, THE GRAY LINE, INC., WASHINGTON, D.C.

The Gray Line, Inc., respectfully requests that the Department of the Army reconsider the announced decision to ban all but official vehicles from Arlington Cemetery.

Along with our predecessor companies, we have been operating daily sightseeing tours in the Nation's Capital including visits to Arlington Cemetery since prior to 1913. In that period we have had the privilege of showing, literally, hundreds of thousands of tourists important historical areas of the Cemetery. Since the completion of the Tomb of the Unknown Soldier with the formal dignity of the Change of the Guard, the subsequent burial of unknowns from the other services, and more recently the interments of President John F. Kennedy and Senator Robert Kennedy, the cemetery has become one of the primarly points of intetrest for all visitors to Washington.

Our service includes the pickup of visitors from all points of the world at their respective hotels throughout the Metropolitan Washington Area, taking them on the tour of their choice and then returning them to their hotel. This is a great service to out of town guests who are generally without their own transportation and who in any case find our guided tours more convenient.

In the last 2 years the Gray Line has provided tours in the cemetery for more than 171,000 persons. If we had not been able to offer this service, and these people had to find their own transportation, at an average of three passengers per vehicle, the cemetery would have had to handle the 57,000 motor vehicles necessary to accommodate them. These vehicles would be in addition to the thousands of private vehicles per year that are already visiting the historical site.

The proposed ban would necessitate visitors walking the steep hill to the Tomb of the Unknown Soldier, then to the Kennedy Grave Sites and back to the parking lot. Many of these people could not make this trek due to age or infirmities. Even for the young and hearty, this would be an exceedingly time consuming and undesirable hike. Further all of our sightseeing passengers to Arlington visit the Tomb of the Unknown Soldier on the hour to witness the World reknowned Changing of the Guard. It would be impossible to coordinate enough of any proposed conveyances to schedule transportation for these people in an efficient and orderly manner, so that they could make the best use of the limited time they have for viewing the many points of interest in our exciting area.

We fully appreciate that Arlington Cemetery while a National Shrine is still a place of dignity and repose. Our driver lecturers remind all of our passengers of this prior to entering the area. This is especially emphasized to youth groups, students, Boy Scouts, Girl Scouts, etc. visiting the cemetery as part of their educational trip to their Nation's Capital.

The Gray Line, Inc., along with other local sightseeing operators, is always willing to cooperate with the Department of the Army, as past experience has proven. However, we feel the proposed ban on vehicles in Arlington Cemetery is unnecessary and definitely not in the best interests of the citizens of our Nation who should have the right to visit this National Shrine in comfort and convenience.

STATEMENT BY GRAY LINE SIGHT-SEEING COMPANIES ASSOCIATED, NEW YORK, N.Y.

(Presented by Mr. Jack E. Brown of the Gray Line, Inc., an affiliate)

The Gray Line Sight-Seeing Companies Associated, with principal offices at One Rockefeller Plaza, New York, New York, through its President, Patrick R. Sheridan, respectfully submits this statement with re-

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spect to the Department of the Army's proposed exclusion of charter and sightseeing vehicles from Arlington National Cemetery, Arlington, Virginia.

Gray Line Sight-Seeing Companies Associated is an international trade association of independently operated sightseeing facilities throughout the world. Its membership is in excess of 120 companies, employing thousands of persons, and operating a vast fleet of modern motor vehicles and sightseeing vessels at principal points of interest throughout the world. One of its members is The Gray Line, Inc., Washington, D. C.

Gray Line is recognized as the historian of the sightseeing industry, a title justly earned because of Gray Line's memorable and dependable sightseeing services throughout the free world. For this reason, it is understandably concerned with the proposed action by the Department of the Army leading to the contemplated exclusion of motor bus facilities from, to, and within the Arlington National Cemetery, Arlington, Virginia.

The United States Government, among others, is expending vast sums in sightseeing and tour programs, such as "See America" and "Discover America." These programs are beamed to the United States as well as foreign travelers. One of the most frequent inquiries received by our national office is with respect to the facilities within the Washington Metropolitan District and the availability of tours inclusive of Arlington National Cemetery.

Many of our members located at points other than the Washington, D. C. area annually transport children and adults, citizens of the United States and elsewhere, to the Washington Metropolitan District for sightseeing therein. Gray Line companies at Philadelphia, New York, Boston, Buffalo, St. Petersburg, are illustrative only of the interest of our organization in the maintenance of reasonable, convenient, and economical access to the Arlington National Cemetery. The Army's proposal to require persons to transfer from one vehicle to another at excessive cost, will materially impair as well as reduce the numbers of persons traveling to and from the Arlington National Cemetery.

The Tomb of the Unknowns is a respectful and treasured point of interest, not only to the citizens of the United States, but to all peoples of the world. The Department of the Army's precipitate action, without consultation with the sightseeing industry, denies reasonable, economical, and convenient facilities to those who have and shall desire to visit the Arlington National Cemetery.

Gray Line Sight-Seeing Companies Associated respectfully urges the Department of the Army to reconsider its proposed action; afford the sightseeing industry an opportunity to participate in such conferences as may be necessary to establish reasonable regulations for the continued operation of sightseeing services to, from, and within the Arlington National Cemetery. It cannot be overly emphasized that the present proposal by the Department adversely and unwarrantedly affects every person to whom memory, patriotism, and man's worth are cherished ideals.

Gray Line Sight-Seeing Companies Associated, at its recent international convention in New Orleans, Louisiana, by resolution, authorized the submission of this statement at this hearing.

Statement by Mr. Earl A. Fawbush, Director of Sales, Alexandria, Barcroft, & Washington Transit Co., Alexandria, Va.

The Alexandria, Barcroft, and Washington Transit Company, Alexandria, Virginia, doing business as A. B. & W. Transit, has a vital interest in the proposed action by the Department of the Army with respect to its announced intention to restrict unwarranted motor bus facilities within the Arlington National Cemetery.

A. B. & W. Transit Company operates over a vast network of routes within Northern Virginia and the District of Columbia. It has served Arlington National Cemetery virtually from the inception of its operations, commencing in the early 1920's, and the proposed exclusion of A. B. & W. from continuing to provide a needed and essential service within Arlington National Cemetery is a matter of gravest concern to the management of this company.

A. B. & W. employs approximately 550 persons. It owns and operates approximately 285 modern motor busses which, with other investments in Northern Virginia, represents an initial cost of more than eight million dollars. In the fiscal year ending with March 31, 1970, A. B. & W. paid more than one-half million dollars in various taxes and license fees to the Federal, State, City, and County governments.

While A. B. & W. is principally a suburban transit operator, its charter and sightseeing revenues were approximately $625,000, for the above mentioned fiscal year. Without charter and sightseeing revenues, the regular route services of A. B. & W. would be seriously impaired and possibly substantially curtailed.

A. B. & W. and other carriers, provide sightseeing service in the Washington metropolitan area, and the focal point of interest of the monuments, government buildings and other attractions, is Arlington National Cemetery. Convenient, comfortable, and dependable sightseeing and charter bus facilities to and from the Arlington National Cemetery and within the cemetery itself have provided a convenient, and attractive mode of transportation for this visit. The concomitant proposal of the Department of the Army and the Department of Interior to require persons to debark at a point and transfer to other vehicles for travel within the cemetery itself would be, in the opinion of the management of A. B. & W., costly, inconvenient, and a substantial barrier to the reasonable access to the cemetery by the public. A. B. & W. and other carriers, transport annually a vast volume of persons interested in visiting the Tombs of the Unknown Soldiers, and the gravesites of the late John F. and Robert F. Kennedy, as Arlington Cemetery has become a national shrine that attracts every person throughout the world.

The proposed action by the Department of the Army, without consultation with A. B. & W. or other carriers, ignores the employment of A. B. & W.'s personnel, and the dependence thereon by employees' families. The Department of the Army's action also ignores the substantial investments of A. B. & W. within the Commonwealth of Virginia that will be affected adversely by the department's proposed action. More importantly, in my opinion, is the discomfort, inconvenience, and unreasonable cost that will immediately ensue if the department's intention becomes permanently established.

A. B. & W. respectfully urges that the action of the Department of the Army be abandoned; that the operation of motor vehicles within the Arlington National Cemetery be controlled reasonably in the public interest and A. B. & W. pledges its support to the Army to secure and enforce reasonable regulation.

Statement of T. S. Trimmer, Assistant Vice President, Operations

The closing of Arlington National Cemetery to buses will result in a curtailment of our charter and tour sightseeing. Those who visit the Cemetery come from all parts of the country, as do many from foreign countries, and from all walks of life, the old, the young, the rich and the poor. The majority come in groups by bus or private automobiles. Buses over the years have proven to be the most economical and convenient means for visitors to come and pay their respects. Very rarely does any group visit the Nation's Capital without including Arlington National Cemetery on its itinerary. If buses are banned from entering the Cemetery, thousands of visitors to the Nation's Capital will be inconvenienced, many of whom will not be physically able to make the long walk, and many others will not be financially able to pay an additional charge for shuttle service that is proposed and we understand for which a contract has been signed.

D.C. Transit System, Inc. is the largest among hundreds of carriers who provide bus service for those desiring to visit the Cemetery. From late March through May our company will average more than fifty (50) buses daily during the hours the Cemetery is open to visitors and several days during the weeks before and after Easter more than one hundred (100) buses are required to serve our patrons. Between June and March we operate on the average of 10 buses daily. The average number of passengers on each bus over the entire period is approximately forty-five (45). D.C. Transit System, Inc. perhaps provides more service to the Cemetery, about 5,600 buses annually carrying an estimated 250,000 passengers, than any other carrier. One can easily visualize the chaotic conditions which would exist unless some convenient access is provided to Arlington National Cemetery for the many local carriers along with other carriers from all parts of the United States.

In our most recent fare order of the Washington Metropolitan Area Transit Commission served June 26, 1970, and finally made effective July 11, 1970, the fares authorized by the Commission were determined after projecting for the future annual period operating revenue from charter and sightseeing services as $2,402,968. This amount is only $37,000 less than the projected net operating income of $2,440,283 for future annual period. Inasmuch as this revenue is applied in determining the rate of fare to be paid by patrons on our regular line services, one can easily determine that if the company is deprived of the charter and sightseeing income, as some of the most knowledgeable persons in the business predict, the fares will necessarily be increased by 2 to 3 cents in order to make up the difference.

D.C. Transit System, Inc., employs approximately 3000 persons, 200 of whom are licensed tour guides. Closing of the Cemetery will not only affect the income of the tour guides but will threaten the livelihood of many others, we estimate at least 10,000 persons in D.C. Transit's entire family.

Our sightseeing guides are carefully selected and trained thoroughly, as I am certain are many others throughout the industry, and they are familiar with the roadways, restrictions, and priorities within the Cemetery. They well know every square inch within the confines of the Cemetery and, as attested to by many letters of commendation, are most informative and helpful to visitors to our Nation's Capital.

During the past week we have received dozens of letters from airlines, railroads, tour and travel agencies from all over the country. I wish to take this opportunity to read a couple of them and at the conclusion to give the originals of all letters along with copies of many letters addressed to Congressmen of various states to this committee to be made part of the record.

Thank you.

Dayton Automobile Club,
Dayton, Ohio, November 14, 1970.

Mr. T. S. Trimmer,
Assistant Vice President, D.C. Transit,
Washington, D.C.

Dear Mr. Trimmer: We want to oppose the proposal submitted by the Secretary of the Army, suggesting Arlington Cemetery be closed to all vehicle traffic, except official cars.

This proposal would directly affect our Arlington tour over-all cost to us and our customers.

We are asking for reconsideration on this proposal.

Thank you.

Sincerely,

MRS. VIRGINIA ADAMS,
Tours and Charters Department.

BOYCE TRAVEL AGENCY,
Sarasota, Fla., November 15, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit, Washington, D.C.

DEAR MR. TRIMMER: I understand that the Secretary of the Army has proposed to close Arlington Cemetery to all vehicle traffic, except official cars and funerals. As you know we have groups of students and adults who visit Washington, their nation's Capitol, throughout the year. A major tour of interest is the visit to their National Cemetery, and to expect them to walk through the entire area, or put them to the additional expense of using another mode of transportation in the cemetery, would undoubtedly adversely affect our sales of tours to Washington.

I hope you will be in a position to oppose this latest move against the interests of the people of the United States by our bureaucrats in Washington, and I am also writing to the Honorable James A. Haley, our congressman to request his support against this move.

Our dealings with your organization have been of such a fine nature that I'm sure you will heed my request for your support, and I hope you will be successful in defeating this motion.

Thank you.

Sincerely yours,

FRANK S. BOYCE.

PHILLIPS TRAVEL SERVICE,
South Lyon, Mich., November 14, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit Co., Washington, D.C.

DEAR SIR: This has reference to the order from the government to close Arlington National Cemetery to all vehicle traffic except official cars or funerals.

For over thirty-five years I have been taking groups of all ages to Washington but in the last eighteen years most of the groups have been high school groups. Always a high point of these visits has been the changing of the guard at the Tomb of the Unknowns, and more recently the Kennedy grave has been of unique interest.

If this order is not rescinded or modified to permit local Washington Sightseeing operators in Arlington the schedule of many tour operators handling high school or elementary school groups, or any groups, will be seriously impaired. It may even reach the point where the visit to these two outstanding American shrines will have to be eliminated.

Please use all your influence to have the government rescind or modify their order.

Sincerely,

EDWIN D. PHILLIPS, Sr.

SWISSAIR,
New York, N.Y., November 13, 1970.

Re: The closing of Arlington National Cemetery to all vehicular traffic.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit System, Inc., Washington, D.C.

DEAR MR. TRIMMER: It has come to our attention that the Secretary of the Army proposed to close Arlington National Cemetery to all vehicular traffic.

If such is the case, we understand that our customers will not be transported to the place where parking is permitted near the Tomb of the Unknown Soldier. Since it takes a good half hour to walk from the main parking field to the entrance of the Tomb of the Unknown Soldier, this new regulation may greatly disturb the visit of the Cemetery which is unquestionably one of the highlights of our Capital City to foreign visitors. We hope that this decision is not final and that the hundreds and thousands of customers coming in groups from Switzerland and parts of Central Europe may still be allowed to visit Arlington National Cemetery, as it was done before.

This, in the light of the encouraging policy of the United States Department of Commerce and its United States Travel Service, endeavors to make European travel to the United States easier and more comfortable.

Hoping that our letter may be of help to you in getting the Secretary of the Army's orders put aside, we remain, dear Mr. Trimmer.

Yours very sincerely,

ROGER LADOR,
Supervisor.

MEYER & DIETEL TOURS, INC.,
Milwaukee, Wis., November 13, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President,
D.C. Transit System, Inc.
Washington, D.C.

DEAR MR. TRIMMER: It is with great misgiving I have heard of proposed restrictions of vehicular traffic at Arlington Cemetery. The restriction of bus traffic which carries and controls approximately 5,000 students which my company brings to Washington and Arlington Cemetery would seriously affect our tour operation as well as those responsible for the decorum of the cemetery.

1. Time is critical with each tour as we attempt to give our students a well rounded look at their Nation's Capital at the most economical means. Walking the students round-trip from the parking area or the use of a commercial system with a cost involved would defeat both aims. It would waste time and add to the hourly cost per bus plus the fare required on the commercial system if such system were used. We have already submitted our tour package cost to about 100 schools to travel next spring and if additional cost is to be incurred it will be necessary to pass this on to the school with an explanation as to why the cost increase.

2. Lecturing on the history and meaning of the cemetery would be done in the parking lot rather than en route to the Tomb of the Unknown Soldier. During this route the somber atmosphere pervades each bus and we have the students' attention. This would not be the case parked in the parking lot prior to discharge of the groups.

3. Students would become lost on the grounds which would greatly inconvenience all concerned. Even now an occasional student goes astray when only half the walking is involved.

4. Precision timing is common when we bring our bus directly to the Tomb of the Unknown Soldier and this brings our visit to a minimum time. Such precision could not be achieved if they were to walk from the parking lot to the Tomb of the Unknown Soldiers.

5. Crowd control on the grounds itself would be a serious problem. We discharge our responsibility diligently, however, to be realistic, turning 40 to 50 youngsters loose at the parking lot and walking them to the Kennedy grave-sites, hence the Tomb of the Unknowns and return to the bus without incident is asking a great deal of any adult.

6. Space. Bus length and width is approximately 40'x8'. In this area 51 people can be accommodated. The same 51 on foot will consume the entire width of the road and create a line of 200 feet or more.

To best serve those responsible for the cemetery as well as visitors we suggest: Curtail private car sightseeing traffic, restrict bus traffic to a specific route to the Tomb of the Unknown Soldier, discharge passengers and the bus proceed empty to the parking lot. Passengers then walk to the Kennedy grave-sites and to their bus in the lot.

This should provide a smooth flow of traffic easily controlled by sponsors and cemetery personnel, help maintain the dignity of the cemetery and help to keep costs down so we may continue to bring young people to make them a part of our capital rather than a nuisance to those very people whose purpose is to serve their fellow citizens.

Our primary concern is to give the student the most knowledge for his money and to return him to his city or town with a stronger feeling of national ties. Anything we can do to further this aim should be the duty of all. Please emphasize this to whom you come in contact. Let us not fall victim to Washington's occasional insulation to the country and people which created it.

Sincerely,

V. K. DIETEL.

SEABOARD COAST LINE RAILROAD CO.,
Miami Beach, Fla., November 13, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit, Washington, D.C.

DEAR MR. TRIMMER: It has come to our attention that the Secretary of the Army has proposed to close Arlington Cemetery to all vehicle traffic except official cars or funerals on November 1st.

It is our understanding that buses would park outside the cemetery and another mode of transportation will be required to enter the grounds which could affect the over-all cost to the hundreds of visitors we send to Washington each year.

We are very much opposed to this order and it is hoped that the D.C. Transit System, Inc. as a member of the National Association of Motor Bus Owners, can prevent this order from being carried out.

With very best wishes always, I am,

Sincerely,

J. L. LEWIS,
District Manager Passenger Sales.

NOVEMBER 13, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit, Washington, D.C.

DEAR MR. TRIMMER: I am greatly concerned of the pending proposal which would ban buses from entering Arlington Cemetery. I can only visualize chaos with groups of 300 or more students that I send to Washington changing to another bus at the gate. Multiply this by several such groups and it is anything but a pretty picture.

The cost would also be a factor. At the present time the cost has ruled out many groups, and each added fee helps to bring an end of high school groups in Washington.

Very truly yours,

WARREN I. WATSON.

WM. A. GROUX TOURS, INC.,
Clifton, N.J., November 12, 1970.

Mr. HAROLD M. CURTIS,
D.C. Transit Systems, Inc.,
Washington, D.C.

DEAR MR. CURTIS: I have, for kind acknowledgement, your letter of November 9, 1970 in regard to the Secretary of the Army of the United States Government prohibiting vehicular traffic in Arlington Cemetery on a date which will be decided upon after the hearing scheduled for November 17, 1970.

When we first heard through grapevine sources, since we are never notified as a broker and a tour company, that the Secretary of the Army had formulated plans for prohibiting vehicular traffic, we found it difficult to believe. In checking with various sources, we found that the plans had indeed been completed whereby those who wished

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to pay their respects to our departed heroes in Arlington would walk or be forced to pay for using a sightseeing bus, which we understand would be $.75 for children or $1.50 for adults. It is beyond comprehension that the United States Government would force people who wish to pay respect to those in Arlington to pay a fee since many of the students whom we handle arrangements for would find it most difficult to pay for transportation around the grounds of Arlington.

It would, in our opinion, tend in the not-too-distant future to put Arlington into a sightseeing class, whereas Arlington has always held a spot close to the heart of the people of America, and it would seem a shame to me that the people would not only have to pay to visit the various points in Arlington, but would ride around on buses which would make another "World's Fair" or Coney Island out of Arlington.

I think the Secretary of the Army, in making arrangements of this kind, should certainly take into consideration there are many who just cannot afford to pay for this service in Arlington and since the only traffic congestion in Arlington is that brought about by private cars where they have inexperienced drivers behind the wheel, as opposed to the buses operated by those taking tour groups to Arlington who well know every square inch of Arlington, know exactly where they are going as to the Tombs of the Unknowns, the Graves of the two beloved Kennedys and to the very impressive Changing of the Guards and the Lee Mansion. I am sure that there is no problem insofar as them causing traffic congestion. It is my personal opinion that the reason behind this order of the Secretary of the Army has absolutely nothing to do with traffic congestion.

We feel that the thousands upon thousands of students whom it is our pleasure to take to Arlington will find it a hardship in that they would be financially unable to use the sightseeing buses in Arlington and would be forced to walk to the three real points of interest mentioned above. This would take several hours and it would also create a problem in that the students, many of whom are even in the elementary grades, would not be able to find their way around Arlington. In addition to becoming lost, they would find that it would still take a considerable amount of time to walk to those points of interest.

No consideration has been given by the Secretary of the Army as to what effect this will have upon those who would like to pay their respects other than children, and I personally feel that it is a national disgrace that the Secretary of the Army should give thought to having sightseeing buses travel the length and width of Arlington. To me, the disgrace is magnified many times by his official order closing the gates to Arlington and insisting you either pay for the transportation or walk, regardless of whether you can afford to pay or regardless of the fact that upon arrival at Arlington, it may be that there is inclement weather. From now until early Spring, I think it would be found that weather conditions in Arlington will be very bad and it is going to be a hardship to walk to points where they could not afford to ride.

If the Secretary of the Army really instituted this because of what they call "traffic jams", then this order, in my opinion, should only be in effect during the period from Good Friday until Labor Day, at which times the records will show there is peak traffic in Arlington. Again, I would like to point out that the buses do not cause traffic jams and there is no reason why they could not continue to go to the Tombs of the Unknowns and from there to the Lee Mansion where there is ample parking and, if anything, it would expedite traffic in Arlington and never, in my opinion, create a traffic problem.

Respectfully submitted.

W. A. GROUX.

DECAMP BUS LINES,
Clifton, N.J., November 12, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President,
D.C. Transit,
Washington, D.C.

DEAR MR. TRIMMER: I appreciate, very much, your letter dated November 9, 1970 in reference to the proposed changes to be made at Arlington Cemetery.

As you know, due to the mileage between New York City and the North Jersey area to Washington, D.C., we are now required to hire D.C. Transit to do our sightseeing in Washington, D.C. so that we can remain within our I.C.C. requirements pertaining to our drivers hours. This expense, of course, we must pass on to our customers, however, when we explain to them that this is necessary for their own safety most people are only too happy to pay the additional charge.

One of the main reasons for our groups going to Washington, D.C. would be to visit Arlington Cemetery. Should the proposed closing of a National Shrine, to busses, be passed it would further penalize these people. It would also be impossible for us to explain that they cannot visit the John F. Kennedy Gravesite or that there will be an additional charge for the transportation from the gate to the gravesite.

I realize the Secretary of the Army is requesting this proposal for what he believes to be very good reasons, however, should the proposal pass it would certainly add an additional burden on all of our customers coming to your city.

Therefore, anything you can do to prevent this proposed closing would be greatly appreciated.

Very truly yours,

WILLIAM H. EDMONDS,
Manager-Charter Department.

THE E. F. MACDONALD TRAVEL CO.,
New York, N.Y., November 12, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit, Washington, D.C.

DEAR MR. TRIMMER: We have just heard of the proposal of the Secretary of the Army to close Arlington National Cemetery to all vehicular traffic, except for official cars and funerals.

As you well know the numerous visit U.S.A. tours which we arrange for foreign delegations from all over the world, include Washington, D.C. in their itineraries, and Arlington National Cemetery is one of their most interesting visiting points in the Capital of the United States. The proposal of the Secretary of the Army could affect our overall tour programs for foreign visitors. If the buses should be obliged to park outside the cemetery and another mode of transportation required to enter the grounds, this would greatly inconvenience the visitors and increase the cost of the tour packages.

Please present our view in this matter in the hearing on November 17, 1970. We do hope that the Secretary of the Army will reverse his decision as to the proposal.

Sincerely yours,

GEORGE J. ZENATY,
Manager.

GERMAN TOURISTS SERVICE,
Brooklyn, N.Y., November 15, 1970.

T. S. TRIMMER,
Assistant Vice President, D.C. Transit System, Washington, D.C.:

Protest proposed closing Arlington Cemetery to tour buses. This will increase cost of operating tourist to Washington, inconvenience passengers who will have to walk long distance in heat of summer. Arlington Cemetery is a national shrine to Americans and people from all over the world who go there to pay their respects to J.F.K. and R.F.K. and wish to visit tomb of unknown soldier.

BERNARD MEYER.

BETHESDA, MD.,
November 16, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit, Washington, D.C.

DEAR MR. TRIMMER: We understand that a hearing will be held on November 17, 1970, regarding the closing of Arlington National Cemetery to all vehicle traffic; and that another mode of transportation would have to be utilized on a "paid per person basis" to complete the tour of Arlington Cemetery, once inside the grounds.

For the past ten years our organization has been making special arrangements for national and international conventions coming to Washington, D.C.—most of these arrangements to include historical tours which involve chartered group transportation. Part of our job is to keep the cost for these tours as reasonable as today's economy will permit. The continual rising costs in all areas (hotel rates, food, and beverage, etc.) have already "put a dent" into convention budgets—and tours are usually part of that budget.

Tours are a natural incentive for groups to come to our nation's capital, and should be made *and kept* reasonably priced in order to encourage groups to hold their national meetings in Washington, D.C. Most of our clients are middle-aged and elderly adults, and our group tour arrangements are, for the most part, geared to wives of convention delegates. These people naturally require transportation inside the grounds of Arlington National Cemetery—and Arlington National Cemetery is one of the most popular and most often requested stops for visits.

Should this order to stop our chartered tour vehicles from entering Arlington National Cemetery be approved, it will be necessary for us to raise the cost of our tours in order to cover the additional transportation to accommodate our convention guests. This will definitely affect the number of people who will participate in our programs—particularly those low-budgeted groups and individuals who make up the majority, rather than the minority, coming to Washington, D.C.

For as many years as we can remember, our chartered tour vehicles have been permitted entrance to Arlington National Cemetery with no real problem involved. We cannot see the necessity for this proposed new ruling. The *only* benefit will be to the facility which will be appointed to provide the transportation inside the Arlington National Cemetery grounds. It will definitely be an inconvenience and additional expense for the tourists taking group and individual tours—both physically (the need to transfer from their own chartered vehicle to another vehicle) and financially (the additional charge which will be made).

In addition, our particular group arrangements are geared to a "red carpet" type of service—a service geared to offer our groups the most relaxing, convenient, and informative, *as well as reasonably priced* tour programs. Many times our tours must be arranged to cover the maximum in the least amount of time, in order to be included in busy convention schedules. The change from one vehicle to another will alter our close, efficient scheduling; and will probably necessitate the elimination of another highlight usually included in our shorter tours.

This proposed order to close Arlington National Cemetery to our chartered vehicles will be a hindrance in every respect. Whatever can be done to prevent this ABSOLUTELY UNNECESSARY order from being approved will be appreciated by everyone concerned—those like ourselves, who attempt to increase the tourist business for Washington, D.C., as well as the national convention groups meeting in Washington, D.C. on limited budgets, "where every penny counts."

As a closing but logical thought—if the Secretary of the Army has *good and legiti-*

mate reason **to propose the order to close Arlington Cemetery to *all* vehicle traffic with exception of official cars or funerals, let it be to ALL VEHICLE TRAFFIC. For what reason would he then have one commercial company singled out to provide *paid transportation* inside the grounds?**

Sincerely,

PHYLLIS HERSON,
President, VIP Services.

CORONET TRAVEL BUREAU, INC.,
Niles, Ill., November 12, 1970.

Mr. T. S. TRIMMER,
D.C. Transit,
Washington, D.C.

DEAR MR. TRIMMER: The report that Arlington Cemetery may be closed to all vehicle traffic is shocking news. We are engaged in Educational Tours to the various National Shrines, etc. Arlington National Cemetery is one of the highlights of our Washington tours. This would mean that students would be deprived of the opportunity of visiting our greatest National Cemetery. It certainly would not be feasible to use other than bus transportation to transport large groups into the Cemetery. Besides, the cost of such an endeavor would be prohibitive.

We, in the travel industry, will appreciate anything you can do on our behalf.

Sincerely yours,

MRS. EVELYN HORNEY.

AMERICAN EXPRESS CO.,
New York, N.Y., November 12, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit System, Washington, D.C.

DEAR MR. TRIMMER: We would like to express our grave concern at the proposal by the Secretary of the Army that Arlington Cemetery be closed to all vehicular traffic, except official cars and funerals.

As you know, we are responsible for bringing several thousand visitors to Washington every year. Most of these people make a special point of visiting the cemetery to see, among other things, the Tomb of the Unknown Soldier and the grave of John F. Kennedy. This proposal by the Secretary of the Army, will certainly cause great inconvenience to those wishing to visit the cemetery; what is even more to the point however, is that any alternative arrangement using another mode of transportation within the grounds will necessarily add to the cost. This is an important consideration when one is dealing with groups from overseas.

We would like to assure you of our support in this matter, and remain sincerely yours.

ARISTIDES J. DRBAL,
Manager, Visit U.S.A. Unit.

TENHOLDER TRAVEL, INC.,
St. Louis, Mo., November 13, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President,
D.C. Transit System,
Washington, D.C.

DEAR MR. TRIMMER: We annually bring over 2000 persons to Washington, D.C., on our student and adult tour programs. Included in our sightseeing is always Arlington National Cemetery.

In the past few years conditions for sightseeing in our National Cemetery have continually gotten worse. First came the restrictions due to President Kennedy's Gravesite which I can understand. But, for a few years past that year we were still forced to park and walk in for sightseeing.

On and off for the past years the parking and sightseeing situation has been changed so often that we hardly know what or where or when anymore.

I will say that it is not me or you or the bus driver that suffers, as we still get paid, but it is the customer or tour member that continually gets to see less and less of our Nation's National Cemetery.

I suggest that you have these people in the office of the Secretary of the Army's Office take the grand tour of the Cemetery by sightseeing motorcoach and then try to have them take it by foot. Then, too—ask them to take a three day city tour with the same driver/guide and then ask them to be handed over to another guide for only the Cemetery portion and they'll see how much is lost in the transportation.

Please do all you can to fight the Secretary's planned changes.

Sincerely,

T. TENHOLDER.

SEABOARD COAST LINE RAILROAD CO.,
West Palm Beach, Fla., November 12, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit System, Inc., Washington, D.C.

DEAR MR. TRIMMER: We understand that the Secretary of the Army has proposed that Arlington Cemetery be closed to all vehicular traffic save official cars and funeral traffic in the near future.

We would like to very strongly voice our objection to such action in view of the numerous school groups we bring to Washington that are dependent on charter buses for their sightseeing. Needless to say a visit to Arlington Cemetery is one of the high points of the trip, and we feel that it would be an injustice to deprive these students of a free visit to one of our greatest national shrines. It would not be feasible for these groups to walk from the bus parking area to the Tomb of the Unknown Soldier and the Kennedy grave sites and return. The present practice of discharging the students in the area of the Tomb, and then, after the Changing of the Guard, have them walk back to the bus parking area via the Kennedy grave sites has worked out very well.

Our largest group to Washington is the Palm Beach County School patrol consisting of 1,400 students and chaperones in two groups of 700 each. I cannot conceive of there being sufficient transportation to efficiently and adequately move such large groups from bus parking areas to the Tomb and return, and even if this were possible, the charges involved could very well preclude our groups from using such service. Due to various increased costs, we have had to adjust our "package" costs upward steadily the last few years, and do not feel that we could justify an additional charge at Arlington Cemetery. We sincerely hope that consideration will be given to these factors before a final decision is reached. It seems to us that everyone will agree that the youth of our Nation are entitled to visit our National Shrines with a minimum of inconvenience and, most certainly, without charge.

Very truly yours,

R. H. RHODES,
District Manager, Passenger Sales.

SEABOARD COAST LINE RAILROAD CO.,
Charleston, S.C., November 12, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit, Washington, D.C.

DEAR MR. TRIMMER: It has come to our attention that the Secretary of the Army proposes to close Arlington Cemetery to tour buses and other vehicles not on official business. As a matter of record in your files, we have brought about 500 school students from this part of South Carolina to Washington in the last 12 months, and every one of them have visited Arlington Cemetery.

The Arlington Cemetery visit is a requested part of educational trips to Washington, and goes deeper into patriotic feeling and appreciation for those who have given their lives for their country, than any other part of the Washington tour. The Washington Monument, and the Lincoln and Jefferson Memorials are impressive reminders, but a cemetery is a vivid manifestation of departed life. The basic purpose of student tours to Washington would be diminished if Arlington Cemetery was excluded from the itinerary.

We do not know just what problem has arisen that closing the gates to tours would solve, but we sincerely hope that a thorough study is given to some alternate solution. Perhaps some revision of the staging of the changing of the guard ceremony to make it visible to a larger, but more controllable audience, out in front of the Tomb, or an adjustment in the handling of the crowds could be developed. It would be a shame to cut off this part of the Washington scene from tour members.

Cordially,

B. C. MILLER,
General Passenger Agent.

SEABOARD COAST LINE RAILROAD CO.,
Miami, Fla., November 12, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit System, Inc., Washington, D.C.

DEAR MR. TRIMMER: It is understood that the Secretary of the Army has proposed to close Arlington National Cemetery to all vehicular traffic except official cars or funeral processions. While this order was designated to be effective November 1, information has been received that it will be postponed until after a public hearing set for November 17.

As you know, over the years we have arranged tours for literally thousands of school children at our Nation's Capital ranging from Elementary to High School grades. One of the most solemn and impressive sights is Arlington National Cemetery where they witness the "Change of the Guard" at the Tomb of the Unknown Soldiers, as well as a visit to the Kennedy Gravesites. If it becomes necessary to close the Cemetery to vehicular traffic, thereby eliminating the convenience of traveling by bus to the Tomb, it could have an adverse bearing on the number of tours we bring to Washington.

Anything you can do to oppose the proposal made by the Secretary of the Army in regard to the above will, in my opinion, be beneficial to all concerned.

Sincerely,

E. C. CHANEY,
District Passenger Agent.

TENHOLDER TRAVEL, INC.,
St. Louis, Mo., November 13, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit, Washington, D.C.

DEAR MR. TRIMMER: As you know, we make arrangements for approximately 3,000 private and public high school and college students as well as adult groups from the midwestern United States to visit Washington. During the stay in Washington they, of course, visit Arlington Cemetery.

We are truly amazed to learn that there is a movement directed to eliminating transportation by bus from outside the Cemetery to the Tomb of the Unknown Soldiers. You can readily see that this will work no end of hardships on all groups we are involved with. Should it be necessary to provide some form of transportation to get inside the cemetery it seems almost an impossibility since we are involved with some groups of up to 500 presons.

We hope the above does not come to pass; in discussing this with some President's of colleges and Principals of schools in this area, have gotten the impression they are really outraged.

Cordially,

EDWARD M. TENHOLDER,
President.

SEABOARD COAST LINE RAILROAD CO.,
Jacksonville, Fla., November 13, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit System, Inc., Washington, D.C.

DEAR MR. TRIMMER: We are distressed to learn that the Secretary of the Army has

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proposed the closing of the Arlington National Cemetery to all vehicle traffic effective November 1st.

In our opinion, this will be a further stumbling block in arranging tours in the Washington area. We are faced with so many problems in our Nation's Capital today and this will be just another problem. We want to do everything possible to continue with our tours of the Arlington National Cemetery and have the buses parked in the Change of Guard area. Secondly, we do not wish to go to the additional expense for transportation inside the Cemetery.

With best wishes, I am,

Cordially,

H. J. BURNS,
Passenger Sales Representative.

WAGENAAR TRAVEL BUREAU, INC.,
Grand Rapids, Mich., November 12, 1970.
Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit,
Washington, D.C.

DEAR MR. TRIMMER: With regard to the proposed closing of Arlington Cemetery to all vehicle traffic, we as one of the principal producers of tourism to the nation's capital protest this action.

A visit to Arlington Cemetery has always been one of the high points in any of the group tours which we promote and handle, and the closing of Arlington could definitely have an effect on Washington tour promotion, however, the one most important point is the historical significance of Arlington to our people here in the Midwest.

We respectfully ask that you exert all possible influence to have the closing order set aside and should you require any additional affidavits from this office, please feel free to contact me.

Very truly yours,

RALPH B. LEONARD.

MOORMAN'S TRAVEL,
Detroit, Mich., November 13, 1970.
Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit,
Washington, D.C.

DEAR MR. TRIMMER: I am greatly concerned of the pending proposal which would ban buses from entering Arlington Cemetery. I can only visualize chaos with groups of 300 or more students that I send to Washington changing to another bus at the gate. Multiply this by several such groups and it is anything but a pretty picture.

The cost would also be a factor. At the present time the cost has ruled out many groups, and each added fee helps to bring an end of high school groups in Washington.

Very truly yours,

WARREN L. WATSON.

CHURCHILL TOURS,
Portland, Oreg., November 12, 1970.
Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit,
Washington, D.C.

DEAR MR. TRIMMER: We should like to voice our disapproval of the Secretary of the Army's proposal to close Arlington Cemetery to all but special vehicular traffic.

We are of the opinion that this would be a mistake.

Aside from the strictly business outlook, in which, of course, we are very interested, there would be a tremendous loss historically to the public in general. Our nation has a great deal in which to be proud and we feel that Arlington Cemetery plays an important part in this history.

Business-wise we would be affected twofold. We send a substantial number of visitors to Washington, D.C. and arrange sightseeing for them. . . . Arlington Cemetery is always included. Our Group Division would be seriously affected, since, here again, our group tours visiting Washington, D.C. visit Arlington Cemetery. Even assuming that inner-cemetery transportation might be available (other than the tour buses which we normally use), the price of such a tour certainly would increase our costs.

It is our sincere hope that the Secretary of the Army will reconsider his proposal.

Yours very truly,

DICK RANIAN,
Manager, Group Travel Division.

SEABOARD COAST LINE RAILROAD CO.,
Columbia, S.C., November 13, 1970.
Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit,
Washington, D.C.

DEAR MR. TRIMMER: I have received notification that the Secretary of the Army proposes to close Arlington National Cemetery to all vehicle traffic with the exception of official cars or funerals. Also, I understand that there is a hearing scheduled for November 17, 1970, regarding this action.

Arlington National Cemetery, the changing of the guard at the tomb of the unknown soldier, and the Kennedy's grave sites have been highlights of both student and adult tours to Washington conducted by this office. Public transportation within the cemetery would add to the overall cost of a tour and inclement weather would present hardships to tour members if required to vacate modes of transportation outside the cemetery.

I have always felt that Arlington National Cemetery belonged to all Americans, and I feel that anything that is done to cause difficulty for visitors to the cemetery is unquestionably out of line.

I wish you good luck with your presentation against this proposal at the hearing on November 17.

Yours very truly,

C. E. WATTS,
City Passenger and Ticket Agent.

SEABOARD COAST LINE RAILROAD CO.,
Fort Lauderdale, Fla., November 13, 1970.
Mr. T. S. TRIMMER,
D.C. Transit System,
Washington, D.C.

DEAR MR. TRIMMER: It has come to my attention that the Secretary of the Army has proposed the closing of Arlington Cemetery to all vehicular traffic, except official cars. This could adversely affect our group tour visitors to Washington and increase our overall package cost if we are required to use separate transportation within the Cemetery grounds.

If you are in a position to influence this move in any way, I will appreciate your voicing my opposition to the proper authorities.

Thank you very much for your assistance in this matter.

Yours very truly,

JOHN L. ALLEN,
District Manager Passenger Sales.

SEABOARD COAST LINE RAILROAD CO.,
Richmond, Va., November 12, 1970.
Mr. T. S. TRIMMER,
Assistant Vice President,
D.C. Transit System,
Washington, D.C.

DEAR MR. TRIMMER: For many years it has been our pleasure to arrange tours for school and adult groups from the Southeast who have used our streamliner service to Washington, D.C. In that connection we are extremely grateful to D.C. Transit System and other Washington companies affording charter bus service for the effective services that have been performed during the periods the groups remained in Washington.

Through school principals, faculty members and sponsors of groups we have recognized that one of the highlights of the Washington trip is Arlington National Cemetery and the observance of the changing of the guard at the Tomb of the Unknown Soldiers, together with visits to gravesites of our nation's leaders. Should Arlington National Cemetery grounds be closed to all vehicular traffic, as we understand it has been proposed by the Secretary of the Army, this would have an adverse effect upon the aforementioned groups. It is hoped that those in authority will continue to allow Washington area buses to accommodate all groups within the cemetery as near as possible to points of interest they wish to visit without these groups having to incur inconvenience or additional expense.

Sincerely,

R. L. PROGNER,
Assistant Vice President,
Passenger Traffic.

ORIENT PACIFIC TOURS, INC.,
North Hollywood, Calif., November 13, 1970.
Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit,
Washington, D.C.

DEAR MR. TRIMMER: We are aware that the Secretary of the Army has proposed to close Arlington Cemetery to all vehicle traffic except official cars or funerals by November 1, 1970.

I am writing to you to voice my protest in this action. If this proposal does go through my business will be greatly affected.

The many hundreds of visitors to Washington, D.C. would have the additional cost of another method of transportation required to enter the grounds and therefore this would be an important factor in the overall tour price.

This proposal, if passed, would probably result in our redirecting our tours to other areas and thereby passing the chance for our tour members to stop and enjoy the Washington, D.C. area. Certainly there has been mutual benefit between our tour groups and your local businesses.

Please enter my protest along with the others against this proposed action.

Truly yours,

TAMIO KATAYAMA,
President.

MAGIC CARPET TRAVEL, INC.,
Fort Lauderdale, Fla., November 12, 1970.
Mr. T. S. TRIMMER,
Assistant Vice President,
D.C. Transit System, Inc.,
Washington, D.C.

DEAR MR. TRIMMER: The proposal by the Secretary of the Army to close Arlington Cemetery to sightseeing buses could seriously affect my student tour schedules. As you know, we are always on a tight schedule, and having to find another mode of transportation to enter the cemetery would not only disrupt the tour timing, but cost more money. Anything you can do to have this order rescinded will be greatly appreciated.

Sincerely,

ROD DIXON,
Vice President.

SEABOARD COASTLINE RAILROAD CO.,
Richmond, Va., November 11, 1970.
Mr. T. S. TRIMMER,
Assistant Vice President,
D.C. Transit System,
Washington, D.C.

DEAR MR. TRIMMER: It has come to our attention that the Secretary of the Army is considering the closing, in the near future, of Arlington National Cemetery grounds to all vehicular traffic except official cars and those required for funeral transportation purposes.

As you may readily verify through your traffic and sales departments, a number of educational tours to our nation's capital are arranged annually by the Seaboard Coast Line Railroad for schools in the Southeastern states, using the charter bus services of your company for local area movement. One of the highlights with deepest significance of their trip to Washington for the students participating has been the tour within the National Cemetery, during which the ceremony of the changing of the guard at the Tomb of the Unknowns is witnessed and gravesites of our nation's great leaders are visited.

It is certainly hoped that some provision will be made to allow at least Washington area buses, whose operators are familiar with routes within the Cemetery, to discharge such groups conveniently near the points to be visited, at no additional cost to them.

Sincerely,

R. A. PERKIN.
General Passenger Agent.

SHORTLINE TOURS,
New York, N.Y., November 13, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit,
Washington, D.C.

DEAR MR. TRIMMER: We have just been made aware of the fact that a hearing has been scheduled for November 17, 1970 with regard to the proposed closing of Arlington Cemetery to all vehicle traffic except official cars or funerals.

Since your company handles thousands of visitors that we direct to Washington, D.C., we ask that you represent us at this hearing in expressing our deep concern over this proposal.

Since Arlington Cemetery is a prime tourist attraction, the closing would seriously affect our tours to Washington, and if the visitors must use another form of transportation into the cemetery, the additional cost would be a serious factor in our packaging.

In view of these problems that the proposed closing would cause, we sincerely hope that this order will be recinded.

Very truly yours,

ARTHUR LAWRENCE,
General Manager.

ALLIED TOURS, INC.,
New York, N.Y., November 12, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit, Washington, D.C.

DEAR MR. TRIMMER: We have been informed that the Secretary of the Army proposes to close Arlington Cemetery to all vehicle traffic with the exception of official cars or funerals.

We are very disturbed about this proposal as it will definitely hinder our movements of thousands of visitors each year to Washington, D.C. Our clientele consists of domestic as well as international groups that always request a visit to Arlington Cemetery to pay their respects at the Tomb of the Unknowns and the gravesite of President John F. Kennedy and Senator Robert Kennedy. We are certain that this major interest on the part of our tour participants will be greatly affected by this proposal.

Furthermore, if our buses are forced to park outside the Cemetery and another mode of transportation is required to enter the grounds, the over-all cost of our packages will also be affected. Being one of the largest Visit USA tour operators in the U.S., we can anticipate the negative reaction we would receive from our overseas clients.

We must ask you to do everything in your power to see that this order will not go into effect.

Thanking you for your kind attention, I am,

Sincerely yours,

ERIK B. PAULSSON,
General Manager.

CONTINENTAL TRAILWAYS TOURS, INC.,
Dallas, Tex., November 13, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit, Washington, D.C.

DEAR MR. TRIMMER: I understand that there is a current proposal to close Arlington Cemetery to all vehicular traffic except official cars or funerals.

I most certainly agree with the reaction that this could have an adverse effect on the tour operations and tour sales of our company. We sell and operate tours involving a total of thousands of passengers per year, which include sightseeing in the Washington D.C. area and as a part of that include a visit to Arlington Cemetery. This traffic is both domestic-originated and foreign-originated. A portion of it involves individual travelers for whom we book the services of a commercial sightseeing company such as yours. A very substantial part of the traffic consists of group movements on which we operate our own motorbus in the Washington, D.C. area, under appropriate permits.

I am not clear about all details of the proposal to prohibit vehicular traffic, but it seems obvious that the effects will be bad from our standpoint, and actually in the over-all picture from the standpoint of the ability to adequately handle the "Discover America" tour traffic, originated domestically and overseas, which is so important to all of us.

If the tour bus must park outside the cemetery, presumably one of the possibilities would be that another mode of transportation would be required to enter the grounds. If so, this could of course have an effect (not previously anticipated) on the costs of package tour arrangements we have already been promoting for 1971, in addition to the factor of inconvenience for the passengers themselves.

Very truly yours,

D. A. SCOTT,
President and General Manager.

TRIANGLE TRAVEL SERVICE, INC.,
Chicago, Ill.

Mr. T. S. TRIMMER,
Assistant Vice President,
D.C. Transit Co.
Washington, D.C.

DEAR MR. TRIMMER: I was quite shocked to hear of what is taking place at the Arlington National Cemetery.

Of the thousands of school children we bring to the Washington area every year this proposal of not allowing buses within the cemetery would be a catastrophe. It would add to the cost of the tour but most important is the time element. Each tour is operated on a set schedule and the idea is to see as much of Washington as possible in a given time.

Another important factor is having control of your group at all times. Using buses within the cemetery gives us this control but to break them loose it could mean the loss of a half day.

As you know buses are not the problem in the cemetery. They carry up to 51 persons and do not clog up the roadways. It is the private cars which carry a few people.

We hope you will do everything in your power to prevent such a thing taking place. If money is to be made let the politicians make their money doing something practical.

Sincerely,

C. HARRY JONES,
President.

SEARIGHT TRAVEL SERVICE,
November 13, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President,
D.C. Transit System,
Washington, D.C.

DEAR MR. TRIMMER: It has come to my attention that Arlington National Cemetery will be closed to all vehicular traffic, except official cars or funerals, sometime after November 17th, 1970.

I understand that you will attend a hearing on November 17th, at which time you will endeavor to have the order set aside. As your company knows, I have brought over 10,000 high school students from the midwestern states to Washington, D.C. on American Heritage and educational tours, since 1962. An important part of each tour is the visit to Arlington National Cemetery to witness the Changing of the Guard at the Tomb of The Unknown Soldiers. If the proposal by the Secretary of the Army, prohibiting vehicular traffic in the cemetery, is approved, it can seriously affect the tours that I operate for the several thousand students in the future, as well as those tours operated by numerous other tour companies for our visiting citizens.

The order would seriously inconvenience tourists by causing them to walk several miles, if they wished to visit our national cemetery. Hiring another mode of transportation, approved by the authorities, would greatly increase the over-all package price of these educational tours. Recent inflationary increases have already made the tour prices out of reaches of many students, who would have made a trip to our nation's capital, and additional increases will cause more to remain home.

Sincerely,

R. D. SEARIGHT.

TRAVELTIME,
Chicago Ill., November 13, 1970.

Mr. T. S. TRIMMER,
D.C. Transit,
Washington, D.C.

DEAR MR. TRIMMER: It has come to my attention that the Secretary of the Army has proposed the closing of Arlington Cemetery to all vehicle traffic.

This proposal would effect the thousands of visitors that I annually direct to the United States Capital city. Since I bring so many visitors to the cemetery, if my tour bus were forced to park outside the cemetery and use another form of transportation to visit the Tomb of the Unknown Soldier, this would foolishly increase the cost of my over-all package tours and cause serious delay, inconvenience, confusion and chaos in getting to and from the Tomb of the Unknown Soldier.

Therefore, I would appreciate your having as much pressure as possible brought to bear in the form of lobbying against this absurd proposal.

Sincerely,

WILLIAM D. BUCKMAN.

SEABOARD COAST LINE RAILROAD CO.,
Columbia, S.C., November 13, 1970.

Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit,
Washington, D.C.

DEAR MR. TRIMMER: Information reaching me indicates that the Secretary of the Army intends to close Arlington National Cemetery to all vehicle traffic except for official cars or funerals and that a hearing is scheduled for November 17, 1970.

For many years this office has promoted both student and adult tours to Washington and one of the highlights has been a visit to Arlington National Cemetery and the changing of the guard at the tomb of the unknown soldier and the Kennedy's grave sites. If buses are required to park outside of the cemetery, this will work a hardship on future tour members, particularly during inclement weather. If public transportation within the cemetery is provided, this would add to the cost of the overall tour.

I feel that Arlington National Cemetery is a public shrine and belongs to all Americans. Anything that is done which may prohibit or make it difficult for visitors to the cemetery should be out of the question.

I hope you will vigorously protest the closing of Arlington National Cemetery to charter buses at the November 17 hearing.

Your very truly,

B. P. BEARD,
District Manager, Passenger Sales.

XUM

KEARNEY TRAVEL SERVICE, INC.,
Detroit, Mich., November 12, 1970.
Mr. T. S. TRIMMER,
Assistant Vice President, D.C. Transit,
Washington, D.C.

DEAR MR. TRIMMER: This has reference to the proposed closing of Arlington Cemetery to all vehicular traffic in the near future by the Secretary of the Army.

Our agency brings thousands of young people to Washington, D.C., each year, primarily school groups whose budgets are limited. If tour buses would have to park outside the Cemetery and another mode of transportation be required to enter the grounds, this would not only be a great inconvenience, but would result in a higher tour cost, causing many groups to avoid such a visit in the interest of economy and definitely decreasing the number of people visiting Arlington. A visit to the Cemetery should not be denied anyone for monetary reasons.

We feel it is important that all people visiting our Nation's Capital be permitted free access to Arlington Cemetery. Anything you can do to have this directive put aside will be sincerely appreciated, not only by travel agencies such as ourselves, but by every United States citizen as well as foreign visitors who wish to pay tribute to the honored dead in Arlington National Cemetery.

Cordially,
FRANK WARREN,
Manager.

TOURS AND CHARTERS DEPARTMENT,
GREYHOUND CHARTERS,
November 14, 1970.
Congressman CHARLES W. WHALEN, Jr.,
Dayton, Ohio.

DEAR CONGRESSMAN WHALEN: We want to oppose the proposal submitted by the Secretary of the Army, suggesting Arlington Cemetery be closed to all vehicle traffic, except official cars.

This proposal would directly affect our Arlington tour over-all cost to us and our customers.

We are asking for reconsideration on this proposal.

Thank you.
Sincerely,
Mrs. VIRGINIA ADAMS.

NOVEMBER 15, 1970.
Hon. JAMES A. HALEY,
House of Representatives Office Building, Washington, D.C.

DEAR MR. HALEY: I understand that the Secretary of the Army has proposed that our National Cemetery of Arlington be closed to vehicle traffic, except official cars, and funerals. If this be so, I need to have your help to oppose this move, on the grounds that this ground belongs to all of us in America. To prevent bus tours of students and adults from seeing this area, is indeed against the interests of those of us who feel the past heros of our country belong to us all, and we should all have the opportunity of visiting their resting place.

As you know each year hundreds of young students are sent to Washington to learn more of the history of our glorious nation. Arlington has always been an integral part of that trip. If they are forced to walk around the entire area, or use an entirely different mode of transportation, after the bus is forced to stop at the gate, will they be as interested as before, or balk at even going there. Or at best, the price of the tour will be so increased as to possibly put it beyond the means of these youngsters many of whom save all year for their trip.

We are in enough trouble as it is to teach our youngsters to honor and respect our country, flag and its heroes, without having this sort of deed come along and possibly materially affect the visit to the Nation's Capitol and the learning of future students.

Please look into this, sir, and do what you can to oppose any such move on the part of the Secretary of the Army, or any other bureaucrat who tries to take away from us the right to visit our own shrines.

Thank you.
Sincerely,
FRANK S. BOYCE.

NOVEMBER 14, 1970.
Senator ROBERT GRIFFIN,
Senate Office Building,
Washington, D.C.

DEAR SIR: This has reference to the order from the government to close Arlington National Cemetery to all vehicle traffic except official cars or funerals.

For over 35 years I have been taking groups of all ages to Washington but in the last 18 years most of the groups have been high school groups. Always a high point of these visits has been the changing of the guard at the Tomb of the Unknowns, and more recently the Kennedy grave has been of unique interest.

If this order is not rescinded or modified to permit local Washington Sightseeing operators in Arlington the schedule of many tour operators handling high school or elementary school groups, or any groups, will be seriously impaired. It may even reach the point where the visit to these two outstanding American shrines will have to be eliminated.

Please use all your influence to have the government rescind or modify their order.

Sincerely,
EDWIN D. PHILLIPS, Sr.

MEYER & DIETEL TOURS, INC.,
Butler, Wis., November 13, 1970.
Hon. GAYLORD NELSON,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: Word has reached my office that vehicular traffic, other than official cars and funerals, is to be banned from Arlington National Cemetery. As my company brings thousands of Wisconsin students to Washington every year, which includes a stop at Arlington Cemetery, I have given much thought to this anticipated new procedure and can find nothing to justify the banning of tour buses from a prescribed route in the Cemetery.

To require the buses to park in the lot below the cemetery and discharge their passengers from that point will create more chaos than it will solve.

Currently licensed driver/guides follow a prescribed route to the Tomb of the Unknown Soldiers. They discharge their group and we send them to the parking lot empty. The group witnesses the change-of-guard ceremony and then proceed to the Kennedy grave sites on foot and thence to the parking lot to board their bus.

Under the proposed rule the group would be discharged to walk to the grave sites, then the Tomb of the Unknown Soldier and then back again to retrace their steps to the bus. This roundtrip traffic doubles the amount of foot traffic in the cemetery, wastes valuable time with the roundtrip walk, reduces the control of the adults over the students and greatly jeopardizes the timing necessary to make the on-the-hour change of guard.

The new proposal in addition to adding to the burden of cemetery personnel and perhaps an increase in cost for additional personnel, adds to the cost of the tour sold to the student. We have already quoted tour package rates to over 100 schools for tours moving next Spring and if we are charged extra for the shuttle service we will have to notify the schools of the increased cost and the reasons therefor. A greater length of time will be required of each bus which we charter on an hourly basis plus as mentioned previously the cost of the shuttle service. A shuttle system would accomplish nothing more than what is already being taken care of so efficiently by the our bus.

Being responsible to the thousands of students my company brings to the Capitol, I am opposed to a system which would bar tour buses from the cemetery. As a representative of our Wisconsin citizens we request your voice in our opposition to this change in procedure which in no way assists the visitor to Washington, especially groups using chartered buses.

Sincerely,
MEYER & DIETEL TOURS, INC.

SEABOARD COAST LINE RAILROAD CO.
Columbia, S.C., November 13, 1970.
Senator ERNEST F. HOLLINGS,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HOLLINGS: The Arlington National Cemetery is a point of interest to both young and old, and that is the reason it has always been included on our student and adult tours to Washington.

The biggest mistake that could possibly be made would be to prohibit vehicle traffic such as sightseeing buses within Arlington National Cemetery. Each and every visit to Arlington National Cemetery is an experience never to be forgotten.

It would be greatly appreciated if you would use your influence to see that visitors to the Arlington National Cemetery are not required to walk from the gates and are not required to pay extra for transportation within the gates of the cemetery.

Yours very truly,
B. P. BEARD,
District Manager Passenger Sales.

SEABOARD COAST LINE RAILROAD CO.
Columbia, S.C., November 13, 1970.
Hon. ALBERT WATSON,
U.S. House of Representatives,
House Office Building,
Washington, D.C.

DEAR MR. WATSON: The Arlington National Cemetery has always been a point of interest on both our student and adult tours in Washington

Any law prohibiting vehicle traffic sightseeing buses within the cemetery would be a mistake. Each time I conduct a tour to Arlington National Cemetery I experience something new and different. All of the experiences leave a lasting impression.

Your influence in seeing that visitors to the Arlington National Cemetery are not inconvenienced by having to walk from the gate or having to pay extra for transportation within the gate would be greatly appreciated.

Yours very truly,
B. P. BEARD,
District Manager Passenger Sales.

SEABOARD COAST LINE RAILROAD CO.,
Columbia, S.C., November 13, 1970.
Senator STROM THURMOND,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR THURMOND: For many years I have escorted student and adult tours to Washington and the vicinity with Arlington National Cemetery always included in the tour.

I am convinced that to prohibit vehicle traffic such as sightseeing buses from the cemetery would be a mistake. To experience a visit to Arlington National Cemetery leaves a lasting impression.

I hope that you will use your influence to see that visitors to the Arlington National Cemetery are not required to walk or to pay extra to ride the great distance from outside the cemetery to the tomb of the unknown soldier and other sites in the cemetery.

Yours very truly,
B. P. BEARD,
District Manager Passenger Sales.

SEABOARD COAST LINE RAILROAD CO.,
Charleston, S.C., November 12, 1970.
Congressman L. MENDEL RIVERS,
Federal Building,
Charleston, S.C.

DEAR CONGRESSMAN: It has been brought to our attention that the Secretary of the Army proposes to close Arlington Cemetery to all vehicular traffic except official cars of funerals, in the near future. This would eliminate a very standard part of our educational tour itineraries for students visiting Washington.

We have handled arrangements for about 500 students from Lower South Carolina to Washington in the past 12 months, and every one of them visited the Cemetery to see the ceremonial Changing of the Guard at the Tomb of the Unknown Soldier, as well as the Kennedy grave sites and the Marine Iwo Jima Monument. These are, in my opinion, basic links in our patriotism between those who have given their lives in active defense of country, and the school student of today.

I have heard the Tour Guides description of Sgt. Younger's selection of the body to be honored as the Unknown Soldier of World War I dozens of times, and never fail to have an emotional stirring by this drama. It would be a shame for our young people to be denied this for anything less than some very major obstacle. We do not know what problem faces the Secretary of the Army, but sincerely hope that he will search out every alternative before closing the gates of the Cemetery to tours.

Your influence in keeping the Cemetery open would be appreciated by many people, including me.

Cordially,

——— ———,
General Passenger Agent.

TENHOLDER TRAVEL, INC.,
St. Louis, Mo., November 13, 1970.
Hon. STUART SYMINGTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: It has come to our attention that the Secretary of the Army has proposed closing Arlington Cemetery to all vehicle tariffic except official cars and funerals.

We make arrangements for about 3,000 high school and college students along with faculty members to tour Washington every year. They, of course, include a visit to Arlington Cemetery to view the changing of the guard at the tombs of the unknown soldiers. You can see, that should there be no transportation to the parking lots at the tombs, this would pose quite a problem.

We would appreciate very much anything you can do.

Thanks and regards.

Cordially,

——— ———,
President.

TENHOLDERS TRAVEL, INC.,
St. Louis, Mo., November 13, 1970.
Hon. THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: It has just come to our attention that the Secretary of the Army has proposed closing Arlington Cemetery to all vehicular traffic except official cars and funerals.

We make arrangements for about 3,000 high school and college students along with faculty members to tour Washington every year. They, of course, include a visit to Arlington Cemetery to view the changing of the guard at the tombs of the unknown soldiers. You can see, that should there be no transportation to the parking lots at the tombs, this would pose quite a problem.

We would appreciate very much anything you can do.

Cordially,

——— ———,
President.

MEYER & DIETEL TOURS, INC.,
Milwaukee, Wis.
Hon. GLENN R. DAVIS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DAVIS: For the past six years I have with great pride earned my livelihood bringing high school students to Washington, D.C. Although it is a commercial enterprise this in no way detracts from my personal devotion to my work and the hope that in my own way I am able to contribute to the mutual understanding of youth and country.

Recently I was told of a situation which I feel would hamper the effectiveness of my efforts and to my way of thinking not solve an existing problem. This is the possibility of banning tour bus traffic from Arlington Cemetery with the requirement that all buses park in the parking lot outside the cemetery and the passengers proceed on foot to their goals within the cemetery.

Currently our licensed driver/guides follow a prescribed route to the Tomb of the Unknown Soldier. As they do so they lecture about the cemetery and about the things the students will soon see. At the Tomb of the Unknown Soldier the students are discharged several minutes before the hourly change of guard and the driver takes his bus to the parking lot outside the cemetery. The students witness the change of guard and are led to the Kennedy grave-sites by myself with the assistance of the chaperons. From the grave-sites we continue directly to the buses in the parking lot.

The proposed change to which I object would apparently require the buses to park in the assigned lot, lecture to the group in the parking lot, discharge the group to be led to the Kennedy grave-sites, then to the Tomb of the Unknown Soldier and then back down again to the parking lot. As an alternate it is possible a shuttle arrangement may be provided for the groups.

The proposed change would: detract from the lecture given to the students regarding the cemetery (parking lot versus the cemetery route), jeopardize the timing required to make the hourly change of guard, hamper the control of the group by the adults in the cemetery grounds, increase the cost of the tour program as the buses are chartered on an hourly rate and additional time would be required for a round-trip walk and further increase the price if cemetery shuttle service were provided.

The decorum which we strive for at the cemetery would be virtually lost and our visit rather than creating an emotional understanding would deteriorate to another "sightseeing stop," similar to the Washington Monument. Few students see the significance of the structure, only if they can run up the 898 steps in seven minutes or less.

As a Wisconsin representative I hope your voice will assist our cause at a hearing scheduled for November 17 by the Secretary of the Army.

Sincerely,

JULES E. NOVAK.

WAGENAAR TRAVEL BUREAU, INC.,
Grand Rapids, Mich., November 12, 1970.
Re Proposal to close Arlington Cemetery to nonofficial vehicle traffic.
Mr. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR GERRY: I am sure you are aware that the Secretary of the Army has proposed to close Arlington Cemetery to all vehicle traffic with the exception of official or funeral cars and we at this time enlist your help in having this proposal set aside.

We feel very strongly that our midwest people have strong ties with Washington, many of their sons and daughters are buried there and not withstanding this our young people should be allowed convenient access to Arlington to have first hand information on the more than unusual events which have occurred in the past 15 years.

May we personally thank you for your efforts in advance.

Very truly yours,

RALPH B. LEONARD.

MAGIC CARPET TRAVEL INC.,
November 12, 1970.
Senator ED GURNEY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR GURNEY: The proposal by the Secretary of the Army to close Arlington Cemetery to sightseeing buses could seriously affect my student tour schedules. As you know, we are always on a tight schedule, and having to find another mode of transportation to enter the cemetery would not only disrupt the tour timing, but cost more money. Anything you can do to have this order rescinded will be greatly appreciated.

Sincerely,

ROD DIXON,
Vice President.

TRIANGLE TRAVEL SERVICE, INC.,
Chicago, Ill., November 10, 1970.
Hon. CHARLES PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I would appreciate a couple of minutes of your time to read the enclosed notice which I recently received.

Each year we handle approximately 2,000 students plus numerous groups of Senior Citizens to the Washington D.C. area on an Educational Basis so we are quite concerned over this change. In the first place, this service is unacceptable in handling large groups. Secondly, the valuable time consumed walking up could be utilized visiting another historical monument. Thirdly, we pride ourselves on control of the group to their best advantage, this control would be lost in the two hours it would take to visit our National Cemetery. In respect to our Senior Citizens, most likely we would have to cut this out of the tour.

Agreed, there is a problem regarding the influx of Tourist to the Washington area, but now more than ever it is important that our students have the opportunity to visit Washington, D.C., and to see as much as possible in the time allotted, to waste this time needlessly and on a political whim as the enclosed notice indicates is very foolish.

I do hope you will look into this, keeping in mind that our students should have this opportunity and having it, should not have to waste their time. Most of the students work hard for this trip and we want to give them the best tour possible.

Thank you.

Sincerely,

R. K. JONES.

SEARIGHT TRAVEL SERVICE,
St. Louis, Mo., November 14, 1970.
Congressman RICHARD ICHORD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ICHORD: We have just been informed that the Secretary of the Army has proposed that Arlington National Cemetery be closed to all vehicular traffic, except official cars and funeral processions. All tour buses would have to park outside of the cemetery and visitors would be forced to walk over a mile in each direction to witness the Changing of the Guard at the Tomb of the Unknown Soldier.

XUM

During the past eight years I have brought over 10,000 high school students to Washington, D.C. on American Heritage and Student Educational Tours. All of these students visit the Arlington National Cemetery on their three and four day tours to our country's shrines. If the order proposed by the Secretary of the Army is approved it will cause unnecessary hardship on visitors in the future, either by causing them to walk this distance, or foregoing the visit if the weather is inclement. Older adults and Golden Age Club members would not be able to make the trip.

It has been suggested that a few special buses be operated by a department of the government at a charge of a dollar or two. These could not accommodate the thousands of high school students who visit our nation's capital in the spring and summer months. Any additional charge to the already high cost of a tour due to inflation, would cause more patriotic students to cancel their plans.

I will appreciate your assistance in having this order put aside. The original order for November 1st has been postponed until sometime after a hearing scheduled for November 17, 1970.

Sincerely,

R. D. SEARIGHT.

SEARIGHT TRAVEL SERVICE,
St. Louis, Mo., November 14, 1970.

Senator THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: We have just been informed that the Secretary of the Army has proposed that Arlington National Cemetery be closed to all vehicular traffic except official cars and funeral processions. All tour buses would have to park outside of the cemetery and visitors who wish to witness the Changing of the Guard at the Tomb of the Unknown Soldier would be forced to walk over a mile in each direction.

During the past eight years I have brought over 10,000 high school students to Washington, D.C. on American Heritage and Student Educational Tours. All of these students visit the Arlington National Cemetery on their three and four day tours to our country's shrines. If the order proposed by the Secretary is approved it will cause unnecessary hardship on visitors in the future, either by causing them to walk this distance, or forgoing the visit if the weather is inclement. Older adult tours and Golden Age Club members would not be able to make the trip.

It has been suggested that a few special buses be operated by a department of the government at a charge of a dollar or two. These could not accommodate the thousands of high school students who visit our nation's capital in the spring and summer months. Any additional charge to the already high cost of a tour due to inflation, would cause more patriotic students to cancel their plans.

I will appreciate your assistance in having this order put aside. The original order for November 1st has been postponed until sometime after a hearing scheduled for November 17.

Sincerely,

R. D. SEARIGHT.

KEARNEY TRAVEL SERVICE, INC.,
Detroit, Mich., November 12, 1970.

Senator ROBERT GRIFFIN,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR GRIFFIN: This has reference to the proposed closing of Arlington Cemetery to all vehicular traffic in the near future by the Secretary of the Army.

Our agency brings thousands of young people to Washington, D.C. each year, primarily school groups whose budgets are limited. If tour buses would have to park outside the Cemetery and another mode of transportation be required to enter the grounds, this would not only be a great inconvenience, but could result in a higher tour cost, causing many groups to avoid such a visit in the interest of economy and definitely decreasing the number of people visiting Arlington. A visit to the Cemetery should not be denied anyone for monetary reasons.

We feel it is important that all people visiting our Nation's Capital be permitted free access to Arlington Cemetery. Anything you can do to have this directive put aside will be sincerely appreciated, not only by travel agencies such as ourselves, but by every United States citizen as well as foreign visitors who wish to pay tribute to the honored dead in Arlington National Cemetery.

Cordially,

FRANK WARREN,
Manager.

KEARNEY TRAVEL SERVICE, INC.,
Detroit, Mich., November 12, 1970.

Congressman CHARLES DIGGS, Jr.,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN DIGGS: This has reference to the proposed closing of Arlington Cemetery to all vehicular traffic in the near future by the Secretary of the Army.

Our agency brings thousands of young people to Washington, D.C. each year, primarily school groups whose budgets are limited. If tour buses would have to park outside the Cemetery and another mode of transportation be required to enter the grounds, this would not only be a great inconvenience, but could result in a higher tour cost, causing many groups to avoid such a visit in the interest of economy and definitely decreasing the number of people visiting Arlington. A visit to the Cemetery should not be denied anyone for monetary reasons.

We feel it is important that all people visiting our Nation's Capital be permitted free access to Arlington Cemetery. Anything you can do to have this directive put aside will be sincerely appreciated, not only by travel agencies such as ourselves, but by every United States citizen as well as foreign visitors who wish to pay tribute to the honored dead in Arlington National Cemetery.

Cordially,

FRANK WARREN,
Manager.

TRAVEL SERVICE, INC.,
Detroit, Mich., November 12, 1970.

Hon. PHILIP HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: This has reference to the proposed closing of Arlington Cemetery to all vehicular traffic in the near future by the Secretary of the Army.

Our agency brings thousands of young people to Washington, D.C., each year, primarily school groups whose budgets are limited. If tour buses would have to park outside the Cemetery and another mode of transportation be required to enter the grounds, this would not only be a great inconvenience, but could result in a higher tour cost, causing many groups to avoid such a visit in the interest of economy and definitely decreasing the number of people visiting Arlington. A visit to the Cemetery should not be denied anyone for monetary reasons.

We feel it is important that all people visiting our Nation's Capital be permitted free access to Arlington Cemetery. Anything you can do to have this directive put aside will be sincerely appreciated, not only by travel agencies such as ourselves, but by every United States citizen as well as foreign visitors who wish to pay tribute to the honored dead in Arlington National Cemetery.

Cordially,

FRANK WARREN,
Manager.

STATEMENT OF RAYMOND WARRENNER, BLUE LINES SIGHTSEEING, INC.

Raymond Warrenner says:

1. That I am President of Blue Lines Sightseeing, Inc., 2001 New York Avenue, N.E., Washington, D.C. 20002.

2. That Blue Lines Sightseeing, Inc. has been conducting tours in and around the greater Washington area since 1955. Of the various sightseeing packages and tours that are sold by Blue Lines, almost all include Arlington National Cemetery as a major point of interest. The Arlington National Cemetery is, and has been one of the most popular, if not the most popular, sightseeing attraction sold by Blue Lines.

3. That gross revenue of Blue Lines during the first nine months of 1970 was $248,416.25; of this figure, 75 per cent or $187,456.25 is the direct result of tours conducted through Arlington National Cemetery.

4. That Blue Lines Sightseeing, Inc. employs 15 drivers, 6 office personnel and 35 to 40 full-time and part-time sales people within the greater Washington area. This does not include tours that are sold by travel agencies throughout the United States. Further, Blue Lines has a total of 10 vehicles which it uses for sightseeing purposes.

5. That Blue Lines has provided economical, responsible and efficient services to the public who have visited Washington and Arington National Cemetery. In the last 15 years Blue Lines has served the sightseer by providing direct service into the center of the Arlington Cemetery behind the Custis-Lee Mansion. All of Blue Lines drivers are fully licensed and have had extensive experience in tour bus operation. All Blue Lines tour vehicles are inspected and properly maintained.

6. That if the Army is allowed to put into effect an order that would close Arlington National Cemetery to commercial vehicular tour bus service, of the kind as provided by Blue Lines, Blue Lines will suffer great and irreparable damage in that it will be barred from doing business as it has for the past 15 years and that such loss of business will lead to a substantial financial loss and eventual bankruptcy on its part.

7. That not only will Blue Lines be forced to cease operations if such an order is executed but service to the many Americans and foreigners who will visit Washington and Arlington National Cemetery will be greatly curtailed, become inefficient, and much more costly in that taxes will be lost by Virginia and the District of Columbia and that visitors will have to pay an increased rate for service.

STATEMENT OF VINARD L. PARIS, WHITE HOUSE SIGHTSEEING CORP.

Vinard L. Paris says,

1. That I am President of White House Sightseeing Corp., 519 6th Street, N.W., Washington, D.C. 20001.

2. That White House Sightseeing Corp. has been conducting tours in and around the greater Washington area since 1940. Among the various national monuments that are served by White House is Arlington National Cemetery. Of the various sightseeing packages and tours that are sold by White House, almost all include the National Cemetery as a stop of major importance. The Arlington National Cemetery is, and has been, one of the most popular, if not the most popular, sightseeing attraction in the area of Washington, D.C.

3. That in the past year White House has grossed approximately $500,000. Of that figure, 80 percent, or $400,000 comes directly as a result of a tour which includes Arlington National Cemetery.

4. That White House has on its staff 22 drivers, 8 office employees and because it publishes an international tariff, 8,000 travel agents which sell White House tours. The corporation has 14 motor vehicles including 10

big buses, 2 twelve-passenger vehicles and 2 automobiles.

5. That White House has always provided economical, responsible, and efficient service to the visiting public. During the past 30 years White House has served the sightseer by providing direct service into the center of Arlington Cemetery.

6. That all of White House's drivers and personnel are fully licensed, schooled, and all have had extensive experience in tour bus operation, and tour management. All White House tour vehicles are inspected and properly maintained.

7. That if the Army is allowed to put into effect an order that would close Arlington National Cemetery to commercial vehicular tour bus service, of the kind provided by White House for the past 30 years, White House would suffer great and irreparable damage in that it would be barred from doing business as it has and that such loss of business would lead to a substantial financial loss, and eventual bankruptcy on its part.

8. That not only will White House be forced to cease operations if such an order is executed but service to the many Americans and foreigners who will visit Washington and Arlington National Cemetery will be greatly curtailed, become inefficient, and much more costly in that taxes will be lost by Virginia and the District of Columbia and that visitors will have to pay an increased rate for service.

Mr. Chairman, I have a letter to Congressman Broyhill I would like to read at this time:

Hon. Joel T. Broyhill,
House of Representatives,
Washington, D.C.

Sir: In 1946 after leaving the military, I drove a taxicab where I had an opportunity to encounter many visitors to our Nation's Capital and to become familiar with the sightseeing industry. Being proud of our Nation's Capital and having a zealous desire for others to share this emotion, I found an opportunity in the sightseeing industry to fulfill this desire as well as an opportunity to meet personal economic needs. I later became employed by one of the Interstate Commerce Commission certificated carriers in the Metropolitan Area where I operated limousines then busses as a tour guide. I was later employed by the same carrier in a managerial capacity.

After several years an opportunity became available to several other guides and myself to purchase an Interstate Commerce Commission and a Washington Metropolitan Area Transit Commission certificate from an existing carrier to engage in sightseeing and pleasure tours in the Metropolitan Area. By straining our personal economic resources to their fullest capacity, we managed to purchase these rights with full knowledge that we were entering into a highly competitive industry. Since that time we have welcomed competition from free enterprise competitors as an incentive to improve our services, but have found competition with a governmental agency through their concessioner and their continual expansion to be self-evident of our ultimate destruction in business.

The Memorandum signed by the Secretary of the Army and the Department of the Interior on March 6, 1970 will jeopardize the very existence of the sightseeing industry because of the following monopolistic injustices being practiced by the Department of the Interior in behalf of Landmark Tours, Inc., their concessioner.

Landmark Tours, Inc. is not certificated as a carrier by the Interstate Commerce Commission or the Washington Metropolitan Area Transit Commission, whereas, private enterprise must secure a certificate of public convenience and necessity by proving necessity and demand exists through public hearing or purchase a certificate from an existing carrier with the approval of Interstate Commerce Commission and/or the Washington Metropolitan Area Transit Commission, the Governmental bodies authorized by Congress as the expertise for the Federal Government in the field of transportation.

Vehicles being operated by Landmark Tours, Inc. do not meet the safety requirements of the District of Columbia, the Washington Metropolitan Area Transit Commission or the Interstate Commerce Commission as required by their existing contract with the Department of the Interior, whereas, private enterprise must comply with these requirements. These vehicles almost double the seating capacity of those being utilized by private enterprise and cost considerably less. Private enterprise cannot utilize these same vehicles as they do not meet the safety requirements of the regulatory agencies and we are required to comply with all jurisdictions.

Vehicles used by Landmark Tours, Inc. are operated without license tags or Public Service Commission licenses, whereas, private enterprise must bear the additional expense of both. Landmark Tours, Inc. does not pay District of Columbia or Virginia State fuel taxes, whereas, private enterprise is required to bear the additional expense of both.

Guides utilized by Landmark Tours, Inc. are not required to obtain a guide license and their drivers are not required to obtain a license to drive a public vehicle for hire. Private enterprise must pass the examination and meet the requirements set forth by the regulatory agencies and bear the expense of both.

Department of the Interior personnel are recommending and selling Landmark Tours from governmental kiosk and on the sidewalks in front of public buildings, whereas, we are refused the same privilege from the Department of the Interior and we must bear the additional expense of hiring licensed personnel as street salesmen.

Landmark Tours, Inc. is permitted to place signs advertising their sightseeing tours in Federal Buildings, including the Lobby of the United States Court of Appeals; private enterprise is refused this monopolistic privilege and must bear the cost of trying to overcome an impossible advertising media: Our Federal Government.

Landmark Tours, Inc. also is receiving free radio and television time as a public service and these are misleading the public into believing that this service is being operated by the Federal Government and their employees and not by a private corporation. Private enterprise must incur the high cost of advertising to try to compete with the fraudulent impression.

Landmark Tours, Inc. has been given large loading and unloading areas at points of interest in the Mall area, whereas, private enterprise has been allocated little or no space for loading or unloading. Private enterprise is being harassed by Landmark Tours, Inc., Department of the Interior and the Park Police personnel at The Washington Monument, White House and Lincoln Memorial.

Landmark Tours, Inc. is not abiding by their contract with the Department of the Interior in regards to the following: (A) Safety requirements for vehicles. (B) Embarking and debarking in route. (C) Still using housing and facilities which were given on a temporary basis. (D) Expansion out of the Mall area in the District of Columbia and Arlington National Cemetery into the Commonwealth of Virginia. (E) By gain of an exclusive or monopolistic right. (F) Obtained numerous economic privileges and advantages not contemplated in the original contract. These plus many other injustices not listed and the Memorandum signed by the Secretary of the Army and the Department of the Interior on March 6, 1970 are forming a monopoly and making it impossible for licensed and certificated carriers to perform a service for the public after necessity and demand has been established.

Diamond Tours, Inc. employs approximately 25 persons and our brochure lists nine different itineraries of which seven include Arlington National Cemetery as a major attraction. Approximately 75% of our gross revenue was derived from tours including Arlington National Cemetery, thus, exclusion of Arlington National Cemetery would leave our brochure noncompetitive and loss of this revenue would leave many people without jobs and result in bankruptcy for Diamond Tours, Inc.

Arlington National Cemetery is an international shrine loved by many foreigners as well as Americans and needs a variety of services and vehicles, large and small in order to accommodate the public in the dignified manner that they are entitled to. Many foreign groups and individuals require multi-lingual guides and special transportation. In addition there are many Golden Age groups that do not need the inconvenience of being needlessly moved from one vehicle to another. Many groups and individuals are limited on time and need special attention. The variety of services required to serve our citizens in Arlington National Cemetery far exceed the few mentioned here.

To assume that the introduction of a carnival type tandem pulled vehicle into Arlington National Cemetery would be in the public interest or cure the traffic problem in Arlington National Cemetery would be a fallacy. The end result of such an act would degenerate our sacred shrines, the Tomb of the Unknown Soldier and demoralize the public image of the military. It would waste many hours of visiting time reuniting students, foreigners and elderly persons separated from their groups. It would also cause hazadrous traffic congestion on the Memorial Bridge, the approach roads and the gates of Arlington National Cemetery. It would lower the quality of service while needlessly increasing the cost to the public. While the additional suggested cost to the public for Arlington National Cemetery is $1.25 per person, it should be noted the cost of this same service in the Mall area has increased 800% in three years.

Since tourism is the largest industry in our Nation's Capital creation of this private enterprise monopoly without government control as a public utility would not only destroy all competition and leave thousands of persons jobless, but would have a devastating economic effect on the entire community.

Therefore Congressman Broyhill, we respectfully request your help in asking the Secretary of the Army to retain the authority invested in him by Congress and to rescind the Memorandum signed on March 6, 1970 with the Department of the Interior. We also respectfully request your help in asking the Secretary of the Interior to correct the injustices in behalf of Landmark Tours, Inc., by his subordinates and by compelling his concessioner to comply with the requirements set forth in their original contract executed on May 29, 1967.

Very truly yours,

Jimmie Lee Faour,
President, Diamond Tours, Inc.

A WARNING AGAINST MAO

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. SCHMITZ. Mr. Speaker, an excellent article on Red China appeared in the New York Times of November 13. The author is a Mr. Bruno Shaw, who, according to the Times, for many years was a correspondent in China and edited the "Selected Works of Mao Tse-tung."

Mr. Shaw makes several points that we should weigh in considering the "de-isolation" of Communist China. We must avoid policy decisions in regard to Red China predicated on the basis of wishful thinking about an emerging new leadership and our possibilities of influencing this leadership in directions we would prefer.

Attempts of the United States to influence the Communist bloc nations always seem to translate into scientific, technical, and other material assistance which provides the leadership, new or old, with materials which help them to accomplish their objectives. It does not change their objectives but simply allows them to divert resources to projects they consider more important, for instance, the manufacture of nuclear weapons, and to benefit from Western technological advances.

Free trade between free nations is to our advantage. It prevents conflicts due to various protectionist measures from arising. Trade between free nations and Communist nations, however, does nothing but increase their strength while in no way alleviating the source of conflict since that conflict is ideological.

We must discard the outworn notions of economic determinism. We cannot buy the Communists off nor quell the spirit of conquest with washing machines. Trading with the various national contingents of Bolshevism is an exercise in national masochism.

The article follows:

A Warning Against Mao

(By Bruno Shaw)

In the Soviet Union under Josef Stalin, at least 700,000 members of the Soviet Communist party were murdered or perished in labor camps, in addition to millions of peasants who were deliberately starved to death.

In Germany, Hitler and his accomplices murdered more than six million men, women and children, and plunged the world into the catastrophe of World War II.

Mao Tse-tung, in his betrayal of the Chinese people, has already slaughtered, exiled and imprisoned more than the total number of people killed and mutilated by Stalin and Hitler combined. And under Mao's chosen successor, Lin Piao, by Lin's own testimony, the worst is yet to come.

Stalin, Hitler and Mao each proclaimed his intention to remold the world by genocide on a vast scale, for racial or economic reasons—Stalin in his *Problems of Leninism*, Hitler in his *Mein Kampf*, and Mao Tse-tung in his *Selected Works*. It was only after Stalin and Hitler were dead that the press of the world, including our own, acknowledged that both had been schizophrenic paranoiacs.

Will we have to wait until Mao Tse-tung, too, leaves our mundane sphere before it will be acknowledged that this murderer of millions of his own people for "harboring wrong thoughts" is as paranoid as were Stalin and Hitler? And that his chosen successor, Marshal Lin Piao, is equally so?

Mao Tse-tung, in his swindle of the Chinese people, invoked the name of Dr. Sun Yat-sen, the revered founder of the Chinese revolution of this century. It gained for him the devoted following of tens of millions of landless Chinese tenant-farmer peasants who constituted 90 per cent of all the people of China.

Dr. Sun advocated the *Minsheng* principle—"each tiller of the soil will possess his own fields—that is to be the final fruit of our efforts."

Far from being the "final fruit" of the Mao Tse-tung's efforts, however, this was to be only the "first stage" of his revolution. In the "second stage" Mao took away from the tiller the land for which the peasant had been tricked into allegiance to the Communist Party of China.

In his *Selected Works*, Mao Tse-tung discloses his plans for the non-Communist world. It will have to "play a role in the world counter-revolution, or on the anti-imperialist front play a role in the world revolution." There can be no escape, says Mao. "There is not a third road."

Between July 7, 1937, when Japan attacked China, and December 7, 1941, when Japan bombed Pearl Harbor, American businessmen made huge profits selling to Japan such "non-strategic materials" as cotton for guncotton, copper for cannon shells, steel for bullets, and toil to make the Japanese war machine wheels spin.

In the 1930's our industrialists did even more business in these "non-strategic materials" with Hitler. And from him we got World War II, with its harvest of American dead.

Now we are being urged to take the initiative to "de-isolate" Red China by entering into "scientific and technical cooperation" with Peking. We did that with the Soviet Union. We built their first great hydroelectric project, their great Cooper Dam, in 1934. We did it with Japan. We did it with Nazi Germany. And with what disastrous results! Do we now have to do it all over again with Red China?

It is also suggested that the United States should recognize Red China and lead the way to seating the Peking regime in the United Nations on the theory, it seems to me, that if you put a fox in a hen coop (even a hen coop which already has some pretty noisome creatures in it) it will turn into a chicken.

A century and a half ago a German philosopher, Georg Wilhelm Friedrich Hegel, wrote: "Peoples and governments never have learned anything from history, or acted on principles deduced from it." I wonder if what he wrote so long ago holds as good now as it did then. If it does, heaven help us all.

TOM WICKER ON PROTECTIONISM

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. WHALEN. Mr. Speaker, the distinguished columnist for the New York Times, Tom Wicker, discussed the trade bill which will come before the full House tomorrow, Wednesday, November 18, in today's edition of the paper.

I am opposed to the protectionist aspects of the legislation which I sincerely believe will do more harm than good to our Nation in the long run.

Mr. Wicker addresses this point in his well-written piece. I commend it to the attention of my colleagues, Mr. Speaker, and herewith insert it at this point in the RECORD.

[From the New York Times, Nov. 17, 1970]

The Protectionist Snowball

(By Tom Wicker)

Nothing seems more paradoxical, at first glance, than that Congress should in 1970 revert to the kind of protectionist legislation that has not been enacted since Secretary of State Cordell Hull made free trade the cornerstone of his policy in the 1930's. In fact, there are good reasons why it should be so, but even better reasons why President Nixon and Congressional leaders of both parties should combine to frustrate the impulse.

Politically, the thing seems simply to have gotten out of hand. Mr. Nixon pledged in his campaign to do something to assist textile manufacturers, who traditionally plead themselves hard-pressed by low-cost imports. When Secretary of Commerce Maurice Stans opened negotiations for voluntary restraints by the Japanese, the Administration apparently asked Representative Wilbur Mills of Arkansas, the chairman of the Ways and Means Committee, to prepare a bill that would impose textile import quotas, in the hope that such a bill lurking in the background would push the Japanese to a voluntary agreement.

Given that much encouragement, the Ways and Means Committee actually wrote a bill that would impose quotas not only on textiles but on shoes and on a wide range of other goods when and if imports reach certain levels. But no voluntary textile agreement has yet been reached with the Japanese—although negotiations continue—and at this moment there appears a good chance that some form of the Mills bill will pass both houses.

The protectionist fever may not be quite so illogical as it seems. In a venturesome paper prepared for the recent Atlantic Conference in Puerto Rico, economist Lawrence Krause argued that the United States did not have much to gain by devoting its efforts to the further freeing of world trade, because its economy was moving so rapidly ahead with the production of services rather than the production of exportable goods; he cited a Department of Labor projection that forecasts an American labor force more than two-thirds employed, by 1980, in service production (government, education, health, finance, etc.).

Mr. Krause also suggested that American private investment abroad, based on current trends, would be yielding such dividend and interest returns by 1980 that the nation would no longer need to run a big trade surplus to maintain balance-of-payments equilibrium. For both reasons, the traditional argument against protectionist policies—that they invite retaliation against the export of American goods—is politically less cogent as its direct economic validity declines.

The economist was by no means arguing for the Mills bill. Indeed, his paper made clear one particularly ironic fact, it was that agriculture, because its comparative advantage is based on land, climate and technology rather than on labor, is, and would continue to be, vitally dependent on exports. Hence, to the extent that the Mills bill would provoke retaliation abroad, that retaliation probably would fall most severely on American agricultural exports, although American farmers gain no compensating benefits.

Moreover, even if the United States has little to gain from further free-trade initiatives, that is not a justification for reverting to protectionism. Mr. Krause's point was that in the 1970's the United States could take unilateral steps to export services and reduce domestic prices (by lowering its own import barriers); but that further initiatives for reciprocal trade liberalization probably should come from goods exporters, notably the European Common Market.

A new round of American protectionism unquestionably would impede such initiatives for years to come. Moreover, in addition to damaging agricultural interests—a point that farm-state members of Congress ought to bear in mind when they vote on the Mills bill—protectionist legislation inevitably will increase American prices, thus sacrificing consumer interests for those of textile and footwear interests. Mr. Nixon's so-called silent majority will pay more for its shirts, blouses, underwear and shoes if he and Congressional leaders fail now to stop the protectionist snowball that they first started down the hill.

If a last-minute voluntary agreement with the Japanese to obviate the bill, Mr. Nixon could again threaten a veto and relieve Mr. Mills of the necessity to push his committee's bill; the President could truthfully claim to have done his best to keep his pledge to the textile men. And when will there be a better time, or a better issue, for the prospective new Speaker of the House, Carl Albert of Oklahoma, and for those who want to succeed him as majority leader, to show the kind of leadership they aim to exercise?

REMARKS OF HON. JOHN J. ROONEY OF NEW YORK, UPON RECEIPT OF FIRST DISTINGUISHED SERVICE AWARD, ST. FRANCIS COLLEGE, JANUARY 24, 1969

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. ROONEY of New York. Mr. Speaker, I seek to rectify an error on my part. St. Francis College in Brooklyn, N.Y., of which I am proud to be an alumnus, presents annually a Distinguished Service Award. I was extremely gratified to be the first recipient of this award. It was presented to me at a luncheon on January 24, 1969. At the luncheon I promised Rev. Brother Urban Gonnoud, O.S.F., president, St. Francis College, to insert my remarks in the CONGRESSIONAL RECORD for distribution to the alumni. Having failed to do so at the time, I now include them.

I must confess that it was indeed a pleasure at that time to visit a college where values and a desire for an education were still intact. I salute the faculty, the students, and graduates of St. Francis. My remarks follow:

Reverend Brother Urban, members of the Council of Regents, distinguished alumni and guests, gentlemen:

It is a real pleasure to join so many old friends. That pleasure is intensified because of the signal honor you are bestowing upon me today. To have one's public service recognized by an institution of higher learning is always a welcome happening. To have one's own alma mater confer an honor upon you is an even more gratifying experience. Somehow it refutes the long accepted premise "that a prophet is without honor among his own people." I am truly proud to have my beloved St. Francis College extend this Award to me today.

Over the years I have maintained great admiration for this College. I have been proud of its traditions and its own long history of public service.

It has been gratifying to see that year after year for these many years, St. Francis has not deviated from its objective to seek the maximum development of the student for responsible citizenship and moral integrity. St. Francis has achieved that objective by an unswerving program for training every student's intellect and by disciplining his will.

St. Francis can well be proud of its distinguished alumni, so many of whom have followed careers of public service. The faculty members of St. Francis can be proud of their relationship with their students which has been such as to inspire 70 percent of the graduates to continue their education in graduate or professional schools. The fact that almost three-fourths of the graduates of St. Francis could be and are accepted by the leading institutions in America offering graduate courses is in itself a tribute to the high academic standards which Brother Urban and his fine faculty and staff have maintained.

I am proud too of my Alma Mater that it has not been the scene of violence and mass misbehavior of its almost 2,000 students. This lack of sit-ins, demonstrations, strikes and other disruptive practices becoming so widespread among our colleges and universities is not entirely the result of the lack of resident facilities on our campus. It results primarily from the fact that our students and their parents appreciate both the need for the best possible education attainable and the quality of training which St. Francis affords the students fortunate enough to be accepted.

My friends, I am both saddened and resentful over the irresponsible actions of a small but very articulate minority of our American college students who succeed in disrupting college and university programs and activities. I regret that serious young Americans, ambitious to learn and improve themselves are thwarted in their efforts to acquire all that faculties and academic fellowship can offer—thwarted because of a small group of immature and irresponsible trouble-makers. I resent the situation that tolerates the ridicule and humiliation of some of our foremost and world renowned educational leaders and public servants by a small disruptive group led by equally irresponsible individuals many of whom possess questionable character and motives.

My friends, I am so concerned about the adverse effect these minority groups are having upon our institutions of higher learning that I am seriously contemplating proposing the establishment of a Select Committee of the United States Congress to give careful attention to what is taking place on so many campuses today.

We in the Congress have an unquestioned right to study this cancerous growth not only because of our stewardship responsibilities related to the broad federal subsidies to higher education, but from the standpoint of safeguarding our American institutions and the American public from what appears to be the implementation of a sinister plan for increased civil disobedience and to engender mass revolt. I am convinced that government at all levels, federal, state and municipal, as well as the governing process of college and universities themselves must be strengthened at once to assure that every student who wants to study and learn has an unrestricted opportunity to do so. Students who along with their parents have saved and scrimped, even to sacrificing to finance a college education, should not have their financial investment imperiled by a small disruptive element of misguided campus agitators.

I fully sympathize with students desiring to have greater voice in the rules which govern them. Students deserve to be heard as to curriculum changes or additions. All of this can be achieved through established procedures which are predicated upon mutual respect and dignity of purpose. A college administration which denies the students such privileges and the rights of petition merits the articulate wrath of its students. Fortunately there are few of such undemocratic institutions in our great land today.

I would comment upon another great change which has been taking place throughout our colleges and universities over the past decade or so. I am delighted that our young people, men and women, alike are injecting themselves into the study of and personal participation in politics.

For far too long our students were lethargic, complacent and almost totally insulated from the political scene and the great issues which faced the voters of America. For far too long our faculties and educators generally considered it improper or even unethical to engage in any activities of a political nature. Pedagogues and students alike stood aloof and even looked down upon the political process and abhored the people known as politicians. A professor who ran for public office was a "maverick." One who invited political discussions in his classroom was labeled a radical or a "Red."

Today this picture has had a vast change and faculty members and students alike are in the vanguard of our thinking, "doing citizens" who want to see our precious democratic rights and privileges achieve the utmost for our nation.

The President of St. Francis College, our respected and beloved Brother Urban, is one who has long responded to the demands of civic participation. He has shunned the limelight of the political arena but has nevertheless exerted a telling influence both among political candidates and voters. His interests have not been confined to the local scene but he has seen fit to have his voice heard on a much broader scale.

I was personally thrilled with Brother Urban's appearance in the Nation's Capital where in a dignified ceremony at the White House, he presented our great retired President Lyndon Baines Johnson with an Honorary Degree of Doctor of Laws.

My friends, in closing I want to say again how very proud I am to be a Regent of St. Francis College; I want to say how very privileged I am to have had the friendship of Brother Urban, many members of this faculty and so many fine alumni; and I want to say once more how truly honored I feel to have been chosen for this award. I shall cherish it always.

EMPLOYMENT OF SENIOR CITIZENS ON PUBLIC PROJECTS

HON. BEN REIFEL

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. REIFEL. Mr. Speaker, through programs that have employed senior citizens on public projects we have seen that public service employment can be efficient and constructive. We have also seen that older people urgently desire the opportunity to work. I support this bill in the belief that such programs could be continued or expanded to give more senior citizens a rewarding way in which to increase their incomes. Programs like Green Thumb, which operates in my State, should be continued or expanded.

Include the following:

GREEN THUMB, INC., NATIONAL FARMERS UNION

Provides older, retired low income farmers with: Useful work, extra income, a new start.

Twenty million persons in America today are 65 or older. A great number of them live on incomes that are too low to keep body and soul together. Through no fault of their own, they find themselves in situations where job prospects are rare. Most are unable to find work. They feel useless and rejected, abandoned and forgotten. Under these conditions, their health declines, their bills pile up, and their situation worsens. Green Thumb provides employment for older, retired people

XUM

with rural background; it helps them not with a handout but with an opportunity to work their way out of poverty.

WHAT IS GREEN THUMB?

Green Thumb is an employment program sponsored by the National Farmers Union under a grant from the U.S. Department of Labor as part of the Nelson-Laird Mainstream programs. It now employs over 2,000 in 14 states. They are Arkansas, Indiana, Kentucky, Minnesota, Nebraska, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Dakota, Utah, Virginia, and Wisconsin.

WHAT IS ITS PURPOSE?

Its purpose is to employ older, retired, low income persons to beautify highways, build parks, and carry out conservation and community betterment projects.

WHO IS ELIGIBLE?

To qualify, a person must be at least 55 years old, must have a farming or rural community background, and be below the poverty level. He must pass a physical examination.

HOW MUCH CAN A WORKER EARN?

Each worker works 3 days a week at $1.60 an hour. This working arrangement brings him a yearly income of $1500. The average family income of Green Thumb workers before joining the program was $900.00 per year. Therefore, the $1500 he earns under the Green Thumb program provides the added income that he needs, to enable him to work his way out of poverty.

HOW ARE WORKERS SELECTED?

Local community action agencies and organizations assist in recruiting prospective workers. These agencies refer the applicants to the employment service office in the state. The employment service office screens them for age, income and background. Green Thumb hires the oldest in the group and those with the lowest income.

WHAT KIND OF TRAINING DO WORKERS RECEIVE?

After they are hired, the workers spend their first day on the job attending a day of classroom-type instruction on safety and efficiency. A continuous attempt is made to orient them in the things they need to know about the job during the year they are on the job.

DO WORKERS WORK IN GROUPS?

Green Thumb workers work in crews of about 7, one of whom is designated as crew foreman. The foreman earns $1.85 per hour and can earn up to $1,700 per year.

WHAT ABOUT TRANSPORTATION TO JOB SITES?

Crews are organized into car pools, and the drivers of these car pools are reimbursed at the rate of 8¢ per mile from the first pick-up point, to the job site and back to the first pick-up point.

ARE WORKERS COVERED BY INSURANCE?

While on a job, each worker is protected by Workmen's Compensation and Disability Insurance. He also has a general liability protection.

WHAT IF A WORKER HAS A GRIEVANCE?

Any worker who has a grievance or a complaint may discuss it with his foreman, his field supervisor, or state Green Thumb director. If he fails to get satisfaction from such discussions, he has a right for a hearing by the National Green Thumb Grievance Committee.

HOW DO AGENCIES GET TO PARTICIPATE?

Local government agencies may request to participate in a Green Thumb project in a Green Thumb state by writing the state Green Thumb office describing the proposed project in detail.

WHAT DO LOCAL AGENCIES PROVIDE?

Local agencies must provide all materials, including plantings, lumber, heavy equipment, cement and other necessary materials. While GT provides supervision, the local agency should oversee the project.

WHAT TYPE OF PROJECTS ARE THERE TO DO?

Any type of beautification projects, conservation or community betterment projects, on any publicly owned land, or land owned by a non-profit organization.

HOW MUCH OF THE FUNDS GO TO WORKERS?

A good 83% of the program funds go to the workers.

SOME OF THE AGENCIES AND ORGANIZATIONS NOW WORKING WITH GREEN THUMB

Department of highways.
State Parks and Conservation Dept.
State Forests.
County Commissioner's Office.
County Park Dept.
City Park Dept.
Local Historical Societies.
Senior Citizen and Community Centers.

GREEN THUMB FIELD OFFICES

P.O. Box 4241, Asher Avenue Station. Little Rock, Arkansas 72204—(501) 663-1771.

Vehslage Bldg., 3rd & Chestnut Sts., Seymour, Indiana 47274—(812) 522-7930.

P.O. Box A, Main Street, Beattyville, Ky. 41311—(606) 464-8611.

P.O. Box 310, Wadena, Minn. 56482—(218) 631-3483.

640 N. 48th Street, Lincoln, Nebraska 68504—(402) 466-2206.

Trenton Trust Bldg., Rm. 702, Trenton, N.J. 08608—(609) 393-8958.

23 Main St., Cobleskill, N.Y. 12043—(518) 234-3581.

1141 West Sheridan, Okla. City, Okla. 73106—(405) 232-2044.

215 Front St. N.E., Salem, Oregon 97301—(503) 585-2433.

Post Office Bldg., Sandy Lake, Pa., 16145—(412) 376-5461.

513 South Main Ave., Room 404, Sioux Falls, S.D. 57104—(605) 332-7991.

2520 S. State Street, Room 170, Salt Lake City, Utah 84115—(801) 484-2724.

Marshall Bldg., Main Street, Blackstone, Va. 23824—(703) 292-3698.

Clark County Courthouse, Room 209, Neillsville, Wis., 54456—(715) 743-3036.

For more information on Green Thumb or Green Light, contact your local Green Thumb office.

TRAINED TO DO EVERYTHING BUT FIGHT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. SCHMITZ. Mr. Speaker, at this point I would like to insert in the RECORD a very interesting article which appeared in the February edition of the United States Naval Institute Proceedings. The author is Maj. John Alger, retired, who has an excellent background in the field of military history.

The article deals with the previous attempt to bring about an all volunteer Army in 1947. Major Alger relates the findings of the "Doolittle Commission" and the results which were achieved by following the recommendations of this study group. It was found at the beginning of the Korean war that the revision of the training procedures which had taken place in order to make the Armed Forces more attractive to potential recruits had resulted in soldiers who were trained to do everything but fight.

Since we do not want to repeat this error, I would advise all who are considering the possibility of a volunteer Armed Forces, to carefully study Major Alger's findings. We must not sacrifice the quality of our Armed Forces in an attempt to recruit. This is especially true of changes in training which adversely effect the discipline of the troops. As George Washington so rightly pointed out about discipline—

> It is the soul of an army. It makes small numbers formidable; procures success to the weak, and esteem to all.

If our forces are going to be reduced in number it is apparent that the discipline of the smaller forces must be all the higher to compensate for the reduction in numbers.

Many feel that ending the draft will go a long way toward restoring harmony in our Nation. This is questionable since the draft has been in continuous existence since 1940, with the exception of 1947-48, while the strife we witness today is of a more recent vintage. Whatever the case, let us not allow our desire for internal peace to replace a sober analysis of what training procedures are necessary to produce forces that can adequately defend the Nation.

The article follows:

THE OBJECTIVE WAS A VOLUNTEER ARMY

(By Maj. John Alger)

In 1946, the U.S. armed forces were receiving the full blast of the anti-military criticism that has followed the ending of every American war.

In response to the clamor to "bring the boys home," more than six million men had been discharged in the nine months following VJ-day, but criticism of the military was increasing in the press and on the radio. In the past, the complaints had ended as wartime forces were demobilized and the country returned to its normal isolationism with professional volunteer forces reduced to a minimum.

The post-World War II situation was entirely new and disturbingly different. It was obvious that there could be no return to isolationism and that an army of at least a million men would be needed to provide occupation forces in Germany and Japan. It was also apparent that, with the prevailing mood of the American people, any attempt to put the Selective Service Act of 1945 into effect would be political suicide.

People wanted to forget the draft and the war. A volunteer army was the only answer. And so, with the tide of anti-military complaints still rising, Secretary of War Robert P. Patterson appointed a six-member board, in a memorandum dated 18 March 1946, instructed to study officer/enlisted man relationships and to make recommendations for changes in existing practices, laws, and regulations to the Secretary of War.

The Board was instructed to concern itself with an examination of complaints of lack of democracy in the Army, instances of incompetent leadership, and the abuse of privileges. Information was to be obtained from former soldiers' written statements, from recorded interviews of witnesses appearing before the Board, magazine and newspaper articles and letters received by the Board, and radio commentary. In addition, the War Department furnished the Board detailed information on the differential treatment accorded officers and enlisted men.

All six members of the Board were former enlisted men, including Lieutenant General James H. ("Jimmy") Doolittle, the Chairman, and hero of the first bomber raid over Tokyo, and Lieutenant General (Retired) Troy H. Middleton, former commander of the Army's

45th Division and VIII Corps. It was noted by the skeptical that no graduate of the U.S. Military Academy was included. Other members were:

Robert Neville, former lieutenant colonel, who had been on the staff of *Yank* magazine as an enlisted man and later served as editor of *Stars and Stripes* in Italy.

Adna H. Underhill, a former platoon sergeant and captain, who had been commissioned from Officer Candidate School, and had been awarded the Silver Star for combat at Anzio.

Jake W. Lindsey, former technical sergeant, who was the hundredth infantryman to win the Medal of Honor in World War II.

Meryl M. Frost, former sergeant, who had been seriously wounded in Italy. After 18 months recuperating in Army hospitals, he returned to Dartmouth College to win the Philadelphia Sportswriters' Award as the most courageous athlete of 1945.

The report begins with a statement of the Board's purpose, followed by a historical note to the effect that, although the American military system is derived from the Prussian and the British armies, the phrase "caste system" cannot be appropriately applied to it, since the selection of individuals for commissioned rank is based on democratic principles. Nevertheless, the Board cited instances of strained relationships during the Revolutionary War, Civil War, and World War I. The causes were alleged to be resentment of "aristocratic" rank and privileges that had no significance or value, and the officers' lack of interest in the welfare of enlisted men.

After World War II, the complaints reflected the higher educational levels of the enlisted men, which made them much more critical of both their officers and noncommissioned officers. This attitude had also been commented upon after World War I, in a report by the Secretary of War and, in the wake of World War II, the Board's report stated, "similar reaction to the military establishment is appearing. Concurrently with widespread discussions of demobilization, enlistment and re-enlistment in the armed services, the extension of the Draft Act, universal military training, unification of the military services, and a host of other problems, involving both Army and Navy and their relation to international issues, much is being written and spoken on the subject of officer/enlisted man relationships."

Commenting on complaints of lack of democracy in the Army, the report explained and to some extent defended, rank and privilege.

"Those . . . who understood the mission or objective of an Army whether in peacetime or in an emergency, did not argue for the abolition of rank or privileges in the military service.

"A review of the Russian experience with their own military system during and after the Revolution in the winter of 1917–1918, when the Red Army abolished rank and privileges, brings to light the fact recognition was not given by the Russians at that time to the essentials referred to in the preceding paragraph. In subsequent revamping of their military system in terms of these basic principles, the pendulum swung in the other direction and the Russian officer corps now has greater prestige and privileges than before the reorganization was attempted and far more than is accorded officers in our Army."

Having considered the testimony of the 61 witnesses who appeared in person and the more than a thousand letters received, the Board reported that the official gap, established by regulations and tradition, between officers and enlisted men was the basis of the majority of complaints and unfavorable criticism. In this connection, a report of the American Institute of Public Opinion, published 3 May 1946, was quoted, stating that 72 per cent of a cross-section of the nation said "good idea" in answer to the question, "Do you think it would be a good idea if Army officers and enlisted men had the same food, clubs and social privileges?" Officers were reported to be about equally divided on the question, but 80 per cent of former enlisted men favored eliminating special privileges for officers. Also quoted was an Army survey, made after VJ-day, which had reported that 79 per cent of the enlisted men questioned agreed with the following statement: "An officer will not lose the respect of his men if he pals around with them off duty."

With such evidence at hand, and apparently accepted without question, the Doolittle Board set about the task of planning a new type of democratic army, attractive to volunteers and in some respect similar to the proletarian Red army criticized in its own report.

Under the heading, "An Advanced Concept," it was stated that both the testimony of witnesses and letters received recommended a new system of personnel organization that would erase the line between officers and enlisted men. The new plan called for a gradual rise from the lowest to the highest rank in the Army, with each step up the scale involving an increase in duties, responsibilities, and authority. Selection of individuals for any position in the scale would be made only by competitive examinations. Promotions would also depend on the passing of examinations.

Under the proposed plan, it was stated, "the pay scale would correspond to that which now prevails in the most advanced personnel management systems in the field of business and industry. Monetary allowances would be on a graduated basis but factors other than rank will govern the amounts granted at each level in the scale."

This new pay-as-you-grow plan would not only provide incentive for advancement, and motivation to follow the military service as a career, it would also prevent any possibility of incompetents getting into positions of responsibility. It was admitted that the new approach would require a complete revision of Army regulations, "and a breakdown of many customs and traditions."

In its conclusions the Board admitted that there had been complaints against the military establishment after other American wars, and attributed them to the "distaste of citizens in our democracy for a regimented life in which an individual to some extent loses his identity." And, because the majority who served were drafted—many against their will—much of the general criticism could have been expected.

"Americans look with disfavor," the report continued, "upon any system which grants unearned privileges to a particular class of individuals and find distasteful any tendency to make arbitrary social distinctions between two parts of the Army." To the skeptical, this seemed a curiously illogical statement in view of such highly prized American status symbols as membership in exclusive college fraternities, residence in an exclusive and expensive community, and membership in an exclusive country club. However, the Doolittle Board's all-out aim to please was indicated in its recommendations. After two paragraphs, of one sentence each, stating that we must have an Army "modern, economical, efficient and effective" maintaining "the control and discipline, which are essential to the success of any military institution;" the first objective mentioned was maintenance of morale so that "people returning from combat duty or service in the military establishment return in the best possible mental, moral, physical, and spiritual condition. Conditions must be such as to create in the mind of the soldier a favorable impression of the military service and of the government." It was further stated that the Army of the future should provide "improvement of the character, the knowledge, and the competence of its members."

And, what, if any, would be the role of the officer in this new and improved Army? Repeating the vague phrase, "conditions must be such," the Board stated that the officer corps must be improved so that it would merit the respect of soldiers and civilians alike. To achieve this goal, emphasis was again placed on competitive examinations, much closer supervision by commanders, and "measures to assure freedom from individual prejudice, favoritism and political pressure."

The democratic nature of the New Army was indicated in paragraph 12 of the recommendations which provided that:

"The hand salute be abandoned off all Army installations and off duty, except in occupied territorities and under conditions where the procedure might be deemed necessary to properly convey military dignity to local populations, but be employed in all official greetings in the line of duty and continue to be manifest at ceremonial occasions and when the national anthem is played or the colors pass by. That necessary steps be taken to eliminate the terms and concepts, 'enlisted men' and 'officers,' that suitable substitutes be employed—e.g., members of the commissioned corps, members of the noncommissioned corps, etc.—and that all military personnel be referred to as 'soldiers'."

Warning that length of military service seems to divorce military personnel from the civilian outlook, and that close contact and association with civilians must be maintained, paragraph 13 states that a maximum of military personnel living in civilian communities, rather than on Army posts, would aid in maintaining "the mutual exchange of information necessary in a citizens' Army."

The report also called for the abolishment of all statutes, regulations, customs, and traditions which discourage or forbid social associations of soldiers of similar likes and tastes because of military rank.

The Doolittle Board's report concluded with the suggestion that further study be made of accumulated materials for the purpose of extracting additional ideas worthy of acceptance.

Following the War Department's publication of the report of the Doolittle Board, an intensive recruiting campaign for the "New Army" was launched with the slogan "Make It A Million." One unforgetable poster showed a young man smiling happily and bore the message "In the New Army your son's personality will be respected." Other posters stressed pleasures of free travel overseas and the chance to learn a trade.

The Board having directed that the soldier's morale was to be maintained by improving him mentally, morally, physically, and spiritually, training schedules soon indicated that more time was being spent at lectures and in class rooms than on the drill field.

For mental improvement there were troop information and education lectures on prescribed subjects such as "The Soviet Constitution," "The New England States," and "Mexico, Our Southern Neighbor." The value of this information to riflemen was not explained.

As this was to be an Army of specialists, there was increased emphasis on special schools to which soldiers were sent to learn skills previously learned by on-the-job training in their own units. Instead of reporting to the company supply sergeant to learn to be a supply clerk, the New Army soldier would attend a six weeks course in Administration and Supply at the Quartermaster School. Upon completion of the course, he

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would return to his unit with an official document verifying his new status and—if he was an eager beaver—notes on the latest theories on supply procedure for the edification of his supply sergeant.

There were schools for clerk-typists, bakers, cooks, warehouse clerks, and chaplains' assistants, to name only a few. Soon there were soldiers who had a number of schools on their record, some because they found classroom life more attractive than winter maneuvers in Germany and others because their company commanders could get rid of them for from four to eight weeks by sending them to school.

The Articles of War defining military offenses and the penalties for them, formerly read to the troops, were completely revised and superseded by The Uniform Code of Military Justice. The new code provided for enlisted men on a court-martial board when the accused was an enlisted man and requested them. This seemingly democratic gesture backfired as it soon became apparent that professional noncommissioned officers on court-martial boards were frequently more severe than the officers. It was also soon apparent that the standards of conduct of the code are not as high as those of the Old Articles of War. Among officers, there was discussion of the old A. W. 95, reading: "Any officer, cadet or midshipman who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service." This was now modified to ". . . shall be punished as a court-martial shall direct." No longer would a false official statement or his signature on a false report result in inevitable dismissal. Nor would the officer's word of honor, in the form of a certificate, be accepted without question as it had been in the past.

For officers and noncommissioned officers long accustomed to accepting a way of life in which every individual's status was clearly defined, adjustment to the new democratic Army was difficult and, for many, impossible. Disciplinary authority was taken away from junior officers and company commanders. No longer was the "Old Man," the company commander, the unchallenged leader with the right to promote and demote, and to reward and punish. Such matters now had to be approved by higher authority. At some posts company commanders were required to provide a suggestion box in the orderly room for the convenience of soldiers who had ideas for the improvement of the unit. There were also forms to be signed stating that the individual accepted company punishment and waived his right to demand a court-martial instead.

Hardest hit of all by the new concept of lecture-oriented training and relaxed standards of discipline were the older noncommissioned officers who, in the past, had been known as the backbone of the Regular Army. In order to create a favorable impression of the Army, as prescribed by the Doolittle Board, the traditional tough sergeant must now learn how to deal with the new type of soldiers whose personalities were to be respected. The sergeant must be a kindly father image who never used harsh or profane language. In refusing his company commander's plea to re-enlist, one old Army sergeant expressed the opinion of many of his kind: "No Sir! Uncle Sam can have my 18 years. I've been a sergeant too damn long to learn how to be a den mother."

At higher command levels attitudes towards the new doctrine of closer command supervision varied considerably. Some troop commanders still followed the old Army custom of not interfering with company, troop, and battery commanders whose units met required standards of performance. Others, anxious to show their enthusiasm for the "new approach," held company commanders' meetings at which recommendations ranged from advocating the democratic practice of calling cadre noncommissioned officers by their first names to holding regular "bull sessions," with noncommissioned officers not present, so that the men would feel free to make complaints and offer suggestions to the company commander.

No Army in history had ever been as well fed or as lavishly provided with recreational facilities and equipment. Feeding the troops was no longer entrusted to mess sergeants who now received detailed instructions for preparing the menus created by professional civilian nutrition experts. Special Service Officers procured and distributed athletic equipment of all kinds and supervised athletic activities. Overseas, young American ladies, recruited by Special Services, operated hobby shops offering instruction in leather working ("Make Mom a pocketbook"), guitar-playing, table tennis, and sponsoring bingo tournaments. If the young soldier did not return stateside a worthy bridegroom for the girl next door, it would not be for want of effort by Special Services. In spite of an intensive recruiting campaign and the best efforts of teachers, preachers, sociologists and psychologists to build an all-volunteer Army, there were less than 200,000 volunteers.

There had been very few draft calls in 1946, and in some months none at all. In March 1947, President Harry S. Truman, in his message to Congress stated that he thoroughly desired to see the armed forces on an all-volunteer basis at the earliest possible moment and he did not recommend an extension of the Selective Training and Service Act expiring on March 31 of that year. The draft law was not renewed and volunteer enlistments declined sharply. The era of postwar prosperity had arrived. Wages were high and jobs plentiful. Because of reductions in their authorized strength, the Navy and the Marine Corps had the advantage of being able to depend on voluntary enlistments, but the Army was in trouble.

A year after his recommendation that the draft law be allowed to expire, President Truman addressed a joint session of Congress requesting restoration of the draft and, in addition, the establishment of a system of "universal military training." All youth, at the age of 18, would serve a year on active duty in the armed forces followed by a period in the reserve forces. Congress turned down this proposal, but restored the draft. Volunteer enlistments increased immediately.

Although the Army had failed in its recruiting campaign for volunteers, the inducements offered to make Army life pleasant and comfortable remained in force. The relaxed standards of discipline, resulting from the "new approach" recommended by the Doolittle Board, together with the new emphasis on the rights and privileges of enlisted personnel produced results far different from those predicted by the Board. Inspector General officers were now available to hear all complaints and they were kept busy. With resumption of the draft a new type of complaint had to be dealt with. Instead of going to the Inspector General with their grievances, the disgruntled soldier soon discovered that a letter from a Congressman could be depended upon to get quick action. This was particularly effective when written by "Mom" on information furnished by her boy. The Congressman's letter, demanding an explanation, would be promptly answered by the commanding officer of the post where the complaining soldier was serving.

Restoration of the draft also resulted in a marked increase in the number of college students enrolled in the Reserve Officers Training Corps. Upon graduation from college they would be commissioned as second lieutenants in the Reserve and required to serve either six months or two years, on active duty, depending on the existing need for officers. But ROTC cadets were not subject to the draft. It was not long before the vast majority of lieutenants came from the ROTC, and their status as temporary officers was not always enviable. Career NCOs regarded them skeptically as amateurs who would complete their required service before they learned how to be officers. Understandably, they were not popular with college graduates who had been drafted.

For four years the Army seemed to be functioning effectively with many, but not all, of the Doolittle Board's recommendations in effect. Never before had so many soldiers been trained as cooks, bakers, clerk-typists, radio repair men, stock clerks, and chaplains' assistants.

The effort to recruit volunteers for the Regular Army was now concentrated on draftees who were urged to "Go R.A." for a guaranteed choice of assignment and increased opportunities for specialized training.

Public information and troop information activities were increased at the same time that tactical formations were being reduced for reasons of economy. Infantry regiments were reduced from three battalions to two, with one rifle company dropped from each regiment and one battery eliminated from each unit of division artillery. Worn-out World War II equipment was not being replaced. There were many field radios that would not work, vehicles that would have to be towed to the LSTs when the time came to move out to Pusan, mortars for which there was no ammunition and bazooka missiles that would splatter harmlessly against the armor of Russian-built tanks.

When, on 25 June 1950, the North Korean People's Army attacked across the 38th Parallel, routing the American trained South Korean Army, hastily assembled American units could not stop them. By the end of August, U.S. forces had retreated to the "Pusan Perimeter" at the southeast tip of the Korean peninsula.

Ejected suddenly from the soft life of the occupation army in Japan the troops had not been adequately prepared mentally or physically for war in Korea or anywhere else. They were not to blame when they did not live up to the combat traditions of the Regular Army. As one skeptic remarked, "They were trained for everything but war." There were many instances of individual bravery which were play up by the press, with less frequent references to a new term, "bug out."

While the Army had been experimenting with troop information lectures and the new psychological approach to disciplinary problems, the Marines continued to maintain their traditional standards based on strict discipline and rigorous combat training. The reduction in their authorized strength had proved to be a blessing in disguise, for they were again an all-volunteer force with a simple message for the recruit: "Shape up or ship out. We didn't ask you to join us."

After Korea, the pendulum of Army policy began to swing back in the direction of traditional concepts of discipline and leadership. In due time, there appeared a new type of "Specialist" who wore a campaign hat as the distinctive insignia of the group of experts to which he belonged. The first members of the group had been trained by Marines, who wore the same hat and had been known for years as Drill Instructors. They were all volunteers.

THE VETERANS OF FOREIGN WARS

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. ERLENBORN. Mr. Speaker, a most extraordinary record of service to the United States and of encouragement to the young men who must represent us in the military services around the world is being made by the Veterans of Foreign Wars, Department of Illinois, Fifth District.

The commander of the Fifth District is Richard K. Anderson, and the Americanism chairman, under whose guidance much of this fine record has been made, is James C. Alsobrook.

In 1967, the Fifth District won the Freedom Foundation gold medal—the George Washington Honor Medal for its community programs. It was awarded the Freedom Foundation's certificate in 1968. In 1969, the Fifth District won the National VFW silver plaque for its service; and the Community Activites Award of Excellence was presented by the VFW national office this year.

Mr. Speaker, these veterans are doing what they can to foster love of country, and to encourage loyalty to our Nation's institutions and its lofty ideals. Some citizens are discouraged, declaring that we do not live up to our Nation's ideals.

These veterans, however, have served the United States on foreign fields, have known adversity, and some have known an imminence of death. They are not discouraged. They know that man can best live for himself if he also lives for his country.

H.R. 18970—TRADE ACT OF 1970

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues the following telegram I received from my constituent, Lt. Col. George S. Smith, retired, of Lompoc, Calif.:

Reference: Mills House Bill 18970, Trade Act of 1970.

As a retired USAF officer and now small businessman I wish to state my opposition to this bill which has been attached as a rider to social security legislation.

1. If the bill is to be given proper consideration and debate it should be handled separately and not deceptively included in unrelated legislation that could otherwise pass on it's own merit.

2. The democratic and economic principles of this country have found one of their greatest strengths in a free enterprise system with a minimum of government regulation. These principles are not the sole possession of the United States. It is as wrong today to build trade barriers between the world comunity as it was when the original thirteen states attempted to do the like between themselves. The problems that stemmed from this action by the original states is a matter of history; strife, discontent, polarization of interest, and armed skirmishes. History has proven that nations that have a strong mutual interest in economic intercourse only face each other across the market square and never across the battlefield. Would Japan have gone to war with us in 1941 if they had enjoyed the trade relationship with us then that they have now? Protectionism of the market place now just to maintain the spiral of wages and profits could well be paid for with the blood of our sons in the future.

3. Protective tariffs and quotas on imports are actions that create reactions that create divisions in the world community. They are also a poor substitute for a product that competes on the basis of quality, workmanship and price. When protection is included in by a government the consumer suffers in shoddy goods and products. Both management and labor have a mutual responsibility to produce a competitively priced quality product that is available for the consumer on the world market. If they can't bake a better cake, they should either get out of the kitchen or revaluate their demands for profits and wages that continuously widen the gap between foreign and domestic labor and capital return.

4. Myself and many of my colleagues strongly urge opposition to this dangerous proposed legislation.

GEORGE S. SMITH,
Lieutenant Colonel, USAF, Retired.
LOMPOC, CALIF.

THE HUMAN COST OF COMMUNISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. RARICK. Mr. Speaker, an unsuspecting public, to whom most antagonistic reports concerning communism are suppressed, has never been told the staggering costs inflicted upon the human race by Communist leaders in their mad obsession to force their system to work.

To date, an estimated 21.5 million people have been executed or otherwise killed by Soviet Communists since their revolution. This estimate does not include the millions who continue to live in slavery, denied every vestige of human rights and dignity as an individual under an oligarchic collective state. Nor do these casualties include the Communist victims of Red China, Cuba, Vietnam, and Korea.

In fact, it is suggested by some that a minimum estimate of human lives lost in Communist aggression for world conquest is between 35 and 45 million to date.

Those who know communism have seen its false promises and repeated failures and know firsthand that it is a distortion and perversion of humanity under which no free society can survive.

Juanita Castro, sister of the dictator, Fidel, has said that "Fidel broke all ties with the family. He declared that family ties came only from animal instincts."

Communism can never work until all individuals are denuded of man's God-given intelligence and aspiration to be free and reduced to the state of subservient animals.

No American who knows the truth about communism could ever choose communism over our present system of government.

Several related news stories follow:

STATISTICS OF COMMUNIST KILLINGS

CHRISTIAN ANTI-COMMUNISM CRUSADE,
Long Beach, Calif., November 15, 1970.

Under the title "The Human Cost of Soviet Communism" the Senate Internal Security Subcommittee has produced a documented record of the number of human lives exterminated by the communists during the consolidation of their conquest of Russia.

The report has been compiled by Robert Conquest who is the leading British authority on the communist world. His academic qualifications are impeccable. He has held fellowships in Soviet politics at the London School of Economics and Columbia University. Recently he wrote the book "The Great Terror" which is a definitive account of the purge trials and mass executions carried out by Joseph Stalin. Concerning this book, Bernard Levin in the Daily Mail writes:

". . . A passionate objectivity, a deadly sense of justice . . . an ability to marshall and present facts . . . I know of no modern history with which it can be compared . . . Robert Conquest deserves the thanks of humanity."

He concludes that at least 21.5 million persons have been executed or otherwise killed by Soviet Communism since the revolution. He classifies the deaths under Soviet rule as follows:

"Executed or died in prison camps during the postrevolution period (1919–23)	500,000
Executed during the Stalin terror	2,000,000
Died in camps during the pre-Yexhov period of Stalin's rule (1930–36)	3,500,000
Died in forced labor camps during the Stalin-Yexhov terror (1936–38)	12,000,000
Died in the politically organized famine during the forced collectivization of the thirties	3,500,000
Total	**21,500,000"**

Mr. Conquest points out that this is a conservative estimate which is almost certainly too low and that the real figure might very well be 50 per cent greater than this.

He does not include in this tabulation the deaths caused by the civil war, 1919–1921. During this war 9 million lives were lost from military action, executions, typhus, and famine while the great famine of 1921, which followed the civil war, cost another 5 million lives.

If these figures were added, *a minimum estimate of human lives lost is 35 million while 45 million is more probable.*

The principal source of information used by Mr. Conquest are reports published by the Russian authorities and eye-witness accounts written by survivors of prison camps.

The net result of this incredible slaughter is the Soviet Union today. Instead of being the promised paradise, it is a totalitarian state where a ruthless political elite seeks to perpetuate itself in power and to order every aspect of the people's lives.

The original communist conquerors of Russia promised abundance. The reality they have created is a state-owned system of agriculture which, by destroying human motivation, has saddled the Soviet Union with the most backward and unproductive agriculture in any major nation.

The communist conquerors promised that they would produce a new superior man. This new man would produce artistic and cultural works of transcendent value. The reality is an artistic wasteland where literature and art are reduced to instruments of communist propaganda and where those brave individuals who seek to express their true artistic identity are sentenced to prison or forced labor or the insane asylum.

Mr. Conquest points out that the great majority of the murders were not forced on the communists by the opposition of their opponents or committed in the heat of battle. They are the direct consequences of communist philosophy and doctrine. Long before the communists seized Russia, they had convinced themselves that a large segment of the bourgeoisie was intrinsically and incurably evil and should be eliminated. They had extolled mass terror and praised those who had used it. Consequently the record of merciless brutality is not a perversion of communism but its fulfillment.

[From VFW magazine, November 1970]

ALONG THE RED FRONT

(By Donald L. Miller)

KYOTO, JAPAN.—Mists clung in the notches and fringed the ridges of the mountains at the edge of this ancient city. Inside the famous Miyako Hotel, looking out at this typical Japanese scene, I talked with Juanita Castro about her brother, Fidel.

"Fidel broke all ties with the family," she was saying. "He declared that family ties came only from animal instincts. He said his only brothers and sisters were Communists.

"Fidel may be a hero to misguided radical youth in America and here in Japan, but the young people are wrong about him. No one has the right to hold the destinies of other people in his hands, least of all Fidel.

"He causes disruption. He attracts violence. He deceives people with promises of good things and produces only failures and human tragedies.

"The goal of the Cuban people is to get rid of Fidel and of Fidelismo. This is a Cuban problem. We know it. But we also need the moral and financial help of other people. They, too, will benefit if Cuba gets rid of Communists."

Miss Castro talked about the missiles in Cuba and the training camps for guerilla fighters from many countries in Asia and America. "No country in the Western Hemispere can feel secure while Communists are in Cuba," she said.

What kind of man is Fidel? His parents were well-to-do, good citizens like the parents of many of today's student radicals. But Fidel disrupted nearly everything he touched. He was destructive and ambitious. So he became a guerilla and sold his soul to Moscow secretly in exchange for Soviet support. Now Cuba is nothing but a military vassal of the Soviet Union.

Fidel gained power at the start by promising a change from Batista, land to the people, an end to corruption and support for small business. Those who were deceived by such promises into supporting Fidel were the first to be liquidated once he gained power. He wanted no obstacles to limit his total rule.

His appeal was to two kinds of people. First, those who believe promises and shut their eyes to facts. Second, Fidel drew to himself those who like violence and seek to impose their own total power over others.

Young people who look up to such a man are either confused or spiritually sick. Miss Castro said, "Such young people do not know Fidel as I do. They do not know Communism as only one who has lived under it can know it. Their confusion and sickness must be cured or they will bring tragedy to themselves as Fidel brought tragedy to the Cuban people."

Miss Castro had come to Japan to speak at the fourth conference of the World Anti-Communist League which this year received messages of encouragement from Japan's Prime Minister Eisaku Sato, Korea's President Chung Hee Park and U.S. Vice President Spiro T. Agnew. Sen. Strom Thurmond delivered the principal address.

[From Human Events, Nov. 21, 1970]

THE BALTIC PLIGHT

(By Russell Kirk)

Now and again I wonder why certain Americans, who accuse the Greek military junta of brutality and lament our roughness with the Viet Cong, seem to have forgotten altogether the dreadful plight of the Estonians, Latvians and Lithuanians. The independence de jure of those countries still is recognized by Washington, but the very survival of the Baltic peoples is menaced by Soviet Russian tyranny.

In America, all three Baltic national groups maintain vigorous cultural and political associations; and I hear often from readers, escaped from Russian domination or destruction, who keep alive in this country the hope of national freedom. Recently I received a copy of the proceedings of the First Conference on Baltic Studies (obtainable from the Association for the Advancement of Baltic Studies, Pacific Lutheran University, Tacoma, Wash.).

This volume contains some 50 interesting papers, divided into groups; communism and nationalism in the Baltic republics; the Baltic people and the Soviet Union; modern Baltic history; the contemporary religious situation in the Baltic states; postwar Baltic literature; problems in Baltic linguistics; postwar economic developments; scientific developments in the Baltics; proposals for the advancement of Baltic studies—even of a Baltic university, perhaps at Chicago.

The Rev. Joseph Prunskis' succinct essay on "The Religious Situation in Soviet Occupied Lithuania" may suffice to suggest the ghastly misrule inflicted by the Russian Communists upon those submerged republics. During the era of Stalin, Dr. Prunskis records, some 30,000 Lithuanians were either killed or exiled. One bishop was shot, a hundred priests were imprisoned, and 180 priests deported. About 145,000 Lithuanians still are kept in Siberia, a quarter of a century after the Soviet conquest.

"The Soviet war against religion was continued during the Khrushchev era," Father Prunski writes. "The occupational regime closed 424 churches and chapels. Children and young people under 18 were strictly forbidden to study religion. At the beginning of 1967, students in the secondary schools had to fill out a 16-item questionnaire.

"Some of the questions were: 'Are there any religious-minded people in your family?' 'Do the members of your family attend church?' etc. The Bolsheviks are thus forcing students to denounce their own parents, brothers, and sisters—to be spies for the occupiers."

Between 1940 and 1968, four bishops and about 170 priests were matyred in Lithuania. Communist persecution of Christians is equally ferocious in predominantly Lutheran Estonia and Latvia. Lutheran churches destroyed or badly damaged during World War II have not been replaced; the Lutheran cathedral in Riga has been converted into a concert hall.

Yet the Baltic cultures are not totally crushed. Discussing Soviet Latvian literature, Dr. Rolf Ekmanis remarks that "nationalist loyalties have survived more than two decades of intense Sovietization. Latvian literature, like every non-Russian Soviet literature, has become an arena for the struggle over national self-preservation against censorship and victimization. It also reveals . . . that Moscow's policy of colonization of the national republics has led not to friendship but to hostility."

As Jonah—the symbol of Jewish endurance in captivity—survived in the whale, so the Baltic peoples may yet outlive the merciless crew of ideologues in the Kremlin. They deserve the prayers of all of us.

HON. G. ROBERT WATKINS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. ROSTENKOWSKI. Mr. Speaker, a very great and good man passed away last summer, a man who was truly a man of the people he represented. I believe that is how Bob Watkins will be remembered, as one who gave of himself, heart and soul, all of his life following the Gospel's plea to "love thy neighbor." He will be remembered not only for what he was—a kind man, beloved by all who knew him for his warmth, and loyalty, and for his sensitivity to the needs and feelings of others.

Bob Watkins' sense of humor, his directness, his friendship for one and all, were capacities that few of us in this body have, and certainly none of us have exceeded.

Bob Watkins' sudden passing leaves us with a void that will not be easily filled. The people of the Ninth District of Pennsylvania have lost a great leader and we all have lost a fine friend. Mr. Speaker, for my wife La Verne and myself, I would like to offer my deepest sympathy to Congressman Watkins' wife and two sons.

RESPONSIBILITY CLEAR

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. HARVEY. Mr. Speaker, at a time when House and Senate conferees are meeting to resolve differences between the legislation enacted as the 1970 amendments to the Clean Air Act, H.R. 17255, a comprehensive speech by Edward N. Cole, president, General Motors Corp., just delivered yesterday to the American Petroleum Institute in New York Citiy, is particularly timely.

Mr. Cole addressed himself to efforts that have been, are being, and will be made to minimize automotive pollution. Because I believe his speech was most informative, I intend to include it at the close of my remarks.

First, however, I would like to single out a few of his comments. For example, Mr. Cole emphasized at the outset, and permit me to quote him, that—

> Our responsibility is clear. We want to remove the automobile as a significant factor in the nation's air pollution problem as soon as possible.

Mr. Cole then mentioned that it was "extremely vital that government and industry cooperate more closely in establishing sound, long-range objectives toward which we can work with maximum effectiveness and efficiency."

I would also mention the concern expressed by Mr. Cole relative to what he terms the "shifting of goals by the Federal Government" on auto emission which he maintains has created serious problems for the industry and could have a detrimental effect on the degree of progress.

In Michigan we are very familiar with "lead time" in the auto industry. Unfortunately, as Mr. Cole points out, it is a factor that our Federal Government may be overlooking or minimizing when deadlines, such as for the 1975 models, are firmly set.

Let me quote Mr. Cole on this all-important aspect:

> As this audience is well aware, the 1975 models—which will be introduced in the fall of 1974—are not four years away in terms of decisions which must be made on such major matters as designing and testing of new hardware, and construction or modification of facilities. In fact, our plans to begin phasing these systems into our cars within two years means that we have already had to make some final decisions and are on deadline for most of the rest. Yet, even at this late date, federal standards for 1975 models are still in the process of being formulated.

Mr. Cole's complete address follows:

Remarks by Edward N. Cole, President, General Motors Corp.

It is a pleasure to have the opportunity of discussing with you today the challenge of automotive pollution. This is an extremely important subject to us both as citizens and as members of the petroleum and automobile industries.

In my comments, I would like to review recent progress in reducing auto pollution and to outline current programs aimed at still further advances. I also want to discuss government actions which have increased the urgency of the challenge facing our two industries in this field.

Since 1960, significant progress has been made in reducing automotive pollution through engine modifications and control systems. Emissions of hydrocarbons (HC) on current models have been reduced more than 80 percent and carbon monoxide (CO) more than 65 percent, compared to cars with no controls. These percentages are based on test procedures of the U.S. Department of Health, Eductaion and Welfare (HEW) applicable to 1971 models.

During the past year, a number of developments have accelerated the efforts of both the automotive and petroleum industries in this field.

In January, 1970, at a meeting of the Society of Automotive Engineers in Detroit, General Motors suggested a comprehensive systems approach to automotive pollution control through changes in engine design, control systems and fuels—including consideration of the effect of the removal of lead additives upon emissions. Reduction of lead content will result in decreases in emissions of lead particulates and hydrocarbons in both old and new cars. Lead-free gasoline also makes advanced emission control systems technically feasible.

On February 15, General Motors announced that all of its cars beginning with 1971 models would be designed to operate on fuel of about 91 Research Octane Number (RON)—leaded or non-leaded. This was accomplished mainly by lowering the compression ratios of many engines—a modification which further reduced emissions of both hydrocarbons and oxides of nitrogen. Many of the other U.S.-produced 1971 models also can operate on fuel of about 91 RON. In addition, most pre-1971 model cars designed to use regular grade gasoline can satisfactorily use 91 octane low-lead gasoline even though some may require minor engine adjustments.

On March 4 and 5, representatives of the automobile and petroleum industries testified before the California Air Resources Board in Sacramento. It was pointed out in these hearings that lead-free regular grade gasoline should be generally available across the country by the fall of 1974 when all cars are expected to have control systems which will require this fuel—with low-lead fuel being made available during the interim period.

Since that time, General Motors has accelerated its program for installing new emission control systems. We plan to begin phasing these systems into our production on a limited basis in the fall of 1972, more heavily in the fall of 1973 and across the board for all 1975 models to be introduced in the fall of 1974. Maximum benefits would be obtained from these systems only if lead-free fuel were generally available by the fall of 1972.

Our basic experimental emission control system includes a catalytic converter for changing exhaust hydrocarbons and carbon monoxide into harmless water vapor and carbon dioxide. To provide more precise air-fuel mixtures, we are testing new carburetor designs and electronic fuel injection. To help control oxides of nitrogen (NO_x), the system recirculates a small amount of exhaust gas to lower combustion temperatures. This requires a richer air-fuel mixture which reduces efficiency and fuel economy. NO_x is produced in significant quantities when flame temperatures reach about 3000 degrees Fahrenheit.

We are pleased with the results being obtained with these experimental systems. I want to emphasize, however, that—based on our research—these advanced control systems will not operate effectively with leaded gasoline. We have found no catalyst which has demonstrated satisfactory performance for any significant period with even a half-gram of lead per gallon. Unless lead is removed, we also know of no practical means of removing two-thirds of exhaust particulates—a requirement included in previous HEW proposed standards for 1975.

At the present time, lead-free fuel is being marketed by a number of companies, while many others are offering low-leaded fuels.

Despite our outstanding progress and current programs in pollution reduction, there is increasing pressure to eliminate the piston-type internal combustion engine. Over the years, we have done extensive research on alternative power sources. We have built and tested various types of power plant hardware—including steam, electric, gas turbine and Stirling engines.

General Motors would not hesitate to move to an alternative power source if a satisfactory one becomes available. At the same time, it would be fool-hardy to discard the highly effective gasoline engine in favor of a different power source of unsatisfactory emission levels, questionable performance, unproven qualities and with higher selling prices to the consumer.

Our tests clearly demonstrate that alternative power plants have little potential for passenger car use at least in this decade. Also, all of these power plants produce significant emissions—either directly or indirectly—from the combustion of fossil fuel. Their use for automobiles would create pollution problems equal to or greater than those expected from the internal combustion engine with advanced control systems.

At the present state of the art, the most practical avenue for progress in vehicle emission in this decade is to finish cleaning up the gasoline internal combustion engine. Our industry is currently engaged in a massive development program designed to achieve even further emission reductions in the next few years. At the same time, however, the Federal Government is changing the targets and shortening the timetables for compliance.

On February 10, 1970, HEW issued a proposal calling for reductions—compared with uncontrolled 1960 models—of 95 percent in HC, 86 percent in CO, 83 percent in NO_x and 67 percent in particulates by 1975. GM expressed confidence at that time that it could meet these standards using existing test procedures, and this proposal was the basis for our 1975 model program.

Since then, however, HEW has issued two new documents, each of which has caused a major change in direction. A July 15 proposal significantly tightened test procedures and standards for 1972 through 1975 model years. On November 10, HEW published the final regulations which resulted from the July 15 proposal. These established revised test procedures for the 1972–1975 period but eliminated any numerical standards for 1975.

Still further confusion has resulted from Congressional action on a 1970 amendment to the Clean Air Act. The Senate version calls for even more stringent requirements for 1975 models. It requires reductions up to 98 percent in both hydrocarbons and carbon monoxide. And once test procedures are established for NO_x and particulates—reductions of 90 percent in these pollutants are expected to be required for 1975 or later models.

This shifting of goals by the Federal Government is creating serious problems for our industry and, in fact, could have detrimental effects on the degree of progress which we will be able to achieve by 1975 models.

As this audience is well aware, the 1975 models—which will be introduced in the fall of 1974—are not four years away in terms of decisions which must be made on such major matters as designing and testing of new hardware, and construction or modification of facilities. In fact, our plans to begin phasing these systems into our cars within two years means that we have already had to make some final decisions and are on deadline for most of the rest. Yet, even at this late date, federal standards for 1975 models are still in the process of being formulated.

A joint Conference Committee is scheduled to begin meetings tomorrow to reconcile differences between Senate and House versions of the 1970 amendment to the Clean Air Act. While we agree with the basic intent of the proposed legislation for cleaner air, there are a number of specific requirements of the Senate bill which are either impractical or technologically impossible.

First, although the legislation deals with an extremely complex subject, it was drafted without public hearings on key technical issues. The technology does not exist at this time—inside or outside the automobile industry—to meet these stringent emission levels in the specified time frame. Such complex, technical matters should be decided by people who have the background and training to make sound decisions in areas of such great importance to the nation. We believe that a technically competent review should be required, involving leading scientists and engineers. Such organizations as the National Academy of Sciences and the National Academy of Engineering have the required expertise. They could be given the responsibility for establishing what levels of pollution control are necessary to provide required air quality and also for determining whether proposed standards are technologically feasible, and at what point in time. Such decisions, it is assumed, would be made after consultation with experts in the field—including government and industry.

Second, the proposed legislation requires that *every* car must meet the standard. Because of variations in test procedures and manufacturing tolerances, this means in effect that manufacturers must test every car—an impractical and costly procedure. Statistical sampling—as used in most industry and government procurement—is a more realistic method which should produce exactly the same final results.

Third, the Senate bill requires a manufacturer's warranty which provides that the stringent levels of control called for in the legislation be maintained for the first 50,000 miles of operation. A related recall provision also gives us great concern. There are more than 60 different operational parameters of a car which can affect emissions. It is practically impossible to maintain such extremely low levels of emissions for every car during 50,000 miles of operation. Compulsory periodic inspection and maintenance would be important, but by no means a guarantee that the 50,000-mile objective could be achieved.

XUM

And fourth, the Senate legislation would permit each state and locality, with HEW approval, to set their own automotive pollution standards. If the current principle of federal preemption is eliminated, the result could be a confused patchwork of requirements extremely difficult for automobile manufacturers to meet and probably incapable of producing any real improvements in air quality.

We are hopeful that members of the joint Senate-House Conference Committee will give serious consideration to recommendations made by the automobile companies. These suggestions could contribute to the effectiveness of the proposed legislation in achieving air quality objectives but with minimum disruptive effects on our two industries and at lower selling prices to the public.

Despite these current uncertainties about future federal emission standards, General Motors is moving ahead aggressively in its anti-pollution programs. Let me tell you about some of the progress we have made.

We are encouraged by the results of tests conducted with our experimental 1975 emission control systems. Our work with catalytic converters showed that very low HC and CO emissions could be obtained once the system was warmed up. Our current experimental system warms up in about two minutes. During the warmup period, CO and HC emissions are not oxidized in the catalytic converter and therefore are relatively high due to the rich air-fuel mixture needed for satisfactory starting and driveability.

The new 23-minute test cycle scheduled to go into effect with 1972 models places heavier emphasis on cold starts than the previous cycle. As a result, most vehicles fail to meet the anticipated 1975 standards for the entire 23-minute cycle because of emissions which occur within the first two minutes of the test.

We are now devoting extensive efforts to finding ways of reducing these warmup emissions. In our early approaches, we used both electricity and propane to preheat the catalyst. We have tried several configurations of catalyst beds. We also have worked with a dual-fuel system, using liquified petroleum gases (LPG) during the start and warmup phase.

Another concept under study involves storing of HC start and warmup pollutants and then recycling them back over the catalyst after it is operational. We are currently using a charcoal canister which has shown some success in storing cold-start hydrocarbon emissions. However, we have not yet found a satisfactory means of controlling CO and NO_x during the warmup period.

We have devoted substantial efforts to the cold-start problem, and it is not yet resolved. Frankly, we believe that the new HEW test procedures give a distorted picture of the relative importance of cold-start emissions as a part of total emissions. This is particularly true in our cities where car density and automotive pollution are the highest but where cold-start emissions as defined by HEW are expected to be a very small part of the total pollution from our vehicles with 1975 controls. Unless the government modifies its present stand on cold-start emission control, changes in fuel composition will probably be necessary. In addition, we could be designing the wrong hardware to produce the best overall emission reductions.

In the final analysis, the confusion and uncertainty concerning federal emission standards is academic. Problems of such technical complexity as air pollution cannot be legislated out of existence any more than the laws of nature can be overruled. Consequently, there are limits to what can be accomplished in terms of current technology and the practical realities of the mass-production system.

Basically, we have to recognize that combustion of fossil fuels has never been perfect and never will be; as a result, some pollution will occur—whether we are talking automobiles or other energy sources. So, let's examine briefly where we stand with respect to the control of the major auto pollutants—hydrocarbons, carbon monoxides and oxides of nitrogen.

First, hydrocarbons. Utilizing catalyst treatment plus storage during the warmup cycle, we believe we can attain extremely low levels of hydrocarbon emissions.

With respect to carbon monoxide, the catalytic converter produces good results except during the warmup cycle. We have found no way to store CO. One alternative might be a change in the distillation characteristics of gasoline to allow the use of leaner air-fuel ratios while also providing acceptable driveability during this period.

Our most serious problem in attempting to meet emission levels proposed for 1975 models concerns oxides of nitrogen. Difficulty in minimizing NOx is not peculiar to the internal combustion engine. It is equally as critical—and in some cases more so—with alternative automotive power plants and stationary power sources. As we attempt to control NOx beyond certain levels, we are forced to accept not only lower levels of driveability but also higher fuel consumption and thus increased use of natural resources. If we attempt to use a catalytic converter to control oxides of nitrogen, all of the catalysts we are aware of convert some of the NOx to ammonia—which is another and perhaps more obnoxious type of pollutant.

Thus, as desirable as their objectives may be, the standards now being considered by HEW and the U.S. Congresses simply are not attainable with existing technology.

For example, as I mentioned before, there are more than 60 operational parameters of the automobile which can affect emissions. In addition, we have variables relating to fuels, lubricants, testing procedures, measuring techniques and manufacturing processes. With the interaction of literally hundreds of variables, standards requiring every single vehicle to meet near-zero emission levels are completely unrealistic. We can custom-make one car to virtually perfect specifications, but this is not possible in attempting to mass-produce millions of vehicles a year.

The current level of standards being considered by the Federal Government are so low that they must be viewed as laboratory goals rather than levels that could be realistically achieved in the field. The Senate version of the National Clean Air Act, for example, could require hydrocarbon emissions as low as 0.22 grams per mile of urban-type driving. If this quantity of emissions were condensed from its gaseous form to a liquid, the total would constitute only about six drops for each mile driven. While such minute measurements may be achieved under ideal laboratory conditions, it would be impossible to conduct such tests with any degree of confidence as a part of mass-production operations.

Certainly, we do not oppose national clean air objectives. But the goals to which we target our work should be based on scientifically-established health and air quality standards. We have an obligation to oppose technically unsound standards which impose necessary cost burdens on the public with no appreciable benefits in terms of air quality. For this reason, we seriously question whether near-zero emission levels of control in automobiles are necessary to achieve federal air quality goals.

Let me make one additional point about the impracticality of 1975 standards now under consideration. Major changes in vehicle hardware require sufficient lead time for design, testing, tooling and construction or modification of production facilities. Also, because of the magnitude of our 1975 program, introduction of this equipment cannot be done in one year but must be phased in over more than one model year. These time requirements, generally speaking, mean that current control technology must be the basis for automobiles to be produced beginning in the fall of 1974.

Based on test results of our experimental control systems, and using the new 23-minute HEW test procedure, we have arrived at emission levels which we believe represent the most stringent which we could realistically be expected to meet for 1975 models. Our figures are based on the assumption that *every* car will be required to meet the standards—as contrasted with the averaging concept previously used. Because of the hundreds of variables inherent in volume production and the normal range in performance which results, this means that all vehicles—even those at the extreme of the normal distribution pattern—would have to meet these most stringent standards.

Here are the most stringent levels of emission which we can achieve based on current technology and experience:

Hydrocarbons—1.0 gram per mile.
Carbon monoxide—11.0 grams per mile.
Oxides of nitrogen—3.0 grams per mile.

The average emission level of motor vehicles, however, would be significantly lower—at about half this level.

Let me emphasize that achievement of these levels would represent substantial gains over 1971 model requirements which—on the new test procedure—are equivalent to 4.6 grams per mile for HC and 47 grams per mile for CO. Thus our maximum 1975 level of HC and CO emissions would be about one-fourth of the 1971 level. And the average improvement factor would be even greater. There is no 1971 national standard for NO_x. However, our attainment of 3.0 grams of NO_x per mile maximum levels would represent a substantial improvement over current levels. Achievement of these low levels for these three pollutants will require the use of the most advanced, sophisticated control equipment available based on our own research and that available to us. I want to make our position absolutely clear: Even if we take maximum advantage of the most advanced control systems available and the best fuel which can be produced, we see no way of meeting 1975 standards which are more stringent than the levels outlined above.

On the basis of these substantially further reductions, it is obvious that the automotive contribution to the total air pollution problem will be dramatically reduced. This is an extremely important factor as our nation moves to establish long-range goals to improve the air around us.

Even if it were possible to eliminate 100 percent of pollution from all motor vehicles in the U.S. by 1975, we would still be faced with by far the major share of today's air pollution problem. It is therefore important that sound technical priorities be established by government so that available funds can be utilized for the greatest overall progress. National efforts to reduce overall air pollution must involve all major sources of pollution—not only motor vehicles, but also industrial and electric generating plants, home and business heating facilities and refuse disposal operations.

Nothing I have said today, however, detracts one iota from the responsibilities which we—in both the automotive and petroleum industries—should assume in minimizing automotive pollution. In working toward this common goal, we should seek every possible avenue of future improvement—in engine design, control systems, fuels and lubricants.

Let me make it clear that we do not pretend to have all the answers. However, our research and test programs have raised certain questions and pointed to several areas which we believe offer potential for further reductions in automotive pollution that can be achieved by changes in some of the characteristics of gasoline. I would like to suggest that the petroleum industry consider directing major research toward seven areas:

I. CATALYST DEPRECIATORS

At the present time, the catalyst approach seems to be the most effective system for controlling HC and CO emissions in the exhaust stream. For this reason, it is highly critical that ways be found to eliminate from automotive fuels all lead, and any other additives which are found to function as catalyst depreciators. It is also important to establish a means of insuring that cars equipped with catalysts receive only lead-free fuel.

II. FUEL VOLATILITY

What can be done to improve cold starting and warmup characteristics of automobiles through changes in distillation characteristics of gasoline? Engine choking, which is vital to satisfactory performance during start and warmup, also produces high CO and HC levels during this period. With the use of propane gas, the choke can be eliminated. However, the supply of LPG is very limited, and its use by the general public could constitute a safety problem. What would be desirable then are changes in distillation characteristics to provide liquid fuel which approaches the warmup performance and emission characteristics of propane but is not so volatile as to cause fuel handling and evaporative problems. Preliminary tests with experimental fuels of this type have shown emission reductions as high as 75 percent in CO, 45 in HC and 20 in NOx during the warmup period of the new HEW test cycle. To effectively adapt this fuel to the engine requires recalibration of the fuel system, including the choke.

III. UNIFORMITY OF FUEL COMPOSITION

Emission control systems using either carburetion or fuel injection will require very precise fuel metering. Current variations in such fuel parameters as volatility, density, viscosity and others could seriously impair consistent reliability in meeting standards. Greater uniformity in basic characteristics of gasoline could contribute to the solution of the emission problem.

IV. SULFUR IN FUEL

Almost all of the sulfur content is refined out of gasoline in the refining process and thus the present gasoline automobile engine has only minimal emissions of sulfur oxides. Industrial and electric power plants are the major source of this pollutant. However, now that automobiles are beginning to reach very low levels of HC, CO and NOx emissions, sulfur oxides will represent a larger portion of the remaining auto pollution by 1975. Therefore, consideration should be given to reducing the sulfur content of motor fuels.

V. AROMATIC CONTENT

High levels of aromatic materials present two problems. The first is their detrimental effect on elastomers in the fuel-metering systems. The second is that aromatics which end up in the exhaust may result in more potential carcinogens and eye irritants. For these reasons, any possible reduction in aromatic content of fuel would be very desirable.

VI. BENZO(A)PYRENE CONTENT

Some fuels today contain small amounts of benzo(a)pyrene—a potential carcinogen. This material serves no useful purpose and much of it ends up in the exhaust as particulate matter. It should be eliminated at the refinery if at all possible.

VII. EVAPORATIVE LOSSES

As advance control systems minimize exhaust emissions, evaporative losses from the entire gasoline distribution system will represent an increasingly significant source of hydrocarbons. Both the petroleum and automotive companies should seek to find more effective means of handling fuel between the gas station and the motor vehicle. For example, our findings suggest that the hydrocarbons emitted into the atmosphere because of vapor displaced during an average gas tank fill, together with normal spillage and nozzle drips, can exceed 100 grams. This is more HC emissions than would be allowed during a trip of over 200 miles based on a 1975 standard of 1.0 gram per mile and assuming average emissions of 0.5 grams per mile. In other words, unless this can be controlled, more unburned hydrocarbons could be released into the atmosphere during each "normal filling" of a gas tank than that allowed by such a standard during the entire period of driving required to consume the tank of gas.

These improvements in gasoline composition and distribution systems could make a significant contribution to minimizing automotive pollution in the years ahead. We must have a known fuel specification in order to insure the proper performance of key vehicle components which affect automotive emissions. The fuel system also must be designed to prevent inadvertent filling of the gas tank with improper fuel.

I want to emphasize that solutions to automotive pollution problems rest with both the petroleum companies and vehicle manufacturers. Here are four challenges relating to the vehicle which I believe to be extremely important.

One is the need to continue improvements in engine design which will develop even more effective control of emissions.

Two is the need to maximize long-term durability and reliability of emission control systems and major vehicle components which can affect emissions.

A third challenge is to find a method to monitor major operational components and emission control equipment. Its purpose would be to detect and signal a driver when his car is emitting pollutants above acceptable levels or when major components affecting emissions were not operating satisfactorily.

Our fourth and extremely important priority—as we seek every avenue for minimizing automotive pollution—is to find ways of insuring acceptable driveability, good fuel economy and, hopefully, a reduction in overall operating costs.

In conclusion, let me say this. Our responsibility is clear. We want to remove the automobile as a significant factor in the nation's air pollution problem as soon as possible.

From our current high level of accomplishment, each new step forward will be more difficult. At the current state of technology, there is no suitable alternative to the gasoline internal combustion engine—and we cannot see one emerging as a mass-production reality during this decade. Thus, we can achieve our goal more quickly and at lower costs with the internal combustion engine, using advanced control systems and improved gasolines and oils. And this is being done as rapidly as possible. However, it is extremely vital that government and industry cooperate more closely in establishing sound, long-range objectives toward which we can work with maximum effectiveness and efficiency.

This is a critical requirement for the future of both the automobile and petroleum industries. It is equally important for the continued vitality of the nation's economy and for achievement of ever-increasing standards of progress for the nation as a whole.

This is a formidable challenge. But it is one which I am confident will be met successfully by these two great industries.

WE HAVE NOT HEARD THE LAST OF WOMEN'S LIB

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. SCHMITZ. Mr. Speaker, while it now appears that the "women's lib" amendment to the United States Constitution has been defeated for the time being in the Senate, in a welcome—and nowadays all too rare—exercise of that body's traditional responsibility of putting on the brakes when this House is stampeded into rash, ill-considered action, we certainly have not heard the last of women's lib. The enclosed editorial from the October issue of Triumph magazine assesses this entire movement in the perspective of Christian belief, morality and historical experience, demonstrating its essential errors with acuity and wisdom.

MEN'S LIB

Women's lib: It has got to be the sickest, most dangerous fad or movement—whatever these things are called that suddenly bewitch the public conversation and make our social consciences go pit-a-pat—that has come along to date. The sickest because it thrives on a perversion aimed directly at the apogee of Creation. The most dangerous because woman is the central pillar of any social order, and especially any Christian order: if woman is brought down, the order has been brought down, and the chances of building a new one indefinitely postponed.

The women of our country, let it be noted, do not appear principally to blame for this development. Relatively few of them have flocked to the banner of Miss Kate Millett and other Lib leaders. Many more have taken up active opposition. The vast majority of women seem to be merely watching from the sidelines, partly in amusement, partly in contempt—of men.

American men, in the circumstances, are proper objects of scorn. Significant male reaction to the Lib has taken roughly three forms. One group—fellow militants on assorted kicks, desperate politicians like Senator Goodell, publicists and entertainers of various sorts—has actively endorsed the Lib's program and its general approach to life. Of these men it may be said safely that they are either opportunists or queer.

A second group has bravely defied the Lib on such key points of male interest as the sexual exclusiveness of McSorley's tavern and the preservation of separate bathroom facilities. Of these let us say simply that they deserve to lose.

Finally, there is the great mass of American males whose behavior in politics is a direct extension of their behavior in the home: Don't get in the little lady's way when she seems to be on a rampage; but at the same time don't bother to understand, let alone defend her worth, her role, her self. These men are faithfully represented by the members of the House who voted 350-15 in favor of the equal rights constitutional amendment; and by the President who dutifully endorsed the Lib's "day" by proclaiming a national celebration of the 19th Amendment anniversary. These men are, for all practical purposes, anti-woman.

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Any talk of sexual equality, besides being phenomenologically absurd, is an insult to women. More so than to men. Women is obviously the favored sex, the vessel on which God has principally relied to unfold the mystery of human freedom and redemption, and the analogous mystery of love and life. It was Eve who boldly instigated the Happy Sin that called God into the world. It was Mary the Virgin who was given the power to admit or refuse to admit eternity into time. It was Mary who held God Himself in the confinement of a human body. It was Mary, alone among merely human beings, who was granted birth without sin and death without separation from her body. It was Mary Magdalene, the holy whore, who alone foretold the Lord's death. It was Mary Magdalene again who was first greeted by the Risen Lord, in the most sublime love scene of all time. It was the women of Jerusalem whose faith and love in the persecuted Lord never waivered, who stood by his side while all the men of the place, save one, took flight It was Veronica whose love earned the image of The Face.

So it has been ever since. Man has his role: to lead, to govern—above all in the family. But he is less king there than she is Queen. How, in any healthy human relationship, could it be otherwise? The most profound human experiences are expressions, in one way or another, of the great unity of love and life: of sex. If sex is anything, it is the meeting place of love and life. And who, on that ground, is in command? Both take love, but who *gives* love better? Who gives life? He plants a seed which she nests into life; she joins the new life to her own life, and guides it into the world. Where he gives it a house and she gives it a home.

Christianity is chiefly blamed by the Lib crowd for woman's status. It is a valid accusation. All societies are patriarchal, for perfectly plain practical reasons. But only Christian societies—only Christian men—have given women first rank in the patriarchy. Only Christian men have honored women; only they have respected the pedestal which, since the Incarnation, is woman's birthright.

True, Christian societies, like others, have often tolerated in practice a double standard of sexual morality. But this hardly damages the point; it is not an honor to men to recognize greater expectations of virtue in women. The double standard is not an affirmation of man's moral superiority, it is a proof of woman's. And so in our time the Church not surprisingly has responded to the Lib's poison by creating a new order of lay Virgins: *female* virgins, that is.

Let men honor them. Let men honor all women by freeing them—to be women. In short, let men be men.

HOW MANY AMERICANS READ WELL ENOUGH TO SURVIVE?

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, a recently completed study has revealed a grim fact of American life: One out of every eight adult Americans may have great difficulty in obtaining Government medicaid or public assistance, a bank loan, or even a social security number—simply because he cannot read well enough to fill out the application form. This is a shocking revelation for a Nation which prides itself in making quality education available to the greatest possible number of its citizens.

In the words of Walter W. Straley, chairman of the new National Reading Council, which commissioned the special study:

> The study shows that as many as 18.5 million Americans—or 13 percent of the U.S. population 16 years and older—lack the reading ability necessary for survival in the United States today.

I believe that the findings of this significant study, called the "Survival Literacy Study," should be of concern to every American. I am pleased to insert it in the RECORD. The study was conducted for the National Reading Council by Louis Harris and Associates, Inc.

This study may be the first to attempt to measure reading ability as a survival technique rather than as an academic pursuit. It is especially disturbing to consider how very many Americans may be deprived of necessary services because they lack reading ability. In presenting the results of the 6-week study at the inaugural meeting of the National Reading Council on September 10, 1970, in Washington, Mr. Harris said that 1,685 persons were interviewed. They were chosen to represent a cross section of the overall population. Those interviewed were asked to fill out five common application forms, with this result:

> Thirty-four percent had trouble reading a simplified medicaid application form; 8-percent could not complete a typical driver's license form; 7 percent were unable to handle an application for a social security number and 3-percent failed to fill out a public assistance form.

The "Survival Literacy Study" evaluates literacy levels according to factors including regional differences, rural-urban differences, age, race, income, and education. I found it particularly disheartening—which this conclusion could be anticipated—to note that "the old and the poor each have serious reading problems," as the Harris study states, "but the elderly poor must struggle most for 'survival.'"

I think that Mr. Harris, appearing before the council, summarized very expressively the purpose for which the study was undertaken:

> We want to find out how a person's behavior—his whole life-style—is affected by reading trouble; what mainstream experiences he misses because of it.

In an effort to combat illiteracy and to develop a national reading program, the National Reading Council was appointed by President Nixon on July 31, 1970. It is operating with a first-year budget of $1.5 million. Its members include prominent representatives of the fields of education, business, labor, entertainment, communications, science, and government. Its chairman, Mr. Straley, is vice president in charge of environmental affairs of the American Telephone & Telegraph Co.

The council recently established a National Reading Center in Washington, under the direction of Dr. Donald G. Emery, superintendent of schools of Scarsdale, N.Y., to serve as its working and research arm and, as Mr. Straley emphasized, as "a center of innovation."

Innovation will be vital if the Nation is to meet the challenge to curb illiteracy. I commend the National Reading Council for this initial effort to define the dimensions of the problem which confronts us.

The full text of this important document, the "Survival Literacy Study," September, 1970, follows:

SURVIVAL LITERACY STUDY

(Conducted for the National Reading Council by Louis Harris and Associates, Inc.)

PURPOSE OF THE STUDY

On July 31, 1970, President Nixon announced the appointment of 40 men and women (including businessmen, teachers, Congressmen, civic leaders and entertainers) to serve on the National Reading Council, a supervisory board to a new national reading program. The Council's most immediate and urgent task was to measure the extent of reading deficiencies in the United States. To undertake this task, the National Council commissioned Louis Harris and Associates, Inc. This study, a ground-breaker in its attempt to measure scientifically the literacy rate among all sectors of the United States population, was to be completed in time for the Council's first annual meeting in Washington, D.C., on September 10th.

From its inception, the study was planned to measure the "survival" literacy rate in the United States. It would determine the percentage of Americans lacking the functional or practical reading skills necessary to "survive" in this country. How many Americans were prevented by reading deficiencies, we asked ourselves, from filling out application forms for such common needs as a Social Security number, a personal bank loan, Public Assistance, Medicaid, a driver's license? Fundamentally, this is a study of functional rather than by-rote literacy.

The purpose of this study was to measure reading ablity and *not* application forms. In order to avoid a defensive reaction on the part of the respondent, however, he was told, "we are doing a survey on the subject of different application forms people have to fill out. It seems these days that nearly everyone has to fill out application forms for many of the things they do."

Included in the questionnaire were five application forms similar to the ones mentioned above. The five forms were selected both on the basis of their common utility and frequent appearance in the lives of many Americans and according to the degree of difficulty of the reading material included in each. The forms were, however, simplified significantly to assure that the study evaluated reading ability and not the lay-out of the form itself.

Each respondent was presented the five forms in the same order. The interviewer was instructed under no conditions to read to the respondent any information printed on the forms. If the respondent was unable to *write* because of physical handicap or problems with penmanship, the interviewer was then instructed to write in the answers provided by the respondent. The study did not seek to measure writing ability, only reading. If the respondent was unwilling to supply any information requested on the form, he was instructed on the bottom of each application to draw a line through the space provided. These were counted as correct answers, since the respondent's ability to read and follow the instructions indicated his literacy. The respondents were also assured that these forms were unofficial and to be used only for purposes of public opinion research.

Interviewing on the study took place between August 17th and 24th, 1970.

SCORING METHODS

Performance on each individual application form and overall performance on the five forms together were measured according to a simple percentile scoring system. The Harris firm first counted the number of correct answers and compared them to the number of possible answers on each form. On Form I (Identification Form), for example, 15 answers were required and should have been supplied by the literate respondent. Fifteen, therefore, was used as a base for scoring purposes. If only three appropriate answers were supplied, the raw score was 3/15.

The base for each of four of the five forms varied according to the nature of the questions asked. Some questions were to be answered only by those respondents who had answered the previously question negatively. (For example, one form asked: "Are you able to work now? ———. If unable to work now, why are you not able to work now? ———.") In cases where the respondent correctly skipped a question, the scoring base was reduced.

In tabulating the scores recorded by the coding department, our computer operators followed the percentile reference code shown below:

Percentage correct:	Punch
0	1
1 to 9	2
10 to 19	3
20 to 29	4
30 to 39	5
40 to 49	6
50 to 59	7
60 to 69	8
70 to 79	9
80 to 89	0
90 to 100	x
Refusals	y

If on Form I with a base of 15 possible answers, for example, the respondent supplied only three correct answers (20% correct), this score was recorded in Punch 4 of the computer column. Refusals to fill out an individual form also were recorded. After scoring each form separately, the computer arrived at an overall percentile score for each respondent.

"RANGE OF ILLITERACY"

Respondents who completed correctly 90–100% of the five forms averaged together are considered fully literate for the purposes of this study. Incorrect answers up to ten percent are overlooked in the scoring and attributed to carelessness, difficulty of the form structure and content, but not to reading deficiencies.

The basic approach in analyzing this study has been to order people on a continuum which reflects four types of "literacy groups":

1. *"Low Survival Threshold"*—Respondents who average more than 30% incorrect, that is, less than 70% correct on all five forms. The survival probability of this group must be assumed to be low. Relatively, they are therefore considered functionally illiterate in modern American society. Despite the fact that these respondents may show anywhere up to 70% correct answers, they are still considered relatively illiterate. This pattern was followed in order to include in the functionally illiterate group those Americans who might recognize certain familiar words (i.e., "age", "name", "address"), but have serious reading and comprehension problems.

2. *"Questionable Survival Threshold"*—Respondents who average more than 20% incorrect answers, that is, less than 80% correct answers. Since the groups are figured cumulatively, this group includes respondents in the more-than-30% group also. Members of this literacy group filled out the forms with considerable difficulty and belong therefore in a questionable survival group.

3. *"Marginal Survival Threshold"*—Respondents who answer more than ten percent incorrect answers, that is, any number of correct answers below 90%. Generally, this group lacks total survival reading ability and includes members of the above two groups.

4. *"Likely Survival Threshold"*—Respondents who answer less than ten percent incorrect answers, that is, between 90–100% correct answers. This group is considered functionally literate.

The term "range of illiteracy" will appear throughout the report. It refers to the range between the "Low Survival" and "Marginal Survival" groups. This range includes members of groups 1, 2, and 3 above.

I

Chart I lists the application forms in the order of difficulty indicated by the results of the survey. Form IV (Application for Public Assistance) proves overall the easiest to read: only three percent of the people answered incorrectly more than ten percent of the form. Form V (Application for Medicaid) proved most difficult: nine percent of the people read incorrectly more than 30% of the form and 34% read incorrectly more than ten percent. The average range of illiteracy was from three percent (the percentage of people who averaged more than 30% incorrect) to 13% (the percentage who averaged more than ten percent incorrect). Converted into population, this represents a range of 4.3 million to 18.5 million. A total of 4.3 million Americans fall into the "Low Survival Threshold" group, 7.1 million into the "Questionable Survival Threshold" group, and 18.5 million into the "Marginal Survival Threshold" group.

The results of the study show, therefore, that, due to reading deficiencies, three percent of all Americans had difficulty filling out an application for Public Assistance, seven percent had difficulty completing a simple identification form (the equivalent of an application for a Social Security number), eight percent had trouble with an application for a drivers license, 11% with an application for a personal bank loan, and 34% with an application for Medicaid.

CHART I

[In percent]

	More than 30 percent incorrect	More than 20 percent incorrect	More than 10 percent incorrect
Total:			
Form IV	(1)	1	3
Form I	1	2	7
Form III	1	3	8
Form II	2	4	11
Form V	9	17	34
Average	3	5	13
Projected to population (in millions)	4.3	7.1	18.5

II

Charts II, III, IV and V break down the results of the study into the four locations where respondents live: Rural Areas, Cities, Towns and Suburbs. The average range of functional illiteracy for rural inhabitants (see Chart II) was 4–16%; that is, four percent of the rural population interviewed missed more than 30% of the answers, seven percent missed more than 20% of the answers, and 16% missed more than ten percent.

III

City dwellers had similar difficulty in filling out the forms. Their average range of functional illiteracy (see Chart III) was 4–13%; that is, four percent of the city population interviewed missed more than 30% of the answers, six percent missed more than 20%, and 13% missed more than ten percent.

IV

Fewer people who live in small towns and cities had difficulty reading the forms. Only an average of two percent read incorrectly more than 30% of the forms, a total of five percent failed on more than 20%, and 12% left more than ten percent unanswered.

V

Suburban residents filled out the forms most easily of these four groups. Their average range of functional illiteracy was a low 2–9%. Only Form V (Application for Medicaid) was difficult for some suburban residents: on this form six percent missed more than 30% of the answers, 11% missed more than 20%, and 28% missed more than ten percent.

CHART II-V

[In percent]

	More than 30 percent incorrect	More than 20 percent incorrect	More than 10 percent incorrect
Rural:			
Form I	1	2	9
Form II	1	3	12
Form III	2	4	11
Form IV	2	3	4
Form V	13	25	42
Average	4	7	16
Cities:			
Form I	1	3	9
Form II	4	6	13
Form III	2	5	9
Form IV	1	1	3
Form V	10	17	32
Average	4	6	13
Towns:			
Form I	1	1	5
Form II	1	3	12
Form III	1	3	7
Form IV	2	2	3
Form V	7	15	33
Average	2	[illegible]	12
Suburbs:			
Form I		(1)	2
Form II	2	3	6
Form III	1	2	7
Form IV	(1)	(1)	3
Form V	6	11	28
Average	2	3	9

[1] Less than 0.5 percent.

NOTE: Forms ranked according to difficulty with least difficult from first.

VI

The results of the study also were looked at in terms of regional areas: the South, the East, the Midwest and the West. The South had the highest average range of functional illiteracy—a range of 4–15%. Four percent answered incorrectly more than 30% of all forms averaged together; seven percent answered incorrectly more than 20% and 15% answered incorrectly more than ten percent.

VII

Among the regional groups, the East had the second highest range of functional illiteracy. Four percent of all Easterners interviewed missed more than 30% of the answers, six percent missed more than 20% and 14% missed more than ten percent.

VIII

The functional illiteracy rate of Midwesterners ranged from 3 to 13%. These figures suggest that the Midwest has an average illiteracy rate only slightly higher than that of the East and the South.

IX

People in the West tend to have fewer reading deficiencies than inhabitants of the other three regions, the study showed. A small average of one percent of all westerners interviewed answered incorrectly more than 30% of the five forms. Four percent missed more than 20% and ten percent missed more than ten percent.

XUM

CHART VI–IX

[In percent]

	More than 30 percent incorrect	More than 20 percent incorrect	More than 10 percent incorrect
South:			
Form I	2	4	9
Form II	3	5	15
Form III	2	5	10
Form IV	2	2	3
Form V	11	21	37
Average	4	7	15
East:			
Form I	2	3	7
Form II	3	5	12
Form III	3	5	11
Form IV	1	2	5
Form V	10	16	34
Average	4	6	14
Midwest:			
Form I	1	2	7
Form II	3	5	10
Form III	2	4	9
Form IV	1	1	3
Form V	9	17	34
Average	3	6	13
West:			
Form I	(1)	1	5
Form II	1	3	9
Form III	(1)	1	5
Form IV	(1)	(1)	2
Form V	5	14	28
Average	1	4	10

[1] Less than 0.5 percent.

Note: Forms ranked according to difficulty with least difficult form first.

X

Chart X illustrates that practical literacy decreases in direct proportion to income in the United States. A large five percent of the people with an annual income under $5,000 missed over 30% of the answers, compared to only two percent with an income from $5,000 to $9,999, two percent with an income of $10,000 to $14,999, and a small one percent with an income of $15,000 or more. While nine percent of those earning under $5,000 missed 20% or more, only three percent of those earning $15,000 or more missed the same number of answers. Likewise, 18% of those earning under $5,000 missed more than ten percent, compared to seven percent who earn $15,000 or more.

For the income group under $5,000, the range of illiteracy was 5–18%, compared to 2–13% for the $5,000–$9,000 group, 2–10% for the $10,000–$14,999 group, and 1–7% for the $15,000-and-over group.

CHART X

INCOME

[In percent]

	More than 30 percent incorrect				More than 20 percent incorrect				More than 10 percent incorrect			
	Under $5,000	$5,000 to $9,999	$10,000 to $14,999	$15,000 and over	Under $5,000	$5,000 to $9,999	$10,000 to $14,999	$15,000 and over	Under $5,000	$5,000 to $9,999	$10,000 to $14,999	$15,000 and over
Form I	2	1			4	3	1		12	8	3	2
Form II	4	2	1	1	8	4	2	1	19	13	5	3
Form III	2	(1)	1	1	6	2	3	2	13	7	9	3
Form IV	3	(1)	(1)		3	1	(1)	1	6	3	1	3
Form V	16	9	7	5	25	17	14	10	40	35	30	24
Average	5	2	2	1	9	5	4	3	18	13	10	7

[1] Less than 0.5 percent

XI

When reading deficiencies were correlated with race, the study revealed some striking figures. While the range of illiteracy for white respondents was a low 2–12%, the range for black respondents was a high 8–22%. Only two percent of all whites missed more than 30% of the answers, compared to eight percent of the blacks. While only five percent of the whites missed more than 20%, 13% of the blacks missed the same number. While only 12% of all whites answered incorrectly more than ten percent of the forms, a high 22% of all blacks interviewed answered incorrectly the same number.

CHART XI

RACE

[In percent]

	More than 30 percent incorrect		More than 20 percent incorrect		More than 10 percent incorrect	
	White	Black	White	Black	White	Black
Form I	1	3	2	6	6	15
Form II	2	6	3	11	10	21
Form III	(1)	4	2	9	7	18
Form IV	1	4	1	5	3	8
Form V	8	23	16	32	32	50
Average	2	8	5	13	12	22

[1] Less than 0.5 percent.

CHART XII

INCOME UNDER $5,000 BY RACE

[In percent]

	More than 30 percent incorrect		More than 20 percent incorrect		More than 10 percent incorrect	
	White	Nonwhite	White	Nonwhite	White	Nonwhite
Form I	1	3	2	7	10	18
Form II	4	6	7	13	18	23
Form III	2	4	5	11	10	22
Form IV	2	6	2	6	5	9
Form V	12	21	21	31	35	52
Average	4	8	7	14	16	25

XII

In comparing race with literacy the study focused particularly on one limited sector of both racial groups—those respondents earning less than $5,000 annually. Even among members of this low income group, the illiteracy range of non-whites * (8–25%) was much higher than that of whites (4–16%). While only four percent of whites in this income group missed more than 30% of the answers, eight percent of non-whites missed the same amount. While only seven percent of whites in this group answered incorrectly more than 20%, 14% of non-whites answered incorrectly the same number. Finally, while 16% of whites here missed more than ten percent, an enormous 25% of all non-whites earning less than $5,000 a year missed more than ten percent of the answers on the forms.

XIII

For the purposes of this study, the U.S. population was divided into four age groups: people 16–24 years old, 25–29 years, 30–49 years and 50 and over years of age. The youngest group proved to be the most literate; their illiteracy range was a low 1–9%. The oldest (50 and over) group proved most deficient in reading ability, with an illiteracy range of 5–17%. Both the 25–29 year olds and the 30–49 year olds had an identical illiteracy range of 2–11%.

While only one percent of the youngest group missed over 30% of the answers on all forms averaged together, two percent of the 25–49 year olds missed over 30%, and five percent of the 50 plus group missed the same number. While only four percent of the under-25 year olds averaged more than 20% incorrect, five percent of the 25–49 year olds and eight percent of the 50 and over group missed more than 20%. Only nine percent of the 16–24 year olds answered incorrectly more than ten percent of the forms, while 11% of the 25–49 group and a large 17% of those 50 and over answered incorrectly more than ten percent.

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* Non-white here includes blacks (Negroes), orientals, Puerto Ricans, and Mexican Americans.

CHART XIII.—AGE

[In percent]

	More than 30 percent incorrect				More than 20 percent incorrect				More than 10 percent incorrect			
	16 to 24	25 to 29	30 to 49	50 and over	16 to 24	25 to 29	30 to 49	50 and over	16 to 24	25 to 29	30 to 49	50 and over
Form I	(1)	1	(1)	2	1	2	1	4	3	5	5	12
Form II	1	1	2	4	2	4	3	7	5	9	9	19
Form III	(1)	1	1	1	2	3	3	4	9	7	8	9
Form IV			(1)	2	1	2	(1)	2	2	5	2	4
Form V	6	9	8	15	12	14	16	25	27	29	33	43
Average	1	2	2	5	4	5	5	8	9	11	11	17

[1] Less than 0.5 percent.

XIV

In comparing age with literacy, the study focused particularly on a limited sector of all age groups—those with an income of less than $5,000 annually. For this low income group, the illiteracy range for all age groups is noticeably higher than the range for age groups regardless of income. The illiteracy range for people under 30 years under $5,000 is 2–13% (compared to a 2–10% range for all income groups together). The range for 30–49 years olders under $5,000 is 4–16 (compared to the 2–11% range for all income groups). The range for 50 year olds and older earning less than $5,000 is 7–21% (compared to the 5–17% range for all income groups in that age category). The old and the poor each have serious reading problems, but the elderly poor must struggle most for "survival".

CHART XIV—INCOME UNDER $5,000 BY AGE

[In percent]

	More than 30 percent incorrect			More than 20 percent incorrect			More than 10 percent incorrect		
	Under 30	30 to 49	50 and over	Under 30	30 to 49	50 and over	Under 30	30 to 49	50 and over
Form I	1		2	4	4	3	8	12	13
Form II	1	3	7	5	5	11	12	17	24
Form III		4	4	4	7	8	13	10	15
Form IV			5			5	4	3	8
Form V	7	12	19	13	20	30	28	36	45
Average	2	4	7	5	7	11	13	16	21

XV

In their fight for equality, women have managed to surpass men slightly in reading ability. While only two percent of all women interviewed missed more than 30% of the answers, three percent of the men missed the same number. Only five percent of the women compared to six percent of the men incorrectly answered more than 20% of the forms. Only 11% of the women missed more than ten percent of the answers, while a larger 14% of the men missed the same number. Thus, the illiteracy range for the men were three to 14%, compared to a lower two to 11% for the women.

CHART XV—SEX

[In percent]

	More than 30 percent incorrect		More than 20 percent incorrect		More than 10 percent incorrect	
	Men	Women	Men	Women	Men	Women
Form I	1	(1)	3	1	10	4
Form II	2	1	4	2	12	9
Form III	1	1	4	3	9	8
Form IV	1	1	1	2	4	3
Form V	9	9	18	17	36	33
Average	3	2	6	5	14	11

[1] Less than 0.5 percent.

XVI

Americans born outside the United States have assimilated relatively well into the literate population of this country. Their illiteracy range is only seven to 16%, compared with the three to 13% range among the total population. Seven percent of these immigrants (compared to three percent of all Americans) missed more than 30% of the answers. Nine percent missed more than 20% (compared to five percent of all Americans). Finally, 16% missed more than ten percent of all answers (compared to 13% of all Americans).

CHART XVI.—BORN OUTSIDE OF UNITED STATES

[In percent]

	More than 30 percent incorrect		More than 20 percent incorrect		More than 10 percent incorrect	
	Respondents born outside of United States	Total respondents	Respondents born outside of United States	Total respondents	Respondents born outside of United States	Total respondents
Form I	3	1	5	2	9	7
Form II	8	2	9	4	19	11
Form III	5	1	6	3	10	8
Form IV	5	*	5	1	5	3
Form V	13	9	19	17	37	34
Average	7	3	9	5	16	13

XVII

The final dimension was educational background. Not surprisingly, reading ability increased in direct proportion to years of education. The illiteracy range of people who completed eighth grade or less was seven to 23%, compared to a two to 12% range for those who completed some high school, and a one to eight percent range for people with some college education. It is striking, however, that 26% of the people with some college education missed more than ten percent of Form V. These figures suggest that the practical reading ability needed to complete the forms essential for "survival" may differ somewhat from the achievement-oriented or theoretical reading skills stressed in many of our schools and colleges.

CHART XVII—EDUCATION

[In percent]

	More than 30 percent incorrect			More than 20 percent incorrect			More than 10 percent incorrect		
	8th grade or less	High school	College	8th grade or less	High school	College	8th grade or less	High school	College
Form I	2	1	(1)	5	2	1	17	6	3
Form II	6	1	1	9	3	2	27	9	5
Form III	4	1	1	8	3	2	17	8	4
Form IV	4	(1)	1	5	1	1	8	3	2
Form V	20	8	4	29	17	10	46	34	26
Average	7	2	1	11	5	3	23	12	8

[1] Less than 0.5 percent.

SAMPLING METHOD

The Harris study for the National Reading Council was based on a national sample survey of the civilian non-institutional population of the United States. (Alaska and Hawaii, however, are not represented in the sample.) Interviews were conducted with randomly designated respondents in 100 different locations throughout the country. The schedules (completed questionnaires) and forms were edited and coded in New York. The coded questionnaires were key punched and the data tabulated by standard computer equipment. Analysis of the data was done by Louis Harris and Associates, Inc.

The national sample used for this study is based on intercensal estimates of the population of each state in the country, and of the population resident in standard metropolitan areas and in the rest of the country. These population estimates are produced annually by the Bureau of the Census. The sample locations are selected biennially to reflect the cumulative changes in the country's demographic profile.

The national sample is stratified in two dimensions—geographic region and metropolitan (and non-metropolitan) residence. Stratification insures that the sample will reflect, within one percent, the national proportions of the constituent strata.

Within each stratum the selection of the ultimate sampling unit (a cluster of adjacent households) was achieved in a series of steps, technically called multi-stage cluster sampling. First states, then counties and then minor civil divisions (cities, towns, townships) were selected with probability proportional to census estimates of their respective household populations.

Maps of the selected civil division were obtained and partitioned by segments containing approximately the same number of households. This was generally done in New York, but for the smaller civil divisions, segmenting was generally performed in the field. One of the segments in each civil division was included in the literary survey.

Interviewers contact 16 households within each segment. At each household the respondent was chosen by means of a random selection pattern, geared to the number of adults sixteen years or older of each sex who live in the household. On the average a segment produced one dozen respondents who met the age, sex and voting requirements of the survey.

When the completed interviews were received in New York a subsample of the respondents were re-contacted to verify that the data had been accurately recorded. Occupation, industry, and "open-ended" public opinion questions were coded. The information contained in the coded questionnaires was then transferred to punch cards to permit computer processing and tabulation of the data.

Attempted interviews	1685
	Percent
Interviews completed	88
Intervews not completed	12
Communication barrier (language, deafness)	8
Refused to fill out forms	3
Continuation prevented by blindness, visual defect	1

THE 52D ANNIVERSARY OF LATVIAN INDEPENDENCE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. PATTEN. Mr. Speaker, this past July 19 there was much pomp and ceremony in the little Nation of Latvia. Top Government officials hailed this day as the 30th anniversary of the restoration of Soviet power in Latvia. But the individual Latvian did not share the joy of his "elected leaders." Instead, he will silently commemorate today as that day when 52 years ago Latvia enjoyed for a moment the freedom we in this country so frequently take for granted.

The people of this Baltic nation had such high hopes when they embarked on their adventure 52 years ago. That was in 1918 when they joined Lithuania and Estonia in seceding from Russia. For several years it was necessary for them to defend their freedom against both Germany and Russia, but by May 1, 1920, the provisional Latvian Government had called a constituent assembly. This assembly in 1922 adopted a democratic constitution which provided for a universal, equal, direct, and secret vote. It also allowed equal rights and cultural autonomy to national minorities. At this time an agrarian reform plan was also put into effect, and the Latvian people were finally given an opportunity to till their own land—and even more important—to own their own land.

Then came 1940, and the invasion by Soviet Armed Forces. Now the Latvians can only remember freedom and democracy in their most private thoughts.

Mr. Speaker, I have many constituents of Latvian descent in my congressional district, and I have heard from them the truth about the takeover of their nation. These people are wonderful. They are so industrious and hard working. You would love them, and you would mourn with them over the loss of their beloved homeland.

So, to all my Latvian friends I want to say that my heart and thoughts are with you today. Please know that I will not cease my efforts until your homeland is once more free.

GET THE DRUG PEDDLERS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. DERWINSKI. Mr. Speaker, it is certainly essential that a truly coordinated attack be sustained against all forms of drug traffic and use. Evidence of the tragedy of drug abuse is so obvious that dabbling with drugs cannot be encouraged or even tolerated.

A very timely and effective editorial in the Saturday, November 14, Chicago Tribune came to my attention as it effectively emphasized the international complications and developments in drug control. The item follows:

GET THE DRUG PEDDLERS

The battle against the "drug culture" requires both defensive and offensive strategy. The defensive strategy, as we noted yesterday, means recognizing the extent of our drug problem and the fact that it is being spawned mainly on the campuses of our colleges, high schools, and even grade schools.

It means conditioning children, parents and teachers so that they will not be tempted to use drugs, will not condone the use of drugs, will fight back with the honest and cruel facts about drug addiction, and will never try to dodge the issue.

On the offensive side, the battle must be carried to the campus "pushers" [who may pose as parking lot attendants or stadium guards so that they can carry on their trade beyond observation]; and to the narcotics rings from which they obtain their supply; and to the smugglers who bring drugs into the country; and even to those foreign countries which are lax about enforcing their own laws against producing drugs and selling them.

It is worth noting that while countries like Mexico and Turkey, where some farmers depend on drugs for a livelihood, may wink at the sale of drugs for export, few countries if any are as tolerant of drug use within their own boundaries as the United States.

While our Supreme Court reversed the conviction of Timothy Leary and pulled the props out from under our antimarijuana laws, Europeans in particular have been tightening up on drugs. In France a cabinet member scoffed at the notion that drugs should be excused as a reaction against "society."

"A fine rationalization," the minister of the interior said, "to hide character weakness. Drug users . . . are sheep without personal motivation."

The French people are not going to fall for the drug culture, he said. And, just to make sure, he has added dozens of agents to the drug squad in the area of Marseilles, where drugs usually enter France [and where tons of them are illicitly transshipped to the United States].

Just this week, the West German government announced plans to put marijuana on the same footing as harder drugs. It recognized that both are part of the same problem and that it is unrealistic to try to fight them under different rules.

These are the same Europeans whose "sophistication" and "tolerance" some Americans admire when it comes to pornography, sexual matters, or alcohol. These Americans use the same logic in arguing for easier rules on marijuana, while in fact the Europeans are getting tougher. More than 400 young Americans, who went abroad under the misapprehension that they would find greener pastures, are languishing in foreign jails because they were caught with drugs [sometimes only marijuana] in their possession.

It's time for us to catch up with Europe. Peddlers of narcotics must no longer be allowed to pose as heroes for outwitting the "establishment," or as persecuted entrepreneurs or psychedelic travel agents. In a sense they are murderers, because they are leading hundreds of youngsters each year to their deaths.

It won't be easy to reverse years of inaction and tolerance. The drug traffic is too widespread to be stifled overnight. Cutting off one supply route may simply raise prices and increase the pressure on peddlers and addicts to find other sources. But no program is going to work unless we go after the peddlers, from the 9th grade pusher in the boys' washroom to the international racketeer. The stakes are too great to accept excuses.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE QUESTION OF TELEPHONE RATES

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. BINGHAM. Mr. Speaker, this morning's newspapers tell us that the American Telephone & Telegraph Co. will, on Friday, file a petition with the Federal Communications Commission asking for long-distance—interstate—rate increases totalling $385 million. This increase, if granted, will go into effect on January 19, 1971, and will increase interstate toll calls an average of 6 percent.

Of course, this request should be carefully studied by the Federal Communications Commission, as I am sure it will be. But I would like to stress three points.

First, A.T. & T. has asked not only for an increase in their rates but also in their rate of return to a record 9½ percent. In 1967, after extensive consideration of what would constitute a reasonable profit for the phone company, the FCC set 7½ percent as a guideline. Earlier this year, after finding that A.T. & T. was earning considerably in excess of their expected return, the FCC approved new rates which would sustain a rate of return around 8 percent. Now A.T .& T. wants 9½ percent.

Second, I believe that local rates, particularly the basic monthly rates, should be reduced and that if it is necessary to increase interstate long-distance rates to do this, so be it. But not only does it appear that this will not be the case, I understand that the reverse in fact is likely to occur. Approval of higher interstate rates are likely to be used by A.T. & T. to support their requests for higher local rates. "If the FCC sees the need for us to increase our rate of return, State regulatory agencies can do no less," the company argument will be.

Third, A.T. & T. is justifying, in large part, its request for rate increases on the urgent need to improve services around the country. But should higher rates not come only after they have improved services? A.T. & T. has, at long last, recognized that telephone service is deteriorating in many places. But even their substantial efforts to correct service deficiencies in New York do not show positive results. In fact, the most recent report to Governor Rockefeller from the State Public Service Commission states that in many respects, service is getting still worse, if that is possible. The telephone company acknowledges that the service problems are their own fault; they failed to predict the increase in demand that has occurred in recent years, stimulated at least in part by their own advertising.

Mr. Speaker, as I said earlier, I am sure that the FCC will carefully examine A.T. & T.'s requests for higher rates. But I would hope that, in arriving at their decision, the FCC will consider the impact that a decision to increase the interstate rate of return is likely to have on State regulatory commissions. I would further hope that they will consider whether it is proper to guarantee a public monopoly a higher profit in the face of declining service.

THE SUBVERSIVE ACTIVITIES CONTROL BOARD

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. SCHMITZ. Mr. Speaker, Alexander Hamilton said:

> Those, therefore, who preach doctrines, or set examples which undermine or subvert the authority of the laws, lead us from freedom to slavery. They incapacitate us from a government of laws, and consequently prepare the way for one of force, for mankind must have government of one sort or another.

In the Alice-in-Wonderland world of Washington there are occasionally sane and sober occurrences. One such event which occurred recently was President Nixon's renomination of Mr. Otto Otepka to the Subversive Activities Control Board, SACB.

For those not familiar with the story of Otto Otepka's struggle against the entire "liberal" establishment, I would recommend the excellent book by William Gill aptly entitled "The Ordeal of Otto Otepka." Briefly told, the story starts in 1961 when the New Frontiersmen came swarming into Washington. They found that Mr. Otepka was deputy director of the State Department's Office of Security. They also found that he was loath to issue many of them security clearances. This put such a cramp in the style of the New Frontier that Otepka found himself the target of incredible harassment, ranging from having his job abolished, himself declared persona non grata and his fellow employees forbidden to speak to him, to a not so clever frame-up and a make-work job which assured that his talents in the security field would not be used. Finally he was fired.

Otepka, however, was not the quitting type. He fought back with every legal remedy available. After years of persecution, including smears by newspapers which attempt to picture themselves as the champions of the persecuted, Otepka was finally vindicated. In 1969 he was appointed to the SACB to serve out a deceased member's unexpired term, over the objections of several far-left Senators and allegedly of the man who is now Secretary of State. Several Senators are attempting to block Otepka's confirmation.

The fact that Otepka has been renominated for a full 5-year term on the Board is a double victory. In the first place, it shows that it is possible to "fight city hall" and win. If a man has enough courage and determination, victory is possible. The will to win, the will to seek justice is a real factor in the battle which roars around our heads. Without it, nothing is possible. With it, the possibilities are endless.

In the second place, this appointment continues a knowledgeable and courageous man in a position from which much can be done to stifle the subversive movement within the United States—the movement which would, in Hamilton's words, "lead us from freedom to slavery." The SACB was created by the Subversive Activities Control Act of 1950. At the request of the Attorney General, the Board holds hearings to determine whether a group is a Communist-action, Communist-front, or Communist-infiltrated organization. The SACB is the only governmental organization we have which was created solely for the purpose of hindering Communist operations in the United States.

The SACB is best thought of as a "truth in political packaging" device, designed to protect the citizen consumer from swallowing political poison dished up in various attractive guises. It was reasoned that if the American people knew that an organization was controlled by agents of a foreign and hostile government, then that organization would not be able to manipulate people by rallying them to its program through the use of apparently worthy causes.

The nonarmed aspect of Communist revolutionary warfare in Vietnam and the United States is basically the same: the manipulation of front groups through the use of popular issues or appeals to gather large numbers of non-Communists and guide them in directions consonant with Communist goals. A large number are manipulated by a small tightly organized Communist nucleus, known rightly as a fraction.

The idea behind the SACB was that if the fraction could be exposed—the arsenic camouflaged as intellectual sweetmeats—then non-Communist support would fall away and the party would be isolated and powerless. The act recognized that it was not the motives of the individuals, who became affiliated with the fraction-controlled mass organizations, which was truly important to our security, but rather the purpose for which these people were actually being organized.

The concept behind the SACB was so sound that it immediately became the main target of the Communist Party and its legal section. During the sixties a succession of Attorneys General, such as Ramsey Clark, participated in the effort to vitiate the SACB by refusing to submit organizational cases to it. Coupled with several unintelligible court decisions, this suppression of our most important organ for controlling the Communists has in no small way contributed to the success of the enemy camapign here at home against our war effort in Vietnam. Poison not identified has been consumed in large doses by many people.

To find the enemy fractions, we need the SACB. Senate bill No. 12—see my newsletter of September 23—cosponsored by Senator MURPHY, which seems to have found a permanent home in the

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Senate Judiciary Committee, strengthens the SACB. Even the most courageous men need legal authority to do their jobs correctly. It is important to let the chairman of the Judiciary Committee, Senator EASTLAND, and the Attorney General, John N. Mitchell, know that there is a pressing need for this legislation.

DYNAMIC DEVELOPMENT

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. HAGAN. Mr. Speaker, the First Congressional District of Georgia, which I have the honor to represent in this body, has long been known as the Coastal Empire region of our State. As the name implies, this section of Georgia is an empire of resources—human and physical—which together are bringing about a great thrust of economic progress for the people of the coastal area.

On October 4, the story of the economic progress and the potential future growth of this section was told in detail in a special edition of the Savannah Morning News & Evening Press. Called the Golden Seventies edition, the paper told of the many fine industries and institutions that are contributing to the economic well-being of the Coastal Empire.

One of these industries is Interstate Paper Corp. of Riceboro, Ga., in Liberty County, the heart of the Coastal Empire. It was my great pleasure, Mr. Speaker, to participate in the dedication of Interstate's modern, new mill in May 1968. The event was the culmination of a long effort on the part of many people to bring this new industry to our section to provide a source of new jobs, to stimulate new economic activity, and to create a new market for the south Georgia pine which abounds in the coastal area.

Today, 3½ years later, I would like to summarize some of the principal economic benefits that have occurred as a result of Interstate Paper's location in our area:

Total, area-wide economic impact, annual	$50,000,000
Jobs created directly	295
Annual payroll and fringe benefits	3,000,000
Counties of employee residence	8
Pulpwood purchases (current year) cords	285,000
Counties in which pulpwood purchased	40
Number landowners supplying pulpwood	1,100
Forest land improved (current year) acres	8,000
Counties of forest land improvement	5
Supplies and services purchased, annual	$3,200,000
Jobs created indirectly	250

Mr. Speaker, I think this is an impressive record of economic benefits in a relatively brief period of time, and I am pleased to share them with my colleagues from all parts of the country. I also wish to share with them the article from the Savannah Morning News & Evening Press about Interstate Paper Corp.:

INTERSTATE EXPECTS DYNAMIC DEVELOPMENT

RICEBORO, GA.—If the past two and one half years are any guide, the decade of the seventies will be a period of dynamic development for Interstate Paper Corp.—already a valuable contributor to the Coastal Empire economy.

Interstate, a producer of kraft linerboard for the corrugated box industry, has scored an impressive string of "firsts" in the paper industry at its modern. $27 million Liberty County facility. Among them:

The first mill in the United States to develop and operate a process for removing color from paper mill waste water.

The first mill to employ a comprehensive three-stage system to prevent water pollution, utilizing color removal, primary and secondary treatment.

The first mill in Georgia to be selected as a demonstration model in water pollution control by the Federal Water Quality Administration under its matching grant program.

The first mill in the United States to participate in a study by government research agencies on the effect of treated pulp mill effluent on estuarine waters.

The first mill of its kind in Georgia—and one of the few anywhere—to rely totally on independent sources for its pulpwood needs instead of buying up its own woodlands.

The first mill to offer complete reforestation services, including heavy clearing equipment and technical advice, exclusively to private timberland owners.

The first mill to develop a process for using aged yellow pine stumps as a source of wood fiber for conversion into paper.

Interstate management and research brought forward two significant new industry developments during the past year—both with far-reaching implications for conservation.

STUMPWOOD PAPER

First, Interstate researchers have discovered that wood from old yellow pine stumps could be used as a fiber source for making linerboard.

As a result, starting Jan. 1, almost a third of Interstate's pulpwood needs will be met by stumpwood supplied by Hercules Incorporated of Brunswick. Hercules buys yellow pine stumps from throughout the Southeast and extracts resins and pine chemicals from them at Brunswick, afterwards burning the residue stumpwood for fuel.

The stumpwood Interstate will use each year will replace 86,000 cords of green pulpwood from the living forest. This is equivalent to the annual growth from 175,000 acres of average Georgia timberland.

Thus, use of stumpwood for making linerboard not only represents a technological breakthrough in the pulp and paper industry, but is a significant step in the conservation and fuller utilization of the forest resources of Coastal Georgia and the Southeast.

REFORESTATION OFFERED

The second recent development was the decision by Interstate to offer a full-range of reforestation services exclusively for private landowners within a 50-county area of the Coastal Empire.

The decision involved the investment of some $250,000 of company funds in heavy equipment for clearing, site preparing, and replanting of cutover woodlands under the supervision of trained foresters. Through this reforestation program, productivity of thousands of acres of privately-held timberlands will be improved each year, resulting in increased land values for owners and in greater forest resources for the state.

Looking toward the future William J. Verross, vice president and general manager, said Interstate currently is researching some additional avenues for expanding the wood fiber potential of this area.

"We also are investigating some ideas that could result in the establishment of one or more additional satellite industries to augment the 295 jobs we have created directly," he said.

One field in which Interstate engineers and researchers remain active is pollution control. The company's efforts thus far have focused national and international attention on Riceboro, including visits by approximately 250 scientists and technicians from 60 companies and six countries to inspect and study Interstate's waste treatment system.

At the request of the Federal Water Quality Administration, Verross in August described Interstate's color removal work to a group of Russian scientists who visited Georgia as part of a State Department-sponsored tour to observe water pollution control methods in the United States. Interstate was one of only three industrial pollution control examples included in the Russian tour.

Secretary of Interior Walter J. Hickel also included Interstate among three U.S. companies singled out for favorable comment in a report submitted to Congress last June on the status of the nation's water pollution control program. Said the report:

"The color of pulp and paper mill wastes has long been an aesthetic nuisance, difficult to control. Interstate Paper Corp. at Riceboro, Ga., has demonstrated the lime coagulation process for the removal of color from kraft pulping effluents.

SUSTAINING THE PRISONERS OF WAR

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, November 18, 1970

Mr. GRIFFIN. Mr. President, the glories of fall have begun to fade. The dull and dismal November-December days have begun. Yet we in America have always taken cheer and hope during this time with our great Thanksgiving and Christmas holidays.

Not so with nearly 1,400 Americans who we believe are held in Communist prison camps. They are still hostages, used for whatever propaganda purposes their captors choose.

Let us bend every effort to persuade the North Vietnamese regime to actually allow messages and packages to reach American prisoners at least during this season. And, parenthetically, what a meager concession this will be on the part of Hanoi. How far removed from the minimum requirements of decent treatment as laid down in the Geneva Convention on Treatment of Prisoners of War.

Nor can we forget the families of these prisoners who have lived on the knife edge of anxiety for so long. Anything any one of us can do to help to alleviate this sorrow is certainly owed these gallant people.

OUR FUTURE IN VIETNAM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. ROSENTHAL. Mr. Speaker, the author of the following article has spent the last 18 months in Vietnam and emerged with some cogent observations on what choices lie ahead for us in Southeast Asia.

I recommend his dispatch in Newsweek as an eloquent exposition of the view that the United States can—indeed must—withdraw entirely from Vietnam in the next 2 or 3 years. The author also points out how our present disengagement procedure cannot possibly culminate in total withdrawal.

The text of the article follows:

VIETNAMIZATION IS NOT PEACE

(By Maynard Parker)

Until recently, when he was reassigned to Hong Kong, Maynard Parker was Newsweek's bureau chief in Saigon. After eighteen months of reporting both the political and military aspects of the Vietnamese war, Parker filed this personal assessment on the prospects for peace in Indochina:

Last year, when I stopped in Paris en route to Saigon, the talk was not whether there would be peace, but how soon it would come. Even in Saigon, there was a feeling that peace was a few months away. South Vietnamese politicians gossiped about who might be included in a coalition peace Cabinet, and in the countryside, U.S. advisers discussed which villages would hoist the NLF flag on cease-fire day. But today, no one in Vietnam thinks there will be peace this year or even this decade.

Personally, I am convinced that hundreds—perhaps several thousand—more Americans will die before the U.S. has extricated itself from this war. For in retrospect, it is questionable whether either side went to Paris prepared to negotiate anything but a veiled surrender by the other side. The essential question of the war has always been who will emerge with power in Saigon, and on that question neither side has been willing to make significant concessions. Certainly, the Communists have not. Neither has President Nixon—for fear of placing the Thieu government in an impossible position of military and political inferiority. As President Thieu himself told a group of visitors a few months ago: "I'm too weak to cooperate in an accommodation with the Communists."

Now after a string of military successes, Thieu is telling his countrymen just the opposite—that South Vietnam is too strong to compromise with the other side. Only President Nixon could have broken this impasse by forcing Thieu to make peace. In choosing not to do that in the first days of his term, Mr. Nixon almost by default has opted for a long war and a continued American involvement under his Vietnamization policy. A diplomat whom I know in Saigon is now offering to bet a case of champagne that there will be 50,000 U.S. troops in Vietnam in 1980. I would not bet against him.

For far from staging a great retreat from Vietnam or Asia, I think Mr. Nixon is in Vietnam to stay, Vietnamization will permit substantial American withdrawals, but it is not a withdrawal strategy. The basic American objective of winning the war has remained unchanged. Deputy Ambassador Samuel Berger, holding forth at a Saigon dinner party, once told me: "The American people are not like the French. They aren't losers; they don't want to go out of here defeated and we're not going to." And that kind of thinking prevails among U.S. officials in Vietnam. While paying lip service to the Paris talks, these officials are rosily predicting that the war will simply die out—in a way which will amount to a U.S. victory. The enemy, in this view, will eventually fade away, except for what Deputy Ambassador William Colby, one of the architects of the extraordinarily successful U.S. pacification program, calls "a residual level of violence." What is always left out of these predictions, however, is the fact that such a level will requre a million-man South Vietnamese army and thousands of American troops.

American officials in Washington hint that the President will have all U.S. troops out of a combat role by next summer. But U.S. military commanders in Saigon are planning to keep at least two U.S. divisions plus supporting units in enclaves—one in the Saigon-Long Binh area and another in the Da Nung-Hué area—for the indefinite future. Mr. Nixon will no doubt call these men security forces instead of combat troops, but whatever the semantics, they will be employed in a combat role as a reaction force to bail the ARVN out of any possible trouble.

It seems to me that this policy entails enormous risks. It is not just that there will be an undeniable physical danger to the U.S. troops left behind in the enclaves. The Vietnamese Communists are not simply going to fade away—not as long as they are respected in the south as the heirs of Vietnam's nationalistic traditions and not as long as the Chinese continue to supply them. And as the war drags on, it will become more dangerous for the United States in certain respects. Not only do we risk an ever-higher penalty in terms of lost prestige for any eventual defeat, but there is the danger of the war spreading even further. Cambodia has already been drawn into the general conflagration. And further escalation—a thrust across the Laotian panhandle or even limited bombing of North Vietnam—should not be ruled out, particularly if Mr. Nixon wins a second term and feels freer than he does now of the constraints of public opinion.

What then is an alternative solution? The only answer possible at this late date seems to be for the U.S. to announce a deadline for the withdrawal of all U.S. troops. I do not suggest that the U.S. should accept the NLF's timetable or even those put forth by various Congressional critics of the Administration. Rather the Administration should choose a deadline such as Christmas 1972 or even Christmas 1973—a deadline which would shock the South Vietnamese into the realization that the Americans really are leaving the country.

I do not think it fair to suggest, as Ambassador Bunker has often done, that by pulling out in such a fashion the United States would be welshing on its commitment to the Vietnamese and that Washington's word would no longer be worth anything to its allies. The U.S. commitment to Vietnam was never meant to be open-ended. The United States has stopped the enemy from taking over; it has introduced Vietnamization to enable the South Vietnamese to defend themselves; and it has introduced a semi-democratic, constitutional government in the process.

Nor do I agree that setting such a deadline would mean abandoning the South Vietnamese to disaster. The military situation in South Vietnam has now progressed to the point where a military take-over by the Communists is no longer a real possibility—not at least in the next two or three years. If the South Vietnamese, with a million-man army and with one of the world's largest air forces, cannot defend themselves within a year or two years' time, then there is very little reason to think they ever will be ready to stand alone.

FEDERAL POWER COMMISSION

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. ROBISON. Mr. Speaker, I believe that the following article about the Federal Power Commission will be of interest to my colleagues and I insert it in the RECORD:

FEDERAL POWER COMMISSION

(By Keith Roberts)

Electricity shocks in more ways than one these days. Consider: the generation and transmission of electricity destroys more wild or scenic areas than almost any other activity. Witness the Grand Canyon, Hells Canyon, Nipomo Dunes, Storm King, and Ramparts Dam proposals, to say nothing of transmission line routing.

Power plants contribute nearly 50 per cent of all sulfur dioxide and 20 per cent of nitrogen oxide emissions in the nation, which are estimated to cause billions of dollars in crop and property damage and wreak untold injury on human health.

Thermal pollution is an increasingly recognized hazard; and the extraction and transportation of fossil fuels spread drilling rigs, strip mine scars, and oil slicks over the earth's face. In short, while we are reeling from the present impact of electric power, the electric utility industry happily predicts that power output will quadruple in the next twenty years. This juggernaut will require at least 150 new sites for major generating installations; transmission lines, which presently cover three million acres, will devour four million more.

In the absence of a coherent and persuasive case for slowing the increase in power consumption, indiscriminate opposition to all specific proposals for power generation, be they hydroelectric, conventional steam-generating plants, or nuclear reactors, appears increasingly short-sighted. To be fair, articulating a sound energy policy is a task of extreme difficulty. In attacking electric power, environmentalists encounter an array of political and economic muscle. The electric utility industry is the nation's largest. Its monopoly position and guaranteed rate of return on expenses (usually including political, legal and public relations outlays) multiply the impact of its size. Attacks on electric power also meet opposition from coal, gas, oil, railroad, and electric equipment interests.

Under these circumstances, environmentalists might consider courting the governmental agencies with the power, expertise, and duty to shape energy policy. Chief among these is the Federal Power Commission, created in 1920 to ensure that hydroelectric projects and other uses of the nation's water resources would be "best adapted to a comprehensive plan for improving or developing a waterway or waterways" for the public benefit, and in 1935 given broad planning authority "for the purpose of assuring an

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abundant supply of electric energy . . . with the greatest possible economy and with regard to the proper utilization and conservation of natural resources."

Far from hosting a flock of environmental suitors, however, the FPC finds itself largely abandoned to the advances of the electric power industry. For all the public interest this powerful agency attracts, it might as well be the Fountains and Playgrounds Commission. Unfortunately, public inattention, and the irresponsibility of too many Commissioners, have wrought their effect. Originally a conservationist triumph over exploiters, the Commission now protects the very practices it should prevent. Of most immediate environmental concern are its failures in planning and licensing.

The Commission does no ongoing power planning. Its major planning effort has been concentrated in the 1964 National Power Survey and its forthcoming 1970 version. Unfortunately the Commission has chosen to undertake these surveys by creating industry task forces and stitching together the work they produce. It does little or no staff work; the result is basically an industry concoction. Neither the public concerned about the environment, nor consumers, receive any representation on these task forces whatsoever, with the token exception of a recently appointed task force on environment. This pillar of public participation not only comes so late in the planning process as to be virtually powerless, it also contains a most unrepresentative membership. Seven members represent government agencies. Of the other three, one represents Commonwealth Edison; one is an engineering professor; and one is a conservationist.

Not surprisingly, the power surveys merely sanctify the industry's predictions of enormous consumption increases although the predictions themselves are based on purely passive projections of historical trends, as computed and assembled by utility staffs. Nor has the Commission itself studied such questions as how efficiently we use power, the effect of rates on power use patterns, or the effect on unemployment of substituting electrical for mechanical power. Instead, it churns out speech after speech attacking those who oppose increased power consumption, chanting the industry's litany that such ideas are impractical, and piously proclaiming the goal of "serving the utility needs of the nation's consumers while preserving our environmental quality of life," in the words of Chairman Nassikas at hearings of U.S. Senate, Committee on Commerce, Subcommittee on Energy, Natural Resources and the Environment.

Turning from planning to the actual licensing of hydroelectric facilities, the FPC's present performance seems even worse. In the absence of informed public participation, licensing has come to encompass a multitude of sins. The most serious, from an environmental point of view, is that the formal licensing procedures come so late in the planning process that denial, substantial modification, or any other delay-causing move by the FPC with respect to a major project would be highly disruptive to power reliability, and therefore virtually out of the question. This circumstance has made intervention in these proceedings—the only good opportunity for public participation—mainly a prescription for costly frustration.

The one apparent exception, the Storm King case, merely illustrates the point. In 1963, Consolidated Edison sought to license a huge hydroelectric facility at Storm King mountain, on a scenic portion of the Hudson River. Since it planned the facility to be operational by 1968, its own planning procedures required it to know the site, design, and major engineering details of the project by 1958 at the latest. Yet, by delaying the application until 1963, Con Edison virtually assured a favorable FPC decision since, at that late date, alternative power sources to meet the 1968 demand could not readily be found. Thus, unless the FPC wanted to risk power blackouts, it had to grant the license.

The conservationists who intervened to seek denial of the license therefore played against a stacked deck from the start. Despite a battle which has lasted for over seven years, expenditures of nearly $1 million, and donated services worth several million more, there is no serious prospect that the license will be denied. To be sure, the intervenors have won substantial modifications in the project design, but even this partial victory illustrates less the efficacy of intervening in licensing procedures than the enormous effort required to obtain any success whatsoever. Unfortunately, Storm King, while spectacular, represents the normal approach to licensing of electric utility installations on both the federal and state level.

Despite the sorry state of the Federal Power Commission (exacerbated by the present Chairman's apparent belief that all problems can be solved by leaving them to state regulation and utility company benevolence), conservationists could not make a worse mistake than to turn away from it. It is the agency with both the power and responsibility to resolve many of the environmental problems of electric power. Indeed, the present failure of its planning and licensing procedures is partly attributable to conservationist neglect, and will change only when environmentalists pay it some attention.

Environmentalists might question the Commission's present planning efforts, publicize its incestuous parentage, and remain skeptical of its "findings." They could seek thorough reform of Commission planning; let the Commission engage in continuous planning efforts, including a search for answers to some of the basic questions that have been raised about the effects of electric power. Any such planning should permit adequate input from all interested parties. With respect to the National Power Survey, the Commission should insure adequate public representation on the advisory committees and task forces.

Environmentalists should also seek reform of the licensing procedures. Indeed, by permitting utilities to file applications so late in the planning stage, the FPC arguably violates the Federal Power Act which, according to the Supreme Court in *Udall* v. *FPC*, 387 US 428, requires it to fully consider all reasonable alternatives before licensing a hydroelectric project as "best adapted to a comprehensive plan" for the waterway. It seems clear that the Commission can hardly give full consideration to alternatives if, in fact, the application has been filed so late as to preclude their existence. One possible reform would be to require two license hearings on a project, one at an early point in the planning stage. It would impose no great burden on utilities to submit their projects ten or more years in advance for siting and design consideration and early submission would permit effective examination of utility planning, project choice, and facility design. Intricate safety and engineering details of the project could be left to a later proceeding.

There are various ways to exert pressure for such structural reforms (other than picketing and the like). One of those most overlooked is talking with the people responsible—in this case, FPC Commissioners, high officials, and Congressmen on the Senate and House Commerce Committees. Invite them to events, write them letters, petition for rulemaking to remedy the problems. Another approach is to marshall Congressional pressure by getting Congressmen to make inquiries, hold hearings, or introduce legislation. A third lever of pressure, probably the most important, is publicity. Officials neglecting their job or doing it badly prove allergic to publicity and react quickly, for adverse attention bruises egos, damages careers, and embarrasses superiors. Lawsuits, where feasible, can of course provide the most effective pressure.

Structural reform takes time. Meanwhile, intervention can be highly useful, as the Club has learned in the cases to which it has been a party: Storm King, Grand Canyon, Hells Canyon, and others. While present procedures make successful opposition to important new projects exceedingly difficult, intervention can obtain modifications, and may even stop some projects. But the relicensing cases now arising provide a major opportunity for useful intervention. Many major hydroelectric licenses are expiring. Under the Federal Power Act, the government may "recapture" these projects, or the Commission may award the project license to the applicant or anyone else. Under the conditions of the law, the fair cost of takeover should be little or nothing in most cases, even though continued possession of the hydroelectric facility would be extremely valuable to the utility involved. These circumstances give the intervenor tremendous leverage to obtain modifications, promises, or other advantages from the vulnerable licensee. Intervention also provides an opportunity for communicating with the Commission in a persuasive way and changing its present outlook.

Notice of forthcoming proceedings appears in the *Federal Register* and local newspapers in affected areas. The easiest way to learn of them, however, is to subscribe to the free FPC News, published weekly by the Commission's Office of Communication. The public generally has 30 days to respond to license applications. But the only effective response, practically speaking, is a formal petition to intervene.

While intervention can prove time-consuming and expensive, it automatically provides several benefits. First, it alerts the Commission staff to the application as requiring special attention. Second, the intervenor gains a chance to persuade the FPC staff of his position. The staff prepares its own position in each case, and obviously has resources and expertise which conservationists could use. Even if the intervenor doesn't persuade the staff, he may receive assistance. Third, intervention forces the Commission to play fair. For example, the courts have ordered the Commission to consider a project's environmental impact. But the staff, however pure its heart or convincing its case, cannot appeal Commission decisions; consequently, unless an intervenor stands ready to appeal, the Commission can ignore environmental impact with impunity.

The FPC responsibilities discussed here merely scratch the surface of electric power regulation. Under the Johnson Administration, the Commission made some tentative beginnings at exercising its long dormant ratemaking powers, antitrust responsibilities, authority to require interconnection between power systems (meaning fewer, more efficient power plants), and accounting duties. These powers give the Commission considerable leverage over electric power expansion and use. While the present Commission has relapsed into inactivity, state regulation of this powerful interstate business is so weak that environmentalists have no real alternative but to turn the present Commission from its cynically irresponsible retreat.

Finally, environmentalists must press Chairman Nassikas to follow his predecessor's lead in seeking additional authority. For all its powers, the Commission lacks any control whatsoever over most steam-generating plants and transmission lines. Nor do many states have authority. Thus, incredibly, private utilities often choose plant sitings and transmission line routes with as much freedom as landowners have to locate their fenceposts. The Commission under Chairman Lee White introduced legislation to remedy this gap, and various Congressmen have proposed other legislation: such as S. 1071 by Senator Edward Kennedy, S. 2752 by Senator Edmund Muskie, and H.R. 7186 by Congressmen Richard Ottinger, John Moss and others. S. 1071 and H.R. 7186 particularly stress environmental concerns. While the Sierra Club has been supporting these measures, and indeed its Executive Director Michael McCloskey was asked to speak for conservationists at the hearing held early this year by Senator Muskie, it is crucial that more environmentalists emphatically support such measures. The public must be given an effective voice in these vital decisions.

DAVENPORT AUTHOR PORTRAYS TURN OF THE CENTURY LIFE IN DENMARK AND IOWA

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. SCHWENGEL. Mr. Speaker, a prominent author in my district has recently published a new book which will be of interest not only to many of my colleagues here in the Congress but of great interest to the reading public. The author is Julie McDonald, and the book is "Amalie's Story." It is a heartwarming story of the life of a young Danish girl, who after her marriage, moves to Iowa where she spends the remainder of her life. The book cannot help but capture your intense interest as it moves through Amalie's childhood and marriage in Denmark and finally to Harlan, Iowa. The description of the life of the young couple on the Iowa prairie has tremendous charm, and to me, as a son of immigrant parents is very real. The following reviews further testify to the literary value of Mrs. McDonald's work:

[From the Davenport-Bettendorf (Iowa) Sunday Times-Democrat, Sept. 20, 1970]

DAVENPORTER'S NEW NOVEL: "SUPERBLY DONE"

(By Murray Hicky Ley)

("Amalie's Story. By Julie McDonald. 249 pp. New York: Simon and Schuster, $6.50.)

Here is a writer, here is a story teller, here is a poet! And the evidence glows everywhere in Julie McDonald's book. Part pastoral, part small city saga, this superbly done novel chronicles life in the late 19th century in Denmark and in the American Midwest specifically in and around Harlan, Iowa.

Mrs. McDonald prefaces her book with a dedication to "... my mother, Myrtle Faurschou Jensen Petersen, and in memory of her mother, who inspired the story of Amalie Jorgen." It is Amalie's story, told by her, of the first 35 years of her life, and, like any good story, it is also the story of others.

As a very young child, just starting to walk, Amalie is given by her parents to her mother's brother, a prosperous ship owner. With him and his wife she makes her home. Karsten, the uncle, an able businessman, is an apparently conventional figure, but somewhere in him wild trolls run, and have their being. He brutally discharges Arne, the long time hired man, who, after a week of hiding in barns, hangs himself. Mor, his wife, wavers between Lutheranism and a sect known as the Holy Ones. Her ambivalence takes other forms: Amalie reflects that "Mor's constant talk of the love of Christ was strangely coupled with cruelty. At least it seemed cruel to me that she would pour cold water into the soup to prevent our 'worldly enjoyment' of it."

Into the materially well furnished world of these three comes young Peter Jorgen, the son of prosperous, manor owning parents. A case of love at first sight for both, marriage follows, and the business of making a living becomes paramount. The young couple buy an inn, part of which is the town jail. Just before disposing of this perhaps symbolically coupled property, they visit Copenhagen: "I (began) to feel what I had exected to experience the moment I saw Copenhagen—that 'hyggelig' or sense of well-being that would strip away an accumulation of sorrows."

Peter buys a general merchandise store in Ribe, though he longs to go to America. Amalie, loving her native Denmark refuses to go, in spite of her husband's pleas and impassioned references: "... there is a place called Shelby County in Iowa where we might go. So many of our people are in Iowa." And "his eyes blazed as he read the words of the poet Christian Winther describing America as a place where it hailed candy and rained lemonade, where roasted squabs flew straight into your mouth, and where country estates were given for the asking."

During the periods of inn and general store ownership, two children, both boys, are born to them. Both die. Then a girl is born.

And then comes America, the land of the lemonade rain, their destination Harlan, in Shelby County, Iowa. Peter, going on ahead to establish himself in business in Harlan, purchases a half interest in the Beehive, a thriving general merchandise store. Amalie and Laura, the new daughter, follow. "New York City seemed to rise from the sea like Atlantis reappearing. Glinting gold, mauve, and pink in the morning sun, the panorama of the city was a diamond point etching. It was hard and male in its power; nothing like the feminine cities of Denmark."

The young couple and their child (more come later) settle in the town of their choice, living side by side with those of their fellow countrymen who have made the same choice.

Subtly perceptive and deft is the author's handling of that which makes the remainder of this book—the always suspenseful interplay between strangers come to live in a new country and the growings, and regrowings, demanded by their wholly new environment.

In the course of a recent interview Julie McDonald, commenting on her family roots in Denmark (her mother's parents came to America in 1880), remarked, "We're obscurely related to Henrik Ibsen." I find her remark both relevant and suggestive.

For me, there are in Amalie's story certain darkly clear echoes of the great Norwegian master's myth making. In an age whose chief pillars include Auschwitz and the hydrogen bomb and the 1960s, the beings encountered by Henrik Ibsen's Peer Gynt may have a special significance. The button moulder would have something to say to the brilliant young violinist Andreas Christensen, who, after delivering Amalie's child when no doctor is available, is so deeply shocked by the sight of human birth that he emasculates himself. "He would never cause a woman such pain." And the Great Boyg, another of Ibsen's mythed presences, would surely have certain things to say to Pastor Madsen and Peter Jorgen . . . While Amalie might have two things to say to him . . .

The only fault I have to find with this book is that it isn't long enough. Very clearly, it should have a sequel. And soon!

REVIEW FROM PUBLISHER'S WEEKLY, JULY 20, 1970

("Amalie's Story," by Julie McDonald, Simon & Schuster, $6.50)

This likeable, winning chronicle of a Danish-American community in 19th century Iowa could be dubbed an "old-fashioned" novel; at least it has the old-fashioned virtues of a clear story line, without pretensions, without stylistic gimmicks. Details of Danish betrothal, marriage, birthing and child-rearing form the stuff of the flowing narrative, along with the difficulties of adjusting to an intimidating new land. Amalie's story is a rich tapestry of the joys and sorrows and familiar turbulence of living and dying and contentedly loving. Hers is a solid and stable life that makes a solid and appealing story.

REVIEW FROM ST. LOUIS POST-DISPATCH, OCTOBER 4, 1970

Gently, lovingly, "Amalie's Story" recreates the simpler world of the nineteenth century when it was virtue to have an abiding sense of duty and responsibility fulfilled.

Amalie grows up in Denmark knowing she is adopted but not knowing the secret behind the adoption. This mystery is the threat which encloses the tale of her childhood, her marriage to an exciting young nobleman and her eventual emigration to America.

Although a great deal has been written about the trek of other nationalities to this country, there has never been enough about the solid, almost invisibly silent, Scandinavian. They were the plodders who filled the vast midwestern plains—if they were farmers—or ran the old reliable store on the waterfront.

Behind the stolid facade, however, was a wealth of delightful tradition. Mrs. McDonald does an excellent job of bringing her grandmother's world to life, with all its superstitions and habits.

America was golden opportunity. Rumor had it that it "rained lemonade" in America and when Amalie arrived to find her new home unpainted and poor, her husband explained that a poor home in America is no disgrace. "For the first five years you belong to the freemasonry of the poor with possibilities. If you are still poor after that time, you are considered shiftless."

So be it! Readers tired of a surfeit of self-analysis and social criticism will find it cozy and relaxing to bask in the warmer atmosphere of Amalie's clearly defined world.

REVIEW FROM THE NEW YORK TIMES BOOK REVIEW, SEPTEMBER 27, 1970

("Amalie's Story," by Julie McDonald, 249 pp., New York, Simon & Schuster, $6.50)

This is an old-fashioned immigrant saga in the tradition founded by Ruth Suckow, another Iowan. Mrs. McDonald begins her novel with the grim fairly tale that is told Amalie Ibsen about her adoption in 19th-century Denmark. (At age 2, Amalie had been acquired by a childless aunt and uncle.) The girl grows up to marry an impetuous Danish prince charming, to learn the true particulars of her parentage, and to suffer bravely in the Iowa hamlet where husband Peter eventually runs a general store. Mrs. McDonald writes with ingenuous charm of her heroine's battles with disaster and with her hot Danish blood.

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A RARE OPPORTUNITY IS GIVEN TO NIXON

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. RIEGLE. Mr. Speaker, in yesterday's Flint Journal there appeared an excellent editorial entitled "A Rare Opportunity Is Given to Nixon." This article stresses the need for greater Presidential leadership to heal the bitter wounds opened during the election struggle, and to lessen confrontation and polarization. I insert this editorial at this point in the RECORD so that all Americans can read it and work with the President to fulfill his pledge to bring us together:

A RARE OPPORTUNITY IS GIVEN TO NIXON

At rare intervals there occurs the exactly right moment to take a decisive step which might prove useless if taken at the wrong time.

It is our opinion that this is just such a moment for President Richard M. Nixon to return to his inaugural pledge and move actively toward his announced goal to "bring us together."

The hard-fought, sometimes bitter, election struggle for party power is over and the results cannot be changed by all the analyzing and theorizing by all shades of political commentators.

It is apparent that during the contest some of the promises of unifying the nation were forgotten by both sides and some of the momentum toward that goal which came naturally with the advent of a new administration was lost.

Without attempting to judge what was gained and what was lost by the campaign tactics of Nixon, as typified by the speeches of Vice President Spiro T. Agnew, it is apparent today that the best hope for either party in 1972 lies in answering the cry of almost all Americans for an easing of the abrasiveness of our time, a lessening of the policy of confrontation and a moving away from polarization.

President Nixon stands uniquely in a strong position to further just such hopes, not merely because he is the president (although that is a dominant factor) but because he holds a position where he can afford to so act and will benefit greatly from doing so.

There can be little doubt that one of Nixon's greatest political assets at this time is the fact that his program to "wind down" the war is succeeding even beyond his own expectations. Despite the demands by some for an even faster withdrawal, the great majority of Americans are at least willing to "go along" with his present policies, and this constitutes a large reservoir of good will upon which he can draw.

With much of the explosive power of the war issue defused, Nixon is free to concentrate upon lessening the other divisive influences within our society.

The time to start on that project is now and the place is with the first lame duck Congress since 1950. The way to start is to accept at face value the pledge by Democratic Sen. Mike Mansfield, Senate majority leader, that the Democratic members of Congress will carry on no "vendetta" with the White House because of the election.

President Nixon is in an enviable position to cement whatever gains he may see in the election and to ease whatever losses he may have suffered by stepping forward now, not as the party leader but as the nation's president searching for practical solutions to the many problems facing Congress and the nation.

To do so, however, he must risk some disfavor among one faction within his party by moving positively to dispel certain doubts which have shadowed his administration.

To do so he must put a renewed emphasis on "justice" as a major ingredient in his law and order campaign, declaring his firm intention to fight crime within the confines of preserving personal privacy and the Constitutional restrictions we have imposed upon ourselves to protect the rights of individuals.

He must declare himself unequivocally in support of existing civil rights laws, not merely by a willingness to prosecute violators but in implementing programs which will bring those laws to fruition.

It is necessary for him to show his readiness to listen with sympathy and understanding to the complaints of the young, the spokesmen for minority races and the others who feel left out of society.

If he can ease these points of conflict, he will be free to address himself to such problems as urban distress, growing inflation and the failures of our welfare and health care systems.

A clear call for unity in these fields could be the best medicine possible for our present malaise.

LATVIAN INDEPENDENCE—NOVEMBER 18, 1918

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. PUCINSKI. Mr. Speaker, with the collapse of the Russian empire during World War I, many nations were provided with an historic opportunity to proclaim their independence and set up democratic republics within their ethnic boundaries.

The Baltic Republic of Latvia did so on November 18, 1918, after fighting a bitter war of liberation against both the Russian and the German armies. In 1920, Latvia and the Soviet Union signed a peace treaty, the latter solemnly pledging to respect the sovereignity of Latvia "forever."

As is typical of Soviet treaties, the "forever" lasted less than twenty years. Following the infamous Molotov-Ribbentrop pact in June, 1940, Soviet armed forces occupied the Baltic states and incorporated them into the Soviet Union. Today, the Latvian republic and the other Baltic nations remain under Soviet occupation.

The history of civilization is replete with man's inhumanity to man, of freedom-loving people struggling against foreign oppressors. And so it is with the courageous Latvians. Since they cannot commemorate the anniversary of this historic occasion, it is up to the people and governments of the free world to remind people everywhere of the plight and cause of the Latvians behind the Iron Curtain.

The Russian imperialists contain the seeds of their own destruction, and let us serve notice on these tyrants that at the earliest opportunity Latvia and the other captive nations will again proclaim their freedom and independence, and take their rightful place in the community of nations as masters of their own destiny. A truly free and independent Latvia is a goal toward which we strive unceasingly, whose hope and cause is also ours.

I should like to place in the RECORD today a short summary of Latvia's subjugation by the Soviets, put out by the Latvian Legation in Washington.

The excellent article follows:

THE BALTIC PLEBISCITE

(By Robert G. Silins)

(NOTE.—This is a slightly abbreviated transcript of the original, published by the New Leader, New York, October 27, 1945, No. 43.)

V. Lenin, Collected Works, Vol. XXII, page 13: "If a small or weak nation is not accorded the right to decide the form of its political existence by a free vote—implying the complete withdrawal of the troops of the incorporating or merely strong nation—then the incorporation is an annexation, i.e., an arbitrary appropriation of a foreign country, an act of violence."

The Soviet sponsored elections which were held in Estonia, Lativa and Lithuania in July 1940, and led to the immediate incorporation of these independent republics into the Soviet Union, have set the style for future "democratic" elections in all Soviet dominated countries. Declarations of Latvian Communists prove that the Baltic peoples never had a chance to express their free will, and did not join the Soviet Union voluntarily. All quotations in this article are authentic translations from Latvian press reports of July 1940.

In 1918 Latvia, Lithuania and Estonia seceded from Russia. They defended their independence against both Germany and Russia. In 1920, peace treaties were signed with the Soviet Union. Russia recognized their independence and right of self-determination, including secession from the former Russian Empire. (The principle of self-determination is also embodied in the Stalin Constitution of the USSR.)

The provisional Latvian Government, formed on November 18, 1918, and headed by K. Ulmanis, called a Constituent Assembly on May 1, 1920, which adopted a democratic Constitution in 1922. This constitution provided for universal, equal, direct and secret vote. The national minorities were accorded equal rights and cultural autonomy. On May 15, 1934, this Constitution was temporarily suspended by Ulmanis in favor of a government on the pattern of the Dollfuss regime in Austria—authoritarian but anti-Nazi—in the hope of safeguarding national independence in anticipation of an approaching world crisis.

An outstanding achievement of the Latvian Constituent Assembly was the enactment of a radical agrarian reform in 1920. About 1,330 estates comprising 50 percent of all land held by nobles of German origin, were divided into small holdings of 55 acres or less, and were granted to workers and farmhands. In 1938, about 80 percent of Latvia's 238,000 farms were cultivated by the owners and their families without hired help. The agrarian reform did away, once and forever, with the power of the landed nobility of Latvia. By converting a majority of landless workers into landowners, it rendered Communist activity ineffective.

The Baltic peoples fell victim to unprovoked aggression by their powerful neighbors, Russia and Germany, after the Nazi-Bolshevik treaty of August 1939, giving Hitler the green light for his attack on Poland, had opened the gates for a world catastrophe.

After Hitler and Stalin had divided Poland among themselves, Moscow imposed treaties "of mutual assistance" on Estonia, Latvia and Lithuania. The Baltic countries were forced to grant Russia military bases on their territories, but the USSR, in return, pledged not to interfere in their political, economic and social affairs. Stalin gave his personal word of honor to Latvia's Foreign Minister, V. Munters, who negotiated the treaty for Latvia.

Until the end of the Finnish war, Russia did not intervene further in the Baltic countries. But after Dunkirk, they were suddenly accused by Molotov of conspiracy and aggressive acts against the Soviet Union. On June 15 and 16, 1940, the Baltic countries were served with ultimata, and were immediately occupied by overwhelming Red forces. Assistant Foreign Commissar Vishinsky appeared in Riga, capital of Latvia. Zhdanov was sent to Tallinn, Estonia, and Dekanosov to Kaunas, Lithuania. They established their headquarters in the Soviet legations, and started the Sovietization of the Baltic countries.

A so-called people's cabinet was imposed on the Latvian nation, every member of which was hand-picked by the Soviet emissary. It is interesting to note that none, save the Minister of the Interior, was known to be a Communist. Most of them had belonged to various democratic groups or were affiliated with the Association of Latvian-Soviet Friendship. Probably they did not know they were selected to play the part of pro-Soviet Quislings. But they learned quickly to listen to "the master's voice," and soon did not finish a single speech without eulogizing Stalin as "liberator."

Declarations about preservation of Latvia's independence prevailed at first in the speeches of the members of the Cabinet. Saluting the restoration of Art. 6 of the democratic Constitution of Latvia, which provides for universal elections, and proclaiming July 14 and 15 elections days, Prime Minister A. Kirchensteins declared on July 6, 1940:

"We are able to give you this ballot so soon only thanks to the friendly support of our mighty neighbor, the Soviet Union. The Red Army is assisting us in the defense of our freedom, and the preservation of our State. Let us, therefore, be grateful to the Soviet Union, and pledge to help defend her frontiers against the enemy. Once again I salute the freedom and independence of the Latvian Republic. *We are, and will remain free, for we believe in the promises of Stalin,* the highest authority of the Soviet Union."

The Latvian Prime Minister, as well as his Estonian and Lithuanian colleagues, was at that time obviously ignorant of Moscow's intention to absorb the Baltic countries, for their declarations strongly imply that Stalin had renewed promises to preserve some measure of Baltic independence. But, whatever the puppet ministers believed, the leading Latvian Communists who had arrived from Moscow after the Red occupation, knew better. The organ of the Komsomol, *Latvju Jaunatne,* predicted as early as the first of July, 1940:

"What will be the nature of the democratic republic we are going to create? Will it be the democracy which existed until 1934, the child of which is Fascism? No! That kind of democracy is buried forever. The new democracy will be a revolutionary democracy of the people. The power will be in the hands of the *real* representatives of the people."

Who are these *real* representatives of the people? We find a clue in Art. 126 of the Constitution of the USSR, according to which "the Communist party . . . is the vanguard of the working people . . . and represents the leading nucleus of all organizations of the working people, both social and state."

Cina, the official organ of the Latvian Communist party, expressed itself even more clearly: "The arrival and presence of the Soviet Red Army on Latvian soil has suddenly unleashed such a strong and far-reaching revolutionary movement among our people that the mere thought of returning to the conditions under the former regime becomes ridiculous and childish . . . Together, and hand-in-hand with the USSR, utilizing her rich experience in fostering revolutionary movements, we will create a socialist state for the working people."

The Sovietization of Latvia started as soon as the Red forces were in full control. While Ulmanis was still nominally President of the Republic, dismissal of state officials was in full swing. Private property was not yet abolished, but all banking accounts were closed. Latvia was flooded with Red propaganda, and with agents of the NKVD. The iron ring of subjugation, forged by Vishinsky, was closing its grip. Remnants of the "plutocracy" spent their last hours of freedom in hiding at home. Soon they were to vanish in prison camps.

The electoral law of Latvia, restored on July 5, provided, in addition to free and universal ballot, that groups of at least a hundred voters could nominate their own candidates. But the wire-pullers in the Soviet Legation were not anxious to let the people choose candidates of their own. They were, on the contrary, determined to force on the Latvian nation an assembly of pro-Soviet yes-men. There was a catch to it: The Supreme Soviet was to assemble in August in Moscow to receive the Baltic Republics into the Soviet Union. The Baltic peoples, including most of the local collaborationists, had no idea of such a plot. On the contrary, allusions to joining the Soviet Union were branded during the election campaign, as "inventions of the enemies of the people."

On July 6, the day following the announcement of the elections, a list of candidates sponsored by a newly created "Working People's League" was proclaimed. The press, now completely under Communist control, explained in unison: "Attentive observers will not fail to notice that the Working People's League comprises all the honest representatives of all classes of the population. There can be no other real list of candidates besides the League, in which all the positive and creative elements of the nation are represented."

This was meant to be a warning to the "reactionaries" not to nominate their own candidates. Yet, some patriots, defying intimidation and insisting upon their constitutional rights, had decided to run a list of candidates of their own. The way in which this venture was liquidated is reflected in the following announcement of the Communist-controlled press:

"Some representatives of the class of wealthy citizens, calling themselves Latvian democrats, have organized their own list of candidates, in spite of the fact that all *really* democratic citizens have already joined the Working People's League. They have collected signatures among their fellow-citizens. Our security organs, having disclosed this political adventure just in time, turned them over to the attorney general for investigation and liquidation."

This announcement was not followed by further information about the plight of the "culprits," guilty of exercising their consitutional rights. They were not summoned before a court of justice, because their actions were legal. They were, instead, arrested and deported.

After the liquidation of this venture, the Electoral Committee could announce: "The preliminary work for the elections has been completed. Only one list of candidates was approved for each district, namely the Working People's League. All other lists were rejected. None of them was of any political importance." Thus all voters were compelled to vote for the ticket sponsored by the Communist party, or else!

The means by which the victory of "Soviet democracy" was assured were as simple as they were brutal and illegal. Yet the Red planners were not satisfied. Since the vote was later to serve as a "plebiscite" in favor of joining the Soviet Union, it was essential to make it unanimous. Red propagandists, and agents of the NKVD, continued to spread terror and threats.

A decree was issued on the eve of election day, providing for capital punishment for treason and sabotage, which was defined as "shunning to fulfill one's citizen's duties with intent to injure the interests of state and society." Bearing in mind that participation in Soviet elections is a "sacred duty" of every citizen, absentees were threatened with most severe punishment.

On the eve of the elections, the following appeal was broadcast and published in all papers: "In order that those who are still in doubt whether to vote, or not, should have no reason to be ashamed of themselves, their fellow-citizens, fellow-workers all of patriots of the Latvian republic, and of their personal documents (Passports are compulsory in Latvia.–Ed.) in which the stamp of participation will be missing, everyone must go to the polls."

On election day the urban voters were assembled at their working places, to be led to the polls in a crowd. Voters were told not to erase candidates, nor to put empty envelopes into the ballot-box, because that would render their vote invalid. Many were provided with envelopes already sealed for them, and all were closely watched by the secret police.

The returns were supposedly 97.8 percent in favor of the League. But it must be borne in mind that the vote was compulsory, that there was no chance to vote for an opposition party, and that the returns were never impartially checked. Many voters obstructed the ballot by absenteeism, especially in the rural districts. But nothing could influence the count, which was predetermined by the Soviet Regime.

Although the question of joining the Soviet Union was hushed down during the election campaign, the first act of the new Assembly was to ask for annexation. Kalnberzins, first secretary of the Latvian Communist Party, declared even on the eve of the convocation of the newly elected Saeima: "The Latvian people have clearly expressed their desire for close and inseparable bonds with the peoples of the Soviet Union."

The election farce in Lithuania and Estonia was in every respect identical with the procedure in Latvia: The same date, identical declarations and campaign slogans, and similar results. All three Baltic republics were "admitted" into the Soviet Union during the August session of the Moscow Supreme Soviet.

WARMAKING POWERS OF CONGRESS AND THE PRESIDENT

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. LEGGETT. Mr. Speaker, yesterday I voted against House Joint Resolution 1355, concerning the warmaking powers of Congress and the President. Considering that I found myself in a small minority—the resolution passed 288 to 39—and that the resolution was supported by a number of highly esteemed colleagues with whom I usually agree on matters of foreign policy, I feel an explanation of my vote is in order.

Basically, I object to the resolution on the grounds that it gives the illusion of reasserting and sharply defining the

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power and responsibilities of Congress, without in substance accomplishing anything in this direction. Illusion is one thing we cannot afford in these troubled times.

Section 1 reaffirms the power of Congress to declare war, but specifies that in "extraordinary and emergency circumstances" the President can go ahead and take military action on his own. The gentleman from Illinois (Mr. PUCINSKI) made a laudable attempt to create legislative history, emphasizing that when we say "extraordinary and emergency circumstances" we really mean it. He went so far as to warn that a President who attempts to stretch the definition of "extraordinary and emergency" will be subject to impeachment.

In my view, the gentleman's efforts cannot meet with success. The nature of the resolution is such that a President can stretch the definition as much as he likes, legislative history to the contrary notwithstanding. Consider, for example, the Tonkin Gulf incident, in which we were told our ships were attacked while peacefully observing in international waters. Or consider the Dominican intervention, when the President talked of American lives being lost, and of the American Ambassador hiding under his desk while bullets whizzed through his office. Or consider the Cambodian invasion, when the President talked of the "enemy headquarters for all of South Vietnam" sitting right across the border, and enemy troops massing to attack our men.

In each case, the rationale given by the President might have constituted "extraordinary and emergency circumstances" had it been factually correct, but in each case it was factually incorrect. But in such a time of international crisis, who is going to stand up on the floor of Congress and say the President is a liar and should be impeached? For that matter, who is to know when the President is deliberately misleading the public and when he himself is the victim of misinformation?

Thus, section 1 is toothless because it assumes a willingness on the part of Congress to repudiate and impeach under ambiguous circumstances during a time of international crisis.

Similarly, section 2 calls for "appropriate consultation with Congress whenever feasible." The President can and will determine that consultation is not feasible when it would prove embarrassing. To this day, the administration has refused to tell us exactly what we are doing in Laos. There is no question of keeping it secret from the various Asian Communist forces or from the Laotians; they have their men on the scene and are well aware of our actions. Purely and simply, the administration does not want the Congress and the American people to know about our military activity in Laos because we would not like it and would try to stop it. Resolution 1355 would do nothing about this type of situation.

Section 3, which requires the President to report to Congress under various circumstances, also has holes big enough to drive a truck through. The President can simply send over an incomplete, equivocal, or misleading report.

Mr. Speaker, if we want to circumscribe our military activities, there is only one way to do it. We must say "No funds shall be used for military activities in such-and-such countries after such-and-such a date." This was the approach of the Cambodia amendment I introduced at the time of that incursion, and of the subsequent Cooper-Church and McGovern-Hatfield amendments. If we want to prevent bank robberies, we do not pass a law saying, "You can not rob a bank unless you really need the money." We say, "You can not rob a bank, period." In my view, if we want to limit our military involvement around the world, the only way we are going to do it is to say, "Money is not to be used to send troops in there, period."

YALE'S TALENTED MICHEL BROTHERS

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. BEALL of Maryland. Mr. Speaker, being a graduate of Yale University, I was most interested to read recently in the program for the annual Yale-Princeton football game of the considerable contribution being made to Yale's athletic program by the two sons of our distinguished colleague from Illinois, the Honorable ROBERT MICHEL.

As the article points out, it is very unusual for two brothers to achieve success in different sports, but Scott and Bruce Michel are accomplishing this feat. To those of us who know their father, it is not surprising that BOB MICHEL's sons are hard working, talented young men.

I am including the aforementioned article so that we can share in Congressman MICHEL's justifiable pride in his sons' accomplishments.

IT RUNS IN THE FAMILY: YALE'S TALENTED MICHEL BROTHERS

(By Peter Easton)

It isn't often that two brothers achieve success in two different sports. Oh, it happens. Former Southern California football ace Willie Brown and slugging outfielder Ollie Brown of the San Diego Padres are brothers. So are Alex Johnson, the California Angel outfielder who was the 1970 American League batting champion, and Ron Johnson, ace running back of the New York Giants.

Scott and Bruce Michel, however, are a really unusual pair. Not only did both start as sophomores at Yale (Scott as a basketball forward last year, Bruce as a defensive end on the football squad this year), but their father is a U.S. congressman.

Says Rep. Robert Michel (R.-Ill.), "If you had told me I'd have two boys starting in different sports as Yale sophomores, I would have been pretty surprised. It's quite a coincidence."

Actually, this was one coincidence that didn't just happen. Both of the Michels worked hard to get where they are, although the road was admittedly easier for 20-year-old Martin Scott Michel than it was for Bruce Woodruff Michel, who will be 19 next month.

Scott, a sandy-haired 6-4, 200-pounder, came to Yale as an All-State performer at Peoria (Ill.) High School. He captained the freshman team and established himself immediately as the varsity's leading rebounder last winter. Scott arrived on campus with excellent credentials and has more than lived up to them.

"Nobody wanted me for football," admits Bruce, whose top honor at Peoria H.S. was a second team All-Conference berth. "I was surprised he became a starter this year," says head football coach Carm Cozza.

Bruce, a 6-2, 190-pound former zookeeper at the Peoria Zoo (he worked there during the summer several years ago), weighed a muscular 120 as a high school freshman. He never dressed for a varsity game as a sophomore.

During two-a-day sessions prior to his junior year, he worked hard and wound up as a starting rover back. "I started three games, then shared the position with another guy the rest of the year," Bruce remembers. "I only weighed 160 as a junior. That's pretty small."

Bruce, whom Scott calls "a health nut," added 20 pounds as a senior and earned his second football letter as an end and linebacker. Peoria H.S. had a successful, although hardly exceptional, 6-3 season.

As a freshman, Bruce tried wrestling ("I always got beaten, so I gave it up"), before turning to track. He won two letters in that sport, along with a conference high jumping title, and earned freshman numerals for Bob Giegengack last year.

In track, Bruce is one of the strangest athletes around. He may be the only high jumper-weight thrower-hurdler in existence. It's easy to understand why. "Bill Toomey was my idol," says Bruce of the U.S. decathlon great.

As a Yale freshman football player, Bruce split his time between defensive end and monster back. He played well, if not spectacularly. No one would have thought that he would wind up as one of just three sophomores to crack Yale's opening day lineup (Bob Perschel and Dick Jauron were the others).

Last summer, Bruce, an accomplished artist, worked hard, knowing that he would have to beat out a returning letterman, among others. He kept improving and, says defensive coordinator Bill Narduzzi, "We noticed him. He was wiry, like Jim Gallagher; he had good movement and he learned quickly."

Bruce is prone to sophomore mistakes, but makes up for it with his toughness. After the first six games of the season, he ranked eighth on the team in total tackles and had recovered two fumbles. A year or two from now he could well be an All-Ivy candidate.

The younger of the two brothers is proud to play on the vaunted Yale defense ("You have a lot of confidence playing with these guys").

"I wish the defense was on the field all the time," says Scott with brotherly pride. "I love to watch him play."

While Bruce is just coming into his own, Scott is a legitimate star, one of the hubs of the basketball team. "I don't know where we'd be without him," says veteran Eli basketball coach Joe Vancisin. "Scott has excellent offensive moves, a good shot and is our best rebounder. He really fights for position underneath and gets a lot more rebounds than he has any right to at his size."

Scott dabbled in football as a high school freshman, but gave it up when he found that he was more suited to basketball. He didn't make the varsity basketball squad until he was a junior and then he was the sixth man. It was as a senior that he blossomed, averaging 19 points a game and leading his team to the regional title with a 25-3 record.

He was captain of the squad and the most valuable player. He was also voted the "most improved," and earned All-Conference and All-State honors. Despite the fact that he grew up just eight houses from Bradley University, a long-time basketball powerhouse in the rugged Missouri Valley Conference, the Braves never showed an interest in him.

"I was disappointed at the time," recalls Scott. "I had always wanted to play there. Now I'll get my wish anyway, since we'll be playing there on December 26."

If Bradley ignored him, other schools, especially Dartmouth, Princeton and Yale, didn't. "I liked Yale right away. Princeton was too much like a big prep school and Dartmouth was up in the woods. I felt like I would fit in more at Yale. A friend of mine who was going there recommended it and I was impressed with Coach Vancisin's system of basketball," says Scott. "We had played disciplined ball in high school, so there wasn't too much of an adjustment."

As the freshman captain, Michel had an outstanding year. He led the Bullpups in rebounding and field goal percentage, scoring 14.9 points a game, second best on the squad.

The smooth cornerman won a starting job immediately as a sophomore and, though he had sophomoritis for the first few weeks ("People like Jim McMillian awed me"), he adjusted well. McMillian, who awed a good number of people as a Columbia All-America, is now with the Los Angeles Lakers.

Michel went on to lead Yale in rebounding with 9.4 a game and finish second on the team in scoring (12.3). Boosting his weight from 180 as a freshman to 200 as a sophomore helped, but so did his all-around consistency, his persistence on the offensive boards and his crunching baseline drives. Scott was Yale's top rebounder in more than half of the games and scored in double figures 16 times. His best all-around effort was a 26-point, 15-rebound performance against Holy Cross. He was a key figure against Hawaii, too, getting 16 caroms against the host team in the Rainbow Classic that Yale won last December.

While Scott is always assured of good support from Bruce in the Payne Whitney Gym, the Michel rooting section will be even more impressive in Peoria next month. In addition to Bruce and his mother, there's sister Laurie, a high school senior; brother Robbie, a junior in high school and a fine all-around athlete; and his father, an eight-term representative from Illinois' 18th Congressional District. The Michels are hoping it will be a winning combination.

SENIOR CITIZENS BENEFIT FROM MANPOWER ACT

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. VAN DEERLIN. Mr. Speaker, senior citizens have reason to be pleased with the House approval yesterday of the Comprehensive Manpower Act.

Although small in size, the community service programs, for the elderly and others, that will be continued by the act have demonstrated considerable impact. A good example is found in my own city of San Diego, where 60 low-income elderly are employed by the Senior AIDES program operated by the local Community Welfare Council under contract with the Labor Department and the National Council of Senior Citizens.

The senior citizens work 20 hours a week for an average wage of $2.15 per hour. In the 14 months since the San Diego project was established, these employees have been given renewed hope that their lives are yet meaningful while they have been contributing to the well-being of both themselves and the community. Typically, their work and involvement far exceeds the 20 hours for which they are paid.

What are they accomplishing? Besides, achieving a more stable and dignified life, they are working through some 19 different local service agencies in serving the hungry, finding homes for the homeless, teaching the uneducated, minding children in day-care centers, and serving their fellow elderly as well.

This legislation will provide the springboard in continuing and expanding the current concept of needed services being performed by the Senior AIDES in San Diego.

CONGRESSMAN COWGER'S OCTOBER NEWSLETTER

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. COWGER. Mr. Speaker, I would like to submit a copy of my October newsletter for the RECORD. I believe my colleagues would be interested in this newsletter which goes to all of my constituents, and which, incidentally, makes mention of your retirement.

The newsletter follows:

REPORT FROM CONGRESS BY CONGRESSMAN BILL COWGER

ADJOURNMENT AND A LOGJAM

These are hectic days in the Congress. The election of your 92nd Congress is upon us and time is running out on the second session of the 91st Congress. A post-election session is a certainty. It's the first time in about twenty years that a "lame duck" session has had to be called to finish up the Nation's business.

The leadership in both Houses of Congress has delayed action on bills for nearly two years. This has not only included the legislative requests of the President but also routine matters such as appropriations required to run the machinery of government.

I am particularly concerned about the delays in anti-crime, environmental, consumer and drug abuse control legislation.

The Senate is presently sitting on House-passed appropriation bills, electoral reform, amendments to the Social Security System, welfare reform, equal rights for women and air pollution control.

Many proposals dealing with inflation, draft reform, revenue sharing, manpower training reform and other administration proposals will be left for the attention of the next Congress.

There have been some important accomplishments in this Congress however. Postal reform, a tax reform act which closed some of the tax loopholes, the phase-out of the surtax, extension of the Voting Rights Act and lowering the voting age to eighteen were among this major action.

The House also passed the first Congressional reform measure in twenty-four years.

SPEAKING ENGAGEMENTS

I have had the pleasure of speaking to many groups in Louisville over the past several months. Some groups have expressed an interest in my recent trip to Southeast Asia and the Middle East. Others have requested my views on specific areas of legislative or congressional activity.

CONGRESSIONAL REFORM

The House passed the Legislative Reorganization Act of 1970 on September 17 and the Senate voted favorably, with amendments, on October 6. All the changes made by the Senate, with one exception, involve Senate procedures only.

The bill modernizes the legislative machinery of Congress—some of which dates back to colonial days and the convening of the first Congress. It will revise operations in committees and on the floor, equip Congress with a better means of evaluating the Federal budget and provide Congress with improved sources of information.

The specific provisions of the bill could fill this newsletter many times over. For the present I will simply say while it failed to include a number of other reforms which I think are urgent, we have at least taken the first critical step in the right direction.

COMMISSION'S REPORT SHOCKING

The report of the Presidential Commission on Obscenity and Pornography is not only disappointing but shocking.

The Commission was appointed by President Johnson and its purpose was to find ways to halt the spread of pornographic and obscene materials particularly concentrating on keeping such materials from the hands of children. The recommendations indicate that pornography is OK and no new laws are needed.

Since the report has been released a subcommittee of the House Post Office and Civil Service Committee has opened hearings on the Commission. I am sure that the results of these hearings will make certain none of the Commission's recommendations are put into operation.

Secretary of Defense, Melvin R. Laird, is shown receiving a prized commission as a Kentucky Colonel.

The Secretary and I not only served together in the 90th Congress, but were classmates in college and both served in the Navy at approximately the same time during World War II.

HOUSE LEADER RETIRING

Speaker of the House, John W. McCormack, and I had an opportunity to discuss his plans following the adjournment of this session of Congress.

Congressman McCormack has been the presiding officer of the House of Representatives since 1962 and a Member of Congress for forty-two years. His tenure as Speaker is second only to the late Sam Rayburn and as of May 24 of this year exceeds that of the famous Kentuckian, Henry Clay, in the 1800's.

Many tributes have been, and will be made, to John McCormack regarding his abilities, leadership and statesmanship. But I feel the highest tribute of all is that he is a fair man and a gentleman.

THE DELTA QUEEN

A Senate amendment to the Merchant Marine Act of 1970 to save the Delta Queen failed to survive the House-Senate Conference on the bill. A compromise which will not save the Queen in its original form was reached however which provides a construction subsidy to build a replacement vessel.

The Queen will continue to operate in limited service for a period of one to two years during the construction of her replacement.

After that time we are hoping to find a way to keep the famed sternwheeler preserved so the public may enjoy this beautiful example of a bygone era for many years to come.

ROTC PROGRAM

Dr. William T. Simpson, President of the Kentucky Military Institute, and I are shown greeting General William C. Westmoreland at

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a meeting of the Association of Military Colleges and Schools which was held in Washington. General Westmoreland was the featured speaker.

The General, now Chief of Staff of the United States Army, noted in his address that contrary to what you read in your newspapers about some eastern colleges dropping their ROTC programs there are more schools applying for the program than dropping out.

Dr. Simpson is currently serving as president of the fifty-four year old association.

VISITORS IN WASHINGTON

This has been an especially busy year in the Washington office. The group above is typical of the estimated 1,200 visitors who came to discuss legislation, government business, or who were vacationing in the area.

In addition we have received a tremendous number of constituents in the Louisville District Office during the same period.

TELEPHONE SERVICES

You can receive my regular recorded messages on Congressional activities, important government and other news of interest from Washington by calling 585-5444 at any hour.

I would also like to remind you of the night and weekend answering service which extends for your convenience the hours of the District Office to twenty-four hours a day, seven days a week. The number is 584-4010.

THANK YOU

The paper and printing of this newsletter are not paid for at the expense of the government. Personal funds and contributions from those who wish to be kept informed make this possible.

THE 52D ANNIVERSARY OF LATVIAN INDEPENDENCE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. DERWINSKI. Mr. Speaker, today is the 52d anniversary of Latvian Independence Day. Unfortunately, this event was commemorated only in the free world areas with a necessary feeling of sadness, as Latvian refugees keeping alive the historic nature of the occasion, could not truly celebrate.

The people of Latvia itself are not permitted to celebrate their true Independence Day which, incidentally, was achieved at the expense of the original Russian Communist Government.

At the present time the Soviet Union, in its deliberate policy of suppressing the nationalistic spirit is continuing to eliminate the structure of the fictitious independence of the Soviet Socialist Republics, and create regional governmental structures rather than the historic nationality lines. The Latvian people have been deliberately scattered about the Soviet Union in order to lessen their nationalistic effectiveness.

I earnestly appeal to all Americans of Latvian origin and to Latvian emigree groups throughout the free world to maintain their spirit and determination to work for the restoration of freedom to their homeland. The most important point to emphasize is that freedom will not be achieved for Latvia or any other captive nation of communism if the Western World adopts a policy of coexistence with the Soviet Union. We must defy those who would surrender all of Eastern Europe to permanent Communist domination.

The brave people of Latvia suffered under centuries of czarist tyranny and were rapidly developing their little land when treacherously engulfed by the Reds in 1940.

Certainly justice will triumph. In commemorating the 52d anniversary of Latvian independence, we look forward to the ultimate restoration of freedom to that brave little nation, when its people will once again control their own democratic form of government and regain their freedom from the Russian-imposed Communist rule.

TECHNOLOGY—AND A TIME OF CRISIS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. TEAGUE of Texas. Mr. Speaker, on October 28, 1970, the Director of the NASA Langley Research Center, Edgar M. Cortright, reviewed our Nation's posture in technology and science with emphasis on the contributions of the National Aeronautics and Space Administration. His penetrating, thoughtful, and in many cases profound, comments are of particular significance at this time with our declining emphasis on our national space program. I commend this to the reading of my colleagues and the general public:

TECHNOLOGY—AND A TIME OF CRISIS

(By Edgar M. Cortright)

Several years ago I read an article with the provocative subtitle, "I'm 45 Years Old and Trying to Decide What to be When I Grow Up." I also read a book titled, "The Revolt of the Middle-Aged Man," which, by the way, my teenaged daughter picked up for me. Both dealt with the concerns of men who have reached the middle years with some level of achievement—at some personal cost—and who begin to wonder, as Peggy Lee would vocalize, "Is That All There Is?" Perhaps some of you have been there?

Have you ever tried to draw an analogy between nations and individuals? It's quite revealing.

Nations are, of course, comprised of many individuals. National attitudes are reflected in the news media by relatively few; and national policy set by still fewer. So the psychology of individuals and the psychology of nations do relate in both an apparent and a real sense.

Suppose those titles had read, "I'm 200 Years Old and Trying to Decide What to Be When I Grow Up," and "The Revolt of the Middle-Aged Land." Would that ring a bell?

What are some of the symptoms of the middle-aged man in either quandry or revolt? According to these sources:

(1) He questions the value of the goals he has tried so hard to achieve;

(2) He feels guilty about the cost to his family and his personal life;

(3) He searches frantically for a new way of life in order to:

(a) Make up for past neglects;

(b) Renew himself with new goals;

(4) He worries about being "over the hill;

(5) He may become timid, indecisive, and ineffectual;

(6) He fears the future.

Now how about the middle-aged land?

(1) Are we not questioning most of our national goals of the past two generations?

(2) Do we not feel guilty about the cost of these goals to some of our "family"?

(3) Are we not searching frantically for a new way of life to right all past ways and to challenge the coming generations?

(4) Are we not starting to worry about being "over the hill"?

(5) Do we not show signs of becoming timid, indecisive, and ineffectual?

(6) And how many of us fear the future rather than looking forward to it?

Am I being too dramatic? A year ago I would have thought so. Today I'm not so sure.

My hypothesis is, of course, very simple. At the peak of our national manhood, in our middle years as a nation, we are showing signs of coming unglued. And if we don't do something about it we could be in for a lot of trouble in the future.

To press the analogy just one step further—what do we do about the middle-age neurosis? Most importantly, we must come to terms with reality; we must make some positive decisions for the future. Facing reality means answering these questions—among others:

(1) What are we?

(2) What would we like to be?

(3) What are our practical constraints?

(4) What legacy should we leave our youth?

These are not simple questions, but some oversimplified answers might be these:

(1) We are a rich and powerful country, with the highest standard of living, the most advanced technology, and the greatest capacity to do good works of any nation in the world.

We are also a nation with some egg on our face. We have many problems that need solving—and many people who need help.

But our strengths overshadow our weaknesses, and our successes overshadow our failures; and this is the base we build on.

(2) I think the vast majority of people want to be what we have been the vocal minority notwithstanding: energetic and industrious, progressive, innovative, inquisitive, courageous, compassionate, and generous. Free people. Leaders.

At the same time we want our country to be better than it has been. The problem of our poor, our cities, our air, and our water must be attended to. But need we become "dropouts" from the world society in which we live in order to work these problems?

(3) And what about the practical constraints? Even if we want to drop out of technological competition and become completely preoccupied with what we have come to call "social problems," could we really do so? Our global environment is competitive and belligerent. We must remain preeminent in technology in order to be competitive both commercially and militarily. Without preeminence in both areas we could become the victims of power blocs of one type or another. We could lose the standard of living we have attained, let alone improve it. The survival of the fittest is a natural law which still applies.

(4) I think we should feel less guilty about the fact that this country has some serious domestic problems to solve. Our legacy to our children must necessarily include many such unsolved problems. But, more importantly, it must provide a basically strong system from which to operate, and as many of the tools to do so as we can provide. Then with challenging long-range goals and a can-do attitude the next generation can take care of its own future. And I, for one, think they can do it.

Now if these answers really constitute "facing reality" by this country, we are then led to the last step in the process—decision making. It is here that we can make or break ourselves. And because of the perilous and controversial nature of the decisions which face us today, there is a natural reluctance to face up to them. But make them we must—because failure to make a decision for one reason or another is usually tantamount to a negative decision. All of us in positions of leadership should expect to be measured by the timeliness and effectiveness of our decisions.

As I read the mood of the country, the majority favor evolution not revolution. But we may expect the great debate over national priorities to rage on for some years. This calls for what I term "interim" or "holding" decisions, decisions which tentatively direct our national energies into those channels which seem best for the future but which do not attempt radical surgery. They do not constitute final positions on our priorities forevermore. But they let us build on the past—for the future—in a way that the country can adjust to. While this may not be the most daring approach to our problems, it is an eminently practical one.

Now each element of the Federal Government has its role to play in this process. And while my assessment of the situation has been very broad, to say the least, as a member of NASA management I feel qualified to be specific about aeronautical and space matters. It so happens that this is an extremely important and sensitive area at this time. For, unfortunately, some have chosen to create a false issue over technology in general and aerospace technology in particular. Let's call the issue, "Technology vs. Mankind." Let's call it false because, despite some unwanted side effects, technology remains our servant and not our master.

We in NASA recognize that our program no longer enjoys the number one priority but is now but one of a number of priority areas competing for scarce funds. But we also recognize that our program, in addition to its intrinsic value, sets the pace for much of the technological development of this country and promises to do so for the foreseeable future. (What other candidates are there?) We do not believe that we could long survive and prosper without this preeminent technological position.

Therefore, we have to stand and fight off the stampede by other groups to acquire funds now being channeled into our national technology through NASA and the Department of Defense. It is a veritable "run on the bank." The withdrawal slips carry such terms as relevancy, poverty, pollution, and housing, and are designed to shame us into sacrificing our space program and national technology in the name of "humanity."

Like most thinking Americans I have worried a lot about humanity. My first reaction was to retrench as gracefully as possible and to make do with less. But I don't feel obliged to sit passively by and see progress of a decade of dedicated national effort squandered for some worthy but nebulous goals which are yet to be translated into hard programs. It amazes me to see the casual detachment of some who would do just that. I would reverse the logic and say—in the name of humanity we should *maintain* our national technology.

We in NASA are paid to advise the Administration as to what future opportunities lie before us in aeronautics and space—and what these opportunities mean to the technological strength of this Nation in the decade ahead. We are doing just that. After careful deliberation NASA has developed a sound and progressive program for the 1970's, but one which is restrained to the realities of our fiscal posture. You may be sure that we are doing our best to persuade the Administration as to its worth. We think the chances of support are good. The President has already evidenced his understanding of the importance of the space program to our national technology, and the majority of congressmen have been providing solid support for many years. This takes just as much vision and guts these days as it did in 1958—perhaps more—but I think it's there. We'll soon know.

Let me say a few words about the program we have developed. The program calls for:

1. *The continued exploration of the moon.* Four more Apollo flights are scheduled, two in 1971 and two in 1972. The last three of these will have an expanded capability to allow access to more difficult landing sites, longer durations on the lunar surface, a larger payload, and the use of a roving vehicle to aid in the exploration of the lunar surface.

Two additional missions in 1974, were recently deleted. We came to the decision to cancel these missions reluctantly because it curtails by two the number of scientifically important regions of the moon that we will be able to explore in the Apollo program, and means that manned exploration of the moon by the United States will be suspended in 1972. Resumption of lunar exploration in the 1980's will depend on and be one of the principal uses of space nuclear propulsion using the NERVA engine now under development. This engine, of course, will also provide us with the capability to conduct other high-energy missions and is an important element in the integrated long-term plan for the future.

2. *The exploration of the planets.* Programs now underway include the Mariner Mars 1971 orbiter missions, the 1973 Venus-Mercury mission, launches of small Pioneer spacecraft to Jupiter in 1972 and 1973, and the major Viking project for unmanned landing missions to Mars to be launched in 1975. Under current planning, work will soon begin on "Grand Tour" missions to explore the outer planets to take advantage of the rare launch opportunities for such missions that will occur later in the 1970's. These will include missions to Jupiter, Saturn, and Pluto launched in 1976 and 1977 and missions launched in 1979 to Jupiter, Uranus, and Neptune.

. . . *and the universe.* The principal new feature of our space science programs during the 1970's will be the development of a new High-Energy Astronomy Observatory (HEAO) to obtain high-quality data on X-ray, gamma-ray, and cosmic-ray sources in space. In addition, studies will begin on future HEAO satellites and large space telescopes to be carried into space by the space shuttle in the last half of the decade. The HEAO and large space telescope projects have a top priority for the exploration of the universe beyond the planets.

3. *A substantial reduction in the cost of space operations.* Because it is reusable, the space shuttle will have an operating cost substantially lower than the cost of current systems. I think the shuttle will revolutionize our use of space in ways that we cannot even imagine today. Because it will be cheaper to carry payloads into orbit, because it will be possible to bring them back, because it will be possible to try out some experiments without the absolute assurance that they will work, we will do things in space that we would not even consider doing today. The space shuttle will be used for manned and man-tended experiments and to place unmanned scientific, weather, earth resources, and other satellites in earth orbit and bring them back to earth for repair and reuse. In the future, the space shuttle will also transport men, supplies, and scientific equipment to and from space stations.

In addition, the space shuttle may well be the precursor of very high-speed transportation from place to place on earth.

4. *An extension in man's capability to live and work in space.* The Skylab project, now in advanced stages of development, is directed at this goal. Skylab will extend man's exposure to the space environment to 56 days, will perform an important manned solar astronomy experiment, and will extend our earth resources experiments beyond those carried out in the unmanned ERTS program. After its launch in late 1972 and three revisit missions through the first half of 1973, no further manned missions using Apollo hardware are planned. The space shuttle/space station will be our next steps to extend further man's capability to live and work in space. The space station, working with the shuttle, will be our next project for long-duration utilization of man's capabilities in space. However, we will not proceed with the space station development as quickly as with the space shuttle.

5. *A speedup of the practical applications of our space technology.* This is the area where we can make a direct contribution to our domestic problems, where we are making use of space and space techniques to help us directly here on earth. In *earth resources*, we are developing a capability to make ecological surveys from space. Surveys can be made in geography and cartography, in agriculture and forestry, geology, hydrology, and oceanography. We can update maps and provide information for land use planning; we can take an inventory of wheat or corn or cotton, and at the same time determine the health of our crops; we can help locate our natural resources; can predict floods, and help locate good commercial fishing grounds. All of these things have been done experimentally, and hold great promise for the future. The ERTS A and B program will move ahead in concert with aircraft-borne and ground research, and manned experiments in Skylab, to provide a sound experimental basis for future decisions on possible operational systems optimizing the use of space, aircraft, and ground-based sensors. We will continue to work closely with the other interested agencies. In *communications*, the ATS F and G programs will proceed as planned with the wide range of communications and other applications technology experiments. We are planning a cooperative experimental applications satellite with Canada (CAS–C), with important experiments at very high frequencies whose use may help space communications avoid or reduce serious frequency congestion in the future.

In meteorology, programs underway include the Nimbus experimental satellites and the two synchronous meteorological satellites which are planned for launch in 1972 and 1973 to permit continuous observation of major weather systems. Future steps include the development of a third-generation operational weather satellite system, the TIROS N, to provide improved methods of obtaining quantitative environment data to improve the capability of ESSA's National Operational Meteorological Research Program (GARP), an international cooperative research program designed to increase the understanding of the general circulation of the atmosphere.

6. *Greater international cooperation.* In each of the areas discussed before we have given special attention to the identification and pursuit of opportunities for international cooperation in space. The Space Shuttle project is of special importance for future international cooperations. With the approval of the President, and working closely with the State Department, NASA has launched a major effort during the past year to escalate substantially the level of international participation in the major space programs of the 1970's. The focus of this effort, and the area in which foreign countries, particularly in Europe, have expressed the greatest interest is the space station/shuttle system. At the present time, after the first formal Government-level discussions in Washington in September 1970, Europe is

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considering the nature and degree of participation, including financial participation, they wish to propose.

7. *An expanded aeronautics program.* During the past decade aeronautical research and development in this country has not received adequate attention. This situation must change rapidly if we are to retain our position as master builders of the world's aircraft.

Civil aviation has aggressively capitalized on the existing research bank, and by outengineering the competition has led the world in high-speed long-range transportation. About 75 percent of the world's jet transports are made in the U.S.A. This has become a major factor in our balance of trade and its importance is destined to grow as explosively as the world's population itself. But the research bank needs replenishing, and at least three major opportunities cry for attention.

a. V/STOL transports

b. Sonic transports

c. SST's

And beyond these the hypersonic transport is a possibility for opening up Asia to rapid and efficient transportation.

NASA, in concert with the Department of Transportation and the Department of Defense, is preparing an experimental airplane program to facilitate the early introduction of practical V/STOL aircraft into the commercial system. We have chosen the externally blown flap and augmentor wing jet STOL airplanes for initial attention. Jet VTOL aircraft will come later. These machines will require advanced avionics and ground facilities to make them economically viable. They offer real promise for alleviating the inconvenience and hazards of airport congestion. We envision a combination of V/STOL and high-speed ground transportation as offering the best hope for continued mobility as the megalopolis continues to spread.

We are also preparing to develop an advanced Technology Experimental Transport using Whitcomb's supercritical aerodynamic concepts to explore the problems of efficient cruise at Mach numbers approaching one. We feel that this will be the next step beyond the current jumbo jets for transcontinental flight, but that the concept is sufficiently risky to require a research airplane. These aircraft would cruise about 100 mph faster than current jets and, if they are successfully developed, will no doubt dominate the market for the 1980's.

We are convinced that a return to the experimental airplane concept is in the national interest and we will try to convince our bosses of this.

A NASA research airplane in the SST category is not required since a prototype SST is already under development. I feel strongly that a commercial SST is a certainty. What is uncertain is who will build and sell it. I feel equally certain that most of us will one day fly in it at competitive fares and will rejoice in its speed and comfort. By 1980 30 million people will fly the Atlantic each year. Many should be flying on SST's. Because we had the courage to pioneer new aircraft types in the past, we now can travel cheaper by air than we could 20 years ago—despite inflation. By 1980 nearly half a billion Americans will buy airline tickets each year—and most of them will be ordinary people enjoying their new-found freedom to see the world. Modern aircraft are not "rich men's toys" as some would hold, but the way everyone travels over long distances.

And what about military aircraft? I would personally strongly support a return to the prototype of "fly-before-buy" concept as producing the best aircraft. And in this field, to be second is to be last. We at Langley have carried out extensive studies of foreign military aircraft configurations. They are good. They are very good. The Soviets, for example, have aeronautical facilities that probably excel ours, according to General Ferguson. Their aircraft show a skillful use of these facilities by design teams that are kept sharp by a steady stream of prototype aircraft. NASA will continue to dedicate about half its aeronautical effort to assisting the Armed Services in holding their own against such formidable competition.

Time is running short, for this talk, and for some of the national decisions I have addressed. I think that the fields of aeronautics and space have a case, a compelling case, even in these days of relevancy. They are in fact very relevant, indeed. It's our job to speak up and say so. For, after all, it's our country too.

THE THOUGHTS BEHIND SENATOR MUSKIE'S ELECTION EVE SPEECH

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. KYROS. Mr. Speaker, there has been considerable discussion, and justly so, of the remarks which Maine's Senator Edmund Muskie delivered to our Nation on November 2, 1970. Senator Muskie's concern for the quality of public discussion has been a very basic element in his own activities in Maine during the past two decades, as our State's citizens know. His desire to maintain decency and dignity in the debate of public issues and the choice of candidates is essential to his intellectual character. Ed Muskie's relationship with the residents and voters of Maine has always been based upon mutual trust and we are grateful that our Senator has had the opportunity to speak to all Americans on this subject.

Expressing his concern for proper public debate throughout the election campaign in Maine, Senator Muskie was especially articulate before the Jefferson-Jackson dinner in Lewiston on November 1. In order that my colleagues might better appreciate and understand the thoughts behind Ed Muskie's remarks on election eve, I would like to share with them the Senator's speech of the preceding evening.

The remarks follow:

REMARKS BY SENATOR EDMUND S. MUSKIE

I feel, and I know that Jane does as well, that these weeks of traveling among all of you—and there's so many from all sections of the State here tonight—that this traveling has been in the nature of a pilgrimage, a pilgrimage home. We've had an opportunity to renew our energies, our faith in our people and in our hope for the future of our State and of our country.

And to be able to end a campaign in a sense with this audience is very appropriate. This place where we stand and where we sit is close to the place of my origins. I went to school here in this city in a sense I began my political apprenticeship with many in this room. The political campaign of 1954 which resulted in our first great victory of the modern era began on this stage.

Some memories come flooding in upon all of us who have been privileged to move down that 16 year old road. But this is not a time for memories. It's a time for looking ahead—and looking ahead beyond November 3.

This is my ninth successive statewide campaign beginning with that first one for Governor. And I've been a candidate in six of those campaigns. As I think about them, I'm conscious of the fact that the Democratic Party has always regarded a political campaign as an opportunity to talk about and deal with the people's business. I can't recall ever regarding a campaign as an opportunity to destroy somebody else's reputation.

Or to destroy his character. Or to misrepresent his life's work. Reinhold Niebuhr once said this, "There is just enough bad in human beings to make democracy necessary, and there is just enough good in them to make it possible." The challenge of leadership and of citizenship in our country is to try to make the good rather than the bad prevail.

What do people look for in candidates in a country like ours? Do they look for complete wisdom? Do they look for all of the answers instantly to all of the problems which press upon them? Do they look for gifts?

I think what they look for is men of character, men of judgment, men of intelligence, men capable from time to time of summing up the understanding and the wisdom to deal with the complex problems that can afflict a complex country such as ours.

They don't expect and certainly never get perfection. They don't expect and never get men and women who never make mistakes. But in every campaign in which men and women seek public office, they've got a right to the opportunity to measure those who seek their support in accordance with the reasonable standards we would expect others to judge ourselves by.

They have a right to a reasonable opportunity to know the truth about candidates. And they've got a right, I think, to expect candidates to stick pretty close to the truth about each other.

I was born in this State. I grew up in a town. Not far from here. I was the son of parents who were deeply concerned that I learn the difference between right and wrong. And I was privileged to have a father who knew how to define in words understandable to his children what that difference was.

I grew up in an environment where it was relatively easy to face life at a pace that made it possible to grow up in good health, with a good opportunity to get an education, with chances to enjoy the woods and the lakes and the streams of Oxford County.

I was fortunate enough to have teachers who took an interest in their students as children and who were interested in doing more than simply teaching them reading and writing and arithmetic, who were interested in doing more than simply teaching them in addition to helping their young charges to become good citizens, healthy adults, with a respect for each other and to understand each other.

The other day I read an advertisement in several Maine papers I never expected to see in a Maine political campaign. It began with a question, "What kind of a man is Edmund S. Muskie?" And then it offered an answer.

I expect to get bruises in political life. I'm not a child. I've been in politics a long time. But I know also that Maine people, including my opponent, have had an opportunity for a quarter of a century to study me, to read or hear the thousands upon thousands of words that I've spoken, to evaluate all of the things that I've done in and out of political life.

And I know that they've done so with greater care than with most political figures in this State because of the peculiar circumstances of my political career. They had a chance for a quarter of a century to know what kind of a man I am.

Why did they wait until less than a week before election day to tell the people of Maine that I was the kind of monster that they describe in that advertisement the other day?

If I am as evil as they painted me to be, they had a responsibility to say so before.

I was under the impression that we in America had a capacity to grow up. That ought to apply to politicians as well.

Don't they know how to deal in a direct, honest man-to-man fashion with their oppositions?

Don't they know how to go to a man and say to his face if they believe what they said about me in that advertisement last week?

Don't they have the backbone to rely on the facts of a man's life—what he actually says?

Do they have to distort what he says to try to defeat him?

Do they have to distort what he's done in order to defeat him?

What kind of people are these who would use the American political process to abuse the truth to which the American people are entitled in a political campaign? They challenge us to a debate. To debate what? Their falsehoods. To debate what? Their assassinations of the characters of honorable Americans.

We live in a divided time in our country. If there is ever a time when we needed from leaders or potential leaders or would-be leaders a capacity to draw out the best of our people, now is such a time.

The Presidency and the Vice Presidency of the United States are more than political jobs. They are the most eminent places of leadership within the gift of this country to bestow.

If any political office has the capacity to call out greatness in a man, history tells us, those do. And we've got the right to expect of a man who occupies the Presidency, on the Saturday and Sunday before an American election day an appeal to the best that we can do for our country in the years ahead, the best of what we are for our country in the years ahead.

This is a time to ask the American people to make our country great, not small. This is a time when we ought to be reaching out to each other not simply to destroy each other. This is a time when political parties and political opponents ought to be testing their ideas against each other, testing their wisdom against each other, testing their capacity to think and to innovate against each other.

This is no time to be competing to see which Party is best suited to Halloween and the witches, the goblins, and the trick-or-treating and the pranks and the games that children play on that holiday.

Don't they understand that the fabric of a people's understanding, capacity for sympathy and compassion is a fragile thing. And it is that kind of a delicate, intangible thing that has great strength to bind us together, not withstanding our great differences in our hostilities and our suspicions and our distrust.

Oh, I wish I could see a President in such a time appealing to his people to trust each other, to have faith in the perfect ability of other Americans, to believe that whoever we are whereever we live we can, if given a chance, overcome our weaknesses and our shortcomings . . . that we can be as we have been a great people.

Presidents have done that in the past—great presidents. And they have led their people through difficult and perilous times—to higher plateaus and achievements in peace and justice for our people.

Why can't this President try that role? Why?

Is victory so important? Is a few more seats in the Congress so important? What kind of a country does he want to lead? A country made up of people who have a capacity of believing in each other? Or a country made up of people who are learning to hate each other?

What kind of a country does he want to lead? If he wants a whole country, if he wants a healthy country, if he wants a great country, if he wants a growing country, then why won't he treat us like that. He might be amazed how the American people would respond to that kind of leadership. These past two years have taken me more away from you and the people of Maine than has ever been the case—more than I like. And I suspect this will be true in the months ahead.

Before the election separates us again, I hope you always believe what is true—that I am one of you, I couldn't be anything else if I tried.

I can't expect that you will always know fully why I say what I do or what I do, because you won't always have all the facts. But I want you to believe that whatever I say or do, I'll always measure against the people of Maine in my home town, in my State, have taught me of the fundamental values that ought to govern a man's life.

We have an election coming. I'd like to urge you to give all of your support to this young man who has served you well as a governor and who has acquired the ability to give you great service in the next four years.

I hate to make this next point but Peter and Bill don't really need it that badly. But they've earned it as well and I know you're going to give them your support.

THE UNITED ITALIAN-AMERICAN SOCIETIES AND CLUBS OF GREATER SPRINGFIELD, MASS., COLUMBUS DAY 1970

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. BOLAND. Mr. Speaker, one of the most impressive Columbus Day celebrations in the country is held in Springfield, Mass. Annually the United Italian-American Societies and Clubs of Greater Springfield sponsor a series of events that combine to make Columbus Day a fitting and magnificent tribute to Christopher Columbus.

The courage, daring, and fearlessness of the Great Discoverer and his brilliance of knowledge and intellect are remembered by a spectacular parade, and crowned by a stimulating dinner that honors Columbus through song, dance, and tribute.

For the past many years, I have been privileged to be a guest of the United Italian-American Societies and Clubs of Greater Springfield at their annual Columbus Day dinner. One of the finest talks that I have ever heard at these banquet was delivered this year by Mr. John F. Labigalini, president of the organization. President Labigalini gave a moving talk on the meaning of Italian cultural heritage. I am pleased to insert it in the CONGRESSIONAL RECORD:

COLUMBUS DAY 1970

(By John F. Labigalini)

I was talking to a young friend the other day, who asked me when I was going to get off this Italian "kick" of mine. He told me that since the world was shrinking at such a rapid rate, that since our younger generation was so broad in its outlook toward people, regardless of their origin and nationality, that being Italian or French or Polish was passé these days, and we should all start thinking of ourselves as citizens of the world.

I didn't have a ready answer for him then, but I've thought about it and I have one now. I'm happy that he and his contemporaries can think of other people as just plain people without worrying about their national origin, or religion or color. This kind of attitude may go a long way in wiping out the racial and ethnic prejudice that we've all experienced in our lifetime. That's well and good. But there's another side to the coin. It's a side that many of today's youngsters overlook. An evolving, growing culture, an ongoing civilization has to be based on a foundation of past experiences. To wipe out our past, our traditions and cultural heritage would be to cut the foundation of our existence out from under us. Borrowing from the past to build for the future is a sign of wisdom, not of being narrow or old fashioned. I think our attempt to preserve the best of our traditions and culture is something that we must foster and perpetuate. Let's go on being good Italian—Americans and pass along the best of what we are to our children. They can use some of the old—some of the Italian—some of the old fashioned—and combine it with the new. and be better than we!

Let's affirm our faith in our past and in our future. Let's resolve that this year's successful Columbus Day Program will be an incentive to make next year's better. We look forward to more cooperation and hard work, greater unity of purpose and greater accomplishment in the future.

We won't forget that we are indeed citizens of the world, but let's not forget that we are Italians, and we are unique and good and proud because of it!

ANNUAL SCHOLARSHIP AWARDS

Mr. Speaker, seven college freshmen were awarded scholarships at the 12th Annual Scholarship Awards Dinner of the United Italian-American Societies and Clubs of Greater Springfield, Mass. The dinner, an event attended by hundreds from throughout the Italian-American community in the Greater Springfield area, was part of the organization's Columbus Day celebration. Each year the clubs that form the organization select deserving college students for scholarship grants, recognizing and encouraging academic achievement in students of Italian background. I am sure my colleagues join me in commending the organization for this service, just one of many it performs for its communities.

This year's scholarship winners are:

Leonore Benedetti, a graduate of Classical High School, now a freshman at Westfield State College.

Michael Chiarvalle, Technical High School, University of Massachusetts.

Mary Ann Figoni, Cathedral High School, North Adams State College.

Elizabeth Grasso, Agawan High School, Springfield Technical Community College.

Alicia Lamagna, West Springfield High School, Westfield State College.

The Anthony and Sylvia Forastiere Scholarship went to Christine Gatti, Technical High School, University of Massachusetts.

The George B. and Rose Tazzini Scholarship went to Katherine Grimaldi, Cathedral High School, Westfield State College.

The program for the dinner, dedicated to "those who dare to teach, lead and never cease to learn," was as follows:

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COLUMBUS DAY BANQUET PROGRAM

National Anthem: Miss Theresa Siciliano, Soloist; Mrs. Albert Mastroianni, Accompanist.

Invocation: The Rev. Carlo Bevilaqua, C.S.S.

Chairman's Welcome and Introduction of Toastmaster: Miss Rosemary Pedulla, General Chairman; Thomas Coppola.

Presentation of Honored Guests: The Honorable Frank H. Freedman, Mayor of Springfield; Manlio Giupponi, Italian Consulate; the Honorable Edward P. Boland, Congressman, U.S. House of Representatives.

Introduction of Columbus Day Queen and Her Court: Her Royal Highness, Miss Gina Gozzi, Columbus Day Queen, 1970. Her Court: Miss Lou Ann Pantuosco, Miss Anne Marie Nunziato, Miss Elena Carnevale, Miss Margie Santaniello.

Scholarship Presentation: Mr. Pasquale Romano, Chairman, Scholarship Committee.

Presidents' Welcome: John F. Labigalini, President, United Italian American Societies and Clubs.

Benediction: The Rev. Carlo Bevilaqua, C.S.S.

PASSAGE OF H.R. 16785 MATTER OF LIFE AND DEATH

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, recently I called to my colleagues' attention a newspaper accounting of a press conference held by a leading group of environmentalists in support of H.R. 16785 and S. 2193, the Occupational Safety and Health Act. Before the Members of this body vote on the vital question of job safety and health, I hope they will give consideration to the issues raised by the environmentalists in their statement addressed to Congressmen urging their support of H.R. 16785.

The statement points out that the problem of safety in the workplace is not one that concerns solely labor and management:

> Although the burden of hazardous work places falls most heavily upon the blue collar workers, the problem of occupational safety and health affects all Americans. The inplant environment is merely a concentrated microcosm of the outside environment to a letter degree. For example, the toxic effects of carbon monoxide were first discovered when two workers in a chemical plant died of over-exposure. Now carbon monoxide is recognized as a danger to the entire population and some few steps are being taken to regulate it.

Mr. Speaker, this legislation is not merely a question of labor-management relations, nor of Federal versus States rights. It is a serious matter of life and death, of health and well-being to millions of American workers and their families and to the community at large. I urge my colleagues to give this statement their close attention before voting on the provisions of H.R. 16785.

The text of the environmentalists' letter follows:

ENVIRONMENTAL ACTION,
Washington, D.C., November 14, 1970.

As concerned citizens, environmentalists and members of the academic and professional communities, we feel that the Williams and Daniels Bills (S. 2193 and H.R. 16785) are the most important pieces of legislation presently before the Congress. The bills will have crucial significance not only for the blue-collar work force, but for all Americans.

America's eighty million working people spend an average of forty hours a week in some of the most polluted, physically hazardous and psychically devastating environments found anywhere. Eighty per cent of these citizens work in places where no type of health service is provided, and the protection given the remaining twenty per cent varies from excellent to minimal.

According to the government's raw and probably vastly understated figures, nearly 400,000 workers have died, and 50,000,000 have been disabled from work-related diseases and injuries in the twenty-five years since the end of the Second World War. The annual figures amount to over 15,000 deaths and 7,000,000 injuries of which 2,500,000 are disabling. The figures, as appalling as they are, can never adequately convey the agony of the injured and the anguish of the family, much less the worry, the discomfort and the boredom that arise from the unhealthy, unsafe working conditions under which the health of millions of workers is being regularly eroded and under which many workers simply wait for the inevitable "accident" to happen.

As in other areas of environmental concern, our commitment to a technology of life and to the wise use of our most precious resources appears to have fallen behind our commitment to a technology of uncontrolled growth. A technological genie has unlocked thousands of more efficient and productive, but often more hazardous, processes. For example, while there are approximately 6,000 toxic chemicals now in industrial use, and more than 600 being added every year, recommended national safety standards exist for only about 450.

Although the burden of hazardous work places falls most heavily upon the blue-collar workers, the problem of occupational safety and health affect all Americans. The in-plant environment is merely a concentrated microcosm of the outside environment. The environmental health hazards that workers face affect the entire population to a lesser degree. For example, the toxic effects of carbon monoxide were first discovered when two workers in a chemical plant died of overexposure. Now carbon monoxide is recognized as a danger to the entire population and some few steps are being taken to regulate it. Dermatitis from enzyme detergents, lead and mercury poisoning, and many other health perils were first discovered in the plant by the workers who worked with those substances. If industrial chemicals and processes were properly researched and monitored *before* they were put into use, the entire population would be spared.

Most industrial diseases and accidents are preventable. Modern technological and medical sciences are capable of solving the problems of noise, dust, heat, fumes, and toxic substances in the plants. However, existing legislation in this area does not begin to meet the problems. Except for the woefully inadequate and unenforced Walsh-Healy Act, Mine Safety Act, and Construction Safety Act, the entire field of occupational safety and health is left to the individual states. The states have been loathe to develop and enforce standards for the protection of their workers. In the states today there are a total of 1,600 health and safety inspectors, and 2,800 game wardens. Elk and deer are better protected than working men and women.

Clearly, in the field of occupational health and safety the patch-work approach by the states has failed. There is a positive role that the Federal Government now must play. In a bold departure from previous legislation in this area, the Daniels' Bill in the House and the Williams' Bill in the Senate would:

Impose on industry the "general duty" of furnishing workers "a place of employment which is safe and healthful."

Empower the Secretary of Labor to set nation-wide health and safety standards for working environments.

Call for unannounced federal inspections of workplaces and prompt disclosure of the findings to workers.

Authorize the Secretary of Labor to impose fines and seek court action against employers who violate the "general duty" or specific standards.

Permit the Secretary of Labor to close down all or part of any plant where workers are in "imminent danger" of injury or disease.

Direct the Secretary of Health, Education and Welfare to publish a list of all known or potentially toxic substances including those whose analysis is specifically requested by workers.

Allow employees to refuse work, without loss of pay, in areas where toxic substances are found at dangerous concentrations.

Though long overdue, this legislation represents an important first step toward solving the problem of occupational health and safety. Of particular importance, are the strong enforcement provisions granted the Secretary of Labor coupled with the absence of the sort of administrative fragmentation which plagues alternative drafts of the Occupational Health and Safety Bill. Thus we strongly urge the immediate passage of the Williams and Daniels Bills in their present form.

Sincerely yours,

Mr. Stuart Udall, Former Secretary of Interior; Mr. Willard Wirtz, Former Secretary of Labor; Dr. Samuel S. Epstein, Chief, Laboratories of Environmental Toxicology and Carcinogenesis, Children's Cancer Research Foundation; Dr. Paul Cornely, President, American Public Health Association; Prof. George Wald, Biology Department, Harvard University; Mr. Gary Soucie, Friends of the Earth.

Dr. Edward Martell, National Center for Atmospheric Research; Prof. Garret Hardin, Biology Department, University of California (at Santa Barbara); Prof. Rene Dubos, Department of Environmental Medicine, Rockefeller University; Dr. Mary Bunting, President, Radcliffe College; Barry Commoner, Chairman, Department of Botany and Director of the Center for the Biology of the National Systems, Washington University, St. Louis, Mo.; Roger Revelle, Director, Center for Population Studies, Harvard University; Duncan Holoday (Ret.), Director, Occupational Health Field Station, U.S. Public Health Service, Salt Lake City, Utah;

Prof. Lynton K. Caldwell, Indiana University; Dr. Robert Ebert, Harvard Medical School; Prof. J. D. Watson, Biology Department, Harvard University; Prof. Paul Ehrlich, Chairman, Graduate Division, Department of Biology, Stanford University; Jerome B. Gordon, Author, "Life Stealers"; Peter Peacock, M.D., Chairman, Department of Health, Graduate School, University of Alabama, Birmingham, Ala.; Denis Hayes, National Coordinator, Environmental Action; Michael McCloskey, Executive Director, Sierra Club; Ralph Nader, Center for the Study of Responsive Law.

MAYOR F. EDWARD BIERTUEMPFEL: MAYOR EXTRAORDINARY

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mrs. DWYER. Mr. Speaker, at its annual fall meeting in Atlantic City, tomorrow, the New Jersey Conference of Mayors will honor two mayors of New Jersey communities who are believed to hold national records for the longest tenure in office—Mayor Biertuempfel of Union Township and Mayor Jack L. Eckhardt of Folsom.

As a part of my remarks in the CONGRESSIONAL RECORD, I include the text issued by the New Jersey Conference of Mayors:

> NEW JERSEY CONFERENCE OF MAYORS TO BESTOW HONORS ON TWO STATE MAYORS BELIEVED TO HOLD LONGEST RECORDS OF TENURE IN UNITED STATES
>
> ATLANTIC CITY, N.J.—The New Jersey Conference of Mayors will honor two veteran State Mayors, who are "believed to hold the longest records for tenure in the United States."
>
> The organization will pay homage to the two Mayors when it gathers for its Annual Fall Luncheon Meeting at the Traymore Hotel here, Thursday, November 19th.
>
> Mayor Jack L. Eckhardt of Folsom in Atlantic County and Mayor F. Edward Biertuempfel of Union in Union County, each of whom has served approximately 32 years continuously in the office of Mayor of their Municipalities, will receive Citations of Merit.
>
> The Conference of Mayors, which represents most of the 567 Mayors in New Jersey, in a statement issued today by Mayor Lawrence F. Kramer of Paterson, President of the organization, said "as far as can be determined, Mayor Eckhardt and Mayor Biertuempfel hold the records for the longest continuous tenure in office in New Jersey and each has probably been reelected more times than any Mayor in the United States."
>
> George Zuckerman of Asbury Park, Executive Director of the Mayors Conference, said that "citations will also be presented to the two Mayors from the state and national governments.
>
> "More than 600 Mayors and their Guests, including State and National leaders, will attend the Atlantic City Meeting," Mr. Zuckerman said.

Mr. Speaker, I am proud to claim Mayor Biertuempfel not only as a valued constituent, but as a good friend and political associate over a period of many years. But more important, together with thousands of my fellow New Jerseyites, I am honored to recognize Mayor Biertuempfel as a distinguished public servant who has contributed immeasurably to his fellow citizens, his community, his country, and his State.

Mayor Biertuempfel, Mr. Speaker, is known, among other things, as the "architect of Union." And the designation is an apt one. Not only has his foresight and leadership guided the healthy and progressive development of his rapidly growing suburban community, but has given his people quality government for more than a generation. The physical monuments to his leadership, alone, are most impressive in the form of many modern public buildings, but the indication of his greatness is his responsiveness to those whom he serves, and his people have recognized the outstanding quality of his service in many ways and in the regularity with which they have continued their mayor in office.

Mayor Biertuempfel was first elected by the Union township committee in June 1930, and he has served as mayor since 1939. But these are just the highlights of his extensive career. In the interim he served for 18 years, eight of them as president, as a member of the Union County Board of Taxation. He has also served on the Union County governing body, the board of chosen freeholders, and the joint sewer commission. For 15 years, he was a member of the Union Township Board of Health, and has also served on the township's library board.

A longtime member of the Union Township Chamber of Commerce, Mayor Biertuempfel has also been a member of the advisory board of the New Jersey League of Municipalities and the board of managers of the Bonnie Burn Sanitorium.

The mayor's political career includes the organization of the Regular Republican Club of Union, the vice chairmanship of the Union County Republican Committee, and election twice as delegate to the Republican National Convention.

He is an honorary member of many organizations, including the New Jersey State Firemen's Mutual Benefit Association, the Union Volunteer Fire Department, the International Association of Police, and the Union Junior Police.

Mayor Biertuempfel has received many honors and tributes during his career, among them a formal tribute from the New Jersey State Legislature. Among the honors which will be paid him at the annual meeting of the New Jersey Conference of Mayors will be the presentation of an enrolled resolution signed by every member of the New Jersey congressional delegation, signifying his long and distinguished service as mayor of Union.

Mr. Speaker, Mayor Ed Biertuempfel is an extraordinary public official and human being. Devoted to his people, unselfish in the giving of himself to public service, understanding, a forceful and imaginative leader, and a warm and loyal friend, he is, above all, an outstanding example of the quality of man the American people sometimes choose to lead them.

PFC. JOHN H. THOMAS, JR.

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Marine Pfc. John H. Thomas, Jr., of Pittsburgh, Pa., who was killed in Vietnam.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Private, First Class, Thomas for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

> Marine Pfc. John H. Thomas Jr., 20, grandson of Mrs. Emma Brown of 416 Freeland St., Beltzhoover.
>
> Pfc. Thomas was killed in Quang Nam province when he was hit by an enemy mortar. He enlisted in the Marine Corps in February and was sent to Vietnam in July as a machine gunner.
>
> Before enlisting, Pfc. Thomas lived with his grandmother on New Arlington Avenue, South Side.

JUDICIAL REVIEW FOR DETERMINATIONS OF THE TARIFF COMMISSION—H.R. 875

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. PUCINSKI. Mr. Speaker, I rise once again to dramatize the importance to the American Nation of the pending legislation on foreign trade. I have been disturbed by the administration's lack of direction in this important field of economic activity, but I am particularly troubled by President Nixon's position that he is going to veto any legislation dealing with tariffs and quotas unless they meet his sole specifications. Moreover, into all this enters the responsibility of the highly difficult work performed by the U.S. Tariff Commission which, among other duties, is called upon to determine the eligibility for adjustment assistance of firms and workers.

The past history of the Tariff Commission has not been without blemish; and we can foresee an ever-increasing role by the Commission in this area of activities, as segments of our economy deteriorate and our markets remain open to the onslaught of foreign goods imported into the United States while American industries and workers suffer from reduced earnings, underemployment, and outright unemployment.

Delays in the Tariff Commission's work are bad enough in these trying times for the American workers who are hit by joblessness or who are forced to work short weeks because of cheap foreign imports. I believe that this is the most appropriate time to bring a degree of judicial review into the process of the Tariff Commission's work. My bill, H.R. 875, proposes the introduction of such judicial review in that aspect of the Commission which concerns the immediate welfare of thousands of American workers who need some relief from the unfairness of foreign competition. This approach is sound. It is fair. It is essential. All our governmental agencies, to the extent that they make determinations, generally without recourse, should be subject to judicial review. The principle of the right of appeal is as American as apple pie. It embodies the spirit of allowing everybody the opportunity to

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correct an error; it has a universal prophylactic effect on those that hold power; and most of all it tends to curb the abuses of unlimited power.

I believe that those thousands of workers who are now seeking badly needed help should have the protection of judicial review in their quest to rectify the longstanding wrongs of international commerce which is concentrated against the openess of our national markets. The positive contribution of these workers to the well-being of our Nation in general and our economy in particular is often lost not through their fault but because of unfortunate circumstances likely to be aggravated by bureaucratic callousness.

Virtually every citizen, and every community, stands to be affected by the work of the Tariff Commission. A review of law and fact is the least that Congress can provide for the execution of what promises to become an ever-increasing task for the Tariff Commission in light of the past developments and foreseeable trends in relation to our trade with other nations of the world. Some of these nations do not disdain using inequitable and unfair practices to the detriment of our workers. To urge support for this bill is not only my heartfelt duty, but the patriotic duty of every Member of Congress.

Mr. Speaker, I hope that upon deep reflection this House will consider my legislation, not as an added burden of a governmental agency but a long-needed protection for the American workers' rights to their jobs and the pursuit of happiness.

For the convenience of my colleagues, I should like to include in the Record today a copy of my bill, H.R. 875.

The bill follows:

H.R. 875

A bill, to amend the Trade Expansion Act of 1962 to provide judicial review of certain determinations of the Tariff Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 301(c) of the Trade Expansion Act of 1962 (19 U.S.C. 1901(c)) is amended by adding at the end thereof the following new paragraph:

"(4) For the purposes of paragraphs (1) and (2) the determination of the Tariff Commission shall be made on the record and shall be made at the earliest practicable time, but not later than sixty days after the date on which the petition is filed."

(b) Section 301(e) of such Act (19 U.S.C. 1901(e)) is amended by inserting "(1)" immediately after "(e)", and by adding at the end thereof the following new paragraph:

"(2) Should the Tariff Commission make an affirmative determination under subsection (c)(1) or (c)(2) with respect to any firm or group of workers, it shall certify that such firm or group of workers is eligible to apply for adjustment assistance."

(c) Section 301(f) of such Act (19 U.S.C. 1901(f)) is amended by striking out in paragraph (1) "section" and inserting in lieu thereof "subsection (b)", and by striking out paragraph (3).

(d) Section 302 of such Act (19 U.S.C. 1902) is amended by striking out subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(e) Chapter 1 of title III of such Act is amended by adding at the end thereof the following new section:

"Sec. 303. Judicial Review.—(a) Any interested party aggrieved by any determination of the Tariff Commission under section 301(c)(1) or 301(c)(2) may appeal to the United States court of appeals for the circuit in which such party resides or has his principal place of business by filing a petition with such court within sixty days after such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Tariff Commission. The Tariff Commission thereupon shall file in the court the record of the proceedings on which it based its action, as provided in section 2112 of title 28, United States Code.

"(b) Upon the filing of a petition referred to in subsection (a), the court shall have jurisdiction to affirm the determination of the Tariff Commission or reverse it and remand the case to the Tariff Commission for proceedings consistent with its decision. The findings of the Tariff Commission as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Tariff Commission to take further evidence, and the Tariff Commission may thereupon make new or modified findings of fact and may modify its previous determination, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(2) The judgment of the court affirming or reversing any determination of the Tariff Commission shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code."

(f) Section 311(a) of such Act (19 U.S.C. 1911(a)) is amended by inserting "301(e)(2) or" immediately after "section".

(g) Section 322 of such Act (19 U.S.C. 1941) is amended by striking out in subsections (a) and (b) "302(d)" each place it appears therein and inserting in lieu thereof "302(c)", and by striking out in subsection (b) "302(e)" and inserting in lieu thereof "302(d)".

Sec. 2. The amendments made by this Act shall become effective with respect to determinations made by the Tariff Commission in the case of petitions filed under section 301(a)(2) of such Act (19 U.S.C. 1901(a)(2)) after the date of enactment of this Act.

"DUMPING" BY FOREIGN PRODUCERS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. GAYDOS. Mr. Speaker, during the just-completed recess I came across two newspaper articles dealing with other examples of "dumping" by foreign producers. One appeared October 20, in the Daily News of McKeesport, Pa., and concerned an interview with Edwin H. Gott, chairman of United States Steel Corp. Mr. Gott declared Japanese steel producers are underselling the domestic industry $20 to $40 per ton. However, proving the dumping charges are difficult, Mr. Gott contends, because Japanese firms use trading companies as their overseas outlets.

The second article was in the October 13 issue of the Pittsburgh Post-Gazette and concerned sheet, plate, and float glass being dumped on to our domestic market. Again, the finger of guilt was pointed at Japan. The newspaper reported our Treasury Department has found "there are reasonable grounds to believe" Japan is guilty of such activities. Although a final determination must yet be made, the Department's findings constitute a warning to importers that higher customs duties could be imposed.

I submit both articles for inclusion in the Record:

[From the Daily News, McKeesport, Pa., Oct. 20, 1970]

Gott Says Japanese Use Trading Firms To Dump Steel—Price Cuts Set at $20 to $40 Ton—Export Violations Viewed as Hard To Detect

Washington.—Japanese firms dump cut-rate steel products on the United States through trading companies, making it hard to detect, according to Edwin H. Gott, chairman of U.S. Steel Corp.

"We know there is dumping," Gott said in a copyrighted interview with U.S. News & World Report. "But the Treasury Department investigated Japan . . . and came back and said they couldn't find any."

The price violations are difficult to uncover because the Japanese firms use trading companies as their overseas outlets, he said.

At the same time, Gott said the world's steel industry has a "fantastic" future. There are ample supplies of iron ore and coal and the demand for steel will remain high, he said.

Gott said Japanese steel manufacturers receive far more help from their government than U.S. counterparts.

"You can see in many of their publications that prices are higher for Japanese users at home than they are for Japanese steel in this country. They come to our West Coast and even into the Great Lakes and undersell us by $20 to $40 a ton," Gott said.

U.S. Steel, according to Gott, has sought tariff protection and help under anti-dumping laws.

He claimed European common market countries also shave prices when their products are not moving fast enough. "They price them to make certain they move," he said.

If a country is discovered pricing its exports at less than what they sell for at home, a violation of American anti-dumping laws, the U.S. government can impose a special tariff to bring the price in this country up to the level of the producing country's domestic level.

Japanese television sets are currently at the center of such an anti-dumping law dispute.

Asked why U.S. Steel firms don't combine American know-how with lower Japanese labor costs and produce steel in Japan, Gott replied:

"In the first place industries such as ours couldn't get into Japan with that kind of arrangement. The automotive industry is trying now, and they haven't succeeded in getting in. Steel is the last thing you could get in there, because, to the Japanese, their steel industry is a national symbol."

Gott said the demand for steel in the United States has expanded at a rate of about 2.5 per cent a year recently. "Worldwide, it's about 6 per cent. The greatest growth will be in those countries that are just learning to use steel," he said.

Treasury Suspicious: Japanese Are Possibly "Dumping" Float Glass

Washington.—The Treasury today published a finding that "there are reasonable grounds to believe" that sheet, plate, and float glass from Japan are being "dumped" in the United States.

This notice constitutes a warning to importers of such glass that additional higher customs duties may be imposed.

In brief, the treasury reported the probability that the purchase price offered in sales to the U.S. is lower than the comparable home market price in Japan.

DUMPING "ANTIDOTE"

Under the "anti-dumping" act, if there's a final determination that a product is being sold here at less than the fair market value, additional "countervailing" customs duties may be levied against such imports by action of the U.S. tariff commission.

Under the Treasury's finding, the Bureau of Customs has been ordered to withhold final appraisals of imports from Japan in these classifications of glass. Although this action doesn't halt such imports, anyone buying such imports is warned that they may cost more than he originally bargained for.

The treasury's notice states that this situation will expire in six months unless revoked earlier.

PREVIOUS CASE FIZZLED

In the last round of "anti-dumping" inquiries into glass imports, the tariff commission ruled six years ago that imports of window glass from Soviet Russia and Czechoslovakia weren't injuring American industry, even though the treasury had issued a final finding that these nations were "dumping" the glass in this country.

GUN REGISTRATION IN THE DISTRICT OF COLUMBIA A FAILURE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. RARICK. Mr. Speaker, no "prosecutive merit," said a U.S. attorney in the District, and the charges against a Black Panther for possession of an M-1 carbine with a 30-round magazine were dropped.

Since the District of Columbia has laws prohibiting possession of machineguns and has gun-registration laws, the Government attorney's action must be considered as a great setback to the gun-registration lobby. Especially is this so since the firearms registration pushers have sought to sell their program by assuring the innocent public that with gun-registration laws the general public would be safe from the threat of firearms.

Judging from this interpretation of the law in the District, the firearms laws do not apply to Black Panthers. Perhaps the U.S. attorney feels the Black Panthers fall under the exception to firearms possession granted "to members of the Army" under title 22-3205 of the District of Columbia Code.

Strangely, there has not been one objection or protest heard from the firearms registration lobby.

If nothing else, the action by the U.S. attorney in the District of Columbia but proves that peaceful law-abiding citizens will never be protected by any laws that go unenforced.

Several related clippings follow:

[From the Evening Star, Nov. 16, 1970]

DISTRICT DROPS CHARGES AGAINST 18 PANTHERS

Disorderly conduct charges against 18 persons arrested in July during a raid on a Black Panther headquarters here, and a charge of possessing a prohibited weapon lodged against another man seized in the raid were dropped today.

Charles Brunson, 26, had been charged with possessing an M-1 carbine with a 30-round magazine, thus qualifying as a machinegun under the law, after the raid and clash between police and persons at the Panther headquarters in the 1900 block of 17th Street NW, on July 4.

Luke Moore, chief assistant U.S. attorney in charge of the criminal division, said today that the charge against Brunson had been dropped after a "thorough review" of the evidence when it was decided that there was no "prosecutive merit."

Brunson also had been charged with assault on a policeman. That case was presented to a grand jury which did not indict him.

Disorderly conduct charges against some 18 persons stemming from the raid also were dropped today in the Court of General Sessions.

Robert Campbell, chief assistant corporation counsel at CGS, said they were dropped after Acting Corporation Counsel Francis Murphy, informed him of the U.S. Attorney's action. Campbell said he had been ready to go to trial with those cases today.

Campbell said he was called at home yesterday by Murphy, who informed him that the grand jury had not returned an indictment and the U.S. Attorney's office was dropping the charge against Brunson.

Campbell said Murphy then told him that "in his judgment there was no reason to go further" with the disorderly conduct charges.

Earlier this month, the American Civil Liberties Union filed a $1.3 million suit on behalf of the local Panthers, seeking damages against the city police and District government. Also sought was an injunction against alleged police harassment of the black radical group.

The July 4 raid, which came after the Honor America Day ceremonies at the Washington Monument, was precipitated when policemen in a cruiser ordered several persons outside the Panther headquarters to stop singing and they refused.

Police reinforcements were called for. A scuffle broke out and the singers ran inside, locking the door. During the clash, one policeman was struck in the face with a brick and seriously injured.

Police broke open the door and arrested those inside, confiscating some weapons and ammunition.

In the suit, the Panthers charged that police had no cause to halt the singing, that they illegally broke into the Panther office, beat some of the occupants, and "ransacked the premises and damaged or destroyed personal property of the plaintiffs."

[From the Evening Star, Nov. 16, 1970]

VIETCONG THANKS BLACK PANTHERS

HONG KONG—The Viet Cong today thanked the Black Panthers for what it said was "the beautiful gesture of offering to send fighting troops to aid us in fighting U.S. imperialism.

"When necessary, we will invite you to come over to fight by our side," the Viet Cong added in a letter from Nguyen Thi Dinh, a deputy leader of the Viet Cong's Liberation Armed Forces to Huey P. Newton, defense minister of the Panthers.

Mrs. Dinh said the Panther offer represented a "great and important contribution from the peace and democratic movement in the U.S.A. which so positively supports our cause."

Excerpts from the letter were in a Viet Cong broadcast monitored in Hong Kong.

A CONSTITUTIONAL SHOWDOWN

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. SCHMITZ. Mr. Speaker, the U.S. Supreme Court recently began hearing argument on several conjoined cases involving the compulsory busing of school children to achieve racial balance. The decision handed down in these cases will be one of the most important in the history of the Supreme Court and of this Republic: a true constitutional showdown.

When the Court ruled public school segregation unconstitutional in the famous Brown decision of 1954, those who warned that this would mean the beginning of sociological engineering of school children on a grand scale were scoffed at. The North self-righteously believed that the South had simply been taught a lesson and would now mend its "wicked ways" and everything would be fine.

In 1964 Congress passed the Civil Rights Act, which included provisions to advance the desegregation of public schools in accordance with the Brown decision. However, a clause in that act originally introduced by Congressman WILLIAM CRAMER of Florida explicitly forbade "any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another in order to achieve such racial balance."

It is hard to see how anything could be clearer. But the first major Federal court review of the Civil Rights Act, the Jefferson case, produced the fantastic judgment that Congressman CRAMER, who was from the South, had not intended his amendment to apply to any schools once racially segregated by law—namely, schools in the South. And so, year after year since then, Federal courts have been drawing and redrawing the lines of school attendance districts in the South, until finally this year the school systems of Charlotte, N.C., and Mobile, Ala., were thrown into chaos by court orders to bus children all over the city.

During September, Congressman CRAMER, an attorney who has been admitted to the bar of the Supreme Court, prepared an amicus curiae brief on the occasion of the forthcoming Supreme Court hearing of the Charlotte and Mobile cases, explaining—which should have been obvious from the start—that his own intent and that of Congress in 1964 had been to prohibit busing anywhere in the country for purposes of eliminating racial imbalance. Eighty-three Members of Congress joined Mr. CRAMER in that brief. I was one of them. But on October 12, the Supreme Court, though it had under consideration the intent of that specific provision of law, summarily refused to hear its author tell them what he and his colleagues had meant by it. The refusal was stated in just two words: "Motion denied."

As most of us in California are well aware by now, this issue has long since ceased to be confined to the South. Children in Los Angeles County today face court-ordered busing to achieve racial balance, very similar to that which was ordered in Charlotte and Mobile. Orange and San Diego Counties could be next.

The Supreme Court's rejection of the brief from Congressman CRAMER and his 83 colleagues is a far from promising in-

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dication of the manner in which the Court is approaching this great decision. It clearly suggests that once again the Justices are going to decide an issue of the most fundamental importance to our Republic, not on the basis of the actual words of the Constitution, nor according to the actual intent of elected lawmakers, nor according to the clearly expressed will of the people, but primarily, if not solely, on the basis of their own personal feelings about what kind of social engineering is best for other people's children.

I hope I am wrong about what their decision will be. But if this is what the Court does, I for one will not be content to wait for "better judicial appointments," as my colleagues from the South have patiently said. I will introduce, or join with others in introducing legislation to deprive the Federal courts of jurisdiction over any case involving the compulsory assignment of public school children to schools outside their own neighborhood.

THE LATE MRS. ROSE McCONNELL LONG

HON. SPEEDY O. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. LONG of Louisiana. Mr. Speaker, Louisiana, and indeed the Nation, lost one of its most illustrious daughters with the passing of Mrs. Rose McConnell Long. A former First Lady of Louisiana as wife of the late distinguished Governor and U.S. Senator Huey P. Long; as a Member of the Senate of the United States following the untimely death of her husband, and as mother of the dynamic and illustrious U.S. Senator RUSSELL B. LONG of Louisiana, the late Mrs. Long occupied a very special place in the minds and hearts of her fellow citizens, exhibiting a quiet strength and an indefatigable spirit through all the vicissitudes of a long and fruitful life. We recognize that her loss must be still more heavy to bear for Mrs. Long's children and her own family and friends, and our hearts go out in prayer to them. Still it is not enough to sorrow at the passing of this great lady of such supreme dignity, but we must also affirm that all the people of Louisiana share their heartache and personal loss, for we shall not soon discover another with such warm grace and quiet power dedicated to the service of mankind.

SENATE—*Thursday, November 19, 1970*

The Senate met at 10 a.m. and was called to order by Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we would come before Thee with clean hands and pure hearts that fit us for Thy service. Cast out all that obstructs our knowledge of Thee and of Thy purposes for our Nation in this age. Help us here to perceive the needs of the hour and to strive earnestly in private office, in committee room, and public forum for the better world when each is mindful of the many and the many are concerned for the least of their brethren.

Grant to our national leaders purity of motives, soundness of judgment, the faith of their fathers, and to all our people fidelity, integrity, industry, and pure religion, that there may be concord within our borders and peace among the nations.

Through Him who is the Prince of Peace. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 19, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. KENNEDY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 18, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to limit statements to 3 minutes in relation to the transaction of routine morning business, at the conclusion of the remarks of the distinguished Senator from New York (Mr. GOODELL).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the distinguished Senator from New York (Mr. GOODELL) is now recognized for 20 minutes.

THE CAMPAIGN SPENDING BILL

Mr. GOODELL. Mr. President, on April 14, the Senate passed the Political Broadcasting Act of 1970 by a vote of more than two-thirds of the Members present.

On September 23, the Senate passed the conference report on the act, again by a vote of more than two-thirds of the Members present.

Next week, the bill will come before us again for reconsideration after the President's veto. If those who voted for it then, vote for it now, it will become law.

The bill should become law.

Since the Senate last acted on the bill, a nationwide political campaign has taken place—one that has confirmed the need for a legislative limitation on TV campaign spending in the most dramatic terms. The public has been gorged with a gargantuan diet of paid political advertising. The political television ad has taken on a life of its own, too often displacing the real issues and the real qualifications of the candidates. TV advertising budgets mount into millions and, as this occurs, the electoral process becomes a matter of money, not merit.

The vote to override the veto on this bill will be the first test for the Senate after the election. It will determine whether the Members of this body are prepared to stand up for what they think is right and already have declared to be right; or whether they will buckle under to political pressures.

To my Republican colleagues who voted for this bill and believe in it, I say: the country will carefully observe whether we stand on principle, or bend. By continuing to support the bill, we will protect the electoral process and, at the same time, vindicate the independence of the Senate. By abandoning our support, we will serve neither cause.

It is the President's prerogative to veto this or any other legislation passed by the Congress, and I respect his right to exercise this power of his office. A Presidential veto affords the Congress an opportunity to reassess a bill, in the light of the objections set forth by the President in his veto message.

However, I find no new substantive reasons in the President's message which convince me that the Congress should not enact this bill into law.

The President states in his veto message that a limitation of radio and television spending will discourage qualified persons from becoming candidates and favor incumbent officeholders. In fact, the reverse is true. Unless we pass this legislation, qualified individuals will continue to be discouraged from challenging incumbents unless they have or have access to great wealth in order to finance prohibitively expensive campaigns. The bill encourages challengers to seek office by reducing the unit costs of television advertising, while at the same time imposing maximum limits that prevent clearly excessive TV advertising expenditures. Incumbents and challengers alike will be encouraged by the limitations in this bill to participate in substantive debates on the issues and to hold the attention of the public by the news they generate through their actual accomplishments and statements on the issues.

The President objects that the bill applies only to radio and television spending, and does not limit expenditures for other means of political advertising. This, he says, might cause a shift to other forms of advertising and increase the total amount of spending in political campaigns. The objection is not a valid one. Radio and television advertising may not be the only form of political advertising, but it is certainly the form that is the most used and has the most impact upon the public. True, a rich candidate might possibly seek to compensate for the bill's limits on his TV spending by disbursing still larger sums for newspaper and other forms of advertising. Conceivably, this might even add to his total budget for the campaign—but this spending would not have the devastating impact of a TV advertising blitz. It is to be remembered that the purpose of the bill is not to save rich candidates money, so much as it is to eliminate the wholly unfair advantage that the television medium gives to those candidates who have or have access to great wealth.

As a member of the Senate Commerce Committee's Subcommittee on Communications, which thoroughly considered this bill, I would acknowledge that this legislation is only a first step in a necessary overall reform of our campaign spending laws. It is not a valid objection to say, as the President does, that the bill is not a complete solution to the problem of campaign spending—for it was never intended to be one.

If we are looking for perfection in every bill we pass, we will never pass any legislation. Certainly that is true in the complex field of campaign spending.

I have long been concerned with the issue of campaign spending, and am the coauthor of the Ashmore-Goodell Election Reform Act—a model statute to reform our outmoded laws on campaign financing. In the recent election, moreover, I certainly have had firsthand experience with the problem. Many other Senators in this Chamber have had experience with it. For those Senators who have had the experience of running against one millionaire, Senators should try the experience of running against two millionaires coming at you from different directions.

This is a very serious problem and goes far beyond the particular experience of this junior Senator from New York. Each Senator, if he has not already faced it, will face it across this country in his own State in the future, unless we act now.

The issue here goes far beyond the 1970 or the 1972 elections. It goes beyond the question of which party has the most funds in its campaign coffers. What is at stake is the integrity of the electoral process itself.

Sixteen of my Republican colleagues—and myself, a total of 17—voted for this bill the last time it came before the Senate. Because of the President's veto and because of the events of recent weeks, the pressures upon them to withdraw their support of the bill are strong, indeed. Their position is far more difficult than it is for the Democratic Members of the Senate. They can vote on a party line, if they wish, for this legislation without significant pressure being placed upon them.

Under our system we have a healthy division of power. There is not a Tyrannus Nix dwelling in the White House. He would not want to be regarded as such. The President has spoken forcefully about his objections to this legislation. He has stated those objections. We should respect those objections, analyze them carefully, and then move independently on the basis of conscience and not on the basis of whatever political considerations there might be because the President of the United States is a Republican.

I call upon my Republican colleagues to resist these pressures and to vote their convictions. I call upon them to vote to override the veto of this bill.

There is one other factor which was not mentioned in the Presidential veto message, but is widely rumored as a major consideration in the President's mind in vetoing the legislation. That is the fact that this bill would open the opportunity for debates by presidential candidates on the networks in 1972.

I say to my colleagues that if the President of the United States chooses not to debate, he can say so. He will be respected by the people of this country. He does not have to hide behind a law that makes it infeasible and impracticable to have a debate with minor candidates that demand equal time.

I think a debate by presidential candidates should be made practical by law. It would then be a matter for the candidates themselves to determine whether they will debate, what they will debate, and in what format.

The President chose not to mention this feature of the bill. Having not mentioned it, I believe it is our prerogative to ignore this feature.

The President's objections to the bill, I think, are invalid. I am sure they are sincere, but those of us who have been through the fires of a campaign this last year can testify as witnesses as to how serious this situation is in our country and how it imperils our whole electoral process.

The electronic media is entirely different in its impact upon campaigns than is any other media. It goes right into the living rooms of millions of people. It is extremely expensive. It can be employed only by those who are millionaires in their own right or who have access to millions and millions of dollars. That in itself is dangerous because a poor candiate finds himself indebted to others who have contributed to his campaign in significant amounts. This presents each candidate with an ethical problem with which he must deal with the greatest of care and sensitivity.

In the chaos of a campaign in which money is unavailable until the 11th hour, a candidate faces the possibility of being blacked out entirely on the media if he does not have the money. Mistakes can be made by staff members and fund raisers who are all highly ethically motivated. But they have to make decisions in the heat of a campaign and the crisis that presents itself.

This legislation is extremely important to this country. This body, the U.S. Senate, should vote to override the President's veto. The legislation is not perfect, but it can be improved in the years ahead. It will be a major improvement for this country if we have this kind of protection written into law. It will provide for a far more enlightened contest in the 1972 campaign. We must act, not in defiance, not with hostility toward the President, but simply conscientiously, on the basis of the merits of this legislation.

I particularly call upon my Republican colleagues to adhere to this high standard as they face this issue on the vote next week. I call upon them to vote their convictions and to override the veto of this bill.

S. 4515—INTRODUCTION OF A BILL TO ALLOW CONTINUANCE OF THE LOG EXPORT RESTRICTION

Mr. PACKWOOD. Mr. President, the National Home Building Association has predicted we will have 1.6 million housing starts in 1971, and that the increase over the 1.45 million this year will require at least 1½ billion feet of additional lumber and plywood. In fact, in the November 1970 issue of the NAHB Journal of Homebuilding, Dr. Michael Sumichrast in his Economic News Notes predicts the "best housing year in 20 years is possible in 1971."

Yesterday's Washington Post reported that only this week, despite a further decline in industrial production for the month of October, new housing starts offered a ray of hope to an unsteady economy. The annual rate of new starts rose from 1,504,000 units in September to 1,550,000 in October. Building permits, which represent a sign of future construction, climbed even more sharply. They increased from a rate of 1,371,000 units in September to 1,514,000 in October.

However, housing units so desperately needed by this Nation cannot be constructed if we do not have available adequate building materials. Heading this

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list is softwood lumber which must come from our Nation's forests and woodlands. My home State of Oregon is unique. It has one of every five trees in a nation which is allowing its fast depleting supply of trees to be cut with such swiftness that there is every indication that it is only a matter of time before the demand will exceed the available supply.

That is what concerns me most—will we have adequate supplies of softwood timber to meet present and future housing construction needs? The Housing Act of 1949 established some worthwhile housing goals that have been reiterated every year since. Today, I am introducing legislation which will remove one of the stumbling blocks in our path as we pursue the goal of providing adequate housing for all our citizens. I am pleased that my respected colleagues on the Banking and Currency Committee have joined me in cosponsorship of this significant legislation. Those cosponsors include: Chairman, John Sparkman, ranking minority member, Wallace Bennett, Senators Proxmire, Harrison Williams, Muskie, Hollings, Hughes, Cranston, Tower, Goodell, Percy, Brooke, and McIntyre.

In March 1969, amid growing concern about our housing shortages, the Senate Housing Subcommittee had to turn its attention to lumber prices which were skyrocketing. Hearings held by that subcommittee made an indelible impression upon the minds of its members as to the extent high lumber prices and short lumber supplies could sabotage our commitment to meet our housing needs.

The bill I am introducing will allow continuance of the log export restriction to 350 million board feet of unprocessed timber from Federal lands located west of the 100th meridian. In 1968, my predecessor, Senator Morse, was successful in having this restriction made a part of the Foreign Assistance Act of that year. Under his amendment, this restriction will expire at the end of 1971. My bill will merely continue that restriction until 1976, when Congress will have an opportunity to review the situation under prevalent housing needs and lumber supplies and prices. Senator Morse's amendment was cosponsored by Senators Hatfield, Mansfield, Metcalf, Jordan of Idaho, Church, and Moss and went through the Senate without a voice being raised in opposition.

Since the Morse amendment was enacted, our housing needs have not lessened, nor have our timber supplies increased. Commenting on the report of the Task Force on Softwood Lumber and Plywood which warned us of the lumber demands that will be made if we are to meet our housing goal, the President of the United States in a statement of June 19, 1970, said:

> The Task Force reports that a substantial increase in the supply of softwood timber products will be needed to meet the Nation's growing requirements, especially in order to attain our goal of providing adequate housing for all of our people by the end of this decade.
>
> It stresses also that this increase in supply can and must be achieved in a manner consistent with the preservation and enhancement of the quality of our environment. I fully endorse these findings.
>
> The Task Force has recommended that a panel of outstanding citizens be invited to study the entire range of problems involved in ensuring the achievement of our housing goals is not constrained by an inadequate supply of softwood and plywood, while fully protecting and enhancing the quality of our environment. I concur in the need for such a panel, and hereby direct that the necessary steps be taken to select its members, who should be persons of outstanding ability and broad experience, with no ties or commitments that might prejudice objective judgment.

From the memorandum for the Cabinet Committee on Economic Policy accompanying the President's statement, I quote:

> In developing its findings and recommendations, the Task Force has assumed that achievement of the established housing goals for the coming decade is high on the list of national priorities . . . at the same time, it bore in mind the need to ensure that programs to increase the Nation's supply of timber be compatible with the preservation of the quality of the Nation's environment.

That memorandum sounded a needed warning to us concerning the softwood timber supply and demand in meeting our housing crisis while at the same time protecting our country's natural resources.

With our increasing population, we are now living in an age of American history when adequate housing for all citizens is a national goal not being met. Yet, it is also obvious we have fewer and fewer acres to set aside for recreation and wilderness to be enjoyed by all. We have a commitment to meet in providing a quality environment—one that does not slight either our housing or our conservation needs—for all Americans. The need to restrict lumber exports from our Federal lands is one of the few areas of agreement between the lumber industry, the conservationists, and the homebuilders, not to mention the home buyer.

While the current restriction is not due to expire until the end of 1971, it is important for those in the lumber business and the homebuilders to have some assurance of what the future may hold on this question and to be able to plan accordingly.

Mr. President, at this point I ask unanimous consent to have printed in the Record the text of my bill, as well as articles bearing upon this subject from the October 1970 issue of National Timber Industry; the September 1970 issue of National Timber Industry; the Oregon Statesman by A. Robert Smith; and the NAHB Journal of Homebuilding for November, 1970.

The ACTING PRESIDENT pro tempore (Mr. Kennedy). The bill will be received and appropriately referred; and, without objection, the bill and the articles will be printed in the Record.

The bill (S. 4515) to insure adequate supplies of timber for housing construction in furtherance of the national housing goal established in the Housing Act of 1949, introduced by Mr. Packwood, for himself and other Senators, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

> S. 4515
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2(a) of the Act of April 12, 1926, as amended (16 U.S.C. 617(a)), is amended by striking out "1971" and inserting in lieu thereof "1976".

The articles presented by Mr. Packwood are as follows:

Log Exports Soar With U.S. Housing Seen Spring Victim

Portland, Oreg.—West Coast log exports rose again in July, this time to 259.2 million board feet, the Pacific Northwest Forest & Range Experiment station reported.

This compared with 252.2 million feet in June and with 184.4 million feet in July, of 1969.

More than 95% of the exports go to Japan.

The rising level of exports poses a serious threat to the anticipated recovery of the American housing market, Bronson J. Lewis, executive vice president of the American Plywood Assn., warned.

He noted the increasing pace makes extension of the "Morse Amendment" even more imperative. The amendment limits export of raw logs from federal lands, in the West, to 250 million board feet annually. It does not affect export of logs grown on private lands. Unless extended, it will expire at the end of 1971. Lewis blamed the exports for inflated stumpage price during a time of slow domestic markets.

For the first seven months of 1970, log exports were 1,429 million board feet against 1,212 million for the same part of '69.

These figures compare with exports of 2,232 million for all of 1968 and 1,654 million for all of '67. As recently as 1962, however, the total West Coast log export was only 350 million board feet.

Value of July log exports was $32.2 million—or an average of $114.26M for Douglas fir, $325.80 for Port Orford cedar and $124.25 for "other softwoods."

Congressman John Dellenback (Rep.-Oreg.) has introduced a bill to continue the Morse limitation indefinitely.

Log Exports Glide Above 1969 Levels But Action Untaken

Portland, Oreg.—West Coast log exports for August 1970 were 210,385M board feet—up from 199,169M in August 1969. The August 70 figure was, however, down from the 259.2 million feet exported in July.

About 95% of the exports go to Japan.

For the first eight months of 1970, total log exports from the West Coast were 1,645.3 million feet compared with 1,411.2 million feet for the same two-thirds of 1969. The increase thus is 233½ million board feet.

Of the August 1970 exports, 127,228M originated in the Washington customs district, 63,743M in the Oregon district, 10,269M in the San Francisco district and 9145M in Alaska.

Of the total 210,385 of logs exported in August, 202,078M were destined for Japan, including the entire volume originating in California. Other origins: Washington, 123,090M, Oregon, 61,922M and Alaska, 679M.

Average value of all logs exported in August was $118.70M. By species this included $120.22M for Douglas fir, $248.64 for Port Orford cedar and $114.52 for other softwoods.

This represented a sharp rise from the July value of $114.26M for Douglas fir, but drops from $325.800 for cedar and $124.25 for the whitewoods.

Congressman John Dellenback (Rep.-Ore.) apparently now feels any extensions of log export limitations will have to come in the 1971 Congress. The law ("Morse amendment") which limits export of raw logs from federal lands in the West to 350 million board feet annually, is scheduled to expire at the end of 1971.

SAY SAYONARA TO U.S. HOUSING AND JOBS

The U.S. cannot afford to tolerate the current renewed increases in log exports to Japan!

Not only do these raw material exports destroy the jobs of American workmen but, henceforth, the U.S. will need the wood at home.

West Coast log exports spurted to 259.2 million feet in July, following an extremely high 247.3-million foot June.

The June-July level would mean an annual log export rate of more than three billion board feet per year.

This is clearly intolerable!

The old record high was about 2.2 billion feet exported in '68. The federal government then finally acted to limit export of logs from federal lands.

But, public OR private, the American people need the wood for shelter.

The president of the National Association of Home Builders recently predicted we may have 1.6 million housing starts in '71, compared with perhaps 1.45 million this year. That increase would require fully 1½ billion feet of additional lumber and plywood!

The preservationists insist we should be cutting from a much smaller forest base—if we cut at all! If we are to limit the number of trees we cut, perhaps the wood produced should serve the needs of Americans before those of Japanese.

Three billion board feet is roughly one-ninth to one-eighth of the annual sawlog production of the United States, and export is of the highest quality. Second grade material is left for the American mills after Japanese buyers have creamed the log rafts.

Three billion board feet of logs represents more than half of the enormous lumber imports which the U.S. must buy from Canada each year.

Meanwhile, Japanese buying pressure lights fires under U.S. stumpage prices, in turn raising the cost of housing to the American people and helping to price wood out of some markets. Through it all, the American family must wait for adequate housing while the Japanese are housed first.

The time has come to say Sayonara to this system!

LUMBER COST HIKE IS FEARED

(By A. Robert Smith)

WASHINGTON.—The Nixon administration has neglected to take measures to avoid another lumber shortage and price spiral when housing begins to boom, according to Rep. Wendell Wyatt, R-Ore.

"I'm fearful that we are going to be back in a high price lumber crunch next spring," declared Congressman Wyatt. "And I don't think the administration has done anything at all about it."

Wyatt recalled that in 1969, when lumber prices skyrocketed and home building was booming, there was a lot of talk from the administration about increasing timber supplies through more intensive management of forests. Then interest rates went up, home construction slumped and so did lumber prices, and little has happened since to change the basic conditions that prevailed in 1969.

Wyatt said he has been urging a 10-year federal reforestation program on the national forests and the O&C forestlands of western Oregon.

"We should be planting every acre of land not already under reforestation, and that would increase the allowable cut significantly," Wyatt maintained.

He would also like to see the administration offer a program of incentives to private landowners to undertake intensive reforestation, such as tax writeoffs of the cost of tree planting in the year that it is done. Other means might include furnishing seedlings at cost or less, he suggested.

Nothing of this sort has happened or appears to be in the works.

Last June President Nixon released the findings of a cabinet task force on lumber and plywood and directed the federal forestry agencies to "formulate plans to improve the level and quality of management of forest lands . . . to permit increased harvest of softwood timber consistent with sustained yield, environmental quality and multiple use objectives."

The Forest Service, following up on Nixon's order, reportedly requested supplemental appropriations for this fiscal year. No one will say how much was requested—but the amount was axed somewhere up the line of authority.

Hence in mid-September, when Nixon asked Congress for supplemental funds totaling $366 million, the Forest Service request was omitted. Included in that presidential request was $300,000 for a bus system in Yosemite National Park to reduce auto traffic congestion, $500,000 for more fire protection by Bureau of Land Management in Alaska, and $1,270,000 to study an alternate site for a new jet airport in Florida that won't impair Everglades National Park.

Federal agencies are receiving the bad news that they must hold down spending to current levels or make cutbacks because of an expected federal deficit. Reportedly the forestry agencies are receiving no preferential treatment, which indicates there is no administration plan to implement intensive forest management—building more timber access roads, increasing reforestation, thinnings and salvage operations—because the president doesn't think it is important enough to spend the necessary funds.

BEST HOUSING YEAR IN 20 YEARS POSSIBLE IN 1971

NAHB's Metropolitan forecasters see continuing improvement in housing starts for the remainder of the year, and see 1971 as possibly the most productive in 20 years.

The forecasters optimism was bolstered by a continuation of record flows of savings into savings and loan associations, some easing in interest rates, and aggressive growth in money supply.

For the second consecutive quarter, the NAHB Metropolitan Housing Forecast Index turned up. It had shown signs of leveling in the first quarter when it declined only slightly to 79.5 points from 80.5 in December. In the second quarter the index rose to 82.5, and the latest forecast put the index at 90 (index, 1962-1963=100).

The forecasters now expect housing starts to be about 1.45 million units this year. They see the rise as concentrated mainly in single family units. The multifamily sector still appears somewhat sluggish.

Looking ahead, the forecasters anticipate a substantial increase in housing starts in 1971—between 150,000 to 200,000 units. Whether these expectations will be realized depends to some extent on mortgage interest rates. An easing undoubtedly would increase prospects for a healthy production rise.

Other economists share in the optimistic view taken by NAHB's forecasters. James J. O'Leary, executive vice president and economist of the United States Trust Co. of New York, expects 1.7 million housing starts in 1971.

Townsend-Greenspan & Co. predicts 1.6 million starts. With substantial gains in government programs, the best housing year in two decades is likely.

In the past 20 years housing starts crossed the 1.6 million mark only twice: in 1955, with 1,646,000 units, and in 1963, with 1,642,000. The record was reached in 1950 when 1,952,000 units were started.

S & L INFLOW AT RECORD RATE

The flow of funds into lending institutions such as commercial banks, mutual savings banks, and savings and loan associations continued to improve. The savings rate (savings as a percentage of disposable income) has been improving steadily since it reached a low of 5.3% in the first two quarters of 1969.

The first quarterly saving rate increased to 6.6% from 6.4% in the last quarter of 1969. It increased again in the second quarter to 7.5%—one of the highest quarterly rates in many years.

For savings and loans, the inflow represented an all-time record for the July–August–September quarter—$2.397 billion. Only a year ago S&Ls were confronted by a rapid decline in savings.

The commercial savings picture now is exactly the opposite of what it was a year ago. For the first nine months of 1969 banks were in a minus $6 billion position. This year, for the same period, they are in plus position with $22.8 billion in net savings.

Mutual savings banks' recovery has been somewhat slower. For the first nine months of 1970 they are 21% ahead of last year, with some $2.44 billion net savings compared to $2 billion last year.

Life insurance companies are still down about 30% compared to last year.

MONEY MARKETS SHOW IMPROVEMENT

The seasonally adjusted annual rate of money supply (currency and demand deposits) continued to increase. On a six-month basis the annual rate of increase was 4.8%, or just about what the Federal Reserve Board has suggested as a reasonable target.

By adding to this narrow definition of money supply the time deposits (including large CDs), the increase is at an annual rate of 11% for the six-month period. Excluding large CDs, the annual rate of increase is 9.9%.

In the mortgage markets there have been indications of a leveling in the effective interest rates. This was first apparent in a softening in fees, discounts and the like. These "penalties," charged in addition to contract interest rates, have been declining in the past seven months.

In addition, there is evidence of less disposition on the part of lenders to insist upon equity "kickers" in contractual agreements with builders or investors.

HOUSING INVENTORY RISES BY 15 PERCENT

Importance of statistics being developed from the 1970 Census has been stressed by Dr. Nathaniel H. Rogg, NAHB executive vice president, in major addresses at the NAHB Fall Meeting in Boston, and at the International Apartment Conference in Washington.

The Bureau of the Census has released housing inventory figures for 45 states. The following table compares the 1960 and 1970 inventory figures for these states. For the 45 states, there was an increase of 15% to 50,917,418 units from 44,269,748 units.

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HOUSING INVENTORY BY STATES

	1960	1970	Difference 1960–70	Percent change
Alabama	967, 466	1, 111, 133	143, 667	14.9
Alaska	67, 193	89, 981	22, 788	33.9
Arizona	415, 834	608, 600	192, 766	+46.4
Arkansas	586, 552	671, 398	84, 846	14.5
Connecticut	818, 544	983, 817	165, 273	+20.2
Delaware	143, 725	180, 904	37, 179	25.9
Florida	1, 776, 961	2, 547, 299	770, 339	43.2
Hawaii	165, 506	214, 228	48, 715	29.4
Idaho	223, 543	245, 178	21, 635	9.7
Illinois	3, 275, 800	3, 701, 400	425, 600	13.0
Indiana	1, 503, 148	1, 737, 423	234, 275	15.6
Iowa	905, 295	962, 142	56, 847	+6.3
Kentucky	925, 572	1, 054, 728	129, 156	+14.0
Maine	364, 617	390, 659	26, 042	7.1
Maryland	934, 552	1, 246, 502	311, 950	33.4
Massachusetts	1, 690, 998	1, 913, 146	222, 148	13.1
Michigan	2, 548, 792	2, 966, 372	417, 580	16.4
Minnesota	1, 119, 271	1, 274, 294	155, 023	13.9
Mississippi	628, 445	688, 554	60, 109	9.6
Missouri	628, 945	688, 554	59, 609	9.6
Montana	233, 310	246, 747	13, 437	5.8
Nebraska	472, 950	511, 285	38, 335	8.1
Nevada	101, 623	172, 869	71, 246	70.1
New Hampshire	224, 440	280, 857	56, 435	25.1
New Mexico	281, 426	326, 459	44, 983	16.0
North Carolina	1, 322, 957	1, 620, 396	297, 439	22.5
North Dakota	194, 597	212, 048	17, 451	9.0
Ohio	3, 041, 151	3, 473, 864	432, 713	14.2
Oklahoma	815, 685	934, 863	119, 178	14.6
Oregon	622, 853	746, 860	124, 007	+19.9
Pennsylvania	3, 581, 900	3, 936, 600	354, 700	9.9
Rhode Island	286, 757	318, 502	31, 745	11.1
South Carolina	678, 379	806, 009	127, 630	18.8
South Dakota	216, 449	226, 057	9, 608	4.4
Texas	3, 153, 127	3, 818, 099	659, 972	20.9
Utah	262, 670	318, 866	56, 196	21.4
Vermont	136, 307	166, 462	30, 155	22.1
Washington	1, 009, 519	1, 221, 817	212, 248	+21.0
West Virginia	574, 357	589, 569	15, 212	2.7
Wisconsin	1, 288, 620	1, 425, 772	137, 152	10.6
Wyoming	113, 096	166, 862	3, 766	3.3
Total 45 States	44, 269, 748	50, 917, 418	6, 647, 670	15.02

Source: 1970 Census of Housing-Preliminary.

MULTIFAMILY SHARE NOW AT 44.5 PERCENT

Since 1960 the multi-family share of housing starts has been increasing steadily. In 1960, its share was 20.6%. This has increased every year, with the exception of a slight drop in the mid-1960s, to an estimated 4.5% in 1970. See the following table for details of this mix.

MULTIFAMILY SHARE OF HOUSING MARKET THOUSANDS OF PRIVATE HOUSING STARTS 1900–70

Year	Single family	Multi-family	Percent multi-family
1900	133	66	34.9
1901	177	98	35.6
1902	171	69	28.8
1903	175	78	30.8
1904	207	108	34.3
1905	336	171	33.7
1906	316	171	35.1
1907	291	141	32.6
1908	286	130	31.3
1909	328	164	33.3
1910	251	136	35.1
1911	249	146	37.0
1912	258	168	39.4
1913	264	157	32.3
1914	263	158	37.5
1915	262	171	39.5
1916	267	170	38.9
1917	166	74	30.1
1918	91	27	22.9
1919	239	76	31.8
1920	202	45	18.2
1921	316	133	29.6
1922	437	279	39.0
1923	513	358	41.1
1924	534	359	40.2
1925	573	365	28.9
1926	491	358	42.2
1927	454	358	44.1
1928	436	317	42.1
1929	316	193	37.9
1930	227	103	31.2
1931	187	67	26.4
1932	118	16	11.9
1933	76	17	18.3
1934	109	17	13.5
1935	182	34	15.7
1936	239	66	21.6
1937	266	66	19.9
1938	316	83	20.1
1939	373	85	18.6
1940	448	82	15.5
1941	533	86	13.9
1942	252	39	13.4
1943	136	47	25.7
1944	115	24	17.3
1945	290	35	10.8
1946	937	78	7.7
1947	1, 152	113	8.9
1948	1, 183	161	12.0
1949	1, 231	209	14.6
1950	1, 692	216	11.3
1951	1, 283	137	9.6
1952	1, 307	139	9.6
1953	1, 256	146	10.4
1954	1, 398	134	8.7
1955	1, 499	128	7.9
1956	1, 204	121	9.1
1957	1, 012	163	13.9
1958	1, 091	223	17.0
1959	1, 234	283	18.6
1960	995	257	20.6
1961	975	339	25.8
1962	992	471	32.2
1963	1, 021	590	36.6
1964	972	558	36.5
1965	964	509	34.6
1966	779	387	33.2
1967	844	448	34.7
1968	890	608	40.5
1969	810	654	44.5
1970	830	620	43.0

Source: 1900–1944, U.S. Bureau of the Census, Housing Construction Statistics: 1889–1964. 1945–1958, National Association of Home Builders Economics Department estimate. 1959 69, Bureau of the Census, series C–20, Housing Starts. 1970, NAHB Economics Department estimate.

SINGLE, MULTIPLE STARTS BOTH CLIMB; RATE EXCEEDS 1.5 MILLION

The rise in the seasonally adjusted rate and continued strength in building permits indicate more zest in the housing pick-up. The starts rate should continue to rise slowly through the remainder of the year to a 1.6 or 1.7 million rate.

Optimism based on permits issued in August was borne out by a 6.5% increase in the seasonally adjusted annual rate of housing starts during September. True to expectations, the rate rose from a revised August figure of 1,412,000 to 1,504,000 units.

Multiple and single starts were up an identical percentage—from an August figure of 582,000 to 620,000 for multis, and 830,000 to 884,000 for singles. Only the North Central region failed to share in the gain, falling 9.5% from the August rate of 295,000. The Northeast rose by 11.8% to 199,000; the South, 4.9% to 669,000; and the West boomed 22.6% to 369,000 units.

While actual starts remained down 10.2% from the same nine-month period in 1969 (1,043,000 vs. 1,164,700), this was an improvement over August when actual starts were off 11.4% for the period. Singles were down 7.5%; multiples, 14.1%. Multiples currently represent 42.8% of this year's total.

The seasonally adjusted rate of permits rose for the second consecutive month in September. The September increase was 3.2% to 1,368,000; August's rate had increased 5.3% over July.

	Oct. 15, 1969		Sept. 10, 1970		Oct. 9, 1970	
	Bid	Ask	Bid	Ask	Bid	Ask
Company building:						
Dev. Corp. America	12¼	13¼	12½	13	15¾	15¼
Edwards Eng	1	1½	¾	1¼	¾	1¼
Edwards Inds	11½	12¼	7½	8¼	7¼	8⅛
First Natl. Rlty.[1]	5⅞	6	2⅜	2⅞	2⅛	2⅝
Frouge	3¾	4½	1⅜	1¾	1⅞	2⅜
General builders [1]	9⅞	10	5⅞	6⅛	5½	6
Key Co.[1]	10	10⅛	6⅛	36½	6½	7
Kaufman & Broad [1]	44¼	44½	37	37½	38¼	38¾
Pacific Cst. Prop.[1]	5⅞	6	2¾	3	2⅞	3⅛
U.S. Home & Dev.[1]	31	31⅜	27	27⅜	32½	33
Del E. Webb [1]	17⅞	18⅛	8⅞	9¼	8⅞	9¼
S & LS:						
American Fin	34	34¾	14¼	14½	17¾	18⅛
Calif. Fin.[1]	11⅛	11¼	8⅞	9¼	8	8⅜
Empire Fin.[1]	30½	30¾	12⅞	13¼	12½	13
Far West Fin.[1]	18½	18⅝	13⅞	14¼	12¾	13⅞
Fin. Fed.[1]	25½	25¾	14½	14¾	15	15⅜
First Charter Fin.[1]	48	48¼	42	42⅜	41⅛	41⅝
First Fin. Corp. West	9½	11	12	13½	12	13
First Lincoln Fin	8¾	9¼	5	5½	5⅜	5¾
First Surety	8⅝	9⅛	4⅝	5	4½	5
First Western Fin	5⅛	5⅜	3¾	4¼	3⅛	3⅜
Gibraltar Fin.[1]	35⅛	35¼	19½	19¾	19⅞	20⅛
Great Western United [1]	27¼	27¾	21¾	22	22½	23
Hawthorne Fin	12¼	13	10¼	11	10¼	10¾
Imperial Corp. of Amer.[1]	15¾	16	12	12¼	10½	11
LFC Fin. Corp.[1]	14⅞	15	6¼	6½	5⅞	6⅛
Midwestern Fin.[1]	10⅛	10¼	15½	15¾	15⅞	16⅛
Trans-Cst. Inv	5½	5⅞	4⅝	5⅛	4½	5
Trans World Fin.[1]	13½	13⅞	9	9¼	9	9½
Union Fin.[1]	13¼	13⅝	8½	8¾	8½	8¾
United Fin. of Calif.[1]	17¾	18	8¾	9	8½	8⅞
Wesco Fin.[1]	30½	30¾	19⅛	19½	18	18½
Real estate investment trusts:						
American	10¼	10⅝	(2)	(2)		
First Mtg. Inv	21¼	21¾	7½	8¼	10	10¼
U.S. Rlty	22¼	22½	(2)	(2)		
Commonwealth	5	5½	6¼	7	6¼	7
First General Resources	26¼	27¼	7½	8¼	6⅛	7⅛

Footnotes at end of table.

	Oct. 15, 1969		Sept. 10, 1970		Oct. 9, 1970	
	Bid	Ask	Bid	Ask	Bid	Ask
Real estate investment trusts—Continued						
Franklin	10½	10¾	¾	1⅛		
Kavanau [1]	13¼	13½	6	6¼	8½	8⅞
Pennsylvania	12	12½	(2)	(2)		
Washington	11¼	11⅜	9	9½	9⅛	9½
Shell and precut homes:						
Albee Homes	9	9½	2¼	2¾	3	3½
Modrn. Diversified Ind. Kans	4⅛	4⅝	(2)	(2)	6	
U.S. Finance, Cal	41½	42½	18½	19	28⅛	28¾
Nationwide Homes	8¾	9¼	6½	7	6¾	7¼
Jim Walter [1]	35¾	36	28	28¼	31½	32
Mortgage banking:						
Advance	14½	15¾	(2)	(2)		
Associated Mtg. Cos	17	18½	(2)	(2)		
Charter Co. Fla. Com	32	33½	12⅞	13½	11⅜	11⅞
Colwell Mortgage	20¼	21¼	17½	18	17¼	18
Cont. Mtg. Inv.[1]	39½	39⅞	15⅞	16¼	16⅛	16⅝
Fed Natl. Mtg. Assoc.[1]	190	193	54	54½	54¾	55
First Mtg. Inv.[1]	21¼	21½	22½	22¾	21¾	22¼
Lomas Nettleton			9⅛	9¼	10¼	10⅝
Palomar	7⅞	8⅜	6½	7	6	6½
Universal Investors Trust	4¼	4⅝	2⅛	2⅝	2½	3
Realty investment:						
DISC Inc	6½	6⅞	3⅞	4½	3⅝	4
Gt. Amer. Rlty	1¾	2¼	1	1⅜	¾	1½
Coliseum Props. Inc. A			⅝	⅞	½	⅞
Income Rlty shares			9⅛	10	9	10
Presidential Rlty.[1] A	14¼	14¾	9	9¼	9	9⅜
Presidential Rlty.[1] B			9	9¼	9	9¼
Rlty. Income Trust [1]	14¾	15	11⅝	11⅞	12	12¼
Prefabrication:						
Admiral Homes	¼	⅝	⅛	⅜		
Gil Dev. Corp	1	1	2	2½	2⅜	3
Hodgson Houses	8¼	9¼	3¾	4½	5½	6½
National Homes	25	26	15¼	16	16¾	17½
Seholz Homes	20	20½	(2)	(2)		
Steel Crest Homes	⅜	¾	(2)	(2)		
Swift Industries	4⅛	5¼	3	3½	3⅝	4⅛
Land development:						
All-State Props	1⅝	2	½	¾	⅝	
American Land	⅞	1⅛	¼	½	⅛	⅞
Arvida	16¼	16¾	8½	8⅞	8⅞	9½
Atlantic Imp	19	20½	(2)	(2)	17	17¼
Canaveral Intl.[1]	11½	11¾	6¼	6½	5⅞	6½
Christiana O. Corp.[1]	15	15⅛	8¾	9	9½	10⅛
Cousins Props	30	30¾	27¾	28½	29¾	30¾
Crawford	26¾	27½	18	17	14½	15¼
Deltona Corp.[1]	71	71½	22¼	22½	25½	26
FPA. Co	17¾	18¾	7⅝	8	9¼	10
Forest City Ent.[1]	27¼	27½	14¼	14½	15¾	16¼
Gen. Devel.[1]	34¼	34⅝	21	21½	21⅞	22⅛
Gulf States Land [1]			2⅞	3⅛	3	3½
Holly Corp.[1]	3½	3⅞	1¾	2	2	2¼
Horizon Corp	61	62	24¼	24¾	31	32¼
Major Rlty	11⅞	12⅜	8½	7	5¼	5⅝
So. Rlty. & Util.[1]	7	7⅛	5½	5⅝	4⅜	4⅞

[1] Listed on N.Y. Stock Exchange or American Stock Exchange.
[2] Not reporting.

Note: OW offer wanted.

Source: Bache & Co., Inc., Washington, D.C.

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Mr. PACKWOOD. Mr. President, I want to make it very clear that this legislation should not be confused with any upcoming problems we are going to have on the floor of the Senate concerning the trade policies of this Nation. When we deal with the soft wood supply timber in this Nation, we are dealing with a limited commodity.

The principal problem is that we do not have enough timber in this country to take care of conservation and the needs of the construction industry of this country, including the export of lumber to Japan and principally in the foreign markets.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that I be permitted to continue for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, the bill I have introduced to limit the export of lumber is not to be construed as a limitation upon the right of free trade or any imposition of an artificial trade barrier.

Mr. President, I am simply saying we do not have enough of a precious raw commodity to go around and under those circumstances I think the United States must look to its conservation, to its home building needs first, and only when it has supplied those needs can it be in a position to supply overseas markets.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A REAL PRIORITY

Mr. PACKWOOD. Mr. President, Congress has a busy schedule during the coming weeks; much work is yet to be done before the 91st Congress can finally adjourn. But in the heat of debate and the pressure of action, we must never forget that there are still some 1,400 American men who depend on us to help win their freedom from the bondage of North Vietnam prisons.

Many of these men have been prisoners for more than 4 years now. Some have been held for as long as 5 years. They are condemned to a life that lacks even the minimum necessities of existence. They are not fed an adequate diet. They do not receive proper medical attention. They are not allowed privacy. They are not permitted to communicate even on a catch-as-catch-can basis with their families. Many of them have not been officially reported as prisoners of war.

It is up to us, as elected officials of this Government and also as private citizens, to do whatever we can at all times to attempt to ease the lot of these Americans and their brave families who wait for them at home. This must ever be a matter of top priority for every Member of the Senate as it must be for every American.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Withopt objection, it is so ordered.

AID TO EAST PAKISTAN

Mr. McGOVERN. Mr. President, Members of the Senate know the people of East Pakistan have been struck by what may very well be one of the worst, if not the worst, catastrophes in modern history, indeed in the entire history of the world, with the possibility that the death toll from that catastrophe may rise to half a million people or more.

Because of the inaccessibility of the area, no one really knows how many people have perished, how many more are endangered by the epidemic of disease that is already underway, and the additional problems of feeding the devastated area. But one thing is becoming clear—that a critical factor in the relief operations is the desperate need for suitable transport; and in this situation helicopters seem to be about the only means of transport that is available.

It occurred to me, in reading the news reports this morning on this matter, that the United States is in a unique position to respond to this situation. If I may have the indulgence of the Senate for just a moment, I should like to read two paragraphs from pertinent news reports appearing in this morning's Washington Post and New York Times that underscore the need for helicopters in this area. First, the New York Times acount, and I read the pertinent parts of the article:

> It is only 100 miles from Dacca to the center of the disaster area in the Ganges Delta, where, according to some estimates, half a million or more people have perished. However, the area is virtually inaccessible by road, and, with only one helicopter available in East Pakistan, very few air drops have been made.

The same point is made in today's Washington Post article, and I read as follows:

> Two small American helicopters are arriving from Nepal but they are Bell 476s, limited to a 600-pound load. Four more U.S. helicopters are being sent in crates from Fort Bragg, N.C., but they will take 19 hours to

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assemble and cannot be operational before Sunday.

The sick and starving islanders could be just so many more figures on the death toll by that time, relief workers fear.

It is clear not only that there is a desperate need for helicopter support in this area as supplies are being moved in and the dead, wounded, and starving are being evacuated, but also that the United States may be in a very unique, and almost incredible, position to respond to this situation, in that we have large numbers of helicopters already in the Asian area, in South Vietnam.

It would be my hope that any helicopters that can possibly be spared from the defense of our forces now involved in the war in South Vietnam could be immediately transferred to this disaster area. What we would have demonstrated there is the use of an instrument of death being converted to an instrument of life.

So I have sent that suggestion this morning, in a letter already delivered to the White House, to the President, commending him on the action already taken, but urging that we take advantage of this unprecedented situation and make helicopter support available.

I should like to read into the RECORD the letter which I have sent to the White House this morning:

DEAR MR. PRESIDENT: The disaster which struck the people of East Pakistan this past weekend must be numbered among the most dreadful catastrophes in the history of human experience. Its magnitude defies description.

Countless thousands have already perished. Thousands more are threatened with disease and death unless food, water, medical assistance, shelter, and sanitation facilities are supplied in massive amounts within a very short period. And this in a region where such commodities are in pitifully short supply in the best of times.

Surely all Americans of good conscience stand with you in your determination to provide all possible assistance. Your actions thus far, including emergency allocations of funds and food, will receive wide support.

There is good reason to fear, however, that the aid we and other nations stand ready to supply might be unavailing, for simple want of transport. There is a desperate shortage of the means for moving supplies where they are needed.

Cargo aircraft, including C–130's which have been made available, are too fast for successful low-flying airdrops of supplies. They must be even less useful for evacuation, since they have no place to land. Consequently, nearly a week after the calamity, we still hear only estimates of the total destruction because many of the affected islands have not yet even been reached, let alone supplied with the materials needed to sustain what life remains.

Pakistani relief commissioner A. M. Anisuazzaman has left no doubt about the most pressing requirement for organization of an adequate relief program: "helicopters, helicopters and helicopters."

This is a need which we are uniquely capable of fulfilling. Helicopters are ideally suited for the work which must be done, and the United States has more of these aircraft than any other nation—probably more than all nations combined. What is more, we, alone, already have large numbers in the Asian region.

I propose, therefore, that every helicopter and crew not now urgently required in Vietnam be moved from that conflict to help in the Pakistani relief effort. They should be accompanied by as many fixed-wing transport aircraft as can be spared under the same standard, for collection and delivery of supplies to airfields nearest the points of need.

I presume that a number of these aircraft have already become surplus in Vietnam because of declining American involvement in the war. Reductions in the intensity of conflict brought by the monsoon season should release others on at least a temporary basis. There have been recent reports that aerial assaults are becoming counterproductive in any event because of their interference with efforts to resettle the Vietnamese civilian population. These factors and others suggest that a great and possibly decisive contribution to the relief effort could be made without in any way endangering our forces in Vietnam.

Beyond this, it would be worthwhile exploring the chance that North Vietnamese and National Liberation Front forces might cooperate to allow an even greater diversion than might otherwise be the case—through a temporary ceasefire or other arrangement. The aid already supplied by China and the Soviet Union illustrates that this is an effort which political differences need not impede.

Millions of Americans have agonized over the purposes and the consequences of this nation's enormous military effort in Southeast Asia.

The steps I have outlined offer a practical means of expressing the compassion our entire society feels for the people of East Pakistan. They are in full accord with the humanitarian instincts which have characterized our actions so frequently in the past.

And they would display to the people of Asia and elsewhere that, given the opportunity, the awesome power and technology of the United States can relieve suffering rather than inflicting it; can save life rather than destroying it.

Mr. President, I ask unanimous consent that, in addition to the letter to the President which I have just read, the two articles from which I have already quoted be printed in the RECORD in their entirety at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

COPTER SHORTAGE BALKS CYCLONE AID—ONLY ONE NOW AVAILABLE IN EAST PAKISTAN—TWO SENT FROM NEPAL BY UNITED STATES

DACCA, PAKISTAN, November 18.—Tons of relief supplies were flown to East Pakistan today, but the lack of communications with the survivors of Friday's cyclone and tidal wave kept most of the help from reaching them.

It is only 100 miles from Dacca to the center of the disaster area in the Ganges Delta, where, according to some estimates, half a million or more people have perished. However, the area is virtually inaccessible by road, and, with only one helicopter available in East Pakistan, very few air drops have been made.

Two American civilian helicopters from the American aid mission in Nepal were reported on their way here, and they are scheduled to start dropping relief supplies tomorrow. Four United States Army helicopters also on the way, are expected to begin relief operations on Friday.

LEAVES ARE CANCELED

The government of East Pakistan announced today that the disaster zone would be treated as a "major calamity" area, with leaves canceled for all Government employees engaged in relief work.

The Government has come under criticism for not having done so earlier. Students demanding the action had marched through the streets of Dacca.

The central Pakistani Government, based in West Pakistan, 1,000 miles away—Indian territory is in between—has also been criticized.

Relief officials here said their greatest need was helicopters, and they noted that the Pakistani Air Force had such aircraft in West Pakistan. (The Daily Telegraph of London quoted the Relief Commissioner, A. M. Anisuzzman, as having said it was impossible to get any of them and that he did not know why.)

There was concern among relief workers that disease and starvation could exact a heavy toll among the survivors of the cyclone unless relief supplies could be delivered quickly. Among the planes arriving today with supplies were aircraft from Switzerland and West Germany. A Boeing 707 was reported to have transported 25 tons of tents, clothing, blankets and medicine from West Germany and then to have flown to Turkey for another load.

TWO PLANES FROM IRAN

The Pakistani radio reported that two planeloads arrived from Iran. Shah Mohammed Ri Pahlevi has declared the Pakistani tragedy an Iranian one as well. Other countries sending relief goods included the United States, Britain and France.

In addition to the helicopters the United States was providing as its initial contribution $10-million in emergency food supplies. President Nixon ordered the use of funds held in Pakistan that are owed to the United States for such items as grain purchases and the reimbursement of direct dollar relief costs.

With much of the disaster area still under water and inaccessible, there was no way of knowing what the final death toll would be. The official estimate stood at 55,000. But some officials, as quoted by The Pakistan Times, the English-language daily published in West Pakistan in Lahore and Rawalpindi expressed fear that the figure might reach a million.

CHILDREN'S CLOTHES UNNEEDED

Relief workers who had reached one of the hardest hit offshore islands sent back word that there was no need for the children's clothing they had taken with them, as all the children there had died. Other teams going out from Dacca were advised to take with them only clothing for adults.

DISPUTE OVER PILOTS

DACCA, November 18.—A question of which country's pilots should fly relief helicopters has delayed delivery of urgently needed aircraft from the United States and Britain, Pakistani relief officials said today.

Pakistani officials said their Government wanted the United States and Britain to provide the aircraft for use by Pakistani pilots. But Washington refused to go along, the officials said, so Pakistan backed down and the helicopters were expected to arrive late tomorrow.

British aid included five million water purification tablets donated by a drug company. Each tablet was said to be sufficient to purify a gallon of polluted water.

Britain is flying in 13 military landing craft from Singapore to aid in rescue work, the Government said.

TWENTY COUNTRIES SEND AID

GENEVA, November 18.—Henrik Beer, secretary general of the League of Red Cross Societies, reported today that $3-million in medicines, tents, blankets, vitamins. water-purifying equipment and other relief supplies for the stricken East Pakistani area were now "in the pipeline."

These supplies, he said in an interview, have been provided by Red Cross societies in 20 countries.

He announced that the Society in Communist China had donated the equivalent of

$1.4-million of which $400,000 was in cash and the rest in supplies.

Emphasizing the difficulty of delivering the supplies to the homeless of the Ganges Delta region, he said both large and small helicopters were urgently needed, and he expressed the hope that the United States would provide at least two dozen. Mr. Beer put the number of the homeless at two and a half million.

FUND FOR AID SET UP

WASHINGTON, November 18.—Among the agencies accepting contributions to aid victims of the Ganges Delta disaster is the newly organized Pakistan Cyclone Relief Fund, Inc. It's address is P.O. Box 1670, American Security and Trust Company, Fifteen and Pennsylvania Avenues, NW., Washington, D.C. 20005. Contributions are tax-deductible.

The fund was organized yesterday with Joseph W. Barr, president of the American Security and Trust Company; Robert D. Murphy, chairman of Corning International, and Walter S. Surrey, lawyer, as co-chairmen.

[From the Washington Post, Nov. 19, 1970]

PAKISTAN FLOOD RELIEF STALLED

DACCA, PAKISTAN, Nov. 18.—Aid officials today raced desperately against time to save thousands of men, women and children who survived East Pakistan's disastrous cyclone last week and now face death from hunger and disease.

Starvation, cholera and typhoid threaten to overwhelm the survivors as they wait for food, medicine and shelter, pouring in from all over the world.

This is the grim reality facing officials trying to get relief supplies into the water-logged, near inaccessible disaster zone where 34,000 persons are known dead and where experienced observers fear the toll will reach 500,000.

The peasants and fishermen in the shattered low-lying islands in the Bay of Bengal urgently need airdropped supplies if they are to survive much longer. But there is a desperate shortage of helicopters, essential to make the pinpoint drops necessary in regions still under water and unreachable by normal planes.

The disclosure by Relief Commissioner A. M. Anisuzzaman that only one helicopter was immediately available for the vital task has heightened anxieties and anger among organizers here.

Dozens of small islands in the Bay of Bengal were still untouched by relief workers. Survivors told newsmen their drinking water came from pools befouled by corpses of human beings and cattle and their only food was rotting rice kernels they burned before eating to kill the stench.

Officials discounted reports of widespread cholera in the stricken area.

"The incidence of cholera is insignificant compared to other problems of relief here," said Dr. Wiley H. Mosley, chief of epidemiology of the cholera laboratory run by Pakistan and the Southeast Asia Treaty Organization.

In Washington President Nixon ordered an initial allocation of $10 million in government funds for relief.

Two small American helicopters are arriving from Nepal but they are Bell 476s, limited to a 600-pound load. Four more U.S. helicopters are being sent in crates from Fort Bragg, N.C., but they will take 19 hours to assemble and cannot be operational before Sunday.

The sick and starving islanders could be just so many more figures on the death toll by that time, relief workers fear.

To add to the burden the airstrip at Barisal which is within 50 miles of the least accessible stricken areas, cannot be used because of maintenance and supply problems.

China today promised aid worth $1.2 million to East Pakistan, the New China News Agency said. The Soviet Union, which said a vessel already has delivered food and medicine, was reported to be examining the need for further help.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. What is the will of the Senate?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that I be permitted to speak for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MILITARY AND ECONOMIC ASSISTANCE FOR THE MIDDLE EAST AND ASIA

Mr. GRIFFIN. Mr. President, the supplemental appropriation request sent to Congress yesterday by the President represents a prudent minimum of military and economic assistance for our friends in the Middle East and Asia. With this support, they will be able to pursue the goals of freedom and independence which they desire and which will reinforce this Nation's security as well.

By approving the request, Congress will join the President in another step into the decade of the seventies—a further and important step toward less direct American involvement abroad while we help threatened countries assume increasing responsibility for their own defense.

This appropriation request: implements the Nixon doctrine;

Reasserts our deep interest in the Mediterranean and the Middle East; buttresses the confidence of our friends and allies in the U.S. willingness to stand by them.

Cautions adversaries that our interest in entering an era of negotiations stems not from weakness or lack of resolve, but from a genuine desire to end human suffering and to embark on a generation of peace.

As President Nixon said in his message yesterday:

> We must signal clearly to the world, to those who threaten freedom as well as those who uphold freedom, that where our interests are involved the United States will help those who demonstrate their determination to defend themselves. Our foreign policy cannot succeed without clear evidence that we will provide such help.

This supplemental appropriation package represents another historic building block in the implementation of the Nixon doctrine. It represents part of the cost of shifting to a new policy for the 1970's. To reduce the American presence abroad, we must provide those under threat with the muscle to take over more of the burden of their own defense.

President Nixon first outlined his program for gradually shifting to Asian nations themselves the primary responsibility for their defense at Guam in mid-1969 and in his report to Congress on "U.S. Foreign Policy for the 1970's."

He explained then, as he repeated in his message to the Congress yesterday, that the pace of the shift is all-important.

> This approach requires our commitment to helping our partners develop their own strength. In doing so, we must strike a careful balance. If we do too little to help them . . . they may lose the necessary will to conduct their own self-defense or become disheartened about prospects of development. Yet if we do too much, and American forces do what local forces can and should be doing, we promote dependence rather than independence.

The billion-dollar program we now have before us, strikes a necessary balance. We are promoting independence in the nations we help. We are building their confidence in themselves.

In a Senate speech which I delivered on June 29, 1970, I said:

> It is in the interest of the United States that the non-Communist nations of Asia be able to carry the primary burden of their own defense.

I also observed that the Nixon doctrine "is not a complete and revolutionary departure from all past policies" but that "it is different in its emphasis and in method."

The same is true today, Mr. President. We cannot fail to provide this prudent minimum to our friends and allies. If we were to refuse to approve this request, we would seriously jeopardize our security arrangements.

We would erode the resolve of our friends and embolden our enemies.

We would take a fateful leap away from the bipartisanship which has buttressed the successful foreign policy of five American administrations since World War II.

To reject this program of military and economic aid in the name of economy would be false economy.

To reject it in the name of peace would encourage aggression.

Our continued support for Israel, under the shadow of increasing threat from nearby Soviet arms and personnel, is essential.

Our support for Jordan and Lebanon in their struggles to maintain their integrity and independence in the face of increasing extremist threats, internal and external, is also valid.

By far, the largest portion of this billion-dollar package is earmarked for Israel: $500 million in credits.

The record will show that the United States has made numerous efforts to resolve the Middle East dispute in a peaceful manner.

We have patiently explained to the Soviet Union that continued arms escalation in the Middle East is not in our mutual interest or in the interest of the world.

The Soviet Union, however, has been insensitive to our words. It has continued

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its arms shipments to the United Arab Republic. It has installed a sophisticated air defense system, deploying surface to air missiles, SAM 2's and SAM 3's, in the Suez Canal area, despite the standstill cease-fire.

Today, a tenuous cease-fire prevails in the Middle East. But the Middle East dispute is not resolved.

The Nixon administration has made every effort to avoid the need for the weapons which the requests sent to Congress yesterday are designed to buy. Unfortunately, the Soviet Union would not let those efforts succeed.

Under the request, the second largest sum, $255 million, would go to assist Cambodia. That amount would support military and economic requirements of this courageous Southeast Asian nation, which seeks to oust Communist occupiers of its territory.

The administration's request for funds to aid Cambodia is a particularly good example of the Nixon doctrine in action.

It is a very frugal program; it is a cautious program, and it is a limited program.

Seventy percent of the military assistance funds requested for Cambodia are for ammunition.

This support would be provided in a way that will not require U.S. forces or advisers to support Cambodian forces.

The Cambodians have shown us their resolve and their demonstration of national unity and purpose to a remarkable degree—surprising to many.

They have made up with patriotism and courage what they may have lacked in military training and equipment. They have made effective use of the extremely limited outside assistance they have received to date.

This request by President Nixon will only support Cambodian efforts. It does not replace them.

Our support of the Cambodian people is more than an appropriate expression of the Nixon doctrine. It is also intended to support the Vietnamization program across Cambodia's eastern border.

Mr. President, last summer some Members of this body feared that the 2-month campaign against the Communist sanctuaries in Cambodia would result in a broadened involvement of American troops in Southeast Asia. I told the Senate at that time:

> Whatever economic or military aid the present Administration may provide today to friendly nations in Southeast Asia would come at a time when we are rapidly *reducing* our military presence in Southeast Asia.

This view was not unanimously accepted in the Senate last summer. Now the truth of it should be clear to us all.

The argument that providing economic and military aid to Southeast Asia would increase, our entanglement on the mainland of Asia is less convincing than ever. We are reducing our troop involvement by roughly half in Vietnam; by one-third in Korea; and substantially in Thailand, as well as in the Philippines.

Under the request, we would aid Korea to the extent of $150 million for modernization of its armed forces. This is a further implementation of the Nixon doctrine.

The United States has declared its intention of reducing its ground forces in Korea by one third.

Modernization of the Korean forces is long overdue. It has been postponed repeatedly because of the heavy defense requirements in Vietnam. Delay is no longer prudent.

Vietnam would get $65 million in economic aid in this supplemental package. This support for Vietnamization is another expression of our determination to keep commitments both to the American people and to our allies.

The Vietnamization program is saving lives and money in such substantial proportions that the costs associated with the policy are a small price to pay.

Vietnam's armed forces daily grow more competent in assuming the burdens of combat. As the movement toward military self-sufficiency accelerates, however, economic support is required on a significant scale.

United States aid will not increase the living standards in Vietnam. It will, however, Mr. President, provide a necessary offset for reduced foreign exchange income for Vietnam as U.S. forces are withdrawn.

Indonesia will be assisted to the extent of $13 million as part of this supplemental package. This is a small but crucial amount.

The Suharto government continues to demonstrate its firm determination to retain its independence and neutrality.

At the same time Indonesia has taken truly impressive measures to assure the United States that what assistance is received is not wasted. Our past support has helped the Suharto government move toward its goals of economic and military independence. That government deserves our continuing help.

Under the package request, Jordan would get $30 million and Lebanon $5 million under the supplemental bill.

These two small, moderate countries have supported peace efforts in the Middle East and paid for it in the strong internal reactions which threaten their stability. These proposed contributions of ours demonstrate the U.S. commitment to a just peace in the Middle East.

Mr. President, by promptly voting support of this supplemental appropriation, Congress will underscore the resolve of the United States to meet our responsibilities as a world power and to sustain a strong free world defense posture.

If we remain strong, our prospects for achieving peace through negotiations remain strong.

Our resolve in that respect must be emphasized and demonstrated.

Any flagging in our determination, any unevenness in our willingness to support our friends and allies would only encourage adventurers to make still further attempts to force their will upon the free world by making war.

As we move toward consideration of this request by the President, I think it would be helpful, as Al Smith used to say, to look at the record.

The President assured us that U.S. forces would be withdrawn from Vietnam; 165,000 men have already been withdrawn.

The President assured us that the military actions conducted in Cambodia last spring would be confined to the enemy sanctuaries; those actions were confined to the sanctuaries.

The President assured the American people that U.S. ground forces would be withdrawn from Cambodia by June 30, 1970. These ground forces were withdrawn by that date.

Today the President asks us now to provide the funds needed to continue our support of our friends in the Mediterranean area and to implement the Nixon doctrine in Asia.

The President has assured us that: 100,000 additional troops will be withdrawn from Vietnam by spring; 20,000 troops are being withdrawn from Korea; 9,800 troops are being withdrawn from Thailand; 6,000 troops are being withdrawn from the Philippines.

The funds requested will support those withdrawals and make them possible; they will assure those countries from which our troops are leaving that we continue to support them.

The administration has indicated that the United States will do what is necessary to maintain the military balance in the Middle East. The proposed aid to Israel in this package is the U.S. response to the Soviet effort to upset that balance.

The administration has assured us it is asking for the prudent minimum that will encourage the desirable maximum in self-help by the nations to be benefited.

On the basis of the record, there is no reason to doubt these assurances by the administration.

By approving this request, we would also be implementing foreign policy enunciated by President Truman 23 years ago. In March 1947 he said:

> It must be the policy of the United States of America to support free peoples who are resisting attempted subjugation by armed minorities, or by outside pressure.

Mr. President, shortly after the President announced the Nixon doctrine at Guam in 1969, our distinguished majority leader, the Senator from Montana (Mr. MANSFIELD) stated:

> The President is moving with caution and consideration but also with a sense of reality based on the changes which have occurred on this globe. He is not advocating isolationism, nor is he advocating the abandonment of Asia.
>
> In his candid statements, both in this country and in Guam, he has emphasized that the United States is a Pacific power with peripheral interests on the Asian mainland . . .
>
> . . . What the President has done, in short, is to signal the less likelihood of American participation in wars on the Asian mainland in the future. The President has also encouraged the Asian nations to depend more on themselves in both internal security and military defense which, to me, seems to be a sound long-range policy. In short, what the President has stated broadly and plainly is continued support for the nations of Asia but with greater Asian participation and responsibility.

Our distinguished majority leader was right then, as he is right so often. More recently, he called upon his colleagues on his side of the aisle to put the partisanship of the recent election campaigns behind them and to cooperate with the

Nixon administration for the good of the Nation.

Mr. President, this is an occasion for such cooperation.

THE NATO ALLIANCE AND STANDING FLEET IN MEDITERRANEAN

Mr. SPONG. Mr. President, during the congressional recess, it was my privilege to attend the Sixteenth Annual Session of the North Atlantic Assembly, a meeting of legislators from the North Atlantic Treaty Organization—NATO—countries, held at The Hague. As a representative of the state where the Atlantic headquarters for NATO are located, I have always maintained a deep interest in the Organization.

This year the Assembly dealt with four issues which I feel are quite significant and which hold far-reaching implications for the future of the alliance.

The most basic issue and the one which has been a continuing source of irritation concerns commitments of the individual NATO members. The United States has, in the past, and currently provides the lion's share of the support for NATO. This is true on the nuclear level, where the United States possesses about 95 percent of the alliance's nuclear capability. And, it is also true on the conventional level, where the Canadian and European members of NATO could contribute more.

The U.S. commitment presently includes some 300,000 military personnel, whose dependents must also be maintained in Europe, and 10 percent of our Nation's arms strength. It requires 4 percent of our annual military budget—about $3 billion—for salary and operational costs alone. Total U.S. costs for NATO have been estimated as high as $14 billion a year.

With few exceptions, the commitments made by other NATO members have fallen short of what could reasonably be expected.

In the past, I have been opposed to a unilateral U.S. withdrawal of troops from NATO. There are, I believe, cogent reasons for this position. Europe, perhaps more than any other area of the world, is tied to our own well-being. A sense of false security, which NATO has helped foster, could lull us into a dangerous sleep. The conventional strength of the Warsaw Pact countries has increased gradually but steadily and surpasses a strength required solely for defense.

There are, however, compelling considerations on the other side. There is a need to reduce U.S. defense spending in the face of growing domestic needs and to improve our balance-of-payments position. As our distinguished majority leader, Senator MANSFIELD, has noted, the argument that a large NATO force is necessary to induce the Soviet Union and Warsaw Pact nations to seek mutual troop reductions and detente has not proven true during the recent years when it has been made. But perhaps the most compelling argument for a U.S. reduction is the failure of the European nations to make more of a contribution to their own defense, a failure deriving from many sources—the understandable desire of these nations, too, to divert funds from military spending to domestic needs; the economic difficulties some of these nations have faced; a lack of faith among some Europeans in their own ability to save themselves, regardless of their actions, in the face of a large-scale Warsaw Pact attack.

With these considerations in view, the Assembly agreed to a resolution urging each NATO member nation to devote approximately 5 percent of its gross national product to NATO activities.

While I am not completely sanguine as to the full implementation of this resolution, I hope that NATO members will comply—principally because I believe the need for NATO remains and because I have concluded that commitments of the United States to NATO in the years ahead must depend significantly upon the efforts that other members are willing to make. We cannot continue to bear a disproportionate burden in NATO. In reducing that burden, however, we should concentrate first on decreasing the administrative and support personnel and, only lastly, combat troops.

A second issue which raises important questions for the alliance relates to the West German policy of Ostpolitik, of seeking closer ties with the Soviet Union and the nations of Eastern Europe. European geography, together with the natural desire of Germans, East and West, for greater interaction with others of their nationality supports such a policy.

The continued commitment of the Soviet Union and Warsaw Pact nations to the disintegration and demise of NATO, however, implies hazards in the policy for the alliance. It was the general impression of the Assembly that NATO should, as much as possible, approach the Warsaw Pact countries with a unified stance, a desirable, if difficult undertaking. In the absence of such a stance, a constant alertness to the potential dangers of Ostpolitik to NATO must be maintained.

A third issue is that of the Middle East, the source of oil for NATO's European members and an area not distant from the "soft underbelly of NATO", particularly Turkey and Greece.

Recent developments in the Middle East which portend problems for NATO include the provision of Soviet pilots and jet fighters, the guerrilla hijackings, the death of President Nasser, the uneasy cease-fire, and the growing strength of the Fedayeen, which I discussed in a Senate floor speech in March of 1969.

These developments raise questions about the possibility of NATO's being outflanked and the sufficiency of the alliance's operations in the Mediterranean.

NATO has responded in the Mediterranean by earmarking additional naval units to alliance activities, increasing its surveillance role and creating an on-call naval force; but problems in the area are far from resolution.

The discussion of the Mediterranean does, nevertheless, bring me to my fourth issue, mentioned briefly above, the creation of a standing NATO naval force in the Mediterranean. My interest in this, as well as that of the senior Senator from New York, Senator JAVITS, goes back some time. I endorsed the concept of a standing fleet for the Mediterranean in an April 22, 1968, Senate floor speech. Senator JAVITS, as chairman of the Assembly's Political Committee, has been instrumental in securing Assembly support for the fleet. I hope the fleet will be brought into being.

In these times, when the NATO nations are, almost without exception, facing difficulties both at home and abroad, the alliance must be maintained. Its proven strength in the past can help see us into the future. The security of the European nations is deeply tied to NATO. For their own well-being, for their own benefit, our European allies should be willing to allocate a greater portion of their resources to NATO.

Mr. KENNEDY. Mr. President, I missed the first part of the comments of the distinguished Senator regarding his observations on the NATO meeting. I did have the opportunity to attend the conference with my colleague from Virginia.

In listening to the latter part of the Senator's comments in which he urged a greater degree of participation by our European friends in meeting our common defense needs, it is relevant to note that the same position was stated by the distinguished Representative from South Carolina (Mr. RIVERS) in an amendment he called "Five Percent for Freedom." This point received the strong endorsement of many members of the delegation.

I commend the Senator for making his comments.

At a time when we have so much unfinished business, and unsolved problems here in this country, as I am sure our European friends also have, it is necessary that we underscore and underline the common defense that is presented by the NATO shield. We ought to understand each other's problems, and we certainly ought to expect that they be willing to pay for a greater share.

It is commendable that the Senator is urging this upon our European friends. I know he speaks for many members of the delegation. I am glad he made these comments today.

Mr. SPONG. Mr. President, I thank the Senator from Massachusetts. The Senator from Massachusetts addressed the NATO Assembly, I believe in 1969. In the period of more than 2 years since the introduction of the Mansfield resolution in 1968, the delegates in the assembly have endeavored to alert our European allies to the fact that the people in this country want more signs of participation by them in their own defense before continuing to underwrite such a large share of the conventional defense in Europe.

I appreciate the remarks of the Senator.

Mr. KENNEDY. Mr. President, one developing factor which is of great interest is the increasing trade between Western European and Eastern European countries. At a time when Western European countries are signing long-term credit agreements opening up new avenues of trade, expanding contacts in

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trade, while seeing a continuing reduction in terms of their own commitment to NATO, it is relevant that this country reflect upon its NATO commitments. We too are trying to develop a policy toward expanded trade in terms of Eastern Europe; particularly has this been true in the latter part of the sixties, a development which I think is being reevaluated by the administration. I suppose it is not inappropriate to review the expenditures of our resources. Our NATO commitments are extensive and heavily burdensome on the American taxpayer, as we maintain this substantial presence, which is the obligation of the United States under the treaty.

I am often reminded, when many of our European friends comment that ours is a new position or posture, that actually we are finally accepting recommendations made by President Eisenhower in the latter 1950's that we reduce troop commitments. Certainly with the extraordinary economic vitality of our European friends and in view of the new problems we are facing in our country in terms of the economy, I think the statements and observations made by the Senator from Virginia are prudent and reasonable and they are certainly consistent with what I feel are the short- and long-term interests of the United States at this time.

Mr. SPONG. I thank the Senator. Earlier in my remarks, before the Senator returned to the Chamber, I mentioned as one of the significant developments at this time the new policy toward the East at Bonn. We are also mindful of the activities of the French and Italian Governments. While we do not disapprove of these activities, it makes us look at what our position is to be in the future, certainly as far as financial contributions to NATO are concerned.

Mr. KENNEDY. I think we should expect our European friends to understand that this as a problem which must be confronted, and should not conclude that it is a lessening of our determination to stand with them in Western Europe in the common defense of freedom. As good friends, they should understand the problems we are facing at home and be willing to take a new look at our mutual defense expenditures as they apply to Western Europe.

I thank the Senator.

JOINT COMMITTEE ON THE ENVIRONMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce, the Committee on Public Works, and the Committee on Interior and Insular Affairs be discharged from their further consideration of House Joint Resolution 1117.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 1117.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 1117) to establish a Joint Committee on the Environment.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. KENNEDY. Mr. President, I move that all after the enacting clause be stricken, and that the text of Senate Joint Resolution 207, as amended and passed yesterday, be substituted therefor.

The motion was agreed to.

The joint resolution (H. J. Res. 1117) was ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which House Joint Resolution 1117, as amended, was passed.

Mr. COTTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the action of the Senate yesterday in passing Senate joint resolution 207 be rescinded, and that Senate joint resolution 207 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF JOINT RESOLUTION ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3630.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3630). An Act to amend the joint resolution establishing the American Revolution Commission which was to strike out all after the enacting clause, and insert:

That the joint resolution entitled "Joint Resolution To Establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended—

(1) by adding in section 2(b)(3) the words "the Secretary of Housing and Urban Development and the Secretary of Transportation," after the words "the Secretary of Commerce,";

(b) by deleting in section 6(c) everything after the word "section" and inserting in lieu thereof the words "3109 of title 5, United States Code.";

(3) by adding an additional section 6(g) to read as follows:

"SEC. 6. (g) Whoever, except as authorized under rules and regulations issued by the Commission, knowingly manufactures, reproduces, or uses any logos, symbols, or marks originated under authority of and certified by the Commission for use in connection with the commemoration of the American Revolution Bicentennial, or any facsimile thereof, or in such a manner as suggests any such logos, symbols, or marks, shall be fined not more than $250 or imprisoned not more than six months or both: *Provided*, That this section shall be applicable upon publication in the Federal Register of notification of certification hereunder by the Commission with respect to each such logo, symbol, or mark.";

(4) by deleting section 7(a) and inserting in lieu thereof the following:

"SEC. 7. (a) There is authorized to be appropriated not to exceed $373,000 for the period through fiscal year 1971."

Mr. KENNEDY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. KENNEDY) laid before the Senate the following letters, which were referred as indicated:

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Canal Zone Government for "Operating expenses," for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

LIMITATION ON GENERAL AND ADMINISTRATIVE EXPENSES, PANAMA CANAL COMPANY FUND

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the "Limitation on general and administrative expenses," Panama Canal Company Fund, for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for an increase in the limitation; to the Committee on Appropriations.

PROPOSED DONATION OF SURPLUS FIRE TRUCK TO THE BOROUGH OF NEW SHREWSBURY, N.J.

A letter from the Chief of Legislative Affairs, Detpartment of the Navy, informing the Senate, pursuant to law, of the intention of the Department to donate a surplus fire truck to the Borough of New Shrewsbury, N.J.; to the Committee on Armed Services.

REPORT ON PROFITS MADE BY CONTRACTORS AND SUBCONTRACTORS ON CERTAIN DEFENSE CONTRACTS

A letter from the Comptroller General of the United States, reporting, pursuant to law his report on profits made by contractors and subcontractors on certain defense contracts would not be submitted until March 31, 1971; to the Committee on Armed Services.

REPORT ON DEPARTMENT OF DEFENSE NEGOTIATED CONTRACTS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on military procurement actions for experimental, developmental, test or research work negotiated under the provisions of 10 U.S.C. 2304(a)(11) and in the interest of national defense on industrial mobilization under the provisions of 10 U.S.C. 2304(a)(16), for the 6-month period ended June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE ATTORNEY GENERAL ON VOLUNTARY AGREEMENTS AND PROGRAMS

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report on voluntary agreements and programs, as of August 9, 1970 (with an accompanying report); to the Committee on Banking and Currency.

Report on Certain Purchase Contracts Made by the Department of Transportation

A letter from the Assistant Secretary for Administration, Office of the Secretary of Transportation, transmitting, pursuant to law, a report on purchases and contracts made by the Department of Transportation under clause 11 of section 2304(a) of title 10 during the period of May 1, 1970, through November 1, 1970 (with an accompanying report); to the Committee on Commerce.

Proposed Legislation To Amend the Foreign Assistance Act of 1961

A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 (with an accompanying paper); to the Committee on Foreign Relations.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the adverse effects of large-scale production of major weapons before completion of development and testing, Department of the Navy, dated November 19, 1970 (with an accompanying report); to the Committee on Government Operations.

Report of the Investigation of the Need for Continuing Assistance to Boulder City, Nev., for the Cost of Supplying Water

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, the second 5-year report of the investigation of the need for continuing assistance to Boulder City, Nevada, for the cost of supplying water to the municipality (with an accompanying report); to the Committee on Interior and Insular Affairs.

Report on Harbor Renewal Study

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on a study of drift and debris removal from the public harbors under the jurisdiction of the Secretary of the Army (with an accompanying report and papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Kennedy):

A resolution adopted by the American Ornithologists' Union, at Buffalo, N.Y., expressing opposition to any legislation which would reduce Federal control and responsibility for natural resources on Federal lands; to the Committee on Commerce.

A resolution adopted by the American Ornithologists' Union, at Buffalo, N.Y., urging support of the preservation of the Jamaica Bay Wildlife Refuge; to the Committee on Commerce.

A resolution adopted by the Utility Coworkers' Association, Newark, N.J., disapproving the practice of tieing retirement benefits to social security; to the Committee on Finance.

A resolution adopted by the Utility Coworkers' Association, Newark, N.J., praying for the amendment of the Constitution of the United States, in order to permit students attending public schools voluntarily to recite prayers daily; to the Committee on the Judiciary.

A resolution adopted by the King County Council of Seattle, Wash., praying for the enactment of legislation relating to the treatment of alcoholism; to the Committee on Labor and Public Welfare.

Resolutions adopted by the Utility Coworkers' Association, Newark, N.J., praying for amendments to the Labor Management Relations Act of 1947, and so forth; to the Committee on Labor and Public Welfare.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. MURPHY, from the Committee on Armed Services, without amendment:

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control (Rept. No. 91-1346);

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance (Rept. No. 91-1347); and

H.R. 9486. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict (Rept. No. 91-1348).

SHIP LOAN BILL—REPORT OF A COMMITTEE—(S. REPT. 91-1349)—REFERRAL OF BILL TO COMMITTEE ON FOREIGN RELATIONS

Mr. STENNIS. Mr. President, I am reporting from the Committee on Armed Service H.R. 15728, known as the ship loan bill, with an accompanying report. I might note that the committee adopted an amendment deleting the authority for loaning the three submarines to Nationalist China which was contained in the House version.

The chairman of the Committee on Foreign Relations, Mr. Fulbright, and I have conferred on this measure. There is no question that the Committee on Armed Services has full jurisdiction over the bill; however, the Foreign Relations Committee does desire to examine this legislation from the standpoint of its international political implications. Moreover, there is a precedent for that committee's considering the bill since an arrangement was made in 1967 under which the Foreign Relations Committee considered a ship loan bill after it had been reported by the Armed Services Committee.

I therefore request unanimous consent that the bill be referred to the Committee on Foreign Relations on the condition that it be reported back to the Senate within 2 weeks from this date. I would urge and be most hopeful due to the shortness of time remaining in the session that the full period of 2 weeks would not be required.

The PRESIDING OFFICER Mr. Gravel). The report will be received and printed; and, without objection the bill will be referred to the Committee on Foreign Relations, as requested by the Senator from Mississippi.

AUTHORIZATION FOR PRINTING OF INDIVIDUAL VIEWS

Mr. BYRD of West Virginia subsequently said: Mr. President, on behalf of the junior Senator from Mississippi (Mr. Stennis), I ask unanimous consent that the individual views of the Senator from Hawaii (Mr. Inouye) be printed as a part of the report to accompany H.R. 15728.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Melvin L. Manfull, of Utah, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Central African Republic;

Dr. Homer Daniels Babbidge, Jr., of Connecticut, and Dr. Martha B. Lucas Pate, of Connecticut, to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs; and

Louise Gore, U.S. member of the Executive Board of the United Nations Educational, Scientific, and Cultural Organization, to serve on the Executive Board with the rank of Ambassador.

Mr. FULBRIGHT. Mr. President, from the Committee on Foreign Relations, I report favorably sundry nominations in the diplomatic and Foreign Service which have previously appeared in the Congressional Record and ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER (Mr. Gurney). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Francis S. Ronalds, Jr., of the District of Columbia, and sundry other persons, for appointment in the diplomatic and Foreign Service.

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably sundry nominations in the Coast Guard which have previously appeared in the Congressional Record and ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER (Mr. Gurney). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Newton L. Bennett, and sundry other officers, for promotion in the Coast Guard; and

William C. Behan, and sundry other officers, for promotion in the Coast Guard.

Mr. STENNIS. Mr. President, from the Committee on Armed Services, I report favorably the nomination of seven flag and general officers in the Navy and Army. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

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The nominations, ordered placed on the Executive Calendar, are as follows:

Rear Adm. George E. Moore II, Supply Corps, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving; and

Brig. Gen. William Henry Moncrief, Jr., Army of the United States (colonel, Medical Corps, U.S. Army), and sundry other officers, for temporary appointment in the Army of the United States.

Mr. STENNIS. Mr. President, in addition, I report favorably 337 appointments in the Regular Army in grade of colonel and below; 930 permanent appointments in the Marine Corps in grade of colonel and below; and 4,760 permanent promotions in the Navy in grade of lieutenant. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Ralph D. Pinto, and sundry other persons, for appointment in the Regular Army, by transfer;

Hugh S. Aitken, and sundry other officer, for permanent appointment in the Marine Corps;

Marvin Roy Aardal, and sundry other officers, for permanent promotion in the Navy; and

Margaret A. Brewer, and sundry other officers, for permanent appointment in the Marine Corps.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PACKWOOD (for himself, Mr. SPARKMAN, Mr. BENNETT, Mr. BROOKE, Mr. CRANSTON, Mr. GOODELL, Mr. HOLLINGS, Mr. HUGHES, Mr. MCINTYRE, Mr. MUSKIE, Mr. PERCY, Mr. PROXMIRE, Mr. TOWER, and Mr. WILLIAMS of New Jersey):

S. 4515. A bill to insure adequate supplies of timber for housing construction in furtherance of the national housing goal established in the Housing Act of 1949; to the Committee on Banking and Currency.

(The remarks of Mr. PACKWOOD when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. SPARKMAN:

S. 4516. A bill for the relief of Mr. Shu Yan Kao; to the Committee on the Judiciary.

By Mr. BIBLE (by request):

S. 4517. A bill to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes; and

S. 4518. A bill to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. BIBLE when he introduced the bills appear below under the appropriate heading.)

By Mr. BENNETT:

S. 4519. A bill for the relief of Grace Home Herbertson; to the Committee on the Judiciary.

By Mr. BROOKE:

S. 4520. A bill for the relief of Guilhermina Garcia; to the Committee on the Judiciary.

By.Mr. MURPHY:

S. 4521. A bill for the relief of Maria Lourdes Rios; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself and Mr. MONTOYA) (by request):

S. 4522. A bill to declare that 3.308 acres, more or less, of federally owned land is held by the United States in trust for the Pueblo of Cochiti; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. ANDERSON when he introduced the bill appear below under the appropriate heading.)

By Mr. SCOTT:

S. 4523. A bill for the relief of Franco DiGiulio; to the Committee on the Judiciary.

S. 4517—INTRODUCTION OF A BILL TO DECLARE THAT CERTAIN PUBLIC LANDS ARE HELD IN TRUST FOR THE SUMMIT LAKE PAIUTE TRIBE

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, proposed legislation submitted by the Department of the Interior to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes.

I ask unanimous consent that the letter to the Vice President from Assistant Secretary Loesch, dated October 30, 1970, be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 4517) to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes, introduced by Mr. BIBLE, by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, presented by Mr. BIBLE, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY.
Washington, D.C., October 30, 1970.

Hon. SPIRO T. AGNEW,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill "To declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes."

We recommend that the proposed bill be referred to the appropriate committee for consideration and that it be enacted.

This bill provides that all right, title and interest of the United States in 600 acres, more or less, of public domain land, together with all improvements thereon, will be held in trust for the Summit Lake Paiute Tribe. The bill further provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

This acreage is vacant, unappropriated public domain land contiguous to the south boundary of the Summit Lake Reservation. A notice of a proposed withdrawal of this land in aid of legislation was published in the *Federal Register* of March 23, 1965, page 3787.

The Summit Lake Paiute Reservation was established by executive order on January 14, 1913. The area was enlarged by the Act of March 3, 1928 (45 Stat. 160), and presently consists of some 10,500 acres. The public domain land, which is the subject of this bill, was fenced with the reservation land by the Civilian Conservation Corps in the middle 1930's. The fencing consists of 4-strand galvanized barbed wire on split pine posts. The wire appears to be in reasonably good condition, but a number of the posts will need to be replaced. Two springs and a small excavated pond are situated on the land. They furnish much needed water for livestock grazing on the southern portion of the reservation. The terrain of the land is such that livestock on this part of the reservation must depend upon these springs for water.

These 600 acres have been used continuously with tribal land for grazing purposes to make a well-rounded range unit. The tribe considers it imperative that this tract be made a part of the reservation in order to protect the value of the tribal range resources. A formal appraisal made in 1965 indicated the fair market value to be approximately $9,000. The land is without value for minerals, either metalliferous or nonmetalliferous. The highest and best use of the property is for grazing of livestock during the spring and summer for approximately six months' use. Because of its size and location in this isolated area, optimum use is realized when combined with contiguous tribal grazing lands to form a practical operating unit.

The 600 acres plus adjoining reservation lands completely surround a 40-acre parcel of land owned by a non-Indian. Section 1 of the bill reserves a right of access to the non-Indian land across the 600 acres.

Th owner of the non-Indian land has expressed an interest in exchanging his land for a parcel of tribal land or in selling the 40-acre parcel to the tribe. An exchange is authorized under section 5 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984, 985; 25 U.S.C. 465), but a purchase would be prohibited because of the limitations contained in the Act of July 26, 1968 (82 Stat. 425). This is the Interior and related agencies appropriation act for fiscal year 1969, and it provides:

"That no part of this appropriation or other tribal funds shall be used for the acquisition of land or water rights within the States of Nevada . . ., either inside or outside the boundaries of existing reservations, if such acquisition results in the property being exempted from local taxation . . ."

Setcion 2 of the bill authorizes the purchase of this non-Indian tract of land in a trust status notwithstanding the inhibition contained in existing law.

The Office of Management and Budget has advised there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

HARRISON SOESCH,
Assistant Secretary of the Interior.

S. 4518—INTRODUCTION OF A BILL TO DECLARE THAT CERTAIN LANDS ARE HELD IN TRUST FOR THE PAIUTE-SHOSHONE TRIBE OF THE FALLON RESERVATION AND FALLON COUNTY, NEVADA

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, a bill to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada.

This measure has been submitted and recommended by the Department of the Interior, and I ask unanimous consent that the letter accompanying the proposed legislation be printed in the Record following my remarks.

The PRESIDING OFFICER (Mr. Jordan of Idaho). The bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 4518) to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada, introduced by Mr. Bible, by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter, presented by Mr. Bible, is as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., October 30, 1970.
Hon. Spiro T. Agnew,
President, U.S. Senate,
Washington, D.C.

Dear Mr. President: There is enclosed a draft of a proposed bill, "To declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada."

We recommend that the proposed bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

This bill provides that two tracts of public domain land will be held in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada. It further provides that the Indian Claims Commission will determine the extent to which the value of the trust title conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

One tract contains 40 acres and the other 20 acres. The Fallon Colony is involved in certain improvement projects, and this legislation will provide a land base that will enable the Indians to participate in a much-needed Mutual-Help Housing program.

This land has been the home of these Indians for more than 50 years. The 40-acre tract was eliminated from a Reclamation withdrawal and reserved on August 23, 1917, for the benefit of the Indians who at the time were occupying part of the tract and were earning their livelihood in and around the town of Fallon, Nevada. Subsequently, some of the Indians by mistake constructed their homes on the 20-acre tract described in the bill which is contiguous to the north boundary of the 40-acre parcel. This 20-acre tract was withdrawn on March 14, 1958, in aid of legislation. These two parcels comprise the Fallon Colony. The colony is located one mile northeast of Fallon, and one-fourth mile from the northeast city limit. To the north of the colony is the city dump and on the southeast is the Fallon city cemetery.

The Indians are mostly Paiute and a few Shoshone. Some 12 miles to the east another group of Indians live on their allotments on the Fallon Reservation. They, together with the colony Indians, have organized and have a common constitution and bylaws. They are known as the Paiute-Shoshone Tribe of the Fallon Reservation and Colony.

The Fallon Colony is an established community of 45 Indians. They brought electricity and water to their settlement at their own expense. However, the water came from the old city water system which was condemned, and not used by the city except to provide water for the cemetery. The city, itself, had a new water supply reservoir for its municipal water system. The Indians of the Fallon Colony then applied to the United States Public Health Service for an improved water and sanitation system which was completed during the past fiscal year.

There are 16 homes located on approximately 25 acres of the 40-acre tract. Eleven acres are under subjugation with water deliveries from the Truckee-Carson Irrigation Project. This parcel is under lease to a member of the Fallon Reservation. Approximately four acres are in the Truckee-Carson Irrigation District's irrigation canal that bisects the property. There are 11 homes on the 20-acre parcel.

A circular gravelled surfaced road through the residential area is maintained by the Bureau of Indian Affairs. Individual houses and other buildings are located around this drive. Only two homes and a church are reported to be in good condition. Although they are of low cost frame construction, they are modern with septic tanks and disposal facilities and have had above average maintenance with some lawns and landscaping. Eight of the buildings are in fair condition. Eleven structures are classified as poor. There are also some 10 or 12 shed or shack type buildings, all vacant, or at least only used occasionally, that have no value other than salvage.

The 22 buildings classified from good to poor have a value of $23,000. All of these buildings have been constructed and are maintained by the Indians at their own expense. The only other improvements are minimal fencing along the crop side of the canal and boundary fences between the cropland and adjoining fee land. The land described in the bill is valued at $285 per acre or approximately $17,000. The low quality and questionable nature of the water system contributes nothing to the value of the property.

These tracts are considered to be of some value for sodium and potassium. The thickness and extent of the deposits are not known and drilling would be necessary to establish their value, but it is believed to be quite low. These lands are without value for other minerals, either metalliferous or nonmetalliferous.

About 90 percent of the Indians of the Fallon Colony earn their livelihood working in and around the town of Fallon. If they were required to move, in order to take advantage of the Mutual-Help Housing program, it would mean a considerable hardship to them. In fact, there appears to be no use for this property that would surpass the Indians' need for it, nor is there any other property available for their housing program. Although there is some tribal land remaining on the Fallon Reservation, all of the good land has been allotted and that remaining would not be desirable for a housing project. Neither would the reservation location be suitable because of the distance to the town of Fallon and the lack of transportation for these Indians who work in Fallon.

The Indians of the Fallon Colony have an application before the Housing Assistance Administration for 40 units of Mutual-Help Housing with construction to begin as soon as possible. A necessary requisite to this housing program is that the Indians have vested property rights in the land, which will be accomplished by this legislation. We strongly urge its enactment.

The Office of Management and Budget has advised there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,
Harrison Loesch,
Assistant Secretary of the Interior.

S. 4522—INTRODUCTION OF A BILL TO DECLARE THAT 3.308 ACRES, MORE OR LESS, OF FEDERALLY OWNED LAND IS HELD BY THE UNITED STATES IN TRUST FOR THE PUEBLO OF COCHITI

Mr. ANDERSON. Mr. President, on behalf of the junior Senator from New Mexico (Mr. Montoya) and myself, I introduced for appropriate reference a bill to declare that 3.308 acres, more or less, of federally owned land is held by the United States in trust for the Pueblo of Cochiti.

This measure has been submitted and recommended by the Department of the Interior, and I ask unanimous consent that the letter accompanying the proposed legislation be printed in the Record following my remarks.

The PRESIDING OFFICER (Mr. Gravel). The bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 4522) to declare that 3.308 acres, more or less of federally owned land is held by the United States in trust for the Pueblo of Cochiti, introduced by Mr. Anderson, for himself and Mr. Montoya, by request, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

The letter submitted by Mr. Anderson is as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., November 3, 1970.
Hon. Spiro T. Agnew,
President, U.S. Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a proposed bill "To declare that 3.308 acres, more or less, of federally owned land is held by the United States in trust for the Pueblo of Cochiti."

We recommend that the proposed bill be referred to the appropriate committee for consideration and that it be enacted.

This bill provides that all the right, title and interest of the United States in 3.308 acres, more or less, of federally owned land acquired for school purposes, together with all improvements thereon, which have been determined to be excess to the needs of the Bureau of Indian Affairs, will be held in trust for the Pueblo of Cochiti. It further provides that the Indian Claims Commission will determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the United States Government determined by the Commission.

This parcel was acquired by the United States in 1911 for $150 through condemnation for the purpose of establishing a day school for the Cochiti Indians. The Cochiti Day School was in operation by the Federal Government until the middle 1960's. In 1966 the land and improvements were permitted to the school board of the Bernalillo Public Schools, District No. 1, for the purpose of operating a public school and housing for teachers. On May 31, 1968, the school board terminated its permit as construction of a new public school plant to serve the educational needs of the Cochiti Pueblo had been completed.

The new public school has rendered the facilities of the Cochiti school site obsolete and the property is excess to our needs. The

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Pueblo of Cochiti desired the use of this property and a permit was approved on October 15, 1968. Thereafter on December 12, 1968, by resolution the Pueblo requested the property since the land could be used advantageously by the Pueblo for community purposes, including the Pueblo Governor's office, council office, library, Headstart classrooms, and other community uses.

The school site is located within the village of Cochiti adjacent to tribal lands, most of which are assigned to individual members of the Pueblo for homesites. Although the Cochiti Pueblo has no formal land consolidation program, it as in the past pursued a policy of acquiring alienated parcels within the exterior boundaries of the reservation through land exchanges in order to consolidate its use areas.

An appraisal of the property indicates a fair market value of $8,500 for the land, including the water and sewer systems. Based on reproduction costs the buildings have a value of $22,493. The existing buildings are quite old and obsolete and will require considerable outlay for maintenance. Having the land held in trust for the Cochiti Pueblo will make it possible for the Pueblo to maintain and repair the buildings and make any other needed improvements. Without this declaration the Cochiti Pueblo would have no assurance that any improvements the Pueblo made to the property might not be taken from it since the Pueblo is simply using the property under permit. At the same time the Federal Government will be relieved of responsibility for maintenance and upkeep.

This land is in an area where the geologic formations, under suitable stratigraphic and structural conditions, are favorable for the occurrence of oil and gas. However, the nearest producing well is 50 miles to the west and the mineral value for this tract is considered to be quite low. It is without value for other minerals.

As the Cochiti Pueblo has a very definite need for this property and the Federal Government can be relieved of the maintenance and upkeep responsibility, we urge that trust title to the property be given to the Pueblo. As this property is surrounded by trust land, we believe that there should be a declaration of trust.

The Office of Management and Budget has advised there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

A bill to declare that 3.308 acres, more or less, of federally owned land is held by the United States in trust for the Pueblo of Cochiti

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title and interest of the United States in and to the following described land acquired for school purposes, together with all improvements thereon, which is now excess to the needs of the Secretary of the Interior, is hereby declared to be held by the United States in trust for the Pueblo of Cochiti:

That parcel of land in section 19, Township 16 North, Range 6 East, New Mexico principal meridian, described as beginning at the northeast corner, whence the southwest corner of the church bears south 72 degrees 35 minutes east 420.6 feet distant; thence north 66 degrees 13 minutes west 480 feet, more or less, to the northwest corner; thence south 23 degrees 47 minutes west 300 feet, more or less, to the southwest corner; thence south 66 degrees 13 minutes east 480 feet, more or less, to the southeast corner; thence north 23 degrees 47 minutes east 300 feet, more or less, to the northeast corner, the place of beginning; containing 3.308 acres, more or less.

SEC. 2. The Indian Claims Commission is directed to determine, in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

ADDITIONAL COSPONSORS OF BILLS

S. 3186

At the request of the Senator from Delaware (Mr. BOGGS), the Senator from Virginia (Mr. SPONG), was added as a cosponsor of S. 3186, to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1836.

S. 4492

At the request of the Senator from South Dakota (Mr. MCGOVERN), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 4492, to establish an improved program for the benefit of producers and consumers of dairy products and other commodities, to extend the Food and Agriculture Act of 1965 for 1 year with respect to wheat, wool, feed grains, and cotton, and for other purposes.

SENATE CONCURRENT RESOLUTION 85—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF CERTAIN HEARINGS

Mr. SYMINGTON submitted a concurrent resolution (S. Con. Res. 85); which was referred to the Committee on Rules and Administration, as follows:

S. CON. RES. 85

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document a compilation of the hearings on United States Security Agreements and Commitments Abroad held before the Subcommittee on United States Security Agreements and Commitments Abroad of the Committee on Foreign Relations.

SEC. 2. There shall be printed four thousand additional copies of such Senate document. Such additional copies shall be for the use of the Committee on Foreign Relations.

SENATE RESOLUTION 484—RESOLUTION SUBMITTED AND AGREED TO RELATING TO EXTENSION OF SYMPATHY TO THE PRESIDENT AND PEOPLE OF PAKISTAN

Mr. SCOTT (for himself and Mr. MANSFIELD) submitted a resolution (S. Res. 484) extending the sympathy of the Senate to the President and people of Pakistan, which was considered and agreed to.

(The remarks of Mr. SCOTT when he submitted the resolution appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 463

Mr. McCLELLAN. Mr. President, cities have historically served as the center of social, economic, and industrial intercourse.

Unfortunately, however, many of today's cities have become so congested and so compacted that they now stand, not as shining citadels of yesterday, but as monumental smog-filled, bursting incubators of serious social problems.

Uncontrolled industrial growth and expansion in the urban centers has prompted massive migration of our people into these areas. This burgeoning congestion has caused serious housing, health, recreation, transportation, welfare, and crime problems. Many city residents fear for their safety; others have become alienated and frustrated, as the local resources and services prove inadequate to provide decent conditions in which to live, to work, and to play.

The physical and economic resources of these areas have been severely taxed and sorely strained. And, if the complicated difficulties emanating from the already compacted population patterns were not enough, we face the added problem of trying to accommodate the projected 100 million increase in population within the next 30 to 40 years. Obviously today's suffocating metropolitan areas will not be capable of adequately meeting the needs of even a fraction of this multitude.

Paradoxically, while our cities mushroomed, many of our rural areas withered, as more and more of their young and able-bodied people sought the big-city jobs and opportunities.

Although some less populated regions are capable of sustaining their people economically, others have become near skeletal in nature; sheltering the older, underskilled, and undereducated. This plight is illustrated by statistics which show that our rural areas have one-third of the population—but one-half of our poor.

We have pursued a limited and narrow approach to these conditions. The readily apparent problems of our cities have undeniably monopolized our attention, our energies, and our moneys. As a result the equally disturbing and important problems of rural America have been neglected and ignored. Because of the dual nature of this problem—congested cities and withering counties—a two-pronged policy is needed to remedy the dilemma.

As a nation, we are committed to achieving an ever higher standard of living for our people—decent housing, adequate food, good health, and educational opportunities. We must seek to provide these things for all the people—urban and rural. By encouraging new industries to locate in these sparsely populated regions, and existing industries to look to these areas when expanding, we could enhance and enrich the lives of all Americans wherever they are located. A policy of bringing jobs to the people in the countryside would act as a deterrent to those who might otherwise feel compelled to migrate to metropolitan areas in search for employment.

Mr. President, I first suggested this industrial decentralization concept in 1968 during our investigation of the city riots. On September 16 of this year, I introduced Senate Resolution 463, calling upon the administration to adopt and implement this program as a national policy. Under my resolution, preference would be given, in the awarding of Government contracts, the locating of new governmental facilities and the implementing of Federal programs, to those areas of our country which have a low concentration of population and industry.

On October 14, I requested that the names of 18 Senators be added as cosponsors of the resolution. Today, I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of the resolution: Senators ALLOTT, GURNEY, HARRIS, INOUYE, JACKSON, JORDAN of Idaho, MCGEE, MUSKIE, PEARSON, SCOTT, SPARKMAN, STENNIS, and METCALF.

The PRESIDING OFICER (Mr. FANNIN). Without objection, it is so ordered.

Mr. COTTON. Mr. President, would the Senator kindly add my name?

Mr. McCLELLAN. I am happy to do so.

Mr. President, I ask unanimous consent that the names of the distinguished Senator from New Hampshire (Mr. COTTON) and the distinguished Senator from Washington (Mr. MAGNUSON) be added as cosponsors of the resolution.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

Mr. PROUTY. Mr. President, would the Senator add my name?

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Vermont (Mr. PROUTY) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. I am indeed pleased and encouraged by the broad bipartisanship support of my colleagues. The White House and other officials of the administration have been extremely interested in this measure and have also pledged support.

I realize that the population and economic growth patterns of a free society are not easily channeled or redistributed since they are the product of millions of decisions individually made by our citizens. Certainly, a hallmark of freedom is the unrestrained movement and location of our people. We are, however, the managers of our own fate, and we do have a responsibility to assure future generations a healthy environment. Our Government cannot dictate where people will live or work, but it can—and should—encourage a sensible and balanced growth pattern to the maximum extent feasible.

It is time to halt and reverse the present population trends, and give our urban areas—especially our decaying intercities—an opportunity to concentrate on restoration, while we revitalize our rural areas and develop their vast potential. The passage and implementation of my resolution will, I believe, contribute much to the realization of these objectives.

Mr. President, as Senators know, title IX of the Agricultural Act of 1970 contains provisions committing Congress to the development of a sound rural and urban balance. These provisions have my wholehearted support.

The thrust, the import, and the concept of Senate Resolution 463, however, is to have the administration adopt and implement a broad national policy to promote the decentralization of our industries—to encourage their distribution and future expansion to those areas which have a low concentration of population and industry.

As I have pointed out, it is not the purpose, nor do we seek, to uproot industry wherever it may be located. But there are going to be another 100 million people in this country within the next 30 or 40 years. Where are those people going? To meet the needs of those people, industry must expand. Those people are going to live somewhere. As industry expands, let us have it expand in the rural areas of our country, where today there is no congestion, where there are no overcrowded conditions. Mr. President, these people will have to work to live. Let us take the jobs to where these people are, instead of having these people come into the metropolitan centers, which are already overcrowded and polluted and congested today.

The thrust, the import, and the concept of Senate Resolution 463 is to have the administration adopt such a policy, as I have stated. It would seek to do this—primarily—by redirecting and rechanneling existing Federal programs. There are almost 600 domestic aid programs and activities currently being administered by 47 Federal departments and agencies, according to the OEO—another compilation lists 1,315 operating Federal assistance programs. For example, the EDA program offers a variety of growth opportunities to local communities, and has proven highly successful in helping them to develop facilities so that they could adequately attract—and serve—new industry.

The industrial decentralization envisioned by Senate Resolution 463 could ease the growing pressures on our cities and, at the same time, facilitate the orderly development of our smaller towns by taking jobs to people in those areas, and thus bring about a better balance both of population distribution and of industrial decentralization.

I am very grateful to those of my colleagues who have joined me as cosponsors of this resolution.

Mr. President, I ask unanimous consent to add the name of the Senator from Arizona (Mr. FANNIN) as a cosponsor; and also the Senator from Florida (Mr. HOLLAND).

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 1077

Mr. INOUYE. Mr. President, on my own behalf and on behalf of Senators CRANSTON, HARRIS, HART, MCGOVERN, and MONDALE I wish to submit the following proposed amendment to H.R. 18515:

On page 21, line 16, delete the figure "$295,000,000" and insert in lieu thereof "$298,000,000".

The PRESIDING OFFICER (Mr. FANNIN). The amendment will be received and printed, and will lie on the table.

Mr. INOUYE. The shortage of health manpower and the soaring costs of medical care are a cause for concern to all of us. In the legislation before us here are increases for training physicians, dentists, nurses, and members of the allied health professions over last year's levels. In the case of schools of public health, however, H.R. 18515 provides for no increase over 1970, even though an additional school of public health was accredited this year and another new school is expected to be accredited in 1971.

Congress first approved direct Federal support for graduate schools of public health in 1958—Public Law 85-544—in recognition of their role as a national resource for the training of public health personnel for State, county, and city health departments and for such Federal agencies as the Departments of Health, Education, and Welfare and Defense, and the newly created Environmental Protection Agency. Since that time the schools of public health have more than doubled their enrollment and graduates. Despite this expansion a severe shortage of trained public health manpower persists.

I would like to emphasize that our 17 schools of public health are a national—not just a State or local—resource. They train public health personnel for all 50 States as well as for our territories, counties, and cities. Not all States can support a school of public health but all of the States must have the people they train to administer health care programs, carry out comprehensive health planning functions, and provide for environmental control programs. The Federal investment, therefore, is essential and fully justified.

Earlier this year, the Congress approved legislation—Public Law 91-208—that increased the authorization for appropriations for public health training from $26 million in 1970 to $37 million in 1971.

The President's budget for 1971 requested only $16,471,000 for public health training, less than one-half the amount authorized to be appropriated. This request was $1 million below the level of funding available in both 1969 and 1970. Since 1969 two new schools of public health have been accredited. They are located at the University of Texas and the University of Washington. Additional new schools are planned for Alabama, Illinois, Missouri, and Ohio.

The House of Representaitves has approved only $16,471,000 for public health training for 1971, a reduction of $1,000,000 from the 1970 level, even though increases were approved for schools of medicine, dentistry, nursing, and the allied health professions. The Senate Appropriations Committee has approved an increase of $1,000,000 over the House allowance, making $17,471,000 available for public health training in 1971. That amount is less than one-half the amount authorized to be appropriated and would impose reductions on individual schools because of the additional schools that have been and will be established.

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The amendment I offer would increase the funds available for health manpower from $295,000,000 to $298,000,0000, an increase of slightly more than 1 percent. This increase would make a total of $9,000,000 available for traineeships under section 306 of the Public Health Service Act, $5,917,000 available for training grants under section 309(a) under that act, and $5,554,000 available for formula grants under section 309(c) of that act. This will make $1 million more available for traineeships and $2 million more for institutional support.

It makes no sense to fight inflation by cutting back on the funds for the training of additional health care personnel when medical costs are rising at a far more rapid rate than is true of other commodity and service costs. Only through increasing the supply of trained personnel and the efficiency in the delivery of health services can we hope to hold the line on increasing health costs. The schools of public health, although supported in part from State and private resources, are primarily reliant on Federal funding. There is no reason to believe that the existing schools will be able to continue to operate at current levels without this increase—that other sources can be found to pick up the slack. An increase of two schools with no increase in funds must therefore result in a cutback at the very time we have noted a major increase in the authorization. This cannot be permitted and it is for this reaosn that I and those who have joined with me offer this amendment. I urge its acceptance.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1068 TO H.R. 18515

At the request of the Senator from New York (Mr. Javits), the Senator from Massachusetts (Mr. Brooke), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), the Senator from Pennsylvania (Mr. Schweiker), and the Senator from Maine (Mr. Muskie), were added to amendment No. 1068 to H.R. 18515, making appropriations from the Department of Labor, and Health, Education, and Welfare, and for other purposes.

NOMINATION OF WILLIAM D. RUCKELSHAUS TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY—REFERRAL OF NOMINATION—NOTICE OF HEARING

Mr. RANDOLPH. Mr. President, on Monday, November 16, 1970, when the Senate reconvened, there was sent to this body by the President of the United States the nomination of the Honorable William D. Ruckelshaus to be Administrator of the Environmental Protection Agency.

This nomination has not been referred to a committee of the Senate for hearing. The nomination has been discussed by this Senator, as chairman of the Committee on Public Works, with the able chairmen of the Committee on Commerce (Mr. Magnuson) and the Committee on Interior and Insular Affairs (Mr. Jackson), as well as other interested Members of the Senate. We have agreed that the Committee on Public Works is the appropriate committee to consider this nomination. It is my hope that the chairmen and the ranking minority members of the Commerce Committee and the Interior and Insular Affairs Committee will join us in the hearings, as well as their counterparts in the Agriculture Committee and the Labor and Public Welfare Committee, both of which committees now have jurisdiction over programs which will be transferred to the Environmental Protection Agency. If the procedure I have outlined is followed, we intend to have that hearing or begin the hearings, on Tuesday, December 1, 1970.

The PRESIDING OFFICER (Mr. Gurney). Without objection, the nomination will be referred to the Committee on Public Works.

ADDITIONAL STATEMENTS OF SENATORS

HOWARD SAVINGS INSTITUTION, NEWARK, N.J., REACHES MOMENTOUS MILESTONE

Mr. WILLIAMS of New Jersey. Mr. President, the Howard Savings Institution has become the first bank in New Jersey to exceed $1 billion in assets. In so doing, it has become one of the largest financial institutions in the Nation. This quite clearly is a magnificent tribute to the bank's management and employees. For more than 100 years, the residents and business community of New Jersey have relied on the Howard Savings Institution. That trust always has been rewarded.

The growth and history of the Howard Savings Institution was reported in an article published in the Newark Sunday News of November 15, 1970. The article shows quite clearly not only the expert business management which has typified the Howard throughout its history, but also the spirit of involvement in the community life of New Jersey, which has been a hallmark of that bank.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Howard Hits Billion Mark

The 113-year-old success story of the Howard Savings Institution has reached a new, and momentous, milestone. The Newark institution has become the first bank of any kind in New Jersey to top the $1-billion mark in assets.

The achievement is remarkable in several aspects.

The surge which pushed the Howard over the $1-billion pinnacle has come at a time when giant savings banks in Manhattan are struggling to stem deposit losses.

Savings banks normally just don't rank with commercial banks in size. But the Howard has been New Jersey's largest bank, measured in either assets or deposits, for almost two years. And it is the only savings bank in the country which outranks all commercial banks in its state.

Among the thrift institutions, a category which includes savings banks and savings and loan associations, the Howard's size and growth is even more notable. It is now almost four times as large as its nearest competitor in New Jersey.

With all its size, the Howard still enjoys a reputation as a family and community bank. Typically, when GI home mortgage loans were hardest to get, the bank refused to charge extra "points" to veterans seeking them. And it made funds available for college tuition loans when other lending was more profitable.

The announcement that the bank had topped the $1-billion mark was made by John W. Kress, chairman of the board. The achievement caps the service of Kress as the bank's leader. Although continuing as chairman, he is due to turn over the reins as chief executive officer on Jan. 18 to Bruce Alexander, who succeeded Kress last summer as president.

In revealing the $1-billion achievement, Kress noted that the Howard is one of the three largest savings banks outside New York City, being exceeded in size only by institutions in Philadelphia and Buffalo in addition to the New York giants. The Howard ranks 14th nationally.

Kress said that the Howard's milestone was reached because of a quickening of deposits, up $97 million or 11.73 per cent since the end of 1969. Bolstered by deposits which now total $927 million, the asset figure stands at $1,000,992,093, a total $92,747,874 or 10.21 per cent over the year-end figure.

"Our deposit growth has been the largest in dollar amount, though not in percentage, in any one year in the bank's history," Kress said. "It is interesting to note that it took the Howard 105 years—from 1857 until 1962—to reach $500 million in assets, and only eight years to double that figure."

The experience of the Howard contrasts with that of savings banks in New York City, where many have been showing drops in deposits. Thus the Bowery Savings Bank, largest in the country, has had a deposit outflow of $278.6 million in the 16 months from March, 1969 through June, 1970.

NOT ONLY IN NEW YORK

Though the experience in New York is not peculiar to that city—the 497 mutual savings banks in the 18 states which permit this form of banking have shown a deposit outflow of $676 million in the 21 months ending Sept. 30—the New York loss has been particularly heavy because sophisticated savers there have been switching to U.S. Treasury bills, corporate bonds, tax-exempt bonds, commercial paper and other ways of attaining interest rates higher than the 6 per cent maximum the savings banks offer for long-term deposits.

Furthermore, the New York banks have been hurt by large-scale population shifts from the city to suburban areas in Long Island, Westchester, New Jersey and Connecticut. The banks are limited by law in their right to expand to nearby counties in the state, and of course can't cross state lines. And depositors remaining have been hurt, too—by the high cost of living in New York.

The New York banks in their effort to increase deposits have been offering gifts for new money—only in many cases to find themselves raiding each other.

"With 392,682 depositers, the Howard certainly has proven itself to be the people's bank," Kress said. "The average balance per saver is $2,350 and we now have depositors residing or working in all 50 states and 32 foreign countries.

"During the last 11 months, we paid these depositors $38.7 million in dividends, $10 million more than the amount paid for the corresponding period in 1969."

The Howard pays the same dividend rates—5 per cent for regular passbook savings and 6 per cent for long-term accounts that most New York and New Jersey savings banks pay.

The Howard compounds interest monthly on regular accounts and quarterly on the others.

FOUR TIMES AS LARGE

Nevertheless, growth has not only enabled it to outshine New York savings banks, but also to outpace other thrift institutions in New Jersey. It is now almost four times as large as the next largest savings bank or the largest savings and loan association in its native state.

The 6 per cent rate the Howard has been offering since last January for two-year deposits has been "very successful" in attracting money, Kress declared.

Not as much credit was given by the chairman to banking expansion now permitted by revised state law. Three branches opened this year under that law haven't been a significant factor to date in the bank's growth, he said, their deposits having contributed only around $33 million to this year's record total. However, entry has been established in populous Bergen County and additional outlets are being planned in the northern banking district.

The chairman's reference to the Howard as a "people's bank" seems to be borne out by its reputation, built up through the years as a community and family bank.

SCHOOL SAVINGS PLAN

The Howard sponsors a school savings account system which trains youngsters in thrift (and eventual status as Howard customers). The current total is more than 118-000 accounts in 160 schools, with more than $4 million on deposits and $162,000 a year earned in dividends. The average account is $34. The bank also has more than 25,000 Christmas Club and Vacation Club members, their accounts running to more than $4 million a year.

The Howard, largest mortgage lender in New Jersey, has a portfolio of 41,774 mortgages for nearly $643 million spread around more than 500 municipalities in the state.

The bank doesn't charge points (discounts from face amount) on mortgages, whether VA or conventional, when made to individuals. The conventional mortgages (no government guarantee) carry a state-fixed interest rate of 8 per cent, and the VA's, 8½ per cent as set by the government. FHA mortgages to individuals cost the borrower 8½ per cent interest and ½ of 1 per cent insurance, plus one point, all as prescribed by federal regulations. There is no charge to the seller.

The Howard does considerable lending to corporations building homes and apartment houses. In such cases, interest rate limits don't apply, although the current market is said to be around 9½ per cent plus a commitment fee which amounts to a point.

LENDS TO CHURCHES

The Howard is one of a few savings banks which will lend mortgage funds to hospitals, churches, synagogues, schools and similar institutions, charging a rate slightly under the commercial one. As a promotional program, it supplies door prizes for raffles, card parties, fashion shows and other activities of some 700 civic, religious and welfare groups.

Kress reported that the Stuyvesant Village branch in Irvington has shown the largest percentage gain in deposits for any savings branch in the state—50.30 per cent, for the period Sept. 1960 to Sept. 1970. The other Irving branch was not far behind at 31.68 per cent.

The complaint of New York savings banks, as voiced in a convention recently held in Florida, is that they are limited in their banking powers. New Jersey savings banks, all of which have been growing, though not at the Howard rate, do have more; thus, they can offer checking accounts and set up trust departments. But they can't make personal loans (neither can the New York banks) nor can they sell savings bank life insurance New York banks can.

The Howard's trust department, incidentally, has assets in excess of $105 million, not included in its own asset total. It also acts as New Jersey custodian for VA trust funds for incapacitated veterans.

The Howard is currently completing installation of a new electronic data processing system, a Century 200 from National Cash Register, to replace the Teleregister system it had since 1962. The Howard was the first bank in the country to establish an on-line data processing system.

In making his announcement of the $1 billion attainment, Kress paid tribute to past and present boards of managers "who gave unstintingly of their time and effort to better the institution's public service." As a mutual bank, the Howard has no stockholders, paying out profits in the form of dividends after setting up reserves.

Kress also said he is recognizing the roles of the bank's officers and staff in furthering its goals. The Howard, with a staff of 525, operates 13 offices in Newark, Irving, North Caldwell, South Orange, East Orange, Nutley and North Arlington.

PROPOSAL FOR INTERNATIONAL CULTURAL AND TRADE CENTER

Mr. SCOTT. Mr. President, we are all aware of the variety of problems confronting major cities across the Nation. At the same time, we realize that the very dynamics of these problems present the opportunity for innovative steps by both the public and private sectors. Such a proposal has been put forward by Mr. Simon Kriger, president of S. Kriger, Inc., of Washington, D.C. Mr. Kriger suggests the establishment of an international cultural and trade center in the heart of Washington. I believe this proposal merits the attention and study of all persons interested in the revitalization of the Nation's Capital and am pleased to ask unanimous consent to have printed in the RECORD a formal analysis, entitled "A Proposal for the Establishment of an International Cultural and Trade Center," prepared by Mr. Kriger.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

A PROPOSAL FOR THE ESTABLISHMENT OF AN INTERNATIONAL CULTURAL AND TRADE CENTER

(By Simon Kriger)

DOWNTOWN WASHINGTON—TODAY AND TOMORROW

Washington, D.C., the Capital of the United States and the political Capital of the World, should be one of the most dynamic, interesting, and culturally alive spots on the planet. Unhappily this is not the case today, nor do current trends point to a change in the future.

The problems facing all major cities—a changing population, an exodus of the well-to-do and middle class to the suburbs, increasing crime, deteriorating buildings, a crisis in the public schools, escalating social needs, a decreasing tax base, a failing image—beset Washington, D.C.

The slow but seemingly unalterable decline of the city can be measured in the movement of government offices to the suburbs, the increasing concentration of shopping facilities in outlying shopping centers, the creation of new office complexes in nearby Virginia, decreasing retail sales, and the generally decaying downtown retail core.

Small businesses, which provide the unique flavor, diversity, and excitement in every city, are among the first victims of urban decay. Decreasing sales, increasing taxes, losses from crime, increased insurance rates (when insurance is available), and inability to obtain financing for capital improvements force many to go out of business, move out of the inner city, or decrease the quality of their services.

The coming of Metro to Washington presents an unprecedented opportunity to reverse these trends—to bring metropolitan residents back from the suburbs to downtown to benefit the city's residents and the entire metropolitan area. However, Metro can work the other way just as well; it can transport downtown residents to suburban shopping centers and entertainment areas. Already, outlying areas are taking steps to create attractions to merchants and shoppers around the suburban Metro outlets.

Downtown Washington has many natural assets. Above all else it is the Capital of the United States—the center of our national life—a potential showplace of the nation's accomplishments and symbol of its spirit. As the Capital, it is also a center of international, as well as national focus. Embassies, chanceries and consulates from almost every nation add to Washington's life. A number of international agencies, groups and organizations also maintain headquarters here.

Washington benefits economically from these assets but not to the extent it should. A flood of Americans make periodic pilgrimages to our national shrines; foreign visitors also make Washington an important part of their itineraries. The increasing concentration of power and regulation in Washington makes it the natural meeting place for conventions.

On the other hand, a striking percentage of Washington's tourists come only to see the monuments and, for a variety of reasons, drive on without spending the night or contributing to the trade of the city. Because of meager convention facilities, the city does not make full use of this potential either. At present the city makes almost no use of its international components (if anything, they serve as a negative factor in the city's economy because of the large amount of tax-free property they occupy).

In sum, the trends for downtown commercial, professional, and retail activities have been steadily down. There is no real reason to believe that this will change merely because of the coming of Metro. Only through the creation of some dramatic new attraction in downtown Washington can the tide of this city's history be changed. Such a unique center for entertainment, trade and business *can* be created if we capitalize upon our assets—our national and international stature—and erect an International Cultural and Trade Center in the heart of Washington, D.C.

POSSIBLE CHARACTERISTICS OF AN INTERNATIONAL CULTURAL AND TRADE CENTER FOR WASHINGTON, D.C.

An International Center for Washington could include all or any of the following:

1. A permanent structure or structures providing a home for:

a. Consulates and trade centers for foreign countries.

b. Outlets for representatives of industries and trade from various countries.

c. Trade representatives from each of the 50 states.

d. Outlets for representative businesses from each of the 50 states.

e. Retail stores featuring international products.

f. Restaurants with international cuisine.

g. International entertainment.

2. A convention center for use by international, national and local groups for lectures, concerts, exhibits and meetings of all kinds, including: a. meeting rooms, b. display

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areas, and c. accommodations (not necessarily an integral part of the convention center itself).

3. A free port or duty free zone for international travelers.

4. An unusual and impressive architectural design, with provision for interior arcades and pedestrian malls with immediate access to entertainment, retail, commercial and eating establishments and integrated areas for public facilities and private offices.

5. Sophisticated and coordinated visitor and tourist information.

6. An integrated security system, capitalizing upon the deterrent effect of a "covered arcade."

7. A concerted effort to involve black entrepreneurs to a significant extent in new enterprises in the center and the surrounding area.

IMPLEMENTATION OF THE INTERNATIONAL CENTER CONCEPT

The Downtown Urban Renewal Program provides a unique opportunity for the creation of an international center in downtown Washington. The acquisition program eliminates land assemblage problems; the public hearings and general interest in the urban renewal process provide an invaluable mechanism for publicizing the idea; and the ultimate land use controls to be established by the D.C. City Council and Redevelopment Land Agency provide a means for implementing its development.

The American bicentennial celebration of 1976 provides another important stimulus for construction of a cultural and trade center at this time. The Bicentennial Commission is seeking projects to be completed within six years to serve as a symbol of the dawning of the nation's third century. A major new International Cultural and Trade Center would be a magnificent focus for the celebration and would benefit from the anticipated tourist deluge as well. Plans for redevelopment of Pennsylvania Avenue will be coordinated with the bicentennial and the development of the Downtown Urban Renewal Area.

However, time pressures and limitations on HUD-supplied funds make prompt action necessary. Therefore, we are now in the process of assembling the following components of an action team to bring the concept to fruition:

a. A nonprofit corporation, Washington International Cultural and Trade Center, Inc., to raise funds, employ a competent staff and coordinate the efforts of interested persons to:

(1) Determine the receptivity of foreign countries, states, and foreign and domestic corporations to the opportunity to open an outlet or office in an International Cultural and Trade Center,

(2) Obtain the support of major national and local institutions, including Congress, State Department, Smithsonian Institution and other museums, Chamber of Commerce of USA, Board of Trade, Washington Convention and Visitors Bureau, Downtown Progress, Redevelopment Land Agency, National Capital Planning Commission, H.U.D., and D.C. civic and cultural organizations, and

(3) Obtain broad public support from the citizens of the District and the nation at large.

b. Architectural and legal services to develop the technical framework for action.

c. Financial and real estate development groups with the vision to invest in a project which could transform a city as well as earn a generous return.

d. Public funding sources of construction of public facilities beyond the means of private development.

e. Mechanisms for involvement of small businessmen and minority groups in plans for new development of downtown Washington.

Already these efforts are bearing fruit. The concept of an International Cultural and Trade Center has received enthusiastic acceptance at City Hall, on Capitol Hill, and in business and civic groups. Architectual and legal talents have been retained. Private and governmental sources in London and Nationalist China have indicated interest in locating in such a center. Several firms with vast financial resources have expressed interest in underwriting the development. We are moving toward the formal incorporation of a vehicle for coordinating and channeling the momentum of our concept.

CONCLUSION

An International Cultural and Trade Center for Downtown Washington presents the best possible hope for achieving the following goals:

1. Place the Capital of the United States in proper perspective.
2. Rejuvenate the entire retail core, not only the plots on which the center is built but all surrounding areas.
3. Create a dynamic new center of activity, entertainment and attraction which can change the city's image.
4. Increase the tax base and tax revenues of the District.
5. Increase the amount and diversity of employment.
6. Increase participation by blacks in the Washington business community.
7. Preserve a maximum number of small businessmen threatened with financial ruin by urban renewal.
8. Increase foreign trade, including additional American exports as well as imports.
9. Create a symbol of international cooperation and a forum for contacts between citizens of all countries leading to better international understanding.
10. Create a center for educational enrichment.

These goals can be reached. Our city can become a symbol of hope and an example for the nation and the world. We need the help of all Washington's citizens, as well as the support of the Nation, to see that it does.

GENEROSITY AND CIVIC SPIRIT OF MR. AND MRS. TOM COSTELLO, SIOUX FALLS, S. DAK.

Mr. ALLEN. Mr. President, on behalf of the distinguished Senator from South Dakota (Mr. McGovern), and myself, I ask unanimous consent to place in the Record an article from the Sioux Falls, S. Dak., Argus-Leader of Tuesday, September 29, 1970, regarding the generosity and civic spirit and pride of Mr. and Mrs. Tom Costello, of Sioux Falls. Their gift of land valued at approximately $150,000 was the starting point for the new Costello Terminal Building at Foss Field.

A boyhood friend of mine, Mr. M. G. Dunn, of Gadsden, Ala., who has been with Goodyear Tire & Rubber Co.'s international operations for some 35 years and is now located at Mexico City, is the son-in-law of Mr. and Mrs. Costello, having married their lovely daughter, Janet Costello, some years ago.

There being no objection, the article was ordered to be printed in the Record, as follows:

Land Gift by Costello Was Start of New Terminal

(By David H. Smith)

Costello Terminal Building is named after a man well known and beloved as a public benefactor.

It occupies a tract of nearly 70 acres presented to the city of Sioux Falls by Tom Costello, veteran businessman and civic worker.

On the day before Christmas, 1963, Costello played Santa Claus to the city by giving it land valued at approximately $150,000.

Upon receipt of the deed from Costello, the City Commission immediately called a special meeting at which a resolution was adopted accepting the property—and "providing that the new terminal building when erected, shall be known and designated as Costello Terminal Building."

DONATED CHAPEL TO SCOUTS

As another outstanding example of his generosity, Costello several years ago donated a chapel for the Boy Scout Reservation on Lewis and Clark Lake.

That location, 11 miles west of Yankton, is used as a summer camp by the Sioux Council, Boy Scouts of America, which embraces 32 counties in South Dakota, Minnesota and Iowa.

The chapel stands atop a bluff overlooking the lake.

Costello, president of the Costello Co., has made Sioux Falls his home since the turn of the century.

Through the years he has been prominently identified with programs for community betterment.

RECEIVED AWARD

When he received the Sioux Falls Cosmopolitan Club's 41st annual Distinguished Service Award on Jan. 29 of this year he was praised as an energetic worker for many organizations and institutions.

They were listed as the Chamber of Commerce, Sioux Falls Board of Realtors, Sioux Falls Association of Insurance Agents, Augustana College, Elks Lodge, Minnehaha Country Club, O'Gorman High School, St. Mary's Catholic Parish, Knights of Columbus, and the Rotary Club.

He was also credited with having labored diligently in behalf of the United Fund, the Sioux Falls baseball program, the downtown hotel-convention center and the Sioux Vocational School for the Handicapped.

Costello is a director and treasurer of the Sioux Falls Community Hotel Corp., which is promoting the hotel-convention center project.

At the Cosmopolitans' award dinner he was described as "one who was always willing to carry the water, one who will work on any worth-while community project but does not aspire to being the chairman or president of the project."

Another tribute paid to him was, "Kindness, patience and generosity are the trademarks of this gentleman."

HONORED BY REALTORS

More recently, Costello was named Realtor of the Year by the Sioux Falls Board of Realtors, of which he is a charter member.

In more than one way he has done his share to make downtown Sioux Falls more attractive.

The new building at 128 N. Main Ave., into which the Costello Co., moved in January 1962, did much to improve the appearance of that part of the city.

It brightly reflects the civic pride that has always been exemplified by the company's president, a veteran in the real estate, loan and insurance business.

Mr. and Mrs. Costello live at 1942 S. 1st Ave.

FAILURE OF THE PRINCETON PLAN

Mr. DOLE. Mr. President, at the height of the widespread campus disturbances last spring, a number of educational institutions sought to alleviate the turmoil in their midst by agreeing to arrange their fall 1970 schedules so students could have free time to work in political campaigns. Evidently the assumption was made that students, being released from academic labors, would spend their autumn freedom engaged in massive political activity which would restore their confidence in the "system" from which they had become estranged. By this process not only was the crisis of the moment to be met—appeased if you will—but democracy, through the political consummation of the student movement, was to be enhanced.

The concept of a reordered schedule for campaign activity came to be known as the Princeton plan, for the school where it originated. Much discussion was given to the effect the unleashing of so potent a political force would have on American politics. Unfortunately for political scientists, the press, and politicians themselves, this question went unanswered, because, with a few minor exceptions, the Princeton plan had no major impact. What students did during their recess is open to speculation, but the great majority of them did not enter into the campaigns.

The apparent failure of the Princeton plan was analyzed by John Roche in the Washington Post of November 11. His insights are revealing and thought provoking.

Mr. President, I ask unanimous consent that Mr. Roche's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRINCETON PLAN: R.I.P.

Around a hundred American colleges and universities followed the so-called Princeton Plan, instituting a recess to permit their students to go out and engage in political activity.

Most of these institutions acted in haste last May, when almost anything that would mollify student opinion was rushed through faculty meetings, and have been repenting at leisure. For the plain fact is that, while a lot of students had the week off, there was no particular surge of youthful political activity.

My wife reported that there was a sizable contingent of college students at church the Sunday before election—they had just come home to visit—so the program may have had some unanticipated benefits.

The problem with the Princeton Plan was not that it was designed to stimulate student political activity. It is great to have students active in politics. When I ran for local office and my wife ran for the Pennsylvania legislature, we had a devoted cadre of students. But they volunteered their time, skipped some classes, made up the work, and never asked that Haverford college give them a bonus for their good citizenship. In short, they were not ordered into politics by faculty or student vote—they were active because they were self-propelled, because they enjoyed it. Even though it was part of their education, they did not expect academic credit. One gets educated in all sorts of odd places (God, what I learned in the Army!) without expecting academic brownie-points.

No, the difficulty with the Princeton Plan lay on two other levels. First, however much one talks about the flexibility of the university calendar, it was a "political" gesture. It was not set up with the thought in mind that right-wing candidates would profit. Of course a college or university can adjust its calendar any way it wants—two weeks on, two weeks off; close in the winter and stay open in the summer (which makes some sense up here in Massachusetts); by semesters, quarters, or trimesters—but all calendars on the Princeton Plan were changed identically as part of a panic syndrome.

To one who has spent most of his working life in the academy, this lack of courage is—sad to say—hardly startling. But beyond that, there was an amazing lack of intelligence involved in sponsoring the plan. The notion that were students given a week off to work in elections, they would in fact work in elections is simply naive. Most students, like their elders, are non-political, and there is no provision in the Constitution that anyone has to be political. One of the things that helps to stabilize our society is that at any given moment Americans are not jumping up and down—a wholly politicized society would be a lunatic asylum.

But there is even more to it than that. People talk of politics as a "game," or an "art," even a "science"—in fact politics is a form of religious behavior. Once one gets caught in the net, he enters a different world, he finds his every waking minute devoted to his constituency, or his potential constituency. He may in fact float off into a world of his own, dominated by a private relevation that the masses are waiting for him. (How else can one explain the political sleep-walking of such otherwise intelligent men as Harold Stassen, Kenneth O'Donnell, or Theodore Sorensen?)

Some young people catch the bug—Gene McCarthy has a fine group of dedicated enthusiasts—but for most it is foreign territory. The latter arrive at headquarters armed with their impressive intellectual credentials, usually expecting to be named field marshals—and some maniac hands each a list of a thousand voters to be contacted and offered rides to the polling place. Money is needed, so they are asked to do a house-to-house canvass of the Democrats (or Republicans) inviting contributions. Most make one or two hesitant pitches and quit; the one with the bug hits them all and often discovers that the party faithful are delighted to see him, glad to learn their party is in business).

Politics is a "love it or leave it" proposition. Those who love it need no Princeton Plan; those who do not will never be turned on by such an institutional arrangement.

FAILURE OF DEPARTMENT OF DEFENSE TO COMPLY WITH ENVIRONMENTAL POLICY ACT

Mr. PROXMIRE. Mr. President, the distinguished Senator from Michigan (Mr. HART) has just written a letter to the President complaining, properly, that a number of executive agencies had failed to comply with the National Environmental Policy Act. They had failed to file the required environmental impact statements.

The law states that "all agencies of the Federal Government shall * * * include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on * * *" a number of important issues, such as the environmental impact of the proposed action, adverse effects which cannot be avoided, and possible alternatives to the proposed action.

The fact is that the many agencies have failed to comply with the law. Senator HART specifically mentioned the Federal Power Commission, the Departments of Commerce, HUD, and HEW, and the CAB and TVA.

This is important. If the Federal Government fails to set an example in the environmental field, how can it in good faith require the States, cities, and private industry or ordinary citizens to stop pollution. The first rule of those who enforce the law or make the law is to obey the law.

DEFENSE FAILS TO COMPLY

But even worse than Senator HART's examples is the fact that the Department of Defense has failed to comply with the law. This is important because the Defense Department is responsible for about 80 percent of the pollution caused by the Federal Government. That is due mainly to the fact that the Defense Department is the biggest department in the Government, spends the most money, owns the most real and personal property, and operates the main bases and installations owned by the Federal Government. It is true because dollar for dollar its activities have a much higher pollution potential than, say, the Treasury Department which spends billions to finance the national debt but which causes no or little pollution as a consequence. Thus, it is a fact of life that the DOD is the biggest polluter because of its size and the inherent nature of its activities—and I am speaking of its nonwarfare activities.

Except for a few reports filed by the Army Corps of Engineers—and those were on basically civilian projects—the DOD did not comply with the act on a single major proposal made to Congress this year for new legislation and new authority for procurement.

If the largest department of the Federal Government can flout the law, how can the Federal Government have credibility when it requires others to stop pollution?

ENFORCEMENT POSSIBLE

It is time for the President, for Secretary Laird, and for Mr. Train to enforce the law. The law is clear about what is required. It is not ambiguous. Mr. Train should insist on reports. If he fails to get them, he should go to the President for backing. The President should back him up. In those circumstances, I am convinced that every agency of the Government will file a report as required by the law when Mr. Train insists on it and the President backs him up. If they do not under those circumstances, the President should remove the offender and make certain the act is complied with. For all those who say there is no way to enforce this act, that is the clear and direct way to do so. The President can do it if he will.

I ask unanimous consent that an article published in the New York Times today be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HART PRODS NIXON ON ENVIRONMENT ACT

(By E. W. Kenworthy)

WASHINGTON.—In a letter to President Nixon today, Senator Philip A Hart said that several executive agencies were undermining the effectiveness of the National Environ-

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mental Policy Act by failing to file required "environmental impact" statements.

The Michigan Democrat, who is chairman of the Subcommittee on Energy, Natural Resources and the Environment of the Senate Commerce Committee, told the President that the alleged failure "is especially discouraging in light of prevailing expectations for the effective use of the act in the cause of environmental preservation."

The National Environmental Policy Act, whose principal author was Senator Henry M. Jackson, Democrat of Washington, chairman of the Interior Committee, was signed last Jan. 1 by Mr. Nixon—somewhat reluctantly, according to some officials.

It establishes the three-member Council of Environmental Quality in the White House.

It also requires every executive agency, when rceommending legislation and "other major Federal actions significantly affecting the quality of the human environment," to file with the council a statement of the environmental impact that a proposed action would have. The statement, to include alternatives to the recommended action, is required to be made public.

A TYPICAL EXAMPLE

The act further requires that, before filing a final statement with the council, an agency submit a draft of its proposed "impact" statement to other agencies that have legal jurisdiction or expertise in environmental matters.

Senator Hart told the President today that "a typical example" of disregard of the act's requirement was the failure of the Federal Power Commission to file impact statements on five major hydroelectric plants it had licensed.

"Other agencies which have yet to file final statements," Mr. Hart said in his letter, "include the Departments of Commerce, of Health, Education, and Welfare and of Housing and Urban Development, the Civil Aeronautics Board and the Tennessee Valley Authority."

Most significant, according to Mr. Hart, was the failure of the authority to submit an impact statement before beginning construction last July of a $155-million pump storage hydroelectric project on Raccoon Mountain near Chattanooga.

Senator Hart's criticism paralleled that by the Center for Study of Responsive Law, headed by Ralph Nader, the consumer advocate.

On Oct. 30, the center wrote to Russell E. Train, chairman of the Council on Environmental Quality, urging him to reject as inadequate the impact statement submitted by the Department of Transportation in connection with the Federal Aid Highway Act of 1970 and the Highway Trust Fund Extension Act of 1970.

The Council of Environmental Quality is aware of the mounting dissatisfaction in Congress and environmental groups over observance of the act, which Senator Jackson said was meant to be "action-forcing." The council's members are not satisfied themselves, but they make several points.

First, as Gordon J. MacDonald told the Atomic Industrial Forum last Monday, the council does not have the staff to process the impact statements as thoroughly as it would like. Already, he said, it has received about 200 such statements.

Second, Mr. MacDonald said, the act gives the council no power to veto inadequate statements, and the agency submitting the statement has the final authority for taking the action it proposes.

Third, as Mr. Train told a Joint Economic subcommittee at hearings on the supersonic transport last May 18, the council has decided that it does not even have the authority to require an adequate statement, or indeed any statement at all, from a recalcitrant agency. All the council can do, he said, is to ask the President to order the agency to satisfy the law's requirements.

Fourth, as Mr. MacDonald said this week, the act contains "value" words. What, he asked as an example, is a "major" action?

PROTECTION OF ENVIRONMENT OF THE FAR NORTH

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the Record an article which was recently released in Anchorage, Alaska. Atlantic Richfield Co. and Humble Oil & Refining Co. are to be complimented for their efforts in developing new techniques for protecting the environment of the Far North.

There being no objection, the article was ordered to be printed in the Record, as follows:

Developing New Techniques for Protecting the Environment

Anchorage, Alaska.—Atlantic Richfield Company and Humble Oil & Refining Company today announced a "major step forward in environmental protection" of vital tundra ground cover on the North Slope of Alaska, where they discovered oil in 1968.

The two companies said a pioneering, large-scale experimental effort to find hardy varieties of grasses for reseeding the tundra had successfully established four seeds which survived the bitter Arctic weather and germinated. The seeds are now commercially available, the announcement said.

"After more than 15 months of intensive investigation and observation we believe we have the seeds, in combination with fertilizers, which will revegetate disturbed tundra areas in the Arctic plains of the North Slope," said Dr. Paul A. McKim, a vice president of Atlantic Richfield and its ARCO Chemical Company Division.

"In some cases," McKim said, "the induced grasses grew more rapidly than surrounding natural tundra."

ARCO Chemical scientists, in cooperation with the University of Alaska and the Naval Arctic Research Laboratory, were operators for the research project which began near Prudhoe Bay in the spring of 1969.

Project evaluation continued through the spring and summer of 1970 with the participation of 13 additional oil companies active on the North Slope, most of which are involved in the development of the Prudhoe Bay Field. In addition to ARCO and Humble, the companies are: Amerada Hess Corp.; BP Alaska, Inc.; Continental Oil Co.; Getty Oil Corp.; Louisiana Land and Exploration Co.; Marathon Oil Co.; Mobil Oil Corp.; Pan American Petroleum Corp.; Phillips Petroleum Co.; Placid Oil Co.; Standard Oil Company of California; Sun Oil Co., and Union Oil Company of California.

McKim, of Philadelphia, Pa., and Ralph F. Cox, Alaskan manager for Atlantic Richfield, told a news conference here:

"These findings can have a far-reaching effect on the development of natural resources and of the economy of the state of Alaska in that they establish a sound method for prompt restoration and growth of a basic ground cover, now and in the future. It is a major step forward in environmental protection in the Arctic regions."

The tundra, it was explained, acts as an insulating medium which keeps an underlying layer of water-saturated soil (permafrost) frozen during the normal summer thaw. Disturbance of the tundra, which has a poor fertility factor and a very short growth cycle, could cause this substrata to melt and start erosion.

As a result of the research, McKim said, ARCO Chemical now has two "tundra restoration systems" ready for application, using combinations of two or more of the successful seeds and the fertilizers. One system is for general spring-summer application, the other for dormant seeding later in the year with growth the following spring.

Both systems, he said, have already been tested in actual useage—the first for restoring 30 acres around the new ARCO-Humble base headquarters at Prudhoe Bay and the second for a similar sized area for another oil company elsewhere on the slope.

The ARCO vice president said research work was continuing to try to obtain an even higher rate of germination and seed yield of the induced grasses, as well as striving to encourage natural grasses to spread themselves back into disturbed areas. "We have high hopes for even greater success, particularly in spreading of the natural grasses," he said.

Albert C. Condo, Jr., ARCO Chemical manager of protective engineered systems, in charge of the Alaskan research project, said that more than 100 varieties of winter-hardy seeds from the U.S., Canada and several other countries were studied for possible use before 13 were finally selected for the reseeding experiment. They were sown by hand in May, 1969, on a 900-by-800 foot section of disturbed tundra nine miles west of the Prudhoe Bay base camp. In the winter, temperatures dip to as low as 60 degrees below zero in that area, 390 miles north of Fairbanks.

Condo, who divides his time between Philadelphia and Alaska, explained that efforts to use natural tundra seeds for reseeding were ruled out, at the outset, because the natural tundra was "an unreliable source of seed, year after year." In the spring of 1969, he noted, "no adequate natural seed supply was available, and this deficiency seems to occur in some years from time to time." Further, he said, agronomists would risk damaging tundra to go out and harvest seed during the thaw season, which would be counter to their ultimate intentions.

In addition to sowing the 13 seed varieties, agronomists at ARCO's Fort Madison, Iowa, agricultural fertilizer complex developed special fertilizers to counter soil deficiencies. Condo said the soil underlying the tundra was found to be greatly lacking in nutrients necessary to plant growth and development.

Thus, Condo continued, the seeds were sown equally in two sections—one fertilized, the other unfertilized—for control and evaluation purposes. In addition, a few small plots were sown with seeds treated with a special growth inducing hormone, giberellic acid. Fertilizer was applied at the rate of 600 pounds per acre.

The researchers were encouraged by growth in two seed varieties in the few weeks before winter freeze over. The best growth was found in the fertilized plots, with mixed results in growth hormone units. More research is required, Condo said, to evaluate effects of growth hormone applications to the seeds.

During March-May, 1970, Condo went on, six random frozen cores were collected from each of the 13 fertilized plots and placed in a lighted building at Prudhoe Bay where the temperature was raised 10 degrees a week over a 49 day period, simulating the growing season. Of the 13 seeds, the two which exhibited best growth earlier continued to grow. Surprisingly, two others which had not previously demonstrated growth, grew well, having remained dormant until that time. The "winter survival tests", Condo added, "were critical to the future of the program."

In August, 1970, the original plots were reexamined after completion of a full year of growth and the growth patterns of the successful seeds were confirmed. These seeds—Red Top, Creeping Red Fescue, Brome, and Canada Blue—all were obtained from Northern Canada, and they—together with special fertilizers and annual cover crop seeds—form the initial restoration crop.

The two 1970 findings were those supported by the 15-company group, Condo noted, adding that they are continuing participation in additional seed research projects.

The successful grasses reached heights ranging to five and one-half inches before the first snows of the summer at Prudhoe Bay, in late August, began covering them for the long winter to come.

In conclusion, McKim said that the "successful results of the tundra research are illustrative of the continuing and ever-growing concern of the petroleum industry for preservation of the ecology of the North Slope, the state of Alaska, and the 'Lower 48', as well as other parts of the world. We will strive to preserve and enhance natural resources wherever we operate."

VIETNAM WITHDRAWAL TIMETABLE

Mr. CRANSTON. Mr. President, in remarks made at the Air Force Academy yesterday, General Ky said:

> In my opinion, all American ground troops should be able to leave Vietnam by the end of 1971.

Although it is comforting and encouraging for the American people to hear such statements, they must be cataloged in a very thick album entitled "Opinions, Pledges, Rumors, and Hopes."

As of today, President Nixon has not announced an official, public timetable for the withdrawal of all American troops from South Vietnam.

In an important editorial published today, the Los Angeles Times presents the Nixon administration with the ultimate consequence of its Vietnam strategy: the prolonged presence of American ground troops on the Indochinese peninsula. I believe this consequence is unwise, unsound—and very dangerous.

The objective must be the safe and systematic withdrawal of all American troops within at least a year and a half.

I ask that editorial entitled "The Acceptable Level is Zero" be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Acceptable Level Is Zero

The war continues.

At lesser intensity, to be sure. Only 31 Americans died in Indochina last week. That is much better than 100, or 400. Whether it is a satisfactory statistic depends on your point of view.

The South Vietnamese are undoubtedly stronger than they have ever been. Vice President Nguyen Cao Ky, touring this country, predicts the role of the United States in Vietnam will be over "very soon." The South Vietnamese are preparing in their Vietnamese way for presidential elections next year.

The North Vietnamese have been active in Laos and Cambodia. Their infiltration into the Annamite chain of mountains has risen after a wet-season slump. To what purpose, no one outside North Vietnam claims to know.

President Nixon is pledged to remove all but 284,000 American troops from Vietnam by May. Whether that is a satisfactory statistic also depends on your point of view.

It is rumored that the President hopes to get all but 50,000 American troops out of Vietnam by the summer or fall of 1972. It is a very plausible rumor. But it remains only a rumor.

If any secret movement toward a negotiated settlement is present in the talks at Paris, there is certainly no public sign of it. Hanoi's public statements have been implacable. It looks as if Hanoi has decided it has more to lose than to gain by negotiating, at least until it can try to strengthen its position by more fighting in the winter dry season. The President's October peace proposals were serious and flexible. But their success depends on the willingness of the North Vietnamese to take them up.

If, as it now appears, the North Vietnamese are not taking them up, what will the United States do? Apparently pull most of the troops out—preferably but not certainly by late 1972—and leave the remaining troops, partly as support, partly as protection, in enclaves around Saigon and maybe a couple of other cities. This policy, should it be the policy, would still leave the United States as a kind of guardian for an anti-Communist South Vietnam, and for an indefinite period.

Now this policy is, of course, much, much preferable to the Johnson Administration's pursuit of elusive victory. This policy does offer a "winding down" of the war. But the trouble with it is that it still leaves the United States in Indochina, entangled with the South Vietnamese government and vulnerable to decisions made in Hanoi and Saigon.

If one accepts the proposition, as we do, that the United States has already done all—and more than—it can reasonably be expected to do for Vietnam, then the quickest, surest and probably safest way out of Vietnam is for the President to announce a deadline for removal of all American troops, combat and support, according to a swift schedule, leaving behind the promise of money and material. If such a deadline hastened negotiations, so much the better. If not, then the United States would at least no longer be dependent for its departure on decisions made in Saigon or Hanoi.

The South Vietnamese say they are almost ready to stand on their own feet. Even if the President sets a deadline, it would probably take a year and a half or so to get all Americans out. If at the end of that time the Vietnamese are not ready, when will they be?

BONDS BETWEEN WICHITA STATE AND MARSHALL UNIVERSITY

Mr. DOLE. Mr. President, the Nation has been shocked twice in recent weeks by airplane crashes involving college football teams.

First Wichita State University in Kansas and then Marshall University in West Virginia were struck with tragic accidents, each of which established a new high in collegiate air crash deaths.

In the wake of these crashes the individual and collective response has been heartening and a source of convincing evidence that the American people have lost none of the compassion and openheartedness for which we are so widely known.

On Tuesday, November 17, John Chancellor, in a report on NBC radio, discussed the bonds which have been forged between Wichita State and Marshall and the people who have been touched by the loss of their colleagues, classmates and friends. I ask unanimous consent that the transcript of Mr. Chancellor's report be printed in the Record.

Wichita State and Marshall University in West Virginia are two small American schools that never had much contact—until the two campuses were bound together by tragedy last weekend, when a chartered plane crashed. And now, in the aftermath, the two communities are determined to do something about it, to make the tragedy mean something; I'll have a report on this in a minute.

The Country was shocked and saddened earlier this year when a chartered plane crashed in the Rocky Mountains, killing the players and coaches of the Wichita Football team; and the country was shocked and saddened last weekend, when a similar crash wiped out the Marshall University team, its coaches, and some prominent citizens. The Federal Aviation Agency is investigating, and presumably, it may be a little safer today to fly in a chartered aircraft, but that's not much comfort to the hundreds of bereaved parents, relatives and friends of those who died in the crashes.

But an interesting thing is happening, which will bind the two campus communities together. The people at Marshall University, in their hour of grief, got a phone call from the people at Wichita State—a call offering help, and advice on how to deal with the particular problems of such a tragedy.

There is more: in a few days several people will arrive in Huntington West Virginia, from Wichita State, to help out right there where the problems are.

And the two schools are beginning to work together on plans for a memorial for the dead in the two plane crashes. They are looking for something which they can do together—perhaps a safety institute.

And they are tinkering around with the idea of staging a special football game somewhere at the end of this season, maybe a special pro game or a college game, to pull in more money for the memorial.

All of which, as I say, is a remarkable demonstration of how people can work together in this country—and *do* work together. It is too often true that tragedy proceeds this kind of cooperation, but tragedy shouldn't blind us to the lesson in humanity we can learn from these two communities.

For example; Marshall is located at Huntington, West Virginia: three of Huntington's busiest doctors and one of its dentists died in the crash. Replacements are going to be found for them; a small community suffers more than a big one in a tragedy like this, and the people at Wichita State know that.

They know it so well that they have decided, at Wichita State, on a truly remarkable piece of charity: a big benefit is being planned for Wichita State—they are trying to arrange for what they call a "Shower of Stars", and they hope to raise a lot of money, perhaps 150 or 200 thousand dollars. And Wichita State has promised Marshall University a fifty-fifty split on the proceeds. Marshall University didn't ask for the money, and the officials there were stunned and delighted and amazed when the phone call came through. In a country that is supposed to be hung up on the pursuit of the mighty dollar, that is a remarkable demonstration of pure generosity.

THE STATE OF THE FEDERAL JUDICIARY

Mr. ALLEN. Mr. President, the Federal judicial system is in trouble. I have recently returned from Alabama, and few subjects were more frequently raised or evoked more criticism and expressions of concern than the role of the Federal judiciary in our federal system of government.

One reason for this situation is that anomalies in the system are apparent on every hand. They are evident in the exercise of Federal judicial powers un-

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related to the judicial function; they are evident in the process by which the Constitution has been converted into an instrument for social and economic reforms in areas in which Federal courts have no special competence or proper authority; and they are evident in grotesque distortions of the equitable powers of Federal courts. All of these matters are of great concern to the people of Alabama and to the people of all States; but none of these are more directly related to the first responsibility of government to provide protection of life and property and maintain peace and tranquility than judicial incompetence so evident in the administration of criminal laws by our Federal courts.

Mr. President, on August 10, 1970, Chief Justice Warren E. Burger addressed the American Bar Association on "The State of the Federal Judiciary." In this address the Chief Justice called upon members of the bar, including judges, to explore the problems and debate the issues presented in his address toward the end of effecting improvements in the judicial system.

In this connection, Mr. President, Hon. Douglas S. Webb, Circuit Court Judge of the 21st Judicial Circuit of Alabama, responded to Justice Burger's request for participation in this dialog.

Judge Webb is one of Alabama's most distinguished judges with a long and outstanding career as a defense attorney and as a circuit court judge who must deal on a practical day by day basis with the effects of Supreme Court rulings as they relate to the processes of apprehension, trial, and conviction and post conviction appeals of criminals. Judge Webb was kind enough to send me a copy of a letter he had written to the Chief Justice on this subject and a copy of his observations and conclusions concerning certain fundamental concepts which must be faced if we are to expect any substantial improvement in the Federal judicial system. I am of the opinion that Members of the Senate and the public in general will greatly profit by reading the persuasive opinions of a distinguished trial judge on this problem.

Mr. President, I ask unanimous consent that Judge Webb's letter together with his observations entitled "The State of the Judiciary—A State Trial Judge's View," be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATE OF ALABAMA,
Brewton, Ala., October 15, 1970.

Hon. WARREN E. BURGER,
Chief Justice, Supreme Court of the United States, Washington, D.C.

DEAR MR. CHIEF JUSTICE: On August 24, 1970 in an address to the American Bar Association you placed squarely on the members of the bar and upon all judges the burden of judicial improvement. At that time you stated that you hoped by your remarks to provoke debate and even controversy over the things mentioned by you to explore and test what you had to say.

Please find enclosed the observations of one state trial judge that has the somewhat dubious honor of having nearly 4000 prison inmates in his judicial circuit plus the responsibility of a normal judicial load of trial work for my circuit. Needless to say, I am writ-happy with no end in sight. In addition I have a unique opportunity to hear of the "rights" of defendants to such a point that I wonder sometimes if anyone other than a law violator has any "rights."

For some fourteen years in private practice I represented defendants in both state and federal courts. Despite this record as strictly a defense attorney, I find that I have a tendency to become jaded with a tactical situation where an accused at public expense enjoys a trial on the merits; appeals; files a writ of habeas corpus; appeals; files a writ of error coram nobis; appeals and continues in this vein in both state and federal courts in infinitum. Even the "rights" of a defendant should be assuaged at some point in our judicial system.

In any event I trust that you will find the enclosed observations of interest in your splendid efforts to improve the judiciary. I share your concern over the present state of the judiciary and feel as you do that this subject should be discussed frankly and bluntly.

Very truly yours,
DOUGLAS S. WEBB.

THE STATE OF THE JUDICIARY—A STATE TRIAL JUDGE'S VIEW

On August 10, 1970, Chief Justice Warren E. Burger delivered to the American Bar Association in St. Louis, Missouri a message entitled, "The State of the Federal Judiciary." This message was heard and read with great interest not only by the bench and bar of America but by a majority of the citizens of our nation.

In his message Chief Justice Burger stated: "I hope I can provoke debate, even controversy, over these things, to explore and test what I have to say." He further said: "Today I place this burden squarely on you, the leaders of the legal profession, and on all judges."

It is with the above admonition in mind that I, as one of a multitude of State trial judges, would like to submit the following observations concerning "The State of the Judiciary." I trust that these observations will be accepted in the spirit offered—as the comments of Justice Burger to provoke thought and aid in the ultimate improvement of the legal profession as a whole and in the strengthing of both the State and federal judicial systems. While such observations are born as the result of great personal concern on the part of the writer, I can't help but feel that such concern is shared in some degree by many of the State trial Judges of America today.

In general there can be no argument with the suggested improvements sought by Justice Burger in the methods, machinery and procedures to be followed in the federal courts. Such changes were suggested by present members of the federal bench upon receipt of a request from Justice Burger soliciting such suggestions and comments. I do not take issue with Justice Burger's suggestion that more trial judges are urgently needed in the federal system. However, I do take serious issue with the conclusion reached in this address that such suggested changes will cause the people of our nation to believe that the law in the larger sense can fulfill its primary function to protect them and their families in their homes, at their work and on the streets of our nation. The fallacy in this conclusion is apparent when one stops to realize that under our federal system the trial courts of the various states—not the federal judiciary—are charged with the primary responsibility in the criminal area. It is indisputable that the vast majority of all trials, civil and criminal, are held at the state level, not at the federal level of our judicial system. Hence, such suggested changes in the federal system alone could not possibly act to protect our people at work, in the home and on the streets of our nation.

It is further the conviction of the writer and many other trial judges (who represent the foot-soldiers of our judicial system) that in order to restore the shaken confidence of the people of our nation in our judicial system and in its ability to protect them that there must be a great if not a radical change in the present judicial climate of America. Coupled with this is a desperate need for careful re-examination and re-evaluation of the end results sought to be attained by the proper functioning of a judicial system in any complex organized society. This is especially true with reference to the field of criminal law.

Perhaps because all criminal actions are brought by and in the name of the State as a legal entity, our courts and the press of our nation have evolved a defendant oriented system of justice whereby the victim of such criminal conduct and his family are at present almost completely ignored on the scales of justice. As a result volumes of words are poured forth daily in defense of the law violator or in mitigation and justification of his criminal conduct with little or no concern being displayed by the courts or the press for the law-abiding, tax-paying, God-fearing victim of such crimes or his immediate family. Little or no consideration is given to the fact that such a victim may too have been the product of a broken home, the resident in a Ghetto or represent a minority race in our society. It is ironic that because such a citizen has chosen to be a law-abiding decent citizen little concern is demonstrated by the press and news media with reference to his plight as the direct result of an attack by one who has refused to live within or abide by the rules of an organized society.

It is this state of affairs that has resulted in witnesses to criminal acts refusing to come forward; citizens refusing to aid and assist the policemen on the beat in the performance of his duties; citizens abjectly refusing to become involved even though a fellow citizen is murdered in cold blood in their presence or on their door-step; and citizens, of all walks of life, seeking to evade or dodge jury duty and other like public responsibilities. Today it is approaching a consensus that a citizen has everything to lose and little to gain under our present philosophy of law in performing their acknowledged public duties. Needless to say, such an attitude carried to extremes in the field of law can for the most part ultimately render the forces of law and order impotent.

In seeking to balance the scales of justice, it never seems to occur to the perennial bleeding hearts of our nation that the victim of a crime as well as the perpetrator of such crime was endowed under the constitution of our nation with rights that have been deliberately and horribly violated. After all, according to the Declaration of Independence, such a victim was endowed by both God and country with the right to life, liberty and the pursuit of happiness. Many citizens of our nation today believe that the time has come for the news media and appellate courts to give more consideration, sympathy and understanding to the raped and reviled; robbed and defiled of America—and less to the law violator.

To many dedicated men in the field of law enforcement today it appears that the Marquis of Queensberry rules governing criminal proceedings employed by the courts in recent years act only to protect the law violator to the detriment of the victim and general public. Under such rules men in this field have seen admitted felons freed; a constitutional moat created and thrown around the use of a public phone booth by members of organized crime; a test of the totality of the circumstances utilized to free an accused while this test is seemingly ignored by the courts in the determination of the ultimate question before the court of guilt or innocense; a fleeing criminal rewarded by having his crime expunged from the records and prosecution for such crime enjoined. In addition they have seen our post-conviction proceedings so expanded that in the criminal field there is simply no end to litigation so long as the accused remains incarcerated. In the application of such rules it seems that counsel is presumed to be incompetent; trial judges bigoted or derelict and jurors biased. The discovery of such precepts at a time in our nation's history when only 12% of all reported major crimes end in arrests, 6% lead to convictions and only 1% to prison is indeed unfortunate for our people.

In speaking to the American Bar Association Justice Burger pointed out the importance of our maintaining our links with the past and carefully building on those foundations. As stated by him such foundations represent the result of thousands of years of human experience in the evolution of the law. I believe it is time for our nation to recall and consider again such experience as reflected in the writings of John Stuart Mill in 1863:

"The idea of justice supposes two things; a rule of conduct, and a sentiment which sanctions the rule. The first must be supposed common to all mankind, and intended for their good. The other (the sentiment) is a desire that punishment may be suffered by those who infringe the rule. There is involved in addition, the conception of some definite person who suffers by the infringement; whose rights (to use the expression appropriated to the case) are violated by it.

"I have treated the idea of a right residing in the injured person, and violated by the injury, not as a separate element in the composition of the idea and sentiment, but as one of the forms in which the other two elements clothe themselves. When we call anything a person's right, we mean that he had a valid claim on society to protect him in the possession of it, either by force of law, or by that of education and opinion.

"Justice is a name for certain classes of moral rules, which concern the essentials of human well-being more nearly, and are therefore of more absolute obligation, than any other rules for the guidance of life; and the notion which we have found to be of the essence of the idea of justice, that of a right residing in an individual, implies and testified to this more binding obligation.

"The moral rules which forbid mankind to hurt one another (in which we must never forget to include wrongful interference with each other's freedom) are more vital to human well-being than any maxims, however important, which only point out of the best mode of managing some department of human affairs. They have also the peculiarity, that they are the main element in determining the whole of the social feelings of mankind. It is their observance which alone preserves peace among human beings; if obedience to them were not the rule, and disobedience the exception, every one would see in every one else an enemy, against whom he must be perpetually guarding himself. What is hardly less important, these are the precepts which mankind have the strongest and most direct inducements for impressing upon one another."

Mill concluded with these words:

"The same powerful motive which command the observance of these primary moralities, enjoin the punishment of those who violate them."

With these profound thoughts of John Stuart Mill in mind it is interesting to observe that in our present judicial atmosphere the word "punishment," is seldom heard. Penologist today speak only of "deterrence," and "rehabilitation," not punishment. The once generally accepted idea that: "Punishment, soundly conceived and temperately applied is a therapeutic agent of the first order," has today almost compeltely faded from the judicial scene. It has been replaced with a nauseous clamor for understanding of the criminal in our midst, his economic origin, social life and varying theories on why such criminal might have been motivated to commit his heinous crime in the first place. The Havoc reaped by the victim of such crime and his immediate family is seldom if ever mentioned in the press. The undeniable constitutional right of such a victim to be protected by our society from all such criminal acts is for the most part largely ignored or played down.

No, Mr. Chief Justice! With all due respect, a change in methods, machinery and procedures, without much more, will not act to restore the confidence of our people in our present judicial system and its ability to perform its primary function of protecting society from the ravages of its criminal element. It is certainly time for this subject to be discussed by the judiciary of our nation; the legal profession and our people frankly and bluntly. As with any disease affecting our society before a cure can be forth-coming it is paramount that we first must correctly diagnose the root causes of such disease. For law and order, the hour is late.

Respectfully submitted on this the 15th day of October, 1970.

DOUGLAS WEBB,
Circuit Judge.

REPORT ON THE F-111

Mr. GOLDWATER. Mr. President, since its very inception, the F-111 aircraft program has been plagued with confusion over its progress and status. Because of this, I arranged some time ago with Mr. J. T. Cosby, vice president of General Dynamics in charge of that company's F-111 aircraft programs, to supply me with periodic reports on the plane's progress. The latest of these reports was received on October 28, 1970, while the Congress was in recess. It shows that the producing company has proof tested the 200th F-111 airplane at −40 degrees Fahrenheit and without incident. It further shows that General Dynamics has delivered 110 proof-tested F-111 airplanes up to this time.

Because of the report's interest to Members of the Senate, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

GENERAL DYNAMICS,
Fort Worth, Tex., October 28, 1970.

Hon. BARRY GOLDWATER,
Senate Office Building,
Washington, D.C.

DEAR BARRY: It's time for me to give you another report on the progress of the F-111 program.

Yesterday the Air Force board appointed to investigate the FB-111 accident on October 7 at Carswell released its findings. These findings give the F-111 a clean bill of health.

Today we proof tested the 200th F-111 airplane at minus 40° F. As usual, it was without incident.

We have delivered 110 proof tested airplanes; 78 to TAC, 28 to SAC, and four to test agencies. I believe that we will deliver approximately 40 airplanes from the three mod centers (Fort Worth, Waco, and Sacramento) this month. We are essentially on the schedule we committed to the Air Force last April.

The 20th Tactical Fighter Wing at Upper Heyford, England, now has 12 F-111E's. These are an important element in supporting our NATO commitments. A full wing of F-111E's will eventually be based at Upper Heyford.

We recently completed our 43d flight with the Short Range Attack Missile (SRAM). This is one of the weapons which the FB-111A (SAC) is equipped to carry. We have made seven live launches. This is substantially on schedule.

I continue to get good reports from the using agencies. The flight crews and the maintenance crews like the airplane.

I am much encouraged by the inclusion of 24 F-111F's in the fiscal year 1971 budget. I believe this represents an understanding by our Congress that we need this kind of weapon. The fiscal year 1971 buy will complete the fourth TAC wing. The last production airplane on that buy will deliver in July 1972. We have no additional orders beyond that point. Nor do we have orders for SAC FB-111A's beyond No. 76 which delivers in April 1971. This leaves the Air Force two wings short of its stated TAC requirements and 10 squadrons short of its stated SAC requirements. I hope there is a way to impress our leaders and our public that we do have a serious hole in our deterrent posture that should be filled.

I will continue to keep you posted.

Meanwhile, best wishes,

J. T. COSBY,
Vice President.

THE NEED TO SHOW PERSONAL CONCERN AND RESPONSIBILITY IN INTERNATIONAL PROBLEMS—RATIFY GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, one of the most overwhelming and complex problems that face our country today and pervades every element of our society—is the loss of individuality. This sense of loss of personal identity has diminished the ideal of personal commitment. One hundred years ago the test for the American people was whether the ideals and principles on which this Nation was created could be extended to all. Now, 100 years later, the issues are relatively the same. The scope, however, is worldwide. It is this sense of largeness which contributes to the confusion and sense of frustration of our own time.

But the enlargement of scale in the century since the Civil War has taken many issues out of the area of direct personal understanding and involvement. Ours is a time when many things are just too big to be grasped—too overwhelming to seem solvable.

Robert Kennedy once eloquently said of this situation:

> When things are done on too vast a scale, the human imagination bogs down. It can no longer visualize such fantastic things and thus loses its grip on their essential reality. Killing one man is murder; killing millions is a statistic. The disclosures of the Eichman trial remind us all how quickly the world has forgotten the massive horrors which one set of human beings perpetrated against another a short twenty years ago.
>
> Our problems, having grown to the size of the world, if not of the solar system, no longer seem our own. Each day we are required to respond to new crises created by people whose names we cannot pronounce in lands of which we have never heard. After a time, the capacity to respond begins to flag.

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And yet, the stake is just as personal today as it was a century ago, the obligation just as personal, and the capacity to change the course of history just as great.

We react to a gruesome and tragic murder but have become anaesthetized to the toll of Vietnam war dead. A treaty stating our country's desire to outlaw genocide has languished in the Foreign Relations Committee for nearly 20 years. How can we forget that 6 million Jews were killed no more than 25 years ago? We need to change this sense of self-indulgent frustration and to work out new ways of fulfilling our personal concern and our personal responsibility. The Senate of the United States needs to share this responsibility and ratify the Genocide Convention to show the international community our personal concern and commitment that what happened in World War II should never happen again.

NORTH ATLANTIC ASSEMBLY

Mr. STEVENS. Mr. President, I was privileged to have the opportunity to attend, for the second time, the North Atlantic Assembly held this month at the Hague. My close friend and colleague, the distinguished Senator from my neighbor State of Washington (Mr. JACKSON) presented an excellent paper before the Military Committee of the North Atlantic Assembly. The Senator entitled his presentation "The Strategic Equation and a Bolder Kremlin."

I ask unanimous consent that his presentation be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE STRATEGIC EQUATION AND A BOLDER KREMLIN

(By Senator Henry M. Jackson)

I.

Many people in recent years have believed that the changing strategic relationship between the Soviet Union and the United States has no great significance, and that the worst of NATO's problems with the Soviets are behind us.

As you may know, I do not share this optimistic outlook.

For some time a number of us have been warning that Soviet parity with the U.S. in strategic arms—or Soviet superiority—could result in Soviet leaders undertaking a more extensive and more dangerous range of risks in the international arena. Moscow's deepening penetration of the Middle East—using Egypt as its Trojan horse—is an unpleasantly dramatic confirmation of this forecast. And the hopes of many for a speedy and conclusive round of SALT negotiations have been severely prejudiced by Soviet violations of the standstill cease-fire in the Middle East.

The somber prospect of a Soviet Union, with rapidly expanding military capabilities, increasingly disposed to throw its weight around in support of its great power interests has implications which should be weighed very seriously by members of the Atlantic Alliance.

II.

Is "parity" in strategic power the goal of the Soviet leadership, or is it only a stage in the pursuit of "strategic superiority" over U.S. nuclear power? Is the Soviet Union seeking to achieve a major shift in the worldwide balance of power hoping thereby to consolidate its own alliances and disintegrate the opposing forces?

If one assumes that "parity" is the Soviet goal, it is difficult to explain the extremely rapid growth in their land-based missile force, particularly their continuing deployment of the SS-9 missile. The Soviets, with a smaller GNP than the U.S. and a serious deficiency of consumer goods have now invested approximately $9 billion in SS-9's alone—a figure that exceeds our entire strategic offense and defense budget for FY 1971.

When the Soviets succeed in perfecting a MIRV device, each SS-9 launcher, of which the Soviets now have operational or under construction more than 300, would be capable of delivering three 5-megaton warheads at intercontinental ranges. Other potential MIRV options could add to this capability.

Moscow's build-up of land-based offensive missiles has been paralleled by an equally rapid expansion of its Y-class submarine force, and these submarines are being constructed at a rate of 8-10 per year.

Even when the Soviets were in a state of admitted strategic inferiority to U.S. power, they periodically pressed forward policies designed to advance their political interests and to undercut the security of the West. In these past probings, the strategic inferiority of Russian power has set limits to the extent of the risks that the Soviet policy-makers were willing to run. Now, however, Kremlin leaders can be confident of overall nuclear equality with the United States—even a superiority in some nuclear weapons areas—and they can count on a local superiority of forces in many parts of the world.

Looking ahead, as Soviet power grows, the willingness of Soviet leaders to become involved in new areas—and their inclination not to accept diplomatic defeat, as once in Cuba—is likely to grow accordingly.

As Leonard Schapiro, one of Great Britain's most respected Soviet scholars, puts it:

". . . the Soviet Union derives increasing confidence from the sheer quantity and size of the weapons which it possesses. There has always been an almost pathological Soviet fear of actual, numerical inferiority in weapons vis-a-vis a possible enemy. Conversely, as the numbers and strength of Soviet weapons of all kinds, nuclear and non-nuclear as well, increase, so one should expect them to become bolder in their policy and more prepared to take risks."

And as the able American analyst of Soviet policy, Thomas Wolfe, points out:

"In trouble spots . . . where the presence of U.S. and Soviet military power may tend to overlap, even a slight propensity in the Kremlin to press for political gains commensurate with the Soviet Union's stronger military posture could greatly aggravate existing instabilities. Moreover, a Soviet Union advertised as the strategic equal of the United States and possessing an improved capacity to intervene in local situations would probably find itself under new pressures to come to the help of clients abroad, where previously it was excused from becoming engaged because it obviously lacked the means to do so."

The tasks of deterrence and defense stretch on ahead, therefore, as far as any of us can see—not only in the central European region but also for NATO's vital flanks.

In particular, we cannot discount the danger that the course of repression and counteraction in East Europe will produce new crises and disturbances spilling over the frontiers of NATO. Nor can we expect that a Soviet Union which brazenly exploits the tragic conflict between Arabs and Jews on behalf of historic Russian ambitions in that area, will not undertake to test Western resolve and staying power on other fronts.

Furthermore, in our efforts to ameliorate East-West tensions in Central Europe we must take care to assure that tangible benefits flowing Eastward are matched by tangible, and not merely symbolic, benefits flowing to the West. Symbols, after all, can disappear overnight while arrangements that bring forth complex geographic and economic relationships remain.

III

There is little disagreement in America about the value of the Atlantic Alliance or the importance and firmness of the U.S. commitment to the defense of the NATO area. But I and others in our Congress have had a strenuous time trying to maintain an effective American combat force in Europe.

This problem stems partly from a failure on the part of many Americans to understand why American troops in Europe are so important. The main purpose of the American troop commitment is political: to leave no doubt in the Kremlin that the United States would be involved, deeply involved, from the outset of a Soviet-inspired crisis or a Soviet move against the NATO area. It needs to be perfectly clear to the Russians that their forces would meet enough American forces to make the crisis a Soviet-American crisis, not just a European one. This means, in my judgment, that a token American force is not adequate. It should be an effective American combat force, not just something to be tripped over, but a force capable of putting up a serious fight.

The primary function of NATO's conventional forces, with their vital American component, is to meet an emergency as effectively as they can, posing the continual threat that if the emergency continues and enlarges, the risks of escalation continue and enlarge with it—in particular the risk of nuclear war. This risk of escalation is one which no one should minimize. Short of a direct attack on U.S. territory, nothing would touch a deeper psychological nerve or lead to a more immediate sense of alarm throughout my country than American and European forces jointly resisting Soviet aggression in the NATO area.

For this reason, a NATO force capable of containing a sizable attack is required. Any smaller force would tempt the Soviet leaders to test the allied will, and might one day lead to a situation in which the allies had only two choices: either to back down, or to resort to threats that would ring hollow given the inadequacy of our conventional preparations.

NATO force requirements are designed, of course, not only to contribute to deterrence and defense but also to fortify the diplomatic bargaining position of the West vis-a-vis the East. A major and as yet unachieved purpose of the Atlantic Alliance is to reach a genuine, stable European settlement with the Soviet Union. Among other things, such a settlement will involve the return of Soviet forces to the Soviet Union. How can the Soviet Government be encouraged to move in this direction? Certainly not by putting in jeopardy the bargaining position we have worked so long and hard to construct. Clearly, we should sustain that position and actively pursue acceptance of gradual and balanced revisions in forces on both sides of the Iron Curtain, recognizing the geographic asymmetries of the Atlantic security area.

If and when the Soviet Government sees an advantage in reciprocal reductions in forces in Europe, this could surely be done so as to advance the legitimate security interests of all nations concerned.

As you well know, American pressures for cuts in our forces in Europe are nourished by the widespread feeling in the United States that too many Europeans are less concerned with the security of their homelands than we are. In talking to the people this fall in many parts of our country, I was repeatedly asked: "If the Europeans on the scene are not worried enough to put up the money and the forces, why should we be concerned?" Thus signs of indifference in Europe provide powerful ammunition to Americans of isolationist inclination.

Most Americans do not expect gratitude for past U.S. help to Europe: but they do expect a fair deal. And they don't think they are getting it. I believe they have some justification for feeling this way. I cannot see that, overall, Western Europe is making a reasonably proportionate contribution to the common defense effort. The problem is bound to be of concern for Americans because of our major expenditures required to maintain a strong and safeguarded U.S. nuclear retaliatory capability and to help defend other areas in the world of importance to all free nations.

Further complicating the problem is the remarkable indifference in most European circles to the difficulties and dangers in the Middle East. From across the Atlantic it seems that too many Europeans have been too slow to come to grips with the threats to the common security that result from Soviet designs on that critical flank of NATO. This sort of unconcern, this kind of insularity if you will, further feeds the isolationist elements in the United States.

There is a lot of talk these days on both sides of the Atlantic about national priorities. All of the NATO nations have urgent homefront tasks which make heavy demands on national budgets and energies. None of us have resources to squander. But let's make no mistake about it. We won't be able to keep building better societies at home if we fail to shoulder essential responsibilities abroad.

This issue of priorities, of course, is not an either/or proposition. We should not delude ourselves with the notion that we must choose to devote resources and energies *either* to domestic needs *or* to national security. Indeed, even the term "domestic" when applied to priorities can be misleading: for nothing is more "domestic" than the survival of the people of the Atlantic nations and their freedom to decide their own destiny free from domination by any outside power.

There is something ludicrous about the notion that one kind of survival is more important than another. We must not only work for just and stable societies at home, but, together, we must maintain peace by deterring adventurism and nuclear war. Success in one of these tasks will not help us survive failure in the other.

You can appreciate that I am encouraged by the evidence that more Europeans now understand that there is a direct relationship between their willingness to draw on their own resources for their own defense, and the willingness of the American people and the American Congress to maintain a substantial American troop presence in Western Europe.

I want to commend the European Defense Ministers who at their meeting in Brussels October 1 worked out a two-pronged approach to "burden-sharing" on the correct assumption that NATO members find themselves in a variety of financial and political positions. Some members are able to strengthen their NATO committed forces, by improved training, equipment, facilities, stores, and mobility, and, in some cases, increased numbers of assigned forces. Other members will prefer to contribute more money to the common NATO defense pool to strengthen Alliance support for the American presence in Europe. Some members may adopt both approaches.

I assure you that early, concrete and substantial progress in "burden-sharing" is essential to strengthen the hand of those of us in the U.S. Congress who want to fend off unwise Congressional cuts of our troops in Europe after July 1, 1971.

So I look hopefully to the European members of the Alliance accepting a greater share of the task of protecting the NATO area. For I remain convinced that the future effectiveness of the Alliance depends in very large measure on the scope and quality of European efforts to keep NATO formidable.

U.S. METRIC STUDY MAKING WAVES

Mr. PELL. Mr. President, more than 2 years ago, I introduced a bill requiring the National Bureau of Standards to undertake a study of the advantages and disadvantages of the United States converting to a metric system of measurements.

The impact of the metric study is beginning to have its effect in commercial business circles, according to an article appearing in the November 18 issue of the Wall Street Journal.

Many people are now coming to the conclusion that I have long held that metric conversion is inevitable in this decade. I look forward to debating the need for metric conversion in the coming session of Congress when the metric study is completed.

I ask unanimous consent that the article entitled "Metric Cause Gains Mileage," published in the Wall Street Journal of November 18, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

METRIC CAUSE GAINS MILEAGE—ER, METERS—FASTER THAN EXPECTED

U.S. STUDY SEEN URGING SHIFT; TARGET DATES ARE DEBATED; IS COLD-TURKEY SWITCH BEST?

(By Arlen J. Large)

WASHINGTON.—"I don't believe it's inevitable," says Thomas Hannigan. "I don't even believe it's possible."

But it seems to be both. The matter in question is a planned, coordinated U.S. switch to the metric system of measurement. Mr. Hannigan, research director for the International Brotherhood of Electrical Workers, is one of 42 members of the Commerce Department 's advisory panel monitoring the current three-year Government study of metric conversion problems. And he is lonely.

For Mr. Hannigan believes that a big majority of his advisory-panel colleagues are ready to see the nation go metric and that next August the Secretary of Commerce will strongly recommend it to Congress. Says Mr. Hannigan with a resigned smile, "I will be labeled a modern-day apostle of reaction."

August's report almost certainly will urge more metric usage, but there's hot debate about whether to set legislative goals for near-total conversion in, say 10 years. Whatever the recommendation, the Commerce Department study is showing that the metric cause in the U.S. has gathered more momentum than many people remotely suspect.

AT FIRST, ASTONISHMENT

Now two-thirds finished, the official study itself appears to be generating support for metric conversion among industry groups surprised to have become involved. What's more, the whole exercise offers a fascinating case study of the way people and institutions respond to the threat of change.

Amazement at the advanced state of metric thinking was shown at conferences held this year by the National Bureau of Standards, the Commerce Department agency running the study. The meetings, which conclude here this week, have had almost no publicity. After getting an invitation, industry groups generally consulted their member companies on what their position should be—and the first response often was shock that such a change even was being considered.

Mildred Ryan, vice president of McCall Pattern Co. of New York, told fellow conference-goers what happened when she checked with her colleagues in the sew-it-yourself business: "It didn't matter who was asked. There seemed to be this astonishment about the United States even thinking of going on the metric system."

But once they checked into it, many people discovered just how much momentum there already was. "I hadn't been following it," admits Fred Greiner, executive vice president of the Evaporated Milk Association, after attending a conference. "I found this thing is further along now than I had anticipated."

A NONMETRIC ISLAND

Douglas Whitlock, a Washington lawyer on the advisory panel, describes the response of typical conference-goers: "Your first reaction is why the hell go through all that trouble of converting to metric. Then you listen to the discussion, and you decide it's inevitable."

Congress authorized the study in 1968, spurred by Britain's decision to abandon its feet-pounds-pints system of measurement and switch to meters, kilograms and liters by 1975. Australia and South Africa have followed, and Canada intends to do so. That would leave the U.S. a nonmetric island in a world where 90% of the population measures by the meter.

The study itself has undergone change. Officials originally hoped to give Congress a sort of giant balance-sheet, totaling up the costs of conversion alongside the dollar benefits—principally higher exports. That, says Daniel De Simone, the study director, proved to be "a most outlandish expectation," since companies can't precisely estimate the impact. "We'll report our data to Congress," he says, "but it will have to be explained that it's based on very subjective judgments."

Also changed are theories on how the giant U.S. economy should make the switch. At first many metric proponents favored starting almost invisibly in the bowels of heavy industry, with engineers shaping new metric dimensions for machine tools, screws and bolts. But Mr. De Simone and others now question this.

"The British made the mistake of starting off with a whisper, focusing on industry," says the U.S. study director. "The British public didn't even realize they were going metric, and they're halfway through their transition period." He thinks that's why a recent Gallup Poll showed 57% of Britons oppose the switch. If a transition is to be made here, as says, "we should start in the retail sector as soon as possible."

British experience has shed other light on the transition technique. In an article for Scientific American magazine, the chairman of the board coordinating the British switch said it is best in some cases to start using metric units cold-turkey, without confusing the public with dual measurements. Radio and television announcers, said Lord Ritchie-Calder, have been giving temperature forecasts in both centigrade and Fahrenheit, and "the result is that everyone still waits for the Fahrenheit figure."

Among Americans, there's sharp controversy about whether a change should be merely evolutionary as each industry sees profit in a switch or whether Congress should set a time goal; sometimes mentioned is a transition span ending in 1985.

The Automobile Manufacturers Association believes there's no need for a nationally coordinated conversion, and it is urging that each industry be allowed to switch when it wants to, if ever. "We needn't be all inch-based or all metric, but should use whatever is needed to get a good economic return," says William Burton, Ford Motor Co.'s metric systems development manager.

An optional engine in Ford's new Pinto has metric measurements. To avoid assembly-line and repair-shop mixups, screws and other components in the engine are dyed blue. This underscores a key point about metric conversion: The difference between a part measured in millimeters and its seem-

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ing twin measured in inches is more than just language; the parts are almost always physically incompatible.

"A FOOLISH THING"

One reason is that people like to work with round numbers. A four-inch bolt is 101.6 millimeters long; for a fabricator, the temptation is strong to shave the length to an even 100 millimeters. Thus changing the system of measurement tends to lead to a physical change in the things measured. During a transition, companies would have to keep costly dual inventories of spare parts.

It would be "a foolish thing," says Ford's Mr. Burton, to require a company to go to this expense if it felt no need to convert. It would be better, he argues, if Congress just proclaimed the general advisability of more metric usage.

But proponents of a coordinated switch contend such a proclamation wouldn't be enough to trigger a real national conversion. The scale industry, says Arthur Sanders, executive secretary of the Scale Manufacturers Association, "doesn't believe that anything's going to happen until it's made mandatory." Scale makers stand to profit from a switch if many businessmen buy brand-new metric scales instead of just converting the weight indicator numbers.

ENVIRONMENTAL POLLUTION

Mr. **HRUSKA**. Mr. President, I had the honor and privilege of presiding at and participating in a seminar on the environment, in Lincoln, Nebr., on October 10 of this year. The seminar members were, for the most part, college students who are highly concerned about pollution—and are terribly determined to do something about it. The interest demonstrated by these young people will, it is hoped, be multiplied by their continued activity. They were encouraged to go back to their home campuses and arrange similar seminars with students and faculty on as regular a basis as possible. It is our view that an alert and informed citizenry is one of the best weapons we can have in the war on pollution.

One of the features of the seminar was an address by Dr. A. Gordon Everett, Deputy Assistant Secretary of the Interior for Water Quality, and Research. Dr. Everett made some excellent points in his speech, but I was most impressed by his dispassionate analysis of the problem as a function of our civilization. As Dr. Everett said:

> We cannot turn out the lights, turn down the heat, lock the garage door, and walk away from this civilization.

Mr. President, I believe Dr. Everett's remarks should be available to a wider audience. I therefore ask unanimous consent that the entire text of his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF DR. A. GORDON EVERETT, DEPUTY ASSISTANT SECRETARY OF THE INTERIOR FOR WATER QUALITY AND RESEARCH, AT THE NEBRASKA CONFERENCE OF ENVIRONMENTAL POLLUTION, LINCOLN, NEBR., OCTOBER 10, 1970

Senator Hruska, Ladies and Gentlemen, it is a great pleasure and privilege for me to address you today on this vital issue of public concern—the quality of our environment. During this past year, the Nation's environmental problems have been in vogue in politics and the press, but as the Senator has so aptly pointed out, the fervor over environmental problems will pass and problem and programs will remain. The problem will remain one for our society to deal with long into the future.

How has the problem come about? For the past one to two million years, as the anthropologists reckon man's time on earth, we have lived without adding up the full cost of our progress. Man has evolved in an increasingly technological society without ever counting the environmental cost.

Whenever we evaluate our economic advancement, we add in the use of the environment—for waste disposal, for raw materials, or for space—as zero. But, man's future will depend on better cost accounting.

The first of these uses of the environment to draw widespread commentary and public notice is pollution; thus it is identified as "our environmental problem;" it is but the first of many environmental problems that we will face during our lifetimes. Pollution is obviously one of the most pressing problems of today. Management of pollution will start us on the road to more comprehensive environmental management. To continue the history of man, we must now change from attempting to conquer nature to succeeding in cooperating with nature.

We cannot turn out the lights, turn down the heat, lock the garage door, and walk away from this civilization—even though there are those who might favor such an approach, at least at first impulse. They would not be numerous enough so that the remainder of us would not wreak havoc upon ourselves anyway. More importantly, we need these people of strong social conscience. We need them to place their concern in a sound context of fact so that their conscience may guide improvement of the quality of our lives and of our environment.

As you are all well aware, all too often the issues of environmental quality become polarized between the inflammatory rhetoric of protectionists and that of developers. The issues are cast into the maelstrom created by the violent tug-of-war of those who represent the alternatives. In these questions of environment and its uses, both present and ultimate, we are too frequently enveloped in highly emotional arguments which distort the issues and the alternative solutions. Sound judgment cannot be exercised in that climate.

We must not cast the discussion into a question of preserving or using our environment. We must preserve and use our environment. We do not have the luxury of preserving all nor do we have the luxury of developing everything today. Some things must be developed today—some things preserved today for use tomorrow—and other things preserved long into the future. Balance is required in judgment and in planning, in use and in preservation.

This balance is difficult to achieve. It is rarely achieved by that political compromise which does not seek optimal use and preservation in environmental matters, but seeks instead to get rid of the controversy. The best solutions require that all sides be heard, that all alternatives be considered and that the end result maximize the benefits from diverse and often competing uses insofar as is humanly possible. We are limited in our judgment based on today's knowledge and technology; thus, we must err on the side of tomorrow and the future of our environment. To do this requires a well-informed public actively participating in all phases of public decision making. Whether in pollution abatement or the expenditure of nonrenewable resources, those who promote development come armed with a well-prepared case based upon abundant data. These vested interests are persuasive in their own behalf, but we must recognize that every person has a vested interest in the quality of our environment. We must educate all parties to seek those alternatives that offer the greater opportunities for our sane and rational survival.

Our national experience of sending men to the moon may have played a large part in focusing our attention on the condition of our own planet, earth. In the photographs sent back, we cannot help but notice the amoeba-shaped smudges that represent our cities among the beautiful swirls of blue and white and green. It has given us pause to consider: "Is man becoming a planetary disease?"

What makes the astronaut's perception meaningful is that he has the advantage of standing off at a distance and seeing what is happening to the earth.

It is a little harder to perceive what is happening when you live in the heart of a great American city. It seems quite natural to breathe the stale-egg smell of sulfur dioxide. You don't mind swimming in concrete pools because you've been brought up to keep away from the polluted lakes and rivers. There's nothing unusual about spending a Sunday driving through one endless subdivision after another.

When you get stuck in traffic for an hour or two each day, you learn to live with it. When you go to a store you want the best washday detergent, no matter what its phosphate content is.

It's not difficult to understand that we have a serious environmental problem. The 200 million of us in the United States contribute an average of 139 gallons apiece of wastewater daily. Our autos each release an average of five pounds of unburned hydrocarbons each day. And, we discard over five pounds of trash every day.

Nationally, thirty million Americans still discharge raw sewage into our lakes and streams. And, forty-five million Americans still drink water that has not been tested by the Public Health Service. Over one-hundred and seventy-five million tons of waste are belched out into the nation's skies.

President Nixon expressed the national mood about these sobering realities when he said "the Ninteen seventies absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment."

Pollution is not simply an urban problem of municipal and industrial wastes. The rural community of America is, and should be, deeply involved in the fight for clean water. Agriculture is a major polluter of water. At the same time, it is highly dependent on ample supplies of high quality water to grow crops, raise livestock, operate dairies, process foods, and so on.

Agriculture uses more water than any other segment of our economy. It withdraws more water and consumes more water. Irrigation, for example, uses about 40 percent of the water withdrawn from surface and groundwater sources.

And it accounts for about 85 percent of the water consumed—water, that is, which is not available for reuse.

And in the years ahead, agriculture will require more and more water to meet the food needs of a growing population. In 1965 about 111 billion gallons a day were withdrawn for irrigation alone, and it is estimated that in 1980 the comparable figure will be 136 billion gallons a day.

So, it is obvious that the future of agriculture has a tremendous stake in the national clean water program.

In an authoritative report to the Secretary of the Interior, the National Technical Advisory Committee made the following observations about agricultural water quality:

Excessive quantities of silt from agricultural activities, road construction, and urban development plague many of our streams.

Pollution from sewage, domestic and industrial, continues to add each year to the water quality problems of the farmer and urban dweller.

Upstream irrigation, reservoir evaporation, and lowering or recycling of ground water impose increasingly difficult problems for downstream irrigators because of increased salt concentrations.

Effects of water quality deterioriation or the impact of low-quality supplies on agriculture are commonly insidious rather than dramatic. Even relatively small-scale changes may result in large economic consequences because of the sheer size of the activity involved.

Excess salinity has been the instrument of destruction of profitable irrigation from the earliest history of man. While a great deal is known about the inhibiting effect of salinity on plant growth, we are now beginning to have preliminary assessments of the economic consequences of the cost of reducing salinity.

Very little attention has been given to the optimum quality of drinking water for farm animals. While the standards of quality for human consumption may not be justified here, this could be a desirable goal because such waters often also serve other uses on the farmstead. There are certain contaminants which may be hazardous to livestock.

Dairy farming requires large quantities of water for cooling and for washing milk-handling equipment. The latter must be of drinking water quality even though other uses may not require this degree of purity.

These illustrative observations by the National Technical Advisory Committee point out the need for the involvement of the rural community in water pollution control. The farmer and his family need clean water to drink, unpolluted water for livestock and crop production, and clean streams and lakes for fishing and swimming. In short, like every other segment of American society, the rural community requires clean water for economic and social progress and to enjoy life. And the rural community includes the hundreds of towns and villages which are supportive to, and a part of, America's great agricultural industry.

Now, sediment is a major pollutant in our waterways and much of it comes from farmland through improper tillage and soil use. Nonfarm sources of sediment include roadbeds and rights-of-way of existing rural roads, new road construction, banks of rivers and streams, unrestored strip-mined lands, suburban development, and logging.

Sedimentation is costly. Its annual bill to the American people is now exceeding $500 million and rising.

Sediment represents a heavy economic drain in loss of valuable top soil. It makes water unfit for use as municipal and industrial sources of supply unless the water undergoes expensive treatment. It interferes with navigation, destroys esthetic values, injures aquatic life. Soil particles promote algal growths by carrying nutrients which degrade water quality, accelerating the aging process of lakes and reservoirs, and decreasing water quality in streams and rivers. The Federal Government has made considerable assistance available to States and to communities and even to the individual farmer.

The Federal Water Pollution Control Administration has confronted the sedimentation problem and is seeking helpful answers. I might note that other Bureaus of the Department of the Interior, as well as the Soil Conservation Service of the Department of Agriculture, and the Corps of Engineers, are vigorously tackling the problem also.

The effects of erosion are considered in the establishment of water quality standards under the Water Quality Act of 1965. In submitting water quality criteria and plans for implementation and enforcement to the Secretary of the Interior for his approval, the States have included requirements in their narrative standards covering turbidity and settleable solids. We urged the States to give attention to land erosion and other nonpoint pollution sources in their compliance programs. We understand, of course, that compliance is more difficult to achieve in such cases than in instances of municipal and industrial pollution.

Major enforcement actions by FWQA have covered pollution resulting from land erosion so, if it proves to be necessary, enforcement is available.

Agriculture is the biggest producer of wastes in the United States. Animal wastes constitute one of six sources of farm wastes whose management and disposal have become one of the most challenging problems of modern farming. Three pounds of manure are defecated for every quart of milk produced. Six to 25 pounds of manure are produced per pound of weight gain for livestock. While some of this is left in pasture and rangeland, about one-half of it is deposited in feedlots, barns, and other animal production units from whence it must be removed for disposal. The future will see a greater increase in confinement feeding of animals with an increasing need for better waste treatment and disposal procedures.

Although disposal of animal wastes has long been a nuisance to the animal producer, only recently has it been recognized as a potential national pollution problem. Within the last few years agricultural experiment stations and Federal agencies such as the Departments of Agriculture, Interior, and Health, Education, and Welfare have begun to support research in farm wastes management.

A number of cases of serious surface and ground water pollution have been documented throughout agricultural regions of the nation. Pollution of ground water within a localized area is highly probable whenever accumulations of animal wastes are stored on or below the ground unless stored in water tight structures. Rural runoff water must be considered as a factor in water pollution control problems because sizable organic and inorganic loads are discharged to the receiving stream over short periods of time.

Historically, most animal wastes have been recycled through the soil with a minimum of direct release to receiving waters. This is not as possible in many instances as it once was because of the trend toward confined animal production operations. The animal producer finds himself with large volumes of highly concentrated wastes that have little economic value but with physical and/or economic restrictions that limit the feasibility of recycling animal wastes through the soil environment.

To give you an idea of the magnitude of the animal waste problems, let me put it in terms of human-population equivalents of pollutional load in water. Seven Midwestern States have human-population-equivalent hog populations greater than the human population of those States. The equivalent biochemical-oxygen-demand (BOD) production from hogs in Nebraska is over 3 times that of the human population. The BOD-population-equivalent cattle population of many States, including Nebraska, far exceeds the human population of those States.

These are the States where problems generated by animal wastes will likely be the greatest. This does not infer that problems will not occur in other States. Localized problems may occur whenever concentrated animal production units are developed. About half of the beef cattle feedlots have capacities for 2,000 head to 10,000 head. These lots will produce wastes equivalent to that from communities of approximately 36,000 to 182,000 population, respectively. Broiler operations may house from 100,000 to 1,000,000 birds. These operations produce wastes comparable to communities of approximately 10,000 and 100,000 population, respectively.

The most obvious effect of such pollution is apparent in the number of fish kills that have occurred. For example, animal wastes killed 1,156,000 fish in 1964 and 617,000 fish in 1965 in the United States. Spring rains in Kansas alone in 1967 caused tons of cattle feedlot waste to enter the receiving streams, killing an estimated 300,000 to 500,000 fish.

There are no simple solutions to the problem. Past failures have occurred because of a lack of understanding of the waste characteristics, a lack of understanding concerning suitable treatment, disposal, and management methods, a lack of appreciation in many areas that a problem existed, and a general feeling that treatment, disposal, and management methods should produce a profit or cost very little. To date, the emphasis has been on cheapness rather than adequacy of method.

What are we doing about all these problems?

Several bills are now before the Congress which would provide Federal assistance for the control and prevention of damages resulting from three sources of erosion—the roadbeds and rights-of-way of existing rural roads, the banks of rivers and streams, and unrestored strip-mined lands.

Further, the President has directed the Secretary of Agriculture to conduct a Government-wide review of water-course pollution resulting from erosion of farmlands and other areas, and from operations of the agricultural industry in general. The Office of Science and Technology has established a work group on agricultural pollution. The Department of the Interior is taking an active part in this interagency review.

The President's environmental program now before Congress is a strong, three-pronged attack—on air, water and land.

A major feature of the President's program that will benefit rural areas is the Environmental Financing Authority to insure that all municipalities needing treatment plants can get financing based upon need for facilities, rather than the ability to market bonds.

There are Federal funds available to help even now, however. The Federal allocation prescribed by law for Nebraska for sewage treatment plant construction is $6.8 million. It has not been spent. If the money is not used, it will be reallocated. An amendment sponsored by Senator Hruska has allowed a six-month extension of appropriations—so the money will not be lost to the State if it acts in a prompt manner to pass a matching-grant act for State-Federal funding of municipal sewage treatment plants. Additionally, many Nebraska municipalities will need to revise their sewer codes to provide for industry to pay its fair share of sewage treatment as now required by Federal regulation.

In the past year the Missouri Basin Regional Office of the Federal Water Quality Administration has completed a technical survey of the Missouri River which indicates a heavy bacterial loading from all of the cities and industries which are a threat to the public water supplies of Omaha, Council Bluffs, Iowa, St. Joseph, Missouri, Kansas City, and other towns. This survey indicated that secondary treatment is needed, and we are very pleased that Nebraska has responded to that need. It is now necessary that the State move ahead expeditiously to use the assistance available to it in order to clean up its waste-water discharges.

The problems and sources of pollution—from agriculture, municipalities, and industry—are many and varied; the ability to set priorities and solve the problems is ours. And, if you think about it, we—you and I—are all at the core of these problems. We must be certain that we are also at the center of the solution.

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THE CURRENT ENERGY SHORTAGE

Mr. BURDICK. Mr. President, I should like to share with Senators today an appraisal of the current energy shortage in our Nation, made by Mr. Robert Partridge, general manager of the National Rural Electric Cooperative Association, who made the remarks at the group's region VI meeting in Minot, N. Dak., October 26, 1970.

Over the past year, Mr. Partridge has been calling this condition to the attention of the Nation, particularly the role which rural electric cooperatives must play in meeting energy needs. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY ROBERT PARTRIDGE

Growing needs and changing demands of a changing country—those are simple words but they describe a very highly critical situation. It is a situation that involves the very survival of the rural electrification program.

More than that, however, it involves the survival of rural America—the communities you serve, the places where you live, the countryside where you want your youngsters to stay and prosper.

It is going to take the very best leadership you can muster to cope with the highly complex and far-reaching problems that now confront us in this rural electrification program.

In many respects we share the problems of the entire American society today. Those of us in rural America are concerned as are urban people with the problems of substandard housing, with the problems of inadequate and costly medical services, with transportation problems, inflation, poverty and with the newly emerging problems involved in maintaining an environment fit to live in.

But we also have problems peculiar to our industry and peculiar to our own program.

Here, this morning, I want to examine in a rather summary way today's power crisis because that is an immediate problem that you and the membership have to deal with now and in the weeks and months ahead.

A POWER CRISIS

You might ask: Do we really face a power crisis in this country?

Without going into all of the technical details of the tragic picture, I can tell you there is a power crisis.

The fact is, we in this country are living very dangerously, with a reserve generating capacity that is far below safe levels.

Our reserves are too low for even ordinary peacetime needs—and heaven help us if we should have to face a defense emergency which calls for an all-out mobilization.

Our reserve generating capacity in many places in this country is about one-half the level that it was at the beginning of World War II. That means that if we were faced with broadscale defense requirement, drastic action, really drastic, would be needed. We probably would have to cut off much of our domestic use of electric energy.

But we can expect trouble even without a defense demand. As recent experiences showed, we are on the ragged edge in many sections of the United States, shipping power through totally inadequate connections to try to keep together a system which simply cannot produce the reliable energy that is needed.

This year has been only the beginning. The worst is yet to come. The Federal Power Commission says our needs will be four times greater 20 years from now than they are today. And those estimates are very much on the conservative side. Certainly they are conservative as far as our own growth is concerned.

Significantly, very few remedies are being developed. Our government, both the Executive Branch and the Congress, has failed to call for new hydro starts. Only recently, the Dickey-Lincoln project was turned down again, a project which has a benefit-to-cost ratio of 2-1 and which is badly needed to keep up the sagging power situation in the northeastern section of the country.

There is literally no comprehensive effort to find new ways to create pollution-free generation.

USING OUR KNOW-HOW

We in this country can be proud of our technological prowness. We have unlocked the secret of the atom. We have sent men to the moon. I suggest that the same kind of a massive attack on the power problem could find ways to generate electricity on an economical, reliable basis for distribution without endangering the environment. This nation has the resources and the know-how. What we need to do is put them to work.

Do you know that to resolve this highly critical problem, involving a most basic element in our continuing high level of living, we are devoting less than 1/7000th of our gross national product to do research? Lay that alongside what we have spent to develop our space program, what we are spending for defense and what we have spent on many other things which at the time, and for good reasons, were felt to be in the broad public interest. We simply are not doing the job in the electric power industry today.

Our membership is on record for such a research program, a massive research program, on the part of the government. But we need to do more than write resolutions about it. We need to press and press hard. We need to push, to battle for action—action that we are not getting at the present time.

To add to the power problem, we face a very drastic fuel shortage.

Power plants are running out of coal in many sections of the country.

Coal is still in the ground. Plenty of it. But mining is not keeping up with demand. In addition, foreign buyers are paying premium prices. And they are getting large quantities of our coal. I saw evidence of this recently. Long trains loaded with coal—string after string of coal cars—were heading for the port at Norfolk with coal destined for foreign shipment. Yet, as you know, here in the United States coal is terribly scarce to meet the need of generating plants.

Transportation to move coal to domestic users is often too slow or completely stalled. Export shipments add to this problem because often there is a long layover of coal cars at the ports where ship loading is delayed. Another factor not to be overlooked is the hesitation of investors to put money into expanded operations. They fear that critics of the pollution problem may enforce a shutdown of coal-fired steam plants.

Other fuels face similar problems. Oil is scarce at any price. The gas industry is restricting service because it maintains its rates are too low. As a result, some companies are refusing to take on new contracts. There is no bidding on new contracts in many cases.

NUCLEAR POTENTIAL

As of today, nuclear power offers very little hope for small systems. The time will no doubt come when nuclear power will be a major part of our future fuel supply. But if present trends prevail, rural electrics, municipals, and other small utilities will be virtually excluded from the generating business. This will happen unless we can find some way to participate in group construction and operation of nuclear units. Unfortunately, some of the major companies have clearly demonstrated they have no such cooperation in mind. Instead, their goal appears to be exclusion of the small utilities.

In brief, we have a dangerous fuel shortage on our hands. It is a problem that calls for action now, while there is still time for effective remedies.

GIGANTIC ENERGY MONOPOLY

Related to the highly critical fuel situation is the rapid development of a gigantic energy monopoly. We are getting a combine that is grabbing control of our entire source and supply of energy.

In the last five years many of the country's major oil companies have acquired significant holdings in every fuel. If this trend continues it will end effective competition between oil, gas, coal and uranium. The result will be still higher prices. Costs will go much higher than the already escalated cost that we have come to know in the recent months.

Nuclear energy is one of the targets in their huge power play. There is a move afoot to take over nuclear energy also despite the fact that this is indeed a public resource. It was developed with a little over $2-billion of taxpayers' money. In the early 50s when the 1954 Atomic Energy Act was passed, the Congress and the Eisenhower Administration recognized this fact. The Act requires the AEC to examine the anti-trust aspects of any private nuclear power plant before issuing it a license.

Now, the power companies are asking the Congress to repeal or at least to dilute this AEC anti-trust authority.

FEEDING THE INFLATION

Another serious aspect of the power crisis confronting us is inflation. The fact is that our government's power policies are feeding the inflation.

Every consumer, every cooperative has good reason to be concerned about electric costs. The cost of electricity is an important element in the cost of living because it is built into everything that we use, everything that we do in our modern society, and most certainly it is substantially built into the cost of operation of your cooperative.

In August, the government put out an inflation alert, so called. In that pronouncement they said that electric power price increases constitute one of the most significant factors pushing up the cost of living. Despite that expression, however, the Administration fosters power policies that cannot help but lead to higher power costs.

Let me cite for you a few examples:

The Administration has already approved higher rates for the Southwestern Power Administration, particularly as applicable to the power sold in Missouri.

Similar increases are scheduled by the Southeastern Power Administration.

The Atomic Energy Commission has increased by 10 percent its charge for processing nuclear power plant fuel and adopted new criteria which will push the price even higher.

As you all know, TVA raised its power rates 23 percent.

Elsewhere in the government, the Internal Revenue Service is working on a ruling which would apply a tax on the municipal bonds which are needed to finance municipal generation capacity in many areas.

Last on my list of examples of inflationary government power policies is the cutback in REA generation loans.

We recognize the magnitude of the funds needed for modern generation plants as well as the difficulty we have in getting REA funds to finance such plants. We also recognize the limitations imposed by the instructions Congress has laid out regarding the use of available loan funds with priority to be given distribution applications.

A BARGAINING LEVER

However, the generation loan program of REA is more than merely a source of financing; it is also a bargaining lever which has served the rural electric systems well at times of negotiation for wholesale power.

Congress has long recognized the bargaining lever principle supplied by the REA loan funds and even in its instructions regarding loan priorities it did not back away from that principle.

A recent rate hike in Georgia illustrates the value of a viable generation loan program. The co-ops and municipals in the state found themselves faced with a projected 37 percent wholesale rate increase. The Georgia Power Company had no hesitation in announcing this action because it had no real reason to expect that the G–T bargaining lever would be put to use.

Our history proves the bargaining lever can work even when funds are limited. We have never had all the money needed for G&T. Yet the program has been effective. The bargaining lever is still needed. But it has to be exercised to be effective.

Generation loans even on a sparse diet would demonstrate to those sitting on the other side of the wholesale power bargaining table that REA is back of the co-ops especially where the bargaining becomes most difficult and controversial.

Any consideration of the power crisis must include an examination of our concern for the users of electricity.

It is obvious today that the users of electricity are not going to tolerate power shortages or the kind of power generation that produces pollution.

LEADERS WITH RESPONSIBILITY

In this situation, the electric users of America look upon you as leaders in the utility industry, capable of acting when the need arises. They look to you to provide the power they require. They look to you to provide it at a cost they can afford. And they look to you, along with the whole industry, to develop clean generation.

That is the message that is projected by recent events. The message is clearly written in the mass of bills now before Congress. For example, there is one that would compel a $1¼ billion expenditure by the industry in order to comply with all the specifications laid down.

The message is also written in the vast number of competing hearings and investigations that have been held. Perhaps most evident of all is the message that is written, more and more frequently, in the newspapers, in the magazines and on the TV screens.

To be sure, we are not alone in this crunch. The whole industry is on the spot—you, the IOU's, the Federal power agencies, the municipals, the state regulators, REA, the FPC as well as the government policy-makers. Consumer reaction is building up, and when it strikes it will hit us all.

Actually, this country cannot tolerate anything approaching a breakdown in electric service. Just think of what such a development would do to the economy, to health and sanitation, and to safety.

Any stoppage—for whatever period of time—would strike at our pocketbooks, at our food supplies and, in fact, at our whole life style.

Any stoppage—for whatever reason—would accomplish what Moscow or Peking or Hanoi cannot achieve.

Were we to have a breakdown, the temptation would be great—perhaps irresistible—to grab for some drastic solution, such as nationalization of the utility industry of the United States. Don't forget, this has happened in other countries.

But nationalization need not happen—if we attack the problem now, while there is still time to work out the remedies. Free enterprise can function effectively if the IOU's, the co-ops, the municipals will work together in the national interest. But this will require national policies dedicated to the public convenience and safety. This will require national policies designed to expedite action before disaster overtakes our industry.

None of the remedies that we will require will happen just because we want them to happen. What is needed in our program is a membership ready to make things happen. We need a membership that will get onto the warpath and fight for change. Without this, there will be no change.

The rural electrification program was built by fighters. Who is ready to fight for it now?

THE OCCUPATIONAL SAFETY AND HEALTH BILL—MINORITY CONTRIBUTIONS

Mr. JAVITS. Mr. President, the occupational health and safety bill, passed by the Senate on November 17, 1970, is truly a landmark bill which will be of direct and immediate benefit to the bulk of our Nation's 80 million workers.

I believe that the bill passed by the Senate was considerably improved by the amendments offered by myself and other members of the minority on the floor of the Senate and in the Labor and Public Welfare Committee.

I am pleased to note that the New York Times concurs in that view, I ask unanimous consent that its editorial of November 18, 1970, on the Senate bill be printed in the RECORD.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

BREAKTHROUGH ON JOB SAFETY

Passage by the Senate of a compromise job safety bill has broken a long deadlock over legislation to give better protection to the life and health of industrial workers. It will be a tragedy—measured in thousands of needless deaths and crippling injuries—if stubbornness by either labor or industry now blocks acceptance of the same compromise in the House.

The amended measure would empower the Secretary of Labor to establish Federal standards for industrial health and safety. He would certify violations to a new three-member commission to be appointed by the President, subject to Senate confirmation, from among people qualified "by reason of training, education or experience." That commission would have authority to issue cease-and-desist orders in much the same manner that the National Labor Relations Board does in cases arising out of the Taft-Hartley Act.

The compromise, sponsored by Senator Javits of New York, meets the needs of workers for effective protection against the hazards that cause more than 2 million disabling injuries on the job each year and that undermine the health of millions in countless industries. It also meets the valid objections of employers that they would have been subject to arbitrary plant closings and union harassment under the original labor-backed bill.

The new bill would serve the best interests of both labor and industry. It is vastly superior to the measures put before Congress by either the Nixon Administration or the A.F.L.–C.I.O. Its approval in the House and its signature by President Nixon would be a monumental gain for the American worker.

Mr. JAVITS. Mr. President, the amendments offered by the minority on the floor of the Senate are set forth in the RECORD of November 17, 1970. In order to complete the record, I ask unanimous consent that any individual views, contained in the committee report, which summarize the minority amendments accepted in committee, also be presented in the RECORD.

There being no objection, the individual views were ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF MR. JAVITS

The bill reported herewith is the most important piece of legislation affecting American workers to be considered by Congress in many years. Each year over 14,000 Americans are killed at work, more than 2,000,000 suffer disabling injuries, and uncounted thousands fall victims to occupational diseases such as silicosis, asbestosis, bysinosis, pesticide and chemical poisoning, lung and bladder cancer, and other horrible byproducts of our industrial progress.

There is no dispute that a strong Federal occupational health and safety program is necessary if we are to achieve a real diminution in this industrial carnage. The statistics on occupational injury, disease and death show all too clearly that private industry and the States are not doing an adequate job of insuring health and safety in the workplace. Nor is there any dispute that the Federal program should include promulgation and enforcement of Federal standards and substantial aid to those States willing to operate an occupational health and safety program that meets Federal standards.

Yet, despite the substantial agreement which exists as to the objective of this legislation, the most bitter labor-management political fight in years has erupted over the means to achieve that objective. The lines have hardened around the so-called Daniels bill, reported out by the House Education and Labor Committee (H.R. 16785) and the Administration bill, introduced by Congressmen Steiger and Sikes in the House (H.R. 19200), and by Senator Dominick in the Senate (S. 4404). All efforts to work out a fair and moderate compromise have been so far rebuffed.

In this Committee, most of the differences between the Daniels bill and the Administration bill were resolved—frequently through the adoption of amendments offered by the minority. As I shall point out below, in the wide areas where the Committee was able to reach such agreement, the provisions of the Committee bill are, in my view, clearly superior to corresponding provisions of either the Daniels or the Administration bill.

Unfortunately, the Committee was unable to resolve all the differences. The key issue which remains, and the one which has polarized labor and management, is whether the Secetary of Labor should, in addition to his functions as prosecutor shall also be given the power to promulgate standards and adjudicate enforcement cases. The Committee bill reported herewith, and the Daniels bill, would give the Secretary all of these powers, as urged by spokesmen for organized labor; the Administration bill would separate them by giving the quasi-legislative power to promulgate standards to a five-man board and the quasi-judicial power of adjudication to an independent three-man Panel, as urged (or at least acquiesced in) by spokesmen for the business community. The members of the Board and the Panel would be Presidentially appointed with the advise and consent of the Senate.

It is most regrettable that the dispute over this issue should have become so bitter as to jeopardize seriously the prospects for enactment of this bill during this session of Congress, especially since either approach has both merits and demerits. I, for one, believe that in the light of over 30 years of utterly dismal performance by the Department of Labor of its safety and health respon-

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sibilities under the Walsh-Healey Act, labor has little reason to expect, or business any reason to fear, overly energetic administration of this Act by the Secretary of Labor or disregard by him of the legitimate concerns of business. Justice Holmes' famous aphorism, "The life of the law has not been logic: it has been experience.", applies as much to the process of shaping legislation as it does to deciding questions of common law.

Conversely, our experience with multi-member independent administrative agencies (e.g. the National Labor Relations Board), especially in the area of quasi-judicial adjudication, has been neither so uniformly bad nor so uniformly good, or favorable to business, as compared to our experience with administration by cabinet-level officials, that we can assume that the use of such an agency would seriously weaken (or strengthen) this legislation. Cabinet-level officials are, it is true, more sensitive to political influences and can be held accountable for the failure of their Departments, but political influences are, at best, a two-edged sword, and completely improper, in any event, where adjudication is concerned.

Attempts at Compromise of the Basic Issue

In an attempt to resolve this obstacle to agreement by the Committee on a bill, I suggested a compromise amendment under which the Secretary of Labor would promulgate standards and a three-man independent Panel (similar to that provided in the Administration bill) would adjudicate enforcement cases. Unfortunately the Committee, after first expressing interest, rejected the compromise by a vote of 10 to 7. Since the same issue may well arise again when this bill is considered by the Senate, I believe a brief statement concerning my compromise amendment is appropriate.

In the area of adjudication, there are several reasons for preferring an independent panel approach, especially in the form proposed by the Administration and embodied in my amendment.

First, under the procedures established by the amendment, speed of enforcement would be greatly increased. In most contested cases, between six months and two years would be saved under the provisions which provide for true self-enforcing orders and discretionary review of trial examiner decisions.

Under the Committee bill, no enforceable order to correct a violation would issue until the completion of all administrative and judicial review proceedings. This would involve, at a minimum in a contested case, (1) hearings by a trial examiner, (2) mandatory review of the decision by the Secretary or his designee, and (3) review by a Court of Appeals. It is doubtful that this process could be completed in less than 18 months (two years would be a more realistic estimate) in a seriously contested case.

Under my amendment, an enforceable order would issue at the end of the administrative review stage, rather than after judicial review (unless the Court of Appeals issued a stay). Furthermore, the administrative review stage itself would be shortened by three to six months in many cases by making review by the Panel of trial examiners' decisions discretionary. If review were denied, the trial examiners' decision would automatically become the final order of the Panel and enforceable as such.

Second, hearing and determination of enforcement cases by an independent panel more closely accords with traditional notions of due process than would hearing and determination by the Secretary. In the latter case the Secretary is essentially acting as prosecutor and judge. Any finding by the Secretary in favor of a respondent would be essentially a repudiation by the Secretary of his own Department's employees. While this type of enforcement has been used in connection with other statutes, is contemplated by the Administrative Procedures Act, and is not jurisdictionally defective on due process grounds, the awkward mechanics it imposes upon heads of Departments who wish to exercise their adjudicatory power personally in order to preserve due process has not generally been appreciated. What happens is that one official of the Department (e.g. the Deputy Solicitor) will take the position of prosecutor and another official (e.g. the Solicitor) will take the position of a neutral in order to advise the Secretary.

More important, because of the awkwardness of this procedure and the heavy burden of personally reviewing hundreds of enforcement cases, it is highly likely that the Secretary of Labor will not even exercise his power under the Committee bill personally, but will delegate it to a panel of officials within the Department. That is precisely what the Secretary of Interior has done under the Coal Mine Health and Safety Act of 1969. The net result will be enforcement by a panel anyway, but not one which is independent, and without the benefit of the shortened procedures which my amendment would provide.

These considerations, it seems to me, outweigh any possible benefits which might be gained from the better "coordination" which would allegedly occur if the adjudicatory power, as well as the prosecutorial and standards setting powers were given to the Secretary. Such coordination as is necessary would seem just as readily attainable with a Panel as with the Secretary. It is the prosecutors upon whom this burden will primarily fall and under either approach they will be under the Secretary's control.

In short, the adjudicatory scheme of the Committee bill can be made to work, and due process can be preserved under it, but the independent Panel approach would do the same job faster, preserve due process more easily, and thereby instill much more confidence in the whole program in workers and businessmen alike.

IMMINENT DANGER ORDERS

The other issue upon which the Committee was unable to reach agreement is the procedure for dealing with imminent dangers. The Committee rejected an amendment which would have required the Secretary to obtain a court order to secure prompt relief against an imminent danger. The Committee bill (properly, in my view) permits remedial orders to be issued by the Secretary for 72 hours in the case of an imminent danger. However, the Committee did adopt amendments proposed by Senator Schweiker designed to guard against abuse of discretion in the exercise of this extraordinary power. The amendments provide (a) that such orders are to be issued by the Secretary or his representative only if there is not sufficient time, in light of the nature and imminence of the danger to seek and obtain a court order, (b) that no such order may be issued without the concurrence of an appropriate regional official of the Labor Department, and (c) that the Secretary must provide appropriate procedures to permit employers to obtain expeditious, informal reconsideration of such orders. None of these safeguards is contained in the Daniels bill.

RESOLUTION OF OTHER ISSUES—MINORITY AMENDMENTS

On the numerous other issues involved in this legislation the Committee was able to reach virtually complete agreement. Many of the more difficult problems were resolved, and the bill thereby strengthened, through the adoption of amendments offered by members of the minority. Among the more important of these amendments are the following:

Javits amendments

1. *National Institute of Occupational Health and Safety.*—This amendment would establish a new institute, to be known as the national Institute of Occupational Health and Safety in the Department of Health, Education, and Welfare. The establishment of this institute will elevate the status of occupational health and safety research to place it on an equal footing with the research conducted by HEW into other matters of vital social concern, particularly in the health area. Such an institute will be able to attract the qualified personnel necessary to engage in occupational health and safety research if we are to make any real progress in reducing job-related injury and disease under the Act, and will much more easily attract the substantial increase in funding which will be necessary to achieve the purpose of this act.

Equally important, the research and recommendations of the institute will be of critical importance in continually improving occupational health and safety standards promulgated under this act. The primary source of these standards at this time are the various consensus and proprietary organizations such as the American National Standards Institute and the American Conference of Governmental and Industrial Hygienists. Without in any way denigrating the substantial contributions to occupational health and safety which such organizations have already made, and which they will undoubtedly continue to make, it is apparent that the government must develop a capacity for developing these standards which will operate independently of self interest groups.

2. *National Commission on Workmen's Compensation.*—The Committee bill includes provisions establishing a broadly based fifteen member national commission on State workmen's compensation laws. As this report points out elsewhere, serious questions have been raised concerning the adequacy of existing State workmen's compensation programs. The study and recommendations of this commission will be of invaluable assistance in upgrading these programs and in determining what, if any, further action by the federal government should be taken in this area.

3. *Economic Assistance to Small Business (with Senators Dominick and Saxbe).*—This amendment authorizes loans to small businesses adversely affected by the need to comply with this act. Similar provisions are included in both the Administration and the Daniels bills.

4. *Feasibility of Standards.*—As a result of this amendment the Secretary, in setting standards, is expressly required to consider feasibility of proposed standards. This is an improvement over the Daniels bill, which might be interpreted to require absolute health and safety in all cases, regardless of feasibility, and the Administration bill, which contains no criteria for standards at all.

5. *Modification of General Duty.*—As the result of this amendment the general duty of employers was clarified to require maintenance of a workplace free from "recognized" hazards. This is a significant improvement over the Administration bill, which requires employers to maintain the workplace free from "readily apparent" hazards. That approach would not cover non-obvious hazards discovered in the course of inspection. It is also better than the corresponding provision of the Daniels bill which embraces all hazards. In addition, the provisions of the Committee bill which provide a penalty only for failure to correct a violation of the general duty requirement are better than the provisions of the Administration bill which impose a penalty on an employer for his initial

violation of the duty, as well as his failure to correct it.

6. *Confidentiality of Inspection Reports and Other Material.*—Under this amendment publication of ordinarily confidential matter, such as inspection reports, is left to the discretion of the Secretary, rather than required, as is the case under the Daniels bill.

Dominick amendments

1. *Modification of State plan provisions to exclude employees of political subdivisions not subject to the jurisdiction to the States.*—This amendment removed what might operate as a substantial impediment to the ability of the States to adopt plans meeting federal requirements by limiting the States' responsibility to adopt a safety program for State and local employees only to those employees over which they have jurisdiction and authority in this respect.

2. *Protection of trade secrets.*—This amendment provided protection against disclosure of trade secrets in enforcement proceedings by requiring the Secretary or the court to issue appropriate orders for the protection of the confidentiality of trade secrets.

3. *Reopening of abatement order.*—Under this amendment the language of the bill was modified to make it clear that in the event of factors beyond the employers' control preventing him, in good faith, from complying with an abatement order which has previously become final, he may apply for modification of the order to the Secretary. No such provision is contained in either the Daniels bill or the Administration bill.

Saxbe amendments

1. *Right of employees and their representatives to accompany inspectors.*—As a result of this amendment the provisions of both the Administration and the Daniels bills permitting authorized representatives of employees to accompany inspectors have been clarified and protected from abuse by provisions making such right clearly subject to regulations of the Secretary, defining the purpose of such accompaniment as aid of the inspection, and extending mandatory consultation rights to a reasonable number of employees where there is no "authorized" representative of employees. In the absence of such provisions the Secretary might well find himself required to resolve union organizing issues which have no relationship to this legislation.

2. *Limitation on use of shortened procedures for adoption of proprietary standards.*—Under this amendment the use of somewhat shortened procedures (a hearing would be discretionary) for promulgation of proprietary standards is limited to proprietary standards adopted prior to the date of enactment of this act. This will avoid the possibility of proprietary groups adopting or modifying standards because of the possibility that they can be more easily adopted under this act. The discretionary provisions of the Committee bill concerning the adoption of such standards are much better than those of the Administration bill, which does not provide any shortened procedure for the adoption of such standards, and those in the Daniels bill which require the adoption of virtually all such standards.

3. *Inspections on demand.*—As a result of this amendment the provisions of the bill requiring an inspection to be conducted by the Secretary as soon as possible upon receipt of a notice from employees alleging a violation of standards or imminent danger were modified to require such an inspection as soon as practicable only if the Secretary determines there are reasonable grounds to believe that an alleged violation or danger exists. This will ensure that inspections are not required in response to groundless complaints, and will permit the Secretary to schedule such inspections more flexibly.

4. *Payment by the government of the cost of research and medical examinations.*—These amendments provided for the furnishing of assistance by the federal government to employers for additional expense incurred by them in conducting monitoring and measuring required by the Secretary of Health, Education, and Welfare for research purposes, and for payment by the government of the costs of medical examinations required by standards where such examinations are in the nature of research.

JACOB K. JAVITS.

VIETNAMIZATION IS NOT PEACE

Mr. PELL. Mr. President, for some years I have expressed opposition on the floor of the Senate with regard to our involvement in Southeast Asia. Of late, the concern of men like myself has been more muted because the level of violence has been reduced.

Nevertheless, I continue to believe that any policy to expand the area of the war in Indochina or a definite commitment of a residual force in Indochina is not in accord with our best interests.

In this regard, I read an excellent article by Mr. Maynard Parker, who has been the Newsweek bureau chief in Saigon. I thought that his personal assessment on the prospect of peace in Indochina might be of interest to Senators, so I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek, Nov. 23, 1970]

VIETNAMIZATION IS NOT PEACE

(By Maynard Parker)

Until recently, when he was reassigned to Hong Kong, Maynard Parker was Newsweek's bureau chief in Saigon. After eighteen months of reporting both the political and military aspects of the Vietnamese war, Parker filed this personal assessment on the prospects for peace in Indochina:

Last year, when I stopped in Paris en route to Saigon, the talk was not whether there would be peace, but how soon it would come. Even in Saigon, there was a feeling that peace was a few months away. South Vietnamese politicians gossiped about who might be included in a coalition peace Cabinet, and in the countryside, U.S. advisers discussed which villages would hoist the NLF flag on cease-fire day. But today, no one in Vietnam thinks there will be peace this year or even this decade.

Personally, I am convinced that hundreds—perhaps several thousand—more Americans will die before the U.S. has extricated itself from this war. For in retrospect, it is questionable whether either side went to Paris prepared to negotiate anything but a veiled surrender by the other side. The essential question of the war has always been who will emerge with power in Saigon, and on that question neither side has been willing to make significant concessions. Certainly, the Communists have not. Neither has President Nixon—for fear of placing the Thieu government in an impossible position of military and political inferiority. As President Thieu himself told a group of visitors a few months ago: "I'm too weak to cooperate in an accommodation with the Communists."

Now after a string of military successes, Thieu is telling his countrymen just the opposite—that South Vietnam is too strong to compromise with the other side. Only President Nixon could have broken this impasse by forcing Thieu to make peace. In choosing not to do that in the first days of his term, Mr. Nixon almost by default has opted for a long war and a continued American involvement under his Vietnamization policy. A diplomat whom I know in Saigon is now offering to bet a case of champagne that there will be 50,000 U.S. troops in Vietnam in 1980. I would not bet against him.

For far from staging a great retreat from Vietnam or Asia, I think Mr. Nixon is in Vietnam to stay. Vietnamization will permit substantial American withdrawals, but it is not a withdrawal strategy. The basic American objective of winning the war has remained unchanged. Deputy Ambassador Samuel Berger, holding forth at a Saigon dinner party, once told me: "The American people are not like the French. They aren't losers; they don't want to go out of here defeated and we're not going to." And that kind of thinking prevails among U.S. officials in Vietnam. While paying lip service to the Paris talks, these officials are rosily predicting that the war will simply die out—in a way which will amount to a U.S. victory. The enemy, in this view, will eventually fade away, except for what Deputy Ambassador William Colby, one of the architects of the extraordinarily successful U.S. pacification program, calls "a residual level of violence." What is always left out of these predictions, however, is the fact that such a level will require a million-man South Vietnamese army and thousands of American troops.

American officials in Washington hint that the President will have all U.S. troops out of a combat role by next summer. But U.S. military commanders in Saigon are planning to keep at least two U.S. divisions plus supporting units in enclaves—one in the Saigon-Long Binh area and another in the Da Nang-Hué area—for the indefinite future. Mr. Nixon will no doubt call these men security forces instead of combat troops, but whatever the semantics, they will be employed in a combat role as a reaction force to bail the ARVN out of any possible trouble.

It seems to me that this policy entails enormous risks. It is not just that there will be an undeniable physical danger to the U.S. troops left behind in the enclaves. The Vietnamese Communists are not simply going to fade away—not as long as they are respected in the south as the heirs of Vietnam's nationalistic traditions and not as long as the Chinese continue to supply them. And as the war drags on, it will become more dangerous for the United States in certain respects. Not only do we risk an ever-higher penalty in terms of lost prestige for any eventual defeat, but there is the danger of the war spreading even further. Cambodia has already been drawn into the general conflagration. And further escalation—a thrust across the Laotian panhandle or even limited bombing of North Vietnam—should not be ruled out, particularly if Mr. Nixon wins a second term and feels freer than he does now of the constraints of public opinion.

What then is an alternative solution? The only answer possible at this late date seems to be for the U.S. to announce a deadline for the withdrawal of all U.S. troops. I do not suggest that the U.S. should accept the NLF's timetable or even those put forth by various Congressional critics of the Administration. Rather, the Administration should choose a deadline such as Christmas 1972 or even Christmas 1973—a deadline which would shock the South Vietnamese into the realization that the Americans really are leaving the country.

I do not think it fair to suggest, as Ambassador Bunker has often done, that by pulling out in such a fashion the United States would be welshing on its commitment to the Vietnamese and that Washington's word would no longer be worth anything to its allies. The U.S. commitment to Vietnam was never meant to be open-ended. The United States has stopped the enemy from taking over; it has introduced Viet-

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namization to enable the South Vietnamese to defend themselves; and it has introduced a semi-democratic, constitutional government in the process.

Nor do I agree that setting such a deadline would mean abandoning the South Vietnamese to disaster. The military situation in South Vietnam has now progressed to the point where a military take-over by the Communists is no longer a real possibility—not at least in the next two or three years. If the South Vietnamese, with a million-man army and with one of the world's largest air forces, cannot defend themselves within a year or two years' time, then there is very little reason to think they ever will be ready to stand alone.

DUTIES OF THE VICE PRESIDENT

Mr. MURPHY. Mr. President, recently Vice President AGNEW has been criticized by a few newspaper columnists and some of our colleagues for an alleged failure to perform properly his duties as Presiding Officer of the Senate. This criticism came during the course of the recent political campaign and can be dismissed as a part of that campaign. Nevertheless, I have checked to see whether that criticism was, in any way, warranted.

The duties and responsibilities of the Vice President as Presiding Officer of the Senate are quite clear. In his definitive work entitled "The American Vice Presidency: New Look," Prof. Irving G. Williams enumerates 15 responsibilities which, under the Rules of the Senate, are assigned to the Vice President as Presiding Officer. He also lists two additional prerogatives which are not rules of the Senate but have passed to the Vice President through custom and usage. These are the distribution of introduced measures to the proper committees and the power to make committee appointments and fill vacancies therein if the Senate—or Congress—has not otherwise determined.

It is significant that Professor Williams says of these responsibilities:

> These are all the typical functions and prerogatives of chairmen of assemblies, and for most purposes, it matters little whether the Vice President is in the chair or not, since any competent Senator can (and periodically does) fulfill the presiding officer's duties.

In fact, Professor Williams points out that:

> The Founding Fathers never intended to immobilize the second officer in the chair of the Senate, for they empowered that body to choose "a President pro tempore, in the absence of the Vice President . . ."

I am sure that Senators will agree with Professor Williams' assessment that the Senate can and does and always has been able to function under normal, routine conditions without the presence of the Vice President. Since his function in the Senate is so readily transferable, the question is then raised whether the Vice President is bound, either by the Constitution or historical precedent, to spend the major portion of his time on the affairs of the Senate.

Unfortunately, the Constitution is not entirely clear in regard to the role of the Vice President. While it assigns specific functions in the legislative branch to the Vice President under article I, section 3, nowhere does it specifically assign or forbid him functions in the executive branch.

However, in 1950, Congress, under 64 Statute 419, 3 USC 301–303, specifically empowered the President to delegate to officials of the executive branch functions which had been invested in him by law, if the law did not expressly forbid such delegation. Thus, there is no bar, either from a constitutional or statutory view, against the President transferring duties in the executive branch to the Vice President.

On the remaining question of historical precedents, it should be noted that John Adams, the first Vice President, played perhaps a larger role in the affairs of the Senate than any of his predecessors. This was due in large part to the smaller membership of the Senate and the necessity for often casting the deciding vote. As the Senate increased in membership and rules and procedures were established, the leadership role of the first Vice President declined, and it has not been reasserted by any of his predecessors.

Indeed, since John Adams, the office of the Vice President has been in a state of relative flux. The posture of the Vice President in each succeeding administration has seemed to depend more on the inclinations and abilities of the individual President and Vice President rather than on any formalized rules.

In our century, students of government generally mark the administration of Franklin Roosevelt as the beginning of an activist role for the Vice President in the executive branch which has continued through today. Roosevelt delegated significant powers to his Vice Presidents, particularly in 1941, when Vice President Wallace was given broad authority to develop and coordinate economic defense policy.

In 1949, a further extension of the Vice President's functions in the executive branch was accomplished when Congress, at the request of President Truman, made the Vice President a statutory member of the National Security Council.

This trend toward activism was solidified during the 8 years of the Eisenhower administration when Vice President Nixon was assigned a wide-ranging role in both domestic and foreign affairs. He presided at Cabinet meetings and meetings of the National Security Council in the absence of the President, served as Chairman of the President's Committee on Government Contracts, handled numerous political chores for the President and traveled extensively abroad as a foreign policy spokesman for the administration.

In light of Mr. Nixon's own activist role in the Vice-Presidency, it is hardly surprising that he would encourage his own Vice President to undertake a similar role in this administration.

Mr. President, I would suggest that this trend is in the national interest and should be encouraged by Congress, rather than disparaged. It would be folly for the Senate to attempt to shackle the Vice President to a mechanical function as its Presiding Officer; the more so when there is no constitutional basis for such action and the historical trend is in exactly the opposite direction.

It is somewhat ironic that the delegates to the Constitutional Convention of 1787 were concerned that the Vice President's role as Presiding Officers of the Senate would endanger the separation of powers. After almost two centuries those fears have proved groundless—but they do point out that questions of this sort are not to be taken lightly.

Today, the strains of national leadership are such that the Vice President's experience and expertise can be used to better advantage in the executive branch. It is of critical importance to our Nation that he be fully prepared to assume the burdens of the Presidency at any time. If we are to deliberate on the functions of the Vice President, let the debate center on our national interest—not partisan politics.

Many Senators will not agree with the Vice President's political activities. Under our system of government, they have the privilege and the responsibility to disagree publicly with the Vice President on that basis. However, as I have tried to show today, there is no justification for heavy-handed political attacks on the Vice President based upon a tenuous responsibility to the Senate.

I trust that the Vice President of the United States will always be welcome in this Chamber. He has a legitimate and useful function here. But when he is called by other responsibilities, he should not be the subject of criticism by Senators or by unknowledgeable or unfriendly members of the news media.

MOST VALUABLE PLAYER AWARD BY NATIONAL LEAGUE TO JOHNNY BENCH, CINCINNATI REDS

Mr. BELLMON. Mr. President, baseball's highest honor was awarded yesterday to an outstanding young Oklahoman when the National League's most valuable player award for 1970 was presented to Johnny Bench, of Binger, Okla. The award recognizes the great record the 22-year-old catcher has compiled with the Cincinnati Reds.

His accomplishments during his brief career in professional baseball are no less than spectacular. He was rookie of the year in 1968, the major league's No. 1 catcher in 1969, and this year he led the majors in home runs with 45 and runs batted in with 148 while leading Cincinnati to the National League pennant. Johnny's record was impressive enough to win 22 of the 24 first-place votes in the balloting by the Baseball Writers Association of America.

As an Oklahoman, I share the pride that all citizens of our State feel when a native son is so honored. But the selection of Johnny Bench for this award has an even greater significance for me and for all Americans.

For one thing, this honor is a tribute to youth, because Johnny Bench is the youngest player ever to win a Most Valu-

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able Player Award. In these times when so many adults tend to look down on young people, Johnny Bench has given Americans something to look up to.

In another way, this honor is a tribute to America's smaller communities. Johnny's home town is Binger, Okla., population 719. Located in Caddo County in the heart of Oklahoma's peanut-raising country. Johnny started playing baseball on the sandlots of Binger and the nearby county seat, Anadarko.

Some of you may recall that another of our all-time baseball greats, Mickey Mantle, also grew up in a small town, the community of Commerce in northeastern Oklahoma. Mantle won the Most Valuable Player Award three times.

Two other Oklahomans also have won the MVP, and both were also from small towns. Pittsburgh outfielder Paul Waner of Harrah won in 1927 and New York Giant pitcher Carl Hubbell of Meeker won in 1933.

Rural America has made many great contributions to the continuing development of this Nation. Some of the finest people anywhere live in our smaller cities and towns. We must not allow these communities to disappear from the American scene.

The honor accorded Johnny Bench is well deserved. It is a tribute to the man, to the country, and to the State in which he grew up, and to the great sport of baseball.

INAUGURAL OF SISTER M. ANNE JOHN, O.P., AS PRESIDENT OF CALDWELL COLLEGE

Mrs. SMITH of Maine. Mr. President, it was my privilege to attend the inaugural of Sister M. Anne John, O.P., as president of Caldwell College of New Jersey on September 27, 1970.

She is a very talented and dedicated young woman, and her talents and dedication were made evident in her inaugural address "Liberal Arts and Liberation."

Because her words bear reading and study by young women, I ask unanimous consent that her address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LIBERAL ARTS AND LIBERATION

(Address by Sister M. Anne John, O.P.)

It is with great trepidation that I stand here today sealed to an office that asks the impossible. Can any college president look out at an audience and expect to have answers for all the questions coming through to him on E.S.P. waves? This time last year, I might have stood here expecting to find answers. Today I know better, for I have been a year in the position of seeking and not finding. And yet, I know now, a little more, what it is I am seeking.

This summer a young man asked me, when he heard of today's inauguration, if last year had been a dry run. I laughed at the time, but the more I thought about it, the truer it seemed. But then, too, maybe the Board was trying to find out if I would survive the strain. Actually, I am glad to have a year behind me before I try to explain my thoughts and ideas on higher education and particularly Caldwell College's place in that rare air.

The theme of this address is liberal arts and liberation, chosen because it seems to me that liberation is the whole purpose of education, and education with a liberal arts foundation is the means by which liberation can be achieved.

In this day of agitation for the liberation of women, when I choose to speak on that subject, naturally, you'll want to know if I'm a liberationist. Of course I am! However, I must go on record as objecting strongly to the extreme methods used by certain segments of the female population in advancing their cause. I fear that for every step forward bulldozed through by the extremists, they actually cause the movement to fall back two steps. And yet, I am definitely for women's liberation. This is a women's college: and Caldwell College is dedicated to the liberation of the minds of women. What higher form of liberation can I espouse?

We seek liberation from ignorance, from superstition, liberation from mass-hypnosis, from mass-hysteria, liberation from misconceptions, from stereotyping, liberation from confinement in thought, from pre-digested ideas, liberation from the fear of being different, from the fear of probing the unknown. We seek to afford such freedom through a liberal arts education which, if it is what it proclaims to be, must liberate the mind to think, to probe, to compare, to challenge, and to find reasons in the purity of knowledge which discovers truth through honest seeking.

To seek truth today can be a hazardous quest. It can be so much easier to settle for expediency or relevancy. But today I do not think we can settle for less than the quest for absolute truth. If we settle for the pragmatic answer we have only gone half way and if we permit our students to seek answers for the immediate, how do we prepare them for the future?

Caldwell is a liberal arts college committed and dedicated to the education of women, but it is more than that—Caldwell is a Catholic college and education for us has a dual purpose. We must prepare the student to take her place in the modern city and in the "City of God". Our college was founded to educate young women who wish a liberal education in a women's college and in a Catholic framework. While I am president, I shall do all in my power to see that Caldwell College remains a women's college, a Catholic college, and a college of excellence.

I firmly believe that Caldwell should remain a women's college because higher education owes the student the right to decide what type of college she would attend. If we all go co-ed what choice does the student have? I also firmly believe that a women's college offers the student an atmosphere for study she can find nowhere else, it offers her an opportunity to express herself without concern about what the men in the class might think of her ideas. The only man she has to impress is her professor. A women's college challenges the student to accept leadership. She must formulate her own ideas, she must learn to express an opinion, she must learn to stand up to authority when she has cause to do so, and do it all herself. If such practice does not create women leaders we will never create them.

Caldwell will also remain a Catholic College. The American tradition in higher education is one of church-related colleges. In the early history the purpose was ministerial; in the nineteenth century the purpose was missionary work and proselytizing; in the twentieth century many lost their identities because they had lost their purpose. Caldwell has never been a college for the ministry, the missioner nor for the purpose of seeking converts. Caldwell was and is a college where religion is recognized as an integral part of life and it is studied both in its historical aspects and in its theological aspects with a strengthening of faith through knowledge. One can come to Caldwell and never take a course in Catholicism but one cannot avoid the Catholic atmosphere on the campus.

Caldwell will also continue on its course of excellence. We do not pretend to offer everything here that you will find at other colleges. We do not intend to try to be all things to all men—or should I say women. We do intend to remain an undergraduate college, building on our strengths, strengthening our weaknesses, and offering the best under-graduate programs in our power. We may never be known for our break-through in research, but we shall continue to be known for break-throughs into the minds of young people who are searching. We can not do less in this age of information explosions.

If higher education can hold its students to dealing with information explosions it will, in the 1970's, have brought its students through dangerous times. That the world of higher education is in turmoil, no one denies, that we still will face more of the same we must realize for the signs of the past are still with us.

Why have so many students turned to violence, why have so many learned to mouth cliches, why have so many been led by so few? Is it because we have taught them to follow-the-leader without thinking? Is it because we have not taught them to question and probe for honest answers? Or on the other hand, have we decided that just because they are young, they have all the answers? Can we as educators capitulate and forget that we owe them our knowledge, guidance, and in some instances our authority? If we abrogate our responsibility can we expect our students to honor theirs?

Somewhere, we have failed them! I look at a generation who professes love as a prime motive—and throws rocks; I look at a generation who hates war—but incites riot; at a generation who fears a military machine—but who burns down our hope of a civilian officer corps. I fear this lack of thought, this drive to do before setting sights or logically concluding the end results. But lately I have glimpsed an exorcism of this aberration in the intelligent body of students. And while I don't doubt the extremists will continue their vile acts I seem to sense a regrouping toward sanity and reason among most of our students.

I have great faith and trust in these young people for I look at my own student body and see the potential bottled up, waiting to be released, straining to make tomorrow better than yesterday. They still come to us seeking knowledge, seeking help in the development of minds stretching toward new horizons. Can we object when they tell us what they want; can we object when they seek a change of curriculum to make a course more pertinent to their needs rather than to ours? Can we train them to think and then object because they do?

We must prepare these young people for a technological society and yet what they learn today may be obsolete tomorrow. We must also prepare them for a civilized world and so, we will teach them to take what happened yesterday and build on it for the future. This is the aim of a liberal arts education.

The liberation which such an education provides is the freedom from domination by the past, but the recognition of the past as a foundation for the future. Such an education may teach "How" something is done but it will surely teach "Why" something is done. We are educating our students to take their place in a cultural milieu not just in a technological society. We must educate them to become creative concerned citizens of a world which definitely needs their "know-how" but *desperately* needs to "know-why".

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At Caldwell the "know-why" has always been of primary importance. It is the reason we insist on philosophy and religious studies as requisites, and shall maintain that insistence. It is the reason our professional courses rest on a liberal arts foundation. This is the liberation which we offer the students of Caldwell. Do we graduate liberationists? I certainly hope so. Our aim is to create a free spirit which can lead in the right direction or follow when it has reason to do so.

We are all liberationists, you and I, those of us in higher education, and if we do not espouse the freedom of the mind, we vitiate our power; we pollute the minds of our students to a far greater degree than we have polluted the earth; we wreak havoc on our future because we give our students no hope. Liberation through knowledge—we owe this not to our student but to the world.

LEON JAWORSKI—ABA PRESIDENT-ELECT—ADDRESS TO NEBRASKA BAR ASSOCIATION

Mr. HRUSKA. Mr. President, the Nebraska Bar Association had a rare and exciting privilege at its recent annual meeting in Omaha. I am referring to an address delivered to the group on October 22 by Leon Jaworski, one of the eminent men of laws in our Nation today.

Mr. Jaworski is now most commonly recognized as president-elect of the American Bar Association. His other legal credentials are equally impressive—former special assistant attorney general of Texas, former Special Assistant Attorney General of the United States, member of the President's Commission on Law Enforcement and Administration of Justice, Army Chief of War Crimes trials after World War II, author, and a most knowledgeable practicing attorney.

It was my own pleasure to have the distinction of serving with Mr. Jaworski as a member of the National Commission on the Causes and Prevention of Violence. I may say from that experience that anyone who has the great privilege of working with Mr. Jaworski will not remain long in doubt about the gentleman's legal prowess. The American Bar Association is indeed fortunate to have as its president-elect a member of such ability and experience. There is no question he will lead the organization to impressive progress during his term. In his address, Mr. Jaworski related his observations to the experiences we encountered in the studies in which that Commission engaged. There is no question that his views on law enforcement, like mine, have been singularly shaped by those experiences which we shared.

Among the many cogent and valid points in his talk, he pointed out that my own State of Nebraska is in the vanguard of those States which are tackling headon the problem of corrections, certainly one of the basic and critical aspects of a sound system of law enforcement.

Reminding the bar that "a vital aspect of improving corrections is facilities and services at the local level," Mr. Jaworski commended Nebraska generally and Omaha particularly for the effort now underway to create a regional corrections facility in Omaha. It was good to see that he views the proposed facility as I do—as a model program worthy of emulation throughout the Nation.

His talk also spotlighted the importance of our current consideration of proposed amendments to the 1968 Crime Control and Safe Streets Act, one of the major measures being the new part E which would channel massive amounts of Federal funds to the States to expand and improve their corrections programs.

The legislation states the purpose of this new section as encouraging "States and units of local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices." All too often the States have found they do not have sufficient funds to adequately finance modern correctional programs. As a result, many of the facilities are out of date and inadequate, and the practices are outmoded and not consistent with current theories and penology.

While we have yet to work out the exact funding, I am pleased that the States can look forward to allocations of hundreds of millions of dollars in the next 3 years to bring their corrections up to date.

It is also worth noting that the National Commission on the Reform of Federal Criminal Laws, of which I am a member, is having its final meetings this week and will submit its report by January 1. One of the important things this Commission is attempting to do is to rethink the subject of sentences, probation, and parole with an eye toward tailoring punishment so that it is an effective antirecidivism device as well as a deterrent. It is hoped that this Commission will develop some very constructive thinking on this subject which Congress can consider and enact next year.

Mr. Jaworski's talk clearly stated the challenge which the Nation faces in the area of corrections. It is pleasing to me to note, as he does, that in Nebraska we have made a good beginning.

The importance is not only the beginning, however. It is the follow-through. Mr. Jaworski and I are agreed that this is a responsibility which we all share.

Mr. President, I ask unanimous consent that the text of Mr. Jaworski's address to the National Bar Association be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CHALLENGE AND THE RESPONSE

(Address by Leon Jaworski)

It is a great pleasure to be in attendance with the members of the Nebraska Bar and to bring to you greetings from the American Bar Association, its officers, members and affiliated organizations. It is an especial privilege for me to be with you at this time because it enables me to share with you some thoughts on a problem in the administration of the law which is of special concern to society in these times. Moreover, I particularly embrace the opportunity of speaking to this audience because the State of Nebraska has taken very important strides just recently in facing the challenge. I refer to the matter of criminal corrections in all its aspects, including the administration of sentencing laws and the nature and quality of correctional services. The legal profession is called on today more so than ever before to exert leadership in creating much-needed improvements in the administration of justice and it is not only our high prerogative, it is our responsibility to respond with constructive action.

As you may be aware, I had the privilege and opportunity to serve as a member of the National Commission on Law Enforcement and Administration of Justice, generally known as the President's Crime Commission, appointed by President Johnson in 1965. The Commission, you may recall, made a number of major findings and recommendations concerning the administration of criminal justice, ranging from the problems of prevention of crime and its detection by the police to the matter of sentencing and correction. Not long thereafter, I had the further opportunity of serving on the National Commission on the Causes and Prevention of Violence, which was created in 1968 and was chaired by the Honorable Milton S. Eisenhower, the very distinguished former president of Johns Hopkins University, and the brother of our beloved president, Dwight Eisenhower. The National Violence Commission, undertook to make findings and recommendations concerning the whole variety of violent and incendiary behavior that has so sorely plagued our national community in the last decade or so.

The problems of criminal law administration and the matter of violence each unto themselves are extremely complex and multifaceted. Yet, one important problem was confronted by both Commissions, connecting the administration of criminal justice with the question of violence. This is the matter of the justness and the effectiveness of the policy and practice concerning the sentencing, supervision, punishment and rehabilitation of criminal offenders. I frankly confess that it was not until I had the exposure to this phase of the crime problem in my service on these Commissions, that I began to appreciate its full dimension.

In the administration of criminal justice, correction is in a profound sense the "payoff." As Mr. Chief Justice Burger has recently said in his address to the American Bar Association:

"We should stop thinking of criminal justice as something that begins with an arrest and ends with a final judgment of guilt. We must see it as embracing the entire spectrum, including that crucial period which begins when the litigation is over and the sentence is being carried out. It is here that the success or failure of our society will make itself known."

No matter how effective our procedures for detection of crime and enforcement of the criminal law may be, no matter how fair or efficient our procedure for adjudication of guilt, the criminal law cannot be more effective in the long run than the quality of the correctional procedures which are brought into play, once conviction has been secured. The quality of these procedures not only affects the particular individuals who are convicted of crime, but also those who may be influenced not to commit crime, that is those whom we are trying to deter away from crime and violence. What we must never forget is that every inmate of our prisons is due to mix and mingle again in society, sooner or later, barring a few.

The problem of criminal corrections assumed significance in the deliberations of the National Violence Commission because it became readily clear that so much of the violence with which we are afflicted can be attributed indirectly, if not directly, to failures in our correctional system. The fact is that most crimes of violence are committed by recidivists—people who have previously committed some sort of crime. In many instances, the original crime was also one of violence, so that we encounter not only repetitions of crime, but repetitions of violent crime. As President Nixon noted in a memorandum to the Attorney General almost a year ago:

"Today, at least 40 percent of all offenders released from custody eventually return to prison. The FBI Uniform Crime Reports for 1968 show that 82 percent of a sample of offenders arrested in 1967–68 had been arrested previously. . . . The FBI report also shows that 67 percent of persons charged with burglary, 71 percent charged with auto theft and 60 percent charged with armed robbery, had been arrested at least twice in the preceding seven years. For those under 20 years of age, the repeater rates are even higher."

Violent recidivism represents not merely the occasion for further conviction and sentencing, but also a failure to achieve the correctional result aimed at in the first conviction.

To say this, is not necessarily to criticize the officials charged with the responsibility for managing our correctional systems. On the contrary, perhaps the most informed criticism of our present correctional system comes from these very officials, who know only too well the manifest inadequacies of the resources which they are given. Rather, the criticism is addressed to the community as a whole, and particularly to those of us who assume the special responsibility of the administration of justice. The criticism is offered in the constructive hope that we will focus more attention and more effort on this vital aspect of the administration of justice.

It has been my privilege to be part of such an effort at the national level through the ABA Special Committee on Crime Prevention and Control, the chairmanship of which I relinquished to the eminent lawyer, Edward Bennett Williams, when I assumed my present office. One of the by-products of the work of ABA in the field of crime prevention and control has been the creation of a Special Commission of the American Bar Association on Correctional Facilities and Services, proposed by the very distinguished immediate past president of the American Bar Association, Mr. Bernard G. Segal. When the ABA Board of Governors implemented the proposal by resolution, it stated that the purposes of the four-year Commission "are to inventory correctional services and studies as they currently exist, and, on the basis thereof, to recommend and implement specific measures of improvement, including the further development of correctional measures alternative to incarceration in correctional institutions. The work of the Commission shall be undertaken in cooperation with state and local bar associations, organizations in the correctional field, and other interested groups. Such associations and others are encouraged to create committees or other components to collaborate and cooperate with the Commission."

I am especially pleased to acknowledge on this occasion the action of the ABA Board of Governors, only a few days ago, in the selection of Robert J. Kutak of your bar as the Vice-Chairman of this distinguished Committee.

The overall plan of the Commission calls, inter alia, for sponsorship jointly with the Law Enforcement Assistance Administration and the University of Nebraska College of Law, of a National Conference on Correctional Law Reform. It will involve leaders in the program for correctional reform from each of the states.

The creation of the ABA's Special Committee on Crime Prevention and Control and its Special Commission on Correctional Facilities and Services are a recognition by the ABA of the special responsibility and opportunity of the bar in regard to this vital matter. We have a special responsibility because, as Chief Justice Burger has stated, the American Bar Association "accepts the concept that criminal justice embraces the correctional process." We have a special opportunity because only the legal profession has a communications network and a set of working relationships that extend from the nation's capital to every city and town across the country. The legal profession at the national level is making a major effort to devote that network and those working relationships to the cause of strengthening the correctional system in every state and community.

In this effort, the American Bar Association will be helped and inspired by the example of Nebraska. You are well aware of the important work of the Nebraska legislature in enacting a revised corrections code, the Treatment and Corrections Act of 1969. That code creates for this state the legal framework of a system of corrections that can be effective from the point of view of society and fair and constructive from the point of view of the sentenced offender. As many of you doubtless know, the Nebraska act is based in significant part on the Model Penal Code, itself a drafting achievement in which the bar played a significant role.

I am advised that further effort is going forward in this state to strengthen its correctional system and to give other states the benefit of its experience. There is pending a proposal before the Law Enforcement Assistance Administration under which the Nebraska experience, in revising its corrections law, can be made available to other states in the form of an explanatory handbook. If the experience of Nebraska in revising its correction code can be translated into a "how-to-do-it book," it will greatly help in the national effort to which I have referred. I commend this project to your attention and trust that many of you will lend your efforts to bringing it into fruition.

There are other immediate steps with which the bar of this state might concern itself. It is most important that we improve not only corrections law, but also corrections facilities and services. The best law in the world will not work without the means to do so. A vital aspect of improving corrections is facilities and services at the local level. As the Crime Commission warned over three years ago:

"Lack of community treatment facilities for misdemeanants and juveniles means the neglect of one of the most important lines of defense against serious crimes, since many persons with juvenile or misdemeanant records graduate to graver offenses. Lack of probation facilities also may mean that many minor and first-time offenders who would be more suitably and economically dealt with in the community, are instead institutionalized. And lack of supervision, particularly through parole, means that the community is being exposed to unnecessary risks and that offenders are going without assistance in reestablishing themselves in jobs and schools."

Many of you are acquainted with an effort now going forward to create a regional corrections facility and service centered in Omaha. It holds the potential of becoming a model program for emulation throughout the nation. Coordination of local correctional services and facilities begins with the recognition that in virtually all localities throughout the country there is a bewildering proliferation of agencies and authorities concerned with the administration of correctional services. Every city of significant size has its own separate jail and jail services, in many instances duplicating or overlapping those provided at the county level in the very same locality. Generally speaking, local jails are inadequate in physical facilities, and are almost invariably lacking in adequately trained personnel and adequately developed educational and vocational training programs. Similarly, there are divisions and sometimes conflicts of responsibility as between state government and local government concerning the diagnosis, classification and treatment of offenders. These divisions of authority and responsibility are reflected in multitudinous agencies that exist in the areas of probation, diagnosis, detention, work release and parole, even though the techniques used in these services are often comparable, even though the facilities which are needed in which to conduct them are substantially the same, and even though the individuals being processed—that is the offenders—are the same individuals.

It would be premature and presumptuous on my part to comment on the specific proposals being developed to meet this problem in this state. Whatever the merits of these proposed programs, it is clear that the practical administration of corrections, particularly at the local level, should be a matter of the most serious concern to every member of the bar. To recall once again what every experienced lawyer knows, it does very little good to create a system on paper that is not backed up with the necessary resources to make it a reality. Furthermore, it does very little good to provide facilities and services at one or the other governmental levels unless they can be coordinated with facilities and services at other levels as well. It is to be hoped that the experiment in the coordination of correctional services now going forward in the Omaha area can be successful. More specifically it is to be hoped that the members of the Nebraska Bar might lead the development of similar regional arrangements in the central and western parts of this state. If the state of Nebraska, through the leadership of its bar, could produce a workable plan for regionally coordinated administration of correctional services and facilities, it will have made a great contribution not only to the administration of justice, but also to the cause of federalism, through the preservation of state and local responsibility in this important area of the law.

Perhaps one final thought ought to inspire all of those who concern themselves with the law of corrections. The population involved in corrections—convicted offenders—is a very unattractive and unpopular sector of the community. Their conduct has been morally repugnant, legally offensive, and socially destructive. Yet, convicted criminal offenders cannot be wished into being made better individuals. They must be dealt with authoritatively and effectively. Hence, the legal profession, as the exponent of law, has no choice but to concern itself with corrections. In doing so, it is also our duty to make correctional services procedurally fair and functionally effective. Above all, the bar should help make the correction process subservient to the rule of law, seeking by example to reeducate those who have proven themselves to be in need of that kind of education and example. Proud of what you have already done, I commend this most important problem to your continued attention and professional concern.

The challenge I have shared with you today is one that every bar association duly mindful of its responsibilities must face. You have responded with a good beginning and we will follow with great interest the steps that come next.

WHERE DO AMERICANS REALLY STAND?

Mr. GOLDWATER. Mr. President, a recent issue of the Armed Forces Journal raised the provocative question of "Where do Americans really stand on alternatives for Southeast Asia?" The article was written by Mr. Benjamin F. Schemmer and states that the White

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House and others may be in for a sizable jolt if a forthcoming poll of 1 million college students bears out the findings of two young Vietnam veterans regarding America's rockbottom convictions about alternatives in Southeast Asia.

Mr. Schemmer's article reports on the efforts of the two veterans as follows:

> For eight months the two veterans have been taking their own grass roots survey, working mostly with their own funds and without backing from any group or individual. Responses so far to the newspaper and TV/Radio polls which they have stimulated show that 70% to 80% of the American people want to win in Vietnam.
>
> Moreover, their polls show surprising public support for a two-day precision bombing raid against Haiphong Harbor and the Paul Doumer bridge in North Vietnam to choke off the flow of NVA/VietCong supplies into South Vietnam, Cambodia, Thailand, and Laos, and to force the release of American POWs.

Mr. Schemmer makes a point of showing that the poll taken by the Vietnam veterans contradicts almost directly the findings of Playboy magazine, which published a college poll in September claiming that 36 percent of the young people surveyed want the United States to pull out of Vietnam immediately, while 29 percent wanted to speed up our troop withdrawals.

Because of the important bearing such indicators might have on the deliberations of this Congress, I ask unanimous consent that Mr. Schemmer's article, published in the Armed Forces Journal of October 5, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Armed Forces Journal,
Oct. 5, 1970]

WHERE DO AMERICANS REALLY STAND ON ALTERNATIVES FOR SOUTHEAST ASIA?

(By Benjamin F. Schemmer)

The White House and Playboy magazine may be in for a jolt, if a forthcoming poll of 1-million college students bears out the findings of two young Vietnam veterans on America's real convictions about alternatives in Southeast Asia.

For eight months, the two veterans have been taking their own grass-roots survey, working mostly on their own funds and without backing from any group or individual. Responses so far to newspaper and TV/radio polls which they have stimulated show that 70–80% of the American people want to win in Vietnam.

Moreover, their polls show surprising public support for a two-day precision bombing raid against Haiphong Harbor and the Paul Doumer bridge in North Vietnam to choke off the flow of NVA/Viet Cong supplies into South Vietnam, Cambodia, Thailand, and Laos, and to force the release of American POWs. The bombing raids would be preceded by leaflet drops to let the North Vietnamese evacuate civilians and allow Allied ships to leave Haiphong Harbor, and would use conventional Paveway and Hobo glide bombs, said to be accurate within about 10 feet.

The veterans, retired Army Maj. Jim Cawdrey and former USMC Cpl. Dan Johnson, believe the Administration has grossly misjudged student feelings about Vietnam, and are about to poll 1-million college youngsters with the help of a nationally recognized marketing company.

If results of the college poll bear out the expectations of Cawdrey and Johnson, the White House will find that of three Southeast alternatives spelled out in the forthcoming poll—Immediate Withdrawal, Vietnamization, and "Peace Through Victory" (involving the B–52 attacks against Haiphong)—American youngsters really want to see the U.S. try for victory. That's what Cawdrey and Johnson have found in the sampling they've taken to date.

If they are right, Playboy magazine will be as surprised as the White House. In its annual college poll, published in the September issue, Playboy claimed that 36% of 7,300 youngsters surveyed wanted to see the country "pull out now," while 29% wanted to "speed up withdrawal." Only 9% thought the U.S. should "fight for total victory, no matter what." Playboy told the Journal the poll was conducted last spring by its editorial staff, not by an independent polling group.

The White House, however, apparently thinks *Playboy's* barometer is pretty accurate. Some weeks ago, for instance, Dr. Henry Kissinger was asked by a reporter about the feasibility of drying up the North Vietnamese supply system and forcing a victory within 60 days through the very kind of bombing program which Cawdrey and Johnson have proposed. Kissinger reportedly said the plan was feasible. However, he then told the reporter, "But you got to handle the students." By various press reports, Kissinger was caught totally by surprise and is still shaken up over the college campus disorders which followed the President's decision in May to invade Cambodia.

A $64 QUESTION

The real question at issue, therefore, is how accurately the Administration has judged Americans' true feelings about alternatives in Southeast Asia, since its perception of public opinion weighs so heavily in deciding future courses of action.

Cawdrey and Johnson have some impressive statistics to suggest that public opinion may not be what the Administration believes it to be. On a recent tour of seven western states, the two appeared on 47 radio and 24 TV stations and were written up in 12 major newspaper articles, totaling over 5,000 words. Polls taken by radio "talk" shows—where listeners called to express their views on the three alternatives of Immediate Withdrawal, Vietnamization, or Peace Through Victory—typically came out in favor of victory. Station KGMC in Denver found 87% of its listeners wanted to win; KSXX and KSL in Salt Lake City found 73 and 80%, respectively, in favor of the Peace Through Victory alternative; in Seattle, KTW found 75% of its listeners for victory; and in Idaho Falls, 80% of KTEE's listeners opted for a win.

Cawdrey and Johnson say they find similar results wherever they appear. Last March, for instance, they appeared on WINQ in Tampa, Florida. After their visit, a station official wrote them to say:

". . . another of our illustrious talkmasters took a running poll last week regarding solutions to the Vietnam problem. We received nearly 200 phone calls during that program. Each caller was permitted to place one vote for one of five possible solutions, which were categorized as follows: (1) Immediate withdrawal; (2) Withdrawal within 18 months; (3) Gradual withdrawal as with Vietnamization; (4) Keep fighting; or Vietnamization; (4) Keep fighting; or (5) Bombing Hai Phong harbor.

"We were somewhat surprised to learn that over 85% of our callers voted for the fifth solution."

Even *New Republic* magazine, which has been editorializing for voter support this fall of "peace" candidates running for Congress, ran a recent article which also suggests that the Cawdrey-Johnson estimate of real college student sentiment about Vietnam may be closer to the truth than *Playboy's* and the Administration's.

New Republic's 26 September issue quotes a May Gallup poll in which Americans were asked, "Do you think the U.S. made a mistake sending troops to fight in Vietnam?" Fifty-six percent of those polled said "Yes." But the most hawkish of four age groups surveyed was the group *under 30*. Young people were almost evenly divided: 49% said, "Yes, it was a mistake," while 48% thought not. Put another way, the poll showed that whereas people over 50 think our action in Vietnam was a mistake—by more than a two-to-one majority—*young* voters think so by barely one percentage point.

Last December, DBS took what it called a "random sampling" of 1,154 Americans over age 21, and found that only one in four favored immediate withdrawal from Vietnam. Three-fourths identified themselves as the "silent majority" to which President Nixon had referred in a 3 November speech. Asked by the network if they would favor an "all-out attack" if it would end the war at once, seven out of 10 people polled by CBS said they would advocate such an attack.

NO DOD POLL

A senior Department of Defense official told The JOURNAL DoD has not conducted any poll of its own on public opinion about Southeast Asia alternatives, and said he could not single out one poll over another as being more representative of likely American views on Vietnam policy. However, he cautioned that none of the polls discussed above could be considered "very scientific."

The DoD spokesman included in that remark a recent poll by the American Security Council, generally considered to be a fairly hawkish and "more defense whatever the cost" group. Nevertheless, the poll's statistics are impressive—especially in the absence of others from DoD.

From 1 July to 31 August of this year, the American Security Council ran ads in 203 newspapers covering 44 states, asking readers if they agreed, disagreed, or were undecided on 10 separate "national security issues." In all, 27,197 readers responded. On the statement, "The United States should have a national objective of victory in Vietnam," more than 78% of those who responded to the poll agreed. Fourteen percent disagreed, and 8% were undecided.

As the *Playboy, New Republic* Cawdrey/Johnson, and American Security Council contrasts suggest, there is ample reason for the Administration to be confused and uncertain over where America really stands on the Vietnam war. White House officials reportedly have their own, more scientific polls of public opinion on Southeast Asia alternatives, but when asked for details about them would not provide any.

As "unscientific" as their poll may be, veterans Cawdrey and Johnson are two very impressive young men. They are not "right wing nuts" trying to obliterate North Vietnam. Their sincerity is disarming, and their quiet, articulate bearing commands respect.

Dan Johnson is a former Marine, wounded once in Vietnam. He last served there with the Fifth Marines. Jim Cawdrey was a senior district advisor and provincial psychological warfare advisor in Vietnam from mid-1965 to mid-1966. (He was retired after being shot in a freak accident at Schofield Barracks after his Vietnam tour.) Commissioned out of Infantry OCS in 1961, he speaks, reads, and writes Vietnamese and did graduate work in Asian studies at the University of Hawaii.

Both believe that a quick military victory in Vietnam is possible, and that bombing Haiphong Harbor and the Paul Doumer bridge (through which 97% of North Vietnam's supplies are transported) is the key. They feel strongly that such an attack—coupled with the threat of follow-up raids against North Vietnamese power stations and dikes in the North—is the only way to persuade North Vietnam to release over 1,500 Americans held as prisoners of war or listed as missing in action.

They point out that bombing didn't work before because key targets were not hit, and because accurate laser-guided weapons such as Paveway were not available. POW wives with whom they've talked reportedly favor their approach and point out that the lives of American POWs were not jeopardized by earlier bombing raids against North Vietnam.

The two veterans started their grassroots effect after Johnson early last year attended a dinner speech by Senator Barry Goldwater (R-Ariz), calling for a victory drive in Vietnam. Johnson says the audience's enthusiastic response—and comments like "That's the way I've always felt, but what can one man do?"—caused him to wonder if public opinion on the war was really understood. Cawdrey heard about Johnson's grass-roots effort, and decided to join him. Until recent months, when they've received about $6,000 in private small donations to expand their polling effort, both have been touring the country paying all expenses from their retirement and savings. They now have over 300 local committees in all 50 states, organized under the name National Committee for Lasting Peace, helping in the effort. They work out of San Diego (P.O. Box 4588, zip 92104, phone 714-234-2004).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 18515, and that the unfinished business, House Joint Resolution 264, continue to be laid aside temporarily until H.R. 18515, as well as the agricultural conference report are disposed of.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I do not expect to object, does the distinguished assistant majority leader have any idea when the conference report on the farm bill might be called up?

Mr. KENNEDY. It is the intention of the leadership to get to that matter sometime early this afternoon or in the middle of the afternoon. It is a privileged matter. The leadership announced in the early part of the week that it intended to call up the matter on Thursday, probably in the middle of the afternoon.

Mr. GRIFFIN. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read the bill by title as follows:

> A bill (H.R. 18515) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. McINTYRE). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I call up an amendment on behalf of myself, the Senator from North Dakota (Mr. YOUNG), and the Senator from Texas (Mr. YARBOROUGH), which I have sent to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 15, line 13, delete the period and insert a colon and add the following: "Provided further, That of the amount appropriated $7,500,000 shall be available for research, training and demonstration projects in the field of kidney disease."

Mr. JAVITS. Mr. President, the National Kidney Disease Act of 1969 was introduced in the Senate with the cosponsorship of the distinguished Chairman of the Committee on Commerce, who is also the Chairman of the Subcommittee on Labor and HEW handling the bill on the floor, and 38 other Senators from both parties, seeking to launch a national comprehensive cooperative medical program for the treatment, control, and prevention of kidney disease

This bill was enacted into law as Public Law 91-515. This public law deals with a very serious problem relating to kidney disease, which has affected nearly 8 million people in the United States, approximately 60,000 of whom die each year if life sustaining treatment is not made available to them.

Incidentally, kidney disease is the fourth largest cause of deaths in the United States and a chronic disease that tends to strike in the middle and most productive years of life. The inclusion of kidney disease in the regional medical program means that emphasis has been placed on the development of cooperative arrangements among the providers of health care to improve the quality and availability of care for this specific disease.

It is very interesting to note that this disease is one that lends itself to the most advanced techniques, that 3,000 kidney transplants already have been made in the United States, and that the rejection rate in this field is being remarkably reduced. It is one of the most extraordinary uses of the transplant. The cost of transplantation has decreased by approximately two-thirds in the intervening few years.

Under these circumstances, Mr. President, and in view of its incidence in the regional medical program and the advanced character which it holds in the field of dealing with major diseases which are killers in the United States, we thought it was desirable—and hope very much that the manager of the bill will agree—that a given sum, which we believe to be somewhat even less than is actually contemplated in the general appropriation which is set forth here, may be earmarked, so that those who are interested—and the national organizations here have done an extraordinary fine job—may have some basic assurance as to the amount of the aggregate for regional medical programs which is required by the legislation to be utilized for this purpose.

I should like to point out that the committee has made another proviso with respect to research and demonstration on early care for suspected coronary patients, thus indicating that its mind is oriented to the desirability of earmarking in some highly desirable cases. Inasmuch as this is a new program, in which many of us have joined, I hope very much that the committee may find it desirable in the same way for the amount that I have named.

No increase in the appropriation is sought or required. It is simply a question of making clear that we hope and expect that a given amount of it will be used for this highly desirable purpose.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MAGNUSON. The Senator from New Hampshire and I were very conscious of this program, and for the first time, some money was earmarked in the so-called operational grants. We added $4 million, which will make a total of $8 million, specifically identified—as the Senator from New York has pointed out so well—for the kidney disease problem.

There was no money in the budget for kidney disease RMP grants. We felt the more we could orient the money for this sort of thing, the more successful it will be. No one is more interested in this whole program than I am, because the kidney machine was perfected by a friend of mine, in my State, and from the University of Washington. We have a private kidney machine center there. The problem there, of course, is that the cost to the individual patient is so high for kidney dialysis treatments. We would have liked to put more money into the bill, but we found we would accomplish more by research and demonstration and increasing special kidney disease manpower training under the medical part of the bill. Even though the personnel cost is so high, we cannot find enough trained personnel who know how to operate dialysis treatment machinery, or help train those patients and their families to use the portable home treatment machines.

In the meantime, as the Senator mentioned, renal transplantation has become an exciting thing in the medical profession. They are going to work. The rejections are getting lower and lower all the time. Yet we have much to learn through research grants and demonstrations. I think the Senator's amendment is well directed. The only thing that bothers me a little bit is, where does the Senator get the figure, or how does he arrive at the $7.5 million within the $8 million?

Mr. JAVITS. From the agency.

Mr. MAGNUSON. From the agency itself? Because we had some difficulty dividing this——

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Mr. JAVITS. I do not mean a Government agency. I mean the voluntary kidney group.

Mr. MAGNUSON. Yes, that is right. How would that affect the operational grants? $7.5 million would be total for operational grants?

Mr. JAVITS. It is not necessarily a roof, it is really a guaranteed floor.

Mr. MAGNUSON. Yes, because we have another $4 million within the program that will be used for kidney disease. It is all for kidney disease, artificial kidney and renal transplantation, and connected but might be a little different thing. I have no objection to earmarking, but I am wondering whether the Senator would not amend his amendment to make it $7 million so that we would have at least $1 million for the disease control program, which is informational, and preventive, so that we would have some money for that, and some leeway.

Mr. JAVITS. Mr. President, the Senator from Washington is just as much interested in this as I am. If he says that is the way he would like to see it, I modify my amendment accordingly, to provide for earmarking $7 million instead of $7.5 million.

The PRESIDING OFFICER (Mr. McINTYRE). The amendment is so modified.

Mr. COTTON. Mr. President, the Senator from Washington and the Senator from New Hampshire concurred in this amendment and it is my understanding that we are both willing to accept it in its present form.

Mr. MAGNUSON. I am glad to accept the amendment and to take it to conference, but may I say this to the Senator from New York, that the Senator from New Hampshire and I would like to have done more, because this is an exciting program under the regional medical program. The pilot operations are very interesting and if they are successful we shall urge a great deal more emphasis on them in the next session.

Mr. JAVITS. I thank my colleague from Washington very much. I repeat, the Senator from Washington and the Senator from New Hampshire are just as interested in this issue as I am. I know that all in the medical field will be very much pleased to follow their lead.

Mr. YARBOROUGH. Mr. President, I am today joining with Senators JAVITS and YOUNG of North Dakota in supporting the amendment to H.R. 18515, the appropriation for Health, Education, and Welfare and related agencies, which would provide for $7,000,000 in earmarked funds in the regional medical program for a "start-up" program for the field of kidney disease.

I was the sponsor of the bill which passed this year, now Public Law 91–515, to extend the regional medical program. One of the major new provisions of Public Law 91–515 is the addition of kidney disease to the regional medical program and the providing of $15,000,000 in specific authorized funds to assist in a balanced overall attack on kidney disease. The amendment offered today provides $7,500,000 for this purpose. The amount is roughly prorated as to the number of months remaining in the fiscal year.

I call to the attention of my colleagues that:

Kidney disease is the fourth leading cause of death among our citizens under 25 years of age;

Over 26,000 Americans need the artificial kidney machine and/or a transplantation to maintain life, yet only one in nine are receiving this treatment today;

Kidney disease is the leading cause of absenteeism from work among American women.

The sad fact of these statistics is that something can be done if a reasonable level of support is offered for a kidney disease program in the regional medical network. Further, I am impressed with the dramatic advances that have been made in the kidney research field and are now ready to be delivered to the American people. The preservation of cadaver kidneys is now possible up to 50 hours. The techniques of tissue typing have been greatly refined. The costs of the artificial kidney treatment and transplantation have been greatly reduced. The rejection rate in cadaver kidney transplants is being reduced each year. All of these advances lead me to predict that the medical community concerned with kidney disease is on the threshold of delivering service to the great bulk of people who suffer from chronic and end-stage renal disease.

Mr. President, I ask the Senate to adopt the amendment which does not add new funds to this appropriation bill, but only earmarks funds to establish a kidney disease program in the regional medical program.

For those of us in the Congress who have supported health research and development over the years, it is gratifying to see a major disease category make great advances in the field of delivery. I think we can do no less than support the effort of these dedicated people who have made the research breakthrough and now want to see the American people the chief beneficiaries.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from New York.

The amendment, as modified, was agreed to.

The text of the amendment, as modified, is as follows:

On page 15, line 13, delete the period and insert a colon and add the following: *Provided further*, That of the amount appropriated $7,000,000 shall be available for research, training and demonstration projects in the field of kidney disease."

AMENDMENT NO. 1068

Mr. JAVITS. Mr. President, I call up my amendment No. 1068 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 42, line 1, strike out "$894,400,000" and insert in lieu thereof $2,245,500,000", and insert after *"Provided,"* the following: "That of such amount $802,000,000 shall be for work and training programs under parts A, B, and E of title I of such Act pursuant to delegation arrangements under section 602(d) of such Act and $398,000,000 shall be for the Project Headstart program under section 222(a)(1) of such Act pursuant to delegation arrangements under section 602(d) of such Act: *Provided further*,".

On page 2, strike out all beginning with the word "and" the first place it appears on line 11 through the word "of" on line 13 and strike out all beginning with the word "appropriated" on line 14 through the word "shall" on line 15 and insert in lieu thereof the word "to".

Strike out all beginning with the colon on line 23 of page 2 through the last word on line 10 of page 3.

On page 25, strike out lines 16 through 20.

On page 33, strike out lines 14 through 17, and insert in lieu thereof the following: "Conference on Children and Youth $7,417,000."

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the Senator from Montana (Mr. METCALF) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, this is a very comprehensive and important amendment. It will take some time to debate it. I think that Senators should be advised that it is being considered.

It is submitted on behalf of myself, and Senators BAYH, BROOKE, CHURCH, CRANSTON, GOODELL, HARRIS, HART, KENNEDY, McGOVERN, MONDALE, MUSKIE, NELSON, PELL, YARBOROUGH.

The point of the amendment is that it seeks to increase appropriations for the poverty program up to the basic amount which is authorized, and seeks also to deal with the question of appropriations to the Office of Economic Opportunity rather than to break down, as yet, this appropriation to the Departments of Labor and Health, Education, and Welfare. The latter is a technical question which the committee has dealt with in its report and which we have dealt with in the amendment.

Mr. President, I should like to explain that the full basic authorized amount is $2,295,500, but $50 million has been appropriated in respect of the desegregation of schools and, therefore, that the $2,245,500 is the basic authorized amount. Our amendment seeks to increase the amount provided by the committee by $181,600,000.

May I say that I happen to be very, very close to both Senators who are in charge of this measure on the floor in a personal sense. I do not in any way raise the remotest question that they have not done all they could in the Appropriations Committee, that their hearts are not in this as much as mine, or any other Member. Nothing would have pleased them more than if they could have provided the full basic amount. I have been a member of the Appropriations Committee and I wish to be the first one to testify to this because I know it from personal knowledge. It is making and adjusting the priorities within the bill, within the whole national budgetary establishment. This is not an inappreciable sum of money that is involved. So let me make it crystal clear to all those interested in increasing this amount—and a great many people in the country obviously are—that I consider the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON) have rendered magnificent service to that very cause in the way in which they have brought the committee along as far as it has gone. No one knows that better than I how tough that is. The responsibility must now be shared by all of us in the Senate without in any way engaging in an adversary proceeding as between the managers of the bill and ourselves.

In that spirit, Mr. President, I should now like to suggest the absence of a quorum in order to advise Senators that this very important matter is about to be debated.

Mr. President, I suggest the absence of a quorum.

Mr. MAGNUSON. Before the Senator does that, let me say that this is a very complicated matter. I want to ask the Senator from New York, as we have the figures now, this amendment would add $181,600,000 to the bill; is that correct?

Mr. JAVITS. That is correct.

Mr. MAGNUSON. All of it?

Mr. JAVITS. That is correct.

Mr. MAGNUSON. I am particularly interested in one part of the amendment in which the Senator suggests that of the $181 million, $59 million is for Headstart.

Mr. JAVITS. That is correct, bringing it up to the full earmarked authorization of $319 million.

Mr. MAGNUSON. We already added $17.7 million to Headstart, is that right?

Mr. JAVITS. That is right.

Mr. MAGNUSON. I understand that even with the $17.7 million we added over the last year's budget, Headstart would still be $11 million or $12 million short this year, or will be; is that correct?

Mr. JAVITS. Yes. That is the administration's figure.

Mr. MAGNUSON. That is the administration's figure, yes, not ours. So that for Headstart we are talking about $59 million that the Senator suggests in his amendment, and at least $11 or $12 million is needed just to keep the Headstart program going at the same level of activity as last year.

Mr. JAVITS. Right.

Mr. MAGNUSON. Mr. President, that is as against the $17.7 million we already put in, which would bring the total to $13 million more than 1970

Mr. JAVITS. The Senator is correct.

Mr. MAGNUSON. But there is $11 million or $12 million that may be needed. So, if we add that, that would be $29 or $30 million instead of $59 million. Is that a reasonable round figure?

Mr. JAVITS. The Senator is correct. Again, I speak in no sense in an adversary way. May I ask the chairman whether he would like to see this amendment voted on as a unit. If so, it is entirely agreeable to us.

Mr. MAGNUSON. Mr. President, this amendment includes $7,417,000 for the conference on children and youth.

Mr. JAVITS. The Senator is correct.

Mr. MAGNUSON. That is not a new item?

Mr. JAVITS. It is an item that is in the bill, as I understand it. Let us unravel that in a moment.

Mr. MAGNUSON. That is not added.

Mr. JAVITS. No, that is not added.

Mr. MAGNUSON. That is an item that is in the bill. But the Senator drew the language specifically to that?

Mr. JAVITS. The Senator is correct.

Mr. MAGNUSON. Then the Senator has some further additions with respect to the so-called manpower training program.

Mr. JAVITS. This brings manpower training up to the administration's figure. They are effective, as I understand it, only in continuing the practice by which OEO delegates it to the Department of Labor.

Mr. MAGNUSON. The broad policy question involved is a serious one that the Senator and our committee gave serious consideration to. I think that this is an unwholesome practice, to appropriate money to one agency which then turns it over to another agency to administer.

We thought it was about time that the agency that was going to administer the program come down and ask for their own funds. We would then appropriate the money to them directly.

I do not have the figures, but I would suggest that we might lose $20 to $30 million by this switch and the inefficiency inherent in this procedure.

Mr. JAVITS. Mr. President, that is an appropriate element of debate. We do not lose any money. On the contrary, we gain in a continuation of the programs. That is why we did it this way. I am on the committee that authorized it. I am the ranking Republican member.

We believe there is a period of transition in which the OEO will have primary responsibility. That is highly desirable. It is not only a question of money. It does not change the money, but it does change the way in which the antipoverty program is run.

The Senator may recall that we had considerable debate on that in the consideration of the authorizing legislation. Incidentally, the authorizing legislation runs out next year. We decided that a transition period was required.

I will make a case, and I hope very much that it will have the sympathetic consideration of the Committee. We should not change the track upon which this thing is run until we change the authorizing legislation or recast it. The authorizing legislation allowed a few years of transition. This could be the final year.

Mr. MAGNUSON. Mr. President, the Senator from New Hampshire and I on yesterday made it perfectly clear in our opening statements that we have no intention of changing the authorization for the OEO or the other agencies, or the actual operation of these programs as they relate to the worthy recipients. But when the Senator refers to changing the track, he is right. We should put it on a main line and get it out of the switchyard.

We did appropriate money for the OEO and for the Headstart programs. However, it is pretty confusing to appropriate money to one agency and find it turned over to another agency for administration. That was not the fault of the authorizing legislation. This was a matter of policy by which the administration wanted to abolish the children's bureau and put it in this other office, and turn the money over to them.

The same thing has happened in the job training program.

We appropriate money to the OEO and then the Department of Labor administers the program. We think this is bad practice. There should be a transition period, yes. However, last year they promised us they were going to bring up the appropriation request in the departments that were going to administer the programs. They did not do it. That is why we did this.

Mr. JAVITS. Mr. President, it is a very suitable subject for debate.

Mr. MAGNUSON. But they piously said they would do it next year. The Senator from New York knows how often that happens.

Mr. JAVITS. I do, indeed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I understand that there are five separate issues, according to the Parliamentarian's analysis, which are contained in the amendment, as follows:

The first issue occurs in the text of the amendment, amendment No. 1068, on page 1, line 1, up to and including page 2, line 4.

The second issue occurs at page 2, lines 5 to 9, inclusive.

The third issue occurs on page 2, lines 10 and 11.

The fourth issue is on page 2, line 12.

And the fifth issue is at page 2, lines 13 to 15.

Mr. President, I originally suggested that I would make a unanimous-consent request to consider them en bloc. I understand exception is taken to that. Therefore, I withhold that request. I assume the manager of the bill will, in due course, decide exactly how he wants to deal with them separately, but I flag the separations for the convenience of the Senate.

Mr. MAGNUSON. Mr. President, I appreciate that. The Senator can bring them up in any order he wishes.

Mr. JAVITS. I would hope we could have a vote on the first item in due course, which is on page 1, line 1, to page 2, line 4, inclusive.

Mr. COTTON. Mr. President, I assume it is necessary that a Senator demand a

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division, and I do demand a division of the amendment into exactly those five items that have been very clearly outlined by the very distinguished Senator from New York.

The PRESIDING OFFICER. The amendment will be so divided.

Mr. JAVITS. Mr. President, I yield to the majority leader

Mr. MANSFIELD. Mr. President, for the information of the Senate, I would like to point out that at approximately 1 o'clock the conference report on the farm bill will be taken up and become the pending order of business at that time.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Could we have a little idea of time, so Senators can guide themselves?

Mr. MANSFIELD. No. We will have to see how it goes.

Mr. JAVITS. There is no way of knowing? In other words, this bill will be set aside?

Mr. MANSFIELD. Yes, because the conference report is a privileged matter.

Mr. JAVITS. And the majority leader has no idea as to how long it will take?

Mr. MANSFIELD. No, but if I get an indication I will let the Senator know.

Mr. JAVITS. It is important to know whether this matter will go over until tomorrow.

Would the majority leader find it convenient—perhaps the manager of the bill would, too—if we could agree on a time limitation for debate of the first item in this amendment, which is really the decisive one?

Mr. MAGNUSON. That is the Headstart?

Mr. MANSFIELD. That is the Headstart, and the increase in amount. Once that is decided, I believe the others will be very simple.

Mr. MAGNUSON. Oh, no. That puts everything back into OEO?

Mr. JAVITS. Yes.

Mr. MAGNUSON. I think there is going to be a great deal of discussion on that. I think we can get to some agreement on Headstart, but when the Senator divides it that way, it undoes what the committee unanimously did.

Mr. JAVITS. We will go ahead.

Mr. MAGNUSON. I think on the Headstart amounts we could come to some agreement.

Mr. JAVITS. As long as we are, in a sense, speaking with each other in the expectation of trying to do something about that, might we come to some agreement on the manpower training amounts?

Mr. MAGNUSON. I have not looked into that. That is something new in the amendment.

Mr. JAVITS. It relates to various categories, including summer jobs.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. In view of the circumstances, I think I ought to reiterate my announcement that at the hour of approximately 1 o'clock debate will begin on the conference report on the farm bill.

Mr. JAVITS. If we could agree to some limitation on some part of the amendment, would the Senator be inclined to agree to let us complete action on that part of it—say an hour or an hour and a half?

Mr. MANSFIELD. Yes——

Mr. MAGNUSON. I think the Senator from New Hampshire would be glad to have a limitation on No. 5.

Mr. JAVITS. That does not even represent a difference between us. It is just a statement of fact. That is not in controversy.

Mr. MAGNUSON. The Senator put Headstart in the other part.

Mr. JAVITS. Yes; Headstart, devolution of authority, and the manpower training funds.

Mr. MAGNUSON. I have not checked the manpower training. As a matter of fact, we sent this proposal to the Departments of Labor and Health, Education, and Welfare, and the other Departments, and they could not understand it, themselves, and they sent us back a letter that we could not understand. So we have had a little problem sorting out these additional amounts and understanding exactly what is done to each program.

Mr. COTTON. Mr. President, if the Senator will yield, the hour of 1 o'clock will come in 20 minutes. Outside of part No. 5, I cannot imagine one division of the amendment that will be terminated in 20 minutes. So we might as well get going on the conference report on the farm bill now as to take 20 minutes and still have nothing resolved.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and at the conclusion of that quorum call it will be the intent to bring up the conference report on agriculture.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, some question has been raised about the intent of the amendment at page 2, lines 13 to 15. It gives an impression, on superficial reading, that some intention is contained there to give $7,417,000 to a single conference. There is no such intention, Mr. President.

I therefore ask that my amendment be modified by striking out what is now contained in the amendment at page 2, lines 13 to 15, and inserting in lieu thereof the following:

On page 33, strike lines 11 to 17, inclusive, and insert in lieu thereof the following:

For carrying out, except as otherwise provided, section 426 of the Social Security Act and the Act of April 9, 1912 (42 U.S.C. 191) and for partial support of a White House Conference on Children and Youth, $7,417,000.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

Mr. JAVITS. Yes.

The PRESIDING OFFICER. The amendment is so modified.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2108.

The PRESIDING OFFICER (Mr. McINTYRE) laid before the Senate the amendments of the House of Representatives to the bill (S. 2108) to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes, which were to strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Family Planning Services and Population Research Act of 1970".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act—

(1) to assist in making comprehensive voluntary family planning services readily available to all persons desiring such services;

(2) to coordinate domestic population and family planning research with the present and future needs of family planning programs;

(3) to improve administrative and operational supervision of domestic family planning services and of population research programs related to such services;

(4) to enable public and nonprofit private entities to plan and develop comprehensive programs of family planning services;

(5) to develop and make readily available information (including educational materials) on family planning and population growth to all persons desiring such information;

(6) to evaluate and improve the effectiveness of family planning service programs and of population research;

(7) to assist in providing trained manpower needed to effectively carry out programs of population research and family planning services; and

(8) to establish an Office of Population Affairs in the Department of Health, Education, and Welfare as a primary focus within the Federal Government on matters pertaining to population research and family planning, through which the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") shall carry out the purposes of this Act.

OFFICE OF POPULATION AFFAIRS

SEC. 3. (a) There is established within the Department of Health, Education, and Welfare an Office of Population Affairs to be directed by a Deputy Assistant Secretary for Population Affairs under the direct supervision of the Assistant Secretary for Health and Scientific Affairs. The Deputy Assistant Secretary for Population Affairs shall be appointed by the Secretary.

(b) The Secretary is authorized to provide the Office of Population Affairs with such full-time professional and clerical staff and with the services of such consultants as may be necessary for it to carry out its duties and functions.

FUNCTIONS OF THE DEPUTY ASSISTANT SECRETARY FOR POPULATION AFFAIRS

SEC. 4. The Secretary shall utilize the Deputy Assistant Secretary for Population Affairs—

(1) to administer all Federal laws for which the Secretary has administrative responsibility and which provide for or authorize the making of grants or contracts related to population research and family planning programs;

(2) to administer and be responsible for all population and family planning research carried on directly by the Department of Health, Education, and Welfare or supported by the Department through grants to, or contracts with, entities and individuals;

(3) to act as a clearinghouse for information pertaining to domestic and international population research and family planning programs for use by all interested persons and public and private entities;

(4) to provide a liaison with the activities carried on by other agencies and instrumentalities of the Federal Government relating to population research and family planning;

(5) to provide or support training for necessary manpower for domestic programs of population research and family planning programs of service and research; and

(6) to coordinate and be responsible for the evaluation of the other Department of Health, Education, and Welfare programs related to population research and family planning and to make periodic recommendations to the Secretary.

PLANS AND REPORTS

SEC. 5. (a) Not later than six months after the date of enactment of this Act the Secretary shall make a report to the Congress setting forth a plan, to be carried out over a period of five years, for extension of family planning services to all persons desiring such services, for family planning and population research programs, for training of necessary manpower for the programs authorized by title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, and for carrying out the other purposes set forth in this Act.

(b) Such a plan shall, at a minimum, indicate on a phased basis—

(1) the number of individuals to be served by family planning programs under title X of the Public Health Service Act and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

(2) an estimate of the costs and personnel requirements needed to meet these objectives; and

(3) the steps to be taken to establish a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

(c) On or before January 1, 1972, and on or before each January 1 thereafter for a period five years, the Secretary shall submit to the Congress a report which shall—

(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan.

(2) indicate steps being taken to achieve the objective during the remaining fiscal years of the plan and any revisions necessary to meet these objectives; and

(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan.

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 6. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to IX" and inserting in lieu thereof "Titles I to X."

(b) The Act of July 1, 1944 (68 Stat. 682), as amended, is further amended by renumbering title X (as in effect prior to the enactment of this Act) as title XI, and by renumbering sections 1001 through 1014 (as in effect prior to the enactment of this Act), and references thereto, as sections 1101 through, 1114 respectively.

(c) The Public Health Service Act (42 U.S.C., ch. 6A) is further amended by adding after title IX the following new title:

"TITLE X—POPULATION RESEARCH AND VOLUNTARY FAMILY PLANNING PROGRAMS

"PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES

"SEC. 1001. (a) The Secretary is authorized to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects.

"(b) In making grants and contracts under this section the Secretary shall take into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance.

"(c) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1971; $40,000,000 for the fiscal year ending June 30, 1972; and $60,000,000 for the fiscal year ending June 30, 1973.

"FORMULA GRANTS TO STATES FOR FAMILY PLANNING SERVICES

"SEC. 1002. (a) The Secretary is authorized to make grants, from allotments made under subsection (b), to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services. No grant may be made to a State health authority under this section unless such authority has submitted, and had approved by the Secretary, a State plan for a coordinated and comprehensive program of family planning services.

"(b) The sums appropriated to carry out the provisions of this section shall be allotted to the States by the Secretary on the basis of the population and the financial need of the respective States.

"(c) For the purposes of this section, the term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the District of Columbia, and the Trust Territory of the Pacific Islands.

"(d) For the purpose of making grants under this section, they are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972; and $20,000,000 for the fiscal year ending June 30, 1973.

"TRAINING GRANTS AND CONTRACTS

"SEC. 1003. (a) The Secretary is authorized to enter into grants to public or nonprofit private entities and to make contracts with public or private entities and individuals to provide the training for personnel to carry out family planning service programs described in section 1001 or 1002.

"(b) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971; $3,000,000 for the fiscal year ending June 30, 1972; and $4,000,000 for the fiscal year ending June 30, 1973.

"RESEARCH GRANTS AND CONTRACTS

"SEC. 1004. (a) In order to promote research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population, the Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals for projects for research and research training in such fields.

"(b) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1971; $30,000,000 for the fiscal year ending June 30, 1972; and $40,000,000 for the fiscal year ending June 30, 1973.

"INFORMATIONAL AND EDUCATIONAL MATERIALS

"SEC. 1005. (a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

"(b) For the purpose of making grants and contracts under this section, there are authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending June 30, 1972; and $1,250,000 for the fiscal year ending June 30, 1973.

"REGULATIONS AND PAYMENTS

"SEC. 1006. (a) Grants and contracts made under this title shall be made in accordance with such regulations as the Secretary may promulagte.

"(b) Grants under this title shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grants will be effectively utilized for the purposes for which made.

"(c) A grant may be made or contract entered into under section 1001 or 1002 for a family planning service project or program only upon assurances satisfactory to the Secretary that—

"(1) priority will be given in such project or program to the furnishing of such services to persons from low-income families; and

"(2) no charge will be made in such project or program for services provided to any person from a low-income family except to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charge.

For purposes of this subsection, the term 'low-income family' shall be defined by the Secretary in accordance with such criteria as he may prescribe.

"VOLUNTARY PARTICIPATION

"SEC. 1007. The acceptance by any individual of family planning services or family planning or population growth information (including educational materials) provided through financial assistance under this title (whether by grant or contract) shall be voluntary and shall not be a prerequisite to eligibility for no receipt of any other service or assistance from, or to participation in, any other program of the entity or individual that provided such service or information.

"PROHIBITION OF ABORTION

"SEC. 1008. None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning."

And strike out the preamble.

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Mr. YARBOROUGH. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives on S. 2108 and ask for a conference with the House on the disagreeing votes of the 2 Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. McIntyre) appointed Mr. Yarborough, Mr. Williams of New Jersey, Mr. Kennedy, Mr. Nelson, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Dominick, Mr. Javits, Mr. Prouty, and Mr. Saxbe conferees on the part of the Senate.

Mr. YARBOROUGH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESIGNATION OF HILARY SANDOVAL AS SMALL BUSINESS ADMINISTRATOR

Mr. SPARKMAN. Mr. President, I have just learned of the resignation of Hilary Sandoval as Small Business Administrator. I have known Mr. Sandoval as one genuinely interested in the welfare of American small business, and I hope for him continued success in the future.

I hope that in selecting Mr. Sandoval's successor, President Nixon will appoint a man who is an aggressive, determined advocate for the small and independent businessman of America. I must say that I am concerned about reports which, frankly, are nothing new in Government of a plan to merge the Small Business Administration into the Department of Commerce. I believe it is imperative that the SBA continue as an independent agency which can speak with a free and unrestricted voice in the agencies of Government on behalf of American small business. Naturally, I shall oppose vigorously, as I have in the past, any plan which would impair the independence of the SBA. In addition, I shall look forward to seeking the views of the new Administrator when he is appointed and comes before the Senate for confirmation regarding this most important matter.

Mr. President, I am pleased to make note of the fact that the present occupant of the chair, the distinguished Senator from New Hampshire (Mr. McIntyre), is chairman of the Subcommittee on Small Business of the Committee on Banking and Currency. I believe that he shares my views.

Many times in the past moves have been made—in fact there was an effort made right at the beginning—to make the Small Business Administration a part of the Department of Commerce.

Congress decided—and decided wisely—at the beginning, that it should be an independent agency to which the small businessmen of America could look. With repeated efforts since that time to place it in the Department of Commerce, Congress has taken the same attitude. I hope that it will continue to do so and that any move to merge the Small Business Administration into the Department of Commerce will meet with failure.

Mr. President, let me say also, in this connection—and I know that the distinguished occupant of the chair, the Senator from New Hampshire (Mr. McIntyre), is likewise interested in this, as all Senators are, because it applies to the Nation as a whole—that I am sure everyone has seen the statements in the press, to the effect that the Small Business Administration is completely out of funds and that every SBA office in the United States has been closed down, with no ability to function further, due to the fact that the Small Business Administration has reached the limit of the ceiling Congress placed upon it.

This may not seem like much to some people, but I know that there are hundreds, in fact thousands, of small businessmen throughout the Nation today who have applications pending before the SBA, or they want to file applications there, and they cannot do so.

(At this point Mr. Gravel took the chair as Presiding Officer.)

Mr. SPARKMAN. Mr. President, there have been instances in my own State in which serious situations have prevailed into which the Small Business Administration has not been able to move in order to help.

I have not talked with the distinguished Senator from New Hampshire (Mr. McIntyre) about this, but I have intended to do so. I have suggested that the staff of our committee prepare a joint resolution that would increase the ceiling on funds for the SBA. In fact, I will say to the Senator from New Hampshire—I would have talked with him about this matter earlier, had I seen him—that I have suggested a poll be taken in the committee to see whether it cannot be reported unanimously, or reported unanimously by the Senate, too, in order to get action forthwith. I feel certain that the Senator from New Hampshire agrees with that. I hope that he does. He is chairman of the subcommittee and will vigorously push for this in this short session of Congress—I would say, within the next few days.

Mr. McINTYRE. Mr. President, if the distinguished Senator from Alabama will yield briefly, I join in the kind remarks he has expressed as chairman of the Committee on Banking and Currency concerning Mr. Sandoval. I read in the newspaper the other day where he had been hospitalized. We all feel that he has tried hard to do a good job for SBA.

I am aware of the sudden shortage of funds in SBA. We have been in touch with the House committee and I would have no objection to joining with our distinguished chairman of the Committee on Banking and Currency in what he is now suggesting.

Mr. President, the Small Business Administration has a fine record. It has always been, seemingly, under the gun of possible absorption into the Commerce Department. I think that the members of the Committee on Banking and Currency let Mr. Sandoval know very, very strongly at the beginning of the session, when he was approved, that if he felt the warm or the cold hand of the Commerce Secretary on his shoulder, so to speak, he get right up and talk to us, because we want to continue the SBA as an independent, separate, and strong agency.

Mr. SPARKMAN. I thank the Senator from New Hampshire for his comments. Let me say that Mr. Sandoval did cooperate. He promised us in the beginning that he would do everything he could.

It is my understanding that a year or so ago an effort was being made to transfer SBA to the Department of Commerce and Mr. Sandoval said that if such a proposal by the administration was put forward, he would resign from his position as Administrator, that he did not intend to preside over the liquidation of the Small Business Administration.

ORDER OF BUSINESS

Mr. SPARKMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MR. ELLENDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURAL ACT OF 1970—CONFERENCE REPORT

Mr. ELLENDER, Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Gravel). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of October 12, 1970, pages 36132–36141, Congressional Record.)

Mr. ELLENDER. Mr. President, I rise to oppose the conference report. The report was signed by a majority of the Senate conferees—the vote was four in favor and three against—and by all of the House conferees.

Mr. President, I have served in the Senate now for almost 34 years. This is the first time during my career that I attended a conference in which the conferees did not act freely. In my book, the House conferees in particular, as well as the Senate conferees, were more or less dominated by the Executive. So, I say that the conference was not a free conference between the conferees on the part of the House and the Senate.

We spent almost 3 weeks trying to adjust the differences between the House bill and the Senate bill. We came to an agreement during that period of time on all of the titles of the bill with the exception of cotton. At least 2 weeks were required for the conferees to be able to adjust the main differences on the titles dealing with corn and other feed grains and wheat. Now and then the big issues dealing with cotton were mentioned but not agreed to—and there was not even an attempt to accept them—until the day before the majority of the conferees signed the report.

Mr. President, I want to be perfectly frank with the Senate in saying that I do not find much difference between the provisions of the present law and the conference report as far as the titles dealing with wheat, corn, and other feed grains are concerned.

With respect to wheat the main difference arises from the fact that under the present law in apportioning acreage the secretary has guidelines; that is, the minimum quota for wheat was not to be less than 1 billion bushels and the acres necessary to produce that amount were, of course, fixed by the secretary, depending upon the annual production of the years before.

Under the present conference report the wheat growers are more or less permitted to plant as much wheat as they choose after setting aside from their cropland not in excess of 13.3 million acres for 1971, and for the next 2 years, that is, 1972 and 1973, the requirement is that up to 15 million acres be set aside. On the rest of the land available the farmers can plant as much wheat as they desire.

Now, under the present law the secretary is authorized to pay full parity for that part of the production for domestic consumption. That provision remains in the conference report, as it is now in the present law except that there is a minimum of 535 million bushels. The loan level is fixed at a minimum of $1.25 a bushel.

Now, with respect to the corn provisions, I believe the present conference report treats corn a little better than it is treated under present law. Under the present law a farmer is paid not to plant in order to reduce surpluses, and the loan level has no minimum fixed figure. Total price support is fixed at a minimum of 65% of parity on the permitted acres. But under the conference report, the minimum loan fixed is $1 per bushel with more or less a guarantee of $1.35 a bushel or 70 percent of parity, whichever is the higher. That 70 percent applies to the first 2 years only, but as to the third year it is reduced to 68 percent. That is better than the provision in the present law which sets the minimum at 65 percent. So all in all I want to be perfectly frank with the Senate that on wheat, corn and other feed grain provisions of the conference report, I think the farmer will fare better.

The only difference—and it may make a great deal of difference because by setting aside only the 13.3 million acres for the first year and 15 million acres the second year they will be permitted to plant all the rest of their land to wheat and receive the payments I have just suggested—is that it may mean that wheat will move from the areas of the country where it is planted in large quantities and it is one of the main crops, to States where they plant wheat now and then simply to have the ground occupied.

As I said, that is a difference and it may be that unless the farmers take care and do not devote too much land to wheat, we many end up with surpluses which will doubtless affect the prices very seriously, as we know has happened in the past.

Mr. President, when we enacted the 1965 act the purpose of that bill was to pay farmers not to plant in order to reduce enormous surpluses that were then in existence in all of the three commodities that we are dealing with at present. In 1965 we had almost 85 million tons of corn and other feed grains, which was far in excess of the normal carryover. At the end of 4 years under the present law that surplus was reduced to around 40 million tons, which is considered a reasonable carryover.

In respect to wheat, we had a surplus of 1.3 billion bushels, as I recall the figures. Today that surplus has been cut down to about 900 million bushels, which is considered only a little more than a normal carryover.

In respect to cotton, in 1966 the carryover was almost 17 million bales. Now it is only about 5.7 million bales.

The law that is now on the statute books was enacted by us with a view to reducing those surpluses to normalcy and it has more or less succeeded. In order to attain that goal, it was felt that it was better to pay the farmers not to plant than to have them plant and then increase the surpluses and pay storage costs on the carrying of such surpluses.

The bill as provided in the conference report reverses that law in that, as to the three crops that we are considering, the aim is not to pay when the land is not planted to the crop. This, of course, applies primarily, I may say, to cotton, because, in the case of wheat, corn, and other feed grains, those commodities are planted on a voluntary basis. No effort is made to curtail the planting as to any of the three crops. The farmer may go into the program if he desires, without any compulsion.

This is a significant change in the case of cotton, which has been under controls for many years now—over 30 years. The production of cotton about 30 years ago was on 42 million acres of land. The present law has established a minimum national acreage allotment for cotton of 16,300,000 acres.

Being a realist, when I presented the title pertaining to cotton to the committee, I felt it was necessary to cut back on the minimum acres to be planted to cotton for the reason that less cotton was being used than heretofore. Today, I am sorry to say, only about 40 percent of the fiber that is used in the textile mills is cotton, in contrast to about 60 percent of manmade fibers.

Realizing that, I suggested to the committee that we cut down the amount of acres to be planted to cotton from 16.3 million acres to 14.5 million acres with a pay base of 12.7 million acres. The Senate enacted that provision in the cotton bill.

In the conference, after quite a bit of deliberation, we had virtually agreed to reduce that figure to 11.5 million acres, which would have meant a decrease in cotton acreage from 16.3 million to 11.5 million, or almost 5 million acres less than the law now provides.

When the time came for the conferees to actually deal with the cotton provision, I made a proposal to the conference which I thought should have carried, because the day before the conference report was finally adopted or agreed to, the House conferees, I am sure, with the exception of one Member who was absent at the time, would have taken the 11½ million acre provision. I felt that that was a good compromise, and I took that position. When I submitted it the next day, in the presence of the ranking Republican House Member, he banged on the table and said that he would not do it, and he stroked his breast and said:

> I represent the President and the administration, and we shall not consider that part of the agreement.

Whereupon, I stated to the conference that I thought that was a minimum; that we should have it understood that cotton would be planted on at least 11½ million acres for the years 1971, 1972, and 1973.

Well, I did my best to carry through that agreement, particularly in view of the fact that the expenses that would be incurred by that proposal would be no greater than what the House bill provisions would result in. But instead of submitting it and discussing it, as is usually the case, one of the conferees on the Senate side, desiring a bill, moved that the Senate conferees adopt the House provisions on cotton, particularly with reference to the amount of acres to be planted.

The House provision provides for 11½ million acres for the first year—that is, 1971—but for the years 1972 and 1973 it is left entirely to the discretion of the Secretary of Agriculture.

To add insult to injury, there was a provision in that bill which provided for an open-end planting as to cotton, without restriction, but with loans on this overplanting to be made by the Government to those who overplanted.

Mr. President, in my humble judgment—in fact, I am sure of it—by the end of 1971, after the first year of this bill being in effect as written, we could provide for 11.5 million acres of cotton to be planted, but this open-end planting would probably add two to three, maybe four million acres of land to be planted in cotton, and that, of course, would cause the surplus to increase overnight. Should that happen, as I am sure it would, then in 1972 the Secretary of Agriculture is empowered to lower the acreage to whatever figure he deems necessary in order that the surplus not be over a certain amount.

Under that provision of the law, where the Secretary of Agriculture is permitted to cut back on the acres, it is entirely possible that the acreage would be cut

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back to 8.5 or 9 million acres of cotton instead of the 11.5 million acres that I fought for. That will mean disaster to the cotton growing section of the Nation, the South.

As I have said, Mr. President, I did all I could to have the conferees adopt a more sensible bill—one in which the Secretary would have certain guidelines to go by. I submitted that I was not against open-end planting if the planters of the cotton were not protected by the Government by the way of loans, but I was overridden in that. They would not accept that. Instead, the open-end planting was voted by the majority of the Senate conferees, so that if this provision is adopted, it simply means that the larger farmers will be able to plant all they wish, and no doubt be protected by Government loans. If that occurs, the Government will again be loaded down with surpluses, which we have tried to get rid of for the last several years. As a matter of fact, to get rid of the surpluses that we accumulated prior to 1965 required payments of almost $4 billion.

Reduced acreage, I repeat, would be disastrous to the cotton growing South. It would mean that many of the smaller farmers would not be able to make a go of it, and that many of them might be compelled to go on the relief rolls. I have no doubt that that is going to occur, and I have a table here, Mr. President, to indicate the large number of farmers who are in that position. I shall not take the time to read them, but I simply ask unanimous consent that they be printed in the Record at this point, just to indicate the large number of small farmers who will be affected under this cotton program.

There being no objection, the table was ordered to be printed in the Record, as follows:

NUMBER OF PARTICIPATING FARMS, AND NUMBER OF FARMS WITH BASES OR ALLOTMENTS OF 10 ACRES OR LESS, 1969

Commodity	Number of participating farms	Number of farms with bases or allotments of 10 acres or less	Percent 10 acres or less is of total
Feed grains (corn, grain sorghum and barley)	1, 588, 021	353, 735	22. 2
Wheat	953, 318	304, 829	31. 9
Cotton	475, 545	250, 037	52. 5

Mr. ELLENDER. As I said, they will become, in greater or lesser degree, unable to produce enough to sustain their families; and we will find that it would have been much cheaper for the Government to agree to the provision that I suggested. If that provision had been adopted, I believe that the cotton producers of our country could have made a go of it, and produced enough cotton to provide an ample amount for our domestic use and export needs. As it is now, the large farmer, who is able to borrow, plant a large acreage, and put a lot of fertilizer on is going to plant in excess of our requirements.

And, Mr. President, I am reminded of something else: There is no doubt in my mind but that a large number of cotton farmers in the West, and some in the Delta, are able to sell much of their cotton in advance of planting. They are large enough to produce a certain length of staple that the trade wants, and they can sell their cotton in advance at probably 24 to 28 cents a pound, and make a profit, particularly when the Government protects them on a good deal of the acreage which they will receive from the 11.5 acre national allocation.

The smaller farmer is unable to cope with that situation. It is going to mean that we may be faced with more surpluses, and that, in my mind, will be very costly to the Government.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. ELLENDER. Mr. President, I did all I could to have a reasonable bill presented from the conference to the Senate; but as I say, I was taken by surprise. We usually confer with one another. The Senate conferees are supposed to support the Senate version. But in this case, there was no meeting called to make a determination as to what to do.

Mr. President, an hour before the motion to accept the House version was made, I did have a conference with the distinguished Senator from Mississippi (Mr. Eastland), and he agreed to the suggestion I made to have the minimum 11.5 million acres for 3 years. But within a few hours thereafter, Representative Page Belcher, who was the ranking Republican on this conference, actually dominated the conference. I am sure that except for him, the House conferees would have accepted the proposal I made. But he got up and hit his chest and said:

> I represent the President and I represent the Secretary of Agriculture, and we are not going to accept this.

Soon thereafter, the motion was made to adopt the House version as to cotton.

For that reason, Mr. President, I did not sign the report, the junior Senator from Georgia (Mr. Talmadge) did not sign it, and the distinguished Senator from North Dakota (Mr. Young) did not sign it. So that we have a conference report today that is signed by four of the Senate conferees, which is a majority, and all the House conferees.

I submit that, insofar as I am concerned, I shall not support nor vote for this report.

Mr. President, I ask unanimous consent to have printed in the Record at this point certain correspondence from the Secretary of Agriculture and also Senate conferees' proposals on various programs along with the Secretary's reply thereto.

There being no objection, the material was ordered to be printed in the Record, as follows:

Department of Agriculture,
Office of Assistant Secretary,
Washington, D.C., September 30, 1970.
Hon. Allen J. Ellender,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

Dear Mr. Chairman: This is in response to your request yesterday for an estimate of the costs of a cotton set-aside program under which the national base acreage allotment would be 12,250,000 acres for 1971; 11,750,000 for 1972; and 10,800,000 acres for 1973.

Our estimates of the costs are as follows:

	1971	1972	1973	Total
Payments	903	866	796	2, 565
Total costs	1, 169	1, 132	993	3, 294

Sincerely,
Clifford M. Hardin,
Secretary.

Department of Agriculture,
Office of the Secretary,
Washington, D.C., September 30, 1970.
Hon. Allen J. Ellender,
Chairman, Committee on Agriculture and Forestry, U.S. Senate

Dear Mr. Chairman: This is in response to your request for the provisions which we propose to establish for the 1971 set-aside program for wheat.

We would establish for the 1971 crop of wheat—

(1) A national domestic acreage allotment of 19,700,000 acres.

(2) A set-aside requirement of 75 percent of the farm domestic allotment which we estimate would result in an effective set-aside of 13,300,000 acres.

(3) A loan rate of $1.25 per bushel.

As indicated to you yesterday, we would have no objection to these provisions being written into the legislation.

Sincerely,
Clifford M. Hardin,
Secretary.

Executive Office of the President,
Office of Management and Budget,
Washington, D.C., September 30, 1970.
Hon. Allen J. Ellender,
Chairman, Senate-House Conference on H.R. 18546, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: In response to your request for costs estimates, analyses, and suggestions for amendments with respect to H.R. 18546, presently being considered by your Conference Committee, we offer the following for your consideration.

PROPOSED AMENDMENTS

I. Title IX—Rural development

It is recommended that changes be made in title IX of the Senate bill to eliminate objectionable reporting requirements contained in title IX whch, we believe, are premature in view of current efforts under way by this administration to develop national goals and objectives for economic development and population distribution. Further, it is suggested that section 902 relating to the location of Federal facilities be revised to make it clear that, while consideration should be given to less densely populated areas for the location of such facilities, due consideration should also be given to such factors as management efficiency when arriving at decisions about whether such facilities should be located in less densely populated areas as compared with metropolitan areas.

Following is a proposed language change for section 902 on pages 128 and 129 of the Senate bill:

Location of Federal Facilities

Section 902. In that it is the intent of Congress to minimize further impaction on already overcrowded metropolitan areas, it is requested that the President and the heads of all executive departments and agencies of Government give due consideration when locating new offices and other facilities to their impacts on high density population areas. Consideration also should be given to areas or communities of lower population density which have the capacity for growth and development in the absence of other factors which may require the location of such facilities in high population density areas.

Planning Assistance

Section 903. (Strike lines 15 through 24 on page 129 and 1 through 4 on page 130 and insert in lieu thereof the following (all new language)):

The Congress is equally concerned that planning assistance provided through other Federal programs be administered so as to complement the planning assistance provided by the Departments of Agriculture and Housing and Urban Development. These programs have an unprecedented opportunity to aid State and local governments in the preparation of area growth goals and strategies which would have beneficial impacts for less densely populated areas as well as for population centers which have a demonstrated capacity for growth and development. It is the intent of Congress that these programs contribute substantially to achieving a satisfactory balance of opportunities and population within the United States.

(Strike everything after line 4 on page 130 through line 5 on page 132 and insert in lieu thereof the following:)

Federal Assistance Programs

Section 904. The development of area growth plans and strategies has limited utility in the absence of a commitment of resources to aid in fulfilling those strategies. The Federal Government has an unparalleled opportunity to complement the efforts of State and local governments through provision of technical assistance and various grant-in-aid and loan programs in directing these resources in such a way as to reinforce and facilitate area development efforts. A firm commitment to this end by all levels of government is required if this Nation is effectively to ensure that opportunities for an acceptable quality of life is available to all of its citizens whether they reside in major metropolitan centers or in less densely populated areas.

The Congress urges that the President and all department and agency heads give the highest priority to the development of effective means for achieving these objectives. Their attainment will assure a substantially improved standard of service under a broad range of government programs for many families now living in less densely populated areas who lack services of a quality equal to those presently available to many of this Nation's citizens.

COST ESTIMATES

II.

1. Maximum Wheat Set-Aside—15 million acres

There would be no budgetary impact from this amendment for the 1971 crop based on present planning by the Department which calls for a set-aside of 75 percent or 14.8 million acres. After allowing for non-participants, the expected realized set-aside would be 13.3 million acres.

Whether or not the 15 million acre maximum would have budgetary impacts for the 1972 and 1973 crops is contingent on production and use in those years. Either unusually large production or decreases in use could result in additional CCC acquisitions. The greatest chance of this occurring would be on the use side through a sharp reduction in exports or domestic livestock feed use. Feeding of wheat to livestock will be interrelated with feed grain production, and particularly the evolution of the Southern Corn Leaf Blight. Over a three-year period, it is quite possible that the corn blight problem will be arrested. If so, the loan rates for wheat and feed grains could again effectively determine market prices. Given this situation and if minimum loan rates of $1.25 for wheat and $1.00 for feed grains (corn) are included in the bill, quantities of wheat feed could be cut sharply. This is because the $.25 price differential would price large quantities of wheat out of feeding. The budget impact could easily reach $75–$100 million annually for the 1972 and 1973 crops.

We would prefer to permit a larger set-aside, on the order of 17 to 18 million acres. With a maximum of only 15 million acres, we firmly believe that the corn-wheat price differential should be reduced to no more than $.20, preferably $.15. This would help insure that wheat would enter feeding channels rather than CCC stocks in the event that heavy grain supplies emerged for the 1972–1973 crop years.

2. Cotton Base Acreage

Compared with the 11.5 million acre base in the House bill, the bases suggested by Senator Ellender yesterday would lead to greater cotton payments in 1971 and 1972, and lower payments in 1973 with a support of 35c per pound.

Change in base acreage	Yield	Payment rate (cents)	Payments
1971: 12.25−11.5=0.75...	520	15.5	$60,450,000
1972: 11.75−11.5=0.25...	520	15.5	20,150,000
1973: 10.80−11.5=0.70...	520	15.5	−56,420,000
Net additional cost..................			24,180,000

We understand that the acreage set-aside corresponding to Senator Ellender's bases would be the difference between 14.5 million acres and the base. This would be 2.25 (1971), 2.75 (1972), and 3.7 (1973). In every year, the set-aside would be less than the 3.8 million acre maximum set-aside (33.3 percent times 11.5 million acres) in the House bill. Over the three years, 2.7 million additional acres could be set aside under the House bill. At $35 per acre, $94.5 million in budget outlays would be required to achieve a set-aside comparable to the House bill. Combining the higher first year payments and the lower set-aside would result in additional first year outlays of as much as $115 million.

The other potential problem with fixed acreage bases, such as that suggested by Senator Ellender, is that they would not permit flexibility to reduce cotton production if CCC stocks become excessive. Stock accumulation is not a problem at present, but this situation might recur by 1973. Thus, we would be favorable to a provision similar to the House bill which allows the base to be adjustable and at the same time maintains the total cotton payments at a fixed amount each year.

3. Long Term Land Retirement

Title VIII, section 801, authorizes a long term land retirement program which would permit the Secretary of Agriculture to sign long term land retirement contracts with producers on up to six million acres annually. As I indicated yesterday before your committee, unless the authorizing legislation specifies that this program be administered in such a way as to provide concrete assurances that the cost of this program would be offset by at least an equivalent amount of savings under the annual commodity programs, the administration would be opposed to enactment of this program.

4. Cotton Market Development and Research

Title VI, section 610, authorizes the Commodity Credit Corporation to spend up to $10 million annually for the conduct of cotton market development research or sales promotion programs. This would result in added budget outlays which would be unacceptable to this administration. However, if this section were amended to provide for a *deduction* from payments which would otherwise be made to cotton producers in an amount sufficient to finance this program, we would have no objection to its authorization from a budget standpoint.

5. Cultural Exchange Program under P.L. 480

Title VII, section 703, would authorize making foreign currencies available for a cultural exchange program without appropriation. We understand that FY 1971 outlays would amount to $5.8 million under the 2 percent limit and $14.5 million under the 5 percent limit set forth in subsection (a) of this section. This administration is clearly on record in its opposition to backdoor financing. Consequently, we would oppose the provision in subsection (b) which authorizes use of foreign currencies for a cultural exchange program without appropriation.

6. Anniversary Loan

We earlier estimated the direct budget impact of adopting the so-called anniversary loan could range up to $5 to $10 million annually. These costs woud be highly variable, depending on CCC acquisitions of cotton under loan each year. The additional storage costs might average under $5 million annually. This could be larger if the provision increased market prices and decreased use. While we recognize that an anniversary loan could conceivably have a favorable budget impact under the House bill if it evens out seasonal price declines during the first five months of the marketing year, in recent years cotton prices for the first five months were higher than average marketing year prices. Consequently, we believe that a favorable impact is quite unlikely.

In view of the foregoing, the administration opposes enactment of this provision.

I greatly appreciated the opportunity of appearing before the Conference Committee, and would welcome the opportunity to supply any additional information you or the Committee might desire.

Sincerely,

CASPAR W. WEINBERGER,
Deputy Director.

SENATE CONFEREES PROPOSAL ON WHEAT

1. (a) 19.7 million acre domestic allotment for 1971.

(b) A 535 million bushel domestic wheat floor for 3 years.

2. Set aside maximum at 15 million acres (assuming full participation) for 1972–73 and at 13.3 million acres (not assuming full participation) for 1971.

3. $1.25 loan floor for three years—1971, 1972 and 1973.

4. Discretionary authority for feed grain substitution in the event acreage restrictions are imposed in 1972 or 1973.

5. No more than 55 percent set aside required on summer fallow.

SENATE CONFEREES PROPOSAL ON COTTON

1. 11.5 million acre minimum national base acreage allotment each year.

2. House provisions on sale and lease, but with retention of present limitation of 100 acres over 1965 allotment.

3. Payments based on the difference between the loan level and the greater of 35 cents or 65 percent of parity.

4. Loan level as set out in Conference Committee Print No. 2 (90 percent of 2 year average world price).

5. Maximum set-aside each year of 18 percent of farm base acreage allotment.

6. Open-end planting without loans on the excess.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: The attachments are in response to proposals made by the Senate Conferees dealing with the Cotton and Wheat sections of the agriculture legislation being considered by the Senate and House Conferees.

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An additional attachment dealing with other provisions is also enclosed.

It remains the conviction of the Administration that any significant increase over the cost of the bill as passed by the House would be unacceptable both to the House and to the Administration.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

COTTON

1. 11.5 million acre minimum national acreage.

Using the actual 1969 domestic consumption and exports of 10.7 million bales as a basis to start from, 11.5 million acres as a minimum national base acreage allotment increases the budget cost $310 million for the two years 1972–73 compared to the House bill; stocks would increase from 6 to 9.6 million bales by the end of the 1973 crop year. If domestic consumption and exports were to increase to 12 million bales the added budget cost would be $133 million resulting from a stock buildup from 6 million to 7.3 million bales by end of 1973 crop year.

2. Sale and lease.

No budgetary impact, but the 100 acre limitation provision is an unnecessary restriction on cotton producers.

3. Loan level plus payments equal to 35¢ or 65% of parity.

Budget impact of between $38 and $72 million per year.

4. Loan level related to past 2 years.

No budgetary impact. Prefer 90 percent of estimated world price because that is related to the period in which sales are to be made.

5. Maximum set aside 18%.

Has budgetary impact of $60 million per year.

6. Open end planting without loans on the excess.

We would like cotton to be treated the same as wheat and feed grains where loans are offered to all production of participants without limitation.

WHEAT

1. (a) 19.7 million acre domestic allotment for 1971.

(1) No budget impact.

(2) A 535 million bushel domestic wheat floor for 3 years. No budget impact.

2. Set aside maximum at 15 million acres (assuming full participation) for 1972–73 and at 13.3 million acres (not assuming full participation) for 1971.

The budgetary impact between assumed full participation and not assumed full participation could be about $37 million per year. If a maximum of 15 million acres set aside is included it must be an effective maximum.

3. $1.25 loan floor for three years—1971, 1972 and 1973.

The inclusion of $1.25 loan floor may add $20 to $130 million per year to the cost of the wheat program. The exact budgetary impact will be determined by the extent to which wheat and feed grain loan rate differentials influence market prices and in turn the volume of wheat moving into feed channels; also whether the additional stocks of wheat are taken over by CCC or exported through the payment of export subsidies.

4. Discretionary authority for feed grain substitution in the event acreage restrictions are imposed in 1972 or 1973.

No budgetary impact.

5. No more than 55 percent set aside required on summer fallow.

No budgetary impact if maximum set aside is effective rather than gross as explained in item 2.

OTHER PROVISIONS

1. Seventy-five percent of parity would increase feed grain supports above the $1.35 guarantee every year of the program. With 70 percent of parity and changes in factors affecting the parity formula, the guarantee would likely reach $1.40 in 1973. The additional budget outlays could be up to $170 million a year when market prices were under $1.08 per bushel. The upper limit that would insure no budgetary impact is 68 percent of parity. If payments were forced up, program provisions would have to be altered to require a higher set-aside percentage.

2. Changes should be made in Title IX of the Senate bill to eliminate objectionable reporting requirements contained in Title IX. These requirements are premature in view of current efforts underway by this administration to develop national goals and objectives for economic development and population distribution. Further, Section 902 relating to the location of Federal facilities should be revised as proposed in the OMB letter to Senator Ellender dated Sept. 30, 1970.

3. The Bee Indemnity program would have estimated budget outlays of $25 million in FY 1972, and $4 million in subsequent years. Initiation of such a program would open the possibility of extending indemnity programs to several additional situations where the Federal Government is not directly responsible.

4. Extending the dairy indemnity program to manufacturers of dairy products would set a precedent for double coverage of losses. The additional budget outlays are impossible to estimate with confidence but they could well be significant.

5. Title VII, Section 703, would authorize making foreign currencies available for a cultural exchange program without appropriation. FY 1971 outlays are impossible to estimate with confidence but they could well be significant.

6. Many of the provisions in the Senate bill reduce the flexibility needed to avoid surpluses while maintaining farm income at acceptable budget cost.

7. Research and market development—Cotton.

Any figure being considered that does not come out of producers payments has a budgetary impact.

8. Small farms—Cotton.

Budgetary impact of $30 million per year.

9. Anniversary loans—Cotton.

Budgetary impact through additional storage costs of $3 million per year.

Mr. ELLENDER. Mr. President, I submit that the conference report on the Agricultural Act of 1970 will literally gut cotton producers' income potential for the effective years of the bill. Producers will be forced to accept $10.25 per bale less due to the price support reduction from 37.05 cents per pound to 35 cents per pound for those participating in the program. They will also take a $3.65-per-bale reduction from the loss due to net weight trading without the producer getting compensated in price for this reduction. Further, the base acreage allotment of 11.5 million acres is less than producers planted the last 2 years—11.89 and 11.97 million acres planted in 1969 and 1970. The farm allotment for 1970 was set at 17.1 million acres and the allotment base in the conference report is reduced to 11.5 million acres which represents a reduction of cotton allotment of 5.6 million acres. This will result in a loss to producers of a very salable item—cotton allotments—which was incorporated in prices paid for their land. Using the 1970 estimated U.S. average yield of 470 pounds per acre and figuring cotton allotments worth 20 cents per pound—which is common in the market—we arrive at a value of $94 per acre. Now the reduction proposed is 5.6 million acres, which means producers are absorbing a $526.4 million loss on cotton allotments they will no longer have. Yet, they will still be left with the high-valued land that cotton allotments were on, still to be paid for in some instances, or as a farm cost already incurred in others.

The bill authorizes State committees to reserve up to 2 percent of its State acreage allotment to make adjustments in county allotments for trends in acreage, for counties adversely affected by abnormal conditions affecting plantings, or for small or new farms, or to correct inequities in farm allotments and to prevent hardships. In the past, extra acreage was allocated in the national allotment to handle such cases, but in this bill the States will have to deduct these reserves directly from their State base acreage allotments.

The bill does away with marketing quotas, which is hard to understand, since in the past producers have voted, in the referendums held, to decide whether to have marketing quotas or not by a 92-percent or greater margin to keep marketing quotas. Yet, this bill legislates marketing quotas out of existence even though producers have always maintained they wanted marketing quotas when given a choice. In essence, Congress is forcing on producers what they have overwhelmingly rejected in the past.

The Secretary of Agriculture is authorized to set the national base acreage allotment at 11.5 million acres for 1971 and for 1972 and 1973 at such levels as the Secretary determines necessary to maintain adequate supplies. Tied into this is the fact that producers can plant outside their base allotment—open-end planting—when they comply with the set-aside requirements for participation in the program. This leaves it wide open for surplus accumulation of cotton under the bill. Therefore, in 1972 and 1973 the Secretary of Agriculture may use his authority to lower the base acreage allotments below the 11.5 million acres of 1971. Producers who complied and stayed within the program and did not plant open end will receive base acreage allotment cuts in 1972 and 1973 along with everyone that planted some open-end acreage. In effect, the Secretary of Agriculture can carry out his plan to eliminate all cotton allotments without paying producers a penny for the allotments. Here again, the producers are forced to shoulder millions more dollars of losses by having cotton allotments they purchased at high values become worthless.

Already, rumors are widespread throughout the cotton areas that acreage planted outside base allotments will be counted when figuring acreage history for the farm program in 1974. Corporate ownership has already made it clear to tenants that they want them to plant outside their allotments if they wish to continue planting cotton in order that corporations will be in a position to gain acreage history under a new farm bill in 1974.

This bill attempts to do by law what

economics could never have done. It strikes at the very backbone of American agriculture, the family-type farm, and lets the corporate-type farm that enjoys many lucrative tax writeoffs become the dominating force of American agriculture. Corporate-type farms, who have other income sources, are allowed to speculate and possibly take losses on the farm whereas the family-type farm with much less capital at his disposal has to make it on his farm or he is through.

A catastrophe in agriculture, such as might result from a Government withdrawal of price and production stabilization undertakings, could cause great unemployment in the industries that supply farmers annually with billions of dollars worth of machinery, fuel, fertilizers, chemicals, and other materials essential to production.

We might very well see the destruction of the family farm and the succession to an agriculture owned and operated by corporations. What could the consumer expect to pay for food and fiber if corporations take over agriculture—with these corporations administering the prices of food, demanding and getting the price they set at the farm gate.

This bill could be the major impact to span the beginning of a great depression. Remember, agriculture generally leads the way into a depression and this bill could so cripple agriculture as to start us rolling down this path.

Today, farms face continually increasing production costs due to increased costs of goods they buy. It becomes imperative that a producer utilize all the acreage he can to return him some form of revenue. Therefore, the set-aside proposal of not to exceed 28 percent as a requirement to participate in the program is again forcing the producer to receive no income off acreage equal to 28 percent of his base cotton allotment. This, and this alone, is enough to trigger a depression in agriculture and could be set in motion solely by the whims of the Secretary of Agriculture.

Also, it is left up to the Secretary of Agriculture to decide if other crops could be planted on the set-aside acreage. This proposal will work an additional penalty on producers and further burden southern cotton farmers which will have the effect of substantially and unnecessarily increasing the cost of production for cotton at a time when the emphasis should be placed on reducing production costs. Moreover, I am told that the farmers in the South and southeast will not be allowed to count the skipped area in their historic 2–1 pattern as "set-aside" acreage, while farmers in more productive areas of the country who historically have used 2–2 and 4–4, et cetera patterns will be permitted to count their skipped areas as "set-aside." This inequity could be corrected, but it is my understanding that Secretary Hardin has announced his decision to deny southern producers the relief he proposes to grant other skip-row farmers whose larger fields, more fertile soils, flatter lands and larger equipment permits them to use other patterns. It would seem this decision is designed to penalize those already less favored by nature and geography.

The Government, by use of around $3 billion in various subsidy payments, has held farm prices of food and fiber below prices the farmer received over 20 years ago. The farmer today generally has been able to exist through use of Government payments to stabilize the farm economy. However, this bill will limit the subsidy payments to producers and put machinery in motion to force the market price down to even lower levels with no way for producers to bail out. We estimate a market price for cotton falling toward the 19-cent level and this gives the mills an even greater opportunity to get cheap cotton. They get a cheaper raw material to combat higher operational costs, but the producers get lower farm prices and reduced subsidy payments to fight their higher production costs.

Gentlemen, we had better take a long hard look at where we are forcing the agriculture sector of this Nation to go and where the Nation as a whole can very easily follow.

The bill contains a provision for research and promotion money in the amount of up to $10 million to be obtained from savings effected due to the statutory limitation imposed. If this will be used as a matching fund to the $1 per bale checkoff producers of cotton already have going, then it would be beneficial because actually it is money producers should have received. However, the second $10 million which the Secretary of Agriculture can authorize to be paid through deduction from producers' price-support payments if they are above 15 cents per pound is in effect an extra tax imposed upon producers which directly affects his income he would receive and which producers have had no voice in saying they wanted and they do not have any chance to get their money back. The provision for the second $10 million was not in the House or Senate version of the farm bill; yet, it was added in conference.

The large amount of flexibility given the Secretary of Agriculture in this bill without any clearly defined guidelines makes it virtually impossible to inform producers what kind of program they will be under and how it will affect them. I cannot see any way we can pass such legislation until a definite understanding of key points in the bill are interpreted for us.

Efficiency of the U.S. farmer means that productivity of the American farmworker in the 1960's increased by about 6 percent a year, while in other industries the increase was only 3 percent. One farmworker today produces food, fiber, and other farm products for himself and 44 other Americans. Today 1 hour of farm labor produces seven times as much food and other crops as it did 50 years ago. Production sufficient to feed over 200 million people today uses only one-third the amount of labor required to meet the needs of only 91.9 million people in 1910. Output per man-hour on the farm increased by 83 percent from 1957–59 to 1969.

A look at the increased efficiency of American agriculture over the years is more impressive still when compared with figures from other countries. In 1968, when only 5.2 percent of our population fed, clothed, and helped to house us; in Canada the figure was 11 percent; in Denmark, 15 percent; in France, 18 percent; in West Germany, 11 percent; in Japan, 24 percent; and in the U.S.S.R. 32 percent. The gap becomes even wider with the realization that none of these nations produces the abundance and the amount of export commodities we do.

These increases in production and improvements in production efficiency have been reflected in better buys for consumers at the supermarket. Between the base-period years of 1947–49 and 1969 when the price of all items on the cost-of-living index rose by 57 percent, such things as rent increased by 63 percent and medical costs increased by 124 percent. However, in that same period, food costs rose only 48 percent. In 1969 the American consumer spent only 16.5 percent of his take-home pay for food. That represents a substantial drop from 20 percent in 1960. The average consumer in Western Europe spends 25–30 percent of his income for food; in the U.S.S.R. the figure is 45–50 percent; and in Asia the purchase of food takes 75–80 percent of per capita income. For 1 hour's factory labor Americans can now buy nearly two times as much steak, twice as much bacon, and almost twice the amount of milk as they could in 1948.

For his expenditures in 1969, the American consumer received food products of higher quality, higher nutritional value, and of a wider variety of processed and packaged forms than ever before. A higher standard of living, combined with increased efficiency of marketing, packaging, and transportation methods allowed Americans to purchase preferred food items—5.4 percent more livestock products, 42 percent more poultry, and 35 percent more beef than 10 years ago.

Not only is there more food at lower prices, but the food is better. Extensive research and food processing innovations have given the consumer new food products of higher nutritional value. Genetic selection of livestock has produced leaner, more flavorful meats and higher milk production. Combined efforts of producers and the Federal Government insure that meat, poultry, and dairy products will be inspected and graded and sold with a guarantee of purity.

Much of consumer benefit is a result of agricultural research. Work with fiber processing has produced cottons that are wash and wear and wrinkle resistant. Many wools can now be machine washed. These developments not only save the consumer money on cleaning bills, but also save him time. Newly developed farm equipment now picks fruits and vegetables faster, cutting production costs. New machinery frees labor and reduces damage to crops at the harvest stage thereby reducing wastes and yielding higher production levels. Research in irrigation and conservation practices help to preserve America's natural resources and increase effective use of much potential cropland.

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Increased production has meant abundances of food products with which we can support food programs to help needy Americans. The school lunch, school milk, direct distribution, and food stamp programs are only some of many projects which are feeding and nourishing millions of American children and adults. Abundant production has enabled us to build essential reserves which can be called upon in case of emergency.

I ask you, how can we pass legislation that not one farmer indicated through testimony before the Senate Agriculture Committee Hearings that he favored as a solution to the problems of agriculture. How can we put such a program on these producers who have given our American consumers the best quality goods at lowest prices over the years.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. McGOVERN. Mr. President, I want to express the appreciation I feel, as a member of Senator ELLENDER's Committee on Agriculture and Forestry and also as a representative of an agricultural State, for the candor and the wisdom with which the Senator from Louisiana has addressed the Senate today. I wish that more Senators had been in the Chamber to hear what Senator ELLENDER has had to say, because never has a more honest, candid, and straightforward statement been made on a pending agricultural matter than the one he has just made.

Those of us who are familiar with what has happened on this bill in the committee, and after it went to conference, know that he tells the truth when he says that the amendments that were added in the Senate to the House-passed bill were blocked almost entirely by the intransigence of a few members of the conference who claimed to be speaking for the administration.

I think Senator ELLENDER has done everything that was humanly possible to save the income support provisions in this bill which were added by the Senate before the measure went to conference.

I have already made clear my opposition to this conference report. If the conference report were to be adopted and to become law, I think it would result in a drop in income over the next 3 years of approximately $1.25 billion to the farm producers of this country. Not only would that be a devastating blow to the agricultural sectors of the Nation, but also, it would further aggravate the flow of people out of the rural States into already overcrowded cities.

It is my understanding that if the conference report is rejected, the distinguished Senator from Louisiana, the chairman of the Committee on Agriculture and Forestry, will then move that Senate conferees be named to further insist on the Senate bill as it went to conference some weeks ago.

Is my understanding correct?

Mr. ELLENDER. That is what I expect to do, yes.

Mr. McGOVERN. I commend the Senator for that move. It is a step that is in the national interest, it is in the interest of the farmers of this country, it is in the interest of all of us who are concerned about the economy of our Nation, and it will keep faith with the food producers of this country.

So let me again commend the Senator on the leadership he has provided. I am very proud to follow him in this very important matter.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. SYMINGTON. Mr. President, with respect I congratulate the distinguished senior Senator from Louisiana for the noble effort he has made with respect to this bill not to follow those who are primarily interested in the retailers, the processors, and the big farmers; and also for his superb effort to give additional consideration to all those who make their livelihood primarily from cotton, feed grains, and livestock. I would associate myself also with the remarks just made by the distinguished Senator from South Dakota.

Mr. President, one of the rare privileges of serving for 18 years in this Senate has been my relationship over many years with one of the great men in my experience, great from the standpoint of both character and ability. I refer to the distinguished chairman of the Committee on Agriculture and Forestry, the senior Senator from Louisiana. This dialog today is but further evidence of his sympathy and realism when it comes to those people who do not have much in the way of great lobbies around this town.

During the past year, Members of this body came into my State from other States—fortunately, in the main, first-termers in the Senate—and attacked me for backing the position of the senior Senator from Louisiana. They accused me of being against farmers because of my trying to hold up this farm bill in the interest of Missouri farmers. Just why some people would come into Missouri and defend their selling out the feed grain and cattle and hogs people in their own State by attacking our desire to have a better farm bill is a mystery to me, and one that I do not intend to forget.

Mr. President, the proposed agricultural act of 1970 (H.R. 18546), as brought back to the Senate by the conferees, is an incredible farm bill. It is not only damaging to farmers, but also to the United States.

This conclusion is my own conviction. It is also that of scores of farmers with whom I visited in recent weeks; and, perhaps most important, of all the farm leaders in my own State of Missouri, as well as those around the Nation.

Those farm leaders, and those farmers with whom I talked, emphasized that this bill now before us is both unfair and inadequate; and is a bill which is certain to lower farm income.

When people of agriculture view the likelihood of this lower income, and weigh that loss against their ever increasing farm costs—costs which have gone up $10.5 billion in the past 10 years alone—they become totally disillusioned with the inadequacy of this bill; and with the thought that it might be passed.

Farmers especially resent these incredible efforts by Secretary of Agriculture Hardin to junk the parity concept in connection with price support payments and loans.

When H.R. 18546 passed the Senate, it contained a price support provision for corn of $1.35 per bushel, or 75 percent of parity, whichever is greater—other feed grains would be in relation. But primarily due to the pressure of the Secretary of Agriculture on the conferees, they voted to lower this figure of 75 percent of parity to 70 percent; and that decision carried with it authority for the Secretary to further drop the 70 percent of parity figure to 68 percent in 1973, if in his opinion 70 percent was too high.

Let it be known by all farm communities, and for the record, that three eminent senior members of the committee, including the chairman, refused to sign this conference report.

Farmers fully understand that, while this action would appear to retain the parity concept, actually it would make a mockery out of that concept; in fact, by 1973 this bill could well cost farmers hundreds of millions of dollars.

Based on the cotton section of said bill, it would appear that most cotton producers are being treated like stepchildren, because when the reduction in the cotton loan is coupled with the other price depressing features of the cotton section, my cotton producer friends advise that income to cotton producers in many areas of the Cotton Belt could drop as much as 20 percent.

And now we come to the real enigma—the much-discussed and little-understood feature called set-aside. No one, including the authors, can predict with any reasonable accuracy just what the results would be if this set-aside plan goes into effect.

At best it can be said that this set-aside concept is an unknown quantity; and many farmers I know regard it as part of a scheme to set aside an effective program in order to substitute an ineffective program—one which could well scramble production patterns and thereby play havoc with future farm prices.

Let every Member of the Senate, especially those who come from agricultural States, note well that, whereas net farm income in 1959 was only $11.5 billion, under the programs of the sixties, by 1969 it had increased to $16.2 billion. That was, and is progress in the right direction.

Naturally, therefore, the farmers of America are alarmed at the thought of this constructive price trend being reversed because of this bill now being proposed by this administration.

No one can deny that it is a bill which carries with it the prospect of lower farm prices and lower net farm income; and any such development could only force more farmers off the land and into the cities. Again, as well developed by the Senator from South Dakota, this in turn would aggravate further the problems of unemployment which are already increasingly characteristic of our urban centers.

The Senate version of this bill did have some reasonable built-in protection for the agricultural producer. At the insistence of Secretary of Agriculture Hardin, however, nearly all of these farm income protection features were eliminated in the report of the conferees.

About the only reason anyone really interested in rural problems, therefore, can think of for supporting this bill is that it did retain a few improvements over the bill originally sent over here by the House; although there is no way farm income can be maintained unless its specifications are administered with sympathy for our farmers—and equally important, adequately funded.

There are certain administrative rulings which could be made that would insure more equitable treatment among individual producers, and at the same time provide more income protection to all producers.

With that in mind, on cotton, we believe that administrative action should:

First. Limit the number of acres any producer could receive under release and reapportionment. A limit that would not permit a producer to have more than 50 percent of his total acres in cotton after release and reapportionment would not only insure more equitable treatment between producers, but also reduce total program costs.

Second. Require that set-aside be on a solid acreage basis. To permit counting of skip-row as set-aside gives a tremendous, and unfair, advantage to producers in acres practicing skip-row farming patterns. To count skips as set-aside completely nullifies production control as envisioned under set-aside; and also almost doubles the cost of the program in skip-row areas.

If there would be administrative agreement to allow two-row skip plantings, wherein the two skip-rows would serve as a credit toward set-aside requirements, the Secretary of Agriculture should have both the responsibility, and the authority to give relief for any determinable inequities arising from administrative terms and conditions. We are especially concerned about cotton producing areas where soil and climatic differences are incompatible with skip-row planting patterns.

Third. Hold the loan level at current 20.25 cents per pound. The only reason for lowering the loan would be to give domestic textile mills another 2-cents-per-pound price advantage at the expense of cotton farm income.

Fourth. Require full adjustments in yields for abnormal conditions. Because of bad weather, many areas, particularly in my State of Missouri, have not made a full crop in the past 5 years. This year, only an estimated 50 percent of the cotton acreage in Missouri has been harvested. At best this means that the crop this year will not be more than 80 percent of normal yield per acre, and could be much lower.

Basing payments on a moving 3-year average of abnormally low yields, only partially adjusted, is one way that program costs could be reduced. But cotton farm income and cotton production cannot be maintained in many areas unless full adjustments are made.

Fifth. Permit the production of soybeans and other nonsurplus crops on set-aside acreage. The loss of production and income from set-aside acreage would mean an unbearable slash in farm income in areas that do not practice skip-row production.

Regardless of the way this comes out, the cotton producers of Missouri and those other States which share the same problems we have would deeply appreciate the assurance of the Conference and the Senate Agriculture Committee that every possible effort will be made for favorable action by the Secretary of Agriculture on these administrative rulings which would be so helpful to our cotton producers.

On feed grains, as Members of the Senate well know, it was both our thought, and our hope that price support on corn should be at least $1.35 a bushel or 75 percent of parity, whichever was greater, during the period to be covered by this bill. The distinguished Chairman of the Senate Agriculture Committee accepted my own amendment to that end, and took it to conference.

Unfortunately, however, the majority of the conferees did not agree with the Senate position; therefore the bill, as reported back to the Senate, provides for $1.35 a bushel or 70 percent of parity, with authority for the Secretary of Agriculture to lower that to 68 percent of parity in the 1973 crop year.

According to the monthly report, "USDA—Agricultural Prices," the August 15 parity price of corn per bushel over recent years has been:

In 1965, $1.57.

In 1966, $1.59.

In 1967, $1.62.

In 1968, $1.64.

In 1969, $1.72.

In 1970, $1.77—75 percent equals $1.3275.

Since 1968, parity has gone from 1.64 to 1.77—up 13 cents; and if parity on corn goes up as much in the next three years as it has in the past three, it would rise to $1.90.

In 1973, therefore, 75 percent of parity at $1.90 would be $1.42, or 7 cents a bushel more than the $1.35 in the bill.

Consider that, if parity on corn only went up 10 cents to $1.87, the 75 percent minimum support would still be $1.40, 5 cents over the $1.35 in the bill.

Surely farmers from predominantly wheat States do not want to sell their feed grain neighbors "down the drain." But if, for certain reasons, we have before us a bill that gives 100 percent parity for wheat, surely, in all fairness, we should be able to justify 75 percent parity for corn.

Regardless of what happens here in the Senate floor, therefore, I would hope that the Senate Agriculture Committee will continue to urge this administration to work, now and in the future, for at least 75 percent of parity or $1.35, whichever is greater, as the minimum price for corn and other feed grains.

This bill may be somewhat better than what we had in 1959. If it is passed in its present form, however, I predict this afternoon a tragic drop, in real dollars, in the prices our farmers will receive for cotton and feed grains; and we know that a fall in the latter is certain to result, again in real dollars, in a serious decline in the price for hogs and cattle.

Mr. TALMADGE. Mr. President, will the distinguished chairman of the committee yield at this point?

Mr. ELLENDER. I yield.

Mr. TALMADGE. Mr. President, I congratulate my chairman, the senior Senator from Louisiana, for the statement he made on the conference report.

As the Senator stated, we met in conference twice daily for almost 3 weeks. The conferees on the part of the House were completely instransigent. The House passed what our committee thought was a very bad farm bill. The Senate Committee on Agriculture and Forestry worked diligently to improve the farm bill in order to insure the farmers of this country adequate income for their products.

We worked out what we thought was a satisfactory bill. We brought it to the Senate floor. The Senate approved it by an overwhelming majority. But when we went to conference, we did not have a free conference. We won on some of the issues, but on some of the major issues—like cotton and feed grains—every time we would have a proposition, the House conferees would pull out a letter from the Secretary of Agriculture or the Bureau of the Budget.

The administration used the excuse that because of budget considerations, it could not consent to any bill which would cost substantially more than the House bill. However, many of the administration's objections were petty and irrelevant and could not possibly be based on budgetary considerations. For example, the administration even objected to the rural development title of the bill, a title which commits the Congress to a sound rural-urban balance and calls for various reports which will enable the Congress to legislate intelligently. This title, which I introduced in the Agriculture Committee, does not call for the expenditure of any money, but it does commit the Congress to achieve sound rural-urban balance and, hopefully, it will provide information which will enable Congress to carry out this policy. However, the administration contended that this reporting requirement would be too burdensome.

Fortunately, the conferees discerned the weakness of the administration's objection and my rural development amendment was approved.

It is unfortunate that title IX, the rural development title, is one of the few bright spots in the conference report. There are others—such as the retention of the Senate amendment providing for an additional $10 million for cotton research and promotion—but in total, this farm bill amounts to a continued loss of farm income.

I am fearful that this legislation could lead to such a reduction in cotton income that many farmers in the Southeast will no longer find it profitable to grow cotton.

When this administration put forth its set-aside concept a year ago, my first question was, "How will this bill affect

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individual farm income? How will your bill affect the 10-acre farmer, the hundred-acre farmer, the thousand-acre farmer?"

From the reluctance of the administration to respond to my question, one would have thought that I was asking for highly classified defense data. Finally, after repeated calls and letters from my office, the administration did respond with some income examples which were essentially worthless.

My inability to receive informative examples of the impact of the administration bill on farm income continued to disturb me and during the Senate Agriculture Committee's discussion of the House-passed bill, I had my staff, in conjunction with independent experts, draw up examples of the impact of the House bill on farm income.

In figuring these examples, my staff used actual farms in several Southeastern States. My examples showed that the impact of the reduced price for cotton and the set-aside requirement for cotton would prove disastrous to many Southeastern farmers. In many cases individual farm income would be cut as much as 25 percent. In other cases farm income would be cut as much as 50 percent.

Cotton farmers would suffer this reduction in income for two reasons. First, the House bill guarantees farmers only 35 cents per pound for their cotton in 1971. During the last 2 years of the program there is no guarantee of 35 cents, but the administration is required to spend the same amount on cotton payments that it spends for the 1971 crop. In 1970, cotton farmers are realizing a return of 38.55 cents per pound on middling 1-inch cotton. This is due to the fact that the cotton farmers receive a 20.25-cent loan level and payments of 16.80 cents per pound under the 1965 act. These two figures total 37.05 cents per pound. In addition, the market price exceeds the loan level by 1½ cents per pound, which means that the cotton farmer receives a total of 38.55 cents per pound for middling 1-inch cotton.

Under the administration bill the cotton farmer will be guaranteed only 35 cents—10 percent less than he is currently receiving.

The most disastrous feature of the cotton section of the farm bill, however, is the set-aside requirement. As the bill came from the House of Representatives, it contained a set-aside requirement of 33⅓ percent. In layman's language, cotton farmers would be required to set aside or lay out without pay 1 acre of land for every 3 acres of cotton they planted. In today's highly competitive agricultural economy, farmers must attempt to derive maximum benefit from each cultivable acre of land. It does not take a mathematical genius to understand that any program requiring a farmer to set aside land without pay is going to be extremely costly to the farmer. According to the administration's calculations, it is worth $35 per acre to set aside land. Even if we take this low figure, the set-aside requirement would mean that a cotton farmer who planted 100 acres would lose $1,166.66 because of the set-aside requirement.

This is indeed a heavy loss for a farmer who will receive 10 percent less for his cotton.

The Senate committee realized that such a loss was unacceptable and the committee voted unanimously to accept our able chairman's amendment which provided for a set-aside of 12½ percent.

Unfortunately, the House conferees and the administration refused to budge on the set-aside. After 3 weeks of continuous deliberations, a majority of the Senate conferees agreed to accept a 28 percent set-aside requirement for cotton.

This conference had reached a stalemate. This went on day after day and week after week. Sometimes the conversation was tense and bitter. Sometimes tempers were high. We fought as long as we possibly could.

As the Senator from Louisiana stated, neither he nor the senior Senator from North Dakota nor the junior Senator from Georgia signed the conference report. I did not want the people of my State or the people of this Nation to think that I supported that kind of a farm bill. But at the present time we are on the horns of a dilemma.

The House conferees, the Department of Agriculture, the White House, and the Bureau of the Budget have informed us day after day and time after time that it is either this farm bill or no farm bill at all.

If we have no farm bill at all, what will be the result? We will go back to the Benson Act of 1958. That is the permanent legislation that will become law if this conference report is rejected.

Under that bill we piled surplus on surplus in Government warehouses. Cotton got up to over 17 million bales. Every grain elevator in the United States was filled with wheat and corn. The cost to the taxpayers of the country was beyond comprehension.

At that time we had a two-price system for cotton. Foreigners paid 8.5 cents a pound or $42.50 a bale less than the American textile mills paid for it. The textile industry had to pay a premium of $42.50 a bale to buy American cotton.

Cotton is in serious difficulty at the present time. We are spinning more manmade fibers in the United States than we are spinning cotton. The textile mills are switching more and more from cotton to synthetic fibers.

If we go back to a two-price system for cotton, it is my judgment that cotton will be destroyed as a commodity in this country in less than 3 years' time. The textile industry and the garment industry are losing employees at the rate of 100,000 a year at the present time because of cheap foreign imports. They would be absolutely destroyed by a return to the 1958 act.

I see no alternative under the present circumstances except to pass a bad bill in order to prevent one that might be infinitely worse.

Again, I congratulate my chairman and associate myself with his remarks. No man in America stood more valiantly on the floor of the Senate and fought for the American farmer than the distinguished senior Senator from Louisiana. He has been chairman of this committee ever since I have served in the U.S. Senate.

I have had the pleasure of working with him now for almost 14 years. On most issues we see eye to eye. Occasionally we disagree. On this matter our only disagreement is not on the type of the bill presented to the Senate today but on the alternative to this bill.

I believe that even a bad farm bill is better than no farm bill at all. It is better than the return of a cotton program that is completely inappropriate for today's markets.

I am not ready to allow the destruction of the cotton industry of this country. I do not believe that this industry is dispensable. There are several areas of the cotton program in which the Secretary of Agriculture will have some discretion under the pending bill. As a Member of the Senate, I now have no choice but to cast my vote for the administration's bill. But I do want to serve notice on the Secretary of Agriculture that I am not about to let the matter drop here.

I fully intend to use my position as a ranking member of the Senate Agriculture Committee and a Member of the Senate to urge in the strongest possible terms that the cotton program be administered so as to achieve maximum cotton production and maximum cotton income.

I will be looking over the Secretary's shoulder, and he can expect to hear from me quite frequently should he fail to use his authority properly. Mr. President, I thank my distinguished chairman.

Mr. MONDALE. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. MONDALE. Mr. President, I join the distinguished Senator from Georgia in commending the distinguished chairman of the Committee on Agriculture and Forestry for his gifted and devoted statement on behalf of the farm programs.

It was my privilege for some years to serve under his leadership as a member of the Senate Committee on Agriculture and Forestry. I learned there to have a deep respect for his understanding and devotion to the objective of strong agriculture and, because of that, a strong Nation.

I was much pleased when the Senate farm bill passed and went to conference. While none of us gets everything he wants, this was a good farm bill. Virtually every farm organization thought so.

We had a program which tied feed grains to parity with a minimum of 75 percent of parity. We had a strong wheat program. We had guarantees written into the legislation which assured American agriculture and the American farmer of the minimums they needed to make the plans and be sure they could even be in business in the years to come.

We had a provision requiring advance payments to farmers based upon the wheat in the feed grain program, a measure which cost very little to the U.S. Treasury, but one which was very helpful to the farmer in receiving payments to which he was entitled during the early start of production so that he would not have to turn to the lenders and pay high interest rates, particularly during this period.

For the past 7 years the Department of Agriculture made advance payments. This administration decided not to do so. Therefore, this mandatory requirement, in my opinion, was necessary. But it was similarly a great disappointment to me to find that the bill reported out of the conference committee virtually deleted every one of the strong features which were so strongly supported by the Senate and by the chairman of the Senate conferees, the distinguished Senator from Louisiana (Mr. ELLENDER).

The point I wish to make is that last night I was privileged to speak to the Farmers' Union Grain Terminal Association's annual meeting. This was a remarkable meeting at which over 7,000 farmers from Minnesota, North and South Dakota, Montana, and some from Iowa and Wisconsin, attend a 3-day conference each year to discuss American agricultural matters.

Mr. President, I wish to report that this conference overwhelmingly and unanimously passed a resolution requesting the U.S. Senate to reject the conference report now pending before the Senate. I do not recall on any other occasion seeing such strength and unanimity of opinion in American agriculture.

Mr. SYMINGTON. Mr. President, will the distinguished Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. SYMINGTON. How many farmers were at this meeting?

Mr. MONDALE. Approximately 7,000 from all these States.

Mr. SYMINGTON. Would the Senator name the States again?

Mr. MONDALE. The States of Minnesota, North and South Dakota, and Montana. There were also representatives from Wisconsin, Iowa, and I believe a few from Missouri.

Mr. SYMINGTON. I thank the Senator.

Mr. MONDALE. It should come as no surprise because if voters in the Midwest and the great agricultural areas of our country were saying anything this past year, I think they were saying that they were deeply disturbed. And well they might be because although there was a wholesale price index as we had in October, which stated there had been no increase in the wholesale price index, that was true only because farm prices dropped so precipitously, despite the fact everything else was going up. Those figures reflected that the farmers almost alone were absorbing direct price drops and the burden of trying to equalize and temper American inflation.

According to statistics released by the Department of Agriculture just a few days before the election, the result was that farm price parity ratios dropped to the lowest level since 1933. I wonder what would happen if parity ratios for bankers dropped similarly? Or what would we hear from the automobile manufacturers if their prices dropped similarly to rates of 1933? But that is what happened to the American farmer, and in those same States three Governors were elected, five new Congressmen were elected, and three strong voices for American agriculture returned to the Senate.

In my 20 years of involvement in politics in my State I have never seen the farmers as concerned, as distressed, and as anxious as they are today because literally their futures are at stake, the future of the farmers and our future.

I think the American people have spoken and I hope we can follow the leadership of the chairman of our committee and others who have spoken here today to reject the conference report and go from there to build a strong farm bill that American agriculture, rural America, and all of us require for the kind of decent society we all wish to have.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. MONDALE. I am delighted to yield.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly? I would like to suggest the absence of a quorum.

Mr. BURDICK. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the conference report occur at 3:30 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. I thank the Senator for yielding.

Mr. BURDICK. Mr. President, first, I would like to join my colleagues in the Senate today who have paid tribute to the Chairman of the Committee on Agriculture and Forestry. He fought a valiant fight in the conference and we from the great grain producing areas of the country greatly appreciate it. He did all he could do and the fact that he refused to sign the conference report attests to his sincerity in the matter.

I wish to ask several questions of the chairman of the committee, the Senator from Louisiana.

In discussing the wheat section the Senator referred to the fact that the programs are comparable to the present law. Is it not a fact that the conference report limits domestic certificate payments to 535 million bushels of wheat?

Mr. ELLENDER. That would be the minimum under the conference report.

I listened with interest to what the chairman of the committee had to say describing the cotton section and particularly how the conference bill might lead to surpluses. The chairman is aware of what we have done in the past 10 years in trying to reduce the carryover in surpluses in all areas.

Once the set-aside has been adhered to or agreed to in the area of wheat, there is no limit on anybody, on any area, on any location as to where wheat can be grown. Is that correct?

Mr. ELLENDER. The Senator is correct. That is the distinction I tried to make between the present law and this bill.

Mr. BURDICK. That is correct.

Mr. ELLENDER. Because under the present law we have guidelines wherein the minimum national marketing quota is 1 billion bushels which the Secretary must use as a yardstick to start with.

Mr. BURDICK. At present the exchange of crops is clearly defined.

Mr. ELLENDER. Yes.

Mr. BURDICK. Farmers could plant feed grains on wheat acres or wheat on feed grain acres.

Mr. ELLENDER. Yes.

Mr. BURDICK. So there is no limit on the exchange that could be made. Today there is no limit as to where wheat could be grown.

Mr. ELLENDER. The Senator is correct.

Mr. BURDICK. It could be grown in Maine, California, or any place in the country.

Mr. ELLENDER. Yes.

Mr. BURDICK. In the early days when wheat was grown just for the grist mill or for personal use transportation was not a problem. Is it not a fact that today transportation is one of the big factors?

Mr. ELLENDER. That applies to any commodity, of course.

Mr. BURDICK. For example, cotton could not be raised in North Dakota, but wheat could be raised in the Senator's State of Louisiana.

There is that difference, and the cost to transfer a hundredweight of wheat from an average central point in North Dakota to the gulf ports by rail is about $1.10 and by barge $0.80, so that there is an 80-cent to $1.10 differential in raising grain near the gulf ports and in North Dakota. I suppose this does vary as we get closer to the gulf area, but does the Senator not feel that where there is this wide-open planting provision on wheat that will permit farmers who historically never planted wheat will now raise wheat?

Mr. ELLENDER. I stated that in my opening statement. That is something that may occur with respect to wheat as well as cotton.

Mr. BURDICK. That is correct.

Mr. ELLENDER. Because it also applies on cotton.

Mr. BURDICK. And we may be faced with surpluses in wheat and cotton.

Mr. ELLENDER. The Senator is correct.

Mr. BURDICK. There is no limitation.

Mr. ELLENDER. The Senator is correct.

Mr. BURDICK. Now, I have a question for the able Senator from Minnesota. The State of Minnesota is one of the feed grain States; is it not?

Mr. MONDALE. We have almost a greater variety of agriculture produced than almost any other State, but we are a large feed grain producer.

Mr. BURDICK. The Senator does not mean to tell me Minnesota is a leading wheat producer; does he?

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Mr. **MONDALE**. We produce the best wheat; there are other States that produce more wheat.

Mr. **BURDICK**. We will not argue the point, but I think the Senator will find that North Dakota is the leading producer of dark northern spring wheat.

I wish to call attention to a memorandum I received, or a view I received from the Library of Congress Legislative Reference Service in regard to the discretion contained in the bill. This seems to be the Achilles' heel of the bill: That we are giving to the Secretary of Agriculture discretion he should never want or have.

For example, I am reading from the Library of Congress Legislative Reference Service report which refers to a listing of the important grants of discretionary power to the Secretary of Agriculture in the proposed Agriculture Act of 1970. It states that one of those important grants of discretionary power is:

> Title V—Feedgrains—Sec. 105(b)(3): ". . . the Secretary may permit producers of feedgrains to have an acreage devoted to soybeans or to wheat considered as devoted to the production of such feedgrains to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the feedgrain or soybean program."

Reading section 105(c)(1):

> The Secretary shall provide for a set-aside of cropland if he determines that the total supply of feedgrains or other commodities will in the absence of such a set-aside, likely be excessive . . . the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the feedgrain base for the farm as may be specified by the Secretary . . .

There is no maximum limit on the required set-aside and the Secretary has discretionary authority to require a set-aside of any percentage, not even limited to 100 percent, of the feed grain base, which he finds will effectuate the purposes of the act.

Why do we have to grant that much discretion to any Cabinet officer?

Mr. **MONDALE**. As I said earlier, one of the key elements in this legislation that concerns our farmers is that there is absolutely no way that this kind of unlimited discretion can enable a feed grain or wheat farmer to plan his future. It leaves the farmer's future entirely up to a public official who is not elected, who is not governed by any standards; and one cannot conduct business in American agriculture with those kinds of unlimited options available to this one person. Indeed, it is unprecedented.

In that way, and also in terms of the elimination of any meaningful minimum parity price protection—parity price in the feed grain section, though it appears, is calculated so as to have no effect—it is a shadow of a contribution, and not a contribution of substance.

So both in terms of this unlimited discretion, to which the Senator from North Dakota properly makes reference, and which is clearly described by, I assume, Dr. Wilcox, from the Library of Congress, plus the fact that the feed grain program now, for all practical purposes, has no tie with parity, a disastrous situation for the feed grain farmer is really created. It is analogous to this: If we passed a bill eliminating the National Labor Relations Act, we could have no more fundamental effect upon the future of the workingman than we would on the feed grain farmers of our country by passing this legislation.

Mr. **MILLER**. Mr. President, will the Senator from North Dakota yield ?

Mr. **BURDICK**. I yield.

Mr. **MILLER**. I think my colleague from North Dakota knows that the Senator from Iowa is very chary about granting discretion to nonelected public officials. On the other hand, I think we have to take into account that in the agricultural area there are great uncertainties. One uncertainty that came upon many feed grain States and many feed grain farmers with almost lightning-like rapidity was the corn blight problem. If the Congress had to legislate every time there is some unforeseen development, I could see a great amount of delay and difficulty.

It seems to me that the Secretary of Agriculture ought to have discretion, based upon guideline, to see that the set-aside is geared into production which will not bring about excessive production, and be flexible enough so that he can set the set-aside requirements to roll with the punch.

At the time we were considering this bill in the Committee on Agriculture and Forestry, the Secretary had prepared some estimates which were based upon a probable set-aside of 20 percent of the feed grain base.

In view of developments as a result of the corn blight problem, there is now grave doubt as to whether or not this would be a proper figure to use. The chances are that the Secretary will not be able to make a good determination of that question until possibly early next year, when all of the statistics needed to make a judgment will be available to him. It might end up at 18 percent. It might end up at 20 percent. It might end up at 22 percent.

But it seems to me that we ought to give the Secretary of Agriculture the feeling of confidence on our part that he is not going to abuse this authority.

I find it incredible to think that any Secretary of Agriculture would abuse his discretion to the extent that he might, for example, require a 50-percent set-aside, and then, of course, throw feed grain production into a terribly deficient position, which would cause an abnormal increase in the cost of feed grains and livestock, and the costs of the consumers.

I do not believe that we should treat this discretion on the part of the Secretary as one that the Secretary is going to use in any other way than to benefit the country and that he will not abuse his discretion, but that he needs flexibility.

I will say to my friend from North Dakota that if before the conference committee, or in the agriculture bill as it appeared on the floor of the Senate, there had been a provision that the Secretary could not have a set-aside of less than 10 percent or more than 50 percent, and that he had to operate within that framework, I do not think there would have been a ripple on the floor of the Senate. But I suggest to my friend from North Dakota that that would be completely unnecessary. I do not think there is any intention on the part of anybody, or any thought on the part of anybody, least of all the Secretary of Agriculture, that this discretion will be so widely used. We are talking in terms of variances of possibly 5 percent or perhaps 10 percent.

Mr. **BURDICK**. Let me say we are not contending that there is any intention to abuse any discretion. I am saying something that the chairman has said—that it is too wide open; that there should be some guidelines that would limit this discretion to some acreage. Right now there could be a 100-percent set-aside under his discretion. That should not be in the law. That is too much.

Mr. **MILLER**. May I ask my friend from North Dakota if he really thinks that any Secretary of Agriculture would ever exercise the discretion of 100 percent?

Mr. **BURDICK**. Why should we have it in the law, then?

Mr. **MILLER**. I think really it is understood that such an absurdity is not necessary to be covered by the law, but that the guidelines to set the set-aside according to what is necessary to prevent excessive production or underproduction is a proper guideline. I do not know what the Senator from North Dakota might propose. Has he suggested, for example, that the committee provide for a set-aside to be not less than 10 percent or more than 50 percent? Is that what he is getting at?

Mr. **BURDICK**. I would like to have the conference committee review that very question. That is what I would like to have them do. I would like them to use their judgment, so that at least we would have some guideline to limit it to some extent. That is why I want it returned to the conference committee. Let the conference committee, in its wisdom, set a guideline, so that it will not be an open-ended authority.

Mr. **MILLER**. After the legislative history that has been made on this question, taking into account the tables and figures furnished the House Agriculture Committee, taking into account the tables and figures furnished the Senate Agriculture Committee, taking into account the statements of the Secretary of Agriculture and his officials, if there were any kind of abuse of this discretion along the line that our imaginations could lead us to, there would be prompt retaliation in the Congress. But I do not expect any such abuse. As a matter of fact, I can say to my friend from North Dakota that I do not recall that the question of abuse of this discretion ever came up in the proceedings of the Senate Agriculture Committee, because we understood that the 20 percent set-aside figure was something of a "guesstimate," but that we were talking in terms of the exercise of discretion in that area, which could be up or down, depending upon unforeseen climate and growing conditions.

I must say that I do not believe the Senator from North Dakota has any need to worry about this. I do not know of any Secretary of Agriculture who would abuse the discretion that exists in the bill.

Now, we get into another area of discretion: Price supports. Why would we not just leave the price supports wide open? They came over from the House of Representatives with a bill which provided that the loan rate on feed grains shall be not in excess of 90 percent of parity. The next thing you know, someone said, "Well, that means there is no floor; therefore, the Secretary could set a loan rate of 50 cents a bushel on corn."

My reaction was that I did not think any Secretary of Agriculture in his right mind would ever even think of such a thing; but what gave me some trouble was the fact that in the House Agriculture Committee, one of the tables furnished by the Department of Agriculture to the House Members on the basis of planning for this legislation was based on an estimated 90-percent loan rate on corn. Then when the tables were furnished to the Senate Agriculture Commitee, the Secretary and his people gave us a figure of a $1 loan price for corn.

So I said that maybe there might be a consideration of reducing this floor to 90 cents, and I could not see any difficulty of using a dollar. It is no great shakes, but it would cover the costs of production, and to be on the safe side, and not to allow any variation below a dollar, I said, "Let us set a price support at $1." My colleagues in the committee went along with that, and I am glad to say that the Senate did, and so did the conference committee.

I think that is a different kind and degree of discretion than what the Senator from North Dakota is talking about. But I point this out to the Senator so that he will know that the Senator from Iowa is concerned about the possibility of abuse of discretion where there is some area which can have a very important impact on the income of farmers.

Where there is an area of discretion based upon the needs of the country, upon production, or upon climate variations, I think we have to have some flexibility, and I do not think the Senator from North Dakota is going to see any abuse of discretion by the Secretary.

Mr. BURDICK. I must say to my friend from Iowa at this point that I cannot yield further, because we are under controlled time.

Mr. MILLER. I am sorry.

Mr. BURDICK. I realize that the Secretary has to have some discretion. We are in disagreement as to the extent of it.

As to the payment for the set-aside, that is also up to the discretion of the Secretary. I should like to continue with my prepared remarks at this time, and if the Senator wishes to speak further, perhaps he can be recognized on his own time.

Mr. MILLER. I apologize for taking the Senator's time. I thank the Senator for yielding and permitting me to engage in this colloquy.

Mr. FULBRIGHT. Mr. President, had the Senator finished?

Mr. BURDICK. No; I am not through.

Mr. FULBRIGHT. I was going to ask a question about the situation on cotton, but I guess I should not address that question to the Senator from North Dakota.

Mr. BURDICK. No; not to me.

Mr. President, I oppose the pending conference report.

The farm bill pending before us today is weak in two important ways.

First, it is weak in terms of price support for the basic agricultural commodities. For feed grains, cotton, and wool especially, the legislation contains no meaningful parity formula to protect the farmer against increases in production costs over which he has no control. The fixed-figure price supports in the bill may seem adequate when judged according to their immediate impact. But as we move beyond 1971 into 1972 and 1973, inflation and escalating costs will exert an ever-tightening squeeze on farmers' real income.

The way to correct this is to return a workable parity provision to the basic commodity programs.

Second, the conference version of the farm bill is weak in regard to supply management. Farm programs that have evolved in this country since the 1930's are built upon the fundamental proposition that Government can and should help the farmer to do what he cannot adequately do for himself—that is, to manage production of farm commodities so as to maintain a reasonable balance between supply and demand. The measure of stability imparted to the agricultural economy by existing farm programs has redounded to the benefit of both farmers and consumers of farm produce. Today, the American consumer pays less of his disposable income for his food than ever in history—less than the consumers of any other major nation of the world are spending. Furthermore, while the cost of living has risen, the share of disposable income which goes to the farmer has been declining for the past several years and continues to decline.

Th workable system of supply management that has evolved over the last 4 decades is threatened by the approach contained in the conference report. In lieu of the proven network of commodity-by-commodity production controls in existing law, the confrence version would substitute the so-called set-aside approach.

How the set-aside will work is anybody's guess. As far as I know, the administration has not explained it to anyone's satisfaction. If anyone has been able to obtain, from the Department of Agriculture or another source, a projection of exactly how the set-aside will work, I would truly welcome the information.

The apparent truth is that the USDA does not know how, and even whether, the set-aside will provide effective supply management, for its workability depends upon how thousands of individual farmers allocate their land and other production resources among the different commodities. These decisions by individual farmers—and how they will aggregate into overall production patterns for each crop or commodity—are really unpredictable.

The set-aside approach has been promoted by the administration with the argument that it will afford more "freedom to plant" to the American farmer. There is, indeed, a surface validity to the argument that the set-aside would give the farmer more flexibility in his planting decisions. But this could become a mockery of freedom, if it leads to overproduction of specific commodities, and to the type of instability in agriculture that injures both consumer and producer of food and feed products.

The Nation experienced this type of instability in agriculture before the Great Depression, and it would be tragic to return to similar conditions as a result of deliberate public policy. Unfortunately, the set-aside may well be such a policy.

These two weaknesses of the farm program embodied in the conference report—that is, rigid, inadequate price supports and untested, perhaps unworkable production controls—go to the heart of the legislation. They cannot be extracted from the programs without removing the very lifeblood from the programs of which they are a part.

I know that there are some who would emphasize that the hour is late, and that quick adoption of the conference report at least would assure that there will be a farm program for the coming year. It is understandable that there are even some farmers of this opinion. Sometimes uncertainty about one's fate is more terrible than "getting it over," regardless of what the outcome might be.

Leadership is direly needed at this time. Farmers need to be assured that the Senate and the Congress will not let them down at this crucial hour, and that they need not settle for half a loaf for fear that they will get no loaf at all. The farmers of this Nation—following the mandate that they provided in the November 3 congressional election—are now looking to the Senate for leadership in this crisis.

If we take the initiative and reject the conference report, there is reason to believe that the House of Representatives will still enact a better farm bill in 1970. The November 3 election amounted to a significant referendum on the farm bill.

Mr. President, on October 30—just over 2 weeks ago—the Crop Reporting Board of the Department of Agriculture announced that the general farm parity index now stands at 70. This is the lowest level for the parity index since 1933, the depths of the Great Depression. Can we afford to enact a farm bill for 1970 that will continue this downward slide in parity for farmers during the next 3 years?

I say that we cannot. Let us reject the conference report, and permit the conferees to try again.

Mr. FULBRIGHT. Mr. President, if the Senator from North Dakota will yield to me, I should like to propound some questions to the Senator from Louisiana.

Mr. BURDICK. I yield.

Mr. FULBRIGHT. Just one or two questions about the Senator's estimate of the effect of the open-ended planting on the cotton program. The Senator has evidenced his displeasure with this report, and I have grave reservations about it. The cotton farmers in my State have grave reservations as well, but they are also extremely concerned about the alternative, if this measure is not adopted.

I realize that the Senator from Louisiana has made his speech, but I should like for him to explain in a little more detail the effect of allowing open-ended planting above the allocated acreage, and how he thinks this will work.

Mr. ELLENDER. Every farmer who has a history of growing cotton would be protected under the law at around 35 cents a pound.

Mr. FULBRIGHT. For his allocated acreage.

Mr. ELLENDER. His allocated acreage. Now, if the farmer desires to plant any additional acreage over and above the allotted acres, he may do so; and if he does so, he can get a loan on whatever he produces equal to 90 percent of the world price.

Mr. FULBRIGHT. As of today, approximately what would that amount be? What would be 90 percent of the world price?

Mr. ELLENDER. Approximately 16.5 cents or 17 cents a pound under the bill.

Mr. FULBRIGHT. Would the effect of this be that the large farmers then would get their regular 35 or 36 cents on the allocated acreage, and all above that somewhere around 16 cents?

Mr. ELLENDER. They would get a loan to that extent if they desired. But many of these farmers who have a large acreage contract with mills have perhaps a thousand bales, not at 16 or 18 cents, which is 90 percent of the world price, but they might contract for as much as 25 to 26 cents a pound. In that way, a great deal of cotton will be planted, no doubt, and it will mean that the cotton on other allocated acres may have to be taken over by the Government, because many sales will be made by the farmer for the cotton that is planted on the acres above the allocated acres.

Mr. FULBRIGHT. Is it the Senator's concern that this may be an inducement to a great overplanting and a building up of additional surpluses?

Mr. ELLENDER. That is my concern, exactly.

Mr. FULBRIGHT. That is the Senator's major concern?

Mr. ELLENDER. The major concern. As the Senator knows, several years ago we had a surplus of about 17 million bales of cotton; and under the program envisioned under the present law, we were able to decrease that surplus to a little under 7 million bales, which is a normal carryover.

Mr. FULBRIGHT. The small farmers still get the regular price on the allocated acreage?

Mr. ELLENDER. That is correct.

Mr. FULBRIGHT. They will not be concerned with the excess planting, in any case, since most of them do not.

Mr. ELLENDER. That is correct. That is the first year. But the second year, if more cotton is originally planted than necessary and the surplus builds, then, under the law, the Secretary of Agriculture is at liberty to decrease the acreage from 11.5 million to whatever he deems necessary to keep the surplus down. So that it is possible under this measure that if the planting increases the surplus to such an extent, the acreage may be cut from 11.5 million in 1971 on which farmers will receive pay to as low as 9 million or 8.5 acres in 1972 or 1973.

Mr. FULBRIGHT. In the event that takes place, is there any protection for the smaller farmers?

Mr. ELLENDER. No.

Mr. FULBRIGHT. They will be cut on the same proportion?

Mr. ELLENDER. Yes. But they will get payments a little greater, so that their income will not be affected very much.

Mr. FULBRIGHT. I thank the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. Supplementing the answer of the distinguished chairman, I want to point out that there are two other matters that I think should be mentioned at this time.

The first is that the law mandatorily provides that if the acreage is reduced, the income to the farmers not be reduced, that the price of payment per pound goes up.

Mr. FULBRIGHT. On the allocated acreage?

Mr. HOLLAND. Yes. So that about the same amount will go out to the various communities as heretofore. I thought that was fair treatment.

The other thing that I think might be put in the RECORD, in addition to what the distinguished chairman has said, is this: The bill itself, as it comes from conference, contains a provision that if the carryover rises above 7.2 million bales and we have had vastly greater carryovers than that—the Secretary is not permitted to make loans thereafter on cotton produced on excess acreage, and he is permitted to limit the acreage which can be planted by program participants, always subject to the provisions I have just mentioned, that he may not cut the total revenue given to the farmers or to the community.

Mr. FULBRIGHT. So, if I understand it correctly, the excess would have to get above 7.2 million bales before it could—

Mr. HOLLAND. There would be no inducement, no support, and I think a farmer would be foolish to plant under those conditions.

It was made very clear throughout our arguments—we had long arguments, and I commend the patience of the chairman through the 3 weeks of arguments in conference—that the people who wanted to plant beyond their allotment required the assurance of loans before they felt justified in planting. When that assurance is cut off in case 7.2 million bales are on hand, I can see no apprehension at all that anybody need have about planting beyond the allotment.

Mr. FULBRIGHT. I thank the Senator.

Mr. BIBLE. Mr. President, the cotton growers in my State of Nevada are deeply concerned over the effect of this legislation on Nevada's future cotton allotment. And I think they are properly concerned

By national standards, Nevada is a small cotton producer. We grow high quality cotton, but compared to other cotton States, our acreage is very limited. Nevada's share of the national cotton allotment for 1970 is only about 3,700 acres.

Since the Agriculture Act of 1956—enacted in the 84th Congress—the law has contained a provision establishing a national cotton acreage reserve to be apportioned to States on the basis of their need for additional acreage to establish minimum farm allotments. Under this provision of the law, Nevada has been entitled to special 1,000-acre statutory apportionment from this reserve.

One of the reasons this special provision was made in the first place was to enable our Nevada cotton farmers to plant sufficient acreage to justify the building and operation of a cotton gin. Before the special allowance was granted, the acreage planted was insufficient to support an economical ginning operation. It was necessary for our farmers to bale their cotton like alfalfa and truck it some 300 miles over the Sierra Nevada Mountains to the nearest cotton gin in the State of California.

The special 1,000-acre allowance provided sufficient acreage to permit the building and successful operation of a local cotton gin. It permitted the growth of a small but healthy cotton economy in the Pahrump Valley some 40 miles west of Las Vegas in southern Nevada.

The present conference report discontinues this special allowance for Nevada's cotton farmers. The bill leaves unclear whether the small cotton community in Pahrump will receive sufficient cotton allotments in the future.

This is an important question for my State. I am advised that if no credit is allowed for the special 1,000-acre reserve allowance, Nevada may lose as much as one-half of its entire cotton allotment. According to the Nevada State Committee of the Agriculture Stabilization and Conservation Service, any reduction in the present allotment will cause a shutdown of the Pahrump Valley cotton gin. A drastic reduction of one-half the present allotment could result in a loss of farm income amounting to $250,000 annually, with very serious adverse effects on the entire community.

Nevada needs a cotton allotment comparable to what she has now, and to what she has been receiving over the years under existing law. Her usual allotment is small in any case, and any reduction will bring economic hardship.

My question to the manager of the bill, the distinguished Senator from Florida, is this:

The national cotton allotment for 1970 is 17.1 million acres. The present conference report provides a national allotment for 1971 of 11.5 million acres, and I am told that under a strict construction of the language of the bill Nevada's allocation of acreage will be a much smaller proportion than is the case for any other cotton-producing State. Was it the committee's intention that the 1971 allotment for Nevada would be reduced in this manner—to a level disproportionately low in relation to the allotments for other States?

Mr. HOLLAND. Mr. President, I appreciate the apprehensions of the Senator and the cotton growers of his State. It is our understanding that each State will share in the 11.5 million acre base allotment for the 1971 crop year to approximately the same extent percentagewise as in 1970. If Nevada is unduly penalized in this allocation procedure, we expect the Secretary of Agriculture, under broad authority conferred on him by the statute, to make such adjustments as may be necessary in order to avoid the kind of situation described in the remarks of the Senator from Nevada.

Mr. President, I might add to that, the conferees understood clearly we were allowing for the taking care of distress cases in such a way as not unduly to hurt any grower or community of a State. I am sure that this answer will relieve the apprehensions of the cotton growers of the great State of Nevada.

Mr. BIBLE. It certainly does, and I want to thank the distinguished Senator from Florida, the Senator in charge of the bill, and would likewise want at this time to thank the distinguished chairman of the full committee who has been a great ally of mine in attempting to bring this about.

All we want to do is to get enough of an allotment to get the cotton gin going. If it is cut this harshly, obviously, it cannot do so.

I appreciate very much the answer of the distinguished Senator from Florida.

Mr. TALMADGE. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I shall be glad to yield to the Senator from Georgia, but first I want to supplement what the Senator has said about the distinguished Senator from Louisiana (Mr. ELLENDER). He certainly has been a great friend of the agricultural producers of the Nation. He still is. I regard him as an outstanding friend of agriculture in the Senate.

Now I am happy to yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, for the purposes of leasing a farm with a cotton allotment can the tenant contract for a lease that provides for a cash rent with limited reduction in rent predicated on a subnormal yield and have this lease considered for purposes of the farm program a cash lease rather than a share crop lease?

Mr. HOLLAND. I am glad to answer that question. I was advised that this question might be raised, and had the counsel for the committee look into it. The answer is "Yes," for the purposes of administering this act, this arrangement should be considered a cash lease rather than a share lease.

I think that should satisfy the apprehensions of the Senator from Georgia and his constituents. It is a clearly understood apprehension.

Mr. TALMADGE. I thank the Senator in charge of the bill. I also concur in the remarks which have been made, and which I made earlier, with regard to our distinguished chairman, the Senator from Louisiana (Mr. ELLENDER).

Mr. HOLLAND. I thank the Senator from Georgia.

Mr. DOLE. Mr. President, I have listened with great interest to the discussion of this conference report, by those opposed to it and those who indicate they favor its adoption.

Let me remind my colleagues that the Senate bill passed by a vote of 65 to 7—I was one of those 62. Then the Senate and the House versions were discussed at some length in conference. There were many trials and tribulations in conference. Finally emerging is what we now have before us in the conference report which has been adopted by the House.

Having served on the House Agriculture Committee for 8 years, and now in the Senate committee for 2 years, perhaps the best course would be to run against the Secretary of Agriculture, whether his name be Freeman, Hardin, or whoever it may be.

To point out how bad this farm bill may be, and how bad the next farm bill may be, but this may be the last farm bill passed by Congress. I say that certainly not in a partisan way. But there are fewer and fewer Members, particularly in the other body, who come from agricultural areas.

Thus, I say in all sincerity, that we may be acting upon one of the last farm bills, at least comprehensive farm bills, for a long, long time.

This is a 3-year program. It is time now for the farmers to make decisions about spring planting. It is a long time passed for those of us in the winter wheat producing areas. We had to plant the crop without knowing what the program would be. That is not unusual. That has happened before. In fact, almost every time we have a new program.

In order for these farmers most efficiently to produce their crops, seed and supplies need to be obtained now.

To determine his needs for seed and supplies, the farmer must know the farm program provisions. Ultimately his decisions will be based on the action of the Senate on the conference report for H.R. 18546, the Agricultural Act of 1970.

WHEAT FARMERS GUESS

Winter wheat producers have already planted their crop. They could not wait, and were forced to speculate as to what provisions new farm legislation would contain. They had the assurances of many Senators that the pending conference report would receive prompt approval following the election recess. Wheat farmers have proceeded with their planting, and the crop is up and green—still anticipating approval of this legislation.

Now the junior Senator from South Dakota suggests consideration be further delayed. Mr. President, I submit that nearly 2 years is ample time to pass farm legislation. What the junior Senator from South Dakota suggests would extend the very program which has caused farmers to abandon their farms. His suggestion would eliminate the possibility of a farmer increasing his income that this conference report provides.

The Senator from South Dakota has also suggested that if we adopt this conference report, it will cost the American farmer some $2 billion. As I read the estimates, at least insofar as wheat is concerned, the gross income will be $32 million more under this program, if we adopt the conference report, than under the present wheat program. The same is true of feed grains—not the same amount—but more income for the farmer. I wonder, therefore, how we can say, without even any trial or error, that favorable action would cost American farmers some $2 billion.

INCOME COMPARISON

It is important that we examine the alternatives available in considering this report. I have heard comments about giving the Secretary of Agriculture too much power. I am reminded that in 1961, when the Democrat Secretary of Agriculture, Orville Freeman, had introduced in the other body H.R. 6400. It gave the Secretary of Agriculture almost unlimited power, and provided fines and jail sentences for farmers who did not keep proper books and records. We discussed at that time the unlimited power of the Secretary of Agriculture and the House rejected it by a five-vote margin—as I recall, a highly compulsory farm bill.

Mr. President, the conference report before us today encompasses not just the wheat program, or the cotton program, or the feed grain program, but many other programs of concern to agriculture, such as the dairy program, the wool program, Public Law 480, land retirement, dairy indemnity programs, and many others. Thus, we are discussing broad programs which affect the entire field of agriculture.

What are the alternatives?

As I said, the Department of Agriculture has projected some income figures based on three alternatives.

I ask unanimous consent to have the list of figures as they relate to cotton, wheat, and feed grains, printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

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KEY PROGRAM PROVISIONS AND PROGRAM RESULTS: COTTON, WHEAT, AND FEED GRAINS—1971 PROGRAM ALTERNATIVES COMPARED WITH 1969 AND 1970 PROGRAMS

[Based on estimates developed Aug. 25, 1970. This does not take into consideration revisions in crop reports since Aug. 25, 1970, and the effect of corn blight in program determinations for 1971 crop.

Item	1969 crop	1970 crop	1971 crop alternatives: Act of 1970	1971 crop alternatives: No new legislation: Yes [1]	1971 crop alternatives: No new legislation: No [2]
Cotton, upland:					
Production	9.8	10.9	12.5	15.2	15.2
Use	10.7	11.2	11.7	9.6	9.6
Loan rate	20.25	20.25	[3] 18.70	32.07	32.07
Season average price	20.60	20.75	[3] 19.50	32.45	32.45
Payment rate	14.73	16.80	15.50	------	------
Farm value of production	1,024	1,131	1,143	2,368	2,368
Payments to farmers	824	907	860	------	------
Gross income	1,848	2,038	2,003	2,368	2,368
Budget expenditures	1,012	1,006	1,092	1,343	1,343
Wheat:					
Production	1,459	1,357	1,410	1,211	1,475
Use	1,400	1,360	1,440	1,290	1,290
Loan rate	1.25	1.25	1.25	1.15	1.43
Season average price	1.24	1.28	1.30	1.20	1.30
Marketing certificate	1.52	15.7	1.56	1.39	------
Farm value of production	1,804	1,737	1,833	1,453	1,917
Payments to farmers	857	899	835	744	------
Gross income	2,661	2,636	2,668	2,197	1,917
Budget expenditures	1,257	1,138	1,049	490	957
Feed grains:					
Production	174	175	188	232	229
Use	178	180	186	199	199
Loan rate (corn)	1.05	1.05	1.00	.99	.89
Season average price (corn)	1.12	1.16	1.10	.85	.85
Payment rate (corn)	.30	.30	.32	------	------
Farm value of production	6,811	7,084	7,245	6,985	6,895
Payments to farmers	1,644	1,490	1,400	------	------
Gross income	8,455	8,574	8,645	6,985	6,895
Budget expenditures	1,940	1,688	1,707	1,449	1,336
Summary—Cotton, wheat, and feed grains:					
Farm value of production	9,639	9,952	10,221	10,806	11,180
Payments to farmers	3,325	3,296	2,995	744	------
Gross income	12,964	13,248	13,316	11,550	11,180
Budget expenditures	4,209	3,832	3,838	3,282	3,636

[1] Yes vote on wheat referendum—Marketing quotas in effect.
[2] No vote on wheat referendum—No marketing quotas.
[3] Includes micronaire premium of .45 cents.

Mr. DOLE. Mr. President, for purposes of comparison, one can consider the past harvest as a minimum income if the present program were extended for next year. All USDA figures are based on projections prior to any upward influence caused by the corn leaf blight damage.

The USDA projects gross wheat income under provisions of the conference report of the Agricultural Act of 1970 would be $2,668 million. This is an increase of $32 million over the gross wheat income of this past harvest and would be $500 to $700 million more than income they project under either referendum vote.

The junior Senator from South Dakota concurs with the USDA's income loss figure if we should be forced to revert to the Agricultural Act of 1938, as amended. As he said on November 16:

> Reversion to the old "permanent" farm law . . . would entail an annual income loss of some $2 billion on wheat and feed grains alone. (CONGRESSIONAL RECORD, Nov. 16, 1970, p. 37279.)

Cotton income is projected to increase by over $300 million by reversion to the "old" farm law—all in Government payments.

The USDA projects gross feed grain income under the set-aside program would be $8,645 million. That is $71 million more than the gross feed grain income this year, and would be $1.660 to $1.750 billion more than they foresee under either result of a referendum.

Let us now look at the USDA's appraisal of the conference report and examine it beyond income projection.

The Department of Agriculture asserted the act will protect and improve farm income because:

Payments will be continued at a level needed to maintain farm income.

The act's set-aside provisions will keep production levels in line with needs and prevent crop surpluses.

USDA indicates the act will offer farmers a wider choice of crop acreages.

Farmers will have a greater capability to shift production to meet market demand, thus encouraging farmers to produce their most favorable crop.

Set-aside provisions will encourage more efficient use of land by permitting acreage not set-aside to be planted to any crop as the market and not the Government might dictate.

Interplay of market pricing and greater flexibility in farm production patterns will influence crop output toward those most needed for actual use either at home or abroad.

This bill could open the door of opportunity for the farmer. The present farm program provides such close control that a producer has no opportunity to expand and improve his operation. Presently to receive his support payments, the producer must comply with many regulations that forbid him an opportunity to plant more of a more favorable crop—unless he is willing to give up his Government payments.

The conference report we consider today will provide the farmer that very opportunity. He may receive his commodity payments as long as he sets aside a portion of his crop-producing land from production of surplus crops. After compliance with the set-aside requirement, he has a choice. He may plant the allotment, as he does under the present program for various commodities, or he may choose to select his most favorable income producing crop and plant more of that commodity. This is a step in opening the door of opportunity for the farmer to improve his income.

The Senate version of the Agricultural Act of 1970 was far more beneficial to the farmers. The Senate passed its version by a vote of 65 to 7. I would remind the junior Senator from South Dakota that this version was not acceptable to the House of Representatives through their conferees. The changes in the agricultural representation in the House from the recent election was not sufficient to overcome the urban dominance that exists in the House.

NO COALITION

Mr. President, I would at this time submit for the RECORD copies of telegrams from farm organizations asking for approval of this conference report. The groups represented are: The National Association of Wheat Growers, the National Grange, the Washington Association of Wheat Growers, and the National Federation of Milk Producers. Three of these telegrams are from members of the Farm Coalition. My point is that there is strong support for the conference report and apparently no "coalition" position.

PUBLIC LAW 480

The food-for-peace program—Public Law 480—faces expiration the end of next month. This program enjoys nearly unanimous support in both Houses of Congress. It would be extended by approval of the conference report.

Decisions face the Department of Agriculture with respect to the dairy indemnity program, the Wool Act, the special milk program for veterans and military hospitals, and the authority for Class I base plans for milk. Extensions for all these programs are provided in the conference report.

I do not imply these programs would be discontinued, but further delay would necessitate special action for each.

RURAL DEVELOPMENT

Another provision in the conference report would contribute to improving opportunities in rural areas. Title IX of the bill sets guidelines for improving rural America. It directs agencies to review and consider rural areas for future government activities and installations. It also assures the rural community of receiving equal consideration in the provision of governmental services. The rural development title of the bill would serve as a foundation for future legislation to stimulate development of rural areas.

ALTERNATIVES

In the event this conference report is not approved, the farm provisions of the Agricultural Act of 1938, as amended—the program under which we were operating in 1958—would be in effect. The warehouses would soon bulge with surplus productions and the cost of the farm program would skyrocket.

The alternative suggested by my colleague from South Dakota, in extending the present program, would not provide loan minimums for wheat and feed grains, as does the conference report. Rejection of the conference report would require passage of this alternative, which would face stiff opposition in the House.

Some Members may wish to use the farmer as a political football, but to tinker and delay would be to render a disservice to agriculture.

Commonsense dictates approval of the conference report. Any alternative other than approval of the report at this time would merely cause further delay to the farmers of this Nation.

FARMER WILL PAY

Let me emphasize—The farmer will be the one who pays for further delay. The wheat farmer is already paying, as some could have utilized the set-aside provisions if the conference report had passed prior to October 1.

So I think we must talk about the alternatives.

Let us now look at the USDA's appraisal of the conference report and examine it beyond income projection. They say the payments will be continued at the level needed to maintain farm income and that the set-aside provisions will keep production in line with needs and prevent crop surpluses. They will give the farmers of America a wider choice and freedom, and more decisions will be made on the farm instead of Washington or in some ASC office somewhere across America. Farmers will have a greater capability to shift acreage under the set-aside program.

This bill could open the door to opportunity for the American farmers.

Mr. President, I was pleased when in Kansas recently, I talked to State ASC committee members. They are concerned about the farmers of Kansas. As they assess the bill, in its early stages, if substitution of wheat and feed grains is permitted, they predict that it could be the best program farmers have had for many years.

I would be the first to say, as I have said in the past, that farm income should be improved more than this bill provides. I say it to my President as I did to the last President.

Six percent of the American people are farmers and produce the food for the rest of us. We spend less of our disposable income for food than any people in the world.

Some talk about subsidizing the farmers. In the opinion of the junior Senator from Kansas and of many Senators who represent farmers, this is, in effect, a subsidy for the consumers. Until we recognize this, what are the alternatives? What do we tell the farmers if we do not act on the bill today; that we will have a better bill? No. We will have what we had last year.

There is support for the program. There is support for Secretary Hardin. There is support for the great bipartisan work of the House and the Senate. This is not a Democratic bill. It is not a Republican bill. It is the result of the efforts and long, hard work by the chairmen of the Senate and House committees. It is a bipartisan effort because the Democrats control the Congress. They control the House and they control the Senate.

Farm organizations do support the conference report. It is supported by the National Grange, the National Association of Wheat Growers, the Washington Association of Wheat Growers, the National Federation of Milk Producers, and many other groups.

As I said earlier, we are talking about not just wheat, feed grains, cotton, wool, or dairy products. Also included is an extension of Public Law 480 which has literally saved hundreds of thousands of lives in the world because of the generosity of our Government and the American farmer.

There are decisions right now facing the Department of Agriculture with reference to the Wool Act, the dairy indemnity program, the special milk program for veterans, military hospitals, and the authorization for Class 1 base plans for milk.

The Senator from Kansas does not imply that all of these programs will go by the board if the Senate does not act favorably today. But as a junior Member of the Senate, I do say it is time we act. The farmers have waited long enough.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. DOLE. I will yield in just a moment.

Mr. President, I ask unanimous consent at this point to have printed in the RECORD telegrams received from the National Grange, the National Association of Wheat Growers, the Washington Association of Wheat Growers, the National Milk Producers Federation, a letter from Secretary Hardin concerning this proposal, and suggestions for administering the program—which I find to be completely compatible—the very excellent recommendations adopted by the National Grange, and a letter from Hendrik S. Houthakker with reference to a letter circulated by one farm organization that this administration is bent on destroying the family farmer.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PASSAGE OF AGRICULTURAL ACT OF 1970

Resolved, that the National Grange, assembled in its 104th Annual Session at Boise, Idaho, November 16, 1970, urges immediate and affirmative action on the Agricultural Act of 1970.

Although falling short of National Grange objectives we find the farm bill better than the other two alternatives: (1) no new legislation—revert back to old laws totally unacceptable to agriculture (2) simple extension of the Food and Agriculture Act of 1965 would leave farmers without fixed floors under wheat and feed grains and without the improvement in the dairy title.

The Committee recommends that a copy of this resolution be immediately transmitted by telegram to Senators Hugh Scott and Mike Mansfield, Minority and Majority leaders of the Senate.

WASHINGTON, D.C.,
November 17, 1970.

Hon. ROBERT J. DOLE,
Senate Office Building,
Washington, D.C.:

We support passage of the conference report on pending farm legislation. While the legislation has many shortcomings, proper administration could regulate production and maintain producer income. The alternative of a referendum is not in the best interest of wheat producers at this time. Other suggested remedies would appear to unreasonably delay and jeopardize obtaining any farm program.

E. L. HATCHER,
President, National Association of Wheat Growers.

RITZVILLE, WASH.,
November 18, 1970.

Senator ROBERT J. DOLE,
Senate Office Building,
Washington, D.C.:

We wish to express our appreciation for your diligent efforts in behalf of passage of a farm bill and its steerage through conference committee, to a report that gained acceptance by the House and Administration. While it's true, our wheat producers would have liked better income provisions it is now more important they be assured of passage. In the absence of a program they have gambled that a program along the lines of committee report would be enacted and have planted accordingly. It would be disastrous for them if they now had to revert to the old permanent farm law because of failure of passage of this bill. To tamper with the version that has already gained House acceptance is to invite eventual defeat. While feed grains, spring wheat and cotton can wait until spring for a bill, it would be unconscionably to subject the winter wheat farmer to this risk and uncertainty. This position fully supports the position of National Association of Wheat Growers.

JACK R. FELGENHAUER,
President, Washington Association of Wheat Growers.

WASHINGTON, D.C., *November 14, 1970.*

Senator BOB DOLE,
Washington, D.C.:

We urge your vote to adopt the conference report on H.R. 18546, the Agricultural Act of 1970, which contains dairy provisions of extreme value to dairy farmers.

PATRICK B. HEALY,
Secretary, National Milk Producers Federation.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., November 18, 1970.

Hon. ROBERT DOLE,
U.S. Senate.

DEAR SENATOR DOLE: Within a day or two, the Senate will be considering the Conference Committee report on the Agricultural Act of 1970. It is fitting that I again affirm the Administration's strong support of the report.

The Senate-House Conference committee reported out a good bill. It is a bill that reflects the bi-partisan effort so prevalent during the past several months as we moved toward progressive, workable farm legislation.

The Act is a good one because it meets the major criteria for any farm legislation . . . that of protecting and improving farm income. The Act insures that payments will be continued at a level needed and offers added protection if market prices drop. The set-aside provisions will prevent price-depressing crop surpluses. Overall, the bill will encourage broader markets for U.S. farm products and provide the flexibility farmers need to service these broader markets, crop by crop.

Under the Act, farmers will move away from frozen crop acreages of the past toward a wider choice of crops in the future. With this greater capability to shift production to meet immediate market needs, farmers can utilize their resources to produce their most favorable crops. This will bring about more efficient use of land by enabling farmers to plant the acreage not set-aside to any crop

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as the market and not the government might dictate. The broader use of acreage will also remove the inequity faced by some farmers who by the circumstances of the base years were forced to inequitably low acreages in order to participate in past programs.

The greater flexibility in farm production patterns along with pricing as reflected by market needs will influence output toward those crops most needed for actual use both at home and abroad.

With the great changes taking place in world food production and trade, it is unthinkable that U.S. farmers be forced to rely or. outmoded legislation. The alternative for cotton, feed grain and wheat farmers is clear cut.

Under the permanent legislation, wheat producers would be forced to plant less acreage and get smaller certificate payments than under the Agricultural Act of 1970. Feed grains would return to an average loan of 80 to 90 cents per bushel with no provision for either price-support or diversion payments. Cotton would be priced out of the domestic market by a higher loan which would force domestic mills to use synthetic fibers as cotton piled up in the CCC inventory.

The attached summary shows the direction farm income and government costs would take if the Agricultural Act of 1970 is not accepted by the Senate. At this late date, the issue is whether farmers can get an up-dated farm program or be forced to return to legislation fashioned a decade ago for different circumstances.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

SUMMARY OF KEY PROGRAM PROVISIONS AND PROGRAM RESULTS: COTTON, WHEAT AND FEED GRAINS—1971 PROGRAM ALTERNATIVES COMPARED WITH 1969 AND 1970 PROGRAMS BASED ON ESTIMATES DEVELOPED AUG. 25, 1970. THIS DOES NOT TAKE INTO CONSIDERATION REVISIONS IN CROP REPORTS SINCE AUG. 25, 1970, AND THE EFFECT OF CORN BLIGHT IN PROGRAM DETERMINATIONS FOR 1971 CROP.

			1971 crop alternatives		
				No new legislation	
	1969 crop	1970 crop	Act of 1970	Yes[1]	No[2]
Summary: Cotton, wheat and feed grains:					
Farm value of production	$9,639	$9,952	$10,221	$10,806	$11,180
Payments to farmers	3,325	3,296	2,995	744	
Gross income	12,964	13,248	13,316	11,550	11,180
Budget expenditures	4,209	3,832	3,838	3,282	3,636

[1] Yes vote on wheat referendum—Marketing quotas in effect.

[2] No vote on wheat referendum—No marketing quotas.

RESOLUTION PASSED AT NATIONAL GRANGES' 104TH ANNUAL MEETING, BOISE, IDAHO, NOVEMBER 16, 1970

ADMINISTRATION OF FARM PROGRAMS

In all farm program administration, there should be maximum participation and involvement of people at the community, county, state and national levels. The times demand both dedication and involvement in the implementation of farm programs.

The Secretary of Agriculture honored us with his presence at the National Grange convention one year ago and stated that the objective of this administration is to maintain farm income. The achievement of this objective is of paramount importance to farmers. We therefore call for action by the Secretary that will protect farm income, strengthen the family farm structure and expand markets for U.S. farm products. We urge that the Secretary use the discretionary authority as may be granted him in the Act of 1970 to achieve these objectives.

We further recommend:

That substitution and freedom to plant provisions, except for set-aside and conserving base acres, give reasonable flexibility to areas and individual producers.

That exercise of this substitution for any given year shall in no way reduce the producer's historic base.

That the Secretary of Agriculture shall carefully weigh the impact of other commodities of making payments not related to the planting of a definite percentage of the crop for which payment is being made.

That preliminary payments under the 1970 Agricultural Act to participation producers be made immediately after July 1 to ease the producers' financing arrangements for the crop season.

And that program information for each crop season be made available to producers by July 1 for fall-planted crops and January 1 for spring-planted crops.

Statement in lieu of Resolution Nos. 91 by Anderson; 274 by Herrian; 435 by Ross; and 451 and 452 by Ingwersen.

ADMINISTRATION OF COTTON PROGRAM

Be it resolved:

1. that excess planting above the base will not be counted as history in establishing bases in future years.

2. that no loan will be made available for cotton produced on land in excess of the base whenever the carry-over reaches the 7.2 million bales referred to in the legislation.

3. that no-aside above the amount necessary to achieve legislative objectives will be required.

4. that 2x1 "skip row" planting will be counted as "set-aside" if any other combination of "skip row" farming is approved as set-aside.

Resolution No. 510 by Caldwell.

COUNCIL OF ECONOMIC ADVISERS,
Washington, D.C., November 19, 1970.

Hon. BOB DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: I have become aware of highly misleading reports on the Administration's farm policy that are apparently being circulated by the National Farmers Organization. Several months ago I saw three representatives of the NFO, and these reports are apparently based on a completely distorted account of this conversation.

As you know, the Administration, including Secretary Hardin and myself, have long been defenders of the family farm. Secretary Hardin's statements speak for themselves; as to my own views, let me just quote a sentence from a publication of mine that came out before I ever went to Washington: "In fact this relative decline [of agriculture] does not even imply the much-lamented disappearance of the family farm, which on the contrary is likely to become even more dominant among the various types of farm production."

The rumor put out by NFO that the Administration wants to drive family farmers off the farm and turn the land over to corporations is of course the exact contrary of the truth. The only surprising thing is that there are people who are willing to believe this obvious nonsense.

The farm bill worked out between the Administration and the Agricultural Committees of Congress, while not perfect in all respects, will support farm income while giving farmers the needed flexibility to adjust to changing circumstances. In my view it represents the best that can be achieved for agriculture at the present time, and the bill deserves the support of all those who are genuinely concerned about U.S. agriculture and the economy in general. I wish you every success in your efforts to secure passage of this important legislation.

Yours sincerely,

HENDRIK S. HOUTHAKKER.

Mr. DOLE. Mr. President, it is the opinion of the junior Senator from Kansas that the one who will pay for any delay is the farmer, not any Member of the Senate. There may be some short term political gain by saying there could be a better farm bill. That is true of most anything

The winter wheat farmer has already planted his crop. Those who have spring crops are now faced with the same dilemma.

I agree with the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), who said on October 14:

> The bill itself is not all that I desired, but, all things considered, it is a good bill, and it is the kind of bill I will vote for.

That was a statement made by the distinguished majority leader on October 14 on page 36873 of the CONGRESSIONAL RECORD.

It is not as bad a bill as some of the critics believe. It is not as good as some of the proponents would have us to believe. But it is the result of the untiring efforts of the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture and many others concerned with agriculture in America.

It is the best possible bill we could achieve for the farmers at this time. Therefore, I urge adoption of the conference report.

Mr. President, I yield now to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. MURPHY. Mr. President, I thank the distinguished Senator from Kansas.

I have listened with great attention to the Senator's statement. I, too, appreciate completely the problem that the committee is faced with. I have the greatest affection for the chairman of the committee and respect his capability.

I think that earlier in the colloquy the Senator from Georgia stated the case quite simply. He said that this is not a perfect bill and that we have not had a perfect farm bill or many other such bills. But it is the only farm bill we have today.

For some 30 years I have been concerned with the plight of the farmers in my State of California, which, I think, is possibly the largest farming State. It has the greatest variety of crops.

The farmers in my State have been suffering unbelievable hardships and harassments and have faced very serious problems. They have had to put up with many hardships. Their income is down. Their crop production is up. They produce greater crops and receive a smaller return from their investment and their work.

They have been beset by labor problems—some necessary, some proper, but many unnecessary. They were forced into mechanization in many crops. That will change the picture. It does away with farm labor and replaces that labor with machinery.

This has contributed to high employment rates in my State.

I have talked to the farmers in the valley. The distinguished Senator from Kansas (Mr. Dole) has just spoken of the winter wheat. The farmers of California have been waiting for 8, 10, or 12 weeks.

The farmers in California have to know the conditions when they go to the bank and borrow money to put the crop in the ground. They have not known the conditions. Lots of acreage will not be planted. The entire community will feel the effects of this.

They asked, "When will the conference report be taken up?" I told them it would be immediately after Congress had reconvened. At long last, we have gotten to it today.

As I said at the outset, this is not a perfect bill. But it is the only bill we have. I beg those who are not familiar with the details of the problems to adopt the conference report today so that these hard-working people across the country can get on with the job. They have suffered long enough.

I am certain that there are built-in protections if mistakes are made in the bill.

No one wants to work a further hardship on the farmers. I enthusiastically urge Senators to vote for this measure, and vote for it today. The farmers in my State have already suffered too much, they have waited too long, and I do not think they can wait any longer.

Mr. MILLER. Mr. President, I would like to make a brief statement for the Record regarding the action taken by the conferees on a section of the Senate passed bill relating to the importation of second wheat flour clears. Many of us in Congress have been concerned for some time about closing the loophole occasioned by the present classification of this product by the Bureau of Customs. Over a year ago I wrote to Treasury officials on this subject, and a letter to me from the Department of the Treasury has been made a part of the conference report on page 31.

As one of the conferees who participated in the extensive negotiations of the conference committee, I wish to indicate not only my own position on this question, but what I feel to be the position of the conferees. So long as the Department of the Treasury allows this product to enter this country ex-quota and ex-duty, it will be impossible to achieve parity for the production of domestic second flour clears as well as to uphold the theory under which the wheat marketing certificate system is presumed to operate. It is for this reason that the conferees recommend that this imported product which is used primarily in food processing be classified for tariff purposes as a milled grain product fit for human consumption.

In addition to this argument of principle there is also a very sound economic argument which I wish to place before the Senate prior to its vote on the conference report. I am vitally concerned about the loss of revenue caused by present Bureau of Customs regulations. The Department of Agriculture estimates that the eventual loss to the wheat marketing program will exceed a million dollars. Current estimates by the Department peg the loss of revenue at about $225,000 annually.

Favorable action on the conference report will mean that the Senate strongly urges Treasury officials to act with dispatch in adopting regulations, which will first close an obvious loophole working to the detriment of domestic wheat producers, and, second, will save a considerable amount of money for the Federal Treasury and the agricultural programs of the Department of Agriculture.

Mr. President, looking at this agriculture bill from the standpoint of feed grains, which is, of course, the predominant interest of my State, I think the feed grains people should understand that the failure to take action on this bill could result in one of two things. At the very best it might result in a 1-year extension of present programs, which some opponents have suggested they would like to have. If that were done it would cost feed grain producers an estimated $55 million next year. At worst, and most likely, would be the fact there would be no bill at all, in which event we would revert to the old 1958 act and prior basic legislation. That would be a disaster to feed grain producers. According to figures from the Secretary of Agriculture, it would cost them $1.6 billion next year. There are similar adverse consequences in connection with wheat, which I will not belabor at this point.

I think we have a better program than we have now. It is not what most of us would like to have. I have never seen legislation that includes everything that all of us would like to have. It is easy to talk about so much more here and so much more there, but that is political talk; it is not practical talk which must respond to the varied interests here in Congress.

Mr. President, I ask unanimous consent to have printed in the Record a letter addressed to me by the Secretary of Agriculture on November 18, 1970, which shows the comparison between having this bill enacted and not having this bill enacted and either winding up with the prior law or no law at all.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Agriculture,
Washington, D.C., November 18, 1970.

Hon. Jack Miller,
U.S. Senate.

Dear Senator Miller: Within a day or two, the Senate wil be considering the Conference Committee report on the Agricultural Act of 1970. It is fitting that I again affirm the Administration's strong support of the report.

The Senate-House Conference committee reported out a good bill. It is a bill that reflects the bi-partisan effort so prevalent during the past several months as we moved toward progressive, workable farm legislation.

The Act is a good one because it meets the major criteria for any farm legislation . . . that of protecting and improving farm income. The Act insures that payments will be continued at a level needed and offers added protection if market prices drop. The set-aside provisions will prevent price-depressing crop surpluses. Overall, the bill will encourage broader markets for U.S. farm products and provide the flexibility farmers need to service these broader markets, crop by crop.

Under the Act, farmers will move away from frozen crop acreages of the past toward a wider choice of crops in the future. With this greater capability to shift production to meet immediate market needs, farmers can utilize their resources to produce their most favorable crops. This will bring about more efficient use of land by enabling farmers to plant the acreage not set-aside to any crop as the market and not the government might dictate. The broader use of acreage will also remove the inequity faced by some farmers who by the circumstances of the base years were forced to inequitably low acreages in order to participate in past programs.

The greater flexibility in farm production patterns along with pricing as reflected by market needs will influence output toward those crops most needed for actual use both at home and abroad.

With the great changes taking place in world food production and trade, it is unthinkable that U.S. farmers be forced to rely on outmoded legislation. The alternative for cotton, feed grain and wheat farmers is clear cut.

Under the permanent legislation, wheat producers would be forced to plant less acreage and get smaller certificate payments than under the Agricultural Act of 1970. Feed grains would return to an average loan of 80 to 90 cents per bushel with no provision for either price-support or diversion payments. Cotton would be priced out of the domestic market by a higher loan which would force domestic mills to use synthetic fibers as cooton piled up in the CCC inventory.

The attached summary shows the direction farm income and government costs would take if the Agricultural Act of 1970 is not accepted by the Senate. At this late date, the issue is whether farmers can get an up-dated farm program or be forced to return to legislation fashioned a decade ago for different circumstances.

Sincerely,

Clifford M. Hardin,
Secretary.

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SUMMARY OF KEY PROGRAM PROVISIONS AND PROGRAM RESULTS

[Cotton, wheat and feed grains—1971 program alternatives compared with 1969 and 1970 programs based on estimates developed Aug. 25, 1970. This does not take into consideration revisions in crop reports since Aug. 25, 1970, and the effect of corn blight in program determinations for 1971 crops.]

			1971 crop alternatives		
				No new legislation	
	1969 crop	1970 crop	Act of 970	Yes [1]	No [2]
Summary—Cotton, wheat, and feed grains:					
Farm value of production	9,639	9,952	10,221	10,806	11,180
Payments to farmers	3,325	3,296	2,995	744	
Gross income	12,964	13,248	13,316	11,550	11,180
Budget expenditures	4,209	3,832	3,838	3,282	3,639

[1] Yes vote on wheat referendum—marketing quotas in effect.

[2] No vote on wheat referendum—no marketing quotas.

Mr. YOUNG of North Dakota. Mr. President, when the Senate-House conferees on the pending farm bill reached agreement I was one of the minority of the Senate conferees who voted against the approval of the compromise farm bill. I did not sign the conference report.

I did say at that time and during the past political campaign that I would vote for the adoption of the conference report as I thought it was the best that could be obtained from the House. A month has elapsed since this conference report came to the Senate that time and the situation is not quite the same as it was then.

I will vote to return the bill to the conference committee for two major reasons:

One: All of the winter wheat has been planted which is about 75 percent of the total production and means that many of these wheat producers cannot fit their operation into the new provisions of the pending farm bill.

Two: Most of the farmers of my State and their farm organization leaders seem convinced that they could get a better farm bill by sending it back to conference. I will vote to send it back to conference in the hope that they will succeed.

Mr. HOLLAND. Mr. President, this was a very difficult matter. The conferees met many times, almost continuously, during the 3 weeks that the bill was in conference. Many difficult concessions had to be made in order to reach an agreement, and three of the seven Senate conferees did not sign the report.

These concessions had to be made because without them there would have been no bill, and a bill is essential to the health of this Nation's economy. It is essential in order to assure consumers of adequate supplies and farmers of an adequate return. It is essential in order to keep Government costs within reasonable bounds. It is essential in order to prevent the destruction of important industries.

When Secretary of Agriculture appeared before the Senate Committee on Agriculture on March 23, 1970, to testify on farm legislation he indicated as shown on page 749 of the hearings, the production, income and cost effects of falling back on basic farm legislation rather than enacting new legislation.

He said, and I quote:

> We estimate that if there is no new legislation, feed grain production would outrun use by 20 to 40 million tons—that is between 700 million and 1.4 billion bushels in corn equivalent, to get it in a frame of reference which you all understand better—virtually all of which would wind up in CCC hands.

Now, I might add that the analysis regarding corn may not prevail in 1971 due to the southern corn leaf blight. But, certainly it applies in any normal year.

> Cotton production might exceed use by as much as 6 million bales, which also would come into CCC inventory. If wheat quotas were approved, the carryover would probably decline slightly; if they were rejected, production might outrun use by 200 to 300 million bushels.
>
> May I just say, these are our best guesses. A great many people have had a hand in making these estimates. They are not infallible, but are an informed estimate of what would happen.
>
> We estimated some time ago that during the first year of the return to basic legislation, net farm income might fall by $800 million below the level of the present program if wheat quotas were approved, and by $1.3 billion if they were rejected. Recent review indicates that the decline would probably be greater than that.
>
> In the second and third years, as livestock production increased and prices of meat animals fell, income losses would be still greater.
>
> While Government costs would at first decline, they would later increase through rising handling and storage costs and through export subsidies for wheat and cotton.

The House of Representatives has approved the conference report by a vote of 190 ayes to 145 noes. The Senate today has the opportunity to approve the report and assure the enactment of this essential legislation.

With respect to many provisions of the bill there is no controversy. These provisions are important. They are needed, and they should be enacted.

The question of payment limitations has been a troublesome one for several years. The 1971 agricultural appropriation bill, as passed by the Senate, contains a $20,000 limitation. When the farm bill now before the Senate was first considered by the House of Representatives on August 5 a number of amendments, in addition to the Committee amendment which was adopted, were offered on this subject. One—the Findley $20,000 amendment—was rejected by a teller vote of 134 ayes to 161 noes. The rest were rejected by voice vote. On September 15 when the farm bill was first considered in the Senate an amendment proposed by the Senator from Illinois, Mr. SMITH, providing for a $20,000 limitation was rejected by a vote of 21 yeas to 44 nays. The provision in the conference report for a limitation of $55,000 per person per crop of wheat, feed grains, or cotton has been approved by the administration, the appropriate committees of the House and Senate, both Houses of Congress, and the conferees. The conference report should be approved so that it can become law.

There were no serious questions with respect to title II, the dairy provision. We have had authority for class I base plans since 1965, and one area has now had a marketing order providing for such a plan for some time. That authority expires at the end of this year. It should be extended and certain improvements which have been found necessary should be made. The only significant difference between the House and Senate with respect to such extension was that the House provided for a 3-year extension while the Senate would have made the authority permanent. The conference substitute provides for a 3-year extension, but permits an order issued prior to the end of such 3 years to remain in effect until the end of 3 additional years.

Both bills provided more flexibility for dairy price support operations—by repealing the mandatory butterfat support provision—and extended the Armed Forces milk program and the milk indemnity program. The Senate amendment, in addition, extended the indemnity program to processors, and the conference substitute adopts this provision but limits it to losses occurring after enactment of the bill.

There is no controversy as to title III, which extends the wool program with an amendment fixing the support price at 72 cents for shorn wool and 80.2 cents for mohair. This is an important program and it should be extended.

There were a number of differences in the wheat titles of the two versions and some of these differences were very controversial. Among the more controversial, the Senate provision—

First, extended the 1965 act program for 1 year, and gave wheat producers the opportunity to vote for its extension to 1972 and 1973; and

Second, provided a minimum loan of $1.25 and a maximum set-aside of 75 percent of the farm domestic allotment.

The conference substitute does not extend the 1965 act, nor does it permit its extension as the result of a referendum. The set-aside program would be effective for all 3 years, 1971–73, as provided by the House bill, but with a minimum loan of $1.25 as provided by the Senate amendment. The maximum set-aside would be 13.3 million acres in 1971 and 15 million acres in 1972 and 1973—on the basis of estimated participation and allowing for reduced set-aside requirements for farmers in summer-fallow areas.

The following provisions of the Senate amendment were dropped in conference:

First, a provision requiring loans on farm-stored wheat and providing for mandatory extension of such loans;

Second, a provision increasing payments to small, low-income wheat farmers;

Third, a provision requiring advance payments within 60 days of signup;

Fourth, a provision requiring persons processing flour second clears, gluten, or other wheat products to obtain marketing certificates in certain circumstances; and

Fifth, a provision extending the 1973 wheat program authority to the 1974 crop in the absence of further legislation before planting of the 1974 fall seeded crop.

In dropping the provisions with respect to farm-stored loans and flour second clears, the conferees noted that the Department can take care of these matters administratively. The Department assured the conferees that loans would be available, and would be extended, for farm-stored wheat in accordance with past policy. The conferees expect the Administration to take prompt and appropriate action to resolve the situation with respect to the flour second clears.

The principal point of controversy in the case of feed grains was the Senate provision preserving the parity concept. As passed by the House, the target price to be used in determining the payment rate was $1.35 per bushel for corn. The Senate made the target $1.35 or 75 percent of parity, whichever is greater. The conference substitute makes it $1.35 or 70 percent of parity, whichever is greater; but total payments in 1973 cannot exceed total payments in 1972 by reason of the target being above 68 percent of parity. The conferees further agreed to a direction in the Statement of Managers on the Part of the House directing the Secretary to make every effort to maintain the market price for corn at a level which will not require a payment in excess of 32 cents whenever 70 percent of parity exceeds $1.35.

The conferees agreed to Senate provisions for a minimum loan for corn of $1.00 per bushel, and for commensurate reduction of the 32 cent preliminary payment whenever the set-aside is reduced below 20 percent. They rejected Senate provisions for mandatory loans on farm-stored feed grains; mandatory inclusion of barley in the set-aside program; increases in payments to small, low-income producers; and malting barley exemptions.

Title VI, which deals with cotton, presented the most difficult problem faced by the conferees. The House conferees were adamant on most provisions of this title; and the Senate provisions dealing with marketing quotas, lease and sale of allotments, and the size of the national base acreage allotment have been omitted from the conference substitute. In lieu of the Senate marketing quota provisions the substitute provides that if the carryover for 1972 or 1973 exceeds 7.2 million bales, loans will not be available on cotton planted in excess of the farm base acreage allotment, and the Secretary may limit the amount of acreage planted in excess of such allotment. The House lease and sale provision was adopted with an amendment restricting leases and sales to farms having old farm allotments. The national base acreage allotment would, as provided by the House bill, be 11.5 million acres for 1971, and such acreage in 1972 and 1973 as the Secretary determines necessary to maintain adequate supplies, the payment rates for such subsequent years being adjusted inversely to the size of the national allotment.

As in the House bill, the payment rate would be based on the difference between the average market price and the target price, rather than the loan level and the target price as provided in the Senate bill. The parity concept was retained as provided by the Senate bill; and the loan level was based on the actual past average world market price as provided in the Senate version, rather than the estimated future world market price as provided by the House bill. The anniversary loan provision of the Senate amendment was adopted with a minor modification to limit the storage charges which could be accrued against the cotton when the Government took possession.

Under the House bill the maximum set-aside which could be required under the cotton program was one equal to 33⅓ percent of the farm base acreage allotment. The Senate provided for a maximum set-aside equal to 12½ percent of the farm acreage allotment. The conference substitute provides for a maximum set-aside equal to 28 percent of the farm base acreage allotment.

The Senate provision for research and promotion was adopted with an amendment providing authority for an additional $10 million for 1972 and 1973, to be deducted from producers' payments in excess of 15 cents per pound.

The conference substitute adopts the Senate provision for increased payments to small cotton farmers with amendments deleting the income standards; substituting 5,000 pounds for the 3,600 pounds small farm criterion provided by the Senate; and restricting the provision to producers who reside on the farm, derive their principal income from cotton produced on the farm, and actually produce the cotton for which the increased payment is made. This provision is applicable only to very poor farmers, and it will help to keep them from adding to our urban and welfare problems.

Title VII extends Public Law 480, which provides for the use of our agricultural abundance to aid our friends abroad. This, too, is an important program, one on which there is no real disagreement.

Title VIII contains miscellaneous provisions with respect to the cropland conversion program, boiled peanuts, beekeeper indemnities, harvesting and storage of hay from diverted acres for future emergencies, and Farmers Home Administration appropriations. There was some controversy concerning the scope of the cropland conversion program and a proposed farmer adjustment program, but otherwise this was not a controversial title. The House provision with respect to the scope of the cropland conversion program was adopted, and the Senate provision for a farmer adjustment program was omitted.

The Senate added a title IX dealing with rural development, and the substance of this title is incorporated in the conference substitute.

Mr. President, I ask unanimous consent that there be inserted in the RECORD at this point a comparison of H.R. 18456 as passed by the House, Senate amendment thereto, and conference substitute.

There being no objection, the comparison ordered to be printed in the RECORD, is as follows:

COMPARISON OF H.R. 18546 AS PASSED BY HOUSE, SENATE AMENDMENT THERETO, AND CONFERENCE SUBSTITUTE

1

House—provides for no change in legal status of producer-handlers.

Senate—requires Secretary to maintain past policy with respect to exempting producer-handlers.

Conference—adopts House provision. Statement of Managers will direct Secretary to maintain past policy.

2

House—extends Class I base plan authority 3 years.

Senate—makes Class I authority permanent.

Conference—adopts House provision, except that the authority would continue in effect until December 31, 1976 with respect to any Class I base plan order issued prior to December 31, 1973.

3

Senate—extends milk indemnity program to manufacturers of dairy products.

Conference—adopts Senate provision, but limits it to losses occurring after enactment of H.R. 18546.

4

House—makes wheat set-aside program applicable to 1971–1973 crops.

Senate—extends 1965 Act wheat program for 1971 (with additional provisions for $1.25 loan, farm-stored loan, and advance payments), and provides for referendum to determine whether such program or set-aside program shall apply to 1972 and 1973 crops.

Conference—makes wheat set-aside program applicable to 1971–1973 crops. Maximum set-aside for 1971 would be 13.3 million acres. Minimum allotment for 1971 would be 19.7 million acres.

5

Senate—provides for minimum wheat loan of $1.25 per bushel.

Conference—adopts Senate provision.

6

Senate—provides for mandatory loans on farm-stored wheat.

Conference—rejects Senate provision. Statement of Managers will state that Department has advised it will make such loans available.

7

Senate—increases face value of wheat marketing certificates by 30 percent for producers on farms with domestic allotments not over 160 acres and who had average annual sales of farm products of not more than $5,000 and off-farm earned income of not more than $2,000.

Conference—rejects Senate provision.

8

Senate—limits wheat set-aside to 75 percent of farm domestic allotment.

Conference—limits wheat set-aside to 13.3 million acres for 1971. 15 million acres for 1972 and 1973.

9

Senate—extends to 1973 Secretary's discretionary authority to impose acreage limitations on wheat.

Conference—adopts Senate provision.

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10

House—language with respect to grazing and cropping of wheat and feed grain set-asides is more definite with respect to prohibiting grazing during the 5 principal growing months, but contains conflicting language with respect to payments and harvesting of crops.

Senate—language is more mandatory with respect to permission to graze sweet sorghums, but less clear with respect to grazing during the 5 principal growing months.

Conference—adopts House language with respect to prohibiting grazing during 5 principal growing months, Senate language with respect to other matters.

11

Senate—provides for advance payment of 50 percent of wheat and feed grain diversion payments within 60 days of signup.

Conference—rejects Senate provisions.

12

House—provides for (1) issuance as soon as practicable after July 1 of wheat marketing certificates having a preliminary face value equal to 75 percent of the estimated final face value, and (2) for a preliminary payment in the feed grain program as soon as practicable after July 1.

Senate—(1) provides for advance within 60 days of signup of an amount equal to 75 percent of estimated final face value, (2) makes it clear that the certificates do not have to be held by the producer in order to obtain the full final value, and (3) provides for preliminary feed grain payment within 60 days of signup.

Conference—adopts House substance, Senate clarifying item (2).

13

House—preserves history on wheat and cotton acreage not planted because of "a condition beyond the control of the producer".

Senate—preserves history on wheat and cotton acreage not planted because of "a quarantine imposed by the county, State, or Federal Government". In addition, Senate preserves history of cotton acreage not planted because of a payment limitation.

Conference—adopts House provision. Statement of Managers will make it clear that failure to plant acreage covered by payment limitation will not result in loss of history.

14

Senate—requires persons processing flour second clears, gluten or other products of wheat for which processing certificates have not been obtained in the commercial production of food products for human consumption to obtain such certificates.

Conference—rejects Senate provision. Statement of Managers will direct administration to take appropriate action.

15

Senate—extends 1973 wheat program to 1974 crop at discretion of Secretary if no new legislation is enacted in advance of the planting season for 1974 fall seeded wheat.

Conference—rejects Senate provision.

16

Senate—provides for minimum corn loan of $1.00 per bushel.

Conference—adopts Senate provision.

17

Senate—provides for mandatory loans on farm-stored feed grains.

Conference—rejects Senate provision. Statement of Managers will state that Department has advised that it will make such loans.

18

Senate—requires that barley be included in feed grain set-aside program.

Conference—rejects Senate provision, leaving inclusion of barley to discretion of Secretary.

19

Senate—sets corn target price for payment purposes at 75 percent of parity if that is above $1.35.

Conference—sets target at 70 percent if above $1.35, but total payments in 1973 could not exceed total payments in 1972 by reason of target being above 68 percent.

20

Senate—increases feed grain payments by 30 percent for producers on farms with feed grain base acreages not over 160 acres and who had average annual sales of farm products of not more than $5,000 and off-farm income of not more than $2,000.

Conference—rejects Senate provision.

21

Senate—preserves history of feed grain base not planted by producer who foregoes payments on unplanted acreage. (Same provision is in both House bill and Senate amendment for wheat at page 26, line 4.)

Conference—adopts Senate provision.

22

Senate—extends to 1973 crop Secretary's discretionary authority to impose acreage limitations on feed grains.

Conference—adopts Senate provision. Makes it clear that wheat may be substituted for barley, oats, and rye.

23

Senate—provides for malting barley exemption.

Conference—rejects Senate provision.

24

Senate—provides for proportionate reduction in preliminary (32 cent) feed grain payment if set-aside is less than 20 percent.

Conference—adopts Senate provision.

25

House—suspends cotton marketing quotas.

Senate—(1) continues marketing quotas, (2) reduces minimum national allotment to 14.5 million acres, to be apportioned on the basis of the base acreage apportionment, (3) authorizes Secretary to increase each farm allotment to permit planting of cotton on set-aside, (4) authorizes the Secretary to apportion additional acreage not exceeding 25 percent of the national acreage allotment to any producers who will produce cotton. Production from additional acreage under (3) and (4) would not qualify for price support loans.

Conference—suspends marketing quotas. If carryover for 1972 or 1973 exceeds 7.2 million bales, no loans would be available on the overplant, and Secretary would have discretion to limit overplant.

26

Senate—cotton base acreage allotment lease and sale provisions differ from House provision in that—

(1) Senate limits lease and sale to persons who are dependent on cotton for a livelihood and will produce cotton;

(2) Senate, like House, repeals referendum requirement for sale or lease across State line, but does not adopt House requirement that county committee of transferring county find absence of need in that county and approve transfer; and

(3) Senate retains the following provisions of existing law (not retained by House bill) which (A) give the Secretary discretion to permit transfers, (B) prohibit sale of allotment from a farm to which allotment has been sold during the preceding three years, (C) limit the total allotment of a farm buying or leasing allotment to its 1965 allotment plus one hundred acres, (D) prohibit planting an acreage in excess of the remaining allotment during the lease period on farms from which allotment is leased and for five years after sale on farms from which allotment is sold, and (E) limit recording of transfers with the county committee to the period June 1–December 31.

Conference—adopts House provision with an amendment limiting sales and leases to transferees who are old cotton producers.

27

House—provides national cotton base acreage allotment of 11.5 million acres in 1971, amount determined necessary by Secretary to maintain adequate supplies for 1972 and 1973.

Senate—provides minimum national cotton base acreage allotment for all three years of 14.5 million acres, minus percentage thereof equal to set-aside percentage.

Conference—adopts House provision.

28

House—provides cotton loan level to reflect for middle one-inch (micronaire 3.5 through 4.9) 90 percent of the estimated world price.

Senate—provides cotton loan level to reflect for middling one-inch (no micronaire specification) 90 percent of average world price for such cotton for the 2 year period ending July 31 prior to the year in which the cotton is produced, except that adjustment may be required to keep U.S. cotton competitive. Senate requires publication of procedures used in determining world price and requires loan level to be announced not later than November 1 of year preceding year of production.

In addition, Senate requires loan to be for a term of 1 year (anniversary date type loan).

Conference—adopts Senate provision with House language re micronaire. Provides for a loan term of 10 months, and there must not be more than 60 days accrued charges at time of loan.

29

House—provides for cotton payments at a rate equal to the difference between the market price and 35 cents per pound, the rates for 1972 and 1973 being adjusted to compensate for any increase or decrease in the national base acreage allotment above or below that for 1971.

Senate—provides for cotton payments for all three years equal to the difference between the loan level and the greater of 35 cents or 65 percent of parity.

Conference—adopts House provision with an amendment to include 65 percent of parity as an alternative target.

30

Senate—provides 30 percent increase in payment rate for producer on a farm with an allotment not in excess of 10 acres (or 3,600 pounds) and with average annual sales of farm products not exceeding $5,000 and off-farm earned income not exceeding $2,000.

Conference—provides 30 percent increase in payment rate for producer on a farm with an allotment not in excess of 10 acres (or 5,000 pounds) if producer resides on the farm, derives his principal income from cotton produced on the farm, and actually produces the cotton on which the increase is paid.

31

House—provides for cotton payments based on the average yield of the acreage planted to upland cotton during the 3 preceding years adjusted for abnormal yields caused by natural disaster.

Senate—provides same, except that—

(1) Senate uses harvested acre yields,

(2) Senate substitutes 1970 farm projected yield for actual yields in 1968 and 1969, since actual yield figures are not available, and

(3) Senate provides that for any year the average yield established for any year shall not be less than that used in making payments for the preceding year if the total production in such preceding year is not less than the yield used in making payments for such preceding year multiplied by the farm base acreage allotment for such preceding year (for 1970, the farm domestic allotment). This would permit a farmer to cultivate a larger acreage less intensively with-

out reducing the yield used in making payments.

Conference—adopts Senate provision.

32

House—provides maximum cotton set-aside equal to 33⅓ percent of farm base acreage allotment.

Senate—provides maximum cotton set-aside equal to 12½ percent of farm acreage allotment.

Conference—provides maximum cotton set-aside equal to 28 percent of farm base acreage allotment.

33

Senate—authorizes a voluntary diversion program for cotton.

Conference—adopts Senate provision.

34

House—provides for minimum CCC cotton resale price of not less than 110 percent of loan rate for middling one-inch (micronaire 3.5 through 4.9) adjusted for appropriate value factors, plus reasonable carrying charges.

House provision is effective only for August 1, 1971 through July 31, 1974.

Senate—provides for minimum CCC cotton resale price of not less than 110 percent of the loan rate plus an allowance for carrying charges which will reflect commercial rates and interest at the prevailing rate charged by CCC on cotton loans. Senate provision would be permanent.

Conference—adopts House provision.

35

Senate—provides for a cotton research and promotion program financed by up to $10 million of funds which would have been paid to producers but for the payment limitation

Conference—adopts Senate provision and provides for an additional $10 million to be deducted from producers' payments in excess of 15 cents per pound.

36

Senate—authorizes participation of alcoholic beverage industry in market promotion under P.L. 480.

Conference—rejects Senate provision.

37

Senate—increases the amount of foreign currencies earmarked for educational and cultural exchange from 2 percent to 5 percent of total annual sales; and permits use of foreign currencies for such purpose without appropriation.

Conference—rejects Senate provision. Retains 2 percent earmark and provides for appropriation of foreign currencies, rather than dollars for educational and cultural exchange.

38

Senate—specifies that cropland conversion contracts must be for 3, 5, or 10 year periods, instead of up to 10 years.

Conference—rejects Senate provision.

39

House (A)—provides for additional payment if public access is permitted.

Senate—requires that in every contract producers agree to permit public access.

Conference—rejects Senate provision.

House (B)—provides for joint appointment and consultation of Advisory Board by Secretaries of Agriculture and Interior, and joint issuance of regulations.

Senate—provides for these functions being performed by the Secretary of Agriculture after consultation with the Secretary of the Interior.

Conference—adopts Senate provision.

40

Senate—restricts acreage in cropland conversion program to such as will not adversely affect the county or local community.

Conference—adopts Senate provision.

41

House—restricts Greenspan program to "cropland".

Senate—restricts it to "productive agricultural land".

Conference—rejects Senate provision.

42

House—restricts Greenspan program to rural areas, defining rural areas as areas not including a town of 5,500.

Conference—adopts House provision except for defining rural areas.

43

House—restricts Greenspan to contracts costing not more than contracts with producers.

Conference—adopts House provision.

44

Senate—provides for sharing costs with other Federal agencies.

Conference—adopts Senate provision.

45

House—increases the limit on total payments in any year under section 16(e) from $10 million to $50 million for producers and $40 million for State and local agencies (During each of the fiscal years 1971, 1972, and 1973, and during the first six months of fiscal 1974, the Secretary could enter into agreements (A) with producers calling for annual payments of $10 million, plus unused authority from prior years, or a total of $50 million, and (B) with State and local agencies calling for annual payments of $10 million, plus unusued authority from prior years.)

Senate—authorizes agreements entered into during 1971, 1972 and 1973 to cover up to 18 million acres at the rate of 6 million acres per year, plus carryover of unused authority from prior year.

Conference—adopts House provision.

46

Senate—authorizes use of CCC funds until June 30, 1972, to carry out the cropland conversion program.

Conference—adopts Senate provision.

47

Senate—requires Secretary under the cropland conversion program to safeguard the farming opportunities of tenants and sharecroppers.

Conference—adopts Senate provision.

48

House—extends boiled peanut exemption 3 years.

Senate—extends boiled peanut exemption permanently.

Conference—adopts Senate provision.

49

House—provides for a beekeeper indemnity program.

Conference—adopts House provision.

50

Senate—permits producer to plant and harvest forage from wheat, feed grain, and cotton set-aside or diversion and store for future emergency periods declared by the Secretary. Secretary may make loans for forage storage facilities.

Conference—limits provision to baled hay.

51

Senate—authorizes a farmer adjustment program under which Secretary may purchase allotments for cash from, and make $2,500 in adjustment payments to, a farmer who has average annual sales of farm products of $5,000 or less and off-farm earned income of $2,000 or less.

Conference—omits this provision.

52

Senate—amends Consolidated Farmers Home Administration Act of 1961 to provide that funds appropriated for section 306 (association loans and grants), and for direct real estate loans to farmers and ranchers under subtitle A shall remain available until expended. Senate also provides that unused authorizations for appropriations under section 306 shall carry over from year to year.

Conference—adopts Senate provision.

53

Senate—commits Congress to a sound rural-urban balance, and provides for annual reports on planning assistance, technical assistance, and government services and utilities, and provides for a report on or before July 1, 1971, on financial assistance.

Conference—adopts Senate provision in principle.

October 9, 1970

Mr. HOLLAND. Mr. President, I wish to emphasize two points. First, the question of limitation of payments has torn apart the agricultural community and Congress, and alienated the urban people of our Nation for some years. Those limitations have been worked out in this bill. In my prepared remarks I showed the votes in the House and in the Senate.

In the Senate we rejected an amendment which would have reduced the $55,000 figure for commodities which we have in this bill to $20,000, and we voted it down by more than 2 to 1 when we passed on that matter.

That limitation of $55,000 for the commodities in this bill has been agreed upon by vote in both Houses and in the conference report it has been agreed upon by the House. I would hesitate very much, indeed, to see us plunge that matter back into discussion because it is a highly controversial subject.

The second thing I wish to say is that in my judgment it would be a disaster all the way around for us to have no bill and to revert to the 1958 legislation. Senators other than I have mentioned what would happen in feed grains and wheat. I want to mention the cotton situation.

If we revert to the 1958 situation we would at once begin building up the hurtful surpluses which were created under that particular legislation, and what is more we would again price ourselves out of international markets and bring about a situation under which the farm program would receive the hostility, and rightfully so, of the urban population and others not familiar with agricultural conditions.

Particularly for these two reasons, the fact that the limitations question will be put at rest and a trial will be made under this legislation for 3 years in which time we can see how well it works; and for the reason that, in my judgment, the 1958 law, if we return to it, would bring very bad conditions to the wheat people, to the feed grain people, and particularly to the cotton people, I am hopeful that this conference report can be approved as it is.

Mr. JORDAN of North Carolina. Mr. President, first I wish to commend the conferees for coming out of this conference with as good a report as they did. I am a member of the Committee on Agriculture and Forestry and I know the hours and hours and days and days the Committee on Agriculture spent trying to work out a bill.

We know in our own minds that we

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had a better bill than the House had. We went to conference with it. Some of the things in our bill were not sustained. It is disheartening. I know the conferees were not happy with it and I understand why. They did the best they could and they came out with scars as a result of what happened with respect to the bill.

During the time we were at home in the past month I made it a point to visit the farm organizations. I spoke to the grange at their annual meeting. I found that our people were not particularly happy with the bill, but they were not unhappy with it. They said they would have preferred the Senate version. But they are anxious to get a farm bill as quickly as they can. Their idea was to support the conference report and get a bill. They say they can live with it and they are anxious that we get a farm bill quickly so they will know what they are going to do.

Mr. **AIKEN**. Mr. President, the arguments for and against approval of the conference report have been well made. I think those who are in favor of approving the report have had the best of the argument. I hate to think of what would happen to agriculture in this country if the report should be rejected. I hope it will be approved.

Mr. **MANSFIELD**. Mr. President, because of the fact that a time limitation has been agreed to I will keep my remarks short.

Soon after the election, Jim Stephens of Dutton, Mont., Bob Brastrup of Great Falls, Charles Smith, of Chester, Joe A. Renders, of Great Falls, Jack Gunderson, of Power Montana and others, came back to Washington seeking to find a solution for the adjustment to Montana's conservancy base in agriculture—that is nonplanted acres. The Governor of Montana also wrote to me as well as the State Department of Agriculture and many interested Montana farmers and ranchers.

While here in Washington, these gentlemen met with officials at the Department of Agriculture but received no satisfaction as a result. It was hoped that some assurances would be obtainable prior to the vote on the conference report, but this could not be given to the above named Montanans who sought such assurances.

The pending bill, in their judgment, provides no production restraints. It is thought that within the conference report is the possibility of a staggering overproduction of grain crops in the next 3 or 4 years. The present conservancy base adjustment for all other Western States except Montana will be one of the principal contributors to this problem.

I have also received a letter from an old friend, Jim Stephens, who reiterated the group's desire to get the Montana grain farmers on an equitable basis in "this business of producing grain."

I am also in receipt of a letter from Mr. Robert Brastrup, executive secretary of the Montana Wheat Research & Marketing Committee and I ask unanimous consent that it and a reply from J. A. Asleson be incorporated at this point in the RECORD and also a letter from the honorable Jack Gunderson as well as a letter which I sent to Secretary of Agriculture, Clifford M. Hardin on November 14 along with some enclosures and the reply I received from Mr. Hardin on November 18, 1970.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MONTANA WHEAT RESEARCH &
MARKETING COMMITTEE,
Great Falls, Mont., November 16, 1970.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: Enclosed is a statistical report that is a correction of the original material which you received concerning conserving base acres. You will notice that the percentages in the right hand column are changed slightly. This is a downward adjustment in most cases due to our access to correct figures.

Also enclosed is a letter from the Director of the Agricultural Experiment Station at MSU, Dr. J. A. Asleson. He indicates that the Experiment Station is recognizing the alternate crop fallow method of production may not be the best for Montana in the long run. We are sorry we did not have this information when we visited with you last week.

Thank you for your efforts. We are sure that they will show results.

Yours very truly,
ROBERT BRASTRUP,
Executive Secretary.

MONTANA STATE UNIVERSITY,
COLLEGE OF AGRICULTURE,
Bozeman, Mont., November 6, 1970.

Mr. ROBERT BRASTRUP,
Executive Secretary,
Research and Marketing Committee,
Great Falls, Mont.

DEAR BOB: A question has been raised as to the need for a downward adjustment of Montana's conserving acreage base. The method of alternate crop-fallow production widely used in Montana results in about half of the grain land not being cropped each year. There is some feeling that there is no alternative to the crop-fallow system, therefore the high conserving base creates no real hardship. I should like to reply to this argument using research results of the Montana Agricultural Experiment Station.

Long-term research has shown that yields for two years from continuously cropped land are usually 25–75% greater than the single yield in two years from alternate crop-fallow land. Cost of production could be reduced by adopting systems of continuous or intermittent cropping in lieu of the crop-fallow system in much of Montana, especially areas having over 14 inches of precipitation, or with highly desirable precipitation patterns.

Research has provided improved weed control, production practices, fertilizer usage and improved varieties. When these are combined with adequate production credit many of the benefits attributed to alternate crop-fallow production disappear. Consequently, I feel that many Montana farmers would discard or modify this system if the crop acreage restrictions favoring high yields per planted acre did not act as a retardant to change.

Another important area in this discussion of method of grain production relates to quality of environment, especially in regards to air and water quality. Summer fallowed surfaces are subject to the onset of wind and water erosion. Eroded soil and attached materials become contaminants of both the air and surface water. Snow is not effectively trapped by fallow ground and blows into coulees and other areas where spring runoff may be both wasteful and damaging.

About 80% to 90% of annual precipitation is lost during the fallow year and is not available for plant growth in the succeeding year. Large amounts of water run off the soil surface. Additional moisture is lost by surface evaporation. When water intake is above the water holding capacity of the soil there may be downward movement of water removing soluble materials, including plant nutrients, from the soil. The dissolved materials may move into the ground water supply and become contaminants. This water may move laterally and eventually come to the surface, forming salt spots and ruining valuable land and vegetation. Some 56,000 acres of wet and saline land have become unfit to produce crops in Montana, presumably from this situation. Some 1.8 million acres of land are collecting moisture and contributing to this situation. Contaminated water not coming to the surface may remain in the system with its potential for human, industrial, animal or plant use greatly restricted.

These comments, based on research results and observations, cast doubt on the desirability of leaving large acreages of land in fallow, a practice which is favored by conserving acreage base regulations and other regulations of the farm program.

Very truly yours,
J. A. ASLESON,
Director.

FARM PROGRAM COMPARISON—MONTANA AND COMPETING WHEAT STATES

State	1970 cropland	1970 conserving base	1971 wheat allotment	1971 domestic (45 percent)	1971 set-aside (75 percent)	Conserving base plus set-aside	Free acreage available to plant 1971	Acres to plant as percentage of total cropland
Kansas	29, 867, 000	5, 870, 000	8, 279, 804	3, 725, 912	2, 794, 434	8, 664, 434	21, 202, 566	70. 9
North Dakota	27, 235 000	6, 412, 000	5, 710, 319	2, 569, 644	1, 927, 233	8, 339, 233	18, 895, 767	69. 3
Oklahoma	[1]12, 887, 000	1, 864, 000	3, 814, 596	1, 716, 568	1, 287, 426	3, 151, 426	9, 735, 574	75. 5
Montana	14, 902, 000	6, 797, 000	3, 054, 998	1, 374, 749	1, 031, 601	7, 828, 061	7, 073, 939	47. 4
Nebraska	20 476, 000	3, 657, 000	2, 448, 134	1, 101, 660	826, 245	4, 483, 245	15, 992, 755	78. 1
Texas	35, 152, 000	2, 866, 000	3, 160, 122	1, 422, 055	1, 066, 541	3, 932, 541	31, 219, 459	88. 8
Idaho	5, 720, 000	1, 817, 000	922, 645	415, 190	311, 392	2, 128, 392	3, 591, 608	62. 8
South Dakota	17, 725, 000	3, 364, 000	2, 143, 388	964, 525	723, 393	4, 087, 393	13, 637, 607	76. 9
Colorado	10, 598, 000	3, 046, 000	2, 003, 366	901, 515	676, 136	3, 722, 136	6, 875, 864	64. 8
Minnesota	22, 039, 000	3, 370, 000	778, 045	350, 120	262, 590	3, 632, 590	18, 406, 410	83. 5

[1] 1969 cropland figure for Oklahoma, 1970 figure not available.

NOTES

If Montana had 74.5 percent of its total cropland available, which is the average of its 9 competing States, we would have 11,101,990 acres free to plant in 1971 instead of the 7,073,939-acre total.

1970 cropland and conserving base figures and 1971 wheat allotments were obtained from the U.S. Department of Agriculture. Domestic allotments computed at 45 percent of total allotment because national domestic figure of 19,700,000 acres is 45 percent of national allotment

1971 set-aside is computed at 75 percent although the law specifies 13,300,000 acres as maximum set-aside in 1971 program and that is 67½ percent of 19,700,000 acres set as national domestic allotment, the USDA is using 75 percent to allow for noncompliers.

MONTANA STATE HOUSE
OF REPRESENTATIVES,
Helena, Mont.

Senator MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: I am sorry I did not have a chance to visit with you while I was in Washington, D.C. Our delegation was very short on time and we thank your staff for the help they gave us while we were there.

I had to leave Washington, D.C. early Wednesday to attend a Health Occupation Conference in Salt Lake City. I, therefor, asked the other members of our delegation to express my thoughts to your staff about the soil conserving acreage problem in Montana and about the farm bill in general.

I believe we presented a very good case to the Department of Agriculture about the unequal competitive position that Montana is in in relation to other wheat states because of the inequities in soil conserving adjustments. Regardless of whether these adjustments are right or wrong, in other states, we will not be able to compete with them, if they are able to raise 3 acres of wheat for only 2 that we can raise.

The Dept. personnel did not dispute the figures we presented, except for 67½% we used to establish the set aside acreage. We should have used 75% because some farmers will not stay in the program. Therefor, the percentage of crop land to plant is less than we show for all of the states we used. They also refused to release the figures for the states, that we did not have, so we could compare them to Montana.

I am sure the Dept. of Agriculture will not, administratively, take action to relieve the situation in Montana, unless pressure can be brought on them, which I hope you can do. Regardless of the outcome of farm legislation, we must do something with the soil conserving acreage in Montana, if we are to possibly compete economically with other states.

The farm bill, in general, is still bad for all producers because of the lack of mandatory production controls that the Secretary of Agriculture must use. This may not be crucial the coming crop year, because the winter wheat crop is seeded and not too much additional acreage can be seeded in the spring wheat states. The following year, though, it could lead to the biggest wheat glut in history. The Secretary is given the authority to impose controls, but he has stated he did not want them and he would not use them.

I therefor believe, the bill should be delayed or killed entirely until the next session of congress. I realize that passage of farm legislation is extremely difficult, but if this bill passes it will be harder to do so in the future, because farmers will be facing bankruptcy and taxpayer costs will raise out of reason.

Dr. Walter Wilcox, of the Legislative Reference Service, has estimated that 15 to 20 million additional acres of wheat production will result under the set aside program and the cost to the government will increase 1 billion dollars. This will lead to the biggest glut of wheat in history and lead to the end of all farm programing.

Senator Mansfield, I know you stated that the farm bill would be passed as soon as Congress reconvened. I believe you could reconsider your position because of information that we and others have developed durin gthe recess. Many Montana farmers are very concerned and I am sure that you will have their full support. The Secretary of Agriculture has almost unlimited authority, under the bill, and I can not understand why he does not announce program decisions before the bill passes, so we know where we are at.

I know that you are as concerned about this as I, and that you will do everything you can to better the situation.

Sincerely yours,
JACK GUNDERSON.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., November 14, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: The attached statement and figures indicating Montana's position in ranking with other grain producing states have recently been brought to my attention. I find the content of the enclosures to be a distinct indication of blatant and unjust discrimination, affecting not only Montana's individual grain producers, but Montana's continued economic growth and viability as a major agricultural state.

Montanans must be given an equal opportunity in the harshly competitive enterprise of producing, transporting and marketing grain products. The conserving base plays a vital part in the set-aside program embodied in the present proposed farm legislation which will be before the Senate in the immediate future. As provided, the total of conserving base acres serves as an upper limit on acres available for crop production. Within the past three weeks, individual farmers, farm organizations, the Montana Department of Agriculture and the Wheat Research and Marketing Committee have determined the following information:

Montana's conserving base represented 45.6 percent of its total cropland, compared to an average of 19.8 percent for competing states, and approximately 22 percent for the nation.

In the five year history of conserving bases, competing states have had downward adjustments averaging 25.5 percent in such acreage, but Montana has had only 11.4 percent reduction.

As the new farm program couples conserving base with a compulsory set-aside, competing states will have an average of 75 percent of their total cropland available to plant to wheat (or other crops), while Montana will be limited to 48 percent.

I think it imperative that it be clearly understood that Montanans are not seeking a competitive advantage. What they are asking is an equal opportunity to utilize Montana's land resources. At best, economically feasible crops are limited. Montana must remain competitive in wheat terms if the State's agriculture and economy are to grow and prosper.

It would be my hope that I need not elaborate at this time upon the absolute necessity for a firm and forthright commitment from the Department of Agriculture that an equitable adjustment will be made, bringing Montana into line with other states. I would sincerely appreciate being appraised of your decision within the next 48 to 72 hours. I am, of course, appreciative of your attention to this matter and regret that conditions are such as to require a response within the indicated time period.

Thanking you, and with best personal wishes, I am

Sincerely yours,
MIKE MANSFIELD,
Majority Leader, U.S. Senate.

GENERAL COMMENTS RELEVANT TO ATTACHED DATA ON CONSERVING BASE—FARM PROGRAM

Agriculture's importance to Montana's economy needs no verification and wheat income in relation to over-all agricultural economics is also well understood.

What seems to escape us frequently in Montana is the need to protect ourselves as a wheat state in the harshly competitive game of producing, transporting and marketing wheat in relation to other states producing similar classes of wheat.

The accompanying statistical information on conserving bases and projected effect of the new national farm legislation tell a gloomy story of Montana's competitive status.

Farmers and farm organizations are loosely knit and lack the expertise and resources on a continuing basis to keep our state as a whole in the proper competitive perspective.

Our reliance then—properly or improperly—falls upon the governmental, semi-governmental and quasi-governmental bodies and the agricultural establishment at Montana State University to take stock of the over-all picture for wheat growers and keep Montana in the first rank competitively.

Montana's wheat farmers find themselves in dire need of that type of guidance, assistance and direction in the problems herein revealed regarding conserving bases and the new farm program.

Several significant aspects of this development are not related in the accompanying statistical tables:

(1) After the inequities in conserving bases were brought to public attention in late 1969 and early 1970 by the Montana Grain Growers Association, a seven-county group at Chester, and others across the state, indication was given by the U.S. Dept. of Agriculture that an adjustment of 12 per cent, or 850,000 acres, was possible; the Montana ASCS later in making the adjustment indicated it would be 7 per cent, or 500,000 acres; but the *actual* adjustment (never reported publicly) was 5 per cent, or 366,600 acres!

Also, while it was indicated this was an individual state adjustment to correct an acknowledged inequity in Montana, Kansas received a 9 per cent adjustment (576,300 acres) and Colorado received an 18 per cent adjustment (679,800 acres). These adjustments were made despite the fact Montana's conserving base at that time was 49 per cent of its cropland compared to 22 per cent for Kansas and 35 per cent for Colorado.

(2) The problems of blowing top-soil and alkalinity in connection with double-summerfallow are widely known, yet under the projected terms of the new farm program Montana will have 547,912 acres in the double-summerfallow category in 1971 and even more in 1972 and 1973 when setaside acreages increase.

The terms of the new farm program tend to lock Montana in as a summer fallow state, writing a farming practice into law, so to speak. This comes at a time when many of our farmers are getting away from the practice, plant and soil scientists are increasingly advising against it, and the trend is definitely away from summerfallow rather than hard and fast acceptance. Montana's farmers at least deserve the farm program opportunity to make their own choice.

(3) The only "saving" factor, if there is one, in the new farm program for Montana growers lies in the fact that winter wheat growers are limited to the planting determinations they already have made for next year, while spring wheat states, under setaside, will be able to increase acreage in vast amounts the coming crop year (Montana, North and South Dakota, Minnesota).

(4) Perhaps any adjustments in conserving bases should be mandatory with each grower being notified of the change in his acreage rather than basing such changes on individual farmer requests. It would appear such an approach would result in greater equity among the farmers within a community, county, and state.

In summary, what the Montana grain grower wants and is requesting is not an ad-

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vantage but an equal opportunity to sustain his livelihood as a producer the same as his colleagues in the other wheat states.

The choices in Montana are not great—either our growers stay competitive in wheat and barley or they face an extremely dismal future.

It is interesting to note, in that regard, that the new farm program permits (with the Secretary's authorization) the growing of wheat to retain cotton acreage history—is there equity in therefore permitting Montanans to grow cotton to retain wheat history when the glut comes and that crop is no longer saleable?

CONSERVING BASE AND CROPLAND RATIOS, A COMPARISON 1966-70—MONTANA AND COMPETING WHEAT STATES

State	Conserving bases			Cropland 1970	1970 conserving base as percent of cropland	Conserving base change 1966-70		Adjustment downward in last 5 years (percent)
	1966	1969	1970			Acres	Percent	
Kansas	7,486.4	6,446.3	5,870	29,867	19.6	1,616.4	78.4	21.6
North Dakota	7,982.4	6,643.4	6,412	27,235	23.5	1,570.4	80.3	19.7
Oklahoma	2,532.0	1,891.9	1,864	[1] 12,887	14.0	668.0	73.6	26.4
Montana	7,673.5	7,163.6	6,797	14,902	45.6	876.5	88.6	11.4
Nebraska	4,527.4	3,952.0	3,657	20,476	17.9	870.4	80.8	19.2
Texas	4,663.7	2,869.0	2,866	35,152	8.2	1,797.7	61.5	38.5
Idaho	2,490.3	1,893.8	1,817	5,720	31.8	673.3	73.0	27.0
South Dakota	4,155.0	3,397.7	3,364	17,725	19.0	791.0	81.0	19.0
Colorado	4,592.3	3,725.8	3,046	10,598	28.7	1,546.3	66.3	33.7
Minnesota	4,456.9	3,237.6	3,370	22,039	15.3	1,086.9	75.6	24.4

[1] 1969 cropland figure for Oklahoma, 1970 figure not available.

NOTES

If Montana had 19.8 percent of its total cropland in conserving base, which is the average of its 9 competing States, we would have 2,950,596 acres in conserving base instead of 6,797,000 acres.

If Montana had received the 25.5 percent downward adjustment in conserving base, which has been the average of its 9 competing States, we would have received a 1,957,253-acre adjustment in the ast 5 years instead of 876,500 acres. Montana's conserving base then would be 5,718,247 acres instead of 6,797,000 acres. The conserving base in Montana, with such an adjustment, still would be 38 percent of the total cropland—highest of a'l the 10 wheat States in this comparison and double the average of the other 9.

FARM PROGRAM COMPARISON—MONTANA AND COMPETING WHEAT STATES

State	1970 cropland	1970 conserving base	1971 wheat allotment	1971 domestic (45 percent)	1971 set-acide (67½ percent)	Conserving base plus set-aside	Free acreage available to plant 1971	Acres to plant as percentage of total cropland
Kansas	29,867,000	5,870,000	8,279,804	3,725,912	2,514,991	8,384,991	21,482,009	72.0
North Dakota	27,235,000	6,412,000	5,710,319	2,569,644	1,734,510	8,146,510	19,088,490	70.0
Oklahoma	[1] 12,887,000	1,864,000	3,814,596	1,716,568	1,158,683	3,022,683	9,864,317	76.5
Montana	14,902,000	6,797,000	3,054,998	1,374,749	927,956	7,724,956	7,177,044	48.0
Nebraska	20,476,000	3,657,000	2,448,134	1,101,660	743,621	4,400,621	16,075,379	78.5
Texas	35,152,000	2,866,000	3,160,122	1,422,055	959,887	3,825,887	31,326,113	89.0
Idaho	5,720,000	1,817,000	922,645	415,190	280,253	2,097,253	3,622,747	63.0
South Dakota	17,725,000	3,364,000	2,143,388	964,525	651,054	4,015,054	13,709,946	77.0
Colorado	10,598,000	3,046,000	2,003,366	901,515	608,523	3,654,523	6,943,477	65.5
Minnesota	22,039,000	3,370,000	778,045	350,120	236,331	3,606,331	18,432,669	83.5

[1] 1969 cropland figure for Oklahoma 1970 figure not available.

NOTES

If Montana had 75 percent of its total cropland available, which is the average of its 9 competing States, we would have 11,176,500 acres free to p.ant in 1971 instead of the 7,177,044 acre total.

1970 cropland and conserving base figures and 1971 wheat allotments were obtained from the U.S. Department of Agriculture. Domestic allotments computed at 45 percent of total allotment because national domestic figure of 19,700,000 acres is 45 percent of national allotment.

1971 set-aside is computed at 67½ percent because law specifies 13,300,000 acres as maximum set-aside in 1971 program and that is 67½ percent of 19,700,000 acres set as national domestic allotment.

Department of Agriculture,
Office of the Secretary,
Washington, D.C., November 18, 1970.
Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: This is in response to your letter of November 14 together with enclosures, regarding the conserving bases established for Montana farms.

During 1970, we have reduced conserving bases on Montana farms by a total of 370,000 acres.

The proposed farm bill includes a provision which should be of substantial benefit to Montana farmers. Under the provision which limits the set-aside requirement on farms having 55% of the cropland devoted to summer fallow, Montana farmers would benefit by up to an estimated 250,000 acres.

Over the past several months we have reviewed administrative regulations under prior programs with regard to establishing and adjusting farm conserving bases. As a result of this review, we could not find that such administrative regulations were discriminatory with regard to any State or any county. The provision for adjustment of farm conserving bases under past programs provided a uniform authority to all county committees for making adjustments in farm conserving base under a specified set of guidelines. Every effort was made by our national and field offices to assure uniform interpretation of the adjustment provisions.

A comparison of the ratio of conserving base to cropland of one State to another would not appear to be valid because of the varied types of farming operations which are normally carried out in widely separated as well as in adjoining States due to varying climatic and rainfall conditions. Even adjoining counties cannot be compared equitably because of varying types of soil and topography. Conserving bases were initially established on an historical basis. This history reflected the varied farming operations being followed throughout the nation. It would appear to be inequitable to provide for a blanket downward adjustment in the conserving bases for all farms in the State of Montana, or any State without regard to the farming operations being followed by each individual producer. Not only would this be inequitable to producers in other States, but in the event that new farm legislation is enacted into law such action on our part would appear to be inconsistent with the intent of Congress and the objectives of the farm bill.

As soon as the farm bill is enacted into law, we plan on issuing administrative regulations which would continue the authority to make adjustments in conserving bases on individual farms.

Thank you for bringing this matter to our attention and for giving us the opportunity to comment on the conserving base provision of past and future program.

Sincerely,

Clifford M. Hardin,
Secretary.

Mr. ELLENDER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I wish to ask two questions of the manager of the conference report. The first question is: In the event this conference report is not approved is there a likelihood we will have no agriculture bill at all this session?

Mr. HOLLAND. That is my deep conviction.

Mr. PASTORE. Second, if we do not have a bill this session, do we revert to the 1958 law?

Mr. HOLLAND. We do.

Mr. PASTORE. Will that bring us back to the two-price system?

Mr. HOLLAND. It will and, in addition, start building up the heavy surpluses of cotton that we had under the 1958 bill, at least in my judgment, and destroying our chance to have any part in the world market.

Mr. SPONG. Mr. President, it is with reluctance that I intend to support the conference report on the Agricultural Act of 1970. I am fully cognizant of the plight of our agricultural economy, and am fearful that the report before us will do little to improve farm income.

However, if no legislation is enacted, the cotton program will revert to the permanent 1958 law, with its provisions for two-price cotton. This would greatly stimulate exports of cotton textiles to the United States and very seriously complicate that problem. As a result of the noncompetitive price for cotton and the increased imports, farmers would be hurt financially and domestic cotton mills would suffer economic injury resulting in the loss of many jobs for textile workers. Obviously, the only reasonable course is to adopt the conference report on the farm bill which would extend competitive one-price cotton for 3 years.

Mr. EAGLETON. Mr. President, with parity now at its lowest level in the past 37 years—70 percent—it is astounding that the administration would be asking the Congress for authority to further reduce farm prices and farm income levels. Yet, that is just exactly what they are doing in the farm program before us as H.R. 18546.

Never before in the history of farm legislation has an administration demanded such broad authorities for setting price support and production control levels for farm commodities. Under H.R. 18546, the Secretary would have, in effect, a signed blank check to fill in as he sees fit. The esteemed chairman of the Senate Committee on Agriculture and Forestry, Senator ELLENDER, has aptly labeled it a "legislative monstrosity."

As a presidential candidate in September 1968 Richard Nixon called 74 percent of parity "intolerable" for farmers. "Farmers are entitled to better," candidate Nixon proclaimed, "and I pledge that in my administration they will have better." If this bill is passed, we can only pray that the administration will use its broad authority to make good on its promises.

H.R. 18546 is not a good farm bill and without full and proper use of the authorities it would grant to the Secretary, it could be disastrous to farmers and the farm economy—the bulwark of our national economy. It will be especially disastrous to farmers in Missouri.

Mr. President, earlier in this debate my senior colleague (Mr. SYMINGTON) made an excellent and penetrating analysis of what he properly called this "incredible farm bill." I agree with Senator SYMINGTON that this bill "is certain to lower farm income."

Some argue that this bill is somewhat beter than the one we had in 1958. It may well be. But that is like saying leprosy is better than cancer.

All of the cosmetics in the world cannot make this bill look pretty. Therefore, Mr. President, I think we should return this bill to conference and come up with a bill that assists the farmers and the farm economy rather than adopt this bill which bludgeons the farmer and the farm economy.

Mr. PEARSON. Mr. President, I support the adoption of the farm bill conference report. The bill is not perfect. But killing the report and reverting to the old basic authority would definitely not be to the interest of wheat and food grain farmers. Their incomes would be significantly lower if we were to revert to the 1958 law.

The other alternative, to reject the conference report and seek to extend present law, is a questionable and hazardous move. There seems little likelihood that the House would agree to this. Moreover, it is simply not the case that wheat and feed grain farmers would be clearly better off under a 1-year's extension of the 1965 act. Indeed, there is evidence to the contrary.

The latest Department of Agriculture projections show that the gross incomes of wheat and feed grain farmers next year would be at least equal to and probably higher under the set-aside approach embodied in the conference report than under a simple 1-year extension of the present program.

For example, projected gross returns for Kansas wheat farmers are estimated to be $3 million per year higher under the set-aside than under an extension of the existing program. Department of Agriculture experts also predict that under the set-aside, returns to Kansas grain producers would be equal to or greater than under a 1-year extension.

I recognize that hard and fast predictions are not possible. Too many variables are involved. As a consequence there are varying and conflicting predictions of what the gross farm returns will be under the two approaches. But if one rejects both the high and low projections and splits the difference, it would appear that insofar as wheat and feed grains are concerned, results will likely be essentially the same under either approach.

Therefore, it seems to me it would be extremely hazardous to reject the conference report in an effort to secure a 1-year extension of the present program. This runs the very high risk of a stalemate between the House and the Senate with the result that we might have to revert to the old basic authority, under which, without question, wheat and feed grain farmers would be the worse off.

Because the set-aside approach differs in several respects from the present program there are some uncertainties. Arguments that it will work as well or better than the present program seem convincing. But should the set-aside not live up to its promise, corrective action can then be taken. Proceeding on this course would seem to be most reasonable and would minimize the risks of a legislative stalemate at this late stage of the year.

Mr. McINTYRE. Mr. President, I plan to vote for the conference report on the farm bill.

I do not do this with any feeling that this legislation is the answer to the farm problem or that it is all that I hoped might be accomplished in this Congress.

I know there are those who believe that no bill would be better than this bill. I am aware that a substitute will be offered if this conference report is rejected.

However, I fear that the end result of such actions may be no farm bill at all, and I am not one who shares the view that this would be a step forward.

There are, I believe, good features in the conference bill.

For the first time we are putting limitations on farm payments. These limitations of $55,000 per crop, per farmer, are not what I believe they should be. I supported limitations in the amount of $20,000 per farmer. But the limitations in this bill move in the right direction.

This bill has a good section on dairy. I think this program will be helpful to the dairy producers.

I also support the rural development section of the conference bill. I have long favored increased activity in bringing new viability to our rural areas. Thirty percent of our people live in the 98 percent of the land which forms our rural areas. But, we do not do enough to assure that these people can live a decent life and can find a future in rural America. I think they deserve assistance.

Mr. President, these are some of the reasons I am going to vote for this conference report. I hope it will be adopted.

Mr. YARBOROUGH. Mr. President, today we are faced with deciding what type of farm policy this country will pursue for the next 3 years. The choices we have are clearly defined. We can accept the conference report on H.R. 18546 and, thereby, deliver a crippling, if not fatal, blow to farming as a family occupation, or we can reject this conference report and pass legislation which will continue the successful partnership between the American farmer and his Government which has existed since the 1930's. As the senior Senator from the State which leads the Nation in the production of feed grains, cotton, and rice, and which is third in the Nation in the number of farms, I cannot idly stand by and witness the destruction of the livelihood of over 398,000 Texans whose lives depend on agriculture. This conference report and its regressive programs represents a dramatic departure from farm policies which have proven to be successful and a return to the policies of the "Benson era" which drove so many small farmers off the land and into financial ruin. Surely we cannot have so soon forgotten those dark days in the history of America.

One of the most disturbing features of the bill the conferees agreed to is the unjust treatment of feed grain producers. In the Senate, Senator MONTOYA and I, together with several other Senators from feed grain producing States, were successful in passing an amendment which would provide that price support payments to feed grain producers would be paid on the basis of 75 percent parity. This amendment would have assured these farmers a fair and honest return for their efforts. Instead of accepting this amendment, the conferees adopted a formula which would restrict these payments to the difference between the higher of $1.35 a bushel and the average market price for the first 5 months of the marketing year. In addition, the Secretary of Agriculture is authorized to reduce these payments to 68 percent of parity if he finds that this is necessary to keep the 1973 payments from exceeding those made in 1972. In dollars and cents, this formula would cause the grain sorghum producers in Texas to lose an estimated $9.6 million in income in 1971, $15.9 in 1972, and $22.3 in 1973. Mr. President, the feed grain farmers of Texas cannot stand such losses and hope to stay in business.

In addition to the disastrous pay-

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ment formula contained in this bill, the conference report has failed to continue the advance payment program which since 1965 has been an important aspect in financing the production of feed grains. The established practice had for several years been that a feed grain producer would receive an advance payment shortly after he signed up in the program. This advance payment was used by the farmer to finance the cost of planting his crop. During this year, the Secretary of Agriculture arbitrarily canceled this program. The conference report codifies the Secretary of Agriculture's action by providing that advance payments will be made as soon as practical after July 1 of the year in which the crop is to be harvested. This means that the average feed grain farmer will have to seek the funds he needs to finance the planting of his crop in the commercial money market.

Many smaller farmers, who are already suffering under the heavy burden of inflation and low profits, simply cannot afford to pay the high interest rates charged by banks today. Thus, many small farmers will be locked out of the feed grain program as a result of the cancellation of advance payments. In January of this year, I joined with Senator MONDALE and 10 other Senators in introducing S. 3356 which would require the Secretary of Agriculture to make at least 50 percent of such payments in advance of determination of performance. This bill is designed to fix in our law the advance payment program. It would be a serious mistake to pass a farm bill without assuring that feed grain farmers will be entitled to advance payments.

In addition to the harm the bill agreed to in conference will do to feed grain producers it also poses a serious threat to the cotton producers of America. The bill establishes a parity formula that will seriously limit the support payments on cotton. Under the formula devised in conference, support payments would be determined by taking the difference between the higher of 65 percent parity or 35 cents and the average market price for the first 5 months of the marketing year. Under this formula, it is very possible that support payments will fall below 35 cents per pound. A more realistic approach to this problem would be to maintain support payments for cotton at 77 percent of parity.

Furthermore, the conference report invests the Secretary of Agriculture with extraordinary discretion in determining the basic acreage allotment on which support payments are to be made. More specifically, the conference report sets the basic acreage allotment at 11.5 million acres for 1971. For 1972 and 1973, the Secretary would be able at his discretion to recompute this acreage allotment. Based on past experience with the present Secretary there is no reason to believe that he would use this discretion to help farmers. On the contrary, during the 2-year period in which this administration has been in power, the Secretary of the Department of Agriculture has made a number of decisions which have seriously affected the farmers of this country. More specifically, the Secretary of Agriculture has:

First, cut the price protection on soybeans;

Second, refused to increase dairy price supports to the authorized 90 percent parity;

Third, cut the wheat acreage allotment by 12 percent;

Fourth, canceled advance feed grain payments; and

Fifth, refused to spend properly appropriated funds for the agriculture conservation program.

In the face of this antifarmer record, it seems painfully clear that the Secretary should not have the power to determine the cotton allotment.

As an alternative to the pending bill, I am a cosponsor of a bill, S. 4492, which will continue the programs under the present law which have been proven to be successful for a period of 1 year, thereby allowing Congress a second chance to devise a sound farm program. More specifically, S. 4492 would include the uncontested provisions of the conference report and continue the wheat, feed grains, and cotton programs under the 1965 act for 1 year. This is the only reasonable solution that can remedy this present situation.

Mr. President, these are but a few of the reasons why this conference report should be rejected. If we do not adopt a sensible solution to the ever-increasing number of problems that face the American farmer, we will soon see countless numbers of small farmers being driven out of business and forced into our overcrowded cities. Such a result would not only be bad for the farmers, but would seriously damage our whole economy. We cannot allow this to happen.

Adlai Stevenson wisely said:

> A society can be no better than the men and women who compose it. The heart of any farm policy must therefore be the life of those who work the farms. Our objective is to make that life full and satisfying.

Let us show our dedication to this ideal and defeat the conference report.

Mr. MATHIAS. Mr. President, traditionally the productivity of the American farmer has been perhaps the fundamental source of wealth in this Nation. It was the farmer who formed the vanguard in the settling of this continent and who led our revolution against colonial rule. His productivity in this country is unparalleled in the world. It is the very ability of our farmers to produce surpluses of food and raw materials that has led to the legislation before us.

The agriculture bill, when considered in light of its full impact on the farmer, the consumer, and the taxpayer, can only be called a harvest of paradoxes. How can it be that legislation conceived as a means of preventing excessive surpluses can simultaneously depress the income of the average farmer, force higher prices on the consumer, and still cost billions of tax dollars?

This bill before us does very little to solve the problems of this Nation. It does not consider the housewife at the grocery counter, already distraught that so many dollars can buy so little; nor does this bill serve the millions of small farmers whose relative incomes continue to diminish. This bill may be a step in the right direction, but it is still a patchup job built on the precepts of subsidy and control. This Nation needs a new approach to agriculture.

Where once the farmers looked to the land and the sky as a vehicle to economic and political independence, they are now confronted only with the specter of the latest manifesto of the Department of Agriculture. The embattled farmers resolutely stood at Concord, but are confused and bewildered by the welter of dicta which we impose upon them. For example, we stress set-aside in some areas but elsewhere circumvent it with technicalities. There are payoffs and restrictions, histories and certificates.

Few of the freedoms from arbitrary governmental interference won in our Revolutionary War are retained in the discretion of the farmers. Were it not for the multiplicity of the programs and the mysterious systems of subsidy and payoff, this legislation would take its place among the Intolerable Acts. It demeans the farmer to look to the Department of Agriculture for the latest bonus gimmick. His integrity and economic status are maintained in jeopardy by these arbitrary programs. But in the meantime food prices are higher than ever and the poor continue to pay the highest percentage of their income for food. These lowest income groups continue to bear the burden of taxes which subsidize the corporate farmers. May I suggest that every extra penny we spend for bread and every extra dollar we spend on subsidy is exactly inflation. Still we are not moving ahead quickly enough to retire excess farmlands. To enhance the environment, we are not making our lands available to recreational use as the President so rightly recommended.

In June of last year, our distinguished minority leader, the late Senator Everett McKinley Dirksen, discussed with me the need for basic changes in our agricultural policies. As a result, Senator Dirksen and I introduced S. 2524 with 18 other Senators as cosponsors. It was our feeling then, and it is even more true today, that there is a need to develop new, more effective, and less costly Government programs for agriculture.

There is clearly a need for a change in approach. This was the spirit which prompted us to introduce S. 2524 last July. This fact was recognized by President Nixon during the 1968 campaign when he said:

> A new look must be given to a Government policy which has brought us to a station where 21 percent of the farmer's realized net income comes directly from the Government. Those who control the purse control the power—and the new programs that are designed should insure a fair return—while reducing this dangerous level of dependency on an arbitrary political power.

The bill recognizes that it is impossible to make a drastic, sudden change in the direction of policy without seriously disrupting and hurting our agricultural economy. The legislation, therefore, proposes a gradual but consistent turn away from Government subsidies.

I believe that we must recognize that, while American agriculture is one of our most important industries, there are other problems also demanding our effort and attention. I think we must consider seriously the amount of Federal money which we can afford to spend on our farm programs. If the current approach were providing effective help and satisfactory incomes to farmers, it could be justified. However, when one looks at the record of the current program against the cost involved, it becomes hard to explain to consumers and taxpayers why we must continue to invest billions in subsidies which do not solve the problems of American agriculture.

In voting for the bill before us, we are voting to perpetuate inflation at its very basis, we are voting to maintain higher taxes and food prices and we are voting not to help our farmers, but to keep them in need of our continued help. A vote against this bill is a vote for a fresh approach, an approach which will bring reason to the marketplace and relief to the taxpayer. It will be a vote for the integrity and historical independence of the American farmer.

I urge the Senate to reject the conference report.

Mr. ALLOTT. Mr. President, first, I must restate my sincere disappointment in the delay in calling up the farm bill. Such inaction is further torment for America's farmers. Only yesterday I received a letter from an agonized constituent relating that another young man had abandoned farming as a career. His departure was not primarily motivated by pure economic considerations as one might think, but rather by the uncertainty which surrounds the farm program. When high operating costs and low commodity prices were topped off with having to plant next year's crop without knowing the nature of the regulatory program, the latter became the "straw that broke the camel's back." Can there be any doubt as to why so many farmers consider their future to be bleak?

Even though I have doubts on how well the new provisions of this bill will work, and even though I would like to see higher price-support loan levels and the tying of farm income to parity, I intend to vote for the conference report. The committee members are to be commended for the long hours and hard work spent this past year trying to come up with a new and better program. There are new ideas in this bill. I think they are worth a try.

Some urge us to reject the conference report because they want more for our farmers. They say that if we reject the conference report, and if we pass an alternative proposal, then maybe the House conferees will accept previously rejected features of the Senate bill, or maybe the House will pass the alternative proposal. Mr. President, based upon my observations of the speed of the deliberations thus far this year on the farm program, there are too many "if's" and "maybe's" in that reasoning for me. The potential loser in further dilly-dallying with this measure is the farmer.

I urge that the Senate pass the conference report and put an end to agricultural uncertainty—at least for another 3 years.

AMERICA'S LAMB AND WOOL INDUSTRY

Mr. HANSEN. Mr. President, as the Senate prepares to discuss the conference report on H.R. 18546, the Agriculture Act of 1970, I wish to comment briefly on an area that is covered by this legislation.

H.R. 18546 includes a provision extending the National Wool Act of 1954, and the Wool Act, in turn, contains a provision—section 708—which authorizes a check-off from payments to producers for the purpose of funding a promotion and advertising program for the lamb and wool industry. This program in carried out by the American Sheep Producers Council, and while there is no absolute means of gaging in strict terms the effectiveness of an advertising program, I think most would agree that the ASPC efforts have been worthwhile.

The sheep industry today faces many problems, many of which are inherent in the radical changes sweeping the agricultural industry of this country. Improved technology has forced the trend toward large corporation farming, and in the case of the lamb and wool industry, increasing use of synthetic fibers and an increasing influx of foreign imports has compounded the problem.

The sheep industry, in 1955, organized the American Sheep Producers Council to help the industry maintain a handhold in the free enterprise system and to increase demand in this country for lamb and wool products.

Since 1955, the U.S. Department of Agriculture has conducted five nationwide producer referendums to ask producers if they wish to continue the ASPC advertising program. In each instance, at least two-thirds of the producers participating in the programs authorized under the National Wool Act indicated they wished to continue contributing to the budget for the ASPC so that this advertising could be carried out.

Presently, the system provides a budget of about $3 million annually for the council's programs. This money is obtained by subtracting from individual producer payments under the Wool Act an amount equal to one and one-half cents for each pound of shorn wool, or seven and one-half cents per hundred pounds of live-weight, unshorn lamb.

If the Congress approves H.R. 18546 without changing the provisions affecting the Wool Act, the Department of Agriculture will, next year, conduct another nationwide producer referendum in April to determine if a majority of producers wish to continue the advertising program authorized in section 708 of the act.

I am confident that producers will again indicate their willingness to continue this responsibility of promoting their products; the decision is up to them.

Another example of the industry's desire to enhance its competitive position is the comparatively new sheep industry development program, undertaken by the domestic industry, which is designed as a self-help measure to bring the latest technology in production and marketing to the industry.

The results of this new resurgence, in an industry that ranks as one of the most important in my State of Wyoming, should be obvious within the next year or two as these programs give new life and hope to producers.

Mr. MUSKIE. Mr. President, I know of no other American industry where the Federal Government plays such a major role as in agriculture, nor of any other segment of our population where Federal policy has such a direct economic bearing than in the farm community.

We have found, in the past, that such Federal support is necessary, to protect not only the agricultural community but the rest of our economy as well from the uncertainties of a fluctuating market.

Today, our farm economy is in trouble. The constantly improving efforts of farmers, and the advance of agricultural science and technology, promise ever-increasing production of farm products. But the price the farmer receives for his products seems always to fall. In August of this year, prices for raw farm commodities dropped more than during any single month since October 1948. In spite of a considerably larger gross income, inflation and rising production costs have left the average farmer with little more net income than he was earning 5 years ago.

Our farmers deserve and need better treatment. Most Americans eat as well or better than people in any other nation. And we pay less out of our dollar for food than citizens in any other industrialized nation.

Yet in spite of the growing rural crisis, which has forced countless farmers to flee to the overcrowded urban areas over the last two decades, the bill which we have before us now, H.R. 18546, would force farm income to decline even further, while prices continue to rise.

The conference bill has concentrated a wide, almost arbitrary, authority in the office of the Secretary of Agriculture.

The bill has abandoned the concept of parity. Although the word parity appears on paper, it is set at a rate for feed grains so low as to be virtually meaningless. This in spite of Mr. Nixon's comments 2 years ago that a parity rate of 74 percent was intolerably low.

Advance payments have been eliminated.

Set-aside programs for wheat and feed grains are unlimited, subject to the discretion of the Secretary of Agriculture.

In short—in the aftermath of a 1968 Republican campaign pledge to provide "a more direct voice for the farmer in shaping his own destiny," we now have a bill which will lower farm income at an estimated cost to farmers of more than $1 billion over the next 3 years.

Is it of no concern to the administration that hundreds of thousands of small farmers, who cannot today make ends meet, will be driven off the farm?

It would appear not.

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Are we to sacrifice the small family farmer for the sole sake of efficiency, at the cost of more overcrowding of our cities which today are struggling to cope with millions of displaced farmers and farmworkers?

I hope not.

The social cost of such a policy is certainly not worth whatever relatively small amount the administration hopes to save on this bill.

In voting on H.R. 18546 we face a difficult choice.

The bill passed by the Senate was modest, yet sound. The Senate committee, especially its chairman, is to be commended for its work on the Senate version of H.R. 18456.

A return to conference would mean further delay in getting this year's farm program underway.

Yet I will support this step as more acceptable than the present conference bill, and I urge my colleagues to do the same.

There are critics of the farm program who say that it is obsolete—that parity should be abandoned, that the structure should be made less rigid.

Some criticisms of the program are no doubt valid.

Yet we cannot abandon parity of income as this bill would do. We must insure that the health of the farm community, on which we all depend, improves with the rest of our economy.

Mr. BYRD of West Virginia. Mr. President, I support the House-Senate conference report on the omnibus farm bill, which is now before the Senate.

The conference report establishes an annual ceiling of $55,000 per crop on payments to producers of upland cotton, wheat, and feed grains. I have twice voted for the lower $20,000 ceiling on price support payments and, like many of my colleagues, would still prefer the lower figure. However, I am not unmindful of the fact that this is the first time that a limitation has been enacted in basic law; and, because of this fact, I feel that this bill is a move in the direction of improving the conditions under which Federal subsidies are given to large farmowners. West Virginia farmers do not receive price support payments in the amount of $20,000 or above, so the limitation will not affect them.

Beyond the question of price support payments, Mr. President, the conference report now before the Senate establishes improved programs for both producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities.

The report also extends the provisions of Public Law 480, commonly known as the "Food for Peace" program. Under this program, almost $12 billion of American farm products have been shipped abroad over the past 15 years. Public Law 480 sales on long-term dollar credit amounted to $1.4 billion during that period. Efforts made under this program have enabled the American farmer to harvest a fair share of the rewards of international agriculture.

Mr. President, I support the conference report now before the Senate and feel that its passage will be beneficial not only to the American agricultural community, but to the general population as well.

NO TO LOWER FARM INCOME

Mr. CHURCH. Mr. President, today we have before this body for consideration a farm bill. It is a strange measure and it places those of us who must vote it either up or down in an extremely difficult situation. Long ago, all of us knew that this moment would come, the time when we would have to cast our final vote on one of the most controversial pieces of legislation which has been before the 91st Congress. Now the hour grows late. We are in a lame duck session, called together for the first time in many years following an election which was one of the most hard-fought and vindictive in recent memory. We are faced with a bill which was roundly attacked during that election—some maintain that its contents were responsible for startling Democratic gains in Republican farm areas.

This is a bill which no one, with the exception of the Nixon administration, wants. It is the result of 18 months of nonleadership from the Department of Agriculture. So well did the Nixon administration conceal its intent on farm policy that the President of the United States did not even bother to deliver a farm message. The last President, incidentally, who did not deliver a farm message was Herbert Hoover.

This bill, as changed by the conference, will reduce the income of American farmers by approximately $1.2 billion in the next 3 years. This loss of farm income comes at a time when the per capita income of the American farmer is already well below the national average. In my own State, the trend of the agricultural economy is clear. From 1961 to 1965, Idaho's total farm employment averaged 66,000 persons. By 1967 that figure had dropped to 50,000. In 1968, it stood at 48,000. It is even lower today. Value of principal crops in Idaho declined by $14,614,000 in 1968. This reduction, as we are all too aware, came in a time of rising inflation, exhorbitant freight rate increases granted to the railroads by the Interstate Commerce Commission, and ever-rising costs of farm operation and equipment.

I have spent the last month in Idaho. In the last week, I have been in touch with the heads of Idaho's major farm organizations. Regardless of their differing views as to whether or not this conference report should be adopted, all agreed on one thing—no one likes this bill.

The argument I have heard the most in favor of supporting the conference report is that should it go down to defeat, there may well be no farm program. This argument is one which I simply cannot accept. I cannot believe that the membership of the Senate or the House would allow this session to end without a farm program.

To me, the alternatives appear to be only two. We may either meekly submit or engage in what may well be a losing fight for the farmers we represent. I was not sent to the Senate to vote for farm programs that would further endanger the agricultural economy. I was not supported by the farmers of Idaho to "go along."

I cannot, in good faith, vote for this conference report. In the slang of the day, that would be a "cop-out," a convenient excuse to submit rather than enlist in a lost cause. I, for one, would rather vote on the losing side than support a bill which can only contribute further to the decline of farm income in Idaho and throughout the country.

The PRESIDING OFFICER. The time of 3:30 has arrived.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the adoption of the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. COTTON (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Ohio (Mr. SAXBE). Were he present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore I withdraw my vote.

Mr. SCOTT. Mr. President, on this vote I have a pair with the distinguished Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. BYRD of West Virginia (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the distinguished junior Senator from Indiana (Mr. BAYH). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Having already voted in the affirmative, I therefore withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New Jersey (Mr. CASE), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. SAXBE), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from New Jersey (Mr. CASE) would vote "yea."

The respective pairs of the Senator from Ohio (Mr. SAXBE) and that of the Senator from Texas (Mr. TOWER) have been previously announced.

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 48, nays 35, as follows:

[No. 387 Leg.]

YEAS—48

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Cannon
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fulbright
Griffin
Gurney
Hansen
Holland
Hruska
Javits
Jordan, N.C.
Jordan, Idaho
McClellan
McIntyre
Miller
Murphy
Packwood
Pastore
Pearson
Pell
Prouty
Randolph
Russell
Smith
Sparkman
Spong
Stennis
Stevens
Talmadge
Thurmond

NAYS—35

Burdick
Church
Eagleton
Ellender
Goldwater
Goodell
Gravel
Harris
Hart
Hartke
Hughes
Inouye
Jackson
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Proxmire
Schweiker
Stevenson
Symington
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Byrd of West Virginia, for.
Cotton, against.
Scott, against.

NOT VOTING—14

Bayh
Case
Dodd
Fong
Gore
Hatfield
Hollings
McCarthy
Mundt
Percy
Ribicoff
Saxbe
Tower
Tydings

So the conference report was agreed to.

Mr. HOLLAND. I move to reconsider the vote by which the conference report was agreed to.

Mr. MILLER and Mr. TALMADGE moved to lay the motion on the table.

The motion to lay on the table was agreed to.

AN EXPRESSION OF THE SYMPATHY OF THE SENATE FOR THE PEOPLE OF PAKISTAN

Mr. SCOTT. Mr. President, I send to the desk a resolution sponsored by myself and the distinguished majority leader and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 484

Whereas the people of Pakistan suffered a devastating blow as a result of the cyclone and tidal waves on November 13, 1970; and

Whereas the cyclone and tidal waves caused the loss of thousands of lives and the destruction and devastation of many towns and villages rendering homeless and destitute many thousands of people; and

Whereas the Government and people of the people of Pakistan in their tragic hour sympathy can be expected to open their hearts and material resources to the needs of the United States in their compassion and of bereavement and suffering: Therefore, be it

Resolved, That the Senate extends its deepest sympathy to the President and the people of Pakistan in this dark hour of their suffering and distress.

SEC. 2. Copies of the present resolution shall be distributed through appropriate channels to the President of Pakistan.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 484) was considered and unanimously agreed to.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971

Mr. MAGNUSON. Mr. President, may I ask what is the pending business?

The PRESIDING OFFICER (Mr. FANNIN). Without objection the Chair now lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows: H.R. 18515, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

Mr. MAGNUSON. Mr. President, the Senator from New York (Mr. JAVITS), for the benefit of the Senate, submitted an amendment last night, which is now at the desk and which was divided into five different amendments to the bill. We asked for a division of those amendments, which is automatically granted under the rule.

Now the Senator from New York, of course, has the opportunity to move to bring up any one of those 5 amendments.

Mr JAVITS. I thank the Senator from Washington.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr FANNIN). The Senator from New York will state it.

Mr. JAVITS. Is my amendment now before the Senate?

The PRESIDING OFFICER. Yes.

Mr. JAVITS. The whole amendment?

The PRESIDING OFFICER. Yes, as modified.

Mr JAVITS. And each part will be considered separately; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. Is it also correct that the first vote will come on what has been designated as the first part of the amendment—to wit, page 1, line 1, to page 2, line 4, inclusive?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. I think we can go ahead with the debate. I must tell the Senate that I understand the problem. I think we could get together on the various aspects of the money. I realize that the question of administration is difficult.

The fact is that as the amendment now stands, and as we will see about it in the course of debate, the first vote will come on the really basic proposition: Shall we increase the amount and shall we at one and the same time, vest the administration in the same way it has been vested up to now—to wit, in the OEO, which in turn has delegated administration to other agencies, by agreement, to wit, the Department of Labor and the Department of HEW.

A real issue is on the money side, which I will discuss in a minute.

On the question of administration, the basic question is this: Until the end of this fiscal year, June 30, 1971, we would be allowing the OEO to continue to coordinate the whole program, including the manpower training phases of it and the education phases of it, although practically it will actually be carried out by agreement, with the OEO, by the other two Government departments.

There is no question about the fact that, beginning July 1, 1971, approximately what this appropriation bill as it now stands, will probably happen; so that the issue is whether we shall continue the present practice until the end of this fiscal year, or shall we immediately go to what probably will be the new practice?

It is a fact that the operations of the OEO under this particular legislation in the past 2 years, including this fiscal year, have been to emphasize a shift in its operations to innovation, to the kind of projects which community action agencies are in the best position to handle. It has gradually been reforming itself in the expectation that if there is a renewal of the legislation, the renewal will be put into effect. If the new system were established, the Government departments will be administering the Headstart and manpower programs which we have been discussing.

There is a strong case, we believe, on the legislative side—and it is significant—that the sponsors of this amendment are largely the members of the Committee on Labor and Public Welfare on both sides of the aisle. We feel that this still is not finally developed, that there is still an advantage to giving the OEO the top management of the whole enterprise, and giving it a voice in the decisions as to the extent to which the poor shall themselves be tied into these operations, the extent to which they shall be handled by community action agencies and other community groups, and the extent to which other agencies and municipalities concerned with poverty programs, shall be involved as opposed to completely leaving it to the Government departments with their traditional patterns for dealing with money. There is still enough of a poverty stamp on the requirements for the utilization of the funds to make it inadvisable to shift now.

I think I speak for all the sponsors in saying that in our legislative activity—and we are all members—the Senator from Wisconsin (Mr. NELSON) is the chairman of the subcommittee, and I and others concerned, such as the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mr. CRANSTON)—we are all members of the Labor and Public Welfare Committee and we are completely ready and desirous of putting some new system into effect as of the beginning of the next fiscal year.

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July 1, 1971; but this appropriation is for this fiscal year, not for the next fiscal year.

For this fiscal year, we deeply believe that the authority for a transition period which we gave ourselves in the original legislation should be honored in the appropriation as well.

We would have hoped very much that the Appropriations Committee would have been convinced of that and would have left to us the timing of the decisions. That is all we are really arguing about. What we have done in this amendment is to ask the Senate to stay with us on the timing of the decision. That is the issue upon which the Senate will vote as an inherent element of the first part of this amendment.

The other issue upon which the Senate is to vote——

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill and asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Perkins, Mrs. Green of Oregon, Mr. Daniels of New Jersey, Mr. O'Hara, Mr. Hawkins, Mr. William D. Ford, Mr. Hathaway, Mr. Scheuer, Mr. Meeds, Mr. Burton of California, Mr. Gaydos, Mr. Clay, Mr. Ayres, Mr. Quie, Mr. Erlenborn, Mr. Scherle, Mr. Esch, Mr. Eshleman, Mr. Steiger of Wisconsin, and Mr. Collins of Texas were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 14252) to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12807) to amend the act of February 11, 1903, commonly known as the Expediting Act, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Celler, Mr. Rodino, Mr. Rogers of Colorado, Mr. McCulloch, and Mr. Hutchinson were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 1255) to authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week," and it was signed by the President pro tempore.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

Mr. JAVITS. Mr. President, on the amounts, I think the case is extremely strong. We are far from remotely dealing with the problems of need. I believe that the national priorities should be realined, so as to materially improve the poverty program.

For example, we are seeking to reach programs where there is a very great deficiency. Let us take Headstart, which calls for some $59 million of the increase of $181.6 million.

If our amendment prevails, 529,406 Headstart slots will be made available as against the administration's budget request figure of 408,800 and compared with the fiscal year 1970 of 471,600.

We are trying to reach a target of something in the area of 1,300,000 children who would be eligible for this kind of program.

Also, I think it is fair to say that, of all of the programs in Federal aid to education or in poverty, the Headstart program has proved to be the best and most effective; indeed, the committee itself gave some $18 million in addition to what the House approved.

The $59 million which we propose to add would take us up to the authorization level in respect to the Headstart earmarking. We respectfully submit that it certainly ought to be done.

The other program which takes a substantial amount of money from our increase is $41,900,000 for manpower programs. This is divided among an additional 39,950 slots in various manpower training programs. These slots include the following: In the Job Corps, 1,750; in the concentrated employment program—that is a program essentially zeroed in to the slums—5,000; for the Neighborhood Youth Corps for the in-school youths—5,300; for those who are school dropouts, 2,100; for Operation Mainstream—that is to enable older people to get some opportunity in respect of employment—700; for public service careers—that is a threshold to get into a career in the public service domain—2,600.

The largest number is for the summer Neighborhood Youth Corps, 16,500 slots.

Mr. President, that summer item is a rather critical one because of the serious impact which we see today in unemployment among teenagers.

Mr. President, unemployment among teenagers is running on the average of something in the area of 3 to 4 times the national average unemployment rate. It is running as high as 24 percent in urban poverty neighborhoods. For black teenagers—where the problem is even greater in terms of tension—it is running over one-third, 34.9 percent.

I think it is fair to say that I have scurried around every year in a big struggle, which has extended generally into the summer, trying to get a little more money for the summer employment program. Last year we got $35 million after a tremendous battle. This money became available when the summer was already upon us.

Mr. President, what we are trying to do here insofar as this amendment affects this particular program is at least to anticipate this kind of rush at the very last minute which—while always essential and justified—is bound to be somewhat inefficient and not give us the full return per dollar of investment in appropriations which we could have.

I think that it is elementary that we should allocate at least what we tried to do last summer for the youth of the country in terms of summer employment.

If we do provide the $41 million, and other sums a good portion of that should be utilized for the Neighborhood Youth Corps summer program. That will provide approximately 414,000 slots, or opportunities. That represents less than one-third of the target population which is expected for next summer.

Mr. President, I would like to point out that last summer the opportunities which were provided fell short by 145,000 of what the cities and rural areas needed.

It seems to me then that this is just being forehanded about a situation which we know will descend upon us like a ton of bricks.

Mr. President, with respect to the aspects of the program dealt with in respect of this same amount of money, there is an interesting comparison between VISTA and the Peace Corps, which is an external program generally of the same nature.

The Peace Corps program has 10,000 volunteers; the VISTA program has only 5,000 volunteers.

Mr. President, it seems to me that domestically that program is certainly entitled to a measure of assistance greater than the measure of assistance which has been vouchsafed to it in respect of this bill.

I have already referred to the Headstart program and the other similar programs. I would like to say a word now about the health and nutrition programs which will be benefited by about $20 million if our amendment is accepted.

It is a fact that there is very inadequate coverage in terms of hunger which has so much affronted the conscience of the country in the Federal programs today.

The participation for food stamps, for example, is lower than 30 percent in 18 of the 50 States. The need with respect to the so-called emergency and medical services program is very critical. Even if the new food programs proposed by the administration were put into effect, a little more than half of the poor would be reached. We feel there is very grave need for the emergency aid which I have described. We feel that the provision or addition of $20 million is highly desirable in respect of this particular program.

Other modest increases, Mr. President, amounting to a few million dollars are necessary to bring the programs up to par and avoid closings—for example, in the legal services program and in the special impact program. I have already referred to the increase in the VISTA program, which is only $2 million. In the rural loan program, it is about $1 million. And in the item on research, development, and evaluation—which the administration itself has emphasized and which is so crucial in the development of new approaches to poverty—I would like to point out in respect of that program that even the figure of the administration has not been met.

The President's budget allocation was $118.3 million. The Senate Appropriations Committee granted $114.6 million. We seek to restore that figure by adding approximately $4 million.

To summarize, the main increases we seek are in Headstart, in the manpower training program—which includes the Neighborhood Youth Corps for summer jobs—and in the health and nutrition programs.

The other increases are not relatively large in terms that I have just described to the Senate but also very important.

We do take the OEO basic authorization figure; that is, the appropriation for OEO, to the allowable appropriation after deducting the $50 million which already has been appropriated with respect to public school desegregation efforts.

In looking at the overall picture I would like to give the Senate a few facts. First, even if we take the administration's requests as they were cut by the Committee on Appropriations, and the cut from the administration request was not great, the following percentages would be reached in the target groups which each of these programs is designed to reach: with respect to family planning we would be reaching 8.9 percent of those who need assistance; in respect of drug addiction, we would be reaching 1.7 percent; in respect to alcoholics and recover from alcoholism we would be reaching 4.4 percent in respect of legal services we would be reaching 17 percent; in respect of even Headstart, which is a very popular program, we would be reaching 31 percent. In short, we are not looking for any gold-plated appropriation here. Still, even with these authorized amounts we are appropriating, it would be far from the coverage we should have.

Also we should have in mind the number of poor in this country. In this affluent country there are 24.3 million poor, which is one-half the population of Great Britain. I would like to point out that contrary to many popular misconceptions, 69 percent of the poor are white and 31 percent are nonwhite. In short, this is not a race problem in that over two-thirds of the poor today are white.

I also would like to point out that the rural poor constitute one-third of the Nation's poor. That is a very significant figure because so often men who are voting here and exercising this great responsibility overlook the fact that we have a tremendous number of rural poor.

For all those reasons, both in terms of the continuance of the present practice of the OEO, and in terms of the amount of increase we seek by this amendment, I deeply believe that it is well worthy of the support of the Senate.

Before I conclude on this initial presentation I would like to repeat what I said this morning because I think it is critically important in this debate. I do not argue for this amendment in any adversary sense with the committee. I repeat what I said today and I want to repeat it as often as there may be any question about it.

The Senator from Washington (Mr. Magnuson) and the Senator from New Hampshire (Mr. Cotton) have as deep a concern as anyone for the poor. I have served on this committee and I know the colossal sums that must be appropriated for many purposes, including this one, and the problem of dividing what is available. If this revision is to be made in accordance with this amendment they have a right to say to the Senate, "Certainly, if you wish to do it this way do so, but we have done the best we can in committee. It is now up to all of the Senate to do what it feels is the right thing to do in this situation."

So I hope Senators will not feel that they are reversing anyone or that there is some squabble because that is not true. They have done the best they can and they have done it according to their consciences. The rest is up to us. This amendment is an appeal to the Senate to do what a group of us think is the right and necessary thing to do in this situation.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. JAVITS. Of course. I yield.

Mr. COTTON. I appreciate the kind words which the Senator has spoken. He is always very generous and he is perfectly correct that this is not a personal reflection on the committee or on anyone else. This question is not asked in any spirit of sarcasm but for honest information.

During the Senator's remarks he mentioned the fact that each year he had been scurrying about—that was the expression he used—to get the money for summer employment when it was needed and soon enough to obtain it. We all know the Senator does do that and we admire him for his constant faithfulness in trying to help in that situation.

However, what I want to know is this. The Senator indicated that what he got, in a sense, was too little and too late. Was the Senator getting that money allocated by OEO or from some other agency?

Mr. JAVITS. I remember it as of last year. It was allocated to the Department of Labor at that time, which by agreement with the OEO was the agency that was administering this program; I remember—and I am drawing solely on my recollection—I would never have gotten it without the cooperation of the Senator from New Hampshire who is asking this question and I do pay tribute to him for that.

Second, and the Senator can correct me if I am wrong, the appropriation actually went to the Department of Labor at that time. That was one of the items agreed upon in conference. That is my best recollection.

Mr. COTTON. In other words, if it had remained in OEO the Senator feels he could have gotten perhaps more speedy satisfaction?

Mr. JAVITS. No, I would not say that. I do not make one of my reasons for seeking a continuance of a present practice any improvement in the situation on this summer job question. As a matter of fact, the entire summer job question was attributable to the fact that when it first came up here it proved impossible to get more than we did. Subsequently it was on a supplemental. I am sure the Senator will recall that. It took months and months, until we were finally in the season when the money was forthcoming.

I think that having some confidence in the fact that the money would be appropriated, many cities were ready to use it. In fairness to the Department of Labor, it should be said that they did not distribute the money except to cities that were forehanded enough to be ready to effectively use it.

We face the glacial problems of getting the entire bill through, and not just this matter. I do not make that an argument that Labor would do better than OEO.

Mr. COTTON. I thank the Senator.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Record a letter from the National League of Cities and the U.S. Conference of Mayors, in which they support completely the amendment we are proposing and make a very strong case for their funding levels we seek, with special emphasis on the $41.9 million in the manpower program and its effect upon the Neighborhood Youth Corps summer program.

There being no objection, the material was ordered to be printed in the Record, as follows:

National League of Cities,
U.S. Conference of Mayors,
November 19, 1970.

Hon. Jacob K. Javits,
U.S. Senate
Old Senate Office Building,
Washington, D.C.

Dear Senator Javits: On behalf of the National League of Cities and the U. S. Conference of Mayors we urge the passage of Amendment 1068 to the HEW Appropriations Bill. This amendment, if enacted, would increase the funding level of the Office of Economic Opportunity by $181.6 million for fiscal year 1971 and set the overall funding close to the amount authorized by the Congress.

At a time when the national unemployment stands at 5.6 percent in our nation and continues to rise, it is indeed tragic that we are faced with cuts in our manpower programs. The unemployment picture in our cities is even more bleak, especially among the young—17.1 percent for teenagers, 24.1 percent in urban poverty neighborhoods and 34.9 percent among black teenagers. Cuts, for example in our Neighborhood Youth Corps, should not be tolerated. The surveys indicate the increasing need for this program. This amendment would raise the level of funds for manpower programs by $41.9 million and go a long way toward assisting cities

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throughout the country in coping with the unemployment crisis that now threatens us.

Another serious cutback already announced to many cities is the cutback in the Head Start program, one of the most successful and popular Federal programs now underway. This amendment would increase the funding by $59 million, restore cruel cuts from this program, and enable our children now residing in our cities to continue receiving benefits from this worthwhile program.

Since the inception of these programs both the League and the Conference have spent much of their overall legislation effort in supporting these anti-poverty programs. On behalf of the nation's mayors, we again today reiterate their continued support and goal of eliminating poverty from our citizens. It is with this goal in mind coupled with the grave unemployment picture now seen in our land that we urge passage of Amendment 1068 which restores cuts to programs so vital to our citizens at this time.

Sincerely,

PATRICK HEALY,
Executive Vice President
National League of Cities.
JOHN J. GUNTHER,
Executive Director
U. S. Conference of Mayors.

Mr. MAGNUSON obtained the floor.

Mr. COTTON. Mr. President, will the Senator yield to me before he begins so that I may make a parliamentary inquiry?

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, this morning we consulted with the Parliamentarian before asking for a division of these items in this amendment. My recollection was that we were informed that we could ask and obtain—or, to use the harsh word, "demand"—a division, which we did.

Now, as it appears from the debate as it has progressed to this point, there is no division actually, because the first vote would come on the overall sum and its administration by the OEO rather than other departments to which it would be farmed out. In other words, if the distinguished Senator from New York prevails on the first part of the amendment as divided, the other four are already decided and there is no division at all. Am I right or wrong?

The PRESIDING OFFICER. The Chair will not interpret the effect of the action, but a division was demanded, and it was granted, and the first vote will come on that part of the amendment beginning on line 1, page 1, through line 4, page 2, of the amendment.

Mr. COTTON. That part of the amendment of the Senator from New York is the overall sum which he adds to the bill, and the subsequent four, under the division, are merely allocations of that overall sum.

What I am trying to find out, so we know exactly what the parliamentary situation is, is this: the first part of the division, starting on page 1, line 1, is adopted, the whole sum is raised. So what is there to vote on when we come to the rest of the sums?

The PRESIDING OFFICER. The Senator may very well be correct on that.

Mr. COTTON. Mr. President, what does the Senator from New York say?

Mr. JAVITS. Mr. President, I hope that the Senator, who is a very able Senator is not going to tax me with the fact that I did my best to draft an amendment which would pose the issue in one vote. It is a fact that the amendments which ensue might go down and might present us with some kind of odd bill, but that has happened here before.

Mr. COTTON. May I say that I am not taxing the Senator with anything. I am not complaining. I want to have it clear in my mind. I can perhaps well understand that this division was ineffective. If so, I would want to know it.

Mr. JAVITS. No; I am not saying the division was ineffective. These are separate questions and the Senate may go either way on them. But it is a fact that if the first part of the amendment to be voted on carries, then the following will result: One, the amount will have been increased. Two, the devolution of authority, which is not only in this particular language but follows in other language, will have been substantially decided. Three, $398 million will have been earmarked for Headstart and $802,200,000 will have been earmarked for manpower.

Should the Senate turn down the latter parts of the amendment, it would result in an inconsistency in respect to what had already been done in part 1, but that does not stop the Senate from doing it.

I assume the conferees would feel that they had a right to make adjustments in conference other than those which they would make if every one of them had carried.

Mr. COTTON. Let us be specific, if I may propound one more parliamentary inquiry. Take, for instance, division 5, beginning on line 13 on page 2 of the amendment, which involves $7,417,000 for a conference on children and youth. The recollection of the Senator from New Hampshire is that they came in and got approximately $600,000 from us and appeared perfectly satisfied with it. At a time when we are bleeding at every pore financially, it would seem to me that this is an almost preposterous enlargement.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COTTON. I just want to finish my parliamentary inquiry.

If the Senator from New York prevails on the first vote, can the Senate or cannot the Senate reduce the amount in the last line of the amendment on line 15, page 2, that particular appropriation of $7,417,000?

Mr. JAVITS. Mr. President, may I be heard on the subject before the Chair rules?

Mr. COTTON. Mr. President, I now have a compilation of what is already in the bill.

Mr. JAVITS. That is right.

Mr. COTTON. I withdraw my parliamentary inquiry.

Mr. MAGNUSON. The only thing is that the amendment words it badly.

The PRESIDING OFFICER. Does the Senator withdraw his parliamentary inquiry?

Mr. COTTON. I withdraw the second parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from New York wish the floor?

Mr. MAGNUSON. May I inquire if it would be only for the youth conference?

Mr. JAVITS. No, it would not be only for the conference.

Mr. MAGNUSON. So the fact is that there are items which do not increase the amount of the bill?

Mr. JAVITS. We have rewritten it exactly to that effect. It is not as yet printed. I thoroughly agreed with the Senator that we should repeat the whole paragraph, which we have now done.

Mr. MAGNUSON. Very well.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. MAGNUSON. Could I ask for a division on each of the amounts stated? The total amount in amendment No. 1 adds $181 million to the bill when the individual items are all added up. There are many line items in the bill that involve different programs within OEO.

Is it possible for the chairman of the committee to ask for a division of that amount and have us take it up item by item? I am talking about line items—program items.

The PRESIDING OFFICER. The rule applies that a matter that is susceptible of a division may be divided.

Mr. MAGNUSON. It is susceptible of a division?

The PRESIDING OFFICER. The Chair would have to study it, if the Senator will suspend for a moment.

Mr. MAGNUSON. There are 15 line items within that one amendment.

Mr. JAVITS. Mr. President, I would like to be heard on that.

Mr. MAGNUSON. I ask the Senator not to be heard until I find out whether it is possible to do it. I have not said I was going to do it yet, but I might.

The PRESIDING OFFICER. The Senator from Washington has the floor. Does the Senator yield?

Mr. MAGNUSON. There is another item that I want to inquire about, and this has never been done before. In amendment No. 1 there is $43,900,000, and it is labeled "other programs." I do not know what those "other programs" are, but apparently we are giving them $43,900,000 to use any way they want to use it.

Maybe they are going to transfer that to 10 other departments for administration, as they have done in the past, administratively. I do not know what the "other programs" means. There is no testimony on them. We did not hear anything about it.

Mr. JAVITS. Mr. President, if the Senator will yield to me to explain the unallocated amounts——

Mr. MAGNUSON. The "other programs."

Mr. JAVITS. Yes; the other program. That is not part of the amendment itself; it is part of my explanation of the amendment. The Senator can argue whether we should or should not win on the amendment because of that item. I do not think there is any separation possible on that item, because that is the way we show we believe the $43 million, or some part of it, can be distributed.

The reason that there are funds allocated is because in the allocations we have made, we have not touched the ceilings in many of these items.

Mr. MAGNUSON. What ceilings?

Mr. JAVITS. The earmarking contained in the original authorizing legislation.

Mr. MAGNUSON. Is the Senator talking about the authorization?

Mr. JAVITS. Yes; I am talking only about the authorization. We did a great deal of earmarking, and one of the flexibilities we gave to the administrator was that he could shift 15 percent of the allocation for any program to any other program. In the allocations which we have provided as to how we think the $181 million may be distributed, aside from the fixed figures which we have inserted with respect to Headstart and manpower, and we have provided a fund of $43 million which could be added to the various allocations as we have deducted from each allocation the transferable 15 percent. Except where the administration request or the committee recommendations were higher.

Mr. MAGNUSON. There was absolutely no testimony before our committee about that. We were down there for many long weeks. We heard from the OEO officials, and nearly 250 other witnesses, and now all of a sudden, we have "other programs" listed for $43,900,000.

The Appropriations Committee should be entitled to know what the "other programs" are going to be. Maybe they are good programs. All these programs are good programs. But it is just a question of our capabilities; how far should we go? If some of us had our way, personally, I suppose we would add some and take some away. But we came out, after long weeks of hearings and nearly 250 witnesses, and thought we had a pretty good bill.

OEO is in here for $2,063 million, which is over last year's amount—not too much, but over 1970—in the face of the fact that the administration has been constantly trying to move out of OEO other programs such as Headstart and the Job Corps.

Sometimes we do not know which ones they are going to move, so we say, "Let us give OEO what they suggested, and see what happens. But in the meantime, let us appropriate the money to the departments administering the programs like Headstart and the Job Corps."

That is all we said.

There is nothing wrong with that. The Senator from New York suggests, "Well, give them a chance to phase out."

We gave them that chance last year, and they did not do it. They did not get their house in order and change this pass-through procedure. As I said earlier today, they said piously, "Oh, we are going to do it next year."

It is pretty hard for an Appropriations Committee to keep track of appropriations when we give it to one department, and then they turn it over to another department—or sometimes they turn it over. They have meeting after meeting, and probably waste as much money as the Senator from New York suggests.

The PRESIDING OFFICER (Mr. FANNIN). The Chair is ready to respond to the parliamentary inquiry, as follows: On the first page of the Senator's amendment, beginning with line 1, the amendment reads:

> On page 42, line 1, strike out "$894,400,000" and insert in lieu thereof "$2,245,500,000",

Up to that point, it would be divisible. That part could be taken from the rest of the total of the first part. The first of the five parts of the Senator's amendment could be split into two parts, if the Senator demanded.

Mr. JAVITS. Mr. President, if the Senator from Washington will yield for a further parliamentary inquiry? This, then, modifies the previous view of the Chair that the amendment which I had submitted, with all the cosponsors, was divisible into five parts, and makes it six; is that correct?

Mr. MAGNUSON. Oh, it would make it probably 20——

Mr. JAVITS. No; that is not what the Chair is ruling. I regret to correct the Senator.

Mr. MAGNUSON. Each line item?

Mr. JAVITS. No; the Chair is not ruling that way, as I understand it.

The PRESIDING OFFICER. If such a request is made for division of the first part of the five, then the Senator from New York is correct, that there would be six parts.

Mr. JAVITS. There would be six parts?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. In other words, the material now contained on page 1, lines 1 and 2, up to the comma on line 2, would be the first item voted on?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. And then the words "and insert" and so on, down to and including line 4 on page 2, would be the second item?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. That is perfectly acceptable to me, Mr. President, if the manager of the bill wishes to make that further division.

The PRESIDING OFFICER. Does the Senator from New York make such a request?

Mr. JAVITS. I did not make the inquiry. That is up to the manager of the bill.

Mr. COTTON. Mr. President, will the Senator yield? I want to make a further parliamentary inquiry.

Mr. MAGNUSON. I yield.

Mr. COTTON. I think I understand clearly the present ruling, and I think it would undoubtedly be correct.

But here we are up against this situation, Mr. President: Actually, if the Senate is to have the opportunity to work its will on this whole item, one question is, forgetting all about the amounts of the increases, the dollars and cents, whether the Senate is going to go along with the committee and have these appropriations made direct to HEW or the Department of Labor or other departments that are going to do the work.

Then, after we get that question settled, we step into the matter of the increase, as the amendment is drawn and as has just been ruled by the Chair the overall increase. Then we go into the allocation of the increase, if we have accepted it.

I do not know whether that kind of division is possible, but as a practical matter, I submit to the Chair for his consideration and the consideration of the Parliamentarian that that is about the only way the Senate could intelligently work its will: First, take care of who is to get the money, then take care of how much money we are going to give them, item by item.

Mr. MAGNUSON. Does the Senator move for such a division?

The PRESIDING OFFICER. By unanimous consent, the Senate could carry the order in which the parts of the divided amendment are to be taken up.

Mr. COTTON. I make such a unanimous-consent request.

Mr. JAVITS. What is the Senator's request? I did not get it.

Mr. COTTON. The request is that we agree to vote first on whether whatever money we appropriate, whatever amount we add, is to go to the OEO to be distributed as it sees fit, or whether it is to go, as the committee recommends, direct to the departments that are administering it; and then, after that, start with the amounts and decide how much goes to Headstart, how much goes to manpower training, and how much goes to the other items in the Senator's amendments, all these other specified items we are talking about.

The PRESIDING OFFICER. For the edification of the Senator from New York, it is the understanding of the Parliamentarian that the Senator from New Hampshire is requesting unanimous consent that part 1 of the five be acted upon last.

Mr. JAVITS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COTTON. Part 1 of the five?

The PRESIDING OFFICER. That part 1 of the five parts be acted upon last. That would be what the Senator would be attaining if his request was not objected to, but objection was heard.

Mr. COTTON. In other words, there is no part that is simply devoted to whether this is administered by the OEO or the other agencies, is there?

The PRESIDING OFFICER. The Chair says to the Senator from New Hampshire that this is an interpretation, and the Chair is not in a position to interpret.

Mr. COTTON. I do not ask the Chair to interpret. I am asking unanimous consent, which undoubtedly will be refused. I am asking unanimous consent. The Senate can do anything by unanimous consent.

The PRESIDING OFFICER. Almost anything. The Senator is correct.

Mr. COTTON. Therefore, if there were no objections and we were allowed to vote, without taking into consideration the increases requested by the Senator—vote first on the language that affects the OEO in contradistinction to these other departments—if that were consented to, we would have a chance to settle that and then go into dollars and cents. That was my unanimous consent request.

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The PRESIDING OFFICER. Is the Senator requesting a ruling on that?

Mr. COTTON. I am.

The PRESIDING OFFICER. Is the Senator asking unanimous consent?

Mr. COTTON. I am.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. I object.

The PRESIDING OFFICER. The Senator from New York objects.

Mr. JAVITS. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, a Senator has a right to make what amendment he chooses. Since I have been a Member of the Senate, we have not voted on general propositions; we have voted on amendments.

I have an amendment, and I hope it will be voted on, period. If the arguments which are made by my colleagues result in the Senate deciding that it wants to defeat my amendment, that is the Senate's privilege. But I do not see how, by unanimous consent, I can be made to change an amendment or put some general proposition before the Senate which is not even in writing as an amendment. So I object.

Mr. COTTON. We know why the Senator objects. It is very clear.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. MAGNUSON. Mr. President, I am sorry the Senator has objected, because the proposition of whether we appropriate money to the agency that spends it or appropriate it to another agency which in turn passes it along to an agency that spends it is a very serious matter with the Appropriations Committee. But the Senator, in his amendment, has also added $181 million. It is in that amendment, too. There are substantial increases.

If it were just an amendment to knock out appropriating the money that we appropriated to Labor and HEW—OEO money—the same amount as we have, we could vote on that and vote it up or down, and then we could go back and vote on these items. On some of these items I agree with the Senator, but I do not agree on turning everything back to OEO.

If the administration wants OEO to administer these programs, that is fine with me. We can put the money in there—we all will. But how can we operate an Appropriations Committee by appropriating money to one agency which in turn determines what the other agency is going to do to administer it? We have never done that since I have been a member of the Appropriations Committee, and we are trying to clear it up.

The Senator from New York says, "Give them time." We asked them last year to do it, and they did not do it. The truth of the matter is that they apparently want to take away from OEO some of these things by administrative fiat, but they can get more money through the OEO route than through the route of Labor and HEW. That is the truth of the matter. I am sure the Senator from New York agrees with me on that.

Now it is going to be worse. I do not oppose the Senator's amendment on the ground of specific increases for some of the items. In fact, the Senator from New Hampshire and I are going to suggest an increase in a couple of these items. But the Senator from New York is getting it mixed up with fiscal management of OEO. If we are going to increase Headstart, let us put it in the agency that is administering it. Is there anything wrong with that?

Mr. JAVITS. Will the Senator allow me to tell him?

Mr. MAGNUSON. Yes.

Mr. JAVITS. For the last 2 years, we have been appropriating exactly as my amendment seeks to appropriate, so this is not a matter of first impression. It is not we who want to change it. It is the Appropriations Committee which wants to change it.

Mr. MAGNUSON. Because that has been wrong.

Mr. JAVITS. I understand. That is what the Senator's contention is. Our contention is that it has not been wrong and that we intended, when we first passed the legislation, to do this very thing for a number of years, because we thought that legislatively that was the most intelligent plan. And it is not improvident.

The fact is that there are delegation agreements between the OEO and the Department of Labor and HEW which cover all the items that the Senate has been discussing. It is just that the Appropriations Committee has decided, in its sovereign wisdom—and it is a very wise committee—that it is not only the Appropriations Committee but also the Legislative Committee. So the way the Appropriations Committee wrote it, the money goes to these agencies. We have the right to write it differently, the way we think it ought to be, based upon the precedent.

Mr. MAGNUSON. What precedent?

Mr. JAVITS. The precedent of the last 2 years.

Mr. MAGNUSON. This is what we are trying to correct.

Mr. JAVITS. This is what the committee is trying to correct, but they are not the people who know the most about it. We think we know the most about it, and we think it should go on.

Mr. MAGNUSON. If the Senator from New York thinks he has any monopoly on wisdom, he is sadly mistaken.

Mr. JAVITS. I did not say that.

Mr. MAGNUSON. The Senator may have a geographical monopoly, but nothing else.

Mr. JAVITS. I did not say that. I said the Committee on Labor and Public Welfare, which developed the original legislation which passed the Senate. The Senate itself—not I, not the Senator from Washington—the Senate itself worked out this plan for a number of years, and that does not expire until July 1, 1971.

The Appropriations Committee does not want to amend the legislation. The committee wants to amend it in the appropriation bill, and we do not propose to let the committee do it, if we can stop it, because we do not think it is good policy. That is what is at stake.

The Appropriations Committee said it wants to change what we legislated, which is the law, and it wants to change it by giving the money directly to these Government departments. We say that we decided all together—the entire Senate, the entire House, and the President—that we were going to give the OEO, under delegating authority—with the opportunity to contract with these agencies, which it has done. We consider that the best way, for a number of years, to enable it to mobilize its resources to do the job on poverty, including the various community action agencies, and the poor themselves.

We are not trying to change anything. We are trying to leave it as it is until next July 1. It is the Appropriations Committee which comes in with an appropriation, written the way it wants to write it, which gives this money to these Government departments.

Mr. MAGNUSON. What will happen on July 1?

Mr. JAVITS. On July 1, we hope——

Mr. MAGNUSON. To turn it back to the agencies that administer it?

Mr. JAVITS. Yes.

Mr. MAGNUSON. Why not do it now?

Mr. JAVITS. We believe that situation may be ready then, and it is not ready now.

Mr. MAGNUSON. I have heard more witnesses on HEW and OEO, 10 times more, than the Senator from New York.

Mr. JAVITS. The Senator from New York would never contest with his colleague and peer about efficiency or competence or expertise, and I was not making that claim. I was only saying that this is the state of the law.

Mr. COTTON. Mr. President, is there some way that someone else can get into this tea party for a moment? Will the Senator yield to me?

Mr. MAGNUSON. It might appear that we had some monopoly on this.

Mr. COTTON. I should like to say to the Senator from New York—and there is no need for any heat over this—that the Senator from New Hampshire is not all excited and warmed up about whether this goes to OEO and then is farmed out. The Senator from New Hampshire feels that it would be better, more economical, more logical, more efficient, to go to the department that is going to administer it.

But what the Senator from New Hampshire is somewhat incensed about—and I ask the Senator from New York to note that the word is incensed, not angered—is that this amendment is so drawn, so drafted, that the Senate has either to reject or to swallow the whole ball of wax when it comes to the dollars and cents, without being given the opportunity or the chance to work its will on each item.

The Senator from New Hampshire would like to see the Headstart program increased. When the proper time comes, if we are given a chance, I would state how much, as one Member, I would be willing to be in favor of increasing it. Some of the other items the Senator from New Hampshire does not feel should be increased.

I do not ask the Senate to agree with me. I do not ask the Senator from New York to agree with me. But, Mr. President, I do somewhat resent having thrust down my throat an omnibus proposition here that does not give the Senate a chance to work its will and differentiate and establish its opinion as to the priorities and the worthwhileness of the various programs.

I admire the distinguished Senator from New York (Mr. Javits). I have always admired him. I have always liked him very much. I admire him because he is one of the greatest lawyers I have ever known. I say that if I am ever hauled up for murder or treason, I can think of no one I would rather have defend me than the Senator from New York because he could find a hole for me if there is a hole there. [Laughter.]

He has skillfully prepared this amendment. He can talk about these other programs and the noble band of valiant crusaders associated with him in this project, but having read his legislation and having served with him on committees, he prepared this amendment very skillfully.

We have been fooling around here all day. I went up to him and tried to get a division, but here we are in this squeeze. Let there be no misunderstanding that we are in a squeeze where we will not have an opportunity to vote on the various items such as Headstart or the rest of them. We have to take it all or reject it all.

When I asked unanimous consent to take off the shackles from the arms of the Senate and let the Senate, not the Appropriations Committee—we are not trying to thrust this thing down the throats of Senators—but to let the Senate decide, all the Senator from New Hampshire asked was to give the Senate a chance to vote and differentiate between priorities in this ball of wax that the Senator from New York has so skillfully and adroitly encompassed in his amendment. He says "No." I know that many Senators would like to vote for more money for Headstart but they might not swallow the rest of this. The Senator from New York knows that very well, too.

If we adopt this kind of amendment, let me say that this is one Senator, if we are going to legislate this way, that hopes the President will veto the bill, and this time I will vote to sustain that veto.

Mr. MAGNUSON. Mr. President, I want to say to the Senator from New York that about the money items we have little or no argument. One of the reasons we acted on this this year was that the OEO and the administration last year—remember we waited until sometime in late November for the administration to even decide they would authorize the OEO programs. So we said: "We do not know whether they want the OEO in the bill or not."

All we suggest now is that when we appropriate the money, we appropriate it to the people that will actually administer it. We say it is more efficient that way.

Let me tell you something, this may not be true in your area, but this pass through and delegation has caused a great deal of confusion among the people who work out in the field. They, these local people, do not know whom to deal with. They do not know whether they get their orders in Headstart from OEO or from HEW. It has stopped, confused and delayed many programs, I know, out in the western areas. If they had one arrangement that was running, then they go and change it. This is not the way to do business.

If one goes to the bank to get money he does not ask the banker to give it to someone else who is also a depositor in the same bank and then have it shifted over to his account.

We have the responsibility of financing these programs. I am hopeful that we can vote on these items—some of the items in here. I have never seen an amendment like this before, and I have been around here a long time and have had a lot of amendments up, but here is one which has two, three, four, five, six, seven, eight, nine, 10, 11, 12, 13 14, 15—up to 15 line items that involve separate and important programs. As the Senator from New Hampshire said, all in one ball of wax. Here is $43 million for "other programs" that we never heard about in the committee. And there is something here in the work and training program.

I will say to the Senator from New York that the committee did not give enough money for two or three of those items.

We talked this morning, I think, on Headstart because since we have heard the witnesses, there have been more problems on that so that we are going to submit an amendment ourselves, moneywise, to rectify this situation.

Thus, I do not know, yet, what role OEO should play in this. Maybe we should appropriate it all to OEO and not have the other departments run it, but the current situation is impossible.

I hate to oppose some of these money items because no one has been more dedicated to some of these programs than I have over the years. I have watched them grow and grow successfully. But now here, the Senator from New Hampshire and I could be placed in a position where someone might say that we voted against Headstart, for instance. We never have. We never did that in our lives. We do not intend to do so.

This amendment is not particularly embarrassing to me but it could be embarrassing. I am hopeful that the Senator from New York over the evening will think about letting us vote on the money items, and then we will take up the question of fiscal management. If the Senate wants to keep it the way it is until the next session—we have heard that now for two sessions—if they want to keep it that way, they can vote it up or down; but on the money items, they are too important to be put into this mish-mash or this ball of wax.

Now, Mr. President, obviously we are not going to vote on the amendment tonight. If I may have the attention of the Senator from New York, we shall probably want to vote on it tomorrow sometime.

Mr. JAVITS. Mr. President, will the Senator from Washington yield briefly?

Mr. MAGNUSON. I yield the floor.

Mr. JAVITS. I would like to say to the Senator from Washington that I am very much distressed by the way this has developed. I think it would be a great disservice to the legislation if we took our eyes off the ball. Apparently that is what is happening here tonight. Just as the Senator from Washington asked me to think it over, which I solemnly promise to do, I will answer the statement of the Senator from New Hampshire, that this is some brilliant lawyer's trick, in a minute. It is not.

Mr. COTTON. I did not say "trick."

Mr JAVITS. Some kind of lawyer's move. But I would say to the Senator that I hope he wants to consider thinking this over tonight, also. In the first place, the Senator from New Hampshire and the Senator from Washington will be the main conferees. I have been a conferee, of course, and I know that the conferees have the authority over what the results actually will be. I am not interested in brownie points but in results. Thus, I will think this matter over but I also ask you gentlemen to do a little thinking, for this reason: Really what we are contending for is that the present practice—which is pretty well hedged in—be continued until June 30, 1971, and that then it be changed. I know that it will be done.

I say that it is hedged in for the reason that there are delegation amendments. I ask unanimous consent, Mr. President, that the agreement between the OEO and the HEW on Headstart program and the agreement between the OEO and the Secretary of Labor be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Office of Equal Opportunity,
Washington, D.C., July 2, 1969.

To persons who attended the May 22 meeting on the Head Start delegation:

Greetings: Director Rumsfeld has asked me to send you the enclosed copy of the executed delegation to HEW of authority to operate Head Start, together with a Memorandum of Understanding.

The pace of negotiations was such that we did not arrive at a draft that seemed appropriate for circulation in time to get your comments beforehand. You will note that the documents are subject to review, so we will be happy to have your comments at any time.

Sincerely,

Robert Perrin,
Acting Deputy Director.

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OFFICE OF ECONOMIC OPPORTUNITY—DELEGATION OF AUTHORITIES TO SECRETARY OF HEALTH, EDUCATION, AND WELFARE

1. Pursuant to Section 602(d) of the Economic Opportunity Act of 1964 (hereinafter "the Act"), I delegate to the Secretary of Health, Education, and Welfare (hereinafter "the Secretary") the powers vested in me by Section 222(a)(1) of the Act (Project Head Start).

2. I further delegate to the Secretary subject to the terms of the Memorandum of Understanding referred to in paragraph 5 below those powers under Sections 222(b) (except the power to conduct research), 225 (c), 230, 231, 233, 241 (except 241(a)(2)), 242, 243, 244(1), 244(2), 244(7), 602 (except 602(d)), 603(b), 604, 610–11, and 617 of the Act to the extent deemed necessary or appropriate for the performance of functions delegated to him in paragraph 1 above.

3. Resources for Project Head Start shall be included in the OEO budget and allocated by OEO to the Secretary. In planning, developing, and allocating the annual budgets and supplementals or amendments thereto, OEO shall consult with the Secretary and obtain his recommendations for requirements. The Secretary shall support and assist OEO in the presentation and justification of the budget to the Bureau of the Budget and the Congress.

4. All operating information, evaluation reports, and other data concerning Project Head Start shall be freely exchanged pursuant to Section 602(d) of the Act.

5. The powers delegated herein shall be exercised in accordance with such memoranda of understanding as have been or shall be entered into by HEW and OEO.

6. The powers delegated herein may be redelegated by the Secretary to other officials of HEW with or without authority for further redelegation.

7. This delegation shall take effect on July 1, 1969.

DONALD RUMSFELD,
Director, Office of Economic Opportunity.

Date: July 28, 1969.

Approved:

RICHARD NIXON,
President of the United States.

Date: June 30, 1969.

HEADSTART MEMORANDUM OF UNDERSTANDING

In anticipation of the delegation of Project Head Start to the Department of Health, Education, and Welfare (HEW), OEO and HEW agree to the following:

A. POLICY

1. HEW shall maintain a quality, comprehensive Head Start program, including, but not necessarily limited to, physical and mental health, educational, parent involvement, nutrition and social service activities and follow-up activities. Expansion of the program to serve additional children shall not be accomplished at the expense of program quality.

2. Grants to carry out local programs shall be made directly to public and private nonprofit organizations.

(a) In areas where a community action agency (CAA) exists and wishes to be the grantee, the CAA shall be the grantee unless there is clear evidence that the program will be superior under another grantee.

(b) Notwithstanding the provisions of subparagraph (a), in areas where an organization exists which is a grantee under Title III–B of the Act, that organization shall, if it wishes, be the grantee for any Head Start program designed to serve migrants unless there is clear evidence that the program will be superior under another grantee.

(c) If HEW proposes to fund an agency other than a CAA or Title III–B grantee, as the case may be, in an area where such an agency exists, HEW shall solicit the views of such agency prior to funding. If the agency does not concur in the proposed funding, HEW shall solicit the views of the OEO Regional Director. If the OEO Regional Director does not concur in the proposed funding, HEW shall make the grant only with the concurrence of the Director of OEO.

3. Local programs shall be required to engage in vigorous recruitment of children in the community who would benefit most from participation in Project Head Start, including children of migrant laborers who do not reside in the community all year round.

(a) At least 90% of the children served by each local program shall come from families which meet the OEO poverty criteria in effect at the time of enrollment. The poverty criteria shall be as prescribed by OEO Instruction 6004–1 and any subsequent modification to that Instruction. If a child meets the poverty criteria at the time of entry, he will remain eligible as a low-income child for Head Start and Follow Through programs until such time as his family's income rises more than $3,000 above the poverty line.

(b) Measures shall be taken to assure that center locations and attendance zones are selected in a manner which will discourage racially or ethnically segregated programs, and that local programs make diligent efforts to recruit enrollees from all racial and ethnic groups in the attendance areas served by the program. Where the ratio of members of any identifiable racial or ethnic group enrolled in the program to the total enrollment in the program is significantly smaller than the ratio of eligible members of that group to all eligible persons in the area served by the program, the grantee shall be required to demonstrate that diligent recruitment has taken place.

4. Local programs shall be required to use professional and nonprofessional volunteers to the fullest extent possible.

5. Measures shall be taken to foster the maximum possible participation of parents in the program.

(a) Each local program shall establish a policy advisory group for each important decision-making level. At least 50% of the members of each such group shall be parents of children enrolled in the program. The functions of a policy advisory group shall include the following:

(i) Participation in the development of, and concurrence in, applications for funding and refunding; and

(ii) Participation in the selection of the Program Director and in the establishment of criteria for the selection of other staff personnel.

(b) Each local program shall encourage participation of parents in the classroom as paid employees, volunteers, or observers; shall make home visits by teachers and others a part of its program; and shall develop and carry out a plan of parent education activities.

6. Local programs shall be required to adopt personnel policies that will foster employment of qualified personnel, create employment opportunities for nonprofessionals, and establish a career development system which includes adequate training.

(a) A college degree and professional certification shall not be necessary preconditions to professional employment, unless applicable law so requires.

(b) Qualification criteria, including those used in summer Head Start programs operated by school systems, shall not operate so as to limit employment to persons already within an organization.

(c) Preference in the filling of nonprofessional positions in local programs shall be given to parents of low-income children enrolled in the program and other residents of this area served whose family income falls below OEO's poverty line, as set forth in OEO Instruction 6004–1 or its successor.

7. A vigorous program of training and technical assistance to grantees and prospective grantees shall be undertaken. Special attention shall be given to communities which might be unable to operate a program effectively if they could not obtain substantial training and technical assistance.

B. ORGANIZATION AND STAFFING

1. HEW shall establish Head Start staffs in Washington and such regional offices as may be necessary to administer the program.

2. Rights and obligations of OEO employees identified with Project Head Start shall be determined in accordance with the principles set forth in subchapter 3 of Ch. 351 of the Federal Personnel Manual. HEW and OEO agree that Project Head Start is a "function" as that term is defined in the FPM, Ch. 351, Sec. 3–1(a), and that the delegation of Project Head Start to HEW is a "transfer of function," as that term is defined in the FPM, Ch. 351, Sec. 3–1(b).

3. With the concurrence of HEW, OEO may enter into, extend or supplement contracts under which services or products are provided to Project Head Start, except that when an extension or supplement does not affect Project Head Start, the concurrence of HEW is not required. HEW shall reimburse OEO for the share of payments under such contracts which is fairly allocable to the work done for Project Head Start.

C. COORDINATION

1. *Policy.*

(a) Primary authority to set Head Start performance criteria shall rest with OEO. This authority will be exercised in close concert and consultation with HEW. In the event that HEW objects to performance criteria proposed by OEO, the final decision shall be made by the Director of OEO.

(b) Primary authority to initiate policies, regulations, and issuances for the operation of Project Head Start shall rest with HEW. OEO's comments and consultation on all proposed policies will be solicited. OEO's concurrence will be obtained for any new policies, or changes in existing policies, which would have major impact on the operation or design of Project Head Start.

2. *Existing Grants and Contracts.*

(a) All multi-purpose grants to CAAs made by OEO prior to July 1, 1969, and containing a component under which a local Head Start program (summer or full year) is to be operated shall be administered by OEO until the end of the program year funded by the grant.

(b) Existing grants for the operation of Parent and Child Centers shall be administered by HEW commencing July 1, 1969. However, OEO may retain the administrative responsibility for not more than ten such centers, to be selected by OEO, in anticipation of funding them as experimental centers under Section 232 of the Act upon expiration of their current grants. HEW and OEO shall jointly decide which of any additional Parent and Child Centers shall be funded and administered as experimental centers by OEO and which shall be funded and administered by HEW.

(c) All other single-purpose grants made by OEO prior to July 1, 1969, under which a local Head Start program (summer or full-year) is to be operated shall be administered bq OEO until September 30, 1969, provided that at the request of the Director, Office of Child Development, OEO will transfer the administration of any grant or group of grants subject to this subparagraph prior to September 30, 1969.

(d) At the request of HEW, OEO will process and/or make any grants whose current program year ends between June 30, 1969 and September 30, 1969. All grants subject to this subparagraph shall be made as single-purpose grants, for Head Start only, including the funding of local programs which previously were funded as components of a CAA grant. The administrative responsibility for grants made pursuant to this subparagraph shall be governed by subparagraph (c) above.

(e) Until such time as all questions arising out of annual audits under section 243(c) of the Act are disposed of, OEO shall retain responsibility for dealing with administrative problems arising out of activities under the grant which took place before or during the last full program year for which OEO had administrative responsibility. Thereafter, HEW shall have complete administrative responsibility. In the event that the responsibility for the administration of a single-purpose grant is shifted to HEW while a program year is in progress pursuant to subparagraphs (b), (c), and (d) above, HEW shall be responsible for dealing with administrative problems such as audit disallowances arising out of activities which took place during that portion of the program year for which OEO originally had administrative responsibility. HEW shall be fully responsible for the funding and administration of agencies to carry out local Head Start programs subsequent to the end of the last full program year for which OEO had administrative responsibility.

(f) Responsibility for the administration of Head Start training and technical assistance grants and contracts, and all other contracts relating exculsively to Head Start, except research contracts, shall shift to HEW on July 1, 1969. OEO shall continue to be responsible for the administration of contracts under which work is done both for Project Head Start and for other OEO programs, subject to the provisions of paragraph B-3 above.

(g) At the request of HEW, OEO shall be responsible for the processing of procurement requests under which performance is scheduled to begin between July 1, 1969 and August 15, 1969, but responsibility for administration of such contracts shall rest with HEW.

(h) After June 30, 1969, any guidelines and policies formulated by HEW pursuant to paragraph C1(b) shall be applicable to Head Start programs administered by OEO pursuant to subparagraphs, (a), (c), and (d) above unless an exception is made by mutual agreement.

3. Evaluations.

The division of responsibility for evaluation shall be as follows: OEO shall be primarily responsible for Type I evaluations. HEW shall be primarily responsible for Type II and III evaluations. HEW may also carry out Type I evaluations but only with the specific concurrence of OEO. OEO may also carry out Type II evaluations. Type III evaluations may be performed by OEO with the concurrence of HEW. The definitions of the three types of evaluations shall be as set forth in OEO Instruction 3300–1.

All evaluations shall be conducted in accordance with the evaluation program required by and developed pursuant to OEO Manual 3100–1.

Each agency shall make available to the other the results of any evaluations it causes to be conducted.

4. Research and Experimentation.

(a) OEO will, for the purpose of achieving maximum coordination with HEW's research strategy for child development, consult with HEW in the development of the plan required by Section 232(b).

(b) HEW shall encourage the development and testing of new approaches and alternative patterns or styles of providing Head Start services. To the extent provided in the budget, HEW may use operating funds to test new approaches in selected communities by funding experimental programs which depart in one or more respects from normal operating requirements (other than those required by statute or set forth in paragraphs A–1 through A–3 above). In such cases, grantees may be required to include provision for evaluation of the new approach as part of their operating expenditures. HEW shall keep OEO informed of developments under this procedure, and shall consult with OEO in the formulation of any national models for such experimental programs.

5. Appeals.

OEO will be consulted before a decision is made in any case in which, pursuant to procedures established under Section 604 of the Act, (1) an organization which would like to serve as a delegate agency appeals from an adverse decision by a community action agency, or (2) a grantee other than a community action agency requests an opportunity to show cause why an application for refunding should not be denied.

6. Liaison.

OEO shall establish a liaison office to work with HEW Head Start staff in order to assure the full flow of information between the two agencies.

7. HEW shall have the primary responsibility for inspection and audit of those grants and contracts for which it has administrative responsibility. However, appropriate interagency arrangements will be made to comply with BOB Circular A–73 and avoid duplication of audit effort at those grantees and contractors which administer both Head Start and other OEO grants and contracts. OEO may, after notifying HEW, initiate such special inspections of Head Start grants and contracts as it feels necessary. Each agency shall make its inspection and audit reports available to the other.

8. After consultation with HEW, OEO may fund child development programs similar to Project Head Start to the extent that such programs are authorized by Sections 221, 232, or 312 of the Act.

9. HEW shall secure OEO's concurrence before making any change in the criteria for waiving all or a portion of the non-Federal share required under Section 225(c) of the Act.

10. OEO shall develop a plan for allocation and reallocation among the States of funds subject to Section 225(a), and the concurrence of HEW shall be required for that portion of the plan affecting the distribution of Head Start funds. OEO shall secure HEW's concurrence before making any separate allotment under Section 225(b) of the Act which would substantially affect Head Start.

11. HEW shall administer Head Start in such a way as to maximize the coordination with other programs which is described in Section 638(2) of the Act.

12. OEO concurrence shall be a prerequisite to the initial funding of any project which is designed to serve both Head Start and other children and in which Head Start funds are to be used to pay the costs of the Head Start children while other resources are used to pay the costs of other children.

D. PLANNING-PROGRAMMING-BUDGETING

1. In performing the budgeting and programming functions, OEO and HEW agree to adhere to OEO Manual 3100–1 entitled "The OEO Planning-Programming-Budgeting System."

2. HEW and OEO shall jointly develop procedures and take other necessary steps to enable excess non-Federal share contributed to a Head Start or Follow Through program to be applied to the non-Federal share requirements of other Title II programs in the community, and to enable excess non-Federal contributions to Title II programs administered by OEO to be applied to the non-Federal share requirements of Head Start and Follow Through programs in the community.

3. In accordance with Section 243(c) of the Act, and subject to the limitations therein, an audit disallowance arising out of a grant made to a grantee under Title II of the Act by either OEO or HEW may, if the agency which made the grant and the grantee so agree, be wholly or partially satisfied by an increase in the non-Federal share required under any grant made to the same grantee by either OEO or HEW.

E. REVIEW OF AGREEMENT

This memorandum shall be reviewed at the request of either party.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.
Date: June 28, 1969.

DONALD RUMSFELD,
Director, Office of Economic Opportunity.
Date: June 28, 1969.

OFFICE OF ECONOMIC OPPORTUNITY—DELEGATION OF AUTHORITIES TO SECRETARY OF LABOR

1. Pursuant to Section 602(d) of the Economic Opportunity Act, the powers of the Director under Title I, Part A (Job Corps) of the Economic Opportunity Act are hereby delegated to the Secretary of Labor except for the reservations specified herein. The powers of the Director under Sections 602 (except 602(d)) and 610–11 of the Economic Opportunity Act are also delegated to the Secretary of Labor to the extent he deems necessary or appropriate for carrying out his functions in exercising his powers under Title I, Part A.

2. a. The personnel, property, and records of and in support of the Job Corps are hereby transferred to the Secretary of Labor, except that officers or employees appointed by the President shall not be transferred.

b. The Secretary of Labor is designated contracting officer in all existing contracts implementing Title I, Part A (Job Corps), except contracts identified in Attachment A, and shall succeed to all rights, duties, and obligations (including auditing responsibilities) of the Director under all other agreements; except that OEO shall retain the responsibility for settling termination claims arising under contracts terminated prior to July 1, 1969.

c. Tort claims, and claims lodged under Section 116(b) of the Economic Opportunity Act, arising against the Job Corps prior to July 1, 1969, shall be processed and settled by the Labor Department.

3. The delegated powers may be redelegated by the Secretary to personnel within the Labor Department with or without authority for further delegation.

4. The Director will retain and exercise the following authority:

a. The authority to conduct overall planning (including programming and budgeting operations), and to perform evaluations of the Job Corps program.

b. The exclusive power to make grants or contracts for experimental, experimental research, and demonstration projects as specified in Sections 113(b) and (c) of the Economic Opportunity Act.

5 Further, the delegated and retained powers herein shall be exercised pursuant to such Memoranda of Understanding as have been or shall be agreed to between the Agencies.

Agreements have been or shall be concluded which create procedures for (a) establishing basic policies, (b) formulating budget and program plans, (c) setting criteria for assessing performance, (d) providing guidelines for conducting evaluations, (e) disposing of property which may no longer be required in connection with the

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Job Corps program, and (f) approval of experimental, experimental research, and demonstration projects.

6. All operating and budget information, evaluation reports, audits, inspection reports, and other data concerning Title I–A, shall be freely exchanged between the Director and the Secretary, pursuant to Sections 602(d) and 633(b) of the Act.

7. This Delegation is effective July 1, 1969.

DONALD RUMSFELD,
Director, Office of Economic Opportunity.
Dated June 24, 1969.
Approved:

RICHARD NIXON,
President of the United States.
Dated June 30, 1969.

ATTACHMENT A

DELEGATION OF AUTHORITIES TO THE SECRETARY OF LABOR

Contractor	Contract No.	Product or services	Amount of contract
State of Maryland	4482	Job Corps Skill Center in Baltimore	$2,748,359
Milwaukee public schools	4780	Milwaukee school system coordination feasibility study	9,112
Seattle public schools	4773	Model program, Career Planning Center	286,299

MEMORANDUM OF UNDERSTANDING

In anticipation of the Delegation of the Job Corps to the Department of Labor effective July 1, 1969, and pursuant to paragraph 5 of the proposed Delegation Agreement, OEO and the Labor Department agree as follows:

1. Establishment of mission, overall performance criteria, and operating policies.

a. Primary authority to prescribe Job Corps mission and overall performance criteria shall rest with OEO. This authority will be exercised in close concert and consultation with the Labor Department.

b. Primary authority to initiate policies for the operation of Job Corps rests with the Labor Department. OEO's comments and consultation on all proposed policies will be solicited, and it is agreed that any new major policies, or modifications of existing major policies, affecting the mission of the Job Corps, will be submitted by the Labor Department to OEO for concurrence no less than 30 days before issuance.

"Major" policies affecting mission include those which affect (1) the program structure of Job Corps and Job Corps Centers, (2) the eligibility criteria of enrollees, or (3) the broad type of support given enrollees.

c. It is further agreed that Job Corps shall admit as enrollees only applicants who are "low income individuals or members of a low income family" (Section 103(2), EOA), in accordance with criteria established by OEO.

2. Budgeting and Programming.

In performing the budgeting and programming functions, the parties agree to adhere to OEO Manual 3100–1 entitled "The OEO Planning-Program-Budgeting System," and any subsequent modifications to that Manual. The parties shall strive to achieve as smooth and effective a reconciliation between the OEO budget system and the Labor Department's budget system as is possible.

3. Evaluations.

The division of responsibility for evaluation shall be as follows: OEO shall be primarily responsible for Type I evaluations. Labor shall be primarily responsible for Type II and III evaluations. Type I evaluations designed and initiated by OEO shall be submitted to Labor for comment. Labor may also carry out Type I evaluations but only with the specific concurrence of OEO. OEO may also carry out Type II evaluations but shall submit the plans or designs for such evaluations to Labor for comment.

Type III evaluations may be performed by OEO with the concurrence of Labor. The definitions of the three types of evaluations shall be as set forth in OEO Instruction 3300–1.

All evaluations shall be conducted in accordance with the evaluation program required and developed pursuant to OEO Manual 3100–1.

Each agency shall make available to the other the results of any evaluations it causes to be conducted.

4. Experiments, Research, and Demonstrations.

OEO retains the exclusive right to plan and undertake experimental, experimental research, and demonstration projects as specified in Sections 113(b) and (c), provided that it shall develop such projects only after close and careful consultation with the Labor Department. In cases where such projects are to be conducted at centers operated by the Labor Department, the concurrence of the Department shall be obtained.

5. Property.

a. It is agreed that after July 1, 1969, any Job Corps property of facilities which are not being used in connection with currently operating centers shall, insofar as not otherwise inconsistent with terms of leases, licenses, use permits, or similar instruments, or Federal Property Management Regulations, be available to Labor or OEO in accordance with the following priorities: (1) first to the Labor Department for use in other centers being operated under Title I–A, EOA, (2) second, to OEO for use in other OEO programs, and (3) third, to the Labor Department for use in other programs not run under Title I–A of the EOA.

b. Maintenance, storage, and custodial expense of idle property or facilities shall be borne by the Labor Department out of Title I–A funds. If, pursuant to subparagraph 5(a) (2) or (3), supra, OEO or Labor uses this property or these facilities, maintenance and custodial expenses will be assumed thereafter under the appropriate funding (appropriation) of those agencies.

c. If no use can be made by the Labor Department or OEO of idle property or facilities, then they shall be either surrendered to the Departments of Agriculture or Interior (in the case of improvements and facilities located on lands belonging to these agencies) or declared excess and processed through normal excess property channels, and costs associated with the maintenance and custody of these idle facilities, or property, shall thereafter be borne by the transferee.

OEO and the Labor Department will each establish a liaison office to maximize communication and cooperation between the agencies.

In furtherance of the free flow of information, open and free access to Job Corps programs and sites will be accorded OEO personnel (including officials of the OEO Inspection Office). The appropriate DOL Regional Manpower Administrator will be informed of planned visits by such personnel, normally no less than one week in advance, and it will be his responsibility to inform the project management of the date(s) of those proposed visits and names of the visitors.

7. Review of Agreement.

This Agreement will be reviewed at the request of either party.

Signed: GEORGE P. SHULTZ,
Secretary of Labor.
DONALD RUMSFELD,
Director, OEO.

Mr. JAVITS. Mr. President, the administration—which is, incidentally, more on the Senator's side than on mine in this matter, in my judgment—admits it. They have the OEO right there. They are not going to play fast and loose.

We feel in the legislative committee that we gave a few years for the transition. We fought to decide whether it should be 5 years or 3 years. They ought to have an opportunity to reshape the OEO. The poverty programs in the country should be oriented with the fact that hereafter they will be dealing substantially with the Department of HEW and the Department of Labor. It is not for the purpose of expertise or any other purpose.

The Senator from Washington says that this is some brilliant legal move. It is not. If I were on the Senator's side, I could give several ways in which the matters which the Senator wants could be passed.

Mr. MAGNUSON. Mr. President, I would as soon have the Senator from New York defend me for murder. But I do not want him to draw any amendments for me, because it would confuse the jury.

Mr. JAVITS. Mr. President, there are several ways in which the matters the Senators want to have passed can be passed.

The Senate will be faced with these issues again in the future.

I would suggest that we suggest the absence of a quorum and talk it over and decide on when we would like to vote.

Mr. COTTON. Mr. President, before we do that. I would be perfectly filling to think it over with great broadmindedness and toleration as to who gets the money, the OEO or what agency. However, remember that the Appropriations Committee with all its faults—and we certainly have our faults—listened to all the evidence. We have a responsibility on the bill. We had to face up to every line item. Whether the Senator likes it or not and approves or disapproves of what we did, we had to come in with the bill so that the Senate would know how much was for Headstart and how much was for every one of these line items. There are 15 of them encompassed in the Senator's amendment. I think that while the Senator is thinking it over, if we consider most carefully our position on the OEO, I think the Senator ought to be willing to consider if he would not be willing to give us a chance at the start and not go back and repeal something we have done in the morning and vote on it again in the afternoon. But he should give the Senate a chance to clearly understand what items it is voting on. He should give them a chance to vote on each one, not on all 15 items, Headstart and the others.

Mr. JAVITS. Mr. President, with all respect, we are earmarking the funds as the committee earmarked them. The committee earmarked Headstart for $339 million. We earmarked $398 million. The committee earmarked $762 million for manpower training. We raised that figure by $40 million.

Wherever the committee earmarked funds, we earmarked funds.

Mr. COTTON. Mr. President, there is $43,900,000 there.

Mr. JAVITS. Mr. President, that gives $43 million which can be allocated to the items above the figures we have set down for the items above it. In the legislative authorization we listed the figures according to what the administration budget or the Senate appropriations showed, in most cases less the 15-percent transfer.

Mr. COTTON. Mr. President, I can understand the advisability of having some latitude and some money to use. That was done for 1970. And it was $3 million. However, this time the Senator wants, instead of $3 million, almost $44 million to be spread over these, just as the OEO takes a notion. He may be right. My only point is that the Senator should give us a chance at least to pass on that matter.

Mr. JAVITS. Mr. President, we are not passing on these individual items in the appropriations bill I will undertake overnight to submit a reallocation of that amount so that the Senate may see each figure in the chart and see exactly what the sponsors of the amendment think about the way the allocation ought to go, with a far more modest sum for contingencies. I am perfectly happy to do that. I think that is a very fair request.

Mr. COTTON. We still cannot vote on it.

Mr. JAVITS. The Senate will not vote on it in any event. The only thing that the committee presents us to vote on is the amounts for the large items, Headstart and manpower training. The committee bill does not call for a vote on the other items.

When the House passed on this matter it did exactly what this amendment tries to do. It had a global sum for this item and appropriated it to the OEO. We are certainly not out of the ball park in trying to do the same thing here.

Mr. MAGNUSON. Mr. President, the first item I see here is health and nutrition programs. We heard a lot of testimony. We listened to everyone that should know anything about this matter. We listened to people who have great knowledge on this subject. We put in $195 million. The Senator is suggesting to increase that by $20 million. Where does that figure come from?

Mr. JAVITS. That is the authorization figure.

Mr. MAGNUSON. The Senator is suggesting full funding?

Mr. JAVITS. We are suggesting full funding up to the authorization. That is our whole point—the $181 million.

Mr. MAGNUSON. What is the use of having an Appropriations Committee?

Mr. JAVITS. That is the classic Appropriations Committee argument. The Senator is making a very fair point. Our argument is that the total authorized amount is so far below what we on the legislative side believe it should be. We heard testimony. We think there is a legitimate need for this. We want to at least go up to the authorization ceiling.

Mr. MAGNUSON. Then we should abolish the Appropriations Committee.

Mr. JAVITS. I do not think that is so at all.

Mr. MAGNUSON. The Senator means that, if he authorizes the money, the money is supposed to be here.

Mr. JAVITS. No. In all fairness, the Appropriations Committee is vital. The committee has given the Senate its judgment based upon the testimony it heard, looking at it from the viewpoint of the Appropriations Committee. The committee says what it thinks we ought to do. We are giving the Senate our judgment on this matter. We are people who have knowledge on the legislative side as to the way the American priorities should be. We are saying what we think. The Senate will make its choice.

Mr. MAGNUSON. This is what the Senator from New Hampshire and I want to do. We want the Senate to pass on the money items. Someone will make a motion to increase the health and nutrition program by $20 million. We will vote it up or down. That is what we want to do.

Mr. JAVITS. But the Senator wants to tell us how to present the issue to the Senate. We are not telling the Senator how to present his issue to the Senate.

Mr. MAGNUSON. This is the only way we can present it.

Mr. JAVITS. Mr. President, I know, but the Senator breaks it down directly by each of these agencies. We do not agree with that.

Mr. MAGNUSON. Why not present a separate amendment?

Mr. JAVITS. We are presenting a separate amendment. By this amendment the money will be appropriated to the OEO. If the Senate does not like it, they will turn it down.

Mr. MAGNUSON. But the Senator wants to add the $181 million.

Mr. JAVITS. That is correct, at one and the same time.

That is what we suggest. One is a policy matter and the other involves the money.

We cannot separate them. We might as well suggest that the committee separate them.

Mr. MAGNUSON. We separated all 15 items. We heard testimony and we separated them all. We separated the appropriations authorized by the Labor and Public Welfare Committee. That was all a separate measure. The Senator was not there. I suppose he had a good reason.

Mr. JAVITS. I was not there for a good reason. I am not on the committee.

Mr. MAGNUSON. We separated it in the same way last year and the Senator was there.

Mr. JAVITS. No. Last year we allowed the delegation concept to continue. That is what I have been arguing: That the Committee on Appropriations is seeking to change it this year. With all respect to the Senator, I do not think we are getting very far now.

Mr. MAGNUSON. The Senator does not want to separate the two matters, the policy and the money.

Mr. JAVITS. I cannot. The amendment is clear on its face. It seeks to increase the money and the resultant increase does take out the request the administration made.

Mr. MAGNUSON. Oh, the administration made it first.

Mr. JAVITS. We pass the law.

Mr. MAGNUSON. They shifted over onto Headstart.

Mr. JAVITS. These delegations do that.

Mr. COTTON. I have seen a great light for the moment. The theory of this is the full funding on the authorization. I assume the Senator would not carry that principle through other divisions of Government. He would not suggest that that be done in connection with national defense; would he?

Mr. JAVITS. In the first place, I agree with the Senator, and I gave my reason for the funding of the authorization here being attributable to the fact that this bridge is built to meet the other side anyhow. But I would like to point out that even if we are doing this we still omit $684,200,000 which was authorized for fiscal 1971, the so-called add-ons. Really, the full authorized amount is $2.879 billion. We are not raising that issue. We understand it is impractical and unrealistic. We are proceeding on the ceiling in the authorization on OEO. I think it is fair to say we are trying not to be unrealistic.

Mr. MAGNUSON. I might be too late to put all the figures in the RECORD, but if we were to appropriate the full amount to every authorization for Labor, Health, Education, and Welfare, there would not be enough money in any budget to take care of all that. I single that out. The authorizations are pretty high.

Mr. JAVITS. I understand, but the Senate makes them and not the Committee on Labor and Public Welfare.

Mr. MAGNUSON. Then, we should say to forget the Committee on Appropriations.

Mr. JAVITS. No; we do not. We say that only in a limited aspect on the OEO. It is not fair to characterize what I have said in that way. I have made clear how we feel in that respect.

The short fall is so great we should do better to the extent of the authorization for the OEO alone, not the add-ons, and that is over one-fourth of the authorized sum. We are not unrealistic.

Mr. MAGNUSON. I think the Senator is unrealistic. The Senator has been down there with me in the Committee on Appropriations many times. The Senator knows that we say, "We authorize this but the Committee on Appropriations is going to look at this to determine how they are going to put it in."

Mr. JAVITS. The Senator is correct.

Mr. MAGNUSON. Very few matters

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are fully funded. Then, there is the lapse in time. Now, 4 and 5 months have gone by. All we suggest is that we would like to vote on the money items.

Mr. JAVITS. I deeply feel if the Senate in its wisdom because of the highly important arguments made by both Senators turns down this first item, then I do not feel bereft of remedies and I know the manager of the bill and the ranking minority member should not feel bereft of remedies.

This does pose the central issue: Do Senators want to increase this amount; do Senators wish to retain the practice of appropriating the funds to the Department of Labor and HEW through delegation agreements from OEO.

Mr. MAGNUSON. There are two different matters involved: policy and money.

Mr. JAVITS. We have the right to propose the question as we think it should be proposed.

Mr. MAGNUSON. I might submit an amendment to each item as a substitute.

Mr. JAVITS. That is the Senator's privilege.

Mr. MAGNUSON. We were trying to work out a bill here, and we are dealing with all kinds of items and not just OEO. The OEO amount is $2.363 billion. If I were the budget, I would have had it higher, but I am not the budget—thank the Lord I am not. The Senator has been on the Committee on Appropriations and the Senator knows that compromises have to be made. That is the whole purpose of legislative bodies.

Mr. JAVITS. That is why I said I felt this was an area in which the Senate had to act; that the ranking Republican member and the chairman have done everything they could do in their own consciences and within all the practicalities. Now, it is up to the Senate.

Mr. MAGNUSON. The Senator from New Hampshire and I have accepted amendments from the Senator on the floor many times.

Mr. JAVITS. Of course, and generously.

Mr. MAGNUSON. We did it on many items, and we did not get mixed up in policy matters. That was an appropriation matter. The Senator from New Hampshire and I intend to submit an amendment on Headstart—just on the money. We had discussed that but at that time there was not available the information that we now have, which also happens.

ORDER OF BUSINESS

Mr. MAGNUSON. Mr. President, if I may have the attention of the Senator from New York for just a minute, I think it is the intention of the leadership to recess now until 11 o'clock tomorrow. Then there will be a morning hour.

Mr. KENNEDY. A brief morning hour.

Mr. MAGNUSON. And we probably will proceed with this matter until around noon, but I wish the Senator would think about the possibility of a limitation of debate tomorrow.

Mr. JAVITS. Certainly. I am entirely agreeable.

Mr. MAGNUSON. I think we have said as much about it as needs to be said.

Mr. JAVITS. Would the Senator wish to agree now, or should we wait until tomorrow?

Mr. MAGNUSON. I think we should wait until tomorrow.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CAMPAIGN BROADCAST REFORM BILL

Mr. HART. Mr. President, on Monday, if we follow our schedule, the Senate will decide what action it should take with respect to the veto of the campaign broadcast reform bill.

I know that as the time approaches, many arguments are being made to persuade Senators to sustain that veto. One of the arguments most frequently heard is that it is an issue of party, or, more precisely, of party loyalty. It is said that Democrats want the bill for partisan advantage, or that the Republicans support the veto out of loyalty to the President.

I suggest that this issue is beyond partisan considerations. I rise tonight to make clear the point that Republicans have been involved from the very outset in this attempt to reform the political use of television—involved just as fully and with as great devotion as the Democrats. The distinguished Senator from Kansas (Mr. PEARSON) for many months worked in developing this measure, and was one of its first sponsors.

The conference report was adopted by the Senate on a vote of 60 to 19, with 17 of 35 Republicans present voting for it. The conference report passed the House of Representatives by a vote of 247 to 112. In the House, 80 Republicans, including the distinguished minority leader, the able minority whip, the chairman, vice chairman, and secretary of the Republican leadership conference, and the ranking minority member of the House Commerce Committee—men of this stature were among the 80.

Here in the Senate, work in developing this bill covered more than 2 years. Members of the Commerce Committee, Republicans and Democrats together, wrestled with the problem of the bill in that committee. A portion of the bill—that repealing the equal time requirement for presidential elections—was reported unanimously by our Committee on Commerce. There was active participation in passing the bill on the floor by Members on both sides of the aisle. I remember clearly the efforts of Senator PEARSON, Senator JAVITS, and Senator GOODELL.

Mr. President, any suggestion that this bill is a narrow piece of legislation, motivated solely by partisan gain, demeans the effort. Why question the integrity and courage of Senators on both sides who work for reform? The American people support reform. All of us are familiar, I think, with the recent Harris poll which showed that 70 percent of all Americans thought that too much money was being spent on campaigns, and only 1 percent thought not enough was being spent.

Following the veto of the bill, critical editorials, columns, and cartoons by the hundreds have appeared in media which bear all of the traditional labels—Republican, Democrat, liberal, and conservative. The demand for reform has become the demand of the Nation, and I would regret it if the President chooses to see this issue as an attempt to gain partisan advantage. If he does, he has misread the national sentiment.

America will not tolerate longer a political system in which there is an appearance of office for sale to the highest bidder. Members of Congress, Republicans and Democrats alike, are aware of the impact of fundraising on the political process and the key role of television and radio in this race for office and the search for the dollar to support the race.

It is my hope that the Senate will meet the demand for reform by voting to override the veto on Monday, voting not as Democrats or Republicans but as responsible Members of the Senate.

Mr. KENNEDY. Mr. President, I commend the distinguished Senator from Michigan for his comments.

The Senator has placed this question in proper perspective. I think he has provided us with a very worthwhile and commendable comment, with which I agree, and I am certain that many Senators on both sides of the aisle share it as well. I commend him for making it.

Mr. HART. I thank the able majority whip.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 52 minutes p.m.) the Senate adjourned until tomorrow, Friday, November 20, 1970, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, November 19, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Do not worry over things, but always by prayer and supplication with thanksgiving let your requests be made known to God.—Philippians 4: 6.

Almighty God, our Heavenly Father, the source of all wisdom and the fountain of flowing love, bless, we pray Thee, all who work under the dome of this glorious Capitol and help them to do the work they have been given to do. Enable all of us to plan carefully, to labor confidently, to live creatively, and to lead our people courageously.

Keep us ever mindful of the fact that without Thee we can do nothing and that with Thee all great and good things are possible. Bless us with Thy presence this day and lead us and our Nation in the paths of righteousness for Thy name's sake. Amen.

THE JOURNAL

The SPEAKER. The Clerk will read the Journal of the proceedings of yesterday.

CALL OF THE HOUSE

Mr. GIBBONS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Florida makes the point of order that a quorum is not present before the reading of the Journal?

Mr. GIBBONS. Yes, Mr. Speaker.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 360]

Abernethy
Adair
Anderson, Ill.
Ashbrook
Ashley
Aspinall
Baring
Berry
Betts
Blatnik
Brooks
Brown, Ohio
Button
Camp
Carey
Carney
Clark
Clawson, Del
Clay
Cramer
Crane
Daddario
de la Garza
Dennis
Dingell
Dowdy
Dulski
Edmondson
Fallon
Ford, William D.
Gallagher
Gilbert
Goodling
Gray
Grover
Gubser
Hébert
Hosmer
Jarman
Langen
Long, La.
McClure
Macdonald, Mass.
May
Mayne
Meskill
Ottinger
Passman
Poage
Pollock
Powell
Price, Tex.
Rosenthal
Scheuer
Skubitz
Springer
Symington
Teague, Tex.
Thompson, N.J.
Tiernan
Weicker
Williams
Wold
Wyatt
Wydler

The SPEAKER. On this rollcall 368 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The SPEAKER. The Clerk will read the Journal of the preceding session.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 1255. Joint resolution to authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2193. An act to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes.

APPOINTMENT OF CONFEREES ON H.R. 12807, TO AMEND THE EXPEDITING ACT

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12807) to amend the act of February 11, 1903, commonly known as the Expediting Act, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. Celler, Rodino, Rogers of Colorado, McCulloch, and Hutchinson.

APPOINTMENT OF CONFEREES ON S. 3867, TO ASSURE OPPORTUNITIES FOR EMPLOYMENT AND TRAINING

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, insist on the House amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Mr. Perkins, Mrs. Green of Oregon, Messrs. Daniels of New Jersey, O'Hara, Hawkins, William D. Ford, Hathaway, Scheuer, Meeds, Burton of California, Gaydos, Clay, Ayres, Quie, Erlenborn, Scherle, Esch, Eshleman, Steiger of Wisconsin, and Collins of Texas.

DRUG ABUSE EDUCATION ACT OF 1970

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14252) to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"SHORT TITLE

"Section 1. This Act may be cited as the 'Drug Abuse Education Act of 1970'.

"STATEMENT OF PURPOSE

"Sec. 2. (a) The Congress hereby finds and declares that drug abuse diminishes the strength and vitality of the people of our Nation; that such abuse of dangerous drugs is increasing in urban and suburban areas; that there is a lack of authoritative information and creative projects designed to educate students and others about drugs and their abuse; and that prevention and control of such drug abuse require intensive and coordinated efforts on the part of both governmental and private groups.

"(b) It is the purpose of this Act to encourage the development of new and improved curricula on the problems of drug abuse; to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs for parents and others, on drug abuse problems.

"DRUG ABUSE EDUCATION PROJECTS

"Sec. 3. (a) The Secretary shall carry out a program of making grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private education or research agencies, institutions, and organizations to support research, demonstration, and pilot projects designed to educate the public on problems related to drug abuse.

"(b) Funds appropriated for grants and contracts under this section shall be available for such activities as—

"(1) projects for the development of curricula on the use and abuse of drugs, including the evaluation and selection of exemplary existing materials and the preparation of new and improved curricular materials for use in elementary, secondary, adult, and community education programs;

"(2) projects designed to demonstrate, and test the effectiveness of curricula described in clause (1) (whether developed with assistance under this Act or otherwise);

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"(3) in the case of applicants who have conducted projects under clause (2), projects for the dissemination of curricular materials and other significant information regarding the use and abuse of drugs to public and private elementary, secondary, adult and community education programs;

"(4) evaluations of the effectiveness of curricula tested in use in elementary, secondary, and adult and community education programs involved in projects described in clause (2);

"(5) preservice and inservice training programs on drug abuse (including courses of study, institutes, seminars, workshops, and conferences) for teachers, counselors, and other educational personnel, law enforcement officials, and other public service and community leaders and personnel;

"(6) community education programs on drug abuse (including seminars, workshops, and conferences) especially for parents and others in the community;

"(7) evaluations of the training and community education programs described in clauses (5) and (6), including the examination of the intended and actual impact of such programs, the identification of strengths and weaknesses in such programs, and the evaluation of materials used in such programs;

"(8) programs or projects to recruit, train, organize and employ professional and other persons, including former drug abusers or drug dependent persons, to organize and participate in programs of public education in drug abuse.

In the case of activities described in clauses (4) and (7), the Secretary may undertake such activities directly or through grants or contracts.

"(c) In addition to the purposes described in subsection (b) of this section, funds in an amount not to exceed 5 per centum of the sums appropriated to carry out this section may be made available for the payment of reasonable and necessary expenses of State educational agencies in assisting local educational agencies in the planning, development, and implementation of drug abuse education programs.

"(d)(1) Financial assistance for a project under this section may be made only upon application at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary, and only if such application—

"(A) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(B) provides for carrying out one or more projects or programs eligible for assistance under subsection (b) of this section and provides for such methods of administration as are necessary for the proper and efficient operation of such projects or programs;

"(C) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in subsection (b) of this section, and in no case supplant such funds; and

"(D) provides for making such reports, in such form and containing such information, as the Secretary may reasonably require, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(2) Applications from local educational agencies for financial assistance under this section may be approved by the Secretary only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

"(3) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulation, be subject to approval in the same manner.

"(e) There are hereby authorized to be appropriated $5,000,000 for the fiscal year beginning July 1, 1970, $10,000,000 for the fiscal year beginning July 1, 1971; and $14,000,000 for the fiscal year beginning July 1, 1972, for the purpose of carrying out this section. Sums appropriated pursuant to this section shall remain available until expended.

"COMMUNITY EDUCATION PROJECTS

"SEC. 4. There is authorized to be appropriated $5,000,000 for the fiscal year beginning July 1, 1970, $10,000,000 for the fiscal year beginning July 1, 1971, and $14,000,000 for the fiscal year beginning July 1, 1972, for grants or contracts to carry out the provisions of this section. From the sums available therefor for any fiscal year, the Secretary of Health, Education, and Welfare is authorized to make grants to, or enter into contracts with, public or private nonprofit agencies, organizations, and institutions for planning and carrying out community-oriented education programs on drug abuse and drug dependency for the benefit of interested and concerned parents, young persons, community leaders, and other individuals and groups within a community. Such programs may include, among others, seminars, workshops, conferences, telephone counseling and information services to provide advice, information, or assistance to individuals with respect to drug abuse or drug dependency problems, the operation of centers designed to serve as a locale which is available, with or without appointment or prior arrangement, to individuals seeking to discuss or obtain information, advice, or assistance with respect to drug abuse or drug dependency problems, arrangements involving the availability of so-called "peer group" leadership programs, and programs establishing and making available procedures and means of coordinating and exchanging ideas, information, and other data involving drug abuse and drug dependency problems. Such programs shall, to the extent feasible, (A) provide for the use of adequate personnel from similar social, cultural, age, ethnic, and racial backgrounds as those of the individuals served under any such program, (B) include a comprehensive and coordinated range of services, and (C) be integrated with, and involve the active participation of a wide range of public and nongovernmental agencies.

"TECHNICAL ASSISTANCE

"SEC. 5. The Secretary and the Attorney General (on matters of law enforcement) shall, when requested, render technical assistance to local educational agencies, public and private nonprofit organizations, and institutions of higher education in the development and implementation of programs of drug abuse education. Such technical assistance may, among other activities, include making available to such agencies or institutions information regarding effective methods of coping with problems of drug abuse, and making available to such agencies or institutions personnel of the Department of Health, Education, and Welfare and the Department of Justice, or other persons qualified to advise and assist in coping with such problems or carrying out a drug abuse education program.

"PAYMENTS

"SEC. 6. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"ADMINISTRATION

"SEC. 7. In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

"DEFINITIONS

"SEC. 8. As used in this Act—

"(a) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(b) The term 'State' includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I hope I shall not have to object—will the gentleman state to the House that all amendments to this bill are germane?

Mr. PERKINS. I think they are all germane.

Mr. GROSS. The gentleman thinks they are?

Mr. PERKINS. Yes; they are germane. If the gentleman would like I will provide an explanation of the Senate amendments.

Mr. GROSS. Yes; I would like a brief explanation of the Senate amendments.

Mr. PERKINS. Mr. Speaker, the Senate amendment differs substantively in the following respects from the House-passed bill.

First, the Senate amendment differs from the House-passed bill in the matter of authorization of appropriations. Both versions of the legislation authorized a 3-year program beginning in fiscal year 1971. The House-passed bill authorized $7 million for fiscal year 1971, $10 million for fiscal year 1972, and $12 million for fiscal year 1973. The Senate amendment authorizes $5 million for fiscal year 1971, $10 million for fiscal year 1972, and $14 million for fiscal year 1973.

Second, the Senate amendment contains a provision for community education projects and contains a special authorization of $5 million for fiscal year 1971, $10 million for fiscal year 1972, $14 million for fiscal year 1973 for such a program. Under the community education projects, which are contained in section 4 of the Senate amendment, the Secretary would be authorized to make grants or contracts with public or private nonprofit agencies, organizations, and institutions for community-oriented education projects on drug abuse and drug dependency. The projects would include such things as personal and telephone counseling, information services, neighborhood aid, information centers, and peer groups discussion programs.

Third, the House-passed bill contained a provision for the establishment of an Advisory Council on Drug Abuse Education and an interagency Coordinating Council. The Senate amendment does not contain these provisions.

Fourth, the Senate amendment added special provisions for the use of funds for evaluation of the training and community education programs, the evaluation of materials used in the programs, and added a special provision specifically permitting the funding of programs and projects to recruit, train, and utilize professional and other persons including former drug abusers in program activities.

Fifth, the Senate amendment adds language to the technical assistance provisions limiting the technical assistance which may be requested of the Attorney General to those which deal with matters of law enforcement.

Except for major technical and stylistic differences in other respects the bills contain comparable provisions.

Mr. GROSS. Could the gentleman from Kentucky tell the House, since it was difficult to get the figures as they were read, whether this is an increase in the money figures in the bill as approved by the House; or is it a decrease—what is the situation?

Mr. PERKINS. It is an increase.

The authorization in the House-passed bill for fiscal 1971 was $7 million; $10 million for 1972, and $12 million for 1973. A total of $29 million was authorized over a 3-year period.

For the same activity as authorized in the House bill the Senate amendment provides $5 million for 1971, $10 million for 1972, and $14 million for 1973. So, in fact, it is the same identical figure for what was provided in the House bill. However, the Senate added a new provision and authorized an additional $29 million over the 3-year period.

Mr. GROSS. Does that include the special funding that the gentleman mentioned?

Mr. PERKINS. It includes that.

Mr. GROSS. It includes it all?

Mr. PERKINS. Yes.

Mr. MEEDS. Mr. Speaker, the Drug Abuse Education Act before us this afternoon has been passed unanimously by the House and Senate. H.R. 14252 was approved by a tally of 294 to 0 on October 31, 1969, and the other body approved the measure 79 to 0 on November 17, 1970. It is significant that H.R. 14252 was sponsored in the House by more than 85 Members of both parties. It has been my privilege and that of Representative BRADEMAS, of Indiana, to have been the chief architects of this desperately needed measure.

The focus of this bill is the classroom; the focus of existing Federal efforts in fighting drug abuse has been the police station and the hospital. I have strongly supported the increasing emphasis in these fields during the past 3 or 4 years, but early in 1969 it became clear to me that education must receive greater stress if we are to arrest the shocking trend in self-abuse and self-destruction caused by dangerous substances.

Education can be interpreted as you wish. To the officials administering the meager funds for drug abuse education, the term has meant public information, public distribution of pamphlets, TV and radio spots, and occasional books such as the tract prepared by the National Institute of Mental Health entitled, "Adverse Effects of Hallucinogenic Drugs."

Mr. Speaker, many of us believe that education about drugs means a dialog about drugs. Simply passing out booklets is inadequate, especially since many young people and adults entertain preconceived ideas about the qualities and effects of marihuana, LSD, heroin, and the amphetamines.

Television commercials are fine, but do they challenge a student face to face and ask why he smokes pot? No, they do not.

Pamphlets are OK, but do they convey the same meaning to a 16-year-old as does the personal recounting of a former addict's moments of terror? No, of course not.

Last month the Congress completed action on H.R. 18583, the Comprehensive Drug Abuse Prevention and Control Act. The bill began as a law enforcement measure, but eventually provisions dealing with rehabilitation and education were inserted.

The educational component contained in that bill is pretty much of an extension of existing efforts being conducted by the National Institute of Mental Health. While the NIMH is to be commended for their programs, they have not stressed substantive drug education efforts in the Nation's public schools.

H.R. 14252, the Drug Abuse Education Act, will help the schools face up to the drug menace. It will assist the many community education projects such as drop-in centers to reach many more young people.

H.R. 14252 vests authority for drug education with the Secretary of Health, Education, and Welfare. Speaking as the main sponsor of the bill, I cannot emphasize too strongly the need to involve the Office of Education. The Office of Education is, after all, the Federal coordinator for teacher training, experimental education programs in the schools, and the extremely important field of curricula testing and evaluation.

The distinction between the roles of the National Institute of Mental Health and the Office of Education was brought out on October 14, 1970, when the House considered the conference report on H.R. 18583. The following exchange took place between Chairman STAGGERS of the Commerce Committee and myself:

> Mr. MEEDS. The gentleman is not trying to get into the field of elementary and secondary education, is he? Or into the field of higher education?
>
> Mr. STAGGERS. No, we are not trying to get into that. We are trying to bring to the attention of the American people our great concern in educating people to the dangers of drugs . . . and we think this can be done by those in the health department who have the know-how.

In order words, we expect that H.R. 14252 will be funded and used as a vehicle to reach students through the historic dialog of exchanging ideas, of questioning, and of exploring the reasons for individual and public action.

We expect that the Drug Abuse Education Act will be funded adequately so that high schools, junior high schools, and even grade schools can benefit. In particular, we believe strongly that the Office of Education must play a pivotal role in teacher training, in testing curriculums, and in funding pilot projects in the high schools.

Another component of H.R. 14252 is the extremely valuable community education section added by Senator KENNEDY, of Massachusetts. As passed by the House last year, the community education provision was interpreted as authorizing funding of adult programs and so-called drug alert projects.

Senator KENNEDY, however, has expanded this section and given it separate funding. His changes are most worthy. The improvements include funding for peer group programs such as drop-in centers, therapeutic efforts, outpatient counseling, and telephone services to handle calls from youngsters.

The Committee on Education and Labor found that the drop-in center approach can be effective. We also found that among the most effective drug education programs are those which involve ex-addicts telling it like it is. The point here, Mr. Speaker, is that funding of these community education programs is essential, especially since it will take a while for classroom-centered programs to be launched by the Office of Education. The community programs have been cited as a source of credibility, as contrasted to often-ignored preachments from educators and others who are either uninformed or given to the wrong approach.

Mr. Speaker, shaping the Drug Abuse Education Act has been a difficult but rewarding challenge. It has been as valuable to me as it could be to our young people. Working on the bill has brought me new understanding of adults, youngsters, and the multitude of motives for drug taking. Learning and sharing thoughts has educated me, and with the passage of this bill, we can bestow an equal benefit to our country.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky that the amendment be considered as read and printed in the RECORD?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ASK CAB TO DENY REQUEST FOR DIRECT FLIGHT FROM CUBA TO UNITED STATES

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, it appears that the Chilean Airline may make a request of the CAB, the Civil Aeronautics Board, to allow it, on the approved flight from Santiago, Chile, to New York, to stop at Havana as an intermediate stop.

This is the result of the recognition of Cuba by Chile. This would mean that for the first time since 1961, there would be a direct flight to the United States from Communist Cuba. It is within the power of the CAB to deny this request—if approved then by the President.

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I hope all members will join me in writing to the CAB and the President and urging that such request be denied. With the amount of subversives that have been taken to Chile and trained there in the techniques of bombing and of revolution, to have a direct flight would be in the worst interest of this country. I would urge the membership of this House to urge the CAB and the President to deny that request. If it is not denied, then I plan to introduce legislation that will deny such a direct flight from Havana to New York.

ANNIVERSARY OF THE GETTYSBURG ADDRESS

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, today marks the 107th anniversary of the delivery of Lincoln's Gettysburg Address. It was and remains a vital and eloquent document because it looked beyond the transient issues to the deeper significance of the Battle of Gettysburg: the testing of the democratic idea and the endurance of government by the people.

I hope this day will make people think not of the specious glamour of battle, but of its abject horror and degradation. And I hope that all Americans will reread Lincoln's address and be reminded not of bitterness and internecine strife, but of the preservation of the Union, and of the freedom and of the greatness of the United States.

To reread Lincoln's message at Gettysburg is to be reenforced in our recollection of what was at stake on that Pennsylvania battlefield of honor and sorrow. Lincoln compressed a decade of strife and 2 years of war into one declaration of faith: That the Nation dedicated to the proposition that all men are created equal should not perish from the earth.

We have not perished from the earth—but neither have our ideals, so eloquently expressed by the Great Emancipator, been fully implemented. That task remains to us.

Lincoln's Gettysburg Address of over a hundred years ago still rings today when America struggles with four almost insoluble problems: how to join liberty to justice, how to join equality to excellence, how to avoid destroying or being destroyed by nuclear power, and how to complete the emancipation of all enslaved people.

We must reach together for the full promise of the Gettysburg Address, for it is our common heritage. Let us seek the future in unity, not division; in peace, not violence.

NIXON'S DILEMMA ON THE TRADE BILL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, in today's issue of the Washington Evening Star there appears an editorial which I think ought to be called to the attention of every Member of the House. I see the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), present in the Chamber, and I would like to have his comment on this question, if I may. The column is entitled "Nixon's Dilemma on the Trade Bill."

I understand that, as of this time, the second day of the debate on the trade bill, Mr. Nixon still does not have a position as to whether he is for or against this bill, as to whether he will approve it or veto it as it comes from the House. The editorial states as follows:

> ### NIXON'S DILEMMA ON THE TRADE BILL
>
> (By Milton Viorst)
>
> The most important piece of legislation to come up during the entire Nixon administration is currently before Congress. And, amazingly, we don't have a clue to whether the President approves of it or not.
>
> This bill, which imposes a stringent new set of restrictions on imports, can damage our relations with every trading country in the world. It can profoundly impair the development of our national economy.
>
> But because of its domestic political implications, the President has remained silent about it.
>
> We know his opinions on street crime and student violence, on which he can take pious moral positions but which elude easy legislative solutions.
>
> In contrast, he says nothing about the trade bill, where a moral position requires courage but whose disastrous consequences can be averted by a simple congressional majority.
>
> Admittedly, the President is in a dilemma. He committed himself in 1968 to repay the Southern textile tycoons who made possible his election. He also has some major debts to the big spenders in the oil industry. He'll need both of these groups again in 1972. This legislation was originally written for them.
>
> But he knows this bill is intrinsically inflationary. It will raise oil prices immediately and textile prices shortly. Over the long run, it could increase the price of every product that now has foreign competition. By 1972, the inflation in this bill could generate a lot of anti-Nixon votes.
>
> The President also knows that, before long, the nation's exporters will begin to feel the backlash of economic reprisal. The European Common Market, our biggest customer, has warned explicitly that it will retaliate vigorously if this bill is passed.
>
> Hardest hit will surely be agriculture, which last year had $6.6 billion in exports. Currently, American farmers export 50 percent of their soybean crop, 41 percent of wheat, 36 percent of tobacco, 58 percent of rice, 29 percent of cotton. Naturally, the farm lobbies are outraged by the bill.
>
> As Denver's Rocky Mountain News put it: "Protection for a North Carolina textile plant will be at the expense of, say, an Indiana soybean grower (or) a Colorado wheat farmer."
>
> There is no doubt, furthermore, that the bill will trigger the kind of action-reaction sequence (called a trade war) that can lead only to a grievous decline in international commerce, as the Smoot-Hawley protective tariff act did in 1930.
>
> Paradoxically, the loser would necessarily be the United States. This year, despite all the complaining about unfair competition from abroad, we will have a $3 billion trade surplus. This surplus is vital to maintain our overseas commitments, our balance of payments and the stability of the dollar.
>
> Mr. Nixon, perhaps, can still save the situation. He understands the importance of international trade. He is not, at heart, a protectionist. He can go on television to explain to the country exactly what is at stake.
>
> He will have no problem showing that a congressman who votes for fatter profits for textiles and oil takes dollars out of the pockets of farmers, industrial workers and, ultimately, every American consumer.
>
> Yet Mr. Nixon risks going down in history as the first protectionist president since Herbert Hoover, and the chief antagonist to the international trend toward freer trade.
>
> By his acquiescing in the trade bill, he is asking the country to pay a heavy price for his personal political debts.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, at the outset, let me say I do not think the President's view on this legislation would have any impact on the view or decision of the gentleman from Florida.

Mr. GIBBONS. That is correct.

Mr. GERALD R. FORD. So any answer I give to the gentleman will be academic on how he votes.

Mr. GIBBONS. I did not ask for him to influence my vote.

Mr. GERALD R. FORD. Let me say that this bill which came out of the committee does not coincide in many details with the President's original recommendations.

In addition, the President cannot and should not necessarily make any judgment on a bill that has not yet been approved by the House and has not yet gone through the whole legislative process. His final decision will come at the appropriate time when Congress has worked its will.

When this bill has gone through the total legislative process, the President will make a decision.

THE TRADE BILL

(Mr. FRASER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRASER. Mr. Speaker, I listened with astonishment to the remarks of the minority leader, the gentleman from Michigan. I had a call from the State Department about an hour ago urging my support for a recommittal motion with instructions. They said they were calling on behalf of the White House. The recommittal motion was spelled out to me in some detail, it included the administration's 1969 trade proposal, H.R. 14870, mandatory import quotas on textiles, and the proposed Domestic International Sales Corporation. Later, the instructions from the White House were changed and now the recommittal motion is going to be without instructions. This means the administration is supporting a motion to recommit the bill as it is presently written. This motion is completely different from the one proposed by the White House originally.

If we could assume that the President, as a matter of policy, will continually change his position on legislation, we would be faced with a novel and intriguing situation.

I think that the President has found it difficult to make up his mind many times. On one of the most important trade bills in recent years, however, I would have thought the President could have done better than this.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. The President has sent his recommendations to the Congress on the trade bill. This bill which came out of the committee does not coincide with those recommendations in every detail.

On the other hand, I would say we have a responsibility to exercise our own judgment as legislators, and that includes the gentleman from Minnesota as well as myself.

Mr. FRASER. I am going to exercise my own judgment. I would have thought the President could have offered some leadership both to the Congress and to the country on this matter, but I suppose we will have to wait.

TRADE ACT OF 1970

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, I find quite interesting the recent colloquy with regard to the trade bill.

I inquired yesterday at the time of the rule, what the attitude of the President was. Having just returned from abroad, I find particularly that representatives of the State Department are very concerned about the effects of this bill. Many of us have been concerned about the position we should take regarding it. In fact, I have probably been persuaded to take the free trade position by certain positions that have been taken by members of the administration. So we are confused about what they expect or intend to do with the bill.

If my remembrance is correct, I would say to the gentleman from Michigan, the honorable minority leader, that in the past there have been indications to this House that certain bills would be vetoed if we were to vote in a particular way or if a bill were to come out in a particular fashion.

I find this silence by the administration, as to whether or not there will be a potential veto on the trade bill, something that is difficult to understand. It has been part of the name of the game to indicate the administration position. Certainly the President does not have to take a position. I find it unusual, however, after the education bill and the health bill and certain other bills in the past, on which the President has made statements that nothing has been said in this debate about the President's position.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I am impressed with the solicitude of so many on the other side of the aisle about the views of the President on the proposed trade bill. I hope their attitudes in the future on other issues will be consistent with their attitude today. We will be very grateful for that concern on subsequent matters.

Mr. ADAMS. I might say in the past we have tried to be aware of the President's position but we have been somewhat confused by this use of the veto mechanism and its nonuse, here.

Mr. GERALD R. FORD. Mr. Speaker, if the gentleman will yield further, of course, there is some difference between the actual veto on a bill that has gone through the legislative process and the current circumstances where the House on its own is supposed to exercise its own judgment.

Mr. ADAMS. Yes. We have found in the past, though, that the word has gone out about the use of the veto and this has been used quite effectively on certain bills as to their provisions. We are just a little confused about the silence here.

THE CONSUMER CLASS ACTION PROGRAM

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Speaker, I only wish that the President's lack of leadership were limited to the trade bill. I have been trying to carry a program which the President, since October a year ago, said he was for; that is, the consumer class action program. It has been impossible for me to get a single Republican to a subcommittee meeting to get the bill out. We finally did it with all Democrats.

Then during the recess the President accused those of us who are carrying the program for a class action bill of insisting on a perfect one. Therefore, he says the bill cannot come up.

I want to point out that the bill I introduced included in its title II the President's bill verbatim. Its title III is my approach. The two are not conflicting. All that has to be done to get the President's bill passed by this House is to get it out of the committee and simply strike out everything but title II.

I do not think we ought to do this. I think we should use the approach of title III, but I would not obstruct a free opportunity of the House to work its will by making a choice. We who support the broader and more effective class action bill are not obstructing the President's proposal. It is his party that is obstructing consideration of any bill by this Congress.

TRADE ACT OF 1970

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 18970) to amend the tariff and trade laws of the United States, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 18970, with Mr. FLYNT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from Arkansas (Mr. MILLS) had 3 hours and 13 minutes remaining, and the gentleman from Wisconsin (Mr. BYRNES) had 3 hours and 15 minutes remaining.

The Chair recognizes the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, I yield to a very valuable member of the Committee on Ways and Means, the gentleman from Pennsylvania (Mr. SCHNEEBELI).

Mr. SCHNEEBELI. Mr. Chairman, I thank my ranking member.

Mr. Chairman, I rise in support of H.R. 18970, the Trade Act of 1970. This bill, which responds to the current realities of international trade, reflects the careful thinking of the Ways and Means Committee over several months. The committee held extensive public hearings, receiving valuable testimony from all interested groups that runs 16 volumes in length. We met for 5 weeks in executive session to develop this legislation, which represents the best efforts of the committee to deal with existing trade problems.

Many of us on the committee who support the Trade Act of 1970 also supported with great enthusiasm the Trade Expansion Act of 1962. Our support for this legislation does not reflect a diminution of our conviction that free and truly reciprocal trade must form the cornerstone of international commercial relations. I believe that a proper understanding of the current realities of world trade and the problems faced by the United States, as well as an accurate understanding of the provisions of this bill, will result in the conclusion that the legislation provides the best vehicle for advancing our traditional goals of free trade in the present context.

In my brief remarks today, I hope to make this clear by discussing the current realities of international trade; the provisions of the Trade Act of 1970—which have unfortunately been ignored by those bent on undermining the bill—directly advancing free trade; the decline in United States balance-of-payments problems stemming in large part from the alarming deterioration in our merchandise trade account; and the features of the quota provisions of this legislation which will limit their application to imports disrupting U.S. markets while safeguarding consumer interests. I also want to comment on the unfortunate provisions of the bill that provide the President with authority to repeal the American selling price system of valuation on certain products.

CURRENT REALITIES OF WORLD TRADE

At the end of World War II, the economic capacity of Europe and Japan was decimated. The United States helped Europe and Japan rebuild their productive capacity by providing massive assistance and pioneering trade liberalization through reciprocal tariff reduction under the auspices of the GATT. Today, Japan has become a leader in world trade and

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the third most productive nation in the world. Germany, which along with Japan was the most devastated country at the end of World War II has also undergone an economic miracle and is fully able to compete in world trade. The European Community represents a formidable trading bloc that is vastly enhancing the capacity of Europe to compete in world trade.

Although the nations of the European Community and Japan are fully capable of competing in world trade, they have retained a variety of restrictions in the form of nontariff barriers that make it difficult for American industry to compete on a fully reciprocal basis. At the same time, the U.S. market, which has remained more accessible and open than any in the world, has received the surplus products stemming from greatly increased productivity abroad. While I have not changed my basic belief in reciprocal trade and its worldwide benefits, I am disappointed and dismayed that some of our trading partners have not followed the U.S. leadership in fostering international trade.

In many cases, particularly in the area of our textile and shoe industries, precipitate increases in imports are causing severe economic dislocation, adversely affecting both employment and the productive capacity of our domestic industries. As a corollary of this increased import penetration and our efforts to strengthen the international community, we have experienced a severe decline in our balance of payments, stemming in large part from a deterioration in our merchandise trade surplus.

The Trade Act of 1970 responds to these existing conditions by enacting provisions clearly indicating our continuing commitment to free trade and also emphasizing our intention to insure that the United States is accorded full reciprocity in the international trading community.

PROVISIONS OF THE BILL DIRECTLY ADVANCING FREE TRADE

There are several provisions in the bill that build upon and promote further U.S. world leadership in advancing free trade among nations. Unfortunately, these features of the bill have been largely ignored by opponents of the legislation.

First, the bill provides the President with the authority to reduce tariffs 20 percent below the post-Kennedy-round rates—or 2 percentage points ad valorem, if this is greater. This will enable the United States to work out any adjustments that may be desirable with our trading partners in the General Agreement on Tariffs and Trade.

Second, the bill for the first time authorizes specific appropriations for the U.S. share of the expenses of the General Agreement on Tariffs and Trade. Prior to this time, our share of the GATT has been financed from a State Department contingency fund. By providing specific appropriations for our share of the GATT, the United States recognizes its continuing commitment to the efforts of GATT to foster free trade among nations through the elimination of both tariff and nontariff barriers.

Third, the bill provides—mistakenly, I believe—authority for the President to eliminate the ASP system of valuation as it applies to benzenoid chemicals, canned clams, and wool knit gloves. Our trading partners have mistakenly regarded this system of valuation, which is in reality a method of imposing tariffs, as a nontariff barrier that inhibits efforts to make progress in eliminating nontariff barriers. Although our trading partners are far more guilty in the area of nontariff barriers than the United States, this bill mistakenly takes the first step and goes the extra mile to achieve progress in the area of nontariff barriers by eliminating ASP on those items. While I feel this is wrong for a variety of reasons, most particularly its impact on 16,000 American employees whose jobs will be largely eliminated, its inclusion in the bill should be recognized as an effort to foster the international climate for free trade that the detractors of this legislation feel is being undermined. It is a further indication of our basic concern and further support for true reciprocal trade.

U.S. BALANCE-OF-PAYMENT PROBLEMS

The free accessibility of the U.S. market to growing productivity abroad, as well as the restrictions against the U.S. exports by our chief trading partners, have aggravated our balance-of-payment problems. The United States has incurred a deficit in our balance-of-payment account on a liquidity basis in all but 1 year of the last decade. These deficits have increased in recent years, exceeding over $7 billion in 1969. The deficit on this basis for the first 6 months of 1970 was nearly $3 billion.

This deterioration in our balance of payments reflects a decline in our traditional trade surplus which has until recently offset the substantial deficits we incur in our travel, military, foreign aid, investments abroad, and nonliquid capital accounts. The decline in our trade account reflects a rapid growth in imports that has not been offset by the moderate increase in exports over the last decade. In the last half of the 1960's this disparity has been increasingly alarming. Our merchandise trade balance—excluding military grants, AID financed exports, and Public Law No. 480 programs—declined from a surplus of $4.4 billion in 1964, to a deficit of $800 million in 1969. While our trade account improved somewhat in the early months of this year, recent Commerce Department statistics indicate that there has been a decline in our trade surplus in both August and September.

The severe balance-of-payment problems that the United States is experiencing must be of concern not only to the United States but to the entire international trading community in view of the fundamental role of the dollar in world trade. The problem we have experienced emphasizes the importance of our goals to attain full reciprocity for the U.S. trading interests in order to insure a healthy growth in U.S. exports, and also to insure that foreign markets are as open to the products of third countries as the United States.

QUOTA PROVISIONS OF THE BILL

The bill does contain quotas on textiles and footwear articles limiting imports in 1971 to the average level of imports of each article from each foreign country during the base period of 1967 to 1969. However, the bill permits the President to increase imports of textile or footwear articles by up to 5 percent a year and to completely exempt imports of any article from any country where such imports are not disrupting the U.S. market. He could also authorize increased imports where the supply of articles subject to limitation is inadequate to meet domestic demand at reasonable prices. Additionally, he could authorize increased entry into the United States of textile and footwear articles whenever he determines it is in the national interest, and the President is not required to define the national interest. These quotas would expire in 5 years unless extended by the President in the national interest.

Most importantly, these quotas would be completely superseded by any international agreement which the administration might negotiate toward moderating the increasing import penetration of textile and footwear articles. The quotas are intended to provide leverage to enable the administration to reach an agreement with supplying countries to moderate import penetration. We are not interested in rolling back textile and footwear imports, but merely insuring that the percentage of the market served by foreign imports does not increase so rapidly that economic dislocation and unemployment become a problem in these industries. Unemployment is an increasingly important and threatening factor in our domestic economy presently; we should not aggravate it further.

With the many safety valves specifically written into the law—which have unfortunately been ignored in both the domestic and foreign press—the bill does no more than respond to the serious conditions now prevailing in our domestic textile and footwear industries. In the past 5 years, the ratio of imports and footwear to domestic consumption has increased from 13 to 26 percent. During the first third of 1970, imports of footwear articles have equaled around one-third of domestic consumption. Domestic production of footwear declined between 1968 and 1969 by 60 million pairs, and production in 1970 is currently no greater than the 1969 level.

The situation in the textile industries is also very serious. In 1969, textile imports had increased to three times the level that prevailed in 1965, with the rate of increase in many product lines being much more rapid. Imports of sweaters of manmade fibers increased from one-half million dozen in 1965 to nearly 7 million dozen in 1969. In view of the accessibility of the U.S. market and the restrictions of the European Economic Community, the increasing productivity of textiles in the Far East are resulting in severe import penetration and economic dislocations in our domestic textile industries. During the first 6 months of 1970, employment in both textile mills and apparel factories declined by 69 percent, the first such decline in many years.

In view of the seriousness of the problems confronting the textile and footwear industries, with their 2½ million employees—many of them low-skilled employees about whom the Congress has expressed great concern in our manpower training bills and the recent family assistance plan—the carefully circumscribed quota provisions contained in the bill are justified. Considered in this context, and remembering that the President is given full discretion to negotiate agreements that would supersede the provisions of the bill in specific instances, it cannot be said that the quota provisions represent a retreat from our traditional stance of free trade.

AMERICAN SELLING PRICE SYSTEM OF VALUATIONS

The authority provided in this legislation for repeal of the ASP system of valution on benzenoid chemicals, canned clams, and wool knit gloves, is both discriminatory and mistaken. The provision does not—as has been widely advertised—repeal the ASP system as a basic policy, since rubber sole footwear will still be subject to tariffs imposed on the ASP basis.

The administration was unable to arrive at what it considered appropriate conversion rates for repeal of the ASP system as it affects rubber-soled footwear, despite a recent study of the Tariff Commission. Their inability to determine the appropriate conversion rates for repeal of the ASP system on rubber-soled footwear lends credence to the concern many of us have that the converted rates used to repeal the system on benzenoid chemicals may also be inappropriate.

Although the bill does not repeal the ASP system, as has been loudly and improperly claimed, it precipitously removes longstanding protection which ASP has provided to the benzenoid chemical industry and its workers. Although the ASP system has been characterized as a nontariff barrier—again erroneously since it is a system of tariff valuation used in imposing the tariff rates—our trading partners did not make reciprocal concessions on nontariff barriers which they, in turn, maintain. Neither did they make reciprocal concessions in the tariff area. The net effect of the committee's action is not to repeal ASP, but to eliminate the protection on a discriminatory basis for 16,000 workers whose jobs will now be jeopardized. I am opposed to these provisions of the bill.

The bill contains other provisions, carefully explained by our able chairman and ranking minority member, improving the escape clause procedures, the countervailing duty and antidumping laws, expediting national security clause determinations, and improving the operations of the Tariff Commission. On balance, this legislation represents an improvement in our trade laws which merits support at this time. I sincerely hope that cooperation by our trading partners in resolving problems will enable us to move forward from this point toward the elimination of trade barriers—particularly in the nontariff area—and achieve the goal we all desire of free and truly reciprocal international trade.

Mr. BYRNES of Wisconsin. Mr. Chairman, I rise in support of H.R. 18970, the Trade Act of 1970.

In coming to a decision on this matter, there has been no lack of public debate, even though much of that debate has been based either on misunderstanding or distortion of several very important provisions in this bill as reported by the Committee on Ways and Means. There has been no lack of statements or statistics or reports.

If there is confusion as to the issues involved and how to resolve them, I suppose it is understandable.

Let me, if I can, do two things. First, let me outline where we stand as a nation in the overall world trade picture.

Second, let me clear the deck of several "red herrings" so that we can discuss the bill actually before the House rather than the distorted version that has been the subject of so much public controversy.

I think we must recognize that in the field of international trade we are in a new ball game today. We need to recognize that things are different from what they were in the 1950's and the early 1960's. Needed are policies and procedures that will take into account the changes that have occurred—policies and procedures that will work in the 1970's.

We need policies and procedures that will take into account the new strengths of Western Europe and Japan, the accelerated trend toward regional groupings such as the Common Market, the proliferation of preferential trade agreements, and the mounting and as yet unmeasured impact of multinational corporations.

In trying to find new answers to new problems, some of us may have to face some unpleasant realities and divorce ourselves from the delusion that trade today is merely a rerun of the same old show.

This is not to say that we should disregard the lessons of the past or cast off the characteristics which helped to make our Nation the free world's economic pacesetter. Far from it. In fact, we would do well, it seems to me, to revive at least one national institution, the great Yankee trader, and turn him loose again. He has been conspicuously absent from our trade negotiations for too long a time, and we need him more now than ever. The legendary Yankee trader would know, for instance, that you negotiate best from a strong hand and not after all your good cards have been played.

In the early post-World War II years, of course, we did lead from strength. With much of the industrial world in disarray we had no real trading peers. Our massive production machinery churned at top speed for years to meet the peacetime demands at home and to help rebuild, as I think we should have, the crumbled economies of Europe and Japan.

Because they were starting from the ground up, the facilities and equipment erected overseas were, for the most part, more modern and efficient than our own. We shipped abroad our technological know-how as well as our hardware.

Yesterday we were peerless in the areas of international trade and industrial production; today, we have peers, and tomorrow, if we are not careful, we may be outclassed.

I think that too often, as we look at and discuss the great progress that Japan and the Common Market have made, they think we are being critical of them. I am not critical at all. I say, God bless them. They have been very sharp and effective. To recognize that fact is not to condemn them. To recognize the great advances they have made is to compliment them, even though it also means that we have to be more concerned here at home as to what our workers are able to do in competition with the great industrialization and international trade promotion programs developed by the Japanese and Western Europeans.

I think the trend is apparent. It is true our net exports, including military grant shipments and foreign aid, rose by 45 percent over the past 5 years from $24.3 billion in 1965 to some $35 billion in 1969. But a major portion of these exports were in items of low labor content, produced by fewer workers, while the bulk of our imports, conversely, were and are in high labor content products. The result has been a net export of jobs.

Moreover, although our exports did gain by 45 percent in the 1966–69 period, imports increased much more dramatically in the same period—by almost 70 percent—from $21.4 billion to $36.1 billion.

Our imports, then, have been growing at a 25-percent faster rate than our exports, causing our merchandise balance—the difference between net exports and imports—to plunge from a healthy surplus into a deficit.

Specifically, the merchandise balance hit a 10-year high of $4.4 million in 1964 and then dropped to minus $1.4 million in 1968 and minus $800 million in 1969.

But, Mr. Chairman, our declining share of free world exports is probably even more revealing.

While free world exports generally have more than doubled, from $113 billion to $243 billion over the past decade, the U.S. share has declined from 21 percent to 18.4 percent, which shows clearly what has happened to our once peerless posture in international trade.

All of this time, we have been diligently pursuing the course that our major trading partners unfortunately have, I am afraid, quite clearly abandoned, if they ever did follow it.

Our course has been toward freer trade, but our major trading partners, most notably Japan and the members of the European Economic Community, have been going another way.

Take tariffs for example. The United States registers the lowest estimated average tariff level of any major trading nation. The United States has an average tariff level of 7.8 percent while the Common Market average is 8.3 percent and that of Japan is 10.7 percent.

But the United States is even more disadvantaged in terms of nontariff barriers to trade. While this country has dutifully adhered to the General Agreement on Tariffs and Trade, other major participants seemingly have paid only lipservice to it. To be sure, they have re-

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duced their tariffs as required, but at the same time they have aggressively added or maintained nontariff barriers. With one hand they have taken down a fence; with the other, they have built a wall, which is even more effective in shutting out U.S. goods.

The list of nontariff trade barriers in other countries is long and startling. For example, a selected inventory of these barriers consumes more than 100 pages of a document submitted to the Ways and Means Committee during its recent public hearings on trade.

France, to cite just one of our trading partners, has quantitative restrictions—that is, quotas, those awful things you have heard about and read about in the press—or licenses which are practically the same thing, on numerous goods from electronics to textiles and petroleum products.

It also has special-use taxes directed specifically at U.S. automobiles. It has border taxes of up to 33 percent on most industrial products, plus a wide variety of other restrictions, all unfortunately typical of measures taken by most of the Common Market countries against imports.

When I review conditions such as this, Mr. Chairman, I cannot help but be reminded of the debate in this House 8 years ago when the existing trade law, the Trade Expansion Act of 1962, was before us. Our negotiators—yes, and Members of this Congress and the President—painted a glowing picture of the European Economic Community, portraying it as an outward-looking entity which would be a vast and growing market for U.S. goods and services, and a major factor in freeing world trade. At that time I was skeptical, and I said so in that debate, and it is with no pleasure at all that I note the realization of some of my worst fears in this regard.

The Common Market, because of its excessive use of nontariff barriers to trade, has failed miserably to contribute, as heralded, to freer trade. The Common Market has taken full advantage of the latitude given to it by GATT, and has established a new kind of world market, regional in nature, yet multinational; wide open on the inside, yet shut to outsiders. Its highly protectionist agricultural policy has become all that some of us feared it would 10 years ago. Both its import restrictions and its export subsidies form extremely difficult, and in some cases insurmountable, obstacles to our farm exports.

The Common Market maintains high support prices for its own farm products, and then makes certain these prices will not be undercut by imposing special import taxes at its borders. And its own exports of chicken, lard, dairy products, and wheat, are aided by subsidiaries. On other items, it has placed a double tax burden on would-be importers by rebating certain taxes on exports while imposing equivalent levies on incoming shipments.

World trade has always been a bit of a gamble, which the players freely accept. But when they play against the Common Market, I am afraid that in many cases they are playing against a stacked deck.

And this, unhappily, is only one horn of our trading dilemma. The other is Japan. Import restrictions imposed by Japan are encyclopedic in volume and variety. For most practical purposes U.S. businessmen simply cannot get into the Japanese marketplace if their products are at all competitive with Japanese producers. Japan has quotas and licensing restrictions on almost every conceivable type of product. And at this point I would refer you to a document issued in the second session of the 91st Congress, entitled "Written Statements and Other Material Submitted by Administration Witnesses to the Committee on Ways and Means During Hearings on the Subject of Foreign Trade and Tariffs," dated May 1970. If you will look at a copy of this volume, you will see some of the restrictions that are involved in trading with the nation of Japan.

Quantitative restrictions, and these are quotas—again, that naughty word—and licenses are imposed on coal, gas, oils, heavy fuel oil, other petroleum oil, other chemical and some pharmaceutical products, leather, leather products, especially footwear, large steam boiler turbines, diesel engines, electric generators, office machinery, including digital computers, parts, and other products. And there is automatic import licensing on machinery, chemicals, drugs, processed food, and other products.

You can go through the list—and it shows that it is practically impossible to export to Japan, unless they give you, on that individual item or on that individual shipment, an OK to send it in.

For example, there is the matter of borrowing money for an individual who wants to import from the United States. He has to get some financing, so he goes to the bank. They ask him what he is going to import and he tells them the item. They check with the Government and the Government says "No, we would rather have that item purchased from a Japanese producer." So the loan is not made.

That is what we have to contend with. They are looking after—whether they are right or wrong, and I do not know whether it is for us to judge—their own best interest.

The Common Market is indrawn, but Japan remains universally recognized as the most tightly closed market in the non-Communist world. All of which, it seems to me, has terribly shattered one of those cherished concepts that so many in the United States have held about world trade. The truth is it is far from being free and even further from being fair.

The only relatively free market in the world today is the United States, which is like an orchard full of ripe fruit, with the pickers swarming all over it. While foreign producers come here in droves, many of our domestic producers are looking elsewhere for a base of production. In numerous instances they cannot produce and sell, right here in the United States, as cheaply as foreign competitors who have to ship their goods across an ocean.

In large part, this is because of a substantial wage differential between this country and almost all others.

While production workers in the United States last year were earning an estimated $3.19 an hour, their Japanese counterparts were being paid 76 cents, or less than one-quarter as much.

The average hourly pay in Hong Kong was 26 cents or about one-twelfth of the U.S. average. In France it was 97 cents or less than one-third.

And so it goes, with foreign wages only a fraction of the comparable U.S. average.

Why is it, then, so sinful to look at the need to protect our workers and their jobs and their standard of living against unfair competition from areas that have sweatshop labor, as is indicated by the differential in the wage levels?

I think it is understandable that the tendency has been for so many of our American firms to move overseas to take advantage of relatively low production costs.

Of course, labor is not the only reason for the exodus. The U.S. manufacturer who establishes plants in the Common Market can sell there without having to worry about border taxes or ad valorem taxes that are levied on imports.

The CHAIRMAN. The gentleman from Wisconsin has consumed 20 minutes.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 10 additional minutes.

But while individual firms may profit from this growing transfer of production abroad, our country gains little and loses much.

We have lost jobs by the thousands every year and we have lost capital. What we have gotten back is a return on earnings, but most of this has been deferred.

So it is something less than a utopian situation in which our country finds itself in terms of international trade today. The clear production lead we once held is vanishing. The technological know-how that was exclusively ours has been scattered to the trading winds, and the high quality merchandise which used to be our hallmark is now coming back at us from the countries that we helped rebuild.

Let me say that I am not trying to paint a gloomy picture; we still have a great capacity, a great know-how, a great and capable labor force in this country. In fair trade we can compete with any of them. But we cannot do so in unfair trade, and all we ask is fairness.

In order to cope with these new conditions—the multinational markets, the preferential trade pacts, the growth of nontariff barriers, the impossible wage differentials and all the other trappings of world trade today—we simply must have some new tools with which to work. And the Trade Act of 1970 provides those needed tools.

Let me turn now to some of the "red herrings" that have been thrown into the discussion of this bill.

Red herring No. 1: It has been flatly stated that the bill rejects 30 years of liberal trade policy, and is a retrogressive return to the era of Smoot-Hawley that prevailed in the 1930's. Additionally, it is alleged that it will preclude progress in the reciprocal reduction of nontariff barriers, which should be the focal point of further efforts for trade liberalization.

Here are the facts:

As a result of U.S. leadership through the reciprocal trade programs enacted by Congress through the years, U.S. tariffs have been reduced to the lowest average level of any major trading nation. The United States has recently concluded the so-called Kennedy round of negotiations whereby tariffs were finally reduced 50 percent across the board.

We do not in any way undermine or negate any of this action. Instead, the bill provides further tariff-cutting authority of 20 percent across the board, or 2 absolute percentage points if that is higher, in order to work out our differences in the GATT with our trading partners.

Additionally, the bill provides recognition of the importance of the GATT by providing for direct funding of the U.S. share of GATT expenses. Prior to this, these funds had been paid out of a State Department contingency fund.

We acknowledge the desirability of participating, and saying there shall be direct appropriations for our share.

Finally, the bill provides the basis for the repeal of the American selling price system of valuation, or ASP as it is popularly called. Despite the fact that this is a system of valuation that is clearly tariff related—and may I point out that the Europeans use a system of valuation different from ours—it just so happens that our trading partners have regarded this as a nontariff barrier whose removal is critical to future trade liberalization. Although our trading partners have a wide variety of nontariff barriers far in excess of anything the United States has, we have in this bill "walked the extra mile" by providing the basis for the repeal of ASP.

These are concrete steps taken in this bill to foster world trade that unfortunately have been ignored by those who misrepresent this as a return to the high duty levels prevailing in the early 1930's.

Red herring No. 2: It has been alleged in a great proportion of the magazine and newspaper articles discussing the bill that this is "an omnibus quota measure" that provides the basis for establishing quotas on a wide variety of products.

What are the facts? The existing escape clause, which now is so stringent that it was only recently that the Tariff Commission found favorably on any petition, has been moderated. It has been moderated by a return to essentially the same language that prevailed in the provisions of the 1951 act, and that prevailed until we changed the act in 1962, when we made it practically impossible for the Tariff Commission to find injury or injury related to imports. But under this language an industry or a union can file a petition with the Tariff Commission alleging that increased imports are contributing substantially to serious injury the industry is experiencing, and if the Tariff Commission finds that increased imports are a substantial cause—not just a cause, but a substantial cause—it must recommend that the President impose such increases—and let me point this out and underline it—in duties or other import restrictions as are necessary to alleviate the serious injury.

There is nothing saying that they have to recommend quotas. This language in the bill governing Tariff Commission recommendations is the same as in existing law. We have extended this language to include the additional determination or basket clause which I want to discuss. The point I want to make is that it does not require quotas.

The committee has provided—and let me talk now briefly about an additional provision in this bill, which is new—that if a majority of the commission agrees that imports are a substantial cause of injury the industry is experiencing—then they go on to consider whether a series of very stringent criteria evidencing severe import penetration and market disruption are satisfied.

In making this additional finding, the Tariff Commission must make one of two alternative findings: First, as a percent of domestic consumption, imports of article represented 15 percent in prior year, increased by at least 3 percent in prior year and 5 percent in prior 2 years, or, second, as a result of imports domestic production is declining or likely to decline so as to substantially affect ability of domestic industry to operate at a reasonable level of profit and hours, jobs, or wages are declining or likely to decline substantially.

If either of these findings is made, the Tariff Commission must then determine that the imported article is offered for sale at prices substantially below those prevailing for like or directly competitive U.S. products and the unit labor costs of imported article are substantially below those attributable to like or directly competitive U.S. products.

If the Tariff Commission finds that serious increased imports are a substantial contributing factor to serious injury, it must, in its report to the President on its investigation, specify "the amount of increase in, or imposition of, any duty or other import restriction on such article which is necessary to prevent or remedy" the serious injury.

If these very difficult criteria are satisfied, neither quotas nor any other relief is automatically provided. Again the Tariff Commission simply forwards to the President its recommendation for alleviating the injury that has developed in connection with the escape clause investigation. In making these recommendations the Commission has the same latitude as it has today—no more and no less. Where people get the idea that there is contained in the bill a requirement for across-the-board quotas is a mystery to me—is just plain nonsense.

The only change the committee has made relates in the second phase of this new basket clause, which is that if they find these very stringent criteria are met, showing a real disruption in the market, we do provide in the bill a change relating to the ability of the President to ignore the recommendation of the Tariff Commission, which is the fact-finding body with the expertise in this area, the one that has conducted the investigation. Even where the additionally difficult criteria evidencing severe disruption and penetration are established, we permit the President to ignore the recommendation of the Tariff Commission if he determines that acting on their recommendations is not in the national interest. If the investigation shows the situation meets the escape clause but not the additional criteria, the President need only take such action as he deems necessary to remedy the inquiry—again, unless he determines any such action would not be in the national interest.

Let me also point this out: under the provisions of this bill the Tariff Commission is given even greater responsibility to review industry conditions where the President does proclaim import relief, in order to insure that every effort is made by the affected industry to efficiently adjust to the import competition, so that the import restrictions can be removed or moderated.

The President is also given greater authority under this bill to alleviate the injury through multilateral or bilateral negotiations rather than by proclaiming import relief.

Additionally, any relief granted may be reduced or terminated by the President if he determines that this is in the national interest, and any relief expires automatically at the end of 4 years unless extended by the President.

If any criticism can be fairly leveled against the committee, I say to you that it is that we did too little, not that we did too much. This is clearly not an omnibus quota provision nor a quota provision of any kind. It is simply a slight moderation or refinement of our existing escape clause procedures that is fully in accord with our obligations under title XIX of the GATT, since a showing of serious injury is required in all cases. We were so assured by Ambassador Gilbert when he was before our committee.

Red herring No. 3: It has been said that the bill, and particularly the provisions relating to textiles and shoes and the nonexistent "omnibus quota provision," will result in instant retaliation leading to a worldwide trade war, spelling the end of free trade.

What are the facts? Both the United States and our trading partners are members of the GATT, which provides specific directives to the contracting parties to make every effort to attempt to work out trade differences through negotiation.

And let us not forget this: the GATT says that when a participating country's domestic industry is suffering serious injury, that country is entitled to take action to alleviate that injury. And that is all we propose to do here. We do it in conformity with these provisions of GATT fully realizing that it may be necessary to work out compensation with our trading partners.

In enacting this bill, the Congress would find serious injury to the textile and shoe industries, and would provide under the legislation carefully circumscribed relief on a temporary basis. Let us remember that the textile and shoe quota provisions are temporary. They

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will expire on July 1, 1976, unless continued by the President, as permitted again under article 19 of the General Agreements on Tariffs and Trade.

Since there are 2½ million workers and more than 35,000 firms in these industries, some moderation in the growth of imports is required if we are to avoid serious economic disruption far beyond the capacity of adjustment assistance to handle.

Employment is down in the shoe and textile industries. It is down 100,000 in textiles alone this year.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself an additional 5 minutes.

That is true even though domestic consumption of textile products remains constant.

We must recognize the social consequences, not only to the workers involved but also to our national programs to place the disadvantaged and the marginally productive workers in gainful employment to their advantage, to their family's advantage, and to society's advantage.

Just the other day we enacted a program for manpower training in this country. Manpower training means nothing if we do not have a job at the end of that training. We must be concerned that we do not destroy the job opportunities which we hope will be there.

Also we have passed the family assistance program. It is based on putting people to work and giving them training, but there have to be jobs. We can see what is happening in just these two industries, shoes and textiles, with jobs disappearing because of imports. That is why it is necessary we take some action at this time to moderate that impact—not to cut out the imports, but to moderate the increases that are developing. This, in my judgment, is the kind of a factual situation that article 19 of GATT contemplates.

We attempt to handle the problem basically through voluntary agreements. Even in the extremely unlikely event that negotiations for voluntary agreements are unsuccessful, let me point out that the quota provisions are carefully circumscribed to permit a maximum of consultation, since we provide the President with full discretion by permitting him—and I am talking now about the specific quotas on textiles and shoes—to exempt any article from the quotas when he determines that this action would be in the national interest, and to exempt from quota any article which he determines is not contributing to market disruption in the United States. He can win increase imports above levels authorized in the legislation or in any voluntary agreement to insure an adequate supply at a reasonable price. It seems to me that the entire thrust of these provisions is toward a resolution of problems by consultation and negotiation with our allies.

Mr. Chairman, we have been consulting with our trading partners and will continue to do so in accordance with our obligations under articles 19 and 22. We fully expect our trading partners to avoid unilateral retaliation and to recognize the reciprocal obligation to consult with us under articles 19, 22, and 23. We face the same problems when import relief is provided under article 19 through our traditional escape-clause procedures. Unilateral retaliation leading to a trade war has not been a problem.

Additionally, this bill is clearly framed with international negotiation of our mutual trade problems as the focal point. The bill specifically provides that an international agreement will supersede the textile quota or the shoe quota.

Both the administration and the committee have made it abundantly clear, both in act and in word, that we seek an international agreement, moderating the sharp growth in shoes and textile imports that threaten market disruption, rather than legislated quotas. We want to provide leverage for negotiation leading to an international agreement with out trading partners and have, in fact, done exactly that. We already have such an agreement in the long-term cotton agreement, and this did not lead to unilateral retaliation or to a trade war. The Japanese have similar agreements to those we are talking about, with 10 other countries, and these agreements did not lead to retaliation or to a trade war.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 5 additional minutes.

They have an agreement on manmade fibers with the Common Market countries. Why do they not have one with the United States? They have pacts with some 10 other countries, with the recognition that they were disrupting the markets in those countries. For their good and the good of the countries they were dealing with, there had to be some mutual limitation on disrupting those markets. I think, without a doubt, when we show that we are going to stand up for our rights and protect our people, that they will agree to a voluntary program—the negotiations and agreements we desire—and that is our objective in this bill.

Now, Mr. Chairman, we come to red herring No. 4: It has been alleged that quotas will impose enormous taxes on consumers by virtue of the precipitous increases in prices that may be expected. What are the facts? These projections are based on the assumption that there will be a precipitous cutback in textile and shoe imports, although it is the stated goal of both the administration and the Congress to simply moderate the sharp growth of imports and bring them more in line with the growth of our domestic market. Achieving this goal does not mean that shoe and textile imports will be diminished. Therefore, there is no reason to expect the great price increase that has been projected.

This is borne out by experience under the long-term cotton agreement, negotiated under GATT with some 30 countries covering about 90 percent of our total cotton textile imports. This agreement has been in effect since October 1, 1961, but despite this, the wholesale price of cotton products—predicated on the 1957–59 base equaling 100—stood at 105.8 in May of this year. This is a much smaller increase than for other products on the wholesale price index.

Additionally, we must recognize, as I indicated earlier, that the bill specifically provides the President authority to increase supplies either under the quotas in the bill or any voluntary agreements that are negotiated in order to insure an adequate supply at reasonable prices.

Also, the President is permitted to exempt articles not causing market disruptions, if it is in the national interest to do so, and to permit a 5-percent across-the-board increase in imports each year.

Mr. Chairman, in all of these safeguards written into this bill, we have made every effort to insure that the bill will not result in price increases beyond those that normally occur in the general economy. Experience indicates we may expect even less.

I would hope, Mr. Chairman, that, however wide of the mark some of the criticism of this bill has been, the important features of the bill have been placed in the appropriate context through this debate today.

This bill also contains several important features that I have not touched upon. The bill provides procedures which will insure a more expeditious disposition of petitions filed under our antidumping laws and countervailing duty provisions. Rules for expediting procedures under the national security clause are also provided. Procedures of the Tariff Commission are streamlined in order to permit a more efficient discharge of their responsibilities under the statute. The bill provides the President with enlarged authority to act against import restrictions or other unfair acts of countries which unjustifiably or unnecessarily burden or discriminate against U.S. commerce. Formerly his authority was limited to cases of restrictions against agricultural products.

Additionally, the bill provides new tax rules that will encourage exports and the location of productive facilities in this country rather than overseas. Through the establishment of a domestic international sales corporation—or DISC—a business locating in the United States may have tax advantages similar to those now accruing only where businesses operate through a subsidiary overseas.

Under present law, an exporter using domestic corporation must pay full U.S. taxes on a current basis, while a corporation using a foreign subsidiary generally is required to pay only the foreign taxes on his income as it is returned to this country. Since tax rates in foreign countries average 10 percent less than U.S. corporate income tax rates, this is a distinct advantage.

Additionally, since the deferral depends on leaving earnings overseas, usually to be reinvested, and since this is reinforced by provisions of many foreign countries that impose a tax when dividends are paid, there is a much greater incentive for the utilization of capital overseas than in this country. By providing similar incentives for the investment of capital in this country, it is hoped that our export operation will be improved, and that employment will be located here that might otherwise be located overseas.

It is important to note that the tax incentive is provided only where proceeds of a DISC are reinvested directly or indirectly in export-related assets. Thus, as dividends are paid by the DISC, they will be fully taxable so that the costs of the proposal represent more a deferral of taxes than an exemption. Additionally, it is important to note that costs of the provision will be significantly offset by secondary economic effects resulting from location of exporting operations in this country that otherwise might go overseas. More jobs mean more taxpayers, more manufacturing here means more suppliers for these operations—and these suppliers will pay taxes. Additional transportation and other services as well as many other secondary economic consequences will generate additional tax revenues. These secondary consequences could greatly reduce any costs of our efforts to provide American exporters with the same tax incentives that other countries have long provided for their exporters.

On this precise point, Mr. Chairman, I want to include at this point in the RECORD a letter I received from Under Secretary of the Treasury for Monetary Affairs, Paul Volcker, pointing out the substantial reduction in the cost estimates given the committee that could well result from the secondary economic effects of the DISC proposal:

THE UNDER SECRETARY OF THE
TREASURY FOR MONETARY AFFAIRS,
Washington, D.C., November 17, 1970.

Hon. JOHN W. BYRNES,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. BYRNES: This is in response to your inquiry concerning the revenue effects of the Treasury proposal for Domestic International Sales Corporations (DISC). In accord with past practices, the revenue estimates previously supplied by the Treasury to the Committee on Ways and Means only covered the direct and readily identifiable revenue cost of the proposal. As you know, on the basis of the phasing in provisions stipulated in the House bill, these costs are estimated at $160 million in calendar 1971, rising to $610 million in calendar 1975.

These estimates take no account of the favorable impact DISC will have on the levels of income and employment in the United States which will, in turn, generate additional revenues to the Treasury. Estimates of this indirect effect on revenues are difficult and, to some degree, dependent on the over-all performance of the U.S. economy in the years ahead. Consequently, the Treasury, in presenting proposals of this sort, has traditionally not provided precise dollar estimates of secondary effects. However, I believe we are justified in anticipating with confidence that the direct revenue cost of the DISC proposal will be offset to a substantial degree.

Enactment of DISC would permit and induce U.S. firms to expand export markets in several ways:

(a) They could quote lower prices on exports.

(b) They ould use the tax saving to spend more in creating export markets (e.g., increase foreign sales promotion).

(c) They would forego some marginal foreign investments in favor of continuing to supply the foreign markets with exports.

(d) They will have a less tangible, but nonetheless real, inducement to search out and take advantage of existing profitable exporting opportunities that are now foregone through emphasis on nearby domestic markets.

On the basis of reasonable assumptions, we have broadly estimated that DISC would raise U.S. exports by more than $1 billion a year when in full operation. Indeed, as we indicated to the Ways and Means Committee, certain assumptions, bolstered by analysis of some companies, would permit higher estimates, ranging above $2 billion. Given the usual multiplier effects, as the incomes of those initially employed are respent, even the more conservative estimates should result in increases in total gross national product of about $2.0–$2.5 billion, assuming that the economy is not operating so close to the limits set by manpower and capacity as to require offsetting reductions in other areas of economic activity. This higher product—and the higher employment and income that it implies—can, on the basis of average experience, be translated into higher U.S. tax revenues of as much as $.4–$.5 billion. Apart from this secondary revenue potential, it is also worth noting that the increased production would be associated with perhaps 75 to 85 thousand export-related jobs.

Of course, in some economic circumstances of relatively high employment, a portion of this export-induced income and employment would be drawn from other segments of the economy. This would reduce both the over-all increase in GNP as well as the revenue feedback of DISC. Such economic circumstances do not exist at present.

I would emphasize that, in circumstances now foreseeable, an improved competitive position for U.S. exports should enable the American economy to be operated at somewhat higher levels than would otherwise be prudent or desirable. Conversely, the experience of many countries shows that a weak balance of payments and trade position—other things equal—is one factor that at times tends to inhibit vigorous expansion.

On the basis of average experience in the American economy in recent decades, I feel it is reasonable to anticipate that the DISC proposal will result not only in added exports but also added domestic production and employment. This would, in turn, add to Treasury revenues, offsetting at least a significant portion of the original revenue losses.

As I have indicated, these effects are indirect and depend in part on the over-all level of economic activity, so they cannot be identified with the same precision as the estimates of direct revenue loss, either in prospect or retrospect. But they are, nonetheless, real and should be an important element in full Congressional consideration of the DISC proposal.

Sincerely yours,

PAUL A. VOLCKER.

Mr. Chairman, the Trade Act of 1970 responds to urgent public problems consistent with our obligation under the GATT. It cannot properly be labeled either a protectionist bill or a free trade bill.

It is neither. It is a realistic bill, which does not accept the myth of free trade or the impracticality of economic isolationism. It recognized the need for fair trade.

This bill recognizes that the time has come for other countries to understand—and to demonstrate their understanding—that the United States alone cannot absorb all of the surplus production in the world and that it must be concerned about the jobs and standard of living of our own people.

It recognizes that this Government cannot condone a policy of "raid, not trade"; that it cannot stand idly by and watch our matchless marketplace be raided from countries which have all but closed their doors to trade from us.

It recognizes that no American industry and its workers should be regarded as expendable, and that the pursuit of the international trade dollar should not be without due regard to both conscience and consequence.

And finally, it recognizes that the situation in international trade has changed and that there is a need for some new tools tailored to the needs and demands of today.

The Trade Act of 1970 is such a law.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 2 additional minutes.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I have asked the gentleman in the well to yield bcause I do not expect to use much time myself since I do not want to prolong this debate, but I do want to ask him a question on his own time, rather than take too much time myself, because I think it is important that we bring this bill to a vote today.

Mr. Chairman, I want to say publicly that I think the gentleman from Wisconsin (Mr. BYRNES) and the gentleman from Arkansas (Mr. MILLS) have made masterful presentations of the issues that are involved. Frankly, it is difficult for me to understand how anyone who is interested in fairplay and who is unwilling to see a large segment of American industry destroyed by unlimited imports, can fail to be impressed by the analysis of the bill and the arguments presented by the distinguished gentleman from Wisconsin (Mr. BYRNES), and the equally distinguished chairman, the gentleman from Arkansas (Mr. MILLS). I wish to pay my respects to both of these gentlemen for the job they have done upon this bill yesterday and today, and indeed during the weeks and weeks and weeks of deliberations in the committee.

Now, with regard to the question of retaliation: The gentleman indicated that already 10 other countries have agreements with Japan which restrict exports of textile and apparel products into those countries. Eight of those countries, as I understand it, are in EEC.

Mr. BYRNES of Wisconsin. That is right.

Mr. JONAS. And the record will show that while we have been taking 20 percent of the Japanese textile mill exports, the entire EEC was only taking 3 percent, and it will also show——

Mr. BYRNES of Wisconsin. The gentleman may be correct. I thought we were taking about 50 percent of their exports of apparels and the Common Market was taking 5 percent.

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Mr. JONAS. I was going to mention that.

Mr. BYRNES of Wisconsin. But the gentleman's figures may be accurate.

Mr. JONAS. We are taking 51 percent of their apparel exports, and the EEC is only taking 5 percent.

Mr. BYRNES of Wisconsin. I assume that that is because the voluntary agreement that they entered into was on limiting and establishing a quota on what Japan would send to the Common Market. But the reason for that——

Mr. JONAS. But the point is, has anybody been retaliating against Japan in the EEC?

Mr. BYRNES of Wisconsin. Not that I know of.

Mr. JONAS. If they can make a voluntary agreement with 10 countries in the world to limit exports, why do they refuse to make one with us? If they would negotiate an agreement with us, there would not be any need for this bill; is that correct?

Mr. BYRNES of Wisconsin. Of course, that is what we have been aiming at for a long, long time. We still aim at it in this legislation. Because we say, even with the textile quota that would be provided by the bill, it would be superseded by voluntary agreement.

The President has entered into an agreement with the Japanese that provides a limitation—provided restraint is really what we are talking about—restraint on the increase in imports coming in.

Mr. JONAS. There is one other comment I would like to make, and I would ask the gentleman if he agrees with me. If by any stretch of the imagination the House of Representatives should defeat this bill, do you think there would be any opportunity for negotiating? What would we have to negotiate with?

Mr. BYRNES of Wisconsin. I doubt it, because then the United States and the Congress of the United States has said they will be so advised—just come on boys; it is your market—and they would make it their market.

Mr. JONAS. We would not have anything from which to negotiate?

Mr. BYRNES of Wisconsin. We would have no strength. That is my point. We certainly would be damn poor Yankee traders if we do not have any cards in our hand.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. HARSHA. Mr. Chairman, on several occasions during the present session of Congress I have urged support for long-needed regulations in the area of foreign trade imports. Because we can no longer sit idly by as American plants close and other nations attain astounding economic growth through wholesale importation, I am again urging my colleagues to pass H.R. 18970, a measure I cosponsored that will solidify equitable import quotas on textiles and apparel, manmade fibers and footwear.

Competition from foreign markets has become devastating for many American shoe and textile companies. Foreign manufacturers have concentrated their fire seemingly with the intent of closing down their American competitors. In fact, in many cases, foreign-made goods sell for less in America than in the countries where they are manufactured. Something on the order of 65,000 jobs in the United States have simply disappeared in the past few years because of these tactics and many more manufacturers are suffering huge financial losses because they can no longer compete with the more cheaply produced imported products.

In addition, these same foreign manufacturers have restricted their own shoe and textile imports, thereby forcing America to take a disproportionate share of the output of underdeveloped countries. Complex redtape and exorbitant duties make it virtually impossible to sell any quantities of these goods to the same countries who are dumping them in large quantities here.

Let me point out, Mr. Chairman, that the Nixon administration has attempted to negotiate reasonable relaxations of foreign import restrictions, but, unfortunately, with little success. Almost every country with which we trade exercises similar limitations on the products we export. These restrictions take the form of export licenses, quotas, duties or sanitation laws. They are all designed to penalize American industry by making it more difficult to merchandise our goods on a competitive basis in foreign lands, or to force us to keep those goods at home.

We can no longer afford to sit by and be so blatantly compromised in the area of foreign trade. It takes little economic knowledge to realize the obvious end to the present policies. Thousands more working men will lose jobs. Hundreds more plants will close down and their owners will suffer the agonies of bankruptcy. All of this comes at a time when the unemployment problem is critical enough.

The regulations and limitations we are discussing today have become increasingly necessary over the past few years. I have seen specific examples of the hardships caused in my own district because we have not acted more promptly on this legislation.

In the Sixth District of Ohio many shoe manufacturing firms are located in communities where these factories are the major source of income and employment. It is these small manufacturers in the small towns who first feel the damage of unrestrained growth of imports. It is frightening to realize that unless some form of import control is instituted, foreign manufacturers will probably absorb nearly 50 percent of the American footwear market by 1975. Furthermore, there is every indication that foreign shoe imports could conceivably equal as much as 90 percent of U.S. production in just 5 short years.

America has long been a nation dedicated to free trade, but we will never again see truly free trade if we allow continued foreign exploitation of our shoe and textile markets. Trade must be a two-way street and, presently, the scales are weighted heavily in the favor of foreign competition.

I should also like to point out, Mr. Chairman, that many of my colleagues and many of our Nation's editorials have resorted to flat pronunciations that such regulations as those embodied in H.R. 18970 will inevitably lead to an international trade war. I believe those opponents of the measure are completely overlooking the built-in safeguards and resorting to scare tactics in an effort to gain support for their baseless arguments. They have also ignored the fact that the bill has a self-terminating clause that allows the President to suspend a nation's quota if he can get that nation to negotiate a set of substitute regulations that allow for orderly trade. In this way, the bill leaves the door open for foreign countries to negotiate at the bargaining table.

Mr. Chairman, I hope my colleagues will open mindedly consider the evidence:

First, the growth in both volume and market shares by foreign competitors has caused and still threatens serious injury to U.S. manufacturers through lost production, closed plants, idled workers and impaired profits;

Second, foreign producers enjoy wage-cost advantages which domestic firms are unable to offset with advanced technology and efficient operations;

Third, foreign importers receive benefits from hidden Government aids, direct subsidies or tax rebates; and

Fourth, the United States absorbs a disproportionately large share of imports due to tightly shielded foreign markets.

These points surely demonstrate the overwhelming need for implementation of import quotas as a protective measure for American shoe and textile manufacturers, workingmen, and overall economy.

These limitations on imports will, indeed, make markets more orderly and end the present disruptive tactics of foreign competitors who are picking off and killing one American manufacturing target after another. The bilateral agreements that will follow passage of this measure will also allow for a steady expansion of foreign quotas in the United States, contrary to the arguments of many of the trade bill's opponents.

I urge strong support for quick passage of H.R. 18970, "The Trade Act of 1970," so American shoe and textile manufacturers can once again get into the thick of international competition on an equal basis.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. BOLAND. Mr. Chairman, I commend the gentleman from Wisconsin for his fine explanation of this bill and also for the explanation by the chairman of the great Committee on Ways and Means yesterday.

The gentleman from Wisconsin indicated some are saying that this is a horrendous proposal. But this designation, as the gentleman says, is a red herring.

My point, as you have indicated, is that imports which will continue to flow to our shores even after the adoption of this bill.

I would just like to point out one item here that you mentioned—shoes. In 1969, there were imported into the United States 202 million pairs of shoes. On an annual basis for 1970 that has escalated to 268 million pairs of shoes. All we are seeking to do through this legislation or that the Congress is seeking to do is to stop this fantastic and incredible escalation of the importation of goods. It does not bar importations, but just makes it more equitable and fair.

Mr. BYRNES of Wisconsin. That is absolutely correct.

The CHAIRMAN. The gentleman from Wisconsin has consumed 51 minutes.

Mr. MILLS. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon (Mr. ULLMAN), a member of the Committee on Ways and Means.

Mr. ULLMAN. Mr. Chairman, I rise in opposition to this legislation—not because there is not a trade problem but because this is not the real remedy for the problem in this country.

What is the real reason that we are not competitive in the world market today? We are becoming increasingly noncompetitive.

First, it is because of the continuing rampant inflation in this country.

Second, it is because of the backsliding economy.

We are never going to become competitive in the world market until we get control of these situations.

If we had a growth economy in America today with controlled inflation, we would not be here today debating this legislation.

It is high time in this Nation that we faced up to the real problem and that we get a handle on wages and prices and that we direct credit into the right and socially desirable channels and that we reestablish a dynamic growth economy.

Enactment of the proposed Trade Act of 1970 would clearly be a regressive step, setting back world trade and slowing economic recovery here at home. The proposed legislation—with its inherent inflationary factors—is a specific threat to our economy, at a time when the U.S. economy is already in serious difficulty.

It is true that the United States has problems with some of its world trading partners. Though our balance of trade currently shows a surplus, the calculations are somewhat misleading. For example, the value of imports is not set high enough because it is calculated at the foreign port of departure. More realistically, it should account for the added cost of transportation, and the total value should be computed after the import lands at our shores. On the other hand, the value of our exports is inflated, with Commerce Department figures including the value of goods sent free-of-charge abroad under aid programs, and sales of military goods overseas.

Moreover, the overall surplus masks serious trade deficits that we are now experiencing with a number of individual nations. Chief among these is Japan. Our true trade deficit with Japan last year was near $2 billion.

We must come to grips within this highly imbalanced situation. But in doing so, we would be making a grave mistake to pass sweeping restrictive legislation that would surely bring reprisals from all our world trading partners, and erase the progress of the past 35 years in world trade relations.

We should instead go to the real source of our world trade problems—rampant inflation in the U.S. economy. The 6 percent and higher rate of increase in the price of our goods that we have seen for nearly 2 years now, and which we are still experiencing, is the primary cause of our trade difficulties. Our exports are being priced out of the marketplace. We are not competitive.

Add to this the current stagnation in our economy, with U.S. industry producing at far below its capacity, and it is not at all surprising that other trading nations are pulling sharply ahead of us in the world marketplace.

Japan's economic growth booms ahead at the rate of 14 percent a year, and West Germany's is expanding by 8 percent a year. Ours is at a virtual standstill. Upward movement in our economy applies only to unemployment and the cost of living, an unenviable record.

The only way we can get back to a competitive position in world markets is to re-establish dynamic growth in our economy. We cannot accomplish this goal under the present economic policies of this administration.

For nearly 2 years, this administration has failed to take up the tools available to repair the economy and control inflation. It has refused to act in the key areas of prices, wages, and credit. We have instead been diverted with talk and rosy economic forecasts. Now, for instance, the administration is asking us to believe that all will be well by 1972, when we will reside in a Camelot of full employment and 6 percent growth annually.

We have made no economic progress at home or overseas in 2 years despite similar, earlier predictions, and we will see no progress by 1972 unless the administration begins to substitute action for rhetoric.

In June of last year I told Secretary of the Treasury Kennedy that I could not support extension of the tax surcharge unless the administration did the things that had to be done to stop inflation. I also wrote to the Secretary outlining a program for such action. I urged that the administration move into the area of wages and prices, and impose a tough policy of guidelines, making clear that the national interest will not tolerate increases in prices and wages above these guidelines.

I urged that the administration take a firm hand in shaping the use of credit in the economy, helping to direct available financing to areas of national social need, such as housing. Secretary Kennedy replied that the administration would not, as a matter of policy, take such steps.

Unfortunately, the administration has stuck with this policy decision, and we have paid dearly for it in the ensuing months.

Today business activity is weak with no upsurge in sight. A recent survey of industry's capital spending plans for next year shows that only a 2 percent increase in expenditures is planned. Part of this depressing forecast can be attributed to the administration's successful drive last year to repeal the investment tax credit, one of the most useful and effective tools developed in our economy in recent years.

The consumer is caught on the horns of inflation, the final victim of outrageous wage increase settlements in the auto, construction and transportation industries, and the retaliatory price increases made by business to cover its increased labor costs.

We cannot regain strength in our economy and in our world trading position without a tough new policy on prices, wages, and credit. We must have real restraints applied coupled with a visible relaxation of monetary policy that will bring down long-term interest rates for the average citizen. We should reinstitute the investment tax credit.

This is the answer to our world trade problems; not the ill-designed and ill-directed legislation before the House.

I would ask you to reject this bill. I would urge the President to use the full authority now available to him to move strongly against Japan and other nations violating the spirit and intent of the GATT agreements. He should insist through tough bilateral bargaining that these nations open their doors wider to American goods.

But, above all, I would again request that the President and his administration act now to put dynamic growth back into the U.S. economy so that American industry is capable of meeting the growing challenge of world trade.

Compared with the real economic problems of this Nation, this legislation today is really a tempest in a teapot. So I am going to vote in opposition to the legislation.

I would like to commend the distinguished chairman of the committee for the untiring work that he has put into this legislation, much of which certainly should be adopted. I would like to ask the distinguished chairman of the committee whether I am correct in assuming that the reference in section 205(a) of the bill to subchapter II of chapter 5 of title 5 of the United States Code refers to the Administrative Procedures Act.

Mr. MILLS. The gentleman is correct.

Mr. ULLMAN. Am I, Mr. Chairman, also correct in assuming, therefore, that this section would permit an importer or retailer of a product not exempted from the quota provisions to obtain a hearing on the question of whether the product in which he is interested should be exempt?

Mr. MILLS. The gentleman is correct.

Mr. ULLMAN. I merely wanted to establish, Mr. Chairman, that an importer or retailer would have the opportunity in a fair administrative hearing to seek an exemption, and that these exemptions would not be denied without affording importers and retailers due process, including the opportunity to be heard and

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to obtain findings on the record which must be supported by substantial evidence.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the distinguished chairman.

Mr. MILLS. I share the gentleman's concern, and that is why the bill makes reference to the Administrative Procedures Act.

Mr. ULLMAN. I thank the gentleman.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman.

Mr. ANDREWS of Alabama. Mr. Chairman, we are dealing today with the very survival of one of this Nation's greatest and certainly one of its most efficient industries—the American textile industry.

During the many months—yea, the years—that the matter of textile imports has been discussed in and out of the Halls of Congress, the cheap-textile-producing nations have so increased the amount of imports pouring into the United States the bill we are considering today is almost too late.

We must pass H.R. 18970, the Trade Act of 1970, and we must pass it now. We do not have time to worry about hurting the feelings of Japan. We are dealing with the survival of an industry that employs 2.4 million workers. Over a hundred thousand of them have lost their jobs already this year—victims of low-wage textile imports.

In my own State, textiles represent the second largest industry, employing 42,200 people, with an annual wage well over $200 million. They help form the backbone of the economy of Alabama. The story is the same in many other areas throughout this Nation.

The success formula used by cheap textile nations, notably Japan, is simple enough, but it could not work without the cooperation of the United States. The Japanese textile worker makes about 36 cents an hour, while the American textile worker receives, on the average, $1.99 per hour.

The American textile industry is required by law to pay the minimum wage of $1.60 per hour, while the Japanese not only have no minimum wage but enjoy a government subsidy for their exporting efforts.

By using labor paid coolie wages, Japan earned $94.4 million last year from textile shipments to the United States. We import $800 million more in cotton, wool, and synthetic fibers than we sell abroad, and one-half of this trade deficit comes from Japan.

Our generosity has not been met by the Republic of Japan. While we have placed no restrictions on Japanese imports, she has restricted goods that we exported to her. While Japan has refused to negotiate voluntary quotas with the United States, she has made such agreements regulating textile trade with nine other nations.

Japan's stubbornness and our tolerance have helped that nation build up a textile trade advantage over the United States of $525 million.

The notion that we should sacrifice our own domestic industry in order to build up the same industry in a foreign country is outrageous enough, but when I think of the refusal of Japan to give the United States any help in Vietnam, I am even more at a loss to understand why we should be so generous to that nation.

Aside from the disastrous effects the present textile trade deficit is having on those employed in the industry, the American consumer can also expect problems ahead.

Once a market falls under the domination of a foreign nation or nations, the laws of this Government against cartels and subsidies will no longer apply, and the consumer will be the loser. The silk industry, for example, has doubled its prices since 1959. General prices in the United States are up 17.1 percent since 1957–59, but the textile-apparel prices are up only 9.5 percent.

The Japanese have refused voluntary quotas. They have shown that their greed will outweigh any other consideration in this vital matter.

Therefore, we must limit textile imports to the average imported during 1967–68. If the Japanese do decide to respond, the bill will permit negotiated quotas above the 1967–68 figures. It will also make it easier for industries to show injury from imports and obtain relief.

Mr. Chairman, we face a grave crisis in our domestic textile industry. The hard-working men and women in this industry are looking to Congress for action. They are looking for us to pass reasonable legislation to protect them.

H.R. 18970 is such legislation. I urge a favorable vote on the bill by this House.

I include a letter at this point.

UNITED TEXTILE WORKERS OF AMERICA,
New York, N.Y., November 12, 1970.

To Members of Congress.

Sir: A resolution was adopted by the United Textile Workers of America at its annual Southern Conference in Atlanta, Ga. on October 23, 24 and 25. This conference was attended by delegates from W. Virginia, Virginia, North Carolina, South Carolina, Tennessee, Georgia and Alabama.

The same concern for the continuing loss of textile jobs, resulting from the ever-increasing rate of imports has become the most crucial issue for textile workers throughout all of the United States.

Secretary of Commerce Stans stated that 65,000 textile workers lost their jobs in the past 12 months due to textile imports from the Far East. He further stated that if imports from Japan, Taiwan and Hong Kong continue at the present rate, the unemployed figure could rise to 100,000. As a result of international agreements since 1961, cotton fabric yarns and apparel imports have slowed down, while, at the same time, imports have shifted to fabrics and apparel made of other fibers.

The American government has attempted, on many occasions, to conclude agreements to regularize this trade. Japan has been the leader of rebuffing every attempt and, as a matter of fact, their arrogant conduct has verged on insult.

It is important that the House of Representatives and the Senate pass legislation to check the growth of textile and apparel imports, along the lines of the Trade Act of 1970, H.R. 18970 reported out by overwhelming vote in the House Ways and Means Committee, and under review by the Senate Finance Committee as part of the Social Security amendments.

65% of the textile industry and apparel manufacturing of this country is located in small communities. Any threat to the survival of these industries will sound the death knell for the economic life of hundreds of these communities, and it will hit severely men and women suffering from hard core unemployment, whatever their color, in small towns and large cities. It will create a tremendous increase in unemployment and, therefore, welfare costs.

It is necesary to safeguard the labor standards attained in the United States from erosion by unfair foreign competition based on the perpetuation of wages as low as 9c an hour, untold hours of work, and the exploitation of children.

We urge you to protect us as this problem cannot be handled through collective bargaining and we, therefore, must appeal to our elected representatives to assist us in protecting our people.

Sincerely yours,

GEORGE BALDANZI,
International President.

Mr. MILLS. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia (Mr. LANDRUM), a member of the committee.

Mr. LANDRUM. Mr. Chairman, it seems to me there has been much misinformation regarding the nature of the trade bill now before the House—and regarding the historical context of this bill.

Its opponents have said that it signifies a return to protectionism and the end of reciprocal trade. This is just not true. The fact is that this bill would attempt to restore reciprocal trade. The record shows that the United States did not insist on reciprocal trade relations during the 25 years after the Second World War, and, as a result, did not receive reciprocity. While such an American policy could perhaps be justified for war-torn lands in the 1940's, it cannot be justified today in our dealings with the prosperous countries of Western Europe or with Japan.

Opponents of the present bill usually begin and end with an unfair comparison of this legislation with the Smoot-Hawley Tariff Act of 1930. As we are all aware, this country turned inward in its trading relations with the rest of the world following the onslaught of the great depression and the stock market crash of 1929. The Smoot-Hawley Tariff Act raised import duties on most of our imports and in many cases imposed duties of up to 50 percent on the value of the imported article. The act became law in a period of financial stress; unemployment was growing rapidly, the country was clearly headed into a depression and other countries were taking similar measures to protect their own economy. At the time the Tariff Act was considered to be a defensive move necessary to assist our agricultural economy and to safeguard American jobs and American industries.

A short time thereafter, in 1934, Congress approved a law to reverse the trade policy established in the Tariff Act of 1930. Franklin D. Roosevelt had been elected President. His Secretary of State, Cordell Hull, a fine spokesman for the agricultural interests of the South, sponsored a program which was called the Reciprocal Trade Agreements Act. The basic idea of the program was one of reciprocity. There was no intention to engage in a unilateral tariff disarmament. Under the Trade Agreements Act, tariff reductions were permitted through negotiations and in exchange for tariff reductions by other countries. The negotiations were conducted on a bilateral basis and called for the careful trading of tariff concessions in order that no domestic industry be seriously injured by the tariff reductions. A number of trade agreements were negotiated and the downward trend in the level of U.S. tariffs which stood at 50 percent in terms of dutiable imports had begun.

In the late, 1930's, however, other countries continued to engage in tariff discriminations and competitive currency devaluations. A number of countries used trade strictly as a political weapon for their own ends. The world became divided into trade warring blocs. Complete economic warfare became a reality with the growing friendship between the Fascist countries of Germany, Italy, and Japan.

With the beginning of World War II and the entry of this country into that war, efforts to achieve liberalization of international trade were for the most part set aside. Thus, the Reciprocal Trade Agreements program initiated in 1934 had little opportunity to bring the peace which had been promised by its supporters. Nationalism was too great a force in those days for an outward looking commercial policy to overcome.

I believe that the policy embodied in the Reciprocal Trade Agreements Act of 1934 was a wise policy. Moreover, I feel that the basic idea of reciprocity in our trade relations must continue to be the basis for trade relations with other countries if international trade is to make the contribution that can be made to the economic progress and development of all countries.

Unfortunately, for a number of reasons, reciprocity has been too often ignored. The United States after World War II had emerged from the depression and became the greatest industrial power in the world. Our basic industries: steel, petroleum, chemicals, textiles, heavy machinery, aircraft, and electronics developed beyond any expectation that one might have had in the 1930's. Our agricultural abundance added to the economic preponderance of the United States in world markets.

Thus, the situation at the end of World War II was all in our favor, both economic and military. Europe and Japan were prostrate, unable to recover by their own efforts. The U.S. response to this situation was the most magnanimous gesture ever undertaken by a victorious nation. Instead of demanding reparations, we poured economic and military aid into Europe and Japan, asking little in return. Indeed, $22 billion of Marshall plan aid went to Europe between 1947 and 1952, most of it on a grant basis; that is, we asked no payment in return. As it turned out later, this might have been a shortsighted view of the ability of Western Europe and Japan to recover.

In 1947, our trade balance showed a surplus of $10 billion. We were preoccupied with what was called the dollar gap—a shortage of dollars abroad. We not only extended billions of dollars in foreign aid, but we also adopted trade policies aimed at increasing the flow of dollars abroad. In place of a bilateral trade agreements program, we negotiated a multilateral trade agreement known as the GATT—General Agreement on Tariffs and Trade. We began rounds of tariff negotiations in which we agreed to cut our tariffs substantially. Just as in the aid program, we did not require Europe or Japan to go along in a fully reciprocal way. Our political and economic goals, of course, were the rebuilding of a strong and self-sufficient free world.

In 1949, European countries were only slowly recovering from the ravages of war. It was that year that most of the countries devalued their currency in order to improve their competitive position. The devaluation was substantial and had a tremendous effect. Our trade surplus went from $10 billion in 1947 to $5 billion in 1949 and down to $1 billion in 1950.

Indeed, 1950 marked the first year in the post-World War II period in which this country experienced a balance-of-payments deficit. These deficits have continued ever since. At the time, however, the payments deficit was welcomed as a means of putting more purchasing power in the hands of our friends abroad. The continuing deficits we experienced in our balance of payments in the years between 1950 and 1956 caused no alarm. The deficits were relatively small—$1½ billion a year; we still had substantial gold reserves and our economic superiority was still unquestioned.

In 1958, however, the situation began to change. After much talk about economic and political unification, six of the European countries gathered together in what is now called the Common Market. The ultimate aim of the Common Market was to get rid of all trade barriers between those countries and ultimately to achieve common fiscal, monetary, and agricultural policies. At the same time, a common external tariff would be imposed on imports from outsiders. We welcomed the economic unification of Europe both for economic and political reasons. Politically, a strong Europe was felt to be a necessary bulwark against further Communist encroachment. Economically, it was felt that the trade discrimination against countries outside the market would more than be offset by economic growth within the Common Market.

On the other side of the world, the Japanese also began to gain economic strength after 1958. The industriousness of the Japanese people, their ability to take advantage of U.S. technology, and the economic and defense umbrella of American military forces in the Pacific, all enabled Japan to devote its energies to enhance its commercial position.

It was also around 1958 that American companies began to move abroad en masse, partly to take advantage of the growth potential in other industrialized countries and partly to take advantage of the low labor costs in Europe and the Far East. One of the results of these forces working together was further deterioration in our balance-of-payments position.

From 1958 through 1968, our gold stocks declined by some $12 billion. Moreover, dollars held by foreigners doubled over this period. At the end of the fifties, we engaged in what was called the Dillon round of trade negotiations and further reduced our tariffs by some 20 percent. It was hoped by the negotiations to keep the Common Market outward looking. However, these negotiations did nothing to change the direction of European agricultural policies which began to manifest themselves in a device known as the variable levy.

When President Kennedy was elected in 1960, he made the first order of legislative business a new grant of trade agreement authority. It was hope that, through trade negotiation, the United States would be able to deal with the inherent trade discrimination of the European Economic Community. Further, it was hoped that, through further trade liberalization, the United States could improve its balance-of-payments position. The Congress accepted the President's arguments and granted him sweeping authority to negotiate tariff reductions. In the 1962 act, the President was permitted to cut tariffs by 50 percent and was provided authority to reduce tariffs to zero on products in which the United States and the Common Market had an overwhelming interest. The Congress assumed that the Common Market and other industrial countries, including Japan, would fully reciprocate. Indeed, in the hearings before the Congress, it was emphasized that reciprocity was to be the guiding principle for U.S. negotiators. The Kennedy round lasted 5 long years, during which the United States continued to experience large balance-of-payments deficits. The European countries—namely France, under General De Gaulle—put additional pressure on the dollar by large purchases of gold. As a result, the U.S. Government began placing restrictions on American capital investments abroad.

The Kennedy round was completed on June 30, 1967, the day the President's trade agreement authority under the 1962 act terminated. Although the exchange of tariff concessions was substantial, the Kennedy round, to a large degree, failed to deal with two principal areas of trade relations: U.S. negotiators were unable to change the growing protectionist trend in the European agricultural policies, nor was there any success in dealing substantively with the nontariff-barrier issues. Since the results of the Kennedy round were announced, Congress was beseiged by pleas from many basic industries for relief from burgeoning imports. These pleas were not the usual handful of complaints from smaller industries which have traditionally opposed the liberal trade program.

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The complaints came from large industries, like steel, textiles, shoes, dairy, meat, oil, electronics, and chemicals. The intensity of the demands by these industries caught the executive branch and the Congress by surprise. Only 5 years before, many of these groups had supported the Trade Expansion Act. Continued balance-of-payments crises and moves by the administration to control American tourist expenditures abroad added fuel to the fire of the trade debate which began to rage in the Congress. Meanwhile, imports rose rapidly while export growth barely kept pace with the growth in the domestic economy.

One thing was clear—the situation could no longer be characterized simply by free trade versus protectionism. Large American industries were pointing out that the United States did not receive the reciprocity expected from foreign countries. Yet, these countries encouraged exports to the United States.

It was pointed out, for instance, that Japan maintains over 90 quantitative restrictions on items of export interest to the United States—to say nothing of its restrictions on investment.

The Japanese Government also provides many special forms of export insurance, including investment, price, loan, and overseas advertising risks. And exporters are permitted to reserve up to 5 percent of their export proceeds for foreign market development—which is tax deductible—even if not spent. Special depreciation rates for plant and equipment are granted by the Ministry for International Trade and Industry if the enterprise is concerned with export promotion.

The Italian Government rebates to wool textile exporters the integrated rate of the general turnover tax. In addition, of course, Italian exports—including all textiles—receive a rebate of the transactions tax in the amount of 6 percent of the export value together with a refund of certain manufacturing taxes.

American agricultural exports have been hard hit by the import policies of the European Common Market. We all know what happened to our chicken market in Europe when the European Community launched its variable levies: Our hard-won market disappeared. The American response was very disappointing. It was a classic example of too little and too late. If we had told the Europeans in no uncertain terms that "for every American chicken you pluck, we will cut off a Volkswagen coming into the United States," they would have thought twice about putting on the variable levy. Unfortunately, this country hemmed and hawed until the Europeans were convinced we would not act to harm their exports substantially. This was a case where our political goals of friendship and European unity overwhelmed our own economic self-interest. Now we find that our wheat, corn, tobacco, and barley exports to the European Community are being curtailed by the growing protectionism inherent in the common agricultural policy.

In the industrial area, Europeans increased their border taxes and export rebates. This they were able to do under the rules of the GATT negotiated in 1947. As you recall, we had a $10 billion trade surplus then and we were trying to put more dollars in the hands of our friends abroad. It is all too clear that in the instance of tax rules in the GATT, we agreed too quickly to rules which do not insure reciprocity. As imports of textiles and electronics products from Japan, Hong Kong, and Taiwan increased rapidly during the 1960's, our industries pointed out that Japan in particular continued a rigid system of control over imports and investment. Thus, U.S. producers were denied access to the Japanese market. The reciprocity which we have sought in our trade negotiations simply has not come about.

To a large degree, the failure of our negotiators to insist on full reciprocity and the failure of our trading partners to extend that full reciprocity has been due to the continued assumption that the economic preponderance of the United States could support a continuation of the economic policies of the post-World War II period. This was evidenced in the amendment of the domestic procedures under which industries could seek relief from injurious import competition. The tariff-adjustment provisions of the 1962 act were so rigidly drawn that no industry was successful in obtaining relief until just the past year. This lack of relief to domestic industries increased the pressures for restrictions on imports. I might add, it also increased the pressures on the Congress for legislation to control imports by quantitative limitations.

To a large degree, our trade policy has been at a standstill since the end of the Kennedy round. In mid-1968, the executive branch reluctantly recommended further tariff-cutting authority but made no recommendation for amending the tariff-adjustment provisions in order that American industries could obtain relief from injurious import competition. The Committee on Ways and Means held extensive hearings on the executive branch's trade proposals but was to take no action prior to the adjournment of the Congress.

One major effort of the present administration has been the attempt to negotiate an agreement with Japan and other major textile exporting countries to control the flow of textile and apparel imports into the United States at reasonable levels. As you know, these efforts have not as yet proved successful.

At the present time, the textile industry in the United States directly employs some 975,000 persons and the apparel industry—vital to employment of minorities in many of our crowded inner cities—hires another 1.4 million Americans. It is these two important industries that have suffered during the delay of negotiations.

Capital expenditures for new plants and equipment have dropped 8 percent in the past year—and are down almost $250 million since 1966.

Total employment in the textile and apparel industries dropped 100,000 in the first 9 months of this year—the lowest level since 1966.

Profits in the textile industry declined 44 percent as a percentage of sales from the second quarter of 1969 to the second quarter of this year; and fell 46 percent as a percentage of equity during the same period.

Profits in the apparel industry slipped 32 percent as a percentage of sales from the second quarter of 1969 to the current second quarter and were down 37 percent as a percentage of equity.

The Federal Reserve Board's production index for apparel products in July dropped 7 percent from the 1969 level. Its average index for the May–July 1970 period was the lowest since October 1964.

Unfilled orders for cotton, wool, and manmade fiber woven gray goods at the end of August 1970 were 19 percent less than August 1969.

Inventories of cotton, wool, and manmade fiber woven gray goods were 23 percent higher at the end of August 1970 than in August 1969.

Textile and apparel imports made from cotton, wool, and manmade fibers continued to climb during the first 9 months of 1970. Our trade deficit in these products—which was $500 million in 1966 and $1 billion in 1969—is expected to exceed $1.2 billion in 1970. The heaviest influx, as most of us know, has been in the area of manmade fiber products.

After the President submitted a trade proposal to the Congress at the end of last year, the Committee on Ways and Means began extensive hearings on the matter.

Our hearings encompassed some 16 volumes and included petitions by over 70 industries for import quotas. Moreover, many of the major organizatons joined domestic producers in requests for restraints on imports. The committee, of course, also received the views of those who oppose any change in existing trade policy, and who emphasized the need to recognize the contribution that past trade policies have made to this country and our major trading partners.

Let us examine the choices that were before the committee on the basis of the testimony received:

First, we could have simply given the executive another carte blanche negotiating authority, another opportunity to achieve reciprocity, without safeguarding the interest of American industry and labor in any meaningful way;

Second, we could have conceded to the demands of 70 industries, plus American labor for import quotas on a host of imported products;

Third, we could have raised tariffs as we did in 1930 under the Smoot-Hawley Act; or

Fourth, we could have provided a moderate degree for protection for outstanding problems and criteria for relief for other industries if they were found to be injured by import competition, while at the same time showing the rest of the world that we were still interested in reciprocity, if they are.

The Committee on Ways and Means has basically taken the fourth option. It proposes some temporary restraints on imports of footwear and textile products, which could be superseded by voluntary agreements on the part of textile and shoe exporting countries. We do not feel this is too much to ask for all we have done for Europe and Japan when they were in difficulties, and in the light of their own protective devices against precisely those industries which are bearing the major brunt of foreign competition here in America.

We also propose revising our unfair trade practice statutes so foreign countries cannot dump their wares on our market with impunity. We have modernized our escape clause and adjustment assistance provisions to give injured parties a fair chance to gain some relief. We propose giving the President some authority to reduce tariffs which we expect would be mainly used to offset whatever restrictions the President finds necessary to protect injured domestic industries. And, to aid our balance of payments, we have approved an export tax incentive which, I might add, was promoted by the Treasury Department as a response to the export tax incentives employed by our foreign trading partners.

There are those who say this bill is another Smoot-Hawley; that foreign countries will retaliate against American exports. Frankly, I believe that those groups which are spouting this reaction are speaking emotionally to protect their import interests and not realistically.

Legislation to regulate the growth of textile imports will have no significant effect on consumer prices. While import legislation should slow this rapid rise it will not prohibit large volumes of imports from textile producing nations around the world.

Prices are affected by many factors from day to day—including the general business cycle, deflationary or inflationary Government monetary policy, shifts in consumer tastes, and other factors.

The textile quota provisions of the pending trade bill are so generous that the present product mix of the tremendously wide variety of styles and fashions of men's, women's, and children's clothing in low, medium, and higher priced brackets will continue to be available at the retail counter.

Actually, the maintenance of a highly competitive, expanding domestic textile-apparel industry is the consumer's best assurance that he or she will continue to receive quality textiles at reasonable prices. When any segment or large part of that market falls under foreign domination, the competitive influence on prices can be lost. A good example of the latter is silk. Japan and Italy dominate the world's silk-textile production. And, as a result, since 1960, the wholesale price index of silk textiles has increased some 89 percent. During the same period, the price of all textile products—operating in the competitive U.S. market—have increased only 1 percent and the combined textile and apparel index is up about 9 percent.

There has been talk, of course, that if the United States limits importation of textiles and apparel from other nations, they will retaliate against our agriculture exports.

Let us consider, for a moment, the case of Japan. Can Japan afford to retaliate against American exports of soybeans or cotton in the light of the fact that it is totally deficient in production of these commodities, which it needs to feed and clothe its population? Japan buys our soybeans, according to Dr. McDonald K. Horne, Jr., former chief economist of the National Cotton Council, because Japan needs them vitally. She already buys most of China's exportable soybean supply—and there is no practical outlook for much increase in that supply. In 1969, the world exports of soybeans came from the following countries: United States, 311.1 million bushels; mainland China, 18.2 million bushels; Brazil, 11.4 million bushels; and all other countries, 1.7 million bushels.

Dr. Horne has pointed out that since 1958 there has been a significant reduction in China's soybean acreage in compliance with the regime's general policy to convert land from low-yielding crops to high-yielding ones. And soybean production is considered a low-yielding crop.

There are, of course, many cotton-producing countries—and Japan is our greatest cotton export market. Our cotton industry does not, however, expect retaliation. It does not believe retaliation will come from individual Japanese business firms. Quite sensibly, the Japanese buy their cotton where they can get the best deal. For example, they purchase about one-half of Mexico's export cotton year after year— although they sell virtually no textiles to Mexico. Last year, in fact, Japan bought more cotton from Mexico than from the United States.

Altogether, it is highly doubtful that Japan will retaliate against our agricultural crops. After all, Japan exports over 30 percent of its total exports to the U.S. market, and it would stand to lose far more than the United States by engaging in retaliation. We import almost $2 billion more from Japan than we export to Japan. Why would they lose that business?

Now, the European countries are threatening to put a tax on soybeans, but they have been threatening that for a long time. They may use this bill as an excuse to do this—if they do, it will be an irrational act because Europe has far more to lose than it could possibly gain in a trade war with the United States. Have you noticed how many Volkswagen beetles there are on the road in the United States? There are not too many Fords or Chevys picking their way through the streets of Paris or Rome. I am sure that Henry Ford and General Motors would not mind if we established a "variable levy" on imported cars, or a road tax on cars with engine cylinders exactly the same size as Volkswagen—that would be reciprocity according to the way the Europeans play the game. The Europeans have a lot more at stake. We still have six divisions of American boys over there to protect them at an enormous cost to us in budget and balance-of-payments terms. Over 50 Senators have cosponsored a resolution introduced by Senator MANSFIELD to pull some of our boys back. If they want to retaliate, I think that resolution would pass both Houses in 3 days and the boys would be coming home. It has been 25 years now that we have been protecting them. Now it is time they did something for the free world for a change.

I don't know whether or not this legislation will become law—I sincerely hope that it will. I can tell you that I think the days for unlimited open-door one-way free trade are over. We must restore balance and reciprocity in our commercial relations with foreign countries and this bill is a start.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. LANDRUM. Yes; I am glad to yield to the gentleman.

Mr. ICHORD. I want to commend the gentleman in the well for the outstanding speech he has just made.

As stated, he rejects the contention that this bill rejects the principles of free trade. I certainly want to concur in that evaluation.

I would like to ask the gentleman this question: Is it not true that in most instances the provisions of this bill are very flexible, giving the President, the Executive, discretionary authority rather than mandating him to take such action?

Mr. LANDRUM. More so than any it has been my pleasure to read and study. As a matter of fact, all of the critics to the contrary notwithstanding, I think they have just been reading and looking at their prejudices rather than looking at and reading what the facts ofthe bill are.

Mr. ICHORD. Mr. Chairman, I rise in support of H.R. 18970 and especially in favor of title II of the bill providing quota limitations on imports of textile and footwear articles. My district has a large number of garment and shoe factories providing employment for thousands of my constituents and hardly a day passes without the receipt of a letter advising me of a further layoff of workers or the closing of a plant due to the inability to find a market for garment and footwear production, the markets having been swamped with the import of cheaper foreign-made articles. I concur with the finding of the distinguished Committee on Ways and Means that these temporary measures are abolutely necessary to insure the inability of the textile and footwear industries which provide jobs for more than 2½ million American workers.

Mr. Chairman, I reject the contention that this is a return to American economic isolation. It is axiomatic that if another nation can produce article A more efficiently or at less cost than this Nation and we can produce article B more efficiently or at less cost, we should produce article B and the other nation should produce article A. Both nations will benefit from the resulting trade. We, who support this measure are not rejecting the principle of free trade. Instead we are recognizing the fact that trade is a two-way street; that the domestic and foreign policies followed by this country since the end of World War II have finally pushed American industry up against the wall. These policies have placed American industry at a serious trade disadvantage. Foreign-based industries not only have the advantage of lower labor costs but they also have the advantage of lower taxes. In addition, many nations subsidize their exporting industries like

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Japan, for example, which permits special depreciation allowances for assets used in export production. Other nations provide tax exemption for exporting industries while we observe this nation actively encouraging American companies to locate their plants abroad by establishing programs to insure the company against ex-appropriation and other hazards. Is it any wonder that so many American companies have chosen to relocate their production plants abroad?

In the past 5 years imports of footwear have increased from 96 million pairs to 202 million pairs. Domestic production declined from 642 million pairs in 1968 to 581 million pairs in 1969. The situation is equally bad, if not worse, in the textile field. For example, there were 501,000 dozens of sweaters imported in 1965. In 1969 there were 6,974,000 dozens imported. Is there any wonder that plants are being closed and work forces are being reduced?

Mr. Chairman, the provisions of this legislation are very flexible. The legislation, should not be viewed as establishing a policy of protectionism but as an honest effort to face up to some very hard facts. The President must be given the discretionary authority contained in this legislation to take the necessary steps to save the jobs of thousands of American workers.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Michigan (Mr. CHAMBERLAIN).

Mr. CHAMBERLAIN. Mr. Chairman, I would like to address myself to one area of U.S. trade which is dealt with only indirectly in H.R. 18970, but which certainly must be closely watched by the Congress. I refer to the operations of the United States-Canadian Automotive Products Agreement. H.R. 18970, the Trade Act of 1970, would amend the Automotive Products Trade Act by renewing the transitional adjustment assistance for firms and workers which expired on June 30, 1968. H.R. 18970 would also amend the provisions of the Automotive Products Trade Act which provides for such adjustment assistance to firms and groups of workers adversely affected by the operations of the agreement by liberalizing the criteria for granting the assistance and to conform it to the more liberal standards of the Trade Expansion Act, as would be amended by H.R. 18970.

Mr. Chairman, in requesting the implementation of the United States-Canadian Auto Products Agreement, the Congress was given certain assurances as to mutually beneficial developments in automotive trade between the United States and Canada under the agreement. Some of the assurances, such as the expansion of trade, have been realized. Automotive trade between the United States and Canada has increased. Automotive production in Canada has increased.

However, the substantial export surplus in automotive trade with Canada has almost disappeared, and the overall trade surplus with Canada has turned into a substantial deficit. Moreover, the transitional restrictions affecting production in Canada and automotive imports into Canada still exist. As observed in the report of the Committee on Ways and Means, the objective of the agreement of allowing market forces to determine the most economic pattern of investment, production, and trade has not been attained. Market forces have not yet been allowed to operate freely.

The Canadian requirement of the maintenance of production to sales ratio for U.S. automotive companies producing in Canada, in general, has been exceeded and the continued effect of the production to sales ratio is difficult to judge. Suffice it to say that the continued existence of this requirement does affect the management of the automotive companies in their production and marketing decisions.

The Canadian "valued added" requirement has also been exceeded in actual practice. However, the length of time that U.S. manufacturers will be committed to maintain an agreed upon "Canadian content" in manufacturing in Canada is all too unclear, and such undertaking also can affect the freedom of market forces to operate.

Finally, the failure of Canada to permit individuals to import automobiles from the United States free of duty, the special requirements on the importation of original equipment components and parts, as well as the factors mentioned above, have contributed to the maintenance of price differentials between the United States and Canada. Despite the fact that the differentials between prices paid for automobiles in Canada and the United States has declined, the higher Canadian price continues to interfere with commercial decisions, and frustrates the objectives of the agreement. As you will find on page 54 of the report:

> The committee notes with concern that five years after the agreement was signed the Canadian duty remains virtually unchanged and Canadian citizens still cannot import automobiles duty-free from the United States, although there is no such restriction on imports from Canada. This Canadian restriction and other conditions frustrate the achievement of the free-trade objectives of the agreement.

Mr. Chairman, unless and until our Government representatives firmly insist that the Canadians live up to the spirit as well as the legal requirements of the agreement, Canada will continue the transitional restrictions on automotive trade to the long run detriment of producing interests in the United States. This is yet another example of foreign countries making progress so slowly in removing restrictions and living up to the terms of international agreements that the progress is barely perceptible. Such a lack of action completely denies the basis of reciprocity and goodwill that give such agreements validity. It is time that the validity of the United States-Canadian Automotive Agreement be established. If Canada does not take concrete steps to provide full and complete reciprocity between that country and the United States as contemplated in the automotive agreement, I firmly believe that the Congress should repeal the Automotive Products Trade Act and thereby terminate the agreement. This is a problem that demands the very close surveillance of the next Congress.

Turning to the broader provisions of the bill before us today, the Trade Act of 1970, has as its main goal free and fair trade. In view of current international economic conditions and attitudes, however, it has become disturbingly apparent that free trade does not always mean fair trade. This bill consequently contains provisions that would both raise as well as lower trade barriers depending upon the products and the particular imports involved.

Among the provisions of H.R. 18970 are the President's requests for the extension of tariff-cutting authority, the repeal of the American selling price system of calculating duties on certain chemical imports; the Domestic International Sales Corporation—DISC—proposal providing for advantages to American export firms; and liberalized adjustment assistance provisions for firms and workers adversely affected by rising imports. In addition, in the absence of diplomatic agreements with certain countries to limit their textile and footwear exports, quotas would be established holding such imports to the average level for the years 1967 through 1969. The President also would be authorized to impose import restrictions on other products found by the Tariff Commission to be causing serious injury to a domestic industry.

The international trade picture has undergone some dramatic changes not only since the early postwar years but particularly in the last 5 years as well. The factors at work here are indeed many and most complex. Nonetheless, it is clear that policies appropriate to one period must be reexamined in the light of new conditions particularly if greater international cooperation toward economic stability and growth are to be encouraged.

The committee on page 9 of its report accompanying this bill states this concern, which I share, as follows:

> The Committee believes that the United States economy and the world economy in general, have been well served by the leadership exerted by the United States in expanding world trade. The preponderance of the economic strength of the United States afforded this country the opportunity to exert such leadership in the anticipation that other countries would follow. However, the hope that other countries would move toward greater access to their own market has been realized all too infrequently.
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> The stake that this country has in expanded world trade is, of course, still important. The interest of many other countries in expanded world trade is even greater. The time has come for other countries to realize that the United States alone can not accept all of the surplus production stemming from increased productivity abroad. Other industrialized countries must move more rapidly to open their markets, not only to competitive products of other industrialized countries, but also to the exports of developing countries.
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> The United States remains the most accessible market to the effort of foreign producers. Despite the claims of our trade partners, United States duties, subject to continued reductions under the trade agreements program, are at the lowest overage level of any major industrialized country.

As I have indicated, H.R. 18970 seeks to deal with a number of facets of the current world trade situation that are of concern to us involving potentially many different products and many different countries. It is no secret, however, that the final character of this legislation has been greatly influenced by the failure of the Japanese to agree to voluntary limits on their textile exports to the United States.

This concern is prompted particularly by the tremendous jump in exports to the United States of manmade fiber products of from 163 million square yards in 1964 to more than 585 million square yards in 1969. This has occurred during a time when our trade balance with Japan has gone from a $241 million surplus in 1965 to a $1.4 billion deficit in 1969.

There are a number of other factors which severely question the fairness of the present position of Japanese trade policy. For example:

The average wage of American textile workers presently is about $2.40 an hour while his Japanese counterpart earns somewhere between 50 and 75 cents an hour.

The United States provides a market for more than 50 percent of all Japanese textile exports yet European Community countries account for only about 5 percent due to Japanese trade barriers.

Japan maintains quotas on more commodities than any other developed country in the free world. Our Government has repeatedly sought on agreement with the Japanese to abolish import quotas on some 100 products. Any progress in this direction has been meager.

While there are few restrictions on foreign investment in American businesses, Japan prohibits such investment in a long list of its own industries and sharply restricts it with regard to many others.

Nor is concern for the fairness of Japanese trade policy limited to textiles. The recent action by the administration protesting the sale of Japanese-made television sets in this country at a price lower than that charged to Japanese consumers is but a further example of the type of practice that totally distorts the meaning of free trade.

Mr. Chairman, the Japanese economic miracle undoubtedly has been brought about by many factors. However, I do not feel that it is inappropriate to remind our Japanese trading partners that no small part of their success is due to the more than $4 billion that the American taxpayers have made available in the form of foreign aid to stimulate the Japanese recovery since 1946. Nor do I feel it inappropriate to call attention to the fact that, in addition, our American taxpayers have also borne the cost of providing national security for Japan under the umbrella of the U.S. military presence in the Far East. Further, the United States has provided, in a large measure, the market that has made this economic miracle possible. For all this effort, it is indeed discouraging that we have not had a greater degree of cooperation in the negotiation of voluntary trade agreements with Japan. I am satisfied that this bill would not be considered by the Congress today had the Japanese not so adamantly resisted any voluntary agreement.

Mr. Chairman, I am not prepared to stand by while this Nation's free trade policies are taken advantage of, while one after another of our markets is taken over, and while more and more American businesses and jobs are exported abroad.

The bill before us today is not the shrill, rigid measure that it has been painted in some quarters. It combines flexibility with firmness. It makes clear that what we want most of all are voluntary trade agreements and not legislative tariff and quota regulations. I am not completely satisfied with this bill, as a matter of fact, I do not know anyone who is completely satisfied with this bill. While I regret that this legislation is necessary, I cannot help but conclude that the actions of some of our trading partners have left us with little or no alternative.

It is with a considerable measure of reluctance that I support the Trade Act of 1970.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California (Mr. CORMAN), a member of the committee.

Mr. CORMAN. Mr. Chairman, I thank the gentleman for yielding. I would like to ask some questions about the DISC proposal and how it will apply to the motion picture industry. First, if a domestic motion picture company sets up a DISC and the DISC leases a film produced by the parent company in the United States to exhibitors in a foreign country, will the film be export property and will the income of the DISC from the foreign lease be entitled to tax deferral?

Mr. MILLS. The answer is "Yes." A motion picture film produced in the United States by a domestic company and then leased for showing abroad by a DISC generally would constitute export property and the income received by the DISC from leasing the film to exhibitors in foreign countries would qualify for tax deferral.

Mr. BELL of California. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I am pleased to yield to the gentleman from California.

Mr. BELL of California. Mr. Chairman, I am opposed to H.R. 18970 because I am fearful that a measure of this kind would result in unfavorable counteractions by other nations involving retaliatory quota and tariff barriers which in the long run would be harmful to our domestic economy and international trade. America has the greatest potential in the world as a trading nation and we must continue our all-out efforts to keep trade barriers down.

I do, however, believe in the importance of bargaining with other nations to bring about a more favorable economic climate for our domestic industries, although unfortunately, this is not always the result. I am, nevertheless, particularly concerned about such restrictive and inflexible provisions in the bill as those concerning the textiles and shoes.

But I do wish to point out my support for the features of the bill which give some consideration to international industries such as the film industry which has been suffering so seriously the past few years. Section 402 of the pending bill—dealing with domestic international sales corporations—would give some advantage to industries involved in international production and would create incentives for them to increase their domestic film production. This is a feature that I have spent some effort pushing and promulgating in the Congress.

I am pleased to hear the chairman say that the tax benefits available to exporters will also be available to the motion picture industry because they have quite a serious problem in Los Angeles, particularly insofar as runaway films are concerned. I think it is very vital for the good of the Nation's very important, but seriously crippled film industry that the incentives as represented in section 402 of this bill be made available to this industry.

Mr. CORMAN. I would like to pursue this for a moment. When a film is produced, it is of course intended for showing in the United States as well as in other countries. A company does not normally produce some films for showing in the United States and others for showing outside the United States. Is it true that under the bill a film which is made for both domestic and foreign showing will qualify as export property as long as in the hands of the DISC it—or prints of it—is held primarily for foreign rather than domestic showing?

Mr. MILLS. That is correct.

Mr. CORMAN. I have one further question on the application of the term "export property" to motion picture films. A motion picture film produced in the United States may be shown in a foreign country from a positive print or duplicate negative made in the foreign country rather than in the United States. Foreign-made positive prints or duplicate negatives are sometimes used for foreign exhibition of a film because the laws of foreign countries so require. The film itself, of course, from which the foreign positive print or duplicate negative is made will still have been produced in the United States. Would a foreign-made positive print or duplicate negative made from a film produced in the United States constitute export property as the term is used in the bill?

Mr. MILLS. It would in certain circumstances. Under the bill it is intended that a DISC be allowed to perform incidental assembly operations in connection with the products it exports. On the other hand, a DISC may not engage in manufacturing activities with respect to the products. It is possible to view the production of positive film prints or duplicate negatives by a DISC as manufacturing rather than assembly. It would seem to me, however, that where because the laws of a foreign country require the prints of films which are shown there to be made in that country, then the activity by the DISC would be treated under the bill as an incidental assembly operation by it. Accordingly, this activity would not prevent a film which was produced in the United States from qualify-

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ing as export property. This would not be the result, of course, if the value added to the print or negative by reason of the DISC's activities accounted for 20 percent or more of the total cost of the print or negative, since in that case the activities would be considered manufacturing.

Mr. CORMAN. I now want to ask about the lending authority of a DISC. It is my understanding that a DISC can use its income to make loans, so-called producer's loans, to its parent company or to an unrelated domestic company for the purpose of financing the production or manufacture of new export products. In other words, a DISC can make loans to a domestic motion picture company to finance the production of additional films. Is that correct?

Mr. MILLS. Assuming the other requirements regarding producer's loans are met, a DISC would be permitted to loan its tax deferred profits to a domestic motion picture company for the purpose of financing the production of additional films as long as the amount loaned to the motion picture company did not exceed the amount of its assets which are considered under the bill to be export related.

Mr. CORMAN. To continue for a moment on the subject of loans by a DISC, in the motion picture industry it frequently happens that the production of a film is a joint undertaking involving two or more companies. One of the companies involved may be the actual production entity and another may be responsible for the financing and distribution arrangements. The exact division of responsibilities between the companies of course depends on the actual agreement between them, but in any case each one performs functions which are indispensable to the production and release of a film. Where more than one company is involved in the production of export property, as in the example I have just described, could a producer's loan be made either to any one of them separately or to all of them jointly?

Mr. MILLS. I do not believe the type of joint venture the gentleman has in mind would be one which itself would have export related assets so as to permit a DISC to make a producer's loan to it. In addition, a DISC could not make a producer's loan to a company involved only in the financing or distribution of a motion picture film since under the bill a loan can only be made to a person engaged in the manufacturing or production of export property. A producer's loan, of course, could be made to the production company to the extent of the amount of its assets which are considered export related, and under the bill that production company would be permitted to loan the amount it borrowed from the DISC to another production company or financing company.

Mr. CORMAN. There is an additional point I would like to raise on the subject of loans by a DISC. The bill contains a formula which determines the maximum amount of a loan which a DISC can make to a borrower engaged in the manufacture or production of motion pictures or other export property. According to this formula, one looks to the borrower's receipts arising from the sale of export property during a 3-year period beginning in 1971. Now, it seems to me that in drafting this provision we had in mind that during this 3-year period one would look to receipts of the borrower not only from the sale of export property, but also from the lease or rental of export property. The bill refers only to "the sale of export property," but I believe this should be read as "the sale, lease, or rental of export property." Is that correct?

Mr. MILLS. Although the formula in the bill to which the gentleman referred only specifies receipts from the sale of export property, it is clear that it was intended to also include receipts from the lease or rental of export property.

Mr. CORMAN. I would now like to focus for a moment upon the production company which is responsible for the actual making of the film. Film production is often intermittent in nature. For example, there may be a span of time while the company is preparing or developing its next production, or a considerable period of time may elapse while its current production is readied for final distribution. One of the requirements in this bill is that a domestic company must be engaged in the manufacturing or production of export property in order to qualify for a producer's loan. I do not think this bill intended to disqualify such a production company from receiving a producer's loan. Is that correct?

Mr. MILLS. Yes.

Mr. CORMAN. I would like to raise a final question about the amount of the producer's loan which the DISC can make to a domestic producer. The bill provides a formula for determining the maximum loan which a DISC can make to a producer. One element in this formula is the amount of the export property on hand at the beginning of the year. I would like to point out that a motion picture producer may have incurred substantial expenses in the making of a film which may not be completed at the beginning of the taxable year. I believe that the provisions of the bill do not intend to exclude these costs from the computation of the allowable producer's loan for that year. Is that correct?

Mr. MILLS. That is correct.

Mr. CORMAN. I thank the gentleman.

Mr. MILLS. Mr. Chairman, I yield 10 minutes to the distinguished chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, I want to thank the very distinguished chairman of the great Committee on Ways and Means for this opportunity for me to speak on this important legislation and to say far be it from me to claim any expertise in this field of legislative endeavor.

First of all, I want to pay my compliments to this great committee for the many hours, many days, many weeks and even years of research which they have put into this vital reciprocal area. Long before I came to Congress, I heard about the reciprocal trade proposals of the late Cordell Hull. I have seen it, as MacArthur said, "go glimmering and disappearing."

Mr. Chairman, my business is military. I want you to just listen to one or two things. The great textile industry has done much for the people who wear the uniform of this country.

We are dealing here with legislation which in many cases will determine the future course of some of our most basic essential job-producing industries. We are dealing with a carefully thought out program, a plan to bring our outmoded trade practices up to date. You heard the chairman say last evening, and concurred in by the distinguished ranking minority member, that we are 3 years late on this. President Nixon needed this 3 years ago.

The chairman and members of this great committee are to be commended for what they have done. This is not a regional bill, although the future economic life of many regions and communities is dependent upon its passage. The bill is not designed to help one industry or any narrow segment of any industry.

It will provide the broad framework within which the President and future Presidents can encourage expanded international trade, and at the same time safeguard American industrial payrolls. Passage of this bill would bring new strength and vitality to those basic manufacturing industries which historically have been the foundation for our high standard of living, and strong national defense policy.

As chairman of the great Committee on Armed Services, I have more than a passing interest in this bill to see that your men, who wear the colors of your country, have the best training and are the best-equipped force on earth. We have just that today, but our position will be difficult, very difficult to sustain if we permit low-wage imports to continually chip away at the economic strength of our basic manufacturing industries which have helped to make this country strong.

Now, listen to what I have to tell you. The textile industry is a case in point. The Defense Department has called the textile industry second only to steel in military importance, and rightly so. How many of you or how many Americans have taken the time to realize that the textile industry alone—and this includes fibers and apparel, supplies more than 23,000 items for your defense forces? This includes individual protection in the form of body armor, footwear, helmet liners, bedding, tentage, as well as logistical support with parachutes, landing strips, rope, cordage, and countless other items which come from the great textile industry.

Since the end of World War II we have seen a tremendous technological advance in this industry as well as other industries. These advances have come about because scientific research has been applied to everything around us, including the clothes we wear and the fibers we use at home and in industry.

Remember, I said research. As civilians, we enjoy permanent press and warmer clothes, lighter weight clothes, and colorful and serviceable new fashions. In the military, the breakthroughs have been even more dramatic.

We should reflect just for a moment

on some of the truly spectacular contributions our textile industry has made to the military. These accomplishments have not been easy. They have come as a result of the type of dedication and brain power which can only come from an American industry working in cooperation with its Government. Credit must be given to the research and development people in the Defense Department, and to this Congress for its wisdom in appropriating sufficient money for research.

But the efforts of the Government can succeed only if we know we can draw on the research skills and production know-how of our large and diverse textile industry.

In the area of personal protection for your servicemen alone the challenges since the end of World War II have been even more dramatic, and in fact even staggering. We have had to find new ways to protect our Armed Forces against the fragmentation weapons, small arms fire, antipersonnel mines, and chemical warfare agents, biological and radiological agents, flare and flash fires, thermal effects of nuclear weapons, flash blindness, the laser-ray detection and protection, in all types of climate from the frozen Arctic to the burning, steaming, stinking jungles of Vietnam.

The need to protect the individual from all of these contingencies has brought about incredible demands for new fibers, new fabrics and new techniques.

Some of the developments in the area of protecting our troops from fire have been particularly significant, because they have civilian applications as well as military.

A flame resistant fiber, for example, has been developed for the uppers of jungle boots. This same fiber has a great future in some clothing and some home furnishings. The fact that we use helicopters as mobile armament bases in Vietnam has required that pilots and other crew members have flame-resistant coveralls in case of crashes or fires. The same materials employed to protect our helicopter crews can be used in civilian industries where workers are exposed to open flames or highly volatile materials.

Because we have been involved in a jungle war, in Vietnam, considerable research has been done on combating mildew and rot. This research, likewise will have a great civilian spinoff.

While adding to the protection of our foot soldiers, we have had to lighten the weight of his equipment. Much of this has been done with new fabrics and new processes. The weight of armored jackets, for example, was substantially reduced by processing nylon fiber into a needle-punched felt.

These are just a few examples of literally hundreds and hundreds of innovations which have resulted from the work of our American fiber-textile-apparel industry.

When our Armed Forces need new fabrics or new fibers, they cannot turn, for instance, to the Japanese. What do the Japanese care about our soldiers—or the Koreans or the Malaysians.

They look to the 2½ million loyal and dedicated Americans employed in our own textile industry.

If we had an all-out push for military textiles, as we did for Vietnam or the Korean war when our textile industry did such a remarkable job of filling huge requirements, I am not sure we could do the job.

In 1951, our Government invited bids for 9 million yards of worsted serge uniform fabric. At that time, 54 producers bid on that contract. Of those 54 companies, 39 have now disappeared from the American competitive scene. I wonder where we would turn if we needed such a large procurement today? It is for protection as the distinguished gentleman from Georgia said. All we are doing for our people and all that our people are asking is what other countries are doing for their people. That is all. We are not cutting them off. We want reciprocity and we are not getting it. I am talking about your military now.

Through a magnificent effort, our domestic textile industry met the demands of the Vietnam buildup in 1966 without the necessity for a single rated order.

But, Mr. Chairman, our textile industry can continue to meet civilian and military needs only if it has the strength and vitality to grow.

Textile imports are currently entering this country at an all time annual record rate of 4.4 billion square yards. At the same time, employment is down sharply, earnings are declining, and spending for new plants and equipment is low.

No industry can face the future with much confidence if it sees nothing but record after record being shattered by imports from countries which pay only a fraction of our wages, and less than these, in our way of life. No company can spend money on research and modernization and new processes if it is under constant pressure to eke out a small profit, if any profit at all, or even face losses, as our textile companies, one after the other, are doing today.

In my own State of South Carolina, more than 235,000 people are employed in textile mills and directly related activities. This is our largest and most important manufacturing payroll, accounting for two-thirds of our entire industrial wages. But in August of this year, the latest month on which figures are available, employment in textiles alone was down 6,300 from August of 1969. Our State simply cannot absorb the brunt of any further loss of jobs in order to permit the low-wage oriental businesses to come into our country. Our national defense should not be jeopardized by weakening one of our most essential defense industries.

We have a serious and growing problem here at home, and we need the Trade Act that this great committee has given to us. I am sure this House will respond. Mr. Chairman, I thank you and your great committee for giving us this opportunity.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to my distinguished colleague from South Carolina.

Mr. WATSON. Mr. Chairman, I should like to commend my distinguished friend and colleague, the chairman of the Armed Services Committee, for his fine and persuasive statement, and I would like to associate myself with him in support of this legislation.

Mr. RIVERS. I thank the gentleman.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the distinguished gentleman, my dear friend from Alabama.

Mr. ANDREWS of Alabama. I wish to commend the gentleman for the fine statement he has made. I did not realize, until you made your statement, how dependent our military services are on our textile industry. If I remember correctly, you stated that next to steel, the textile industry was the most important industry to the military. I am convinced that if we do not pass this bill and it does not become law, our textile industry as we know it today will be in serious trouble and, as you pointed out, plants are closing by the hundreds. Unemployment is rising by the thousands.

Does the gentleman agree with me when I say that in my opinion the military strength of this country is dependent upon the passage of this bill?

Mr. RIVERS. The distinguished chairman is correct. The military strength of our country is dependent upon the bill. We cannot do without this bill. Company after company is folding up. We just do not have the goods. The capital is not large enough to hold the inventories which the textile industry needs to give your fighting man a chance to survive in the jungles of South Vietnam.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 20 minutes to the gentleman from New York (Mr. CONABLE) a member of the committee.

The CHAIRMAN. The gentleman from New York is recognized for 20 minutes.

Mr. CONABLE. Mr. Chairman, in the light of this afternoon's oratory, and in anticipation of what is yet to come, I feel a little like the lonely girl in the woods in that I will have to be careful about what I say.

My friend and leader, the genial gentleman from Wisconsin, has already referred to the fact that there has been a great deal of hyperbole about this bill. That's on both sides. This bill is not necessarily a national calamity if it passes, nor are great industries tottering on the brink if it does not pass.

This bill has a great many provisions. Some of them look toward a more liberal trade, a few of them, and some of them look toward a restriction of trade. In this respect it is like most of the other legislation we pass—a mixed bag.

On balance it is, however, in my opinion, a step in the wrong direction—and call that hyperbole if you please. I do not think we should be taking a step in the wrong direction. While I do not anticipate disaster, I do not consider it the purpose of this body wittingly to move against the civilizing force of a liberal and extensive trade among nations and among human beings.

I understand how we have arrived at this point. I think there are two big reasons really. First of all, there is no doubt that our trading partners have not been fair with us in many respects. Japan has been described as the most closed market in the free world, and I think it is. There are close to 90 quantitative restric-

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tions on the kinds of exports we would like to send to Japan, and these are illegal. These quantitative restrictions were probably justified when they were imposed. The Japanese had a serious balance-of-payments problem. Since that time Japan has had the miracle of economic growth far beyond other nations of the free world, and they can no longer be justified in continuing these quantitative restrictions.

So let us lay to rest the argument that those of us who oppose this bill are trying to justify the Japanese or any other country in a restrictive course. The issue is not, are we justified? The issue is, what is our national interest?

I think we are in a quite similar situation to our course in Vietnam in this respect. Personally, I think in a military sense we would be justified in going after the Vietcong, in military escalation, in sending more troops to Vietnam, and in continuing, in short, a course which we have now long considered to be no longer in our national interest. The fact is, the American people do not want further escalation in Vietnam. By the same token, despite the justification, our national interest opposes steps which could result in escalation of a trade war as well.

The issue then is, "What is going to be the best for this country," not "Have we been fairly treated?"

We have recourse against other countries if they are not treating us properly or fairly. That recourse has not been used by the Executive during recent years. And again I understand how this could happen. Inevitably our representatives abroad are interested in tranquil relations with other countries. Unfortunately our business confidence has suffered as a result of their unwillingness to invoke the law which is designed to protect our commercial interests against such unfair practices as dumping, and subsidized imports, and so forth.

So, point No. 1, there is justification for this bill, for being angry with our trading partners where they have not treated us fairly.

Point No. 2 is one I have already touched on. We are here today because the Executive has not used the tools already available to combat the unfair trade practices which do exist.

President Nixon during recent months has been using adjustment assistance. He has on occasion invoked the escape clause, or at least started the process.

It is possible for a vigilant and vigorous Executive to take a lot of steam out of the excuse for this type of legislation.

So we are at this point, first, because we have not been fairly treated in some cases, and, second, because we have not used the existing laws available to the Executive to protect our own people against unfair trade practices.

We have decided in this bill to invoke a more automatic, effective protective device than what business conceives to be available in American law at the present time.

If we assume that protection is necessary, I submit that a quota approach is the worst type of protection to use. These are times when our economy has been superheated. We have been having as a result a serious inflation in this country.

There are those who use statistics to claim that something which will reduce the supply of goods in this country will not have an impact on price. I believe that is patently incorrect. There is no way in which one can repeal the law of supply and demand. In other words, if we cut down on the supply of goods available, it will have an inevitable, although an indeterminate, impact on the price of those goods in a free market economy.

For this reason there is a very solid economic disadvantage to going the quota route.

If one wants to increase tariffs, that would fly in the face of the Kennedy round, to be sure, but providing that type of protection instead of quota-type protection at least we would know what the impact on price would be. We do not know what the price rise will be if we are dealing with a reduced supply.

There are those who say, "We are not really cutting down on the supply. We are just freezing the percentage of the market we will give to imports from certain countries."

We have to assume that the demand will continue to expand in this country. So, in effect, although the major impact may not be instantaneous—although there will be some rollback of supply because it is based on a historic figure—we are going to have an eventual reduction in supply with all its inevitable impact on prices, through the use of these quotas.

I know that my leader, the gentleman from Wisconsin (Mr. BYRNES), has said that the basket clause, on which he labored long and hard, has no mandated remedy, that it does not require the rise of quotas. It may, for instance, lead to different types of remedies if they are recommended and the President accepts the recommendation.

What, then, is the objection to the basket clause as such? It is primarily the objection of the impact this particular provision will have on possible foreign retaliation. It uses a fixed mathematical formula. Granted, there is discretion in its application, but it is something that other countries can easily grasp and turn against us in ways that will definitely not be in our interests in the long run. We would not want other countries to whom we are selling to say that a 15 percent intrusion of imports is prima facie disruptive. That has been the great concern felt about the basket clause.

This raises the whole issue of retaliation.

Nobody knows that retaliation is going to result from enactment of this legislation. Nobody can tell what the future attitudes of our trading partners will be. One thing we can be sure of, though, is that it is not in our interest to rely on the restraint of our trading partners if we can avoid it. If the result of this bill is to trigger retaliation, we must remember that there are more and higher paid jobs involved in the export trade and producing for export than in all probability are threatened by the import trade.

We have had a lot of discussion about the extent to which imports are cutting into jobs here. I do not have any doubt that imports will cut into jobs in some areas and to some extent. However, keep in mind the basic statistics relating to textiles and to footwear which are the two items for which we make a legislative finding of injury in this bill. By volume the textile imports in the last full year for which we have statistics constitute an intrusion of 8.5 percent. They constitute an intrusion by value of about 4 percent of our total domestic market.

With regard to footwear, it is somewhat higher, somewhere in the vicinity of 13 percent.

These statistics certainly do not sound like industries tottering on the brink of extinction despite the obvious disruption that is occurring with respect to some particular items. We have in the law ways to deal with these particular items. If we have a vigilant and aggressive executive branch willing to invoke the law and to use the weapons already available to it, it seems to me that we can expect our business to have a greater confidence in its Government's willingness to take the steps necessary to prevent it becoming the victim of unfair trade practices.

There has been a lot of talk about whether this is a liberal or a conservative trade bill. I think it is foolish to talk about this kind of label, particularly in this area. What is liberal and what is conservative in the area of trade? There are those who say that a liberal trade posture is conservative in the sense that it has some confidence in the basic value of our free enterprise economy, which is competition. Frankly, I do not like to see the Government taking a paternal step in relation to any business. If you think it has been good for farmers to have the Government be paternal to agriculture, then perhaps you will also think it is going to be good for the Government to be paternal with respect to our manufacturing industries. I would like to see us have a little confidence in our system. Maybe that sounds liberal and maybe it sounds conservative—I do not know—but we still rely substantially in this country on competition as the device that keeps our business affairs in order and keeps our prices down and keeps the muscle and moral fiber in our businessmen. I do not advise individual Members what is the right or the wrong vote for them on this bill, but I suspect it may be watershed legislation, whether or not it is by itself it is an unmitigated disaster.

I suspect, however, except for those people who have very special problems in their districts, that 10 years from now those of you who vote for this bill are not going to be very proud to have done so. It is a step in the wrong direction. It is a step I think we should not take. I hope the Members will balance all the factors in this complex legislation before they decide they want to take that step.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from California.

Mr. HANNA. I want to commend the gentleman for the very excellent statement he has made. I want to say further that I note in his presentation this emphasis upon competition. It has occurred to me in my view of what is going on between ourselves and those who are competing with us is that whereas they have had their impact upon us in the mass production areas of cheaper products, we have not been very aggressive going back to their countries with their growing ability as consumers of higher grade products. It amazed me where we were losing some of our business in textiles to Japan, to Hong Kong, Taiwan, and Korea. The French are going there with their high cost and high style clothing when we should have been there taking advantage of the growing market.

Mr. CONABLE. The gentleman's remarks remind me of two points that ought to be made. First of all, the very things that are going to be affected by this legislation are the things the Nation buys as bargain basement necessities. Inevitably they are going to be the things that are going to be most affected by quantitative restrictions. We are reducing competion in the very items the poor are most likely to buy.

The second thing is that, referred to by the gentleman from California, foreign markets are going to be developed at a faster rate over the coming years than is our own domestic market rate, already highly developed. For this reason we should be reaching out and not pulling in at this point.

Mr. HANNA. I think that is precisely the point I wanted the gentleman to make and I am most delighted to hear him make it.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the distinguished gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I think all of us believe in competition. I am 100 percent in agreement with the gentleman on this. But I think in this country we require a fair competition. We have fair labor standards laws, we have minimum wage laws that require competition within a framework of rules that do not apply when we talk about competition in many areas overseas. I think that is a factor that has to be considered when someone talks about competition.

The gentleman is a semanticist of some note, and I would like to hear the gentleman's comment on whether or not there has not been loose use of the word "compensation" and also the word "retaliation" as they are used in the general area of international trade.

In my view too many people are talking about retaliation when they should be talking about compensation, which we all recognize is a matter for negotiation under the procedures of the General Agreements on Tariff and Trade.

Would the gentleman comment on those two facts?

Mr. CONABLE. Yes. First of all, on the issue of fair competition, I understand what the gentleman is saying. We are not going to be able to compete with respect to every single item of clothing or of goods to be produced in low-priced labor areas throughout the world. However, we have to be willing to compete with respect to the aggregate values of trade. One of the things we are looking for is a more efficient distribution of our industrial capacity. I think we have got to be willing to accept some degree of dislocation on that account if we are going to have the kind of competition that makes sense. That is one reason why I certainly support the provision of the bill encouraging adjustment assistance and making more readily available the escape clause and the kind of protective provisions that are in here within Presidential discretion when real injury is occurring.

With respect to compensation, what the gentleman says is right. The power given to the President to negotiate a further reduction of tariff rates is given primarily for compensatory purposes. The President does not consider this, I am sure, to be a general power to——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CONABLE. As I said, the President does not consider this, I am sure, to be a general power to reduce tariff duties lower than they presently are. I accept that there is a difference between compensation and retaliation, and I think very few people understand the compensation aspect of this bill; still, retaliation is something to be feared regardless of the obligation to give compensation.

Mr. BYRNES of Wisconsin. The question I was asking the gentleman is whether he does not feel that many people, instead of speaking of retaliation, should be talking about compensation pursuant to established procedures under the GATT.

Mr. CONABLE. Yes, compensation will be required.

Mr. BYRNES of Wisconsin. And that is the normal procedure. We acknowledge that there may well have to be some compensation.

Mr. CONABLE. Yes. If we could be sure that this is going to be the response expected abroad we would feel better.

Mr. BYRNES of Wisconsin. We are living, it seems to me, within the General Agreement of Tariffs and Trade, and it recognizes the right to take protective action against an injury to domestic workers or industries. We are following that.

We may have to pay compensation, but if they will live within the General Agreement on Tariffs and Trade, as we are, then there should not be retaliation, but a mutual resolution of our problems through negotiations within the scope of the GATT.

Mr. CONABLE. I think I said that. I think it is clear that nobody can predict that retaliation will result.

Mr. BYRNES of Wisconsin. That is right.

Mr. CONABLE. I say it is a very real danger in this kind of escalation.

Mr. BYRNES of Wisconsin. Will the gentleman agree with me that there are many people who are basing their opposition to the bill on the grounds that this is bound to produce retaliation and a trade war?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. CONABLE. Mr. Chairman, I thank the gentleman for the additional time.

We are the greatest trading Nation in the world. We have reason to fear what happens to our trade if people are encouraged in the building of walls, by our example.

Mr. BYRNES of Wisconsin. They have more fears than we do, their economies are more dependent on international trade—as a percentage of their gross national product than we are. I am not going to get into an argument with the gentleman because I think that the gentleman and I agree on too many aspects, even on this question.

Mr. CONABLE. I thank my leader.

Will the gentleman yield me an additional minute?

Mr. BYRNES of Wisconsin. Yes; I yield the gentleman 1 additional minute.

Mr. CONABLE. I would like to say before I sit down that I am somewhat surprised at the vehemence that has been aimed at DISC, because as far as I am concerned that is one of the better parts of this bill. It does look toward an expanded trade, and it does provide a method for helping small companies who have not been able to export before. The money that we get from exports in this country is found money, in effect, not money that is generated by one domestic company competing against another. I think we should try to expand trade, and while we have to acknowledge that DISC does constitute a tax preference, it is the kind of tax preference built into our laws already in many other situations. It makes considerable sense in the light of the problems on trade we have every reason to expect over the next few years.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding. I simply want to commend the gentleman for his very clear and cogent presentation. There are a good many Members who have misgivings about this bill, and the gentleman has supplied enlightenment of a kind which has so far been somewhat lacking in the debate on this bill. There are, of course, some good points in the proposed legislation, and there are serious problems that need attention, and I think the gentleman has pointed his finger at the reasons why there is doubt about the passage of the legislation.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. BURKE) a member of the committee.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise in support of this legislation.

I would like to point out to the Members of the House, I agree with the statement made by the ranking minority member of the House Committee on Ways and Means when he pointed out that in this Nation we have a minimum wage law which calls for the payment of $1.60 an hour. What are we talking about here? We are talking about unfair competition—competition that comes in from the Orient where wages are as low as 6 cents an hour—6 cents an hour for a 10-year-old child—7 cents an hour to a

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female worker, and 10 cents an hour for a male worker. What is needed is an international agreement requiring the strict adherence to international fair labor standards and calling for minimum wage laws and other labor standards. Until we have that we must have safeguards which will protect the wage levels, living standard, and job opportunities for our own workers.

So you can see it is impossible for us at this time to bring forth a perfect piece of legislation. However, this is a step in the right direction and it will help to stabilize our economy for the next few years, which is so important at this time of high unemployment.

By our figures here in America today, unemployment is up over 5.6 percent. One of our great economists just a few days ago mentioned that this could reach as high as 12 percent within a few years.

As to imports of footwear—for the first 9 months of 1970, they totaled 183,406,400 pairs or an increase of over 20 percent over the same period last year.

It is estimated, based on the first 9 months of 1970 imports of nonrubber footwear, that they will total 237,200,000 pairs this year.

There is an imbalance in the footwear trade of close to $800 million and there is an imbalance in the textile trade of close to $1 billion.

At the growing acceleration of the rate of increase in imports we could well hit a figure of over $2 billion imbalance on textiles and shoes this year.

In 1965 we had a trade surplus of $7 billion.

In 1969 that figure had dropped down to $1.3 billion.

You must realize included in that figure of exports, there are approximately $2.5 billion of economic aid and military aid and other types of foreign assistance that this country gives out.

So, actually, in 1969 we had a deficit of about $1.2 billion.

If this rate were to continue until 1975, we could have a minus in trade of over $5 billion and at the end of the 1970's, we could have an imbalance of trade well over $10 billion, $12 billion or $15 billion. If that happens, then we will have to have a devaluation of the dollar.

Believe me, when I tell you, that this is the most important bill before the Congress this year. It is the only piece of legislation that is going to give some of these suffering industries that we have in this Nation a little bit of relief.

This is not a protectionist bill. This bill is actually a trade expansion bill.

The free traders do not talk about some of the provisions in this bill such as authorizing a cut of 20 percent across the board on our tariffs.

They do not talk much about the elimination of the American selling price which could reduce tariffs on benzenoid chemicals of up to 85 percent.

They skip all of those provisions. It concerns them that we might be helping a few industries that are facing extinction in this Nation.

The basket amendment offered by the gentleman from Wisconsin is a good amendment. But it does not go far enough. But we will accept that.

As someone pointed out here, the President has all the powers. With all the restrictive and protective provisions in the bill, for every protective provision there are about three other provisions that loosen up these provisions and place in the hands of the President the right to increase imports of textiles, the right to increase imports of shoes, the right to increase imports of individual items—and the right to increase them by individual countries.

So the free-trade people have everything to gain here. We are placing into the hands of the President the authority and the power to regulate the so-called quota provisions of the bill.

So again, Mr. Chairman, I strongly urge all the Members to vote for H.R. 18970 as reported by the Committee on Ways and Means. Passage of this legislation is vital. I do not know of any legislative enactment in recent years which is so important to the future job opportunities and well-being of many industries throughout the country. For the first time in a long time the many industries which are threatened by runaway import competition will be given a ray of hope for the future. The bill contains procedures making it possible for those industries which can make a good case to show they are suffering serious injury or are threatened with serious injury to receive some relief.

Based upon information submitted to us during the lengthy public hearings conducted by the Committee on Ways and Means on this legislation, it is clear that at least the following industries in New England have an important stake in the passage of this legislation: textiles and apparel, with 177,000 jobs spread throughout New England; shoe plants, with 70,000 jobs located throughout New England; rubber footwear; leather goods; brass mill products; stainless steel flatware; flax yarns and thread; fishnets; card clothing; pulp and paper machinery; machine tools; scissors and shears; handbag frames and purse frames; fine and specialty wire; stainless steel sinks; Christmas decorations; electronics; mink fur skins; clothespins and veneer products; miniature precision bearings; antifriction bearings; sprocket chains; builders hardware; wood screws and related fasteners; bicycles and cycle parts; slide fasteners; safety pins and straight pins; fishery products; marble; granite; confectionery products; and green olives.

Much has appeared in the press about the possible effect on New England of the modification contained in the bill on the national security amendment. While I opposed the amendment, it should be made clear that this in no way affects the President's authority to eliminate the oil quotas which we oppose. He has that authority today and will have it after this bill becomes law and can exercise it if he so chooses. Moreover, I believe that the best place to strike this provision is in the Senate. Then if that is done, members of the New England delegation, who are rightly concerned for our fuel supplies, can go as a body to the House conferees and ask them to support the deletion of the provision.

On the other hand, to use the oil quota amendment as an excuse for voting against the bill will, in effect, amount to a vote against providing reasonable avenues of relief from unreasonable import competition for the types of New England industries which I have mentioned above. In my opinion, this is not a justifiable position.

I strongly urge all Members of the House to vote against the motion to recommit and to vote for this bill which is a thoughtfully considered, and balanced bill completely in the national interest.

Mr. LANDRUM. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman and Members, a minute ago one of the previous speakers here in the well said that we had failed to reach out and penetrate foreign markets with our high-priced goods. There are two reasons we cannot do that. First, if you reach your arm out into a foreign market to sell American goods, you will end up with a stump. You will lose at least your arm up to your elbow. You cannot sell high-priced consumer goods in a low-wage economy. It is just impossible.

The greatest builder of the American economy and the economic system in the history of these United States was a man named Henry Ford, who first realized that once you are able to mass-produce, you must then be able to mass-consume. It has been said that this is the greatest trading nation on the face of the earth. Yes, because this Nation has the greatest per capita income. Trade is nothing but a commercial venture. The minute you take the profit out of it, there is no trade.

Let us tear away the shrouds of secrecy about what a great international aid trade is to peace, good will, and neighborliness. Since passage of the reciprocal trade bills, there have been 50 wars in the world of a minor or major degree, more than in any similar period in the history of mankind.

What do we hear now today? They are saying we cannot pass a bill to help steel. We cannot pass a bill to help glass. We cannot pass a bill to help mushrooms, because there will be a retaliation. Retaliation? Is that not what the British threatened us with after the Boston Tea Party? Did these untrained, poorly equipped, forebears of ours, with little or nothing to fight with, run and hide behind a threat, or did they stand up and give this Nation this free Congress that we are operating in today?

There are more scared men in this Congress than in any group I have ever sat with in my entire life, and I have been in politics, in a legislative branch, for almost 40 years.

They told me in 1962 when I voted against the so-called Kennedy round that they would defeat me. I got the biggest majority I ever got in my life this November, and I have been getting them for 40 years. My people are not afraid of retaliation. Do you know what they are afraid of? They are afraid of the same darned thing every Member of Congress is when election times comes around. He is afraid he will be put out of a job. You tell my glass workers—over 1,000 of them drawing adjustment assistance. Do you know what adjustment assistance is? Relief, relief for able-bodied men with wives, homes, and children to keep.

Sure, I have all the respect in the world for the textile industry putting their backs into the line. But they cannot walk away from their friends forever. They walked away in 1962 and they are walking away again, but this Nation cannot survive on textiles, and it cannot survive on shoes, and it cannot survive on glassine and mink. It has got to survive on the total product. The Lord did not annoint any man in this Congress to say it was all right and proper to protect those workers in the textile industry, but to let my glassworkers go down the drain for progress, so that the foreign countries do not retaliate. But how much can they retaliate? What more can they do? What more harm can they do to a nation or to its people?

I have here communication from the Latrobe Co. which says:

> Our company has 35 percent of its hourly production workers on layoffs. We have experienced our second significant dismissal of salaried people for the year 1970 alone. Our stock sold for $30 a share, and we had not missed a dividend for 80 years. Now we have missed two dividends, and our stock is selling for $6.50.

All of this damage has occurred in 3 years because this great Nation worked out a friendly voluntary agreement with the Japanese and the European market that they would only send to the United States the same amount of steel they had sent to the United States in the previous 3 years by tonnage.

These are very smart people. Do not ever underestimate the Japanese in trade. I am scared of them—more than I was in the war. I am afraid of them. When I have finished with this speech today, I intend to put into the RECORD how the Japanese mounted their export blitz.

Let me tell Members something, and I say it for the record, and I want it to last as long as the record lasts. If I were a worker in a glass plant, I would see no difference in that glass plant being blown out of existence by the bombs dropped from a Japanese plane than I do from the tons of glass that has been imported into the United States and forcing my plant to shutdown.

There is nothing more sacred to a man in the whole world than the opportunity to earn a living. I was privileged—or one might say underprivileged—in my youth when I started to work at the age of 7 in a glass plant. I was fortunate in one thing: I did not have to go to school. So during the years when I should have been learning my reading and writing and arithmetic, I was learning common sense about the economy of America, and it has lasted me all of my life.

I know one thing. I do not care how we varnish this bill before us today. The biggest fraud pulled on the American people in trade was the so-called Kennedy round. Its basic concept was: We give the President the power to reduce tariffs, and we are going at the end of that period to have 4 million more workers in the next 5 years in the United States because of the passage of this bill. Where was that testimony given? It was given to the Ways and Means Committee, the same committee that brought this sick turkey out of the hatch.

The then Secretary of Labor—recently defeated for Governor of New York—said in that committee, and I have the records if Members want to read them, and I can give the page and title and verse—there would be 4 million new jobs in the United States at the end of the 5-year period of the reciprocal trade bill under Kennedy. The then Assistant Secretary of State for Trade Affairs, George Ball by name, said that we would have 5 million new jobs in the United States if we passed the bill.

Do you want to know the truth? You have the highest unemployment in the history of the whole United States, and perhaps of the world.

Do you want me to tell you something about what I have learned in my nonschool nights when I had to think rather than read? I learned that there was a fellow named Hoover, and he has been a good campaign issue in my district ever since.

The CHAIRMAN pro tempore (Mr. DANIELS of New Jersey). The time of the gentleman from Pennsylvania has expired.

Mr. DENT. I should like to have some more time, if possible. I believe the opposition to this bill ought to have a little more time.

Mr. LANDRUM. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. DENT. Mr. Chairman, I am sorry to say that you cannot pound 20 years of learning into 10 minutes of speech.

This fellow Hoover was given the devil by everybody. We are kind of grateful, we Democrats, that he came along. But, you know, I am starting to apologize to Mr. Hoover's memory.

They said he had a great depression. It has been said around here by some that it was the Smoot-Hawley tariff that caused it.

Now let me tell you a little bit about history and a little bit about facts. The depression started in 1929, because it happened the year I was married. That shows what good judgment I have. But the marriage worked out well. I am still married to the same woman.

The Smoot-Hawley tariff was not passed until 1932, and we were already on our knees long before the Smoot-Hawley tariff ever was passed. It went into effect in 1932, and it never really went into effect because the Reciprocal Trade Agreement was passed in 1934. There is not a list of the dutiable items in the United States in the Customs Department based on the Smoot-Hawley tariff, so just throw that thing out the window. That is an old turkey which has been paraded before the people for 30 years, and they said Hoover was a bum.

Let me tell you something else. In Hoover's time there was unemployment which reached the pace of 15.3 percent. Do you know what we have today? Now we have 5.6 percent, but that only counts the fellows who have had a job. It does not count about 3 more percent of the youth in this country. It does not count 26 million Americans who are drawing social security. It does not count 13 million Americans under welfare relief in this country of ours. It does not count 11 million attached to the military sector of our country. It does not count the enormous number of civil employees of the United States.

In Hoover's day we counted everybody who was able to walk and breathe as being unemployed. Statistics were on all those who were not working at something, no matter what they were, even if they were not employable persons.

If we take all the people today we have built props for, the unemployment today would stagger you.

I am going to make a prediction. I do not want you to laugh at it, like they did in 1962 when I predicted that, instead of having 4 million or 5 million more jobs after passage of the Kennedy round, after it came around the American people would be so darned sick of it it would be about to nauseate them.

You do not know the true feeling in this country of ours.

I am ashamed that I am alined in this particular vote—I say I am ashamed of it—because I am alined with persons here who actually believe it is a protectionist bill. It is no wonder they believe it is a protectionist bill; they never stay here to learn anything.

I say to you that within the next 5 years—and I believe this as much as I believe the Lord is my maker—this legislation will make no impresison at all upon the economic well-being of the jobs sector of this country, and we are going to have more unemployment in the next 5 years than we have ever had at any time in the history of these United States.

Within the next 5 years this Congress will have to do something drastically that they could do now reasonably.

Mr. Chairman, I have heard about the basket provision. Do you know what a basket is? A basket is something you carry something light in, like textiles and shoes. You cannot carry steel in it. It is not constructed for that kind of use.

What have you done here? You took textiles and shoes and you put them on a shelf. Then you put all my steel and all my glass and all my automobiles and all of that stuff in a basket.

I will tell you something else. Do you know why it is no good? Because the largest element in the make-up of the world is water, and a basket will not hold water. The basket provision is just so much hot air. I will prove it to you. If in the wisdom of the members of the Committee on Ways and Means——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DENT. Mr. Chairman, may I have 2 additional minutes?

Mr. LANDRUM. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. DENT. It takes me that long just to fill my lungs.

If in the judgment of the members of the committee and especially the chair-

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man of the committee—and I have great admiration for him, I will tell you, and I know you have listened long enough to him so you will vote for this, anyway, but if they felt that the basket provision was the relief mechanism that they say it is on this floor, then why did they carefully take out the items that the members of the committee want in it? Mink. Mink will become an important item. It has to change a whole lot. Why did you not put mink in the basket, or were you afraid that they would be crushed by the steel that you have in there with them?

Yes, Mr. Chairman, a basket is good, and I will tell you what it is usually used for. After a person dies the first place they put him is in a basket. I assure you in this particular bill no one on this committee or on this floor would like to help the industries that are picked out for salvation in this bill any more than I would, but I recommend to you all one thing. Do not fall for consumer protection.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DENT. May I give you the consumer protection bit for 30 seconds?

Mr. LANDRUM. Mr. Chairman, I yield the gentleman 30 seconds.

Mr. DENT. Here is an advertisement in a nationally known magazine. It says that you can get old-fashioned colored glass collectors item decanters for 50 cents each. I am kind of a nut on glass, because I worked in a glass factory from the time I was 7 years of age, and I am interested in it. So I cut out this thing that says they will send you magnificent, authentic replicas of old hand-blown collectors items in glass. I sent my good American money in for it. These are supposed to be magnificent authentic replicas of old hand-blown collectors items that you will be happy to put on your shelf. So the box comes. First of all, the box is marked Continental Can Co., but when you open it up there is another box inside. What do you think this box is? It is from Taiwan. You hide that, you see. What did I order from? From a company called Colonial Studios, Inc. These are the magnificent American replicas that I am going to put on my shelves. Gentlemen, here is the way these foreigners do business.

Mr. Chairman, I want to talk a little about protectionism.

Several basic developments on the trade front cannot be ignored without courting serious danger to our national welfare.

One basic fact is that we have in the past 35 years all but dismantled our tariff. From an average rate of slightly over 50 percent on dutiable items when the Trade Agreements program was begun in 1934, the tariff has been cut to about 9 percent. This level will be yet further reduced under the two remaining years of the Kennedy round.

At the same time about 38 percent of our total imports are free of duty. This means that the duty collected on all of our imports, free and dutiable, are only about 6 percent.

The effects of the dismantling of our tariff during the many years while world trade was disrupted by war and cold war activities, did not make themselves felt until the war-torn countries had thoroughly recovered from the ravages of war, or during the past decade. Therefore we continued to lower our duties long after we should have stopped.

Now there is no longer any doubt that we cut too deeply in numerous instances while other countries, with some exceptions, either did not cut their tariffs comparably or nullified their cuts by nontariff devices, such as currency devaluation border and turnover taxes, rebates on exports, and other devices.

The result is that we have, with few exceptions, an open market while we export to countries that have numerous controls to protect their own economies. We need only mention Japan and the Common Market; but there are others of lesser importance.

Actually it is not only the nontariff barriers of other countries that place us in a weak trading position; it is our inability to compete in our own market with low-cost imports and in foreign countries with third countries that can compete with us in those countries as readily as in our home market. Markets that we formerly enjoyed are falling more and more to our competitors. The latter are in a stronger competitive position to cope with the prevalent nontariff barriers of other countries than we are because they can undersell us in any event.

We do not have to look very far or to look for obscure clues to find the source of our competitive weakness. When we pay wages that are from 2½ to five times as high or more as our competitors, while their productivity per man-hour or man-year approaches our own because of the adoption of modern technology, the mystery is dissolved. It is a matter of simple arithmetic and no amount of recourse to economic theory or sophisticated mystique can hide the plain truth.

The list of products in which we are running a trade deficit is too high to blind us to the facts. You may pick almost any consumer goods and make your own search; and you can go even to raw materials and semimanufactured goods and minerals and also find additional examples.

Our high production costs today have opened the entire American market to foreign imports. Just listen to the percentages of our market that imports took over last year:

	Percent
Steel	13
Automobiles	[1] 18
Woolens	26
Television sets	[2] 30
Shoes	33
Sewing machines	40
Sweaters	42
Electric calculators	73
Table radios	80
Tape recorders	90
Portable radios	95
Finished marble	70–75

[1] Imported cars increased 10%, U. S. production decreased 10%, Japanese cars increased 40% up to the end of July.

[2] The data for television sets is not current. There apparently will only be one U.S. manufacturer of color television sets produced domestically in about a year.

We are in a critical state in our foreign competitive posture; and there is nothing reassuring on the horizon. Our Vietnam involvement has continued to obscure much of our difficulty, contrary to what the apologists claim, who ascribe our poor showing in trade to domestic prosperity and indifference to exporting. Had it not been for the Vietnam involvement we would have had to face the music before now. It acted as a buffer. Those who read this involvement as the source of our trade difficulty read backwards. If the war is liquidated we will find that as the anesthesia wears off the pain of our competitive reality will become unbearable. Our war activities have concealed the fundamental cause of our dismal trade showing.

The time has come when even the false trade statistic issued these many years by the Department of Commerce can no longer conceal the bare bones of our discomfiture. The facts are showing through the layers of concealment. They show that even under the misleading system of statistics foisted on the public, our trade balance has shrunk staggeringly during the past several years. From an export surplus ranging from $4 billion to $7 billion a few years ago, we fell to a bare $300 million in 1968 and then recovered to about a billion in 1969. Here was a shrinkage ranging from four to $6 billion in a very few years.

If the statistics were published in a manner that would reflect our true competitive position, foreign aid, food for peace and highly subsidized agricultural shipments would not be shown as true exports. Eliminate these shipments and our balance falls by some $2.5 billion a year. Then if we valued our imports on what they cost us laid down at our ports rather than at their value at the foreign point of shipment, another $3 to $3.5 billion would be subtracted from our surplus. In other words, instead of a trade surplus we would have faced a deficit in the magnitude of $5 or $6 billion in 1969, as measured by competitive exports against c.i.f. imports—that is, foreign value cost plus insurance and freight.

While the Department of Commerce now admits to a badly shrinking trade balance it continues to conceal the true state of our trade disaster. It still claims a trade surplus, in place of a gaping deficit. This posture obscures the true state of affairs and represents a disservice to those who seek a remedy for the perilous state of many of our industries in the face of import competition. It underpins an indefensible policy of further tariff cuts and further attempts to bargain for removal of nontariff barriers.

The fact is that if our exports of machinery and aircraft and chemicals are set to one side our trade in the remaining products makes a pitiful showing indeed. Yet, so far as employment is concerned, there are several million more employed in the trade-deficit industries than in the trade-surplus sector.

Nor can it any longer be said that it is only the so-called labor-intensive industries that are at a competitive disadvantage. Steel, automobiles, electronics, petroleum, office machines, and so forth, are not labor-intensive in the usual sense of that term. They are capital-intensive, but we suffer some of our worst deficits in those very products.

This was one of those arguments on which the professors of economics feasted over the years. They were dead wrong. While trade deficits were experienced principally in glassware, pottery, fisheries, and so forth, it was said that it was only the labor-intensive and inefficient industries that could not compete with imports; and no real effort should be made to save them. This attitude underlays the notion of extending adjustment assistance to industries that were seriously injured by imports. The way to the graveyard was to be made easier for them.

The fact that labor-intensive industries presumably offered relatively high employment to American workers made no impression. They were to be sacrificed if they could not survive on their own. Yet many of these ardent advocates of adjustment assistance wore the robes of prolabor identification. The trouble was that while they may have loved labor, they loved the import-export interests and internationalism much more.

Not long ago I put into the CONGRESSIONAL RECORD the market penetration achieved by imports of both labor-intensive products and capital-intensive products. We are on the short end in the import-export balance in a number of large industries: automobiles, petroleum, steel, textiles; but also in numerous other industries that in the aggregate come to a large total: footwear, office machinery, including typewriters, calculating machines, and so forth, consumer electronic goods—radios, TV, recorders, record players—fisheries, hand tools, optical goods, fruits and vegetables—tomatoes, strawberries, melons, canned mushrooms—screws, nuts and bolts, cordage, cutlery, sewing machines, clocks and watches, mink, bicycles, bicycle parts, motor scooters, ladies' handbags, umbrella frames, toys, pianos, and so forth. The latest threat is the Honda rototiller produced for the American market exclusively.

The list grows year after year. The market penetration goes deeper and deeper. With the tariff all but gone, there is nothing to stop the inroads other than insufficient production capacity abroad; and this capacity is growing very rapidly in some of the industrial countries.

Our own foreign investments are helping the expansion of foreign productive capacity. Our machinery and equipment has helped toward the vast technological improvement that has characterized foreign production in the past decade or two. We are reaping the backlash from much of this foreign investment, including the building of plants across the border in Mexico and in Korea and Taiwan.

A trade policy that does not take the great changes of the past two decades cited here into account represents a ticket to commercial defeat for this country on the scale of a veritable debacle.

I include the following letter:

> NATIONAL INSTITUTE OF
> STEEL DETAILING,
> *Pittsburgh, Pa., October 21, 1970.*
>
> Hon. JOHN DENT,
> *House Office Building, House of Representatives, Washington, D.C.*
>
> DEAR CONGRESSMAN DENT: In speaking with Mssrs. Simon & Vagley this afternoon they informed me that you would be speaking before the Tariff Commission at their November hearings.
>
> We of the N.I.S.D., both locally and nationally, would be most appreciative if you could make mention of not only our special problems, but of the problems of foreign competition faced by *all* service industries. We rather feel that in the concern over products, such as shoes, glass, textiles, flatware, etc., the service industries of this country have been somewhat neglected.
>
> Of particular interest to us, based on information from the Customs Department, is that while original engineering/detail drawings may be brought into this country at a low duty fee, reproduction of these drawings, (which are just as valuable and useable) are brought in completely free of *any* duty or tariff. Combine this with the very low wages paid abroad and it is easy to see why foreign competitors are springing up by leaps and bounds.
>
> Some have even opened "sales offices" in this country to better reach our customers!
>
> We thank you for your past considerations and wish you every success in your efforts to rectify the dangers of foreign imports.
>
> Yours truly,
>
> JOHN J. METCALFE,
> *President.*

Mr. LANDRUM. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I take this time to ask a question about this bill, and I do not see the chairman of the committee here. Perhaps the gentleman will defer my time until the chairman is here, because I wanted particularly to make some legislative history.

Mr. LANDRUM. Mr. Chairman, in view of the statement which has been made by the gentleman from Illinois (Mr. PUCINSKI), we shall reserve his time until later during the debate when the chairman is on the floor.

Mr. Chairman, I now yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, this bill is the result of a growing movement in Congress toward effecting specific increases in quota restrictions on foreign imports. There are two reasons given to justify stiffer trade barriers. First, that such is a broad economic prescription to cure our balance-of-payments difficulties and, second, that we should give relief to certain industries under pressure from rising imports.

Well, Mr. Chairman, I challenge both of these arguments. They are fallacious. This bill treats symptoms. It does not treat the disease. It is not like the use of aspirin for scarlet fever. It is more like the use of leeches for the treatment of anemia. Protective measures will do more to aggravate the situation than to help it.

One must keep in mind, in a discussion like this, the distinction between the balance of payments and the balance of trade. The balance of payments is made up, basically, of two separate categories: The balance of trade, which is the actual flow of goods and services; and the capital account, which includes the flow of investments and Government transactions such as loans, foreign aid, military expenditures, and so forth.

Until very recently, the balance of trade had been consistently massively in our favor, as some of the other speakers have pointed out. In the last decade it has run around $4.5 billion on the average. It actually reached about $7 billion in 1965. It is now in our favor on the basis of the cumulative January–September 1970 figures at a level of about $2.47 billion.

Mr. Chairman, there is a difference between the figure I am using and the one, I think, the gentleman from Minnesota used, and that comes about by the fact that there are two ways to calculate the dollar level of the balance of trade. You may include cost, insurance, and freight. This is called the c.i.f. basis, and the figure for imports would, of course, be higher in that case and therefore the figure for the favorable trade balance, less.

The reduction in our trade surplus is primarily due to the excessive aggregate demand of our economy. There has been an almost incredible rise in imports due to this inflation. If we can control inflation, the flow of imports should return to normal.

The protectionist does not see it this way. He reasons that by cutting down on foreign imports, our balance of trade surplus will increase and this in turn will reduce the balance-of-payments deficit. Rather than pursuing a course of trade expansion and a liberalization, he seeks a curtailment. Rather than expanding the flow of goods, services and international good will, he seeks the easy way out.

Mr. Chairman, the basic flaw in the protectionist's reasoning is this: While imports to this Nation will be reduced by the stiffer quotas, American exports will similarly decline. There is no doubt that other nations, whose economies would suffer due to the reduction of the American market for their goods, would retaliate.

Mr. Chairman, I want to pause here to say, somewhat in response to a part of the discussion between the gentleman from New York (Mr. CONABLE) and the gentleman from Wisconsin (Mr. BYRNES) that retaliation is probably not the proper term. The point is that, if the market for imported goods and products that go into the basement of the store is not permitted to flow into America, the foreign nations producing such cheap consumer goods will protect other markets at home and will begin to produce some of the products that they now buy from us. I feel that the free trade idea is the basically correct idea and what we should be doing is producing that which we can produce best and most efficiently. I refuse to accept the proposition that the American economy is not as strong, as viable, and as flexible as that of any other nation in the world. When we create artificial means of restricting markets and controlling trade by bills of this sort, by quotas, I think we drastically disturb the balanced economy of this country and many other countries of the world and the delicate relations which exist between these countries in world trade.

Our inordinate infatuation with business failure in this session of Congress fascinates me.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANDRUM. Mr. Chairman, I yield 5 additional minutes to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, during this session of the Congress we have been concerned with failing newspapers, failing railroads, failing stockbrokers. We purport to be able to change economic factors in our economy by artificial means, in each case bailing out the failure, directing our efforts in areas in which we are not efficient, and failing to encourage readaptation of our factories and own service institutions to the exigencies of the times.

Now, we must consider for a moment our trading posture as compared to that in a more normal economic environment. Over the last several years, or before we unduly procrastinated in dealing with inflation, we had a trade surplus that ran around $4.5 billion, more or less, over a number of years.

Now, because of the abnormally inflated prices of American goods our trading partners cannot afford to buy much more in value of goods than they sell. However, our favorable trade balance has recently tended upward.

Now, suppose we enact trade restrictions against their products at a time when our products are most dear? It is quite reasonable, if not absolutely necessary on their part, to quit buying expensive American goods and start making them themselves or buying them from others who sell them cheaper. Thus, our exports, already diminished, are reduced to an absolute minimum. We turn back the direction of the present trend toward a more favorable trade balance.

Now, I am speaking on this point because it affects my own district very directly. In the Port of Houston we export about twice as much value of goods as we import. This is one of the great bases for employment in that area. There has been a great deal of talk here about loss of employment in other areas if this bill is not passed. But all I need to do to convince me that the employment argument cuts the other way is to observe the activity of the port and observe the activity of all those businesses fed by the port, and observe the great quantity of grain going out of that port. It is one of the largest in terms of farm exports of any port in the country, and you can see the effect on everyone who is dependent on the port, including farmers, laborers, those who load ships, the people who deal with them in our own community. I suggest that we had better not tamper with this process; that our tampering with it will undoubtedly do more harm than good.

Particularly do I think that the quota system is bad, because it must be somewhat arbitrarily administered. A free trade practice or a tariff practice is relatively automatic, but as soon as you adopt quotas and provide for exceptions, someone must establish the exceptions. The bill of course gives the ultimate authority to the President to do so, but you have many different types of business, many different types of imports of various textiles, in which the President is in a position to make judgment, as to one against the other.

Now, this is not a sound way to operate an economy. If we want to move to a totally controlled economy with a great number of limitations on imports, a great number of controls of this nature, and then give the authority to an administrative person to make exceptions, we may follow this course, but if we do, we create quite a different type of economy than that which has served us so well for so many years.

It is for these reasons that I oppose this bill, and I shall vote against it.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. Mizell) such time as he may require.

Mr. MIZELL. Mr. Chairman, I rise today in strong support of H.R. 18970, the Trade Act of 1970.

This bill, which I am proud to cosponsor, has been the subject of a great deal of discussion and debate, not only within the Halls of Congress, but in the executive branch and, more importantly, in hundreds of communities across the Nation.

Today, Mr. Chairman, I would like to call the attention of my colleagues to two instances in my own district, the Fifth District of North Carolina, which illustrate very clearly the severe and adverse effects which the unlimited importation of textile goods, manufactured by low-wage labor, have had on the American textile industry.

First, there is a report from the Winston-Salem Journal which states that the U.S. Tariff Commission has ruled that Arista Mills Co. of Winston-Salem was injured by imports because of lower tariffs allowed by the 1962 Trade Expansion Act:

Textile Imports Damaged Arista, Tariff Body Says; Opens Way for Aid on Taxes

(By Jim Gray)

The U.S. Tariff Commission has ruled that Arista Mills Co. of Winston-Salem was injured by imports because of lower tariffs allowed by the 1962 Trade Expansion Act.

The decision by the commission, a possible landmark case for American textile industries plagued with import problems, will give Arista economic assistance in the form of an extended tax-loss carryback.

Arista, a 132-year-old firm, closed the textile end of its business in December 1969, terming price competition from imports the main reason. The company sold its machinery and inventory and concentrated on its growing computer center.

CARRYBACK EXTENDED

Albert L. Butler, Jr., Arista president, said yesterday the decision will permit the company to secure a five-year tax-loss carryback instead of the normal three-year carryback permitted by the 1962 trade act. This means Arista will be able to recapture taxes paid on profits made in the past five years.

Francis Shore, chief of the Tariff Commission's textile division in Washington, declined to call the ruling a "landmark" yesterday, but said it was the first such decision involving a textile company. He called it a decision involving "an individual firm" and said the amount of economic relief will be up to the Department of Commerce.

The case will be welcome news to other industries concerned with imports and may cause a flurry of similar requests before the Trade Commission.

The four-man commission made the decision after Butler pleaded Arista's case in Washington Oct. 13. Butler insisted that the company was not able to compete with rising imports "in spite of its strength in facilities, labor, financing sales and management."

TRACES EFFORTS

He traced the company's efforts to increase sales in new or already-tried fields but said all efforts proved fruitless against foreign competition. He showed the commission shirts imported from Hong Kong, Jamaica and other areas which retailed for much less than ones made of Arista fabrics.

When the company announced the shutdown, 400 people lost their jobs at the plant on Goldfloss Street during an 8-to-10-week period. The mill which made colored yarn fabrics, operated three shifts a day and had withstood "civil war, foreign war, depression, panic and fire since 1838," Butler said.

Butler said the decision will go to the President and then to the Department of Commerce. Arista will submit a plan of tax adjustment to the department for a ruling, but the Trade Commission's recent decision seems to have been the biggest hurdle in Arista's request for assistance.

This decision has been described as "a possible landmark case for American textile industries plagued with import problems," and provides for economic assistance to the Arista Mill in the form of a 5-year tax-loss carryback, which represents a 2-year extension of the carryback permitted under the 1962 act.

This company testified that "in spite of its strength in facilities, labor, financing, sales, and management," it was forced to close down the textile division of its business in December 1969, and listed "price competition from imports" as the main reason.

When the company was forced to shut down its textile division, 400 people lost their jobs. But these are only 400 of almost 2,000 textile jobs that have been lost in the Fifth District of North Carolina alone in the past 2 years.

Almost 10,000 have been lost statewide, and if immediate action is not taken, the other 278,700 textile jobs in our State will become increasingly endangered, and the number will be further and further depleted.

Albert Butler, Jr., president of the firm, said at that time that the textile mill, which made colored yarn fabrics, had withstood "civil war, foreign war, depression, panic, and fire since 1838." But they could not withstand the flood of imports manufactured with cheap labor.

At this point, I would like to have the entire Journal article placed in the Record.

I would also ask my colleagues to consider a letter written by Mr. Victor Bates, president of Bates Nitewear Co., Inc., in Greensboro, N.C., to my distinguished colleague the gentleman from Arkansas (Mr. MILLS).

In that letter, Mr. Bates said:

> It is a matter of regret to me to inform you. . . . our auditors, A. M. Pullen and Company, have just completed their annual audit for our fiscal year ended September 30, 1970, and that audit discloses that our profits for fiscal year 1970 were approximately 28 percent less than our profits for fiscal 1969; and that our annual contribution to our profit-sharing plan, in which more than 400 of our employees participate, will be decreased by the same percentage. Our auditors also tell us informally that despite this staggering decrease our company fared better than all but two of fifty to seventy-five textile companies of which they have personal knowledge

Mr. Bates continued:

> We feel that this tremendous decline in our profits is directly attributable, not to general economic conditions but not to the flooding of our textile markets with cheap Far Eastern labor employed at wage rates with which we cannot possibly compete; and we feel too that a failure of the Congress to take action to restrict these imports can only worsen this situation in the years ahead, with dire results for the entire textile industry and its thousands of employees.

Mr. Chairman, this letter needs no further explanation. I believe it says everythink there is to say about the issue we are debating today.

I believe that no nation in the world needs fear this trade act of 1970. The Japanese need not fear it, because it provides for them a sizable portion of the American textile market, and it provides for proportional increases as that market continues to expand.

A fairer proposition would be hard to imagine, and I can see no concrete evidence, and no real reason for serious speculation, that this bill will spark any massive retaliation by any of our trading partners.

I believe they will recognize the need for this Government to see to it that American workers are not systematically excluded from earning a living as a result of our international trading policies.

I am convinced that any other nation would operate on the same principle, and the United States would not condemn any nation for such an action, if proof of injury by foreign trade were as conclusive as it is in this case.

In passing this bill, we will be reasserting our right to dictate our own internal commercial affairs, rather than throwing them at the mercy of our foreign competitors. This is responsible legislation; it is vitally needed legislation.

Today we must listen to the distress calls of 2.5 million consumers, taxpayers, and family members who are employed in America's textile industry. These people's very lives depend on fair trade in textiles. They have the right to demand that fairness, and the United States has the responsibility to require it.

I strongly urge my colleagues to vote with me for passage of the Trade Act of 1970.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to a valued member of our committee, the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, contrary to testimony presented in House Report No. 91-1435, before the Ways and Means Committee, I feel that the record should show that there is and has been an economic impact upon the domestic production of certain types of athletic shoes as a result of imports.

A representative of one producer in the track shoe industry, for example, states:

> We have been badly hurt by the flood of foreign made athletic shoes produced in low cost labor markets. Leather top track shoes are an important element in this situation.

The Athletic Goods Manufacturers Association recently published a report which refutes the testimony in the trade bill hearings that the Addis and Puma track shoes were in a different price category than those which are manufactured by U.S. companies.

I regret that the information furnished me on this subject was not placed in my hands at the time the Committee on Ways and Means was conducting these hearings because I believe the record should show that the statements declaring the existence of a noncompetitive situation are inaccurate. I am confident, however, that this will be brought to light when the Senate Finance Committtee considers this legislation.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from South Carolina (Mr. WATSON).

Mr. WATSON. Mr. Chairman, it is generally recognized that no other industry has been more crippled in the past 10 years by foreign imports than our domestic textile industry. Since the conclusion of the initial Kennedy round of tariff negotiations almost 10 years ago, there has been an incredible upward trend in textile imports including those from Communist countries.

Our distinguished colleagues have quoted the statistics on these imports, and they are alarming. But, the most distressing statistic of all is the unbelievable number of jobs that have been lost as a result of textile imports. In my State of South Carolina alone, more than 5,000 jobs were lost during 1968-69 due to textile imports.

Earlier this week this House passed the Comprehensive Manpower Act to create jobs for the hard-core unemployed at a cost of $7.5 billion over the next 3 years. But, Mr. Chairman, it would be ironic and indeed tragic if, on the one hand, we enact one piece of legislation to create jobs, and in turn fail to limit textile imports, which rob the American worker of jobs.

There has been entirely too much rhetoric already about reciprocal trade, and not enough discussion and consideration of the American worker, whose job is eliminated because too many exporting countries interpret trade reciprocity to mean that America is a dumping ground for cheap low wage imports.

Regardless of how one may feel philosophically toward free trade, we should all recognize that foreign textile manufacturers should not have an exclusive right to a free and open American market when, at the same time, their governments are imposing restrictions on American imports.

This Congress has an obligation to the American textile worker to protect him against imports produced under horrible working conditions, which strangle his economic livelihood. Free trade, theoretically, is OK, and we should keep the trade lanes open to friendly nations, but when a country like Japan refuses to play fair, then it is time for Congress to stand up and hit them where it hurts—in the pocketbook.

The issue is jobs, and at a time when uemployment is extremely high, Congress should protect jobs instead of exporting them. The textile industry is one of our largest employers of both skilled and unskilled workers in the United States, and it is our Nation's biggest rural manufacturing employer. The American textile industry is not seeking preferential treatment; it is asking for fair play by simply being allowed to reasonably compete with exporting countries. The import quota bill is reasonable. Contrary to the vociferous alarms issued by the New York Times and other liberal newspapers that this bill would destroy international trade, its passage would, in fact, put reciprocity back into international trade by demonstrating to foreign nations that this country is no longer going to tolerate an uneven trade policy that works to its economic detriment.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from Tennessee (Mr. QUILLEN).

Mr. QUILLEN. Mr. Chairman, as the sponsor of one of the original textile import quota bills in this session of Congress and an endorser of H.R. 18970, I am strongly in favor of this bill and support its passage and enactment into law. I would, however, like to bring to the attention of the Members of the House that great care must be used in the enactment and implementation of this legislation to avoid unexpected hardships on particular, and sometimes unrecognized, segments of American industry. Since H.R. 18970 was reported by the Committee on Ways and Means, an example of such hardship has come to my attention in my own district in east Tennessee. This involves the Formex Co. in Greeneville, Tenn.

The Formex Co. is a division of Huyck Corp., a native American company that has been manufacturing highly engineered endless textile belts—known as papermakers' "felts" or "fabrics"—for use by the paper industry in the United States and other countries since 1870. In the 1950's, Huyck Corp. satisfied a long-sought-after objective in the papermaking industry by developing a synthetic fiber replacement for a bronze wire "screen" belt traditionally used in the fourdrinier, or wet end, section of papermaking machines where the paper is initially formed. This new woven fabric successfully combined a fine mesh and tex-

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ture with stability, strength, and ruggedness, enabling it to make satisfactory paper on large papermaking machines with marked improvements in performance and efficiency over the product which it superseded.

As Huyck Corp. developed this new product, it established a plant in Greeneville, Tenn. By the time the operation had begun to break even in the mid-1960's, Huyck had invested some $7 million in plant and equipment and $13 million in operating losses; an unusually large investment for a company which even now has net assets of less than $25 million. These facts give some indication of the difficulty encountered in developing and manufacturing this product and the high level of engineering and business commitment that was required in order to bring it to fruition.

Since the mid-1960's, this new Huyck product has enjoyed spectacular growth, particularly in the United States, which has the world's largest papermaking industry. Huyck's business in this product has grown at an average rate of 10 percent per calendar quarter during this period. In addition, Huyck and its subsidiaries now have plants manufacturing this product in Canada, Great Britain, and Australia. A plant addition in Tennessee was completed around the first of this year, and additional pieces of equipment continue to be installed in the Tennessee location. That operation now has some 150,000 square feet of manufacturing floor space and nearly 300 employees, and Huyck Corp. is now negotiating for a site for a second plant to manufacture this product line in the United States.

The principal raw materials, other than treatment chemicals, used in the manufacture of these open mesh fabrics are filament yarns made from nylon and polyester fiber. Nylon is used in a large proportion of these fabrics and polyester fiber must be used in all of them. The nylon is acquired from U.S. sources. However, there are no U.S. manufacturing sources at the present time from which the Formex Co. can obtain polyester materials with the specific characteristics and performance that are required to produce the polyester yarns for the product. Therefore, of necessity, multifilament polyester yarns used in the product come from Canada and monofilament polyester yarns are imported from West Germany. From 1967 through the first 8 months of 1970, total purchases by the Formex Co., Greeneville, Tenn., of these imported yarns have been 27,779 pounds in 1967; 32,350 pounds in 1968; 47,553 pounds in 1969; and 44,349 pounds during the first 8 months of 1970.

Although Huyck Corp. and its affiliates, including the Formex Co. in Tennessee, are constantly testing polyester yarns from U.S. sources and assisting and encouraging potential U.S. sources to develop satisfactory materials so that eventually it will be possible to use U.S. yarns entirely and avoid expensive imports, to date, no satisfactory sources have been found in the United States for materials acceptable for this purpose.

Huyck Corp. estimates that the use in its U.S. manufacturing facilities of polyester filament yarns during the next 5 years will be 127,000 pounds in 1971, increasing to 267,300 pounds in 1975.

In addition to the foregoing problem with yarns, the success of Huyck's new product in the U.S. market has so outpaced the capacity of the Greeneville, Tenn., plant that, while getting the recent Greeneville plant expansion designed and completed, Huyck has had to import a minor percentage of fabrics from its Canadian and Italian plants in order to keep its papermaking customers in the United States supplied. These imports have ranged from about 14,000 square feet with an ultimate sales value of about $38,000 in 1967, to about 187,000 square feet with sales value of about $723,000 in 1970.

Huyck expects to have to continue to import about 50,000 square feet—with an ultimate sales value of $200,000—per year into the United States for the next 2 to 3 years until its second plant for the production of this product line is built and in full operation.

Thus, it will be apparent from the foregoing facts that any limitations on the importation by Huyck of the yarns and fabrics also, unless Huyck were assigned its own quota, to the average of the quantities imported during the years 1967, 1968, 1969 can be expected to have grave consequences on the U.S. papermaking industry generally, on the technological and commercial advances to the American consumer which it makes possible, on Huyck Corp. as a going American business entity, and on the continued growth potential of this valued product line. Sales of this product line in the United States have been growing so fast that, as a practical matter, these 3 years and any prior years are meaningless as a quota base.

This is particularly unfortunate because it seems quite clear that the products in question clearly fall outside the problem area which the import quota provisions of H.R. 18970 are designed to handle. This product line does not compete in the great textile industry in the United States, but merely in the small, highly specialized felt and fourdrinier wire industries which serve the paper industry. The volume of purchases of imported polyester yarns is insignificantly small to the great companies in the man-made fiber industry in the United States. In fact, it is a curious irony that the relative smallness of the volume of the class of products is undoubtedly one of the reasons why Huyck has not yet been able to find sources for acceptable polyester yarn materials in the United States. Apparently Huyck's actual or potential needs are not large enough to merit any of the extensive development work or very close manufacturing attention which would be a prerequisite for American producers to supply the desired yarn product or their constituent fibers.

In summary then, this situation must be acknowledged to be representative of those instances where an unreasoned administration of the provisions of the import bill not only would not be beneficial to a small unnoticed segment of American industry, but, in fact, could work a significant, and indeed unnecessary, hardship on substantial numbers of workers and consumers by virtue of its impact on derivative industries. Thus, it is clear that to achieve a just result in this situation, for example, another exception to accommodate this specific case should be written into the bill or, at the very least, it should be considered from the outset as a classic example of a case involving the kind of nondisruptive imports falling within the contemplation of section 104 of the bill for which executive relief can and must be granted if the best interests of American economy and consumers are to be served.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, first of all I want to commend the gentleman from Wisconsin (Mr. BYRNES), for the excellent protectionist speech he made earlier this afternoon. I regret that not all Members of the House were present to hear him.

I would like to invite him, with the permission of the gentleman from Pennsylvania (Mr. DENT) to join the small but, I hope, growing club of protectionists in the House. If I may have that permission from the gentleman from Pennsylvania, I extend the invitation at this time and I hope the gentleman from Arkansas (Mr. MILLS) will soon be heard making protectionist speeches rather than fathering a monstrosity such as this bill, which gives to the shoe manufacturers and the textile manufacturers a little sop, a temporary sop. For the rest of the Nation's producers it is on the order of a plaster of rancid goose grease applied to a malignant cancer.

The point was made yesterday of the modern equipment of foreign textile mills. Of course, the mindless foreign aid spenders in Congress and in the executive branch, have, through the years made that possible with some $200 billion of foreign aid, at the same time giving away the markets of this country.

I recall that a good many years ago, after World War II, a loan was made by this Government to the Japanese of approximately $1,800,000,000.

That loan was settled a few years ago for the munificent sum of $400 million. Believe it or not—a substantial chunk of the $400 million was earmarked for the purpose of teaching the Japanese how and where to market their products.

That is the kind of foolishness the leaders of this Government have engaged in through the years.

Under the Constitution of the United States, the founders of the Republic wisely gave Congress the power to regulate foreign commerce. Yet this bill gives to the Tariff Commission tremendous power to regulate foreign trade, and then greater power than he has ever had to the President—any President—to override the findings of the Tariff Commission.

How long are we going to pass legislation in Congress purporting to regulate Federal trade and then turn over the final determination to the President? Why do we not be honest in this matter?

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Why do we not simply abolish the Tariff Commission and turn the regulation of foreign trade over to the President in complete and full violation of the Constitution of the United States? When are we going to start writing legislation with Congress dictating the terms of foreign trade, instead of turning it over to a President, any President. I have served under five Presidents since I have been a Member of Congress, and every one of them has been an internationalist and a free trader, some worse than others, and I do not except the present President of the United States from this category of free traders, for in his campaign speeches in 1968 he said, "I am strongly in favor of free trade." This Nation, with its high production costs, cannot free-trade and survive as an economic unit.

Mr. Chairman, there is only one way, in my opinion, that we can ever get this country back on the track in its trading relations with foreign nations, and that is to adopt a schedule of tariffs on imports, representing the differential in the costs of production of all commodities in adequate or surplus supply in this country. Otherwise we go down to defeat in the business of world trade.

Mr. Chairman, this bill is a continuation of the old so-called reciprocal trade program that is as phoney as a $3 bill for it has operated all too often on a one-way street. Not even the sponsors and promoters of this legislation have the gall to call it recriprocal for that has long been discredited.

I predict that this bill will cause trouble for the agricultural producers of the Nation and it will only serve to put more industrial workers and industries on the relief rolls of the Federal Government at a cost of hundreds of millions if not billions to the taxpayers.

Commonsense demands the defeat of this monstrosity and a return to hard-nosed bargaining and true barter and sale in world trade.

Mr. LANDRUM. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, yesterday I raised the question of the crisis that now confronts the electronics industry in this country. My district represents a large segment of that industry, and we are deeply concerned that by April 1 of 1971 there will not be a single small colored television tube produced in the United States. We are deeply concerned that some 30 million radio sets are sold in this country every year, not one of which is manufactured in the United States. So I asked the chairman of the committee what relief the electronic industry might find in this bill, and the chairman said that the committee, in this bill, has liberalized the escape clause. The chairman said:

> Lawyers who represented these industries said that if we did loosen up the rigidity of the escape clause procedure, they could get relief under it and we have given them that opportunity.

I take this time now to establish some legislative intent. I wonder if the distinguished chairman would be good enough to elaborate on that statement. What relief can the industry get through this liberalized escape clause, and what is the nature of the liberalization?

Mr. MILLS. First, if the gentleman will yield, the bill makes a very meaningful change made in the provisions for consideration by the Tariff Commission as to what constitutes injury.

Second, the bill eliminates the connection between the increased imports and a tariff concession that has been made before in a trade agreement. Also other factors too numerous to mention are changed. Actually we have gone further than the administration suggested that we go.

We did not use their terminology. The terminology that was contained in the bill that I had earlier introduced, and some 256 other Members of the House introduced, the administration took exception to and to the position we were taking, saying we were making it much too easy for an industry to show serious injury and win its case. The members of the committee, and certainly I, felt it was incumbent upon us to see to it that any industry that was seriously injured or threatened with serious injury from increased imports has access to relief. Under the present law it is impossible for them to get relief. We were much too rigid in our writing of the escape clause provisions in 1962, and I might say unintentionally so.

There is no question but that certain sections of the great electronics industry in the gentleman's State and in my own State is now being injured, in my opinion, through the uncontrolled excessive increase of the import of certain electronic products.

There is this opportunity for relief. The penetration of the radio and TV markets in the United States has been very high. The industry has the opportunity to go to the Tariff Commission and make their case. Certain criteria are set forth in the bill itself, and I refer to the provision that has been developed by our colleague, the gentleman from Wisconsin (Mr. BYRNES), which is called the triggering provision. The President must put into effect the relief that the Tariff Commission itself suggests, unless he finds that it is contrary to the national interest to do so.

This provision has never been in the law before.

Mr. PUCINSKI. I thank the chairman for that explanation. One of the things that disturbs me, and perhaps does other Members, is that the Commission wears two hats. On the one hand, it establishes the tariffs and the quotas which create the problem in the first place, and then the Commission is expected to admit at some point later in time that, yes, they erred on the quotas and duties, and therefore, they are recommending relief.

When I raised that point yesterday, the chairman said the Tariff Commission will be all right if they get an understanding of the intent of the Congress, and if we correct what we did in 1962. I wonder if in the interest of legislative history we can spell out that intent, so the electronic industry as well as others can get some relief under this act.

Mr .MILLS. If the gentleman will yield, I think earlier the gentleman misspoke himself. The Tariff Commission does not establish the rates of duties in these trade negotiations. That is done by the President through his special representative under certain limitation in the law. The Tariff Commission is called upon from time to time to make determinations for the benefit of the President in his trade negotiations, of rates which can be reduced without causing serious injury—the economic judgment they are asked to develop on occasion.

They are a good fact-finding group. I have great confidence in them if we write the law in such a way as to enable them to do what they think should be done with respect to any case. We have done that, we think, in this bill. The General Counsel of the Tariff Commission worked with us constantly on it. He has a clear understanding of what we are trying to do, not only with respect to the matter the gentleman discusses, but also with respect to countervailing duties and antidumping provisions we have amended because, in the case of the electronics, as my friend, the gentleman from Illinois knows, there have been a number of cases pending which involve antidumping.

It has been utterly impossible to get a decision on that in the past within any reasonable time, and now we have tightened that to the point where the Secretary of the Treasury must report it out within a 4-month period and if dumping action can be taken long before the injury can become so serious as to drive the business to the wall completely.

But the Tariff Commission understands now that we are liberalizing access to relief, because we expect industries that are seriously injured in the future to get relief.

Mr. PUCINSKI. I have another question on a related matter.

There has been a great deal of discussion here on the so-called trade retaliation and trade war. Am I correct in understanding that when we look at the balance of payments in the country today it is true we export some $42 billion worth and import some $40 billion worth, roughly, but what we are exporting, for the most part, are raw materials and scrap metal, and we are importing consumer goods and displacing man-hour work.

Am I correct that most of the material being exported from the United States today and being purchased by the foreign countries is being purchased by those countries because they have no place else to go? Once they develop substitute materials, once they develop synthetics, once they develop their own markets, once they develop markets in other parts of the world where they can buy cheaper than from us, there will not be any great humanitarianism on their part to continue doing business with America because we are their friend.

Am I correct in saying that this "bugaboo" about trade war and retaliation is totally unrealistic? These customers of ours will leave us the moment they do not need our services, products or goods,

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or the moment they can get them cheaper somewhere else.

Mr. MILLS. I would not want to associate myself completely with the gentleman's statement, but let me say that the people of the world, when it comes to trade and profit matters and the rest are all more or less alike. Anybody is an unsuccessful trader or an unsuccessful businessman, I take it, if he does not buy what he needs where he can get it the cheapest.

That is quite evident in the dealings with us by some countries. They find our price too high, and buy the same item from some other country because the price is lower.

Japan is a good case in point. With all of the trade we have with Japan, Japan does not buy all of the cotton she consumes in the raw state from us. She will buy cotton from countries like Mexico and Brazil, countries with which she has little or no trade, presumably because she can get the cotton cheaper. Of course, she has been a good trading partner of ours, and we are pleased.

Now, on the question of retaliation, let me give my own thoughts as to how this thing works. This is not something new. It has happened time after time since the Reciprocal Trade Agreements Act went into effect in 1934.

We do something that is in violation of some agreement we have, such as to raise the duty or to reduce the flow of goods——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MILLS. Mr. Chairman, I yield the gentleman 5 additional minutes, and ask the gentleman to yield further.

Mr. PUCINSKI. I yield further to the gentleman from Arkansas.

Mr. MILLS. Let us say that we take some action that reduces the export from country A to the United States by $50 million. They figure that up. They go to GATT and they say that we have taken action against them contrary to the rules of GATT and that they have been damaged to the extent of $50 million. GATT decides whether or not that is the fact. If it is the fact, then GATT would ask us to compensate those countries by lowering duties or some other restriction that would permit them to ship to us an equivalent $50 million of something else. And we do that. We have done it historically. I do not know how many times, for there are 14 or 15 cases already where that has happened.

If we refused to lower the duties to where they could get $50 million of exports of something else, they might then be justified in saying, "We have to do something to prevent the United States shipping to us an equivalent $50 million worth of goods."

That would be, probably, retaliation.

My own guess—and this is strictly a guess, but an educated guess, I might say, if Members will pardon me—is that given the flexibility that the President has in the bill the amount of compensation which might possibly be involved in this entire bill would be relatively small. It would be far below what some people have suggested. The point is that we have worked these problems out in the past and we can work this one out.

We have always done it. No, I am not worried about retaliation whatsoever. I have talked to representatives of the Japanese Government and I have talked to representatives of the Japanese textile industry. They would much prefer to enter into an agreement under the provisions of this bill in order to have a larger share of the textile market in the United States than they can get under the bill itself, than they would gain by retaliating against us or by threatening not to buy soybeans or something else. However, always and forever there are these people who have their heads in the clouds, who cling to these cliches, and who are not willing to recognize the fact that any country in the world has the right under GATT to protect its industries and its products from serious injury. They just forget that the situation can develop in the United States where it may be necessary for us to act as all of those others in the past have had to act with our full acquiescence in each instance.

Mr. PUCINSKI. I thank the gentleman for the excellent response.

I now yield to the gentleman from Illinois for a question.

Mr. YATES. I would like to direct a question to the chairman.

Has the chairman discussed at all the question of the duty on minks which appears on page 53?

Mr. MILLS. I have not, but I think the gentleman has in mind——

Mr. YATES. I have received many requests. I want to make my point here that I have received letters and calls from furriers in my district who are very much alarmed about the provision relating to the quota on minks which appears in section 343(a)(1) of the bill.

Mr. MILLS. What they are concerned about, if the gentleman will pardon me, because I know about the matter and have discussed it with the union representatives of the workers as well as with the management—what they are concerned about is, basically, some terminology in the tariff schedules.

Mr. YATES. Mink skins and bits of skins.

Mr. MILLS. Which was written in by law that says that some minute piece of the skin is a skin.

Mr. YATES. That is right.

Mr. MILLS. That was not intended to apply by our committee whatsoever. When we said "skin" we meant skin. We put in the provision in order to prevent avoidance of the tariff quota. We put in the report that if they cut it up and started dicing it up in order to bring them all in other than in a complete skin, we would count that in. However, what you are talking about is the so-called very small scraps and trimmings and things of that sort. They were never intended by the committee to be counted as individual skins. I am sure that all of us would agree it was never intended by the committee that those little, minute pieces were going to constitute a skin for this purpose. You must bear in mind that before the higher rate of duty would go into effect there are 4.6 million skins that are permitted to come into the United States. That is a figure which is much higher than the present importation of skins. So we were placing that figure way above, as my friend from New York (Mr. GILBERT) knows, what was being imported into the United States in order to allow even greater growth before the rate of duty would go into effect.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLS. Mr. Chairman, I yield the gentleman from Illinois 5 additional minutes and ask him to yield further to me.

Mr. PUCINSKI. I yield to the chairman.

Mr. MILLS. However, I do not want to amend the bill here today because I cannot get the committee into session in order to develop a committee amendment.

Mr. YATES. How does the chairman propose to handle the matter, then?

Mr. MILLS. It will require an amendment, in all probability, because of the error in the existing schedules. It requires an amendment to existing law, frankly. That is where we made our mistake. The Senators on the Finance Committee will be made well aware of this problem. It has already been discussed with them, in fact, and it is our understanding that they will correct this matter when the bill gets to the Committee on Finance. We certainly would expect them to do so, because it should be corrected.

Mr. YATES. I thank the gentleman.

Mr. MILLS. So as to make it clear that it is not intended that a small scrap-trimming be counted as a skin.

Mr. GILBERT. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from New York.

Mr. GILBERT. I thank my colleague for yielding. I have worked on this problem since the outset——

Mr. MILLS. I know the gentleman has and he has worked very hard on it.

Mr. GILBERT. It never was the intention of the committee, as my distinguished colleague from Wisconsin knows, to include scraps as being skins. I wanted the chairman to verify the fact that this is not the intention of the committee.

Mr. MILLS. That was not our intention and I thought originally that we might be able to correct the matter by stating what we intended with respect to the language, but it is not possible. We overlooked a provision which is already in existing law.

Mr. PUCINSKI. I thank the gentleman for yielding me this time.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, I rise in support of this measure. I would like to join in the remarks of the chairman of the committee as well as those remarks previously made by the ranking Republican on the committee, the gentleman from Wisconsin (Mr. BYRNES). I had been hopeful that the objectives of the Kennedy rounds would have had the result which was originally intended—certainly I share the opinion of all others and would like to see a free trade system throughout the world. However, it is now apparent that such a system, without protective measures, would be disastrous to this country.

I would like to join in the remarks made by the chairman of the Ways and Means Committee, the Honorable WILBUR D. MILLS of Arkansas, and the remarks made by the ranking Republican of that committee, the Honorable JOHN BYRNES of Wisconsin. They have adequately outlined the necessity of this measure. They have likewise given solid reasons why the criticism of this measure is groundless. One of the largest industries in my district is the garment industry. That part of the textile industry especially affecting cotton goods, the manufacturing of shirts, blouses, and dresses, is destined to extinction unless this measure becomes law. With the unfair competition that we have from Taiwan, Japan and other parts of the Far East, it is not possible for this industry to survive anywhere in the United States.

The rest of the world anticipates the United States should become a consumer nation based upon the fact that our people, per capita, make up a large segment that can afford to purchase foreign make goods. This concept, of course, is foolhardy. Japan could very easily become a large and much better consumer nation. It consumes only a very small part of what it produces, mainly because its people cannot afford to purchase because their wages are so low.

If Japan were to adopt only a 75 cents an hour minimum wage law, as suggested by them by Congressman MILLS, a great deal of this could be alleviated. However, we know now that the Japanese Government is not likely to adopt even a 75 cents an hour minimum wage law.

To those that argue that this is an about face in our previous policy for free world trade, I would like them to tell the American people what they intend to do about the 100,000 jobs that have already been lost this year in the garment and textile industry or what they intend to do to retain any part of the manufacturing of cotton goods in the United States. I am in support of this measure because I feel that it is absolutely necessary. It gives the President of the United States those powers that he must have to protect the American industry. If we are at all interested in the working man and his problems, the most precious possession he has is his job. A vote in the affirmative on this measure will not only save an industry, together with other industries that provide millions of jobs, it will also, under these circumstances, be a vote in the best interest of the Nation.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. RUTH).

Mr. RUTH. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, there is not a Member here today who cannot say that the trade bill is one of the most important pieces of legislation to come before the House. We know the worldwide attention of our actions and, that this bill has something to do with the economies and trade policies of many nations. It has been billed as a "showdown" between the United States and Japan.

For my own point of view, we also have approached a subject that deals directly with the economies and futures of two and a half million workers in the textile, apparel, and fiber industries, including several hundred thousand people in my State of North Carolina and my Eighth Congressional District.

Even from my State and congressional district, there has been considerable criticism directed at the President and the administration for failure to have followed directly through with a campaign pledge to do something about the excessive foreign textile imports.

As I see it, this pledge has been followed through as far as it is possible within the framework of free trade policies. Certainly, Japan has realized the seriousness of our problem, but as yet, has not made the voluntary quotas that are necessary to our textile industry.

You should realize that this trade bill is nothing but a scrap of paper to men and women whose weekly wages have been sharply cut because of a slowdown in mill productivity.

For the Members who do not know, a textile mill is the hub of economic and social activity in the smallest of towns in North Carolina. It can be the blood of life for an entire town, from the millworker to the grocer and the doctor. In many small towns it is the single industry, and there are hundreds of thousands of people in North Carolina who survive because of them.

But lately, the activity in the mill has slowed down. Many small town mills have decreased their operating days from 5 and 6 to only 4 days of work each week.

Weekly income for the millworker in these towns has dropped as much as 20 percent, and gentlemen, in the economy of the 1970's, every single penny counts whether it is saved or lost.

These are people who survive by hourly wages, and when their working hours are reduced from 40 or 48 hours a week to something like 30 or 32 hours, they are in trouble.

They are stout people in mind and heart and they have learned to live with fluctuating hours of work over the years. But in the past few years, they have fewer and fewer hours of work at the mills.

Why should they not ask for import quotas? Their livelihoods are at stake.

For the first time, many of these small mills are experiencing their first operation losses, They had to stop paying dividends, and many of the moderate to small-size plants have been forced to use up their equity and borrow money to keep running.

We could let this industry die. It is an old one in America, and one of the earliest of our American businesses.

We gave away an electronics industry, a business tailored for the American consumer. Who can count the number of American jobs that have gone overseas because of this?

The trade war that I see will be one that comes at home, when working men and women can no longer stand inflation and lost wages when these two strains snap together.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I rise like the gentleman from Pennsylvania (Mr. DENT), but for very different reasons, in opposition to this bill.

I should like to address my remarks today to the Members who have not made up their minds as to how they are going to vote on this bill. In looking around I am not sure how many Members here fall into that category. However, the votes of these individuals could be decisive. The fact that the three rollcall votes yesterday were so close indicates that there is considerable doubt about the package which has been presented to us.

I assume also that many Members must be disappointed that there will be no opportunity to vote on whether or not certain provisions should be deleted from this bill. The mandatory quota on oil imports, for example, is certainly one issue of great importance to many Members.

My belief is that this package, which we must soon accept or reject, should be rejected.

Weighing all of the provisions contained in the bill, I am convinced that on balance the enactment of this legislation would not be in our national interest.

The gentleman from New York (Mr. CONABLE) said that this legislation, if enacted, might well be watershed resolution. I have no doubt that this would be the case if it is enacted.

Mr. Chairman, several Members already have said that they see no reason why there should not be similar protection for steel, glass, television sets, radios, automobiles, and the like. If we give certain industries which are "injured" relief—and that is what it should be called—we certainly should be ready to accept the fact that there are lots of other industries which would like comparable relief.

Of course, it is quite possible that even if the House should approve this bill, the other body will not take any action on it in the few weeks remaining in this year. If they should act it is almost a certainty that they will not simply rubberstamp it, as we here today in the House are required either to rubberstamp or reject this bill. In any event, it might not be easy to get a reconciliation of the differences between the House and Senate bills. Further, there is no assurance, if there should be agreement on Capitol Hill in the few weeks that remain, that we could get a bill that the President would be willing to sign.

So, what we may be going through is simply an exercise, an exercise with respect to an important problem and one which would serve as a guidepost for, perhaps, many years to come.

I believe, on balance, this bill is not in our national interest, as I have stated before.

Since World War II, indeed since the

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thirties with the enactment of the reciprocal trade laws, the United States has consistently sought to lower the barriers to international trade on a multilateral basis. Progress has been gradual at best. It has been limited at times by setbacks, but the policy has paid off. We have emerged as the world's leading trading nation by rejecting the protectionist philosophy. We have served our overall national interests and we have enjoyed substantial rewards from our enlightened policy.

Mr. Chairman, I believe enactment of this bill would place both our current preeminent position and our future leadership in world trade in serious jeopardy. What may originally have been designed as a warning to other nations could become a threat to our own prosperity.

Let us not deceive ourselves about fundamentals: The question before us concerns every American—not merely those in the textile and footwear industries. We are, in fact, on the verge of crossing a Rubicon—of changing the direction we have been traveling over close to four decades. If this bill is passed it will be a signal to the rest of the world that we are shifting from an outward-looking to a protectionist trade policy. This will have harmful and I fear far-reaching international repercussions. As a member of the Committee on Foreign Affairs I believe silence is equivalent to negligence on a decision of this magnitude.

The bill admittedly contains many desirable features. There is much to be said, for example, for the proposal to set up a domestic international sales corporation. But the heart of this legislation—let us be frank to recognize this—is the imposition of import quotas on the basis of certain statistical criteria. Today the problem involves textiles and shoes. Tomorrow it will be steel, fur products, agricultural commodities, and electronic components. Once the floodgate of protectionism is opened a crack, who among us can prevent a deluge? Many of us, in fact, have industries in our respective districts which can make a good case for inclusion in this bill's provisions. And then the question will inevitably become one of equity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 1 additional minute to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I would appreciate very much if I could be given more time, possibly 3 minutes, if it is available.

Mr. BYRNES of Wisconsin. Does the gentleman desire an additional 3 minutes?

Mr. FRELINGHUYSEN. I would appreciate an additional 3 minutes.

Mr. BYRNES of Wisconsin. I yield the gentleman 3 additional minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman very much for granting me the additional time.

Mr. Chairman, I do not contend for a moment that certain industries do not have legitimate grievances. Our domestic inflation, with its rising costs and prices, makes our exports harder to sell, and imports more competitive. Moreover, there has been indeed an egregious lack of reciprocity on the part of some of our trading partners—most notably Japan. Indeed, I believe a major reason why we are discussing this bill at all is because Japan has continued quotas on many of our goods beyond reasonable justification.

Legitimate concern has also been expressed over our dwindling trade balance in recent years. This unhappy situation calls, indeed, cries for remedial action both by Congress and the executive branch. The question is not whether action is desirable, the question is what kind of action is in the national interest. Is the cure proposed in this bill in fact worse than the disease? This is the question we must consider most seriously before stepping irrevocably backward into the protectionist camp.

For my own part, I wish to associate myself wholeheartedly with the views expressed so eloquently by the distinguished gentleman from New York (Mr. CONABLE). As he said, there is indeed justification for Congress to take action, but as he put it this particular bill is unquestionably a mixed bag.

Unfortunately, we appear on the verge of taking the wrong action. Personally, I would favor almost any action—including selective tariff increases, or even export subsidies—over the quotas prescribed by this bill.

Let us consider for a moment why this is so.

In the first place, retaliation. We have heard a lot about retaliation. In international commerce every significant action can be expected to produce counterreaction. Many foreign countries find that we are extremely tough competitors, especially in the fields of agriculture and technical products, areas which make up the bulk of our exports. Imposition of quotas will provide them with an excuse to shut off, or sharply curtail, our trade with them.

This would be to our own disadvantage. As the National Chamber of Commerce has pointed out, we cannot afford to ignore the 4 million American jobs attributable to total U.S. exports—far more jobs than are threatened by imports. In a trade war, which may well be the inevitable consequence of the proposed legislation, everyone loses. "Their loss" becomes "our loss" too.

In my State of New Jersey, for instance, total exports of manufactured products on an annual basis—according to the latest available statistics from the Department of Commerce—amounted to $1 billion. Total agricultural exports during the same year came to $21 million for the State of New Jersey. It has been reliably estimated that one out of every four people in the New Jersey and New York metropolitan area earns his livelihood in the field of foreign trade—if not directly, at least indirectly. An effort to assist workers in certain selected industries is certainly no solution for the working population at large.

Inflation: As the gentleman from New York (Mr. CONABLE) has pointed out, quotas are more inflationary than other remedies available to us, such as tariffs, as they restrict supply and lessen competition. The result will be an increase in consumer prices which the Nation can ill afford at this time. Because cheaper goods are generally most affected by quotas, the poor are hit the hardest and, I might add, so are the workers—all workers, not just those in the protected industries. In effect, by imposing quotas we are taxing the consumer in a time of inflationary distress.

Equity: Quotas are notoriously difficult to administer. Also, the bigger firms will be in an advantageous position to buy up the available foreign goods—leaving the small retailers out in the cold. This is what the Chamber of Commerce means when it refers to the progressive cartelization of the U.S. market, inducing stultifying controls which would distort the Nation's economy and debilitate the free enterprise system.

World trade: The global implications of such a move are particularly ominous because we are the world's leading trader. The developing countries will be at a particular disadvantage, at a time when we are spending millions of dollars to encourage economic viability and political stability.

Above all, Mr. Chairman, it should be noted that remedies provided by existing legislation remain untried. Neither the textile industry nor the footwear industry has asked for relief from import competition under the escape clause provisions of the existing law. At least this route should be explored before more radical measures are adopted. If the relief afforded by present "escape clause" provisions proves to be inadequate, it is no problem to change the language in the law.

There are a number of possibilities: Just recently the U.S. Treasury Department announced that it will begin countervailing duty proceedings against subsidized agricultural products from France and allegedly dumped television sets from Japan. This statute has been on the books for the past 25 years, but has been rarely used. There are many examples of such remedies—all of them preferable to the ones before us today.

In conclusion, Mr. Chairman, I ask my colleagues to consider the consequences of a withdrawal of the world's leading competitor from the competition. As the apostle of the free enterprise system, can we or should we abdicate our leadership in international commerce? And what will be the results? Is it in our long-range interest to erect a kind of Berlin wall around America which may serve the short-term goal of keeping others out but which has the ultimate effect of keeping us in?

I think not. I urge my colleagues to oppose H.R. 18970 in its present form.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I would like to take this opportunity to

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discuss a somewhat smaller aspect of this bill than has been discussed this afternoon.

On pages 6 and 7 of the bill the Committee on Ways and Means, for which I thank them, adopted two sections that require the Office of Emergency Preparedness to render their decisions on petitions affecting the national security promptly.

This came about because of my interest in an industry in my district, the miniature and precision instrument bearing industry, with companies located principally in Keene and Peterborough, N.H.

I regret I do not have the time to discuss this situation in depth. This is a highly technical industry.

This industry possesses characteristics which would ordinarily protect it from foreign competition. It has a small market, being only about $12 million a year in the United States. It has a high degree of labor skills. It has a high degree of technology. It is capital intensive. It is highly defense oriented, with over 70 percent of its production ending up in defense production.

In fact, it is critical to our whole defense effort, since not a plane can fly without these bearings. They go into every plane, missile, and submarine in our arsenal. They are crucial to all sophisticated guidance systems.

These bearings are built to tolerances as fine as a millionth of an inch. They are manufactured under white-room conditions which are 25 times cleaner than a hospital operating room.

This is the type of industry that one might not suspect would be affected seriously by imports. But the fact of the matter is that while our petition to the OEP has been pending—and it has been pending now for almost 2 years—an incredible dereliction of duty in my opinion.

While this petition has been pending, the number of manufacturers in this country that are left that can produce these bearings has gone from seven to two—just two. Furthermore, in this time the Japanese share of the U.S. market has grown from 25 to over 50 percent.

A little while ago the gentleman from New York (Mr. CONABLE) was speaking about free competition and how he was distressed that there was a lack of the concept of free competition in this bill.

I think we should remember this. These two remaining companies cannot get together to protect themselves against the floodtide of imports from Japan. If they were to do that, then the U.S. Government would say to those two companies, "This is a violation of the Sherman antitrust laws." They cannot even get together to plot a common strategy to meet the flood of imports that is devastating this industry which is so clearly necessary to our national security.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to my colleague from New Hampshire.

Mr. WYMAN. Could the companies to which the gentleman refers export those products?

Mr. CLEVELAND. No; that is another aspect of the case. I am glad the gentleman mentioned that point. These bearings are so important to the national security that they cannot be exported, to the only significant market that exists for them outside the United States: Russia and the Iron Curtain countries. However, the Japanese competition, which has been fostered by the American market and by the trading of skills back and forth between America and Japan, and using American machines, can and are supplying these in massive quantities to the Russians.

Only recently the Nippon Miniature Bearing Co. announced that they were selling over 1 million of these miniature bearings to the Russians. That is significant, because why would the Russians need them? One of the reasons they might need them is because there is a Soviet missile buildup of fairly rapid proportions going on. Another possible reason is that Russian manufacturing skills or capability has suddenly deteriorated. Still another possible reason is a recognition that Japanese price or probably quality is better than its own.

The fact is, that some of these bearings might well find themselves in the missiles that are now being put into the Suez Canal area.

But the frightening thing about this case is that apparently the concept of free trade, about which we have heard much discussion today, has totally permeated almost all Government agencies. The Government agencies to which the Office of Emergency Preparedness, sent this petition were the Department of Commerce, the Department of State, the Department of Defense, the Department of Labor, and NASA, the Atomic Energy Commission, the Office of Special Representative for Trade Negotiations, and the Council of Economic Advisers. The OEP sent this petition for relief around to all these agencies, and again and again we have had evidence that the precepts of fair trade, pure and unadulterated, are not being leavened with any sense of fairness to American industry or with any sense of the importance of national security.

It has resulted in a deliberate sabotaging of this particular petition. The members ought to be aware of this type of situation which has come to pass in one of our Government agencies, aided and abetted by other Government agencies, which have fallen tragic victim to some of the myths of free trade.

This situation of miniature bearings involves, as I have said, the national security. Consider for a moment these precise miniature precision bearings. When they are manufactured in the two remaining small plants, which are just about to go out of business, in the United States, the Government is so concerned about the precision of these bearings that go into the atomic bomb and that go into missiles and that go into the guidance system of every submarine and airplane, they add to the cost of manufacture the expense of having in-house Government inspectors. These in-house Government inspectors check on more than 40 of the operations that go into the manufacture of these bearings. This all adds to the cost of the American producer. But the Japanese bearings that are pouring into this country and killing this industry are not inspected. There is no in-house inspection provided for them. They come in on certification.

Now, what is fair about that? What is fair about that type of trade? It obviously is not fair. It is grossly unfair. Yet this is the result of the dominant theory that pervades the Government agencies that I have just mentioned, headed up by the obviously incompetent Office of Emergency Preparedness.

Under the law the Office of Emergency Preparedness is mandated to make an immediate inquiry, to make an appropriate investigation to see whether imports threaten to impair the national security. Two years later we have no such investigation completed. Papers are still being shuffled.

The security of this country is directly threatened by this situation, and it all comes about—there can be only one explanation, only one sensible explanation—by the fact that the Office of Emergency Preparedness, aided and abetted by those other departments I have mentioned, has become totally enslaved to a false concept of free trade coupled with incompetence and redtape.

Mr. Chairman, in the course of my involvement in this important national security case, I have discovered several unspoken, tacitly accepted policies which seem to dominate this area of our national security.

First, the Office of Emergency Preparedness and the Department of Defense seem to feel secure in buying even the most critical components from foreign sources. These agencies seem willing that the United States should be totally dependent on foreign sources for supply of these critical items, and that this total reliance does not jeopardize our national security.

Second, the Department of Defense seems to believe that it has enough money available to buy anything it needs whenever it needs it. This apparently includes even skills and expertise.

Third, the Office of Emergency Preparedness and the Department of Defense seem to accept the idea that highly technical skills in one field are transferable to another field on very short notice, if only enough money is made available.

These are not announced policies, but they do seem to exist. They will lead to disastrous results if they are followed. They are very wrong. These agencies have their heads in the sand on these policies just as they do in their subservience to the concept of free trade, as they understand it.

Mr. Chairman, under general leave, following this statement, I insert two newspaper articles. One comes from the Japan Industrial News in Tokyo, announcing the sale of over a million miniature ball bearings to Russia. Though the Japanese article says the bearings were bought because of their high accuracy, they can only be exempt from

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COCOM if they are of low grade. This is a complete contradiction and there is no doubt that this sale is in violation of COCOM.

The other article is of a vastly different nature. It is from the Washington Star and tells a very different story. It reports that the United States is rapidly and dangerously falling into second place in the important area of research and development. This is an urgent problem facing the United States, and should be faced. The relevance here is that the article points out that the Soviet SS–11 missiles would be a threat to our Minuteman missiles if only their accuracy could be improved. The key to guidance, remember, is the quality of the miniature precision ball bearings in them. Does this mean that the United States is becoming dependent on one Japanese company, and that that one company is at the same time, using American technology and American machines, giving the Russians the ability to destroy us? This has been pointed out to the Department of Defense, and Defense does not seem to be concerned. This reveals a disastrous overconfidence.

Another important aspect of this Star article is that U.S. research and development in the field of miniature precision ball bearings has always been done by private industry, financed out of their sales. As these two remaining American producers go under, the U.S. research and development in this critical field is disintegrating and will soon halt.

It seems that as a result of Office of Emergency Preparedness incompetence in this national security investigation, the United States will soon be reliant on Japan for all our miniature bearings and for research and development in this area.

Mr. Chairman, I have gone into some depth on this case because it demonstrates beyond doubt that even our national security is subordinated to free trade.

The news articles referred to follow:

[From the Japan Industrial News, Aug. 25, 1970, Tokyo]

STANKOIMPORT BUYS VAST BEARINGS

Nippon Miniature Bearings Co., Ltd., Miyoda-cho, Kitasakuma-gun, Nagano, a leading Japanese precision bearing company, recently concluded a contract with V/O Stankoimport, Moscow G–200, of the Soviet Union to supply 1,030,000 units of miniature bearings worth some Y150 million (about $416,666) for the first time for the miniature bearing industry here.

According to the company, the vast quantity of miniature bearings are expected to be used on precision measuring instruments for missiles and the like in the space industry in that country. Its outer diameter is 7 mm or less.

Shipment will be made first for 700,000 units worth some Y100 million (about $277,777) by the end of this year and the rest will be completed till around next summer at the latest.

The company said that a strong reason for success in the big deal was following three points that: 1) Being cheaper in price for phenomenal high-grade in accuracy was recognized by the Soviet side. 2) Such precision bearings below 7 mm in outer diameter were exempted from the better known as "Coordinating Committee for Export to Communist Area" (COCOM), and 3) Those products produced by the company are being used in aircraft parts of leading American aircraft makers including Boeing Company.

[From the Washington Sunday Star, Oct. 4, 1970]

POWER OF THE SOVIETS: LAND, SEA AND NUCLEAR

(By Orr Kelly)

In July 1962 the Soviet Navy conducted an ambitious naval exercise in the North Atlantic and Norwegian Sea. Participating were four surface warships, none of them carrying missiles, and about 20 diesel-powered attack submarines.

In April of this year, the Soviet Navy carried out another exercise. This time, there were some 200 vessels involved in global operations coordinated from Moscow.

In 1962, at the time of the Cuban missile crisis, the Soviet Union had only a tenth the number of intercontinental missiles possessed by the United States.

Today, it has surpassed the United States in both number of missile launchers and total megatonnage, and its force appears to be growing rapidly.

In both Czechoslovakia and the Middle East, Soviet military leaders have shown they have the airplanes and the organizational ability to move with great rapidity and without warning. This was true not only of the invasion of Czechoslovakia in 1968 but also of the movement of new types of missiles into the Middle East this spring.

What does it all mean.

Probably even the Kremlin is not sure.

The increasing number of Soviet ships indicates a clear intention to become the world's No. 1 sea power.

In strategic nuclear power, the increase in strength has been equally dramatic. But the purpose is not clear to Western analysts and probably is not clearly agreed upon in Moscow.

RESEARCH GROWING

In conventional land and air power, the apparent effort has been to increase quality of equipment and training—while sacrificing somewhat in numbers.

Although there is some disagreement in this country, the Soviet research and development effort in military equipment and space appears to be growing rapidly, and to many in Washington this is by far the most worrisome aspect of Soviet activity.

Russia's decision to build a "blue water navy" apparently was made as early as the mid-1950s and was reinforced by the successful use of American seapower in the Cuban missile crisis of 1942.

Last April, the global exercise, code-named Okean—the Russian word for ocean—clearly demonstrated that the Soviet navy is fast approaching the U.S. Navy.

Ships involved in the exercise included two new helicopter carriers, the Moskva and the Leningrad, impressive numbers of nuclear-powered submarines, guided missile cruisers of the Kresta and Kynda classes and a large number of modern escort vessels.

During the exercise, long-range bombers flew from the northern Soviet Union nonstop to Cuba. Shortly after the exercise ended, a Kresta class cruiser, a Kanin class destroyer and three submarines, one of them nuclear powered, cruised through the Caribbean and the Gulf of Mexico, within less than 50 miles of the American coast.

Portions of another small Soviet naval task force—the third in a year—have just completed another visit to Cuba and the Caribbean.

But nowhere has the increase in Soviet seapower been more dramatic than in the Mediterranean.

As recently as early 1967, the Soviet presence in what has, since the end of World War II, often seemed like an American lake, normally consisted of a handful of unimpressive vessels.

Since the Arab-Israeli war of June 1967, however, the Soviet fleet has frequently equaled and sometimes exceeded the size of the American Sixth Fleet. Last September there were some 70 Soviet ships in the Mediterranean.

The major difference between the two fleets—and it is a major difference—is that the Sixth Fleet has two carriers and the Soviet fleet has none.

To compensate for its lack of carrier-based air power, the Soviet navy has gone heavily for guided missiles to extend the firing range of its ships. This was a giant step toward catching up.

But a missile-equipped fleet will almost certainly lose in a fight with carrier-based air power. So, to be effective, the fleet equipped only with missiles must strike first, and with devastating force.

The lack of sea-based air power virtually compels the Russians to seek land air bases along the Mediterranean shore of North Africa and on out to the Atlantic. The military necessity to acquire these bases will almost certainly contribute to turmoil around the Mediterranean for years to come, officials here say.

In recent years, Russia has had more submarines than any other nation. But now recently, the subs were designed primarily for defensive purposes in the waters close to the Soviet homeland.

Now, they not only have vastly more submarines than any other nation, but have begun to deploy them far from home—operating for months, for example, in the South Atlantic.

What the world knows about Soviet nuclear power comes almost entirely from the American Defense Department. No other nation has the satellites and other devices for detecting missile tests and installations and for assessing what they mean.

There is every reason to believe that when the Pentagon releases information about Soviet missile tests or deployment it is sure of its facts and tells the truth. There is less certainty that the Pentagon tells all it knows, that it releases enough information to put the facts in perspective or that its interpretation of intelligence is always valid.

The facts made available by the Defense Department support the conclusion that the Soviet Union is pursuing a vigorous program of testing and installing both offensive and defensive missiles.

FOCUS ON SS9

The attention of Pentagon experts has focused for the last five years on the big SS9 missile, which the Russians have been installing at an average rate of about 50 a year and which they are apparently still continuing to install, with the total now approaching 300.

The SS9 was first thought to be a "city killer" because it was capable of carrying a 25 megaton warhead—big enough to destroy a city but too big and expensive for any other purpose.

But the United States doesn't have anything like 300 cities big enough to require such a massive weapon for their destruction.

Why, then, are the Russians willing to pay $30 million each to continue deploying such huge missiles?

One reason may be that they had an SS9 production line and found this the quickest way to catch up with the United States in numbers of missiles.

But another more ominous purpose suggested itself to American experts. If the SS9 were fitted with three five-megaton warheads—a technique the Soviets have been testing for more than two years—then the SS9 might be used in a surprise attack on the American Minuteman missile force. In this sense, it would be a first-strike weapon.

Further confusing the situation, the Russians have recently conducted tests which appear to have perfected a new warhead system for the SS11 missile. Smaller than the SS9, it is a liquid-fueled missile about the same size as the solid-fueled American Minuteman and probably is designed to carry a warhead of about one megaton.

The Russians have about 800 of the smaller missiles, most of them SS11, but also including an increasing number of the solid-fueled SS13, and they might have more than 1,000 within the next two years, according to Defense Secretary Melvin R. Laird.

American officials are now convinced, from what they have seen of Soviet SS–11 tests conducted this summer, that two new warheads have been developed for the missile. One is a single warhead with penetration aids designed to help get through defensive radar. The other is a triple warhead like that on the SS-9, but smaller.

These smaller missiles are relatively inaccurate and are thus not a strong threat to the Minuteman force. But if their accuracy were increased—which is technically feasible—they would be.

If the Soviets continue to build SS9s and equip them with multiple warheads, or if they improve the accuracy of their SS11s, then their missile force could become a serious threat to the American Minuteman deterrent force.

The most convincing indication that these missiles will not become a major threat to Minuteman (aside from the hopes for an agreement in the strategic arms limitation talks) is the expense involved in going back and fitting the existing 225 SS9s with triple warheads and in providing hundreds of SS11s with new guidance systems.

At the same time Russia is expanding its land-based missile force, it is building a missile submarine force patterned very closely after the American Polaris fleet.

The Polaris fleet is considered very much a second strike force—designed to survive any kind of surprise attack and then to strike back with devastating force. But Pentagon experts worry that a Soviet submarine force could also be used as part of a surprise attack by destroying American bombers before they could take off.

Even in the most successful surprise attack, at least some American missiles—especially those on station under the seas—would be expected to survive.

Whether or not the attack was a success would then hinge on how many of the remaining missiles could be intercepted by the Soviet antiballistic missile defense system.

Now installed around Moscow are 64 launchers for the Galosh ABM missile. It is a big missile, like the American Spartan, and is designed to intercept incoming warheads in space, far from the target—thus providing an area defense for the Soviet capital and much of its industrial heartland.

Unlike the American Safeguard system, the Galosh launchers are designed to be reloaded and to fire more than once. American officials have not revealed how many warheads they might attempt to intercept, but the reloading capability indicates it would be at least 128.

The missiles in the Galosh system would be guided by a large phased array radar the Pentagon has nicknamed the Doghouse.

In addition, the Russians have deployed six even larger radar sets facing toward the United States, China and the seas where Polaris submarines are deployed. These radars, given the nickname of Henhouse, would provide early warning of incoming missiles.

The fear of Dr. John S. Foster, Jr., director of defense research and engineering, and other Defense officials is that the numerous SA–5 anti-aircraft missiles already deployed, or some newer form of missile, might be qiuckly hooked up to the Henhouse radar systems to create a vastly expanded ABM capable of destroying hundreds of surviving American missiles after a surprise attack.

Few American experts seriously believe that the Soviets have set themselves a date and are working toward an actual surprise attack on this country. Much more likely is that they hope to use their large nuclear force for political advantage.

By far the most impressive demonstration of Soviet military doctrine—and the ability to carry it out—was the lightning thrust into Czechoslovakia in the summer of 1968. While some western analysts now believe the invasion demonstrated some serious deficiencies in the Soviet forces—deficiencies that would have become apparent if there had been any serious resistance—the possibility that the same kind of thrust could be directed against West Germany, Romania or Yugoslavia worries western military leaders.

The Soviet army now totals about 2 million men, organized in about 148 divisions. In contrast to an American division of about 15,000 men, the Russians have 10,500 men in a mechanized infantry division, 8,500 men in a tank division and 7,000 men in an airborne division.

While there have apparently been some shifts of strength toward the Chinese border, Soviet military strength still leans heavily toward the west.

The size of both the army and the tank force has declined somewhat in recent years, probably as a result of both budget pressures and a desire to emphasize quality. Since 1960 the army strength has declined from 2.25 million men to 2 million, and the number of tanks has dropped from 35,000 to 32,150.

There is no reason to believe that the Russians are planning a surprise attack on Western Europe. But western military planners are increasingly concerned about the political leverage the large Warsaw Pact forces provide in an age of nuclear parity.

The Soviet fighter airplane force now numbers about 3,400 representing a decline in numbers but an improvement in quality. Most of the planes have relatively short range which means they are useful in a defensive role or for close air support of ground troops.

By the best American estimates, the Soviet Union is spending in the neighborhood of $60 billion a year on military and space projects. This is roughly the same as the United States is spending, without including the costs of the war in Vietnam. Since the Soviet gross national product is about half that of the U.S., military expenditures amount to about 15 percent of the GNP, compared with about 7 percent in the United States.

A significant difference between the expenditures in the two nations, however, is that the Russians pay their soldiers less. So, while a third of the U.S. budget goes to the troops, only a sixth of the Soviet budget is used for personnel costs. This means more money is available for research, engineering development and production of new equipment.

Foster, the Pentagon research chief, has estimated that the Russians are now spending 25 percent more than the Defense Department, the space agency and the Atomic Energy Commission on research, and that their effort is growing by 10 to 13 percent a year while the American effort has been shrinking each year. Foster and many other American experts, both in and out of the Defense Department, agree that this is the one area in which Soviet leadership can be clearly decisive. Foster has gone so far as to say that the United States "can't survive" unless its research and development effort is superior to that of the Russians.

This picture of Soviet strength—growing nuclear and seapower, a stable but increasingly important conventional fround force, and a vigorous research and development effort—serves as the backdrop for the current debate in Congress over the 1971 defense budget and the less visible debate within the administration over the 1972 budget and the five-year defense plan that will determine the shape of this nation's defenses into the mid-1970s.

Mr. LANDRUM. I yield the gentleman from South Carolina (Mr. MANN) such time as he may consume.

Mr. MANN. Mr. Chairman, I share the conviction of a substantial majority of the members of the Ways and Means Committee that the passage of this legislation is vital to the national interest. I have had occasion to observe first-hand the devastating effect of rising imports of textile goods and apparel, in particular, because my district probably has the distinction of producing more textile products than any other district in the United States. I will, therefore, address myself primarily to the problem of textile imports, which are now seriously endangering the livelihood and the economy of the people of my district and my State.

There are several positive factors we should consider when we speak of the textile-apparel complex as it exists in the United States today.

First, our domestic textile and apparel industry is the largest single provider of manufacturing jobs in the United States. In 1969, the industry employed almost 2½ million workers while providing one out of eight manufacturing jobs in the country. The industry utilizes a large number of semiskilled people in their first industrial jobs and employs a disproportionately high number of females and a disproportionately high number of disadvantaged members of minority groups. The social and economic implications of this in the national interest are self-evident.

Second, American manufacturing facilities are the most modern in the world and our productivity is higher by a substantial margin than that of any other industrial country in the world. In addition to clean, modern physical facilities, American textile workers earn wages that are unheard of by their foreign counterparts.

Finally, the American textile and apparel market is the largest, richest, and most sought after in the world—exceeding that of the European Common Market or that of Japan.

Given the factors I have mentioned, it might appear, at least superficially, that our domestic textile industry is vibrant and capable of healthy international competition. However, this is simply not the case. Profits in the textile and apparel industry, expressed as a percentage of equity, were only 7.3 percent in 1969, substantially lower than the ratio of 11.7 percent achieved by all manufacturing. Capital investments in the industry have decreased since reaching record levels 4 years ago. Perhaps most tragic of all, the unemployment rate within the industry has been increasing, closely paralleling the dramatic increases in foreign imports.

Earlier I mentioned that the American textile worker earns a higher wage than his foreign counterpart. The disparity in wages is especially pronounced when comparing the United States with oriental nations. Our textile wages are at least six times as great as those of Japan and almost 20 times those of Korea.

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The wage disparity is only a partial answer as to why foreign textile manufacturers are able to compete so successfully for a large share of the American market. A more complex answer lies in the very nature of the American market. While other countries give lip service to further expansion of trade, the fact is that our U.S. market is the most open market in the world. In fact, as far as wool, manmade textiles, and apparel are concerned, it is the only open market in the industrialized world. The European Economic Community, Japan, and a host of other countries have designed arrangements which limit the access to their home markets of textile products from abroad. One obvious and direct result of this has been that the United States market has had to take a disproportionate share of the exports from the low-wage producing countries, with devastating effects on many segments of the domestic industry.

In the field of wool textiles, for example, we have seen the ratio of imports to domestic consumption climb from 13 percent to 27 percent in the last decade, and in specific areas of concentration it has been much worse than this. Worsted fabric, which is a very important item as far as defense procurement is concerned, has been penetrated to a point where imports of wool worsted fabrics today represent 50 percent of domestic production. In the face of ever-increasing foreign imports, a number of textile officials have expressed doubt that the industry could provide adequate goods for defense procurement in the event of an all-out emergency. It is my judgment that, without the enactment of H.R. 18970, our domestic capacity will be reduced to a point where future defense planning will have to contemplate oversea procurement with all the hazards which are involved.

Another real possibility faced by our textile industry if legislative quotas are not forthcoming is the movement of operations overseas. A number of textile manufacturers, both large and small, have made definitive statements to that effect while others admit that they will consider moving if relief is not provided.

I reject the notion that the Trade Act of 1970 will jeopardize our negotiations for voluntary cutbacks on imports with the Japanese. In fact, I believe the passage of this legislation will serve to strengthen our bargaining position in that the Japanese must finally accept the fact that we will not tolerate further disruption of one of America's most vital industries. Moreover, I seriously doubt that the Japanese would wish to retaliate economically against their best customer, the United States, on whom they are heavily dependent for their exports.

I join many of my colleagues in support of free trade between nations, but I also realize that free trade must be a two-way street if it is ever to enjoy real meaning in the world. If the scales continue to be weighted in one direction only, we may witness the destruction of millions of jobs and catastrophic repercussions which would be tragic from the standpoint of both our economy and our national security.

I have noted with interest certain allegations to the effect that the passage of this legislation will cost American consumers millions of dollars. I suggest that the loss of jobs that is even now occurring throughout the United States because of the rising imports will cost the American consumer, who is also the American taxpayer, a vastly greater amount of money through loss of earnings, unemployment compensation, welfare benefits, and many other monetary consequences of a crippled economy. It is, therefore, without reservation and without hesitation that I have concluded that the passage of this legislation is in the national interest. I implore my colleagues to join me in support of H.R. 18970.

Mr. LANDRUM. Mr. Chairman, I yield to the gentleman from South Carolina (Mr. TAYLOR) such time as he may consume.

Mr. TAYLOR. Mr. Chairman, I will direct my remarks to the textile provisions of the legislation before us. For the past 22 months we in the Congress have waited patiently while the administration attempted to negotiate agreements controlling imports of textile articles into the United States. Those of us who have a major textile and apparel payroll in our districts have long felt the need for decisive action to bring textile imports under some kind of reasonable control. We have held back moving on legislation in the hope that voluntary agreements could be negotiated. Attempts to negotiate agreements have met with failure, and I believe that action by Congress is now necessary. Such action might strengthen the administration's hand and bring about workable textile trade agreements.

We cannot afford to wait longer while the exporting nations use every device possible to stall for time and build up a bigger and bigger base of operations in this country at the expense of our own textile workers.

In this morning's Washington Post Mr. Stanley Nehmer, Deputy Assistant Commerce Secretary for Resources, sounded a warning, stating that American workers could lose as much as $3 billion a year in wages by 1975 unless Congress acts to stop a flood of cheap textile imports into the United States.

Textile imports have doubled during the last 5 years and have already cost $300,000 American jobs. The impact of this decline is felt particularly in my home State of North Carolina, where one out of every two manufacturing jobs is in textiles. Seventeen textile mills in North Carolina have closed since January 1, 1969.

The textile workers deem it most unfair to suffer from shorter hours and from unemployment, while foreign low-wage competitors are supplying more and more of the American market.

We see example after example of how Japan and the other low-wage countries are expanding their production facilities and increasing shipments, while American mills are cutting back. There can be little enthusiasm to invest in research and new facilities when low-wage imports are permitted to take an increasing share of the American textile market.

Mr. Chairman, we have been most patient and tolerant with the exporting nations, but we must now give consideration to safeguarding the future of our own major job-producing industries.

The legislation before the House will accomplish that in a fair and reasonable way. It will permit foreign nations to sell a reasonable number of their textile products in this country, but it will also prevent them from completely disrupting our market and employment, as they have done.

Mr. LANDRUM. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I will try to be brief and not to ask for any more time. The House has been very generous with me yesterday in granting me plenty of time, and the members of my committee, and specifically the chairman, have been more than generous in listening to my complaints for many months. Also, since there are not too many members here today that I think I am going to sway, I am not going to be repetitious and deliver the whole load of material I have.

Let me say in brief I am opposed to the bill in its present form, and I do state my opposition to it even though I recognize there are some constructive things in here to improve our trade relationships. I think the 1962 act was drawn too strictly, and the enforcement of it and the carrying out of it has not been adequate. I do think our Government has had a sort of lackadaisical attitude, and not only the Republicans were in the White House, but also the Democrats, about enforcing the provisions of some of the trade laws we have, but I think in our haste to reconcile this and to try to get some of the things right that we need to get right, we have gone overboard.

The first provision I am opposed to is the provision about oil, which unnecessarily ties the hands of the President in adjusting the oil import quota problem. The President conscientiously sought the advice of his Cabinet and other people in his administration, and it is his best judgment, I believe, that he should maintain the flexibility that the present law grants him in setting the oil import quotas, and determining whether he should shift to some other type of control. So I oppose this bill because of that.

I think it unjustly will help enrich some of the oil companies. I have compiled some figures which I will put in the RECORD when I get back from Florida next week. These figures show that last year through the graciousness of Congress we gave to 16 oil companies about $1,250,000,000 worth of oil tickets. Who got those? These tickets went to such companies as Standard Oil of New Jersey, Texaco, Commonwealth, Gulf, Standard Oil of California, Phillips, and others.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, were these not the same companies that have recently raised the price of gasoline?

Mr. GIBBONS. Oh, yes. But the gentleman knows they are not going to pay any taxes anyway. We gave them last year about $1,200,000,000 worth of oil tickets, and I guess they paid some dividends to the stockholders, but the oil companies who got the free oil tickets—an undeserved subsidy worth more than a billion dollars—did not pay their fair share of income taxes to the U.S. Government.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I think the gentleman probably feels we reached the high point yesterday in our efforts to defeat this legislation, but I want to compliment the gentleman from Florida for making this effort. The strength of the opposition to this bill surprised me, and I think it surprised the gentleman. Perhaps it reached the point where it will encourage the President to veto the trade bill, if and when this Congress shows the poor judgment of enacting such.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for his gracious remarks. I hope the President will veto this bill, and I shall certainly support his veto.

That is enough on oil. I will put the tables in the Record next week. They will show what the Library of Congress was able to dig up on who got the oil quota tickets and what they amounted to. I will let the facts speak for what they are.

The second reason I am opposed to this bill is the quota provisions, which I think are a sorry way of handling our economic problems.

I know there are some problems in the textile industry. I know there are some problems in the shoe industry. I know if I represented an area such as South Carolina or Georgia or Alabama, or even the New England States, perhaps I would have a different attitude toward these industries. But I have tried to look at it from the rather detached point of view I can take down in Florida, where I have just a little garment industry.

I look at it on this basis: Here are over 25,000 production units, which is one of the largest in the United States, one of the most diversified, which is following the same pattern almost every industry is following. It is consolidating. It is closing down the small, inefficient plants. It is closing the obsolete plants. It is moving to where the labor cost is cheaper. It is moving out of New England, where we find old three- and four-story buildings, down to the one-story-type buildings in the South. It is moving where the labor laws are less restrictive than they are in New England. It is taking advantage of section 14(b) of the Taft-Hartley Act, such as we have in our State.

The **CHAIRMAN.** The time of the gentleman from Florida has expired.

Mr. GIBBONS. Will the gentleman yield me an additional 5 minutes?

Mr. LANDRUM. Mr. Chairman, I yield 5 additional minutes to the gentleman from Florida.

Mr. GIBBONS. Mr. Chairman, I look at this textile industry from the detached point of view I can have politically on this problem. Here is what I find. I find that the textile industry is not one of the burdened industries in the United States. In fact, when compared with all other industries in the United States, it is in pretty good shape. Its unemployment rate right now, its unemployment rate today, is half of the unemployment rate of other American manufacturing. I have the figures on that, and I will put them in the Record a little later on.

If we look at the number of jobs that came into that industry from 1961 to 1969, or about those years—I am sure 1969 is the last year—we find that the employment in the textile and garment industry did not decrease, as we have often been told here, but actually increased about 300,000 new jobs, while the industry was consolidating and automating.

We find that while some businesses went broke, if we look at the textile and garment industry of the United States, the profits increased from about $300 million in 1961 after taxes to about $800 million in 1969 after taxes. These are the cold facts and figures. You will find them in detail starting on page 4640 of the hearings.

We will find, yes, that in some areas there has been too much of one type product imported and too little of another, but we will find, all told, that the ratio of imports to domestic consumption has increased only 2 percent in the last 10 years. It was 6½ percent in 1961 and it is only about 8½ percent right now, on all textiles and all garments. That is on volume. If we measured it on dollars, the import penetration to domestic consumption is only about 4 percent.

So I do not think that the textile industry has made the case it must make to get the drastic kind of protection it is going to get under this legislation.

I will not belabor the shoe industry. They have a much better case, in my opinion, than does the textile industry for protection, but even the President and his own Cabinet have turned down the shoe industry for protection.

I am not going to belabor the basket of the gentleman from Wisconsin (Mr. Byrnes). I know he worked hard on it. I do not like the quota provisions of it, although I recognize it has its merits.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I asked the gentleman to yield because I get disturbed when I hear talk about "quotas" in connection with this provision. There is nothing in it that says anything about quotas. It refers to duties or other import restrictions which the Tariff Commission may recommend, which is the same basic recommendation as is in all affirmative escape clause findings. I get a little sensitive about this, because it is completely misleading.

Mr. GIBBONS. I am sorry I made the gentleman sensitive. I did not want to mislead.

I believe we realize, though, that quotas can be imposed under this provision. They do not have to be. They are optional. But with the type of action we are setting forth here today for textiles and shoes I believe it is reasonable to interpret that quotas will probably be the type of remedy that comes about.

Let us look at the Domestic International Sales Corp.

I do not know how much money it is going to cost the Federal Government and our taxpayers. The administration says it will cost at least $600 million. Our staff—and I have respect for them—say it will possibly cost $1 billion. It is spoken of as not being a tax loophole; it is spoken of as not being a tax forgiveness; it is said to be merely a tax deferral.

If you look at my views, which were placed in the committee report, you will see that I believe that this is actual tax forgiveness here when you talk about the domestic minerals that are exported to foreign markets and when you realize the domestic minerals that are being exported now are primarily owned by the oil companies who have large unused tax credits overseas. This will give these companies an opportunity to use up those unused tax credits that they have overseas, and it will mean a bonanza to them again. Maybe someday we will be able to cure that.

For all of these reasons I am opposed to the bill. I have made my views thoroughly known as I have gone along. I want to say again to my colleagues on the Committee on Ways and Means that I appreciate your listening to me. I am just afraid that on balance we made a mistake and I am afraid the mistake is going to go a long way. I think that I see in this bill the same kind of economic nationalism that infected this country in the 1920's. It led to our depression and to our horrible world situation in the late 1920's and 1930's, and it led to economic nationalism. It led to militaristic nationalism and finally culminated in a war which cost millions of lives and us hundreds of thousands of lives in this country alone.

It is sort of remarkable to hear a nation as great as ours, the greatest trading nation in the world, which is selling today better than $43 billion worth of products to foreign countries and which has a favorable balance of better than $3 billion today, a nation that is the leader in the world, is setting the wrong type of leadership example.

The **CHAIRMAN.** The time of the gentleman has again expired.

Mr. LANDRUM. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. GIBBONS. Yes. Other countries have done things that are wrong, but because they do whong is no reason why we should do wrong, also. We must not only be the military leaders of the world and the economic leaders but we have to provide the moral leadership to do the right thing in the world. We are not going to do that right thing when we cut ourselves off and try to live in economic nationalism. That is what this bill does.

It is rather a travesty, I find, in the 25 years since World War II that we have used up 100,000 young American lives trying to put forth the idea that we ought to live in freedom and in a

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free society and still we are not willing to risk the first potential dollar of profit or the first potential American job to push that idea forward. That is where we stand today. That is the decision we are making.

Mr. Chairman, I yield back the balance of my time.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Chairman, I am troubled that there should be so much public misunderstanding and misrepresentation concerning what the bill now before us is all about. I listened to the remarks of the gentleman about economic nationalism, and I am troubled, because all this bill provides is a leverage to the President of the United States to induce importing nations importing into this country to execute some voluntary agreement with us that are going to provide a base against which American industry can plan in the future.

It is very clear in this bill that the agreements they reach do not have to be within the ceilings that the bill provides. If the agreements are not forthcoming within a reasonable time, the imports from those countries into the United States in certain categories are limited to the high average for the period from 1967 to 1969.

The nuts and bolts of the hard economic truth is that lacking such leverage negotiated agreements limiting foreign imports are unlikely.

Now, this is not unreasonable protectionism. It is not a tariff. It does not invite or trigger retaliation—whatever that may mean.

All it does is guarantee a fair share of the American market to certain critically concerned American industries that face bankruptcy from ever-increasing unrestricted imports into the U.S. market of products manufactured abroad.

Mr. Chairman, we must face another inescapable economic truth, which is, that if unrestricted free trade is to be our policy, products sold in the American marketplace of comparable quality, whose cost to the customer reflects a substantial labor factor, are bound to involve disastrously unfair competition from abroad. The American hourly rates of pay and fringe benefits so enormously exceed the rates of pay abroad that the foreign products are available at a much lower price to the American consumer. Money is not patriotic. Consumers everywhere are going to buy the best product that is available to them in the market at the cheapest price. Try it on for size. The shoe fits.

This is bound to mean bankruptcy for industry after industry in America unless a limitation is placed upon the amounts of goods from foreign sources that can be imported into this country. No amount of improved machinery or technological progress can overcome the huge labor cost disparity, particularly in shoes and textiles.

For years and years we have been considered saps by our foreign friends for not having done this. If this Congress is to be representative of the people it must make its choice here today between abandoning hundreds of thousands of U.S. jobs to foreign workers abroad or taking steps to provide a guaranteed share of the American market to American industry by providing a projectable and ascertainable ceiling to the competition the shoe and textile industry will face from abroad in future years.

Frankly, Mr. Chairman, if we do not do something about this situation in this Congress two things are bound to happen to this country. First, the U.S. unemployment rate may go to 20 percent because the jobs of millions of Americans will be lost to other parts of the world where people are willing to work for only a fraction of the pay required to make both ends meet in this country. This is going to mean a monstrous increase in the unemployment compensation and welfare rolls. It is bound to mean that the American consumer about whom we hear so much in this debate is going to wish he had agreed to a responsible quota limitation on foreign competition from abroad, because what he eventually will have to pay in taxes to keep an American system of so-called free enterprise from going under, will far exceed anything he may have to pay in the way of not being able to buy a $15 pair of shoes at $9.95 in some bargain counter basement.

When the AFL–CIO's COPE rates its next batch of incumbents I suggest it include the votes on this bill today, because a vote against this bill today is a vote against the American working man and woman. The people when they choose their representatives in Congress next time should have this counted in their ultimate evaluation of who is for or against the American working man or woman.

Certain models of the Toyota automobile made in Japan sell for approximately the same or lower price in America as certain models of the Mustang made by Ford. Yet, the Mustang in Japan costs more than three times what it costs in the United States and the Toyota in the United States costs less than comparable American-manufactured products, largely because of the labor factor plus restrictions on American imports by foreign law. Foreign nations provide restrictions on our products yet we leave our markets wide open to their cheaper priced products. This does not make sense.

The President of the United States under this bill can suspend any of its provisions, including oil quotas. He is given the discretion to apply it, to not apply it, or to obviate it by executing trade agreements with foreign importing nations. He will be in a position to tell these nations: "Look, the Congress has acted by law. If we do not negotiate an agreement you will not be able to import more than a designated ceiling into the U.S. markets but if we execute an agreement we can negotiate a higher ceiling, higher even than that provided for the Congress in this legislation, so let us start negotiating in earnest and reach an agreement before this law takes effect."

Mr. Chairman, any American President faced with the hard pressures of economic competition for profit needs to have the leverage this bill provides. It is wholly desirable, long overdue, urgently necessary protection for a huge segment of American industry whose economic position is precarious and which if left unprotected will insure virtual economic chaos at home.

I urge the speedy passage of this legislation as a matter of vital importance.

Mr. LANDRUM. Mr. Chairman, I yield 4 minutes to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, the proposed Trade Act of 1970 may well be dubbed the biggest folly in American trade policy in 35 years. More than 4,000 professional economists have issued their warning against its dangerous consequences. Experts in foreign policy have pointed to its disastrous potential. The American farmer, who constitutes the backbone of this greatest nation on earth, has asked that we not pass it. The National Chamber of Commerce and its chapters throughout the country have voiced their opposition to it. Leading journalists and respectable newspapers from all sections of the Union have editorialized in opposition to the trade bill. Our own Secretary of State has stated that the measure will start a trade war with some of our most important allies.

Why then are we here about to approve a piece of legislation which portends so much danger to our national future?

According to one observer, it is because all these warnings are drowned out by the clamorous voices of the Pennsylvania mushroom growers, the Hawaii passion fruit producers, the Massachusetts shoe manufacturers, and other businessmen who want protection from low-priced imports. By listening to these voices and turning a deaf ear to those who warn us of the consequences which will likely befall upon us as a nation, are we not placing purely local interests above national interests?

These are times when we must cease to be locally oriented politicians and become nationally minded statesmen. This is the bill on which we must rightfully make that decision.

For some of us that decision would not be at all difficult to make, for national interest will coincide with local interest. For a few of us the decision may even tend to determine our future political life. But for most of us, if we pause to analyze critically what confronts us today, the decision should not be too difficult to make.

There are readily acceptable reasons why we should vote against the trade bill which is before us. In the first place, it is generally agreed that enactment of this bill might well trigger a regressive world trade war. Second, and perhaps more importantly, enactment of the trade bill will most certainly mean higher prices for American consumers who are least able to afford them. H.R. 18970 would penalize the American consumer to such an extent that all other consumer protection legislation would be made meaningless.

Proponents of the legislation say that it would provide the President with authority to waive the imposition of quotas

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on nondisruptive imports, even in the absence of negotiated agreements, and furthermore that the President could waive import quotas when he finds it to be in the national interest to do so. In this regard, we should look with scrutiny at the past performance of the Executive in the case of the State of Hawaii, particularly with respect to its experience under the oil import control program.

For years the people of Hawaii have paid for their fuel, notably gasoline, at a price as if it were landed from the Middle East or the Far East first in California and then reshipped to Hawaii, when in fact such fuel has been shipped directly to Hawaii. This business practice, which has cost Hawaii consumers hundreds of thousands of dollars, has been perpetuated by our oil import quota program. While the civilians of Hawaii have been frustrated in their quest for solutions to the ever growing difficulties in procuring economical energy, the large military installations in the State have been receiving all the fuel they need directly from Indonesia or the Middle East without being burdened by the political friction of the oil import quota program. To add insult to injury for the citizens of Hawaii, the Trade Act of 1970 proposes to enshrine into congressional legislation the oil import quota program. From all the current indications, after 10 years of an expensive exercise of controlling the petroleum market of the United States and causing its domestic prices to rise to twice those in the world, the program has failed in its proclaimed goal: Adequate domestic supplies at a fair price. The present scarcity of energy in general and of some petroleum products in particular proves very convincingly that trade protectionism benefits a handful of corporate giants at the expense of the millions who make up the American consuming public.

Mr. Chairman, passage of the proposed Trade Act of 1970 would mean a reversal of a proven and longstanding U.S. trade policy. At a time in our international relations when there is greater need than ever before for a demonstration of sincere friendliness and goodwill, we would be inviting trade disharmony and retaliation. If what is predicted does come to pass, we will not be able to say we were not forewarned. Let us not make the mistake which we can yet avoid. Let us hold foremost in our mind the national interest and vote down this danger-laden trade bill.

Mr. LANDRUM. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, as a former professional economist, I have heard many times that if all the economists in the world were stretched end to end they could not reach a conclusion.

The gentleman from Hawaii (Mr. MATSUNAGA) has already pointed out that there are 4,000 economists in the United States who have reached a conclusion—unanimously, conclusive—against this legislation.

First, let me support the gentleman from Arkansas (Mr. MILLS), the chairman of the Committee on Ways and Means in his statement that this bill has some good features. I will not elaborate on them because they have been adequately explained.

But these good features could have been gotten without the import quota restrictions which relate to textiles, footwear, oil, mink skins, glycine, and without opening the door, potentially, to import quotas on hundreds of other products. I have been told that 500 quota bills are waiting in the wings.

The committee claims that the textile and footwear restrictions would be temporary, but temporary quotas, like temporary Government buildings, tend to become permanent.

The import quotas under the Trade Act of 1970 are not needed. The U.S. trade surplus was down several years ago because of the Vietnam war and inflation. But it has made an excellent recovery on its own—from $0.8 billion in 1968 to $3 billion or better in 1970. U.S. exports to all countries increased more than 100 percent during 1960–70. They rose 15 percent during the last year and a half. And to Japan, the terror of the domestic industry of the United States—our exports nevertheless rose 46 percent. Against this our imports have only gone up about 9 percent. Textile and apparel imports from all nations are only 4 percent of the U.S. domestic consumption. Japanese imports of textiles and apparel are only 1 percent. Employment in both textiles and apparel is higher in 1969 and 1970 than 10 years earlier. Textile profits in 1969 were double what they were in 1960; apparel profits in 1969 were over three times what they were 10 years earlier. The sales of the domestic textiles and apparel have risen steadily—from $28 billion in 1961 to $45 billion in 1969. Where in these figures can be found a foundering industry?

In the case of footwear, also subject to import quotas under this bill, the President's Task Force on Footwear failed to find any case for overall import injury. It opposed the import restraints as not being the answer and pointed out that many producers were able to meet import competition. I can point in this connection to the Bata Shoe Co., in my own district, which is expanding its production so rapidly that it cannot find the workers to meet its production needs. Some firms cannot even meet domestic competition but this is due to their own problems of technology, organization, marketing, style development and changes in the wage structure of different parts of the United States.

The cure offered by this bill is no cure. Even if it were a cure, the cure would be worse than the disease. For the trade import restrictions in this bill would have serious economic consequences. One of these would be inflation. Steel prices were fairly stable before the voluntary quotas were instituted in January 1969. These were only voluntary quotas, but in the next year and a half, steel prices rose by 19½ percent in the United States, compared to the general wholesale price increase of 8 percent.

Another consequence of this bill will be the injury to underdeveloped countries from which nearly half of the apparel is imported. Compared with only one-quarter from the Japanese. These countries, if they cannot sell their goods to the United States, are going to want more foreign aid. If they do not get it, there is going to be the threat of a further drive toward communism resulting from unemployment in Latin America and other underdeveloped countries.

But perhaps the most serious economic consequence of this import quota legislation is retaliation. A number of countries have promised retaliation, including the Common Market countries, Britain, Japan, and Canada. Most of these countries can move a lot faster than the U.S. Congress. And it is quite likely that we will get the retaliation before these import quotas are even put into effect.

But even without political retaliation, there would be economic repercussions. When we buy less from the foreigner, he buys fewer of our goods, simply because he has fewer dollars to spend in the United States. When U.S. imports fell from $4.4 to $1.4 billion in the great decline of 1929–33, following the Smoot-Hawley Tariff, the exports fell concomitantly from $5.2 to $1.6 billion. Exports, in other words, fell the same amount as imports—they fell two-thirds of the entire volume. The great tragedy of that time was that we started out with an exports surplus of nearly a billion dollars—but we were not satisfied with that, so we set up a mile-high tariff system, and we ended up with practically no imports or exports.

America has far more to lose than to gain from this legislation. Our exports of goods and services are the world's largest. Our export industry by and large paid the largest wages and profits in the United States. They are and ought to be expanding industries.

My own State of Maryland has far more to lose than to gain from this bill. Maryland employs 155,000 persons directly and indirectly from the Port of Baltimore—selling over $1¾ billion a year and paying $17 million in State and local taxes, and this does not count, of course, the domestic industries that are selling through the Port of Baltimore.

The port is fourth in the United States in tonnage and cargo, with 5,000 sailings in and out per year and trade with 291 foreign ports. Firms in Baltimore serving the port include: 13 shippers, five banks with foreign department, 12 firms doing cargo weighing and inspecting, five export managers, 18 construction brokers, four export packers and craters, 30 foreign freight forwarders, 16 warehouse operators, 13 stevedoring firms, 13 public marine terminals, 36 steamship agents and operators.

This is the tremendous stake which Maryland has in the handling of both imports and exports, and all this could be jeopardized in order to try to cut down a small amount of imports from countries which cannot even be proved to threaten our domestic industry.

You have all heard of Aesop's fable of the dog who had in his mouth a big juicy bone. As he peered over the bridge into the water at what looked like an even more attractive bone reflected in the water, we all know that Aesop's dog

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dropped the bone he had in his mouth to dive in to get the better bone he thought he saw.

We are getting ready to do what the dog did in Aesop's fable. The export bone we already have is the biggest and juiciest in the world. It is growing nearly every year. The bone we are going after in this bill is just as illusory as the bone which Aesop's dog saw reflected in the water.

Now we are told, "Don't be alarmed." This bill will not have a very destructive effect because it will not really cut off trade very much. Well, suppose the man next door invites your wife out for a cocktail. If you have any sense, you do not wait to become alarmed until they both leave town together. You anticipate the possibilities and head them off before the situation gets out of hand. This Trade Act of 1970 has tremendous possibilities for mischief, and we ought to head them off by defeating it here today.

Mr. **BYRNES** of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. Jonas).

The **CHAIRMAN**. The gentleman from North Carolina is recognized.

Mr. **JONAS**. Mr. Chairman, I am not going to take the 5 minutes. I think I can gage the mood of the membership on the floor. We are ready to vote on this bill. It has been soundly debated at length today, yesterday, and, indeed, over the last year or two we have had frequent discussions about this bill and this problem right here in this Chamber. I, myself, have frequently made speeches in the well of the House on the general subject of the disruption of our markets by unlimited imports. Most of the arguments that can be advanced in favor of and against this bill have already been made, and whatever is said hereafter is bound to be repetitious. I do not intend to tax the patience of the membership by engaging in repetitious discussion.

I have asked for the time in order to get permission to extend my remarks, because I wish to discuss for the record and to have appear in the Record what I consider to be an answer to the argument that this bill will cost the consumers of our country billions of dollars.

Yesterday I put into the Record a speech by Deputy Assistant Secretary of Commerce Stanley Nehmer here in Washington, in which he completely, to my way of thinking, demolished the argument advanced recently by a member of the Board of Governors of the Federal Reserve Bank. He characterized the arguments of the governor as being fiction instead of fact, and those who are concerned with this consumer argument I hope will take the opportunity of reading the speech that I put into the Record yesterday made by Mr. Nehmer on this very subject.

I also wish to include as a part of my remarks today, and I obtained permission to do so before the House resolved itself into the Committee of the Whole this afternoon, another speech delivered by Mr. Stanley Nehmer before the Charlotte, N.C., Textile Club on November 9, 1970, in which he stated the case for the textile industry in a manner that cannot be disputed and in compelling arguments. Again he dealt in facts and not in fiction. I would invite those who are interested in this subject to read the remarks that Mr. Nehmer made in Charlotte only a few days ago:

TEXTILES TODAY: A STATUS REPORT

I want to thank Representative Jonas for inviting me here today. It is an honor to speak from this rostrum at which so many distinguished speakers have preceded me. And, since one of my main responsibilities at the U.S. Department of Commerce is the import problem faced by the U.S. textile and apparel industry, it is particularly gratifying to be with you here in the heartland of the industry.

I.

Perhaps it would be well to note that while this is the heartland of the textile industry, it is not the whole body. Indeed, a key factor in the importance of the textile and apparel industry to our nation and a key element in the intensive consideration that has been given to the textile import problem is the fact that this industry is located throughout the United States. Of course, there are heavier concentrations in some areas than in others, but every one of the 50 states of the nation has some textile and/or apparel operation within its borders. In addition, the obvious geographic spread of cotton growing, sheep raising and man-made fiber production contributes significantly to the impact on the national economy and on the economies of the several states of progress or decline in the health of the textile and apparel industry.

Other factors also single out the textile industry for the kind of attention it has received through several Administrations over many years. It is worthwhile to review these on occasion so that the entire problem is seen in an appropriate perspective.

An important and essentially unique element in the textile-apparel picture is the high labor intensity of the industry as compared with other manufacturing industries. I know that many in the textile industry justly pride themselves on the growing role of automation and modernization in the industry, pointing out that it is the most efficient in the world in an operating sense.

This can be attributed not only to technological inputs but also to the billions of dollars which the industry has invested over the last decade to make it the most modern and efficient. Without challenging this statement it can also be pointed out that the industry remains the largest employer of labor in manufacturing in our highly industrialized economy.

Few realize that textile and apparel production employs about 2.3 million workers, one out of every eight in manufacturing. This is more than four times the number of workers presently employed by the American steel industry, and more than five times the number employed in our giant automobile industry. Those are important facts; they cannot be overlooked.

Furthermore, the industry is a major employer of minority group workers and of the underskilled. It is an entry point into the work force for many who have few, if any, other work opportunities.

The significance of this industry in the lives of so many people inevitably places the industry and its problems high on anyone's agenda of national priorities. They have always been high on the agenda of this Administration.

Another unique element in the textile picture is the worldwide nature of this industry. Every country, it seems, produces textile products. Every country trades textile products, and each has come to recognize that in international trade terms, there is nothing quite like textiles.

Finally, with so many countries, governments, industries, and people involved in textile products and trade around the world, it is inevitable that international textile trade receives great attention. We import textiles and apparel from some 100 countries. Many countries, like our own, have been in the textile business for many years. They expect to stay in it. Other countries are new-comers to the field and expect to grow rapidly as a means of helping broader economic development needs. These aspirations and intentions occasionally clash, and the most practical result to date has been the growth of an unprecedented number of international agreements designed to deal with trade problems in a particular product. I shall discuss this aspect more fully later but note it here simply as another element in a complicated picture which is essentially unlike other trade and industry situations.

Today, I want to focus on a review of the situation in the industry and the trade as we in the government see it, to comment on the situation as it has been viewed by those in other countries, and to comment briefly on some of the issues that lie ahead.

II.

As we come to the end of 1970, we see a sorely pressed textile industry. The buoyance of recent years has been subdued by the pressures of rising costs, declining profits, and sharply increasing import competition. Here are the salient facts:

Capital expenditures for new plant and equipment have dropped 8 percent this year from 1969, and are down almost $250 million since the 1966 level.

Total employment in the textile and apparel industry has dropped 100,000 in the first nine months of this year to the lowest level since 1966.

Profits in the textile industry declined 44 percent as a percentage of sales from the second quarter of 1969 to the second quarter of this year; and fell 46 percent as a percentage of equity in the same period.

Profits in the apparel industry slipped 32 percent as a percentage of sales from the second quarter of 1969 to the current second quarter and were down 37 percent as a percentage of equity.

The Federal Reserve Board's production index in August 1970 dropped 5 percent below the previous year to the lowest level since 1967.

The FRB's production index for apparel products in July dropped 7 percent from the 1969 level. Its average index for the May–July 1970 period was the lowest since October 1964.

Unfilled orders for cotton, wool and man-made fiber woven gray goods at the end of August 1970 were 19 percent less than August 1969.

Inventories of cotton, wool and man-made fiber woven gray goods were 23 percent higher at the end of August 1970 than August 1969.

The average hourly earnings for the textile and apparel industry of $2.45 in September of 1970 were 2 and 5 percent, respectively, higher than a year earlier. (Although this hourly rate is still well below the national average hourly rate for manufacturing industries, it is still far above what competing foreign textile and apparel manufacturers pay their employees.)

Undeterred by the frequently voiced belief that a slow domestic market will produce lower imports, imports have risen sharply during this period.

In the first nine months of 1970, we have witnessed a continued growth of textile and apparel imports made from cotton, wool and man-made fibers. Our trade deficit in these products, which had jumped from $500 million in 1966 and 1967 was just under $1 billion in 1969 will, at its present rate, exceed $1.2 billion in 1970. Yet in 1961 we were net exporters of these textile and apparel products!

In terms of yardage equivalents, the situation is no better. We imported 3.6 billion yards of goods last year. This year, we are running at a rate of 4.4 billion yards. The heaviest influx has been, as most of you know, in the area of man-made fiber products. In 1968 we imported 1.5 billion yards; in 1969 1.8 billion, and this year we can expect almost 2.7 billion yards.

These dramatic increases in imports cannot fail to depress this industry. They cannot fail to disrupt markets and cause dislocation for companies, workers and communities. They explain why we are concerned about the textile import problem.

Where does this trade originate?

Japan, as everyone must know by now, is the largest single foreign supplier of man-made fiber textiles in our market. In 1969 we imported 585 million yards of these products from Japan, and in 1970 imports are running at an annual rate of 760 million yards.

But how many realize that imports of man-mades from Taiwan and Korea together virtually equalled Japan's in 1969, 549 million yards as against 585 million? How many realize that imports from Hong Kong have gone from 99 million yards in 1968 to 145 million in 1969, to an annual rate of 190 million yards in 1970? Many countries already ship heavily to us; many more have the capacity to do so; still more would like to move heavily into this market.

III.

We, of course, are not alone in the textile world. The import figures I have just noted bear ample witness to that. As producers and traders of textiles, we have many rivals and many colleagues. Neither are we alone with a textile import problem. Other countries have also confronted the issues raised by rising textile imports on one hand and domestic production which must be maintained in the interest of their own national economic well being on the other. The reactions to these problems have differed in some respect from country to country, but there is a singular thread that runs throughout—restraints on imports.

While many countries have publicly protested the United States proposals for international textile agreements, not to mention the proposals for legislative textile quotas, the same countries have long operated their industries behind doors which have been closed to all but a small quantity of imports. For example, eight European countries and Canada have had agreements with Japan, and some with Korea, Taiwan, and Hong Kong, restricting imports of wool and/or man-made fiber textiles and apparel from these countries.

Many countries have also resorted to quotas and administrative devices. In some cases their markets have been protected by industry restraint arrangements not officially enforced by the governments concerned. The cumulative impact of these devices is quite clear. As Secretary Stans pointed out in his testimony before the House Ways and Means Committee,

"United Nations figures, in addition to our own import figures . . . show that in 1968 while the United States took 20 percent of Japan's textile mill products exports, the EEC imported only 3 percent. We imported 51 percent of Japan's apparel exports and the EEC took only 5 percent.

"A large portion of Japan's textile mill product exports goes to Hong Kong where it is made into apparel. We imported 30 percent of Hong Kong's apparel exports in 1968 (first half only) while the EEC took 14 percent. In the mill products sector, we imported 32 percent of Hong Kong's exports as against 2 percent for the EEC.

"The disparity was equally pronounced for our other major suppliers.

"In short, our market has been open while others have been closed and the impact has been considerable."

The extent of this response by foreign governments and industries to their textile import problems is nowhere more clearly shown than in the two volumes in the record of the Ways and Means Committee hearings which show in considerable detail the restraints other countries maintain on their textile imports.

The Long-Term Cotton Textile Arrangement which has recently been extended through September 1973 is perhaps the clearest example of the world-wide recognition that textile trade is in need of some regulation if chaos is to be avoided. First negotiated in 1961 when cotton was the main fiber in use, it represented a comprehensive approach to the textile trade problem of the day. In our conversations with exporting country officials during a recent series of cotton textile negotiations which led to the extension of the Long-Term Arrangement, we were frequently advised that the arrangement had in fact benefitted exporting countries as well as importing countries. While no one is totally satisfied, almost everyone recognized that the arrangement represented a reasonable compromise and should be continued. All but two governments have agreed to participate in the protocol extending the Long-Term Arrangement.

Under the Long-Term Arrangement, we have concluded 26 bilateral agreements with export countries. We have been working actively to renew these agreements, most of which terminate the end of this year.

The record here is a good one. In my view it reflects well on the textile trading community which has seen in cotton textiles the need for a practical solution to difficult problems faced by many countries with essentially different purposes and needs.

In recent days, there have been indications that in recognition of the need and desirability of a solution to the textile problems we face with Japan, some other countries may be willing to adopt some kind of a standstill with respect to the institution of new restrictions on textiles and perhaps would consider accepting additional imports of textiles from the primary exporting countries of the Far East.

While any sign of cooperative interest in the resolution of the difficult textile problem we have confronted over many months is welcome, we must note our view that much of our textile problem originates as a result of the restrictions already in effect in other importing markets. Thus, a freeze of the *status quo* with regard to those other markets leaves much to be desired.

Few can debate that the developing countries need to expand their exports and few can debate that trade from some countries has been extraordinarily concentrated on the United States market. While we can accept substantial volumes of imports and can allow imports to grow in the future, we cannot accept a situation in which all growth of this trade is directed at the United States. The burden as well as the benefits of assisting the developing countries must be shared. Markets which have been rigidly closed must be opened.

IV.

The Administration recognizes the factors I have outlined which point to the need for a prompt solution to the textile import problem. We are well aware of the economic pressure on this industry, and of the need for the introduction of an orderly pattern of imports so that the industry can continue to grow in the interests of a growing national economy. We have supported quota legislation for textiles, emphasizing clearly our preference for a negotiated international solution to this problem. Indeed, we have made clear that even with quota legislation we would never cease in our effort to negotiate reasonable international textile agreements.

With this recognition by this Administration of the need for a solution to the textile problem, I am confident that we shall have such a solution.

(Mr. DUNCAN (at the request of Mr. BYRNES of Wisconsin) asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DUNCAN. Mr. Chairman, I rise in support of the Trade Act of 1970.

This legislation would provide, among other things, temporary limitations on imports of certain textiles and footwear, and authority to negotiate international agreements in order to insure nondestructive marketing of textiles and footwear imported into the United States.

May I say that I realize the importance of imports to our economy, to our everyday lives—but I also realize the threat they impose on our U.S. industries and workers if they are not controlled or regulated in an orderly manner.

I represent an area where textile manufacturing provides much income. Textiles, in fact, is one of the largest industries in Knoxville, and has been for a number of years. Yet I see a decline in this type of industry, and hundreds of workers could be laid off from work unless we can turn back the tide of imports. It has been estimated that if the present factors continue for the next few years the annual loss in wages will be in excess of $3 billion in the United States.

In the Southeast alone, some 75,000 less employees are working in the textile industry than were working at this time last year. Most of these textile workers lost their jobs because of imports produced in Japan, where exporting industries get a helping hand from the Japanese Government, and where production workers last year earned an estimated 76 cents an hour contrasted to $3.19 per hour for their American counterparts. I think it is proper to point out that Japan has strict quotas and licensing restrictions on imports coming into their own country.

We have tried negotiations with Japan, but months of talks have resulted in no volunteer compromise on the import problem. Apparently because of this pending legislation negotiations have resumed with Japan, but unless this bill is passed we can expect nothing.

If we pass H.R. 18970, and I believe we will, then it might just be the nudge Japan needs to take us seriously and settle down to some productive talks.

It is imperative that H.R. 18970 be enacted into law. If this bill is defeated it will encourage foreign manufacturers to flood our markets, not only with textile products, but with every type of cheaply produced product. Jobs in many of our great industries will then be further jeopardized.

Mr. REID of New York. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to H.R. 18970, the Trade Act of 1970. This legislation should not be considered by a lame-duck Congress. It should not be acted on during the pendancy of critical trade negotiations with Japan concerned with voluntary restraints.

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The bill is not only bad legislation but it is dangerous legislation.

It turns back the clock 40 years to the Smoot-Hawley Tariff Act. It is highly protectionist and could signal to the world a major turn backward to economic isolationism and away from free trade.

The Trade Act of 1970 would violate the General Agreement on Tariffs and Trade. It flies in the face of progress made in the Kennedy round of negotiations.

Domestically, this legislation could seriously affect consumers and farmers. It may well also lead to a trade war, drastically affecting other major areas of domestic industry, including those which it was particularly designed to help.

Beyond a trade war, this legislation could lead to a contraction of world trade itself. Yet the major consequences of this bill in terms of agriculture and our foreign policy have not been examined at all by the Agriculture or Foreign Affairs Committee of this House which held no hearings on this sweeping bill. Surely this is precisely not the way to enact major legislation.

Specifically, with regard to the domestic impact of the bill, it has been estimated by Federal Reserve Board Governor Andrew Brimmer that it will cost the American consumer $3.7 billion a year by 1975. This would include a nearly 4-percent inflation of the cost of apparel, a nearly 30-percent inflation of the cost of shoes, a continuation of the already artificially inflated cost of fuel oil, and an overall increase of the Consumer Price Index of nearly 1 percent. In the case of oil it would freeze current import quotas and preclude a shift to tariffs—all of which would harm the consumer by maintaining high costs and the environment by emitting into our air the waste of high-sulphur-content fuel oil currently being imported.

Further, this bill could lead to economic retaliation by Europe and Japan in their purchases of soybeans and wheat. Obviously it would not be difficult for Japan to shift her wheat purchases from the United States to Australia and for Europe to purchase more wheat from Canada. Both of these commodities are central to our trade surplus and to our overall trade posture.

This legislation not only imposes quotas on synthetic textiles, woolens, glycine and furskins but it contains two clearly dangerous provisions. First, the liberalized escape clause makes a finding of injury to domestic industry contingent only on a determination that foreign imports contribute substantially to causing or threatening serious injury to the industry. This standard, weaker than the present standard of the major factor, is an obvious invitation to special interest group pressure upon the Tariff Commission to make such a determination.

Second, the trigger mechanism clause requires the President to impose quotas, duties, or other import restrictions over a potential wide range of products pursuant to a mechanical formula, after a finding of injury by the Tariff Commission, unless the President finds that such action would not be in the national interest. The opportunties for political pressure upon the President are all too clear.

As Members of Congress we also cannot ignore the impact of this legislation on other nations of the free world. Several countries have already given our Department of State confidential aide-memoires indicating the serious consequences their governments attach to this legislation and implying the possibilities of dangerous retaliation. Secretary Rogers has stated unequivocally that this measure would result in extensive retaliation by other countries and would cause "serious harm" to the United States. To cite just one example, the imposition of quotas on shoes could seriously affect Italy, leading to the communization of certain areas of Tuscany.

While certain elements of the domestic textile industry have fared well in recent years, there is no question that many medium-sized and smaller firms have been seriously affected by foreign competition, especially those companies which are not large enough to diversify their product lines quickly or easily. In many cases, this has meant a loss of jobs or reduction in the work week. In my own district in Westchester, there are dress lofts where the shop is working only 2 or 3 days a week. Many of these shops have been hurt by competition from Japan or Taiwan where lower wages and the use of child labor enable importers to undersell domestic products.

However, rather than enact a sweeping piece of legislation which is designed to trigger mandatory trade restrictions in broad areas of the market, we must negotiate mutual restraints of a precise nature with countries such as Japan and Taiwan. Right now, high-level negotiations of this character are taking place, covering such areas as the extent of coverage, the items and categories to be included under voluntary restraints, and formulas structured on certain base year and growth factors.

The problem facing our own textile industry, in short, is a very real one, particularly at a time of inflation and some recession generally in the economy. This calls for the most urgent action by our Government on a firm and specific basis and at the highest levels. Such an approach would not only curb the inflow of certain foreign textiles, but it would prevent a potentially disastrous trade war and avoid a policy of American economic isolationism.

The problems of unemployment and underemployment are tragically real in some areas of the economy and they need redress—but massive protectionism is the wrong remedy. It would be a mistake of historic proportions.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Chairman, I sincerely appreciate the opportunity of speaking on this bill and being yielded this time. I shall be brief.

Yesterday and today we have heard a great deal about tariffs, reprisals, quotas, and reciprocity and a number of things, but what does it really boil down to? What is the bill all about?

Mr. Chairman, this bill is about jobs—j-o-b-s, just as the ad that appeared in most of the larger papers of the Nation points out—jobs. That is what this tariff bill is about.

We can talk about theory and the economy, and we can project as to what might be the effect if we do or do not pass it, but the fact is, Mr. Chairman, that jobs are going out of existence today. Yes, just the day before yesterday, we passed a manpower training bill. It is going to cost the taxpayers of this country more than $9 billion. What does it do? It is to train people and to equip them to be self-sufficient and to earn a livelihood and get off welfare rolls.

But what are we doing with our own economy and the people who have jobs now if we do not protect them by the legislation which is being brought before the House today?

There was a little mill, owned by Handley Manufacturing Corp. I have stood outside its gate and given my political brochures. It is the largest employer in the city of Roanoke, Ala., which is not in my district at this time, but I am quite familiar with it. It closed last week and over 800 jobs went out of existence.

We heard the gentleman from Florida say that this industry is not on the brink of disaster. Tell that to those 800 people. Tell them they are not on the brink of disaster.

There are over 13,000 jobs in my district alone which are dependent on the textile and apparel industry. They are running at less than 80 percent of capacity. Some of them work only 3 days a week. Tell that to those people, who do not get a full pay check. Tell them this is not urgent and necessary legislation and that we are not on the brink of disaster.

We talk about the Japanese and the others who are affected by this bill. As has been amply pointed out, this is no more than a utensil, a tool, a weapon that the President may use if he sees fit, but, Mr. Chairman, we tried to get a voluntary quota system with the Japanese and they would not even talk with us. It was not until legislation was introduced and started to move that they even agreed to meet and talk with us. They are now making progress because of what we are doing on the floor today. If this bill fails, then mark by words, they will close up their little briefcases and get on the big iron bird and go back to Japan, and we will not have any trade quota—voluntary or otherwise.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Chairman, I commend the gentleman from Alabama for his statement, and not only for his present statement but also for the work he has put into this over the years and into this legislation.

I wish especially to underscore the point the gentleman made, that only 2 days ago this House passed the comprehensive manpower bill which will require an expenditure of billions of dollars in order to try to give employment or make jobs for the unemployed. I would hope that today we would overwhelmingly pass this bill, which will not require one dime

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of the taxpayers' funds, but will help to save jobs. That is the way to get it done.

Mr. DICKINSON. The gentleman is eminently correct. Not only that, but also early this year we passed a guaranteed income bill, which was supposed to cost $9 billion and which was supposed to take people off the welfare rolls. Yet, if we do not protect our laboring people—and many of these are unskilled black people in our part of the country—we are just defeating our own purpose and throwing away the taxpayers' money. I hope the House will show the courage and good sense to enact this legislation today.

Mr. LANDRUM. Mr. Chairman, I yield the gentleman from California (Mr. HANNA) 2 minutes.

Mr. HANNA. Mr. Chairman, I would like to make two points in those 2 minutes. First of all, I think this legislation is predicated upon some very understandable and strong feelings, those feelings about jobs in parochial areas that will obviously be affected and those feelings against the Japanese in particular as the intruders.

Let me say that in regard to both of these I have some sympathy. I would not like to represent an area which is losing jobs in textiles. I know it would be very difficult. I do not sympathize with the approach of the Japanese, which has caused them to be characterized as the economic animal of the Pacific.

I believe the Japanese are facing not only the ire of America but also the ire of countries all over the world, where they have, with their singular export mindedness, combining both government and industry, gone in and taken markets all over the world. I believe that within 5 years they will have to come to a very shattering decision in Japan, and they are going to be faced with closing doors of trade all over.

But do not lose sight of the fact that this affects the whole United States. I suggest that you gentlemen will find me in the well of the House asking for your help for jobs, because I represent Hughes Aircraft, and they have sold the whole system of radar to Japan, and that represented more money than all of the Japanese textile imports.

We have within our area the aircraft factories. We sell aircraft to Japan, to Taiwan, to Korea, and that represents more money than all the textiles we are talking about.

Whose jobs do you want to hurt? Mine, in my district? I can assure you that if those countries do not have dollars they will not be buying these other articles.

You are starting a circle here, to see whose turn it is in the well. Next time it will be my turn in the well. It will not be based upon the feelings I have against Japan or any other place. It will be because jobs, as the gentleman has said, is the question. The question is, Whose jobs are we talking about?

Mr. LANDRUM. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, if I were speaking today as a distinguished but unnamed member of the executive branch I would lacerate this Congress for its lack of faith in the vitality and strength of our free enterprise system. I would criticize all the Members here who support this bill for their overly permissive attitude in subsidizing and in weakening the moral fiber of our corporations by making them the beneficiaries of a tax, and a very inflationary tax, on all middle America.

That is exactly what this bill does. This bill departs from every lesson or tradition and economic history that we have learned from examining the last 150 years of explosive economic growth based on the principle of free private enterprise and competition that has made this country great.

When I talk to our British friends, to our Canadian friends, to our French friends, to our Italian friends, the thing which worries them and the countries of Europe is our economic penetration and domination of their economies. For us to worry about the 3 or 4 percent financial penetration by foreign producers into some few sectors of our economy to me is the height of economic nonsense.

In a very brilliant and professional presentation of the facts, my distinguished colleague from New York, Mr. BARBER CONABLE, mentioned that if one approved of the paternalism of our Government in helping the farmers one would approve of the paternalism of our Government in helping industry.

I suggest to him that there is a difference. When this Congress passes an agricultural subsidy, whether or not one approves of it, at least we know what we are appropriating down to the last dollar and cent. And if we wished, we could easily change the dollar appropriation any year.

But the multibillion dollar cost of the subsidy we are proposing to give American industry is not a dollar amount certain which we control annually by the appropriation process; it is a crutch, a subsidy, a form of debilitating corporate handholding which is a direct consumer tax levied by dint of reduced competition by arbitrarily and administratively effected price increases, difficult to measure and more difficult to control.

If there is unemployment in this country, it is because the administration has insufficient sophistication and professionalism to manage our fiscal, monetary, and tax policies so as to produce economic health and vitality along with reasonable price stability.

The answer to unemployment caused by foreign competition lies in educating and training displaced workers so that, with relocation assistance, they can "go hunting where the ducks are"—that is, find the jobs in expanding industries where they exist. The answer is not to spoon feed industry by crutch and subsidy in the clear and unmistakable form of an inflationary consumer tax that will hurt every American housewife every day of the week.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COLLIER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, I appreciate, first of all, the opportunity to have some time. I want to say at the outset that, as our distinguished chairman of the Committee on Ways and Means knows, I have only the greatest respect for him and I have only the greatest repect for his committee and the ranking Republican member, the gentleman from Wisconsin (Mr. BYRNES).

Mr. Chairman, it is sometimes necessary to look back and see where you have been in order to tell where you are going. I would like my colleagues to go back with me to the days following the Declaration of Independence in 1776. The Continental Congress of the 13 original States finally was able to agree on a form of confederation embodied in the Articles of Confederation. These closely alined States were now part of a single governmental entity. They could be expected to get along harmoniously, particularly having just declared their joint independence. And yet there was a fatal weakness in the Articles of Confederation, Congress had no authority to regulate foreign or interstate commerce. Legislation in this field was left to the States.

I am sure you are all ahead of me. Yes, discriminatory State laws and regulations on trade and commerce were met with reprisals by sister States. The Commonwealth of Virginia advocated a convention of States "to take into consideration the trade of the United States; to examine the relative situations and trade of the said States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States, such an act relative to this great object, as when unanimously ratified by them, will enable the United States in Congress, effectually to provide for the same."

The proposal for a trade convention met with general approval and the Continental Congress approved a convention in Philadelphia "for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the States render the Federal Constitution adequate to the exigencies of Government and the preservation of the Union."

As we all know, this convention, which started out to be intended to handle the urgent problem of trade relations between the States, ended up by instead reporting an entire new Constitution. We should, I think, recall what the Founding Fathers did when faced with the crumbling of the precious and newly formed confederation of 13 States who were engaging in trade discrimination and reprisals among each other.

Article I, section 8, clause 3 gave Congress the power "to regulate Commerce with foreign Nations, and among the several States." In article I, section 9, clause 5, the Constitution provides that:

> No tax or Duty shall be laid on Articles exported from any State.

And in article I, section 10, clause 2, States were prohibited, without the consent of Congress, from laying any imposts or duties on imports or exports except in certain instances. There is no doubt in my mind that these were in-

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serted "to insure domestic tranquility" among the States and to preserve the Union. If there were no longer any trade discrimination by the States then there would likewise no longer be any retaliation by the States.

The patriots who participated in drafting this great document had just witnessed at closet range the unfortunate results of trade discrimination and resultant retaliation. And I should like to say that in my opinion, any artificial trade barrier is indeed an open invitation to retaliation.

Accordingly, I would urge my colleagues to weigh very seriously the likely adverse effects of retaliation against whatever beneficial effects are anticipated from protectionist barriers. Admittedly, the lack of common borders distinguishes our foreign trading partners from the situation as it existed among the original 13 States, and yet that distinction should not be permitted to obscure the lessons of history.

Reports from Japan, Britain, and Europe warn that if the United States imposes quota restrictions on their exports, they will retaliate. I include an article from the Wall Street Journal of October 14, 1970, captioned "Trade War Threat—Retaliation Is Feared if United States Should Enact Protectionist Measure" at this point in my remarks:

TRADE WAR THREAT—RETALIATION IS FEARED IF UNITED STATES SHOULD ENACT PROTECTIONIST MEASURE—MACHINERY, METALS, AIRCRAFT AND GRAIN ARE AMERICAN PRODUCTS THAT MAY SUFFER—TROUBLE FOR SOYBEAN FARMERS

(By Ray Vicker)

BRUSSELS.—American soybean farmers may not know it, but they have a big stake in the protectionist trade bill now before Congress.

If the bill becomes law, soybean producers are apt to be among the economic casualties of a world-wide trade war. Britain, the six-nation Common Market, and Japan all aver that their trade with the U.S. would be hard hit by the protectionist measure.

A trade war would thus pit the U.S. against most of Western Europe and Japan. It could also push these nations toward greater trade with the USSR and with the Communist-bloc countries of Eastern Europe.

Interviews with trade experts here in this "capital" of the Common Market indicate that soybeans and vegetable oils rank high on the list of U.S. products facing possible retaliation. Other targets include U.S. aircraft manufacturers, feed grain and citrus growers, and computer makers. If Europe and Japan boycott these industries, it could mean the loss of a substantial number of jobs—an ironic development indeed since a prime goal of the trade bill before Congress is to protect U.S. workers.

SOME HOPE LEFT

There's still some hope that a trade war can somehow be headed off. If the trade bill, which is sponsored by influential Congressman Wilbur Mills, is watered down, the injury to foreign sales in the U.S. might be minimized—and retaliatory moves tabled. But that hope is steadily diminishing. And months of behind-the-scenes negotiating among American, British, Japanese and Common Market trade experts have failed to ease the growing tension.

Tomorrow and Friday Common Market officials will meet with U.S. officials in Washington to discuss trade policies. While the meeting was set up long ago as a routine affair, it now appears that it's developing into a last-ditch attempt by the Common Market to stress the seriousness of the impasse. Attempts are also being made to arrange a late October meeting between representatives of the Common Market, Britain, Japan and the U.S.

The problem is that the power to head off a trade dispute lies mainly with Congress rather than the Nixon Administration. Trade officials here fear Congress is listening to the pleas of protectionists in various industries for barriers against the wave of foreign imports. Congress apparently is paying far less attention to the plight of American exporters of soybeans and other products that would suffer possible retaliatory action.

TILES AND TENNIS BALLS

The Mills bill is extremely complex, but, among other things, it would establish quotas on American imports of textiles and shoes. Last year the Common Market countries—France, Italy, Belgium, Luxembourg, West Germany and the Netherlands—shipped $550 million worth of these goods to the U.S. In addition a "trigger" mechanism could bring import restrictions on 120 other items ranging from ceramic tile to bicycles and from automobiles to tennis balls. The trigger would be activated if imports attained more than 15% of the total U.S. market.

All told, the U.S. exports about $7 billion worth of goods annually to the Common Market nations alone. Applications for Common Market membership are pending from Britain, Ireland, Denmark and Norway. Another six European countries are seeking some sort of tie with the Common Market. Hence there's a strong possibility that nearly all of Western Europe would be aligned in the anti-American camp in any trade war.

The New York-based British-American Chamber of Commerce, which has more than 1,200 U.S. and British concerns as members, warns that the Mills bill could adversely affect U.S. exports to Britain, which totaled nearly $3 billion last year. "Faced with new restrictions of this magnitude, it smacks of more than a little naivete to dismiss the virtual inevitability of massive foreign reaction of like magnitude," a spokesman for the group says.

A SETBACK FOR FREE TRADE?

As often happens in any war, both sides aver that justice is on their side. European nations and Japan insist that the Mills bill represents a setback for the free trade trend under way since World War II. They see the U.S. as deliberately adopting a protectionism that could lead to retaliation overseas and counter-retaliation at home that could damage the trade of all nations.

American trade negotiators reply that the Common Market, not the U.S., has been leading the way toward protectionism. These Administration aides claim the Common Market has adopted an agricultural program that restricts American sales to Europe. Moreover. the Common Market recently drew up preferential trade agreements with Mediterranean nations placing the U.S. at a disadvantage, these sources say.

Nevertheless, it's Congress, not the Nixon Administration, that is pushing the new trade bill. This week Secretary of State Rogers told the Senate Finance Committee that the bill is dangerous He declared that if the bill were passed in its present form, "there would be grave damage to the sales of hundreds of American firms and to the jobs of hundreds of thousands of American workers."

Some Nixon Administration officials disagree. In testimony before the same Senate committee Secretary of Commerce Stans said he doubted the U.S. would lose any exports should the Mills bill be enacted.

Perhaps not, but within the British government there's considerable research under way to determine which American products should be targets for retaliation. Explains one bureaucrat: "There's no point in selecting an obscure item if you are retaliating. You want to select a product that will provide the maximum hurt for the other side."

American goods that fall into that category include transport equipment such as aircraft electric machinery, tobacco, wheat and other grains, various types of industrial equipment and nonferrous metals, trade experts say.

Naturally, when a reprisal target is picked, it must be one that won't hurt the importing nation when barriers are erected. Britain's tobacco imports from the U.S., for instance can't be switched to some other nation very easily, now that it gets none from Rhodesia, once a major supplier. But other goods could be procured elsewhere.

Certain American farm products will doubtless be on most retaliatory lists. And soybeans are mentioned by nearly everybody.

Soybeans and meal were shipped overseas in record quantities by the U.S. in the year ended June 30. Total exports amounted to $1.5 billion, with the Common Market buying more than $600 million of that total. Substitutes for American soybeans and vegetable oils would be easy to find, say Common Market sources.

Even before the current fracas developed, the Common Market was considering application of a border tax on soya imports. Currently these products enter the Common Market duty free Not long ago, Sicco Mansholt, the Common Market commissioner responsible for agriculture, declared that soya imports "are causing a distortion of the feedstuffs market within the community." He also charged that the rise in U.S. sales of vegetable oils in the Common Market has come partly at the expense of exports from underdeveloped countries such as the Ivory Coast and Senegal, producers of peanut oil.

American feed grain could also be hit hard. Cereal output has been steadily climbing around the world; Common Market nations could also increase their own production without much difficulty. Japan, another big importer of U.S. feed grains, could find other sources declares a Japanese trade expert in London.

Soybeans and vegetable oils will be affected first. Other projected targets include U.S. aircraft manufacturers, feed grain and citrus growers, and the computer industries.

The threat of retaliation is credible. This year the European Economic Community spent almost a half billion dollars on the soybean trade. Japan bought more than $220 million in soybeans, a $6 million increase over last year. Soybean exports from this country reached 431 million bushels, a jump of 50 percent above the prior year. For the first time exports of soybeans and soybean products such as meal and oil exceeded 50 percent of the season's total production. USDA Assistant Secretary Clarence Palmby summarized the soybean situation as follows:

> In the new marketing year, the total use of U.S. soybeans is likely to account for more acreage than the total use of wheat.

The enactment of H.R. 18970, Common Market officials say, will affect $500 million of its trade with the United States in textiles and shoes alone. I include an article from the October 28, 1970, Washington Post in my remarks at this point:

COMMART OFFERS TEXTILES COMPROMISE

The European Common Market, in a gesture to head off passage of a protectionist American trade bill that could touch off a transatlantic trade war, indicated willingness today to absorb more Japanese textiles if renewed U.S.-Japanese negotiations on voluntary bilateral limits succeeded.

The proferred compromise was contained in an otherwise tough, yet flexible note approved by the six-nation organization's foreign ministers and delivered to the Brussels-based U.S. mission to the Common Market.

A communique issued by the foreign ministers meeting here said the Common Market was "ready to make its contribution to finding constructive solutions to concrete problems which exist in certain industrial sectors."

In another passage clearly hostile to the trade bill sponsored by Rep. Wilbur D. Mills (D-Ark.), the communique expressed hopes that "each of the big partners of the world trade will abstain from taking actions likely to compromise progress achieved in the field of freeing trade and endanger efforts undertaken to allow developing countries to increase their export revenues."

But the note warned that the Common Market is "ready to take the necessary measures to safeguard its interests" if the U.S.-Japanese talks—expected to resume this week in Washington—failed or if Congress voted the Mills bill into law after reconvening Nov. 16.

Common Market officials have complained that the bill would affect $500 million worth of its trade with the United States in shoes and textiles alone. The bill was drafted initially to protect U.S. textile manufacturers from low-cost Japanese textiles and other imports.

The compromise followed the broad lines for a settlement that were suggested last month by Nathaniel Samuels, deputy under secretary of state for economic affairs as a way to avoid a full-scale trade war.

Rolf Dahrendorf, the Common Market commissioner for foreign trade, discussed the compromise last week during a visit to Washington that followed strong official British and West German government warnings to the United States of automatic reprisal should the Mills bill pass.

In a more optimistic note, Dahrendorf today told the foreign ministers that be believed chances of enacting the bill were only "50–50," but he warned that the new Congress probably would not be less protectionist-minded than the old one.

Like so many Europeans before him, Dahrendorf noted that the American government appeared to be speaking with several minds and mouths these days, indicating a lack of strong U.S. policy on European problems.

He noted specifically that Secretary of State William P. Rogers was rather "liberal" on trade matters but that Commerce Secretary Maurice Stans seemed to hold more protectionist views.

Informed sources said Common Market officials had been working on plans to accept more Japanese textiles in a special trade committee. No details of their contingency plans were immediately available. But informed sources suggested that quota increases for textiles ranging up to 20 per cent annually were under discussion.

The Common Market's discretion on this score reflects growing opposition from European textile manufacturers. They are urging exclusion of textile imports from the United Nations-backed plan for abolition of duties on industrial goods from developing countries—much less those of an industrial rival such as Japan.

To lose our export market in soybeans alone would be an economic disaster. But the retaliation will not be limited to soybeans; it will be applied to almost all U.S. agricultural produce. The costs in money, jobs, and production are incalculable. It will take years for farmers to recover from such a dislocation of the export market.

That quotas and retaliation may trigger an international trade war, which we can ill afford at this time, seems almost certain. Pitting the United States against most of Western Europe and Japan, it may very well push these nations towards greater trade with the Soviet Union and other Communist bloc countries in Eastern Europe. The political ramifications of such a trade realignment are frightening.

Trade is a two-way street. We cannot reduce imports without finding our export market also reduced. If a nation cannot sell abroad, its purchasing power contracts. This means that it has fewer funds with which to buy goods abroad. Neither Japan, the Common Market countries, nor the United Kingdom will have the resources to continue importing from the United States if there is a contraction in their own export market.

A perceptive and interesting statement was given to the Ways and Means Committee by the distinguished Governor of the State of Illinois, Richard B. Ogilvie discussing the need for delicate balance in trade relations. I include his statement at this point in my remarks:

STATEMENT OF HON. RICHARD B. OGILVIE, GOVERNOR, STATE OF ILLINOIS

Mr. Chairman: I welcome the opportunity to submit my remarks in support of the Trade Act of 1969 (H.R. 14870). We in Illinois have a deep interest in this legislation; the direction this committee takes today in setting policy concerning international trade will likely affect both industry and labor in our state for the next several years.

Illinois leads the nation in export shipments of both agricultural and manufactured products. One fifth of Illinois agricultural products are sold abroad. Thousands of Illinois jobs are dependent in whole or in part on international trade. Illinois businessmen and farmers are well acquainted with world markets, and consequently they are vitally concerned with government policies which directly affect the climate under which their trade either flourishes or diminishes.

As Governor of the State of Illinois, I know firsthand the important role which international trade plays in our state's economy. Therefore, I would like to submit to the committee our evaluation of the Trade Act of 1969 and point out some of the aspects of this legislation which are of particular importance to our state.

Let me say first that Illinois is well aware of the two-way aspect of international trade and investment. As an international transportation hub, we in Illinois know how important it is to have our ships, trains, and airplanes as fully loaded upon arrival as at the time of their departure. Likewise, we realize the important role of foreign investments in Illinois. Foreign capital and technical know-how have made a significant contribution to the economic growth of our state during the past decade. Foreign imports feed both our manufacturing and consumer markets. Import quotas by the U.S. which would lead to retaliation by other nations would, in the long run, reduce the sale abroad of products of Illinois and other states.

Nevertheless, we have known specific cases where imports have cut deeply into the local production and disrupted local business. We welcome, therefore, that portion of the legislation which liberalizes the criteria by which U.S. firms can receive adjustment assistance. We in Illinois believe that if provided timely and effective assistance, these firms will be able to cope with changing market conditions and continue to prosper in our growing economy. In addition, those workers who have been forced out of jobs as a result of rising imports must be assisted in finding new positions and aided in their effort to upgrade their skills to meet new opportunities.

We view additional federal adjustment assistance as the necessary input which will make possible a continuing relaxation of barriers to international trade. The tax relief, modernizing loans, and technical assistance which are provided for in this legislation must be made available to local businessmen on a timely basis or they lose their usefulness. Delays and uncertainties in the past have been detrimental to companies in Illinois who have needed such assistance. The State is prepared to fully cooperate with the federal government in administering these assistance programs. Up to this point it has fallen largely upon the state to assist local companies in making the necessary adjustments. Therefore, we welcome the new federal initiative which comes at a time when limited state resources are already being stretched to the breaking point.

The state's effort to assist companies in upgrading their technology is not limited to those firms which have suffered from import competition. We have attempted through a number of programs to help Illinois industry maintain its pre-eminent technological position in national and world markets. May I suggest, Mr. Chairman, based on our State's experience in this area, that the federal adjustment assistance programs referred to in the Trade Act of 1969 be structured to enable firms to react to changing market conditions before their markets are already gone. Our effort in Illinois is not to sustain outdated operations but to build new and dynamic industries which will contribute to the over-all economy of the state and the nation.

Another important aspect of this legislation which we support wholeheartedly is the provision which strengthens the Administration's attempt to eliminate discriminating nontariff trade barriers which prevent U.S. products from competing on an equal basis in foreign markets. We applaud Secretary Stans' action in this area to date, and we sincerely hope that the Congress will provide the President with the power he has requested to continue seeking the elimination of these barriers to freer international trade. In this regard we find that there is no alternative to the elimination of the discriminatory American Selling Price (A.S.P.) system if we are to expect future concessions from our trading partners abroad.

An important aspect of this bill is the proposed amendment to the escape clause mechanism in U.S. trade legislation which would permit the President to increase tariffs or otherwise impose restrictions if it is found that increased imports are causing or threatening to cause serious injury to a domestic industry. The proposed amendment, which we support, will liberalize the eligibility requirements for firms by reducing the test for import injury from "major" factor to "preliminary cause" and would also eliminate the need to establish a causal link between an increase in imports and previous tariff concessions.

In testimony before this Committee on May 13 the Treasury Department proposed changes in the tax law which would permit U.S. firms to form Domestic International Sales Corporations (DISC) for the purpose of deferring export income as is currently the practice for foreign subsidiaries of U.S. companies. I would like to add my endorsement

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to this proposal which introduces an exciting new element into the export promotion effort. Illinois firms feel that, if implemented, this proposal will encourage them to seek new export opportunities.

I would also like to take this opportunity to express my support for the Trade Simplification Bill (S. 3142) which has been submitted to Congress by the President. This legislation, which endorses the use of a through Bill of Lading, is of vital concern to Illinois where truck and train, supply ship and airplane with cargo destined for every country in the world. The consolidation of as many as a dozen of the most troublesome forms through one comprehensive document will permit rapid through shipments of goods for items leaving from Illinois airports and waterways. While this legislation is not before the Committee at this time, it bears close relationship to the effort of this committee to develop a rational and comprehensive approach to international trade policy, and I would hope that Congress would take action on this legislation as soon as possible.

Mr. Chairman, the emerging trade patterns of the 1970's are sure to offer a challenge to our business, farm and labor communities, but I am confident that they are equal to the task. It remains the important function of the Federal Government to help build the international trade climate which will best serve this growth.

At the same time it is the task of both the State and Federal Governments to encourage greater export activity on the part of its businessmen and farmers, and in this regard the State of Illinois can point with pride to a number of programs which are contributing to this effort.

Through our Department of Business and Economic Development, which has representatives in Springfield, Chicago, and Marion in Illinois and in Brussels, Belgium overseas as well as in Washington, D.C., Illinois companies are being introduced to export markets throughout the world. By sponsoring trade missions, supplying trade leads, and providing export counseling both here and abroad, this State agency is contributing significantly to the capabilities of Illinois firms to compete successfully in world markets.

We are seeking to cooperate closely with both the U.S. Departments of Commerce and Agriculture in our promotional effort, and we welcome the new attention which these agencies have been giving to the problem of federal-state relations in this field where we share important common objectives. A newly-created Mid-American International Agri-Business Trade Council combines the efforts of twelve midwest states and the U.S. Department of Agriculture in a joint program to increase exports of agricultural products from mid-America. We encourage these new initiatives and anticipate even closer cooperation with the Federal agencies in the future.

According to USDA figures, the State of Illinois export trade in soybeans in 1970 was valued at over $200 million. A brief comparison of figures for recent years is as follows:

[In millions of dollars]

Illinois Exports	1966	1968	1970
Soybeans	$152.0	$142.6	$211.5
Corn and feed grain	279.7	222.7	232.5
Total exports	666.0	585.6	650.0

The USDA in its latest report shows the following comparison of 1970 with 1969 July–September exports of agricultural products:

U.S. AGRICULTURAL EXPORTS, VALUE BY COMMODITY

[Dollars in millions]

Commodity	July–September 1969	July–September 1970	Change from previous period (percent)
Animals and animal products:			
Dairy products	$24	$38	+58
Fats, oils, and greases	42	58	+38
Hides and skins	39	32	−18
Meats and meat products	34	33	−3
Poultry products	15	15	
Other	22	23	+4
Total	176	199	+13
Grains and preparations:			
Feed grains, excluding products	278	295	+6
Rice, milled	78	63	−19
Wheat and flour	202	258	+28
Other	20	26	+30
Total	578	642	+11
Oilseeds and products:			
Cottonseed and soybean oils	27	66	+144
Soybeans	118	235	+99
Protein meal	61	90	+48
Other	17	20	+18
Total	223	411	+84
Other products and preparations:			
Cotton, excluding linters	70	46	−34
Tobacco, unmanufactured	134	107	−20
Fruits and preparations	101	99	−2
Vegetables and preparations	38	42	+11
Other	90	102	+13
Total	433	396	−10
Total exports	1,410	1,643	+17

More than one-fifth of all Illinois production, agricultural and manufacturing, is exported. And more than a million jobs in Illinois alone depend directly or indirectly upon our international trade. Illinois is the leading exporting State in the Union in both agricultural and industrial categories. In 1968 its exports were nearly $3 billion. One expert witness estimated that this means directly a total of as much as 400,000 jobs just in Illinois—page 2565 hearings. According to testimony of the Caterpillar Tractor Co., a total of 17,000 jobs within that company alone are the result of export business. Page 1203 hearings. That company also estimates that one-third of the payroll of its employees is attributable to exports.

I do not imagine that anyone would suggest that we should pursue a policy of totally free trade without regard to trade policies of other nations, national security, foreign dumping or the like. In fact, all of these factors and more are recognized by the policies, programs and laws under which we are already operating. For the first time in nearly 20 years, we see in this country a growth of isolationism, both political and economic and a tragic and growing loss of confidence in the capacity and productivity of the American economy. Smaller countries have for years both feared and hated our economic supremacy and yet we have led the way in keeping trade relatively free among nations despite the reluctance of these smaller countries to engage in open competition with the United States. We have impressive economic commitments throughout the free world and no doubt these are largely responsible for keeping the world as free as it is from Communist economic domination.

At least 4 million American jobs are directly involved in American export trade. This is a great help toward achieving full employment and a growing economy. There can be little long-range growth or benefit from isolationism and retrenchment. But the promise of a bright future can be turned into reality through an aggressive expansion of exports. We are the leading exporting nation in the world and our exports are nearly $40 billion per year. A policy of brinkmanship and the likelihood of a trade war are dangerous stepchildren of protectionism. A devaluation of the U.S. dollar and the resultant severe impact on the domestic economy and the consumer's pocketbook are likely to result from the shortsighted politically expedient provisions of the pending legislation.

In recent weeks there has been a great deal of discussion about the shift in our balance of trade. Increased imports during the past decade have reduced our trade surplus. Of this there is no doubt. Nevertheless, our exports in finished manufacturing equipment still exceed imports by $3.7 billion, and exports in machinery still exceed imports by $5.5 billion. The decline in our trade surplus, moreover, has been offset by an increase in other monetary receipts, particularly from foreign investments. The net direct investment creditor position of the United States jumped, for example, from $8.4 billion in 1950 to $53.1 billion in 1968. And if we consider the flows of capital and flows of earnings together, we find a net capital gain of $2 billion between 1960 and 1968. In short, the international trade position of the United States is very strong despite the increase in imports.

Title II of the bill would institute quantitative restrictions upon the import of basic consumer goods. If the bill is passed in its present form, manmade fiber imports next year will be 40 percent lower than the 1970 import level and nonrubber footwear imports reduced by 39 percent. A rollback in textile imports would decrease Japan's textile trade with the United States by 33 percent; textile trade with Korea by 40 percent; with Taiwan by 48 percent; Hong Kong by 39 percent; the Philippines, 42 percent; Israel, 63 percent; Ireland, 55 percent; the United Kingdom, 68 percent; and Costa Rica, 80 percent. Obviously, quotas will hit many of our trading partners hard—partners who are also important allies.

Although the quotas are aimed specifically at textiles and footwear, quotas may soon be applied to at least 120 other items, or to more than 15 percent of the total U.S. import market. This means that the import of everything from automobiles to bicycles, ceramic tiles to tennis balls, would be restricted regardless of the market demand.

There is a very real danger than once the floodgate is opened, the situation will get out of hand. As soon as quotas are approved from some products, it will become very difficult to justify not extending equal protection to other industries even though competition from foreign imports in no way affects their viability.

Drastic cuts in the supply of consumer goods will inevitably lead to a sharp increase in domestic prices. Over and over again economists have shown that quotas increase inflationary pressure upon a nation's economy. To establish quotas at a time when the country is struggling so hard to curb inflation seems to be the height of folly. It will create economic hardships not only for the consumer, but also for industries not protected by quotas.

This year the U.S. share in the Japanese wheat market increased significantly. Wheat sales between April and August were up 50 percent over the same period last year. Whereas world trade in feed grains increased by 4½ percent this year, the U.S. share in feed grain exports increased by 20 percent.

Certainly steps should be taken to mitigate the hardships created for domestic industries by foreign imports. American businesses must be protected from unfair competition and dumping. But testimony presented at the recent hearings did not conclusively demonstrate that the current economic slump in the textile and footwear industries is directly attributable to increased imports, unfair competition, or dumping.

Last fall, Japan eliminated import quotas on a number of items including potato powder, meal, flakes, margarine, and shortening. They promised to remove the soybean meal quota next year. This, of course, would expand the U.S. soybean export market considerably. Japan has also recently offered to resume discussions regarding voluntary restraints on textiles obviating the need for quota restrictions.

Removal of the Japanese soybean quota and further tariff concessions from other countries on agricultural produce will not be possible if the United States imposes restrictions upon their exports. As President Nixon indicated in his message to Congress last fall, quotas will "jeopardize our competitiveness in world markets at the very time when tougher competition throughout the world requires us to improve our competitive capabilities in every way possible."

I think that those of us from the Midwest, Mr. Chairman, are very much concerned about this topic that some people have said we should not discuss, which is retaliation. I think the reason why we are so concerned is we know that our American farmers are in trouble, those that produce the feed grains and those that produce the soybeans, and we are concerned about what effect this trade bill possibly would have.

Mr. Chairman, I want to mention that we know, too, that for some time there has already been on the table for consideration by the Common Market countries a proposal for a tax that would be imposed upon vegetable oil and meal. We are concerned that our soybean exports have been one of the few bright spots in an otherwise dismal economic agricultural picture. We know, if we enact this legislation, there has already been comment and talk about the fact that there would be retaliation. In my opinion, the very first thing to be retaliated against would be our soybeans, our feed grains, and other agricultural products. This being the case, rather than taking the time of the House with a lengthy speech, I would like to refer the chairman to his report; that is, to the report of the committee, which indicates there is some kind of adjustment assistance for industries and employees of industries that would be adversely affected by any kind of economic trade barriers. May I ask the chairman what, if any, consideration was given to providing some kind of adjustment assistance for soybean farmers, for instance, or corn producers or other kinds of agricultural producers in the Midwest? If there is retaliation, what would likely happen?

Mr. **MILLS**. Will the gentleman yield?

Mr. **RAILSBACK**. I am glad to yield to the gentleman.

Mr. **MILLS**. I share the gentleman's deep concern about the possibility for continued exports of soybeans. The gentleman's State is our largest producing State. I understand my State is next to yours but not in a tie with it. It is right behind you. So I have that same interest and concern as you do. I would not be for this bill if I thought for 1 minute it would have any serious impact on our shipments of soybeans.

We thought some time ago, as you will remember, that we had hit the limit on the sale of soybeans abroad because of the development of the export of sunflower oil from Eastern Europe. We were very blue at that. It turned out that the Europeans preferred the soybean oil and the beancake and continued to increase their purchases of our soybeans.

This retaliation that the gentleman is talking about is being voiced by American citizens, primarily.

Mr. **RAILSBACK**. Mr. Chairman, let me mention to you I just had a conversation with my colleague from Illinois (Mr. Findley) who indicates that not only was there a proposal which was on the table and under consideration by the Common Market countries but that it is back on the table for consideration as of 4 days ago. This is a real problem and it is one which exists now, with probable retaliation against agricultural products.

Mr. **MILLS**. Actually, here is how the matter works if there should be a problem. If they should cut down on their purchases of soybeans or do something that makes it impossible for us to ship $100 million of soybeans, let us say, to Germany, then Germany would be required to compensate us in some other way just as we have to compensate if we do something that cuts back on their trade with us. We go to GATT and figure out the cost of it. That is not retaliation, but compensation for what you have to do in order to protect American industry. Of course, foreign nations, realizing they would have to compensate, would think twice before cutting back on purchases such as in the example I gave.

Mr. **RAILSBACK**. What you say is true, but it does not provide any kind of assurance for the soybean producers such as the kind of assistance that is assured for people in other affected industries.

Mr. **MILLS**. I will tell you that there is not anything in here that protects anybody from anything except imports. It is not a question of injury to the soybean industry from the importation of soybeans in this country. What you are talking about is an injury that would develop from our failure to protect our export interest and our rights under the GATT should other countries take action to reduce the amount of soybeans they buy from us. We did address ourselves to that side of the coin by reemphasizing the need for the President to act when others take action to negate the trade agreement concessions granted to us.

Let me tell you, though, I have thought a great deal about the matter of soybeans. It is a very needy crop in my district. My people and I have talked about it. Apparently they have enough confidence in me and in my study of this matter that they have not said, not even one of them, that they are going to oppose this legislation.

The **CHAIRMAN**. The time of the gentleman has expired.

Mr. **COLLIER**. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Pettis).

Mr. **PETTIS**. Mr. Chairman, on balance, this is a bad bill, and the fact that it is sponsored, supported, or acquiesced in by legislators of brillance, unquestioned patriotism, and otherwise sparkling record does not diminish the calamity it represents. There is ample justification for concern about the symmetry and reciprocity of our trade arrangements. For the most part, our U.S. traders have not been treated as well abroad as those from abroad who wish to sell their products here in the greatest market of the free world. Both in Europe and the Orient there are many restrictions on American investment and American exports.

But this bill fails to make the leap from the justification for action against those who have not treated us fairly to the appropriate remedy for dealing with them. Many remedies are available to us and yet in going the quota route we have chosen the remedy most likely of all to harm our national and commercial interests. We cannot open other doors by closing our own. Our goal abroad should not be to punish others but to advance American trading interests. One who believes in the effectiveness of our system of free enterprise must believe also in our ability to compete, not necessarily with respect to every article produced, but with respect to the aggregate value of production. If America has lost the ingenuity that made our competitive system a boon to Americans, no amount of protection can save us. In commerce, protection leads to rigidity, and rigidity to moribundity.

Even if it is assumed that protection is an appropriate short-term device to ease adjustment problems—and none of the proponents of this bill so limit their view of it—quota legislation is still the least appropriate type of protection for an economic system like ours. Increasing tariffs would permit a degree of competi-

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tion to save us from commercial hardening of the arteries and would permit some control of the resulting increases in price level. Quantitative restriction of imports excludes the efficient foreign producer as well as the inefficient, while reducing the supply of goods available to the American consumer. The resulting domestic price rise is indeterminate, even though inevitable.

I oppose this bill primarily for these philosophical and economic reasons. Statistical, technical, and tactical reasons further influencing our opposition are summarized below:

First. I believe that our present law, given an aggressive executive branch, can be effective to protect our people against dumping and other unfair trade practices. The fact that present law has not been effectively used in the past does not mean that it cannot be effectively used. President Nixon has signaled by his actions in this area that he intends to use these existing powers more effectively to advance American trading interests abroad.

Second. The protection of American employment is the usual rationale given for this legislation. Although employment has been soft lately, there are many reasons in addition to the intrusion of imports. Nobody enjoys even the statistics of unemployment, much less its human impact. But more jobs are involved in our export trade and production for export than are now threatened by imports. Export jobs are usually high pay, high technology jobs; import jobs are usually comparatively less significant in national economic terms. Export jobs will almost certainly be affected by import restrictions, through the inevitable retaliatory reaction abroad. We should not put ourselves in the position of relying on the restraint of our trading partners to avoid a trade war, and all the damage that will do to sales of American products abroad.

Third. With inflation still our major economic woe, this is a bad time to be limiting the supply of those necessities which are cheapest and most likely to be bought in the Nation's bargain basements. Regardless of claims to the contrary, neither the supply of goods nor the most effective part of business competition can be reduced without causing prices to rise. Domestic inflation is one of the causes of the deterioration of our trade balance. We should strike at the causes of inflation rather than try to compensate for it with protective devices which will themselves become part of the inflationary spiral.

Fourth. Quotas, whether voluntary or involuntary, are going to be difficult to administer fairly. A domestic chain retailer with large purchasing power will have an advantage with respect to foreign supply once that supply is limited. There is no plan to license imports, and in all probability the small retailer, lacking bargaining power, will have to deal exclusively in the higher priced domestic goods.

Fifth. By this bill we are giving long-term legislative quota protection to several large industries. In effect, we are making a legislative finding that they have been injured by imports. The so-called basket and escape clauses leave with the President substantial discretion as to whether or what types of protective relief will be given to injured industries and employees. As a result, this bill, with its splendid opportunities for legislative back-scratching will be difficult to keep under control as it moves through Congress. Of total textile consumption in this country in 1969, about 8½ percent was represented by imports. Of total footwear consumption, about 13 percent were imports. Many a smaller industry, lacking the political clout that comes with a large labor force, can make a statistical case equivalent to these giants; and this invites expansion of the bill rather than its containment.

Sixth. This type of quota legislation provides protection for other industries than the American industries affected. In fact, the Japanese are guaranteed their historical share of our textile market, a portion otherwise bound to decline as new lower cost industries in South Korea and Taiwan increase their textile production. Japan has a favorable balance of trade with us, despite her rising costs, while Korea and Taiwan need our trade badly. Japan is also benefited relative to these same countries by the bill's failure to remove American selling price protection from rubber-soled footwear. As we have said previously, we do not advocate punishing any country or favoring any country. We should not be closing doors to trade, but opening doors which previously have been closed.

Seventh. Agricultural produce, a major factor in our favor in balance of trade, is peculiarly subject to the foreign retaliation this bill will trigger. Japan is our best purchaser of our agricultural produce, and can easily shift large amounts of its purchases to Australia and Canada. The European Economic Community would like an excuse, in light of its butter surpluses, to shut off the better than $500 million annual trade in American soybeans which are used for margarine. One in five cultivated American farm acres produces for overseas consumption. It is of particular irony to American farmers that they were not aggressively represented in the trade liberalization negotiations of the Kennedy round, and that they will, on the other hand, be peculiarly vulnerable to the repercussions of our move away from trade liberalization.

Eighth. We are the leading trading Nation in the world. This bill, if enacted into law, will signal that the United States is abandoning a leadership role, and a contraction of world trade is likely to result. Markets of the developing world will expand at a faster rate than our own already highly developed domestic markets, and this is the wrong time to be looking inward.

Ninth. Although DISC is a scheme of tax deferment with a potential revenue impact of close to $1 billion when fully implemented, I do not oppose it. At least DISC puts the emphasis where it should be—on expanding exports rather than restricting imports. I think the DISC proposal will be of benefit primarily to small- and middle-sized producers not already in the export market, since larger producers tend already to be represented in foreign markts through foreign subsidiaries; the domestic tax benefits of these are greater than DISC will be able to provide. In some marginal cases, DISC may actually provide an alternative to the relocation of American plants abroad. In short, though DISC is a tax loophole, I believe it to be a modest one which will have the desirable effect of stimulating exports at this time.

Mr. COLLIER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, as a sponsor of a bill to provide for orderly trade in textile articles and articles of leather footwear, I look upon the present trade measure with grave misgivings. I am reminded of the ancient story of how the Chinese discovered the delights of feasting on roast pig, only having to burn down the house to roast the hog.

In our efforts to resolve certain grievances, I am afraid we will inflict a grievous injustice upon the American public and the workers we have sought to protect. The present bill goes far beyond the rectification of inequities in the form of discrimination and government subsidies by foreign countries. It, indeed, opens up chapters in protectionism and tariff-setting that we all ought to consign to the dust bin of disproven economic and business theories.

The trade bill, as it stands, certainly will be detrimental to the American consumer by reducing his market options, tending to keep prices artificially high, inhibiting the growth of world trade, and promoting retaliation by other countries.

In the fields of textiles and footwear, there is an unfortunate pattern of discriminating against American products and a patently unfair and disproportionate advantage fostered by Japan against our products. I regret, for instance, that the lobbying efforts of the Japanese exporters and their American importers could not have been better turned toward convincing the Japanese Government to agree to reasonable, voluntary arrangements. Perhaps, we then would not be at the stage we are now—where good and honest men stand divided on how best to protect the interests of American consumers and workers.

When I testified for my bill on textile and footwear articles, I noted this failure of voluntary agreement as the base for my actions in sponsoring the measure. Even at this late hour in Japanese-American talks, I find there still are valid reasons for a limited degree of protection for American textiles and footwear.

But, in all good conscience, I cannot see any valid reasons for adoption of so wide-ranging and unselective a measure as has been reported to the House. As usual, we are now in a take-it-or-leave-it situation. This is something I have come to expect in the House, but I have not learned to like it.

I think the long-range implications of this bill are harmful, not only to the general American public, but to the very people and workers it is supposed to protect. I regret that, in these circumstances, I must vote against it.

Mr. COLLIER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Mr. Chairman, I have previously secured permission to insert extraneous material in these remarks.

I would like to pursue the very helpful dialog that my colleague from Illinois (Mr. Railsback) initiated a moment ago. I recall earlier in the debate that the Common Market was described as a protectionist bloc, that it is a protected market. This certainly is true. But if you exclude agricultural products, the Common Market is less protected than the U.S. market.

It could become more protected. That is the important point.

Japan has been described as a highly protected market. There is no question about that whatever. But the point can be made soundly that Japan can become even more protective than it is today. This has, in my opinion, a very important meaning to those of us who have farmers in our district. Japan just completed a year in which it became the first billion-dollar-a-year customer for farm products the United States has ever had in its history. Japan can go elsewhere for these farm products. Japan does not have to buy our soybeans. It can go elsewhere for oil seeds. It can go elsewhere for raw cotton. It can go elsewhere for feed grains and rice and hides.

The Common Market has become a tremendous market for our soybeans. That has been said over and over again. Soybeans enter the Common Market without any duty whatever, totally unrestricted. Yet, as my colleague from Illinois (Mr. Railsback) mentioned, just a short time ago the Common Market Commission tabled a proposal which would have imposed a very heavy duty on imported vegetable oil. There is no question but what they had a very valid reason to consider this action. They needed revenue in order to finance transition in their agricultural program. They also needed to spur the use of dairy fats of which they have a very heavy surplus in the Common Market.

They were dissuaded from this by resolutions that the chairman of the Ways and Means Committee and many others introduced. The resolutions had an impact. So the Common Market was faced with retaliation if they went ahead. They were impressed with those resolutions. The tax proposal was taken off the table and it was not under active consideration for about 2 years, until just a few days ago.

But, Mr. Chairman, if we go ahead with this bill today what leverage is left for us to persuade them to effect still further this tax? I might mention to the chairman of the committee that soybeans are tremendously important to the State of Illinois, but I think in a sense they are more important to the State of Arkansas. I am told that more acres are planted to soybeans in Arkansas than all other crops combined. So it has indeed become a crop of tremendous importance.

I have talked with officials of the Common Market countries and of the Commission each time that I have gone to the NATO Parliamentarians Conference for the past 3 or 4 years.

I have talked to them about the importance of keeping trade channels open, and I am convinced from this experience that they will move against our soybeans if we go ahead with this bill, and that is going to be a mighty bad thing for American farmers.

We need new leadership in trade policy, worldwide, there is no question about it, but the type of leadership we need is leadership toward freer trade, toward less obstacles to trade, and it ill behooves the world's leading trading nation to take this step backward. We should be setting a good example, not a bad example. We should be taking the lead today perhaps for another round in Geneva, perhaps for an expansion of the European free trade area idea to include our country and all industrialized nations in the world, but in any case some forward movement to expand world trade, not contract it.

If this bill goes through we will have taken a bad step, a step in the wrong direction, and one that is going to hurt the American farmers, that is to be sure, and one that is going to hurt our consumers, and that is to be sure, and one which is going to hurt the broad interests of the American people in many, many ways.

Mr. Chairman, I urge my colleagues to join me in the move to recommit the bill, and on final passage, if that moment ever comes, to defeat it.

Mr. Chairman, with a deep sense of regret, made all the deeper because of my admiration otherwise for trade objectives of the Nixon administration, I must state that concern in high places for textile protectionist interests in this country is getting completely out of hand. I hope the President will quickly intervene personally and get his lieutenants under control. For example, Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, made an outrageous forecast concerning the impact of the trade bill on American jobs in a speech last night, a speech so skillfully timed that it leaves little chance for correction before the final vote on the trade bill now before this body. He responded to a responsible statement by Dr. Andrew F. Brimmer, a Governor of the Federal Reserve Board.

Mr. Nehmer qualifies his statement by saying "obviously not all of the jobs were lost to import competition," but unfortunately—and I fear intentionally—the qualification gets lost in the mass of statistics which follows. From a job loss figure of 100,000, Mr. Nehmer builds a shaky inverted pyramid of logic which concludes that $2.5 to $3 billion of income will be lost over the next 5 years to wage earners "in the absence of meaningful restraints on imports." Mr. Nehmer proves once again that if you make the right assumptions to start with, you can conclude almost anything you wish. Obviously, Mr. Nehmer wanted to conclude that the pending trade bill should be passed, and he used his figures accordingly.

What Mr. Nehmer did not explain was the significance of his qualification. Job loss in the textile industry this year has totaled 100,000. However, according to Deputy Assistant Secretary of Labor Herbert Blackman, most of the jobs lost were not attributable to competition from imports, but instead to a sluggish economy which has caused unemployment in all industries across the board. Mr. Nehmer's inverted pyramid of logic crumbles before the fact that jobs lost due to a sluggish economy would not be saved by passage of the trade bill.

The statement from the Labor Department takes on added significance when one remembers that the administration is officially on record as "reluctantly" supporting quotas for textiles. Thus, Mr. Blackman's statement that at least half the jobs lost were due to economic conditions unrelated to imports raises serious questions about the authenticity of the rest of Mr. Nehmer's figures. What is clear is that, being very conservative, you can at least cut Mr. Nehmer's figures for lost income in half, and probably you could cut them in half again before they would make any sense whatsoever. What is clear is that nothing like $3 billion in income will be lost in the years ahead if this bill is not passed, and probably the figure would never approach $1 billion. Such scare tactics engaged in by an administration spokesman on the eve of a crucial vote in the House are a disservice to the public interest and show evident disrespect for the intelligence of the Congress.

In addition to the questions I raised with the Labor Department, I also today asked the President's Council of Economic Advisers for an assessment of Mr. Nehmer's attack on Dr. Brimmer's statement. Here is the answer I received:

COUNCIL OF ECONOMIC ADVISERS,
Washington, November 19, 1970.

Hon. PAUL FINDLEY,
House of Representatives,
Washington, D.C.

DEAR MR. FINDLEY: To begin with let me congratulate you on your efforts to prevent passage of the trade bill in its present form. I am sure you have the support of all who are interested in a free domestic and international economy.

The assertion has been made that the economic impact of textile industry job losses because of imports are measurable in tens of billions of dollars over a five year period. This estimate is without foundation. The textile industry is suffering some damage from imports, which is why the Administration is trying to negotiate a voluntary export agreement with other countries. Far more people, however, leave the textile industry voluntarily each year than are displaced by imports. In fact, imports of textiles account for only 5½ percent of the total supply.

We were discussing Dr. Brimmer's estimates of the cost of import quotas to consumers. Without going into the details of these calculations I should like to say that Dr. Brimmer's study represents a competent and careful attempt to answer a complex and urgent question. It deserves careful consideration.

The question has also been raised about whether imposition of import quotas by us would lead to retaliation. Our Ambassador to the European Economic Community, Mr. Robert Schaetzel, has said that "anybody who believes that there will be no retaliation is living in a fool's paradise." In this connection it should be mentioned that within the last few days the European Commission has again put the soybean tax on its agenda, but a decision has been postponed until after the fate of the trade bill is clear. British officials also have left no doubt about the repercussions of passage. Even more serious is the encouragement which this bill gives to protectionists in other countries. Our exports provide jobs for 2½ million people and have been a factor of strength in the economy.

In its present form the trade bill puts into jeopardy the interests of consumers, farmers and other exporters. The President has frequently and strongly stated his support for freer trade.

Yours sincerely,

HENDRIK S. HOUTHAKKER.

The point made by Dr. Houthakker in regard to retaliation is absolutely sound. Over a period of 6 years' attendance at conferences in Western Europe and discussions with leaders of those countries and our own representatives in that area, I am convinced that we are asking for trouble by passing this bill. The immediate reaction will be to respond by establishing the same type quota rollback that is written into this bill, but beyond that we must all take to heart the grim warning of the European Economic Community which has put once more the soybean tax on its agenda. If this tax is imposed, it will cut sharply into the exports of soybeans from all over the United States, a product which is produced widely, not only in my home State of Illinois, but in the State of Arkansas. The distinguished chairman of the Ways and Means Committee is undoubtedly thoroughly aware of the impact of soybeans on the economy of his home State. The acreage planted to soybeans in Arkansas exceeds the acreage planted to all other crops.

This bill seriously threatens soybeans exports and for that reason alone should be defeated.

Mr. BYRNES of Wisconsin. Mr. Chairman, may I inquire of the distinguished chairman of the Committee on Ways and Means whether the gentleman intends to secure permission for the general membership to extend their remarks on this legislation when we go back into the House?

Mr. MILLS. If the gentleman will yield, it is my intention to do so.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I thank the gentleman for yielding.

I rise in opposition to the legislation.

Mr. Chairman, I rise in opposition to the trade bill. I am certainly prepared to support legislation to provide relief to companies and workers faced with severe injury from imports, but surely this assistance can be provided without a sweeping reversal of American trade policy.

By resorting to quotas, we are choosing the most restrictive alternative in limiting imports. The consumer and taxpayer will lose three ways: through higher prices for goods, through higher taxes to support the bureaucracy to administer quotas, and through loss of the revenue to the Government that would be earned by a tariff approach. I agree with the President that "such a policy of trade restriction would add to domestic inflation and jeopardize our competitiveness in world markets at the very time when tougher competition throughout the world requires us to improve our competitive capabilities in every way possible."

Let us not ignore the lessons of the 1930's, when nations tried to improve depressed economies by going it alone. There are problems to be worked out with other nations which restrict American imports which call for firm negotiation, but this is no reason to enact legislation that will invite retaliation from all our trading partners. This legislation promises a short cut to economic security in a few segments of the economy, at the price of diminished growth and strength in the American economy as a whole. I urge its defeat.

Mr. SCHWENGEL. Mr. Chairman, I hope I will not use the entire 5 minutes. I do want to say at the outset that I have been impressed with the type and the quality of the debate here, both yesterday and today, on both sides of this question. I shall dwell momentarily only on principle, and enlarge a little bit on how this affects the State of Iowa, and the farming community, and then to reflect upon a little history that leads to this, and state that I think we are violating the principle and the administration as established in the policy of reciprocal trade much earlier.

Mr. Chairman, in my prepared remarks I call attention to the fact that we need to discuss this matter, and we have been doing this very well, I believe. We have been at our best today. But I should like to examine this question in the light of what I think is a very important American principle, and that is the principle of freedom of movement of men and goods. It is because we have recognized this principle within the continental limits of the United States that we have produced more prosperity for more people, and that we have enhanced the wonderful idea that we call free enterprise more than we could have done in any other way.

The principle applied here should be gradually extended on a worldwide basis. The gentleman from Illinois has called attention to the fact that we ought to be finding ways and means to extend our worldwide trade, and not with this kind of legislation which is apparently restricting trade.

So much in that vein. Very briefly, on how this affects the State of Iowa and the farming community:

Recent statistics show—and this has been called to our attention already a number of times—10 percent of all goods produced in the United States are exported. This activity is the source of income, as has been pointed out, and I want to underscore this, for it makes possible 3 million American jobs, people who are engaged in export production, in transportation, in service industries, and in other industries—a $20 billion business in 1968.

Now, in the farming community—and this has been touched on also, but I want to stress the importance of it—the export of farm products reached $6.5 billion last year—and this is a very significant figure to note.

That represents the production from one of every four, or almost every four crop acres that is exported.

My friends, if we with some unwise policy, as I believe this is, further restrict or cut back on farm products, you will damage the farm economy even more. When you damage the farm economy, you are damaging an industrial activity and the kind of prosperity that comes from farmers buying machines. Today, percentagewise, they buy more manufactured products than any other sector of our economy.

Finally, the reciprocal trade idea that this would put in jeopardy began in a Republican administration. A farsighted Chief Executive economic policy unfortunately here is being neglected.

I call attention to the fact that William McKinley when he was a Congressman was truly a protectionist. But before he left the Chief Executive's office, he called attention to the importance of international trade in an eloquent speech he made on the day before he was shot in Buffalo, N.Y. I quote him—and this underscores the principle I am talking about on the world front:

> The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals.

That will enhance the well-being of the people of the world while we enhance the well-being of the people of the United States of America.

Mr. Chairman, the trade bill recently reported from the Ways and Means Committee must be carefully considered prior to any vote. Its provisions are being and should be examined in light of a domestic American heritage reflecting the principle of freedom of movement—of men and goods—this principle is essential to the well-being of our country; a heritage which, applied through the years on an international basis, has resulted in mutually increasing benefits to all. I believe that the trade bill violates this important principle. I certainly support the President's decision to veto apparently a mandatory quota legislation.

Included in the trade bill are some good provisions. I refer in particular to the section providing machinery for repeal of the American selling price method—ASP—of valuing imports. This was designed almost 50 years ago to protect the infant benzenoid chemical industry. This system has long been an obstacle to credible negotiations for removal of other nontariff trade barriers blocking the path to freer trade. It sets import value for duty purposes, not on the foreign export value, but on the basis of a price set by an American manufacturer of a competitive product. Economists have long felt that ASP protection for a now multi-billion-dollar industry is no longer logical or necessary. The repeal of ASP would be a proper step in convincing our trading partners, who have been erecting similar barriers, that it is in the best

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interest of all parties to begin the business of tearing them down.

Another valuable provision concerns the grant of executive power to reduce U.S. tariffs by as much as 20 percent—a necessity in light of our escape clause procedures. Grants of escape clause relief, temporarily imposing restrictions on imports to provide a reasonable time period for affected domestic producers to competitively improve their operations, must be balanced by U.S. concessions in other areas. Otherwise, countries whose exports are adversely affected may be expected to exercise legal retaliatory GATT rights—with possibly dire consequences. Though, in my judgment any grant of relief through the escape clause must be based on stringent requirements and clearly labeled a "temporary measure," such relief is a necessary departure from the doctrine of free trade. Agriculture and industry should, of course, be given a fair chance to compete. Wielded as an instrument effecting a policy of compensation, the tariff-reducing authority provides the President with ample means to hold the trading system in balance, while allowing a reorganative respite for business.

I am also in accord with Domestic International Sales Corp. proposals. At a time when our trade balance is severely threatened, it is of the utmost importance that we not discourage business from seeking out and developing larger foreign markets. At present, our tax laws discriminate against U.S.-based exporting firms. In contrast to foreign domiciled U.S. concerns whose export income is regarded as "foreign source" income, and thus not subject to U.S. tax until the income is distributed to shareholders; and the tax rules of other developed countries, where tax is either deferred on export income or not attached at all, American-based export firms are currently and fully taxed on income from any export sale. Due to such deferral limitations, the only way most U.S. manufacturers can escape from full U.S. tax is to form a foreign corporation to manufacture abroad. This situation naturally favors large corporations with existing foreign structures and extensive foreign tax credits.

The Treasury's proposal would, by recognizing that export income is by definition partly foreign-source income and deferring U.S. tax on designated DISC's, remove legal impediments in our tax law which now inhibit the growth of U.S. trade. A DISC, among other things, would have to gross at least 95 percent of receipts from export sales activities and from investments in export-related assets and Eximport paper.

Though this tax deferment program would initially entail a significant revenue loss, its long-range influence on effective export competition will, I believe, more than compensate for the loss of tax revenue. In fact, Treasury estimates point to exports in excess of $1 billion over that which would be realized under the present system. The DISC provision is a positive move toward a competitive balance of trade.

Undercutting and at odds with these provisions, however, are the volatile threats of mandatory quotas in the areas of textiles, leather shoes, and oil. For the reasons set down below—I will set down—I urge defeat of this measure.

The impact of protectionist legislation on the U.S. economy, while initially shielding some harried industries, could easily produce long-run negative results. For instance, by preventing the President from shifting to an oil tariff system, and freezing import quotas at their present levels, the bill could lead to inflationary consumer expense of as much as $7 billion a year by holding domestic prices at an artificially high rate. Though I am fully aware of the need to protect our national security, I must question the efficacy of legislation achieving that end at such exorbitant cost to the public. The wholesale price of domestic petroleum for the past several years, for example, has exceeded the average cost of imported petroleum by almost 50 percent. Surely, a larger though limited, element of free market competition, stimulating domestic industry to produce more efficiently and at a lower cost, would not damage America's security. This bill would revoke that possibility.

Our trading partners, too, must be respectfully considered. It is folly to think that they would stand idly by as their foreign markets dry up. Consider our own response, for example, should Japan cancel a significant amount of our more than billion dollar agriculture trade with them. Certainly, we would be under great pressure to retaliate by striking in an equally lucrative market. The two market areas most affected by this legislation, the European Economic Community—including Belgium, the Netherlands, Luxembourg, France, Germany, and Italy—and Japan, are already under considerable economic and political pressure to diminish U.S. economic presence within their respective spheres. Quotas hastily enacted to cut out some of their most profitable U.S. markets could provide the excuse to exercise a legal right under GATT and severely limit U.S. sales abroad, probably opening the first round in an international trade war.

The give-and-take of foreign trade is central to American economic health. Recent statistics show that 10 percent of all goods produced in the United States are exported. This activity is a source of income for almost 3 million Americans engaged in export production, transport, and servicing. Industry, which exported more than $20 billion in 1968, has a large stake in the foreign market. Coal, machine tools, construction and mining machinery, steel, and aircraft are all sold in quantity. Exports of farm products, reaching $6.5 billion last year, are also very significant. Over a billion dollars a year with Japan. Almost one of every four cropland acres is exported. Iowa, for example, received 14 percent of its total cash farm receipts, or $426.1 million, from exports in 1966, $530 million from exports in 1969. Since 1966 the State was the leading exporter of lard and tallow, meat products, and hides and skins; foreign sales were valued at $29 million, $17.9 million and $15.5 million, respectively. The export value of her feed grains was $152.7 million, of soybeans $108 million, of protein meal $30.4 million, and of soybean oil $23.5 million. Certainly, Iowa's economy would be injured should her farm exports be even partially lost. Combined with losses of industrial exports, the crippling effect in Iowa, and across the Nation, would be compounded.

Imports are an equally integral part of the economy. They furnish essential raw materials for both civilian and military sectors. The availability of competing goods from abroad restrains inflationary pressure and promotes efficiency by U.S. concerns. And, most important, the dollars spent for these goods increase the ability of foreign states to purchase U.S. products. Without this reciprocal buying and selling, our large volume of trade would, of course, decline, carrying along with it numerous jobs and our economic well-being.

Viewed from the past, international trade takes on a better perspective. In the late 1800's, the McKinley administration successfully negotiated some of the first reciprocal trade agreements with foreign states. That farsighted Chief Executive's economic philosophy, unfortunately neglected in following years, was I think best phrased in a speech delivered at Buffalo, N.Y., the day before his assassination. He stated:

> The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals.

The Tariff Act of 1930 is an example of the kind of trade law McKinley warned against. Establishing restrictive tariffs in hopes of reviving falling domestic prices, it resulted in trade stagnation with losses measured in billions of dollars and man-hours. Total U.S. imports did fall from $4,399 million in 1929 to $1.449 million in 1933. But, U.S. exports correspondingly dropped from $5,241 million in 1929 to $1,675 million in 1933—that is, roughly, from $5¼ billion of exports to $1⅔ billion. Historically, it is clear that trade restrictions should be approached with a great deal of caution.

Economic experts have also scored the negative effects of a U.S. retreat from its 35-year-old liberal trade stance. Their comments are probably best summed up by the President in his statement to Ways and Means on May 11, when he declared:

> I reject this argument (that we must set arbitrary limits on free competition) not only because I believe in the principle of freer trade, but also for a very simple and pragmatic reason: any reduction in our imports produced by U.S. restrictions not accepted by our trading partners would invite foreign reaction against our own exports—all quite legally. Reduced imports would thus be offset by reduced exports, and both sides would lose. In the longer term, such a policy of trade restriction would add to domestic inflation and jeopardize our competitiveness in world markets at the very time when tougher competition throughout the world requires us to improve our competitive capabilities in every way possible.
>
> In fact, the need to restore our trade surplus heightens the need for further movement toward freer trade. It requires us to persuade other nations to lower barriers which deny us fair access to their markets. An en-

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vironment of freer trade will permit the widest possible scope for the genius of American industry and agriculture to respond to the competitive challenge of the 1970's.

Turning to the textile industry in particular, study reveals the impropriety of broad import legislation in one area now targeted for protection. Textile imports have tripled recently, rising from $744 million in 1959 to $2.1 billion in 1969 under a relatively loose tariff system. However, imports now make up only 8.5 percent of the total textile market, a slight gain from the 1960 holding of 6.3 percent; and, U.S. production within the same 10-year period has increased some 50 percent.

A textile imbalance of $1.4 billion has resulted from the influx of foreign goods. But, compensation for this deficit lies in the fact that foreign states must have such excess funds if they are to purchase U.S. exports. For instance, even though textile imports from the EEC totaled $340 million in 1969, that market imported nearly $1,249 million worth of American agricultural products in the same period. Similar figures are available for Japan, the United Kingdom, and Spain.

In terms of profit, the industry is not faring badly. Apparel-finished goods manufacturers reported net gains of 11.9 percent of stockholders' equity in 1969, a profit .4 percent above the average of all manufacturers. Textile manufacturers reported a lesser, but still substantial gain of 7.9 percent.

Unemployment in the industry, however, remains a problem. The jobless rate for textile workers was 4.8 percent in March of 1970. For apparel-finished goods workers, unemployment reached 8.3 percent. Unemployment is presently a problem faced by a number of industries due to the economic downturn and is a difficulty that I know cannot be simply solved through legislation cutting down on imports, hobbling competition, and stifling its corallary, technological advance. Although more jobs may be available in an industry not challenged by stern competitors, a worker employed in a capacity better filled by advanced machinery can only lower efficiency and unavoidably raise the cost of goods. I urge that more thought be given to programs of job reorientation and training—with adequate support during that training—so that, provided with the tools to pursue another career, the wage-earner's talents may be profitably applied, and greater benefits accrue to both him and the consumer.

Certainly, Government does have a limited role in the market area. Allowance must be made for strategically important U.S. industries. They cannot be driven from the market by lower cost, though undependable imports, yet they must remain efficient and progressive enterprises. There is a need to remedy serious injury, or threat of such, to those involved in any industrial or agricultural operation due to foreign imports. And, protection against proven illegal behavior, such as dumping, must be forthcoming. However, should the legislative remedies to our original trade problems prove gravely detrimental to our national interest, some alternative cures must be sought. There are answers to our modern trade difficulties, but the trade bill of 1970 is an ill-prescribed remedy.

Preparing the ground for economic warfare, the bill threatens markets worth more than $30 billion for U.S. industry and agriculture. By arbitrarily protecting various industries from foreign competition, it curbs incentives to continually upgrade efficiency and gain lower unit cost. It fails to establish viable programs relating to those facing economic hardship in competitive modern industry. It threatens the jobs of nearly 3 million Americans and, by limiting foreign sources of supply, heightens the pressure of inflation.

I urge the House to defer any such action in this potentially explosive area. Recently, in Geneva, the United States and other major Western commercial nations, including Japan, agreed to negotiate trade differences—differences which will only be exacerbated if we use the threat of imminent quota establishment to force our trading partners into bargaining position. Avenues of discussion and negotiation are open. Each should be thoroughly, and realistically, explored. The administration is actively pursuing such a course.

Some of our important industries are presently at a disadvantage when competing with foreign-made goods. While protecting our economy, however, it is essential to consider the consequences of every action. We have the means at our disposal of resolving many of these issues in a much less risky manner. We must remember that legislation which is self-defeating is not good law. In attempting to combat economic injury, the trade bill courts with widespread retaliation and economic disaster. Such potentially damaging legislation should either be amended drastically or defeated.

Mr. MILLS. Mr. Chairman, I yield to the gentleman from South Carolina (Mr. DORN) such time as he may desire.

Mr. DORN. Mr. Chairman, I am happy to associate myself with the distinguished chairman of the Committee on Ways and Means and the distinguished and able gentleman from Wisconsin (Mr. BYRNES) on the outstanding arguments they have made and on the great bill they and the other members of their great committee have presented. No other two men have had a greater influence on the trade policy of this country for the past quarter of a century. And I might add, Mr. Chairman, that I am particularly proud and grateful that Chairman MILLS less than a month ago spoke in my congressional district at Anderson, S.C., in behalf of this outstanding legislation. We are all appreciative for his efforts toward a fair and orderly trade arrangement.

Mr. Chairman, as an organizer and currently secretary of the Informal House Textile Committee, I have closely followed the problem that we are dealing with today. We have today during debate heard various estimates—some so mistakenly low as to be astounding—concerning the effect on the American textile industry of the flood of cheap, low-wage imports. Some of our colleagues would seem to dismiss the consequences as unimportant. Others perhaps have been misled by the unprecedented volume of misleading propaganda that has been circulated by some of the opponents of the Mills Trade Act. But the fact is clear, Mr. Chairman, that the jobs of the 2½ million people of the textile, apparel, and fiber industries are in grave danger. Since 1960 textile imports have risen 145 percent, going from $880 million to $2.13 billion in 1969. Since 1965, imports of manmade fiber textiles have trebled from 79 million to 257 million pounds. This torrent of imports has led to distressing unemployment in the textile and apparel industries. Since 1966, textile industry employment has fallen 3 percent, while for the rest of the economy the total number of employees is up 10 percent. The textile industry employs many women, older persons, and minority group individuals who find it particularly hard to find employment outside the textile industry.

Mr. Chairman, some of the history of this textile problem is instructive as to what course we in the House should follow today. We on the Informal House Textile Committee worked closely with President Kennedy in obtaining the adoption of his seven-point program for the textile industry. This program included the successful negotiation of the long-term arrangement on trade in cotton. It is most relevant to our discussion today, Mr. Chairman, to point out to my colleagues and to the American people, that this long-term arrangement did not cause unemployment and did not lead to higher consumer prices. Quite the contrary. Unfortunately, Mr. Chairman, it has not been possible to extend this cotton arrangement to cover trade of textiles of manmade fibers and of wool. That is the reason we are here today. We have seen that all our efforts to reach a reasonable international agreement have failed.

Mr. Chairman, the Mills Trade Act is a liberal trade bill. It is a reciprocal trade bill designed to encourage agreements with our trading partners. It is a reasonable and flexible solution to a serious dilemma. Our area of the country has long favored reciprocal trade as advocated by the late Cordell Hull. But we have become disillusioned with reciprocal trade as administered in Washington, and Members from our area will this time vote almost solidly for the Mills Trade Act.

I enthusiastically support this bill, Mr. Chairman, as it is legislation toward which we have been working for 20 years. And I strongly urge my colleagues to vote for the Mills Trade Act.

Mr. MILLS. Mr. Chairman, I yield to the distinguished gentleman from Kentucky (Mr. WATTS), a member of the Committee on Ways and Means, 5 minutes to close general debate.

Mr. WATTS. Mr. Chairman and members of the Committee, there has been, as my good friend, the gentleman from Wisconsin (Mr. BYRNES) has said, more misinformation peddled around about this bill than nearly any bill that

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has been before the Congress in recent years.

I am not a so-called protectionist. Our committee is not a protectionist committee. This Congress is not a protectionist Congress. Nor is the administration.

We believe in free trade and open trade between countries. We feel that is the only way we can have a successful economy in this country and other countries.

But let me say to you, free trade must not be a one-way street. We have set the pace in the world for free trade. We have for years opened our doors to everybody, unrestricted you might say, except for tariffs and what is sometimes known as the American selling price system of valuation.

But what have our trading partners done while we were taking all these steps to open our markets to them? They have erected practically every nontariff trade barrier that you can imagine. For instance, in Japan there are at least 250 items that cannot move in trade from this country to their country, yet we permit them to sell any of those items in this country.

Moreover, anything else we ship over there we have to get permission to ship it. In contrast, we have no embargoes, no restrictions on anything they want to ship to us. German has border taxes; France has safety taxes. They have all come around every time we have had a tariff meeting to reduce our tariffs, along with reducing theirs, they have turned around and done something internally within their country, such as adopting a value-added tax, this kind of tax, or that kind of tax, which has more than eaten up the benefit that we have realized by a reduction in tariffs.

Yet again in this bill we provide authority for reduction of tariffs, and all we are seeking to do by this bill is call the attention of the other trading partners of ours and of the world that we realize what you are doing to us. We want free trade, but we want it to be a two-way street for both of us, and in this bill, if you have read it, there is a provision, or a number of provisions, that state that any country whose industry wants to come to an agreement with the President on what can be shipped into this country, the President can do away with any quota restrictions that are in this bill and allow much more to be shipped into this country than even the bill provides for. In other words, there are no quotas if our trading partners and the President want to get rid of them.

Of course, what has happened to us and what is happening to our industry in this country is that if we do not take some steps similar to the ones we are trying to take today to call the attention of those countries to the fact that some equilibrium must be established in trade, we are going to wind up a consumer nation without any industry left in this country. It is bad that our industries have moved abroad, but why have they moved abroad? They have moved abroad because the labor is so cheap over there that the foreign producer is able to flood this market with products that are sold cheap, because he gets his labor for 12, 15, and not over 30 cents an hour, whereas we are paying decent wages in this country so human beings can live in decency and comfort.

Of course industries have moved over there. Why? Because they wanted to get advantage of the cheap labor so they could offset the effect of what the foreign producer was sending into this country at a cheap price.

If you want this country to wind up merely as a consumer nation—that is what it looks like we are headed for—then do nothing about correcting this situation. If you had sat through the hearings on the Committee on Ways and Means, you would have heard such things as this: For instance, a country will say to the producer of a particular product, "We are going to put a border tax on which will protect your product in this country, because the fellow who tries to ship it in has a tremendous tax to pay. Now, you can raise the price to your home people. But there is a great big market over there in the United States. You sell to them real cheap, and we will supplement you."

So I say this bill should be passed. It is not going to cause any trade war, because we are in one now, and they are doing all the warring, and all we are trying to do is to strike a balance.

Mr. PREYER of North Carolina. Mr. Chairman, what should the trade policy of the United States be in the 1970's?

It is to that important question that the Trade Act of 1970 is addressed. You would never guess this from much of the discussion on the bill. Much of the discussion would imply that this is a purely "special interest" bill for the textile industry, or that it is a selfish and retrogressive return to the days of the Smoot-Hawley tariff bill of 1930. In fact, the bill continues the tradition of our major trade bills—the Reciprocal Trade Agreement Act of 1934, President Roosevelt's extension of this act in 1945, the creation in 1947 of the General Agreement on Tariffs and Trade—GATT—President Kennedy's Trade Expansion Act of 1962—and represents a modernizing of our trade policy for the 1970's. It is based on the recommendations of President Nixon's trade message to Congress and embodies the four principal recommendations of that message although not in the exact form requested by the President.

The President's message endorsed the principle of free trade but recognized that this was an ideal and not a reality. This bill is in that spirit. It contains provisions to encourage and foster world trade—such as permitting the elimination of the American selling price—ASP—restrictions, the authorization for the first time of U.S. payment of a share of GATT operating expenses, and according the same tax treatment to U.S. export industries as is now accorded to export industries in other nations.

But the bill also recognizes the realities of world trade in the 1970's. It recognizes the alarming and growing gap between the rates of import and export increase in this country. During the 1960–69 period, the value of imports rose 143 percent while the value of exports increased only 85 percent. We have had increasing difficulty in the last 10 years in maintaining a favorable international balance of trade. Specifically, our trade with Japan has shown increasingly large deficits, as shown in the attached table which I obtained from the Library of Congress.

The bill recognizes that the United States, as the freest trading Nation in the world, is taken advantage of by other nations which talk free trade while maintaining illegal quotas on commodities—Japan has more than any other developed nation—or by border taxes, or establishing stringent technical standards, or invoking equalization duties and mixing requirements. By contrast, the U.S. market is the most open in the world—and will remain so under this bill.

The bill recognizes that we are no longer peerless in international trade, that there are other powerful countries that have reached a stage in development where it creates serious problems for us rather than our only creating problems for others. Japan is exhibit A, with its single-minded pursuit of capturing foreign markets while firmly shielding its own markets from foreign competition. Ofter using cutthroat export prices, or "dumping," to penetrate a market—with its government backing its corporations with all kinds of preferential help—forming cartels of exporters to fix prices and share markets—illegal in this country—Japan's traders can overwhelm the average free enterprise trader. The American trader, who cannot do any of the above, also pays a minimum wage—in contrast to the inhuman wages of the Far East countries—and often pays for pollution regulating devices, retirement benefits, health insurance and other aspects of good corporate citizenship which are unknown to most of our foreign cheap labor competition. Once a market has been captured, the prices tend to go up. For example, the silk price today is twice what it was when we had both a domestic silk industry and silk imports. The domestic silk industry has now been destroyed. Furthermore, while our Government accepts the responsibility of giving massive economic assistance to South Vietnam, Japan is busy reaping substantial economic benefits through the sale of motorized vehicles, et cetera, to South Vietnam, consolidating its future trading position, while furnishing very little in economic assistance.

The bill recognizes that the textile and apparel industry in particular has suffered from this kind of competition. Employment has fallen 3 percent in the textile and apparel industries since 1966, while for the rest of the economy the total number is up 10 percent. The social cost of this unemployment is heavy since the textile industry has been one of the best employers of minority groups, older persons and women. When unemployed, they encounter great difficulty finding work outside the textile industry. It is estimated that if this bill is not passed there will not be a shirt factory in the United States in 5 years, and no printed goods.

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Finally, the bill recognizes that a reasonable trade policy for the 1970's must recognize that we are a nation of workers as well as a nation of consumers. Over 75 percent of our people work. A balanced trade policy must offer reasonable protection for workers' jobs, as well as considering consumers. We could do as Japan does—pay our workers 50 cents an hour, but their workers then can buy so little of what is produced in Japan that Japan in order to carry out its economic program of expansion has to continually increase exports. We want to increase our exports—but not under these conditions. If we are not going to destroy our workers' gains and our way of life, reasonable regulation of world trade as contemplated in this bill is essential. Those who oppose this bill have an obligation to do more than raise the cry of "trade war," or "abandonment of free trade." They have the obligation to state what our trade policy for the 1970's should be. I doubt that they will improve on this bill.

U.S. IMPORTS AND EXPORTS TO JAPAN, 1960-69

[In thousands of dollars f.o.b.]

Year	Exports	Imports	Balance
1960	1, 335, 083	1, 126, 529	+208, 554
1961	1, 730, 395	1, 075, 936	+654, 459
1962	1, 408, 440	1, 353, 190	+55, 250
1963	1, 686, 919	1, 494, 387	+192, 532
1964	1, 893, 705	1, 763, 416	+130, 289
1965	2, 041, 728	2, 401, 018	−359, 290
1966	2, 311, 688	2, 948, 331	−636, 643
1967	2, 635, 422	2, 998, 663	−363, 241
1968	2, 915, 468	4, 056, 627	−1, 041, 159
1969	3, 426, 642	4, 848, 897	−1, 422, 255

Note: Compiled by United States–Japan Trade Council from Department of Commerce statistics.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to the bill. The proposed Trade Act has several provisions which would be detrimental to the American economy, to the consumer, and to our relations with many other nations. The bill would severely regress from a trade policy which has fostered trade patterns beneficial to this country and expressive of our confidence in the competitive, free-enterprise system. It would establish procedures too complicated and confusing to administer in a reasoned fashion. And for the sound, historical tests of injury to domestic producers as a result of increased imports, it would substitute political clout as the basis for increased protection.

The many protectionist features of the proposed Trade Act would be disastrous, among other reasons, because:

Europe and Japan would retaliate against U.S. products legally, raising tariffs or quotas or both on U.S. exports to equalize their own export losses resulting from implementation of the act.

Constant uncertainty would be reintroduced into international trade because the loose trigger mechanism proposed for the establishment of additional quotas—or higher tariffs—would mean that U.S. policy regarding imports would become permanently unpredictable and that each new quota created will in turn cause further retaliation.

Retaliation could be prevented only by reducing tariffs on other goods, which means that the industries that are not seeking protection may have to suffer in some measure for the protection accorded to the less efficient industries; discrimination against U.S.-owned companies in Europe and Japan would increase sharply; and the forces in Europe seeking greater discrimination against U.S.-based firms operating there would be tremendously strengthened by protectionist trade legislation.

The genesis of the multiple regressive features in the trade bill lies in President Nixon's endorsement of mandatory quotas for the entire textile industry apart from any Tariff Commission findings of injury. By doing this, the President fostered the addition of a host of regressive features now contained in the bill.

It was either extremely naive, or a poor risk which should never have been taken, to have insisted upon textile quotas and to have expected other industries to remain passive. The President and his advisers were repeatedly warned that insistence upon textile quotas would open the "Pandora's box" to other industries, some of which have had a better case than textiles for import relief. And so this bill attempts to grant preferred status to the jobs and profits, in the absence of any historic test of injury, of a few select industries at the expense of so many other workers and businessmen, and invites the creation of a "Christmas tree" of protectionism in the other body, as has been pointed out by a number of my colleagues in their earlier remarks. The President cannot escape his responsibility by shifting the blame to the Congress and playing politics on both sides of the street.

The textile deal is obviously part of a southern strategy which was calculated to win votes in North and South Carolina. Let me quote to you from an extensive article, "What the U.S. Textile Industry Really Needs," which appeared in the October issue of Fortune magazine:

> (In the Spring of 1968) Roger Milliken, an ardent conservative whose heavy contributions to local Republicans have inspired South Carolina Democrats to dub him "Daddy Warbucks," was busy reminding his Republican Senator, Strom Thurmond, that this was another election year and textiles needed help. Richard Nixon was campaigning hard for southern support, and on May 31 and June 1, 1968, he met with several groups of southern Republican leaders in Atlanta. At some of the sessions, the Southerners questioned Nixon about his views on such things as Supreme Court appointments, school desegregation, busing, and textile protection. Thurmond came down for one of the June 1 meetings, and afterward he and Nixon rode out to the airport in Nixon's car. Thurmond was in a position to cut a good deal, because Ronald Reagan was threatening to capture a goodly number of southern convention votes, and Nixon badly needed Thurmond's support. On that ride Nixon made it plain that he and Thurmond could easily reach a meeting of minds. Thurmond says Nixon promised him that the South would be treated equally with other parts of the country—most notably on school desegregation and voting rights—and that the southern textile industry would get help in its fight on imports. Three weeks later, Thurmond led the South Carolina delegation into the Nixon camp. . . . Soon after that Nixon sent a telegram to Thurmond and the textile leaders, pledging in writing his support for protection.

The President is still apparently of the opinion that this political debt should be paid by the Japanese and other exporting countries and by the American consumer.

There is no economic case for textile quotas. Viewed by any measure, profits, sales, employment and production, the textile and apparel industries as a whole have withstood import competition, have shown substantial growth, and in many instances have out-performed the economy as a whole.

The downturns of recent months are clearly related to the general economic situation and appear to be short-term in nature. What is surprising is that an industry which is so sensitive to general economic conditions as the textile industry has stood up so well in recent months.

Overall, imports have shown a relatively shallow penetration in this market, 8.5 percent in 1969, which is only slightly above the previous peak year of 1966 when the ratio was 8.2 percent. For man-made fibers, over which most of the fuss is being made the import-consumption ratio was at only 4.5 percent.

The textile and apparel industries have never demonstrated a case of overall injury. Indeed, textile producers have never even submitted a single application for relief under the escape clause provisions of the Trade Expansion Act of 1962. On the contrary, the most recent investigation by the Tariff Commission in 1968 revealed a healthy, prosperous and growing industry well able to withstand import competition. Yet the present bill would write into law mandatory quotas without a Tariff Commission finding of injury.

From 1951 to 1962 textile producers sought escape clause relief in 17 cases on products amounting to less than 3 percent of total industry shipments. Of these cases, three were dismissed at the request of the applicant, two were terminated without formal findings, "no injury" was found in six cases, and in six other cases the Tariff Commission found "injury" and relief was obtained. Thus I see no reason to scrap worthwhile, proven Tariff Commission procedures for the protection of not 3 percent, but all the products of an entire industry. What is more, textile producers have been faced with imports valued at a far lower percentage—8.5—of domestic consumption than is set forth in the very same bill as a criterion for relief of other American industries—15 percent.

President Nixon has stated that he does not like mandatory quotas because of the risk of retaliation by other countries which could affect our exports and because of the inflationary effect of quotas. Certainly both of these effects would be present in the case of textile legislation. What could be more important to the American consumer than the price of clothing for himself and his family and his household furnishings? Would the President have us believe that we can get along with noninflated prices for shoes and inflated prices for wearing apparel?

The retaliation involved in textiles is staggering, on the order of hundreds of millions of dollars. I for one have little doubt that other countries will choose to exercise the rights that are theirs under international agreements and insist upon payment for their economic loss due to textile quotas.

I also suspect that the President's opposition to quotas on shoes and oil before they were written into the bill was lukewarm at best. The President came up with a sensible program for shoes based on a thorough investigation by his own task force, which found no justification for across-the-board quotas on footwear. But with his support for textile quotas the President has found himself so compromised that the mandatory shoe quota legislation in the Ways and Means Committee could not be prevented.

Oil quotas smack of sheer politics. Although the President's task force recommended a change from the present quota system to a tariff system, the President put this plan on the shelf. The President's objection to mandatory quotas on oil would appear, in this light, to be hypocritical.

Estimates vary on the cost of oil quotas to the American consumer from between $3 and $4 billion a year. This is quite a price for the American consumer to be paying for the President's political benefit.

Couple this with special protection for the glycine production of the Chattem Drug & Chemical Co., of Chattanooga, Tenn., and for mink ranchers and the debacle would seem almost complete. Not quite. To compensate the export community for the foreign retaliation that would follow from the many protectionist provisions of the bill, there are provisions for tax exemptions ranging from 50 to 100 percent of the total export-related profits of both U.S. manufacturers and their export sales subsidiaries. By the Treasury Department's own estimate, annual exports would increase by about $1 billion at a cost to the Government of $600 million—an extraordinarily bad bargain compared to other export incentives for which expenditures of such proportions could be used.

The textile-oil cabal may have served to fill the Republican treasury in the recent election, but pandering to these special interests certainly does not serve the public or the national interest. In short, there has been no overall injury found in the case of textiles, shoes, or oil. Enactment of these measures will cost the American public billions of dollars, will disturb our international relations, and will invite retaliation on hundreds of millions of dollars in job-producing American agricultural and industrial exports, many of which came from Ohio and from the Ninth District which I represent.

Ohio is the fourth largest exporter among the 50 States. The Federal Reserve Board of Cleveland has estimated that employment in 1969 in Ohio's manufacturing industries attributable solely to exports amounted to more than 54,000 jobs.

No less than 38 Ninth District manufacturing facilities employing more than 100 persons benefited from export sales in 1969. These 38 plants employed as many as 30,138 persons last year. Add to this the grain terminals thriving on export trade in my district and the shipping activities at the port of Toledo, and you realize as I do that virtually every family in the Ninth District benefits either directly or indirectly from an expanding world economy.

I call upon the President to repudiate his political commitment to the textile industry and to solve these problems in accordance with established law. If he really wants to avoid inflation and retaliation and the horrors of a trade war, let him demonstrate the courage of these apparent convictions and speak out on this legislation before it is too late.

The President should immediately adopt the recommendations of the task force on oil, implement his task force recommendations on footwear, withdraw his "reluctant" support for textile quotas, and immediately institute escape clause proceedings on textile and apparel products. It is in this way that President Nixon can demonstrate that he is not an economic neo-isolationist.

Mr. Chairman, in my view, U.S. foreign trade policy should be designed to make America more, not less, competitive and to strengthen, not weaken, the multilateral institutions concerned with international trade.

With respect to the textile industry in particular, the Fortune magazine article to which I referred earlier points out that—

> The industry's best hope lies not in protection but in its own extensive effort to modernize its plant, develop new products, and improve its merchandising skills.

Indeed, it is this approach to business which is the heart and the genius of the American business system, and to revert to an anachronistic mercantilism would only insure the abandonment of our preeminent standard of living among the nations of the world.

To be more competitive with growing European and Japanese industrial capabilities, we must reduce domestic inflation in particular, because it has contributed—more than any other single factor—to the deterioraion in our trade balance by pricing us out of competition. I have sponsored and supported legislation, including standby controls enacted into law, but which the President has not used, to curb the rate of inflation. The bill before us would, if enacted, literally foster the inflation this Congress has worked so vigorously to impede.

Our national economic interest would be strengthened if we were to forthrightly exercise our right to retaliate against barriers imposed by our trading partners in violation of the General Agreement on Tariffs and Trade—GATT. Secretary of Commerce Maurice Stans, in testimony before the House Ways and Means Committee on June 25, reported that Japan is in clear violation of her commitments under the GATT in maintaining quotas on 98 categories of goods. Because of the strong interest in trade legislation shown by this Congress, the Japanese have already published a schedule indicating the elimination of about half these quotas within the next few months. It should also be noted that a number of the Members of this body, including myself, have actively encouraged and supported the actions of the administration to insure against the dumping of goods such as television sets into this country in violation of our statutes. Retaliation could be taken by the United States against Japanese exports competing with goods made here by U.S. industries for which findings of injury might very well be made in accordance with Tariff Commission procedures.

To the contrary, however, the bill before us follows the example of the very policies of foreign countries which the bill's authors criticize for acting in violation of the GATT. This, then, is legislation which I cannot support.

Mr. TIERNAN. Mr. Chairman, today we are called on to consider one of the most important and far-reaching bills of our times. Some experts say the Trade Act of 1970 will help to revitalize many of our industries which are being hurt by increased foreign imports, and some say that this bill, like the Smoot-Hawley Act of 1930, will precipitate a major worldwide protectionist trade war.

While I personally have reservations about H.R. 18970, I am going to support it. I do this for several reasons. A combination of increased productive capacity abroad, the establishment of trade areas, such as the Common Market, which have led to more intra-regional trade, and an increased living standard in this country have all greatly affected many U.S. industries. In particular, the textile and footwear industries urgently need assistance if they are to remain viable industries in this country.

In the decade of the 1960's, textile imports gained 2.2 percent in their share of the domestic market, increasing from 6.3 to 8.5 percent. Employment in textile and apparel industries has fallen 3 percent since 1966, while in the rest of the economy the total number of employees is up 10 percent. Let me also point out at this time that textile industry employees are, unfortunately, generally low paid and semiskilled, with high concentrations of older persons, women, and minority group individuals. When these people become unemployed, they encounter great difficulty in finding work outside the textile industry.

With regard to the footwear industry, imports have increased from 3.5 percent of the U.S. shoe market in 1958 to 37.5 percent in 1969. In the first 4 months of 1970, imports accounted for one-third of the domestic footwear consumption.

What we are really talking about here are jobs. There are 2.4 million textile workers in this country, and 230,000 footwear workers. With unemployment rising at a steady rate, we cannot afford to have another few million added to the unemployment rolls. In my own State of Rhode Island, there are 22,000 persons unemployed. In other areas in New England, the unemployment figure is as high as 10 percent.

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Mr. Chairman, it is my belief that it is justifiable to protect U.S. commerce from unreasonable import practices or other policies which discriminate against U.S. trade. We cannot alone accept all surplus production stemming from increased productivity abroad. U.S. duties are now at the lowest average level of any major industrialized country.

Let me make it clear that in no way am I advocating a permanent protectionist policy. I am a firm supporter of free trade. The Trade Act of 1970 is designed to be a temporary measure, one which will give some of our failing industries time to revitalize and improve their competitive abilities. The bill is not meant as a "free carry" for these industries. If I see that this is what happens, I will be the first to object and I will move to repeal this Act.

I would at this time like to comment briefly on two other sections of this bill. Under title I, industries would be assisted by the use of quotas or tariffs whenever the Tariff Commission finds that imports are "contributing substantially" to causing or threatening serious injury to that industry, unless the President determines that to do so would be contrary to the national interest. It is my hope that this feature will not be made a strong lobbying point, whereby, one by one, every major industry, whether it needs assistance or not, will try to be included. I urge the President to use this measure with discretion, for we must not allow ourselves to completely envelope the country with a protective shield.

Let me also express my opposition to that section of title I which prohibits the President from changing the present system regulating oil imports from quotas to tariffs, as his own Task Force on Oil Import Control recommended. For those of us in New England especially, this guarantees continued high prices of petroleum. Currently the consumer is paying $5 billion annually due to oil quotas, and it is estimated that the cost might rise to $8.4 billion by 1980. This is discriminatory and unjust, and I truly hope that this section will be dropped from the bill.

In conclusion, this bill is designed to provide temporary measures to allow some of our failing industries to revitalize themselves. It is in this light that I will support the Trade Act.

Mr. THOMPSON of New Jersey. Mr. Chairman, I am not unmindful of the persuasive arguments put forth by the textile industry as to the industry's interest in the Trade Act of 1970. I can well understand the desire of the industry to obtain some measure of relief against recent increases in textile imports from abroad. And, certainly, all of us sympathize with the desire of the textile unions to protect the job security of their members. In fact, it was my concern for the interests of these employees that led me earlier this year to cosponsor the original trade bill.

But Mr. Chairman, we do not have the original trade bill before us. We have instead a bill that goes far beyond the rather limited area of textiles and footwear. We have, in effect, a bill that would make it possible for the President of the United States at his discretion to change the entire concept of our trade policy from a multilateral to a bilateral system. I am informed that this situation could arise by virtue of the fact that the President is given discretion where he deems it necessary in the interest of national security to abate quotas set for textiles, footwear or other products.

Mr. Chairman, one need not exercise too much imagination to envision the results which could arise from such a broad grant of authority. Let us suppose, for instance, that country A is dissatisfied with the quota established by the United States on the importation of shoes from that country and chooses to bring to the attention of the President that a leasehold on one of our overseas bases located in that country is about to expire. Would not the question then arise as a point of national security as to whether it would be well to continue the shoe quota for country A or, perhaps, increase the quota? In short, would we not in effect place ourselves in the position of mortgaging our trade policy to our defense policy and, in particular, to the Pentagon's conception of what it needs abroad in the way of overseas bases.

Quite aside from the potential effect on our overall trade policy which this bill would have, there is another and immediate reason why enactment of this bill would work to the disadvantage of my constituency. I have in mind the language which removes from the President the power to shift the present oil import quota system to the jurisdiction of the Tariff Commission. The original bill which I co-sponsored had no such language in it. This language was added on the committee level without benefit of hearings. It has been estimated that at present levels the oil quota system imposes a penalty of $5 to $7 billion a year upon the residents of the eastern seaboard. This penalty is paid in the form of higher retail prices for domestic fuels, gasoline and other oil products. Obviously, we cannot at this juncture guarantee that a system of tariffs on oil imports would ease the burden which we in the East now pay by virtue of the import quota system. But, Mr. Chairman, the possibility certainly exists that measurable relief from the quota system could be rendered if the President and the Tariff Commission at some future date saw fit to extend it.

Mr. Chairman, there is yet another reason for the House to draw back from this trade bill. As we prepare to vote we do not have before us a clear view of the administration's position. We hear on one hand that the bill is supported by the Department of Commerce but opposed by the Department of State. What we should have before us and what the people of the United States are entitled to have is the position of the President of the United States on this bill. The President is the only person who can speak for all the people and who can lay before this House that position which is in the best interests of all the people of the United States. The President's failure to clarify the position of the Administration on this bill leaves each of us in the position of having to judge for ourselves as to what is the best interests of our respective constituencies and in the best interest of the Nation. I am convinced that the best interests of my constituents and the national interest alike require me to vote against this bill.

Mr. ST GERMAIN. Mr. Chairman, this bill must be passed. It holds the key to the future development—or the ultimate liquidation—of some of our most basic job-producing industries.

For some 35 years, the United States has been the world leader in encouraging free reciprocal trade. We have lowered our tariffs, we have helped underdeveloped countries build manufacturing industries. We have freely opened our markets to their goods.

Free trade and reciprocal trade are high ideals and laudatory goals. But, unfortunately, the ideal has never been converted into a reality. As we have opened our markets to other countries, they have carefully sheltered their own domestic industries and felt free to ship as many goods as possible into the United States.

There is no industry where this is more apparent than in textiles. Today, with the exception of some very low tariffs on some items, we have a completely open market for man-made fiber and wool textiles. As a result, we have seen textile imports quadruple in the past decade.

In terms of dollars, the United States has not had a trade surplus in textiles since 1957. Since then, we have developed a staggering trade gap of $1.4 billion. It can hardly be said there is any element of reciprocity or free trade in textile trade.

During the past few months, we have heard anguished cries from the "free traders" that the Trade Act of 1970 will reverse our 35-year-old trade policies and result in all sorts of dire consequences for our country. True, the Trade Act will change our trade policies. It will improve them. The fact they are 35 years old means that it is high time we took a hard look at them to see if they are serving the best interests of the American public and the American workingman.

The textile-apparel-footwear section of this bill gives the President broad discretion to negotiate agreements which will safeguard the future growth of three of our most basic industries. This bill is essential to withstand the projected flood of imports in the next 5 years.

In these three industries we are talking about a payroll of more than 2½ million people and another million who supply materials and services.

In my State of Rhode Island our textile payroll is the economic backbone of many communities. Some 23,000 people are employed directly in textile manufacturing, another 4,000 are employed in the garment industry. One of the most important aspects of our textile-apparel payroll is that it provides jobs at all levels of skill and to a large percentage of women.

The Trade Act of 1970 is designed to help preserve this payroll and permit it

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to expand as our market for textiles and apparel expands. At the present time, the bulk of the expansion of our market is going to imports.

It is estimated that textile sales in 1970 will be about the same level as last year, yet imports during the first 9 months of this year are 19 percent higher than they were during the comparable period of 1969. In the area of man-made fiber textiles, imports are running 47 percent higher than last year at this time.

This continuing relentless rise in imports is taking a heavy toll in our domestic industry. Rhode Island has lost about 2,000 textile-apparel jobs, and it is my understanding that nationally textile and apparel employment is down 100,000 from last year. Admittedly, the entire economy is in the midst of a downturn, but textile employment has been dropping longer and more rapidly than employment overall. It also is dropping at a rate much sharper than the decline in textile and apparel sales. The bulk of this sharp drop in employment, therefore, must be attributed directly to imports. Why should we allow our own people to be thrown out of work so that foreign manufacturers, who pay wages of 11 cents to 45 cents an hour, can rake in the profits?

Domestic consumption of textile products has soared in the past decade. Right now jobs should be increasing steadily. There should be many thousands of new jobs in American textile mills this year; instead jobs are being lost. The new jobs—and some of the old ones too—are going to foreign workers in foreign mills. Some studies estimate that imports have taken away 250,000 jobs that otherwise would have been created in American firms for American workers. There would not be so many men standing idle today on American streetcorners if the import limitations, which I and other members of the informal House Textile Committee have long favored, had been in effect.

Although not as dramatic as a plant closing, but almost as devastating to a community's economy is the short workweek. Imports are forcing many textile mills to cut back on the hours and days of operations, thus whittling away the take-home pay of the country's textile employees.

Those who oppose this bill say the problem of the textile industry can be solved by adjustment assistance, the Federal aid program under which employees of import-injured companies or industries can be retrained to go into other jobs. Adjustment assistance may work in certain isolated cases, but it certainly is not the answer in an industry which has such a large labor force as does textiles.

The cost in terms of dollars would be staggering, but the cost in human terms would be even greater. Most textile mills are located in small cities and towns. The textile workers and their families have lived there for generations. They like their homes and would like to stay there. Many of them are not mobile and cannot move to another town to be retrained.

Shall we ask our workers to be retrained and to move to another town in order to fatten the economy of Japan, which since World War II has risen to the second wealthiest nation in the free world? Shall we ask these people to leave their friends behind and go seek another job because somebody in Washington thinks this is in the national interest.

Instead, let us put reasonable controls on the flood of low-wage textile imports pouring into this country, so our domestic workers can share in the future growth of this basic and essential industry. Passage of the Trade Act of 1970 will give a long overdue break to our American textile workers.

Mr. McDADE. Mr. Chairman, I have a more than passing interest in the legislation which is before the House today because I have been deeply concerned for many years over the effect of imports on the economy of this Nation. I am hopeful that the passage of this bill today will cause the nations of the world to immediately begin discussions on the issue of orderly international marketing. I am not against using as a cutting edge this bill which emphasized leather and textiles. I am astonished, however, to see that the tie fabric industry is not included in the bill which is before the House. I urge vehemently that this industry be given the same consideration as the rest of the textile industry because the tie fabric industry faces a crisis.

Over the period from 1967 to 1969, imports in tie fabrics increased by 300 percent. By 1969 these imports represented 40 percent of the tie fabrics being used in America. In 1970, we estimate that it has already climbed to 50 percent. In those same 5 years, 14 manufacturers went out of business. And although the American tie fabric industry is committed to a capital expansion program totaling $20 million over the next 2 years, its productive capacity today is idled to a current level of only 30 percent. This is clearly a tragic situation.

The basic materials of the imported tie fabrics are exactly the same as the domestic materials. But the use of cheap labor abroad is threatening the livelihood of the American worker in the tie fabric industry where 70 percent of the cost comes from labor.

It has been claimed that the tie fabric imports are necessary to insure an adequate supply of tie fabric material to meet domestic demands. This is not true. There is more than enough tie fabric material produced domestically to supply the needs of the industry.

In my own State of Pennsylvania, the effect of these imports has been tragic. And that same tragedy is spread across New Jersey, Rhode Island, and New York where the plants that produce the tie fabrics are located.

It seems to me that justice demands that we give the same equitable treatment to the tie fabric industry which we are proposing to give to the rest of the textile industries. It is my hope that the exclusion of the tie fabric industry from this bill will be corrected.

Seventy percent of the cost in the tie fabric industry is labor.

Estimate that in period 1967–69 import of tie fabric increased by 300 percent. Represented 40 percent of total U.S. tie fabrics in 1969. Estimate 50 percent in 1970. Fourteen tie manufacturers went out of business in past 5 years.

American tie fabric industry is committed to expansion totalling $20 million over next 2 years. Productive capacity is today idled to a current level of 30 percent.

Claims have been made that tie fabric imports are necessary to insure adequate supply of tie fabric material to meet domestic demands. This is not true. The domestic materials are exactly the same as the imported materials. The tremendous cost difference comes in the price of labor. There is more than enough tie fabric material produced domestically to supply the needs of the industry.

The reduction in tie fabric industrial work in America has caused a great burden in Pennsylvania, New Jersey, Rhode Island, and New York, where these plants are principally located.

Mr. SIKES. Mr. Chairman, I am very pleased that the House is giving consideration to H.R. 18970, although I am concerned with the lateness of the date. This is very important legislation and action on it should be completed before the final adjournment of this session of Congress. I am one of those who has introduced legislation time and again in an effort to bring about needed action to insure more equitable consideration for America's industries and American workingmen in international trade negotiations. They are confronted with a rapidly worsening picture of foreign competition. Producers of chemical fibers, of cotton, of wool, and America's textile industry generally, are approaching a crisis situation. Yet they have not received adequate support from American negotiators who should know that these industries are national assets far too valuable for their interests to be neglected or for them to be traded off to foreign producers in the name of free trade. Only American ingenuity has made it possible for them to survive thus far. They have been plagued for years by low wage imports which are pouring into the United States at constantly growing rates. Government efforts to gain the cooperation of foreign countries in exercising reasonable restraints on their shipments to America have, to all intents and purposes, been ignored. Without legislation such as H.R. 18970, these industries face a very uncertain future. Some workable way must be found to limit the inflow. The Congress has waited and waited and waited and nothing has been done.

Now we must accept our responsibility to take action.

We have before us a measure which calls for reasonable restraints on imports so that foreign producers and domestic industries alike may have equitable access to the U.S. market. It is aimed at no particular nation. It does not require that imports be shut off or that fixed limits be imposed.

The legislation places emphasis on encouraging negotiated agreements, by not imposing specific limitations on those nations that enter into agreements with the United States. Present agreements

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and any negotiated before or after the bill is enacted will be honored.

Only those countries which refuse to negotiate agreements would be subject to specific limitations. These limitations would be set, by category, during 1970 to equal the average amounts of textiles, apparel, and footwear that entered the United States in 1967–68; after 1970, the permissible level of imports would be adjusted up or down annually to reflect increases or decreases in domestic consumption.

The bill also includes adjustment assistance provisions which would make it easier for other injured industries and employees to achieve more effective relief than now available. It provides a framework for a long-range solution of the years-old import problem of textile, apparel, and footwear industries, as well as the deteriorating U.S. balance of trade. By leading to more evenly distributed international commerce, its effects would accrue to the long-term best interests of all nations.

Mr. Chairman, I respectfully but strongly urge that favorable consideration be accorded this legislation without further delay.

Mr. GAYDOS. Mr. Chairman, I am one in the House who believes American industry is threatened and, in some cases, already severely hurt by unrestricted imports of foreign products flowing into our domestic markets. The situation has reached a critical stage where positive action must be taken to pull those industries already severely crippled back from the brink of disaster and, at the same time, protect those being threatened by uncontrolled imports.

I support H.R. 18970, but I do so with certain reluctance. While I agree with the main thrust of the legislation, I do not believe it goes far enough in protecting American industries. However, because of the gag rule imposed on the House by the Rules Committee, we are compelled to accept or reject the bill as it stands with no opportunity to offer amendments. I am gravely concerned about the textile and leather industries. I am concerned about a lot of others, too, including steel, glass, heavy electrical equipment and machinery.

I am aware of the controversy over this piece of legislation. I am aware there are colleagues here who feel the passage of H.R. 18970 will ignite a trade war. Foreign nations, they fear, will retaliate against any mandated quotas and, in the end, American industry will be the worse off for it.

I respect their opinions though I do not share them. I do, however, share their fears over what is in store for American industry. We have been in a trade war for the past decade, and we have been the target of economic guns from abroad. They have bombarded practically every segment of American industry. The leather and textile industries are just two examples of how badly some of our industries have been riddled by their barrage.

I am hopeful we will not have to wait so long in the future to protect other industries. I hope H.R. 18970 will open the door for legislation which will protect steel, glass, and the heavy machinery industries before they, too, are reeling under the battering of foreign competitors able to undersell us through a combination of modern technology and equipment, governmental subsidies and low labor costs.

The whole import problem reminds me of an iceberg. What H.R. 18970 does is relate to the small section of the iceberg which shows above the murky waters of foreign trade. It calls attention to the danger threatening shoes and textiles and it seeks to avoid that danger. But the real threat from any iceberg comes from that section, the greatest portion of an iceberg, which is hidden below the waterline. It is here where the greatest danger lies. It is here where the threat to steel, electrical transmission equipment and heavy machinery lurks, deadly and undetected.

Mr. Chairman, I am greatly concerned over that iceberg and what is beneath the waterline. I am convinced it hides a terrible threat to our steel industry which provides the bread and butter for my 20th Congressional District in Pennsylvania.

Steel provides jobs for more than 500,000 people in mills and offices. But there are hundreds of thousands more throughout the Nation who depend on steel products for employment.

For those of my colleagues who feel steel already is protected by voluntary arrangements with certain foreign producers, I urge you to read again the documents of this arrangement negotiated by our State Department. There are no government-to-government agreements or commitments. There are just letters of intent from certain manufacturers to an arm of our Government. There is no real protection—just weak promises.

Whatever protection you may find in those letters is not offered by the Government of the United States. It is the foreign manufacturer who will decide whether or not to abide by the terms of the letter. It is the foreign manufacturer who decides the degree of protection given our steel industry. The economic health of this Nation's most vital single industry depends on the whim and fancy of a foreign competitor. Just a few short years ago the United States was the greatest exporter of steel in the world. Today we are the greatest importer.

In its latest report, Mr. Speaker, American Iron and Steel Institute reported U.S. exports, which have been declining since May, totaled 398,000 tons in September. This figure is 169,000 tons less than the August exports and 519,000 tons below the total for May.

In the face of this gloomy report, steel mill product imports for the month of September hit a 1970 peak of 1,277,000 tons.

A 9-month comparison of imports versus exports for 1970 finds the United States running behind in dollar value by approximately $500 million. Foreign producers sent 8.969 million tons of steel products here with a value of $1.345 billion. We exported 6.019 million tons valued at $842 million.

The largest single import product in September was cold rolled sheet steel. Nearly 281,000 tons of it came into the country. Cold and hot rolled sheet steel, along with pipe, are vital items to the steelmaking facility of my 20th District. Yet, these three products accounted for approximately half of September's import total.

Furthermore, it has become increasingly evident foreign manufacturers, particularly Japan, are taking dead aim on our specialty steel market, despite the fact the voluntary control arrangement stipulated they would try not to change the product mix of Japanese imports too greatly. Figures belie the promise.

In 1969, the first year of the voluntary agreement, Japan shipped 86,235 net tons of stainless steel to the United States, 3,000 tons more than what she shipped in 1968 when the loud cry for quotas rang out in Congress. Japan now has 20 percent of our stainless steel market. In just 13 short years steel imports have grown from 1.1 million net tons in 1957 to 14 million tons in 1969. The 1969 figure, of course, is below the record high total of 18 million tons for 1968.

The trend in imports is alarming. Alarming enough to have the State Department step in 2 years ago and negotiate the voluntary steel arrangement rather than risk Congress mandating quotas. It is no coincidence that Japan, after 18 fruitless months of talks on the textile problem suddenly decided to take another look at the proposition when the present trade bill cleared the Ways and Means Committee.

But there is more to this problem of steel imports and voluntary controls. The so-called voluntary agreement with Japan and European countries expires at the end of 1971. American Iron and Steel Institute, leaders in both management and labor, have sounded ominous warnings about what may happen if there is not a continuation and a strengthening of that agreement. If the arrangement is continued under its present status with the same graduated increases in quotas now allowed, foreign imports by 1975 will total more than the record high of 18 million tons reached in 1968.

Past history has shown imports of steel spurt ahead when the Nation encounters a labor dispute in the industry. And, when the dispute is settled, the import total does not recede but maintains its new level. There are numerous reports the Nation faces trouble in the steel industry next summer, and I have a gnawing fear foreign producers will stall on any voluntary control extension until they know what the labor picture will be in the steel industry. If it is to their advantage, they will ship steel into this country in any quantity, no matter what the voluntary arrangement may provide. Our industry will be subjected to an assault the like of which it has not seen since 1959 when imports, stimulated by a 116-day strike, more than doubled the 1958 total, going from 1.7 million tons to 4.3 million tons.

Mr. Chairman, the steel industry and the steelworker face a competent and dangerous adversary in their foreign counterparts, the effects of which are felt by every American industry and worker utilizing domestic steel products.

I urge the passage of H.R. 18970, the Trade Act of 1970, and I will continue to

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seek enlargement of its protective umbrella to cover other American industries threatened with destruction by foreign competition.

Mr. GILBERT. Mr. Chairman, I rise today to state my support for the trade bill before us. I congratulate my chairman, Mr. Mills of Arkansas, for his patience in the long preparation of this legislation and for bringing to the floor a bill which has achieved the difficult task of bringing so many diverse elements under one bill.

It is, of course, a controversial bill that when enacted will have a profound effect upon this Nation and the world family of nations.

In a sense, I would have preferred that our Nation's economy be in such a state that a bill of this kind was not needed.

Historically, I have always been an advocate of free trade. Yet I do not believe my endorsement of this bill at this time is support of protectionism. It is, in my opinion, an issue of basic economic survival facing us today.

No one knows better than those of us on the Ways and Means Committee of the importance of a healthy and competitive trade between nations. But it is a time for us to be realistic as to the needs of our people, the prospects of our businessmen, and the precarious state of the Nation's working force. Other nations, because of their ability to produce goods more cheaply, have driven many of our industries to the verge of bankruptcy. Unless we act quickly and positively many of our industries here in the United States will be pushed off the edge. I need not remind you that the effect of a plant's closing is monumental to a community in so many basic ways. It is not only the entrepreneur who suffers; it is the workman, his children and his family; the people from whom he purchases his products and those businesses which sell to the retail markets. One single closing leads to many separate personal disasters. In the last few years we have seen not isolated business reverses but hundreds of companies faced with a diminution of profits because of the competition from abroad, or even worse, the inability to remain competitive in today's market.

The plight of industry in America today, as well as the labor force, is desperate enough because of internal pressures. To let international trading force a further deterioration of that situation would be a travesty.

Now we are talking about a bill that is highly complex and greatly variated. Probably none of us is completely happy with the whole bill. We each have our special areas of interest and particular knowledge where we may disagree with the quotas, the figures, or perhaps even the assessment of the industry's position in the world market today. Nevertheless, as a whole, this bill is necessary to protect our working force. It will save jobs. And it is not as insensitive to the needs of other nations as one might be led to believe from published accounts.

Let us stress briefly three specific aspects of the bill which have not received the attention they deserve.

In this bill, the President will receive an extension of his authority to enter into foreign trade agreements through June 30, 1973. And the bill will grant the President new authority to reduce duties if he desires.

This authority, incidentally, authorizes him to reduce duties not below existing levels but what the duties will be on January 1, 1972, when the final stage of the Kennedy reductions go into effect.

The bill further will amend the tariff adjustment and adjustment assistance provisions of the 1962 Trade Expansion Act. It also provides temporary limitations on imports of selected textiles and footwear, along with authority to negotiate international agreements to insure nondisruptive marketing of imported textiles and footwear. Those last two points were specifically asked for by the Nixon administration, particularly adjustment of the 1962 act which was drawn, we now know, too rigidly.

The bill, to a degree misunderstood by those who have not actively participated in the hearings and preparation of the legislation, provides the administration and the Congress new tools in which to cope with a changing worldwide economic situation. It provides the President latitude to respond to new situations and to ease inequities that might become apparent later.

Though this bill is not drawn exactly as the President had asked, it allows him the ability to do what he said he wanted to do when he asked for the legislation.

It is perhaps possible that consumer prices will jump slightly as a result of passage of this bill. I frankly do not know if that is true or not. But the consumer is no isolated group. We are all consumers. And if a consumer would see his job lost because his company can no longer compete equally, if his taxes must rise to offset increased national unemployment, he is hurt as badly—or worse—than he will be by a possible increase in the cost of foreign products.

As I see it, we have very little choice left. We face the possibility of massive unemployment if we do not act.

In almost every industry we investigate, there are ominous trouble signs. In my own city, the garment industry, the entire textile industry, the shoe industry, the handbag manufacturers, and numerous other fields are suffering serious depressions. We cannot sit by and watch those industries employing thousands of skilled workers wither away and disappear forever.

The compelling reason for our committee's approval of the bill and the reason it is here before you today is that after all the arguments are over, after each provision has been examined, the basic fact remains that our Nation today needs the protection for its businesses and its workingmen that this bill will provide. I would hope that we will not pass this legislation and forget about our tariff problems. I would hope that the administration and the Congress continue to keep a close watch on the serious problems we have today. If a point is reached where these quotas can be rolled back, even if it is only in small amounts at first, then that should be done as quickly as possible.

But as we sit here today and look at our present economic position, we have no alternative but to pass this bill as quickly as possible.

Mr. BRINKLEY. Mr. Chairman, having earlier today listened intently to the words of our distinguished colleague, the gentleman from Wisconsin (Mr. Byrnes), I am completely convinced as to the "rightness" of the Trade Act of 1970.

All of us are concerned that only sound legislation be passed by this body and it is only proper that we question the wisdom of any bill which might jeopardize or impair our system of trade in the long-run. I carefully examined my own motivations, questioning whether the rationale of this bill had been adjudged by me to be good because of the textile area I represent and the hardship which I have seen, and presently see, being inflicted upon this giant industry. The eloquent speech given by the gentleman from Wisconsin, documented as it was, reassures me of the definite need for this legislation on a national basis.

This, together with my firsthand knowledge of the plight of the textile industry in my district, permits me to say in good conscience and with complete sincerity that this is a good bill, one that is desperately needed and in the very best interest of the entire country and I urge its adoption.

Mr. BROOMFIELD. Mr. Chairman, in 1930 the Congress of the United States passed the Smoot-Hawley tariff over the objections of a wide segment of the American public. The Congress was warned that such shortsighted protectionism would lead to foreign retaliation, a sharp drop in U.S. exports, injury to American consumers, and loss of jobs. The Congress ignored this warning, and the result of its action is well known: the American depression deepened and spread worldwide, contributing at least partially to the fall of the Weimar Republic and the rise of the Third Reich.

Under American leadership, international trade has been substantially relieved of the artificial restraints of the 1930's. Since World War II we have adopted and practiced a policy of free trade, and in those 25 years we have witnessed the longest period of sustained income growth in history.

Now, 40 years after the passage of the Smoot-Hawley tariff, the 91st Congress is faced with another trade bill with an equally protectionist intent. And again, we are urged to reject this policy by thousands of top economists, consumer spokesmen, industrial and farm exporters, and most of the Nation's newspapers. Both the European Economic Community and the Organization of American States have promised automatic retaliation against American exports if the bill passes. Our allies in Europe, Britain and Germany, warn us of the dangerous consequences of new restrictions on free trade. Shall we ignore their plea again? Shall we put aside good sense once more?

Mr. Chairman, I am not saying that passage of the Trade Act of 1970 would provoke another world war, or even ignite a massive trade war; I am arguing simply that, in a time of increased tension worldwide, the enactment of this bill would be a tragic first step in the destruction of one of the few consistent

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ways of fostering confidence, trust, and harmony among nations: free trade.

The Trade Act of 1970 liberalizes the criteria for determining an injury to a domestic manufacturer by a foreign import. In the past, proof was required that the damaging increase of imports was directly related to a past tariff concession and further, that this increase was the primary factor threatening the domestic concern. Both of these stipulations are discarded by the new bill. Relief in the future would be provided solely on the grounds that "an article is being imported into the United States in such increased quantities as to contribute substantially, whether the primary factor or not toward causing or threatening to cause serious injury to the domestic industry."

Once such a determination is made the Tariff Commission is required, under the new bill, to decide what increase in duty or import quota should be prescribed. The President may then reject its recommendation only if he feels it is contrary to the national interest.

Suppose now that he does reject their proposal. The Tariff Commission must make an additional determination of injury, based on an arbitrary and very complex statistical formula. The meaning of this provision of the bill should be clear: it is an automatic trigger mechanism that cannot take into account the incredible complex of political and economic issues that surrounds any rise in imports.

The easing of the requirements for injury determination and the development of the so-called trigger mechanism will make it possible for virtually any industry, given the right set of circumstances, to demand an import quota or a higher tariff, regardless of the economic or political situation of the Nation. This is a patently protectionist stance, inviting restraints on free trade.

Still, it is in perfect accord with the most disturbing section of the bill: the import quotas prescribed for textiles and footwear. These are category-by-category and country-by-country 5-year limits based on the average quantity of items imported in the year 1967, 1968, and 1969. The President may exempt from quota an article produced in a foreign country if he feels that it is not contributing to market disruption in the United States. This last provision, of course, is intended to salvage some of our trade with Europe while we continue our attack on Japanese products in particular. I do not think there is any question that Japan is the main target of the import limits.

In any case, the quotas and the relaxed standards for determining injury are evidence of the protectionist doctrine behind this bill. Justification for these two measures is founded on a whole series of developments over the past 10 years.

In general terms we can blame our own inflation for most of our troubles. Since 1964 the American trade surplus has fallen from $6.8 billion to $1 billion. The rising prices of American goods and services both at home and abroad created a demand for cheaper products on the part of our consumers. And the demand was met by emerging foreign nations like Japan, whose newfound ability to produce finished goods and continued access to unusually cheap labor allowed her to send off imports at prices and qualities competitive with American products. By restricting the amount of imports, therefore, the committee seeks to eliminate some of our competition.

This, in itself, is a worthwhile goal. We do, indeed, want American manufacturers to make their fair share along with everyone else. But what we do not realize is that, in assisting domestic producers and slowing their competition, we encourage them to raise their prices as well. As domestic prices increase, so too will those of our foreign exports. In the long run, therefore, the new protectionism will aggravate our already dangerous inflation; in the end it will cripple the few industries it was designed to help.

It should be noted, too, that we would be doing this at a time when our export-import situation seems to be improving. Our exports soared 14 percent the first 7 months of this year compared with the same period last year. Imports, on the other hand, rose but 9 percent. In the same period our exports to Japan increased 46 percent, proving that our industry can compete in the most competitive of markets. The prospect now is that the United States will have a 1970 trade surplus of $3.5 billion as compared to $1.3 billion in 1969, surely a major turning point in the recent pattern of foreign trade deficits.

This is only a general picture of the problem. Textile and footwear manufacturers contend that their situation demands some form of import quota. Yet, we must ask, why have they not sought relief under the present law?

During the 1960's both sales and profits of the domestic textile and footwear industries increased substantially. From 1961 to 1969 sales of textiles, for example, increased 62.6 percent and profits 114.4 percent. Moreover, employment in the industry increased by almost 300,000 workers—overall, not an entirely bleak economic picture. But if serious injury can be shown, the individual firm may, under existing law, obtain adjustment assistance without endangering the whole future of free trade.

An even stronger argument can be made in the case of footwear manufacturers. In addition to all of the foregoing circumstances, this industry would receive only marginal assistance from the bill. Under the new import standards Japanese footwear imports would be cut by only 4 percent—a reduction hardly worth the risk of a trade war.

And a trade war is a serious possibility if this ball is passed. I have already spoken of the threats from Europe and South America. Retaliation by Europe and Japan would seriously endanger our exports, particularly in agriculture which accounts for $5.7 billion of our commercial exports. Severe limits on our farm products would lower our balance of trade and thereby, our balance of payments. We simply cannot afford such a decline in this inflationary period.

Soybeans, for instance, which account for 20 percent of our farm exports, would be hit the hardest. Both the European community and Japan have made little secret of their desire to diversify their agricultural imports so as not to be dependent on one exporter. If the Europeans were to cut back our exports of soybeans to the level of 1967–69—the same basis for the bill's quotas—we would suffer a loss of about $200 million a year. If Japan limited our exports of corn to that level, we would be forced to accept a loss of at least $110 million annually.

Much the same argument applies to our other export industries, which employ 3 million workers at the highest pay scales in the country. The point should be clear: We are no more prepared for import quotas than any other nation: retaliation would have disastrous consequences for the balance of American trade.

Another consideration we cannot overlook is what the bill would do to our underdeveloped allies. In Korea, for 20 years one of our staunchest allies, 30 percent of the work force produces textiles for export. The effect of import quotas would be catastrophic to Korea's hopes for economic development. The same may be said for Taiwan, the Philippines, and a number of Latin American countries. How can we expect these nations to fend for themselves if we undercut their very economic foundations?

The greatest victim of this bill, however, is not Europe or Asia or South America, but the American consumer, for this bill would raise domestic prices, reduce competition and, therefore, quality, and, most important, accelerate our already runaway inflation. Low-income families, reliant on cheap imported necessities, would be the hardest hit of all. It is difficult to imagine another law which would hurt so many Americans to benefit so few.

The passage of this measure must necessarily call into question the entire concept of free trade. The Kennedy Round was a major step toward a multilateral approach to world commerce, but the Trade Act of 1970, by forwarding unilaterally imposed quotas, will leave us with, at best, a teetering bilateralism. No longer will nations seek to negotiate their trade problems on broad continental scales, but rather, they will wheel and deal behind each other's backs for the narrowest and most selfish of interests. When a problem arises, retaliation, not negotiation, will be the only way to solve it.

It would be unrealistic not to admit that many nations—Japan is one of them—have used unfair tactics against American products. Subsidies, dumping and tariffs have all damaged our balance of world trade. Yet, the United States has an escape clause, the United States has a provision for adjustment assistance. Why, we must ask, have these not been used?

The Trade Act of 1970 commendably strengthens and extends these laws; and even includes a provision for retaliation against an unfair trade practice. Adjustment assistance would be given for injuries caused substantially rather than primarily by imported goods. Antidumping laws would be enforced 4 months

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after the question is raised; there is no time limit at present. Retaliation becomes obligatory by the President and includes all products, not just agricultural produce.

But a mere strengthening of these laws will be useless, if the President chooses not to employ them. Perhaps this whole controversy over import quotas could have been avoided had our present laws only been utilized.

At any rate, these provisions, designed to assist our trade when negotiation fails, cannot salvage the entire bill; the quotas and the new standards for injury determination must surely discourage every effort to negotiate fair trade agreements. We cannot allow artificial barriers to aggravate our inflation and ignite a worldwide trade war.

Let us hope, Mr. Chairman, for the success of our negotiations with the Japanese. Already the European community has agreed to absorb much of Japan's imported textiles—if only we can reach some kind of agreement with them. Negotiations such as these—hard bargaining in an atmosphere of mutual understanding—are the best, the only means to achieve free trade across the world. We cannot be served well by the selfish and vindictive tactics of the Trade Act of 1970.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise to reaffirm my strong opposition to the 1970 Trade Act. We have all heard, many times now, the arguments on both sides of this issue. I do not think any good purpose would be served, therefore, by reciting more statistics and more facts. But I do want to use a moment to take issue with the way those who favor this bill, have tried to make use of a speech made yesterday by Deputy Assistant Secretary of Commerce Nehmer.

Mr. Nehmer may have been right in suggesting that the figures developed by Governor Brimmer of the Federal Reserve Board as to the cost of the textile and footwear quota provisions of this bill to American consumers are somewhat misleading. I am not prepared to say which of the two gentlemen are correct in the methods and assumptions they used to arrive at their projections; but I do think Mr. Nehmer is surely correct in suggesting that the cost of retraining for workers and adjustment assistance for firms must be weighed against the savings to consumers, whatever the exact figure may be, in any discussion of the costs and benefits of this legislation.

But having recognized his point, I must say that I am not at all convinced that those who oppose this bill ought to feel the need to be defensive or to play down the argument about the cost to the American consumer of a protectionist trade policy. Indeed, I think the case is as strong as ever for one simple reason: even if the benefit of lower consumer prices was exactly cancelled out by increased costs of adjustment assistance policies, which I do not think very likely, our society would be better off. That is because the revenue for adjustment assistance would be generated by the progressive income tax system while the alternative of higher consumer prices would be equivalent to a form of regressive sales tax.

The struggling low- and middle-income families of our Nation would therefore be the real losers if this bill passes, and the prices of basic necessities of life, like shoes and shirts, are increased. For all practical purposes, the comparatively small additional demand of adjustment assistance on the Federal Treasury would not affect their pocketbooks at all. But let no one say that the drastic cutback of low-cost shoes and apparel that would occur in the event this bill becomes law would not affect their pocketbooks. In 1969 fully 67 percent of the shoes that wholesaled for less than $2.40 a pair in this country were imported. Since the footwear quota does not differentiate between type or price range, it is certain that the supply of these low-cost items would be considerably curtailed.

So it may be true that the advantages to consumers of free trade and vigorous import competition are partially offset by additional costs elsewhere in the economy. But if our commitment to help the low-income families of this Nation attain a measure of independence and self-sufficiency is sincere, then there can be little question that this tradeoff is well worth taking.

I want to make one other brief point. Yesterday, the President sent the Congress a message calling for additional appropriations for military and economic assistance to a number of our allies throughout the world. While I am not prepared to comment on the appropriateness of any of his specific requests, I do think that his message embodies the essence of what has come to be called the Nixon doctrine: namely, that the United States should use its resources to help our allies and particularly those in the developing areas of the world become independent and self-sufficient. Now part of that is, of course, aid in the area of security and national self-defense; but an equally important part of the doctrine is that nation's must become economically healthy and independent.

The process of economic growth and development is a most difficult and complicated process about which the experts heartily disagree. But despite the lack of consensus few deny that an important source of economic growth and development is the foreign exchange that can be earned by the export of labor—intensive manufactured goods to the developed economies of the world. The magnificent growth that has been made by a number of Far Eastern nations in the past 5 years, including South Korea, the Republic of China, Hong Kong, and Malaysia can in large part be attributed to the markets in the developed countries that they have been able to find for their manufactured goods.

Let me cite just two examples. Textiles exports comprise 25 percent of the Republic of China's total exports, and 40 percent of these textile exports go to the United States. The textile exports of the Republic of Korea account for 40 percent of that country's total exports and nearly 50 percent of these textile exports come to the United States. Together the textile exports of these two countries do not add up to more than 1 percent of total consumption in the United States. So in an effort to halt a so-called flood of cheap labor imports we may be delivering a disastrous blow to the development process in these countries, all for the protection of a miniscule part of the American market. In our concentration on the problems we are having with Japanese imports, may not it be the case that we have neglected to consider the deleterious impacts of protectionism on some of our most important allies in the developing world?

Mr. HOWARD. Mr. Chairman, for the benefit of my colleagues and constituents, I would like to take this opportunity to explain my views and my votes on the Trade Act of 1970, H.R. 18970.

I voted in favor of the closed rule on this matter, because I sincerely feel that we need some form of trade legislation this year, and the chairman has indicated that without the closed rule, there would be no bill at all.

We do need legislation—we must help to protect the thousands of jobs which are being lost in the textile, leather, and mechanical industries.

For these reasons, I will also vote in favor of final passage of this bill.

In view of the closed rule on this legislation I feel I must, however, express my distress over certain sections of the bill—as in the so-called trigger clause.

I believe that these provisions of this bill could, indeed, cause grave economic problems to this country as a result of the reactions of other nations to this all-encompassing bill.

I would hope, therefore, that the Members of the Senate will redesign this legislation so it will provide the necessary protection, without putting us in danger of losing all foreign trade and returning to the sad days of the early 1930's, after passage of the Smoot-Hawley Act in 1928.

Mr. REUSS. Mr. Chairman, once again, after 40 years, the United States is confronted with a crisis in trade policy. In 1930 Congress enacted the protectionist Smoot-Hawley tariff. That act pushed the world into economic depression and monetary disruption, and later on into Hitler's war.

In 1934 the first of the reciprocal trade acts was enacted. From then on, until the completion of the Kennedy round 2 years ago, the general course of U.S. policy, and of world trade, was in a liberal direction.

But since 1968 a vacuum has been present in our foreign trade policy. Today, that vacuum is about to be filled by a new protectionism. The bill before us is known as the Trade Act of 1970. This conspicuously omits the big word in previous trade legislation, the Trade Expansion Act.

The omission is no accident. The House bill is a backward step. I shall vote against it.

Coming to the floor of the House under a closed rule, the whole package must be voted up or down without opportunity to strike any of its provisions.

There is no doubt that certain industries, particularly the shoe industry, are hurting.

There is no doubt, either, that other countries have sinned against free trade. Japan has erected barriers against imports of our goods and our capital. We

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are rightly concerned at the increasing protectionism of the European Common Market, particularly against American farm exports. We should and do deplore the preferential trading blocs, the Common Market is now negotiating with various countries of Europe, Africa, and the Middle East.

But to retaliate by a general retreat into protectionism hurts the just and unjust alike. We should make appropriate use of the retaliatory power Congress has already given the President to counteract some of the unjustified restrictions that the Common Market and Japan are imposing on us.

But to impose worldwide quotas means that countries which have not discriminated against American goods will be hurt. We can look forward not only to their reacting against our restrictive measures, but to their over-reacting. And then what becomes of our effort to increase our exports?

Quotas are far worse than tariffs in that they do not merely add to the price of goods. They exclude them entirely. In addition, the mechanism for dishing out import quotas is extremely vulnerable to administrative favoritism and corruption.

Blanketing out foreign goods by a quota system is bound to increase the prices American consumers have to pay. By decreasing competition, it hurts our business productivity.

Far better than a program designed solely to decrease imports would be a broad new trade policy designed both to increase exports and to mitigate the consequences of imports. Such a policy should include:

First. A continued reciprocal move toward free trade, both in tariffs and nontariff barriers. Such a program will take time, perhaps another generation; perhaps its schedule will have to be decelerated at times, accelerated at others. But freer trade is a goal that we should return to.

Second. Inferior wages and working conditions in other countries undoubtedly do constitute a test of free trade principles. What is needed is an international commitment, perhaps under the General Agreement on Tariffs and Trade, for each country to make fair labor standards its concurrent goal. Only countries which agree to move toward such standards, and actually move toward them, should be entitled to the benefit of tariff concessions. This particularly applies to less developed countries, which are most in need of improvement of labor conditions.

Third. We need an adequate program of economic adjustment to the needs of industries, workers, and communities vulnerable to imports, as well as to the needs of workers whose jobs may be exported as companies shift production processes to foreign countries. We shall have to make many adjustments in our country, as in the transition from aerospace and defense industry to building the homes, schools, air and water pollution equipment, mass transit, and the many other things we need. With proper leadership from government, industry, and labor these transitions can be accomplished with a minimum of human distress.

Nature abhors a vacuum. The vacuum in trade policy is at the moment being filled by the protectionists. It is time the world traders came out and started to fill the vacuum themselves.

Mr. STRATTON. Mr. Chairman, I intend to support this legislation. In fact in the 12 years I have been in this House no subject has concerned me more than the problem of what indiscriminate foreign imports can do to American jobs and American working men and women, as well as to our basic and essential productive base and capacity.

The glove makers of Gloversville, the rugmakers of Amsterdam, the ropemakers of Auburn, the electronic tubemakers of Seneca Falls, the wiremakers of Cortland, the turbine and generator makers of Schenectady, the steelmakers of Watervliet, the bramakers of Canandaigua, the shoemakers of Norwich—all these people over the years have watched their jobs threatened by excessive and unregulated foreign imports. And I have endeavored, not without some success, to help them over these 12 years. Yet the problem remains today, and that is why I was among the first to join in consponsoring this legislation.

I feel sure, Mr. Speaker, that no one today thinks it would be wise for us to cut off our world trade. That trade is vital. Our morning cup of coffee comes from abroad. We need foreign trade. But if this trade is to be beneficial it also needs to be reciprocal. We cannot do all the giving here on our side, and have the other fellow do all the getting. Yet that is precisely the situation today, as this debate has clearly pointed out these past 2 days. We here in America are operating just about the only free market left. Everybody else is putting up barriers and obstacles. Trade must be made a two-way street if it is to be successful. And that is exactly what this bill is all about.

Frankly, Mr. Speaker, it would be much better if we could work out this reciprocity formula on a voluntary rather than a formal, mandatory, legislative basis. Back in 1962 when we were faced with serious problems resulting from excessive textile imports from Japan, President Kennedy succeeded in working out a voluntary quota arrangement, which worked very successfully for many years.

When that agreement became outdated by changing events and circumstances we tried again, through negotiations, to work out a new voluntary quota arrangement. That, in fact, was one of the things we had hoped to achieve a year ago when Prime Minister Sato was in Washington to ratify the agreement for turning back Okinawa to the Japanese. But somehow we have just never been able to get those voluntary negotiations headed toward agreement. Thus this legislation became the only alternative. It would only put back into the system the equality and reciprocity which we have been unable this time to achieve through voluntary negotiation.

Let me make one further point, Mr. Speaker. I am also concerned about the damage that unrestricted imports can do to vital portions of our productive base.

The major plant of the great General Electric Co. is in my new district, in Schenectady. Responsible scientists and executives at GE are concerned over the fact that as a result of the import situation hardly any internal circuitry for radios and other electronic gear is being made here in the United States any more. It is all being imported from Japan. As a result the skills for doing this vital work here in this country are gradually being eroded. Those who once learned this skill are going into other fields. Soon the only capability in electronic circuitry will be in Japan. And we will have none left here in the United States.

But what happens, in such circumstances, if something should occur that would suddenly cut us off from Japanese sources for these important items?

A vital part of our productive base, a vital part of our defensive base, would have disappeared, almost without our being aware of it—until of course, it was too late.

So that too is what this bill is all about. I am happy to support it, not only to protect American jobs, not only to protect vital American know-how in an uncertain and unpredictable world, but also to restore a little much-needed reciprocity into our continuing and necessary foreign trade.

Mr. BOLAND. Mr. Chairman, yesterday I spoke here about the heavy blow that foreign imports are dealing to American industry and its work force. Outlining the provisions of the trade bill now before us—a bill that, all available evidence indicates, would allow foreign and domestic manufacturers to compete evenhandedly in the U.S. marketplace—I pointed out that the legislation would not thwart "free trade" nor threaten the consumer's pocketbook.

Today I want to talk about the pressing need for the trade bill in four specific industries: Shoes, textiles, electronics, and bicycles.

Like more than a score of other U.S. industries, the four I have just cited are threatened by a veritable tide of imports now streaming into this country. The jobs of the American working man and woman—literally millions of jobs, from coast to coast—are in jeopardy. Hundreds of thousands are now out of work, and the figures are rising virtually day by day.

SHOES

The shoe industry has been staggered by imports. More than 14 million pairs of shoes were imported into the United States during September alone, an 11.9-percent increase over the September figure a year ago. And imports for the first 9 months of 1970—the most recent figures available—reached past 183 million, up 20.5 percent over the same period last year. Shoe plants throughout the United States are shutting down at an alarming rate. In New England, Mr. Speaker, the rate is nothing short of astonishing.

Carroll P. Sheehan, Commissioner of the Massachusetts Department of Commerce and Development, outlined the problem in testimony before the Ways and Means Committee:

Remarks Before the Committee on Ways and Means by Carroll P. Sheehan

Mr. Chairman, distinguished members of the Committee on Ways and Means of the

House of Representatives: I am here today as a representative of the Commonwealth of Massachusetts to express our views on the legislation presently before this Committee; namely, H.R. 16937, sponsored by my Congressman James A. Burke—and the identical bill (H.R. 16920) filed by your Chairman, related to the establishment of quotas on the importation of textiles and shoe and leather products from foreign nations.

We, in Massachusetts, perhaps more than any other state in the union, have a great stake in free world trade. Our tradition goes back to the days of the clipper ships when the trade routes to India, China and the Far East were opened up by Massachusetts companies and courageous captains and crews flying the American flag. We have benefitted greatly through the free exchange of trade for more than two centuries, but as all things do, the world is changing. The United States, following World War II, helped friend and foe alike to become politically and economically strong. We have created competitors who, in every sense of the word, both in manufacturing and technological ability, are able to compete with our most sophisticated industries.

Not only has Massachusetts had a long record of free foreign exchange of goods, but it is also the oldest industrial state in the nation. Each time a new industry is born in foreign markets, it immediately comes in competition with most of our traditional production industries, and at the present time, particularly the shoe and leather industries.

I must state at this time that we in Massachusetts favor an orderly and free exchange of goods with other nations, but I must stress the word "orderly". When we find, for example, that more than 50 domestic shoe manufacturers closed their doors in 1969, and that 15 of these companies were located in Massachusetts, with an estimated loss in employment of 5,000 jobs, particularly among older workers, we must take a new look at the nation's import picture.

I am sure this distinguished Committee, in the last few weeks of hearings, has been told about the meteoric rise of imported shoes from 26½ million pair in 1960 to 175 million pair in 1968. We believe that the 1970 figures will go well over 225 million pair. On the other hand, shoe production of 585 million pair in the United States in 1969 was the lowest year of production in this decade.

Approximately 35% to 40% of the cost of a pair of shoes is in labor. The United States basic wage average is $2.75 per hour, including fringe benefits, against wages in shoe-exporting countries running from 60c to $1.10 per hour, also including fringe benefits. Regardless of the fact that the productivity rates of American labor are considered to be 25% higher than the average of foreign competition, the wage differentials are still too great to offset the low-wage factor.

I would like to speak for a minute about the shoe retail industry in the United States. I do not want to generalize on this matter, but it appears that certain national concerns are not only opposing this present legislation to somewhat limit the importation of shoe and leather products, but are also, in my opinion, not giving the full advantages of low-cost shoes to the American buying public.

Is it any wonder that many of our shoe manufacturers who employ people in Massachusetts and throughout the nation are tempted to give up the manufacture of shoes and become importers where they do not have the problems of labor and machinery and where the profit margins are much greater? The shoe and leather industry of the United States needs your encouragement. This can be done through the passage of the legislation before you.

We believe that the shoe and leather and textiles industries are deserving of an equal portion of America's growing domestic market. We stand ready to share this market with foreign competition, but we believe that the time has come for a realistic view of our foreign trade policies through the passage of this legislation.

In conclusion, may I state here today that the problems of the textile and shoe and leather industries are but a beginning of the problems which will arise in domestic employment due to the present free trade policies. We see signs that the great electronic production business in Massachusetts is being greatly affected and almost all other high labor-intensive industries will face domestic problems in their production units.

The theory is always propounded by those who back unlimited free trade that we should not worry because the only thing necessary for America to do is to remain technologically ahead of the foreign competition and everything will be all right. This is not only an oversimplification of the present problem, but it arrogantly proposes that the other nations of the world will remain technologically backward for the convenience of American industry. Those who make this statement do not understand the technological advances of research and production throughout the free world. We must remain a strong exporting nation with orderly trade relations with the competing nations of the world.

Mr. Chairman, I appreciate the opportunity you and this Committee have given me in allowing me to come here today to express my views on this proposed legislation. The people of Massachusetts will always be grateful for the favorable passage of the legislation you have proposed. Thank you.

The accompanying table—table A—amply demonstrates the rate of shoe imports during the first 9 months of 1970.

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

[In thousands of pairs; in thousands of dollars]

Type of footwear	September 1970, pairs	Percent change, 1970/1969	9 months, 1970			Percent change 1970/1969	
			Pairs	Value	Average value per pair	Pairs	Value
Leather and vinyl, total	13,613.2	+11.2	174,275.2	$400,958.1	$2.30	+18.8	+$26.9
Leather, excluding slippers	6,787.6	+20.4	91,808.5	323,156.8	3.52	+22.0	+25.0
Men's, youths', boys'	2,189.7	+6.9	25,292.3	112,398.6	4.44	+12.3	+18.3
Women's, misses'	3,933.2	+26.0	58,742.6	194,035.5	3.30	+26.7	+32.3
Children's, infants'	342.9	+82.1	5,197.4	7,682.9	1.48	+21.6	+14.5
Moccasins	36.4	−10.6	426.3	484.0	1.14	−13.3	−18.8
Other leather (including work and athletic)	285.4	+20.6	2,149.9	8,555.8	3.98	+33.7	−9.6
Slippers	28.4	−45.5	192.5	499.2	2.59	−30.4	−12.3
Vinyl supported uppers	6,797.2	+3.8	82,274.2	77,302.1	.94	+15.7	+35.6
Men's and boys'	1,301.7	+52.9	12,307.0	14,811.9	1.20	+65.0	+73.2
Women's and misses'	4,784.4	−2.8	61,762.8	56,126.2	.91	+10.5	+29.8
Children's and infants'	599.1	−9.0	6,990.3	5,558.5	.80	+9.0	+23.5
Soft soles	112.0	−7.7	1,214.1	805.5	.66	−10.5	+13.5
Other nonrubber types, total	1,039.9	+20.9	9,131.2	13,192.7	1.44	+65.9	+127.5
Wood	199.2	+61.0	3,278.7	8,350.8	2.55	+316.9	+337.9
Fabric uppers	739.4	+19.1	5,135.0	3,811.8	.74	+26.6	+23.5
Other, n.e.s.	101.3	−12.6	717.5	1,030.1	1.44	+8.5	+27.7
Nonrubber footwear total	14,653.1	+11.9	183,406.4	414,150.8	2.26	+20.5	+28.7
Rubber soled fabric uppers	5,280.2	+42.9	37,488.6	32,227.6	.86	+8.8	+25.2
Grand total, all types	19,933.3	+18.7	220,895.0	446,378.4	2.02	+18.3	+28.4

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories, and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

Source: American Footwear Manufacturers Association estimates from census raw data. For further detailed information, address your inquiries to the association, room 302, 342 Madison Ave., New York. N.Y.

ELECTRONICS

Electronics workers face a dual threat: An alarming rise in the importation of electronic products, and an equally alarming rise in the number of electronic firms setting up operations in foreign countries. A list follows:

B—U.S. ELECTRONIC FIRMS ON MEXICAN BORDER

Western Gear de Mexico, S.A. (Western Gear, Los Angeles).

Heussen Aircraft.

Electormex de Tijuana (Fairchild Semi-Conductors, Mountain View, California).

Marshall de Mexico (Marshall Industries, Monrovia, California).

Triad de Mexico (Litton Industries, Venice, California).

Treces, S.A.

Hatch International, S.A. de CV (Hatch Control Device, El Paso, Texas).

Electronica Atlas, S.A.

Transitron Mexicana, S.A. (Transitron Electric Corp., Wakefield, Massachusetts).

Sarkes Tarizan Mexicana, S.A. (Sarkes Tarizan, Inc., Bloomington, Indiana).

Cal Pacifico, S.A. (Cal-Pacifico, Newport Beach, California).

Zaphiro, S.A. (Topaz, Inc., San Diego, California).

Internacional Manufacturera, Electronica y Consultas, S.A. (Republic Corporation, California).

XUM

Curtis Mathes de Mexico, S.A. (Curtis Mathes Mfg. Co., Athens, Texas).

Tecate Internacional, S.A. (Temple Industries, Inc., Tecate, California).

Electronica del Noroeste, S.A. (Fox Electronics, El Cajon, California).

Electronic Control Corp. de Mexico, S.A. (Electronic Control Corp., Eucless, Texas).

C.T.S. de Mexico, S.A. (C.T.S., Elkhart, Indiana).

Standard Components Division.

Standard Kollsman Industries.

Electronica Atlas, S.A.

Certron Audio, S.A. (Certron Corp., Anaheim, California).

Tecnica Magnetica, S.A. (Pulse Engineering, Santa Clara, California).

Electronica de Baja, California (Warwick Electronics, Chicago, Illinois) (Silvertone TV).

Components de Mexico (Fairchild, Hickville, California).

C. P. Clare, S.A. (General Instruments).

Agua Prieta Electronica (Ensign Coil, Chicago, Illinois).

Dickson Mexicana, S.A. (Dickson Electronics Corps., Scottsdale, Arizona).

Sprague Capacitors (Sprague Electric, Worcester, Mass.).

Lear Jet (Lear-Siegler, California).

Varo Mexicana.

Border Electronics (Hunt Electronics, Texas).

Industrial Motorola Mexicana, S.A. (Motorola Inc., Phoenix, Arizona).

Ensambladores Electronicos de Mexico, S.A. (Solitron Devices, Tappan, New York).

Electronica Intercontinental, S.A.

Switch Luz, S.A. (Transformer Engineers, San Gabriel, California).

Semiconductores de Baja California, S.A. (Raytheon Co., Mountain View, California).

Goleta Coil, S.A., de C.V. (Ratel Inc., Goleta, California).

Ratel Internacional, S.A. (Ratel Inc., Goleta, California).

Maquiladora Electronica, S.A.

Maquiladora Monterrey, S.A.

Radio y Television California, S.A.

Fairchild Controls (Fairchild Camera & Instrument Corp., Syosset, New York).

Industrias Mega (Mega Ind., Encino, California).

Mexivend de Mexico, S.A.

Motorola Semiconductors (Subsidiary of Motorola, Inc., Franklin Park, Illinois).

Video Craft.

RCA.

C—STATUS OF FOREIGN INVESTMENT IN TAIWAN'S ELECTRONIC INDUSTRY (INVESTMENT ALREADY APPROVED, JUNE 30, 1968)

Name of foreign investor	Products	Date of approval	Employment	Plant site	Remarks
1. General Instrument Corp. (TEC)	IFT, tuners, deflection yokes, etc	May 1, 1964	6,350	Hsintien	Operation started in November 1964.
2. First Capacitor Manufacturing Co., Ltd	Capacitors	Dec. 11, 1964	94	Hsinchuan	Operation started in February 1965.
3. E. J. Rehfeldt (Taiwan United States Inc., Co.)	Coils	Feb. 6, 1965	88	Taipei City	Operation started in October 1965.
4. Philco-Ford Corp	Radio, TV, phonograph	Nov. 4, 1965	1,089	Chumei, Tamshui	Operation started in June 1966.
5. TRW, Inc. (Thompson Ramo Wooldridge, Inc.)	Variable condensers IFT, ceramic condensers, peaking coils.	Apr. 14, 1966	1,000	Shu-Lin	Operation started in October 1966.
6. Philco Micro Electronics, Inc	Integrated circuit transistor	Apr. 23, 1966	837	KEPZ	Do.
7. Electronic Building Element Industries	Matrix plane	Apr. 22, 1966	187	KEPZ	Operation started in April 1967.
8. Taiwan Nobel Electronic Co., Ltd	Switch, resistor	May 10, 1966	85	Kweishan	Operation started in December 1965.
9. IBM Corp. (Tatung Electronic Corp.)	Memory plants, IBM memory units	Aug. 8, 1966	402	Peitou, Taipei Hsien	Operation started in October 1966.
10. Sunetics Ltd (Eorgflo Corp.)	Magnetic pole pieces	Oct. 13, 1966	59	KEPZ	Operations started in May 1967.
11. Admiral Overseas Corp	Am radios, stereo chassis, phono chassis	Nov. 7, 1966	706	Chungho, Taipei Hsien	Operation started in September 1967.
12. Far East Electronics Inc	Earphones	Dec. 20, 1966	93	KEPZ	Operation started in November 1966.
13. Cornell Dubi lier Electronics Co	Mica and electrochemical capacitors	Jan. 24, 1967	250	Taoyuan	Operation started in September 1967.
14. Parsons Electronics (the Ramsey Ind. Taiwan)	Magnetic tape recorder, electric modules, cards, assemblies, etc.	do	2	KEPZ	Suspended production since Mar. 1, 1968.
5. Taryo Communication Industrial Co	Polyester condensers	Jan. 28, 1967	30	Taipei	Works under training.
16. Taiwan Toko Electronic Co., Ltd	IFT, OSC coils	Feb. 15, 1967	270	KEPZ	Operation started in June 1967.
17. Consolidated Merchandising Corp	Transistor radio, tape recorders, recorder phonograph.	Apr. 3, 1967	200	Taipei	Applying for bonded factory, worker under training.
18. Radio Corp. of America (RCA Taiwan, Ltd.)	Memory planes	May 11, 1967	156	Taoyuan	Operation started in February 1968
19. Econ Electronic Co., Ltd	Electronic condensers	May 20, 1967	34	Puli, Taichung	Operation started in April 1968.
20. Fox Electronic Co	Electrolytic capacitor, printed circuit board	May 29, 1967		Taoyuan	Suspended production since June 20, 1968.
21. Yamatake Honeywell Co., Ltd	Electronic self-balance tape recorder indicator	June 8, 1967	13	Taipei	Factory construction finished workers under training.
22. Channel Master Corp. (Trans World Electronics).	Television apparatus	June 19, 1967	67	KEPZ	Operation started in December 1967.
23. Ampex Corp	Printed circuit board cable harness, memory units.	Mar. 28, 1968		Kweishan	Factory under construction.
24. Televac, Inc	Receiving tubes	Apr. 13, 1968		Hsing Shan Hsin Chu	Machinery under installation.
25. Thomas L. Higgins	Magnetic head coils, transformers for electronic use, electronic components for computers semifinished hearing aid products.	May 25, 1968			
26. C.T.S. Corp	Electronic components assembly and manufacturing.			Kaohsiung	
27. Lloyd's Electronics International	Transistor radios			Taipei	
28. Singer Industrial (Taiwan), Ltd	Sewing machines, parts, and consumer products			do	
29. Wang Laboratories (Taiwan), Ltd	Manufacturer of computer products			do	
30. Sunetics, Ltd	Manufacturer of magnetic heads for TV recording			Kaohsiung	
31. Tusic (Taiwan) U.S. Industrial Co., Ltd	Magnetic components, printed circuit boards, etc			Taipei	

The foregoing tables B and C show, first, the U.S. electronic firms now operating in Mexico near the American border, and, second, the U.S. firms now operating in Taiwan. This grim trend toward relocation abroad, exporting jobs by the thousands, would be discouraged by the trade bill we are considering.

TEXTILES

Long a victim of unrestricted imports, the textile industry finds itself in a plight as grim as any in the American industrial community. Current estimates indicate that 100,000 textile workers lost their jobs during 1970 alone. Cheap foreign textiles, made at wage rates far below those in the United States, are flooding the marketplace here.

Stanley Nehmer, Deputy Assistant Secretary of Commerce, warned yesterday that textile workers could lose up to $3 billion in lost wages by 1975 unless imports are restricted. Speaking before the board meeting of the National Association of Wool Manufacturers, Mr. Nehmer said:

THE TEXTILE ISSUE: FACT OR FICTION

I

I am pleased to have the opportunity to meet with you today, at a time when Congressional consideration of legislation which can affect your industry is moving toward its final stages in this session of Congress.

The solution which the Administration seeks to the problem of burgeoning and disruptive textile imports is the textile legislation now before the Congress. The Administration has taken that position with reluctance because we have always felt and still feel that the preferred way to deal with the textile import problem is through negotiated agreements with our principal foreign suppliers. But, in the absence of any constructive negotiated solution, legislation represents the only means to bring an end to this long-standing, frustrating problem. Secretary of Commerce Stans advised the House Ways and Means Committee on June 25 that the Administration supports the enactment of the textile provisions of the trade bill.

In recent weeks, and particularly during the last week, a number of statements have been made and articles printed on the textile situation. Many of these have shed much heat, but little light, on the textile import issue. We have had much fiction, but few facts. I would like to take this opportunity to comment in particular on one of these statements, prepared for an economics seminar, which received considerable attention in the press. I am referring to the comments of Governor Andrew F. Brimmer of the Board of Governors of the Federal Reserve System concerning import controls and domestic inflation as it relates to the textile issue.

But before getting to the basic questions raised by Governor Brimmer's analysis, I want to emphasize that my comments will be confined to the textile features of the trade bill and the textile issue. They do not in any way represent my judgment or that of the Administration as to other features of the trade bill or as to the position of the Administration on the bill as a whole. Secretary Stans and other in the Administration have expressed our views and deep reservations about many aspects of the trade bill in their recent testimony to the Senate Finance Committee, and I need not repeat that this morning.

II

The key to an understanding of the Administration's support of the textile quota provisions of the trade bill was stated by Secretary Stans to the Senate Finance Committee on October 12:

"The basic thrust of the textile provisions of this bill is in the direction that we have pursued for many months—the negotiation of viable international textile agreements. The quota provisions of the bill would be superseded by bilaterial or multilateral textile agreements and may be waived for non-disruptive imports or where the President may find it to be in the national interest not to impose quotas."

This reading of the bill is not arrived at lightly. It is based on our direct and extensive participation in the drafting of the textile provisions of Title II of the trade bill, and it recognizes that the Ways and Means Committee adopted changes suggested by the Administration in this Title during the course of its very thorough and extensive deliberations.

Secretary Stans and other Administration witnesses had urged modification of the bill originally introduced by Chairman Mills to provide for exemption of non-disruptive goods. This and other changes were developed during the course of hearings, and were adopted by the Committee. A central feature of these changes is to assure a flexible instrument that can be used to bring about negotiated agreements. The Ways and Means Committee itself supports this view of the bill in its report by stating that "it is intended that, insofar as may be possible, the limitation of these imports will be accomplished through the negotiation of voluntary agreements provided for under Section 202 *and that the quota provisions of Section 201 will assist in the negotiation of such agreements* as well as to provide protection for the domestic market and workers in cases where such agreements are not concluded." (Emphasis supplied.)

We have said over and over again that we will never cease to negotiate on the textile issue, even if quota legislation is enacted. The public record and the record of the Ways and Means Committee are clear to all who wish to avail themselves of the hard fact of our position on this question.

But Governor Brimmer has not consulted the record. How else to explain his statement which at once recognizes that, under the provisions of Title II the President may exempt non-disruptive articles, that he may waive quotas when he finds it in the national interest to do so, and that negotiated agreements automatically supersede quotas—and yet offers the following as the *basic working assumption* of his analysis:

"It was assumed that—if quotas were imposed—the amount of imports authorized would be that stipulated under H.R. 18970. In 1971, imports would be held to the 1967–69 average; then, beginning in 1972, the amount authorized would be increased by 5 per cent of the amount authorized in the immediately preceding year."

Governor Brimmer bases his entire estimate of the cost of the textile portions of this bill to consumers on this assumption. If valid, it would mean that 1971 textile imports would represent a rollback of about 25 percent from current levels. This is not fact; it is fiction. Indeed, Governor Brimmer even fails to note that cotton textile imports, which this year will account for some 1.6 billion yards, out of total imports of some 4.4 billion yards, are automatically exempted from quotas by the bill so long as we participate in the Long Term Cotton Textile Arrangement.

In the face of the record, in the face of a clearly stated Administration intention, and in the face of the realities of our textile trade and our textile policy, in which we have always provided substantial access for imports to our market, he assumes that there will be no exemptions for non-disruptive articles, and that either no agreements will be negotiated or, if any agreements are negotiated, there would be no increase above the 1967–69 average provided for in such agreements. That does not make sense.

And where does this wrong assumption lead Governor Brimmer? Following a fairly elaborate analysis which encompasses estimates of 1975 demand versus 1975 imports on the basis of these quotas, and a price analysis about which I shall comment later, we are shown an alleged cost to consumers of $1.8 billion for these textile quotas. At this cost, which he feels would have an inflationary impact on the economy, Governor Brimmer concludes that a solution other than import quotas is needed to provide the help to workers and firms in the industry which he agrees is needed.

Governor Brimmer's proposed solution is not new. Alarmed at the possible cost of $1.8 billion to American consumers, he recommends that we ". . . adopt more effective programs to provide re-training and transitional benefits or financial assistance for those who are displaced by competitive forces over which they have no control—whether the forces originated at home or abroad." He offers no analysis of his proposed solution. Indeed, from his paper one would assume that an adjustment assistance program for textiles is free, and that American taxpayers are in some way different from American consumers.

But our experience thus far with adjustment assistance and our estimates for the future in textiles are quite to the contrary. Before getting to that, however, we should perhaps establish a basic line of logic. First, we should recognize that consumers pay taxes. Second, we should recognize that adjustment assistance or any other kind of assistance costs money. Third, we should recognize that such money comes from the Treasury Department which gets it basically from tax revenues. A conclusion begins to emerge, namely, whatever money an adjustment assistance program costs will be borne by taxpayers, a worthy group difficult to distinguish from American consumers.

Now, perhaps we should look at how much an adjustment assistance program might cost in dealing with a problem of the scope and nature of that which confronts the textile industry and its workers. The textile-apparel complex directly employs some 2.3 million workers in some 35,000 separate establishments located in every state of the Union. On the basis of our experience with the automotive arrangement with Canada, we have estimated that adjustment assistance per 100,000 workers certified as eligible to apply for such assistance would cost in the neighborhood of $265 million a year. This assumes that of those certified, only 75 percent finally qualify and receive assistance. Of that 75 percent, only one-fourth receive training allowances. I use the 100,000 figure because it has a peculiarly current significance. From January of this year through September, the latest month for which we have data, textile and apparel employment in the United States was down by 100,000 jobs. A total of 125,000 lost jobs in textile and apparel by the year's end is certainly a real possibility.

Obviously not all of the jobs were lost to import competition, but just as obviously a great many of them were, since American consumption of textiles did not decrease, but the import share of that consumption increased. It is a relevant figure to consider. But we should not assume that a 100,000 or 125,000 job loss will be the end of our textile issue in the absence of a sound solution to the import problem. It can reasonably be predicted that additional job losses of a similar magnitude will continue to occur over the next four or five years in the absence of controls in textile and apparel imports. This annual figure of $265 million would be repeated several times over.

And what about firms? Adjustment asassistance to firms also requires money. Our experience in cases of assistance to firms and the kind of capital requirements that might be involved there is less than in the area of worker assistance, simply because there have been fewer successful applications. We do know, however, that on September 29, 1970, the Small Business Administration announced a plan of assistance to the Emil J. Padar Co. (producer of barber chairs) which provided for loans totalling $4,125,000. Other adjustment assistance proposals are being considered by the Commerce Department at the present time. While their cost will vary significantly, I know of at least one that is expected to exceed $1 million.

The textile-apparel industry is composed of some 35,000 establishments owned by some 30,000 firms. Obviously, many of these firms will need assistance. Some of them perhaps will need as much assistance as the Emil J. Padar Co. Others will need less. Surely some will require more. Little imagination is required to forecast that the application of figures in the order of magnitude of $1 million per firm to a very small percentage of these firms, i.e. 2 or 3 percent, produces rather large dollar outlays by the Government for an adjustment assistance program.

For example, assuming 30,000 firms, and assistance for the stated percent at the indicated level, we see: 1% at $1 million=$300 million, 2% at $1 million=$600 million, 3% at $2 million—$1.8 billion.

Note that this 3% is only 900 firms, and a $2 million loan is less than one-half of what was deemed necessary to do the assistance job required for a barber chair manufacturer. Obviously the Brimmer solution would bring us to the threshold of a major financial undertaking that staggers the imagination.

Perhaps we should again note that, as Secretary Stans has stated, "The textile industry is too big for any kind of solution that we would be able to apply internally." Consumers, as tax payers, would bear the burdens of such a program.

Indeed, this is perhaps the key distinction between the textile and shoe cases. The 100,000 jobs lost in textiles and apparel this year equals 50% of the total U.S. employment in the non-rubber footwear industry. Rather than 30,000 firms, there are 675. So different in size are these problems that they do, in fact, take on a difference in kind.

We believe a reasonable internally-oriented program *can* meet the problems of the shoe industry. The Administration has put forward such a program. In addition, the Tariff Commission's injury investigation now underway at the request of the President will help us to fill in gaps where import relief may be needed for particular products.

IV

Let us return briefly to another part of Governor Brimmer's analysis. He assumes that the unit value of imports (at retail) is about $6 as compared to a domestic value of about $10. He further assumes that the effect of the quota is to require that each item not available from imports be obtained domestically. Thus, the buyer of a unit who cannot obtain a $6 unit because of the quota must obtain a domestic replacement at $10. Cost of quota? $4 per unit. Net result based on his demand projections and on his import-supply projections? $1.8 billion.

But here again, I think we are dealing with a false assumption. Namely, that all imports and all domestic articles cover the same price spread in unit value. This ignores the fact that imports are generally more concentrated in value terms than is domestic merchandise which covers in significant quantity the entire range of price and quality. In short, the unit value comparison is not realistic. The $6 item that the consumer replaces with a domestic item is not replaced with a $10 item, but with an item of the same quality whose unit value is likely to be much closer to $6 than to $10.

Every dollar of reduction of that $10 unit in Governor Brimmer's analysis reduces the $1.8 billion cost figure by twenty-five per-

cent. Thus, if a $6 item is replaced by a $7 domestic item the $1.8 billion cost drops to $450 million. You may have noticed that this is far below any reasonable estimate of the cost of an adjustment assistance program.

Governor Brimmer also fails to account for the cost to the Treasury of lost revenue from tax payers who used to work in the textile and apparel industry but are forced into adjustment assistance payments, and from firms which used to make a profit in that industry but no longer do so. Our estimates of the lost wages alone for 100,000 workers amount to more than $500 million a year, or more than $625 million a year for 125,000 workers. And this is cumulative, so that, in the absence of meaningful restraints on imports, by the fifth year alone, it could be somewhere between $2.5 and $3.0 billion. Obviously, this loss to the economy is reflected in lost expenditures by these people, as well as in non-payment of taxes. From contributors to our tax revenue and economic activity, these people shift to recipients of public assistance.

These figures on workers and firms do not reflect community losses sustained as a result of this loss of buying power, increased welfare costs, and lost local tax revenue from unemployed workers and closed plants. Over a five-year period, we could conceivably be dealing with an economic impact measurable in tens of billions of dollars.

As a final note, Governor Brimmer also largely assumes that the only real force holding down textile-apparel inflation is imports, and that a lessening of this pressure means equivalent upward price movement. But we are looking at an extremely competitive industry. Apparel, the focus and example chosen for his analysis, is without doubt the least concentrated major American industry. Its largest firm accounts for but 2 percent of the industry sales and its 8 largest together account for only 15 percent. Firms in this industry clearly face the knife-edge of competition, with or without imports.

There are other technical deficiencies in Governor Brimmers' analysis which I will not pursue in detail at this point, but which further undermine his conclusion.

For example, Governor Brimmer's method of calculating the cost of quotas on apparel depends *completely* on reducing the entire range of apparel items and pieces to a single "average price" measure. He does this by taking a *poundage* figure for all retail apparel purchases and dividing it into the total value of such purchases for both domestically produced items and for imports. But there is absolutely no relationship in the market place between the weight of an apparel item and its price. Anyone who looks at his wife's clothing bills knows this.

Also, we know that many of the factors relied upon in Governor Brimmer's method are not the constants he assumes them to be. This is true, for example, of the composition of the consumer's price index basket of goods and services. The only constant about this basket is that it changes all the time as per capita incomes rise and new consumer goods appear on the market. Six years is a long period for which to assume zero change in areas as dynamic as incomes, tastes, and actual consumer expenditures.

Governor Brimmer's method rests on arbitrary assumptions which introduce a serious systematic upward bias into his results and on crucial measurements which are technically unacceptable. Finally, there are also inaccuracies in his summary of the provisions of the bill, which cast additional doubt on the soundness of the paper. In short, good cloth cannot be woven from bad yarn.

V

What can be said, then, about the effect on prices of the textile provisions of the trade bill?

First, we should recognize that textile and apparel imports will continue at high levels under the bill. Instead of the disruptive 47 percent growth in imports of man-made fiber textile products which occurred in the first nine months of this year over the same period of 1969, which was 25 percent higher than the 1968 level, which was 52 percent higher than the 1967 level we should see a smaller and non-disruptive rate of growth in such imports.

Second our experience with regard to cotton textile imports which have been subject to control since 1961 under international agreements has been that prices have risen only slightly. In 1960 the year before these arrangements began, the wholesale price index for cotton products (1957–58—100) stood at 104.4. In September 1970, it was 106.4. During the same period the index for all industrial commodities increased from 101.3 to 117.1.

Third, the key to the future of prices of textiles and apparel lies in maintaining a viable, competitive domestic industry, that is, in the competition of 30,000 firms for the consumer's business. If imports should further reduce the size of this industry significantly, we can all view with alarm the impact on the consumer.

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Thus, I do not accept Governor Brimmer's analysis of the textile situation or his recommendations for a solution to the textile import problem. In my view, public debate on the trade bill and the Congressional debate we shall witness this week are not well served by an analysis which starts from false premises and carries them through to extreme conclusions. One point made by Governor Brimmer is his often repeated caveat, lost in some public reports, that his "estimates are obviously tentative and should be interpreted with considerable caution." I agree with that, and how!

We can only hope that fact, not fiction, will prevail on this issue in the coming weeks.

The following statement, prepared in question-and-answer form by the American Textile Manufacturers Institute, neatly sums up the import problem:

WHO GETS HURT BY TEXTILE IMPORTS?

THIRTEEN QUESTIONS AND ANSWERS ON THE THREAT OF UNRESTRICTED IMPORTS OF FOREIGN TEXTILES

1. Question: Should America keep out all foreign made textiles?

Answer. No. Achievement of our country's foreign policy goals depends to some degree on permitting both developed nations which help block Communism and underdeveloped nations which we want on our side to engage in profitable trade with us.

2. Question: Does the textile industry believe the present level of imports is too high?

Answer: Yes. Imports are growing much faster than our own industry. In the last five years, our production has increased by one-third, but imports have tripled. If this continues, some of our 950,000 textile workers will lose their jobs, we won't be able to keep our mills modern and efficient, and we will fall behind in the development and improvement of textile products.

3. Question: Aren't there import controls now in effect?

Answer: Only on cotton textiles—and these aren't working very well. The international Long Term Arrangement (LTA), which covers only cotton textiles, provides for reasonable annual increases in experts to the United States. Despite this, cotton textile imports have doubled in five years, and from a very high base. Fabrics of man-made fibers, which are completely uncontrolled, have more than tripled in four years. Wool fabric imports now amount to one-fourth of U.S. consumption. In total, foreign imports now take about 10 per cent of the American market. In actual yards, which in the final analysis is the measure of interest to exporting countries and of the impact on our own markets, we are now taking in three billion square yards annually.

4. Question: Just what is the Long Term Arrangement, anyway?

Answer: It's an international agreement on imports of cotton textiles which was reached by 23 countries in 1962. The purpose of it was to provide for orderly trade and growth and to avoid disruption of the domestic markets of any of the participating nations. Under the authority of the General Agreement on Tariffs and Trade (GATT), it permits importing countries and exporting countries to cooperate in setting cotton textile trade levels. The LTA expires September 30, 1967. Unfortunately for America, administration of its provisions limiting imports has been lax and cotton textile imports have risen far above original projections. And, of course, there is no LTA and no import control at all on products of man-made fibers and wool.

5. Question: Why doesn't our textile industry compensate for imports by increasing its own exports abroad?

Answer: Because many foreign countries won't let them in. About 50 nations virtually prohibit the importation of American textiles and another 20 have tariffs and taxes so high as to effectively shut us off from these markets.

6. Question: If our own textile industry is modern and efficient, why can't we compete more effectively with foreign imports?

Answer: Because we pay our employees more and our other costs, like taxes, are higher. In the past two years American textile workers have received four wage increases averaging five per cent each. The average textile pay is now $2.00 an hour. In 1965, when the U.S. average was $1.87, textile workers got 53 cents an hour in Italy, 37 cents in Spain, 36 cents in Japan, 25 cents in Hong Kong, 18 cents in Brazil, and 14 cents in India.

7. Question: Doesn't the U.S. textile industry get a subsidy from the government to help keep it competitive?

Answer: None whatever—and doesn't want any.

8. Question: Isn't it a good idea to help the developing nations establish a strong economic base by encouraging them to export textile to America?

Answer: Not necessarily. It now costs so much to build and equip a textile mill that this is no longer an "easy" industry for developing nations to start. The price in the U.S. has gone from about $10,000 per worker to around $50,000. A modern textile mill is technologically complicated and relies more on sophisticated machinery than great numbers of workers and therefore isn't much help in providing employment in developing countries. Aside from this, the lion's share of imports isn't coming from developing countries. They are coming from mature nations. Japan, for example, is supplying more than half of all the man-made fiber imports, one-fourth of all the cotton textile imports, and one-third of woolen products imports.

9. Question: Just how many yards of each kind of textiles are coming in the U.S. now compared with a few years ago?

Answer: Latest estimates are that we will import 809-million square yards of man-made fiber fabrics this calendar year compared with 213-million in 1962, over 3½ times as much; 1,853,000,000 square yards of cotton textiles, compared with 720-million in calendar year 1961, more than 2½ times as much; and 187-million square yards of woolen textiles, compared with 93-million in

1961, slightly more than twice as much. Total imports this year will be close to three billion square yards, an increase of 50 per cent just since 1965.

10. Question: Isn't it true that things like the one-price cotton law (which made it possible for American mills to buy American raw cotton at the same price at which it is sold to foreign competitors), the seven per cent investment allowance on taxes, faster depreciation write-offs, and general prosperity have produced a tremendous increase in textile industry profits?

Answer: Note quite. For the second quarter of 1966, textile industry net earnings were 3.9 cents on each dollar of sales. This doesn't compare very favorably with the 5.9 cents earned by all American manufacturing industries taken together. In other words, the textile industry is still way behind other industries, although present earnings are a lot higher than the 2.1 cents earned in 1961.

11. Question: With the current great demand for textile both for the civilian market and for the military, have textile prices increased sharply, making our textiles even less competitive with imports?

Answer: No. Textiles represent one of the biggest bargains in Mrs. America's shopping bag today. The "apparel" item in the government's Cost-of-Living index tells an interesting story. The index for all items (food, housing, transportation, health and recreation, and apparel-footwear-upkeep) was up 14.1 per cent in September above the 1957–59 base of 100. Apparel alone (excluding footwear and upkeep) was up only 7.4 per cent over the ten-year period. In the twelve months since September of 1965, the price of all items rose 3.5 per cent, while apparel alone increased only 2.5 per cent. Wholesale prices of basic textiles have actually gone down since 1957–59. At the end of September, all industrial commodities stood at 105.2 per cent of the base, while textiles, at 98.5, were below the base.

12. Question: Aside from the loss of American textile jobs, and the destruction of our textile industry, what harm would it do the United States if textile imports were allowed unrestricted entrance to the country?

Answer: It would do serious damage to the entire economy. First, it would affect the hundreds of other industries and the millions of workers who supply the textile industry. For example, cotton farmers would lose their market; machinery suppliers would lose their customers; the cornstarch industry, for which textiles is the second biggest customer, would be seriously hurt; the chemical companies would lose a big share of their revenues. Second, it would weaken our ability to defend ourselves. The textile industry has been called second only to steel in importance to national defense. If our textile industry goes by the board we will have to depend on other countries—some of them potential enemies—to supply our military needs. Third, America's balance of payments would show an even greater deficit than it does today, further weakening the stability of the dollar. Right now, the textile trade deficit is running at a rate of $836-million a year, about two-thirds the total deficit in the U.S. balance of payments. Some 15-million Americans depend in one way or another upon the textile industry for their livelihoods. Weaken that industry and we weaken all America.

13. Question: What kind of textile import regulations should we have?

Answer: Regulations that would be fair to everyone. First, we think it fair that foreign countries be allowed to share in our markets and in the growth of our markets. But we also think such a share should be held at levels which won't injure or weaken our own industry and our economy. Second, textiles of all fibers—not just cotton—should be controlled. And third, other countries should permit American imports on the same basis that we permit their imports.

BICYCLES

Imports now dominate the American marketplace in bicycles. Imports are so dominant, in fact, that they threaten to drive U.S. manufacturers out of business. Japan, the principal foreign supply nation, enjoys virtually unhindered access to bicycle buyers in this country. Using labor paid only a fraction of U.S. wage rates, Japan finds it remarkably easy to sell at prices no American manufacturer could match. The Columbia Manufacturing Co. of Westfield, Mass., for example, finds it virtually impossible to compete.

Here is a brief history of bicycle imports:

History of Bicycle Imports

The bicycle import story begins with the enactment of the Tariff Act of 1930. Largely as a result of the 30 per cent *ad valorem* tariff on all bicycles which that Act imposed, imported bicycles accounted for less than 1 per cent of domestic consumption during the pre-war years. When in 1938 the United States used its tariff reduction authority to reduce this level to 15 per cent *ad valorem* for lightweight bicycles from the United Kingdom, the outbreak of war was imminent and virtually all imports were severely reduced for the duration.

Immediately after the war, while the generally high tariff remained and foreign manufacturers were rebuilding and retooling, bicycle imports continued below the 1 per cent level.

However, in the latter part of 1947 the United States entered the multilateral General Agreement on Tariffs and Trade (GATT) and made drastic tariff concesisons in many areas. Effective January 1, 1948, the tariff on lightweight bicycles, the most significant imported model at that time and for the next decade, was reduced to twenty-five per cent of its 1930 level, or 7½ per cent *ad valorem*. Other models were reduced to 15 per cent *ad valorem*.

Although in 1948 many of the foreign countries were still busy attempting to reach their pre-war levels of production, the record shows that it did not take long for the GATT reduction to take effect. Between 1948 and 1956 the ratio of bicycle imports to domestic consumption climbed from .6 per cent to 41.2 per cent!

	Percent
1948	0.6
1949	1.0
1950	3.4
1951	9.0
1952	11.8
1953	22.8
1954	38.2
1955	41.2

In October, 1951, after the domestic industry had seen the number of bicycle imports increase twelvefold from 15,757 in 1949 to 176,257 in 1951, the members of the Bicycle Manufacturers Association filed for "escape clause" relief under Section 7 of the Trade Agreements Extension Act of 1951. The Tariff Commission conducted an investigation and, on October 9, 1952, concluded that bicycles were not being imported in such increased quantities as to cause or threaten serious injury to the domestic bicycle industry.

The above chart shows how wrong the Tariff Commission was. Despite the fact that domestic manufacturers had modernized their plants at great expense, the lower labor and material costs of foreign manufacturers enabled them to steadily erode the Americans' share of their own market. Tariff Commission figures developed later show that during the period 1951–1954 there was a 16 per cent reduction in the number of persons employed in the bicycle industry and a 24 per cent reduction in the number of man-hours of bicycle employees. In fact, the situation had become so critical that in 1954 the industry suffered an aggregate net operating loss of over five hundred and twenty thousand dollars ($520,000).

In a final effort to remedy this serious injury, the Bicycle Manufacturers Association in June, 1954, again applied for "escape clause" relief. This time the Tariff Commission could not deny the damage that had been done and recommended to the President that the tariff rate on all bicycles be increased to 22½ per cent *ad valorem*. The President partially accepted this recommendation, imposing effective August 18, 1955 an increase in existing rates, raising lightweights from 7½ per cent to 11¼ per cent and other models from 15 per cent to 22½ per cent.

This partial relief helped to stabilize import penetration in the neighborhood of 30 per cent of the domestic market for the next eight years:

	Percent
1956	40. 0
1957	28. 2
1958	28. 1
1959	28. 3
1960	31. 4
1961	29. 6
1962	30. 0
1963	29. 3

At this rate of approximately 30 per cent, however, the domestic industry continued to sustain serious injury.

In 1964 the domestic industry first developed the "high rise" bicycle, characterized by smaller wheels and high handlebars. The model immediately caught on with the youngsters, and the importers' percentage share of the U.S. market fell sharply from 29.3 per cent in 1963 to 19.8 in 1964. In 1965 and 1966, as sales of high risers continued to increase and foreign manufacturers were not yet fully equipped to produce them in large amounts, import penetration continued to fall off:

	Percent
1963	29. 3
1964	19. 8
1965	18. 3
1966	16. 1

By 1967 high rise bicycles accounted for 61 per cent of the domestic market and were still increasing in popularity. But three other facts overshadowed the significance of this achievement for the domestic bicycle industry. First, mounting inflationary pressures were beginning to have a real effect on the cost of manufacturing a bicycle in the United States. Second, foreign manufacturers had copied the popular high rise and, capitalizing on their own cost advantages, were sending them to the United States in increasingly larger quantities. Third, on June 30, 1967, the United States, the members of the European Economic Community and fifty-four other nations concluded the Sixth (or "Kennedy") Round of trade negotiations under the General Agreement on Tariffs and Trade. Notwithstanding the probable consequences, the United States agreed to reduce the existing rates on bicycles by 50 per cent over a five year period, beginning January 1, 1968.

Now, in 1969, after only the first two of the five steps of the Kennedy Round tariff reductions, imports have risen as follows:

1st six months, 1967: Units, 411,407.

1st six months, 1969: Units, 787,973; Units increase, 376,566, or 91.5 percent.

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There is every indication that this trend will continue. It is clear that present conditions make this situation more precarious than that of the 1950's.

Foreign manufacturers have learned the desirability of immediately copying U.S. style changes, and are well-equipped to do so. Also, their cost advantage is more noticeable than ever. Compounding the inflationary problems here and the normal labor and manufacturing cost advantages abroad are the development of production facilities in countries not heretofore in the bicycle market. Taiwan, for example, shipped 41,182 bicycles to the United States during the first six months of 1969, in contrast with only 150 during the same period in 1968. These bicycles were manufactured by workers who receive an average wage of 20 cents per hour.

Confronted by such cost disadvantages and hobbled by the inflationary spiral at home, the domestic bicycle industry is in serious trouble. Despite the modern facilities here in the United States, we simply cannot cope with the low costs enjoyed by foreign manufacturers. Unless some relief is provided soon, thousands of Americans will lose their jobs permanently. Past history is sufficient testimony as to the ineffectiveness, if not unavailability, of escape clause relief. The only workable solution lies in the imposition of fair, orderly, quantitative limitations on imports.

For this reason, we urge your support of the Orderly Bicycle Marketing Act, H.R. 13401, introduced by Congressman Richard H. Fulton of Tennessee.

Accompanying table D shows just how alarming the import rate is:

D—BMA IMPORT SUMMARY: JANUARY-SEPTEMBER, 1969

	1969	1968	Increase	
			Number	Percent
Jan.-Sept.:				
Bicycle imports	1,460,075	1,091,637	368,438	33.8
Bicycle sales [1]	3,790,000	4,240,000	−450,000	−10.6
Domestic consumption [2]	5,250,000	5,330,000	−80,000	−1.5

[1] The unit sales figure represents the domestic sales of BMA members and nonmembers. The 1968 figure is the one reported by the BMA in 1968. The 1969 figure is based on the estimate that BMA members produce 84.9 percent of U.S. bicycles.

[2] Imports and sales.

IMPORT PENETRATION

	January-September		1st half	
	1969	1968	1969	1968
Domestic sales	3,790,000	4,238,252	2,100,000	2,349,768
Imports	[1] 1,460,000	1,091,637	[1] 790,000	558,288
Consumption	5,250,000	5,329,889	2,890,000	2,908,056
Penetration (percent)	27.8		27.4	19.2

[1] Rounded to the nearest 10,000 to conform to rounded unit sales estimate.

IMPORT PENETRATION: BY MONTH

[In percent]

	Monthly		Cumulative	
	1969	1968	1969	1968
January	10.4	28.6	10.4	28.6
February	27.7	19.7	22.6	22.8
March	24.9	21.6	24.6	22.2
April	30.5	16.2	26.6	19.6
May	30.7	19.1	27.7	19.7
June	26.0	19.1	27.4	19.7
July	32.1	24.3	28.3	20.2
August	26.0	22.8	27.8	20.7
September	27.4	19.6	27.8	20.5

IMPORTS BY COUNTRY

	1969	Percent total	1968	Percent total
1st quarter:				
Japan	76,407	31.1	79.008	38.4
Germany	57,252	23.3	70,212	34.1
Austria	42,119	17.1	13,674	6.6
United Kingdom	37,221	15.1	31,222	15.2
Netherlands	9,780	4.0		
Twain	8,150	3.3		
Italy [1]	4,262	1.7	2,308	1.1
1st half:				
Japan	199,333	25.3	204,321	36.6
Germany	177,434	22.5	142,513	25.5
United Kingdom	142,255	18.1	109,743	19.7
Austria	124,047	15.7	56,252	10.1
Taiwan	41,182	5.2		
Netherlands	29,879	3.8		
Italy [1]	26,984	3.4	8,838	1.6
January-September:				
Japan	403,229	27.6	378,789	34.7
West Germany	285,546	19.6	248,546	22.8
United Kingdom	256,582	17.6	213,177	19.5
Austria	226,624	15.5	115,253	10.6
Italy [1]	71,261	4.9	28,288	2.6
Taiwa	67,233	4.6	2,200	.5
Netherlands	43,888	3.0	5,510	.2

[1] Primarily 16-inch bicycles.

Mr. BUCHANAN. Mr. Chairman, today the House of Representatives has a unique opportunity as well as a very grave responsibility in dealing with a situation which has had an extremely adverse effect directly on many thousands of American citizens, and which is indirectly affecting the great majority of our Nation's people. This situation is the tremendous growth in imports during recent years, which has not only adversely affected our Nation's trade balance, but is constituting a growing threat to American workers.

Because of these very concrete results of import penetration, our country's trade policies can no longer be considered theoretically or in the context of abstract ideals of free trade. As I indicated earlier this year in testimony before the distinguished Ways and Means Committee, the time is long overdue for the Congress to face up to its responsibility in this area and to do what almost every other nation in the world has long been doing. That is, we must base our Nation's trade policies to a far greater extent on what is best for our own economy and our own citizens.

In the political context surrounding the important legislation before the House at this time, however, we are once again hearing cries that any attempt to base our trade policies on such considerations constitutes a "threat to free trade" and a "threat of destructive retaliation by other nations." Such cries are, of course, based on the mistaken assumption that so-called free trade does in fact exist. To reiterate what I have said many times before, however, by definition "free trade" can only exist when it is practiced by all nations participating in commercial exchanges.

Mr. Chairman, the United States just cannot exist as an island of free trade in the middle of a protectionist sea and this is where we are at this time. While other nations protect their own workers and products by various tariff and nontariff barriers to our exports, our Government does not adequately do the same.

The legislation before us today, however, presents us with a unique opportunity to correct this imbalance in our trade relations and, more importantly, to protect American workers. The Trade Act of 1970—H.R. 18970—is the result of months of committee hearings and extensive consideration in the committee's executive sessions. It is a comprehensive measure, whose complexity is necessitated not only by the growing import problems already referred to but by the fact that it represents the first time in 8 years that the Congress has made such a review of overall U.S. foreign trade policy.

The much-needed passage of H.R. 18970 will enable American industries and workers to gain more prompt and adequate relief from unusually heavy inroads by foreign imports. While it is these provisions which have received almost exclusive public attention and which do, in my personal judgment, represent the most compelling reason for the passage of H.R. 18970; other significant provisions in this bill are aimed at giving assurances to our trading partners that the United States does remain willing to negotiate for fairer and freer trade. This bill will, for example, extend the authority of the President to enter into foreign trade agreements through June 30, 1973, and would grant the President additional new authority to reduce duties. Any such duty reductions furthermore, would, be reductions below what the duties will be on January 1, 1972, when the last stage of the Kennedy Round reductions go into effect.

Other provisions of the bill are aimed at encouraging substantial increases in exports of goods produced in the United States. The principal means in the bill of stimulating exports lies in the authorization to establish Domestic International Sales Corporations—referred to as DISC's. Many American firms have set up foreign subsidiaries to take advantage of lower labor costs abroad, and by doing so they can also take advantage of a provision of law allowing the income of their foreign subsidiaries to remain untaxed until it is returned to the United States. H.R. 18970 would extend this same tax deferral privilege to DISC's by deferring U.S. income tax on domestic corporations engaged in export sales until profits are distributed to shareholders. This would, of course, serve as an encouragement to American businesses to manufacture goods domestically and ship them abroad, thus keeping both jobs and capital at home.

Let me return now, however, to what I have indicated to be the most compelling reason for the passage of this much-needed legislation—those provisions in the bill which will allow American industries and workers to gain more prompt and adequate relief from unusually heavy inroads by foreign imports. In examining what such inroads have done to American industries and workers, I feel that it is important to keep in mind two characteristics which most of these imports have in common. First, many of these imported products are produced by industries owned or subsidized by their governments. As already indicated, furthermore, these same industries also usually receive far greater import protection and export incentives from their governments than is the case with our domestic industries.

The second characteristic—and one which is obviously at the root of the problem—is the much lower cost involved in producing these imported goods. While I believe that almost everyone is very much aware of this second characteristic and its impact on our current import problems, I feel that we have too seldom examined this factor and its implications in depth. It is, of course, the wide disparity in worker compensation between the United States and various other countries in the world which has contributed so greatly to the overall cost differential preventing effective competition with imported goods. This wage aspect is, in turn, rooted in the very nature of American society and American ideals. In our country it is unacceptable for those who labor to produce the products which have contributed so greatly to our high standard of living not to share in this high standard of living. It is unacceptable for our workers to be forced to receive substandard wages in order to compete with products produced in other countries by workers receiving such wages.

Mr. Chairman, in my district, the Birmingham area, we have large steel, cast iron pipe, and textile manufacturers, among others. Let me once again outline a few examples of the problems they face from unfair foreign competition:

Over the past decade, the annual growth rate for steel imports was 23 percent, and in 1968 the amount of the domestic steel market captured by imports was at an all-time high of 16.7 percent. From 1955 through 1968, the southern steel market has grown by 6 million tons, but this increased steel demand was not met by southern steel, nor even by American steel. During this same period, Mr. Chairman, the increase in foreign steel imports to the southern market was 5.1 million tons. It should be readily apparent to anyone that the American steel producers are getting the short end of the stick in the southern market.

The nationwide picture with respect to steel imports is also a bleak one. The annual growth rate for steel imports from 1961 through 1969 was 23 percent, and in 1968 the share of the domestic steel market captured by imports was at an all-time high of 16.7 percent. The 1968 total for steel imports, approximately 18 million tons, represented more than a 50-percent increase over the previous record of 11.5 tons set in 1967.

While the voluntary agreements announced in January of 1969 on the part of Western European and Japanese steelmakers to limit steel exports to the United States resulted in a 3.926 billion ton decline in steel imports, that year was still the second highest year for steel imports ever recorded.

Two industries of particular concern to the people of my district—the cast iron soil pipe and fittings industry and the malleable iron pipe fittings industry, have experienced similar critical problems in the face of growing foreign imports. Because of the great increase in imported malleable iron pipe fittings, a total of 10 domestic producers have gone out of business since 1952.

These problems have been compounded by difficulties and undue delays in the administration of the antidumping laws and marking requirements of the Tariff Act. The products of these two industries have been erroneously exempted from the Tariff Act marking requirements, resulting in subsidized imported pipe and fittings being commingled with American-produced products in the U.S. market. In the case of cast iron soil pipe fittings, this problem is further aggravated by the fact that much of the importation is from Poland. Hence, in this case our current trade policies are enabling increased penetration of imports from Communist countries while Americans lose jobs.

This situation is, most regrettably, quite similar in the textile market. This vital industry employes directly some 2½ million Americans—94,000 within my State of Alabama—with additional hundreds of thousands involved in fiber production and a great variety of supply and service activities. Textile imports have already absorbed hundreds of thousands of jobs, 65,000 within the 15-month period ending in May of this year alone. Only yesterday, furthermore, the Deputy Assistant Secretary of Commerce, Mr. Stanley Nehmer, indicated publicly that American workers could lose as much as $3 billion a year in wages by 1975 unless Congress acts to stop the flood of cheap textile imports.

Total textile imports during 1969 reached a new record level of 3.6 billion equivalent square yards, a 10-percent increase over 1968 and a level which is 230 percent greater than just 5 years ago. The textile deficit for this same year was close to $1 billion—$980 million—and a deficit of $825 million existed in 1968. Even imports of cotton garments, which have been regulated by agreement since 1962, had increased in 1969 to a level 65 percent higher than 7 years earlier.

In the face of this alarming growth in textile imports, we have all waited expectantly and at length while the United States has patiently sought voluntary agreement with Japan and other nations to obtain orderly trade in textiles and apparel products. These efforts on our part have met with nothing but a refusal to cooperate on the part of Japan, which enjoys the most favorable position of any nation in the U.S. textile market.

So, Mr. Chairman, it is obvious to me that the time for thus far futile negotiations is running out. The time for the Congress to meet its clear responsibility toward the American worker is at hand. The means of meeting this responsibility—through the passage of H.R. 18970—is also at hand. I cannot urge too strongly that my colleagues in the House of Representatives join with me today in voting for this critically needed legislation.

Mr. WOLFF. Mr. Chairman, as a sponsor of the original legislation concerning imports of textiles and footwear, I was gratified at the White House announcement yesterday that the President would prefer this original bill to the legislation now before us.

While I recognize the need for controls on the importation of textile products and foreign-made footwear, I am seriously concerned that the bill being considered today is so far-reaching that it would have grave, long-term effects on the U.S. position in international trade.

The New York Times today carried an editorial—which I would like to append to my statement—suggesting that the House take a cue from the President and reject this bill in favor of the more reasonable and responsible legislation proposed earlier this year.

The legitimate needs of U.S. textile and footwear industries should be met but not at the risk of totally disrupting decades of progress in constructive international trade.

Under leave to extend my remarks, I include the aforementioned editorial from the New York Times in the Record at this point:

Cue From the President

The protectionist forces in the House of Representatives got a scare yesterday when the import-restricting Mills bill came close to being smothered in test votes. The thinness of the protectionist majority provides basis for hope that this dangerous trade curb can still be stopped if President Nixon comes out strongly against it.

Mr. Nixon did authorize his press secretary yesterday to say that he opposes the measure and would back a move by its foes to substitute the original Administration bill with only two additions—quotas on textile imports and a system of tax incentives for exports. However, the President's spokesman was not authorized to disclose whether he would veto the Mills bill if it reached him in its present form.

Enough members of both House and Senate are now so worried about the damage the trade bill would inflict on American consumers, farmers, export industries and national interests generally that an unequivocal Presidential stand against the bill could defeat it.

Senator Hatfield has correctly labeled the trade bill "one small sop for textiles and one giant mistake for mankind." Mr. Nixon cannot be protectionist and liberal-trader at the same time; the public interest will be best served if the President makes plain his rejection of the Mills bill.

Mr. PHILBIN. Mr. Chairman, I realize all the hard work and persistent efforts of the distinguished chairman and the committee in conducting hearings on this bill and reporting it to the House. While it is by no means perfect, it does afford some relief to aggrieved industries and their workers in various parts of the Nation.

As one who has always favored trade with the nations of the world on a fair, equitable basis, I would not favor any measure that would interfere with or violate that principle.

However, I believe that there are many American industries today that are faced with critical problems as a result of cheaply produced foreign goods flooding the American markets—textiles and footwear are two that have been singled out

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for special treatment under the provisions of this bill.

But there are others that are feeling the pinch of cutthroat competition from overseas. So far as I am concerned, I would not vote for any bill that I thought would interfere with the normal flow of international trade, which to my mind is not only desirable, but necessary, to promote friendly commercial exchange, cooperation, and cordial relations with others nations of the world.

This does not mean that we should be prepared to tolerate the great abuses that exist today with respect to the large volume of cheap, competitive imports pressing so hard against our industries, and which every day are causing some established industries to go out of business and leaving their employees without jobs.

This was never contemplated by any trade bill that this House has passed, and it certainly has no place whatever in my concept of what a good trade bill should be.

When the original trade bill was before the House sometime ago, I made my position very clear at that time that I believe international trade should be a two-way street, and not just a one-way street.

If we open our doors for properly regulated trade with other nations, they should do the same for us.

But the evidence makes it clear that they have not done so under the original trade bill, and certainly there is no guarantee that they will do so under this trade bill.

It was and is also my belief that foreign trade, like domestic trade, should and must be mutually profitable and advantageous between the parties.

Trade which in its impact and effect paralyzes domestic industries in our own country, allows cheap imports to flood American markets creating depressed conditions and the unemployment of our own people and the alternate liquidation of many historic industries and businesses, is certainly not in the national interest, and I deplore and oppose it.

While this bill does not come to grips with all the problems involved in reciprocal trade relations with other nations at this time, it would seem to me that it is the basic vehicle we may have available to us to try to prevent some very fine American industries from suffering the same fate of depression and liquidation that others have experienced in the past and many are experiencing at this time.

This bill will put into effect some effective safeguards against the cannibalizing of American markets by cheap, low-grade, sweatshop products from abroad.

It will render a real service to the nation and to some of our basic industries and many of our American working people and their families.

Under the Constitution, the Congress has responsibility for regulating foreign trade and commerce, imposing duties and controlling imports, and Congress must make sure that in its efforts to promote sound, constructive, fair, mutually beneficial trade between our great country and other nations that we do everything in our power to prevent our industries and workers from being penalized, and perhaps put out of business by unfair, noncompetitive, foreign imports which at this time are causing great concern as well as irreparable damage to many of our industries.

I hope that this bill will be helpful to some substantial degree in alleviating the problems of industries that are faced with the serious threat of noncompetitive foreign imports, and trust our great House Ways and Means Committee and the Congress will continue its efforts to guard the interests of American industry and its many workers that are bound to suffer unless adequate measures are taken to avoid the excesses and abuse of unregulated international trade.

Let us seek and welcome fair, honest trade with all nations but in the process insure that American business and its workers are not made the victims of unfair, intolerable competition from abroad.

I will support the bill with the hope and belief that it will benefit our country and our people while preserving constructive trade with other nations.

Mr. CLEVELAND. Mr. Chairman, having sat through and listened to the entire debate on this important and necessary bill, I have been greatly impressed by the gap between what the bill really does and what organized groups and the news media claim it does.

The distinguished chairman of the Ways and Means Committee, Mr. MILLS, and the distinguished ranking minority member, Mr. BYRNES, have given an excellent discussion of what the provisions of the bill really are. This has effectively destroyed the red herrings which have been thrown out by opponents of the bill, and have cleared up much misinformation. I concur with the excellent statements made by these two distinguished Members. In fact, after their excellent statements, it is difficult for me to understand how people can still oppose the Trade Act of 1970.

Mr. Chairman, we have seen in recent years a flood of imports come into the United States. The impact has been great upon the textile industry, which has been inundated by a flood of cheap foreign textiles. The shoe industry has been swamped by cheap foreign shoes. The electronics industry has been backed against the wall by cheap imports. The miniature ball bearing industry is being closed down by cheap imports. Other industries are similarly threatened.

In my own district, I have seen mill after mill close its gates and give discharge notices to long-time employees. In the last 16 months alone, thousands of workers have lost their jobs as the direct result of these cheap foreign products. This scene has been repeated across the United States.

Mr. Chairman, these products which are flooding our markets are low priced because they are often made by workers paid slave wages in countries without minimum wage laws, without social security programs, and in systems where there are no health and welfare provisions. In many countries labor is not organized to protect itself, and there are none of our many safeguards to assure free and fair competition.

At this time it is clear that occupational health and safety legislation is needed and is going to be enacted. The only real fight is over the means to this desirable end. A safe and healthy place to work is now within reach for all American workers. But this will further increase production costs for American products. There will be no such provision for health and safety in the foreign factories producing the flood of cheap imports. The price of these cheap foreign products will be kept low by forcing workers to work in unhealthy and unsafe places of employment.

In the past several years, the goal of a clean environment has evolved for America, and our industries have been told that they have to stop polluting our water, air, and land. This is as it should be, and the goal is good as well as necessary. But remember that all of these desirable improvements will increase further the cost of American goods, while foreign goods will be kept low in price because those foreign plants will continue to dump their wastes into their environment. In fact, our global environment.

Mr. Chairman, these are all costs of the United States being a leader in social progress. We have the highest standard of living in the world, and are in the forefront of progress toward a safe, healthy, clean environment. But at the same time, foreign producers without the costs which go with these achievements are able to undersell American producers. The present system penalizes those countries which make social progress, and rewards those which pay slave wages, build sweatshops, and pollute their environments.

Paralleling this development, in which low cost goods produced under bad conditions are able to undersell American goods produced in much better conditions, has been another situation which makes absolutely necessary the Trade Expansion Act of 1970. This is the fact that while the United States has, during the last two decades, opened up its market to trade and imports, other countries have looked after their own interests to a much higher degree.

As has been well documented in the excellent statements of Messrs. MILLS and BYRNES, our trading partners have constructed a maze of subtle—and not so subtle—restrictions which limit the access of American companies into foreign markets. Japan has been a notable offender in this regard. The Common Market discriminates against American agricultural commodities. As Mr. BYRNES pointed out, the Ways and Means Committee took over 100 pages of testimony on this myriad of restrictions.

Mr. Chairman, opponents of this measure have tried to scare us from enacting this necessary bill by saying that it would invite a wave of retaliation from our trading partners. Far from that being the case, it appears that we have been taken for a ride on the whole issue. Unless we stand firm now, free trade—which I want as much as everyone else—will never come. Do not be deluded into thinking it is here now. It is not.

The bill before us today provides for textiles and shoes, and provides a mechanism by which industries which are being hurt by a sudden increase in imports will be able to get some relief. This should go far toward restoring balance in our trade policies, and protecting the United States from the unfair trade policies of other countries.

As the situation is now, free trade is far from free, and even further from being fair.

Mr. RARICK. Mr. Chairman, the Foreign Trade Act of 1970, to place quotas on selected foreign imports, makes a lot more sense in trying to solve our Nation's unemployment problem than did the Comprehensive Manpower Act which was passed Tuesday by a voice vote.

While I fear that the Foreign Trade Act does not go far enough to protect jobs and investments in many areas of employment and industry, I do feel that it is a start in the right direction. At least it will serve to notify the bureaucrats in our Central Government that there are Members of Congress who know why unemployment is soaring in the United States.

We cannot, as a government, continue to subsidize foreign industry and goods without some restrictions and controls to protect production and labor in our own country. We cannot compete against foreign production conditions which have been deliberately set up to underprice our own economic standards. Nor can fictitious and fabricated goals and programs such as guaranteed annual wages, welfare, Comprehensive Manpower Acts, Health and Safety Acts, and a myriad of other theoretical solutions and promises any longer divert the intelligence of the American people from understanding that the loss of many jobs is the domestic lack of markets for American-made merchandise. Some markets have been taken over by inexpensive goods produced by cheap labor imported from foreign countries, and in other instances markets lost by imports dumped to snuff out U.S. production.

Nor will Mr. and Mrs. General Public buy the upside down thinking that increased imports of cheap foreign goods make our people's money go further in the marketplace. If there is not an increase in employment for the American working people, how long can any merchant anticipate sales to a middle-class society which has no income to spend. And if there are no earnings to tax, who will pay the cost of the Federal subsidies for the unemployed and the legislative programs devised to distract the American people from what is taking place?

Those who oppose the "Buy-American" movement do so saying they are for free trade. Free trade for whom—foreign products in the United States but no U.S. products abroad? Many nations grant no free trade, while in others, proceeds of the U.S. trade are by treaty not permitted to be removed from the nation itself. But more important, free trade in this instance is a misnomer when the proponents know full well that if it is the selling price of U.S.-made goods which prevent competition with foreign goods in the United States, most certainly U.S. goods cannot compete pricewise on any foreign market.

Noteworthy, the main resistance to maintaining U.S. jobs and U.S. goods comes from the same parties and organizations which through the years have advocated foreign aid and international share-the-wealth programs with emerging nations. The same movements which have played a leading role in bringing our economy to the brink of disaster today and by fancy slogans and cliches, would now seek to prevent us from saving our advanced economic system.

Unemployment would improve overnight and jobs would reappear if the American people were permitted even a fair share in producing goods and material needed to satisfy American needs. But, until our leaders realize that we must first take care of Americans and that if we do not, we cannot help the entire world, there will be no relief and unemployment and bankruptcies will continue.

The American people are thinking. They are able to see through the distortion and confusion. They want to help everybody but not at the expense of hurting their own people.

We must get under control U.S. tax dollars exported to foreign countries and foreign merchandise imported into the United States.

I feel this legislation to benefit American labor and business is long overdue. I support the bill and will cast my people's vote for passage.

I call to your attention two articles from the local newspapers:

[From the Evening Star, Nov. 19, 1970]

TRADE BILL AND THE CONSUMER

SIR: We are writing as concerned citizens who have been involved personally and professionally in the consumer movement.

We believe that despite the dramatic progress that consumer groups have made in having their interests recognized by business and government, there remain highly relevant areas of public policy important to consumers but ignored or unaffected by their action.

Our immediate concern is with foreign trade policy. Congress is now considering a trade bill which Virginia Knauer, the President's Special Assistant for Consumer Affairs, describes as "the most significant 'anti-consumer' legislation now in the Congress."

The legislation places mandatory quotas on textiles, apparel, footwear and oil, and gives a broad authority for quotas on countless other items. This legislation would have a disastrous direct effect on the American consumer—both by raising prices and by limiting imports of low cost products. It is of vital importance that this bill be defeated.

Mrs. Knauer has recognized the lasting damage to consumers that would follow imposition of a quota regime on American trade. She has said so in plain and unqualified words.

LUCY WILSON BENSON,
President, League of Women Voters of the United States.
BETTY FURNESS,
Chairman and Executive Director, New York State Protection Board, and Former Special Assistant to the President for Consumer Affairs.
BESS MYERSON GRANT,
Commissioner of Consumer Affairs, Department of Consumer Affairs of the City of New York.
WILLARD WIRTZ.
Former Secretary of Labor.

[From The Washington Post, Sept. 1970]

THE AFL-CIO AND FOREIGN TRADE

Hobart Rowen's recent column on free trade vs. protectionism presents a misleading account of the AFL-CIO's views.

As we see it, Mr. Rowen's rhetoric about "free trade" concepts and their "protectionist" opposites is outdated and increasingly irrelevant in the economic world of 1970. There have been major changes in world economic relations in the past 25 years, which are basic causes of the deterioration of the U.S. position in both the volume and composition of world trade. Among these developments have been the spread of managed national economies, with direct and indirect barriers to imports and aid to exports by foreign governments; the internationalization of technology; the skyrocketing rise of investments by U.S. companies in foreign subsidiaries, and the mushrooming growth of U.S.-based multi-national companies.

A key source of America's international economic difficulties is the expanding operations of U.S.-based multi-national corporations—with subsidiaries in as many as 40 or more countries—which account for about one half of U.S. international trade. Approximately 25 per cent of U.S. foreign trade is now composed of intra-corporate transactions between the U.S. parent and its subsidiaries in foreign countries. As much as another 25 per cent involves these multi-nationals and their other business relations—foreign licensees, patent holders and joint ventures.

Approximately one half of what is called U.S. exports and imports, therefore, are closed-circuit transactions within the structures of those international giants. These transactions are not competitive. They are not trade—surely not arm's length transactions between nationals of one country with nationals of another. They are not quite foreign. They are internal business deals of U.S.-based multi-national corporations for their own private advantage.

These giants have exported American technology, often developed at U.S. taxpayers' expense, to foreign subsidiaries, licensees and their other foreign business relations, with the displacement of U.S. production and employment. These expanding operations have been undermining U.S. exports of manufactured goods to the countries of foreign subsidiary operations and to third-country markets. They are shipping back to the United States a rising tide of manufactured imports, produced in foreign countries with American technology and wages that are 50 to 90 per cent lower than here—and sold at American prices. They are a major factor in the substantial loss of U.S. production in such relatively sophisticated goods as radios, TV, and other electrical products, as well as in shoes, glass and apparel.

In addition, another 20 per cent—40 per cent of U.S. international trade, in a wide range of products—is affected by the management of foreign trade by foreign governments, for their own national interests. As a result, something like 50 per cent—70 per cent or more of U.S. international trade—is now outside of competitive transactions between different business firms in different countries.

Yet, the U.S. government utterly lacks a tenable foreign economic policy to deal with these realities of 1970. To harp on age-old slogans, as Mr. Rowen does in his column, is neither an analysis of these realities nor a means of coping with them.

In the AFL–CIO view, the government should: (1) stop helping and subsidizing U.S. companies in setting up and operating foreign subsidiaries; (2) supervise and curb the outflows of American dollars for the foreign investments of these companies; (3) regulate the operations of U.S.-based multi-national corporations; (4) press for the es-

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tablishment of international fair labor standards in world trade, with adequate international machinery, which would provide growing domestic markets in the developing countries of the world, and (5) regulate the flow of imports into this country of a variety of products, as at least a stopgap in the face of unresolved, growing problems.

NAT GOLDFINGER,
Director, Department of Research, AFL–CIO.
WASHINGTON.

Mr. RANDALL. Mr. Chairman, I shall vote against the motion to recommit H.R. 18970, known as the Trade Act of 1970, and I intend to vote for final passage of this measure. If I could characterize my position in a few words it is that I do not have a negative attitude toward our world trade but there is a past due need for a negative attitude toward some of the things that our trading partners in the world have been doing to us lately. As I see it this bill, while it is not perfect, it is onbalance the remedy for the ills of some of our important industries.

The matter contained in this 90-page bill is far too long and complex to be even partially covered in remarks for the RECORD. To demonstrate the complexity of this bill the Ways and Means Committee itself took 190 pages to explain the bill in the committee report. I will only be able to make some observations on the highlights of the bill and raise some questions that exist in my mind considering certain portions of the bill.

In title II there is the provision for the quantitative limitations of certain textile and footwear with the further authority to negotiate international agreements to insure nondisruptive marketing of these commodities that leads me to support H.R. 18970. Even as to this title I can find no assistance for our domestic producers including two footwear plants that have been brought to their knees by imports in our congressional district.

On the other hand, the title does offer some help to those companies who have somehow managed to survive the disruption of their markets from abroad. I am convinced that while this measure seems to provide favored treatment for textiles and shoes the bill could very well become a sort of opening wedge for subsequent inclusion of industries such as steel, electronics, and glass. As to these last named industries there should be sufficiently demonstrated the need for assistance to everybody except the President and perhaps the Tariff Commission who failed to take note of the fact these industries are fighting a losing battle against foreign imports.

Before commenting further I think it would be helpful to remember that Japanese steel, because of that country's low standard of living can be produced and landed on our west coast at a total cost for the finished material including transportation from Japan at no greater price than the cost for transportation alone for steel produced on our east coast and shipped to our west coast.

There are many good things about this bill. I am encouraged by the inclusion in this bill of what appears to be a more realistic device for triggering protection mechanism when it appears that domestic markets may be disrupted because of overimporting.

I have listened to the arguments that a trade war will be set off if we narrow terms under which foreign producers can send the goods to our shores. This argument is not valid because this is not a protectionist bill. It has nothing to do with tariffs or duties. It proposes only that when a certain point of volume is reached there shall be a quantitative limitation. Some feel too sensitive to call this a quota. Whatever it is called, it is not a tariff or an imposition of duties. One speaker, perhaps in levity, said on the floor that the basket provision or quantitative limitations, had enough loopholes to permit an aircraft carrier to float into our ports unimpeded.

Now, Mr. Chairman, while some of my people appear to be concerned about the theory of Adam Smith and what is called pure free trade, the great fear of most of my people is the loss of their jobs. Two shoe plants in our congressional district have recently been closed, perhaps never to reopen again. Two large shoe plants are operating at less than 50 percent capacity working only 2 or 3 days a week. In our congressional district we have about a half dozen small garment factories. None of these are working regularly. Only one uniform factory works as much as 4 days a week and the others are working 1, 2, or 3 days per week. I am sure that is what this trade bill is all about. In one word, "jobs." Far too many of our jobs have already gone overseas because of low-wage textile imports and shoes produced in countries where wages are 10 or 12 cents per hour and no labor is paid over 15 cents per hour. For far too long we have thought of other people in the world to the amount of $200 billion of our resources since World War II.

This we have given away in so-called foreign aid. If the information I have is accurate I am advised that since World War II we made an industrial loan of almost $200 billion to the Japanese. Less than one-half billion was paid back, to be exact $400 million. Then we forgave part of that to make a second loan to be earmarked to teach the Japanese the art of marketing. Is it any wonder today that the Japanese can outproduce us and outcompete us in certain fields because we have provided them with the industrial capability and with our know-how.

Some have said that it is a deplorable state of affairs for America that it can no longer compete as to production of many kinds of products and that we may be able no longer to outproduce or outcompete other countries in the world. Well perhaps in some fields we cannot. With just a little help as to restrictions of quantities to prevent such practices as dumping and other unfair types of competition we will be able to compete again in the future. We should remember that we have shown the world the secrets of our mass production and we have shown them how to use the technology which we have developed, and perfected. With this know-how we have given them, when coupled with their low wage base, a means by which they have been able to penetrate our markets faster than our producers can develop even newer techniques and adjust to ever newer methods of production. That is the reason why our industries solely need some short-range assistance.

During the course of debate questions have been raised that this bill will do irreparable damage to our American farmers, particularly producers of soybeans, feed grains, and wheat. I happen to represent a district which includes four shoe factories and six garment factories. But our congressional district also contains some rich agricultural counties. I could not be for this bill if I thought it would cause to be cut off all our soybean exports. There are several reasons why this will not happen. Once we worried that the Russian sunflower oil would crowd out our soybean oils. Now if for no other reason we know that it is the superiority of our soybean oil, that has caused all Europe to prefer it to the Russian sunflower oil. There is another good reason we will not lose this market. The reason is that we have a concession agreement with the European Common Market to keep soybeans free of duty. If they fail to keep this agreement they will have to reduce duties on other products. As to wheat, we have the International Wheat Agreement.

But the clincher as to all arguments about whether our farmers will be hurt or helped is the fact there are really two markets for our farmers. Let us not forget there is both an export market and a domestic market. The export market is only a small fraction of the domestic market. If our complex domestic economy is thrown out of balance and jobs are lost here in America then we have seriously impaired the capacity to consume by our own domestic market which is vastly more important than any export market.

When all considerations are weighed and each argument is balanced against another, no one can say this is a protectionist bill or that our country has for very long ever been protectionist in the past. We have opened our doors to just about everyone for every article of trade. On the other hand our trading partners have erected every barrier they could think of. Japan says that they will not admit to their country over 250 items of U.S. products that we want to ship to Japan. Both yesterday and today I have noticed four or five Japanese reporters sitting in our press galaries. They were smiling more yesterday than today. I have observed that they have grown more serious as the debate continued to bring out that if we pass this bill the Japanese will have to seriously negotiate their trade with the United States in the future.

The bill we pass today may not become law but it will show the world that we have flexed our muscles. We will have said to foreign producers of textiles and shoes that they will have to negotiate with us as to limitation of imports. We are saying to the foreign producers of steel, electronics, and glass that their turn may come next.

It all comes back to the well-being of our own people. We have enjoyed a high standard of living in this country and we want to keep it that way. Some of our industries have moved across the seas to take advantage of 10- to 15-cent per hour labor. Our people receive decent wages. Thank goodness they enjoy such decency. No, this bill will not cause any trade war unless it could be said we are in one now because some of our trading partners are trying to make us what could be called only a consumer nation. Our policies will continue to be so generous in relation to the practices of other nations that there will be no justified need or no grounds for retaliation. This bill could even lead to expanded trade. But should that not happen to be true, it will certainly help millions of American families. It cannot be repeated too often that adjustment assistance is just a form of relief and nothing more; what our workers want are jobs not adjustment assistance. One hundred thousand of them have vanished this year in the textile industry alone in the light of such a situation. Put in its proper perspective a vote against this bill is a vote against the American workingman.

Mr. MILLER of Ohio. Mr. Chairman, H.R. 18970, the Trade Act of 1970, is one of the most complex and controversial measures to be considered in the 91st Congress and the first major piece of trade legislation in a decade. The bill, if enacted, will have lasting and far-reaching consequences, both domestically and internationally. Yet, this body has been effectively denied its right—its duty—to express itself on the many diverse provisions of the bill. As is common with bills reported from the Ways and Means Committee, H.R. 18970 was saddled with closed rule under which the House either had to swallow the whole bill or nothing at all. I have long protested these gag rules and feel that it is another one of the antiquated and inequitable House practices which we must change.

Because it was a complex bill, I felt the Members of this body were entitled to vote on the provisions to which they objected and, therefore, I opposed the motion to move the previous question on the closed rule in an effort to permit consideration of amendments to the rule. Subsequently, I supported the Gibbons amendment which sought to open up the bill for any amendments to delete certain provisions of the bill. When this effort was rejected, I voted for the rule as reported by the committee with the hope it could later be returned to the Ways and Means Committee to revamp certain sections and report it back to the House. After debate of the bill began under the closed rule, I supported a motion, which was rejected 173 to 206, to recommit the entire bill to the Ways and Means Committee. Recommittal seemed to be the only way to reconstruct the bill and reconsider many of those items under the heaviest fire. On the vote on final passage, I felt compelled to oppose what I considered to be an unfortunate railroading of a bill without proper deliberation and consideration. Upon its defeat, I had hoped this conglomerate legislative package could be separated and returned to the House floor as individual bills. Somehow, it is extremely hard for me to see how this body could be faced with such a monumental decision and yet its hands be tied to affect the outcome of that decision.

Mr. Chairman, let me address myself to certain provisions of the bill to which I am concerned. Although I support the need for effective measures to protect the American shoe industry from further import inundation and have cosponsored legislation in this regard, I cannot at the same time, deny protection to the chemical industry through the elimination of the American selling price, as provided in the bill. ASP system of customs valuation is still considered to be the most objective standard method of valuation. It was my hope to open up this bill and delete that section repealing ASP. Another section of this bill which I objected to provided for the establishment of domestic international sales corporations (DISC). The alleged purpose of this provision is to encourage exports. However, there is no tangible proof such a venture will increase exports. The obvious result of this provision will be the creation of giant tax loopholes causing an estimated revenue loss to the Treasury of $1.2 billion. This comes at a period when our budget can ill afford a further drain of resources.

From what we have heard, the Senate is preparing a "Christmas tree" the likes of which we have not seen in some time. In an effort to clean house before adjournment, the Senate strategy is to attach the trade bill and the family assistance plan to the important social security bill. It appears that the only way legislation can be enacted in this "lameduck" session is either railroading it through the halls of Congress or by sandwiching it between a de luxe legislative package. There is not much time left in this "lameduck" session to take care of the Nation's business. But I hope there is still time for reason.

Mr. GREEN of Pennsylvania. Mr. Chairman, I want to call your attention to a specific trade problem of great concern to all Americans, and that is the pirating of jobs from American industrial plants to low-wage countries abroad.

Section 807 of the Tariff Schedules the wisdom of which I publicly questioned in March of 1969 permits the shipment of American goods overseas for assembly and for reshipment back into this country with duty applied only to labor costs. This device has become the mechanism for shifting jobs out of this country at an alarming rate. I became concerned about this problem 2 years ago when a plant in my own district began to cut its employment rolls by more than 50 percent. It is apparent to me that this device is being used to cut jobs in the textile, shoe, and electronic fields.

I introduced legislation to eliminate 807 because I think it is being abused. It was originally introduced to aid an American automobile manufacturer in Michigan, whose operation was closed by fire and who wanted to use a sister plant in Canada to continue work. It was thought at the time that this provision would encourage the use of American products in foreign manufactures.

It is now being used to put American working men and women in unemployment lines. Some time ago, I asked for a study of the problem by the Tariff Commission. The study was conducted and the report was released shortly before Congress recessed for the general election.

In brief, the report presents all the right evidence and reaches the wrong conclusion. It describes in detail the dangers in section 807 but suggests no changes in the present law. Because I believe it defines the problem posed by 807 and the failure of the report to address that problem, I include the following statement, from the AFL–CIO News of October 17, 1970:

Tariff Study Confirms Job Losses From Foreign-Assembly Loophole

A study by the U.S. Tariff Commission has confirmed most of the cases offered by organized labor on the export of jobs through the foreign assembly of U.S. goods, but the study draws conclusions that the AFL–CIO finds unwarranted.

The report, ordered by the President 14 months ago, deals with two sections of the tariff schedule which allow for reduced duties on goods assembled in foreign countries from components shipped from the United States.

Under one section, the firms are allowed to subtract the value of U.S.-fabricated components from the duty on the total product. The other section covers base metals manufactured in the United States and shipped abroad for processing, allowing their return with duty paid only on the value of the foreign processing.

The AFL–CIO has argued for repeal of both sections of the tariff code, citing the loss of $50 million annually in tariff revenues as well as the encouragement for U.S. firms to export jobs to countries with some of the lowest wages in the world.

The newly-completed study confirms the AFL–CIO arguments on several counts:

The value of items covered by the two tariff sections has risen dramatically in recent years, from $953 million in 1966 to $1.8 billion in 1969.

121,000 jobs are lost to U.S. workers by the practice of shipping components to foreign countries, with only 37,000 jobs still remaining in the United States for the portion of work done here.

Repeal of the two sections of the tariff schedule would probably bring no "retaliation" from countries doing business with the United States under trade agreements.

The U.S. consumer gains little in reduced prices from the system, with most of the money saved from low foreign wages going to increased profits.

Electronic equipment, apparel, toys and dolls are the principal U.S. materials involved under the special duty provisions. Aircraft and automobile parts amount to less than 2 percent of the total.

Despite all this, the commission concludes that there is little to be gained from repealing the two tariff sections. For instance, while citing 121,000 jobs exported and 37,000 left at home, the study says "repeal would probably result in only a modest number of jobs."

The AFL–CIO agrees that the entire problem of the export of U.S. jobs would not be solved entirely by repealing these two tariff provisions, but contends that repeal would stop this incentive for the export of jobs.

Similarly, the commission reports that the savings on duties is not the main reason U.S. firms use the system of foreign assembly, concluding that repeal wouldn't stem the tide of exported jobs.

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AFL–CIO economists agree readily that it's the low foreign wages, not the reduced import duties, that account for a lion's share of the profits, but sees no reason to add a $50 million windfall in reduced tariff schedules.

The study came three years after the AFL–CIO Executive Council began calling attention to the foreign assembly of U.S. goods as a hub around which companies, especially multinational firms, were exporting U.S. jobs.

GENERAL LEAVE TO EXTEND

Mr. **MILLS**. Mr. Chairman, I ask unanimous consent that all Members desiring to do so may be permitted to extend their remarks on the bill at this point in the RECORD.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. **MILLS**. Mr. Chairman, I yield back the remainder of the time on this side.

Mr. **BYRNES** of Wisconsin. Mr. Chairman, I yield back the balance of my time.

The **CHAIRMAN**. Under the rule, the bill is considered as having been read for amendment.

The bill is as follows:

H.R. 18970

A bill to amend the tariff and trade laws of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Trade Act of 1970".

TITLE I—AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962

CHAPTER 1—TRADE AGREEMENTS

SEC. 101. BASIC AUTHORITY FOR TRADE AGREEMENTS.

(a) Section 201(a)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(1)) is amended by striking out "July 1, 1967" and inserting in lieu thereof "July 1, 1973".

(b) Section 201(b)(1) of such Act is amended to read as follows:

"(1) decreasing any rate of duty—

"(A) in order to carry out a trade agreement entered into before July 1, 1967, to a rate below 50 percent of the rate existing on July 1, 1962; or

"(B) in order to carry out a trade agreement entered into after June 30, 1967, and before July 1, 1973, to a rate below the lower of—

"(i) the rate 20 percent below the rate existing on July 1, 1967; or

"(ii) the rate 2 percent ad valorem (or ad valorem equivalent) below the rate existing on July 1, 1967; or".

(c) Section 202, 211 (a) and (e), 212, 213 (a), and 221 of such Act are each amended by striking out "201(b)(1)" and inserting in lieu thereof "201(b)(1)(A)".

(d) Section 256 of such Act (19 U.S.C. 1886) is amended by adding at the end thereof the following new paragraph:

"(8) The term 'existing on July 1, 1967', as applied to a rate of duty, refers to the lowest nonpreferential rate of duty (however established, and even though temporarily suspended by Act of Congress or otherwise) existing on such date or (if lower) the lowest nonpreferential rate to which the United States was committed on July 1, 1967, and with respect to which a proclamation was in effect on July 1, 1970."

SEC. 102. STAGING REQUIREMENTS.

(a) Section 253(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1883) is amended by striking out "trade agreement under this title" and inserting in lieu thereof "trade agreement entered into before July 1, 1967, under this title".

(b) Section 253(c) of such Act is amended by striking out "trade agreement entered into under section 201(a)" and inserting in lieu thereof "trade agreement entered into before July 1, 1967, under this title".

(c) Section 253 of such Act is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) Except as otherwise provided in section 254, the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under this title after June 30, 1967, and before July 1, 1973, shall not exceed the aggregate reduction which would have been in effect on such day if—

"(1) one-half of the aggregate reduction under such agreement for such article had taken effect on the date of the first proclamation pursuant to section 201(a) to carry out such trade agreement, and

"(2) the remaining one-half of such aggregate reduction had taken effect 1 year after the date referred to in paragraph (1).

In applying the preceding sentence to any article, if, on the date referred to in paragraph (1) of the preceding sentence, there remained reductions pursuant to a prior trade agreement which had not yet taken effect, such remaining reductions shall be deemed to be included within the aggregate reduction under the trade agreement entered into after June 30, 1967, and before July 1, 1973."

(d) Subsection (e) of such section 253 (as redesignated by subsection (c) of this section) is amended—

(1) by striking out "a reduction takes effect" and inserting in lieu thereof "a reduction under any trade agreement entered into under this title takes effect"; and

(2) by striking out "subsection (c)" in paragraph (2) thereof and inserting in lieu thereof "subsection (c) or (d)(2)".

SEC. 103. FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATORY ACTS.

(a) Section 252(a)(3) of the Trade Expansion Act of 1962 (19 U.S.C. 1882(a) (3)) is amended by striking out the word "agricultural" each place it appears.

(b) Section 252(b) of such Act is amended by striking out "or" at the end of paragraph (1), by adding "or" at the end of paragraph (2), and by adding after paragraph (2) the following new paragraph:

"(3) provides subsidies (or other incentives having the effect of subsidies) on its exports of one or more products to other foreign markets which unfairly affect sales of the competitive United States product or products to those other foreign markets,".

(c) Section 252(b) of such Act is further amended by striking out "or" at the end of clause (A), by striking out the period at the end of clause (B) and inserting in lieu thereof ", or", and by adding at the end thereof the following new clause:

"(C) notwithstanding any provision of any trade agreement under this Act and to the extent he deems necessary and appropriate, impose duties or other import restrictions on the products of any foreign country or instrumentality maintaining such nontariff trade restrictions, engaging in such acts or policies, or providing such incentives when he deems such duties and other import restrictions necessary and appropriate to prevent the establishment or obtain the removal of such restrictions, acts, policies, or incentives, and to provide access for United States products to foreign markets on an equitable basis."

(d) Section 252(c) of such Act is amended by striking our "President may" and inserting in lieu thereof "President shall".

(e) Section 252(c)(1) of such Act is amended to read as follows:

"(1) impose duties or other import restrictions on, or suspend, withdraw, or prevent the application of trade agreement concessions to, products of such country or instrumentality, or".

(f) The heading of such section is amended to read as follows:

"SEC. 252. FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATORY ACTS."

SEC. 104. DETERMINATIONS AND IMPORT ADJUSTMENTS FOR SAFEGUARDING NATIONAL SECURITY.

(The second sentence of section 232(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1862(b)) is amended by striking out the period at the end thereof and inserting the following: ": *Provided, however,* That any adjustment of imports shall not be accomplished by the imposition or increase of any duty, or of any fee or charge having the effect of a duty."

(b) Section 232(b) of such Act is further amended by adding at the end thereof the following new sentence: "In the case of any investigation under this subsection initiated by request or application, the Director shall make and announce the determination required by this subsection not later than 1 year after the date on which such request or application was made."

(c) The amendment made by subsection (b) shall apply with respect to requests or applications made to the Director of the Office of Emergency Preparedness under section 232(b) of the Trade Expansion Act of 1962 on or after January 1, 1968; except that, in the case of such a request or application made more than 1 year before the date of the enactment of this Act, the determination required by such section 232(b) shall be made on or before the 60th day after such date of enactment.

CHAPTER 2—TARIFF ADJUSTMENT AND ADJUSTMENT ASSISTANCE

SEC. 111. PETITIONS AND DETERMINATIONS.

(a) Section 301 of the Trade Expansion Act of 1962 (19 U.S.C. 1901) is amended to read as follows:

"SEC. 301. PETITIONS AND DETERMINATIONS.

"(a)(1) A petition for tariff adjustment under section 351 may be filed with the Tariff Commission by a trade association, firm, certified or recognized union, or other representative of an industry.

"(2) A petition for a determination of eligibility to apply for adjustment assistance under chapter 2 may be filed with the President by a firm or its representative, and a petition for a determination of eligibility to apply for adjustment assistance under chapter 3 may be filed with the President by a group of workers or by their certified or recognized union or other duly authorized representative. A petition filed under this paragraph by or on behalf of a group of workers shall apply only with respect to individuals who are, or who have been within 1 year before the date of filing of such petition, employed regularly in the firm involved.

"(b)(1) Upon the request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, upon its own motion, or upon the filing of a petition under subsection (a)(1), the Tariff Commission shall promptly make an investigation to determine whether an article is being imported into the United States in such increased quantities, either actual or relative, as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause serious injury to the domestic industry producing articles like or directly competitive with the imported article.

"(2) In arriving at a determination under paragraph (1), the Tariff Commission, without excluding other factors, shall take into consideration a downward trend of production, prices, profits, or wages in the domestic industry concerned, a decline in sales, an increase in unemployment or underemployment, an increase in imports, either actual or relative to domestic production, a higher or growing inventory, and a decline in the proportion of the domestic market supplied by domestic producers.

"(3) For purposes of paragraph (1), the term 'domestic industry producing articles like or directly competitive with the imported article' means that portion or subdivision of the producing organizations manufacturing, assembling, processing, extracting, growing, or otherwise producing like or directly competitive articles in commercial quantities. In applying the preceding sentence, the Tariff Commission shall (so far as practicable) distinguish or separate the operations of the producing organizations involving the like or directly competitive articles referred to in such sentence from the operations of such organizations involving other articles.

"(4) If a majority of the Commissioners present and voting make an affirmative injury determination under paragraph (1), the Commissioners voting for such affirmative injury determination shall also determine the amount of the increase in, or imposition of, any duty or other import restriction on such article which is necessary to prevent or remedy such injury. For purposes of this title, a remedy determination by a majority of the Commissioners voting for the affirmative injury determination shall be treated as the remedy determination of the Tariff Commission.

"(5) If a majority of the Commissioners present and voting make an affirmative injury determination under paragraph (1), the Commissioners voting for such affirmative injury determination shall make an additional determination under this paragraph which shall consist of determining (i) whether either the criteria in subparagraph (A) or the criteria in subparagraph (B) are met, and, if so, (ii) whether the criteria in subparagraph (C) are met.

"(A) Imports of the article under investigation constituted more than 15 percent of apparent United States consumption of the article in the first calendar year preceding the calendar year in which the investigation was instituted, the ratio of imports of such article to consumption for such first preceding calendar year increased absolutely by at least 3 percentage points over the corresponding ratio for the second calendar year preceding the calendar year in which the investigation was instituted, and the ratio of imports of such article to consumption for such first preceding calendar year increased absolutely by at least 5 percentage points over the corresponding ratio for the third calendar year preceding the calendar year in which the investigation was instituted.

"(B) As a result of increased imports (i) domestic production of the like or directly competitive product is declining or is likely to decline so as to substantially affect the ability of domestic producers to continue to produce the like or directly competitive product at a level of reasonable profit, and (ii) production workers' jobs, man-hours worked, or wages paid production workers in the domestic production of the like or directly competitive product are declining substantially or are likely to decline substantially.

"(C) (i) The imported article is offered for sale at prices which are substantially below those prevailing for like or directly competitive products of comparable quality produced in the United States and constitutes an increasing proportion of apparent domestic consumption, and (ii) the unit labor costs attributable to producing the imported article are substantially below those attributable to producing like or competitive articles in the United States.

For purposes of section 351(a), the Tariff Commission shall be deemed to have made an additional affirmative determination under this paragraph if a majority of the Commissioners voting for the affirmative injury determination under paragraph (1) determine that (i) the criteria in subparagraph (A) or the criteria in subparagraph (B) are met, and (ii) the criteria in subparagraph (C) are met.

"(6) In the course of any proceeding initiated under paragraph (1), the Tariff Commission shall investigate any factors which in its judgment may be contributing to increased imports of the article under investigation; and, whenever in the course of its investigation the Tariff Commission has reason to believe that the increased imports are attributable in part to circumstances which come within the purview of the Antidumping Act, 1921, section 303 or 337 of the Tariff Act of 1930, or other remedial provisions of law, the Tariff Commission shall promptly notify the appropriate agency and take such other action as it deems appropriate in connection therewith.

"(7) In the course of any proceeding initiated under paragraph (1), the Tariff Commission shall, after reasonable notice, hold public hearings and shall afford interested parties opportunity to be present, to present evidence, and to be heard at such hearings.

"(8) The Tariff Commission shall report to the President the determinations and other results of each investigation under this subsection, including any dissenting or separate views, and any action taken under paragraph (6).

"(9) The report of the Tariff Commission of its determinations under this subsection shall be made at the earliest practicable time, but not later than 6 months after the date on which the petition is filed (or the date on which the request or resolution is received or the motion is adopted, as the case may be). Upon making such report to the President, the Tariff Commission shall promptly make public such report, and shall cause a summary thereof to be published in the Federal Register.

"(10) No investigation for the purposes of this subsection shall be made, upon petition filed under subsection (a) (1), with respect to the same subject matter as a previous investigation under this subsection, unless 1 year has elapsed since the Tariff Commission made its report to the President of the results of such previous investigation.

"(c) (1) In the case of a petition by a firm for a determination of eligibility to apply for adjustment assistance under chapter 2, the President shall determine whether an article like or directly competitive with an article produced by the firm, or an appropriate subdivision thereof, is being imported into the United States in such increased quantities, either actual or relative, as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause serious injury to such firm subdivision. In making such determination the President shall take into account all economic factors which he considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment.

"(2) In the case of a petition by a group of workers for a determination of eligibility to apply for adjustment assistance under chapter 3, the President shall determine whether an article like or directly competitive with an article produced by such workers' firm, or an appropriate subdivision thereof, is being imported into the United States in such increased quantities, either actual or relative, as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause unemployment and underemployment of a significant number or proportion of the workers of such firm or subdivision.

"(3) In order to assist him in making the determinations referred to in paragraphs (1) and (2) with respect to a firm or group of workers, the President shall promptly transmit to the Tariff Commission a copy of each petition filed under subsection (a) (2) and, not later than 5 days after the date on which the petition is filed, shall request the Tariff Commission to conduct an investigation relating to questions of fact relevant to such determinations and to make a report of the facts disclosed by such investigation. In his request, the President may specify the particular kinds of data which he deems appropriate. Upon receipt of the President's request, the Tariff Commission shall promptly institute the investigation and promptly publish notice thereof in the Federal Register.

"(4) In the course of any investigation under paragraph (3), the Tariff Commission shall, after reasonable notice, hold a public hearing, if such hearing is requested (not later than 10 days after the date of the publication of its notice under paragraph (3)) by the petitioner or any other interested person, and shall afford interested persons an opportunity to be present, to produce evidence, and to be heard at such hearing.

"(5) The report of the Tariff Commission of the facts disclosed by its investigation under paragraph (3) with respect to a firm or group of workers shall be made at the earliest practicable time, but not later than 60 days after the date on which it receives the request of the President under paragraph (3)."

(b) (1) For purposes of section 301(b) (1) of the Trade Expansion Act of 1962, reports made by the Tariff Commission during the 1-year period ending on the date of the enactment of this Act shall be treated as having been made before the beginning of such period.

(2) Any investigation by the Tariff Commission under subsection (b) or (c) of section 301 of the Trade Expansion Act of 1962 (as in effect before the date of the enactment of this Act) which is in progress immediately before such date of enactment shall be continued under such subsection (b) or (c) (as amended by subsection (a) of this section) in the same manner as if the investigation had been instituted originally under the provisions of such subsection (b) or (c) (as so amended). For purposes of section 301(b) (9) or (c) (5) of the Trade Expansion Act of 1962 (as added by subsection (a) of this section) the petition for any investigation to which the preceding sentence applies shall be treated as having been filed, or the request or resolution as having been received or the motion having been adopted, as the case may be, on the date of the enactment of this Act.

(3) If, on the date of the enactment of this Act, the President has not taken any action with respect to any report of the Tariff Commission containing an affirmative determination resulting from an investigation undertaken by it pursuant to section 301 (c) (1) or (2) of the Trade Expansion Act of 1962 (as in effect before the date of the enactment of this Act) such report shall be treated by the President as a report received by him under section 301(c) (5) of the Trade Expansion Act of 1962 (as added by subsection (a) of this section) on the date of the enactment of this Act.

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Sec. 112. Presidential Action With Respect to Adjustment Assistance.

(a) Section 302(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1902(a)) is amended to read as follows:

"(a) (1) If after receiving a report from the Tariff Commission containing an affirmative injury determination under section 301(b) with respect to any industry, the President provides tariff adjustment for such industry pursuant to section 351 or 352, he may—

"(A) provide, with respect to such industry, that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance under chapter 2,

"(B) provide, with respect to such industry, that its workers may request the Secretary of Labor for certification of eligibility to apply for adjustment assistance under chapter 3, or

"(C) provide that both firms and workers may request such certifications.

"(2) If after receiving a report from the Tariff Commission containing an affirmative injury determination under section 301(b) with respect to any industry the President does not provide tariff adjustment for such industry pursuant to section 351 or 352, he shall promptly provide that both firms and workers of such industry may request certifications of eligibility to apply for adjustment assistance under chapters 2 and 3.

"(3) Notice shall be published in the Federal Register of each action taken by the President under this subsection in providing that firms or workers may request certifications of eligibility to apply for adjustment assistance. Any request for such a certification must be made to the Secretary concerned within the 1-year period (or such longer period as may be specified by the President) after the date on which such notice is published."

(b) Section 302(b) of such Act is amended—

(1) by striking out "subsection (a) (2)," in paragraph (1) and inserting in lieu thereof "subsection (a),";

(2) by striking out "subsection (a) (3)," in paragraph (2) and inserting in lieu thereof "subsection (a),"; and

(3) by adding at the end of paragraph (2) thereof the following new sentence: "A certification under this paragraph shall apply only with respect to individuals who are, or who have been, employed regularly in the firm involved within 1 year before the date of the institution of the Tariff Commission investigation under section 301(b) relating to the industry with respect to which the President has acted under subsection (a)."

(c) Section 302(c) of such Act is amended to read as follows:

"(c) (1) After receiving a report of the Tariff Commision of the facts disclosed by its investigation under section 301(c) (3) with respect to any firm or group of workers, the President shall make his determination under section 301(c) (1) or (c) (2) at the earliest practicable time, but not later than 30 days after the date on which he receives the Tariff Commission's report, unless, within such period, the President requests additional factual information from the Tariff Commission. In this event, the Tariff Commission shall, not later than 25 days after the date on which it receives the President's request, furnish such additional factual information in a supplemental report, and the President shall make his determination not later than 15 days after the date on which he receives such supplemental report.

"(2) The President shall promptly publish in the Federal Register a summary of each determination under section 301(c) with respect to any firm or group of workers.

"(3) If the President makes an affirmative determination under section 301(c) with respect to any firm or group of workers, he shall promptly certify that such firm or group of workers is eligible to apply for adjustment assistance.

"(4) The President is authorized to exercise any of his functions with respect to determinations and certifications of eligibility of firms or workers to apply for adjustment assistance under section 301 and this section through such agency or other instrumtntality of the United States Government as he may direct."

(d) The heading of such section 302 is amended to read as follows:

"Sec. 302. Presidential Action With Respect to Adjustment Assisitance."

Sec. 113. Tariff Adjustment.

(a) Paragraphs (1) and (2) of section 351 (a) of the Trade Expansion Act of 1962 (19 U.S.C. 1981(a)) are amended to read as follows:

"(1) (A) After receiving an affirmative injury determination of the Tariff Commission under paragraph (1) of section 301(b), which is not combined with an additional affirmative determination of the Tariff Commission under paragraph (5) of section 301(b), the President shall proclaim such increase in, or imposition of, any duty or other import restriction on the article concerned as he determines to be necessary to prevent or remedy serious injury to the industry, unless he determines that such action would not be in the national interest.

"(B) After receiving an affirmative injury determination of the Tariff Commission under paragraph (1) of section 301(b) which is combined with an additional affirmative determination of the Tariff Commission under paragraph (5) of section 301(b), the President shall proclaim the increase in, or imposition of, any duty or other import restriction on the article concerned determined and reported by the Tariff Commission pursuant to section 301(b), unless he determines that such action would not be in the national interest.

"(2) If the President does not, within 60 days after the date on which he receives an affirmative injury determination, proclaim the increase in, or imposition of, any duty or other import restriction on such article determined and reported by the Tariff Commission pursuant to section 301(b)—

"(A) he shall immediately submit a report to the House of Representatives and to the Senate stating why he has not proclaimed such increase or imposition, and

"(B) such increase or imposition shall take effect (as provided in paragraph (3)) upon the adoption by both Houses of Congress (within the 60-day period following the date on which the report referred to in subparagraph (A) is submitted to the House of Representatives and the Senate), by the yeas and nays by the affirmative vote of a majority of the authorized membership of each House, of a concurrent resolution stating in effect that the Senate and House of Representatives approve the increase in, or imposition of, any duty or other import restriction on the article determined and reported by the Tariff Commission pursuant to section 301(b).

Nothing in subparagraph (A) shall require the President to state considerations of national interest on which his decision was based. For purposes of subparagraph (B), in the computation of the 60-day period there shall be excluded the days on which either House is not in session because of adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die. The report referred to in subparagraph (A) shall be delivered to both Houses of the Congress on the same days and shall be delivered to the Clerk of the House of Representatives if the House of Representatives is not in session and to the Secretary of the Senate if the Senate is not in session."

(b) Paragraph (3) of such section 351(a) is amended by striking out "found and reported by the Tariff Commission pursuant to section 301(e)." and inserting in lieu thereof "determined and reported by the Tariff Commission pursuant to section 301(b)."

(c) Paragraph (4) of such section 351(a) is amended by striking out "affirmative finding" each place it appears and inserting in lieu thereof "affirmative injury determination".

(d) Section 351(d) of such Act is amended to read as follows:

"(d) (1) So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, including the specific steps taken by the firms in the industry to enable them to compete more effectively with imports, and shall make annual reports to the President concerning such developments.

"(2) Upon request of the President or upon its own motion, the Tariff Commission shall advise the President of its judgment, in the light of specific steps taken by the firms in such industry to enable them to compete more effectively with imports and all other relevant factors, as to the probable economic effect on the industry concerned, and (to the extent practicable) on the firms and workers therein of the reduction or termination of the increase in, or imposition of, any duty or other import restriction pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951.

"(3) Upon petition on behalf of the industry concerned, filed with the Tariff Commission not earlier than the date which is 1 year, and not later than the date which is 9 months, before the date any increase or imposition referred to in paragraph (1) or (2) of subsection (c) is to terminate by reason of the expiration of the applicable period prescribed in paragraph (1) or an extension thereof under paragraph (2), the Tariff Commission shall advise the President of its judgment as to the probable economic effect on such industry of such termination. The report of the Tariff Commission on any investigation initiated under this paragraph shall be made not later than the 90th day before the expiration date referred to in the preceding sentence.

"(4) In advising the President under this subsection as to the probable economic effect on the industry concerned, the Tariff Commission shall take into account all economic factors which is considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment.

"(5) Advice by the Tariff Commission under this subsection shall be given on the basis of an investigation during the course of which the Tariff Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard.

"(6) In the course of any investigation under this subsection, the Tariff Commission shall also determine and report to the President—

"(A) if the termination of the increase or imposition referred to in paragraph (1) or (2) of subsection (c) threatens to cause serious injury to the industry concerned, and

"(B) if the determination under subparagraph (A) is affirmative—

"(i) the limit to which such increase or imposition may be reduced without threatening to cause serious injury to the industry concerned, and

"(ii) whether, in lieu of such termination, additional increases or impositions of duties and other import restrictions are required to prevent or remedy serious injury to the industry concerned."

Sec. 114. Orderly Marketing Agreements

Section 352(a) of the Trade Expansion Act of 1962, (19 US.C. 1982(a)) is amended to read as follows:

"(a) If the President has received an affirmative injury determination of the Tariff Commission under section 301(b) with respect to an industry, he may at any time negotiate international agreements with foreign countries limiting the export from such countries and the import into the United States of the article causing or threatening to cause serious injury to such industry whenever he determines that such action would be appropriate to prevent or remedy serious injury to such industry. Any agreement concluded under this subsection may replace in whole or in part any action taken pursuant to the authority contained in paragraph (1) of section 351(a); but any agreement concluded under this subsection before the close of the period during which a concurrent resolution may be adopted under paragraph (2) of section 351(a) shall terminate not later than the effective date of any proclamation issued by the President pursuant to paragraph (3) of section 351(a)."

Sec. 115. Increased Assistance for Workers

(a) Section 323(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1942(a)) is amended by striking out "an amount equal to 65 percent of his average weekly wage or to 65 percent of the average weekly manufacturing wage," and inserting in lieu thereof "an amount equal to 75 percent of his average weekly wage or to 75 percent of the average weekly manufacturing wage,".

(b) The second sentence of section 326(a) of such Act is amended to read as follows: "To this end, and subject to this chapter, adversely affected workers shall be afforded, where appropriate, the testing, counseling, training, and placement services and supportive and other services provided for under any Federal law."

(c) The amendment made by subsection (a) shall apply with respect to assistance under chapter 3 of the Trade Expansion Act of 1962 for weeks of unemployment beginning on or after the date of the enactment of this Act.

Sec. 116. Conforming Amendments

(a) Section 242(b)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1872 (b)(2)) is amended by striking out "section 301(e)" and inserting in lieu thereof "section 301 (b)".

(b) Section 302(b)(1) of such Act (19 U.S.C. 1962(b)) (as amended by section 112(b) of this Act) is further amended by striking out "(which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused serious injury or threat thereof to such firm" and inserting in lieu thereof "have contributed substantially toward causing or threatening to cause serious injury to such firm".

(c) Section 302(b)(2) of such Act (as amended by section 112(b) of this Act) is further amended by striking out "(which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment" and inserting in lieu thereof "have contributed substantially toward causing or threatening to cause unemployment or underemployment".

(d) Section 311(b)(2) of such Act is amended by striking out "by actions taken in carrying out trade agreements, and" and by inserting in lieu thereof "by the increased imports identified by the Tariff Commission under section 301(b)(1) or by the President under section 301(c)(1), as the case may be, and".

(e) Section 317(a)(2) of such Act is amended by striking out "by the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements" and inserting in lieu thereof "by the increased imports identified by the Tariff Commission under section 301(b)(1) or by the President under section 301(c)(1), as the case may be".

TITLE II—QUOTAS ON CERTAIN TEXTILE AND FOOTWEAR ARTICLES

Chapter 1—Textile and Footwear Articles and footwear articles

Sec. 201. Annual Quotas.

(a) The total quantity of each category of textile articles (as defined in section 206 (1)), and the total quantity of each category of footwear articles (as defined in section 206(2)), produced in any foreign country which may be entered during 1971 shall not exceed the average annual quantity of such category produced in such country and entered during 1967, 1968, and 1969.

(b)(1) The total quantity of each category of textile articles, and the total quantity of each category of footwear articles, produced in any foreign country which may be entered during any calendar year after 1971 shall not exceed the sum of—

(A) the total quantity determined for such category for such country under subsection (a) or this subsection for the immediately preceding calendar year, plus

(B) the increase (if any) applicable under paragraph (2).

(2)(A) The President may increase the total quantity of each category of textile articles, and the total quantity of each category of footwear articles, produced in any foreign country which may be entered during any calendar year after 1971 by such percentage (not to exceed 5 percent of the total quantity determined for such category for such country under subsection (a) or this subsection for the immediately preceding calendar year) as he determines to be consistent with the purposes of this section.

(B) Any increase under this paragraph for any category for any calendar year shall be the same percentage for all foreign countries.

(C) A determination shall be made under this paragraph for each category for each foreign country for each calendar year after 1971 without regard to the nonapplication (or partial nonapplication) of this subsection to such category for such country for such year by reason of subsection (d) of this section, section 202 or 203, or the Arrangement or the Agreement referred to in section 204(b).

(3) If the application of this subsection to any article produced in a foreign country begins or resumes after a period of nonapplication which terminates on or after January 1, 1972, and if the President determines—

(A) that the average annual quantity of the article produced in such country, which was entered during 1967, 1968, and 1969 was insignificant, and

(B) that the application of this paragraph to the category which includes such article for such country is consistent with the purposes of this section,

then for the calendar year in which such termination occurs and for calendar years thereafter this subsection shall be applied by determining the total quantity for the category which includes such article for such country for the calendar year of termination as being equal to the average annual quantity of such category, produced in such country, which was entered during the 3 calendar years immediately preceding such calendar year of termination.

(c)(1) Any annual quantitative limitation under subsection (a) or (b) shall be applied on a calendar quarter or other intra-annual basis if the President determines that such application is necessary or appropriate to carry out the purposes of this section.

(2) If the application of subsection (a) or (b) to any category for any foreign country begins or resumes after the first day of any calendar year, the amount of the quantitative limitation for such category for such country for the remainder of such calendar year shall be the annual amount determined under subsection (a) or (b), adjusted pro rata according to the number of full months remaining in the calendar year after the date of such beginning or such resumption.

(d)(1) The President may exempt from subsections (a) and (b) for an initial period of not to exceed 1 year any textile article or footwear article produced in any foreign country if he determines that imports of such article produced in such country are not contributing to, causing, or threatening to cause market disruption in the United States. The President may extend any exemption under the preceding sentence for one or more additional periods of not in excess of 1 year each if he makes the determination described in the preceding sentence before each such extension. Any exemption made under this subsection may be terminated by the President at any time upon his finding that the article covered by such exemption is contributing to, causing, or threatening to cause market disruption in the United States.

(2) The President may exempt from subsections (a) and (b) any textile article or footwear article produced in any foreign country whenever he determines that such an exemption is in the national interest. The President may terminate any exemption made by him under the preceding sentence whenever he determines that such termination is in the national interest.

(3) No exemption, extension of an exemption, or termination of an exemption under paragraph (1) or paragraph (2) shall take effect before the 30th day after the day on which notice of such exemption, extension, or termination is published in the Federal Register.

(e) The Secretary of Commerce shall compute the quantities provided for in subsections (a) and (b).

Sec. 202. Arrangements or Agreements Regulating Imports.

(a) The President is authorized to conclude bilateral or multilateral arrangements or agreements with the governments of foreign countries regulating, by category, the quantities of textile articles or footwear articles, or both, produced in such foreign countries which may be exported to the United States or entered and to issue regulations necessary to carry out the terms of such arrangements or agreements. In concluding any arrangement or agreement under this subsection, the President shall take into account conditions in the United States market, the need to avoid disruption of that market, and such other factors as he deems appropriate in the national interest.

(b) Whenever a multilateral arrangement or agreement concluded under subsection (a) is in effect among the countries, including the United States, which account for a significant part of world trade in the article concerned and such arrangement or agreement contemplates the establishment of limitations on the trade in the article produced in countries not parties to such arrangement or agreement, the President may by regulation prescribe the total quantity of the article produced in each country not a party to such arrangement or agreement which may be entered; but the total quantity for any category for any country for any calendar year may not be less than the total quantity which would be permitted to be entered if section 201(a) and (b) applied to such category for such country for such year.

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(c) Section 201 shall not apply to articles produced in foreign countries which are subject to an arrangement or agreement entered into under subsection (a) or to regulations issued under subsection (b).

Sec. 203. Increased Imports Where Supply Is Inadequate To Meet Domestic Demand at Reasonable Prices.

In carrying out sections 201 and 202, the President may authorize increased exports to the United States or increased entries in the United States of textile articles or footwear articles of any category whenever he determines that the supply of textile articles or footwear articles similar to those subject to limitation under such sections will be inadequate to meet domestic demand at reasonable prices.

Sec. 204. Exclusions.

(a) The import restrictions provided for in this title do not apply to any article exempted from duty under part 2 of schedule 8 of the Tariff Schedules of the United States or to any article the entry of which is regulated pursuant to paragraph (4), (5), (6), or (7) of section 498(a) of the Tariff Act of 1930 (19 U.S.C. 1498(a)). To the extent provided in regulations prescribed by the Secretary of Commerce, the import restrictions provided for in this title shall not apply to other articles imported in noncommercial quantities for noncommercial purposes.

(b) This title shall not apply to (1) articles subject to the Long-Term Arrangement Regarding International Trade in Cotton Textiles, so long as the United States is a party thereto, or (2) the articles produced in the Philippines provided for in item B (cordage) in the schedule to paragraph 1 of article II of the 1955 Agreement With the Philippines Concerning Trade and Related Matters, so long as such Agreement remains in effect.

(c) Nothing in this title shall affect the authority provided for under section 22 of the Agricultural Adjustment Act of 1933, as amended.

Sec. 205. Administration.

(a) The rulemaking provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply with respect to sections 201(b) (2), 201(b) (3), 201(d) (1), 202(b), 203, 204(a), and 206.

(b) All quantitative limitations established under this title or pursuant to any arrangement or agreement entered into under this title, all exemptions established under this title and all extensions or terminations thereof, and all regulations promulgated to carry out this title shall be published in the Federal Register. The Secretary of Commerce shall certify to the Secretary of the Treasury for each period the total quantity of each textile article and footwear article produced in each foreign country the entry of which is affected by such a quantiative limitation on importation; and the Secretary of the Treasury shall take such action as may be necessary to ensure that the total quantity so entered during such period shall not exceed the total quantity so certified.

(c) There shall be promulgated as a part of the appendix to the Tariff Schedules of the United States, Annotated, all quantitative limitations and exemptions established under this title or pursuant to any arrangement or agreement entered into under this title and all quantitative limitations established pursuant to the Arrangement referred to in section 204(b).

Sec. 206. Definitions.

For purposes of this title—

(1) The term "textile article" includes any article if wholly or in part of cotton, wool or other animal hair, human hair, man-made fiber, or any combination or blend thereof, or cordage of hard (leaf) fibers, classified under schedule 3 of the Tariff Schedules of the United States; any article classified under subpart B or C of part 1 of schedule 7 of such schedules if wholly or in chief value of cotton, wool, or man-made fiber; any other article specified by the Secretary of Commerce which he has been advised by the Secretary of the Treasury would be classified under any of the foregoing provisions of the schedules but for the inclusion of some substance, material, or other component, or because of its processing, which causes the article to be classified elsewhere; and any of the foregoing articles if entered under item 807.00 of such schedules, or under the appendix to such schedules; but such term does not include articles classified under any of items 300.10 through 300.50, 306.00 through 307.40, 309.60 through 309.75, and 390.10 through 390.60, inclusive, of such schedules; and does not include any woven fabric 20 inches or over but not over 46 inches in width, in the piece, bleached or colored, whether or not ornamented, for use only in the manufacture of portions of neckties other than the linings therefor.

(2) The term "footwear article" includes footwear provided for in any of items 700.05 through 700.45, inclusive, item 700.55, items 700.66 through 700.80, inclusive, and item 700.85 of the Tariff Schedules of the United States.

(3) The term "category" means a grouping of textile articles, or a grouping of footwear articles, as the case may be, as determined by the Secretary of Commerce, for the purposes of this title, using the five-digit and seven-digit item numbers applied to such articles in the Tariff Schedules of the United States, Annotated, as published by the United States Tariff Commission.

(4) The term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

(5) The term "produced" means manufactured or produced.

(6) The term "foreign country" includes a foreign instrumentality.

Chapter 2—Effective Period

Sec. 211. Termination of Title Extension Under Certain Conditions.

(a) Unless extended under subsection (b), this title shall terminate on July 1, 1976.

(b) The effective period of this title may be extended in whole or in part by the President after July 1, 1976, for such periods (not to exceed 5 years at any one time) as he may designate if he determines, after seeking advice of the Tariff Commission and of the Secretary of Commerce and of the Secretary of Labor, that such extension is in the national interest.

(c) The President shall promptly report to Congress with respect to any action taken by him under subsection (b).

(d) Nothing in this section shall affect the validity of any arrangement or agreement entered into under section 202(a) before the termination of this title or of any regulations issued under section 202 in connection with any such arrangement or agreement.

TITLE III—OTHER TARIFF AND TRADE PROVISIONS

Chapter 1—Amendments to the Anti-Dumping and Countervailing Duty Laws

Sec. 301. Antidumping Act, 1921.

(a) Section 201(b) of the Antidumping Act, 1921 (19 U.S.C. 160(b)) is amended to read as follows:

"(b) In the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, he shall, within 4 months after the question of dumping was raised by or presented to him or any person to whom authority under this section has been delegated—

"(1) determine whether there is reason to believe or suspect, from the invoice or other papers or from information presented to him or to any other person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the constructed value); and

"(2) if his determination is affirmative, publish notice of that fact in the Federal Register, and require, under such regulations as he may prescribe, the withholding of appraisement as to such merchandise entered, or withdrawn from warehouse for consumption, on or after the date of publication of that notice in the Federal Register (unless the Secretary determines that the withholding should be made effective as of an earlier date in which case the effective date of the withholding shall be not more than 120 days before the question of dumping was raised by or presented to him or any person to whom authority under this section has been delegated), until the further order of the Secretary, or until the Secretary has made public a finding as provided for in subsection (a) in regard to such merchandise; or

"(3) if his determination is negative, publish notice of that fact in the Federal Register, but the Secretary may within 3 months thereafter order the withholding of appraisement if he then has reason to believe or suspect, from the invoice or other papers or from information presented to him or to any other person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, then the constructed value) and such order of withholding of appraisement shall be subject to the provisions of paragraph (2).

For purposes of this subsection, the question of dumping shall be deemed to have been raised or presented on the date on which a notice is published in the Federal Register that information relating to dumping has been received in accordance with regulations prescribed by the Secretary."

(b) Section 205 of the Antidumping Act, 1921 (19 U.S.C. 164), is amended by inserting "(a)" immediately after "Sec. 205.", and by adding at the end thereof the following new subsection:

"(b) If available information indicates to the Secretary that the economy of the country from which the merchandise is exported is state-controlled to an extent that sales or offers of sales of such or similar merchandise in that country or to countries other than the United States do not permit a determination of foreign market value under subsection (a), the Secretary shall determine the foreign market value of the merchandise on the basis of the normal costs, expenses, and profits as reflected by either—

"(1) the prices at which such or similar merchandise of a non-state-controlled-economy country is sold either (A) for consumption in the home market of that country, or (B) to other countries, including the United States; or

"(2) the constructed value of such or similar merchandise in a non-state-controlled-economy country as determined under section 206 of this Act."

(c) The amendment made by subsection (a) of this section shall take effect on the 180th day after the date of the enactment of this Act.

Sec. 302. Countervailing Duties.

(a) Section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) is amended to read as follows:

"Sec. 303. Countervailing Duties.

"(a) Levy of Countervailing Duties.—(1) Whenever any country, dependency, colony, province, or other political subdivision of government, person, partnership, association, cartel, or corporation, shall pay or bestow, directly or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, then upon the importation of such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to any duties otherwise imposed, a duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The Secretary of the Treasury shall determine, within 12 months after the date on which the question is presented to him, whether any bounty or grant is being paid or bestowed.

"(2) In the case of any imported article or merchandise which is free of duty, duties may be imposed under this section only if there is an affirmative determination by the Tariff Commission under subsection (b)(1).

"(3) The Secretary of the Treasury shall from time to time ascertain and determine, or estimate, the net amount of each such bounty or grant, and shall declare the net amount so determined or estimated.

"(4) The Secretary of the Treasury shall make all regulations he may deem necessary for the identification of such articles and merchandise and for the assessment and collection of the duties under this section. All determinations by the Secretary under this subsection and all determinations by the Tariff Commission under subsection (b)(1), whether affirmative or negative, shall be published in the Federal Register.

"(b) INJURY DETERMINATIONS WITH RESPECT TO DUTY-FREE MERCHANDISE; SUSPENSION OF LIQUIDATION.—(1) Whenever the Secretary of the Treasury has determined under subsection (a) that a bounty or grant is being paid or bestowed with respect to any article or merchandise which is free of duty, he shall—

"(A) so advise the United States Tariff Commission, and the Commission shall determine within 3 months thereafter, and after such investigation as it deems necessary, whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such article or merchandise into the United States; and the Commission shall notify the Secretary of its determination; and

"(B) require, under such regulations as he may prescribe, the suspension of liquidation as to such article or merchandise entered, or withdrawn from warehouse, for consumption, on or after the 30th day after the date of the publication in the Federal Register of his determination under subsection (a)(1), and such suspension of liquidation shall continue until the further order of the Secretary or until he has made public an order as provided for in paragraph (2) of this subsection.

"(2) If the determination of the tariff Commission under subparagraph (A) is in the affirmative, the Secretary shall make public an order directing the assessment and collection of duties in the amount of such bounty or grant as is from time to time ascertained and determined, or estimated, under subsection (a).

"(c) APPLICATION OF AFFIRMATIVE DETERMINATION.—An affirmative determination by the Secretary of the Treasury under subsection (a)(1) with respect to any imported article or merchandise which (1) is dutiable, or (2) is free of duty but with respect to which the Tariff Commission has made an affirmative determination under subsection (b)(1), shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the 30th day after the date of the publication in the Federal Register of such determination by the Secretary.

"(d) SPECIAL RULE FOR ANY ARTICLE SUBJECT TO A QUANTITATIVE LIMITATION.—No duty shall be imposed under this section with respect to any article which is subject to a quantitative limitation imposed by the United States on its importation, or subject to a quantitative limitation on its exportation to or importation into the United States imposed under an agreement to which the United States is a party, unless the Secretary of the Treasury determines, after seeking information and advice from such agencies as he may deem appropriate, that such quantitative limitation is not an adequate substitute for the imposition of a duty under this section."

(b)(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) The last sentence of section 303(a)(1) of the Tariff Act of 1930 (as added by subsection (a) of this section) shall apply only with respect to questions presented on or after the date of the enactment of this Act.

CHAPTER 2—TARIFF COMMISSION

SEC. 311. TARIFF COMMISSION MEMBERSHIP.

(a)(1) The first sentence of section 330(a) of the Tariff Act of 1930 (19 U.S.C. 1330) is amended to read as follows: "The United States Tariff Commission (referred to in this Act as the 'Commission') shall be composed of seven Commissioners appointed by the President by and with the advice and consent of the Senate."

(2) The third sentence of such section is amended by striking out "three" and inserting in lieu thereof "four".

(b) Section 330(b) of such Act is amended to read as follows:

"(b) TERMS OF OFFICE.—Terms of office of the Commissioners which begin after the date of the enactment of the Trade Act of 1970 shall be for 7 years; except that the first term of office for the seventh Commissioner shall expire on June 16, 1977. The term of office of a successor to any Commissioner appointed to a term of office beginning after the date of the enactment of the Trade Act of 1970 shall (except as provided in the preceding sentence) expire 7 years from the date of the expiration of the term for which his predecessor was appointed. Any Commissioner appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term."

(c) Section 330(d) of such Act is repealed.

CHAPTER 3—AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES SHARE OF THE EXPENSES OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE

SEC. 321. AUTHORIZATION.

Chapter 5 of title II of the Trade Expansion Act of 1962 (19 U.S.C. 1871 et seq.) is amended by inserting immediately after section 243 the following new section:

"SEC. 244. AUTHORIZATION FOR CERTAIN EXPENSES.

"There are hereby authorized to be appropriated annually such sums as may be necessary for the payment by the United States of its share of the expenses of the Contracting Parties to the General Agreement on Tariffs and Trade."

CHAPTER 4—AMERICAN SELLING PRICE SYSTEM OF VALUATION

SEC. 331. IN GENERAL.

(a) The President is authorized to proclaim such modifications of the Tariff Schedules of the United States (19 U.S.C. 1202) as are required or appropriate to carry out any bilateral or multilateral agreement with foreign countries or instrumentalities thereof which relates primarily to the elimination of the American selling price system of valuation, if he determines that the concessions which would be granted with respect to the products of the United States under such agreement fully compensate for the concessions which would be made by the United States under the agreement. Any proclamation issued under this subsection shall take effect only as provided in subsection (b).

(b)(1) The President shall have any proclamation referred to in subsection (a) delivered to both Houses of the Congress on the same day and to each House while it is in session. No such proclamation may be delivered before January 3, 1971.

(2) Except as otherwise provided in paragraph (4), a proclamation referred to in subsection (a) shall take effect at the end of the first period of 60 calendar days of continuous session of Congress after the date on which the proclamation is transmitted to it unless, between the date of transmittal and the end of the 60-day period, both Houses of Congress adopt a concurrent resolution stating in substance that the Congress does not favor the taking effect of such proclamation.

(3) For purposes of paragraph (2)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session becasue of an adjournment of more than three days to a day certain are excluded in the computation of the 60-day period.

(4) Under provisions contained in any proclamation referred to in subsection (a), any provision of the proclamation may take effect at a time later than the date on which the proclamation otherwise takes effect.

(c) Nothing in subsection (a) shall authorize the issuance of a proclamation with respect to certain footwear presently provided for in item 700.60 of the Tariff Schedules of the United States.

(d) The President is authorized at any time to terminate, in whole or in part, any proclamation which has taken effect pursuant to this section.

(e) During a period of 5 years after a proclamation referred to in subsection (a) which relates to chemicals takes effect, for the purpose of insuring a continuing surveillance of the effects of such proclamation, the Tariff Commission shall complete and transmit to the President, on the most current basis possible, annual detailed reports on United States production and sales of synthetic organic chemicals and United States imports thereof.

SEC. 332. RELATED AMENDMENTS.

(a) For purposes of general headnote 4 of the Tariff Schedules of the United States, a rate of duty proclaimed pursuant to section 331 shall be treated as a rate of duty proclaimed pursuant to a concession granted in a trade agreement.

(b) As of the effective date of the relevant provision of a proclamation issued pursuant to section 331, the Tariff Schedules of the United States are amended as follows:

(1) Part 3E of schedule 1 is amended by striking out the rate of duty in column numbered 2 for item 114.05 and by inserting in such column "35¢ per lb." and "35% ad val." for the articles provided for in items 114.04 and 114.06, respectively, proclaimed pursuant to section 331, and by striking out headnote 1 and the headnote heading preceding it.

(2) Part 1 of schedule 4 is amended by striking out the rates of duty in column numbered 2 in subparts B and C and by inserting in such column "7¢ per lb. + 75% ad val." for the articles provided for in each item proclaimed pursuant to section 331, and by striking out headnotes 4 and 5 and inserting in lieu thereof:

"4. The ad valorem rates provided for in this part shall be applied to values determined in accordance with the methods of

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valuation provided for in section 402(a) through (d) of this Act."

(3) Part 1C of schedule 7 is amended by striking out the rate of duty in column numbered 2 for item 704.55 and inserting in lieu thereof "40¢ per lb.+35% ad val." and by striking out headnote 4 and inserting in lieu thereof:

"4. The ad valorem rates provided for in item 704.55 shall be applied to values determined in accordance with the methods of valuation provided for in section 402 (a) through (d) of this Act."

CHAPTER 5—MISCELLANEOUS PROVISIONS

SEC. 341. AMENDMENTS TO AUTOMOTIVE PRODUCTS TRADE ACT OF 1965.

(a) Section 302(a) of the Automotive Products Trade Act of 1965 (19 U.S.C. 2022) is amended by striking out "After the 90th day after the date of the enactment of this Act and before July 1, 1968, a petition under section 301" and inserting in lieu thereof "A petition under section 301".

(b) The heading of section 302 of such Act is amended to read as follows: "SPECIAL AUTHORITY".

(c) Subsections (c), (d), and (g)(2) of section 302 of such Act are amended by striking out "the primary factor" and inserting in lieu thereof "a substantial factor".

(d) The amendments made by this section shall apply with respect to petitions filed after the date of the enactment of this Act; except that—

(1) such amendments shall apply only with respect to dislocations which began after June 30, 1968, and

(2) such amendments shall apply with respect to dislocations which began after June 30, 1968, and before July 1, 1970, only if the petition is filed on or before the 90th day after the date of the enactment of this Act.

SEC. 342. CERTAIN CLASSIFICATIONS BY THE SECRETARY OF AGRICULTURE.

The headnotes for part 3 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202 note) are amended by adding at the end thereof the following new headnote:

"(4) Any determination as to whether or not any article or class of articles falls within one of the article descriptions under this part 3 shall be the final administrative responsibility of the Secretary of Agriculture. In making any such determination, the Secretary of Agriculture shall carry out the purposes for which the import restrictions provided for in this part were prescribed, notwithstanding the fact that such determination may differ from that made for tariff and other purposes. Nothing in this headnote shall be deemed to affect in any manner the authority of the Secretary of the Treasury over merchandise for tariff or other purposes."

SEC. 343. RATES OF DUTY ON MINK FURSKINS; REPEAL OF EMBARGO ON CERTAIN FURS

(a)(1) Schedule 1, part 5, subpart B of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 123.50 the following new items:

"	Furskins of mink, whether or not dressed:		
	For an aggregate quantity of not over 4,600,000 skins (or pieces of skins) entered during any calendar year:		
123.60	Raw or not dressed	Free	30% ad val.
	Dressed:		
	Plates, mats, linings, strips, crosses, or similar forms:		
123.62	Not dyed	12% ad val.	35% ad val.
123.63	Dyed	14% ad val.	40% ad val.
	Other:		
123.65	Not dyed	3.5% ad val.	25% ad val.
123.66	Dyed	5.5% ad val.	30% ad val.
123.68	Other	25% ad val.	40% ad val. ".

(2) Schedule 7, part 13, subpart B of such schedules is amended by inserting after item 791.10 the following new item:

" 791.12	Of mink	14% ad val.	50% ad val. ".

(b) Headnote 4 of subpart B, part 5, schedule 1 of such schedules is repealed.

(c) The amendments and repeal made by this section shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1971.

SEC. 344. RATE OF DUTY ON GLYCINE AND CERTAIN RELATED PRODUCTS

(a) Subpart B, part 13, schedule 4 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 493.35 the following new item:

" 493.37	Aminoacetic acid (glycine) and salts thereof, and mixtures containing such acid or its salts if such acid or salts individually or in combination are the chief component by weight of such mixtures, all the foregoing however provided for elsewhere in this schedule.		
	For an aggregate quantity of not over 1,500,000 pounds entered during any calendar year of which an aggregate quantity of not over 375,000 pounds may be entered during any calendar quarter	8.5% ad val.	25% ad val.
	Other	8.5% ad val. plus 25¢ per lb.	25% ad val. plus 25¢ per lb. "

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, on or after January 1, 1971.

SEC. 345. INVOICE INFORMATION.

Section 481(a) of the Tariff Act of 1930 (19 U.S.C. 1481(a)) is amended—

(1) by redesignating paragraph (10) thereof as paragraph (11);

(2) by striking out "and" at the end of paragraph (9); and

(3) by inserting immediately after such paragraph (9) the following new paragraph:

"(10) Such information as to product description as is required to be made a part of the entry by provisions of the Tariff Schedules of the United States Annotated issued pursuant to section 484(e) of this Act; and".

SEC. 346. TRADE WITH FOREIGN COUNTRIES PERMITTING UNCONTROLLED PRODUCTION OF OR TRAFFICKING IN CERTAIN DRUGS.

The President of the United States shall have the authority to impose an embargo or suspension of trade with a nation which permits the uncontrolled or unregulated production of or trafficking in opium, heroin, or other poppy derivatives in a manner to permit these drug items to fall into illicit commerce for ultimate disposition and use in this country.

TITLE IV—DOMESTIC INTERNATIONAL SALES CORPORATION

SEC. 401. AMENDMENT OF 1954 CODE.

Whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference is to a section or other provision of the Internal Revenue Code of 1954.

SEC. 402. DOMESTIC INTERNATIONAL SALES CORPORATIONS.

Subchapter N of chapter 1 (relating to income from sources without the United States) is amended by adding at the end thereof the following new part:

"PART IV—DOMESTIC INTERNATIONAL SALES CORPORATIONS.

"Subpart A. Treatment of qualifying corporations.
"Subpart B. Treatment of distributions to shareholders.

"SUBPART A—TREATMENT OF QUALIFYING CORPORATIONS

"Sec. 991. Taxation of a domestic international sales corporation.
"Sec. 992. Requirements of a domestic international sales corporation.
"Sec. 993. Definitions and special rules.
"Secc. 994. Inter-company pricing rules.

"SEC. 991. TAXATION OF A DOMESTIC INTERNATIONAL SALES CORPORATION.

"(a) GENERAL RULE.—Except as provided in this section, a DISC (as defined in section 992(a)) shall not be subject to the taxes imposed by this subtitle.

"(b) TAXABLE YEARS BEGINNING BEFORE 1974.—

"(1) TRANSITION.—In the case of a taxable year beginning before January 1, 1974, a DISC shall be subject to the tax imposed by section 11 or 1201(a) but the amount of the tax liability shall be—

"(A) in the case of a taxable year beginning in 1971, 50 percent of the amount determined under paragraph (2), and

"(B) in the case of a taxable year beginning in 1972 or 1973, 25 percent of the amount determined under paragraph (2).

"(2) TAX LIABILITY.—For purposes of paragraph (1), the amount determined under this paragraph, with respect to any taxable year, is the amount by which—

"(A) the tax imposed by section 11 or 1201 (a) for the taxable year determined without regard to subsection (a), exceeds

"(B) the sum of the credits against such tax allowable for the taxable year.

If a DISC is a member of a controlled group of corporations (within the meaning of section 1563) for the taxable year, no surtax exemption shall be allowed in applying this paragraph for such year.

"SEC. 992. REQUIREMENTS OF A DOMESTIC INTERNATIONAL SALES CORPORATION.

"(a) DEFINITION OF 'DISC' AND 'FORMER DISC'.—

"(1) DISC.—For purposes of this title, the term 'DISC' means, with respect to any taxable year, a corporation which is incorporated under the laws of any State and satisfies the following conditions for the taxable year:

"(A) 95 percent or more of the gross receipts (as defined in section 993(f)) of such corporation consist of qualified export receipts (as defined in section 993(a)),

"(B) the adjusted basis of the qualified export assets (as defined in section 993(b)) held by the corporation at the close of the taxable year equals or exceeds 95 percent of the sum of such adjusted basis and the fair market value of all other assets held by the corporation at the close of the taxable year.

"(C) such corporation does not have more than one class of stock and the par or stated value of its outstanding stock is at least $2,500 on each day of the taxable year, and

"(D) the corporation has made an election pursuant to subsection (b) to be treated as a DISC and such election is in effect for the taxable year.

"(2) STATUS AS DISC AFTER HAVING FILED A RETURN AS A DISC.—If—

"(A) a corporation does not notify the

Secretary or his delegate, before the 30-day period ending with the expiration of the period of limitation on assessment for underpayment of tax, that it is not a DISC for a taxable year for which it filed a return as a DISC under section 6011(e)(2), and

"(B) the Secretary or his delegate has not, within the period of limitation prescribed in subparagraph (B), issued a notice of deficiency based on a determination that the corporation is not a DISC for such year,

then, notwithstanding any other provision of this part, for purposes of this title the corporation is a DISC with respect to such taxable year and shall be deemed to have satisfied the conditions of paragraph (1) for such year.

"(3) Former DISC.—For purposes of this title, the term 'former DISC' means, with respect to any taxable year, a corporation which is not a DISC for such year but was a DISC in a preceding taxable year and at the beginning of the taxable year has undistributed previously taxed income or accumulated DISC income.

"(b) Election.—

"(1) Election.—An election by a corporation to be treated as a DISC shall be made by such corporation for a taxable year at any time during the 90-day period immediately preceding the beginning of the taxable year and shall be made in such manner as the Secretary or his delegate shall prescribe. Such election shall be valid only if all persons who are shareholders in such corporation on the first day of the first taxable year for which such election is effective consent to such election.

"(2) Effect of election.—If a corporation makes an election under paragraph (1), then the provisions of this part shall apply to such corporation for the taxable year of the corporation for which made and for all succeeding taxable years and shall apply to each person who at any time is a shareholder of such corporation for all periods on or after the first day of the first taxable year of the corporation for which the election is effective.

"(3) Termination of election.—

"(A) Revocation.—An election under this subsection made by any corporation may be terminated by it for any taxable year of the corporation after the first taxable year of the corporation for which the election is effective. A termination under this paragraph shall be effective with respect to such election—

"(i) for the taxable year in which made, if made at any time during the first 90 days of such taxable year, or

"(ii) for the taxable year following the taxable year in which made, if made after the close of such 90 days,

and for all succeeding taxable years of the corporation. Such termination shall be made in such manner as the Secretary or his delegate shall prescribe by regulations.

"(B) Continued failure to be DISC.—If a corporation is not a DISC for each of any 5 consecutive taxable years of the corporation for which an election under this subsection is effective, the election shall be terminated and not be in effect for any taxable year of the corporation after such 5th year.

"(c) Distributions To Meet Qualification Requirements.—

"(1) In general.—Subject to the conditions provided by paragraphs (2) and (3), a corporation which for a taxable year does not satisfy a condition specified in paragraph (1)(A) (relating to gross receipts) or (1)(B) (relating to assets) of subsection (a) shall nevertheless be deemed to satisfy such condition for such year if it makes a pro rata distribution of property after the close of the taxable year to its shareholders (designated at the time of such distribution as a distribution to meet qualification requirements) with respect to their stock in an amount which is equal to—

"(A) if the condition of subsection (a)(1)(A) is not satisfied, the portion of such corporation's taxable income attributable to its gross receipts which are not qualified export receipts for such year,

"(B) if the condition of subsection (a)(1)(B) is not satisfied, the fair market value of those assets which are not qualified export assets on the last day of such taxable year, or

"(C) if neither of such conditions is satisfied, the sum of the amounts required by subparagraphs (A) and (B).

"(2) Distributions Made Within 8½ Months After Close of Taxable Year.—In the case of a distribution made on or before the 15th day of the 9th month after the close of the taxable year, if the failure of a corporation to satisfy a condition specified in subsection (a)(1) (A) and (B) is not due to reasonable cause, paragraph (1) applies only if—

"(A) at least 70 percent of the gross receipts of such corporation for such taxable year consist of qualified export receipts, and

"(B) the adjusted basis of the qualified export assets held by the corporation on the last day of each month of the taxable year equals or exceeds 70 percent of the sum (i) such adjusted basis, and (ii) the fair market value of all other assets held by the corporation on such day.

"(3) Distributions Made More Than 8½ Months After Close of Taxable Year.—In the case of a distribution made after the 15th day of the 9th month following the close of the taxable year, paragraph (1) applies only if—

"(A) the failure to make the distribution within the time prescribed by paragraph (2) and before the time the distribution is made is due to reasonable cause,

"(B) the distribution is made before the earlier of (i) the expiration of the period of limitation prescribed by section 6501 for assessment of the tax for the taxable year with respect to which the distribution is made, or (ii) the expiration of the period ending 90 days after the day on which the corporation is notified by the Secretary or his delegate that the corporation has failed to satisfy either the gross receipts or gross assets test of subsection (a)(1) (A) or (B) (extended by any period in which a deficiency cannot be assessed under section 6213 (a) and any other period which the Secretary or his delegate determines is reasonable and necessary to permit the distribution), and

"(C) the corporation, within the 30-day period beginning with the day on which the distribution is made, pays to the Secretary or his delegate an amount determined by multiplying (i) the amount equal to 4½ percent of the distribution, by (ii) the number of its taxable years which begin after the taxable year with respect to which the distribution is made and before the distribution is made.

For purposes of this title, any payment made pursuant to subparagraph (C) shall be treated as interest.

"(d) Ineligible Corporations.—The following corporations shall not be eligible to be treated as a DISC—

"(1) a corporation exempt from tax by reason of section 501,

"(2) a personal holding company (as defined in section 542),

"(3) a financial institution to which section 581 or 593 applies,

"(4) an insurance company subject to the tax imposed by subchapter L,

"(5) a regulated investment company (as defined in section 851(a)),

"(6) a China Trade Act corporation receiving the special deduction provided in section 941(a), or

"(7) an electing small business corporation (as defined in section 1371(b)).

"Sec. 993. Definitions and Special Rules.

"(a) Qualified Export Receipts.—

"(1) General rule.—For purposes of this part, subject to the exceptions in paragraph (2), the qualified export receipts of a corporation are—

"(A) gross receipts from the sale, exchange, or other disposition of export property—

"(i) for direct use, consumption, or disposition outside the United States (as defined in subsection (g)), or

"(ii) to a DISC for such direct use, consumption, or disposition,

"(B) gross receipts from the leasing or rental of export property which is used by the lessee of such property outside the United States,

"(C) gross receipts with respect to services which are related and subsidiary to any sale, exchange, lease, rental, or other disposition of export property by such corporation,

"(D) gross receipts derived from the sale, exchange, or other disposition of qualified export assets (other than export property),

"(E) dividends (or amounts includible in gross income under section 951) with respect to stock of a related foreign export corporation (as defined in subsection (e)),

"(F) interest on any obligation which is a qualified export asset.

"(G) gross receipts derived in connection with the performance of the production of qualified export receipts of a DISC, and

"(H) gross receipts with respect to engineering or architectural services for construction projects located (or proposed for location) outside the United States.

"(2) Exceptions.—For purposes of this part, the term 'qualified export receipts' does not include receipts—

"(A) from the direct or indirect sales, exchange, lease, rental, or other disposition of export property to the United States or any agency or instrumentality thereof,

"(B) from the sale of agricultural commodities under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, 83d Congress; 7 U.S.C., sec. 1691 and fol.),

"(C) from a corporation which (i) is a member of a controlled group of corporations (within the meaning of section 1563) which includes the recipient corporation, and (ii) is a DISC for its taxable year in which the receipts arise,

"(D) from the renting or licensing for the use of, or for the privilege of using, without the United States, patents, copyrights (other than films, tapes, or records for the commercial showing of motion pictures or used for radio or television broadcasting or to provide background music), secret processes and formulas, good will, trademarks, trade brands, franchises, and other like properties,

"(E) from the sale, exchange, lease, rental, or other disposition of export property for ultimate use in the United States, or

"(F) from services which are related and subsidiary to any sale, exchange, lease rental, or other disposition described in this paragraph.

"(b) Qualified Export Assets.—For purposes of this part, the qualified export assets of a corporation are—

"(1) export property (as defined in subsection (c));

"(2) facilities primarily for the sale, lease, rental, storage, handling, transportation, packaging, assembly, or servicing of export property;

"(3) accounts receivable and evidences of indebtedness which arise by reason of transactions of such corporation described in subparagraph (A), (B), or (C) of subsection (a)(1);

"(4) money, bank deposits, and other similar temporary investments, which are necessary to meet the working capital requirements of such corporation;

"(5) obligations arising in connection

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with a producer's loan (as defined in subsection (4));

"(6) stock or securities of a related foreign export corporation (as defined in subsection (e));

"(7) obligations issued, guaranteed, or insured, in whole or in part, by the Export-Import Bank of the United States or the Foreign Credit Insurance Association in those cases where such obligations are acquired from such Bank or Association or from the seller of the goods or services with respect to which such obligations arose;

"(8) obligations issued by a domestic corporation organized soley for the purpose of financing sales of export property pursuant to an agreement with the Export-Import Bank of the United States under which such corporation makes export loans guaranteed by such bank; and

"(9) amounts (other than working capital) on deposit in the United States if, on the last day of the 6th, 7th, and 8th months following the close of the taxable year, the adjusted basis of the qualified export assets held by the corporation on each such last day equals or exceeds 95 percent of the sum of—

"(A) the adjusted basis of the qualified export assets (determined without regard to this paragraph) held by the corporation at the close of the taxable year, and

"(B) the fair market value of all other assets held by the corporation at the close of the taxable year.

For purpose of paragraph (9), an amount is on deposit in the United States if (and only if) it is on deposit or in a withdrawable account in the United States with a person carrying on the banking business or with a savings institution chartered and supervised as a savings and loan or similar association under Federal or State law.

"(c) Export Property.—

"(1) In general.—For purposes of this part, the term 'export property' means any property—

"(A) manufactured, produced, grown, or extracted in the United States by a person other than a DISC,

"(B) held primarily for sale, lease, or rental in the ordinary course of trade or business for, or to a DISC for, direct use, consumption, or disposition outside the United States, and

"(C) not more than 50 percent of the fair market value of which is attributable to articles imported into the United States.

In applying subparagraph (C), the fair market value of any article imported into the United States shall be taken to be its appraised value, as determined by the Secretary or his delegate under section 402 or 402a of the Tariff Act of 1930 (19 U.S.C., sec. 1401a or 1402) in connection with its importation.

"(2) Excluded property.—The term 'export property' does not include property leased or rented by a DISC for use by any member of a controlled group of corporations (within the meaning of section 1563) which includes the DISC.

"(3) Property in short supply.—If the President determines that the supply of any property described in paragraph (1) is insufficient to meet the requirements of the domestic economy, he may by Executive Order designate the property as in short supply. Any property so designated shall be treated as property not described in paragraph (1) during the period beginning with the date specified in the Executive Order and ending with the date specified in an Executive Order setting forth the President's determination that the property is no longer in short supply.

"(d) Producer's Loans.—

"(1) In general.—An obligation, subject to the limitation provided in paragraph (2), shall be treated as arising out of a producer's loan if—

"(A) the loan, when added to the unpaid balance of all other producer's loans made by the DISC, does not exceed the accumulated DISC income at the beginning of the month in which the loan is made;

"(B) the loan is evidenced by a note (or other evidence of indebtedness) with a stated maturity date not more than 15 years from the date of the loan;

"(C) the loan is made to a person engaged in the United States in the manufacturing, production, growing, or extraction of export property (referred to hereinafter as the 'borrower'); and

"(D) at the time of such loan it is designated as a producer's loan.

"(2) Limitation.—An obligation shall be a producer's loan to the extent that such loan, when added to the unpaid balance of all other producer's loans of the borrower outstanding at the time of such loan, does not exceed an amount determined by multiplying the sum of—

"(A) the amount of the borrower's adjusted basis determined at the beginning of the borrower's taxable year in which the loan is made, in plant, machinery, and equipment, and supporting production facilities in the United States;

"(B) the amount of the borrower's property held primarily for sale, lease, or rental to customers in the ordinary course of trade or business at the beginning of such taxable year; and

"(C) the aggregate amount of the borrower's research and experimental expenditures (within the meaning of section 174) in the United States during all preceding taxable years beginning after December 31, 1970;

by the percentage which the borrower's qualified export receipts from the sale of export property during the 3 taxable years immediately preceding the taxable year in which the loan is made is of the gross receipts from the sale of property held by such borrower primarily for sale to customers in the ordinary course of the trade or business of such borrower during such 3 taxable years. In computing such percentage, the receipts of a taxable year beginning before January 1, 1971, shall not be taken into account. The limitation under this paragraph may be computed at the borrower's election on the basis of a controlled group of corporations (within the meaning of section 1563) but without taking into account any corporation which is a DISC.

"(e) Related Foreign Export Corporation.—In determining under section 992 whether a corporation (hereinafter in this subsection referred to as 'the domestic corporation') is a DISC—

"(1) Foreign international sales corporation.—A foreign corporation is a related foreign export corporation for purposes of this part if—

"(A) stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote is owned directly by the domestic coroporation;

"(B) 95 percent or more of such foreign corporation's gross receipts for its taxable year ending with or within the taxable year of the domestic corporation consist of qualified export receipts described in subparagraphs (A), (B), (C), and (D) of subsection (a)(1), and

"(C) the adjusted basis of the qualified export assets (described in paragraphs (1), (2), (3), and (4) of subsection (b)) held by such foreign corporation at the close of such taxable year equals or exceeds 95 percent of the sum of such adjusted basis and the fair market value of all other assets held by it at the close of such taxable year.

"(2) Real property holding company.—A foreign corporation is a related foreign export corporation for purposes of this part if—

"(A) stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote is owned directly by the domestic corporation; and

"(B) its exclusive function is to hold real property for the exclusive use (under a lease or otherwise) of the domestic corporation.

"(3) Associated foreign corporation.—A foreign corporation is a related foreign export corporation for purposes of this part if—

"(A) less than 10 percent of the total combined voting power of all classes of stock entitled to vote of such foreign corporation is owned (within the meaning of section 1563 (d) and (e)) by the domestic corporation or by a controlled group of corporations (within the meaning of section 1563) of which the domestic corporation is a member, and

"(B) the ownership of stock or securities in such foreign corporation by the domestic corporation is determined (under regulations prescribed by the Secretary or his delegate) to be reasonably in furtherance of a transaction or transactions giving rise to qualified export receipts of the domestic corporation.

"(f) Gross Receipts.—For purposes of this part, the term 'gross receipts' means the total receipts from the sale, lease, or rental of property held primarily for sale, lease, or rental in the ordinary course of trade or business, and gross income from all other sources. In the case of commissions on the sale, lease, or rental of property, the amount taken into account for purposes of this part as gross receipts shall be the gross receipts on the sale, lease, or rental of the property on which such commissions arose.

"(g) United States Defined.—For purposes of this part, the term 'United States' includes the possessions of the United States.

"Sec. 994. Inter-Company Pricing Rules.

"(a) In General.—In the case of a sale of export property to a DISC by a person described in section 482, the taxable income of such DISC and such person shall be based upon a transfer price which would allow such DISC to derive taxable income attributable to such sale (regardless of the sales price actually charged) in an amount which does not exceed the greatest of:

"(1) 4 percent of the qualified export receipts on such property plus 10 percent of the export promotion expenses of such DISC attributable to such receipts;

"(2) 50 percent of the combined taxable income of such DISC and such person which is attributable to the qualified export receipts on such property plus 10 percent of the export promotion expenses of such DISC attributable to such receipts, or

"(3) taxable income based upon the sales price actually charged (but subject to the rules provided in section 482).

"(b) Rules for Commissions, Rentals, and Marginal Costing.—The Secretary or his delegate shall prescribe regulations setting forth—

"(1) rules which are consistent with the rules set forth in subsection (a) for the application of this section in the case of commissions, rentals, and other income, and

"(2) rules for the allocation of expenditures in computing combined taxable income under subsection (a)(2) in those cases where a DISC is seeking to establish or maintain a market for export property.

"(c) Export Promotion Expenses.—For purposes of this section, the term 'export promotion expenses' means all the ordinary and necessary expenses of the DISC paid or incurred for the production of qualified export receipts, including advertising, salaries, rentals. commissions, and other selling expenses, but not including income taxes, or any expense that does not advance the distribution or sale of export property for use, consumption, or distribution outside of the United States.

"SUBPART B—TREATMENT OF DISTRIBUTIONS TO SHAREHOLDERS

"Sec 995. Taxation of DISC income to shareholders.
"Sec. 996 Special rules.
"Sec. 997. Special subchapter C rules.

"Sec. 995. Taxation of DISC Income to Shareholders "(a) General Rule.—A shareholder of a DISC or former DISC shall be subject to taxation on the earnings and profits of a DISC in accordance with the provisions of this subpart.

"(b) Deemed Distributions.—

"(1) Distributions in qualified years.—A shareholder of a DISC shall be treated as having received a distribution with respect to his stock in an amount which is equal to his pro rata share of the sum (or, if smaller, the earnings and profits for the taxable year) of—

"(A) the gross interest derived during the taxable year from producer's loans, and

"(B) the gain realized by the DISC during the taxable year on the sale or exchange of property previously transferred to it in a transaction in which gain was not recognized in whole or in part, but only to the extent that the transferror's gain on the previous transfer was not recognized and would have been treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 if the property had been sold or exchanged rather than transferred to the DISC. This subparagraph shall not apply to property which in the hands of the DISC is stock in trade or other property described in section 1221(1).

Distributions described in this paragraph shall be deemed to be received on the last day of the taxable year of the DISC in which the gross income was derived.

"(2) Distributions upon disqualification.—

"(A) A shareholder of a corporation which terminated its election to be treated as a DISC or failed to satisfy the conditions of section 992(a) (1) for a taxable year shall be deemed to have received (at the time specified in subparagraph (B)) a distribution equal to his pro rata share of the DISC income of such corporation accumulated during the immediately preceding consecutive taxable years for which the corporation was a DISC.

"(B) Distributions described in subparagraph (A) shall be deemed to be received in equal installments on the last day of each of the 10 taxable years of the corporation following the year of the termination or disqualification described in subparagraph (A) (but in no case over more than the number of immediately preceding consecutive taxable years during which the corporation was a DISC). Proper adjustment shall be made for actual distributions after the beginning of the year of the termination or disqualification out of the accumulated DISC income referred to in subparagraph (A), by reducing the number of deemed installments rather than the amount of such installments (other than the last installment).

"(c) Gain on Disposition of Stock in a DISC.—If a shareholder disposes of stock in a DISC or former DISC, any gain recognized on such disposition shall be treated as gain on the sale or exchange of property which is not a capital asset to the extent of the accumulated DISC income of such DISC or former DISC attributable to such stock. If stock of the DISC or former DISC is disposed of in a transaction in which the corporate existence of the DISC or former DISC is terminated (other than by a mere change in place of organization, however effected), any gain realized on the disposition of such stock in the transaction shall be recognized notwithstanding any other provision of this title, to the extent of the accumulated DISC income of such DISC or former DISC attributable to such stock, and such gain shall be treated as gain from the sale or exchange of property which is not a capital asset.

"Sec. 996. Special Rules.

"(a) In general.—Any actual distribution (other than a distribution described in paragraph (2) or to which section 995(c) applies) to a shareholder by a DISC (or former DISC) which is made out of earnings and profits shall be treated as made—

"(A) first, out of previously taxed income, to the extent thereof,

"(B) second, out of accumulated DISC income, to the extent thereof, and

"(C) finally, out of other earnings and profits.

"(2) Qualifying distributions.—Any actual distribution made pursuant to section 992(c) (relating to distributions to meet qualification requirements) shall be treated as made—

"(A) first, out of accumulated DISC income, to the extent thereof,

"(B) second, out of the earnings and profits described in paragraph (1) (C), to the extent thereof, and

"(C) finally, out of previously taxed income.

"(3) finally, to previously taxed income, distributed out of previously taxed income shall be excluded by the distributee from gross income except to the extent provided in subsection (f) (2), and shall reduce the amount of the previously taxed income.

"(b) Treatment of Losses.—If for any taxable year a DISC, or a former DISC, incurs a deficit in earnings and profits, such deficit shall be chargeable—

"(1) first, to earnings and profits described in subsection (a) (1) (C), to the extent thereof,

"(2) second, to accumulated DISC income, to the extent thereof, and

"(3) finally, to previously taxed income, except that a deficit in earnings and profits shall not be applied against accumulated DISC income which, in any prior year, has been determined is to be deemed distributed to the shareholders (pursuant to section 995(b) (2) (A)) as a result of a disqualification.

"(c) Treatment of Deemed Distributions.—Each shareholder shall include in gross income, as a dividend, any deemed distribution in a taxable year. An amount equal to such distribution shall increase previously taxed income, and the amount of any deemed distribution under section 995(b) (2) shall reduce accumulated DISC income.

"(d) Priority of Distributions.—Any actual distribution made during a taxable year shall be treated as being made subsequent to any deemed distribution made during such year. Any actual distribution made pursuant to section 992(c) (relating to distributions to meet qualification requirements) shall be treated as being made before any other actual distributions during the taxable year.

"(e) Subsequent Effect of Previous Disposition of DISC Stock.—

"(1) Shareholder previously taxed income adjustment.—If—

"(A) gain with respect to a share of stock of a DISC or former DISC is treated under section 995(c) as gain from the sale or exchange of property which is not a capital asset, and

"(B) any person subsequently receives an actual distribution made out of accumulated DISC income, or a deemed distribution made pursuant to section 995(b) (2), with respect to such share, such person shall treat such distribution in the same manner as a distribution from previously taxed income to the extent that (i) the gain referred to in subparagraph (A), exceeds (ii) any other amounts with respect to such share which were treated under this paragraph as made from previously taxed income. In applying this paragraph with respect to a share of stock in a DISC or former DISC, gain on the acquisition of such share by the DISC or former DISC or gain on a transaction prior to such acquisition shall not be considered gain referred to in subparagraph (A).

"(2) Corporate adjustment upon redemption.—If section 995(c) applies to a redemption of stock in a DISC or former DISC the accumulated DISC income shall be reduced by an amount equal to the gain described in section 995(c) with respect to such stock which is (or has been) treated as gain from the sale or exchange of property which is not a capital asset, except to the extent distributions with respect to such stock have been treated under paragraph (1).

"(f) Adjustment to Basis.—

"(1) Additions to basis.—Amounts representing deemed distributions as provided in section 995(b) shall increase the basis of the stock with respect to which the distribution is made.

"(2) Reductions of basis.—The portion of an actual distribution made out of previously taxed income shall reduce the basis of the stock with respect to which it is made, and to the extent that it exceeds the adjusted basis of such stock, shall be treated as gain from the sale or exchange of property. In the case of stock includible in the gross estate of a decedent for which an election is made under section 2032 (relating to alternate valuation), this paragraph shall not apply to any distribution made after the date of the decedent's death and before the alternate valuation date provided by section 2032.

"(g) Definitions of Divisions of Earnings and Profits.—For purposes of this part:

"(1) DISC income.—The earnings and profits derived by a corporation during a taxable year in which such corporation is a DISC, before reduction for any distributions during the year, but reduced by amounts deemed distributed under section 995(b) (1) shall constitute the DISC income for such year. The earnings and profits of a DISC for a taxable year include any amounts includible in such DISC's gross income pursuant to section 951(a) for such year. Proper reduction of DISC income shall be made for earnings and profits attributable to amounts taxed by reason of section 991(b).

"(2) Previously taxed income.—Earnings and profits deemed distributed under section 995(b) for a taxable year shall constitute previously taxed income for such year.

"(3) Other earnings and profits.—The earnings and profits for a taxable year which are described in neither paragraph (1) nor (2) shall constitute the other earnings and profits for such year.

"(h) Effectively Connected Income.—All distributions and gains referred to in section 995 shall be treated as distributions and gains, in the case of a shareholder who is a nonresident alien or a foreign corporation, which are effectively connected with the conduct of a trade or business conducted through a permanent establishment of such shareholder within the United States.

"Sec. 997. Special Subchapter C Rules

"For purposes of applying the provisions of subchapter C of chapter 1, any distribution in property to a corporation by a DISC or former DISC which is made out of previously taxed income or accumulated DISC income shall—

"(1) be treated as a distribution in the same amount as if such distribution of property were made to an individual, and

"(2) have a basis, in the hands of the recipient corporation, equal to the amount determined under paragraph (1)."

Sec. 403. Deductions, Credits, Etc.

(a) Dividends Received Deduction.—Section 246 (relating to rules applying to deductions for dividends received) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) Dividends From a DISC or Former DISC.—No deduction shall be allowed under section 243 in respect of a dividend from a corporation which is a DISC or former DISC (as defined in section 992(a)) to the extent such dividend is made out of the corporation's accumulated DISC income or previously taxed income, or is a deemed distribution pursuant to section 995(b) (1)."

(b) Foreign Tax Credit.—Section 901(d) (relating to corporations treated as foreign corporations) is amended by adding at the end thereof the following:

"For purposes of this subpart, dividends from a DISC or former DISC (as defined in

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section 992(a)) shall be treated as dividends from a foreign corporation to the extent such dividends are treated under part I as income from sources without the United States."

(c) Western Hemisphere Trade Corporations.—Section 922 (relating to special deduction for Western Hemisphere Trade Corporations) is amended by adding at the end thereof the following:

"No deduction shall be allowed under this section to a corporation for a taxable year for which it is a DISC or in which it owns at any time stock in a DISC or former DISC (as defined in section 992(a))."

(d) Income From Sources Within Possessions of the United States.—Section 931(a) (relating to the general rule applicable to income from sources within possessions of the United States) is amended by adding at the end thereof the following:

"This section shall not apply in the case of a corporation for a taxable year for which it is a DISC or in which it owns at any time stock in a DISC or former DISC (as defined in section 992(a))."

(e) Includible Corporations.—Section 1504(b) (relating to definition of "includible corporations") is amended by adding at the end thereof the following new paragraph:

"(7) A DISC or former DISC (as defined in section 992(a))."

(f) Basis of DISC Stock Acquired From Decedent.—Section 1014 (relating to basis of property acquired from a decedent) is amended by adding at the end thereof the following new subsection:

"(d) Special Rule With Respect to DISC Stock.—If stock owned by a decedent in a DISC or former DISC (as defined in section 992(a)) acquires a new basis under subsection (a), such basis (determined before the application of this subsection) shall be reduced by the amount (if any) which would have been treated under section 995(c) as gain from the sale of property which is not a capital asset if the decedent had lived and sold the stock at its fair market value on the estate tax valuation date. In computing the gain the decedent would have had if he had lived and sold the stock, his basis shall be determined without regard to the last sentence of section 996(f)(2) (relating to reductions of basis of DISC stock). For purposes of this subsection, the estate tax valuation date is the date of the decedent's death or, in the case of an election under section 2032, the applicable valuation date prescribed by that section."

Sec. 404. Source of Income.

Section 861(a)(2) (relating to dividends) is amended—

(1) by deleting the period at the end of subparagraph (C) and inserting in lieu thereof ", or"; and

(2) by inserting the following new subparagraph (D) immediately after subparagraph (C) as amended:

"(D) from a DISC or former DISC (as defined in section 992(a)) except to the extent attributable (as determined under regulations prescribed by the Secretary or his delegate) to qualified export receipts described in section 993(a)(1) (other than interest from sources within the United States)."

Sec. 405. Procedure and Administration.

(a) Returns.—Section 6011 (relating to general requirement of return, statement, or list) is amended by redesignating subsection (e) of subsection (f) and by adding a new subsection (e) which reads as follows:

"(e) Returns, Etc., of DISCS and Former DISCS.—

"(1) Records and information.—A DISC or former DISC shall for the taxable year—

"(A) furnish such information to persons who were shareholders at any time during such taxable year, and to the Secretary or his delegate, and

"(B) keep such records, as may be required by regulations prescribed by the Secretary or his delegate.

"(2) Returns.—A DISC shall file for the taxable year such return as may be prescribed by the Secretary or his delegate by forms or regulations."

(b) Returns of Corporations.—Section 6072(b) (relating to returns of corporations) is amended by adding at the end thereof the following: "Returns required for a taxable year by section 6011(e)(2) (relating to returns of a DISC) shall be filed on or before the fifteenth day of the ninth month following the close of the taxable year."

(c) Certain Income Tax Returns of DISC.—Section 6501(g) (relating to certain income tax returns of corporations) is amended by adding at the end thereof the following new paragraph:

"(3) DISC.—If a corporation determines in good faith that it is a DISC (as defined in section 992(a)) and files a return as such under section 6011(e)(2), and if such corporation is thereafter held to be a corporation which is not a DISC for the taxable year for which the return is filed, such return shall be deemed the return of a corporation which is not a DISC for purposes of this section."

(d) Failure of DISC To File Returns.—Subchapter (B) of chapter 68 (relating to assessable penalties) is amended by adding at the end thereof the following new section:

"Sec. 6686. Failure of Disc To File Returns.

"In addition to the penalty imposed by section 7203 (relating to willful failure to file return, supply information, or pay tax) any person required to supply information or to file a return under section 6011(e) who fails to supply such information or file such return at the time prescribed by the Secretary or his delegate, or who files a return which does not show the information required, shall pay a penalty of $100 for each failure to supply information (but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed $25,000) or a penalty of $1,000 for each failure to file a return, unless it is shown that such failure is due to reasonable cause."

Sec. 406. Effective Date of Title.

The amendments made by this title shall apply with respect to taxable years ending after December 31, 1970, except that a corporation may not be a DISC (as defined in section 992(a) of the International Revenue Code of 1954, added by section 402 of this title) for any taxable year beginning before January 1, 1971.

Sec. 407. Export Trade Corporations.

(a) Use of Terms.—Except as otherwise expressly provided, whenever in this section a reference is made to a section, chapter, or other provision, the reference shall be considered to be made to a section, chapter, or other provision of the Internal Revenue Code of 1954, and terms used in this section shall have the same meaning as when used in such Code.

(b) Transfer to a DISC of Assets of Export Trade Corporation.—

(1) In general.—If a corporation (hereinafter in this section called "parent") owns all of the outstanding stock of an export trade corporation (as defined in section 971), and the export trade corporation, on the last day of a taxable year beginning before January 1, 1975, transfers property, without receiving consideration, to a DISC (as defined in section 992(a)) all of whose outstanding stock is owned by the parent, and if the amount transferred by the export trade corporation is not less than the amount of its untaxed subpart F income (as defined in paragraph (2) of this subsection) at the close of such day and at such time it does not have any earnings and profits described in section 959(c) (1) or (2), then—

(A) notwithstanding section 367 or any other provision of chapter 1, no gain or loss to the export trade corporation, the parent, or the DISC shall be recognized by reason of such transfer;

(B) the earnings and profits of the DISC shall be increased by the amount transferred to it by the export trade corporation and such amount shall be included in accumulated DISC income, and for purposes of section 861(a)(2)(D) shall be considered to be qualified export receipts;

(C) the adjusted basis of the assets transferred to the DISC shall be the same in the hands of the DISC as in the hands of the export trade corporation;

(D) the earnings and profits of the export trade corporation shall be reduced by the amount transferred to the DISC, to the extent thereof, with the reduction being applied first to the untaxed subpart F income and then to the other earnings and profits in the order in which they were most recently accumulated;

(E) the basis of the parent's stock in the export trade corporation shall be decreased by the amount obtained by multiplying its basis in such stock by a fraction the numerator of which is the amount transferred to the DISC and the denominator of which is the aggregate adjusted basis of all the assets of the export trade corporation immediately before such transfer;

(F) the basis of the parent's stock in the DISC shall be increased by the amount of the reduction under subparagraph (E) of its basis in the stock of the export trade corporation;

(G) the property transferred to the DISC shall not be considered to reduce the investments of the export trade corporation in export trade assets for purposes of applying section 970(b); and

(H) any foreign income taxes which would have been deemed under section 902 to have been paid by the parent if the transfer had been made to the parent shall be treated as foreign income taxes paid by the DISC.

For purposes of this section, the amount transferred by the export trade corporation to the DISC shall be the aggregate of the adjusted basis of the properties transferred, with proper adjustment for any indebtedness secured by such property or assumed by the DISC in connection with the transfer.

(2) Definition of untaxed subpart F income.—For purposes of this section, the term "untaxed subpart F income" means with respect to an export trade corporation the amount by which—

(A) the sum of the amounts by which the subpart F income of such corporation was reduced for the taxable year and all prior taxable years under section 970(a) and the amounts not included in subpart F income (determined without regard to subpart G of subchapter N of chapter 1) for all prior taxable years by reason of the application of section 972, exceeds

(B) the sum of the amounts which were included in the gross income of the shareholders of such corporation under section 951(a)(1)(A)(ii) under the provisions of section 970(b) for all prior taxable years,

determined without regard to the transfer of property described in paragraph (1) of this subsection.

(3) Special cases.—If the provisions of paragraph (1) of this subsection are not applicable solely because the export trade corporation or the DISC, or both, are not owned in the manner prescribed in such paragraph, the provisions shall nevertheless be applicable in such cases to the extent, and in accordance with such rules, as may be provided under regulations prescribed by the Secretary or his delegate.

(c) Repeal of Subpart G.—

(1) In general.—Subpart G of subchapter N of chapter 1 is repealed for taxable years beginning after December 31, 1974.

(2) Inclusion of certain previously excluded amounts.—In the case of any controlled foreign corporation which was an

export trade corporation for any taxable year prior to its first taxable year beginning after December 31, 1974, there shall be included in the subpart F income of such corporation (as defined in section 952(a)) for each of the ten taxable years beginning with such first taxable year an amount equal to one-tenth of—

(A) the amount of such corporation's untaxed subpart F income (as defined in subsection (b)(2) of this section) determined as of the close of the taxable year of such corporation immediately preceding such first taxable year, reduced by

(B) the amount, if any, of such untaxed subpart F income which was transferred to a DISC pursuant to subsection (b) of this section, and

the shareholders of such corporation shall include such amounts in gross income pursuant to section 951 notwithstanding section 963.

Sec. 408. Submission of Annual Reports to Congress.

The President of the United States shall submit, commencing for the calendar year 1971, an annual report to the Congress within 15½ months following the close of each calendar year setting forth an analysis of the operation and effect of the provisions of this title.

The CHAIRMAN. No amendments are in order to the bill except amendments offered by direction of the Committee on Ways and Means. Are there any committee amendments?

Mr. MILLS. Mr. Chairman, there are no committee amendments.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Flynt, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 18970) to amend the tariff and trade laws of the United States, and for other purposes, pursuant to House Resolution 1225, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. COLLIER

Mr. COLLIER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. COLLIER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Collier moves to recommit the bill, H.R. 18970, to the Committee on Ways and Means.

Mr. MILLS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. COLLIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the clerk will call the roll.

The question was taken; and there were—yeas 172, nays 207, answered "present"—3, not voting—52, as follows:

[Roll No. 361]

YEAS—172

Adams
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Bennett
Biester
Bingham
Blatnik
Bolling
Brademas
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Burke, Fla.
Burton, Calif.
Casey
Cederberg
Celler
Chisholm
Clausen, Don H.
Clay
Collier
Conable
Conte
Conyers
Coughlin
Cramer
Crane
Culver
Dellenback
Denney
Dent
Derwinski
Devine
Diggs
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Foley
Forsythe
Fraser
Frelinghuysen
Frey
Fuqua
Giaimo
Gibbons
Green, Oreg.
Green, Pa.
Gross
Gubser
Gude
Hamilton
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Helstoski
Hicks
Hogan
Holifield
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Kleppe
Koch
Kyl
Landgrebe
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McCulloch
McDonald, Mich.
McFall
MacGregor
Madden
Mailliard
Mathias
Matsunaga
May
Meeds
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Mize
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Nedzi
Nelsen
Obey
O'Hara
Patman
Pelly
Pettis
Pike
Pollock
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison
Rodino
Rogers, Fla.
Rosenthal
Roth
Rousselot
Roybal
Ruppe
Satterfield
Scherle
Scheuer
Schmitz
Schwengel
Sebelius
Shriver
Sisk
Smith, Calif.
Smith, Iowa
Stafford
Stanton
Steiger, Ariz.
Stokes
Taft
Talcott
Teague, Calif.
Thompson, N.J.
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Weicker
Whalen
White
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Wold
Wright
Wylie
Yates
Zwach

NAYS—207

Abbitt
Adair
Addabbo
Albert
Alexander
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ayres
Baring
Barrett
Beall, Md.
Belcher
Betts
Bevill
Biaggi
Blackburn
Blanton
Boggs
Boland
Bow
Brasco
Bray
Brinkley
Brock
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carter
Chamberlain
Chappell
Clancy
Clark
Cleveland
Collins, Ill.
Colmer
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dennis
Dickinson
Donohue
Dorn
Downing
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Eshleman
Evins, Tenn.
Feighan
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Fountain
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Gettys
Gilbert
Gonzalez
Gray
Griffin
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hanley
Harsha
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
Keith
King
Kuykendall
Kyros
Landrum
Latta
Leggett
Lennon
Lloyd
Long, La.
Lukens
McDade
McEwen
McKneally
McMillan
Mahon
Mann
Marsh
Martin
Melcher
Mills
Minshall
Mizell
Montgomery
Murphy, Ill.
Murphy, N.Y.
Natcher
Nichols
Nix
O'Neal, Ga.
O'Neill, Mass.
Passman
Patten
Pepper
Perkins
Philbin
Pickle
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quillen
Randall
Rarick
Reifel
Rivers
Roberts
Roe
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roudebush
Ruth
Ryan
St Germain
Sandman
Schadeberg
Schneebeli
Scott
Shipley
Sikes
Slack
Smith, N.Y.
Snyder
Staggers
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Thompson, Ga.
Thomson, Wis.
Tiernan
Waggonner
Wampler
Watson
Watts
Whalley
Whitehurst
Whitten
Winn
Wolff
Wyman
Yatron
Young
Zablocki
Zion

"PRESENT"—3

Collins, Tex.
Corman
Goldwater

NOT VOTING—52

Abernethy
Aspinall
Bell, Calif.
Berry
Brooks
Brown, Ohio
Button
Camp
Carey
Carney
Clawson, Del
Cohelan
Corbett
Cowger
Daddario
de la Garza
Dingell
Dowdy
Dulski
Fallon
Farbstein
Ford, William D.
Foreman
Gallagher
Goodling
Griffiths
Grover
Hosmer
Kluczynski
Langen
McClure
Macdonald, Mass.
Mayne
Meskill
Mollohan
Myers
O'Konski
Olsen
Ottinger
Poage
Powell
Price, Tex.
Purcell
Saylor
Skubitz
Springer
Teague, Tex.
Ware
Williams
Wyatt
Wydler

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Corman for, with Mrs. Griffiths against.

Mr. Teague of Texas for, with Mr. Casey against.

Mr. Dingell for, with Mr. Abernethy against.

Mr. Cohelan for, with Mr. Dowdy against.

Mr. Gallagher for, with Mr. Fallon against.

Mr. Daddario for, with Mr. Brooks against.

Mr. William D. Ford for, with Mr. Mollohan against.

Mr. Powell for, with Mr. Kluczynski against.

Mr. Wyatt for, with Mr. Price of Texas against.

Mr. Hosmer for, with Mr. Ware against.

Mr. Bell of California for, with Mr. Saylor against.

Mr. Camp for, with Mr. Williams against.

Until further notice:

Mr. Aspinall with Mr. Brown of Ohio.

Mr. Dulski with Mr. Groover.

Mr. Macdonald of Massachusetts with Mr. Button.

Mr. Olsen with Mr. Berry.

Mr. Ottinger with Mr. Del Clawson.

Mr. Purcell with Mr. Cowger.

Mr. Feighan with Mr. Corbett.

Mr. Carney with Mr. Wydler.

XUM

Mr. Langen with Mr. McClure.
Mr. Meskill with Mr. Mayne.
Mr. Myers with Mr. O'Konski.
Mr. Skubitz with Mr. Springer.

Mr. CORMAN. Mr. Speaker, I have a live pair with the gentlewoman from Michigan (Mrs. GRIFFITHS). If she had been present, she would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. MILLS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 215, nays 165, answered "present" 3, not voting 51, as follows:

[Roll No. 362]

YEAS—215

Abbitt
Adair
Addabbo
Albert
Alexander
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashbrook
Ayres
Baring
Barrett
Beall, Md.
Belcher
Betts
Bevill
Biaggi
Blackburn
Blanton
Boggs
Boland
Bow
Brasco
Bray
Brinkley
Brock
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carter
Chamberlain
Chappell
Clancy
Clark
Cleveland
Collins, Ill.
Colmer
Cramer
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dickinson
Donohue
Dorn
Downing
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Eshleman
Evins, Tenn.
Feighan
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Fountain
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gilbert
Gonzalez
Gray
Griffin
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hanley
Harrington
Harsha
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Keith
King
Kuykendall
Kyros
Landrum
Latta
Leggett
Lennon
Lloyd
Long, La.
Lukens
McDade
McEwen
McKneally
McMillan
Mahon
Mann
Marsh
Martin
Melcher
Mills
Minshall
Mizell
Monagan
Montgomery
Morgan
Morse
Murphy, Ill.
Murphy, N.Y.
Natcher
Nichols
Nix
Obey
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Pepper
Perkins
Philbin
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quillen
Randall
Rarick
Reifel
Rivers
Roberts
Roe
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Ruth
Ryan
St Germain
Sandman
Schadeberg
Schneebeli
Scott
Shipley
Sikes
Slack
Smith, N.Y.
Snyder
Staggers
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Thompson, Ga.
Thomson, Wis.
Tiernan
Waggonner
Wampler
Watson
Watts
Whalley
Whitehurst
Whitten
Winn
Wold
Wyman
Yatron
Young
Zablocki
Zion

NAYS—165

Adams
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashley
Bennett
Biester
Bingham
Blatnik
Bolling
Brademas
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Burke, Fla.
Burton, Calif.
Casey
Cederberg
Celler
Chisholm
Clausen, Don H.
Clay
Collier
Conable
Conte
Conyers
Coughlin
Crane
Culver
Daddario
Dellenback
Denney
Dent
Derwinski
Devine
Diggs
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frey
Giaimo
Gibbons
Green, Oreg.
Green, Pa.
Gross
Gubser
Gude
Hamilton
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Helstoski
Hicks
Hogan
Holifield
Jacobs
Johnson, Calif.
Karth
Kleppe
Koch
Kyl
Landgrebe
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McCulloch
McDonald, Mich.
McFall
MacGregor
Madden
Mailliard
Mathias
Matsunaga
May
Meeds
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Mize
Moorhead
Morton
Mosher
Moss
Nedzi
Nelsen
O'Hara
Patman
Patten
Pelly
Pettis
Pickle
Pike
Pollock
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison
Rodino
Rogers, Fla.
Rosenthal
Rousselot
Roybal
Ruppe
Satterfield
Scherle
Scheuer
Schmitz
Schwengel
Sebelius
Shriver
Sisk
Smith, Calif.
Smith, Iowa
Stafford
Stanton
Steiger, Ariz.
Stokes
Taft
Talcott
Teague, Calif.
Thompson, N.J.
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
White
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wylie
Yates
Zwach

"PRESENT"—3

Collins, Tex.
Corman
Goldwater

NOT VOTING—51

Abernethy
Aspinall
Bell, Calif.
Berry
Brooks
Brown, Ohio
Button
Camp
Carey
Carney
Clawson, Del
Cohelan
Corbett
Cowger
de la Garza
Dennis
Dingell
Dowdy
Dulski
Fallon
Farbstein
Foreman
Gallagher
Goodling
Griffiths
Grover
Hosmer
Kluczynski
Langen
McClure
Macdonald, Mass.
Mayne
Meskill
Mollohan
Myers
O'Konski
Ottinger
Poage
Powell
Price, Tex.
Purcell
Saylor
Skubitz
Springer
Teague, Tex.
Ware
Weicker
Williams
Wyatt
Wydler

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mrs. Griffiths for, with Mr. Corman against.
Mr. Carey for, with Mr. Teague of Texas against.
Mr. Abernethy for, with Mr. Dingell against.
Mr. Dowdy for, with Mr. Cohelan against.
Mr. Fallon for, with Mr. Gallagher against.
Mr. Brooks for, with Mr. Dulski against.
Mr. Mollohan for, with Mr. Powell against.
Mr. Kluczynski for, with Mr. Ottinger against.
Mr. Price of Texas for, with Mr. Del Clawson against.
Mr. Saylor for, with Mr. Camp against.
Mr. Ware for, with Mr. Wyatt against.
Mr. Williams for, with Mr. Hosmer against.
Mr. Dennis for, with Mr. Bell of California against.

Until further notice:

Mr. Aspinall with Mr. Goodling.
Mr. Macdonald of Massachusetts with Mr. Corbett.
Mr. de la Garza with Mr. Springer.
Mr. Purcell with Mr. Grover.
Mr. Carney with Mr. Wydler.
Mr. Brown of Ohio with Mr. O'Konski.
Mr. Langen with Mr. Meskill.
Mr. Skubitz with Mr. Foreman.
Mr. Cowger with Mr. Weicker.
Mr. Mayne with Mr. Button.
Mr. Myers with Mr. McClure.

Mr. CORMAN. Mr. Speaker, I have a live pair with the gentlewoman from Michigan (Mrs. GRIFFITHS). If she had been present, she would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18546) entitled "An act to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2108) entitled "An act to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 17923, DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? The Chair hears none, and appoints the following conferees: Messrs. WHITTEN, NATCHER, HULL, SHIPLEY, EVANS, of Colorado, MAHON, LANGEN, MICHEL, ANDREWS of North Dakota, and BOW.

APPOINTMENT OF CONFEREES ON H.R. 10634, AMENDING THE INTERSTATE COMMERCE ACT AND THE FEDERAL AVIATION ACT OF 1958

Mr. MOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10634), to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, FRIEDEL, DINGELL, DEVINE, and KUYKENDALL.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week, if any, and the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman for Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, the program for the week has been completed, and we will ask to go over until Monday upon announcement of the program for next week.

The program for next week, for Monday, Tuesday, and Wednesday, listed under the heading of "Monday and Balance of Week," is as follows:

Monday is District day, and there are no District bills.

On Monday we will have H.R. 16785, Occupational Safety and Health Act, under an open rule with 3 hours of debate. We do not expect a vote on that bill until Tuesday.

We will then have H.R. 19830, independent offices and Department of Housing and Urban Development appropriation bill, fiscal year 1971; and H.R. 19504, Federal-Aid Highway Act of 1970, which is subject to a rule being granted.

Of course, Mr. Speaker, Thursday is Thanksgiving. There will be no business following the close of business on Wednesday until the following Monday. We may have a pro forma meeting on Friday.

ADJOURNMENT TO MONDAY, NOVEMBER 23, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL EXPLANATION

Mr. GOLDWATER. Mr. Speaker, because of an interest in a firm which deals in imported goods I voted "present" on the Trade Act of 1970, just passed by the House.

DOMESTIC PASSENGER AIR FARES

(Mr. MOSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. MOSS. Mr. Speaker, over the past few years I have endeavored to share with my colleagues views expressed by Mr. Richard W. Klabzuba concerning the fare structure of our domestic airlines. I am pleased to call attention to Mr. Klabzuba's most recent article which appeared in the April 1970 issue of Air Transport World.

The text follows:

AIRLINES NEED SIMPLER FARE SCHEDULES

(By Richard W. Klabzuba)

The airlines need a new, more efficient, less expensive way to publish their tariffs in order to simplify fares and improve service and earnings.

A good price schedule is always geared to the marketing needs and economic characteristics of the industry, not the method used for publishing its rates. It should promote sales and be convenient to use.

It is not too difficult to fashion a simple rate schedule for a few markets. The trick is to develop a way to publish air fares for thousands of city-pairs having widely varying traffic demands, price elasticities, and costs of service without creating any undue preference or prejudice.

The present fare-quotation system is an outgrowth of 19th Century railroad pricing. It is no longer satisfactory. For one thing, it necessitates the publication of a tremendous number of fares—most of which now bear little if any relationship to established traffic flows, dilution of revenues or other sales characteristics of the particular city-pair market.

Furthermore, literally hundreds of these fares have no application or produce little if any traffic. The publishing costs incurred in revising these fares is completely disproportionate to the revenues they generate.

Finally, the present tariffs and tariff rules frequently necessitate time-consuming construction of some fares at the ticket counter. This is both costly to the airlines and inconvenient for the passengers.

Basically, the prevailing layout is designed to enable the airlines to treat fares in each market as if they were something akin to a specific commodity rate on cargo. In practice, of course, working out such a fare schedule for each city-pair on the basis of its commercial value and cost performance would be highly complex and probably impossible.

For this reason, among others, airlines and their regulators have favored a much simpler approach: computing fares by formula. Advocates of this rate-making concept claim it has the advantage of greater system wide uniformity. It also avoids such difficulties as long- and short-haul inconsistencies and the need to justify the charging of different fares between different city-pairs of similar distance.

Here, however, comes the rub. Under the present method of publishing tariffs the absence of a single factor through fare in each and every market penalizes the public, for where there is no such fare quoted (on-line or off-line) the passenger is subject to an abnormal increase depending on the number of fares involved in his routing. Each local fare reflects a compounding or duplication of the higher short-haul rates.

Since it is not economically feasible to publish a separate fare for every conceivable city-pair, the present tariff format is inherently discriminatory. It unduly prefers those markets where a fare is published, while unjustly prejudicing those markets where no such fare is published.

In addition, the present system requires numerous exploratory calculations to determine the correct charge when no single-sum fare is published. Ticketing personnel unrealistically are expected to make many searches of the tariffs in a limited time. Such pressures tend to cause confusion and uncertainty, as well as questionable accuracy in obtaining the applicable fare.

The fact alone that the present system involves the publication of a tremendous number of fares indicates that this method is a technological bottleneck to the further expansion of low cost airline service . . . that a new, much simpler, less expensive way to publish fares must be adopted.

So far, two techniques have been advanced. One is the area or group method indirectly urged by Dr. Ronald E. Miller in his book *Domestic Airline Efficiency*. The other is the zone system suggested by Congressman Tom Steed in a letter to a former CAB chairman.

Under the latter plan, airlines first would establish a series of zones or ring-shaped areas around the point at which traffic originates, and then fix a scale of fares within each zone for its different classes of service based upon established block-times and diluted yield from discount fares.

The zones can be either equidistant or increase in size with distance similar to telephone rates. The latter seems more preferable since there tends to be a sharp increase in discount traffic and variety of routings with distance. Moreover, dollar increments become proportionately less important as fares increase and thus have less effect on movement of traffic.

COST BURDEN SHIFT

Certain high intensity markets have costs and value of service significantly greater than average. Charging passengers in these markets the same fare as those in other city-pairs of similar distance is unduly preferential because it tends to shift a greater burden of costs to those less able to bear it.

Accordingly, in those half-a-dozen or so commercially viable markets where there is a substantially higher cost and value of service, separate fare schedules should be published at appropriately higher levels. To limit the number of these "exception" schedules, there should be a significant difference in flight-time required, say 10 to 15 minutes.

These exception schedules are the key to the success of the zone approach for they permit the use of uniform zones with all the deviations in rates from the general schedule set out in one or more exception schedules.

To illustrate, the general schedule might be good for travel between all points except those trips originating or terminating in Chicago, Los Angeles, New York, etc. An exception fare schedule would be good for travel beginning or ending at these points. The simplicity of such a price schedule could compress the fares of most airlines to a single page. Simultaneously, it would reduce the possibility of any discrimination by automatically insuring equal treatment to all similar markets of similar distance.

In addition to the two foregoing tariffs, an airline may find it economically justifiable to publish additional schedules for specific markets involving two exception points such as New York-Washington. These tariffs most likely would have a format similar to that used today except that most of the fares for that particular market would appear on the same page.

Thus all fares would be published in one single price schedule with the sole exception of those very lucrative, high density, commercially viable markets where there is enough difference in cost and value of service to warrant the added expense of publishing and using separate tariffs.

The zone system has a number of distinct advantages over the present method. First, its revision and distribution costs are much lower. Second, since it is similar to other rate schedules used for U-haul trailers, telephones, parcel post and air-truck tariffs, it is easier for the public to understand. As a by-product of this, training of new employes becomes less expensive and time-consuming.

The zone system also offers airlines much more pricing flexibility. Today carriers are limited to changing either their fare level or fare structure. With a zone system there is a third alternative, changing the zone—an alternative that might have more sex appeal upon certain occasions.

Turning to interline fares, the CAB staff recommended in *A Study of the Domestic Passenger Air Fare Structure*, that single factor joint fares should be published in all markets in which connecting service is offered.

BENEFITS TO PUBLIC

Subsequently the Board found that because a significant number of passengers are, today, traveling in markets where one carrier service is not available and present fare construction rules are time-consuming it would seem apparent that more widespread publication of joint fares should be undertaken for the benefit of the public and to achieve the desirable goal of tariff simplification.

The simplicity of the zone system makes it economically feasible to establish single-sum joint fares in all domestic markets that are not served by a single carrier, regardless of traffic volume. Such a tariff would be of particular benefit to the large and growing number of passengers who originate or terminate their travels at smaller cities and towns where direct service is no longer available because of CAB route transfers.

At the same time the same tariffs are beneficial to the airlines since they facilitate the funneling of these long-haul passengers through major metropolitan centers. This is the kind of service pattern the CAB's staff believes will be necessary "to reap the optimum economic benefits inherent in the new large jet."

Joint fares most likely would be the same as on-line fares, although they probably would be different than some if one or more carriers charged different local fares as Eastern did at one time.

With regard to division or rates, this can be made on the basis of the joint fare tariff, local fares, or a special pro-rate schedule. In any case, zoning would greatly simplify distribution of revenues by drastically decreasing the number of possible pro-rate combinations to a couple of hundred. This alone will substantially reduce accounting costs.

PENALIZING AIRLINES

Finally, the present fare construction rules and requirement that fares be quoted in connection with a specific routing have resulted in an unduly complicated and almost unintelligible tariff system which penalizes the airlines in three ways. First the highly restrictive routing policy effectively stops traffic from outlying areas being fed into long-haul carriers. This in turn necessitates an enormous amount of time and expense in computing fares and then auditing them at the central office.

Lastly, the revision costs incurred in publishing a specific routing for each fare may not be proportionate to revenue. The principal criticism of open routing has been that elimination of such restrictions would deprive airlines of control over their yield and lead to excessive dilution of revenues. No thought has apparently been given to the possibility that the out-of-pocket cost of publishing such routings may be greater than revenue. If true, routings are producing a *cash loss* rather than a bookkeeping gain.

Generally speaking, passengers want to fly from point A to point B with the least possible expenditure of time and money, and they are willing to pay a respective price for that service (distance). They are not interested in the technicalities such as the routing which such a journey may involve.

The zone system offers a much better compromise between static mileage and dynamic hourly earnings needs of the airlines than the present structure. Not only does it save the airlines time and money by speeding up the handling of passengers at the ticket counter, but more important, it enable the carriers to increase their yield and provide the public better service on a more equitable basis.

The system produces the same fare level, only in a different form.

Tariff simplification has been bandied about for a long time without any substantial progress whatsoever. The zone system, however, proffers an opportunity of achieving that elusive goal by providing a much simplier, more efficient, less expensive way to publish airline fares.

ROMNEY'S SNAKE PIT

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. BLACKBURN. Mr. Speaker, I rise to address the House today on a matter which has caused me considerable shock and some anger, if not confusion. What I am referring to is an article which has just been brought to my attention appearing in the Washington Observer dated November 15 of this year. This article sets out that the Department of Housing and Urban Development started a program in Atlanta, Ga., back in 1966 called "Operation Cornerstone." The purpose of this program is to take employees of the Department of HUD to Atlanta and permit them to learn what it would be like to live in the ghetto.

From reports which have been published in the Washington Observer, it appears that the people who attend the meetings are subjected to nothing but the most vile language, pure anti-American preachings, revolution, and pro-communist teachings.

Mr. Speaker, it leaves me with some shock to know that an agency of of the Federal Government is sponsoring today and has been sponsoring for some 4 years such activities at the taxpayers' expense.

Today I am requesting that the Secretary of the Department of Housing and Urban Development make a report on the activities of Operation Cornerstone and make some explanation to the people of this country as to under what authority he is carrying out this activity.

I am inserting the article entitled, "Romney's Snake Pit" which appeared in the November 15, 1970, issue of the Washington Observer:

ROMNEY'S SNAKE PIT

"Operation Cornerstone" is a snake pit in Atlanta, Ga., financed with Federal funds. The "Cornerstone" project is no mere wasteful boondoggling way of squandering taxpayers' money. It is somewhat analagous to the ridiculous and pernicious "sensitivity" seminars and workshops that have finally been discredited by private industry—but not by the Federal Government.

Challenge, house organ of the Department of Housing and Urban Development (HUD), described "Cornerstone" thus: "Hundreds of volunteers have come to Project Cornerstone in Atlanta since it was founded in 1966, for two-week seminars. Hopefully, they will learn what it's like to be a poor black American struggling to stay alive in a ghetto. Everyday, 97 Love Street is crowded with 10 to 12 volunteers and three or four Cornerstone staff. Neighborhood children and adults seem to be drawn to the house and the friendly inhabitants. It takes a few days for a middle-class White newcomer to adjust to the cultural shock and lack of conveniences. Privacy, which most of us enjoy and take for granted in our own homes, doesn't exist in a house with one bathroom, two overcrowded bedrooms, a kitchen, a living room and front porch. But once settled, your attention is drawn away from yourself as you participate in the group activities.

"A typical day at Project Cornerstone starts with a "do it yourself" breakfast. Afterward the group, dressed in casual attire, trudges up Love Street for a visit that may take it to the Mayor's office, or a neighborhood bar. Brief trips to the emergency ward at Grady Memorial Hospital, the Model Cities Agency, the Southside Comprehensive Health Center and Juvenile Court permitted our group to observe first-hand how various Governmental programs and services were being dispensed. . . . Evenings, the project house comes alive as various speakers from organizations like the Southern Christian Leadership Conference (SCLC), Student Non-Violent Coordinating Committee (SNCC), Tenants Union For Fairness (TUFF), or a representative from the Mayor's office speak and exchange views on what frequently turns out to be a rough and tumble verbal confrontation. Conversations get intense as the guts of emotional issues such as racism are cut open and spill out for all to examine."

This is the come-on pictured in the pro-

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motional literature put out to entice gullible recruits to volunteer for a two-week free seminar in Atlanta. Some Government employees figure this is a good way to escape dull Government work routine and enjoy an interesting vacation in the Southland at Government expense. Moreover, officials assure them that taking the seminar will enhance their chances for promotions.

The recruiting bulletin says: "The hope is that participants come back a little more understanding and a lot more knowledgable of the real problems at the roots of society. It is not designed to convert you into a raving liberal. The hope is that you are better prepared to help those people who you now know really exist, but who before Project Cornerstone were merely imaginary, or at best statistics. And perhaps, if you are lucky, you will return to HUD, as many Cornerstone participants did, more resolved to be critical and outspoken."

Well, some of the Cornerstone graduates did come back to their Federal agencies "more outspoken."

WO is now going to quote verbatim from confidential reports secreted in the Office of Policy Analysis and Program Evaluation, HUD.

In a comprehensive report addressed to Richard C. Van Dusen, Under Secretary of Housing and Urban Development, signed by five junior supervisors of HUD (WO withholds names of signers) it is stated: "The purpose of this memorandum is to call to your attention several reservations which we, as Cornerstone participants, believe severely detract from what might otherwise be a useful training experience for Departmental staff. The first and most important criticism is the extreme bias build into the Cornerstone program. The Cornerstone staff, representing one viewpoint, places every neighborhood problem into a preconceived radical ideological framework. We do not think it is an exaggeration to say that the Cornerstone program is designed to force the participant into a radical or "New Leftist" ideological mold. We submit that it is extremely difficult for participants to arrive at objective conclusions in such an unobjective atmosphere. We should like to make clear that our criticism is not of the staff members personal opinions, that is their own business. Rather, we object to the extension of these opinions into every facet of the program without giving due, indeed, any consideration to opposing points of view.

"Our second criticism is directed at the cost of the service (previously $150, now $300 per person) as compared with the staff time and energies devoted to putting together a quality program for participants. The Cornerstone staff now consists of six or seven people. However, it appeared to us that the time of only two people was devoted to the program while the remainder of this staff was either not working or engaged in 'community' activities." The report continued with a long detailed list of mismanagement instances.

Did HUD Under Secretary Van Dusen ask these five responsible supervisors for further information or conduct his own independent investigation of Cornerstone? He did not. He completely ignored this tactfully-worded critical report, which was dated Oct. 15 1969.

On Nov. 19, 1969, Under Secretary Van Dusen received a more sharply critical report, via official channels, from the Assistant Director of a major training division of the Department. He stated: "It is incumbent upon me, a Federal official and a tax payer to appraise you of the justification of Project Cornerstone. It is my understanding that participation in this project would be highlighted by the following: 1. An exposure to the Black Community. 2. Improvement in the Black Community. 3. Contribute your experiences in whatever capacity within the project. 4. Solidify my thinking of how poverty really is. And a free inter-change of diverse opinions and viewpoints among staff and participants. All of these and more were not fully realized because of the biased views, new Leftist ideology and inactive and incompetent staff. I felt that the director, Kelly Kidd, used his three assistants to propagandize and instill his philosophy, the revolution movement, throughout the session, thus hampering our chance to respond.

"During our stay, we were burglarized and our clothes, money and other personal belongings were taken. The director, Kelly Kidd, after the first break-in just warned the hustlers. This happened five other times. One night a HUD female employe was awakened at 2:30 in the morning with a man hovering over her and asking her for money after he had taken some of her belongings already. The quarters were dirty. Present were mice, cockroaches, fleas and dirt.

"Being an activist and revolutionary leader, the director, Kelly Kidd, promulgated the termination of Federal programs, a new administration, a NEW America and spoke of how to evade the draft. I have evidence of this material distributed to the participants for your perusal. I personally feel that we do not have to be subjected to this kind of propaganda without giving due consideration to our point of view. I thought I was a liberal but after this exposure, I look like the last conservative person in HUD. . . . As a former school principal and educator, I look at everything as a behaviorist and seek results. I believe that the project presents only one point of view, is not well managed, and is non-constructively involved in community organization activities. Its continuance in this manner should be subject to serious question. In Atlanta, I saw and heard the implications that were taking place. I'm sure you know what the results will be if this project continues with this type of leadership. I appreciate the opportunity to make these views known to you and I have much more information to share at your convenience." However, HUD Under Secretary Van Dusen was not interested in "sharing" any more information about Cornerstone with this responsible, $27,000 a year subordinate official of his Department. The above quoted report was completely ignored by the Nixon-appointed officials at the Cabinet level instead of investigating Cornerstone and cutting out this nonsense. In 1969 HUD sent 50 supervisory personnel to the Atlanta snake pit. On March 4, 1970 HUD issued a staff bulletin announcing: "Since the experience proved so valuable HUD has increased its participation to 75 employees for calendar year 1970 and is seeking volunteers (senior professions GS–12 through 18, salaries from $13,000 to $33,000 per year) to participate in this program. In 1970 HUD sent not only junior supervisors but high officials at the policy-making level of the Department. Also, the Departments of Commerce, Labor, Agriculture, HEW and OEO beefed up their quotas to this Communistic brain-washing seminar.

On May 13, 1970, a Special Assistant to an Assistant Secretary of HUD, reported to HUD Secretary George Romney: "Having just returned from one of HUD's training programs, Cornerstone, in Atlanta, my sense of loyalty to my country, to my President, and more particularly to you, Mr. Secretary, compels me to report to you (1) the deplorable physical conditions under which the participants live, (2) the outrageous Communistic philosophy expressed in an obscene manner by the Cornerstone staff and its speakers, (3) the atrocious lack of a well-planned, constructive program, (4) the lack of an acceptable level of administration of the shamefully constructed program, and (5) the expenditure of Government funds which permits an anti-democratic philosophy to flourish.

"Soon after receipt of the attached HUD Staff Bulletin 70–28, dated March 4, 1970, I volunteered as a participant for the session commencing April 19th. Having a Master's Degree in Social Service and having worked with poverty-stricken black and white families, together with my experience in housing programs designed to meet the needs of low-income families, I believed this training program would be a productive experience—one in which I could contribute as well as learn."

This official went into the Cornerstone program open-minded and with a liberal viewpoint—which is a prerequisite to qualify for a policy-level job in Mr. Nixon's social uplift programs. Further along in the lengthly report to HUD secretary George Romney, he says: "Any one of the five reasons cited in the second paragraph of this memorandum is sufficient for HUD to cease its payments to Cornerstone. Each of the five reasons could be the subject of a treatise; but I will cite only a few specific incidents I observed: Kelly Kidd, co-director of Cornerstone, presented a two-hour lecture on the development of this country to the present time, which he describes as being in the third stage—the fourth stage being the revolution 'when the Blacks and the Whites will be treated equally and the people are rightfully given that which is theirs rather than in the hands of the Henry Ford's, etc.' He stated that there are really only three things in life: fornicating, defecating, and urinating, and we only need to contribute that which is necessary to make these functions possible. This theme was repeated time and again during his lengthy lecture. He hates two things in life, (1) hard work, and (2) doing anything unpleasant which he is told he has to do. Throughout my stay at Cornerstone, statements concerning 'those —— ——, ——, ——, Nixon and Romney' were uttered more frequently than I care to remember by most of the members of the Cornerstone staff, speakers and 'guests' of the staff which addressed the eight participants (four male Government employees, one male student from Oregon, and three female Government employees.) One member of the staff admitted he was a Communist and was ready to go to Washington and 'burn the God-damn place down.'

Washington Observer will present more shocking examples of what has been going on in Operation Cornerstone in a subsequent issue.

ULTIMATE RESPONSIBILITY FOR TOMORROW'S WEAPONS SYSTEMS—THE DEFENSE APPROPRIATIONS SUBCOMMITTEE

(Mr. **WYMAN** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. **WYMAN**. Mr. Speaker, decisions made today determine weapons available to our armed services as long as 5 years down the road. Often substantial changes in ongoing systems become necessary from newly detected enemy capabilities whether defensive or offensive.

These decisions on what weapons to buy are enormously wasteful if they are wrong. Even when they are right, the cost of research, development, test, evaluation, and ultimate production of even a single weapon can involve billions of dollars. Nowhere is there a greater need for careful forehandedness, prudent restraint, and thoughtful assessment of future need than in the process of funding selected weapons for tomorrow's protection of this Nation.

This responsibility in the final analysis lies with the House Appropriations Defense Subcommittee. First comes the requirement for authorization from the

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Armed Services Committee, but ultimately the nuts and bolts of any long-range program is in its funding, and on this the 11 members of the Defense Appropriations Subcommittee are the final word.

Assisted by a highly competent, yet numerically limited staff, the members of this subcommittee are vigilant to survey and evaluate America's weapons systems of tomorrow. It is a never-ending task often involving more money for a single weapons system in a single year than for five poverty programs. This is unfortunate but unavoidable as long as there continues to exist in this world a combination of nations under Communist control bent upon establishing a "dictatorship of the proletariat" by force worldwide. In such an atmosphere the United States must stay on top in its military posture of deterrence.

Indicative of some of the problems of the Defense Subcommittee is the following column by Orr Kelly in Monday's Washington Evening Star:

AIR FORCE IS TUB-THUMPING FOR B-1

(By Orr Kelly)

The Air Force has turned the clock at least part way back to the good old days when the services were out plumping for their favorite weapons.

Within the last three weeks, two top Air Force officers, including Gen. John D. Ryan, the chief of staff, have made major addresses on the need for the B1, as the bomber of the future is now called.

Ryan spoke to the Los Angeles Chamber of Commerce on Oct. 30. His speech was unusual in its emphasis on a single weapons system. Usually, chiefs of staff speak of much broader subjects.

In June, Ryan noted, contracts were awarded for development and testing of the new plane. Under the current contract, five planes will be built for testing in the air and two for testing on the ground.

"I think it was the most important corner that we have turned since the decision on the priority development of the intercontinental ballistic missile," he said. "My reason is that—now as then—we are running out of time."

Brig. Gen. D. T. Elson, project officer for the B1, followed up with a speech on Nov. 10 to the Long Island section of the American Institute of Aeronautics. Again, the entire speech was devoted to the B1 and its place in what the Air Force likes to call the country's deterrent "triad" of land-based missiles, submarine-based missiles and bombers.

Two things distinguish the current tub-thumping from the days of the bomber-aircraft carrier controversy of the late 1940s. For one thing, it is all much lower-keyed. And for another, neither the Navy nor the Army is out promoting, in the same single-minded fashion, its own favorite weapons systems.

Essentially, however, the situation is very similar both to that of the late 1940s, when there wasn't enough money to go around, and to that of the Eisenhower administration, when the services each got roughly a third of the defense budget and had considerable freedom on how it would be spent.

The B1 has always had its critics, both within the Pentagon and on Capitol Hill. The Air Force, probably rightly, fears that the bomber will continue to be a budget-cutting target inside the Pentagon—even though the Pentagon's research chief has said he favors the new bomber—and even among some of those in Congress who are normally friendly to the Pentagon.

The amount of money involved now is not great. The 1971 budget contains only $100 million, compared with a possible eventual cost of $25 billion, and if the bomber program goes along at a normal pace, the figure probably will not be vastly greater in the 1972 budget.

What could happen, of course, is that a relatively minor cut in the 1972 budget could leave the Air Force with roughly its third of the pie, but without its single major new strategic weapons system of the decade.

The Navy, on the other hand, has more flexibility in making its own decisions within its third of the budget. Many of the admirals want desperately both to have a third new nuclear aircraft carrier on the ways and to keep at least 15 attack carriers in the fleet.

It is most unlikely they are going to be able to have either. But a decision to delay a new carrier or to mothball some of those now afloat could later be changed. To the Air Force, a decision to cut back on the B1 would seem much more final. The Air Force, with some justification, fears it may end up in the 1980s with no bomber force at all.

The Army, struggling with the mammoth problems associated with the withdrawal from Vietnam and the deep cut in the size of its forces, has had little time to talk much about new weapons. But it is quietly moving ahead with two of its favorite projects—a new tank and a new helicopter—both of which have already had their share of trouble on Capitol Hill. To the Army, a low profile clearly seems prudent.

A fullscale revival of the open rivalry of the late 1940s thus seems unlikely as things stand now. But underneath it all, there is the tendency, whenever money is in short supply, to put the money into the big, prestige weapons and assume that, if worse comes to worse, someone will find some money to pay for the bullets.

The power to make decisions between prestige weapons and nuts-and-bolts items was largely taken from the services when Robert S. McNamara was defense secretary. It is rapidly being passed back to the services. How well they use the power should be closely watched by those whose business it is to worry about the defense dollar.

NATIONAL FARM-CITY WEEK, NOVEMBER 20–26

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEBELIUS. Mr. Speaker, I would like to take this opportunity to focus attention on National Farm-City Week, November 20–26. The theme for this year's observance is most appropriate—"Farm and City: Partners in Progress." I think this week with its emphasis on rural-urban understanding, appreciation, and cooperation should be the theme for the 1970's as we strive to solve our country's economic and social problems.

Through the decade of the 1960's the trend was toward urbanization and programs to solve our mounting urban problems. I think the decade of the 1970's should be devoted to a new spirit of rural-urban cooperation and balance.

During the past 20 years the total population has grown by 54 million, with all of the growth taking place in urban areas. We can expect a population increase of 100 million during the next 30 years. The distribution of this increase is the key to unlocking the problems of our cities and rural and small-town areas.

It is becoming increasingly apparent that effective solutions to many of our problems relating to urban congestion, crime, welfare, housing, hunger, and malnutrition in our cities are a healthy agriculture and a new environment of jobs, education, and favorable living conditions in rural and small-town America. Mere recognition of this fact is not sufficient. We must use the interdependence of producers and consumers as the basis for cooperation in building for the future to achieve a more even distribution of our population and economic strength.

The legislation of the 1970's must be characterized by a sound rural-urban balance if we are to effectively solve the interrelated problems of our cities and rural and small-town areas.

This is truly a turning point in our history. Rural-urban balance can mean growth or decay of our countryside and our cities. I urge my colleagues to champion the positive theme of National Farm-City Week—"Farm and City: Partners in Progress"—and carry it on to fruition in the legislation that will shape the decade of the 1970's so that balance and harmony will prevail.

FARMINGTON: 2 YEARS LATER

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 5 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, tomorrow is November 20.

The widows and relatives of the 78 coal miners who perished in the Farmington disaster of November 20, 1968, will gather at Atha's Run Union Hall near Farmington, W. Va., for a memorial service at 2 p.m. tomorrow.

Last year, on November 20, I introduced a resolution to designate November 20 as "Coal Miners' Memorial Day." The widows, relatives, and families are honoring this day, as I am sure they will every year henceforth. Others will join as time progresses.

On the first anniversary of the Farmington disaster, Congress was in the final stages of enacting a very strong coal mine health and safety bill. This legislation is a fitting memorial to the 78 coal miners who lost their lives at Farmington, for it never would have been enacted without the public insistence following the Farmington disaster.

When I addressed the House on November 20, 1969, I stated:

> Our work is not finished just by the passage of this legislation. I am not one who feels that legislation is the complete answer to any problem. I am concerned about how well this legislation will be administered. Will the Bureau of Mines in the Department of the Interior aggressively enforce the law? I felt that the authority for enforcement should have been lodged in the Department of Labor, which is employee-oriented, rather than in the production-oriented Department of the Interior. I hope that events prove that I was wrong, and that we do obtain aggressive enforcement of the law by the Department of the Interior.

Unfortunately, the law was not fully enforced, and the grim record of deaths in the mines persists. Over five times as many coal miners have been killed in

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the mines since the Farmington disaster as lost their lives on that fateful day of November 20, 1968. As of November 16, 1970, there were 406 coal miners killed since November 20, 1968.

In addition, in the period from the Farmington disaster through June 30, 1970, there were 15,755 coal miners who suffered nonfatal injuries.

Despite the gloomy record of nonenforcement of the Federal coal mine health and safety law, the widows of Farmington look forward to the new administration of the Bureau of Mines with the hope that its new Director will provide the necessary leadership to end the slaughter in the coal mines. Only then can the widows of Farmington feel that their husbands did not die in vain.

KENNETH STANLEY ROBINSON: "THE 1970 OUTSTANDING MALE TEENAGER OF AMERICA"

The **SPEAKER**. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 15 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, this coming Monday in Nashville, Mr. Kenneth Stanley Robinson will be honored by the Citizens' Committee of the State of Tennessee and the City of Metropolitan Nashville-Davidson County, Tenn., for having been named the "Outstanding Male Teenager of America" for 1970.

The events of Kenneth's life which led to this award are truly inspiring. It is the story of how a young man of exceptional ability found meaning and purpose for his life through helping others.

The story is told in an article, "Honors for Kenneth," by Kathy Sawyer which appeared in the November 8, 1970, edition of the Nashville Tennessean.

Mr. Speaker, I include Miss Sawyer's article in the RECORD at this point and commend it to the attention of our colleagues:

HONORS FOR KENNETH

(By Kathy Sawyer)

Five years ago Kenneth Robinson, an unusually bright and gifted boy, met Stanley Crump, who is mentally retarded.

Seemingly poles apart, the two boys formed a friendship which altered both their lives—and led to the selection of Kenneth as one of the two Outstanding Teen-agers of America for 1970.

Now Kenneth, 16, divides his time between maintaining his straight-A status at Pearl High and jetting to Washington weekends to address groups or attend conferences.

His busy schedule and his collection of honors are largely the harvest of his work with the mentally retarded. He had found Stanley, who is 18, the son of his family pediatrician, to be "loyal, free of prejudice and not ashamed of expressing his feelings in a hug." This led him to become actively involved with helping others like Stanley.

"I'm a firm believer in the brotherhood of man," he says.

When he went to New York last summer to address the President's Committee on Mental Retardation, The New York Times devoted a healthy chunk of space to an interview with the Nashville boy.

"Kenneth was summoned to the office of the Governor of Tennessee last week to be honored for his contributions to society, notably in the field of mental retardation," the story said. "Kenneth thought Governor Buford Ellington was going to tell him he had been named Outstanding Teen-ager of Tennessee—and he did. But he also told Kenneth he had been chosen one of two Outstanding Teen-agers of America for 1970."

After organizing three local chapters of the National Association for Retarded Children, Kenneth became, at the age of 13, a charter member of Youth-NARC. He is now president of the group and the only teenage member of the board of directors of the adult NARC.

Unlike the adult members, who are generally parents of retarded children, 70 per cent of the youth group's members have no retardation in their families.

"Knowing we often have more time and patience than adults, we wanted to serve on a one to one basis and become friends with the retardates," Kenneth said. "The relationship between Stanley and me is a classic example of one to one."

Though Kenneth's schedule doesn't leave him much leisure, he takes Stanley bowling when he can. Kenneth's average is 170. "Stanley has a 110 average now. He's really going great. I gave him a bowling shirt for Christmas."

The Youth-NARC program also includes visits to museums, arts and crafts and other activities to enhance the retardates' sense of learning and accomplishment.

Kenneth, poised and articulate beyond his years, but not stuffy, recently added to his list of honors the vice-chairmanship of the Forum on Children With Handicaps, to be hosted by the White House Dec. 13–19, in Washington. Jeannette Rockfeller is the chairman.

"Probably the only reason I was selected is that they are trying to attract people from multidisciplinary backgrounds," he said, "in the past, the Forums had become very professional and limited in scope. Now they are seeking to involve youth."

(The Forums, held every 10 years, are divided into 25 different categories, such as education, law, etc.)

Kenneth also has been nominated to two general boards of the National Methodist Church—the General Board of Worship and the General Board of Evangelism.

His credits include appearances on NBC's "Life With Linkletter Show" and on CBS Morning News to discuss mental retardation. A couple of weeks ago he flew up to New York to tape some WNBC-Radio spots on the subject.

Meanwhile he maintains his A's at Pearl, where he is a senior, plays in the school band, likes dating and parties.

His mother is a teacher and his father, James M. Robinson, is a school principal. His brother, James Jr., 24, also a teacher, is a graduate of Harvard. Kenneth hopes to go there, too, to study medicine. He wants to be a pediatrician, like Stanley's father.

Kenneth is as different from most people his own age as Stanley is. And he confesses he was a bit lonely—until he met Stanley and, as the New York Times headline writer put it, "found a cause."

Mr. Speaker, there are two very important lessons to be learned here from Kenneth Robinson's experiences.

First, the award and honors which he has received are justly due. But it is significant that the adulation and recognition received have not turned Kenneth's heart nor mind from his seen duty to serve his fellow man as a brother. This is a great lesson for any man, regardless of age or circumstance.

Second, Kenneth must stand as a positive example to the concerned and troubled young people of America who want so much to participate and have a voice in making our society a better society.

There is a proper time and place for legitimate protest but it must be followed by positive action if it is to be productive. Kenneth has demonstrated that one can find meaningful work to do right at home if one will just search for it.

Mr. Speaker, Kenneth Robinson is a sterling example to all Americans of what any American can make of his life in terms of serving his fellow man. I join with my fellow citizens of Nashville in saluting this young man and suspect that in the future we will be hearing more of Kenneth Stanley Robinson.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States has the world's largest hydroelectric generating plant. The Grand Coulee generating plant has an ultimate capacity more than a third greater than the second-ranked generating plant, Sayansk in the Soviet Union.

UMWA SUPPORTS HIGHER WAGES AND OTHER BENEFITS

(Mr. WAMPLER asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. WAMPLER. Mr. Speaker, in view of the wage negotiations which the coal industry will face next year, I believe the November 13 news release from the United Mine Workers of America is of interest.

The news release follows:

The profit picture in the coal industry fully supports the United Mine Workers' objective of a $50 daily wage, substantial increases in pensions and improved welfare benefits, W. A. (Tony) Boyle, UMWA president, said today.

Citing the profit picture revealed by the Pittston Company, a leading coal producer, as typical of the industry, Boyle said that the nation's mine workers intend to win a fair share of the coal industry's newly-found prosperity. Pittston last week reported it anticipated 1970 profits of $31 million, nearly double those of 1969. Pittston's sales volume this year is expected to reach $500 million against $419.9 million in 1969 despite lower output.

"We know the profit picture in Pittston because it is one of the few remaining major independent coal producers. There is every indication that coal profits of the huge energy conglomerates which now control much of our industry are even higher," Boyle said. The UMW president asserted that the surging prosperity and high demand for coal is no temporary phenomenon. He noted that the Department of the Interior now is exploring the potential of coal as the cornerstone of a national energy policy.

"Coal is the basic fuel upon which this nation must depend. It is the only fuel with almost unlimited reserves for the next centuries. With modern technology, coal can be converted to natural gas and to other clean fuels. For now and the foreseeable future, the energy potential of this nation is tied to coal and the men who dig it. We intend

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to see that the men who dig coal obtain maximum health and safety protection and the high living standards they deserve," Boyle said.

Boyle further stated that he hopes the statement of Nicholas T. Camicia, Pittston president, regarding the 1971 contract indicates that the industry will talk sense in coming negotiations.

"Mr. Camicia has stated that he does not anticipate a strike in 1971. We hope that his anticipation is based upon a desire to talk sense in coming negotiations, and we hope also that such a view prevails among the other operators. We will not, however, settle for less than full economic justice and a fair sharing of industry prosperity with the nation's mine workers," Boyle stated.

THOSE WONDERFUL KIDS FROM MARSHALL

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, few people love Marshall University more, or have been closer to its coaches and athletes than George Rorrer, who during his 8 years as sports editor of the Huntington, W. Va., Herald-Dispatch spent most of his time following the Marshall University teams. George left Huntington in July and took a job on the sports staff of the Louisville Courier-Journal, but he writes with deep compassion about Marshall University, its wonderful human beings who were the athletes, and the fine coaches and staff members and the great Marshall supporters who were aboard the ill-fated airplane which crashed last Saturday night. Here is George Rorrer, writing from the heart, about all those wonderful people:

YOU WOULD HAVE LIKED THOSE KIDS FROM MARSHALL

(By George Rorrer)

If you like the clean-cut, serious young men who play college football anywhere, you would have loved the kids who played for Marshall University, and who died tragically Saturday night in a plane crash near Huntington, W. Va.

If you like citizens who involve themselves in causes in which they believe, then you would have loved the townspeople who died with them.

Many of my closest friends were among them, and it is still hard to believe such a thing has happened. It is hard to imagine their not being alive, these people whose very existence personified vitality and spirit and life.

In all the years I have covered college sports, I have never met an athlete with more potential, or a youngster I liked more, than Ted Shoebridge, the quarterback who perished Saturday. Teddy, the kind of kid you pray your daughter marries, was the product of a remarkably ideal family situation. He and his parents and his two younger brothers had a beautiful relationship, full of love and respect.

Teddy could've signed a pro baseball bonus contract out of Lyndhurst, N.J., High School, but he chose instead to first get his education. In the almost two seasons granted him, he set school career passing and total offense records. In his freshman year, he passed Marshall to a convincing victory over the University of Kentucky frosh, an achievement which meant a lot to a football program in the throes of the 27-game winless streak Teddy and his teammates were destined to end last season.

Teddy chose Marshall over Syracuse and Georgia because he wanted to learn to play quarterback under coach Perry Moss, now coach of the pro Chicago Bears' signal-callers. Between Shoebridge's freshman and sophomore seasons, Moss was fired and Marshall was expelled from the Mid-America Conference for rules violations and because its facilities were so poor. Teddy was recruited vigorously by the University of Tampa during this period, but Marshall people worked hard to convince him to return. Even West Virginia governor Arch A. Moore Jr. telephoned to help recruit the gifted athlete. And so, against his father's advice, Teddy returned to Marshall.

Memories of the other kids are plentiful, too . . . Rick Dardinger, who chose Marshall over Kentucky and who stayed on throughout the losing streak even though his twin brother quit the squad; who didn't have to play this season, but who wanted to because he had hoped to win after being so long a loser; who had been married only last Christmas; who was a student of mine, and who would have become a Naval aviation trainee on graduation . . . Roger Childers, a courageous former student of mine who had to drop out last spring for a brain operation, but who was working hard for a possible return to the game and team he loved next fall, and who was married early last summer. . . .

Larry Sanders, Joe Hood, Bob Van Horn and Freddie Wilson, all black athletes of excellent future pro potential who saw a better chance for that future at Marshall and went there from Tuscaloosa, Ala. . . . Bob Harris, Shoebridge's back-up man, who worked as hard as any athlete I have ever seen, and who could have been a starter at many other colleges. . . .

Roger Vanover, who once helped Russell, Ky., to the state basketball tournament and who was also a student of mine; a nice kid whose girl friend wrote to me less than a month ago to ask whether she should marry him. . . .

You'd have liked coach Rick Tolley, who at age 29 accepted The Streak and broke it last year, and who was building for the future. . . . Frank Loria, so recently an all-American defensive back at Virginia Tech, and so recently married. . . . Shorty Moss, the hometown hero who played at West Virginia University, but who had become dedicated to Marshall. . . . Young Al Carelli, who only joined the staff last summer. . . . Young Jim Schrorer, a dapper bachelor who left the University of Cincinnati to become Marshall's trainer.

You'd have liked Deke Brackett, the happy-go-lucky coach who began his football career as successor to the legendary Bobby Dodd as quarterback at the University of Tennessee, and who was an assistant under Red Sanders for 13 years at UCLA. . . . Mike Prestera, the fiery University of Alabama grad and trucking executive who adopted Marshall and led a drive which raised $109,000 for its athletic program last year. . . . Parker Ward, the young, handsome auto dealer who liked to do his own television commercials. . . .

You would have liked Gentleman Gene Morehouse, the sports information director and play-by-play man on the Marshall Sports Network. He came to Marshall after a distinguished career in broadcasting, and this fall he turned down a chance to broadcast the games of the pro New Orleans Saints because he liked it at Marshall. Gene leaves a wife and six children. . . . You'd have liked Ken Jones, a long-time friend of mine who last year was voted West Virginia's outstanding sportscaster. . . . And Charlie Kautz, the athletic director whose dedication to his alma mater was unexcelled; who had patiently worked for years to rise to his position.

You would have loved my family physician, Dr. Ray Hagley, and his wife, Shirley, who left six children, the oldest of whom is 13. Young Doc Ray, known to his friends as the Highlawn Healer, about 35, almost a father to Louisvillean Bob Redd when Bob was a Marshall basketballer, former president of the Marshall Alumni Association; former Golden Gloves champion; former Navy doctor with the Marines in the Cuban crisis; a tremendously involved young leader who lived almost as though he suspected his fate.

You'd have liked Murrill Ralsten, a schoolmate of mine throughout high school and college, and his wife, Flip, a classmate in graduate school. . . . Murrill, who said I'm the only journalist who can spell his name correctly, who established a highly successful clothing store adjacent to the Marshall campus, who involved himself in Marshall's sports program.

BOUGHT TEAM MASCOT

You'd have liked Dr. Pete Proctor and his wife, Courtney, who in August bought a live baby buffalo to serve as a mascot for the Thundering Herd. . . . Pete, who quit teaching school and went back to medical school, who often found time to watch Marshall practice and kibitz with sports writers. . . .

You'd have liked Dr. Joe Chambers, whose daughter, Peggy, was a pretty Marshall cheerleader, and who liked to mix his rooting for the team with his hobby, taking pictures. . . . Jeff Nathan and Gary George, journalism students who were just learning to cover football games.

Together, they made up almost the whole of the football program of my alma mater. And they were dedicated as only those who have shared adversity can be. Their similarity to the people at the University of Louisville, which I now cover, never ceases to amaze me.

You would have loved them. I did, and I'll never forget them.

HEADSTART CRISIS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, today the Senate is considering H.R. 18515, the Labor-HEW and related agencies appropriations bill for fiscal year 1971.

A major area of concern in this bill is the funding for the Office of Economic Opportunity, and especially for Project Headstart. This program for preschool-children of the Nation's poor provides medical, day care, and educational services.

This is a time when funds for Headstart should be increased by 10 to 12 percent so that the program will be able to serve at least the number of children served last year.

But instead of receiving increased funding, local programs across the Nation have been cut back between 7 and 18 percent. And those children served by the program last year were only 20 percent of those eligible for Headstart services.

In the city of New York, for example, the cutbacks announced by the administration will reduce Headstart funds by 13.5 percent. New York City will lose $1.8 million in Federal aid, a reduction from $13.2 million last year to $11.4 million.

The New York City Headstart program presently reaches only 6,000 children. There are 200,000 children between the ages of 3 and 5 who are in welfare families; there are some 300,000 children in families whose income is at or below the poverty level. If these reductions are permitted, as many as 1,000 children now enrolled in New York City Headstart programs will be deprived of early childhood development services.

Congress, in 1969, authorized annual expenditures for Headstart of up to $398 million.

Last year's allocation for Headstart was $326 million. The program reached 262,000 children in the year-round program and 208,000 children in the summer program.

This year, the administration's budget request for fiscal year 1971 was $339 million, but the Office of Economic Opportunity has announced its intention to use only $323 million of those funds cutting some 26,000 children from Headstart programs.

The House version of the bill provides $321 million, which would permit 251,000 children to participate in the program year round, and 125,000 to participate in the summer.

The Senate Appropriations Committee has reported out a bill, the bill presently before the Senate, which appropriates $339 million and would reach 262,900 children during the year and 145,900 in the summer.

Twelve Members of the Senate, led by Senators CRANSTON, JAVITS, MONDALE, and NELSON plan to introduce an amendment today which would increase the Headstart appropriation to $398 million. This appropriation would not only permit the program to remain at its present level, but would also allow it to reach more of those children who so desperately need it: 320,706 children year round and 208,700 during the summer.

I strongly support this amendment, and I am hopeful that the Senate will adopt it.

Last Tuesday, November 17, was declared National Headstart Crisis Day. Concerned mothers, civic and welfare groups, local officials, and concerned citizens used this day to let their Congressmen and Senators know that they are appalled by the Headstart cutbacks and to urge increased appropriations.

Many mothers came to Washington to personally express their concern and deliver their message.

In New York City a coalition of concerned groups and individuals from the private and public sector banned together to issue a statement deploring the cutbacks and to urge support of the Javits-Nelson amendment.

I joined with them in this statement of purpose, having protested vigorously to the Office of Economic Opportunity when I learned of the proposed cutbacks for Headstart.

The administration and the Congress must face the problem of poverty in this Nation and provide the funds which are needed to combat it. The cutback of Headstart funds is another example of the imbalance in our priorities and the failure of the administration to put human needs ahead of the demands of the military-space-industrial complex.

The cut of Headstart funds is an affront to New Yorkers and to all Americans. I urge Senate support of the increased funding for Headstart, and if the amendment is passed, I urge the House conferees to accept it.

I am including in the RECORD a copy of the statement made by public officials and interested groups in New York City on the eve of National Headstart Crisis Day as well as the list of signatories to the statement:

STATEMENT ISSUED ON NOVEMBER 16, 1970, BY NEW YORK OFFICIALS AND ORGANIZATIONS IN CONNECTION WITH NATIONAL HEADSTART CRISIS DAY

A a time when at least three million of the nation's pre-school children—some 200,000 of whom live in New Yorkk City—desperately need good early childhood programs, it is unconscionable for the Federal government to impose further restrictions on funding.

If the Administration is successful in its plans to save Federal dollars at the expense of children, up to 1,000 children could be cut from the New York City Head Start program and all the City's plans for expansion of day care would come to a complete halt.

We urge the Congress and the Administration to support the proposal to be submitted Monday by Senators Javits, Mondale, Cranston and Nelson, which calls for increased funds for anti-poverty programs, including an appropriation of $398 million for Head Start to be given directly to the Federal Department of Health, Education and Welfare.

We also urge defeat of the Administration's proposal to impose a limit of 15% on increased expenditures for other day care and child welfare services.

NEW YORK CITY OFFICIALS

Mayor John V. Lindsay.
Manhattan Borough President Percy B. Sutton.
Bronx Borough President Robert Abrams.
Jule M. Sugarman, Human Resources Administrator.
Jack R. Goldberg, Commissioner of Social Services.
Major R. Owens, Commissioner, Community Development Agency.
David J. Billings, III, Chairman, New York City Council Against Poverty.
Joseph Williams, Model Cities Administrator.
David McPheeters, Director, New York City Head Start.
Muriel Katz, Director, D.D.S. Division of Day Care.
Cynthia Farris, Chairman, Citywide Policy Council to Project Head Start.
Mary Codner, Chairman, Citywide Policy Advisory Committee to Family Day Care.
Franzella Carter, Director, New York City Family Day Care.

CONGRESSMEN

Bella Abzug (elect).
Herman Badillo (elect).
Jonathan Bingham.
Emanuel Celler.
Shirley Chisholm.
Jacob Gilbert.
Seymour Halpern.
Edward Koch.
Bertram Podell.
Charles Rangel (elect).
Benjamin Rosenthal.
William F. Ryan.
James Scheuer.
Lester Wolf.

STATE SENATORS

Paul Bookson.
Robert Garcia.
Roy M. Goodman.
Manfred Ohrenstein
Sydney Von Luther.
Joseph Zaretski.

ASSEMBLYMEN

Albert Blumenthal.
Louis DeSalvio
Anthony DiFalco
Richard Gottfried (elect).
Stephen Gottlieb.
Hulan Jack
Franz Leichter.
George Miller (elect).
Alberto Olivieri (elect).
William Passannante.
Frank Rossetti.
Mark Southall.
Andrew Stein .
John J. Walsh.

CITY COUNCILMEN

Angelo Arculeo, Frank Biondollilio, Carter Burden, Eldon Clingan, Myron Cohen, Michael DeMarco.

Rudolph DiBlasi, Alvin Frankenberg, David Friedland, Carol Greitzer, Kenneth Haber, Arthur Katzman.

Michael Lazar, Donald Manes, Mario Merola, Robert Postel, Aileen B. Ryan, Edward Sadowski.

Barry Salman, Leonard Scholnick, Saul Sharison, Theodore Silverman, Charles Taylor, Matthew Troy, Ted Weiss.

ORGANIZATIONS (LIST IN INFORMATION)

Borough President's Advisory Committee on Day Care (Manhattan), Elinor Guggenheimer, Chairman.
Catholic Charities Family Services.
Citizens Committee for Children, Trude Lash, Executive Director.
Day Care Council of New York, Nancie Stewart, Chairman.
Community Council of Greater New York.
Committee for Community Control of Day Care.
Chinatown Planning Committee.
United Child Day Care Council (L.E.S.) Ours, Inc.
Federation of Protestant Welfare Agencies.
Mobilization for Youth Group Child Care.
East Harlem Block Schools.
Community Development Day Care Centers.
East Harlem Tenants Council.
Goddard-Riverside Day Care.

GENERAL LEAVE

Mr. MEEDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 14252.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DANIEL of Virginia) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. FULTON of Tennessee, for 15 minutes, today.

Mr. PRYOR of Arkansas, for 60 minutes, on November 30.

Mr. HECHLER of West Virginia, for 5 minutes, today, and to revise and extend his remarks and include extraneous matter.

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EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JONAS, to include extraneous material during his remarks today on the bill H.R. 18970.

Mr. FINDLEY, to include extraneous material in his remarks today on the bill.

Mr. GIBBONS, to include extraneous material, charts and tables during debate on the bill today.

Mr. BYRNES of Wisconsin, and to include extraneous matter with remarks made in Committee of the Whole today.

Mr. MEEDS, to extend his remarks following the remarks of Mr. PERKINS during consideration of H.R. 14252.

Mr. MIZELL, and to include extraneous matter during general debate on H.R. 18970.

Mr. CLEVELAND (at the request of Mr. MCCLOSKEY), to revise and extend his remarks and include extraneous matter during general debate on H.R. 18970.

(The following Members (at the request of Mr. MCCLOSKEY) and to include extraneous matter:)

Mr. ZWACH.
Mr. GERALD R. FORD in five instances.
Mr. WYMAN in two instances.
Mr. CARTER.
Mr. LLOYD.
Mr. DON CLAUSEN.
Mr. MICHEL.
Mr. SCHWENGEL.
Mr. DERWINSKI in three instances.
Mr. BUSH in two instances.
Mr. CÓRDOVA.
Mr. SCHADEBERG in two instances.
Mr. SCHMITZ in three instances.
Mr. BOB WILSON.
Mr. BROYHILL of Virginia in two instances.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. RARICK in three instances.
Mr. ROONEY of Pennsylvania.
Mr. BIAGGI in 10 instances.
Mr. PICKLE.
Mr. CELLER in two instances.
Mr. MANN in four instances.
Mr. MOORHEAD in six instances.
Mr. MONTGOMERY in two instances.
Mr. FULTON of Tennessee.
Mr. RODINO.
Mr. BARRETT.
Mr. SLACK in three instances.
Mr. COHELAN in four instances.
Mr. TIERNAN in two instances.
Mr. DOWNING in two instances.
Mr. MCCORMACK.
Mr. BENNETT in three instances.
Mr. MILLER of California in five instances.

ENROLLED JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 1255. Joint resolution to authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week."

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on November 15, 1970, present to the President, for his approval, a bill of the House of the following title:

H.R. 13978. An act to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 51 minutes p.m.), under its previous order, the House adjourned until Monday, November 23, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

2555. A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

2556. A letter from the Secretary of the Army, transmitting a report on a study of drift and debris removal from the public harbors under his jurisdiction, pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and section 120 of the River and Harbor Act of 1968: to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

2557. A letter from the Comptroller General of the United States, transmitting notice that the General Accounting Office will be unable to meet the requirement of Public Law 91–121, section 408, that a report be filed by December 31, 1970, covering a study and review of profits made by contractors and subcontractors on negotiated contracts entered into by various departments and agencies; to the Committee on Armed Services.

2558. A letter from the Comptroller General of the United States, transmitting a report on the adverse effects of large-scale production of major weapons before completion of development and testing. Department of the Navy; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

Mr. EVINS of Tennessee: Committee on Appropriations. H.R. 19830. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1616). referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 19826. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 with respect to the terms of office of officers of local labor organizations; to the Committee on Education and Labor.

By Mr. MIZE:

H.R. 19827. A bill to amend title 5, United States Code, to correct inequities in connection with the loss by employees of entitlement to travel and transportation expenses under travel agreements which have expired while the employees remained on duty outside the continental United States; to the Committee on Government Operations.

By Mr. PATMAN (for himself, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ASHLEY, Mr. MOORHEAD, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. MINISH, Mr. HANNA, Mr. GETTYS, Mr. ANNUNZIO, Mr. REES, Mr. BRASCO, and Mr. HARRINGTON):

H.R. 19828. A bill to help small business and combat inflation; to the Committee on Banking and Currency.

By Mr. ULLMAN:

H.R. 19829. A bill to suspend for a temporary period the import duty on tungsten ore and calcium tungstate; to the Committee on Ways and Means.

By Mr. EVINS of Tennessee:

H.R. 19830. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. BENNETT:

H.R. 19831. A bill to prohibit use of military facilities for public relations purposes; to the Committee on Armed Services.

By Mr. BROWN of California:

H.R. 19832. A bill to amend section 620 of the Foreign Assistance Act of 1961, to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HAWKINS:

H. Res. 1265. Resolution providing for the consideration of the bill (H.R. 17555) to further promote equal employment opportunities for American workers; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 19833. A bill for the relief of Nga Thi Nguyen-Le; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 19834. A bill for the relief of Luis Fernando Requena Camacho; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 19835. A bill for the relief of Col. Harold B. McCullough, U.S. Air Force (retired); to the Committee on the Judiciary.

By Mr. HAGAN:

H.R. 19836. A bill for the relief of William M. Starrs; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:

H.R. 19837. A bill for the relief of Isaac

Wilner; to the Committee on the Judiciary.

By Mr. MEEDS:

H.R. 19838. A bill for the relief of Donald L. Bulmer; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.R. 19839. A bill for the relief of Jaime Pena-Pena; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 19840. A bill for the relief of Fumihiro Morikawa; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 19841. A bill for the relief of Ruben Platte; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

PUBLIC LAND LAW REVIEW COMMISSION REPORT

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Thursday, November 19, 1970

Mr. JORDAN of Idaho. Mr. President, on November 6, in Boise, Idaho, I spoke at a statewide discussion forum conducted by the Idaho Commission on Federal Land Laws concerning the Public Land Law Review Commission report issued earlier this year. I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR LEN B. JORDAN

Soon after I reported for duty on the Public Land Law Commission back in 1964, I learned that at least some of the public members of the commission regarded the public lands of the nation as belonging to all the people and not to the private fiefdom of that state whose boundaries enclosed the public lands.

Having grown up in the public land states of the West I had assumed, like most Westerners, that even though some of our lands were designated as federal, they did belong, for all intents and purposes to the people of the public land states rather than to the whole U.S. public at large.

Those members from the non-public land states lost no time in attacking our concept which they regarded as parochial and proprietary.

Admittedly there is considerable diversity of opinion on land-use problems. Many people are not aware, for instance, that Gem state residents control only about one-third of the acreage in this so-called sovereign state. The remaining 64 percent of Idaho, as you who are attending this conference are well aware, is Federal domain.

This percentage of Federal ownership is not the highest among the 50 states. The Federal ownership is slightly larger in neighboring Utah and rises to 86 percent in Nevada and to 97 percent in Alaska. The Federal District of Columbia, by contrast, is only 28 percent Federally owned.

In the two centuries which have elapsed since the 13 colonies became a nation, a considerable body of statutory and administrative law has developed pertaining to the Federal acreage. Back in 1964, when I was assigned to the Public Land Law Review Commission, we embarked on a four-year study of some 5,000 laws relating to the public lands. Our study period ultimately stretched out to six years and involved expenditure of nearly $7 million in public funds.

One of my first discoveries as a member of this Commission was that this was not the first study of this kind. Similar reviews were conducted in 1879, in 1904, and in 1931, and, ironically, these previous studies had reviewed many of the basic public land laws that are in effect today.

The present review and report differ from the earlier studies in at least two respects:

(1) It is more thorough than any previous studies.

(2) As never before, the awareness of public land use as a factor in maintaining the quality of our environment has been properly recognized and emphasized.

Some early critics of the Report labeled it as a sell out to special interests. Those who make such criticism simply could not have read the Report. In order to refute such unwarranted attacks I shall quote several excerpts directly from the Report:

(1) Environmental quality should be recognized by law as an important objective of public land management, and public land policy should be designed to enhance and maintain a high quality environment both on and off the public lands.

(2) Federal standards for environmental quality should be established for public lands to the extent possible, except that, where state standards have been adopted under Federal law, state standards should be utilized.

(3) Congress should require classification of the public lands for environmental quality and enhancement and maintenance.

(4) Congress should specify the kinds of environmental factors to be considered in land use planning and decisionmaking, and require the agencies to indicate clearly how they were taken into account.

(5) Congress should provide for greater use of studies of environmental impacts as a precondition to certain kinds of uses.

(6) Existing research programs related to the public lands should be expanded for greater emphasis on environmental quality.

(7) Public hearings with respect to environmental considerations should be mandatory on proposed public land projects or decisions when requested by the states or by the Council on Environmental Quality.

(8) Congress should authorize and require the public land agencies to condition the granting of rights or privileges to the public lands or their resources on compliance with applicable environmental control measures governing operations off public lands which are closely related to the right or privilege grants.

(9) Federal land administering agencies should be authorized to protect the public land environment by (a) imposing protective covenants in disposals of public lands, and (b) acquiring easements on non-Federal lands adjacent to public lands.

(10) Those who use the public lands and resources should, in each instance, be required by statute to conduct their activities in a manner that avoids or minimizes adverse environmental impacts, and should be responsible for restoring areas to an acceptable standard where their use has an adverse impact on the environment.

(11) Public land areas in need of environmental rehabilitation should be inventoried and the Federal Government should undertake such rehabilitation Funds should be appropriated as soon as practical for environmental management and rehabilitation research.

I mentioned the earlier studies as a reminder that recommendations of Federal Review Commissions are not necessarily followed by implementing changes in the statutes. But this observation should be followed with the cautionary statement that perhaps never before has there been such active public interest and momentum generated in the effort to revise and modernize our public land laws.

The interest taken by the Idaho Federal Land Review Commission in this incipient legislative phase is well warranted, and I hope that it will continue unabated as the Congress begins consideration of potential legislation beginning next January. This legislative follow up to the PLLRC Report is tremendously important to Idaho and the other eleven public land states of the West, which average more than 50 percent Federal ownership, and I am interested in official and informal comment and participation from a broad segment of interests within the State.

You will be discussing details of the Public Land Law Review Commission report in your conference sessions, so I shall try to avoid duplication by confining these remarks to a few general conclusions and recommendations.

First, I feel that the most important public lands legislation that will be brought up in the forthcoming session of Congress will be a proposal to make payments to the states in lieu of taxes for acreage to be retained permanently under Federal control and therefore immune to state taxation.

The merits of such compensation have been recognized in the Forest Highways, Public Lands Highways, Impacted Aid to Education, and other programs. In-lieu payments also have been incorporated in specific legislation for large Federal withdrawals, such as the Teton National Park legislation in neighboring Wyoming.

The in-lieu payment proposal of the Public Land Law Review Commission has urgent interest to Idaho in view of the large acreages of multiple-use National Forest land in this spectacularly beautiful State which have been proposed for preservation in a wild or natural condition in Wilderness and Wild River systems set aside for a single purpose use.

Before leaving Washington for the current election recess, I asked the Bureau of Outdoor Recreation to sketch in on a map of Idaho some of these proposed or potential wild areas. The areas delineated by BOR—and the list is by no means complete—involve about 4½ million acres of prime forest land, and scenic upland country, some of which may be mineralized. The land areas and the river stretches also lie athwart roads, drainage basins, and communications corridors and presumably could deny access to State and private lands and otherwise increase the costs of developing our natural resources or utilizing our precious water supplies. Also suggestions have been advanced that these protected areas be surrounded by "buffer zones" of varying size.

If the value of the economic interests which are to be diminished or eliminated in such land withdrawals is correctly assessed and reflected in in-lieu payments, Idaho will be better able to continue to operate the affairs of the 13th largest State in geographic size while preserving as a national asset some of the world's choice natural areas. Hence this legislation is of serious interest to both the taxpayers of Idaho and to conservationists who are sincerely interested in helping us preserve some of

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Idaho's natural beauty without adversely affecting our economy.

I am drafting legislation to provide in-lieu payments along the lines proposed in the PLLRC report and would appreciate any suggestions this conference has to offer to help me produce a soundly-conceived bill that can enlist the united support of the public land states, and, hopefully, of other states and reasonable conservation groups.

It appears to me from a cursory review of the study on which this PLLRC recommendation was made that Idaho can expect to receive about $7 million more annually in the proposed in-lieu payments than the State receives now in revenue-sharing programs, if the payments are based upon 90 percent tax equivalency. The study estimated Idaho receipts from revenue sharing and payments in lieu of taxes at about $1½ million in 1966.

Of course, there are implications that shares to public land states will be further reduced by the elimination of funding concessions made to them under the Federal-Aid Highway ratio, Forest road and highway construction, and other programs. And there is no doubt that the sparsely-populated public land States may wake up to find that a Pandora's box of trouble has been opened up when such legislation reaches the urban-dominated House. But there has been talk of changes in these programs for years; the Public Land Law Review Commission Report merely provided some facts and some measured recommendations on which to base such legislative action.

Second, the Report recommends retention by the Federal government of most public lands. If the Federal Government is destined to remain as the landlord for a substantial portion of the Nation's real estate, then I think it only proper that Uncle Sam act the part of a responsible steward. In other words, I think that he should properly operate and maintain his property in a responsible fashion.

As is frequently the case with non-resident landlords, Uncle Sam has skimped on or deferred necessary maintenance. For example, he has permitted Canadian thistle to take over a vast acreage on the watershed above Sun Valley. He has permitted tumbleweed to flourish on the public domain adjacent to good potato and sugar beet cropland in Southern Idaho, thereby adding to the infestation of the leafhopper and the viral plant diseases associated with that plant pest. Sometimes because of a penny wise—pound foolish attitude he has not been able to find funds for range improvement projects to provide better grazing for livestock and habitat for wildlife. Forest re-seeding and the clean-up of burned areas have suffered from lack of funds.

Even though the Commission heard both praise and criticism of present management of public lands, no one expects that the landlord of one-third of the Nation's land area is about to be deposed. We must make a strong and persistent legislative effort to put Federal property management on a more stable basis. I am currently working on legislation to provide more assured and adequate funding for Federal property management and I expect to introduce a bill, or bills, next session. Again, I solicit your interest and your recommendations.

Third, I think that the Congress should enact legislation to help the States finance State-wide land use planning. This is another recommendation of the PLLRC Report, and the Senate Interior Committee has reported out such a land use planning bill after the election recess.

This bill has been extensively revised in Committee, and I think that it will undergo further improvement before it is enacted. Action cannot be completed this session, however, because the House has not held hearings on similar legislation, but the momentum gained by Committee action this year will do much to give this legislation priority in the Senate next session.

As a Westerner, I am impressed that this Senate committee bill assigns land-use planning to the State water resource planning agencies facilitated by previous legislation. All of us recognize the interdependence of land and water and their inseparability in total resource planning. Most of us in the West appreciate the primacy of water supply in land-use planning and I am sure that the work of the Idaho Water Resource Board has done much to convince the people of this state of the need for such planning in the water resource field. Land-use planning also will help a State like Idaho to participate actively in Federal legislation involving land-use policies and future permanent reservations on Federal land and resources within the State.

I heartily endorse the concept of State planning as an integral part of regional and national planning. A fully coordinated effort is essential. The States need to adequately staff and finance their planning agencies. Provisions also need to be made for adequate State, regional, and local participation in Federal Congressional hearings on legislation bearing upon public lands policy and management. To that end, I shall endeavor to arrange for public hearings on major Federal administrative and legislative matters directly affecting Idaho resources and the interests of State and local governmental agencies.

Fourth, if there can be one general characterization of the philosophy which dominated the proceedings of the Public Land Law Review Commission, I think it can be summed up in two words: Balanced Use. During the past quarter century, we had heard much about "multiple use" of our resources. In fact, legislation was passed during the 1960's which prescribed "multiple use" as the dominating policy of the Forest Service, which manages some 20 million acres of Idaho's land area.

I think that "balanced use" conveys more accurate meaning than "multiple use," which has come to mean many things to many people.

Under multiple use, broadly defined, there is no ground for wilderness preservation, because that results in an abandonment of the multiple use principle for largely single-use management. The broad definition of multiple use also precludes a recognition that some lands should be given priority for one major or "dominant" use, such as mining, forestry, water supply, or wildlife propagation.

After many years of struggling with problems of management of publicly-owned resources, I remain convinced that we can achieve a balance in the use and conservation of those resources. Under the balanced use concept, I believe that we can properly manage our public land resource, and that we can clean up our waterways and our air, restore our lands that have been abused, and properly husband our fish and wildlife resources. I believe that we can do these essential things and, at the same time develop our resources, with due attention to preserving a suitable environment.

The recommendations of the Public Land Law Review Commission, I believe, were dedicated to this management ideal. If accepted and applied, they can contribute to modernization and coordination of the legislative and administrative policies of our public lands.

The task of translating recommendations into statutory and administrative policies and orders is both complex and challenging, and demands great patience and perseverance. I greatly appreciate your interest and solicit your cooperation in a commendable remedial effort in the public interest.

GOVERNMENT EXECUTIVE SENIOR EDITOR LEON SHLOSS AUTHOR OF ARTICLE ON YOUNG U.S. GENERALS—ASSERTS UNITED STATES FACES LEADERSHIP PROBLEM IN THE MILITARY

HON. STUART SYMINGTON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Thursday, November 19, 1970

Mr. SYMINGTON. Mr. President, the very able senior editor of Government Executive, Leon Shloss, has written an informative article entitled, "The Young Generals: One-Stars Headed for Stardom." Mr. Shloss reports that officers running the armed services in the late 1970's and early 1980's will emerge from a group of 519 one-star generals at present in the armed services.

Shloss searched out a typical example of the kind of career man our future military leaders will be. He came up with 46-year-old twin brothers, Brig. Gen. Charles C. Pattillo and Brig. Gen. Cuthbert A. Pattillo of Atlanta, Ga.

The article is well written and interesting. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE YOUNG GENERALS: ONE-STARS HEADED FOR STARDOM

(By Leon Shloss)

HIGHLIGHTS

1. U.S. armed forces are facing a leadership problem because within 10 years nearly all of today's general officers will have been retired.

2. The problem is being faced up to, by development of systems whereby the most promising younger officers can be identified and groomed for top command posts.

3. What kind of person is the one-star general of today who will be entrusted in the future with military leadership of the U.S.? What is he doing now, what is his service background, what are his management skills? Would he be able to cope with the problems inherent in a $100-billion defense budget?

The Armed Forces of the United States face a leadership problem. For example, in the Air Force practically all of today's 13 four-star generals will be retired by 1975. So will 95 to 98 percent of the three-stars. Within 10 years nearly all of today's AF general officers, including 159 two-stars, will be gone.

The same percentages hold true, largely, in the Army and the Marine Corps. The Army now numbers 16 four-stars, 43 three-stars and 198 two-stars. The Marine Corps has two four-stars, eight three-stars, 26 two-stars.

Parenthetically, the armed forces face a similar problem in the ranks of their civilian employees. The top civil servants, forged in the fires of World War II, and in the Korean and Vietnam conflicts, will be retired, and hard to replace.

But the problem facing the services is being intensively and realistically confronted, by placing emphasis on youth. The officers running the services in the late '70s and early '80s will emerge from today's crop of one-stars. Of these there are, in the Air Force, Army and Marine Corps, a total of 519 today.

PICKING "PICK OF THE PICK"

The Chiefs of Staff of the not-too-distant future are in their number, as are the of-

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ficers who will come to occupy all the high command posts. Many of today's most capable colonels—and there are many aged 50 to 52—will of necessity be bypassed in the needful search for greater longevity of management.

The services recognize their problem so systems to meet it have been created. In the case of the Air Force, its Career Management System seeks to identify those young officers who have demonstrated the potential to advance to the highest grades.

These officers then are given the opportunity to realize their potential. They are placed in challenging jobs. If their performance and potential warrant it they are promoted ahead of their contemporaries. They are given the opportunity to expand their military knowledge at professional military schools and the opportunity to expand their specialized knowledge in graduate education programs conducted by the Air Force Institute of Technology.

WHAT KIND OF MAN IS HE?

The career development process is continuous, with the timing of jobs, promotion, and education being closely coordinated so that the right opportunities occur at the right time.

The basic tool used in identifying the officers who will be afforded these special career opportunities is the Officer Effectiveness Report which assesses not only performance but also potential. In effect, the outstanding young officers identify themselves. Positive career development actions clear the path for their progress.

The Air Force system does not identify specific young officers as future generals, but it is designed to identify those who *might* become generals and to insure that they are given every opportunity to improve their capabilities and advance to the limit of their ability.

What kind of man is today's one-star general, who will be entrusted in coming years with the military leadership of this country? What are his present responsibilities? What is his service background? Possibly most important, what are his management skills? Will he be able to cope with the problems inherent in a $75-billion to $100-billion dollar defense budget?

Government Executive set out to find a typical example and came up with two—twin brothers: Brigadier General Charles C. "Buck" Pattillo and Brigadier General Cuthert A. "Bill" Pattillo. They were born June 3, 1924 in Atlanta, Ga. Buck is senior—he was born seven minutes before Bill.

Buck today is Vice Commander of the Oklahoma City Air Materiel Area (OCAMA), Tinker Air Force Base, Okla. Bill is Assistant Deputy Chief of Staff (Plans) of Headquarters Tactical Air Command, Langley Air Force Base, Va. They enlisted in the then U.S. Army Air Corps together on November 12, 1942, and until three years ago were never separated in their duty assignments.

At OCAMA Buck is the number 2 man in an operation encompassing a geographic area of 15 states. The base covers 4,100 acres, includes a major AF airdrome and industrial real property consisting of 490 buildings valued at $141 million, operation and maintenance of which costs $400 million a year. More than 28,000 military and civilian personnel work at this installation and are paid $246 million annually.

OCAMA's multiple missions include:

Worldwide System Support Management of 11 major USAF weapon systems, including the B-52 and KC-135; 23 Communication, electronic and meteorological systems, which include SAC and USAF Command and Control; Nuclear Detection and Reporting; USAFE Air Weapons Control, and the ADM-20, AGM-69, and AGM-28 missiles.

Inventory Management of 14 types of jet engines as well as 20 complete AF Property Classes and parts of 32 others. Item Management encompasses 304,143 items.

Specialized Repair Activity for the B-52 and KC-135, six types of jet engines and 29 Federal Property Classes comprising many of the aircraft instruments and accessories used by USAF. Total inventory value is $1.8 billion.

Maintenance or Specialized Repair of major AF weapon systems and components. This constitutes the major organic workload, requiring 14 million manhours annually. Shop area covers 4.1 million square feet. Tools and facilities are valued at $116 million.

Operation of Supply, Storage and Transportation activities. The receiving, storage and shipment of this material to DOD and AF activities all over the world necessitates the processing of 2.5 million requisitions to move 1.6 million worldwide shipments of 276 million pounds of cargo annually.

There are more—many more—functions but the foregoing provides a broad-brush picture of the duties for which this 46-year-old shares top responsibility.

PATTILLOS AS EXAMPLES

The USAF directive setting up the job of OCAMA Vice Commander reads: "Shares in the performance of his (the OCAMA commander) duties of command with responsibility for planning, organizing, directing and controlling total OCAMA mission accomplishment. Exercises direct supervision over subordinate OCAMA Staff Officers and Commanders without regard to seniority of rank among officers of the same grade." The directive continues, significantly:

"Because of the installation's unique combination of military and industrial missions and objectives, the incumbent of this position should possess both the qualities of an Air Force officer who is thoroughly familiar with the mission, needs and objectives of the Air Force *and with the qualities of a top-ranking executive of the private sector who is thoroughly familiar with industrial methods, processes and techniques characteristic of large corporations.*"

At TAC headquarters in Langley, Va., Bill Pattillo's mission as Assistant Deputy Chief of Staff (Plans) is described as follows:

"Assists and acts in the absence of the DCS (Plans) in his responsibility for promulgating concepts, policies, and doctrine for the utilization of tactical air power; the development of plans for accomplishing TAC/USAFSTRIKE/USAFLANT wartime responsibilities; the development of the command manpower program to include resource requirements, policies and structures, and manpower management engineer-activities, and the preparation of command operating programs for base utilization and major unit deployments and provides program guidance to the command."

How do promising young general officers get that way? What has been their training, for combat, and, more important, for assumption of high command posts?

Again using the Pattillos as examples, they both were graduated from the Technical High School in Atlanta, Ga., and, at age 18, enlisted immediately in the Army Air Corps. Following intensive training, they received their pilot wings and commissions as second lieutenants.

Both flew fighters in World War II in the European Theater of Operations. Buck earned the Distinguished Flying Cross and three Air Medals. Bill amassed 135 combat hours before being shot down and captured by the Nazis. He downed a Luftwaffe ME-262 *jet* fighter in a dogfight while flying a propeller-driven plane, and destroyed six more Nazi aircraft on the ground. For his exploits he was awarded, like Buck, a DFC and three Air Medals.

PARALLEL CAREERS

At war's end, both Pattillos returned to civilian life and enrolled in the Georgia Institute of Technology. Before they could be graduated they were recalled, in 1948, to active duty with the 31st Fighter Group at Turner AFB, Ga., and less than a year later they were assigned to the 36th Tactical Fighter Wing at Furstenfeldbruck, Germany, where they assisted in forming and flying with the *Skyblazers*, the aerial demonstration team of the United States Air Forces in Europe (USAFE).

The team was unofficial, flew on its own time, and encountered difficulty in getting top-level sanction. About that time Gen. Dwight D. Eisenhower returned to duty in Europe and, seeing the *Skyblazers* in action, gave them his blessing saying:

"They represent not only the most economical but the most effective means of demonstrating to our allies the high quality of our pilotage and of American-built aircraft."

Buck Pattillo flew left wing and alternate lead for the team in more than 250 air shows throughout Western Europe, North Africa, Greece, and Turkey. For that service he was awarded the Legion of Merit.

Returning to the States the Pattillos were, in 1953, assigned to Luke AFB, Ariz., where they were instrumental in forming the U.S. Air Force's first and to date only official aerial demonstration team—the world-renowned *Thunderbirds*.

From 1956 to 1959 the Pattillos served with the 401st Tactical Fighter Wing at England AFB, La., Buck as a squadron commander, Bill as air operations officer with the 613th Fighter Bomber Squadron of that wing.

In 1960 they matriculated together at the University of Colorado, from which they were graduated in 1962 with BA degrees in mathematics. Next stop was Langley AFB, where Buck was Chief, Jet Fighter-Reconnaissance Division, 4442nd Standardization and Evaluation Group and Bill was operations staff officer, executive officer, policy and plans branch chief with the 4450th Standardization and Evaluation Group.

EXPERIENCING EDUCATION

In August, 1964, the Pattillos entered the U.S. Army War College at Carlisle, Pa., and simultaneously studied at the George Washington University Graduate School, where both were graduated with masters' degrees in international affairs.

In 1965 they were assigned to Germany. In 1968 Buck went to Southeast Asia as Vice Commander of the 8th Tactical Fighter Wing in Thailand, shortly to assume the wing command. He became Vice Commander of the Oklahoma City Air Materiel Area in July 1969.

Meanwhile, also in '68, Bill arrived in Vietnam to be Vice Commander of the 3rd Tactical Fighter Wing, shortly to be named Commander of the 31st TFW, thence to his present command at TAC.

That, briefly, is how they "got there."

Too often overlooked are the families of officers which have to move around the world from duty station to duty station, or remain at home when their men are ordered into combat areas.

In the case of the Pattillos the similarities of the twins and their careers continue on the home front. Buck is married to former Bobbie Brown. They have four children—girls Deborah Ann and Cheri Leigh and boys Jon Scott and Charles C. Jr. Bill is married to the former Joyce Matthews and they too have four children—two are girls, Patricia and Peggy, and two are boys, Bob and Joe.

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STATEMENT ON THE MATTER OF CONFIDENCE IN U.S. PARTICIPATION IN FREE WORLD COLLECTIVE SECURITY ARRANGEMENTS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. GERALD R. FORD. Mr. Speaker, it is commonplace to state that in all of our deliberations we seek, more than any other one thing, to serve the American national interest. If we were asked to describe this American national interest, we would all make different points and use different language and examples, for our national interest is a many faceted thing and different aspects of it are more important or more urgent at one time than at another. But I think we would all agree with one formulation: That the greatest single American national interest is the avoidance of a Third World War—a war which could destroy all mankind.

Now the realities of life in this half of the 20th century are that the predatory instincts and appetites of aggressors—either actual or potential—must be deterred. They are deterred at present by a free world system of collective security arrangements such as NATO, SEATO, CENTO, the ANZUS Pact, and so forth. In all of these free world collective security arrangements, there is one constant and indispensable ingredient: The power of the United States of America and the credibility of this power—the recognition by the world at large of the fact that the United States will use its power to deter aggression and to support its friends and allies if they come under attack. The credibility of the American deterrent is vital to the prevention of aggression—either by calculation or by miscalculation—aggression which could lead to a third world war.

We live in an era of remarkable achievements in the field of communications. The smallest incident taking place in one far-off part of the world can be reported immediately to every other corner of the globe. By the same token, if the United States fails to meet its responsibilities in one part of the world, this is immediately known in all other parts, and especially in Moscow and Peking.

The war in Indochina seems to be winding down. Soon the number of American troops there will be one-half of what it was when President Nixon took office. Casualties are at the lowest point in the last 5 years. Vietnamization is working, pacification is going forward. Vietnam, while still a terribly important problem, no longer appears quite so critical.

But there are other explosive situations. There is the problem of avoiding war and achieving a lasting peace in the Middle East. The United States is determined to assist the democratic state of Israel to defend itself from aggression—supported and encouraged by the same Communist powers which support and encourage Hanoi's aggression in East Asia. Should any uncertainty develop in the mind of the leaders of these Communist states as to the determination of the United States to help its own friends and allies, the danger of war by miscalculation would be vastly increased. If the Communists detect weakness in our attitude in Cambodia or Vietnam, they might well take this as a sign that they can proceed with a freer hand in the Middle East or Europe. The dangers of war by miscalculation are, if anything, greater than the dangers of war by deliberate design. And the steadfast support which we propose to give to Cambodia's struggle against Communist invaders is as sure a way as any of making clear our willingness to assist other nations, such as Israel, which are resisting other aggressions thousands of miles away.

THE FIRST BIG STEP

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 18, 1970

Mr. DERWINSKI. Mr. Speaker, the voters of the State of Illinois approved a $750 million antipollution bond issue on November 3. I direct the attention of the Members to this fact since it dramatically demonstrates the public desire to effectively control water and air pollution.

WGN Broadcasting Co., Chicago, was a vigorous supporter of the bond issue and in its Saturday, November 7, editorial properly commends the voters of the State and emphasizes the significance of their action.

The editorial follows:

THE FIRST BIG STEP

The anti-pollution bond issue, which won approval in Tuesday's election, had several unusual aspects. First, the voter support was overwhelming. Eighty-five out of 100 people went to the trouble of voting FOR the plan.

This is encouraging. It is fair to draw the assumption that the people of Illinois have given a mandate to all public officials. The people say we want clean streams . . . better waste disposal . . . an environment we can live in and ENJOY.

The Bond issue passed rather narrowly, however, when compared to the total vote. Although the vote count showed high public concern, the issue almost failed because some hundreds of thousands could not find, or did not look for, that lever or paper ballot in their voting booth.

WGN supported the anti-pollution bond issue from the start. The voter reaction shows most of you feel the same way. Now that it is a reality, no longer just an idea, WGN feels the politicians of Illinois should approach this task with a clear bipartisan, public service attitude.

The $750 million must go through the political chain-of-command in Springfield. The highest standards must be followed in establishing priorities for this project and allocating the money.

The people have spoken. Now, our elected officials must act. We hope their *actions* match the *words* of the people of Illinois. You the people want clean streams, better sewage and waste disposal. You have a right to expect prompt, efficient handling of your monies.

FOREIGN INVESTMENT VERSUS FOREIGN AID

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. SCHMITZ. Mr. Speaker, a most interesting article by famed economist Henry Hazlitt appeared in the October issue of the Freeman magazine. It is a chapter from Mr. Hazlitt's forthcoming book "The Conquest of Poverty."

In this article Mr. Hazlitt outlines the advantages of private capital investment in foreign nations as opposed to government to government aid programs which promote "statism, centralized planning, socialism, dependence, pauperization, inefficiency, and waste." In short programs which produce all the things which they are supposed to clear up, or at least not exacerbate.

He points out that the $131 billion in foreign aid the United States has doled out from 1947–70—this does not include the $68 billion interest on the funds borrowed—could well have been used to promote prosperity here at home. Not only would the well-being of the American taxpayer have been significantly improved but also the well-being of American industry which is the seed from which private capital investment overseas flows.

Mr. Hazlitt goes into detail on the advantages which private foreign investment has over our numerous foreign aid programs no matter how well or how poorly they are run.

The secret of helping the rest of the free world consists in promoting the export of private capital to other nations. It does not consist of further penalizing the American taxpayer, already staggering under the yoke of excessive taxation. The more we tax our people the less there is for them to invest in private enterprise here at home. This naturally retards the spread of our amazing industrial base to other free nations—the very thing which would really help lift them out of their economic doldrums.

We are caught in a vicious circle of our own making. The more we give away in foreign aid the more we inhibit private investment overseas. We can burst the chains which have been retarding economic growth at home and abroad by discarding once and for all time the ultra-reactionary socialist and welfare concepts which have so long dominated both our internal and external economic policies.

The article follows:

FOREIGN INVESTMENT VERSUS FOREIGN AID

(By Henry Hazlitt)

At the beginning of Chapter III of his *History of England*, Thomas Babington Macaulay wrote:

"In every experimental science there is a tendency toward perfection. In every human being there is a wish to ameliorate his own condition. These two principles have often sufficed, even when counteracted by great public calamities and by bad institutions, to carry civilization rapidly forward.

No ordinary misfortune, no ordinary misgovernment, will do so much to make a nation wretched as the constant effort of every man to better himself will do to make a nation prosperous. It has often been found that profuse expenditures, heavy taxation, absurd commercial restrictions, corrupt tribunals, disastrous wars, seditions, persecutions, conflagrations, inundations, have not been able to destroy capital so fast as the exertions of private citizens have been able to create it. It can easily be proved that, in our own land, the national wealth has, during at least six centuries, been almost uninterruptedly increasing. . . . This progress, having continued during many ages, became at length, about the middle of the eighteenth century, portentously rapid, and has proceeded, during the nineteenth, with accelerated velocity."

We too often forget this basic truth. Would-be humanitarians speak constantly today of "the vicious circle of poverty." Poverty, they tell us, produces malnutrition and disease, which produce apathy and idleness, which perpetuate poverty; and no progress is possible without help from outside. This theory is today propounded unceasingly, as if it were axiomatic. Yet the history of nations and individuals shows it to be false.

It is not only "the natural effort which every man is continually making to better his own condition" (as Adam Smith put it even before Macaulay) that we need to consider, but the constant effort of most families to give their children a "better start" than they enjoyed themselves. The poorest people under the most primitive conditions work first of all for food, then for clothing and shelter. Once they have provided a rudimentary shelter, more of their energies are released for increasing the quantity or improving the quality of their food and clothing and shelter. And for providing tools. Once they have acquired a few tools, part of their time and energies can be released for making more and better tools. And so, as Macaulay emphasized, economic progress can become accelerative.

One reason it took so many centuries before this acceleration actually began, is that as men increased their production of the means of subsistence, more of their children survived. This meant that their increased production was in fact mainly used to support an increasing population. Aggregate production, population, and consumption all increased; but per capita production and consumption barely increased at all. Not until the Industrial Revolution began in the late eighteenth century did the rate of production begin to increase by so much that, in spite of leading to an unprecedented increase in population, it led also to an increase in per capita production. In the Western world this increase has continued ever since.

So a country can, in fact, starting from the most primitive conditions, lift itself from poverty to abundance. If this were not so, the world could never have arrived at its present state of wealth. Every country started poor. As a matter of historic fact, most nations raised themselves from "hopeless" poverty to at least a less wretched poverty purely by their own efforts.

SPECIALIZATION AND TRADE

One of the ways by which each nation or region did this was by division of labor within its own territory and by the mutual exchange of services and products. Each man enormously increased his output by eventually specializing in a single activity—by becoming a farmer, butcher, baker, mason, bricklayer, or tailor—and exchanging his product with his neighbors. In time this process extended beyond national boundaries, enabling each nation to specialize more than before in the products or services that it was able to supply more plentifully or cheaply than others, and by exchange and trade to supply itself with goods and services from others more plentifully or cheaply than it could supply them for itself.

But this was only one way in which foreign trade accelerated the mutual enrichment of nations. In addition to being able to supply itself with more goods and cheaper goods as a result of foreign trade, each nation supplied itself with goods and services that it could otherwise not produce at all, and of which it would perhaps not even have known the existence.

Thus foreign trade *educates* each nation that participates in it, and not only through such obvious means as the exchange of books and periodicals. This educational effect is particularly important when hitherto backward countries open their doors to industrially advanced countries. One of the most dramatic examples of this occurred in 1854, when Commodore Perry at the head of a U.S. naval force "persuaded" the Japanese, after 250 years of isolation, to open their doors to trade and communication with the U.S. and the rest of the world. Part of Perry's success, significantly, was the result of bringing and showing the Japanese such things as a modern telescope, a model telegraph, and a model railway, which delighted and amazed them.

SOME STEPS MAY BE SKIPPED

Western reformers today, praising some hitherto backward country, in Africa or Asia, will explain how much smarter its natives are than we of the West because they have "leaped in a single decade from the seventeenth into the twentieth century." But the leap, while praiseworthy, is not so surprising when one recalls that what the natives mainly did was to import the machines, instruments, technology, and know-how that had been developed during those three centuries by the scientists and technicians of the West. The backward countries were able to bypass home coal furnaces, gas light, the street car, and even, in most cases, the railroad, and to import Western automobiles, Western knowledge of road-building, Western airplanes and airliners, telephones, central oil heaters, electric light, radio and television, refrigerators and air-conditioning, electric heaters, stoves, dishwashers, and clothes washers, machine tools, factories, plants, and Western technicians, and then to send some of their youth to Western colleges and universities to become technicians, engineers, and scientists. The backward countries imported, in brief, their "great leap forward."

In fact, not merely the recently backward countries of Asia and Africa, but every great industrialized Western nation, not excluding the United States, owes a very great part—indeed, the major part—of its present technological knowledge and productivity to discoveries, inventions, and improvements imported from other nations. Notwithstanding the elegant elucidations by the classical economists, very few of us today appreciate all that the world and each nation owes to foreign trade, not only in services and products, but even more in knowledge, ideas, and ideals.

INTERNATIONAL INVESTMENT

Historically, international trade gradually led to international investment. Among independent nations, international investment developed inevitably when the exporters of one nation, in order to increase their sales, sold on short-term credit, and later on longer-term credit, to the importers of another. It developed also because capital was scarcer in the less developed nation, and interest rates were higher. It developed on a larger scale when men emigrated from one country to another, starting businesses in the new country, taking their capital as well as their skills with them.

In fact, what is now known as "portfolio" investment—the purchase by the nationals of one country of the stocks or bonds of the companies of another—has usually been less important quantitatively than this "direct" investment. In 1967 U.S. private investments abroad were estimated to total $93 billion, of which $12 billion were short-term assets and claims, and $81 billion long-term. Of American long-term private investments abroad, $22 billion were portfolio investments and $59 billion direct investments.

The export of private capital for private investment has on the whole been extremely profitable for the capital-exporting countries. In every one of the twenty years from 1945 to 1964 inclusive, for example, the income from old direct foreign investments by U.S. companies exceeded the outflow of new direct investments. In that twenty-year period new outflows of direct investments totaled $22.8 billion, but income from old direct investments came to $37.1 billion, plus $4.6 billion from royalties and fees, leaving an excess inflow of $18.9 billion. In fact, with the exception of 1928, 1929, and 1931, U.S. income from direct foreign investments exceeded new capital outlays in every year since 1919.

Our direct foreign investments also greatly stimulated our merchandise exports. The U.S. Department of Commerce found that in 1964, for example, $6.3 billion, or 25 per cent of our total exports in that year, went to affiliates of American companies overseas.

It is one of the ironies of our time, however, that the U.S. government decided to put the entire blame for the recent "balance-of-payments deficit" on American investments abroad; and beginning in mid-1963, started to penalize and restrict such investment.

The advantages of international investment to the capital importing country should be even more obvious. In any backward country there are almost unlimited potential ventures, or "investment opportunities," that are not undertaken chiefly because the capital to start them does not exist. It is the domestic lack of capital that makes it so difficult for the "underdeveloped" country to climb out of its wretched condition. Outside capital can enormously accelerate its rate of improvement.

Investment from abroad, like domestic investment, can be of two kinds: the first is in the form of fixed interest-bearing loans, the second in the form of direct equity investment in which the foreign investor takes both the risks and the profits. The politicians of the capital-importing country usually prefer the first. They see their nationals, say, making 15 or 30 per cent annual gross profit on a venture, paying off the foreign lender at a rate of only 6 per cent, and keeping the difference as net profit. If the foreign investor makes a similar assessment of the situation, however, he naturally prefers to make the direct equity investment himself.

But the foreigner's preference in this regard does not necessarily mean that the capital-importing country is injured. It is to its own advantage if its government puts no vexatious restrictions on the form or conditions of the private foreign investment. For if the foreign investor imports, in addition to his capital, his own (usually) superior management, experience, and technical know-how, his enterprise may be more likely to succeed. He cannot help but give employment to labor in the capital-importing country, even if he is allowed to bring in labor freely from his own. Self-interest and wage-rate differentials will probably soon lead him to displace most of whatever common or even skilled labor he originally brings in from his own country with the labor of the host country. He will usually supply the capital-importing country itself with some article or amenity it did not have before. He will raise the average marginal productivity of labor in the country in which he has built his plant

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or made his investment, and his enterprise will tend to raise wages there. And if his investment proves particularly profitable, he will probably keep reinvesting most of his profits in it as long as the market seems to justify the reinvestment.

There is still another benefit to the capital-importing country from private foreign investment. The foreign investors will naturally seek out first the most profitable investment opportunities. If they choose wisely, these will also be the investments that produce the greatest surplus of market value over costs and are therefore economically most productive. When the originally most productive investment opportunities have been exploited to a point where the comparative rate of return begins to diminish, the foreign investors will look for the next most productive investment opportunities, originally passed over. And so on. Private foreign investment will therefore tend to promote the most rapid rate of economic improvements.

FOREIGNERS ARE SUSPECT

It is unfortunate, however, that just as the government of the private-capital-exporting country today tends to regard its capital exports with alarm as a threat to its "balance of payments," the government of the private-capital-importing country today tends to regard its capital imports at least with suspicion if not with even greater alarm. Doesn't the private-capital-exporting country make a profit on this capital? And if so, mustn't this profit necessarily be at the expense of the capital-importing country? Mustn't the latter country somehow be giving away its patrimony? It seems impossible for the anticapitalist mentality (which prevails among the politicians of the world, particularly in the underdeveloped countries) to recognize that both sides normally benefit from any voluntary economic transaction, whether a purchase-sale or a loan-investment, domestic or international.

Chief among the many fears of the politicians of the capital-importing country is that foreign investors "take the money out of the country." To the extent that this is true, it is true also of domestic investment. If a home owner in Philadelphia gets a mortgage from an investor in New York, he may point out that his interest and amortization payments are going out of Philadelphia and even out of Pennsylvania. But he can do this with a straight face only by forgetting that he originally borrowed the money from the New York lender either because he could not raise it at all in his home city or because he got better terms than he could get in his home city. If the New Yorker makes an equity investment in Pennsylvania, he may take out all the net profits; but he probably employs Pennsylvania labor to build his factory and operate it. And he probably pays out $85 to $90 annually for labor, supplies, rent, etc., mainly in Pennsylvania, for every $10 he takes back to New York. (In 1969, American manufacturing corporations showed a net profit after taxes of only 5.4 per cent on total value of sales.) "They take the money out of the country" is an objection against foreign investors resulting even more from xenophobia than from anticapitalism.

FEAR OF FOREIGN CONTROL

Another objection to foreign investment by politicians of the capital-importing country is that the foreign investors may "dominate" the borrowing country's economy. The implication (made in 1965 by the de Gaulle government of France, for example) is that American-owned companies might come to have too much to say about the economic decisions of the government of the countries in which they are located. The real danger, however, is the other way round. The foreign-owned company puts itself at the mercy of the government of the host country. Its capital in the form of buildings, equipment, drilled wells and refineries, developed mines, and even bank deposits, may be trapped. In the last twenty-five years, particularly in Latin America and the Middle East, as American oil companies and others have found to their sorrow, the dangers of discriminatory labor legislation, onerous taxation, harassment, or even expropriation, are very real.

Yet the anticapitalistic xenophobic, and other prejudices against private foreign investment have been so widespread, in both the countries that would gain from importing capital and the countries that would profit from exporting it, that the governments in both sets of countries have imposed taxes, laws and regulations, red tape, and other obstacles to discourage it.

At the same time, paradoxically, there has grown up in the last quarter-century powerful political pressures in both sets of countries in favor of the richer countries *giving capital away* to the poorer in the form of government-to-government "aid."

THE MARSHALL PLAN

This present curious giveaway mania (it can only be called that on the part of the countries making the grants) got started as the result of an historical accident. During World War II, the United States had been pouring supplies—munitions, industrial equipment, foodstuffs—into the countries of its allies and cobelligerents. These were all nominally "loans." American Lend-Lease to Great Britain, for example, came to some $30 billion and to Soviet Russia to $11 billion.

But when the war ended, Americans were informed not only that the Lend-Lease recipients could not repay and had no intention of repaying, but that the countries receiving these loans in wartime had become dependent upon them and were still in desperate straits, and that further credits were necessary to stave off disaster.

This was the origin of the Marshall Plan.

On June 5, 1947, General George C. Marshall, then American Secretary of State, made at Harvard the world's most expensive commencement address, in which he said:

"The truth of the matter is that Europe's requirements, for the next three or four years, of foreign food and other essential products—principally from America—are so much greater than her present ability to pay that she must have substantial additional help, or face economic, social, and political deterioration of a very grave character."

Whereupon Congress authorized the spending in the following three-and-a-half years of some $12 billion in aid.

This aid was widely credited with restoring economic health to "free" Europe and halting the march of communism in the recipient countries. It is true that Europe did finally recover from the ravages of World War II—as it had recovered from the ravages of World War I. And it is true that, apart from Yugoslavia, the countries not occupied by Soviet Russia did not go communist. But whether the Marshall plan accelerated or retarded this recovery, or substantially affected the extent of communist penetration in Europe, can never be proved. What can be said is that the plight of Europe in 1947 was at least as much the result of misguided European governmental economic policies as of physical devastation caused by the war. Europe's recovery was far slower than it could have been, with or without the Marshall Plan.

This was dramatically demonstrated in West Germany in 1948, when the actions between June 20 and July 8 of Economic Minister Ludwig Erhard in simultaneously halting inflation, introducing a thoroughgoing currency reform, and removing the strangling network of price controls, brought the German "miracle" of recovery.

As Dr. Erhard himself described his action: "We decided upon and re-introduced the old rules of a free economy, the rules of *laissez-faire*. We abolished practically all controls over allocation, prices, and wages and replaced them with a price mechanism controlled predominantly by money."

The result was that German industrial production in the second half of 1948 rose from 45 per cent to nearly 75 per cent of the 1936 level, while steel production doubled that year.

It is sometimes claimed that it was Germany's share of Marshall aid that brought on the recovery. But nothing similar occurred in Great Britain, for example, which received more than twice as much Marshall aid. The German per capita gross national product, measured in constant prices, increased 64 per cent between 1950 and 1958, whereas the per capita increase in Great Britain, similarly measured, rose only 15 per cent.

Once American politicians got the idea that the American taxpayer owed other countries a living, it followed logically that his duty could not be limited to just a few. Surely that duty was to see that poverty was abolished everywhere in the world. And so in his inaugural address of January 20, 1949, President Truman called for "a bold new program" to make "the benefits of our scientific advances and industrial progress available for the improvement and growth of underdeveloped areas. . . . This program can greatly increase the industrial activity in other nations and can raise substantially their standards of living."

Because it was so labeled in the Truman address, this program became known as "Point Four." Under it the "emergency" foreign aid of the Marshall Plan, which was originally to run for three or four years at most, was universalized, and has now been running for more than twenty years. So far as its advocates and built-in bureaucracy are concerned, it is to last until foreign poverty has been abolished from the face of the earth, or until the per capita "gap" between incomes in the backward countries and the advanced countries has been closed—even if that takes forever.

The cost of the program already is appalling. Total disbursements to foreign nations, in the fiscal years 1946 through 1970, came to $131 billion. The total net interest paid on what the U.S. borrowed to give away these funds amounted in the same period to $68 billion, bringing the grand total through the 25-year period to $199 billion.

This money went altogether to some 130 nations. Even in the fiscal year 1970, the aid program was still operating in 99 nations and five territories of the world, with 51,000 persons on the payroll, including U.S. and foreign personnel. Congressman Otto E. Passman, chairman of the Foreign Operations Subcommittee on Appropriations, declared on July 1, 1969: "Of the three-and-a-half billion people of the world, all but 36 million have received aid from the U.S."

DOMESTIC REPERCUSSIONS

Even the colossal totals just cited do not measure the total loss that the foreign giveaway program has imposed on the American economy. Foreign aid has had the most serious economic side-effects. It has led to grave distortions in our economy. It has undermined our currency, and contributed toward driving us off the gold standard. It has accelerated our inflation. It was sufficient in itself to account for the total of our Federal deficits in the 1946–70 period. The $199 billion foreign aid total exceeds by $116 billion even the $83 billion increase in our gross national debt during the same years. Foreign aid has also been sufficient in itself to account for all our balance-of-payments deficits (which our government's policies blame on private foreign investment).

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The advocates of foreign aid may choose to argue that though our chronic Federal budget deficits in the last 25 years *could* be imputed to foreign aid, we could alternatively impute those deficits to other expenditures, and assume that the foreign aid was paid for entirely by raising additional taxes. But such an assumption would hardly improve the case for foreign aid. It would mean that taxes during this quarter-century averaged at least $5 billion higher each year than they would have otherwise. It would be difficult to exaggerate the setbacks to personal working incentives, to new ventures, to profits, to capital investment, to employment, to wages, to living standards, that an annual burden of $5 billion in additional taxation can cause.

If, finally, we make the "neutral" assumption that our $131 or $199 billion in foreign aid (whichever way we choose to calculate the sum) was financed in exact proportion to our actual deficit and tax totals in the 25-year period, we merely make it responsible for part of both sets of evils.

In sum, the foreign aid program has immensely set back our own potential capital development. It ought to be obvious that a foreign giveaway program can raise the standards of living of the so-called "underdeveloped areas" of the world only by lowering our own living standards compared with what they could otherwise be. If our taxpayers are forced to contribute millions of dollars for hydroelectric plants in Africa or Asia, they obviously have that much less for productive investment in the U.S. If they contribute $10 million dollars for a housing project in Uruguay, they have just that much less for their own housing, or any other cost equivalent, at home. Even our own socialist and statist do-gooders would be shaken if it occurred to them to consider how much might have been done with that $131 or $199 billion of foreign aid to mitigate pollution at home, build subsidized housing, and relieve "the plight of our cities." Free enterprisers, of course, will lament the foreign giveaway on the far more realistic calculation of how enormously the production, and the wealth and welfare of every class of our population, could have been increased by $131 to $199 billion in more private investment in new and better tools and cost-reducing equipment, and in higher living standards, and in more and better homes, hospitals, schools, and universities.

THE POLITICAL ARGUMENTS

What have been the economic or political compensations to the United States for the staggering cost of its foreign aid program? Most of them have been illusory.

When our successive Presidents and foreign aid officials make inspirational speeches in favor of foreign aid, they dwell chiefly on its alleged humanitarian virtues, on the need for American generosity and compassion, on our duty to relieve the suffering and share the burdens of all mankind. But when they are trying to get the necessary appropriations out of Congress, they recognize the advisability of additional arguments. So they appeal to the American taxpayer's material self-interest. It will redound to his benefit, they argue, in three ways: 1. It will increase our foreign trade, and consequently the profits from it. 2. It will keep the underdeveloped countries from going communist. 3. It will turn the recipients of our grants into our eternally grateful friends.

The answers to these arguments are clear:

1. Particular exporters may profit on net balance from the foreign aid program, but they necessarily do so at the expense of the American taxpayer. It makes little difference in the end whether we give other countries the dollars to pay for our goods, or whether we directly give them the goods. We cannot grow rich by giving our goods or our dollars away. We can only grow poorer. (I would be ashamed of stating this truism if our foreign aid advocates did not so systematically ignore it.)

2. There is no convincing evidence that our foreign aid played any role whatever in reversing, halting, or even slowing down any drift toward communism. Our aid to Cuba in the early years of the program, and even our special favoritism toward it in assigning sugar quotas and the like, did not prevent it from going communist in 1958. Our $769 million of aid to the United Arab Republic did not prevent it from coming under Russian domination. Our $460 million aid to Peru did not prevent it from seizing American private properties there. Neither our $7,715 million aid to India, nor our $3,637 million aid to Pakistan, prevented either country from moving deeper and deeper into socialism and despotic economic controls. Our aid, in fact, subsidized these very programs, or made them possible. And so it goes, country after country.

3. Instead of turning the recipients into grateful friends, there is ever-fresh evidence that our foreign aid program has had precisely the opposite effect. It is pre-eminently the American embassies and the official American libraries that are mobbed and stoned, the American flag that is burned, the Yanks that are told to go home. And the head of almost every government that accepts American aid finds it necessary to denounce and insult the United States at regular intervals in order to prove to his own people that he is not subservient and no puppet.

So foreign aid hurts both the economic and political interest of the country that extends it.

THE UNSEEN COSTS OF UTOPIAN PROGRAMS

But all this might be overlooked, in a broad humanitarian view, if foreign aid accomplished its main ostensible purpose of raising the living levels of the countries that received it. Yet both reason and experience make it clear that in the long run it has precisely the opposite effect.

Of course, a country cannot give away $131 billion without its doing *something* abroad (though we must always keep in mind the reservation—instead of something *else* at home). If the money is spent on a public housing project, on a hydroelectric dam, on a steel mill (no matter how uneconomic or ill-advised), the housing or the dam or the mill is brought into existence. It is visible and undeniable. But to point to that is to point only to the visible gross gain while ignoring the costs and the offsets. In all sorts of ways—economic, political, spiritual—the aid in the long run hurts the recipient country. It becomes dependent on the aid. It loses self-respect and self-reliance. The poor country becomes a pauperized country, a beggar country.

There is a profound contrast between the effects of foreign aid and of voluntary private investment. Foreign aid goes from government to government. It is therefore almost inevitably statist and socialistic. A good part of it goes into providing more goods for immediate consumption, which may do nothing to increase the country's productive capacity. The rest goes into government projects, government five-year plans, government airlines, government hydroelectric plants and dams, or government steel mills, erected principally for prestige reasons, and for looking impressive in colored photographs, and regardless of whether the projects are economically justified or self-supporting. As a result, real economic improvement is retarded.

THE INSOLUBLE DILEMMA

From the very beginning, foreign aid has faced an insoluble dilemma. I called attention to this in a book published in 1947, *Will Dollars Save the World?*, when the Marshall Plan was proposed but not yet enacted:

"Intergovernmental loans [they have since become mainly gifts, which only intensifies the problem] are on the horns of this dilemma. If on the one hand they are made without conditions, the funds are squandered and dissipated and fail to accomplish their purpose. They may even be used for the precise opposite of the purpose that the lender had in mind. But if the lending government attempts to impose conditions, its attempt causes immediate resentment. It is called 'dollar diplomacy'; or 'American imperialism'; or 'interfering in the internal affairs' of the borrowing nation. The resentment is quickly exploited by the Communists in that nation."

In the 23 years since the foreign-aid program was launched, the administrators have not only failed to find their way out of this dilemma; they have refused even to acknowledge its existence. They have zigzagged from one course to the other, and ended by following the worst course of all: they have insisted that the recipient governments adopt "growth policies"—which mean, in practice, government "planning," controls, inflation, ambitious nationalized projects—in brief, socialism.

If the foreign aid were not offered in the first place, the recipient government would find it advisable to try to attract foreign private investment. To do this is would have to abandon its socialistic and inflationary policies, its exchange controls, its laws against taking money out of the country. It would have to abandon harassment of private business, restrictive labor laws, and discriminatory taxation. It would have to give assurances against nationalization, expropriation, and seizure.

Specifically, if the nationals of a poor country wanted to borrow foreign capital for a private project, and had to pay a going rate of, say, 7 per cent interest for the loan, their project would have to be one that promised to yield at least 7 per cent before the foreign investors would be interested. If the government of the poor country, on the other hand, can get the money from a foreign government without having to pay interest at all, it need not trouble to ask itself whether the proposed project is likely to prove economic and self-liquidating or not. The essential market guide to comparative need and utility is then completely removed. What decides priorities is the grandiose dreams of the government planners, unembarrassed by bothersome calculations of comparative costs and usefulness.

THE CONDITIONS FOR PROGRESS

Where foreign government aid is not freely offered, however, a poor country, to attract private foreign investment, must establish an actual record of respecting private property and maintaining free markets. Such a free-enterprise policy by itself, even if it did not at first attract a single dollar of foreign investment, would give enormous stimulus to the economy of the country that adopted it. It would first of all stop the flight of capital on the part of its own nationals and stimulate *domestic* investment. It is constantly forgotten that both domestic and foreign capital investment are encouraged (or discouraged) by the same means.

It is not true, to repeat, that the poor countries are necessarily caught in a "vicious circle of poverty," from which they cannot escape without massive handouts from abroad. It is not true that "the rich countries are getting richer while the poor countries are getting poorer." It is not true that the "gap" between the living standards of the poor countries and the rich countries is growing ever wider. Certainly that is not true in any *proportionate* sense. From 1945 to 1955, for example, the average rate of

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growth of Latin American countries in national income was 4.5 percent per annum, and in output per head 2.4 percent—both rates appreciably higher than the corresponding figure for the United States.

INTERVENTION BREEDS WASTE

The foreign aid ideology is merely the relief ideology, the guaranteed-income ideology, applied on an international scale. Its remedy, like the domestic relief remedy, is to "abolish poverty" by seizing from the rich to give to the poor. Both proposals systematically ignore the reasons for the poverty they seek to cure. Neither draws any distinction between the poverty caused by misfortune and the poverty brought on by shiftlessness and folly. The advocates of both proposals forget that their chief attention should be directed to restoring the incentives, self-reliance, and *production* of the poor family or the poor country, and that the principal means of doing this is through the free market.

In sum, government-to-government foreign air promotes statism, centralized planning, socialism, dependence, pauperization, inefficiency, and waste. It prolongs the poverty it is designed to cure. Voluntary private investment in private enterprise, on the other hand, promotes capitalism, production, independence, and self-reliance. It is by attracting foreign private investment that the great industrial nations of the world were once helped. It is so that America itself was helped by British capital, in the nineteenth century, in building its railroads and exploiting its great national resources. It is so that the still "underdeveloped areas" of the world can most effectively be helped today to develop their own great potentialities and to raise the living standards of their masses.

A POINT OF NATIONAL PRIDE

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Thursday, November 19, 1970

Mr. JORDAN of Idaho. Mr. President, on November 11, I was privileged to take part, in Boise, Idaho, in the traditional Veterans' Day ceremonies—both at the Idaho Veterans' Home and at the Veterans' Administration in Boise. The Boise Veterans' Day featured speaker was one of my State's outstanding educators, Dr. John B. Barnes, president of Boise State College. Dr. Barnes delivered one of the most perceptive speeches that I have been fortunate to hear on this vitally significant day to all Americans. So that Senators and the many other readers of the RECORD may share Dr. Barnes' observations, I ask unanimous consent that the speech, entitled, "A Point of National Pride" be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

A POINT OF NATIONAL PRIDE

(By John B. Barnes)

INTRODUCTION

This is the modern world of Tiny Tim, Spiro Agnew, Cassius Clay and Englebert Humperdinck, and it is our world, our generation. It is not unusual to note that every generation is made up of some people whose perspectives differ from ours, whose views seem warped. Actually, this may seem an unusual era in history. Further reflection, however, indicates that in generations past, we have also had a few people in every community, state and region of the country who were equally unique. Because of our rapid communication and the literacy of our people, we are simply more aware of the variety of voices that we hear. This same variety of voices existed on November 11, 1919 when Veterans' Day was originated. This annual event is still celebrated in France, Great Britain, Canada and the United States.

PATRIOTISM IS NOT A PARTISAN AFFAIR

As in its earliest days, today, patriotism is not a partisan affair. Patriotism is a personal affair—not related to political party, race, creed or age. Many people who never served in the military forces of this great nation are nonetheless patriotic. While Veterans' Day was begun to express public and private thanks to many men and women who served their country in war and in peace, I think that it should be more than that. It should be a kind of national pride in the accomplishments of our nation. Accomplishments made due to the hard work and dedication of men and women everywhere. National pride, like any other kind of pride, best not be blind. Pride can be bigoted or pride can be enlightened, intelligent, self-critical. The great need is not for national idolatry nor for the rejection of national ideals. The national pride of which I speak is a dedicated, year-round pride in this country, past and present, tempered by an active desire to improve ourselves as we practice democracy so that the nation may reach the ideals stated in its historic documents. This nation is not yet what its founders dreamed it could become, but it is certainly the world's greatest civilization and one of the bulwarks of freedom for its people under the rule of representative government.

Some among us desire to have the country united and have one mind on most major issues. While I doubt that this is possible, I also doubt that it is desirable. One of the dangers of being completely united, one voice, is that *the* one voice might be wrong. It is far better to live in a nation which debates among itself and yearly sees change balanced by the grand scale of state and national elections than to dream of a huge country with one set of vocal cords.

THOSE HORRIBLE INCONSISTENCIES

In this environment of debate, it seems inevitable that inconsistencies will develop. Look at a few of our present inconsistencies:

1. Some of the most vigorous opponents of the Indo-China war who cry peace in the streets, actually participate in violence at home as a method of solving problems. They castigate violence abroad and proclaim it at home.

2. Chester F. Carlson gave $10,000,000 to the Center for the Study of Democratic Institutions knowing that most of the money would be spent in criticizing the corporate structure of American business when the $10,000,000 that he contributed was made in that same competitive marketplace.

3. The ringing voice of elected officials pleading for clean air and clean water, but their failure to insure the enforcement of the laws and regulations passed by cities, counties and states.

4. The great abundance of talk about the problems of these times contrasted with a timid and meager development of solutions which to many looks like a premium on language and a deficit on action.

5. A small group of college students at the University of Minnesota physically prevented the University orchestra from holding its regular concert program until 60 percent of the organization's numbers signed a petition opposing the war, but some of the same members of this cohesive group demanded the right to celebrate Christ's Communion in the nude. As Krislov has said, "The assumption is that the square world must accept deviant behavior, but that the deviants have the right to demand conformity." Stated another way, "The groups to which I belong should have a wide threshold, but the groups to which you belong should conform to my views."

You could name a good many other inconsistencies. They are the kind of things which make progress difficult, inflames tempers, breeds irrationality.

My middle years have convinced me that what plagues our society, hampers peace at home and abroad, confuses and beclouds our rational thoughts is the rattle that comes from the extreme ends of such inconsistencies. Too many of us have learned to trust the tug of our emotions and the permanence of our prejudices when indeed emotions are not always the best signals to either progress or retreat.

THE RIGHT TO SERVE

With the wide freedoms that exist in our country, one of the rights so often forgotten is the right to serve. We recognize this right in the right to serve this country through its armed forces. Those who now serve in the various branches of the military service, serve the country not because they believe that war is popular. It seldom is. They serve not because our nation is always right on every issue. We too are fallible. They serve not because the armed forces is the only way to serve the country of one's birth or of one's choice. They serve in the military for the same reasons people in all walks of life serve their communities and their states or serve the companies for which they work, or the church or political party of their choice.

You may ask why do men and women choose to serve their country through a few years or a lifetime in a branch of military service. I can best answer that by asking ten brief questions:

1. Who cares enough about others that, when necessity arises, he will risk his life to prove it?

A serviceman.

2. Who will give his prime years to a career which he knows may terminate at the very peak of his ability?

A serviceman.

3. Who will stand on call, in crises or not, firing a weapon or repairing a jeep?

A serviceman.

4. Who has a wife who loves him so much she'd rather see him in danger than know he sought just safety?

A serviceman.

5. Who knows the deepest meaning of devotion and discipline to a selfless call?

A serviceman.

6. Who can curse hell and cry to heaven with an equally sober and sensible voice?

A serviceman.

7. Who can live with himself in a crowded barrack, on a lonely reconnaissance mission, or in a holiday parade and still be proud of what he is and what he does?

A serviceman.

8. Who knows best that major wars or personal crises are seldom fought on flat plateaus but that the mountains and valleys of life challenge men?

A serviceman.

9. What career blends best the need for a healthy body, an alert mind, and a resolute spirit?

The military service.

10. Who knows that arrogance is not strength and that even in war, opportunities for service to others outnumber enemy encounters?

A serviceman.

CONCLUSION

That's what a serviceman is and thank God for it. We need more like him in all walks of life.

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RICHEST FARMERS GET MOST SUBSIDY MONEY

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. COHELAN. Mr. Speaker, the House has passed the new agriculture bill. This bill included payment limitations on some crops but the payments were so high and the future cost of the program so excessive I could not support this bill.

There was another reason why I could not support this bill—the fact that the payments for the most part went not to small farmers but to giant combines. There are now additional data on this facet of the agriculture program. Charles Schultze, former Director of the Bureau of the Budget and now an economist with the Brookings Institution, has completed a study which demonstrates that 42 percent of the approximately $8 billion in the direct Federal payment and the market price supports goes to the largest 7 percent of farmers with sales above $40,000 per year.

For the benefit of my colleagues I insert in the RECORD a brief article that covers some of the findings of the Schultze study:

RICHEST FARMERS GET MOST SUBSIDY MONEY

(By David R. Francis)

WASHINGTON.—Contrary to the image, this nation's farm program is not a welfare program, says former budget director Charles L. Schultze.

Most of the subsidy money does not go to the poor farmer. Rather it goes to the wealthier farm operators.

Farm economists always have known that federal subsidy money is distributed largely in relation to production. This has meant that the trend to concentrating farm production in a minority of farms during the postwar period also has brought about a concentration of benefits to the larger farms.

Dr. Schultze, now an economist with Brookings Institution, has just completed the most thorough analysis yet of the distribution of benefits from the farm program. It will be published soon by the institution.

Congress is expected to pass a new farm bill when it returns from the election recess. But this new legislation will alter barely the distribution of the benefits from the program. It still will help the richer farmers the most, despite a ceiling of $55,000 per crop per farm in federal subsidies.

Dr. Schultze hopes his program analysis may affect congressional thinking about the farm program when the bill comes up for renewal three years from now. Urban congressmen in particular may want to further limit the program costs.

Farm price-support programs provide two kinds of benefits to the farmer:

1. Direct federal payments. These have averaged in the past three years about $3.75 billion per year.

2. Market price supports. By limiting production, the price of farm products is boosted above what it would be without these limits. These raise farm income and cost consumers an additional $4.25 billion a year.

PRICE HIKE SEEN

Some calculations indicate market price supports may hike the price of farm products as much as $6 billion.

These two benefits thus total roughly $8 billion.

Adding in storage costs, administrative costs, loan costs, and other program costs, Dr. Schultze reckons the total transfer of income from consumers and taxpayers to the farm economy to be in the range of $9.5 to $11 billion.

"For comparative purposes," he writes, "the total federal, state, and local cost of various public-assistance (welfare) programs, including Medicaid, was $9 billion in 1969.

"Procurement, operation, and maintenance of this nation's strategic nuclear forces also cost about $9 billion in fiscal 1969."

Looking at the distribution of the subsidy benefits actually received by the farmers, Dr. Schultze finds that 42 percent of the roughly $8 billion goes to the largest 7 percent of farmers with sales above $40,000 per year. Their total net income from farm and nonfarm sources averages $33,000. The subsidy benefits provide an average $16,000 per farm for this class of farmers.

MUCH GOES TO FEW

Some 64 percent of the subsidies goes to the top 19 percent of farmers with annual sales of $20,000 or more. These 568,000 farms produce some three-fourths of total farm-product sales.

Their average income in 1969 was $20,900; their average subsidy $9,100.

By contrast, the 1.5 million farmers with sales below $5,000 per year have average incomes of $7,900—primarily from off-farm sources—and receive $500 per farm in subsidy values. Many of these small farms are worked only part time. But many farmers in this class are poor.

These figures make clear that the more a farm produces, the greater the value of price supports.

This, of course, would be the expected result of the government's efforts to keep the prices of farm products at a high level. But also it is true of the government's cash payments to farmers. These depend on the size of a farmer's acreage allotment or his production, both of which vary directly with the size of his farm.

DIRECT PAYMENTS

Of the $3.75 billion of direct payments, some 54 percent goes to the 19 percent of * * * farmers got 73 percent of the benefits. The 1.5 million farmers with sales below $5,000 receive 13 percent of payments.

In the case of the $4.25 billion of price-support benefits, the top 19 percent of farmers got 73 percent of the benefits. The 1.5 million farmers at the other end of the scale, comprising 51 percent of all farmers, got only 5 percent of the benefits.

Dr. Schultze's figures for the size of price-support benefits from the farm program are based on the "short run" effect of establishing a free market in farm products. Over a considerably longer period, the resulting lower prices would hasten the exodus from farming. Supply would come closer to demand and farm prices would rise once more.

One study finds that the long-run difference between income projected under current farm programs and free-market income would be $1.4 billion. This assumes prices would eventually stabilize at levels sufficient to cover all major costs of production, including family labor.

One major effect of the farm program is to increase the price or rent of farm lands, Dr. Schultze writes.

Most farm-subsidy programs are "vested" not in the farmer as an individual but in the land on his farm. When a farm is sold, the subsidy privileges go with the land. As a result, the value of the annual subsidy tends to get reflected, at least partially, in the price of the farmland.

In combination with a number of other factors, says Dr. Schultze, this capitalization process has tended to drive the price of farmland up.

Thus the chief benefits of farm subsidies have fallen to those who purchased land many years ago before subsidies became prevalent. Farmers buying or renting land in later years get less advantage from the farm program. The added costs from higher land prices or farm rents partially offset the farm program benefits.

In other words, the farm program has resulted in large capital gains to longtime owners of farmland. The new generation of farmers has benefitted relatively little.

A cut in farm subsidies would mean a reduction in paper capital gains for those farmers who have held their land for a long time; it would mean actual capital losses for more recent farm owners.

THE NATIONAL WATERED-DOWN COMMISSION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, November 19, 1970

Mr. METCALF. Mr. President, in 1968 Congress established the National Water Commission. The Commission, composed of seven members appointed by the President, was directed to review present and anticipated national water resource problems and to consider economic and social consequences of water resource development. The Commission was charged with advising on such specific water resource matters as may be referred to it by the President and the Water Resources Council. The Commission was further directed to submit reports on its findings to the President and to Congress, which limited the Commission's life to 5 years, expiring September 26, 1973.

President Johnson appointed an outstanding, bipartisan commission. The chairman was Charles Luce, former Under Secretary of the Interior and Bonneville Power Administrator, now the head of Consolidated Edison. Serving with him were Ray Lindsley, professor of hydraulic engineering at Stanford; Frank C. Diluzio, former Assistant Secretary of the Interior for Water Pollution Control; Mike Wright, the chief executive officer of Humble Oil; Russell Train, then head of the Conservation Foundation and now head of the Council on Environmental Quality; Sam Baxter, Philadelphia's water commissioner and chief engineer; and Clyde Ellis, a former Representative from Arkansas who for years served as the general manager of the National Rural Electric Cooperative Association.

Under the law, these members serve at the pleasure of the President. Confirmation of commissioners by the Senate is not required, an unfortunate short coming of the law regarding so important a commission. The Senate and its Interior Committee had provided for confirmation in the enabling legislation, S. 20, but the contrary view of the House prevailed in conference.

Key Government officials and commission members routinely submit pro forma resignations to incoming Presidents. Usually an incoming President does not

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accept resignations of persons who are involved in complex and long-range studies for the benefit of both the executive and legislative branches. To the best of my knowledge, all seven members of the National Water Commission, which had assembled a highly competent staff, were willing to continue this important study. Yet only two of the seven remain on the Commission. The other five have been removed by President Nixon.

The first to be replaced was Mr. Train. Under the law, he could not serve on the Commission and as Under Secretary of Interior, the position he held prior to going to the Council on Environmental Quality. Mr. Train was replaced by Howell Appling of Portland, Oreg., a farm equipment dealer and former Oregon secretary of state.

Late last year Mr. Diluzio and Mr. Wright were replaced. President Nixon appointed in their stead Roger Ernst of Phoenix, who had been Assistant Secretary of the Interior for public lands under President Eisenhower; and Josiah Wheat of Houston. Mr. Wheat had been president of the State bar and a water association. He had also headed Democrats for Nixon in Texas.

By letters dated October 30, 1970—and mailed on November 6—the President removed Mr. Baxter and Mr. Ellis. He replaced them with James Reed Ellis, a Seattle lawyer, and James E. Murphy, a Kalispell, Mont., lawyer who has long served as Montana's Republican national committeeman.

Mr. President, I am one of the many Members of Congress who worked for the establishment of the National Water Commission and has looked forward to its findings and recommendations. It is because of my concern, and that of many Members of Congress, for the Commission's task that I now raise questions about the changes which the President has made in the Commission.

President Nixon has been having trouble with Presidential commissions. His people tried to discredit the Commission on Campus Unrest—the Scranton commission—before its report was published. His appointee to the Commission on Obscenity and Pornography would not attend its meetings. Portions of the $2 million Eisenhower Commission Report on Violence are still unpublished. Nevertheless, the President is busily appointing more commissions—more than 40 during his first 17 months in office, according to press reports.

The National Water Commission is, in my view, in a category above the commissions which the President almost casually establishes in order to do something about a bothersome or difficult problem. The National Water Commission was established by Congress. It is charged with making a report to the Congress, as well as to the President. If the President is going to, without cause, keep changing members of the Commission, after they have devoted many months of conscientious work to the job assigned them, the final product will, I fear, be more mediocre than authoritative.

Why did the President quietly, without any public notice, and just 3 days after this month's election, remove an outstanding and knowledgeable Philadelphia water commissioner—Mr. Baxter—who recently has been recognized by his professional colleagues by election to the presidency of the American Society of Civil Engineers? Why did he similarly remove Mr. Ellis, the one member of the Commission who truly represented and understood rural America?

These men brought to the Commission an understanding of water problems in other regions of the country than the West, which is overrepresented on the Commission. As Senators well know, I want representation in Government and its commissions to be by capable persons who know the Western States, one of which I am honored to represent. But this is a National Water Commission, or at least it was thus intended. Its members should have some understanding of national water problems or special expertise in the field. I regret very much that the new Commission member from Montana has neither. Political credentials alone, with whatever party, are insufficient for membership on such a Commission. President Johnson recognized that fundamental point in making the original, outstanding appointments to the Commission. I submit that the National Water Commission deserves better treatment than it has received from President Nixon.

Mr. President, I believe that Congress must bear part of the responsibility in this matter. We have been prone to delegate too much responsibility to the President, who in turn delegates responsibility to commissions whose membership he redesigns for his own purposes or to executive agencies which turn to industry advisory groups which are more than ready to delay action and modify policy.

I believe that the next Congress should make its own studies of important issues. We should expand our own expertise, through additional expenditures for existing committees and through establishment and funding of special or select committees. I believe that through such action we will be in a better position to come to grips with problems which cannot be swept into commissions which the incumbent President remolds.

VOICE OF AMERICA HEADING FOR POLICY SHOWDOWN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. DERWINSKI. Mr. Speaker, a matter of special interest to observers of the international scene is the vehement attack on the USIA and its Director, Frank Shakespeare, by Soviet Union propagandists. It is interesting to note that the ultra-liberal establishment in the United States parrots the Moscow anti-Shakespeare line.

Two Washington correspondents who have made an intensive study of the propaganda battle between the free world and Communist empire are Ray McHugh, Washington Bureau chief of the Copley Press, and Dumitru Danielopol, international correspondent of the Copley Press. Mr. McHugh in his column in the San Diego Union, November 12, and Mr. Danielopol in the Aurora, Ill., Beacon News, November 12, both touch on the current status and complications facing the USIA and Director Frank Shakespeare:

[From the San Diego Union, Nov. 12, 1970]

VOICE OF AMERICA HEADING FOR POLICY SHOWDOWN

(By Ray McHugh)

Once in awhile the struggle between differing viewpoints inside the U.S. governmental structure takes a sudden turn; the curtains fly apart and offer a fleeting glimpse of the contest.

The determined efforts of U.S. Information Agency Director Frank Shakespeare to make his organization and the Voice of America adhere to the foreign policy of the United States has provided such a moment.

Shakespeare in recent weeks has borne down heavily on tenure-protected writers, broadcasters and information specialists who are known to have been at odds with the U.S. commitment in Southeast Asia and American attitudes vis-a-vis the Soviet Union.

Working from the constitutional basis that the President is the steward or executor of U.S. foreign policy and that USIA and VOA have an obligation to state that policy clearly, Shakespeare has been outraged at what he considers deliberate attempts to embarrass the President or to over-emphasize negative aspects of American life.

Two Voice of America broadcasts have been widely cited as examples.

VOA last spring gave priority rating to a "peace" protest in Washington by a group of New York attorneys, but on the same day it virtually ignored a demonstration by more than 100,000 New York construction workers in support of the United States' Cambodia operation.

The priority system assured that the antiwar protest was carried on every VOA broadcast overseas. The pro-Cambodia story got inaccurate two-sentence mention on only one regional VOA broadcast.

During the President's recent trip to Europe, VOA one day gave prominence to predictions that an unimportant group of Irish dissidents planned to protest President Nixon's visit to that country. The same broadcast minimized the President's gala reception in Madrid, a reception rivalled only by his 1969 appearance in Bucharest.

A showdown is now developing.

Shakespeare has ordered the USIA and VOA to achieve a clear, well-balanced enunciation of American policies. He also is insisting that it alert the world to the menacing Soviet arms buildup and Soviet collusion with Egypt in emplacing missiles along the Suez Canal in flagrant violation of the Middle East cease-fire and stand-still agreement.

The pressure from the former New York television producer triggered a predictable response. The State Department complained that Shakespeare was attempting to make foreign policy. The director shrugged off the charge and pointed out that he is responsible not to the State Department, but to the President.

Now a whispering campaign has begun. At Washington receptions Shakespeare critics frequently describe him as a "McCarthyite" or a "Fascist."

One report printed recently in a Washington newspaper claimed that Shakespeare sent Mr. Nixon a memorandum suggesting that the U.S. break off the strategic arms limitation talks in view of the Soviet performance in the Middle East and its apparent moves toward establishing a nuclear submarine base in Cuba. Shakespeare and the USIA staff denied the claim, but it persists.

The test of strength was inevitable. It has been developing for several years as American prestige declined around the world and U.S. overseas representatives joined in the debate over Vietnam, NATO, Russia, Red China, etc.

President Johnson was the subject of their ridicule before Mr. Nixon. The anti-Vietnam pose of some USIA men in embassies abroad reached scandal proportions in 1966, 1967 and 1968. Instead of answering foreign criticism, some actually encouraged it.

Shakespeare has now set out to shatter these condescending attitudes. Those who hold them are fighting back with claims that Shakespeare is trying to "muzzle" his agency, trying to make it conform to his personal views. Some have called for his resignation.

"USIA is going to represent fairly the policies of the U.S. government," Shakespeare says. "That was the order I received from the President. I have no intention of resigning. I intend to carry out my orders."

[From the Aurora (Ill.) Beacon News, Nov. 12, 1970]

SOMEONE HAS SHARP AX FOR USIA'S SHAKESPEARE

(By Dumitru Danielopol)

WASHINGTON.—The long knives have been unsheathed in an effort to get Frank Shakespeare, director of the U.S. Information Agency.

Editorial attacks by large eastern liberal newspapers have been followed by a whispering campaign designed to compromise and ridicule the tough, dynamic former television producer who was picked by President Nixon to revive American prestige abroad.

Shakespeare has been accused of political gaffs; of giving directives which counter U.S. foreign policy; of having advised President Nixon to withdraw from the SALT negotiations, of urging a break in diplomatic relations with the Soviet Union, etc. etc.

The allegations have all been denied both by Shakespeare and his USIA staff. There will be more.

The clash between the "Liberals" and Shakespeare was inevitable.

There are men in the State Department, the USIA and the Voice of America who resent Shakespeare's allegiance to the President and his determined efforts to find the cause of a collapsing American image abroad.

For several years, particularly since the U.S. involvement in Southeast Asia, these men have refused to defend American positions abroad. They have been bitter critics. They have leaned backward to emphasize the bad in America rather than presenting a balanced picture.

To emphasize U.S. achievements, they said, was to engage in propaganda. To emphasize U.S. problems, they said, was to establish "credibility."

The efforts of Shakespeare and of Kenneth Giddens, director of the VOA, to improve operations have been hindered by these same men, most of them well protected by foreign service or civil service "tenure."

The new attacks on Shakespeare coincided with the second annual conference on the Heritage Groups of the Republican party.

Some 300 ethnic leaders representing 34 nationalities, a group with a total membership of 22 million, passed a unanimous resolution citing serious problems in USIA and VOA and charging that "the efforts to address the situation . . . have been negated by the opposition of members of the staff of these agencies."

The ethnics urged President Nixon to take "urgent steps to remedy the situation—by directing a thorough and massive overhaul of the operations that aim at presenting a fair image of America abroad."

They also gave a vote of confidence to Shakespeare and Giddens "for their continuous efforts to improve the operation of their agencies."

UTAH—BEST SKIING IN THE WORLD

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. LLOYD. Mr. Speaker, the November 1970 issue of Holiday magazine confirms what knowledgeable skiers throughout the world have known for many years, and that is that the best skiing in the world is to be found in Utah. Utah has a multitude of ski resorts, of which Alta is the best known, and is the subject of the Holiday article. It is pointed out that this Utah snow is "a light, fluffy, desert-dried powder that falls on the surrounding slopes in great abundance—up to 40 feet per year."

Alta is 30 minutes from downtown Salt Lake City, and there are many other similar skiing facilities within easy reach of Salt Lake City and, in fact, very near virtually every city and town in Utah, where our mountains provide year-round, unexcelled recreational opportunities.

Today, although the streets of Salt Lake City are snow-free there is 6 feet of snow at Alta and some of our other skiing resorts, and the sport is in full swing.

I invite my skiing colleagues, of whom there are dozens in this House, to read the message being communicated this month by Holiday magazine:

ALTA IS FOR SKIING

Tucked away at the end of Little Cottonwood Canyon high above Salt Lake City is a little-known ski resort that knowledgeable skiers have long claimed offers the best skiing in the world. Alta was one of the very first U.S. ski resorts—a primitive chair lift was fashioned out of an old mining tramway in the late 1930's. Ever since, adventurous skiers have been joyfully trekking across the 10,000-foot-high mountain passes of the Wasatch Range or skillfully catapulting off virgin high-altitude snow cornices. Alta's popularity has been limited by its relatively restricted accommodations (at present, fewer than 500 beds in five lodges) and the absence of the sort of frantic ski life that draws winter vacationers to the Alps and some of the more social Western resorts. Time was when Alta's 8,600-foot base altitude and lack of novice and intermediate slopes limited its appeal to advanced skiers. This has long since been remedied, however, and another new double chair lift, serving some of the less terrifying slopes, goes into operation this season. Even bigger things are in store for Alta. Construction is rapidly proceeding on an ambitious year-round resort called Snowbird, located a few miles down the canyon from the present ski center. The first phase of the development, scheduled for completion in time for the 1971–72 season, includes a condominium lodge and an aerial tramway that will yield a vertical drop of 3,000 feet. There are those who view the accelerating development of the canyon as a mixed blessing. Yet it is doubtful if Snowbird, even in full swing, will dramatically change the ski scene at Alta and the type of skier who comes to enjoy it. Alta's character is formed by its snow—a light, fluffy, desert-dried powder that falls on the surrounding slopes in great abundance (up to 40 feet per year). Although Alta packs many of its trails, its chief glory is the matchless, deep-powder, off-trail skiing. Deep-powder skiing is not for novices and ski bunnies. It is for the expert and the ardent. Bluntly, Alta is for *skiers*. The Alta skier is youthful—in spirit if not always in years. He doesn't give a hoot for ski fashion, but looks carefully to his equipment. He skis well and on all terrain and in all weather. All this elan and expertise comes to a head in the spring when Alta plays host to the National Gelande Contest—a Wild West version of Nordic ski jumping. The walking wounded as well as many hundreds of other enthusiasts turn out to watch the best skiers from all over the West compete for cash and glory on a jump built atop an old silver-mine dump. The jumpers strive for form and distance and seek to outdo each other acrobatically in the final event of the day. The prize for the most spectacular jump was won last year by a skier from Alaska who completed a double somersault before landing perfectly on the outrun at 35 miles per hour. Yes, Alta is for skiers.

ALTA, UTAH

For the 450 lucky skiers who get to live in, this is the best skiing in North America and possibly the world. The first miracle is Alta's infinite supply of light, dry powder. Alta has intermediate and even novice runs, but what is unusual is the variety and vastness of the expert terrain: Rustler, the Baldy Chutes, Peruvian Gulch. Finally, Alta is merely a clutch of five lodges on a dead-end road, with one quasi-nightclub that sells only 3.2 beer. Yet its aprés-ski life is a sophisticated delight. After an infallibly fine Alta meal, everyone sits around a fireplace, mountain-dropping and adventure-swapping. Joy of this caliber is usually limited to unreachable places, but Alta is a thirty-minute cab ride from Salt Lake City's jetport. The lodges are traditional, excellent in direct proportion to price; highest and best is the Alta Lodge, where the seven-day package (Modified American Plan, including lifts and five two-hour lessons) runs from $139 for a dormitory single up to $461 for a luxury double.

ENDORSEMENT OF DR. SIDNEY P. MARLAND TO BE U.S. COMMISSIONER OF EDUCATION

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, November 19, 1970

Mr. SCHWEIKER. Mr. President, the RECORD of last Monday, November 16, contains a number of letters and telegrams which I have received from educators in Pennsylvania, endorsing Dr. Marland. I have since that time received from Dr. Mark Shedd, superintendent of the Philadelphia public schools, another letter strongly backing Dr. Marland.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

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THE SCHOOL DISTRICT
OF PHILADELPHIA,
BOARD OF EDUCATION,
November 10, 1970.

Hon. RICHARD SCHWEIKER,
Senate of the United States,
Washington, D.C.

DEAR SENATOR SCHWEIKER: As a member of the Senate Labor and Public Welfare Committee, may I once again urge your support of Sidney P. Marland for the position of U.S Commissioner of Education. He is a person, I am sure, who will exercise the duties of the office without prejudice or bias concerning any interest group—public or private. I know he will provide the necessary leadership to American education—especially urban education.

Sincerely yours,

MARK SHEDD,
Superintendent.

DECLINED BUT NOT YET FALLEN?

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. WYMAN. Mr. Speaker, perhaps it is scant solace to those able to say "I told you so" on the basis of their prior statements, but modern-day permissiveness produces remarkable analogies to Rome before its decline and fall. In this connection a recent column by Smith Hempstone is of interest.

No society unwilling to recognize something greater than earthly materialism, unwilling to apply itself to work, reckless of basic truths and historically proven values such as thrift, respect, humility, devotion, patriotism, and responsibility, can possibly survive for long in competition with other societies whose laws and institutions insist on the preservation of these values. Our forefathers came here to establish freedom under God with liberty and justice for all. This freedom is not license to peddle filth, distribute drugs, desecrate the flag or burn draft cards. Neither is it freedom to advocate the overthrow and destruction of our society by violence in the mistaken notion that our forefathers sanctioned this by the Constitution's first amendment.

Only a society bent upon self-destruction would tolerate a judicial decision that pontificates that freedom includes the right to destroy freedom itself. This is judicial extremism and enormously harmful to the United States and all its people as witness the violence that is taking place in America at this time.

The article follows:

LOST MOORINGS IN A SOCIETY UNDER STRESS

The battle-hardened veterans return from the war to a nation fundamentally changed, to a society vastly different from that which they left. There was a sense of political uncertainty in the air; the stench of moral corruption, almost as perceptible as the noxious odors emanating from the slow-flowing river, hung over the capital.

The flight from the countryside, begun long before they took up arms, had been completed. The family farm was a thing from the past; only the vast (and hence more viable) estates survived. Great masses of unskilled men, unable to find jobs and their small savings eaten by inflation, crowded into the rotting inner-cities to swell the welfare rolls and make the streets unsafe for honest people. The alienated muttered of revolution.

The old virtues of thrift and probity were publicly flaunted by members of the upper and middle classes, who sought to outdo one another in extravagance and ostentation, in private sexual depravity and in public speculation. The family, once the stanchest of institutions, had been weakened by the collapse of paternal authority. Women threw off the old restraints, disdaining chastity and taking to the streets to demand equal status with men.

Religion, the traditional backbone of the state, had become an empty formality to which most men paid no more than lip-service. To fill the vacuum created by their own disbelief, many of the young joined oriental cults whose emotional rituals and drug-induced mysticism were an affront to those who still clung to the old faith.

There had been great changes, too, in the ideals, method and content of education. The old philosophy that one of the primary purposes of schooling was to inculcate in the young patriotism, morals, respect for the law and a reverence for national traditions had pretty well gone by the board. In its place, the intellectuals espoused a new permissiveness.

In the political arena, the two major parties battled viciously for supremacy. One continued in the minds of most people to be associated with the preservation of economic and social privilege.

The other, led frequently by wealthy liberals convinced of the necessity for reform, was plagued by a lack of unity as leaders ambitious for personal power vied with each other in their demagogic appeals to the restless masses. As a concomitant of partisan strife, both parties cynically disregarded the Constitution and public morality fell to a new low as scandal after scandal rocked the capital and the country.

Political violence became a feature of the times, with large-scale demonstrations in the cities and rival gangs of extremists battling each other in the streets.

Meanwhile, the nation's enemies abroad continued their military buildup. But the new wars were not to be fought by citizen-soldier conscripts, rather by an all-volunteer army, the creation of which was to have a profound effect on the future of the Republic.

The inadequacies of institutions designed by the founders for the governance of a small, uncomplicated state became apparent and led to pressure for electoral reform. A new criminal code was enacted in an attempt to deal with the growing lawlessness. But politicians continued to play upon the social issue for partisan advantage, rather than seeking an equitable and lasting solution to it.

The increasingly frequent assassinations of public figures and the continued use of violence as a political tool led to a concentration of power at the center and a diminution of the liberties of all citizens.

Military defeat in Asia had an unsettling political effect at home. In the end, all the maneuvering proved in vain. The burden of defense spending coupled with a vast public works program was more than the debased currency could bear. The spectacles of sadism and violence to which the public had become inured had aroused passions always only thinly papered over.

The venality and corruption of an establishment which had given itself over to licentiousness and sensual gratification offered neither example nor leadership to a people who had forgotten both God and patriotism. Although the creaking institutions of government no longer were capable of responding to the demands placed upon them, the senators prattled on.

Finally, on the night of Jan. 10, 49 B.C., Julius Caesar splashed across the Rubicon with his legions at his back, an act which was to lead to the destruction of the Roman republic. But all that was in another time and, of course, has nothing to do with us and our country.

WITHDRAWING FROM THE FAR EAST

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. COHELAN. Mr. Speaker, in a recent review George Melloan covers two new books on Japan. The first by Herman Kahn of the Hudson Institute and the second by Robert Guillain, a reporter for Le Monde. In analyzing these two books, Mr. Melloan points out the divergence of the two authors on the direction that the Japanese will take in their future international political posture.

The reviewer points out that this divergence of analysis comes from the same data base and reflects the current inability of Western political analyst to understand political motivations in the Far East.

This review has merit and should be of interest to readers of this RECORD:

[From the Wall Street Journal, Nov. 18, 1970]

WITHDRAWING FROM THE FAR EAST

(By George Melloan)

Because of the intense public focus on the beginnings of a United States disengagement in Vietnam, a more general withdrawal from the Far East has received less attention.

Okinawa is to be returned to Japan in 1972. American bases in Japan are beginning to go back to Japan. The U.S. military strength in South Korea is being reduced.

So what happens next in this theater where American bases in Japan are beginning to go back to Japan. The U.S. military strength in South Korea is being reduced.

So what happens next in this theater where Americans have endured three wars and much pain, cost and confusion since Pearl Harbor? Is there in fact a historic transition taking place? If American influence wanes, what—or who—will replace it?

Red China comes to mind quickly. But the real answer could rest with that American protege and economic prodigy, Japan. The time may well be approaching when Japan, out of necessity and natural inclination, will begin to reassert itself as a political and military force.

With a sense of national purpose perhaps unmatched in history, the Japanese have built an economic engine that now ranks as the world's third most productive, behind the U.S. and the Soviet Union. They still are building full tilt. They could afford a much larger military force and nuclear weapons. They could discard the protection, and restraint, of the American nuclear umbrella.

But do they dare make the break, with all the risks and responsibilities it would entail?

There is no easy answer to this important question. Since Hiroshima, no Japanese leader has found it politic to advocate nuclear armament. The lingering trauma of the only nation ever to have suffered a nuclear attack is not easily dispelled. But as the U.S. reduces its Far Eastern forces, Japan already has begun to rebuild its conventional military capabilities. Who is to say that it might not at some future time decide that its security demands that it enter the nuclear club?

For readers who want to draw their own conclusions, two new books offer provocative theories on this subject as well as a more general view of Japan and its possible future role in the world. The theories do not always agree, but that makes them no less interesting.

One book is by the American "futurologist" Herman Kahn. It is called "The Emerging Japanese Superstate, Challenge, and Response" (Prentice-Hall, 274 pages, $7.95). The other is "The Japanese Challenge, The Race to the Year 2000" (Lippincott, 352 pages, $8.50.) by Robert Guillain, a Frenchman who is, Tokyo correspondent for the respected Paris daily, Le Monde.

Mr. Kahn admits to some uncertainties but nevertheless predicts that Japan will be acquiring nuclear weapons within five to 10 years and exercising ever increasing political power. Mr. Guillain, on the other hand, foresees an indefinite reliance by Japan on its close political and economic relationship with the U.S. and a continuing rejection of nuclear arms.

Of the two authors, Mr. Kahn carries the more impressive credentials in the prophetic visions department. He directs the Hudson Institute, which has become somewhat renowned for its "scenarios" that attempt to forecast the long-range future course of individual nations and the world. In this work, Mr. Kahn says, "We have increasingly found ourselves interested in and even focusing on Japan as in many ways a key nation. . . ." The institute will continue its rather intensive study of Japan.

Mr. Kahn bases his predictions largely on his assumption that the Japanese will not be content to accept indefinitely the status of economic giant and political pygmy. He feels that questions of hierarchy are deeply important to Japanese at all levels. Japan's defeat in World War II caused it to voluntarily accord itself a "proper place" well below the Western powers, but its economic achievements since the war will just as certainly set it in search of a higher place, Mr. Kahn believes.

"This moral issue among the Japanese is going to come up again when, if current conjectures on the Japanese growth rate are proven correct, the Japanese attain 'super' status as an economic, technological and financial power and have the capability of becoming a superpolitical and supermilitary power," Mr. Kahn says. The essence of the "challenge" in his book title, he says, refers less to the Japanese challenge as an economic, technological and financial superstate than to the political and military consequences of that challenge. "Japan's decisions on this issue will be a challenge to the Japanese themselves, to the Americans, the Europeans, the Soviets, the Chinese and especially to those nations . . . occupying non-Communist Pacific Asia," he declares.

As Japan attempts to deal with these problems of national purposes, Mr. Kahn believes there will be conflicting pressures within Japan itself. "On the one hand, there will be some desire for Japan to become an integral part of a Western Pacific grouping or of the developed world generally," he says. "On the other, there will be inevitable pressure toward an 'Asia for the Asians.' In either case there will be pressure for attaining full status and acceptance of Japan as a superpower."

Mr. Guillain takes an almost exactly contrary view to all this. "Japan," he declares, "has hardly any interest in being the third great power in the sense that the first and second understand such words, and what is more, it knows that the facts forbid any such state of affairs." He argues that for Japan to have a "100 percent Japanese" foreign policy, it would have to get rid of its still very close ties with the U.S., which buys some 30% of Japanese exports, supplies Japan with many of its patents and gives it military protection.

"To infer that these bonds negate greatness is, as far as the Japanese are concerned, an assumption based on an obsolete conception of what a great power can and should be in the worlds of today and tomorrow," Mr. Guillian says. "Throughout the rest of this century and the century to come, we shall live to an ever increasing extent in a world whose key word is interdependence—a world in which interdependence will become more widespread and essential, forcing us to reconsider and perhaps discard the old notion of national independence."

Instead of developing its own nuclear power, Mr. Guillian feels Japan will continue its close link with the U.S., but more on the basis of equal partnership than in the past. He feels it will further seek to insure its security by seeking guarantees from the Soviet Union and, eventually, Red China.

How could Mr. Kahn and Mr. Guillian, both of whom are excellent analysts and self-professed admirers of the Japanese and Japanese culture, come up with such totally different views of Japan's political future? Part of the answer lies in the normal difficulties of crystal gazing and in the still riskier business of political crystal gazing. But a larger part of the difficulty may lie in something that both authors and many past students of Japan agree upon. Japan is a land of paradoxes. Mr. Kahn quotes another author, Ruth Benedict, as saying that "the Japanese have been described in the most fantastic series of 'but also's' ever used for any nation of the world." For example, they are supposed to be "unprecedently polite" but also "insolent and overbearing."

* * * * *

These seeming paradoxes, which lead Mr. Kahn and Mr. Guillian from similar observations to entirely separate conclusions, help to explain why the U.S. has suffered so many difficulties in the Orient. Despite the countless books that have gone before these latest two, there has always been very little real Western understanding of the way Japanese, Chinese and, of course, Vietnamese, think.

Perhaps the greatest contribution Mr. Kahn and Mr. Guillian make in their books is not in terms of estimates of the future, although these are most interesting, but in shedding further light on the Japanese. Both, for example, dwell at some length on the cultural kinship between the Japanese and the Chinese. Mr. Guillian feels that Japan, like China, is not merely interested in economic progress but in creating a "new man."

In a striking parallel, Mr. Kahn believes that there is and will be a "moral" competition from China that will influence a wealthier Japan. He observes that in the traditional Japanese culture, the "austere, dedicated, cultured and faithful Samurai warrior is at the top of society, even though he is relatively poor, and the mercantile class, while relatively rich, is at the bottom of the social ladder." This concept, he feels, makes Japan susceptible to the new "morality" fostered by Mao Tse-tung and his cultural revolution.

Another point on which both authors largely agree is that despite the pervasive American presence in the Far East since World War II, Japan has not been "Americanized" in anything other than a highly superficial sense. The same might just as easily be said of China, despite its long experience with American missionaries and military men before Mao. It might also be said of Vietnam.

It is a cliche, but the "East is East" line of Kipling always comes to mind when reading such books. Could it be that after Pearl Harbor, Korea and Vietnam, that line still is the key to the future in the Far East?

BANDWAGON TO OBLIVION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. SCHMITZ. Mr. Speaker, George Washington said in 1776:

> Our cruel and unrelenting enemy leaves us only the choice of a brave resistance, or the most abject submission. We have, therefore, to resolve to conquer or to die.

The protracted global conflict thunders around us. The concentric attack on the Western World by the Communist bloc is pressing home rapidly through the intermediate strata of Asia, Africa, and Latin America. The change expected when the present administration took over from the badly faltering Democrats has not materialized. Significant enemy advances have been made in Ceylon, Libya, Sudan, Somalia, Chile, and Bolivia.

We cry for peace. We ask to negotiate. We plead for a breathing space. We continue to disarm.

The Soviets redouble their efforts. They recognize the attitude of wishful thinking and vacillation on the part of their main enemy. They sense that the compromisers have managed to become a dominant influence in the new administration. They are again dealing with the equivocal men. They know from long experience what to do.

The old Soviet foreign policy has taken on increasing sophistication and new dimensions due to the confusion in the minds confronting them. In the past it was necessary to alternate periods of attack with periods of consolidation and simulated good will. The Soviets used to operate on the principle that if they stopped kicking us for a while we would be grateful. They thought that if they were to transfer the dagger from the right hand to the left hand we would seize the temporarily outstretched right hand out of feelings of cowardly relief. They were right.

Now the shift is no longer necessary. The Soviets have found that they can continue the blows in Indochina, Latin America, and Africa while at the same time reaping all the advantages of Western good will. The spirit of détente has been institutionalized, in the middle of the global war. It is now an unquestioned "new reality" with the State Department, an article of faith. To refrain from any activity which might upset the Soviets has become the mainstay of U.S. foreign policy.

Working against Western governments obsessed with what has become the officially certified delusion, the Soviets are dividing the Western World as they conquer the intermediate strata. The recent agreements between West Germany and the Soviet Union and Canada and Red China are the logical outcome of our current foreign policy position. The advanced non-Communist nations are being separated. If events are clearly analyzed it can be seen that the Sino-Soviet split has, in fact, split the West. Without our

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acquiescence this would not be happening.

Appropriately signed on the anniversary of the building of the Berlin Wall, the West German-Soviet Treaty strips the western part of Germany of any right to assist the Germans living under Soviet domination, ratifies Soviet post-World War II gains in Europe through violation of other agreements, and opens up West German technology to Soviet exploitation. The State Department expressed its satisfaction and acknowledged that it had been consulted before the treaty was signed. In return for all this the Soviets agree not to attack West Germany. Everybody concerned seems to have conveniently forgotten the Soviet blitzkrieg into Czechoslovakia less than 2 years ago in violation of multitudinous nonaggression pacts.

Canada's recognition of the dictatorship of Stalin's protege in China follows close on the heels of several changes of 20-year-old U.S. policies. The State Department announced last December that henceforth American products could be shipped to Red China with approval of the Office of Export Control, and in August of this year it was announced that free world vessels bound for Communist China could use American fueling facilities for nonstrategic cargoes.

If we seem to be the trendsetter, it is because we are. As the most powerful non-Communist nation of the world accommodates itself more and more in every sphere to the desires of the world Communist movement, most of the rest of the non-Communist world follows right along. As they follow us, we, in turn, observe them and announce further moves along the same line, citing our allies' moves a rationale. It is a vicious circular bandwagon effect. Let no one doubt, however, that we are leading the band.

Fortunately, some of the smaller non-Communist nations have refused to follow the hordes galloping down the low road of history. Chiang Kai-shek spoke out in the spirit that led our own Nation to freedom, echoing George Washington's decisiveness and principle:

> Fellow countrymen, in this period of worldwide uncertainty and confusion, many people are stooping to seek monetary security by cloaking their cowardice under the pretense of love of peace. Degeneracy and confusion are to be seen in all four cardinal points of the compass. Only we retain both our stability and our spirit. All those around us are at a loss.

Would that our leaders spoke in the same manner—for only the strongest nation in the free world can keep the world free.

RELATIONSHIP OF THE SUPPLEMENTAL ASSISTANCE PROGRAM TO THE NEGOTIATED SETTLEMENT OF CONFLICTS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. GERALD R. FORD. Mr. Speaker, no lesson of history stands clearer than that which cautions against the tempting of aggressors. Such temptations are enflamed when threatened nations negotiate from positions of deteriorating strength. Should weakness go unremedied because U.S. commitments went unfulfilled, aggressors may well conclude that protracted conflict will result in a certain and decisive victory.

As a period of negotiation hopefully takes form, thanks largely to our efforts in the Middle East and Southeast Asia, the United States must exercise care that the agreements arrived at are not solely agreements reflecting narrow interests. If we have a true and honorable commitment to an ally, if we are pledged to remain at his side until the accomplishment of our mutual aims, then it is unreasonable for us to expect him to negotiate at our side from a position of weakness, to negotiate when the balance of power has been allowed to deteriorate in favor of the aggressor. Hence there is a critical and reasonable requirement within the context of limited U.S. commitments, to provide the assistance needed to enhance the economic and political stability of our friends and allies.

In the Middle East, moderate Arab States need self-assurance—as does Israel—that the assumption of a moderate negotiating position at the peace talks will not in itself trigger radical forces from within or without which might seize their government or threaten their very existence. U.S. assistance is intended to build the type of stability, self-assurance and self-sufficiency on which a realistic negotiating stance can be based.

In Southeast Asia, the United States must stand ready to support those nations who are willing to put U.S. assistance to good use in the preservation of their independence. In its absence genuine and fruitful negotiations are not possible.

It is clear, whether speaking of Southeast Asia, Korea or the Middle East that the pursuit of a negotiated settlement of major conflicts by threatened nations is difficult at best. But it is also true that it is in our best interest to pursue such settlements.

The array of supplemental assistance now planned by the United States to countries which have clearly indicated a will and an ability to defend themselves is a critical though admittedly costly link in this basic chain of U.S. foreign policy objectives.

The failure of the United States to respond in a timely fashion and on a continuing basis, to the needs of such countries would not only discourage the negotiated settlement of conflicts, it would also tend to encourage the repeated probing of U.S. resolve at all imagined points of weakness.

THOMAS JEFFERSON'S PRAYER

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. ZWACH. Mr. Speaker, once again, we approach Thanksgiving Day. Rather than the day of prayer and thankfulness which marked the origin of this day, in too many instances it is devoted solely to family gatherings and feasting and its original purpose is forgotten.

To help us remember the true significance of this holiday, I would like to insert in the RECORD a prayer attributed to Thomas Jefferson and urge its wide use in our churches and homes on Thanksgiving Day.

The prayer follows:

THOMAS JEFFERSON'S PRAYER

> Almighty God, Who has given us this good land for our heritage: we humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning, and pure manners.
>
> Save us from violence, discord, and confusion, from pride and arrogance, and from every evil way. Defend our liberties, and fashion into one united people the multitude brought hither out of many kindreds and tongues.
>
> Endow with the spirit of wisdom those to whom in Thy name we entrust the authority of government, that there may be justice and peace at home, and that through obedience to Thy law, we may show forth Thy praise among the nations of the earth.
>
> In time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in Thee to fail; all of which we ask through Jesus Christ our Lord. Amen.

WEST POINT CADET COMMENDED

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. MONTGOMERY. Mr. Speaker, in a recent issue of my hometown newspaper, the Meridian Star, there was an article concerning the excellent record of Cadet Alton Latimer while attending field training at Fort Hood, Tex., this summer. I am quite proud of Cadet Latimer for two reasons: He is from my hometown of Meridian and I had the privilege to appoint him to the U.S. Military Academy. I would like to share with my colleagues the article on Cadet Latimer.

The article follows:

WEST POINT CADET LATIMER COMMENDED

> Cadet Alton Latimer, son of Mr. and Mrs. A. P. Latimer of 3731 19th Street has received a letter of commendation from the commanding general of the Second Armored Division, Fort Hood, Texas, for his outstanding leadership abilities while attending field training at Ft. Hood.
>
> Cadet Latimer, a member of the Corps of Cadets at the United States Military Academy, West Point, New York, is an appointee of Congressman G. V. (Sonny) Montgomery. Latimer's parents and Montgomery's Meridian office recently received the news of the special letter of commendation.
>
> "SUPERIOR MANNER"
>
> Cadet Latimer, while attached for training to the Sixth Squadron, First Cavalry, Second Armored division as Platoon leader, Third Platoon, A Troop, was given complete responsibility for the training and welfare of the troopers of the Third Platoon as well as responsibility for maintenance of ten complex combat vehicles. He performed his duty "in such a superior manner" as to warrant the commendation.
>
> The letter of commendation reads:

"Cadet Latimer demonstrated his initiative, and leadership in his first assigned duty, which was responsibility for preparing his platoon for a motor pool inspection conducted by the Assistant Division Commander, 2nd Armored Division. I consider that Mr. Latimer's platoon was the best prepared platoon in the Squadron on the morning of the inspection. This firmly attests to the outstanding qualities of this young cadet.

"Subsequent to the Motor Pool Inspection, this Squadron was tasked to provide a full TO&E Cavalry Platoon to the US Army Combat Developments Command in support of a documentary film. Mr. Latimer was given complete responsibility for this mission to include preparation movement and conduct of tactical maneuvers. Mr. Latimer performed in a superb manner. Mr. Latimer was highly complimented by all who were involved in filming. His actions represent a tour de force of qualities which far exceed that normally expected of someone with his experience.

He demonstrated an extraordinarily sound group of the most difficult tactical maneuvers. He accomplished this through intensive study of field manuals at night.

CITES LEADERSHIP

"Mr. Latimer's leadership, bearing, ability, and drive are equaled by only a very few of the commissioned officers I have known. In his training with this Squadron he has earned the admiration and respect of his superiors and subordinates alike. He materially contributed to the ability of this Squadron to perform its mission. His devotion to duty, military bearing and initiative reflects great credit upon himself, the Corps of Cadets, and the United States Army. I am very proud and pleased to have had Cadet Latimer in my command."

STOCK EXCHANGE

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. CELLER. Mr. Speaker, I herewith offer a very interesting and telling letter I have received from my friend, Morris A. Schapiro, head of the bank securities firm of M. A. Schapiro & Co., Inc., New York City. He writes:

NOVEMBER 18, 1970.

MY DEAR FRIEND: I believe in insurance for investors just as we have insurance for deposits with savings institutions through the Federal Deposit Insurance Corporation. However, before Congress passes a bill involving such insurance protection, it should insist that the New York Stock Exchange enact long overdue reforms concerning its operations.

Among these reforms I would recommend the following:

A. Broker-dealers should be prohibited from using customers' money or securities in the conduct of their business. Any securities firm whose capital is exposed to risk should be required to segregate all monies and securities belonging to customers.

At the beginning of 1970 New York Stock Exchange member firms held about $3 billion of customers' free balances, funds withdrawable on demand. These free credit balances are used by member firms to "maintain positions in securities, to finance margin purchases of other customers, and for other general purposes." (See the report of the Senate Committee on Banking and Currency on S. 2348, page 2, September 21, 1970.) The total of cash and securities held in the custody of brokers for the accounts of customers is approximately $50 billion. These assets, in many cases, can be reached by creditors of brokerage firms where adequate segregation practices have not been followed.

B. A securities firm to be eligible for insurance must meet high standards which should be established by Congress for membership in the proposed Securities Investor Protection Corporation.

To qualify for membership in the Federal Deposit Insurance Corporation, a bank must first be examined and found to be in sound condition. Then it must abide by strict governmental regulations.

C. The directors of the proposed Securities Investor Protection Corporation should represent the investing public, not the securities industry.

Railroad officials do not serve on the Interstate Commerce Commission, nor are public utility officials found on Public Service Commissions.

Sincerely,

MORRIS A. SCHAPIRO.

I personally am in thorough accord with the aforesaid.

WISE WORDS LOST IN PARTISANSHIP

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. DERWINSKI. Mr. Speaker, Mr. Walter Trohan, bureau chief emeritus of the Chicago Tribune, is recognized as a truly objective observer of the Washington scene. In his very penetrating column Wednesday, November 18, he very calmly analyzes the September 16 address by President Nixon to students at Kansas State University.

Mr. Trohan's column follows:

[From the Chicago Tribune, Nov. 18, 1970]

WISE WORDS LOST IN PARTISANSHIP

(By Walter Trohan)

WASHINGTON, November 17.—Now that the election is two weeks in the past, it is proper for Americans to ponder the wise, pertinent and understanding address made by President Nixon to the students of Kansas State University in the heat of the campaign. His words, unfortunately, had become fogged by partisanship so that much of the message was lost for many.

Political campaigns are not the best roads to truth. The outs trumpet attacks and downgrade performance. The ins point with pride to claimed advances and gloss over shortcomings.

Naturally the opposition gave no credit to Mr. Nixon for his accomplishments, especially the slowing of casualties in Viet Nam and the continuance of his program to bring the troops home. However, if the President had suffered a crushing defeat instead of standing off his foes, the so-called liberals would have blamed the war in Viet Nam.

The time has come to brush aside the opposition charges of "campaign oratory" and consider what Mr. Nixon said to students, which applies to all others as well. Here are a few excerpts worthy of consideration:

"There are those who protest that if the verdict of democracy goes against them, democracy itself is at fault, the system is at fault; who say that if they don't get their way, the answer is to burn a bus and bomb a building.

"There are those who say that this is the worst of times in which to live. What self-pitying nonsense that is.

"Those decencies, those self-restraints, those patterns of mutual respect for the rights and feelings of one another, the willingness to listen to somebody else without trying to shout him down, those patterns of mutual respect for the rights and the feelings of one another—these are what we must preserve if freedom itself is to be preserved.

"We can maintain a free society only if we recognize that in a free society no one can win all the time, no one can have his way all the time and no one is right all the time.

"It is a time for the responsible university and college administrators, faculty and student leaders to stand up and be counted, because we must remember only they can save higher education in America. It cannot be saved by the government."

Mr. Nixon observed that our environment has been damaged by carelessness and abuse of technology, but added: ". . . That same technology gives us the ability to clean up that environment, to restore the clean air, the clean water, the open spaces that are our rightful heritage.

"We see that, because of our wealth, because of our freedom, because of this much maligned system of ours, that we can go on to develop those great qualities of the spirit that only decades ago were still buried by the weight of drudgery and in 75 per cent of the world today still buried by the weight of drudgery."

Mr. Nixon did not end on a note of pessimism, but promised that we "shall conduct ourselves in a way that we will be looked back on as the beginning of the brightest chapter ever in the unfolding of the American dream."

The recent campaign was partisan, as all campaigns are, but it was by no means the roughest in history or even the roughest in recent times.

One only has to recall Harry Truman's diatribes against the 80th Congress, especially the charge that "Republicans stuck a pitchfork into the back of the farmers" in order to realize this.

But once the campaign is over, there should be no time for recrimination but a period of study, and the Nixon address deserves it.

CHRISTOPHER COLUMBUS LANDED ON PUERTO RICO 478 YEARS AGO

HON. JORGE L. CÓRDOVA

RESIDENT COMMISSIONER FROM PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. CÓRDOVA. Mr. Speaker, November 19 marks an important anniversary in the history of your fellow citizens from Puerto Rico. Four hundred and seventy-eight years ago during his second voyage of discovery, Christopher Columbus landed on our beautiful verdant island, finding it to be "populated by peaceful and friendly natives who provided him with food and drink."

Nearly half a millennium later our island and its people after a continuing and successful transformation still retain the basic qualities which Columbus so happily observed. Our people are friendly, hospitable, and conscious of pleasing all visitors who come to our shores. I sincerely believe that if Columbus were to rediscover Puerto Rico today his opinion of our island and its people would not be any different.

And so Puerto Rico, the oldest community under the American flag, moves on in the decade of the 1970's looking forward to sustained progress in a common and indivisible bond with our fellow citizens on the mainland.

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DEAD GI'S HERO WAS HIS DAD

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 17, 1970

Mr. BIAGGI. Mr. Speaker, during the past week the majority of U.S. deaths in South Vietnam were caused by enemy booby traps. One such soldier who was recently victimized by these insidious devices is Pfc. John R. Tamburri, Jr., a fellow New Yorker.

Although only 19 at his death, his short military career is an exemplary one. Unlike the many avoiding the draft through devious means, John chose to enlist in the interest of defending his country. Certainly, along with his parents, all Americans share a great debt of gratitude to this fine young American.

So that my colleagues may be able to read of young John's short life and his devotion to his country and his parents, I am including at this point in the RECORD a press clipping from the September 30, 1970, edition of the New York Post:

DEAD GI'S HERO WAS HIS DAD

He joined the Marine Corps when he was 17, fought in four major campaigns in the South Pacific, won the Bronze Star for evacuating wounded men while under heavy mortar and machine gun fire on Okinawa, and was discharged in January 1946 when he was 20 years old. He had already fought more and lived longer than his son ever would.

John R. Tamburri, Jr., joined the Army on March 12, 1970, shipped to Vietnam in August, and was killed by an exploding booby trap while on a night combat operation Sept. 17. He was 19 years old.

"My son joined because he was an American, a real American, not the kind who runs away," said John R. Tamburri, Sr. He spoke with emotion and had just returned to his Staten Island apartment from a visit to his son's grave in Moravian Cemetery, where John was buried last Saturday after a requiem mass in Our Lady Queen of Peace Church. "He figured he was going to go in anyway, so he might as well go now."

DAD'S WAR RECORD

At a time when many young men are trying to avoid military service because of the Vietnam war, young Tamburri enlisted, his mother said proudly, because he was so proud of his father's record in World War II. Tamburri rushed to his bedroom, when asked about that record, and returned quickly to the kitchen with a stuffed manilla satchel.

"That's what my son was proud of," he said and spread some of the contents on the table. They included his discharge framed in a leather case whose folding sides held a picture of him as a young Marine in dress uniform, and two of his medals, the Bronze Star and the Purple Heart. Individual envelopes held medals and campaign ribbons, and a file of official correspondence explained the citations. He was unable to find one letter that told about one of his medals, the Combat V—that's V for valor."

"My son was good about writing home, he wrote us a lot of letters," Tamburri said. He reached for them in another envelope near the table but then said no, he couldn't look at them now. "After he got over there he wrote he wasnt doing anything, just laying around. He didn't want to worry us. But he wrote to his friend what was really happening with him."

DEFECTIVE GUN

Young Tamburri wrote to his friend Joseph Abramson often, sometimes every day, about night patrols and day patrols and frequently both in the same day, and about how he was assigned to carry an M60 machine gun, which he apparently never got to use. When he turned the gun in at the end of one patrol, the combat soldier wrote to his friend, an ordinance officer told him the weapon was broken when he signed out for it. Tamburri said he felt lucky because the patrol had not met Viet Cong that night.

"He had an expert rating with a rifle," Tamburri said, proud that his son had shot well enough to win the highest possible marksmanship rating in training. "I taught him how to shoot. I started him shooting with a .22 when he was only seven. He was so small then he could hardly hold the rifle."

Tamburri said his son never "hung out"—when the boy wasn't caddying at the nearby Richmond County Country Club or working in a department store, he was fishing or hunting with his father. Tamburri is a Corrections Dept. officer and he said his son's ambition was to be a state trooper.

CLASSMATES MOURN

Among the few things to be turned up in frisking the life of a man who was barely more than a boy when he died are that he worked for a short time in the Post Office after graduating from New Dorp HS in June, 1969. Many of his former classmates attended his funeral and were in the 30 private automobiles that joined the procession to the cemetery. Their mass cards fill two shopping bags and so many friends asked the family for pictures of John that the family had only one left. The framed photograph is on the livingroom wall and shows the soldier wearing his uniform.

"When my son said he was going to enlist I talked him out of the Marines because too many Marines don't come back," said Tamburri, a husky man whose graying hair is trimmed as close as a trainee's. "I thought he stood a better chance with the Army."

Young Tamburri didn't join the Air Force or Navy because, his father said, "he wanted to see combat. I guess he was proud of my record. He was an all-American, all-around boy. One thing for sure, he wasn't one of Lindsay's heroes that burns his draft card."

After he returned from the cemetery yesterday Tamburri wrote a letter to his son's company commander asking for more information about his son's death, about his combat record, details that might somehow parallel his own history that was lived at a time when soldiers talked not about helicopters and fire bases but fronts and beachheads in a war that united, not divided, a nation.

"For a kid that was there just a month and a couple of days," Tamburri said, holding the sealed letter in the palm of his hand, "I guess my son was doing plenty."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

CANADIAN DILEMMA UNDER TRUDEAU

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. RARICK. Mr. Speaker, on October 16, Messr. Trudeau of Canada, and his party in power, invoked wartime measures and suspended constitutional government, reducing Canada to the extraordinary state of martial law.

Over 30 days have now lapsed, yet the Canadian people continue to be denied liberty under a military government. The wartime measures include censorship and control of all news and reporting. Yet, the communications media of the world has proven itself most understanding, patient, and tolerant toward Messrs. Trudeau and his situation in Canada.

Imagine the reaction had such extraordinary suppression occurred under the parties in power in Greece, South Africa, Portugal, Rhodesia, Free China, or even in South Vietnam. We never would have gotten it off the front page.

The American people must start seeking answers to questions. Canada is not on the other side of the world. Why are some things newsworthy while conversely other similar incidents receive little or no coverage?

In Canada, constitutionally secured rights and privileges of the Canadian citizens are still suspended. This includes to our neighbor the Canadian, free speech, free press, and his right to know what is going on in his country, and why.

I include a story of mine which appeared in the North Baton Rouge Journal on October 29, 1970:

[From the North Baton Rouge (La.) Journal, Oct. 29, 1970]

INTERNATIONAL QUESTION MARK: CUBA TO THE SOUTH—CANADA TO THE NORTH

(By Congressman JOHN R. RARICK)

On October 5th a Communist terrorist group, the FLQ (Quebec Liberation Front), kidnapped the British diplomat, James Cross. On October 10th, representatives of the same movement highjacked the Canadian official, Pierre Laporte, who has since been brutally murdered.

The FLQ has been frequently identified as a Chinese Communist revolutionary group determined to overthrow the Canadian government and establish a People's Republic of Canada. The kidnapped ransom demands included the release of convicted criminals and their safe passage to Cuba or Algeria—both Communist dictatorships.

On October 16th, Canadian Prime Minister Trudeau suspended the government and invoked war time measures—Martial Law because of the terrorists threat to the people of Canada.

Yet despite the recognition of the Communist threat, Trudeau and his government in power on October 13th extended diplomatic recognition to the government of Red China and has given indication of supporting the Red Chinese admission to the United Nations.

Strange behavior by the leaders of Canada when one recalls that Trudeau is the left-wing extremist who was apprehended in a canoe enroute to visit Castro in Cuba, and his other mysterious background. Someone is playing games with the Canadian people and their attention is being diverted by a skillful maneuver in sensitivity training.

In the meantime, the silence from our interpretive news commentators is appalling. The news reports no longer identify the activist Quebec Liberation Front as a Chinese Communist movement—perhaps in fear of embarrassing Canada's new ally, Red China.

Nor does the communications media remind the public that Red China was condemned by the United Nations in 1951 as an aggressor nation for its armed intervention in Korea.

Nor that after 19 years there is no armistice or peace settlement in Korea today, but at most an uneasy cease-fire where American fighting men under the United Nations flag continue to be made casualties whenever the Korean allies of Red China desire to re-escalate a propaganda crisis.

Perhaps the reason for this blackout is that it came during the announced festivities of the 25th anniversary of that world peace organ, the United Nations Organization. No one wants to offend its image by reminding the world that the Chinese Communists are still at war with the United Nations.

Trudeau has exploited the realities of the situation magnificently. The shock troops of the FLQ are safely in jail protected from the Canadian people and Trudeau's ideological friends of Red China have been extended diplomatic recognition without any backlash.

To the contrary, Trudeau has been able to use the incident to catapult his popularity among the average Canadian as a strong advocate of law and order. Even those Canadians who don't relish the idea of having their civil liberties suspended go along under the assurances that it is a temporary measure and, after all, it has restored peace.

Trudeau has thus gained for his left of center establishment all of his international aspirations plus the endorsement of popular support from his people.

And we of the United States now have Castro and the Soviet fleet on the south—Trudeau on the north—our fighting men in South Vietnam, and our attention directed to the Middle East.

Where next? Bonn? London? Or here in the United States?

TIMOTHY BLECK: THE LOSS OF A FRIEND AND AN OUTSTANDING REPORTER

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. CLAY. Mr. Speaker, with great emotions, I mourn the sudden death of Timothy Bleck, a dear friend and outstanding young correspondent who had worked as a member of the Washington Press Corps for the past 2 years.

We are never prepared to believe or to accept the loss of one so young, one whose life and whose career inspired such hope. Tim Bleck had brought distinction to himself and to his profession in just 30 years. But I cannot refrain from saying that he was destined to give so much more. He had received but a mere fraction of the acclaim due him when he succumbed to illness November 14.

As great as his loss is to journalism, mostly I grieve the greater loss which has befallen his beautiful family, his lovely wife, Janet, and their three young children. None of us can help to absorb the force of this blow to his loved ones, but may they know that the impact of this tragedy is felt by all who knew Tim.

I speak for my own family, for my staff, and for many other mutual friends in expressing deep sadness. And we pray that his loved ones may find comfort—carrying forth the inspiration and ideals which Tim shared with all of us.

Timothy Bleck, a native of Hunterdon County, N.J., came to St. Louis in 1966 to join the staff of the St. Louis Post Dispatch. His journalistic prowess and ability were established even then. His coverage of the civil rights march from Selma to Montgomery in 1965 for the Dayton, Ohio, Journal Herald brought him recognition and the Ohio Associated Press award. In 1967 he was again noted for his coverage of the St. Louis ghetto and for his reporting of the Detroit riot.

I came to know Tim well, when I launched my campaign for Congress in 1968. He demonstrated integrity and honesty—but more than that, he sought not just facts but to understand what made them so. Tim was sensitive to the human condition, to justice, and to truth. He was driven by a commendable and rare determination to communicate that understanding to the public. He displayed the curiosity, creativity, and insight characteristic of the great journalists. And he never gave in to the cynicism which can afflict all who seek to know the truth.

Tim's move from St. Louis to the Nation's Capital coincided with my own. Our working relationship and our friendship continued as did Tim's success in his career.

We will always remember Tim Bleck—and hopefully, we will recall not just that his life and his career were tragically brief, but that both were brilliant and full.

I pay personal tribute today, not because he is gone—but because he was so very much with us when he was here. I will deeply miss him.

POPULATION, FAMILY PLANNING, AND HEALTH: INVOLVEMENT OF A MAJOR INDUSTRIAL CORPORATION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. BUSH. Mr. Speaker, the overwhelming support of the Congress for the Family Planning Services and Population Research Act of 1970, S. 2108, was very gratifying to those of us who have put a great deal of effort into creating the awareness of the Congress and the public for the need of this legislation.

The Republican Task Force on Earth Resources and Population, of which I am chairman, takes a great deal of pride in developing this awareness over the past 2 years. In our two task force reports, "Federal Government Family Planning Programs—Domestic and International" and "Earth Resources and Population—Problems and Directions," we stressed the need for the involvement of both the private and commercial sectors of our society in solving the problems of delivering family planning services and developing public awareness for the need to slow our population growth rate. We realized that the Federal Government could provide leadership in this field but recognized that only with an increased interest and effort on the part of the private and commercial sectors of our society would these problems receive the attention they deserve and need.

Therefore, I was delighted to see a report by Westinghouse Learning Corp. presented at the International Conference on Population Priorities and Options for Commerce and Industry 1970–2000 at the University of North Carolina at Chapel Hill on October 21, 1970.

For the benefit of all my colleagues I am inserting this report in the RECORD:

POPULATION, FAMILY PLANNING, AND HEALTH: INVOLVEMENT OF A MAJOR INDUSTRIAL CORPORATION

INTRODUCTION

The press of problems associated with population growth is becoming more and more apparent with every passing day. In spite of its material affluence, the United States is running out of fresh air and drinking water, not to mention parking places for its superabundance of cars. Its people need better housing, education, and health care at prices they can afford to pay. These and other problems including food production, transportation, and even employment are likely to become even more serious as our population continues to expand.

Fortunately businesses have become increasingly aware of the magnitude of many of these problems and are beginning to invest their resources and talents in a variety of approaches to their solution. A primary reason, of course, is that the business sector expects much of its growth in the years ahead to come, not only from a continuing expansion of existing markets, but from the development of new markets stemming from human needs which business has not previously served, except in a peripheral way. Building materials, construction equipment, and contracting services, for example, will be needed to rehabilitate blighted neighborhoods. New individualized learning systems like Project Plan, modular multi-media instructional materials, and comprehensive textbooks and services to the classroom teacher, as well as to school administrators, will be required for the expansion and improvement of our schools. Managerial skills and administrative expertise will have to be provided to develop and operate effective service delivery systems whether they be for transportation, communication, or health care.

This is not to suggest that the profit motive is the exclusive or even the paramount concern of businessmen. Most able executives are motivated by a strong sense of public responsibility just as much as they are by concern about an adequate return on their stockholders' investment.

Westinghouse Electric Corporation, for example, is convinced that its future depends on how well it meets the economic, social, and needs of people. To this end, Westinghouse and other companies like it have launched programs in such areas as urban planning and development, pollution control, transportation, housing, health care, education and training, and even crime pre-

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vention and the administration of justice. In most cases they have proven that they can assemble the resources needed to do a job rapidly, generally without the bureaucratic inertia which hampers government agencies, and at a lower total cost to the taxpayer.

The problem of population, however, is a much thornier subject and, as Robert S. McNamara once described it, one which "it would be very much more convenient to leave alone." [1] Neither government nor the rest of the nonbusiness sector reached any kind of agreement on the nature of the problem, let alone the kinds of solutions that should be sought. In the absence of such a consensus, the lack of any significant business involvement is not surprising. Undoubtedly a great deal of public concern about the population problem is reflected in the increased interest in and support for family planning. As recently as eleven years ago, President Eisenhower was able to state categorically that family planning did not fall within the province of government. By the mid-1960's, however, the official government position had changed to one of token support for family planning programs within the United States. Now the situation is such that support for family planning is necessary and millions of tax dollars are specifically earmarked for family planning activities. Family planning has been officially designated as a high-priority domestic program; a "National Center for Family Planning" has been established as a separate office within the Department of Health, Education, and Welfare, and some state and local health departments are moving to set up programs designed to meet the family planning needs of the communities they serve.

A recognized impetus behind these major shifts in policy, of course, has been a widespread popular recognition of the relationship between population growth and many of the other problems which beset our society. Even more significant has been the increasing concern of society for the health and well being of its members and the recognition that the unwanted and unplanned growth of families can be detrimental to maternal and child health, to the emotional health of the family, and to its stability as a social and economic unit.

Widespread popular support coupled with federal funding and a shortage of skilled and experienced personnel within government fostered involvement by the business sector. Among the first to respond was Westinghouse Learning Corporation (WLC), a wholly-owned subsidiary of Westinghouse Electric Corporation, established in 1967 to bring together the resources and expertise needed to expand an already sizable corporate effort in education and training.

This early involvement was possible since WLC found among its full-time staff skills ranging from systems engineering and physical sciences through the humanities, education, anthropology, behavioral and social psychology, economics, linguistics, and political science, as well as business administration and public health. In addition, WLC found it could employ the services of specialists in other fields from the nation's leading universities and research centers to consult, administer, and instruct as needed in specific programs and special projects.

Although the primary emphasis of most of its earlier activities had been in formalized education and training, WLC found that bringing together the best available human resources within a carefully designed and managed administrative framework could provide instructive technical assistance in family planning, a field in which both technical assistance capabilities and expertise in education and training were in short supply.

TECHNICAL ASSISTANCE ACTIVITIES IN SUPPORT OF FAMILY PLANNING PROGRAMS

At the present time, WLC provides technical assistance and special services to family planning programs administered or supported by two federal agencies, the Office of Economic Opportunity (OEO) and the Department of Housing and Urban Development (HUD).

In OEO programs, there is frequently a need for highly competent consultants in such areas of expertise as the medical aspects of family planning, operational analysis, program development and implementation, administrative management and record retention, education and training, community organization, fiscal control and financial management. Specialists in each of these areas, most of them university-based, are made available upon request to local family planning agencies on an as-needed basis.

To insure the ready availability of consultants who can respond quickly and effectively to requests, WLC has maintained a contractual relationship with six universities: The University of Pittsburgh, Marquette School of Medicine, the University of North Carolina Population Center, the University of Nebraska, the Medical College of Georgia, and the University of Missouri.

These institutions deliver such technical assistance as may be needed in their immediate geographical areas. WLC oversees the delivery of technical assistance and provides these services directly to areas outside the geographical jurisdiction of the university resource centers.

A simplified management information and control system enables WLC's headquarters staff to keep track of operations in the field from their offices in Bladensberg, Maryland. Local requests for assistance are routed through the appropriate OEO Regional Office to the nearest specialists resource institution.

Upon receipt of such a request, it is reviewed first by the institutional coordinator and then by a family planning program analyst. As the principal link between the resource institution and a local program, the program analyst is well versed in the various aspects of program operations, has considerable knowledge of how OEO programs are organized and supported, is sensitive to the role of the consultant in the delivery of health services to the poor, is able to quickly and accurately assess and define problems related to family planning projects, and can explain and recommend matters of varying technical complexity. After studying the request, and in most cases after telephoning the local program for additional information, the program analyst delivers the necessary technical assistance personally or refers the request to a selected specialist. In situations requiring additional or special assistance, the analyst provides the necessary continuity and follow up through his report, as well as by briefing other specialists assigned to the project. Upon delivery of technical assistance, both the resource institution and the recipient prepare reports describing the nature and the efficiency of the assistance provided. In this way WLC is able to monitor the responsiveness of this nationwide system, which in ten months delivered over eleven hundred man-days of technical assistance by 135 specialists in forty-two states.

In addition to coordinating the delivery of technical assistance to local community action programs and delegate agencies, WLC headquarters staff also performs special services for OEO-supported family planning projects. These include the development of training programs for OEO project personnel in the mechanics of a new family planning patient data information system and the collection of data needed by OEO headquarters staff for nationwide project development and program expansion. Tasks recently completed include a review of the literature dealing with the incidence and impact of abortion among poor women, a study of the extent and nature of organized opposition to subsidized family planning services, and a survey of the education and training needs of OEO-supported family planning projects. Further research related to the family planning needs of teenagers, migrants, American Indians and the rural poor is contemplated.

While continuing to provide services to ongoing family planning programs supported by OEO, WLC also will provide technical assistance to selected HUD "Model Cities" having an interest in developing family planning programs. Most Model Cities' staffs have a rather limited experience with what is required to make family planning services available to those who need them most. Because they lack the specialized knowledge to plan, organize, and deliver these services, the necessity for technical assistance is likely to be as great as with the OEO projects.

The contractual relationship with HUD calls for WLC to provide three kinds of special services; namely, direct, indirect, and ad hoc technical assistance. Direct technical assistance encompasses the provision of special expertise required for the initial planning and development of viable family planning programs. In each of the 15 to 20 cities selected to receive such assistance, WLC will help local Model Cities' staffs, involved health professionals, and other interested persons to document the existence of a need for family planning services in selected target neighborhoods and to identify potential resources that can be utilized for the delivery of such services. Once a demand for services and the available delivery resources have been established, a plan for translating processes into effective action programs will be developed.

WLC will supply the technical expertise needed to move Model Cities' family planning projects from the planning stage to development and implementation. This will entail securing the cooperation of various national, state, and local organizations and providing such assistance as may be required to develop the program during the initial stages of implementation.

In the area of indirect technical assistance, WLC is expected to generalize the best ways and means of establishing effective family planning programs on the basis of its own and other people's experience in program planning, development, and implementation. The purpose, of course, is to develop a compendium of reports and materials designed to benefit other agencies not directly involved in this particular activity.

Finally, WLC is also expected to provide ad hoc technical assistance on a short-term basis to other Model Cities, if and when the need arises. It is expected that WLC will be able to provide much of this assistance using the network of consultants that has been set up to serve OEO family planning programs.

As of this date, there are few results to report. Because the program has just recently been funded, progress has been limited to staff development and assisting in the selection of cities to receive direct technical assistance.

FAMILY PLANNING AS A STEP TOWARD BETTER HEALTH CARE

At the present stage of its development, WLC views its technical assistance activities in the family planning field as a stepping stone to greater involvement in the nation's health care. As long ago as 1968 when WLC drafted its first business development plan for the nation's health industry, family planning was recognized as having certain characteristics which led to its choice over others as a place from which to begin.

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[1] Address of Robert S. McNamara to the Board of Governors, World Bank. Washington, D.C., September 30, 1968.

First of all, public awareness of family planning is a relatively new phenomenon. Most publicly supported activities have been in operation for less than five years. Its newness makes it susceptible to innovative approaches not currently possible in more traditional areas of the health care system.

Secondly, substantial amounts of money have been earmarked for family planning, especially for the poor, primarily because government has recognized that the poor tend to have more children than they can afford to support with a decent standard of living. Widespread interest plus the influx of money, coupled with the overall newness of the concept, have all contributed to the development of service programs which have proven to be singularly responsive to the needs and desires of their beneficiaries. As a relative newcomer to the public health field, and one which deals with relatively sensitive issues, family planning has also been forced to continually re-evaluate its posture in the face of skepticism, if not outright criticism, from certain factions of society.

The possibility of expanding concepts developed from family planning program activity is quite apparent. As a natural base for the entire maternal and child health structure, family planning programs have already shown strength in encouraging comprehensive health programming. Through greater emphasis on outreach, community education, closer coordination between health and human service agencies, and the recognition of the importance of consumer input into decision-making processes, family planning programs are making significant contributions to the development of a framework upon which can be built a truly comprehensive health care system. As a model, family planning is as close as any existing health program to meeting the health needs of people.

At the same time, family planning shares many of the same problems which hamper the delivery of more effective services in the whole health care field. Among the most important of these, and the ones in which WLC is most interested, are the problems of manpower development and patient education. Like most other areas of health care, family planning is in dire need of innovative approaches to education and training for its professional, technical, and auxiliary personnel, as well as patient education and information programs.

Much of the knowledge, experience, and capability needed in family planning, in the whole health care field for that matter, is close at hand. WLC, for example, recently established a Health Services Division within the Instructional Services and Training Systems Group to bring its resources and experience to bear on the related problems of health personnel development and patient education. The new division has completed a systems analysis of the education and training requirements of military hospitals and a survey of the instructional needs of general hospitals.

The military hospitals study was part of a comprehensive systems analysis leading to the design and development of a "New Generation of Military Hospitals" recently conducted for the Department of Defense by Westinghouse. The results of the WLC study included a design for a cost effective, media-based insurance system for the prototype hospital scheduled for construction in 1973. The general hospital survey provided WLC with detailed information on the basis of which multi-media training packages for hospital and nursing home personnel can be prepared.

Other developmental activities in the health field include: the design of a semi self-instructional training program for ambulance attendants, plans for a variety of instructional services and programs for extended care institution personnel ranging from management training for administrators and supervisory personnel through skills training and job-related basic education for other staff members. WLC involvement in the design, development, production and validation of self-instructional learning materials for patients and their families in the USA and overseas is also projected.

SUMMARY AND CONCLUSION

In conclusion, the totality of need in the field of health care is only beginning to be identified. Obviously, solutions to many problems which have only recently become apparent have yet to be developed. The role of industry has by no means been clearly established. Some successes have been noted but there have also been more than a few failures. Other private sector activities are too new to evaluate. If the success of American businesses is due primarily to their capacity to create and develop efficient organizations rapidly, to recruit, train, and employ capable people, and to use competition to get results quickly, effectively, and at a price people are willing and able to pay, a great deal can and will be accomplished. More activities like those of WLC in the family planning and health fields could signal the beginning of a new and beneficial interplay between the social concern of government, the technical expertise of universities, the managerial know-how of big business, and the practical knowledge and skills of the deliverers of health services.

THE SUPPLEMENTARY FOREIGN ASSISTANCE BILL

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. GERALD R. FORD. Mr. Speaker, the Nixon administration is following a policy of carefully balancing U.S. support with local initiatives. Under that policy, the United States assumes a supporting rather than a leading role, in the security of those areas with which we are intensely concerned. The policy is to shift the primary defense responsibility to the states which are threatened by aggression, and to concentrate our assistance on those nations which have shown the inclination and ability to help themselves.

Certainly Israel, Korea, and Cambodia fit this description. Israel has shown repeatedly its determination to preserve its independence, even its very existence, against considerable odds. The $500 million in credits for Israel will help her to present an effective military deterrent, preserve a military balance which is an essential prerequisite to any Mideastern settlement.

Korea has also shown its stoutheartedness in the face of aggression. But its military must depend too heavily on obsolete equipment—some of World War II vintage—while its adversary to the North has been supplied with more modern armaments. The modernization of South Korean arms can no longer be safely delayed.

We all are familiar with Cambodia's current struggle against an invading foreign army. It has appealed for help, and has already received help, from Australia, Japan, Korea and other countries. If Cambodia is to preserve its independence and neutrality, this aid from the United States is critical. The Cambodians have demonstrated their unity of purpose, love of independence, and willingness to fight. It is in the U.S. interest to support them.

In a rapidly changing and increasingly complex international environment, a lower American profile and greater diplomatic flexibility have become primary goals. But our commitments remain. Those foreign policy goals must be achieved without abandoning our commitments. The supplementary foreign assistance bill provides the means to do this. In place of a physical presence by Americans, this appropriation provides the wherewithal for our friends and allies to preserve the stability we have worked so long to attain. This bill is worthy of our early and favorable attention.

TRIBUTE TO THE LATE MISS FRANCES BATES McKUSICK

HON. JOHN W. McCORMACK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. McCORMACK. Mr. Speaker, my colleagues, in concert with a multitude of persons in Washington, but especially those on Capitol Hill, I received the news of the untimely passing of Miss Frances Bates McKusick with distress.

The unexpected death of a friend can indeed be distracting for some prolonged time. But with some others, Frances McKusick endorsed the line of Thomas Moore that, "memory is the only friend that grief can call its own."

I knew Miss McKusick for more than 30 years from almost daily contact during legislative months and ceremonial occasions which mark our sessions. Initially, she won my respect for the enthusiasm and competence she brought to her work. Soon after, she won my trust for her adherence to the best ethical traditions of the journalist.

Capitol Hill and Washington is thronged with outstanding personalities now and always has been. So it was something of a triumph, which she did not court, nor even realize, that Frances McKusick was among the widely known and admired Washington personalities of many years. She had all the attributes of an ace reporter, plus the genuine concern and tolerance of people which must be part of the mental equipment of a good legislator. But Miss McKusick also had that "something extra."

When the word came that Frances McKusick wanted to speak with me in the Speaker's Lobby, it had to be some tense or critical occasion that kept me in the Speaker's Chair, to delay answering her call. Usually, I hastened to the Lobby for what could be called selfish reasons. Frances McKusick had the firm conviction that tomorrow would always be better. With her cheerful outlook, her wit, her ability to nick the pompous,

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pretentious, and the follies of even the wisest among us, recounted without malice or mean spirit, were a tonic to drooping spirits. There are scores of other men and women in the Congress who have said exactly that since her passing. We mourn the going of one lady with a wonderful outlook on life.

She leaves a charming, engaging memory for thousands. Mrs. McCormack and I extend our condolences to her mother, Mrs. Marshall McKusick of Vermillion, S. Dak.

TRADE BILL

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. MANN. Mr. Speaker, the House of Representatives is on the eve of voting on the very important Mills bill on trade. The passage of H.R. 18970 is vital to the economy of South Carolina and especially to the district which I represent.

During the recent congressional recess two of the outstanding daily newspapers in my district addressed themselves to the problems faced by our domestic textile industry. I would like to commend the following editorials from the Spartanburg, S.C., Journal and the Greenville, S.C., News to all Members for their close attention:

[From the Spartanburg (S.C.) Journal, Oct. 30, 1970]

LAW AND NEGOTIATIONS NECESSARY ON TEXTILES

The problem of textile imports, which are damaging the mills of this section, is not an easy one to solve. Any final, long-time and effective solution is probably going to involve both legislation and negotiation.

This is so because a ceiling on total imports needs to be established and then, because so many different countries are now making and shipping textiles and ready-made garments into this country, quotas will have to be set up or negotiated for each.

Most Americans think in terms of textiles and cloth equivalent garments coming into this country from Japan. But there are many other areas which are making and shipping either cloth or clothing into the United States market.

There is a parallel for the problem in other fields—sugar, oil etc. Imports in these areas have to be allocated among a number of different producing countries.

In the case of textiles, woods and synthetics there is now legislation pending in the House to set a reasonably limited ceiling on the imports that can be brought into the American market. Congressman Wilbur Mills, chairman of the House Ways and Means Committee and author of the measure, predicts that it will be passed in the first week Congress is back in session after the election recess. Senators who favor the measure feel that quick action can be secured in that body by attaching the imports measure to some other vital piece of legislation about to pass—possibly the Social Security increase.

Textile interests have never asked for a ban on foreign imports. They have only asked that a ceiling, based on a reasonable level of imports before the flood-tide of the past several years, be established and that this be increased each year on a percentage basis of the total increase in the nation's use of textile products.

Japanese officials, after rejecting any thought of considering negotiating textile quotas last year, have recently indicated to U.S. officials that they are ready to discuss the problem. This is a reminder that once before some years back when the Congress was about to pass textile import legislation, Japan—then the chief exporter—rushed in at the last minute and negotiated a limited reduction for a limited period. One of the chief problems in earlier talks with the Japanese was that Japan wanted a one-year limit on quotas.

There probably is no lasting solution other than that applied to sugar: A positive ceiling on the amount that can be brought in—probably established by law—and then the allocation to present exporters their proportionate share of that ceiling.

President Nixon definitely promised the textile industry relief. He has worked on negotiated relief for two years without getting positive results. This is probably due to the fact that negotiations alone have been tried, not negotiations tied to and backed up by law.

[From the Greenville (S.C.) News]

MR. NIXON SHOULD BE OVERRULED

With the mid-term elections behind him, President Nixon has dropped his shrug-of-the-shoulders support of a bill to establish textile import quotas, and is again voicing optimism that a satisfactory voluntary agreement can be reached with Japan. The Japanese must find the situation very amusing.

The President's position is difficult to understand in light of the fact that very little really has changed since U.S.-Japan talks on a voluntary agreement collapsed last summer. If anything, the Japanese determination to prevent any kind of reasonable settlement appears to have hardened.

The Japanese are continuing to insist on terms that would provide virtually no relief to the stricken American textile industry. Demands by Japan that imports not be restricted to current levels and that the Japanese be allowed to switch any established quotas to different categories of goods are completely unrealistic. They also are indicative of the attitude Japan has taken during all negotiation attempts.

Mr. Nixon obviously is backing water again on his 1968 campaign promise to provide relief for this country's textile industry, plagued by the unrestrictive flow of foreign imports. But the thousands of textile workers who have lost their jobs because of the faltering industry aren't interested in the President's political nightmares.

The textile industry thought the matter was at least on the way to settlement when the Nixon administration dropped opposition to a quota bill (on textiles and shoes) by Rep. Wilbur Mills after the last talks failed. Now, however, that opposition has been revived in stronger language than ever, including broad hints of a possible presidential veto if it gets through Congress.

The responsibility now appears to be clearly on Congress. The Mills bill apparently is going to have to make the hard run to passage without any help—and, indeed, interference—from the White House. The bill is of vital importance for many reasons, some of which have nothing directly to do with textiles.

The proposed measure, as this newspaper has pointed out repeatedly, does not prevent voluntary agreements on imports, rather it would provide the potential muscle to force such agreements into being. Even if some sort of agreement is reached with Japan, the bill should be passed as plain old-fashioned insurance.

Threatened retaliation by other nations notwithstanding, the rest of the world needs to be plainly told that the United States is going to protect its home industries from unfair competition from foreign markets. The Mills bill, basically, proposes just this—a fair trade exchange.

The bill is poised and ready for action as Congress reconvenes. It should be enacted—with or without the President's support—in the nation's best interest.

PRIDE PROGRAM AWARDS AT "BIG SHOP"

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. GAYDOS. Mr. Speaker, during the recent recess I had the pleasure and privilege of witnessing an award ceremony which convinced me American steelworkers still retain the spirit of pride which made this Nation the greatest industrial power in the world.

The occasion took place at the "big shop," the No. 1 machine shop at Homestead Works of United States Steel Corp., which is located in Homestead, Pa., part of my 20th Congressional District. It was the presentation of awards to the outstanding "proud craftsman" and "proud foreman" employed in the shop. The winners of these awards are chosen by representatives of labor and management. The awards are given each quarter to those who best represent the shop's PRIDE program—personal responsibility in daily effort.

Candidates for the award are judged on achievement, punctuality, performance, cooperation, personal appearance, safety, ingenuity, ability, congeniality, and reliability.

The PRIDE program is the brainchild of Stephen Simko, who heads the "big shop" operation. It started in January of this year and already has won the enthusiastic support of both labor and management officials. Not only has the program boosted the morale of men employed in the "big shop" by recognizing their efforts and dedication, but it has improved significantly a safety record that had been considered good for machine shop operations. An official of the plant informed me that:

> Safety always has been top priority in the mill and the PRIDE program has been a factor in helping reduce the number of accidents even further.

I had the pleasure of presenting the PRIDE award for the "Proud Craftsman" to John Reutzel of Pittsburgh, Pa., a machinist in the "big shop." Mr. Reutzel has been employed by United States Steel for 31 years and is active in civic and church work. He is a veteran of World War II, married, and the father of one son.

The "Proud Foreman" award was presented to Elwood Loreski of Smithton, Pa., by F. R. Smith, superintendent of the Homestead Works. Mr. Loreski has been an employee of United States Steel since 1941.

Mr. Speaker, I wish to congratulate Mr. Reutzel and Mr. Loreski upon their selection as PRIDE winners. But I also would like to commend Mr. Simko for his efforts in successfully implementing a program of this type, and commend employees and officials of Homestead Works for their participation. I believe Mr. Simko best described the effect of the PRIDE program when he said:

> Now a man not only comes to work to make money but he can receive something money cannot buy—respect and sincere recognition for a job well done.

Mr. Speaker, this is the kind of spirit that exemplified the American steelworker of the past. It is gratifying to know the spirit has not been lost in today's highly competitive struggle for international industrial leadership.

HONORED GUESTS IN THE GALLERY

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. SCHADEBERG. Mr. Speaker, I would like to thank Mr. Theodre Haaser, Associate Director, Office of Administrative Management in the Department of Health, Education, and Welfare for advising me of the presence of guests from the International Seminar on Health Services Research and Development at today's session.

It has been my privilege to extend guest passes into the gallery to allow the following persons to observe firsthand the activities of the U.S. House of Representatives:

Dr. J. H. F. Brotherston, Chief Medical Officer in the Scottish Home and Health Department from Edinburgh, Scotland.

Sir George Godberg, Chief Medical Officer from the Department of Health and Social Security in London, England.

Dr. Sakari Haro, Director of the Department of Planning of the National Board of Health in Helsinki, Finland.

Dr. S. Ake Lindgren, Deputy Chief Medical Officer, Head of Planning Department, the Swedish Board of Health and Welfare from Stockholm, Sweden.

Dr. Stanley Martin, Chairman and General Manager, Ontario Hospital Services Commission in Ontario, Canada.

Mr. Gordon McLachland, Secretary, Nuffield Provincial Hospitals Trust in London, England.

Dr. Leo Noro, Director General of the National Board of Health in Helsinki, Finland.

These distinguished persons are guests of the Secretary of HEW, the Honorable Elliot Richardson and the Under Secretary, the Honorable John G. Veneman and the Assistant Secretary for Health and Scientific Affairs, Dr. Rober Egeberg and other officials at the Department of Health, Education, and Welfare.

The International Seminar has been a 3-day affair from November 18 to 20, 1970, at the HEW building here in Washington, D.C.

The seminar has been a working seminar taking up such topics as "Methods for Distribution of Health Services," "Continuity and Quality of Services," and "Planning and Management of Resources and Services."

It is my hope that the results of the seminar will be rewarding to mankind and make possible further evidence of the concern and cooperation by the Department of Health, Education, and Welfare here in the United States and related agencies throughout the world.

COMMUNITY ACTION PROJECT IN BALTIMORE GREAT SUCCESS

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. GARMATZ. Mr. Speaker, last month it was my privilege and pleasure to attend the opening of a Citgo Oil service station in my district. That may not sound very exciting, but, believe me, it was a most unusual occasion.

The Citgo station is located in the Cherry Hill development of Baltimore, a predominately Negro area. Mr. Thomas C. Spann, district sales manager of the Cities Service Oil Co., conceived the idea of putting to use for the benefit of the area, the Citgo station which had been closed since 1968.

A statement issued at the time of the opening, giving the details on the story, follows:

CAA's New Thrust Into Economic Development Meets With Initial Success

On Thursday October 29, the Community Action Agency's Program for Economic Development was given a substantial boost by the Cities Service Oil Company. That day, the Cherry Hill Citgo Oil Service Station had its formal grand opening. This project is a joint effort of the Cherry Hill Community Council, Inc., affiliated with the Community Action Agency, and the Cities Service Oil Company.

The Citgo Service Station in Cherry Hill had been inoperative since 1968. To reactivate it, Citgo bore the cost of remodeling, provided paid training for operating personnel, and sponsored the initial promotion. Currently the station employs five young men from Cherry Hill, all of whom were formerly out of work. In addition, Citgo is leasing the property to the CHCC, Inc. for just $1.00 a year. The Cherry Hill Community Council, through an OEO grant developed by CAA, invested in the tools and supplies needed to operate a modern service facility.

Those officiating at the formal ribbon cutting ceremony on Opening Day were: Congressman Edward A. Garmatz; W. Donald Schaefer, President of the City Council; Clarence W. Blount, Chairman of the Community Action Commission; State Senator Harry W. McGuirk; Warren D. Toburen, Regional Manager of the Cities Service Oil Company and Lenwood M. Ivey, Executive Director of the Community Action Agency.

In its ten days of operation, the station grossed $2,897.21 in sales! More than an uplift for Cherry Hill, this successful effort can be the beginning of a major breakthrough in Community Economic Development. For, it represents the practical application of resources, limited but sufficient, to enable those without capital to go into business for themselves. Federal and Local Government Officials, Citgo Management, and the CAA Administration are in hopes that the news of this promising venture will encourage others to get involved in similar endeavors.

Mr. Speaker, while this was of tremendous importance only to this neighborhood, I am mentioning it in the Congressional Record because I hope all Members will read about it and if the opportunity presents itself, encourage similar action in their own areas.

The Cities Service Oil Co., Mr. Spann, and the Community Action Agency, deserve great credit for their initiative in this regard and I hope many groups will follow their example.

ENVIRONMENTAL PROBLEMS

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. McCARTHY. Mr. Speaker, of all the environmental problems that confront us in the seventies, one that requires immediate action is the growing threat of ocean dumping. President Nixon has already addressed himself to this problem and the rest of us should follow suit.

Assistant editor, Stan Miller, of the Environmental Science and Technology magazine gives us an excellent insight into this problem and I ask unanimous consent that it be reprinted for all of us to share:

Ocean Dumping Poses Growing Threat

UNTIL U.S. MOVES TO CURB DISPOSAL OF WASTES AT SEA, IT'S LIKELY TO BECOME AN EVEN MORE POPULAR PRACTICE

The fact that 48 million tons of wastes were disposed of in the oceans around the U.S. in 1968 is as alarming as the fact that $29 million was spent for such disposals. What is more shocking to many people is that such disposal practices have increased fourfold over the past 20 years and may increase substantially in the future. At present, the U.S. does not have an effective mechanism to curb, yet alone prevent, ocean disposal practices, and unless uniform procedures regulating ocean disposal are established, U.S.'s troubles will mount.

Oceans, like other vital resources, are limited in their capacity to survive abuse. Like commonly used solutions to other pollution problems, ocean disposal merely transfers the waste problem elsewhere. Recycling of materials is now a national goal. But until recycling becomes a reality, large urban coastal cities will continue to look to the sea for disposal of their wastes.

The extent of ocean disposal in 1968 is documented for the first time in the recent report, "An Appraisal of Oceanic Disposal of Barge-Delivered Liquid and Solid Wastes from U.S. Coastal Cities." Prepared by the Dillingham Environmental Co. (La Jolla, Calif.), under contract with the Bureau of Solid Waste Management (BSWM), the report is based on questionnaire and interview data obtained from records of District Offices of the U.S. Army Corps of Engineers. Dillingham personnel, David D. Smith and Robert P. Brown, conducted the inventory with BSWM's deputy director of research and development, Charles G. Gunnerson, as project officer. At press time, the report was being published by the Government Printing Office.

INVENTORY

The Dillingham report identifies 126 ocean disposal sites—42 in the Pacific, 51 in the

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Atlantic, and 33 in the Gulf of Mexico—that 20 coastal cities used in 1968. Further, seven major categories of waste are delineated. Not surprisingly, harbor dredgings ranked first in both tonnage and cost (38 million tons and $15.5 million, respectively). But industrial wastes ranked second (4.7 million tons discharged at a cost of $8 million), and municipal sewage sludge third (4.5 million tons at a cost of $4.4 million).

Then, in the order of decreasing tonnage, Dillingham ranks refuse and garbage, construction and demolition debris, military explosives and chemical wastes, and a miscellaneous category. However, the report does not include the amount of waste discharged that reaches all oceans through sewer and sewer sludge outfalls.

For three categories of wastes—dredge spoils, industrial wastes, and explosives—the number of disposal sites is about equal on the three coasts. Although prior to 1967, the Atomic Energy Commission disposed limited quantities of radioactive wastes in the sea, these wastes are now disposed on land. The majority of radioactive disposal sites were in the Atlantic. However, sewage sludge sites are limited to the Atlantic, and refuse (garbage) disposal in small amounts is limited to the Pacific. In general, the industrial and municipal waste disposal areas are located at distances from 15 to 100 miles offshore, the exact distance depending on the type of waste and the established regulatory procedure.

The average unit cost for disposal of the different types of wastes ranged from a low of $0.40 per ton for dredged spoils to a high of $24 per ton for containerized industrial wastes. But a figure to $600 per ton was recorded for the disposal of some miscellaneous wastes off the Pacific Coast.

Industrial wastes, the second largest category with respect to both tonnage and expenditure of disposal funds, are made up as follows (in thousands of tons):

Waste acids	2700
Refinery wastes	560
Pesticide wastes	330
Paper mill wastes	140
Others	<1

Although most industrial wastes originate from coastal cities, increasing amounts are being barged from interior areas of the nation. The Dillingham report warns that such practices are likely to increase.

The severity of the disposal practice is particularly true on the East Coast. For example, exclusive of dredged spoils and explosives, the discharge of industrial wastes and sewage sludges in the Atlantic is five times greater than similar operations in the Pacific and the Gulf combined. Further, industrial wastes and sewage sludges are cited in the report as the largest factor contributing to the 27.5% increase in tonnage over two five-year periods (1959–63 compared with 1964–68). In 1968, industrial wastes totaled 4.7 million tons, nearly doubling the 1959 disposal figure. Similarly, sludge disposal in 1968 was approximately 4.5 million tons, up from 2.8 million in 1959.

EFFECTS

Little is known about the immediate effects of ocean disposal, let alone the cumulative effect of years of disposal practices. Some studies are underway to determine the short-term effects of industrial waste disposal as well as long-term effects of municipal sewage sludge disposal practices. But if we wait until adverse effects can be demonstrated, it may be too late to curb the existing disposal practices, particularly with respect to the growing segment involving industrial and sewage sludge disposal.

Two recent studies point out the need for stopping sewage sludge disposal in the New York Blight area. The studies were called to the attention of the U.S. Senate Subcommittee on Air and Water Pollution last March. Instituted by the Corps of Engineers, the first study is being conducted by the Bureau of Sport Fisheries and Wildlife Laboratories at Sandy Hook (N.J.), and the second by the Marine Sciences Research Center of the State University of New York at Stony Brook. Final reports are due next year.

Sen. Harrison A. Williams (D.-N.J.) told the Subcommittee that the disposal of sewage sludge was harmful to the health and welfare of New York and New Jersey residents. "It is causing a significant pollution problem. It is adversely affecting the aquatic life of the New York Blight area," Williams added.

At the hearings, Sen. Gaylord Nelson (D-Wis.) summed up the sad state of affairs with: "The Corps of Engineers confirmed that no one really knows how many people are dumping what kind of waste into the oceans. The Corps has no tally now for permits that it has issued for the first three miles of offshore ocean waters, the state's territorial sea. Further, the Corps has never rescinded a discharge permit for an offshore disposal permit, even when the polluter had clearly violated it."

REMEDIES

At present, there is neither legal provision for controlling disposal nor properly enforced methods beyond the three-mile limit. Beyond the outer limits of a coastal nation's territorial sea (12-mile limit), international law dictates that the high seas shall remain free for the use of all nations.

What is needed is specific legislation to prevent pollution of the seas from the discharge of waste beyond the three-mile limit (up to which the U.S. now exerts its authority).

Proposals that have been introduced into the legislative hopper include S. 3484, the Marine Environment and Pollution Control Act, and S. 3488, the National Marine Waters Pollution Control and Quality Enhancement Act of 1970. The purpose of these bills, amending the Federal Water Pollution Control Act, is to establish a broad new environmental management program for the long-range protection of a portion of the ocean environment under the jurisdiction of the federal government.

Introduced by Sen. Nelson, S. 3484 would ban all dumping of solid wastes into our coastal waters, including the Great Lakes, by June 30, 1975. The only type of disposal permanently exempted from the proposed 1975 ban would be liquid wastes which contain no suspended or other solid material, which are nontoxic, or which are treated to a level equivalent to that of the natural quality of the receiving waters.

S. 5488, introduced by Sen. Harrison A. Williams (D.-N.J.), would permit discharges of wastes only beyond a 100-nautical mile limit. "There is, of course, nothing magic about 100 miles, except that it affords sufficient protection to shore areas for an interim period not now provided," Williams says.

At the Senate hearings, N.J.'s Governor William T. Cahill suggested incorporating sludge disposal facilities in the design of all new sewage treatment plants.

What is needed now is establishment by the federal government of uniform application and review procedures for marine waste disposal permits. Minimum standards for baseline surveys, monitoring procedures, and related data management systems are also needed and long overdue. Hopefully, these provisions and considerations will be included in further amendments of the Federal Water Pollution Control Act. But ocean dumping is not merely a national problem, it's an international one.

EXTENT OF U.S. OCEAN DUMPING IN 1968

[In percent]

	Cost	Tonnage
Dredging spoils	53	80
Bulk industrial wastes	27	10
Sewage sludge	15	9
Construction debris	1	1
Containerized industrials	1	1
Refuse and garbage	<1	<1
Explosives	<1	<1
Miscellaneous	<1	<1

ONE CARRIER TO MEET A CRISIS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. BENNETT. Mr. Speaker, I wish to call to the attention of the House the following well-reasoned editorial from the November 16 edition of the Florida Times Union:

ONE CARRIER TO MEET A CRISIS

The U.S. general public never realized it, but during the recent Jordanian crisis the once-mighty U.S. Navy was compelled, in effect, to send a boy to do a man's job.

For the Pentagon had no alternative, when the need arose for another aircraft carrier in the Mediterranean, but to halt in mid-course the shakedown cruise of the USS John F. Kennedy in the Caribbean and order it to immediate duty.

The training of new crewmen had not been completed; the ship could not be considered completely prepared for any eventuality, as any ship ordered to emergency duty should certainly be.

The Christian Science Monitor reported that several top naval officials privately admitted the ship was not ready. When pressed, the Pentagon formally went so far as to acknowledge that the situation "would have been improved" if the training cruise had been completed in the Caribbean.

What was really shocking, however, was the Pentagon having to make the decision: Send the Kennedy or send nothing. For our defense planners have been accustomed to thinking in terms of "15 carriers available"; accustomed to making decisions on the basis of "available options"—but this time finding no option.

It is true that, in theory, there were (and are) seven aircraft carriers assigned to the Atlantic Fleet. But in fact the five theoretically available (two were already in the Mediterranean) broke down this way: Two had been loaned to the also-short-handed Pacific Fleet, two were in shipyards for repairs—leaving only the Kennedy on its training cruise.

The Pentagon's shock was not without lasting effects, however. Deputy Defense Secretary David Packard (the budget axe-man in the Pentagon) had earlier maintained that the nation "probably" could "get by" with only 12 aircraft carriers (in direct conflict with the "15 needed" stand of Adm. Elmo Zumwalt, chief of naval operations).

But, after the interrupted training cruise of the Kennedy, Packard isn't so sure any more. The "12 carriers" has now become, in Pentagon discussions, at least 13 and perhaps 14. It could, of course, easily be the 15—simply by a reversal of the decision to consign the Shangri-La to mothballs.

What is to be hoped is that this new insight into reality, which has already taken place in the Pentagon, will likewise affect

Congress which controls the military's pursestrings.

It hardly can be true economy to let one's defense capacity drop so low that the democracies will once again appear the "easy pickings" that Hitler thought he saw in 1939 and the heirs of his political morality would like to see in the 1970's.

PACKAGING INDUSTRY FIGHTS DISPOSAL PROBLEM

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. TIERNAN. Mr. Speaker, I was extremely pleased to read in this morning's paper of the effort being made by several industrial concerns to attack the serious problem of packaged refuse. A national center for solid waste disposal which is presently being organized would do research into methods of separating different types of waste from refuse.

As the original sponsor of the Resource Recovery Act here in the House, I am very concerned about the serious solid waste problem in this country. We are being threatened with drowning in our own wastes, and action is needed immediately.

Through the Resource Recovery Act, the Federal Government is attempting to deal with the problem. But the real effort must be made by the industries themselves, and that is why I am so pleased to hear about the national center for solid waste disposal.

I urge my colleagues to join me in support of this effort:

PACKAGING INDUSTRY FIGHTS DISPOSAL PROBLEM

(By William Chapman)

Prodded by public opinion and encouraged by the prospect of federal financial aid, several industrial concerns have combined to attack the problem of the refuse that their products' packages generate.

Bottle-makers, breweries, canneries and other companies whose packages create a major part of any community's solid waste disposal problem have put together a $3 million budget to launch their joint effort next month.

To gain public acceptance, the companies also have agreed to permit independent and outspoken environmentalists to judge their efforts as members of a governing board.

The venture is to be known as the National Center for Solid Waste Disposal, Inc. It opened an office here recently and expects to have a staff operating by early December.

The center will give priority to research into methods of separating different types of waste from the tons of refuse municipal agents haul away each day. Hopefully, the bottles, cans, paper and other materials can be reclaimed and, in the industry's jargon, "recycled" for use again.

"We have failed in the past, in carrying out our business, to consider society's environmental needs," William F. May, president of the American Can. Co., told an industry group recently.

The impetus for the new center came from the United States Brewers Association, an organization whose members are frequently the targets of conservation groups concerned with litter. The association, according to its president, Henry B. King, has reports of more than 100 state legislative proposals to ban or strictly limit beer sales in cans and bottles.

The brewers put up $250,000 as seed money to sponsor the center and have been joined by other trade associations and companies such as Monsanto Chemical, the American Can Co., Continental Can Co., Pepsico, and Coca-Cola.

They are motivated, said King, by a "combination of enlightened selfishness and a genuine concern for the environment. Industry recogizes the realities of life."

The present membership of the center's board of directors is composed entirely of industry leaders and is headed by Donald M. Kendall, president of Pepsico, Inc.

However, King said that when the center begins operations early in December approximately one-fourth of the board will be public, that is, members not affiliated with contributing corporations.

"They will be people known for their outspokenness and a record of concern for the environment," King explained. "Some of them have been quite critical of industry." He declined to name those members.

Interest has been spurred in the waste disposal issue since passage of the "Resource Recovery Act of 1970." The legislation was sponsored by Sen. Edmund F. Muskie (D.-Maine). It authorizes $467.7 million over three years for research and demonstration grants. The first year's authorization is for $50 million. None has been appropriated yet.

King said the center would hope to make use of some of those federal funds for research activities as well as the money contributed by private industry. A federal official familiar with the new law said the new center, if genuinely nonprofit, might be eligible for grants.

The major problem, it is generally agreed, is to find economical ways of separating reclaimable wastes from the tons of useless refuse carted to dumps or landfills in American cities.

If aluminum cans, for example, could be separated out of other refuse at an economical cost, they could be used again after processing, thus reducing waste disposal costs.

The U.S. Bureau of Solid Waste Management already is sponsoring research into the separation problem. In one case, its contractors are experimenting with a compressed air column that would suspend materials of various weights at different heights.

TIP SAMS—A HUMOROUS GRASS-ROOTS POEM WITH TRAGIC UNDERTONES

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. CARTER. Mr. Speaker, the subjoined poem was written years ago by Dr. J. T. C. Noe—known as "Cotton" Noe—and a Kentuckian—now deceased—and acclaimed poet laureate of Kentucky.

The lines treat in humorous fashion, but with sad and tragic features, the lives of a humble farm family—supposedly Kentuckians—whose lot more or less is typical of like families throughout the Nation. It especially deals with the period of World War I, but its story is apropos of what is yet taking place in our own Nation and the wars in Southeast Asia.

Dr. Noe was especially distinguished as a poet of humorous characterizations; and this particular product of his pen, dealing at is does with simple and patriotic individuals, is destined to live long in the hearts and minds of our people. Its comedy—tragic portrayals—and its implications—I would like to share with Members of the Congress and the readers of the CONGRESSIONAL RECORD.

Our friend, Maurice H. Thatcher of Kentucky, formerly a Member of this body, found the poem in his files and passed it on to me. Under leave accorded, I now include it in the RECORD:

TIP SAMS OF KENTUCKY

(By Dr. J. T. C. Noe)

Tip Sams had twins
  And a razor-back sow,
Five dogs and a mule,
  And an old roan cow;
A bone-spavined filly
  And a one-room house,
And a little wrinkled woman
  Just as meek as a mouse.

Old Tip raised tobacco,
  And he trafficked in skins,
For he had seven sons
  In addition to the twins;
And every mother's son,
  And the little mammy Jude
Smoked a pipe all day,
  And the twins both chewed.

But Tip kept a-digging,
  And he never lost heart,
For the dogs hunted rabbits,
  And they caught a right smart;
And the bone-spavined filly
  And the mule pulled a plow;
And they lived off the givings
  Of the old roan cow,
And the acorn-fattened farrow
  Of the razor-back sow;

But here the story closes—
  Of my little romance,
For the seven sons are sleeping
  On the battlefields of France;
But their daddy grows tobacco,
  And trafficks still in skins,
And the little wrinkled mammy
  Has another pair of twins.

THE "DELTA QUEEN"

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. SCHWENGEL. Mr. Speaker, this past week I received petitions containing over 4,000 signatures in support of legislation exempting the *Delta Queen* from the deep-draft safety statutes. These petitions were circulated by the Davenport Jaycees. Needless to say, they found ready support for the *Delta Queen* in Davenport and other areas along the Mississippi River which is the *Delta Queen's* highway. The following letter is the cover letter for the petition presented to me by the Jaycees:

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DAVENPORT JAYCEES,
Davenport, Iowa, November 13, 1970.
Re Bill H.R. 17571 and the *Delta Queen.*
U.S. CONGRESS:

MEMBERS OF CONGRESS: Enclosed you will find in excess of 4,300 signatures in petition asking your consideration to exempt the *Delta Queen*, an overnight excursion boat from sudden death in conformance with Bill H.R. 17571 of The Merchant Marine and Fisheries Committee.

We along with other Jaycee Chapters on the Mississippi River feel this is a part of our American Heritage. It seems that all are concerned with preservation of clean air, clean water, & anti-pollution. Now how about being concerned with something pertaining to all United States of America Citizens, a part of our American Heritage.

Wouldn't it be a shame if our flag were to be changed because the red color was determined hard on the eyes; if the Declaration of Independence and the Constitution was outlawed because parchment paper would not decay when used in a land-fill.

Well gentlemen, the river people feel it would be a shame if the last of the original overnight steam boats was to be outlawed by a bill meant for ocean going vessels. This boat is never more than a mile from shore or a town if a disasterous situation should arise.

Please, for our country's preservation of the American Heritage, consider exempting "The *Delta Queen*".

HARVEY MAYHILL,
Chairman,
Save the Queen Committee.

Mr. Speaker, I urge you and my other colleagues here in the House, to take advantage of the solution of this problem which our colleagues in the Senate have provided. I refer to H.R. 6114, a private bill to which the *Delta Queen* exemption has been added. The Senate has approved the bill and I urge prompt and favorable action on the bill here in the House.

JORDAN AND LEBANON

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. GERALD R. FORD. Mr. Speaker, a primary U.S. objective is to achieve a lasting Middle East settlement. Success depends to a considerable extent on the ability of moderate stable Arab governments to maintain the U.S.-initiated cease-fire and on moving the parties toward negotiations.

King Hussein is officially committed to a peaceful solution of the Arab-Israeli conflict on the basis of U.N. Resolution 242. But the September fighting in Jordan demonstrated a clear danger to King Hussein's government from radical fedayeen guerrillas and from radical Arab regimes.

The economy of Jordan had already been severely affected by the unsettled situation and fighting following the 1967 war. The additional burden of the recent fighting has taxed Jordan's economy beyond its capacity.

If Jordan is to continue to exert its moderate leadership, it urgently needs replacements for the ammunition expended and equipment destroyed in the September fighting. Jordan must develop the kind of military force which can resist the threats to its continued existence. If Jordan is to do this as well as meet its obligations repayments for military purchases in past years, it must have the limited support which the President has requested.

While Lebanon's military requirements are not great, they are increasingly difficult to finance without some outside assistance, especially in view of the economic decline which has followed the events of 1967. Lebanon has exercised a moderate and restraining influence in the Middle East. It is very much in the U.S. interest to assist Lebanon in her efforts to continue in that role.

IT IS GOOD NEWS WEEKEND

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. ROONEY of Pennsylvania. Mr. Speaker, love is a lot more than peace signs, emblems and messages in popular songs we hear on the radio. Every once in a while, amidst all the bad news we are conditioned to accept as part of our lives, it is indeed inspiring to see the quality of the human spirit in action, in service to his neighbor.

Douglas Sewell is a young man from my congressional district whose need for assistance sparked an amazing drive, sponsored by radio station WEEX in Easton, Pa. Their goal, $15,000, grew to over 4 times that amount in pledges and cash donations, to a grand total of over $60,000. Doug would receive the kidney dialysis treatment he urgently needed, as would scores of other persons suffering from kidney ailments.

It is difficult, if not impossible, to give credit to particular persons who made this drive such an overwhelming success. As Donald Diehl, president and editor of the Easton Express newspaper put it:

> The goal was $15,000, and even this seemed terribly ambitious to some of us old fogeys who believe that peoples' pocketbooks are controlled more by the sagging economy than by their hearts. I do not mean to wax poetic, but the entire weekend was one long emotional high, as hundreds of kids and their parents worked together around the clock in our studio.

Special thanks should be given, however, to Mr. Diehl; to the station manager of WEEX, Tom Dugless; to the president of the kidney fund committee, Russell D. Parsons; to his vice president, Mrs. Jerry Hess, and to the Varsity E Mothers. They, and the many, many persons who gave their time and their money to the job of saving a young man's life should sleep well knowing that their efforts are the finest expressions of unselfish love man can give to his brother.

I would like to share this good news story with my colleagues by reprinting here articles which appeared in the Easton Express newspaper on October 26, 1970:

FANTASTIC RESPONSE RESULTS IN $60,299 PLEDGED TO VARSITY E KIDNEY FUND

In a response termed fantastic, Easton-Phillipsburg area residents have given or pledged more than $60,000 to the kidney fund appeal begun to meet the urgent need of Douglas Sewell.

A weekend radio marathon on station WEEX netted $60,299 in cash and pledges to the Varsity E Kidney Fund Committee.

The committee was formed to raise enough money—$15,000—to guarantee the start of kidney dialysis treatments for Douglas Sewell, a former Easton Area High School athlete, of Bangor R.D. 3.

So great has been the public's response to the appeal made on WEEX and through The Express that the Varsity E committee is planning to establish a community fund to help residents with kidney ailments.

The first $15,000 raised will enable Sewell to begin dialysis treatments. The balance will become the foundation of the community kidney fund, the committee announced.

The many persons who telephoned their pledges to WEEX were urged to send or deliver their gifts as soon as possible.

Checks should be made out to: Varsity E Kidney Fund, and mailed to WEEX Radio, Easton, Pa. 18042.

Cash gifts should be delivered to the radio station atop College Hill.

Contributors created a traffic jam around the WEEX studios last evening.

Forks Township police cooperated by directing traffic leaving and entering Route 115 and Sullivan Trail and provided security in the studios.

Sewell, 18, was forced to withdraw as a freshman at Kutztown State College two weeks ago because of chronic glomerular nephritis—a deadly disease without kidney dialysis.

Allentown General Hospital required a guarantee of $15,000 before it would undertake preparations for the necessary treatment.

The fund appeal was born after this information was published last week.

The generous outpouring of gifts to the fund has just about overwhelmed young Sewell.

"I never expected anything like this," he remarked today as he thanked everyone who helped.

Russell D. Parsons of Palmer Township, head of the Varsity E committee, said the effort is going beyond the radio drive.

A collection at the Easton-Liberty football game in Bethlehem Saturday night produced $1,400 from the spectators. A similar collection is planned at this week's Easton-Pennsbury game.

Kutztown State students plan a benefit rock concert in Rockne Hall on campus next Sunday.

Lafayette College students announced plans for a benefit folk-rock concert in Agriculture Hall at Allentown.

A benefit jayvee football game between Easton and Phillipsburg high schools will add to the fund.

Synthesis Theater, near Fleetwood, will perform the play, "Summertree," at 7 and 9:30 p.m. Wednesday, with proceeds going to a KSC student group, Life Crew, which is raising $15,000 for Sewell.

In addition. Parsons said, all service clubs, industries, union, fraternal and social clubs will be invited to contribute to the over-all fund.

The amount not used directly for Sewell will be used to help others in the area with similar kidney ailments, he said.

Parsons thanked everyone who has responded to the drive, on behalf of the Varsity E and Varsity Mothers.

He said initial treatments for young Sewell should begin in a week or so and the initial cost will be spread over perhaps a year.

The youth's father, Charles A. Sewell, issued a statement of thanks today. He said:

"We want to thank everybody who has participated—the newspaper, WEEX, Dave Marino, the Varsity E and Varsity Mothers, and especially Russ and Sally Parsons, who initiated this program, and all the workers who gave so generously of their time.

"I especially want to say that I think our young people have taught me some lessons.

"There are many kindnesses which have been shown to us that will not be publicized and I want to thank those people as well."

DISPLAY OF LOVE: AN EDITORIAL

Citizens of the entire region, thousands within the signal range of radio station WEEX, young and old, black and white, responded magnificently over the weekend to the marathon benefit appeal sponsored by the radio station and the Varsity E club of Easton for kidney disease victim Douglas Sewell. It was a performance that ought to evoke in the area community a deep sense of accomplishment.

When the campaign closed at midnight last night, more than $60,000 in cash and pledges had been counted. Some $22,000 in cash was brought to the WEEX studios on Chestnut Hill in Easton, mostly by young people seeking to ensure that Doug will receive the expensive dialysis treatment he needs to keep his life.

The remarkable response will guarantee this and more. Young Sewell, a former Easton Area High School athlete, needs $15,000 for the dialysis machine and other therapy which will take over the functions of his kidneys. He will have that, and the remainder will be used as a source fund for others in the area who have been and will be victimized by this renal system disease.

These are times of trouble and restlessness, and one frequently hears complaints about the "generation gap" that separates young people and their elders. There was no generation gap in the outpouring of love and concern shown by the people for Doug Sewell. This was a characteristic response to a human problem—it's the way young people are saying we ought to treat each other, with affection, warmth, love and concern. To everyone in the region who joined this effort, The Express and WEEX express their gratitude and pride.

HUMBLY GRATEFUL

Douglas Sewell, whose need for $15,000 for kidney dialysis treatment sparked an usually successful fund drive during the weekend, says he "never expected anything like this."

"I'm glad everybody wanted to help" said the 18-year-old former Easton Area High School athlete when he learned that the campaign on WEEX radio had raised more than $60,000.

The first $15,000 is to get him started on treatments and the balance is to become the base of a kidney ailment fund for the community.

Doug, who had begun studies at Kutztown State College, says he hopes to resume studies and try to become a teacher when the current crisis in his life is overcome.

A SLOWDOWN ON POLLUTION CONTROL

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. TIERNAN. Mr. Speaker, I was extremely disappointed to see in this morning's paper that the Nixon administration is once again attempting a slowdown in our efforts to provide for a virtually pollution-free car by 1976. This plea comes at a time when House and Senate conferees have agreed to stick to the 1976 deadline.

The provision under question is part of the omnibus air pollution bill. It would require cars produced after January 1, 1975, to emit 90 percent less pollutants than allowed for 1970 cars. A 1-year addition can be added if the industry shows it is impossible to meet the deadline. After January 1, 1976, however, any further extensions would have to be granted by the Congress through new legislation.

Some in the auto industry and the Government say that this provision could result in the cessation of all sales of new cars after January 1, 1976. This argument is ridiculous and is being used only as a fear tactic. Obviously Congress would extend the deadline if the auto industry had made a good-faith effort to meet the deadline but simply could not do it.

Unless the deadline is included in the bill, I fear that the auto industry will only drag its feet, especially with no pressure from the present administration. There is little doubt that this country has the technical know-how to build a pollution-free automobile. Certainly if we can build an entire space program culminating with a manned landing on the moon in 10 years, we can build a car free of pollutants within 5 years.

The Nixon administration also stated opposition to a statutory requirement that auto devices be guaranteed for 50,000 miles. In addition, the administration asked that a Senate provision requiring cars that are built for export to meet the same pollution standards applicable to cars sold here, be dropped.

It is time to stop playing politics with the health of the people of this country and of the world as a whole. I urge the Senate and House conferees to stand behind their original acceptance of the 1976 deadline and to oppose any and all administration attempts to weaken the bill.

PRESIDENT DIAZ ORDAZ OF MEXICO VISITS THE U.S.A.

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. BOB WILSON. Mr. Speaker, during the recent visit of President Diaz Ordaz of Mexico, station XETV, channel 6 in San Diego, provided an outstanding community service and contribution to Mexican-American understanding. Live television coverage of the Mexican President's visit was beamed to the entire Republic of Mexico in Spanish and to the San Diego area in English. President Nixon wrote the vice president and general manager of XETV, my long-time friend, Julian Kaufman, commending XETV's leadership in improving our ties of friendship with our neighbor to the south, and I am pleased to share the President's letter with my colleagues in the House:

THE WHITE HOUSE,
Washington, D.C., September 22, 1970.

Mr. JULIAN KAUFMAN,
Vice President and General Manager, XETV, San Diego, Calif.

DEAR MR. KAUFMAN: The coverage XETV gave to the recent visit of President Diaz Ordaz was a splendid example of the bonds of friendship and of interest which link the United States and Mexico. Your efforts contributed greatly to the spirit of goodwill which characterized the occasion.

Recognizing the complications these arrangements must have entailed, I wanted you to know that I thought the effort required well worthwhile, and I am sure that all your viewers, Mexican and American, appreciated your programs as much as I did.

With my best wishes,

Sincerely,

RICHARD NIXON.

PHILADELPHIA'S BAG YOUR TRASH WEEK

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. BARRETT. Mr. Speaker, in recognition of the crisis which now grips many American cities in the field of solid waste disposal, the city of Philadelphia has taken steps to meet at least one aspect of this problem—the collection of trash from households. Philadelphia has initiated a citywide campaign requesting all citizens to "bag your trash" and "keep a neat street." The following action program was begun:

A proclamation was issued by the mayor of the city of Philadelphia proclaiming the following:

PROCLAMATION

Whereas . . . In recent years, there has been a deluge of paper products, tin cans, bottles and other materials which has scattered some 3½ billion tons of trash over the United States, with about a million tons annually in Philadelphia alone; and

This veritable trash explosion could completely clog the available machinery for refuse disposal without the cooperation of responsible householders who regularly contain and bundle their refuse for collection; and

Plastic bags have recently been developed for trash barrels and garbage buckets which can provide an estimable service in general sanitation and in reducing the threat of national pollution: Now, therefore:

I, James H. J. Tate, Mayor of the City of Philadelphia, do hereby proclaim the period of November 8–14, 1970 as BAG YOUR TRASH WEEK in Philadelphia, and urge wise citizen usage of plastic trash bags to contain all household wastes.

The press conference and luncheon at which the proclamation was read was sponsored by the Philadelphia More Beautiful Committee and the department of streets to call attention to the need for plastic trashcan liners to aid the city's pickup efforts and to assist in keeping a cleaner Philadelphia. The luncheon was hosted by Mr. David Berger, former city solicitor for Philadelphia, and chairman of the citizens committee of "Bag Your

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Trash Week." Attending the luncheon were Mayor James H. J. Tate; Mr. Leo Goldstein, streets commissioner, and Mrs. Goldstein; Mrs. Walter A. Craig, chairman of the Philadelphia More Beautiful Committee and Mr. Emmanuel Galeone, executive director; Tom Woodeshick, fullback of the Philadelphia Eagles, and the "voice" for "bag your trash" special projects. Also in attendance were block captains of the Philadelphia More Beautiful Committee, sanitation department representatives, Scout leaders, special guests, and members of the press.

A statement was released to all newspapers, radio, and television in the Greater Philadelphia area which read as follows:

> In an effort to seek greater public participation in environmental control, Mayor James H. J. Tate today (Thursday, November 5) proclaimed November 8–14 as Bag Your Trash Week.
>
> In issuing the proclamation, Mayor Tate noted that "control of refuse is becoming a monumental task. Bagging of trash will enable the city to save in collection costs, while at the same time we will have more efficient service and a cleaner community."
>
> Initially, some 50,000 plastic trash bags arrived at the Streets Department East Central Incinerator, Delaware Avenue and Spring Garden Streets. The bags then were fanned out to the 400 blocks and 50,000 neighborhood volunteers participating in cleanup activities.
>
> Four neighborhood mini-rallies also were held Saturday (Nov. 7) to launch the Bag Your Trash Week effort, coordinated by the Philadelphia More Beautiful Committee, in close cooperation with the Streets Department.
>
> Tom Woodeshick injured Eagles fullback, served as the "voice" of the mini-rallies. Despite crutches, Woodeshick led the caravan of the latest Streets Department clean-up equipment to the four sections of the city, visiting block party activity enroute.
>
> At the mini-rallies, local Boy Scout Troops joined the clean-up promotion by distributing Bag Your Trash buttons and literature.

A PRETTY PICTURE OF JIM KEE'S COUNTRY

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. SLACK. Mr. Speaker, in the Saturday Review for November 21 there is a travel article by David Butwin, who has returned from the West Virginia mountain area served by esteemed colleague, Congressman JIM KEE. I think many of my colleagues will be interested in the article, and I hope you will take it as a reason to visit along with your families during this season of the year.

The article follows:

HILLBILLY HEAVEN

I don't know what Appalachia means to you, but to the mountain people of southern West Virginia it has nothing to do with strip mining, welfare rolls, or malnutrition. Down there in the hills and hollows of Summers County, just across the misty ridges from Virginia, the best of the old American values are still intact, and the animals own the woods.

For a few rare nights in mid-October, I slept on the edge of the Bluestone Gorge, where—but for the faint humming of some electrical contraption in the bathroom—all I could hear were the squawking of tree toads and crickets and other sounds not identifiable. The desk clerk said there was no way to eliminate the hum, so I learned to live with it.

Otherwise, you could hardly fault the Pipestem Resort. Built with state and federal money and opened only six months ago, Pipestem occupies more than 4,000 acres of state parkland spread across a lofty tract of Appalachia. The previous occupants were farmers, moonshiners, and small timbering interests. The rugged terrain escaped the assault of strip and shaft mining that has ravaged much of West Virginia and neighboring Kentucky.

People around Pipestem resent the sympathy of outsiders who expect to find only slag heaps and food stamp lines. "We don't even know what a mine looks like," John Faulconer, editor and publisher of the Hinton *Daily News*, told me one bright morning on the rounds of Pipestem and the surrounding country. "The closest shaft and strip mines are thirty-five miles away. Hell, I've never even been inside of a mine."

Faulconer is a robust sixty-five, a native West Virginian who wants desperately to save his town and state. Toward that end he began a push eight years ago to salvage an unspoiled chunk of Appalachia and convert it into a golfing and vacationing refuge. At the same time, he hoped to create a bundle of new jobs and stop Hinton's slide into economic ruin. Faulconer's pleas were carried to Washington by Jim Kee of Bluefield, the Congressman from West Virginia's Fifth District. Local denizens call Kee the Funding Father and Faulconer the Founding Father of Pipestem. Together they helped swing $14-million in grants and loans from the U.S. Economic Development Administration, part of a $48-million package Washington authorized in the early 1960's to stir tourism and recreational business in West Virginia.

What has emerged beside the Bluestone Gorge is something more substantial than even Faulconer had envisioned. Pipestem Resort employs more than 200 in the brisker summer months, and all but two of that number come from the Hinton environs. Only James Bolinger, the managing director, and his assistant represent the Branigar Organization, Inc., a Chicago real estate developer that oversees the operation. It all makes for an uncommon and fetching touristic enterprise, in which nature manages to get top billing.

The main lodge is an attractive piece of wood, stone, and glass built into the side of a hill so that its seven floors barely jut above the landscape. You enter the main lobby by a wooden ramp, board the elevator, and then learn there are five floors below, all with a rear exposure to the gorge. The lodge's 114 rooms rent for as low as $12 single, as high as $50 double. There are twenty-five cabins spread out overlooking a lake, and by next spring an aerial tramway will link up with the resort's Mountain Creek Lodge, a thirty-room hideway at the bottom of the gorge beside the Blustone River. Workmen who made their way into the gorge to clear away building space for the lodge came across two abandoned whisky stills. "One of them was made of stainless steel, so you know it wasn't too old," Faulconer said. His eyes glowed, "This is corn likker country. I tell you, it's good stuff when it's made right. So smooth you can drink it like water."

Pipestem may lack some of the ceremony (and certainly the prices) of the Greenbrier at White Sulphur Springs, but it can busy the visitor with horseback riding, indoor and outdoor swimming, ice skating, archery, and, of course, golf. Faulconer, who has played 175 courses and shoots in the mid-70s, took me on a go-kart ramble over Pipestem's eighteen-hole spread, which he calls a "thinking man's course." There are no "cardiac hills" to climb, but always the fairways drop away to steep, wooded hollows, where the squirrels must be puzzling over the accumulation of golf balls. I wonder how a golfer keeps his eye on the ball with all the better things to see. To provide even clearer views of the Bluestone Gorge, the West Virginia Forestry Service has planned certain cuts through the deep woods.

Faulconer said the autumn foliage was a day or two past its peak, but I was nonetheless dazzled by the profusion of reds and oranges painting the sparkling outdoors. What I took to be falling leaves would often dart upward and show their true identity: monarch butterflies, heading south for winter. We left Pipestem (whose lodge is four and a half miles from the main road) and followed the rolling, dipping countryside to Hinton. This seat of Summers County, a railroad center in richer days, lies at the confluence of the New, Bluestone, and Greenbrier rivers, three of West Virginia's four remaining waterways still alive and jumping with fish: bass, pike, catfish, bluegills. All but two of the state's fishing records were set in these rivers. The New River claims another distinction: Along with the Nile, it is the oldest river on Earth. Who says so? The bard of Summers County, John Faulconer. And he says the Smithsonian told him so.

We stopped for a treat at a Dairy Queen across the river from Hinton. Obviously the Ritz of American frozen custard parlors, it has a terrace with tables beside the rolling waters. Its main entree is cherished throughout the county. "You've never had a hotdog here?" a woman customer asked me. She looked a mite downcast despite the brilliant day. "I hate to see it close for winter," she told her fellow Hintonite, Faulconer.

Hinton, with a population of fewer than 5,000, has twenty-two churches. And the gospel is observed. In a recent survey compiled by Faulconer's paper along with the school superintendent's office, the police, and the prosecuting aattorney, not a single case of drug use or drug traffic was turned up in Hinton. If there's any pot smoke in them thar hills, it's coming from a small commune established recently in a mountainside cabin not far from Hinton. The kids, from faraway places, draw curious looks on their appearances in town—but nothing harsher.

Following a narrow road beside Big Creek, we drove back into hillbilly country until we came to a tiny frame house with two armchairs on the front porch, a pile of coal and a spent washing machine out back. Inside, Faulconer greeted six members of the Big Creek Sewing Center, who were bent over a quilt stretched out on a long wooden table. The quilting talents of West Virginia women have lately been broadcast through the land, and their midis and maxis now sell for hundreds of dollars in such distant markets as I. Magnin and Nieman-Marcus. Of course, the state's fifteen sewing circles don't realize these profits. The women are paid a maximum of $2 an hour by the Mountain Artisans, nonprofit middlemen who are based in Charleston, backed by a federal grant, and boosted by such considerable upstate personages as Sharon Percy Rockefeller, the young and pretty wife of West Virginia's Secretary of State, John D. Rockefeller IV.

Helen Forren, her daughter, and her seventy-two-year-old mother represent three generations of quilters. Since the recent run of publicity, they've received private orders for personalized golf club head covers, puff pillows, shawls, dresses, and the colorful bedspreads that remain their specialty. Mrs. Forren's husband Bill, who is partially disabled, was away for the day squirrel hunting. She showed me some tiny cradles and chairs he had whittled, a skill for which he is known through the surrounding hills. "He gets a little pension," said Mrs. Forren, "so we manage together. I keep four welfare children now. The welfare people won't let 'em wear hand-me-downs or patches"—which she can fashion with perfection—"so it ends up costing us a little to keep them."

Mrs. Forren's mother, Mrs. Christine Buckland, patted her gray hair in place and stood for a photograph in front of the little house. "I was married right there on that rock," she said, pointing to a stone laid near the front step. "That was in 1916."

There is nothing much to do at Pipestem after dark in the low season but listen to the sounds of night falling on the Bluestone Gorge. Or you can drop into the gift shop, browse through the mountain crafts (such as Bill Forren's whittlings), and hear the string music of Jim Coste, who minds the store for his mother. He was alternating, on a chill night last month, between banjo, guitar, fiddle, and dulcimer until he snapped a string on the dulcimer while playing a jig called "Golden Slippers." Coste, twenty-one, grew up in Hinton and loves to track the hills in search of small game and the peace the woods afford him.

He led me into the hills the next day after waiting out a thick fog that covered the Bluestone Gorge outside my window like a deep snowfall. Jim's rebuilt 1930 Model-A Ford chugged through the rising mist past the Big Bend railroad tunnel where John Henry is said to have won his steeldriving fame. Hinton is raising funds to build a sixteen-foot-high statue of the nineteenth-century strong man above the tunnel, and Johnny Cash has contributed $500.

We followed the Greenbrier River for a spell and then tramped into the woods, Jim carrying his grandfather's twelve-gauge shotgun over his shoulder. He was after squirrels, and though we spotted three or four and Jim fired away as fast as he could reload, all he brought down were showers of yellow leaves. "Damnation!" he cursed after each miss. The racket scared up bunches of crows and a pair of pheasants, but we came out of the woods empty-handed. We tried fishing a nearby pond, but caught nothing more than nibbles, while barking squirrels taunted us from the sanctuary of the woods. Jim apologized repeatedly for the futile morning, but I assured him it was nothing of the kind. If one could only make a lifetime of such wasted mornings.

IT IS TIME TO RETURN TO THE FUNDAMENTALS

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. DOWNING. Mr. Speaker, Gen. Bruce C. Clarke, U.S. Army, retired, recently delivered a fine address to the National Triennial Convention of the Knights Templar which was held in Denver. His speech entitled, "It's Time To Return to the Fundamentals," contains a number of sentiments which I feel are of prime interest to all the Members and I am happy to include it in the RECORD:

IT'S TIME TO RETURN TO THE FUNDAMENTALS

(By Bruce C. Clarke)

Today we find our country disturbed, apprehensive, suspicious, and lacking in high morale.

How can we help to overcome this situation? Painting a home filled with termites is not a very permanent solution.

Before daylight on 16 December 1944, Hitler struck through the Ardennes Forest in Belgium in great force. The American Army was surprised. Units were cut off. Headquarters ceased to function. Communications were cut. Rumors were abundant. There was an air of impending disaster in the combat area.

The American reaction was to place Field Marshal Montgomery in command on the north side of the Bulge and to rush in reinforcements. In ten days the breakthrough of the Germans ground to a halt. It was then that Marshal Montgomery is reputed to have said:

"There comes a time in every battle when you should tidy up the battlefield."

This he did and then we counterattacked. In a short time, the German Army was driven back into Germany and within a few months the war was over.

It is time to again tidy up the battlefield. How do we do that? There is only one way. That is to return to the basic fundamentals in many fields in America.

At last year's Army-Navy football game, the Navy was reputed to have come to Philadelphia with some trick plays, unusual items of dress, etc. The pregame reporters played these up. Just before the kick off, a T.V. interviewer asked the Army coach what "gimmicks" he had brought to the game to spring on the Navy. He said:

"The only gimmicks we know are how to block, tackle, run, pass and kick."

The score, as I recall, was about 25 to 0. I am sure you can guess who won.

When Field Marshall Foch was asked, after World War I, what was the great strategy he used as Supreme Allied Commander to win the war on the western front, he said:

"There is no grand strategy in warfare. It is the application of practical solutions to military problems."

When I took my graduate work in Civil Engineering, the first two courses I studied were on "Foundations." I cannot recall the details of the courses, but I have always remembered the philosophy of the professor who taught the courses. He pointed out that the first thing needed in a structure was an adequate foundation. It was generally all underground where it did not show. No one took pictures of it for the press. No one wrote articles about it. Its cost was a large part of the cost of the structure. There were many opportunities to slight the work and bury out of sight defective parts of the job. It was not until the structure failed, would these malpractices come to light. He pointed out that an Engineer displayed his character as a man by how he built the foundation for a structure.

In the story, an old Irish grandmother said as she sank back into a chair exhausted from feeding, undressing, bathing, listening to prayers and getting several grandsons into bed and asleep:

"Oh were there aught else to build men out of besides boys."

But there isn't any other way to produce our replacements in life. The answers to the problems facing us are known. They spring clearly from the teachings of Jesus, the Ten Commandments, the Constitution and the English common law. Our problem is to relate these great teachings to the problems of building sound foundations in our people and in our country.

I have been privileged to have helped to train many million soldiers. I learned early to approach my job with this philosophy:

"My soldiers want to do what I want done; when they do not do it, it is because I've not properly instructed and motivated them."

Many of our troubles come from our people not being properly instructed and motivated. The Vietnamese War is a classic example. We must do better in instructing and motivating our people. We must start with teaching the fundamentals of life to our youths. I do not recognize that there is a "generation gap" between us and the great bulk of American youths. Nor do I recognize that their generation is smarter than ours. They know about more things that we did at their age, but what we did know about, we understood in greater depth instead of superficially as is often the case with today's youth.

On a plaque in the athletic stadium at West Point is this statement:

"On these fields of friendly strife are sewn the seeds that on other fields, on other days will bear the fruits of victory."—Douglas MacArthur

We have people who think it is wrong to win. Mostly they are incompetents who want to change the rules to insure that they can come out on top.

There is nothing wrong in winning if the rules are fair for all and we play by them.

The ability to win, even against great odds, has made America great.

We have produced a generation of "doers"—a generation of builders. Our people were interested in and capable of getting things done. We are overwhelmed today with rhetoric, arguments, and illusionary goals. But we are not overpopulated with those who can take the basic fundamental facts and objectives and create and carry through a sound workable plan to produce what we need.

Let's not say that we are getting beyond the active solutions to the problems of our times because of our years. Helping to solve them will keep us young. Our teachings, experience, and maturity are greatly needed today. They are a great asset to America.

If the basic concepts that we know so well from our teachings were still practiced in our families, churches, communities, schools, colleges, and industry by those charged with making men out of boys, we would be a long way towards solving our problems.

What should we do to help cause a return to those basic fundamentals which have made our country great?

We can set the example in law and order, in civic duties, in voting, in ethics, in observation and in support of our schools, and in taking a part in community affairs. We can bring our help and influence to bear. We can become activists in what is needed and good for the community, state and Nation. We must help to instruct properly and motivate our people—especially our youth. It is not too late or too early to start in all these fields.

When I used to make out efficiency reports on officers I felt one of the best things I could say was:

"He does his best all the time."

If, through our work and service, we help our people to return to the basic fundamentals that have made our country great, we will have helped to preserve our heritage. We can proudly say that we are then good citizens. We need more good and active citizens today. Let's be such Americans.

Our country at this time needs us to do our best all the time.

1970–71 SESSION OF CITIZENS ADVISORY COMMITTEE HELD IN BROOKLYN

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. PODELL. Mr. Speaker, on the 19th of October, the opening meeting of the 1970–1971 session of my Citizens Advisory Committee took place in Brooklyn. Hundreds of concerned citizens met to

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express their ideas and feelings on the important issues of the day and to select one of the eight standing subcommittees on which they would serve.

The keynote address was delivered by the president of Brooklyn College, Dr. John Kneller, who I am proud to say is the chairman of the Advisory Committee.

Dr. Kneller became president of Brooklyn College in 1969 after serving for 4 years as provost of Oberlin College. His distinguished career as an educator, author, and administrator as well as his keen interest in the welfare of our community, State, and Nation are qualities we welcome in a chairman.

His remarks on the role of the individual in meeting the problems of a communty can serve as an inspiration for constructive action on the part of all citizens.

The address follows:

SPEECH BY DR. JOHN W. KNELLER

All of you have come to this meeting with your own ideas concerning your roles as citizens of the borough, the city, the state and the Nation. I have come with mine and I'd like to share them with you.

Nearly everything about Brooklyn is changing. And, like most kinds of change, the ones we are experiencing are painful and sometimes perilous. As a relative newcomer, I keep reminding myself that the borough has a larger population than half of the States of the Union. What we do and say here cannot fail to have a serious impact in the Nation as a whole.

Brooklyn has had a rude awakening to its own nature and the nature of the world around it. It is obvious that we have a gigantic amount of thinking and work ahead of us, and I believe all of us are uncomfortable and apprehensive. Uncomfortable because it is difficult to reevaluate everything within one's frame of reference, individually or collectively. Apprehensive because true progress always means setting off into new territory without knowing all the answers ahead of time—and, inevitably, risk and challenge are present in equal quantities. It is much simpler, and much more tempting, not to set out at all, to assume that we've done as well as could have been expected. Like everyone else, we have face we'd like to save.

But, as the French writer Stendhal once said: "The risks that a man takes are a measure of his worth." I take it that we are willing to take some risks. That is why we are here. The challenges we face and hope to survive are unprecedented in two dimensions: the extent to which the turmoil and the controversy touch the life and conscience of nearly every citizen, and the fact that the ordeal is global. Never before, not even during the Civil War, have Americans been unable to escape moral involvement, whatever the national crisis. And never before, not even during the Great Depression and the World Wars, was this country's fate so closely linked with the global, human predicament.

There was a time when Americans were able to believe that people in many other countries were somehow not quite human. So it didn't matter if they were hungry, sick, poor, without resources . . . It didn't even matter if we took what scant resources they had, and underpaid—if we paid at all. We never had to face the consequences of what we had done. There were no televised wars, no pictures of children with starvation-bloated bellies. Now we can see some of what we have done—and not done. And just as we now know that nuclear weapons will undo those who use them, along with those they are used against, we know that to ignore the needs of others is to nurture sickness in ourselves.

Others have described the challenges in terms ranging from the technical to the apocalyptic. On this much, however, I think we could all reach agreement. A central part of the problem is the scope and pace of technological and social change, throughout the world, and the obvious inadequacy of existing institutions to deal effectively with change and its human consequences. The mediocre measures of history repeat themselves over and over again and evolution seems to have slowed to nearly a stop, because of man's want of competent control over his own actions.

The source of some of our difficulties, at least, is not lack of insight. No one is really unaware of the utter futility of war as an instrument of national policy, let alone the consequences to the planet and its inhabitants of a thermo-nuclear war. Nor can anyone be blind any longer to the cancerous effects of racism in any society, anywhere. We have all the insight we need into the consequences of the population explosion and the horrendous dangers of continuing environmental pollution.

No, the source of the difficulty is that organized society—civilization, if we can call it that—has not yet taken any of these problems seriously enough to do much about them. This is not somebody else's fault; it is my fault, your fault—our individual and collective fault. A number of political philosophers have suggested imaginative alternatives to war, but the major powers have yet to take any significant steps in that direction—and the inertia of the vast majority of us means that our governments continue dragging their feet. Racism continues to plague American society and is a growing factor in world politics—and the major outcry against it still comes largely from those who are discriminated against. Population control is technically feasible but except in a few countries it still has low political priority—and citizens do not use their political leverage to demand action. Pollution abatement is also technically feasible, but the big debate in this country appears to be, "Who will pay for it?"

No wonder, then, that humanity—especially young humanity—is experiencing a crisis of confidence. The haste with which civilization is plunging toward a host of visible disasters is, to any thoughtful observer, the height of irresponsibility.

There is a very reasonable skepticism concerning the wisdom and sincerity of "those in charge." Traditional institutions are properly suspect, and old values are questioned—as they should be.

We seem to have an incredible need to maintain images of ourselves that please us, whether they accurately reflect our stature or not. But everyone who has discovered that fire burns and ice chills knows the fruitfulness of error. If we choose not to learn anything new, because we are afraid of the pain that often accompanies growth, we cannot hope to be part of the solution of our nation's problems.

Our politics are increasingly polarized by antagonisms, and those in the center have begun to choose sides. As Senator Margaret Chase Smith put it a few months ago, "Extremism bent on polarization . . . is increasingly forcing upon the American people the narrow choice between anarchy and repression. And make no mistake about it, if that narrow choice has to be made, the American people, even if with reluctance and misgiving, will choose repression."

In short, if we are not first overwhelmed by the great problems we have so far ignored or failed to solve, we may simply destroy ourselves by acts of political self-evisceration. We may suffocate in our own garbage, annihilate ourselves with our mighty new weapons, or simply destroy ourselves with hate.

It puzzles me, for example, that so many people of my generation are so hostile to the aspirations of the Blacks and Puerto Ricans. It puzzles me because we grew up during the depression, and I sometimes think it takes a depression mentality to understand the passionate self-interest of Americans who know they are at last on the way up. We more than anyone else should understand the deadening, bone-crushing defeats of poverty, the dullness and pain. We should understand what it means to be unable to provide any future for our children that seems fit for human beings. We should be able to imagine how it is to be caught in that horrible non-life—and how it is to see, in such a vista of endless grey, a light, a way that might lead out into the world that other people seem to inhabit so effortlessly.

We who grew up in the depression, we should understand the fierce determination to rise. It may be harder, but we should also understand the lack of determination to rise. Even the depression was not endless. There was a time before it, and if we could not remember it, our parents could. It is a different thing when one has lived in a grey world forever. Eventually the light goes out, or it chokes back any hope of escape: it leads to no-world beyond because it is only a mirage. There are people who have lived in despair too long.

From the poor with great hopes and the poor with little hope, Brooklyn will draw many of its future leaders. It is a difficult time for Brooklyn but one that could really lead to a remarkable set of relationships. If we can find bridges, very diverse groups of people may find ways to reach each other. This should be one of our most important goals. If we succeed, we may help to produce a new breed of leadership in the community. This suggests that the upcoming generation of urban leaders could well be closer than we have ever come before to the ideal of James Madison; pluralistic, competitive, interest-oriented and highly motivated.

Clearly, the shape of the future will be very different from the past. Let us hope that *we* will be different and that our institutions, which are the reflections of ourselves, will adjust and adapt to keep up.

I wouldn't attempt to blueprint all the changes that should take shape in the future. But as an educator, I do know that educational institutions will have to turn out men and women capable of understanding and managing broad, intricate problems, within a framework of political and social responsibility. The specialists will still have their roles to play, but the men in charge will surely be broadly educated generalists. They will be people who are capable of growth and change, who will take delight in discovery—people who are secure enough in themselves so that they do not need to be seen as perfect. They will acknowledge their mistakes and use them to build on; this will accelerate their growth—and the rate at which they contribute.

I am not offering a prescription for the inhabitants of Utopia, nor for some snobbish and possibly even effete elite of the future. I am talking about the desperate need for knowledge-based, system-oriented, solution-directed professionals who are equipped to deal with tough problems, not just complain about the incompetence of others. These qualities are essential and perhaps even minimum requirements for the emerging world for which we—all of us—are responsible. We sorely need such people *now*, in government and industry, in education and communications, in international relations and in local public affairs. The accumulated, ignored, mismanaged problems on mankind's agenda call for initiative, not inertia; for constructive action, not just carping criticism; for a hard work follow-up, once the debating point has been made.

Some of the qualities I have called for are, indeed, well within your competence and mine—if we apply what we have learned to the jobs before us. We need, above all, to accept personal responsibility for the present and future state of the world we live in. We can no longer afford to assign blame to faceless conspiracies. It is not an anonymous "they," but an identifiable, flesh-and-blood "we," who are the instruments of historical change. There is no longer any room for a silent majority, because apathy is also a position—an irresponsible position. The true enemy of political justice is not the conspiring of a few, but the apathy of the many. The enemy is not "they" who would destroy but "we" who do not create.

We can still turn back from fatal polarization and there is glimmering evidence we may be doing so. Student participation in the recent primary campaigns and the coming fall elections is one good sign. In our young people we have the raw material of need, interest and commitment. We must stop the antagonism toward them and help them to fulfill their extraordinary promise. It is the most precious gift of all, and at the moment it seems singularly unappreciated.

The nation that is now trying to remake itself, at great pain and cost, is startlingly close to the democratic political equations on which it was founded—think about it. There are only minorities in a truly pluralistic society; the proper functions of leadership are not to deny differences or to impose orthodoxy, but to draw from all groups the best they have to offer, not for the benefit of some privileged few, but for everyone.

Now is the time when we can begin to rebuild our community in a fresh and imaginative way. Urban blight is one term that is used for communities that grow haphazardly, and then suffer from their randomness. We can help make Brooklyn a totally new kind of place; a place that has unity and thought behind the structures that make of it a worthy place for all its people to live. Please, let us get together and begin.

THE NIXON-ECHEVERRIA MEETING

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. FASCELL. Mr. Speaker, last week my district was to have been the site of the important meeting between Mexico's President-elect Luis Echeverria and President Nixon. As we all know, the time and place of that meeting had to be changed in deference to Mr. Nixon's attendance at memorial services for Charles de Gaulle in Paris.

However, the significance of this conference between two leaders of the Western Hemisphere is neither temporal nor geographic, but rather, it lies in the spirit of mutual respect which characterizes the current relationship between the two countries, as exemplified by the cordial meeting.

Mexico's emerging strength and fierce independence make her the best kind of hemispheric ally. The Mexican-American relationship represents a model, and, hopefully, a preview for inter-American relations in the years to come. The era of U.S. superdominance in the Western Hemisphere must give way to the partnership of equals. We may not always speak with one voice, but we can be bound by a mutual commitment to freedom and independence.

Such is the spirit of our close ties to Mexico. This spirit was recognized by the influential Diario Las Americas, a leading and authoritative Spanish daily published in the United States. In a perceptive editorial on November 13, Diario Las Americas pointed out the great significance of the meeting of the two leaders for inter-American relations, noting the great number of matters pending which require much good will on both sides to be resolved satisfactorily. It also calls attention to the great achievements of President-elect Echeverria and his potential for influence on Mexican history.

Mr. Speaker, I commend the attention of our colleagues to the full text of this timely editorial:

> THE NIXON-ECHEVERRIA MEETING
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> As it is known, the meeting that should have been held at Key Biscayne, in Miami, on Thursday the 12th, between the President of the United States, Richard M. Nixon, and Mexico's President Elect, Lic. Luis Echeverria, was postponed for this Friday in Washington, D.C., as President Nixon had to go to Paris for the funeral of the great French leader Charles de Gaulle. As soon as the news of the death of the former French President was known, the Mexican President Elect, Lic. Echeverria, notwithstanding his numerous commitments inherent to the supreme responsibilities that he will assume on December 1st, cooperated with the White House so that the interview could be held in Washington, upon Mr. Nixon's return from Paris. The future Mexican President, with humane understanding, accepted the powerful and sorrowful reasons that compelled the American President to accompany the French in these sad moments.
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> The meeting that will be held this Friday at the White House is of great importance for the United States of America and for Mexico. And in certain aspects it is also of high significance for inter-American relations in general.
>
> There are always a great number of matters pending between the United States and Mexico that require high echelon negotiations so that the special friendship joining these two countries for the last decades not only be maintained but also strengthened in reciprocal benefit, within an atmosphere of decorous conveniences. The fact that there are over three thousand miles of frontier between the two countries, undoubtedly implies many situations, sometimes conflictive, that require much study and much good will on both sides to be solved satisfactorily. That is why the personal contact of the American and Mexican Presidents is very important, and positively contributes to facilitate the negotiations of the respective chancelleries.
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> In the case of this Friday's meeting, it is timely to point out that the American President will be talking with a Mexican figure which has already emerged as one of great significance in his country's politics. Judging from the achievements of Lic. Echeverria and by the extraordinary impulse of his electoral campaign, there are powerful reasons to believe that this influence on Mexico's life will not only be during his mandate of six years, but also that it will project beyond into the field of civic activities that exert political power in his country. The disappearance of the legendary figures, so to say, of the Mexican revolution, gives to Lic. Echeverria and to the new leaders of the nation, special responsibilities in the guidance of its future.
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> It is to be hoped that the conversations between Messers. Nixon and Echeverria, therefore, be beneficial for the United States and Mexico. And also that regarding economic matters, possibly in what concerns the protectionist measures in the United States, they favor the Latin American countries in general.

LADY BIRD JOHNSON AWARDS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. PICKLE. Mr. Speaker, the highway beautification program inspired by Lady Bird Johnson is now an ongoing concern with its own momentum. The results of this effort we all now enjoy.

Keeping our highways beautiful is a never-ending task, however, and Mrs. Johnson still lends her talents and efforts to help the cause.

In early October she initiated an award which gives recognition to our first line of defense in this effort—an award in recognition of the Texas Highway Department maintenance foreman who has done the most to preserve and enhance the unique beauty and environment of roadsides in Texas. An engraved plaque and a check for $1,500 were a part of the award.

Recipient of this the first of these awards was Joe H. Derrick of Stephenville at an award ceremony in the amphitheater of the Lyndon B. Johnson State Park in which I was privileged to participate.

Mr. Speaker, this is recognition given where recognition is due. To paraphrase a statement about one of the five finalists for this award—what these men and their crews do is always on show, even if the men are not.

It is part of a commitment expressed by our former First Lady to the American Road Builders Association in February 1966:

> We are the road-buildingest nation on earth. The highway program is 35 times as large as the Panama Canal, Grand Coulee Dam, and the St. Lawrence Seaway combined. Your creations, your works are public property, open to all and for the service of all, and inevitably, they affect the lives of the people for better or for worse. Therein lies both the glory and the burden of roadbuilding. Whether we will one day stand in pride and be able to say "well done" depends very much on the skill and imagination and sheer determination we put forth in the next few years. In disturbing the turf of this beautiful country, we have a special obligation—not only in terms of land use, but also in an esthetic sense. We are obliged to leave it looking as good if not better than the way we found it.

These words are not an expression alone of a nice sentiment, they are the expression of a duty and a commitment we all should honor.

Mr. Speaker, one of the more colorful local papers of the area, the Fredericksburg Standard, did a superb job of expressing the views many of us hold toward Lady Bird Johnson's efforts to

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beautify our land. I would like to reprint its article in the RECORD:

EDITORIALS: A MORE BEAUTIFUL AMERICA . . .

"In disturbing the turf of this beautiful country, we have a special obligation—not only in terms of land use, but also in an aesthetic sense. We are obliged to leave it looking as good, if not better than the way we found it." These were part of the remarks made on Feb. 23, 1966, by Lady Bird Johnson to the American Road Builders Association.

Over four years later, in the state park named for her husband, she did something tangible to back up the determination she expressed then. She gave the Lady Bird Johnson Award she established this year to recognize the Texas Highway Department maintenance foreman who had done the most to preserve and enhance the beauty of Texas roadsides.

Mrs. Johnson is always so warm and generous in her praise and expression of appreciation of what others have done to preserve, conserve, beautify and enhance buildings, places and things.

What we here in the Texas Hill Country, especially in Gillespie County, want her to know—as others no doubt also feel all over the nation where her influence has been felt and made known—is that her interest and concern have been a special inspiration to people from all walks of life and in many trades, professions and livelihoods.

Long before the hue and cry all over this land was "Save our Environment" and before preaching ecology was the "in" thing to do, she was concerned with "Beautify America." Her words were followed up with deeds and actions, the latest of which was this generous gift and beautiful plaque she awarded Friday to "one of the troops" who help to keep our roadsides beautiful along with the maintenance of the highways themselves.

This gracious lady, who will always remain a "First Lady" by her deeds and demeanor, is due a share of the applause and honor she is always showing to others. Her optimistic outlook in seeing the possibilities in preserving the finer things of life is a bright light amidst the words of gloom and doom she referred to Friday as being heard too often throughout our land. Her reward, already well in evidence in her own immediate area and in many sections of America, is one that all of us share—a more beautiful America.

EULOGY FOR CARDINAL CUSHING

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, the following is the text of the sermon given November 7 by Cardinal John Wright, prefect of the Vatican congregation for the clergy, at the funeral of Cardinal Richard Cushing of Boston. Cardinal Wright started his priesthood in Boston under the leadership of Cardinal Cushing. Cardinal Wright was formerly the outstanding bishop of the diocese of Pittsburgh, and bishop of the diocese of Worcester, Mass.

The text of the sermon follows:

"And God will wipe away every tear from their eyes. And death shall be no more; neither shall there be mourning, nor crying, nor pain any more, for the former things have passed away. And he who was sitting on the throne said, 'Behold, I make all things new!'" (Apocalypse, Chap. 21 V. 4–5).

The lamented cardinal archbishop of Boston was a man of many contradictions—some within minutes of one another. He was a man of not a few controversial words and actions—some bitter, some bewildering, some almost amusing to himself and to us who loved him. But one single, over-riding, constant purpose integrated his entire life and to that abiding constancy he was totally committed unto death.

That one constant purpose was his determination, stubborn and untiring, to serve, with whatever genius or frailty, the one, holy, universal, apostolic Church, in communion with Rome, and to do everything else in his power, at all times, in all places, on every level, to advance that kingdom of God of which he knew the visible, organized Church to be the beginning and the principal agent on earth.

To this unchanging motivation, he was faithful all the days of his life and through all the mysteries—joyful, sorrowful and glorious—of that life otherwise shot through with superficial contradictions and occasional controversy.

I am grateful to Archbishop Medeiros and to the bishops and priests of this truly holy Church of Boston for the privilege of speaking, in behalf of all present and millions not able to be present, some words of affectionate remembrance of Richard Cardinal Cushing.

The text which I read a moment ago was one I heard on his lips on many occasions, some of them occasions so bound up with his goodness to me that they came instinctively to mind when, by a curious providence, I arrived the other night in the New York airport to be handed a scribbled note that Archbishop Medeiros and Bishop Minihan had phoned that our cardinal was dead.

When Archbishop Cushing was installed in this cathedral over a quarter century ago, he thought of choosing the last part of today's text—"Behold, I make all things new!"—as the theme of his first sermon. A last minute decision, expressed by him with a characteristic comic touch, prompted him to choose another text, but he returned to this theme time and again in those early years of his pontificate as he went about the diocese where he was welcomed and loved so passionately.

When he preached at the Mass establishing the new diocese of Worcester 20 years ago, he used the last words of this text, as he did nine years later when, with paternal solicitude he installed me as bishop of Pittsburgh. This is a purely personal reason why I am grateful to be able to repeat those words as he is laid to rest, since in all of my life as a brother bishop, as in the lives of thousands of bishops, priests and lay collaborators, these words, the aspiration of his own life, became our dynamic ideal: "Behold, I make all things new!"

These words coming from him were no heady, empty boast concerning any charismatic gifts or special talents Richard Cardinal Cushing possessed, or wished the rest of us, all of us, to share. It is an echo of words which Scripture places on the lips of that Christ, the Alpha and Omega of all things, who could alone possibly pronounce such powerful words, that Christ of whom every believer in one way, every priest in a most especial way, every bishop in a preeminent way is called to be the agent.

And so, from the day of his ordination as a priest, indeed before, and unmistakably from the springtime of his archbishopric in the exciting years of the 1940s, Richard Cushing, fired by the energies of Christ and inspired by the word of the Lord of all, sought to "make all things new." For years this aspiration had identified him with the work of the missionary Church as few in history and none in our times, have given themselves to the spread of the kingdom to the ends of the earth. Seeking to build on the firm foundations of solid faith and holy pride left by Cardinal O'Connell and his predecessors in the local Church of Boston, Archbishop Cushing aspired to bring fresh vitality—to "make all things new" again—in the diocese committed to his care. Those were the days—the latter 1940s and the early 1950s—of the joyous mysteries in the life of our beloved leader. He stood so tall, so confident, so radiant, so energetic, so indefatigable, and, if one may dare to say it, so debonair, as America's youngest archbishop and one of the Church's most articulate, open-handed and prophetic witnesses to God's truth.

In those days of the joyful mysteries of his high priesthood, Archbishop Cushing was everywhere. He preached everywhere. He was at work building everywhere. He sought to encourage everywhere, at home and abroad. It was war time when he began this omnipresent apostolic action. He combined with the all-out service of his own flock an amazing apostolate to soldiers and sailors, to men and women in the service, not only here on local ships and bases but wherever in the land he was asked to confirm, to offer the Mass, to comfort or to say the word of encouragement for those caught up in the war.

The moment the war ended he began, again with all-out effort and in worldwide fashion, to labor for the things which make for peace. He was among the first, together with the late Cardinal Dougherty of Philadelphia, to take a clear stand against future compulsory peacetime military service. But at the same time, he braved the wrath of the more equivocal, if not disloyal, at home and abroad by pinpointing in his public addresses those whom he saw as enemies of faith, freedom and the prospects of abiding peace, no matter how much some of them may have, at the time, presented themselves as allies of freedom, lovers of peace, and, on at least one occasion, spokesmen for religious faith.

Much more positively and unforgettably, before rebuilding from the devastation of war had even begun in Europe, he projected and personally led a series of pilgrimages to European nations, shrines, and peoples from whom we had been estranged during the years of the war. This was among the greatest of the joyful mysteries of this man's life and how it rejoiced us all to see him leading a thousand of his people to Canada, before any political personality even dreamed of doing anything, to walk through the streets, to preach and to pray in witness to the unity of spirit which must bind neighboring nations. How proud we were a year later to see him standing, erect and confident, in the pulpit of crowded Notre Dame of Paris, before the altar of Lourdes, surrounded by 500 of his Boston flock and thousands of the French eager to hear him speak of the indestructible ties between our countries. As in France, he spoke of new hope, so later in Spain he pleaded for new ways, in Ireland for new courage, in Germany for new understanding. Never were the joyful mysteries of his life so symbolized than when we priests and people of Boston went with him to Rome to present to Pope Pius XII our petition for the canonization of Pius X, whose motto had been, "Restore all things in Christ," as Richard Cushing's inspiration had been, "Behold, I make all things new!"

That was the springtime, the season of joyful mysteries as the Rosary, which he delighted to recite on trains abroad, over the radio at home, at religious gatherings everywhere, would call them. That was the season that saw him consecrating new bishops, especially missionary bishops, not only here in Boston but in the chapels of the motherhouses of great missionary orders all over the land and beyond. His theme was always the same: New worlds to conquer for Christ, new hope to bring to men, new energy and openness in the profession of the faith, "all things made new."

It was in this period of the joyful mysteries that he began to dream of concentrating his energy and his vision especially on Latin America, toward which as a neighbor continent he felt that we had special obligation in affection, generosity and faith.

Before anyone, known to me, was using the words "Third World," the indomitable Cushing in the years of his joyful mysteries was launching, with the aid of the priests and people who shared his vision, Latin American programs all his own, typified by but not limited to the Society of St. James—the name of which had dawned on him as he stood at the shrine of St. James, one of his patron saints, at Compostella in Spain. "The Spaniards," he said, "were chief among those who brought the faith to South America. They did a wonderful work. The job of bringing back the faith, 'of making all things new' must now be ours!"

Yet none of his worldwide activities distracted him, during that springtime of the joyful mysteries, from his duties here at home. He multiplied, in plain fact he pioneered locally, new educational work for handicapped children; there are those who say that it was he who coined the tender phrase "exceptional children" to describe those born with all the odds against them. He made his own an especial apostolate to old folks, and, in a mixture of pathos and comedy, he planned festive visits not only to institutional homes for the poor, but to public restaurants, even night clubs, to which he invited those who had no one else to entertain them on national family feasts, like Thanksgiving. He was the host and he was the entertainment. He built institutions for the aged and the poor, the sick and the abandoned, but, what was more important, he *identified* himself personally with his brethren, whether they were in the institutions of the Church or those of the state, whether they were in whatever we now call poor houses or were in prisons.

In was in this period, again the springtime of his joyous mysteries, that he revealed his highly publicized flair for hats of varied and marvelous design, as well as his disarming, not to say sometimes disconcerting, delight in uttering the unexpected phrase, the unstuffy remark, or a frequently astonishing bit of self-deprecating humor.

And thus, in the midst of laughter, intense activity and resilient indifference to either flattery or adverse criticism, he lived out the joyful mysteries of his springtime as a prelate, reproducing in deeds, something, at least, of what only Christ could promise: "Behold, I make all things new!"

Then came the season of his sorrowful mysteries. It is a little difficult to place a date; it doesn't make much difference. It is even more difficult to assign clear causes, particularly for the contradiction, confusion and sometimes personal attack that left his spirit sorrowful, even broken, more than ravaging diseases made painful his flesh. Suddenly the seemingly carefree, contagiously enthusiastic young archbishop of the early days, began, manifestly, to share the priesthood of the Man of Sorrows, as once, not less manifestly, he had exemplified the priesthood of the Son of the Cause of our Joy.

He became like to no one so much as to Job. His telephone calls, his letters to friends, his private conversations sometimes, when affliction of spirit and pain of the flesh were especially acute, and his unguarded public remarks began to echo the very vocabulary of Job. He spoke, as many of the bishops who are our fathers in Christ, have been obliged to speak, of abandonment, repudiation, unconcealed contempt for what he loved and what he tried, at least, to do.

Words from the lips of Job, words of ulcers and tumors, of desolation of spirit and utter heartbreak, began to be heard from his lips. Once, apologizing half jokingly, half ruefully for his shrunken physical condition and his inability to eat anything but clear soup and a little ice cream, he quoted in a letter a line from Job: "My flesh is consumed, my bone has cleaved to my skin, and nothing but lips are left above my teeth!" The years of the sorrowful mysteries had unmistakably descended upon him.

Unlike Job, his personal possessions had never been of a financial kind. He had never held on to money and so he couldn't lose that. He owned no camp, no villa, no hideaway from the pressures of life; any place he stayed, perhaps for a day or two, he stayed as a guest, usually a paying guest, but in any case, a grateful guest. As his secretary, I wrote the draft of his first will after he became archbishop. His instructions were very simple. He said, "So far as my job is concerned, include everything that canon law requires. *So far as my personal effects are concerned, find some legal, highfaluting way to say that I haven't got a dime. I came into the world poor and I shall go out the same way!"*

Neither did he suffer, as did Job, from neglect or indifference by his family. Since they are present and we understand one another in this hour of grief, I must acknowledge, as did the late cardinal, that it sometimes seemed quite the other way round. His people loved him deeply, but he apparently felt that by giving his own family even a day of his time he might neglect the work for all God's children. His parents had taught him to love Christ and His Church above all else. His kin understood this perfectly and so they were content, but not surprised, that only in the year before he died he at last took time to visit home on the family feasts of Thanksgiving and Christmas. His nephew followed in his footsteps as a priest and a missionary and the cardinal was very proud of that fact, but he never told him. On the one occasion that he invited his family to rejoice with him in Rome, the news of a death in the family, the death of one who had remained at home, disrupted the Roman reunion at its height. He was already sick, wracked with pain, in no small degree frustrated—but his comment at the hotel in Rome that day might have been a line out of Job.

In the season of his sorrowful mysteries, it became common for him to faint with pain at public events or to show utter exhaustion in ceremonies or at meetings. But then the rumor began that he had cancer, together with asthma and other afflictions. A loose-lipped woman started the cancer rumor. Her phone lines sizzled with the grisly news. Finally he heard the rumor himself, as all evil reports finally reach whom they are intended to disturb. His doctor had been discreet, but a writer whom the cardinal had helped, when no one else would, helped spread the rumor that he was taking means to kill pain and showing symptoms of metastasis and sclerosis.

This was indeed the season of sorrowful mysteries, but he never stopped going. He never stopped preaching. He never stopped wiping away tears, though they were invariably the tears of others.

It was then that the pilgrimages for peace (the politicians had begun to come to life on that level) gave way to pilgrimages of prayer for the physical healing of others. He chartered airplanes to bring crippled and handicapped boys and girls—"his exceptional children"—close to some of whom he will be buried this afternoon—to Lourdes and to Ireland. All that was most beloved about him is summed up, not in the funny stories in his popular biographies, but in a poignant piece of sheer poetry that was uttered at 2 o'clock in the morning 40,000 feet above the Atlantic, in the darkness of a plane filled with afflicted children, their afflicted father in Christ and the Sisters and doctors who took care of both. In the mist of the midnight silence a small boy called out, *"Cardinal!"* An exhausted Prince of the Holy Roman Church, to give him one of his exact titles, sleepily but promptly murmured: "What do you want, Bobby?" The small boy answered, with a demand that Christ gave the poor and afflicted the right to make of all Christians, princes and peasants alike: *"Cardinal,"* the small boy said, *"I can't sleep. Come hold me!"*

Lest any of the captious describe the Cardinal's prompt response that night as sentimental or untypical, let me quite from an article by the librarian of the Boston Athneum, to which, by the way, the first bishop of Boston, a Frenchman, left his library. The quote again involves an airplane and Cardinal Cushing at the height of the season of his sorrowful mysteries, but still hard at work making all things new. Here is what Walter Muir Whitehill tells us in an article about Massachusetts entitled, "Who Rules Us?"

"Never underestimate the role played by that remarkable prelate, Cardinal Cushing, in breaking down fences in Boston. . . . Few cardinals have been as simple or as indefatigable. . . . Undeterred by illnesses that would have defeated an ordinary man, he carries on tirelessly. One stormy winter night in 1968 I went to LaGuardia Airport to take a shuttle to Boston. The plane was at the gate, receiving passengers, but both the time and the likelihood of its departure were uncertain. A moment after I had taken my seat, I was relieved to see Cardinal Cushing come aboard, for his presence inspired confidence that Eastern Airlines would get us safely to Boston. They did, and on time, at that. But throughout the flight the cardinal—at the end of a long day—was chatting and joking with everyone, trying on pilots' caps and stewardess' hats, as if he had not a care in the world. Once on the ground at Logan, he had a friendly word, a joke, or a blessing for half the people he passed until he strode out of view into the snowy night."

What sustained this paradoxical man as he disappeared into the dark after his antics, some might say, his apostolate you and I will say, on the airplane where Walter Whitehill watched him with such sympathy and admiration? It was, of course, the conquering joy of those words of Christ: "Behold, I make all things new!" But joy and confidence are not always the wellsprings of energy, nor certainly of holy entertainment in the midst of the sorrowful mysteries of one who is wracked with pain and exhausted by contestation and picketing demands for instant solutions of evils one had fought all his life—and such had become the humiliating destiny of our cardinal. Now only *faith*, indomitable faith, is adequate to keep alive the joy and to spark the laughter of the sick at heart. There is no one in this church who does not know the nature of that *faith* as it kept strong in spirit this man of broken flesh, now that the sorrowful mysteries of his beloved Rosary overwhelmed him.

Oddly enough, a classic affirmation of that faith is in the very chapter of the Book of Job that I have already recalled him as once quoting. What Job said of old, Richard Cushing said now, without, perhaps, speaking the words but by the way he carried on in the midst of infirmity and desolation: "I know that my Redeemer liveth, and on the last day I shall rise out of the earth. And I shall be clothed again with my skin; and in flesh I shall see my God. Whom I myself shall see, and my own eyes shall behold, and not another. *This is the hope that is hid in my bosom!"* (Job 19, 25–57).

It was my privilege to come to Brighton with His Excellency the Apostolic Delegate, when the personal representative of our Holy Father in the United States brought to Car-

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dinal Cushing the letter from Pope Paul accepting the cardinal's resignation and sending him warm and loving greetings on his birthday. I wanted to be with him when the news that the work we all had seen begin was at length ended and I wanted to have lunch with him on his birthday. He read the letter from the Holy Father; he read it out loud in his bedroom as a young boy might read an affectionate letter from his father writing from a distant place. It was a beautiful letter; you all saw it reproduced in the Pilot.

Cardinal Cushing used to say, in the midst of his years of sorrow, that he thought Good Pope John was the only Pope who understood him. But this was not true. Pope Paul understood him well and with exquisite sensitivity he obviously delayed as long as he dared the acceptance of the resignation on which, in fact, the exhausted warrior insisted. He deliberately waited until the birthday which would make the resignation not only the more gracious in the eyes of the public but the more welcome to the suffering cardinal.

The luncheon prepared by the devoted Sisters of St. Joan of Arc for the apostolic delegate, for Monsignor McGuire, who served him so loyally, and for me was a steak and a bit of birthday cake. But the cardinal could eat only ice cream, and not much of that, so far advanced were the lesions, the tumors and the pain. After lunch and a little bit of laughter recalling the joyful mysteries and some invisible tears at the thought of the sorrowful mysteries, the apostolic delegate withdrew to phone his office concerning his travel plans. I was left alone with the cardinal. It was a terrible minute but, characteristically, it was he who broke its melancholy. He said: "John, I am through now and I am glad. But when I am gone, if anyone asks if anything I ever said or did may somehow have hurt the Church, what do you think the answer will be?"

I said, and no one here present would have said different: "Archbishop, everyone will say that if you ever even seemed to hurt the Church, even a little, it was in your loving desire to *serve* it—to make it stronger and more beloved, to build it up as a more powerful means to the kingdom of God!"

He thought for a moment and then he said: "I hope so. Now we have to pray for the man who is coming, to pick up some of the broken pieces, maybe, but above all to build higher and better!"

Then he smiled painfully with a face that showed signs of the beginning of the glorious mysteries, the glorious mysteries in the life, the death and the victory of everyone who loves God and his neighbor as did Cardinal Cushing. He obviously was thinking back to things as they had been 30 years before and he said: *"The new man will make it all new again, won't he?"*

This was less than three months ago and it was the beginning of the end, but not quite the end. For the promise of Christ and the faith of Job enabled him a few weeks later to walk, *head high*, out of this cathedral after he had thrilled to the glorious mystery of seeing his successor installed, *firmly and unchallenged*, in the sanctuary from which the now dead cardinal's voice rang out so often, as priest and later as prelate, the promises of Jesus and the faith of the Fathers.

On that wonderful day, so recent and so proud, your applause of the dying man helped him to persevere, joyful and glorious, to the end, all sorrow being left behind. Your applause of his successor was heard around the world. It told our new archbishop to fear not, that the way will be made straight, the wilderness will be broken open with new paths and new directions, and that God was with our fathers, so will He be with us. God now wipes away all tears from the eyes of Richard Cushing, since death for him shall be no more, nor pain nor evil any more, for the former things have passed away—and by that same power God gives to Humberto Medeiros the full share of divine power needed to make all things new again!

This is the point of the Church; there is no other. That is the point of the apostolic succession; there is no other. This is the point of the priesthood; there is no other. This is the point of the Christian fact and of all the people who share it or whose lives it touches; there is no other that matters enough to mention. This is why all mysteries—joyful, sorrowful and glorious—blend in the exultant cry: "I know that my Redeemer liveth, and in the last day I shall rise out of the earth . . . and in my flesh I shall see my God!" in the last I shall rise out of the earth . . . and in my flesh I shall see my God!"

Confirmed in this faith, we commend this valiant newsmaker to history, this holy man, zealous priest, uncommon prelate to the God who gave joy to his youth, the Christ who consoled his age, the angels and saints with whom he will share eternal life, undying love!

PUERTO RICO DISCOVERY DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. BIAGGI. Mr. Speaker, on this day a great celebration will be held in the Plaza de Colon in San Juan, Puerto Rico. Those American citizens will be celebrating the discovery of their fascinating Caribbean isle by the great Italian explorer, Christopher Columbus, in 1493.

I would like to take this opportunity to offer a word of congratulations to the millions of Puerto Rican Americans living on the island and on the mainland. I would also like to congratulate my dear colleague, the Resident Commissioner from Puerto Rico (Mr. Córdova) for his fine work in representing his constituency and the good Governor of Puerto Rico, the Honorable Louis Ferre.

Puerto Rican Americans have made an excellent contribution to this country's pluralistic society. They have brought into our culture the rich heritage and traditions of the Spanish-speaking peoples. They are well known for their industry and resourcefulness.

I take particular pride in the fact that one of my daughters, who married a native of the island, is now making Puerto Rico her new home. I am always pleased to see my fine young grandson equally versed in the English and Spanish languages.

Oftentimes some Americans tend to forget the close relationship Puerto Rico has with the United States. Its citizens, like other American citizens, share in the rights and benefits of this great Nation.

Moreover, there are some who forget this land was populated by many and diverse groups of people, immigrating from all parts of the world. For this we should be thankful. There is no doubt in my mind that this rich cultural heritage is what keeps America strong. Certainly, Puerto Rico and its inhabitants are one of the key pillars of this great Nation.

STOP TAX-PAID MILITARY TRIPS FOR PUBLIC RELATIONS PURPOSES

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. BENNETT. Mr. Speaker, as a long time member of the House Armed Services Committee, I know of the dire needs of our military to protect our citizens and preserve world peace. The needs are great. For example the Navy needs new and modern ships; the Air Force must have a new bomber; and the Army requires an up-to-date tank.

All of this requires funding, but the Defense budget is stripped to the bare bones. At the same time, millions of dollars are being spent by the Department of Defense for public relations purposes. Military airplanes and ships and other vehicles are being used ostensibly to woo private citizens to the military's various causes. And this does not include the manpower and other emoluments used to entertain civic leaders, and the like, so that they will have a favorable impression of our defense might.

To me, this is an unconscionable waste, especially since I know from my position on the Armed Services Committee that we are dangerously skimping on vital projects necessary for survival.

Mr. Speaker, today I am introducing a bill to prohibit this unnecessary and improper expenditure of Government and taxpayers funds to carry out these trips by the military, which has rightly been criticized by the news media and others.

My bill would prohibit the use of military facilities for public relations purposes, but would not ban the use of facilities for proper news media transportation approved by the Secretary of Defense. I am sure America's taxpayers believe this to be a good position. The bill reads as follows:

A bill to prohibit use of military facilities for public relations purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the movement of civilians on military aircraft, ships, or land vehicles, or at the expense of the United States Government, for the purpose of public relations is hereafter prohibited, *Provided however,* That exception may be made by the Secretary of Defense for the news media and accompanying Federal employees in specific instances.

I insert in the Congressional Record an article in the Wall Street Journal of November 3, 1970, which draws attention to this problem:

WAR OF WORDS: PENTAGON PROMOTION OF OWN ACTIVITIES UPSETS CRITICS

(By Dennis Farney)

WASHINGTON.—Its twin engines roaring, the Air Force T29 lifted off from Middletown, Pa., banked and headed west. Despite the aircraft's unlikely cargo—about a dozen civil leaders from eastern Pennsylvania—a hazardous military mission was under way.

The mission: Enhancing in the face of heavy flak, the public image of the Pentagon.

For five days last March, the T29 shuttled its civilians across the continent: From Middletown to El Paso, from El Paso to Colorado

Springs and back to Middletown again. It took them to lunch with a general, to military briefings, to missile firings and on a tour of the nation's air defense nerve center in Colorado. At the end, each participant got a scroll, signed by a lieutenant general, commissioning him an "Ambassador of Air Defense Artillery."

The flight was another sortie in "Operation Understanding," an exercise in "enhancing community relations and fostering better public understanding" of the Army Air Defense Command. "Operation Understanding," in turn, is one small part of a multimillion-dollar Pentagon operation that's coming under increasing criticism: A complex of public relations programs to explain, interpret and—critics say—promote the military.

WHAT DOES IT ALL COST?

Spread over five separate offices—one each for the Army, Navy, Air Force and Marines and one for the Department of Defense itself—the Pentagon's public relations apparatus is both vigorous and versatile. It turns out press releases, photographs and films. It sponsors traveling exhibits. It advises free-lance writers, moviemakers and television producers. For a newsman or an influential citizen, it can—and often does—arrange a flight in a military jet, a cruise on an aircraft carrier or a tour of a military base.

No one, not even the Pentagon, can say for sure how much this all costs. One critic, Rep. Jonathan B. Bingham (D., N.Y.), asserts that if all the Pentagon's public relations activities actually were classified that way and not under other budget headings, the cost might exceed $70 million a year. The Pentagon estimates it spent about $44 million in fiscal 1970 and asks, but may not get, $37.7 million for fiscal 1971.

Of course, $40 million is small potatoes in a defense budget that totaled about $77 billion in fiscal 1970. But in a time of growing criticism of cost overruns and defense spending in general, Pentagon public relations activities are coming in for special attention. To critics, these activities are inherently wasteful; worse they help pave the way for wasteful new weapons programs, the critics contend.

OUR MISSION: PUSH OUR PRODUCT

Each year, each service spends "millions of tax dollars . . . to persuade the public that its particular brand of weaponry is the finger in the dike holding back the enemy hordes," Sen. J. William Fulbright (D., Ark.) once declared. Sen. Fulbright buttressed this argument by citing a letter from an ex-Air Force information officer. Few people realize, the former officer wrote, that "the U.S. military maintains an active, professional advertising department ('information' office) on every one of its thousands of installations around the world." There he described his own duties:

"Our mission was identical to that of any commercial advertising agency: To 'push' our product . . . as hard as we could—to capitalize on its successes, and to conceal its blunders. . . . We were not concerned primarily with truth or accuracy (except in spelling the names of officers), and we were not adverse to releasing false information when advantageous to the Air Force."

Nonsense, replies the Pentagon.

"We don't conduct a selling campaign. We just don't," says Jerry W. Friedheim, a civilian and the Pentagon's second-ranking spokesman. "We do put out a lot of information, because one thing Secretary (Melvin) Laird wanted to do was to make more information available." He explains that when Mr. Laird took office "The credibility of the Defense Department wasn't high."

THE BAD AS WELL AS THE GOOD

So these days, Mr. Friedheim says, "the bad news goes out"—like, the time some metal skin peeled off the tail during a flight of the costly, controversy-plagued F-111 fighter. "Nobody on God's green earth would have known about that but the Air Force," he says. "But they volunteered it anyway. They volunteered it because it's the thing to do, because Congress is entitled to that information." He adds: "We bend over backward to cooperate with members of Congress."

Some Congressmen might be surprised to hear that. "The basic way the military sells its program to Congress is by coming in consistently with low estimates and concealing, to the maximum extent possible, everything that isn't absolutely required by law to be known to the public," asserts an investigator for a Congressional committee. In fact, some lawmakers gripe, they can't get straight talk from the Pentagon about a relatively simple matter, the true size of its public relations budget.

According to Sen. Fulbright, the Pentagon estimated in 1968 that its fiscal 1969 public affairs budget would total less than $28 million. But as the House Appropriations Committee remembers it, the estimate was for $9.1 million. In any event, the Pentagon exceeded both estimates and spent $44 million. Last month the committee took pointed note of that—"an increase of $34,954,000 over the original estimate"—and slashed $7.1 million from the fiscal 1971 request of $37.7 million. The House sustained the cut, and the measure now is before the Senate.

Providing ammunition for critics is last summer's report by Mr. Laird's "blue ribbon" panel on Pentagon reorganization. "Some of the department's 'credibility gap' with the Congress and the public must be attributed to the fragmented and often confused" departmental organization for legislative and public affairs, the panel concluded.

SOME PROPOSALS

Sen. Fulbright and Rep. Bingham, among others, have proposed clamping a $10 million lid on annual Pentagon public relations activities, a proposal that was soundly defeated last year. Other critics maintain that the Pentagon would easily evade such a restriction, and they advocate a more drastic solution, a cut of $10 billion or $20 billion from the entire Pentagon budget.

One such critic is A. Ernest Fitzgerald, former Air Force Deputy Assistant Secretary who was fired after confirming Congressional charges of huge cost overruns in the C5A jet transport program. Now a consultant to the Joint Congressional Economic Committee, Mr. Fitzgerald reasons: "If it comes to choosing between hiring more flacks or buying more arms, they (Pentagon officials) would choose more arms, I would hope. So far they haven't had to make that choice."

Congress seems quite unlikely to follow Mr. Fitzgerald's advice. In 1969 it did bar the use of defense appropriations for "propaganda" purposes. But Rep. Henry Reuss (D., Wis.), who sponsored that move, says his action has had almost no effect. "Propaganda, hucksterism and flackery at public expense" have continued almost unabated, he said recently.

Mr. Reuss's conclusion was based on a three-month survey of Pentagon publicity operations by the General Accounting Office. The survey turned up a maze of activities that, the Congressman contends, go well beyond simply responding to unsolicited requests for information. Mr. Reuss has asked the Comptroller General to rule whether the following activities violate the propaganda ban:

The Joint Civilian Orientation Conference, eight-day cross-country tours of military installations for prominent citizens nominated by the President, the Pentagon and Congressmen. Each participant pays for his rooms, meals and official receptions, but the Pentagon picks up the rest of the bill; it put the cost of a recent conference at about $12,000.

The Air Force Distinguished Visitor Program, a variety of trips for civic leaders to acquaint them with the Air Force "mission and capabilities." Example: The airlifting of 20 community leaders of Lowndes County, Ga., from Moody Air Force Base in that county to Colorado Springs, then to two air bases in California and one in Texas and back to Moody again.

The Secretary of the Navy Guest Cruise Program, a variety of cruises for civilians. Example: An "at-sea orientation cruise" aboard the aircraft carrier *John F. Kennedy* for staff members of Edgar D. Whitcomb Republican governor of Indiana.

THE BIG PICTURE

And, what Rep. Reuss called "innumerable examples" of films, radio and television programs and speakers programs.

Each military branch has its own speakers bureau, and some speeches that result are hardly nonpolitical. In October 1969, for example, Gen. Leonard F. Chapman Jr., Marine Corps commandant, told a Washington, D.C., audience that antiwar "doves" are "good people, good Americans who abhor war." But, he added, "they seek peace at any price." And last December Gen. Lewis W. Walt, assistant Marine Corps commandant, ended a Portland, Ore., speech by declaring: "It is time for the 'silent majority' to stand up and be counted. It is time for all of us to take an active part in the cause of 'peace with freedom.'"

Another of Rep. Reuss's targets is the Army film series, "The Big Picture." The series, which cost nearly $900,000 to produce and distribute in fiscal 1970, reaches—and presumably influences—the public through about 300 television stations. Nevertheless, an Army spokesman argues, it is still "primarily an internal information tool."

To the spokesman, at least, the TV showings aren't intended to propagandize the public; they merely supplement internal showings at Army posts, enabling the Army to "hit a part of the audience we don't otherwise get." He explains: "Our audience isn't just Army personnel. It includes their wives, their children, retired personnel. . . ." Anybody outside these categories who happens to tune in, in other words, is just incidental.

Similarly, Pentagon spokesmen insist that other parts of their information program really aren't intended to plug for military appropriations and new weapon systems. However, the Pentagon now admits that in at least one case the Army was preparing to go too far. This was its ill-fated "Sentinel Public Affairs Plan," a campaign to sell the public on the antiballistic missile (ABM) system.

The plan envisioned a "country-wide" campaign, complete with speakers, information kits, press releases, film clips, slides and traveling exhibits. But the ambitious campaign never got beyond the planning stage, The Washington Post exposed it, and Mr. Laird killed it in early 1969.

Actually, Mr. Friedheim explains, the idea "never formally became a plan. . . . (It was) an Army draft of a proposal whereby they were going to go out and talk to some groups around the country . . . and, in the view of Secretary Laird, do a little selling." But then, he says, "everybody found out about it. It doesn't break our backs that everybody found out."

WE ARE THE WHITE-HATTERS

But Mr. Friedheim and other spokesmen do seem at least mildly disturbed by all the criticism and talk of budget cuts. "We think we're the white-hatters in respect to what they (critics) say," declares Col. A. M. Jones, assistant director of information for the Air Force. Mr. Freidheim maintains that a $10

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million ceiling would be unworkable and "unrealistic." That's also the position of the Army's chief of information, Maj. Gen. Winant Sidle.

"My position is: Do you want to scale down our ability to inform the American people?" the general says. "I think the American press would rebel . . . pretty shortly, when they found they couldn't get their questions answered, or they were standing in line before the one guy who's left."

Gen. Sidle had nothing to do with the short-lived "Sentinel" plan; he was in Vietnam at the time. "I don't know enough about it to comment, I'm happy to say," he says with a grin. But he defends "Operation Understanding," a program that began in 1956, when the Army found it necessary to convince cities that the air defense missiles it was installing around them were safe.

As the military sees it, programs like "Operation Understanding" cost the taxpayers little or nothing: The civilian participants pay their food and lodging costs, the Air Force plane is charged off as "part of authorized allocations for normal air crew prociency flying time"; the missile firings are practice shots that would be occurring anyway. But critics wonder how many military man-hours are expended in briefing the civillians and showing them around.

The whole object, of course, is to convince local leaders the Army is doing a good job; then they'll spread the word around, it is hoped. But it didn't work out quite that well with at least one of the participants in that "Operation Understanding" flight last March: J. Carl Empie, a county commissioner of Chester County, Pa.

Mr. Empie did indeed find the program an "invaluable educational experience" and one that left him "very favorably disposed" toward the nation's ABM system and generally "in favor of expanding" it around more of the nation's offensive missiles. On the other hand, Mr. Empie says, "There is one thing I learned to my sorrow." That was the general attitude he observed among the military men he saw. It seemed "the work they were doing was just something to put up with until they could get to the Officers' Club."

SURPLUS SCHOOLS, SURPLUS FEDERAL FUNDS—BUT NO EDUCATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. RARICK. Mr. Speaker, as Congress is repeatedly asked to appropriate more and more taxpayers' dollars to fund so-called education projects, it behooves us from time to time to take an accounting of just what is being done with this educational money. Is it being wisely and usefully spent? Is it being used to upgrade education? Is it benefiting our society, culture, and civilization? Just what is education today?

In my district alone, there are numerous usable school buildings, playgrounds, and properties which have been abandoned to comply with HEW guidelines and directives and by Federal court orders. School facilities, for which millions of dollars of taxpayers' money have been invested by elected school boards, in the interest of quality education, now stand idle and vacant, grown up with weeds and exposed to the ravages of vandalism and nature. This is progress in education. The use of txapayers' moneys to deny taxpayers the use of their investments?

Last night's local paper carried a report of $532,709 in Federal grants for the school system in one Maryland county. The grants included such educational facilities as assistants to guidance counselors, a full-time psychologist, professional parent helpers, Afro-American studies, sensitivity training for teachers and students, and even $50,000 to expand the volunteer and aide program with a coordinator.

Education once was the opportunity for a child to improve his mind by discipline and exposure to reading, writing, and arithmetic. It now appears that our children have suffered a setback rather than having benefited by the misdirected and wasted money from the Federal Government. Today's education is too involved in business and profit to provide the basic fundamentals of learning. Certainly the parents and taxpayers in the school district would not consider raising their taxes to pay this superfluous freeloading bureaucracy nor to abandon already constructed school facilities.

It is little wonder that concerned parents who have already paid for one school system are now fleeing from the threats of federalized academies in search of quality education for their children through independent private schools whose goals are education and not seeking of Federal funds.

I include a newspaper clipping as follows:

[From the Washington (D.C.) Evening Star, Nov. 18, 1970]

COUNTY SCHOOLS GET INTEGRATION GRANTS

The Prince Georges County school system has received $532,709 in federal grants to aid in desegregation and attendance boundary changes at 20 secondary schools.

Barry Anderson, school board human relations officer who is in charge of the desegregation project, said yesterday the county now has the largest federal program in the state for easing desegregation difficulties.

The funds were granted by the Department of Health, Education and Welfare in two parcels of $365,135 and $167,574. Most of the money will be used to hire additional professional and para-professional personnel for the 20 schools.

The money will be used as follows:

$21,000 to hire para-professional assistants to relieve the clerical duties of guidance counselors and to establish a full-time psychologist for Fairmont Heights Senior and Mary-Bethune Junior High Schools. Evening walk-in centers for parents also will be financed with this money.

$21,000 to hire para-professional parent helpers to assist in 10 of the 20 schools with the highest potential for problems.

$28,000 for the development of a minority studies course which will be integrated into the American history curriculum.

$130,000 for creation of in-service workshops, seminars and institutes. Part of these funds have been allocated for weekend workshop retreats to familiarize and train staff personnel in race relations and problems.

$12,000 for the creation of a special student-to-student program and human relations clubs.

$19,500 for a planning and logistical report.

$68,000 for training 15 to 20 people in human relations to establish group training programs in the schools.

$10,275 to hire a full-time drug specialist and a drug coordinator to identify drug addicts and pushers at Fairmont Heights, Central and Bladensburg Senior High Schools.

$17,500 to establish resource libraries for the staff in human relations and minority studies.

$10,250 to hire a specialist to resolve the problem of obtaining reliable information on educational needs of minority children.

$50,000 to expand the volunteer and aide program by 12 aides and a coordinator.

RACISM IN REVERSE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. SCHMITZ. Mr. Speaker, "equal employment opportunity" has been one of the great and almost universally approved American crusades for the past decade, arising out of a well-justified concern and anger that American citizens were in some situations systematically denied jobs for which they were well qualified, simply because of their racial and ethnic background, or the religion they professed.

While good men have differed, and continue to differ, on how best to give minority group members access to jobs to which they are suited, nearly all agree that this ought to be done.

But in the past 10 years we have moved, with scarcely a pause for breath, from deliberate minority group exclusion to deliberate minority group preference in hiring and promotion, especially by Government agencies and by companies doing a large part of their business with the Government. The goal which nearly everyone affirmed in the beginning, manifested in the very term "equal opportunity"—the goal of making it possible for all men to obtain jobs for which they are qualified, regardless of race or any other irrelevant factor—has been quietly abandoned. Many minority groups have become pressure groups to which Government yields at the expense of employees who are not part of any readily identifiable minority.

Few dare call attention to this fact for fear of being accused of racism. Yet minority group preference is racism in reverse, and if continued will have all the evil effects of the original racism.

On January 30 of this year, the Secretary of Labor directed major defense contractors, which are among the largest private employers in southern California, to pursue an affirmative action program" to increase the hiring and promotion of minority members, and great pressure is being put on those employers to comply. Yet at the same time, sweeping reductions in Federal defense and aerospace expenditures have required large-scale layoffs by these same employers. The result is that qualified, experienced employees of long standing are forced out, often without any prospect for other employment. In several cases brought to my attention, such men have actually had to go on welfare. But at the same time, less qualified personnel of little or no experience are

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being hired, retained, and promoted under the affirmative action program.

As several of my constituents, who may soon be victims of this Government-imposed hiring and promotion policy, have eloquently written me:

> We are seeing hundreds and thousands of regular employees laid off from aerospace work in your own Orange County area, while at the same time blacks and Mexican Americans are being brought in as fast as they can be found. This is stirring up more racial hatred than a casual observer could ever see on the surface.
>
> The original idea was to "color blind" and non-discriminatory. Now the government has done a complete about-face and is forcing contractors to hire unqualified persons and to lay off employees who have been with the companies for years and years. Supervisors who do not load their departments with enough minorities are told they will "no longer be supervisors." This is grossly unfair. People who had devoted their lives to a company, planning to retire there, are being put out on the street. They are told it is "morally right."
>
> Everyone is afraid to complain. Speaking of government control of industry—this comes near to Fascism itself.

They ask me to speak out for them, and I intend to do so—not only in this newsletter, but subsequently at any opportunity which might be favorable to their cause. Even those who believe minority group preference to be justified in hiring for new jobs would be hard put to defend the firing of present, competent employees and replacing them with less experienced and less competent minority group members. I doubt that this policy can stand exposure, given the inherent sense of fairness in the American people.

PRESIDENT'S EFFORTS TO FEED THE POOR ARE SUCCESSFUL

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. GERALD R. FORD. Mr. Speaker, I am always amazed at how easy it is for politicians ambitious for higher office to find and become indignant over issues they have ignored for years.

Take the issue of hunger. All of a sudden there is a flurry of baseless charges aimed at the President of the United States by pseudo-experts in the field. Some have even written books critical of the President and his aides. I say "books" lightly; they are really political tracts, aimed not at helping the hungry but only at advancing those hungry for power.

Fortunately, their irresponsible claims are refuted by the real experts.

For instance, those who claim that the President has failed to help the hungry have only to listen to Jean Mayer, the Harvard nutrition professor who heads the White House Conference on Food, Nutrition, and Health He has said publicly that "one of the most spectacular successes of the Nixon administration has been its efforts to feed the poor."

Of course, it is not politic for ambitious Democrats to admit that a Republican President has been a spectacular success at anything. But it would be a lot more honest.

SENATE—*Friday, November 20, 1970*

The Senate met at 10 a.m. and was called to order by Hon. MIKE GRAVEL, a Senator from the State of Alaska.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God our Father without whom we can do nothing great or good, but with whom all things are possible, may the miracle of Thy grace be sufficient for all our need. To Thee we commit ourselves and our Nation. We lay before Thee the moral chaos, the spiritual fatigue, the blurred idealism, the personal and corporate degeneration, the dark forebodings and the rebellious yet wistful spirit of our age. Cover our sins with Thy forgiveness. Overrule our mistakes by Thy higher wisdom. Work in us and in all peoples the cleansing and renewing grace that shall redeem and transform our broken world. Grant us strength of will to keep Thy commandments and to walk in Thy ways.

We pray in the name of Him who took the way of the cross and made it redemptive. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 20, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. MIKE GRAVEL, a Senator from the State of Alaska, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. GRAVEL thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10634) to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salaries of employees from withholding for income tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. FRIEDEL, Mr. DINGELL, Mr. DEVINE, and Mr. KUYKENDALL were appointed managers on the part of the House of the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WHITTEN, Mr. NATCHER, Mr. HULL, Mr. SHIPLEY, Mr. EVANS of Colorado, Mr. MAHON, Mr. LANGEN, Mr. MICHEL, Mr. ANDREWS of North Dakota, and Mr. BOW were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 18970) to amend the tariff and trade laws of the United States, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 18970) to amend the tariff and trade laws of the United States, and for other purposes, was read twice by its title and referred to the Committee on Finance.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, November 19, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to limit statements to 3 minutes during the period for the transaction of routine morning business today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

AMBASSADOR

The assistant legislative clerk read the nomination of Melvin L. Manfull, of Utah, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

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The **ACTING PRESIDENT** pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The assistant legislative clerk proceeded to read the nominations of Dr. Homer Daniels Babbidge, Jr., of Connecticut and Dr. Martha B. Lucas Pate, of Connecticut to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs.

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The **ACTING PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed en bloc.

UNESCO REPRESENTATIVE

The assistant legislative clerk read the nomination of Louise Gore, U.S. member of the Executive Board of the United Nations Educational, Scientific, and Cultural Organization, to serve on the Executive Board with the rank of Ambassador.

The **ACTING PRESIDENT** pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The **ACTING PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk read the nomination of Rear Adm. George E. Moore II, Supply Corps, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of vice admiral while so serving.

The **ACTING PRESIDENT** pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE COAST GUARD, IN THE DIPLOMATIC AND FOREIGN SERVICE, IN THE ARMY, IN THE NAVY, AND IN THE MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the Coast Guard, the Diplomatic and Foreign Service, the Army, the Navy, and the Marine Corps, which had been placed on the Secretary's desk.

The **ACTING PRESIDENT** pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. **MANSFIELD.** Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THANKSGIVING RECESS, 1970

Mr. **SCOTT.** Mr. President, will the distinguished majority leader yield?

Mr. **MANSFIELD.** I am delighted to yield to the Senator from Pennsylvania.

Mr. **SCOTT.** I should like to ask the distinguished majority leader if I understand correctly that the recess for Thanksgiving will be made a brief one on account of the urgency of our pending business and that it is the intention of the joint leadership, as I understand it, to recess as of the close of business on Wednesday, November 25, 1970, and return on Monday, November 30, 1970, at such hour as the distinguished majority leader designates.

Mr. **MANSFIELD.** The Senator is correct.

Mr. **SCOTT.** I thank the distinguished majority leader.

TENTATIVE DATE OF CONVENING THE 92D CONGRESS

Mr. **SCOTT.** On a further matter, while it has not yet been determined, it is my understanding that consultation has been had with the joint leadership of the House of Representatives and with the Members of both parties in the Senate, as to the convening date of the next Congress.

Suggestions have come from the other body that perhaps the date might be Wednesday, January 20, 1971. There has also been discussion of the 18th or the 19th, but Wednesday the 20th seems to be the preferred date.

Is that the understanding of the distinguished majority leader, pending approval of the other body?

Mr. **MANSFIELD.** On that basis, yes.

Mr. **SCOTT.** I thank the distinguished majority leader.

MONTANA TECH'S GREAT FOOTBALL TEAM

Mr. **MANSFIELD.** Mr. President, there are three factors in my life to which I always consider I owe a great debt of gratitude. One is my wife, who insisted that I become better educated than I was at the time I met her; the second is the people of Montana, who have given me the opportunity to serve them; and the third is the Montana School of Mines, now known as Montana Tech, which gave me the initial impetus in acquiring an education at that institution and at the University of Montana in Missoula later.

I recall, when I went to the School of Mines, as it was then called, we had a student body of 125. That year, girls were admitted for the first time to the school, which had and still has a tremendous scholastic and practical reputation in the fields of mineralogy, mining, petroleum engineering, and geology.

Since then the school has grown to a student body of approximately 1,000.

Mr. President, my reason for taking the floor of the Senate today is to give credit to the football team of Montana Tech which, in the first bowl game of the season last Sunday, defeated Yankton College of Yankton, S. Dak., by a score of 21 to 8.

Montana Tech's victory is very significant, because for the first time it has won the Frontier Conference title made up of the smaller colleges in the State of Montana and, for the first time, has participated in a bowl game known as the Copper Bowl, which was held at Butte, Mont., on Sunday last.

I recall, several years ago, going to a homecoming game in which the Orediggers were playing Northern Montana College. Montana Tech had achieved quite a reputation because it had lost 44 games straight. That homecoming game they won. It was then that the coach's troubles began, because while he was losing no one expected anything, but once he won a game and the string of losses had been broken, he was expected to win a lot more from then on.

Well, it took a little time, but this year, with a nine and one record, the Orediggers of Montana Tech, have established themselves as a team to be reckoned with. Their well-earned victory over Yankton College at the Copper Bowl by a score of 21 to 8 was well deserved. So this year as the Sport historians Chronicle the record of the great bowl games—The Rose, the Cotton, the Sugar, the Orange, the Tangerine and the Liberty, let them record the first champion of the 1970 football season, Montana Tech in the Copper Bowl.

Mr. President, I am very proud of this particular school. It is an outstanding institution in its own right, especially in the fields which I have mentioned. May I say that, in my opinion, it is "the" outstanding school in the field of mining, mineralogy, petroleum engineering, and geology, and that no school in the world exceeds it in those areas.

Mr. President, I ask unanimous consent, in view of this overwhelming victory against an excellent team, that certain newsstories carried in the Montana Standard of Butte, Mont., under date of November 15, 1970, be printed at this point in the Record so that the Senate can give due recognition to this school and its football team.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

OREDIGGERS HALT YANTON, 21–8

(By Hudson Willse)

Montana Tech stunned Yankton College with a pair of first quarter touchdowns, overcame a comeback attempt by the Greyhounds and clinched the first Cooper Bowl football game, 21–8, on tailback Don Heater's tackle-breaking 20-yard gallop in the last 6 minutes 23 seconds at Alumni Coliseum Saturday afternoon.

It was a bruising defensive battle all the way, despite Tech's first quarter outburst. A superlative effort by the Oredigger defenders proved decisive as they handcuffed Yankton's two fine running backs—Les "J. J." Goodman and Wendell Wilson—throughout the day.

A crowd of 4,800 watched the Orediggers limit Yankton to only 160 yards rushing and passing and stop Goodman in his tracks time and again. The 205-pound junior from Mount Sinai, N.Y., entered Saturday's game with a 197.3-yard-a-game average, but managed only 43 yards in 13 rushes against Tech's tenacious, pursuing defense.

Yankton's defense, which came here ranked second nationally against the rush (33.5 yards a game), turned in a creditable performance, but was unable to hold Tech in check like in previous opponents.

The Orediggers churned out 185 yards rushing and passed for 100 more for 285 total yards. And Don Heater, although held below his 167.4-yard-a-game average, gained 115 yards to overtake Goodman as the nation's leading NAIA rusher.

Heater has amassed 1,622 yards in 10 games against Goodman's 1,621. Heater's two touchdowns against Yankton increased his point-production to 106.

The victory enhanced Tech's chances to gain a berth in an NAIA national semifinal playoff game Thanksgiving Day. The Orediggers jumped from 14th to 11th in the most recent poll for Division II teams. Yankton stood sixth prior to the Copper Bowl game.

The victory increased Tech's record to 9–1 and was the ninth straight success for head coach Bob Riley's crackerjack outfit. Yankton stands 8–2 with virtually no chance to gain an invitation to a second post-season game.

A bad exchange between Yankton quarterback Doug Cummings and Goodman led to Tech's first touchdown. Defensive end Brad Gunderson, a tremendous performer the whole game, pounced on the fumble at the Greyhound 34.

A five-yard offsides infraction set the Orediggers back to the 39, but two plays later quarterback Chris Showers connected with tight end Dan Plute for a 35-yard pass play that carried to the four.

Heater plunged for two yards, then went the same distance off left tackle for the touchdown. Plute drilled the extra point and Tech led, 7–0, with 7:18 left in the first quarter.

The Orediggers marched 54 yards in five plays toward the tailend of the first quarter after a 38-yard Yankton punt was downed at the Tech 46.

The score came on a 38-yard aerial strike from Showers to quicksilver flanker Dale Anderson, who cut across the middle to beat the Yankton defender. Plute's second conversion made it 14–0 with 51 seconds left in the period.

The Orediggers drove to about midfield twice in the second quarter, then stifled a pair of Yankton thrusts on Tech's 35 and 17-yard lines.

Coach Bill Bobzin's team drove 53 yards midway through the period from its own 12 to the Tech 35. But a third-down-and-10 reverse play backfired for the Greyhounds. Flanker Frank Niglio ran to the right sideline, but Gunderson had the hole plugged. Niglio swung around the other way, then pitched an errant lateral to Cummings and Tech's Kermit Behnke recovered.

Wilson pilfered a Showers pass at the Yankton 35 and rambled to Tech's 46. A 12-yard Cummings-to-Roger Thompson pass carried to the 34.

Then Cummings tossed a screen pass to Willie Kloewer, who ran to the 15 only to fumble. Tech's Greg Sheridan recovered the loose ball at the 17 shortly before the half ended.

A bad snap to punter Tim Schruth set up Yankton's lone touchdown with only 2:39 gone in the third quarter. Schruth was tackled at the Tech 11.

Goodman skirted left end for eight yards, then Cummings hit Niglio with a three-yard scoring pass.

The Conversion was a dandy. Holder Niglio received a bad snap from center on a fake play, then passed to Kloewer and Kloewer—still behind the line of scrimmage—shoveled a second forward pass to end Ken Michaelsen for the two-pointer.

Tech mounted two threats in the third quarter, but a 15-yard penalty foiled the first penetration and Clif Olmstead's missed 51-yard field goal attempt ended the second.

A 15-yard unsportsmanlike conduct penalty got Tech out of a hole in the last period when the Orediggers were pinned on their own 21 with a fourth down coming up.

The Orediggers drove to the 36 before punting. Then two plays later Behnke intercepted a pass on the Yankton 38. A personal foul moved the ball to the 23.

Obstar barreled for four yards, a Showers pass fell incomplete, then Heater broke three tackles on his 20-yard touchdown jaunt with 6:23 left in the game.

The 190-pound All-American candidate raced to his left, got good blocks at the corner from fullback Nick Obstar and pulling guards Frank Smith and Mike VanDaveer, then cut inside on the touchdown trek.

Plute's kick made it 21–8 and Tech had the Copper Bowl in the bag.

	Yankton	Tech
First downs	13	13
Rushing yardage	73	185
Passes	9-31-2	5-10-1
Passing yardage	87	100
Total yardage	160	285
Fumbles lost	3	1
Penalties	6-70	6-60
Punts	8-52.7	6-46.6

Yankton	0	0	8	0—8
Tech	14	0	0	7—21

Tech—Heater 2 run (Pulte kick).

Tech—Anderson 38 pass from Showers (Plute kick).

Yankton—Niglio 3 pass from Cummings (Michaelsen pass from Kloewer pass from Niglio).

Tech—Heater 20 run (Plute kick).

TECH CAN ONLY WAIT AND SEE

Montana Tech football coach Bob Riley left no doubt what team he thinks should represent this region in the Thanksgiving Day NAIA semifinal playoffs after the Orediggers' 21–8 Copper Bowl triumph over favored Yankton College at Alumni Coliseum Saturday afternoon.

"We should be the team to represent our region," exclaimed Riley, "because I think we beat a real fine football team. I'm sure we played the next best team in our region."

The Orediggers, 9–1 for the season and 11th ranked in the most recent NAIA Division II poll, apparently must overtake unbeaten and fourth-ranked Minot (N.D.) State in next Friday's poll to receive an invitation to a national semifinal game. Minot completed its season with an 8–0 record.

"I have no idea," replied Riley when asked about Tech's chances to get a playoff bid.

Riley preferred to discuss Saturday's victory . . . Kermit Behnke's key interception that led to Don Heater's game-clinching 20-yard touchdown run with 6:23 left in the game . . . fullback Nick Obstar's determined play despite a sprained ankle.

"The interception was a big play for us," Riley said. "Until then it was a touch-and-go ball game and I was leary of them because of their speed and because they were throwing the long ball."

"I think Obstar was the key to the offense," said Riley. "He did a good job running up the middle and blocking." The 215-pound Great Falls sophomore rushed for 34 timely yards on nine carries.

"Heater, in my mind, was a more spectacular runner than Goodman (Yankton's Les Goodman) and I think the stats prove it." Heater outrushed Goodman, 115 yards to 43 and took the national leadership away from the Yankton junior—1,622 yards to 1,621. Both ball-carriers have played 10 games, the NAIA maximum for statistical and team rating compilation.

Riley didn't hold back praise for Tech's defensive unit, which minimized Yankton's passing attack and stopped the Greyhounds' one-two running punch—Wendell Wilson (36 yards in 11 carries) and Goodman.

"It was the greatest defensive effort of any game this year," said Riley without reservation. "We did a super job of defense. They've got great backs."

"Gunderson (Brad) did a fantastic job," praised Riley. Other defenders singled out by Riley were linebackers Bob Moodry and Dan Mahoney, middle guard Clay Olmstead, tackles Nick Schneider and Bobby Folsom and Dan McElroy, starting only his second game at defensive end after being a secondary regular.

"McElroy made some big plays and covered the screen very well," said Riley. Schneider and Folsom "played the greatest games I've seen them play," Riley offered. "And our secondary did a great job in support against the pass and the rush."

Riley also praised quarterback Chris Showers for doing "a good job calling the game" and the offensive line for "a tremendous job because we moved the ball against the second-leading defensive team in the nation."

"I can see why Yankton was ranked second," said Riley. "They shut us off on our option and our outside game. We had to go up the middle. We went to the middle, then we went to the outside before we established the middle. Our passing game . . . I think we could have completed more or at least thrown more to move the ball a little better."

GAME SIDELIGHTS

The Butte High School band performed before and during the game and at halftime.

Jim Archibald, game chairman, said some leftover tickets will be given away as souvenirs on a firstcome, first-served basis at the Montana Tech Business Office.

A friend and former teammate of Riley at Northern State College in Aberdeen, S.D., forewarned the Tech mentor Friday night about Yankton's skills.

Max Hawke, head coach of Yankton High School's state 11-man football champions, said according to Riley: "Yankton's a super defensive ball team. It's the best South Dakota team defensively in years."

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am happy to yield to the distinguished minority leader.

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Mr. SCOTT. Mr. President, may I have the brass to inquire as to what ore diggers do?

Mr. MANSFIELD. They dig for ore, as the designation indicates. There are a few shaft mines left in Butte. There is a large pit there which is rapidly expanding and changing the landscape.

When I went to the School of Mines, now Montana Tech, most of the students worked nights in the mines so that they could get practical as well as technical training.

Mr. SCOTT. I ask unanimous consent for 2 additional minutes in order to address a question to the majority leader.

Mr. MANSFIELD. The Senator means that he wants to leave this important subject?

Mr. SCOTT. With reluctance.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

LEGISLATIVE PROGRAM—ORDER FOR ADJOURNMENT FROM TODAY TO MONDAY, NOVEMBER 23, 1970

Mr. SCOTT. Mr. President, I ask the majority leader, after the action on the veto message on Monday on campaign expenditures, what he has in mind as to future legislative business.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate adjourns today, it adjourn to noon on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is anticipated that the final vote on the HEW appropriations bill, if in order, will take place after the vote on the question of overriding the President's veto.

A few items on the legislative calendar will then be eligible for consideration. Possibly, though not definitely yet, the Senate could consider the so-called consumer class action bill, although I would anticipate that perhaps the transportation bill might come in ahead of that.

I will keep the distinguished Republican leader informed of all developments. I will not make the mistake again of not attending to that particular courtesy which is mutual between the two leaders.

Mr. SCOTT. The majority leader is always thoughtful and courteous.

I asked the question so that the RECORD would show, for the benefit of all Senators, what matters are likely to come up.

LET US RECOGNIZE COMMUNIST CHINA—THE WORLD'S LARGEST NATION

Mr. YOUNG of Ohio. Mr. President, during the past years on a number of occasions in the Senate I have urged that our Government open diplomatic relations with Communist China. I have said that we should offer to open a U.S. Embassy in Peking fully staffed and invite the Government of mainland China or Communist China to be represented in Washington by an ambassador and an embassy staff.

Very definitely, Mr. President, we Americans should engage in commercial relations with Communist China. Our neighbor, Canada, has been selling hundreds of millions of bushels of wheat over recent years to this nation of 800 million people. Not only Canada but the United Kingdom, West Germany, and other European nations have maintained commercial and diplomatic relations with Communist China. Now Italy has also established diplomatic ties with Communist China.

Last year Canada exported 61,586,000 bushels of wheat for which Canadian wheatgrowers received $119,776,000 in cash. In 1968, Canada sold and shipped to Communist China 78,893,000 bushels of wheat for which Canadian wheatgrowers received nearly $158 million in gold—cash on the barrelhead. During this same period—1968 and 1969—the West German Republic had freighters going back and forth to ports in Communist China exporting $335 million of West German products, receiving payment in gold. Also, during this same period the exports to West Germany from Communist China were but a fraction of this amount. So the West Germans profited while a shortsighted policy denied similar profitable trade to Americans. Other nations who are our friends and allies likewise profited by continuing export and import trade with Communist China. For example, during this same 2-year period the United Kingdom exported to Communist China products for which the Chinese Government paid in gold more than $200 million.

Over the years since the end of World War II, we Americans have been at a disadvantage because we have withheld diplomatic relations with Communist China. Furthermore, we have deprived ourselves of a listening post at Peking. We have been forced to observe what is going on in Communist China through our consul general at Hong Kong. There is no valid reason to continue this shortsighted policy.

The rulers of the Kremlin and the rulers of Peking have been denouncing each other for many months now. Yet, those lunatic fringe extremists in our country who desire to return to the witchhunting, Communist-fearing days of Joe McCarthy still send out utterly false propaganda of a monolithic international Communist conspiracy on the part of the two great Communist nations, China and the Soviet Union. Time and events have proven how wrong these witchhunters have been.

With those two huge Communist nations on the outs we have much to gain and nothing to lose by maintaining regular diplomatic and commercial relations with China. The wheatgrowers of rural America in the Midwest and in the wheatlands of the West would greatly profit by selling and shipping millions of bushels of wheat to Chinese ports. In return all Americans would profit as the handicraft products from China would be shipped into this country, as well as their raw silks, hides, skins, feathers, textiles, and light manufactured goods.

It has been apparent to officials in all of the capitals of the world that for many months now there have been warlike confrontations between the armed forces of the Soviet Union and Communist China along that 6,500-mile common border separating these two great Communist nations. It is well known that sporadic fighting has occurred along the common border in many places and that the Soviet Union has in recent months withdrawn from Eastern Europe many divisions of its armed forces.

Presently, 45 divisions of Soviet soldiers have been brought to the east and are deployed along the Chinese border. That is a total of nine armies of Soviet soldiers—infantry, cavalry, artillery, and air forces—along the 6,500-mile common border where fighting has been going on for months and many Chinese and Russians have been killed and wounded.

Mr. President, there can be no valid argument against opening regular diplomatic relations with Communist China and initiating commercial relations which will bring in hundreds of million of dollars in gold for American wheat and other products of our farms and factories and further enriching our country with the import of handicraft, furs, and other products from the Chinese. This would also be another small step forward toward permanent peace.

Mr. President, the establishment of a workable relationship with the Government of mainland China is one of the most important problems facing our Nation today. The facts are that from late 1965 to this good hour I have advocated that the United States follow the example of the United Kingdom, France, Canada, Italy, and other nations, and recognize the Government of Communist China, instead of relying on Hong Kong as a listening post and observatory into the vast area of mainland China which has nearly one-fourth of the world's population. Following recognition, we should invite that nation to open an Embassy in Washington and we then open and maintain an Embassy in Peking. The time for such diplomatic exchange is long past due.

Just recently, after nearly 2 years of secret negotiations, Italy and China recognized each other and agreed to establish diplomatic relations. Only 3 weeks earlier, Peking had reached a similar agreement with Canada. Italy was the seventh of NATO's 15 members to recognize Peking, the others being Britain, France, Canada, the Netherlands, Denmark, and Norway. This places half of Washington's closest allies in direct opposition to U.S. policy on China. Belgium, another NATO member, is expected to recognize the Peking regime shortly, as are Austria and Chile. All together, 49 countries now recognize the Peking regime as China's legitimate Government. I ask unanimous consent that the complete list be printed in the RECORD at this point as a part of my remarks.

There being no objection, the list was

ordered to be printed in the Record, as follows:

LIST OF COUNTRIES WHICH RECOGNIZE COMMUNIST CHINA

U.N. MEMBERS

Afghanistan, Albania, Algeria, Bulgaria, Burma, Cambodia, Ceylon, Congo (Brazzaville), Cuba, Czechoslovakia, Denmark, Finland, Canada, Equatorial Guinea, and Italy.

France, Guinea, Hungary, India, Iraq, Kenya, Laos, Mali, Mauritania, Mongolia, Morocco, Nepal, U.S.S.R., Yemen, and Yugoslavia.

Netherlands, Norway, Pakistan, Poland, Romania, Somalia, Southern Yemen, Sudan, Sweden, Syria, Tanzania, Uganda, United Arab Republic, United Kingdom, and Zambia.

NON-U.N. MEMBERS

East Germany, North Korea, North Vietnam, and Switzerland.

Mr. YOUNG of Ohio. Our Embassy in the Soviet Union provided a valuable listening post and furnished us with much information during the Stalin regime when Russia was a closed society. Yet there were, and are, stupid rightwing extremists including members of the John Birch Society or "Birchsaps," who all along denounced our recognition of the Soviet Union.

With Red China exploding crude nuclear weapons and engaging in serious border fighting with the Soviet Union along their 6,500-mile common border, a U.S. Embassy in Red China would undoubtedly be of great value to us. If the administration is seriously interested in normalizing relations with China—and I believe the administration is seriously interested—it should take steps toward entering into meaningful diplomatic and economic relations with the Peking government. Should the arrogant Communist dictators of China rebuff that effort, their refusal would result in a propaganda victory for the United States.

The Peking government has been the duly constituted and permanent Government of mainland China for more than 20 years. It has governing authority over some 800 million men, women, and children—nearly one-fourth of the world's population. Red China unquestionably exists and just as unquestionably will continue to exist, immensely more powerful, 5 years from now. In spite of this fact, we continue to pretend that Red China is not there and that perchance some miracle will happen to solve this perplexing problem.

Furthermore, it is folly to believe that mainland China is ever going to be conquered by Chiang Kai-shek's little army of many generals and no combat experience, in virtual exile on Formosa, protected by our airpower and 7th Fleet. I have been in Taiwan, and I know the facts there. We have for 19 years been supporting that corrupt and boastful old warlord, Chiang Kai-shek. When he was driven from the Chinese mainland in the civil war, he sought a haven in Formosa for himself and his beaten army. Almost immediately his army massacred some 17,000 unarmed Formosans. With our help he then established himself in power. His government is a puppet government of the United States.

Despite the boasts in the mid-1950's of Secretary of State John Foster Dulles and those in the China lobby about unleashing Chiang Kai-shek to reconquer the mainland, it has been and is our 7th Fleet and airpower and more than $20 billion of American taxpayers' money that has maintained this Nationalist Chinese Government, so-called, on the island of Taiwan.

Leaders of Communist China have in the past expressed disinterest in joining the United Nations. However, the United States should urge the chiefs of state of those nations which have heretofore recognized Red China and are presently enjoying lucrative trade with that huge nation to join with us in offering it a place in the United Nations. We have been too myopic in completely disregarding Communist China or in treating this huge country as an outlaw.

Ambassador Edwin Reischauer, former Ambassador to Japan and one of our great Asiatic experts, has been proposing for some years that our Government accord recognition to Communist China and sponsor its admission to the United Nations.

American producers and consumers suffer due to our failure to trade with Communist China. Why stand alone in refusing to recognize a stable government which has existed for more than 20 years and rules one-quarter of the people of the world?

Mainland China is a great nation of 800 million people. It is my understanding today that the United Nations is giving consideration to the admission of Red China. It would be a good thing for the entire world if mainland China were admitted to the United Nations.

CONGRESS SHOULD REJECT SECRETARY LAIRD'S REQUEST FOR A HIGHER MILITARY BUDGET NEXT YEAR

Mr. PROXMIRE. Mr. President, Secretary Laird said Tuesday night in a speech to the Economics Club of New York that the administration would be seeking an increase in the Defense budget next year. Pentagon officials have said that the Pentagon would be asking for a budget somewhere between $74.5 and $77 billion.

But unless the world situation changes dramatically, there will be no excuse for an increased military budget in the coming year. The Secretary's request is excessive. It will meet stiff resistance in Congress and from the American people. It should be rejected.

DEFENSE BUDGET SHOULD COME DOWN

Instead of going up, our defense budgets should be coming down. I expect to do all I can as a Senator to cut military spending sharply in the coming year. Here's why the Pentagon budget should come down.

Over the last 5 years, the United States has spent about $385 billion or an average of $77 billion a year on defense. The incremental costs of the Vietnam war have averaged in the neighborhood of about $17 billion a year during the same period. We, therefore, have spent an average of $60 billion a year or a total of $300 billion for non-Vietnam strategic and general purpose forces.

Meantime the Soviet Union, according to the best estimates of the Institute of Strategic Studies in London, has spent in comparable dollars about $40 billion a year on defense. In other words, not even counting Vietnam, the United States spends $20 billion a year or 50 percent more on defense than does the Soviet Union. In the 5 fiscal years from 1966 through 1971, the United States has spent $300 billion for its non-Vietnam forces while the Soviet Union has spent only $200 billion. If the costs of the Vietnam war are counted, we have spent almost twice as much per year over the past 5 years as has the Soviet Union for defense.

If in these circumstances, given the great lead in military power we had at the beginning of the period, the Soviet Union is now said to be a greater military threat to us than it has been in the past, then either one of two things is true.

EXAGGERATED SOVIET MILITARY POWER

The first possibility is that the military has greatly exaggerated the Soviet threat. This is very possible. They constantly use "scare techniques." They continually tell us that the Soviets are 10 feet tall. Their propaganda machine is always leaking alleged secret information giving the Soviet Union a lead in this category or that category, usually by some date far into the future. In their competition for more money or for their favorite weapon, the individual services vie with one another in exaggerated claims of Soviet superiority. On the whole, I believe this is what has happened. Seldom do we see a balanced view of the overall comparative military strength of the Soviet Union and the United States. Instead the individual services press selected panic buttons to justify their bloated budgets or to get more money.

INCREASED NOT JUSTIFIED ON SECOND GROUNDS

The other possibility is that there is such vast waste and inefficiency in the Pentagon that the Soviet Union buys twice as much defense for an equivalent dollar as we do, or that we buy half as much defense for an equivalent dollar as they do. If after spending almost $400 billion for defense over the last 5 years, compared with $200 billion for the Soviet Union, they now threaten us in a way they have never threatened us before, then some heads should roll in the Pentagon. If that is true, and I emphasize "if," the service chiefs should be retired, the procurement officials should be cashiered, and a few high ranking officials court martialed for misfeasance, malfeasance, and dereliction of duty. Of course it is not true and these drastic actions need not be taken. While there is vast waste and inefficiency in the Pentagon, I do not believe nor have I ever charged, that it was so vast and so extensive that the Pentagon has squandered all of the $200 billion we have spent in the last 5 years in excess of the amount the Soviet Union has put into their military budgets.

Thus, while procurement must be reformed, and waste at the Pentagon eliminated, I do not accept the argument that the Pentagon has wasted $40 billion a year. I have never made such a charge. But unless one does accept that unacceptable proposition, the Pentagon cannot justify an increase in next year's military budget.

WHY NO SAVINGS FROM CUTS?

A second reason we should cut back on the military budget next year involves Pentagon credibility. We have had reams of Pentagon press releases telling us that the military budget is going down. Announcements are made that ships have been mothballed, troops have been cut, contracts have been canceled, and civilians at the Pentagon laid off. The Vietnam war has been deescalated. We have shifted from a 2½ war contingency to a 1½ war contingency. All of this should bring very large cuts in the military budget.

But instead now we are told that next year the defense budget will go up by $1 to $3.5 billion. It is time the public and the taxpayer got actual cash savings instead of public relations cuts in defense spending.

WHERE CUTS CAN BE MADE

Where can the cuts in next year's budget come?

After making reasonable allowances for increase in the pay of both civilian and military personnel, allowances for inflationary increases in the costs of what the Pentagon buys, the heavy cost of a continuing technological arms race, and for a reasonable modernization program of Navy ships, next year's military budget should be significantly less than this year's military budget. The costs of the Vietnam war have declined. The President has announced a continuing reduction in our Vietnam commitment. This should save $6 to $7 billion in the coming year even if a residual level of U.S. combat should continue in Vietnam in fiscal 1972.

The American taxpayer has a right to some of the savings from Vietnam.

NATO COMMITMENT

Another area which should bring a reduction in military expenditures is the cost of our NATO commitment. While providing the nuclear umbrella and the major sea power component for the defense of Europe, the United States should significantly reduce its manpower on the continent of Europe and insist that our NATO allies absorb some greater share of this obligation. Over a reasonable period of time we should reduce our manpower from 300,000 to 100,000 men in NATO. They should be brought home and discharged. While not all of the savings can occur immediately, some progress toward this goal should be made this year. The cost of our NATO commitment should go down, not up, in fiscal year 1972. A modest withdrawal of 20 to 25 percent of our troops from Europe could save an additional $2 billion.

RETURN TO PRE-VIETNAM FORCE LEVELS

We now have 3 million men under arms. Before Vietnam we had only 2.5 million in the services.

We should insist that the pre-Vietnam level be reached as soon as possible. For every 100,000 men actually discharged, a $1 billion savings takes place. Here is fertile ground for military cuts. Further manpower reductions of half a million could save another $5 billion. There is no reason why we should not return to the pre-Vietnam manpower level of 2.5 million.

There are many other areas of potential savings, but the savings I have suggested would be $13 to $14 billion. Recognizing the inflationary burden our military must meet, and the heavy cost of a continuing technological arms race, it would be impractical to expect all of this savings to be realized, but certainly it should be possible to continue to have the supreme military force in the world with a military budget of $60 to $65 billion instead of $70 to $75 billion in the coming year.

OTHER AREAS

There are other areas where savings could be made. Procurement, by the admission of Secretary Packard, is in a mess. Reforms are long overdue there. We have over 400 major and almost 3,000 minor bases scattered in 30 countries throughout the world. These should be pared.

We should cut back on duplicate weapons systems, such as is found in the tank program. Some weapons for which the military is pushing are redundant. The B-1 bomber, the AWACS program, and the attack carriers are examples.

The time has come when the Pentagon should substitute performance for promise in reducing the military budget. An increase in military spending is outrageous. A big cut is an absolute necessity.

INTERNATIONAL COOPERATION REQUIRED AGAINST GENOCIDE

Mr. PROXMIRE. Mr. President, just 2 days ago I spoke of the need for greater international cooperation. Since my statement, the world has witnessed the cooperation of nations of various ideologies that contributed food and medical aid to the country of East Pakistan. This natural disaster of mammoth proportion has caused all of us to put aside our differences and rush to the aid of this country.

I think it is important that we do this, but it is unfortunate that it takes a crisis of this proportion to cause the nations of this world to act together for a common cause.

History has shown that this is far too often the case. For example, it was the crisis produced by the acts of genocide by Nazi Germany that resulted in the creation of the Genocide Convention.

It is far better to act now, in a time when a crisis is not at hand, than to wait until we are in the midst of another catastrophic situation.

It is obvious to me that all the nations of the world can cooperate, as we have seen by the events of the past week. We now have the opportunity to show our willingness to extend this cooperation by ratification of the Genocide Convention in the near future. I do not think that we need events similar to World War II to prod us into action. I urge the Senate Foreign Relations Committee to bring the Genocide Convention to the floor of the Senate for consideration.

THE VIRTUE OF HOPE

Mr. BROOKE. Mr. President, even in the darkest hours of winter there is always the knowledge that spring's arrival is inevitable. Thus it must be for the families of American prisoners of war held in North Vietnam.

The hours and months and years of their waiting have been bleak and dark. Yet each of these families has clung to the expectation that someday the clouds of worry and concern will be cleared away by a final breakthrough that will bring them welcome news of their loved ones.

Efforts are being made at Paris and elsewhere in the world to bring a ray of rationality into the problem of American prisoners now held. The occasional apparent softening of the Communist position, the indication of promise which is as quickly dashed, shows that we must do more than hope and wait; we must work constantly to build world opinion, and to bring that opinion to bear upon the inhumane leadership of North Vietnam. Through such a course, slow though it may be, we can see chances of success and chances for a final reunion between the men and their families.

And in the meantime, every day they further delay a humane resolution of the problem, the leaders of North Vietnam show themselves to the world for the conscienceless creatures they are.

INTERNATIONAL RELIEF ESTABLISHMENT

Mr. KENNEDY. Mr. President, for several days journalists and photographers have been dispatching to an uncomprehending world the cold, appalling facts of the awesome calamity in East Pakistan: a rising death rate in the tens of thousands, some estimates go as high as more than a half million; at least a million survivors, the bulk of them homeless; hunger and disease, ruined fields and severed communications; and urgent appeals for help by the Pakistani Government which have brought a high level of international handwringing, but a relief effort which has hardly scratched the surface of need.

Admittedly the situation is difficult. Some contradictory information is coming out of the area on the scope of relief needs. Regrettably the facts are not all in.

But I think the record is clear enough on at least a couple of items.

First of all, Mr. President, the effort to bring emergency aid to the people of East Pakistan so savagely caught in the recent cyclone and tidal wave is another link in the chain of badly managed international relief efforts. I do not say this in criticism of the Red Cross and other international agencies which are traditionally identified with international relief efforts. Reports indicate that those agencies currently involved in Pakistani relief are doing the best they can. But the fact remains that there is no broadly based impartial and continuing mechanism—under international auspices—to render massive emergency assistance to populations ravaged by natural disaster, let alone armed conflict. The agencies which do exist—such as the Red Cross—are too often hampered by mandates, tradition, political or regional associations, and limited capabilities.

What is sorely needed today in the world community is a viable international humanitarian alliance along the lines I proposed early in 1969—a United Nations Emergency Relief Service. I am happy to report that the proposal has a great deal of support, and, in fact, the Secretariat of U.N. now has an office to begin work in this area of concern. But as the Pakistani disaster so graphically underscores, this office does not have the full capability to carry out its mission. Just a few days ago, for example, it was reported to me that no funds are available to operate the office. Perhaps the Pakistani situation will produce these funds.

The second item on which the record is clear, Mr. President, is the simple fact that our own Government—in responding to the vast human need in Pakistan—has once again engaged in grandstanding and tokenism.

One would think that after the fiasco in American relief efforts in various parts of the world, most recently in Peru, steps would have been taken so that we could more effectively respond to human need.

Why is it that we have the time and energy to draw up contingency plans for the shipping of whole armies from one continent to another—for the dispatching of military air support anywhere in a matter of hours—and we do not have the time and energy to draw up plans to meet the vast needs of people struck by natural disaster?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. KENNEDY. I ask unanimous consent that I may proceed for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Why is it that when our real or alleged security is threatened, we can consult governments and send our representatives all over the world to gain support, but when a people in need cries out for our help we suddenly find ourselves incapacitated?

Why is it that when we have thousands of helicopters all over Southeast Asia, and, really, only a few miles from the disaster area in East Pakistan, only two helicopters from Nepal have been committed to the relief effort?

Inevitably, Mr. President, on the policy level, all this raises anew the question of the priority which our Government attaches to humanitarian problems. We freely use our influence and power in many ways and for many ends. But the power to heal, to salvage and rehabilitate the victims of natural disaster—and war—is not being exercised in a measure commensurate with other uses of our power or the needs of today.

And on the practical level it points anew to the lack of a focal point in our Government's bureaucracy for the handling of humanitarian questions. This is why just a year ago the judiciary subcommittee on refugees, which I serve as chairman, recommended the creation of a bureau of social and humanitarian services within the Department of State—and why I wrote a letter to President Nixon on September 17, submitting a detailed proposal to accomplish this objective.

Mr. President, like so many massive human tragedies in recent times—in Peru, Iran, Tunisia, Yugoslavia, and elsewhere—the devastation in East Pakistan today was brought about by the forces of nature, and not political conflict or civil war. Again the problem is simply one of people in need.

Perhaps the calamity is too extensive to meet every need this week or next.

But I share the feeling of many Americans—and people throughout the world who care about their fellowmen—that the effort must be made. Hopefully, it will be.

And let the United Nations and individual governments, including our own, speedily move ahead with those long-term constructive efforts already underway, so as to help reduce the human suffering and death brought by the forces of nature, which will surely strike elsewhere in the time to come.

FREE TRIP TO EUROPE ON UNCLE SAM

Mr. YOUNG of Ohio. Mr. President, recently the wife of an army captain stationed in Ettlingen, Germany, wrote expressing complete agreement that most of 300,000 U.S. forces stationed in Europe should be returned home or sent to Southeast Asia. Also, most of the 20,000 American civilian employees. She writes:

> While personally delighted to be stationed in Europe, the presence of dependents totaling hundreds of thousands is a disgusting waste of tax dollars . . . Most of the dependents in this area remain abroad for approximately 18 months. The cost of transportation, housing, educating the children and in other ways providing for the dependents is staggering.

To cite but one example she wrote:

> There are 10 physicians in our area and eight of these medical men work exclusively devoting practically all of their time treating dependents of American officers and men of our armed forces. Add to the salaries of the doctors the secretarial and nursing care and the physical plants to maintain all of these medical men and their staffs, this adds up to a huge sum in millions of dollars for medical care alone.

This lady concludes her letter with the statement:

> Our country has many pressing fiscal needs and should eliminate what is termed "the free trip to Europe on Uncle Sam."

If there is any threat of sudden Soviet aggression, then definitely, our draftees should be sent to Europe for 13 months duty, no dependents. Then send our career soldiers home or to Southeast Asia; and, of course, send all the dependents home and out of Europe without further delay.

LOBBYISTS FROM THE WHITE HOUSE

Mr. YOUNG of Ohio. Mr. President, President Nixon and White House staffers are engaging in a large-scale lobbying effort to boost the annual pension for ex-Presidents from $25,000 to $60,000 and to increase the pensions of the widows of former Presidents, all of whom are in affluent circumstances. This is an intensive, but a hush-hush, lobbying action.

It has been so effective that the Congress without much, if any, debate, may give in.

I intend to be extremely watchful on this subject, but it is physically impossible for me to be on the floor of the Senate at all times, and I am calling attention to that pending bill, hoping that if it should pass the other body, it will be stopped here.

Mr. President, 8 percent of the salary of every Member of Congress—Senator and Representative—is deducted for retirement. No deductions have ever been made from the presidential salary, now $200,000 per annum.

Incidentally, that salary was increased 100 percent by this Congress, and I am glad to say that I voted for the amendment which would have increased President Nixon's salary from $100,000 to $150,000. That was defeated.

No Ohio constituent has ever written me objecting to that 100 percent increase for President Nixon's salary, but constituents have written finding fault with the fact that Senators and Representatives received an increase in their salaries at a time of ever-expanding and seemingly uncontrollable inflation.

The ACTING PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. YOUNG of Ohio. I ask unanimous consent to proceed for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. YOUNG of Ohio. No deductions have ever been made from President Nixon's salary. Therefore, there is no question that this is an out-and-out $60,000 yearly pension that is sought.

White House lobbyists claim that both President Nixon and former President Johnson really do not need this additional money. They say they urge this because they are so sorry that former President Harry Truman really needs it.

President Truman is in modest financial circumstances, but he says that he and Mrs. Truman are happy and enjoying life. He says they are getting along just fine. He could care less about this White House proposal. Someone seems greedy for more money every year as a pension; and it is not Harry S. Truman.

THE DOUBLE WOUNDS OF WAR

Mr. YOUNG of Ohio. Mr. President, a column appeared in the New York Times of October 19, 1970, entitled "The Double

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Wounds of War," written by Herbert Mitgang. The column addressed itself to the plight of the men of our Armed Forces wounded in a war in Southeast Asia in countries 10,000 miles or more distant from our shores. This is an undeclared, immoral, unpopular war recently expanded and escalated under direction of President Nixon without any authorization or declaration of war by the Congress.

In any war, killing and death are commonplace. Our unpopular war in Southeast Asia has been costly in the loss of priceless lives of young Americans and at an expenditure of billions of dollars every month. This tremendous sum of money should have been applied to urgent needs at home and to end hunger in America. That so many seriously wounded GI's have survived is in large part due to the tremendous advance of medical science and scientific knowledge and skills during the past 20 years. The fact is that more than 320,000 of our finest young men have been wounded, many of whom have been maimed for life. In World War I, 204,000 soldiers were wounded. In the World War II, 670,000 were wounded

In the Korean conflict 103,000 were wounded. In this tragic and immoral war in Southeast Asia many of our GI's are saved from certain death due to prompt evacuation by helicopter and to the tremendous advances of medical science during the past 20 years. These air ambulances speed our wounded soldiers to excellent medical facilities in the rear and from thence to U.S. military hospitals in Okinawa, Clark Air Base near Manila, in Guam, or to military hospitals in the continental United States. This is as it should be. In fact, the prospect of survival from battlefield wounds is very much greater now than were the prospects for survival of American fighting men in any previous wars. However, the wounds being suffered are indeed grave due to the advanced weapons and guerrilla tactics being employed.

Mr. President, the percentage of disability from the impairment of sense organs is the highest ever incurred—14.27 percent. Likewise, the percentage of disabilities leading to the amputation of an arm or a leg is the highest ever incurred—28.34 percent.

One would expect these wounded soldiers to receive the same level of medical care once back in the United States. However, this is not the case. The fact is, President Nixon recently vetoed needed funds, specifically $105 million, appropriated for Veterans' Administration hospitals. Second, and more important, hospital conditions and facilities are totally inadequate. The hospitals are overburdened and lacking in adequate trained nurses. Mr. Mitgang cites one hospital having only one night nurse for 90 paraplegics. A disgraceful situation.

It is hypocritical to send our draftees to fight in a faraway country to allegedly protect our national interests, but find it not in our national interest to give our wounded GI's the excellent medical treatment they have earned and rightly deserve. The President has callously made our brave wounded soldiers political sacrifices to his problems with the economy.

Mr. President, I ask unanimous consent that the splendid column by Mr. Herbert Mitgang to which I have referred be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DOUBLE WOUNDS OF WAR

(By Herbert Mitgang)

In another autumn of war without fanfare in Vietnam, the chances of an American soldier getting wounded, and surviving with a broken body, still remain very high. Despite an encouraging drop in battlefield deaths, Vietnam by its very nature continues to be a dangerous, bloody war. The dimensions of America's own "body count" cannot be buried by Vietnamization or optimistic rhetoric.

In the week in which the President made his latest peace proposals, 666 Americans were wounded in action. The usual listing of American deaths stresses that the killed-in-action ratio is dropping. That, fortunately, is true; but it still leaves about fifty deaths reported in an average "good" week. And that does not include about 200 South Vietnamese and 1,200 North Vietnamese and Vietcong who die weekly, much less the civilians who are maimed without statistics.

The wounded are a telltale of the steady toll exacted by guerrilla tactics. In general, about seven times as many American soldiers are wounded as are killed. The figures show that the brunt of the casualties—killed and wounded—are taken by draftees rather than Army regulars. They are up front.

Recently, most of the wounded have been put out of action in the contested northern provinces of South Vietnam. Heavy patrolling even without major operations has meant more wounded caused by the twin perils of mines and booby traps. Sniper and mortar fire by small enemy forces against distant base camps can be kept up indefinitely, adding to the wounds of surprise.

The continuing perils in total casualty terms are reflected in comparative figures for this and other twentieth-century wars. In the First World War 53,400 Americans were killed and 204,000 wounded; in the Second, 291,500 were killed and 670,000 wounded; in Korea, 33,600 were killed and 103,000 wounded; in Vietnam, 43,800 have been killed and over 290,300 wounded—so far.

For the wounded, chances of rescue from the battlefield are greater by some 10 per cent over previous wars; that is the Pentagon way of looking at the wounded. The unofficial way is sadder in human terms. For example, percentage disabilities for impairment of sense organs were 5.60 in World War II, 10.81 in Korea and 14.27 in Vietnam. Wounded Army personnel separated for disability as a result of amputations of arms and legs were 18.02 per cent in World War II, 21.64 in Korea and 28.34 in Vietnam.

Saved, but at a terrible and continuing cost.

Ironically, while the demands of war are endless for the youth called upon to risk their necks and limbs there, the wounded are not assured of receiving the utmost in medical care once back in the United States. The most severe blow was struck two months ago, not on the battlefield but by the White House, when President Nixon vetoed a Senate-House effort to appropriate an additional $105 million specifically for Veterans Administration hospitals.

"The war against inflation must not be fought in the wards and clinics of our veterans hospitals," says Senator Alan Cranston of California, chairman of the Veterans Affairs subcommittee. He and Representative Olin Teague of Texas, chairman of the House Veterans Affairs committee, have been exposing the sorry conditions that have resulted in inadequate medical care because of shortages in funds and personnel. They still hope that Congress will persist for the sake of the wounded Vietnam veterans.

The hospitals are overburdened because neither President Johnson nor President Nixon anticipated the human price of the war. Helicopter rescue and evacuation and support hospitals backing up field doctors have enabled many men half-dead to live to tell their tales. But it is another story on this end, especially for those needing long and careful rehabilitation. Going through Kingsbridge Veterans Hospital in the Bronx, Representative Lester Wolff of New York found only one night nurse to cover ninety paraplegics.

No matter how one feels about the Vietnam war, its victims deserve the respect of superior medical care. Of course, the conditions for the wounded cannot be detached now and in the future from the war itself. That is why Senator George McGovern of South Dakota, trying to fix a timetable to end the casualty lists, made an impassioned plea to his colleagues and countrymen:

"Every Senator here is partly responsible for that human wreckage at Walter Reed and Bethesda Naval and all across our land—young men without legs, or arms, or genitals, or faces, or hopes. There are not very many of these blasted and broken boys who think this war is a glorious venture."

And he ended with an admonition for today by Edmund Burke: "A conscientious man would be cautious how he dealt in blood."

Mr. BROOKE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SCHWEIKER, from the Committee on Armed Services, without amendment:

H.R. 15216. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes (Rept. No. 91–1350).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YARBOROUGH:

S. 4524. A bill to prohibit brokered deposits in banks and other financial institutions, to prohibit the use of so called giveaways in the solicitation of deposits, and to prohibit lenders from acquiring equity participations in connection with loans, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. YARBOROUGH when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HOLLAND:

S. 4525. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion; to the Committee on Agriculture and Forestry.

By Mr. SCHWEIKER:

S. 4526. A bill for the relief of Dinh Son Vu (Peter Vu) and Thi Thuy Vu (Maria Vu); to the Committee on the Judiciary.

By Mr. HART:

S. 4527. A bill for the relief of Tomas Espinoza Luz; to the Committee on the Judiciary.

SENATE RESOLUTION 485—SUBMISSION OF A RESOLUTION AUTHORIZING PRINTING OF A REPORT ENTITLED "A UNIVERSITY VIEW OF THE FOREST SERVICE" AS A SENATE DOCUMENT

Mr. METCALF submitted the following resolution (S. Res. 485); which was referred to the Committee on Rules and Administration:

Resolved, That there be printed with illustrations as a Senate document a report, "A University View of the Forest Service," prepared at the request of Senator Lee Metcalf by a Select Committee of the University of Montana, together with related materials, and that there be printed ten thousand additional copies of such document for the use of the Committee on Interior and Insular Affairs.

NOTICE OF CHANGE OF DATE FOR LEAD-BASED PAINT HEARINGS

Mr. YARBOROUGH. Mr. President, I would like to announce that the hearings originally announced on lead-based paint elimination for next Tuesday, November 24, 1970, will be held one day earlier, on next Monday, November 23, 1970.

The hearings will still be at 10:15 a.m. in room 4232 New Senate Office Building and will concern themselves with H.R. 19172 and S. 3216.

BIG THICKET NATIONAL PARK AND GULF ISLANDS NATIONAL SEASHORE—NOTICE OF HEARINGS

Mr. BIBLE. Mr. President, on behalf of the Subcommittee on Parks and Recreation of the Senate Interior Committee, I announce that public hearings have been scheduled for Tuesday, November 24, 1970, on S. 4, a bill to establish the Big Thicket National Park in Texas and S. 4149, the bill to provide for the establishment of the Gulf Islands National Seashore.

The hearings will be held in the Committee on Interior and Insular Affairs room 3110 New Senate Office Building, and the Big Thicket hearing will begin promptly at 10 a.m., with the hearing on the Gulf Islands National Seashore beginning at 11 a.m. It is requested that interested Members of Congress or the public who wish to be heard on S. 4 and S. 4149 please contact the Interior Committee staff.

ADDITIONAL STATEMENTS OF SENATORS

WITHOUT THE RULE OF LAW, FREEDOM IS IMPOSSIBLE

Mr. MANSFIELD. Mr. President, over the past month or so, our friend and neighbor to the north, Canada, has been undergoing a grave crisis.

It is fortunate, indeed, that Canada has as its guiding force in these troubled times a man of integrity, patriotism, and dedication in the person of Pierre Elliott Trudeau. He has faced up to his responsibilities with vigor and realism; and, as he stated:

> Those who gain power through terror rule through terror.

Mr. President, I ask unanimous consent that the text of Prime Minister Trudeau's televised address to the people of Canada on October 16, 1970, as published in the Albertan, of Calgary, Alberta, on October 19, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WITHOUT THE RULE OF LAW, FREEDOM IS IMPOSSIBLE

I am speaking to you at a moment of grave crisis, when violent and fanatical men are attempting to destroy the unity and the freedom of Canada. One aspect of that crisis is the threat which has been made on the lives of two innocent men. These are matters of the utmost gravity and I want to tell you what the government is doing to deal with them.

What has taken place in Montreal in the past two weeks is not unprecedented. It has happened elsewhere in the world on several recent occasions; it could happen elsewhere within Canada. But Canadians have always assumed that it could not happen here and as a result we are doubly shocked that it has.

Our assumption may have been naive, but it was understandable; understandable because democracy flourishes in Canada; understandable because individual liberty is cherished in Canada.

Notwithstanding these conditions—partly because of them—it has been demonstrated now to us by a few misguided persons just how fragile a democratic society can be, if democracy is not prepared to defend itself, and just how vulnerable to blackmail are tolerant, compassionate people.

Because the kidnappings and the blackmail are most familiar to you, I shall deal with them first.

The governments of Canada and Quebec have been told by groups of self-styled revolutionaries that they intend to murder in cold blood two innocent men unless their demands are met. The kidnappers claim they act as they do in order to draw attention to instances of social injustice.

But I ask them whose attention are they seeking to attract? The government of Canada? The government of Quebec?

Every government in this country is well aware of the existence of deep and important social problems. And every government to the limit of its resources and ability is deeply committed to their solution. But not by kidnappings and bombings. By hard work.

And if any doubt exists about the good faith or the ability of any government, there are opposition parties ready and willing to be given an opportunity to govern. In short, there is available everywhere in Canada an effective mechanism to change governments by peaceful means. It has been employed by disenchanted voters again and again.

Who are the kidnap victims? To the victims' families they are husbands and fathers. To the kidnappers their identity is immaterial. The kidnappers' purposes would be served equally well by having in their grip you or me, or perhaps some child.

Their purpose is to exploit the normal, human feelings of Canadians and to bend those feelings of sympathy into instruments for their own violent and revolutionary ends.

What are the kidnappers demanding in return for the lives of these men? Several things. For one, they want their grievances aired by force in public on the assumption, no doubt, that all right-thinking persons would be persuaded that the problems of the world can be solved by shouting slogans and insults.

They want more. They want the police to offer up as a sacrificial lamb a person whom they assume assisted in the lawful arrest and proper conviction of certain of their criminal friends.

They also want money. Ransom money.

They want still more. They demand the release from prison of 17 criminals, and the dropping of charges against six other men, all of whom they refer to as "political prisoners."

Who are these men who are held out as "latter-day patriots and martyrs" let me describe them to you.

Three are convicted murderers; five others were jailed for manslaughter; one is serving a life imprisonment after having pleaded guilty to numerous charges related to bombings; another has been convicted of 17 armed robberies; two were once paroled but are now back in jail awaiting trial on charges of robberies.

Yet we are being asked to believe that these persons have been unjustly dealt with, that they have been imprisoned as a result of their political opinions, and that they deserve to be freed immediately, without recourse to due process of law.

The responsibility of deciding whether to release one or another of these criminals is that of the federal government. It is a responsibility that the government will discharge according to law.

To bow to the pressures of these kidnappers who demand that the prisoners be released would be not only an abdication of responsibility, it would lead to an increase in terrorist activities in Quebec.

It would be as well an invitation to terrorism and kidnapping across the country. We might well find ourselves facing an endless series of demands for the release of criminals from jails, from coast to coast, and we would find that the hostages could be innocent members of your family or of your neighborhood.

At the moment the FLQ is holding hostage two men in the Montreal area, one a British diplomat, the other a Quebec cabinet minister. They are threatened with murder.

Should governments give in to this crude blackmail we would be facing the breakdown of the legal system and its replacement by the law of the jungle. The government's decision to prevent this from happening is not taken just to defend an important principle.

It is taken to protect the lives of Canadians from dangers of the sort I have mentioned. Freedom and personal security are safeguarded by laws; those laws must be respected in order to be effective.

If it is the responsibility of government to deny the demands of the kidnappers, the safety of the hostages is without question the responsibility of the kidnappers. Only the most twisted form of logic could conclude otherwise.

Nothing that either the government of Canada or the government of Quebec has done or failed to do now or in the future,

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could possibly excuse any injury to either of these two innocent men.

The guns pointed at their heads have FLQ fingers on the triggers. Should any injury result, there is no explanation that could condone the acts. Should there be harm done to these men, the government promises unceasing pursuit of those responsible.

During the past 12 days, the governments of Canada and Quebec have been engaged in constant consultations. The course followed in this matter had the full support of both governments, and of the Montreal municipal authorities. In order to save the lives of Mr. Cross and Mr. Laporte, we have engaged in indirect communications with the kidnappers.

The offer of the federal government to the kidnappers of safe conduct out of Canada to a country of their choice, in return for the delivery of the hostages, has not yet been taken up, neither has the offer of the government of Quebec to recommend parole for the five prisoners eligible for parole.

This offer of safe conduct was made only because Mr. Cross and Mr. Laporte might be able to identify their kidnappers and to assist in their prosecution. By offering the kidnappers safe exit from Canada, we removed from them any possible motivation for murdering their hostages.

Let me turn now to the broader implications of the threat represented by the FLQ and similar organizations.

If a democratic society is to continue to exist, it must be able to root out the cancer of an armed, revolutionary movement that is bent on destroying the very basis of our freedom. For that reason the government, following an analysis of the facts, including requests of the government of Quebec and the city of Montreal for urgent action, decided to proclaim the War Measures Act.

It did so at 4 a.m. this morning, in order to permit the full weight of government to be brought quickly to bear on all those persons advocating or practising violence as a means of achieving political ends.

The War Measures Act gives sweeping powers to the government. It also suspends the operation of the Canadian Bill of Rights. I can assure you that the government is most reluctant to seek such powers, and did so only when it became crystal clear that the situation could not be controlled unless some extraordinary assistance was made available on an urgent basis.

The authority contained in the act will permit governments to deal effectively with the nebulous yet dangerous challenge to society represented by terrorist organizations. The criminal law as it stands is simply not adequate to deal with systematic terrorism.

The police have therefore been given certain extraordinary powers necessary for the effective detection and elimination of conspiratorial organizations which advocate the use of violence. These organizations, and membership in them, have been declared illegal.

The powers include the right to search and arrest without warrant, to detain suspected persons without the necessity of laying specific charges immediately, and to detain persons without bail.

These are strong powers and I find them as distasteful as I am sure you do. They are necessary, however, to permit the police to deal with persons who advocate or promote the violent overthrow of our democratic system.

In short, I assure you that the government recognizes its grave responsibilities in interfering in certain cases with civil liberties, and that it remains answerable to the people of Canada for its actions.

The government will revoke this proclamation as soon as possible.

As I said in the House of Commons this morning, the government will allow sufficient time to pass to give it the necessary experience to assess the type of statute which may be required in the present circumstances.

It is my firm intention to discuss then with the leaders of the opposition parties the desirability of introducing legislation of a less comprehensive nature. In this respect I earnestly solicited from the leaders and from all honorable members constructive suggestions for the amendment of the regulations.

Such suggestions will be given careful consideration for possible inclusion in any new statute.

I recognize, as I hope do others, that this extreme position into which governments have been forced is in some respects a trap. It is a well-known technique of revolutionary groups, who attempt to destroy society by unjustified violence, to goad the authorities into inflexible attitudes. The revolutionaries then employ this evidence of alleged authoritarianism as justification for the need to use violence in their renewed attacks on the social structure.

I appeal to all Canadians not to become so obsessed by what the government has done today in response to terrorism that they forget the opening play in this vicious game. That play was taken by the revolutionaries; they chose to use bombing, murder and kidnapping.

The threat posed by the FLQ terrorists and their supporters is out of all proportion to their numbers. This follows from the fact that they act stealthily and because they are known to have in their possession a considerable amount of dynamite.

To guard against the very real possibility of bombings directed at public buildings or utilities in the immediate future, the government of Quebec has requested the assistance of the Canadian Armed Forces to support the police in several places in the province of Quebec. These forces took up their positions yesterday.

Violence, unhappily, is no stranger to this decade. The speech from the throne, opening the current session of Parliament a few years ago, said that "we live in a period of tenseness and unease." We must not overlook the fact, moreover, that violence is often a symptom of deep social unrest.

This government has pledged that it will introduce legislation which deals not only with symptoms but with the social causes which often underlie or serve as an excuse for crime and disorder.

It was in that context that I stated in the House of Commons a year ago that there was no need anywhere in Canada for misguided or misinformed zealots to resort to acts of violence in the belief that only in this fashion could they accomplish change.

There may be some places in the world where the law is so inflexible and so insensitive as to prompt such beliefs.

But Canada is not such a place. I said then, and I repeat now, that those who would defy the law and ignore the opportunities available to them to right their wrongs and satisfy their claims will receive no hearing from this government.

We shall ensure that the laws passed by Parliament are worthy of respect. We shall also ensure that those laws are respected.

We have seen in many parts of Canada all too much evidence of violence in the name of revolution in the past 12 months. We are now able to see some of the consequences of violence.

Persons who invoke violence are raising deliberately the level of hate in Canada. They do so at a time when the country must eliminate hate, and must exhibit tolerence and compassion in order to create the kind of society which we all desire.

Yet those who disrespect legal processes create a danger that law-abiding elements of the community, out of anger and out of fear, will harden their attitudes and refuse to accommodate any change or remedy any shortcomings. They refuse because fear deprives persons of their normal sense of compassion and their normal sense of justice.

This government is not acting out of fear. It is acting to prevent fear from spreading. It is acting to maintain the rule of law without which freedom is impossible.

It is acting to make clear to kidnappers, revolutionaries and assassins that in this country laws are made and changed by the elected representatives of all Canadians—not by a handful of self-selected dictators. Those who gain power through terror rule through terror. The government is acting, therefore, to protect your life and your liberty.

The government is acting as well to ensure the safe return of Mr. James Cross and Mr. Pierre Laporte. I speak for millions of Canadians when I say to their courageous wives and families how much we sympathize with them for the nightmare to which they have been subjected, and how much we all hope and pray that it will soon conclude.

Canada remains one of the most wholesome and humane lands on this earth. If we stand firm this current situation will soon pass. We will be able to say proudly, as we have for decades, that within Canada there is ample room for opposition and dissent, but none for intimidation and terror.

There are very few times in the history of any country when all persons must take a stand on critical issues. This is one of those times; this is one of those isues.

I am confident that those persons who unleashed this tragic sequence of events with the aim of destroying our society and dividing our country will find that the opposite will occur. The result of their acts will be a stronger society in a unified country. Those who would have divided us will have united us.

I sense the unease which grips many Canadians today. Some of you are upset, and this is understandable. I want to reassure you that the authorities have the situation well in hand.

Everything that needs to be done is being done. Every level of government in this country is well prepared to act in your interests.

THE RURAL-URBAN BALANCE

Mr. TALMADGE. Mr. President, one of the few bright spots in the Senate acceptance of the conference report on the farm bill was the provision of the conference report which commits the Congress to achieve a sound rural-urban balance. This provision, title IX of the general farm bill was an amendment offered by the Senator from Kansas (Mr. DOLE) and myself during the Senate Agriculture Committee's deliberations on the farm legislation.

I believe that the final congressional approval of the rural development title is quite a significant event. For the first time, the Congress has committed itself to achieve a sound rural and urban balance. Moreover, the rural development title states:

> The Congress considers this balance so essential to the peace, prosperity and welfare of all our citizens, that the highest priority must be given to the revitalization and development of rural areas.

Of equal importance with the congressional commitment and statement of priority are the reporting requirements written into the act. Executive departments and the President are required to submit reports to Congress in five specific areas. Hopefully, these reports will give Congress the information that it must have to fulfill its commitment—its commitment to achieve a sound rural-urban balance.

I would particularly like to call attention to three reports which will be due on December 1 of this year. I realize that the agencies will not have very long to prepare these reports. However, the reporting requirements were included in the Agricultural Act reported out of the Senate Agriculture Committee on September 4, and in the conference report which was printed on October 9. Since the administration assumed that both Houses of Congress would approve the conference report, I would think it would already be working to provide the information required.

Certainly, the administration cannot claim ignorance of this reporting requirement, because it fought my rural development title tooth and nail in the agricultural conference. Mr. Weinberger of the Office of Management and Budget stated that our reporting requirements would be to burdensome. I responded that my office is burdened with hundreds of unnecessary and worthless Government reports every year and I did not feel that it would be too much to ask that the administration give Congress some information which would be helpful to the legislative process. Fortunately, my view prevailed in the conference committee. Three reports are due on December 1, 1970.

The first report that is due is a report by the Secretary of Housing and Urban Development and the Secretary of Agriculture with regard to their efforts over the past year to provide assistance to States planning for the development of rural multicounty areas. Under the terms of the Housing and Urban Development Act of 1968, the two Secretaries are required to work together to assist States in developing multicounty areas for the purpose of economic development, and I feel that the Congress should know whether any progress is being made.

Another report which is required on December 1, 1970, is a report on the efforts of the Secretary of Agriculture to provide rural development information and technical assistance to the leaders of small towns and communities. Unfortunately, many small towns and communities do not have the resources and trained leadership that are needed to pull themselves out of their economic doldrums. The resources of land-grant colleges and universities, the Extension Service, and the thousands of personnel in the Department of Agriculture should be used for comprehensive rural development. The Congress is entitled to know what efforts have been made in this regard and I am sure we will want to consider ways to maximize future efforts.

The third report that is due on December 1, 1970, is a report on the availability of Government and Government-assisted services to rural areas. We will never be able to stem the tide of rural out-migration until we have adequate services in our rural areas. We must have services which will provide an acceptable quality of life to our rural residents. Therefore, the President is required to submit to the Congress a report on the availability of telephone, electricity, water, sewer, medical, educational, and other Government or Government-assisted services to rural areas. In addition, the President is required to outline efforts of the executive branch to improve these services during the immediately preceding fiscal year.

All of the reports I have mentioned will be annual reports. All of these reports will be due on a yearly basis. However, I felt it urgent that the Congress have information in these three areas as quickly as possible. Therefore, the first reports are due on December 1. This will enable us to begin legislative action early in the 92d Congress.

I will be anxiously awaiting these reports, and I intend to carefully scrutinize the information contained in the reports. Should the administration fail to provide the information the Congress needs, it may expect to hear from me.

Hopefully the annual reporting requirements will enable interested Members of Congress to establish a continuing dialog with the administration on the problem, causes and solutions of rural out-migration. Hopefully, too, this information will enable us to work together to achieve rural-urban balance.

Mr. President, over the years there has been no greater advocate of rural development than Orville L. Freeman, Secretary of Agriculture during the Kennedy and Johnson administration. Unfortunately, Secretary Freeman often found himself crying in the wilderness on this issue. During Secretary Freeman's service in the Department of Agriculture, the Nation had not yet awakened to the necessity of achieving sound rural-urban balance. We were not yet fully impressed with the magnitude of the problems of crime, pollution, and congestion in our urban areas. Unfortunately, many leaders are not aware of the necessity to disperse our population even yet.

However, interest is growing. People are beginning to realize that pouring additional millions of dollars in some of our unlivable and ungovernable cities is like pouring money down a rat hole. More and more people realize that many citizens will never have an acceptable quality of life in our overcrowded supercities.

The October Futurist magazine is addressed to the question of achieving rural-urban balance, and a balanced growth. One of the most interesting articles in this publication is entitled, "Total Rural-Urban Balance" and was written by Orville L. Freeman. I commend this article to the attention of the Senate and I ask unanimous consent that it be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOWARD A RURAL-URBAN BALANCE

(By Orville L. Freeman)

(The urgent problems of the city may eventually be solved in the country, suggests a distinguished U.S. leader. A better balance between rural and urban development could halt or even reverse the detrimental population movement that has jammed America's cities and depopulated its countryside. Future communities could combine the best of rural and urban life.)

Since the end of World War II, we in the United States have experienced the greatest population migration within one nation that mankind has ever known. This tremendous human wave has resulted in the concentration of more and more people on less and less land. Today 70% of the American people live on 2% of our land.

We have been collecting ourselves into four major areas. One megalopolis reaches from Boston to Washington; another runs along the foot of the Great Lakes; a third stretches from Santa Barbara to San Diego; a fourth is developing on the east coast of Florida.

The prospects are that if we don't do something, we will continue to pile more and more people into these megalopolises, and I believe it is time to ask ourselves whether we really want to do it. If we decide it is good, we need do nothing but let nature take its course, because that's what we have done so far. If, on the other hand, we decide that it is undesirable, we ought to ask how it happened and what we can do about it.

Let me state the proposition as I see it: I think that this increasing concentration of people has produced or aggravated many of our problems, including transportation jams, pollution, housing shortages, crime, and disturbed communities. The cities have had to cope with an enormous influx from the countryside, and they have never recovered. The migrants to the cities now live in overcrowded disorder, and their country cousins are left in areas of lonely decline.

The need for nationwide action to correct these detrimental trends in domestic population distribution became dramatically clear when I was Secretary of Agriculture. When the 1960s began, few Americans, in or out of government, showed an understanding or capacity to anticipate the impact of gross population movements. As a nation we failed to grasp the implications of the unprecedented technological forces and resulting population shifts that we were unleashing.

As a result of the technological revolution that is still sweeping through agriculture, three million farms have disappeared. More than 20 million people have abandoned farms and small towns for the city. These people were victims of forces far beyond their control: to cite just one example, technological advances in one six-year period reduced the need for harvest farm labor in the Mississippi Delta from 750,000 man-days down to 95,000. In our generation alone, some five million people left the South, most of them for just six states, California, Illinois, Michigan, New York, Ohio, and Pennsylvania.

The migrants to the cities have forced the cities to expand, and each successive pulse of growth puts yet another ring of concrete and steel between those already there and the open country beyond. Land prices rise and open spaces disappear. Man becomes increasingly estranged from the natural environment.

Although we have known that our society is changing, we as a nation have never recognized what this pell-mell change means in terms of stresses on our schools, governments, churches, homes, neighborhoods, and ourselves. We failed to develop the institutions and attitudes that would shape the technological revolution to serve human needs.

MIGRATION HARMS BOTH CITY AND COUNTRY

The migrants from rural America to the metropolis have been primarily the best equipped and the least equipped in terms of ability and training. The departure of the best equipped stripped the countryside of vital human resources. The arrival of the least equipped compounded the problems of the cities.

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This unbalanced growth is evident in the decay in the countryside where communities have lost the economic base to support good schools, doctors, and social services. But the imbalance is equally evident in the congestion, pollution, civic disorder and proliferating ghettos of the metropolis, and in the spread of suburbia, which paved over the countryside and choked the inner city.

If present trends continue for the next 30 years, we may have 100 million more Americans stacked onto the 140 million already living in our cities and suburbs. The result could be catastrophic.

But the exodus to megalopolis that has taken place in the last 50 years is not inevitable for the future. The first step is to recognize that rural-urban balance is a nationwide challenge. We must not concentrate on city, suburb, or countryside alone, but move on all three at once. We cannot use space properly if, in our planning, our space is constrained by the city limits, the county line, or the state border.

We need a national settlement policy on the geographic distribution of economic opportunity, jobs and people. Without such a policy, the problems of city and countryside will remain insoluble. Only a common national policy providing guidelines for planning and development efforts in city, suburbs, and countryside can restore balance in America.

NEW KNOW-HOW ALLOWS BETTER PLANNING

The people are now ready for leadership and action. They recognize intuitively that we cannot continue our unplanned, undirected, helter-skelter course without abusing our limited natural resources and failing to meet the minimum needs of millions of Americans. And they know, too, that we have more wealth and know-how than ever before. Growth in the social sciences, management techniques, data retrieval, computer science, automation—all these combined with unprecedented wealth—make it possible to accomplish what was impossible a few years ago.

Action will come as we destroy the myths of the "meg-alopolitan mentality":

Myth One: Americans want to live in cities. Although there has been, oddly enough, very little research on the question, a 1968 Gallup poll indicated that when people are given a choice, 56% prefer a rural setting; 25% suburban, and 18% the city. We've also seen evidence that people will return to rural communities when they can get a job there. Perhaps the most convincing evidence against this myth is the fact that the overwhelming majority of metropolitan area Americans live in suburbs, which represent an attempt to create the amenities, peace, and security of the small town within the city, where the jobs are. Many center city and suburban families would gladly live in a small town or open country community if there were jobs, basic services, and good schools.

Myth Two: Small towns are dying. Tiny towns and crossroads villages may be in eclipse, but larger nodal centers are healthier than ever. The critical base population seems to be a population of 5,000 or more. In recent years, the fastest growing population centers in the nation were towns in the range of 10,000 to 25,000 outside the standard metropolitan areas.

Myth Three: Concentration of 80 to 90% of all our people in a few major urban regions can be accomplished without major damage to the fabric of our society. We simply do not know what strains such a fantastic development will place on our institutions, our minds, our hearts. For instance, our leading economists predict that per capita income in the United States will at least double over the next 30 years. The impact of that happening, combined with an increased population concentrated in our already overcrowded cities, will likely be geometric in dimension and devastating in results.

Myth Four: There is nothing we can do to stop the aggregation of people in megalopolis. The fact is that there are many ways to check or reverse the trend to megalopolis. Jobs can be created through rural industrialization, stimulated by tax incentives and other means. The federal government can adopt a policy of preferentially locating its facilities in areas of lower density population. Education and other vital services in rural areas can be improved, so as to encourage settlement.

The case against continued movement of people into megalopolis was strengthened recently by the President's Task Force on Rural Development. The Task Force's report, *A New Life for the Country*, states that there are four plagues of compaction:

1. Pollution. I thought the situation was put rather dramatically when it was reported that the Apollo 10 astronauts could see Los Angeles as a cancerous smudge from 20,000 miles in space. Airline pilots say there is a whisky-brown masma over almost every major U.S. city, including remote towns like Missoula in Montana's Big Sky country. What most Americans now breathe is closer to ambient filth than it is to air. Large cities simply overload the capacity of the air to clean itself.

2. Transportation. It's ironic to note that at the turn of the century you could average about 11 miles an hour going through New York City with a horse and buggy. Today, with 350 horses, you're lucky if you can average six miles an hour.

3. Housing. The slums and the ghettos shock our sensitivities and cause much of the tension that we see all around us.

4. Crime. Manhattan with two million people has more murders than all of England and Wales with 49 million. How much of this is a product of our failure to plan and invest properly when people are so impacted? How much is due to the fact that people just don't like to live that close together, piled one upon another, and react accordingly? No one really knows. Some research on this is needed, but I suggest that the crowded, depersonalized lives in congested cities may have something to do with the crime rate.

We can certainly see the diseconomies of having so many people piled up and the political problems that are created. There are also power failures: As matters now stand, the Consolidated Edison Company of New York can't find the sites it needs for new power plants. Garbage disposal becomes increasingly difficult as the concentration of people increases. Water shortages threaten.

Attempts have been made to quantify these diseconomies of scale. According to one study, police protection costs $4.60 per capita in cities with 100,000 to 300,000 people, and $13.40 per capita—almost five times as much—in cities of 500,000 to 1,000,000. In New York City, the cost is $39.80 per capita—almost nine times as much as in a city of 100,000 to 300,000. Similar cost rises are found for hospitals and other services.

When a New Yorker moves to the suburbs, he costs the city $21,000 in capital outlay to provide facilities so he can drive to and from work in the city every day. In Washington, D.C., the cost for every added commuter is even higher—$23,000. Contrast that with the $487,000 street department budget for an entire year in Fargo, North Dakota, a city of 50,000.

As Mayor Davis of Kansas City has said, "A city can get too big simply because the cost of providing services increases all out of proportion to total population growth. This becomes perfectly clear when put on a per capita basis, which is about $120 a year in Kansas City. In a city twice this size, per capita costs would rise to more than $200 a person."

The concentration of people in large cities has come about because the U.S. has not had a policy regarding the relationship between land and people. During the last 25 years, while agriculture was increasing its productivity per capita three times as fast as industry, we paid virtually no attention to the people who lost their jobs in consequence. In the absence of a policy, economic forces pushed people out of rural areas, and welfare and housing programs pulled them into metropolitan areas.

I would like to make clear that I am not urging a "back to the farm" movement. For quite some time, anyone who talked about checking or reversing the movement of population into the cities was likely to be ridiculed. There was a kind of vindictiveness among city people because rural interests seemed to dominate the legislature and the congress, and programs that cities wanted weren't forthcoming. At one point there was an editorial that suggested that I was trying to hold back the tides. I was a King Canute. Obviously, I am not urging the reversal of forces that cannot be turned around, but rather trying to channel those forces constructively in a new direction.

MANY SMALL TOWNS ARE NOW GROWING

I would like to call your attention to what are called "growth centers." What's happening is that through the action of natural economic forces, and new transportation and communication, there is a tendency for our rural areas to polarize around small towns of, say, 10,000 to 100,000 people. There are some 300 of these towns that are gaining—not losing—population. People in an area of about 50 miles in diameter drive into these towns for medical services, recreation, and employment.

The development of these growth centers ought to be encouraged in every way possible through governmental resources and planning. The Government should help to make it economic for an industry to start or to locate or to expand in such a locale. Tax or depreciation advantages could be offered. At the same time, the Government might preferentially locate its facilities in such growth centers.

Industry has naturally moved where it could make a profit. Until recently, that has been—for no good reason—into the big city areas. But it's now becoming counter-productive. Very few manufacturing facilities are built today in the heart of a big city, but they can and should be located on a planned basis around the nation.

BIGGEST IS NOT ALWAYS BEST

Hopefully, the cities would cooperate. Many are still on the merry-go-round of equating bigness with goodness, of measuring progress in terms of numbers of people. The unsoundness of this method of evaluation is, I think, becoming increasingly clear. Over the last 20 years, the population of London has decreased as part of a plan which enforced open spaces and called for the development of new towns. The Britsh decided that if they can't have a city of quality, they certainly don't want a bigger one.

The ills of the city cannot be cured in the city alone. Action is required in both rural and urban areas. If we in America had recognized the twin problem of rural depopulation and urban impaction a generation ago, and taken timely action, both our cities and rural areas would be much better than they are now. But we can still check and reverse the flow of population to metropolitan centers, and in so doing help big cities conquer the urban improvement job by easing the pressures exerted by a constantly expanding population.

I believe that small towns and farming areas offer enormous potential for humane solution to today's problems. Modern technology has made possible a modern town-country community. The new technology of transportation ties the different parts together. The technology of communication makes administration practical. The technology of modern industry requires space for new plants with continuous-flow, straight-line production operations. The developing technology of training makes it possible to create skilled workers out of rural people.

I see an American landscape dotted with communities, each including a blend of small cities, new towns, and growing villages with open country in between. Each of these extended town-country communities would have its own jobs and industries, its own college or university, its own medical center, its own cultural, entertainment, and recreational centers.

With several hundred of these extended town-country communities, it would be possible for 300 million Americans to live in less congestion than 200 million do today. Urban centers could become free of smog, blight, and overcrowding.

And let me emphasize that this is not merely a dream. This kind of community is, in fact, already evolving in many parts of the United States, and we have the means to make it evolve faster.

In these new town-country communities, Americans are discovering a pleasing blend of urban opportunity and rural heritage. In such communities, people can enjoy the advantages that in an earlier age were associated exclusively with the big city, and yet find elbow room and retain their identities as individuals—identities that only too often are lost amid compacted urban populations.

I believe that the American people will decide that such communities are worth the money, effort, and work that their building will require.

ANACONDA CO. MOVES TO CLEAN OUR AIR AND WATER

Mr. METCALF. Mr. President, I was pleased to learn just a few minutes ago that one of the world's major mining companies is taking a long step toward cleaning up our air and water.

Today, Mr. Martin Hannifan, general manager of Montana operations of the Anaconda Co., appeared before the Montana State Board of Health. He announced that the company plans additional substantial investment next year in in-plant facilities vital to the health and safety of the men who work in Anaconda operations in Great Falls, East Helena, and Anaconda, Mont. He said that the company plans an investment next year of $10 million in additional facilities to reduce concentration of dust and gases.

Although the current efforts are in-plant, Mr. Hannifan said that "efforts to limit out-plant emissions cannot be divorced from in-plant cleanup, and therefore both aspects of control have been integrated into our environmental planning."

Mr. President, officials of the Anaconda Co., are aware of the problems they face, both inside and outside their installations. They are moving to solve those problems. I hope they will continue to do so. I ask unanimous consent that Mr. Hannifan's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Martin K. Hannifan, Friday, November 20, 1970 to the Montana Board of Health

My name is Martin K. Hannifan and I am General Manager of Montana Operations of the Anaconda Company. I appreciate the opportunity to discuss with you some of the environmental problems we encounter in our smelting and refining operations in Montana and to tell you of our plans to solve them. We are present today because of your interest in the existing in-plant environmental conditions in Great Falls, East Helena, and Anaconda, and also for the purpose of discussing the results of recent industrial hygiene surveys conducted by members of your staff in cooperation with the U.S. Public Health Service. As you know, the official reports of these surveys do not indicate any impairment of worker health. However, because we are dealing with materials which may adversely affect the health of employees if threshold limit values are exceeded. We intend to continue and even expand our program of bio-medical evaluation of those persons who might be exposed to air-borne dust. The nature of this expanded bio-medical testing program will be specifically determined in consultation with and guidance by the U.S. Public Health Service, although we do contemplate utilization of blood and urine sampling procedures at Anaconda, East Helena and Great Falls. We also will welcome the assistance of the Montana State Board of Health in this area, and we shall be glad to split our samples with both agencies if this be desired. Anaconda has for many years devoted attention to industrial hygiene problems associated with the operation of metal beneficiating plants which were built long before control technology existed.

Over the years Anaconda has developed an expanding environmental program and has made many plant improvements as technology became feasible. It has spent many millions of dollars in Montana for these purposes. For example, in 1970, construction of a new reverberatory flue system was commenced in Anaconda. This facility, which will cost more than $7 million, is designed to reduce in-plant concentrations of dust and gases in the reverberatory furnace building, thereby contributing greatly to comfort. You will be interested to know that in 1971 Anaconda intends to spend in excess of $10 million here in Montana by way of engineering controls and plant additions for further environmental improvement. This investment, which is allocated for engineering control and plant additions, is but a part of a continuing program to correct in-plant problems, advance worker comfort and convenience, and generally enhance the environment at our plant locations. While environmental control programs are planned for all Montana locations, my review will be limited to those plants visited recently by Public Health personnel, but at Anaconda a major addition will be the installation of a 600 ton acid plant on the copper roasting system. Work on this project is scheduled to commence in 1971. Operation of this facility will require substantial changes in the roaster building which will place the roasters under negative pressure and thereby minimize in-plant SO_2 and particulant emissions. Hooding and flu changes are planned in the converter building to assist in reducing SO_2 and particulant emissions there, both in-plant and at the roof line. These roof line emissions often migrate to other working places and their reduction will generally enhance conditions in the reverberatory furnace and converter areas.

Changes in transport and conveying systems for better material handling in the roaster and reverberatory area will include installation of new dust collection equipment. The remodelling program will also aid materially in our effort to achieve compliance with present Board of Health emission regulations. However efforts to limit out-plant emissions cannot be divorced from in-plant cleanup, and therefore both aspects of control have been integrated into our environmental planning.

Also a new design, high efficiency, mobile vacuum system is being purchased and will be utilized to cope with our housekeeping challenges. The remodelling work will include dust collection in many areas.

Because of equipment delivery lag and installation time requirements, some of this work may not be completed until 1972. At the refinery in Great Falls a new dust collection, transport and retention system will be installed in 1971 in the dross drum area of the zinc casting building. In addition, the exhaust ventilation system at the zinc casting furnace will be upgraded. At East Helena we are making an in-depth study to evaluate current technology regarding SO_2 emissions at the bag house, and to determine whether or not a feasible control method exists as an alternate to building a stack. This study will include an evaluation of the furnace charging area with respect to industrial hygiene and possible correction procedures. A filtered air system will be installed in the crane cab at the furnace charging area to afford worker protection.

Mining smelting and refining operations are definitely heavy industry with all of its attendant problems. Equipment failure does occur and housekeeping is forever a challenge. Consequently, industrial hygiene departments are maintained at the Anaconda and Great Falls plants, to monitor in-plant conditions and direct control efforts. Our Environmental Engineering Department conducts a continuous evaluation of worker exposure to contaminants at Anaconda, Great Falls, and East Helena. Anaconda also cooperates in studies such as those recently conducted by the Board of Health and the U.S. Public Health Service, to evaluate atmospheric conditions at these plants and to collect urine and blood samples from the workers for analysis.

In summary, I want to emphasize that the plant improvement program for 1971 just described involves a large capital investment and has not been hastily adopted, but rather follows many months of engineering and feasibility studies. These investigations were conducted not only by Anaconda, but also by independent engineering consulting firms to ascertain among other things, whether technology was available to accomplish the desired results, and, if so, whether it was economically feasible. This plan for 1971 is not an end, but instead, is a part of a continuing program to improve plant facilities as technology become available and feasible. This concludes my formal presentation, but I am accompanied today by members of my staff familiar with local plant conditions and we shall be pleased to discuss any questions which you wish to pose concerning our environmental situation.

"TRANSCENDENT VALUES" AND ROCKY MOUNTAIN COLLEGE

Mr. MANSFIELD. Mr. President, one of the outstanding educational institutions in Montana and the Northwest is Rocky Mountain College, located at Bill-

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ings, Mont. Under the dedicated leadership of Dr. Lawrence F. Small, its president, it has made great strides and has contributed tremendously to the good educational climate which exists in my State.

What Rocky Mountain College is doing is of a constructive nature, is very worthwhile, and not only upholds but increases the integrity of the institution.

I applaud Dr. Small, the faculty, and the student body for their realization of what "transcendent values" mean to them. The "Wednesday Evening" conversations are an excellent example of the degree of interrelationship and cooperation which are so much needed today among faculty, students, and trustees.

I ask unanimous consent that a letter from Dr. Small addressed to President Nixon be printed in the RECORD. I urge Senators to read it carefully; it will be worth their while.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 24, 1970.

The Honorable RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I was pleased to see a copy of the letter you received, dated May 11, 1970, from President Miller Upton of Beloit College and to know that it is having wide circulation. He speaks a timely word and I trust that it will be received in the spirit in which it was offered by his colleagues and mine around the nation. Surely, there is much of a constructive nature that can be done on our campuses to uphold the integrity of our institutions and to seek to realize those "transcendent values" of which President Upton speaks.

One such effort, I believe, has taken place at Rocky Mountain College and will be renewed this next week. I would like to share it with you. In the spring of 1969, while more and more campuses were experiencing disruption and violence, "Wednesday Evening" conversations were initiated here involving students, faculty, and administration and looking for some way to explore community response to community concerns. The Board of Trustees of this independent college agreed to set aside one day of its two-day annual meeting in October as "Time-Out Day". On that occasion, and thanks to thorough planning, members of the governing board had the opportunity to visit in small groups with faculty, students, and administration and discuss problems and plans. Over 50 per cent of the student body attended and nearly all of the faculty and staff.

Much was gained in understanding that the college is first of all people, gathered in various relationships to live within and support a community for learning. Some changes resulted in our program, but basically there was a breakthrough in communication and acceptance. On Monday, October 26th, by the encouragement of our governing board, we shall again observe "Time-Out Day". Trustees, students, faculty and staff will discuss, argue, plan, eat, relate to one another.

I know that this sort of response is more feasible on our kind of campus than at the multiversities of our land. But I would hope that even at the large institutions the realization might deepen that a college or university is at heart people, living and working and relating within their various roles, respecting one another, constituting the most valuable resource their institution possesses and the means of giving substance to its dreams.

Respectfully yours,
LAWRENCE F. SMALL,
President.

EXCHANGE OF REMARKS BETWEEN J. EDGAR HOOVER AND RAMSEY CLARK

Mr. THURMOND. Mr. President, the Washington Post this week has published exchange of remarks between FBI Director J. Edgar Hoover and former Attorney General Ramsey Clark. Mr. Clark, who has just written a book that he wants publicized, has gratuitiously attacked one of America's most faithful public servants in an effort to undercut impartial law enforcement in the United States. Mr. Hoover needs no defense and, indeed, has capably turned Mr. Clark's remarks back upon the aggressor.

However, I should like to express my hearty agreement with the FBI Director's characterization of Mr. Clark as the worst Attorney General he ever encountered. Mr. Hoover was in a position to know the facts about the work of the Justice Department, and to compare that situation with the leadership of the Attorney General. I also had some contact with Mr. Clark in my role on the Judiciary Committee. From these encounters, I had long since formed the conclusion that he was one of the worst Attorney Generals of my experience. I believe that Mr. Hoover was merely articulating the opinions of many knowledgeable officials in Washington.

Mr. Clark's failure to take adequate measures against criminals and subversives resulted in a record crime wave. We have been saved from a collapse of law and order only because a highly capable Attorney General has taken over the reins.

Mr. President, I ask unanimous consent that the interview with J. Edgar Hoover, from the Washington Post, November 17, 1970, be printed in the RECORD at the conclusion of my remarks.

Mr. President, I also ask unanimous consent that Mr. Clark's response, as reported in the Washington Post, November 18, 1970, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. THURMOND. Mr. President, I want to be absolutely fair to both sides in this exchange, since the Clark response is most interesting. In fact, it confirms Mr. Hoover's opinion.

Mr. President, readers of this article will note that Mr. Clark is speaking at a New York press conference for a new group called the Committee for Public Justice. This committee deserves close attention, as a result of Mr. Clark's remarks.

Among other things, Mr. Clark charges Mr. Hoover with being ideological. He says:

> If an investigator has to be anything, he has to be a disenthralled observer, a hard, hard pursurer of facts. He cannot be ideological. For reasons that are unfortunate, in my judgment, the FBI became ideological some time back. This has put scales over its eyes.

Mr. Clark continues this line of reasoning when he says that the pursuit of the Communist Party U.S.A. "is an illustration of the terribly wasteful use of resources," growing out of the FBI Director's belief in "the ideology of a different time."

If we read to the end of the article, we find out that the group for which Mr. Clark is the chief spokesman was organized by Playwright Lillian Hellman. If there is anyone in this country who might be said to represent the ideology of a different time, that one person would have to be Lillian Hellman. She is certainly listed among the champion supporters of Communist front organizations during the 1930's and 1940's. She slavishly perverted her literary talent to support every nuance of the Communist line of the period. In fact, there is sworn testimony before a congressional committee which indicates that she was known as a member of the Communist Party during this period. She refused to testify with regard to these sworn statements, claiming privilege under the fifth amendment, and asserting that she did not want to involve her friends of that period.

Mr. President, I have with me a memorandum which lists nearly 100 Communist and leftist front organizations with which Miss Hellman has publicly been associated, as cited in official documents of the U.S. Congress, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks. This list by no means exhausts Miss Hellman's connections.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. THURMOND. Mr. President, in the light of Miss Hellman's overwhelming history of supporting Communist-front organizations, one has the right to ask whether her so-called Committee for Public Justice is not another Communist front. I find it incredible that a former Attorney General of the United States would lend his prestige to an organization organized by a woman who has publicly supported scores of groups listed on the Attorney General's official list of subversive organizations. Such a man is either naive or blind to the dangers threatening this country, and neither conclusion reflects well upon him. His present venture should thoroughly discredit him in the eyes of the American public.

Certainly it is not ideological to oppose those elements who seek to overthrow the U.S. Government by force, and who are backed by international resources to aid them in attaining their goal. On the other hand, it is ideological to promote a revolutionary Marxist-Leninist doctrine. Communist tactics may have changed since the thirties and forties, but the goal remains the same. It is Ramsey Clark who is indulging in the ideology of a different time; but at the same time we must recognize that the ideology of a different time has been brought up to date. Hellman-style committees of the

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1930's are being formed in the 1970's, only now they boast as spokesman a man who once had the responsibility to protect the United States against internal subversion. It is no wonder that our internal security laws, as well as law and order in all fields, were seriously eroded during his tenure as Attorney General. It is plain that Ramsey Clark lacks a basic understanding of law and justice. He convicts himself out of his own mouth.

EXHIBIT 1

[From the Washington Post, Nov. 17, 1970]

FBI'S HOOVER SCORES RAMSEY CLARK, RFK—PRAISES MITCHELL AS "VERY HUMAN"

(By Ken W. Clawson)

J. Edgar Hoover yesterday called former Attorney General Ramsey Clark a "jellyfish" and the worst Attorney General he has encountered in 45 years as director of the Federal Bureau of Investigation.

Hoover said in an interview that Clark was "like a jellyfish . . . a softie," unlike his father, former Attorney General and Supreme Court Justice Tom Clark, whom Hoover described as a "good, strong man."

The FBI director said he would accept the judgment of the elder Clark on his stewardship of the FBI, but that Ramsey Clark was even a worse Attorney General than the late Robert F. Kennedy. Hoover said Kennedy was the first Attorney General with whom he had troublesome relations. In the last six months of Kennedy's tenure, Hoover said, he did not speak to Kennedy.

"If ever there was a worse Attorney General it was Ramsey Clark," he said. "You never knew which way he was going to flop on an issue.

"He was worse than Bobby (Kennedy). At least Kennedy stuck by his guns, even when he was wrong."

Hoover added, however, that "until Bobby Kennedy came along" he had never had trouble with Attorneys General.

He called Attorney General John N. Mitchell an "honest, sincere and very human man" and added, "There has never been an Attorney General for whom I've had higher regard."

The director's criticism of Clark was prompted by the Attorney General's book, "Crime in America," being published this week. In it Clark charges that Hoover's "self-centered concern for his own reputation" led the FBI into glory-seeking rather than effective crime control.

Clark charged that the FBI was tardy in moving against organized crime and that a conflict resulted between Hoover and Kennedy, who Clark said was the first Attorney General to have a "commitment to control organized crime."

Clark could not be reached for comment on Hoover's remarks.

In the interview, Hoover said there was never any trouble with Kennedy on the organized crime issue. He pointed out that the FBI did not have the federal laws to fight organized crime that have been passed in recent years.

"But there was trouble," Hoover said. "The trouble was that Kennedy wanted to loosen up our standards and qualifications; to discard the requirement that agents hold degrees in law or accounting. He even wanted to discard the bachelor's degree as a requirement.

"In short, he wanted more Negro agents."

Hoover said he refused, and that Kennedy brought up the subject "half a dozen times."

"I told him, 'Now Bobby, I have no prejudices. The FBI has Negro agents, Indian agents, Chinese agents and all kinds of other agents. Any one who can meet the qualifications can have a job, and I'll have it no other way.'"

Hoover said he told Kennedy that if he didn't like his position, "Why don't you get another director? You may not know it, but I can retire at full salary. Now, I give half of my salary in taxes, so it's costing me money out of pocket to continue."

The director said that "right afterwards" he went to the White House and told President Johnson about the confrontation.

"STAND BY YOUR GUNS"

"The President said, 'Stand by your guns.' I didn't speak to Bobby Kennedy the last six months he was in office." That was in 1964.

The FBI has a total strength of 18,000, and will get an additional 1,000 agents under provisions of the 1970 Omnibus Crime Control Act. It has been widely believed that these additional agents will be used on college campuses, where the Bureau now has jurisdiction over bombings and arson to most buildings.

Hoover called this concept "absolutely untrue." He said the extra agents would be scattered through the Bureau for a variety of duties created by expanding federal jurisdiction in bombings of federally financed buildings as well as making certain types of gambling a federal offense inside a state's borders.

He said he recently wrote former Justice Abe Fortas a letter following a speech in which Fortas criticized using undercover FBI agents on campuses. Hoover said there are no undercover FBI agents on campuses, and that agents will only go on campus to investigate actual bombings.

Threats of bombings or arson, he said, would be turned over to campus police and local police to investigate.

Hoover blamed college administrators and faculty as much as a small group of students for the wave of campus disruptions.

"Some faculty are worse than the hippies," he said. "Ninety per cent of the students want an education and they are prevented by hippies who are encouraged by some of the faculty."

Campus disruptions would stop, he said, "if college presidents had the courage and guts to expel and make it stick." He praised S. I. Hayakawa for his handling of disruptions at San Francisco State College.

Most college administrators, Hoover said, are soft. "They come up through the academic process, and there is nothing worse than an intolerant intellectual. They're soft, and they never want to accept responsibility."

NO CONCLUSIONS ON KENT

He added that the "people shouting the most are a minority that do not believe in tolerance."

It is true, he said, that students often haven't been able to make their views known to college administrations, trustees and other governing bodies. He said these lines of communications should be opened, and that students should work vigorously to make their views known, but without disruption and intolerance.

The director said he was disappointed to read in various publications that the FBI concluded various things about last spring's shootings at Kent State University in Ohio. "The FBI never makes recommendations or draws conclusions," he said. "We are a fact-finding agency."

It was the Justice Department, he said, that concluded that National Guardsmen fired into students in panic during a confrontation. But Hoover said he was glad the Defense Department will intensify National Guard training.

Professionalism under fire is insisted upon by the director. FBI agents are instructed, he said, not to be promiscuous with firearms, but to shoot to kill when they are threatened by an assailant with the means to kill. "A man never knows about himself until he is tested by battle," he said.

Hoover recalled that during the 1930s he "always hated to sit behind a mahogany desk" when his men were in action in the field.

He said that on one raid, he noticed an agent who answered the command to advance by going in the opposite direction, panicking. "He was not yellow," Hoover said. "He was just not made of the stuff for an FBI agent. Of course, I got rid of him immediately."

Hoover, who will be 76 in January, was relaxed and hearty during a rare interview in his office that lasted about two hours. In referring to his age, he said that he no longer bothers to deny that he may retire. But he pointed out that like all agents he has undergone an annual physical examination since 1938.

"I was in better shape at my August, 1970, examination than I was in 1938," he said.

But he admitted that he has a tendency to put on weight and is constantly on a diet. At his favorite luncheon spot in the Mayflower Hotel, the director has been reduced to a grapefruit salad with cottage cheese and black coffee.

ARREST RATIO HIGH

But Hoover seems to thrive on this kind of discipline. He repeated several times that law enforcement officials must adhere to strict standards, personally and professionally, to carry out their assignments.

And while he considers all law officials members of a close fraternity and is concerned with the increasing danger to their safety, he is opposed to a proposed bill making the killing of a policeman a federal offense.

Such a move would give the FBI jurisdiction in these cases.

He said the bill comes too close to making the FBI a national police force, something he said he has opposed since 1924 when he became the director.

In addition, FBI records show that in 96 per cent of police murders, arrests have followed within 30 days, usually by the police force to which the victim belonged.

"It's a matter of pride, too," Hoover said. "The FBI goes all out when an agent is killed; so do local or state police."

He said more policemen have been killed in the last two years than at any other time, with many deaths attributed to senseless, sniper slayings.

General crime, he said, has never been greater than now. "It has reached an apex." Hoover then listed three areas of combatting crime and made these observations:

Law enforcement—Better training and higher salaries have increased the professionalism of police on all levels and they are doing a better job than most people recognize.

Courts—On the federal level alone, 1,200 cases, some of them as old as two years, are still awaiting adjudication. Courts are uneven in their justice, often giving inadequate sentences and probation when they shouldn't. In the District of Columbia, one bank robber was released on his own recognizance and committed another bank robbery.

Sometimes, Hoover said, the criminal justice system just makes a mistake.

He said a classic example of this came during the early 1960s in a District Court trial when Teamsters leader James R. Hoffa was charged with trying to bribe a staff member of Sen. John McClellan (D-Ark.), who was then investigating labor racketeering.

Hoover said that at the trial Hoffa was identified as the man who gave the staff member money. It occurred in a taxi driven by an undercover FBI agent.

"In the middle of the trial," Hoover said, "Joe Louis, the former heavyweight champion, came into the courtroom and embraced Hoffa. The jury found him innocent."

Hoover said that McClellan's investigation and subsequent FBI work that eventually

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put Hoffa in the federal prison at Lewisburg, Pa., led to the suspicion that there was great corruption in the American trade union movement.

Hoover called Hoffa's later conviction and imprisonment "good riddance to bad rubbish" but he said it was not representative of union groups.

"George Meany, for example, is one of the finest men I know. There are no Communists in the AFL–CIO and he doesn't tolerate corruption.

"He's a fine man and the AFL–CIO is a fine organization."

Prisons—They are the last place of concern for those who finance the criminal justice system. Rehabilitation services are negligible and should be greatly improved.

Hoover said he seemed always to be involved in controversy with "bleeding hearts" who accuse him of being opposed to parole and probation.

He said he has only been opposed to abuses of parole and probation. People just don't understand, he said, that on the state level, a life sentence means 21 years, with the prisoner eligible for parole in seven years. On the federal level, he said life is 45 years, with eligibility for parole in 15 years.

"I still believe that punishment is a deterrent. Where a serious crime has been committed, a substantial sentence should be imposed."

He said his contacts with prison inmates led him to believe the death penalty is also a deterrent and should be imposed in a few serious cases such as premeditated murder and kidnaping where the victim is harmed.

In Hoover's time, major crimes have shifted in style and type from the kidnapings of the 1930s through bank robberies, organized crime and radical political crimes.

Hoover said that despite the widespread belief that the FBI constantly wiretaps, there are now only about 40 wiretaps authorized by the Attorney General for national security cases. All other wiretaps are court-authorized and being used effectively, especially in gambling cases.

ASKED WIRETAP CURB

Hoover recalled that during the 1940s he was the only intelligence official in Washington who didn't have the authority to wiretap. He said he urged Tom Clark, who was then Attorney General, to ask President Truman to curtail wiretapping except upon approval of the Attorney General.

During this period, Hoover said the late columnist Drew Pearson accused him of tapping his telephone. Hoover, who said he did not personally like Pearson, denied the allegation but checked on it after Pearson left his office.

"I found that another agency indeed had tapped his telephone," Hoover said.

He added that it was a standing rule in the FBI not to tap the telephone of any newsman, senator or congressman.

Hoover has often been at odds with the Supreme Court, although he now sees some improvement with the addition of President Nixon's two court appointees.

He described Chief Justice Warren Burger as an "excellent chief justice" and said the appointment represented a "wise decision by the President."

Hoover said he didn't know Justice Harry Blackmun, but that he considered him a "very able judge."

After nearly a half-century of dealing with criminals, Hoover said that John Dillinger, Alvin Karpis and other notorious gangsters were really less dangerous than the current crop of new, less experienced criminals.

Hoover said that in early May, 1936, he was testifying before a congressional committee when agents located Karpis in New Orleans.

The director ordered a stakeout and flew to New Orleans to personally arrest Karpis.

Karpis was getting into a car with an accomplice when Hoover stuck a pistol in his ribs. The gangster turned and mildly said, "Well, you got me."

He had recognized Hoover from a newspaper photograph taken the year before when the director caught a sailfish off the Florida coast.

Hoover said he got into the back seat of a police car with Karpis, while an agent from Oklahoma drove and Karpis' mistress sat in the front. They were taking the prisoners to FBI headquarters in New Orleans for questioning when Hoover noticed they seemed to be traveling in circles.

"I discovered," said Hoover, "that neither I nor the agent—who was there just for the Karpis raid—knew where our office was. At that point, Karpis spoke up and asked us if it were in the old Post Office or the new one."

Hoover said he first told Karpis to keep quiet as befitted a prisoner, but then identified the old Post Office as the site.

"Karpis then guided us to our office. He said he had been planning to rob the old Post Office and knew its location."

Later, Hoover was escorting Karpis to Minneapolis to stand trial for kidnapping. When the plane landed in Kansas City to refuel, Hoover purchased a newspaper whose headline read, "Karpis robs Detroit bank."

Amused, Hoover got on the plane and showed the paper to Karpis, who smiled and said "This time I have a good alibi."

"He had a sense of humor, a good sense of humor," Hoover said.

Exhibit 2

[From the Washington Post, Nov. 18, 1970]

Clark Scores FBI Over "Ideology," Lack of Diversity

(By Karl E. Meyer)

New York.—Former Attorney General Ramsey Clark, whom J. Edgar Hoover described as a "jellyfish" and a "softie," responded today with some criticism of his own about the FBI director.

Under Hoover, Clark said, the FBI has become "ideological" and has lacked internal diversity. Moreover, he told newsmen, Hoover erred in calling the Black Panthers the most dangerous group in America.

"That is patently absurd," Clark asserted. "I said it at the time and I'm still convinced of it. The FBI outnumbers the Black Panthers seven to one, and if they can't handle it, they should have stayed in bed."

Clark's remarks came during and after a press conference called here to announce the creation of a Committee for Public Justice to counter what it deems repressive tendencies in America.

Clark was asked to comment on Hoover's description of him as a "jellyfish" in an interview published in Tuesday's Washington Post. "He's entitled to his opinion," Clark replied. "He never said it while I was there."

In the interview, Hoover said that Clark, who was President Johnson's chief law enforcement official, was the worst attorney general that the FBI chief had worked under in 45 years. Hoover's criticism was prompted by a book just published by Clark, "Crime in America," which asserts that the FBI director's "self-centered concern for his own reputation" had hampered the bureau's crime-fighting.

Queried in Washington on Clark's comments, an FBI spokesman said, "Mr. Hoover has no comment to make as he does not desire to in any way advance the sale of his (Clark's) book."

Clark broadened his attack today, saying that while Hoover had made "some valuable contributions" by showing that a big agency can be effective, these were offset by "two grave shortcomings."

"If an investigator has to be anything, he has to be a disenthralled observer, a hard hard pursuer of facts," Clark continued. "He cannot be ideological. For reasons that are unfortunate, in my judgment, the FBI became ideological some time back. This has put scales over its eyes."

The other failure, he maintained, was the lack of diversity within the Bureau. Clark said there was an "intolerance of different viewpoints," and that the last man who dared question Hoover "has been gone for some time."

Clark said that the pursuit of the Communist Party of the U.S.A. "is an illustration of the terribly wasteful use of resources" growing out of the FBI director's belief in "the ideology of a different time."

Clark wondered "why it's so difficult for him (Hoover) to begin civil rights investigations" and said there was a question how good the FBI was in investigating "unlawful police conduct."

Clark is a member of the executive council of the new committee, which plans to investigate and publicize what it regards as political repression. Other council members include former assistant U.S. Attorney Generals Roger Wilkins and Bourke Marshall, and onetime Nuremberg war crimes prosecutor Telford Taylor.

Playwright Lillian Hellman, the principal organizer of the group, also spoke at today's news conference. She said she felt impelled to do something last spring because "some of us thought we heard the voice of Joe McCarthy coming from the grave."

Exhibit 3

Lillian Hellman

Playwright ("The Children's Hour," "Watch on the Rhine," "The Little Foxes," "Another Part of the Forest," adaptation of "Montserrat," "Autumn Garden"). Born in New Orleans; resides at Hardscrabble Farm, near Briarcliff, Westchester County, N.Y. Married to Arthur Kober, writer. Has been one of the most important figures in the Communist-front movement in the American theatre and literary world. Good friend of such as Dashiell Hammett, E. Y. Harburg, Herman Shumlin (producer of "The Little Foxes"), etc.

Reported as:

Allied Voters Against Coudert: Sponsor, "Stars for Democracy" Rally, Carnegie Hall, N.Y.C., 10/21/42. *App. 9*, p. 316.

American Committee for Democracy and Intellectual Freedom: Signer, Petition to Discontinue the Dies Committee. *App. 9*, p. 331.

American Committee to Save Refugees; Exiled Writers Committee of the League of American Writers; United American Spanish Aid Committee: Chairman, "Europe Today" Dinner Forum, Hotel Biltmore, N.Y.C., 10/9/41. *App. 9*, p. 357.

American Labor Party: Affiliated. HUAC, *Review*, etc., p. 22.

American League for Peace and Democracy: Sponsor, Refugee Scholarship and Peace Campaign, 8/3/39. *App. 9*, p. 410.

American League Against War and Fascism: Member, Advisory Board, United Citizens' Committee, 1936. HUAC, *Testimony of Walter S. Steele*, p. 29.

American Council on Soviet Relations: Affiliated. HUAC, *Review*, etc., p. 52.

American Round Table on India: Member. *App. 9*, p. 1772.

Amicus Curiae Brief for Lawson & Trumbo: Signer, Petition to U.S. Supreme Court to review the conviction of John Howard Lawson and Dalton Trumbo. *Alert*, 9/12/49.

Artists' Front to Win the War: Speaker, Meeting, Carnegie Hall, N.Y.C., 10/16/42. *App. 9*, p. 575.

Artists League of America: Sponsor, Dance, Penthouse, 13 Astor Place, N.Y.C., 3/25/44. *App. 9*, p. 1101.

California Labor School: Affiliated. HUAC, *Review*, etc., p. 24.

Citizens Committee for Harry Bridges: Member or Sponsor, 1941. *App. 9*, p. 599.

Citizens United to Abolish the Wood-Rankin Committee: Supporter, NY *Times*, ad, 3/14/46, p. 18.

Communist International; U.S.S.R.:

Sponsor, Dinner Celebrating 25th Anniversary of the Red Army, auspices *Soviet Russia Today*. HUAC, *Review*, etc., p. 47.

Supported by Soviet agencies, press or radio. HUAC, *Review*, etc., p. 48.

Signer of declaration honoring Georgi Dimitrov (onetime Comintern head), Reichstag Fire Trial Anniversary Committee, ad, NY *Times*, 12/22/43, p. 40. *App. 9*, p. 1531.

Other Support of Georgi Dimitrov. HUAC, *Review*, etc., p. 42.

Her plays, "Watch or the Rhine" and "Little Foxes," performed in Moscow theatres. *Soviet Russia Today*, October 1945, p. 32.

Sent greetings to Moscow Art Theatre on its 50th Anniversary. *Daily Worker*, 11/1/48, p. 13.

Miscellaneous support given to Soviet Union. HUAC, *Review*, etc., p. 49.

Communist Party USA:

Supporter of individual Communist(s). HUAC, *Review*, etc., p. 40, 45.

Supported by Communist Party. HUAC, *Review* etc., p. 39.

Signer, "Statement by American Progressives on the Moscow Trials." *Daily Worker*, 4/28/38, p. 4; *New Masses*, 5/3/38, p. 19; *App. 9*, p. 1617.

Signer, "Statement in Defense of the Bill of Rights" (in support of the Communist Party), 12/14/39. *App. 9*, p. 1126.

Congress of American Women: Supporter. HUAC, *Report on the Congress of American Women*, p. 105.

Coordinating Committee to Lift the Embargo: A "Representative Individual." *App. 9*, p. 668.

Equality: Member, Editorial Council, 1939; also contributor. *App. 9*, pp. 695, 696, 698, 1449.

Films for Democracy: Member, Advisory Board. *App. 9*, p. 729.

Film Audiences for Democracy: Member, Advisory Board. *App. 9*, p. 730.

Frontier Films: Member, Advisory Board. *Daily Worker*, 4/6/37, p. 9; *App. 9*, p. 732.

Friends of the Abraham Lincoln Brigade:

Sponsor. *App. 9*, pp. 756, 1120.

Sponsor, Campaign to Aid Spain Veterans. *Daily Worker*, 6/11/38, p. 4; *App. 9*, p. 753.

Sponsor, Rehabilitation Fund. *App. 9*, p. 753.

Sponsor, Disabled Veterans Fund. *Daily Worker*, 3/22/39, p. 5; *App. 9*, p. 754.

German American Emergency Conference, Inc.: Sponsor. *App. 9*, p. 1121.

Harlem Women for Wallace: Speaker, 6/9/48. *Daily Worker*, 6/10/48, p. 6.

History Today, Inc.: Member, Board of Directors. *App. 9*, p. 725.

Independent Citizens Committee of the Arts, Sciences and Professions:

Member, Board of Directors. Letterhead, 4/30/46.

Contributing editor, *The Independent*, June 1945.

Speaker. *The Independent*, 6/3/45, p. 13.

Speaker, Theatre Panel, Conference of the Arts, Sciences and Professions, 6/22–23/45. *Daily Worker*, 6/10/45, p. 14.

International Committee on African Affairs: Speaker, Mass meeting. *Daily Worker*, 4/10/42, p. 1, 3; *App. 9*, p. 671.

Joint Anti-Fascist Refugee Committee:

Sponsor, Dinner, 10/27/43, Hotel Astor, NYC. *App. 9*. p. 941.

Sponsor, "Tribute to Guerrilla Fighters" Dinner. *App. 9*, p. 944.

Principal speaker (she had just returned from 4 months travel in the U.S.S.R., where she had been the guest of VOKS, the Soviet Cultural Dept.), Dinner opening drive for $750,000 (she contributed $1,000), NYC, 3/22/45. U.S. Senate, *Hearings on S. 1832*, Part 2, p. 532.

League of American Writers:

Signer, Call to the 4th Congress of LAW, NYC, 6/6–8/41. *App. 9*, p. 974.

Signer, Cable in support of Loyalist Spain, 3/19/38. *New Masses*, 3/29/38, p. 21; *App. 9*, p. 981.

League of Women Shoppers, Inc.:

A Vice-president. Letterhead, 7/7/41; *App. 9*, pp. 1007–1010.

Sponsor also of New York, Hollywood and Los Angeles Branches of LWS, Inc. Letterhead, 7/3/41; *Un-Am. Act. in Cal., 1948*, pp. 277, 278.

Medical Aid to Russia: Affiliated. HUAC, *Review*, etc., p. 52.

Medical Bureau and North American Committee to Aid Spanish Democracy: Affiliated. HUAC, *Review*, etc., p. 30.

National Committee to Combat Anti-Semitism: Sponsor, *App. 9*, p. 1172.

National Committee for People's Rights: Member. Leaflet, "This Organization Is Dedicated. . . ."; *App. 9*, p. 1179.

National Council of American-Soviet Friendship:

Sponsor, 10th Anniversary of American-Soviet Relations Congress, Madison Square Garden, 11/8/43. *Daily Worker*, 9/29/43, p. 5; 10/25/43, p. 3; *App. 9*, pp. 481, 1202.

Sponsor, Congress. *App. 9*, p. 1203.

Speaker, American-Soviet Cultural Conference, Engineering Societies Bldg., NYC, 11/18/45. HUAC, *Testimony of Walter S. Steele*, p. 99.

Speaker, Women's Committee Meeting, Soviet Consulate, NYC, 3/7/46. HUAC, *Report on Congress of American Women*, p. 90.

Participant, Tea on International Women's Day, given by NCASF in honor of Soviet women, Soviet Consulate, N.Y.C., 3/8/46. Daily Worker.

Sponsor. *Soviet Russia Today*, March 1947, p. 2; letterhead, 5/9/49.

Signer, Greetings to Women of the Soviet Union in Celebration of International Women's Day, auspices Women's Committee of NCASF. *Daily Worker*, 3/9/48, p. 5.

Supporter of NIKHAIL KALATOZV, Soviet film representative. HUAC, *Review*, etc., p. 44.

National Council of the Arts, Sciences and Professions:

Vice-chairman. Letterhead, 6/7/48.

Nominee for Office, Theatre Division Rally, Hotel Woodstock, NYC, 9/20/48. Handbill.

Signer, ad, "We Are For Wallace," NY *Times*, 10/20/48.

Signer, Statement calling for abolition of House Committee on Un-American Activities. *Daily Worker*, 12/29/48, p. 2.

Attended and donated $250, Meeting to Abolish House Committee on Un-American Activities, Hotel Commodore, NYC, 1/9/48. Special report.

Signer, Invitation to Scientific and Cultural Conference for World Peace, NYC, 3/25–27/49. *Daily Worker*, 1/10/49, p. 11.

Sponsor; Member of Program Committee; Member of Resolutions Committee; Helped present the resolutions, Scientific and Cultural Conference for World Peace. Program; Official Invitation; *Daily Worker*, 2/28/49, p. 9; U.S. Senate, *Hearings on S. 1832*, Part 2, pp. 548, 551.

On dais; also a speaker, Welcoming Dinner for Scientific, etc. Conference, Waldorf-Astoria Hotel, 3/25/49. U.S. Senate, *Hearings on S. 1832*, Part 2, p. 544.

National Emergency Conference for Democratic Rights: Signer, "Open Letter to the U.S. Senate." *App. 9*, p. 1212.

National Institute of Arts and Letters: Signer, Letter denouncing the Thomas Committee of Congress. *Daily People's World*, 2/27/48. *Un-Am. Act. in Cal., 1948*, p. 330.

National Wallace for President Committee: Member. *Daily Worker*, 3/26/48, p. 7.

New Masses: Affiliated. HUAC, *Review*, etc., p. 56.

"New Party" (Independent Progressive Party): Member, Platform Committee, 7/23/48. *Daily Worker*, 7/19/48, p. 5.

North American Spanish Aid Committee: Sponsor, "Campaign to Aid International Volunteers *App. 9*, p. 1610.

Progressive Citizens of America:

A Vice-chairman. *Un-Am. Act. in Cal., 1948*, p. 354.

Speaker. "Stop Anti-Labor Legislation" Meeting(s), NYC, 1947. HUAC, *Testimony of Walter S. Steele*, p. 149.

Participant, "Conference on Cultural Freedom and Civil Liberties," Hotel Commodore. NYC, 10/25–26/47, auspices National Arts, Sciences and Professions Council of PCA. Official Call; *Daily Worker*, 10/27/47, p. 2.

Progressive Committee to Rebuild the American Labor Party: Member, Executive Committee. *App. 9*, p. 1500.

Progressive Party:

Attended three-day conference. *Daily Worker*. 11/16/48, p. 5.

Sponsor. Fund-raising Dinner in honor of Henry A. Wallace, Hotel Astor, NYC, 9/12/49. Official invitation.

Russian War Relief, Inc.: Signer of appeal. NY *Times*, ad 10/10/41; *App. 9*, p. 475.

Soviet Russia Today: Signer, "Open Letter to American Liberals." *Soviet Russia Today*, March 1937, pp. 14–15; *App. 9*, p. 1379.

Theatre Arts Committee: Member, Executive Board. Letterhead, 1/26/40; *App. 9*, pp. 1539, 1626

United Office and Professional Workers of Committee, 5th Annual Stenographers' Ball, Manhattan Center, NYC, 2/10/40 (to raise organizational and strike fund). Letterhead, 1/1/40.

Voice of Freedom Committee: Affiliated. HUAC. *Review*, etc. p. 35.

Writers for Wallace: Member, Initiating Committee. *Daily Worker*, 9/21/48, p. 7.

Veterans of the Abraham Lincoln Brigade:

Signer, Letter to Pres. Roosevelt and Atty. Gen. Jackson, protesting the attacks upon the Veterans of the Abraham Lincoln Brigade and "condemning the war hysteria now being whipped up by the Roosevelt administration." *Daily Worker*, 2/21/40; *App. 9*, p. 1648.

Endorser, Conference, Hotel Capitol, NYC, 4/13/40. *Daily Worker*, 3/25/40; *App. 9*, p. 1649.

Miss Hellman accepted an invitation to be an American delegate (with Rosamond Gilder) to an International Congress of the International Theater Institute, Paris, 7/28/47. HUAC, *Testimony of Walter S. Steele*, p. 118.

Lillian Hellman has not separated her activity in organizations cited as Communist or Communist fronts, from her playwriting. *App. 9*, p. 1539, notes that Miss Heller is "the writer of a number of plays like Little Foxes which guardedly carry the Communist message." Herman Shumlin produced "Little Foxes."

Kermit Bloomgarden produced, Harold Clurman directed, Howard Bay designed the sets and lighted, and Fredric March, Florence Elridge and others acted in Lillian Hellman's latest play, "The Autumn Garden."

"The Autumn Garden" on the whole was not acceptable to *The Daily Worker* (but Arthur Pollock in *The Daily Compass* recently has said nice things about her and about the play; see *Daily Compass*, 2/26/51, p. 12, and 5/4/51, p. 20).

Recently, persistent rumors have circulated in the theatre and in NY ad agencies that Miss Hellman had either given up "the cause" altogether, or had become a "deviationist."

In view of Lillian Hellman's solid position over many years, as revealed in her record, any alleged change on her part would seem to require a great deal of proving—by very considerable *action*, not words.

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Communist Party USA: Member. In testimony before the House Un-American Activities Committee, Los Angeles, 9/19/51, Martin Berkeley swore that he was active in the Communist Party between 1937 and 1943 and that he had known Lillian Hellman in the Party.

ARTICLE ON TAX REFORM BY NORTH CAROLINIAN

Mr. ERVIN. Mr. President, in the February 1970, issue of the Journal of Accountancy, a North Carolinian, Mr. William H. Westphal, has written a broad-ranging article on tax reform. Mr. Westphal, who is a past president of the North Carolina Association of Certified Public Accountants, is not satisfied at past efforts at tax reform. Mr. Westphal characterizes past efforts at tax reform as attempts "to pour new wine into old wineskins." He states further:

> True tax reform can come about only after an intensive unbiased examination of the philosophy of present procedures.

In his article Mr. Westphal examines the present tax philosophy and the nature of the tax law and how it can be improved. Also, he considers tax reform from an administrative standpoint by examining the Internal Revenue Service, and he takes a look at the tax decisions of the Federal courts in this regard.

Mr. President, for a very enlightened discussion of tax reform policies, I wholeheartedly recommend the article entitled "What Is Tax Reform?" which was published in the Journal of Accountancy in February 1970.

Mr. President, I ask unanimous consent that Mr. Westphal's article on tax reform be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT IS TAX REFORM?

(By William H. Westphal)

The public demand for tax reform has never been so urgent. This universal concern grows out of the influence of an income tax law which has been all-pervasive. It has been used not only to obtain necessary revenue but as a deterrent to inflation, as an instrument of social reform, as a manner of redistributing the wealth, and even as a means of bringing criminals to justice.

Yet how is the desired change to be wrought and of what should it consist? Is it to be accomplished by the manipulation of the tax rates, by the allowance or removal of exemptions, by taxing certain institutions that have not been taxed before, by plugging some loopholes? It is usually considered on this basis and often, after a certain number of corrections and innovations, the evils still persist in another form. The conventional thinking appears to be that we already possess a generally satisfactory taxing system, so that the only requirement for its functional efficiency is the change of certain sections of the law. Because I believe that a conceptual foundation must be laid before technical construction can properly begin, I shall undertake a philosophical approach to the question of reform of the tax system. After a number of years devoted to the consideration of the effect of the federal income tax laws upon many taxpayers, I am constrained that anticipated tax reform has always been treated on a relatively superficial basis in a continuing endeavor to pour new wine into old wineskins.

We might consider just how the effectiveness of any other law would be determined. For example, if we should seek to ascertain the adequacy or relevance of criminal law, our review would encompass the following facets of the problem:

1. The nature of the law
2. The administrative philosophy of enforcement procedure
3. The decisions of the courts of competent jurisdiction.

The failure to take all of these components of the problem into account would preclude observations and conclusions that are thoroughly considered.

The tax law must be examined in the same fashion, for the treatment of any phase of this matter as sacrosanct or untouchable will result in failure to deal effectively with the problem as a whole. Therefore, in examining the question of tax reform, these same three vital ingredients must be evaluated, for unless this is done, one may well be treating only the symptoms and not the root causes of our difficulties. The true effect of the tax law is measured by the end result: the tax paid with the return, the amount imposed by the Internal Revenue Service, or the deficiency finally determined by the courts. The uncertainty of the law's meaning, the basis for much bitter complaint, is not attributable only to its phrasing, but also to administrative procedure and to judicial determination. Related to all of these phases of the law's operation is the need for relief from the grossly unfair tax resulting from an honest error, a technicality or a harsh court decision.

THE NATURE OF THE TAX LAW—HOW CAN IT BE IMPROVED?

The tax law is an enormously complex set of statutes that have been revised, altered and adjusted until the patchwork has become almost unintelligible. It has been codified twice and amended on innumerable occasions. It does not represent the gradual evolution of the law through the careful distillation of experience, but a series of amendments superimposed one upon the other, because of an immediate need for revenue, the popular demand for tax relief, the pressure of interested special groups or an effort to prevent some type of tax evasion. The consideration of appropriate philosophical concepts, the careful balancing of one section against another, and the evaluating survey of the law as a whole seem always to have been seriously lacking.

No task can be performed to the best advantage in such circumstances, and the writing of a tax law is no exception. It is a testimonial to the outstanding quality of the Congressional committees that have been engaged in this effort that, in spite of these handicaps to sound draftsmanship, a degree of workability has been attained.

A comprehensive revision of the tax law should be based on a nonpartisan study in great depth by a thoroughly knowledgeable commission. It should be composed primarily of highly competitive professional men or women who are broadly experienced in the tax, financial and economic fields, possessing no particular axes to grind. This type of examination of the Canadian law was undertaken a few years ago and proved quite fruitful.

This group might decide first just what method or methods of taxation are most desirable, taking into account the tax experience in this country, both state and federal, and in other countries.

If it considers that the presently existing form of income taxation should be retained, it should then examine the Internal Revenue Code intensively from every possible standpoint.

This review should compare the tax effect of the law upon taxpayers of comparable income class, but with differing financial or occupational status to ascertain any existing inequality of treatment and the best means of placing them on a parity. It should decide whether taxes should be imposed on any additional persons or entities who now appear to be escaping their share of the tax burden.

Hasty conclusions should not be reached regarding the changes that need to be made, based on half-truths, insufficient information or purely emotional appeal. The Congress should not be stampeded into the hurried application of additional taxes to a particular class of taxpayers merely because there may be a hue and cry to do it. While privileged positions under the tax law should not be regarded as inviolate, the reasons for which they came into being should be examined, and the probable long-range social and economic implications of their removal should be considered before action is taken. Also, the law that is proposed should be feasible and workable—susceptible of practical implementation. The economic system is inordinately complex and solutions to its problems of taxation do not come easily. Although we can probably never regard the tax law as a seamless garment, we must by all means eventually cast off one that is a crazy quilt of legislation.

It is imperative that we should not become so enamored of simplification that we provide a Procrustean bed for taxpayers into which they will be forced, either to be unjustly cut down or financially mutilated in the cause of convenience by arbitrary and simplistic rules. It is likewise important that the generations of sound tax scholarship that have gone into the development of the present law should not be wantonly sacrificed for the sake of streamlining the statute.

However, the finest available thinking should be devoted to simplification, rather than hairsplitting definition, and to the clear establishment of basic principles with which reasonable men can live, rather than to pinpoint delineation.

The use of a competent study commission has been found to be profitable by a number of states in effecting changes in their tax laws. Not only would it represent a pool of talent and knowledge possessed by persons who are willing and able to give the necessary time to the task, but to a degree its use would serve to insulate members of Congress from continuing political pressure during the study period. This statement is made with a full awareness of the constitutional principle that those engaged in devising tax laws must be responsive to the people. Nevertheless, while the formulation of tax policy should not take place in a corner, a suitable tax law cannot be written in a public arena before a mass of spectators. The suggested approach is a deep intensive study by the commission, and its report, together with tentative drafts of the proposed law, for the lengthy examination of the Congressional committees. The report should not be permitted to gather dust in the archives but should be intensively used as a work of reference.

Appropriate publicity given to a sound report by such a commission might achieve substantial public acceptance of many of its conclusions. This could minimize the impact of efforts exerted by special groups for preferential treatment and strengthen the position of the Congressman or Senator who wishes to incorporate the proposed findings in the law with a minimum of change.

ADMINISTRATIVE PHILOSOPHY

As a result of long experience, I am thoroughly convinced of the honesty, integrity and competence of virtually all of the officials of the Internal Revenue Service. For an organization so tremendous, for a task so colossal, they have performed admirably. Nevertheless, while administration of the criminal law is the subject of continuous public discussion, little is said about the manner of enforcing the Internal Revenue statutes and whenever it is mentioned, it is likely that those who consider it will skirt the question. Complete frankness in examination of the Internal Revenue Service's enforcement techniques and philosophy and discussion with absolute honesty and candor are prerequisites to thorough planning for tax reform. The manner of enforcement may transform a mild law into an instrument of terror or cause a strongly worded statute to be almost wholly ineffective. A valid relief provision may fail because of hostile and overly stringent administrative application. The impression gained by the public of the nature of enforcement is likewise of immense importance to the success of a self-assessing tax system. Because of friendly relationships with many fine officials of the Internal Revenue Service, I have a kindly feeling toward it, yet I believe that the basic criticisms I submit can best come openly from its friends, rather than secretly from its enemies and detractors.

There are many practices within the Internal Revenue Service that might stand revision, although in an organization so large with a task so great this may be expected. I shall deal with two of the undesirable results of its basic philosophy which serve to render the application of the Internal Revenue Code more confusing.

1. The circuitous approach followed in settling difficult questions of tax law that arise in income tax examinations.

2. The promotion of litigation, rather than its avoidance, by the administrative "protect the revenue" policy and, accordingly, the undue emphasis on the adversary approach to such questions.

One of the most serious difficulties encountered by the taxpayer is the disposition of many troublesome questions of law that may come into focus in a field examination. Some of these issues may be raised by the examining officer primarily for protective purposes, but they cannot be settled until the case finally goes to the Appellate Division, often after it is docketed in the Tax Court. A long period of time may elapse between the revenue agent's examination and the eventual disposition of the case, and the finally asserted deficiency may be much lower than that proposed in the agent's report. These endlessly drawn out controversies, followed by a drastic reduction of the tax, are very lucrative to tax practitioners—but are destructive of taxpayer morale and are conducive to disrespect for the Internal Revenue Service. Surely sufficient ingenuity exists at the tax bar to develop an approach that will result in a much speedier disposition of such cases without the traumatic effect of a tremendous proposed tax deficiency that is not likely to be paid in full. The litigating possibility approach emphasizes the desirability of contesting issues with the Service and puts a premium not on taxpayer compliance but on a litigious attitude. This places the sophisticated, contentious taxpayer in a position of marked advantage over the easygoing, acquiescent one, who may be excessively anxious to cooperate with his government. Should a tax result be governed by the right of the case or by the belligerence of the taxpayer?

Although the Service in its examinations strives to prevent the taxpayer from postponing taxation improperly by claiming deductions currently that should be taken in a later year, its tactics in delaying final settlement of cases because of the protracted disputes has the same effect of tax deferment. If cases that take several years to settle could be disposed of reasonably in their early stages, the tax money would be received several years sooner with resulting benefit to the Treasury.

This problem might be reduced from its present alarming proportions (1) by arranging conferences between the taxpayer and the Service, as this is done in the case of reorganizations and pension plans, on many other prospective transactions and (2) by applying to a disputed issue in a tax return the most experienced and authoritative thinking possible at the inception of the controversy, rather than at the approach to the trial table.

Many of the troubles growing out of relationship to the Internal Revenue Service seem to stem from the belief that it should use its knowledge to extract the last possible dollar of revenue in a given case on a technicality without regard to future effect of this action on the law. This has occasionally been manifested by the unwillingness to accept the obviously sound and practical decision of a lower court in the desperate attempt to obtain a harsher interpretation out of a higher court, entirely in the hope that a greater tax might be possible.

I believe that the Service should follow the adjudication of the courts when they have repeatedly taken a certain position. The unwillingness to concede that an issue is settled when numerous decisions are recorded against it, placing the burden of expense on taxpayers to litigate the matter afresh, promotes resentment and disrespect for the Treasury and is hurtful to its relationship with the taxpaying public.

It is my view that the Service should abstain, as much as possible, from the attempt to assert taxes in amounts that are clearly confiscatory on the basis of hairsplitting technicalities.

Also, I firmly believe that if the Service considers that a decision of a court is harsh and difficult to apply, it should take steps, through an effort to change the law, or by any other means at its command, to alleviate its effect, rather than use it in opportunistic fashion to obtain more revenue.

The Internal Revenue Service as an organization possesses the most comprehensive accumulation of knowledge available for use in the practical application of the income tax law in the field. It could avoid taking many issues to court by establishing and adhering to fair and reasonable rules of statute construction untouched by a desire to acquire the maximum possible amount of revenue in a given case. It could greatly limit litigation without injury to the tax structure or to the long-term yield attained, and, in doing so, it would perform a service of inestimable value to the nation. Nevertheless, too often instead of applying its vast experience to effect a reasonable disposition of troublesome issues, it will persist in needlessly throwing them into the courts. I am convinced that this continued practice adds greatly to the confused state of the law and sometimes opens as many loopholes as it closes.

Litigation should not be pursued by the Service on an aimless, *ad hoc* basis with only a concern for immediate revenue gain but for the purpose of building a sound, clearly discernible and thoroughly understandable framework of case law that will help to chart the course of both the government and the taxpayer.

I do not think that trial by combat will ever achieve consistently the equitable result that is possible when men of good will seek conscientiously to compose their differences around the table. Unfortunately, the tax practitioner is presently compelled by his position to be an advocate and the role is forced upon him whether he wishes to fill it or not. The many fine conferees in the Internal Revenue Service are likewise, to a degree, prisoners of the system of philosophy that has grown up over the years and must, of necessity in a controversy, take the position that is dictated primarily by the estimate of the litigating possibilities in the case. It is time to cast off the old philosophy and to substitute something better.

The Service may say that it has sought to encourage the CPA to take upon himself the mantle of the objective arbiter in tax cases, but without much success. The answer is that the Service itself must make the first move in this direction. It is not possible for the practitioner to survive as a representative of the taxpayer in large and important tax disputes if he abandons the position of advocate when the government does not. If he does, the task of representing the taxpayer will go to his competitor. The Treasury, however, can initiate a changed policy in this respect, for it has no clients to lose. At the outset, some revenue might be lost by doing this; nevertheless, I believe that the long-range effect of a gradual transition to a changed position would be most salutary.

Such a marked revision in philosophy would enable the Treasury to enlist the cooperation of most tax practitioners to promote the negotiated settlement rather than the litigation approach to disputed questions.

Members of the tax study commission should explore the problem of administration intensively. In this endeavor, they should be part of a committee which should also include members of the AICPA, the ABA, any other reputable tax practitioners' organization and the Internal Revenue Service.

DECISIONS OF THE COURTS

Very often, research of the cases relating to a complex tax question discloses a seeming welter of confusion, adding to the uncertainty regarding the law's application. I believe that much of the grave difficulty in this area grows out of what has been referred to as the "trifurcated system" of courts. A taxpayer may, without paying his tax, go into the Tax Court of the United States, appeal the decision of this court to the Court of Appeals for his circuit and, if the question justifies it, take the matter to the Supreme Court of the United States. On the other hand, he may pay the tax, bring suit in the District Court and have the same appeal to the Court of Appeals and the Supreme Court. There is yet another avenue of redress: he may pay the tax and sue the United States in the Court of Claims, District of Columbia, from which an appeal lies only to the Supreme Court. Now the possibility for endless confusion growing out of this situation is obvious. The impression seems to prevail in legal circles that a taxpayer's opportunity for victory in a number of cases is greater in the United States District Court or in the Court of Claims than it is in the Tax Court, and so many taxpayers who are able to pay their tax before the suit will go into one or the other of these, depending upon which they believe presents the best possibility for success. The feeling that the Tax Court may be a less favorable forum in which to bring such action, whether or not this view is correct, seems to grow in part out of the fact that a number of Tax Court judges have formerly been attorneys for the Internal Revenue Service or the Department of Justice. This, some believe, may orient the Court to government thinking if only subconsciously and imperceptibly. Nevertheless, the fact of the prevalence of this view may tend to scatter cases throughout other courts, although the Tax Court with its great experience in this field should be better versed technically in this subject.

Obviously, this continual shifting to a variety of courts tends to prevent uniformity in interpretation to the degree that this might be possible if one court should deal with nearly all of the cases.

There may be two possible avenues to a correction of this condition. The first would require by operation of law that tax cases be taken to a special tribunal such as the Tax Court to insure uniformity of treatment and expeditious handling. If this is not done, however, and it is not recommended herein, steps might be taken that would insure the development of more gen-

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eral satisfaction with the Tax Court as a forum to which these disputes should be brought. A possible approach would be a continuing effort to achieve a balance on the court by having an equal representation of appointees from private legal practice.

I believe that a committee composed of legal members of the tax study commission, together with members of the American Bar Association, should very thoroughly and intensively examine the matter of tax litigation, looking to the possibilities of eliminating some of the confusion attendant upon such a wide range of decisions coming from different courts on the same basic question.

THE GROSSLY UNFAIR TAX

There should be a workable method of counteracting the effect of those harsh decisions that result in the imposition of taxes far in excess of a reasonable amount in the circumstances. Too often when this occurs the attitude seems to prevail that everyone is helpless to do anything about it and the matter is dismissed, though it may be subject to some brief treatment in legal journals. Such lack of concern, while we seek other taxing worlds to conquer, engenders a bitterness and an animosity toward the taxing system which tends to erode it. This situation may arise when a taxpayer, through lack of experienced tax counsel, stumbles into a trap in the course of an important transaction and cannot extricate himself.

I believe that as much care should be exercised to be assured that outlandish and unjust exactions are avoided as to seek out other segments of the population to tax. The self-assessing system of which we are justly proud cannot remain effective unless it has the wholehearted, overwhelming support of a public convinced of its ultimate fairness. Decisions resulting in the imposition of an exorbitant tax in unfortunate circumstances should be studied continually by the bar groups to consider pressing for legislation to ameliorate the situation of similarly situated taxpayers.

Finally, there should be some basis for an appeal of the end result of a case, whether or not it has been adjudicated by the courts, if the final tax resulting to the parties involved is unreasonable in the light of the circumstances.

The cases referred to are those where, through some highly technical application of the law, the tax asserted is grossly disproportionate to the income benefits derived. It would seem possible that some commission or special court might be created by law to pass on such questions and eventually, on a basis of the equities in the case, to assign a fair and reasonable tax. This would, of course, require much study to determine the possible feasibility of such an approach and its necessary statutory background, but I believe it should receive earnest consideration.

The intensive study of the law, the examination of administrative procedure and policy, and the consideration of the litigation problem, may each go forward independently, but in the end all of these must be co-ordinated, for they are all a part of a cohesive whole. Such a task may not be completed in a day, or even in a year, but organization and determination should make it possible. It is the price of a sound and equitable taxing system.

There are some who will say that many of these undesirable features cannot be changed. This attitude insists, in effect, that the people are helpless before the very taxing system which, over a period of more than five decades, they have helped to establish. I am satisfied that in an era of change, the revisions that I have suggested can be brought about by the determined application of American ingenuity.

The earnest effort to accomplish this purpose will supply the one ingredient indispensable to acceptable taxation: the assurance of the public that its government is striving in every way possible to do justice in disposing of the difficult tax problems that impinge upon every phase of American economic life.

THE INTERNATIONAL SCENE

Mr. GURNEY. Mr. President, we are constantly being assured by our friends in the news media that a thaw is developing in our relations with the Soviet Union.

Day after day, we have editorial columns and network news commentary full of rosy and optimistic forecasts about detente.

I wish we could put our confidence in these forecasts, but I candidly confess that I am not so optimistic as are some of our friends in the press. I think that a good deal of this optimism is based on wishful thinking rather than on hard evidence. As a matter of fact, much of the hard evidence points in the other direction.

We were told early in October that the Gromyko-Rogers talks had been friendly and candid and meaningful. Yet on October 21, 1970, the Soviet Foreign Minister addressed the United Nations General Assembly in the extreme language reminiscent of his previous cold war barrages.

He accused the United States and Israel of conspiring to thwart peace in the Middle East. He denied that Russia had any part in the clear violations of the cease-fire agreement by the Egyptian Government. Indeed, he denied that the cease-fire agreement had been violated in the face of clear evidence to the contrary.

Like so many Russian charges of the past, the latest defies reason or logic. The idea that 2½ million "blood thirsty" Israelis are threatening the security of 80 million "peace-loving Arabs is so outlandish and absurd that it borders on insanity.

The Soviet Union has in its power, through its control of its Arab clients, to bring about peace in the Middle East. The fact that it has not permitted peace to come to that sad and troubled area should give us pause before we pronounce the cold war at an end. I would also point out that the Syrian intervention in the Jordanian civil war last month had the unmistakable mark of Soviet management.

The SALT talks resumed at Helsinki on November 2, 1970. I have not abandoned hope of some constructive arrangement coming out of those talks. But we must recognize that while we are thinking of meaningful disarmament, the Soviet Union is perfecting its arsenal. The Soviets exploded an underground nuclear device of substantial size on October 14, 1970.

We know that the Soviets, in the last 2 years have spent more than $9 billion on one strategic weapon system alone—the SS–9—which by the way is more than our entire current strategic military budget. And we all know, Mr. President, that the Soviets have been systematically expanding their navy with particular heavy emphasis on nuclear submarine capabilities. The presence of a strong Soviet fleet in the west to Suez in the east. The Soviet fleet is there—strong, efficient, and menacing.

Nor, I regret to say, have we heard the last of the possibility of a Soviet naval base in Cuba.

The Soviets have also been on the move on the diplomatic front. The visit of President Pompidou of France to the Soviet Union in recent weeks is a highlight, I think, of the new Soviet diplomatic offensive.

In August 1970 a nonaggression pact between the Soviet Union and West Germany was signed in Moscow with much fanfare and pomp.

Almost universally, the American press greeted this pact as new proof that the basic intentions of the Soviets were changed from the harsh belligerency of the past and that we were on the threshold of a new era of sweetness and light.

Quite candidly, this attitude seems almost naive. There seems to be a willingness, which I find unfortunate, for the press and some of our commentators to examine only superficially, matters of great consequence, and to avoid the realities and wider implications of such actions.

That is the way it is with the Soviet-West German nonaggression pact. Since no one can defend "aggression" in the abstract, any nonaggression pact must be desirable.

Therefore, this bizarre logic goes, no additional thought need be given to this pact. This casual approach to matters of great consequence is completely unrealistic.

I am encouraged that the various members of the Christian Democrat Party in the German Bundestag have raised penetrating and substantial questions about this treaty, about its implications and about long-term consequences.

Chancellor Brandt has not yet formally submitted the treaty to the Bundestag for the required ratification by two-thirds majority of the members, and the press has suggested that the treaty will not be formally submitted until there has been some easing of the Berlin situation.

In mid-October, the Soviets announced that they were unilaterally closing two of the three air corridors from West Germany to West Berlin.

Our response and the response of our British allies was to ignore this Russian ukase and to continue to fly our regular missions along our regular routes.

In the fact of this firmness, the Soviets backed down and insisted that the whole thing was a blunder or misunderstanding attributable to a subordinate air controller.

Reportedly, the West German Government will not formally submit the nonaggression pact to the Bundestag until, among other things, the allied access rights to the city of Berlin are clarified.

Berlin, of course, is only a part of the problem. It has been suggested that acceptance of this pact by West Germany will amount to a formal and indeed permanent, recognition of the division of Germany.

During his long and honorable tenure as Chancellor, Conrad Adenauer and his Christian Democrat Party, the CDU, had insisted that the division of Germany was a temporary and artificial arrangement, one that would ultimately be brought to an end. The end, of course, distant but never impossible, was to be the reunification of the German state.

Apparently, Chancellor Brandt has forsaken that dream. His "Ostpolitik," as exemplified by these meetings with the East German Government earlier this year and by the German-Soviet nonaggression pact in August and other internal moves, imply that he and his Socialist Party are now prepared to accept as permanent the division of Germany into two separate states.

We have heard some rumblings from the Christian Democrats on this score and we will doubtless hear a good deal more when the Bundestag debate begins in earnest on the treaty.

Americans will follow this debate with a great deal of interest and hopefully adopt a more circumspect attitude regarding these developments. I recall that the distinguished Senator from Colorado (Mr. ALLOTT) addressed himself to the economic aspects of the treaty in August. In his usual penetrating fashion, he probed beneath the surface of this pact and asked some pointed questions. I think we would do well to follow his example in this regard.

The one question that comes immediately to mind is what precisely did the Socialist government hope to gain from this arrangement? Surely, Western Germany poses no military threat to the Soviet Union.

The Soviet Union, on the other hand, since World War II, has posed and, in my view, continues to pose the major military threat to the security of Western Europe.

The sanctity of a treaty has never acted as a deterrent to Soviet imperialism in the past, and the likelihood of the Soviets in the future refraining from action because of the existence of a treaty commitment is, in my judgment, not great.

This Soviet guarantee to respect the territorial integrity of West Germany is on a par with the Soviet treaty of peace and friendship with Czechoslovakia. Its validity is based on Soviet needs and will be honored to the extent that the Soviet Union deems it in its interest to honor it.

It occurs to me that it is not hard to understand what the Soviet Union sought from this treaty—obviously final recognition of the division of Germany, which I have already mentioned, but additionally, and this may be equally important to the Soviets, economic advantages from the West German industrial complex in terms of the credits, technology, and expertise which would flow from a revival of or an increase in trade between the two countries.

We think of the Soviet Union as a highly developed industrial state, as indeed it is in many respects.

It can boast of a military capacity which is certainly awesome. Its accomplishments in space are well known.

But all this might and hardware has been at the expense of soft goods, consumer goods, and the amenities which we in the West take for granted.

The Soviet's economy is on a wartime footing, preoccupied with weaponry and related fields.

As Mr. Stanley Karnow pointed out in his report from Leningrad in the Washington Post early in October, the gulf between the U.S.S.R. and Western countries is no place more evident than in the field of agriculture.

Because the Soviet Union's agricultural system is so primitive and backward, 45 percent of the Soviet work force—roughly half—must engage in farming.

By way of contrast, in the United States approximately 8 percent of our labor force is engaged in agriculture; in Western Europe the percentage averages 14 percent. In spite of Russia's large manpower devoted to agriculture, her accomplishments in this field have been most unsuccessful.

Since the 1917 revolution, we have almost annual stories about crop failures, bad weather, and blights. Russia, which in Tsarist times had been the breadbasket of Eastern Europe and an exporter of wheat, has in recent years been forced by these annual "crop failures" to become an importer of wheat. I must agree with the distinguished Senator from Colorado (Mr. ALLOTT) that the economic implications of the nonaggression pact are not fully appreciated or understood by Western observers.

Mr. President, I think we should by all means pursue opportunities for discussion and negotiation with the Soviet Union. But we should not let our national optimism blind us to the realities of the world situation.

We must not engage in wishful thinking for the Soviet Union continues to be an adversary, and a potential enemy. We cannot adopt an uncritical, unthinking attitude in current and future negotiations with the U.S.S.R. Other nations have, to their detriment. We must continue to be hard-nosed and tenacious in our positions.

When we hear of a "thaw," let us not forget that the Czechoslovakian invasion took place scarcely 2 years ago. Let us remember the situation in the Middle East and the continuing Soviet aid to North Vietnam. Czechs, Israel citizens, and citizens of South Vietnam would certainly dispute the "thaw."

When we hear talk of the new "liberalism" of the Soviet pro-Khrushchev regime, let us not forget the continued oppression of Soviet artists, writers, and intellectuals. The constant oppressive and humiliating treatment of Soviet Jews must make talk of "Soviet liberalism" extremely hollow and unreal to Soviet Jews and to the oppressed religious minorities—the Christians, the Moslems—within the Soviet Union.

During the long debate on the antiballistic-missile program—on safeguard—an argument was advanced by the opponents of ABM that would have us believe that the installation of such a system by the United States would be viewed as a hostile and aggressive act by the Soviet Union.

The irony here is that the Soviet Union had deployed its own ABM system some time ago. That deployment was not viewed as an aggressive act by the United States.

It is another example of twisted logic. The Soviet deployment of an anti-ballistic-missile system is not regarded as either an aggressive or a hostile act. The deployment of a similar system by the United States is greeted by many Americans as an "escalation of the arms race," and we are told, in pontifical tones, that we must abandon ABM in the "interests of peace."

Mr. President, I hope with all my heart that the SALT talks will result in some meaningful truce in the arms race, but we should not, as a nation, let that hope blind us to the realities of the situation. Too often we approach negotiations with the Soviet Union with the notion that if only we can sit down together, frankly delineate our differences, we can solve the problem.

This notion, in my view, is simplistic and dangerous. We cannot approach these negotiations as though they were American labor-management talks—where there is good will on both sides and strong motivation for a solution or a reasonable settlement.

In my judgment—and also, I think, history bears out this analysis—the Soviets do not approach the negotiating table with the same ends in view.

Whereas we, as Americans, tend to think of negotiations as a means of ending or resolving a given dispute, the Soviets tend to think of negotiations as a means of waging conflict, not as a way to end it—as a tool to use for prospering their point of view—as a continuation of the conflict, if you will.

That is why, in the past, we have been so disillusioned by our negotiations with the Russians, and that is why so often our impatience and exasperation with the Russians has led us into unhealthy and undesirable concessions.

That is why the Western nuclear deterrent must remain strong enough to resist a Soviet attack.

That is why, in the final analysis, the one way, indeed the only safe way, to negotiate with the Soviets is from a position of strength.

The SALT talks, of course, we knew as useful and desirable. But we must approach them realistically and circumspectively, with the utmost patience, and make certain we are not outbargained by this most ruthless trader of all, Soviet Russia.

PUBLIC DISCLOSURE OF ENVIRONMENTAL IMPACT STATEMENTS

Mr. JACKSON. Mr. President, in recent days there have been a number of news stories concerning the release to the public of information contained in the detailed environmental impact statements required by the National Environmental Policy Act. Russell E. Train, Chairman of the Council on Environmental Quality, has written to me in response to questions raised by members of the staff of the Senate Interior and

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Insular Affairs Committee and by recent news stories.

Chairman Train's position is that the intent and spirit of the law on public disclosure is being complied with by the Council and the Federal agencies. He does acknowledge that legislation may be required to insure that environmental impact statements are made available to the public at an early enough point in time to allow maximum citizen participation in decisionmaking.

Early in the 92d Congress the Senate Interior and Insular Affairs Committee will undertake a careful review of the performance of the Council and its administration of the act. An important aspect of this review will be the consideration of an amendment relating to public release of environmental impact statements. Other amendments which will be considered include the power of the Council to compel agency compliance with the act; the need for a systematic policy on environmental data and information; requirements for increased staff and funding for the Council; and the relationship of the Council to other agencies such as the Environmental Protection Administration.

I have written to Chairman Train and requested that the Council undertake a general review of the act and its administration and furnish the Senate Interior Committee with a report by December 31, 1970, on any areas in which new legislative authority is required as well as on any problems which have been encountered in administration. Following receipt of the report a definite date for hearings will be set.

Mr. President, I ask unanimous consent that Chairman Train's letter and my response be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C., November 19, 1970.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: As I am sure you noted, newspaper reports this past weekend may have created some concern that the Council on Environmental Quality is administering the environmental impact statement requirements of the National Environmental Policy Act in a fashion which frustrates citizen participation in decisionmaking. I wish to assure you in the most emphatic way possible that the Council has consistently and aggressively sought to ensure the fullest practicable information to the public, consistent with the Act. Furthermore, the Council is satisfied that its administration of the Act in this regard is in full accord with the intent of Congress. There has been absolutely no change in the policy of this Administration in this respect. Our procedures under the Act have been a matter of public record from the start, and we have not varied from these procedures.

Because of the widespread public concern over the matter, however, I welcome this opportunity to outline our understanding of the law as well as the procedures we are following thereunder. The National Environmental Policy Act provides in Section 102(2)(C) that every Federal agency shall "include in every recommendation or report on proposals for legislation and other Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official" on the environmental impact of the proposed action, possible adverse effects, alternatives, etc. Prior to making such a detailed statement the Section requires the responsible official "to consult and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved." The Section then provides that copies of such statements (the "detailed statements" referred to in the preceding sentence), together with the comments of appropriate Federal, State and local agencies, are to be made available to the Council on Environmental Quality and to the public pursuant to the provisions of the Freedom of Information Act.

You will note that the above-described statutory provisions make no mention of a draft environmental impact statement, nor do they provide for publication of any information prior to the completion of the "detailed statement" which can only be accomplished after receipt of comments from appropriate Federal, State and local agencies.

Subsequent to passage of the National Enviromental Policy Act, on March 5, 1970, the President issued Executive Order 11514, entitled "Protection and Enhancement of Environmental Quality," in furtherance of the purpose and policy of the National Environmental Policy Act. Section 3(h) of the Executive Order directed the Council to "issue guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by Section 102(2)(C) of the Act." The Executive Order also went well beyond the requirements of the statute itself in directing the fullest practicable disclosure of environmental information. Thus, Section 2(b) of the Executive Order directs Federal agencies to:

> (b) Develop procedures to ensure the fullest practicable provisions of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall iinclude, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment.

Pursuant to this Executive Order, on April 30, 1970 the Council issued interim guidelines to asure agency compliance with Section 102(2)(C) and Section 2(b) of Executive Order 11514. These guidelines were published in the Federal Register of May 12, 1970. Because of the need to regularize the process of consultation between Federal agencies prior to the completion of the detailed (final) environmental impact statements, the Council's guidelines instituted a working procedure calling for draft statements. These draft statements are to be "prepared and circulated for comments and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved."

The requirement of the National Environmental Policy Act that Section 102(2)(C) statements be made available to the public under the Freedom of Information Act clearly refers to the completed, detailed, and commented-upon statements (the only statements contemplated in the law) and it is this construction of the statute which we have consistently applied.

It has been our practice to refer public inquiries concerning environmental statements to the issuing agency in order to relieve our very limited facilities and staff of the burden of distributing the statements to the public, and in order to make clear that compliance with the National Environmental Policy Act is the responsibility not only of the Council on Environmental Quality but also of the responsible Federal agency. Nevertheless, we have always made clear that should the citizen inquirer have any difficulty in obtaining copies of environmental statements, we would wish to be informed and would assist. No insoluble problems of this sort have arisen. Moreover, in order that interested members of the public can be kept informed of the status of environmental impact statements, the Council, on its own initiative prepares and makes available periodically a detailed listing of all final statements received, along with the names, addresses and telephone numbers of the responsible officials from whom the statements can be obtained. These summaries are now mailed by the Council to over 500 individuals and institutions, including interested Congressional Committees. Press representatives, who have expressed interest in the environmental impact statements, are also sent these summaries.

While we are satisfied that the above procedure is in full accord with the letter and intent of the National Environmental Policy Act and with the Executive Order, it must be recognized that the Act itself is not precise on the time relationship between the public availability of a detailed final statement and the ultimate decision or action, except (1) it is clear that completion of the final detailed statement must precede the ultimate decision and action, and (2) the final detailed statement "should accompany the proposal through the agency review processes." It should be borne in mind that the great majority of environmental statements deal with activities, appropriations, or legislation with respect to which full public hearings in advance of decision are already required presently by either Congressional, statutory, or administrative procedure.

While Congress might decide that draft environmental impact statements should also be required by law to be made available to the public or that the action proposed in a final environmental statement should be withheld a certain period for public comment, there are important questions of public comment, there are important questions of public administration to be considered before the statute is changed.

Our view is that the National Environmental Policy Act is so general in its language, so innovative in its procedures and so all-embracing in the range of Government activities included that, rather than make new across-the-board requirements we should evolve appropriate procedures for the various major categories of activity involved. For example, in the case of proposals for, or reports on, legislation, there would not seem to be a reason why the public should see an environmental impact statement before Congress does. In other administrative actions we can often build on existing requirements for hearings or notice to the public. In still other cases (for example GSA land purchases), advance disclosure of the Government's purchase intentions would probably prejudice chances for economical purchase.

The Council believes strongly that the public should be brought into the decision-making process as it affects the environment to the fullest extent practicable. It was at our recommendation that Section 2(b) of Executive Order 11514, quoted above, was adopted. Our guidelines have instructed all agencies to develop procedures for the implementation of Section 2(b). Most agencies have now done so. In response to our initiative, a number of agencies (such as the Corps of Engineers, Atomic Energy Commission and Federal Power Commission) are making draft environmental impact statements available to the public at, or prior to, the time of public hearings.

The Council's interim guidelines provide for review of the Section 102(2) (C) guidelines this coming December and the issuance of such supplements as may then seem necessary. We intend to solicit public comment and suggestion as part of this review process. Likewise, we would naturally be greatly interested in the views of those Committees and members of Congress closely associated with the development of the legislation in question.

In summary, far from feeling that the Council has in any way been responsible for weakening the process of public information under the National Environmental Policy Act, we believe we are administering the Act in accordance with the letter of the law and the intent of Congress. In addition, the President, through the Executive Order, and the Council, through its guidelines and procedures, have moved effectively to broaden and strengthen the public's right to information.

As a closing note, I would comment that the performance by agencies under Section 102(2) (C) is improving steadily, although in certain cases there is still need for major improvement. We are now actively reviewing agency performance and will be reporting on this subject to Congressional Committees early in December. In this regard, it is important to bear in mind that we are dealing with a very basic reform in the process of government—one which has been effectively in operation for only about six months. Over the past month, we have received approximately four environmental impact statements each working day, on the average. I assure you that the Council is seeking to give a review to the contents of such statements although our ability to do so in all cases and to do so to the extent we would wish is seriously inhibited by the very limited size of our staff. We have a highly competent, dedicated group working for the Council, most of whom are working an excessive schedule. At the same time, public and Congressional expectations of the Council continue to rise. In this connection, it must be borne in mind that the review of environmental impact statements constitutes only a portion of the Council's responsibilities. The development of legislative proposals, the coordination of Federal programs related to environmental quality, the development of new national policies such as that on ocean dumping, budget reviews of programs affecting the environment, international environmental programs, the continuing review of all Federal programs that affect the environment, the development of the annual Environmental Quality Report—all of these and more must all be carried on daily by the same small staff.

I hope that these comments will be helpful. We look forward, as always, to continued close cooperation with you and your staff.

Sincerely,

RUSSELL E. TRAIN,
Chairman.

WASHINGTON, D.C.,
November 20, 1970.

Hon. RUSSELL E. TRAIN,
Chairman, Council on Enviromental Quality, Washington, D.C.

MY DEAR MR. CHAIRMAN: Thank you for your letter of November 19, 1970, concerning the Environmental Quality Council's administration of the environmental impact statement requirements of the National Environmental Policy Act. I appreciate your thoughtfulness in furnishing me with the Council's interpretation and views on the critically important question of public disclosure.

In a democracy the right to know, the right to have knowledge of the intended actions and probable consequences of governmental decisions, is one of the public's most important rights. Where government decisions have adverse impact on the quality of life and environment this fundamental right becomes critical because many decisions which result in resource misuse and environmental degradation are irreversible decisions. Once action is taken the hands of the clock cannot be turned back and public resources which have been damaged cannot be reclaimed or restored.

In view of the importance of this issue I would appreciate it if you and your associates on the Council will be prepared to discuss any necessary amendments to the public disclosure provisions of the Act at a hearing to be held before the Senate Interior and Insular Affairs Committee early in the 92d Congress. The Committee will also be considering other amendments to the National Environmental Policy Act at this time. These may include the power of the Council to compel agency compliance with the Act; environmental information systems; staff and funding requirements; and the Council's relationship with other agencies.

To facilitate the Committee's review of the Act's administration during the first year of operation I would appreciate it if you would furnish the Committee with a report on any areas in which new legislative authority is required as well as on any problems which have been encountered in the administration of the Act. I would appreciate it if this report were available by December 31, 1970.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

DEPARTMENT OF LABOR AND DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of morning business today, the Senate proceed to the consideration of Calendar No. 1350, H.R. 18515.

The PRESIDING OFFICER. Without objection, it is so ordered

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If there be no further morning business, morning business is closed.

DEPARTMENT OF LABOR AND DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate the pending business, H.R. 18515, which will be stated by title.

The legislative clerk read by title, as follows:

A bill (H.R. 18515) making appropriations for the Department of Labor, Department of Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

The Senate proceeded to consider the bill.

Mr. MAGNUSON. Mr. President, last night, when the Senate adjourned, the pending business was an amendment by the Senator from New York (Mr. JAVITS), on which we had a quite lengthy discussion yesterday morning and afternoon; but we adjourned with the understanding that we would come back to that amendment today.

The Senator from New York is detained little thereafter. In the meantime we can probably take up some of the other amendments of a different nature. The Senator from Texas (Mr. YARBOROUGH) has an amendment, and some of the other amendments can also be taken up.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Is it necessary for me to ask unanimous consent to withdraw consideration of the pending amendment?

The PRESIDING OFFICER. By unanimous consent the Javits amendment can be laid aside temporarily in order to take up other amendments.

Mr. MAGNUSON. I so ask.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I do not intend to object, of course—I merely want to protect the author and some of the supporters of the amendment of the Senator from New York.

Would the Senator be willing that it be made clear that the pending amendment offered by the Senator from New York will remain the pending question, to be set aside only for the consideration of specific amendments, such as the amendment to be offered by the Senator from Texas, from time to time?

Mr. MAGNUSON. Surely.

The PRESIDING OFFICER. The Chair wishes to point out that if the amendment is temporarily laid aside, it will revert, as it were, each time an amendment is disposed of. The question on that amendment would automatically recur if the request is that it be laid aside for a specific amendment in lieu thereof.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Texas.

AMENDMENT NO. 1071

Mr. YARBOROUGH. Mr. President, I call up my amendment No. 1071.

The PRESIDING OFFICER. The Senator from Washington asked unanimous consent that the Javits amendment be temporarily laid aside for the purpose of taking up the amendment of the Senator from Texas.

Is there objection? The Chair hears no objection, and it is so ordered.

The amendments offered by the Senator from Texas will be read.

The legislative clerk read the amendment (No. 1071) as follows:

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On page 32, line 12, strike out "$2,432,000" and insert in lieu thereof "$4,432,000"; and on page 32, line 12, strike out "$250,000" and insert in lieu thereof "$2,250,000".

Mr. YARBOROUGH. Mr. President, during this session, Congress passed my bill to create a model secondary school for the deaf which would be operated in connection with Gallaudet College.

The appropriation bill provides, on page 32, line 12, for $2,432,000 for carrying out those purposes, of which $250,000 shall be for construction. Mr. President, $250,000 is merely a token in view of the high cost of construction. My amendment would provide an additional $2 million for the purpose of expediting construction of these facilities.

The program for a model elementary school for the deaf has been in effect for years and has proved to be successful. Representatives from schools for the deaf come here to view the results. So this school is what its name implies—a model for the Nation. It applies the most modern methods of teaching of the deaf that have been developed.

The Nation has a great stake in teaching our citizens who are deaf. The sounds of everyday life which pound in the ears of our people are causing more and more of our citizens to suffer from deafness.

The average deaf person in the United States earns half the salary earned by the person who is not deaf, but there are certain fields in which the deaf excel in this computer age. Some deaf persons were given employment, on an experimental basis, at the regional Internal Revenue office at Austin, Tex. At the end of a year or 6 months, it was found that deaf persons who used the computers made fewer mistakes than those who were not deaf. These people sit in a vast room, with many hundreds of computers. Someone speaks and it distracts the person who is not deaf. The deaf person does not hear it. So the computer age has opened up an entirely new area for the deaf.

The amendment to improve and encourage educational programs for the deaf, I am proposing would increase the appropriations for construction at the Model Secondary School for the Deaf in the amount of $2 million, so that construction of much needed facilities, particularly classrooms, could be at least started during fiscal 1971.

At the present time temporary facilities are overcrowded with 120 students. Dr. Merrill, president of Gallaudet College, testified that the Model Secondary School needed permanent facilities and that plans were advanced so that construction money was needed this year. Otherwise, the whole program to educate young high school students who are deaf, in the National Capital area, will be set back for at least 1 year. We cannot afford to postpone the program in the Model Secondary School for the Deaf which intended by the Congress to demonstrate to deaf educators throughout the country how new and innovative methods can be developed to better teach our deaf youngsters.

The chairman has knowledge of the amendment. I request that the distinguished chairman of the committee accept this amendment. It is badly needed, and it will pay back to the country what has been expended by enabling these people to make a greater contribution to our Nation.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. MAGNUSON. Of course, all of us on the committee are very sympathetic to the problems at Gallaudet College. We think it is one of the fine institutions in this country. As a matter of fact—and I know the Senator from Texas must know this—the college was established under the Presidency of Andrew Jackson. His Postmaster General owned a piece of property which was a regular dairy farm, and he donated that property to the Federal Government for the establishment of a school for the deaf.

Then, under Lincoln's administration, it received a Federal charter. It has been in existence all that time, taking care of people who are deaf not only from the District of Columbia but from all over the United States. These people come from Texas, Washington, and all the other States. They are selected to be sent here, and they do a great job.

I think one of the most moving experiences anyone can have is to go to the college when it holds graduation exercises. After awhile, he can almost feel he understands what they are "saying." They are fine people.

Gallaudet College is a liberal arts and education school. Many of the graduates go to State schools for the deaf and teach. So the college is a major source for such teachers.

There are many teachers on the faculty who are not deaf, who have no handicap, but who dedicate themselves to teaching the deaf. They know how to teach them. Athletics are a major part of their program. They do a great job, and in every way this is an institution of higher learning.

Not too long ago we established the elementary school which is to take care of those who obviously cannot attend a regular school because of their handicap.

This too has been very successful, and we put in the amount of money that we asked for to maintain that elementary school program.

For another thing, they have started adult classes out there. We put in $128,000 to initiate that program. It is a small beginning, mainly for people in the immediate area who have been handicapped for many years, who could go there and obtain adult education, and take advantage of new techniques and new methods.

We put in the amount of money to run the model secondary school; we allowed $2,432,000, of which $250,000 is for construction planning only. But the Senator from Texas suggests, and I think the testimony will show, that the planning is all done. They have not been allowed to call for bids yet.

I am very sympathetic to this amendment, because I would not like to see that model secondary school suffer for the lack of appropriations or lack of space. The main college has grown, but they need all the buildings and space they have. This model secondary school is just that—a model, where new techniques are developed in the teaching of the deaf and it is a demonstration for all of the States. It is a national resource, of considerable value, and we should not allow their program to lag or languish.

I might say, because we have some time available this morning, as a point of interest, that they were having some trouble out there last year, some crime on the campus. Girls were being attacked, who obviously could not say much, or call out, or were unable to speak or hear anyone, and it was found to be partially due to the lack of good lighting and a somewhat inadequate campus protection force.

We added funds last year to improve the campus electrical system and lighting, and substantially increase their number of guards for campus security. We find now that these incidents where students are attacked or molested have been reduced by almost 70 percent.

Mr. YARBOROUGH. Mr. President, will the Senator yield a moment at that point?

Mr. MAGNUSON. I yield.

Mr. YARBOROUGH. My point is this: The crime was committed by nonstudents.

Mr. MAGNUSON. Yes, outsiders from outside the campus.

Mr. YARBOROUGH. Outsiders would come to the campus and attack these students, who were often mute and could not cry out for help. But it was not the students who were committing the crimes.

Mr. MAGNUSON. Yes. So I think, if the Senator from New Hampshire is agreeable—and I know of no one who has been more dedicated to this institution over the years than he has—that we could accept this amendment and take it to conference, so that we could make a beginning on what we are going to have to do, anyway, to keep that model secondary school program moving ahead.

Mr. COTTON. I certainly agree with the chairman.

Mr. YARBOROUGH. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

AMENDMENT NO. 1069

Mr. COTTON. Mr. President, I ask unanimous consent that consideration of the Javits amendment again be deferred, to permit me to call up amendment No. 1069.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

Mr. COTTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

The amendment is as follows:

On page 27, line 18, strike out "$575,640,000" and insert "$579,140,000";

On page 27, line 22, strike out "and" and insert "$3,500,000 for construction grants under section 12; and".

Mr. COTTON. Mr. President, this is an amendment offered by the Senator from Ohio (Mr. SAXBE) in behalf of the Senator from Illinois (Mr. PERCY). At the time, Mr. PERCY was out of the city, and now Mr. SAXBE is also out of the city. So, in behalf of both the Senator from Ohio and the Senator from Illinois, I have offered the amendment; and if I may have the attention of the chairman, it is my understanding, after conference with the chairman, that the amendment involves $3.5 million, and it has to do, first, with the continuing work on a project in vocational rehabilitation in the city of Chicago, which amounts to about $1.5 million. The other $2 million involves several rehabilitation and research centers throughout the country, to keep them going.

I am not sure that the whole $3.5 million is necessary; but particularly the Chicago project, and some of the others, were left out inadvertently. It is my understanding that the distinguished chairman is willing—and I am willing if he is—to take this amendment to conference and see that those items which are necessary to keep shall be kept.

In order to accomplish that, I am hopeful that this amendment will be adopted, with the understanding that when we get to conference, we would have time to consider it.

As I say, inadvertently the requests were omitted in the testimony before our committee. We will see to it that only the most essential parts are taken care of. Does the chairman accept it?

Mr. MAGNUSON. Yes, I agree with that. The Chicago facility is most important, and we will have to justify the other amounts.

Mr. GRIFFIN. Mr. President, I rise to support this amendment. I would like to emphasize that the institute is important to my State of Michigan, to the Midwest and to the seriously disabled throughout the Nation.

Our own rehabilitation facility in Detroit, for example, will benefit from the personnel to be trained at this institute, as will the professional staffs of similar facilities in other parts of the Nation.

I am grateful to the disinguished Senator from Washington (Mr. MAGNUSON) and the distinguished Senator from New Hampshire (Mr. COTTON) for the interest they have taken in this matter.

Mr. KENNEDY. Mr. President, I urge the adoption of this amendment. The rehabilitation programs of this country represent one of the best investments we can make in helping the American people.

Year after year, these programs have achieved outstanding success in rehabilitating large numbers of our most seriously disabled people. It is one field where we know that when we invest public funds we will get results.

But we must have the special centers to do this work and to reach more disabled people. There is no other way to master the severe problems of many of our disabled.

Estimates from responsible sources indicate that we have in this country, by the most conservative calculations, more than 6 million people with disabling conditions requiring help from a rehabilitation program. Among them are large numbers of people whose conditions are so severe that they can only be restored through the work of a modern rehabilitation center. Many of them do not get help, simply because we do not have enough facilities in this country to reach all those who need this specialized help.

Since this rehabilitation facility program was enacted in 1965, we have appropriated only a small fraction of the funds authorized. Our expenditures in this important field have been about one-half of 1 percent of the rehabilitation agency's budget. We certainly can afford this small step in the right direction.

The pending amendment does not propose a large increase in the budget. In fact, the $3.5 million proposed in this amendment is precisely the amount that the Senate and the House approved last year. But these funds will make a tremendous difference in the Nation's capacity to help its handicapped citizens. I am pleased, therefore, to join in support of the amendment.

Mr. COTTON. I ask unanimous consent that the two parts of this amendment, which total $3.5 million, be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Mr. MAGNUSON. Mr. President, before I yield to the Senator from Utah, I should like to state, for the RECORD, that I mentioned that the students at Gallaudet College come from every State in the Union. I failed to mention that they also have students who come from foreign countries, and about the only teachers we have for deaf-mute people in the undeveloped countries come from Gallaudet.

Mr. YARBOROUGH. Mr. President, I thank the distinguished chairman of the committee, and the ranking minority member, the Senator from New Hampshire, for accepting my amendment.

As the chairman has stated, the students come from all the States of the Union, and from foreign countries.

Gallaudet College is the only college for the deaf in the entire world. It is a great credit to this country. It was set up by Amos Kendall, an amazing figure in American political life.

Amos Kendall was a publisher in Louisville, Ky. He was one of the first public relations men, and he did it on his own. He publicized Andrew Jackson.

Andrew Jackson could not be nominated for the Presidency by the customary method. All Presidents up to Andrew Jackson's time had been nominated by a caucus of the Senate. They were not going to let Andrew Jackson be President. But Amos Kendall figured out this idea: He said, "We will have a people's convention," and he started to advertise it, and the people got together and nominated Andrew Jackson for President in the first nominating convention in American history; and since that time, all the parties have nominated candidates through nominating conventions.

Amos Kendall was appointed as Jackson's Postmaster General. He was interested in the deaf. He had a beautiful home where Gallaudet College is now located.

How did he get that home? He was Postmaster General at the time that Samuel F. B. Morse invented the telegraph. He tried to sell it to the Federal Government, and the Government would not buy it. He went down to Texas, and tried to dispose of it to the Republic of Texas. Sam Houston recommended that they get it, but the senate of the Republic of Texas rejected the idea. If they had accepted Morse's offer, the people of Texas would have been tax free for 100 years.

But Amos Kendall, when he could not sell the telegraph to any Government, helped form a corporation to finance the telegraph, became wealthy, and built that beautiful home out there on the campus of Galludet College, which is used now as the home of the college president, and people who visit that home now can see the home of Andrew Jackson's postmaster general.

Gallaudet College was founded as a private institution. In Abraham Lincoln's administration it was made available to the Federal Government, and the Federal Government took it over to run it as a Federal institution.

It is still the only college for the deaf in the whole world. It came from the genius of Amos Kendall, who also had the genius to find a new way of nominating candidates for President of the United States, which was responsible for the election of President Andrew Jackson.

So this piece of ground has an amazing history with it of the people whose lives it touched, and it is going forward today as a great service to mankind, in the teaching of the deaf, training teachers for the deaf. As the distinguished chairman has pointed out, the instruction is so good that almost all of them go out as teachers of the deaf, over the whole world.

Mr. MAGNUSON. I thank the Senator—I am sure the Senate does—for that interesting and factual bit of history.

Mr. YARBOROUGH. I am sure the chairman has been in the home of Amos Kendall, the man who not only started the first school for the deaf but who also invented the present system for nominating the President of the United States.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Utah.

Mr. MOSS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the Javits amendment be temporarily laid aside for the purpose of considering this amendment?

Mr. MOSS. I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment offered by the Senator from Utah will be stated.

The legislative clerk proceeded to read the amendment.

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Mr. **MOSS**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 12, line 2, strike out "$89,549,000" and insert in lieu thereof the following: "$90,399,000, of which $1,000,000 shall be available only for carrying out the provisions of the Flammable Fabrics Act, the Child Protection and Toy Safety Act, and such other product injury control programs of the Department of Health Education and Welfare that are now in or may be transferred to the Food and Drug Administration."

Mr. **MOSS**. Mr. President, although our society has made vast strides in the control of many diseases which once brought early death and unwanted suffering, there is one kind of disease where our Nation has failed to bring to bear the benefits of modern public health skills—that disease is death and injury from accidental causes. In 1970 it is estimated that 114,000 people will die and over 50 million more will suffer injury from accidental causes. At present more than 18 million of our citizens are permanently disabled because of injuries they have sustained.

Treating these accidents increases the critical drain on the scarce supply of physicians and trained medical personnel. And victims of injury now require over 200,000 man-years of critically short hospital manpower. Why should we subsidize the construction of hospitals, and watch the costs of hospital care skyrocket, and not strive to reduce accidents which place the largest single demand on hospital beds?

As chairman of the Subcommittee for Consumers of the Committee on Commerce, I am vitally interested in providing our public officials with legislative mandates to control accidental injuries. The savings to society could be immense. For example, our committee has learned that when ignited clothing severely burns a person, his treatment, if he lives, will average $7,000 in medical costs alone, to say nothing of the lifetime physical and mental scars he will bear.

Despite passage of such legislation as the Flammable Fabrics Act and the Child Protection and Toy Safety Act sponsored by Chairman Magnuson and myself, which could control accidental injuries from other hazardous products, there has been a lack of progress in using this legislation to protect innocent children and adults from unwanted and unnecessary injuries.

In order to assure that this lack of progress cannot be blamed on the tight purse strings of Congress, even though Congress has appropriated the full level of the administration's request, I today submit an amendment to H.R. 18515 which would add $850,000 for the fiscal year ending June 30, 1971, to the appropriation of the Food and Drug Administration. These funds would be restricted to providing the necessary resources and personnel to implement the Flammable Fabrics Act, the Child Protection and Toy Safety Act, and other injury control programs.

The reason for submitting this amendment, Mr. President, is that we have placed the statutes on the books, but I do not think we have given adequate funding to the Department of Health, Education, and Welfare to implement and fully enforce the statutes. Although the amount of $850,000 is rather small, I think it will be found that it will pay many great dividends. That is the reason for reciting the great cost that arises from accidential injury in this country.

I point out that the cost of treatment for burns resulting from clothing catching on fire is an average of $7,000 for an individual, and this has been a source of great concern and a great number of injuries.

When I was at home a month ago, a lady related an experience—which we have heard over and over again in hearings in our committee—in which her child was wearing a garment that suddenly burst into flame when it came close to fire, and the child was severely burned. I promised her then that I would return to the Senate and do my best to see that control was exercised over the sale of garments and fabrics that were flammable. The amendment I offer would be a step along the way to do this very thing.

I have talked with the chairman and the ranking minority member of the committee about this amendment, and it is my understanding that they feel that it is meritorious and that they are prepared to accept it at this time. May I ask the chairman if this is correct?

Mr. **MAGNUSON**. I say to the Senator from Utah that no one is more interested in the Flammable Fabric and Toy Safety Act than the Senator from Washington.

Mr. **MOSS**. As a sponsor of the bills, I can understand that.

Mr. **MAGNUSON**. I was the author of those bills.

Mr. **MOSS**. That is correct.

Mr. **MAGNUSON**. I would not like to skimp on my foster children in this matter. The Flammable Fabrics Act, of course, was one of the first of the safety acts passed in 1953.

Mr. **MOSS**. That is correct.

Mr. **MAGNUSON**. Out of our committee. In the meantime, the Senator from Utah has done yeoman work, as have the other members of the Commerce Committee, in perfecting amendments to that act. It has not been enforced the way it should be enforced. Thousands of youngsters and older people still die from flammable fabrics catching on fire. There is nothing more pathetic or tragic than a child who has been burned, even though the child lives, they are never the same again. The Senator from Utah knows that we have heard of many, many instances in some horrible testimony on this matter.

We never could get the flammable fabrics people to do anything about it. In 1953 they agreed that they would set up a voluntary industry committee. They did. The Department of Commerce was involved. But they never held a meeting of that industrywide committee until we—the Senator from Utah was a cosponsor—introduced the last bill. Then they decided to have a meeting and to do something about it.

Mr. **MOSS**. That is correct.

Mr. **MAGNUSON**. In the meantime, all these things were happening.

We had a good bill, and the law is there, and we have it on toy safety, too. We just never have been able to get the budget to give them enough money to enforce it the way it should be enforced.

PRIVILEGE OF THE FLOOR

Mr. **YARBOROUGH**. Mr. President, will the Senator yield for a unanimous-consent agreement?

Mr. **MAGNUSON**. Yes.

Mr. **YARBOROUGH**. Mr. President, I ask unanimous consent that the staff of the Committee on Labor and Public Welfare, certain members of the majority and the minority, have the privilege of the floor, because many of these amendments deal with basic statutes that have come out of our committee.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **YARBOROUGH**. I thank the distinguished Senator from Washington for yielding.

Mr. **MAGNUSON**. We thought that we had written a good act with the Toy Safety Act. Even the President made great comment about this. But the Senator from Utah and the rest of us have seen in the newspapers in the last 3 or 4 days the amount of dangerous toys that are now on the market for Christmas.

Mr. **MOSS**. Exactly.

Mr. **MAGNUSON**. The law has not been enforced. As a matter of fact, many dangerous toys have been listed, and they are still on the shelves for the unsuspecting to purchase. There must be many, many more than we read about.

This is a serious matter, and the sum that the Senator from Utah suggests would be doubled if I had my way about it. But we are working under budgetary restrictions. Whether they would spend it or not, I do not know; but I am sure that they will accept this. So far as I am concerned, I am glad to accept the amendment.

Mr. **MOSS**. I thank the Senator from Washington.

Mr. **MAGNUSON**. The Senator from New Hampshire is, too.

Mr. **MOSS**. I appreciate that.

The **PRESIDING OFFICER** (Mr. Eagleton). The question is on agreeing to the amendment of the Senator from Utah.

The amendment was agreed to.

Mr. **MAGNUSON**. I merely want to say, too, at this point, that if all Senators could have sat in and listened to some of the testimony we heard on flammable fabrics and some of the mechanical devices we saw, which were obviously the most dangerous—even if one followed the instructions, they were dangerous—they would vote double this amount.

Mr. **MOSS**. I thank the chairman. I certainly appreciate his great leadership and constant support of this program to try to improve the safety of products. One change recently made in the Flammable Fabrics Act was to require an inspection of the fabrics before they go on the shelves. Before that, we did not have anything until the fire occurred and then it was a problem to try to get back all the garments that were made with those fabrics. Now we have tried to turn it around and make that inspection before they go into distribution.

Mr. MATHIAS. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Does the Senator from Maryland wish to ask unanimous consent that the amendment offered by the Senator from New York (Mr. JAVITS) be temporarily laid aside in order that the Senator may have his amendment considered?

Mr. MATHIAS. Yes, Mr. President, that is exactly what I ask unanimous consent for.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will state the amendment.

The assistant legislative clerk read the amendment as follows:

> On page 25, line 16, insert the following:
>
> "GENERAL RESEARCH AND SERVICES
>
> "For the medical research activities of the National Institutes of Health at the laboratory and supporting facilities at Fort Detrick, Frederick, Maryland, that are to be transferred from the Department of Defense to the Department of Health, Education, and Welfare, $15,000,000 which shall be allocated by the Director of the National Institutes of Health to the various Institutes and Divisions using the Frederick facility to carry out sections 351 and 352 and title IV of the Public Health Service Act, as amended, including repairs, improvements, extensions, and alterations."

Mr. MATHIAS. Mr. President, when I first offered this amendment on my own behalf and that of my senior colleague (Mr. TYDINGS), the distinguished chairman of the committee, the Senator from Washington (Mr. MAGNUSON), indicated that he was familiar with much of the background. So, I shall be brief today.

There is a unique opportunity here. The Fort Detrick laboratories are already constructed, at a cost to the taxpayers of the United States of nearly a quarter of a billion dollars—something over $200 million. These laboratories are unique in the United States, perhaps in the world. They contain not only unusual equipment for medical research in the field of biological warfare, but the laboratories are so constructed that there is an unusual degree of safety for laboratory personnel.

As I mentioned in the Senate 2 days ago, these unique qualities of the laboratories would lend themselves to a number of areas of medical research which are high on our list of national priorities; among them, research in the area of cancer-producing and related viruses, viral encology, carcinogenesis, fungal diseases, tissue culture studies of genetic effects, laboratory support for the national dental caries program, broad research in diseases of the eye, and studies on hepatitis and slow virus diseases.

Mr. President, these are extremely important national health problems. They do not affect only one community or one State but the entire American population—indeed, the population of the world.

Thus, here we have a great opportunity to employ resources which are already constructed and which have a unique capability for the purpose of this kind of research.

Perhaps even more important than the physical plant, buildings, equipment, and real estate is the personnel, the technical teams—not only the men who are employed at a professional level but also the laboratory assistants and the parascientific personnel, all of which make a team and know how to work together and are available right now to undertake this work.

All that is needed is the money.

The pending amendment would provide that money, with a relatively modest investment, considering the opportunities available for real progress in eliminating some of the health scourges of mankind.

Accordingly, Mr. President, I am hopeful that the Senate will accept the amendment and will convert this former biological warfare center into a major medical research center.

I believe it is in the spirit of our times that we should take this step. We cannot possibly invest our money in any better way.

I believe that the distinguished Senator from Washington, the manager of the bill, as I said earlier, is familiar with this matter and I hope that he will support the amendment and will join me in urging the Senate to support it.

Mr. MAGNUSON. Mr. President, let me say to the Senator from Maryland that we discussed this matter privately at some length on yesterday. I am familiar with it. I am sure that if we had had this matter before the committee earlier, we would have placed it in the bill. As the Senator from Maryland points out, this is one of those rare opportunities where we can save money, but more than that, we can turn over an installation dedicated to the destruction of mankind to making mankind live longer.

I am very much excited about the programs that NIH has planned for this center, because they deal with probably the most promising kind of research in many fields of disease—cancer, and other killers—viruses particularly, the effect of viruses on the human body, and what diseases they cause. This would be a center where they could pursue these objectives without coming up here and spending years to get buildings constructed and equipment installed, when they can get at it right now.

Therefore, I am heartily in favor of the amendment. I am glad to support it.

Mr. MATHIAS. I thank the distinguished Senator from Washington.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

ORDER OF BUSINESS

Mr. YARBOROUGH. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I am glad to yield to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that I may be recognized for the purpose of introducing a bill.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The Senator from Texas requests that the Pastore rule of germaneness be temporarily waived in order to introduce a bill. Is there objection to his request? The Chair hears none, and it is so ordered.

S. 4524—INTRODUCTION OF A BILL TO PROHIBIT ABUSES IN THE MAKING OF LOANS

Mr. YARBOROUGH. Mr. President, I send to the desk for appropriate reference a bill to prohibit broker deposits in banks and other financial institutions, to prohibit the use of so-called giveaways in the solicitation of deposits, and to prohibit lenders from requiring equity participation in connection with loans, and for other purposes.

Mr. President, the procedures used to obtain and make commercial loans have been the subject of extensive hearings in both the House of Representatives and the Senate. These hearings revealed many abuses incident to loan procedure utilized by banks, savings and loan associations, insurance companies, and other lending institutions.

Today I offer for appropriate reference a bill designed to deal with such abuses as have crept up in recent years in many structures of the country. Succinctly stated, this bill prohibits brokered deposits in banks and other financial institutions, prohibits the use of so-called giveaways in the solicitation of deposits, and prohibits lenders from acquiring equity participation in connection with loans.

This bill is a companion bill to that offered in the House, H.R. 18676, by the venerable sage of economic and commercial law, Congressman WRIGHT PATMAN.

The first portion of this bill pertains to brokered funds and tie-in loans. Since 1964, nine banks across the country, three of them in 1970 alone, have failed because they dealt too heavily in brokered funds and tie-in loans. These types of transactions are discussed in detail by Congressman PATMAN on page 26052, CONGRESSIONAL RECORD, July 28, 1970.

The main reason I am offering this companion bill is that it would prohibit equity participation by lending institutions in connection with loans made by them.

In my travels throughout the State of Texas last year and this year, I have been constantly besieged by real estate developers and other small businessmen complaining about the fact that in order to obtain money for expansion purposes or for the construction of capital improvements, they are frequently required by the lending institutions to yield, in addition to paying the high interest rates being charged, in today's money market, a piece of the equity of their business, or of the new venture, whichever the case may be.

That is what is being required across the country of a new business venture, whatever its nature. It will result in financial disaster if it is not stopped. In order to obtain money for expansion purposes or the constructing of capital

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improvements, the building of feed lots, shopping centers, or apartment buildings, people are required not only to pay high interest rates but they are also required to give a piece of the equity, to give the institutions a third or a fourth of the building.

Mr. President, I am not an expert in commercial or financial law, but as a lawyer I cannot reconcile this practice with the laws against usury. The requirement of a piece of the equity in order to make a loan is nothing more than an additional charge for the use and forbearance of money.

This practice, if allowed to continue, will result in one of the most dangerous concentrations of capital wealth in our economic history and could have disastrous consequences upon what we so proudly call our free enterprise system. Moreover, it is without question causing the eventual downfall of many a small business. People cannot afford to add, on top of the high-interest rates, a third or a fourth of the business. This practice is being carried on all across the country. It has crept up over the past 5 years.

The practice of the equity kicker is being used by many financial institutions, particularly since we have moved into the tight money period. The equity kicker goes under many names, such as equity sweeteners, a New York kicker, or a piece of the action. For virtually every name there is a different type of equity feature. For instance, the lender receives—either by his demand and as a tie-in transaction or by the borrowers offer as an inducement for the loan or for a reduced interest rate—a certain number of shares of the borrower's stock in addition to or in lieu of the maximum interest rate on the loan or in lieu of shares of stock, the lender may receive rights to buy stock, generally referred to as "warrants." These warrants will allow the lender to buy stock in the borrowers company at a predetermined price. If the value of the stock goes up, the lender will exercise his right to buy the stock but will pay the lower predetermined price, thus making an instant profit.

There are a number of reasons why financial institutions should not be allowed equity kickers when coupled with loans. These arguments include:

First, they lead to riskier loans and possible impairment of safety of depositors' funds—as well as capital of bank. Loans should be based on credit worthiness and not on possibilities of speculative profits.

Second, lender may take lower interest rate, lend larger amounts or make longer term loans if it gets an equity kicker. Lender's fixed income would be reduced; less money would be available for other borrowers. In other words, the loan is not based on soundness, but on the greedy prospect of making an extra profit.

Third, lender may tend to deny credit to businesses competing with one in which lender has an equity interest. It channels credit unfairly.

Fourth, borrowers who do not have bargaining power equal to that of lenders may be victimized. Lender may end up owning the borrower's enterprise in whole or in substantial or controlling part.

Fifth, equity participations that are to be liquidated through additional money payments by the borrower may be so onerous as to lead to failure of the enterprise. They are a threat to every businessman in America today and threaten our whole free enterprise system.

Sixth, small business investment companies afford banks and holding companies an appropriate vehicle for assisting small businesses and for acquiring some equity interest in such businesses, subject to congressionally imposed limitations and Federal supervision.

Let me repeat, banks can legitimately under the present law, through business investment companies, get some interest in other businesses, but not as a false basis for loans. The loans should be made on the credit worthiness of the borrower and the interest rates under the existing law.

Seventh, the argument that equity participation provides a hedge against inflation has little force in relation to bank loans inasmuch as they are, in large part, of relatively short duration. Besides, a hedge against inflation can be, and probably is, achieved through the rate of interest that lenders charge—and borrowers are willing to pay.

Eighth, congressional policy is against banks and bank holding companies owning and engaging in nonbank business.

Ninth, bank acquisitions of a substantial share of competing businesses may lead to violation of the antitrust laws.

Tenth, if banks may not take equity kickers, borrowers will have more incentive to seek loans from banks.

Eleventh, the spirit—if not the terms—of usury laws is violated.

Under the Safe Banking Act of 1970, equity kickers would not be allowed in connection with a loan from any financial institution. This does not mean that equity type financing will not be made available, but rather that a lender must either make a loan or take an equity position, but cannot do both.

Mr. President, this Nation must always be on guard against the threats which extensive concentrations of capital and wealth pose to our competitive system. The equity kicker is one of those practices which, if we continue to permit it, will make success of the small business venture more precarious with each passing day.

I believe it is urgent that we enact this law and others which will preserve real competition, not only in the consumers market, but also in the money market.

Mr. President, this practice is so pernicious in our free enterprise system that I could discuss it at length. Each discussion would show new evils. However, the managers of the pending bill have generously agreed to let me introduce the bill at this time. Therefore, I will forego further discussion of this measure at this time. I hope that it appeals to the bankers and businessmen to bring some rationale back into the banking business of this country.

Mr. President, I ask unanimous consent that the bill I introduced today be printed in the Record.

The PRESIDING OFFICER (Mr. Byrd of West Virginia). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 4524) to prohibit brokered deposits in banks and other financial institutions, to prohibit the use of so-called giveaways in the solicitation of deposits, and to prohibit lenders from acquiring equity participations in connection with loans, and for other purposes, introduced by Mr. Yarborough, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 4524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Chapter 1.—GENERAL PROVISIONS

Sec.
101. Short title.

§ 101. Short Title

This Act may be cited as the Safe Banking Act of 1970.

Chapter 2.—BROKERED DEPOSITS PROHIBITED

Sec.
111. Amendment of Federal Deposit Insurance Act.
112. Amendment of Federal Home Loan Bank Act.

§ 111. Amendment of Federal Deposit Insurance Act

Subsection (g) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828 (g)) is amended by striking out the next to last sentence thereof, relating to penalties for violations of such subsection, by inserting "(1)" at the beginning thereof, and by adding thereto the following paragraphs:

"(2) No insured bank or officer, director, agent, or substantial stockholder thereof may pay or agree to pay a broker, finder, or other person compensation for obtaining a deposit for such bank. For the purposes of this paragraph, any payment made by any other person to induce the placing of a deposit in a bank shall be deemed to be a payment of compensation by the bank if the bank had or reasonably should have had knowledge of such a payment when it accepted the deposit.

"(3) Any violation by an insured bank of the provisions of this subsection or of regulations issued hereunder shall subject the bank to a penalty of not more than 10 per centum of the amount of the deposit to which the violation relates. The Corporation may recover the penalty, by suit or otherwise, for its own use, together with the costs and expenses of the recovery.

"(4) For the purposes of this subsection, the term 'payment of interest' includes an agreement to pay interest and includes payments to the depositor or any other person directly or indirectly made by any officer, director, agent, or substantial stockholder of the bank in which the deposit is made if the bank had or reasonably should have had knowledge of the agreement or payment when it accepted the deposit. The Board of Directors shall by regulation prescribe definitions of the terms 'payment of compensation' and 'substantial stockholder' and shall prescribe such further definitions of 'payment of interest' as it may deem appropriate for the purposes of this subsection. The Board of Directors shall prescribe such rules and regulations as it may deem necessary to effecutate the purposes of this subsection and prevent evasions thereof."

§ 112. Amendment of Federal Home Loan Bank Act

Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended (1) by inserting "(a)" after "Sec. 5B." and (2) by adding at the end thereof the following:

"(b) No member which is an insured institution as defined in section 401 (a) of the National Housing Act and no officer, director, agent, or substantial stockholder thereof shall pay or agree to pay a broker, finder, or other person compensation for obtaining funds to be deposited or invested in such member (hereinafter in this section referred to as deposits). For the purposes of this paragraph, any payment made by any other person to induce the placing of a deposit in such a member shall be deemed to be a payment of such compensation by the member if the member had or reasonably should have had knowledge of such a payment when it accepted the deposit.

"(c) Any violation by a member of the provisions of this subsection or of regulations issued hereunder shall subject the member to a penalty of not more than 10 per centum of the amount of the deposit to which the violation relates. The Board may recover the penalty, by suit or otherwise, for the use of the Federal Savings and Loan Insurance Corporation, together with the costs and expenses of the recovery.

"(d) For the purposes of this section, the term 'payment of interest or dividends' includes an agreement to pay interest or dividends and includes payments to the depositor or investor or any other person directly or indirectly made by any officer, director, agent, or substantial stockholder of the member in which the deposit is made if the member had or reasonably should have had knowledge of the agreement or payment when it accepted the deposit. The Board shall by regulation prescribe definitions of the terms 'payment of compensation' and 'substantial stockholder' and shall prescribe such further definitions of 'payment of interest or dividends' as it may deem appropriate for the purposes of this section. The Board shall prescribe such rules and regulations as it may deem necessary to effectuate the purposes of this section and prevent evasions thereof."

Chapter 3.—CERTAIN GIVEAWAYS PROHIBITED

Sec.
121. Amendment of section 19(j), Federal Reserve Act.
122. Amendment of section 18(g), Federal Deposit Insurance Act.
123. Amendment of section 5B, Federal Home Loan Act.

§ 121. Amendment of Section 19(j), Federal Reserve Act.

Section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) is amended by adding at the end thereof the following: "Except for the payment of interest on deposits subject to limitation under this section, no member bank may offer or deliver any merchandise or any certificate, stamp, ticket, or other obligation or memorandum which is or may be redeemable in merchandise, money, or credit as an inducement to any person to make or add to any deposit."

§ 122. Amendment of Section 18(g), Federal Deposit Insurance Act

Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by adding at the end thereof the following: "Except for the payment of interest on deposits subject to limitation under this section, no insured bank may offer or deliver any merchandise or any certificate, stamp, ticket, or other obligation or memorandum which is or may be redeemable in merchandise, money, or credit as an inducement to any person to make or add to any deposit."

§ 123. Amendment of Section 5B, Federal Home Loan Bank Act

Section 5B(a) of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended by adding at the end thereof the following: "Except in the case of interest or dividends subject to limitation under this section, no member may offer or deliver any merchandise or any certificate, stamp, ticket, or other obligation or memorandum which is or may be redeemable in merchandise, money, or credit as an inducement to any person to make, open, or add to any deposit or account."

Chapter 4.—CERTAIN EQUITY PARTICIPATIONS PROHIBITED

Sec.
131. Definitions.
132. Prohibition on equity participations by lenders.
133. Civil liability.
134. Criminal penalty.

§ 131. Definitions

(a) The definitions and rules of construction set forth in this section apply for the purpose of this chapter.

(b) The term "lender" includes any commercial bank, trust company, mortgage banker, savings bank, building and loan association, savings and loan association, insurance company, or other person or organization engaged in the business of making or placing loans.

(c) The term "equity participation" refers to—

(1) an ownership interest in any property or enterprise; or

(2) any right to any payment or credit which is proportionate to or contingent upon the net or gross income from any property or enterprise, including but not limited to

(A) a share in the profits, income, or earnings from a business enterprise of the borrower;

(B) warrants entitling the lender to purchase stock of the borrower at a fixed price; or

(C) shadow warrants entitling the lender to compensation based upon changes in the market price of the borrower's stock over a specified period.

§ 132. Prohibition on Equity Participations by Lenders

No lender may accept any equity participation in consideration of the making of any loan.

§ 133. Civil Liability

Any lender which acquires an equity participation from a borrower in violation of this chapter shall, upon demand, assign all its right, title, and interest therein to the borrower and in addition be liable to the borrower in an amount equal to twice the fair market value of the equity participation at the time of its creation or at the time of demand, whichever is higher, and shall in addition be liable to the borrower for his reasonable attorney's fees and costs of suit as determined by the court in any action to enforce the liability created by this section. Any such action may be brought in any district court of the United States regardless of the amount in controversy, or in any other court of competent jurisdiction, within six years after the date on which the liability arises.

§ 134. Criminal Penalty

Whoever willfully violates the provisions of section 132 of this chapter, or willfully and knowingly participates in any such violation, shall be fined not more than $10,000 or imprisoned not more than one year, or both.

DEPARTMENT OF LABOR AND DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971

The Senate resumed the consideration of the bill (H.R. 18515) making appropriations for the Department of Labor, Department of Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

Mr. COTTON. Mr. President, I ask unanimous consent that the pending amendment, amendment No. 1068, be temporarily laid aside.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. COTTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. Cotton) offers an amendment as follows: On page 38, at the beginning of line 14, strike out "services, staff training, and".

Mr. COTTON. Mr. President, I am offering the amendment at this time because, as everyone knows, the distinguished Senator from New York, whose amendment is pending, is detained in getting to the Senate, and we are trying to accomplish as much as possible.

The bill which the committee reported placed a limitation in section 208 so that there was no longer an open ended authority to the States to spend all the money they saw fit to spend, with the Federal Government contributing 75 percent of whatever they contracted for in these various social services. If it is thought necessary, I understand an amendment probably will be offered later in the day by the distinguished Senator from Oklahoma and the distinguished Senator from California which will strike out that provision.

I want to make it clearly understood that the Senator from New Hampshire, if he had any ax to grind at all, would be in opposition to the committee language because the list of States which would be most adversely affected by the provision as it now is in the bill are Georgia, Hawaii, Michigan, and Pennsylvania.

I think I am speaking for the committee when I say it was not the intent of the committee to curtail the activities of the States in bringing to the people who need it these services. It was the strong feeling of the committee and of the Department downtown that if we continue in this one instance, which is about the only instance in Government of a completely open-ended authority for the States to spend whatever they want to spend while the Federal Government simply pays 75 percent, we are going to bleed ourselves to death. Ultimately this will bounce back and hurt the whole cause.

Therefore, as you know, Mr. President, the bill, as reported, provided that States could only increase their costs to the amount of 115 percent of last year's figure.

Now, Mr. President, we fully realized, and we realized it even more in the last few days, that there are some elements that inadvertently and unintentionally we did not take into consideration. For instance, some new services, such as the

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work in alcoholism, are just coming into being and have just started to grow. These would be seriously hampered.

I am offering this amendment to try to make sure that we are at least establishing a precedent so that this will not continue to be an uncontrollable item jumping every single fiscal year, with the Federal Government utterly powerless to restrain it within reasonable limits. My amendment narrows down section 208, the section that provides that in this field States can only increase the administrative expenses up to 115 percent of last year's figure.

My amendment would change section 208 in a way which would continue to permit full spending for the so-called social services such as day care, home nursing care, alcoholism, and other services that are carried out for welfare recipients. None of those services would be affected; none of those who are engaged in bringing that aid to welfare recipients would be affected in any way under my amendment.

Furthermore, my alternative would in no way restrict Federal matching for the training of staff at the local level. My amendment would, however, be a limitation on salaries and expenses associcated with local administration of public assistance programs. The limitation would restict increases during this fiscal year, 1971, for basic staff to 115 percent of that which was employed last year. Even with my amendment the States would be able to obtain increased Federal matching for about 2,400 additional State and local workers, a total of about 159,000 employees.

Finally, the concern of so many of my colleagues and the concern expressed by many States that section 208 would prevent many States from establishing social service programs—or enlarging their present programs—would be corrected by my amendment. My amendment would save the Federal Government about $50 million. In the time I have had since early this morning I could not give the State-by-State details on those savings.

Mr. President, my amendment would do what Congress has always done: it would require a limit on federally financed administrative expenses. We impose this requirement on all Federal agencies, except for public assistance administration, and that alone, in most federally assisted State and local programs. This seems to be fair. It is fair for every State. It is fair to the Federal Government, and it is fair to the taxpayer. It is fair to those who are actually engaged in rendering the social services for the recipients.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Will the Senator from New Hampshire permit the Chair to interrupt so that the Chair may maintain order in the Senate.

Senators' aides will take their seats, except where they are conversing with their Senators.

I thank the Senator for permitting the Chair to interrupt. The Senator may proceed.

Mr. COTTON. Mr. President, in other words, the language of the Cotton amendment, which really is in the nature of a substitute for section 208, would make the language on page 38 read as follows:

> None of the funds contained in this title may be used for payments to any State for fiscal year 1971 for administrative expenses under titles I, IV (part A), X, XIV, and XVI of the Social Security Act which, in the aggregate, exceed 115 percent of the aggregate amount estimated for these programs for such State for fiscal year 1970.

Now, I think what I have said in explanation of the amendment has established the legislative intent. If it is adopted it cannot be applied to and would not affect the services of any social worker or persons engaged in day care, for working mothers or the alcoholic worker.

In all the various social services encompassed, only to the administrative staff, which is created and authorized by the State is affected. Even in that it allows them a 15-percent latitude.

Mr. President, it would seem to me that this is a reasonable and safe method of dealing with this matter. The real point involved is the increasing need of getting the Federal dollars to the recipient. It always reminds me of a story that I heard and that I keep thinking about. In the days of foreign missions, the pastor of a church went to his richest parishioner and asked him for a donation for foreign missions. The parishioner, who was a very wealthy man, proceeded to give him one dollar. The pastor, shocked beyond expression, said:

> I am sorry. I rarely criticize anyone for giving what they feel they should give, but you, the wealthiest man in the parish, and one of the wealthiest men in our city—to give one dollar to foreign missions seems to me shocking. I do not understand it.

His parishioner reached in his pocket and said:

> Here is $100 to get the dollar to them.

That is an exaggerated picture, but, in the first place, it is only in public welfare that we let down the bars and commit the Federal Government to 75 percent. I do not object to that figure, because public welfare is the very heart and soul of the things that we do for the people of this country. But it is only in public welfare that we let down the bars and say, "Go ahead and build up all the bureaucracies you want, because we have plenty of them here in Washington. Go ahead and build up 50 other bureaucracies, and what ever you do, it is an appropriation with no end, an appropriation with no ceiling whatsoever."

I have given this matter, as have the other members of the committee, careful thought. We feel that the language in the bill as reported by the committee—although it is unanimous on the part of the full committee—because of the intent and purpose might very well serve to curtail the actual carrying of these services to the recipients. We carefully restrict it to administrative costs. The Federal Government continues to say to the States, "You can spend whatever you feel you want to or you ought to in dealing with the alcoholics, in establishing day care, in taking welfare to the needy—and also, mind you, you may train; this does not affect the expense of training workers—all this you may continue to do and we will vote the bill up to 75 percent. We only ask that you do preclude enough in the strict administrative costs." That is where they put people behind the desks and that is where there is a tendency, no matter how sincere the effort may be, to have a surplus of people who are not actually delivering the services to the poor, the needy, the ailing, and the aged.

It would seem to me that this is fair and represents a minimum safeguard for the Federal Government in the only field, so far as I know, in which we have an open end commitment in appropriations.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. COTTON. I am very glad to yield.

Mr. CRANSTON. I would like to ask if the Senator knows the dollar effects on the various States, and overall, of the amendment. We have rather precise dollar figures based on present experience and present costs that would be lost to each State if section 208 is not altered or eliminated. Does the Senator know the effect of his amendment.

Mr. COTTON. No; as I said very carefully, I was able to obtain, in the time since last night, the number of additional State and local workers that this limitation would permit all over the country. I understand very clearly we all have very accurate compilations of the present language in the bill. If I did not understand it, the Governor of my State and the commissioner of public welfare of my State—which is one of the States worst affected—would certainly make me understand it.

Let me repeat what I said. The amendment will save the Federal Government about $50 million. Now, $50 million spread over 50 States, and including such huge States as New York, California, Illinois, and all the rest, cannot mean the crippling of administrative services, because it is really a small sum.

The significance of the amendment is not the $50 million. It is the notice that, as far as building up administrative costs is concerned, it is seeking to put some limit on them.

We further have been able to estimate that the amendment would not prevent, even in the administrative field, the addition of 2,400 State and local workers, which would bring the total up to about 159,000 employees engaged in purely administrative work.

That is the best we can do.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. CRANSTON. If the Senator does not mind, I should like to continue for a moment.

The figures the Senator has are, of course, rough.

Mr. COTTON. These figures, I think, are rather proximate, but we could not break it down by States.

Mr. CRANSTON. We did get, some time ago, estimates from the States, provided in August and some as late as this month, that would indicate that the total loss to the States if section 208 stood in its present language would be $211 million; and of course that would escalate as time goes on. Therefore, if there is a saving of $50 million involved in the Senator's amendment, there would still be a loss to the States across the Nation of $161 million. There would be a loss of approximately $60 million, under the Senator's amendment, to my State of California.

Mr. COTTON. That is the increase.

Mr. CRANSTON. Regarding the 2,400 potential new administrative personnel under the Senator's amendment, with an 8 percent salary increase about to occur, and inflation still occurring, it is questionable how long that number of workers would be available. Administrative costs nationwide went up 38 percent last fiscal year in this general program, and the service costs went up 36 percent; so even if the administration costs were frozen for the States, we would have a 36-percent increase going on for services.

So immediately there are going to be higher costs confronting the States. Secretary Richardson just announced an unprecedented increase in the caseload for welfare, and if we have an increase in caseload, we will obviously have an increase in administrative costs also, accompanying it.

So it seems to me that there would still be a very severe problem confronting my State and many other States if the Senator's amendment were adopted.

Finally, I wonder if the amendment is clear as to what "administration" means. Because there is administration involved in child care programs, there is administration involved in homemaker programs, and there is administration involved in every program you can think of. Would this provision eliminate certain types of administration vital to those programs, which in turn would then increase the costs, or mean certain services could not be rendered which relate to vitally needed programs?

Mr. COTTON. First, in reply to the Senator, I would say that his compilations are all based on section 208, which affects all the costs of all kinds of employees when you cut out every single social worker, including the training of social workers, and cut out what is paid every single doctor or surgeon or other person who is called in to render assistance; when you cut out everything. Now, it is my understanding that section 208, if my amendment is adopted, would only apply to those either at the State capitals or in a county headquarters or city headquarters who sit behind the desks and administer the programs and watch their costs. It could not possibly affect any person who is engaged in delivering welfare services to the people.

If it does increase the burden on the States to a significant extent—the Senator has referred to the amazing and unprecedented increase in the number of recipients—if the Federal Government is standing ready to finance every single care, every single service, no matter how fast the number of recipients increases, it would seem reasonable for the States, including my own, where $5,000 may mean as much as $300,000 in some of the bigger States—the contribution the States would make would be rather small if this were in effect. It would tend to keep the States on their toes in the matter of building up the number of employees who are not actually doing the legwork or delivering these welfare services.

I regret that I cannot say that this would increase the cost to California so much, and to Indiana so much, and Alabama so much, because we simply could not do it. But the significance of the figure that is in there——

Mr. MAGNUSON. Mr. President, will the Senator yield? This does not increase the basic cost; it merely says the Federal contribution shall be limited. The State can put on all the people it wants to. But our only concern—and I appreciate that there are a lot of programs now involved in section 208. That caused some concern to me, and I come from the place that has the highest employment rate now in the United States. You fellows in California are pikers compared to us.

Mr. CRANSTON. The Senator said "the highest employment rate."

Mr. MAGNUSON. Unemployment rate, I mean. But when we face HEW, and find that there are now on the payroll—it is pretty hard to find these figures, but we finally got them—618,000 people on State and local government payrolls, with their salaries contained within this appropriation. That is 618,000 people throughout the country, and we think that maybe the administrative costs are a little too high. If each one of those 618,000 received an average salary of $12,000 or $15,000 a year, that is $9 billion. If there is any criticism of these programs—that goes for OEO and our various programs, of which we have hundreds of millions in here—the criticism has been, and in many cases very justifiable, that there is too much administrative cost, that salaries are too high.

We have heard that in many places, and that they are eating up what should go down to the actual program and the people. We were trying to figure out some way in which we could have some kind of a ceiling, or slow this administrative growth up, because when you get up to 618,000 people just to administer HEW programs in the field, while it is true, in all fairness, that a great many of these people are in social security shops, where the people have to go all over the country, that is a pretty large sum.

What the Senator from New Hampshire is trying to offer is—I do not like a particular percentage; I do not think that is the way to go at it, but I think maybe there ought to be some way to slow this up a little bit, and get more of the funds to actual recipients.

We have some new programs. I suppose alcoholism and drug addiction are the best examples which we beefed up last year, but which still had just a minimum number of employees. This year we are increasing those two programs, which appear elsewhere in HEW, but which do have an impact upon programs and services we are talking about here. I know that in welfare much good has been accomplished with counseling programs on alcoholism, so obviously they would have to have more than 115 percent if they want to do more; and there have been other cases like that.

I do not know; maybe we ought to send a few copies of "Parkinson's Law" around to all these offices. That is a pretty staggering figure, 618,000 people outside of the Federal Government being supported by HEW. And if you add the administrative costs plus the salaries, you are running into billions of dollars. What we are trying to do is see if we cannot put some kind of ceiling on this.

I do not know the answer. This is only the Federal contribution we are talking about. It does not stop the States from adding, if they wish.

This would be a 15-percent increase in a new year. I was a little worried about the 15 percent for the administrative or the 110 percent. I thought perhaps 120, but under 115, in 6 years they could be doubled. That might mean more than a million people employed just to administer these programs, and this is what bothers us.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HARRIS. First, you are talking about a percentage of last year's money; you are not talking about last year's employees. It could be the same employees, with some cost-of-living increase. As the Senator knows, last month we had a considerable cost-of-living increase generally.

Aside from that, is not the very Department which has asked for this limitation on the part of the committee the very Department which also has some supervisory responsibility over the way the States operate their departments and over the percentage of overhead and administration, and so forth? Why do they have to have an arbitrary limit?

Mr. MAGNUSON. I agree with the Senator. Perhaps we should give them the responsibility and not have a percentage. If a State comes in and makes a technically legitimate case that they have to hire 100 more people on a certain welfare activity, we are required to match it, and it is an open end.

Mr. HARRIS. I think that is not so. They have some supervisory responsibility.

Mr. MAGNUSON. They can turn down the whole plan.

Mr. HARRIS. That is correct.

Mr. MAGNUSON. I think this ought to go in the RECORD at this time. Twenty-three States would not be affected by this at all. Ten States would have to reduce expenses to between 90 and 99 percent. Eleven States would be between 80 and 89 percent. There are 10 States, of which California is one, that would probably have to reduce their requests from 100 percent of what they ask to 80 percent in the Federal contribution, in the field of administration.

I see the Senator from Louisiana in the Chamber. Louisiana would have to go down to 80 percent, according to this.

We have all the figures here. The savings—that is a little deceptive—would be to the Federal Treasury, to this appropriation. Twenty-three States receive and would receive, even under the limitation, all they ask for. My State happens to be in the category of Louisiana. This is under the committee amendment, not the Cotton perfecting amend-

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ment. My State is in the same position as Louisiana.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HARRIS. That is the question I was going to ask the Senator.

Mr. MAGNUSON. I will tell the Senator the position Oklahoma is in.

Mr. HARRIS. I do not believe the Senator can, because he does not know what portion applies only to administration and what portion applies to social services and training personnel.

Mr. MAGNUSON. This applies to the whole.

Mr. HARRIS. The Senator from New Hampshire earlier indicated that he was not able to break it down.

Mr. MAGNUSON. This is his amendment, which would limit it purely to administration and not the social workers and services.

Mr. HARRIS. That is what I mean.

Mr. MAGNUSON. This is for the whole. This is based on the committee amendment, not the Cotton amendment. The Cotton amendment would save approximately $50 million, but we were not able, in the short period of time, to break it down as to States.

It would be about $50 million; whereas, this one, as the Senator from California has pointed out, would run approximately $131 million or $161 million, a significantly larger sum.

Mr. CRANSTON. The figure for California, based on a November figure, which is later than the committee's, is $78 million cost to California. If the Cotton amendment were adopted, it would still be approximately $60 million cost to California.

Mr. MAGNUSON. Most of these people are not in the office, the administrators. Most of them are out in the field, out doing their work. They are delivering, we hope, social services. Senator COTTON's amendment applies only to the office types, and not to services rendered to recipients.

We have some responsibility with respect to spending money. We cannot just spend it. I have been in some of these offices in my State, and I suppose other Senators have. I have not been out with the social workers on their rounds. I have been to places where they should be.

What bothers me is the cost of the 618,000 people we have now. If there is a legitimate criticism, if there is one legitimate criticism, of our whole welfare program it is the fact that administrative costs take up too much of the money that should get down to the people, and there is case after case after case of that. This is what we are trying to get at. I just wanted to give the background of this. Personally, I do not like the percentage ceiling. I do not think that is the way to go at it.

Mr. LONG addressed the Chair.

The PRESIDING OFFICER (Mr. BIBLE). The Senator from Louisiana is recognized in his own right.

Mr. MAGNUSON. Mr. President, let me state the parliamentary situation.

We have been setting aside the Javits amendment by unanimous consent to discuss either proposed amendments laid on the desk or some other amendments which the committee has discussed and accepted. Before I would agree to setting any amendment aside now—the Senator from New York was in the Chamber a moment ago.

Mr. CRANSTON. Mr. President, what is the pending business?

Mr. MAGNUSON. The Javits amendment.

Mr. COTTON. No.

Mr. MAGNUSON. Excuse me. The Senator from New Hampshire has asked unanimous consent. After that, it will be the Javits amendment.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, I do not know whether I will be able to be present for this vote, since I am committed to be out of town later.

I would like it known that I am opposed to the amendment.

The Department of Health, Education, and Welfare has been exerting all the efforts that any administration has ever exerted—in fact, I think they probably have worked harder and more diligently than any administration in the history of the country—to try to increase spending for welfare purposes.

We on the Finance Committee have been besieged by those representing that Department who want to increase the cost of the public welfare program by more than $4 billion a year and want to double the number of welfare recipients. We have studied their plan. Finally, in the spirit of compromise, I have gone even further than my conscience would dictate to try to accomodate their views for a $4.5 billion increase in public welfare expenditures.

At the same time, while the Department has been trying to get the Finance Committee to double the number of people on welfare and to increase expenditures by $4.5 billion, they have been trying, on the other hand, to work on the Appropriations Committee, to get them to cut the money available for the services that the States are required by law to provide—a law which they themselves advocated. This does not make much sense at all.

We on the Finance Committee have the duty and the burden of voting the taxes to pay for all this legislation, whether it is social security or public welfare or some other kind of legislation. This is the committee's unpleasant duty, to find the money to do all that—and we are not complaining about it. The majority on that committee has consistently been willing to provide for whatever we are willing to vote to authorize, and we have never been niggardly. We always have been willing to walk up to the lick log and hit our licks and take our share of the responsibility for raising the taxes to provide for social security, public welfare, medicare, medicaid, and other programs.

If we are the ones authorizing some legislation, we have to find the taxes to pay for it. The fact that we cannot balance the budget is not the fault of the Finance Committee. It is the fact that other committees vote to spend more money than we can raise. If I do say it, for the most part, that is the work of our able Appropriations Committee. I am not complaining about it. I have voted for appropriations bills but I will say, as one member of the Finance Committee, that we tend to be as tight as Dick's hatband.

I have seen Senators who served on both the Finance Committee and also on the Foreign Relations Committee, and I am one of them—I have seen those Senators go to the Foreign Relations Committee and vote to give away everything except the Statue of Freedom on top of the Capitol dome, and then walk over to the Finance Committee room and proceed to be as tight as Dick's hatband about giving anyone anything. When they are inside the Finance Committee, it seems almost as though there is an atmosphere which overwhelms Senators when they realize that everything they vote for they will also have to pay for. The Finance Committee has that duty and that responsibility.

Right now, the administration is $4 billion short of getting the money they are trying to get out of the Finance Committee for welfare. But at the same time they are asking the Appropriations Committee, without consulting the Finance Committee, to deny the States the money due them for things which the Congress voted by law to require them to do. What would it mean if we voted for the limitation in this bill? It would mean that we would be doing nothing to change the law which requires States to provide these services, while at the same time voting to deny the States the Federal matching funds that were supposed to pay for these services. It does not make any sense at all.

Why did not the Department show the committee that authorizes this kind of legislation, the committee that raises the money to pay for it, at least the courtesy of consulting them about this matter before they advocate both requiring the States to provide services and also keeping the Federal Government from paying its full share. It does not make any sense.

The idea of a limitation might find sympathy among some of the members of the Finance Committee. The senior Republican member, the Senator from Delaware (Mr. WILLIAMS), I should think, might well wish to vote for a limitation of some sort, to save the Federal Government money. But it would seem to me that he should at least be offered the opportunity of being consulted about it.

I would think it would be most appropriate that this limitation be stricken from the bill. If a type of limitation is to be imposed, then it should be done as an amendment on the social security or public welfare legislation pending in the Committee on Finance right now. This is legislation we in the committee are working on right now. And when that legislation is out here on the floor and we are voting on it, it would seem to me that this would be an appropriate time to consider this matter.

This limitation on appropriations was considered, I am told, over in the Appropriations Committee of the House of Representatives. I can imagine what happened. The chairman of that committee looked down the State cost table and saw that this limitation would cost Texas $6 million, the Representative from Georgia saw that Georgia would be adversely affected to the extent of about $5 million, the California Representative saw that the cost to California would be $78 million, and so on. That probably was about the way it happened. The whole thing was dropped and forgotten.

Having failed to gain House approval, the Department went to work on the Senate side, where we have 46 Senators from 23 States who would not be affected at all by the limitation. They figured they might be able to get a vote on the proposal in the Senate, or at least move it halfway to first base.

I find it passing strange to see the administration on the one hand trying to persuade the committee that has the authority to act on substantive legislation in this area to spend $4.5 billion on welfare while at the same time moving behind the scenes trying to get another committee to cut the program affecting the same people they say they are proposing to help.

I would hope that the Senate would vote down this proposal. If Senators want not to provide the services or to provide a reduction of service, it should be done on the social security bill that will be coming out. It will be a big one. Senators can then do whatever their hearts desire about it. If they do not want to provide the services, then let them vote to reduce the services. Having done so, then let them vote to reduce the spending. It would be appropriate that the same bill that provides for additional expenditures should also provide for whatever reductions Senators want to vote in the program.

I, for one, would be most pleased, if I have to vote on this, to vote for a bill that loosens up on the tight ends at the same time we are tightening up on the loose ends. That is what the social security, medicare, medicaid bill would do that is now before the Finance Committee. The bill will make a reduction where we think it can be justified and it will spend more in areas where we think more money can be spent advantageously for the good of the poor and the less privileged and the good of the Nation generally.

I would hope very much that the cutback in services as proposed by the Appropriations Committee would not be agreed to as an amendment to this appropriations bill. I would hope that those of us who have the responsibility of authorizing the services legislation would be permitted to participate during the remainder of this session in looking at this whole problem in the context of the social security bill that will be before the Senate later on this year.

Mr. COTTON. Mr. President, if the Senator from Louisiana will yield, I was very much impressed with the phrase that he used, when he talked about loosening up on the tight end and tightening up on the loose end.

The amendment now before the Senate, which does not in any way prevent the whole section 208 being stricken out later in the day, would make it clear that the limitation under the 15-percent increase limitation shall affect only the administration figures and shall not in any way affect the social workers, the day care people, the people who work with alcoholics, and any of the other various services—those people who are carrying the services to the recipient. That lid will be taken off entirely.

It is a relaxation of section 208. I cannot understand why even those who want to take 208 out would not want to take this first step and then go ahead and take it out of the whole thing as they see fit.

Mr. LONG. It may very well be that the Senator's amendment might be an improvement on what the Appropriations Committee has recommended to the Senate. I am not here to debate that. I personally think that the whole limitation should be laid aside and that it should be considered in the context of a much broader bill.

I am not here to point the finger of scorn at anyone, because everyone is trying to do his duty as the good Lord gives him the light to see it. Just this morning the members of the Finance Committee approved an amendment to provide more liberally for the blind. Probably everything the limitation in this bill would save, would be more than offset by the cost of the committee amendment. If Senators want to oppose the amendment for the blind on the floor of the Senate, I cheerfully invite them to do it. I tried to do it a few years ago and the Senate gave me my "lumps" when I tried to oppose the proposal.

Let me just close by saying this: What is proposed here is a potential economy that I think ought to be considered in a broader, substantive bill when we can look at the whole welfare picture rather than pick one item out here for limitation. To continue to impose requirements on the States while at the same time refusing to pay the full Federal share of the expenses just does not make any sense to me.

Mr. HARRIS. Mr. President, I agree with the distinguished chairman of the Finance Committee, of which I am a member. I intend to ask for the yeas and nays on the amendment.

Mr. PEARSON. Mr. President, the Senator from Massachusetts just left for an appointment. He wanted to speak on this amendment.

Mr. HARRIS. Mr. President, I am not in control of when we vote. I think that when we do vote we ought to have a rollcall vote on the pending amendment which, I take it, ought to be defeated. Then we can go the whole way.

I think the amendment is wrong in principle, as the Senator from Louisiana has said. It is no less wrong if two-thirds of the original idea is dropped and only one-third is pressed.

Mr. COTTON. Mr. President, I agree. We should have a rollcall vote on the amendment. I presume that very likely we have the votes to defeat it. We are trying desperately to get this bill passed some time before we leave this evening.

If we could have some agreement on time, say 5 minutes to the side, and then have a quorum call and later explain the amendment after the quorum call, we can get it out of the way. We will have a lot of time then for the big battle that may come up on other things.

Mr. HARRIS. Mr. President, I say to the Senator from New Hampshire that we could not agree to 5 minutes. But we probably could agree to a time limitation. We ought to have a rollcall vote.

One way to shorten the matter would be if the Senator would withdraw his amendment. We could then offer our amendment which would strike all three sections to which this amendment addresses itself. If that amendment fails, the Senator could bring up his amendment which would attempt to strike only two provisions of the section.

I think we could proceed on that basis. My hope is that the Senate will strike the whole section. As the Senator from Louisiana said, it is bad in principle, although it is very well intentioned.

I think that all of us want to hold down administrative costs. But we have laid on the departments around the country additional programs and responsibilities, such as day care centers and family planning, all of which require additional administration expenses and other expenses. The people are entitled to consideration insofar as salary increases are concerned and the increase in the cost of living.

This section does not allow even for that consideration to the degree it should.

I would hope that the Senator from New Hampshire might be willing to lay aside his amendment temporarily so that we could present the Harris, Ribicoff, Cranston amendment. If that amendment does not carry, the Senator could bring up his amendment at that time.

Mr. COTTON. Mr. President, after all, no matter how many groups constitute themselves as an appropriations committee for the Senate, the fact remains that the Appropriations Committee worked long and hard on this bill, including this provision. There are approximately 5,000 pages of evidence. It was unanimous. If the Appropriations Committee wants to relax some of their requests, I think they have a right to let the Senate refuse to let the Appropriations Committee change what they voted for by voting it down

If this is agreed to, the Senator can go ahead and get rid of the whole thing.

I would feel that it would not be presumptuous for me, representing the chairman of the committee and other members of the committee, as well as myself, to ask that, in view of the fact that the Appropriations Committee desires to make this relaxation and further curtail section 208, we vote on it.

I should not think we should be compelled to withdraw it. I think we ought to be allowed to vote on it within a reasonable time. It does not take too long to explain what this amendment does. It does not have any effect whatsoever on the ultimate question of abolishing the entire section 208.

Mr. HARRIS. Mr. President, I agree with what the Senator said. However, I would like to have my say. The Senator

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has had his say. We want to put on our case now.

I am not prepared to agree to a time limitation at this time. I do not think that we will unduly delay the Senate.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, would the Senator yield to me so that I may make a brief statement in support of the amendment?

Mr. HARRIS. Mr. President, I have not had a chance to say what I wish to say on the amendment. After I have finished my statement, I will be glad to yield the floor. I have been waiting for some time to speak on the matter.

I rise as a member of the Senate Finance Committee and as a Member of the Senate—as Senators know—who has somewhat more than a casual interest in the matter of welfare assistance and social services.

The Finance Committee is considering at this time rather sweeping recommendations for changes in the entire welfare program of the country, which I strongly feel we should do. As a matter of fact, I have offered legislation that is now pending in the Senate Finance Committee which would bring about real reform of the welfare system of this country which is desperately needed. It would federalize the welfare system so that we would have greater control over the whole question of administration.

Mr. President, the section which is now in question before the Senate is not the way to go about holding down costs. Rather, legislation along the lines I have just mentioned is the best way to see that people themselves benefit more, as they should, from an improved welfare system and that we hold the administrative and other costs within some reasonable limitations.

The distinguished Senator from California (Mr. CRANSTON), the distinguished Senator from Connecticut (Mr. RIBICOFF), I—some 26 other Senators altogether—have offered an amendment which would delete the entire section which would limit the expenditures by the Federal Government for its share in matching State costs for administrative expenses, services, and staff training in the welfare program of the country which exceed 115 percent of the costs for 1970.

That is a totally unrealistic recommendation which the administration has made. It seems so incongruous, as the distinguished Senator from Louisiana has said, for the administration, or at least one arm of the administration—as a matter of fact, the same arm, Secretary Richardson and Under Secretary Veneman—to come before the Appropriations Committee and say that they would like to hold down and restrict the costs of social services, and, then, these very same officials come before the Finance Committee and say that we must improve and expand social services.

That is exactly what is involved. It is rather difficult to understand what is in the minds of these men who seem to say different things on the same subject before different committees.

The truth is that caseloads in this country have jumped enormously. Secretary Richardson and others have expressed great surprise and said they wonder why that is so. We do not have to look very far to see one reason why they have expanded. One of the principal reasons is because of misguided economic, monetary and fiscal policies which have increased the number of people out of work in this country.

I refer to economic, monetary and fiscal policies which, for the purpose, as it is stated, of getting control of the economy, have increased the jobless lines in this country. Many people have had their employment insurance run out; many people are now working a 4-day week; and many others have lost their opportunity for overtime. That is not necessary in this country, the richest country in the world with the greatest productive capacity, with the greatest demand for goods and services, and the greatest skills in a work force of people who want to work. I think it is a wretched and heartless policy which forces so many people out of work.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. HARRIS. That is what is involved in this rising caseload. If we want to put people to work the administration should join the Senate in support of the bill which we have already passed to greatly expand employment in this country.

Any country which calls itself civilized and tolerates unemployment for those who want to work is not living up to what it calls itself.

I hope that we may provide expanded job opportunities for the people of this country. They have been diminishing. That is what is involved here. That is one reason why there is a rising caseload. There is also the matter of a rising population from which that rising caseload comes. We also must consider the added programs the Senate has voted, such as expanding day care programs and family planning programs. Therefore, we cannot now come here and say arbitrarily, "We are going to cut down to 115 percent of last year.

The distinguished Senator from New Hampshire is entitled to commendation, as is the distinguished Senator from Washington, the chairman of our Appropriations Subcommittee, for what they intend. They hope we can hold down costs. But the blunderbuss method is not the way to go about it by these overall limits and I have steadfastly refused to support such arbitrary limits on spending in the past. I do not see why they should be put into this legislation.

Furthermore, I think the Senator from New Hampshire is entitled to praise for asking the Senate to take away two-thirds of the harsh impact of this section which is before the Senate; but he does not go far enough. He is not able to say what the impact of the remaining portion of this section would be upon the country. In answer to a question a while ago he said he could not say what the increased cost to the States would be.

The States and local governments are already terribly burdened with rising costs and the growing need for services, without a similarly growing tax base. I do not see how we can say to them arbitrarily, "You have to cut back on these costs or pay more of them yourselves," which is what we would be saying. This is not the way to go about it.

Despite the fact the amendment of the Senator from New Hampshire goes part way, I hope the Senate will reject it. Then, the Senator from California, and I, and others will offer an amendment which goes all the way in recognizing that this is not the proper way to go about this matter. Our amendment will seek to strike the entire section.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. HARRIS. I am happy to yield to the Senator from Kansas.

Mr. PEARSON. The Senator makes the point that, with the increasing caseload today, it is an arbitrary and a rather heartless position for the administration to support the retention of section 208. I have some statistics and figures before me that come from the Department of Health, Eduction, and Welfare, relating to the point on which the Senator spoke so eloquently.

I know the Senator from Oklahoma spent a great deal of time on the Committee on Finance. I inquire whether or not the Senator, in his deep study of this particular program, could confirm these facts which give some indication why there is such great concern about the increasing costs of administration of the welfare program. For instance, I am advised that in the 5 years from fiscal year 1965 to fiscal year 1970, the administrative costs increased from $0.3 to $1.3 billion, an increase of 324 percent. This does not mean very much unless it is related to the general subject about which the Senator spoke today, and that is the increased caseload in that same period.

Mr. HARRIS. I would like to have the opportunity to respond to the question.

Mr. PEARSON. I would like to finish my statement first.

As I said, administrative costs increased 324 percent. The number of caseloads increased from 7.1 million to 10.5 million and the amount of money paid out increased from $4.4 to $7.1 billion. This is an increase of 48 percent in the welfare rolls and an increase of 62 percent in payments. So there is a ratio of over 300 percent increase in administrative costs while the number of cases increased about 50 percent and the amount of money paid out, about 60 percent.

Mr. HARRIS. Where was the Department of Health, Education, and Welfare while that was going on? Does the Senator from Kansas or other Senators feel that a State can just willy-nilly operate a welfare program however it pleases with perhaps any level of administration and overhead it wants? The answer is no. The Department of Health, Education, and Welfare has some responsibility for this program and the States have to come in with plans to be approved by the Department of Health, Education, and Welfare. Where were they when all this was going on? Are they impotent now? Why do they have to come in and ask the Senate to put on some level when Senators cannot say what that will mean when applied to the rising costs of administration? The Department of Health, Education, and Welfare should assume its responsibility and if it cannot do that, it should come before the Committee on Finance and say to us that it needs additional laws or powers. The Secretary of Health, Education, and Welfare is vested with immense power to deal with the States in order to work out arrangements for the administration of welfare and related programs. If he does not have sufficient power to hold down these costs which he feels are rising unnecessarily, the Committee on Finance is open for business. We have jurisdiction over these laws and he should come before us and say so, and not go to the Committee on Appropriations and ask for an arbitrary limit of 115 percent on the cost of administration, social services and training, or any of those matters.

Mr. PEARSON. Mr. President, will the Senator yield further?

Mr. HARRIS. I yield.

Mr. PEARSON. Could the Senator state where the Secretary of Health, Education, and Welfare was during the years 1965 through 1968? At that time a Democratic administration controlled Health, Education, and Welfare. I do not recall that HEW made any overture to the Committee on Finance at that time.

Mr. HARRIS. Four years from now is the Senator still going to be saying that? This administration has been in power a good long while. The laws have not been repealed. The powers of the Secretary are still there; he still has powers under the laws. If he does not, he should come before the Committee on Finance and ask for the powers he wants to help him see that administrative costs in these programs around the country are held down.

Lastly, I would point out to the Senator that since President Nixon took office the administrative costs to which the Senator from Kansas refers have risen 38 percent in just the last year, and that was during the administration of Nixon.

Mr. PEARSON. The point I wish to inquire about is the Senator's statement that there should be a relationship to the increased amount of money paid in welfare and administration costs. I simply cite the figures to show the administrative costs have increased over 300 percent while at the same time the caseload increased 50 percent. The Senator made the point, and I think he is absolutely correct, that if there is going to be an increased caseload there have to be more administrative costs. I think the Senator from New Hampshire made a good point today. But the ratio is so great between administrative costs and the caseload number that I think the Secretary of HEW is on pretty firm ground when he comes to the Committee on Appropriations and indicates there should be some sort of limitation to hold these great administrative costs down.

Mr. HARRIS. I do not want to unduly belabor the point. The time to bring up this matter is when we can know the effect. No one knows the effect of the proposed revised section and it is not just a matter of an expanding caseload, although that is a part of it. The Senate continues to give to the State welfare departments additional programs and asks them to fund their portion of these expanded programs.

For example, I myself offered an amendment to the 1967 Social Security Act to set up two new programs, one to provide for the use of social service volunteers in the welfare programs of the country, that amendment was adopted. The other amendment was to provide for welfare aides, for hiring poor people themselves to work in these programs.

In addition, we have expanded the day care program and the family assistance program. All these programs have to be administered and that costs money.

The Secretary of Health, Education, and Welfare ought to come before the Committee on Finance, where we can look into the whole matter of why costs are rising, and he ought to recommend changes in the basic law; or, if he does not feel that he has enough power to deal with the rising costs, he ought to ask for additional powers. But to come in and ask for an arbitrary upward limit which is not workable is not the way to proceed.

Mr. JAVITS. Mr. President, I join with the Senator from California (Mr. CRANSTON), the Senator from Oklahoma (Mr. HARRIS), and the other cosponsors of the amendment in opposition to section 208 of the committee bill under which Federal sharing in payments made by the States during fiscal year 1971 for services, staff training, and administrative expenses under titles I, IV—part A—X, and XVI of the Social Security Act—which covers assistance to the poor, the blind, the aged, and the disabled—would not apply to expenditures in excess of 115 percent of the amount estimated for these purposes for fiscal year 1970.

The Senate Committee on Appropriations report indicates that this limitation will save the Government $181 million in 1971 and adopts the administration's principal defense of the section that welfare services, staff training, and administrative expenses cannot be justified as "uncontrollable" or "open-ended appropriations." I consider this approach to be economically unrealistic and shortsighted and inimical to the entire approach of the administration in dealing with the social problems that face the Nation.

According to statistics provided by the Department of Health, Education, and Welfare, the immediate fiscal result will be that in 32 States something less than the full amount will be met, and in 14 of those States, less than 90 percent of the request will be granted. In five States—Georgia, Hawaii, Michigan, New Hampshire, and Pennsylvania—less than 80 percent of the requests can be met.

Mr. President, there is strong reason to believe that the effect on the States will be even worse than predicted by the Department of Health, Education, and Welfare.

The predictable result of this limitation will be that most States and localities will either have to scrap a good part of their social services or assume additional fiscal burdens which are beyond their capability.

This result will obtain because the costs of administration and training are tied directly to the welfare caseload, and the latter can be expected to increase during this year at a rate far in excess of 115 percent. The Secretary of Health, Education, and Welfare recently estimated that the welfare caseload for this fiscal year will include 12.6 million persons—2 million more persons than last fiscal year—and that in some States the case will be 20 to 30 percent greater than last year. The Department's own projections of the number of States that would be adversely affected by that plan are based upon the submissions by States well in advance of the current rate of unemployment, which is now at 5.6 percent and is expected to continue at this high level or at even higher levels, pushing even more individuals onto the welfare rolls. In the meantime, inflation will increase the salary expenses for caseworkers and administrators; increases of between 6 percent and 15 percent are expected this year, and will effect a rise in training costs.

Accordingly, a closed-end appropriation on services will deal a death blow to the development of social services in many States. During recent years, the States have been encouraged to provide the services that reduce welfare dependency. These have included new forms of day care, such as family day care, early childhood education, mental illness, community outpatient and treatment centers, half-way houses, and vocational centers.

However, States and localities—faced with rising administrative and training costs occasioned by the increase in the welfare caseload—will have no choice but to cut back on social services. While HEW statistics suggest that my own State would not be forced to cut back, the State itself forecasts a loss of $30 to $50 million Federal dollars.

The clear result will be that whatever savings might be effected in these particular categories in 1971 will be paid many times again and again and in subsequent years in the form of dependency on cash assistance.

Mr. President, this result also is contrary to three tenets of the New Federalism:

First, as noted by the President in his address to the Nation on August 8, 1969, the administration's welfare proposals:

> Aims at helping the American people to do more for themselves. It aims at getting everyone able to work off welfare rolls and onto payrolls.

Section 208 will have just the opposite effect. By reducing State and local efforts in child care and other services, cash recipients of welfare will be unable to overcome the obstacles that so often make the difference between welfare dependency and economic independence. The joint review conducted by the Department of Health, Education, and Welfare and the New York State Department of Social Services, issued in September 1969, document an increased interest of others in training and employment, but identified the lack of child-care facilities as one of the prime obstacles in the path that leads from welfare dependency:

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Additional day care facilities serving school-age children and pre-school children are urgently needed in neighborhoods where AFDC and other low-income families live to enable those women to take advantage of WIN and other training and employment programs.

The provisions for child care set forth in the administration's Family Assistance Act underscore the increasing realization that lack of child-care facilities—not lack of initiative—represents for millions the primary obstacle to economic independence, and even now we are meeting less than one-fourth of the need.

Second, it is incompatible with the doctrine of the New Federalism that as the Federal Government assumes the costs of cash assistance, the responsibility for social services should be shifted from Washington to the States and the localities.

This tenet—which was expressed in the administration's proposal for manpower training—will have little application in the social services field under section 208. The States which have listened to this rhetoric and have done the most to respond to it will be forced to close a number of activities, while States that were just getting interested in social services will have straitjackets placed on any innovative and responsible efforts. In contrast with these results, the administration's background paper for its social service reform amendments, submitted June 18, 1970, indicated that the Federal Government "must be concerned with expanding the quality and capacity of State and local government to accept these increased responsibilities."

Third, it is incompatible with the tenet of revenue sharing with the States and the cities. While the administration's figures suggest that these restraints will save the Federal Government, the 115 percent will force the States to make additional expenditures in order to maintain efforts. While the administration's proposal permits a 15-percent increase from 1970 to 1971, the fact is that for 27 States the total costs in these categories increased between 32.5 percent and 35.5 percent between fiscal year 1969 and 1970.

Mr. President, the House rejected any limitation on these essential services; and I hope that the Senate will exercise similar wisdom: It would be unwise to continue on the one hand, to tell the Nation's poor that the road from poverty is travelled by those who work, while cutting back on the very efforts that allow them to help themselves.

Mr. HARRIS. Mr. President, I thank the Senator from New York.

I hope that we may be able to arrange a time limitation. So far as I am concerned, and if my associates on the amendment are agreeable, we should be able to do so.

Mr. BYRD of West Virginia. Mr. President, do I correctly understand that the yeas and nays have been ordered on the pending amendment by the Senator from New Hampshire (Mr. Cotton)?

The PRESIDING OFFICER (Mr. Mondale). The Senator from West Virginia is correct.

Mr. COTTON. The yeas and nays were requested by the Senator from Oklahoma.

Mr. BYRD of West Virginia. Mr. President, I move to lay on the table the amendment offered by the able Senator from New Hampshire (Mr. Cotton).

Mr. HARRIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia (Mr. Byrd) to lay Mr. Cotton's amendment on the table. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alabama (Mr. Allen), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Tennessee (Mr. Gore), the Senator from Michigan (Mr. Hart), the Senator from Hawaii (Mr. Inouye), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from Georgia (Mr. Russell), the Senator from Alabama (Mr. Sparkman), the Senator from Mississippi (Mr. Stennis), and the Senator from Maryland (Mr. Tydings) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Saxbe), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Illinois (Mr. Percy) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. Mundt), and the Senator from Texas (Mr. Tower) would each vote "nay."

The result was announced—yeas 43, nays 35, as follows:

[No. 388 Leg.]

YEAS—43

Anderson
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cranston
Eagleton
Ellender
Fulbright
Goodell
Gravel
Harris
Hartke
Hollings
Hughes
Jackson
Javits
Kennedy
Long
Mansfield
Mathias
McGovern
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Spong
Stevens
Stevenson
Symington
Talmadge
Williams, N.J.
Yarborough
Young, Ohio

NAYS—35

Aiken
Allott
Baker
Bible
Boggs
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Magnuson
McClellan
McIntyre
Metcalf
Miller
Murphy
Packwood
Pearson
Prouty
Smith
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—22

Allen
Bayh
Bellmon
Bennett
Cannon
Dodd
Fong
Goldwater
Gore
Hart
Hatfield
Inouye
McCarthy
McGee
Mundt
Percy
Russell
Saxbe
Sparkman
Stennis
Tower
Tydings

So the motion of Mr. Byrd of West Virginia to lay Mr. Cotton's amendment on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from New York.

Mr. HARRIS. Mr. President, I ask unanimous consent that part 1 of amendment No. 1068, which I understand is the pending business, be temporarily laid aside so that I may now call up my amendment No. 1076; that upon conclusion of amendment No. 1076, part 1 of amendment No. 1068 again become the pending business, without prejudice.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, I will not consent to this unless two conditions are met. First, there must be a very short time limitation.

Mr. MAGNUSON. I was about to ask that.

Mr. JAVITS. And that was our agreement.

Second that we at the same time must agree upon a time limitation of part 1 of my amendment, because it is 10 minutes to 2, and this is Friday, and we at least want a constituency here to vote on these critical matters.

Mr. HARRIS. I would be glad to agree to a 10-minute limitation to a side on amendment No. 1076, for a total of 20 minutes, to be equally divided between the distinguished Senator from Washington and myself.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object, I cannot seem to locate amendment No. 1076. Is that the motion to strike?

Mr. HARRIS. Amendment No. 1076 is to strike out the whole section 208.

Mr. ALLOTT. Mr. President, I could not agree to the unanimous-consent request as I understood it to be proposed. I have a perfecting amendment to that which I intend to propose; and unless I were given equal time, I would have to object.

Mr. HARRIS. Could the Senator state what his perfecting amendment is?

Mr. ALLOTT. My perfecting amendment would strike the word "estimated" on line 17 and insert in lieu thereof the two words "actually expended."

The point is that at the time this was pending, the Department of Health, Education, and Welfare was actually working upon estimates. They now have all the figures in, so they know what the actual expenditures are.

Mr. HARRIS. What the distinguished Senator from California and I are trying to do is to strike out the entire section. Should we fail on that, then the Senator still could change that language. There would be no need to change it if our amendment were adopted—that is, to strike it out altogether.

Mr. ALLOTT. That may be true, but I would not want to put myself in the position of waiting until that time to offer this amendment.

Mr. HARRIS. For my part, I would be willing for those words to be changed immediately—before we strike the whole paragraph.

Mr. CRANSTON. I would, too.

Mr. MAGNUSON. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will be in order.

The Chair recognizes the Senator from Colorado.

Mr. ALLOTT. Mr. President, if this is the situation, I discussed this very briefly with the ranking minority member of the committee yesterday afternoon. I believe that this would be satisfactory to him, but I cannot state so unequivocally at this time. He is not in the Chamber at this moment. But I am perfectly willing to ask unanimous consent that I may present this and have it accepted.

Mr. MAGNUSON. Mr. President, I would like to accept it, but I think that in all deference to the Senator from New Hampshire I should wait until he returns to the Chamber. I reluctantly object.

Mr. ALLOTT. Mr. President, I will have to object, then, until I feel that my rights are protected.

Mr. MAGNUSON. Mr. President, what is the pending business?

The PRESIDING OFFICER. It is the first part of the Javits amendment.

Mr. MAGNUSON. Mr. President, I had hoped that we could work out both these amendments quickly, and I am sure we will, but we can proceed with the Javits amendment right now. It has been the pending business. I ask unanimous consent that there be a time limitation of 10 minutes to a side on the Javits amendment.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. I object. That is too short. I said an hour. We will agree to an hour. We may not use it. A half hour on a side.

Mr. MAGNUSON. I modify my request to a half hour on a side.

Mr. MILLER. Mr. President, reserving the right to object, would that hour start right now?

Mr. MAGNUSON. Yes.

Mr. MILLER. May I ask this of the Senator from Washington? Why can we not dispose of the Allott problem by putting in a short quorum call, so that the Senator from Colorado can check this matter out with the Senator from New Hampshire, and get it out of the way? Then we can go on with the Javits amendment.

Mr. MAGNUSON. We will have to wait about 20 minutes to do that.

Mr. MILLER. I suggest perhaps 5 minutes.

Mr. JAVITS. If the Senator objects, we will have to do it.

Mr. MILLER. I would hope it would not even be 5 minutes.

Mr. MAGNUSON. If Senators will just hold up for a moment, we can get both these amendments out of the way. The Cranston-Harris amendment will take 20 minutes, and I am sure that the Senator from New York and I will not take the entire hour. Then we will get both amendments out of the way. We have been wrangling for a half hour. Let us proceed with the Javits amendment, and then we can go to the 20 minutes on the Harris amendment.

Mr. MILLER. Mr. President, reserving the right to object, if the Senator thinks that 15 minutes on a side will satisfy the Senator from New York, let us make it 15 minutes on a side.

Mr. JAVITS. I said a half hour on a side.

Mr. MAGNUSON. We have wasted 15 minutes talking about it.

The pending order of business is the Javits amendment, and I ask unanimous consent that the debate be limited to 1 hour, 30 minutes to a side, the time to be divided equally between myself and the Senator from New York.

Mr. JAVITS. That is on part 1.

Mr. MAGNUSON. On part 1.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. JAVITS. I yield myself 10 minutes.

Mr. President, if I can have the attention of the Senate, I think we can dispose of this very quickly.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, to give the Senate necessary assurance of Christmas, I yield myself only 5 minutes.

The essence of this amendment is the following: We seek to increase the aggregate overall amount to be allocated for the antipoverty program by $181 million, which takes it up to the authorization for that program in the regular bill. We do not include in that, in any way, some $670 million of so-called "add-ons" which are also authorized for various aspects of the program; we omit that. So that we only raise it to the basic authorization ceiling. In connection with that $181 million, we earmark $59 million for Headstart and $41.9 million for manpower training programs, including Neighborhood Youth Corps, and other programs. The remainder of the money—$80,780,000—is allocated for the other antipoverty programs, which include research and development, health and nutrition, legal services, special impact, migrant programs, local initiative and other community action programs.

Other aspects of the amendment, which is inherent in the way in which it is presented, is the fact that we continue for this fiscal year the present practice of appropriating this money to OEO, respecting the agreements under which OEO delegates the amounts which are involved respectively to the Departments of Labor, and Health, Education, and Welfare. We had an extensive debate on that subject yesterday. Our point is that delegation agreements which are entered into and consummated as among the HEW, the Department of Labor, and the OEO, adequately take care of the fact that the money will be devoted to purposes that the Senate wants it devoted to. Also the OEO has to coordinate those efforts of the Government departments and insure the involvement of the poor themselves and of the community action agencies. We should continue for the remainder of the fiscal year according to the way the legislation now provides and not cut off that system until we renew the poverty program. Then when we do renew it—to wit, after July 1, 1971, then we may be able to approprate directly through the departments in respect of manpower and all the education programs.

On the other side, the argument is that the committee has worked long and hard and has given the program everything it can and that, somehow or other, it is more efficient to appropriate directly. It is claimed that perhaps it will be more economical and more efficient, if appropriations go directly to Labor and HEW. That, I understand, is their argument.

I think that our point is buttressed by the fact that when we drew up the legislation, we provided that the transition period must continue through this fiscal year. We feel that all that time is needed. When I say "we," I mean the cosponsors, including members of the Committee on Labor and Public Welfare and the subcommittee which has jurisdiction over this matter.

Mr. President, that is our case; we made that case in an extended argument yesterday, producing charts and figures to justify the individual items.

I hope very much that the Senate will vote with us.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I reserve the remainder of my time and yield now 10 minutes to the distinguished chairman of the subcommittee handling this whole matter legislatively, the distinguished Senator from Wisconsin (Mr. NELSON).

Mr. NELSON. Mr. President, the distinguished Senator from New York has discussed both the appropriations aspects and the devolution of these funds—from appropriations to the OEO to the various departments in considerable detail.

I shall not repeat the arguments he has made respecting the appropriations and the devolution of the funds, except to that I endorse and agree with what he has said.

Mr. President, I ask unanimous consent that the statement I have here respecting the appropriations and their purposes be printed in full in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR GAYLORD NELSON IN U.S. SENATE

Mr. President, I rise to speak on behalf of the amendment, No. 1068, to the Labor, HEW and related Agencies Appropriations bill (H.R. 18515) for Fiscal Year 1971.

The amendment would increase appropriations for the Office of Economic Opportunity to $2,245,500,000. That is an increase of $181.6 million over the Senate Appropriations Committee figure, and $165.3 million over the Administration's request. It re-

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presents funding at the level of Congressional authorization in the Economic Opportunity Act Amendments of 1969.

The bipartisan group of Senators sponsoring this amendment seek to meet our obligation to Head Start programs around the country threatened with cutbacks, to Manpower programs in cities with record high unemployment also threatened with cutbacks, and to provide sufficient funds to keep existing poverty programs operating at an effective level.

With unemployment at higher levels than in six years, this is no time to cut back on the manpower and other poverty programs.

The Economic Opportunity Act Amendments of 1969 authorized a total spending level for regular OEO expenditures for Fiscal Year 1971 of $2,229,500,000. However, $50 million has already been appropriated, at the Administration's request, for desegregation assistance.

There are four parts to the amendment. They include:

$398 million for Head Start, the full regular authorization, and enough for a modest increase in the size of the program.

$802 million for OEO manpower programs, the full Administration request, and an increase over the Senate committee figure of $760 million.

An additional $80.7 million for other OEO programs, to maintain them at an efficient level.

Language to assure that Manpower and Head Start programs are administered according to OEO delegation agreements by funneling the money through OEO. The Senate Appropriation's Committee bill directs the funds directly to the Secretaries of HEW and Labor in contravention of the OEO legislation.

Mr. President, I want to discuss each of these matters in some detail. First, however, I want to make a comment upon the flood of mail that my office, and that of my Subcommittee on Employment, Manpower and Poverty has received from local Head Start, Manpower and Community Action officials.

These letters speak of substantial cuts being made in Head Start, Emergency Food and Medical Care and in such Manpower programs as the Concentrated Employment Program (CEP) and Operation Mainstream.

It seems that in a number of instances the Administration is blaming Congress, and Congressional earmarking for these cutbacks in ongoing programs. Mr. President, the charge is simply not true. In fact, Congress has increased the funding for the Office of Economic Opportunity at a steady if modest pace.

The problem seems to be that the Administration priorities are changing, and money is being taken from some programs and given to others.

To be precise: for both fiscal years 1969 and 1970 Congress appropriated exactly $1.948 billion. (In FY 1970 the Senate approved a figure of $2.048 billion, but the figure was cut back in conference.) This year, Congress is certain to appropriate a good deal more than the $1,948 billion approved last year; the House has already appropriated $2,046 billion and the Senate Appropriations Committee $2,063 billion.

Therefore, any dollar cuts in individual programs are not the fault of the Congress. They are decisions by the Administration. The Administration has a right to make such decisions on priorities. But it is unfair to blame the Congress for such decisions.

The argument used by the Administration is that Congressional "earmarking" has "forced" the cuts. Earmarking is the term used to describe the process by which Congress spells its best judgment as to how the two billion in authorizations should be allocated among the OEO programs.

Congress was absolutely determined last year to earmark funds. The idea of giving any agency a multi-billion dollar blank check is of course justifiably objectionable. Thus specific dollar amounts—those by and large that had been suggested by the Administration in the Spring of 1969—were written into the legislation, for programs such as Head Start, Legal Services, Alcohol and Drug Abuse, etc. However, since it was recognized that a new Administration needed flexibility, a provision was written into the legislation, allowing the Director of OEO to transfer up to 15% out of any program and transfer it to another program.

The OEO officials have not been very pleased with earmarking, even with flexibility. They drew up their Fiscal Year 1971 budget ignoring the earmarking requirements written into the bill, apparently confident that they could get the earmarking provisions removed. The Administration attempted to do away with earmarking last year. They managed to get the language stricken from the bill in the Appropriations conference, but the Senate refused to accept the Conference language on that point, and the House in that refusal concurred. This year an effort to eliminate the earmarking in the House failed.

Apparently in reworking their budget after this setback the Administration exercised its 15 percent flexibility option vigorously in order to expand its Research Demonstration and Evaluation activities. And it has been informing local Community Action and Head Start directors of program cutbacks—and placing the blame on inadequate appropriations by Congress.

The Labor Department is also currently ordering cutbacks in long established programs, using as a justification the charge that "the House cut the manpower funds." In fact, as I said before, although the House cut the President's request, it actually appropriated more for OEO this year than Congress appropriated last year. Thus any cuts in the manpower programs are the result of internal allocation decisions made by the Administration. Funds to begin new programs, such as the $45 million STEP program to help those who have been laid off from the JOBS program, and the $25 million budgeted for STEP II, a program to channel funds through the Governors' offices to help states with particularly sharp unemployment problems must be taken from ongoing programs. Again the Administration has a right to reallocate funds. But how can the blame be laid on a Congress that is increasing the funds available for poverty and manpower programs?

There is only one way that the Administration can be enabled to both carry out the new programs that it desires and to keep faith with the established programs, and that is through providing the adequate funding for Office of Economic Opportunity programs proposed in this amendment.

HEAD START

In the Economic Opportunity Act Amendments of 1969, Congress authorized $398 million for the Head Start program. Head Start has proven to be an exceptionally effective and popular program at the local level. Last year it spent $342 million. This year, according to the Office of Child Development in HEW, the office that administers the program, it would take some $350 million to maintain the program at its present level. The New Obligational Authority for the program last year was only $326 million, but because of carryover funds available last year it operated at the higher $342 million figure. Those carryover funds, apparently, are not available this year.

Even at the $342 million level the program was just beginning to meet the recognized, documented local need for pre-school training for the children of the poor. It is estimated that the program serves only 18% of those who need year round help and 14% of the summer need.

If there were ever a federal program worthy of prudent expansion—in the name of investment in the nation's future—it is the Head Start program. But instead of expanding the program, the Administration in its budget proposed what amounts to a cutback. With continuation costs pegged at $350 million, the Administration has asked for only $339 million for Head Start. And when the House cut the overall administration request for the OEO by $34 million the Administration passed more than half of that cut—$18 million—on the Head Start programs in cities and rural communities around the nation.

The subcommittee did a survey of Head Start and Community Action programs to see just how deep these cuts would be. In response we received letters from all over the nation speaking of 7 percent, and 12 percent and 14 percent cutbacks in Head Start program funds. And this at a time when a 10 percent to 12 percent dollar increase is necessary just to maintain service.

I ask unanimous consent to place in the Record at this time extracts from some of these letters.

We propose going to full Congressional authorization for Head Start: $398 million. This would be sufficient funds to serve an estimated 529,400 children, still far short of the documented need, but a solid demonstration of the commitment of Congress to the expansion of programs for early childhood education.

MANPOWER

Unemployment was 5.6 percent of the work force in October. It has been rising steadily ever since the present Administration took office. In the Washington Post of November 18 it was reported that an economic advisor is predicting unemployment of 8 percent in 1971 and perhaps 10 percent in 1972.

In an article headlined "Bloodchilling Unemployment" the columnists Evans and Novak quote New York economic consultant, Dr. Pierre Rinfret, as projecting:

6 percent for the end of 1970.
6.6 percent for mid-1971.
7.9 percent for end of 1971.
8.5 percent for mid-1972.
9.7 percent for end of 1972.

Mr. Rinfret's predictions are based on the assumption that the Administration will continue its present economic policies. Perhaps those policies will be changed. Such depression level unemployment levels as are projected by Mr. Rinfret are totally unacceptable to the nation. I hope that he is dead wrong in his pessimistic projections.

However, the serious suggestion of unemployment rates over 9 percent must give us pause. It is required that all of us do what we can to see that the President has the tools he needs to fight unemployment.

The Senate demonstrated its support for the expansion of Manpower programs in September when, by a vote of 68 to 6, it passed the Employment and Training Opportunities Act of 1970. That historic act provides a basic authorization of $2 billion a year for manpower training and job creation programs, and further authorizes an additional $750 million this fiscal year for a major Public Service Employment program.

This year the Administration requested a total of $1,549,494,000 for manpower programs, roughly half ($747,494,000) under the Manpower Development and Training Act of 1962, and the rest ($802,000,000) under the Economic Opportunity Act.

The Senate Appropriations Committee has allowed $1,504,794,000 cutting $44,700,000 from the request. Of this cut $2,800,000 is taken from the MDTA request and $41,900,000 is cut from the OEO request.

The Administration plans to pass on that cut to local programs according to the following schedule:

Concentrated Employment Program	$6,500,000
Public Service Careers Program	5,200,000
Neighborhood Youth Corps in-school	3,300,000
Neighborhood Youth Corps summer	7,830,000
Neighborhood Youth Corps out-of-school	7,200,000
Job Corps	9,610,000
Operation Mainstream	2,200,000
Total	41,840,000

In order to assure that these cuts will not be made we are including in our OEO amendment the full administration request for manpower programs: $802 million.

Even at the Administration's requested funding levels these programs are grossly inadequate and underfunded.

During the past year the Subcommittee on Employment, Manpower and Poverty has held hearings in many cities around the country on examining manpower training programs. In city after city we found that the chief problem was lack of funds. In Los Angieles, for instance, local officials documented a need for 240,000 training opportunities. That is to say nearly a quarter of a million people in the Los Angeles metropolitan area that are both poor and in a position to gain positive benefit and useful employment through manpower training. To meet this need, however, they have funds enough for only 24,000 training opportunities: 10 cents for every $1 of need. This 10 percent ratio was repeated in other cities. We must appropriate at least the full Administration request and we would urge that the Administration think very carefully about using any and all available funds.

OTHER OEO PROGRAMS

The OEO amendment, then, provides full Congressional authorization for Head Start and the Administration's request for Manpower programs. In addition, it provides adequate funds for those programs upon which the Administration has set priorities—such as research, development and evaluation—and provides continuation funding at near the level of Congressional authorization for ongoing Economic Opportunity programs.

SPECIAL IMPACT

The Special Impact program provides organization and venture capital funds for the OEO's promising community based economic development program. The Bedford-Stuyvesant program in Brooklyn, N.Y. authored by the late Senator Robert Kennedy provided the prototype. Senator Kennedy and Senator Javits drafted the original legislation. Now community corporations are off the ground or in advanced planning stages in some 36 urban and rural communities around the nation with OEO support. Additional hundreds of community groups have filed preliminary applications. Adequate funds to give this promising venture a fair chance of success must be provided.

FOLLOW THROUGH

This program helps children who have been through Head Start maintain their gains during the early years in school. But the program reaches only 74,000 of the 408,000 Head Start graduates under the Administration's proposal, 17 percent of the eligible population. It ought to be expanded.

Without additional funds, health and nutrition programs will reach only 6.5 percent of those in need and provide funds for only a handful of new neighborhood medical centers. The documented need is for 600 Neighborhood Centers.

The scandalous inadequacy of Federal expenditure for alcohol and drug abuse is widely known. The meager OEO programs must be expanded. Under current programming less than 5 percent of the need for alcoholic programs, and less than 2 percent of the need for drug programs will be met.

EMERGENCY FOOD AND MEDICAL SERVICE PROGRAM

Without additional funds this program will be funded at about last year's level, reaching little more than half those identified as being in need of food and emergency medical help in this the richest nation in the world. And despite months of effort, no food stamp legislation has emerged from the House Agriculture committee.

LEGAL SERVICES

The Senate Appropriations committee has allowed three million less for Legal Services than the Administration requested. Even with the full administration request the program would only be reaching 17 percent of those who need it. Legal Services is perhaps the most successful of the OEO programs. If peaceful change is to be accomplished within the system it is essential that all Americans have access to the courts and have their rights protected. That is the mission of Legal Services lawyers. They have gained the respect of the nation and the tenacious support of the entire legal profession in recent struggles. It is essential that we provide adequate funds for the Legal Services program.

VISTA

The Senate Committee has recommended a cutback of $2 million in the Volunteers in Service to America program. Taken together with inflation this cut will mean substantial drop in the size of this crucial effort to engage young Americans to work with agencies fighting poverty. At a time when all of us feel a responsibility to provide opportunity to young people to work constructively for reconciliation and progress it is most unwise to cut back on one of the handful of Federal programs that provide such opportunities.

RESEARCH, DEVELOPMENT AND EVALUATION

The Administration has repeatedly stressed its desire to increase and enlarge the role played by the OEO in testing out new concepts. The Agency points to the great value the income maintenance experimental and demonstration project in New Jersey played in the discussions this year of the Family Assistance Plan. We believe the Administration should have the funds it asks in this area.

Mr. President, with unemployment rising, with the poor suffering more than proportionally from the slow down in the economy, and with a clear need to stimulate the economy, the time has come to begin to meet our commitments to the nation and to provide adequate funding for the Office of Economic Opportunity.

The amendment we have proposed provides full funding for Head Start, the Administration's request for Manpower programs, and adequate additional funds to meet both the Administration's priorities in Research, Development and Evaluation and to maintain existing programs at an adequate level. I urge the Senate to approve this amendment.

REMARKS ON DELEGATION OF HEAD START AND MANPOWER PROGRAMS

Mr. President: The bill which the Appropriations Committee has reported to the Senate provides for appropriations of funds directly to the Department of Health, Education, and Welfare for the Head Start and Follow Through programs and directly to the Department of Labor for the Work and Training provisions (Title I) of the Economic Opportunity Act.

The Appropriations Committee would appropriate to HEW $339,000,000 for Head Start and $70,400,000 for Follow Through and would appropriate the Labor Department $760 million for Work and Training, thus leaving $894,400,000 for other OEO programs under the Office of Economic Opportunity appropriation heading in the appropriations bill as reported by the Senate Appropriations Committee. Together these items add up to a total of $2,063,900,000 under the authority of the Economic Opportunity Act, although the Appropriations Committee would split up the funds in the bill three ways to HEW, Labor, and OEO.

The Appropriations Committee's proposal for appropriating portions of the Economic Opportunity Act funds directly to HEW and Labor presents serious problems from the standpoint of the authorization legislation—the Economic Opportunity Act.

I am chairman of the Subcommittee on Employment, Manpower and Poverty and the Senator from New York, Mr. Javits, is the ranking minority member. Our subcommittee has legislative responsibility for the programs with respect to which the Appropriations Committee proposes to make direct appropriations to HEW and Labor. Our subcommittee has drafted legislation which would accomplish direct funding to the Labor Department of all manpower training programs.

The Manpower Act, consolidating all manpower training programs in the Labor Department effective July 1, 1971, passed the House on Tuesday of this week, after having passed the Senate on September 17. In a week or two the conference committee will resolve the differences between the House and Senate bills. We held 22 days of hearings and 10 executive sessions over a period of 10 months. However, the House and Senate bills, while having some differences, are identical in this respect: They both consolidate the Economic Opportunity Act's Work and Training provisions with other manpower training programs in the Labor Department. But it should be noted that both bills accomplish this consolidation effective next July 1, 1971.

But the Appropriations Committee report attempts to make a judgment totally contrary to that of the authorizing committee. It would in the middle of the fiscal year change the arrangements for the rest of this fiscal year without any time for preparing for the changes. In acting upon the manpower bill, both the House and Senate quite deliberately delayed the effective date for the consolidation until next July 1. The reorganization of manpower programs is a difficult and delicate process, and we wrote certain protections into the bill to preserve certain advantages and tie-in arrangements with Economic Opportunity Act programs. It will take time to gear up for the changeover. An appropriations bill should not change the present arrangements in the middle of the year with no lead time.

Our committee also has Head Start legislation on the agenda. We held hearings on that program this year. At the beginning of the next session we will be acting on legislation with respect to Head Start as well as other Economic Opportunity Act programs.

I believe it is the general expectation such authorization legislation will place direct responsibility for Head Start with the Secretary of Health, Education, and Welfare. But there are many questions for the authorization committee to consider in acting upon such a bill. The manner in which the transfer of authority is effected is a complex matter.

This body has never looked favorably upon appropriations bills making changes in authorization acts. That is the reason legislation in an appropriations bill is contrary to the proper procedures of the Senate. What the bill reported by the Appropriations Committee does, however, is to appropriate funds directly to HEW and Labor without legislative authority.

Let me explain the situation under the existing legislation, the Economic Opportunity Act. Section 171 of that Act clearly states that the "Director (of the Office of Economic

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Opportunity) shall carry out the programs under this title" (title I, Work and Training programs). So by appropriating funds directly to the Secretary of Labor to carry out title I OEO Act programs, the Appropriations Committee has reported an appropriation without legislative authority in the substantive authorizing legislation. Likewise, section 245 applying to Head Start states that the "Director shall carry out the programs authorized by this title."

It is true that last year the President decided to delegate most of the administrative functions for Head Start to the Secretary of Health, Education and Welfare. In the same manner, the Work and Training programs authorized by the OEO Act have been delegated to the Labor Department for administration.

These delegations are in complete accord with the Economic Opportunity Act. Section 602 (d) of the Economic Opportunity Act authorizes the delegation of functions of the Director of OEO to other agencies, with the approval of the President.

In fact, in its original conception in 1964, the Economic Opportunity Act embodied the delegation concept. It was understood from the beginning that certain programs under the Act will be carried out directly by OEO and other functions would be delegated for actual administration to other agencies but that the Director of OEO would retain certain policy and coordinating functions. Now, maybe that is a bad idea. But we've had that idea for 5 years and suddenly, in an appropriations bill, there is an attempt to do away with that concept. The Appropriations Committee has reported provisions which have no authority in the authorizing legislation. Maybe those who don't like the idea of delegated programs have a good point. But why shouldn't a member who felt that way come before the authorization committee and testify as to his feelings. Furthermore any member can propose an amendment to the authorizing legislation.

It should also be noted that it occurs in the final stages of action in the appropriations bill, with a third of the fiscal year having already passed, that the OEO appropriations is being split up into direct funding to three separate agencies. When the President's budget was submitted at the beginning of the year, it followed the past practice of keeping the OEO appropriation all in one item. The House Appropriations Committee reported a bill and the House of Representatives passed a single appropriation item for the Economic Opportunity program. But then, in Act III, the Senate Appropriations Committee reported out provisions breaking up the OEO item into separate appropriations items scattered throughout the bill, from page 2 to page 42.

The amendment sponsored by the Senator from New York (Mr. Javits) and myself and over a dozen other Senators, would place the appropriations for the Economic Opportunity Act programs back in one location in the bill, as it was in the President's Budget Report and the House-passed bill. If an amendment is adopted, the Senate-House conference will resolve the differences in one item, rather than having one item in the House bill facing several scattered items throughout the Senate bill, as would be the case if the proposal of the Senate Appropriations Committee's reported bill is retained.

Let me point out, however, that our amendment recognizes the concern of the Appropriations Committee that it be made clear that the Head Start and Work Training funds not be held back from the operating agencies. It does this through a limitation earmarking specific amounts for Head Start and Work and Training programs and by providing that such amounts shall be used pursuant to delegation arrangements under section 602 (d) of the Economic Opportunity Act. My staff consulted with the Parliamentarian to be sure that these provisions follow the clear precedents of the proper if it accords with the authorization legislation itself.

Mr. NELSON. Mr. President, the Appropriations Committee felt that the current arrangement under the statutes, by which appropriations are made to the OEO and the responsibilities under the act are delegated from there to other agencies was an inefficient way to handle the appropriations.

It so happens that the authorizing committee which conducted the hearings on the manpower bill is in agreement with the fundamental position taken by the Appropriations Committee, that the appropriations should go directly to the Department of Health, Education, and Welfare having Headstart and Follow Through and directly to the Department of Labor for Work and Training provisions, title I of the OEO Act. Thus, in the authorizing legislation which passed the Senate in September, we provided that the appropriations would, effective July 1, 1971, be made directly to the agencies which are now actually administering these programs under delegation agreement between the Director of OEO and these agencies.

We decided in the legislation passed here in August that the effective date should be July 1 of next year, in order to give time for the effective agencies to gear up in preparation for managing the programs. Thus, it turns out that the authorizing committee is in agreement with the objective of the Appropriations Committee, but the Appropriations Committee wants to make the direct appropriations to these departments right now.

First, I point out that this really is legislation in an appropriations bill. I have so frequently heard senior Senators on Appropriations Committees and other committees advising everyone on the floor that we should not be legislating in Appropriations Committees, but that is exactly what this is. If I thought the Appropriations Committee was going to circumvent this principle and include legislation in appropriations bills, I do not know why I would bother to conduct any hearings such as we conducted from November to May—22 days on the manpower bill, hearings that were conducted in Los Angeles, Corpus Christi, Cleveland, Milwaukee, and Washington. Then, after conducting the hearings from November to May, we had executive sessions extending over a period of 2 months, in which we marked up the bill. It was our considered judgment that the effective date for removing the responsibility from the OEO for working out delegation agreements for the performance of the various functions by HEW and Labor should be July 1, 1971. That judgment was based upon the extensive hearings.

No one from appropriations, not a single member, appeared before us and said, "No, the change should be in the middle of the year." Not a word was ever said to me. Now we are in a situation where the Senate decided in passing the authorization liquidation that manpower authorizations should be transferred from the OEO to Labor on July 1, 1971.

Last Tuesday the House of Representatives passed a manpower authorization bill. We will go into conference on it very shortly. The House bill agrees with the Senate bill: the transfer should be on July 1 of next year. But the Appropriations Committee wants to transfer it in the middle of the year.

We are agreed in principle. That is why the authorizing committee recommended and the Senate accepted the proposal to transfer the functions directly to Labor in the manpower authorization bill, because we were in agreement that is what it should be. That is how we passed it in September. That is why the House of Representatives passed it that way.

Another concern we have with midyear transfer of funds without authorization concerns delegation. There is no law governing the use of the money if it is appropriated directly to HEW and Labor because the authorizing legislation says the money is authorized for OEO. OEO has worked out delegation agreements with Labor and HEW. It is under these delegation agreements that the funds and the programs are operated by HEW and Labor.

No one has answered what happens to the money if we appropriate it directly to the Labor Department and the Department of Health, Education, and Welfare. How would such action affect the delegation agreements on how the money will be spent?

It seems to me that the rational way to do it would be to select the date of next July 1, the beginning of the next fiscal year. We are in agreement on objective.

We preceded the Appropriations Committee in reaching the conclusion that the money ought to be appropriated directly to the operating departments.

If we pass this legislation, there will be no delegation agreements at all. Well, perhaps we can have letters of agreement between HEW, Labor and OEO, but who would they bind? The law is there. It gives them the money. In my judgment we should adopt the effective date of next July 1, which acomplishes what the Appropriations Committee intends to accomplish here. It is a better date on which to do it.

Mr. MAGNUSON. Mr. President, the Senator from New York and the Senator from Wisconsin have pretty well given the arguments on both sides of this question. And they have done so very well.

The real problem was that the administration promised that they would do that last year on July 1. They did not do it. They piously said this year that they would do it this coming July 1. We did not think this was a very good way to do business, to appropriate money to one department and tell them that this was for certain programs and let another department spend the money and let the first department delegate the power.

We do not know which ones they are going to delegate to the Labor Department or to HEW. They are now operating Headstart under HEW and the Job Corps program under the Labor Department. That constitutes the bulk of the OEO appropriation. It is not actually the bulk of it. It is about 40 percent, about $800 million plus of the total $2 billion appropriations. In total about 57 percent of the OEO budget in the President's requests would actually be administered by other departments.

We thought the Appropriations Committee could not exercise its responsibilities unless it could appropriate money to the departments actually doing the work. We would have no check on it. We appropriate it to the OEO and then lose track of it. The Appropriations Committee has this responsibility and we try to do the best we can to watch the expenditure of all Federal funds.

The administration officials agree that the way they are doing it is the wrong way. I imagine that they testified before the Senator's committee, they should have. They tell us that they would like to make the change. They said that before our committee. However, they promised us that same thing last year.

We said that if HEW is going to administer Headstart and spend all of the money—or supposedly so, because we do not know what happens to it—and if the Labor Department is going to spend the Job Corps money, we should appropriate the money to the people responsible for it so that we keep a close check on them.

As I said before, the truth of the matter is that I get the impression that the general objective—and it may be the right thing to do; I am not passing on the merits of the administration policy—is to keep delegating things out of the OEO to other departments to the point where there will be nothing left.

I think they left the Appropriations Committee of both the House and the Senate a little better than they usually do on total dollars. It is easier perhaps to get money for OEO than for other departments because the other departments have other fish to fry, so to speak. The OEO has only one.

I am glad to have the assurances of both the Senator from New York and the Senator from Wisconsin that next year we will at least get it straightened out. We cannot continue to appropriate money that way.

If the Senator from New York had separated his amendment, the Senate could work its will on this policy matter.

The Senator from Washington has not any particular feeling about it. But it has been a bad way to do business in the last year and a half. On top of that, last year, as the Senator from Wisconsin well knows—and he was critical of this—we waited until December before they even sent up the authorization bill for OEO. We did not know whether there would be an OEO in existence until late in the year, and then $2 billion was added to the bill.

This is a matter of policy. I do not know why they do not do it the right way now. Why should we wait until July? I do not understand that.

The Senator does not know. We are dealing with over $1,186,000,000. The Labor Department or HEW, or a combination of agencies come before the committee. They do not understand it themselves. The power to delegate is one that the Secretary of Health, Education, and Welfare or the Director of the OEO can exercise any way he wishes to under this arrangement. We have no way of knowing whether it goes to a given program such as Headstart or to some other programs.

The committee did a good job. We put the money requested in for all their programs. We hope it will work. Some of these programs are intertwined. One is delegated and another is not. There is a lack of coordination and proper direction. Last year we did not know who was going to be the Director for 9 months.

The Appropriations Committee should not be put in the position of appropriating money for a lot of programs when the expenditure power is going to be delegated. We did not even know who the director of OEO was going to be. Incidentally, he changed his mind about OEO. He was critical of this when he was a Member of the House. I think he is doing a fine job. Before the House committee he did not want it appropriated to those running it, and he probably does not support our position.

But this is a bad way of doing business.

Mr. President, I will not take much more time. But added to the bill by the Javits amendment would be $181 million. The Senator from New Hampshire and I pleaded with the Senator from New York to separate these two items and let the Senate work its will.

We think that we have done a good job. If this amendment is rejected—and I hope that it will be—all of these programs, item by item, will be open to amendment. The committee itself intends to offer an amendment on Headstart.

I think there should be an amendment to the job training program, which is also very important. We have already added to the bill in the Senate $311 million over the President's requests.

I am getting used to vetoes now, I will say to the Senator from Wisconsin. However, I do not like them. I do not want to get a third veto on this bill. I have been the recipient of most of the vetoes around here with the exception of the Senator from Rhode Island (Mr. PASTORE).

The committee did what was within its responsibilities. The $181 million brings many of these 15 items right up to the authorization ceilings.

I know that the Senator from New York said yesterday that the classic argument of the Appropriations Committee is—and I made that argument yesterday—that if we appropriate every dollar that is authorized, the Appropriations Committee might as well be done away with.

We have a chance after the bills are authorized to go through every item. We do that. The Senator from Wisconsin heard a lot of witnesses on job training. We heard pretty close to 250 witnesses on this bill for all of the programs involved.

My interpretation is that the authorization is a ceiling and that the Appropriations Committee has to take as fine to that authorization.
a tooth comb as it can and go through each item and within its capabilities and resources say whether we should go up

That was my interpretation but if you are going to appropriate everything that is authorized in legislative acts we might as well quit. The Senator said he spent several good, solid weeks on this matter and that he should not have had to do that. There is no use in our spending 4 months on this bill, sometimes morning, afternoon, and evening, if the authorizations are to be substituted.

The Senator said there is a great deal of argument about what has been said about policy. It could be argued on both sides, but the amendment contains all of these other items and the Senator from New York did not see fit to separate them. There is contained here an item of $43.9 million. Does the Senator know what that is for? That is for "Other programs." What are the "Other programs"? We never heard about them. They would be given $43 million to distribute or allocate or do what they want to do for one or any number of programs.

I think Congress has a responsibility to know where the taxpayers money is being spent. That is what this is all about. I am sorry the amendment was not separated, and strongly oppose it.

Does the Senator from New Hampshire have anything to add at this time?

Mr. COTTON. No; I merely want to corroborate and agree with my distinguished chairman. The trouble is we have so few Senators in the Chamber.

I, too, have discovered the deficit in Headstart. The committee wants to increase the amount for Headstart and I am in perfect agreement.

Mr. MAGNUSON. And every other item is open for amendment.

Mr. COTTON. There are several items we want to increase and if this blanket ball-of-wax approach is defeated, this $181 million measure which imperils the entire bill, I want Senators to understand that we will offer an amendment to increase Headstart, and it can be amended by other Members of the Senate. We want to separate the wheat from the chaff and give Senators an opportunity to deal with these matters individually, an opportunity which we are refused by the way this amendment is drafted. We were refused unanimous consent to take them up one at a time.

Mr. JAVITS. Mr. President, I yield myself 3 minutes in order to reply.

The Senator said that the manager of the bill and the ranking minority member were refused something. I do not think they were refused anything. We have introduced an amendment because we believe the appropriation should be increased by $181 million; not by $60 million alone for Headstart or $40 million alone for manpower training, or a few million dollars for legal services or nutrition. We believe it should be increased by all those amounts, and not by just one of them. They cannot tell us that we have to submit the matter the way they wanted it submitted. After all, we are the ones who are fighting the battle. We have a right to say what we

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want. We want to increase the appropriation for all these items. Senators should have the opportunity to vote on these items en bloc.

Second—with all respect—and I am not trying to be invidious—I think that the matter of delegation is a "red herring" issue. Anyone who reads our amendment will see that the delegation agreements in effect between the OEO, Labor, and HEW continue in effect as to earmarked appropriations. The two areas in which they are big and important are Headstart and manpower training, and in those areas we continue them.

The only difference is that we continue the delegation agreements and the Committee on Appropriations wants to abort what the law is now until next June when the whole operation may phase out. The delegation agreements are in effect. I would like to read that language to the Senate. It is critically important in connection with this amendment. The whole amendment will now be voted on in one vote. The amendment states:

> On page 42, line 1, strike out "$894,400,000" and insert in lieu thereof "$2,245,500,000", and insert after "provided," the following:

The reason that seems to be a large figure is that the committee has written in the additional sums in other parts of the bill.

Then, we say:

> That of such amount $802,000,000 shall be for work and training programs under parts A, B, and E of title I of such Act pursuant to delegation arrangements under section 602(d) of such Act and $398,000,000 shall be for the Project Headstart program under section 222(a)(1) of such Act pursuant to delegation arrangements under section 602(d) of such Act: *Provided further,*

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. JAVITS. Mr. President, we preserve fully the delegation; we incorporate it into our amendment. The only point is that the legislative committee wants to appropriate it that way and disregard the delegation agreements. We think the delegation agreements are valuable because it is under them that the poor are given a "look in" under these programs and we want to preserve that. There are no tricks about this matter.

The committee would prefer that we offer the amendment the way they want it, but we believe we have the right to submit the amendment the way we want it. We hope the Senate will support our position. That is our privilege, just as it is their privilege to proceed in the way they want to proceed.

Mr. MAGNUSON. Mr. President, the Senator from New York does not suggest that on all these items the Senator from Washington and the Senator from New Hampshire did not take each one up and give everything we thought we could? We did. Some Senators would like to have had more; others think we gave them plenty or perhaps too much. But I hope the implication is not here that I like to see Headstart where it is. I oppose that.

I wish the administration would keep it all under OEO. I do not like to see disintegration and elimination processes going on in successful OEO programs. If there are many more disintegrations pretty soon there will be nothing down there but an empty office, a shell.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

When I started this debate yesterday I made a statement and I would like to repeat it every minute we discuss this matter. The first thing I think I said was that I know the Senator from Washington and the Senator from New Hampshire feel the need as much as I do. There is no question they did their utmost in committee. I know this committee and so do other Senators. They did the best they could. Now, if the Senate is going to do better it is up to the Senate. I have no argument with them on that score.

The second matter is with respect to the devolution question, and we say that OEO should continue to have a role. But at least let us not change the procedure before the authorizing legislation expires, and when OEO has some vestige of authority to bring the poor into the picture. So——

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. If that is the case, why did not the Senator agree to separate the question?

Mr. JAVITS. We cannot separate it.

Mr. PASTORE. Can we not separate the amounts from the policy?

Mr. JAVITS. The House tried the same thing. If the Senator will look at the bill, he will see that the House amount of $8 billion was stricken and $800 million was inserted. That is where the decision was made. If one has to pose the question, that is where to pose it. We have to provide money to OEO and then lock it in, making it subject to these delegation agreements.

The Senator from New Hampshire (Mr. COTTON) put the question to us yesterday and asked unanimous consent. He was asking unanimous consent that the Senate vote on a principle. Nothing was sent to the desk to show how it could be done. It was sent to the desk for a vote on the principle, and that was on devolution, and not on an appropriation.

Mr. PASTORE. Could not the Senator write language to say that?

Mr. JAVITS. There is no need. If our view prevails, it will prevail. If not, we will go to it item by item. We either take it the way the House did it—except the amount is increased—or we do not. We will vote on that.

Mr. MAGNUSON. It was increased.

Mr. JAVITS. The way the House did it, but with an increased amount.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COTTON. There were two comments made by the distinguished Senator from New York that I cannot let pass. In the first place—and I am not at this point interested in whether this money is handled by OEO or HEW or the Labor Department; I am now talking about the money—he said the committee wants Senators to introduce it our way, not their way. Well, this is their way. When we attempted to divide the amendment—and I am now not talking about who is going to amend it—as to what the amount was going to be for Headstart, for manpower training, and so on and so forth, we discovered, after the Parliamentarian had ruled—he ruled again or he examined it again—that on division one we had to vote on the whole amount. Then, after that, it was a matter of dividing up the whole amount.

I specifically asked the distinguished Senator from New York if he would not let us vote on each of those five divisions of appropriations separately, so those who want to increase Headstart would have the privilege. He admitted—and he will correct me if I am wrong—that by this method that is forced upon us by the form of this amendment, on the No. 1 vote, if the whole amendment is appropriated, and we attempted after that to change the other amounts, as I remember his words, he said. "There will be an ambiguity."

Mr. JAVITS. Mr. President, I would like to interrupt the Senator—he said for me to correct him—on my own time. I do not recall ever using the word "ambiguity," and this amendment already earmarks $60 million for Headstart—I am talking about the amendment we are going to vote on now—and $41 million for manpower. There is no question about that—and it puts it under these delegation agreements. So those assertions are not correct.

Mr. COTTON. I do not quite accept that, because I distinctly recall it. I do not know what condition the record is left in, but I distinctly recall it. I think the Senator is a man in whose integrity and honor I have complete confidence; if it is not the word "ambiguity," perhaps it is "inconsistency." But he said, "You can vote the full amount under my amendment; then the rest is dividing up, and if in your attempts to divide it up you change the one full amount," he admitted, "there would be some question about its effectiveness."

So I insist—and I am not challenging and putting my recollection against his; whoever is right or wrong—in this form the Senate is not given the freedom to work its will on the different programs. We take the $181 million increase. Then perhaps we can reduce some of it. Perhaps we can divide it up. I do not know what happens after we vote it. But I insist that the Senate is not given the opportunity to work its will.

Second——

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. COTTON. Certainly.

Mr. PASTORE. Is the Senator suggesting that only if this amendment is defeated in toto can we take up part for part?

Mr. COTTON. Yes; precisely.

Mr. PASTORE. If the amendment does carry, because it is all-inclusive, we will have lost that opportunity? Is that what the Senator is trying to say?

Mr. COTTON. That is exactly what I mean.

One other comment. I regret to get into these personal disputes, but the Senator from New York said he did not understand. Now, if there is a man in the Senate whose understanding is very clear on every point, it is the Senator from New York. He said:

> I do not know what they mean when they say that we refuse to let the Senate work its will on this item by item. We did not refuse any such thing.

As a matter of fact, the unanimous-consent agreement was requested, and the Senator from New York was the one who objected, which was his right. To be sure, we could have put it in writing. It would have taken only a minute or two to do it. But when I realized the situation we were in, I requested unanimous consent that the Senate be allowed to deal with these items one at a time, and that request was objected to. I am not criticizing that right of any Senator.

Then the Senator comes here today and says he does not understand what we say when we say the Senate was not given the privilege of dealing with this question in a down-to-earth, common-sense way, letting every Senator express himself on Headstart, on manpower training, on each one of these. I still say that is the only fair way.

I hope the Senate will reject the amendment and then we can start to take them up one at a time and the Senate will have the opportunity to work its will.

Mr. JAVITS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from New York has 8 minutes.

Mr. JAVITS. I yield 3 minutes to the Senator from California (Mr. CRANSTON).

INCREASE POVERTY AND HEADSTART APPROPRIATIONS

Mr. CRANSTON. Mr. President, I rise in support of amendment No. 1068, which I am sponsoring with Senators JAVITS, NELSON, and MONDALE, as well as a number of other Senators, and which would provide additional appropriations for programs conducted under the Economic Opportunity Act of 1964.

Under the amendment, an additional $59 million would be earmarked for Headstart; $41.9 million for work and training activities; and $80.7 million for other essential poverty programs.

I strongly support each of these needed increases, but I would like to speak for a few moments with specific regard to the Headstart portion of the amendment.

Our amendment would earmark the full $398 million authorized for Headstart in the Economic Opportunity Amendments of 1969. And it would continue OEO's responsibility for insuring a poverty orientation, community involvement, and parent participation in Headstart programs by restoring Headstart's appropriation to OEO to administer under its delegation agreement with OEO.

It is estimated that the $398 million level of spending would enable Headstart to provide for 529,406 children, 57,806 more than were served during the last fiscal year and 120,606 more than could be served with the administration budget request figure adopted by the Senate Appropriations Committee.

I want to stress that our amendment to appropriate the full authorized amount for Headstart is not a rash attempt to expand this program in any way that is out of line with previous levels. Under the administration's budget request for fiscal year 1971, Headstart would be able to serve nearly 200,000 fewer children than were served during fiscal year 1969, a reduction of nearly one-third in the total number of children served. Even the 529,406 children who would be served under our amendment is still 134,594 less than were served in 1969, and would reach only 36 percent of the children who are eligible for and could benefit significantly from the Headstart experience.

The President made a strong commitment to early childhood education in his message to the Congress of March 3, 1970.

It is unacceptable to do any less than to provide the full authorized amount for Headstart, set by the Congress after detailed hearings by the authorization committees in both Houses.

The comparatively small increase we propose over fiscal year 1970—approximately 58,000 more children than were served then—will make it possible to offer essential education, nutrition, and health services to a few more of poverty's children, for whom Headstart is perhaps the best chance to escape from the debilitating and degrading cycle of poverty and dependence.

There has been an enormous outpouring of support for Headstart in my own State in the last few months. I have received hundreds of letters from concerned parents, boards of education, mayors' offices, chambers of commerce, social welfare agencies, poverty agencies, and private individuals urging that the threatened cutback be rescinded and that the program be strengthened and expanded. Only yesterday I was visited by Headstart mothers and administrators who traveled at their own expense or with community-raised funds to deliver their plea to me in person. They gave me petitions with almost 5,000 signatures of San Francisco residents.

Mr. President, I ask unanimous consent that a selection of the hundreds of letters I have received on this subject be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, presently, there are 19,000 youngsters in California under a full-year Headstart program, plus another 1,300 in summer programs. Under this amendment, there would be funds for an estimated 4,250 more children in California Headstart programs. Based on the present ratio between summer and full-year programs, this would provide space for approximately 4,000 more children in full-year programs and 250 more in summer programs.

The consensus of the letters I have received from California and from around the country, which I fully share, is that Headstart is one of the most promising and highly effective programs in our antipoverty effort.

The intellectual stimulation and growth which a disadvantaged child experiences in Headstart has a profound effect on his mental and social abilities, on his sense of personal worth and, therefore, on his later performance in formal education and his overall life style.

Parental involvement, a central tenet of the program, is important in developing a parent's greater understanding of his or her child and the child's needs and abilities and encourages parents themselves to become actively involved in learning activities which can also have a bearing on the future of non-Headstart children in the family.

Finally, Headstart has had significant impact on educational institutions at the local level, encouraging innovative approaches to educating both the disadvantaged and the nondisadvantaged and demonstrating the value of paraprofessionals in improving teacher-pupil ratios and providing individualized attention.

Mr. President, I urge the Senate to support our amendment to provide a Headstart for an additional 58,000 disadvantaged children. With a universe of unmet need totaling 839,000 children under the budget request figure this small increase is a minimum step. It still leaves 719,000 children considered eligible for and in need of Headstart services without any such opportunity.

Our action to approve this increase would have significant symbolic impact and would increase the confidence of the poor in the willingness and ability of the Congress to back up our national goal of ending poverty in America.

Mr. President, already cuts of about 10 percent have been implemented around the country based on the overall poverty program reduction passed by the House.

Senator MONDALE and I joined in a letter to the President pleading with him to find the funds necessary to prevent a reduction in the scope or a dilution of the quality of Headstart, and citing his authority to do so.

I am sad to report today that we have not yet had a response to our plea and the pleas of thousands of Headstart mothers across the country.

I ask unanimous consent, Mr. President, that the text of this letter be printed in the RECORD at this point prior to the other insertions I have requested.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 19, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are writing to express our very grave concern about the cutbacks in funds for Head Start programs during this period prior to enactment of the Labor-HEW appropriation bill for FY 1971.

In our States of California and Minnesota, local Head Start projects are being advised by the HEW regional office that their total funds will be cut back by some 10 to 14 percent for this school year. They are also being urged to reduce the numbers of children served rather

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than the quality of services offered until the appropriation bill is enacted and the level of appropriations for Head Start is finally determined.

As we understand it, the nationwide Head Start appropriations situation is as follows: Your budget request for operations under the Economic Opportunity Act includes $339 million for Head Start. The House has passed H.R. 18515, the Labor-HEW appropriation bill for FY 1971, with $2,046,200,000 to carry out the provisions of the Economic Opportunity Act, including Head Start. Based on the House appropriation figure, we understand that OEO has tentatively concluded that Head Start's proportionate share would be only $321,300,000. That is almost $5 million less than was allocated for Head Start in FY 1970 and almost $18 million less than your FY 1971 budget request.

On October 13, the Senate Appropriations Committee reported H.R. 18515, earmarking for Head Start $339 million, the amount you had requested. However, this figure still falls $11 million short of providing the same quality of services to as many full-year children (263,000) as were provided in FY 1970. (That, of course, is because of some unexpected developments since your budget was prepared, principally a reduction in the traditional level of local programs' carryover balances, salary increases and new requirements for experimental Head Start programs.)

Under the continuing resolution for appropriations as interpreted by the administration, the Head Start program is presently trying to operate with a shortage of some $29 million, and almost 26,000 children may have to be dropped from this extremely beneficial program. However, since no specific amount for Head Start is included in the House-passed appropriation bill and since, within the overall House-passed amount, the earmarking in the Economic Opportunity Amendments of 1969 authorizes at least $365 million for Head Start, there is no question of the legal authority to expend FY 1971 funds at a level to maintain the FY 1970 program rate of operations.

We are writing to suggest that you authorize the Head Start program to advise regional officies, and in turn local programs, that the $29,000,000 needed to maintain the program at the FY 1970 level of operations will eventually be funded within funds appropriated to OEO and HEW and that local programs should not, therefore, eliminate any children from the program or reduce the effectiveness of the supplementary services provided.

Insofar as Senate action on the appropriation bill is concerned, we are sponsoring an amendment to increase substantially the appropriation for programs under the Economic Opportunity Act and particularly to earmark $398 million for Headstart—the amount earmarked for that program in the authorization bill. We believe that amendment has an excellent chance of adoption by the Senate and that the final FY 1971 appropriation for EOA programs will very likely be at least as much as your $2.080.2 billion request, which includes $339 million for Head Start.

Under the above analysis, what we are really proposing would mean that no more than $11 million above your Head Start budget request would have to be made available for Head Start programs out of other non-apportioned appropriated funds. This seems a very small price to pay for providing the poor of our country and their children assurances that we are committed to continuing at least the same level of effort on their behalf and will not tolerate a cutback in services. Given the concept in your forward looking proposed Family Assistance Plan legislation, which we have supported from the outset, your February 1969 statement of commitment to providing opportunity for the development of children during their first five years of life, and your creation and elevation of the Office of Child Development in HEW, we are well aware of your dedication to giving poverty's children a fair chance.

We respectfully urge your favorable consideration of the recommendation we have made so that no children will have to be dropped from Headstart in frustration of the commitments which have already been made to them and their parents.

Sincerely,

ALAN CRANSTON.
WALTER F. MONDALE.

EXHIBIT 1

SOCIAL WORKERS UNION,
Los Angeles, Calif., November 12, 1970.

Hon. ALAN CRANSTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: The Executive Board of this Union at its regular meeting in Los Angeles on November 8, 1970, has directed me to request that you take whatever action is necessary to increase appropriations for the Head Start Program for preschool children from low-income families.

Head Start should be accepted as a very significant part of the national effort to stop the poverty cycle. It provides early involvement of both parents and children in the educational system. It provides a means for early diagnosis and treatment of physical disabilities that could be permanent educational handicaps if not detected early.

We urge you to support an expanded budget to enable Head Start participation for an increased number of low-income children.

Sincerely yours,

LOUIS GRAY,
President.

NATIONAL ASSOCIATION OF SOCIAL WORKERS, INC.,
San Francisco, Calif., October 20, 1970.

Senator ALAN CRANSTON,
Washington, D.C.:

We are deeply concerned about press reports of White House decisions to substantially cut already meager anti-poverty programs administered by the Office of Economic Opportunity, the Department of Health, Education and Welfare, and the Department of Labor. These cuts, when coupled with announced transfers of such defenseless programs as legal services for the poor to new auspices, seem tantamount to a calculated effort to render impotent and ineffective what needs to be made stronger. Certainly Head Start and Community Action, two of the threatened programs, must be protected at all costs.

The fact that OEO Director Donald Rumsfield is protesting these cuts and changes indicates that the Administration is itself divided on the issue. We ask that you do everything within your power in relationship to both budgetary changes and appropriations, and the impact of your office on White House decision-making, to question these planned cuts, and attempt to reverse them. At a time when the spectres of increased unemployment and living costs haunt the poor and threaten to impoverish new segments of our population, it would seem essential to strengthen and innovate, and not to weaken federal anti-poverty efforts.

JAMES M. KARLS,
President.

RESOLUTION BY BIOLA-PERSHING UNION ELEMENTARY SCHOOL BOARD OF TRUSTEES

Whereas, the Biola-Pershing Union Elementary School Board of Trustees has had a continuing interest in Project Head Start's offer of social, educational, and medical services to children in the school district; and

Whereas, research has shown Head Start to be one of the most effective community action programs actually helping to break the poverty cycle; and

Whereas, proposed budget cuts will mean the possible dropping of the Biola-Pershing Union Elementary School Head Start Class, and the elimination of eighteen pre-school students from a vitally needed educational service; and

Whereas, there is dire need to increase Head Start funding rather than decrease it since only ten percent of the eligible children can now be served; and

Whereas, it is now accepted that preventative programs such as Head Start are ultimately less expensive to the taxpayer than are remedial programs,

Therefore, be it resolved that the Board go on record as strongly urging that Head Start funding cuts be immediately restored, that Head Start funds be increased in the immediate future, and that monies appropriated by Congress for Head Start be earmarked for Head Start in order to eliminate the likelihood of cuts by the national administration.

Adopted this 4th day of November, 1970.

FRANCIS MCEWEN,
Board President.
AUGUST KERBER,
Clerk.
JACK RUDOLF,
Board Member.
CARROLL NELSON,
Board Member.

ESCONDIDO UNION SCHOOL DISTRICT,
Escondido, Calif., November 9, 1970.

Hon. ALAN CRANSTON,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SEN. CRANSTON: I am certain that you are already well aware of the O.E.O. plan to channel some of the funds previously available for Head Start programs into other programs during the current funding year. Here, in San Diego County, we have been told that the program in Escondido will most likely have to absorb a 13% cut in its operations starting in February. Since we are now operating the program with more than the required 20% in-kind contribution and with less expensive non-credentialed help and the most frugal possible use of transportation funds, there is nowhere left to go but to cut the number of children. In our program, we are, at present, only able to handle those children with the most limited English and the greatest medical needs. To cut any of these will be heartbreaking.

It is my understanding that in making funds available to O.E.O. for the operation of Head Start, the Congress had not really intended for them to appropriate some of this money for other uses. If this was indeed the intent, is there anything that can be done to prevent this cut-back? It is particularly sad to contemplate at a time when costs are rising and, at the same time, at a time when the community commitment to Head Start and other compensatory education programs is growing. Many of our volunteers come from the middle-class community and their understanding and enthusiasm for Head Start is apparent.

Please help us if you are at all able to do so.

Sincerely,

Mrs. MARGARET HORTON,
Coordinator, Compensatory Education.

BOARD OF EDUCATION, FRESNO COUNTY,
Fresno, Calif.

RESOLUTION

Whereas, the Fresno County Board of Education has long been a supporter of the Head Start Program conducted by OEO and the local Economic Opportunities Commission, and

Whereas, the present project has reached only 10% of the number of preschool children eligible for the program due to lack of proper funding, and,

Whereas, the program has been a most successful community action component of the War on Poverty within our community, state and the nation, and,

Whereas, the present proposed cutbacks of 15% would severely curtail the operation of the program for the children and families involved,

Therefore, be it resolved, that the Fresno County Board of Education urgently requests reconsideration and restoration of authorized funding for the Head Start Program, and,

Further resolves that this resolution be forwarded to all representatives charged with making this decision.

ERNEST A. POORE,
Secretary, Fresno County Board of Education, Superintendent Fresno County Schools.

OCTOBER 29, 1970.

THE CITY OF CHULA VISTA, CALIFORNIA,
November 6, 1970.

Hon. ALAN CRANSTON,
U.S. Senator,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR CRANSTON: The Regional Head Start office in San Francisco has cut the funds for Head Start in San Diego County by $206,000 for our next funding year. This is a cut of 13.45%, but figuring the increased prices of food, transportation and labor, it is actually a 20% cut.

It is a shame that an apparently successful program such as that developed by Head Start in San Diego County is now faced with the possibility of dropping 300 to 400 children from the program before the school year is out.

Older citizens are able to compensate and adjust for changes that must be made, but when a program is started for children and is then suddenly curtailed, their inability to understand may have a profound effect on their entire lives.

Please reconsider funding of the Head Start program for San Diego County.

Sincerely yours,
THOMAS D. HAMILTON, Jr.
Mayor.

SOCIAL SERVICE DEPARTMENT,
Santa Rosa, Calif., November 6, 1970.

Senator ALAN CRANSTON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: I am directing this letter to you as an appeal for your support in blocking a pending cutback in the funding of the Headstart program.

I believe I can speak with some authority regarding the success of this program in accomplishing its stated goals during the few short years it has been in existence. I base my observations and comments on the following vocational background and direct experience with the program. During the last 19 years, I have been employed in the Public Welfare System in California. The last five of these years have been as Director of a County Welfare Department; the first four years in Kings County and the past year in Sonoma County. During these five years, I have also served on the Board of Directors for the local Community Action Agency, in each County, responsible for administering the Office of Economic Opportunity programs, including Headstart. During the four years I was in Kings County, I served as a member of the evaluation team for the Headstart program. We annually assessed the success of the program and its effectiveness and submitted a written report of our findings to the Regional Office of Economic Opportunity. This past year, since coming to Sonoma County, I have served as an agency representative to the Sonoma County Headstart Council, Inc. I think you can see that I speak from more than just a rudimentary knowledge of the Headstart program.

During my years of experience in Public Welfare, I have become aware of many reasons for the patterns of dependency and poverty with which we work. One of the primary reasons, is a lack of basic vocational and educational skills. A study, which I conducted while in Kings County, of the characteristics of our Aid to Families with Dependent Children Unemployed Parent caseload showed that the average grade level attained by the fathers was sixth grade and by the mothers seventh grade. These parents came from family backgrounds in which they were culturally and/or economically severely deprived. Most had dropped out of school at an early age because they could not successfully compete with the other students and because of the economic pressures at home requiring them to seek employment. Most of these parents wanted something better for their children and saw Headstart as a means to that end. I believe the effectiveness of the Headstart program can best be illustrated by the following true story.

During one of my visits, as a member of the Headstart evaluation team, to a local school where a Headstart program had been in operation for two years, I had the occasion to talk with one of the kindergarten teachers regarding her impression of the Headstart program. She was critical of the program, stating that because of it she had been forced into changing her whole teaching pattern. The children entering her class from the Headstart program were so much further ahead of the other children, as reflected in their knowledge, inquisitiveness and classroom skills, that they were a real challenge to her teaching skills. While this observation was intended as a criticism, it was, in fact, a welcome compliment, for it highlighted the very goals which Headstart endeavors to accomplish.

At a time when our national leaders are seeking solutions to the problems of dependency and poverty, it does seem somewhat incredulous that they would sharply reduce the effectiveness of one of the most potent weapons in the war on poverty. I am convinced that if the generational pattern of poverty is to be altered, we must place our greatest efforts on the upcoming generation represented by the preschoolers who are now being helped so effectively through the Headstart program.

Thank you for your help as a concerned and responsible legislator in continuing the adequate funding of this most worthwhile investment in our Nation's future.

Very truly yours,
PAUL M. ALLEN, Jr.,
Director.

HEADSTART,
Oxnard, Calif., November 12, 1970.

Senator CRANSTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: The Head Start parents and staff of Ventura County, California, would like to express the deepest and sincerest appreciation of the efforts you have made in behalf of the Head Start Program. We hope that we can, with your help, make our needs more strongly felt.

A letter campaign supporting the amendment proposal co-sponsored by your office has been organized. Please help us to concentrate our efforts where they will be most beneficial. In your opinion, would it be best to write to the Representatives who might vote against the amendment? If so, we request the names of these representatives in order to make them aware of our needs and opinions.

Thanking you for your concern, we hope to hear from you very soon.

Sincerely,
CREDA STANLEY,
Parent Inv. Coordinator.

CHAMBER OF COMMERCE,
National City, Calif., November 12, 1970.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR MR. CRANSTON: The members of our Education Committee, as well as our Board of Directors, are concerned with the decision to reduce Project Head Start operating funds by 13.45 percent. This cutback will lower the number of children enrolled in the program in San Diego County from 1,200 to 900.

We feel that the Head Start Program has established a record of success in helping young children and urge you to do whatever is in your power to restore the operating funds.

Your consideration will be appreciated.

Respectfully,
BERNARD C. SCHEMMER,
President.

THE CITY OF SANTA CLARA, CALIF.,
November 12, 1970.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: Speaking on my own behalf, I would like to express at this time my support for the Senate Appropriation Committee Amendment to H.R. 18515, which provided $339 million for Head Start, to be administered from the Department of Health, Education and Welfare. I feel that Head Start has been a vital and viable program in our community.

It is my sincere hope that this amendment will meet with your approval and will be adopted by Congress and signed by the President. Programs of this type truly deserve our support and financial assistance in order for them to attain the highest possible degree of success.

Thank you for your consideration of this issue and I know that your decision will be in the best interests of all concerned.

Sincerely,
GARY G. GILLMOR, *Mayor.*

CONSTRUCTION AND GENERAL LABORERS' LOCAL UNION No. 270
San Jose, Calif., November 11, 1970.

Hon. ALAN CRANSTON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: The members and officers of Construction & General Laborers Union Local 270 are vitally concerned with the continuance of the Head Start Program for pre-school children in low-income families.

This important program for pre-school children has been cut three of the last four years, and this last proposed cut of 13.5 per cent will destroy it.

We have been informed that you will introduce an amendment to increase Head Start funds by $398 million when the Health, Education & Welfare appropriation reaches the Senate floor after the recess.

Your great concern in seeing that this program be increased and not cut by 13.5 per cent for the best interest of these children is commendable and appreciated by all your constituents.

Respectfully yours,
R. H. MEDINA,
Secretary-Treasurer.

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The Central Labor Council of
Santa Clara County, AFL–CIO,
San Jose, Calif, November 9, 1970.
President Richard Nixon,
The White House,
Washington, D.C.

Dear Mr. President: Upon reliable information that the nationwide Head Start Program cutback for the coming year 1971 of about 13% would mean a cut of $66,282, or 13.45%; a loss of at least 60 children and 10 to 12 staff or a reduction leaving no preschool education for 280 children for four (4) months and no jobs for 70 persons for four (4) months, delegates of the Central Labor Council of Santa Clara County, AFL–CIO, in regular meeting November 2, 1970, voted unanimously to concur in its Executive Board recommendation to protest such cutback and to support an increase in HEW appropriation for Head Start.

Organized Labor in Santa Clara County sponsored the very first Head Start program in this area and has since been strongly behind this type of program for pre-school children in low income families. This support is even more critical at this juncture of increasing un-employment and what seems to working people to be inappropriate and unjust frugality in education, particularly in the dual language and lower income segments of Santa Clara County's social structure.

The Council therefore urges your support of a Senate Appropriation Committee amendment to increase Head Start funds when the Health, Education and Welfare appropriation reaches the Senate floor after recess.

Sincerely yours,
Emerson Street,
Business Representative.

City of Carpinteria, Calif.,
October 23, 1970.
Hon. Alan Cranston,
U.S. Senator,
Los Angeles, Calif.

Dear Senator Cranston: The Carpinteria City Council has become seriously concerned about the possibility of reduction in some of the programs sponsored by the Community Action Commission of Santa Barbara County. We are particularly concerned about the Head Start Program and the proposed cuts as they affect our area. We have attached to this letter an editorial which you may have already seen but which we feel very accurately and succinctly expresses our concern relating to this matter. We urge that you restore any cuts in this particular area and suggest instead, since we do agree on the need for economy in the government, that there are other areas much less critical to the future of our nation which can survive this type of reduction.

Sincerely yours,
Allan R. Coates, Jr.,
Mayor.
Cresenciano de Alba,
President, Carpinteria Valley Community Council.
Robert "Olly" Olivas,
Councilman and Community Action Commissioner.
Jacque Paulsen,
Community Action Commissioner.

County of Tulare, Board of
Supervisors,
Visalia, Calif., November 9, 1970.
Senator Alan Cranston,
Senate Office Building,
Washington, D.C.

Dear Senator Cranston: We have been advised by our local Community Action Agency that a 10% cut-back is proposed for the Child-Care and Head Start portions of the OEO program. It is our observation that these have been the most acceptable and productive of the anti-poverty efforts. We would think that there might be other areas to consider cutting back before these.

Sincerely,
Donald M. Hillman,
Chairman, Board of Supervisors.

HEAD START CUTS HURT CHILDREN

An effect of the Nixon administration's strange order of spending priorities has struck home in Sacramento, with a $100,000 cut in funds for the admirable Head Start program.

This program is one of the more salutary and practical aspects of the War on Poverty, providing educational, medical, dental, psychiatric and dietary services for preschool children in low-income neighborhoods.

It achievements have been widely applauded, in Sacramento and elsewhere through the nation. It has served to provide otherwise disadvantaged children that first foot up the ladder which enables them to go on successfully through their later school years.

Although Congress specifically allocated funds for this popular program in a manner intended to defeat any slashes by the administration, officials in the Health, Education and Welfare Department have been able to subvert Congress' will and have ordered budget cuts in communities across the country where Head Start programs have proved so valuable and effective.

It is scant solace to the Sacramento community that the $100,000 cutback is being balanced in a way that no single aspect of the program will be killed outright.

The fact is this worthy program will not be available on the scale of the demonstrated need. Instead of being contracted, its activities should have been expanded.

This is a strange index of the administration's scale of values concerning the nation's priceless asset—its children. (Sacramento Bee.)

Board of Supervisors,
November 5, 1970.
Mr. Alan Cranston,
New Senate Office Building,
Washington, D.C.

Dear Mr. Cranston: Please be advised that the Fresno County Board of Supervisors, at their regular meeting of November 3, 1970, unanimously approved the enclosed resolution urging restoration of funds cut from Project Head Start's budget.

Your attention to the enclosed resolution will be greatly appreciated.

Respectfully,
Carl H. Melom,
Clerk of the Board of Supervisors.

RESOLUTION

Whereas, the Fresno County Board of Supervisors has had a continuing interest in Project Head Start's offer of social, educational, and medical services to children in Fresno County; and

Whereas, research has shown Head Start to be one of the most effective Community Action Programs actually helping to break the poverty cycle; and

Whereas, proposed budget cuts will mean dropping some 200 of the 625 children now being served in Fresno County, and cutting the number of classes from 37 to around 25; and

Whereas, there is dire need to increase Head Start funding rather than decrease it since only one-tenth of the eligible children can now be served; and

Whereas, it is now accepted that preventive programs such as Head Start are ultimately less expensive to the taxpayer than are remedial programs;

Now, therefore, be it resolved that this Board go on record as strongly urging that Head Start funding cuts be immediately restored, that Head Start funds be substantially increased in the immediate future, and that monies appropriated by Congress for Head Start be earmarked for Head Start in order to eliminate the likelihood of cuts by the national administration.

Adopted by the Fresno County Board of Supervisors this 3rd day of November, 1970, by the following vote, to-wit:

Ayes: Supervisors Reich, Ventura, Cassidy, Krebs, Craven.
Noes: None.
Absent: None.

American Association of University Women, La Mesa Branch,
La Mesa, Calif., November 11, 1970.
Hon. Alan Cranston,
U.S. Senate,
Washington, D.C.

Sir: As Area Representative for Education of the La Mesa Branch of American Association of University Women I wish to express my concern over the proposed cut of 13.45% of the budget of the Head Start Program in San Diego for the coming year.

The present budget serves only one of fifteen children eligible between the ages of 3 to 5. The 13.45% cut will eliminate 300 of the 1200 children we are currently serving.

We are asking your special help in the name of the children, parents, and the Community at large, so that we may avoid such a cut.

Respectfully,
Mrs. Kenneth Greenleaf.

Young Women's
Christian Association,
Santa Cruz, Calif., November 4, 1970.
Hon. Alan Cranston,
U.S. Senate,
Washington, D.C.

Dear Mr. Cranston: The Public Affairs Committee of the Y.W.C.A. would like to register its objection to the possibility of cutbacks in the Headstart budget for the 1970 fiscal year.

The Y was closely associated with early Hearstart programs in Santa Cruz, providing both volunteers and space. We feel strongly that any program that aims at preventing poverty through the increasing and improving of educational opportunities deserves top priority in budget considerations.

Reducing the Headstart budget by 13.45% prevents the program from serving the number of children who need it, thereby letting down the whole community.

We strongly urge you to support all efforts to increase rather than decrease the funds allocated to Headstart in this and in succeeding years.

Mrs. Hugh S. Johnston,
Chairman, YWCA Public Affairs Committee.

Pasadena-Foothill Valley YWCA,
Pasadena, Calif., November 4, 1970.
Hon. Alan Cranston,
Senate Office Building,
Washington, D.C.

Dear Senator Cranston: The Board of Directors of the Pasadena Young Women's Christian Association is concerned by the recent cuts in the Head Start budget. We feel that it is essential to prepare the disadvantaged pre-school child for the challenge of the school system; otherwise, the disadvantaged child slips behind his peers and soon drops out.

Head Start is one of the most successful programs in our country's effort to break the poverty cycle. In Pasadena the Head Start programs have proved to be effective, not only for the children, but also for the parents who are involved through Head Start in educational and self-help programs.

Surely now is not the time to reduce services. We hope that you will do everything possible to restore Head Start funds and to enlarge the Head Start and pre-school programs for the disadvantaged.

Sincerely,

ELIZABETH RHODES,
President.
DOROTHY TADA,
Executive Director.

Mr. MAGNUSON. Mr. President, just one thing. I hate to belabor this point, but nobody is suggesting that Headstart should not be taken up as a separate item.

I was one of the originators of Headstart. What we are talking about is this particular amendment. The Senator can submit any amendment he wants in reference to Headstart, any kind of amendment he wants, and bring it up in any way he chooses so that the Senate can work its will, up or down, the same as on any of these items.

I do not want Headstart to get mixed up with this basic policy question on fiscal management. The Senator can have all the time he wants to talk about Headstart, and move to increase the money or reduce it, either way.

Mr. CRANSTON. I understand.

Mr. MAGNUSON. But why talk about Headstart now, until we finish this amendment?

Mr. CRANSTON. The defeat of the amendment would eliminate certain funds that have been designated to insure that certain funds go to OEO, to increase the Headstart program—not beyond what it was in 1969; it would still be below that, but it would start moving back toward serving as many people as were once served.

Mr. MAGNUSON. Well, that is what we intend to do. But I do not know why the Senator brings Headstart into this. There are 15 other programs; we will take them one by one. The Senator from California can offer any kind of amendment he wants to.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. I yield 3 minutes to the chairman of the committee, the Senator from Texas (Mr. YARBOROUGH).

Mr. YARBOROUGH. Mr. President, I rise in support of this amendment, because it does include an appropriation for Headstart. This amendment also provides additional funds for the Office of Economic Opportunity to maintain past commitments in its basic, essential poverty efforts which meets the administration request for innovative programs, research, and evaluation.

I am well aware and sympathetic toward congressional efforts to pare the budget. However, I cannot sympathize with austerity which substantially cuts back the programs designed to benefit the poor, whose interests are continually being sacrificed in the interest of economy. If this Nation is to maintain the confidence of the poor, our priorities and spending must reflect genuine concern for their needs.

The Headstart program is particularly dear to me because I have been close to it since its very inception. It was originally started by the League of United Latin American Citizens. It was then called the Little Schools of the 400 because its basic objective was to teach Mexican-American children who did not know English, 400 basic English words so that when they entered school they could begin to understand their English-speaking teachers.

The program was severely limited because of lack of money but it was so successful that the State of Texas passed a law incorporating the concept as part of their educational system. However, as often happens to programs for the poor, the State legislature did not appropriate enough money and so it died before it had started.

I can tell the Senate when Headstart originated.

During the early formative days of the great society, Dean John Silber of the University of Texas brought this program to my attention and I was able to get him an appointment with President Johnson and OEO Director Sargent Shriver, and a few months later Headstart was made part of this Nation's war on poverty.

When the OEO program was being written at the White House, Dr. John Silber, who was dean of the College of Arts and Sciences at the University of Texas, phoned me and told me about the program. I did not know anything about it. It sounded a bit early for children to start in such a program. I phoned to Sargent Shriver, and he granted a 30-minute interview, which, after listening to Dr. Silber, he extended to 2 hours. Out of this interview, the Headstart program was born.

From the very beginning, Headstart has been the most successful of all our efforts to fight poverty. It has been improved many times to the point that we now provide educational, nutritional, and medical benefits to children who are enrolled. Their parents are benefited also by allowing them for the first time to participate in program decisions affecting their children.

I have received letters from Texas and from nearly every State in the Union protesting the projected cuts in the Headstart programs. Most of these letters are from the parents of the children who will suffer from these cuts in the program. They plead for the opportunity which the Headstart program provides for their children. They know it will certainly make a difference in the lives of their children. We know it will too. How can we allow one less child to go without the opportunity that will make the difference in life for him?

All this amendment does is to make good our promise to those mothers and those children and to all Americans by earmarking the $398 million we authorized for Headstart when we extended the Economic Opportunity Act.

Another thing I want to mention is this program for jobs. We now have an unemployment rate that has gone to the highest level in years. This past September, the Senate overwhelmingly passed the Employment and Training Opportunity Act in response to record setting unemployment rates. We have never had as many people unemployed since the great depression. The Department of Labor reports that the actual number of unemployed workers totaled 4.3 million in October. Since last October, 1 year ago, the number of unemployed persons reported by the Department of Labor has increased by 1.4 million. The most alarming fact about this statistic is that nearly 85 percent of this increase was among long-employed full-time workers who had lost their last jobs. Experts tell us that there is no end in sight to this downward spiral in employment.

Clearly this is a time when we should increase, not decrease our manpower programs. The funds we are requesting in this amendment will provide for manpower training activities at the levels originally requested by the administration.

The Senate Committee on Appropriations recommends $1,504,794,000 for manpower programs under the Manpower Development and Training Act and the Economic Opportunity Act. Our amendment increases this amount by $44,700,000 to equal the amount requested by the administration. The additional money requested in our amendment will prevent cuts in established programs which are effectively providing manpower and training services for our rapidly growing unemployed work force.

In addition to providing full funding for the Headstart program and restoring the amount requested by the administration for Manpower and Training programs, our amendment provides funds for other essential antipoverty programs and activities in the Office of Economic Opportunity at levels approaching those which Congress intended through the passage of the Economic Opportunity Amendments of 1969.

These commitments made by Congress in 1969, before inflation became so severe, will provide minimum essential amounts needed to continue these highly successful and effective programs at visible levels If the so-called war on poverty is to maintain any sort of forward thrust it is important that Congress hold the line against retreat in such essential and effective programs as: legal services, emergency food and medical service programs, comprehensive health service programs, educational follow-through programs, VISTA, special impact programs for economic development in urban and rural areas, and community action-local initiative programs.

Our amendment appropriates a total of $2,245,500,000 for programs conducted under the Economic Opportunity Act of 1964. This amount is identical to the authorized figure in the bill which was amended in 1969. The Senate Committee on Appropriations has recommended $2,063,900,000 for these programs. We seek an increase of $181,600,000 which will be earmarked as follows: Headstart, $59,000,000; manpower and training, $41,900,000; and the remaining $80,700,000 will be allocated among the other essential poverty programs which I described.

I have no criticism of the Appropriations Committee. I am on it. They have great difficulties. We have budget limitations. We are spending our money for the wrong purposes in this country, and I know the Appropriations Committee has great pressures on it. But, Mr. President, I consider this amount a reasonable and modest increase which is essential to maintain a forward thrust in our

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efforts to combat poverty. I strongly urge its adoption.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Vermont.

Mr. AIKEN. I thank the Senator for yielding.

I understand that the committee has reported out an amount of $339 million for Headstart. I also understood the Senator from Washington to say that it is the intention of the committee members to offer an amendment to the pending bill which would raise that amount still further.

Can the Senator from Washington tell us how much more the committee plans to increase the amount of the appropriation for Headstart?

Mr. MAGNUSON. I can answer that question quickly. We had an amendment prepared because we checked with officials at Headstart. The sum of $339 million is what they had originally asked for. I think in the last 3 or 4 months, since they appeared before the House and Senate they claim now that they need another $11 million, or $13 million—in that range—to maintain their program at the same level of activity for this coming year. We have an amendment prepared to that effect. If the Senate wants to make it more——

Mr. AIKEN. Is it $15 million?

Mr. MAGNUSON. It is $15 million, or something like that, we will be glad to do it. I think $15 million is a better figure. We are already $13 million over last year, and the $15 million would make it $28 million over last year, or close to 10 percent.

Of course, everyone is for Headstart. There is not a person in this country who is not in favor of Headstart. But someone has got to have some responsibility. This is what they said they could use for it, and it is $50 million over last year.

I hate to see Headstart where it is. I wish it would be aimed the other way. But that is the way the administration wanted it, and that is what they did.

I am not wedded to this figure, but this is what they say will keep it going and do the job.

One would think, to listen to some of these speeches, that we were asking for the repeal of Headstart. Some repeal—$350 million. That is no repeal of Headstart. The sum of $350 million, I think, is a pretty good, sound endorsement of Headstart by us.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

M. COTTON. How much time is left on the amendment?

The PRESIDING OFFICER. The Senator from New York has 2 minutes remaining. The Senator from Washington has 8 minutes remaining.

Mr. MAGNUSON. I yield to the Senator from New Hampshire such time as he may require.

Mr. COTTON. Does the Senator from New York intend to use his 2 minutes?

Mr. JAVITS. I do.

Mr. COTTON. Then I serve notice, Mr. President, that as soon as the Senator from New York has used his 2 minutes, I shall move to lay the amendment of the Senator from New York on the table, just as they laid mine on the table.

Mr. JAVITS. Mr. President, may I say to the Senator from New Hampshire that I think he has now done what I thought he would do yesterday, in deference to his own point of view, with which I heartily disagree.

I yield myself 1 minute.

I am not a bit insulted. The essence of this matter is this: Senators who want to increase this appropriation by $181 million will, I hope, see through this persiflage, with all respect, about devolution and direct appropriation, and understand that this is dollars and cents.

First, the fact is that we wish to increase the Headstart program by $60 million. Last year it was $326 million, and we are seeking to raise that to $398 million.

I yield myself 1 final minute.

So far, the Senate Appropriations Committee has raised it only $13 million, to $339 million.

Second, we want to raise the manpower funds by $41 million; and third, we want to raise a whole list of other items—health, nutrition, legal services, community action programs, Vista, migrant programs, by approximately $80 million.

These are the real issues: do we want to increase these programs to the extent that this amendment does? That is the basic issue, in my judgment. Mind you, I have no arrogance about it whatever, on this question of whom it is appropriated to, because I think we have completed that by locking in these devolution agreements to expressly apply to anything which is appropriated.

Mr. MAGNUSON. Mr. President, I yield such time as he requires to the Senator from New Hampshire.

Mr. COTTON. May I say to the Senator from New York that my purpose in making the motion which I intend to make is not in any way hostile to him, but it is to enable the Senate, if it desires, to rid itself of this amendment, which does not leave us free to act in each case, and be able to devote ourselves to this, without it being interpreted as being against this program or that program or some other, so that we can start from scratch.

Mr. President, I move to lay the first part of the amendment of the Senator from New York on the table.

Mr. HARRIS. Mr. President, as a supporter of the poverty program and a cosponsor of the pending amendment to increase the OEO appropriation, I rise to urge passage of the amendment by the Senate.

When the Congress enacted the OEO legislation in 1964, it recognized at that time the need for specific efforts on the part of the Federal Government to assist economically disadvantaged citizens. At that time there were approximately 30 million Americans whose incomes fell below the established poverty level of $3,000 per year. Today, there are an estimated 25 million people with incomes below the poverty index. The number has decreased but endless deprivation and frustration still shatter the lives of two many Americans. This is why it is important that every avilable resource, public and private, be mobilized to change these conditions.

The amendment before us, if passed, would provide a total of $2.25 billion for programs conducted under the Office of Economic Opportunity. Considering the seriousness and the extensiveness of poverty in the United States, this in itself is a small amount. The appropriation could easily be three to four times that amount. Be that as it may, the amount is nonetheless $182 million over the amount recommended by the Senate Appropriation Committee. It also represents a substantial increase over the amounts requested by the administration and the House.

The $2.25 billion represents the remainder of the appropriations authorized under the Economic Opportunity Act Amendments of 1969, excluding $50 million which were appropriated earlier this year for school desegregation assistance.

Under provisions of the amendment $398 million are earmarked for the Headstart program and $802 million for work and training opportunities. Fifty-nine million dollars of the $182 million proposed increase would be added to Headstart, while $41.9 million would be used for work training programs. The remaining $80.7 million would be dispersed among a number of important OEO programs such as legal services, community action, research and development, and others.

Prior to the development of Headstart, thousands of disadvantaged children, ages 3 to 6, did not have the opportunity to participate in meaningful child development programs. Through the efforts of Headstart they have been given a chance and much has been done to enhance their educational and physical growth and development. By far, Headstart has been one of the most popular and successful poverty programs. Not only has it reached out into disadvantaged neighborhoods to help children, but, perhaps equally as important is the fact that it has involved the parents of the children in the program also. Therefore, I do not believe that this is the time to allow 26,000 youngsters to be dropped from this important program. If anything, the program should be expanded. The 1970 appropriation of $326 million allowed the full year program to serve 262,900 children which represented only about 18 percent of the nationwide eligible population. An additional 14 percent, 208,700, of the eligible children participated in summer programs. For fiscal 1971 the administration requested $339 million which is the amount the Senate Appropriations Committee has recommended. However, due to inflation and other factors, the Office of Child Development estimates that at least $350 million will be needed in fiscal 1971 just to maintain programs at the level of the previous year. Furthermore, the $350 million will not be sufficient to permit the conversion of all children to full-year programs which is what the Office of Child Development would like to do. The amendment before us will permit expansion of the program to accommodate an additional 50,000 to 60,000 children in the program. This request is justified in view of the fact that the program has proven its effectiveness in helping disadvantaged children overcome many of the handicaps of their immediate environments and because the need for more youngsters to participate is so great at this time.

It seems to me that if the priorities of this Nation were reoriented toward the resolution of our problems here at home and for improvement in the quality of life for all Americans, programs like Headstart might well be funded in terms of billions of dollars. As an October 24, 1970, Washington Post editorial stated, "there are easily that many children who need it, not only among the poor but among the lower and middle classes," as well.

Finally, Mr. President, unemployment in this country has consistently risen during the past 18 or more months. Latest figures for the month of October 1970 show that at least 5.6 percent of the American workforce is now unemployed. This is one-tenth of 1 percent higher than it was in September of 1970 and an increase of 2.4 percent over the figure for October of 1969. Hardest hit by the unemployment are those individuals and families residing in urban poverty communities with an estimated 24 percent of these individuals unemployed. Equally appalling are the rates for teenagers at 17 percent with unemployment among black teen-agers residing in poverty areas at approximately 35 percent. Some experts predict that unemployment will continue to hold at the current level or grow increasingly worse before it gets better. We must begin now to attack this serious problem. That is why we have offered this amendment. Passage of the amendment will eliminate the necessity for cutting back the Concentrated Employment program by $6.5 million; the Public Service Careers program by $5.2 million; $2.2 million from Operation Mainstream; $9.6 million from the Job Corps program; and $18.3 million for the Neighborhood Youth Corps in school, out-of-school, and summer programs.

If the amendment fails, all of these programs will be drastically reduced. It is imperative that we work to bring relief to the many families now affected by high unemployment. To do so requires a commitment—a commitment by the Congress and by the administration. As unemployment gets worse, more and more people and organizations will turn to the Federal Government for assistance and relief from the problem of chronic unemployment. This body made an initial commitment when it passed the Employment and Training Opportunities Act little over a month ago. I was delighted to see that the House passed a similar bill on November 17. Both bills provide for the creation of public service jobs as a means for providing employment for the unemployed. All of these efforts are necessary if we are to be successful. Therefore, I urge the Senate to pass this amendment.

CHILDREN: OUR FIRST PRIORITY

Mr. MONDALE. Mr. President, the amendment No. 1068 to the Labor-HEW appropriations bill, S. 18515, providing full funding for the OEO Headstart program is worthy of attention and support. We can in good conscience do no less—and indeed we should be doing more—for the children and families of the poor who benefit so greatly from this program.

For too long, this program, one of the few that we have created which promise to make it a reality in this country that all children, rich and poor alike, have the benefit of a decent education, has been underfunded, and therefore understaffed and handicapped in achieving its goals: to provide a head start for children and families who, because of the vicious cycle of poverty, must enter regular school already behind their fellow students.

Many children are behind, not because of a lack of ability, but as a result of the limited educational opportunities available to poor children at critical ages because of the environment of our ghettos and barrios, in rural and urban areas.

Many children are behind, not because of a lack of initiative, but because disease and malnutrition, which cripple the body and spirit, have gone undetected.

Many children are behind, not because of an unwillingness to learn, but because by being denied warmth, companionship, and respect for ethnic and cultural identities they are retreating before they have a chance to know the dignity and self-respect which sparks self-confidence.

Many children are behind, not because of lack of parental supervision, but because the parents of the poor have themselves been denied the opportunity to learn and know the benefits of education and thereby create that home environment which motivates their children to learn.

Headstart was designed to attack these problems—to broaden the educational horizons of the poor child by bringing new educational opportunities to him; to halt disease by providing supportive health services; to end malnutrition by providing nutritious meals; to bring children into contact with staff and personnel who would extend love, care, concern, and respect to poor children; to bring parents into the program as paraprofessionals and advisers to provide them the opportunity to learn and to teach. Headstart has done a commendable job to the extent that we have supported the program.

If we do not increase the Headstart appropriation, it means that we will reach fewer children in poverty, when there are millions of children who qualify for the program but have no program to enter. If we do not increase funds, it will mean one less center here, one less health aid there; an increase in the pupil-staff ratio, a cold lunch rather than a hot one; and, no eye checkup versus a complete eye examination.

We have an obligation to human beings, and particularly children, who are powerless to fight for themselves. It seems that we tend to forget that as we rush headlong into nonhuman spending on a massive scale for bombs, weaponry, highways, and the like. We must have as a real priority our children, including the children of the poor and disadvantaged. How are we going to end poverty if we create another generation of handicapped children? How are we going to prevent the rage and violence that has plagued our cities if we deny another generation of youth access to the American dream?

The amendment would raise the overall OEO appropriation to the level necessary to fund fully the amounts earmarked for each program in the Economic Opportunity Amendments of 1969. The bill reported by the Appropriations Committee appropriates a total of $2.063 billion for these programs. Our amendment would increase the appropriation for all OEO programs by $182 million so as to fully fund those programs at the authorized level. While the Appropriations Committee bill places the appropriation for Headstart, work and training programs, and follow through in different locations throughout the bill, this amendment consolidates the OEO program appropriations in one place, as contained in the House passed bill, and thus assures that the agreements delegating administration of OEO programs to the Departments of Health, Education, and Welfare, and Labor will be adhered to.

Let me emphasize that hearings before both the Senate and House authorizing committees have amply demonstrated the need for more Headstart funds. It takes $350,000,000 merely to continue existing Headstart programs at the fiscal year 1970 operating level. When the Economic Opportunity amendments of 1969 were enacted less than a year ago, the specific allocation of $398,000,000 was written into that legislation as the earmarked amount for Headstart. While Congress agreed to give the administration substantial flexibility to vary from these figures to the extent of 15 percent, the Congress did not intend an idle gesture earmarking these specific figures for particular programs. I find it difficulty to understand why Headstart has been chosen as the object of cutbacks by the administration from the allocated amounts. This seems to me to be an abuse of the substantial flexibility which we gave the Director of OEO.

I think it is entirely apropriate, therefore, in enacting this appropriation legislation to stress that with respect to Headstart the Congress intends that there be no cutbacks below the specific amounts of $398,000,000. Such flexibility as we gave the Director of OEO should be used to increase the amounts available for Headstart. Instead of doubling and then tripling so-called research and development programs which the OEO has not yet developed adequate plans for, we should be supporting and enhancing proven antipoverty programs, particularly those that directly benefit and involve poor children and their parents.

Mr. President, I urge Senators to vote for this amendment to the Labor-HEW appropriations bill.

Mr. MUSKIE. Mr. President, I support enthusiastically the Javits amendment, No. 1068, to the Labor-HEW appropriations bill.

This amendment, which I have cosponsored, is necessary if we are to renew our commitment to improving opportu-

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nities for all Americans. Programs like Headstart and manpower training which have proved successful should be expanded, not cut back. Even the increased funding which this amendment would provide is inadequate to fill present needs.

The administration requested $339 million for Headstart. But it is clear that to keep the program running at even its present level, a minimum of $398 million will be needed.

The last segment of society to fall victim to the slash of the budget cutter should be our children. Headstart is a program that has given renewed hope to hundreds of thousands of youngsters all across America.

In my own State of Maine, there are presently 15 Headstart programs helping over 1,000 children. Now is not the time to deny them the benefits of preschool development.

Instead of dropping children from the program, we should be adding children. Instead of cutting corners here, we should be building Headstart into the kind of constructive national program it has shown itself capable of being.

If the appropriations which passed the House of Representatives are not increased, 26,000 children who are presently enrolled in Headstart will have to be dropped. That would be a tragedy that we simply cannot afford.

There are some 6 million disadvantaged children under 6 years old in America. Yet Headstart enrolls only one-quarter of a million. We are helping less than one in 20 of the children who most need our help.

There can be no excuse for our not doing a better job in this area. We have a proven, workable program, and we have millions of children who can benefit from that program. We should bring the children and the program together.

Some say this issue has become embroiled in politics. There are some things that must be more important than politics. The lives of our children must be more important than politics.

HEADSTART—MANPOWER—OTHER OEO

Mr. KENNEDY. Mr. President, the Office of Economic Opportunity remains as a clear symbol of hope to 25 million persons in this country who face the enduring misery of poverty. They lack adequate food; they are forced to live in unsafe and deteriorating homes and they are the last to receive basic medical care. These are the constituents who have a vested interest in whether the Senate adequately funds the myriad of antipoverty efforts that we have slowly developed over the past 5 years.

The amendment now before the Senate which I have cosponsored along with colleagues of both parties would bring Headstart funding to a level that more nearly reflects our national educational needs and responsibilities.

Headstart has been the cutting edge of our attempts to provide adequate early childhood education for disadvantaged children. In countless cities and towns throughout this Nation, children from culturally deprived backgrounds have been given a step up by Headstart so that they might have the chance for an equal educational opportunity.

Despite the accomplishments of Headstart, we were forced to accede last year to a cut in the number of children served. As Headstart was changed to a full-year program in most cities, costs increased somewhat but that rise was not matched by adequate funds. As a result, some 150,000 fewer children participated in the program.

Now, the $339 million appropriated by the Appropriations Committee, while an improvement over the House version, will leave another 62,000 children without a chance for Headstart this summer.

In Massachusetts I am told by Headstart directors that the proposed level of funding will mean an 11-percent cutback in funds which will nearly gut the summer Headstart program. Last year, Massachusetts Headstart was cut by $443,000 and if this amendment is not approved, another $633,000 is expected to be cut from those programs.

Parents, teachers, and administrators have been united in their strong and continuing support for full funding of Headstart. I ask unanimous consent to introduce letters from Headstart Directors who have written in support of the amendment. They argue and I concur that this is not the way in which we should cut back on unnecessary spending. Our priorities must assure that these children have an opportunity to use the educational resources that this has available. Surely, if the, Nation is willing to spend billions of dollars for unnecessary weapons systems we can afford $398 million for a program that offers a unique learning experience to 529,406 disadvantaged children.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MASSACHUSETTS

COMMUNITY TEAMWORK, INC.,
Lowell, Mass.

Present Head Start funding level of $166,740 will be cut by 11%. Reason given: "Budget cuts due to previous over-extension of funds and funneling of money into pilot projects." 20 youngers will be cut from program; salaries and services will be affected. This program serves 33⅓% of eligible population and an 8–12% increase would be necessary to maintain present level.

Concentrated Employment Program is currently funded at $1,600,000 and will be cut to $1,408,127. 240 enrollees will be eliminated. This program serves 12½% of eligible population, and a 20% increase would be necessary to maintain present level. NYC lost 20 slots due to reduction.

The overall program serves 5% of eligible population, and a 12% increase would be necessary to maintain current level.

"Our concerns about impending cuts in manpower programs are especially acute since the employment picture in the area is quite grim. The unemployment rate is now 9.3%, the highest in Massachusetts and one of the highest in the nation."

LEO F. DESJARLAIS,
Executive Director.

FRANKLIN COMMUNITY
ACTION CORPORATION,
Greenfield, Mass.

Present funding level is $147,000, of which $60,000 is for community action and $87,000 for Head Start. Head Start will be cut by 11%, by $9,570. 15 children will be dropped from program. 40% of eligible population is being served, and a 10% increase would be necessary to maintain present level.

STANLEY GAWLE,
Director.

WORCESTER COMMUNITY
ACTION COUNCIL, INC.,
Worcester, Mass.

Present funding level for Head Start is $414,300 and will be cut by 9–11%, or $37,287 to $45,573. 40 children will be dropped; program will be shortened; adverse effects on personnel and services. Program serves 405 out of 600 eligible children, or about 66⅔%, and an increase of 6.03% would be necessary to maintain present level.

ROBERT T. CRONIN,
Worcester, Mass.

Present funding level of $143,200 will be reduced to $127,448. "Deficits from prior years, now being felt, combined with Congressional cuts" was reason given. 20 children will be dropped from program, staff will be affected, and 20 families will be deprived of multi-aide services. 60% of the population is now being served, and a 20% increase in funds would be necessary to maintain current level.

Mrs. MARGARET DAVITT,
Director, Project Head Start,
Child Development Center,
Framingham, Mass.

Present funding level of $109,000 will be cut by 9–11%. 36 children will be dropped, and percentage of needy population will drop from 65% to 50%. 108 children are now served. Services will be affected. A funding level of $118,000 is needed to maintain present level, $160,000 would be an effective level of operation.

WILLIAM C. EMSLEY,
Director, Operation Head Start,
Taunton, Mass.

Present funding level for Head Start is $46,836. One of four full-year centers would be closed if there is a reduction. 20% of eligible population is now served.

Mrs. ELIZABETH KIPP,
Director, Hampshire County Heart Start,
Northampton, Mass.

Present funding level is $280,000 including $40,000 for Head Start. Head Start will probably be reduced to $35,000. Reason given: "All Headstart funds for this year must be cut from 7 to 9% given by HEW (O. C. D. Region I)". One of four classrooms will be eliminated, dropping 15 children. 25–33% of eligible population is now being served, and an increase of 20% in Head Start and 20% in OEO funding would be necessary to maintain present level.

JAMES L. LAWBAUGH,
Executive Director, Haverhill
Community Action Committee, Inc.
Haverhill, Mass.

Present funding of Head Start is $112,967 and will be cut 9–11%, to about $100,000. 125 children (out of 6,000 eligible children) are currently being served, and the reduction will necessitate dropping 40 of these children. A funding level of at least $130,000 is recommended to operate at sufficient level.

ROBERT S. SWAN,
Director, Project Head Start,
Springfield Action Commission,
Springfield, Mass.

Present funding of program is $2,655,340 and will be reduced to $2,363,252. "Reduced appropriations in OEO funded program, over projections of 1969 and 1970 unexpended funds needed for refunding 1971 programs" were reasons given. 197 children would be eliminated with the cut. 16% are now served, and a 24.1% increase in funds would be necessary to maintain current level.

John Schaut,
Head Start Director, Action for Boston Community Development, Inc. Boston, Mass.

Present funding level of Head Start is $393,288 and will be reduced by 9 or 11%, by $35,396 or $43,262. Reason given: "reduction of prior year unexpended funds and an anticipated reduction in new appropriations, based on the earmarking language in the Economic Opportunity Act." 30–45 children will be eliminated from program; staff and services will be affected. 35–40% of eligible children are now being served, and a minimum increase of 10% would be necessary to continue present level. Agency serves 30% population, and needs funds to expand manpower programs.

Austin G. Crossman,
Head Start Director,
David L. Higgins,
Executive Director,
Montachusett Opportunity Council, Inc., Leominster, Mass.

Present funding of Head Start is $242,271 and will be cut 10% to $218,044. Reduced appropriations was reason given. 30 children will be dropped, and staff and services will be adversely affected. 65%, or 270 children out of a possible 450 children, now being served, and an increase of 10% is needed to maintain present level.

John F. Lavendier,
Parent Coordinator,
Frank V. Jones,
Head Start Director,
Barnstable Head Start Community Action Committee of Cape Cod and Islands, Inc., Hyannis, Mass.

Present funding level of $161,000 serving 120 children will be cut by 9–11% to $146,500 or $143,300. "Reduced House appropriations and deficit in return on unexpended funds from previous fiscal years" were reasons given. One class of 20 children will be dropped, and personnel and services will be adversely affected. 50% of current eligible 5-year-olds are being served, and a 5% increase in funds is necessary to maintain present level. OEO versatile funding has not been reduced, but 3 to 5% funding level increase would be necessary to maintain present level.

Arthur F. Kimber, Jr.,
Executive Director, Lynn Economic Opportunity, Inc., Lynn, Mass.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays on the motion.

Mr. JAVITS. I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Washington yield back the remainder of his time?

Mr. MAGNUSON. Yes.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alabama (Mr. Allen), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Tennessee (Mr. Gore), the Senator from Michigan (Mr. Hart), the Senator from Hawaii (Mr. Inouye), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from Georgia (Mr. Russell), the Senator from Alabama (Mr. Sparkman), the Senator from Mississippi (Mr. Stennis), and the Senator from Maryland (Mr. Tydings) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Saxbe) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Illinois (Mr. Percy) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. Mundt) would vote "yea."

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from Texas would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 43, nays 35, as follows:

[No. 389 Leg.]

YEAS—43

Aiken
Allott
Anderson
Baker
Bible
Boggs
Byrd, Va.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McIntyre
Miller
Montoya
Murphy
Packwood
Pastore
Pearson
Prouty
Proxmire
Scott
Smith
Spong
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—35

Brooke
Burdick
Byrd, W. Va.
Case
Church
Cranston
Eagleton
Fulbright
Goodell
Gravel
Harris
Hartke
Hollings
Hughes
Jackson
Javits
Kennedy
Mansfield
Mathias
McGovern
Metcalf
Mondale
Moss
Muskie
Nelson
Pell
Randolph
Ribicoff
Schweiker
Stevens
Stevenson
Symington
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—22

Allen
Bayh
Bellmon
Bennett
Cannon
Dodd
Fong
Goldwater
Gore
Hart
Hatfield
Inouye
McCarthy
McGee
Mundt
Percy
Russell
Saxbe
Sparkman
Stennis
Tower
Tydings

So Mr. Cotton's motion to table the first part of Mr. Javits' amendment was agreed to.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Is the remainder of the amendment still pending?

The PRESIDING OFFICER. The Senator from New York is correct; the remainder of the Javits amendment is still pending.

Mr. JAVITS. Mr. President, I think the Senate has expressed its desire to work its will on individual sections of the bill. I will submit amendments to individual sections of the bill. So will others who join me in sponsoring this basic amendment. I should like to feel free for that purpose now, and would like to make this suggestion, with all due respect to the manager of the bill, that perhaps this is a useful time, considering the hour, to try to arrive at some agreement on all amendments. I would be willing, and perhaps others will, before I withdraw my own, as perhaps this could be a useful time to say that we will take 20 minutes on each amendment, 10 minutes on amendments to amendments, and try to lock up the bill, as we have argued just about everything.

Mr. MAGNUSON. Everything?

Mr. JAVITS. I submit that to the manager of the bill. Maybe I am saying this because I just got knocked down.

UNANIMOUS-CONSENT AGREEMENT

Mr. MAGNUSON. Mr. President, I ask unanimous consent that on all amendments the time be limited to 20 minutes, with 10 minutes to a side; and 10 minutes on any amendments to any amendment, with 5 minutes to a side.

The PRESIDING OFFICER (Mr. Mathias). Is there objection to the request of the Senator from Washington?

Mr. COTTON. Mr. President, reserving the right to object, I think we should limit the time. We have discussed this matter and rediscussed it. The Senator from New York will probably come up with a substantial increase in funds for Headstart and then the committee will come up with something——

Mr. MAGNUSON. I am about to present an amendment.

Mr. COTTON. The Senator from Washington will come up with his amendment, and we only get, how much time?

Mr. MAGNUSON. I am going to present the amendment first and then other people can up it and can submit amendments to up it, and then we can vote it up or down.

Mr. COTTON. We can vote the amendments up or down, yes. That would be only 5 minutes to a side, then, under this agreement?

Mr. MAGNUSON. Twenty minutes on each amendment.

Mr. COTTON. I believe the majority leader just suggested that we could live very well within the request by using one hour on the bill. So I withdraw my objection.

Mr. MAGNUSON. Mr. President, I modify the request to include 1 hour on the bill, on final passage.

Mr. JAVITS. Mr. President, let us understand the request correctly now. There will be 20 minutes on each amendment, divided 10 minutes to the proponent and 10 minutes to the manager or whoever is the opponent; and 10 minutes on amendments to each amendment, divided 5 and 5, and then 1 hour on the bill.

The PRESIDING OFFICER. This will be in the usual form?

Mr. JAVITS. That means the rule of germaneness.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I think my amendment is still pending.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MAGNUSON. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. COOK). The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Washington (Mr. MAGNUSON) offers the following amendment:

On page 33, line 16, strike out "$346,417,000", and insert in lieu thereof "$361,417,000."

On page 33, line 17, strike out "$339,000,000", and insert in lieu thereof "$354,000,000".

Mr. MAGNUSON. Mr. President, the amendment is now directed at one of the items in the bill; namely, Headstart, which is administered by the Office of Child Development in HEW. The amount of appropriation in 1970 was $326 million. The Budget Bureau sent up the request for $339 million. The House cut that back to $321 million. We put that back up to $339 million, or $17.7 million more than the House figure.

The pending amendment would add $15 million more, which would make it almost $33 million over the House figure.

We have had lengthy testimony from the OEO on Headstart and also from five or six witnesses from my own State who testified.

Since the hearing there have been some problems, they say, at OEO with Headstart and in the field. They say that they might be from $10 million to $13 million short of coming up to the amount necessary to maintain their program. So we have recommended $15 million instead of $11 million so that they will have plenty. That would make the total amount $354 million for Headstart.

Mr. President, I yield to no one in my dedication to Headstart since its beginning. It is one of the finer programs commenced by OEO. However, we are trying to be reasonable and keep it going as it should be kept going.

Mr. President, there will probably be some amendments to further increase this amount. The Senate can work its will on the matter.

The committee has worked hard and long. We think this is a reasonable figure to keep OEO moving and to provide for any increase they may need for this year.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. PASTORE. Mr. President, how much is the figure of $354 million below the authorized figure?

Mr. MAGNUSON. That would be $43 million plus below the authorized figure. The authorized ceiling is $398 million.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HOLLAND. Mr. President, do I understand that the amendment is offered jointly by the chairman of the subcommittee and the Senator from New Hampshire (Mr. COTTON)?

Mr. MAGNUSON. The Senator is correct.

Mr. HOLLAND. And in their judgment this will furnish everything that Headstart says it can use.

Mr. MAGNUSON. That is what they told us and what other witnesses have said.

I know that there will be an amendment to increase this amount and the Senate can vote on it.

I will not yield back my time until I have to. Someone may force me into using some time by some statements that may ruffle my feathers a little bit.

Mr. JAVITS. Mr. President, who controls the time in opposition?

The PRESIDING OFFICER. It would be the ranking minority member on the committee. That would be the distinguished Senator from New Hampshire.

Mr. COTTON. Mr. President, I yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, here we have the classic result which is fine.

Mr. COTTON. Mr. President, I ask that the Senator from New York control the time in opposition.

Mr. JAVITS. Mr. President, I thank the Senator from New Hampshire. That is very generous.

The classic result has now been achieved in the Senate, in my judgment, by tabling the portion of the amendment. I am not insulted, because that is the way it should have been done. Now we are down to the idea of breaking it down into individual components.

The first item deals with Headstart. It is a good program. However, I do not think we realize how little of the target we are fulfilling. If the Senate goes along with us we will amend the amount to provide for 441,000 slots; 441,000 slots—in the most conservative estimate—is something like one-fourth or one-fifth of the total target population.

We did earmark up to $398 million under the basic amendment.

The argument made by the Senator from Washington that this does away with the Appropriations Committee is not a proper argument. He says that the Appropriations Committee does not do anything if we go to the authorization every time. That is not so in this case, because the authorization falls so far short of what ought be done that we at least ought to go to the authorization. That is the argument here. It is not entirely a finite question. It is not a qualitative question. It is truly quantitative.

How much do we want to give of what ought to be given? Do we want to make it one-fifth or one-fourth? If so, how much do we want to give? We should at least give an amount up to the ceiling that has been established.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Mr. President, will the Senator from New York admit that some of these programs have greater priority than others? Does he admit that?

Mr. JAVITS. I will admit that. However, I cannot let it go unchallenged, for this reason. We were not increasing this. This had relatively lower priority. The increases were perhaps $1 or $2, or $3 million.

Mr. PASTORE. That is not the point.

Mr. JAVITS. Also, I cannot agree that only Headstart has a higher priority. I happen to feel that Legal Services ought to have the highest priority of any. I happen to feel that way. I think I understand the dynamics of the problem.

Mr. PASTORE. Mr. President, the whole argument of supporting the first part of the Javits amendment was that Headstart is a good program. I agree that Headstart is an excellent program and I intend to support it to its full authorization.

Mr. JAVITS. I thank the Senator.

Mr. PASTORE. I will do the same thing on manpower.

Mr. JAVITS. I thank the Senator.

Mr. PASTORE. And when it comes to the others, I will have to exercise my judgment.

Mr. JAVITS. The Senator is very gracious. When he is with us, we feel much better.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from California.

Mr. CRANSTON. Mr. President, I wish to offer a substitute amendment.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. The amendment would not be in order until the time is yielded back.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I suggest that the Senator argue the substitute now and we will submit it in due course.

Mr. CRANSTON. That will be agreeable.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mr. CRANSTON. Mr. President, on behalf of Senators JAVITS, NELSON, MONDALE, and myself, I plan to offer a substitute amendment.

Mr. PASTORE. Mr. President, will the Senator add the name of the Senator from Rhode Island?

Mr. McINTYRE. Mr. President, will the Senator add the name of the Senator from New Hampshire?

Mr. HARRIS. Mr. President, will the Senator add the name of the Senator from Oklahoma?

Mr. CRANSTON. Mr. President, I ask unanimous consent that the names of the Senator from Rhode Island (Mr. PASTORE), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Oklahoma (Mr. Harris) be added as cosponsors of the substitute amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. The amendment would simply restore the authorized amount for this program. Instead of $15 million as proposed in the committee amendment offered by the Senator from Washington, the substitute amendment would add $59 million to bring it to the full authorized amount.

It seems difficult to contend that they cannot handle these additional funds, since even with the adoption of this amendment we would serve 134,000 children less than were served in 1969. The Headstart program has been going downhill despite the fact it is one of the most successful of our war on poverty programs. It gives a great opportunity to more underprivileged children who need a hand in the early days of their lives, in a way that involves their parents and families. The program has paid tremendous dividends in dealing with poverty in this country.

Mr. President, to be more precise, this is plainly not a reckless or rash proposal to add any vast sums. The administration budget request for fiscal year 1971 would have served nearly 200,000 fewer children than were served during fiscal year 1969, a reduction of nearly one-third in the total number of children served. Even the 529,000 children who would be served under our proposal is 134,594 less than were served in 1969.

My final point is that even with the adoption of my amendment we would still be reaching only 36 percent of the children who are eligible for and who could benefit significantly from the Headstart experience.

I do not see how it can be said we cannot handle the money that would enable us to meet the level of less than 2 years ago. And still under the amendment there would be 134,594 less children served than were in Headstart programs in fiscal year 1969. We should be offering an amendment to meet the needs of the 719,000 eligible children, who will not be served even at the $398 million level, but we are not doing that.

Mr. President, I ask unanimous consent that the names of the Senator from New Mexico (Mr. Montoya) and the Senator from Texas (Mr. Yarborough) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. MONDALE. Mr. President, I have served on the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor for some years. I also serve as chairman of the Select Committee on Equal Education. I have spent a disproportionate percentage of my time on the question of why it is that this rich and powerful society somehow permits millions of children never to become full participants in the American system. We have reviewed thousands of pages of testimony about experiments, ideas, and notions to probe that single question. I would say, without any doubt, that the most hopeful, the most widely agreed upon single strategy known today to reach the problem of poverty and solve it is a high quality, early childhood development program, which is what Headstart is all about. If we hope to do something about poverty, the Senate will agree to the amendment.

Mr. CRANSTON. Mr. President, the Senator from Minnesota has been a great leader for many years in the Headstart program and no one knows better than he the importance of this amendment. I have greatly enjoyed working with him on the Employment, Manpower, and Poverty Subcommittee and particularly in working on his bill S. 2060, the Headstart Child Development Act, which I am privileged to cosponsor.

Mr. COTTON. Mr. President, how much time is remaining to the chairman?

The PRESIDING OFFICER. The Senator from Washington has 6 minutes remaining.

Mr. COTTON. Mr. President, in the absence of the Senator from Washington I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I have great respect for Senators who want the full authorization for Headstart. I would be glad to vote for more money for Headstart than we have given. But I wish to call two things to the attention of the Senate. First, the President recommended this year $2.257 billion more for HEW than was appropriated last year; and the House added to this nearly $100 million and the Senate has added more than $200 million.

It is easy, if one does not have the responsibility, and I am not being virtuous about it, to stand on the floor and let constituents at home know that a Senator fought for full authorization for Headstart. However, the authorization for Headstart is $78 million more than the House approved and some of us will have to go into the committee on conference and do all we can to prevail to hold this figure up as high as we can. The fact remains that the folks back home will think $78 million has been added to this matter.

It was never said, and I am sure the Senator from Washington intended to say, that this is all Headstart asked for; it is only what they said they could get along with. Let us be frank. I might be for more than that but I have to stay with the committee because to go $78 million over the House is a futile gesture.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. PASTORE. What do we say to our constituents when a request was made for $250 million for aid to Cambodia and we cannot take care of our children in America? These are questions we will have to answer. I am not being critical of the Senator, but if this country can afford to give $1 billion for foreign aid to foreign countries, why can we not afford to provide for the children in our country? That is the question in my mind.

Mr. COTTON. My good friend is asking the wrong Senator. I have voted against every foreign aid bill for the last 4 years and I am one Republican and one administration Republican who does not approve giving that money to Cambodia. I would just as soon throw it in the sewer.

Mr. PASTORE. I was just giving the Senator an argument for him to use in the conference. The Senator will have a good argument when he goes to conference.

Mr. McINTYRE. Mr. President, I rise to wholeheartedly support the amendment of the Senator from California (Mr. Cranston) to provide additional funds for the Headstart program.

I have supported this program since its inception and have consistently voted for increases during the years of its existence.

The need to prepare our preschool children in low-income areas for full participation in the education process was high on the list of priorities of educators long before the introduction on Headstart. The years of Headstart's operation have proven the wisdom of such a program. Those children fortunate enough to participate have demonstrated achievement far beyond those who have not been able to benefit from Headstart.

The evidence of community acceptance of Headstart has been brought abundantly to my attention in recent days and weeks. Nearly 1,000 New Hampshire residents, mostly parents of Headstart youngsters and community leaders familiar with its results, have expressed their full support for these additional funds and their opposition to any cutbacks which would hamper the program.

I believe the necessity of this amendment is quite clear. All across the country, Headstart programs report cutbacks of 7 to 18 percent in their Headstart allocations at a time when they would require a 10- to 12-percent increase simply to continue serving as many children as they served last year. This at a time by and large they are serving less than 20 percent of the children in their areas in need of Headstart services.

If we do not provide these additional funds, it will means that children will not be able to attend classes; working mothers will be forced to leave their jobs to care for their children at home and will thereby suffer the loss of needed income; essential medical and dental care of Headstart children will be stopped. In addition, special breakfasts, snacks, and hot lunches, which are important to the health of these children, will be eliminated and other services will be curtailed.

Mr. President, this must not happen. I urge that this amendment be adopted.

Mr. President, I will not burden my colleagues nor the Record at this point with length material which has come to me from the people of New Hampshire supporting Headstart. But, I would like to share one communication from one of the hundred I have received which I believe reflects the views of so many.

Mr. President, I ask unanimous consent that this letter from Mr. Jack Leonard of the Headstart program in Claremont, N.H., be printed in the Record at this point.

XUM

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> YEAR AROUND HEAD START,
> *Claremont, N.H.*
>
> Senator THOMAS MCINTYRE,
> *Senate Office Building,*
> *Washington, D.C.*
>
> DEAR MR. MCINTYRE: As a teacher aid in the Head Start Program in Claremont, I am appalled to learn of the recent cut in the budget for this program.
>
> I think first of all of the thirty children that I will face each morning realizing that perhaps next year not so many will be this lucky. Due to present budget restrictions, we already turn away needy children each year; to add to that list of rejected young people seems nothing less than criminal. This is particularly meaningful in view of the recent industrial layoffs in the area that threaten to increase the number of children needing a Head Start.
>
> Perhaps the appropriations decrease will affect the already inadequate service programs offered through Head Start. Where will the cut come? Shall we cut the length of the program, sending the children back home to their parents? It would mean an end to the jobs they are now able to hold, and a further drain on your welfare program. Financially, there is no real saving, and in terms of pride and independence there will be a tragic loss. Or shall we trim the essential medical care program, that these children receive?
>
> It hurts on another level to recognize that once again the government is holding out one hand to the poor with help and stabbing them in the back with the other. To fight inflation for the working people by cutting back the very programs that offer them hope and reform for the future is hypocritical, near-sighted and blatantly political. When education is our best chance for real change and improvement in the future, why is it always the first to be considered in the budget decreases?
>
> We would ask for an explanation for the budget cut and a clarification for the government's intentions and commitments to the poor people of this nation. What guarantees do we have against further cuts in this or other programs, guarantees that could begin to foster a real trust in our leaders and a hope for the future. We demand a restoration of the original budget when Congress reconvenes, and further ask an increase in the budget to meet the growing needs of the young people in this area.
>
> Yours truly,
> JACK LEONARD.

MINNESOTA SUPPORTS FULL FUNDING FOR HEADSTART

Mr. MONDALE. Mr. President, possibly the greatest cause for divisiveness and disillusionment with the Government by the economically depressed is the holding out of promises and help, then abruptly withdrawing it.

Headstart has offered help to many children, families, and communities. To seriously curtail its effectiveness by cutbacks is not good economy, but slow strangulation of a program that has offered the only real hope to so many thousands of children and parents.

Excerpts from a letter from a Headstart parent in Minnesota makes this point more dramatically and with more emphasis than the most articulate speechwriter:

> My son Paul goes to Head Start. He is the only child I have, and because of a lot of happenings, pretty bad mishaps, Paul was sort of shy, afraid and unsure of people. Head Start has given him assureness that he can make friends his own age to play with whereas before he had only older kids to play with. Then when we moved all the children on our block were too old for him to play with. He's learned to share his playthings a responsibility to his own property to property of others and to people.
>
> He comes home after school and rattles off some new poem or song, brings me home a funny water paint or crayon colored picture. These things, these few simple things, warm my heart.
>
> Your amendment might enable another's son to be happy, enable another mother to be happy. I'm a mother of whom if I could would give the world to my son. I am poor and must work hard for the few things I'm able to give him but Head Start has given him a lot I couldn't. Playmates to sing and be happy with. It's just so hard to define or describe how I feel for what I see in Paul since he's started. A little flesh on those ribs. He's hungry. I've never seen him so hungry before. I use to have to run behind him to pick up his toys with occasion help from him but now he picks them up right away because that's what all his friends do at school and the teachers say it is nice to do that. So tell me we should cut Head Start. We mothers of Head Start are praying your amendment goes through so that more children get the advantages of the Head Start as our children have.

What answer will we have for this mother, and thousands of others like her, if we do not pass the amendment that provides full funding of Headstart programs.

In Minnesota, Headstart programs already operating on minimum budgets have been told that cutbacks of up to 20 percent could be expected. In southeastern Minnesota, where only 40 to 60 percent of the eligible children are served, it would result in severely curtailing, if not eliminating, an effective program.

The Dodge-Steele-Waseca Citizens Action Council, Inc. in Waseca, Minn. reports:

> The impact on our total program will be devastating. Our Agency is small. Further strangulation by the cutting of funds could make us nothing more than simple window dressing in the eyes of the low-income people we serve.

A Headstart parent in Shakapee writes:

> Regional officials have said that our Head Start program may be cut as much as 10%. I refuse to understand this as I feel that they should be allowed more money not less. Right there serving only 50 children out of 300 or so eligible for Head Start. This program is the best thing that could be done for these children. It's just a shame that we cannot serve all the eligible children. And with the money they are receiving it's hard to serve properly the 50 they are serving. They're doing a wonderful job on the money they have—but there is no doubt they need more money.

The director of the Minneapolis Headstart program telegraphed:

> As Director of the Minneapolis Head Start Program I would like to protest the proposed cutback in the funding level of Head Start.
>
> Currently 288 disadvantaged children aged 5 are receiving preschool training, hot breakfast, lunches and essential medical care on a full year basis. We are serving less than twenty-five percent of the eligible families in Hennepin County. Recent surveys show more than 1,000 children in Minneapolis qualify and would benefit from our comprehensive services. A ten to fourteen percent cutback would equal twenty-five to thirty thousand dollars. How can Congress ask us to eliminate any children from our program or reduce the effectiveness of the services provided. I ask humbly for our children that you give this whatever attention is needed in priorities that we may continue to serve without fear of reprisals and cutbacks.

In a similar vein, Headstart parents in St. Cloud, Minn. state:

> We are well aware of the tremendous cost increases in the last few years in such items as food, transportation, and health services, which are essential parts of our program. Yet for the past four years we have been required to operate at the same level of funding.
>
> In the meantime, we have repeatedly heard and read about the high priority the administration has placed on early childhood programs. In view of this we find it extremely difficult to understand why we are now faced with funding cuts.

I have received other communications from participating parents, teachers, and concerned citizens from all over the State of Minnesota, including Angora, Avon, Buhl, Chisholm, Dear River, Alborn-Brookston, Moorhead, Northome, Orr, Virginia, Jordan, Shakapee, throughout all of the Twin-Cities area of Minneapolis-St. Paul, Crow Wing-Todd-Morrison Tri-County CAP, Beltrami, and Cass County CAC, St. Cloud, Grand Marias, and Meadowlands, to name only a few.

Similar appeals for full funding of Headstart have come from practically every State in the Nation. An Ohio pediatrician describes the Headstart program as "the most successful far-ranging program for our Nation's disadvantaged children that the Federal government has ever undertaken." He continues:

> I have had personal contact with many pediatricians throughout the country whose views are similar to mine. I think that a de-emphasis of the Head Start Program, and certainly the proposed budget cuts must be considered a de-emphasis is exceedingly inappropriate. At a time when such basic rights as equal health opportunities and equal education for the nation's disadvantaged children are foremost in the minds of many, the de-emphasis of this widely accepted program must be viewed as a direct blow to the hopes of those concerned with orderly change.
>
> As an example of the impropriety of such action the D.H.E.W. goals for 1971 place as the number one priority the following: "To intensify D.H.E.W. efforts and improve coordination of efforts at the Federal, State, local and private levels to benefit children during the first five years of life." The de-emphasis of the Head Start Program seems to be in complete contra-distinction to this *stated* D.H.E.W. goal.

Hon. John Dempsey, the Governor of Connecticut, says:

> The proposed reduction in funds will affect many children throughout the nation by either reducing or eliminating the services available to them. The children of our country are too important a national asset for investments in their well-being to be decreased.

And strong support for this bill was expressed by Gov. Forrest H. Anderson, of Montana.

Each of these communities has reiterated that what we do with our children today, prepares them for the future. They emphasize the education, medical and dental services, and nutritional benefits available under the Headstart program. In many of these communities, only one out of six eligible children is being served, and so successful has the program been that parents are demanding increases in funds.

The Senate must reject the effort to cut back on the Headstart program. We must increase funds so as to provide a real opportunity for our children. It is in the best interest of our future and our country that we increase, not decrease, funds for Headstart.

The PRESIDING OFFICER. Who yields time?

All time is yielded back and the Chair recognizes the Senator from California.

Mr. CRANSTON. Mr. President, on behalf of myself and Senators Nelson, Javits, Mondale, Goodell, Harris, Hart, Kennedy, McIntyre, McGovern, Metcalf, Montoya, Muskie, Pastore, Pell, Schweiker and Yarborough, I call up a substitute amendment.

The legislative clerk read the amendment as follows:

> On page 35, line 16, strike out the numeral and insert in lieu thereof "$405,417,000".
>
> On page 33, line 17, strike out the numeral and insert in lieu thereof "$398,000,000".

Mr. CRANSTON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CRANSTON. Mr. President, I shall not belabor this matter. This would restore the authorized amount of $59 million instead of the $15 million added by the committee amendment. This would still reach 719,000 eligible children who are not covered. We would not be covering in the fiscal year this relates to as many children as were covered 2 years ago in Headstart, which is one of the best of the war-on-poverty programs.

I would, of course, have preferred adoption of our Amendment No. 1068 to insure funding through OEO until the authorization committee, the Committee on Labor and Public Welfare, can consider this matter thoroughly and insure that if direct appropriations to HEW are to be made that the law mandates a continued poverty orientation, community involvement and participation of parents.

However, the Senate has gone along with the Appropriations Committee's direct funding proposal and now I feel we must help the Office of Child Development to do the best possible job for the most children in need.

I trust that HEW will continue to follow the guidelines in the delegation agreement, and urge my colleagues to support this substitute amendment to give 20,000 more children a headstart.

Mr. HART. Mr. President, I will be brief.

My office has received more mail in recent weeks protesting cutbacks in Michigan poverty and Headstart programs than on any other item.

The message of these letters has been clear.

The services provided by these programs are needed and appreciated, whether they help the elderly get to doctor appointments or give a poor child a better chance to succeed in school.

And the people who benefit from these programs do not want the services cut back, as would happen under the President's budget requests.

Here are the mathematics of the situation:

Congress can appropriate up to $2.245 billion for poverty programs this year.

The administration asks $2.08 billion, including only $339 million for Headstart.

The amendment we now consider, of which I am a cosponsor, would appropriate the full authorization of $2.245 billion, including $398 million for Headstart.

Here is what that amendment would mean.

Rather than a cutback in Headstart, the program could be expanded slightly.

Rather than a 2-percent cutback in local initiative programs as now envisioned by the administration, I have been informed that our amendment would provide the Office of Economic Opportunity enough money to match last year's allocations.

Let me stress that, in my correspondence with local OEO officials in Michigan, the plea has not been for increases, but only for enough funds to match last year's figures.

And, in my view, the cruelest aspect of the proposed 2-percent reduction is that the reduction was ordered because the local programs had become more efficient in spending their allocations.

Let me explain the situation as I understand it.

As many of these new programs got started, staffs, for one reason or another, were not able to spend their entire allocation.

Other new programs were funded with the leftover or carryover funds.

As the programs became more efficient, carryover funds were no longer available, with the result that OEO was left with more programs than funds.

In short, the reward for establishing useful, efficient programs is to be a cutback.

You do not have to be a member of SDS to recognize that something is out of whack in that approach.

If the reduction is allowed to stand, you do not have to be a person served by one of these programs to question the meaning of the Nation's commitment to help the disadvantaged.

And you do not have to be a Member of the Senate to know that whatever increase we approve in this body will be reduced in conference.

It is imperative then that we approve the full authorization of $2.245 billion for OEO programs.

I ask unanimous consent that a telegram from Mayor Roman Gribbs of Detroit be printed in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

> Detroit, Mich.,
> *November 18, 1970.*
>
> Senator Philip Hart,
> *Old Senate Building,*
> *Washington, D.C.*
>
> Dear Senator Hart: I concur and support the efforts that have been made through the Economic Opportunity Act to eliminate poverty. Much needs to be done.
>
> The appropriation bill for OEO will soon come before the Congress. This bill is extremely important to Detroit's effort to impact on the socio-economic problems besetting our city. We urge your assistance in support of the efforts of Senators Javits and Nelson for appropriations for fiscal year 1971-1972.
>
> A letter is being sent under separate covers outlining the specific critical points for our OEO program and the basis of our need for additional funding.
>
> Roman S. Gribbs,
> *Mayor.*

Mr. KENNEDY. I announce that the Senator from Alabama (Mr. Allen), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Louisiana (Mr. Ellender), the Senator from Tennessee (Mr. Gore), the Senator from Michigan (Mr. Hart), the Senator from Hawaii (Mr. Inouye), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from West Virginia (Mr. Randolph), the Senator from Georgia (Mr. Russell), the Senator from Alabama (Mr. Sparkman), the Senator from Mississippi (Mr. Stennis), and the Senator from Maryland (Mr. Tydings), are necesarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. Randolph) would vote "yea."

I further announce that, if present and voting, the Senator from Louisiana (Mr. Ellender) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Saxbe), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Illinois (Mr. Percy) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Hawaii (Mr. Fong) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from Hawaii would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 44, nays 32, as follows:

[No. 390 Leg.]

YEAS—44

Anderson
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cook
Cranston
Eagleton
Fulbright
Goodell
Gravel
Harris
Hartke
Hollings
Hughes
Jackson
Javits
Kennedy
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Prouty
Proxmire
Ribicoff
Schweiker
Scott
Spong
Stevens
Stevenson
Symington
Williams, N.J.
Yarborough
Young, Ohio

XUM

NAYS—32

Aiken
Allott
Baker
Bible
Boggs
Byrd, Va.
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Griffin
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
Miller
Murphy
Pearson
Smith
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—24

Allen
Bayh
Bellmon
Bennett
Cannon
Dodd
Ellender
Fong
Goldwater
Gore
Hart
Hatfield
Inouye
McCarthy
McGee
Mundt
Percy
Randolph
Russell
Saxbe
Sparkman
Stennis
Tower
Tydings

So Mr. Cranston's substitute amendment was agreed to.

The PRESIDING OFFICER. The question is now on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask for its immediate consideration. It is cosponsored by the same Members as joined with me on amendment No. 1068, and also by Mr. Hatfield.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 2, line 13, strike $1,504,794,000 and insert in lieu thereof "$1,546,694,000".

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

Again, what we are now proposing is that piece of the original amendment which was laid on the table which relates to manpower training activities. It now fits in in the part of the bill where it has been left by the Appropriations Committee, and is appropriated directly to the Department of Labor.

The $41.9 additional million which is here provided for, Mr. President, will bring it up, not just to the authorization; in this case it brings it up to the amount requested by the administration itself, which has been cut by the Appropriations Committee.

We respectfully submit that most of this figure is in the Neighborhood Youth Corps, that is, JOBS with relation to our youth, where unemployment is even more difficult for them than it has ever been before, with rates of unemployment for teenagers running in the area of 24 percent for white teenagers and about 34 percent for blacks. This is especially crucial in the slums and ghettos of the country.

We felt that we ought to go at least to the point that the President himself requested in his budget. Instead of that, both the House of Representatives and the Senate—and incidentally, they have done exactly the same thing—have cut that figure by $41.9 million, which my amendment seeks to restore.

Mr. President, the amount, if voted by the Senate, will be divided as follows:

For the Neighborhood Youth Corps, in school program: $3.3 million.

For the Neighborhood Youth Corps summer job program, $7.8 million.

For the Neighborhood Youth Corps out-of-school program, $7.2 million.

For Job Corps there is $9 million provided.

For the Concentrated Employment Program—where we have a set hard core program in a given slum area—$6.5 million.

For public service careers, $5.2 million.

For Mainstream, which as our colleagues know, is a program largely to help older people, $2.2 million.

This all is according to the budgeting which has been done by the administration itself.

The total number of additional training slots which will be provided if this amendment carries is 33,950. The amount of improvement in overall terms—because we are dealing with more than 900,000 people who are being trained—is very small, in terms of percentage. But in the key areas for which this amount is budgeted, it becomes critical, very important, and extremely helpful.

Mr. President, following out the feeling of the Senate that it wished to vote upon each of these items separately, and bearing in mind that this one, like Headstart, is discussed in the greatest detail, I should like to submit——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I yield myself 2 additional minutes. I should like to lay it before the Senate on this basis.

One final point, Mr. President. Again I revert to what has been argued here in terms of the function of the Appropriations Committee.

Certainly, the Appropriations Committee has every right to feel that its function is one of screening, but it also has a function of determining what shall be the priority; and while the Appropriations Committee may feel that a committee set of priorities ought to obtain in respect to a particular situation, the Senate may have its own views as to the importance of the programs I have described.

Mr. President, I should like to point out again the target population and how much of it is reached. In respect of manpower training, it is estimated that the number reached in even so highly a desirable program is roughly only a tenth of those who ought to be reached if we really could do the job comprehensively. My amendment seeks to buttress and strengthen this program in given sensitive areas to the extent of the administration's budget request and no more. I hope very much that the Senate will look favorably upon it.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? Does the Senator from Washington yield back the remainder of his time?

Mr. MAGNUSON. Mr. President, as I understand this—and I want to be very fair about it—the Senator from New York has taken the section "work and training programs" all in one. Is that correct?

Mr. JAVITS. That is correct.

Mr. MAGNUSON. The total to be added is $41,900,000. We approved the House amount on all these programs. I know there are many very important programs in here—in school and summer programs and the Job Corps. The big item is the Job Corps and CEP, which, I hasten to add, are being administered in the Labor Department.

We thought we had a pretty good figure, from the testimony of the people who run these things. The Senator from New Hampshire and I made an attempt to increase the dropout program, but we tried to spread the money equitably between the counseling services and the dropout, because we did not see how we could separate the two. There is a great dearth of counselors—one for every 1,200 students in the country, or something like that.

We have no more to say. We think that we have given a reasonable amount, and the House went over this with a fine-tooth comb, too. But the Senate can direct us, if it wishes, and that is its privilege, to go to the House with this extra amount.

Mr. JAVITS. I yield myself 1 minute.

Mr. President, this is very creditable, and I am grateful to the Senator. It bears out exactly how I felt about this whole debate. Once we got over this devolution question, I really felt that it became a finite issue, in which the members of the committee, especially the Senators from Washington and New Hampshire, did the best they felt they could, within the context of the Appropriations Committee; and if anything further was to be done, it would have to be done in the Senate.

I most respectfully submit that this is a well warranted increase, considering its purposes and considering that even if granted, it still is within the President's budget request.

SUPPORT OF JAVITS-NELSON AMENDMENT TO H.R. 18515

Mr. WILLIAMS of New Jersey. Mr. President, I also wish to express my strong support for the Javits-Nelson amendment to H.R. 18515, the fiscal 1971 Labor-HEW appropriations bill.

As chairman of the Senate Committee on Aging, I wish to direct my remarks to the funding provisions for work and training programs for older workers.

Last month our unemployment rate climbed to 5.6 percent—leaving 4.7 million Americans without jobs.

All age groups have been hard pressed during our economic slowdown, but older workers and their families have been especially hard hit.

Today there are nearly 1 million persons 45 and older who have lost their jobs.

For persons 55 and over, unemployment has jumped sharply by 72 percent since January 1969.

Once unemployed, these older workers run the greatest risk of long-term joblessness. Individuals 55 and older now represent about 17 percent of the civilian work force. But, they constitute more than 23 percent of the very long-term unemployed—27 weeks or longer.

For these long-term jobless individuals, Mainstream has literally been a lifesaver.

Mainstream has helped provide employment opportunities in needed community services for the chronically unemployed poor who have limited prospects for jobs because of age or other disadvantages.

Several pilot programs funded under Mainstream—such as Green Thumb, Green Light, Senior Aides, and the Senior Community Service programs — have amply demonstrated that older individuals can make valuable contributions in their communities.

For example, participants in the Green Thumb program—sponsored by the National Farmers Union—have built more than 350 roadside parks, planted more than 1 million trees to beautify our countryside, and helped to develop and restore numerous historical sites.

The Senior Aides program conducted by the National Council of Senior Citizens has also provided new job opportunities for low-income elderly persons in the field of health, education, welfare, and outreach activities.

And the National Council on the Aging's Senior Community Service programs have rendered important and needed community services.

In my own State of New Jersey, these "senior aides" have provided valuable services as bilingual aides in elementary schools. As a result, the non-English speaking children have been able to make a better adjustment to the community, their schools, and the English language.

The Javits-Nelson amendment will help provide $41.9 million in increased funding for employment and training programs. Of this total, an additional $2.2 million would be used for Mainstream, increasing the Senate Appropriations Committee's recommendation from $38.8 million to $41 million.

This badly needed funding can help provide new employment opportunities for large numbers of older workers.

It can also be used to expand some of the successful pilot projects under Main stream—such as Green Thumb, Senior Aides or the Senior Community Service programs.

And it can help many disadvantaged older workers back to the road of financial recovery.

The rewards of this action are many.

For the individual, a job can be a passport to self-sufficiency and self-respect.

For his family, a regular paycheck can offer the promise of a fuller and better life.

And our society as a whole will benefit from the urgently needed community services provided by Mainstream workers.

Mr. President, I urge adoption of the Javits-Nelson amendment to H.R. 18515.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Washington yield back the remainder of his time?

Mr. MAGNUSON. Yes.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alabama (Mr. Allen), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Arkansas (Mr. Fulbright), the Senator from Tennessee (Mr. Gore), the Senator from Michigan (Mr. Hart), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from West Virginia (Mr. Randolph), the Senator from Georgia (Mr. Russell), the Senator from Alabama (Mr. Sparkman), the Senator from Mississippi (Mr. Stennis), and the Senator from Maryland (Mr. Tydings) are necessarily absent.

I further announce that, if present, and voting, the Senator from West Virginia (Mr. Randolph) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Saxbe), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Illinois (Mr. Percy) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Colorado (Mr. Dominick) is detained on official business.

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Hawaii (Mr. Fong) is paired with the Senator from South Dakota (Mr. Mundt). If present and voting, the Senator from Hawaii would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 42, nays 32, as follows:

[No. 391 Leg.]

YEAS—42

Aiken
Brooke
Burdick
Byrd, W. Va.
Case
Cook
Cooper
Cranston
Eagleton
Goodell
Gravel
Griffin
Harris
Hartke
Hollings
Hughes
Jackson
Javits
Kennedy
Mansfield
Mathias
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff
Schweiker
Stevens
Stevenson
Symington
Williams, N.J.
Yarborough
Young, Ohio

NAYS—32

Allott
Anderson
Baker
Bible
Boggs
Byrd, Va.
Church
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Gurney
Hansen
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Magnuson
McClellan
McIntyre
Miller
Murphy
Scott
Smith
Spong
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—26

Allen
Bayh
Bellmon
Bennett
Cannon
Dodd
Dominick
Fong
Fulbright
Goldwater
Gore
Hart
Hatfield
Inouye
Long
McCarthy
McGee
Mundt
Percy
Randolph
Russell
Saxbe
Sparkman
Stennis
Tower
Tydings

So Mr. Javits' amendment was agreed to.

Mr. JAVITS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. GRIFFIN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. ALLOTT. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows: The Senator from Colorado (Mr. Allott) proposes an amendment for himself and the Senator from Colorado (Mr. Dominick) as follows:

> On page 38, line 17, strike out "estimated" and insert in lieu thereof "actually expended."

Mr. ALLOTT. Mr. President, in the committee reported bill, section 208 provides that payments to State welfare departments for services, staff training, and administration not exceed 115 percent of the amount estimated for those purposes for such State for fiscal year 1970. The purpose of this section is to make administrative expenses controllable rather than open-ended. I believe that this purpose is admirable and justifiable.

I have never been in favor of "open-ended" appropriations. There are times when an "open-ended" appropriation is necessary because expenses which will be incurred are completely unpredictable. I do not believe that these instances occur frequently, and they should be avoided whenever possible. With the ever increasing Federal budget all measures which help to control the increase should be considered and implemented if possible.

With this background, I would like to say that while I applaud the intent of section 208, I am somewhat concerned with the procedure which has been used to implement the theory. Section 208 states in part that expenses under titles I, IV, X, XIV, and XVI, of the Social Security Act, in the aggregate, shall not exceed 115 percent of the aggregate amount estimated for these purposes for such State for fiscal year 1970. My concern stems from the fact that the 115 percent limitation which is to be applied is to be based on the estimated cost for fiscal year 1970. I am sure that when this provision was originally drafted the only figures available were those which the States had submitted as estimates. I now understand that HEW has the actual expenses for fiscal year 1970, rather than only those used for estimating. Because of this I believe that the 115 percent figure should be applied to actual expenses rather than estimated expenses.

Our amendment is very simple. On page 38, line 17, strike out "estimated" and insert instead the words "actually expended." This in my opinion, is a fair and legitimate way of applying the intent of controlling expenses. If we have the actual costs it seems that it is much more accurate to apply the limitation to that figure. This is only fair and equitable in our responsibility to the States.

I hope that the managers of the bill will agree with this approach and accept my amendment. I have been informed that the administration has no objection with this change.

I have spoken with the manager of the bill, the Senator from Washington (Mr. Magnuson), the ranking minority member of the committee, the distinguished Senator from New Hampshire (Mr. Cotton), the Senator from Oklahoma (Mr. Harris), who has an amendment which he intends to call up shortly, and the Senator from California (Mr. Cranston). It is my understanding from all of these gentlemen that they are perfectly willing to accept the amendment.

I ask unanimous consent to have printed in the Record a statement by Senator Dominick who had to leave the floor temporarily.

There being no objection, Senator Dominick's statement was ordered to be printed in the Record, as follows:

Statement of Senator Dominick

Mr. President, section 208 of this bill would place a limit on the heretofore open-ended appropriation for matching Federal funds available to the states for costs incurred in delivering welfare services. I strongly support this concept, and think the arguments of the Appropriations Committee and the Administration for the inclusion of section 208 are sound. I have generally opposed open-ended authorizations and appropriations on the ground that they encourage fiscal irresponsibility. There are good reasons for leaving the appropriations for cash payments to welfare recipients open-ended. But, those reasons do not apply to appropriations for the associated costs of social services, staff training and administration. Placing a limit on Federal matching funds available for these costs would require State welfare agencies to streamline their programs and look for ways to increase their efficiency. I don't think the importance of this can be over-emphasized at a time when overall welfare costs appear to be soaring out of sight.

The report of the Appropriations Committee indicates section 208 was intended to limit Federal funds available for these associated costs in fiscal 1971 to 115% of those spent by the states in fiscal 1970 (i.e., a 15% increase). But, section 208 is worded so that the 115% figure is applied to the *estimated*, rather than *actual* costs for fiscal 1970. Section 208 reads:

"None of the funds contained in this title may be used for payments to any State for fiscal year 1971 for services, staff training, and administrative expenses under titles I, IV (part A), X, XIV, and XVI of the Social Security Act which, in the aggregate, exceeds 115 percent of the aggregate amount *estimated* for these purposes for such State for fiscal year 1970." (emphasis added).

I understand that estimates which would be relied upon by HEW in administering this section were submitted by the States in May, 1969. Well, now we are into fiscal year 1971, and the *actual* figures for fiscal year 1970 are in. In Colorado, it turns out that the May, 1969, estimates were too low. Colorado's estimated costs were roughly $11,305,000, while it actually spent about $12,658,000, a difference of $1,353,000. This is primarily due to unexpected increases in the AFDC and food stamp caseloads, and increased need for day care centers. I am sure the estimates for fiscal 1970 were low in many other States for similar reasons.

I am co-sponsoring with Senator Allott, an amendment which would merely apply the 115% limit in section 208 to the *actual* figures in each State for fiscal 1970, rather than the *estimated* figures. This is not inconsistent with the concept upon which section 208 is based, and I am advised that the Administration does not oppose it. I hope the Appropriations Committee will accept it.

Mr. MAGNUSON. Mr. President, as far as I am concerned, I am glad to accept the amendment. I have consulted with the Senator from Oklahoma (Mr. Harris) and the Senator from California (Mr. Cranston). They are agreeable. I yield back the remainder of my time.

Mr. ALLOTT. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Jersey (Mr. Williams), offers on behalf of himself and Senators Randolph, Mondale, Church, Prouty, and Gurney the following amendment:

On page 28, line 21, strike out "$34,000,000" and insert in lieu thereof "$34,650,000".

On page 28, line 22, strike out "$1,000,000" and insert in lieu thereof "$1,650,000".

Mr. WILLIAMS of New Jersey. Mr. President, I join in support of H.R. 18515, the fiscal 1971 Labor-HEW appropriations bill.

As chairman of the Senate Committee on Aging, I wish to direct my remarks to funding matters of vital concern for our 20 million senior citizens and others affected by problems related to aging.

The Older Americans Act;

The Age Discrimination in Employment Act; and

The White House Conference on Aging.

As a sponsor of these three measures, I can well appreciate the importance of adequate appropriations to carry out the intent of Congress as expressed in authorization legislation.

Yet, in spite of a compelling call for adequate funding for programs serving the aged, a psychology of retrenchment appears to have taken hold at certain high levels of Government.

Too often the elderly have been thrust in the front ranks in the fight against inflation, although they are probably least equipped to make this sacrifice.

And too often they have been caught in a vicious economic squeeze because of these short sighted and ill advised decisions.

Fortunately there is a bipartisan movement in Congress to help change spending priorities for older Americans.

We have made some progress. But much more remains to be done.

Today the consideration of the Labor-HEW appropriations bill can be another important step forward.

First, however, I would like to congratulate the distinguished Senator from Washington (Mr. Magnuson) for his outstanding leadership in bringing this well-balanced appropriations measure to the floor for a vote.

Last June the ranking minority member of the Committee on Aging (Mr. Prouty) and I helped lead a bipartisan drive for increased funding for human investment programs for older Americans. Several of these recommendations, I am pleased to say, were approved in the Senate Appropriations Committee bill.

In July the House of Representatives approved $32 million in funding for the Older Americans Act and the White House Conference on Aging—the same amount as requested in the administration's budget. The Senate bill raises this amount by $2 million from $32 million to $34 million.

RSVP

Of particular significance for the elderly is the $1 million in funding for RSVP—the retired senior volunteer program.

In the House-passed bill and in the administration's budgetary estimate, no appropriations were recommended for RSVP.

Established under the 1969 amendments to the Older Americans Act—which I sponsored—RSVP is designed to provide new opportunities for needed community services for persons 60 and older. This corps of volunteers would perform services in their communities without compensation, but they would be reimbursed for their meals, transportation, and other out-of-pocket expenses.

Despite the virtually unanimous endorsement for RSVP, this is the second consecutive fiscal year that no funding has been requested.

The $1 million in the Senate committee bill can help our Nation begin to take advantage of the wealth of skills and talent with which senior citizens are so richly endowed.

Leading experts in the field of aging have estimated that perhaps 1 million older American would be willing to volunteer their services in their communities.

This is a readymade resource of talent which is still largely untapped. These volunteers are also ready, willing, and able to serve their communities. And they can be used in productive and purposeful activities, such as:

Assisting schools as lunchroom supervisors;

Playground monitors and teacher aides;

Counseling and tutoring schoolchildren;

Rendering services in hospitals and nursing homes; and

Assisting elderly taxpayers in preparing their tax returns.

FOSTER GRANDPARENTS

Another important change in the Senate committee bill is an extra $1 million for the popular foster grandparent program—raising the administration's budget request of $10 million to $11 million.

Initiated in 1965 with 21 demonstration projects, the foster grandparent program has enabled low-income persons 60 and over to provide supportive services for disadvantaged young children.

Unlike RSVP participants, these individuals are paid wages for their services.

Today the program has grown to 68 projects with 183 participating institutions in 40 States. More than 4,000 foster grandparents serve 8,000 children daily and about 16,000 annually.

In my own State of New Jersey, I have personally seen the work of these devoted elderly persons. There are now more than 250 New Jerseyites providing badly needed services for approximately 1,600 handicapped, dependent, neglected, or retarded children.

At a recent visit to the Woodbine State Hospital, I was most favorable impressed by the empathy between the foster grandparents and the children—to the point where many aged persons provide additional care for the youngsters beyond normal working hours.

We do not need any more proof that this program will work. We already have abundant and compelling evidence from elderly participants, individuals served, and community leaders.

What is needed now is a realistic financial commitment responsive to the growing needs of this successful program.

AGE DISCRIMINATION IN EMPLOYMENT ACT

With unemployment reaching its highest level in nearly 7 years, millions of workers are finding it increasingly difficult to locate jobs. Many middle-aged and older workers are denied work because of their advancing age—in spite of the fact that we have a law prohibiting such discriminatory practices.

The committee bill will, however, provide vitally needed funding for more personnel to strengthen the enforcement of the Age Discrimination in Employment Act.

An additional $206,000 is provided for the Wage and Hour Division in the Labor Department, increasing the House appropriations from $27,953,000 to $28,159,000.

This $206,000 raise in the Senate bill will be used to provide additional personnel to achieve full compliance with the provisions in the Age Discrimination in Employment Act.

Section 5 of the age discrimination law also directs the Secretary of Labor to undertake a study concerning the institutional and other arrangements giving rise to involuntary retirement.

This mandate has still not been fulfilled, although the act was passed almost 3 years ago.

The language in the committee report makes it abundantly clear that this study should be undertaken expeditiously.

This study can help provide concrete answers and solutions for numerous employment and retirement problems affecting older persons. For example, it may tell us why the number of labor force "dropouts" for men 45 and older has increased by 2 million in the last 10 years, from 5.8 million to 7.8 million.

DELEGATE EXPENSES FOR WHITE HOUSE CONFERENCE ON AGING

Now I would like to turn to a matter I consider crucial for improving the committee bill.

This concerns appropriations for delegate expenses for the White House Conference on Aging, to be held next November.

It is my sincere hope that this Conference will come to grips with the real issues confronting older Americans, and will produce a national policy and commitment for the elderly during the 1970's.

But to do so, the attendance and participation of older persons from all walks of life and all income levels will be absolutely essential.

Only in this manner will there be a broadly based and representative group to zero in on the problems related to aging in the United States.

As chairman of the Committee on Aging, I have found that testimony at the grassroots level by elderly persons oftentimes describes the problems more eloquently than volumes of statements by experts.

Consequently, their participation will also be essential to assure an open Conference in which they can have a major role in shaping a national policy of action for older Americans.

Yet, many older persons will be precluded from participation because of inadequate financial resources.

For these reasons, I offer an amendment to H.R. 18515 to increase the appropriations for the White House Conference on Aging by $650,000—from $1 million to $1.65 million.

This additional $650,000 would help pay the travel expenses for elderly delegates who otherwise would not be able to attend the 1971 Conference.

This is a modest increase in funding, but it is crucial for effective grassroots participation.

My concern about participation at the Conference springs partially from the findings of a recent survey conducted by the Senate Committee on Aging.

Questionnaires were sent to each State agency on aging, asking for information about overall progress on planning for the White House Conference and for preliminary conferences to be held on county and State levels early in 1971.

Many State directors admitted that they have been unable to make definite plans for selection of participants in the Conference because of uncertainty about sources of funding.

For example, the New Jersey director, Mr. Edward Donohue, said this in his letter:

> An attempt will be made to send elderly participants from New Jersey to the National White House Conference of November-December 1971, provided that some means of paying their expenses can be devised. At present, it is indicated that there is no assurance of provision for Federal funds for this purpose. Therefore, we will have to wait until such time as the budget for the coming fiscal year is developed in order to see whether or not said funds can be allocated.

Much the same mood of concern was expressed by Mr. Robert B. Robinson, director of the Colorado Division of Services for the Aging and president of the National Association of State Units on Aging. Mr. Robinson's letter said:

> Every effort will be made to send the elderly to the National White House Conference in Washington . . . Should the National Administration or the State Legislature not provide funds, we will have to rely on private groups and National organizations for subsidies to assist the older persons. *Unless they are involved at all levels . . . there will be limited value in the November 1971 Conference.* (Emphasis added.)

Mr. Robinson also questioned the ability of many States "with the lack of supportive funds to carry out the directives they have already received or that are in process."

Other comments about payment of expenses for elderly participants:

Mr. James R. MacKay, chairman of the New Hampshire Council on Aging, said:

> We will attempt to send elderly participants to the White House Conference on Aging in Washington; however, this Agency can offer no financial support for low-income elderly to go as delegates. An effort will be made to generate local community financial support, and we hope the Congress will appropriate the funds already authorized for expenses of Conference delegates.

Mr. Charles Chaskes, executive director of the Michigan Commission on Aging, described involvement of elderly participants in the White House Conference "as an almost insurmountable problem unless Federal funds become available for this purpose."

Quenten L. Emery, acting assistant secretary for the State of Washington Department of Social and Health Services, said:

> Unless Federal funds are available, our delegation will include only persons who can pay their own way or who are sent as delegates of an organization which will pay their expenses.

Mrs. K. Rose Wood, director of the New Mexico Commission on Aging, said that no State or matched funds are available to send anyone to Washington. She said:

> Efforts will need to be made to insure participation of the elderly poor and those in other income groups, but it would be too bad if only people who can afford to pay their own way are delegated.

Mr. President, the problem is not limited only to States which are many miles from Washington, D.C.; State officials from as nearby as Rhode Island and Pennsylvania also do not see how representation is possible unless Federal support is available.

Moreover, by making the money available now, older persons will know with much greater certainty that they will in fact be able to attend the Conference in Washington.

In May, State White House Conferences on Aging will be held to prepare for the National Conference in November. One of the functions at these State meetings will be to select representatives or at least to formulate a policy for selection of representatives.

XUM

But if funding is not requested for delegate expenses until the next fiscal year, the States will have no assurance that money will be available at all, to say nothing of its being available in time for the Conference.

During the past 2 years, the Labor-HEW appropriations bills have been considered in the Senate in November and December. If this occurs next year, it would be impossible for the States to assure their elderly delegates that their travel expenses will be covered.

In addition, there is strong precedent for this action. Payment of delegate expenses was authorized for the last White House Conference on Aging in 1961. And I might add that the 1961 Conference led to medicare and other important measures for older Americans.

Therefore, I urge adoption of this badly needed measure to assure meaningful participation by a broadly based group of older Americans.

ADEQUATE FUNDING NECESSARY TO INSURE ATTENDANCE OF DELEGATES TO AGING CONFERENCE

Mr. RANDOLPH. Mr. President, I join in support of the Williams amendment to provide an additional $650,000 for delegate expenses for the 1971 White House Conference on Aging. This additional money is needed and will be well utilized.

In my home State of West Virginia, there is genuine concern over the uncertainty of Federal support for travel expenses for the National Conference next November.

Louise B. Gerrard, executive director for the West Virginia Commission on Aging, went to the heart of the problem when she said:

> We certainly will feel that the meaning of the White House Conference will be lost if a large number of elderly do not go to Washington. How to pay their expenses is a major worry. It seems to us essential that we get some Federal money for this purpose.

Funding for delegate expenses is urgently needed. If we act today to appropriate funds for fiscal 1971, delegates can be selected with assurances that they will be able to attend the Conference in Washington.

In May there will be State White House Conferences on Aging to prepare for the National Conference. One of the functions at these forums will be to select delegates to represent the States.

If we postpone action until next fiscal year for funding for delegate expenses, the States will have no assurances that money will be available for the November Conference.

Further, during the last 2 years the Senate has not acted on the Labor-HEW appropriations bills until November and December. If this should occur next year, it would be impossible for the States to assure their elderly representatives that their expenses would be reimbursed.

Participation by the elderly will be absolutely essential if this Conference is to come to grips with the real problems of the aging—income, health care, housing, employment, and many others.

Their participation will also be necessary if they are to have an influential role in formulating a national action policy for older Americans during this decade.

I urge passage of the Williams amendment to the fiscal 1971 Labor-HEW appropriations bill.

I ask unanimous consent to have printed in the RECORD a letter from the West Virginia Commission of Aging addressed to Senator WILLIAMS.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WEST VIRGINIA COMMISSION ON AGING,
Charleston, W.Va., August 10, 1970.

Senator HARRISON A. WILLIAMS, JR.
Chairman, Special Committee on Aging,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am pleased to respond to your request for information on our participation in the White House Conference.

Questions One and Two. Our staff is so small (two professionals on duty, plus two vacancies) that it is not possible to assign one person to White House Conference duties exclusively. At present, and for the next several months, Conference activities will take the major part of all staff time. This will mean a major part of our operating funds (staff and travel) will go for this purpose.

Question Three. We will have two forums the week of September 20 in two out of the nine regions of the state. Thirteen of the state's fifty-five counties are in these two regions.

Major responsibility for the programs (aside from Commission on Aging participation) will be given to the directors of the senior centers in the areas, plus CAP and other agencies. We have approached key organizations for participation, and chose these two regions because of the opportunity to bring low income rural elderly into the program. We will definitely go out and approach representative groups, for otherwise the hearings will have only middle income elderly. (We have almost no high income elderly.) Material gathered before and during the forums will become an important part of our state plan, giving information on needs and resources.

We will operate on a shoe string, with donated facilities, and—hopefully—with donated lunches. We are having to limit our plans because of lack of funds. Our outreach will be seriously affected because we will be unable to pay transportation expenses for low income people we particularly want to come to the sessions.

Question Four. We can make no plans to use the questionnaire until we see it. Was there adequate pre-testing with elderly of limited educational backgrounds who have had no experience with "paper work?" We want to cooperate in gathering information which will be standard across the country, and hope the questionnaire will be suitable. If it is not, we'll do something on our own.

Question Five. All funding questions lead to the same answer: we will have to make do with what we have. We expect no special state appropriation for the conferences, and there is no local money.

Our plans are not far enough along to report on the January-April conferences, although we hope to have good representation from most parts of the state. The May meeting will be part of our observance of Senior Citizens' Month, with a three-day program at a state 4–H camp accommodating 500 people over-night, and a larger number during the day. Our May, 1970 meeting was very successful, and already there is interest in the 1971 sessions. Governor Arch Moore, Jr. and Senator Jennings Randolph were at the 1970 program.

Problems? Of course we anticipate them, primarily in assuring that all relevant groups and individuals have an opportunity to participate in a meaningful way.

Question Six. We are looking forward to receiving early Census reports, in order to bring up-to-date the material we have been using. We are cooperating with the planning office in the Governor's Office of Federal-State Relations for material being collected in other state plans bearing on our own interests. We will use national data for comparative purposes, and would appreciate getting material from AoA or elsewhere in time to develop it in our displays and hand-outs.

Question Seven. We certainly will feel that the meaning of the White House Conference will be lost if a large number of elderly do not go to Washington. How to pay their expenses is a major worry. It seems to us essential that we get some Federal money for this purpose.

Question Eight. Aside from elderly from all parts of the state and from all economic levels (see Question Seven), we would like to have representatives from public and private agencies, and for a range of organizations. Here again, to some extent, representation will depend upon the availability of funds.

Question Nine. Some of the material coming from the Administration on Aging has been helpful, but it has come in such short supply that we cannot give it the distribution it needs. I feel we have been promised more than we have gotten. We have great need for a good basic brochure on the White House Conference, yet we have none. Some of the directives in the Guidelines are unrealistic, for our state at least, particularly because of the short time span between receipt of the material and the date on which programs are to be held. And I do hope we're not being swept up in the numbers game. I felt uneasy when a report praised one region for promising that at least 60,000 would attend each state's conference during the week of September 20. We don't plan large meetings where people are counted but have no opportunity to be heard. Mass meetings are one thing, but I thought our September conferences were for people to speak up. If the groups are to be heard in clusters of no more than 30 each, as the guidelines suggest, can a state really listen to 60,000 people during the week???

We're not going to hold to the time schedule 9:30–2:30 of one of the guidelines, at least not in the proposed form. Our people will definitely want a speaker at lunch (they come from a considerable distance and look forward to a 'name' speaker), and they will want a summary in order to learn what went on in the other sessions.

Question Ten. I know what some of the states are doing because of informal reports from our regional representative (who has been very helpful.) I also follow state publications and see what they are reporting. I hope to learn more at the Michigan conference this week.

Question Eleven. No, of course I'm not satisfied, but I do feel we're on the road. Preparations for the White House Conference can have real meaning in our state, helping us see where we are and what our needs are. We are using this period to bring our program to the attention of interested groups and individuals (both in public and private life), and most of what we are doing will fit in well with our state plan. I just wish we were getting more help from AoA on materials, more help from the Federal government on finances. But we'll move ahead and hope that out of all this will come a better day for older West Virginians and older Americans.

Sincerely,
LOUISE B. GERRARD, Ph.D.,
Executive Director.

Mr. MONDALE. Mr. President, I am happy to be a cosponsor of the Williams amendment to the Labor-HEW appropriations bill.

This measure would provide an additional $650,000 to help pay delegate expenses for the 1971 White House Conference on Aging.

One of the purposes of this Conference is to bring together persons from public and private life, including the elderly, to develop a national policy of action for older Americans.

Quite clearly, the attendance and participation of senior citizens at the Conference next November will be critical for its success.

Their full and open participation must be assured—regardless of their economic status.

Only in this manner will there be a broadly based group to focus on their pressing difficulties and the problems for tomorrow's retirees.

In my own State of Minnesota, there is a special problem for elderly persons wanting to participate in the Washington Conference. Quite frankly, most older persons would not be able to afford a 2,200 mile round trip.

There is clear authority and a compelling need for payment of delegate expenses. At the last White House Conference on Aging in 1961, there was Federal support for travel expenditures for elderly participants. And it was the intent of the authorization legislation for this coming conference to cover such expenses.

But at the State level there is much uncertainty about the selection of elderly representatives for the Conference because there is no assurance that funding will be available.

In her response to the Committee on Aging questionnaire, Mrs. B. C. Leadholm, chairman of the Governor's Citizens Council on Aging in Minnesota, described this difficult problem.

> Certainly, efforts will be made to send older persons as participants to the National White House Conference on Aging. However, the number who might attend will depend on funds that might be available and the resources of the older persons themselves. . . . Private funds are not available.

Passage of the Williams amendment would remove much of this doubt. Older persons would know with much greater certainty that they will be able to attend the National Conference.

The additional $650,000 provided in the Williams amendment is a modest increase in funds. But it is badly needed to assure meaningful participation by a broadly based group of older Americans.

Mr. President, I urge acceptance of the Williams amendment.

I ask unanimous consent to have printed in the Record a letter I received from the Governor's Citizens Council on Aging.

There being no objection, the letter was ordered to be printed in the Record, as follows:

State of Minnesota, Governor's
Citizens Council on Aging,
St. Paul, Minn., August 19, 1970.

Hon. Harrison A. Williams, Jr.,
Chairman, Special Committee on Aging, U.S. Senate, Washington, D.C.

Dear Senator Williams: The following information is submitted in reply to your letter of July 24th:

1. No operating funds have been designated for White House Conference planning or activities. The costs to be considered are stationery, postage and staff time which currently we estimate would be between $15,000.00 and $20,000.00 per annum.

2. One person on our staff has been designated as the Coordinator for White House Conference Planning. The amount of time to be spent will be a minimum of half time. Three Field Coordinators on Aging are active in promotion in their particular regions of the state and will be devoting a portion of their time to White House Conference activities and planning.

3. Older American White House Conference community forums will be held in eleven officially designated regions of the state the week of September 20. No money is available for the conducting of these forums and expenses will be covered in local communities. We are promoting meetings of small groups of older persons who are members of Senior Citizens Clubs, Senior Centers and other groups of older persons. Dozens of these small "warm up sessions" will be held prior to the week of September 20th.

State Task Forces will be established in each major area of concern. This material will be used in re-defining and redeveloping our State Plan. The elderly will be encouraged to participate in local forums, regional forums, on various committees and task forces, including the White House Conference Planning Committee and the Advisory Committee to the Governor's Council on Aging.

Outreach efforts were planned by using the questionnaire, which would provide an opportunity for homebound persons and those not attending the forums to participate. However, this use of the questionnaire has now been discouraged by the White House Conference Planning Committee.

4. The use of the questionnaire in our state will depend on the questionnaire itself. It could be helpful to the State Legislature which convenes in January 1971. It could also be helpful to local groups in their planning efforts. The information gathered from the questionnaire could also be valuable in development of the State Plan.

5. No funds are available for funding of Community White House Conferences in the Spring of 1971. The State White House Conference will be held as part of our 13th Annual Institute on Aging at Gustavus Adolphus College, St. Peter, in May or June of 1971. This Institute is sponsored jointly by the Council, Gustavus College and Lutheran Brotherhood Insurance Society. One of the objectives of these conferences will be to report back to communities and community leaders the findings of the September forums, as well as material prepared by the State Task Forces and material made available from the White House Conference on Aging staff in Washington, D.C.

6. All statistical data that is available from the census and other sources will be used. However, we find studies are not possible with present resources.

7. Certainly, efforts will be made to send older persons as participants to the National White House Conference on Aging. However, the number who might attend will depend on funds that might be available and the resources of the older persons themselves. The Governor's Citizens Council on Aging is not disposed to seek state funds since the conference was initiated and called at the Federal level. Private funds are not available.

8. Representation at the conference will depend on the number of delegates allowed our state and on those persons nominated by whoever is Governor in our state after the election this Fall.

9. A series of directives from the Administration on Aging are of excellent quality. Recent discussions at regional meetings have also been most valuable.

10. We are somewhat aware of what other states are doing but not as knowledgeable as we would like to be.

11. We are generally not satisfied with the rate of progress. Endless delays have been encountered and some material is still in draft stage. We are very upset by the fact that the questionnaire will not be made available prior to September 1st and that the use of it is being so restricted. The directions for planning and programs for the conference seem too detailed in light of the fact that no money is being made available to states for such purposes.

Notwithstanding many frustrations, the Governor's Citizens Council on Aging is committed to maximizing whatever opportunities exist in relation to the White House Conference on Aging in order to advance the interests of older persons.

Sincerely yours,

Mrs. B. C. Leadholm,
Chairman.

Mr. CHURCH. Mr. President, I support the Williams amendment to increase funding for the 1971 White House Conference on Aging from $1 to $1.65 million.

This additional $650,000 would help pay the travel expenses for elderly delegates to the National Conference next November.

When the White House Conference on Aging legislation was considered in 1968, it was contemplated that the total authorization of $1.9 million for the Conference would include approximately $650,000 for delegate expenses.

Without such assistance, many older Americans will not be able to attend—particularly low-income persons or individuals who would be required to travel great distances.

In my State of Idaho, older persons will be required to travel nearly 2,500 miles to participate in the Conference. This will, of course, require a substantial outlay, which persons living on fixed incomes could not hope to undertake.

However, participation by the elderly will be essential for the success of the Conference. Their attendance will also be indispensable if the Conference is to be truly open and representative of older Americans from all sections of our Nation. And, their participation will be necessary if they are to have a meaningful role in formulating a national action policy in the 1970's for senior citizens.

The need for Federal funds to help pay delegate expenses has been stressed in responses to a questionnaire sent by the Committee on Aging to State units on aging.

For example, Mr. Herb Whitworth, director of the Idaho Department of Special Services, aptly described the problem when he said:

> We need to know what funds will be available from the Federal level for participation in the White House Conference activities . . .

The Idaho Office on Aging now plans on sending 12 representatives, including eight elderly delegates, to the White House Conference on Aging.

But unless money is made available for this fiscal year, these senior citizens will not know with certainty whether their expenses will be covered.

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For these reasons, I enthusiastically support the Williams amendment to the 1971 Labor-HEW appropriations bill.

Mr. MAGNUSON. Mr. President, I understand this conference is to be held in November 1971.

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. MAGNUSON. Mr. President, I think this is for a very good purpose. I suspect that the reason they did not do this was because it looked as if it was too far in advance of the time we were holding the hearings.

The Senator now wants assurance that the money will be provided. I think that it is a good amendment. I hope that the Senator from New Jersey will see that this money is still there in November 1971. There has been a great tendency when we appropriate some money to use it up. Then we do not have it for the designated purpose despite the fact that Congress appropriated the money. They say that they will not spend it on anything else. No one can check on where the money is.

I hope that the Senator will watch this money and see that it is there.

We have had too many experiences in which they have done this. It gets down there to the Treasury and there it is.

I suspect that they will use it up to that time, but I want to be sure that it is there when they have to bring these people back.

As I understand it, these people are selected by organizations in the States and by perhaps State officials who are involved in the problems of the aging in their State.

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. MAGNUSON. How many usually attend?

Mr. WILLIAMS of New Jersey. There will be approximately 1,700 or 2,000.

Mr. MAGNUSON. So the State representation would be a combination of nonprofit organizations or State officials and I suppose perhaps in some cases those who were interested, maybe from the medical professions or people of that kind.

Mr. WILLIAMS of New Jersey. The Senator accurately describes the representation from the various States.

The Senator knows that there are many organizations of senior citizens. This is a fertile area from which to draw representation. The State governments have representatives, and other citizens will be appointed to come who are unaffiliated.

Mr. PROUTY. Mr. President, I understand that the amendment simply provides for the expenses of delegates to the White House Conference on the Aged.

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. PROUTY. Mr. President, I appeared before the committee in support of the amendment and am a cosponsor.

Mr. WILLIAMS of New Jersey. Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

AMENDMENT NO. 1076

Mr. HARRIS. Mr. President, I call up amendment No. 1076 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. Harris) offers an amendment as follows:

On page 38, beginning with line 12, strike out through line 18.

On page 38, line 19, redesignate section 209 as section 208.

Mr. HARRIS. Mr. President, I ask unanimous consent that all of the cosponsors listed on the amendment, together with an additional cosponsor, the distinguished Senator from South Carolina (Mr. Hollings) be listed in the Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The cosponsors of the amendment are as follows:

Mr. Harris, Mr. Cranston, Mr. Talmadge, Mr. Ribicoff, Mr. Brooke, Mr. Mondale, Mr. Javits, Mr. Bayh, Mr. Eagleton, Mr. Gore, Mr. Goodell, Mr. Gravel, Mr. Hart, Mr. Hatfield, Mr. Hollings, Mr. Hughes, Mr. Inouye, Mr. Kennedy, Mr. McCarthy, Mr. McIntyre, Mr. McGovern, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Williams of New Jersey, and Mr. Yarborough.

Mr. HARRIS. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HARRIS. Mr. President, I speak in support of amendment 1076, which I have introduced with Senators Cranston, Ribicoff and others, to amend H.R. 18515, the Labor, HEW appropriation bill. This amendment has bipartisan support and is sponsored by 26 Senators. Amendment 1076 would strike section 208 of that bill, which limits Federal payments for fiscal year 1971 to any State for services, staff training and administrative expenses payable under titles I, IV(A), X, XIV, and XVI of the Social Security Act to 115 percent of the amount actually expended for that State for fiscal year 1970.

These limitations would cut down programs affecting the aged, the blind, the permanently and totally disabled, and needy families with dependent children.

This flat limitation of funds to a low percentage increase over the 1970 expenditure ignores the reality of the expanding need for appropriations in this area. States are faced with increased case loads in 1971, due to rising unemployment and overall welfare trends. This week HEW Secretary Elliott L. Richardson pointed out the current explosion of caseloads and costs, which have gone up 20 percent in the last year. Caseloads in the States of Washington, Oregon, and Texas have skyrocketed by more than 50 percent this year. As the number of cases show dramatic increase, administrative costs will have to keep pace with the number of welfare clients, or a mass breakdown in servicing cases will be inevitable. Obviously, the 15-percent growth limitation written into section 208 will not suffice to cover these administrative costs alone, to say nothing of improving and increasing the scope of needed social services authorized under the Social Security Act.

Administration figures on estimates from the States and territories submitted last May as to fiscal year 1971 programs indicate that a total of $150 million in social services, staff training and administrative costs will be jeopardized due to the effect of section 208. In my own State of Oklahoma, the amount of $1,793,000 would be cut. The combined factors of unemployment and inflation have taken their toll since these estimates were made, and the latest State estimates for fiscal year 1971 show a $211 million shortage in funds available to the States. Almost all States will fall short of having the necessary funds to carry out planned programs, training, and administration. This will be of particular harm to States which have been slow to develop programs, but at this time are expanding their services. The report of the committee on appropriations argues that disparity between the States in welfare services will result if the open-ended appropriation is not closed by section 208. The limitation would, rather, freeze any disparity now in existence, since those States with inadequate programs could not catch up with the limited increase allowed.

Mr. President, what is really important is the human need behind the statistics. Section 208 would not allow sufficient funds to administer current programs in many instances. Significant social services will be limited, including day care, employment counseling and family planning. Without adequate social services, such as day care and employment counseling, willingness to work can be a hollow shell. A recent study from the Department of Health, Education, and Welfare found that 44.5 percent of mothers on welfare in 1968 had high employment potential, due to education or previous job experience. Four out of five expressed an immediate desire to get a steady job. However, 80 percent of these willing potential workers were prevented from working due to a lack of child care facilities. Day care is a social service authorized under title IV(A) of the Social Security Act to families receiving AFDC payments, as well as to former and potential recipients. The enactment of section 208 will make provision of these services highly unlikely, and will help to keep willing workers unemployed. This is false economy of the worst kind.

In placing a ceiling on services to the aged, blind, disabled, and needy, we would be striking at those who have no other hope. A moral sense of basic priorities cries out against a decision based solely on dollars and cents.

Those most closely connected with delivering welfare services have joined in opposition to section 208. The National League of Cities, the AFL-CIO, the Conference of Governors, and the American Public Welfare Association have all taken a position against the provision. Their opposition is based on the realization that the limitation of Federal funds would place a burden on many States which they will not be able to assume, or would severely penalize many poor people in this country.

A number of States have initiated programs based on current levels of fund matching, not anticipating that severe restrictions might be imposed on Federal contributions. These States will have to cancel social services, or look to already overtaxed State revenue sources to fill the gap. Cancellation or curtailment of sorely needed services will leave program recipients even more frustrated than they now are. Section 208 of H.R. 18515 is a step backward, when we should go forward.

I urge that it be stricken.

Mr. President, I am pleased to yield to the Senator from California (Mr. CRANSTON) who has really done yeoman service in putting this matter together in attempting to strike this bad provision from the bill.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I rise to explain and urge support for amendment No. 1076 to delete section 208 from the committee-reported H.R. 18515, the Labor-HEW Appropriation Act.

I submitted this amendment Wednesday along with the Senator from Oklahoma (Mr. HARRIS) and a bipartisan group of 24 other Senators in order to eliminate the arbitrary 115-percent limitation which the committee-reported appropriation act seeks to impose on Federal grants to States for administration, training, and social services for all welfare programs. If adopted, the amendment would restore the open-ended nature of the Federal share for these programs established by the Congress in the Social Security Act.

This amendment is being taken up in lieu of amendment No. 1070, submitted by Senators HARRIS and RIBICOFF on November 17.

Before getting to the substance of this amendment, I want to express my deep appreciation to Senator HARRIS, Senator MONDALE, Senator TALMADGE, Senator BROOKE, and Senator JAVITS for their special help in gathering support for this amendment.

The background of the situation now before the Senate is as follows:

Under the Social Security Act, grants are made to the States for the cost of State and local administration of welfare agencies, for training of staff administering public assistance programs and preparing for employment in these agencies, and for social services for recipients—including day care, job counseling, homemaker services, employment and housing placement assistance, family planning and alcoholic and drug abuse rehabilitation. The act also provides for the development and implementation of a program of family services and child welfare services in support of welfare recipients and to assist former and potential welfare recipients in staying off welfare.

Under the act, all individuals wishing to make application for aid are guaranteed the right to do so, and the act requires that the aid be furnished with reasonable promptness to all eligible individuals. At this time of rising unemployment, and in the aftermath of the Supreme Court ruling invalidating residency requirements for public assistance, many States—including California—have been experiencing significant increase in new applications for assistance. Such increases are in turn escalating administrative costs for personnel to engage in determining and validating eligibility, programs management, and monthly payments to millions of recipients.

According to the President's own budget request:

> The purpose of the grants for social services is—to enable each State, as far as practicable under the conditions existing in the State, to furnish rehabilitative and other services to recipients and potential recipients to help them maintain and strengthen family life and to attain or retain capability for maximum self-support, self-care and personal independence.

This puts it about as well as anyone can.

In the President's fiscal year 1971 budget, there was included a 110-percent freeze on the Federal share of welfare supportive costs—administrative, social services and personnel training expenses for all welfare programs—old age assistance, aid and medical assistance to the blind and disabled and AFDC—with authority in the Secretary of Health, Education, and Welfare to make exceptions under certain circumstances. The House quite properly rejected this provision, but the Senate Appropriations Committee, at the request of the administration, inserted a compromise limitation—raising the ceiling to 115 percent and eliminating the exception language.

The administration submitted data to the Senate Appropriations Committee purporting to show the likely State-by-State effect of the 115-percent limit and asserting that under that limit 40 States would receive 90 percent or more of their spending requirements in these categories for fiscal year 1971. As I shall seek to demonstrate, these figures are extremely understated and unreliable.

In view of the fact that eligibility for aid and services is expressly open ended under the Social Security Act. Any limitation on Federal support for administration, training, and social services to carry out a State plan is clearly inconsistent with the basic purposes of the Social Security Act and with our desire to provide effective programs to assist welfare recipients in becoming independent—a purpose so well stated in the sentence from the President's budget which I have just read.

A major impact of the proposed limitation would fall on those States—such as Pennsylvania—which are planning to expand their services to bring them into line with current caseload demands. Under the proposed limitation, the burden of such necessary expansion would fall on already overextended State and county taxpayers.

In fact, the administrative as well as the supportive services monies are specifically targeted at keeping down the public assistance rolls by: First, seeking to assure the even-handed administration of public assistance regulations and the avoidance of administrative errors, and second, identifying programs and moneys specifically aimed at moving welfare recipients off the welfare rolls into employment and providing services which are "welfare preventive" for those most in danger of needing welfare.

In addition to States seeking to expand their administrative welfare support, the burden of the freeze now proposed will also be borne by States—such as California—which are already expending substantial funds for administrative and supportive services but which can anticipate an overall welfare cost increase in fiscal year 1971 of well in excess of 15 percent. In California, the rate of increase could go as high as 25 percent.

In Los Angeles County, for example, the county board of supervisors estimates that the 115-percent ceiling will throw another $6 million on already hard-pressed county and State taxpayers. And the comparable figure for San Diego County is predicted to be almost $3 million. In Kern, Merced, and Tuolumne Counties, and Bakersfield, Calif., welfare costs have been rising at a rate of 22 to 30 percent. I have received letters of strong opposition to the ceiling from the following 29 California county boards of supervisors:

Alameda, Butte, Contra Costa, Del Norte, Glenn, Kern, Lake, Lassen, Los Angeles, Marin Mariposa, Merced, Modoc.

Placer, Plumas, Orange, Nevada, San Bernardino, Santa Cruz, San Diego, San Joaquin, San Luis Obispo, San Mateo, Shasta, Siskiyou, Solano, Tuolumne, Yuba, and Yolo.

None of these jurisdictions has the available property tax base to raise the extra local share of funding without great hardship to already hard-pressed taxpayers if this arbitrary limitation is imposed. In light of the reforms proposed by the administration in its innovative family assistance plan, it is particularly incongruous for the Federal Government to adopt a position of preventing the initiation of much-needed improvements in State and local programs which would enable them better to meet these new demands.

Moreover, the Social Security Act in effect makes a pact with States and their local welfare programs for the Federal share of administrative as well as supportive expenses to be open ended and to be governed by the extent of State expenditures and payments. To default on this obligation in midfiscal year would cause absolute havoc throughout the land

One crucial fact that must be recognized is that most administrative and services costs are in effect mandated on States under HEW regulations as part of their statutorily required State plan. There will thus be little choice for most States but to raise more revenue from already hard-pressed sources to cover at least basic administrative costs. Most likely to suffer—if there is any flexibility—are the very antiwelfare and welfare-preventive programs I alluded to earlier. The States will just have to accept the cost if the welfare system is not going to breakdown.

Under the 115-percent limitation, the typical State's share of total spending

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will probably increase at least 25 percent in fiscal year 1971, and if the freeze were continued, for fiscal year 1972, another 25-percent raise in the State share is predictable. Under these conditions, total State spending by fiscal year 1972 would have increased about two and one-half times given present welfare growth patterns.

Bringing about such a drain on already overextended State and local resources seems a strange proposal for an administration which so strongly champions revenue sharing and a family assistance plan increasing Federal financial responsibility in this area. Rather, the administration's proposed 115-percent limitation in section 208 is a blueprint for "reverse revenue sharing."

Mr. President, I will conclude my remarks with a brief analysis of the administration-supplied State-by-State impact data on which the Appropriations Committee based its decision to recommend imposition of the 115-percent ceiling. That data appears to have been clearly biased toward the administration point of view for the following reasons:

First, early estimates of State-spending requirements for administration, services, and training—the types which were presented to the committee, and which formed the basis of administration arguments—have tended, historically, to be notoriously inaccurate and conservative. For example, the States' May 1970 estimates of their 1970 spending underestimated the actual 1970 costs by about 15 percent. Yet, these May 1970 estimates formed the basis for the States' fiscal year 1971 estimates submitted at the same time.

Second, recent year-to-year increases in spending in these accounts have been far above 15 percent per year. The administrative component of these costs has been increasing faster than the services component. Administrative costs—which are almost entirely a function of caseload size—have been rising phenomenally in the most recent 6 months due to rapid, uncontrollable increases in the costs of administration and services.

For example, from fiscal year 1969 to fiscal year 1970, total costs nationwide increased 36 percent; the administrative component of these costs increased 38.3 percent; the service component 34 percent. For 27 States the fiscal year 1970 increase in expenditures for administration, training, and services was between 32.5 and 135.5 percent over fiscal year 1969.

The administration, based on these demonstrably understated fiscal year 1971 estimates, has projected a shift to the States of $150 million in welfare supportive costs. However, merely by projecting into fiscal year 1971 the nationwide rate of increase—36 percent—experienced in fiscal year 1970 over fiscal year 1969 experience, a fair, and, even then conservative, estimate of the shifted burden to the States would be $187 million. I say conservative because, as I have noted, the rate of increase over the last 6 months—the fastest growth in history according to HEW Secretary Richardson—has been even greater than the 36-percent fiscal year 1970 rate of increase.

Projecting into fiscal year 1971 this conservative fiscal year 1970 growth rate for these cost categories, we find that under the proposed 115-percent limitation 45 States would receive less than their fiscal year 1971 requirements, and 39 of these States would experience cost increases in their State share of expenditures ranging from 30 to 150 percent in fiscal year 1971, with the State expenditure share for the median of these 39 States increasing 63.6 percent.

Looking at this another way, under these projections, 34 States would lose at least one-half million dollars in Federal funds.

However, the real point seems to be that no one can at this point estimate the fiscal year 1971 State expenditures with any degree of accuracy. The States' latest revised projections, taking into account fiscal year 1970 actual experience, projections which HEW has not released, show a total switch to the States of $211.5 million and that 29 States would lose a half million Federal dollars or more.

To give a clear picture of the great uncertainties surrounding these three sets of estimates and therefore the overall effect of the proposed 115-percent limitation, let us look at the projected loss of Federal funds under the freeze for eight States in fiscal year 1971:

	State May 1970 fiscal year 1971 estimate	Projection of fiscal year 1970 increase into fiscal year 1971	State revised fiscal year 1971 estimate
Minnesota		$8,352,000	$2,357,000
Georgia	$5,478,000	2,285,000	5,012,000
California	38,605,000	25,982,000	78,700,000
New York		35,361,000	16,515,000
Washington	4,520,000	20,832,000	4,249,000
Pennsylvania	59,874,000	5,069,000	29,202,000
Colorado		5,577,000	826,000
North Carolina	659,000	4,779,000,	

Mr. President, what we have here is a counterproductive provision which, without rhyme or reason, threatens to impose intolerable tax loads on the already hard-pressed taxpayers of most States and localities or to greatly disrupt administration and provision of services—and therefore the effectiveness—in most welfare programs. This freeze also will stifle in administration and services in those States now relatively deficient in allocation of resources and energies to those categories.

That is why this amendment is strongly supported by the National League of Cities—U.S. Conference of Mayors, the Governors' Conference, the AFL–CIO, and the Public Welfare Association of America.

I ask unanimous consent that recent letters to me from the Mayors and Governors Leagues be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNOR'S CONFERENCE,
Washington, D.C., November 18, 1970.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: I understand that you will be offering an amendment to delete Section 208 of H.R. 18515, the Department of Labor and Health, Education, and Welfare and Related Agencies Appropriation Bill, 1971. Many Governors have indicated that if Section 208 is enacted it would be extremely costly to their State by decreasing the federal participation in state costs of administering welfare and providing social services. They therefore support efforts to delete Section 208.

I have attached information which indicates the fiscal impact on each State if Section 208 is enacted.

Sincerely,

ALLEN JENSEN,
Special Assistant.

Estimates of the loss to States under section 208 of H.R. 18515 of Federal share of State and local expenditures for income maintenance administration, social services, and State and local training

(From information provided to HEW in August 1970 and in the case of some States as indicated* estimates made by States in November 1970)

States:	Loss Estimates
*Alabama	$1,449,000
Alaska	566,000
Arizona	0
Arkansas	0
*California	78,700,000
Colorado	826,000
Connecticut	0
Delaware	0
District of Columbia	0
*Florida	4,397,000
Georgia	5,012,000
Guam	26,000
Hawaii	1,237,000
Idaho	376,000
*Illinois	7,413,000
Indiana	0
Iowa	906,000
Kansas	1,129,000
Kentucky	0
Louisiana	2,292,000
Maine	0
Maryland	5,589,000
Massachusetts	0
Michigan	15,374,000
Minnesota	2,357,000
Mississippi	0
*Missouri	2,884,000
*Montana	81,000
Nebraska	878,000
*Nevada	591,000
New Hampshire	534,000
New Jersey	3,113,000
New Mexico	0
New York	16,515,000
North Carolina	0
North Dakota	14,000
Ohio	1,623,000
Oklahoma	0
*Oregon	2,274,000
Pennsylvania	29,202,000
Puerto Rico	568,000
Rhode Island	0
South Carolina	0
South Dakota	0
Tennessee	2,304,000
*Texas	6,102,000
Utah	0
Vermont	0
Virgin Islands	8,000
Virginia	810,000
Washington	4,249,000
West Virginia	2,189,000
*Wisconsin	7,074,000
Total	211,478,000

EXAMPLES OF SOCIAL SERVICE PROGRAMS THAT MAY BE CURTAILED IF SECTION 208 OF H.R. 18515 IS ENACTED

MISSOURI

Section 208 would mean the complete elimination of several large proposed day care projects under Model Cities and other auspices. The state welfare agency, for more than a year, has been working with the Model City agencies in St. Louis and Kansas City, and in both areas they are at this moment ready to establish rather large day care projects in the slum areas of the two cities. The total federal funds which they expected to receive for the first fiscal year for expanding day care facilities so that ADC mothers could be trained for and accept employment would be $3,992,813.00.

FLORIDA

The following special projects in Florida are being funded through the public assistance titles and in all probability it would be necessary to cancel these projects if the proposed legislation becomes law:

Model State Project—Jacksonville	$354, 445
Pearson Project—Day Care—Jacksonville	90, 750
Family Aid Project—Jacksonville	100, 883
Homemaker Project—District 3	50, 560
Youth Opportunity Coordinator Project	16, 845
Tampa Child Care Project—Tampa	57, 609
Comprehensive Service Delivery System—West Palm Beach	254, 987

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
November 18, 1970.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: On behalf of the National League of Cities and the U.S. Conference of Mayors, we urge the deletion of Section 208 of the pending Department of Health, Education, and Welfare Appropriations Bill (H.R. 18515). This section would limit increases in Federal payments for social services, staff training and administrative expenses (Public Assistance Titles I, IV–A X or XIV of the Social Security Act) in fiscal 1971 to 115 percent above the amount allocated in fiscal year 1970. Presently these Titles have "open end" accounts which are a source of funds for vital ongoing programs within our cities providing for: the treatment of alcoholics and narcotics addicts; services assisting the mentally ill and retarded to their homes from institutions; services which assist the elderly in finding housing, medicare and other community resources. These Titles also provide funds for other human resource services including family planing, day care and childhood educational services. In addition, these Titles provide the only funds specifically targeted for programs which are "welfare preventive"—since the funds are directed toward securing employment for those individuals who are about to be added to the welfare rolls.

Another potential impact that has caused concern to be expressed by many mayors throughout the country is the adverse effect the proposed limitation will have on the Model Cities Program. You are no doubt aware that the limitation came up in the House earlier this year but was rejected by that body due to concerted action on the part of local officials and other concerned groups. The threat to the Model Cities Program by the limitation at that time impelled HUD Assistant Secretary Floyd Hyde to write to Patricia Hitt, Assistant Secretary for Community and Field Services for HUD, to express her "grave concern over the adverse effect Section 208 would have on the Model Cities Program."

We concur with Assistant Secretary Hyde's conclusion in his memorandum:

The passage of Section 208 of the HEW Appropriations Bill would reduce the effectiveness of the Model Cities Program by substantially decreasing HEW involvement in a key program area. It would disrupt patterns of interagency cooperation and coordination which have been carefully nurtured in local communities. Furthermore, it would inhibit the development of service programs which would serve as vital support mechanisms for any future Family Assistance legislation.

Some states have already announced to city officials that if Section 208 remains in the bill all of the presently funded programs will have to be renegotiated and probably discontinued. Estimates indicate the proposed limitation would force states to reduce social services by one-fourth in the next two years, while the costs of administration of public assistance will be rising 90 percent. These announcements coupled with the new evidence that an increasing number of welfare families are moving to our cities cause many city officials to express concern as to how needed services will be provided to our citizens if the limitation is retained.

Again, on behalf of the nation's mayors, we ask you to do what is necessary in removing this drastic proposed limitation on the costs of programs outlined above which continue to provide needed services to citizens within our cities throughout the country.

Sincerely,

JOHN J. GUNTHER,
Executive Director, U.S. Conference of Mayors.

PATRICK HEALY,
Executive Vice President, National League of Cities.

Mr. CRANSTON. Mr. President, section 208 is not an economy move. It is axwielding. I urge all of my colleagues to resoundingly reject it by supporting this amendment to delete it, with its 115-percent ceiling, from the bill.

Mr. HARRIS. Mr. President, I ask unanimous consent that the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. HARRIS. I yield the floor to the Senator from Texas.

Mr. YARBOROUGH. I thank the Senator.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. YARBOROUGH. Mr. President, as one of the cosponsors of the amendment, I wish to point out that 27 of the 50 States would be adversely affected if section 208 is left in the bill. It was not in the House bill. The States that were slow to implement will be penalized and that includes a majority of the States.

As a cosponsor of the amendment to delete this general provision from the Labor-HEW appropriations bill, I urge my colleagues to support us in this action which is designed to preserve social rehabilitation programs across the country. We should continue to adequately assist the States in their efforts to extend programs to the disadvantaged people of our Nation.

If we allow section 208 to take effect, it would place an arbitrary ceiling on the amount of money that the Federal Government could contribute toward State expenditures for the administration, training, and social services which are connected with their public welfare programs such as old-age assistance, aid to the blind, aid to the disabled, and aid to families with dependent children. Under section 208, the Federal grant for administrative expenses during fiscal 1971 would be limited to 115 percent of the aggregate amount spent by each State during fiscal 1970 for these purposes. This means that each State would be allowed an increase of only 15 percent over the 1970 allotment regardless of their individual needs. Perhaps the objective of this sort of standardization is noble, but the effects could be catastrophic in a large number of our States.

Although the arbitrary 115 percent would have serious implications in all but 23 of the 50 States, the consequences for the State of Texas and its citizens would be particularly harsh. There has been a "caseload explosion" in my home State. For example, the number of cases under the aid to families with dependent children has more than doubled during the past 2 years from 31,587 families to 71,209 families. The number of recipients under the program is presently increasing at a rate of 8,000 persons per month.

There are those who will argue that section 208 is merely aimed at cutting unnecessary administrative costs. While this is a commendable goal, it must be recognized that it is the people in need of expanded programs of social service who would suffer the most from the penny wise and pound foolish ceiling on Federal matching funds.

Under section 208, the State of Texas stands to lose $6.1 million in Federal money which is required to finance administrative, training, and social service programs in fiscal year 1971. This financial burden would force the elimination or substantial curtailment of day-care education, family planning, and consumer education programs in Texas which are presently either operating or planned in the cities of Houston, Dallas, Edinburg, San Antonio, Crockett, Laredo, Eagle Pass, Texarkana, El Paso, Tyler, Plainview, Galveston, Austin, Waco, Orange, and Beaumont. Many of these programs in Texas are still in their embryonic stage and must not be left to perish for lack of Federal support.

We in the Congress cannot expect the States to expand programs designed to rehabilitate the poor, if we insist on depriving the States of the financial support which is necessary to implement these programs. Promises have been made that should not now be repudiated. I urge my colleagues in the Senate to support this proposed amendment which would delete section 208 from the Labor-HEW appropriations bill.

Mr. MAGNUSON. Mr. President, I think I made a fairly complete statement about the history of this amendment earlier today. I expressed the personal feeling that I do not like a flat percentage, but I would say that we have to do something and I hope the Committee on Labor and Public Welfare will take a very close look at this and that this not be kept open. I know the Governors are all very concerned about this. Naturally, they are. Anything that costs them money they are against. I do not blame them because all the States are pretty well strapped for money.

I thought the amendment of the Senator from New Hampshire (Mr. COTTON) was a pretty good compromise on this matter, but in view of the fact that the Cotton amendment was rejected I am going to vote for this amendment. We could have accepted it and the Senator could withdraw the request for a rollcall vote, but I think some Senators would like to vote against it.

That is my position. It is a little difficult for me, after the committee worked long and hard, and I did not particularly favor this ceiling. As a matter of fact, it was 110 percent when it started out.

Mr. HARRIS. Mr. President, I am grateful to the Senator from Washington for expressing his willingness to support this amendment. I appreciate what is attempted to be accomplished by this provision we hope to have stricken.

I repeat on the floor of the Senate what the distinguished chairman of the Committee on Finance said earlier. The committee that has jurisdiction over the substantive law in this field. The chairman of that committee said that we will be quite happy to hear any statement from the Secretary of Health, Education, and Welfare. I am a member of the Committee on Finance.

If there is need for additional help to cut down on what it is felt are unnecessarily high costs in these areas, we will be open to any suggestion he has, but as of now the case is unproved and this is not the way to go about it.

Mr. President, I hope the amendment is agreed to.

The Senator from California addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. I yield the Senator such time as he may require.

Mr. CRANSTON. Mr. President, I thank the Senator from Washington for his very helpful approach on this amendment and for his willingness to accept it. I am very grateful to the Senator. I thank the chairman of the committee for his thoughfulness and for his courtesy throughout the day even when we have been on opposite sides. He has been thoughtful and generous. I also thank the Senator from Oklahoma for his help and his cooperation throughout this effort. Actually, a team of us worked together on this matter, including Senators MONDALE, TALMADGE, BROOKE, JAVITS, RIBICOFF, and others. The Senator from Oklahoma (Mr. HARRIS) who had a similar amendment, in which he was joined by the Senator from Connecticut (Mr. RIBICOFF) was generous in merging his amendment into my No. 1076.

Many, many people around the country have joined in this effort, and it is most satisfying that we are now about to have this amendment adopted.

Mr. BROOKE. Mr. President, I am pleased to be a cosponsor of the amendment, introduced by my distinguished colleague, the junior Senator from California, and others.

I can certainly appreciate the concern of the administration and of the Appropriations Committee that the costs of administering welfare programs be held to an absolute minimum: I do not believe there is anyone in this body who would question this worthwhile objective.

But many of us do have legitimate questions over the means, particularly when we consider the extremely harmful effects which section 208 of the bill, as presently drafted, would have on many of our States. I, for one, would have no difficulty in supporting a limitation on expenditures if the Secretary of HEW were given discretion to make exceptions in cases of great hardship.

In the Commonwealth of Massachusetts, for example, the State welfare agency has just begun to assume responsibility for administering a variety of welfare programs. Previously, these were administered by the local governments. In such a situation the service, training, and administrative costs are quite naturally increasing at a rapid rate. Yet if the committee amendment prevails, the Commonwealth of Massachusetts will not be able to spend any more in fiscal 1971 than 115 percent of the amount which it spent in fiscal 1970—when most of the costs were borne by the local governments.

According to the administration's own figures, Massachusetts would be set back nearly a million dollars under the proposed limitation. If, however, one projects a similar rate of increase in the State's burden for fiscal year 1971 as was sustained in 1970, then the Commonwealth of Massachusetts stands to lose $3.5 million, an amount which it can ill afford.

The Federal Government has encouraged, promoted, and largely funded this great program for many years. I sincerely hope that an arbitrary ceiling will not be imposed at this time, but rather, that such matters will be left to the Finance Committee which presently is considering a complete reorientation of our entire national system of social welfare.

For these reasons, I urge the adoption of the Harris amendment, deleting section 208 from the bill.

Mr. HART. Mr. President, at a time when we are trying to improve public assistance programs, at a time when we want to emphasize training programs to prepare people for employment, it makes no sense to set arbitrary limits on Federal participation in welfare programs which undermine the effectiveness of these efforts.

Equally important, to change the rules of matching-fund agreements with States this late in the fiscal year can be described only as fiscal irresponsibility.

And yet that is what section 208 of the appropriations bill for the Department of Health, Education, and Welfare would do.

The section provides that Federal matching funds for administration, services and training in public assistance programs be limited to 115 percent of actual expenditures for these programs last fiscal year.

Mr. President, in those States with a continuing and rapid increase in public assistance cases, such a limit would force a cutback in projected assistance programs or require an increase in State and local funds.

For example, depending on estimates of caseload increases in Michigan, the proposed limit would mean that non-Federal sources in my State would have to come up with from between $8 million and $15 million.

Quite frankly, the State of Michigan's economy and treasury will not support an increase of that magnitude.

The other alternative would be to cut back on public assistance programs. That would mean, in many instances, a reduction in funds for such activities as daycare, homemaker services, family planning, work readiness, and employment counseling.

Many States have expended these activities at the urging of the Federal Government.

For the Federal Government to cut back on its commitment at this point would be to break faith with both State governments and the poor of the Nation.

Mr. President, I, for one, am not prepared to vote to break that faith. It has happened too often already.

As a cosponsor of the amendment to remove this provision, I urge a favorable vote.

Mr. COTTON. Mr. President, a proposed revision to section 208 of the President's budget is as follows:

> None of the funds contained in this title may be used for payments to any State for fiscal year 1971 for services, staff training, and administrative expenses under titles I, IV (part A), X, XIV, and XVI of the Social Security Act which, in the aggregate, exceed 115 percent of the aggregate amount estimated for these purposes for such State for fiscal year 1970.

If the Senate, and subsequently the Congress, should fail to adopt section 208, the May State estimates indicate that an additional appropriation of $150 million would be required for the cost of services, administration, and training.

According to the May State estimates, over 75 percent of the additional $150 million would be received by three States: $39 million would go to California, and more than half of the remaining $111 million would be received by Pennsylvania and Michigan.

PURPOSE OF SECTION 208

The original justification for making public assistance an open-ended appropriation was to protect the rights of individuals who were entitled to and in need of cash assistance. In other words, the Congress did not want to see a person in need denied assistance because an appropriation had not been passed at the Federal level. This concept of an open-ended appropriation was later extended to program administration, training, and social services aspects of the overall public assistance program. The administration believes that appropriations for these activities should be controllable. The Executive and the Congress should make deliberate choices—in advance—as to their size and character and as to the Federal financial commitment for any given fiscal year. As it stands now, the Federal Government does not exercise this control—it merely pays the bills as rendered by the States. This is what section 208 was intended to correct.

EFFECT OF SECTION 208 ON STATES' ESTIMATED REQUIREMENTS

The wording of the limitation requires that the increase in 1971 be limited to 115 percent of the 1970 level for the aggregate payments for social services, administration of cash payments to welfare recipients, and training made to the States for 1970. This would permit the State to decide which of the program elements could be constrained and still effectively carry out those of highest priority.

Based on the May data from the States for 1971 requirements, application of the 115-percent limitation, without exception, would produce the following:

First. Twenty-two States will have no problem since the limitation would provide more than their current estimate;

Second. Eighteen States would receive 90 percent or more of their requirements;

Third. Nine States would receive between 80 and 90 percent of their requirements;

Fourth. Five States would receive less than 80 percent of their requirements. These States include Georgia, Hawaii, Michigan, New Hampshire, and Pennsylvania.

I ask unanimous consent to have printed in the RECORD some pertinent tables.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

SOCIAL AND REHABILITATION SERVICE

Listing of States by percentage of FY-1971 request for services, administration, and training allowed under 115% limitation

[Dollars in Thousands]

Received—Total request (22 States):

Alabama
Arizona
Arkansas
Colorado
Delaware
District of Columbia
Indiana
Kansas
Maine
Maryland
Minnesota
Mississippi
Missouri
Montana
Nevada
New Mexico
New York
North Dakota
Rhode Island
South Carolina
Utah
Vermont

	Savings
90 to 99.9% of request (18 States):	
Illinois	$3,717
Iowa	699
Kentucky	$451
Louisiana	1,309
Massachusetts	998
Nebraska	239
New Jersey	816
North Carolina	659
Ohio	1,528
Oregon	532
Puerto Rico	87
South Dakota	181
Tennessee	1,499
Virgin Islands	4
Virginia	404
West Virginia	147
Wisconsin	427
Wyoming	116
80 to 89.9% of request (9 States):	
Alaska	$349
California	38,605
Connecticut	1,163
Florida	2,774
Guam	16
Idaho	293
Oklahoma	1,793
Texas	4,313
Washington	4,520
Less than 80% of request (5 States):	
Georgia	$5,478
Hawaii	1,237
Michigan	15,680
New Hampshire	490
Pennsylvania	59,874

ESTIMATED FEDERAL SHARE OF STATE AND LOCAL EXPENDITURES FOR INCOME MAINTENANCE ADMINISTRATION, SOCIAL SERVICES, AND STATE AND LOCAL TRAINING, AS FURNISHED BY THE STATES IN MAY 1970

[Dollars in thousands]

	Fiscal year 1970 estimate	Fiscal year 1970 times 115 percent	Fiscal year 1971 estimate	Fiscal year 1971 allowance under limitation	Estimated savings	Allowance as percent of 1971 estimate
United States	833,081	958,043	1,077,836	927,425	150,411	
Alabama	7,297	8,392	8,170	8,170	0	100
Alaska	1,748	2,010	2,359	2,010	349	85
Arizona	3,181	3,658	3,632	3,632	0	100
Arkansas	3,500	4,025	3,600	3,600	0	100
California	251,039	288,695	[1] 327,300	288,695	38,605	88
Colorado	9,683	11,135	10,801	10,801	0	100
Connecticut	6,145	7,067	8,230	7,067	1,163	86
Delaware	948	1,090	1,034	1,034	0	100
District of Columbia	6,101	7,016	6,278	6,278	0	100
Florida	15,280	17,572	20,346	17,572	2,774	86
Georgia	12,651	14,549	20,027	14,549	5,478	73
Guam	102	117	133	117	16	88
Hawaii	1,780	2,047	3,284	2,047	1,237	62
Idaho	1,605	1,846	2,139	1,846	293	86
Illinois	33,375	38,381	42,098	38,381	3,717	91
Indiana	6,419	7,382	6,545	6,545	0	100
Iowa	6,898	7,933	8,632	7,933	699	92
Kansas	6,672	7,673	7,222	7,222	0	100
Kentucky	7,019	8,072	8,523	8,072	451	95
Louisiana	14,514	16,691	18,000	16,691	1,309	93
Maine	4,141	4,762	4,267	4,267	0	100
Maryland	16,275	18,716	18,555	18,555	0	100
Massachusetts	14,638	16,834	17,832	16,834	998	94
Michigan	15,586	29,424	45,104	29,424	15,680	65
Minnesota	8,408	9,669	8,609	8,069	0	100
Mississippi	5,250	6,038	5,343	5,343	0	100
Missouri	18,425	21,189	19,630	19,630	0	100
Montana	2,712	3,119	2,986	2,986	0	100
Nebraska	4,391	5,050	5,289	5,050	239	95
Nevada	1,636	1,881	1,776	1,776	0	100
New Hampshire	992	1,141	1,631	1,141	490	70
New Jersey	21,181	24,358	25,201	24,385	816	97
New Mexico	5,768	6,633	6,346	6,346	0	100
New York	122,579	140,966	120,285	120,285	0	100
North Carolina	7,476	8,597	9,256	8,597	659	93
North Dakota	2,557	2,941	2,812	2,812	0	100
Ohio	19,500	22,425	23,953	22,425	1,528	94
Oklahoma	7,936	9,126	10,919	9,126	1,793	84
Oregon	8,398	9,658	10,190	9,658	532	95
Pennsylvania	32,897	37,832	97,706	37,832	59,874	39
Puerto Rico	5,955	6,848	6,935	6,848	87	99
Rhode Island	3,972	4,568	3,267	3,267	0	100
South Carolina	4,428	5,092	4,523	4,523	0	100
South Dakota	2,146	2,468	2.649	2,468	181	93
Tennessee	11,481	13,203	14,702	13,203	1,499	90
Texas	17,994	20,693	25,006	20,693	4,313	83
Utah	3,755	4,318	4,331	4,318	13	100
Vermont	1,569	1,804	1,423	1,423	0	100
Virgin Islands	188	216	220	216	4	98
Virginia	6,885	7,918	8,322	7,918	404	95
Washington	21,802	25,072	29,592	25,072	4,520	85
West Virginia	8,522	9,800	9,947	9,800	147	99
Wisconsin	16,462	18,931	19,358	18,931	427	98
Wyoming	1,219	1,402	1,518	1,402	116	92

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[1] This is a revised estimate for California.

Mr. MONDALE. Mr. President, I think the limitation on day care and related social services which is proposed by section 208 is most unfair and unwise. I understand that the administration exerted heavy pressure in support of this provision. But there seems to be no justification, on the merits, for this unprecedented ceiling on Federal matching of State welfare services. It is simply another case where the administration is attempting to cut costs.

So it comes down to a matter of priorities. What are the announced priorities of the President, himself, that affect this issue?

First, the President proclaimed a strong national commitment to the first 5 years of a child's life. Second, he recommended a new family assistance program with the emphasis on "workfare, not welfare."

But here we are, trying to put a lid on the day-care services which the children so desperately need. And which make it possible for their mothers to work. I admit that I am somewhat confused by the administration's support for this provision, which undermines two of its objectives.

It is certainly clear that we are experiencing great growth in day-care services under the welfare program. Apparently, the administration supplied the Congress misleading data which understated this growth. But the hard work which was put into gaining acceptance of the provision suggests that the administration really knew that the costs were going up more rapidly. For example, HEW told the Congress that Minnesota would not lose any funds under section 208. But estimates by outside experts show that my State would lose $8.3 million. The estimates for many other States show the same disparity.

Mr. President, I strongly protest the attempt by the administration to pull the wool over the eyes of the Congress. I object, particularly, because these programs are so valuable and so necesary. I hope the Senate will strike the provision.

Mr. PEARSON. Mr. President, I will

oppose the pending amendment to delete section 208 of the committee bill and I urge my colleagues on both sides of the aisle to also oppose this amendment.

Section 208 of the General Provisions of the Labor-HEW-related Agencies appropriations bill (H.R. 18515) for fiscal 1971 places a limitation on the funds that may be used for social services, staff training, and administrative expenses under the appropriation "Grants to States for Public Assistance." The wording of this limitation requires that the increase in 1971 be limited to 115 percent of the 1970 level for the aggregate payments for social services, administration, and training made to the States in 1970, this present fiscal year.

I agree with the Senate Appropriations Committee that the services, administration, and training aspects of public assistance should no longer be open-ended. The original justification for making public assistance an "open-ended" appropriation was to protect the rights of individuals who were entitled to and in need of cash assistance. In other words, the Congress did not want to see a person in need denied assistance because an appropriation had not been passed at the Federal level. I still feel—and I cannot emphasize this point too much—that open-ended appropriations are still needed in the areas of money payments to recipients. But section 208 of the committee bill has absolutely nothing to do with money payments to recipients—these would not be affected. Section 208 deals strictly with services and administrative costs.

After 1962, when "open-ended" appropriations for services, administration, and training in relation to public assistance were adopted, we have seen these costs skyrocket. In the last 5 fiscal years alone—fiscal year 1965 through fiscal year 1970—the costs for these administrative and service costs have grown from $0.3 billion to $1.3 billion—an increase in almost unbelievable proportions of 324 percent. Admittedly, welfare costs generally have gone up over this period and the numbers on the welfare rolls have also increased. In fiscal year 1965 there were 7.1 million recipients on the welfare rolls and they received maintenance payments amounting to $4.4 billion. By this present fiscal year, we have 10.5 million recipients receiving maintenance payments amounting to $7.1 billion. This is an increase of 48 percent in the number of people and an increase of 62 percent in payments—but these increases come nowhere near the outlandish increase of 324 percent in services, administration, and training costs shown during the same 5 years.

As the Senator from Washington (Mr. Magnuson) pointed out in his opening statement, the Appropriations Committee is greatly concerned about the spiraling costs of welfare services and welfare outlays in general. There have been some valid complaints that the administration of welfare services are costing too much. The Executive and the Congress should be able to make deliberate choices—in advance—as to the size and character and as to the Federal financial commitment for any given fiscal year in the area of welfare services administrative costs.

As I understand it, Mr. President, the executive and the Congress make such choices in relation to other Government programs—the administration of the social security program, for example. The social security money comes from a trust fund, yet the items dealing with administration, et cetera, are budgeted and Congress sets these amounts. Why should it be that different for the administrative costs of the welfare program?

Let us take a close look at what the deletion of section 208 of the committee bill will mean:

First, it would add $183 million to a bill that comes out of the Senate Appropriations Committee $311,587,000 over the President's budget request for 1971. Without the limitation of section 208, the States automatically have the green light to spend $183 million more than is appropriated in this bill. Under the public assistance legislation, the expenditure of this amount becomes automatic unless we include the section 208 limitation.

Second, without the section 208 limitation, the States would be free to hire staff—and I emphasize again that is essentially what is involved here, staff working for State welfare agencies—without any restriction, any limitation, and, for that matter, without the Federal Government even knowing why they might have hired the staff in the first place. The staff in question are welfare administrative staff and social workers. The funds also include the cost of their training and, in some cases, even advancement of their basic education. Without the section 208 limitation, the Federal Government has no choice but to match 75 cents of every dollar that the States choose to spend for this kind of staff and staff training. I know of no other case where the Federal Government has permitted such an open-ended and unlimited opportunity to add to the payroll of State and local agencies as exists in this one case. We certainly would not allow it in the agencies operating at the Federal level. Why should we place no restriction or limitation on State and local staffing financed largely from Federal funds? I point out—again—that staffing in this area has grown over 300 percent during the last 5 years.

We are trying to hold down a runaway expense. While cutting $183 million from the budget, this limitation does permit each and every State to increase its 1971 activity in this area by a full 15 percent.

It is most important that everyone understand that the limitation does not have anything whatsoever to do with cash assistance to the poor, the aged or the disabled. It does nothing to control these costs—which, as I have already shown, are also rising, but at a lower rate.

Again, I urge my colleagues to defeat the pending amendment which would delete section 208 of the committee bill.

Mr. CASE. Mr. President, at the annual New Jersey Conference of Mayors in Atlantic City yesterday Gov. William T. Cahill announced that New Jersey faces an imminent crisis in its welfare system as the result of a very sharp rise during the past few months in its welfare caseload.

If this rate of increase continues, as seems likely, New Jersey's welfare budget is estimated to go up next year by approximately 30 percent. Currently approximately 8,000 cases per month are being added to the State welfare rolls, according to the State welfare director.

The imposition of a limitation on the costs of administration, services, and training in public assistance programs at a time when caseloads are rising so rapidly will cause severe hardship to New Jersey and other States faced with similar problems, many of whom are already halfway through the fiscal year which the limitation would affect.

I ask unanimous consent to have printed in the Record a letter I received from Governor Cahill this morning concerning the effect of the section 208 limitation on New Jersey.

There being no objection, the letter was ordered to be printed in the Record, as follows:

State of New Jersey,
Washington Office,
November 19, 1970.

Hon. Clifford P. Case,
United States Senate,
Washington, D.C.

Dear Senator Case: It is my understanding the Senate is currently considering H.R. 18515, the Labor-HEW Appropriations Bill for fiscal year 1971. This measure, as reported by the Senate Appropriations Committee, contains a provision, Section 208, limiting the federal reimbursement to 115% of what a state received during fiscal 1970 for administration, services, and training in the public assistance programs. As you know, the House passed this bill on July 23rd without such a limitation.

We are now nearly midway through the 1971 fiscal year which this 115% limitation would affect. Due to rapidly increasing caseloads, the costs of administration alone have been rising proportionately, thereby making such a limitation completely untenable. The situation becomes even more infeasible when program extensions and improvements, as well as the cost of inflation, are also taken into account. Current estimates show that this limitation would cost the State of New Jersey an additional $6,159,000 by July 30, 1971.

As I pointed out to the New Jersey Conference of Mayors today, New Jersey is faced with an imminent crisis in its welfare system. Our state cannot continue to maintain its present level of services nor expand under the existing mandates. Enactment of the 115% limitation would have a crippling impact on our state. I therefore urge you to support the effort to delete Section 208 during the debate on the Senate floor.

Sincerely,

William Cahill, *Governor.*

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HARRIS. Mr. President, I yield back my time.

Mr. MAGNUSON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. SAXBE), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 57, nays 20, as follows:

[No. 392 Leg.]

YEAS—57

Aiken
Baker
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cranston
Eagleton
Eastland
Ellender
Ervin
Fulbright
Goodell
Gravel
Gurney
Harris
Hart
Hartke
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pell
Prouty
Proxmire
Ribicoff
Schweiker
Scott
Spong
Stevens
Stevenson
Symington
Talmadge
Williams, N.J.
Yarborough
Young, Ohio

NAYS—20

Allott
Anderson
Bible
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Griffin
Hansen
Holland
Hruska
Jordan, Idaho
Pearson
Smith
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—23

Allen
Bayh
Bellmon
Bennett
Cannon
Dodd
Fong
Goldwater
Gore
Hatfield
Inouye
Long
McCarthy
McGee
Mundt
Percy
Randolph
Russell
Saxbe
Sparkman
Stennis
Tower
Tydings

So Mr. HARRIS' amendment was agreed to.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HARTKE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS' amendment (for himself, Mr. KENNEDY, Mr. MONDALE, Mr. NELSON, Mr. HATFIELD, Mr. CRANSTON, Mr. BAYH, Mr. CHURCH, Mr. CASE, Mr. HARRIS, Mr. HART, Mr. MCGOVERN, and Mr. GOODELL) is as follows:

On page 42, line 1, insert the following: strike "$894,400,000" and insert in lieu thereof "$900,400,000."

On page 42, line 1 after "Provided," insert the following:

"That of such amount $65,400,000 shall be for the Legal Services program under section 222(a)(3) of the Economic Opportunity Act and $39,100,000 shall be for the Special Impact programs under part D of Title I of the Economic Opportunity Act of 1964, provided further."

Mr. JAVITS. Mr. President, this amendment adds an earmarked $4 million to the provision for legal services, and $2 million to the provision for the special impact program.

After conferring with all those who joined in the first effort to bring the bill up to the authorized amount, which was tabled, and taking very seriously the mandate of the Senate, the Senate having acted affirmatively on the two major items of the package, Headstart and work and training, we felt that it was our duty, then, to turn around and carefully scrutinize our package, and see what part of it—by no means even a large part—we felt was really so essential and deserving as to impel us to concentrate upon it.

We decided that, in view of the critical importance of the legal services program to the poor—the fact that unless more funds are provided, legal service offices will be closed down in a number of areas of the Nation, and the special impact program, which has some very desirable activities going, like those at Bedford-Stuyvesant in New York, and again taking into account the sentiment of the Senate, we would offer this amendment, and hope that it may be accepted, after consultation with both the ranking minority member and the chairman of the committee.

Then, as far as I am concerned, that will end the amendments which I propose to offer to this bill.

Mr. MAGNUSON. Mr. President, it is true that, on legal services, this amendment brings the amount only to just slightly over the amount of the recommendation.

As to the special impact program, we did not have as much testimony as we should have had on it, but I think it is a successful program, and we will be happy to accept the amendment.

Mr. JAVITS. I thank my colleague.

Mr. President, before we vote, and yielding myself 1 further minute, I call attention to a controversy that has almost erupted between the legal profession and the OEO Director, about whether the legal services program should function, as it is now, as a unitary program under the direction of an official at the OEO office here in Washington, or whether it should be regionalized.

I noted with great satisfaction, in deference to the views of the bar, that the committee came out very strongly against regionalization.

We had hoped that Mr. Rumsfeld agreed with that, because he withdrew his proposal for regionalization. Now we read in the newspapers that he is trying to do it administratively. I just use the occasion when we have the matter before us to hope that the committee and our colleagues will be alert to the situation and will, as it were, keep Director Rumsfeld's feet to the fire—that we mean what we say.

Mr. MAGNUSON. I say to the Senator from New York that we were alert to the confusion down there, and that is one of the reasons why we agreed with the House cut. If they can clear up the confusion, it is worthwhile and a vital program.

I am like the Senator from New York. I read one day one thing and the next day another thing. There has been considerable confusion and it would appear there are those who want to kill this program.

One other thing, for the RECORD. I am sure they will read the RECORD down there tomorrow or Monday. Under one of these services, they had planned to take a young fellow going to law school, who did not have too much wherewithal, and have him do some laboratory work and we would pay him. We said, "Well, what about the law firm paying him?" I know I did that when I went to school. You go to a law firm and they give you $50 a month or something like that, often less than that.

But the good part of the program is when they go out and get themselves involved with legal services in the community, or with local things, where they can render their services, or with some community group that is trying to do something. I hope they will adhere to that and that they will hear the message down there. The law firms can help pay for this program.

Mr. JAVITS. I agree with the Senator.

The matter I raise, however, relates to the question of whether legal services shall be run through legal directors or through a legal services program in the Office of Economic Opportunity. The Committee on Appropriations has expressed itself firmly on that, and I just checked with the chairman now because we hear that in some administrative way the Director is trying to recede from that. But the committee means what it says and insists that any regionalization idea is out the window. Is that correct?

Mr. MAGNUSON. Yes, that is definitely correct.

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Mr. JAVITS. I thank the Senator.

Mr. MAGNUSON. So that we will have a firm policy down there and we will know what we are doing.

Mr. JAVITS. I yield to the Senator from Massachusetts, at whose request I included in the amendment a provision for the special impact program.

Mr. KENNEDY. Mr. President, I am pleased to cosponsor this amendment to add $2 million to special impact programs and $4 million to legal services. This will bring the appropriations level to $39.1 million for special impact and $65.4 million for legal services.

Special impact was initiated and added to the Economic Opportunity Act by Senator Robert F. Kennedy in 1966 and was cosponsored by Senator JACOB JAVITS. It is perhaps unique in the antipoverty effort through its creation of multipurpose community development corporation which are partnerships between the poverty and business communities. The corporations have involved local residents in their own economic development, reducing economic dependency, and lessening community tensions.

Special impact concentrates grants in particularly poor and geographically limited areas, attacking the problems of economic development as well as the social consequences of poverty.

Bedford-Stuyvesant has been the leading example of the potential of special impact funds for involving the poor in the decisions affecting their own future. More than 2,500 men and women in Bedford-Stuyvesant who were unemployed or severely underemployed have joined in the renovation of 45 city blocks in Bedford-Stuyvesant. These efforts have shown the tremendous possibilities which still exist to rebuild our cities' slums.

However, despite the response from virtually every State in the Union to the progress being made in Bedford-Stuyvesant, the administration requested only $32.1 million for fiscal year 1971. This was $4.7 million less than spent in the previous fiscal year. I congratulate the Senate Appropriations Committee for agreeing to a level of $37.1 million; but I believe there is ample justification for further augmenting this program to bring 1971 funding to $39.1 million.

To fail to provide the necessary funding for this antipoverty program would be to fail in our commitment to the poor of this Nation. We must not permit that to occur.

Mr. JAVITS. I thank the Senator.

I think it is only fair to say, under these circumstances, that Robert Kennedy's initiative in Bedford-Stuyvesant, which goes on and prospers, was one of the most gifted taken in the whole poverty field. I am honored to be able to help that program wherever I can, and I think the Senate really should feel the same way.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MONDALE. I was glad to hear the colloquy between the Senator from New York and the distinguished floor manager, the Senator from Washington, not only about the need for these funds but also about the solid opposition which the Senate has toward regionalization of the legal services program.

The Senator from New York participated in hearings in which we heard from the leadership of the American Bar Association, the Federal Bar Association, and the representatives of the clients being served by the OEO legal services program and by the attorneys themselves. I have never heard such unanimity in any hearing we have held against the efforts to compromise the integrity and independence of the legal services program.

So I am hopeful that we will not only have this additional amount, which is needed, but also that the Director of the OEO will see how strongly the Senate feels in opposition to these reorganization efforts. Even with new money, these new arrangements could destroy the integrity and meaning of the program and, incidentally, be contrary to the canons of legal ethics.

I am grateful to the floor manager for his response to the question posed by the Senator from New York, because I think it is an indispensable position, and one which I fervently hope the Director of OEO will take.

Mr. JAVITS. I thank the Senator.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GOODELL. I thank the Senator for yielding.

Mr. President, I strongly support this amendment. I commend my senior colleague for offering it. It is an excellent program.

For 6 years, I have maintained a deep interest in the national program of legal services for the poor. I have visited many legal services offices and talked with many people who have benefited by this program. Most recently—in fact, less than 6 weeks ago—I visited a legal services office in Harlem, which is scheduled to be closed down shortly because of inadequate Federal financing. At that time, I met with representatives of Harlem Assertion of Rights, Inc., of Community Action for Legal Services, of the United Black Coalition, and the Harlem Tenants League. They told me how the legal services program had helped residents of their community. However, they were fearful that the Federal Government was about to pull the rug out from under them.

I urge my colleagues to vote in favor of this amendment and by so doing affirm the Federal Government's commitment to assist poor people who seek to improve their situation in life by helping themselves. We must demonstrate with actions, not with words, that we are not about to pull the rug from beneath the feet of America's poor.

The situation facing the legal services program in New York City is particularly serious. An additional $500,000 is needed simply to maintain legal services in the city of New York at the current level offered by the Office of Economic Opportunity. Without these additional funds, seven of 26 legal assistance offices in the five boroughs will be forced to close down and 10 percent of the lawyers employed in OEO's legal services program in the city will be dismissed.

Ironically, the legal services program of OEO is one of the most vital Federal antipoverty programs. It provides free legal assistance to the indigent who have nowhere else to turn for help in difficult and complex actions, including landlord-tenant disputes, consumer-fraud and personal-injury suits and marital and child-custody cases. The fact that the program reaches less than 17 percent of the 5 million poor nationally who require legal assistance is inexcusable; the prospect of cutting back these legal services even further is unconscionable. The major means of lawfully airing grievances will be withheld from those who need it the most. In this period of increasing alienation and violence, the result would be in the worst interest not only of the poor, but of the community as a whole.

I, therefore, urge my colleagues to vote for this amendment.

LEGAL SERVICES FOR THE ELDERLY—WILL THEY END?

Mr. WILLIAMS of New Jersey. Mr. President, attention to legal problems of the poor has increased dramatically in recent years with the establishment in 1964 of the Legal Services Division in the Office of Economic Opportunity.

Unfortunately, however, many low-income elderly persons have been forced to shift for themselves.

In far too many instances, they have become bogged down in a legal morass of intricate procedures which completely bewilder them.

Too often their claims have been trapped in a legal labyrinth.

And too often large numbers of older Americans have suffered needless anxiety, deprivation, and injustice simply because they do not know what help is available.

But, they should be entitled to the same competent counsel which is available to wealthier clients. Their needs are just as urgent. And their claims are just as meritorious.

Approximately 2 years ago the Office of Economic Opportunity funded a legal research and services for the elderly program, sponsored by the National Council of Senior Citizens.

This is the only project in the Nation which deals exclusively with the legal difficulties encountered by the aged.

Moreover, this project has amply demonstrated the valuable assistance which can be provided elderly clients when competent and dedicated counsel is available.

At hearings conducted at an American Bar Association conference in August by the Senate Committee on Aging, we heard firsthand what can be done and what should be done.

We heard, for example, about disabled aged women who were unaware of Federal assistance. But with the help of legal advocates, they qualified for disability benefits. And now their financial position has improved markedly.

Yet, the very existence of this highly successful research and demonstration project is in doubt. Today LRSE staff members and elderly poor employees are working in uncertainty and perhaps in despair—not knowing whether their program will be refunded.

Instead of curtailing efforts on behalf of older Americans, OEO should be strengthening legal services.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

AMENDMENT NO. 1074

Mr. YARBOROUGH. Mr. President, I call up my amendment No. 1074.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 21, line 16, strike "$295,000,000" and insert in lieu thereof "$332,650,000".

Mr. YARBOROUGH. Mr. President, this amendment, which has broad bipartisan support, is directed towards perhaps the most crucial aspect of the health care crisis—medical manpower. It is perfectly clear that we must produce more doctors more efficiently and effectively if we are to have any hope of bringing rationality to the health industry.

In my extensive efforts to urge this country's medical schools to increase their enrollments, I have determined that the major obstacle has been the lack of resources on their part to respond to this challenge. If we are to reasonably expect them to fulfill these largely public responsibilities, we must insure that they have sufficient resources to do the job.

As I pointed out yesterday, the Senate Labor Committee attempted to do just that. We amended the Health Training Improvement Act, S. 3586, in order to authorize a 1-year $100 million disaster relief fund for medical schools in financial chaos. That effort was blunted at the time S. 3586 went to conference with the House. However, with the efforts of the distinguished ranking minority member of the Labor Committee, Senator JAVITS, we did work out with the House conferees a reasonable compromise. Since existing law, section 770 of the Public Health Service Act, already authorizes funding for medical schools in financial distress, and since the authorization ceiling for that program is substantially in excess of the President's budget for 1971, we agreed to deal with this problem by seeking full funding under the existing authority.

As I pointed out yesterday on the Senate floor, that action by the legislative committee occurred after the Senate Appropriations Committee had marked up the HEW appropriations bill and filed its report on that bill. Accordingly, the Appropriations Committee was not apprised of the manner in which we might have the opportunity to further assist these academic health centers.

I do want, though, to make a special point of complimenting the floor managers of this bill—Senator MAGNUSON and Senator COTTON. They have done yeoman service in bringing out a comprehensive bill. I am not unaware of the fact that it substantially increases appropriations for a wide variety of health programs. Only by placing the health of all of our people above partisan political considerations could they have brought out such a good bill. I am confident that, had the Appropriations Subcommittee known of agreement with the House conferees in time, it would have recommended an appropriation substantially in excess of the level now in the bill. I am hopeful that this rather unique set of circumstances will make it possible for the distinguished Senators from Washington and New Hampshire to join with those of us who are attempting to prevent a national tragedy—the collapse of our academic health centers.

Let us be clear about the facts, Mr. President. That these institutions are on the brink of economic disaster is an established fact. Article after article has been published to document this sorry state of affairs. The latest was published in the National Observer this past Monday. Written by James Hampton, it is entitled, "Sick Medical Schools Seek Emergency Help." Mr. President, I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. YARBOROUGH. In general, it makes the point that we are faced with a truly national problem and one of great magnitude. There are over 100 medical schools in virtually every State. Affiliated with them are almost 400 major teaching hospitals which provide about 25 percent of all the hospital care in the country. These institutions are beleaguered. As the Federal budget has shrunk, medical costs escalated, and as public and private agencies and organizations vacillated, these great institutions have been brought to their knees.

Mr. President, we cannot have it both ways. We cannot expect that excellence will continue to be the hallmark of this Nation's medical education while we permit a profound funding crisis to cause medical schools to sacrifice quality or close their doors.

Mr. President, this amendment is no panacea. It is clearly a stopgap measure intended to stave off disaster for an additional year. The basic legislative authority under which the Federal Government assists medical schools, the Health Professions Educational Assistance Act, expires next June. The 92d Congress will, of course, have to extend and improve that authority. Already there is considerable evidence that it will be necessary to think in innovative and possibly quite different ways about updating this program. The Carnegie Commission on Higher Education has just released a report entitled "Higher Education and the Nation's Health" which is both provocative and highly beneficial. I commend it to my colleagues. Furthermore, the Association of American Medical Colleges has recently published a paper called "A Bicentennial Anniversary Program for the Expansion of Medical Education." It, too, makes far-reaching recommendations which are for the most part parallel to the Carnegie Commission Report. Mr. President, I ask unanimous consent that the AAMC report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. YARBOROUGH. Mr. President, this issue here is clear. We need time to refashion this legislative instrument. And as each of us knows, time costs money. This amendment we offer today will provide that necessary money. I urge the adoption of the amendment, Mr. President.

EXHIBIT 1

[From the National Observer, Nov. 16, 1970]

SICK MEDICAL SCHOOLS SEEK EMERGENCY HELP

(By Jim Hampton)

The nation's medical schools are sick and getting sicker. Unable to cure their ills, some are close to giving up the ghost. It is hard to exaggerate the distress—or minimize the effects the crisis could have on American medicine.

The immediate, most obvious problem is money. Medical schools have been badly lacerated by sharp cutbacks in Federal funds at the same time that their costs have been zooming. Sixty-one of the country's 107 medical schools (with 379 affiliated teaching hospitals) have received or are receiving Federal "distress" funds to help meet operating deficits.

A quick money transfusion would help; in fact, it may be the difference between life and death for some schools. But the root causes of the distress go deeper. The schools are finding it increasingly difficult to keep up with demands being made upon them: more doctors, more and better health care, maintaining research on medical frontiers, and more effective methods of administering resources.

Ironically, one reason for the upsurge in costs is that medical schools have been increasing enrollments in response to Government pleas for help in solving the nation's doctor shortage. It's figured the country needs 50,000 more physicians than it has today.

Among the schools hardest hit are:

Case Western Reserve University, Cleveland, which dipped into endowment funds for $12,000,000 before being rescued—temporarily at least—by a $3,000,000 grant this year from the Ohio legislature.

St. Louis University, which is keeping its medical school afloat with funds freed up by closing its dental, aviation technology, and engineering schools. The 140-year-old school is so pinched, says Dean Robert H. Felix, that it may not be able to admit a first-year class in 1971.

New York Medical College, which required a $500,000 Federal distress loan to break even this year even though it mortgaged property for $10,000,000 and is spending $6,000,000 in endowment money.

Georgetown University and George Washington University, both in Washington, D.C., say their schools may close unless Congress, which is the District of Columbia's "legislature," antes up money to cover Georgetown's projected $1,420,000 deficit and George Washington's $1,991,159 anticipated deficit.

Marquette University's medical school became the Medical College of Wisconsin after it was rescued from bankruptcy by a $3,200,000 emergency grant from the Wisconsin Legislature.

Financial anemia, respecter neither of age nor of reputation, threatens the Johns Hop-

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kins University School of Medicine, for 70 years one of the world's premier medical schools. The school ran $910,000 into the red last year. This year its deficit will more than double, to an anticipated $2,234,000.

This rate of deficit spending would bankrupt the medical school if left unstemmed. "If you take the most conservative view, we could only continue a few years at the present rate," says Dr. Lincoln Gordon, the university's president. Adds Dr. David E. Rogers, medical-school dean at Johns Hopkins: "It may take the closing of several medical schools to get the [Nixon] Administration to take notice."

In 1958–59 the Federal Government gave medical schools about $95,000,000, approximately 30 per cent of their budgets, in grants for research, training of specialists, teaching and the like. A decade later the Federal contribution was around $700,000,000. Research grants had increased 426 per cent, training and other grants had zoomed 613 per cent.

The Federal share of all medical schools' budgets thus rose to 53 per cent. At some schools—notably the better ones, like Hopkins, with big-name faculty—it was somewhat higher. Moreover, at some schools—Hopkins included—the Federal Government was putting up $4 of every $5 spent for medical research.

Things began souring in the twilight of the Johnson Administration. Pressed by inflation, costs of the Vietnam War, unanticipated spending on Medicare and Medicaid, and a general decline in enthusiasm for scientific endeavors, the Government dropped medicine's priority several notches.

"SPECIAL GRANTS" KEEP DOORS OPEN

Last year HEW gave 72 medical schools 95 "special projects" grants totaling $34,700,000. These grants were conceived primarily for curriculum improvements, but 61 of the schools applied them to operating costs. Among them were 32 schools deemed in "serious financial need." This year HEW spread a total of $15,000,000—about the same given the 32 schools last year—among 43 schools in similar straits.

NIH is the conduit through which most Federal money flows to medical schools. Congress has not yet passed this fiscal year's HEW appropriation bill. The White House budget recommended $1.5 billion for all NIH purposes, which was $529,668,000 less than the medical schools had requested. The House upped the NIH funds to $1.6 billion, and the Senate Finance Committee raised the House to $1.75 billion.

In its report to the Senate, where the bill awaits action, the Finance Committee said that "for the second successive year, the committee must express grave concern about the apparent downgrading of health as reflected by the [President's] budget request." The cutbacks are "tantamount to balancing the Federal budget by the sacrifice of human lives."

At Johns Hopkins in Baltimore, the effects of Federal cutbacks show up dramatically. Hopkins' experiences probably also illustrate, as well as any one school can, what the reliance on Federal money has wrought.

"WE ARE PRETTY VULNERABLE"

Hopkins is spending $34,000,000 this year. Of this, $22,000,000—or 60 per cent—comes from NIH, mostly for research. "We're pretty vulnerable," says Dean Rogers. "The better the medical school, the higher the percentage of federal funding."

Last year Johns Hopkins lost $1,600,000 in Federal money, including $600,000 for projects that were approved by NIH but never financed. The other $1,000,000 was lost through "negotiated reductions."

In happier days, NIH approved Hopkins' grant applications 70 to 75 per cent of the time, says Dr. Rogers. No more: The rate is now 40 to 50 per cent. This has two disturbing effects. First, it makes grants harder to get by young, unknown doctors. Second, it jeopardizes projects to which Hopkins has committed itself for years on the basis of previous NIH support.

"It takes 15 to 20 years to build up a top-flight biomedical team," Dr. Rogers stresses, "but you can tear one down in six months." That's in danger of happening here now. One professor has been working since 1950 on research involving metabolism, heart disease, and diabetes.

But now his NIH grant has been cut off. Several assistants have had to be dropped and, when the school's emergency funds run out shortly, his work will come to an end.

FUTURE LEADERSHIP CRIMPED

Training programs also are hurting. Last year Hopkins lost $375,061 in Federal training grants. This money would have supported post-residency training in cardiology, physiology, and pharmacology. "This has been our underpinning for training the new leadership of medicine, the future teachers and future researchers," Dr. Rogers says.

Medical schools generally are making tremendous efforts to admit more students from working-class backgrounds and minority groups. Last year Hopkins had 391 students, of whom 55 per cent had to have loans or grants to meet expenses. This year's class is up to 420, and 45 per cent of its students come from families with incomes of less than $12,000 a year.

The U.S. Public Health Service estimates that the nation needs 50,000 more physicians now to have an adequate ratio of 175 per 100,000 population. To reach that goal by 1975, the nation's medical schools need to graduate 20,000 doctors a year (taking attrition into account).

In 1970 they graduated 8,367 reports the Association of American Medical Colleges. At that, medical schools have increased their enrollments 34 per cent since 1964. This year's first-year class of 11,360 is up 9 per cent over last year's, says Dr. John A. D. Cooper, the AAMC president.

"Not only that," Dr. Cooper adds, "but we have increased the number of minority-group students almost 50 per cent this year," to 1,084 compared with 727 last year.

Making medical education accessible to poor people and minorities is a social imperative, authorities agree. But it also excerbates the medical school's financial problems. "It usually costs about twice as much to keep these students in school because their financial background is not as good," says Dr. Cooper. "With inadequate loan and scholarship funds," because of Federal cutbacks in those categories, "the schools have been digging into whatever reserves and endowment funds they have."

"A CRUNCH" FOR SCHOLARS

Here at Hopkins, the loan-scholarship situation is creating a "terrific crunch," Dean Rogers says. Tuition is $2,000 a year now and will rise to $2,500 next fall, but tuition pays only a fraction of a medical student's education.

Maryland Gov. Marvin Mandel agreed recently to ask the state's General Assembly to appropriate $2,000 per student to both Hopkins and the University of Maryland's medical school. That will help if it comes, Hopkins officials say. But they emphasize, as does the AAMC, that the only long-range solution is more Federal aid to all medical schools.

"Medical schools are a precious national resource," says Dr. Rogers, "and to pretend that they could float along on money available from the private sector is silly. It just couldn't be done."

Some medical educators think it was a mistake for the schools to become so dependent on Federal money. Not Dr. Rogers. "Without Federal money, a lot of private medical schools would have withered on the vine; they would have closed."

Many medical schools, like Hopkins, are preparing for lean years. Dr. Rogers has let six faculty members go and will not fill other posts when they become vacant.

"Deficits don't only show up in dollars, you know," says pipe-smoking Dr. Gordon. To which Dr. Russell Nelson, president of Johns Hopkins, adds:

"There is an enormous bill that has to be paid here, sometime, by some generation."

Exhibit 2

A Bicentennial Anniversary Program for the Expansion of Medical Education

INTRODUCTION

Establishing a national goal for the education of physicians is a complex, multivariate problem. The educational process itself is dichotomous, involving on the one hand the formal academic qualification for the MD degree, and on the other, graduate training, which is the principal determinant of the availability of physicians by function and specialty. Many of the other critical variables extend into political and social realms outside of the narrow confines of medicine. The objectives established by the American public for the quantity, quality, equality, and types of health services they desire exert a dominant influence. Increasingly, however, the priority of health services will be measured against other needs such as housing, nutrition, education, etc., that also contribute to improved health and the meeting of other important social goals.

In planning for medical education, there must be clear understanding among all that are involved of the diverse dimensions of the matter, the scope of the variables at play, and, most importantly, the specific area which is being selected for action in the context of the overall problem of the need for physicians. Otherwise, there will be confusion and disagreement in establishing objectives and failure to provide a sound basis for cooperation among all the parties that must act to meet the pressing needs to achieve better health for all Americans.

Thus, in the interest of clarity, it is to be emphasized that the purpose of this paper is to examine briefly the major considerations that bear upon the capacity, dimension, and distribution of institutions for the education of MD candidates as a significant and discrete element of the broad attack upon the problem of medical manpower and improving the health services of the nation. However, it must be clear that merely increasing the number of MD degrees awarded will not in itself solve the problem of a more even geographical distribution of physicians nor physician services for the urban and rural poor. Neither can action taken to secure such an increase assure a more appropriate and rational pattern of specialty services or an immediate and direct improvement in health services.

Overcoming the limitations, the inadequacies, and maldistribution of the nation's health services is dependent upon the development of some systematic means to modulate the whole process of investment and resource distribution in health in some rational and purposeful way. The distribution of physicians by specialty and their availability is determined by the graduate training process now subject to a variety of separately acting forces, many of which are presently beyond academic control and unrelated to health service needs. Further stages in the evolution of national policy for academic medicine must engage these problems in a much more direct way.

Thus, the issues engaged in in this paper are those involved in the further development of national policy and programs aimed at a fundamental and predetermining segment of the overall problem of the availability of physician services; namely, the size of the annual cohort of entering MD candidates and the actions supportive of that process.

THE BASES FOR PROJECTING THE CAPACITY FOR MD EDUCATION

There are two fundamental approaches for establishing the number of MDs to be educated in American medical schools:

1. *The Educational Opportunity Basis*. Providing an entering place for all qualified students who wish to study medicine.

2. *The Health Service Needs Basis*. Educating the number of MDs considered necessary to meet the needs of the nation for physician services.

In a rapidly responding supply and demand system, the differences between the dimensions of our medical education plant derived from these two bases would probably be small. However, as Rashi Fein (1) among others has pointed out, supply and demand adjustment is sluggish and incomplete in medicine, so that in the short run, projections derived from these two approaches may be substantially different. Some of the more important considerations bearing upon the results obtained from these different approaches are discussed below.

EDUCATIONAL OPPORTUNITY

In 1967, the Association of American Medical Colleges and the American Medical Association issued a joint policy statement recommending that the national objective should be to provide a medical school place for every qualified applicant. (2) Although it is a prime goal in the United States to make available undergraduate college education for every interested and qualified student, this policy has not been explicitly applied in medical education; in part because of the very high capital investment required, and in part because medical educators have attempted with considerable success to maintain a low attrition rate for a program that is notably expensive.

To our knowledge, projections have never been made on the number of places that would be needed to accommodate all qualified students. The number probably cannot be estimated simply by the size of the current application pool. In a study of medical school applicants, Pothoff (3) showed that the number seeking admission has varied in a narrow range around twice the number of places available since the beginning of this century. This view that the size of the applicant pool parallels opportunities for admission is given some support by the falling percentage of eligible college graduates applying to medical school. The number of medical school entering places has not kept pace with the increasing number of college students. This cannot be explained entirely on the development of other opportunities for college-educated youth and probably represents the students' adjustment to a practical consideration of the odds in the situation.

Over the short term, the number of qualified applicants can be estimated on the basis of the size of college enrollment and the historical percentage of these students interested in medicine. Information on college graduates and the applicant pool for the period 1960–1971 are given in Tables IA through IC (attached) with two projections of the estimated number of qualified applicants for the period 1970–1980. In the projections, the following assumptions have been made:

1. The percentage of college graduates applying for medical school in the future will be at a rate of 3.9%, as in 1960, for one series of projections, or 2.9%, as in 1970, for an alternate series of projections, taking into account differences between the application rates of men and women.

2. Three-fourths of the applicant pool is qualified for admission to medical school with an acceptable attrition rate and without a serious compromise of the quality of the education provided. This, of course, is an arbitrary proportion, but it does seem reasonable to assume that desire and capability are not perfectly congruent.

The set of estimates projected on the basis of these alternative assumptions are as follows:

	Estimated total number of qualified medical school applicants at—	
	1960 rate	1968 rate
Academic year:		
1970–71	21,322	16,749
1972–73	22,870	17,965
1974–75	24,708	19,409
1976–77	26,544	20,891
1978–79	28,115	22,085
1980–81	30,695	23,005

It is apparent that the entering places required to satisfy the demand for educational opportunities would substantially exceed those now available. (1970 medical admissions in the fall of 1970 are estimated at 11,000).

These estimates would have to be increased if a larger proportion of women became interested in medicine or the availability of opportunities stimulated more men to apply. However, if the low 1968 interest level of college graduates prevailed, the projection would not differ remarkably from projections made below on the basis of health service system demand.

Annual increments in entering class size of the magnitudes indicated in the above projection would create unprecedented problems of program and facility expansion which, in the short run, are probably insuperable in the context of the present pattern of medical education. Any serious attempt to meet this requirement for medical school places would require a substantial redesign of the present structure, process, and institutional forms of medical education plus an enormous investment in additional educational resources. While such a series of changes may be possible and perhaps even desirable, the time involved in accomplishing them would seriously delay the process of expanding the MD pool of the nation in the immediate future.

HEALTH SERVICE DEMAND

It is even more difficult to project the number of MDs that should be educated to meet the needs of health services. This is due to the many variables involved and particularly to the nature of medical practice and the delivery of health services today in the United States. Present arrangements are essentially free floating with few restrictions on the number of physicians in each of the specialty areas, their geographic distribution, and the organization of medical practice. In such a situation, as has been pointed out above, there is no assurance that an increased number of MDs will result in a distribution of physician services that will meet the most pressing needs for health care. Assuming that the number of MD graduates could be increased to a level where the sheer pressure of numbers would, by itself, force physicians into areas and types of practice where major shortages exist does not seem to be a rational basis upon which to formulate public policy in medical education.

On the other hand, some experts, including Ginzberg (4) and McNerny (5), have argued that the current number of physicians is adequate and that the solution to the problem of the shortage of physician services rests with modifications in the health care system. These changes, they believe, will be stimulated by the developing crisis in health care, the continuing rapid rise in costs, and the growing role of the Federal government in the payment for care. Changes in so complex a matter as health care, however, do not occur rapidly. Although the academic health centers and others are increasingly involved in experimentation, innovation, and demonstration in health care systems, the effects of these efforts on a national scale will probably not be felt soon enough to meet the needs. Thus, dependence upon changes in the health service system as an immediate and sole means to overcome the overall physician shortage also does not seem to be a reasonable basis for planning for medical education, at least at this time.

In addition to the influence of health services and medical care organization, the nation's need for MD graduates is affected by a series of additional factors whose magnitudes are subject to varying assumptions, and which will interact in a complex manner upon the need for physician services. Among such factors are population growth and change, the changing patterns of health and disease problems, the advance of medical science and technology, the rising public expectations of the level of which health needs and wants will be met. That the net effect of these influences upon the number of physicians needed will be positive and additive seems both a valid and necessary assumption.

Therefore, we believe that a responsible national health policy must provide for a continued expansion of the nation's capability for educating MDs to meet the inevitable increase in physician services required for the quantitative future health needs of the nation. The most recent projections of this requirement have placed the number of MDs that should be added to the nation's pool, above that required to maintain present MD-population ratios, at 50,000 (6). An increase in medical school entering classes to 15,000 by 1976 would make it possible to achieve the 50,000 MD increase by 1980 and provide for anticipated population increase. Our examination of the bases for projecting needs do not convince us that present data make it possible to develop a more exact or meaningful prediction based on health service needs.

We believe this projection to be a valid basis for designing the terms of a Federal support program for the expansion of MD production in the 1970s. While it is of a lesser magnitude than the pattern of increase that would derive from the educational opportunity projection, it would involve less fundamental change in the present structure and process of medical education and thus less uncertainties. Furthermore, the rate of increase would appear reasonable and realistic in terms of the processes of planning, construction, and program development that must be carried out, as well as permitting maintenance of adequate quality in the expanding programs.

THE BICENTENNIAL CHALLENGE PROGRAM FOR THE EXPANSION OF MEDICAL EDUCATION

We think that expanding the total entering class size for MD education in the U.S. to 15,000 by 1976 would be an appropriate goal for the Bicentennial of the Nation. An increase by this date would furnish the additional physicians by the early 1980's. The physician population ratio would increase to more than 175 per 100,000 population, a level at present exceeded only by the USSR and Israel. The health care system would have access to this increase even sooner as the students began to participate in medical care as interns and residents.

Properly challenged and with assurances of adequate Federal support, we believe the nation's institutions of higher learning will respond effectively to the call for more physicians and other health care personnel. We recommend the adoption by the Federal government of a clear cut, adequately financed program for growth, a program which will constitute a challenge to our institutions and which would, if implemented promptly, permit us to be well on the way to the realization of our long-range goal by the time of our Bicentennial Celebration. We believe that a program with features described below will constitute such a challenge.

Before describing the features of such a program, however, we must emphasize three important points:

First, any meaningful program for the expansion of the nation's academic health centers must take account of the difficult financial circumstances—desperate, in many instances—in which they find themselves today. Thus, the availability of substantial and continuing operating support to present operations is essential to a program for expansion.

Second, it must be kept clearly in mind that the education of a physician takes place in a most complex environment, one that involves concomitant instruction of other health personnel, as well as the conduct of biomedical research and the provision of health care. The costs of these interrelated services are not fully separable. Current public interest understandably focuses on the number of physicians produced. Thus, this number tends to become the single gauge of productivity and the sole measure of return for the public investment. It deserves emphasis, however, that amounts suggested for support of medical education, on a capitation basis, are also productive of services, research, and other educational experiences that contribute materially to health care, and the ultimate public good derived is the stability and vigor of a set of social institutions: the academic medical center.

Third, we believe that the best interests of the nation will be served if a portion of the required increment of production of physicians, is met by the development of new schools. Special attention should be given to the development of new schools in geographical areas that are at present without medical schools and that have universities with graduate programs in the physical and biological sciences, in order that such resources could be used as the basis for the development of the new medical schools. The effective utilization of clinical resources already existing in such areas, with appropriate and necessary modifications, must be encouraged in order to minimize the need for additional teaching hospitals and other clinical facilities, which are notoriously costly. It is recognized that the presence of a medical school in an area favorably influences the attractiveness of the area for physicians and the level of medical practice. It is for this reason that geographic distribution of medical schools is stressed.

OBJECTIVES OF THE PROGRAM

The objectives of this program would be:

1. To increase the nation's pool of MDs by 50,000 by 1980 to permit achieving an overall physician-population ratio of 175: 100,000 and make it possible for every state to have at least 100 MDs per 100,000 people.
2. To assist in achieving a better geographic distribution of medical capability by selective location of new medical schools in areas without medical schools or with limited access to academic medicine.
3. To diminish dependence upon the importation of foreign-trained MDs.
4. To provide an adequate annual cohort of MDs as a base for more rational distribution of physicians for graduate training in the various specialties and functional areas.
5. To provide adequate financial stability for the continuing operating requirements of medical schools.

THE OVERALL PLAN

As indicated in introductory paragraphs, our overall plan is aimed at having 15,000 entering places in the nation's medical schools by 1976. At present, there are 11,000 entering places, and 800 more are in prospect on the basis of currently planned expansion programs. Thus, our objective is an additional expansion of 3,200 entering placed by 1976. We believe that this increment should be met by:

1. The development of 12 new medical schools, with 100 students in the entering class of each; a total of 1,200 new entering places; and
2. The expansion of the entering classes of existing medical schools by a minimum of 15 students each, up to a total of 2,000 additional entering places.

We believe that the modification of the Health Professions Education Assistance Program utilizing the following approach and presented as a challenge to the nation's institutions of higher learning will bring about the realization of this objective.

PROGRAM TERMS AND CONDITIONS

Participating Institutions. Institutions and other public or private agencies, would be invited to submit proposals for Federal grant support for (a) the development of new medical schools and/or (b) the expansion of present medical schools, on a competitive basis. Proposals would be evaluated by competent site visiting teams and subject to judgment by an appropriate Advisory Council in procedures currently operative with respect to various Federal grants in the health fields. Judgments would be based on institutional strength, available facilities and faculty together with prospects for their further development, geographic location, the degree of innovation in the educational program, community interest and support, and rapidity with which the prospective program could be developed. Successful applicants would receive suport as indicated below and would be expected to reach the stated goal of entering class size within six years of the time the award was made.

Capital Costs. An institution approved for the development of a new school or a significant expansion would receive a Federal award of $200,000 per entering student for capital costs, with the obligation to provide at least $50,000 per student or more from non-Federal funds.

Thus, a substantial but not extraordinary amount would be provided as a package to each participating institution, with the institution expected to obtain at least a modest contribution from non-Federal sources but with the opportunity to make as large a contribution as it may wish in order to provide more elaborate facilities.

Start-up Costs. New or expanded institutions under this program would receive, in recognition of start-up costs inherent in the initiation of any new program, a one-time allocation of $20,000 per new entering class place, whether in a new school or in a program of expansion of an existing school. That would become available as soon as firm arrangements for the new school or expansion program have been completed.

Operating Expenses. An institution approved for the development of either a new school or an expansion under the terms of this program would receive $9,000 per year per student toward annual operating costs.

Operating Support of Existing Schools. As indicated in an earlier paragraph, stability or support of present programs in medical education is essential to the realization of a program of expansion. For this reason, we recommend that a program for the continuing operating support of medical education be inaugurated and that it provide to institutions currently engaged in education of physicians $5,000 per year per student and, in recognition of costs that rise 7%–8% per year, that this be increased gradually to $9,000 per year per student a decade hence. At that point, then, it would equal the support level proposed for the new and expanded programs.

BASIS FOR PROGRAM TERMS

The recommendations for support of ongoing programs, expansion of existing schools, and establishing new schools are based on costs of present programs.

It has been determined in the Cost Allocation Study that the marginal costs for undergraduate medical student instruction, exclusive of research and patient care is about $4,000 per year. The costs of the total enterprise required to educate physicians has been estimated to be $15,000 to $20,000 per year. The Canadian provinces provide in excess of $13,000 a year per undergraduate medical student for the core operations of the medical schools.

The average costs of expansion under the Physicians Augmentation Program was $10,000 per student after an initial additional start-up cost which was given for four years. The expansion support of $9,000 after a single start-up allocation of $20,000 to cover increased expenses attendant with the initiation of new programs is in keeping with this experience.

Although capital costs for most new medical schools developed over the last decade or existing schools undertaking major expansion have substantially exceeded those recommended, the levels suggested are consistent with the growing recognition that existing clinical facilities and resources of the University can be used to a greater extent for medical education. The construction costs are in line with those envisioned by new schools adopting this philosophy.

RELATIONSHIP TO EXISTING PROGRAMS

The provisions of the proposed Bicentennial Anniversary Program for the Expansion of Medical Education would replace the existing provisions of the HPEA program for the construction of new, and the expansion of existing medical schools. The program of construction funds for renovation, alteration, and replacement of existing facilities would continue.

In like manner, the provision of this new program for operating support would replace the formula component of the existing Institutional Grant program under HPEA. The Special Project program would continue in respect to innovation and program development. Projects in the expansion of enrollment would be largely obviated by the terms of this new proposal.

Programs for research, graduate training, and student assistance would continue as an essential part of the support structure for academic medical centers. Their funds' requirements, however, would reflect the expanded institutional structure that this new program would bring into being.

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ASSOCIATION OF AMERICAN MEDICAL COLLEGES—MEDICAL SCHOOL APPLICANTS AND FIRST-TIME ENROLLEES IN RELATIONSHIP TO BACCALAUREATE DEGREES AWARDED

TABLE IA —ACTUAL 1960-68

Item	Number by academic year				
	1960-61	1962-63	1964-65	1966-67	1968 69
Baccalaureate degrees:					
Total	365, 337	410, 421	492, 984	562, 369	734, 129
Men	223, 427	239, 108	279, 777	324, 236	412, 932
Women	141, 910	171, 313	213, 207	238, 133	321, 197
Medical school applicants:					
Total	14, 397	15, 847	19, 168	18, 250	21, 118
Percent of baccalaureate	3. 9	3. 9	3. 9	3. 2	2. 9
Men	13, 353	14, 646	17, 437	16, 554	19. 021
Percent of baccalaureate	6. 0	6. 1	6. 2	5. 1	4. 6
Women	1, 044	1, 201	1, 731	1, 696	2, 097
Percent of baccalaureate	. 7	. 7	. 8	. 7	. 7
1st-time medical school enrollees:					
Total	8, 069	8, 242	8, 587	8, 775	9, 740
Percent of applicants	56. 0	52. 0	44. 8	48. 0	46. 1
Men	7, 343	7, 500	7, 814	7, 985	8, 864
Percent of applicants	55. 0	51. 2	44. 8	48. 2	46. 6
Women	726	742	773	790	876
Percent of applicants	69. 5	61. 8	44. 7	46. 6	41. 8
Qualified applicants:					
Total	10, 798	11, 885	14, 376	13, 688	15, 839
Men	10, 015	10, 984	13, 078	12, 416	14, 266
Women	783	901	1, 298	1, 272	1, 573

TABLE I-B.—ESTIMATES 1970-80

Item	Number by academic year [1]					
	1970-71	1972-73	1974-75	1976-77	1978-79	1980-81
Baccalaureate degrees:						
Total	764, 000	819, 487	885, 312	951, 138	1, 007, 424	1, 049, 400
Men	435, 480	467, 107	504, 628	542, 149	574, 232	598, 158
Women	328, 520	352, 379	380, 684	408, 989	433, 192	451, 242
Medical school applicants (calculated at 1960 percentage of degree recipients:) [2]						
Total (3.9 percent of baccalaureates)	28, 429	31, 960	34, 527	37, 094	39, 290	40, 927
Men (6.0 percent of baccalaureates)	26, 129	28, 026	30, 278	32, 529	34, 454	35, 889
Women (0.7 percent of baccalaureates)	2, 300	2, 467	2, 665	2, 863	3, 032	3, 159
Medical school applicants (calculated at 1968 percentage of degree recipients):						
Total (.9 percent of baccalaureate)	22, 156	23, 765	25, 674	27, 583	29, 215	30, 433
Men (4.6 percent of baccalaureate)	20, 032	21, 487	23, 213	24, 939	26, 415	27, 515
Women (0.7 percent of baccalaureate)	2, 300	2, 467	2, 665	2, 863	3, 032	3, 159
Qualified applicants (calculated at 1960 percentage of degree recipients): [3]						
Total(3.9 percent of baccalaureate)	21, 322	22, 870	24, 708	26, 544	28, 115	30, 695
Men (6.0 percent of baccalaureate)	19, 597	21, 020	22, 709	24, 397	25, 841	26, 917
Women (0.7 percent of baccalaureate)	1, 725	1, 850	1, 999	2, 147	2, 274	2, 369
Qualified applicants (calculated at 1968 percentage of degree recipients): [4]						
Total (2.9 percent of baccalaureate	16, 749	17, 965	19, 409	20, 851	22, 085	23, 005
Men (4.6 percent of baccalaureate)	15, 024	16, 114	17, 410	18, 704	19, 811	20, 636
Women (0.7 percent of baccalaureate)	1, 725	1, 850	1, 999	2, 147	2, 274	2, 369

[1] Estimate.

[2] U.S. Office of Education, National Center for Educational Statistics, actual figures from USOE publications; estimates from USOE personnel.

[3] Study of U.S. medical school applicants for each year.

[4] Estimated at 75 percent of total applicant pool for each year.

Source: Division of Student Affairs, Aug. 31, 1970.

TABLE II.—NEW SCHOOL PROJECTIONS

School	Projected date of 1st class	Number in 1st class	Date of information
1. East Carolina College	1971	16	June 29, 1970; letter from Edwin W. Monroe, M.D.
2. Florida State University	1971	30-35	July 13, 1970; memorandum from Dr. Nicholson.
3. University of Massachusetts	1970	16	Presurvey material of June 8, 1970.
4. Mayo Clinic	1972	40	July 28, 1969.
5. University of Missouri	1971	(1)	Sept. 22, 1969, report.
6. Northern Association for Medical Education	1972	(2)	July 1970; N.A.M.E. "progress notes."
7. University of Nevada, Reno	1971	24	Oct. 19-21, 1969, report.
8. Rush Medical College	1971	60	July 17, 1970.
9. South Florida University	1971	24	Apr. 27-28, 1970, report.
10. Southern Illinois University	1972	72	1969.
11. Texas Tech University, Lubbock	(3)		
12. University of Texas at Houston	1970	19	May 1970 presurvey material.

Note: Several schools (South Alabama in Mobile, Minnesota-Duluth, Tennessee-Knoxville, and the Ohio schools of Kent, Cleveland, and Akron) do not have definite projections of entrance of a 1st class and for the size of that class. 3 of the schools—Mayo, N.A.M.E., and Southern Illinois—have projected dates of 1972 as opposed to 1971.

[1] 12 for first 3 classes.

[2] No number but will be clinical teaching only.

[3] No projections to date.

TABLE III.—ESTIMATE OF FUND REQUIREMENTS BY YEAR—FOR THE EXPANSION OF MEDICAL EDUCATION

	Number of students		Amount (in millions) of expense		
Academic year	Entering	Total	Capital	Operating	Total
1971–72	11,166	39,300	$180	$200.7	$380.7
1972–73	12,378	41,817	460	241.9	701.9
1973–74	13,978	45,330		292.0	292.0
1974–75	15,078	49,122		328.2	328.2
1975–76	15,078	52,286		378.0	378.0
1976–77	15,078	55,081		420.0	420.0
1977–78	15,078	56,096		458.0	458.0
1978–79	15,078	56,096		484.0	484.0
1979–80	15,078	56,096		518.0	518.0
Total			640	3,320.8	3,960.8

COMMITTEE OF EXPANSION OF MEDICAL EDUCATION

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Mr. MAGNUSON. I believe that both House and Senate amounts were too low in trying to help the crisis of our medical schools. Another problem we had was over which schools could use the money and the arguments over operations and construction. When we begin to get into the problem constructing medical schools, we get into a great deal of money. Some of these schools are still not ready. We have this great shortage of doctors. We are not catching up. We are standing still, or falling further behind.

The Senator from New Hampshire (Mr. COTTON) and I are happy to accept the amendment and will take it to conference.

Mr. YARBOROUGH. I thank the distinguished managers of the bill, and the minority leader. They are as fully conversant of the problems here as I am.

Mr. MAGNUSON. We are 50,000 doctors short right now. We are not making any progress.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that Senators MONDALE, HUGHES, HART, and CASE be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I strongly support the amendment offered by Senator YARBOROUGH for me and other Senators who had written Senators MAGNUSON and COTTON informing them of our intention to offer this amendment to H.R. 18515, the Labor-HEW appropriations bill. The amendment increases by $37,650,000—over the committee's recommendation of $130,350,000 for institutional support—the appropriation for medical and dental schools and other academic health centers, institutions traditionally committed to standards of excellence in the care of the sick, in the training of new physicians, dentists and other health professionals, and in the expansion of medical knowledge.

At this time of a burgeoning health care crisis we can ill afford the loss of a single resource for training medical manpower. In response to this crisis, with the gravest humanitarian implications, the Senate, in passing S. 3586, the Health Training Improvement Act of 1970, included my amendment to establish a 1-year $100,000,000 disaster relief program for medical schools in financial distress. This was to be a special 1-year program of assistance. It was designed to allow them to survive for an additional year in anticipation of the renewal and improvement of the basic legislative authority for medical and other health profession schools. In Conference with the House, that proposed authority was deleted. However, the Conferees did make two very important provisions:

> (1) The Congress finds and declares that Nation's economy, welfare, and security are adversely affected by the acute financial crisis which threatens the survival of medical and dental schools which provide the highest quality of teaching, medical and dental research, and delivery of health care for the Nation.
>
> (2) Existing law authorizes appropriations up to $168 million for formula grants and project grants to health professions schools covering a wide variety of purposes. The budget submitted by the Administration calls for the appropriation of $113 million of these authorized amounts, leaving approximately $55 million in authorization for appropriations for fiscal year 1971. Among the purposes for which funds may be appropriated pursuant to this remaining $55 million authorization, as described in section 772 of the Public Health Service Act, are appropriations for providing assistance to "any such schools which are in serious financial straits to meet their costs of operation or which have special need for financial assistance to meet the accreditation requirements."
>
> The conference substitute would provide authority to meet the purposes of the Senate amendment by providing that funds appropriated for fiscal year 1971 to meet the needs set out in the previously quoted language are authorized to remain available until expended, or until June 30, 1972, whichever first ocurs. To the extent that funds are requested by the Administration for this purpose, this authority will permit added flexibility in the use of these funds. The managers on the part of the House also wish to point out that section 601 of the Hospital Construction and Modernization Amendments of 1970 will apply to funds appropriated pursuant to this authorization, and therefore are not subject to administrative cutbacks or withholding from expenditure, so that if appropriated, these funds will be used for aid to these schools.

Mr. President, when I testified before the Senate Appropriations Committee urging increased medical manpower appropriations these facts were not available nor did the committee have these facts at the time it marked up the Labor-HEW appropriations bill. The Senate did not adopt the conference report on S. 3586 until October 14, the 11th hour prior to its recess. The HEW appropriations bill had been reported out the day before. Had they had benefit of the action of the legislative committees earlier, they might very well have revised substantially upward our appropriation under the existing authority. I am gratified to note that the Senate committee increased the appropriation for medical schools over the President's budget by about $17 million. I think the circumstances now indicate that we need to do even more. It seems reasonable that these changed circumstances justify a reexamination of the appropriateness of the recommended appropriation level as now contained in this bill.

The amendment now before this body is designed to make clear our commitment to stand behind these great centers of medical excellence. It raises the appropriation to the limit of the authorization, $168 million. That amounts to an increase of about $38 million above the committee's bill. To do any less, amounts to nothing less than false economy. Imagine the costs associated with revitalizing these institutions after they have collapsed. The proposed course of action is, therefore, sound and prudent. It gives us an additional period of time in which we of necessity must address this problem on a far more comprehensive basis. Until then, however, this amendment averts disaster.

Mr. President, this amendment makes sense and I urge my colleagues on both sides of the aisle to overwhelmingly cast a vote of confidence for medical education in America and support this amendment.

Now, Mr. President, after a hard-fought conference, the House yielded and extended it $55 million in their conference report by pointing out that by really earmarking that much out of the general appropriation we could rescue the medical schools.

Mr. MAGNUSON. The reason for that is we did not have that evidence before us.

Mr. JAVITS. Exactly right. So it is appropriate and typical of the understanding of the managers of the bill that they will accept this amendment. The situation is very grave and I am very much pleased that this has been done.

Mr. KENNEDY. Mr. President, I strongly support this amendment to provide full funding for one of our most important Federal health manpower programs—the program of "institutional and special project" grants for medical schools, dental schools, and related schools of health professions.

The amendment would appropriate a total of $168 million for this vital program—the full amount authorized to be appropriated. The figure is $38 million above the appropriation requested by the Senate committee, and $67 million above the amount requested in the administration's budget submission for the current fiscal year.

It is my understanding that the entire amount of the additional funds requested in this amendment will be used for assistance to medical schools in financial distress and other schools of the health professions in similar circumstances. I believe that these funds are urgently needed. The fiscal problems facing our medical schools are extremely serious, and it is vitally important that Congress act now to help alleviate the difficulty.

Of all the aspects of the health crisis now confronting the Nation, the most serious is the crisis of health manpower. The facts of the manpower crisis are well known. Today, we have a health gap of 50,000 doctors and 20,000 dentists in the Nation, and the gap is even wider in the cases of nurses and allied health professionals. By 1980, the problem will be even more serious, unless we take the steps now that are necessary to insure a greater supply and better geographic distribution of our health manpower.

Yet, ironically, as our medical schools are responding to the need and are beginning to increase their enrollment, they are also facing increasingly severe challenge to their financial stability.

Last June, the Appropriations Subcommittee was told that 61 of the Nation's 107 medical schools—or more than half of the Nation's total—have already been awarded special project grants because of their condition of financial distress. A number of these schools are on the verge of bankruptcy. Indeed, the situation has deteriorated to the point where the immediate need to provide emergency financial relief to medical schools is threatening to exhaust the Federal funds available for curriculum changes, minority enrollment programs, and other innovative approaches to the problems of health manpower.

Only through full funding of this crucial manpower program—$168,000,000—can we minimize the inherent conflict in our existing Federal legislation between funds needed to hold the line against imminent financial crisis, and funds needed to move forward to attack the overall problem of the Nation's shortage of health manpower.

Three weeks ago, the Carnegie Commission on Higher Education released a major report emphasizing the inadequacy of our health delivery system and calling for an urgent 10-year program to increase the Nation's supply of doctors and upgrade the quality of health care in the country. A key link in the Commission's recommendations is the medical school, which would play a central role in developing and providing high quality care in its surrounding geographic area.

I fully support the recommendations of the Carnegie Commission. In large part, we have a health crisis today because we failed to act on such recommendations in the past. The graveyard of proposed health reforms is filled with the progressive recommendations of distinguished commissions, buried by the apathy and neglect of the existing health system. The Carnegie report will suffer the same fate unless we take more effective steps today.

The problem is especially acute in the case of our efforts to upgrade the role of our medical schools. Unless we act now to strengthen their financial stability, many medical schools will simply be unable to participate in developing a strong health care program for the Nation.

Much of the impetus for the present amendment has come from our efforts on the Senate Health Subcommittee to alleviate this aspect of our national health crisis—the plight of medical schools in financial distress. As a member of the Health Subcommittee, I was pleased to support the proposal originally offered by Senator JAVITS earlier this year, to authorize $100 million in special emergency grants to such schools. Although the proposal was approved by the Senate, it was opposed by the House conferees, and was not included in the bill signed into law by the President earlier this month.

In large part, the objections of the House conferees were based on their view that such grants could already be made under the "institutional and special project" grant program in existing law. Yet, the House conferees pointed out, the adminstration had not even requested full funding of this program. In light of this recent legislative history and the obviously grim financial plight of many of our Nation's medical schools, I believe that a strong case can be made for full funding of the program, as proposed by the pending amendment.

I would prefer, of course, that we deal separately with the special problem of the growing financial crisis in our medical schools, instead of requiring this difficult problem to compete for the same Federal funds with proposals for new program development in such schools. But at this late date we cannot afford the luxury of developing a separate legislative approach. We must work with the tools we have. The opportunity is at hand to make a major contribution to shore up the stability of our most priceless national health resource—the medical schools of America, on which we depend so heavily for achieving our goal of improving the quality of health care in the Nation.

We simply cannot continue to ignore the crisis confronting our medical schools. We cannot wait for the tragedy of a bankruptcy or the death of a great medical school before we are shocked into action. The dollars we allocate today can give us the leverage we need to head off the crisis that threatens us. The cost of not acting is far greater. It is the only real cost we cannot afford to pay.

Mr. MATHIAS. Mr. President, because of the desperate financial situation now facing many of our Nation's medical schools, I feel not only pleased, but indeed compelled, to cosponsor this amendment. This measure would raise the amount available for aiding medical schools in financial distress. This increase can only be described as essential when, already, cuts in federal support have spelled death for two of the country's 55 dental schools. Many other medical schools are close to financial collapse. Unless met with quick and substantial relief, another six dental schools and 10 to 15 medical schools, now on the verge of bankruptcy, will soon be irretrievably doomed.

The crisis in medical education blatantly adds fuel to the fire of health-cost inflation. The spiraling of health costs will level off only when we have an adequate supply of medical manpower and facilities to meet the burgeoning demand for health care.

In my own State of Maryland the Johns Hopkins School of Medicine will alone run a deficit of $2.23 million. One of the Nation's leading medical centers, the school has lost $1.6 million in Federal support during the past year, either for projects unrenewed or severely cut back. In addition, the school has lost about $440,000 in funding for postdoctoral medical training. This amounts to a lion's share since about 60 percent of the Hopkins' budget comes from Federal sources.

Despite this, the School is striving to maintain and even to expand both its enrollment and its community services. This past summer it conducted a special program aimed at recruiting minority and disadvantaged students. It is now planning to construct a new 200-bed community hospital in economically deprived East Baltimore, and is providing enormously successful with a pioneering group health-care plan in the new town of Columbia, Maryland. This experiment may well be the embryo for health care of the future, and yet it is being undercut at the roots.

At the University of Maryland, cuts in Federal funding are sharply curtailing and even forcing the dismantling of extremely productive biomedical research teams. The grant for an important cancer project involving six full-time researchers, for example, has recently been terminated.

In the District of Columbia, the Georgetown and George Washington University Medical Schools are facing enormous deficits—over $2 million per school for the current fiscal year. Both schools are having to eat into their unrestricted endowments. By 1971 these precious funds will in fact be completely exhausted. And yet both schools are making courageous efforts to increase their enrollment.

The District of Columbia is particularly fortunate in that the chairman of the Health Appropriations Subcommittee, the distinguished Senator from Washington (Mr. MAGNUSON) has undertaken to see that funds are directed to the District government for the support of these schools. For this courageous and far-sighted action, the Senator is to be highly commended.

Also deserving of the highest praise for this is the ranking minority member of the subcommittee, the distinguished Senator from New Hampshire (Mr. COTTON), and the distinguished Senators from Delaware and Nevada (Mr. BOGGS and Mr. BIBLE) for their efforts in moving to cope with the crisis facing, these institutions.

At Howard University Medical School, where over 85 percent of the students seek financial assistance, officials are being forced to deny it to an increasing number. Unfortunate also is the school's shortage of staff, the student-staff ratio being 20 percent below the national average.

As I stressed in recent letters to the Secretary of Health, Education, and Welfare and to the Director of the Office of Budget and Management, this dismal picture of blight is not limited to one area of the country alone. All across the Nation medical schools are being wracked with crippling erosion of their financial bases.

The 540-student school of medicine at St. Louis University in Missouri is very near insolvency, with a $750,000 deficit. Two New York schools are teetering on bankruptcy.

All across the country we are being swamped with a burgeoning health crisis. Skyrocketing costs, obsolete and inadequate facilities, and greatly increased health expectations are threatening to deny proper care to millions of Americans. Particularly in jeopardy is the progress of plans to expand medical care to the countless disadvantaged persons in rural and urban areas.

What exacerbates this all the more is the critical shortage of doctors. With a present national need for more than 500,000 additional physicians and an annual output of but 8,000 or so, the economic strangulation of our medical schools—which surely rank as one of our most precious national resources—represents a bizarre form of suicide, fiscal as well as physical, since it blatantly adds fuel to the fire of health-cost inflation.

Statistics of the American Hospital Association show that the average cost of a day in a hospital went up more than 300 percent during the 1960's.

The most serious shortage of personnel in any major occupational group in the United States is in the health care area. Recent comparative data shows that eight countries have higher ratios of physicians to population than the United States, including Czechoslovakia, Hungary, the Soviet Union, and Israel.

One important survey indicates that one American in six has never visited a dentist. And the ratio of dentists to population is getting worse: from one per 1,677 Americans in 1953 to one per 2,100 in 1970.

Medical schools are fighting to increase their enrollments. Since 1964 they have increased their capacity by over 32 percent. But further expansion is being constrained for lack of funding. Cuts in Federal student assistance are especially devastating to the attempts by schools to recruit minority students.

The squeezing of funds out of health education thus reeks of false economy. What is more, it is a transparent prescription—tantamount to balancing the budget by sacrificing human lives.

I urge Senate support of this amendment for medical school rescue aid not as a final or long-term solution, but as an emergency, stop-gap measure. Indeed, there is an almost equally compelling need for a whole new system for financing medical education. We must develop a scheme that will depend on State and private, as well as Federal support.

We must embrace this short-term remedy while at the same time seeking a long-term solution—if indeed there is to be any use for long-term solutions. Unless more of our schools are to falter and die, unless our already mushrooming health crisis is to become a corpse crisis, we must move now to make available this transfusion to our sorely ailing medical schools.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. YARBOROUGH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. COOK). The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

AMENDMENT NO. 1077

Mr. MONDALE. Mr. President, on behalf of the Senator from Hawaii (Mr. INOUYE), who could not be here today, I call up amendment No. 1077.

The PRESIDING OFFICER (Mr. COOK). The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

AMENDMENT

On page 21, line 16, delete the figure "$295,000,000" and insert in lieu thereof "$298,000,000".

Mr. MONDALE. Mr. President, this amendment calls for $3 million additional to the funds to be made available for schools of public health.

I believe the Senator from Hawaii has discussed this matter with the Senator from Washington.

Mr. MAGNUSON. Yes.

Mr. MONDALE. The Senator from Hawaii (Mr. INOUYE) could not be here today and asked that I raise this issue with the Senate.

Mr. MAGNUSON. Mr. President, this covers some of the same programs as the amendment just adopted. There is a great shortage of personnel in the health manpower field, particularly in the schools of public health and administration.

Mr. MONDALE. As I understand the Yarborough amendment which was just adopted, it does, in fact, involve the same line item as does, the Inouye amendment. What the Senator from Hawaii wishes to assure is that public health training will be on a par with other medical professions such as nursing, dentistry, and other allied health professions.

In light of the fact that there have been two new schools of public health accredited in the past year, and adding to that the inflationary factors, this modest increase would seem to be necessary in order to maintain any kind of progress in the public health services field.

Mr. MILLER. Mr. President, a point of order. The amendment that was just adopted is identical to the amendment that is now being offered, except that it exceeds the amount. The Senate already has acted on this particular part of the bill by its voice vote.

I am not trying to be unduly technical here, but I think the Senator from Minnesota should redraft the amendment to provide something else, because I think that the amendment is out of order.

The PRESIDING OFFICER (Mr. COOK). The Chair would advise that he was about to advise the Senator from Minnesota that his amendment is out of order unless he wants to ask unanimous consent.

Mr. MONDALE. Mr. President, I ask unanimous consent that this amendment be considered.

Mr. MILLER. Mr. President, reserving the right to object, the amendment that has just been agreed to previously goes from $295 million to $332 million. The amendment the Senator is talking about goes up to only $298 million, so the amendment that has been adopted is already more than what the Senator's amendment calls for.

Mr. MONDALE. Mr. President, I am advised that the objective sought by the Senator from Hawaii (Mr. INOUYE) can be met by the previous amendment offered by the Senator from Texas (Mr. YARBOROUGH).

Mr. HART. Mr. President, will the Senator from Washington yield?

The PRESIDING OFFICER (Mr. COOK). The Chair would advise the Senate that time is under control, and that time for the Senator from Michigan to speak will therefore have to be yielded from the bill or from the amendment.

Mr. MAGNUSON. I yield time to the Senator from Michigan (Mr. HART) from the bill.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, I rise only to ask the Appropriations Committee staff personnel if we are correct in our understanding that the effort reflected in the Inouye amendment, to insure more adequate funding of Public Health schools, has been taken care of in the Yarborough amendment.

I do this for a variety of reasons, but basically the University of Michigan School of Public Health is the largest in the country. There is great urgency that we insure adequate funding not alone for that institution but for the other tragically too few schools of public health in this country.

Are we certain that we have, indeed, made the provision intended by the Inouye amendment under the Yarborough amendment?

Mr. MAGNUSON. I understand that this would require the Senator from Texas (Mr. YARBOROUGH) to agree. The problem we have here is that it is in the institutional support programs for schools of public health. The $38 million was not earmarked. It has to be brought down from institutional support for medical, dental, and related matters, and take $3 million out of that and bring it down to line C for schools of public health. That would pin it down.

Mr. YARBOROUGH. It was not earmarked in the $38 million that my amendment added. I will consent, hoping that we can hold that $38 million in the bill in conference.

Mr. MAGNUSON. Well, of course, I do not know what we can hold in conference.

Mr. YARBOROUGH. I agree to earmarking the $3 million.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that that be done.

Mr. MILLER. Mr. President, could not this all be taken care of by asking unanimous consent that the Senate express its purpose to do what the Senator is asking for? Then the conferees will know what we have in mind without going through the details of further amendments and parliamentary procedures.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. Moss). The Senate will be in order.

Mr. COTTON. Mr. President, will the Senator yield me 1 minute there?

Mr. MAGNUSON. I yield.

Mr. COTTON. Mr. President, there is no question in this country being more hotly contested and subject to sharper competition than what medical schools are going to receive in assistance. I have one in my State that must either expand or go out of business. I find with respect to the allocation we had last year that practically all of it went to five huge western and midwestern universities.

When we start earmarking on the floor of the Senate, we must remember that the department has a blacklog of applications far in excess of any money we have provided in the bill even if we were to add some more. When we start earmarking, we do not know what we are doing.

I feel very strongly about this matter. I want to see the money in here. I want to see it go to medical schools and I want to see more doctors. However, I feel that I must object to a haphazard, off-the-cuff earmarking of money for any particular schools or particular purposes on the floor of the Senate at the last minute.

Mr. MONDALE. Mr. President, may I inquire of the manager of the bill whether the objectives sought to be achieved by the amendment which I am offering on behalf of the Senator from Hawaii can be achieved without the necessity of pressing the amendment. I understood him to say that it could be.

Mr. MAGNUSON. Mr. President, it is my understanding that we could get a unanimous-consent agreement that we could take out of the addition for institutional support for medical, dental, and related items, the line item, item 1(a), take $2 million and place it under public health on line 1(c), page 90 of the report and under student assistance traineeships place an additional $1 million, for public health traineeships.

We could so adjust it.

Mr. MONDALE. Mr. President, I ask unanimous consent that that change be made.

Mr. MILLER. Mr. President, reserving the right to object, I did not hear the request.

Mr. MONDALE. Perhaps the Senator from Washington could state it.

Mr. MAGNUSON. Mr. President, the Senator from Minnesota can ask unanimous consent, or I will, that, of the $38 million placed in the bill by the last amendment, $2 million of that amount be added to the line item, page 90 of the report 1(c) public health, and under student assistance, No. 2 line item, under 2(a) traineeships, $1 million, which would come from the $38 million just added. We would adjust the bill accordingly.

Mr. MILLER. Mr. President, reserving the right to object, perhaps I do not have the correct figures. The Senator has been talking about $38 million. As I understand it, we had $37,650,000 added by the Yarborough amendment, the difference between $332,650,000 and $295 million.

If that is correct—and the Senator from Texas can confirm this—we have added $37,650,000 by his amendment.

Mr. YARBOROUGH. The Senator is correct. But it was under the limitation that was explained yesterday under the report of the managers of the conference on the Health Training Improvements Act of 1970. That was passed on the 14th of October—the 13th of October in the House, and on the 14th here.

The manager of that bill reported that they had stricken out the Javits amendment with $104 million in it for the medical schools that were in distress.

Mr. MAGNUSON. Mr. President, my interpretation of the amendment was that it added $38 million. But whether it was $38 million or $37,650,000, we could have a unanimous-consent agreement to use that, whatever it is, and take $2 million and add it to institutional support for schools of public health, the line item, and $1 million to student assistance and traineeships, so that the Yarborough amendment would distribute $3 million of that amendment to those two items.

Mr. YARBOROUGH. Mr. President, I agree to that request. But if in conference with the House the gross amount of $38 million is reduced, the portion going to public health will be in the same proportion that we are placing in the bill if there be a reduction.

Mr. MAGNUSON. That is correct. We do not need unanimous consent. We will make legislative history.

Mr. MONDALE. Mr. President, with that understanding, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 1073

Mr. MONDALE. Mr. President, I send to the desk amendment No. 1073 and ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

On page 29, line 9 and 10, strike out the numeral and insert in lieu theoeof: "$79,435,000".

Mr. MONDALE. Mr. President, amendment No. 1073 would increase funds for the rehabilitation research program of the social and rehabilitation service by $2,000,000. This amendment is intended to provide badly needed support for the 19 rehabilitation research and training centers.

The administration requested $81,435,000 for the program which includes these centers. The Appropriations Committee has recommended only $77,435,000, or $4 million less than the budget request. Thus, approval of this amendment would still leave the appropriation $2 million under the budget.

I am sure that my colleagues are familiar with the great value of the vocational rehabilitation program. This program has restored many hundreds of thousands of badly injured persons to useful and happy lives. Last year alone, about 250,000 persons were rehabilitated and placed in jobs.

This is a program which pays for itself many times over by keeping the disabled from becoming welfare charges and by making taxpaying, productive workers of them. The economic return of this program, solely from increased Federal income taxes, is estimated at $7 to $10 for each $1 spent.

The research and training centers, which would be aided by this amendment, provide the medical and technological backup to the rehabilitation program. They also furnish a significant portion of the highly trained personnel needed to make the program work so well, providing rehabilitation services to many patients at the same time.

I should like to point out that the rehabilitation research and training center program was actually initiated by the Congress in 1961 in order to achieve a very special purpose. At that time, we were concerned about the lack of integration and coordination among research, training, and service programs to individuals. We therefore conceived a program of research, training, and community service to advance the cause of rehabilitation.

I am pleased to note that one of the first two centers supported under this program was in my State at the University of Minnesota. There was established an excellent collaborative effort between the University and the Kenny Rehabilitation Institute. The objective of the center program was to cut the timelag between discovery or research and the training of future generations of practitioners through an improved and viable service program. Since those modest beginnings less than 9 years ago this program has advanced to the point where there are 19 of our outstanding universities and rehabilitation centers participating in a joint and mutually enforcing effort.

We are all aware of the fact that there have been increases in costs on every hand and the research and training center program is no exception. Yet, the $10,275,000 allotted to this program has been on dead center since the 1968 fiscal year. According to the participating institutions, inflation is starting the research and training center program on a precipitous downhill slide. Already I understand research activities in these programs have had to be cut back so that fewer research projects can be undertaken.

The number of participants in training has started to decline. In 1968, there were about 33,000 in training but this had declined to approximately 32,000 by 1969. A similar drop appears to have taken place in 1970 and 1971. It would appear as though there would be no recourse for

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these centers in the 1972 fiscal year but to cut back further on their training activities if additional funding is not made available. Such unwise retrenchment in research and training exacts a heavy toll in future years.

One illustration of the serious shortage of trained personnel is that the State rehabilitation agencies have indicated a 1971 requirement for 12,000 additional counsellors. At present, we have only 5,600 in the 2-year training programs. Thus, we are turning out each year less than one-fourth of those needed by the States.

The shortage of trained physicians is even worse. We have only 166 in graduate training programs, usually of 3 years' duration. And yet the need for additional physician personnel is estimated at 2,300 for this year.

I am sure that none of us wishes to be identified with a diminished effort in centers of excellence such as these. I feel that this program, which was created at the specific request of this body, is in serious jeopardy unless additional funds can be made available.

One of the areas of research which will have to be cut back is that of spinal cord injuries. About 9,000 individuals who have such disabilities are receiving services under the State-Federal vocational rehabilitation program. We have from 5,000 to 10,000 new cases each year and the majority of these are in the young adult age group, 18 to 25 years, mostly because of accidents. A life of productivity lies ahead for this group, but only if we can continue to develop and expand the techniques and services needed by this group.

It has been well documented that such a program can save many times the cost of rehabilitation. We can ill afford to lose the potential for reaping this human and economic gain by reducing the capacity of our research and training centers to respond.

This is but one example of what may well happen without additional funds. Therefore, I strongly urge the approval of this modest increase in funding for the research and training center program of the Social and Rehabilitation Service.

I ask unanimous consent that a list of these centers be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Rehabilitation Research and Training Centers

New York University, New York.
University of Minnesota, Minnesota.
University of Washington, Washintgon.
University of Southern California, California.
Emory University, Georgia.
Tufts University, Massachusetts.
Temple University, Pennsylvania.
George Washington University, District of Columbia.
University of Colorado, Colorado.
University of Alabama, Alabama.
University of Wisconsin, Wisconsin.
University of Texas, Texas.
Baylor University, Texas.
University of Oregon, Oregon.
University of Arkansas*, Arkansas.
University of Pittsburgh*, Pennsylvania.
West Virginia University*, West Virginia.
New York University (special deaf center), New York.
Northwestern University, Illinois.

I think the Senate is fully aware of the importance and value of the program. Two basic arguments justify the increase. First, the funding level for these 19 centers remained level for 3 years. Inflation has sharply reduced the value of these programs. Second, some new centers have been added in the interim. So, if we wish to keep the programs of these centers at their present levels, it will be necessary to increase the funds. That is the purpose of the amendment.

Mr. MAGNUSON. Mr. President, this represents 11 regular medical centers, one development medical center, three medical retardation centers, three vocational rehabilitation centers, and one center for the deaf.

They had to cut it back in 1970 due to the fact that, as we know, the Senate cut back the total budget. This was cut back.

Mr. MONDALE. The Senator is correct.

Mr. MAGNUSON. This brings it up to where they can operate. The committee accepts the amendment.

Mr. MONDALE. Mr. President, I ask unanimous consent that the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 18515) was read the third time.

Mr. JAVITS subsequently said: Mr. President, I would like to call attention of the Senate to a provision in the bill for a Cabinet committee on opportunities for Spanish-speaking people. This is a desirable activity. The Senate committee, indeed, increased the appropriation from $537,000 to $675,000 over what the other body did.

I want very much to express the need for seeing that, among the Spanish-speaking people who are recognized as being in the care of the committee, Puerto Ricans should be an important element. They represent a significant element of the total Spanish-speaking people in our country. They are heavily concentrated in the New York area and other areas of the United States. They are extremely productive. Indeed, they are responsible for many industries, like the hotel industry, which, without them, could not function at all in my part of the country.

I hope that the Chairman, Mr. Martin Castillo, who has testified on this particular matter, and who has also testified before us in other respects, may have that fact very much in mind. He has put together a staff under the appropriation bill.

Mr. MAGNUSON. Mr. President, may I say to the Senator from New York that when we heard testimony on this matter we had present—and he also testified in the hearings—the Resident Commissioner from Puerto Rico, who, as the Senator knows, is a very able and articulate person. Everybody, including the chairman and the other members of the committee, was agreed that they would do exactly what the Senator from New York has said. So I hope there is no question about what our intention was.

Mr. JAVITS. I thank my colleague.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the clerk of the Senate be authorized to make any technical changes in the bill that are necessary. There are one or two typographical errors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I want to call attention, so that the Record will show, to the fact that the Senate committee added to the bill $218,661,078, and that on the floor of the Senate, the Senate has added $168,550,000, in addition to what the House added and in addition to the President's request.

Mr. HARRIS. Mr. President, I had intended to offer an amendment to H.R. 18515, the Labor-HEW appropriation bill, which would have recommended a $3.5 million increase for child development research under the Office of Child Development.

As a cosponsor of amendment No. 1068 offered by the distinguished senior Senator from New York (Mr. Javits) and others, and after consultation with other Senators I have decided to withhold the amendment because it appears that we have gone as far as we can this year to increase appropriations for the OEO section of the bill under which funds for child development research are provided.

At this time, however, I ask unanimous consent that the statement which I would have made in introducing the amendment be printed in the Record. I would hope that the Congress will give this matter serious consideration when subsequent appropriations are considered. At that time I intend to support such efforts.

I ask unanimous consent that a statement I had prepared for delivery on this matter may be printed in the Record at this point.

There being no objection, Senator Harris' statement was ordered to be printed in the Record, as follows:

Statement of Senator Harris

Mr. President, at present there are more than 55 million children in the United States under fourteen years of age. During the decade of the 70's it is estimated that there will be at least 4 million new births each year. Over 60 percent of the children under 14 years live in metropolitan areas. During the 70's mothers of school and pre-school children are more likely to work than ever before. In 1960 twenty percent of the mothers of children under six years of age worked. In 1969 this number increased to thirty percent. Consequently, it is expected that substantially more children under age six will be enrolled in some kind of day care or child development program during the 70's. Between 1964 and 1969 public nursery school enrollments increased by 169 percent. More public pre-school programs were started during this period.

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*Center includes both a university and a State or non-profit, private component.

Partially as a result of the increasing enrollment of children in pre-school programs, many significant and far-reaching discoveries have been made about the learning, physical, emotional and social development of children under six. This was especially true of disadvantaged children participating in the Headstart program. For example, some of these activities led to studies which have shown that there is a very significant relationship between nutrition and pre-natal care and the learning ability of a child. We have learned that malnutrition in expectant mothers results in retarded fetal growth. Studies suggest that malnutrition, even in a mild form and for a short period of time, if present during a critical period, may produce irreversible brain damage to an unborn child.

During the pre-school years, the child becomes increasingly exposed to the community beyond the home. This is the critical stage in his development. Place of residence and family economics affect his health, cultural enrichment, and learning.

A child is constantly learning. Hopefully, he is curious, creative, and motivated by his learning experiences. But, too frequently our educational system hinders the curiosity and desire for learning. Moreover, the educational system is frequently unable to compete effectively with other sources of learning which hold the interest of the child.

Despite numerous research efforts and experimental programs, far too many children are still unable to read or solve simple arithmetic problems. For example, one out of seven elementary school children, more than one out of five pupils from low-income families, and up to one-half of students in large school systems have serious reading disabilities.

While we know that these disabilities are greatest among poor families, we don't know as much as we need to about overcoming them.

One research project now being conducted with funds provided by the Office of Child Development is an attempt to measure the distortions built into intelligence and achievement tests, which penalize children of poor and minority backgrounds by testing not their true capacities but their familiarity with middle-class culture.

Another important ongoing research project is testing the impact on children and their parents of different types of day-care centers—some located on industrial plant sites where mothers can leave their children nearby while they work; others located in neighborhood centers near residences of parents. The size of such centers, the number of children cared for in each, the qualities of each center and facilities provided, frequency of contact with parents during the day, all have very critical implications for the future of day care centers and child development programs in this country. We simply need to know as much as we can about the effects on children of our new, experimental programs before we commit ourselves to the large investment I think is necessary in the day care and child development field, and that is what this research program is all about.

In its 1971 budget the Office of Child Development requested $8.5 million to conduct a number of specific projects designed to study and develop new techniques for improving the learning process for our children. The amount recommended by the Senate Appropriation Committee would limit the OCD's 1971 research to little more than half of the projects it would like to conduct, the effect of which would be a serious setback for child development research and important experimentation projects.

The amendment I intended to offer would merely increase the Senate Appropriation Committee's figure by $3.5 million to the level originally requested by the Office of Child Development. This is a very small amount, and, without question the purposes for which it will be used are crucial to the early educational development of all American children. What better investment can we make than one which is concerned with the future development of generations of young Americans?

Mr. President, I would hope that in the future, this nation can have a program of research and development which will place early childhood education on a more secure footing.

Dr. Sheldon White, professor of educational psychology at Harvard University, in testimony before the House Select Subcommittee on Education stated that there is a need for several specific studies in the development of early childhood education. Among these he listed the need for:

1. Careful comparisons of the effectiveness of different kinds of teaching techniques with different kinds of children.

2. The development and testing of prototype programs in early education.

3. The orderly and effective dissemination of successful prototypes into general use.

4. Background activities designed to recruit resources and personnel necessary to such development.

In the field of early childhood or preschool education, many questions have gone unanswered. For example, what techniques can be used to release and enhance creative expression by a child and engage him in the creative process. How do we determine whether a child has learned to read? What are the effective strategies for teaching different kinds of children to read? How should the reaching of teachers be changed to better come to grips with the myths and realities of our educational system? What other health factors hinder the learning ability of the child? I submit that these are but a few of the long list of questions which must be answered if all are to begin to effectively deal with this problem.

Mr. President, those persons responsible for educational and social development of our children say that five million dollars is too small an amount to invest in child development research. This amount in no way shows a commitment by this government to seriously work with and confront the immense problems of pre-school education. We can do more. We must do more now. The educational development of millions of young Americans is not the kind of thing that we can afford to postpone until a more convenient time. Now is the time to begin.

Mr. HART. Mr. President, I would like to congratulate Senator MAGNUSON, chairman of the Appropriations Subcommittee on Health, Education, and Welfare, for the leadership he has given in the critical area of health manpower.

The figures on shortages of health manpower are well known. The Nation needs an additional 50,000 doctors and an additional 100,000 nurses.

Funds for health manpower programs as reported by the Senate Appropriations Committee go a long way to correct inadequate budget requests in this area.

When I testified on health manpower needs in June, I listed the following gaps between demand, authorizations, and budget requests for critical health manpower programs.

Loans for medical students: demand, $43 million; authorization, $35 million; budget request, $12 million.

Loans for student nurses: demand, $27 million; authorization, $21 million; budget request, $9.6 million.

Institutional support: authorization, $168 million; budget request, $113 million.

And here is what the Senate Appropriations Committee recommends: $33.5 million for medical student loans; $21 million for student nurse loans; and $127 million for aid to medical and dental schools.

Again, the committee in general and Senator MAGNUSON in particular are to be congratulated for acting to meet a serious need.

In addition, I was pleased to note that the committee recommended an increase of $40 million over the budget request for Community Mental Health Center staffing grants. This will enable some of the centers to be opened in the near future to receive staffing money this year.

It is my hope that the Senate will give strong support to these increases so that our conferees will be in as strong a position as possible in conference.

There is one budget item under health manpower which I believe should be increased over the committee recommendations.

That item is the appropriation for Federal support for graduate schools of public health.

The administration requested and the House approved a total of $16.4 million for public health traineeships and institutional support, which is a cut of $1 million from appropriations for fiscal years 1969 and 1970.

To put the situation in its correct perspective, not only was the budget request for less than funding levels for the 2 previous years, but since 1969 two additional schools of public health have been accredited, and other new schools are planned for Alabama, Illinois, Missouri, and Ohio.

The need for new schools is clear, for a shortage of trained public health manpower exists. Congress recognized that shortage when it increased authorizations for these items from $26 million for fiscal year 1970 to $37 million for fiscal year 1971.

Yet, in face of that need, the budget request was for less than half the authorization.

While the Senate Appropriations Committee has recommended an increase of $1 million, I have cosponsored an amendment to increase that recommendation by $3 million to $20,471,000.

This increase is particularly important in view of the likelihood that what the Senate approves will be reduced in conference.

I urge approval of this amendment.

Mr. DOLE. Mr. President, I should like to take a few moments at this point to lend my support to the appropriations proposals for the Department of Health, Education, and Welfare which have been reported by the Senate Committee on Appropriations in the Labor-HEW bill. Although this measure contains increases over administration requests, it repre-

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sents a determined effort to arrive at a reasonable balance between real and pressing needs in the multiple areas within the Department's jurisdiction and the equally significant requirement for fiscal responsibility in congressional action. In fact, it appears that this bill reaches the absolute limits to which the Congress can provide realistic and prudent funding for the many worthwhile and highly valuable programs administered by the Department.

Of particular interest to my State is the section to provide nearly $9 million in project grants for 35 hospitals and related facilities currently under construction or being modernized. More than $1.1 million of these funds will go for seven hospitals and health institutions in Kansas. It should be pointed out that all the projects covered by this section were begun under previous Hill-Burton grants, and this appropriation is a recognition of the need to allow these projects to be continued.

Another aspect of the bill which stands out in its importance is the section providing for expanded Mental Health Center staffing which is of particular concern to many States which are implementing community mental health programs to better serve the needs of their citizens in this important field. The committee added more than $20 million to the House provision for this area. Also important is the provision for $5.9 million for the hospital improvement program for mental health institutions. An increase of $400,000 over the 1970 appropriation. In Kansas, the broad and widely acclaimed State mental hospital program would stand to benefit from this increase.

Mr. President, as the distinguished Senator from New Hampshire (Mr. COTTON) pointed out on Wednesday, this bill is not perfect. It is, however, the product of the best efforts of the committee to put together a workable and responsible funding program under, admittedly, severe budgetary restrictions.

It is indeed tempting to overstep financial limitations when dealing with programs to benefit the young, the old, the mentally and physically ill, and all those who are potential victims of accident, disease and misfortune. But in the best interest of all Americans, the resources of the Federal Government and the viability of the national economy, the line must be drawn firmly and held. The Committee on Appropriations, especially the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON), are to be commended for their diligence and dedication in preparing this bill and attempting to see that the most equitable, effective, and appropriate allocating of funds have been made. I am pleased to support this bill.

Mr. BYRD of West Virginia. Mr. President, I want to take this opportunity to compliment the able chairman of the Labor-HEW Apropriations Subcommittee, the distinguished senior Senator from Washington (Mr. MAGNUSON), for his consistent dedication and service. As a member of the subcommittee responsible for this $19 billion appropriations bill, I continue to be impressed with our chairman's complete grasp of one of the most complex of all bills. His leadership was much valued by all the subcommittee members, as was the able assistance of the distinguished ranking minority member, the senior Senator from New Hampshire (Mr. COTTON).

During the consideration of the entire bill, the members of the subcommittee always kept in mind the need for fiscal responsibility, especially during the current inflationary period. Yet, as the committee report indicates, we could not agree with the administration's limited budget requests when the health and medical care of Americans are concerned. The Nation's biomedical research, health care, and health manpower programs must be properly maintained and funded.

Mindful of this goal, I supported the amendments recommended by the committee which increased appropriations in these areas, particularly for the research institutes of the National Institutes of Health.

The distinguished senior Senator from Nevada (Mr. BIBLE) and I sponsored two amendments. The first amendment increases the appropriations for the National Heart and Lung Institute to $203,479,000—$25 million over the House-passed bill, and $31.7 million over the administration's budget estimates. The second amendment increases the appropriations for the National Institute of Neurological Diseases and Stroke to $115,807,000—$15 million over the House-passed bill, and $18.8 million over the administration's budget request.

The increase in funding for the National Heart and Lung Institute would allow the Institute to intensify its research activities for the prevention, early diagnosis, and treatment of acute and chronic respiratory diseases. This is of particular interest to West Virginians, because of the incidence of pneumoconiosis—commonly known as black lung—and silicosis. In addition, lung ailments in our urban areas are rapidly increasing as a result of air pollution and other environmental hazards.

The amendment offered by Mr. BIBLE and me would also provide additional funds for arteriosclerosis centers and programs for research on hypertension; for cardiovascular research; and for the improvement of transfusion methods, storage, and utilization of the Nation's limited supply of human blood.

The amendment which Senator BIBLE and I offered to provide a $15 million increase over the House allowance for the National Institute of Neurological Diseases and Stroke would be used to develop 10 additional clinical stroke centers, expand the activities of the 17 existing centers, and support training programs. I feel that this additional expenditure is needed. It has been estimated that some 2 million Americans are victims of strokes annually, and that strokes prove fatal to about 200,000 Americans each year.

Additional funds would be effectively used in the study and treatment of disorders that attack the brain and central nervous system. Work is now being done in the study of head and spinal cord injuries, communicative disorders, neurological and sensory ailments, and L-Dopa followup treatment. Some 20 percent of all hospital admissions suffer from such ailments.

Mr. President, in addition to accepting these two amendments, the committee also recommended increased funding for many of the other NIH research institutes.

The National Cancer Institute continues to make progress as it studies the relationships between viruses and the various forms of cancer. Research into the prevention and treatment of this fatal disease should be made a primary national priority. The committee recommended an increase of $33 million over the budget estimate and $8 million over the House bill.

The National Institute of Environmental Health Sciences' purpose is to identify the health problems posed by our manmade environment, and to suggest preventive and therapeutic measures. One needs only to spend a day in any one of our major urban cities to realize the importance that this institute is to our future. The impending environmental health problems are monumental, and if we are to leave a suitable environment for our children, we must be well aware of the dangers of environmental toxicology, respiratory diseases, and aerosol pollutants posed by poor environmental management.

Mr. President, I have mentioned just a few activities funded by this bill. All of them are urgently needed. The importance of proper health must not be downgraded. These additional appropriations deserve the full support of the Senate.

COMMITMENT TO RESEARCH UNDER PENDING BILL

Mr. MANSFIELD. Mr. President, a most important aspect of the present bill under consideration is the amounts appropriated for medical research under the auspices of the National Institutes of Health. Over the past several years, I have taken particular interest in the sponsorship of research by the various Federal agencies, but particularly that sponsored by the Department of Defense. I have never questioned the caliber of the work being sponsored by the Defense Department; at times I have raised questions about the legitimacy of the sponsorship and have offered proposals that were designed to stimulate a shift of the sponsorship to a more appropriate agency. A particular case in point is the type of research mentioned in a letter I received from a member of the faculty of the Jefferson Medical College of Philadelphia. For many years his research has been sponsored by Defense, and I am sure it is research of the highest caliber. Recently, he has been informed that this research will be terminated.

I bring this case to the attention of the Senate to illustrate the very important need for high level coordination to assure the orderly transition from Defense to the civilian agencies. The amount of moneys appropriated to the Defense Department for basic research has been reduced over the past year, and I am sure will be reduced this coming year. However, for the Federal Government to act in a responsible manner, the civilian Federal agencies that sponsor basic research should have their budgets increased at least by an amount reduced from the Department of Defense. In fact, the amounts should also reflect the loss of the research purchased because of inflation.

I wish to commend the distinguished chairman (Mr. MAGNUSON) and the ranking member (Mr. COTTON) and the members of the full Appropriations Committee in this matter for increasing recommended appropriations for the NIH over and above those originally budgeted so that research of this basic nature can be maintained under their auspices. I note that the committee has recommended $33 million be added to the National Cancer Institute and that $31.7 million be added to the National Heart and Lung Institute and that $8 million be added to the National Institute of Arthritic and Metabolic Diseases. At the various other Institutes, other specific additions have been made detailing very thoughtful recommendations for additional sponsorship of research under the NIH. At a time when we are hearing of increasing difficulties of the Nation's medical schools and a genuine threat that many might have to close their doors because of financial difficulties, this money is well spent. What the country needs is more doctors, more and better medical schools and better facilities for medical treatment; not fewer doctors, less medical emphasis.

A few months ago I prepared a statement for Mr. DADDARIO's Subcommittee on Science, Research, and Development, wherein in part I implored the New Office of Management and Budget to assume a more vigorous responsibility for assuring the viability of our research facilities. I believe that the additional recommendations in this bill for basic research at the various institutes at the NIH are perfect examples of money well spent and reallocation of resources through the civilian sector which might otherwise have been channeled through the Defense Department.

I would hope that the additional moneys recommended by our committee and earlier by the House of Representatives will be expended so that the great pressures on the research community in this country will be alleviated. This is not the place to save money. This is the money that will save lives.

Again I wish to commend the chairman and the ranking member and all Members of the Senate and the House who have supported these increases and implore the new budget bureau to assume its responsibility for permitting expenditures of these moneys.

I ask unanimous consent that a statement by me made before the House Committee on Science, Research, and Development be incorporated at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MIKE MANSFIELD

I have been asked to comment on the government's role regarding the support of research. I appreciate this invitation by the Chairman of the Subcommittee on Science, Research and Development. Specifically, I suppose the question really is whether adequate government support of science can be carried on if there is a permanent shift away from the role of the military in the conduct of research. What must be considered is the relationship of the Department of Defense and other mission agencies to the matter of research; what part research plays in their overall functions and as a related matter, whether strong ties should be continued between the Pentagon and our universities. The answer to these questions by and large will determine this nation's entire science policy for the years ahead.

At the outset I should say that the quality of life on earth tomorrow will be determined in large part by the measure of the scientific research undertaken today. There is thus a significant public responsibility to sponsor research in the various scientific disciplines and to keep the way clear to follow up on new discoveries. Determining the emphasis, however, is a most delicate responsibility. To a great extent the emphasis is determined by the size of the resource devoted to the various disciplines.

Since the end of World War II, the Government's contribution to research, development and the supporting facilities has reached nearly $200 billion. Where and by whom that money was spent has determined not only the science policy of this nation but the entire emphasis in science education and training. During this time well over half of the government's contribution to science has been channeled through the Department of Defense. It must be clearly understood that most of this money purchased research of the highest quality. However, not nearly so clear is the rationale that dictated that the Department of Defense should be the principal sponsoring agency for much of this vital research.

For the past 25 years the Pentagon has sponsored research in almost every scientific discipline imaginable. From the most esoteric examinations of ornithology to the study of broad social movements in foreign countries, the Pentagon has run the gamut in its research endeavors. By necessity, therefore, the Pentagon assumed a significant role in determining the nation's science policy. The desirability of such a large role for this mission agency is the basic issue confronting us.

It is not difficult to understand how we got where we are today. The phenomenon of channeling so much of our research money through the Defense Department developed over the years not only from normal bureaucratic urges to grow but because the science community and the Congress acquiesced in that growth. So the question is not how we got here. It is why. To put it simply: Why should the Defense Department be the principal government agency through which is funded the federal research that has no apparent relationship to the security needs of this nation?

To reply by saying that the research community has found that funds simply were more readily available at the Defense Department rather than at other civilian agencies states a fact. But it is not an answer. Nor is it sufficient to say that Pentagon requests for funds receive less Congressional scrutiny than those requested by non-military agencies. Too often in the past the prevailing attitude has been expressed by the question: Are we giving you enough? Perhaps it should have been: Why do you need so much? In part the historical answer lies in the fact that the cloak of national security lined with the international threat of communism simply prevented a close scrutiny of Defense requests including requests for research and development. In part, the answer is that Defense spending requests became so large that even billions for research and development seemed dwarfed. As a result the scientific community came to rely upon the immunity of Defense funding from close scrutiny and occasional budgeting squeezes. For years Defense funding provided a very stable source of research money. It was the easiest path for the research community to follow.

It wasn't long before many of the most able members of the science community gravitated to this source of funds. It became apparent, too, that although only a relatively small fraction of the federal research dollar was spent on university campuses, that money was very important to those universities in maintaining their status. The salaries paid by the research grant paid in effect the salary of the faculty member and a good share of the institution's overhead as well. The universities were not prepared to accept direct subsidies for fear of losing their autonomy—but they were apparently prepared to accept such a dependence indirectly with no questions asked.

Two years ago during Senate debate on the Defense appropriations bill for fiscal year 1969, I offered an amendment which would have limited the payment of indirect costs for a research grant or project to 25 percent of the direct costs.[1] From my preparation for this measure and subsequent debate, I saw the grave financial difficulties faced by your universities today and noted the disturbingly heavy dependence of virtually all of our leading universities upon hidden subsidy via indirect costs. A total of 620 academic institutions in fiscal year 1968 received federal support for research and development totalling $1.4 billion. Of this the Department of Defense accounted for $243 million and the National Science Foundation, $212 million. This money largely benefited only a few institutions. The top 100 accounted for 87 percent, or $1.2 billion.[2] Even under the limitation of my amendment, these top 100 would have received $300 million for indirect costs; money that the individual scientists would never see but which would go into general university funds.

Of this, in turn, 20 percent would have come from the military appropriations. And since overhead charges by many institutions were higher than the 25 percent limit I proposed, the Defense Department in 1968 was supplying more than $60 million to the indirect cost accounts of leading universities. Under these circumstances, I concluded that the situation was most unhealthy. To better guage the ramifications of the federal subsidy to universities through overhead payments, I wrote to Philip Handler, then Chairman of the National Science Board and now President of the National Academy of Sciences. In a frank reply, he pointed out that of $1,671 million of federal funds for research at universities for fiscal year 1967, only about $426 million were utilized to support research in the most immediate sense. The remainder found its way into institutional funds and departmental funds.[3]

Subsequently the National Science Board proposed to the President that this situation of a hidden and unhealthy subsidy be corrected through grants to the universities so that future proposals for research would need cover only the direct and out-of-pocket costs of the work. I hope that the silence which greeted this recommendation within the Executive Branch will not be permanent and that Congress will assess its practicability as a way to establish more honest relations between the universities and the agencies of the federal government that fund on-campus research and higher education.

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[1] CONGRESSIONAL RECORD, vol. 114, pt. 22, p. 29332.

[2] "Federal support of research and development at universities and colleges and selected nonprofit institutions, fiscal year 1968." National Science Foundation report NSF 69-33, 1969, pp. 3 & 14.

[3] For the text of Mr. Handler's letter, see the CONGRESSIONAL RECORD, vol. 114, pt. 22, pp. 29338–29339.

A contributing reason for the expansion of defense interests into almost each imaginable field of research in my opinion is the past and present inadequate information about what kind of research is being done by whom and where.

It has often occurred to me, and to other Members of Congress, that because many federal departments and agencies fund so many research projects, there is a real possibility of overlap and duplication simply because "the word" does not pass between federal research administrators. Note that I am not speaking of research that one scientist deliberately carries out to confirm or refute the discovery of another, for this is an essential part of the scientific process. Rather, I have been and am still concerned with the probability that needless and unwitting duplication of work occurs which could be minimized if scientists and administrators had a current, reliable and complete source of information about who is doing what research with federal funds. So I asked the agencies to supply me with a list of current research projects. Having little success with the direct request, I arranged for the Bureau of the Budget to ask the agencies to comply.[4] When all of the replies finally trickled in, it was evident that whatever the agency project information systems may be, they are simply incapable of readily providing summary information on research. Eight departments and agencies finally responded. Five separate replies were sent by Defense and six by the Department of Health, Education, and Welfare, bringing the total number of project information readouts to 17. Eight replies appeared to be printouts of computer systems, with the rest manually prepared. Two defense agencies submitted computer products and three manual ones. Later it was reported to me informally that project information had been taken from the computer-based systems, edited and put back in before being printed out for transmittal. Three of the agencies of HEW and four other agencies used the science classification system specified by the Bureau of the Budget in its Circular A-46. The remainder employed their own systems for identifying fields of science. The system used by the National Science Foundation, presumably the lead agency for federal information on science and technology, was different from that specified by the Bureau of the Budget.

Parenthetically, considering the many computers and elaborate information systems of government agencies, this simple request should not have produced the administrative convulsions that it did. The administrative entanglement indicated to me that each department goes its own way in research with little attention to that funded by others. There simply does not exist a system capable of quickly and easily informing research administrators in one department of what research of potential interest or use to them is currently funded by another federal agency. While coffee-break exchanges among scientists have their value, they are not an adequate substitute. It is well over a year since I inquired into this matter. Yet the Office of Science and Technology has not decided what current information about research projects should be collected, who should do the collecting, how it should be collected and who can have access to it. Perhaps we need some one to tackle this issue with the rigor of past efforts when the related question of cataloging and making available the results of research already done was exhaustively considered. Perhaps the reorganized Office of Management and Budget can give this a priority among its management functions.

My experience in trying to get current information on research confirmed yet again my observation that bureaucracies must often be kept after to obtain improvements in the administration of government-funded research. These improvements are all the more necessary in a time when the dominant question has changed from. "What can we spend our increasing research appropriations on?" to "How can we best spend the available appropriations for research?"

In this connection, to overcome the inertia, to get out of comfortable, well-worn ruts sometimes require heroic measures.

It was during the Senate's appropriation hearings in 1968 that I asked Dr. Foster of the Defense Department about duplication of research and about the relation of Defense-sponsored research, particularly its basic research, to that of other agencies. It was abundantly clear in his response that the Pentagon then believed all fields of science and technology were open to it, that it saw no inconsistency in funding basic research in fields already funded by civil agencies, and that *all* research projects it sponsored were somehow relevant to Defense needs. The Defense Department was adamant in its position that it must continue the full spectrum of research then being undertaken, even though by definition the outcome of much such research can neither be predicted nor its possible relevance to military science known. This testimony reinforced the conviction that research funded by the military appropriations had built up an enormous momentum, and that only the most forceful efforts by Congress could effect change in the direction of rechaneling federal responsibility for the funding of basic research. At the time, it seemed clear that there was not a national policy that viewed the nation's long-term interests. What to do about it was another question.

During the floor debate on the military authorization bill (PL 91-121) for fiscal year 1970, I added a rider which appeared as Section 203. It reads as follows:

"None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct or apparent relationship to a specific military function or operation."

That provision became law and the same provision now appears as Section 204 of the military authorization bill reported to the Senate for fiscal year 1971, but does not appear in the bill reported in the House.

I believe Section 203 is a necessary and practicable step towards the goals of reducing the heavy dependence of American science that has built up since the early 1950's. Properly and imaginatively administered, it can also lead to a strengthening and a rebuilding of the foundation for the future of much of American science.

The intent of the provision is clear. It is a mandate to reduce the research community's dependence on the Defense Department when it appears that the investigation under consideration could be sponsored more reasonably by a civilian agency. After all, the National Science Foundation was created by Congress back in 1950 specifically to channel federal funds into basic research. Since its creation, it has been the orphan child of the federal government's science policy. Since 1955 NSF has been given $2 billion to sponsor basic research. During this same period, Pentagon spending has been $3 billion on this same type of research; it has spent 50% more for the fundamental investigations—in addition to the many billions on advanced research and development of specific military needs—than has the agency set up for this sole purpose.

The addition of Section 203 to the military authorization law thus sought to set in motion a realignment. The language was intentionally imprecise in an effort to afford the Executive Branch an opportunity to start a process that would lead to the transfer of resources from the Defense Department to the civilian agencies—primarily to the National Science Foundation.

Clearly, Congress does not exist to operate the daily workings of the Executive. By law, however, Congress does have a responsibility together, with the President, to establish broad policies. Congress has a right to assume that policies so established will be followed. Much progress has already been made since Section 203 became law in the face of the resistance that has lingered in some quarters. The authorization for NSF funding for this coming fiscal year has been increased by about $75 million over last year. By comparison, this year the Defense Department's share of basic research funds will be $50 million less than that of the National Science Foundation.

By no means, however, does Section 203 intend to cut off the Defense Department from research that it needs. It is neither anti-military nor anti-research. Whether the language chosen is interpreted strictly or loosely, it is hoped that the ultimate result of this whole endeavor will be a continued high level of basic research funding by the federal government. Hopefully, we will see in the near future that the civilian agencies under the leadership of the National Science Foundation will develop as the primary source for these research funds. The responsibility of the civilian agencies to fund an appropriate share of basic research is in no way diminished by Section 203. The Pentagon will continue to have a responsibility for research—even basic research, one that allows those entrusted with military defense to maintain a full and necessary exchange with the researchers at the frontiers of science. The role of the Defense Department in sponsoring basic research, however, is intended to be incidental rather than predominant.

Turning now to the DoD response to Section 203, I believe that the review of research by DoD could have benefited from guidance and criteria issued by its top management. That did not happen. Instead, all that the Defense Department did was to send a memorandum to its constituent agencies informing them of Section 203 and telling them to comply.

When I inquired of DoD about their follow-through on this provision, Deputy Secretary of Defense Packard replied in part that the Department had contacted the National Academy of Sciences and invited them to consider carrying out an examination of all projects which might be affected. I thought this a constructive idea and wrote to Dr. Handler on December 5, 1969, to support this participation by the Academy. To my disappointment, Dr. Handler replied on December 12 that he must decline to involve the National Academy of Sciences directly in the review. He did volunteer to offer the Academy for any follow-up review. More important, he agreed it would be useful for the Academy to do two things. First, to formulate principles which might guide the administration of Section 203. Second, to undertake a projection of the implications and consequences of Section 203 with respect to the future of federal research policy and the national welfare. While I did not ask the Academy to do so then, experience with Section 203 indicates that it should do so now.

To date, there have been differences in application within the Department of Defense. On the one hand, for example, the Advanced Projects Research Agency asserts that none of its projects fail the test of Section 203, even though the General Accounting Office has singled out some as questionable in

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[4] Cf. Bureau of the Budget Bulletin No. 69-8, dated December 3, 1968, Subject: Listings of Federal Government contracts and grants for support of research.

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terms of this legislation and as more properly supportable by the State Department than by military appropriations. On the other hand, the Department of the Air Force has seized upon Section 203 to terminate research funded from appropriations prior to fiscal year 1970, with the excuse that they were carrying out the "Mansfield" philosophy.[5]

Of the 6,600 research projects that were reviewed, 220 were found affected by Section 203 which involved fiscal year 1970 funds totalling $8.8 million. This is about 4 percent of the $223 million that DoD obligated during this fiscal year for research at colleges and universities, and less than 1 percent of the $1,295 million of federal funds for university research and development estimated by the Bureau of the Budget for fiscal year 1970.

By comparison, the general tightening of the Defense research budget for fiscal year 1970 caused a reduction of $64 million, notwithstanding Section 203.

Recently, the Secretary of the Air Force testified that approximately 7 percent of the research projects, representing 3 percent of the Air Force research program, failed to pass Section 203. In comparison, tightening funds required a cut of over 10 percent.

Of course, Section 203 goes beyond the 220 projects immediately affected. Research projects funded from prior years' funds that do not meet the test of this legislation will be affected as they come up for renewal. The Comptroller General was unable to provide us with an estimate of the number of projects in this category or their total funding. Nonetheless, in my judgment, such projects should continue to their normal expiration, which will provide time for coordinated review by the Department of Defense with the civil agencies and for leadership and initiatives from the Office of Science and Technology. Despite its limited reaction to date, I still look to the Office of Science and Technology to provide the leadership necessary so that research affected by Section 203 which should be continued in the national interest will have a fair chance at the available basic research funds.

All that is required under Section 203 is relevance, which is not a dirty word as some critics of the Section sometimes seem to suggest. Relevance does not preclude agencies from funding basic research. Section 203 does not forbid the Defense Department from funding any and all research at colleges and universities. Had that been our purpose, we would have so written this legislation. What Section 203 does is to begin to close out a second and a backdoor National Science Foundation which has grown up in the Department of Defense.

It seems to me that the Defense Department can readily identify and justify many fields of fundamental research about which enough is known to judge their relevance to defense needs now and in the foreseeable future. Research funded in such fields as a result of announcement and publication of such DoD interests should produce proposals for research that would permit scientists to explore aspects of science which add to understanding in fields reasonably related to Defense needs.

The idea of relevance is now new. I should think that the Science Adviser to the President would be well acquainted with the following statements that support the principle of relevance.

First: "The Foundation shall be increasingly responsible for providing support by the federal government for general-purpose research through contracts and grants. The conduct and support by other federal agencies of basic research *in areas which are closely related to their missions* is recognizable as important and desirable, especially in response to current national needs, and shall continue."

Second: "Mission oriented governmental agencies do and should support much long-range basic research, information from which is calculated *to have a direct bearing on some aspect* of their mission. . . . All mission oriented agencies need to be in close contact with the best and most advanced research which can apply to their problems."

The first is from President Eisenhower's Executive Order No. 10521 of March 15, 1954, on scientific research. This order still stands. It was not rescinded by President Kennedy, by President Johnson or by President Nixon. The second comes from the recent advice to the President by his Task Force on Science Policy.

Section 203 opened to the Administration a unique opportunity to set in motion a rebalancing of the responsibilities of federal agencies for the funding of basic research. The section became law on November 19, 1969. Yet the budget for fiscal year 1971 does not indicate that this opportunity has been taken. There is no indication of a shift of basic research unrelated to defense needs to the National Science Foundation or other agencies and, at the same time, a corresponding reduction in Defense funding.

In short, timely arrangements have not been made for orderly decisions pursuant to Section 203. I wrote last fall to the Director of the Budget Bureau and to the Cabinet officers of Departments and other agencies concerned on that point. The letters have had no appreciable effect. The Research Management Advisory Panel to your Subcommittee recommended that the Section be administered so as to produce an orderly shift in sources of research support. What has happened to that recommendation? In the meantime, where is the contribution of the interdepartmental system for coordination in research to which reference is always made when Congress starts to talk about improving the administration of federal appropriations for research? What has it done?

All that is heard are requests for the abolition of Section 203. Indeed, there seems to be almost a willingness to risk the wreck of the whole DoD basic research program rather than take an innovative and imaginative response to the law. Again, however, what may be involved is the built-in inertia of bureaucracy.

To carry out the intent of Section 203 will require new ventures in interagency coordination. That is the responsibility of the reorganized Bureau of the Budget and the Office of Science and Technology under the President. Thus far, unfortunately, the White House science office apparently sustains the rigid opposition of the agencies to Section 203. That is most unfortunate because if there are to be improvements in coordination and a shift in the emphasis of federal policy with regard to support of basic research, it is going to take a joint effort by the President and the Congress.

To sum it up: We are in dire need of a new national policy on the federal role in science. Whether technological progress depends upon basic research is no longer an issue. That was agreed upon years ago; and I am sure it is the conviction of Congress that maintenance and hopefully growth in scientific activities are essential to the public welfare and the nation's future. But the policies of the 1950's and 1960's are not suitable for the already perplexing 1970's. Too much is at stake to depend upon fortune, upon luck, upon happenstance. Our policies must be soundly and thoughtfully conceived and guided.

If the Executive Branch is thinking about policy in these terms, no evidence of it has yet appeared in the public press despite recent inputs from the President's Task Force on Science Policy and the National Goals research staff.

I hope we can look to the scientific community for advice. Yet I recall that this community speaking through the National Academy of Sciences in 1965 was unable to answer the questions on how much money should be spent for research and how it should be divided up.

Recognizing the risk of oversimplifying, it would be my judgment that we can no longer rely for guidance upon an uncoordinated, unplanned collection of laws, orders, statements, understandings, and traditions. These all have their place. But we must now bring them together, which is what the inquiry of the Subcommittee is all about. I would hope that the Subcommittee on Science, Research and Development will continue its role of Congressional leadership and stimulate enough interest so that our leaders of government and science will sit down together and work out the principal outline and content of the kind of policy that is needed. It is up to Congress to assert its long-neglected responsibility and set forth a national policy for science. It is long overdue.

PROGRAM

Mr. GRIFFIN. Mr. President, before the vote, I would like to ask the majority leader, for the benefit of the Senate, about the schedule for the remainder of today and Monday.

Mr. MANSFIELD. Mr. President, there will be no further business today after the pending business is disposed of. After the pending business is disposed of, it is the intention of the joint leadership to lay before the Senate the drug bill, Calendar No. 1355, S. 3562, which I think has been worked out all around.

That will be the order on Monday when we convene and we will be coming in at 12 noon.

ORDER FOR RECOGNITION OF SENATOR FANNIN ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the Journal on Monday, the distinguished Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, that will be followed, beginning at 2 p.m., with debate on the television veto vote. It is expected—and this is tentative—that following that we will take up Calendar No. 1259, H.R. 18306, the financing of international organizations, Calendar 1347, H.R. 8298, the barge mixing bill, and perhaps Calendar 1356, H.R. 471, the Taos Indian bill, and that also is tentative. Before Wednesday we hope to be able to finish all those bills. In connection with the class action for consumers, I had stated it would come up next week but it will probably come up a week from Monday.

Mr. GRIFFIN. I thank the Senator.

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[5] In this letter to Rep. Daddario of June 5, 1970, Secretary Seamans wrote of Section 203: "We have attempted to meet the intent, as we understood it, rather than merely the letter of Section 203. Accordingly, we made no distinction between FY 70 or prior year funded research in our review. . . ."

XUM

DEPARTMENT OF LABOR AND DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 18515) making appropriations for the Department of Labor, Department of Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alabama (Mr. Allen), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Tennessee (Mr. Gore), the Senator from Michigan (Mr. Hart), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from Wyoming (Mr. McGee), the Senator from West Virginia (Mr. Randolph), the Senator from Georgia (Mr. Russell), the Senator from Mississippi (Mr. Stennis), and the Senator from Maryland (Mr. Tydings) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. Randolph), the Senator from Nevada (Mr. Cannon), and the Senator from Indiana (Mr. Bayh) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from Ohio (Mr. Saxbe), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Illinois (Mr. Percy) is absent on official business.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Hatfield), the Senator from South Dakota (Mr. Mundt), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 78, nays 0, as follows:

[No. 393 Leg.]

YEAS—78

Aiken
Allott
Anderson
Baker
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fulbright
Goodell
Gravel
Griffin
Gurney
Hansen
Harris
Hartke
Holland
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Ribicoff
Schweiker
Scott
Smith
Sparkman
Spong
Stevens
Stevenson
Symington
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—22

Allen
Bayh
Bellmon
Cannon
Dodd
Fong
Goldwater
Gore
Hart
Hatfield
Inouye
Long
McCarthy
McGee
Mundt
Percy
Randolph
Russell
Saxbe
Stennis
Tower
Tydings

So the bill (H.R. 18515) was passed.

The title was amended, so as to read: "An Act making apropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes."

Mr. MAGNUSON. Mr. President, for the information of Senators, because this could not be given before the vote, the total of the Senate bill is $19,239,514,078. This amount is $414,851,078 over the House figure and $480,137,078 over the President's budget estimate. The total Senate increase amounted to $168,550,000.

I move that the Senate insist upon its amendments, request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Magnuson, Mr. Russell, Mr. Stennis, Mr. Bible, Mr. Byrd of West Virginia, Mr. Holland, Mr. Cotton, Mr. Case, Mr. Fong, Mr. Boggs, and Mr. Young of North Dakota conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, once more the Senate must extend its deep appreciation to the distinguished senior Senator from Washington (Mr. Magnuson). As the able chairman of the Appropriations Subcommittee covering the Departments of Labor and Health, Education, and Welfare.

Needless to say this responsibility encompasses some of the most vital programs in the area of human need. His tireless efforts have been indispensible to the existence of these programs. His enormous legislative skill and effectiveness have assured their success. We are grateful.

The Senate is grateful as well to the distinguished senior Senator from New Hampshire (Mr. Cotton). His support and assistance, as always, were greatly appreciated. His splendid cooperation was indispensable to the success of this funding measure.

Noteworthy as well were the contributions of the distinguished senior Senator from New York (Mr. Javits), the distinguished Senator from Wisconsin (Mr. Nelson), the distinguished Senator from California (Mr. Cranston), and the distinguished Senator from Oklahoma (Mr. Harris). They, and many other Senators offered their own strong and sincere views to assure a provocative and most productive discussion.

All Senators may share in this success. It represents an outstanding achievement. Especially am I grateful for the splendid cooperation exhibited by all Members.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S FAMILY ASSISTANCE PLAN

Mr. JAVITS. Mr. President, there have been reports as recently as today that the President is losing liberal support for the proposed family assistance plan, and that a number of liberal Senators may vote against the administration's proposed program—in whatever form it may be considered on the floor.

Historically, the confluence of circumstances is such that it may prove to be a chance for putting a floor under welfare and making it a national responsibility, which if missed, may not recur again for a decade.

The family assistance plan, as proposed by the administration, clearly falls short of the fullest reform that may be accomplished, but we must not overlook its attributes while seeking to eliminate its shortcomings. It is, in fact, the first proposal to establish a basic Federal cash "floor" for substantial numbers of the poor, to extend coverage to the working poor, to alleviate the fiscal burden of the States and the cities, and to provide substantial amounts for child care.

Mr. President, it would be ironic, indeed, if at this historic moment those liberal forces that have brought us to the threshold of welfare reform were to fall apart, missing this, perhaps the sole opportunity in the coming years, to effect a basic and needed reform.

I cannot stand by and watch a proposal of such historic significance go down the drain either at the hands of those who regard it as providing too much or at the hands of those who view it as providing too little.

It is deplorable—but a reality nevertheless—that it appears easier to take a step on the moon than to take one solid, meaningful step on behalf of the 24.4 million poor, who through no fault of their own are unable to provide for themselves.

We must make every effort to make the step for welfare reform a big one—but we should take a first step this session, nevertheless.

As the somewhat more conservative Members of the Senate have had their opportunity to try to reduce the proposal to an experiment, so must liberals join together to endeavor to correct the major inadequacies of the proposal; but not at the price of seeing it go under now.

I feel, at the very least, the administration reform proposal should be reformed to:

First. Provide a truly adequate level of assistance;

Second. Include coverage of the working poor in the supplemental payments as well as in the basic Federal payment;

Third. Exempt mothers of school age children from the work requirements of the bill;

Fourth. Interlock the administration's family assistance plan with the food stamp program; and,

Fifth. Refine provisions for Federal administration, wage, manpower training, and child-care reforms so that the poor are respected as well as helped.

And, I hope that the administration will see fit to include in any "package" that it may propose on the floor, a number of the proposals which I and other Senators have advanced to this end. I urge, however, that Senators of liberal view unite in basic support of the basic bill for a family assistance plan.

PUBLIC SCHOOL 186—"WHAT FREEDOM MEANS TO ME"

Mr. JAVITS. Mr. President, 30 schoolchildren from Harlem—fifth graders from New York City Public School 186—recently rekindled their faith in the American dream. Competing in an essay contest to define "What Freedom Means to Me," they produced expressions of real depth of feeling. The children of this same school sang the background music for a new series of records dealing with a documented history of the black experience in American history, entitled "Silhouettes in Courage."

Mr. President, I ask unanimous consent that there be printed in the Record a statement by one of these children, a story from the New York Times of July 11, 1970, a release concerning their visit to the Capital this September, and a letter to their leader from President Nixon.

There being no objection, the items were ordered to be printed in the Record, as follows:

What Freedom Means to Me

(By Fay Greene)

Freedom means an awful lot to me. It almost means my life, because freedom is love, happiness, friendship, and very, very hateless. If I were a slave and didn't have any freedom at all I will feel like dirt, but if I were free I will feel like freedom has changed my life. Freedom is just like a new baby just being born, and trying to explore the new world.

I love freedom. Freedom means an awful lot to me.

[From the New York Times, July 11, 1970]

Pupils Bring Harlem to Youths at the U.N.

United Nations, N.Y., July 10.—Fifty-two Harlem school children—disturbed at the possibility that delegates to the World Youth Assembly might have no opportunity to visit their community—came here today "to bring a little Harlem to them" as one child put it.

In a rare lapse of security, the giggling youngsters were allowed on the grounds near the visitors entrance, apparently by guards believing they were a touring school group.

Within two minutes, however the children, from Public School 186, had gathered around their music teacher, David McNair, and had begun serenading youth delegates and tourists with gospel, folk and patriotic songs.

A security official, who could recall no precedent, said, "We just didn't have the heart to ask them to leave.

INVITED BACK BY ASSEMBLY

Officials of the youth assembly were so impressed with the group's singing and intent that they invited them back for a performance before the entire assembly next Friday.

The elementary school youngsters, many wearing freshly ironed white shirts or colorful party dresses, accepted the invitation with shouts and clapping.

There was, however, one exception. One little boy, who said he had forgotten his name, told Jorgen Olesen, a Danish youth delegate, that he did not want to come back because his feet hurt from standing so long. The serenade lasted about 45 minutes, until 1:30 P.M.

TO MAKE PEOPLE HAPPY

Adults who accompanied the children said that the visit had been prompted by news reports that a city bus tour for the delegates did not include a stop in Harlem and that some of the 600 delegates at the conference were afraid to visit there alone.

"We came to sing to make the people happy," said Brenda Keyes, a 9-year old 5th grader in the school at 521 West 145th Street. She was wearing a bright blue dress and shyly looked down at the sidewalk.

Charles Burley, age 11, of 1741 Amsterdam Avenue, said he knew the delegates would like the songs because he had solos in several of them.

The pupils opened their singing with "Welcome, Welcome Every Guest" and then sank "America, the Beautiful" and "We Shall Overcome" plus several gospel and folk songs, including some in Spanish.

Each song was followed by applause from the crowd of 150 that gathered to listen and take photographs.

"This will do more for American diplomacy than four overseas concert tours," said one youth delegate, as he accepted a copy of a phonograph record, "P.S. 186," which some of the children made last year.

They distributed several dozen records to the delegates as "welcoming gifts."

Thirty Harlem Youth Go To Capture Capital

The soul and substance of Harlem was never as sweet as it comes from the 4th and 5th graders from No. 186. The youngsters from New York City's Public School 186 go to the national capital area September 11 thru 14, 1970.

These talented kids were discovered when Silhouettes in Courage, Inc. was producing its four volume recording series of the black experience in United States History. While looking for background music and sounds, Silhouettes in Courage, President, Charles Jones found inspiring talent.

Jones decided to challenge all of the students at P.S. 186 by organizing an essay contest on "What Freedom Means to Me." The essay contest crystallized a broad range of verbal and visual art among the youngsters. In the process that followed "P.S. 186" became the name of a powerful youthful record of soul and gospel sound. The jacket design came from one youngster and the essay winners provide music lovers with some sound ideas on freedom today. The combination was a success.

One of the only areas of agreement during the recent World Youth Assembly at the United Nations was a command performance of the "P.S. 186" singers. Apparently the World Youth Assembly delegates were discouraged from a Harlem visit. But the youngsters were ready to bring Harlem to the United Nations. International understanding happened in the process.

Now the youngsters have been invited to the National's Capital—the first trip out of Harlem for most. Their message is that kids and creativity are alive and active in Harlem. Their gospel and soul music will carry love, hope and belief towards a world of peace.

Woodward and Lothrop and Radio Station WMAL are the hosts, "P.S. 186" are the guests of honor. And the Girl Scout Council of the Nation's Capital will chaperon.

The White House,
Washington, September 24, 1970.

Mr. Charles Jones,
President, Silhouettes in Courage, Inc.,
New York, N.Y.

Dear Mr. Jones: It was very kind of the group of Fourth and Fifth Graders from New York City to bring inscribed copies of their record album, "P.S. 186," for my daughter and me when they visited the White House recently. I was pleased to have their personal sentiments of what freedom means to them and I hope you will convey our appreciation to all of the young people who contributed their musical talents so generously. Certainly they, together with the teachers and administrators who collaborated in this school effort, are to be commended for the splendid spirit of patriotism and good citizenship reflected in their performance.

Tricia joins me in sending our thanks and best wishes to all of you.

Sincerely,

Richard Nixon.

ADJOURNMENT UNTIL MONDAY

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment, in accordance with the previous order.

The motion was agreed to; and (at 5 o'clock and 41 minutes p.m.) the Senate adjourned, in accordance with the previous order, until Monday, November 23, 1970, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 20, 1970:

Diplomatic and Foreign Service

Melvin L. Manfull, of Utah, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

U.S. Advisory Commission on International Educational and Cultural Affairs

The following-named persons to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs for terms expiring May 11, 1973:

Dr. Homer Daniels Babbidge, Jr., of Connecticut.

Dr. Martha B. Lucas Pate, of Connecticut.

UNESCO Representative

Louise Gore, U.S. member of the Executive Board of the United Nations Educational, Scientific, and Cultural Organization, to serve on the Executive Board with the rank of Ambassador.

U.S. Army

1. The following-named officers for temporary appointment in the Army of the United States, to the grades indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

MEDICAL CORPS

To be major general

Brig. Gen. William Henry Moncrief, Jr., 251–64–2082, Army of the United States (colonel, Medical Corps, U.S. Army).

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To be brigadier general

Col. William Hyde Meroney III, 246-07-1982, Medical Corps, U.S. Army.

2. The following-named officers for appointment in the Regular Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. Robert Morris Hardaway III, 586-60-4321, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Edward Henry Vogel, Jr., 453-16-5528, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. William Henry Moncrief, Jr., 251-64-2082, Army of the United States (colonel, Medical Corps, U.S. Army).

Maj. Gen. Spurgeon Hart Neel, Jr., 415-09-2779, Army of the United States (colonel, Medical Corps, U.S. Army).

U.S. NAVY

Rear Adm. George E. Moore II, Supply Corps, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of vice admiral while so serving.

U.S. COAST GUARD

The nominations beginning Newton L. Bennett, to be lieutenant (junior grade), and ending Robert A. Yuhas, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 8, 1970; and

The nominations beginning William C. Behan, to be captain, and ending Larry K. Carr, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 1970.

DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning Francis S. Ronalds, Jr., to be a Foreign Service information officer of class 2, a consular officer, and a secretary in the diplomatic service of the United States of America, and ending William C. Wagner, Jr., to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the Congressional Record on September 28, 1970.

U.S. ARMY

The nominations beginning Ralph D. Pinto, to be colonel, and ending David J. Walker, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 8, 1970.

U.S. NAVY

The nominations beginning Marvin Roy Aardal, to be lieutenant, and ending Frances Elizabeth Zuber, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on October 8. 1970.

U.S. MARINE CORPS

The nominations beginning Hugh S. Aitken, to be colonel, and ending Kenneth W. Zitz, to be captain, which nominations were received by the Senate and appeared in the Congressional Record on October 8, 1970; and

The nominations beginning Margaret A. Brewer, to be colonel, and ending Ralph A. Zimmerman, to be major which nominations were received by the Senate and appeared in the Congressional Record on October 8, 1970.

EXTENSIONS OF REMARKS

CIGARETTE ADVERTISING

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Friday, November 20, 1970

Mr. MOSS. Mr. President, last week Warren Braren, formerly manager of the New York office of the National Association of Broadcasters Code, filed a petition relating to cigarette advertising. In his petition, Mr. Braren documents fairly, but unsparingly, the cigarette companies' excesses and abuses of the advertising media and calls upon the Federal Trade Commission to issue firm, restrictive rules eliminating such abuses. The merit and pursuasiveness of his case appear to me to be beyond question.

Because the situation he describes must trouble the conscience of every American concerned with the public health, I ask unanimous consent that the text of Mr. Braren's letter to the Trade Commission be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW YORK, N.Y.,
November 12, 1970.

FEDERAL TRADE COMMISSION,
Washington, D.C.

GENTLEMEN: The enormity of the public health problem relating to cigarette smoking compels the undersigned to respectfully petition the Commission to set forth prior to January 2, 1971:

(1) Its enforcement policy with regard to all themes and representations in cigarette advertising, promotions and on packages, which have the capacity to deceive or mislead the public, and

(2) Its procedures with respect to carrying out this enforcement policy.

By way of identification, the petitioner is the former manager of the New York Office of the Code Authority, National Association of Broadcasters. He directed Code activities relating to the content of commercials and particularly was responsible for supervising the only broadcast industry study on cigarette advertising. The study culminated in a report critical of many themes employed in promoting cigarettes. The report was publicly released by him in June 1969 prior to his testimony before Congress and this Commission on broadcast self-regulation and cigarette advertising.

NATURE OF PROBLEM

A look at cigarette advertising as it prepares to shift to non-broadcast media as of January 2 reveals that:

(1) Expenditures in print and other non-broadcast media will jump in some cases 300 or more per cent, possibly reaching $150 million.

(2) The industry's Cigarette Advertising Code disbanded as of August 1, leaving not even that weak form of regulation overseeing the claims and appeals used in cigarette promotions.

(3) Themes and representations implying health benefits that were once prohibited under self-regulation are now being widely and extensively circulated.

(4) The public's concern over pollution of the environment is being exploited by some brands as a marketing tool.

(5) Previously unused promotional gimmicks have emerged, including direct tie-ins with clothing manufacturers and salons.

(6) Newly introduced pictorial and other representations on cigarette packages are diluting or negating the required health warning.

(7) The FTC has failed to act upon the many criticisms of cigarette advertising and promotion contained in its own Reports to Congress.

The petitioner's request for Commission action is necessitated by the wide range of deceptions or misrepresentations, direct or implied, that exists in cigarette advertising and labeling. Most of the themes involved are not unknown to the Commission. They are of the same nature or closely parallel those extensively criticized in the Commission's Reports to Congress which led in part to the passage of the Public Health Cigarette Smoking Act of 1969.

The action requested is required regardless of the status of the Commission's proposed trade regulation rule requiring tar and nicotine content disclosure in cigarette advertising.

PUBLIC HEALTH CIGARETTE SMOKING ACT OF 1969

Under the old Cigarette Labeling and Advertising Act which expired in July, 1969, the Commission was in a delicate position with regard to policing cigarette advertising. The tacit understanding was that the Commission should be patient while the tobacco industry and media were given the opportunity to self-regulate. That situation no longer exists under the new legislation.

The two most publicized features of the 1969 Act relate to the revised health warning on packages specifying that ". . . cigarette smoking *is* dangerous to your health" (emphasis supplied) and to the ban of all broadcast cigarette commercials effective January 2, 1971.

But the Act contains an equally important feature which, if given incomplete attention, has the capacity of substantially lessening the public health benefits that are intended to result from the first two provisions. Specifically the statute makes positively clear that the FTC has full authority to act with respect to unfair or deceptive practices in all remaining advertising of cigarettes. This includes the issuance of trade regulation rules and affirmative disclosure statements (except that a health warning in advertising is precluded at least until July 1973).

Quite clearly the success of this Public Health Act depends in no small measure on the Commission assuming its full responsibility in policing the themes and representations employed in the promotion of cigarettes. If these themes and representations enjoy unfettered license, they can readily negate and offset the new health warning and broadcast ban.

TIMING FOR ENFORCEMENT CRITICAL

It is essential that the Commission move at once to correct the many abuses which exist in cigarette advertising and labeling. January 2, 1971, represents a turning around period. Advertisers are gearing up for the change to non-broadcast media effective that date. These media, as discussed later, will experience large jumps in the amount of cigarette advertising. Now clearly is the time to set up warning flags so all parties concerned are fully aware of the Commission's enforcement policies.

REPORT TO CONGRESS

The Commission in its four Reports to Congress[1] on cigarette advertising and labeling was emphatic in its finding that cigarette advertising creates the impression that cigarette smoking is a healthy activity. The Reports raise many serious questions with respect to the nature of individual themes and representations. These criticisms fall into three prime areas of concern:

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[1] 1964, 1967, 1968, 1969.

(1) Satisfaction theme—smoking and the kind of taste derived from it are satisfying,

(2) Associative theme—smoking associated with that which is desirable or even good, and

(3) Assuaging of anxiety—smoking is relatively free of hazard.

Thus the 1969 Report concludes in part that the "net effect (of cigarette advertising) is to portray smoking as socially desirable, healthful, youthful and contributing to, or reflecting, material success. The health hazards of smoking are ignored or denied, usually by means of indirect references . . . (the) risk, to the extent that it exists, can be reduced through the presence of a filter."[2]

These same types of themes and representations, with the possible exception of tar and nicotine claims, continue unchecked. In fact some have been elaborated upon, and new themes capitalizing on the public's interest in pollution and the environment have been introduced.

EFFORTS TO MOTIVATE SELF-REGULATION OF CIGARETTE ADVERTISING

The Commission, as well as members of Congress and health officials, made its criticisms known to self-regulatory authorities seeking to spur industry and media to take more meaningful actions.

In November 1965, the Commission wrote to cigarette and broadcast industry officials calling attention to the need to eliminate "advertising which tends to negate, contradict, obscure, undermine, or dilute the cautionary statement on cigarette packages." It went on to state that "the provisions of the Codes appear to be inadequately designed to achieve Congress' objectives that the public should in no way be misled, or lulled into a false sense of security, with respect to the health hazards of cigarette smoking." The request essentially went unheeded, the rationale being that both the cigarette industry and broadcast Codes were being responsive in dealing with this problem.

The Commission wrote the Code Authority again in March 1967 indicating that the "showing (of) handsome and attractive men and women smoking and enjoying cigarettes" appeared to violate the Television Code cigarette standard. The response was non-committal.

In both of these instances, the Commission indirectly affirmed the criticisms and conclusions contained in its Reports to Congress.

CIGARETTE ADVERTISING CODE AND PRINT MEDIA

Every informed person knows that cigarette advertising enjoyed considerable leeway under the self-regulatory programs. The Commission concluded that its Reports "amply demonstrate the futility in relying upon voluntary regulation of cigarette advertising to achieve any significant changes in the content and meaning of cigarette advertising."

Today there is no administrated self-regulation of cigarette advertising. The Cigarette Advertising Code (CAC) fumbled and finally closed its door on August 1 of this year. It exists now only on paper. The industry has discreetly avoided a public announcement.

As for print and other advertising media, outside broadcasting, they do not even pretend to standards affecting the content of cigarette promotions. The only restraint is found in the few publications that do not accept such advertising.

From another vantage point, the advertising column in the October 10, 1970 Sunday New York Times described the pressures on media from advertisers and agencies. Referring to "advertising standards that give a little" it implied that it is only human for media standards to become flexible when confronted with advertising budgets.

This is the situation which prevails as well over $100 million in cigarette revenue lines up to be spent next year in non-broadcast media. Consequently, now more than ever, the public must look to the Commission to control cigarette advertising representations.

INEFFECTIVE SELF-REGULATION MORE EFFECTIVE THAN THE FTC

Paradoxically the collapse of the CAC has not resulted in more effective control of the themes and representations employed by cigarette manufacturers. Rather the situation has grown worse. Claims and depictions implying health benefits which had been precluded by the industry's own Code now run rampant.

Under section 3 of that Code, a cigarette's filter could not be high-lighted nor could there be emphasis placed on a filtration process. Descriptive names for the filter (e.g. micronite) were taboo. Diagrams, full shots of the filter and the like were minimized or eliminated altogether. Claims of innovation for a filter were unacceptable without proof of medical significance.

Under section 4, "mildness" claims had to be qualified to refer to "taste." Even that euphemism is often omitted today. "Activated charcoal" was ruled out. Discussion of gases in cigarette smoke was unacceptable. Menthal cigarettes were unable to be displayed on ice or snow. References to "fresh air" would never have made the grade, not to mention the claim "stop smogging" and references to "modern science."

These sections of the tobacco Code were rescinded after the Commission policy statement of March 1966 allowing tar and nicotine representations in advertising.

FTC FAILS TO CONTROL HEALTH CLAIMS

At one point, it appeared that the FTC was going to exercise its statutory authority in cracking down on the whole range of health claims not directly related to a cigarette's tar and nicotine content. Two articles appeared in the Wall Street Journal issues of January 16 and March 18, 1969 disclosing an FTC investigation begun in December 1968—almost two years ago! The articles cited a two-page questionnaire which had been sent to tobacco companies requesting scripts and substantiation of health claims made in all ads.

Reference is made in these articles to the charcoal filters of Tareyton and Lark and the gas phase of cigarettes; to other filter descriptions and representations relating to a filter process; and to the complicated inner workings of filters—all in terms of implying "comparative safety." The latter article clearly indicates that the ensuing FTC staff report concluded that such implied health claims should be halted. The report apparently was before the Commission in March 1969. A year and a half later the Commission has failed to act to control such deceptive representations.

LARK'S GAS-TRAP FILTER CAMPAIGN

The Lark "gas-trap filter" campaign is an example of advertising running wild unchecked by any kind of reasonable public interest regulatory standards.

One current ad shows a road sign reaching out at you with the blue sky as background—the sign title reads "STOP SMOGGING." The copy reads "start smoking Lark. You see modern science uses a special type of charcoal to clean air" and so on. Another shows a city bus spewing exhaust blackening its backside and the surrounding air while the bus prominently displays a billboard conveying the solution—"why don't they put Lark's gas trap filter on me?" The implication of health benefit could not be clearer.

In still another, four people are shown grimacing while the ad title reads—"Just what does gas in cigarette smoke taste like?" The solution, of course, is Lark. Finally, Lark's filter is named "The GAS MASK" and is directly equated with one—"it actually works just like a gas mask." The contention gains support through the aseptic display of an oversized Lark cigarette with dissected wrapper attractively showing the magic charcoal granules.

A gas mask cleans air and makes it safe for you to breathe! The gas-trap filter cleans smoke and makes it safe for you to inhale. As an added plus it stops "smoggy taste." Then for the crowning touch, some of these ads show the Lark package diagram of the filter which, in addition to the gas filter, points to tar and nicotine filters #1 and #2. According to the latest FTC test Lark 85 mm contains 17.2 mg. tar; 100 mm 17.6 mg. tar, ranking 31 and 38, respectively.

These representations constitute blatant deception, unabashedly taking advantage of the public's concern over pollution and the quality of air, while cynically disguising the real nature of the health hazards presented by smoking.

On February 13, 1969, the Code Authority wrote to the Commission seeking clarification of its enforcement policy relative to the effects of gases in cigarette smoke. Despite the statements in the Wall Street Journal, the Commission responded on April 17, 1969 advising that it had "decided to await the action of Congress before the Commission addresses itself to the subject." Now Congress has acted and the Commission has remained silent even though it criticized the gas phase advertising in its 1969 Report to Congress. As a result, the public—even under the new FTC provision in the Public Health Cigarette Smoking Act of 1969—is being subjected to the worst sort of confusion and abuse in this vital public health area.

ACTIVATED CHARCOAL AND THE GAS THEME

Tareyton likewise has been touting its "activated charcoal" ever since the CAC deleted its health claims sections. Typical copy now reads "Tareyton is better, charcoal is why . . . activated charcoal delivers a better taste. A taste no plain white filter can match." The taste qualification notwithstanding, the emphasis is on supplying protection and allaying the smoker's fears related to his health.

Multifilter, a comparatively new brand, pictorializes its charcoal filter in much the same aseptic way as Lark. The display of the filter has a medical, space-age technology feeling. It reassures as the copy reads "Activated Charcoal Granules; highly absorbent of selected gases to smooth out flavor." The brand also takes advantage of the fresh air problem, calling attention to its "Fresh Air System: acetate fibers reduce tar, while fresh air injection surrounds and freshens flavor." The implication of health benefit is overt. The name of the brand alone would not have been approved under the industry's own Code.

FRESH AIR BECOMES MARKETING TOOL

The public's concern with the quality of air it is being forced to breathe has become fair game for cigarette advertising. There can be no vestige of scruples when that which pollutes your lungs is tagged with a "fresh air" label. Cigarette advertising used to hint at fresh air through the display of open spaces and the feeling of freshness. Now it has become overt. Multifilter is a case in point. Then there is Belair, which lets you "start fresh" showing a couple in the beautiful, cool blue of a shoreline and open sky.

A new brand, Maryland 100's actually has been introduced around a fresh air theme. It claims "100% fresh air cured tobacco (for)

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[2] The findings and conclusions in these Reports are remarkably similar to those contained in the aforementioned broadcast industry report on cigarette advertising conducted in 1966.

XUM

fresher menthol flavor" while its package is displayed in the open, fresh air countryside. Preparation is your safeguard. Tobacco is treated to "fresh air for up to eight long weeks." The removal of noxious substances is clearly implied.

Lucky Filters, a brand relatively high in tar, ranking in the upper 70's out of 118 brands last tested by the FTC, takes full advantage of this custom-made diversionary tactic. It speaks of "air-cured tobacco (giving) you a lighter taste . . . you'll like the fresh change." This kind of terminology clearly keeps the public offguard. It misleads by creating a false sense of security and by confusing the public as to the real meaning of tar and nicotine levels.

OTHER TYPE FILTER REPRESENTATIONS

Parliament claims "it works just like a cigarette holder works." Some ads show Parliament selected from a dozen cigarette holders. The health promise is plain—"the filter is recessed, tucked back away from your lips. So you only taste the good, clean Parliament flavor. The Parliament cigarette holder. It works." To do what?

New Kent Menthol 100's has "got it all together!", with a "Wow!" no less. And what does "all together" mean?—"a new kind of menthol refreshment. Brisk, breezy flavor . . . Kent's exclusive micronite filter . . . good rich taste." These are "all the good things of a Kent." The "good things" of a Kent consist of terminology and portrayals which substantially mask the health hazards attendant to smoking the product.

Another new brand, Mark VII, highlights its "puff-control filter" according to press reports. Still another, New Leaf, scheduled for an $8 million campaign in November and December of this year alone, has as its principal theme the phrase "gives you a tingle." Without seeing the ads, it is hard to imagine how this promise of sensation will contribute to the smoker's awareness of the health hazards attendant to smoking.

MILDNESS

Raleigh Filter Longs let you "spend a milder moment" with its "quiet taste." A beautiful golden sunset and romance complete the milder moment with the reader assured that ". . . special treatment softens the tobacco for a smoother, milder taste." The words milder, quiet, smoother are as reassuring as the serene beauty of the moment depicted in the ads. The feeling is that the product is good for you.

Chesterfield 101 promises "gentle flavor for the mildest of taste." The deceptive nature of the words is brought home when you realize that the brand ranks an incredible 90th in the most recent tar listing.

Other brands take advantage of mildness and similar references. Advertisers simply use these reassuring words as part of their jargon without hindrance from the Commission.

BEAUTIFUL PEOPLE IN BEAUTIFUL PLACES DOING BEAUTIFUL THINGS

Cigarette smoking most often does not represent a rational choice on the part of the smoker. It is tied up with many emotional and peer group considerations. The themes in cigarette advertising take full advantage of these very human frailties and susceptibilities. These themes divert attention from considering the real consequences of smoking.

The three Chesterfield brands in a coupon campaign use the theme "Chesterfield the beautiful giver." Bold copy reads "beautiful taste, beautiful gifts, beautiful new packs. Everything is beautiful with Chesterfield." Not just the taste, not just the gifts, not just the packs—everything! Including one's health?

Current Viceroy ads show an attractive young lady in a modern boutique. Clad in a mini dress, she is just the kind of girl that catches your eye. "Her clothes? Anything goes. In a smashing size 7. Her cigarette? Nothing short of Viceroy Longs. She won't settle for less." A young couple "famous" for their dinner parties is seen in a specialty foods shop "searching out the unusual. Their cigarette? Viceroy. They won't settle for less. It's a matter of taste." To be in good taste in all things includes smoking Viceroy!

The romance and sexual attractiveness themes continue in many ads. Kent's "good time" generally features a couple enjoying life. Meeting, getting together, doing things is made complete through smoking.

Salem carries the romance theme into "springtime." A youngish man and woman look at each other as if they have discovered true love for the first time. Purity of love, purity of springtime. New life. "You can take Salem out of the country, but . . ." It ranks 89th on the latest tar scale!

No one can contend that the man who "walks a mile for a Camel" is not a rugged individualist. The copy rightfully should go on to read "he likes his tar strong." Regular size non-filter Camel almost hits the jackpot at 105th. Old Gold Filter, also promoted for "independent people," stands in the same league at 101st on the scale. Marlboro individuality and rugged outdoor themes still leave you with a cigarette which, depending upon the size, ranks 71st to 91st in tar content.

The number of unfeminine or unattractive women who have appeared in cigarette commercials can be counted on both hands. But it took Virginia Slims to help make the American woman what she is today. Comparing today's woman with her drab counterpart of yesteryear, copy stresses "we made Virginia Slims especially for women because women are dainty and beautiful and sweet and generally different from men." Femininity, up-to-date appearance, become equated with smoking.

Beautiful people in the kinds of places people enjoy, doing the kinds of things that give people satisfaction. These themes and others related to them have been amply documented and criticized in the Commission's Reports to Congress. There has been no change for the better in 1970. What has proved successful in TV obviously will set the tone for promotions in print and other media. Clearly the Commission's repeated criticisms require action in the form of enforcement.

OTHER PROMOTIONAL AGENCIES

Both Lark and Pall Mall have found yet another way to enhance the attractiveness of cigarette smoking and to allay any fears smokers may have.

Elizabeth Arden has now introduced the "Lark Collection . . . fashions that are a lark to wear and a lift to live in." Chic fashion and the salon are interwoven with "today's distinctive taste in cigarettes." At Elizabeth Arden you can be massaged, bathed, exercised, etc. With the admonition to "surround yourself with beautiful things" and "be perfectly proportioned from head to toe," Lark becomes an integral part of the cultured up-to-date woman.

Pall Malls tie-in is with the latest fashions sold to stores by Anne Fogarty. The theme is "Pall Mall Gold . . . longer yet milder. Anne Fogarty . . . longer yet wilder." The clothes complement the cigarette. The cigarette complements the clothes.

These types of tie-in arrangements could prove to be a natural for print media. Directly associating cigarettes with products and services which do not involve health considerations might well comprise an unfair trade practice since the hazards of cigarette smoking through these tie-ins are rendered inconsequential or non-existent.

In still another media, a United States Lawn Tennis Association tournament took place in Houston this September. Its name—Virginia Slims. Women players were featured at the tournament. The identity of the cigarette with the sport seems implicit.

Point of purchase devices use terminology urging the shopper not to leave before purchasing a brand of cigarettes. These pleas can be of no help to persons looking for support to shake the smoking habit or not to begin. What better than impulse buying of cigarettes? These appeals contain no tar and nicotine information which might at least guide some purchasers in their choice of brand.

CIGARETTE LABELING

More than ever, the package is becoming a form of advertising. Colorful, pictorial representations wrap around the package itself creating an aura and image clearly in conflict with the warning on the side panel. The warning tends to become lost or at least insignificant.

The Chesterfield Menthol pack is covered by a picture of a babbling brook running through a beautiful green forest—a couple is seen relaxing and smoking. Chesterfield 101 shows a beautiful golden sunrise with a couple on a sailboat in calm waters enveloped by the sun. Chesterfield King Size Filters portrays a couple on horseback riding contentedly in reddish warmth of dusk passing a beautiful overhanging tree.

The appeal of bright red fall foliage is the setting for a couple walking arm and arm through the woods on the L & M Filter Kings pack. L & M Filter 100's takes advantage of rustic fall foliage reflecting in a crystal clear lake which bubbles over a waterfall as a couple looks on. The L & M Menthol pack shows the couple standing on a rock as beautiful, blue water swirls by with green trees overhanging in the foreground and as background.

The types of representations on the Chesterfield and L & M packs clearly suggest moods conducive to relaxing, unwinding, and enjoying. All tension, anxiety and frustration are absent. The cigarette is portrayed as one of the vital dimensions which exist between male and female.

Other cigarette labels, such as Lark and Doral, employ graphic filter diagrams; or, as True, portray the filter prominently conveying an aseptic, space age technology feeling. The Multifilter label uses two circular designs graphically symbolizing the protection features of its filter.

Failure of the Commission to make known its enforcement policy with respect to promotional representations on cigarette packages allows manufacturers to use these packages to deceive and mislead the public.

ONE HUNDRED AND FIFTY MILLION DOLLARS TO PROMOTE CIGARETTES IN 1971

Cigarette advertisers have been rushing to introduce new brands prior to the legislative ban on radio and television commercials for cigarettes commencing January 2, 1971. According to an article in the September 16, 1970 Wall Street Journal, plans have been made for next year to more than triple the advertising budget for newspapers to a new high of $50 to $75 million; magazine advertising revenue will rise more than $10 million to a high of $40 million; billboard advertisements will triple to an approximate $6 million.

Later reports show even these figures to be too low. An October 16, 1970 Advertising Age article authoritatively projects outdoor ads in the $30 to $40 million range with Brown and Williamson alone spending $7 million in this medium for 1971. The same article projects magazines "far above $50 million."

Advertising Age the following week indicated that American Brands was seeking guaranteed positions (52 week, 5 day per week schedules) in newspapers to the tune of "$15 to $30 million in small-space ads" with the deal hinging on "fixed position above the TV log." American clearly seeks to offset the loss of TV penetration.

These figures could well add up to $150 million used to promote cigarettes in non-broadcast media during 1971. It is quite obvious that cigarette manufacturers are dramatically increasing their budgets in these other media. In so doing, they are ignoring the pleas of Senators Moss and Magnuson, and of other members of the Senate Commerce Committee who worked so diligently to pass the 1969 Public Health Cigarette Smoking Act. The nature and volume of this promotion makes the third provision of the act pertaining to the responsibilities of the FTC all the more important. According to the Wall Street Journal of November 5, 1970 cigarette sales are "looking stronger lately," so much so that "some analysts predict per capita consumption will show a gain for 1970."

TAR AND NICOTINE CONTENT DISCLOSURE IN ADVERTISING

The Commission's statement of March 25, 1966 opened the way for tar and nicotine claims in advertising. The Commission clarified its enforcement policy with respect to such claims in two additional letters on October 25, 1967 and October 8, 1969. These actions clearly establish precedent for the Commission to issue statements covering its enforcement policies pertaining to the full range of potential deceptions and misrepresentations in cigarette advertising.

The proposed trade regulation rule requiring disclosure of tar and nicotine contents in all cigarette advertising does not deal with what is being said and shown in the ads and on the packages. Such disclosure, prominently made, is necessary to inform the public. Unfortunately its utility risks being negated, diluted or rendered inconsequential in the absence of Commission action dealing with the themes and representations used to convey a positive, healthy image for cigarette smoking. Claims employing health benefits clearly must be delimited to those relating to tar and nicotine levels—at least until such time as medical science clearly recognizes other aspects of smoking as being important to the health of the smoker.

THEMES AND REPRESENTATIONS REQUIRING ISSUANCE OF ENFORCEMENT POLICIES

This petition is to request the Commission to set forth its enforcement policies with respect to all themes and representations employed in cigarette advertising promotions and on packages which have the capacity to deceive or mislead the public particularly in matters which bear on the smoker's health. These themes and representations include but are not necessarily limited to the following:

(1) Effect of gases in cigarette smoke and attendant claims.

(2) Use of terms and descriptions identified with the public's concern over pollution and the environment.

(3) Promotion of filters including the use of descriptive devices, names and terms which state or imply unique or special benefits.

(4) Claims for the subjective quality of the smoke, e.g. mild, cool, light, smooth.

(5) Representations of satisfaction, including enjoyment, refreshment, quiet relaxation and uplift.

(6) Association of smoking with the latest "in" styles of dress, demeanor and surroundings.

(7) Relating the special qualities of feminity, rugged masculinity, individuality and overall physical attractiveness to smoking.

(8) Implications that romance and sexual attraction go hand in hand with smoking.

(9) Equating smoking with the beauties and serenity of nature, e.g. springtime, bubbling brooks, sunsets.

(10) Employing symbols and copy identified with popular causes related to youth.

(11) Tie-ins of smoking with fashions, or other products and services, which do not involve health considerations.

(12) Promotion of athletic and other sports activities, including identifying the brand or company name with a sports event.

(13) Use of placards, counter cards, window decals and other devices directly urging people at point of purchase to buy a particular cigarette brand.

(14) Employing the package as promotion in a manner which distracts from or negates the impact of the required health warning, e.g. pictorial representations, cross-sectional and other filter depictions implying benefits other than those related to the level of tar and nicotine content.

MONITORING OF ANTI-CIGARETTE SMOKING MESSAGES

In its July 22, 1969, testimony before the Consumer Sub-Committee of the Senate Commerce Committee, the Commission committed itself to periodically reporting back to Congress on "the effectiveness of cigarette labeling, of anti-cigarette commercials, and of the voluntary discontinuance of television and radio advertising." The inclusion of anti-cigarette commercials is extremely pertinent in light of the Commission agreeing, and the 1969 Act stating, that it will take no action prior to July 1971 on its proposed trade regulation rule requiring a health warning in advertising.

Anti-smoking messages to be effective must receive extensive repeat exposure. A record as to the volume of this exposure must be accurate and readily available to facilitate determination of effectiveness. The responsibility for seeing that such a record exists falls with the Commission. This requires planning and setting up a monitoring program covering all media.

ALLOCATION OF RESOURCES AND STAFF INADEQUATE

For years now the Commission has failed to allocate sufficient resources and to assign adequate staff to handle cigarette advertising and promotions. In fact, not one attorney has been assigned to cigarettes full time throughout the year. Rather one or more staff members give part time attention to cigarettes with the number increasing at Report times.

The Commission cannot pretend to be effectively policing cigarette advertising and promotions until it assigns an adequate number of qualified staff members full time to the task; and until it establishes procedures which realistically are capable of carrying out meaningful and significant enforcement policies.

PROCEDURES SHOULD INCLUDE SUBMISSION OF ALL ADS AND PROMOTIONS

Copies of all ads, promotions and labeling should be submitted to the Commission staff simultaneously with the first publication or exposure date. They should be available for immediate public inspection. To facilitate such inspection, a copy of each item should be forwarded to the main FTC field offices throughout the country.

Documentation in support of any new product claims should accompany these ads and labels.

CONCLUSION

The Commission should promptly make public by January 2, 1971, its enforcement policies and implementing procedures. To serve the public interest, these should:

(1) Prescribe the permissible limits for cigarette advertising and promotions.

(2) Prescribe the permissible limits for representations on cigarette labeling.

(3) Establish procedures for the submission and review of all new cigarette advertising promotions and labels.

(4) Establish procedures for the submission and review of documentation for all claims in advertising, promotions and on labeling.

(5) Establish a monitoring program of anti-cigarette smoking messages covering all media.

The Commission must place cigarettes on a new level of priority commensurate with the awesome epidemic of death and overall public health problems attendant to cigarette smoking.

Respectfully submitted.

WARREN BRAREN.

LOW-COST SPACE SCIENCE USING SOUNDING ROCKETS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the following statement on sounding rockets and their use in space research. Sounding rockets have proved to be not only reliable, but economical and of great value in space research.

LOW-COST SPACE SCIENCE USING SOUNDING ROCKETS

The National Aeronautics & Space Act of 1958 had a major objective of establishing and maintaining world leadership for the United States in space science and technology. There is little question that the Nation has achieved this leadership. Indeed, the accomplishments have been so great that today we accept as normal, achievements that would have been considered fantasy by most in 1958. Today our citizens are directly benefiting in many ways from this investment and in the future can look forward to such benefits as saving agricultural crops from storms and fireproof homes.

The problem now is that of maintaining world leadership in space when there are so many other demands upon our national resources. Leadership in space science requires making new discoveries which expand our knowledge of the earth environment and space beyond, indeed the universe in which we live, for the future benefit of mankind. Not to do so places a mortgage on our future. Yet, a review of the record shows that the number of space experiments flown in quest of this new knowledge has been significantly reduced and is now at its lowest level in five years. One could take the position that we cannot afford to do everything and therefore must cut back some place. This normally valid argument is insufficient in this instance because the restoration of experimental activity in the basic space sciences requires less than $10 million.

In this period of reduced budgets for space sciences research it is particularly important to utilize low cost means of maintaining a viable level of scientific discovery and exploratory development. Little publicized, but highly productive research using sounding rockets fit this situation very well because the cost of a sounding rocket experiment is approximately one-tenth that of an experiment flown on a satellite.

Sounding rockets like the Aerobee 350 fly essentially a vertical flight path, going up and down, as contrasted to satellites which orbit the earth. The various sounding rockets in current use by NASA reach peak altitudes ranging from about 50 miles for the smallest to about 1500 miles for the largest vehicle. They can provide as much as 30 minutes above the earth's obscuring atmosphere. However, 6 minutes is a more typical value for most experiments.

The productive results of research using sounding rockets can best be illustrated by listing some of the major contributions to the space sciences credited to sounding rockets by the scientific community itself. The following excerpts from a 1969 report by the Space Sciences Board of the National Academy of Sciences are pertinent.

"The existence of three new branches of astronomy-ultraviolet, x-ray and gamma-ray astronomy is also attributed to the ability of sounding rockets to place instruments above the obscuring atmosphere." "The main features of the structure of the Earth's atmosphere above balloon altitudes have been identified and partially mapped by rockets." "The geocorona . . . was also first recognized and described on the basis of rocket data." "Almost all our knowledge of ionospheric chemistry . . . stems from rocket sounding."

"The existence of electrical current systems in the ionosphere and the polar and equatorial electrojets was detected by rockets and the altitudes of the current systems were measured." "Almost all the important space astronomy results were obtained from rockets, and rocket-borne studies still contribute dominantly to space astronomy knowledge."

In addition to the above scientific research contribution, sounding rockets are used for: exploratory development of new instrument and research techniques; flight testing of instruments and experiments for subsequent satellite use; periodic flight calibration of satellite-in-orbit instruments to insure that they are functioning properly; training of young scientists and engineers to prepare them for future participation in larger, more complex space systems.

Because of the importance of sounding rockets to the space program, the Space Science Board, National Academy of Sciences has consistently recommended increases in the NASA sounding rocket program. In 1965 they recommended to NASA that "provision be made, both in direct budgetary support and in facility support, to accommodate an expansion of the nation's rocket research program by a factor between 2 and 3 over the coming 5-year period" and further recommended that "the indicated expansion of the rocket program be undertaken; even if this can be done only at the cost of a stretch-out of the satellite program." In their 1969 report they recommended that "NASA restore the previous rate of increase in rocket support, achieving roughly a 36% increase above the FY 1968 level by 1971, and a 12% increase each year thereafter until 1975."

In addition, the Space Science Board stated that "A substantial number of scientific questions bearing on the upper atmosphere and space are either accessible only to rocket experiments or can be answered more efficiently by sounding rockets than by other methods. Despite the modest cost of rockets relative to artificial satellites and space probes, these research opportunities have generally not been exploited as vigorously as those involving use of the latter techniques. In a period of sharply reduced budgets such as now exists, the relatively low cost of rockets and hence of the scientific results they obtain causes rockets to be a particularly attractive method of conducting space research."

The low cost of space research using sounding rockets provides a program having broad geographic participation. Scientists and engineers from universities, government and industry in twenty-six states and the District of Columbia participated in the program in 1969. Several states also participate by furnishing equipment and services. Thus sounding rockets provide a low cost means of achieving a broad participation in the space program.

In spite of the strong recommendations by the scientific community, a review of the NASA Sounding Rocket budget (table 1) reveals that the budget has declined since FY 1968 and is now at its lowest level since FY 1966. However, the more pertinent measure in assessing the viability of the program would be the level of activity which is directly related to the rate of scientific discovery.

A review of the number of sounding rocket launches by fiscal year (table 2) shows that FY 1969 had the fewest launches in the previous five-year period. Although not complete, FY 1970 is expected to be approximately the same as FY 1969. A tabulation of the number of space science experiments launched on both satellites and sounding rockets, by fiscal year (table 3), shows a large reduction in activity in FY 1969, primarily due to the reduction in sounding rocket activity, which accounts for over two-thirds of the total.

The sounding rocket program relationship to the space sciences program is much like the cornerstone of a large building. It is small in size relative to the whole building. How well it is laid determines the trueness of the whole structure and the soundness of the whole structure, in large part, depends upon the integrity of the small cornerstone.

Also like the cornerstone, the cost of insuring a viable sounding rocket program, and with it a renewed vigor in the whole space sciences program, is very small relative to the resources allocated to the NASA Space Sciences Program. It is therefore, recommended that increased emphasis be placed on the NASA sounding rocket program so that by Fiscal Year 1972 this little publicized but important method of conducting space research will be more in line with the consistent recommendations of the National Academy of Science, Space Sciences Board.

This increase in the sounding rocket program will insure that scientific discovery, or productivity, will be maintained at a satisfactory level at low cost to the taxpayer in this period of heavy demand on our national resources. Education and training opportunities can be made available at relatively low cost to the young, new space scientists and engineers to insure long term progress and leadership in space science.

A viable sounding rocket program will provide a low cost means of providing a broad-based geographic participation in the space sciences program.

TABLE 1.—NASA SOUNDING ROCKET BUDGET HISTORY

[Dollar amounts in millions]

	Fiscal year—						
	1965	1966	1967	1968	1969	1970	1971
Firm	$16.9	$18.5	$20.0	$20.0	$19.2		
Budgeted						$18.5	
Requested							$18.5
Percent increment		+9.5	+8.1		−4.0	−3.6	

TABLE 2.—SOUNDING ROCKET LAUNCH HISTORY

	Fiscal year—				
	1965	1966	1967	1968	1969
Space science	120	86	85	109	73
International	18	13	20	18	10
Total	138	99	105	127	83

TABLE 3.—SPACE SCIENCE EXPERIMENTS FLOWN

	Fiscal year—				
	1965	1966	1967	1968	1969
Sounding rockets	190	151	171	156	128
Satellite	80	50	54	69	62
Total	270	201	225	225	190

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 20, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

DR. SIDNEY WEINTRAUB'S ANTI-INFLATION INCOMES POLICY

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 19, 1970

Mr. REUSS. Mr. Speaker, Dr. Sidney Weintraub, professor and chairman, Department of Economics, University of Waterloo—on leave from University of Pennsylvania—has proposed an anti-inflation incomes policy that merits the attention of all Members:

A FEASIBLE ANTI-INFLATION INCOMES POLICY

(By Sidney Weintraub)

Inflation in the United States continues substantially unabated. Joblessness in the first 20 months of the Nixon administration has increased by some 1.2 million. Still, the ascent of wages has not been checked and prices mount at 5% rates per annum.

Many practical, and some professional, voices are calling for some form of wage-price control or incomes policy in disillusionment with the Nixon monetary "game plan". Given the facts, there is no great clamor for tighter money, or renewed fiscal policy to reinforce the Johnson surtax of 1968. On the contrary, the current recommendations run to easier money and lower taxes, to ease the unemployment plight. Tight money and fiscal policy seem to have run their course.

Whether monetary policy has "failed", or whether it must fail, or whether it has not "really" been tried, is not in issue here. Likewise, whether fiscal policy, by way of expenditure cuts and tax increases, can prevent inflation will likewise go undiscussed. A growing and abundant literature on these questions exists for these are the legitimate subjects of economic inquiry.[1]

Instead, what is presented is an Incomes Policy proposal, properly a policy for wages and salaries, in the thought that if a program is adopted it should meet the criteria of: (1) feasibility; (2) low cost; (3) effectiveness. Finally, (4) the plan should not lead the economy onto new paths of interventionism: the market economy should not be substantially transformed.

It is believed that the program recommended meets these tests. So far as the author is aware the approach is novel though the essential idea is simple in that it builds on the existing tax mechanism.

SOME PROMINENT RECOMMENDATIONS

We review briefly some of the more frequently recommended Incomes Policy proposals before outlining an alternative plan that has the virtue of simplicity while averting the major shortcomings of the other programs.

One plan has called for a simple wage-price freeze, to endure for six months to a year. As a crash program, fired with initial enthusiasm, it may work. Yet, after the lapse of time, what then? Past experience (in England) has been one of an anxiety to renew the preceding wage-price momentum that originally invited the "freeze". What is essential, therefore, is a durable program to assure price level stability over the long term. It is a long-run policy that we seek, rather than one for a year.

Besides the freeze being too brief, and being a temporary palliative, its demerit is that it also requires some policing mechanism to enforce it. This may immediately detract from support by some potential adherents sympathetic to a wages and prices program but disenchanted with the prospect of a pervasive bureaucracy.

Establishing a control agency to supervise prices and all major wage contracts is the most direct solution; it is the stuff of wartime regulation even by democracies. But this involves a new bureaucracy that may alter the economic system in ways that may turn out to be imprudent, inefficient, and interventionist. Its failures are likely to give other needed and potentially effective government programs a black eye.

Some have advised government to sit in as a participant on key collective bargaining negotiations in order to limit pay hikes to norms that can be sustained by typical productivity improvements.

The drawback here is that the approach is likely to lead to acrimony as being one-sided; employers could, in effect, relax and let the government hammer out settlement terms substantially below those of recent years. Inserting government as a bargaining agent is likely to thrust it into prominence as being hostile to labor. The policy would disintegrate under an administration eager to woo labor in an election year.

The Guidepost plan under President Kennedy invoked the presidential office to dissuade unions from seeking undue advances and to deter business from making heedless price increases.[2] The most dramatic incident was the President's confrontation with The Steel Industry, which then had to perform a humiliating retreat under threat of coercive investigation.

A "jawbone" policy, involving persuasion and reproach, derives its strength from an appeal to public morality. It obliges the President to "lay his prestige on the line" in numerous public controversies. As it dissipates his power it is likely to be cautiously employed and sparingly used, before lapsing into feebleness. More than name-calling must be invoked for situations that arise persistently, rather than sporadically.

Suggestions for labor courts can be brushed aside. We are dealing with an economic issue; what is not needed is a place for lawyers to perform, but a proper resolution of the public interest on specific principle. A cumbersome bureaucracy may be a lesser evil than an undiscerning and dilatory judiciary.

INGREDIENTS OF A SOLUTION

These are the main approaches to an Incomes Policy recommended so far. All are found wanting. Let us consider the ingredients of a new and feasible approach.

Some are convinced that the problem will not abate unless unions are either destroyed, or so fragmented as to sap them of their bargaining vitality. This is an extreme attitude certain to generate heated and irrelevant debate. Unions, on current evidence, are here to stay. There is no way of eliminating them in the present climate of democracy. A policy which begins with this premise is alone likely to be relevant.

Instituting countervailing power

It is primarily with the unhampered power of unions to carve out excessive wage settlements that we must deal. Industrialists are too often too impotent to neutralize the ability of unions to impose inflationary settlements, which occur to the detriment of other wage earners, leading them to seek to protect their own position by counter-claims for wage increases; the upshot is that by running faster, all come to stay nearly where they were before while inflation advances.

The solution must consist of measures to stiffen the backbone of industrialists. Currently, industrialists are prone to yield rather than to endure costly strikes; the ritual involves token resistance before a submission to union pressure and thereafter passing the bill on in the form of higher prices.

Individual industrialists will be encouraged to flout unreasonable demands only when they are convinced that there will be resistance in other industries. Also, when each labor union apprehends that employers are no longer easy targets capable of transmitting price increases to consumers, to rescue them from promiscuous settlements, unions can be expected to act more moderately at the bargaining table. The hapless sitting-duck image of management officials must be erased for any plan to succeed as a defense against inflation.

Hence we must change matters so that it is in their self-interest, indeed, for their self-preservation, that industrialists will reject extravagant wage settlements. Penalties must be attached to abject surrender in order to deter the prospect. Also, if defeat does come, it will only be partial; the terms of surrender must not be too onerous. Partial cave-ins and prudent compromise must contain some safety valve to avert a chain reaction and a business demise through bankruptcy. But the price of submission must be high enough to dissuade management from frequent surrender.

A reasonable wage program

As a further preliminary matter, to allay any fears that the program is designed to eliminate unions or to thwart the legitimate aspirations of the working man, let us appraise the policy goal.

Intended is a program devised toward achieving increases in money wages at least equal, on the average, to the gains in productivity in the economy. In the past, these have tended to approximate 3 percent per annum. With little inflationary cost, an average increase of this level, or even of 4 to 5 percent per annum, can be granted without inviting an erosive inflation. Even a target figure of 5% would be more rational than the 8% to 10% figures of recent years that have exacerbated our inflationary problem, and toppled the price level in sapping the value of our money.

An average increase of 4% would mean that in ten years the *typical wage income would mount by about 50%*. All wage incomes would, on average double in about 18 years. New-born infants could smile benignly at their father in the conviction that their starting wage would be about double that which the parent currently earns.

This is scarcely a program designed to grind labor to poverty or to confine workers to Marxian immiseration. The goals are reasonable and realistic, attainable with only modest inflationary pressures: prices might mount gently, at about a 1% pace per annum. With slightly greater risk an average annual gain of 5% in wages could be promised. This would mean about 60% per decade with wages doubling every 14 years. Inflation, however, would build up to about a 2% rate per annum.

A further gain of much significance to labor would be realized as a by-product. With the price level nearly steady, monetary and fiscal policy could drop their anti-inflation stance. The economy could work closer to full employment.

These are no small advantages of an average wage increase of 4% to 5% per annum—with price level stability.

THE KEY TO COUNTERVAILING POWER

It is time now to get down to specifics and to outline the details of a program that satisfies the criteria described. It is designed not for the purpose of destroying unions but to foster what Galbraith has perceptively termed *Countervailing Power,* to be localized within business firms so that they stand fast against the inflationary exactions of unions. Management must be made to resist excessive wage demands or be penalized for its retreat. Above all, management must not be sustained in efforts to escape onerous settlements through higher prices to protect their profit position.

An excess wage settlement tax

Government has a ready lever to perform the task with nominal administrative cost.

Put simply, what can be done is to impose an extra corporate (or business) income tax on all firms that agree to settlements exceeding 5% on the average, as compared to their typical figure for employee compensation in the previous year.

An illustration can clarify the proposal. Suppose that in 1970 the average wage (and salary) figure for the firm reporting its corporate tax was $6,000. If the average wage and salary payment for the firm in 1971 exceeds $6,300 (=1.05 x $6,000), the firm would be subject to an anti-inflation tax which would be superimposed on the normal tax base. If the standard corporate tax rate is 50%, and the average wage increment exceeds 5%, but is less than 6% higher than the previous year, then a 6% added tax levy might be imposed. For a wage increase between 6% and 7% over the previous year, an 8% penalty rate would be applied, etc.

The governing principle, therefore, involves *placing the full burden of policing anti-inflation wage hikes upon the business firm.* Where they are supine in bargaining the tax penalty will mount: they would have to be more adamant in coping with union pressures. Unions would become cognizant of this; they would quickly perceive that they were no longer firing at ducks in a shooting gallery, knocking off firms that have paid in the past only to transfer the burden on through higher prices.

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[1] For whatever it is worth, my own opinion is that monetary and fiscal policy will continue to fail to curb inflation in an era of union strength where the money wage is essentially "exogenous".

[2] A policy similar to the Guidepost program was recommended by the present author in 1959, and referred to as a "watch tower" policy. See *A General Theory of the Price Level,* etc. (1959), pp. 89–92.

It is unnecessary at this time to specify the exact details of the progression in the tax scale for firms who emerge as the worst offenders in ignoring the public interest in arresting inflation. Some will advocate lesser penalties, others may justify sterner imposts. The main point remains, namely, that if the union structure is not to be altered, then the remedy consists of pressuring employers to act in the public good in defending their private advantage. Employers must become the inflation fighters; they must no longer be a transmission belt for passing the price burden forward with profit impunity.

WHY THE PLAN WOULD WORK

Let us consider reasons why the plan would work, as well as anticipate some potential objections.

Unions would immediately realize that they can no longer toss onto the bargaining table a take-it or leave-it package, and hold out a strike threat which employers can currently avoid with small loss through price increases. Unions would apprehend that because of the tax aspect employers would be *bound* to resist. Long drawn-out strikes for nominal gains are not consciously sought by unions. This unwelcome prospect would pull them down from the heights of unreason.

There would be an obvious reason for management to stand firm: the costs of excessive settlements would be lodged with stockholders. No management that was derelict in protecting the stockholder interest could survive for very long; its submissiveness would be publicized. Currently stockholders accept inordinate settlements so long as (most of) the cost is passed on via prices. Why suffer needlessly? This attitude would change.

Anti-inflation fiscal aspects

The proposal should also commend itself to the devotees of monetary and fiscal measures to curb inflation. *For in an atmosphere of excess wage gains the proposal would accomplish an automatic increase in the corporate tax rate,* thereby alleviating inflationary pressure through absorbing purchasing power. Thus the recommendation entails a built-in anti-inflation fiscal policy, from the tax side. The federal budget would thus benefit.

This adds another cutting edge to the proposal. On the monetary side, the lower net profits resulting from injudicious settlements would tend to restrain borrowing and investment decisions, reducing the demand for bank credit and capital market funds.

The automatic policing

It is in the policing of the program that the virtues of the plan outweigh alterntaive proposals.

At present, for social security programs and the like, firms report the number of their full-time employees. They have the necessary information on "full-time employees or equivalents". For tax purposes, in computing total operating costs, they report their wage and salary bill. Dividing the latter total by the former will yield the average employee compensation. The final step involves comparing this figure to that of the previous year. If it is excessive, then the penalty rates take effect.

No new form of government intervention is involved. It is only the tax structure that is affected. No new bureaucracy need be created to police the program. Everything would be accomplished through the well-established tax procedures for filing returns, and checking their veracity. There is no harassment of business by yet another new arm of government.

The safety valve aspect

The plan would not foreclose higher wage hikes entirely. But where granted, the burden would be borne entirely by the acquiescing firm which would then touch off the anti-inflation fiscal policy aspect. Unions would have to become more realistic, for firms would not be as vulnerable as in the past. If firms did yield to exorbitant demands the penalties would involve only money. There would be no criminal charges, no bureaucratic harassment, none of the condemnation and moral disapprobation accompanying the other price-wage programs.

The safety valve feature of penalty taxes has even more in its favor. Where firms require especially skilled personnel they could still pay out above market wage or salary scales to obtain their work complement. While the practice would be somewhat more costly on the tax side, the firm's operations would not be unduly obstructed. Although the plan would benefit firms that contribute less fuel to the inflationary environment, the tax impediment erected for minor offenders would not be insurmountable.[3]

The plan thus has the necessary flexibility.

The inclusion of salaries

Common equity requires that salaries and executive compensation be included in calculating the average employee compensation. It would be distinctly unfair to limit ordinary workmen while executives are free to raise their own incomes freely on the pretext that their earnings are noninflationary. If wage incomes are to be restrained, it must be *all* incomes, including executives. The system will not be handicapped by this; considering that it is only the corporate *average* that is computed, larger individual merit increases would still be possible.

Legitimate issues arise with respect to stock options, retirement plans, or other fringe benefits that executives have arrogated to themselves. But this is a separate theme that invites more detailed study. The point remains, that there is nothing in the present proposal that should in any way dilute the incentives of the managerial class; there is enough variety in opportunity, status, interest of work, or the incontrovertible power aspect of being "boss", to assure a continuing flow of aspirants for executive posts.

The arena of bargaining

As another virtue of the proposal, collective bargaining is not precluded by it although the more fantastic agreements of the past will probably be foreclosed. From the union standpoint the inclusion of executive salaries in the average compensation figure provides a little more margin for bargaining; wages could rise by a bit more than 5% if executive salaries rise by less, without tax penalty to the firm.

This could also serve a healthy purpose in preventing indiscriminate pay hikes to the managerial class while the firm was pleading poverty to the unions. A more wary eye would be placed on all business incomes, with the not unlaudable result of curbing rates of compensation to corporate executives vastly in excess of the President of the United States, or Cabinet officers, or public officials, for tasks that are generally far less exacting.

To repeat, the corporation could continue to assert its largesse, to employees or executives. But it would have to answer to the tax collector and to the stockholder.

In a small way, then, the corporation would be returned closer to its stockholders. This is an advantage; it may inculcate a greater sense of executive responsibility.

Union attitudes

Unions cannot really protest the program. Their membership can be promised a doubling of pay almost every 15 years, and upwards of 50% per decade. Unions currently, in the *Affluent Society* chronicled by Galbraith, do not generally represent impoverished, undernourished, economically deprived citizens. There is no intention of exploiting their membership. But they would no longer be as free as before to injure other segments of society, including other wage earners and their former members, the retired workers.

Undoubtedly, unions would utter the usual noises in opposing the proposal. But this will place them in the anomalous position of opposing a *corporate income tax.* Traditionally, unions have argued for higher corporate taxes in objecting to income taxes on lower bracket incomes.

Union members have a stake in the battle against inflation. The proposal recommended permits them to carry on in protecting their membership against unsatisfactory work practices and the otherwise undiluted power of management.

Business complaints can be but a feeble echo of union complaints. Business could persist in past practices. But there would be a cost, a tax bite.

Strikes?

Unions would, of course, still retain their ultimate coercive weapon, the strike. Yet strike threats are carried out only if the projected gains are expected (over time) to outweigh their losses. While it may be a while before unions realize that the opportunities for success are not as rife as in the past, the understanding will come as businessmen become more adamant in their stand because of the unfavorable tax aspects. Union demands are thus likely to be tempered.

Temporarily, union leaders may continue their former tactics. But as the present Nixon administration has expressed it, in viewing the current GM–UAW strike, business must be "prepared to take it" to cut the settlement terms. "Taking it" on a few occasions, and then settling near the 6%–5% average annual increase level, is likely to dissuade unions from frequent resort to the tactical strike weapon.

Profits?

Some might fasten on the theme that the proposal attempts to restrain wages but not profits.

This would be to misconstrue it entirely, perhaps intentionally. What we are concerned with is not a plan to remodel the capitalistic system but to render it effective by dimming its inflationary features. If prices can be contained, then profits cannot skyrocket. One look at the stock market should be enough to reveal that profits have not been swollen in recent years. If experience is such that profits become unduly large the remedy is the obvious one, namely, to use the tax mechanism. But to discuss this aspect in the present context is to lay a smokescreen around the central issue of inflation.

The self-employed

Incomes of the self-employed, as physicians, dentists, lawyers, farmers, small businessmen, government employees, etc., have gone unmentioned.

Briefly, we can expect that if the mass of wage and salary incomes are contained then it would not be possible for the self-employed group to report incomes growing beyond the general trend. There would be two strong reasons for this: (1) in some cases the forces of competition would operate; the margins of substitution between employment and self-employment are often close in the small business sector, and (2) if incomes for the mass of employees fail to rise unduly, it will not be as easy for physicians, dentists, etc., to raise their prices (and incomes) at the same pace as in the recent past. Government employees likewise, can simply be limited to the general wage rise to maintain competitive standards.

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[3] It will occur to some that through new technology an up-grading of staff would be penalized. The issue here, in part, is practical, on whether there are many cases in which the average wage of the firm would have to rise by more than 5% per annum to adapt to a new technology. Evidence on the point would be useful. In any event, the proposal would penalize the firm only in the *first* year; thereafter tax rates would follow the normal pattern. Alternatively, some exemptions for such cases could be worked out. But the importance of the situation would have to be demonstrated.

Thus if we cast out a sturdy anchor and stabilize the vast number of business incomes, of employees and executives, the income adjustments in the rest of the economy are likely to be lashed to this strong base to bar the noxious drift of inflation.

We can proceed on this assumption. If it is misguided with respect to some omitted sectors of the economy, this can later be corrected. But we cannot shrink from taking the big step merely because it may be less than complete. A "do-nothing" program entails more serious omissions.

A philosophic objection

Another objection that may be put down at this place is the pejorative oration that "the power to tax is the power to destroy". Accepting the merit of the phrase it remains regrettably incomplete: the power to tax is also a vehicle for making social, political, and economic life more tolerable. Ultimately, this is what taxation should be about, to accomplish worthwhile ends that would not otherwise materialize in the enterprise sector without government policy. As the intended tax proposal aims to alleviate inflation, it is compatible with the greater freedom; it is destined to expand it, not inhibit it.

Whenever a stage is reached that warrants lower general taxes, there is nothing in the plan to impede this outcome. The basic business tax rates can be lowered *so long as the anti-inflation penalty rate is retained*. When a stage is reached at which business and union conduct is more responsible with respect to inflation, even this feature can be dropped. But at that time the tax is likely to be a dead-letter anyway.

CONCLUSION

There can thus be few serious objections to the anti-inflation proposal outlined in the preceding pages. It has undiluted virtues. It *may* work, to take the most pessimistic assessment. On the basis of economic analysis, it should work. There are no serious costs involved; it does not shelter a new bureaucracy. It does not entail new data and new business controls. Neither the scope nor the organizational structure of trade unions will be affected, although their ceiling in collective bargaining is likely to become more clearly defined. It does not embark on any radical paths in economic control and it is not incompatible with the traditions and freedoms of a market economy.

HOUSE OF REPRESENTATIVES—*Monday, November 23, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The hand of our God is upon all them for good that seek Him.—Ezra 8: 22.

O God, our Heavenly Father, whose power is infinite and whose love is eternal, we pray for the leading of Thy spirit as we work for the well-being of our country and endeavor to secure peace in our world. May Thy wisdom so move our minds and Thy love so motivate our hearts that in the crises we face daily we may think clearly, speak calmly, and act courageously. Unite us and our people in the principles of democracy upon which our fathers founded this Nation that as responsible citizens we may do our full part in seeking the good of all.

Direct and prosper the deliberations of this body that truth and justice and good will may be established here and among all people.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, November 19, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 18515. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 18515) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. RUSSELL, Mr. STENNIS, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. HOLLAND, Mr. COTTON, Mr. CASE, Mr. FONG, Mr. BOGGS, and Mr. YOUNG of North Dakota, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

> S. 3630. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission.

ADJOURNMENT FROM WEDNESDAY, NOVEMBER 25, TO MONDAY, NOVEMBER 30, 1970

Mr. ALBERT. Mr. Speaker, I offer a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 786

> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Wednesday, November 25, 1970, it stand adjourned until 12 o'clock meridian, Monday, November 30, 1970.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TWO HUNDRED BOMBERS TO KILL—FOUR HELICOPTERS TO SAVE LIVES

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, the events of the past week in Pakistan and in Vietnam provide an example, in shocking contrast, of the way this Nation's priorities have gone astray.

Ten days ago the worst hurricane in history smashed into the Ganges Delta, killing perhaps as many as half a million people.

There is ample food available in Dacca for all those who survived the storm. But 10 days after the disaster, there is no transportation. Conventional aircraft cannot operate. All small boats were destroyed. The United States has sent only four helicopters.

Consider the contrast between this situation, the near indifference with which the United States has responded to this catastrophe, and the events in Vietnam.

According to Secretary Laird, 200 multimillion-dollar aircraft were sent into North Vietnam to "remind Hanoi what the rules of the game are." For such deadly war games we can deploy any amount of force, but for the disaster-stricken East Pakistanis, we can send only four helicopters.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 17970, MILITARY CONSTRUCTION, DEPARTMENT OF DEFENSE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the conferees may have until midnight tomorrow to file a conference report on H.R. 17970, making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON RIVERS AND HARBORS, COMMITTEE ON PUBLIC WORKS, TO SIT DURING GENERAL DEBATE TODAY

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the Subcommittee on Rivers and Harbors of the Committee on Public Works be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. GROSS. Mr. Speaker, reserving the right to object, has this been cleared by the minority?

XUM

Mr. HOWARD. Mr. Speaker, if the gentleman will yield, yes; this has been cleared with the gentleman from Ohio (Mr. HARSHA).

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CALL OF THE HOUSE

Mr. GROVER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 363]

Abbitt
Adair
Anderson, Calif.
Ashbrook
Ashley
Aspinall
Baring
Berry
Biaggi
Boland
Bolling
Brademas
Brasco
Bray
Brock
Broomfield
Brown, Ohio
Burton, Utah
Button
Camp
Celler
Chisholm
Clancy
Clark
Clay
Conte
Corbett
Cowger
Cramer
Cunningham
Daddario
Dennis
Dent
Dickinson
Dingell
Donohue
Dowdy
Eckhardt
Edmondson
Edwards, La.
Evins, Tenn.
Fallon
Farbstein
Fish
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Fulton, Tenn.
Gallagher
Gilbert
Goldwater
Griffiths
Hall
Halpern
Hastings
Hébert
Helstoski
Hungate
Hunt
Ichord
Jacobs
Jonas
King
Kyl
Long, La.
Lowenstein
Lukens
McCarthy
McCloskey
McDade
McKneally
May
Minish
Moorhead
Morton
Nichols
O'Konski
O'Neal, Ga.
Ottinger
Patten
Pepper
Philbin
Pollock
Powell
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quillen
Reid, N.Y.
Rodino
Rostenkowski
Roudebush
Rousselot
Roybal
Scheuer
Skubitz
Smith, Iowa
Stokes
Stuckey
Taft
Teague, Tex.
Vander Jagt
Weicker
Wiggins
Williams
Wold
Wyatt
Wydler
Yates

The SPEAKER. On this rollcall 321 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ROSE-BOWL-BOUND BUCKS

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, one of our country's great educational institutions located in the congressional district I represent is Ohio State University. One of my most distinguished constituents is Coach Woody Hayes.

On Saturday the Ohio State Buckeyes took the Big Ten title by defeating the University of Michigan Wolverines 20 to 9.

I have long been an avid fan of the Buckeyes and of Woody Hayes, so it was my pleasure to be one of the 87,331 football fans who watched this great classic in Columbus on Saturday. I feel more solicitous today than I did last year at this time, and I wish to extend my congratulations to the Michigan Wolverines who came to Ohio State prepared to do battle, and indeed they did, but on the grass they went to pot and we prevailed.

Mostly I wish to take the opportunity of this forum to record for posterity my congratulations to my very good friend, Coach Woody Hayes, and his battling Buckeyes.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1218 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1218

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16785) to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions, by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. It shall also be in order to consider without the intervention of any point of order the text of the bill H.R. 19200 as a substitute for the said committee amendment. At the conclusion of the consideration of H.R. 16785 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1218 provides an open rule with 3 hours of general debate for the consideration of H.R. 16785, the Occupational Safety and Health Act.

The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment, and it shall be in order to consider without the intervention of any point of order the text of the bill H.R. 19200 as a substitute.

Points of order were waived as to H.R. 19200, because a question of germaneness might have been raised.

Mr. Speaker, both H.R. 16785 and H.R. 19200 address themselves to the very pressing problem of safety in our industrial establishments in an effort to alleviate the appalling loss of time, manpower, and men, due to industrial accidents.

Mr. Speaker, this bill differs, as I understand it, chiefly in procedure, and in the method of application.

The purpose of H.R. 16785 is to reduce the number and severity of work-related injuries and illnesses which in spite of current efforts continue at high levels, and which result in human misery and economic waste.

The bill provides needed Federal-State cooperation and develops and extends Federal support in the field of industrial safety and health. Aid is given specifically in the areas of research, education, training, and regulation.

Section 6 of the bill deals with interim standards and every employer—as defined in the bill—would be required to comply with interim occupational safety and health standards promulgated by the Secretary of Labor. Interim standards may be promulgated for a maximum period of 2 years from the effective date of the legislation. They may be national consensus standards, established Federal standards in effect, or standards produced by a nationally-recognized organization by other than a consensus method. In the event of conflict among standards, the Secretary shall promulgate the one which assures the greatest protection of affected employees. Before standards are promulgated, a public hearing must be afforded to interested parties. Each interim standard shall stay in effect until superseded by a rule issued under section 7 of the bill dealing with procedures for formal standards-setting. Ninety days after promulgating interim standards, the Secretary must begin procedures for setting permanent ones.

Section 7 provides that the Secretary may by rule, promulgate, modify, or revoke any occupational safety and health standard. The Secretary shall institute proceedings under this section upon application in writing by an interested person, a representative of an organization of employers or employees, the Secretary of Health, Education, and Welfare, or a State or political subdivision thereof. The Secretary himself may determine that a rule should be prescribed in order to serve the objectives of the act or if he is required to do so under section 6.

An ad hoc advisory committee and a National Advisory Committee are established to assist the Secretary.

The Secretary is authorized to make inspections and investigations in order to implement the program; citations and/or penalties for violations are authorized; procedures for enforcement are set forth; the Secretary has authority to issue cease and desist orders to counteract imminent danger.

Mr. Speaker, I urge the adoption of House Resolution 1218 in order that H.R. 16785 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, House Resolution 1218 provides for 3 hours of debate on an open rule to consider H.R. 16785, Occupational Safety and Health Act. The rule makes H.R. 19200 in order as a substitute.

According to the report, the purpose of H.R. 16785 is to reduce the number of work-related injuries and deaths of American workers. To achieve this, the bill proposes to grant to the Secretary of Labor broad authority to promulgate safety and health standards and to enforce them by penalties, injunctive relief, onsite inspections, and the authority to close a plant which he deems to be imminently dangerous.

According to the report, each year some 14,500 Americans die due to job-related injuries or diseases; over 2,000,000 workers are disabled annually. Over $1,500,000,000 is wasted in lost wages and the loss to the gross national product is estimated at some $8 billion.

I think that we should keep in mind, however, that many States have industrial safety laws or standards, which have already been set up by their own department of labor or their division of industrial safety. Some cities and counties also have safety codes covering the performance of contractors within their jurisdiction. These city, county, and State safety orders are mandatory and punishment is prescribed for anyone who violates the safety standards or in any way obstructs or hampers any person conducting an investigation authorized by his particular jurisdiction.

Safety standards are also being set up by labor unions, who may strike a job, if they feel their standards are not being applied to all operations. The Corps of Engineers, the Bureau of Reclamation, the Bureau of Public Roads, the Atomic Energy Commssion, the Air Force, and the General Services Administration all have their own safety requirements. Thus we should make certain in legislating here today that we do not unnecessarily duplicate safety standards already in existence which might make the problem even more difficult.

I spent a number of years in the field of plant protection; safety was one of our biggest concerns. But time and time again, the accident or injury was caused by the carelessness of the employee. It seemed a never-ending problem to convince the employees to abide by the regulations. Thus in legislating, it might be well to consider punishing the employee who refuses to comply with the requirements. This legislation seems to only direct the punishment toward the employer.

As previously stated, the rule makes H.R. 19200 in order as a substitute. A comparison of the committee bill, H.R. 16785 and the substitute, H.R. 19200, shows the following differences.

1. AUTHORITY OF THE SECRETARY OF LABOR

H.R. 16785 vests substantially more authority with the Secretary. He would have the power to set health and safety standards. He would also have the powers to enforce them, to issue corrective orders to those found to be in violation, and to assess penalties.

H.R. 19200 divides this authority. To set health and safety standards, an independent Occupational Safety and Health Board is created. It is composed of five members, knowledgeable in the field, who are appointed by the President. It would deal solely with the setting of standards. Enforcement of such standards would remain with the Secretary of Labor; he would be charged with the responsibility as under the committee bill, of investigating alleged violations.

The substitute bill provides for a tribunal other than the Secretary to act as judge and jury. H.R. 19200 creates an independent Occupation Safety and Health Appeals Commission which will adjudicate alleged violations brought before it by the Secretary of Labor.

H.R. 16785 puts all functions, promulgation of standards, enforcement and assessment of penalties in one man, the Secretary of Labor. H.R. 19200 creates separate bodies to set standards and to adjudicate alleged violations. The Secretary would retain the power of enforcement.

2. THE GENERAL SAFETY REQUIREMENT

The committee bill has a general safety requirement which requires employers to maintain safe and healthful working conditions. This is too broad and vague and could subject employers to unfair harassment. H.R. 19200 substitutes for this vague mandate a more reasonable one, the requirement that working conditions be free from "any hazards which are readily apparent and are causing or likely to cause death or serious physical harm." Although this is a more restrictive duty, it is much more reasonably enforceable and subject to fair interpretation by enforcement bodies and employers alike.

3. DEVELOPMENT OF STANDARDS

H.R. 16785 requires hearings and involved procedural action before any standards can be promulgated in almost all cases. H.R. 19200 provides for emergency or temporary standards to be set when needed without regard to hearings and other procedural steps. Hearings would then be held to replace the temporary standards with permanent ones with all procedural safeguards retained. This flexibility seems desirable and will surely enable such standards to become effective and enforceable at an earlier date.

4. PLANT CLOSINGS

H.R. 19200 eliminates the provision of the committee's bill which would permit an inspector to close a plant immediately if he determines a situation of immient danger to exist. As a substitute, H.R. 19200 places the authority with the district courts where a determination of factual information can be made before damage is done to a plant by closing it without prior hearing.

Mr. Speaker, I urge the Members to support the substitute. I urge adoption of the rule and reserve the balance of my time.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I urge adoption of House Resolution 1218 which would make in order the Steiger-Sikes substitute bill on occupational safety and health. After carefully studying both the committee bill and the Steiger-Sikes substitute, I came to the conclusion that the substitute bill is a vastly superior measure both in terms of equity and job safety. I consequently voted for this rule in the Rules Committee because it will permit a straight vote on the entire substitute package when we begin the amendment process. For these reasons, I strongly urge my colleagues to both support this rule and the Steiger-Sikes substitute at the appropriate time.

Mr. Speaker, during the course of the debate on these bills we will listen to an almost mechanical repetition of the grim statistics on job-related deaths and injuries. We will learn, for instance, that last year over 15,000 Americans were killed at work, another 2.2 million suffered disabling injuries, and that all told, 10 million job-related injuries were reported to the Bureau of Labor Statistics. There are those who will dispute the accuracy of these figures and say they are too low, and there will be others who will question the relative significance of these figures given a labor force of 80 million workers. I would only hope that we will not become so involved in this numbers game that we lose sight of the fact that we are really talking about people and not statistics; we are really talking about thousands of persons who lost spouses in job fatalities and thousands of children who lost parents. We are really talking about hundreds of thousands of people who may never work again due to disabling injuries; and we are really talking about millions of people who lost precious worktime and incurred costly medical expenses due to job injuries.

I would hope that we will keep this tragic human toll uppermost in our minds as we debate these bills. Whether the BLS figures on job deaths and injuries are accurate is not all that important to me. What is important to me is the possibility of reducing that tragic toll through equitable and effective occupational safety and health leg-

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islation. What is important to me is the possibility of providing a safer and more healthful working environment for the 80 million Americans in the labor force. For as the committee report so correctly points out, the worker's surroundings and the conditions under which he works are of crucial importance in the whole environmental question for it is in this environment that he spends one-third of his day. The air he breathes and the tools and materials he handles can pose a direct threat to his health, safety, and well-being if adequate precautions are not taken. This is really what we are talking about today in considering the need for national industrial health and safety standards.

The main question before us today is not whether there is such a need, but rather, how best to meet that need. I would, therefore, like to use the remainder of my time explaining why I think the Steiger-Sikes substitute bill offers the best approach to job safety legislation.

The most apparent and striking differences between the committee bill and the substitute bill are in the assignment of authority under the act. Whereas the committee bill would grant the Secretary of Labor broad authority to promulgate, monitor, and enforce safety standards, the substitute bill offers a more equitable and balanced approach to the implementation of a national occupational safety and health program. The substitute bill would establish a five-member Occupational Safety and Health Board to be appointed by the President for the sole purpose of setting standards; and a special three-member Occupational Safety and Health Appeals Commission for the sole purpose of adjudicating alleged violations. Both the committee bill and the substitute bill are alike in granting the Secretary of Labor the authority to inspect and investigate work areas.

Mr. Speaker, I think the division of responsibilities as provided for in the substitute bill is a more responsible and realistic approach to an equitable and effective job safety program. I know there will be those who will point to other precedents for vesting both the standard-setting and standard-enforcing authority in a single person or agency. The examples of our various Federal regulatory commissions will be cited. Let me only point out that one of the major criticisms that has been leveled against these commissions has been the problems involved in both setting and enforcing regulations. And yet the committee bill would in effect set up an identical situation by making the Secretary of Labor the prosecutor, judge, and jury all in one. Another criticism that has been leveled against our regulatory agencies has been the charge that they too often become spokesmen and even protectors of the interests they are supposed to regulate. Now it seems to me that we run the same risk in the committee bill by giving sole authority to the Secretary of Labor who has traditionally been the voice of labor in the administration. It would, therefore, seem much more reasonable and equitable to give an independent board of safety professionals the power to set standards, and a separate appeals commission the power to adjudicate alleged violations. In this way I think we can best insure both safety for the worker, and maximum equity for the employer and employee alike.

Another controversial provision of the committee bill is the so-called "general duty" clause of section 5 which states:

> Each employer shall furnish to each of his employees employment and a place of employment which is safe and healthful.

Now this language is so broad, general, and vague as to defy practical interpretation let alone responsible enforcement. The substitute bill, on the other hand, is specific in its employer duty provision by stating:

> Each employer shall furnish to each of his employees employment and a place of employment which are free from any hazards which are readily apparent and are causing or are likely to cause death or serious physical harm to his employees.

Even the committee bill in the other body, which in most respects is identical to this committee bill, specifies "a place of employment free from recognized hazards so as to provide safe and healthful working conditions." I just do not see how there can be any responsible justification for the broad general duty requirement in this bill. It is unrealistic, irresponsible, and unenforceable.

Another strong feature of the substitute bill is its provision for the immediate promulgation of emergency temporary standards by the Board where there is grave danger to workers resulting from toxic substances and new processes. The committee bill, on the other hand, requires a hearing before any standards can be promulgated, no matter how urgently they may be needed. In like fashion, the substitute bill also provides for the immediate promulgation by the Board of national consensus standards and existing Federal standards without invoking APA procedures. In both instances of course, the temporary emergency standards and the consensus standards would be replaced once permanent standards have been set under APA procedures. But the important point is that the substitute bill provides immediate protection to workers which the committee bill does not.

Finally, whereas the committee bill gives an inspector authority to close down a plant operation on the spot if he determines an imminent danger exists, the substitute bill would leave this up to the district courts. I think that going immediately to the courts for such an injunction is a more responsible and equitable procedure than granting this arbitrary power to an inspector.

Mr. Speaker, while I could cite other differences between the two bills that would further strengthen the case for the substitute bill, I think I have touched upon the main ones. I think it is extremely unfortunate that there was not more of a willingness to work for an equitable and effective compromise in committee for as I said at the outset of my remarks, there is general agreement on the need for a strong occupational safety and health bill. But beyond the agreement on such a need, there is also a great need for a bill which would provide the best possible program—one which will guarantee a safe and healthful working environment for the worker while at the same time guaranteeing fairness and due process to the employer. I think the substitute bill best addresses itself to those two objectives, and I therefore urge my colleagues to join me in supporting it.

Mr. YOUNG. Mr. Speaker, I ask that the record reflect that when I yield, I yield for purposes of debate only. I yield 5 minutes to the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, this rule will bring before the Congress the long-delayed legislation H.R. 16785, which, if enacted without crippling amendments, will protect millions of American workers who are daily exposed to unnecessary hazards in carrying out their duties with their employers.

Through oversight, negligence, and, in most cases, management's refusal to install proper protection devices, machinery, and avoid unnecessary exposure to hazardous conditions, management has inflicted injuries, impaired health, and directly or indirectly caused death to millions of our people who are engaged in our production economy. By reason of delay in protective legislation, both workers and management have lost many hours, days, weeks, and even years of valuable production which, otherwise has deterred the Nation's progress and economy.

This legislation, if enacted, will also bring about a stimulation for further production among employers and employees and will greatly affect and expand existing production by providing safe and healthy working conditions in industries, factories, and so forth. This bill will also expand research in the field of occupational safety and health by developing innovations, methods, techniques, and approaches for dealing with occupational safety and health problems. It will also provide for training programs to prevent accidents and to increase the competence of personnel in the field of occupational safety and health. It will encourage States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in inaugurating improvements to their needs and responsibilities in the areas of occupational safety and health.

This bill will authorize the Secretary of Labor to hold hearings on violations of standards and issue orders for correction and such orders to be subject to judicial review. It gives the Secretary authority, at his discretion, to set such penalties up to $1,000 per violation per day. Other provisions of the bill would authorize research into such health and safety problems, and set up an advisory committee to assist in the development of standards which would apply to various industries according to each category.

Extended hearings were held on this legislation by the Education and Labor Committee and testimony was presented by both management and employees along with prominent individuals and organizations urging the necessity of life, health, and safety protection, not only for management and employees but the public generally. It is astounding that approximately 14,500 workers have been killed and almost 2,200,000 injured each year as a result of hazardous working conditions, most of which can be curbed or prevented by the enactment of this bill.

I hope this legislation will be passed by a large majority and without any crippling amendments.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16785) to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for reseach, information, education, and training in the field of occupational safety and health; and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for consideration of the bill H.R. 16785, with Mr. CORMAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky will be recognized for 1½ hours, and the gentleman from Wisconsin (Mr. STEIGER) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill, H.R. 16785, which we are considering today is long overdue. It is a bill designed to reduce death in the working place and bring to a minimum the crippling injuries and job-related illnesses which increasingly affect workers in this country.

Occupational health and safety is a national problem affecting every State, region, and industry. The full extent of this grim situation is not known. If there were adequate and uniform reporting the Nation would be shocked. Such partial information as we have, however, about the extent of occupational deaths, injuries, and illnesses is shocking enough. 14,000 working people were killed on the job in 1968. Another 2.2 million were reported to have suffered disabling injuries. The U.S. public health service estimates that there were at least 390,000 occupational illnesses last year. These figures may reflect less than one-half, or perhaps less than one-quarter of the actual human devastation. More workers are being killed on the job than are being killed in Vietnam. Five times as many workdays are being lost because of occupational accidents as are lost because of work stoppages related to labor-management differences.

Some of the hazards that the workers face are old. Lead, mercury, zinc, silica dust were threats to craftsmen in antiquity. Some of the threats such a carbon monoxide and carbon tetrachloride are products of the earlier stages of our industrial age.

Clearly, however, the increasing threat to the safety and health of the workingman is a function of the runaway technological and industrial revolution. The new techniques, the new processes, the new machinery, the new environments, new chemical and physical agents are being introduced into the working place with accelerating frequency presenting new hazards to the worker.

We have done far too little to deal with safety and health hazards which have been well known for years. We can no longer ignore the ever-increasing dangers faced by the working men and women of this country.

The laws, standards, enforcement, research, the manpower and money resources that have been directed at occupational safety and health are increasingly inadequate to deal with the problem.

Immediate passage of an occupational health and safety bill is imperative. Because it is so crucial to the welfare of working men and women, our committee, under the leadership of the gentleman from New Jersey (Mr. DANIELS) has prepared and will offer a series of amendments. These amendments are put forward in the spirit of compromise that has always characterized the House Committee on Education and Labor in its consideration of important legislation.

The following amendments will be offered to the committee substitute and will have the support of the majority of the committee:

First. The open ended general duty provision will be modified to make clear the intention that employers only be required to provide employment and a place of employment that is free from recognized hazards. There will be no penalty for violation of the general duty provision under this amendment.

Second. The authority of the Secretary acting through an inspector to close down a plant or a plant operation which presents an imminent danger situation is deleted. Under the amendment he will have to seek a court order to bring about a shutdown.

Third. The provision that would have permitted an employee to absent himself from exposure to a toxic substance without loss of pay, the so-called "strike with pay" provision, has been deleted.

Fourth. The fears of employers that the monitoring provisions would impose a heavy burden upon them have been recognized and substantial modifications of those portions of the bill will be offered.

Fifth. Another amendment would modify the Construction Safety Act so as to include contractors and employees performing non-Government as well as Government work.

These amendments and these compromises are offered in recognition of the imperative nature of the situation and of the desperate need of America's working men and women. I would hope, in view of the compromises which we have offered removing the fears and misinterpretations that some have held, that all Members of the House will find it possible to support the committee bill with the amendments I have specified.

The bill, H.R. 16785, would provide a congressionally recognized right to every man and woman who works to perform that work in the safest and healthiest conditions that can be provided. H.R. 16785 provides a broad and effective framework for action by the Federal Government using the best resources of the States, private individuals, and labor to meet the challenge of illness and injury.

The Secretary of Labor is authorized to establish interim as well as permanent standards and in certain situations he can establish emergency temporary standards. After notice and public hearing at which all interested persons are afforded an opportunity to make their views known, the Secretary of Labor is authorized to promulgate interim standards to be in effect for a maximum period of 2 years. These interim standards may be based on existing national consensus standards, established Federal standards, or other proprietary standards.

Permanent standards or modifications of permanent standards are to be promulgated by the Secretary after being considered by an advisory committee, and after hearings under the Administrative Procedures Act. Emergency temporary standards are authorized where employees are exposed to a grave danger from exposure to toxic substances or new hazards, and where such an emergency standard is necessary to protect the employees from such grave dangers.

The act provides for citations to be issued where there are violations of standards, rules or orders of the Secretary. Where the violation results in a serious danger a mandatory penalty is imposed. In other cases the penalty is discretionary. Citations must be in writing and must state specifically what standard or other requirement is alleged to have been violated as well as the time within which the violation must be corrected. The enforcement process provided calls for hearings under the Administrative Procedures Act and a court review should the employer want it.

Where the violations are willful and repeated, civil penalties of up to $10,000 are provided. In connection with the citation for a serious violation, that is, where the violation results in substantial probability that death or serious injury could result, a civil penalty of up to $1,000 is provided.

States are permitted to assert jurisdiction under State law where there is no standard in effect under this act. States are also permitted to submit State plans for the development and enforcement of occupational safety and health

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standards under this act. If the Secretary finds that the State plan provides an adequate agency with sufficient authority and resources to carry out the purposes of this act, he may approve the State plan and the State will have a prime responsibility for the enforcement of the act.

H.R. 16785 if enacted will result, I feel certain, in a substantial reduction in work-related death, illness, and injury. It is an eminently just and fair bill, protecting the interests of worker and employer alike.

I most strongly urge support of this badly needed legislation.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I was interested in the observation the gentleman made that there will be no effort to assess a penalty under the so-called general duty clause of the bill. How would that section then be enforced? Would it be merely by the issuance of a citation calling attention to the alleged defect?

Mr. PERKINS. Certainly it would be by citation.

Mr. ANDERSON of Illinois. If the gentleman will yield further, there would, however, be a penalty that would attach if that citation or any order issued pursuant to the citation were not complied with.

Mr. PERKINS. Just for violation of the duty there will not be any penalty attached. That is where we propose to make the modification.

Mr. DANIELS of New Jersey. Mr. Chairman, will my distinguished chairman yield?

Mr. PERKINS. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Under the amendment I propose to offer, when a citation is issued and the employer is given a certain period of time to correct the hazard, if he fails to do so then a penalty may be imposed. Otherwise no penalty would be imposed.

Mr. PERKINS. Naturally an employer cannot refuse to make the corrections, under the substitute here.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, we are considering today legislation which will affect virtually every man, woman, and child in this country who holds a job or operates a business now or in the future.

Every Member of this body is aware of the awful toll on-the-job accidents take each year. In the last 25 years more than 400,000 Americans were killed by work-related accidents and disease and close to 50 million more suffered disabling injuries on the job. Not only has this resulted in incalculable pain and suffering for workers and their families, but such injuries have cost billions of dollars in lost wages and production.

The issue before us today is not whether we should put the resources of the Federal Government to work on this problem, but how best to do it.

You will be asked to choose between two pieces of legislation—H.R. 16785, which was reported by the majority on the Education and Labor Committee, and H.R. 19200, which was first offered in almost identical form in the Education and Labor Committee as a bipartisan compromise by the gentleman from Maine (Mr. HATHAWAY) and myself.

Some confusion may have arisen, Mr. Chairman, because of action taken in the other body last week with regard to this legislation. Let me set the record straight.

S. 2193, as reported by the Labor and Public Welfare Committee, was a compromise. It was not identical to H.R. 16785 which we have before us today. Some groups have attempted to talk about the Daniels bill and the Williams bill as if they were identical, but this is simply not the case. The other body was successful to a degree in reaching a compromise in Committee by incorporating some features of the Steiger-Sikes substitute in their reported bill.

In our Education and Labor Committee, however, we reached no such compromise. H.R. 16785 represents a bill that from start to finish was drafted, proposed and approved by one side of our Committee. The best attempt at compromise initiated by the gentleman from Maine (Mr. HATHAWAY) and myself failed on a 15 to 19 vote in the full Committee.

I still believe we put together a good compromise, and thus the gentleman from Florida (Mr. SIKES) and I will offer the substitute here on the floor as an alternative to the Committee-reported bill. H.R. 19200, the substitute, is a bipartisan compromise between what the administration originally proposed and what the Democrats on our Committee proposed. It is in that spirit of compromise that we offer it for consideration.

Some of the rhetoric surrounding this legislation has been incorrect and misleading. It has been charged that the Steiger-Sikes substitute is weak; that it attempts to white-wash occupational health and safety; that its passage will in fact encourage rather than discourage industrial accidents.

It must be made crystal clear at the outset that the Steiger-Sikes substitute is a strong bill. It in no way downgrades occupational health and safety protection for the workers of this country and there is no evidence to support such a charge.

The substitute has the same coverage as H.R. 16785. Both bills have almost identical provisions with regard to the role of the States; Federal employee safety; research, employee training, grants to the States; the confidentiality of trade secrets; variations, tolerances, and exemptions; and the relationship of the act with regard to other Federal programs.

Most importantly, the basic ingredients of H.R. 16785 are included in the Steiger-Sikes substitute—mandatory standards, inspections and enforcement, penalties for violations, a remedy for circumstances where the danger of harm in a workplace is imminent, emergency standards for toxic or hazardous new substances.

Where these two bills differ is in the procedural structures provided for carrying out the responsibilities created under the legislation.

This is the issue. The law we pass today must be strong, effective, workable, and fair. It must have the respect and confidence of workers and employees alike. It must guarantee to each American worker a mechanism for developing and enforcing safe and healthful working conditions; and it must guarantee to each employer objectivity, fairness, and due process.

In my opinion, the Steiger-Sikes substitute will accomplish our objectives in this manner. H.R. 16785 will not.

SEPARATION OF POWERS

The most basic and most important difference between H.R. 16785 and the Steiger-Sikes substitute is the method of administering the functions set forth under the act. H.R. 16785 vests authority for the promulgation of standards, inspection and investigation of complaints, the prosecution of cases, and the adjudication of cases totally in the hands of the Secretary of Labor. The substitute separates these functions to provide for a more effective, efficient, and equitable administration of the law.

OCCUPATIONAL HEALTH AND SAFETY BOARD

In recognition of the importance and nonpartisan nature of occupational health and safety, the substitute establishes a new, top echelon independent occupational safety and health board to set standards. The board would consist of five members appointed by the President solely because they are high-caliber professionals in the field of occupational safety and health. There are no business seats or labor seats. This is to be a nonpartisan group of professionals.

The board has been painted as probusiness and antilabor. The testimony before our committee refutes these charges. Recommendations for an independent, standards-setting body were made by such prestigious professional organizations in the field of safety and health as the National Safety Council, the American Industrial Hygiene Association, the Industrial Medical Association, the American Academy of Occupational Medicine, the American Society of Safety Engineers, as well as State health and industrial safety agency representatives.

In addition, we now have the report of the National Commission on Product Safety which was appointed by President Johnson to recommend programs to protect consumers from product hazards. The Commission has strongly recommended that Federal product safety standards be established by an independent Federal authority. The reasons stated by the Commission are most applicable to the field of occupational health and safety, and I quote:

> Statutory Regulatory Programs buried in agencies with broad and diverse missions have, with few exceptions, rarely fulfilled their mission.
>
> The reasons for their weaknesses include lack of adequate, funding and staffing because of competition with other deserving programs within any agency; lack of vigor in enforcing the law caused by an absence of authority and independence in some Federal

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> administrators; and a low priority assigned to programs of low visibility.
>
> When a federal agency must take up substantial and controversial issues of consumer safety and economics, we believe it needs independent status.
>
> Independence can be furthered by appointment of Commissioners on a non-partisan basis. . . .
>
> Another reason for our recommendation of an independent commission stems from our own experience of the past two years. . . . Visibility has aided us in communicating public needs to business. We believe that a highly visible consumer product safety Commission will have the potential to deal formally and at arms-length with the industries it must regulate in behalf of the public.
>
> The high visibility of a vigorous independent commission would also be a constant reminder of the federal presence and would itself stimulate voluntary improvement of safety practices.

It has been argued that only the Secretary of Labor can give the working man adequate protection. But there are ample precedents for creating agencies and making them independent of the Department of Labor even though those agencies are concerned with matters affecting the relationship of man to his job. Examples of these independent agencies are the Federal Mediation and Conciliation Service, the National Labor Relations Board and the National Mediation Board.

It has been argued, Mr. Chairman, that Congress has often placed all the functions of standard-setting, inspection and enforcement in one department of the agency. Opponents of the Board cite such acts as the Longshoremen's and Harbor Workers' Safety Act, the Coal Mine Safety Act, the Federal Railroad Safety Act and others. I must point out that each of these acts deals with a specific area of concern and is limited in application. The occupational health and safety legislation before us today deals with every conceivable type of industry and business, and I submit that such a responsibility merits and needs a different administrative approach.

It has been argued that multimember commissions or boards are not given to decisive action and make it impossible to poinpoint responsibility and accountability. I agree that this has been the case in some agencies which have diversified responsibilities for setting regulations and enforcing them. However, the Occupational Safety and Health Board has one and only one responsibility—the promulgation of standards. It cannot duck this function, and to make it even more responsible, the substitute mandates that when either the Secretary of Labor or the Secretary of Health, Education, and Welfare requests the setting of modification of a standard, the Board must commence standard-setting procedures within 60 days after the request is made. To argue as some do that a board appointed by and serving at the pleasure of the President will not be responsive overlooks the fact that this mechanism actually pinpoints responsibility in the Chief Executive. As a matter of fact the Board membership will be at least as responsive as the Secretary of Labor who is also appointed by and serves at the pleasure of the President.

INSPECTIONS AND CITATIONS

In both H.R. 16785 and the substitute, the Secretary of Labor makes inspections and investigations under the act, determines alleged violations and issues citations. There is a very real difference between the two bills, however, the power granted to the individual inspector on the job site. Under H.R. 16785, the inspector issues the citations at the end of his visit and these citations are posted. The substitute is carefully drawn to insure that an inspector is not given virtually limitless power. Citations are issued by the Secretary not the inspector. These citations must then be posted at the worksite, but the review of the inspectors' work insures that the citations issued will be for valid violations enforceable under the act.

ENFORCEMENT

Under the substitute, all appeals of citations are handled by an Occupational Safety and Health Appeals Commission, composed of three members appointed by the President and confirmed by the Senate. The Commission's hearing examiners conduct the hearings and the Commission issues corrective orders and assesses penalties.

The Appeals Commission completes the separation of powers under the substitute bill.

I cannot emphasize enough, the importance of the separation of authority provided by the substitute. I ask each of you to concentrate again on the ramifications of this law and the reach of this law into countless numbers of workplaces throughout the country. It will involve millions of employees and tens of thousands of employers. We must create an administrative mechanism which fits the challenge. Standards must be effective. They must be fair. They must be enacted without undue delay. They must be kept up to date. A Board of professional safety and health experts with the sole responsibility of standard setting and review is the very best way to achieve these objectives.

Enforcement must be equally effective. It must be swift. It must be just. An Appeals Commission of highly qualified officials which has as its sole function enforcement of this law is the best way to achieve these objectives.

GENERAL DUTY

Another defect of H.R. 16785 which I regard as especially serious is its very broadly worded and vague general requirement that employers maintain safe and healthful working conditions. I believe it is grossly unfair to employers to subject them to the possibility of a civil penalty for not complying with a general requirement as vague as a mandate "to do good and avoid evil." How will an employer in today's complex and highly technical industrial circumstances know exactly what is expected of him, and what he may be doing incorrectly which may result in his being penalized? It is exactly this complexity, and the uncertainty which often goes with it, that has led us to provide carefully designed procedures for issuing specific safety and health standards. With specific standards it will be apparent to the employer what is expected and required of him; and specific standards will also serve as the necessary guide for inspectors in properly carrying out their investigatory duties.

A vague general requirement like the one contained in H.R. 16785 was one of the first provisions which the Committee struck when it considered similar legislation in the 90th Congress. Why it has now seen fit to restore such a requirement is not at all clear. One argument which has been relied upon by those who presently favor H.R. 16785 is that a similar general provision is found in the Walsh-Healey Act and in the Service Contract Act. This argument, Mr. Speaker, is unpersuasive.

The Walsh-Healey and Service Contract Acts are concerned with the duties of those who contract with the Government. Where a person freely contracts with the Government, he assumes the responsibility for maintaining safe and healthful working conditions as provided for in those two procurement-related statutes. While the language of the requirement in those two laws may be general, its actual application could hardly be described as "general" since coverage under those acts extends only to circumstances to which the supply and service contracts, themselves, apply. Moreover, I understand from the Labor Department that the general requirements of those two statutes have never been enforced in the absence of specific standards.

Another argument offered in support of the committee bill's general requirement is that it is comparable to the general duty of care imposed in the law of torts. This argument is also unpersuasive. Tort law is concerned with providing for after-the-fact payment of damages by one whose negligent act actually caused an injury. To borrow merely the isolated general duty of care from the field of tort law and impose it, along with the sanctions of civil penalties, to provide a before-the-injury method of preventing the occurrence of industrial accidents, strikes me as incongruous. In tort law the general duty of care does not exist in isolation. It is surrounded by other factors which sharply limit it, and thus give it real meaning and practical application in the field of law in which it is used. Centuries of Anglo-American case law have refined the general duty of care through the judicial development of doctrines to serve as guides for the careful application of the general duty. Also, elaborate defenses have been developed to limit its otherwise unjust application. If we are to include any sort of general-care duty in this legislation, Mr. Chairman, we should also limit its terms so that persons upon whom it would impose a duty are not unjustly held accountable for situations of which they are completely unaware.

The substitute recognizes that we are not always going to have precise standards to cover all circumstances. Therefore a general requirement is included, but it is limited and made more specific by requiring employers to maintain working conditions which are free "from any hazards which are readily apparent and are causing or are likely to cause

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death or serious physical harm." It is patently unfair to require employers to supply every conceivable safety and health need for which no specific standards exist to guide them. By limiting this "general duty" requirement to apparent dangers, the substitute overcomes this element of unfairness and at the same time provides protection in serious situations which may not be covered by a precise standard.

IMMINENT DANGER SITUATION

Both the substitute and H.R. 16785 provide for closure of operations in cases where imminent danger exists, that is, a situation in which death or serious physical harm could result if a condition is not corrected.

H.R. 16785 gives an inspector in the field full power to close down any industrial plant or its operations, if in the inspector's individual judgment there exists an imminent danger to employees.

The substitute requires the inspector to inform both the employer and the employee that he feels imminent danger exists and that he is asking the Secretary of Labor to immediately get a temporary restraining order to close down the dangerous area. Federal judges can be reached at any time of the day or night. This is not a delaying tactic. It puts the enforcement of the inspector's order in the court, which will ultimately have jurisdiction under both bills. It provides swift enforcement and due process.

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield here on the imminent danger point?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Maine.

Mr. HATHAWAY. Under the Daniels bill, even if an inspector comes into a factory and says, "I am ordering you to shut down a certain section, because of the danger involved," the employer could simply say, "I refuse to do it," and then the inspector would have to go to court. So any employer who really wants to have this done through a court order can actually do it by simply refusing to obey the inspector's mandate in the first place, because the inspector does not have any enforcing power on his own.

Mr. STEIGER of Wisconsin. I think the gentleman is correct in his analysis, but under the committee bill, as we have it before us, it could subject the employer to a penalty which he may decide he would not want to bear.

Mr. HATHAWAY. What penalty? A penalty for refusing to close down?

Mr. STEIGER of Wisconsin. Yes.

Mr. HATHAWAY. That is under the gentleman's bill or under the Daniels' bill?

Mr. STEIGER of Wisconsin. I am talking about the Daniels' bill.

Mr. HATHAWAY. I do not think there is any penalty for refusing to comply with the inspector's order.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Speaker, I will say quite affirmatively I propose to offer an amendment to eliminate the provision referred to in the Daniels' bill as the imminent danger provision, so that an inspector would have to go to court and obtain a cease-and-desist order and an injunction in order to close the plant down.

Mr. STEIGER of Wisconsin. I thank the gentleman from New Jersey.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, the gentleman is altogether correct. If an inpector makes a determination that imminent danger exists in the particular plant, the inspector has no enforcing power, and, therefore, cannot close that plant down. Even under the language in the committee bill, if the employer resists the recommendation of the inspector, the inspector would have to go to court. As the gentleman from New Jersey, (Mr. DANIELS) stated, assuming that the substitute offered by the gentleman from Wisconsin is voted down, we will make this as clear as a crystal in the amendment Mr. DANIELS will offer.

Mr. STEIGER of Wisconsin. Mr. Chairman, my hope, of course, may I say to my Chairman, is that the substitute will not be voted down, but that it will, in fact, be agreed to, even more so now that we see what is happening to the Daniels bill as it begins to come closer and closer to the substitute.

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Maine.

Mr. HATHAWAY. Mr. Chairman, I want to clear up my point that it really does not make any difference if we leave the Daniels bill as it is with respect to the imminent danger provision, provided the Chairman and I are correct, that there is no penalty for simply disobeying the recommendation of the inspector if he thinks there is imminent danger. If we leave it the way it is, it may have the salutary effect of not bottling up the courts with close orders, because I believe in most instances the manufacturer would be willing to close down that part of the factory anyway, so I, for one, am not going to support the amendment which will be offered to the Daniels bill.

I thank the gentleman for yielding.

Mr. STEIGER of Wisconsin. The gentleman is welcome.

The standards established under this legislation are going to largely determine the effectiveness of the legislation. H.R. 16785 has some serious deficiencies which actually impede effective standard setting. These have been overlooked in the debate over other issues, but they are extremely important. There are three types of standards prescribed by both bills—permanent, temporary emergency, and early.

The substitute bill provides very simply that the Board sets standards according to the procedures of the APA. This requires that a hearing will be held so that the views of interested persons can be heard; and standards will be based on the substantial evidence developed in the hearing process.

H.R. 16785 would also set permanent standards through APA hearings, but before these hearings even begin, it would be necessary to go through a complicated maze of procedures involving assorted ad hoc advisory committees. Whenever the Secretary seeks to set a standard under H.R. 16785, he is required to appoint an advisory committee. This advisory committee may have up to 9 months to submit its recommendations to the Secretary and the Secretary may not begin any hearings until he has afforded the advisory committee the prescribed time to submit its recommendations. Although the Secretary may shorten this period, the committee bill also provides that he may extend it.

After these excessive time periods run, H.R. 16785 affords the Secretary up to 4 months to schedule a hearing to be held at an indefinite future date on the recommendations of the advisory committee.

All this adds up to the fact that under H.R. 16785 the Secretary may take well over a year to arrive only at the hearing stage.

On the other hand, the substitute provides very simply that the Board set standards according to the procedures of the APA. The hearing stage is the starting point for setting permanent standards under the substitute. Under the substitute there would be no inevitable time delays occasioned by the advisory committees, since the substitute does not mandate the use of such committees; the substitute only permits their use at the Board's discretion.

TEMPORARY EMERGENCY STANDARDS

The substitute also recognizes that extraordinary situations will arise in which the Board has to act quickly in promulgating certain standards; and should not delay in any way doing so. Therefore, it provides that where employees are in danger from toxic substances or new hazards resulting from the introduction of new processes, the Board will issue emergency temporary standards. These standards would be promulgated by the quickest means possible; that is, they would become effective immediately upon publication in the Federal Register.

Because these standards would be promulgated without hearings, the substitute provides that they will only stay in effect until replaced by permanent standards which the Board is required to issue within 6 months after the emergency temporary standards are issued.

H.R. 16785 also provides for the promulgation of what it describes as emergency temporary standards. But the problem with these standards under the reported bill is that such standards are neither "emergency" nor are they necessarily "temporary." Under the reported bill, the Secretary would first conduct an inspection; and after that, the so-called emergency temporary standards would not become effective until 30 days after their publication in the Federal Register. Further, under H.R. 16785 the emergency temporary standards remain in effect for 6 months or until replaced by permanent standards. Therefore, it is possible that standards purported to be "temporary" could stay on the books for an inordinately long period of time. This means, Mr. Chairman, that under the reported bill the so-called emergency temporary standards would in reality be semipermanent standards without their ever having been subject to a hearing which is necessary for the promulgation of permanent standards.

EARLY STANDARDS

The substitute provides that within the first 3 years of the new act's life, the Board must promulgate national consensus standards and already existing Federal standards where these two types of standards will assure safer and more healthful working conditions. Because such standards have already been scrutinized either through the consensus-method or through procedures provided under Federal law, the substitute bill requires no hearings or other APA procedures for promulgating them under the new act; they simply become effective upon publication in the Federal Register. The national consensus standards would remain in effect until superseded by permanent standards as replacements.

H.R. 16785 also provides for promulgating national consensus standards and existing Federal standards. But here, again, Mr. Chairman, the committee bill has a built-in unnecessary time-delay for promulgating these standards. It would require a hearing to be held before these standards could be promulgated. What earthly reason could there be for requiring a hearing before promulgating standards which have already been through either full consensus-method procedures or Federal rulemaking procedures? This question is even more puzzling when one bears in mind that the bill provides that these standards must be subject to the permanent standard-setting process within 90 days after promulgation.

The committee bill also provides for the issuance of a third type of standard; that is, the national standard which has been developed by some method or other which is not a consensus method. The substitute, on the other hand, wisely does not provide for the adoption of standards where we do not know the means which may have been used to develop them. I believe the reason for this is obvious. If we are going to adopt as Federal law any standards which have been developed largely by the private sector, then I firmly believe that we should feel completely secure about where they come from and how they were fashioned. We should, for example, know that they came from the respected and well-known American National Standards Institute which uses the consensus method to develop its standards. To open the door, as H.R. 16785 would do, to any organization using any sort of method to produce a standard would in my opinion be unwise.

CITATIONS

The concept of issuing citations is a sound one, but H.R. 16785 goes about it in an unnecessarily complicated way. It is difficult to understand why the reported bill ties the issuance of citations to "serious danger" in some cases and not in others. The substitute simplifies this by requiring the Secretary to issue a citation in every instance where there is a violation of the act's requirements, unless of course, it is de minimis.

OCCUPATIONAL HEALTH AND SAFETY STATISTICS

In the hearings on this legislation, we heard the constant and well justified complaint that one of the great shortcomings in the field of occupational safety and health is the lack of an effective statistical program to provide an accurate picture of the scope and true nature of the complex problems of industrial injuries and illnesses. H.R. 16785 has only scattered provisions touching upon what would be needed in terms of reporting requirements for the purpose of such analysis. The substitute, however, contains a separate section providing a complete statistical program, including Federal grant authority to assist the States in their efforts in the statistical field. These provisions for an effective statistical program, which are included in our bill, were carefully worked out with the cooperation and assistance of the Bureau of Labor Statistics.

FINANCIAL ASSISTANCE TO SMALL BUSINESS

H.R. 16785 unfortunately has no provisions for providing financial assistance to small businessmen who will need such help to overcome some of the costs that are going to be occasioned by the enactment of this legislation. The substitute amends the Small Business Act to provide this needed assistance.

CONSTRUCTION SAFETY

In keeping with the recent policy of Congress with respect to protecting construction workers, the substitute places all construction workers under the protection of the Construction Safety Act, Public Law 91–54. Therefore, the substitute expressly provides that the Occupational Safety and Health Act would not apply to employers in construction work. It amends the Construction Safety Act to provide that all construction workers would come under the protection of standards developed under the procedures of the Construction Safety Act. Cases of alleged violations of construction safety and health standards, however, will be brought before the Occupational Safety and Health Appeals Commission, created under the Occupational Safety and Health Act. The Commission's orders would be enforced in the same way as they are enforced in the Occupational Safety and Health Act. The additional sanctions of contract debarment and cancellation now provided for under the Construction Safety Act would remain.

I believe that placing all construction employers under the recently enacted Construction Safety Act is the best way of handling the awkward circumstance of having one safety and health law which applies to all construction employers and another which applies to them where Federal and Federally assisted construction contracts are involved.

EFFECT ON OTHER LAWS

Both the substitute and H.R. 16785 provide that the act shall not apply where another Federal agency is exercising authority to prescribe or enforce occupational safety and health standards. Since Congress has provided for State agencies to exercise authority under section 274 of the Atomic Energy Act of 1954, the substitute also includes those State agencies under this provision.

While this section does not foreclose the authority of the Secretary of Labor in instances where another agency or department has statutory authority in the area of occupational safety and health, but has taken no action, it is anticipated that these instances will be extremely rare. It is intended that the Secretary of Labor will not exercise his authority where another agency with appropriate jurisdiction has taken steps to exercise its authority, even though the action might be at the formative stage of regulations or enforcement.

STATE PROGRAMS

Section 21(g) of the substitute authorizes the Secretary to make grants to States having plans which he has approved in order to assist these States in administering and enforcing their programs. The Federal grant authorized here may be up to 50 percent of a State's total costs. The section provides that any variation in the percentage of costs granted to different States shall be determined on the basis of objective criteria. One positive consideration in determining the amount of a grant should be the effort expended by a particular State in the field of employee safety and health prior to its application for a grant. It is intended that States which take the lead in this area and develop effective programs should receive special consideration in the making of Federal grants.

The substitute would not require a State to adopt any particular standard setting and enforcement procedures in order for its plan to be approved by the Secretary. It is only necessary that the State comply with the criteria set forth in section 18(c) of the substitute. Central to these requirements is the provision of section 18(c)(2) which requires that a plan provide for the development and enforcement of standards which are at least as effective as the Federal standards to be promulgated under the act. A State plan must also designate an agency or agencies which will administer the plan, and assure the legal authority, personnel, and funds necessary for it to carry out its administrative and enforcement activities.

EFFECT ON BUILDING CODES

The substitute will not supplant local building codes. It is conceivable that there will be some overlap between certain standards developed under the bill and local regulations which cover the same substantive areas. For example, a standard might be promulgated by the Federal Occupational Safety and Health Board dealing with the necessity for, or placement of, fire exits in a plant. A local building code might also have regulations in this area. Whether the Federal standard would apply would depend upon the existence and operation of an applicable State plan. In addition, in the promulgation of such a Federal standard, it would be appropriate to consult local building codes and building safety officials in an effort to accommodate those codes as far a possible.

As far as requiring major remodeling of buildings, the setting of standards contemplates taking into account "feasibility." Further, the substitute provides for the granting of variances from standards.

I cannot let this opportunity pass without paying tribute to the distinguished gentleman from Florida (Mr. Sikes). He recognizes the need for bipartisan support for an effective safety and health act. His help in bringing this substitute to the floor today has been invaluable. I cannot pay him adequate tribute for his guidance, wise counsel and support. This body owes him a great deal. He has my sincere respect and thanks.

This substitute has the support of Democrats and Republicans, business and labor groups, and the Nixon administration. It is strong. It is fair. It is workable. It would provide effective protection for America's working men and women. It offers the best method of bringing all the resources of the Federal Government to bear in bringing an end to job related injury, death, and disease.

When we return to the Whole House I would like to include at this point a letter from Labor Secretary Hodgson in support of this substitute.

Mr. Chairman, the President summed up my feelings on the consequences of our deliberations here today when he said:

> More is at stake than the reputation of one political party or another for legislative wisdom or political courage. What is at stake is the good repute of American Government at a time when the charge that our system cannot work is hurled with fury and anger by men whose greatest fear is that it will.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I will be delighted to yield to the distinguished gentleman from Illinois.

Mr. ANDERSON of Illinois. I should like to congratulate the gentleman from Wisconsin for an extremely able presentation and a very lucid explanation of the need for this legislation. Also, he has stated the reasons why the substitute he has coauthored with the gentleman from Florida (Mr. Sikes) is to be preferred over the committee bill.

I do have one question as a result of listening both to the chairman of the committee and also the gentleman from Wisconsin. As I understand it, the focal point of the controversy or at least one of the points of controversy in this dispute is over the five-man board that would be appointed by the President to set standards.

The argument has been made here today and elsewhere that this would inevitably lead to the creation of a board that would be dominated by promanagement interests to the detriment of labor. On the other hand, if I have understood the gentleman from Kentucky correctly and the amendments that will be tendered to the so-called Daniels bill, they will include the idea that you will have a three-man Presidentially appointed enforcement board. Is that correct?

Mr. STEIGER of Wisconsin. As I review the letter that was written to all of us, I find nowhere in here on the five amendments to be offered to the Daniels bill an amendment similar to that adopted in the Senate as offered by Senator Javits which creates a commission to handle the enforcement. So I am assuming that they make no change in the centralization of functions of the promulgation of standards, inspections, and investigations, and enforcement in the hands of the Secretary of Labor.

Mr. ANDERSON of Illinois. I thank the gentleman for clearing up that point, because there was something the gentleman from Kentucky said which to me indicated that there might be a willingness to go along with the idea of a three-man board for enforcement purposes. If that was indeed the position they are going to take, I would feel there would be less injury to have a board for enforcement than to have a board for the setting of standards.

Mr. STEIGER of Wisconsin. The point made by the gentleman from Illinois is correct. The structure of the substitute is based on the concept of the complete separation of the functions, because I do not believe in an area of this kind that you want to attempt to put into one hand all of that power. Therefore the substitute provides for that complete separation, and the Daniels bill, even with the amendments, does not provide for any separation of that which now in the Daniels bill rests with the Secretary of Labor.

Mr. ANDERSON of Illinois. If the gentleman will yield further, I agree with him and commend him on the work that he has done to present to us today an acceptable substitute.

Mr. STEIGER of Wisconsin. I thank the gentleman for his comments and yield back the balance of my time and include the letter from the Secretary of Labor referred to earlier in my remarks:

U.S. Department of Labor,
Office of the Secretary,
Washington, D.C., November 23, 1970.

Hon. William A. Steiger,
House of Representatives,
Washington, D.C.

Dear Congressman Steiger: I am writing you concerning H.R. 19200, an occupational safety and health bill which was introduced by Congressmen Steiger and Sikes, September 15, 1970. As you know, the President sent a special message to Congress in August of 1969 expressing his strong support for comprehensive occupational safety and health legislation. With the message the President transmitted a proposed occupational safety and health draft bill which was introduced by Congressman Ayres as H.R. 13733. Since the introduction of this legislation the President has mentioned on four separate occasions in messages to the Congress the need for enactment of a comprehensive occupational safety and health act.

I wish to indicate the Administration's support for H.R. 19200. It is very similar to a bill which Congressman Hathaway introduced by motion in the House Committee on Education and Labor. As such it represents a compromise between the Administration's original bill and the bill which the Committee reported. I was personally involved in the discussions with Congressmen and their representatives from both parties which lead to that compromise and I firmly believe that H.R. 19200 is a strong, comprehensive measure which include fair, effective procedures for promulgating and enforcing occupational safety and health standards.

My endorsement of H.R. 19200 is in the spirit of compromise, and a desire to see effective occupational safety and health legislation enacted this year.

Sincerely,

J. D. Hodgson,
Secretary of Labor.

Mr. PERKINS. Mr. Chairman, I yield such time as he may consume to one of the distinguished sponsors of the bill, the gentleman from New Jersey (Mr. Daniels).

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. DANIELS of New Jersey. I shall be happy to yield to the distinguished gentleman from California.

Mr. COHELAN. Mr. Chairman, I rise in strong support of H.R. 16735, the Occupational Health and Safety Act of 1970. This legislation would authorize the Secretary of Labor to promulgate, monitor, and enforce Federal job health and safety standards for workers.

Mr. Chairman, there is a strong need for strict Federal regulations regarding the health and safety of workers. Present efforts in this area, whether they be State or private, are inadequate for in the past 10 years the total number of deaths and disabling injuries has increased dramatically and this upward trend shows no sign of change. Statistics from the Department of Labor show that 55 working men and women are killed on the job each day—that is 14,500 are killed annually while 2.5 million Americans are disabled each year on the job and another 7 million are injured.

A recent study made for the Department of Labor, by Mr. Jerome Gordon, shows even more frightening figures. This unpublished report concludes that as many as 25 million serious injuries and deaths on the job are not counted each year by the Federal Government. Inadequate standards for counting injuries and faulty reporting seems to indicate that the injury rate for workers is 10 times higher than official figures show.

While human death and suffering can never be measured in dollar figures, there is an economic loss that must be considered with this issue. It has been estimated that workers injured or killed lose an estimated $1.5 billion annually in wages and that the total economic loss to the Nation's economy is in excess of $8 billion a year.

Under this bill, the safety and health of workers will be the Secretary of Labor's primary responsibility. I am pleased to see that this bill places the authority for the establishment, enforcement, and development of job health and safety standards in one appointee whose primary obligation is to protect the legitimate interests of the workers and to enforce public policy in these areas as given to him by the Congress and the President. I am opposed to the idea of a board or a commission having such authority as is appears and has been proven that boards and commissions have been used in the past as a common technique to avoid making decisions. A board whose members are appointed to a fixed term or at the pleasure of the President could not be held accountable to any one for reasonable and consistent establishment of standards.

Under the provisions of this bill, full authority is given to the Secretary of Labor to issue occupational health and safety standards, with recourse to Federal courts to enforce such standards. Provision has been made for penalties against violations and the Secretary of Labor has the authority to shut down plants or curb operations where a Federal inspector finds an "imminent danger" of loss or injury for workers. Also, I am pleased to see that this legislation contains authority for the Secretary of Health, Education, and Welfare to authorize research into job health and safety problems, establish training and employee education programs, and provide for accurate reporting of job accident and disease statistics. This bill also sets up an ad hoc advisory committee to assist in the developments of standards and a 20-member national advisory committee.

Mr. Chairman, a comprehensive occupational safety and health program must be based on the individual rights of the worker. It must permit the worker to leave his post whenever and wherever conditions exist that endanger his health or safety. The worker must be guaranteed procedural safeguards in order to take corrective action in removing such dangers. Therefore, passage of this measure before this Chamber today is vital and necessary as all of these aspects of a comprehensive safety and health program as provided for in H.R. 16735.

It is time to act on this issue now. It is time for the Congress to pass strict legislation that will provide for the well-being of millions of Americans. We cannot tolerate conditions that take the lives of thousands of workers annually; we cannot tolerate dangerous working conditions that result in disabled workers.

Mr. Chairman, I urge my colleagues to adopt the Occupational Health and Safety Act of 1970 today in an effort to provide for better working conditions for all Americans.

Mr. DANIELS of New Jersey. Mr. Chairman, America's 80 million working people spend an average of 40 hours a week in some of the most polluted, physically hazardous, and physically damaging environments found anywhere. Eighty percent of these citizens work in places where no type of health service is provided, and the protection given the remaining 20 percent varies from excellent to minimal.

From across the country, the Select Subcommittee on Labor has received devastating accounts from individual working men and women of the appalling results from exposure to a contaminated workplace.

In the manufacture of matches in Louisiana, workers—most of them women—have reported numerous nervous breakdowns, becoming uncoordinated and having accidents.

From New Mexico, workers list 10 deaths in the Grants area from lung cancer from radiation.

Oil refinery employees in Tennessee count several cases of cancer in one small plant, two deaths from burning and one loss of life due to hydrogen sulfide.

In pesticide production plants, workers are dying and others are disabled due to lung conditions, primarily emphysema caused by chemical fumes.

From Michigan, plant workers report dust from cyanide in great quantities, with resulting lung ailments and death. Sulfuric acid spray is present in the atmosphere in such quantities that it eats paint off the cars in the parking lot in addition to causing harm to the employees.

Exposure to acrylamide in a New Jersey plant has resulted in worker paralysis and blinding.

Investigations of conditions in the textile mills reveals that among carders and spinners 29 percent had byssinosis, a progressive lung disease causing total disablement.

Among deaths of asbestos workers, studies have revealed that 10 percent were dying of asbestosis, a disease causing inability to breathe; over 20 percent were dying of lung cancer; 10 percent of cancer of the digestive tract; 10 percent of nasal mesothelioma—also a cancer—and another 10 percent of miscellaneous cancers.

Yet despite these tragic accounts, Congress and the State legislatures have passed safety and health legislation in a piecemeal fashion, usually in response to a disaster of major proportions in a particularly hazardous industry. Last year, Congress passed the landmark Federal Coal Mine Health and Safety Act. The main impetus for Federal action in this field came, unfortunately, because the lives of 78 West Virginia coal miners had been snuffed out one fatal day in 1968.

Testimony at that time concerning the provision in the Coal Mine Safety Act for compensation for black lung disease revealed that over 100,000 other men were slowly losing their battle for life as a result of exposure to minute airborne particles of coal dust. Their silent suffering does not make headlines. For every one of those afflicted miners, there are millions of other men and women in our workforce whose lives are daily being placed in jeopardy from chemicals, insecticides and pesticides, asbestos fibers, cotton fibers, inplant pollution, defective equipment, and faulty or nonexistent safety devices. We do not read about these workers in the newspapers; yet it is a fact of the modern industrial process—whether in our factories or on our farms—that our workers find their lives endangered while earning a livelihood.

Mr. Chairman, I am not overdramatizing. I am merely reporting to the Members of the House of Representatives the results of 15 days of public hearings in the 91st Congress and 11 days in the 90th Congress; the results of a study by Jerome B. Gordon, formerly of Delphic Systems & Research Corp., for the Department of Labor; and reports from labor, environmentalists, health experts, and interested citizens concerned about this problem.

I do not want to single out one particular industry as being extremely hazardous, for this body could not determine standards for each individual industry or occupation in this country. I believe, rather, that it is the proper duty of Congress to give national leadership in a campaign to end the carnage in America's workplaces. Today we have a historic opportunity to pass this Nation's first broad, comprehensive, and fair occupational safety and health bill, H.R. 16785. The Senate passed job safety legislation last week.

I can report to my colleagues that every witness appearing before the Select Subcommittee on Labor in the 91st Congress said there was need for Federal safety and health legislation. Collected in the three volumes of testimony compiling 2,584 pages from the 90th and 91st Congresses are the gruesome statistics and stories of occupational deaths and diseases.

It is a shameful fact that 2.2 million workers are maimed, disabled, or otherwise injured annually on the job. And another 14,500 die through job-related accidents and illnesses. Moreover, over 255 million man-days of work are lost yearly through job disability. It is estimated that the annual loss to the gross national product because of industrial accidents totals $8 billion. Even more important than these figures is the tragic effect on the lives of the families which have endured these unfortunate accidents. In only 4 years' time, as many people die because of their employment as have been killed in almost a decade of American involvement in Vietnam.

National attention quite properly has been focused recently on environmental problems—the pollution of air and water and the destruction of other natural resources. However, this concern with the "environmental crisis" fails to give sufficient recognition to the pertinent question of occupational safety and health. Our environment consists not solely of the air we breathe traveling to and from work. It is also the air we breathe at work 8 or more hours daily.

This on-the-job pollution crisis is one of the most vital issues in the whole environmental question, for it is from the workplace that much of the pollution problem arises. To pass legislation dealing with dirty air spewing forth from smokestacks without simultaneously seeking solutions to the contaminated environment inside the factory makes little sense.

The statistics and records of occupational disease and death may not tell the whole story. According to the Gordon study for the Labor Department, the report figures may be undercounted by as much as tenfold, meaning that as many as 25 million men and women suffer injury annually from job-related accidents or illnesses.

It was reported to the subcommittee that safety records may also be misleadingly low because they refer only to violent physical injury causing immediate, visible physical harm. Records do not exist, on any meaningful basis, regarding the creeping death and disability caused by plant environmental hazards

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to the health. The occasional man who is crushed by heavy equipment becomes a statistic; the man who withers away with cancer, emphysema, or brain damage does not.

The subcommittee further learned of the inadequacies of State laws. Particularly regarding the insidious "silent" killers such as toxic fumes, bases, acids, and chemicals. When, at this point in history, workers are much more endangered by environmental conditions which threaten their health than from safety hazards resulting in violent physical injury, it became clear to the subcommittee that State laws are woefully lacking in protection for employees so exposed.

Testimony during the 90th Congress revealed that a chemical, beta-napthylamine, which has no safe limit of exposure because it causes bladder cancer, was banned from the State of Pennsylvania. The plant using the hazardous substance then moved to Georgia and continued its operations.

In the 91st Congress, the Chemical Workers Local 8-406 from Newark, N.J., my own State, testified that its members were "having trouble with beta-napthylamine." Obviously, New Jersey statutes still permit the use of this known carcinogen.

Clearly, it is the workers and their families who are most directly affected by unsafe and harmful working conditions. Yet, leading environmentalists, health professionals, doctors, and medical students have joined with workers in supporting passage of H.R. 16785.

In a letter to all members of Congress these concerned citizens, including Dr. Paul Cornely, president, American Public Health Association; Prof. Rene DuBos of Rockefeller University; Barry Commoner of Washington University; Paul Ehrlich of Stanford University; and Ralph Nader of the Center for the Study of Responsive Law, stated:

> Although the burden of hazardous work places falls most heavily upon the blue-collar workers, the problem of occupational safety and health affects all Americans. The in-plant environment is merely a concentrated microcosm of the outside environment. The environmental health hazards that workers face affect the entire population to a lesser degree. If industrial chemicals and processes were properly researched and monitored before they were put into use, the entire population would be spared.

The need for legislation is clear. The only question is what is the best legislation to deal with this problem of concern to us all. The bill has gone through many modifications during the committee's consideration, and we can now also profit from the deliberations in the other body which has just passed an occupational safety and health bill. We are not too proud to improve our bill; and, in order to make every concession to alleviate fears that have been expressed, we will propose modifications to the committee bill, that while not interfering with its effectiveness, will reduce areas of concern that have been expressed.

As modified by our amendments, the bill provides that employers must comply with occupational safety and health standards prescribed by the Secretary of Labor. These standards are of two types. First, there will be interim standards consisting of Federal safety standards already in effect, consensus standards, or standards of other nationally recognized standards-setting groups. There is an expedited rulemaking procedure for putting these interim standards into effect pending the development of permanent safety standards.

Permanent safety standards will be prescribed only after public hearings and after receiving advice from experts in the field. The standards-setting procedures have been carefully designed by the committee to be both efficacious and to protect all legitimate interests. The bill also provides special procedures for dealing with emergencies and for granting variations to employers who can show that the safety of their employees will not be affected by a departure from the national standard.

These standards will also provide warning to employees about hazardous situations to which they are exposed as well as the use of appropriate protective equipment. Further, where it is necessary to protect employees, these standards will provide for measuring employee exposure to dangers. These provisions, similar to those in the Steiger substitute, have been added to the committee bill to take the place of the provisions regarding monitoring which caused concern that they might impose excessive costs on the employer. In addition, the provision in the committee bill which has been frequently misinterpreted as a "strike with pay" provision has also been deleted.

We must recognize that there will always be dangerous situations not covered by specific safety standards and there has been much controversy as to the proper obligations of the employer in these situations. Nearly all State and Federal safety laws provide a so-called general duty obligating the employer to furnish a safe and healthful place of employment. Fears that this obligation may be an undue burden on employers have been widely expressed. I believe and the committee believes that these fears are unwarranted, but in the spirit of seeking workable and acceptable solutions that has marked our efforts in this field, we have modified the duty to require only that the place of employment be freed from "recognized" hazards. Furthermore, there are no penalties for violations of this duty. The only penalty is if an employer fails to correct a recognized hazard within the time specified in a citation.

The Secretary is also empowered to enter the premises of an employer "at reasonable times" to conduct inspections and investigations and issue citations where there is a violation of the act. The philosophy underlying H.R. 16785 is not based on the assumption that American industry can be made safe and healthful simply by enacting a Federal law which emphasizes penalties. So, if an employer has violated an occupational safety and health standard, and no serious danger will result, a civil or criminal penalty will not be levied unless the violation is willful. The secretary enforces his orders in the Federal district court after a hearing under the Administrative Procedure Act and a full opportunity is provided for judicial review.

The procedures to counteract imminent dangers have been among the bill's most controversial features. In the same spirit of seeking acceptable solutions, we have modified the committee bill and now rely exclusively on judicial remedies to counteract these imminent dangers. Our provision is now identical to that in the Steiger substitute. As a matter of legislative history, I want to make clear our intention that the secretary resort to the courts with utmost speed when he encounters these imminent danger situations. Our provision reflects our trust that the courts will be able to respond with the speed that is needed.

In order to assist the Secretary of Labor and his advisory committees in formulating standards, H.R. 16785 authorizes the Secretary of Health, Education, and Welfare to conduct research and develop criteria, particularly concerning the new problems created by technology, as well as motivational and behavioral factors involved in on-the-job safety.

H.R. 16785 does not repeal any other Federal laws prescribing safety or health requirements. A provision of the act also specifically exempts employees over whom as Federal agency exercises statutory authority to prescribe safety and health regulations. Our modification, however, follows the substitute bill in providing that the construction industry will be subject to the Construction Safety Act as well as to this bill.

A State could at any time submit a plan to the Secretary to reestablish its jurisdiction over an area covered by a Federal standard. The Secretary must approve the State plan if it meets specific requirements. As an encouragement for State action, the bill gives Federal financial support to assist States in assuming their own programs for worker safety. Planning grants with up to 90 percent Federal participation and program grants with up to 50 percent Federal participation are provided.

Adequate information is the precondition for responsive administration of practically all sections of this bill. The reporting section assures completeness of data and directs the Secretary of Labor to cooperate with the Secretary of Health, Education, and Welfare in developing regulations which implement this goal. At the same time, employers are assured that they will not be subject to duplicative record keeping.

The House of Representatives cannot delay or dilute its action on occupational safety and health legislation. Every day we postpone passage means 55 more American workers will die; 8,500 will be disabled, and 27,200 will be injured. Surely this appalling bloodletting in American workplaces must weigh heavily on the conscience of the American people. The House should act now so that this needless loss of life and limb can be effectively reduced.

I shall insert in the RECORD at this point the text of the amendments, with explanations that I shall offer to the committee bill so that all Members have an opportunity to examine them before voting tomorrow:

Amendment No. 0 to H.R. 16785 To Be Offered by Mr. Daniels of New Jersey

Page 46, line 15, strike out "Nothing" and insert the following: "Subject to the provisions of subsection (c), nothing"

Page 46, lines 22 and 23, strike out "Public Law 91–54, Act of August 9, 1969 (83 Stat. 96, 40 USC 333),"

Page 47, line 7, after line 7 insert the following:

"(c) Subject to the provisions of subsection (g) of section 107 of the Contract Work Hours Standards Act, nothing in this Act shall apply to any employer who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting and decorating, in the regular course of his business.

"(c)(1) Subsection (a) of section 107 of the Contract Work Hours Standards Act is amended by inserting '(1)' after '(a)' and by adding at the end thereof the following new paragraph:

" '(2) Each employer (as defined in section 3(4) of the Occupational Safety and Health Act) who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting and decorating, in the regular course of his business shall comply with construction safety and health standards promulgated under paragraph (1) of this subsection.'

"(2) Such section 107 is further amended by adding at the end thereof the following new subsection:

" '(g) A construction safety and health standard promulgated under paragraph (1) of subsection (a) shall be considered for purposes of all the provisions of the Occupational Safety and Health Act, other than sections 6, 7, and 17 thereof, to be an occupational safety and health standard promulgated under such Act.' "

Amendment No. 0

CONSTRUCTION INDUSTRY

1. *Explanation:* This amendment makes the standard-setting provisions of the Construction Safety Act, which now applies only to contractors on government and government-assisted work, applicable to the entire construction industry. Enforcement of these standards will be in accordance with the provisions of the general occupational safety and health bill. The provisions for debarment, contract cancellation, etc. now applicable to those performing on government work are left unchanged.

2. *Justification:* This Congress enacted the Construction Safety Act just over a year ago and the process of setting standards under that act is underway. As most contractors work on both government and nongovernment work, it makes sense to place all construction work under a single bill.

This approach is similar to the Steiger substitute with regard to the construction industry.

Amendment No. 1 to H.R. 16785 To Be Offered by Mr. Daniels of New Jersey

Page 47, strike out lines 10, 11, and 12, and insert the following:

"(1) shall furnish to each of his employees employment and a place of employment free from recognized hazards so as to provide safe and healthful working conditions, and"

Amendment No. 1

GENERAL DUTY

1. *Explanation:* This amendment deletes the requirement that an employer furnish a "safe and healthful" place of employment and substitutes a more limited requirement that he furnish employment "free from recognized hazards." An amendment which I will offer to Section 15(b) changes the penalty for violating this modified General Duty.

2. *Justification:* Although a General Duty is contained in most states and Federal safety laws, fears have been expressed that employers will be harassed because the duty is too vague and undefined. Most safety situations will be covered by standards, but some provisions must be made for the occasional unique situation that does not fall within a standard. We have accepted the limitation of the General Duty to protection against "recognized" hazards to make sure that employers cannot be held responsible for protecting their employees against dangers which are not recognized to be such. By modifying the penalty provision for violation of the General Duty, we have eliminated any possibility that employers could be treated unfairly.

Our modified General Duty does, however, differ in important respects from the General Duty provisions in the Steiger substitute.

The first difference is that my amendment protects against "recognized" hazards while the Steiger substitute only protects against "readily apparent" ones. A recognized hazard is a condition that is known to be hazardous, and is known not necessarily by each and every individual employer but is known taking into account the standard of knowledge in the industry. In other words, whether or not a hazard is "recognized" is a matter for objective determination; it does not depend on whether the particular employer is aware of it.

I am afraid that "readily apparent" as used in the substitute, means apparent without investigation, even though a prudent employer would investigate under the circumstances. A danger, in other words, may be recognized as such in the industry, but may not be apparent to an employer who is ill-informed and does not choose to investigate the danger of the situation. That is not sufficient protection for employees.

Amendment No. 2 to H.R. 16785 To Be Offered by Mr. Daniels of New Jersey

Page 51, after line 16, insert the following:

"(5) Any standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. Where appropriate, such standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be necessary for the protection of employees. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the employer or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. In the event such medical examinations are in the nature of research, as determined by the Secretary of Health, Education, and Welfare, such examinations may be furnished at the expense of the Secretary of Health, Education, and Welfare. The results of such examinations or tests shall be furnished only to the Secretary or the Secretary of Health, Education, and Welfare, and, at the request of the employee, to his physician."

Amendment No. 2

LABELING AND MONITORING AMENDMENT

1. *Explanation:* This amendment provides that safety standards shall include requirements for warning employees about the hazards to which they are exposed by the use of labels or other means. The standards must also prescribe protective equipment and proper emergency treatment. Under appropriate circumstances, the standards must also provide for monitoring employee exposure to insure their proper protection. This description of what must be included in standards is in lieu of the labeling and monitoring provisions contained in the research provisions of the bill, and when we get to that section I shall offer an amendment to delete those provisions.

2. *Justification:* These new provisions on labeling and monitoring are adopted from the Senate-passed bill and are similar to those contained in the Steiger Substitute. It seems sensible to include all necessary protections for the employee in the safety standard rather than to have separate and independent provisions on labeling and monitoring in the research part of the statute.

Section 19 of the Committee bill had different monitoring requirements depending on whether the substance was subject to a standard issued by the Secretary of Labor, was covered by criteria issued by the Secretary of HEW and whether the employer was or was not in compliance with the standard.

I will offer an amendment to delete these provisions when we get to Section 19. Under this amendment and the later amendment for Section 19, all the enforcement aspects of monitoring will be covered by the standards and the research aspects only will be covered in the research section. I think the amendment adds to the clarity of the bill.

Amendment No. 3 to H.R. 16785 To Be Offered by Mr. Daniels of New Jersey

Page 58, after line 21, insert the following:

"(f) Any employees or representative of employees who believe that a violation or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear or any record published, released, or made available pursuant to this Act. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violations or danger exist. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify in writing the employees or representative of the employees of such determination."

Amendment No. 3

REQUEST FOR INSPECTION AMENDMENT

1. *Explanation:* This amendment provides that employees may request an inspection by giving the Secretary written notice of the safety violations that threaten physical harm or imminent danger. The amendment requires the Secretary to make a special inspection as quickly as possible if he concludes that there are reasonable grounds to believe that such a danger exists.

2. *Justification:* This amendment is a substitute for the provision in Section 19 of the Committee bill permitting employees to absent themselves from dangerous situations without loss of pay. When we get to Section 19 I will offer an amendment to delete that provision.

The provision on employees not losing pay

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was so generally misunderstood that we have decided to drop it. We have no provision for payment of employees who want to absent themselves from risk of harm; instead, we have this amendment which enables employees subject to a risk of harm to get the Secretary into the situation quickly. Instead of making provisions for employees when their employer is not providing a safe workplace, we have strengthened the enforcement by this amendment provision to try and minimize the amount that employees will be subject to the risk of harm.

AMENDMENT NO. 4 TO H.R. 16785 TO BE OFFERED BY MR. DANIELS

Beginning with line 19 on page 63, strike out everything down through line 9 on page 65, and insert the following:

"SEC. 12. (a) The United States district courts shall have jurisdiction, upon petition of the Secretary, to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physicial harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act.

"(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to section 11 of this Act. The proceeding shall be as provided by Rule 65 of the Federal Rules, Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

"(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any place of employment, he shall inform the affected employees and employers of the danger and that he is recommending to the Secretary that relief be sought.

"(d) If the Secretary unreasonably fails to petition the court for appropriate relief under this section and any employee is injured thereby either physically or financially by reason of such failure on the part of the Secretary, such employee may bring an action against the United States in the Court of Claims in which he may recover the damages he has sustained, including reasonable court costs and attorney's fees.

"(e) In any case where a temporary restraining order is obtained under this section by the Secretary, the court which grants such relief shall set a sum which it deems proper for the payment of such costs, damages, and attorney's fees as may be incurred or suffered by any employer who is found to have been wrongfully restrained or enjoined. In no case shall any employer wrongfully restrained or enjoined be entitled to a recovery for costs, damages, and attorney's fees in execess of the sum set by the court."

AMENDMENT NO. 4

IMMINENT DANGER AMENDMENT

1. *Explanation:* This amendment substitutes the imminent danger provisions of H.R. 19200 for those of the Committee Bill. The amendment deletes completely the provision for an administrative imminent danger order and relies exclusively on temporary restraining orders and injunctive relief from the District Courts. Because the administrative order is deleted, the provision for damage actions when the Secretary arbitrarily issues or refuses to issue an order is also deleted. Instead, there is a provision for employee actions in the Court of Claims if the Secretary unreasonably fails to petition for judicial relief. Employers are protected by a provision which requires the Court to set a sum for the employer's damages if he is wrongfully restrained. The employers' recovery is limited to the amount set by the Court.

2. *Justification:* While administrative shutdown provisions are contained in the laws of 36 states and the District of Columbia, business groups have expressed great fears about the potential for abuse. They believe that the power to shut down a plant should not be vested in an inspector. While there is no documentation for this fear, we recognize that it is very prevalent. The Courts have shown their capacity to respond quickly in emergency situations, and we believe that the availability of temporary restraining orders will be sufficient to deal with emergency situations. Under the Federal rules of civil procedure, these orders can be used ex parte. If the Secretary uses the authority that he is given efficiently and expeditiously, he should be able to get a Court order within a matter of minutes rather than hours.

AMENDMENT NO. 5 TO H.R. 16785 TO BE OFFERED BY MR. DANIELS OF NEW JERSEY

Page 67, line 2, after "10(b)" insert the following: "for a violation of a regulation prescribed under section 9(c) or a rule or order issued under section 7(b)".

AMENDMENT NO. 5

PENALTY PROVISIONS

1. *Explanation*

This amendment deletes any penalty for violating the modified general duty provision. However, it retains a penalty for failure to correct a violation of that duty within the time specified in the citation.

2. *Justification*

The deletion of the penalty is in response to the fear that employers could incur a penalty for violating a vague standard. We have not only made the standard more clear, but have also removed the penalty. Of course if an inspector gives a citation and the employer does not comply with its provisions for correcting the hazard there is no reason not to assess a penalty.

AMENDMENT NO. 6 TO H.R. 16785 TO BE OFFERED BY MR. DANIELS OF NEW JERSEY

Beginning with line 11 on page 76, strike out everything down through line 23 on page 78, and insert the following:

(4) The Secretary of Health, Education, and Welfare, in order to develop needed information regarding potentially toxic substances or harmful physical agents, may prescribe regulations requiring employers to measure, record, and make reports on the exposure of employees to substances or physical agents which the Secretary of Health, Education, and Welfare reasonably believes may endanger the health or safety of employees. The Secretary of Health, Education, and Welfare also is authorized to establish such programs of medical examinations and tests as may be necessary for determining the incidence of occupational illnesses and the susceptibility of employees to such illnesses. Nothing in this or any other provision of this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others. Upon the request of any employer who is required to measure and record exposure of employees to substances or physical agents as provided under this subsection, the Secretary of Health, Education, and Welfare shall furnish full financial or other assistance to such employer for the purpose of defraying any additional expense incurred by him in carrying out the measuring and recording as provided in this subsection.

AMENDMENT NO. 6

RESEARCH

1. *Explanation:* This amendment makes the conforming deletions as required by the (previously adopted) amendments on "Labeling and monitoring" and "Request for inspection." In addition, it authorizes the Secretary of HEW to prescribe regulations requiring employers to monitor and make reports on employee exposure to potentially dangerous substances. This authority is a purely research authority and the amendment therefore provides that the Secretary of HEW will furnish full financial or other assistance to employers who incur additional expense in carrying out this research function.

2. *Justification:* Under the Committee bill the Secretary of HEW was required to make a decision on toxicity of substances on the request of employers or employees. This might have led to administrative difficulties, both because he might have been flooded with requests and because he might have had to use limited resources on unimportant priority items.

The amendment gives the Secretary a more flexible research authority and makes plain that the government and not the employer must bear the cost of research into toxicity.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. DANIELS of New Jersey. I am happy to yield to the gentleman from Missouri.

Mr. RANDALL. In our mail on this bill the most frequent objection, voiced again and again was against the provision which would permit the Secretary of Labor to close down a business without a hearing of any kind or without a court order. My reply to all of those was that anyone and everyone always has resort to the courts, and that the doors of the courthouse would never be closed to any who had a grievance.

Now, as I understand it, the gentleman is proposing to offer an amendment to the end that anything in the bill which would seem to indicate there would be no judicial remedy, will be deleted.

Mr. DANIELS of New Jersey. In response to the gentleman, I will say that I propose to offer an amendment to the imminent danger provisions to which the gentleman, I believe, refers, where there is a high probability of loss of life or limb to workers in that plant. I will offer an amendment which will deny to the inspector the right to close down the plant for 5 days, as the language of the bill now stands, and propose under the amendment that the Secretary of Labor shall apply instead for a judicial remedy.

Mr. RANDALL. Mr. Chairman, I thank the gentleman from New Jersey.

I might add that in my opinion the Members of the House are indebted to our colleague who serves as the chairman of the Select Subcommittee on Labor as a member of the House Committee on Education and Labor.

I was grateful for the receipt of his letter in this morning's mail in which he pointed out that he would offer amendments to modify the committee bill, H.R. 16785, in at least five different respects. His letter pointed out that he would, at the appropriate time, propose the following amendments:

First. The "general duty" will be modified to require only that employers provide employment "free from recognized hazards" and there will be no penalty for violation of duty.

Second. The provision authorizing the Secretary to order closedowns without a court order in imminent danger situations will be deleted and exclusive reliance placed on judicial remedies.

Third. The provision that has been attacked as giving employees the right to "strike with pay" will be deleted.

Fourth. The monitoring provisions will be revised to eliminate fears of excess burdens on employers.

Fifth. The Construction Safety Act will be amended—as in H.R. 19200—to include all contractors instead of just those performing Government work.

It is my appraisal of the situation that just about everyone of us is in favor of the occupational safety and the protection of our workers from hazards to their lives and health at the place where they work. There have been some fears expressed concerning the committee bill. There have been some rather emotional expressions included in the mail which our office has received. If I had to pinpoint the one fear expressed most frequently, it is "imminent danger situation." The provisions of the committee bill would seem to permit the Secretary to order a plant to be closed down without a court order.

In response to the mail which I have received expressing this fear that a plant could be closed down, I pointed out repeatedly that due process could never be denied an employer and his plant closed if such an employer did not agree to the closing. Even as reported from the full committee it was my impression that an employer could say no to an inspector and the inspector would then have to pursue court proceedings against the employer.

Accordingly, whether the forthcoming amendment requires inspectors to resort to judicial remedies was needed or not it is most encouraging to see that such an amendment will be offered if for no other reason than to put to rest or eliminate any lingering fears that an employer would have to stand by and witness his plant closed down for 5 days which would seem to be a denial of due process of law.

Once again, let me say all of us are indebted to the gentleman from New Jersey (Mr. DANIELS) for his proposed five amendments. The adoption of these amendments will constitute a forthright rebuttal that there was any intention to make this a punitive bill. I am sure every Member, whether he is for the committee bill or for the substitute which may later be proposed, wants a strong bill and an effective bill. None of us want a punitive bill. The amendments of the gentleman from New Jersey will provide protection for our workers without punishing the employers.

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield?

Mr. DANIELS of New Jersey. I yield to the gentleman from Maine.

Mr. HATHAWAY. Mr. Chairman, to answer further the question of the gentleman from Missouri, may I reiterate the remarks I made when the gentleman from Wisconsin yielded to me, that under the Daniels bill as well as under the Steiger bill, the inspector really does not have authority to close down the plant if the employer does not wish to do so. If the inspector says, "You will close down such and such a location," the employer may say no to the inspector, and the inspector then has to take the employer to court.

So really we do not need the amendment the gentleman from New Jersey is going to offer later on.

Mr. DANIELS of New Jersey. Mr. Chairman, I may say to the gentleman from Maine that so many fears have been expressed about that particular provision and so much emotion has been expressed by certain businessmen whenever I have come in contact with them, not only in my own State, but elsewhere, that it is the object of my amendment to eliminate those fears, and to satisfy them that we do not want a punitive bill. I believe that the committee bill is a strong bill, but it is a fair and reasonable bill, and it will be an effective bill if properly administered by the Secretary of Labor.

The CHAIRMAN. The gentleman from New Jersey consumed 24 minutes.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, if I may have the attention of my chairman of the Committee on Education and Labor, I might pose this question to him. We have worked on this bill for a long, long time. Why suddenly today are we told that this bill is going to be amended?

Mr. PERKINS. Mr. Chairman, let me say to my distinguished colleague, the gentleman from Iowa, that the subcommittee has worked on it for a long time, but I had the chance to sit in with the gentleman from New Jersey only last week.

Mr. SCHERLE. If I may interrupt my chairman, I am the ranking minority member on the subcommittee, so I am well aware of the work that went into this bill.

Mr. PERKINS. Mr. Chairman, I am sure the gentleman from Iowa is not objecting to these amendments. Is he?

Mr. SCHERLE. The only objection I have is, why all of a sudden does this come up? If these amendments were so good, since we have tried to put the bill in proper form, where have you been with all these amendments for the last 7 or 8 months? Why are we suddenly saddled with the idea that we are supposed to get amendments tomorrow? They have never been in the committee. They have never been worked on. We have got a good substitute.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. It is a question of fears, very frankly, and a question of many misstatements or erroneous statements disseminated throughout the length and breadth of this land, so I decided to amend the bill because I am sincerely and honestly and conscientiously anxious to do something about this problem. I have pointed out the dangers involved.

If we are sincere on both sides of the aisle in wanting an occupational health and safety bill, I am proposing these amendments because I want a bill passed. It is as plain and simple as that.

Mr. SCHERLE. I thank the chairman of the subcommittee for his comments. However, we have worked together for many hours on this bill, and there has never been a subject between us as to which there was not extreme sincerity. We all want the type of bill which will be on behalf of the workingman and also of the employer. One of the things we must remember is that when we cease to have employers we will cease to have employees.

We are trying to make a constructive piece of legislation out of this, and we have worked long and hard, as was mentioned before. If we were sincere in our efforts, these amendments which are talked about now should have been proposed weeks ago, or within the last month. All of sudden now, because you know the substitute is going to pass, you are running panicky, and you press the panic button, and you are fearful that the right bill will pass.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to my colleague from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate very much the gentleman's comments. I might say that they will have that opportunity.

Mr. SCHERLE. I am well aware of it.

Mr. STEIGER of Wisconsin. The substitute bill contains not only the five amendments that are going to be proposed to modify the new Daniels bill as contrasted with the old Daniels bill—one we really have not seen before—but it also, of course, provides for an even greater degree of equity and effectiveness in its approach.

I must say I am pleased that the gentleman from New Jersey is coming along in his efforts to get us closer to the adoption of the substitute.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I am sorry, but I have a statement to make here now.

Mr. DANIELS of New Jersey. I would like to correct a statement by my colleague.

Mr. SCHERLE. Mr. Chairman, I rise in support of H.R. 19200, the substitute occupational safety and health bill. The main difference between the committee bill and the substitute bill lies not in the purpose of those measures but in the manner of achieving the purpose.

The true goal of any occupational safety and health legislation can be simply stated. It is to foster improved standards of safety and health for workers, and to do it in a way that is both reasonable and fair. I suppose, Mr. Chairman, that if I were to describe in one word my objection to the committee bill, the one word I would use is "unfair."

If legislation in this area is to be genuinely effective in promoting safe and healthful working conditions, it must be rooted in the clear recognition that its success will ultimately depend upon the cooperation and good will of employers regarding the complex problems of job safety and health. I wish to make it clear, Mr. Chairman, that I am not advocating any sort of voluntarism. But I do believe that all the good that could be brought about under the bill's education, research, and enforcement provisions should not be rendered ineffective by understandable resistance to its unfair regulatory features.

Our greatest concern in this legislation should be protection of the safety and health of workers which can be achieved only under fair procedures. Unfair methods will only serve to alienate employers from officials—both State and Federal—who ought to be guiding employers toward compliance.

Unfortunately, the committee bill does not provide fair procedures. Instead, it follows the oversimplified approach of placing all functions in the Secretary of Labor. Under the committee bill, the Secretary sets the standards, conducts inspections and prosecutes violations before Labor Department hearing examiners. Under the committee bill, the Secretary would also be the one to issue citations and corrective orders, and to assess the monetary penalties.

In contrast, Mr. Chairman, the substitute bill would provide fair and equitable procedures for achieving its purpose. The substitute bill refocuses the responsibility for job safety and health by distributing functions. In an effort to achieve the fairest possible procedures for administering and enforcing the new law, the substitute bill would establish an independent Occupational Safety and Health Board whose five members would be appointed by the President. The sole function of the Board would be to issue occupational safety and health standards.

Under the substitute bill, the Secretary of Labor would be authorized to make inspections in much the same way as he does under the committee bill. But under the substitute bill the Secretary would not hear the case and pass judgment on the offender. Instead, the substitute measure would set up an independent presidentially appointed Occupational Safety and Health Appeals Commission whose function would be to conduct hearings on alleged violations discovered by the Secretary and the Commission would issue any necessary corrective orders, as well as assess civil penalties.

The distribution of functions provided by the substitute bill would provide the fairer and more equitable method of providing safe and healthful working conditions in American industry. Therefore, Mr. Chairman, in the strongest terms possible, I urge its enactment.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. ESHLEMAN).

Mr. ESHLEMAN. Mr. Chairman, very briefly and very concisely I should like to enumerate what I believe is wrong with this piece of legislation, which I guess we now label as the old Daniels bill.

First. I am thoroughly convinced it places too much power in the hands of the Secretary of Labor—whether he is a Democrat or a Republican. I would rather see a Presidential board or commission created to handle the functions of this statute.

Second. As written, this bill sets up "one man justice." The Secretary of Labor is a combination rulesmaker, policeman, judge, and jury, thus going against our long established doctrine of separation of powers.

Third. With this bill we would create dual coverage. Employers would be subject to not only this new piece of legislation but also to other Federal safety laws which would result in employers being caught between conflicting rules and regulations.

Fourth. Some of the language in this bill is too vague in nature. For example, an employer must provide a safe place of employment with no criteria as to what constitutes a safe place. Therefore an employer could be subject to the judgment of an inspector. This certainly is an unhealthy situation.

Finally, I object to the "on the spot" plant closure which enables inspectors to close plants up to 5 days if in their judgment there be imminent danger. No effective check on the inspector nor any objective standards are provided to support the 5-day closing order.

All in all, no one objects to occupational health and safety. However, I object to the vagueness and generalities contained in this bill.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, we are here today to agree, and I think everyone does agree, that occupational health and safety legislation is necessary for the protection of the working men and women in this country. I do not think we will have any debate on that point or any difference of opinion. There is a difference of opinion, obviously, as to which is the best approach to attain this universally desired result.

It is somewhat difficult today, I guess, to debate this question not knowing whether we should direct our remarks to the bill as introduced or as the subcommittee reported it or as the full committee reported it or as it might be amended by the amendments offered by the gentleman from New Jersey. It reminds me of some of the amendments that have been offered from time to time to the OEO legislation. We would hear the question from the other side of the aisle: "Which substitute is it you are talking about?" That is the problem which perhaps faces us here today in having a little difficulty in getting our hands on exactly what version of the bill we ought to address our remarks to. Not having seen until I came to the floor today the proposed amendments that the gentleman from New Jersey apparently intends to offer, I prepared my remarks to the bill as I thought he was going to offer it for our consideration and as it was reported by the full committee.

I think it is deficient in several points. I feel sincerely that the Steiger-Sikes substitute will provide better legislation, more properly fashioned to fit the structure that we should have in our executive branch for the administration of this legislation. Actually it will provide more safety and better working conditions for the working men and women as well as more equity for all who might be affected by the act.

Mr. Chairman, I would like to talk about several of the contrasting provisions between the committee bill and the Steiger-Sikes substitute and point out why I think the Steiger-Sikes substitute is better legislation and is better designed to do the job that we all want to have done and do it as early as possible.

I think the one outstanding difference of opinion has obviously been on the question of the proper method of setting the standards that industry must follow for safe and healthful working conditions. The committee bill would make the Secretary of Labor the legislator, policeman, and prosecutor, the judge and jury. It violates, really, the very basic concepts of good executive branch enforcement. The Steiger-Sikes substitute would separate out the separate functions. It would have a board to establish the standards for occupational health and safety. It would be an independent board appointed by the President. It would have a rather unique committee for the determination of violations on a contest after the citation had been issued. In this way the separate functions of legislative, executive, and judicial would be separated, as they are in our own federal system and our State systems setting up the three coordinate but equal branches of Government.

I think that basing our structure of this legislation on the traditional separation of these powers is a very wise thing to do. Advisory committees are required in the committee bill in the process of the establishment of standards. They are mandatory. That means there is going to be the element here in an emergency situation that will slow down the standard-making process which in my opinion—and I believe if anyone looks at this legislation they would agree with me—would deny to the working man and woman in an emergency situation the timely establishment of rules and regulations that they need for their safety and their health.

The Steiger-Sikes substitute on the other hand makes the use of these advisory committees discretionary in an emergency situation. Emergency standards could be established by the Board where there may be some new manufacturing process, some new toxic substance utilized by industry, and in the opinion of the Board it is to the best interest of the working men and women to immediately have some interim standards.

Under the Steiger-Sikes substitute this could be done without delay. Then the hearings and the recommendations and the reports of the advisory committees and all of the other time-consuming processes could be gone through thoroughly, but in the interim under the Steiger-Sikes substitute there would be the rules and regulations for the protection of our working people.

In this way I think it is clear that under the Steiger-Sikes substitute, without giving up due process will be more responsive to the needs of industry.

The committee bill in my opinion will also be slow in establishing the initial

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standards for industry to follow. I think the procedures will be slow and cumbersome.

The Steiger-Sikes substitute on the other hand will put heavy reliance upon immediately putting into effect consensus standards and Federal standards already applicable and then provide the process for amending those standards and making them, after they come in as interim standards, fully applicable standards after the full hearing process.

Mr. Chairman, several comments have been directed to the general duty provision—and. again, I do not know how this provision might read—when we come to actually voting on the bill. But as it is in the committee bill today it is too vague as to the general duty upon an employer to provide a working place that is safe and healthful. We will have all the process gone through of developing health and safety standards that will be clear for the employer to follow. If he then follows all of these standards and provides a working place that is in full compliance with all the written standards under the committee bill as reported, and an inspector comes into his plant he can say: "Yes, you have complied with everything, but in my opinion it will not provide a safe and healthful working place," and he could issue a citation of some subjective standard that the inspector would apply, one that had never been made known to the employer before the inspector appeared and made the charge.

Obviously, Mr. Chairman, this violates every concept of due process and it makes the standard-setting process a joke and a farce. Unless this is changed, it makes the bill a joke and a farce.

There is a question here that I do not believe has been discussed by the other speakers so far and that is the question of product safety. It is very difficult in an industrial health and safety bill when you are talking about a working place, to separate out the question of product safety as far as this applies to those tools that are utilized in the working place.

In the Steiger-Sikes substitute, section 18(c)(2), there is a provision that is similar or identical to the committee bill in section 17(c)(2), which encourages the States to adopt State plans, and then if the State plan is in conformance with this act or if the standards are at least as high as the standards that are developed under this act, then the State enforcement can be relied upon.

Now, neither of these bills at this point gives the safeguards that we might need in the area of product safety, and I will call this to your attention because I think an amendment may be offered by one of my colleagues, or by myself, when we get to the amending stage, to remedy this situation.

When I talk about product safety I am talking about those machines that might be manufactured in one State and then sold in interstate commerce in many different States. And if we do have the State plan situation that both of these bills would encourage, we then might find a great diversity of State requirements as to the safety devices on the machinery that is sold in interstate commerce. In the other body the Senator from Ohio (Mr. SAXBE) offered an amendment that would remedy this problem, and a similar or identical amendment, I believe, will be offered in the House that would limit the variety of requirements in the State health and safety laws, and the State requirements in their diversity only if the standards that they applied were necessary to provide a greater degree of safety, and not unduly burden interstate commerce. In other words, why should we have a diversity of State requirements for something that is sold in interstate commerce if this is a variation, not in degree of protection, but only in kind? And I would hope that this amendment would receive universal support when it is offered because there will be an undue burden in interstate commerce to those who produce machinery for sale in interstate commerce if we have a great diversity of State requirements that would require in effect that machinery be made specially for each one of the jurisdictions involved.

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Maine.

Mr. HATHAWAY. Mr. Chairman, I just wonder whether the various manufacturers have any difficulty now under existing State requirements?

Mr. ERLENBORN. I known why the gentleman asks that question. I had the same reaction. What is there in this bill that makes State requirements any different than today in the diversity of requirements?

To a certain extent there is, I think, a difference made by the two bills in that we are going to encourage the States to get into this area and to submit their plans and adopt health and safety rules. These bills are going to increase what is now a hazard faced by industry—and I am not contending that either of these bills creates a problem, but I believe they may exacerbate the problem and may make it more difficult.

Mr. HATHAWAY. I thank the gentleman.

Mr. ERLENBORN. Mr. Chairman, there is another fault that I find with the committee bill. It is presently covered in the Steiger-Sikes substitute and that is the question of dual coverage. In the committee bill section 4(b) (1), (2), and (3) makes some exceptions, actually in effect repeals certain laws in the field of health and safety, but there are some obvious exceptions in the committee bill to this repeal which leaves a dual coverage in several areas.

Mr. HATHAWAY. I yield to the gentleman from Maine.

I call to mind the coal mine safety bill which is not repealed by this bill. Yet, the rules and regulations under this act, as provided in the committee bill, could and should and would get into the area of coal mine health and safety and the metallic and nonmetallic mine safety act and the health and safety act—all three of these would continue to exist and there would be no reason why the health and safety rules promulgated under this act would not also apply to those industries?

Mr. PERKINS. I would say to my distinguished colleague that he is incorrect in that statement because all of these various legislative acts as railway safety and mine safety are specifically exempted under section 22(b).

Mr. ERLENBORN. I stand corrected.

Mr. Chairman, I was referring to an earlier section on coverage which made certain other exceptions and I did not realize that the committee had separated the exemptions and put them in two different places in the bill.

I think the gentleman is correct.

However, I would like to engage in a colloquy with the gentleman from Kentucky and the gentleman from New Jersey as to the interpretation of this language so there will not be any question as to what it means.

Is it your understanding that present Federal laws providing authority to the executive agency to prescribe health and safety standards that are being exercised will then exempt that industry from the coverage of this act?

Mr. DANIELS of New Jersey. All Federal agencies which are covered by the health and safety laws will be exempt from this act—with just one exception. That is the construction industry. In the construction industry where the Secretary of Labor makes the health and safety rules and regulations, we authorized the Secretary of Labor—we even exempt that area and let the construction safety and health law prevail over all construction except with respect to the penalty. The penalty will be covered by this act.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. ERLENBORN) has expired.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. ERLENBORN. May I question the chairman of the subcommittee a little more closely on that question because I think the interpretation of this language might be a little bit tricky. I know the reason it is worded this way.

It says that:

> Nothing in section 5 of this Act shall apply to working conditions of employees with respect to whom any Federal agency exercises statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

Now let me pose a couple of alternative questions.

If there is authority under the Federal law, but it has not yet been put into effect and it is not being exercised by the executive agency because they have no rules or regulations, then until they do adopt rules and regulations and exercise that authority—then this does apply; is that correct?

Mr. DANIELS of New Jersey. Yes; that would be correct. The gentleman has placed his finger on the key word—and the key word is "exercise."

If an agency fails to pursue the law and exercise the authority that has been given to it, then this law will step in.

Mr. ERLENBORN. In other words, the mere existence of statutory authority does not exempt an industry? It is the exercise of that authority pursuant to

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the statute that does exempt it; is that correct?

Mr. DANIELS of New Jersey. That is correct.

Mr. ERLENBORN. I have one other question. This will certainly clear up any difficulty in interpreting this so far as the presently existing statutory authority presently being exercised.

Let me ask this question.

If presently existing statutory authority which is not presently being exercised at the time this bill goes into effect, but is then subsequently exercised; does that then at the time it is exercised exempt an industry?

Mr. DANIELS of New Jersey. At the time that that authority is exercised, that industry will be exempt.

Mr. ERLENBORN. So this does have a prospective effect. In other words, we are not going to interpret this language only as though it were being interpreted as to conditions that exist on the day it becomes law, but it will have a prospective effect and the future exercise of authority will then exempt an industry from coverage under this law?

Mr. DANIELS of New Jersey. The gentleman is absolutely correct.

Mr. ERLENBORN. There is one other situation where there is no present statutory authority, but subsequent to this bill becoming law, statutory authority is enacted, and then the exercise of that authority comes into play: Would that then exempt an industry?

Mr. DANIELS of New Jersey. I think it would depend upon the language employed in that future statute as to what was the intent of Congress. Would it be the intent of Congress that that particular industry should be exempt from the provisions of this bill, or shall we place all safety standards under one authority; namely, as provided in this particular bill?

Mr. ERLENBORN. I would suspect that if there were separate authority enacted in the future, it would be clearly the intent of Congress that that separate authority would apply rather than the present authority, else legislative enactment would be a waste of time.

Mr. DANIELS of New Jersey. I would say it would depend upon the intent of Congress at that particular moment.

Mr. ERLENBORN. I thank the gentleman for his help in clarifying the language and making some legislative history on that point. I think it will be helpful in the future in interpreting this language.

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Maine.

Mr. HATHAWAY. In the course of the gentleman's remarks, he stated that the general duty provided in the bill makes the bill too broad. I wonder if the gentleman would think that the common law duty of care which each and every one of us has as individuals in the pursuit of our daily lives is too broad, and yet we are able to live with it. I do not see why an employer could not live with language providing for a general duty of care to keep his plant in a safe and healthful condition.

Mr. ERLENBORN. I think the gentleman can obviously see the difference between the exercise of some authority in the general duty section of the bill and the common law rule, because if the common rule were the same, you would have no need for the authority provided in the act. My problem with this is the question of who makes the determination on the question of general care, and it would appear in the committee bill that the inspector would use his subjective judgment.

In other words, the employer would have no way of knowing ahead of time what standard of care the particular inspector might impose on him. It would be a subjective judgment that you are calling upon the inspector to make, and one inspector would make a different judgment than another. We are going through a lot of trouble here to have the Secretary or some board establish some rules and regulations so both employer and employee will know what their rights and duties are, and then you negate it by saying there is provision for general care with subjective judgment so that some inspector would be able to override the established rules and regulations. This is the fault that I find.

The question of closing a plant in imminent danger may have become moot or may become moot with the chairman's amendment, or at least the amendment that the gentleman from New Jersey apparently intends to offer. But I think this is one of those items in the bill that duly and properly received a good deal of attention, because under the committee bill—and I think this was the basic difference in philosophy in the drafting of the bill with myself, Mr. STEIGER, and Mr. SIKES—under that provision of the bill the inspector was going to be given authority to act on the scene and he was going to have the authority to close down the plant. The alternative we argued for long and hard in the subcommittee was that we should have proper use of the judicial forum in a situation as serious as closing down a man's plant.

There is very little time spent in going into a no-notice injunctive, temporary relief situation in the Federal courts. So the question of time really is not much involved here, and probably in most cases would be no more than a matter of a few hours.

I think the bill will be greatly improved, I hope, by the adoption of the Steiger-Sikes substitute, with the provision for judicial temporary relief in an imminent dangerous situation. The bill would be greatly improved by the addition of this amendment requiring that the inspector of the Secretary go into the Federal district courts and get a temporary injunction, without notice. It could be done rapidly.

And then if the employer wilfully violates that injunction, it is clear that the employer would be subject to a penalty if he is in violation of the order. He would be found in contempt of court if he violates the injunction.

It is also clear the employer immediately has the forum to question the inspector's judgment. The Federal district court would have provided the place where the employer would know he could go for relief, even before the expiration of the temporary injunction. He could go the same day or the next day, and on notice ask for and in the proper case get judicial relief without having his plant closed for 5 days, as would likely be the case if we follow the route of letting the inspector issue the order that would close the plant. In the committee bill the employer would have to seek a forum, would have to establish the forum, would have to establish jurisdiction.

Here all that would have been done, so the employer would know where to go to get his judicial relief and to get it promptly.

I think this is only a question of fairness, and I think the bills, either one of them, would be less than fair to the workingman and the employer if we did not have this element of judicial determination in closing a man's plant.

In sum, I think the Steiger-Sikes substitute should be adopted.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Chairman, my purposes in speaking are to cover one point that has not been mentioned too emphatically in the debate and then to ask a few questions.

First of all, I would like to praise the chairmen of the committee and the subcommittee, and as a matter of fact the minority members as well, for their efforts to bring about, in good conscience, an occupational health and safety bill.

Mr. Chairman, I did participate with the minority, the gentleman from Wisconsin (Mr. STEIGER), and others, in trying to work out a compromise in the committee. This was for the purpose of compromise only. I support the Daniels bill, although I recognize the substitute bill is a worthwhile effort. I suppose I have to recognize it as a worthwhile effort, because I participated in drafting it myself. I, nevertheless, feel the Daniels bill is preferable.

Mr. Chairman, I want to bring out one point. We do have a provision in the Daniels bill, and the substitute, to allow the States to assume jurisdiction over this matter by simply submitting a State plan to the Secretary of Labor. Hopefully all the States throughout the country will submit their plans immediately upon the enactment of any standards by the standard-setting authority provided for in whichever bill may prevail, so that the Federal Government will not have to get into this area, and the States can still continue to exercise jurisdiction in this very important matter.

There were some questions I had that I wanted to pursue with the gentleman from Illinois (Mr. ERLENBORN). I was speaking to the gentleman in the course of his remarks about the general duty, trying to show by analogy that we live under general duty ourselves in our daily lives. I do not think the general duty provision is any different. The gentleman said it would be up to an inspector to decide what the general duty was. I suppose that is true; it is up to the policeman to decide in the first instance whether or not we have broken a law, too, but we do have resort to the courts, and we would have resort to the courts under this bill. So if an inspector thought an employer had broken the general duty in his workplace, the employer could go to court. And hopefully, after a while, a body of law could be formulated so that later cases would have precedents behind them, and we would be able to exercise a fairly uniform body of law throughout the country as to just what general duty is.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, does the gentleman suggest this general duty law does nothing more than repeat what the general duty law is, and that the employer is under this general duty law anyway?

Is that the point the gentleman makes?

Mr. HATHAWAY. Well, it is tantamount to that, but the point I make is that most employees now are under workmen's compensation and cannot avail themselves of any common law rights. It is necessary to reiterate the general duty here in this law in order that we may impose penalties, in order to keep the employer in line.

At the present time they are under that general duty, but most employees have given up their common law rights and cannot sue.

I am not saying this is bad, because it inures to the benefit of employees, because contributory negligence is not a factor in enabling him to get workmen's compensation if he is injured on the job. Workmen's compensation benefits both the employer and the employee.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield further?

Mr. HATHAWAY. I yield to the gentleman from Illinois.

Mr. ERLENBORN. It was my impression that this provision attempted to go somewhat beyond the common law general duty, to create some new obligation on the employer. If the gentleman's contention is that this obligation is already present, and if we can draw that interpretation, then the provision means nothing because it is already in the common law and we are not changing anything by adding this provision here.

Mr. HATHAWAY. No.

Mr. ERLENBORN. It is a question of remedies now, rather than the duty.

Mr. HATHAWAY. The provision is not meaningless, because under the present law there is no way to take advantage of it because, as mentioned, the employee has given up his common law rights when he goes to work under workmen's compensation. At the present time there are no penalties on an employer who violates his common law duties.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. PERKINS. Mr. Chairman, I yield the gentleman 2 additional minutes, and ask the distinguished gentleman from Maine to yield to me.

Mr. HATHAWAY. I am happy to yield to the chairman of the committee.

Mr. PERKINS. Let me state to the gentleman from Illinois that the question which has been raised may well be moot, assuming that the substitute is voted down and the gentleman from New Jersey (Mr. DANIELS) has an opportunity to offer his amendment.

Nevertheless, many of the States in the Union presently under the so-called general duty clause have statutory requirements in addition to the so-called common law duty.

To my way of thinking, the statute just reaffirms the obligation of the common law that if one breaches a duty and damage results he is responsible.

In the State of New York I believe they can go into court and close down a plant. Thirty-six States today have statutes on the general duty section.

So we are just reiterating in the committee bill that presently happens to be in the statutes of many States of this Union, on these enforcement provisions. We have made a proposal that is clearly to the gentleman's liking, assuming that the substitute is defeated.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield further?

Mr. HATHAWAY. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I would have to make the point that this would also be moot if the Steiger of Wisconsin-Sikes substitute were adopted. The gentleman's scenario for defeating the Steiger of Wisconsin-Sikes substitute and adopting the amendment of the gentleman from New Jersey is not necessary. We can do this quicker, easier, neater, and in a much better overall fashion if we adopt the Steiger of Wisconsin-Sikes substitute.

The CHAIRMAN. The time of the gentleman from Maine has again expired.

Mr. PERKINS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. HATHAWAY. The Steiger of Wisconsin-Sikes substitute does have a general duty provision; the substitute provision is confined to apparent hazards that may cause death or serious bodily injury.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Illinois.

Mr. ERLENBORN. It is my understanding that the same provision is to be offered by the gentleman from New Jersey, either identical to this or quite similar.

Mr. HATHAWAY. It is similiar to that, but it takes away the penalty section which the Steiger of Wisconsin-Sikes substitute has. For that reason I am not going to support that amendment of the gentleman from New Jersey.

Mr. ERLENBORN. Is it safe to assume that the gentleman likes the Steiger-Sikes substitute provision better?

Mr. HATHAWAY. With respect to general duty, yes. Very much.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. HATHAWAY. I would just like to wind up and thank the chairman for his indulgence.

As I mentioned at the outset, I think the Daniels bill is a better bill. The important differences are that under the Steiger-Sikes substitute there is a tripartite provision for making the rules, for enforcing them, and for judging them. It is important, if you want to draft the Constitution of the United States, to have this kind of a setup, but even though the Daniels bill does not provide for a tripartite division as envisioned by the substitute, nevertheless any individual adversely affected by any action of the Secretary of Labor has resort to the courts, you realize in that way we guard against any usurpation of power by the Secretary of Labor.

Furthermore, if you have a five-man Board, as envisioned under the substitute bill, there will be a great deal of difficulty experienced by the general public and by labor in particular—because they are the ones representing the working men and women in this country—in getting the five-man Board to act. It is true they are Presidential appointees and serve at the discretion of the President, and I suppose you could go to the President and say to him, "Your five-man Board is inactive in coming out with safety standards," but it is not as easy as going to the Secretary of Labor and exerting pressure on him to come up with something.

I believe everyone agrees we have to have safety standards as soon as possible. This is a drastic situation which we face in this country, with the number of deaths and injuries on the job. The sooner we get enforceable standards the better off we will be. I think the Daniels bill will do the job better and that is all there is to it.

Mr. STEIGER of Wisconsin. Will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding.

It pains me to have the gentleman from Maine speaking in support of the Daniels bill. I do seriously, however, disagree, obviously about this question as to promptness, equity, and ability to put the pressure on. It seems to me the establishment of standards in the working places of this country affect tens of thousands of employers and millions of employees, so something should be done and it ought not to be subjected to pressure. What we are saying in essence is if we are probusiness, it ought to be in the hands of the Secretary of Commerce, because they have greater clout with him, and if it is prolabor, then it ought to be in the hands of the Secretary of Labor, because they have greater clout with him. I reject both views and think it ought to be in the hands of an independent commission.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, I thank the gentleman from Maine for yielding.

Mr. Chairman, the House of Repre-

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sentatives is fortunate to have this opportunity to debate and then to pass a bill of profound significance to the welfare of the American workingman. This debate should mean more to American labor than all the oratory of Labor Day combined. For it should show American blue-collar and white-collar workers how the Congress is concerned with their health and safety on the job as no other legislation in recent years has done. We owe a debt of gratitude to Mr. DANIELS and his Select Subcommittee on Labor for having drafted such an excellent bill, both in terms of the comprehensiveness of its approach and the fairness to all parties concerned.

Rather than dwell on the need for this bill in general or try to catalog its main provisions, I should like to concentrate my remarks upon an aspect of the bill which may otherwise receive relatively slight attention but which nonetheless is of central importance. It is an aspect that we in the House of Representatives confront in a large proportion of the measures we are called upon to consider; namely, the relationships between the States and the Federal Government. In view of the important responsibilities of the States in the field of industrial safety and industrial health, these relationships are carefully formulated in this bill, and done so in such a manner that the legitimate rights and interests of the States and the proper role of the Federal Government are both protected while at the same time far greater protection is afforded the American working man against the hazards of industrial accident and disease than ever before. Let me outline a few of the more important of these provisions as they are found in section 17 of the bill.

In the first place, a State may assert jurisdiction under State law over any occupational health or safety issue with respect to which no standard is in effect under section 6—interim standards—or section 7—occupational safety and health standards—of this bill. Further, States can submit a State plan for the development and enforcement of standards relating to occupational safety and health which the Secretary of Labor shall approve if it meets the following eight requirements: First, a State agency, or agencies, must be designated for administering the plan. Second, development and enforcement of standards must be at least as effective as section 7 standards. Third, provision must be made for the effective right of entry and inspection of all workplaces subject to the act, at least as effective as provided in section 9 of this act, and must include a prohibition on advance notice of inspections. Fourth, it must contain assurances of legal authority and qualified State personnel. Fifth, it must contain assurances of adequate State funds for administration and enforcement. Sixth, it must make all standards included in the plan applicable to all employees of public agencies of the State and its political subdivisions. Seventh, it must require employers in the State to make reports in the same manner and extent as if the plan were not in effect. And eighth, it must provide that the State agency will make reports to the Secretary of Labor in such form as he shall from time to time require.

Section 17 also provides that in case the Secretary of Labor disapproves such a State plan, due notice and opportunity for a hearing shall be granted. Provision is included in the section for appeal through the courts.

The importance which this bill pays to State initiative and enforcement in this field is also reflected in the Federal grants to the States which it authorizes—in section 21. Planning grants for the next 3 years with up to 90 percent Federal participation and program grants for the next 3 years with up to 50 percent Federal participation are provided. The 90-percent grant is designed to encourage States to identify needs and to develop plans and programs for collecting statistical data, increasing personnel capabilities, and improving administration and enforcement. The 3-year concept of these grants is designed in the virtual certainty that practically all States will, in the next few years, require Federal assistance to provide quality programs of occupational safety and health. But they are, as you see, to be their State programs, and not a monolithic superimposed Federal system.

I should add that the act also makes special provision for safety and health programs within the Federal agencies for the 3 million or so Federal employees. This bill directs each Federal agency to purchase and maintain safety devices and to require their use. Agencies must also keep adequate records and make an annual report on occupational accidents and injuries to the Secretary of Labor.

Clearly, the health and safety of American workers require active, even aggressive, action by both Federal and State agencies pursuing in harmony the same goal. And the need for such action is urgent. I would close by citing the following statement from a recent—August 29—Business Week issue, in its Washington outlook page:

> The forthcoming Congressional fight over job safety legislation will be intensified by new evidence that more people get hurt at work than statistics show. A private study done for the Labor Department shows that the 2.2 million disabling injuries reported by industry and government last year should have been at least 2.5 million. In addition, there were some 25-million "serious" work injuries, many of them unreported.

Our task is obvious. We cannot tolerate delay. Let us get the Daniels bill passed now:

Mr. PERKINS. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield to me for an observation I did not have time to make when my remarks were cut off?

Mr. DENT. I yield to the gentleman from Maine.

Mr. HATHAWAY. Let me say further to the gentleman from Wisconsin when you consider the equal pressure I was talking about, it was not with regard to standards themselves but the pressure to get going. Even the Secretary of Labor would be preferable to having a five-man Board. Taking into account the nature of human beings, the five-man Board just will not have the independence. The chairman would go from one member to the other to see if he would get along with him, and if two would, he would be able to get the job done. However, if you have the Secretary of Labor, you cannot pass the buck the way you can with a five-man commission.

Mr. STEIGER of Wisconsin. will the gentleman yield to me?

Mr. DENT. Shortly.

Mr. STEIGER of Wisconsin. I might say I am interested in that compromise concept substituting the Secretary of Commerce for the Secretary of Labor. I hope the gentleman from Maine indicates his support for such a compromise. But it is interesting. Beyond that, I will say, as I said in my remarks earlier, I attempted to point out one of my problems with this bill, H.R. 16785, is the fact of the establishment of standards because of the appointment of an advisory committee. I believe that has really nothing to do with whether it is a board or the Labor Department. It is just the built-in provision of the Daniels bill as reported.

Mr. Chairman, I am most grateful to the distinguished gentleman from Pennsylvania for yielding some of his time to me.

Mr. HATHAWAY. I thank the gentleman from Pennsylvania.

Mr DENT. Mr. Chairman, the apparent controversy at this particular point seems to be on the question of whether there is to be an independent board named by the President or whether there is to be a department head named by the Congress.

Mr. Chairman, history has shown that in this type of controversial legislation, if you really want some action and if you want to get expeditious administration, on every occasion where the administration was left in the hands of a Cabinet official we had better results and the intent of the Congress was closely followed, or more closely followed.

Mr. Chairman, the commission form lends itself to delay. It lends itself to setting aside the intent of the Congress all too often.

Mention was made here of the mine safety bill. The mine safety bill put the full responsibility with the Secretary of the Interior, who then in turn could delegate all appeals to a board if he so desired but he cannot dodge the responsibility. Under a commission-type operation, however, or a board which would set up standards and criteria, he could dodge the responsibility. In fact, that is the concept of the so-called Cabinet form of government. You place within the hands of a department head the full responsibility for all of the activities within the scope of his jurisdiction.

Now, for instance, here is another illustration. When we put through the Commission with reference to seeking a solution to the problems of the aged and the aging—it was my legislation—I voted against setting up a commission, and to this date practically nothing has been done following the intent of the Congress in that area of very serious Federal concern. I think that particular argument may be a red herring in this whole thing. It is a shadow-boxing activity.

Mr. Chairman, the real fight here is to keep from having Federal jurisdiction over industrial safety. That is the real fight. It is not new. It has been going on for so many years. I have heard this same statement made by many individuals over many years.

Mr. Chairman, no one is against industrial safety, but we do not have any legislation. I voted for many years in the State of Pennsylvania to try to get a worthwhile piece of legislation on safety in mines and mining and in the general industrial field. During the days of slavery no idea was even considered that bordered upon making any kind of reforms in working conditions, any kind of advancement in trying to save the life and limbs of men and women who work under those conditions. Then, after slavery, we had a form of conscripted labor and then during those days only the owner of conscripted labor had the responsibility to set up his own little rules to protect himself against his investment. Then, of course, we got into the field, followed by the world practically, of free labor. One of the demands of free labor has been conditions of work that allow many men and women to work within some measure of safety; in being able to do their job without fear of being maimed for life or having to be deprived of their livelihood.

Very frankly, almost every type of employment has some inherent danger in it. It is surprising to see the number of accidents that occur in jobs that appear to be safe from every angle. There is no danger apparently involved. Yet, we had to consider very seriously the question of the safety of miners working on farms. Why? Because we have gone past the old day of the spade and hoe. We are in the day of advanced equipment on our farms. We had in the minimum wage law and the child labor law provisions having to do with certain types of employment on farms that cannot be performed by children because of the nature of the employment.

Mr. Chairman, it would be a sad day, if under the guise of a technicality or a question of a power struggle, as it were, between departments or between the administration and one of its departments, it would totally frustrate the hopes and desires and the needs of the people who work for a living in this country.

For instance, when the mine safety bill, which was passed, within a few weeks, a year ago, it was heralded as one of the finest safety measures ever written by any legislative body, but it carried with it a provision, not in that particular law, but in the makeup of the Department of the Interior, which gave the Secretary of the Interior the full run of the legislation, the full responsibility for establishing rules and regulations, setting up criteria, enforcement, administration of it, all the way. However, because of the nature of mine safety and the history of mine safety it had to work through the so-called Safety Board which then works through the Secretary of the Interior, the administrator of the mine safety law is the Director, and the Senate has the right to confirm.

Now, the man selected was withheld from confirmation and we have stayed without a Director until just 3 weeks ago tomorrow.

Now, Mr. Chairman, here is the will of the Congress being thwarted by something that is extraneous to the matter of safety in the mines. There have been many men killed since that legislation was passed who might not have been killed, and there have been many men injured in the mines who may not have been injured if we had proceeded to go along with expeditious enforcement, administration, and the writing of rules and regulations in that area. And that is what will happen with this matter. If it took them a year, within a few weeks, to confirm the Director, can you imagine what will happen with the substitute bill which calls for the confirmation by the Senate of eight persons? And when they go in the Senate to be confirmed or not confirmed, there are matters that are brought into the discussion that have nothing to do with the ability of a person to deal with the problems that will be met under his jurisdiction.

Today is the day in which controversy exists. Today is the day of many misunderstandings. In fact, today is the day of much pretention. So we will find ourselves with eight persons who will have the jurisdiction over this legislation facing the Senate for confirmation before this act can go into effect. If it took us a year under established procedure that has been in existence now for over 30 years, if it took us that long to get that legislation started moving forward, how long do you think it will take for this legislation? I would predict that we will be back here next year, and maybe the year after and maybe the year after that, and there still will not be one defined, definite method of calculating the types, or figuring out just what can be done, or is being done under this legislation.

If we are working on the basis of trying to do something for the 14,000 deaths that occurred in the general industry of this country, and the 2 million disabling injuries since 1968, if we are going to try to do something about that, let us not turn it over to the weaknesses or the strengths, or personal opinions or desires of the Members of the Senate who will probably have little or no regard for what the bill intends to do. They will simply react to the personalities of the men who come before them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, I yield 5 additional minutes to the gentleman from Pennsylvania.

Mr. DENT. I appreciate this opportunity—I sincerely do appreciate this opportunity to discuss this occupational safety and health bill. It has been a long time coming. It is overdue.

What this really does is to authorize the enforcement of standards developed under the act and assists and encourages the States in their efforts to try to have helpful working conditions.

There was a discussion here a moment ago about the jurisdiction of the States overlapping—or keeping the States that have good safety laws from enforcing them.

No, you do not do that by this legislation. Federal legislation has never yet superseded State legislation when the State law is superior to the provisions of the Federal law.

We took care of that in the mine safety law. For instance, two areas where we have Federal legislation dealing with this very, very important and controversial subject are the Mine Safety Act and the Longshoreman's Safety Act. The Longshoremen Act comes under the Secretary of Labor and the Mine Safety Act comes under the Secretary of Mines or the Secretary of the Interior and the Secretary of Health, Education, and Welfare.

Since HEW did not have to go before the Senate for any type of approval of key personnel, it has enforced the portion of the act dealing with miner's lung disease.

I might say to the Congress that while I have been keeping a very close watch on it, I have absolutely nothing but praise for the way the HEW took hold of that serious problem and today there are thousands upon thousands of diseased miners, and widows, and children receiving benefit payments under that act which was passed by the Congress last December.

So throughout this thing, we must remember that the objective is to pass a safety act. We cannot write it so that everybody agrees with it. Besides, everybody does not see the same thing in a piece of legislation.

Last week I wondered to myself whether I was in the same Hall with the same people I had been in before when we were discussing the trade bill. I could not find anything they were saying that I agreed with. So we could not possibly get together on that. But we can get together on this. We can get together on the meaning and intent of what we are trying to do today.

Former Labor Secretary George Shultz made this statement:

> During the past four years more Americans have been killed where they work than in Vietnam.

If we only had an uprising of the youth on the campuses today demanding places of safety for their parents to work, places of reasonable security in which to do their share in maintaining the economy of this country, we would have very little trouble today in writing a safety law.

Remember, outside of the question of the time element of putting into effect this kind of legislation, there is not too much difference between us.

I understand that there are going to be some amendments. I want to compliment the chairman of the subcommittee and the chairman of the full committee on recognizing the need for compromise and recognizing the need for meeting demands that are made in order to get legislation.

It is important, I think, to compromise on everything but on the safety

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of the workers and we will still get some legislation on the books that will give us an opportunity to say to the men and women who work in the industries of this country that we are aware of the problem and we know the time is long past when we should be discussing it and that it should have been done a long time ago.

For a nation that has done so much with technology—for a nation that has come so far in its great development and advancement—to say that the Federal Government, up until this moment, has shirked responsibility for the safety of the workers in the fields is something that is hardly believable. Yet, only four of five States in the Union have respectable and workable safety laws in industry.

Although I am very much disturbed over adding new costs to the operation of our production facilities because of the threats from abroad, I would say there is a greater concern and that must be for the production men who do the producing—the men who work in the service industries and the men and women in this country who daily go out and keep the economy moving and make it safe for all of us to live and to work and to be able to prosper in it. Then I say this legislation is very, very important.

If you face up to the realities of the accident rate in this country, if you realize the accident rate is 4 million disabling injuries in 1 single year, how can anybody take the time of this Congress and spend hours debating whether or not this language should be used or that language should be used? It is obvious that the primary goal, which is to prevent accidents, seems to be forgotten, and the entire debate, as I have heard it this afternoon, has been based on how we do it. It has been this kind of debate that has kept this legislation from becoming law for these many years—the question of how we do it. There will always be that argument, and so long as we have two bodies politic vying with each other for acclaim, and two bodies politic under different leadership, we will continue to have the argument of how to do it. It is not any longer a question of how to do it. The question is, it must be done, and I assure the Congress there has been an awakening. The problem in the textile industry has been outlined by the chairman of the subcommittee, who has made a study of brown lung.

The incidence of brown lung in the textile industry has been completely ignored by congressional and governmental agencies over these many years. We find that we have as many or more, percentagewise, crippled ex-textile workers as we have mine workers in the United States, and we are not going to be able to shove them under the rug very much longer. This Congress must deal with that kind of question.

We talk about environment, we talk about ecology, we talk about yesterday's sins and today's problems and tomorrow's virtues, and none of us seem to realize that every time we take up the time of Congress to work on legislation which has a primary and specific purpose of this type, we spend most of our time discussing how to do it. We know how to do it. There is nothing in the legislation, which is sponsored by the good gentleman from New Jersey (Mr. DANIELS), and the chairman of the committee (Mr. PERKINS), and many others of us—there is nothing in this legislation that will do any of the dire things that were predicted here, because even when the coal mine safety bill was before the House for consideration they told me it would close down every mine in the country if that bill went into effect. It never closed them down. They will not close any plant down unless—and I doubt if there is one single Member who would not want it closed down—unless there is a flagrant violation of the common concept of safety.

Even without the rules and criteria issued by the Secretary, there are certain safety rules promulgated by the industry itself and by the safety committees of industrial workers that are very, very strong. And yet even these rules have been bent once in awhile in view of certain conditions that appear to be a type of accident-incident conditions and yet it really is not. The Secretary having it entirely in his control, will have his fingers right on the problem and can, in short order, countermand an injudicious order given by an inspector in the field. But you cannot do it with a commission.

First, most of the Commissioners take the job as an honor and a little bit of side money. Normally they do not do it for a living, and they are not around when you want them anyway. Eight men would decide whether a plant would be burned down or closed down. We have to put it into the hands of the Secretary to make a decision so that he can say, "Set this aside until I get into it and find out exactly what it is about." No one wants a plant shut down because an inspector says there is imminent danger, but there ought to be some provision for shutting it down.

By the same token, there must be a provision for the injudicious decision by some inspector who reads the letter of the law and does not have brains enough to interpret it. That is one of the problems and one of the arguments that have been given me on this bill. They are not against this act. They are against the kind of inspection services they have been getting in some other areas of Federal law that have made it impossible for them to have redress of any kind for wrongdoing or bad decisions on the part of an agent. I say this bill has no more danger in it for industry than any other safety bill that has ever been proposed. What does it do? It will give safety to the workers in the mines and mills and factories of this country.

I appreciate this opportunity to discuss H.R. 16785, the Occupational Safety and Health Act. This piece of legislation is long overdue and is designed to assure safe and healthful working conditions for our working men and women. It authorizes enforcement of the standards developed under the act and assists and encourages the States in their efforts to assure safe and healthful working conditions by providing for research, information, education, and training in the field of occupational safety and health.

The National Safety Council reported over 14,500 deaths and over 2 million disabling injuries due to industrial accidents in 1968. Since some States have incomplete statistics, we can assume this figure to be even higher. An AFL-CIO safety committee estimated that the true industrial accident rate is closer to 4 million disabling injuries a year.

Surely, faced with these statistics no one can doubt the urgency of the legislation before us today. Since there are too many essential provisions of H.R. 16785 for me to consider at this point, I would like to concentrate my remarks on the provision for training and employee education and the need for more personnel in this field.

Naturally, the primary goal of this act is to prevent accidents. Most necessary to this goal is the appropriation of proper resources for safety training and education. Hearings conducted on this bill revealed a dearth of occupational health experts in this country and both Federal and State safety and health inspectors are severely inadequate in number. There are only 1,600 State safety inspectors and fewer than 100 Federal inspectors. Some States claim that they do cover all or most of their working men and women under an occupational health and safety law, but in most cases it is to no avail because there are too few inspectors to enforce these laws. Only three States have over 100 inspectors; about half have fewer than 25; 16 have a dozen or less; and four States have no inspection personnel at all. Clearly a substantial increase in manpower with professional competence is needed to bring about a successful program. I am happy to see that H.R. 16785 provides for the expansion of the number of properly trained personnel to work in the field of occupational safety and health.

The bill also provides that the Secretary of Health, Education, and Welfare, together with the Secretary of Labor, conduct education and preparation of safety and health personnel. Unsafe acts or unsafe work practices are frequently the result of failure to train workers in safe work practices. Unsafe work practices may be of many forms: using the wrong tool, using a tool incorrectly, failure to use guards or protective equipment, taking unnecessary chances, and assuming an awkward position, to name but a few. Such unsafe practices indicate lack of effective safety training and safety training should be a part of the routine job training. In order to promote this greater awareness of safety in the workplace the bill provides for employee and employer training with special emphasis on technical assistance to both labor and management for the adoption of sound safety and health practices.

Unquestionably H.R. 16785 can do much to advance training and employee education and to supply more personnel in this area.

Mr. Chairman, I find it unconscionable for us in the Congress to let another session of Congress go by without enacting this vital piece of legislation. I, therefore, ask my colleagues to join me in support of this necessary bill with the understanding worked out with the sponsor on certain amendments dealing with the eminent danger provisions and the type of enforcement relating thereto.

It is my understanding that there will be refining amendments under the 5-minute rule.

Mr. GAYDOS. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to my colleague, the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Chairman, I wish to compliment the gentleman in the well for his very practical and sincere observations. I think the gentleman is making a very important point, and I am in full agreement, and I wish to commend the gentleman on his past activities with the committee in conjunction with the chairman of the subcommittee, the gentleman from New Jersey (Mr. DANIELS), and of course the chairman of the full committee, the gentleman from Kentucky (Mr. PERKINS).

Mr. Chairman, we are the greatest industrial Nation in the world. But Americans are beginning to question the price of this achievement. They will no longer tolerate industrial pollution when pollution can be avoided. They will no longer accept needlessly dangerous and defective products. In short, they will no longer accept a "public be damned—business as usual" attitude on the part of the business community which needlessly contaminates and endangers the enjoyment of prosperity.

Yet, in our concern for health, and ecology, we have ignored one of man's most lethal environmental situations. A substantial portion of our population are working men and women. These Americans spend nearly a quarter of their time in surroundings that have escaped the environmentalist. Much has been said about the air we breath in our streets but little has been said of the polluted air that causes death and disease among factory workers and miners. Much has been said of the harmful effects of chemicals on consumers and on nature in general but little mention has been made of the effect on the American farm or factory worker whose exposure to the danger is far more intimate. This failure to establish priorities among our environmental concerns has lead to some almost absurd situations. It is a fact that in the States today there are 1,600 occupational health and safety inspectors and 2,800 game wardens. Elk and deer are better protected than working men and women.

Heretofore, State and Federal governmental efforts to insure the occupation health and safety of the American worker have been piecemeal and inconsistent. Some of the States have been fairly conscientious. Others have been oblivious to the problem. The Federal Government has sought to protect some workers such as those in mining, transportation, or Government contracts but it has left a substantial number unprotected.

The statistics verify the ineffectiveness of such random protection. There were 14,500 deaths and 2,200,000 injuries on the job in 1968. More Americans died at work in 4 years than in Vietnam in 10. There are 390,000 new cases of occupational disease reported annually.

Some persons suggest that these statistics do not justify increased Federal scrutiny and in fact that they demonstrate the tremendous strides American business has made in making industry safer for its workers in the last 50 years. They also argue that the figures demonstrate that more people are killed on the highway than on the job. I find no such satisfaction in such contentions. The fact that halfway solutions have been halfway effective hardly seems to justify stopping short of a more complete, more effective solution of occupational health and safety problems.

I am not alone in my concern for this problem, the President in a message to Congress in August of last year declared:

> There has been much discussion in recent months about the quality of the environment in which Americans live. It is important to note in this regard that during their working years most American workers spend nearly a quarter of their time at their jobs. For them, the quality of the workplace is one of the most important of environmental questions. The protection of that quality is a critical matter for Government attention. . . .
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> For many decades, governmental responsibility for safe workplaces has rested with the States. But the scope and effectiveness of State laws and State administration varies widely and discrepancies in the performance of State programs appear to be increasing. Moreover, some States are fearful that stricter standards will place them at a disadvantage with other States. . . .
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> The Federal role in occupation safety and health has thus far been limited. A few specific industries have been made subject to special Federal laws and limited regulations have been applied to workers in companies who hold certain government contracts. In my message to Congress last March on Coal Mine Safety, I outlined an important area in which further specific Federal action is imperative. But something broader is also needed, I believe. I am therefore recommending a new mechanism through which safety and health standards for industry in general can be improved.

The Select Subcommittee on Labor of the House Committee on Labor and Education conducted extensive hearings in Washington, D.C. and San Francisco, Calif., where the testimony of State and Federal officials and private spokesmen was taken. After much deliberation the committee reported out the Occupational Health and Safety Act, H.R. 16785.

The bill is a comprehensive approach to the problems of occupational health and safety. For the first time, there will be a law to insure the health and safety of all American workers. It has been suggested that such additional coverage is unnecessary. This is just not true. Even opponents admit there are over 8 million workers not now covered by Federal law and 3 million Federal employees not covered by any health and safety law at all. The figures prove that even those who are covered are not sufficiently protected. Tell the families of the 14,000 who die needlessly every year that we are doing enough; tell the 400,000 men and women who develop industrial diseases every year that they are sufficiently protected; tell the 2 million workers injured every year that there is something totalitarian about giving them a safer, more healthful place to work. Solace them with such statements, for I cannot.

The Occupational Safety and Health Act is the first nationwide effort to handle this nationwide problem. The bill strives to incorporate the strengths of the existing system in two principal areas—that of employer-employee relations and that of State regulations of occupational health and safety where it can be effective. The bill does not envision a complete takeover of the field by the Federal Government. On the contrary, the Federal Government would merely see to it that certain minimum requirements were met and that beyond those the health and safety of most workers would be left to those States. The bill has a third characteristic which I think is extremely important. It places heavy emphasis on the importance, on the indispensability of research and training by the Federal Government and by the States, aided and encouraged by the Federal Government.

The new Federal health and safety program would be entrusted to the Secretary of Labor. Such a delegation is logical since our prime concern is the protecting of the laboring American. Opponents suggest that it is a mistake to delegate so much authority to a single agency. They claim it is contrary to the separation of powers concept inherent in one Federal system. Let me say first that the division of authority they envision would defeat one of the primary purposes of this bill—that is a uniform national policy on occupational health and safety. Second, their objection demonstrates a basic miscomprehension of the concept of separation of powers. That concept refers to the system of checks and balances imposed on the legislative, executive, and judicial branches of Government lest the power granted to any of the branches be abused. It has long been a legislative practice to delegate regulatory authority to an agency and at the same time permit the agency to establish a factfinding enforcement procedure. Those aggrieved by the enforcement of the agency's regulations may contest the agency's action in the Federal courts. We have established a similar procedure here. The implication that we have given the Secretary of Labor some heretofore unheard of authority is simply unfounded. We have legislatively granted an administrative agency the authority to insure compliance with the legislative policy subject to review by the judiciary; nothing could be more in keeping with the separation of powers.

We need the kind of standards envisioned here now. Unfortunately, fair, effective standards cannot be instantly promulgated. Serious extensive, continuing study is necessary. In order to meet present health and safety needs and at the same time recognizing the importance of careful deliberation in this area, interim standards would be authorized. The Secretary of Labor would be commanded to establish interim standards within 2 years of the bill's enactment. Before such interim standards become

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effective a public hearing must be held to ascertain the position of the parties to be affected by the standard.

The Secretary may select the interim standard from any of three alternative sources. He may accept some existing Federal standard. He may choose a standard put forth by a nationally recognized group. Finally, a national consensus standard may be accepted. The single criterion used to guide the Secretary in his selection must be the protection of the employees affected. There are obvious advantages in such a process. The Secretary benefits from the expertise of those long concerned with the problem. The work product of these experts is to be submitted to the fire of an adversary hearing.

But these standards are exactly what their name implies—interim. Within 90 days of their promulgation, the Secretary is required to imitate procedures for the establishment of permanent standards. Whether triggered by the promulgation of an interim standard, the petition of an interest party, a representative of a State or one of its political subdivisions, the Secretary of Health, Education, and Welfare or by the initiative of the Secretary himself, an advisory committee must be appointed to make recommendations within 15 months. A standard must be issued 90 days after a public hearing held on the advisory committee's recommendation and other relevant issues.

The Occupation Health and Safety Act contains fair, sophisticated systems of enforcement. At the heart of this system are procedures for inspection, investigation and reports to facilitate enforcement of the act. These procedures and subsequent enforcement steps have been drafted with an eye to the protection and convenience of the employee acting in good faith. Inspections are to be conducted at reasonable times; every effort is to be made to avoid overburdening or inconveniencing the employer In case of less serious transgressions, the employer may contest the findings and even where he chooses not to object he has more than 2 weeks to bring his operation within the law. Where trade secrets are disclosed in the process of the inspection or investigation they are to be treated with the strictest confidentiality. Even the penalties for violations are relatively mild considering the volume of business in the industry involved.

There is even authority for the Secretary to grant "variations, tolerances, and exemptions" in the interest of national defense.

In summation, I would like to point out that this bill seeks to answer a serious need of the American working man. It would protect at least 11 million workers now outside Federal protection; it would protect at least 80 million workers now afforded insufficient protection. Occupational health and safety is the one area where our concerns for the environment, for protection from unsafe products, and for the welfare of the "silent majority," merge. It is difficult for me to believe that Congress will ignore the health and safety of millions of Americans in this day of growing concern, for the sake of business as usual.

Mr. STEIGER of Wisconsin. Mr. Chairman, I reserve the balance of my time.

Mr. PERKINS. Mr. Chairman, I yield 6 minutes to the gentleman from New York (Mr. SCHEUER).

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from New York.

Mr. PODELL. Mr. Chairman, if the gentleman will permit me, I would like to ask the gentleman from New Jersey a question.

As my distinguished colleague knows, the U.S. Bureau of Mines of the Department of the Interior now has jurisdiction over the health and safety conditions of many mining industries pursuant to the Federal Metal and Non-Metallic Mine Safety Act of 1966. Does section 22(b) provide for a transfer of this jurisdiction to the Secretary of Labor?

Mr. DANIELS of New Jersey. Mr. Chairman, if the gentleman will yield, the answer is "No." Section 22(b) would only allow the Secretary of Labor to assert jurisdiction over health and safety conditions within the mining industries now subject to the Federal Metal and Non-Metallic Mine Safety Act when the Secretary of Interior has failed to exercise his statutory authority to set health and safety standards or otherwise declines to assert any jurisdiction over the mining industries under that act. In other words, only when the Secretary of Interior completely abrogates his responsibilities under the Federal Metal and Non-Metallic Mine Safety Act would the Secretary of Labor be allowed to invoke section 22(b) and set standards for the mining industries now subject to the Mine Safety Act.

Mr. SCHEUER. Mr. Chairman, I congratulate the subcommittee chairman, the gentleman from New Jersey (Mr. DANIELS) for the tremendous effort that he and others have made in bringing this bill to the floor of the House.

Mr. Chairman, I wish to add my support for passage of H.R. 16785, the Daniels Occupational Safety and Health Act. The Daniels bill will do what has long been needed—provide strict but reasonable standards of health and safety in the workplace, and make it possible to enforce these standards effectively.

Mr. Chairman, the hearings held in September, October, and November of 1969 by the Select Subcommittee on Labor, chaired by my distinguished colleague, Representative DANIELS of New Jersey, made it unmistakably clear that a strong program for dealing with hazards of the workplace is urgently needed. On-the-job safety has become one of modern industry's most pressing problems. The annual toll taken by occupational accidents and illnesses is of frightening proportions, and existing efforts to meet this problem are plainly insufficient.

Mr. Chairman, are we going to need a major catastrophe, a slaughter, before we will get action? Must we have a holocaust such as the disaster in the coal mines of Farmington, W. Va., where 78 miners were killed just before Thanksgiving in November 1968? That tragedy sparked the emotion and initiative which led to passage of the 1969 Federal Coal Mines Health and Safety Act. Are we in truth a government only by crisis, a claim made by those who would derogate the Congress of this country?

Unsafe as is coal mining, there are jobs in the United States which are even less safe. The Metropolitan Life Insurance Co. points out that the accidental death rate for tunnel construction workers is three times as high as that in coal mining, and for electrical construction workers twice as high as in coal mines. Another extremely dangerous job, according to Metropolitan Life, is that of lumbermen. Lumbermen have a death rate four times that of standard insurance risks, and are especially susceptible to injuries of the spinal cord, bones, and joints. Some of these job dangers may be inevitable, but safety experts are becoming more aware and more vocal about the fact that many dangers in these and other industries and occupations are controllable and avoidable.

No doubt you have heard the grim statistics on occupational death and injury before. But they bear repeating, they deserve repeating, they should be repeated.

Over 14,000 workers die each year as a result of job-related causes. In only 4 years' time, as many Americans have died because of their employment as were killed in almost a decade of our country's involvement in Vietnam. In the last 25 years—since the end of World War II—more than 400,000 Americans have been killed by industrial accidents and disease. This is a larger total than the 300,000 dead which World War II cost our Nation, and a more tragic figure because so much of it could have been avoided had we had a law such as the Daniels bill.

Which false prophet was he who said that work never killed anyone?

So far I have mentioned figures only on actual deaths. Besides this, about 2.5 million workers suffer on-the-job injury every year, according to Labor Department estimates. And this statistic, incredibly high as it is, has been challenged as understating the actual situation. In testifying before the Senate last year, Ralph Nader estimated that annually between 200,000 and 400,000 industrial accidents go uncounted by Federal and State tallies. A partial explanation for this, Nader said, is that there are few incentives for reporting injuries and fewer penalties for not reporting them.

A recent report by safety expert Jerome Gordon, prepared under contract for the U.S. Labor Department, substantiates Nader's conclusions. The Gordon study estimates that present Labor Department industrial accident statistics understate work injuries by about 200,000 cases a year. One basic cause for this understatement, according to the Gordon report, is improperly run and underfunded programs operated by the Federal Government and the National Safety Council. Gordon also blames industry domination of private safety-standards organizations, which allows most firms literally to compose their own records on industrial accidents.

As if all these facts and figures are not depressing enough, the crusher comes in the knowledge that the overall trend of injuries on the job has worsened in the last decade or so. Job safety began to slip back after 1958, when the factory accident rate had fallen to a record low of 11.4 disabling injuries per million man-hours worked. By 1968, the rate had increased by over 20 percent to 14 disabling injuries per million man-hours worked.

Mr. Chairman, the need is clear. The facts have been demonstrated repeatedly. The time for action is now. I urge my colleagues to join in support of the Daniels Occupational Safety and Health Act, H.R. 16785.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Chairman, as one of the early cosponsors of the occupational health and safety proposal, I am proud to support the legislation now under consideration by the House, H.R. 16785, the Occupational Safety and Health Act of 1970. The bill has the potential to be a landmark of the utmost importance in the history of social legislation. It is designed to insure a safe and healthful work environment for the 80 million men and women workers in our country, and hence to benefit their dependents as well.

Large numbers of working people spend an average of 40 hours a week in some of the most polluted, physically hazardous and mentally devastating environments imaginable. Eighty percent of these citizens work in places where no type of health service is provided, Mr. Chairman, and the protection given the remaining 20 percent varies from excellent to minimal, according to the Environmental Actions, Inc.

At a time when we are much concerned with enhancing the quality of life in general, it is inconceivable that 14,500 workers are killed each year in industrial mishaps, while 2.2 million more are disabled through job-related accidents.

A recent study authorized by the U.S. Department of Labor and conducted among a sample of California businesses revealed that this figure might be 10 times too low, and that the national figure might be closer to 25 million injuries. We do not even have a realistic estimate of the number of workers who suffer or die from occupationally caused disease.

Hopefully, we will learn this from the research which is provided for in this bill. Our almost total ignorance of the nature and extent of the problem of work-related disease is itself a cause for alarm and action.

Although we do not know the exact magnitude of the problem, we do know that industrial accidents alone inflict, by far, a greater number of casualties each year than has the Indochina war.

The highest casualty rate in Vietnam occurred in 1968 when 12,588 of our servicemen were killed. In that same year, even conservative estimates show that 14,300 workers were killed on the job—1,812 more than died in Vietnam.

The National Safety Council has found that during the first months of 1967, the total number of injuries and deaths rising out of the work situation were far greater than those due to motor vehicle accidents. Specifically, there were 873,600 motor vehicle injuries or deaths. Yet there were over 2.2 million work injuries resulting in temporary or permanent disablement or death.

In 1967, work accidents and illnesses cost the American economy over $8 billion. Ten times more man-days are lost in America every year due to injury than are lost because of strikes, lockouts and walkouts all combined.

Mr. Chairman, I want to commend the distinguished chairman of the Select Labor Subcommittee, the gentleman from New Jersey, Mr. DANIELS, for his able work in structuring this landmark bill and bringing it to the House floor for consideration. I would also like to recognize the Chairman of the Education and Labor Committee, the gentleman from Kentucky, Mr. PERKINS, for his contributions and foresight in reporting such a strong bill from the committee. I congratulate them on this momentous achievement in behalf of all Americans.

This bill is not in response to some sudden disaster, Mr. Chairman, but to the continuing health and safety hazards of our Nation's accelerated industrialization. The 40 workers who die each day, the 6,000 who are injured each 24-hour shift, represent personal tragedies which have not yet aroused any great public outcry. Yet the work force of America has a vital and personal concern in the passage of this legislation. The figures, as appalling as they are, can never adequately convey the agony of the injured and the anguish of each individual family, much less the discomfort that arises from unhealthy, unsafe working conditions under which the health of millions of workers is being eroded.

While some States have acted to establish and enforce safety and health standards, only a relative few have modern laws and have devoted adequate resources to their administration and enforcement. At least eight States have no identifiable programs in occupational health at all. In the States today, there are a total of 1,600 health and safety inspectors, and 2,800 game wardens. Elk and deer are better protected, Mr. Speaker, than working men and women.

In States with strong occupational safety and health standards, the accident rate is 19 per 100,000 workers. In States with weak programs, it is 110 per 100,000—a number 500 percent greater. In no State are enforcement standards adequate to force total industry compliance with existing standards.

The Occupational Health and Safety Act of 1970 would show our concern for a healthy environment for all of our citizens. It would especially show, Mr. Chairman, that we as a nation will no longer tolerate a situation where the cost of employment for many individuals is the strong likelihood that they will be maimed or crippled for life. Despite the many disruptive forces in our land today, I feel that our increasing concern for the quality of life and our compassion for the individual hold out a bright promise for tomorrow.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. ANNUNZIO. Mr. Chairman, I wonder if the gentleman from Wisconsin would yield to me 1 additional minute?

Mr. STEIGER of Wisconsin. Mr. Chairman, I shall be happy to yield 1 minute to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Chairman, as the former Director of Labor for the State of Illinois where I have had broad experience in the implementation of workmen's compensation and the occupational disease bill in Illinois, I can unequivocally state that the Javits amendment, as provided for in the Senate bill, will weaken this legislation on behalf of the working men and women of America. The full responsibility for the implementation of this act must rest in the Secretary of Labor if this bill is to be meaningful.

All of us are familiar with the Board that was appointed known as the Mine Safety Review Board. A perusal of the list of members for that Board will show that none of the members are representatives of organized labor; none are people who have had experience at the grassroots level in the industrial plants of America; or who have a keen understanding of the problems that confront us at this time.

I vividly recall when I attended my first safety conference in Washington, D.C., in 1950, and for over 20 years, those who have supported the objectives of this conference have stated to the various legislatures of America that too many lives and too many man-hours of work are being lost because American workers are not being adequately protected. The American worker has waited too long. Let us put the responsibility where it belongs—on the highest appointed labor official in Government—the Secretary of Labor.

I wholeheartedly support, as one of the original cosponsors, the Daniels Occupational Safety and Health Act and the amendments recommended by the subcommittee. I urge my colleagues to vote down the Steiger substitute. I urge my colleagues to support the Daniels bill so that we can get on with the business of protecting our fellow citizens.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ANNUNZIO. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Did I hear that statement correctly?

Mr. ANNUNZIO. You heard it correctly.

Mr. STEIGER of Wisconsin. Well, had I only known.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, at the appropriate time I intend to offer an amendment which I believe will strengthen the legislation that we now have under consideration.

Mr. Chairman, a main purpose of this legislation is to strengthen State pro-

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grams concerning industrial or in-plant safety. Traditionally, industrial safety programs have been aimed at the design and arrangement of the plant itself and the establishment of safety rules and practices to be followed by the employees. The bills before us today, however, are even more inclusive. They cover all types of products which might be used on worksites and would permit each State to issue design standards for the safety of these products.

The difficulty with product design standards is that products are frequently mass produced on a national market basis and without any particular plant or worksite in mind. Contrasted with a plant, which is nearly always custom designed and laid out, some products which might be used in that plant are often not custom designed, but instead are of a uniform design and are nationally distributed and sold. Thus a forklift or tractor, or even a lawn mower, are all often used in or around a plant or worksite and yet are seldom designed or manufactured for any particular customer. These products are designed for a national market. The problem which I hope to avoid would arise when under this legislation the States promulgate standards which deal with the design of such products. It would be possible to have each of the 50 States enact a varying standard and thus require the product manufacturer to custom build an unnecessarily expensive and slightly different model of his product for each of the 50 States. Even if the manufacturer did this it would not solve the problem a user of the product would have where he brought the product into several States with varying standards and might have to customize it for use in each of those States.

My amendment would specify that with respect to the standards which a State may promulgate, the standards should not present an undue burden on interstate commerce and should only be applied to the area of product safety when a compelling local condition can be shown, unless there is no national or Federal standard applicable. In other words, where a product is built to a Federal standard, it should not have to be custom-built to varying State standards, either by the manufacturer or the user, unless required by compelling local conditions.

It should be noted that my amendment does not deny the States the right to issue product design standards, it only requires that there be a sufficient showing of compelling local conditions which would justify the deviation from a national standard. In this regard, I note the recommendation of the National Commission on Product Safety, created by Public Law 90-146 in 1967:

> That a mandatory Federal safety standard for a consumer product preempt any State or local standard, with appropriate provision for exemption where clear and compelling conditions in the State make it necessary.

The Product Safety Commission, in explaining its recommendation stated:

> States seldom impose safety standards for consumer products. Where requirements apply to product safety, these vary considerably. For this reason, many manufacturers cannot produce for a national market except by designing different models for individual States. Ultimately, consumers pay the wasteful cost of several models being produced where one would do.

I think that we could all agree with such reasoning.

The Commission concluded that:

> With a provision for exemption of State regulations that do not unduly burden interstate commerce, national safety standards for unreasonably hazardous consumer products can be expected to enhance protection for the public and conserve time, money, effort, and resources. At the same time, the possibility of exemptions will leave States free to develop innovative safety methods and to satisfy unusual local needs.

This is exactly the approach which my amendment is intended to take.

I might just mention that this amendment was offered in the Senate by Senator SAXBE and was accepted by the Senate committee, and by Senator WILLIAMS. I had a chance to discuss this amendment with the sponsor of what will be a substitute amendment, and it was acceptable to him—I have not had a chance to discuss it with all the leadership of the committee on the Democratic side, but I have had the chance to talk to some, and I will be glad to give them a copy of the amendment—but it is my sincere hope that the amendment will be acceptable to them as well.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding, and I have asked for this time so that I might direct a question to the chairman of our committee.

As I understand it, the amendments will be presented either by the chairman of the committee, or the chairman of the subcommittee, the gentleman from New Jersey?

Mr. PERKINS. If the gentleman will yield, I personally see no objection to the amendment, but I do wish to discuss it with the gentleman from New Jersey (Mr. DANIELS), before I make a commitment on the amendment.

Mr. ERLENBORN. Mr. Chairman, could the gentleman tell me whether the five amendments that are intended to be offered from that side will be offered as amendments, or will they be incorporated in a rewritten proposal in the form of a substitute?

Mr. PERKINS. That decision has not as yet been arrived at, but it is my thinking that if a substitute is voted down that these amendments will be offered at the appropriate place in the committee bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 3 additional minutes to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, would the gentleman yield further?

Mr. RAILSBACK. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I just wanted to make the observation that it would make a difference to those Members, such as the gentleman in the well, who are proposing to offer amendments to the bill, whether the amendments were offered individually as amendments or incorporated in an overall substitute.

Mr. PERKINS. I think that you gentleman can assume that if the substitute is voted down that these amendments will be voted on separately to the committee amendment.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I want to compliment the gentleman in the well for calling this problem to our attention. And having worked long, diligently and very strenuously, as I know the gentleman has, from having talked to the gentleman over the past several months concerning this problem, I can say that it was not easy to find the kind of language that would resolve the problem without in some way or other giving rise to other problems, and I think the gentleman has done that.

I think it is of special interest that the language the gentleman uses, or is proposing to offer, is similar or identical to the language that has been proposed by the Product Safety Commission.

So I do want to compliment the gentleman on the fine work that he has done.

Mr. RAILSBACK. Mr. Chairman, I thank the gentleman very much. I also want to thank the distinguished chairman of the committee for the remarks that he has made.

Mr. PERKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I wish to commend the chairman of the full committee and the chairman of the subcommittee, and all of the distinguished members who have worked so long and hard to bring this bill to the floor. It is a fine piece of legislation. I strongly support it.

Mr. Chairman, at a time when our country is intensely concerned with environmental problems, it is hard to accept resistance or apathy toward Federal legislation on occupational health and safety. The factory, mill, office, and shop is the environment for millions of working Americans. In industry after industry, the workplace is a polluted place—with a dangerous pollution that robs working people of their health and their lives. These intolerably hazardous conditions must be ended as rapidly as possible. For this reason I wholeheartedly support the Daniels Occupational Safety and Health Act, H.R. 16785.

No President called to public attention the problem of occupational injuries and diseases in American industry generally until Lyndon Johnson did so in 1968. But the bills introduced in support of President Johnson's recommendations to end the loss of life, limb, and sight due to industrial accident and occupational illness died in committee hearings during the 90th Congress. In August 1969 President Nixon reintroduced the proposal for a Federal occupational safety and health law.

H.R. 16785 is a carefully thought out statute, developed after 15 days of public hearings and seven markup sessions under the able and dedicated chairmanship of my esteemed colleague, Representative DANIELS of New Jersey. From my study of this bill, I believe it will establish fair and reasonable standards for the prevention of on-the-job accidents and illnesses, as well as effective procedures for the enforcement of these standards.

Mr. Chairman, technology and shifting consumer preferences have been causing fundamental changes in our country's occupational structure and industrial processes. These changes are expected to continue to occur at an even faster rate than in the past. It has been estimated that each year approximately 600 new chemicals are introduced in America's factories, mills, and laboratories. At the 1969 hearings on occupational safety and health, the Daniels subcommittee learned that roughly 6,000 chemicals currently are in use in industry. And yet—note this significant statistic—health authorities today know the safe threshold values for only about 500.

These facts say something to me, and to all of us. They say that we had better learn more about the chemicals and other substances which are being used in increasing numbers and variety in the production processes of this country, especially whether or not they are toxic. They tell us that we need more measurement as to the amounts of these materials which are being employed, and more knowledge of safe threshold levels. They warn us that we urgently need more regulation of the use of these products and greater prevention of their abuse. This whole area of the industrial consumption of chemicals and of the occupational diseases which result is one of the major preoccupations of the Daniels bill—and the one to which I am primarily addressing myself today, Mr. Chairman. Time constraints restrict me to this field, although as you know the Daniels bill goes beyond occupational health, and concerns itself also with the more visible and well-known question of industrial accidents and on-the-job injury.

No one knows for sure how many workers have been struck down by silent killers in the form of corrosive chemicals, noxious fumes, and debilitating dust particles that have become commonplace ingredients of the manufacturing process. One of the deadliest and most widespread of industrial illnesses is pneumoconiosis, commonly referred to as black-lung disease. This is an occupational hazard of coal miners, caused by a build-up of coal dust in the lungs. The Coal Mine Health and Safety Act of 1969 has done something about this killer by establishing maximum allowable coal dust standards in mines.

But there are other potent respiratory diseases to which millions of American workers are subject and for which virtually no Federal regulation exists. In the insulating trade, according to estimates of Dr. Irving J. Selikoff of New York's Mount Sinai School of Medicine, 8 percent of all workers will die from asbestosis caused by breathing tiny particles of asbestos. The disease was identified in 1924; when New York City passed safety standards last spring for the spraying of asbestos, it was the first city in the United States to do so. Ah yes, the mills of the legislative gods grind slowly—nearly half a century behind the wheels of industry—while the specter of noiseless and often invisible industrial death stalks the land.

Among the worst man-killers, according to Senator HARRISON WILLIAMS of New Jersey, are the textile mills. More than 100,000 of the Nation's 1 million textile-mill workers have contracted byssinosis, or brown-lung disease, from inhaling cotton dust, according to the Senator's estimates. A study of men working the coke ovens in the steel industry showed they suffered a lung cancer mortality rate 62 percent higher than the average steel worker who does not breathe the sulfide gases exhausted by the coke ovens. Another example of what Ralph Nader aptly terms "a silent kind of violence" is berylliosis, a lung disease caused by the inhalation of dust or fumes from the space-age metal beryllium. Berylliosis is a prime instance of the byproduct impact on worker health and safety of new materials, new processes, and new technologies, posing a whole new set of hazards and potential hazards. Silicosis is another major crippling and deadly respiratory disease common to industry.

Mr. Chairman, there is an unconscionable gap between the minimal protection being given to several million workers regularly exposed to the gases, dusts, and mists of American industry, and the protection they need. There is a frightening gap between our knowledge about these substances, and what we need to know. There is a depressing gap between the supply of trained personnel to develop standards for a safe handling of these materials and to enforce observance of those standards, and our requirements for these personnel. The Daniels bill is designed to narrow and eventually close these gaps. I urge my colleagues to support this bill now.

Mr. PERKINS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Chairman, I commend my colleagues, the chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS), and the chairman of the subcommittee, the gentleman from New Jersey (Mr. DANIELS), and the members of the full committee for bringing an occupational safety and health bill to the floor of the House.

Occupational health and safety is an area which cries out for a positive Federal role. State and private industry safety measures are piecemeal, fragmented, or nonexistent.

In the latest year in which any data are available, 1968, the evidence is staggering—14,000 workers killed, 2,200,000 suffered disabling injuries, 390,000 occupational illnesses—and yet we are told that this information is based upon incomplete reports. The totals may even be larger.

I have listened to the debate with great interest, in particular on those matters to which the committee has given an indication that it will accept amendments to be offered by Mr. DANIELS to the committee bill to eliminate any possible objection to the procedure the bill would authorize in securing safe working places. With these amendments I agree. The amendments according to the documented record today will modify the reported bill in the following respects:

First, the "general duty" will be modified to require only that employers provide employment "free from recognized hazards" and there will be no penalty for violation of duty;

Second, the provision authorizing the Secretary to order closedowns without a court order in imminent danger situations will be deleted and exclusive reliance placed on judicial remedies;

Third, the provision that has been attacked as giving an employee the right to "strike with pay" will be deleted;

Fourth, the monitoring provisions will be revised to eliminate fears of excess burdens on employers; and

Fifth. The Construction Safety Act will be amended, as in H.R. 19200, to include all contractors instead of just those performing Government work.

I urge my colleagues to support the committee bill as modified.

Mr. PERKINS. Mr. Chairman, I yield the remaining time on this side to our distinguished colleague, the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Chairman, the question on this bill, of course, is not whether or not we should have an Industrial Health and Safety Act. That question now seems to be settled and it is a good thing for the country that it is. We can all agree that the toll of death and of injury that the workers of this country suffer in on-the-job accidents—14,500 deaths a year, 2 million disabling injuries a year, and other millions of serious but not disabling injuries—is too high and that it has been paid for too long.

But there are differences, Mr. Chairman, and very substantial differences, among the proposals that have been made to correct this problem. I believe very strongly that the bill reported by the committee is a reasonable, careful and a cautious approach to this problem. I say that despite anything you may have heard to the contrary. It is a reasonable careful and cautious approach to this problem for which the gentleman from New Jersey (Mr. DANIELS) is to be commended because it has been under his leadership and that of the gentleman from Kentucky (Mr. PERKINS) that this bill has been brought this far. It is only with great reluctance that I would accept the amendments, which it is my understanding will be offered by the majority during the consideration of this bill.

I do not think this bill goes too far, the way it stands. I think, if anything, this bill does no go far enough, the way it stands—with 14,500 killed in industrial accidents this year and 2 million disabled in industrial accidents. No, Mr. Chairman, this bill does not try to go too far, too fast.

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But I will accept the amendments which will be offered by the majority, because I recognize that they are necessary, unfortunately, in order to correct misimpressions that have been deliberately fostered by the opponents of this legislation. I make no bones about calling them opponents of the legislation. They are the same people who came before the committee in the last Congress and said that they did not want any bill at all—no legislation is what they wanted. They came before the committee in this Congress and in response to a question said that they still preferred no legislation at all, but they would accept the administration bill. And, indeed, the administration bill was very close to no bill at all. But even after the acceptance of these amendments, which we do only reluctantly, there is still an important difference between the committee bill, the Daniels bill, and the bill that my friend, the gentleman from Wisconsin is offering. Under the Daniels bill, it is at least possible to fix responsibility and to find out who it is that is supposed to set the standards and who it is that is supposed to enforce them. If the program is not adequately implemented and if not strictly enforced for the American people to be able to hold accountable the responsible officials—in this case the President and his Secretary of Labor.

It is proposed that we substitute for that accountability, which is the most important part of this legislation, a faceless board, none of whom will be known to the people, none of whom will be accountable to the people, and behind whose skirts an entire administration will be trying to hide. That is an important difference, and even with the reluctant acceptance of the amendment that will be offered from the majority side of the committee, that important difference will remain. Mr. Chairman, I hope that this committee will reject the substitute and agree to the committee bill, the Daniels bill, with the amendments that will be offered.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield myself 3 minutes.

The CHAIRMAN. The gentleman is recognized.

Mr. STEIGER of Wisconsin. Mr. Chairman, I have listened with interest to the remarks of the gentleman from Michigan as well as those of the other speakers who have directed their attention to the issue that we shall face tomorrow when we vote on the Steiger-Sikes substitute which will be offered.

Let us understand, first of all, the amendments which the distinguished and able chairman of the subcommittee, the gentleman from New Jersey (Mr. DANIELS) has announced he intends to offer are good. I do not deny that. They significantly improve the bill. But they do not do it anywhere near enough. You are still going to be faced, even as amended, if the substitute is defeated, with an imperfect bill reported by the Committee on Education and Labor, imperfect in at least two regards, not to belabor the point.

One is the failure to provide for the separation of powers. The bill H.R. 16785, maintains the Labor Department and the Secretary of Labor as a czar to set the standards to enforce and inspect plant sites and to penalize those who have violated the law.

Second is the failure to change the status of the inspector himself. Though under the amendment that the gentleman from New Jersey intends to offer the imminent danger section will be modified to bring it into line with the Steiger-Sikes substitute, still the issuance by an inspector of the citation forthwith with a penalty to be levied at a later time, is not good.

Going down the list, Mr. Chairman, of those who have supported the concept of the independent board to set the standards and the separation of functions—the Department of Industry, Labor, and Human Relations of the State of Wisconsin, the Department of Labor, State of New York, the American Society of Safety Engineers, the Department of Labor and Industry, Commonwealth of Pennsylvania, the Industrial Medical Association, the American Academy of Occupational Medicine, the National Safety Council, the Council of Occupational Health, American Medical Association, the Ad Hoc Committee on Occupational Safety and Health, International Association of Government Labor Officials, the American Industrial Hygiene Association, the International Association of Industrial Accident Board and Commissions, the American Public Health Association, the American Conference of Governmental Industrial Hygienists, the Building and Construction Trades Department—I really wonder, are those the people the gentleman from Michigan is talking about who are not in favor of the bill and who oppose any kind of legislation? The answer is, obviously, no. The gentleman from Michigan knows it. These are people who are committed to having a bill passed, but who believe the separation of functions is an absolutely essential part of equitable legislation.

So these, then, are the issues which we will face tomorrow as we come to a close of the debate today. The question is whether or not we can be willing to accept the bipartisan compromise to be offered by the gentleman from Florida and myself in an effort to get a bill that can be passed in this session, and which can be supported by all segments of the economy and bipartisanly here in the Congress, or whether we will have to try to maintain the posture of the Committee on Education and Labor.

I hope the substitute will be agreed to. I yield back the remainder of my time.

Mr. KARTH. Mr. Chairman, every factory, mill, and office in this country could well post a cautionary sign next to its front entrance—"Warning: Working May Be Hazardous to Your Health." Rapidly changing technology has been introducing novel and gravely serious threats to the health and safety of our employed men and women. Today we are asking our workers to perform far different tasks from those they performed 15 or even 5 years ago. It is only right that the on-the-job protection we provide for these workers also be up to date.

For this reason I am strongly supporting the Daniels Occupational Safety and Health Act, H.R. 16785. I believe it to be a carefully thought-out instrument to help prevent industrial accidents and occupational illnesses. And it is needed, Mr. Chairman. It is urgently needed because of the dangerous weaknesses in the present dams and dikes that stand to stem the tide of rising job-related hazards.

True, many industries and businesses have made commendable progress on their own in protecting worker health and safety. Some have managed to reduce the frequency of accidents by as much as 80 or 90 percent, demonstrating what can be accomplished with proper effort. But such voluntary successes are not widespread nearly enough.

Collective-bargaining agreements often include safety and health provisions. Many professional organizations have suggested voluntary standards. Groups like the National Safety Council have worked to promote safer working conditions. But the overall record is spotty and uneven.

As far as legislation is concerned, for many decades governmental responsibility for safe workplaces has rested mainly with the States. Again, the scope and effectiveness of State laws and State administration vary widely. Some States are fearful that stricter standards will place them at a competitive disadvantage with other States in attracting and holding industry.

A few jurisdictions—such as California and New York—have strong occupational safety and health programs. But most State programs are inadequate. Although all States recognize in varying degrees their responsibility for insuring the wage earner a safe and healthful working environment, many State safety laws apply to only limited areas of activity, such as boiler and elevator safety. State programs are becoming even more inadequate with the introduction of new industrial chemicals and processes that menace health and life in complex and often unpredictable ways.

Some States have very few inspectors, and spend as little as two cents per worker a year in job safety enforcement. There are only 1,600 State safety inspectors altogether in this country. Only three States employ over 100 inspectors each; about half the States have fewer than 25 inspectors each; 16 have a dozen or fewer; four States have no inspection personnel at all. Only three States have inspectors who are trained in the field of occupational health and hygiene. Ironically, there are twice as many fish and game wardens in the United States as there are safety and health inspectors. The Daniels subcommittee hearings in 1969 revealed a severe shortage of occupational health experts in this country.

Senator HARRISON WILLIAMS, of New Jersey, chairing the Senate Labor Subcommittee considering job safety legislation, has pointed out that some 65 million workers in smaller plants have little or no occupational health protection, for which he blames "archaic laws, administered by inadequate, ill-paid and ill-trained staffs, a wide variation in safety standards and starvation budgets." The chairman of the full Senate Committee on Labor and Public Welfare, Senator RALPH YARBOROUGH, of Texas, has been equally caustic. He has compared present on-the-job safety efforts to "a sneeze in a hurricane." The Federal role in occupational safety and health has been severely limited so far. The Walsh-Healey Public Contracts Act sets standards, but these apply only to workers employed on Federal contracts for supplies and equipment. Safety standards also are included in the McNamara-O'Hara Service Contract Act of 1965, applying to workers engaged in contract work supplying services for the Federal Government. Great strides forward were made last year by this Congress when it enacted the Federal Coal Mine Health and Safety Act and the Federal Construction Safety Act, but of course these apply only to the specific industries mentioned, although admittedly industries which are among our country's most hazardous.

Something broader is needed in the way of Federal job safety legislation. These are not my words, but those of President Nixon in his message of August 6, 1969, recommending Federal occupational safety and health legislation. In so doing he was repeating a recommendation also made in 1968 by Lyndon B. Johnson.

I heartily subscribe to the recommendations of our present and past Presidents, and I wholeheartedly endorse the Daniels bill, H.R. 16785, as the best way to do the job. I hope all of you will endorse it too.

Mr. MICHEL. Mr. Chairman, I am strongly opposed to H.R. 16785 on the grounds that it would place unlimited power in the hands of the Secretary of Labor and will work a hardship on industry in my State of Illinois as well as other States.

On the other hand, I realize that everyone is interested in effective and reasonable occupational health and safety legislation. For this reason I feel that H.R. 19000 introduced by Representatives STEIGER and SIKES is a more reasonable measure than the Daniels bill because it contains, among other matters, the following elements:

First. Creation of an independent national occupational safety and health board, composed of qualified experts to establish standards;

Second. Authorization of the Secretary of Labor to enforce these standards;

Third. An occupational safety and health appeals commission to hold hearings on alleged violations and impose fines; and

Fourth. A provision that a plant could be ordered closed only by order of a U.S. district court.

H.R. 16785, if passed, would almost surely be held unconstitutional. It stretches my imagination to believe that sound-thinking Members of this House would even propose it in its present form.

If H.R. 16785 passes as is, it will add more fuel to the fire in an already turbulent labor arena. Unions could and would use H.R. 16785 to disregard the no-strike provisions in collective agreements. Further, even if union officers were against a local strike, "red hot" rank-and-file members could and would disregard their contractual no-strike pledge.

This bill disregards constitutional due process; puts unreasonable power and authority in the hands of inspectors, many of whom might be incompetent or easily influenced; gives only vague guidelines on what is expected although penal in nature; and gives ultimate penal authority to the Secretary of Labor without possibility of court review.

I think that everyone here is aware that most accidents result from unsafe acts by employees, not by unsafe equipment, and it would be unwise to try to legislate a product designed to make corrections for this fact.

And to permit an employee representative to inspect the plant to determine what is safe as far as equipment and working conditions would put undue burden on the employer.

The only way to achieve real improvement is through cooperative action involving employers and employees—with assistance and guidance from government. Instead of providing the cooperative climate and assistance that are needed, H.R. 16785 would be a divisive influence that would achieve little, if any, safety improvement.

I am not opposed to sensible requirements for safety and health, but when a bill starts out on the basis of safety and health and then goes on to give the Secretary of Labor almost unlimited regulatory powers beyond these requirements, I become opposed.

I urge all my colleagues to vote against H.R. 16785. It is seriously lacking from the standpoint of fairness and due process, but is replete with provisions that are unduly punitive, administratively unworkable, and potentially highly disruptive of labor-management relations.

Mr. Chairman, we need an occupational safety and health bill. But one that makes sense and not one that is forced upon us by the pressure and power politics of the AFL–CIO.

Mr. BROOMFIELD. Mr. Chairman, every year 14,000 workers are killed on the job and another 25 million suffer disabling injuries. In 1967, industrial accidents cost the economy $7.3 billion with 10 times more man-days lost to injury than to strikes.

It should be clear that every American shares our concern for occupational safety and health, business as well as labor, Republican as well as Democrat; yet, we continue to discuss this technical failure in political terms. There is no room for partisanship where the health of a worker is concerned; there is only the self-evident need for an expert and professional authority to set health and safety standards for all American workers.

I have read both the Daniels and the Steiger bills carefully, and it seems that only the second can insure efficiency and professionalism without taking sides. The Steiger bill, H.R. 19200, does not view the problem of occupational safety and health in partisan terms, as a question of balancing the rights of business and labor. This is not to say that the element of fairness can be ignored, but merely that is must be secondary to our recognition of the technical nature of a problem shared by both business and labor.

The Steiger bill would permit standards to be set and enforced by experts, trained in a field where all considerations are objective and all solutions scientific. The individual working man would not be allowed to suffer while business and labor dicker over the relative shares of power. The measure proposed by the Subcommittee on Education and Labor, on the other hand, would encourage both sides to take each case of industrial accident as a battleground for furthering their own interests. This is exactly what we must avoid. It should be testimony to the worth of the Steiger bill that in guaranteeing efficient and objective action by scientific experts it necessarily inspires confidence in every segment of the American public.

Probably the most controversial aspect of the substitute bill is its call for a division of powers. Proponents of the Daniels' measure, which places all functions in the Office of the Secretary of Labor, argue that the checks and balances imposed by a separation are not necessary to insure fairness on the part of a single government department. In their obsession with balancing rights of business and labor, I believe they have missed the whole point of this key article of the Steiger bill. The division of standard setting, judicial and enforcement functions, is not primarily designed to guarantee fair treatment, but rather to permit the efficient operation of all these functions. No element in this structure would be overburdened with extra duties; it is just an added help that none of these duties would conflict to the injury of one interest or another.

The Steiger bill places the authority to set standards in the National Occupational Safety and Health Board, appointed by the President solely on the basis of ability and experience in the field of occupational safety and health. This Board would have no other duties but to set standards. The Secretary of Labor would be authorized to conduct inspections, make recommendations to this Board, and enforce the orders of the occupational safety and health appeals commission, which would arbitrate business-labor disagreements over violations. Each element of this structure, therefore, has specific and narrowly defined areas of responsibility; already composed of experts in their respective fields, they would only increase their efficiency and objectivity with experience.

The Daniels, on the other hand, places all responsibility on the Secretary of Labor. He would set standards through a time-consuming and complicated procedure involving ad hoc advisory committees. The progress could take as long as 2 years; and it would always take that long because for each new standard an entirely different and inexperienced ad hoc committee would have to be appointed. Further, the Secretary would enforce the standards, prosecuting violators before Labor Department hearing examiners. Finally, he would issue corrective orders along with assessing civil penalties. It is difficult for me to see how one man or even one department could handle the burden of duties assigned by the committee bill. Certainly, the Steiger substitute provides a much more realistic approach to the goal of efficiency and objectivity.

As for the actual process of setting standards, again the substitute bill is much simpler. It does not require ad hoc committees because it already has a permanent Board to examine the evidence and decide any controversy. The Board would use the formal procedures of the APA, so that a full hearing will be held with an opportunity tc cross-examine.

In cases of grave dangers to workers from toxic substances or hazards resulting from new processes, the Board can issue temporary emergency standards which go into effect immediately upon publication in the Federal Register. Emergency standards in the Daniels bill are not effective until 30 days after publication in the Register.

Clearly, the emphasis of the Steiger bill is on the efficient operation of all three functions. But it also includes several provisions which insure fairer treatment than the Daniels bill would. First, the substitute measure permits judicial review of standards by the U.S. court of appeals. There is no such provision in the committee bill.

Second, the Steiger proposal asserts only that employers must provide conditions free from readily apparent dangers, not the vague statement of the committee that employers must furnish safe and healthful working conditions. The confusion that this general coverage will cause when applied to such complex and technical circumstances as those of an industrial plant cannot now be measured, but I am sure that it will prove quite substantial. Besides, a general standard like this only discourages the formulation of specific standards, which is, after all, the basic purpose of the bill.

Third, the substitute measure would authorize relief from situations of imminent danger only through injunctions issued by the district courts. The Daniels bill gives this power to a Labor Department inspector who unfortunately may choose to shut down a plant arbitrarily and may be influenced by business or union pressure. The court injunction provides relief just as quickly, but on the basis of fact not whim.

Fourth, the Steiger bill requires that both employer and employee representatives accompany an inspector; thus, if one is unable to participate in the inspection the other cannot take unfair advantage of his absence.

I believe the subcommittee must be commended for including worthwhile provisions for training grants, research, State involvement, and safety for Federal jobs. But these are also contained in the substitute bill.

In closing, Mr. Chairman, I can only reiterate the necessity for scientific and objective approach to the technical problem of industrial accidents. When 75 out of every 100 teenagers now entering the work force can expect to suffer a disabling injury sometime in his working career, I believe it is time that we face the goal of occupational safety and health not as a matter for partisan politics, but as a challenge to the science and technology of our country. Many of the problems we face are a direct result of the innovations science has enabled us to make; there is no reason, Mr. Speaker, that this same scientific genius should not be applied to their solution.

Mr. SIKES. Mr. Chairman, the House is ready for consideration under the 5-minute rule of the Occupational Safety and Health bill. There is now before us the committee bill, H.R. 16785, and the Steiger-Sikes substitute, H.R. 19200. The sponsors of the committee bill have made it clear in the debate on today that they recognize the bill contains serious deficiences and they are proposing a number of amendments which are intended to improve the bill. Undoubtedly, these amendments would improve the bill. The fact remains, however, that the substitute will be a much better bill than the improved committee bill. This I am sure will be brought out as the debate continues on tomorrow. Specifically, at that time I want to call attention to the fact that the amendments which are to be offered to the committee bill will fail in important areas to eliminate serious weaknesses which already have been pointed out in the committee bill. I list these in order.

H.R. 16785 vests all functions in the Secretary of Labor. It does not provide for a separate independent Occupational Safety and Health Board to set standards nor for an independent adjudicatory body to hear the cases of alleged violations developed by the Secretary of Labor.

The Daniels bill has an unrealistic set of criteria to which a standard must measure up. For example, standards must in effect guarantee that "no employee will suffer any impairment of health or functional capacity, or diminished life expectancy."

The Daniels bill contains no provision for judicial review of standards. Both the Steiger bill and the Senate-passed bill provide such review.

The Daniels bill requires that a representative of the employer and an authorized representative of the employees be given an opportunity to accompany an inspector on his inspection. This is too broad and inflexible a provision. The Steiger bill permits an employee-authorized representative to accompany an inspector on his rounds only where an employer exercises his option to accompany an inspector.

The Daniels bill would make it a crime—misdemeanor—for any person to give advance notice of a pending inspection. This is a particularly objectionable provision. It is aimed at Labor Department personnel, the very people upon whom Congress would rely so much to carry out the responsibilities under the bill; and by implication, this provision would make every employer, regardless of his record or good faith, a furtive wrongdoer who somehow must be caught in the act of violating safety and health standards.

In the State-plan section, the Daniels bill requires a State to include in its plan a provision to the effect that the State will make all standards included in the plan applicable to all public employees of the State and its political subdivisions. The problem with this provision is that some States do not exercise control over all public employees working in the State; in some States the local governments control their own public employees: Therefore, both the Senate-passed bill and the Steiger bill provide that to the extent permitted by its law, the State will establish an occupational safety and health program applicable to all employees in the State, which program is as effective as the standards contained in the plan.

H.R. 16785 dangerously extends the Federal Government's jurisdiction to State and local employees. We think this extension unwise and the matter is properly treated in the Steiger-Sikes substitute.

The CHAIRMAN. All time has expired. Pursuant to the rule, the Clerk will read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 16785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Safety and Health Act".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. STEIGER of Wisconsin: Strike out all after the enacting clause and insert:

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers, to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources—

(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to

achieving safe and healthful working conditions;

(3) by creating a National Occupational Safety and Health Board to be appointed by the President for the purpose of setting mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Appeals Commission for carrying out adjudicatory functions under the Act;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(9) by providing for the development and promulgation of occupational safety and health standards;

(10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

(11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;

(13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Secretary" means the Secretary of Labor.

(2) The term "Safety and Health Appeals Commission" means the Occupational Safety and Health Appeals Commission established under section 12 of this Act.

(3) The term "Board" means the National Occupational Safety and Health Board established under section 8 of this Act.

(4) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than a State as defined in paragraph (8) of this subsection), or between points in the same State but through a point outside thereof.

(5) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(6) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

(7) The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

(8) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(9) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(10) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (a) has been adopted and promulgated by a nationally recognized public or private standards-producing organization possessing technical competence and under a consensus method which involves consideration of the views of interested and affected parties and (b) has been designated by the Board, after consultation with other appropriate Federal agencies.

(11) The term "established Federal standard" means any operative occupational safety and health standard established by any agency of the United States and presently in effect, or contained in any Act of Congress in force on the date of enactment of this Act.

APPLICABILITY OF ACT

SEC. 4. This Act shall apply only with respect to employment performed in a workplace in a State, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, or the Canal Zone, except that this Act shall not apply to any vessel underway on the Outer Continental Shelf lands. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no Federal district courts having jurisdiction.

DUTIES OF EMPLOYERS

SEC. 5. Each employer—

(a) shall furnish to each of his employees employment and a place of employment which are free from any hazards which are readily apparent and are causing or are likely to cause death or serious physical harm to his employees;

(b) shall comply with occupational safety and health standards promulgated under this Act.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

SEC. 6. (a) The National Occupational Safety and Health Board established under section 8 of this Act is authorized to promulgate rules prescribing occupational safety and health standards in accordance with sections 556 and 557 of title 5, United States Code.

(b) Without regard to the provisions of sections 553, 556, and 557, title 5, United States Code. the Board shall, as soon as practicable. but in no event later than three years after the date of enactment of this Act, by rule promulgate as an occupational safety and health standard, any national consensus standard or any established Federal standard, unless it determines that the promulgation of such a standard as an occupational safety and health standard would not result in improved safety or health for affected employees. In the event of conflict among such standards, the Board shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees. Such national consensus standard or established Federal standard shall take effect immediately upon publication and remain in effect until superseded by a rule promulgated pursuant to subsection (a) of this section.

(c)(1) Whenever the Board promulgates any standard. makes any rule, order, decision, grants any exception or extension of time, it shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register: and

(2) Whenever a rule issued by the Board differs substantially from an existing national consensus standard, the Board shall include in the rule issued a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

(d) Any agency may participate in the rulemaking under this section.

(e) The Secretary of Labor (with respect to safety issues) or the Secretary of Health, Education, and Welfare (with respect to health issues) may submit a request to the Board at any time to establish or modify occupational safety and health standards indicated in the request. Within sixty days from the receipt of the request, the Board shall commence proceedings under this section.

(f) Any interested person may also submit a request in writing to the Board at any time to establish or modify occupational safety and health standards. The Board shall give due consideration to such request and may commence proceedings under this section on the basis of such request.

(g) If, prior to the publication of the rule, an interested person or agency which submitted written data, views, or arguments makes application to the Board for leave to adduce additional data, views, or arguments and such person or agency shows to the satisfaction of the Board that additions may materially affect the result of the rulemaking procedure and that there were reasonable grounds for failure to adduce such additions earlier, the Board may receive and consider such additions.

(h) In determining the priority for establishing standards under this section, the Board shall give due regard to the need for mandatory safety and health standards for particular industries, trades, crafts, occupations, businesses, workplaces or work environments. The Board shall also give due regard to the recommendations of the Secretary and the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

(i)(1) The Board shall provide without regard to requirements of Ch. 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if it determines (A) that employees are exposed to grave danger from exposure to substances determined to be toxic or from new hazards resulting from the introduction of new processes, and (B) that such emergency standard is necessary to protect employees from such danger.

(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

(3) Upon publication of such standard in the Federal Register the Board shall commence a hearing in accordance with sections 556 and 557 of title 5, United States Code, and the standard as published shall also serve as a proposed rule for the hearing. The Board shall promulgate a standard under

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this paragraph no later than six months after publication of the emergency temporary standard as provided in paragraph (2) of this subsection.

(j)(1) Whenever the Board upon the basis of information submitted to it in writing by an interested person (including a representative of an organization of employers or employees, or a nationally recognized standards-producing organization) or by the Secretary or the Secretary of Health, Education, and Welfare, a State or a political subdivision of a State, or on the basis of information otherwise available to it, determines that a rule should be prescribed under subsection (a) of this section, the Board may appoint an advisory committee as provided for in section 7(e) of this Act, which shall submit recommendations to the Board regarding the rule to be prescribed which will carry out the purposes of this Act, which recommendations shall be publishd by the Board in the Federal Register, either as part of a subsequent notice of proposed rulemaking or separately. The recommendations of an advisory committee shall be submitted to the Board within two hundred and seventy days from its appointment, or within such longer or shorter period as may be prescribed by the Board, but in no event may the Board prescribe a period which is longer than one year and three months.

(2) After the submission of such recommendations, the Board shall, as soon as practicable and in any event within four months, schedule and give notice of a hearing on the recommendations of the advisory committee and any other relevant subjects and issues. In the event that the advisory committee fails to submit recommendations within two hundred and seventy days from its appointment (or such longer or shorter period as the Board has prescribed) the Board shall make a proposal relevant to the purpose for which the advisory committee was appointed, and shall within four months schedule and give notice of hearing thereon. In either case, notice of the time, place, subjects, and issues of any such hearing shall be published in the Federal Register thirty days prior to the hearing and shall contain the recommendations of the advisory committee or the proposal made in absence of such recommendation. Prior to the hearing interested persons shall be afforded an opportunity to submit comments upon any recommendations of the advisory committee or other proposal. Only persons who have submitted such comments shall have a right at such hearing to submit oral arguments, but nothing herein shall be deemed to prevent any person from submitting written evidence, data, views, or arguments.

(k) The Board shall within sixty days (where an advisory committee is utilized) or one hundred and twenty days (where no advisory committee is utilized) after completion of the hearing held pursuant to section 6(a) issue a rule promulgating, modifying, or revoking an occupational safety and health standard or make a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date for such period (not in excess of ninety days) as the Board determines may be appropriate to insure that affected employers are given an opportunity to familiarize themselves and their employees with the requirements of the standard.

(l) Any affected employer may apply to the Board for a rule or order for an exemption from the requirements of section 5(b) of this Act. Affected employees shall be given notice by the employer of each such application and an opportunity to participate in a hearing. The Board shall issue such rule or order if it determines on the record, after an opportunity for an inspection and a hearing, that the proponent of the exemption has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Board on its own motion in the manner prescribed for its issuance at any time after six months after its issuance.

(m) Standards promulgated under this section shall prescribe the posting of such labels or warnings as are necessary to apprise employees of the nature and extent of hazards and of the suggested methods of avoiding or ameliorating them.

ADVISORY COMMITTEES

SEC. 7. (a) There is hereby established a National Advisory Committee on Occupational Safety and Health (hereafter in this section referred to as the "Committee") consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare, without regard to the civil service laws and composed equally of representatives of management, labor and the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

(b) The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

(c) The members of the Committee shall be compensated in accordance with the provisions of subsection 8(g) of this Act.

(d) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

(c) An advisory committee which may be utilized by the Board in its standard-setting functions under section 6 of this Act shall consist of not more than fifteen members and shall include as a member one or more designees of the Secretary of Health, Education, and Welfare, and also as a member one or more designees of the Secretary of Labor and shall include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employers involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more representatives of health and safety agencies of the States. An advisory committee may also include such other persons as the Board may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health, and one or more representatives of nationally recognized standards-producing organizations, but the number of persons so appointed to any advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 8(g) of this Act. The Board shall pay to any State which is the employer of a member of such committee who is a representative of the health or safety agency of that State, reimbursement sufficient to cover the actual cost to the State resulting from such representative's membership on such committee. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

NATIONAL OCCUPATIONAL SAFETY AND HEALTH BOARD

SEC. 8. (a) The National Occupational Safety and Health Board is hereby established. The Board shall be composed of five members, having a background either by reason of previous training, education, or experience in the field of occupational safety or health, who shall be appointed by the President, by and with the consent of the Senate, and shall serve at the pleasure of the President. One of the five members may be designated at any time by the President to serve as Chairman of the Board.

(b) Subchapter II (relating to Executive Schedule pay rates) of chapter 52 of title V of the United States Code is amended as follows:

(1) Section 5314 (5 U.S.C. 5314) is amended by adding at the end thereof the following: "(54) Chairman, National Occupational Safety and Health Board.".

(2) Section 5315 (5 U.S.C. 5315) is amended by adding at the end thereof the following: "(92) Members, National Occupational Safety and Health Board.".

(c) The principal office of the Board shall be in the District of Columbia. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the Secretary of the Board.

(d) The Chairman of the Board shall, without regard to the civil service laws, appoint and prescribe the duties of a Secretary of the Board.

(e) The Chairman shall be responsible on behalf of the Board for the administrative operations of the Board, and shall appoint, in accordance with the civil service laws, such officers, hearing examiners, agents, attorneys, and employees as are deemed necessary and to fix their compensation in accordance with the Classification Act of 1949, as amended.

(f) Three members of the Board shall constitute a quorum.

(g) The Board is authorized to employ experts, advisers, and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them when away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(h) To carry out its functions under this Act, the Board is authorized to issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(i) The Board may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Reasonable notice must first be given in writing by the Board or by any party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (j) of this section. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(j) In the case of contumacy by, or refusal to obey a subpena served upon any person under this section, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(k) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings.

DUTIES OF THE SECRETARY

Inspections, Investigations, and Reports

SEC. 9. (a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(2) to question any such employee and to inspect and investigate during regular working hours and at other reasonable times and within reasonable limits and in a reasonable manner, any such area, workplace, or environment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein.

(b) If the employer, or his representative, accompanies the Secretary or his designated representative during the conduct of all or any part of an inspection, a representative authorized by the employees shall also be given an opportunity to do so.

(c) Each employer shall make, keep, and preserve for such period of time, and make available to the Secretary such record of his activities concerning the requirements of this Act as the Secretary may prescribe by regulation or order as necessary or appropriate for carrying out his duties under this Act.

(d) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any district court of the any territory or possession, within the juris- United States or the United States courts of diction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(e) In carrying out his responsibilities under this Act, the Secretary is authorized to—

(1) use, with the consent of any Federal agency, the services, facilities, and employees of such agency with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or subdivision with or without reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS-18 in section 5332 of title 5, United States Code, including travel-time, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(3) delegate his authority under subsection (a) of this section to any agency of the Federal Government with or without reimbursement and with its consent and to any State agency or agencies designated by the Governor of the State and with or without reimbursement and under conditions agreed upon by the Secretary and such State agency or agencies.

(f) Any information obtained by the Secretary, the Secretary of Health, Education, and Welfare, or a State agency under this Act shall be obtained with a minimum burden upon employers, especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(g) The Secretary shall prescribe such rules and regulations as he may deem necessary to carry out his responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

(h) There are hereby authorized to be appropriated such sums as the Congress shall deem necessary to enable the Secretary to purchase equipment which he determines as necessary to measure the exposure of employees to working environments which might cause cumulative or latent ill effects.

CITATION AND SAFETY AND HEALTH APPEALS COMMISSION HEARINGS

SEC. 10. (a) If, upon the basis of an inspection or investigation, the Secretary believes that an employer has violated the requirements of section 5, 6, or 9(c) of this Act, or subsection (e) of this section, or regulations prescribed pursuant to this Act, he shall issue a citation to the employer unless the violation is de minimis. The citation shall be in writing and describe with particularity the nature of the violation, including a reference to the requirement, standard, rule, order, or regulation alleged to have been violated.

(b) In addition, the citation shall include—

(1) the amount of any proposed civil penalties; and

(2) a reasonable time within which the employer shall correct the violation.

(c) The Secretary shall issue each citation within forty-five days from the concurrence of the alleged violation but for good cause the Secretary may extend such period up to a maximum of ninety days from such occurrence.

(d) If an employer notifies the Secretary that he intends to contest a citation issued under this section, the Secretary shall notify the Safety and Health Appeals Commission of the employer's intention and the Safety and Health Appeals Commission shall afford the employer an opportunity for a hearing as provided in section 11 of this Act. However, if the employer fails to notify the Secretary within fifteen days after the receipt of the citation of his intention to contest the citation issued by the Secretary, the citation shall, on the day immediately following the expiration of the fifteen-day period, become a final order of the Safety and Health Appeals Commission.

(e) Each employer who receives a citation under this section shall prominently post such citation or copy thereof at or near each place a violation referred to in the citation occurred.

(f) No citation may be issued under this section after the expiration of three months following the occurrence of any violation.

(g) Whenever the Secretary compromises, mitigates, or settles any penalty assessed under this Act, he shall include a statement of the reasons for such action, and such statement shall be published in the Federal Register.

OCCUPATIONAL SAFETY AND HEALTH APPEALS COMMISSION

SEC. 11. A. ORGANIZATION AND JURISDICTION—

(1) STATUS.—The Occupational Safety and Health Appeals Commission is hereby established as an independent agency in the Executive Branch of the Government. The members thereof shall be known as the Chairman of the Commission and the Commissioners of the Occupational Safety and Health Appeals Commission.

(2) JURISDICTION.—The Commission shall have such jurisdiction as is conferred on it by this Act.

(3) MEMBERSHIP.—(a) The Commission shall be composed of three Commissioners, appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office.

(b) The salary of the Chairman of the Commission shall be equal to that provided for the executive level in section 5314, title 5, United States Code, and the salary of the remaining two Commissioners shall be in accordance with the executive level as provided in section 5315, title 5, United States Code.

(c) The terms of office of the Commissioners shall be as follows: one Commissioner shall be appointed for a term of two years, one Commissioner shall be appointed for a term of four years, and the remaining Commissioner for a term of six years, respectively. Their successors shall be appointed for terms of six years each, except that vacancy caused by death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A Commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(d) A Commissioner removed from office in accordance with the provisions of this section shall not be permitted at any time to practice before the Commission.

(4) ORGANIZATION.—(a) The Commission shall have a seal which shall be judicially noticed.

(b) The President may at any time designate one of the three Commissioners to serve as Chairman of the Commission.

(c) A majority of the Commissioners shall constitute a quorum for the transaction of the Commission's business. A vacancy shall not impair its powers nor affect its duties.

(d) The principal office of the Commission shall be in the District of Columbia, but it may sit at any place within the United States giving due consideration to the expeditious conduct of its proceedings and the convenience of the parties.

(5) HEARING EXAMINERS.—(a) The Commission may appoint hearing examiners to conduct such business as the Commission may require. Each hearing examiner shall be an attorney at law and shall be selected from the Civil Service Commission list of individuals eligible for selection as administrative hearing examiners.

(b) Except as otherwise provided in this Act, the hearing examiners shall be subject to the laws governing employees in the classified civil service, except that appointments shall be made without regard to 5 U.S.C.

5108. Each hearing examiner shall receive compensation at a rate not less than the GS-16 level.

B. Procedure—

(1) Representation of Parties.—The Secretary or his delegate shall be represented by the Solicitor of Labor or his delegate before the Commission. The respondent shall be represented in accordance with the rules of practice prescribed by the Commission.

(2) Rules of Practice, Procedure, and Evidence.—The proceedings of the Commission shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the Commission may prescribe and in accordance with the rules of evidence applicable in trials without a jury in the United States District Court of the District of Columbia.

(3) Service of Process.—The mailing by certified mail or registered mail or any pleading, decision, order, notice or process in respect of proceedings before the Commission shall be held sufficient service of such pleading, decision, order, notice, or process.

(4) Administration of Oaths and Procurement of Testimony.—For the efficient administration of the functions vested in the Commission any Commissioner of the Commission, the clerk of the Commission, or any other employee of the Commission designated in writing for the purpose by the Chairman of the Commission, may administer oaths, and any Commissioner may examine witnesses and require, by subpena ordered by the Commission and signed by the Commissioner (or by the Secretary of the Commission or by any other employee of the Commission when acting under authority from the Secretary of the Commission)—

(a) The attendance and testimony of witnesses, and the production of all necessary books, papers, documents, correspondence, and other evidence, from any place in the United States at any designated place of hearing, or

(b) The taking of a deposition before any designated individual competent to administer oaths under this title. In the case of a deposition the testimony shall be reduced to writing by the individual taking the deposition or under his direction and shall then be subscribed by the deponent.

(5) Witness Fees.—(a) Any witness summoned or whose deposition is taken shall receive the same fees and mileage as witnesses in courts of the United States.

(b) Such fees and mileage and the expenses of taking any such deposition shall be paid as follows:

(A) In the case of witnesses for the Secretary or his delegate, such payments shall be made by the Secretary or his delegate out of any moneys appropriated for the enforcement of this Act and may be made in advance.

(B) In the case of any other witnesses, such payments shall be made, subject to rules prescribed by the Commission, by the party at whose instance the witness appears or the deposition is taken.

(6) Hearings.—Notice and opportunity to be heard upon any proceeding instituted before the Commission shall be given to the respondent and the Secretary or his delegate. If an opportunity to be heard upon the proceedings is given before a hearing examiner of the Commission, neither the respondent nor the Secretary nor his delegate shall be entitled to notice and opportunity to be heard before the Commission upon review, except upon a specific order of the Chairman of the Commission. Hearings before the Commission shall be open to the public, and the testimony, and, if the Commission so requires, the argument, shall be stenographically reported. The Commission is authorized to contract for the reporting of such hearings, and in such contract to fix the terms and conditions under which transcripts will be supplied by the contractor to the Commission and to others and agencies.

(7) Reports and Decisions.—(a) A report upon any proceeding instituted before the Commission and a decision thereon shall be made as quickly as practicable. The decision shall be made by a Commissioner in accordance with the report of the Commission, and such decision so made shall, when entered, be the decision of the Commission.

(b) It shall be the duty of the Commission to include in its report upon any proceeding its findings of fact or opinion or memorandum opinion. The Commission shall report in writing all its findings of fact, opinions, and memorandum opinions.

(c) A decision of the Commission dismissing the proceeding shall be considered as its decision.

(8) Procedures in Regard to the Hearing Examiners.—(a) A hearing examiner shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Chairman of the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceeding.

(b) The report of the hearing examiner shall become the report of the Commission within thirty days after such report by the hearing examiner unless within such period any Commissioner has directed that such report shall be reviewed by the Commission. Any preliminary action by a hearing examiner which does not form the basis for the entry of the final decision shall not be subject to review by the Commission except in accordance with such rules as the Commission may prescribe. The report of a hearing examiner shall not be a part of the record in any case in which the Chairman directs that such report shall be reviewed by the Commission.

(9) Publicity of Proceedings.—All reports of the Commission and all evidence received by the Commission, including a transcript of the stenographic report of the hearings, shall be public records open to the inspection of the public; except that after the decision of the Commission in any proceeding which has become final the Commission may, upon motion of the respondent or the secretary or his delegate, permit the withdrawal by the party entitled thereto of originals of books, documents, and records, and of models, diagrams, and other exhibits, introduced in evidence before the Commission; or the Commission may, on its own motion, make such other disposition thereof as it deems advisable.

(10) Publication of Reports.—The Commission shall provide for the publication of its reports at the Government Printing Office in such form and manner as may be best adapted for public information and use, and such authorized publication shall be competent evidence of the reports the Commission shall provide for the publication of the United States and of the several States without any further proof or authentication thereof. Such reports shall be subject to sale in the same manner and upon the same terms as other public documents.

(11) Upon issuance of a citation and notification of the Commission, pursuant to section 10, the Commission shall afford an opportunity for a hearing, and shall issue such orders, and make such decisions, based upon findings of fact, as are deemed necessary to enforce the Act.

C. Miscellaneous Provisions.—

(1) Employees.—(a) Appointment and Compensation. The Commission is authorized in accordance with the civil service laws to appoint, and in accordance with the Classification Act of 1949 (63 Stat. 954; 5 U.S.C., chapter 21), as amended to fix the compensation of such employees, including a Secretary to the Commission, as may be necessary to efficiently execute the functions vested in the Commission.

(b) Expenses for Travel and Subsistence. The employees of the Commission shall receive their necessary traveling expenses, and expenses for subsistence while traveling on duty and away from their designated stations, as provided in the Travel Expense Act of 1949 (63 Stat. 166; 5 U.S.C., chapter 16).

(2) Expenditures.—The Commission is authorized to make such expenditures (including expenditures for personal services and rent at the seat of Government and elsewhere, and for law books, books of reference, and periodicals), as may be necessary to efficiently execute the functions vested in the Commission. All expenditures of the Commission shall be allowed and paid, out of any moneys appropriated for purposes of the Commission, upon presentation of itemized vouchers therefor signed by the certifying officer designated by the Chairman.

(3) Disposition of Fees.—All fees received by the Commission shall be covered into the Treasury as miscellaneous receipts.

(4) Fee for Transcript of Record.—The Commission is authorized to fix a fee, not in excess of the fee fixed by law to be charged and collected therefor by the clerks of the district courts, for comparing, or for preparing and comparing, a transcript of the record, or for copying any record, entry, or other paper and the comparison and certification thereof.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

Sec. 12. (a) The United States district courts shall have jurisdiction, upon petition of the Secretary, to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act.

(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to section 11 of this Act. The proceeding shall be as provided by Rule 65 of the Federal Rules, Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any place of employment, he shall inform the affected employees and employers of the danger and that he is recommending to the Secretary that relief be sought.

(d) If the Secretary unreasonably fails to petition the court for appropriate relief under this section and any employee is injured thereby either physically or financially by reason of such failure on the part of the Secretary, such employee may bring an action against the United States in the Court of Claims in which he may recover the damages he has sustained, including reasonable court costs and attorney's fees.

(e) In any case where a temporary restraining order is obtained under this section by the Secretary, the court which grants such relief shall set a sum which it deems proper for the payment of such costs, damages, and attorney's fees as may be incurred or suffered by any employer who is found to have been wrongfully restrained or enjoined. In no case shall any employer wrongfully restrained or enjoined be entitled to a recovery for costs, damages, and attorney's fees in excess of the sum set by the court.

JUDICIAL PROCEEDINGS

Sec. 13. (a) (1) Any employer required by an order of the Commission to comply with the standards, regulations, or requirements under this Act, or to pay a penalty, may obtain judicial review of such order by filing a petition for review, within sixty days after service of such order, in the United States court of appeals for the circuit wherein the violation is alleged to have occurred or wherein the employer has its principal office. A copy of the petition shall forthwith be transmitted by the clerk of the court to the Commission and to the Secretary.

(2) The Secretary may also obtain judicial review or enforcement of a decision of the Commission as provided in subsection (1) of this section.

(3) Until the record in a case shall have been filed in a court, as herein provided, the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part any finding, order, or rule made or issued by it.

(4) Upon the filing of a petition for review under this section, such court shall have jurisdiction of the proceeding and shall have power to affirm the order of the Commission, or to set aside, in whole or in part, temporarily or permanently, and to enforce such order to the extent that it is affirmed. To the extent that the order of the Commission is affirmed, the court shall thereupon issue its own order requiring compliance with the terms of the order of the Commission. The commencement of proceedings under this paragraph shall not, unless specifically ordered by the court, operate as a stay of the order of the Commission.

(5) No objection to the order of the Commission shall be considered by the court unless such objection was urged before the Commission or unless there were reasonable grounds for failure to do so. The findings of the Commission as to the facts, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Commission for the taking of additional evidence in such manner and upon such terms and conditions as the court may deem proper, in which event the Commission may make new or modified findings and shall file such findings (which, if supported by substantial evidence on the record considered as a whole, shall be conclusive) and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(6) The judgment of the court affirming or setting aside, in whole or in part, any order under this subsection shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(7) An order of the Commission shall become final under the same conditions as an order of the Federal Trade Commission under section 45(g) of title 15, United States Code.

(b) Any interested person affected by the action of the Board in issuing a standard under section 6 may obtain review of such action by the United States Court of Appeals for the District of Columbia by filing in such court within thirty days following the publication of such rule a petition praying that the action of the Board be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Board and thereupon the Board shall certify and file in the court the record upon which the action complained of was issued as provided in section 2112 of title 28, United States Code. Review by the court shall be in accord with the provisions of section 706 of title 5, United States Code. The court, for good cause shown, may remand the case to the Board to take further evidence, and the Board may thereupon make new or modified findings of fact and may modify its previous action and shall certify to the court the record of the further proceedings. The remedy provided by this subsection for reviewing a standard or rule shall be exclusive. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of a proceeding under this subsection shall not, unless specifically ordered by the court, delay the application of the Board's standards.

(c) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil suit in the name of the United States brought in the Federal district court in the district where the violation is alleged to have occurred or where the employer has its principal office.

(d) The Federal district courts shall have jurisdiction of actions to collect penalties prescribed in this Act and may provide such additional relief as the court deems appropriate to carry out the order of the Occupational Safety and Health Appeals Commission.

REPRESENTATION IN CIVIL LITIGATION

SEC. 14. Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court and the Court of Claims, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

CONFIDENTIALITY OF TRADE SECRETS

SEC. 15. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when essential in any proceeding under this Act. However, any such information shall be recorded and presented off the official public record, and shall be kept and preserved separately.

VARIATIONS, TOLERANCES, AND EXEMPTIONS

SEC. 16. The Board, on the record, after notice and opportunity for a hearing may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as it may find necessary and proper to avoid serious impairment of the national defense. Such action shall not be in effect for more than six months without notification to affected employees and an opportunity being afforded for a hearing.

PENALTIES

SEC. 17. (a) Any employer who willfully or repeatedly violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

(b) Any citation for a serious violation of the requirements of section 5 of this Act, of any standard or rule promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, shall include a proposed penalty of up to $1,000 for each such violation.

(c) Any employer who violates the requirements of section 5 of this Act, any standard or rule promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued for such violation a proposed penalty of up to $1,000 for each such violation.

(d) Any employer who violates any order or citation which has become final in accordance with the provision of section 10 of this Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of assessing the penalty except where such order or citation is ending review under section 11 of this Act.

(e) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years or both. Whoever kills a person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any term of years or for life.

(f) Any employer who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed by the Commission a civil penalty of up to $1,000 for each such violation.

(g) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed ten years or both.

(h) The Commission shall have authority to assess and collect all penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(i) For purposes of this section a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

STATE JURISDICTION AND STATE PLANS

SEC. 18. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any occupational safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgment—

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards) are or will be at least as

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effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues.

(3) provides for a right of entry and inspection of all workplaces subject to the Act which is at least as effective as that provided in section 9(a)(1), and includes a prohibition on advance notice of inspection.

(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary rejects a plan submitted under subsection (b), he shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 9, 10, 11, and 12 with respect to comparable standards promulgated under section 6, for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of sections 5(b), 9 (except for the purpose of carrying out subsection (c)), 10, 11, and 12, and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 10 or 11 before the date of determination.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition praying that the action of the Secretary be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan to be arbitrary and capricious, the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

FEDERAL AGENCY SAFETY PROGRAMS AND RESPONSIBILITIES

SEC. 19. (a) It shall be the responsibility of the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall (after consultation with representatives of the employees thereof)—

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;

(2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;

(3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;

(4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to subsection (a)(3) of this section; and

(5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(e)(2) of title 5, United States Code.

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a)(5) of this section, together with his evaluations of and recommendations derived from such reports. The President shall transmit annually to the Senate and the House of Representatives a report of the activities of Federal agencies under this section.

(c) Section 7902(c)(1) of title 5, United States Code is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a) (3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

TRAINING AND EMPLOYEE EDUCATION

SEC. 20. (a) The Secretary of Health, Education, and Welfare, after consultation with the Secretary of Labor, the Board and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(b) The Secretary is also authorized to conduct (directly or by grants or contracts) short-term training of personnel engaged in work related to his responsibilities under this Act.

(c) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Act, and to consult with and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illnesses.

GRANTS TO THE STATES

SEC. 21. (a) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 18(c) to assist them (1) in identifying their needs and responsibilities in the area of occupational safety and health, (2) in developing State plans under section 18, or (3) in developing plans for—

(A) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(B) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; (or)

(C) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(b) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in subsection (a) of this section.

(c) The Governor of the State shall designate the appropriate State agency, or agencies, for receipt of any grant made by the Secretary under this section.

(d) Any State agency, or agencies, designated by the Governor of the State, desiring a grant under this section shall submit an application therefor to the Secretary.

(e) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(f) The Federal share for each State grant under subsection (a) or (b) of this section may be up to 90 per centum of the State's total cost. In the event the Federal share for all States under either such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(g) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary pursuant to section 18 of this Act. The Federal share for each State grant under this subsection may be up to 50 per centum of the State's total cost. The last sentence of subsection (f) shall be applicable in determining the Federal share under this subsection.

(h) Prior to June 30, 1973, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to Congress, describing the experience under the program and making any recommendations he may deem appropriate.

ECONOMIC ASSISTANCE TO SMALL BUSINESSES

SEC. 22. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of "paragraph (5)" and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in affecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of the Small Business Act, as amended, is amended by striking out "or (5)" after "paragraph (3)" and inserting a comma followed by "(5) or (6)".

(c) Section 4(c) (1) of the Small Business Act, as amended, is amended by inserting "7(b) (6)," after "7(b) (5),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b) (6) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

RESEARCH AND RELATED ACTIVITIES

SEC. 23. (a) (1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary, the Board, and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare shall from time to time consult with the Board in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling the Board to meet its responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Act.

(3) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments, and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(4) The Secretary of Health, Education, and Welfare shall publish within six months of enactment of this Act and thereafter as needed but at least annually a list of all known toxic substances by generic family or other useful grouping, and the concentrations at which such toxicity is known to occur.

(5) The Board shall respond, as soon as possible, to a request by any employer or employee for a determination whether or not any substance normally found in a working place has toxic or harmful effects in such concentration as used or found.

(b) The Secretary of Health, Education, and Welfare is authorized to make inspections and question employers and employees as provided in section 9 of this Act in order to carry out his functions and responsibilities under this section.

(c) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In carrying out his responsibilities under this subsection, the Secretary and the Secretary of Health, Education, and Welfare shall cooperate in order to avoid any duplication of efforts under this section.

(d) Information obtained by the Secretary, the Board, and the Secretary of Health, Education, and Welfare under this section shall be disseminated by the Secretary to employers and employees and organizations thereof.

STATISTICS

SEC. 24. (a) In order to further the purposes of this Act, the Secretary shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. Such program may cover all employments whether or not subject to any other provisions of this Act but shall not cover employments excluded by section 4 of the Act.

(b) To carry out his duties under subsection (a) of this section, the Secretary may:

(1) Promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics.

(2) Make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics.

(3) Arrange, through grants or contracts, for the conduct of such research and investigations as give promise of furthering the objectives of this section.

(c) The Federal share for each State grant under subsection (b) of this section may be up to 50 per centum of the State's total cost.

(d) The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivision, with or without reimbursement, in order to assist him in carrying out his functions under this section.

(e) On the basis of the records made and kept pursuant to section 9(c) of this Act, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act.

(f) Agreements between the Department of Labor and the States pertaining to the collection of occupational safety and health statistics already in effect on the effective date of this Act shall remain in effect until superseded by grants or contracts made under this Act.

EFFECT ON OTHER LAWS

SEC. 25. (a) Nothing in this Act shall be construed or held to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, occupational or other diseases, or death of employees arising out of, or in the course of, employment.

(b) Nothing in this Act shall apply to working conditions of employees with respect to whom other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021) exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(c) The safety and health standards promulgated under the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.), the Service Contract Act (41 U.S.C. 351 et seq.), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.), are deemed repealed and rescinded on the effective date of corresponding standards promulgated under this Act, as determined by the Secretary of Labor to be corresponding standards.

(d) Nothing in this Act shall apply to any employer who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting or decorating in the regular course of his business.

(e) The Secretary shall, within three years after the effective date of this Act, report to the Congress his recommendations for legislation to avoid unnecessary duplication and to achieve coordination between this Act and other Federal laws.

(f) Section 2 of the Act of August 9, 1969 (Public Law 91-54; 83 Stat. 96), is hereby amended to read as follows:

"SEC. 2. The first section and section 2 of the Act of August 13, 1962, are each amended by inserting 'and Construction Safety and Health' before 'standards' each time it appears."

(g) Subsection 107 of Public Law 91-54 (83 Stat. 96) is amended to read as follows:

"SEC. 107. (a) (1) It shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation based on proceedings pursuant to section 553 of title 5, United States Code, provided that such proceedings include a hearing of the nature authorized by said section. The Secretary of Labor shall consult with the Advisory Committee on Construction Safety and Health created by subsection (f) and shall give due regard to the Committee's recommendations and information in framing proposed rules or subjects and issues in setting standards in accordance with section 443 of title 5, United States Code.

"(2) Each employer as defined in section 3(6) of the Occupational Safety and Health Act who is a contractor or subcontractor for construction, alteration, and/or repair of buildings or works, including painting and decorating in the regular course of business, shall comply with construction safety and health standards promulgated under this section."

(b) Subsection (b) of section 107 of Public Law 91-54 (83 Stat. 96) is amended to read as follows:

"(b) (1) The Secretary is authorized to make inspections and investigations pursuant to sections 9 (a), (c), and (d) of the Occupational Safety and Health Act. If upon the basis of inspection or investigation, the Secretary believes that an employer subject to the provisions of section 107(a) (2) has violated any health or safety standard promulgated under section 107(a) of this Act, or has violated the condition required of any contract to which subsection (a) of this section applies, the Secretary shall issue a citation to the employer unless the violation is de minimis. The provisions of section 10 (except subsection (c) thereof) of the Occupational Safety and Health Act shall apply to citations issued under this Act. In issuing citations under this Act, the Secretary shall issue each citation at the earliest possible time from the occurrence of the alleged violation but in no event later than forty-five days from the occurrence of the alleged violation except that for good cause the Secretary may extend such period up to a maximum of ninety days from such occurrence. The provisions of section 12 of the Occupational Safety and Health Act shall also apply to this Act.

"(2) If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause (1) or (2) of section 103(a) of this Act, the governmental agency for which the contract work is done shall have the right to cancel the contract, and to enter into other contracts for the completion of the contract work, charging any additional cost to the original contractor. If, after notice and opportunity for hearing, the Commission determines that a violation has occurred of any condition prescribed by this section for a contract of the type described in clause 3 of section 103(a), the governmental agency by which financial guarantee, assistance, or insurance for the contract work is provided shall have the right to withhold any such assistance attributable to the performance of the contract. Section 104 of this Act shall not apply to the enforcement of this section."

(i) Subsection (c) of section 107 of Public Law 91–54 (83 Stat. 96) is hereby repealed and subsection (d) of that section is redesignated as subsection "(c)" and is amended to read as follows:

"(c)(1) If the Commission determines on the record after an opportunity for hearing that by repeated willful or grossly negligent violations of this Act, a contractor or subcontractor has demonstrated that the provisions of subsection (b) of this section and actions by the Secretary under paragraph (3) of this subsection are not effective to protect the safety and health of his employees, the Commission shall make a finding to that effect and shall, not sooner than thirty days after giving notice of the findings to all interested persons, transmit the name of such contractor or subcontractor to the Comptroller General.

"(2) The Comptroller General shall distribute each name so transmitted to him to all agencies of the Government. Unless the Commission otherwise recommends, no contract subject to this section shall be awarded to such contractor or subcontractor or to any person in which such contractor or subcontractor has a substantial interest until three years have elapsed from the date the name is transmitted to the Comptroller General. If, before the end of such three-year period, the Commission, after affording interested persons due notice and opportunity for hearing, is satisfied that a contractor or subcontractor whose name he has transmitted to the Comptroller General will thereafter comply responsibly with the requirements of this section, the Commission shall terminate the application of the preceding sentence to such contractor or subcontractor (and to any person in which the contractor or subcontractor has a substantial interest); and when the Comptroller General is informed of the Commission's action he shall inform all agencies of the Government thereof.

"(3) Any person aggrieved by an action of the Commission under subsections (b) or (c) of this section may seek a review of such action in the appropriate United States Court of Appeals pursuant to the provisions of section 13(a) of the Occupational Safety and Health Act. The Secretary may also obtain judicial review or seek enforcement as provided in sections 13(a) and 13 (c) and (d), and section 14 of the Occupational Safety and Health Act."

(j) Section 107 of Public Law 91–94 (83 Stat. 96) is amended by adding a new subsection "(d)" immediately after the new section "(c)". Subsection (e) of section 107 of Public Law 91–54 (83 Stat. 96) is hereby redesignated as subsection "(f)" and subsection (f) of section 107 of Public Law 91–54 (83 Stat. 96) is accordingly redesignated as subsection "(g)". The new subsection "(d)" shall read as follows:

"(d)(1) Any employer who willfully or repeatedly violates the standards promulgated by the Secretary under section 107(a) of this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

"(2) Any citation for a serious volation of the standards promulgated by the Secretary under section 107(a) of this Act shall include a proposed penalty of up to $1,000 for each such violation.

"(3) Any employer who violates the standards promulgated by the Secretary under section 107(a) of this Act and such violation is specifically determined by the Secretary not to be of a serious nature, the Secretary may include in the citation issued for such a violation a proposed penalty of up to $1,000 for each such violation.

"(4) Any employer who violates any order or citation which has become final in accordance with the provisions of section 10 of the Occupational Safety and Health Act may be assessed a penalty of up to $1,000 for each such violation. When such violation is of a continuing nature, each day during which it continues shall constitute a separate offense for the purpose of assessing the penalty except where such order or citation is pending review under section 11 of the Occupational Safety and Health Act.

"(5) Any employer who violates any of the posting requirements, as prescribed in section 10(e) of the Occupational Safety and Health Act, shall be assessed by the Commissioner a civil penalty of up to $1,000 for each such violation.

"(6) Any person who discharges or in any other manner discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding, shall be assessed a civil penalty by the Commission of up to $10,000. Such person may also be subject to a fine of not more than $10,000 or imprisonment of a period not to exceed ten years, or both.

"(7) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of inspections or investigatory duties under this Act shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon, shall be fined not more than $10,000 or imprisoned not more than ten years or both. Whoever kills a person while engaged in or on account of the performance of inspecting or investigating duties under this Act shall be punished by imprisonment for any terms of years or for life.

"(8) The Commission shall have authority to assess and collect all penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

"(9) For the purpose of this subsection a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been or are in use, in such place of employment unless the Secretary determines that the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation."

AUDITS

SEC. 26. (a) Each recipient of a grant under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

REPORTS

SEC. 27. Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of occupational safety and health, and any other relevant information, and including any recommendations to effectuate the purposes of this Act.

OBSERVANCE OF RELIGIOUS BELIEFS

SEC. 28. Nothing in this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such medical examination, immunization, or treatment is necessary for the protection of the health or safety of others.

APPROPRIATIONS

SEC. 29. There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

EFFECTIVE DATE

SEC. 30. This Act shall take effect one hundred and twenty days after the date of its enactment.

SEPARABILITY

SEC. 31. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. STEIGER of Wisconsin (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. O'HARA. Mr. Chairman, reserving the right to object, I would like to inquire of the gentleman from Wisconsin if the amendment can be found by the Members in bill form, and is it identical to the language in the bill?

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, it is found in bill form as H.R. 19200. It has been available, of course, to the Members. If the gentleman will yield further under his reservation, it is identical to the bill introduced previously.

Mr. O'HARA. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. DANIELS of New Jersey. Mr. Chairman, reserving the right to object, I would like to announce that, in connection with my remarks in the course of the debate today, I inserted with my remarks the text of all the proposed amendments I intend to offer tomorrow together with an explanation as to the effect of those amendments. I mention that so all Members of the House may have an opportunity tomorrow morning to look at the CONGRESSIONAL RECORD and acquaint themselves with the amendments I propose to offer.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PERKINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. CORMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 16785) to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. STEIGER of Wisconsin. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days in which to extend their remarks and include extraneous matter on the bill H.R. 16785, which has been under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

A MOMENT OF THANKS

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments, and, in so doing, renew our faith and confidence in ourselves as individuals and as a nation. Though we have endeavored for nearly a year, in a campaign to highlight the positive side of this Nation's growth and promise, I think it is especially appropriate as we approach Thanksgiving Day to emphasize again that economically, spiritually, and culturally the United States does, indeed, have good reason to be thankful. It is heartening to see the pride in this Nation's achievements reflected in the news media of southeastern Ohio. Mr. Ralph Wilson, editor and publisher of the Spirit of Democracy, which has been serving the citizens of Monroe County, Ohio, since 1844, has authored a fitting and thoughtful editorial underscoring the significance of Thanksgiving Day. With your permission, Mr. Speaker, I include this editorial in the RECORD at this time:

A MOMENT OF THANKS

This being the week of Thanksgiving, the SPIRIT finds it only fitting and proper—and necessary—to take time to recount all the blessings we have to be thankful for.

Too many people—especially young people—think of Thanksgiving as a day of pleasure, of rich turkey dinners and a vacation from the monotony of every day life. There are invariably relatives and friends to gather with, for fun and gaiety.

And older folks, having lived more and known more of life, are more likely to appreciate their happiness, they, too, may not find time to be really thankful.

The Pilgrims originated Thanksgiving Day, to show their thanks for the blessings bestowed upon them, in the New World of freedom, in a land of opportunity and choice.

Even today, after over three centuries of building and creating and learning, we set aside a special day of remembrance to offer thanks for the bounties provided us, for the land called America, and for the freedom to truly show thanks to the God of our choice.

Today, America greatly changed, greatly advanced and progressed, we accept what we have in a matter-of-fact sort of way. We stumble along, day to day, living in self-made worlds. And seldom, if ever, do we really consider what put us in the positions we are in, what gave us the ability to shape our lives and careers.

We have children, to be proud of, to share with, to be part of. Through some undefined power, we create life from love, and build both from there.

Better medical facilities, saving countless lives, and for many people making life liveable and worthwhile, are available.

Better food, better housing, modern conveniences and even better jobs. All part of a very normal, everyday life—all taken for granted.

Better education, the opportunity to go on to college, to become anything, anyone you wish to be—all taken for granted.

And America—a land of beauty and freedom, with all the rights and privileges that go hand in hand with being an American—and all taken for granted.

On this Thanksgiving Day, let us stop and examine ourselves. Let us take time to fully realize all that we have to be thankful for.

And on this Thanksgiving Day, let us somewhere, sometime, take a moment to consider the world we live in, and the wonder of all we have.

Let us be thankful, and give thanks.

THE GROWING PROBLEM OF "OBSESSIVE ANTIMILITARISM"'

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL), is recognized for 15 minutes.

Mr. MICHEL. Mr. Speaker, as we know, the Congress was not in session earlier this month when the Nation observed the celebration of Veterans Day in honor of those millions of men and women who have served their country in a military capacity over the years.

In the November 11 edition of the Washington Evening Star, Columnist Smith Hempstone, recalled some of his own wartime experiences and then went on to some serious discussion of a growing problem which, as a former combat infantryman, has caused me a great deal of concern. I am referring to what Mr. Hempstone very accurately characterizes as an "obsessive antimilitarism" attitude expressed by certain individuals and groups around the country, especially the intellectual community and, also I am sorry to say, Members of the Congress itself.

I ask that Mr. Hempstone's column be placed in the RECORD at this point in my remarks and then I should like to express some thoughts as to what effect this antimilitary attitude might have on our efforts to abolish the draft and move in to a system of an all-volunteer armed service for defense of the country.

The article follows:

[From the Washington Evening Star, Nov. 11, 1970]

BRINGING CHICO HERNANDEZ DOWN FROM HILL 722

(By Smith Hempstone)

From the forests of the Ardennes to the black sands of Iwo Jima, the long rows of crosses and stars of David march in ordered ranks. The military cemeteries spotted around the world, which contain the final resting places of some of the 658,000 Americans who gave their lives in this country's nine major wars, are quiet places which no man can visit and leave unmoved.

Always, no matter how remote the site, there will be a few other people there. Perhaps two old people, in search of a son's grave, or a middle-aged woman come to gaze on all that remains of a remembered love, a joy extinguished.

The memories come flooding back, the faces of those whose luck ran out at some unnamed crossroad, some razor backed ridge identified only by its altitude. Sometimes it is hard to remember the names of those with whom you served, but you do not forget the faces, or the times that were either very good or very bad. Remembering how it was, you do not want it back again, but you would not trade those memories for gold, if only because they recall days when you were a part of something bigger than yourself and there were only those who shared what you had known, and the rest of the world, which had not.

Was it worth it? Was that miserable piece of real estate they called Heartbreak Ridge (and one American in 100,000 couldn't tell you where it is) really worth the lives of The Greek (presumably he had another name but not for us) and Jimmy Dunn and all the others? Were freedom and democracy served by the breaking of the body of Chico Hernandez, who cried quietly in Spanish for his mother as we carried him down Hill 722 in a poncho slung between two rifles, only to find him dead at the bottom?

It would be presumptuous for one who was lucky to try to answer. It would be blasphemous for one who was not there to say. Only Chico could say, and he is in no position to do so. Because he was not very smart—otherwise he would have faked a physical debility and avoided the draft—I rather suspect that he would be appalled by the question.

Anyway, today is Veterans Day and it is about time the people of this country—and particularly what passes for the intellectual community—acknowledged their debt to

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Chico Hernandez and The Greek and give a little thought to their attitude toward the present generation of military men.

The military are not and should not be any more exempt from criticism than lawyers or doctors or trade unionists or, perish the thought, intellectuals. But the delight with which certain elements of society seize upon incidents such as the alleged atrocities at My Lai or the recent (and culpable) faking of a citation for a general serving in Vietnam betrays an obsessive anti-militarism that is as dangerous as it is unjust. Indeed, as sociologist Charles C. Moskos Jr. points out, anti-militarism has become the anti-Semitism of the intellectuals.

Ward Just, in his very fine and fair book, "Soldiers" (to be published in hardback in January; it was featured in the October and November issues of The Atlantic), points out that there is among the military a "sense of isolation" from the rest of American society which is "palpable." As anyone who has any contact with the military knows, Just could not be more right: the morale of the men and women charged with the defense of this country could hardly be lower than it is at this moment.

Fundamentally, this malaise stems from the Vietnam war and the attitude of the public—or, more correctly, of those who shape public opinion—toward it. As anyone who is not totally divorced from reality knows, very few military men—officers or enlisted, regulars, reserves or draftees—have enjoyed the Vietnam war. Most men who have known war have a healthy dislike for it; the George S. Pattons are the exception, not the rule.

But military men do feel that they did the best they could in a dirty situation, that they carried out to the best of their ability the task the politicians imposed upon them. And while mistakes were made—they always are—the military is right in this.

The regular soldier or sailor lives by a simple code which is well summed up in West Point's brief motto: "Duty, Honor, Country." He does not expect to be paid as much as his civilian counterpart or to have his every action received with fulsome praise from all sides. But he does not appreciate being made the object of ridicule or having the code by which he lives denigrated by those who speak often of their rights, seldom of their obligations.

This is not and must never become a garrison state, but this is an appropriate day for the lucky ones to remember Chico Hernandez, who couldn't quote Jefferson but had an idea what this country is all about, to keep in mind what he gave and for whom he died in that bloody poncho, at the bottom of Hill 722.

In a recent address, the Chief of Staff of the Army, Gen. William C. Westmoreland declared:

> We cannot attract the kind of soldier we need in an organization maligned by some, directly attacked by others, and halfheartedly supported by many. This country cannot have it both ways. If the Army is viewed by a large segment of the population, particularly the youth, as an organization to be shunned and avoided, no amount of money will encourage young men to enlist.

General Westmoreland's remarks go to the root of one of our more serious national problems.

For the past few years, a campaign of defamation and vilification of the military profession has been carried on in press and pulpit, on television and radio, in lectures and pamphlets by those who serve as opinionmakers in our society. I regret to say that this campaign has been conducted even in the halls of Congress and in its committee rooms.

When I speak of a campaign, I do not mean to suggest that there is any centrally directed conspiracy which has plotted the verbal attacks against the military which have become commonplace.

And I certainly do not suggest that the military or any individuals in uniform should be granted immunity from valid criticism.

But when the military is subjected to false and unfair attack, when it is the victim of canards and unsupported allegations, when only its errors, its faults, and shortcomings are presented to the public, then a cruel and vicious wrong is done to our servicemen and our future security is put in the gravest peril.

My remarks may reflect undue concern about the current onslaught on the military. Yet, as I observe some of the irresponsible attacks of today, I recall a similar national aberration of the 1930's and the dangerous consequences it had. Then it was fashionable to lay the blame for war on those called the merchants of death—the munitions makers. An influential part of the press, the Congress and the public was persuaded that the way to avoid war was to maintain token military forces and to stop "fattening munitions makers" by spending for armaments. And so, while Hitler created the military force that was to sweep across most of Europe, the United States allowed its Armed Forces to become weak. Our weakness put us in a position to prevent World War II and in poor position to fight it for a year or more after we got in it.

Much of the harsh criticism now being leveled at the military disturbs me greatly, because for the most part, it is totally misplaced. It frightens me because it is symptomatic of a frame of mind which can have grave consequences for the security of our country.

Our men in uniform carry out national policy; they do not formulate it. Civilians decide our national security policy; civilians decide the strategies we shall follow; civilians decide our force structures; and civilians run the Department of Defense. Decisions on national policy are made, not by military men, but by civilians in the executive and legislative branches of Government and ultimately by the civilian Commander in Chief, the President of the United States. The men and women of our armed services execute those policies—with courage and determination, and loyalty; they do not choose the commitments we have around the world. But they do undertake the hardships and risks necessary to honor those commitments.

It seems particularly ironic to me that the military is blamed today for policy decisions made earlier during periods when civilian control over the military was tighter and more extensive than ever before.

At a time when Mylai captures the headlines, it seems appropriate to be reminded that such tragedies are not national policy. They are not common. But are we reminded? No, the news media contend stories of humanitarian service do not make news, do not sell newspapers.

But there is another kind of military man, a more common kind that rarely receives publicity. Such a man is Dr. Augustus A. White III, now assistant professor of orthopedic surgery at the School of Medicine of Yale University.

Dr. White served in Vietnam during 1966 and 1967 as an officer in the Army's Medical Corps. While there, he became interested in a 900-patient leper colony operated by Catholic nuns some distance from his duty station near Danag. Although the leper colony was located in an area in constant danger of attack by the Vietcong, Dr. White went to the leprosarium twice a week for the entire year to minister to the patients. He even volunteered for medical evacuation duty in the course of which he rescued wounded soldiers by helicopter from an isolated mountainside in hostile territory. For his distinguished services, he was awarded the Bronze Star Medal.

What Captain White did for the lepers of Vietnam is, of course, exceptional, requiring training and skill that few possess. Yet the spirit that he showed—the spirit of compassion, the willingness to go beyond the call of duty to help the afflicted—is not uncommon among our young men in Vietnam.

The medics of American Armed Forces have brought the lifesaving blessings of modern medicine to the most remote hamlets of Vietnam. American servicemen have been building schools and hospitals and orphanages. They have taught and they have healed.

Some of this activity is performed in the line of duty. Much of it, however, is done by men on their own time in addition to performance of their military duties. Much of it is the spontaneous overflow of a generosity that responds instinctively to the needs of others. It reflects a deep belief that men are their brothers' keepers. And brotherhood, as these young men understand it, knows no bounds of race or creed or nationality or geography.

Strangely, newsmen report very little of these types of civil action carried on by your servicemen in Vietnam. Perhaps such activity is too common to be newsworthy. So all we hear about is Mylai.

Why be so concerned about criticism of the military? Why worry about the image of our fighting men being portrayed in America today? We should be concerned, of course, whenever injustice is done to any group within our society; and the distorted picture of the military presented by the media these days is unjust to those who wear the uniform. There is another good, pragmatic reason for concern about attacks on the military.

President Nixon has declared for his administration the goal of an all-volunteer force and zero-draft by 1973. I support that goal. But if we are to reach it, we must make service in the Armed Forces more attractive than it is today. We must raise the pay of our servicemen significantly and improve housing provided for them. We must drop outmoded customs that make life in the military uncomfortable and undesirable.

But as important a factor in helping to increase enlistments as increased pay and improved living conditions, is making military services a respected, honored profession. All those planned improvements in military life will not attract a single additional man if he sees the military ridiculed, denigrated, even hated. And without a substantial rise in enlistment rates, we cannot hope to achieve an all-volunteer force and zero draft.

Sociologist Charles C. Moskos, Jr., points out that antimilitarism has become the anti-Semitism of the intellectuals. We must not tolerate that kind of hatred from anyone. It is time to treat the military man fairly, to pay homage to those whose blood and suffering have given us the very freedom that some abuse.

CONGRESS OF FREEDOM

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, on November 19 through 21, the Congress of Freedom held its Continental Congress of American Patriots meeting in Biloxi, Miss.

During the convention, some 900 American patriots who had been nominated for recognition by friends and neighbors received the annual Liberty Award, presented by the Congress of Freedom. At that time I was presented their Man of the Year Award. The Congress of Freedom is an organization dedicated to the preservation of constitutional principles upon which our Government was formed and acknowledges the pro-American efforts of those many unheralded citizens who are fighting to preserve our freedoms through sermons, speeches, letters to the editors, distribution of patriotic material, editorials, poems, songs, cartoons, or by whatever media will reach their fellow countrymen.

Many of these dedicated hard-working Americans are the unsung heroes or heroines who serve their country day by day without expectation of reward or recognition. I feel they deserve recognition by the Members of Congress.

The list of recipients of the Liberty Award by the Congress of Freedom in 1970 follows, by States:

RECIPIENTS OF LIBERTY AWARD

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Dr. James R. Garber, Mrs. Mildred McClellan, Alabama Independent, Mrs. Guy H. Orr, Merrit Newby, Dr. Gilbert Douglas, Birmingham; Mary Ann Adkinson, Guntersville; Mrs. Henry A. Strobel, Mrs. Spears Randall, of Marion Junction; Horace Shepard, Beth Wilson, Mobile; Mrs. John Patrick Kelly, Jr., Montevallo.

Mrs. Sara Sansom, Mrs. Scho Sellers, Governor-elect George C. Wallace, Montgomery; Mr. and Mrs. John Faulk, Jr., Max Fletcher (Kraft Cheese Rep.), Mrs. Ralph Pugh, and Mrs. J. H. Staggers, all of Selma; D. E. Boughans, Silas; Dan Cooper, Thorsby; Mr. and Mrs. Russell Carter, Wetumpka.

ARIZONA

Dr. C. W. Burpo, Mrs. Charles Golickson, Mesa; Mary Larkin, Mrs. E. J. Richards, Emily Richards, Mrs. Mabel E. Pinyan, Allen A. Stuart, Phoenix; Harry T. Everingham, The Fact Finder, Scottsdale; Mrs. Margaret Kruckman, Sun City.

ARKANSAS

Mrs. Nye Adams, Bentonville; Ralph H. Wilson, Jr., El Dorado; Mr. and Mrs. Fred Beatty, Harrison; Mr. and Mrs. H. L. Thompson, Holly Grove; Lt. Col. Gordon "Jack" Mohr, Hot Springs; Baptist Challenge, Little Rock; Huey G. Huhn, Rogers; Dr. James D. Bales, Dr. George S. Benson and Dr. Perry Mason, Searcy; R. C. Rome, West Fork.

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Rev. Ray Batema, Claremont; J. G. Foster, Jr., Coronado; George Spriesterbach, Covina; Mr. and Mrs. E. R. Taylor, Diablo; Mrs. Fran Taber, El Monte; West Wuichet, Escondido; Jack Odom, Ft. Bragg; Mabel M. Harry, Muriel L. Jefferys, Mrs. Marshall A. Smith, Jr., Dillon A. Wilkins, Fresno; Jim Townsend, Dale Furgerson, Mrs. Eleanor Howe, of Fullerton.

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Hubert H. Heath, Lakeport; Mrs. Virginia Evers, Miss Denise Evers, Sgt. Bill Cook, Patrolman Bill Daw, La Mesa; Mrs. Donzella Cross Boyle, Lancaster; Ralph W. McInnis, Livermore; Americans United Council, Dr. Fred Schwarz, Prof. Charles E. Wolff, Long Beach.

Jim Bishop, Coast Federal Savings, Dr. H. Douglas Dean, Raymond P. Gauer, Dr. Howard Kershner, Christian Economics, Christian Freedom Foundation, Mrs. Florence Fowler Lyons, Miss Rose Schonhard, Lois R. Merritt, G. A. Sheppard, Liberty Amendment Committee and founder Willis Stone, all of Los Angeles.

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Rep. Ed Foreman, Rep. H. R. Gross, Sen. Edward J. Gurney, the Hon. J. Edgar Hoover, Human Events, Rep. Richard H. Ichord, Liberty Lobby, National Putnam Letters Committee, National Right to Work Committee, National Society D. A. R., Otto Otepka, Rep. Otto Passman, Rep. Bob Price, Rep. John Rarick, Martha Roundtree, Rep. L. Mendel Rivers, Rep. John G. Schmitz, Paul Scott, Chas. B. Shuman, Sen. John Stennis, Walter Tabaka, Sen. Strom Thurmond, Rep. Joe D. Waggonner.

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XUM

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XUM

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American Economic Foundation, Dr. Daisy Atterbury, The Christophers, Herman H. Dinsmore, Mrs. Kenneth C. Crain, Miss Mary T. Kearfott, John G. Keenon, Counterattack, Mrs. Beatrice Mabry, Timothy Mitchell, National Economic Council, Inc., Public Action, Morrie Ryskind, Henry J. Taylor, Alice Widener, New York City; Mrs. Helen Burns Nerzig, Pawling; Paul Brislin, Jr., Port Jervis; Fred H. Johnson, Port Washington; Rt. Rev. Msgr. John J. Cleary, Staten Island; Charles H. Roe, Tarrytown; Howard H. Hurley, Voice of the Voter, Utica; Meals on Wheels, Westfield; Pat Matteo, Yonkers.

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HOLLAND

Cornelius Vandergreggen, Jr., "The Reapers' Fellowship", De Vluchtheuvel, Laren in Gelderland, Holland.

(Author of "God Can Save America").

MEMO TO THE GOLD SPECULATORS: ONLY CONGRESS CAN INCREASE THE PRICE OF GOLD, AND CONGRESS WON'T

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, in March, 1968, the private market price of gold was cut free by the two-tier gold agreement. In December 1969, the U.S. Treasury and South Africa concluded a deal—sanctified by the IMF—that effectively placed a floor under the free market price of gold and prevents it from falling substantially below the official level of $35 per ounce. The price of gold is now, therefore, subject to upward movements without limitation, but prevented from declining drastically. Despite this one-way swing potential that tends to encourage speculation, the free market price has failed to rise more than a few dollars above the official value.

But, according to a November 11, 1970, Wall Street Journal article, by Richard F. Janssen, the gold bugs still have not given up hope entirely. A high official of the European Economic Community, unnamed in the article, warned that attainment of the administration's announced goal of reducing unemployment to 4 percent by mid-1972 would threaten U.S. balance-of-payments deficits large enough to force devaluation of the dollar. This spokesman for the Common Market countries apparently indicated that a marginal change in exchange rates would not be sufficient to offset the massive deficits that would result from excess domestic spending and "overseas adventures." Instead, he suggested that only a sharp devaluation of the dollar, as by doubling the official gold price, would be sufficient.

Mr. Janssen's article follows:

Nixon Plan To Stimulate Economy Revives European Discussion of Dollar Devaluation

(By Richard F. Janssen)

WASHINGTON.—The Nixon Administration's speedy schedule for reviewing the economy is raising anew among European authorities the question of devaluing the dollar.

The Administration's goal of restoring so-called "full employment"—paring the jobless rate to 4% from October's 5.6%—by mid-1972 "would mean accepting a big rate of inflation and a big balance-of-payments deficit," a high official of the European Economic Community, or Common Market, warned.

He told a group of reporters that personally he would have "no objection" if all this leads to a sharp devaluation of the dollar, referring to other Europeans' suggestions that the U.S. double the official $35-an-ounce price of gold to which the dollar's international value is pegged.

But a lesser devaluation, say, by raising the gold price by 20%, wouldn't work, this key Common Market authority indicated, because other nations would offset it by devaluing their own currencies accordingly. Such a limited devaluation, he said, would be acceptable only if the U.S. balance-of-payments deficit, or net dollar outflow, is due to U.S. goods being priced out of competitive markets.

The Europeans, he added, reject the idea that such a pricing situation is the cause of the U.S.'s payments deficit, which ran at a $5.2 billion annual rate in the first half of this year. He said the Europeans counter that their price increases have been at least as large as those in the U.S. in recent years, and that the present excessive dollar outflow is due largely to the Vietnam war. The sooner the U.S. ends its "overseas adventures," he said, the better it will be for both the American and European economies.

GOLD STOCK IS CITED

Dollar devaluations, in effect, would stretch the $11.49 billion Treasury gold stock that other countries generally are entitled to tap in return for excess dollars. A succession of Administrations has strongly opposed devaluation, of course, on the ground that it would be breaking faith with countries that have refrained from draining gold while giving a windfall to major gold producers, particularly South Africa and the Soviet Union.

Should the U.S. seek to rapidly stimulate its economy when it already has a large payments deficit, it would mean more dollars piling up in European central banks, the Common Market official reasoned. He added that under these conditions "it would be very difficult for European monetary authorities to explain to the public that we are accumulating dollars without limit."

He noted that lately Western European central banks have been willingly rebuilding their reserves of dollars, which Federal Reserve Board figures show rose to 9.55 billion at the end of July from $5.86 billion at last year-end. But in the longer run, the official said, European authorities don't want to accept an increase of more than $1 billion to $1.5 billion annually in the dollar portion of their reserves, which also include gold and resources of the 116-country International Monetary Fund.

If European official dollar holdings reach such a "high level that it will not be possible to accumulate more," he said, either the Europeans would have to revalue their currencies upward or the U.S. would have to lower the dollar's value. He isn't recommending any parity changes, the official made clear, urging instead that the U.S. settle for a slower economic recovery and readily sop up surplus dollars by paying out gold.

While the possibility of devaluation was briefly explored early in the Nixon Administration, officials ruled it out when they failed to find evidence that they could purchase major diplomatic gains—perhaps even a Soviet-engineered settlement in Vietnam—by this device. A U.S. devaluation would be "very disruptive," one official says, complaining that talk about it is "dangerous" in that it could spur some countries to demand gold now in hopes of a quick profit.

So, although some U.S. officials might welcome the Common Market official's comments as reinforcing their own case for only moderate growth, the remarks also could add to the growing tensions about adverse impacts on the U.S. of the Common Market's expansion and unification plans.

The present six Common Market members—France, Germany, Italy, Belgium, the Netherlands and Luxembourg—are negotiating for entry of the United Kingdom, Ireland, Norway and Denmark, and are considering plans for a common currency and common economic policy.

POLITICAL DECISION NEEDED

The Common Market official said he doesn't think that full unity of the 10 can be reached within the 10-year goal, but that complete rigidity of exchange rates among members can be attained in six or eight years. If the member governments make the political decision to proceed with pending proposals, he said, their central banks will be "invited" to start experimentally reducing the margin of fluctuation from their present 0.75% either way of parity to either 0.60% or 0.50% in January.

"In theory," the Common Market official said, the central banks "can do what they want," but added that "practically, they do nothing without a decision of the Council of Ministers," the Common Market's major policy making body. A "formal" reduction in margins among Common Market member currencies could come later, he said, reporting that "no technical difficulties" are in prospect. Initially, he explained, the central bank heads could consult each morning by telephone and set a uniform support level for each currency.

DEVIATION FROM DOLLAR

Once there isn't any more fluctuation among member exchange rates, this official reiterated, the block of European currencies might be allowed to deviate from the dollar beyond the 1% range either way currently permitted by the IMF. In the meantime, he added, Europe also could seek to cushion itself more from American financial-policy influences by bringing the Eurodollar market under regulation by its central banks.

This could be done, he suggested, by the central banks imposing control jointly "over the net external position of commercial banks" that deal in Eurodollars, or American dollars on deposit in banks abroad. "If there is political will," he said, the Common Market could "regulate without destroying" the Eurodollar market, while proceeding in the next five years with integration of European capital markets. There's a general belief in Europe, he added, that the dollar is "a strong currency in a weak phase."

This article illustrates that gold speculators will seize upon any pretext to beat the drum for their own financial aggrandizement. In addition, a recent statement by Charles R. Stahl of the Economic News Agency suggests that Swiss commercial banks have been purchasing South African gold for their own account, and are holding it in an effort to push the free market price of gold higher:

Charles R. Stahl, President of Economic News Agency, Inc. of Princeton, New Jersey, today accused "The South African Minister of Finance, Dr. Nicholaas Diedericks, of participating with the members of the Swiss gold pool in a scheme designed to increase the price of gold in the free market. I estimate the current position of the big 3 Swiss banks gold pool to be not less than $750 million worth of gold." Stahl added, "This jibes with South Africa's 1970 sale of $400 million worth of gold to the International Monetary Fund and the sale of the balance of this year's production of gold to the Swiss pool.

"The agreement between the IMF and South Africa allows South Africa to sell gold at $35 minus ¼ of 1% to the IMF whenever the price in the free market is $35 per ounce or less and also after South Africa has sold all of its new production in the free market but its Balance of Payments remains in deficit. The latter sales are permitted regardless of the price of gold in the free market and in October, South Africa invoked this clause to sell $17½ million worth of gold to the IMF (in addition to quarterly sales of $35 million worth of gold which are exempt) It is expected that Dr. Diederichs will again invoke this clause before the end of this year to sell $150 million worth of gold to the IMF in order to cover South Africa's Balance of Payments deficit for the second half of 1970." Stahl claims that "This whole scheme is a subterfuge in violation of South Africa's agreement with the IMF because the Swiss pool retained that gold purchased ostensibly from South Africa for distribution in the free market, and once assurred that South Africa will not sell gold through any other source, began to bid up the price of gold on the London market. When the Swiss Banking Commission discovered the pool's scheme, it recommended a change in the current Swiss law to prohibit the use of gold as cash reserves to make it difficult for the pool to keep large stocks of gold. However, this proposal must be approved by the Swiss Parliament. Under the present law, gold is treated by the banks in the same manner as cash. Since banks are obliged to maintain certain minimum cash reserves, the carrying of gold as part of their reserves is, for all practical purposes, interest free. This interest-free carrying of large gold positions permitted the Swiss pool to take off South Africa's hands the 1970 gold production minus South African sales to the IMF.

"It is regrettable that the Swiss bullion dealers and their South African patrons have chosen to circumvent South Africa's agreement with the IMF which was confirmed in a letter from Dr. Nicolaas Diederichs, Minister of Finance of South Africa, dated December 23, 1969 addressed to P. P. Schweitzer, Managing Director of the IMF. Dr. Diederichs specifically pledged that his country will sell its current production of newly mined gold in an orderly manner in the free market to the full extent of its Balance of Payments needs. Sales to the Swiss pool which withheld the gold from the free market are in gross violation of the letter as well as the intent of the agreement between South Africa and the IMF. This scheme to push the price of gold higher might have been even more successful if it had not been for the Soviet Union who offered gold for sale to the free market when the price crossed the $39 mark. At the present time, the Swiss are negotiating in Moscow for possible purchases of Soviet gold to prevent pressures from that source on the free market gold price."

The U.S. Treasury, over my protest, negotiated the December 1969 gold agreement with South Africa. I predicted then that it would result in speculative withholding designed to drive up the price of gold and thus embarrass the United States. This is precisely what is happening.

What, if anything, is the U.S. Treasury doing about this attempt to unsettle the world monetary system?

So, as the price of unofficial gold edges upward toward $39 an ounce, we have a replay of the same old scenario—shenanigans by the South Africans, and the Russians, gold-bugging by the Swiss banks, and "Why does not the United States double the price of gold?" suggestions by various highly placed and conveniently anonymous Europeans.

The only reason for gold speculation today is the hope that the United States will oblige the speculators by doubling the official price of gold. Nonmonetary use of gold today is around $1 billion a a year. Production, mostly by South Africa, is around $1.5 billion a year, more if we knew how much the Soviet Union is producing. The increase in industrial use is around $50 million a year. At this rate, it would take a decade before nonmonetary demand meets the supply. That is a long time to wait for a speculative gain, particularly when it costs almost 10 percent a year—in foregone interest, insurance, and storage—to hold gold. So the speculators are obviously betting on an increase in the U.S. official price of gold.

I would once again remind the gold speculators that only Congress can increase the price of gold, and that Congress is never going to do it. It may be worthwhile here to include my remarks in the House on December 12, 1967, when goldbugs were active once before—Congressional Record, volume 113, part 26, pages 35957, 35958.

Note to Foreign Gold Speculators: Only the U.S. Congress Can Raise the Price of Gold, and Congress Is Not About To Do It

Mr. Reuss. Mr. Speaker, gold buying is heavy on the London market again. Accompanying it is a well-authenticated rumor that Algeria has turned in $100 million for U.S. gold.

All this is as serious as it is ridiculous. Here we have the sheiks of the Middle East—some in white burnooses, some in white piping—egged on by President De Gaulle, endangering the free world's monetary system.

The gold raiders have had a relatively easy time of it. The U.S. monetary gold stock—the only stock available for exchange—is now down to something over $12 billion. Even were our international payments completely in balance, our stock would be vulnerable to huge drafts from outside the monetary system. We make it easy for the speculators by conveniently providing them with the London gold pool, and by guaranteeing them against loss by putting a floor under the price of gold.

If we go on like this, we invite a monetary panic. Worse, as we lose gold, we lessen the credibility of our commitment to supply gold to those foreign central banks and monetary authorities who have accumulated dollars, at least in part, because of our commitment. Foreign official dollar holdings are now around $15 billion. As our stock of monetary gold diminishes, our ability to validate this commitment made by three Presidents lessens.

The gold raiders are gambling on their hunch that the President will be induced in the future to raise the official price of gold, in an effort to increase U.S. reserves. I have confidence that the President means what he says when he says that we will not increase the price of gold.

But I have a word for the gold speculators. That word is this—even if he wanted to, the President of the United States cannot increase the price of gold. Under section 5 of the Bretton Woods Agreement Act of 1945, only the Congress can do that. And this Congress is never going to increase the price of gold and thus reward the speculators for their attack on the dollar.

Mr. Mills. Mr. Speaker, will the gentleman yield?

Mr. Reuss. I yield to the gentleman from Arkansas.

Mr. Mills. I would like to join the gentleman from Wisconsin and associate myself with the statement he has just made.

Mr. Reuss. I thank the gentleman.

Mr. Boggs. Mr. Speaker, will the gentleman yield?

Mr. Reuss. I yield to the gentleman from Louisiana.

Mr. Boggs. I should like also to associate myself with the gentleman's statement.

Mr. Reuss. I thank the gentleman.

Mr. Albert. Mr. Speaker, will the gentleman yield?

Mr. Reuss. I yield to the distinguished majority leader.

Mr. Albert. I also wish to commend the gentleman and associate myself with his remarks.

Mr. Reuss. Mr. Speaker, there are a variety of ways open to the free world to make sure that foreign gold speculators in the end will be left holding the bag.

One way is to "pedigree" gold—to keep the present $43 billion of gold now in the hands of central banks, and to provide that members of the International Monetary Fund will purchase or sell gold only from or to each other, and not from or to the private market. The price of gold on the outside market can then fluctuate up or down, probably down when some of the banks call their margin on present private gold hoarders, and when it is realized that speculators have to fear a decline in the price of gold below $35 an ounce. The speculators, now goating over the "overhang" of dollars, should ponder the "overhang" of hoarded gold—many billions' worth that could come on the market once the $35 an ounce support price is abandoned.

Another way is to "dethrone" gold. The United States could announce that all foreign monetary authorities holding dollars—which they have at least in part acquired as a result of the U.S. commitment to turn them into gold—have a set period of time in which to demand gold. This announcement should be accompanied by an announcement that the United States no longer agrees to buy gold at $35 an ounce, and will not make gold available for official dollar holdings to be acquired in the future. In all likelihood, only a small fraction of the roughly $15 billion in official dollar holdings would be presented for gold—because the future of the gold price would become extremely dubious, and because most foreign official dollar holdings are necessary either for current transactions or will be held because their holders have confidence in the dollar, and wish to take advantage of the interest rate that is payable on dollar holdings. The present parity values of the dollar would then be supported, under International Monetary Fund rules, not by gold but by exchange operations, just as all other exchange rates are now maintained. If we maintain an economy aimed at full employment without inflation, there is no reason why the current exchange value of the dollar with other currencies cannot readily be maintained. If France, for example, thinks that the dollar should be devalued, let it press its position within the International Monetary Fund. I doubt very much that it would wish dollar devaluation, since this would simply cut down on American tourism into France, and on the sale of French wines and perfumes in this country. If the free world in the future wants to change its system from one of fixed exchange rates to one of flexible exchange rates, that is a question to be argued out in the future.

The point is that only Congress can increase the price of gold. Congress will never do so. And there are many ways open to the free world, particularly now that the foundations for special drawing rights as a supplement or substitute for gold have been laid out in the International Monetary Fund, to take the wind out of the sails of the gold speculators.

The "pedigreed" gold method of defeating the gold speculators was the essence of the two-tier system that was in fact adopted 3 months later in March 1968. It has worked well. It would be working even better if the U.S. Treasury, not content to let well enough alone, had not entered into the South African gold agreement of December 1969.

The exclusive statutory authority of the Congress to alter the official price of gold was clarified in correspondence between myself and Under Secretary of the Treasury Joseph W. Barr in January 1968. It was reconfirmed by the present Secretary, David M. Kennedy, early in 1969. Here is the correspondence between me and the Treasury on the question of authority to change the official price of gold:

JANUARY 2, 1968.

Hon. Henry H. Fowler,
Secretary of the Treasury,
Department of the Treasury,
Washington, D.C.

Dear Mr. Secretary: I wish to ask you a question concerning the legal intricacies of changing the price of gold. My impression is that when one considers the various laws relating to this subject, including the Gold Reserve Act of 1934, the Bretton Woods Agreements Act of 1945, the Articles of Agreement of the International Monetary Fund, and our commitments thereunder, it becomes clear that the power to change the price of gold is placed in the Congress of the United States.

I hope that you can confirm to me that my impression that only Congress can change the price of gold is correct. I would add that it is my determination—one that I believe is widely shared in the Congress—never to authorize an increase in the present price of gold, since to do so would not only break the faith with those who have expressed confidence in the dollar, but would unjustly reward those speculators who might seek to undermine confidence in the dollar.

Sincerely,

Henry S. Reuss,
Member of Congress.

XUM

THE UNDER SECRETARY
OF THE TREASURY,
Washington, D.C., January 28, 1968.

Hon. HENRY S. REUSS,
House of Representatives,
Washington, D.C.

DEAR MR. REUSS: This is in reply to your letter of January 23, 1968, in which you state that when one considers the various laws and international obligations relating to gold, it becomes clear that the power to change the price of gold is placed in the Congress of the United States.

The use and price of gold in the International Monetary System is governed by a complex of provisions of United States laws and international obligations. These include the Gold Reserve Act of 1934, the Bretton Woods Agreements Act of 1945, the Articles of Agreement of this International Monetary Fund, and our commitments thereunder. The basic fact is that the United States has communicated to the Fund a par value of $35 per fine troy ounce of gold. This par value may not be changed without legislation by the Congress, and it is the par value of the dollar which effectively fixes the price at which the United States may buy and sell gold. While the Gold Reserve Act of 1934 authorized the Secretary of the Treasury to buy and sell gold on terms and conditions he deems advantageous, as a practical matter he cannot do so at a price other than $35 because of our commitments under the Fund Articles which have been approved by the Congress and which cannot be changed without Congressional action.

I am pleased to note that it is your view, and that of others in the Congress, that we must maintain the price of gold at $35 per ounce. As you know, this Administration has reiterated time and time again our determination to maintain the soundness of the dollar and to keep gold at its present price. As recently as last week in his State of the Union Message, President Johnson stated: "We have assured the world that America's full gold stock stands behind our commitment to maintain the price of gold at $35 an ounce. We must back this commitment by legislating now to free our gold reserves."

Sincerely yours,

JOSEPH W. BARR.

JANUARY 28, 1969.

Hon. DAVID M. KENNEDY,
Secretary of the Treasury,
Department of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: I enclose an exchange of correspondence between myself and the Treasury of January 22 and 23, 1968, in which the legal opinion of the Treasury is set forth that the power to change the price of gold is lodged in the Congress alone.

I should appreciate your reviewing the correspondence, and indicating to me whether the Treasury position remains the same. For obvious reasons, I hope that it is.

I look forward to the opportunity to sit down with you when you have a moment to discuss the continuing problem of our international monetary relations.

Sincerely,

HENRY S. REUSS,
Member of Congress.

THE SECRETARY OF THE TREASURY,
Washington, February 6, 1969.

DEAR MR. REUSS: I have reviewed the correspondence which you had with the Treasury Department in January, 1968. I am advised by counsel that there has been no change in the law since that time, and that the letter signed by Under Secretary Barr correctly states the legal situation.

I, too, look forward to an opportunity to discuss with you our international monetary relations.

Sincerely yours,

DAVID M. KENNEDY.

Speculators should note that, empowered with the exclusive authority to establish the official dollar price of gold, the Congress is never going to assent to any increase in the value of monetary gold. We are not going to put the U.S. Treasury in the position of being obligated to repurchase from foreign speculators the gold they drained from U.S. reserves prior to March 1968. Nor are we going to deplete the public purse to buy at artificially inflated prices gold from South Africa or other producers that has been accumulating in speculators' hoards. Rather than agree to generate any such windfall for foreign gold producers and hoarders, we will place an embargo on sales of gold from the U.S. official reserve stock; and, either the dollar will be supported at an agreed level, or it will fluctuate in exchange markets against other currencies.

In the past, gold has derived its international monetary value from the fixed price that the United States was willing to pay for it. Since the separation of the official and private gold markets in March 1968, the United States has refused to buy newly produced gold, and will now purchase the metal only from monetary authorities and under specified circumstances. Gold exchanged in private markets finds its own value in essentially the same way that the worth of other metals and agricultural commodities is established.

Rising demand for gold in industrial, commercial, and artistic uses may in the future increase the commodity price of gold above its official value. Even under these circumstances, the Congress will reject any increase in the official dollar price of gold.

The dollar derives its international value from the size and competitive ability of the U.S. economy, and from the domestic and international financial services our institutions are able to provide. Long ago the international value of the dollar ceased to depend in any significant degree upon backing by gold or the size of the U.S. gold stock.

The goldbugs can relinquish any hopes they may have that the U.S. Congress will be cornered by economic circumstances. We will never pay tribute to foreign gold speculators via an increase in the price at which the U.S. Treasury is authorized to purchase gold.

THE VIETNAM WAR—ON AND ON

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, the renewal of widespread bombing attacks on North Vietnam, even though now terminated, reveals once again the bankruptcy of President Nixon's policy of attempting to end the war by continuing it.

Surely the lesson ought to have been learned by now that we cannot bludgeon the North Vietnamese into submission. Indeed Hanoi's leaders may well welcome the attacks as a boost to the morale of the people of North Vietnam, whose enthusiasm for the war has been reported waning ever since the bombing stopped 2 years ago. It is not at all inconceivable that Hanoi's attacks on American reconnaissance planes were deliberately calculated to provoke retaliatory strikes. If so, we have fallen right into the trap.

It has been widely reported here that the bombings are in fact aimed at impeding a major movement of North Vietnamese toward South Vietnam, Cambodia, and Laos. If this is the case and such a movement is in progress, it only shows that Hanoi is determined not to accept the kind of surrender which Nixon's peace terms imply. What has happened to the confident predictions the administration was trumpeting a little over a month ago that Hanoi was ready to negotiate on the basis of the Nixon proposals?

Possibly the new bombing attacks signify a Nixon swing back to a hardline policy. If so, Vice President Ky, now being given the red carpet treatment in the United States, has been given something to boast about when he gets home.

The American people should demand that such bombing attacks do not recur and that a firm timetable for the swift withdrawal of all American forces from Indochina be laid down. This is the only way to put an end to the killing.

The gentleman from California (Mr. EDWARDS) was quite right when he observed earlier today that the vast number of planes and the huge expense involved in the attacks on North Vietnam stand in sharp and shameful contrast to the little we are doing to help the stricken people of East Pakistan.

A further comment on the parlous state to which we have arrived in this country is contained in the following article by Anthony Lewis:

IT TOLLS FOR THEE

(By Anthony Lewis)

LONDON, November 22.—George Orwell could not have improved on Defense Secretary Laird's phrasing in the announcement of renewed American bombing in North Vietnam. There was not even any bombing in it—just "protective reaction strikes." They had been made against "missile and antiaircraft gun sites and related facilities" in response to "attacks on our unarmed reconnaissance planes." It all sounded so clean and just.

But of course bombing is not clean. The Air Force accounts of bombing military targets in North Vietnam between 1965 and 1968 sounded surgically precise. But not very surprisingly, many of the bombs turned out to have hit non-military buildings and killed civilians.

Nor is the ground for retaliation so clear. Those "unarmed" American reconnaissance planes are escorted by others armed with rockets, cannon and bombs. It does not seem altogether astonishing that North Vietnam should object to such overflights.

The American claim, consistently denied by the enemy, is that the Vietnamese agreed to the reconnaissance in 1968 in return for suspension of the bombing. Did they agree to almost daily overflights, of that kind?

There is bound to be skepticism also about Mr. Laird's assurance that the new bombing did not go north of the 19th parallel. An American wants to believe assurances by his own Government. But it was that Government, to take a recent example of deception, that said it would not fly close-support missions in Cambodia and then blandly proceeded to do so.

Retaliation may not, indeed, be the real reason for the renewed bombing raids, or the only one. Reports from Washington say a prime military aim was to hit at stockpiles of supplies ready to move south.

Why should any of this bother us? Isn't it natural to bomb enemy supplies? What difference does it make if the nature and purpose of an American military action are covered by Orwellian Newspeak?

The capacity of Americans to react to events in Vietnam does seem to be at a point of exhaustion. Even the most concerned have a limit to their emotions and to their hope of affecting events. Our feelings have been numbed by all the lying and killing on both sides in Vietnam.

But the bombing episode has disturbing implications apart from any arousing of moral ardor. It indicates once again that President Nixon's goal in Vietnam is not a political settlement but military victory by another name.

The President has slowly but persistently been withdrawing American troops—a policy for which he will deserve the praise of history no matter what other blots there may be in Vietnam. But he has also warned against defeat or "humiliation." The puzzling question has been how he expected to withdraw and win at the same time.

The sudden, massive air attacks on North Vietnam suggest what Mr. Nixon may have in mind. As U.S. ground combat troops disappear, he may count on big air strikes—all over Indochina and for an indefinite period—to keep the Communists off balance while Saigon's forces carry the burden of the ground war.

But that is a recipe not for peace but for indefinite war. It would require huge American installations and expenditures for uncountable years, as well as the maintenance of South Vietnam as an armed camp.

The only way to peace in Vietnam is by political accommodation. A surprise attack such as the bombings may have real tactical advantages. But it may also focus attention wrongly on short-term goals instead of the necessary long-term objective of American policy: a political settlement that leaves Vietnam to the Vietnamese.

The retaliation, as officially described, was for the downing of an American reconnaissance plane with the apparent loss of two lives. To respond to that with 28½ hours of bombing by large numbers of aircraft was, to put it with restraint, grossly disproportionate.

Americans' tolerance of such acts done in their name is a particularly disturbing result of the Vietnam war. As Stuart Hampshire, the English philosopher, wrote recently in New York Review of Books, we have chosen to match the calculated cruelty of the guerrilla in our methods of war and thus have inevitably brutalized ourselves.

UMWA: A FINANCIAL INSTITUTION MASQUERADING AS A LABOR UNION?

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. HECHLER of West Virginia. Mr. Speaker, the United Mine Workers of America is one of the richest unions in America—its principal assets are the National Bank of Washington of which it owns approximately 75 percent and the Anthracite and Bituminous Pension Funds which are substantially controlled and dominated by the officers of the UMWA and whose moneys are deposited in the National Bank of Washington.

While these assets could and should be put to work to improve the lives of working and retired coal miners, they are not. Yet the abuses of this financial power are unknown to most of the miners and the public at large because the ownership of the bank and its operation are such a closely kept secret.

A very revealing article by John Rothchild appears in the November 1970 edition of the Washington Monthly. It shows the abuses of the union's assets by its officers and the amoral attitude of those outside the union who continue to operate the bank without regard to the needs of the real owners—the miners—and without regard to the corruption within the UMWA whose interest in the bank they seek to hide.

Similarly, I would like to insert in the RECORD the correspondence between Mr. Joseph L. Rauh, Jr., and the Office of the Comptroller of the Currency which indicates that the Government should raise its standards for proxy statements for banks. It appears that the standards for such statements by the Securities and Exchange Commission which regulates other business interests are higher than those set by the Comptroller for national banks. This discrepancy helps those who run the National Bank of Washington continue to deceive the public about the UMWA's ownership of that bank.

Finally, Mr. Speaker, I would like to insert into the RECORD the article "The Coal Black Shame of the UMWA" which traces the abuses the UMWA's officers have made of the union's assets and explains why the UMWA has been characterized as "a financial institution masquerading as a labor union.

The items follow:

MORAL OSTRICHISM: BLINDNESS ON A BANK BOARD

(By John Rothchild)

It is tribute to the invulnerability of banks that the National Bank of Washington, the city's oldest and third-largest bank ("with the youngest ideas") has managed to remain so anonymous throughout the recent history of United Mine Workers of America scandals. Not one of the six customers interviewed in a cursory poll taken last month at the bank's main office was aware that three fourths of the shares in their bank are owned by the UMWA, or that the bank has been named, along with the union and the trustees of the union welfare and retirement fund, in a $72 million lawsuit that charges conspiracy to deprive miners of money that rightfully belongs to them.

No union since the Teamsters has had to defend itself as much as the UMWA during the last three years, and no man since James Hoffa has been as popular a target as W. A. (Tony) Boyle, who is at once the union president, a trustee of the pension fund, and a board member of the bank. The union is struggling through at least four major lawsuits, including one brought by the Labor Department to invalidate Boyle's election in the bitter 1969 union fight. It is bogged down with myriads of irate editorials, court depositions and orders, a major Senate investigation, plus FBI, Justice Department, and Internal Revenue Service probes into its activities. The union has been accused of balloting frauds and bribery in recent elections, extortion in making miners on pension funds continue to pay union dues, nepotism in paying relatives of union officials large sums of money (Boyle's daughter, Antoinette, has collected $190,000 from the union in the last five years, and, up to now, nobody has explained what she could possibly be doing in Montana that would justify those fees), and general mismanagement of union money for the enrichment of top executives. A local union official in Tennessee has been charged with the murders of Joseph Yablonski, who challenged Boyle in the last union election, and his wife and daughter.

Meanwhile, the union's bank remains respectably invisible. The bank's impressive board of directors, a long, doughty line of Washington pillars, continues to lend the support of its big names to the union's countinghouse. The board includes Clark Clifford, former Secretary of Defense; NBW president True Davis, former U.S. Ambassador to Switzerland and Assistant Secretary of the Treasury, and unsuccessful candidate for the Senate; Crosby N. Boyd, chairman of the board of the Washington *Star*; Joseph Danzansky, president of Giant Foods; Stephen R. Woodzell, president of Potomac Electric Company; Elwood R. Quesada, former director of the Federal Aviation Agency and now president of L'Enfant Plaza Corporations.

UNION AS BIG BUSINESS

The bank that they represent was purchased by John L. Lewis for the mineworkers in the late 1940s, during the time when the union was making its final entente with big coal operators and when Lewis, long-time opponent of capital, was carrying on a curious flirtation with investment. In effect, during those years of union struggle, a war chest had been accumulated, and it was big enough, by 1948, to bankroll financier Cyrus Eaton, to buy up whole coal companies and coal shipping outfits, and to acquire the bank, through which these other purchases and loans were made. When the union bought it, the National Bank of Washington was a small outfit with about $56 million in assets. In a short time, it grew to over $200 million, and Lewis engineered its expansion, which included buying up other small banks, like the Hamilton and the Liberty.

It was considered the final irony that Lewis, the scourge of the owners, would end up leading his union into ownership of coal companies and high finance. Maybe he knew that the only future for the miners was for them to collectively become owners. Maybe he couldn't resist mining all those union dues, making them produce something, much as the coal operators fashioned coal to produce money. But whatever the reasons, the millions the union loaned to Cyrus Eaton, the complexity of the new assets, and the size of its bankroll transformed the union into something far different than an association of workingmen—it was now a corporation whose strength included, but did not depend on, the small coal miner and his strike. And while the union money ostensibly belonged to the coal miner, its managers would not always remember him.

The bank describes its connection with the union in the same ambivalent tone which our government reserves for freedom-loving dictators. In principle, bank president True Davis praises the virtues of working for a union bank. He is proud to be associated with the hard-earned money gained through the sweat of coal miners. He says that having ties with the union is "a tremendous asset because there are many other unions who have deposits here and they are here because this is known as a union bank—many working-class people here in Washington individually bank here because it is a union bank." But in practice, no public mention is made of the union and no connection with it is advertised. The union is left out of the bank's public picture like a child with a harelip in an old-fashioned family photo album.

Nowhere in the bank's stepped-up publicity campaign do you see or hear any mention of the union, not in the newspaper ads, or the radio spots, or the TV sponsorship of Honor America Day. In the bank's annual re-

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port to the shareholders nothing is said about the union, and in the list of the board of directors, only one, Tony Boyle, is identified as being from the union, an identification, in his case, that is hardly avoidable. Edward Carey, general counsel for the mineworkers, is identified only as "attorney at law," and Thomas Ryan, comptroller of the welfare and retirement fund, is cryptically dubbed "welfare executive." As the bank publicizes the future opening of yet another branch (there are already 19 around Washington), it touts its "great cast of bankers," but fails to mention the great union that owns the bank, the one True Davis says is such an asset in attracting the workingman's deposits.

SHOULDER SHRUGGING

The men on the board of directors of the bank, in describing the limits of their responsibility, sound like a 1950 civics book. They talk of their world as if it were divided up into inviolate boxes—legislative separated from executive, bank separated from union, decisions separated from consequences. And while they go on working to make the union richer, the directors say the bank has nothing to do with the union. They defend themselves by postulating that the union that owns them exerts no influence, no pressure on the bank's activities, as if morality was defined in pounds per square inch.

When True Davis was asked about the charge that the union's welfare and retirement fund defrauds miners through the use of a non-interest-bearing checking account which is kept in his bank, he said that union affairs "are none of my business." He said that whatever second thoughts he had on becoming president of the bank were dismissed after a conversation with his predecessor, Barnum L. Colton, long-time Lewis associate who became director of the bank soon after the union acquired it. "You wonder yourself what is the relationship (between the union and the bank)," Davis said. "I checked with the former president, Mr. Colton, and he said that he ran the bank effectively and there was no influence of the union on the operation of the bank. They (the union) considered the bank a good investment, and since I've been here that has been the case."

Colton's independence was probably very reassuring, when you consider that the union never influenced him even though it once loaned him $16.6 million and used him to purchase more shares in the bank. It takes a tough man to remain unilateral when he is receiving bilateral aid.

There are other men, besides Colton, who do not let their connections influence their thinking, who, with exemplary strength, are not coopted or influenced. One is Crosby Boyd, who both sits on the board of the union's bank and is the chairman of the board of the Washington *Star*. Since the *Star* writes about union activities and bank activities, one might suspect a conflict of interest in Boyd's position. But Boyd says that he has no editorial power or influence on his paper's policy. It is remarkable that a top executive would be so powerless, but Boyd lives with it. He said that the editor, Newbold Noyes, makes all the editorial decisions and Noyes is free from any pressure from him. In fact, Boyd just passes on letters of complaint, whether they be from the UMWA, the bank, or some unknown, without his own comments and as a matter of routine.

But before you conclude that the *Star* isn't really vigilant about conflicts of interest, consider the case of Fred Barnes, who works there as a reporter. Barnes covered the union, then took a leave of absence to serve as a press agent for the Yablonski campaign, then returned to the *Star*. After his return, the Yablonskis were murdered, and the paper assigned Barnes to cover the story. But suddenly he was taken off the UMWA assignment and told not to write further mine stories.

Crosby Boyd explains it this way: "He [the editor, Noyes] found some evidence of writing that was not impartial."

Boyd's definition of partiality, however, must differ strikingly from that of editor Noyes, because the latter says that there were no evidences of partiality or bias in Barnes' stories, and that, quite to the contrary, those stories were excellent. The way editor Noyes tells it, Barnes was taken off the mine story simply because his past connection with the Yablonski faction would make it bad practice for him to continue covering the UMWA.

It may be that Boyd's position on the bank board led him to read Barnes' stories with a jaundiced eye and led him to see partiality in those stories where the editor did not, thus illustrating, through his own evaluation, the dangers of conflicts of interest and how they can alter one's judgment. But since Boyd apparently doesn't believe in conflicts of interest, and minimizes their danger in his own case, perhaps he should try to get Barnes restored to the mine story, now that he has learned that Barnes' writing on the subject was not biased. Or maybe Boyd, an executive, trusts himself in matters of conflict more than he trusts Barnes, a reporter. The *Star* seems to feel that way. It has allowed Boyd to retain his current position on the union's bank board and retain his stock in the bank, while Barnes has not been put back on the mine story because of his past connections with Yablonski.

The case of Tony Boyle's autonomy is even more exemplary than that of Colton, Davis, or Boyd. Tony Boyle, it is explained, is the trustee of the welfare and retirement fund, but he acts independently from Tony Boyle, the president of the union, and these two men are kept in strict isolation from Tony Boyle, who sits on the board of directors of the bank. Such an absolute separation of power is almost supernatural when you consider that, in practice, the welfare and retirement fund has been charged with defrauding the pensioners for the benefit of the union coffers and the bank's net profit.

PENSIONS FOR PROFIT

The fund was established in 1950 as part of the National Bituminous Coal Wage Agreement that was the final coming together of union and management in a truce that has remained inviolate ever since. The fund provides pensions for nearly 70,000 miners, plus medical and hospital care for working miners and death benefits to surviving widows. As established, the fund gets its revenue from a fixed levy put on the amount of coal produced, and the coal companies, since 1952, have been paying 40 cents a ton to the fund, which is set up on a pay-as-you-go basis, and takes in and disburses between $175 and $200 million a year. The fund was meant to be separate from the assets of the union, managed for its own growth, and run by three trustees, one from the coal operators, one from the union (Boyle took over this job in 1969), and a third, or "neutral," trustee.

Substantial portions of the pension fund's assets were put into a noninterest-bearing checking account in the National Bank of Washington, in balances varying from as much as $70 million to about $20 million. After considerable public outcry about the nearly $70 million kept in the checking account in 1968, the pension trustees reduced the amount to a total $26 million in 1969.

The pension fund, then, was not gaining the interest on millions of dollars, which could mean up to as much as $3.5 million in some years, and between $10 and $25 million over the life of the fund. What this means is that the National Bank of Washington, where the checking accounts are kept, gained windfall benefits from having all this free money to invest and the union, which owns nearly 75 per cent of the shares in the bank, benefited from that money in terms of higher dividends.

A pension fund spokesman declares that the fund only reached the $70-million level during periods when mine strikes were possible and ready cash was needed in case the coal companies' payments to the fund, which are tied to current coal production, were stopped when production stopped because of a strike. He said the present $26 million in the checking account provided a necessary two-month emergency back-up.

However, a suit brought by a group of miners and pensioners in U.S. District Court in Washintgon, *Blankenship vs. Boyle*, charges that the checking account was used deliberately to deprive the pensioners of the extra income to the benefit of the bank and its stockholders. (The suit also charges that administrative expenses of the fund, which run about $6 million a year, are excessive, and that the pension fund's investment portfolio, which included electric power companies, was mismanaged and produced a paper loss during the middle 1960s when everybody else was reaping bonanzas from the stock market).

True Davis says the decision to keep $26 million in a pension fund checking account is merely a question of business judgment, such as "Do you like striped ties, or do you like checkered ties?" Other bankers don't agree. A New York bank president, after the fund's operation was explained to him, said that there are many ways to keep large amounts of money readily convertible back to cash for emergency use on short notice and still gain interest on the money. "If the fund ever leaves the bank," he said, "tell me so I can get it into my bank."

The possibility of a correlation between yearly profits of the bank and the size of the pension fund checking account was admitted even by the comptroller of the fund, Thomas Ryan, testifying before a Senate subcommittee a few months ago:

"Mr. Ryan: Just as a commonsense businessman, I would assume that the earnings of the National Bank of Washington declined last year because of the loss of deposits that they suffered.

"Senator Pell: And perhaps the welfare fund withdrew some of its funds, dropping it from $70 million to $30 million.

"Mr. Ryan: That could possibly be the reason. There is no doubt that the welfare fund did withdraw some of its funds."

Beyond the practice of helping the union, one Washington banking expert says that the connection the bank has with the union, the millions of dollars in easy assets, has made the National Bank of Washington complacent. He says it has abdicated its responsibilities as a bank to the community. "This is one reason," he says, "why banking in this city is so damn poor. The National Bank of Washington doesn't do a damn thing for the community." With massive union assets, the bank can continue to turn over fairly happy dividends to its stockholders without having to worry about competing to attract new capital or making the fullest use of its money. The National Bank of Washington has always maintained the image of being the stodgiest, perhaps even the stingiest, bank in the country, or, as it prefers to put it, "the most liquid bank in the world," built on a secure foundation of hard cash and low-yield government bonds. Its loan policies have been constipated. While most banks loan out between 50 to 60 per cent of their total deposits, the National Bank has the incredibly low loan ratio of between 30 and 40 per cent. This means that many millions of dollars that could be put to use in the community are frozen in the bank, and because of its favored relationship with the union, the bank hasn't had to alter its policy. True Davis says he is changing the loan policy to be more responsive to the community.

Davis is unaware of certain policies that have taken place in his own bank. He says, "I don't believe there has been a loan with an official of the union. I certainly would not approve of one because that would not be consistent with good banking policy." He also stated that to his knowledge no union people had taken out mortgage loans. Yet a check at the Rockville, Maryland, courthouse shows that he is wrong. In 1961, Edward Carey, general counsel for the union, got a $22,000 mortgage loan from the National Bank of Washington, and in 1965, Willard P. Owens, another union lawyer, got a $42,000 mortgage loan. Others on the union payroll have also received such loans.

We can't blame Davis too much for things that happened before his time, but he should be interested in finding out how the union uses his bank. When asked about the special executive pension fund that permits a few top union officers to retire at full salary, a fund that was taken from the union treasury and deposited in the bank and now holds about $1.5 million, Davis said, "I don't even know on that account—they have various accounts, and I'm not aware of how they have been identified."

ETHICS OF UNCONCERN

Whether pensioners or union members lose out because of the bank's policy, whether the union officials are getting away with extortion and fraud and enriching themselves at the expense of the coal miners, is of no concern to the powerful men on the bank's board of directors. The three board members whom I was able to interview all said the same thing—that they have nothing to do with the union and are in no way responsible for, or even associated with, its actions. A fourth member, Clark Clifford, was called four times, and once it was explained to one of his law partners the purpose of the interview. Clifford's unconcern was limitless enough that he did not grant the interview.

Stephen Woodzell, PEPCO president, offered that he didn't "see where that (union activities) is of prime importance," and added that "if Al Capone would deposit his money in the bank, you wouldn't turn him down." True Davis explained that "my job is to show the best earnings I can for the shareholders," that "banks should address themselves to profitability," and that "a bank has to be considered a neutral depository. We'd be damned fools if we started asking companies what they did with their money."

But what if Al Capone owned the bank? The directors that were interviewed showed less than minor concern toward the charges made against the union. The board members didn't even see the need for making any personal evaluation about the kind of men they are working for, taking an amoral rather than an immoral stance. True Davis says the union is none of his business, even though the union's business happens to be his bank. The UMWA keeps the bank as its investment and expects to profit from it, and True Davis says he is proud to provide the shareholders (the union) with the profits they desire. He works toward that end with his name, his talents, and his time. Yet he has no interest in evaluating the morality or legality of his employers.

Men like Davis, Clifford, and Crosby Boyd are often held up as community models, reason that kids should stop blowing up banks. They are men who are called upon to evaluate the national or domestic interest, and yet, in their association with the union, they exhibit the apathy and myopia of the uninformed. In public language, they are often called disinterested—able to act on cosmic issues they probably can do nothing about—and yet in one small instance of injustice that they could effect, they are not disinterested, but uninterested.

We do, it is said, live in a time in which it is difficult to get involved, or to relate, to anything outside ourselves, and the board of directors of the National Bank of Washington are also afflicted with an inability, or unwillingness, to see how their formal actions in the paneled board room affect coal miners and pensioners in Appalachia.

AUGUST 31, 1970.

COMPTROLLER OF THE TREASURY,
Office of The Treasury Department
Washington, D.C.

DEAR MR. COMPTROLLER: At a special meeting of the stockholders of the National Bank of Washington on Friday, August 28th, the stockholders approved a pension plan for officers and employees of the Bank with an estimated outlay per year by the Bank for the next ten years of over $1,100,000. During the course of the stockholders' meeting, Mr. John Wilson announced that your office had approved the proxy statement for the meeting. Since this proxy statement would appear to violate all basic principles utilized by the Securities and Exchange Commission in judging proxies, I was quite naturally surprised to hear that your office had approved this statement, and I am writing for confirmation thereof.

Just to point out two significant omissions from the proxy statement, it did not mention the case of *Blankenship* v. *Boyle* in the District Court for the District of Columbia where there is a potential liability on the Bank of many millions of dollars. Possibly even worse was the failure to make any reference to the fact that the United States of America has filed a lawsuit in the same court to upset Mr. Boyle's election; this cloud over the title of Mr. Boyle to determine how the UMWA stock should be voted should at least have been made known to the stockholders.

At the stockholders' meeting I picked up a copy of the semiannual report of the Bank as of June 30, 1970. While we well understand the Bank trying to hide its connection with the UMWA in view of that Union's present public image, we nevertheless call to your attention the receptive manner in which this was accomplished. For example, Mr. Edward L. Carey, the General Counsel of the Union, is described in the listing of the Board of Directors as Attorney at Law and Mr. Thomas F. Ryan, Jr., Comptroller of the United Mine Workers Welfare and Retirement Fund, is described as a Welfare Executive. One would hope that this kind of advertising of a bank is subject to stringent regulation by your office and that this deception will soon be stopped.

Thank you very much for your consideration of the matters herein.

Sincerely yours,
JOSEPH L. RAUH, Jr.

THE ADMINISTRATOR OF
NATIONAL BANKS,
Washington, D.C., September 29, 1970.

Re: National Bank of Washington.
JOSEPH L. RAUH, Jr., Esq.,
Rauh & Silard,
Washington, D.C.

DEAR MR. RAUH: Please refer to your letter dated August 31, 1970, relative to the proxy solicitation materials utilized by the management of the above referenced bank in connection with the special meeting of stockholders held on August 28, 1970. As requested in your letter, this will confirm that this Office reviewed management's preliminary proxy solicitation materials and found them to be in compliance with the requirements of this Office, and the bank was so advised. Of course, if a shareholder of the bank believes that material facts were omitted from the bank's Proxy Statement, such as to render it false and misleading, the usual judicial remedies are available. Under existing circumstances no further action by this Office is indicated at the present time.

You suggest in your letter that the bank's advertising, to the extent that such is reflected in a copy of the semi-annual report of the bank as of June 30, 1970 which you picked up at the above mentioned stockholders' meeting, is deceptive in that Mr. Edward L. Carey, the General Counsel of the Union, is described in the listing of the Board of Directors as Attorney at Law and Mr. Thomas F. Ryan, Jr., Comptroller of the United Mine Workers Welfare and Retirement Fund, is described as a Welfare Executive. Although your letter does not make clear what person or class of persons may have been deceived by such omissions as referred to in your letter, such inadequate descriptions, if in fact they are inadequate, do not appear to be of sufficient significance to warrant any action on the part of this Office at the present time.

Very truly yours,
THOMAS G. DESHAZO,
Deputy Comptroller of the Currency.

OCTOBER 1, 1970.

Re: National Bank of Washington.
Mr. THOMAS G. DESHAZO,
Deputy Comptroller of the Currency, The Administrator of National Banks, The Department of the Treasury, Washington, D.C.

DEAR MR. DESHAZO: Your letter of September 29, 1970 is peculiarly defensive and unsatisfactory.

With respect to your suggestion that "the usual judicial remedies are available" concerning the false and misleading Proxy Statement, this is hardly more than an echo of the bank's position as expressed to me by Mr. Wilson. Furthermore, the poor and oppressed miners who are carrying on the effort to clean up the union and the bank are getting a little tired of always hearing that they should do this or that rather than having the Government do its duty. I note in this connection your *sub silentio* admission that you have lower standards for proxy statements for banks than the Securities and Exchange Commission does for other business interests.

With respect to your second paragraph, the class deceived consists of each and every person who deals with the National Bank of Washington without knowing it is owned lock, stock and barrel by the corrupt UMWA and run by the corrupt Mr. Boyle whose title to run the union and bank is in legal dispute. We understand the bank wanting to hide its connection with the union, but we find it difficult to understand your rubber-stamp approval of that conduct.

Sincerely yours,
JOSEPH L. RAUH, Jr.

THE COAL-BLACK SHAME OF THE UMW

(By Trevor Armbrister)

Shortly after 1 a.m. last December 31, three men approached a solid fieldstone house in the coal-mining hamlet of Clarksville, Pa. Working quietly and confidently—they had already cased the residence for days—they cut the telephone lines and entered through a side door. They took off their shoes and crept upstairs to the second floor.

Asleep in the master bedroom lay Joseph A. "Jock" Yablonski, a 59-year-old union official, and his wife, Margaret. In an adjacent bedroom slept their daughter Charlotte. One man aimed a .38 caliber revolver at Charlotte's head and fired twice. Margaret Yablonski screamed. Her husband groped for the box of shotgun shells he kept under the bed. A second gunman cut them down in a hail of bullets.

Throughout his unsuccessful campaign

for president of the United Mine Workers of America, the short, raspy-voiced Yablonski had charged UMW leaders with employing terror tactics, called them corrupt and begged the Labor and Justice departments to investigate. Few listened. And then it was too late.

The grisly murders shocked the nation. Attorney General John Mitchell ordered the FBI into the case, and on January 21 authorities in Cleveland arrested three suspects. A Federal grand jury indicted them, one of their wives and a local union official on charges of interfering with the rights of a union member, obstruction of justice and conspiracy to kill Yablonski. (No evidence has appeared to link UMW leaders to the crime.) The Labor Department filed suit to invalidate the election results. The Justice Department and the Internal Revenue Service examined the union's books for "possible criminal prosecution."

Yablonski's supporters found irony in all this. "Alive, Jock couldn't convince anyone to act," one of them said bitterly. "But his ghost has got everyone hopping."

CRUEL PARODY

The UMW embraces 193,000 active and retired miners in some 1300 locals spread across 27 states and four Canadian provinces. For more than 40 years, under John L. Lewis, it was the pride of American labor. The charismatic, shaggy-browed Lewis won high wages for his men, pioneered in establishing the UMW's Welfare and Retirement Fund which was among the first to give workers pensions and free medical care. Later, he encouraged mechanization of the mines, to revive an industry threatened by atomic energy and cheaper oil fuels. Then, in 1960, Lewis appointed as his vice president (and eventual successor) a short, baldish ex-coal miner from Montana named W. A. "Tony" Boyle. It was, he told intimates before his death last year, "the worst mistake I ever made."

An arrogant, hot-tempered man who once threatened to shove a bologna down a Congressman's throat, the 65-year-old Boyle insists he has followed in Lewis's footsteps. Hardly. He lacks his predecessor's vision and links to the rank and file. Since he took office, the union has deteriorated into a cruel parody of its former self. Interviews with UMW spokesmen, miners and government officials and careful scrutiny of union documents, sworn affidavits and Congressional testimony show how its leaders have flouted both Congress and its own constitution:

They have spurned democratic procedures. "This union is a private government—like the Mafia," says Washington attorney Joseph L. Rauh, Jr., who served as Yablonski's campaign adviser. "It operates above the law." The Landrum-Griffin Act of 1959 stipulates that rank-and-file union members must have the right to choose their own representatives. But the UMW has simply winked at this law. Today, in 20 of the UMW's 25 districts, Boyle appoints the officers. The 50,000-plus miners of West Virginia, for instance (who account for nearly one third of the UMW's total dues income), have no voice in the election of their district officials.

The UMW's own constitution says that union locals must consist of "ten or more workers working in or around coal mines." But many locals—estimates range as high as 600—are composed entirely of pensioners in areas where the mines have been abandoned. Legally, these "bogus" locals should be disbanded, their members transferred to nearby active locals. But "because we haven't got the heart to revoke their charters," UMW leaders keep them on the rolls. Their rationale is less charitable than it sounds. These bogus locals can always be counted upon to supply large blocs of pro-Boyle votes.

They have squandered millions from their own treasury. Boyle has vast sums of money at his disposal. The union itself has assets of 88 million. It owns 75 percent of the stock of the National Bank of Washington (Boyle has earned more than $30,000 in bank director's fees since 1964), and exerts strong influence over the $179 million Welfare and Retirement Fund (Boyle is a trustee of the Fund and its chief executive officer).

In 1969, the union disbursed more than $1 million to its officers and employes for "expenses" without requiring adequate documentation, a violation of the Landrum-Griffin Act. One official was paid for "mileage and expenses" while he lay in a hospital bed. "Some officials have claimed expenses for hotel and travel for practically every day of the year," a Labor Department report noted. Boyle's daughter Antoinette, a union attorney in Billings, Mont., received $43,809 in salary and expenses for duties that remain unclear (she declines to comment on them).

In 1960 the union's top officers quietly transferred $850,000 from the treasury into a special "agency fund" (with current assets of $1,500,000) to finance their retirement at full salary. The average miner, however—if he is lucky—retires on an annual pension of $1800. Any welfare and retirement fund with assets as large as the UMW's should make a sizable profit on its investments. This hasn't been the case, primarily because of the Fund's links with the union-owned National Bank of Washington. Until recently the Fund kept $67 million in a *checking* account at the bank. The money earned no interest for the miners. The bank, however, benefited enormously from its "free" use of the resource and poured fat dividends (since 1964 nearly $8 million) into the union's coffers.

In theory, the Fund is independent of the UMW. In practice, miners apply for their pensions through their local unions and, in order to receive them, must pay monthly dues of $1.25 (25 cents of which goes to the locals and $1 to UMW headquarters). As a result, the UMW gleans an annual extra million dollars. "This is extortion, pure and simple," says Mike Trbovich, chairman of a reform group called Miners for Democracy.

They have fostered cozy ties with the employers. "This union is in bed with the coal operators," says Lou Anatal, a stocky district chairman of Miners for Democracy. "It's been going on for years." Despite union denials, "sweetheart contracts" do exist which permit some companies to pay workers less than union scale. Boyle has not won conspicuous concessions for his men at the bargaining table, either. Not until 1968, for example, did the rank and file win Christmas as a paid holiday. The present contract contains no provision for "sick pay," standard in most union contracts—and this in an industry which ranks as the nation's most hazardous. To finance the Welfare and Retirement Fund, coal companies pay a royalty of 40 cents per ton—a figure which hasn't changed since 1952.

They have lagged behind in the push for coal-mine health and safety legislation. Since the early 1930s, 1,500,000 men have been injured in the nation's mines. In 1969 alone, 203 men died in mine accidents. Another 10,000 were seriously injured, and thousands of others impaired, by pneumoconiosis, the dreaded "black lung" disease. Arnold Miller, a local union official from Ohley, W. Va., says, "If we promoted safety, really pushed it, we could cut that death rate in half."

During the winter of 1968–1969, three West Virginia doctors—Isadore Buff, Hawey Wells and Donald Rasmussen—appealed to the UMW for help in pushing health and safety legislation through the state legislature. UMW officials spurned their plea. (Boyle explained later in a speech, "We're not going to destroy the coal industry to satisfy the frantic rantings of self-appointed and ill-informed saviors of coal miners.") That January the doctors joined with a group of dissident miners to form the Black Lung Association. UMW officials warned the miners to disassociate themselves from it or face possible expulsion from the union. Infuriated by this threat, nearly all of West Virginia's 42,000 active miners staged a wildcat strike. Boyle ordered them back to work. The miners defied him. Finally the legislature passed a bill to compensate victims of black lung. Whereupon the UMW *Journal* ran an article crediting passage of the new law to Boyle's leadership.

THE CHALLENGE

By spring 1969, the union's long decline and undemocratic procedures had attracted the attention of powerful critics. Rep. Ken Hechler of West Virginia and Ralph Nader spoke out against Boyle. So did Jock Yablonski.

For nearly 36 years, Yablonski had served th UMW—first as a local union president in Pennsylvania, finally as acting director of the UMW's lobbying arm. No one had been a more effective public defender of the leadership. Privately, however, Yablonski chafed under Boyle's regime. On May 29, 1969, he announced his candidacy for the union's top job.

"I participated in and tolerated the deteriorating performance of this leadership," he said, "but with increasingly troubled conscience. I will no longer be beholden to the past." He posed the first real threat to UMW officials since 1926 and, at that first press conference, he said he might be killed as a result. His supporters thought he was being "melodramatic."

To gain a place on the ballot, Yablonski had to win the nominations of at least 50 locals. Boyle seemed determined to stop him. He increased his loans to UMW districts; his supporters offered miners cash to block Yablonski's nomination, Despite a warning from the Fund's comptroller that a pension hike would jeopardize the Fund's solvency, he rammed through a 33-percent increase in the monthly payments.

On July 18, attorney Rauh wrote the then Labor Secretary George P. Shultz requesting an investigation. He charged that UMW officials, in massive violation of federal law, were trying to revoke the charters of pro-Yablonski locals or, failing in that, to merge them into pro-Boyle units. Locals which had already nominated Yablonski were told that a recount showed they had really favored Boyle. Local union presidents in Illinois were, Rauh alleged, "offered $150 to $200 each to coerce their locals into nominating Boyle."

Although the Landrum-Griffin Act clearly states that the Secretary of Labor had the right to investigate, Shultz decided that the Department "should not investigate and publicize the activities of one faction in an election in order to assist the campaign of the other." He would observe "long-standing policy" and wait until the balloting was over.

Despite the obstacles in his path, Yablonski won the nominations of 96 local—nearly twice as many as he needed. His campaign zeal surprised even his own supporters. ("A lot of us were pretty skeptical at first," miner Harry Patrick remembers. "He'd been part and parcel of that gang since the year 1.") As Yablonski hammered away at Boyle and the UMW leadership, violence grew apace. On June 28, after he spoke at a meeting in Springfield, Ill., he was knocked unconscious. Hawey Wells discovered leaves and pine cones in the gas tank of the plane he used to fly to Yablonski rallies. In Moundsville, W. Va., five men attacked Tom Pysell, a vocal Yablonski backer, and left him with three broken ribs.

CRY FOUL!

On December 1, eight days before the election, Rauh made one last plea for government intervention. "The failure of the Department of Labor to take strong measures to insure a fair election," he wrote, "may well bring in its train ugly violence." Shultz repeated his stand. There would be no investigation "at this time." In the December 9 election, Boyle won by 35,000 votes. He had succeeded in his strategy of wooing the 70,000 bituminous-mining pensioners—by suggesting that a Yablonski victory might rob them of their benefits and implying that it would be "healthy" for them to back the incumbents. Boyle received 93 percent of their ballots. Yablonski did well among the working miners. Where he had stationed observers (his supporters had been forced to pose as newsmen just to find out the location of many polling places), he usually won or broke even. In districts where he didn't, Boyle's ratio soared as high as 88 to 1.

Yablonski cried "foul" and refused to concede. He asked the Labor Department to impound the ballots. Yablonski's son Chip submitted an affidavit alleging nearly 100 election-law violations. One local official was seen casting ballots for 30 men. Another local received only 95 ballots. Yet Boyle won by 145 to 5.

The Labor Department refused Yablonski's request. He didn't give up. "We're gonna fight this thing alll the way," he rasped. On December 18 he wrote to union headquarters: "Tellers, stand up before it's too late. I too once submitted to the discipline of Tony Boyle. But I shall die an honest man because I finally rejected that discipline." Two weeks later he *was* dead.

A STILLED VOICE SPEAKS

On January 8, Labor Secretary Shultz finally called for "a full-scale investigation." Early in March the Department filed suit to overturn the election results. Meanwhile, the union is under fire on other fronts. The Labor Department has filed suit to compel it to keep adequate financial records. The Justice Department is preparing a suit to insist that the union allow members to elect their own district officers. The Senate Labor Subcommittee is probing into the election and the relationship between the union, the Welfare and Retirement Fund and the bank. Hundreds of miners have filed a suit alleging that Boyle, his vice president and secretary-treasurer have misappropriated $18 million from the union's treasury.

Dismissing such challenges as "politically motivated," union officials seem intent on business as usual. Not long ago, miners in western Pennsylvania walked off their jobs to protest the government's failure to enforce new health and safety legislation. UMW leaders told them to go back to work and, when they refused, joined forces with coal companies in an effort to compel them to return.

The shots fired in Clarksville last December 31 have stilled a voice but not a movement. Threats and bribes no longer smother dissent. "I can look my children in the eye," says West Virginia miner Tom Pysell, whose outspokenness led to a beating last fall. "That means more to me than money."

Throughout the coal fields today, from the slag heaps of Pennsylvania to the hollows of Kentucky, other miners are echoing Pysell's sentiments. One afternoon last February, hundreds of them converged upon Washington to picket the Justice Department. It was the sort of protest that would have been unthinkable in John L. Lewis' time and, as if in realization of this, some of the men had tears in their eyes. "The UMW is a shame," they shouted. The buttons on their heavy jackets were more explicit: 'Stop murder," they said.

SENATOR DOLE'S REALISTIC ASSESSMENT OF THE ELECTIONS

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include a speech by Senator ROBERT DOLE.)

Mr. MIZE. Mr. Speaker, Senator ROBERT DOLE of Kansas had the privilege of addressing the U.S. Savings and Loan League's annual convention in San Francisco on November 9. In his remarks to the convention, Senator DOLE made a realistic appraisal of the outcome of the November 3 general election. This summary should be required reading on my side of the aisle and our Democrat friends should read it, too, to take note of some of the achievements of this administration which they tried to discredit in their campaigns. I am especially pleased that Senator DOLE had some comments for the business community. I hope they are read and carefully evaluated. I request that the remarks of Senator DOLE appear at this point in the RECORD.

The remarks follow:

REMARKS OF SENATOR BOB DOLE

Having been on the campaign trail for several months, it is a pleasure to be with you in San Francisco. It seems a bit unusual to be standing here and not asking you to vote for some Republican candidate. But since the 1970 campaign received so much attention, it is appropriate to assess the results today. Last Monday we were all speculating and asking ourselves questions. The election on Tuesday answered some of those, but raised others. What did the elections mean? What trends can be seen? Which party won what?

ASSESSING THE ELECTIONS

The most accurate assessment would be that the results were mixed. Republicans can claim success in congressional elections, while Democrats scored gains in State races, especially governorships.

SHORT MEMORY

An important factor which hurt many Republican candidates was the "short memory" of thousands of American voters. Two years ago the Vietnam War was number one on the minds of a great majority of Americans, while runaway inflation and excessive Federal spending were secondary issues. With the advent of President Nixon and the deescalation of the war in Vietnam, voters' priorities changed. Inflation and unemployment moved to the front, while the Vietnam war moved well down the list.

Certainly no one faults President Nixon for extricating us from the tragic war he inherited, but it is not unusual for President Nixon or anyone to receive little credit for a job well done. In my opinion, this was the case insofar as the President's successful role in Vietnam was concerned. Democrats were permitted—with little resistance from our side—to play down the war and to emphasize unemployment and inflation. I do not for a moment suggest war or peace should be partisan, but believe the successful efforts of this administration in South Vietnam should have had more emphasis. Republican leaders should have been on the offensive, pointing up day after day that the problems in our economy—including inflation and unemployment—were fueled by the very expansion of the war that President Nixon inherited and was ending and by the irresponsible spending policies of Democrat administrations in the 60's.

We tended instead to agree with the Democrats and many of the pundits that the war was really not an issue. By not emphasizing this skeleton in the Democrat closet and by not emphasizing the number one priority of the Nixon Administration was "peace instead of war", the successes in Vietnam very probably meant failure at the polls in many instances. As I travelled around the country, it was obvious that President Nixon had great strength and was generally well accepted, but that peace instead of war, though highly desirable, appeared less important than the bread and butter issues—again because of our failing to put everything in its proper perspective.

The President never believed war and runaway spending were good economic tools. They may produce doubtful short-run economic effects, but Republicans have fortunately never used them. But obviously this was not made sufficiently clear to the voters.

So we have a mixed bag in the election returns. Looking at Capitol Hill—particularly in the Senate—most observers agree President Nixon will be in a better position in the 92nd Congress than the 91st. Tydings, Goodell, Gore, Yarborough and Young will be replaced by Beall, Buckley, Brock, Bentsen, and Taft. These changes are, by and large, pluses for the President. Murphy and Smith will be gone, but on balance, this is a net gain of at least three—with the race in Indiana still in doubt.

There will not be a Republican majority in the Senate, but the results are less than the normal losses of 4 or 5 Senate seats—and 20 to 40 seats in the House.

When Congress recessed on October 14, we, in a sense, passed the buck to the lame duck session which will begin next Monday. It could well be a no-holds barred political rehash of the past, and political preparation for the 1972 campaign. The Democrat leadership will determine the agenda, but it is almost a certainty that we will be in session until Christmas. Since there will, perhaps, be little rhyme or reason during this post-election session, I believe it worthwhile to review briefly important areas of concern and key problems that have been, and will continue to be uppermost in the minds of a great majority of Americans.

QUESTIONING THE GOVERNMENT

In retrospect, if there was one concern in America that could be said to have characterized the Nation prior to the election 2 years ago, it was the growing suspicion among the American people that somehow Government was not working properly.

The growth of the Federal budget and the growth of the Federal bureaucracy both reflected the proliferation of problems across America, but neither had a positive effect on these problems. The war in Vietnam was expanding almost daily. The crime rate had reached an all-time high. Violence was an accepted political weapon in the hands of radicals. Our first big-city riots had been rationalized and explained away time and again in the highest councils of government. Skyrocketing domestic spending was undertaken in an effort to buy a great society and domestic tranquility. We were sailing along on a sea of false prosperity, waiting for something or somebody to pull the plug.

It was a frightening time, and its hallmark was a widespread belief that Government had either dropped the reins or was no longer capable of holding them—and in any case was no longer in control.

In 1968, the American voters elected Richard Nixon, and for nearly 2 years he has worked to make Government responsive to the people again, to reorder our national priorities, and to bring them in line with the realities of America's domestic and international responsibilities.

VIETNAM WAR

We are no longer increasing troop levels in Vietnam. We are bringing our young men home. The Vietnamese forces, trained and equipped by the United States, are taking over the burden of their own defense. Casualty figures last week were the lowest in more than 5 years. And all this has been accomplished without crippling the credibility of the forces of freedom, either on the battlefield or at the negotiating table—done despite the cries and criticism of many in the Senate.

Now, the success of the Vietnam operation reflects the realities of American politics for by constitutional mandate the President directs the course of America abroad. The President makes foreign policy, and this unfettered initiative and freedom to act quickly and decisively in matters of foreign policy accounts for the success the President has had in Vietnam. It accounts for his ability to turn around a decade-long war and enhance our ability to achieve a satisfactory conclusion of that war, while reducing American deaths to the minimum.

DOMESTIC PROGRAMS

But while the power of the oval office in international affairs begins at the water's edge and is virtually exclusive, the President—aside from the prestige of his office and his own political skill—is dependent to a significant extent on congressional grants of power in the domestic arena.

And this political reality accounts for many of the difficulties President Nixon has encountered in his efforts to make Government work, to deal effectively with crime and violence, to give a new and proper order to our national priorities, and to cool the dangerously overheated economy.

But in every case, he has had to move against the will of a Democrat majority in the 91st Congress—and he will again in the 92d.

ANTICRIME LEGISLATION

In the face of this handicap, the Prseident has had success. By determination and leadership, he brought this Nation's peril at the hands of the criminal to the attention of every American.

The President, for example, placed some fourteen bills before the Congress—all aimed at strengthening the forces of law and order—the forces of justice in America. Month after month, the bills languished in the Congress. Try as he might, he could not pry them loose.

Now, I would not for a minute be cynical enough to see any cause and effect relationship between last week's elections and the passage of those bills. I would not for a minute suppose that because the American people were getting fed up with the muggings, and the rioting, and the bombing, and so forth, that the Congress decided it had better do something—I would not suggest that at all.

But it should be clearly noted that since President Nixon came into office, there has not been a single big city riot. Since he came into office, there has been substantial progress in reducing the great increase in crime.

THE ECONOMY

In the field of the economy—the President has fought since taking office against the spending policies of the Democrat Congress. Sometimes, he has succeeded . . . sometimes he has resorted to the veto. And sometimes, as you know, his veto has been overridden. But the trend is positive. We are now to a point where the economists are arguing about what the indicators indicate—and that is always an encouraging sign—I am told.

But consider the economic perspective for a moment.

Starting in 1964, we tried to outspend our resources. We tried to have guns and butter and a great society all at once. But you know that kind of spending does not bring prosperity, only inflation. In the face of this legacy of expediency, opportunism and irresponsibility, President Nixon implemented a policy of fiscal and monetary restraint. The goal was to cool the economy, put it on a peacetime footing and avoid serious dislocations and abrupt adjustments. That goal is being achieved—though painfully and slowly.

But liberal critics say that inflation continues and unemployment is up. Yet many of these same critics who complain about the perilous state of the economy helped put it in that condition.

These latter-day economic prophets are the very ones who supported the excessive growth of the defense establishment throughout the sixties. And despite all their talk about reasoned response and cost-effectiveness ratios, the defense establishment grew like topsy. But all of a sudden, the American people wondered if we needed all the hardware we were buying and all the defense contracts which were being let, and all the cost-overruns. The critics stuck their fingers up to test the air and all of a sudden *they* wanted a reduction in defense spending. All of a sudden *our* priorities were all wrong.

Well, President Nixon knew that a long time ago, and he began the necessary defense cutbacks. He began the necessary reordering of spending to accommodate domestic priorities. He put the Pentagon into line with national needs instead of private or political opportunity. And this meant a reduction in defense spending which caused a very substantial shift in the structure of our economy. And what was the immediate consequence of that? We have more people in the labor market than can be efficiently absorbed. In other words, as our hypercritical friends so rightly point out, unemployment is up.

Unemployment is going to remain up in some areas for several more months, until the economy finishes righting itself and we complete the transition from a war-time to a peace-time economy. But all the evidence suggests President Nixon is successfully turning the economy around. Last week's figures indicate a considerably smaller increase in unemployment than the Democrats were predicting before the election, and it should be noted that this fractional rise includes unemployment caused by the effect of the General Motors strike on other industries.

Now it is a bit absurd for the critics to fault the President for not turning this economy around overnight—and for an economic reversal of the magnitude required, twenty months is overnight. It cannot be done. Nobody promised it would be done. It would have been the height of irresponsibility to have tried, because—at the very least—we would have had one extended, hair-raising recession. But the President has avoided that. He has avoided severe economic dislocation and upheaval. When this is all over, those who fully appreciate what is involved in this operation, as I know you do, are going to be very grateful to the President for what he has accomplished.

ECONOMIC POLITICS

But let me give you a brief look at the politics of this matter, because I want you to fully understand just what the President is doing here—what he is risking and the price he is willing to pay to do the responsible thing.

It is no secret how badly the President wanted a Republican congress. It is no secret that the success of his legislative program—his ability to do the job he was elected to do—will be affected by last week's elections. The President campaigned as hard as he could. He went to the people in behalf of Republican candidates. He used the democratic process. In good faith—as a responsible leader—he could do no more.

But let me tell you what he might have done.

In many cases the outcome of the elections last week was a result of the way people responded to the economic crisis. Democratic candidates effectively used scare tactics that invoked visions of the bread lines in the 30's.

Now nobody, to my knowledge, ever lost an election because of inflation. But people have lost elections because of economic slowdowns. They have lost elections on the basis of recessionary factors in the economy. So the lesson is clear. Keep the economy pumped up, and you have the economic issue wrapped up.

The President could have had the economic issue wrapped up. I do not have to tell you that there are many tools at a President's disposal for short-term manipulation of the economy. Of course, there is the most obvious way—he could try to institute wage-price controls. But this interferes with the free play of the market and creates a bureaucratic morass, and in the end, it is counterproductive.

The easiest, the most dramatic, and at the same time, the subtlest and the most irresponsible way to pump up the economy is simply to throw a lot of money into it all at once. And there are many, many ways a President can do this, but not this President.

A President would not, for example, within a year's time of an election, veto bills he considered inflationary if he wanted to play games with the economy. But Richard Nixon did veto wild-spending bills. He did so, because he did not believe he could—in good faith and as a responsible leader—use the welfare of American citizens as a political weapon against their interests. That is the kind of President he is. He can be trusted, and he deserves our trust. Take the General Motors strike out of the picture and look at the economy. It is on its way back to sound, solid, healthy growth.

Unfortunately, we are now suffering from a "hangover" period in which rising costs continue to push prices up—this difficult period has been extended beyond Nixon economists' expectations by the strength and longevity of the basic demand pressures which caused inflation in the first place. However, the evidence indicates inflation is being brought under control. The rate of increase in consumer prices, at 6.3 percent in the first quarter of 1970 dropped to 5.8 percent in the second quarter, and 4.2 percent in the third quarter.

But most importantly, the gap between increases in labor compensation and output per man-hour was significantly smaller in the last two quarters of this year than it had been during all of last year.

OUTLOOK FOR THE SAVINGS AND LOAN INDUSRTY

For the savings and loan business, the steady incerase in homebuilding activity is encouraging. Housing experts are forecasting that next year will bring the highest construction rate in 20 years. The favorable prospects reflect:

The effects of the $250 million special assistance provided in the emergency housing bill;

The decrease in rates on treasury bills. They have dropped more than one-fourth, from 8 percent to less than 6 percent, thus reducing market competition for savers' funds;

The sizable increase in the savings flow picture for savings and loan associations, in September, scored a net inflow of $577 million, up from $511 million in August; and

The improvement in the availability of mortgage funds accounted for $2.1 billion in mortgage loans in September, up about 25 percent from a year ago, and the largest volume for any September since 1963.

Your associations should also benefit from other provisions in the emergency housing bill:

The secondary market for conventional loans under the Federal Home Loan Bank Board;

The authority for your associations to act as trustee for self-employed retirement funds;

The authority to extend the time in which you must reach 5 percent reserves.

The ceiling on your first mortgage loans was increased from 40 to 45 thousand dollars.

The increase in your ability to lend on multi-family housing and erasing your borrowing authority in the short-term area.

During the last year the Congress and the executive took other actions that particularly affect your associations.

There was considerable pressure in Congress to increase the rate paid on U.S. savings bonds. The Senate passed a bill increasing the rate to 6 percent. However, this was finally set at 5½ percent to avoid disruptive changes in family savings behavior.

Legislation has passed providing up to $20,000 insurance for credit union savers. The insurance premium is set at 1/12 of 1% with supervisory authority being exercised by the Federal Home Loan Bank, authority comparable to that it has over savings and loan associations. Congress felt that under proper conditions, credit unions are entitled to the same Federal insurance as other financial institutions.

In response to deposit outflows caused by high market interest rates, the Treasury Department raised its minimum denomination of treasury bills from one thousand to ten thousand dollars.

THE ROLE OF BUSINESS

It is important that you take an active interest in the legislative matters affecting your business, for only through articulate advocacy of your positions can you expect to see the legislative process function effectively. But you must do more than be involved in government as it influences economic policy. You, alone with other businessmen, must be prepared to assume more and more of the burdens which government has taken on itself over the years.

This administration, and future Republican administrations, are going to be working to decentralize, to put power and responsibility out where it belongs—with the people. This not only means increased dependence on the private sector, it also requires returning political power and financial resources to state and local government. Passage of the administration's revenue sharing proposal would be a big step in the right direction. Nothing is more essential than the success of this operation, and nothing is more vital than the role of business in achieving its success.

In his book, *The Age of Discontinuity,* Peter Drucker says there is mounting evidence that government is big rather than strong; that it is *fat and flabby* rather than powerful; that it costs a great deal, but does not achieve much. There is mounting evidence also that the citizen believes less and less in government and is increasingly disenchanted with it. Indeed, government is sick—and just at the time when we need a strong, healthy and vigorous government. But this is just exactly the malaise the Nixon administration has been working to cure.

Drucker argues that private institutions such as the university, public corporations and private enterprise, must assume those national responsibilities that government has repeatedly shown itself incapable of handling.

So the need is there, and the time is right. Your time is needed, your talent is needed. Now perhaps more than ever we need the contributions that businessmen can make to the success of this government and this nation.

CONCLUSION

Sixty years ago, Theodore Roosevelt said, "The history of America is now the central future of the history of the world, for the world has set its face hopefully toward our democracy; and, oh my fellow citizens, each one of you carries on your shoulders not only the burden of doing well for the sake of your own country, but the burden of doing well and seeing that this nation does well for the sake of mankind."

The language may seem a bit antiquated now. But today the history of America is still the central feature of the history of the world. The free world, and the oppressed people still look to us and to our example—still certain that freedom is the wave of the future. I do not think he can let that have spend itself uselessly on the barren beaches of bureaucracy. I think we have a moral obligation to do all we can to insure the success of freedom in the world, and the bulwark of freedom is a strong government, responsive to the will of the people. Business must be in the forefront of the efforts to recreate and sustain such a government.

THE HONORABLE MIKE KIRWAN

(Mr. SIKES asked and was given permission to extend his remarks at this point in te RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I have noted that a successor to the Honorable Mike Kirwan has been sworn in as a Member of the U.S. Congress. He is the Honorable CHARLES J. CARNEY. He comes to us with an uncommon touch for he automatically will inherit some of the great feeling of warmth and friendship which was reserved for Mike Kirwan in the Congress. We wish Mike's successor well. We shall all be a little more helpful to him than to most newcomers because he is Mike's successor and Mike was greatly beloved by the House.

I recall very well what a sad day it was in the House when we learned that Mike Kirwan was no longer with us. We had known that this was inevitable, because of his long illness. But he had filled such an important niche for so many years that it was hard to give him up. Undoubtedly, Mike Kirwan will go down in history as one of the all-time great Congressmen. He was a leader who fought for America. He, more than any other man, established a pattern for the improvement and development of America's natural resources, and he set the stage and implemented the great work which is taking place all over our Nation today.

There are few of us who served with him who are not personally indebted to Mike Kirwan for assistance somewhere along the line in our own efforts to improve the waterway and other facilities of our own districts. Mike was always willing to listen and willing to help a Member if the cause was right, and his help was invaluable.

I do not think any Member of the House has ever enjoyed a greater number of warm friendships within the House. He was that kind of man. Each of us who were privileged to share his friendship can be thankful that we knew such a man and that we could profit from the examples of leadership and devotion to duty which he demonstrated.

The name and work of Mike Kirwan will long endure. He wrote a page in congressional history that is great and lasting.

A MEMORIAL FOR OUR SEABEES

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the accomplishments and sacrifices of the officers and men of the U.S. Naval Construction Force—the fighting Seabees—constructed the path to victory in World War II and, since then, have contributed significantly to our national efforts to build for peace.

Born in the dark days following Pearl Harbor, the Seabees have labored in many parts of the world to provide roads, airstrips and shore installations which enabled the armed might of our Nation and its allies to prevail over the force of our enemies; from the beaches of Europe to the reaches of the Far Pacific, a quarter-million Seabees built everything imaginable, under the most extraordinary conditions, using techniques and materials in such unusual ways that their motto "Can Do" became a permanent part of American language. In the Korean action, Seabees engaged in amphibious landings to assist in stemming the rising tide of Communist aggression in that part of the world. Now in Vietnam, the Seabees are active in the construction of military facilities to support our combat units deployed there to halt Communist aggression.

The Seabees are builder-fighters, but in the last 10 years they have also become known as the "Navy Peace Corps." Seabee civic action teams have served in Africa, Latin America, Asia, and Micronesia providing medical help, improving village sanitation, digging water wells, building schools, roads, and bridges, repairing homes and orphanages, and showing the people that Americans understand and care about the people of the world. The Seabees have established a new legend in the American Armed Forces.

The Seabees have served the United States with honor and courage. This service, I feel, is most deserving of tribute and remembrance.

I take pleasure in introducing a joint resolution authorizing the Seabee Memorial Association, Inc., to erect a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the U.S. Navy.

FACING UP TO FACTS ON DEFENSE SPENDING

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, in the past 2 years we have seen drastic cuts in defense spending. There are some who have assumed it could continue. It would be ruinous if this were to be the case. America must have an adequate defense and defense is costly. More, not fewer dollars are a necessary prospect or both modernization and adequacy will suffer. This is well pointed out by Secretary of Defense Laird in an able address in New York City on November 17.

I submit it for reprinting in the CONGRESSIONAL RECORD:

ADDRESS BY THE HONORABLE MELVIN R. LAIRD, THE SECRETARY OF DEFENSE, BEFORE THE ECONOMIC CLUB OF NEW YORK, WALDORF-ASTORIA HOTEL, NEW YORK, N.Y., TUESDAY, NOVEMBER 17, 1970

Seven years ago, almost to the day, one of my distinguished predecessors in the office which I am now privileged to hold, addressed the Economic Club of New York. On that occasion, November 18, 1963, Secretary Robert S. McNamara delivered a wide-ranging and thoughtful address on the relative military strength of the United States and the Soviet Union, on the balance of forces in Western Europe, and on threats to peace and security as he viewed them at that time.

On rereading Secretary McNamara's address recently, I found little in it that I could plagiarize for use in my remarks to you this evening, for the fact is the intervening years have brought too many changes.

In 1963, it was possible for the Secretary of Defense to deliver a comprehensive speech containing only one brief, almost parenthetical, remark about Asia.

In 1963, it was possible for the Secretary of Defense to report that the United States possessed across-the-board strategic superiority over the Soviet Union in nuclear weapons systems.

Today, it is not possible to discuss defense problems without mentioning Southeast Asia. And it is no longer possible to report that we possess an across-the-board superiority over the Soviet Union in strategic weapons.

There are other things, too, that have changed since Secretary McNamara stood in the place which I occupy this evening. In the Middle East, at that time, a high level of tension certainly existed, but there had been no major combat for several years. The Soviet Union had not yet established a position as a naval power in the region, nor had it deployed combat military personnel to that region for potential use in operational missions.

In Asia, Communist China had not yet developed a nuclear capability. What seemed to many at the time to be the most dangerous situation in Asia—the conflict in Laos—was widely considered to have been defused by the Geneva Agreements of 1962.

In Latin America, the Soviet Union's bid to establish a missile base in Cuba had ended in a Soviet retreat from the hemisphere—thanks in great part to the strategic superiority which the United States then possessed.

In short, when this audience last heard from a Secretary of Defense, we were not at war. Threats to world peace and to our security seemed relatively remote. Indeed, such threats seemed to be lessening rather than increasing.

This description, unfortunately, is much less applicable to the world situation today. Beginning about 1965, with such developments as the intensification of the war in Vietnam and the launching of an accelerated Soviet long-range missile construction program, the threats to peace and security started to mount.

In the five years since 1965, the Soviet Union has surpassed us in land-based ICBM's. The Soviets have greatly expanded their surface fleet into all oceans of the world. Their ballistic missile submarine fleet now numbers more than 14 POLARIS-type operational submarines and another 15 or more under construction. At present construction rates, the Soviet Union will match or surpass our POLARIS fleet of 41 ships by early 1974.

From 1965 to 1969, while ever increasing amounts of our defense resources were diverted to Southeast Asia, the Soviet Union was able to concentrate virtually all of its defense resources to catching, and in some categories, surpassing the United States.

Let me turn for a moment to some of the budget realities we face in this autumn of 1970.

We are still engaged in war in Southeast Asia. In many respects we live in a more dangerous world today than in 1963. Yet if direct war costs in Southeast Asia are excluded, the defense budget proposed by the President for the current fiscal year is $8 billion less in real purchasing power than it was seven years ago. Likewise, in relative terms, this budget is lower. At that time defense spending absorbed 8.3 percent of the Gross National Product. This year, only 7 percent of the Gross National Product goes for defense.

Our request for the current fiscal year was a rock-bottom estimate of the amount needed to maintain adequate forces in being, to continue the declining scale of American operations in Southeast Asia, and to keep open options for the development and deployment of new weapons systems that may be needed in the future. It was a transitional budget intended to hold the line as we took stock of the capabilities of our forces and of the threats to our security. It has been, and is, the intention of the Nixon Administration to spend not one more dollar for defense than is needed—but also not one dollar less.

We in the Department of Defense presently are engaged in the annual task of putting together our budget request for the next fiscal year. We are performing this difficult exercise under the added handicap of not being sure how much Congress will appropriate for the current fiscal year, which began last July 1. This uncertainly does not facilitate wise decision-making or efficient management.

We are now planning for actions beyond FY 1971, which is a year of transition. We are preparing to make some tough, hard decisions for the decade ahead of us. As expected, our waiting time is running out.

For several reasons, I believe that we cannot look forward to any further significant reductions in total defense spending. It appears much more likely that the defense budget must at least remain stable in terms of real purchasing power. I see some strong and convincing evidence for possible defense budget increases in order to meet urgent requirements, many of them too long deferred.

For example, if the trend of the past five years continues in the field of strategic weaponry, we will have no alternative but to develop costly new deterrent systems less exposed to destruction by the powerful weapons which the Soviet Union continues to add to its arsenal. Our best hope for avoiding the necessity for major increases in spending for new strategic weapons lies in the Strategic Arms Limitation Talks. A verifiable agreement which would effectively limit strategic armaments could make it unnecessary for us to proceed to the development and deployment of new deterrent weapons.

Even without the addition of major new weapons systems to our strategic arsenal, however, there will be inevitable upward pressures on the defense budget.

Inflation, and resolving past military and civilian pay inequities have had a massive impact upon defense budgets. The greatest area of defense price changes, by far, involves our own direct payroll, military and civilian. The average basic pay of our military personnel has risen over 65% in the past seven years; for civilians, the increase is over 40%. I don't question the need for pay raises. But their budget impact is startling. In Fiscal Year 1964, payroll and related costs were $22.1 billion. Because of these pay raises and other statutory increases, the cost for the same number of people today would be $32.3 billion—an increase of $10.2 billion without adding a man. And the problem is continuing.

Yet another factor that exerts upward pressure on the defense budget is the urgent need for modernization of weapons and equipment. We paid for Vietnam in considerable part by not replacing many items as obsolescence overtook them. We must now make up for these years of delay.

One more category in the list of defense costs that will rise in the future results from the transitions in our defense structure now underway. The Nixon Doctrine has many ramifications in terms of force levels, deployments, and future levels of military assistance. For the United States there will be a major shift in the mix of future programs—heavier on technology and modernization, lighter on manpower.

As I have said, the budget that is currently before the Congress for Fiscal Year 1971 is a transitional budget. It does not provide for many of the new initiatives that will clearly be necessary in the period ahead. We have made the cutbacks in many baseline areas of the defense budget, consistent with the President's New Foreign Policy, but we have delayed some of the increases that will clearly be necessary. Among such areas are research and modernization, aid to allies, movement toward an all-volunteer force, and improvements in Guard and Reserve forces.

I do not want to give the impression that the defense budget will take off into the stratosphere. I think that the conduct of the present Administration over the course of the past two years demonstrates its determination to hold a tight rein on defense spending. But we are equally determined to provide adequate strength for national security.

Since President Nixon took office, a remarkable reduction in defense spending and a reversal of national budgetary priorities have taken place. In dollars of the constant FY 1971 purchasing power, this years defense is some $17 billion below that of three years ago.

The reductions we have made in the past two years principally result from our policy of partnership in Vietnam under our program of Vietnamization. We have been able to do this because the tempo of the war has declined and because Americans are far less engaged today in Southeast Asia.

By the spring of next year, we will have cut American troop strength in Vietnam to approximately one-half the number that were there when President Nixon took office. We have succeeded in reducing current American casualties back to the level that existed before heavy commitment of American troops to the region. We have reduced the current cost of Vietnam to one-half or less what it was when President Nixon assumed office.

The partnership policy which made possible the budget cuts of the past two years will be followed and more widely developed in the future as a major ingredient of the Nixon formula for ensuring national security. In Vietnam, the reduction of American forces will continue. Our expenditures for Southeast Asia will continue to decline.

This partnership, which has worked well in Vietnam, will be further extended in other places. We shall expect other nations to share with us to a greater degree the responsibility, the burdens, and the costs of defense. As this policy of partnership matures, it will mean fewer of our forces will be stationed outside our borders.

The response of the Congress to the President's request for a supplemental appropriation for military assistance will provide a crucial test for the policy of partnership. Without the encouragement and support which these and subsequent military assistance funds would provide to nations that are willing to share the responsibility for peace and stability, the partnership which the President is seeking to make a reality would be stillborn. If this should happen, our country would find itself with no viable middle course to follow between the extremes of becoming the world's policeman or the world's hermit. Either extreme would offer less security for the American people.

Partnership with other nations that share our desire for peace is one of the means by which we can in the years ahead achieve and maintain a generation of peace.

Partnership and strength are two of the three pillars of President Nixon's foreign policy. The third pillar is the policy of negotiation. Clearly, our defense costs could be cut substantially if the threats which our defense forces guard against receded. By negotiation, President Nixon has actively sought to bring about an easing of tension and an abatement of threats to peace. We can take pride in the part which our country played to silence the guns in the Middle East and to urge the principal combatants of that region toward the conference table. In Helsinki and Vienna we have been seeking a agreement which would reduce the threat posed by strategic weapons. At Paris, we continue to strive to bring an end to the fighting in Vietnam on fair and honorable terms and to obtain the immediate release and exchange of prisoners of war.

Nothing would be more welcome than an end to fighting and a relaxation of tension among nations. If this result can be achieved by persistence and patience on our part, we shall achieve it.

In the past 18 months, we have made tremendous strides in our transition from a wartime economy to a peacetime economy.

This transition is not without its problems. Certainly, the retrenchment in the Department of Defense has had a pronounced impact on the economy. Economic dislocations are the inescapable result of reduced employment in the Department of Defense and of curtailed defense contracts.

Our movement from war to peace in both the FY 1970 and 1971 Budget and the consequent reductions in employment and procurement by the Defense Department will have resulted in the elimination of more than 2 million jobs, public and private, military and civilian, by June of next year. Further cuts, including additional base closings and personnel reductions, will be necessary early next year if Congress fails to restore a large part of the funds cut from the defense budget by the House of Representatives. I am hopeful that the Senate will respond favorably to our appeal to restore urgently needed defense funds. Among other impacts, restoration of these funds will prevent increased personnel turbulence and severe economic impact on additional communities across the nation.

There can be no doubt that an appreciable part of the increase in unemployment over the course of the past year or more reflects the reductions in the defense budget.

The impact has not been even. It has been felt severely in certain regions and in certain industries and in certain occupations.

I do not wish to minimize the hardship of unemployment for any who find themselves out of work. But it is important to recognize fully the degree to which current unemployment levels result from a move away from war and toward peace.

In a number of ways we are trying to aid those who are displaced from defense employment. For example, with the cooperation of business leadership and labor organizations, we recently launched the program of Jobs for Veterans. I hope that all of you in this audience will participate in this program which seeks to help our veterans to find an appropriate and rewarding niche in the civilian economy. No group is more deserving of special assistance than these men and women who have served in the armed forces.

In summary, we are making progress in moving toward President Nixon's objective of a generation of peace. To succeed in attaining this goal will require an imaginative mix of foreign and military policy, patiently and steadfastly pursued by our Nation's leaders and supported by Congress and the American people.

One indispensable element of our policy must be the maintenance of adequate military strength. That strength cannot be maintained at lower expenditure levels than those to which we have reduced the defense budget. The price, in fact, may increase somewhat—but it will not be a high price to pay for peace and freedom.

BANKS TAKE ANOTHER TIMID STEP TOWARD LOWER INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, late Friday, Chase Manhattan announced another one-quarter of 1 percent reduction in the prime lending rate. Many major banks across the Nation have followed with similar decreases.

This now reduces the prime rate to 7 percent, but it is still much to high. These one-quarter of 1 percent reductions are timid answers to the economic troubles facing the Nation. A more dramatic drop in interest rates would do much to stimulate the entire economy. It is significant that the big banks always move the prime rate up rapidly but take slow, hesitant, steps on the downward curve.

In September, I urged David Rockefeller to lead the way to a reduction of the prime lending rate to at least 6 percent. Mr. Rockefeller reacted bitterly to this suggestion and ran advertisements nationwide to tell the public why he could not and would not lower the prime rate.

Mr. Rockefeller has now come halfway to meeting my suggestion and I hope he will soon see fit to accept the full 6-percent package.

Chase Manhattan and the other big banks should follow the prime rate reductions with assurances that they will lower the rate charged consumers and small businessmen. Also, the big banks and the Department of Housing and Urban Development should announce immediate decreases in home mortgage rates. It does little good just to have interest rate reductions for the big corporations. Immediate decreases should be instituted for all other customers of the banks.

Mr. Speaker, the big corporations can always afford to pay higher interest rates than the consumer. The interest charges to a corporation are deducted as business expenses and the extra costs are always passed on to the ultimate consumer. The homebuyer and the consumer who must borrow to meet everyday needs cannot pass on these charges.

The announcements of prime rate reductions are misleading and it is unfortunate that the big banks do not give us more information concerning what constitutes a "prime" consumer. How many customers are considered "prime" by Mr. Rockefeller and the Chase-Manhattan National Bank? Is it one or is it 100? Quite obviously, Mr. Rockefeller has it within his power to reduce the number of "prime" customers by a stroke of the pen. If the bank has 100 prime customers today, it can have only 50 tomorrow by the arbitrary decision of Mr. Rockefelller.

The big banks do not tell us of their criteria in determining prime customers. It would be revealing if the banks would announce how many corporations are receiving the benefits of the widely-publicized 7-percent prime lending rate.

SECRETARY OF HUD SHOULD REDUCE FHA–VA INTEREST RATES

The Secretary of Housing and Urban Development should move immediately to lower the rate charged on FHA and VA home mortgages. Today, the FHA rate stands at 8½ percent with another one-half percent for insurance. Thus the FHA homebuyer pays an effective 9-percent interest—two full percentage points above the prime rate announced by Chase Manhattan.

A reduction in the home mortgage rates is long overdue and I am puzzled about Secretary Romney's delay in announcing lower ceilings for FHA and VA mortgages.

Mr. Speaker, I place in the RECORD a copy of a letter I have sent to Secretary Romney asking once again for a reduction in the FHA–VA interest rates:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 23, 1970.
Hon. GEORGE ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: As I am sure you noticed, the commercial banks have announced another reduction in the prime lending rate. This rate now stands at 7% and is two percentage points below the effective interest rate charged the consumer on FHA home mortgages.

Since you took office, less than two years ago, you have signed orders raising the FHA-VA interest rate twice. It is now far out of line with other interest rates and it is important that you act quickly and vigorously to lower this rate in line with other reductions in interest charges.

On October 23, along with my colleagues on the House Banking and Currency Committee, Mr. Barrett of Pennsylvania and Mrs. Sullivan of Missouri, I wired you urging an immediate reduction in the FHA–VA interest rates. Today, I re-urge this reduction to at least a level equal to the prime rate being paid by the big corporations.

As you know, Mr. Secretary, your authority to maintain FHA–VA interest rates above the statutory 6% level is temporary. This power expires next October and your present reluctance to lower the FHA–VA rate will undoubtedly be taken into consideration when we look at this temporary authority in the 92nd Congress.

Mr. Secretary, I am puzzled and deeply concerned by your failure to act to help the nation's homebuyers. If there is any reason to keep the FHA–VA interest rate at its present high level—far above commercial lending rates—I hope that you will inform the Banking and Currency Committee immediately. None of us here are aware of an economic rationale for this large discrepancy between home mortgage rates and the lending rates being paid by corporations and other prime customers.

Sincerely,

WRIGHT PATMAN.

SAVINGS AND LOAN ASSOCIATIONS MUST ACCEPT NEW RESPONSIBILITIES IF THEY ARE TO HAVE NEW POWERS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, recently, I addressed the two major savings and loan associations—the National League of Insured Savings Associations and the U.S. Savings & Loan League—and proposed that the thrift institutions take on a larger role in the financial community.

Specifically, I urge that the savings and loan associations be given authority to operate checking accounts for their members and that the associations be given new powers to make consumer loans. In addition, I urge that the savings and loan associations share, along with the commercial banking industry, deposits of public moneys.

In the past, when I have talked about broader power for the industry, the savings and loan associations have generally taken a timid approach. They have not fought hard for these new powers and it remains to be seen whether they will get behind the bill which I will be introducing in the next Congress.

Mr. Speaker, I have proposed these additional powers for the savings and loan associations so that they might be in a position to attract a greater share of savings. We are in desperate need for a revitalization of the housing industry and the savings and loan industry remains the Nation's No. 1 private supplier of capital to this market. In fact, the charters of the savings and loan associations and the tax laws require that the savings and loan associations place at least 80 percent of their funds in housing.

Unfortunately, the commercial banks have never looked with favor on long-term home mortgages and their participation in this area of the economy remains at an extremely low level. The banks have shown no inclination to take over any significant part of this market and any increase in private lending obviously must come from other financial institutions such as the savings and loan associations, the mutual savings banks, the credit unions, and similar organizations. The new powers which I have proposed for the savings and loan industry should also be strongly considered for the mutual savings banks and the credit unions.

In short, Mr. Speaker, what I am proposing is legislation which will stimulate the flow of savings into financial institutions which are willing and able to make housing loans. This is not a cureall but it is a step in the direction of providing more housing funds.

However, let me say to the savings and loan industry that they cannot accept these new powers without new responsibilities. Any new powers which might be voted the savings and loan associations by the Congress must be accompanied by specific requirements for the savings and loan associations to make a substantial percentage of loans in the low- and moderate-income housing market. I will not support new powers for the savings and loan industry to make loans for the upper income groups. This segment of the population already has ready access to cash and credit and there is no need for the Congress voting additional powers and moneys for the affluent. What is needed is more low- and moderate-income housing.

Also, Mr. Speaker, I think it is important that the savings and loan industry realize that it must set its own house in order before the Congress considers these new powers. The ad hoc subcommittee headed by the distinguished Congresswoman from Missouri, Mrs. LEONOR SULLIVAN, pointed to some serious abuses by the savings and loan associations in the District of Columbia and it is reasonable to assume that these same problems exist in other areas. In addition, recently, a national television show, "Banks and the Poor," pointed to some very questionable practices by savings and loan associations. The savings and loan leagues and their members cannot be complacent about these revelations.

The pending housing bill, which will be coming before the House soon, contains new powers for the Federal Home Loan Bank Board to control conflicts of interest in the savings and loan industry. I realize that this provision and the proposed regulations of the Federal Home Loan Bank Board have caused some consternation in the savings and loan industry. However, I feel that the provision in the House bill is a necessary one and one which must be supported by people who are truely interested in providing housing for the Nation.

This conflict-of-interest provision was discussed by me before the U.S. Savings & Loan League in San Francisco 10 days ago. I urge the league to support this provision both in the public interest and in the interest of the savings and loan associations themselves.

From the standpoint of providing more housing where it is needed, I think that additional powers for the savings and loan industry are very essential. The new powers that I have proposed would diminish the monopoly of the commercial banking industry over many financial matters and would be of great benefit to the consumer. It might even provide the kind of competition that would break the commercial banking industry out of its lethargy concerning low- and moderate-income housing programs. If so, this would be a great added benefit.

It is unclear at this time just how hard the savings and loan industry will work for these new powers. As it considers its position, I again want to let the savings and loan industry know that the new powers will be accompanied by specific new responsibilities, particularly in the areas of low- and moderate-income housing.

Mr. Speaker, I place in the RECORD a copy of my speech to the U.S. Savings & Loan League in San Francisco on November 12:

REMARKS OF HON. WRIGHT PATMAN, CHAIRMAN, HOUSE BANKING AND CURRENCY COMMITTEE

Thank you for inviting me out here. The annual convention of the United States Savings and Loan League is the Nation's biggest gathering of savings and loan leaders and I am honored to have the opportunity to address you this year. You always put on an impressive show and this year's convention appears to be one of the finest in your long history.

San Francisco is a great city and I know that many of you are taking full advantage of the great entertainment opportunities. But I hope that the grandeur and the beauty of San Francisco does not obscure some really serious problems facing your industry. After you leave this convention, you will be faced with the hard everyday realities of the financial community in which you operate.

The savings and loan industry is at a very critical point in its history. The 92nd Congress will be organized in less than two months and you can expect finanical legislation to be high on the list of priorities in this new Congress.

The entire financial community appears to be sitting around waiting for the President's Commision on Financial Structure and Regulation. This Commission was finally formed last June after months of fanfare and advance billings. From news reports, we learned that the Commission is holding various secret sessions in different areas of the Nation. Most recently, the Commission conducted an official meeting in the offices of the CIT Financial Corporation of New York. CIT—as most of you know—is part of the huge one-bank holding company controlled by the National Bank of North America.

I realize that the savings and loan industry has some outstanding leaders on this Commission and many of you remain hopeful about the final outcome. However, you should face the fact that your representatives on this Commission are far outnumbered by those with a distinct pro-bank bias.

I have been on a number of Presidential Commissions and I have often found myself in a minority role on these bodies. Let me tell you—from hard experience—that it is difficult if not impossible for one or two members of a commission to have much influence in these stacked study groups. The majority will write the report as they see fit and all the minority members can do is submit dissenting views which are most often lost in the welter of publicity.

The 92nd Congress, I am convinced, will move forward with new concepts to provide the financing that has been so lacking for the entire housing market over many decades.

I want to see the savings and loan industry play a major role in this reshaped approach. But this can be done only if the savings and loan industry is able to get out of its present straight jacket.

I dont have to tell you that the American people are deeply concerned about the prolonged slump in the Housing industry.

The people are concerned about the continuing failure of financial institutions to provide the capital required to build housing at a rate which will meet minimal national goals. We have reached a point where something must give; the people will not long tolerate the failures to provide decent housing for all the population.

Politicians and financial leaders must recognize the need for change—the need to find new solutions to our housing shortages before these solutions are forced on us by people frustrated too long by failure after failure to come anywhere close to housing goals.

In the Congress, I intend to continue to push for legislation which will channel new funds into housing. I intend to reurge a National Development Bank which draws on pension funds and foundations to provide money for housing loans to low and moderate income families. It is essential that we have a new source of funds, particularly in the low income housing area.

But I do not offer the National Development Bank as a cure-all to the housing problems. The major answer still must come from the private lending institutions—the savings and loan industry and other lenders who are willing to put their funds into housing at reasonable rates. Faced with a mounting shortage of housing, it makes little sense to continue to hamstring an industry whose sole function is to provide loans for home construction and home mortgages. The restrictions which have been placed on the savings and loan industry must be reexamined.

I do not make this suggestion solely for the benefit of the savings and loan associations. I make this plea primarily on behalf of the homeowner and the potential homebuyer. A Fair Deal for the savings and loan industry—which puts its funds into housing—will mean a better opportunity for the millions of American families who are seeking a chance to own a home and to raise their families in a decent environment.

To provide this new boost to housing, the savings and loan associations will need a variety of new tools and new laws which will enable them to attract and keep additional funds. All I am asking is that the savings and loan industry be made a full partner in the financial community and given the same opportunity as the commercial banks to attract and hold funds. If we are really serious about pushing more funds into housing, we must stop treating the savings and loan industry as a second class citizen in the financial community.

My staff is now studying the existing statutes and regulations and will draft a omnibus bill to place the savings and loan industry on a more equal footing with its competitors in the financial world. I plan to introduce a far-ranging "Fair Deal" package for the savings and loan industry early in the 92nd Congress. The exact outline and scope of this legislation must await full research but many of the major needs are obvious now.

First of all, I intend to include a provision that will allow all savings and loan associations to offer checking account services. It is a gross absurdity—and a serious inequity—to give the commercial banks a total monopoly over checking accounts.

Many savers would come to the savings and loans if they could obtain basic checking account privileges. Today, these savers leave substanctial sums in non-interest bearing demand deposits in commercial banks simply for the convenience of a checking account. This monopoly has been a lucrative privilege for the commercial banks.

At the same time, I want to see legislation and regulations which will broaden the role of savings and loan institutions in the consumer loan field. In my opinion, a savings and loan association should be able to make basic consumer loans to any of its savers. This expansion of savings and loan services would enable millions of consumers to receive loans at reasonable interest rates and to avoid the clutches of the loan sharks. In addition, the ability to make basic consumer loans would make the savings and loans much more attractive for the millions of savers across the country.

There have been some changes in regulations to allow savings and loans to make loans for major appliances directly attached as an integral part of a house. In some areas this gives the savings and loan associations the right to make loans for such things as refrigerators, stoves, and appliances of this nature. However, this power should be broadened to allow any savings and loan association to make loans for the purchase of any household item, including rugs, draperies, furniture, appliances and like products.

Once again, such broadened powers would give the consumer a great opportunity to escape the onerous burden of the small loan company, the loan shark and the other fast buck operators who make it so hard on the homebuyer.

The savings and loan industry must also be given a better deal—a Fair Deal—in the deposit of public monies. This includes the public funds of the Federal Government as well as those of the local and state governments across the land.

Today, the massive tax and loan accounts—which amount to between $5 billion and $10 billion at all times—are the sole preserve of the commercial banks. These funds, which actually represent income tax collections, are a great bonanza to the big commercial banks which can always count on a substantial deposit from the U.S. Treasury. There is no reason why the savings and loan associations should not have the full right to share in these funds controlled by the U.S. Treasury Department.

I also propose that funds deposited by local governments—school districts, county governments, city governments, and others—be given 100% insurance by the Federal Savings and Loan Insurance Corporation. In other words, if a school district deposits $100,000 in a savings and loan association, the entire sum will be insured by FSLIC. This insurance, in my opinion, will cause thousands of these local governmental units to put at least a portion of their funds in the savings and loans.

As part of this Fair Deal package, the savings and loan industry should be given full access to the discount window of the Federal Reserve System. The savings and loan associations should be given the same access to the discount window as their competitors—the commercial banks—enjoy today.

The banks are able to borrow at 6% from the discount window and there is no logic or economic reason why the savings and loans should not be allowed these same privileges. In recent months, the savings and loan associations have had to pay up to 8% for borrowings from the Federal Home Loan Bank at a time when the commercial banks could borrow from the discount window at 6%. This inequity must be wiped out.

In addition, my friends, we must find a means—a policy—which will protect the savings and loan industry and the homebuilding industry from the sharp ups and downs of the money markets. We must have a monetary policy which operates equally and which does not penalize—in a highly unfair and unequal fashion—the savings and loan and homebuilding industries in times of tight money and high interest rates.

In the long run, the solution to the problems of the savings and loan industry will be a re-shaping of the Federal Reserve System and the monetary mechanisms which control the supply of money and interest rates. It is in the best interests of the savings and loan industry to make a fight for broad reforms of our monetary system so that the housing industry—and your industry—is given a fair chance and the necessary protection from the harsh movements of monetary policy. It is wrong—and highly detrimental to the Nation—to have housing bear the frontline duty of every fight against inflation.

All of you are aware of the discussion that has erupted concerning the conflict of interest provisions contained in the Housing Bill reported by the Banking and Currency Committee. These provisions are contained in Section 911 of the reported Housing and Urban Development Act of 1970 which the House will deal with in the post-election session beginning next week.

I believe you know—and my entire record in public life should clearly indicate—that I have always opposed conflict of interest—whatever form it might take.

Many of these conflict of interest situations violate basic moral principles, but more importantly, I am convinced that conflicts of interest—whether they are found in the business or political world—are almost always detrimental to the public.

At the same time, I recognize that there is a legitimate disagreement among individuals as to what constitutes a true conflict of interest. I think these situations should be judged on two basic criteria—first, does the conflict harm the public interest, and, secondly, does it provide an unfair competitive position?

Section 911 of the proposed 1970 Housing Act would provide the Federal Home Loan Bank Board with clear authority to regulate appraisals and other services—including title and settlement services—to assure that conflict of interest situations do not exist, the purpose of this Section would be to give the Home Loan Bank Board the power to correct any conflict of interest situation which might be operating to the detriment of the borrower, a depositor or member of a savings and loan association, or to the public at large. The Section is also designed to protect savings and loan associations from unfair competition created by conflict of interest situations. In short, Section 911 is a protection for your industry as well as for the public.

Many have criticized the language of section 911 as too broad and subject to too much interpretation by the Home Loan Bank Board. Frankly, I am not convinced that this is the situation, but, I do agree that the legislative history should be made clear so that there is no confusion concerning Congress' intention in this Section.

Some leaders of the savings and loan industry have also made the point that this language applies only to the savings and loan industry and does not provide similar restrictions on the other segments of the financial community. This is a valid criticism and your leaders are to be commended for calling it to the attention of the Banking and Currency Commitee. I think that the existing bill should be amended to apply conflict of interest prohibitions across the board on all types of financial institutions over which the Banking and Currency Committee has jurisdiction. I will support amendments to this effect on the floor.

Frankly, I am convinced that the conflict of interest provisions will be of great benefit to your industry. You are often unfairly criticized and, in some cases, isolated examples have been used to give your entire industry a black eye. The conflict of interest provisions will apply across the board and I think they will do much to limit the criticism that has been aimed at the savings and loan organizations in recent years.

Turning to the broader issues, I am convinced that the economic problems of the nation will get priority attention in the 92nd Congress. In my opinion, the 92nd Congress is going to face these issues in a much more forthright manner than has been true in previous sessions. Last week's election returns were a clear reaction against the economic policies followed by the Nixon Administration.

In Texas and other states where the Democrats scored big victories, I am convinced that the economic issues were the paramount reasons. The Republicans never did face up to the economic concerns of the people. Instead, they fell back on a series of emotional issues in an attempt to hide the true facts from the American people.

When times get hard, Republicans always raise emotional issues and this is why they have been able to control the Congress for only four of the last forty-two years.

The election returns have given the Democratic Congress a great opportunity to move forward with programs that will bring lasting improvement in the economic picture. And I imagine that President Nixon and his advisers are restudying their positions. They may be less anxious to stand in the way of Congressional efforts to stabilize the economy in the new session. They may be a little less anxious to come down on the side of the big banks and big business interests every time a hard decision must be made on an economic problem.

Likewise, the banking community will be reading these election returns carefully. I hope that the big banks will understand that the American people do not approve of runaway interest rates and do not endorse the Administration's permissiveness toward the banking community. In any event, let me assure the big banking interests that the 92nd Congress does plan to do something about high interest rates and high unemployment whether or not this disturbs the special interests.

The American people are sick and tired of the big banks' boardinghouse reach into all areas of the economy. They are sick and tired of reading about the big banking lobby on Capitol Hill and blatant efforts to spread around money to influence legislation. Some of these efforts have gained the banking fraternity the lasting enmity of many Congressmen.

This is a great country and I think that its political institutions—such as the Congress—share in this greatness. I do not think that the members of Congress or the American people—regardless of their political persuasions—appreciate the tawdry efforts of the big bank lobby to buy legislative favors. Such efforts—whether they are successfully carried out or not—strike at the very heart of a great democratic system. Anyone who really believes in the American system—whether they are Republicans, Democrats, or Independents—must speak out against such attempted corruption. When an industry steps out of bounds in this manner, the Congress—and others with the proper jurisdiction—must act to protect our democratic institutions.

The 92nd Congress has a great opportunity for greatness. It has a great chance to reverse the downward economic trends and to put the economy back on a stable course. The 92nd Congress has an opportunity to move the country forward again and I predict that it will be equal to this tremendous challenge.

At the same time, your industry has your challenge over these next few years. You have a great opportunity to set your house in order, to obtain broader powers and to play a greater role in a revived housing industry.

Thank you for inviting me.

TIMES ARTICLE CITES GROWING IMPORTANCE OF VOCATIONAL EDUCATION

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, education's orphan is winning new friends and enjoying better hospitality. Vocational-technical courses are being sought by young people in greater numbers each year, and the media is gradually recognizing the importance of vocational education.

The Sunday, November 22, issue of the New York Times carried a very good article on the growth of vocational-technical education. The William Stevens piece cites the personal satisfaction gained by vocational education students, and it points out that so many of today's jobs require postsecondary training. The article, however, does not mention the rising Federal input. The Vocational Education Act of 1963 and the 1968 amendments play an important role in bridging the gap between man and his work. The article follows:

College-Level Vocational Schools Boom

(By William K. Stevens)

OKMULGEE, OKLA., November 19.—Only 20 per cent of American youths today graduate from college with a four-year degree or better. Bill Risner, a wiry, 24-year-old Vietnam veteran with short brown hair, a shy manner and a Marine Corps bulldog tattooed on his right arm, is one of the other 80 per cent.

As a student at Oklahoma State Tech in Okmulgee, Mr. Risner is one of nearly two million Americans enrolled full-time in vocational or technical training courses above the high school level. That makes him part of an educational movement that has developed tremendously in the last six years. In 1964, there were about 150,000 students like Mr. Risner.

The growth constitutes one indication that vocational-technical schooling, long the stepchild of American education, may be about to come into its own. Mr. Risner's experience illustrates one reason why.

Yesterday morning, he sat at his own workbench in a neat, brightly lighted watchmaking shop where quiet is prized and precision is king. He gently grasped a tiny balance wheel with a pair of tweezers, and with utter concentration installed it in a timepiece.

That done, he relaxed, lit a cigarette and quietly told a visitor that after four years of mixed-up drift in a general high school curriculum and after much indecision about his future that was partly resolved by his four years of service, he had worked in a machine shop for a while but was not really excited about it.

Then he began "fooling around" with watches in his father's jewelry store in Chickasha, near Oklahoma City. It was a short step from there to Oklahoma State Tech.

Mr. Risner's seriousness gave way to a broad grin when the visitor asked if things were working out all right.

"Yes, sir!" he said. "This is my bag. Not too many people can make a watch do what they want it to."

What has Oklahoma State Tech meant to him?

"Boy, I'll tell you the truth," he said. "It's the greatest thing in the world. Everybody talks about finding himself. I guess I found myself here."

Figures supplied by the United States Office of Education and the American Vocational Association suggest that Mr. Risner is in many ways more typical of American youth than is the winner of a baccalaureate degree.

TWENTY-THREE PERCENT ARE DROPOUTS

It is estimated that of every 100 youths, 23 drop out of high school before graduation. Another 25, like Mr. Risner, graduate from high school with no job training, but do not go to college.

Between five and ten graduate with enough technical or vocational training to get a job. About 15 enter two-year community colleges, where many take vocational or technical courses, or schools like Oklahoma State Tech.

That leaves 30 of every 100 youths who embark on four-year degree programs. But only 20 eventually graduate.

In all, the Office of Education estimates that as many as 25 million Americans now need some form of vocational and technical training. It says about 10 million are getting it—5 million in high school, 2 million in full-time post-secondary vocational-technical programs, and the rest as short-term and part-time adult students who want to improve or update their skills.

Although the 10 million estimate is double that of 1964, suggesting a boom, the amount and quality of vocational-technical training even now is "pretty damn poor," according to Dr. Lee Harwick, associate Commissioner of Education for adult, vocational and technical training.

RISE IN FEDERAL AID

Authoritative sources within the Office of Education expect that during the next year there will develop what one official called "a substantially increased" Federal effort to expand and improve vocational-technical education. President Nixon's nominee for Commissioner of Education, Dr. Sidney P. Marland, Jr., is well known as a particularly strong advocate of the need to place vocational-technical training on an equal footing with academic instruction.

Like many other critics, Dr. Marland believes that "endemic snobbery has tended to classify the manual-manipulative task too simply as nonintellectually noncreative."

The National Advisory Council on Vocational Education, established by Congress in 1968, said in a report last year that Americans in recent years have promoted the idea that "the only good education is an education capped by four years of college."

The report branded this attitude as "snobbish, undemocratic, and a revelation of why schools fail so many students." The attitude, said the report, "infects the Federal Government" which invests $14 in the nation's universities for every dollar it invests in vocational-technical education.

Dr. Marland and others believe there are signs that this attitude is beginning to change, at least among some students who are starting to resist the "college-at-any-cost" viewpoint and are taking a second look at their own capabilities, and interests, and at how they fit into today's job market."

The Office of Education estimates that 50 per cent of all jobs opening up in the 1970's will require training beyond high school, but less than a four-year degree. This appears to account in part for the dramatic surge in post-secondary vocational-technical enrollment.

In many cases, says Dr. Hardwick, the vocational-technical student in a postsecondary school like Oklahoma State Tech or one of the 1,100 commmuity colleges that dot the land "has been out of high school, faced the real world, and found out he couldn't get a job."

The boom in post-secondary vocational enrollment is virtually nationwide and is taking place in a variety of institutions.

HUGE RISE SINCE 1963

In Wisconsin, for instance, the nonresidential Milwaukee area Technical College offers programs on five levels of difficulty, ranging from basic courses for functional illiterates to a two-year associate arts degree program in the most sophisticated technologies. Two-thirds of the school's 11,000 full-time enrollment is at the post-secondary level.

In North Carolina, a state-wide system of nonresidential technical institutes and vocationally oriented community colleges has grown to include 54 institutions since it was established in 1963. Enrollment has risen from 8,000 to 240,000.

In many states, such as California, Florida and Virginia, strong vocational-technical programs have developed in the community college system. Colorado this year reported that the vocational education share of community college enrollment had increased from 18 to 31 per cent in two years.

Dr. Hardwick, among others, considers the program at Oklahoma State Tech, a branch of Oklahoma State University, as an example of vocational-technical training very nearly at its best. With 3,000 students, it is the largest such school in the Southwest. It is atypical of other such schools in one respect. It is a residential institution, drawing students from all over Oklahoma, 31 other states and nine foreign countries.

WORKADAY SKILLS

In its essential aspects, however, the school's program is said to be typical of post-secondary vocational-technical education generally. Basically, the curriculum consists of the skills and techniques of workaday America.

Among the sights, sounds and smells at the school are the clang of hammers pounding out dented car fenders; the blinking of lights on computer consoles and the whir of magnetic computer tapes; the sweet odor of baking bread; the elegance of ornate cakes made by bakery students; the hiss of dry-cleaning machines; the pungent smell of leather in the shoe, boot and saddle shop; the intentness of commercial art students doing a still life; the fresh smell of cured wood in the carpentry shop; the put-putting of lawnmower and motorcycle engines; the deeper throb of massive diesels, and the quiet concentration of budding electronics technicians as they grapple with atomic theory, or of a student machinist as he programs a computer to operate a cybernetic metal-shaping machine.

In all, the school offers training in 47 specialties designed to lead students directly to jobs at the end of, typically, two years.

STUDENTS QUESTIONED

Dr. Kenneth Hoyt of the University of Maryland, a specialist in the guidance and counseling of vocational-technical students, last year questioned a sample of 648 Oklahoma State Tech students as to their backgrounds and reasons for attending the school. The answers generally matched those of a large, nationwide sample of 20,000 taken by Dr. Hoyt.

Fifty per cent of the student reported themselves to have been in the top half of their high school classes. Seven per cent said they were high school dropouts. A third were married, more than half younger than 21.

Sixty-one per cent, like Bill Risner, had taken a general course in high school. About a quarter had taken vocational education.

A key finding, to those who suspect that there is a new swing toward vocational-technical training among youth, was that only 28 per cent had been encouraged to attend a school like Oklahoma State Tech. Another is that 52 per cent said they ultimately had decided to take the training because they "dug" the particular field, rather than for monetary reasons.

These findings are consistent with two observations made by some students and teachers at the school.

FOLLOW OWN STAR

First, there appears to be greater willingness on the part of the students to follow their own instincts and interests, rather than bow to the strong bias of many teachers, parents and guidance counselors in favor of college education.

Some students, like 22-year-old Don Freedman of Boston, are enrolling in vocational or technical courses after attending a four-year college. Mr. Freedman went to Long Island University for four years, then taught school for a while before discovering that "that really wasn't what I was into."

He is now at Oklahoma State Tech, studying to be a baker and cake decorator so that he can join his father's bakery business in Boston.

Second, some teachers detect a resurgence of pride in workmanship among some young people. Such pride is obvious in youths like 19-year-old Gerald Scott, formerly of Walton, N.Y., who overrode the go-to-college desires of parent and guidance counselor to enroll at Oklahoma State Tech to study what he likes—auto mechanics. As he and his partner, 19-year-old Tom Shupbach of Burlington, Okla., pored over an automatic transmission, their pleasure and engagement were readily apparent.

"I couldn't really be happy doing anything else," said Mr. Shupbach.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Pepper (at the request of Mr. Sikes), for today, on account of official business.

Mr. Dennis (at the request of Mr. Gerald R. Ford), for November 23 through December 3, on account of official business.

Mr. Wyatt, for the week of November 23, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hammerschmidt) to revise and extend their remarks and include extraneous material:)

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Michel, for 15 minutes, today.

(The following Members (at the request of Mr. Koch) to revise and extend their remarks and include extraneous material:)

Mr. Leggett, for 60 minutes, today.

Mr. Rarick, for 10 minutes, today.

Mr. Reuss, for 30 minutes, today.

Mr. Leggett, for 60 minutes, November 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Passman and to include extraneous matter.

Mr. Madden, and to include extraneous material.

Mr. Gaydos, immediately following the remarks of Mr. Dent during general debate in the Committee of the Whole today.

Mr. Daniels of New Jersey to revise and extend his remarks and to include with his remarks in general debate five proposed amendments on H.R. 16785, together with an explanation and analysis of each of those amendments.

Mr. Steiger of Wisconsin to revise and extend and include extraneous matter with remarks he made during general debate on H.R. 16785.

(The following Members (at the request of Mr. Hammerschmidt) and to include extraneous matter:)

Mr. Wyatt.
Mr. Goldwater.
Mr. Scherle in 10 instances.
Mr. Arends.
Mr. Pelly in two instances.
Mr. Teague of California.
Mr. Wyman in two instances.
Mr. Eshleman.
Mr. Lujan.
Mr. Morse.
Mrs. Dwyer in three instances.
Mr. Widnall in two instances.
Mr. Steiger of Arizona.
Mr. Goodling in two instances.
Mr. Schmitz in three instances.
Mr. Conte.
Mr. Zwach.
Mr. Reid of New York.
Mr. Hosmer in two instances.

(The following Members (at the request of Mr. Koch) and to include extraneous matter:)

Mr. Reuss in eight instances.
Mr. Gaydos in three instances.
Mr. Casey in two instances.
Mr. Pickle in five instances.
Mr. Rarick in three instances.
Mr. Bingham in three instances.
Mr. Shipley.
Mr. Moss in two instances.
Mr. White.
Mr. Hébert.
Mr. Burke of Massachusetts in two instances.
Mr. Clark in two instances.
Mr. Baring in two instances.
Mr. Jones of North Carolina.
Mr. Hungate in two instances.
Mr. Brademas in six instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 18546. An act to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3630. An act to amend the joint resolution establishing the American Revolution Bicentenial Commission.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on November 20, 1970 present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 1255. A joint resolution to authorize and request the President to proclaim the period January 10, 1971, through January 16, 1971, as "National Retailing Week."

ADJOURNMENT

Mr. KOCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 3 minutes p.m.) the House adjourned until tomorrow, Tuesday, November 24, 1970 at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2559. A communication from the President of the United States, proposing supplemental appropriations for the fiscal year 1971 for the legislative and judicial branches and to pay

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claims and judgments rendered against the United States (H. Doc. No. 420); to the Committee on Appropriations and ordered to be printed.

2560. A letter from the Deputy Secretary of Defense, transmitting a report that the annual compensation from Federal funds of the President, Center for Naval Analyses, University of Rochester, exceeds $45,000, pursuant to section 407(b) of Public Law 91–121; to the Committee on Armed Services.

2561. A letter from the Secretary of Health, Education, and Welfare, transmitting the first report of the National Center for Deaf-Blind Youths and Adults, pursuant to section 16(c)(2) of the Vocational Rehabilitation Act; to the Committee on Education and Labor.

2562. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the annual report of the Commission for 1969, pursuant to 79 Stat. 1312, 62 Stat. 1246, and 64 Stat. 13; to the Committee on Foreign Affairs.

2563. A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service, which began on March 18, 1970; to the Committee on the Judiciary.

Received From the Comptroller General

2564. A letter from the Comptroller General of the United States, transmitting a report that funds appropriated for roads and trails could be used more effectively by the Forest Service, Department of Agriculture; to the Committee on Government Operations.

2565. A letter from the Comptroller General of the United States, transmitting a report that controls over the medicaid drug program in Ohio need improvement, Social and Rehabilitation Service, Department of Health, Education, and Welfare; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EVINS of Tennessee: Select Committee on Small Business. Report on small business and the Robinson-Patman Act (Rept. No. 91–1617). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL of Massachusetts. Committee on Rules. House Resolution 1266. A resolution providing for the consideration of H.R. 19333, a bill to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges (Rept. No. 91–1618). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1267. A resolution providing for the consideration of H.R. 19504, a bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes (Rept. No. 91–1619). Referred to the House Calendar.

Mr. ANDERSON of Tennessee. Committee on Rules. House Resolution 1268. A resolution providing for the consideration of H.R. 19599, a bill to amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine (Rept. No. 91–1620). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 19842. A bill to amend the District of Columbia Public Space Utilization Act to provide for the proper disposition of a certain portion of land located along the Potomac River shore; to the Committee on the District of Columbia.

By Mr. GARMATZ (for himself and Mr. Mailliard):

H.R. 19843. A bill to amend the Merchant Marine Act, 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. HATHAWAY:

H.R. 19844. A bill to prohibit trading in Irish potato futures on commodity exchanges; to the Committee on Agriculture.

By Mr. MORGAN:

H.R. 19845. A bill to amend the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

By Mr. PURCELL (for himself, Mr. Abbitt, Mr. Belcher, Mr. Foley, Mr. Jones of North Carolina, Mr. Kleppe, Mr. Lowenstein, Mrs. May, Mr. Mayne, Mr. Melcher, Mr. Montgomery, Mr. Poage, Mr. Price of Texas, Mr. Rarick, Mr. Sebelius, Mr. Sisk, Mr. Zwach, and Mr. Whitehurst):

H.R. 19846. A bill to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets; to the Committee on Agriculture.

By Mr. TEAGUE of California:

H.R. 19847. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

By Mr.TEAGUE of Texas (by request):

H.R. 19848. A bill to amend chapter 17 of title 38 of the United States Code, in order to authorize the Administrator of Veterans' Affairs to pay to a State certain amounts toward the care of veterans with service after January 31, 1955, in a State home; to the Committee on Veterans' Affairs.

By Mr. WINN:

H.R. 19849. A bill to establish a National Environmental Bank, to authorize the issuance of U.S. environmental savings bonds, and to establish an environmental trust fund; to the Committee on Banking and Currency.

By Mr. BLATNIK:

H.R. 19850. A bill to authorize a study and demonstration program for the extension of the navigation season on the Great Lakes and St. Lawrence Seaway; to the Committee on Public Works.

By Mr. BROWN of Michigan (for himself, Mr. Williams, and Mr. Johnson of Pennsylvania):

H.R. 19851. A bill to extend and amend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

By Mr. KING:

H.R. 19852. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H.R. 19853. A bill to amend section 8128 of title 5, United States Code, to provide judicial review of decisions of the Secretary of Labor relating to compensation for work injuries suffered by Federal employees; to the Committee on Education and Labor.

By Mr. ROSENTHAL:

H.J. Res. 1406. Joint resolution to authorize the President to designate one week each year as "National Cystic Fibrosis Week"; to the Committee on the Judiciary.

By Mr. SIKES:

H.J. Res. 1407. Joint resolution to provide for a memorial in honor and commemoration of the Seabees of the U.S. Navy; to the Committee on House Administration.

By Mr. SISK:

H.J. Res. 1408. Joint resolution correcting certain printing and clerical errors in the Legislative Reorganization Act of 1970; to the Committee on Rules.

By Mr. ARENDS:

H. Res. 1269. Resolution to provide for the printing of the prayers offered by the Chaplain as a House document; to the Committee on House Administration.

By Mr. FRIEDEL:

H. Res. 1270. A resolution relating to telephone, telegraph, and radiotelegraph allowances of Members of the House of Representatives and the Resident Commissioner from Puerto Rico; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BOB WILSON introduced a bill (H.R. 19854) for the relief of Joseph Pacholek; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

445. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Fort MacArthur, Calif.; to the Committee on Armed Services.

446. Also, a memorial of the Legislature of the State of California, relative to the southern California regional airport systems study; to the Committee on Banking and Currency.

447. Also, a memorial of the Legislature of the State of California, relative to Garner Valley, Calif.; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

637. By the SPEAKER: Petition of the Legislature of Rockland County, N.Y., relative to reductions in the allocation of Federal funds to the Operation Headstart program; to the Committee on Education and Labor.

638. Also, petition of the Board of City Commissioners, Fargo, N. Dak., relative to prisoners of war; to the Committee on Foreign Affairs.

639. Also, petition of the Shasta Baptist Association, Redding, Calif., relative to the right of peaceful dissent; to the Committee on the Judiciary.

640. Also, petition of Richard O. Morgan, China Lake, Calif., relative to redress of grievances; to the Committee on Post Office and Civil Service.

SENATE—*Monday, November 23, 1970*

The Senate met at 12 o'clock meridian and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Spirit, far above us yet deep within us, as we face the tasks of another week in this troubled world, we pray for quiet hearts, wise minds, resolute wills and bodies fit for our labors. In this forum of freedom we ask not for easy lives but for ample resources, not that our path should be smooth but that we should never lose direction or yield to discouragement.

We thank Thee for the goodly heritage in the land our fathers loved and bought by sacrifice and suffering. Make us to believe in America in our day, and to be so consecrated to human betterment that by the spiritual depth, the moral rectitude, the strength and stamina of our character we may help the peoples of the world discover their emancipating truth, the light of true freedom, and the brotherhood that binds all men together.

We pray in the name of that one who is the way, the truth, and the life. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 23, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. I ask unanimous consent that the reading of the Journal of the proceedings of Friday, November 20, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time in accordance with the previous order, the Chair now recognizes the distinguished Senator from Arizona (Mr. FANNIN) for 15 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Arizona yield to me briefly, without losing any of his time?

Mr. FANNIN. I am happy to yield to the Senator from Montana.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CHURCH TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Arizona (Mr. FANNIN), the distinguished Senator from Idaho (Mr. CHURCH) be recognized for not to exceed 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McGOVERN TODAY

Mr. MANSFIELD. Mr. President, following the remarks of the distinguished Senator from Idaho (Mr. CHURCH) today, I ask unanimous consent that the distinguished Senator from South Dakota (Mr. McGOVERN) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, following the remarks of the distinguished Senator from South Dakota (Mr. McGOVERN) today, I ask unanimous consent there be a period for the transaction of routine morning business, with a time limitation of 3 minutes therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1357, 1358, and 1359.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAMILY SEPARATION ALLOWANCE

The bill, H.R. 110, to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1346), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

H.R. 110 is designed to restore the family separation allowance to approximately 47,000 service families whose entitlement to this $30 monthly allowance was terminated on December 1, 1968, as a consequence of a ruling by the Comptroller General of the United States.

In that ruling the Comptroller General stated that the legislative history of the law supports the view that the payment may only be authorized in those cases where the service member is actually maintaining a residence or household for his family—under his management and control.

The effect of the ruling was to disqualify a great many families that had made other housing arrangements. Most typical is the case where the service member's wife and children arrange to live with her parents or his parents when the husband is ordered to duty in a restricted area where his dependents are not authorized to accompany him.

The family separation allowance was first authorized by the Uniformed Services Pay Act of 1963. The allowance was intended to help defray the additional household expenses resulting from the enforced separation of servicemen from their families because of military orders.

Section 427(b) of title 37, United States Code, is the statutory basis for the family separation allowance entitlement and states in part:

(b) Except in time of war or of national emergency hereafter declared by Congress, and in addition to any allowance of per diem to which he otherwise may be entitled under this title, including subsection (a) of this section, a member of a uniformed service with dependents (other than a member in pay grade E–1, E–2, E–3, or E–4 (4 years' or less service) who is entitled to a basic allowance for quarters is entitled to a monthly allowance equal to $30 if—

(1) the movement of his dependents to his permanent station or a place near that station is not authorized at the expense of the United States under section 406 of this title and his dependents do not reside at or near that station;

(2) he is on duty on board a ship away from the home port of the ship for a continuous period of more than 30 days; or

(3) he is on temporary duty away from his permanent station for a continuous period of more than 30 days and his dependents do not reside at or near his temporary duty station.

Although the language of the law makes no reference to the family's residential situation, the Comptroller General in his decision of February 9, 1968 (B–157486), rules that unless a member maintains a residence or household for his dependents, subject to his management and control, which he will likely share with them as a common house-

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hold when his duty assignment permits, he is not entitled to payment of the family separation allowance. The Comptroller General further stated the entitlement does not exist if the dependents reside as guests or visitors in the home of relatives or friends and the member maintains no other residence for them subject to his management and control.

It was the view of the Comptroller General that the purpose of the allowance, as suggested by the legislative history, was to compensate a service member for the added household expenses incurred by his dependents when, for a substantial period of time because of his military assignment, he cannot reside with them—and that generally those household expenses are those that result from the need to hire others to do the work normally done by the service member.

The Department of Defense and service regulations recognize that the purpose of the allowance is to compensate for the added household expenses incurred because of the member's absence. However, this has been broadly interpreted by the services—and although applications for family separation allowance generally require the service member to certify that he maintains a residence or household for his dependents at a particular address—there was no requirement that such residence or household had to be "under his management and control."

The military departments in administering the allowance without regard to the actual existence of a household, proceeded on the assumption that these "added household expenses" were in fact incurred, if not directly—indirectly—inherent to apartment rentals on one hand, and by sharing of household operating expenses when living with friends or relatives, on the other hand.

The Department of Defense appreciates that the original concept of the separation allowance stressed the additional costs incurred in upkeep and maintenance of the household due to the absence of the husband, i.e., the family "handyman." These certainly account for a substantial portion of the added costs, in many instances.

There are, however, many other expenses that are directly attributable to the family separation which are not associated with the upkeep of a house. Some of these come about simply from running what amounts to two households such as the upkeep and maintenance of the family automobile, now left in the care of the wife; the repair of small appliances, children's bicycles, et cetera, articles of personal necessity which are duplicated—including subscriptions to the hometown newspaper, periodicals, news magazines; family chores which are usually shared between husband and wife now add to the family budget. A typical example is the case where the wife must hire a babysitter while she does the shopping. There are many others—some obvious and others—not so obvious. For example, the family postal bill becomes a substantial additional item of expense, with letters and packages from home to boost the morale of the service member by frequently sending him a "touch of home." At the other end, the service member himself must pay, out-of-pocket, for such services as laundry and clothing repairs which are normally performed at home by his wife.

H.R. 110 will overcome the unfortunate consequences and adverse morale effect stemming from the Comptroller General ruling and will resolve the issue at hand by making it clear that the entitlement to the family separation allowance is not contingent upon the establishment of a separate household under the management and control of the service member concerned.

FAMILY SEPARATION ALLOWANCE

The bill, H.R. 386, to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance was considered ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1347), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 386 is to extend the payment of a family separation allowance ($30 a month) to a member of a uniformed service whose dependents occupy Government quarters, and who is otherwise entitled to a family separation allowance.

The existing exclusion results from the language of the statute which establishes as one of the criterion for entitlement to this special separation allowance, a stipulation that it be payable only to those members who are "entitled to basic allowance for quarters." Thus, since the entitlement to the "basic allowance for quarters" does not arise in the instance of those members who are occupying Government quarters, they are precluded from the receipt of the monthly separation allowance, notwithstanding the fact that they might otherwise meet all of the other criteria of the statute.

It should be noted that this result was intended by the Armed Services Committee at the time of enactment of this statute. However, the Department of Defense is now of the view that this is a dscriminatory provision and is recommending that the statute be modified in accordance with the objectives contained in H.R. 386.

Section 11(1) of the Uniformed Services Pay Act of 1963 (37 U.S.C. 427 (b)) authorized a family separation allowance to a member with dependents (other than a member in pay grade E–1, E–2, E–3, or E–4 (4 years or less service)) who is entitled to a basic allowance for quarters if his dependents are not authorized to move at Government expense to his permanent station, and they do not reside at or near that station, or he is on duty on board a ship away from his permanent duty station for more than 30 days, or he is on temporary duty away from his permanent station for a continuous period of more than 30 days and his dependents do not reside at or near his temporary duty station. Since a member whose dependents reside in Government quarters is not entitled to a basic allowance for quarters, he does not qualify for family separation allowance under the circumstances described in the current law. The distinction now made in this entitlement, which awards the allowance to those separated families not in Government quarters and denies it to separated families living in Government quarters, was based on the assumption that those families occupying Government quarters enjoy base-provided services and facilities which offset the need for the allowance for these families.

It is the view of the Department of Defense that, with very few exceptions, the extra out-of-pocket expenses incurred by the separated families are substantially the same, and the distinction now made in law between those families occupying Government quarters and those occupying private housing is unwarranted and results in serious inequities. The extra costs involved are, for the most part, unrelated to base-provided services and are prevalent whenever a Service family is forced to operate a split household. These added expenses fall into three categories: those incurred by the family at home, those extra and duplicatory expenses of the member himself at the oversea location, and those added expenses of the family unit as a whole.

Listed below are examples of the factors which tend to raise the overall cost of running a split household.

1. The family at home

(*a*) The cost of routine home maintenance repairs usually performed by the husband. They include such things as care and maintenance of the family auto, repair of household appliances, yard care.

(*b*) Extra transportation expenses when the wife does not drive.

(*c*) Baby-sitting fees.

2. The member overseas

(*a*) Duplicatory expenses for magazines, books, newspapers, personal and household type items.

(*b*) Laundry and other service charges.

(*c*) Extra food and recreation costs.

3. The family unit as a whole

The enlisted member who is separated from his family is, in all likelihood, being subsisted from a Government mess and consequently forfeits $1.32 daily, the amount of his basic allowance for subsistence. This sum represents a significant contribution to the family food budget under normal conditions when the full family group is eating together.

Where available, certain base-provided services and conveniences are unquestionably helpful to these families. However, their availability cannot be assumed. While a family may technically be assigned Government quarters (for which the member forfeits his basic allowance), it may not necessarily have access to base-type facilities in the sense apparently envisioned by the law in denying them this $30-a-month allowance. The fact is that the Government support may be minimal or even nonexistent.

Of particular interest in this regard is the special situation at the former Schilling Air Force Base in Salina, Kans. Here, the Department of the Army is managing an experimental program to provide badly needed housing for separated service families by utilizing Government housing which was made excess by the deactivation of this former airbase in 1965. Six hundred and fifty-six military families, of all the services, now occupy Schilling Manor, the family housing area of this former Air Force base. A waiting list of approximately 100 families further attests to the urgent housing needs of these separated military families and the success of the experiment.

On the other hand, the Schilling situation particularly highlights the inequity of limiting the current entitlements to a separation allowance to those members whose families do not occupy Government quarters.

Under the circumstances, the reactivation of Schilling Manor was undertaken on an austere basis with the rehabilitation of only essential facilities. There is, for example, no internal bus service provided, the absence of which results in increased transportation costs for most of the occupants. (This is a particularly acute situation at Schilling, since approximately 40 percent of the dependent wives are foreign born, many of whom do not drive). An adequate commissary was reinstituted, but the post exchange is operated on a limited basis. On-base facilities usually associated with an operating military post, such as hospital, PX, gas station, library, bowling alley, clubs, and so forth, are for the most part not available or, at best, inadequate. Fort Riley, the nearest active military base, is 60 miles away.

While Schilling Manor accounts for the largest single concentration of separated families in Government quarters with limited base-type support, there are other service families in like situations. The Department of the Army, for example, on June 30, 1968, had a total of 1,201 separated families occupying Government quarters for which the sponsors forfeited their basic allowances for quarters and consequently are denied entitlement to a family separation allowance. These 1,201 families are dispersed among approximately 45 different locations; 444 are at Schilling, and another 54 are occupying quarters at 16 deactivated Nike-Ajax missile sites.

It is the view of the Department of Defense that current law discriminates unfairly against the families of members who are serving unaccompanied tours at overseas locations in compliance with military orders by denying them a $30-a-month separation allowance because they occupy Government quarters and, as a result, are not entitled to a basic allowance for quarters.

FAMILY SEPARATION ALLOWANCE

The bill (H.R. 9486) to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1348), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

H.R. 9486 would provide a family separation allowance of $30 a month to any member of a uniformed service, with dependents, who is in a "missing status" on or after February 28, 1961, within the meaning of such term as defined in section 551(2) of title 37, United States Code, during the period he is in that status, if he is not otherwise entitled to this allowance because of military grade or residence of his dependents. This bill would be effective on the first day of the first month following enactment with no retroactive accrual of the family separation allowance. The provisions of this bill would benefit a member who is officially carried or determined to be absent in a status of—

(*a*) Missing;

(*b*) Missing in action;

(*c*) Interned in a foreign country;

(*d*) Captured, beleaguered, or besieged by a hostile force;

(*e*) Detained in a foreign country against his will.

In addition, in applying the provisions of chapter 10 of title 37, United States Code (formerly the Missing Persons Act), to H.R. 9486, the surviving dependents of a deceased member would be paid the family separation allowance in addition to all other pay and allowances credited to his account during the time he was in a "missing status."

Section 11(1) of the Uniformed Services Pay Act of 1963 (37 U.S.C. 427(b)) authorized a family separation allowance to a member with dependents (other than a member in pay grade E–1, E–2, E–3, or E–4 (4 years' or less service)) who is entitled to a basic allowance for quarters if his dependents are not authorized to move at Government expense to his permanent station, and they do not reside at or near that station, or he is on duty on board a ship away from his permanent duty station for more than 30 days and his dependents do not reside at or near his temporary duty station. Additionally, the Comptroller General ruled that unless a member maintains a residence or household for his dependents, subject to his management and control, which he will likely share with them as a common household when his duty assignment permits, he is not entitled to family separation allowance.

The family separation allowance was intended to help defray the additional household expenses resulting from the enforced separation of servicemen from their families because of military orders.

It is the view of the Department of Defense that, with very few exceptions, the extra out-of-pocket expenses incurred by any family whose sponsor is absent because of military reasons is substantially the same and the payment of the family separation allowance is warranted irrespective of the fact that the dependents may occupy Government quarters or private quarters not subject to his management and control, or the sponsor may be serving in the grade of E–4, with less than 4 years service, or lower.

Entitlement to the family separation allowance, now authorized under 37 U.S.C. 427, was limited by the Department of Defense to exclude those members whose dependents are not considered as part of his household. Examples are: a sole dependent wife, legally separated, or a child in the legal custody of another person.

WATER CARRIER MIXING RULE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the morning business or the morning hour, whichever comes first, the Senate proceed to the consideration of Calendar No. 1347, H.R. 8298, to modernize certain restrictions upon the application and scope of the exemption provided in section 303(b) of the Interstate Commerce Act, and that it be made the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW, and 10 A.M. ON WEDNESDAY, NOVEMBER 25, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until tomorrow at 10 a.m.; and that the Senate convene at 10 a.m. on Wednesday morning, November 25.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR AIKEN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the disposition of the Journal on tomorrow, the distinguished Senator from Vermont (Mr. AIKEN) be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CYNICAL SHAPE OF HANOI'S POLICY

Mr. COOPER. Mr. President, a few days ago, an unarmed reconnaissance plane flying over North Vietnam was deliberately and treacherously shot down by an antiaircraft missile. That reconnaissance plane had every right to be there. Its mission was peacefully to detect—and thereby help South Vietnam protect itself against—the surreptitious buildup of military forces and supplies earmarked for aggression against her.

Now we see the cynical shape of Hanoi's use of prisoners of war, for she has announced that our retaliatory attack has caused POW casualties. If this is true, either the POW prison camps have been placed in close juxtaposition to antiaircraft installations, or these casualties are the result of North Vietnam action with the intention of blaming them upon the attackers. Either way, this is contrary to the law of nations. Either is totally abhorrent to civilized man.

We all fervently hope that Hanoi will soon come to realize that the way to acceptance in the community of the world lies in some accommodation with the accepted opinion of the world.

THE TRADE BILL

Mr. FANNIN. Mr. President, the House of Representatives has passed a very important trade bill which is designed to save American jobs. Now it is up to the Senate to carry through on this vital legislation. It is essential that we act quickly.

Mr. President, history books paint a colorful picture of powerful industrialists who conspired to monopolize business in 19th century America. We are told that these giants of finance and manufacturing got together to rig prices, to divide the marketplace, and to drive out unwanted competition.

This situation led to passage of antitrust legislation 90 years ago.

Now, in theory, American consumers and manufacturers do not have to worry about powerful interests ganging up to exploit them.

I said, "in theory."

Actually, Americans today face much the same situation they did a century ago.

Powerful financiers and industrialists are meeting regularly to decide how they will go about capturing a particular section of the American economy.

These representatives of major manufacturing, banking, and merchandising firms agree on sales strategy. They may decide that they are willing to sell an item at below cost for several years until they can kill off established or would-be competition.

These cartels decide which firms shall be a part of their design, and which companies will be excluded.

These interests have vast financial backing—staggering resources with which to lobby, conduct public relations campaigns, advertise, and pursue all-out efforts to capture markets.

This maneuvering I have just described is not subject to penalties under American antitrust law. It is not against our domestic antitrust law because it is carried on in Japan by ambitious Japanese interests intent on dominating every vital international market.

Those of us concerned about the loss of jobs in the United States have been talking about this situation for some time.

We contend that there must be "fair trade" if there is any reasonable hope of having "free trade."

Idealists pushing for free trade have insisted that America take unilateral action in breaking down tariff and other trade barriers. They say we should be the leaders in the free trade movement.

We have been more than the leaders—we have been the victims.

Our trading partners have interpreted our generosity as weakness. They have been anxious to take and very reluctant to give.

There was a time when some of our trading partners required advantages to help them recover from world wars or to aid them in industrialization. Now it is time—past time—for these nations to realize they are no longer entitled to unfair trade advantages.

Instead, foreign business interests have ganged up on American industry. They have been grossly unfair.

Such unfair competition is well documented in the September issue of Fortune magazine. The article, "How the Japanese Mount That Export Blitz," was written by Louis Kraar.

Every Member of the Senate should read this article.

My colleague from Georgia, Senator TALMADGE, mentioned this article in a very eloquent speech earlier last week. I would like to discuss it a bit further.

Mr. Kraar describes just how Japan coordinates its national financial and production capacity in an effort to dominate world commerce. The article says that the devastating tactics being used by the Japanese include these features:

> The export offensive is commanded by Premier Eisaku Sato in person; he heads the supreme trade council, where top business and government leaders quietly slice up the world market and set annual goals for every major product and country.
>
> To boost exports, the government backs corporations with an arsenal of help—credit at preferential rates, attractive tax incentives, and even insurance against overseas advertising campaigns that fail to meet sales targets.
>
> Cartels of exporters meet regularly to fix prices and lay plans for overwhelming foreign competitors.
>
> A large and growing foreign-aid program is, at heart, another export-promotion device, fueled with long-term credit and direct investments.
>
> Giant general trading companies spearhead the export drive. Their tireless sales forces abroad are backed by the full force of Japan's banks and government ministries.
>
> A government-owned company, Jetro, operates on a global basis to promote Japanese products and arm companies with export intelligence.

The Fortune article describes how some Japanese products are sold abroad below cost for several years in order to make market penetration and then drive out established manufacturers.

After all competition is driven out or at least whipped into line, then the Japanese manufacturers can boost their prices to whatever profit level they desire.

Thus we have a situation in which individual American companies—forbidden by law from combining—must try to compete with the integrated financial and industrial might of an entire nation.

The Japanese are employing methods of trade that are denied to American industry. Japan is able to dominate many markets within the United States because it is using business methods which are illegal in the United States.

These practices also are contrary to international agreements and violate American laws regarding international trade. Foreign manufacturers have chosen to abide by these agreements only when the agreements are to their benefit.

Unfortunately, the U.S. Government has not enforced the agreements or laws with any vigor. Foreign manufacturers have found that retaliation under these laws is so weak or so slow that it is virtually meaningless.

Furthermore, American businessmen have become so disillusioned that many have given up on filing complaints under these laws even though they have more than just cause.

Indeed, these very American businessmen have decided it is better to join than to fight. That is why so many American firms are rushing to set up plants overseas where labor is cheap. Once these firms get foreign plants, then they would just as soon maintain the current system that gives an unfair advantage to products from abroad.

As I have said, our laws have provided a means for dealing with most unfair foreign competition—but these laws have not been enforced adequately. There is the Countervailing Duty Act, the Antidumping Act, the Unfair Trade Practices Act, and the Trade Expansion Act of 1962.

All of these should provide remedies to halt unfair foreign competition. They should, but they do not.

In the Trade Act of 1970 we have put some teeth into the system of dealing with unfair foreign trade practices. We would require the Federal agencies involved to handle complaints expeditiously. We would have the means of making our trading partners abide by some of the same rules we impose on our own industries.

The bill takes some important steps in limiting the growth of imports. It does not wipe out foreign imports; it does not severely restrict them. It provides for a reasonable growth of imports.

Mr. President, what I am concerned about is American jobs.

We already have an unemployment problem in the United States. It is serious, but not yet critical.

It could become critical in the next few years when we will see tremendous reductions in our military services. We will need jobs for the hundreds of thousands of veterans and for defense industry workers who have been and will be displaced.

Chairman MILLS summarized it well in arguing for the trade bill in the House.

He told the Members of the House of Representatives:

> If we don't protect textiles there won't be a shirt factory in the United States in five years.
>
> If this legislation is not passed,

Chairman MILLS said:

> I shudder to think of the legislation that will pass in two years as unemployment goes up.

Critics of the bill are saying that it is anticonsumer, that quotas on textile and shoe imports could cost consumers $3.7 billion more a year by 1975. This figure has been challenged by other authorities.

Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, said last week that American workers could lose as much as $3 billion a year in wages by 1975 if Congress does not stop the flood of cheap textile imports.

Much of the controversy we have read about in recent months has concerned the shoe and textile quotas. These are important industries in certain parts of our Nation. They are, however, only a small part of the problem for the Nation as a whole.

Other industries are suffering far heavier job drains and dollar losses.

Consider the import statistics for automobiles in 1969.

Car and truck imports from Japan totaled more than $316 million. The United Kingdom sold more than $138 million worth of cars, trucks, and buses. And more than $1 billion worth of such vehicles were shipped to the United States by the European Economic Community.

Perhaps more important than the immediate loss of jobs is the fact that our Nation is losing its technological competence. I am especially concerned about the loss of electronics technology. There is an obvious erosion of the Nation's ability to provide itself with the complex and critical items that can be so vital to survival in today's world.

While the giant manufacturers of one nation conspire to corner the electronics market within the United States, another group of nations conspires to close its doors to American-made electronics equipment.

Final touches are now being put on the preparation of a European-wide system of testing and certification for electronic components. This system will place potentially serious burdens on electronic components imported into Europe from countries not participating in the certification system. Despite our emphatic request, the United States has not been allowed to participate in the system.

Advocates of free trade have argued that ideally each nation should produce the goods it can produce most economically and other countries should buy from that nation.

This theory simply is not working.

How can there be free trade when a major trading nation sets out to monopolize markets through manipulation of its entire national resources?

How can there be free trade when combinations of nations come up with agreements among themselves that are designed to shut out other trading nations?

The United States has been the "good Sam" too long. We have stuck our neck out for free trade, and our trading partners have been chopping away at it gleefully. Now is the time to put a stop to this nonsense.

It is time to serve notice that if a foreign nation is to sell its products in the United States, it must compete fairly, there must be an end to the dumping of of products on American markets; there must be an end to foreign government subsidies that allow unrealistic cutrate pricing.

It is time to serve notice that if a foreign nation is to sell its products in the United States, the foreign nation must open its doors to American products.

Japanese television sets are flooding the U.S. market, yet it is impossible for American manufacturers to export their television sets to Japan. Is this free trade?

It is obvious that some American business leaders who should be worried about this trend of imports are not showing due concern. They are moving their plants abroad, wiping out jobs here at home.

What they fail to realize is that this process can go or for only so long. Eventually, when America loses its productive power, it will have lost a great many of its jobs, then there will be no employment for millions of Americans, and without jobs they will not have the money to buy any products—imports or domestic.

Once America has lost its technology in a certain field, the American consumers are left at the mercy of foreign manufacturers. They can set pries just as high as the market will bear.

In such a case, one might say, American industry would tool back up and reclaim the market. This might happen if we had a true free market situation, but it would be foolish to attempt it when foreign nations can take steps to smother any potential competitors.

In essence, America is in trouble in foreign trade for three reasons.

First, as I have said, there has been a failure of our Government to enforce trade laws and agreements. We have permitted foreign competition to use unfair methods.

Second is the soaring cost of American labor. Irresponsible demands by unions have pushed American manufacturing costs far out of line. Wage hikes have been out of proportion to increases in productivity.

Third is the attitude of manufacturers themselves. Too many are unwilling to stand and fight on American soil. Instead, they join the flight to overseas havens of cheap labor.

We must take steps to correct these situations.

Furthermore, we must stop the unilateral lowering of tariffs. Why should we lower the American tariff on Japanese cars to 3 percent at a time when the minimum tariff on an American car in Japan is 17 percent and the Common Market tariff on U.S. manufactured cars is 11 percent.

The current U.S. tariff for television sets from abroad is 8 percent. Were we able to get American-made television sets into Japan, the tariff would be 24 percent.

What we are talking about in the trade bill is the protection of American jobs. These jobs are held by workers, and workers are consumers. So this is not anticonsumer.

This bill is protectionist only insofar as it tries to protect Americans from unfair foreign competition and the resulting unemployment.

RECOGNITION OF SENATOR CHURCH

The **ACTING PRESIDENT** pro tempore. Pursuant to the previous order, the distinguished Senator from Idaho (Mr. CHURCH) is recognized for not to exceed 20 minutes.

THE ATLANTIC CONFERENCE

Mr. CHURCH. Mr. President, I would like to call attention to an important discussion of American foreign policy and of our role in the world which took place this past weekend. I refer to the meeting of the Atlantic Conference from November 12 to 15 at Dorado Beach, P.R.

This Conference, which I was privileged to chair, included a bipartisan group of five Senators and two Members of the House of Representatives. In addition, there were 35 other distinguished leaders active in political, government, business, banking, journalism, and education. They came from the United States and Canada and 13 countries in West Europe and Latin America. The Conference program, which I shall ask unanimous consent be included in the RECORD at the conclusion of my remarks, describes the agenda and names of those who took part.

I would like to emphasize briefly how important it is at this time to hold this kind of serious discussion.

The Atlantic Conference provided an opportunity for us to raise in complete privacy and candor, the central questions that relate to a redefinition of the U.S. role in the world. We heard perceptive European and Latin American leaders present their views on this subject, and more specifically on our future policy toward Europe and Latin America. We had a thorough discussion of trade policy in the Atlantic world, which, Mr. President, has underscored the need for us in the Senate to approach this subject during the next few weeks in a serious and sober fashion. We had a lively discussion of the role that military elements play in domestic and foreign policy formulation in the United States, Europe, and Latin America, and the limitations which should be placed on the use of military intervention in the conduct of international affairs.

For those of us who have long taken an active interest in foreign policy, this Atlantic Conference was a unique opportunity to exchange views on the central issues before us in the coming decade.

As chairman of the Subcommittee on Inter-American Affairs of the Senate Foreign Relations Committee, I was especially pleased that the Conference focused much of its attention on U.S. policy in the Western Hemisphere, as well as relations between Europe and Latin America. European leaders were particularly inquisitive as to the possible contribution that Europe might make. Latin American leaders were clearly interested in close cooperation with Europe and in playing a larger role in the affairs of the Atlantic world in the coming decade.

I know that I reflect the views of the other participants in expressing the hope that there will be a continuing dialog among European and North and South Americans and that there will be additional opportunities to continue these frank off-the-record discussions in future years.

I want to express my thanks to the organizers of the conference, especially Mr. John Rielly of the Overseas Development Council in Washington and Mr. David Bronheim of the Center for Inter-American Relations in New York.

On behalf of those who participated, I also want to express our special thanks to the Ford Foundation which inspired the conference and defrayed its costs.

I recommend to the attention of my colleagues: first, the conference program; second, the informal statement released to the press at the end of the meeting; and third, two press clippings under date of November 16, 1970, published in the San Juan (P.R.) Star.

I ask unanimous consent that these materials be inserted in the RECORD at this time.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

(See exhibits 1, 2, 3, and 4.)

EXHIBIT 1

PROGRAM: ATLANTIC CONFERENCE, NOVEMBER 12–15, 1970, DORADO BEACH, P.R.

BACKGROUND

The Atlantic Conference brings together forty leaders from Europe, North America and Latin America for a private, off-the-record discussion of political, social, economic and international questions of importance to the Western world.

There is strong opinion favoring the establishment of closer communication and collaboration between leaders of the Western world, for at least three specific reasons: the re-evaluation of the United States' world role in light of its possibly increasing isolationist tendencies, the social and economic crises confronting many Latin American countries, and the growing importance of Europe's role outside of Europe.

ORGANIZING AN ATLANTIC CONFERENCE

In Spring, 1970, an Inviting Committee of a dozen United States Senators was organized under the co-chairmanship of Senator Frank Church and Senator Mark Hatfield. They agreed to sponsor an Atlantic Conference of representatives from Europe, North and South America.

They also agreed that the Atlantic Conference would focus on common problems of the Western world shared by the three continents, rather than attempting to deal with each continent's problems on its own. Indeed, the name "Atlantic Conference" is designed to emphasize that these are not United States-Europe or United States-Latin American meetings, but rather meetings of leaders from the major nations of the Western world. Nor is the name intended to convey any particular form of organization of the Western world, much less any specific defense or diplomatic policy. But it does assume that all three continents share a Western culture which continues to provide a cohesive bond between the peoples of Europe, North America and Latin America.

Because of the critical importance of decisions being made by the United States at this time that are affecting profoundly the future course of its, and others, foreign policies, the Inviting Committee also decided that the sessions should focus more on the

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specific topic of the United States' role in the world, bringing to bear views of people from other states in the Western world and focusing also on the roles of Europe and Latin America in the Western world. Therefore, the two subjects chosen for discussion are as follows:

1. *The role of the United States in the world: a European and Latin American view*
   a. Political role
   b. Security role
   c. Trade policy in the Atlantic world
2. *The role of military influence in domestic and foreign policy: Europe, the United States and Latin America*

These topics reflect a widespread awareness throughout Europe, Latin America and the United States that there is a need to redefine a positive role for the United States in the world for the next decade. It is also now clear that the hegemony which the United States has exercised in the Western hemisphere in recent decades cannot continue, but rather the United States must fashion a new relationship with Latin America. As the modernization of Latin American society has increased and political consciousness has spread, Latin Americans have become increasingly restive about the pervasive presence of the United States.

Furthermore, as the larger Latin countries of the Americas have developed, they are playing a greater role as participating members of the Atlantic community and have gained influence in shaping new patterns of international relations between north and south, east and west.

Also, the topics to be discussed recognize the new opportunities for Europe in finding a role *outside* of Europe. The continent today remains fragmented in the west and divided in the east; but its economic, technological and military resurgence gives it considerable capacity to play a role in international affairs. Even if this role continues to be secondary to concerns of European interests within Europe it can nonetheless become important. Will Europe seek a larger role in Latin America? The answer to this question is not clear. But the traditional ties between Latin America and Europe could be a natural development. So, too, because of the redefinition of the United States' interests in the Western world, there is growing opinion that an increased European role would serve not only European interests but also those of North America as well.

Finally, the topics chosen for the Atlantic conference do not presume specific conclusions or answers to any of these questions; nor are the members of the Inviting Committee committed to any one set of conclusions. It is assumed only that these problems are of sufficient interest to Europeans, North Americans and South Americans to stimulate serious discussion by people from throughout the area who will shape the political, economic and social trends of their continents for the coming decade. In choosing the participants for the meeting, therefore, the Inviting Committee has given special attention to involving leaders in politics, government, finance, business, education and the media who have either assumed positions of top responsibility in their countries only recently, or who are likely to do so in the coming decade.

Invitations for this year were extended both on the basis of the agenda for the particular meeting and on the extent to which each individual represents a dominant group or trend in his own society. Where several people were invited from a specific country, a special effort has been made to include representatives of major political groups in that country.

The conference is limited to participation of approximately 40 persons in order to permit everyone to be fully engaged. This group is drawn as equally as possible from North America, Europe and Latin America.

The Atlantic Conference may, for all these reasons, provide a useful alternative to the natural rigidity of relations conducted principally if not exclusively through official channels. All discussions will take place in private and without publicity; hopefully, too, this informal character of the conference and the personal capacity in which participants attend, will enable frank exchanges to take place.

It is not the purpose of the conference to reach unanimous conclusions. Rather the importance of discussion lies in what each individual is able to derive of value to himself. Ideally, it will have an impact through the decisions that individual participants will be making upon returning to their own countries.

Four papers will be discussed at the meeting:

1. *The Role of the United States in the World: A European View* by Philip Windsor, Reader in International Relations at the London School of Economics and Political Science.
2. *The Role of the United States in the World: A Latin American Point of View* by Mariano Grondona, Journalist and Commentator, Buenos Aires, Argentina.
3. *Trade Policy in the Atlantic World* by Lawrence Krause, Senior Fellow, The Brookings Institution, Washington, D.C.
4. *The Role of Military Influence in Domestic and Foreign Policy* by Samuel P. Huntington, Chairman, Department of Government, Harvard University, Cambridge, Massachusetts.

ORGANIZATION

The administration of the Atlantic Conference is simple and informal. The co-chairmen of the Inviting Committee are Senator Frank Church of Idaho and Senator Mark Hatfield of Oregon. The other members of the Committee are:

Senator Marlow Cook of Kentucky.
Senator Robert Griffin of Michigan.
Senator Edward Kennedy of Massachusetts.
Senator Charles Mathias of Maryland.
Senator George McGovern of South Dakota.
Senator Walter Mondale of Minnesota.
Senator Edmund Muskie of Maine.
Senator James Pearson of Kansas.
Senator Joseph Tydings of Maryland.

The conference has been organized by David Bronheim, Executive Director of the Center for Inter-American Relations in New York and John E. Rielly, Senior Fellow at the Overseas Development Council in Washington. The conference is financed by a grant from the Ford Foundation to the Center for Inter-American Relations, where the Conference secretariat is located.

THE FUTURE

The organizing committee hopes that in the course of the conference, participants will consider the question of whether or not to make this a continuing series of meetings. It is their hope that this question will be decided by the end of the Conference.

SCHEDULE: NOVEMBER 12, 1970, FIRST SESSION

4:00 p.m.–6:00 p.m., registration.

8:00 p.m., formal opening of the Conference. Introductory remarks, review and discussion.

NOVEMBER 13, 1970, SECOND SESSION

9:30 a.m., presentation of paper by Philip Windsor: *The Role of the United States in the World: A European View.*

11:15 a.m., discussion—Intermission.

11:30 a.m., presentation of paper by Mariano Grondona: *The Role of the United States in the World: A Latin American Point of view.*

1:00 p.m.–3:00 p.m., discussion—Lunch.

3:00 p.m., continued discussion.

8:00 p.m., dinner.

NOVEMBER 14, 1970, THIRD SESSION

9:30 a.m., presentation of paper by Lawrence Krause: *Trade Policy in the Atlantic World.*

1:00 p.m.–2:30 p.m., discussion—Lunch.

2:30 p.m., presentation of paper by Samuel P. Huntington: *The Role of Military Influence in Foreign and Domestic Policy: Europe, Latin America, and the United States.*

8:00 p.m., discussion—Dinner.

NOVEMBER 15, 1970, FOURTH SESSION

10:00 a.m., continued discussion of Huntington paper.

1:00 p.m., summary—Concluding luncheon.

LIST OF PARTICIPANTS*

UNITED STATES

Frank Church, *United States Senator.*

Charles Mathias, *United States Senator.*

George McGovern, *United States Senator.*

Walter Mondale, *United States Senator.*

Joseph Tydings, *United States Senator.*

John Anderson, *United States Congressman.*

Donald Fraser, *United States Congressman.*

John Diebold, *President, The Diebold Group.*

Thomas Wicker, *Associate Editor, New York Times.*

Howard Stein, *President, The Dreyfus Fund.*

Bayless Manning, *Dean, Stanford Law School.*

Joseph Slater, *President, The Anderson Foundation.*

Lawrence Krause, *Senior Fellow, The Brookings Institution.*

Theodore Geiger, *Director of International Studies, National Planning Association.*

Samuel P. Huntington, *Chairman, Department of Government, Harvard University.*

David Bronheim, *Executive Director, Center for Inter-American Relations.*

John E. Reilly, *Senior Fellow, Overseas Development Council.*

CANADA

Ivan Head, *Special Assistant to the Prime Minister.*

J. P. Goyer, *Member of Parliament.*

ARGENTINA

Oscar Camilion, *Editor, El Clarin.*

Mariano Grondona, *Editor, Mercado.*

BRAZIL

Delfin Neto, *Minister of Finance.*

Jarbas Passarinho, *Minister of Education.*

CHILE

Claudio Véliz, *Director, Center for International Studies.*

Erik Schnake, *Member of the Chamber of Deputies.*

Felipe Herrera, *President, Inter-American Development Bank.*

MEXICO

Alfredo Navarrete, *Director Adjunto, Nacional Financiera.*

Gustavo Petricioli, *Director General, Estudios Hacienda Guios.*

PERU

Jorge Fernandes Maldonado-Solari, *Minister of Energy and Mines.*

VENEZUELA

Enrique Perez Olivares, *Dean, Faculty of Law, Central University of Caracas.*

BELGIUM

Leo Tindemans, *Minister of Community Affairs.*

FRANCE

Jean de Lipkowski, *Secretary of State for Foreign Affairs.*

André Fontaine, *Editor-in-Chief, Le Monde.*

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*Provisional, as of November 6, 1970.

GERMANY

Klaus Schütz, *Mayor of Berlin.*

Helmut Kohl, *Minister President of the Rhineland-Palatinate.*

GREAT BRITAIN

Philip Windsor, *Reader in International Relations, London School of Economics and Political Science.*

ITALY

Piero Bassetti, *President, Lombardy Regional Government.*

Angelo Bernassola, *Director of International Affairs, Christian Democratic Party.*

NETHERLANDS

Thom Kerstiens, *Secretary General, UNIAPAC.*

SPAIN

Laureano Lopez-Rodo, *Minister of Planning and Deputy Prime Minister.*

Joaquin Ruis-Jimenes, *Universidad de Madrid.*

EXHIBIT 2

PRESS STATEMENT

The first Atlantic Conference, held at the Dorado Beach Hotel, Puerto Rico, from November 12th to 15th, 1970, has brought together 39 political leaders from the United States; Canada, Western Europe, Mexico and South America. For this conference—possibly the beginning of a series—we have concentrated on the role of the United States in the world, particularly as this role is seen by other nations involved in the Atlantic world. For the United States, this is a time of thought and reconsideration; but for other states; it is also a time of concern. Europeans are concerned that the United States should not lose sight of the special responsibilities it continues to have in European security and that an American-European dialogue should be maintained in political as well as economic matters. Latin Americans are concerned about their own relations with the colossus to the North, particularly in the realm of economics and patterns of development.

This Conference, therefore, has addressed these questions from four different perspectives, in four separate papers prepared by experts in three countries: 1) a European view of the U.S. role in the world; 2) a Latin American view; 3) trade policy in the Atlantic world; and 4) the role of military influence in the various countries.

These four papers provided the basis for a lively and provocative discussion of broad questions affecting the three Continents facing the Atlantic. Necessarily, these discussions were off-the-record, in order to permit each delegate to express his own personal ideas with complete candor and forthrightness.

In addition, delegates demonstrated a willingness to listen as well as to talk: This was especially important for delegates from the United States, who expressed their own need, through a meeting such as the Atlantic Conference, to become more fully aware of ideas and attitudes that are often obscured by the sheer bigness of the United States.

In general the discussion centered on the following topics:

The changing nature of the U.S. role in the world. In particular, the delegates were concerned about the role that the United States has long played as political or social exemplar, and the manner in which this is now changing, partly because of political developments in the world, and partly because of the internal crisis which the United States is facing today. It is now clear that the place that the United States will occupy in the world in the future depends in large measure on what happens in that country itself during the next few years, and the manner in which the process of reconsideration now going on is resolved.

The role of international trade provoked a stimulating discussion, probably because it affects all nations represented at the conference in direct ways. The delegates agreed that a fuller understanding of the potential and limitations of trade is crucial to international cooperation, economic development, and to a reassessment of the position of each nation in the world. It is a much neglected subject, that must become the subject of intense study, in order to assess its place in the relations among states, and particularly prospects for Latin American nations to succeed in their own efforts at self-advancement. Similarly, the Conference concentrated in some detail on the whole question of foreign aid, capital transfers, tariffs and non-tariff barriers, preferences, the export of technology and of management resources from advanced countries and the relatively new but highly significant phenomenon: the multinational corporation.

There was a discussion of the reconsideration taking place among Europeans because of uncertainties in United States foreign policy, generally. This discussion was coupled with an analysis of the changing nature of United States-Soviet relations, the scope for independent action by other states; and the overriding need for greater U.S.-Euorpean consultation and cooperation during a difficult period of transition, when both the American role in the world and the European stature in the world are changing.

The delegates paid particular attention to the special problems faced by Latin American nations in their own development—social, economic and political—and to the role which the larger nations of South America plus Mexico will play in international relations in the coming decade. This entailed a discussion of the possible roles to be played by European countries, individually or severally, and the overriding question of the relation of Latin American states to the United States. Indeed, this discussion reflected a profound awareness on the part of the delegates of the difficulties inherent in relations between countries attempting to develop themselves and richer, more highly industrialized nations. It also reflected a new awareness that the countries of Latin America are now finding their own solutions—economic as well as political—to their own problems.

The delegates touched on a new and pressing problem: the possible erosion of the physical base of life itself by threats to the environment. This is a problem that must be dealt with in common, and attacked urgently, if it is to be dealt with at all. Even in the developing world, there is a need for concern about protecting the ecosystem, as part of a more encompassing awareness of the world's growing interdependence.

The conference's last paper raised numerous issues concerning the role of the military in various societies in the Atlantic world, and the impact of these issues on prospects for internal development, foreign policy and, most particularly, the kinds of cooperative understandings that are needed on the role that arms sales and supplies will play in the relations among these states. There was a preliminary analysis of the impact of particular types of governments on the development process, and the connections between that process and relative levels of arms expenditures.

And, not surprisingly, the delegates focused on the greater role that young people are playing in social and political development in virtually every country in the world. This is important for its impact on the way that nations look at their own role in the world, and restructure their values to meet the changed demands of the 1970's.

By the very diverse nature of the group taking part in this conference, there was no general agreement on all these topics. Yet it would have been disappointing if the Conference had merely set out to achieve simple agreement on all the complex matters that make up the changing relations among states in the Atlantic world.

If anything, this first Atlantic Conference has indicated the imperative need for greater efforts to consider in common those problems affecting all states in the Atlantic world. There is an emerging interdependence of these states that must be dealt with; and it can best be dealt with in the spirit of amity and cooperation, coupled with hard analysis and serious concern, that has marked this first Atlantic Conference.

It has set a pattern for our future efforts. And, with effort and patience, we can build on this beginning towards greater cooperation and mutual understanding among all our peoples in the future.

EXHIBIT 3

[From the San Juan (Puerto Rico) Star, Nov. 16, 1970]

SENATOR PROPOSES REVIEW OF OAS POLICY ON CUBA

(By Harold J. Lidin)

DORADO.—The chairman of the U.S. Senate Subcommittee on Western Hemisphere Affairs said Sunday it is time for a review of inter-American policy towards Cuba.

"It is time for us, to take up with the members of the Organization of American States the whole question of hemisphere policy towards Cuba," said Sen. Frank Church, D–Ind.

Church, however, declined to say whether the existing OAS diplomatic and economic sanctions against Cuba should be lifted.

Stressing that what he seeks is a "consultation," Church warned "it is better to test the waters now than to be doused in them later."

Asked about the non-inclusion of Puerto Rico in the Latin American denuclearization treaty, Church said that was a matter "for the people and government of Puerto Rico to decide."

"I generally favor the denuclearization pact," he added.

Church's remarks came in an interview at the closing of the First Atlantic Conference, held at the Dorado Beach Hotel.

Some 40 persons attended the three day gathering at the plush beach resort. The theme of the discussions was the role of the U.S. today in the world, in the fields of politics, security and trade.

The discussions and conclusions of the Atlantic conference were kept off the record, an official announcement stated, "in order to permit each participant to express his own personal ideas with complete candor and forthrightness."

Church said he feels that present U.S. policy towards Chile is correct President Salvador Allende's government, he noted, was chosen democratically.

Church, who served as cochairman of the Atlantic conference, was the ranking figure in a U.S. group that included Sens. George McGovern D-N.D., and Joseph Tydings, D-Md. plus top financial figures like Dreyfus Fund President Howard Stein and Diebold Group President John Diebold.

Latin American personalities who attended the conference include Brazilian Minister of Finance Antonio Delfin Neto and Brazilian Education Minister Jarbas Passarinho.

European participants included West Berlin Myor Klaus Schultz and Spanish Minister of Planning Laureano Lopez Rodo.

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EXHIBIT 4

DORADO CONFERENCE EMPHASIZES NEW AMERICAN ROLE: U.S. URGED TO CHANGE ITS LATIN POLITY

(By Efrain Parrilla)

The U.S. must re-evaluate its political, economics and military role in Latin American if the stability of the Atlantic world is to be maintained.

That is the gist of two papers on the role of the U.S. in the world, presented at the First Atlantic Conference, which ended Sunday at the Dorado Beach Hotel.

The purpose of the three-day conference was for leaders of the major nations in the Western world to hold private discussions on questions of international importance.

Specifically, the conference dealt with the role of the U.S. in today's world. Latin America's present social and economic crises and the growing importance of Europe's role outside Europe.

The press was barred from the conference, which was organized by the Ford Foundation and brought together about 40 political leaders and intellectuals from Europe and America.

However, copies of several papers presented at the conference which were obtained by the STAR indicate that a need for a new American policy regarding Latin America was discussed.

In one of the papers, Argentine Journalist and commentator Mariano Grondona notes there is among Latin American countries a feeling that they have little to gain in U.S. markets.

This, Grondona adds, is due to Latin America's limited access to these markets.

Grondona adds this is also true regarding the European Common Market, but the weight of his observations are concerned with U.S.-Latin American relations.

Pointing to the potential dangers of this limited access, Grondona says "from this conviction to progressive political, economic and ideological segregation is but a step."

Grondona notes that the "radicalization of Latin American cities" is connected with the idea that developed countries exploit smaller nations through several sophisticated economic mechanisms.

He points to shipping rates and international trade financing as some of these mechanisms.

In a separate paper, British professor Philip Windsor said many Europeans feel the U.S. would benefit from a greater European influence in Latin America.

Windsor, reader in international relations at the London School of Economics and Political Science, adds that the European influence could offer an alternative to countries wary of American preponderance which would otherwise turn to the Socialist world.

European influence, Windsor, says, would provide "an alternative pole of attraction in a continent where looking towards the Communist bloc is one traditional reaction against what is largely thought of as Yankee imperialism."

Windsor adds: "To Europeans, it is becoming clear that the U.S. must develop a new relationship with Latin America during the next decade."

With modernization and spreading political consciousness, Latin Americans "will become more restive about the pervasive presence of the U.S. and more intent on curtailing American influence," he argued.

Windsor said there is a paradox between U.S. acquiescence to trade between Europe and socialist countries in Eastern Europe and its efforts to hamper trade between Europe and Cuba.

He also noted that "the American government declares that it is de-stabilizing for European countries to sell jet aircraft to Latin America, but stabilizing for the U.S. to do so."

Windsor indicates that in any event, care must be exercised to prevent "politically disruptive competition between European countries and the U.S." in Latin America.

A paper by Lawrence Krause, a senior fellow of the Brookings Institution in Washington, D.C., suggested, however, that the U.S. may be on the way to reducing its exports.

"If comparative advantages develop in areas with the fatest growth on domestic demand, and since U.S. domestic demand is becoming increasingly service-oriented, then the exporting of goods may be becoming relatively less interesting for American producers."

To this, Krause added that "the only goods-producing industry enjoying above average growth (in the U.S.) is contract construction, which by its very nature cannot be exported as goods."

But he contends that American technological superiority should ensure the U.S. permanent export capacity.

"While other countries will adopt the new technology, a continuance of high levels of U.S. research and development expenditures should ensure that some even newer products will always be available for export.

"Furthermore, the international production activities of American-based corporations will provide an enduring market for various intermediate manufactured products," he says.

Mr. MONDALE. Mr. President, I would like to add to the praise of my distinguished colleagues for the Atlantic Conference meeting we were privileged to attend in Puerto Rico, November 12 to 15.

Far from some tropic interlude in generalities, this was a serious and sustained dialog with leaders of Europe and Latin America as well as academic figures from the United States. We got down to basic questions, and the give-and-take was refreshingly candid.

These frank exchanges are one of the abiding strengths of our Atlantic partnerships. For in the last account, the vitality of any alliance depends on mutual understanding.

The organizers of the Conference deserve our warmest thanks for a considerable public service.

Mr. MATHIAS. Mr. President, I invite the attention of Senators to the Atlantic Conference held November 12 to 15 in Puerto Rico. Under the sponsorship of the Center for Inter-American Relations, this year's conference called together a most erudite group of leaders from Europe, Latin America, and the United States to discuss specific questions of Atlantic relations. The delegates focused their discussions on four papers presented at the Conference; namely, "The United States in the World: A European View," by Philip Windsor, of the London School of Economics; "The Role of the United States in the World: A Latin American Point of View," by Mariano Grondona, newspaper editor in Buenos Aires; "The Role of Military Influence in Foreign and Domestic Policy: Europe, Latin America, and the United States," by Prof. Samuel P. Huntington of Harvard University; and "Trade Policy in the Atlantic World," by Lawrence Krause of Brookings Institution.

I was deeply impressed by the deep examination of the issues in these papers and in those discussions that I had a chance to witness. I was also impressed with the fine organization and efficiency with which the Conference was run, particularly the work of Messrs. John Rielly and Robert Hunter of the Overseas Development Council. I ask unanimous consent to have printed in the RECORD a brief summary of some of the interesting and cogent points made in the presentation of papers and in subsequent discussion, as they appeared to me.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

COMMENTS OF SENATOR CHARLES MCC. MATHIAS, JR.

Before burdening you with my own comments to the four outstanding papers presented here, I should like to express my deep thanks to the Center for Inter-American Relations for its sponsorship of this conference—a conference that seems to me to represent the best expression of the Atlantic spirit. The assembling here of this learned and impressive group of leaders from Europe, Latin America and the United States gives vibrant testimony of the importance we attach to the vital issues we are discussing.

And I think it is hardly necessary to dwell on the critical crossroads at which we now find ourselves. The ravages of peace, prosperity, detente and time have created serious fissures in the once smooth surface of the Atlantic Alliance. The specter of a trade war looms large before us. The economic gulf between Latin America and her northern partners continues to widen.

Professor Huntington's charting of what he calls the "strong, broad current of demilitarization" in the United States is a powerful exposition of a process that is still little understood both in the United States as elsewhere in the world. It is a process that will, as Professor Huntington points out, "exercise major influence on American foreign policy for some time to come." Clearly it is also a process that will soon eliminate our system of military conscription in favor of a volunteer armed force. And it is likewise a process that reflects a deep seated change, over a few short years, in the fundamental outlook of America's youth. This youth, I might add, numbers about 100 million strong and will soon represent more than half our population. It is a group which will, effective January 1, 1971 (about seven short weeks from now), gain the right to vote at age 18, and will in many other ways assume a larger slice of American participatory democracy.

What does this portend for the role of the United States for the decades ahead?

Mr. Grondona points out that, in a world of "pax americana," there is a vast gulf between the United States on one side and Latin America, and indeed the entire Third World, on the other. He presents us with a marvelous program—a detailed blueprint—by which to reassume the role of vigorous leadership we have partially lost but dare not shirk. The tasks Mr. Grondona sets for the United States are clear, the role uncompromising. His analysis of what is required is right on the mark and gives us the targets we must aim for when he says:

"The United States must energetically assume the leadership of a campaign aimed at increasing world trade and permitting backward nations greater access to the markets of the developed world. This is an effective way of demonstrating that solidarity is a two-way street and not a value that is called upon only when the interests of great nations are at stake. . . . The radicalization of the Latin American elite is furthered by the feeling that, like the master of the 19th century who usurped the major portion of his worker's salary, the usurpation is international today, and derives from the advantages that developed nations have over developing nations in the controlling of prices, rates and the financing of international commerce."

In my view, this is one target the United States should aim for. To what degree we can succeed in hitting the mark will reflect how well we are able to bridge the gulf between us.

Mr. Windsor, in his excellent study, touches on a subject very dear to my heart: namely, the process of consultation between Europe and the United States within the framework of the Atlantic Alliance. I found the following points particularly apt to the immediate problems and needs of the alliance:

"... Many Europeans would argue that the United States devotes such an overriding interest to security that political considerations tend to go by the board ... Such lack of coordination could represent a major source of divergence in the Atlantic Alliance during the next few years ... Much of the debate has been distorted by arguments about force levels. Yet there is a more important question: how far is a reduction in the American commitment *in* Europe likely to affect the American commitment *to* Europe? The answer must be sought in the framework of political understanding and consultation; and that is something which the United States cannot create on its own."

These are precisely my views and it was with them in mind that I introduced to the Senate on October 14 Resolution 479 urging early and broad scale consultations on the role of the Atlantic Alliance in the 1970s. The chief objectives of the resolution are:

(1) to indicate to America's European partners that there is a unity of purpose in the United States on this subject;

(2) to put to rest fears that the United States may undertake precipitate unilateral action;

(3) to expand the focus of deliberations from the narrow question of troop levels to the total compass of our Atlantic relations; and

(4) to call for an equally clear and united initiative from Europe at this time.

You can understand my pleasure at learning that my views are shared by Mr. Windsor and presented so persuasively by him. I would hope that the imperatives of our needs in this situation are widely appreciated by other Europeans.

Mr. Krause in his study on trade policy gives us some illuminating insights into the longer range perspectives of European, Latin American and United States trade. The increasing importance of services over products in the American economy seem particularly striking and I was fascinated by the implications of this trend. I was also deeply impressed with the sheer commercial power represented in the European Economic Community today, let alone its future magnitude given the likely addition of countries from the European Free Trade Association. For me, this fact of life takes on particular dimension when considering the protectionist trade legislation that is now pending in both houses of Congress. I am frankly disturbed by the pressure that has built up in favor of this legislation and by the prospect of a devastating trade war should the legislation pass. Accordingly, I have joined with a number of other likeminded members of the Senate, both Republicans and Democrats, in actively opposing this legislation. It is my view that, beyond certain exceptional cases, demands for protection must be resisted. Indeed, measures to exclude imports are a little like drinking bourbon for breakfast: the relief is temporary and expensive and may become habit forming.

But beyond this immediate threat now before Congress, I should like to repeat my endorsement of the view that Latin America, and indeed the whole Third World, must be given a stake in the wealth of the free world. This is clearly the unanimous conviction of Messrs. Grondona, Huntington, Krause and Windsor, if not the entire conference. Yet in Washington and the capitals of Europe this imperative has been all but ignored. Mr. Krause states that Latin America must look to the European Community for trade initiatives. I believe, however, that the United States must also undertake steps in this direction. In my view, Congress must given the President the power to seek aggressively the elimination of non-tariff barriers that now impede world commerce. We must endow the Export-Import Bank with greater flexibility in financing exports. We must prepare for a "Nixon round" of trade negotiations that can open the way to a new era of expanding trade between the Northern and the Southern Hemispheres comparable to the prodigious gains of the last decade in trade among the free nations of the North. This undertaking represents a commitment to progress in the free world. It is a commitment which we Americans cannot afford to withhold.

ORDER OF BUSINESS

Mr. BYRD of Virginia addressed the Chair.

The ACTING PRESIDENT pro tempore. At this time the distinguished Senator from South Dakota (Mr. McGOVERN) was to be recognized. Does the Senator from Virginia request recognition without prejudice to the rights of the Senator from South Dakota?

Mr. MANSFIELD. I make that request.

Mr. BYRD of Virginia. I thank the Senator.

Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE POLITICAL BROADCASTING BILL

Mr. BYRD of Virginia. Mr. President, I have given a great deal of thought to the political broadcasting bill, which legislation was vetoed by the President of the United States.

When this legislation was before the Senate last September, I voted in favor of it.

For the same reasons which prompted me to support the legislation last September, I shall vote to override the President's veto.

The bill is not perfect. There are certain aspects of the legislation that I do not like. In fact, I would prefer that such legislation were not necessary.

But I feel that in some way, we must curb the costs of political campaigns.

There is always a temptation for political candidates to spend heavily.

An able and experienced political tactician once told me that 50 percent of all campaign expenditures are wasted. I agree.

But then he added—and I agree with this, too—the trouble is, you do not know which 50 percent.

In Virginia, last year's successful candidate for Governor, Linwood Holton, a Republican, spent $387,552.

During the senatorial general election campaign in Virginia, which ended November 3, Virginians for Byrd, the official organization for my reelection campaign, spent a total of approximately $365,000.

In Maryland, a State smaller than Virginia, the successful senatorial candidate spent approximately $450,000, and his opponent spent approximately $500,000.

In Tennessee, also a smaller State than Virginia, the incumbent spent approximately $500,000, and his successful opponent spent more than $1,000,000.

This year in New York, to cite another example, one candidate for the U.S. Senate spent $1,900,000 in the Democratic senatorial primary; his expenditures for the general election are not known at this point, but they must have been similarly high.

The public press reports that the Republican candidates for Governor of New York this year spent approximately $5 million.

This kind of spending has almost become a political way of life.

To my mind, this is not good. Campaign costs have gotten completely out of bounds. Something must be done to attempt to bring costs under control.

Generally speaking, the largest item is for advertising on television.

The legislation before us would apply to candidates for President, Congress, Governor, and Lieutenant Governor, and would limit spending by presidential candidates to approximately $6 million each for radio and television. The three candidates for President in 1968 spent $27 million on television alone.

The legislation offered by the Senator from Rhode Island, Senator PASTORE, attempts to do two things: one, it would require radio and television stations to charge the candidates at a rate no higher than its lowest established rate; and two, it would limit television and radio expenditures to 7 cents per each vote cast in the preceding election within a particular State or congressional district.

The aspect of this legislation that I do not like is that it puts limitations on only two forms of advertising, namely, television, and radio. It is justified on the ground that radio and television are using the public airwaves and are licensed by the Government; and also because the bulk of campaign expenditures these days go to the electronic media.

As I mentioned earlier, the legislation under consideration is not perfect and will not completely solve the problem. But I feel we must start somewhere.

Personally, I would favor general legislation placing overall limits on total campaign spending.

Admittedly, the legislation before us does not accomplish that objective. It is, however, a step in the right direction—toward holding down the soaring costs of seeking office.

I shall vote to override the President's veto.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the distinguished Senator from South Dakota (Mr. McGOVERN) is recognized.

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Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, if the Senator from South Dakota will yield to me, without losing his right to the floor or any of his time, I would like to take 2 or 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

LUIS ECHEVERRIA ALVAREZ, PRESIDENT-ELECT OF MEXICO

Mr. MANSFIELD. Mr. President, on Tuesday, a week from tomorrow, Luis Echeverria Alvarez will become the President of the United Mexican States. Mr. Echeverria, the President-elect, was born in Mexico City in 1922, and over the years has contributed in a most notable fashion to the politics and the social accomplishments of his country.

We are extremely fortunate to have had a succession of Presidents in Mexico who have worked effectively with the Presidents of this Nation. I believe, too, that the Mexican-United States relationship has been extremely fortunate in having in existence in recent years the United States-Mexican interparliamentary group, which meets in each country every other year. It has been a source of great mutual understanding and has done much to harmonize the interests of the two nations.

Mr. President, as one who has great admiration and respect for Mexico and its people, as one who has become somewhat intimately connected with them over the past decade, beginning with the first interparliamentary conference in Guadalajara in 1961, as one who looks forward with anticipation to the inauguration of President Echeverria on Tuesday a week, and as one who is well aware of the tremendous effort and the fine work done by the present President of Mexico, President Gustavo Diaz Ordaz, I take this occasion to express my interest and, I am sure, the interest of the Senate in the Presidential inauguration, which is soon to take place in Mexico. It is another milestone in the unbroken continuity of the Mexican Presidency in recent decades.

A portent of the administration of President-elect Echeverria may have been suggested in a quotation attributed to him by Jeremiah O'Leary in an article under the title "Echeverria: Believer in Consensus," which appeared in the Sunday Star:

> I shall be on the side of the needy, the poor and the humble, because the others know how to defend themselves.

FRED FRAY, CHIEF DOORKEEPER OF THE SENATE

Mr. BIBLE. Mr. President, it is my sad duty to take official notice of the absence of a dear friend. This was a man all Senators knew and respected, a stanch aid and in recent years a fixture of the U.S. Senate. He was a man of quiet reliability who brought to this Chamber a gentle warmth and humor we all will miss.

For during our absence, shortly after the recent congressional recess, death took Fred Fray, the Senate's chief doorkeeper. As it turned out, Fred departed quietly and unobtrusively. And this added an extra note of sadness to his leaving because every Senator, I know, would have wanted to pay him a final tribute.

Fred was himself a part of Senate tradition. He had all the attributes—loyalty, dedication, ability, honest of purpose. And he asked little from life but the privilege to serve his State and Nation here in the Capitol of the United States.

For all his quiet demeanor, Fred had a colorful background. His active life began in the boisterous hey-day of the famed Comstock Silver Lode and carried him through leadership positions in labor, management, and government.

We all counted it a privilege to know him. We will miss him greatly.

Mr. President, Fred Fray received warm tributes from the press of his home State, and I would like to share them with all Members of Congress. I think it particularly fitting that they be printed in the Congressional Record at the conclusion of my remarks: first, a news story of his death carried in the Reno Evening Gazette and then a warm and perceptive—and touching—profile of Fred that was written by a newspaper columnist in the Las Vegas Sun. The writer, Mrs. Judy Carlos, happened to meet Fred for the first time only a few days before his death. She was so impressed by Fred's unique mixture of quiet dignity and western wit that her column went far beyond the usual obituary.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Reno Evening Gazette, Oct. 21, 1970]

FRED W. FRAY, COMSTOCK NATIVE, DEAD

Fred W. Fray of Reno, whose career stretched from the silver mines of the Comstock Lode to the halls of the United States Congress, was buried Tuesday in Washington, D.C.

Fray, 83, chief doorkeeper of the U.S. Senate, was preparing to return to Reno to visit family and friends Friday following the congressional recess, when he suffered a heart attack.

He died Saturday in Rogers Memorial Hospital.

Born in Virginia City Aug. 17, 1887, Fray was among the last of the "Cousin Jacks"—Cornish people and their descendants who toiled in the famous silver mines as "hot water plugs" working in the extreme temperatures of lower levels flooded by hot springs.

During his active life, Fray was a Reno labor leader and businessman and served as assistant city manager before moving to the nation's capital in 1957 to join the staff of U.S. Sen. Alan Bible.

Later, as chief doorkeeper of the Senate, he became a close friend and confidante of all 100 senators.

"Fred himself was a part of Senate tradition," Sen. Bible said. "He occupied a special place in the hearts of all senators, active and retired.

"His warmth and friendliness will be sorely missed in the Senate chamber."

Fray was born in a house across the street from Virginia City's historic Episcopal Church, which still stands. His father, Richard Fray, who emigrated to Virginia City from Cornwall, England, was a well known chief engineer on the Comstock, whose safety device inventions for ore cars and cages can be seen on exhibit at the Mackay School of Mines.

In the early 1940s, Fray was president of Local 350 of the Reno Plumbers Union. He later owned and operated his own plumbing and heating business in Reno. He was assistant city manager in the early 1950s.

As chief doorkeeper of the Senate, Fray, acquired an intimate knowledge of the Capitol's history and tradition and became an unofficial caretaker of the properties and monuments preserved there.

"Fred particularly enjoyed escorting Nevada visitors through the Capitol, giving them a special insight into the workings of Congress," Bible said. "He was 'Mr. Nevada' of Capitol Hill."

Fray's wife, Iva, also worked on Bible's staff until her death in November, 1965.

Surviving are two sons, Richard E. Fray of Reno and Fred W. Fray of Concord, N.H., and two grandchildren.

[From the Las Vegas Sun, Oct. 25, 1970]

FILE 13

(By Judy Carlos)

We only met him once and fell in love at first sight.

His name was Fred Fray and he was the chief doorkeeper of the United States Senate.

Two weeks ago he told Mr. Carlos and myself, "If my job included hollering 'Mistuh President' like Fishbait Miller does over in the House, I would be famous."

We were the latest and the last in a line of innocents come to Washington on a combined business and pleasure trip with the idea of finding out a little bit more about who we are and where we are going.

Naturally we had to check up on the government. There is a long tradition in this country of being most suspicious of those men we elect to represent us in some distant capitol where we can't keep an eye on them.

Senator Alan Bible of Nevada was tied up in important committee hearings, we are happy to report, and so he turned us over to his pal Fred Fray.

What stepped out of the private corridor adjacent to the Senate waiting room was a vision of Mayfair elegance. A terribly thin and brittle figure, shoulders slightly hunched in a tailormade, conservative gray suit complete with waistcoat.

His voice was pure Nevada—low and dry, hinting at some secret laughter.

His manner was courtly but warmly familiar, like the presence of an old wood stove on the first night of frost.

Fred was 83 and among the last of the "Cousin Jacks," Senator Bible explained affectionately. The nickname was used for the Cornish people and their descendants who toiled in the Comstock Lode silver mine as "hot water plugs," working in the extreme temperatures of the lower levels flooded by hot springs.

He was born in Virginia City on Aug. 17, 1887, right across the street from the historical Episcopal Church which still stands. His father, Richard Fray, was chief engineer on the Comstock, and a noted inventor whose safety devices for ore cars are on exhibit at the Mackay School of Mines.

Joking, we said, "Nobody was ever born in Virginia City. Mark Twain made it up."

He roared as much as a 110 lb. raconteur can roar, and you could see that he had decided he had a couple of live ones.

"You see these?" he asked, thumping on

a pair of five-foot-high Chinese urns. "They call 'em VAHzes. These VAHzes cost $5 million."

"Oh, my gosh," he said, and he had snared us.

"Yep. We loaned $5 million to France and this is what she gave us back. Never did see the money again of course," he laughed.

The hour was early and the session was in its dying hours so little business was being conducted. Most of the 100 senators were campaigning back home, except for Goldwater who was on hand to extoll the SST aircraft.

On the floor the young pages sporting long hair and Afro cuts spoke in awed tones about the deaths of singers Janis Joplin and Jimmi Hendrix and wondered aloud, "What does it mean?"

How's the grades?" Fred asked the tiniest of the lot with twinkling affection.

"Better, Mr. Fray, Sir," he said.

In a quiet aside the old man gossiped, "See that. Get a load of that boy. Now I know that hair is his pride and joy, and I don't want to hurt his feelings, but I'm going to have to speak to him about a little trim."

The hair was beyond shoulder length. "I like the sideburns and I don't mind the long hair a bit," he confided. "But there is such a thing as a little too much raggedy edge."

With all the pride of a former craftsman or an archeologist he pointed out the elaborate bell system which alerts the Senators to a quorum call, and caressed the patina on the desks.

"You know what that is, don't yuh? That is real spittoon. Course the only one that uses his these days is Talmadge. And over here is the snuff box we are required to keep filled by law. Young Hatfield is the only one I've ever seen use it," he said. "That's a surprise, huh?"

He allowed as how he didn't mind "Spiro T" traipsing around the country and making wisecracks about senators as much as he did the man's obvious "work-brittle" nature.

"He hasn't been around much at all in two months and we've got business to do here," Fred hrumped. "Meanwhile poor Mr. Russell, who is not well, has to come in here and do his work for him presiding and all. He ought to be here tending to business."

But there was more than partisanship in his distaste.

He always referred to Agnew as "That fellow;" as an old family retainer might announce the appearance of a social climber at the door.

Humphrey, a former United States Senator, a member of the club who does his homework and shows up for work on time, an "Old Shoe," and a gentleman, was a Fred Fray favorite.

"He'll be back. He'll be back," Fred Fray said. "Just like Goldwater. One time when he was Vice President we had the Miss America beauties here and he had this big grin on his face and laughing eyes and he said, 'Mister Fray, Sir, show the ladies right into my office. That other fellow is a stuffshirt.' "

Fray said that Jack Kennedy used to come into the Senate waiting room late in the day when he was a U.S. Representative, and he would daydream, among the gold-leafed mirrors and the oil paintings of men long since dead.

The old man said he believed the inspiration for Kennedy's book, "Profiles in Courage," came from sitting in that room with Taft and Daniel Webster "looking him right in the eye."

He had a story for every hallway, every door, every office, every statue, every man. With great pride he pointed out the elevator Alan Bible had operated when he was a young man, and he reminisced about the widow Kennedy sitting in the rotunda at one in the morning and the message delivered from the President of France—"Tell the lady that if she walks I walk."

"You remember that singer at Jack's ceremony? Marian What's-her-name. Well Jack, he told me to stick around in case he needed anything and in comes this woman and she throws a coat in my face and says, 'Take care of this.' Well I didn't know what to do with the darn thing and she says, 'You better because it cost $25,000.'

"So I carried it outside with me and I was fussing around for a place to put it and Jack he is looking at me and shaking his head. So I sat on it. A fur coat," he laughed.

As he walked the corridors with us the capitol seemed to grow smaller, more intimate, and insulated from the world, and yet more magnificent.

Fred Fray talked about both the great and the mean in spirit who had walked in its light and shadow, men who drew their power not from the trappings borrowed from ancient Rome, but from their heart and intelect. In the end they were all only men among men.

He didn't say that he had been President of Reno Local 350 of the Plumbers and Pipefitters Union, or the owner of his own plumbing and heating business, or an assistant city manager. He had found his identity in the words "Chief Door Keeper of the United States Senate."

He talked about his sons, Richard, an attorney in Reno, another in Concord, N.H., and he said he liked to visit his grandchildren. But his dear wife, Iva, who had also worked on Senator Bible's staff, had died in November of 1965 and he had buried her in Washington, and visited her grave often.

After lunch that day we stood on the steps of the Senate and looked toward the U.S. Supreme Court in the distance.

We told Senator Bible some of Fred's stories, particularly those he had related while winking at a statue of Will Rogers whom he paraphrased: "Senators have a sense of humor and you can prove it by reading the bills they pass."

"You know I am going to have to take that tour with Fred some day and check up on his stories about me," Bible laughed. "He knows more about the history of this place than anybody I ever knew. I think he would die if he had to leave for good. The only danger of that is if he gets blown away. He's thinner all the time."

Fred was all set to come to Nevada and stump for the Democrats this Friday. But a week ago Saturday he died of a massive heart attack in Washington. His friend, Alan Bible called him, "Mr. Nevada on Capitol Hill."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BIBLE. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished senior Senator from Nevada in paying tribute to a fellow westerner, a man who established himself in Nevada, as the Senator has so ably brought out, a man who endeared himself to all in this Chamber, on both sides of the aisle. He was an able man, he was a good man, and he was a gentleman in the finest meaning of the term.

So I join the distinguished Senator from Nevada in paying tribute to this man, who worked so well, so efficiently, and so courteously down through the years.

THE NIXON VIETNAM POLICY—A BILL OF INDICTMENTS

Mr. McGOVERN. Mr. President, during the 1968 presidential campaign, candidate Richard Nixon told the American people that he had a plan to end the war in Vietnam. He said that he could not reveal it at that time, lest it jeopardize the Paris peace talks, but that it would be forthcoming once the election campaign was over.

More than a year passed, however, before Mr. Nixon put forth anything approaching a new plan for ending the war in Vietnam. Then we were offered the Vietnamization formula. In my judgment, it is more and more clear that Vietnamization is not a formula for ending the war but for continuing it by manipulating American public opinion to accept an indefinite American involvement in Indochina.

What are the facts? First of all, nearly 15,000 Americans have died and a hundred thousand have been wounded since Mr. Nixon assumed office.

Second, we have spent an additional estimated $40 billion in Indochina.

Third, American prisoners continue to languish in the prison camps of North Vietnam, some of them having been there for as long as 5 years.

Fourth, we continue to perpetuate dictatorial governments in Indochina.

Fifth, the inflation of the American economy, the divisions of American society, and the growing disillusionment of the American public, and especially the young. while this war continues.

Sixth, the terrible devastation and destruction of the people and countryside of Indochina goes on.

Now we learn this weekend, without any prior consulation with the Congress, that the bombing of North Vietnam has again resumed. It is not clear yet whether this is a single series of raids or whether it indicates a new pattern of continued bombing. In either event, it is the height of folly for the Nixon administration to resume bombing attacks that have proved so clearly self-defeating in the past. Such attacks have resulted in several unfavorable consequences to the United States: an increase of casualties on both sides; a hardening of lines that made negotiations impossible; a growing highhandedness on the part of the Saigon government toward any accommodation that might lead to a government with greater support on the part of the Vietnamese people or a coalition capable of reaching a settlement with the enemy. Furthermore, bombing attacks on North Vietnam tend to unify the Communist world and to turn world opinion against the United States. More specifically, bombing attacks on North Vietnam always increase the dependence of the government of North Vietnam on Peking and Moscow.

In any event, I would like to suggest a bill of indictments of the Nixon administration, which I call upon them either to refute with clear evidence to the contrary or confess their inability to end the war.

First, I charge President Nixon with a clear failure to keep his 1968 campaign pledge to the American people to end the war.

Second, I charge him with having no intention of ending the war except on administration terms, which means perpetuating the corrupt and unrepresenta-

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tive Thieu-Ky regime in Saigon. We are still sacrificing American blood and resources to save a political regime in South Vietnam that does not have the respect of its own people. That regime is despised by the most thoughtful and patriotic citizens of South Vietnam who are in anguish over the blunt fact that tens of thousands of the best citizens of Vietnam are imprisoned because Generals Thieu and Ky fear courageous critics. The most responsible non-Communist leadership in South Vietnam is as much opposed to General Thieu and Geenral Ky as is the National Liberation Front leadership. No true patriot and no true believer in democracy has any respect at all for the Thieu-Ky regime and tragically enough, those who could best lead the people of Vietnam are in fact either jailed or in exile or in some cases have fled into the jungle in despair.

How long does the Nixon administration intend to ask the American people to carry this terrible burden for a military dictatorship that stays in power only because the war continues and the American sacrifices continue?

Third, I charge the Nixon administration with expanding the war across the Indochina peninsula. Mr. Nixon inherited a deescalating war in which the bombing had been stopped over North Vietnam and where the U.S. involvement in Cambodia and Laos was minimal. Now, nearly 2 years later, we have major military operations expanded into Cambodia and Laos and urgent requests pending before the Congress for more military aid to those countries.

Fourth, I charge the Nixon administration with jeopardizing the lives of American forces in Vietnam by reducing the number of those forces without following the kind of diplomatic initiatives that would secure assurances of safety during the withdrawal process.

Mr. President, let me stress that point, that we are in a highly dangerous situation when we reduce the number of American forces in a military operation of this kind without any kind of understanding as to their safety during that withdrawal process.

Fifth, I charge the Nixon administration with refusing to take the diplomatic steps that would secure the release of our prisoners in North Vietnam.

Now, what do I propose as an alternative to the Nixon policies? I propose what I have suggested for many months: that we state flatly that all American forces are going to be withdrawn from Vietnam and Indochina by a definite date. It does not make so much difference within certain limits what that date is so long as a flat commitment is made that our forces are to be withdrawn. I suggested last spring that we set the date at the end of this fiscal year—June 30, 1971. At the suggestion of other Senators who felt that more time was needed, I agreed to a later withdrawal date—at the end of calendar 1971.

More recently, as we all know, spokesmen for the National Liberation Front——

Mr. DOLE. Mr. President, will the Senator yield at this point?

Mr. McGOVERN. If the Senator will withhold his request, I would like to finish my statement. Then I shall be happy to yield.

More recently, spokesmen for the National Liberation Front and the North Vietnamese Government have said that if we would agree to the withdrawal of our forces by June 30, 1971, they would immediately give assurances to the safety of our forces during the withdrawal and they would immediately begin discussions leading to the release of our prisoners. I believe we ought to accept that offer. What possible gain can there be for the people of the United States or Indochina for us to perpetuate this totally senseless waste of men and resources? What possible gain is there for us or the people of Indochina in carrying on bombing attacks, helicopter operations, search and destroy missions, and other efforts that do not change the fundamental political and economic realities of Indochina? Those realities are governments controlled by military dictators who do not understand the problems of their own people. Why do we think that the people of Indochina would be any worse off if they were left to work out their own destiny without the crushing presence of American military firepower?

We have been painfully reminded last week of the much greater role which the American people can play in the life of the world if we could only break loose from the curse of Vietnam. Tens of thousands of people are now dying in storm-ravaged Pakistan for want of helicopters to bring in relief supplies. Yet, the United States—the one nation with an ample supply of helicopters—has that technology committed not to saving life in Pakistan, but to destroying life in nearby Southeast Asia.

By any test of commonsense, humanitarianism, or national security, we should move without further delay to nail down an agreement with North Vietnam and the Vietcong that our forces are coming out of all of Indochina, that we are transferring our helicopters to Pakistan to save that devastated area from additional tens of thousands of deaths, that we want our prisoners home from North Vietnam by Christmas, and that we want American forces home, if not by Christmas, by no later than June 30, 1971.

I, for one, will be satisfied with nothing less than this, and I do not intend to buy the current line that Vietnam is no longer an issue. It is the most painful and urgent issue before the American people, and that has been true for the past decade. This war will continue to curse, afflict, and disrupt everything we try to do as a nation until we end it. It ought to be ended now. That is the obligation Richard Nixon took before the American people in the campaign of 1968, and he ought to deliver on that pledge instead of offering us more American deaths, more destructive bombing raids, more interference in the affairs of other governments, and more destruction to the American economy and American society.

There are those who say that Congress has no business tying the President's hands, but I say if tying the President's hands is the only way we can stop him from tying our country down to an indefinite war in Indochina, then we, indeed, should tie his hands and force an end to this conflict. Beyond that, what thoughtful person can read the American Constitution and assume that the President has any right to commit American forces to Cambodia to carry on a secret war in Laos and to resume the bombing of North Vietnam without so much as a glance at Capitol Hill?

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. DOLE. Mr. President, will the Senator yield?

Mr. McGOVERN. I had promised to yield to the Senator from Kansas. I will yield to him, and then to the Senator from Ohio.

Mr. DOLE. Mr. President, the Senator from South Dakota is not unexpectedly critical of the administration's policy in South Vietnam. I am wondering what his response was when the unarmed reconnaissance plane, the American plane, was shot down on November 13. I understand it was the 10th aircraft lost since the bombing stopped in 1968. Does the Senator feel we have any obligation to protect unarmed reconnaissance flights or to protect American forces, to protect against buildups in that area against future plans the enemy may have.

In addition, I am wondering whether or not the Senator from South Dakota has any criticism of North Vietnam for the increased shellings of Saigon and other areas in South Vietnam.

The Senator from South Dakota criticizes this administration at every opportunity. This is a right he has. But what about the acts committed by the enemy against American forces and against our allies and against the civilians in Saigon and other areas? Does the Senator from South Dakota fault the enemy with respect to that?

Mr. McGOVERN. Let me say to the Senator from Kansas that that is what the war is all about—slaughter on both sides—and I do not come here today to suggest for one moment that all the shooting is from one direction. But the tragedy of this war is that somebody has to take the initiative in bringing this senseless slaughter to an end.

Frankly, I do not know what the answer is to the news speculation about whether we had an understanding or whether we did not have an understanding about reconnaissance planes over North Vietnam. I am very sure that we would not permit any such operations over our own country on the part of North Vietnam if they had the aircraft available to do that. I think we would take considerable action.

But the point of this is—if I may say to the Senator—that it is not a question of blaming North Vietnam or blaming Washington. The question is, is it in our interest, as a Nation, to continue these military operations, which I see invested largely on behalf not of the United States but of perpetuating a government in Saigon that has never demonstrated it has the support of its own people?

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So what I am pleading for here is not only that we halt the bombing operations over North Vietnam but also that we make a flat declaration of our determination to withdraw by a certain date. That, I believe, would set in motion negotiations that could bring this war to an end.

I want to say to the Senator from Kansas that, insofar as one can be sure of anything about this very confusing and complicated war, I believe, from what I know about the situation there, that if we would agree to the withdrawal of our forces by a date certain and made a flat statement by our President that all American forces will come out of there by June 30 or some other date within reasonable limits, I think we would find the stalemate in Paris broken. I do not think that stalemate will be broken by reconnaissance flights over North Vietnam, by occasional bombing raids, or by charges and countercharges as to who shot first.

We have an offer on the table from the other side now in which they have said that if we will agree to a definite date for the withdrawal of our forces, they will promise that the withdrawal will be carried out safely and they will begin discussions immediately leading to the release of our prisoners. I do not have much hope that we will accept that offer.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senator from South Dakota may proceed for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. If the Senator will yield further, as I understand it, the Senator from South Dakota has issued a five-point indictment of President Nixon and this administration because of efforts to extricate us from the war President Nixon inherited from previous administrations.

Mr. McGOVERN. I do not deny that the President inherited a very difficult situation. What I do say is that I think the pledges he made in 1968 led millions of Americans to believe that there would be an early end to the war, not this indefinite protraction of the war, which has taken the lives of another 15,000 Americans and, in my opinion, has put us in no better position to end the war than we were when the President took over almost 2 years ago.

I agree that the President inherited a difficult situation.

Mr. DOLE. I am pleased to know that the Senator from South Dakota agrees that the President inherited a bad situation.

I would further suggest that we discussed at great length on this floor the so-called amendment to end the war, which I designated the amendment to lose the peace, offered by the Senator from South Dakota and other Senators. As I recall, the final date agreed upon by the sponsors of the amendment was not June 30 of this year but March 1, 1972.

The point is that here the Senator from South Dakota insists that the President set some firm date; yet, some 20 Senators could not agree on a date and changed the amendment date five times. Still, the Senator from South Dakota insists that the President fix a date 6 months or a year or more in advance and abide by that date. How does the Senator from South Dakota expect him to do that, if the Senator from South Dakota, and other Senators could not agree?

Mr. McGOVERN. I think the date we set is a matter of small significance, within reasonable limits. As I said earlier, I am not going to quibble about whether it is June 30, July 15, or December 31. The principle is that the other side has made it quite clear that negotiations will not move forward unless we agree to a definite date for the withdrawal of all forces.

I am not pressing the President to accept my date or the date that other Senators have suggested, but that a definite date be announced and that we stick with it. I think that will be the initiative that can open the way for negotiations that will lead to an end to the war.

Mr. SYMINGTON. Mr. President, will the able Senator yield?

Mr. McGOVERN. I yield.

Mr. SYMINGTON. The Senator has made a most thought-provoking statement.

I was one who believed the better date would be December 31, 1971, instead of the originally proposed date of June 30, 1971. The Senate was hung up for 7 weeks discussing the Cambodian situation, in order that the resolution would end up meaning little or nothing.

The statement is made constantly that this war was inherited by President Nixon. Whether it was inherited or not inherited, the President said when he campaigned in 1968, that he was going to get this Nation out of this war and that to that end he had a plan. I am correct about that, am I not?

Mr. McGOVERN. The Senator is absolutely correct.

Instead of getting us out of this war, he has expanded the war which was going on in Laos secretly, and he expanded the war openly in Cambodia.

Mr. SYMINGTON. If there is any justification for bombing North Vietnam because of our reconnaissance planes having an agreed-upon right to fly over North Vietnam, I can say to the Senator that I did not know about that agreement as a member of the Armed Services Committee, nor did I know about it as a member of the Foreign Relations Committee.

With all due respect to those who constantly harp on the fact the President did not get us into this war, in October 1967 I presented to the Senate, on the floor, a suggestion that we have a complete cease-fire. This was after coming back from many trips to Vietnam. It was then I became convinced that our efforts out there were fruitless. At that time, October 1967, there were some 13,000 Americans killed. Today over 52,000 have died.

I was glad to follow the suggestion late last summer, made by those who successfully opposed the amendment of the Senator from South Dakota, to thereupon write a letter to the President suggesting a cease-fire in 1970, because it is exactly what I suggested to President Johnson and the Senate in October 1967.

It would seem that what the Senator brings up in his talk is not so much who shares the blame for this tragedy as to how we are going to get out of it, a situation which is taking so much of our resources and, more important, so many of the best of our youth. Am I correct?

Mr. McGOVERN. Yes. The Senator from Missouri is absolutely correct. The reason I phrased the speech as I did, in an effort to place more responsibility on the Nixon administration——

The PRESIDING OFFICER (Mr. STEVENSON). The time of the Senator from South Dakota has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time of the Senator from South Dakota be extended for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I was saying, the reason I phrased the speech as I did, as I told the Senator, was in an effort to try to place greater responsibility on the Nixon administration. So that I think, either intentionally or perhaps by coincidence, the Vietnam issue has been taken out of the public forum in some way, under the impression that the present administration was doing everything possible to bring the war to an early end.

I no longer believe that to be the case. I do not believe that we are doing everything possible to end the war. I think that as long as young Americans continue to die out there, and we are spending funds at the rate of $15 billion to $20 billion a year, and now are faced with requests for new military assistance to Cambodia, with the argument that we have to keep our South Vietnamese allies fighting in Cambodia in order to carry out our disengagement in South Vietnam, as long as all these developments come to our attention, I do not believe that the issue of Vietnam is dead. I do not believe that anyone should assume, because the President made a pledge in 1968 that he was going to end the war, that he has discharged that obligation. That is why I put it in the context that I did.

Mr. SYMINGTON. Will the Senator from South Dakota yield for one more question?

Mr. McGOVERN. I yield.

Mr. SYMINGTON. At the time the President presented his two-pronged policy—Vietnamization and negotiation—based on my trip to Vietnam, I stated then that, in my opinion, Vietnamization would not work. That, I believe, is the only criticism I have made of his conduct of the war up until this time. I said then, however, that I hoped he would concentrate on negotiations as against Vietnamization, because far more experienced people in the military field constantly stated we would never

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win this guerrilla war if we continued with the policies we were following. We have not only followed them, but have expanded them.

My question: Does the able Senator from South Dakota believe that the chances of negotiation have been improved by this new heavy bombing of North Vietnam?

Mr. McGOVERN. I think precisely the opposite is the case, that all previous evidence is that the bombing has hardened the lines of resistence against negotiations. I think it makes it more difficult for Moscow to exert whatever leadership it might have in keeping the negotiation pattern at least alive in Paris. It tends to force the Hanoi government into a tighter embrace with Peking and Moscow rather than open up any divisions in the Communist ranks. For all these reasons, I see it as a setback to negotiations rather than a means to bring the other side to a more favorable mood.

Mr. SCOTT. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I am happy to yield to the distinguished minority leader.

Mr. SCOTT. The distinguished Senator from South Dakota has made the point that the Vietnam issue is largely out of the public consciousness. I do not know whether we should commend him for his admitted desire to bring it back into the public consciousness. That is a matter for his decision.

But in this colloquy which turns on whether the President had a plan to end the war, I should like to point out that no other President ever did, that this President has a plan, that the plan is in execution, that any plan which brings down the casualties from 300 a week to 30 a week is deserving of some degree of applause from the people of this country—which may be why the issue is not so harsh or so bitter as it was last spring.

The fact that by next summer the President will have approximately 300,000 American troops drawn from overseas, to my mind, is evidence of the plan in action. The fact that the South Vietnamese and the fact that many of the Cambodians have demonstrated the truth of the territorial imperative, that they are defending their countries, as to that, it seems to me, a certain degree of generosity would be indicated by contrast with previous administrations, if you will—although I must say, in fairness, that I supported the two previous Commanders in Chief, too.

Mr. McGOVERN. In equal fairness, let me say that I have criticized the two previous administrations also.

Mr. SCOTT. That is true.

I do not believe that the Senator from South Dakota will be able to convince the American people that there is no plan to bring about an end to U.S. participation in this war when the facts are so resoundingly to the contrary.

On another aspect of this matter, I have waited ever since the announcement of the strikes. The commentators refer to them as 2-day strikes. I have heard references that tend to imply this is a continuation of the bombing. There is no such thing intended. The actual length of the strikes was 7 hours, so let us put it back in its proper context.

The strikes were in accordance with what we believe would be, and what we are informed was an understanding. If there was no understanding on the time of the termination of the bombing strikes, then, in God's name, there should have been, for the protection of American lives. If there was no understanding, and I believe there was, but if there was no understanding, that termination of the bombing would mean that we, the United States, would do nothing whatever to protect the lives of our own forces, would have been a shameless and discreditable act. I do not believe it ever happened.

What did happen at the time of the strikes was this, that there was an understanding—and now I shall read from the statement of the Secretary of Defense this morning:

> We remain ready to take appropriate action in response to attacks on our unarmed reconnaissance aircraft.

This is one situation.

The second:

> In response to major infiltration across the DMZ . . .

The third:

> In response to the shelling of major South Vietnamese cities.

Mr. President, I have heard no critics of the administration grieve over the shelling of Saigon by the enemy, in violation of what we believe to be the understanding.

I have heard none of them grieving over the shelling of Hue.

I have yet to hear anyone grieve over the loss of our two pilots on November 13 in the unarmed reconnaissance plane.

Mr. President, let us, for heaven's sake, try to put these things into some fair balance.

My concern—and I know that of the Senator from South Dakota as well—is for the defense of the United States.

My concern is to end this war. I would like to see us out of there faster than we are going. I am one of those Senators who proposed a unilateral cease-fire on one occasion. My credentials are, in my opinion, good in this regard.

I think it is time someone did a little grieving about the American dead. I think it is time that someone grieved about some of the pilots who have been shot down. I think it is time that someone grieved about the helpless citizens in Saigon and Hue who have been shelled in their homes. I think it is time that some of the Saigon commentators brought some balance into their reporting.

Mr. McGOVERN. Mr. President, does the Senator not realize it is that very grief over the destruction of American forces that causes the Senator from South Dakota and others to speak about our impatience over the slow pace of our withdrawal?

I think the Senator from Pennsylvania and I stand on common ground concerning the loss of American life.

The whole thrust of what I have tried to say here today is that it makes no sense at all in terms of our national security and our concern for the lives of young Americans to perpetuate this conflict.

The Senator is correct when he says that President Nixon deserves some measure of credit for reducing the level of our involvement there. What disturbs me is that every time we go through one of these procedures and our hopes are aroused that we are on the way out, we are treated to some new twist in the war that raises our fears.

I think that is what happened in the Cambodian excursion last spring. People were shocked beyond belief that at the moment we were led to believe Americans were being withdrawn, American forces were put into Cambodia.

Perhaps the Senator had advance warning, but I had no way of knowing whether the bombings were a single, isolated attack in response to a single incident or a new hardening that would lead to wider involvement.

We have a request from the President for military assistance to Cambodia. It is not at all clear to me, as it was to the Senator from Pennsylvania, that the question we are answering is whether we are sending money or American blood. I am not sure that we ought to send either one into Cambodia at this time.

It is in an effort to raise some of these issues and bring them into the public forum where they can be discussed that I am speaking this afternoon.

Mr. SCOTT. Mr. President, I am sure the Senator knows very well that in the President's request there was no request for the assistance of our military in Cambodia.

I have said that our choice is between blood and dollars, and I repeat it. I think it is entirely too easy an answer to say, as the Senator from South Dakota has said, that he does not want to spend blood or dollars.

Neither does anyone else. But we have made a commitment to withdraw certain forces. Pursuant to that commitment, the only way we can continue to expedite the deescalation of this war, which the Senator tells us he is arguing for, is to provide the necessary and very limited military and economic assistance to this country, as is true of Korea, in order to expedite the withdrawal.

The Senator's position if successful, in my opinion, is going to delay the withdrawal. It is going to hold up and slow down the withdrawal of these forces.

If the President is not able to keep his foreign policy commitment in pursuance of the Nixon doctrine, Korea is a good example of what would happen. We are taking 20,000 troops out of there. They are terribly disturbed in Korea, as the Senator knows.

We have promised to replace the economic damage we have done by withdrawing troops from villages which are dependent and have become dependent for too long under the American presence. If we do not keep that promise to Korea, it can mean that the Korean Government may not be able to sustain its credibility with the people and it may go into a far worse state of being.

In Vietnam if we do not maintain the cost of the military and financing of the Vietnamization program, we are not going to be able to withdraw troops, and I want them out of there.

Mr. McGOVERN. Mr. President, the trouble with that assumption is that that is the same pattern that has gotten us so deeply involved in the first place.

Always the investment in Vietnamization in the sixties was to help that government become strong enough so that American forces would not be needed.

The trouble there and, I fear, in Cambodia is that they do not have the kind of representative governments that can command the respect and support of its own people, even with a heavy investment of American resources.

That is why after a heavy investment of American forces, we felt compelled to go on with backup support in order to try to retrieve our investment.

That is what I fear will happen in Cambodia. If we approve the pending request, the North Vietnamese will try to offset that by an increase in their forces and firing power. We will then feel we have to counter that with helicopters and aircraft. With the additional forces there, we have the formula for a major war.

Mr. SCOTT. But on the contrary, if the Senator would recall, following the Cambodian incursion, the question arose as to how much of the supplies were being interdicted, how many of them were coming from Sihanoukville.

It was believed that only a very small percentage was coming from there. Following the Cambodian incursion it was learned that the interdiction of Sihanoukville to the enemy, its loss to the enemy, involved between 75 percent of the supplies in one case and 95 percent of the supplies in most other cases to the enemy. Those supplies were coming into this port. Having closed the port and continued the interdiction of the Ho Chi Minh Trail, we are required to help Cambodia to a degree many times less than it appeared we would have to help them back in May or June. In other words, because the enemy is starving for supplies and has been blocked off because of the gallantry of the Cambodian people in defending their own territory, it has made it possible for this involvement to be economic assistance plus some light weaponry.

I do not believe that the Senator was making such statements in 1960. But he was making them earlier than most people. In all fairness, I am not here to defend the Kennedy and Johnson administrations, although it is fair to say that when they were in office I did defend them.

Mr. McGOVERN. I give the Senator from Pennsylvania credit for that.

Mr. SCOTT. Mr. President, I agree that this is an unpopular war. I agree that most of what is being done by the administration can be counterproductive if we do not stop it. But because of what we did in Cambodia, the amount necessary to shore up the Cambodian forces is somewhere from one-third to one-fifth less than it would have been if they had not been successful in defending themselves.

Mr. McGOVERN. Mr. President, that depends upon what point in time the Senator begins. I am sure the Senator would agree that a year ago we did not have much responsibility for Cambodia. We did not even think it was necessary to write it into a restrictive amendment. That situation applied to Laos and Thailand. We thought we would not send American forces into Cambodia. It had never occurred to any Senator that we would.

I think what the Senator is doing is going back to the commitment of American forces and the prevention of the collapse of Sihanoukville and saying that perhaps today the situation is a little bit better than a few months ago. But the Senator would not argue that the situation is more stable and secure in Cambodia today than a year ago before we became involved.

Mr. SCOTT. Mr. President, may I ask the Senator from South Dakota if he were the Secretary of Defense at this time whether he would do anything to protect the civilian population in Hue and in Saigon from bombings? Would he do anything to prevent the shooting down of unarmed reconnaissance planes? Would he do anything to protect the security of the American forces?

Mr. McGOVERN. Mr. President, what I would recommend is decisions that could be made by the Secretary of Defense, the President, and the Congress to put an end to the war.

As long as we have American forces committed there and they have as one of their responsibilities the protection of the South Vietnamese people and these other commitments, we are, of course, going to take whatever military steps are necessary to protect those interests.

What I am suggesting is a change in policy under which we would announce that we are withdrawing our forces by a set date. Of course, that is an entirely different answer than the one the Senator is asking me to make in a situation I do not accept, which is a situation of indefinite American involvement in Southeast Asia.

Mr. SCOTT. In other words, the Senator is glad he is not the Secretary of Defense.

Mr. McGOVERN. Absolutely.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. McGOVERN. I am happy to yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, first, I compliment the Senator from South Dakota for making a most constructive statement today regarding our situation in Southeast Asia. I agree with every statement he made. There have been some statements made that I cannot agree with. There has been a reference to increased shelling of Saigon, for example; and a moment ago it was referred to as a bombing of Saigon. The facts are, as the Senator knows, that there has been some increased mortar fire over Saigon. That mortar fire is fired not from North Vietnam; it is fired a few miles distant by Vietcong and it has increased somewhat.

Reference has been made to the unarmed reconnaissance planes, but, in fact, all unarmed reconnaissance planes flying over North Vietnam are accompanied by fighting planes at a higher distance.

With respect to the Senator's address, I compliment the Senator on his statement expressing sympathy and deep concern over the plight of Americans who are prisoners of war. As he stated, some of them have been held prisoner for more than 5 years. In recent months on two different occasions in this Chamber I have called attention to the fact that in every war in which our country has engaged in the past there has been an exchange of prisoners. I mentioned recently, and I am certain the Senator from South Dakota will agree with me on this statement, we have some of our finest Americans, and many of them officers and pilots of planes, missing in combat. Approximately 1,000 men, or perhaps fewer than 1,000, most of whom are American airmen, are held as prisoners of war by either the VC in South Vietnam or in North Vietnam where many of them were captured over Hanoi and over other territory when we were constantly bombing, as we are doing now in recent days. The Senator wisely asked how we would feel if someone were flying over our Nation at all times.

Approximately 36,000 North Vietnamese and Vietcong soldiers have been taken prisoner. Most of them have been taken as prisoners of war by our GI's. But because of some agreement, which I feel we should not have entered into, those prisoners taken by our GI's are immediately turned over to the South Vietnamese.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the Senator from South Dakota may be recognized for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. International service organizations, including a group of Quakers have reported that the treatment given to those prisoners of war in South Vietnamese prison camps is abominable and disgraceful. It is commonplace that prisoners are tortured.

The Senator from South Dakota had distinguished service in World War II, but in all of World War II, of which the Senator and other Senators are veterans, many, many times Germans were taken as prisoners of war yet none of us saw a German prisoner of war with his hands manacled behind his back and a hood over his head. When we turned VC and North Vietnamese over to our friendly allies, who quite frequently are too friendly to fight, they are tortured. Americans witnessed a VC officer being murdered by General Loan in Saigon.

I have not heard anything from the White House on this proposal, but on two occasions in this Chamber and in speeches in Ohio I advocated that we immediately offer—and this could be done through the International Red Cross—to release and exchange those 36,000 VC and North Vietnamese prisoners held by the South Vietnamese for the release of the fewer than 1,000

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Americans held prisoner by the North Vietnamese.

Officials in the Department of Defense, the Secretary of Defense, and others should be glad to make that exchange on a 36-to-1 basis, and I hope they will do that.

Mr. McGOVERN. I think the Senator's proposal is humanitarian and one that is in our national interest.

Mr. YOUNG of Ohio. Regarding this secret plan, it is a fact that in October of 1968 President Nixon said he had a secret plan to end the war. As far as I know, that plan is still his secret. Maybe there are some Senators here who know something about it, but bear in mind that he has been the President for almost 2 years and we are still fighting in Vietnam and that has been expanded, as the Senator said, into Cambodia and Laos. On two occasions when I was in Vietnam I also went into areas of Laos. I did not go to Cambodia because at that time it seemed unthinkable.

Mr. McGOVERN. Is the Senator aware that the $285 million in aid requested for Cambodia now pending before Congress is more per capita than we ever gave Vietnam in any year prior to 1965?

Mr. YOUNG of Ohio. Yes.

Mr. McGOVERN. And it could well set the stage for much heavier involvement rather than a reduction of our involvement there.

Mr. YOUNG of Ohio. Yes; the Senator from Ohio is aware of that. Without taking much more time, I wish to report to the Senator from South Dakota what he already knows. Thailand has kindly rented 12,000 of its troops to fight in Cambodia in return for $1 billion in aid to Thailand. This works out to $83,333 per soldier that American taxpayers are paying.

It has been said that there are no American soldiers now in Cambodia. The Senator and I both regret the invasion of Cambodia. But the fact is that our B-52 bombers are bombing almost around the clock in Cambodia.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YOUNG of Ohio. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Also, the Pentagon officials recently reported—and I believe the Senator from South Dakota knows this—the first installment of 5,000 Thai mercenaries, 20th-century Hessians, are already in Cambodia. We are paying Thailand $1 billion in aid for exchange for the "volunteers" so-called. Unfortunately, even with that aid, the Vietcong and the other forces control practically all of Cambodia except for Phnom Penh.

Mr. McGOVERN. I appreciate the Senator's contribution. I thank him very much.

Mr. DOLE. Mr. President, first, I ask unanimous consent to have included in the RECORD a statement issued this morning by Jerry W. Friedheim, Deputy Assistant Secretary of Defense for Public Affairs, in reference to the bombing of North Vietnam.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY DEPUTY ASSISTANT SECRETARY OF DEFENSE JERRY W. FRIEDHEIM

Gentlemen, security considerations now permit me to report to you details of the limited-duration, protective reaction air strikes conducted against military targets in North Vietnam—south of the 19th Parallel.

The protective reaction strikes took place during a period of approximately seven hours.

As Secretary Laird stated here early Saturday morning, these protective reaction strikes were conducted against missile and anti-aircraft-gun sites, and related facilities. The strikes were in response to enemy attacks on our unarmed reconnaissance aircraft. As Secretary Laird stated Saturday, we will continue to take protective reaction as necessary to protect the pilots of our unarmed reconnaissance planes.

When the United States halted the bombing of North Vietnam on November 1, 1968, it was with the understanding of the fact that our unarmed reconnaissance would continue.

These protective reaction missions were designed to protect the lives of United States pilots flying unarmed reconnaissance over North Vietnam—and the lives of our pilots flying missions to interdict North Vietnamese military supplies moving through Laos toward South Vietnam.

As you know, Secretary Laird has been particularly concerned at the other side's breach of the understandings. An unarmed United States Air Force RF-4C aircraft was shot down November 13th over North Vietnam, and two crew members were lost. The Secretary also is concerned about the shellings this month of the cities of Saigon and Hue with the resulting injury of South Vietnamese civilians. In addition, we are concerned that the other side has not chosen to negotiate in any substantive or productive way at Paris.

The Secretary of Defense has stated many times that we remain ready to take appropriate action in response to attacks on our unarmed reconnaissance aircraft, in response to major infiltration across the demilitarized zone, or in response to the shelling of major South Vietnamese cities. The so-called understandings reached at the time the United States halted the bombing of the north more than two years ago included these three specifics.

Since the bombing halt, ten United States aircraft and one helicopter have been shot down in the north. During this time there have been more than 60 instances in which we have conducted protective reaction to safeguard American lives.

You will recall that during the period of 1 to 4 May, this Spring, almost 500 U.S. aircraft participated in a series of reinforced protective reaction strikes in response to enemy firing on our unarmed reconnaissance aircraft.

I can advise you today that according to our latest reports, approximately 200 United States aircraft were involved in the latest protective reaction strikes.

I am particularly pleased to report that we suffered no—I repeat no—losses of any of these aircraft or their crews.

The total number of United States air craft participating included—of course—the strike aircraft, combat air patrol aircraft, flak-suppression aircraft, electronic support aircraft, reconnaissance aircraft, and search and rescue aircraft. There were approximately 50 support aircraft of these types.

The strike missions themselves were flown by Air Force, Marine and Navy aircraft. The Navy aircraft came from the aircraft carriers *Hancock*, *Ranger*, and *Oriskany*.

The main areas in which the limited duration, protective reaction strikes were conducted, against military targets, included the approach routes to the Mu Gia and Ban Karai Passes into Laos—and the similar approach route north and west of the Demilitarized Zone. There has been a particularly heavy buildup of enemy missiles and anti-aircraft-guns in this area in recent months. Although there has been bad weather over the panhandle of North Vietnam since the protective reaction strikes, initial post-strike reports from our pilots indicate that about 100 secondary fires and explosions were observed in the target areas, and that more than 100 trucks near the anti-aircraft sites were struck. Several missiles and associated equipment were probably destroyed on the ground.

Our pilots reported several surface-to-air missiles were fired against them during the protective reaction strikes. None of them hit our planes.

I want to emphasize that the operational orders to the pilots prohibited any attacks on populated areas. And I would like to emphasize again that these limited-duration, protective reaction strikes were initiated after the other side—in violation of an understanding which preceded the halt of U.S. bombing—had this month shot down an unarmed reconnaissance aircraft and had shelled the cities of Hue and Saigon.

We do not intend to tolerate violations of these or any other understandings.

Mr. DOLE. Second, Mr. President, I have again read with interest the five-point indictment by the junior Senator from South Dakota of President Nixon. I would like to discuss very briefly those five points. I would change the wording somewhat and restate them as follows:

I applaud President Nixon for his untiring effort to end the war in Vietnam which he inherited from two Democratic administrations.

Second, I applaud President Nixon for his efforts to end the war on terms acceptable to America, in the best interests of America and our allies.

Third, I applaud President Nixon and his administration for restricting and containing the war in South Vietnam and in Indochina.

Fourth, I applaud President Nixon and his administration for protecting the lives of American forces, notwithstanding criticism in America and in this Chamber.

Fifth, I applaud President Nixon and his administration for taking steps to help assure the release of our prisoners in North Vietnam and wherever they may be held by the enemy.

I understand, Mr. President, of course, that no one wants the war to continue. The junior Senator from South Dakota wants it to end no more or less than does the junior Senator from Kansas, as does every Member of this body. As I have said many times before on this floor, as the distinguished minority leader has said earlier, I supported President Kennedy. Perhaps that was a mistake. I supported President Johnson's efforts. Perhaps that was a mistake. I wholeheartedly support President Nixon's efforts, and trust this will not be a mistake. I do so because of my desire to see the war in South Vietnam end.

I do not believe there are any "antiwar Senators" as opposed to "prowar Senators" in this Chamber, but I remind my friends that President Nixon has made great efforts to wind down the war in Vietnam. The facts are there. Troops have been returned. Some 165,000——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. I ask unanimous consent to have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Between 165,000 and 175,000 Americans have been returned, and another 100,000 will be returned by next spring, which means about 80 percent of the combat forces will have been withdrawn in 27 months by President Nixon, our President.

The casualties, yes, are still too high. One per week is too many. One wounded per week is too many. But I remind the critics that when President Nixon assumed the terrible burdens of the Presidency, deaths in Vietnam were running between 200 and 300, and more, per week.

I find it difficult to believe the Senator from South Dakota thinks that Vietnamization is not working. If this is not some evidence of success, if this is not some evidence that Vietnamization is working, then the junior Senator from South Dakota should present some alternative.

There are those who say, in all good conscience and all sincerity, that the President should fix a date. The junior Senator from South Dakota said it makes no difference when a date is fixed, whether it is July or August, or apparently 1 year or 6 years from now. As long as the President fixes a date, so the enemy will know in advance that we are withdrawing by a certain date, that is success.

That would end the war. It would not end the killing. It would not end the bloodshed. It would not end hardship. But, according to the junior Senator from South Dakota, that would be progress. The junior Senator from Kansas disagrees.

We have had great debates, at least extended debates, in this body, with reference to the Church-Cooper resolution, with the reference to the so-called amendment to end the war, with reference to the President's power vis-a-vis the powers of the Congress. I would guess no one really resolved the issues or the problems. The debate was far ranging, whether it was President Truman, who sent troops to Korea without consulting the Congress, or whether it was President Kennedy, or President Johnson, or President Nixon now, who authorized bombings in North Vietnam to protect American forces, I believe an inherent right and responsibility any President has under the Constitution is to protect American forces.

It seems unfortunate that more Members rise in this body to condemn our Government and our policy than rise to support them. Everyone recognizes the war is unpopular.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Everyone recognizes the need to end it quickly, and everyone recognizes that negotiations may offer the quickest solution to end the war. But I have confidence in President Nixon's efforts, and would remind those who now raise the specter of another Vietnam because of efforts now to assist Cambodia, that this is another time, another place, with another President. President Nixon has made it clear, through the enunciation of the Nixon doctrine in Guam, that this country will not provide the manpower to fight wars around the world. I would hope we could resolve the issue on the basic question: Does this Congress want the Cambodian Government to be a Communist government, or not? If we do, then, of course, we should do nothing. If we do not, we have some responsibility, a responsibility that would not include sending American troops into Cambodia on any permanent basis. But, above all, we have an obligation as Americans to let the enemy know, whether North Vietnamese or Vietcong, whether it is today or next year, that we are not a paper tiger, that we will not issue the enemy a blank check in any part of the world, and that we will not fail in our responsibility to protect American forces.

I have yet to hear a satisfactory answer with respect to the reconnaissance flights and the buildups. Should those go unnoticed? Should we permit our airplanes to be shot down at will, without a response? I do not believe that to be true, and trust that everyone in this Chamber recognizes the grave responsibility the President has.

I would not hesitate to criticize President Nixon if he was extending the war, or if he had failed the American people, as the junior Senator from South Dakota apparently feels he has.

I believe that history will record that President Nixon was the peacemaker of this decade, if not this century. Until it is evident that President Nixon has abandoned efforts to end the war, we have some obligation to support him.

Mr. MURPHY. Mr. President, I congratulate my distinguished colleague from Kansas for his very simple, direct, and factual statement of the case. I have listened for a long time in this Chamber to the problems attendant to the war in Vietnam, and I grow weary of the attacks that are always being made on the American decision, the American action, the American policy. Everyone seems to forget those who are responsible for the trouble—those who caused the war if you will.

The trouble did not start with President Kennedy or President Johnson, or President Nixon. The trouble started with those who would extend the influence of their governments to include all of Indochina against the will of the people, just as they have done in many other areas. This was the beginning, this is the cause, and this is what keeps this terrible war going. Yet that never seems to be mentioned in this Chamber.

There are always voices raised against American policy—but seldom against the true aggressor—"the Communists—Moscow, Peking, Hanoi, Inc."

Currently there is a proper case for discussion about the new bombing. There was an agreement made by President Johnson that we would stop bombing north of the DMZ, in return for which we were given permission to fly surveillance flights with unarmed surveillance planes. These are not the first unarmed planes that have been shot at and shot down in disregard of that agreement.

What are we to do? Shall we do nothing? I suggest that we have the obligation to protect the airmen that we send on those missions, just as, for a long time, I have disagreed with the policy that you can send a man to fight in a foreign war and not permit him to fight the way he is capable of fighting or has been trained to fight. Not permitting him to win.

I submit that the war in Korea was badly managed by those who invented the "no-win" policy. How many thousands of American lives were needlessly lost? I submit that the "no-win" policy prevailed in South Vietnam: The denial by the civilian control to permit the military experts to do the thing that, as experts, they wanted to do—not to extend the war, but to bring it to an end—cut off the enemy's supply lines, and thereby make it impossible for him to continue to fight. The simplest most effective way to stop hostilities is to take away the shells—mortar shells and bullets.

There is no great mystery to it. It is not a new idea, or a new science. It is one of the oldest ideas in all of military science, and it is the most effective, quickest way to bring a war to an end. But we were not permitted to do that, for reasons I have never understood.

I listened today as the distinguished minority leader spoke of the supply lines of the enemy. I was in Cambodia a week after the incursion, and I was surprised to find out the amount of supplies that were coming in through Sihanoukville, 90 percent. I had never heard about it here. Our communications media had somehow fallen down. We had not gotten the whole story. I was under the impression the supplies were all coming down the Ho Chi Minh Trail.

Ninety percent of the supplies we found came in through Sihanoukville, then were brought inland in 2-ton trucks, and then distributed on bicycles in 200-pound packages, and placed in caves—caches of arms that would have continued the killing of Americans and South Vietnamese for many years to come. I have pictures which I took myself. But we did not know about this. No one told us until we went there—what actually was taking place and no one has really assessed the number of lives saved by the President's decision to invade Cambodia.

I think the Cambodian incursion was the most effective, the most courageous, and without question the most important single decision that has yet been made in that entire unfortunate experience in Southeast Asia.

I can recall my first trip to South Vietnam, when I was sent there at the request of President Johnson to watch the first public elections. I went with a bipartisan group made up of Governors, Members of the Senate, Members of the House of Representatives, and civic leaders from outside of government. We came back in full agreement that those were

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good elections, they were conducted properly, honestly, and much more carefully than elections in many cities in our own United States.

Yet, I continually hear that this is an unpopular government, that it is not pleasing the people. I saw no evidence of that while I was there. And I have seen great evidence that they have been doing many, many things to help conditions, such as what they call "Land to the Tiller" program—the breaking up of the big farms, based on the same plan that worked so well in Japan, taken right from General MacArthur's plan, whereby each citizen will be given title to about 7½ acres of land.

I do not hear about those things here. I can remember when we argued, in this Chamber, the Nuclear Nonproliferation Treaty, and I stood up and said I was concerned about it, and voted against it——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURPHY. I ask unanimous consent to proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. With regard to that treaty, there was a condition which, as I read it, said that if any nonnuclear nation was attacked by a nuclear nation, we had to go to war for the preservation of the freedom of that nation immediately.

Some Senators who are opposed to war—and I am one— and some who oppose the unfortunate situation in Vietnam, voted for that treaty. I do not know why we suddenly have two points of view, two sets of rules, and attempt to go at this thing in two directions at the same time. I did not. I did not want another involvement. That treaty, as I understood it would have given an advantage to our enemy and would have restricted our allies. Therefore I opposed it. But some of my colleagues who cry for immediate disengagement in Vietnam voted for that treaty.

We listen to the remarks about the prisoners of war. I wonder if those who complain about the treatment of the prisoners in the South know anything about the treatment of the prisoners in the North. Or what about those whom the Vietcong did not bother to take prisoner in Hue, when 7,000 to 9,000 people were tied together, massacred, and pushed into ditches? What about this sort of treatment? Let us hear an outcry against the terrorist tactics for a change.

No; I think the President has done an exceptional job since he inherited this unfortunate war. I think he has done a magnificent job. I have been to the Middle East just lately. There is a cease-fire there. Yes, it is uncomfortable, and it is tenuous, but there is a cease-fire.

The President has made an offer in South Vietnam that is sincere, fair, and equitable: Stop the guns, settle the political differences publicly and then let us all withdraw. Let all those who have sent troops withdraw at the same time according to an agreed schedule and let the people of that country settle their own differences without outside influence or force.

These are things that are of concern to me. These are the reasons that I get frightened, sometimes, when I hear some of my colleagues make statements which do not seem to be sensible; I can recall, on my first trip to Vietnam, I was shocked when I found some statements made by my colleagues had been given as propaganda to the new troops from North Vietnam.

I came back and said to my distinguished friend, Wayne Morse, "Wayne, did you know this?"

He said, "No, I did not."

When I explained it to him, he was shocked as I was to find that excerpts taken out of context were used as propaganda by the Communists fighting against our troops. Now that war is grinding to an end, and I am convinced, as I have been for the last 20 years, that the only way we will achieve peace—the permanent, honorable peace that we all want—is under the leadership of a courageous man who has made the decision to make certain that all potential enemies know that we Americans will keep our commitments, we will maintain the honor and integrity of this great country; and, with God's help, we will preserve the freedom of this country at the same time.

AMBASSADOR HARRIMAN WARNS AGAINST VIETNAMIZATION POLICY

Mr. McGOVERN. Mr. President, if we have any respect at all for the lessons of experience, then certainly we ought to heed the views of Ambassador Averell Harriman on the means to peace in Vietnam.

Ambassador Harriman ranks among this country's most distinguished diplomats. His words on Southeast Asia have special force, because of his many years of representing this country in negotiations with the Soviet Union, and because of his service as chief of the American delegation to the Paris peace talks.

I hope, therefore, that every Senator will examine the extremely important excerpt from Ambassador Harriman's new book, "America and Russia in a Changing World," which appears in Look magazine of November 17, 1970.

Along with a growing number of Americans, he sees nothing but continued grief in the so-called Vietnamization strategy. He writes:

> Our political objectives in Vietnam cannot be achieved by military means. We can expand the war to include Cambodia, Laos, North Vietnam and then China, and even the Soviet Union, but this war cannot be won.

Instead of recognizing that reality, President Nixon clings to the hope that military pressure can force the adversary to terms. In the process, his policy perpetuates a despotic government in Saigon which thinks so little of American sacrifices on its behalf that on at least two occasions it has scuttled the chance for meaningful negotiations.

Under these circumstances, Ambassador Harriman believes that the most hopeful and honorable course would be to withdraw all of our troops from Vietnam on a prompt announced schedule. Senators will recall that this is the precise content of the amendment which I and a number of other Senators proposed earlier this year.

Mr. President, I ask unanimous consent that Mr. Harriman's superb article I have described be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

W. AVERELL HARRIMAN SAYS: "VIETNAMIZATION IS IMMORAL"

When negotiations with the North Vietnamese began in Paris on May 10, 1968, President Johnson asked Cyrus Vance and myself to handle them. Cy had been Deputy Secretary of Defense. He had also undertaken troubleshooting assignments for the President in Cyprus, Korea and at home during the summer riots of 1967. Cy was more than a deputy, he was my partner throughout the long and frustrating months. And no one could have had a better one.

After nearly six months' discussion, President Johnson was able to stop the bombing at the end of October, 1968. Throughout this period, President Thieu of South Vietnam had never indicated that he was not willing to join the talks in Paris. We had considerable difficulty in getting the other side to agree to negotiate with his representative. They seemed to have a special bitterness toward Thieu, as they had been fighting him for years, way back to the period when they considered him a mercenary of the French.

For our part, we refused to accept the NLF as independent participants. We maintained they were creatures of Hanoi. We finally settled on a compromise that satisfied both sides including Thieu, we believed. There were, of course, two sides to the negotiations, but each side would have the right to include anyone it wanted. The North Vietnamese informed us the NLF would participate on their side, and we informed them the Saigon government would participate on ours.

Then, to the President's surprise (we were aghast in Paris), at the last moment, Thieu refused. Clark Clifford, the Secretary of Defense, in his November 12 press conference, described in detail this unjustified action.

There seems to be little doubt that through one channel or another, Thieu was counseled to wait until after the American presidential election. He was evidently told Nixon would be much harderline than Humphrey, and he was warned that if negotiations began, Humphrey might be elected.

I don't in any way suggest that Richard Nixon knew anything about this. But some believe that if we had started actual negotiations during the week before Election Day, it might well have made a small, but vital, difference in the election. If Hubert Humphrey had been elected President, we would have been well out of Vietnam by now. I can say this with assurance because I am satisfied he would have appointed either George Ball or Clark Clifford his Secretary of State, and I know where they stood.

Between the election and inauguration, we worked hard to get negotiations going. I am not very good at making a case for the enemy, but the North Vietnamese did disengage in the two Northern provinces of I Corps. The fighting there nearly stopped. They took 90 percent of their troops out, and sent half of them above the 20th Parallel, some 200 miles to the north. It seemed clear to us that this was an invitation to reduce the level of fighting and perhaps work toward a cease-fire.

I felt the B–52's were an important negotiating weapon. Although the North Vietnamese never admitted the damage done, they did describe to us in Paris the terrific effect on morale of hell breaking loose from the sky without warning. I felt that in return for the stopping of B–52 raids, they might well agree to stop their terrorist activities at least in the cities, and their ambushing along the principal highways. From the North Vietnamese actions as well as what they said, I believe that had substantive negotiations begun in early November, as had been agreed to, progress in reducing the level of combat could have been made, permitting some troops to start home that year—1968.

Instead, even after President Thieu agreed to permit his representatives to join the talks in Paris, there was that undignified row about the table. The North Vietnamese were willing to accept a round table, which we in Paris had recommended. Historically, that has always been the way to avoid questions of protocol. Thieu refused, however, for the simple reason that he did not want to have any substantive discussions before President Nixon came in. In fact, he tried to break up the discussions entirely until, as I understand it, President-elect Nixon sent word to him that he wanted the talks to continue.

Some people say the Russians won't help us out of Vietnam. I can say they did help us—in October, 1968. That is a fact. And they helped in January too. They didn't stop the war. They have only limited influence with Hanoi, but when we are moving toward an agreement, they can be of considerable help and can remove roadblocks.

But the Soviets won't try to force North Vietnam to accept our dictates. They look upon North Vietnam as what they call a "sister" Communist state. They feel they have an obligation, as the great leader of the Communist "camp," to support them.

When I left Paris in January, 1969, we had arranged that the two sides, with two on each side, would sit down privately and talk together. There is no doubt in my mind that President Thieu scuttled those negotiations, and he did it consciously. He announced on January 29 that he was not going to sit down in private, and one of his spokesmen said, "What we have got to tell the Communists, we have already told them in Paris, and it is not necessary to have private meetings with them." This was, of course, nonsense, because they knew that we got nowhere in those public discussions, and that whatever progress was made had to be made privately. So there were no private talks held among the four.

Our formal meetings were held at the Hotel Majestic, an official building of the French Government. Although the press was not admitted, these meetings were thoroughly publicized. Our private talks were conducted in secret by special arrangement. We held many of them over the months in secluded places. Although it became known to the press that there were private talks, no one knew when or where we met. Nor was there a leak from either side of a word we discussed.

My partner, Cy Vance, stayed on in Paris for a month, and during that period, Ambassador Lodge had no private talks on substantive matters. I understand he didn't attempt to have such private talks for two months. By that time, Thieu had "graciously" stated that he would sit down privately with the other side, but the chain was broken. Thieu had stated at the same time that under no circumstances would he agree to a coalition government, and under no cirmumstances would he agree to permit a Communist party in South Vietnam. These were prior conditions that the other side would not take. So that action by Thieu blocked progress in Paris.

Why should we give Thieu the right to dictate American policy? I can't conceive why anybody should give a veto to a foreign potentate, no matter who he is.

We should want to stop this fighting in Vietnam. To me, the Vietnamization of the war is an immoral thing. We have no right to perpetuate the fighting. Every effort should be made to end the human tragedy that is going on in South Vietnam.

Our political objectives in Vietnam cannot be achieved by military means. We can expand the war to include Cambodia, Laos, North Vietnam and then China, and even the Soviet Union, but this war cannot be won. That is not the fault of the United States. It's the nature of the problem that exists there.

Unfortunately, this Administration has not concentrated its attention on negotiations but rather on military action.

On April 20, 1970, the President held out hope that a "just peace" was in sight, yet ten days later the war was expanded. There seems to be an idea that military blows can force the other side to negotiate on our terms. All our past experience in Vietnam shows that this is a delusion.

The Administration's program of Vietnamization of the war is not in my opinion a program for peace but is a program for the perpetuation of the war. At best, we can only hope for a reduction of less than half of our forces in South Vietnam two and a half years after the Administration took office. But after that, there is no assurance whether or when the balance of our forces will be withdrawn. The South Vietnamese troops are able to take on more of the load of our combat troops, but there is no indication that they can operate successfully without American air, artillery and logistic support.

Furthermore, the Vietnamization of the war is dependent on an unpopular and repressive military government. With all of the military influence, President Thieu and Vice President Ky got less than 35 percent of the votes cast in 1967; over 80 percent of the votes were cast for civilian candidates who had some kind of peace plank in their platform. This election confirmed that the people of South Vietnam want peace and not a continuation of the war.

The senatorial elections this August gave further evidence of the desire of the people to end the war. The anti-war Buddhist slate, headed by Vu Van Mau, which reportedly emphasized peace through compromise, was among the three slates elected. It got more votes than even the leading pro-government slate backed by the government and the military. It is significant also that the other slates were beaten. The third winning group was anti-government on domestic issues.

I said on several occasions in Paris, with the approval of Washington, that the United States was against imposition of a government on the people of South Vietnam, either by Hanoi or Washington. I must say I stated that in the hope that it would have an influence in the United States as well as in North Vietnam. But now we find we are trying to impose this military regime on the people of South Vietnam. It is common knowledge that Thieu is putting a number of opposition leaders in jail—even a member of the Lower House, Tran Ngoc Chau, in violation of his constitutional immunity.

It's hard to envision a satisfactory solution unless Thieu does what we have tried to get him to do since 1967: broaden his government. He should rally the non-Communist forces, form an alliance representative of the majority of the people of South Vietnam. Big Minh, who was undoubtedly the most popular of the generals, is in this mood. I have talked to Senator Don, who was also a general, but is now a leader of the opposition in the Senate. The Buddhists, the Cao Dai, Hoa Hao, the labor unions and other non-Communist groups must be brought in. (Thieu himself is a Catholic.) They are anxious to have an end to the war. They want to stay in their country. They know that a military victory can't be won, and they are ready to make a political settlement. But they need to organize together so as to be able to win the political contest that will come after the end of hostilities. That is what we ought to be concentrating on doing.

All our troops should be withdrawn from Vietnam—on a prompt, announced schedule as proposed by former Secretary of Defense Clark Clifford. This will compel the Thieu government to undertake seriously negotiations for a responsible settlement. Thieu must bring into his government the political elements desiring peace and send to Paris a team willing and able to negotiate with the NLF for a compromise solution. If this is done, I believe the other side will join in serious negotiations.

The assurance from us that we intend to remove our troops completely from South Vietnam is necessary to get the North Vietnamese to negotiate a reasonable compromise. Obviously, if Hanoi were recalcitrant, the President, I would hope, in consultation with the Senate, could hold up with the withdrawal schedule.

Our withdrawal should be responsible, and I believe that it can be—without delaying the return of our troops. We helped set this country on fire, and we must help put it out. I have been convinced that the other side will agree to one vital point at least—that there will be no reprisals by either side, with supervision by an international body. Also we must make arrangements for the immediate return of our men who are prisoners of war. Other issues must be subject to negotiation among the Vietnamese themselves.

In the many private discussions I had with the North Vietnamese in Paris, there is one thing that I learned. They are fiercely nationalistic. They particularly want to be independent of China. With this in mind, they established friendly relations with the French after the war with France ended. Now, if our war can be ended, they want similar relations with the United States. Like Tito, they recognize the need for an alternative to being compelled to rely on their powerful Communist neighbor.

I therefore believe that it is important for us to come to an understanding with Hanoi. We must recognize that the North Vietnamese did not keep the Laos Agreement in 1962 for a single day, and some understanding must be reached that is to their interest to keep for a period of years. If we are to have peace in Southeast Asia, some understanding must be arrived at along the lines of President Johnson's Johns Hopkins speech of April, 1965, for reconstruction and regional development, with the participation of the North Vietnamese.

Events have made this more difficult. The Red Chinese have consistently taken a negative position on a peaceful solution in the area. China's influence, I believe, was at its lowest point in 1968. Developments following the overthrow of Sihanouk and our intervention in Cambodia have lifted Chinese influence to a new high.

The Administration's Cambodian policy has exposed its present aim in Vietnam as well as in Cambodia. It is to attempt to support pro-Western military governments regardless of local opposition. This is quite impossible of permanent achievement without the continued presence of large United States forces in Vietnam and a perpetuation of the fighting. Aside from North Vietnam, these countries are so close to the Chinese border that this policy is provocative and will be interpreted by Red China as a threat to its security. If we looked at the area dispassionately, we could not avoid the conclusion that neutral, nonaligned governments are the best we can expect, and are in the long run compatible with our interests.

We have been told that "our will and character" are being tested by our actions in Indochina. That is not correct. What is being tested is our judgment and the wisdom of our purpose.

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Here at home, I believe student unrest and the generation gap were widened by disillusion over Vietnam. In the view of many students, if the older generation could be so unwise and unmoral about this war, they must be basically responsible for other wrongs in our society.

I am not suggesting that stopping the war tomorrow would end campus unrest, but it would be the first important step in that direction. Unhappily, President Nixon has scorned student opinion on Vietnam, and this had led to increased campus tensions.

It is easy to be destructive. I reject the rock throwers and the burners. They not only destroy, but their excesses play into the hands of the most reactionary. However, I have profound respect for students who are taking constructive action.

The reality of the situation is that we have wasted many months. The tragedy of lost American lives, the tragedy of the division of our country, the tragedy of the diversion of resources that we ought to be applying to the many urgent needs in this country should be brought to an end.

But if policies giving Thieu a veto are continued, there is no end to the war. The idea that Vietnamization is going to force the North Vietnamese to negotiate on our terms is nonsense. The hope that if the American people stand behind the Vietnamization of the war, Hanoi will give in just doesn't make any sense.

Some people talk about an "honorable" settlement. Are we trying to save our face and our military honor? No! We have responsibility and I am for a responsible withdrawal. There must and there can be agreement on no reprisals and on immediate return of our prisoners. We have to stop the killing. We have an obligation to do so. The kind of America I believe in would do that.

A CONFERENCE WITH DELEGATE GEN. MAI VAN BO OF NORTH VIETNAM

Mr. GRIFFIN. Mr. President, as we approach another Thanksgiving Day—with Hanukkah, Christmas, and the dawning of a New Year soon to follow—we enter a most appropriate season to focus our thoughts and prayers upon the American men held prisoners by the Communists in Southeast Asia and upon their brave families.

The names of more than 1,500 Americans are carried on the Defense Department's list of those missing in action. Of that number, only 376 have been identified, in one way or another, as being among those held prisoner.

There is little doubt that others are held captive by the Hanoi authorities. And we believe that additional Americans are in Communist hands in Laos, Cambodia, and South Vietnam. Unfortunately, many of those listed as missing in action have probably perished.

Not knowing, in some cases for as long as 5 or 6 years, whether one is a wife or a widow is a cruel and agonizing state of uncertainty for those at home who watch and wait.

Thoughts about the plight and agony of those brave Americans who will spend this holiday season in Communist prison camps filled my mind as I visited Europe recently.

At The Hague, from November 6 to November 10, I served as a member of the U.S. delegation to the 16th annual North Atlantic Assembly, a meeting of elected parliamentarians from the NATO countries.

Like many of my colleagues in the group, I was caught up in the shock waves which reverberated around the world in the wake of the death of Gen. Charles de Gaulle, one of the greatest leaders in French history and in all the world.

At Vatican City, His Holiness Pope Paul VI received Mrs. Griffin and me in a private audience on November 11. We discussed the plight of those held prisoner in Indochina. It was very apparent that His Holiness is deeply concerned, and he assured me that those held prisoner are constantly remembered in his prayers.

In Paris, I conferred at length with Ambassadors David E. K. Bruce and Philip Habib on the disappointingly slow progress in the peace negotiations with the Hanoi government and the National Liberation Front.

While in Paris, I met the wife and father of a Navy pilot missing in Southeast Asia. Their ordeal illustrates the agony experienced by many who are next of kin. Four years ago the family of this pilot was informed that he had been killed when his plane crashed in North Vietnam. However, a letter has come out of a Communist prison camp recently from his copilot who, until now, had been assumed to be dead also.

While I was in Paris, the wife and father of the Navy pilot were there seeking information from the North Vietnamese as to whether he, too, was alive. After days of waiting, they finally left—with no information.

After some difficulty, I was finally successful in arranging a conference with the senior permanent representative of the North Vietnamese government in Paris, Delegate General Mai Van Bo, who is an associate of Minister Xuan Thuy on Hanoi's delegation to the peace talks.

During my meeting with Delegate General Bo, which lasted about an hour, we covered more or less familiar ground on other aspects of the Vietnam war and the peace negotiations, before our discussion focused on captured military men. I told the delegate general that his government suffered from a huge "credibility gap" in the United States and around the world on the prisoners of war issue. I emphasized that, despite the obligations of the Hanoi government under the Geneva Convention, Americans do not know whether mail and packages are actually delivered to prisoners; that we do not know the names of all who are being held; and we do not know the condition of the prisoners.

In the course of our conversation he made repeated assertions that captured military men are being treated humanely until, finally, I challenged him to back up his statements by allowing me to visit the prisoner camps. I told the delegate general:

> As a member of the President's part in the Senate, I would be believed if I could make a report on the true conditions.

So that Hanoi's military security would not be compromised, I offered to travel blindfolded in North Vietnam and to abide by other conditions which might be appropriate to facilitate such a trip. I suggested that a colleague from the other political party might accompany me on such a visit to the prison camps.

I can report no real basis for optimism but it is a fact that the Delegate General did not reject my proposal out of hand. He indicated that he would "think about it" and would "pass the information along."

Near the end of our meeting I presented Delegate General Bo with an up-to-date list of 1,558 Americans missing or believed to be held prisoner in Southeast Asia. I requested Mr. Bo to provide information as to those on the list who are held captive and those who are known to be dead. Included were the names of 52 Michigan men. This was the first time since December 1969 that the Hanoi authorities have acknowledged receipt of such a missing-in-action list.

While no firm commitment was made, I have the hope that I may receive some information about those missing in action in response to my request.

Two other proposals which I advanced during our conference drew no response from Mr. Bo. One was that sick and wounded be released by Christmas. The other was that those prisoners who have been held a long time should be transferred to a third country, such as Hungary, Poland, or Sweden. Presumably, Delegate General Bo has referred my several proposals to higher authorities in his government.

While it would be unrealistic to expect too much still we must patiently and persistently continue to work for progress on the prisoner issue. In the past the North Vietnamese have responded to some American requests, and it is apparent that they are influenced to some extent by American public opinion.

Following my visit with Delegate General Bo, the North Vietnamese issued a press release which referred to our conference. I am told that this was something of a first, since they have not referred publicly to similar conferences in the past with other American officials.

I am told that the members of the other side at the Paris peace talks read the CONGRESSIONAL RECORD regularly. For that reason I have no doubt that these words of mine will come to their attention.

As I told Delegate General Bo during the course of our conference, it would be in the interest of his side to comply with the standards of human decency set forth in the Geneva Convention on prisoners of war, whether or not his government considers itself legally bound.

World opinion is turning against you, I told Delegate General Bo, and for two reasons: First, because of the flat rejection of President Nixon's very generous five-point peace proposal, and second, because of the attitude of your side toward captured military men.

The proposals and requests which I advanced during the conference with Delegate General Bo were reasonable and constructive. I am waiting for a reply. I hope the reply will be reasonable and constructive.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

Report of Annual Compensation in Excess of $45,000 From Federal Funds

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report of the annual compensation of any officer or employee of a Federal Contract Research Center in excess of $45,000 from Federal funds (with an accompanying report); to the Committee on Armed Services.

Report of the Foreign Claims Settlement Commission of the United States

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting, pursuant to law, the report of the Commission for the calendar year ended December 31, 1969 (with an accompanying report); to the Committee on Foreign Relations.

Treaty of Tlatelolco

A letter from the Assistant Secretary for Congressional Relations, transmitting from the Mexican Foreign Office an appeal, approved by the Senate of the United Mexican States on September 14, 1970, with respect to the Treaty of Tlatelolco, a protocol to which is now pending before the Committee on Foreign Relations (with an accompanying paper); to the Committee on Foreign Relations.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on how the funds appropriated for roads and trails could be used more effectively by the Forest Service, Department of Agriculture, dated November 20, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Control Over Medicaid Drug Program in Ohio Need Improvement," Social and Rehabilitation Service, Department of Health, Education and Welfare, dated November 23, 1970 (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation To Provide Relief in Patent and Trademark Cases Affected by the Emergency Situation in the U.S. Postal Service

A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on March 18, 1970 (with accompanying papers); to the Committee on the Judiciary.

Report of the National Center for Deaf-Blind Youths and Adults

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting, pursuant to law, a report of the National Center for Deaf-Blind Youths and Adults, for the year ended June 23, 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 3870. A bill for the relief of Dr. Dionisio Teng Libi and Dr. Bernadette Libi (Rept. No. 91–1353);

H.R. 3373. An act for the relief of Giuseppe Delina (Rept. No. 91–1354);

H.R. 4670. An act for the relief of Ok Yon (Mrs. Charles G.) Kirsch (Rept. No. 91–1355);

H.R. 6951. An act to enact the Interstate Agreement on Detainers into law (Rept. No. 91–1356);

H.R. 14543. An act for the relief of Mrs. Rolando C. Dayao (Rept. No. 91–1357);

H.R. 15767. An act for the relief of Mrs. Maria Zahaniacz (nee Bojkiwska) (Rept. No. 91–1358);

H.R. 15922. An act for the relief of Somporn (Leeta Noi) Bell (Rept. No. 91–1359);

H.R. 16857. An act for the relief of Soon Ho Yoo (Rept. No. 91–1360);

H.R. 17431. An act for the relief of Jacqueline and Barbara Andrews (Rept. No. 91–1361);

H.R. 17508. An act for the relief of Jung Yung Mi and Jung Ae Ri (Rept. No. 91–1362); and

H.R. 17912. An act for the relief of Jin Soo Park and Moon Mi Park (Rept. No. 91–1363).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 3540. A bill for the relief of George K. Liu (Rept. No. 91–1351).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 4029. A bill for the relief of Soon Ae Kwalk (Rept. No. 91–1352).

By Mr. BAYH, from the Committee on the Judiciary, without amendment:

H.R. 10658. An act conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman (Rept. No. 91–1364).

S. 4536—ORIGINAL BILL REPORTED TO AMEND THE SMALL BUSINESS ACT (S. REPT. NO. 91–1366)

Mr. McINTYRE, from the Committee on Banking and Currency, reported an original bill (S. 4536) to amend the Small Business Act, and submitted a report thereon, which bill was placed on the calendar, and the report was ordered to be printed.

REPORT ENTITLED "CONSTITUTIONAL AMENDMENTS"—REPORT OF A COMMITTEE (S. REPT. NO. 91–1367)

Mr. BAYH. Mr. President, on behalf of the Committee on the Judiciary I submit to the Senate the annual report of the Subcommittee on Constitutional Amendments, pursuant to Senate Resolution 42, 91st Congress, first session.

The PRESIDING OFFICER (Mr. CRANSTON). The report will be received and printed.

CONSUMER PROTECTION ORGANIZATION ACT OF 1970—REPORT OF A COMMITTEE—PERMISSION TO FILE WRITTEN REPORT AT A SUBSEQUENT DATE

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I report the bill (S. 4459) to establish a Council of Consumers Advisers in the Executive Office of the President and to establish an independent consumer, with amendments, and ask unanimous consent that the Committee on Commerce be given until the close of business Tuesday, November 24, 1970, to file the written report to accompany the bill.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be placed on the calendar; and, without objection, the request of the Senator from Montana is agreed to.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Sam H. Roberts, of Texas, to be United States marshal for the western district of Texas.

By Mr. HRUSKA, from the Committee on the Judiciary:

Manuel Ruiz, Jr., of California, to be a member of the Commission on Civil Rights.

Mr. FULBRIGHT, from the Committee on Foreign Relations, Executive D, E, I, 91st Congress, second session, and Executive G, 91st Congress, first session, Tax Conventions with Belgium, Finland and Trinidad and Tobago, and the estate tax convention with the Netherlands, respectively, including a reservation to the tax convention with Trinidad and Tobago (Executive D, 91–2) (Executive Rept. No. 91–24).

BILLS INTRODUCED OR REPORTED

Bills were introduced or reported, read the first time, and, by unanimous consent, the second time, and referred or placed on the calendar, as follows:

By Mr. GORE:

S. 4528. A bill for the relief of Mr. Panayotis Koniavitis; to the Committee on the Judiciary.

By Mr. MILLER:

S. 4529. A bill for the relief of Sidney G. Wilson; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 4530. A bill for the relief of Kuay Ten Chang (Kuay Hong Chang); to the Committee on the Judiciary.

By Mr. INOUYE (for himself and Mr. FONG):

S. 4531. A bill to authorize the Secretary of the Army to grant certain rights-of-way for road improvement and location of public utility lines over a portion of Fort DeRussy, Hawaii: to the Committee on Armed Services.

(The remarks of Mr. INOUYE when he introduced the bill appear below under the appropriate heading.)

By Mr. TYDINGS:

S. 4532. A bill for the relief of Mr. Dimitrios Matheos; and

S. 4533. A bill for the relief of Miss Salvacion Olmedo; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 4534. A bill to amend the Merchant Marine Act, 1936, as amended; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear below under the appropriate heading.)

By Mr. MATHIAS:

S. 4535. A bill for the relief of Antonio Joaquin Pueo-Mateu; to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 4536. A bill to amend the Small Business Act; placed on the calendar.

(Reference is made to the bill under "Reports of Committees," which appears earlier in the RECORD.)

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S. 4531—INTRODUCTION OF A BILL TO GRANT CERTAIN RIGHTS-OF-WAY FOR ROAD IMPROVEMENT OVER A PORTION OF FORT DERUSSY, HAWAII

Mr. INOUYE. Mr. President, I introduce, for appropriate reference, on my own and Senator Fong's behalf, a bill to authorize the grant of the necessary easement for the widening and improvement of Kalia Road by the city and county of Honolulu through the Fort DeRussy area. While this project is not a military necessity and therefore requires legislative authorization it does have the support of the military. Such widening will do much to relieve the presently congested traffic in the area as well as improving the appearance of Kalia Road.

I hope the necessary authorization will be speedily granted.

The PRESIDING OFFICER (Mr. Dole). The bill will be received and appropriately referred.

The bill (S. 4531) to authorize the Secretary of the Army to grant certain rights-of-way for road improvement and location of public utility lines over a portion of Fort DeRussy, Hawaii, introduced by Mr. Inouye (for himself and Mr. Fong), was received, read twice by its title, and referred to the Committee on Armed Services.

S. 4534—INTRODUCTION OF A BILL TO AMEND THE MERCHANT MARINE ACT, 1936, AS AMENDED

Mr. MAGNUSON. Mr. President, by request, I introduce for appropriate reference a bill to amend the Merchant Marine Act, 1936, as amended. The bill would revise title XI of that act which deals with Federal ship mortgage insurance. I do not expect that any action will be taken on this matter this year. It is far too late for that. However, I hope that in this manner, interested persons and Government agencies will have the opportunity to study and review this proposal and use it as a working paper for possible future legislative action.

I ask unanimous consent that the bill, and the accompanying memorandum and comparative text be printed in the Record.

The PRESIDING OFFICER (Mr. Cranston). The bill will be received and appropriately referred; and, without objection, the bill, memorandum, and comparative text will be printed in the Record.

The bill (S. 4534) to amend the Merchant Marine Act, 1936, as amended, introduced by Mr. Magnuson (by request), was received, read twice by its title, referred to the Committee on Commerce and ordered to be printed in the Record, as follows:

S. 4534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sections 1101 through 1111 of Title XI of the Merchant Marine Act, 1936, (52 Stat. 969), as amended, are amended to read as follows:

Sec. 1101. As used in this title—

(a) The term "mortgage" includes a preferred mortgage as defined in the Ship Mortgage Act, 1920, as amended, on any vessel of the United States (other than a tow boat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than twenty-five gross tons), and a mortgage on such vessel which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended: *Provided, however,* That it shall include a mortgage on, including a chattel mortgage on or other security interest in, any barge or container to be carried on a vessel;

(b) The term "vessel" includes all types of passenger, cargo, and combination passenger-cargo carrying vessels, tankers, tugs, towboats, barges, and dredges documented under the laws of the United States, fishing vessels, floating drydocks which have a capacity of thirty-five thousand or more lifting tons and a beam of one hundred and twenty-five feet or more between the wing walls and oceanographic research or instruction vessels owned by citizens of the United States, and shall include barges or containers (including chassis used to move such containers on land) to be carried on other vessels;

(c) The term "mortgagee" includes the original maker of a loan secured by a mortgage and his successors and assigns, except that in the case of a mortgage involving a trust indenture and an issue of bonds or notes thereunder, it means the trustee designated in such trust indenture and his successors and assigns as trustee, but does not include the holders of the bonds or notes issued under such trust indenture; where the Secretary of Commerce is the holder of a mortgage under the provisions of this title the term "mortgagee" shall refer to the Secretary of Commerce;

(d) The term "mortgagor" includes the original borrower under a mortgage and his successors and assigns approved by the Secretary of Commerce;

(e) The term "obligation" shall mean any note, bond or other evidence of indebtedness, including any short-term obligation incurred for the purpose of obtaining temporary funds with a view to refinancing from time to time (exclusive of notes or other obligations issued by the Secretary of Commerce pursuant to subsection (b) of section 1105 of this title and obligations eligible for investment of funds under section 1102 and subsection (d) of section 1110 of this title), whether or not secured by a mortgage, issued for one of the purposes specified in subsection (a) of section 1104 of this title; the term "obligor" shall mean any party (including a borrower or mortgagor) primarily liable for payment of the principal of or interest on any obligation; the term "obligee" shall include any party (including a lender or mortgagee) entitled to receive payment of the principal of or interest on an obligation, except that, in the event the obligation consists of bonds, notes or other evidence of indebtedness issued pursuant to a trust indenture, the term "obligee" means the trustee designated in such trust indenture and his successors and assigns as trustee, but does not include the holders of the bonds or notes issued under such trust indenture; references in this title to obligations secured by a mortgage or other security shall include obligations the security for which is held by the Secretary of Commerce under section 1106 (a) (2) of this title; and

(f) The term "actual cost" of a vessel or vessels as of any specified date means the aggregate as determined by the Secretary of Commerce of (i) all amounts paid by or for the account of the obligor on or before that date, and (ii) all amounts which the obligor is then obligated to pay from time to time thereafter, for the construction, reconstruction or reconditioning of such vessel or vessels: *Provided,* That in no event shall the Secretary of Commerce pay as insurance under this title in respect of the unpaid balance of the principal of obligations an amount in excess of 75 per centum, or 87½ per centum, as the case may be, of the amount paid by or for the account of the obligor for the construction, reconstruction, or reconditioning of such vessel or vessels used as security for such obligations, except that if the obligor creates an escrow fund as authorized by section 1110 of this Act, the amount that shall be paid as insurance is the interest on and the unpaid balance of the principal of such obligations. The terms "construction," "reconstruction," or "reconditioning," as used in this title with respect to any vessel, shall include, but shall not be limited to, designing, inspecting, outfitting and equipping.

Sec. 1102.

There is hereby created a Federal Ship Mortgage Insurance Fund (hereinafter referred to as the "Fund") which shall be used by the Secretary of Commerce as a revolving fund for the purpose of carrying out the provisions of this title, and there shall be allocated to such Fund the sum of $1,000,000 out of funds made available to the Secretary of Commerce under the appropriation authorized by section 1109. Moneys in the Fund shall be deposited in the Treasury of the United States to the credit of the Fund or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States.

Sec. 1103.

(a) The Secretary of Commerce, upon application by the obligor, is authorized to insure as hereinafter provided the payment of the interest on, and the unpaid balance of the principal of, any obligation offered to him which is eligible for insurance as hereinafter provided, including the payment of such interest and principal in accordance with the tenor of such obligation, and upon the terms as the Secretary of Commerce may prescribe, is authorized to make commitments to insure any such obligation prior to the date of execution of such obligation or disbursement thereon.

(b) Each insurance contract made under this section shall run to the obligee and be for the benefit of such obligee, and if the obligee is a trustee under a trust indenture, for the benefit of the holders of the bonds or notes issued under such trust indenture.

(c) The faith of the United States is solemnly pledged to the payment of interest on and the unpaid balance of the principal amount of each obligation insured under this title.

(d) The aggregate unpaid principal amount of the obligations insured under this section and outstanding at any one time shall not exceed $3,000,000,000.

Sec. 1104.

(a) Pursuant to the authority granted under section 1103(a), the Secretary of Commerce, upon such terms as he shall prescribe, may insure or make a commitment to insure, payment of the principal of and interest on any obligation, which obligations aids in:

(1) financing, including payment of obligations previously created to finance, or reimbursement of an obligor for expenditures previously made for, construction, reconstruction or reconditioning of vessels (whether or not such vessels are those used to secure such obligations):

(A) under title V of this Act, as amended;

(B) owned by citizens of the United States which are designed principally for research, or for commercial use (1) in the coastwise or intercoastal trade; (2) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; (3) in foreign trade; (4) in the fishing trade or industry; or (5) with respect to floating drydocks, in the construction, reconstruction, reconditioning or repair of vessels;

(2) refinancing existing obligations including short-term obligations incurred for the purpose of obtaining temporary funds with the view to refinancing from time to time;

(3) financing the purchase of vessels theretofore acquired by the Fund under the provisions of section 1105 and to secure obligations created for reconditioning and reconstruction of such vessels;

(4) financing the purchase by citizens of the United States of vessels for use on the Great Lakes pursuant to the Merchant Ship Sales Act of 1946, as amended; and

(5) financing, in whole or in part, the repayment to the United States of any amount of construction-differential subsidy paid with respect to a vessel pursuant to title V of this Act, as amended, in order to release such vessel from all restrictions imposed as a result of the payment of such construction-differential subsidy.

(b) Obligations insured under this title shall be secured by a mortgage or mortgages or such other security as the Secretary of Commerce may require.

(c) If obligations insured hereunder are secured by a mortgage placed on any vessel at the time such vessel is delivered (or redelivered in the case of a vessel reconstructed or reconditioned) by the builder (or, in the case of a vessel acquired under the Merchant Ship Sales Act of 1946, as amended, at the time of delivery thereof):

(1) such mortgage shall have a mortgagee approved by the Secretary of Commerce as responsible and able to service the mortgage properly (unless the Secretary of Commerce is the mortgagee) and a mortgagor approved by the Secretary of Commerce as possessing the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the mortgaged property;

(2) subject to the provisions of subsection (f) of this section, the aggregate principal amount of all obligations insured under this title which relate to the mortgaged vessel shall not exceed 75 per centum of the actual cost of the vessel, such actual cost to be determined by the Secretary of Commerce prior to the execution of the mortgage and such determination to be conclusive for the purpose of determining the principal amount of the obligations: *Provided, however,* That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, and which is, or in the case of a vessel to be reconstructed or reconditioned would have been, eligible for mortgage aid for construction under section 509 of this Act and in respect of which the minimum down payment by the mortgagor required by that section would be 12½ per centum of the cost of such vessel, such obligations may be in an amount which does not exceed 87½ per centum of such actual cost; or, in the case of a vessel purchased pursuant to the Merchant Ship Sales Act of 1946, as amended, for exclusive use on the Great Lakes, such obligations may be in a principal amount which does not exceed 75 per centum of the net purchase price of such vessel plus 75 per centum of the amounts expended for altering, modifying, converting, and equipping such vessel in excess of that purchase price, or 75 per centum of the amount which the Secretary of Commerce estimates will be the value of such vessel so purchased for exclusive use on the Great Lakes when the reconstruction or reconditioning is completed, whichever is the lesser: *Provided, further,* That in the case of any barge or container which is constructed without the aid of construction-differential subsidy, or, if so subsidized, on which the construction-differential subsidy has been repaid, and is to be carried on a vessel, the obligations secured by a mortgage on such barge or container may be in an amount which does not exceed 87½ per centum of the actual cost thereof;

(3) the obligations shall have maturity dates satisfactory to the Secretary of Commerce, but, subject to the provisions of subsection (f) of this section, not to exceed twenty-five years from the date of execution of the mortgage;

(4) the obligations or related agreements shall contain amortization provisions satisfactory to the Secretary of Commerce requiring periodic payments by the obligor;

(5) the obligations shall bear interest (exclusive of premium charges for insurance, and service charges, if any) at rates not to exceed such per centum per annum on the unpaid principal as the Secretary of Commerce determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of Commerce;

(6) the obligations or related agreements shall provide, in a manner satisfactory to the Secretary of Commerce, for the application of the obligor's periodic payments to amortization of the principal of the obligations, exclusive of the amount allocated to interest;

(7) the obligations or related agreements shall contain such terms and provisions with respect to the construction, reconstruction, reconditioning, maintenance, purchase of a vessel for use on the Great Lakes pursuant to the Merchant Ship Sales Act of 1946, as amended, or operation of the property, repairs, alterations, payment of taxes, insurance, delinquency charges, revisions, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters pertinent to the security as the Secretary of Commerce may prescribe; and

(8) such mortgage may, in the case of a passenger vessel having the tonnage, speed, passenger accommodations and other characteristics set forth in title V of this Act, as amended, with the approval of the Secretary of Commerce, provide that the sole recourse against the mortgagor by the United States as assignee of the mortgage or as mortgagee for the payment of the principal of, and interest on, obligations secured thereby shall be limited to repossession of the vessel and the assignment of insurance claims and that the liability of the mortgagor for such principal and interest shall be satisfied and discharged by the surrender of the vessel and all right, title and interest therein to the United States: *Provided,* That the vessel upon surrender shall be (i) free and clear of all liens and encumbrances whatsoever except the lien of the preferred mortgage, (ii) in class and (iii) in as good order and condition, ordinary wear and tear excepted, as when acquired by the mortgagor, except that any deficiencies with respect to freedom from encumbrances, condition and class may, to the extent covered by valid policies of insurance, be satisfied by the assignment to the United States of claims of the mortgagor under such policies.

(d) If obligations insured hereunder are secured by a mortgage placed on any vessel subsequent to the time such vessel is delivered by the builder:

(1) The vessel subject to the mortgage shall not be, at the time of insuring the obligations, subject to a mortgage which does not secure obligations insured by the Secretary of Commerce;

(2) subject to the provisions of subsection (f) of this section, the aggregate principal amount of all obligations insured under this title which relate to the mortgaged vessel, when added to the unpaid balance of obligations secured by prior mortgages on such vessel (other than mortgages that are being refinanced by such mortgage) shall result in a sum which will not, (a) if the vessel was not built with the aid of construction-differential subsidy, or if so built, such construction-differential subsidy has been repaid, and complies with the requirements of section 509 of this Act exceed (A) if the vessel has not been reconstructed or reconditioned before such mortgage is executed, 87½ per centum of all amounts the obligor has paid or is obligated to pay for the construction of the vessel, depreciated at the rate of 4 per centum per annum from the date the vessel was delivered by the shipbuilder to the date such mortgage is executed, or (B) if the vessel has been reconstructed or reconditioned before such mortgage is executed, 87½ per centum of all amounts the obligor has paid or is obligated to pay for the construction of the vessel, depreciated at the rate of 4 per centum per annum from the date the vessel was delivered by the shipbuilder to the date of such reconstruction or reconditioning, and depreciated, from the date of such reconstruction or reconditioning to the date such mortgage is executed, on a straight-line basis and on the basis of a useful life of the vessel determined jointly by the Secretary of Commerce and the Secretary of the Treasury, plus 87½ per centum of all amounts the mortgagor has paid or is obligated to pay for the reconstruction or reconditioning of the vessel (if such reconstruction or reconditioning was done without aid of construction-differential subsidy and the vessel complies with the requirements of section 509 of this Act; otherwise, 75 per centum of such amount), depreciated, from the date of such reconstruction or reconditioning to the date such mortgage is executed, on a straight-line basis and on the basis of a useful life of the vessel determined jointly by the Secretary of Commerce and the Secretary of the Treasury, and (b) if the vessel was built with the aid of construction-differential subsidy which construction-differential subsidy has not been repaid, or does not comply with the requirements of section 509 of this Act, exceed the amount computed under (a) above except that, where (a) above provides for 87½ per centum of the construction cost of the vessel, the percentage shall be 75 per centum: *Provided, however,* That if any container or barge which does not comply with the requirements of section 509 of this Act was constructed without construction-differential subsidy, or if so subsidized, if the construction-differential subsidy has been repaid, the obligations secured by a mortgage on such container or barge may be in an amount which does not exceed 87½ per centum of the actual cost thereof, depreciated as above provided, except that the useful life and rate of depreciation of containers shall be as determined by the Secretary of Commerce;

(3) subject to the provisions of subsection (f) of this section, the obligations shall have maturity dates which, if the vessel has not been reconstructed or reconditioned, do not exceed the remaining years of a useful life of the mortgaged vessel of twenty-five years computed from the date the vessel was delivered by the shipbuilder or, if the vessel has been reconstructed or reconditioned, do not exceed the remaining years of a useful life of the vessel determined jointly by the Secretary of the Treasury and the Secretary of Commerce;

(4) the mortgaged vessel shall be in class A-1, American Bureau of Shipping, with all required certificates, including but not limited to, marine inspection certificates of the United States Coast Guard, with all outstanding requirements and recommendations necessary for retention of class accomplished, unless the Secretary of Commerce permits a deferment of such repairs, and shall be tight, stanch, strong and well and sufficiently tackled, appareled, furnished and equipped, and in every respect seaworthy and in good running condition and repair and in all respects fit for service: *Provided,* That containers shall meet such standards as may be

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prescribed by the Secretary of Commerce; and

(5) the mortgage, the obligations or related agreements shall comply with the requirements of paragraphs (1) and (4) through (8), inclusive, of subsection (c) of this section 1104.

(e) If the security for obligations insured under this title relates to a vessel to be constructed, reconstructed or reconditioned:

(1) such obligations shall have an obligee approved by the Secretary of Commerce and an obligor approved by the Secretary of Commerce as possessing the ability, experience, financial resources and other qualifications necessary to the adequate operation and maintenance of the property;

(2) subject to the provisions of subsection (f) of this section, the aggregate principal amount of all obligations insured under this title which relate to such vessel shall not exceed 75 per centum or 87½ per centum, as determined pursuant to subsection (c) of this section, of the actual cost of such vessel, such actual cost to be determined by the Secretary of Commerce and such determination to be conclusive for the purpose of determining the principal amount of such obligations;

(3) such obligations shall bear interest at an average interest rate not to exceed the maximum rate permitted by paragraph (5) of subsection (c) of this section; and

(4) such obligations or related agreements shall provide that a mortgage conforming to the requirements of subsection (c) of this section shall be placed on the vessel upon delivery unless the payment of such obligations at or prior to the delivery of the vessel is required.

(f) (1) The security for an obligation insured under this title may relate to more than one vessel and may consist of any combination of the security described in sections (c), (d) and (e) of this section. The aggregate principal amount of such obligations may equal, but not exceed, the sum of the principal amount of obligations permissible with respect to each vessel.

(2) If the security for an obligation insured under this title relates to more than one vessel, such obligation may have the latest maturity date permissible under subsection (c), (d) or (e) of this section with respect to any such security: *Provided,* That such obligation or related agreements shall contain provisions requiring the payment, prior to maturity, of such portion of the principal amount of all obligations to which such security relates as may be required by the Secretary of Commerce in order to maintain adequate security for such obligations.

(g) No commitment to insure an obligation shall be made by the Secretary of Commerce unless he finds, at or prior to the time such commitment is made, that the property or project with respect to which the obligation will be executed will be, in his opinion, economically sound, and no obligation, unless made pursuant to a prior commitment, shall be insured unless the Secretary of Commerce finds, at or prior to the time the insurance becomes effective, that the property or project with respect to which the obligation is executed will be in his opinion economically sound.

(h) The Secretary of Commerce is authorized to fix a premium charge for the insurance of an obligation under this title. If the security for an obligation relates to a delivered vessel, such charge shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1110 of this Act. If the security for an obligation relates to a vessel to be constructed, reconstructed or reconditioned, such charge shall not be less than one-quarter of 1 per centum per annum nor more than one-half of 1 per centum per annum of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1110 of this Act. For purposes of this subsection (h), the principal amount of an obligation that relates to a delivered vessel and to a vessel to be constructed, reconstructed or reconditioned shall be prorated in accordance with regulations prescribed by the Secretary of Commerce. Premium payments shall be made when moneys are first advanced under an insured obligation and on each anniversary date thereafter. The obligor shall pay to the obligee the amount required for the payment of each insurance premium charge hereunder at least sixty days before the payment of such premium charge to the Secretary of Commerce is due, and the failure of the obligor to make such payments shall be a default: *Provided, however,* That when the Secretary of Commerce holds the security, the obligor shall pay such premium charge directly to the Secretary of Commerce when due; all such premium charges shall be computed and shall be payable to the Secretary of Commerce under such regulations as the Secretary of Commerce may prescribe.

(i) The Secretary of Commerce shall charge and collect such amounts as he may deem reasonable for the investigation of applications for insurance, for the appraisal of properties offered for insurance, for the issuance of commitments, for services in connection with the escrow fund authorized by section 1110, and for the inspection of such properties during construction, reconstruction, or reconditioning: *Provided,* That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the obligations to be insured. Unless otherwise agreed, the charge for any such services shall be paid by the obligor.

(j) All moneys received under the provisions of sections 1101–1109 of this title shall be deposited in the Fund.

(k) All or part of the proceeds from an obligation insured hereunder may be deposited in a fund maintained by the operator under section 607 of this Act, as amended, or if the operator does not maintain such a fund, in a fund maintained under section 511 of this Act, as amended. If any deposit is made in a fund under this subsection (k), such deposit may be withdrawn only to pay for the construction, reconstruction or reconditioning of a vessel or vessels in accordance with this section, or if for any reason such payments do not exhaust the deposit, then to redeem, to the extent of the balance remaining on deposit, insured obligations.

(l) Obligations insured under this title and agreements relating thereto may contain such other provisions as shall be agreed upon between the obligor and obligee which are not inconsistent with the provisions of this section 1104 and which are not disapproved by the Secretary of Commerce.

SEC. 1105.

(a) (1) If an obligation is secured by a mortgage under which the obligee is the mortgagee, and any act or failure to act which gives the obligee the right to foreclose occurs, any such act or failure to act being herein called a default, and the obligor fails to remove and remedy and default within thirty days, the obligee shall have the right (i) in the case of a default in respect of the payment of principal or interest or the payment of any amount to provide for the payment of premium charges for insurance under this title, to demand at or before the expiration of sixty days after any such default, and (ii) in the case of any other default, to demand at any time during the continuance of such default, payment by the Secretary of Commerce or the unpaid principal amount of said obligation and of the unpaid interest thereon to the date of payments or, if the contract of insurance so provides, payment of the principal of and interest on such obligation then due, owing, and unpaid and that the Secretary of Commerce make all future payments of principal and interest as they shall become due and payable in accordance with the tenor of the obligation secured by the mortgage: *Provided,* That an assignment of the mortgage and of the obligations secured by the mortgage be tendered to the Secretary of Commerce at the time such demand is made. The Secretary of Commerce may at any time during the continuance of any default notify the obligee in writing, specifying the default, that by reason of such default the Secretary of Commerce intends to terminate the insurance contract sixty days after such notice is received by the obligee, and the obligee shall be entitled to demand payment by the Secretary of Commerce as above provided at any time during said sixty-day period, whether or not the default is removed and remedied, and if the obligee shall fail to make such demand, the insurance contract may be terminated by the Secretary of Commerce on or after the expiration of such period. Within a period of thirty days from the date of any such demand, the Secretary of Commerce shall accept the assignment and promptly pay to the obligee the unpaid principal amount of such obligation and unpaid interest thereon to the date of payment or, if the contract of insurance so provides, the principal of and interest on such obligation then due, owing and unpaid and shall make all future payments of principal and interest as they shall become due in accordance with the tenor of such obligation: *Provided,* That, except in any case in which the Secretary of Commerce has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary of Commerce shall not be required to accept such assignment if prior to the expiration of said thirty-day period he shall find that there was no default or that such default was removed and remedied prior to any such demand.

(2) If an obligation insured under the title is not secured by a mortgage and any security relating thereto is held by the obligee and an act or failure to act occurs which constitutes a default under the obligation or related agreements including any loan agreement, any such act or failure to act being herein called a default, and the obligor fails to remove and remedy the default within thirty days, the obligee shall have the right (i) in the case of a default in respect of the payment of principal or interest or the payment of any amount to provide for the payment of premium charges for insurance under this title, to demand at or before the expiration of sixty days after any such default, and (ii) in the case of any other default, to demand at any time during the continuance of such default, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon to the date of payment, or if the contract of insurance so provides, payment of the principal and interest on such obligation then due, owing and unpaid and that of the Secretary of Commerce make all future payments of principal and interest as they shall become due and payable in accordance with the tenor of such obligation: *Provided,* That an assignment of the obligations and related agreements including any loan agreement be tendered to the Secretary of Commerce at the time such demand is made. The Secretary of Commerce may at any time during the continuance of any default notify the obligee in writing, specifying such default, that by reason of such default the Secretary of Commerce intends to terminate the insurance contract sixty days after such notice is received by the obligee, and the obligee shall be entitled to demand payment by the Secretary of Commerce as above provided at any time during said sixty-day

period, whether or not the default is removed and remedied, and if the obligee shall fail to make such demand, the insurance contract may be terminated by the Secretary of Commerce on or after the expiration of such period. Within a period of thirty days from the date of any such demand, the Secretary of Commerce shall accept the assignment and promptly pay to the obligee the unpaid principal amount of such obligation and unpaid interest thereon to the date of payment or, if the contract of insurance so provides, the principal of and interest on such obligation then due, owing and unpaid and shall make all future payments of principal and interest as they shall become due in accordance with the tenor of such obligation: *Provided*, That, except in any case in which the Secretary of Commerce has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary of Commerce shall not be required to accept such assignment if prior to the expiration of said thirty-day period he shall find that there was no default or that such default was removed and remedied prior to any such demand.

(b) Any amount required to be paid by the Secretary of Commerce pursuant to subsection (a) of this section, shall be paid in cash. If at any time the moneys in the Fund authorized by section 1102 of this Act are not sufficient to pay any amount the Secretary of Commerce is required to pay by subsection (a) of this section, the Secretary of Commerce is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of Commerce, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the Fund and redemptions of such notes and obligations shall be made by the Secretary of Commerce from such Fund.

(c) (1) In the event the Secretary of Commerce shall accept the assignment of a mortgage upon the default of the obligor pursuant to subsection (a)(1) of this section, he may institute foreclosure proceedings and in connection therewith repossess the mortgaged vessel forthwith and, subject to the provisions of section 1104(c)(8), take such other action against the obligor that, in his discretion, may be required to protect the interests of the United States and of the obligee, as they may appear. Any suit may be brought in the name of the United States or in the name of the obligee and the obligee shall make available to the United States all records and evidence necessary to prosecute any such suit. If the Secretary of Commerce shall determine that the interests of the United States do not require foreclosure of the mortgage, he may make such agreement with the obligor as in the opinion of the Secretary of Commerce will result in remedying the defaults. The Secretary of Commerce shall have the right in his discretion to accept a conveyance of title to and possession of the vessel from the obligor, and in the event of a sale under foreclosure proceedings, may purchase the vessel for an amount not greater than the unpaid principal amount of obligations insured under this title secured by such mortgage and unpaid interest thereon. In the event the Secretary of Commerce shall receive through the sale of the vessel an amount of cash in excess of any payment made to the obligee under subsection (a)(1) of this section, and the expenses of collection of such amount, he shall pay such excess to the obligor.

(2) In the event the Secretary of Commerce shall accept the assignments of obligations and related agreements, including any loan agreement, pursuant to subsection (a)(2) of this section, he shall take such action against the obligor or any other parties liable under such obligations or related agreements that, in his discretion, may be required to protect the interests of the United States and of the obligee, as they may appear. Any suit may be brought in the name of the United States or in the name of the obligee and the obligee shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary of Commerce shall have the right in his discretion to accept a conveyance of title to and possession of the property from the obligor, and may purchase the property for an amount not greater than the unpaid principal amount of such obligations and unpaid interest thereon. In the event the Secretary of Commerce shall receive through the sale of the property an amount of cash in excess of any payment made to the obligee under subsection (a)(2) of this section, and the expenses of collection of such amount, he shall pay such excess to the obligor.

(d) Notwithstanding any other provision of law relating to the acquisition, handling or disposal of property by the United States, the Secretary of Commerce shall have the right in his discretion to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to the assignment as provided in this section and may place a mortgaged vessel in the national defense reserve or may sell the same upon competitive bids for not less than the minimum sales price provided by the Merchant Marine Act, 1936, as amended. The buyer shall be required to make cash payment to the Secretary of Commerce of not less than 25 per centum of the sales price, and the balance shall be paid in equal annual installments over the remaining period of the expected useful life of such vessel. Such installments shall include interest on the purchase price remaining unpaid at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such installments, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs.

(e) Any contract or commitment of insurance entered into by the Secretary of Commerce under the provisions of this title shall not be terminated, canceled, or otherwise revoked for any reason, except as provided in section 1105 or section 1106 of this title, and shall be conclusive evidence that the obligations comply fully with the provisions of this title and of the approval of the principal amount, interest rate, and all other terms of the obligations and of the obligor and of the obligee; and any contract or commitment of insurance so entered into shall be incontestable from the date as of which such contract or commitment is entered into.

SEC. 1106.

(a) The Secretary of Commerce is authorized, at the request of the applicant for insurance under this title:

(1) to provide that the security relating to an insured obligation provided for in section 1104 shall run to the obligee, or, alternatively;

(2) to provide that such security shall run to the Secretary of Commerce and be subject to the provisions of subsection (b) of this section.

(b) If such security runs to the Secretary of Commerce:

(1) in the event of a default in any payment by the obligor of principal or interest due under an obligation insured under this title, the obligee shall have the right to demand, at or before the expiration of sixty days after such default, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon to the date of payment or, if the contract of insurance so provides, payment of the principal of and interest on the obligation then due, owing, and unpaid and that the Secretary of Commerce make all future payments of principal and interest as they shall become due and payable in accordance with the tenor of such obligation: *Provided*, That, unless the contract of insurance provides that no such assignment is required, an assignment of the obligation and any security held by the obligee be tendered to the Secretary of Commerce at the time such demand is made;

(2) the Secretary of Commerce may at any time during the continuance of a default under the provisions of an obligation, or any agreement relating thereto or to security held by the Secretary of Commerce, notify the obligee in writing, specifying the default, that by reason of such default the Secretary of Commerce intends to terminate the insurance contract sixty days after such notice is received by the obligee, and the obligee shall be entitled to demand payment by the Secretary of Commerce as above provided at any time during said sixty-day period, whether or not the default is removed and remedied, and if the obligee shall fail to make such demand, the insurance contract may be terminated by the Secretary of Commerce on or after the expiration of such period;

(3) within a period of thirty days from the date of any such demand pursuant to paragraph (1) or (2) of this subsection (b), the Secretary of Commerce shall accept any assignment provided for under this section, and promptly pay to the obligee the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment or, if the contract of insurance so provides, the principal of and interest on said obligation then due, owing and unpaid and shall make all future payments of principal and interest as they shall become due in accordance with the tenor of said obligation: *Provided*, That, except in any case in which the Secretary of Commerce has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary of Commerce shall not be required to accept such assignment or make such payment if prior to the expiration of said thirty-day period he shall find that there was no default or that such default was removed and remedied prior to any such demand;

(4) in the event the Secretary of Commerce is required to make payment of any

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insured obligation the security for which is held by the Secretary of Commerce pursuant to subsection (a)(2) of this section or in the event there shall be a default under any provision of any agreement relating to such obligation or the security therefor which shall give the Secretary of Commerce such rights, he shall have all rights with respect to such obligation and any security held by him as are conferred upon the Secretary of Commerce under subsection (c) and (d) of section 1105 of this title: *Provided, however,* That if the contract of insurance so provides, it shall not be necessary for the obligation to be assigned to the Secretary of Commerce as provided in subsections (a) and (c) of section 1105; and

(5) the Secretary of Commerce may make such arrangements with the obligor with regard to the security he holds as he shall deem appropriate, including, but not limited to, substituting one form of security for another.

Sec. 1107.

Whoever, for the purpose of obtaining any loan or advance of credit from any person, partnership, association, or corporation with the intent that an obligation relating to such loan or advance of credit shall be offered to or accepted by the Secretary of Commerce for insurance, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage relating to an obligation insured by the said Secretary of Commerce, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of the said Secretary of Commerce under this title, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income, shall be guilty of a misdemeanor and punished as provided under the first paragraph of section 806(b) of this Act.

Sec. 1108.

The Secretary of Commerce is authorized and directed to make such rules and regulations as may be deemed necessary or appropriate to carry out the purposes and provisions of this title.

Sec. 1109.

There is hereby authorized to be appropriated the sum of $1,000,000 and such further sums as may be necessary to carry out the provisions of this title.

Sec. 1110.

(a) Creation of the Escrow Fund.—In connection with the insurance of an obligation, the Secretary of Commerce is authorized to accept a deposit in escrow in an amount which at the time of such deposit is equal to: (i) the excess of the principal of all obligations which have the same security as such obligation over 75 per centum, or 87½ per centum, as the case may be, of the amount paid by or for the account of the obligor for the construction, reconstruction or reconditioning of the vessel, including vessels to be constructed, reconstructed, or reconditioned, used or to be used as security for such obligation: *Provided,* That, for purposes of this section, if an existing vessel is used as security for such obligation, the amount paid by or for the account of the obligor for the contruction, reconstruction or reconditioning of such vessel shall be depreciated as provided in subsection (d) of section 1104 of this title; (ii) with interest thereon for the period of the escrow agreement.

(b) Disbursement Prior to Termination of the Escrow Agreement.—The Secretary of Commerce shall, as specified in the escrow agreement, disburse the escrow fund to pay amounts the obligor is obligated to pay as interest on such obligation or for the construction, reconstruction, or reconditioning of the vessels used as security for such obligation or to redeem such obligation in connection with a refinancing under paragraph (2) of subsection (a) of section 1104, except that if insurance becomes payable under the insurance contract prior to the termination of the escrow agreement, all amounts in the escrow fund at the time such insurance becomes payable (including realized income which has not yet been paid to the obligor) shall, subject to the application of the provisions of section 1104(c)(8) of this title, be paid into the Fund and (i) be credited against any amounts due or to become due to the Secretary of Commerce from the obligor with respect to the insured obligation and (ii) to the extent not so required, be paid to the obligor.

(c) Disbursements Upon Termination of the Escrow Agreement.—If insurance has not become payable under the insurance contract prior to the termination of the escrow agreement, any balance of the escrow fund at the time of such termination shall be disbursed to prepay the excess of the principal of all obligations which relate to a vessel over 75 per centum, or 87½ per centum, as the case may be, of the actual cost of such vessel to the extent paid, and to pay interest on such prepaid amount of principal, and the remainder of such balance of the escrow fund shall be paid to the obligor.

(d) Investment of the Escrow Fund.—The Secretary of Commerce may invest and reinvest all or any part of the escrow fund in obligations of the United States or agencies thereof, in time deposits in banks which are members of the Federal Deposit Insurance Corporation or in such other debt securities as the Secretary of Commerce may designate, with such maturities that such fund will be available as required for purposes of the escrow agreement.

(e) Income on the Escrow Fund.—Any income realized on the escrow fund shall, upon receipt, be paid to the obligor.

(f) Other Terms.—The escrow agreement shall contain such other terms as the Secretary of Commerce may consider necessary to fully protect the interests of the United States.

The material presented by Mr. Magnuson is as follows:

EXPLANATION OF PROPOSED LEGISLATION REPLACING SECTIONS 1101 THROUGH 1111 OF TITLE XI OF THE MERCHANT MARINE ACT, 1936

A need for revision of Title XI of the Merchant Marine Act of 1936 has long been thought desirable by the maritime industry and the financial community. However, the impetus leading toward this particular bill stems from a letter to the American Institute of Merchant Shipping from the Division of Government Aid, Maritime Administration of June 29, 1969. High interest rates stimulated all parties concerned with Title XI to make a re-examination to insure that Government credit available under Title XI be utilized in the most efficient manner possible.

The proposed bill, which is highly technical, has been developed through extensive liaison between steamship lines and the Maritime Administration, and between steamship lines and the financial community.

Technical innovations are rapidly transforming the shipping industry into a highly capital intensive business enterprise. As a consequence, Title XI financing is becoming of increasingly crucial importance. The accomplishment of the proposed bill would be to provide much needed simplicity and flexibility. Therefore, the proposed changes to Title X should be considered by the Congress as early as practicable.

CHANGES IN TITLE XI—FEDERAL SHIP MORTGAGE INSURANCE

(Following are changes which are made in Title XI of the Merchant Marine Act, 1936, as amended, by the proposed bill (references are to sections of the Act). Unless otherwise indicated, existing law proposed to be omitted is enclosed in black brackets; new provisions are italic; existing law in which no change is contemplated is shown in roman.)

Sec. 1101. As used in this title—

(a) The term "mortgage" includes a preferred mortgage as defined in the Ship Mortgage Act, 1920, as amended, on any vessel of the United States (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than [two hundred] *twenty-five gross tons*), and a mortgage on such a vessel which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended: *Provided, however, That it shall include a mortgage on, including a chattel mortgage on or other security interest in, any barge or container to be carried on a vessel;*

[(b) The term "loan" includes any loan or advance of credit other than a mortgage loan;]

[(c)] (*b*) The term "vessel" includes all types of passenger, cargo, and combination passenger-cargo carrying vessels, tankers, tugs, towboats, barges, and dredges documented under the laws of the United States, fishing vessels, floating drydocks which have a capacity of thirty-five thousand or more lifting tons and a beam of one hundred and twenty-five feet or more between the wing walls and oceanographic research or instruction vessels owned by citizens of the United States, *and shall include barges or containers (including chassis used to move such containers on land) to be carried on other vessels;*

[(d)](*c*) The term "mortgagee" includes the original maker of a loan secured by a mortgage and his successors and assigns, except that in the case of a mortgage involving a trust indenture and an issue of bonds or notes thereunder, it means the trustee designated in such trust indenture and his successors and assigns as trustee, but does not include the holders of the bonds or notes issued under such trust indenture; *where the Secretary of Commerce is the holder of a mortgage under the provisions of this title the term "mortgagee" shall refer to the Secretary of Commerce;* [and the term "lender" includes the original maker of any loan or advance of credit other than a loan secured by a mortgage, and his successors and assigns, except that in the case of a loan or advance of credit involving a trust indenture and an issue of bonds or notes thereunder, it means the trustee designated in such trust indenture and his successors and assigns as trustee, but does not include the holders of the bonds or notes issued under such trust indenture;] [and]

[(e)](*d*) The term "mortgagor" includes the original borrower under a mortgage and his successors and assigns approved by the *Secretary of Commerce* [Commission];

(e) The term "obligation" shall mean any note, bond or other evidence of indebtedness, including any short-term obligation incurred for the purpose of obtaining temporary funds with a view to refinancing from time to time (exclusive of notes or other obligations issued by the Secretary of Commerce pursuant to subsection (b) of section 1105 of this title and obligations eligible for investment of funds under section 1102 and subsection (d) of section 1110 of this title), whether or not secured by a mortgage, issued for one of the purposes specified in subsection (a) of section 1104 of this title; the term "obligor"

shall mean any party (including a borrower or mortgagor) primarily liable for payment of the principal of or interest on any obligation; the term "obligee' shall include any party (including a lender or mortgagee) entitled to receive payment of the principal of or interest on an obligation, except that, in the event the obligation consists of bonds, notes or other evidence of indebtedness issued pursuant to a trust indenture, the term "obligee" means the trustee designated in such trust indenture and his successors and assigns as trustee, but does not include the holders of the bonds or notes issued under such trust indenture; references in this title to obligations secured by a mortgage or other security shall include obligations the security for which is held by the Secretary of Commerce under section 1106(a) (2) of this title; and

(f) The term "actual cost" of a vessel *or vessels* as of any specified date means the aggregate as determined by the Secretary of Commerce of (i) all amounts paid by or for the account of the [mortgagor or borrower] *obligor* on or before that date, and (ii) all amounts which the [mortgagor or borrower] *obligor* is then obligated to pay from time to time thereafter, for the construction, reconstruction or reconditioning [(including designing, inspecting, outfitting, and equipping)] of such vessel *or vessels*: *Provided*, that in no event shall the Secretary of Commerce pay as insurance under this title in respect of the unpaid balance of the principal of [a mortgage or loan] *obligations* an amount in excess of 75 per centum, or 87½ per centum, as the case may be, of the amount paid by or for the account of the [mortgagor or borrower] *obligor* for the construction, reconstruction, or reconditioning [(including designing, inspecting, outfitting, and equipping)] of such vessel *or vessels used as security for such obligations*, except that if the [mortgagor or borrower] *obligor* creates an escrow fund as authorized by section [1111] *1110* of this Act, the amount that shall be paid as insurance is the interest on and the unpaid balance of the principal of such [loan or mortgage] *obligations. The terms "construction," "reconstruction," or "reconditioning," as used in this title with respect to any vessel, shall include, but shall not be limited to, designing, inspecting, outfitting, and equipping.*

Sec. 1102.

There is hereby created a Federal Ship Mortgage Insurance Fund (hereinafter referred to as the "Fund") which shall be used by the Secretary of Commerce as a revolving fund for the purpose of carrying out the provisions of this title, and there shall be allocated to such Fund the sum of $1,000,000 out of funds made available to the Secretary of Commerce under the appropriation authorized by section [1110] *1109*. Moneys in the Fund shall be deposited in the Treasury of the United States to the credit of the Fund, or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States.

Sec. 1103.

(a) The Secretary of Commerce, upon application by the [mortgagor] *obligor*, is authorized to insure as hereinafter provided the *payment of the* interest on, and the unpaid balance of the principal or, any [mortgage] *obligation* offered to him which is eligible for insurance as hereafter provided *including the payment of such interest and principal in accordance with the tenor of such obligation*, and upon such terms as the Secretary of Commerce may prescribe, is authorized to make commitments to insure any such [mortgage] *obligation* prior to the date of execution *of such obligation* or disbursement thereon.

[(b) The Secretary of Commerce, upon application by the borrower, is authorized to insure as hereinafter provided the interest on and the unpaid balance of the principal of, any loan offered to him which is eligible for insurance as hereinafter provided and, upon such terms as the Secretary of Commerce may prescribe, is authorized to make commitments to insure any such loan prior to the date of execution or disbursement thereon.]

[(c)] (*b*) Each insurance contract made under this section shall run to the [mortgagee or lender] *obligee* and be for the benefit of such [mortgagee or lender] *obligee*, [and the holders of the obligations secured by the mortgage or evidencing the loan,] and if the [mortgagee or lender] *obligee* is a trustee under a trust indenture, for the benefit of the holders of the bonds or notes issued under such trust indenture.

[(d)] (*c*) The faith of the United States is solemnly pledged to the payment of interest on and the unpaid balance of the principal amount of each [mortgage and loan] *obligations* insured this title.

[(e)] (*d*) The aggregate unpaid principal amounts of the [mortgages and loans] *obligations* insured under this section and outstanding at any one time shall not exceed $3,000,000,000.

Sec. 1104. [NOTE: It is proposed that § 1104 be amended to encompass present § 1104, and §§ 1106 and 1107 as well; present §§ 1106 and 1107 are deleted. Provisions which have been included in their present form or substantially in their present form are identified as to source in the margin; wholly new language is underlined. Where practical, omitted matter is bracketed.]

(a) *Pursuant to the authority granted under section 1103(a), the Secretary of Commerce, upon such terms as he shall prescribe, may insure or make a commitment to insure, payment of the principal of and interest on an obligation, which obligation aids in:*

§§ 1104(a) (8) and 1107

(1) financing, including payment of [loans] *obligations* previously [made] *created* to finance, [and] *or* reimbursement of [the mortgagor] *an obligator* for expenditures previously made for, construction [(including designing, inspecting, outfitting, and equipping)] reconstruction or reconditioning of vessels, (*whether or not such vessels are those used to secure such obligations*):

(A) under title V of this Act, as amended;

(B) owned by citizens of the United States which are designed principally for research, or for commercial use (1) in the coastwise or intercoastal trade; (2) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; (3) in foreign trade; (4) in the fishing trade or industry; or (5) with respect to floating drydocks, in the construction, reconstruction, reconditioning, or repair of vessels;

(2) *refinancing existing obligations including short-term obligations incurred for the purpose of obtaining temporary funds with the view to refinancing from time to time;*

§ 1106 (4)

(3) financing the purchase of vessels theretofore acquired by the Fund under the provisions of section 1105 and to secure [loans or advances made] *obligations created* for reconditioning and reconstruction of such vessels;

§ 1104(a) (8)

(4) financing the purchase by citizens of the United States of vessels for use on the Great Lakes pursuant to the Merchant Ship Sales Act of 1946, as amended; and

(5) *financing, in whole or in part, the repayment to the United States of any amount of construction-differential subsidy paid with respect to a vessel pursuant to title V of this Act, as amended, in order to release such vessel from all restrictions imposed as a result of the payment of such construction-differential subsidy.*

(b) *Obligations insured under this title shall be secured by a mortgage or mortgages or such other security as the Secretary of Commerce may require.*

(c) *If obligations insured hereunder are secured by a mortgage placed on any vessel at the time such vessel is delivered (or redelivered in the case of a vessel reconstructed or reconditioned) by the builder (or, in the case of a vessel acquired under the Merchant Ship Sales Act of 1946, as amended, at the time of delivery thereof):*

§ 1104(a) (1)

(1) *such mortgage* shall have a mortgagee approved by the Secretary of Commerce as responsible and able to service the mortgage properly (*unless the Secretary of Commerce is the mortgagee*) and a mortgagor approved by the Secretary of Commerce as possessing the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the mortgaged property;

(2) [shall involve an obligation in a] *subject to the provisions of subsection (f) of this section, the aggregate* principal amount [which does] *of all obligations insured under this title which relate to the mortgaged vessel shall* not exceed 75 per centum of the actual cost of the vessel, such actual cost to be determined by the Secretary of Commerce prior to the execution of the mortgage and such determination to be conclusive for the purpose of determining the principal amount of the [mortgage] *obligations: Provided, however,* That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, and which is, or in the case of a vessel to be reconstructed or reconditioned would have been, eligible for mortgage aid for construction under section 509 of this Act and in respect of which the minimum downpayment by the mortgagor required by that section would be 12½ per centum of the cost of such vessel, [the] *such* obligations may be in an amount which does not exceed 87½ per centum of such actual cost; or, in the case of a vessel[s] purchased pursuant to the Merchant Ship Sales Act of 1946, as amended, for exclusive use on the Great Lakes, [involves an] *such* obligations *may be* in a principal amount which does not exceed 75 per centum of the net purchase price of such vessel[s] plus 75 per centum of the amounts expended for altering, modifying, converting, and equipping such vessel[s] in excess of that purchase price, or 75 per centum of the amount which the Secretary of Commerce estimates will be the value of such vessel so purchased for exclusive use on the Great Lakes when the reconstruction or reconditioning is completed, whichever is the lesser: *Provided, further, That in the case of any barge or container which is constructed without the aid of construction-differential subsidy, or, if so subsidized, on which the construction-differential subsidy has been repaid, and is to be carried on a vessel, the obligations secured by a mortgage on such barge or container may be in an amount which does not exceed 87½ per centum of the actual cost thereof;*

§ 1104(a) (3)

(3) [shall secure bonds, notes, or other] *the* obligations [having] *shall have* maturity dates satisfactory to the Secretary of Commerce, but, *subject to the provisions of subsection (f) of this section,* not to exceed twenty-five years from the date of [its] execution *of the mortgage;*

§ 1104(a) (4)

(4) [shall contain] *the obligations or related agreements shall contain* amortization provisions satisfactory to the Secretary of Commerce requiring periodic payments by the [mortgagor] *obligor;*

§ 1104(a) (5)

(5) [shall secure bonds, notes or other] *the* obligations [bearing] *shall bear* interest (exclusive of premium charges for insurance, and service charges, if any) at rates not to exceed such per centum per annum on the [principal obligation outstanding] *unpaid principal* as the Secretary of Commerce de-

termines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of Commerce;

§ 1104(a)(6)

(6) *the obligations or related agreements* shall provide, in a manner satisfactory to the Secretary of Commerce, for the application of the [mortgagor's] *obligor's* periodic payments to amortization of the principal of [the mortgage] *the obligations*, exclusive of the amount allocated to interest;

§ 1104(a)(7)

(7) *the obligations or related agreements* shall contain such terms and provisions with respect to the construction, reconstruction, reconditioning, maintenance, purchase of a vessel for use on the Great Lakes pursuant to the Merchant Ship Sales Act of 1946, as amended, or operation of the property, repairs, alterations, payment of taxes, insurance, delinquency charges, revisions, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters pertinent to the security as the Secretary of Commerce may prescribe; *and*

§ 1104(a)(10)

(8) *such mortgage* may, in the case of a passenger vessel having the tonnage, speed, passenger accommodations and other characteristics set forth in title V of this Act, as amended, with the approval of the [Federal Maritime Board] *Secretary of Commerce,* provide that the sole recourse against the mortgagor by the United States as assignee of the mortgage *or as mortgagee* for the payment of the principal of, and interest on, [the mortgage and the bonds, notes or other] obligations secured thereby shall be limited to repossession of the vessel and the assignment of insurance claims and that the [obligations] *liability* of the mortgagor for such principal and interest shall be satisfied and discharged by the surrender of the vessel and all right, title and interest therein to the United States: *Provided,* That the vessel upon surrender shall be (i) free and clear of all liens and encumbrances whatsoever except the lien of the preferred mortgage, (ii) in class and (iii) in as good order and condition, ordinary wear and tear excepted, as when acquired by the mortgagor, except that any deficiencies with respect to freedom from encumbrances, condition and class may, to the extent covered by valid policies of insurance, be satisfied by the assignment to the United States of claims of the mortgagor under such policies.

(d) *If obligations insured hereunder are secured by a mortgage placed on any vessel subsequent to the time such vessel is delivered by the builder:*

§ 1107(a)

(1) the vessel *subject to the mortgage* [is not] *shall not be,* at the time of insuring the [mortgage pursuant to the commitment] *obligations,* subject to a mortgage which [has] *does* not [been] *secure obligations* insured by the Secretary of Commerce;

§ 1107(4)

(2) [the mortgage involves a principal obligation] *subject to the provisions of subsection (f) of this section, the aggregate principal amount of all obligations insured under this title which relate to the mortgaged vessel* [which], when added to the unpaid balance of [the principal] obligations [of] *secured by* prior mortgages on [the] *such* vessel (other than mortgages that are being refinanced by [this] *such* mortgage) [will] *shall* result in a sum which will not, (a) if the vessel was not built with the aid of construction-differential subsidy, *or if so built, such construction-differential subsidy has been repaid,* and complies with the requirements of section 509 of this Act exceed (A) if the vessel has not been reconstructed or reconditioned before such mortgage is executed, 87½ per centum of all amounts the [mortgagor] *obligor* has paid or is obligated to pay for the construction [(including designing, inspecting, outfitting, or equipping)] of the vessel, depreciated at the rate of 4 per centum per annum from the date the vessel was delivered by the shipbuilder to the date such mortgage is executed, or (B) if the vessel has been reconstructed or reconditioned before such mortgage is executed, 87½ per centum of all amounts the [mortgagor] *obligor* has paid or is obligated to pay for the construction [(including designing, inspecting, outfitting, and equipping)] of the vessel, depreciated at the rate of 4 per centum per annum from the date the vessel was delivered by the shipbuilder to the date of such reconstruction or reconditioning, and depreciated, from the date of such reconstruction or reconditioning to the date such mortgage is executed, on a straight-line basis and on the basis of a useful life of the vessel determined jointly by the Secretary of Commerce and the Secretary of the Treasury, plus 87½ per centum of all amounts the mortgagor has paid or is obligated to pay for the reconstruction or reconditioning of the vessel (if such reconstruction or reconditioning was done without aid of construction-*differential* subsidy and the vessel complies with the requirements of section 509 of this Act; otherwise, 75 per centum of such amount), depreciated, from the date of such reconstruction or reconditioning to the date such mortgage is executed, on a straight-line basis and on the basis of a useful life of the vessel determined jointly by the Secretary of Commerce and the Secretary of the Treasury, and (b) if the vessel was built with the aid of construction-differential subsidy, *which construction-differential subsidy has not been repaid,* or does not comply with the requirements of section 509 of this Act, exceed the amount computed under (a) above except that, where (a) above provides for 87½ per centum of the construction cost of the vessel, the percentage shall be 75 per centum: *Provided, however, That if any container or barge which does not comply with the requirements of section 509 of this Act was constructed without construction-differential subsidy, or if so subsidized, if the construction-differential subsidy has been repaid, the obligations secured by a mortgage on such container or barge may be in an amount which does not exceed 87½ per centum of the actual cost thereof, depreciated as above provided, except that the useful life and rate of depreciation of containers shall be as determined by the Secretary of Commerce;*

§ 1107(5)

(3) [the mortgage has] *subject to the provisions of subsection (f) of this section, the obligations shall have* maturity dates which, if the vessel has not been reconstructed or reocnditioned, do not exceed the remaining years of a useful life of the mortgaged vessel of twenty-five years computed from the date the vessel was delivered by the shipbuilder or, if the vessel has been reconstructed or reconditioned, do not exceed the remaining years of a useful life of the vessel determined jointly by the Secretary of the Treasury and the Secretary of Commerce;

§ 1107(8)

(4) the mortgaged vessel shall be in class A–1, American Bureau of Shipping, with all required certificates, including but not limited to marine inspection certificates of the United States Coast Guard, with all outstanding requirements and recommendations necessary for retention of class accomplished, unless the Secretary of Commerce permits a deferment of such repairs, and shall be tight, stanch, strong and well and sufficiently tackled, appareled, furnished and equipped, and in every respect seaworthy and in good running condition and repair and in all respects fit for service: *Provided, That containers shall meet such standards as may be prescribed by the Secretary of Commerce; and*

(5) *the mortgage, the obligations or related agreements shall comply with the requirements of paragraphs (1) and (4) through (8), inclusive, of subsection (c) of this section 1104.*

(e) *If the security for obligations insured under this title relates to a vessel to be constructed, reconstructed or reconditioned:*

§ 1104(b)(1)

(1) *such obligations* shall [be made by a lender] *have an obligee* approved by the Secretary of Commerce [to a borrower] and *an obligor* approved by the Secretary of Commerce as possessing the ability, experience, financial resources and other qualifications necessary to the adequate operation and maintenance of the property;

§ 1105(b)(4)

(2) *subject to the provisions of subsection (f) of this section, the aggregate principal amount of all obligations insured under this title which relate to such vessel* shall [provide that no advance shall be made thereunder unless the sum of such advance and the principal amount of all other advances under insured loans then outstanding at the time of said advance shall] not exceed 75 per centum or 87½ per centum, *as determined pursuant to subsection (c) of this section,* of the actual cost of such vessel, such actual cost to be determined by the Secretary of Commerce and such determination to be conclusive for the purpose of determining the principal amount of [the loan] *such obligations;* [*Provided, however,* That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, and which is eligible for mortgage aid for construction under section 509 of this Act and in respect of which the minimum down payment by the mortgagor required by that section would be 12½ per centum of the cost of such vessel, the advance and the principal amount of all other advances under insured loans outstanding at the time of said advance shall not exceed 87½ per centum of such actual cost;]

§ 1104(b)(6)

(3) *such obligations* shall bear interest at an average interest rate not to exceed the maximum rate permitted by paragraph (5) of subsection [(a)] *(c)* of this section; and

(4) *such obligations or related agreements shall provide that a mortgage conforming to the requirements of subsection (c) of this section shall be placed on the vessel upon delivery unless the payment of such obligations at or prior to the delivery of the vessel is required.*

(f)(1) *The security for an obligation insured under this title may relate to more than one vessel and may consist of any combination of the security described in subsections (c), (d) and (e) of this section. The aggregate principal amount of such obligations may equal, but not exceed, the sum of the principal amount of obligations permissible with respect to each vessel.*

(2) *If the security for an obligation insured under this title relates to more than one vessel, such obligation may have the latest maturity date permissible under subsection (c), (d) or (e) of this section with respect to any such security: Provided, That such obligation or related agreements shall contain provisions requiring the payment, prior to maturity, of such portion of the principal amount of all obligations to which such security relates as may be required by the Secretary of Commerce in order to maintain adequate security for such obligations.*

§ 1104(c)

(g) No commitment to insure [a mortgage or loan] *an obligation* shall be made by the Secretary of Commerce unless he finds, at or prior to the time such commitment is made, that the property or project with respect to which the [a mortgage or loan] *obligation* will be executed will be, in his opinion, economically sound, and no [mortgage or loan] *obligation*, unless made pursuant to a prior commitment, shall be insured unless the Secretary of Commerce finds, at or prior to the time the insurance becomes effective, that the property or project with respect to which the [mortgage or loan] *obligation* is executed will be in his opinion economically sound.

substantially

§ 1104(d)

(h) The Secretary of Commerce is authorized to fix a premium charge for the insurance of [mortgages and loans] *an obligation* under this title. [In the case of any mortgage under section 1103(a),] *If the security for an obligation relates to a delivered vessel*, such charge shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of [the mortgage] *such obligation* outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section [1111] *1110* of this Act. [In the case of loans insured under section 1103(b)] *If the security for an obligation relates to a vessel to be constructed, reconstructed or reconditioned*, such charge shall not be less than one-quarter of 1 per centum per annum nor more than one-half of 1 per centum per annum of the average principal amount of [the loan] *such obligation* outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section [1111] *1110* of this Act. *For the purposes of this subsection (h), the principal amount of an obligation that relates to a delivered vessel and to a vessel to be constructed, reconstructed or reconditioned shall be prorated*

§ 1104(a)(9)

§ 1104(b)(5)

in accordance with regulations prescribed by the Secretary of Commerce. Premium payments shall be made when moneys are first advanced under [the mortgage or loan agreement] *an insured obligation* and on each anniversary date thereafter. The [mortgagor] *obligor* shall pay to the [mortagee] *obligee* the amount required for the payment of each insurance premium charge *hereunder* at least sixty days before the payment of such premium charge to the Secretary of Commerce is due, and [shall further provide that] the failure of the [mortgagor] *obligor* to make such payments shall be a default [under the mortgage]: *Provided, however, That when the Secretary of Commerce holds the security, the obligor shall pay such premium charge directly to the Secretary of Commerce when due;* all such premium charges shall be computed and shall be payable to the Secretary of Commerce under such regulations as the Secretary of Commerce may prescribe.

§ 1104(e)

(i) The Secretary of Commerce shall charge and collect such amounts as he may deem reasonable for the investigation of applications for insurance, for the appraisal of properties offered for insurance, for the issuance of commitments, for services in connection with the escrow fund authorized by section [1111] *1110*, and for the inspection of such properties during construction, reconstruction, or reconditioning: *Provided*, That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the [mortgage or loan] *obligations* to be insured. Unless otherwise agreed, the charge for any such services shall be paid by the [mortagor or the borrower] *obligor*.

§ 1104(f)

(j) All moneys received under the provisions of sections 1101–[1110] *1109* of this title shall be deposited in the Fund.

(k) *All or part of the proceeds from an obligation insured hereunder may be deposited in a fund maintained by the operator under section 607 of this Act, as amended, or, if the operator does not maintain such a fund, in a fund maintained under section 511 of this Act, as amended. If any deposit is made in a fund under this subsection (k), such deposit may be withdrawn only to pay for the construction, reconstruction or reconditioning a vessel or vessels in accordance with this section, or if for any reason such payments do not exhaust the deposit, then to redeem, to the extent of the balance remaining on deposit, insured obligations.*

Substantially § 1104(a)(11) and § 1104(b)(7)

(l) *Obligations insured under this title and agreements relating thereto may* [shall] contain such other provisions as [may] *shall* be agreed upon between the [mortgagor] *obligor* and [mortgagee] *obligee* which are not inconsistent with the provisions of [the preceding paragraphs of this subsection (a)] *this section 1104* and which are not disapproved by the Secretary of Commerce.

(a)(1) [In the event of] *If an obligation is secured by a mortgage under which the obligee is the mortgagee, and* any act or failure to act which gives the [mortgagee] *obligee* the right to foreclose *occurs*, any such [events] *act or failure to act* being herein called *a* default[s] and [failure on the part of the mortgagor] *the obligator fails* to remove the remedy the default within thirty days, the [mortgagee] *obligee* shall have the right (i) in the case of a default in respect of the payment of principal or interest or the payment of any amount to provide for the payment of premium charges for [mortgage] insurance *under this title*, to demand at or before the expiration of sixty days after any such default, and (ii) in the case of any other default, to demand at any time during the continuance of such default, payment by the Secretary of the unpaid principal amount of said [mortgage] *obligation* and of the unpaid interest thereon to the date of payment *or, if the contract of insurance so provides, payment of the principal of and interest on such obligation then due, owing, and unpaid and that the Secretary of Commerce make all future payments of principal and interest as they shall become due and payable in accordance with the tenor of the obligation secured by the mortgage: Provided*, That an assignment of the mortgage and of the obligations secured by the mortgage be tendered to the Secretary of Commerce at the time such demand is made. The Secretary of Commerce may at any time during the continuance of any default notify the [mortgagee] *obligee* in writing, specifying the default, that by reason of such default the Secretary of Commerce intends to terminate the insurance contract sixty days after such notice is received by the [mortgagee] *obligee*, and the [mortgagee] *obligee* shall be entitled to demand payment by the Secretary of Commerce as above provided at any time during said sixty-day period, whether or not the default is removed and remedied, and if the [mortgagee] *obligee* shall fail to make such demand, the insurance contract may be terminated by the Secretary of Commerce on or after the expiration of such period. Within a period of thirty days from the date of any such demand, the Secretary of Commerce shall accept the assignment and promptly pay to the [mortgagee] *obligee* the unpaid principal amount of [said mortgage] *such obligation* and unpaid interest thereon to the date or payment *or, if the contract of insurance so provides, the principal of and interest on such obligation then due, owing and unpaid and shall make all future payments of principal and interest as they shall become due in accordance with the tenor of such obligation: Provided*, That, except in any case in which the Secretary of Commerce has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary of Commerce shall not be required to accept such assignment if prior to the expiration of said thirty-day period he shall find that there was no default or that such default was removed and remedied prior to any such demand.

(2) [In the event of] *If an obligation insured under the title is not secured by a mortgage and any security relating thereto is held by the obligee and* an act or failure to act occurs which [gives the lender the right to mature the loan] *constitutes a default under the obligation or related agreements including any loan agreement*, any such [events] *act or failure to act* being herein called *a* [defaults], and [failure on the part of the borrower] *the obligor fails* to remove and remedy the default within thirty days, the [lender] *obligee* shall have the right (i) in the case of a default in respect of the payment of principal or interest or the payment of any amount to provide for the payment of premium charges for [loan] insurance *under this title*, to demand at or before the expiration of sixty days after any such default, and (ii) in the case of any other default, to demand at any time during the continuance of such default, payment by the Secretary of Commerce of the unpaid principal amount of said [loan] *obligation* and of the unpaid interest thereon to the date of payment, *or if the contract of insurance so provides, payment of the principal of and interest on such obligation then due, owing and unpaid and that the Secretary of Commerce makes all future payments of principal and interest as they shall become due and payable in accordance with the tenor of such obligation: Provided*, That an assignment of the [loan agreement and of the obligations evidencing such loan] *obligations and related agreements including any loan agreement* be tendered to the Secretary of Commerce at the time such demand is made. The Secretary of Commerce may at any time during the continuance of any default notify the [lender] *obligee* in writing, specifying such default, that by reason of such default the Secretary of Commerce intends to terminate the insurance contract sixty days after such notice is received by the [lender] *obligee*, and the [lender] *obligee* shall be entitled to demand payment by the Secretary of Commerce as above provided at any time during said sixty-day period, whether or not the default is removed and remedied, and if the [lender] *obligee* shall fail to make such demand, the insurance contract may be terminated by the Secretary of Commerce on or after the expiration of such period. Within a period of thirty days from the date of any such demand, the Secretary of Commerce shall accept the assignment and promptly pay to the [lender] *obligee* the unpaid principal amount of [said loan] *such obligation* and unpaid interest thereon to the date of payment *or, if the contract of insurance so provides, the principal of and interest on such obligation then due, owing and unpaid and shall make all future payments of principal and interest as they shall become due in accordance with the tenor of such obligation: Provided*, That, except in any case in which the Secretary of Commerce has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary of Commerce shall not be required to accept such assignment if prior to the expiration of said thirty-day period

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he shall find that there was no default or that such default was removed and remedied prior to any such demand.

(b) Any amount required to be paid by the Secretary of Commerce pursuant to subsection (a) of this section, shall be paid in cash. If at any time the moneys in the [Federal Ship Mortgage Insurance] Fund authorized by section 1102 of this Act are not sufficient to pay any amount the Secretary of Commerce is required to pay by subsection (a) of this section, the Secretary of Commerce is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of Commerce, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the [Federal Ship Mortgage Insurance] Fund and redemptions of such notes and obligations shall be made by the Secretary of Commerce from such Fund.

(c)(1) In the event the Secretary of Commerce shall accept the assignment of a mortgage upon the default of the [mortgagor] *obligor* pursuant to subsection (a)(1) of this section, he may institute foreclosure proceedings and in connection therewith repossess the mortgaged vessel forthwith and, subject to the provisions of section [1104(a)(10)] *1104(c)(8)*, take such other action against the [mortgagor] *obligor* that, in his discretion, may be required to protect the interests of the United States and of the [mortgagee] *obligee*, as they may appear. Any suit may be brought in the name of the United States or in the name of the [mortgagee] *obligee* and the [mortgagee] *obligee* shall make available to the United States all records and evidence necessary to prosecute any such suit. If the Secretary of Commerce shall determine that the interests of the United States do not require foreclosure of the mortgage, he may make such agreement with the [mortgagor] *obligor* as in the opinion of the Secretary of Commerce will result in remedying the defaults. The Secretary of Commerce shall have the right in his discretion to accept a conveyance of title to and possession of the vessel from the [mortgagor] *obligor*, and in the event of a sale under foreclosure proceedings, may purchase the vessel for an amount not greater than the unpaid principal abount of *obligations insured under this title secured by* such mortgage and unpaid interest thereon. In the event the Secretary of Commerce shall receive through the sale of the vessel an amount of cash in excess of any payment made to the [mortgagee] *obligee* under section (a)(1) of this section, and the expenses of collection of such amount, he shall pay such excess to the [borrower] *obligor*.

(2) In the event the Secretary of Commerce shall accept the assignment of [a loan agreement upon the default of a borrower] *obligations and related agreements, including any loan agreement,* pursuant to subsection (a)(2) of this section, he shall take such action against the [borrower] *obligor* or any other parties liable [under the loan agreement or the obligations evidencing such loan thereunder] *under such obligations or related agreements* that, in his discretion, may be required to protect the interests of the United States and of the [lender] *obligee* as they may appear. Any suit may be brought in the name of the United States or in the name of the [lender] *obligee* and the [lender] *obligee* shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary of Commerce shall have the right in his discretion to accept a conveyance of title to and possession of the property from the [borrower] *obligor*, and may purchase the property for an amount not greater than the unpaid principal amount of such [loan] *obligations* and unpaid interest thereon. In the event the Secretary of Commerce shall receive through the sale of the property an amount of cash in excess of any payment made to the [lender] *obligee* under subsection (a)(2) of this section and the expenses of collection of such amount, he shall pay such excess to the [borrower] *obligor*.

(d) Notwithstanding any other provision of law relating to the acquisition, handling or disposal of property by the United States, the Secretary of Commerce shall have the right in his discretion to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to the assignment as provided in this section and may place [the] *a* mortgaged vessel in the national defense reserve or may sell the same upon competitive bids for not less than the minimum sales price provided by the Merchant Marine Act, 1936, as amended. The buyer shall be required to make cash payment to the Secretary of Commerce of not less than 25 per centum of the sales price, and the balance shall include interest on the purchase price over the remaining period of the expected useful life of such vessel. Such installments shall include interest on the purchase price remaining unpaid at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such installments, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs.

(e) Any contract or commitment of insurance entered into by the Secretary of Commerce under the provisions of this title shall not be terminated, canceled, or otherwise revoked for any reason, except as provided in section 1105 *or section 1106* of this title, and shall be conclusive evidence that the [mortgage or loan] *obligations* [complies] *comply* fully with the provisions of this title and of the approval of the principal amount, interest rate, and all other terms of the [mortgage or loan] *obligations* and of the [mortgagor or borrower] *obligor* and of the [mortgagee or lender] *obligee;* and any contract or commitment of insurance so entered into shall be incontestable from the date as of which such contract or commitment is entered into [except for fraud, duress, or mutual mistake of fact].

Sec. 1106. [Present § 1106 is deleted, provision for refinancing having been incorporated into §1104; the new provisions of § 1106 as as follows:]

(a) *The Secretary of Commerce is authorized, at the request of the applicant for insurance under this title:*

(1) *to provide that the security relating to an insured obligation provided for in section 1104 shall run to the obligee, or, alternatively;*

(2) *to provide that such security shall run to the Secretary of Commerce and be subject to the provisions of subsection* (b) *of this section.*

(b) *If such security runs to the Secretary of Commerce:*

(1) *in the event of a default in any payment by the obligor of principal or interest due under an obligation insured under this title, the obligee shall have the right to demand, at or before the expiration of sixty days after such default, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon to the date of payment or, if the contract of insurance so provides, payment of the principal of and interest on the obligation then due, owing, and unpaid and that the Secretary of Commerce make all future payments of principal and interest as they shall become due and payable in accordance with the tenor of such obligation: Provided, That, unless the contract of insurance provides that no such assignment is required, an assignment of the obligation and any security held by the obligee be tendered to the Secretary of Commerce at the time such demand is made;*

(2) *the Secretary of Commerce may at any time during the continuance of a default under the provisions of an obligation, or any agreement relating thereto or to security held by the Secretary of Commerce, notify the obligee in writing, specifying the default, that by reason of such default the Secretary of Commerce intends to terminate the insurance contract sixty days after such notice is received by the obligee, and the obligee shall be entitled to demand payment by the Secretary of Commerce as above provided at any time during said sixty-day period, whether or not the default is removed and remedied, and if the obligee shall fail to make such demand, the insurance contract may be terminated by the Secretary of Commerce on or after the expiration of such period;*

(3) *within a period of thirty days from the date of any such demand pursuant to paragraph (1)(2) of this subsection* (b), *the Secretary of Commerce shall accept any assignment provided for under this section, and promptly pay to the obligee the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment or, if the contract of insurance so provides, the principal of and interest on said obligation then due, owing and unpaid and shall make all future payments of principal and interest as they shall become due in accordance with the tenor of said obligation: Provided, That, except in any case in which the Secretary of Commerce has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary of Commerce shall not be required to accept such assignment or make such payment if prior to the expiration of said thirty-day period he shall find that there was no default or that such default was removed and remedied prior to any such demand;*

(4) *in the event the Secretary of Commerce is required to make payment of any insured obligation the security for which is held by the Secretary of Commerce pursuant to subsection (a)(2) of this section or in the event there shall be a default under any provision of any agreement relating to such obligation or the security therefor which shall give the Secretary of Commerce such rights, he shall have all rights with respect to such obligation and any security held by him as are conferred upon the Secretary of Commerce under subsections* (c) *and* (d) *of section 1105 of this title: Provided, however, That if the contract of insurance so provides, it shall not be necessary for the obligation to be assigned to the Secretary of Commerce as provided in subsections* (a) and (c) *of section 1105; and*

(5) *the Secretary of Commerce may make such arrangements with the obligor with regard to the security he holds as he shall deem appropriate, including, but not limited to, substituting one form of security for another.*

[Section 1107 is deleted, provision for mortgages on existing vessels having been incorporated into § 1104.]

[Sec. 1108] *Sec. 1107.*

Whoever, for the purpose of obtaining any loan or advance or credit from any person, partnership, association, or corporation with the intent that *an obligation relating* to such loan or advance of credit shall be offered to or accepted by the Secretary of Commerce for insurance, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage *relating to an obligation* insured by the said Secretary of Commerce, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of the said Secretary of Commerce under this title, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income, shall be guilty of a misdemeanor and punished as provided under the first paragraph of section 806(b) of this Act.

[Sec. 1109.] *Sec. 1108.*

The Secretary of Commerce is authorized and directed to make such rules and regulations as may be deemed necessary or appropriate to carry out the purposes and provisions of this title.

[Sec. 1110.] *Sec. 1109.*

There is hereby authorized to be appropriated the sum of $1,000,000 and such further sums as may be necessary to carry out the provisions of this title.

[Sec. 1111.] *Sec. 1110.*

(a) Creation of the Escrow Fund.—In connection with the insurance of [loans and mortgages] *an obligation* [which are financed by sale of bonds to the general public], the Secretary of Commerce is authorized to accept a deposit in escrow in an amount which at the time of such deposit is equal to: (i) the excess of the principal of [such loan or mortgage] *all obligations which have the same security as such obligation* over 75 per centum, or 87½ per centum, as the case may be, of the amount paid by or for the account of the [mortgagor or borrower] *obligor* for the construction, reconstruction or reconditioning [(including designing, inspecting, outfitting, and equipping)] of the vessel, *including vessels to be constructed, reconstructed or reconditioned, used or to be used as security for such obligation: Provided, That, for purposes of this section, if an existing vessel is used as security for such obligation the amount paid by or for the account of the obliger for the construction, reconstruction or reconditioning of such vessel shall be depreciated as provided in subsection (d) of section 1104 of this title;* (ii) with interest thereon for the period of the escrow agreement.

(b) Disbursement Prior To Termination of the Escrow Agreement.—The Secretary of Commerce shall, as specified in the escrow agreement, disburse the escrow fund to pay amounts the [mortgagor or borrower] *obligor* is obligated to pay as interest on such [loan or mortgage] *obligation* or for the construction, reconstruction, or reconditioning [(including designing, inspecting, outfitting, and equipping)] of the [vessel] *vessels used as security for such obligation or to redeem such obligation in connection with a refinancing under paragraph* (2) *of subsection* (*a*) *of section 1104,* except that if insurance becomes payable under the insurance contract prior to the termination of the escrow agreement, all amounts in the escrow fund at the time such insurance becomes payable (including realized income which has not yet been paid to the [borrower or mortgagor] *obligor*) shall, subject [in the case of insurance on a mortgage] to the application of [mortgage] *the* provisions [contemplated by] *of* section [1104(a)(10))] *1104*(*c*)(*8*) of this title, be paid into the [Federal Ship Mortgage Insurance] *Fund* and (i) be credited against any amounts due or to become due to the Secretary of Commerce from the [borrower or mortgagor] *obligor* with respect to the insured [loan or mortgage] *obligation* and (ii) to the extent not so required, be paid to the [borrower or mortgagor] *obligor*.

(c) Disbursements Upon Termination of the Escrow Agreement.—If insurance has not become payable under the insurance contract prior to the termination of the escrow agreement, any balance of the escrow fund at the time of such termination shall be disbursed [by the Secretary of Commerce] to prepay the excess of the principal of the [loan or mortgage] *all obligations which relate to a vessel* over 75 per centum, or 87½ per centum, as the case may be, of the actual cost of [the] *such* vessel to the extent paid, to pay interest on such prepaid amount of principal, and the remainder of such balance of the escrow fund shall be paid to the [borrower or mortgagor] *obligor*.

(d) Investment of the Escrow Fund.—The Secretary of Commerce may invest and reinvest all or any part of the escrow fund in obligations of the United States *or agencies thereof, in time deposits in banks which are members of the Federal Deposit Insurance Corporation or in such other debt securities as the Secretary of Commerce may designate,* with such maturities that such fund will be available as required for purposes of the escrow agreement.

(e) Income on the Escrow Fund.—Any income realized on the escrow fund shall receipt [by the Secretary of Commerce], be paid to the [borrower or mortgagor] *obligor*.

(f) Other Terms.—The escrow agreement shall contain such other terms as the Secretary of Commerce may consider necessary to fully protect the interests of the United States.

RE-REFERRAL OF A BILL

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Committee on Public Works be discharged from the further consideration of S. 4439, for the relief of Carlo Bianchi & Co., Inc., and that the bill be referred to the Committee on the Judiciary.

Mr. President, in making this request, I note that the chairman of the Committee on Public Works, the Senator from West Virginia, has been consulted and has no objection to this re-referral.

The PRESIDING OFFICER (Mr. Cranston). Without objection, it is so ordered.

AMENDMENT OF THE HIGHER EDUCATION ACT OF 1965—AMENDMENT

AMENDMENT NO. 1078

Mr. JAVITS. Mr. President, I submit for appropriate reference on amendment to S. 3636, the Higher Education Opportunity Act of 1970, the administration's higher education bill which I originally introduced on March 25th.

This amendment is designed to meet the problem of discrimination against particular categories of students in the granting of guaranteed student loans. The discrimination takes such forms as a requirement that the student or his family maintain an account or business relationship with the lender, refusal to make loans to students during their freshman year of study and discrimination because of race or sex. These problems were documented in the Survey of Lender Practices Relating to the Guaranteed Student Loan program conducted in accord with subsection 6 (A) of the Emergency Insured Student Loan Act of 1969.

It is estimated that some 100,000 to 150,000 students could benefit from this proposal.

My amendment would require that as a condition precedent to the use of the secondary market and warehouse mechanisms provided in S. 3636, lenders must contract that they will not discriminate against particular classes or categories of students, including a requirement that the student or his family maintain a business relationship with the lender, the practice of refusing to make a loan to freshmen students, and discrimination on the basis of sex, color, creed, or national origin.

The survey revealed, for example, that:

> In the judgment of financial aid officers interviewed, discretionary practices that prevent the largest number of students from receiving loans related to account relationships and year in school.

A similar conclusion was reached in a sampling of student loan applicants. The survey also found that:

> An analysis of demographic characteristics of respondents who did not get loans indicated, for example, that the proportion of females and nonwhites not receiving loans was significantly higher than could be explained by chance occurrence.

My amendment seeks to meet these shortcomings.

In the current school year, an estimated 1,087,000 young Americans will borrow in the area of $1 billion to further their educations. And these figures, it is anticipated, will grow in the future. My amendment will foster that healthy growth.

The PRESIDING OFFICER (Mr. Dole). The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 1078) was referred to the Committee on Labor and Public Welfare.

PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE—AMENDMENTS

AMENDMENT NO. 1079

Mr. HUGHES (for himself and Mr. Hruska) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 3562) to provide a com-

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prehensive Federal program for the prevention and treatment of drug abuse and drug dependence, which were ordered to lie on the table and to be printed.

EMERGENCY SCHOOL AID ACT OF 1970—AMENDMENTS

AMENDMENT NO. 1080

Mr. MONDALE. Mr. President, I send to the desk an amendment to S. 3883, a bill entitled "The Emergency School Aid Act of 1970." I ask unanimous consent that the amendment be printed and be appropriately referred.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will be appropriately referred.

The amendment, No. 1080, was referred to the Committee on Labor and Public Welfare.

Mr. MONDALE. Mr. President, the amendment would add a new section authorizing an expenditure of $80 million in Federal funds over the next 2 years for research, development, and production of educational television programs for children.

We have seen over the past year how one imaginative and dedicated group of individuals has successfully demonstrated that the television our children watch for so many hours every day can have an important impact on educational achievement and the development of cognitive and effective skills. I refer, of course, to Sesame Street, which has been widely acclaimed and which has unquestionably benefited children from disadvantaged inner-city communities, from middle-class suburbs, and from isolated rural areas by providing an effective medium for teaching them important facts and learning skills.

The Educational Testing Service report, over 400 pages in length and based on a year-long study using the most advanced techniques of social science analysis, proves beyond a doubt that children benefited educationally from watching Sesame Street.

I ask unanimous consent that at the conclusion of my remarks a summary of a report by the Educational Testing Service of Princeton, N.J., evaluating the results of Sesame Street, entitled "A Summary of the Major Findings in 'The First Year of Sesame: An Evaluation' " be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

These results are no surprise. They simply confirm what the citizens of my State and people throughout the Nation have discovered for themselves.

Our children no longer have to wait until they reach school age to begin learning the three R's. "Sesame Street" has changed all that.

It is preparing our children for school, and it is making education interesting. The people who created "Sesame Street" have made learning fun, and by so doing, made it effective.

In my State of Minnesota, "Sesame Street" is broadcast over three educational television stations: KTCJ, channel 17; and KTCA, channel 2, both in Minneapolis, St. Paul, and KWCM, channel 10 in Appleton. John Schwarzwalder, general manager of the Twin Cities educational television stations, reports to me that the public response to the showing of "Sesame Street" has been tremendous. There has been 10 times as much mail about "Sesame Street" as there has been about any other program his stations have ever presented. And what have all the letter writers been saying about "Sesame Street"? John Schwarzwalder describes it as "universal acclaim."

Parents from Minnetonka, St. Paul, Sauk Rapids, St. Louis Park, Minneapolis, Lake City, and St. Cloud, and numerous other communities in Minnesota and across the land have written calling "Sesame Street" excellent, wonderful, educational and interesting, dynamic, unique, and by far the best thing that has happened in television. Mothers who operate the Northeast Minneapolis Cooperative Nursery School reported, for example, that:

> Each mother has agreed her child has learned from this program.

Perhaps the best indication of people's reaction to "Sesame Street" was contained in a letter from a parent in Minneapolis, Minn., who wrote:

> In the words of my three year old daughter when she sees Sesame Street "I like this stuff."

The popularity of this program is further reflected in the fact that churches, individuals and voluntary associations in St. Paul, St. Cloud, Minneapolis, and elsewhere have made financial contributions to educational TV stations so that they could continue broadcasting shows like "Sesame Street" and "Mr. Rogers' Neighborhood." It costs money to broadcast TV programs, but it costs even more money to research, develop, and produce sensitive, interesting and educationally effective programs like "Sesame Street." That is precisely the reason I am introducing this amendment today.

The amendment would provide Federal funds to nonprofit agencies to pay the costs of development and production of educational television programs for preschool children and children of all ages. Thirty million dollars would be provided next year and $50 million the following year for the establishment of research, development, and production centers around the country. Programs would be made available free of charge for transmission by any television station, including commercial stations, although commercial sponsorship of the program broadcast would not be allowed.

If adopted, this amendment will provide the necessary backing, on a national basis, to develop and produce more programs like "Sesame Street." It will encourage the creation of TV programs that reach children of all ethnic, racial, and economic backgrounds wherever they live. And, it will help children throughout the country enjoy learning in the crucial developmental preschool years.

EXHIBIT 1

A SUMMARY OF THE MAJOR FINDINGS IN "THE FIRST YEAR OF 'SESAME STREET': AN EVALUATION"

(A report by Samuel Ball, Gerry Ann Bogatz)

BACKGROUND

In the summer of 1968, the Children's Television Workshop (CTW) began planning its *Sesame Street* program. All concerned recognized that the plans should provide for an independent evaluation of the program's impact. CTW asked Educational Testing Service (ETS)—a nonprofit educational measurement and research organization in Princeton, New Jersey—to conduct an evaluation to determine the extent to which *Sesame Street* accomplished its stated objectives during its first year on television.

Among the questions the research tried to answer are these:

What, overall, is the impact of *Sesame Street?*

What are the moderating effects of age, sex, prior achievement level, and socioeconomic status (SES) on the impact of *Sesame Street?*

Do children at home watching *Sesame Street* benefit in comparison with children at home who do not watch it?

Do children in preschool classrooms benefit from watching *Sesame Street* as part of their school curriculum?

Do children from Spanish-speaking homes benefit from *Sesame Street?*

What are the effects of home background conditions on the impact of *Sesame Street?*

The Children's Television Workshop's innovative educational program received substantial support from both public and private agencies. The original agencies included the Carnegie Corporation of New York, the Ford Foundation, the National Center for Educational Research and Development in the U.S. Office of Education, the U.S. Office of Economic Opportunity, and the National Institute of Child Care and Human Development. Other agencies that subsequently provided support included the Corporation for Public Broadcasting, the National Foundation of Arts and Humanities, and the John & Mary R. Markle Foundation.

The results of ETS's research study are described in detail in the report entitled "The First Year of Sesame Street: An Evaluation." This Summary brings together a few of the major findings in the full report.

HIGHLIGHTS OF THE FINDINGS

In its first season of 26 weeks, *Sesame Street* showed that television can be an effective medium for teaching 3-to-5-year-old children important simple facts and skills, such as recognizing the labeling letters and numerals, and more complex higher cognitive skills, such as classifying and sorting by a variety of criteria. The ETS research results reveal that *Sesame Street* benefits children from disadvantaged inner-city communities, middle class suburbs, and isolated rural areas—all the groups studied in this evaluation.

The potential of educational television as a teaching medium is suggested by three primary findings of the research:

First, children who watched the most learned the most. The amount of learning that took place—that is, the gains a child showed between being tested for certain skills before watching *Sesame Street* and being tested for the same skills after—increased in relation to the amount of time the child watched the program.

Second, the skills that received the most time and attention on the program itself were, with rare exceptions, the skills that were best learned. An analysis of the content of the show revealed, for example, that more time (13.9 percent) was devoted to letter-related skills than to any other single subject; it was in the areas of letters and numbers that the children's gains were the most dramatic. In addition to acquiring skills that were directly and deliberately taught, it appears that there was some transfer of learning that some children learned to do things—such as recognize full words or write their own names—which were not taught on the program.

Third, the program did not require formal adult supervision in order for children to learn in the areas the program covers. Children viewing *Sesame Street* at home showed gains as great as, and in some cases greater than, children who watched in school under the supervision of a teacher. This finding has special significance in light of the fact that more than four-fifths of all children 3 and 4 years of age do not attend any kind of school, and more than a quarter of all 5-year-olds do not.

The major finding—that children learned more the more they watch—holds true across age, sex, geographical location, socioeconomic status (SES), mental age (intelligence), and whether children watch at home or at school. In all eight goal areas in which the children were tested, gains in learning increased steadily with amount of viewing. Gains were greater on certain tests and subtests, however, and some groups of children showed greater gains than others.

The 3-year-old children gained the most; 5-year-olds gained the least. This is, 3-year-old children who viewed the show a great deal had higher attainments at posttest than those 4- and 5-year-olds who viewed the show less, even though the younger children scored lower at pretest than the older children. This finding has important implications for education in general, for it suggests that 3-year-old children are able to learn many skills that have traditionally been introduced at later ages.

A similar phenomenon appeared with advantaged and disadvantaged children. Although the disadvantaged children started out with considerably lower achievement scores on the skills being taught, those who watched a great deal surpassed the middle class children who watched only a little. It thus appears that such television programs can reduce the distinct educational gap that usually separates advantaged and disadvantaged children even by the time they enter first grade.

An extremely provocative, although *highly tentative,* finding suggests that *Sesame Street* may be particularly effective for teaching some skills to children whose first language is not English and who do not test well or perform well in school. A very small sample of children from Spanish-speaking homes in the Southwest made more spectacular gains than any other subgroup of children.

Sesame Street was more successful in promoting certain of its educational goals than others. The research suggests why, and provides clues for improving the programming. It appears that in some cases the relative lack of success resulted from an initial underestimation of children's prior knowledge and skills, and in other cases from an initial overstatement of prior knowledge. It was also found that learning was greater when skills were presented in direct fashion (as letters were) rather than indirectly (as initial sounds were).

THE SAMPLE AND THE TESTS

Approximately 1,200 children were originally selected from five different locales: Boston, Massachusetts; Durham, North Carolina; Philadelphia, Pennsylvania; Phoenix, Arizona; and a rural area in the Northeastern part of California. The sample, which finally numbered 943, included disadvantaged children from the inner city, advantaged children from suburban areas, children from rural areas, and disadvantaged Spanish-speaking children. Overall, the research sample included more boys than girls and more lower class than middle class children. More of the disadvantaged were black than white; most of the children were 4 years old, although some were 3 and some were 5; and more of the sample's children viewed *Sesame Street* at home than at school.

The producers of *Sesame Street* established specific educational goals for the program. Measurement instruments, all developed by ETS specifically for this evaluation, were used to assess progress toward those goals and "transfer of learning" effects. The eight major tests and their subtests were:

Body parts test.—Pointing to Body Parts; Naming Body Parts; Function of Body Parts (point); and Function of Body Parts (verbal).

Letters test.—Recognizing Letters; Naming Capital Letters; Naming Lower Case Letters; Matching Letters in Words; Recognizing Letters in Words; Initial Sounds; and Reading Words.

Forms test.—Recognizing Forms and Naming Forms.

Numbers test.—Recognizing Numbers; Naming Numbers; Numerosity (See sample Item 2.); Counting; and Addition and Subtraction.

(Matching Subtest for letters, numbers, and forms.)

Relational terms test.—Amount Relationships; Size Relationships; and Position Relationships (See sample Item 5).

Sorting skills test.

Classification skills test.—Classification by Size; Classification by Form; Classification by Number; and Classification by Function (See sample Item 6).

Puzzles test.

All of the tests followed the same basic format. The test materials were simple and were administered to the children individually by a trained adult from the child's neighborhood. Information was also collected on each child's home background and on how much he watched *Sesame Street* during the season.

The group of 943 children was divided into quartiles according to how much they had watched *Sesame Street* during the course of the study. All subsequent analyses were based on these quartiles. They ranged from Q1, in which children watched *Sesame Street* rarely or never, through Q4, in which children watched the program an average of more than five times a week. (*Sesame Street* was so popular that there were few true non-viewers; many children in Q1 watched the program occasionally.)

OVERALL RESULTS

For the sample as a whole, children in the highest viewing quartiles performed better on the tests than children in the lowest quartiles. Children who watched the most (Q4) had the highest pretest scores (that is, they started out ahead), had the highest posttest scores, and gained the most from pretest to posttest. The general tendency—to gain more with more viewing—was greater on some tests than on others, however. It was especially pronounced on the Letters, Numbers, and Classification tests; it was least marked on the Body Parts Test.

DISADVANTAGED CHILDREN

Of the total sample of 943 children, 731 were considered to be from disadvantaged backgrounds. For them as for the total group, gain scores increased in relation to the amount they viewed *Sesame Street.*

In terms of the grand total score for the 203 test items common to both pretest and posttest, Q1 children gained 19 points, Q2 children gained 29 points, Q3 children gained 38 points, and Q4 children gained 47 points. (See Table 11 and Figure 2a.) Some of the gains made by Q1 children are assumed to be largely a function of maturation, since many of them never watched the show. However, the greater gains of children in other quartiles are largely a function of their viewing frequency. The same sort of relationship was observed among separate totals for all of the eight major tests. The greatest gains were in the Letters, Numbers, and Classification tests. (See Table 11 and Figures 2b, 2c, 2d, and 2e.)

Complex statistical analyses were conducted to determine whether the observed differences could have occurred by chance, were significantly affected by other factors, or were—as they appeared to be—largely a function of amount of viewing. (See full report for description of statistical techniques used.) Amount of viewing proved to be by far the most important variable—that is, its effect was equally felt irrespective of sex and whether the children watched at home or at school.

In order to isolate sharply the effect of amount of viewing, two matched groups of children were the subjects of a special study (the Age Cohorts Study). Group 1 was 53 to 58 months of age at the time of pretesting; Group 2 was 53 to 58 months of age at the time of posttesting. In addition to being of the same chronological age at the point of comparison, they were of comparable mental age and they lived in the same communities. There were, in short, no observable differences between the two groups in important matters of previous attainments, IQ, and home background. There were more than 100 disadvantaged children, who were not attending school, in each group.

The pretest scores of Group 1 (before the children could have watched *Sesame Street*) were compared with the posttest scores of Group 2 after the Group 2 children had watched the program. The frequent viewers in Group 2—children in Q3 and Q4—scored about 40 points higher on the 203 common items than the comparable children in Group 1 who had never watched the show. (See Table 45 and Figure 10a.) Equally significant is the fact that infrequent viewers (Q1) in Group 2 differed by only about 12 points from comparable children in Group 1 who had not viewed *Sesame Street* at all. In short, holding maturational effects, IQ, previous attainments, and home background constant, the frequent viewers made large and important gains.

Although the amount of viewing did not vary markedly according to age of the children, test scores did. At the time of the pretest, as would be predicted, 3-year-olds did less well than 4-year-olds, and 4-year-olds did less well than 5-year-olds. In terms of gains, however, the results were reversed. Although the most-frequent-viewing 3-year-old group started out, at pretest, lower than any 5-year-old group, by the time of the posttest the 3-year-olds who viewed most frequently scored higher on the average than 4-year-olds in Q1, Q2, and Q3, and higher than 5-year-olds in Q1 and Q2. Even 3-year-olds who viewed only two or three times a week gained a great deal compared with other age groups. (See Tables 12a, 12b, 12c and Figure 3a.)

Some test results were clearly related to age. Among frequent viewers, the largest gains on the Body Parts Test were made by 3-year-olds; 3- and 4-year-olds gained more than 5-year-olds in Number; and 5-year-olds showed higher gains than the others in Reading Words (which indicates a transfer of learning) and in Initial Sounds (which was taught indirectly on *Sesame Street*). In short, goals that were indirectly taught were better learned by older viewers, and transfer

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of learning was more apparent among them, as would be expected. Generally, where specific knowledge and skills were taught directly, young children gained more than the others.

ADVANCED CHILDREN

There were 169 children in the study who were considered to be advantaged. They scored higher on the pretest than other groups, and they watched more of the show, on the average, than any of the groups of disadvantaged children. Relatively small amounts of viewing produced relatively large gains among these children. (See Table 24 and Figure 7a.)

SPANISH-SPEAKING CHILDREN

There were only 43 Spanish-speaking children included in the study, and there was considerable variation among them in the extent to which they had been exposed to English before watching *Sesame Street*. Owing to this variability and the small size of the sample, conclusions must be drawn with great caution.

The largest concentration of Spanish-speaking children was in Q1, leaving only 18 in frequent-viewing groups. These frequent-viewing children gained almost incredible amounts; in fact, the gains among Q3 Spanish-speaking children were as high as those for Q4 children in the rest of the study. In the Letters Test, the Q4 Spanish-speaking children started lowest at pretest and scored highest at posttest. Other Letters subtests, and tests of Numbers, Forms, Sorting, Relational Terms, and Classification, showed the same phenomenon: a low start with subsequent very high gains for the children who viewed most.

RURAL CHILDREN

The rural children in the study scored relatively low on pretests and made great gains with viewing. Their parents tended to be better educated than those of the disadvantaged city children. The large gains they made suggest that *Sesame Street* holds great promise as an educational medium for children who live on remote farms or in small villages.

SESAME STREET IN THE SCHOOLS

The teachers whose classes watched *Sesame Street* as a part of the study were asked to indicate their reactions to the program. Although they admired *Sesame Street* for its effectiveness as one means of teaching young children, they were divided in their opinions about the appropriateness of its use in the classroom. Some felt strongly that the show took up valuable time that could better be given to other activities; others felt that it was a worthwhile addition to the school day.

CHILDREN, PARENTS, AND SESAME STREET

Children who watched *Sesame Street* the most—and hence learned the most—tended to have mothers who often watched the show with them and often talked to them about it. In these same homes, the parents tended to have somewhat higher expectations for their children.

OVERALL CONCLUSION

In terms of its own stated goals, *Sesame Street* was in general highly successful. The ETS study shows that 3-to-5-year-old youngsters from a variety of backgrounds acquired important simple and complex cognitive skills as a result of watching the program. Those who watched the most gained the most.

The overall conclusion is that the potential of educational television as an effective medium for teaching certain skills to very young children has been demonstrated by *Sesame Street*.

TABLE 11.—PRETEST AND GAIN SCORES FOR ALL DISADVANTAGED CHILDREN (BY QUARTILES)

[N=731]

Test and subtest	Maximum possible score	Q_1 N=198				Q_2 N=197				Q_3 N=172				Q_4 N=164			
		Pretest		Gain		Pretest		Gain		Pretest		Gain		Pretest		Gain	
		Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD
Grand total	203	75.62	24.73	18.63	20.04	84.42	27.60	29.11	22.51	87.74	27.63	37.97	25.29	97.54	32.16	47.36	26.15
Body parts total	32	18.11	6.51	3.88	5.71	20.00	6.35	4.38	5.50	21.09	6.04	4.74	5.31	22.47	6.05	5.24	4.88
Pointing to body parts	5	3.07	1.40	0.71	1.38	3.51	1.34	0.59	1.21	3.69	1.15	0.51	1.22	3.88	1.14	0.69	1.05
Naming body parts	15	8.24	2.92	1.36	2.67	9.28	2.95	1.40	2.69	9.70	2.53	1.68	2.49	10.37	2.44	1.79	2.27
Function of body parts (point)	8	4.77	2.39	1.10	2.64	4.94	2.29	1.53	2.31	5.34	2.13	1.56	2.17	5.48	2.30	−1.87	2.06
Function of body parts (verbal)	4	2.03	1.55	0.72	1.72	2.27	1.43	0.85	1.53	2.35	1.54	0.99	1.53	2.74	1.48	0.89	1.35
Letters total	58	13.07	5.95	4.30	7.43	14.42	7.37	8.22	9.26	14.95	7.00	11.89	11.00	17.98	10.12	15.97	1.19
Recognizing letters	8	2.26	1.67	0.65	2.31	2.38	1.89	1.37	2.41	2.50	1.84	2.06	2.55	3.04	2.12	2.56	2.62
Naming capital letters	16	1.24	2.36	1.35	3.44	1.47	3.25	3.31	4.90	1.49	3.02	5.17	5.15	2.85	4.53	7.25	2.68
Naming lower case letters	8	0.47	1.06	0.37	1.63	0.63	1.42	1.02	2.30	0.44	1.09	1.91	2.42	1.00	1.89	2.60	5.64
Matching letters in words	4	2.81	1.21	0.65	1.21	3.03	1.22	0.72	1.18	3.13	1.16	0.67	1.08	3.24	1.07	0.65	1.11
Recognizing letters in words	4	1.34	1.11	0.31	1.40	1.36	1.07	0.58	1.38	1.35	1.08	0.82	1.55	1.49	1.20	1.16	1.53
Initial sounds	4	0.68	0.74	0.14	1.08	0.80	0.76	0.19	1.16	0.94	0.81	0.11	1.21	0.89	0.81	0.30	1.16
Reading words	6	0.02	0.16	0.02	0.28	0.06	0.49	0.05	0.55	0.03	0.20	0.18	0.60	0.12	0.59	0.37	0.75
Forms total	20	8.43	3.50	2.29	3.77	9.89	4.01	3.15	4.05	10.04	3.64	4.29	4.07	10.64	3.50	5.49	3.52
Recognizing forms	4	1.96	1.20	0.41	1.64	2.16	1.20	0.38	1.62	2.12	1.26	0.69	1.72	2.13	1.15	1.10	1.52
Naming forms	4	0.87	1.08	0.64	1.29	1.34	1.31	0.86	1.43	1.29	1.22	1.28	1.43	1.39	1.27	1.83	1.34
Numbers total	54	16.18	8.20	5.43	7.05	18.56	9.38	8.52	8.23	19.64	10.10	10.88	9.51	23.69	11.15	13.01	9.52
Recognizing numbers	6	1.64	1.40	0.60	1.71	1.76	1.52	1.26	1.91	1.77	1.52	1.67	2.10	2.38	1.87	1.78	2.11
Naming numbers	15	1.12	2.58	1.13	2.96	1.57	2.95	2.43	3.96	1.56	3.07	3.74	4.01	3.09	4.04	5.15	4.44
Numerosity	6	2.93	1.50	0.92	1.68	3.47	1.72	0.92	1.69	3.59	1.72	0.97	1.79	4.05	1.72	1.11	1.56
Counting	9	4.35	2.51	1.24	2.34	4.74	2.62	1.81	2.38	5.22	2.56	1.79	2.53	5.72	2.50	1.74	2.41
Addition and subtraction	7	1.30	1.29	0.64	1.56	1.64	1.61	0.72	1.53	1.93	1.78	0.76	1.84	2.13	1.82	1.04	1.79
Matching subtest	11	7.83	2.76	1.26	2.87	8.38	2.55	1.50	2.50	8.90	2.19	1.12	2.09	9.32	1.77	1.02	1.82
Relational terms total	17	9.07	2.98	1.11	3.18	9.88	3.06	1.52	3.34	10.08	2.77	1.80	2.93	10.15	3.13	2.47	3.34
Amount relationships	9	4.37	1.73	0.63	2.04	4.52	1.99	0.93	2.34	4.64	1.90	1.00	2.21	4.73	1.95	1.23	2.22
Size relationships	2	1.64	0.58	0.09	0.70	1.75	0.46	0.13	0.54	1.73	0.49	0.19	0.51	1.73	0.46	0.18	0.51
Position relationships	5	2.69	1.46	0.27	1.68	3.10	1.34	0.39	1.63	3.19	1.28	0.52	1.39	3.24	1.33	0.80	1.50
Sorting total	6	2.30	1.33	0.47	1.85	2.54	1.44	0.81	1.82	2.52	1.50	1.38	1.76	2.73	1.39	1.64	1.71
Classification total	24	10.57	4.15	1.67	4.41	11.98	4.63	2.96	4.78	12.06	4.68	4.56	4.97	12.88	4.60	5.32	4.67
Classification by size	2	1.08	0.74	0.08	1.03	1.10	0.78	0.27	0.95	1.13	0.78	0.32	0.92	1.20	0.74	0.43	0.85
Classification by form	6	1.98	1.26	0.51	1.53	2.45	1.48	0.87	1.70	2.53	1.44	1.22	1.84	2.69	1.45	1.48	1.58
Classification by number	6	1.87	1.29	0.49	1.65	2.26	1.31	0.48	1.78	2.28	1.47	1.00	1.82	2.64	1.52	1.11	1.85
Classification by function	9	5.19	1.95	0.75	2.27	5.65	2.04	1.34	2.20	5.63	1.94	1.90	2.17	5.88	1.91	2.02	1.95
Puzzles total	5	1.88	1.40	0.43	1.86	2.04	1.37	0.80	1.64	2.15	1.28	0.83	1.58	2.41	1.45	0.98	1.57

TABLE 45.—PRETEST AND POSTTEST SCORES FOR DISADVANTAGED, AT-HOME CHILDREN (BY VIEWING QUARTILES)

[Group 1=children who were 53 to 58 months old at time of pretest. Group 2=children who were 53 to 58 months old at time of posttest (age cohorts)]

Test and subtest	Maximum possible score	Q_1				Q_2				Q_3				Q_4			
		Group 1 N=31, pretest		Group 2 N=26, posttest		Group 1 N=33, pretest		Group 2 N=33, posttest		Group 1 N=27, pretest		Group 2 N=18, posttest		Group 1 N=23, pretest		Group 2 N=24, posttest	
		Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD
Grand total	203	76.77	22.27	88.42	21.83	81.97	18.90	101.70	24.78	90.37	25.21	130.33	29.59	99.04	36.42	139.33	35.99
Body parts total	32	17.87	6.49	21.04	6.01	20.24	5.74	22.91	5.84	21.93	5.57	26.83	3.73	22.87	5.51	26.75	4.58
Pointing to body parts	5	3.13	1.50	3.31	1.46	3.91	1.04	3.88	1.08	3.78	.97	4.39	.78	4.17	1.15	4.42	.93
Naming body parts	15	8.58	2.85	9.15	2.69	9.39	3.29	9.97	2.58	10.22	2.41	11.67	2.14	10.43	2.37	11.50	2.38
Function of body parts (point)	8	4.03	2.37	5.77	2.16	4.55	2.12	6.15	2.05	5.52	1.83	7.17	1.15	5.48	2.31	7.29	1.20
Function of body parts (verbal)	4	2.13	1.48	2.81	1.41	2.39	1.22	2.91	1.42	2.41	1.55	3.61	.61	2.78	1.35	3.54	.93

Footnotes at end of table.

Test and subtest	Maximum possible score	Q_1				Q_2				Q_3				Q_4			
		Group 1 N=31, pretest		Group 2 N=26, posttest		Group 1 N=33, pretest		Group 2 N=33, posttest		Group 1 N=27, pretest		Group 2 N=18, posttest		Group 1 N=23, pretest		Group 2 N=24, posttest	
		Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD
Letters total	58	14.06	6.45	14.65	3.91	13.09	3.65	18.24	6.82	14.81	5.90	26.83	11.89	18.52	11.33	31.92	14.18
Recognizing letters	8	2.00	1.46	2.31	1.52	2.42	1.64	3.21	1.76	2.37	1.62	4.72	2.59	2.91	2.09	4.96	2.65
Naming capital letters	16	1.32	2.99	.85	1.08	.67	1.34	2.24	3.36	.96	2.16	6.22	5.16	3.17	5.37	9.29	5.80
Naming lower case letters	8	.77	1.50	.54	.76	.27	.45	.64	1.11	.44	1.09	2.33	2.45	.96	2.18	3.17	2.90
Matching letters in words	4	2.97	1.17	3.38	1.02	2.88	1.17	3.82	.39	3.48	.89	4.00	0	3.52	.79	3.83	.64
Recognizing letters in words	4	1.74	1.18	1.77	.99	1.33	.99	1.52	1.06	1.56	1.12	2.17	1.38	1.57	1.20	2.54	1.38
Initial sounds	4	.90	.87	.81	.75	.73	.63	1.00	.90	.89	.64	1.00	1.14	1.00	.67	1.25	.74
Reading words	6	0	0	0	0	.03	.17	0	0	0	0	.11	.32	.17	.83	.54	1.38
Forms total	20	7.45	3.36	11.04	3.43	9.09	3.21	11.21	3.27	9.93	4.08	14.22	3.61	10.35	4.21	15.46	3.91
Recognizing forms	4	1.68	1.30	2.77	1.21	2.27	1.28	2.06	1.27	2.00	1.11	2.72	1.45	1.83	1.30	3.25	1.15
Naming forms	4	.42	.50	1.46	1.14	.88	.89	1.48	1.25	1.04	1.13	2.44	1.42	1.26	1.39	3.04	1.04
Numbers total	54	16.77	7.06	19.00	7.64	17.97	7.10	23.76	9.63	20.37	9.42	32.67	10.67	23.96	12.42	35.54	11.77
Recognizing numbers	6	1.71	1.37	2.00	1.33	2.03	1.49	2.33	1.74	1.96	1.51	2.83	1.69	2.56	1.88	4.13	1.75
Naming numbers	15	1.06	2.86	1.04	2.65	1.00	1.84	2.58	3.40	1.26	2.92	5.72	4.57	3.91	4.35	7.58	5.06
Numerosity	6	3.39	1.20	3.46	1.58	3.58	1.58	4.06	1.60	3.74	1.83	5.11	.90	4.04	1.77	4.96	1.30
Counting	9	4.32	2.40	5.19	2.04	4.85	2.25	5.97	2.26	5.63	2.54	7.00	1.97	5.43	2.83	7.38	1.79
Addition and subtraction	7	1.29	1.24	1.62	1.47	1.52	1.33	2.30	1.69	1.89	1.22	2.94	1.55	2.04	1.89	3.17	1.69
Matching subtest	11	7.97	2.93	9.31	1.85	8.45	1.99	9.97	1.16	8.78	2.28	10.33	.59	9.17	1.67	10.00	1.50
Relational terms total	17	9.61	2.35	10.65	2.70	10.33	2.98	11.30	2.27	10.81	2.32	12.39	2.48	10.26	3.77	18.00	2.52
Amount relationships	9	4.65	1.64	5.27	1.54	5.09	1.74	5.61	1.58	5.37	1.39	6.11	1.41	5.17	2.10	5.58	1.67
Size relationships	2	1.65	.55	1.81	.40	1.67	.54	1.79	.42	1.85	.46	2.00	0	1.52	.51	1.83	.38
Position relationships	5	3.00	1.39	3.12	1.37	3.09	1.33	3.39	1.14	2.96	1.34	3.61	1.29	3.09	1.50	3.92	1.21
Sorting total	6	2.13	1.38	2.69	1.41	1.67	1.29	3.33	1.49	2.81	1.55	4.28	1.32	2.30	1.22	4.54	1.25
Classification total	24	10.71	3.84	11.96	4.25	11.03	2.91	13.79	4.25	12.89	4.50	17.78	4.10	13.04	5.06	17.75	5.14
Classification by size	2	1.19	.79	.96	.77	.97	.73	1.27	.57	1.26	.71	1.44	.70	1.17	.65	1.46	.83
Classification by form	6	1.77	1.38	2.50	1.27	2.06	1.12	2.88	1.22	2.70	1.61	3.61	1.42	2.78	1.81	4.08	1.50
Classification by number	6	2.06	1.09	2.35	1.29	2.18	.92	2.36	1.37	2.44	1.45	4.22	1.48	2.65	1.27	3.67	1.76
Classification by function	9	5.29	1.47	5.81	1.81	5.45	1.50	6.76	1.97	5.93	1.73	7.78	1.44	5.91	2.21	7.79	1.82
Puzzles total	5	2.03	1.56	2.31	.93	2.55	1.37	2.55	1.39	2.26	1.02	3.44	1.38	2.52	1.44	2.92	1.35
Peabody IQ[1]		75.97	26.63	81.08	20.17	80.03	21.94	85.09	15.82	82.67	19.28	88.33	19.94	86.61	28.72	88.08	20.06

[1] Differences in IQ between group 1 and group 2 within each quartile are not significant.

TABLE 12a.—PRETEST AND GAIN SCORES FOR ALL DISADVANTAGED 3-YEAR-OLD CHILDREN (BY QUARTILES)

[N=127]

Test and subtest	Maximum possible score	Q_1 N=33				Q_2 N=38				Q_3 N=25				Q_4 N=31			
		Pretest		Gain		Pretest		Gain		Pretest		Gain		Pretest		Gain	
		Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD
Grand total	203	60.76	20.34	12.42	25.67	62.42	20.82	30.71	21.14	65.48	15.76	37.20	28.28	75.81	25.14	57.23	25.66
Body parts total	32	13.88	5.21	3.03	6.26	15.76	5.77	4.79	5.91	16.72	5.44	6.64	6.94	18.84	6.26	8.00	5.52
Pointing to body parts	5	2.55	1.39	.39	1.30	2.58	1.35	.82	1.54	2.88	1.30	.92	1.32	3.44	1.27	1.00	1.15
Naming body parts	15	6.85	2.50	1.18	2.72	7.87	3.03	1.13	2.88	8.52	2.38	1.68	3.59	9.53	2.49	2.32	2.63
Function of body parts (point)	8	3.27	2.36	1.00	3.46	3.92	2.28	1.66	2.58	3.72	2.01	2.64	2.20	4.09	2.36	3.00	2.24
Function of body parts (verbal)	4	1.21	1.47	.45	2.11	1.39	1.41	1.18	1.86	1.60	1.55	1.40	1.71	1.78	1.60	1.68	1.66
Letters total	58	10.73	5.99	3.79	9.20	10.18	4.95	7.53	8.99	11.32	3.99	10.52	9.71	11.91	6.65	20.13	12.14
Recognizing letters	8	2.06	1.95	.82	2.69	1.47	1.66	1.45	2.23	2.28	1.59	1.32	2.53	1.63	1.58	3.74	2.65
Naming capital letters	16	1.03	2.51	.55	4.04	.58	2.61	2.03	5.06	.40	1.00	4.36	4.39	1.00	2.78	8.90	6.38
Naming lower case letters	8	.33	1.41	.18	1.94	.37	1.38	.45	2.30	.12	.33	1.36	2.08	.44	1.46	2.77	2.80
Matching letters in words	4	2.12	1.22	1.00	1.27	2.45	1.50	.92	1.60	2.32	1.55	1.12	1.56	2.59	1.36	1.23	1.52
Recognizing letters in words	4	1.03	.98	.36	1.27	1.50	1.01	.79	1.21	1.08	1.08	.84	1.72	1.00	1.02	1.55	1.46
Initial sounds	4	.48	.62	.21	.99	.68	.70	.16	1.13	1.04	1.02	−.16	1.21	.81	.82	.03	1.14
Reading words	6	.06	.35	−.06	.35	0	.00	.03	.16	0	0	.08	.40	0	0	.19	.40
Forms total	20	7.70	3.16	1.03	3.83	7.84	3.90	3.39	3.96	7.36	2.81	5.00	4.25	9.13	3.50	6.29	3.59
Recognizing forms	4	2.24	1.09	.18	1.57	1.84	1.26	.47	1.81	1.80	1.41	.60	1.50	1.97	1.12	1.23	1.54
Naming forms	4	.52	1.00	.30	1.55	.84	1.05	1.03	1.37	.52	.82	1.76	1.13	1.22	1.43	2.26	1.55
Numbers total	54	11.21	6.40	2.94	9.34	1.37	6.08	9.34	7.53	13.00	5.39	8.08	10.02	16.38	8.39	14.13	9.79
Recognizing numbers	6	.91	1.04	.76	1.94	1.03	1.24	1.58	2.18	1.08	1.12	1.12	2.03	1.47	1.44	2.03	2.26
Naming numbers	15	.42	1.92	.21	2.64	.45	1.50	1.63	3.36	.16	.37	2.64	3.04	1.25	2.46	5.16	5.41
Numerosity	6	2.24	1.30	.45	1.82	2.53	1.69	.74	1.91	3.20	1.76	.44	2.06	3.28	1.82	1.26	1.53
Counting	9	3.09	2.23	.82	2.88	3.13	2.56	2.32	2.70	3.32	1.93	2.32	3.24	4.41	2.45	1.81	2.43
Addition and subtraction	7	.85	1.20	.09	1.53	.71	.98	.61	1.31	.88	.93	.60	1.38	.94	1.24	1.10	1.14
Matching subtest	11	6.94	2.70	.94	3.43	6.53	3.33	3.05	3.04	7.00	2.68	2.40	2.72	8.25	2.53	2.03	2.74
Relational terms total	17	7.42	2.46	1.39	3.55	8.45	3.13	1.79	3.46	8.24	2.62	1.76	3.44	8.72	2.39	3.23	2.70
Amount relationships	9	3.70	1.72	.88	2.23	3.61	2.40	1.32	2.80	3.52	1.56	1.04	2.32	3.75	1.46	1.42	1.67
Size relationships	2	1.42	.56	.03	.88	1.74	.45	.16	.49	1.64	.49	.24	.52	1.72	.52	.23	.62
Position relationships	5	2.03	1.42	.24	1.90	2.76	1.50	.13	1.79	2.80	1.35	.24	1.59	2.88	1.31	1.23	1.54
Sorting total	6	2.33	1.29	−.12	1.73	2.21	1.36	.42	1.73	2.44	1.26	.92	1.85	2.41	1.10	1.52	1.59
Classification total	24	8.67	3.53	1.27	3.59	8.50	4.43	4.53	4.69	9.12	3.48	4.44	4.81	10.56	4.66	5.71	3.68
Classification by size	2	.94	.61	−.18	.81	.50	.60	.68	.96	.68	.75	.44	.92	.97	.78	.39	.88
Classification by form	6	1.67	1.22	.33	1.41	1.84	1.64	.84	1.81	2.08	1.22	.80	1.76	2.00	1.37	1.48	1.31
Classification by number	6	1.18	1.07	.61	1.78	1.45	.95	.87	1.28	1.84	1.11	.44	1.71	2.16	1.42	1.19	1.94
Classification by function	9	4.36	1.95	.76	2.21	4.24	2.48	2.18	2.82	4.20	1.55	2.60	1.98	5.03	1.99	2.35	1.43
Puzzles total	5	1.76	1.28	.21	1.85	1.63	1.10	.45	1.43	1.28	1.02	1.24	1.48	2.03	1.49	1.19	1.60
Peabody raw score (pretest only)	89	21.09	7.53			22.42	7.77			24.68	9.38			31.84	11.14		
Peabody mental age (months)		31.12	5.53			31.39	7.22			33.92	7.88			40.31	12.61		
Hidden triangles total (posttest)	10	3.36	1.69			4.11	1.66			4.15	1.46			4.77	1.52		
Which comes first total (posttest)	12	4.36	2.16			4.46	2.09			5.51	2.17			5.94	2.35		

TABLE 12b.—PRETEST AND GAIN SCORES FOR ALL DISADVANTAGED 4-YEAR-OLD CHILDREN (BY QUARTILES)

[N=433]

Test and subtest	Maximum possible score	Q_1 N=127				Q_2 N=119				Q_3 N=105				Q_4 N=82			
		Pretest		Gain		Pretest		Gain		Pretest		Gain		Pretest		Gain	
		Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD
Grand total	203	75.13	22.21	18.24	18.40	84.09	23.25	30.60	24.35	86.63	23.64	38.50	25.44	93.79	29.50	49.01	24.6
Body parts total	32	18.35	6.22	4.09	5.31	20.08	6.22	4.92	5.47	21.14	5.85	4.64	5.19	22.27	5.75	5.10	4.50
Pointing to body parts	5	3.13	1.37	.75	1.37	3.56	1.30	.66	1.23	3.74	1.11	.52	1.23	3.89	1.12	.65	1.02
Naming body parts	15	8.18	2.86	1.51	2.52	9.33	2.97	1.68	2.82	9.74	2.52	1.70	2.43	10.13	2.32	1.77	2.09
Function of body parts (point)	8	4.89	2.29	1.09	2.52	4.88	2.18	1.74	2.13	5.42	1.95	1.40	1.99	5.48	2.21	1.85	1.97
Function of body parts (verbal)	4	2.15	1.52	.74	1.66	2.32	1.36	.83	1.47	2.25	1.54	1.02	1.63	2.77	1.47	.83	1.24
Letters total	58	13.20	5.92	3.45	6.37	13.94	6.08	8.46	9.17	14.56	5.67	12.02	11.17	17.33	8.84	15.37	10.45
Recognizing letters	8	2.26	1.62	.48	2.26	2.25	1.76	1.40	2.32	2.33	1.67	2.28	2.52	2.94	1.87	2.43	2.33
Naming capital letters	16	1.17	2.32	1.09	2.90	1.25	2.63	3.40	4.76	1.34	2.64	5.17	5.34	2.58	4.39	7.07	5.58
Naming lower case letters	8	.50	1.01	.16	1.20	.52	1.08	1.11	2.18	.41	.89	1.90	2.46	.76	1.63	2.40	2.54
Matching letters in words	4	2.91	1.15	.56	1.18	3.04	1.16	.82	1.07	3.19	1.02	.65	1.01	3.30	.98	.65	.96
Recognizing letters in words	4	1.35	1.14	.29	1.41	1.43	1.04	.44	1.45	1.42	1.09	.76	1.41	1.46	1.13	1.13	1.46
Initial sounds	4	.70	.78	.09	1.11	.73	.70	.29	1.15	.81	.72	.24	1.23	.87	.74	.30	1.09
Reading words	6	.0	0	.04	.29	.08	.57	−.02	.61	.03	.17	.07	.37	.07	.56	.30	.78
Forms total	20	8.21	3.42	2.55	3.82	9.87	3.67	3.31	4.40	9.94	3.59	4.32	4.13	10.38	3.39	5.63	3.72
Recognizing forms	4	1.83	1.22	.58	1.61	2.12	1.14	.50	1.67	2.13	1.23	.64	1.77	2.23	1.20	.95	1.57
Naming forms	4	.88	1.05	.77	1.24	1.36	1.30	.86	1.60	1.35	1.24	1.17	1.42	1.24	1.23	1.94	1.30
Numbers total	54	15.82	6.89	5.69	6.32	18.72	7.96	8.84	8.83	19.08	8.85	11.37	9.81	21.95	10.43	14.65	8.65
Recognizing numbers	6	1.66	1.38	.53	1.68	1.82	1.44	1.29	1.93	1.76	1.42	1.57	2.07	2.20	1.76	1.88	1.91
Naming numbers	15	1.06	2.35	.98	2.85	1.60	2.91	2.49	4.33	1.29	2.51	3.85	4.15	2.70	3.80	5.33	4.01
Numerosity	6	2.88	1.38	.98	1.65	3.43	1.53	1.11	1.64	3.56	1.72	1.12	1.92	3.79	1.76	1.33	1.59
Counting	9	4.21	2.38	1.51	2.18	4.79	2.42	1.85	2.37	5.16	2.55	1.86	2.63	5.37	2.52	2.28	2.28
Addition and subtraction	7	1.18	1.07	.86	1.44	1.69	1.46	.71	1.72	1.85	1.70	.70	1.94	1.89	1.58	1.44	1.94
Matching subtest	11	7.81	2.77	1.35	2.76	8.41	2.28	1.49	2.40	8.98	2.05	1.05	1.94	9.46	1.31	.77	1.33
Relational terms total	17	8.99	2.79	1.02	3.11	9.78	2.70	1.65	3.33	9.99	2.62	1.95	3.11	9.70	3.22	2.80	3.50
Amount relationships	9	4.26	1.62	.59	2.06	4.48	1.68	1.03	2.25	4.65	1.82	1.09	2.26	4.39	2.01	1.52	2.47
Size relationships	2	1.67	.60	.10	.69	1.74	.46	.13	.56	1.70	.52	.24	.55	1.68	.47	.18	.55
Position relationships	5	2.68	1.39	.24	1.61	3.06	1.30	.45	1.59	3.08	1.32	.62	1.46	3.13	1.40	.90	1.54
Sorting total	6	2.05	1.28	.62	1.91	2.48	1.40	.95	1.84	2.47	1.46	1.36	1.81	2.52	1.28	1.87	1.59
Classification total	24	10.52	3.84	1.17	4.60	12.01	3.98	2.91	4.66	11.83	4.33	4.86	5.02	12.33	4.38	5.77	5.07
Classification by size	2	1.06	.77	−.13	1.13	1.16	.77	.24	.92	1.12	.75	.31	.95	1.23	.70	.38	.84
Classification by form	6	1.98	1.20	.43	1.58	2.37	1.28	.94	1.66	2.39	1.38	1.42	1.77	2.55	1.48	1.65	1.66
Classification by number	6	1.84	1.10	.35	1.62	2.24	1.22	.46	1.84	2.12	1.34	1.26	1.95	2.36	1.41	1.32	1.88
Classification by function	9	5.18	1.90	.55	2.34	5.72	1.81	1.29	2.04	5.75	1.81	1.75	2.16	5.73	1.99	2.18	2.20
Puzzles total	5	1.86	1.44	.32	1.84	2.10	1.37	.78	1.69	2.17	1.24	.79	1.58	2.19	1.33	1.01	1.58
Peabody raw score (pretest only)	80	32.40	10.45			35.37	9.99			32.26	10.92			36.25	11.51		
Peabody mental age (months)		40.65	11.30			43.48	11.50			40.88	12.11			45.15	13.95		
Hidden triangles total (posttest)	10	4.26	1.27			4.66	1.57			4.84	1.42			4.68	1.32		
Which comes first total (posttest)	12	4.45	1.98			4.92	2.42			5.87	2.74			6.80	2.54		

TABLE 12c.—PRETEST AND GAIN SCORES FOR ALL DISADVANTAGED 5-YEAR-OLD CHILDREN (BY QUARTILES)

[N=159]

Test and subtest	Maximum possible score	Q_1 N=37				Q_2 N=40				Q_3 N=38				Q_4 N=44			
		Pretest		Gain		Pretest		Gain		Pretest		Gain		Pretest		Gain	
		Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD
Grand Total	203	88.68	29.20	23.08	19.14	101.23	30.69	26.75	17.30	104.13	30.82	38.97	25.73	120.91	29.78	37.32	26.37
Body parts total	32	20.38	7.15	3.92	6.68	23.35	4.34	2.93	4.98	23.18	6.02	4.08	5.34	25.73	4.40	3.41	3.55
Pointing to body parts	5	3.27	1.41	.76	1.48	4.23	.95	.20	.72	4.00	1.01	.32	1.07	4.20	.99	.55	.98
Naming body parts	15	9.24	3.09	1.19	3.07	10.45	1.84	.95	2.10	10.16	2.70	1.76	2.27	11.69	1.90	1.27	1.96
Function of body parts (point)	8	5.57	2.38	1.14	2.25	5.85	2.14	1.05	2.58	6.05	2.31	1.26	2.55	6.53	1.90	1.14	1.81
Function of body parts (verbal)	4	2.30	1.61	.84	1.69	2.83	1.30	.73	1.28	2.97	1.26	.74	1.18	3.31	1.16	.45	.95
Letters total	58	14.97	5.59	6.35	8.45	18.40	10.05	8.70	9.70	18.79	8.98	13.66	11.64	24.16	12.71	14.32	11.71
Recognizing letters	8	2.46	1.63	.95	2.34	3.20	2.05	1.28	2.61	3.32	2.04	2.24	2.76	4.36	2.50	1.93	2.94
Naming capital letters	16	1.65	2.37	2.57	3.86	2.68	4.72	4.03	4.99	2.58	4.18	6.34	5.19	5.04	5.66	6.55	5.32
Naming lower case letters	8	.54	.84	1.05	2.21	1.10	2.05	1.28	2.53	.84	1.72	2.61	2.64	1.89	2.52	2.82	2.93
Matching letters in words	4	3.05	1.20	.73	1.15	3.28	1.20	.50	1.20	3.64	.57	.21	.58	3.58	.75	.32	.77
Recognizing letters in words	4	1.59	1.01	.16	1.48	1.43	1.17	.80	1.36	1.42	1.13	1.03	1.68	1.82	1.39	1.07	1.70
Initial sounds	4	.78	.67	.24	1.09	1.08	.89	.03	1.21	1.08	.78	.21	1.04	1.09	.93	.45	1.37
Reading words	6	0	0	0	0	.08	.47	.28	.55	.05	.32	.55	.98	.31	.82	.61	.87
Forms total	20	9.35	3.74	2.81	3.06	11.08	4.15	3.30	3.04	11.97	3.15	3.39	3.58	12.20	3.15	4.64	3.25
Recognizing forms	4	2.08	1.14	.27	1.56	2.38	1.25	.20	1.42	2.42	1.15	.68	1.69	2.11	1.09	1.18	1.44
Naming forms	4	1.00	1.18	.68	1.08	1.50	1.30	1.13	1.02	1.55	1.22	1.18	1.56	1.84	1.15	1.30	1.17
Numbers total	54	21.00	10.71	5.95	6.87	23.53	11.37	7.58	6.54	25.89	11.87	11.18	9.41	31.89	10.12	9.66	9.93
Recognizing numbers	6	2.11	1.54	.70	1.68	2.10	1.69	1.08	1.70	2.45	1.83	1.95	2.22	3.42	2.02	1.45	2.26
Naming numbers	15	1.92	3.59	2.19	3.00	2.35	3.62	2.73	2.94	3.26	4.41	4.66	4.19	5.31	4.82	4.89	4.71
Numerosity	6	3.65	1.64	.92	1.38	4.23	1.91	.75	1.72	4.11	1.56	.84	1.39	4.93	1.29	.68	1.20
Counting	9	5.65	2.66	.54	2.18	5.93	2.47	1.45	2.16	6.66	1.91	1.11	1.67	7.20	1.83	.73	2.31
Addition and subtraction	7	1.84	1.72	.51	1.82	2.45	2.04	.68	1.31	2.63	1.98	1.11	1.83	3.29	1.80	.39	1.71
Matching subtest	11	8.84	2.61	1.05	2.84	9.48	1.72	.70	1.64	9.97	1.05	.32	1.49	9.96	1.19	.66	1.27
Relational terms total	17	10.81	3.28	.97	2.85	11.28	3.44	1.18	3.56	11.11	2.66	1.58	2.34	12.02	2.62	1.25	3.05
Amount relationships	9	5.32	1.76	.41	1.71	5.35	2.17	.53	2.36	5.24	1.87	.76	2.01	5.87	1.70	.61	1.90
Size relationships	2	1.76	.44	.03	.50	1.78	.48	.13	.56	1.82	.46	.08	.43	1.87	.34	.14	.35
Position relationships	5	3.35	1.55	.35	1.67	3.48	1.30	.45	1.68	3.53	1.06	.50	1.08	3.82	1.01	.25	1.28
Sorting total	6	2.89	1.33	.62	1.74	2.83	1.50	.95	1.85	2.74	1.67	1.71	1.63	3.27	1.57	1.36	1.87
Classification total	24	12.05	5.07	3.19	4.08	14.28	4.74	2.45	5.08	14.05	4.98	4.13	4.64	15.49	4.24	4.18	4.66
Classification by size	2	1.24	.76	.19	.88	1.35	.74	.18	.90	1.37	.79	.24	.85	1.36	.71	.48	.88
Classification by form	6	2.22	1.49	.78	1.34	3.05	1.69	.88	1.91	3.18	1.37	.89	1.72	3.31	1.24	1.30	1.61
Classification by number	6	2.49	1.71	.70	1.54	2.88	1.47	.25	1.89	2.89	1.64	.84	1.52	3.47	1.52	.70	1.76
Classification by function	9	5.73	1.91	1.27	2.01	6.50	1.77	1.00	2.18	6.03	2.02	1.95	1.92	6.87	1.47	1.36	1.73
Puzzles total	5	2.05	1.39	1.00	1.83	2.33	1.46	1.08	1.65	2.45	1.37	.92	1.62	3.02	1.45	.73	1.60
Peabody raw score (pretest only)	80	37.81	9.87			39.10	11.54			43.68	10.44			45.82	9.29		
Peabody mental age (months)		46.08	12.29			48.63	16.15			53.87	15.00			56.62	13.51		
Hidden triangles total (posttest)	10	4.65	1.55			4.61	1.60			5.05	1.45			5.09	1.58		
Which comes first total (posttest)	12	5.16	2.93			6.17	2.88			6.63	2.89			7.62	3.20		

TABLE 24.—PRETEST AND GAIN SCORES FOR ALL ADVANTAGED CHILDREN (BY QUARTILES)

[N=169]

Test and subtest	Maximum possible score	Q_1 N=16				Q_2 N=31				Q_3 N=57				Q_4 N=65			
		Pretest		Gain		Pretest		Gain		Pretest		Gain		Pretest		Gain	
		Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD
Grand total	203	95.44	23.90	26.69	16.04	102.13	21.65	38.65	17.02	112.77	24.36	40.46	18.83	110.83	25.63	45.25	22.87
Body parts total	32	24.13	5.77	3.19	4.97	25.74	4.90	2.52	4.31	26.37	5.64	2.35	4.28	25.71	4.79	3.14	4.50
Pointing to body parts	5	4.13	1.15	.25	.93	4.35	.75	.29	.86	4.30	1.10	.30	.98	4.49	.77	.09	1.03
Naming body parts	15	11.06	2.65	1.25	3.02	11.39	2.75	.87	2.51	11.86	3.20	.89	2.66	11.38	3.13	1.32	3.15
Function of body parts (point)	8	5.94	2.11	1.13	2.22	6.71	1.44	.81	1.54	6.77	1.66	.79	1.59	6.40	1.63	1.23	1.63
Function of body parts (verbal)	4	3.00	1.26	.56	.96	3.29	1.01	.55	.99	3.44	1.07	.37	1.11	3.43	1.07	.49	1.09
Letters total	58	15.19	8.79	8.06	9.26	16.81	7.03	12.48	10.10	19.25	10.21	17.09	9.99	18.62	8.86	19.63	11.46
Recognizing letters	8	2.25	2.08	1.19	2.14	2.48	1.69	2.52	2.57	3.07	2.10	2.81	2.10	3.34	2.05	2.78	2.51
Naming capital letters	16	1.75	3.77	3.75	4.39	2.55	3.91	5.87	4.89	3.77	4.92	7.65	5.24	3.69	4.26	8.72	4.80
Naming lower case letters	8	.56	2.00	1.13	1.54	.52	.81	1.97	2.23	1.02	1.55	3.37	2.51	.78	1.24	3.66	2.08
Matching letters in words	4	3.56	.81	.31	.87	3.45	.72	.55	.72	3.47	.87	.37	.96	3.26	1.08	.58	1.27
Recognizing letters in words	4	1.44	1.21	.38	1.20	1.35	.95	.55	1.18	1.42	1.18	1.09	1.26	1.42	1.21	1.20	1.50
Initial sounds	4	.63	.96	.19	1.33	.68	.70	.52	1.18	.95	.87	.39	1.35	.77	.80	.89	1.06
Reading words	6	0	0	.06	.25	0	0	.10	.30	.04	.26	.30	.65	.03	.17	.35	.69
Forms total	20	10.63	3.48	3.00	4.23	11.35	3.20	4.32	2.74	12.37	3.05	3.88	3.59	12.31	3.15	4.62	3.39
Recognizing forms	4	2.44	1.36	.25	1.69	2.10	1.19	.94	1.44	2.47	1.10	.54	1.76	2.54	1.25	1.08	1.41
Naming forms	4	1.31	1.01	.88	1.82	1.32	1.14	1.29	1.22	1.81	1.17	1.10	1.23	1.68	1.00	1.46	1.20
Numbers total	54	22.13	10.37	8.69	5.38	24.13	8.65	12.06	6.79	28.07	9.80	12.16	8.17	27.50	10.83	12.40	7.68
Recognizing numbers	6	2.88	2.09	.63	1.50	2.23	1.75	2.16	1.64	2.18	1.98	2.05	2.14	2.98	1.80	1.85	1.93
Naming numbers	15	3.06	4.25	2.94	3.00	2.77	3.82	4.81	4.10	4.09	4.43	5.91	4.15	4.18	4.50	5.71	4.33
Numerosity	6	3.56	1.75	1.50	1.55	4.58	1.46	.68	1.17	4.89	1.16	.37	.94	4.85	1.31	.48	1.20
Counting	9	5.19	2.88	1.56	1.90	6.23	1.94	1.19	1.42	6.86	1.85	.84	1.49	6.46	2.39	1.18	2.11
Additional and subtraction	7	1.94	1.61	.50	1.51	2.06	1.59	1.16	1.37	2.51	1.30	.82	1.30	2.55	1.70	.74	1.53
Matching subtest	11	9.31	1.45	.81	1.17	9.90	1.01	.39	1.20	9.67	1.09	.65	1.11	9.32	1.60	1.05	1.74
Relational terms total	17	10.63	2.58	1.56	2.85	10.48	2.34	2.10	2.69	11.58	1.96	1.19	2.19	11.71	2.57	1.38	2.64
Amount relationships	9	4.75	1.39	1.13	1.15	4.68	1.54	1.52	1.67	5.61	1.46	.40	1.72	5.52	1.52	.80	1.61
Size relationships	2	1.75	.58	.25	.58	1.90	.30	.10	.30	1.84	.41	.11	.41	1.89	.31	.05	.37
Position relationships	5	3.50	1.46	.13	1.82	3.19	1.25	.48	1.29	3.47	1.10	.60	1.33	3.58	1.09	.48	1.38
Sorting total	6	2.75	1.34	.50	1.41	2.81	1.22	1.52	1.29	2.98	1.41	1.65	1.83	2.86	1.41	1.75	1.54
Classification total	24	11.50	3.12	3.69	5.33	14.03	3.56	4.97	4.01	15.19	4.21	4.58	4.95	15.11	4.23	4.55	4.27
Classification by size	2	1.00	.73	.50	1.10	1.45	.68	.29	.64	1.47	.68	.37	.84	1.55	.66	.26	.78
Classification by form	6	2.38	1.41	.88	2.22	3.06	1.36	1.39	1.50	3.16	1.52	1.54	1.74	3.26	1.43	1.37	1.59
Classification by number	6	2.19	1.05	1.06	1.61	2.55	1.18	1.16	2.02	3.05	1.51	1.14	2.17	2.91	1.49	1.12	1.76
Classification by function	9	5.56	1.36	1.06	1.48	6.32	1.60	2.06	1.86	6.89	1.47	1.49	1.78	6.74	1.73	1.68	1.78
Puzzles total	5	2.75	1.18	.13	.96	2.23	1.15	1.23	1.41	2.93	1.42	.79	1.59	3.15	1.21	.48	1.60
Peabody raw score (pretest only)	80	42.31	9.48			49.45	8.18			49.19	9.93			48.12	9.39		
Peabody mental age (months)		51.56	11.97			62.03	13.34			62.49	15.55			60.29	15.51		
Hidden triangles total (posttest)	10	4.38	1.20			4.71	1.13			4.33	1.46			4.45	1.31		
Which comes first total	12	6.00	2.88			7.06	2.93			7.79	2.49			8.40	2.83		

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1041 TO H.R. 19590

At the request of the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Maryland (Mr. TYDINGS) was added as a cosponsor of amendment No. 1041 to H.R. 19590, the Department of Defense Appropriations bill.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Robert C. Mardian, of California, to be an Assistant Attorney General, vice J. Walter Yeagley, to which office he was appointed during the last recess of the Senate.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, November 30, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS OF SENATORS

WE SHOULD RESUME DIPLOMATIC RELATIONS WITH CUBA

Mr. YOUNG of Ohio. Mr. President, in November, 1958 I was elected U.S. Senator. Ohio voters generously gave me a majority of approximately 153,000 over Senator "Honest John" Bricker, who had never been defeated for office in my State. Senator Bricker had served as attorney general of Ohio and for three terms as Governor of Ohio. In 1944 he was the Republican nominee for Vice President of the United States.

So feeling very good I dissolved my law firm, took the sign off the door, and decided to go to Florida and possibly to Cuba. Shortly before Christmas Day in 1958, I was vacationing in Florida, in celebration of my election victory which very few persons except myself had anticipated.

In the cocktail room of the Yankee Clipper where I was staying while gossiping with the bartender and others, I was told that the guerrillas in the Sierra Maestra mountains were overcoming the corrupt dictatorship of Fulgencio Batista, a former sergeant of the Cuban Army, whom the United States had been supporting. I was informed that our Central Intelligence Agency had been keeping Batista in power in Cuba despite the fact that he was a corrupt dictator and was despised by millions of poverty-stricken Cubans. Then also at a party at the Trade Winds I was told that Fidel Castro's guerrillas were winning the revolt there and the tyrant Batista, who had taken over by force, was abandoned by his followers and would be out before the New Year. Yet, the CIA and our Government officials in Washington seemed to have no intimation until suddenly Batista fled from Havana to rendezvous with his unlisted bank accounts in Swtzerland. He then commenced the life of affluence and ease in gorgeous exile on the sunswept, fashionable beaches of Spain along with other ex-dictators, kings and emperors.

It was startling news to the CIA, officials in the White House, and the American public when bearded Castro and his tattered followers triumphantly paraded in Havana and took over the government of this island of nearly 8 million people 90 miles from Key West. His regime has lasted and thrived from late December 1959 to this good hour.

The fact is that the Central Intelligence Agency from its Director right down the line to CIA operatives on the staff of our embassy in Havana were supporting the corrupt dictator, Batista, and were surprised and humiliated when suddenly Batista took off from Havana with his personal entourage.

The late great President John F. Kennedy directly following the Bay of Pigs debacle said:

> That CIA, I would tear it into bits and throw it to the four winds.

This was a CIA operation from the outset, including training in Guatemala for invasion of Cuba and overthrowing the Castro regime with our air support.

Mr. President, the time is long past for the United States to resume diplomatic and trade relations with Cuba. The fact is that today 50 nations, including our neighbors, Canada and Mexico, recognize the Castro regime and enjoy a thriving international trade with the Republic of Cuba.

We might as well face the fact that the Castro regime is firmly entrenched. To our knowledge, no rebellion or guerrilla warfare is being waged against Fidel Castro and his government.

In January 1961, President Eisen-

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hower severed our diplomatic relations with the Cuban Government. Our Embassy in Havana was closed. Our Ambassador and members of his staff returned immediately to the United States. It was a grave blunder President Eisenhower made in closing our Embassy in Havana. We lost a listening post there. We are dependent on the Swiss Embassy to serve American interests. They have failed us. Now, after 12 years, Fidel Castro seems more entrenched in power than ever. We have Embassies in numerous Communist countries. We should resume diplomatic relations. A listening post in Cuba would be important to us. Surely a Cuban Ambassador and staff in Washington could not endanger us. We would gain by an Ambassador with his staff including the usual CIA agents on the spot in Havana.

Since 1961, more than 70 U.S. aircraft, 62 of them passenger airline carriers carrying several thousands of American citizens, have been hijacked to Cuba. None of the Americans on any of the U.S. aircraft or on any of the more than 50 other aircraft of other nations which have been diverted there, have had the benefit of the protection and representation of U.S. diplomatic personnel. Unfortunately for this Nation, we have been compelled to deal with the Cuban officials through members of the staff of the Swiss Embassy. They have failed us.

A typical example: In my home city of Cleveland, a United Airlines flight with 60 passengers aboard was hijacked to Havana. These passengers were held at the airport for more than 6 hours. Throughout the entire time our fellow Americans were detained, no one from the Swiss Embassy appeared. No official of the Swiss Embassy was ever called by our State Department to intercede or to inform passengers that attention was being given their situation. This points up the grave blunder President Eisenhower made in closing our Embassy in Havana. Those 60 or more passengers were treated courteously throughout the more than 6 hours they were detained. They were served sandwiches and orange juice in the afternoon. Later they were taken to a restaurant and given a dinner, courtesy of Fidel Castro. While in the airport restaurant, passengers were offered and bought a lot of trinkets, souvenirs, beads, dolls, and Havana cigars. Not one purchase by any passenger amounted to more than $5. They were pleased to have an opportunity to buy some souvenirs of their unwanted flight to Havana. When their return flight landed in the United States our revenue officers forthwith confiscated all souvenirs despite objections made by passengers asking to keep these as mementos. These inhumane procedures on our part must be ended.

For years preceding Castro's revolution, Batista had been in power, not by election, but by force and violence. For almost 20 years preceding New Year's Day in 1959. Dictator Batista had ruled Cuba, with its 8 million population, as his own fiefdom. His had been a cruel, corrupt, dictatorial regime. New York racketeers had arranged with him to operate the gambling houses and casinos of Havana, and that beautiful city had become the vacation center of the Western Hemisphere and the gambling mecca, bringing in shiploads of pleasure-seeking vacationers along with gangsters and racketeers from New York who controlled the gambling syndicate. All the time Sergeant Batista, dictator of this beautiful island in the Caribbean, was depositing in his secret Swiss bank accounts the millions he took in during his years in power through oppressive taxation of his people and from the gambling tables.

Then, on that New Year's Day he suddenly and secretly left for Europe to join his Swiss bank account. Throughout the years since that time he has been enjoying the good life and sun on the French Riviera and at his luxurious villa in Spain.

It appears that of all the 8 million men, women, and children living in Cuba, an overwhelming majority are better off physically and financially than they were 10 years ago, and from all the knowledge we Americans are able to acquire, an overwhelming majority of these Cuban people do support and uphold the present administration. We should not be blind to the facts.

The Castro regime is totalitarian. It is Communist. The regime of Fulgencio Batista was totalitarian. It was Fascist. Communist dictators and Fascist dictators govern by decree. The voice of the people of countries so misgoverned are not heard nor are their votes tolerated. Surely, the regime of Fidel Castro and its operations are abhorrent to freedom-loving men and women of our country.

Our country maintains diplomatic relations with every Fascist regime in the entire world. Very definitely, to speak for a moment regarding Western Hemisphere nations, the Fascist militarist regimes of Brazil, the Argentine Republic, and Peru are abhorrent to freedom-loving citizens everywhere. Yet, at the time in the Argentine Republic, so called, the generals overthrew the duly elected president and sent him into exile, we did not break diplomatic relations with Argentina. When the generals of the Brazilian Army, by a midnight coup, overthrew the president of that nation, our Government did not sever diplomatic relations with that regime. In 1969, the militarists of Peru ousted the duly elected president. He is exiled from his own country. These Fascist generals by decree have expropriated property of American corporations to the extent of many millions of dollars.

Yet we neither broke relations with Peru for these acts nor invoked any legal sanctions against that Nation's dictatorship. We continue to permit American businessmen to sell the products of American factories to all these Fascist governments and their nations, but the products, even medicines, produced in America may not be sold to the Cuban Government nor to Cubans. Americans are barred from visiting Cuba. The Communists, who also govern by decree, have taken over Cuba. Hence, diplomatic relations were broken. American businessmen and farmers may not profit by any trade with that country. In those other Republics, so called, of South America—Brazil, Argentina, Paraguay, and most recently Peru—where Fascist rulers govern by decree, our Embassies have not been closed. Trade between Americans and the nationals of those countries has not been barred.

When Fascist colonels overthrew the constitutional Government of Greece in a midnight coup, our Government did not close our Embassy nor break diplomatic relations. Our Government continued to recognize this Fascist regime in Greece. In fact, last month the Pentagon resumed the shipment of heavy arms to the brutal militarist Greek regime.

We have recognized for many years the ruthless and bloodstained tyrant Francois Duvalier, whose dictatorship has impoverished the people of Haiti. Haiti is one of the most beautiful islands in the Western Hemisphere. Along the coastal area and inland as one climbs into the beautiful terrain of the Temperate Zone the land is fertile; the jungles are lush. Yet, the ironhanded rule of Duvalier has so impoverished the inhabitants of Haiti that it is the slum of the Western Hemisphere, with the lowest per capita income anywhere in our hemisphere. That iron hand of Duvalier is also a bloodstained hand. Citizens suspected to be hostile to his regime are executed without trial. Still, we recognize this tyrant and have diplomatic relations with his government.

The United States recognizes and supports the Fascist regime of dictator Franco of Spain. In fact, liberty-loving Spaniards, now being further oppressed by new censorship and more restrictions recently applied by Franco, claim that except for the support of the United States, his regime would have been overthrown years ago.

We have no right to direct the people of Cuba as to what sort of government they must maintain any more than we have a right to direct the people of Yugoslavia that they must not have a Communist regime.

The evidence is overwhelming that Cuba has a viable government. This is a Communist government which Americans generally despise. It is a government, however, that appears firmly in power and has been for a period of 10 years.

Mr. President, whether or not the tyranny of the present government of Fidel Castro is as bad as or worse than the tyranny and corruption of the Batista government that preceded it is immaterial. We do know, however, that the people of Cuba, those who work in the sugar cane fields and the people crowded in the slums of Havana, Santiago, and other cities, are from all reports better off in every way and enjoy greater contentment and a better life than they had during the Batista regime.

Before the revolution, there was only one small strip of public beach among the 22 miles of beaches surrounding Havana. Now all beaches are open to the public and they are enjoyed by thousands of Cubans who did not have access to them before. Illiteracy has been greatly reduced and there are twice as many schools now than there were in Cuba before the revolution.

In Cuba today, almost everyone above school age has a job. Before the Castro revolution, the level of unemployment was about 20 percent, one of the highest in the world.

Mr. President, we should chart a new course in our relations with Castro and come to terms with the Cuban revolution. Castro is a dictator. Castroism is not the wave of the future. It will endure only as long as our Government continues to support Latin American dictators like Batista.

Mr. President, the Nixon administration should take immediate steps to resume diplomatic relations with Cuba and accord full recognition to the Castro regime. We can no longer blind ourselves to the reality that the Cuban people support their government.

"STRANGE WAR, STRANGE STRATEGY"—BOOK BY GEN. LEWIS W. WALT

Mr. ALLOTT. Mr. President, with his customary intelligence and fairness, Mr. Howard K. Smith on the ABC evening news of November 18, delivered an intelligent and very much needed statement about some currently publicized—and one insufficiently publicized—books.

Smith noted the current attention being lavished upon two books which—if Smith is to be believed and, in my judgment, he is an intelligent and honorable man—do not deserve the attention, much less the approbation, of serious men.

He also noted that another more serious—and more encouraging—book has not received the attention it merits. This is "Strange War, Strange Strategy" by Gen. Lewis W. Walt, Assistant Commandant of the Marine Corps.

General Walt is a great Coloradan and a great American. He has long been an outstanding soldier. Now he joins the ranks of distinguished authors.

The Nation's media has managed to ignore his book. This reflects on their professional competence and ethics, and not at all on the quality of the book. It is an outstanding book—a moving book about American generosity and steadfastness.

I commend it to the attention of all Senators. And, so that all Senators may profit from Mr. Smith's cogent remarks, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

In connection with the My Lai trials now in progress, book reviewers are giving lots of space to a couple of volumes that make our armed forces out a gruesome institution . . . Mr. Telford Taylor's book on war crimes that makes the generals to blame for atrocities . . . and Mr. Mark Lane's book which recounts conversations with Marines who tell of the most horrible American atrocities.

I do not doubt that there are human beasts in our armed forces, as in all other armed forces, and indeed also among our rednecks and panthers not in the armed forces. Wherever found they should be tried and punished.

But I beg to protest this orgy of self-guilt that all is rotten.

It remains a fact that unlike Nazi Germany, or North Vietnam, where atrocity was national policy . . . U.S. policy opposes and condemns atrocity.

Every soldier on arriving in Vietnam is given a card warning of the dire penalties for it. In General Westmoreland's tenure, at least twelve cases of atrocities were uncovered and the perpetrators tried, without pressure from or attention by book-writers.

It is a small mystery that another book which tells the story of undoubtedly most Marines—General Lew Walt's "Strange War, Strange Strategy" has barely been reviewed at all. Very well written and documented, it tells how Marines gave up rest and leave to build and heal in Vietnam.

It would seem common duty for Messrs. Taylor and Lane to get charges brought and get them up to the Supreme Court if necessary. But indulging in a literary orgy of guilt that smears all, without acting on it, is itself a kind of moral atrocity.

FRANK.

THE GULF OIL PRICE INCREASE

Mr. HART. Mr. President, 10 days ago, Gulf Oil Corp., the 10th largest U.S. industrial company, set out to pour some oil on the troubled fires of inflation.

Gulf raised its posted paying price for crude oil by 25 cents per barrel and its selling price for gasoline by 0.7 cents per gallon.

News reports indicate that the additional markups that will follow, between the refinery and the filling station pump, will add a full 1-cent increase in price to the consumer. One cent a gallon for gasoline amounts to $850 million a year based on production of more than 2 billion barrels of 42 gallons each per year.

That is just for gasoline. Home heating oils, kerosene, jet fuel, heavy fuel oil, and the other products that come out of the refineries go up, too. The November 16 Wall Street Journal reported that Humble, the chief domestic subsidiary of Standard Oil Co. of New Jersey raised wholesale prices 4 cents per gallon on home heating oil, diesel oil, and kerosene in Eastern seaboard markets from Virginia north. The price the consumer pays will go up by at least half a cent a gallon on each.

If these increases stick, and spread to all crude oil and to all refinery products, the direct increase to the users of petroleum products will amount to at least $1.25 billion a year, at 1969 output levels.

Mr. President, the Antitrust and Monopoly Subcommittee showed a year and a half ago that the mandatory oil import control system was costing the American consumers $7.2 billion a year. That was in early 1969. The "justification" for the import control has been "national security." It seems to me that the oil industry talks a lot more about "national security" in this respect than does the Department of Defense.

The prime effect of such security measures has been to insulate the American market from the low world prices for oil and petroleum products—not to increase oil supplies.

The present difficulty in delivering foreign oil to Western Europe and the United States arises from transportation limitations and not from shortage of production nor excessive price boosts in producing areas. This tanker shortage is blamed for higher costs.

But high spot tanker charter rates apply only to about 15 percent of the total world tanker fleet. Most major international oil companies own substantial tanker fleets outright and have many more tankers on long-term charters. Operating costs for owned tankers, and for long-term chartered tankers, are unaffected by the spot charter market. For example, the six biggest tankships in the world—326,000 deadweight tons or more each—are all under long-term charter to Gulf Oil Corp., but are owned by a D. K. Ludwig subsidiary.

While these giant vessels are too large to enter U.S. seaports, still the average cost of Middle Eastern crude oil delivered to the U.S. seaport refineries is probably well below $2.50 a barrel. Certainly the supply, price, and transportation cost of foreign oil provides no justification for Gulf to raise domestic crude prices.

In comparison with import costs, the delivered price of 34 gravity gulf coast oil—comparable to light Arabian oil—at the east coast refinery now is between $4.20 to $4.25 per barrel.

One of the interesting aspects—and one adding confusion to this case is the technique in the oil world of announcing a price increase by announcing an increase in the buying price.

While the books of many major oil companies may show that they buy large quantities of crude oil in reality these purchases are little more than paper transactions.

Take Gulf. It really does not buy much crude oil. Worldwide, Gulf produces about twice as much crude oil as it runs through its own refineries.

Its production of crude oil in the United States in 1969 was 191 million barrels. Its own refining operations in the United States that year took 232 million barrels. Gulf thus produced 82 percent of the quantity it used.

However, because a company's oil wells frequently are not located in convenient proximity to its refineries, the company buys oil from wells near its refineries—leaving it with oil to sell from its own wells. Sometimes money changes hands and sometimes this is a paper exchange between companies.

Thus, Gulf's announcement of an increase in its buying price is really an announcement of an increase in its selling price for crude.

On a net basis then, Gulf stands to pay the 25 cents a barrel on only about 18 percent of the oil it uses. To put it another way, Gulf gets back 82 percent of the crude buying price increase, through using or selling its own crude.

So far as refining is concerned, the seven-tenths of a cent per gallon increase for gasoline recovers over half of the 25 cents. Refineries in the United States average about 18½ gallons of gasoline produced per barrel of crude oil. Kerosene, jet fuel, heating oils, and other products bring the output of products

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up to just slightly more than a barrel per barrel of crude. Seven-tenths times 18½ equals 13 cents, the additional income to the Gulf—and other—refineries from the price increase on gasoline.

So, before adjustment for percentage depletion, Gulf gets back 82 percent of what it lays out. Second, the increase in the price of gasoline will return at least half of the 25-cent increase for crude. Gulf, thereby, on its own deal, gets back one and one-third as much as it lays out, assuming the price increases stick. If the Jersey heating oil increases stick, Gulf would recover another one-quarter to one-third of the 25 cents for other products.

There really is nothing like being able to control the prices you buy at, the prices you sell at, and the prices you pay yourself for the raw materials you produce.

Gulf Oil Corp. is one of the fortunate companies in another way. It is one company that pays almost no Federal income tax. For 1968, its rate was only eight-tenths of 1 percent of profit before taxes. For 1969 the percentage went down—to only forty-three hundredths of 1 percent.

Will this 25-cents-per-barrel increase in crude oil prices lead to a great increase in the supply of domestic crude? Not at all. Certainly not now, at the start of the domestic heating season, and probably never.

One of the most interesting exhibits presented to the Antitrust and Monopoly Subcommittee in our 1969 hearings was a chart of short-run supply schedules for crude oil produced at the wellhead, United States, 1965. Above $1.35 per barrel—I repeat, above $1.35 per barrel—higher wellhead prices would yield no additional production of crude oil.

Whether production was being limited by State proration, by Texas and Louisiana, or not, the additional production to be brought forth by a wellhead price of $2.65 was about two-tenths of 1 percent of the production that would have come forth at $1.35 per barrel.

That was a short-run calculation and did not take into account the cost of finding additional oil to replace that produced.

The oil industry has been saying that it would take 50 cents to a dollar a barrel increase in crude oil prices to induce it to go out and drill enough wells to find enough oil to keep up with the domestic demand—even while we are importing 20 percent or more of our requirements.

Even if the industry would—or could—be stimulated to produce more oil by a 25-cent-per-barrel price increase, the regulatory system would prevent it. On Monday the Railroad Commission of Texas reduced the allowable production for December.

The allowable percentage for December was set at 83.5 percent, a reduction of 3.8 percentage points from the November figure of 87.3 percent. The Wall Street Journal on November 17, 1970, quoted the chairman of the commission, Ben Ramsey, as saying the expected production under the allowable for December will be 38,000 barrels per day below the actual level for November.

So the 25 cents a barrel increase is enough for fattening a company's profit picture, but not enough to improve our domestic production situation.

Robert E. Mead, president of the Independent Petroleum Association of America, was quoted in the Washington Post for November 14, 1970, as approving the price increase:

> Speaking for the industry Robert E. Mead, president of the Independent Petroleum Association of America, said yesterday that the Gulf-Atlantic Richfield price boost was modest and an attempt to recoup losses due to inflation.

Mr. President, the consumers, who have nobody else to pass inflation problems to, must find these fighting words.

Finally, will these price increases stick? The Wall Street Journal has been reporting additional companies joining the parade almost daily. The list now includes, for both crude oil and gasoline, Gulf, Atlantic Richfield, Standard of Indiana, Skelly—part of the Getty group—and Murphy. Texaco quoted a range of 15 to 25 cents on crude oil and the .7 cent on gasoline. Phillips, Mobil, and Sun have all raised on gasoline. The Standard of Jersey increase on light distillates was mentioned above. Shell also announced price increases.

Yes, it looks as if these increases will stick unless Congress or the administration takes action. The best action we could take would be to eliminate the oil import controls entirely, and let the interaction of world supply and world demand set a lower world price for oil.

I ask unanimous consent to have printed in the RECORD a statement entitled "Sources of Data."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SOURCES OF DATA

1. Price increases for crude oil and refinery products reported in *Wall Street Journal*, week beginning Monday, Nov. 16, 1970.

2. Gasoline production in U.S.A. in 1969, 2,022 million barrels of 42 gallons; U.S. Bureau of Mines, published in Statistical Abstract of the United States, 1970. Total other refinery products run slightly more than gasoline.

3. Tanker ownership shown in *The Tanker Register*, 1970 (London); and Analysis of World Tankship Fleet, December 31, 1969, published by Sun Oil Corp.; long-term charter information from trade sources.

4. Laid-down cost of Persian Gulf oil estimated at $2.34 by Subcommittee staff. Testimony by Mr. Walter L. Newton before Subcommittee in March, 1969, placed cost then at $2.00 or less, made up of $1.30 f.o.b. price, 57 cents per barrel ocean freight cost, and 10.5 cents import tax. Allowing 85% tanker movement at that rate, for owned or long-term chartered vessels, and 15% at $3.00 per barrel, for the high spot-charter rates, brings present average computed freight at 93.5 cents per barrel. Tanker cost is substantially the same, whether around Africa to U.S. East Coast, or across the Indian and Pacific Oceans to U.S. West Coast.

5. Gulf's refinery operations for our own account amounted to 232 million barrels in 1969; net crude oil production was 191 million barrels, or 82 percent of refining. Moody's Industrial Manual, 1970.

6. Gulf's Federal taxes, taken from company 10-K reports to Securities & Exchange Commission, published by *U.S. Oil Week*, August 17, 1970.

7. Short-run "supply" schedules for crude oil produced at the wellhead, United States 1965, from testimony by Prof. Henry Steele to Subcommittee in March 1969, Governmental Intervention in the Market Mechanism, part 1.

OPERATION AWARENESS HELPS GI DRUG ADDICTS

Mr. SCHWEIKER. Mr. President, last week the Subcommittee on Alcoholism and Narcotics, presided over by the Senator from Iowa (Mr. HUGHES), held 2 days of hearings on the problem of extensive drug use in the military.

The hearings centered on activities at Fort Bragg, N.C., and a program which has been started there to help rehabilitate drug addicts. The program is Operation Awareness, and it was initiated by Lt. Gen. John J. Tolson III, commanding officer at Fort Bragg, and directed by Lt. Col. Raymond M. Marsh. Operation Awareness was initiated when it was estimated that a third of the men in the 82d Airborne Division were thought to be users of some form of drugs and when incidence of serum hepatitis had risen sharply on the post.

Operation Awareness combines treatment of withdrawal with methadone, talk sessions, and attempts at behavior modification. An article written by John Noble Wilford and published in today's New York Times presents an in-depth picture of the program at Fort Bragg. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMY POST GIVES ADDICTS HELP INSTEAD OF CENSURE

(By John Noble Wilford)

FORT BRAGG, N.C., November 22.—No barracks ever looked quite like Ward 29 here at the Army's sprawling airborne training center. A glance around the room suggests that the drug culture has gained a strategic foothold.

The interior walls are done in red, powder blue, black and yellow. Boldly scrawled are such messages as "No Hope Without Dope" and "No Thrill Without Pills." A plywood sign shaped like a junkie's syringe points to a "head shop" behind doors painted in red and white stripes. A large peace symbol is emblazoned overhead.

A colonel who walked into the unmilitary setting surveyed the soldiers lounging on their bunks and foot-lockers not with alarm, but with hope. They are drug addicts. But they have volunteered for rehabilitation—and the Army, in a reversal of its traditional policy of strict punishment for drug use, is trying to help them through an experiment called Operation Awareness.

The program may serve as a model at other posts where, as at this airborne training center, the use of marijuana, heroin and other illegal drugs is said to have reached epidemic proportions.

In testimony before Congress last week, an Army official reported that at least 25 drug-related deaths had occurred among Army personnel this year, compared to 11 last year. The Navy estimated that 10 per cent of its personnel may be addicted to or experimenting with narcotics in one form or another.

The Bureau of Naval Personnel has estimated that 5,000 offenders, mostly users of LSD, heroin and other hard drugs, will be dropped from the service this year with, at the least, a bad-conduct discharge.

The Navy has also instituted a pilot drug program at the San Diego naval base to warn sailors about the hazards of drug use.

Operation Awareness, the drug program here, started quietly last summer. It combines treatment of withdrawal agonies with methadone, talk sessions and attempts at behavior modification through an elaborate psychological system of reward and punishment. There are regular "shoot-outs" in which participants inject mild drugs that make them mildly high and then violently ill for a few hours.

"DYNAMITE" THERAPY

One participant described this therapy as "dynamite—tough but worth it."

Although the results thus far are modest, the experiment is expected to get official Army approval next week.

The drug program at the San Diego naval base relies on giving sailors fair warning about drug use.

"We use the sock-it-to-them approach and we treat them like adults," said Chief Petty Officer Donald F. Methlie, who heads San Diego's "drug awareness" program. "We tell them: Look, you're going to make your own decision, but let me tell you, from the experiences of your own shipmates, what this stuff can do to you."

Chief Methlie gave one of his typical lectures recently to a group of young sailors, mostly teenagers, about to embark on their first Asian cruise with the Pacific Fleet's cruiser destroyer force.

"If you don't know how to smoke pot, shoot speed or pop bennies, I'm here to show you how," Chief Methlie began. "I'm going to show you what it looks like, how much to pay for it and where to get it."

He then told the sailors about the cow dung in the marijuana that is so plentiful across the Mexican border, about the local pusher who sold a lye compound to a group of sailors and almost killed them, about arsenic in barbiturates sold in some Japanese ports and about the convulsions caused by strychnine in LSD tablets sold to servicemen in San Diego.

OTHERS TO BE TRAINED

The tack apparently gets results. The cruiser destroyer forces, the Navy reported, was the only major command to show a reduction in narcotic cases in the last year. Chief Methlie has been asked to train 200 specialists for similar education programs throughout the Navy.

The experiment here at Fort Bragg goes a step beyond education, to rehabilitation.

It was initiated by Lieut. Gen. John J. Tolson 3d, commanding officer at Fort Bragg, when he learned of estimates that a third of the men in the 82d Airborne Division, the single division on call to respond to sudden crises anywhere in the world, were thought to be users of some form of drugs. The incidence of serum hepatitus, an infection often associated with dirty needles, had risen sharply on the post. All kinds of military gear, even radio transmitters from trucks on alert during the Jordan fighting, were disappearing as the soldier-addicts turned to petty crime to support their expensive habits.

Under the direction of Lieut. Col. Raymond M. Marsh, chief of social work, the program was organized to include two principal types of treatment—inpatient and outpatient.

NO PUNISHMENT

All the participants volunteer for help, often on the advice of a commanding officer, medical corpsman or chaplain. They are promised immunity from investigation and prosecution so long as their only "crime" is using drugs.

The outpatients can check in with the hospital to get doses of methadone, which helps relieve the pain that comes with withdrawal from heroin. About 130 men have visited the "rap house," one of two aging wooden barracks refurbished for the program, to discuss their problems in a group and with psychologists. Many of them go in several times a week.

The rap house is being redecorated in psychedelic colors, posters and peace signs to suggest the ambiance of the drug culture. In a few weeks, the "head shop," a place to buy the heads, bracelets, incense and other accoutrements of that culture, will be opened in the back room of the raphouse.

"A lot of Fort Bragg men go off post and put on hippie clothes and wigs, rent apartments and trailers where they can do drugs," sad Capt. Richard T. Elmore, Jr., one of the Army's social work coordinators. "We try to recreate that same scene here, only without the drugs."

The more advanced cases of addiction are treated as inpatients. Of the 68 addicts who have been admitted to the program, five have completed the full 12-week rehabilitation cycle and are thought to be cured. One now works as a counselor.

Most of the others dropped out after a few weeks, either because they found the going too tough or because they felt they could now cope with their problem on their own.

A POINT SYSTEM

Colonel Mash, who has a Ph. D. in social work, said that inpatient rehabilitation was geared to modifying the addict's behavior patterns by association with rewards. Psychologists call the technique "operant conditioning."

After the soldiers are treated with methadone for a few days, they begin taking part in a social and work world based on a point system.

They can earn a prescribed number of points for everything constructive they do, from making their beds in the morning to working in the hospital office to undergoing further therapy. They can spend the points on things they enjoy—75 points for an hour of television, 25 for playing cards or ping-pong and 150 for having a personal visitor.

They can lose points by being disorderly or by reverting to drugs. If a soldier is found, through urinalysis, to have sneaked a dose of heroin, he loses all the points he has accumulated. This has happened several times. Repeated violations can lead to dismissal from the program.

Another part of the treatment is the "shooting gallery" at the end of the hall. Twice a week, the participants can file into the 10-by-12-foot room for what they call a "shoot-out." It is voluntary, though they are encouraged to take part through the awarding of a large point bonus.

A record player fills the room with the din of acid-rock music. Lights change from red to green and back to red, back to green. A medic passes syringes and needles to the soldiers sitting on the mattresses laid out on the floor.

Most of the syringes are filled with a mild narcotic mixed with a compound that induces nausea. One or two is filled only with a harmless saline solution. The participants are not told who will get what, thereby increasing the level of anxiety that is desired.

Those who inject the narcotic get a "quick high" for a few minutes, then get sick and vomit into the plastic bags they are given. Those who get the harmless injection must watch their wretching companions.

"We hope they will begin to associate drugs with anxiety and sickness," Colonel Marsh said.

Three of the soldiers in the ward were willing to tell their stories of addiction as long as their full names were not used. They were dressed in tee-shirts and fatigue pants. All three had been in combat, and two had suffered wounds.

VIETNAM—AND OPIUM

Larry, a 21-year-old Alabamian, said that he "sucked grass and popped a few pills" when he first got in the Army but really turned to drugs in Vietnam.

"When I got to Vietnam," Larry said, "I started on opium, grass, morphine and a little heroin when I could get it. I was trying to get the war out of my mind. While I was doing drugs I didn't realize I was in combat."

When he returned to stateside duty, his "hassles," as he called them, really began. He got hooked on heroin and then on methadone, which he was given in the hospital. He started dealing in drugs to support his heroin habit, was arrested in nearby Fayetteville and given a suspended sentence. He joined the program, he said, because "I was tired of being on the run."

Paul is a 22-year-old Green Beret from Massachusetts. He had had two years of college before enlisting. He had never taken drugs until he got into the Army.

"I started when I was in Vietnam," he said. "Opium, smoked a lot of grass and some of that good heroin. It's pure out there—hasn't been stepped on—you know, cut. I had to be careful with that pure stuff. I would carry a fingernail file with me, and all I ever took at one time was what I could pick up with the edge of the file."

When asked why he started on drugs, Paul said:

"Because I didn't like what I was doing—being in the Army, being where I was, being in a war. I guess I used drugs as a crutch. I'd rather do the things I did stoned. I was stoned most of the time I was in combat. They had us do some weird stuff, like send us out on three-man ambushes. They wanted a body count, they didn't care what we killed—it could be elephants for all they cared, they just wanted the body count. Sometimes it was Americans. Our own people."

BLUE LAKE COMPROMISE

Mr. ANDERSON. Mr. President, for many years Congress has had requests from the Taos Indian Tribe in New Mexico for transfer of title of some 50,000 acres of land to the tribe from the Carson National Forest. There have been many problems connected with this proposal and various attempts have been made to reach an agreement. I personally have been most anxious to reach a fair settlement of this issue. The Senate Committee on Interior and Insular Affairs has now proposed language in H.R. 471 which we feel is fair to the Indians and protects any public interest.

The Santa Fe New Mexican on November 3, 1970, published an editorial in which the editor has made a very clear analysis of the situation with emphasis on the fact that the Senate proposal is a good one and would assure the tribe of complete control over the area needed for religious purposes.

I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A BLUE LAKE COMPROMISE

New Mexico's Sen. Clinton P. Anderson has worked out a compromise bill for settling the Taos Indians' claim to Blue Lake, and this bill will go to the Senate floor for a showdown debate when Congress returns from its election-time break in mid-November.

Senator Anderson's position is that the

Taos Indians have a legitimate religious claim to the Blue Lake area, and that it must indeed be settled. He has attempted to provide full protection of the Indians' Blue Lake religious shrine without establishing an undesirable precedent affecting many millions of acres of lands throughout the United States, and has introduced legislation as far back as 1957 to protect their religious rights.

But the tribe wants nothing less than trust title to the entire 48,000-acre watershed, and Senator Anderson and others are concerned that this would set a bad precedent with national implications which could cost billions of dollars in subsequent land claims.

The Indian Claims Commission was created in 1946 for the purpose of hearing claims by the various American tribes, determining over how large an area they roamed aboriginally, then fixing a cash sum on the value of that land at the time it was taken from the Indians. The Congress would then review the finding of the Indian Claims Commission, make its own judgment, and award the necessary amount of cash.

In one respect, it may not seem fair to pay in cash instead of land. But the plain fact is that the claims filed before the Indian Claims Commission amount to about 90 per cent of the total United States land area, To be consistent, the government would have to return all of this land to the claimants if it returned any. And, likewise, it has to be done at the price level when the land was taken. Otherwise, consider the billions and billions of cost attached to such places as New York's Manhattan Island.

It is important to note the concept of "aboriginal title." Supporters of the Taos Blue Lake claim say the tribe once held "title" to the land and that it was "taken away." The legal concept of aboriginal title is that a tribe once roamed over the area and used it for subsistence. This is the 90 per cent of America's land area. The Claims Commission was established to make a ruling on payment, in cash, for all these lands.

In answer to the assertion that the Blue Lake area was "taken away" from the Taos Indians when it was made part of the national forest, thus robbing the Pueblo of its land, Senator Anderson comments:

"The Taos Indians migrated to their present location between 1300 and 1325 AD. When the Spanish Crown assumed sovereignty over the area, it provided that the Taos Indians and the other Indian pueblos were to have sufficient land for farming, grazing, and other subsistence purposes. The king of Spain thereby granted to the various pueblos, including Taos, four square leagues of land, approximately 17,700 acres. The Taos grant covered an area extending one league in each direction from the center of the Taos Pueblo. It did not include Blue Lake or any part of the 48,000-acre tract . . . According to the law governing this area while under Spanish rule . . . the land outside all of these Indian grants, though still roamed and used for hunting, was to have the status of free and disencumbered land . . .

"It was from this free and disencumbered land that the Spanish crown made its Spanish land grants throughout the Southwest. Hundreds of Spanish land grants had been made when the government of Mexico obtained sovereignty over the Southwest in the early 1800's. The Mexican government continued to make grants out of the free and disencumbered lands until the U.S. obtained sovereignty in 1848. Because of its mountainous and remote location, most of the Blue Lake area remained as free and disencumbered land under the flags of both Spain and Mexico.

"When the United States assumed sovereignty . . . it recognized all of the legitimate Spanish and Indian land grants in the Southwest. The rest of the land, including most of the Blue Lake area . . . became public domain. For over half a century, the U.S. administered the Blue Lake area as public domain. In 1906 the area was included in a National Forest, and it has remained in that status to this day . . ."

There are some who say that giving trust title to the Taos Pueblo would not establish a precedent. But once the action is taken, it becomes a precedent; and how do you explain away a precedent?

There are many other Indian tribes around the country who already have submitted claims for land, not cash, and it can be expected that they would be eager to act on the precedent in this case. A number of conservation groups in New Mexico have stated opposition to splitting off areas of national forests for this or other purposes; and so it is not a matter of one man, Senator Anderson, thwarting the rightful claim of the Indians. Such "liberals" as Senators Frank Church of Idaho, Henry Jackson of Washington and Lee Metcalf of Montana have agreed with Anderson on this point.

Earlier in the current session of Congress, Senator Anderson introduced S. 750, which dealt with the Taos Blue Lake claim, Congressman James Haley of Florida introduced H.R. 471, which would give trust title to the entire 48,000-acre watershed. Both came before the Senate Interior Committee, where Senator Anderson and others prepared the new compromise bill, which was accepted by the committee.

The compromise measure wisely avoids setting a precedent of giving trust title to the land, but it does use the House figure of 48,000 acres and "segregates" this area from the Carson National Forest for the exclusive use of the Taos Indians.

In answer to the Taos Indians' assertion that the Forest Service has been insensitive to their religious needs, the compromise bill creates a new ranger district (the entire 48,000-acre tract), manned exclusively by rangers who are Taos Indians. In this way, the tribe is assured of complete control over the religious area and the whole watershed, But desirable conservation practices will be maintained, and a precedent of deeding away National Forest land will not have been set.

THE "DELTA QUEEN"

Mr. HARTKE. Mr. President, the quality of American life in the future will depend in large measure on how wisely we deal with our heritage from the past. It is for this reason that I and many other Senators have, for some time, been concerned with the fate of the Ohio River steamboat, the *Delta Queen*.

Since the second of this month, an American tradition of 160 years duration has been forced to lie at anchor because of our inability to prevent a misapplication of the law.

Young people are frequently critical of the Government's inflexibility in meeting needs of the future. The awkwardness of some cumbersome laws and practices is always particularly distasteful to the young. In the case of the *Delta Queen*, we see the same inflexibility taking its toll on the part of our heritage from the past.

The law which has blocked the *Delta Queen* was not meant to apply to the river boat. And in no way does the destruction of the *Delta Queen* further the legitimate purpose of that law.

Thus far, we have not been able to right this very plain and obvious wrong. While very few people hold any objections to saving the *Delta Queen*, motions to do so have never made it through the legislative process.

Fortunately, it is still not too late to prevent the demise of the *Delta Queen*. An effort to save her is now being directed in the House of Representatives by Mr. McCulloch. I invite the attention of the Senate to Mr. McCulloch's amendment, H.R. 6114, which would give the *Delta Queen* an extended lease on life.

Mr. McCulloch's effort, if successful, will prevent the last paddle wheel passenger boat from being legislated out of existence.

The *Delta Queen* is the sole surviving reminder of an age when the riverboat was king and when hundreds of sternwheelers plied the Ohio, Mississippi, Tennessee, and Cumberland Rivers. Her end would mean the unhappy closing of an important and cherished chapter of American history.

Mr. McCulloch's amendment would simply extend the *Delta Queen's* exemption from the provisions of the marine safety law which was meant to deal with problems a long way from the Ohio and Mississippi Rivers. Public Law 89–77, the safety-at-sea law, was enacted in 1966 following two disastrous ship fires in the Atlantic Ocean. The purpose of the law was to protect American citizens from substandard ocean passenger vessels. It requires that passenger vessels with overnight accommodations be constructed of fire-retardant materials.

As Mr. McCulloch points out, there are many good reasons why this law should not apply to the *Delta Queen*. Unlike an ocean vessel, the *Delta Queen* is never more than a few hundred yards or a few minutes from shore. Unlike ocean vessels the *Delta Queen's* staterooms open directly to outside decks and there are no longer enclosed corridors where passengers or crewmembers could be trapped. She is generally regarded as one of the safest river steamboats ever built. She is equipped with full coverage sprinkler systems, and fire-retardant coatings have been applied to nearly every surface. Her owners have installed new and additional safety devices and equipment and have promised to do even more. In the 44 years since her launching, her safety record is unblemished.

However, there is no practical way that the *Delta Queen* can comply with the safety-at-sea law. For one thing, that law requires that no wood be used on a vessel. Although the *Delta Queen's* hull is steel, the elegant teak mahogany, ironwood, and oak of her superstructure and interior obviously cannot comply. Her curved staircase is mahogany trimmed with brass. In short, practically every piece of the vessel would have to be rebuilt. The cost would be astronomical and, in the process, much of her historical charm would be lost.

A law to save the *Delta Queen* would be one of the rare pieces of legislation that would cost the Government nothing. In fact, it would mean that she could continue to pay taxes. Her continued operation would also provide an excellent tourist attraction and further our national objective of encouraging travel to and within the United States, both by Americans and our foreign visitors.

For all these reasons, I commend Mr. McCulloch's effort to save the *Delta Queen*. He deserves our admiration and support.

INVESTITURE PRAYER BY RABBI CHERTOFF

Mr. WILLIAMS of New Jersey. Mr. President, not long ago I had the pleasure of attending the inaugural ceremonies for Dr. Kenneth Iverson of Union College, Cranford, N.J. During the impressive ceremony, an excellent prayer of investiture was offered by Rabbi Gershon Chertoff, of Elizabeth, N.J.

Because of the prayer's excellence, I ask unanimous consent that it be printed in the Record.

There being no objection, the prayer was ordered to be printed in the Record, as follows:

Prayer of Investiture by Dr. Gershon B. Chertoff

Yirat ha-shem reshit daat: The first principle of knowledge is to hold the Lord in awe; Only fools despise wisdom and instruction.

THIS IS OUR FAITH

We believe in the life of reason, the precision of thought, the discipline of the heart.

We believe in human dignity, in moderation, in the spirit of accommodation.

We believe in courtesy and dialogue, not in confrontation: in orderly processes and fair play, not in the cult of violence and its mindless glorification.

We believe in power: the power of learning and compassion and justice.

WHO ARE WE

We are a community of scholars creating a moral and spiritual climate that supports the autonomy of responsible judgment, the claims of conscience, the tentative nature of truth; there is no saving truth.

We think, therefore we are.

WE SHALL OVERCOME

The cynicism and disillusionment of the new barbarians.

We shall give superstitions old and new no sanction, and dogmatisms of the right and left no assistance.

We seek to understand reality, not predict salvation.

We accept the task of improving the present: we refuse to be bemused by fantasies of Utopia.

We approach the relevant by viewing the living moment in the context of history; by making what *was*, part of what *is*.

In this time and place we highly resolve that under a new president we shall create the excitement of intellectual discovery. We shall develop mind-expanding reason and the educated imagination. We shall place a premium on self-criticism and award the prize to those who suffer patiently the slinges and arrows of outrageous problems.

Hanenu me-itha dayah bina v'haskel: Thou who are the source of all wisdom, grace Kenneth William Iversen, second president of Union College with insight, wisdom and understanding.

He will need them all! Amen.

ROLE OF JAMES FOSTER IN PHNOM PENH RESCUE OPERATION

Mr. ALLOTT. Mr. President, the Rocky Mountain News of Denver has had a long line of distinguished Washington correspondents during my years of service in the Senate. Many of these correspondents, such as Dan Thomasson, have gone on to become national columnists with Scripps-Howard or elsewhere.

One such Washington reporter was Jim Foster who now serves as Scripps-Howard correspondent assigned to the Far East. Mr. Foster was one of the most fair and objective reporters I have known in Washington. Therefore, I was particularly interested to read his first-hand dramatic story of his role in the rescue operation after a terrorist attack in Phnom Penh.

The story speaks for itself and is one in which I know Senators will be interested. I ask unanimous consent that Mr. Foster's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Denver Rocky Mountain News, Nov. 9, 1970]

Ex-Denver Writer Tells Part in Rescue After Phnom Penh Terrorist Attack

(Editor's Note.—James Foster, whose dramatic report on the terrorist attack on a Phnom Penh theater follows, was a Rocky Mountain News reporter and later Rocky Mountain News Washington correspondent before becoming a Scripps-Howard staff writer assigned to the Far East.)

(By James Foster)

Phnom Penh.—I happened on the scene moments after this nervous capital city got its first real taste of terrorism.

Someone rolled hand grenades down the aisle of a downtown theater packed with Saturday night movie-goers, instantly killing 17 and injuring 50 others.

A hospital spokesman later announced several others had died, including a little boy I had carried out of the theater. He said others are permanently maimed.

SCENES OF HORROR

A grenade is not a tidy surgeon. One soldier was sitting upright in his seat when Voice of America correspondent Bob Chancellor and I raced into the theater only minutes after the blasts. The soldier had been at the edge of the rear-most explosion. His arm was draped casually across the back of the adjoining seat, his left hand missing and the protruding bone seeming to point toward the front of the theater where the second grenade had gone off.

Police later discovered a third grenade unexploded.

Smoke hung in the air and it was difficult to see in the dimly lit theater. The screen had gone dark 11 minutes into the first reel of an American thriller "Hell in the Philippines," with Cambodian subtitles.

But it was obvious where the center of the blasts had been. Seats were flattened outward in a circular pattern. The victims were still in them, laid out like wilted petals of a crimson rose. Most were lifeless. Others groaned occasionally or gasped for air.

Outside a handful of military police arrived and sought to control and calm the panicky crowd. Inside, several Cambodian soldiers rolled a limp body off the first pile and carried it out onto the sidewalk where it lay under the glare of the marquee like a bad publicity stunt for a horror flick.

A ROW OF BODIES

Then another body was taken out, and within a minute or so, there was a row of them, most of them clad in the fatigues-and-sandals uniform of Cambodian soldiers. But there also was a little boy, the side of his head open, and later I saw a little girl in a pink dress.

After taking a quick body count at the first spot, we headed for the second clump up front. There were not so many bodies there, perhaps half a dozen adults and another little boy.

At first glance they all looked dead. Then Chancellor thought he heard one groan and automatically put a hand in front of the soldier's mouth to detect breathing. There was one breath, then nothing.

I had stood transfixed staring at the little boy, his body twisted and lying in a puddle of blood with one arm folded under him. A pleasant expression and in the eerie glow his dark complexion was glazed like wax.

I saw or thought I saw a movement. "My kid's alive," I shouted to Chancellor. We bent closer. His breathing was irregular but he was breathing. No medical help had yet arrived at the theater and at the rate the evacuation in back was going it would be too long before help got to him.

I grabbed a blue drape that covered an exit, yanked hard and it tore off in a cloud of dust. We folded it twice into a little hammock and slid the child over as gently as we could.

SAVE FROM DEAD

We got him to the sidewalk and an officer who seemed to be in charge motioned for us to put him in the row with the dead.

I protested he was only wounded and we headed toward an army station wagon that was to serve as an ambulance. As it backed down the street toward us, there was a rush to meet it and I feared my boy would be overlooked. With the help of a Cambodian soldier, we caught up with the vehicle and with some effort pushed through the crowd. The floor already was filled with the badly wounded.

I cleared a place on the seat and made certain the driver understood the bundle I was entrusting to him was at least breathing. The boy looked at me as I laid him down. He did not protest. His little body was relaxed and unresisting, like one of your own when you carry him in and put him to bed.

OHIO STATE: UNDEFEATED BIG TEN CHAMPIONS

Mr. YOUNG of Ohio. Mr. President, on Saturday afternoon Ohio State's magnificent football team defeated the University of Michigan, 20 to 9, capturing the Big Ten championship, completing an undefeated season, and winning a trip to the Rose Bowl game in Pasadena, Calif., on New Year's Day.

Ohio State's battering-ram ball carriers, Leo Hayden and John Brockington, running behind the powerful blocking from tackle to tackle which has become the trademark of Woody Hayes' football teams, carried the fight to the Wolverines all day. Quarterback Rex Kern with his exemplary ball handling and faking crossed up Michigan's defense time after time with big plays when the Wolverines grew overly intent on stopping the head-on assault.

Mr. President, this year's game between Michigan and Ohio State marked the first time that the Big Ten championship hinged on a battle between undefeated teams in the last game of the season.

Also, this game was especially meaningful for Ohio State because it provided an opportunity for the Buckeyes to revenge themselves against Michigan which last year defeated Woody Hayes' 11 in the final game, 24 to 12, thereby costing Ohio State both the Big Ten and national championships.

The credit for Ohio State's great football teams which virtually every season are ranked nationally in the top 10 must go to Woody Hayes, the Buckeye's coach, who, this year, is completing his 20th season at Ohio State. During his stay at Ohio State, Woody Hayes has won six undisputed Big Ten championships, seven including a shared one.

Under Coach Woody Hayes, nothing is left to chance. Not only does a computer analyze the effectiveness of every play, it also prints out weekly instructions for every member of the cheering section up in the stands. Moreover, to cut down on penalties during games, Coach Hayes pays a referee to attend his practices, throwing flags and pacing off yardage just as he would on Saturday.

Mr. President, another reason for the success which Ohio State has enjoyed is the great support which the people of Ohio have given the Buckeyes throughout the years. At the Michigan game on Saturday, a record crowd of 87,331 jammed Ohio Stadium in Columbus, bringing the Buckeyes' five-game home total to 432,451 for national leadership in college football attendance for the 19th time in the last 20 years.

On a Saturday morning in Columbus on the day of a home game in the fall, the sense of anticipation crackles in the air throughout the city of 500,000. Up and down the streets leading to the stadium, the Buckeyes' scarlet and gray school colors are everywhere—on corsages for the ladies, on bumper-stickers handed out in banks, on programs and seat cushions hawked up and down the sidewalk by vendors.

Mr. President, I am especially proud to report that of the 91-man Buckeye squad, 76 are from Ohio. Ohio's high schools produce enough talent to help staff many other college teams. Northwestern, for example, has 21 Ohioans on its football roster. Michigan's leading ball carrier, Billy Taylor, is also from Ohio.

With the Buckeyes' winning ways and Ohio State's solid academic reputation, getting top players isn't too much of a problem. Moreover, Ohio State's players must maintain cumulative grade averages of 2.0, higher than the 1.85 average required under Big Ten Conference rules.

Don Unverferth, Ohio State's quarterback several seasons ago, maintained a near straight A record in his major while piloting the Buckeyes to a national ranking.

Mr. President, I call special attention to the accomplishments of Ohio State's fullback, John Brockington, who spearheads the Buckeyes' rugged ground game. On Saturday, Brockington gouged out 77 yards in 27 attempts to a total of 37 yards net for Michigan on the ground. Brockington broke by 13 yards Ohio State's single season record of 1,027 set by Jim Otis last year.

Jim Stillwagon, hub of Ohio State's fine defensive unit, played a magnificent game on Saturday although he was sometimes double and even triple-teamed.

Stillwagon's bone-jarring tackles from his middle linebacker position have set even comfortably distant spectators shuddering.

Mr. President, Woody Hayes has once again produced an outstanding football team of which all Ohioans can be proud. I salute Coach Hayes and the entire undefeated Ohio State team, Big Ten champions and now Rose Bowl bound.

THE "DELTA QUEEN"

Mr. COOK. Mr. President, I wish to thank Senators for their support of my amendment to H.R. 6114 which amends Public Law 89–777 by extending until November 30, 1973, the period for compliance with certain safety standards in the case of passenger vessels operating on the inland rivers and waterways.

As you know, Public Law 89–777 was enacted as a result of two disastrous fires on vessels in the Atlantic, and provided in part that after November 1, 1968, no passenger vessel of the United States of 100 gross tons or over, could be issued a certificate of inspection by the Coast Guard unless the vessel was built of fire-retardant materials. The specific question of the applicability of the law to vessels operating on inland waterways was considered but no exemption was incorporated in the law. Thus, after November 1, 1968, the *Delta Queen* would not have been eligible for certification since she is built of combustible materials, according to the U.S. Coast Guard. The date for compliance for the *Delta Queen* was extended by the 90th Congress to November 2, 1970. This year we have seen several bills introduced which would either exempt the *Delta Queen* for several years more or exempt all vessels operating on inland waterways from Public Law 89–777 altogether. As you know, all such attempts failed.

However, due to the overwhelming response from all over the country, I decided to offer an amendment to a House-passed Judiciary bill which would extend the *Delta Queen's* exemption from the safety at sea law.

I did this also because of my complete confidence that Greene Line Steamers will make good their intentions to make the *Delta Queen* even safer than it now is.

I might add that this boat has been operating for 43 years without a single passenger fatality or significant accident or fire. However, the president of Greene Line Steamers assures me that he plans to put over $235,000 in the upgrading of safety standards aboard the *Queen* if an exemption is secured. It is my belief that the boat, because of her sprinkler system, is equal to fire resistant construction material for fire safety purposes. One of the most frequent causes of river boat fires on the older boats was the use of fire tubes in the boilers. The *Delta Queen* is actually superior to the older boats in this respect, because she has water tubes in her boilers and the boiler room is equipped for automatic release of carbon dioxide in the event of fire. The owners plan to augment the fire sprinkler system with a new detection system for fire, smoke, and other products of combustion. Also, an annunciator at the bridge will alert the crew to any emergency in these areas before the sprinkler system is triggered by the fire. After the 1966 law was passed intumescent fire retardent coatings were applied to the crew quarters, all passenger lounge areas, and many of the individual passenger staterooms. Now it is the intent of the owners to coat all of the wall surfaces in the passenger staterooms with these intumescent coatings if the *Delta Queen* is permitted to continue operation. The owners also plan to install at a cost of $60,000 a diesel-powered variable speed bow thruster, which will enable even a relatively inexperienced pilot to maneuver the boat to shore.

Greene Line Steamers also plans to pay a per diem charge to have a Coast Guard officer travel with the boat on a regular schedule. If this is not practical, they will then hire a retired Coast Guard officer as safety officer, who will make sure that the safety equipment is equal to Coast Guard requirements.

For these reasons and others, I still support the amendment which would exempt the *Delta Queen* from the 1966 safety at sea law, and it is my hope that my colleagues in the House will agree with me after studying the unblemished safety record of the last overnight paddle wheel passenger steamboat in operational condition in the world.

STUDENT REVOLUTIONARIES ARE A SMALL MINORITY

Mr. ERVIN. Mr. President, during recent years we all have become increasingly concerned with student unrest at our colleges and universities. More recently we have seen this unrest move from peaceful dissent to cries for outright revolution. We must remember that students who seek revolution by exploding bombs are criminals and represent only a small minority. We should not forget that most students have a sincere interest in the preservation of our society and are interested only in constructive change through peaceful channels.

From February 1969, until August of this year, Michael Almond, a former research assistant for the Subcommittee on Constitutional Rights and now a senior at the University of North Carolina at Chapel Hill, traveled in Europe as a part of his university studies to learn firsthand what all the student shouting is about. Mr. Almond presented some of his findings and observations to the Pilot Mountain, N.C., Lions Club recently in a very interesting and informative talk. I think his speech merits the attention of those who are seriously interested in progress through peaceful means. We are, indeed, fortunate to have students such as Michael Almond, who are determined that academic freedom shall survive and prosper. Mr. Almond ended his speech to the Pilot Mountain Lions Club with the following plea:

> I'd like to close with a rather urgent request for your patience a little longer to give those of us who are willing to work within the system a fighting chance to capture the imagination of a whole generation of American youth, to hopefully recreate the American ideal in the image of the 21st Century's demands.

Mr. President, I ask unanimous consent that the text of the speech by Mr. Almond of August 20, 1970, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks By Michael Almond

The first fact of life I learned about dealing with students is that you can never bunch them all together into a neat little group called "the student movement." This is a mistake I think is made too many times all over the world, and is sad because it gives a bad name to a lot of kids who would never think of burning down a building, or throwing rocks and bottles at policemen.

In Europe, the percentage of students who are really revolutionaries is extremely small, but yet they can exert an influence far beyond their numbers. If the truth is known, most of the students in Europe are just average kids trying to take advantage of the university experience, much as in the United States. So the first thing I believe we all must do is to draw the line somewhere and separate the anarchists, maoists, and proletarian revolutionaries from the rest of the student population.

Now that we've drawn the line and cleared things up a bit, just who are these campus revolutionaries and what do they want? As I traveled from country to country, I discovered that the same pattern was emerging everywhere. For the most part, these revolutionaries are the sons and daughters of rather wealthy parents who have always known luxuries of affluence, and have never had to worry about money matters. But what surprised me was that as soon as they left home for the college campus, they turned against all their parents had given them and decided that it should all be destroyed. And I want to be clear about this: when I am speaking about revolutionary students, I mean precisely what I say. These students want a complete and violent overthrow of western society and its form of government. They want to see our way of life replaced by a marxist socialist regime.

In this part of the country, we are all taught to place a lot of faith in good old common sense, and I must admit that some of the beliefs of these revolutionaries seem to show a complete lack of any common sense at all. For instance, they say that they have got to have the average working man on their side, but hardly a one of them has ever set foot in a factory or mill like the ones that ring this mountain. And it seems to me that they should see that their violent tactics are making working class people more and more angry at what they are doing. In Europe as in America, the average man is just about fed up with the violence, burning, and destruction that follows these radical students. But the revolutionaries reply, "we've read Marx and his books, and therefore we know what's best for the working man." Now to me that sounds just a little far-fetched, and I think you will agree.

But the thing that upsets me the most is that these revolutionaries can't tell me how they are going to do things any better. They present no viable alternative. They keep saying that we should burn our society to the ground, but they never say what they plan to put in its place. This comment from a student at a French University is typical:

"We don't know what we want. All we know is that we don't like what we have now. Therefore we've got to destroy the way things are now in hopes that they can get better. The revolution is coming, make no mistake about it, but I honestly have no idea what it will be like after it is over."

Now does that sound like the words of a highly-educated, highly intelligent university student? Somehow I find it difficult to understand how such bright students can be taken in by such vague and meaningless dogma. For dogma, rhetoric, and fiery speeches are just as bad whether they come from the right or the left of politics. To me, to criticize without suggesting how to do things any better is inexcusable. More than this, it is irresponsible, especially when thousands of national, state, and local leaders like yourselves spend your entire lives looking for a better way.

But as I said when I started, the revolutionaries represent only half the story. It is sad that they should get all the attention. In all of Germany, there may be at most 500 or so of these committed revolutionaries, but their actions can cause the whole country to take an anti-student attitude. What we need to talk about now are the moderate, nonviolent students on the other side of the line we drew a while back.

I hope I haven't led you to believe that this group of students is apathetic. That's not true at all. They are just as informed as the revolutionaries, but are willing to work within the system. These are the concerned majority of students, who see that their society has problems and are willing to work hard to help find answers. They see the need for change in a fast-moving world, and want a chance to make things better. These young people can bring to our society an exciting wave of new ideas and new energy which we need to solve the tremendous problems of the 70's, the 80's, and even beyond. These young people are the best friends a democratic government can have, and we should be thankful for them. They will be the agents of inevitable change, and should be welcomed with open arms, for reasonable, gradual, but constructive change has become a fact of life in the modern world.

There is something that worries me, however, and I think it bothers a lot of people today. I'm talking about the rising tide of militancy not only in this country, but in others as well. Too many people have decided that the only way they can be heard is to shout at the top of their lungs, and too often violence is the first resort, not the last. Race relations are one example in our country. The Vietnam war is another. Both these issues present tremendous problems to the United States, and it is really unfortunate that some of the finest minds in the country would rather burn, loot, and throw molotov cocktails than sit down and try to work out some sort of meaningful solution. But the thing that worries me the most is the potential reaction of the majority to this militancy. If the current level of violence in this country continues or increases, I'm afraid that there will soon be a tremendous backlash reaction by people who are just sick and tired of it all. I hope this doesn't come to pass, because such a reaction would pose its own threat to democracy. The backlash, if it comes, could easily turn into a shotgun approach. The violence might be crushed, but so might the liberty and personal freedom which we all value so highly, and is what makes our country great. What then, is the answer? How can we establish some sort of peace on the campuses without sacrificing academic freedom and personal rights?

As I said in the beginning, I think the first thing is to clear things up a bit about who is who. All students are not bums, impudent snobs, or revolutionaries. That is where you can help. By not automatically fixing labels to a whole generation of college kids because of the irresponsible actions of a few. But moderate students also have a responsibility to you. Sooner or later, and the sooner the better as far as I'm concerned, moderate students on the campus have got to stop letting themselves be led around by the nose by the radical students. Students also must draw the line among their own ranks and ask those who want to perpetrate violence to kindly step across it to the other side, because we don't intend to accept your lead any further. It has got to become clear that you don't have to be a revolutionary to oppose the war: That you don't have to burn down the universities to work for equal rights.

I think there have been encouraging signs that this is happening. More and more moderate students are dissociating themselves from the revolutionaries. More and more they are finding their own constructive ways to work for change without the use of violence. Believe me, I can see how many of you out there must be pretty disgusted with some of the things that have been going on on the campuses and with what you read in the newspapers from the rest of the world. I'd like to close with a rather urgent request for your patience a little longer to give those of us who are willing to work within the system a fighting chance to capture the imagination of a whole generation of American youth, to hopefully recreate the American ideal in the image of the 21st century's demands.

THE TRADE ACT OF 1970—AN UNEXPECTED RESULT

Mr. **HATFIELD**. Mr. President, I invite the attention of Senators to one effect the proposed import quota bill will have on the sportsmen of this country.

Imported ski boots and imported track shoes and jogging shoes will be included in the imported nonrubber footwear section of the bill. Under the terms of the bill, the supplies of these items could be curtailed significantly. When a person examines the statistics concerning imported shoes, he finds that athletic shoes account for a very small percentage of the total. The statistics for 1969 offer evidence for this:

U.S. IMPORTS OF NONRUBBER FOOTWEAR 1969

	Quantity pairs (in thousands)	Percent of total
Women's, misses', children's, and infants' shoes	148,914	76.18
Men's, youths', and boys' shoes	38,063	19.47
Athletic shoes	2,473	1.27
Slippers	2,074	1.06
Other footwear	3,956	2.02
Total	195,480	100.00

Source: USDC ,BDSA-consumer products.

It can be seen that women's, misses', children's, and infants' shoes form the lion's share of shoe imports—76 percent. Ski boots total only 0.3 percent, and all other athletic shoes only 1 percent.

An examination of the cost statistics shows that ski boots are an extremely high-cost item, and are not the low-cost import that is causing concern to many people. The average declared value for a pair of imported ski boots in 1969 was more than seven times the average value of all nonrubber. The ski boot declared value was $15.73 versus the average value of only $2.20. Reflected in this great price difference is the higher quality material, the greater quantity of material, and the greater labor cost which all go into ski boots.

One further point is that the ski boot contribution to the total imported nonrubber footwear actually has fallen in recent years. It was 0.7 percent in 1965, and only 0.3 percent in 1969.

Mr. President, in addition to ski boots, we should examine the impact of the import quota bill on track and jogging shoes. In 1969, only 14 pairs out of every

1,000 shoes sold were shoes designed for any athletic use. Of the 14 pairs, 11 were manufactured in the United States and three were imported. That is three pairs out of 1,000 that are imported. The percentage for track and jogging shoes would be even smaller.

The State of Oregon has produced many world-class track athletes and also has a national reputation for our jogging programs. In Oregon, as in other States, athletes choose imported track shoes because they are better—in a sport where "better" is measured in the tenths of a second and fractions of an inch. I would hate to see the supply of these shoes curtailed.

The House Ways and Means Committee did acknowledge that athletic shoes have unique qualities that separate them from the bulk of shoe imports, and I ask unanimous consent that the committee statement at page 39 of their report appear at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

> It was brought to the committee's attention that certain articles of athletic footwear imports, are selected by athletes because they feel that the design of the shoes, including a close fit and light weight, are particularly suited to their needs as a professional or amateur performer. The shoe is selected by the athlete for its suitability for the particular athletic event involved, and the price is generally higher than that charged for domestically produced athletic shoes of the same type. It is expected that the President would exercise his authority in this kind of a situation.

Mr. HATFIELD. Mr. President, while it may be true that it is expected that the President would exercise his authority in this kind of a situation, it still troubles me to see this section remain as it stands. The President could be pressured by domestic shoe manufacturers not to allow any exceptions at all, regardless of the merit. The position could be adopted by the domestic manufacturers that any exception—regardless of the merit—would be a foot in the door, so to speak, for other exceptions.

In conclusion, Mr. President, this section of the bill is a hidden harpoon for the sportsmen of our country. The ramifications of this bill are far reaching. They can affect areas that go beyond the scope of the bill usually stressed by the bill's defenders. This example is one where an unexpected result could very well occur.

THE RAILPAX BILL—ADDRESS BY DONALD E. DEUSTER

Mr. ALLOTT. Mr. President, Donald E. Deuster, of the Department of Transportation, has made a remarkable, candid, and factual speech to the Railroad Transportation Institute meeting in St. Louis, Mo., on November 5, 1970.

Mr. Deuster discussed from a firsthand view, the administration's struggle to get the Railpax bill enacted into law. In the speech he correctly quotes my statement regarding the role played by the distinguished junior Senator from Vermont (Mr. Prouty) in the effort to get a bill through the Commerce Committee.

In addition, he paints a vivid picture of the effort made by a distinguished Coloradan, Mr. Robert Kessler, now general counsel for the Federal Railroad Administration, in the final moments before the Railpax bill passed the Senate.

I must say that I was pleased with Mr. Deuster's candor in telling the story which I think many of my colleagues who were not directly involved with the bill will find interesting. For that reason, Mr. President, I ask unanimous consent that Mr. Deuster's remarks be recorded in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Saving the Passenger Train

(Remarks of Donald E. Deuster)

Americans should be singing "Hallelulia! and Amen! Congress has saved the passenger train!"

Absolutely! If history notes one great decision by the 91st Congress, it will be enactment of the landmark National Rail Passenger Service Act of 1970.

Why? Well, essentially this rail passenger act signifies a triple transportation accomplishment.

First, it marks the rejuvenation of the American passenger train system. Secondly, it portends the rehabilitation of our ailing railroad industry. And thirdly, it is a giant step toward bringing America's national transportation policies into balance.

Soon, if all goes well, beautiful gleaming red, white and blue passenger trains will be streaking across the land. These "Americaliners" will speak for themselves.

Every evening for the past two years when I arrived home from Capitol Hill, confused and weary, my wife would taunt me by asking: "Well, dear, aren't you going to tell me what happened to the rail passenger bill today?"

Happily, that tortuous and treacherous legislative trail is past. Last Friday, out in California, President Nixon with a flourish of his pen Constitutionally converted what was "our bill" into what is now "the law of the land." What a relief! What joy! And what a struggle!

During the germination of this Jubilee Act of Congress, it was my good fortune to be the only Nixon Administration official assigned full-time to work on Capitol Hill solely on railroad affairs.

I am especially grateful for the opportunity this task has afforded me to meet and work with so many friendly railroad people, including chairman Donal Turkal and Secretary Jim Nisbet of the Railroad Transportation Institute.

The harmonious spirit evidenced in this Congress by railroad people—president, union leaders and the Capitol Hill legislative representatives for both labor and management—has been phenominal.

Despite this unusual team spirit, final enactment of the rail passenger bill was an eleventh hour, suspenseful Congressional cliffhanger.

HIGH HOPES FROM THE HENHOUSE

Initially, most experts doubted that any railroad bill would pass. Once upon a time, Senator Everett Dirksen gave a pep talk to a gathering of Republican women at Highland Park, Illinois. He told about an old barnyard rooster who had gathered all his hens into the chickenhouse for an inspirational harangue.

At the finale of this elocution, for illustrative purposes the rooster rolled out a giant ostrich egg into the henhouse floor. "Now, girls," said he, "don't get me wrong. It's not that I am dissatisfied with the quality of your performance. But, I do want to show you that with a little extra effort, it can be done."

Believe me, precisely that kind of extra exertion was required to bring about passage of the railroad bill.

Unfortunately but predictably, this landmark law became mired in the usual murky pre-election adjournment atmosphere on the Hill. Luckily, it was extricated from a legislative snakepit of partisan cross-fire, mysterious footdragging, great confusion and some sniping.

On the very last day of Congress the passenger bill slipped through the House of Representatives shortly before noon on a voice vote, languished most of the afternoon in the Enrolling Clerk's office, was finally messengered over to the Senate just half an hour before adjournment, and shimmied through another voice vote only moments before the last gavel fell.

From start to finish the path of this bill was spiced by melodramatic suspense and humor.

One day during the Senate hearings back in September 1969, Chairman George Bloom of the Pennsylvania Public Utility Commission told a tale to emphasize the need for better quality passenger service. He recalled how:

"Service was so bad the passengers at Altoona, Pennsylvania got off the train, sat down in front of the engine, did not get on, and said they were going to sit there until they got ice and airconditioning on the train."

At this point, Senator Howard Cannon of Nevada leaned forward to ask: "Are they still there?"

Laughter rocked the hearing room and that incident has often been retold. The popularity of this joke reflects the widespread public and Congressional disapproval of the miserable rail passenger service we now suffer. Fortunately, enactment of the passenger bill offers us a golden opportunity to overcome this public outrage and the industry's bad image by providing excellent service. Happy days are ahead—I hope!

PARABLE OF THE CROOKED RAILROAD

During these same Senate hearings, former president of the Penn Central, Stuart Saunders, was queried as to why the Penn Central passenger trains did not travel faster. After describing the peculiar curvature of the Penn Central tracks, Mr. Saunders summed it up by saying: "You see, ours is a very crooked railroad."

The belly laughs subsided considerably when the news broke on Sunday, June 28, 1970, that the Penn Central was going into bankruptcy and when Congress began examining the circumstances. Fortunately, all this happened one month after the Senate had passed the passenger bill because immediately shock waves struck Capitol Hill and thoroughly muddied the legislative waters. The bankruptcy triggered four reactions:

One. At long last Congress became convinced that the railroads were not just crying "wolf." Credibility was unbearability of the passenger train deficits.

Two. A hasty search was begun to find a scapegoat somewhere. All the old simple answers were dredged up again. We listened to Congressional charges of "bad management,—intentional downgrading of service,—conglomerate manipulations,—ungrateful robber barons—and subsidized competition."

Three. The Association of American Railroads hastily completed and publicized the "ASTRO Report" on the industry's overall plight. The principal thrust of that report was the urgent need to correct deficient public policies.

Four. After the initial shock, confusion and consternation passed away, the need for the rail passenger bill became obvious to almost everybody. Expectation of House action on the bill became widespread.

So, it all came to pass on October 14, 1970, but not before one final flourish of humor.

THE MYSTERY AMENDMENT

Minutes before the House was to adjourn, Majority Leader Carl Albert rushed onto the floor to excitedly report: "The Senate has amended the railroad bill and is sending it back!"

In utter consternation Members rushed to Speaker McCormack to hold up adjournment. Simultaneously, a crowd of Members circled around Republican Congressman Durward G. "Doc" Hall of Missouri to facilitate "unanimous consent" reconsideration of the rail bill when it came back burdened with some mysterious Senate amendments.

In the midst of this confused scene, Congressman Albert next announced that he had been misinformed. Actually, it was some crime bill that the Senate had amended.

At this point, Congressman Harley O. Staggers of West Virginia, who had carefully maneuvered the bill through quite a procedural obstacle course, was in no mood to speculate or act on hearsay. Mr. Staggers insisted that adjournments be held up until he had personally spoken with Senate Majority Leader Mike Mansfield.

Only after he was positively and personally assured from the very mouth of Senator Mansfield that indeed the Senate had passed the rail passenger bill with no amendments, and it was now cleared for the President, only then did Mr. Staggers advise the Speaker to adjourn.

So, the gavel fell at thirteen minutes past four. Congress was out, and rail passenger service was in.

To describe in capsule form this extended and precarious legislative journey is impossible. One analogy comes to mind which may help others appreciate how things like this happen on Capitol Hill.

THE GREAT LIBERTYVILLE PUSH

Several years ago my wife and I were spectators at an unusual sporting event back home in Libertyville, Illinois. The Libertyville Athletic Club secured a giant medicine ball, six feet in diameter. This giant heavy ball was placed on the fifty yard line of a football field. Two teams of twenty men lined up. When the whistle blew, everybody started pushing.

As bodies jostled and elbows flew in the air, the Libertyville volunteer firemen pumped a powerful stream of water on the ball, on the players and on the field. Soon, everything was muddy, and slippery. Everybody was lunging at the ball, knees were being scraped, tempers were rising, but nothing was happened to the ball. What a spectacle!

THE CRISIS AND THE IMPASSE

The scene precisely resembled the situation in Washington, D.C., during the winter of 1969 and 1970 as both the Nixon Administration and the Senate Commerce Committee struggled and searched for some good solution to the passenger train crisis.

First, almost everybody agreed that it was a crisis. When I was born in 1929, there were 20,000 passenger trains serving America. But, in just forty short years, as Congressman William Springer of Illinois emphasized on the House floor, thirty-nine of every forty trains had disappeared. Only 500 remained and they were vanishing fast.

Secondly, neither the Administration nor the Senate committee could decide on what to do. There was an impasse. Nothing was moving.

Meanwhile, back at Libertyville, slowly, here and there, some extraordinary pushing and shoving took place. As the water spray continued to bowl over players, the crowd detected a slight movement of the ball. Then, the ball began to slog along faster and faster toward the goal line, picking up momentum. Now, it seemed impossible to stop it.

That's the way it seemed on Capitol Hill in the Spring of 1970 when finally the Administration and the Senate Commerce Committee compromised, reached agreement on setting up a quasi-public corporation to run a basic network of passenger trains, and passed the bill through the Senate by the overwhelming margin of 78 to 3. It was really rolling!

THE GREAT FIZZLE

But, back in Libertyville, just as the medicine ball reached the goal line, somehow it punctured, all the air escaped, and the players fell in a muddy heap on the sloggy field over a limp piece of rubber.

Fortunately for our railroad bill, although some of us thought we heard the hissing of escaping air up to the very last minute, somehow the ball remained inflated and found its way to the President's desk for signature into law.

Even as President Nixon was putting his pen to the Act, there was a hissing rumor circulating around Washington that he might not sign the bill, and thereby give this lovely landmark legislation what is known as a "pocket veto." Under the Constitution, when Congress adjourns, the President must sign a bill within ten days or else it does not become law. Happily, the President put his ink to the paper and it was done!

Having been one of the muddy multitude pushing this bill along the slippery field, let me tell you about three heroes of the ball game.

HERO ONE: SENATOR WINSTON PROUTY

The first great hero of the fray was Senator Winston L. Prouty of Vermont. Senator Prouty's diligence and decisive action is best described by the words of his colleague, Senator Gordon Allott of Colorado, spoken on the day of adjournment.

"How did it come about? Quite frankly, it came about because the junior Senator from Vermont did not give up his fight on April 9 when the committee (Senate Commerce) decided to report an operating subsidy bill.

"My distinguished colleague from Vermont filed individual views and unveiled in detail his proposal for creating a semi-public corporation to take over all intercity rail passenger service.

"Within one month's time, Senator Prouty had accomplished the impossible. He had convinced rail management, rail labor, his own administration, the Interstate Commerce Commission, the National Association of Railroad Passengers, the leadership of the Senate Commerce Committee, the majority leadership and the minority leadership that his proposal was a superior method for solving the crisis in rail passenger service.

On May 6, 1970, the Senate by a vote of 78 to 3 approved Senator Prouty's proposal."

This extraordinary legislative achievement amazed most onlookers, including me, and clearly marked Senator Prouty as hero number one.

HERO TWO: SECRETARY JOHN A. VOLPE

Undoubtedly, the second great hero was Secretary of Transportation, John A. Volpe. Secretary Volpe labored day and night, as is his habit, to seek out the most sensible way of resolving the rail passenger crisis. This called for a lot of pushing and hammering.

Finally, after a protracted period of gestation running from the spring of 1969 into the spring of 1970, Secretary Volpe hammered out of the Department of Transportation and out of the Administration the concept of the rail passenger corporation.

THE LEAKY PROPOSAL

Unfortunately, in January 1970 before the White House could approve this complicated proposition, somehow the details found their way into the daily newspaper. How embarrassing and aggravating it was. Even though the "press leak" is part of Washington life, neither the White House nor Members of Congress like to learn about Administration proposals in their morning paper.

Despite the difficulties, Secretary Volpe continued to work for a solution. He kept his top policy advisers struggling to perfect the corporation idea, he discussed the dilemma with railroad people, he cooperated closely with Senator Prouty and he negotiated with Chairman Warren Magnuson, senior Republican Norris Cotton and Subcommittee Chairman Vance Hartke of the Senate Commerce Committee. Secretary Volpe secured Administration approval for the compromise bill that was ultimately produced. Constantly, he was pushing the ball.

When it came to expostulating the virtues of the passenger bill, Secretary Volpe must have spent more time on the telephone than anyone in Washington, including even the most talkative Cabinet wife or even my teenage daughter.

BIRTH OF THE BILL

Some may wonder when and where this great bill was actually born. I am reminded of a speech given by Senator Dirksen a few years ago when he referred to the "grand and glorious birth of the Republican Party at Jackson, Michigan."

I was flabbergasted. As a graduate of Ripon College, I knew that the Republican Party was born at Ripon, Wisconsin, where the first meeting was held in a little white school house on March 20, 1854. Later on in July of 1854, a convention was held at Jackson, Michigan. So, I put all this in a memorandum for Senator Dirksen and left it with his personal secretary, Mrs. Glee Gomien.

Soon the mailman brought me a short, personally dictated and devastatingly unanswerable reply. It read:

"Dear Don: Birth is one thing and conception another. It is true that the Republican Party was conceived at Ripon. However, it was born at Jackson!"

Likewise, you can say that the railroad passenger bill was conceived in the Department of Transportation. However, it was born in the Senate, and the Senatorial obstetricians who gave it form, birth and life were Senator Prouty, his colleagues on the Senate Commerce Committee and their diligent professional staff men, Dan O'Neal, Paul Molloy and Henry Rush.

HERO THREE: CHAIRMAN HARLEY STAGGERS

If the determination and persistence of Senator Prouty and Secretary Volpe were duplicated by anyone, theye were matched by the steadfast drive of the third great hero, Chairman Harley O. Staggers of the House Committee on Interstate and Foreign Commerce.

Congressman Staggers pushed this bill steadily despite his committee's exceptionally heavy agenda of other business. Some of that other business included holding emergency hearings and executive sessions and settling the threatened national railroad strike in March, and also investigating the complications surrounding the tragic Penn Central bankruptcy in July.

Steering any bill through both Houses of Congress on one day much less the last day before an election campaign is quite an art. Chairman Staggers accomplished this feat with the precision of a circus tightrope walker.

LAST DAY FOR A FAST RULE

There were three ticklish procedural situations. First, Mr. Staggers luckily secured a hearing before the House Rules Committee on Tuesday, October 13th, its very last day of sitting. Skillfully he participated in a closed door decision to leapfrog the passenger bill from second place on the Rules Committee agenda into first place ahead of a controversial manpower bill. This expeditious surge forward was absolutely essential for taking the bill to the House floor that

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very afternoon and completing general debate so that voting could take place first thing Wednesday morning at eleven.

Secondly, Chairman Staggers diplomatically and harmoniously secured approval by the Ways and Means Committee of a technical revenue amendment for the protection of taxpaying railroads who join the passenger corporation.

CHANGING THE LEGISLATIVE HORSE

Once this revenue amendment was added, two complications arose. First, the Constitution requires that all revenue legislation originate in the House of Representatives. Accordingly, Mr. Staggers had to abandon the Senate bill, S. 3706, and proceed with a House bill, H.R. 17846. This changing of legislative horses in midstream sometimes causes consternation and confusion to the unsophisticated.

Secondly, under the House Rules the bill now came under the jurisdiction of not one but two legislative committees. Mr. Staggers therefore had to request a complicated "rule" under the terms of which two hours of floor debate would be handled by his Commerce committee, and one hour of debate would be controlled by the Ways and Means Committee under one of their traditional "closed" or "gag" rules forbidding floor amendments.

All of this procedural maneuvering took time, muddied the waters, and called for delicate handling. Thanks to the legislative skill and persuasive powers of Congressman Staggers, all of these complications were overcome.

THE WIZARD OF CAPSULIZATION

No account of any bill's emergence from the House Commerce committee would be complete without a salute to the masterful explanatory efforts of the ranking Republican Member William L. Springer of Illinois. Congressman Springer put out complicated, corporation concept into simple "capsule" form. In persuasive testimony before the Rules Committee and debate on the House floor, Mr. Springer made the bill sound simple and good. He was a wizard of capsulization.

Another spark plug for saving the passenger train throughout this long struggle was Congressman Brock Adams of Washington who was articulate and clear before the Rules Committee. Also, both Congressman Al Ullman of Oregon and John Byrnes of Wisconsin, the ranking Republican on the Ways and Means Committee clarified and simplified the complicated revenue amendment before the Rules Committee, and greatly helped the bill shimmy forward unscarred.

WAITING FOR THE DOORS TO OPEN

Even after all these exertions, Chairman Staggers found it necessary to go to the Speaker's office and to the House floor to personally insure that the passenger bill was hand-engrossed and hastened to the Senate in time for action there. Just minutes of delay could have been fatal for the Senate was anxious to leave town.

Certain Senators were hoping that the controversial farm bill, a political hot potato, would not come up for a vote before the election. So, when the official messenger from the House arrived with the farm bill, these hostile forces in the Senate blocked the chamber door and refused to admit the House messenger. What an insult to the House! What a burlesque mockery of the bicameral system! But it happened, and while the Senate doors remained blocked, among the House documents being refused admittance was our beloved rail passenger bill.

On that last suspenseful afternoon, I probably walked back and forth from the House side to the Senate side at least twenty times. With me pounding the marble corridors and wearing out shoe leather were two attorneys for the Federal Railroad Administration, Chief Counsel Bob Kessler and Assistant Counsel Pat O'Driscoll. Together, we waited for the Senate doors to open. We watched from the Senate gallery when at 3:32 p.m., the doors opened to receive at long last the House messenger and the railroad bill.

Senator Hugh Scott of Pennsylvania took the floor to rejoice, too, saying: "Thoughts to deep for tears subdue the minority leader who has waited with unbated breath, I regret to say, for the arrival of our beloved messenger from the other body. . . . I am delighted to see the messenger from the House of Representatives. . . . I am pleased that he finally made this long and perilous trip from the House of Representatives, surmounting as he did one peril after another—perils consisting of individual Members of the majority, emissaries from the majority, mercenaries, janissaries, shock troops, and—If we could now have the farm bill, my cup would indeed overflow, happiness would pervade the Chamber, and the farmers could merrily return to the tillage of the soil, and take over from the Senate of the United States the distribution of the fertilizer of the Nation."

WAITING AND WONDERING

Years from now when I behold the beautiful Americaliner passenger trains streaking across the land, many memories will return no doubt, like this last hectic busy day on the Hill. However, if there was one experience shared by all the countless railroad men who covered this legislation on the Hill, it was the long periods of waiting—Waiting in the lobby outside the Senate and House committee rooms during closed-door executive sessions and wondering what was going on inside.

As the father of four daughters, the waiting room at the maternity ward is a familiar place to me, and it seemed so similar to the lobbies on Capitol Hill. Normally, you don't care if it's a boy or a girl just as long as something happens and all goes well. Now that the waiting is over, the landmark rail passenger bill has been born, and where do we go from here?

Your good secretary, Jim Nisbet, specifically asked me to offer some constructive criticism on how to improve the railroad industry's relationship with Congress and your image on Capitol Hill.

CONGRESS IS A MIRROR OF AMERICA

Normally, any industry's image on Capitol Hill is merely a reflection of its public image. Congress is a reflective institution. Congressmen mirror the attitudes, the opinions, and the misconceptions, too, of their constituents.

For most Americans the railroad system is like an iceberg with only one percent of its body being visible. That miniscule portion seen by the public is the dilapidated and disappearing passenger train and the disgustingly long freight train blocking the highway grade crossing.

On my office wall is an original cartoon by Draper of the Worcester (Massachusetts) Telegram that probably best portrays the public, and Congressional attitude toward railroads. The Cartoon shows President Nixon leading a sad dinosaur over a collapsing rickety wooden railroad trestle. The dinosaur is gobbling up dollar bills and the turbulent waters beneath the collapsing trestle are labeled "strike threat." President Nixon is saying to the dinosaur: "We'll have you into the twentieth century before you know it!"

To overcome this miserable image the Association of American Railroads is waging an advertising campaign with the slogan "Who needs the railroads?" Those who pay attention to the answer will come away appreciating that America does need the railroads.

WHO LIKES THE RAILROADS?

But a far more fetching question, related to your popularity and success on Capitol Hill, is this: "Who likes the railroads?" Needing someone, like the trashman or the television repairman, is not the same as liking someone, and really wanting to help someone.

You ask what can railroads do to be better liked? Let me suggest four possible opportunities for positive improvement.

MAKING AMERICA'S PASSENGER TRAINS BEST IN THE WORLD

First, enactment of the rail passenger act presents a golden opportunity. On the one hand it relieves the industry of the financial burden of running nonpatronized passenger trains. No longer will the freight shipper be indirectly subsidizing passenger service.

On the other hand, the railroads will be operating the passenger trains for the corporation on a contract basis. To a tremendous degree, the success or utter failure of this great new American venture will rest in your hands.

If these modern Americaliners are shunted off on a siding while lumbering freight trains grind by, there will be considerable public outrage and letters to Congressmen like you have never seen. There could be Congressional investigations and the industry's image would sink in a mire of wrath on Capitol Hill.

No doubt the industry will resolve that nothing of this dimension will be allowed to occur. No doubt our railroaders will engage in no footdragging or sourmouthing in connection with the negotiation and performance of the passenger service contracts. Surely high statesmanship and an unimpeachable spirit of cooperation will make our passenger trains the best in the world.

This will do more than anything to improve the railroad image on Capitol Hill.

MAKING AMERICA'S BOXCARS BEAUTIFUL AND VISIBLE

Secondly, many folks are perplexed as to why boxcars cannot be painted with luminous paint so they can be seen by the motorist at night. Many motorists like myself have been nearly frightened to death at rural grade crossings where dark and unlit freight trains pass almost imperceptibly at night.

In America there are millions of motorists and some 220,000 grade crossings. Experiences like mine are common and contribute to an unfavorable image. Some Members of Congress, House Minority Leader Gerald Ford included, have introduced bills to require some kind of reflective markings on boxcars.

As a lawyer, I certainly appreciate the legal reasoning related to common law negligence liability where reflectors become muddy or dirty. However, sometimes public relations considerations outweigh technical legal arguments. Faint heart never won fair lady, and nothing ventured is nothing gained.

Why not make boxcars that are visible, colorful and beautiful? Why not paint some with psychedelic colors? Why not make them ornamental or inspirational with amusing slogans like the old Burma Shave signs? This would improve your visibility and enhance your image.

THE TEMPEST OVER TOILETS

The lyrics to an old song say "Passengers will please refrain from flushing toilets on the train while standing in the station." The old refrain came to mind as I sat in the House gallery and heard my mother's Congressman, Henry Reuss of Wisconsin, raise this question:

"I would ask the distinguished Chairman whether this new equipment when installed on this excellent new system will have provision as all the trains of Europe and Canada today do, for adequately treating human or other wastes which are discharged from the trains?"

Chairman Staggers fielded this pointed question artfully by stating: I cannot even conceive of any mode of transportation system not taking care of this matter, especially when we are today trying to take care of our environment in every way."

Some railroad men have told me that this ecological business about toilets on trains is just a trivial tempest in a teapot. I don't believe it. Even though at this moment railroads are not legally required to modernize your toilet system, here is a third area where you could take voluntary action. The AAR advertisements could report what you have done, and the public would applaud. Your Congressional image would be improved.

THE UNIDENTIFIED TOILETS

Some humor crept into our hearings on the Hill on the subject of toilets. One Member of the House Appropriations committee inquired of former Federal Railroad Administrator, Reg Whitman, what innovations were being made on the Metroliner. Promptly, Mr. Whitman replied: Well, we are experimenting with unidentified toilets."

After the chuckling and giggling had subsided, Mr. Whitman clarified his statement. We were not hiding toilets in order to frustrate the passengers. We were simply adopting the airline practice of having just one toilet that could be used by both sexes. You might call them sexless or bisexual toilets "instead of the confusing adjective "unidentified."

JACKALS ON THE HILL

Recently, one public witness at a Senate hearing referred to the railroad industry representatives in the room as "jackals."

The subject under discussion was the barge mixing rule, the traditional rule under which certain water carriers operate without Federal rate regulations. When the barge bill was being considered in the House of Representatives, the railroads pushed through an amendment which would have put previously unregulated barge carriers under Federal regulation and red tape.

Such Congressional shenanigans are transpiring at the same time that railroad presidents are blaming their financial plight on over-regulation. Is it statesmanlike to preach that regulation is killing the railroad and is bad, but regulation is just what the waterway carriers need?

It seems to me that the railroad industry ought to be preaching free enterprise and fair competition for all, for railroads and for competitors as well. This would be consistent, principled, statesmanlike and would help you overcome the label of being legislative "jackals."

THE SECOND GOLDEN AGE OF RAILROADING IS AHEAD

In summary, let me repeat the old English proverb that history repeats itself. In American railroad history this is so.

Back in the 1850's and 1860's there was broad bipartisan public support for the development of a strong American railroad system. In Washington, D.C., both Republican President Abraham Lincoln and his Democratic rival Senator Stephen A. Douglas of Illinois supported Federal action to develop the railroads.

Federal land grants were given and the Golden Spike ceremony at Promontory Point, Utah, in 1869, symbolized the birth of a strong railroad system that linked East and West and united the nation.

Even today, the Governor of Illinois sits on the board of the Illinois Central roalroad to symbolize the abiding public interest in our railroads.

Soon, President Nixon will appoint the majority of the board of directors for the new rail passenger corporation. The Secretary of Transportation, John A. Volpe will also sit on that board. The presence of Presidential appointees and a Cabinet officer will reflect the great public interest in the success of the new passenger corporation.

Just as the bankruptcy of our country's largest railroad this summer marked the low point, I believe enactment of the passenger bill initiates the long and hard march back up to the summit. The second Golden Age of railroading is ahead.

Possiblly, we will be here when future travelers the world over will say:

"You ought to go to the United States and travel those beautiful, fast, comfortable Americaliner passenger trains. What a country!"

CONDITIONS OF THE SOVIET JEWRY

Mr. WILLIAMS of New Jersey. Mr. President, I invite attention to four outstanding articles written by Michael Chertoff and published in the Elizabeth, N.J., Daily Journal. Michael was one of the few very fortunate high school students who, through sponsorship of the United Synagogue Youth, was granted the opportunity to tour the Soviet Union this past summer.

Learning greatly from this unusual experience, Michael presented his thoughts and observations in this collection of articles.

Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Elizabeth (N.J.) Daily Journal, Sept. 8, 1970]

FEAR SHOWS, THEN LENINGRAD JEWS TALK

EDITOR'S NOTE.—(Michael Chertoff, the 16-year-old son of Rabbi Gershon B. Chertoff of Temple B'nai Israel of Elizabeth, is a senior at The Pingry School in Hillside and managing editor of the school newspaper, The Pingry Record. This summer he was one of 25 high school students to tour behind the Iron Curtain under the sponsorship of United Synagogue Youth. The following is the first of four articles relating his impressions of the conditions under which Jews live in the Soviet Union.)

(By Michael Chertoff)

Before the Revolution in 1917, the national symbol of Czarist Russia was the double-headed eagle which represented Russia's unique position as a both European and Asian power. Today, when the Soviets have designated the hammer and sickle as their banner, the double-headed eagle might still be said to represent a double level of life: for the bright, modern, efficient world of Russia that the Soviet guides display coexists with a deeper, less appealing world of squalor, unhappiness and persecution.

The Union of Soviet Socialist Republics wishes to present itself to the world as a socialist utopia. The average tourist is programmed carefully. He is hustled from one exposition to a palace to a museum. The Soviet tourist organization, Intourst, is outgoing and pleasant, as long as you confine your interest to those areas of Russia which they feel should be exposed. But for the tourist who wishes to make an unprogrammed visit there is scrutiny, from the harmless old woman on every floor (called a djournya) who carefully notes your going and coming, to the soldiers and civilians who sometimes seem overly interested in your affairs.

I saw both sides of Russia. From 9 a.m. until evening my group was shuttled around Leningrad, Riga, and Moscow, seeing the Hermitage collection, the Kremlin jewels, Red Square, the Summer Palace and the Neva. At night, some of us would leave the hotel to travel by tram or subway to the few remaining synagogues in the cities. Sometimes we were accompanied by unwanted guests, other times apprehension was our companion. Not so much for ourselves, but for the Jews whom we visited, lest our indescretions fall upon their shoulders.

The Jews. They were mostly old. The ones whom the government expects to die soon anyway. In Leningrad, on Thursday morning there weren't many. Only those who had nothing to lose. As we entered led by the shammos (custodian) who worked for the government, they turned and looked as if afraid. No smile crossed their lips.

Only mumbled Hebrew and Yiddish greetings in counterpoint to the steady hum of the praying. Those who began to talk were quieted by the shammos.

Suddenly we were overwhelmed by the situation. We were confronted by apprehensive old Jews, most of them were too afraid to talk to us. They did not know who we were; simply foreigners who were visiting their synagogue and who might, or might not, be trustworthy.

Then we spoke Hebrew. And slowly the shells opened up. Not completely, for there was still the shammos frantically scurrying around trying to segregate us from the congregants. But their eyes brightened, as they asked: "Are you from New York?", "Are there many Jews in America" or, from a few, "How is it in Israel?" Like a torrent, the questions poured forth, inquiries about salaries in America, religious freedom, and curiosity about Israel. Yet they were still close-mouthed about themselves.

At most, they would volunteer age, occupation, and general area of residence. When questioned about life for Jews in the U.S.S.R., most were noncommittal or cryptic. It was not difficult to see that the Jews of the synagogue in Leningrad were not going to compromise themselves in any way.

But there were those rare few who were prepared to stand up for their beliefs. In Leningrad, I met two young Jews who were, in their own way, rebelling against the Soviet restrictions. One was a student and the other an engineer. By attending synagogue and by speaking freely with Jewish visitors they were jeopardizing their futures. They came nonetheless. The student was also studying Hebrew privately, an activity frowned upon by the Russian government.

These two Jews were proud of themselves and of their nationality. (In the U.S.S.R. Jews are considered a nationality) and they seemed to me to be among the freest men anywhere in the Soviet Union. Although their faces recede in my mind's eye, the memory of determination will remain with me as a torch of optimism to illuminate the ever increasing darkness which descends over the Jewish community in Leningrad.

[From the Elizabeth (N.J.) Daily Journal, Sept. 9, 1970]

PLEASANT SURPRISE IN LATVIA CAPITAL

(By Michael Chertoff)

We left Leningrad with a sense of pessimism. Our brief stay there had acquainted us with the repression that the Jews in Leningrad experienced. We had been trailed by soldiers and members of our group had received bizarre phone calls at all hours of the night.

Indeed, Leningrad had fully lived up to our notion of what a Soviet ctiy should be: Wherever one looked there were posters of Lenin, proclaiming the anniversary of his birth in 1870. In addition, we found Leningrad to have a surfeit of military and naval personnel, as benfitted a large Soviet naval city.

Riga, the capital of Latvia, was our next stop, and we found a completely different atmosphere. Despite the fact that Latvia has been integrated into the Union of Soviet Socialist Republics for over 20 years, it is not a Russian city, and as such is given far

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greater latitude than Leningrad or Moscow by the authorities. For this reason, Riga is one of the centers of youth rebellion against Soviet restrictions. In this pleasant old town, a popular resort, one does not find the sense of apprehension, even among the Jews, that can be sensed elsewhere.

This is not to say that Latvia does not have its quota of Communist activity. While we were in Riga, our itinerary included a visit to a Young Pioneer camp on the Latvian seashore. The Young Pioneer organization is a Communist youth group for children up to the age of 14 or 15. Every summer these Pioneers are taken to the shore to participate in a Communist-oriented program of sports and camping.

While no real theoretical indoctrination takes place, the camp is run in a military atmosphere that, with such a young age group, is both ludicrous and horrifying. We were escorted through tanks of red scarved six, eight, and twelve-year-olds standing at attention, many fidgeting, as children do.

Each morning these youngsters come out for parade. Their group leaders make their reports to the adult supervisor, and then, to a brisk military tattoo, all turn eyes right to salute the Soviet flag. The salute consists of a right arm stiffly raised in a manner uncomfortably reminiscent of the Hitlerjugend salute of Germany during the war. It is dismaying to see youngsters with such boundless energy already being acquainted with party discipline.

Normal camp activities are pursued every day: Volleyball, swimming, soccer, and running. Arts and crafts are also included, but the themes are generally Communist.

For our visit, a special dramatic program had been prepared, complete with singing and poetry recitation, in English and Russian. Naturally, the subject matter included lauditory poems about Vladimir Lenin, workers' songs, and one hymn which included the phrase "We are prepared to fight all foes of the workers' cause." From the mouths of babes.

Yet even the regimentation of the program was insufficient to restrain the boundless energy, enthusiasm, curiosity and friendliness of the campers. After their initial shyness was overcome, we were besieged by questions and invited to play soccer and volley ball. Then, at the end of the day we were given a rousing send-off.

Shaking hands with a fifteen year old Pioneer, playing soccer with a group of Russians, all of whom were being inculcated with a philosophy that was the antithesis of my own, were unique experiences.

And then there was the other side of the coin. Rebellion. Those Latvians who refuse to be intimidated by the Government's political policies. One night, while eating dinner at our hotel, the band struck up "Jerusalem of Gold", an Israeli song which rejoices in the reunification of Jerusalem and which crested a wave of popularity after the six-day war.

To have a band dare play this song in the midst of a country which villifies the State of Israel as an aggressor is an act of consummate defiance. Yet the band went on to play the theme from Exodus and the Song "Hava Negilah". There we sat, at a table replete with champagne, together with our Intourist guides, in the midst of a dinning room full of guests, listening to Israeli songs as if in a cafe along Dizengoff Street in Tel Aviv.

What could one say? We were witnessing a singular act of bravery, and suddenly it dawned on us that Latvia was not a wholehearted member of the Soviet Union, and that Rigans were sometimes more than ready to exhibit their independence from an essentially Russian government.

For the only time during my stay in Russia, I felt optimism for the Jewish community, and the community at large.

[From the Elizabeth (N.J.) Daily Journal, Sept. 10, 1970]

PERVADING FEAR IN MOSCOW MAKES FREEDOM SWEET

(By Michael Chertoff)

Moscow.—The very mention of the name brings to mind a plethora of images: the Kremlin, Lenin Mausoleum and Saint Basil's Cathedral. Moscow has come to represent the Soviet Union in our eyes, with overtones of vague and sinister intrigue. Here is the seat of the Soviet government, an apparatus which rules over the largest single politically united landmass in the world, and over millions of Russians, Ukrainians, Mongolians, Georgians, Jews, and members of the other nationality groups of the U.S.S.R. Within the surrounding walls of the Kremlin meet the men who determine the fate of millions of citizens of the Eastern bloc.

Moscow is a drab city, with none of the color of Washington or London. Russian buildings tend to be massive, colorless, structures which bear down sternly over the streets. There is a peculiar smell about Moscow, a dank, musty smell, the odor to kvas (a slightly alcoholic concoction which tastes of black bread) and of the open market. The thoroughfares are wide, but the side streets are crowded with shoppers and pedestrians.

One sees banners out now, proclaiming the glories of Lenin and of the newest Five Year Plan, which sets production goals every five years. Yet the ordinary Muscovite seems unaware of the slogans as he hurries to the subway, stopping only for the inexpensive but delicious ice cream that Russians purchase from street vendors.

In the midst of Moscow, sits the Kremlin, which is a fortress with a two kilometer perimeter. Within the wall of the Kremlin are the Lenin Mausoleum, where one may see an extremely waxen-faced embalmed Lenin, the Kremlin museum, the Palace of the Supreme Soviet (which houses the rubber stamp Russian parliament), and Red Square. The Kremlin is majestic, with its towers and battlements, its jewels and the imposing black sedans which occasionally speed into the government buildings.

In one corner lies St. Basil's Cathedral, a characteristically Russian structure topped with colorful minarets. Just outside the Kremlin is the Gum Department store, the largest of its type in the world. The GUM has an impressive exterior, but the store itself is simply made up of scores of individual kiosks selling different wares. The jostling crowds and the pungent smells are reminiscent of an oriental bazar, and it is difficult to remember that just outside lie Red Square and the cold facade of Moscow.

There are three synagogues in Moscow, the largest one situated near Dzerzhinsky Square, only one subway stop from the Kremlin, and only a few blocks from No. 2 Dzerzhinskaya, the headquarters of the notorious KGB.

On our Saturday morning in Moscow we attended services there. As we entered, we were greeted by a functionary of the synagogue (probably an informer to the authorities) who herded us into a dock reserved for guests. There I sat under his watchful eye, until the opportunity for me to "disappear" presented itself. I joined a middle aged man in one corner and proceeded to talk to him.

His name was S———, and he was an engineer in Moscow. Although he was fluent only in Russian and Yiddish, I managed to communicate with him in German. S——— was a fairly religious man, but he told me that, contrary to official Soviet assurances, it was impossible for him to receive kosher meat. He confided that Russian salaries were extremely low, even, for engineers, sometimes only a few hundred rubles a month for a college graduate.

S——— expressed amazement at the size of American salaries and at the type of clothing that is available in the U.S. As to Soviet anti-semitism, he shrugged meaningfully. That was a question that did not need to be asked: its answer was etched in the face of every Jew in the congregation.

The service was drawn out, purposely, for only in these few hours could the congregants be Jews. Even within the synagogue there was fear, and when, at one point, two curious Soviet soldiers entered the sanctuary, I could hear my own heart skip a beat.

As noon drew upon us, the old Jews silently arose and wrapped their religious articles in copies of Pravda ("That is the only thing it is good for, one said to me.) As we slowly filed out, stopping only briefly outside to talk, we saw these men, now looking as Russian as any Muscovite, hurrying along down the street, daring to tarry no longer.

It makes one appreciate freedom for what it is.

[From the Elizabeth (N.J.) Daily Journal, Sept. 11, 1970]

RUSSIANS FRIENDLY TO MOSCOW VISITORS

(By Michael Chertoff)

It has been quite a few weeks since Leningrad, Riga, and Moscow, and I have now had time to collect my impressions and form my conclusions. Although I have had to correct more than a few misconceptions about Soviet life and the Soviet people, I find that my brief visit to the USSR has confirmed, if anything, most of what I have read or heard about Russia in the past few years.

Many aspects of Russian life are pleasant, even more so than in America; other, more fundamental ones, are less agreeable. It was, perhaps, the encounters with the less agreeable experiences, that made me appreciate little things, like a Visit to the U.S. Embassy in Moscow, or even a book with English letters in the American library. When one is alone, little bits of home are very meaningful.

Throughout my visit, I found the Russian people to be among the friendliest on earth. In view of the animosity which some Americans hold for the Soviets, it was amazing to see the warmth with which we were treated. A Muscovite is more than willing to help you with directions, while the gift of a piece of fruit to a maid, may insure you her benevolence throughout your stay.

This is especially important, because Russian maids feel no inhibitions about searching through one's luggage. Even the secret policeman who followed us in Leningrad appeared quite easygoing when a few of us went over to strike up a conversation. Throughout our travels we were always approached by curious Russians and we never found any hostility.

This was not always the case when we dealt with government organizations. While Intourist is extremely cooperative, and the guides do everything to make your stay comfortable, it is not uncommon to have luggage tampered with, items confiscated, or to receive bothersome and sometimes frightening telephone calls. One learns not to speak freely except when in the middle of the street.

The atmosphere in Russia can be oppressive, especially when one is constantly meeting Jews, and the authorities never let you forget, either by harassment or by unnecessary bureaucratication, who is in control.

Because 1970 is the 100th anniversary of Lenin's birth, it was not difficult to come away with the impression that Lenin is the god to the Communist "religion." Vladimir Illyich Lenin is sanctified throughout the USSR. In every city he has monuments and posters, while pins bearing his image circulate freely. The lines to the Lenin Mausoleum are literally miles long, and it is interesting to note that the guards demand a certain amount of propriety in dress, in much the same manner as some churches or synagogues.

It is difficult to comprehend the extent of the process of deification; there are even portraits of Lenin as an infant, as if to establish a divine birth. There is no wonder that religion is frowned upon by the Kremlin, for the Soviet theorists are creating a new form of worship, and they demand that it receive complete dedication.

During the course of the visit, we met and talked to many Jews, most old, and a few young. Life is difficult for Soviet Jews, and we received word that recent Soviet charges about 15 Jews who attempted to hijack a plane in Leningrad, were little more than an excuse for the anti-semitic party leader of Leningrad to instigate a search of many Jewish homes in the area.

Other Jews informed us that many who had expressed an open desire to go to Israel were suffering because of it. Nevertheless, the overwhelming consensus was that the fight against Soviet treatment of the Jews should continue, and that protests in world capitals helped alleviate the situation.

The last impression I received of Russia was in Bucharest, Rumania. We were talking with two Rumanian students, when one paused and said: "Do you know why we are talking to you? Because we hope that when you are leaders of your country you will come back and defeat the Russians."

This is the message I bring back. I do not presume to pass judgment on his words, but when a Rumanian expresses his disappointment with the U.S. handling of the 1968 Czechoslovakia crisis and he asks for help in liberating his country, I find that I must ask whether we are playing the role of Neville Chamberlain at a new Munich.

FAMILY PLANNING AND THE POOR

Mr. TYDINGS. Mr. President, when the House passed H.R. 19318, my bill to greatly expand the delivery of family planning services to all who desire them regardless of their ability to pay, it recognized the fundamental human right of women to plan their families. This right is currently denied to millions of women, particularly in the low-income bracket. Warren Hern has written a most instructive article in the November 14 edition of the New Republic entitled "Family Planning and the Poor." I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT DOESN'T COME CHEAP: FAMILY PLANNING AND THE POOR

(By Warren M. Hern)*

In the September 19th *New Republic*, TRB quoted some figures from Joseph Kershaw's new book, *Government Against Poverty*, which were misleading and which touch on one of the most controversial issues in social science and government. The figures quoted were estimates of the total current need for and projected costs of providing family planning services for the poor. Mr. Kershaw states that it would cost about $20 per woman per year for family planning advice and devices, or about $100 million dollars per year for five million women in the childbearing age range. The cost figures are based on earlier projections which now appear to be seriously underestimated.

In addition, TRB quotes Mr. Kershaw as saying that about 450,000 children born each year are unwanted at the time of conception. The portion quoted by TRB does not make it clear whether this figure is for the poor or for the nation, although a subsequent passage not cited indicates that the number refers only to the poor.

The number of unwanted births and the number of women needing subsidized family planning services has been a matter of hot debate in the scientific community for years. In 1969, demographer Charles Westoff estimated that there were from 800,000 to over one million unwanted births in the United States, half of which were experienced by the poor and near-poor. This is consistent with earlier estimates by Arthur Campbell, which are summarized in articles published in the *Journal of Marriage and the Family* (May 1968) and *Family Planning Perspectives* (October 1969).

The September 18, 1970 issue of *Science* carried an article by Larry Bumpass and Charles Westoff which presents evidence that the previously accepted estimates of the proportion of unwanted births derived from the 1965 National Fertility Survey are too low. The authors have selected a subsample from the NFS, which covered a probability sample of 5600 married women, and analyzed the results by income, education, and poverty classification. They conclude that there is an inverse relationship between these factors and the percentage of unwanted births; the poor and near-poor experience unwanted fertility twice as much as other groups with more education and income. Their analysis was based on a sample of married women living with their husbands, and therefore births to women not living with their husbands and most illegitimate births are not represented. Also, the incidence and birth-order distribution of unwanted births were assumed to be the same for such births as for births reported by wives now living with their husbands. This would result in further underestimation.

The results of the Bumpass and Westoff analysis strongly suggest that the number of births not wanted by one or both parents is considerably higher than previous estimates, particularly among the poor, although it is difficult to say with certainty how much this is.

The effects of unwantedness on the children, however, regardless of socioeconomic class, are becoming more and more clear. This tragic picture is described vividly in *The Battered Child* (University of Chicago Press, 1969), and by Mildred Beck in the August 1970 issue of *Seminars in Psychiatry*.

In addition to the large number of unwanted births which occur, one-fourth to one-fifth of all pregnant American women each year seek an abortion rather than continue with an unwanted pregnancy. An estimated one million abortions are performed each year in the US, and until 1969, only about 10,000 were performed legally. Many of the rest were probably performed by competent physicians, but an unknown though certainly large number were performed under the worst possible hygienic conditions by persons who were either unskilled or unscrupulous or both. Most of the abortions falling into this category were experienced by the poor because they lacked the necessary $500–$1000 for a safe, "legal" abortion obtained with relative ease by the more affluent.

Anyone who has worked in the emergency room of a city hospital can also tell you of the women who have mutilated themselves with knitting needles and coathangers out of desperation. These women, usually mothers of several children, enter the hospital in a critically ill condition with fever, massive infection, hemorrhage, and multiple complications. If they survive, their hospital stays are often long, expensive, and disruptive of their family lives. However, according to estimates, from 800 to 5000 of these women die each year.

Those who speak of "genocide" should attend the autopsies of those who die. Their deaths are thought to account for over half of all maternal mortality (deaths directly related to pregnancy and childbirth) in the United States. A disproportionate number of the women who die are Puerto Rican, black, Mexican-American, or members of some disadvantaged group.

Women who die from unsafe clandestine abortions would not have died if they had had access to safe, competently performed abortions, or better yet, if they had been able to prevent the unwanted pregnancy. Yet millions of American women are still without adequate or reliable means of contraception. The exact number is impossible to ascertain with existing data, but since 1966, the most reliable estimates have ranged from 4.6 to 5.3 million women in need of subsidized family planning services.

Basically, two methods have been used to make these estimates, and they are quite similar in substance. Campbell's estimate of 4.6 million women "in need" was prepared in 1967 as part of a planning document for the Department of Health, Education, and Welfare. The other well-known method is Dryfoos-Polgar-Varky (DPV) formula developed at the Planned Parenthood/World Population's Center for Family Planning Program Development in New York.

Both methods are based on the Social Security Administration definition of poverty as being an annual income of $3000–3200 or less for a nonfarm family of four, recognizing a) rural-urban differences, b) rising income levels and inflation from the time of the 1960 census results to the time of the surveys in 1967–68, and c) the inclusion of elderly retired persons who were below the poverty line but obviously no longer in the reproductive ages.

Using other survey information, the estimated numbers of women who are sterile, pregnant, or seeking a desired pregnancy are subtracted from the number of women in the childbearing age range who are below the "poverty line." Both methods assume a desired family size of three children, another figure established through repeated previous surveys.

In 1968, OEO sponsored a county-by-county study by the Center for Family Planning Program Development to determine the number of poor women being provided with subsidized family planning services. The Center found that 5.3 million women were "in need," according to the definitions used, and of these, some 773,000 were being provided with services. The providers of services range from local health departments, Planned Parenthood clinics, OEO Community Action Agencies, city hospitals, Children's Bureau services, university medical centers, to OEO Neighborhood Health Centers.

The OEO 1968 study is not entirely accurate in some ways, but the principal purpose is to provide a rough estimate of the level of services needed. The study contains the following possible sources of inaccuracy:

About 10 percent of the women receiving services under OEO auspices are being seen by private physicians, especially in rural areas, and this mode of service delivery is not included in the study;

Not all the women categorized as being "in need" will actually use the services if they are provided because of religious beliefs and other cultural traditions;

Many couples are already using nonmedical types of contraception such as condoms and foam, although they may be doing so with low effectiveness: education programs might help them use their preferred methods more effectively;

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* Warren M. Hern is a physician and epidemiologist who recently joined the national headquarters staff of the OEO family planning program. The views expressed here are his own.

The study is based on revised 1960 census data figures, whereas there has been an overall increase in population since then;

There is a large group of women who are classified as being above the "poverty line" who do not or cannot afford to use preventive services such as family planning due to the expense, and are therefore in need of subsidized medical care: inclusion of this group would perhaps double the number "in need";

The study excludes teenagers below the age of 18, even though many in this group are sexually active to some degree;

There is an exclusion of some areas such as Puerto Rico where there are large numbers of fertile, low-income women who want and need family planning services;

There is no allowance for subfecundity, or reduced reproductive capacity, even though subfecund women are at some risk and still need effective contraception; and

Some women counted in the study as currently being provided with services have been attending more than one clinic and therefore were counted twice or more.

The issues, however, are not how many unwanted children there are or how many women there are who need subsidized services. The issues are: what kind of care will each one of those women get and how much will it cost? Unfortunately, the $20 mentioned by Mr. Kershaw will not buy much in the way of "advice and devices." The contraceptive materials themselves are quite inexpensive, but making these available in the context of high quality medical care and appropriate social services is a rather more costly enterprise. There is considerably more involved in the provision of family planning services than passiing out pills or inserting intrauterine devices.

This is particularly true in the case of oral contraceptives. Women requesting this form of contraception must be carefully screened for any medical history or physical findings which would make "the pill" undesirable or dangerous for them. Those who are provided with oral contraceptives or an intrauterine device (IUD) must be carefully followed for evidence of untoward reactions, and the patient must be instructed to watch for the symptoms of these reactions.

Cost consciousness is considered important in the development of OEO family planning programs, but the first consideration has been and must continue to be a high standard of quality in both the clinical and social services which are provided. Emphasis is given to personal attention and individualized care for each patient.

Every patient, for example, receives a careful pelvic examination and Papanicolau test for the detection of cancer of the cervix. It is also expected that she receive a thorough breast exam for masses or tumors as well as a general physical exam. Depending on the patient and the type of contraception she has chosen, she is seen at regularly scheduled intervals for repeat examination and follow-up care as needed. Clinic aides and outreach workers make home visits to patients who repeatedly miss appointments, often finding that a little assistance in baby-sitting or travel reimbursement makes the difference.

No subject is more sensitive among health needs than that of reproduction and contraception, and there is no substitute for one-to-one personal contact. This means that outreach and education, while important components of good community health care in general, are particularly important in family planning programs. Outreach and community education workers are recruited from the poor themselves. They are people who know the community, speak its language, and move with confidence and rapport among its members. The outreach workers are the most important link in letting people know what services are available and how they can be used.

Ignorance of basic reproductive and contraceptive facts knows no class or ethnic boundary, and the poor are penalized even more than others by their lack of information about these matters. Education at the individual and group level takes on great significance, particularly when a woman chooses a coitus-dependent method of contraception such as rhythm or the diaphragm. She should understand at least some elementary ideas about reproductive physiology if she is to use these methods with any success.

High quality family planning services also require the availability of infertility counseling and referral for couples who are unable to have children, referral for comprehensive health care, day-care and babysitting services, and many other activities which may be broadly defined as social services.

In addition to these basic expenses for patient care, there are other essential costs, which include staff training, especially for the poor themselves, who may then work their way up from paraprofessional jobs such as clinic aides to supervisors and clinic directors.

With all these components, OEO family planning program costs are thought to be currently running from $40 to $100 per active patient per year, with most projects in the $60–80 range. A comprehensive program management survey in progress at this time indicates that many new programs may be well over $100 per patient per year initially, but these figures are tentative.

The variation is the result of important differences in the range of services provided, the local salary scales for clinic personnel, location, administrative arrangements, and the extent of outreach and educational programs. Rural programs, for example, entail far more in transportation expenses and time spent per patient contact and visit than similar urban programs. Women who are in an urban hospital recuperating from childbirth may be contacted and offered contraceptive care during the immediate post-partum period at a much lower cost than women living in the remote districts of Appalachia.

In OEO's National Five Year Plan for Family Planning, for example, the per patient cost per year for a hospital post-partum program is estimated at a little over $40. Private physician programs, which will be very important in providing services in rural areas with few clinics or public health facilities, are pegged at $80 per patient per year. Clinics operated by county health departments, OEO Community Action Agencies, and Planned Parenthood services fall somewhere in between at about $60. A conservative median estimate of $60 per patient per year, however, does not allow for regional and central administrative costs for such federally-sponsored programs as OEO and HEW, nor does it include the costs of research and evaluation.

The Five Year Plan, which is an attempt to sort out and project the various costs of clinical services, supplies, manpower training, administration, and other items such as research and evaluation, estimates that $1.3 billion will be needed over that period to develop programs for providing those five million women with family planning services. This assumes a combination of government and private efforts.

The final costs, when all is accounted for, will probably be somewhere in the neighborhood of $100 per patient per year, not $20, as Mr. Kershaw tells us. The difference between $20 and $100, in this case, is the difference between dispensing "advice and devices" to five million women and providing high quality family services for each woman who wants and needs them.

FIFTY-EIGHT UNIVERSITY OF UTAH MEDICAL STUDENTS DESERVE HIGH TRIBUTE AND CONGRATULATIONS

Mr. BENNETT. Mr. President, last summer 17 medical students at the University of Utah wrote a letter stating that if called to serve as physicians in the U.S. military they would refuse. While they are within their rights to make such a statement, I question both the wisdom of such a position and the foresight which causes them to state it. As is generally the case in America, these 17 received a great deal of publicity because they did something that was considered different and sensational.

I was most pleased, therefore, when I received in the mail a few days ago a letter signed by 58 medical students at the University of Utah expressing their support for the U.S. Constitution and the American Government. I ask unanimous consent that the letter and the signatures be placed in the Record following my comments. To these fine young Americans who have dedicated their lives to one of the great professions known to man I offer my sincere respect and best wishes. I hope the time will never come when they will have to serve in war. I hope the time will soon be behind us when Americans boys will have to die in defense of freedom. However, Mr. President, while hope springs eternal the ugly face of war has never been purged from the earth and we enjoy relative peace and freedom in the Nation because good men have been willing to defend it. I was touched by these sentences in the letter:

> If called, we shall serve, we shall fight, and we shall use the medical knowledge we possess to support our country and its fighting men. In conclusion, we reaffirm our love of this great country and our personal pride in being privileged to call ourselves American physicians.

I salute these fine Americans and I am proud to say they came from Utah.

I ask unanimous consent that the letter and attachments be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Salt Lake City, Utah.

President Richard M. Nixon,
The White House,
Washington, D.C.

Dear President Nixon: As future members of the medical profession, we feel that the time has come for us to stand and be counted with other loyal Americans. Although we respect their right to freedom of opinion, we are saddened by the recent stand taken by 17 of our classmates and their refusal to serve in the Armed Forces of the United States as physicians. (Copy of news clipping is enclosed.)

We, as potential physicians, disagree with war as a means of solving the differences of people, and although some of us do not personally support the present policy in Southeast Asia, we do wish to declare publicly that we support the Constitution and Government of the United States. If called, we shall serve, we shall fight, and we shall use the medical knowledge we possess to support our country and its fighting men.

In conclusion, we reaffirm our love of this great country and our personal pride in being privileged to call ourselves American physicians.

Sincerely,

J. ROBERT RHODES,
ARTHUR D. DUFF.

SIGNATORIES TO LETTER

Black, Frederick J., Duff, Arthur Denning, Duke, Dean W., Farnsworth, Kent W., Jones, Spencer B., Nielsen, Robert Orvill, Rhodes, Jerry R., Rigby, David B., Robinson, Byron N., Turpin, Ivan Marlow, Young, Gerald L., Allen, D. Edward, Allred, Gerald L., Christensen, Daniel D., Feldman, Mark L., Hawkes, John R., Herold, W. Leroy (Roy), Johnson, Kenneth, Kammeyer, Steven E., and Lambert, Richard G.

Limburg, David G., Maughan, Willard Z., Mumford, James G. Skidmore, Thomas C., Taylor, Bruce T., Crandall, Alan S., Jackson, Terrance L., Matheson, Robert T., Miller, James R., Ackroyd, Alan W., Bateman, Kim A., Beck, Stephen A., Booth, Jeffrey, Bradley, R. Ralph, Brown, Bryant J., Burt, Randall W., Corry, Robert D., Dixon, Durrell R., Gibb, Randall B., and Hatch, Richard.

Hawkes, Thomas, Horsley, William W., Hughes, Dennis C., Isakson, Larry H., Johns, Michael C., Johnson, George B., Jones, Robert D., Kolff, Therus, Larkin, Dixon F., Madsen, Daniel B., Miner, Joseph, Parker, Edward W., Jr., Petty, Scott S., Pollary, Rodney, Rawlings, David J., Rowley, Steven, Wayment, Keith M., and Wilkinson, Craig W.

UNIVERSITY STUDENTS WRITE NIXON REFUSING DUTY IN ASIA

Seventeen students from the University of Utah College of Medicine have sent a letter to President Nixon protesting the United State's involvement in Southeast Asia and refusing to serve as physicians in the armed forces there.

The letter, in part, read: "As students of the healing arts, we recognize our basic commitment in the maintenance of the well-being of our fellow men. In further affirming our commitment to the ideals of our profession, we feel compelled to express our despair at the incredible human suffering in Southeast Asia. With these considerations of our basic responsibilities, we cannot in conscience aid or abet the military effort of this nation in Indochina.

"Therefore," the letter continued, "in order to effect an end to this senseless suffering, we feel that we have no recourse but to refuse to serve as physicians in the United States armed forces in Southeast Asia."

The letter was signed by Jeff Porter, Mark Rindflesh, Richard Ripple, Ronald Ross, Gary Hanser, L. S. Chapman, Dave Sowada, Steven S. Harris, Allen S. Crandall, Robert Barnes, Steve Olsen, S. Hobson, Barr Taylor, Curt Canning, Dean W. Morgan, Stephen W. Hales and Paul E. Russell.

Carbon copies of the letter, dated May 19, were sent to Utah Senators Wallace F. Bennett and Frank E. Moss, Utah representatives Laurence J. Burton and Sherman P. Lloyd, Gov. Calvin L. Rampton, University President James F. Fletcher and local news media.

THE 1970 PLATFORM OF THE YOUNG DEMOCRATIC CLUBS OF MARYLAND

Mr. TYDINGS. Mr. President, at their 1970 convention in Ocean City, Md., the Young Democrats of Maryland formulated their platform. They dealt most extensively with a great variety of issues, including foreign policy, drugs, consumer protection, health, ecology, education, law students, housing, transportation, election reform, campus unrest, party reform, and public safety. I commend the members of the platform committee for their excellent job and I ask unanimous consent that the 1970 platform of the Young Democratic Clubs of Maryland be printed in the RECORD.

There being no objection, the platform was ordered to be printed in the RECORD, as follows:

THE 1970 PLATFORM OF THE YOUNG DEMOCRATIC CLUBS OF MARYLAND

Especially in this election year, the young Democrats of Maryland realize the critical need for our country through its elected public officials to change the priorities established by the Republican administration in Washington. National defense is important but the highest budget priority of Congress must be towards solving the critical domestic needs of our citizens which threatens the fiber of our country. It is wrong for the President and the Congress to concentrate large sums of tax money on Pentagon oriented programs when the Federal Government has not properly funded urgent domestic programs. Although we do not completely agree with each and every program established by Governor Mandel, we realize the great progress the Democratic leadership of Maryland has made towards bringing our society closer to solving the problems of proper medical attention, food, housing, education, jobs and social acceptance for all the citizens of Maryland. In this spirit, we the Young Democratic Clubs of Maryland in our 1970 convention assembled state the following as our platform:

FOREIGN POLICY

The Nixon administration's fumbling foreign policy has caused the Congress to reassume a major role in international affairs. We feel this move is long overdue, and we congratulate both Senators Tydings and Mathias for their roles in it.

The Young Democrats express deeply regret that the Congress did not act favorably on the original Church-Cooper Amendment. We reiterate our strong support of the Hatfield-McGovern amendment and find it incredible that the President will set a deadline for withdrawal from Cambodia, yet say it is impractical to do so for the rest of Southeast Asia. We again call for immediate withdrawal of all U.S. Forces from that part of the world, and join to it a call for immediate withdrawal of the Republicans from the White House.

U.S. policy in the Middle East must be oriented toward the peoples and philosophy of that area rather than our country's interests in Arab oil. The United States must pursue a course of international cooperation to press the Arab countries to sit and negotiate directly with Israel. This must be done at the ambassadorial level, with Arab recognition of Israel as an independent state as the first step.

The balance of power in the Mid-East has been shifted because of Soviet intervention in support of the Arab governments. The United States should immediately sell to Israel necessary planes and defense equipment for Israel to defend itself.

The United States should insist on the removal of the anti ballistic missile installations installed by Russia in Egypt in violation of the mutual cease fire.

The Young Democrats recognize the difference between the acts of legitimate governments and the terrorism of Arab guerrilas. To promote a peaceful settlement of Middle Eastern affairs, we feel the State Department should assist these legitimate governments, if requested, to combat insurrection; however, any such assistance should not be in the form of American soldiers.

We agree with the administration's move to supply guards for flights which may be hi-jacked. We feel, however, that no statement like that made by Mr. McCloskey as to preferential treatment of some prisoners over others should ever be considered by the State Department again.

We are concerned that American foreign aid dollars are not reaching the people of the countries to be assisted. U.S. dollars were not meant to line the pockets of corrupt foreign officials and to feed administrative bureaucracies. If funds are designated for food and health programs, then by actually sending the food and medical supplies instead of dollars, we have a better chance of reaching the people.

Congress must take steps to insure that the Pentagon's role in making foreign policy is a limited one. We insist there must be no more surprises of overspending or troop extensions revealed to the President or the Congress. The Pentagon power can be curbed only if Congress acts, and we urge Maryland's Congressional delegation to re-examine these roles.

We reaffirm our adamant stand against the A.B.M. as a blatant waste of monetary resources at a time when the Nixon administration makes phony excuses for cutting funds for education, health, and welfare. The supersonic transport planes amplifies misguided priorities.

DRUGS

As young people, we more than anyone else feel the impact of the drug crisis. We agree with and congratulate Governor Mandel for his realistic approach to the problems of addiction and drug peddling. We are proud of Maryland's general assembly for the Model Drug Act which it added to last year's Drug Abuse Authority. Yet we feel still more realism is needed.

We urge the governor and members of the legislature to supply the necessary funds to properly fund drug abuse clinics throughout our state.

We urge the state board of education to institute extensive education programs in our public schools on the danger of drug abuse.

We urge the state to take an active role in promoting supervised methadone programs for the hard core drug addicts.

CONSUMER PROTECTION

Though we commend the consumer protection division of the attorney general's office for its efforts in this area we feel that it is necessary to follow the precedent of the U.S. Congress and we do therefore, advocate the establishment of an independent state agency on consumer and management affairs. We recommend that this agency be empowered with normal administrative agency function including the power to hold hearings, issue injunctions, and pass orders allowing relief to those who suffer physical or monetary injury.

Jurisdiction of the agency should include fraudulent advertising and warranties as well as product safety and product safety standards.

We consider the Nixon administration's designation of one White House staff member to protect the American consumer another example of misguided priorities.

HEALTH

We urge the federal government to enact a comprehensive health insurance program similar to the Kennedy proposal but without the establishment of another expensive bureaucracy.

The Young Democrats believe that abortion should be exclusively a medical matter between physician and patient because the poor cannot avail themselves under our present system of abortions, we urge the establishment of hospital clinics to perform abortions.

Malnutrition and hunger cannot be tolerated in our land of plenty. We feel that programs such as free lunches in schools should be expanded and properly funded to combat these problems.

With over-population threatening the existence of future generations in this world, the United States must take the initiative in our own country and abroad to advocate planned parenthood and birth control.

Maryland and the United States have still not properly funded programs for the mentally ill. Much more must be done to provide funds to have adequately staffed facilities to care for these citizens.

Although the Maryland Legislature enacted several years ago a law declaring that alcoholics are sick individuals rather than criminals, little has been done to fund detoxification and treatment centers as required by the law. We urge our State government to immediately fund this program.

ECOLOGY

It is our belief that it is a fundamental right of the people of the State of Maryland to live in a healthy and pleasant environment and to benefit from the proper development and use of its natural resources. We further recognize that as the population of our State continues to grow the need to provide for increasing industrial, agricultural, residential, social, economical, and other needs will be an increasing responsibility on all segments of our society. The society will have to plan, restore, coordinate, and regulate the utilization of our natural resources in a manner that will protect and conserve our air, water, and the natural beauty of our State.

In recognition of our belief we do advocate a single State agency with the authority to manage and develop our air and water resources in an orderly and efficient manner and to carry out a coordinated program of pollution control involving these related land resources.

This Department should undertake the coordination in an integrated manner of the various water, air, and solid waste disposal programs and such other environmental regulation, management, protection, and development programs as may be deemed necessary.

This Department would work in conjunction with the State taxing agency to set up tax incentive programs to encourage businesses to purchase pollution control devices without a monetary loss by taking advantage of tax rebates.

We call upon the secretary of natural resources to communicate to the public his Department's efforts to combat pollution and to exhibit his Department's responsiveness to the public need in this area. We stress the urgent need for strict enforcement of our present anti-pollution laws, and call for an increase in the personnel of the marine inspectors office.

We deplore the dumping of nerve gas off the continental shelf by the Federal Government. We condemn any further development of any chemical and biological made for the purpose of war. The Federal installations and personnel which will no longer be necessary for this purpose should be employed to solve domestic problems such as health care.

EDUCATION

The educational system is one institution which affects the life of each American every day. If all levels of Government are to be responsive to the needs of the people, education must receive prime consideration.

We commend WMPB television in Maryland and other educational television stations throughout the nation for providing instruction of all types on all levels to the general public.

We applaud the U.S. Congress for passing this year's Health, Education, and Welfare budget over the President's veto, and sincerely hope that this has increased Mr. Nixon's awareness of the real need which states have for these funds.

Equal educational opportunities for all children within our state must be a major concern of the state legislature. We support the busing of students between school districts as a legitimate temporary method of promoting equal educational opportunities. However, busing must not be substituted for long range measures which will equalize education within school districts. We urge our legislature to increase efforts to solve the problems of rural and urban poverty as a first step toward a truly equalized system of education.

Total equalization of education cannot become a reality until the State of Maryland assumes complete financial responsibility for all public schools. We acknowledge that county control over curriculum should be maintained. This state system should include enough vocational training schools that any student in the state can attend one of these schools instead of a regular high school.

We believe that most students will benefit from sex education, and we support the Board of Education's program in this regard. However, we urge the State Board of Education to revise the materials approval curriculum development procedure so that it does not curtail the academic freedom on the teacher to use his professional judgment in choosing materials and developing a curriculum of sex education.

To aid our State colleges in better achieving a level of quality education, we recommend:

(1) That the funds now used for legislative scholarships be placed in the hands of university officials who are better equipped to grant scholarships on the basis of merit.

(2) That a student be added to the Board of Regents as a voting member to establish a direct channel of communication between the students and the board.

LAW STUDENTS

The young Democrats urge the Maryland Court of Appeals, the Maryland Legislature and Governor Mandel to do all within their power to change the necessary laws and procedural rules so that qualified senior law students in Maryland law schools can practice law under proper supervision in Maryland criminal and civil courts. Such laws are in effect in many other jurisdictions, and we feel Maryland should not be left behind in extending the possibility of qualified law student representation to those in need of it. Such a plan has met the approval of the Maryland Bar Association and the Student Bar Association of the University of Maryland School of Law.

HOUSING

Housing, a human ecology dilemma, is now considered by many to be not a privilege, but a right of the American citizen in this age of affluence.

We support H.B. 1090, the Maryland Housing and Community Development Act. This act is not a panacea, but will aid non-profit housing groups working in the private area to help solve the housing crisis.

We call for the establishment of national, State and regional land use policies flexible enough to allow for future developments but firm enough to disallow projects that will harm our environment. We support Senator Jackson's bill in the United States Senate which calls for national land use inventory and policy.

We suggest all subdivisions within the State have a uniform building code. This would aid the design and construction process and could conceivably reduce costs in some areas where present codes are overly restrictive.

All zoning decisions should be taken out of the hands of politicians and administered by civil service personnel selected by rigid listing and performance standards.

A State housing code should be established for both new and existing housing using standards requiring all housing to meet criteria for safety, health and area per resident. These standards should be strictly enforced throughout the State immediately by local subdivisions. Local building inspection departments should have adequate manpower and budget to inspect for building violations in existing housing coupled with strict and quick prosecution of offending building owners.

We demand the penalties for block-busting and other real estate malpractices be increased to a minimum of suspension of license for six months. This includes all realtors who engage in the quiet form of segregation by not showing houses for sale in areas to certain individuals because of race or religion. Alleged violations should be heard quickly and prosecuted fully. We do not believe that the real estate industry can objectively police themselves and that special task forces should be established in States attorney's office throughout the state to investigate complaints.

SOCIAL SERVICES

It has become apparent that our present welfare system is grossly inadequate and needs a complete revision. The Young Democrats realize that there are certain hard core unemployable for whom the Government must be totally responsible. For individuals who do not fall in this category, we urge an income supplement program. The entire cost of welfare benefits should be financed by the Federal Government.

Legal services are in many cases as important as medical services. We support a well supervised and coordinated judicial program.

Maryland has done much in the area of licensed and supervised day care centers. However, much more must be done to allow mothers that work a safe and educationally conducive place to leave their children.

STATE CONSTITUTION

We support the amendment to our State constitution that will appear on the November ballot which carry forth judicial reform by establishing a state-wide uniform district court system and removing the political practice that circuit court and appellate judges must run for office, legislative reform by freezing the present size of our State legislature, increasing the length of the general assembly session and giving that body greater flexibility in carrying out its responsibility, and executive reform by establishing the office of lieutenant governor and providing the governor more powers in executive reorganization. We support the constitutional amendment providing for simplification of local election for charter form of government.

TRANSPORTATION

We congratulate the State legislature for creating one consolidated department for transportation. The Young Democrats urge State and local governments to move rapidly toward a coordinated mass transit system (including rails) for the Metropolitan Baltimore and Washington areas. To accomplish this goal, we urge the Federal Government to free Federal transportation funds dedicated to roads to be used by local governments for any needed media or mass transportation.

We urge the passage of annual mandatory inspection of all motor vehicles for traffic safety.

We urge the Federal Government to require automobile manufacturers to develop and exclusively sell pollution-free automobiles by 1975.

ELECTION REFORM

We urge abolition of the electoral college in favor of the popular election of candidates for President and Vice President of the United States.

We urge the State legislature to lower the voting age to 18 years of age to conform with the action taken by the Congress.

We also urge the enactment of legislation which would require complete public disclosure of campaign funds and specifically urge the U.S. Congress to require reporting of receipts and expenditures in primary as well as general elections.

We urge legislation which will require all public officials to disclose financial interest which may cause any conflict of interest with his or her public responsibility.

We believe that the State constitutional amendment eliminating residency requirements for eligibility to vote for President and Vice President of the United States should be enacted by the voters this November.

Present campaign costs to run for public office must be investigated to develop a cooperative effort with representatives from the mass medium to allow every candidate an equal opportunity to present himself and his program to the electorate.

HUMAN RIGHTS AND PERSONAL LIBERTIES

As young Democrats, we believe that individual dignity must be maintained above all else. We applaud the work of the A.C.L.U. and call for certain changes in the law which must be made to allow each man and woman to be free to live his own life.

We feel that President Nixon's appointments to the Supreme Court are a deliberate attempt to reverse the civil liberation direction of that institution. We find this attempt one of the most repulsive aspects of his administration, and we congratulate Senators Tydings and Mathias for their participation in blocking the nominations of Carswell and Haynsworth to the Court.

We disagree with the preventive detention and no knock provisions of the D.C. crime bill.

We feel that the women's liberation movement has made both the public and our elected officials aware of the latent and the more obvious discriminatory practices of our society. The movement's call for increased pay care centers equality in pay scales, and abortion reform merit our endorsement.

We urge that all sexual acts in private by consenting persons age 18 or over, except adultery, be beyond the scope of criminal law.

We urge the abolition of the Maryland State Board of Motion Picture censor.

YOUNG DEMOCRATS

As one of the most active state organizations in the Young Democrats of America, we urge the Democratic National Committee to re-examine its attitude of ambivalence, if not hostility, toward the official youth Division of the Party.

We point to the relationship Maryland's Young Democrats have developed with its senior party as one of cooperation toward total involvement of the community.

We ask the Democratic National Committee to allow the Young Democrats, the policy participation, and their respect to spread the message that participation within the organized political structure can be effective.

THE CAMPUSES

Governor Mandel has presented a workable plan to deal with campus unrest. In its only major test at the University of Maryland, however, inept police conduct made the plan ineffective. This points out the need for a comprehensive training program for policemen, national guardsmen, and army reservists who are likely to be used in campus disturbances.

While we strongly condemn violent actions by demonstrating students, strong arm police tactics are just as deplorable. National guardsmen should not be used in disturbances until they are issued riot control equipment. Those called in to quell disturbances should not be allowed to carry loaded guns unless it becomes absolutely necessary. University and police officials should take every precaution to protect the rights of students who are not breaking the law. Minor legal violations which occur on campus should in the first instance come under the jurisdiction of campus authorities.

We endorse the joint statement on rights and freedoms of students of 1967.

PARTY REFORM

As the official youth division of Maryland's Democratic party, we feel a responsibility to present the ideal in party organization to the senior Democratic party.

We applaud and congratulate chairman Harry F. Hughes for opening a permanent headquarters which the young Democrats are privileged to share. We similarly are pleased with the establishment of the James Commission on Party Structure and constitutional reform and the inclusion of a young Democrat on that commission.

Apart from the problems which the same Commission is studying, we urge the senior party to exercise sufficient control over local Democratic clubs to require that none be intentionally segregated by reason of race.

We urge each local state central committee to accept at least one youth advisor chosen by the local young Democratic club.

We further ask that the age for running for party office—Democratic State Central Committee and delegate to the Democratic National Convention—be reduced to 18.

Most important, we reiterate strong dissatisfaction with the Democratic State Central committee's failure to take policy stands on current and pressing issues.

Lastly, we issue a warning to the leaders of our party and to its broad membership that the Demorcatic Party must take steps now to rechannel political power to party members, not bosses.

THE DRAFT

Although this year has seen drastic changes in the Selective Service System, we are not yet satisfied. We favor the institution of an all volunteer army as a part of a universal service concept. Under a universal proposal, all young men and women would be required to spend two years in the military, the Peace Corps, the Teacher Corps, VISTA, or some other acceptable form of service. The obligation must be completed by age 35.

PUBLIC SAFETY

We urge that the State legislature follow the ruling of the Federal court and require a uniform age for juvenile jurisdiction in this State. We feel that the age for juvenile jurisdiction should be 16 years—not 18 years as now exists throughout the State except Baltimore City. Youthful offenders between the ages of 16 to 21 should be tried in our criminal courts but if convicted at the option of the judge sent to special rehabilitation institutes. These institutions should be adequately staffed with psychologists, phychiatrists, social workers and special education personnel. Also the adult penal institutions are inadequately providing proper rehabilitative services to the inmates. State use industries should play a more important role within the penal community to train inmates to assume positions in the labor market when returned to society which are in demand.

The Young Democrats support the type of work being done at Patuxent Institute to isolate the psychopathic criminal offender and provide special medical and social treatment in attempts to make these offenders returnable to society as a productive and responsible citizen.

All correctional institutes in our State should expand their problems in drug abuse.

PLATFORM COMMITTEE

Benjamin L. Cardin, Chairman; Allan H. Teri, ex-officio; Robert H. Frank, Vice-Chairman; Faye Hammond, Vice-Chairman; Wallace Kleid, Henry C. Mountain, and David Rudolph.

THE BICENTENNIAL—A PLACE FOR LABOR

Mr. WILLIAMS of New Jersey. Mr. President, as a Senator from one of the original 13 States, I look forward with great expectation to our bicentennial era and 200th year of freedom. This celebration, national in scope, and bipartisan, will instill a fresh spirit throughout our country, and among organizations of divergent views. The American Revolution Bicentennial Commission, of which David J. Mahoney is Chairman, already is hard at work on commemoration plans for the bicentennial, which the Congress initiated by law. Mr. President, the labor movement has played an enormous role in the formation of this country, and it is only fitting that labor occupies a major seat for the activities ahead. An excellent insight into the attitude of labor on the bicentennial era is demonstrated by Hunter P. Wharton, general president of the International Union of Operating Engineers, in his article entitled "The Bicentennial—A Place for Labor in 1976," appearing in the November 1970, issue of the International Operating Engineer. I ask unanimous consent that his article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Bicentennial—A Place for Labor in 1976

(By Hunter P. Wharton)

We are nearing the end of the year and 1971 will see a stepped-up effort on the part of the nation to prepare to celebrate its founding, or rather the bicentennial of its founding in 1976. Five years is not too long in which to make the necessary plans and take the needed steps to insure that we will be ready to do what is right by the nation's birthday anniversary.

We should take a lesson from Canada which demonstrated dramatically and successfully how to run a national anniversary celebration. It held its famous EXPO '67 and a multitude of auxiliary celebrations in all parts of the nation in order that as many persons and groups as possible might have a part in celebrating Canada's century mark.

The United States is planning to have an appropriate commemoration in 1976 and we hope, we too, will not go all out on the strictly commercial show biz side of such activities. We hope that the nation will take the opportunity to rededicate itself to what it is, what it stands for and how it reached its present pinnacle of progress and success.

Much of the celebration will, of course, be centered in the East and the Northeast since much of our early beginnings originated in these parts. Washington, D.C., as the capital of the nation, should be at the apex of the celebration of the founding of the nation. While the capital city will not be the location of any elaborate exposition or world's fair, it certainly will and should have a leading place in the affair.

According to present plans the weekend

XUM

of July 2–4 will be the occasion for a convocation of governors of all the states, leaders of foreign nations, and all sorts of special distinguished foreign delegations to gather in Washington. There will be appropriate ceremonies here and then the groups will journey to Philadelphia where the Declaration of Independence was signed.

This Fourth of July weekend will be mixed with solemnity and gaiety in Philadelphia and the nation hopes that every community in the country will make special efforts to have its own celebration. These thousands of celebrations will likewise have an appropriate commemorative aspect as well as one of celebration in a somewhat less dignified and rarefied fashion.

We hope that the nation will have some sort of really first class exposition of our success and our progress. Philadelphia will be the site of the world's fair type of program. We hope that the fair will not be entirely of the highly commericalized type of displays. We are a nation of many achievements by many peoples and we hope the fair will take into account the deeper meanings of what we are and what we have become. We think that EXPO '67 did an outstanding job in planning and blending the serious, philosophical and historical with modern techniques of communication.

While Philadelphia and Washington may seem to be the chief centers for celebration, they will not be the only ones. The city of Boston should figure importantly in any planning because in this New England soil were planted the roots of early rebellion and these early revolutionary efforts must be accorded their rightful place in any commemorative program. If we know Boston, we are pretty certain that Bostonians and New Englanders will not let the country forget the role they played in the early days of the republic. And the roles will be marked by more than a reminder of Concord and Lexington.

Celebrations on a somewhat less spectacular, but nonetheless highly important scale will take place in Virginia in the state that calls itself "mother of Presidents." The role of Virginia and her patriots in those early fateful days was a great one and we are certain that the state will do its share to remind us of those early contributions. Williamsburg, the restored project which attracts hundreds of thousands yearly, as well as Richmond will have significant celebrations.

As we get away from the East and New England, the character of the bicentennial celebration will change. Each great center of settlement and population growth will each have its own way of making special note of its contribution to the building our 200-year-old republic. And at this point I would like to raise a real question: what plans are made (if any) for labor's role in helping to celebrate the bicentennial?

As we look over the plans, even in their formative state, we don't see any significant role being suggested for the achievements of labor in these 200 years or of the contributions of labor to the nation in the two centuries. There will be contributions recognized, of course, in many of the celebrations in sort of an indirect way, but we believe that we should have something more.

Labor has been a great foundation stone of the republic. The artisans and working people were the backbone of the American Revolution. They fought and died for the nation. They helped build the colonies and then the states. They settled the early colonies and then pushed westward to claim new land for the growing country. They subdued the forest. They built the railroads; they broke the sod and they fenced the range. They developed the agricultural and the great mineral resources. They opened up the manufacturing and bore the brunt of the work in the great days of industrial development.

The working people ultimately realized that they would have to unite and they did. The Cordwainers of Philadelphia were among the first, but the real organization of working people came much later—nearer we would say to the nation's first century. We could say without too much controversy that as the nation celebrates its bicentennial organized labor might well be celebrating its centennial.

But where is labor going to fit into the celebration? We would like to think that we would find our place as a recognized body rather than in the incidental role working people have played in all activities through the years. We look in vain, however. We see that in the Pacific Northwest there will be a celebration or exposition portraying man's fight to save his environment. We note that San Francisco will have a celebration which will focus attention on culture and the arts and that Denver, Colo., will have winter sports—Olympic winter games. We note that in Des Moines, there will be a food exposition on how the world produces and utilizes its resources for finding, growing and processing food. And Houston, Tex., will be the scene of a big space fair at the Manned Space Center. And Miami, Fla., will have appropriate trade activities with special reference to our relations with Latin American countries.

All of these are fine and dandy and we applaud them. And these are undoubtedly only the beginning. We haven't heard from Chicago, St. Louis, Los Angeles or some of the other big centers of activity and we are certain they will have some big time recognition of the bicentennial.

But what about labor? Should labor make an effort to participate in a recognizable way in all the celebrations and be a part therein? This we are certain labor will do. But what about some sort of celebration or commemoration of its own? Why shouldn't some effort be made to show the role of labor in the settlemen of the country, in the founding of the nation, in its expansion and development, in the growth and progress and in the many aspects in which it has made its influence felt in order to see that we have a greater facility for the pursuit of happiness for which our forefathers fought. Maybe some formal efforts should be made or suggestions be advanced in the proper place for the role of labor in '76. We certainly think so and would be glad to support any move in that direction.

THE "DELTA QUEEN"

Mr. BAKER. Mr. President, on October 12 the Senate passed H.R. 6114, an act for the relief of E. M. Grade. The Senate amended the bill to include a provision that would exempt from certain safety-at-sea regulations the stern paddlewheeler *Delta Queen*.

The matter of the *Delta Queen* has been the subject of continuing controversy since the enactment of the pertinent safety legislation in 1966. Following the *Yarmouth Castle* disaster in 1966, Congress appropriately undertook an extensive review of existing legislation. Following the competent and progressive leadership of the distinguished Representative from Maryland, Mr. GARMATZ, the Congress enacted a comprehensive statute designed to prevent, insofar as possible, any repetition of such loss of life by fire at sea.

In accordance with the new statute and regulations issued pursuant thereto, deep-draught vessels carrying overnight passengers were prohibited from operation unless their superstructures were made of fireproof materials. Thus any such vessel with a wooden superstructure was prohibited from operation. This is a wholly commendable, reasonable, and necessary prohibition.

However, this prohibition was found to be applicable to the steamer *Delta Queen*, the last of the scores of stern paddlewheelers that once plied the great inland waterways of the United States. Based in Cincinnati, the *Delta Queen* has been operating along the great Ohio-Missouri-Mississippi system. She is the last remnant of a cherished part of our national heritage, and she represents the last opportunity for overnight travel in this dying tradition.

The original date specified for compliance with the safety statute was 1968, but a 2-year extension of that deadline was later granted by the Congress for the *Delta Queen*. That exemption expired on November 1 of this year, and the *Queen* has ceased operations as of that date.

Earlier this year, supporters of the *Delta Queen* offered an amendment to H.R. 12605, comprising amendments to the Merchant Marine Act of 1936. The amendment, which was reported by the Committee on Commerce of the Senate on April 7 and accepted by the Senate on April 9, would have granted to the *Delta Queen* a permanent exemption from the requirements of the statute with respect to wooden superstructures. Unfortunately, the provision was deleted in conference with Members of the House of Representatives.

Now the Senate has amended H.R. 6114 to provide for an additional 3-year extension of the original exemption accorded to the *Delta Queen*. Mr. President, I am most hopeful that a conference on H.R. 6114 can be arranged and that conferees can agree to retain this amendment.

Extraordinary efforts have been made by the Greene Line Steamers, Inc., owners of the vessel, to render the vessel as resistant to fire as possible. Further efforts are underway or contemplated. The *Delta Queen* has a superb record of safety, and she is seldom far from shore as she operates on inland waterways.

There are a number of alternative approaches to an ultimate solution to the problem of the *Delta Queen*. There has been some discussion of the construction of a replacement vessel with a metal superstructure. There has also been discussion of a public subsidy of part of the cost of such a replacement. It is also at least possible that the superstructure of the existing *Queen* can be treated in such a way as to render it virtually fireproof.

In order that these various alternatives may be adequately and objectively explored, it is essential, in my view, that this 3-year extension of the exemption be granted. I believe that the position adopted by the Senate on October 12 is reasonable, and I am most hopeful that our distinguished colleagues in the House of Representatives will concur in our action. I urge that all Senators concerned about the fate of the *Delta Queen* communicate to their colleagues in the House of Representatives their feelings on the matter.

WATER DEVELOPMENT—ADDRESS BY SENATOR HANSEN

Mr. ALLOTT. Mr. President, during the recent adjournment of Congress the Senator from Wyoming (Mr. HANSEN) addressed the Wyoming Water Development Association at their meeting in Cody, Wyo. This association has done an outstanding job in developing the waters of Wyoming.

I think Senators and other readers of the CONGRESSIONAL RECORD will be most interested in Senator HANSEN's remarks. We in the Senate have long been accustomed to his astute discussions of important problems. This speech is another example of that ability.

I ask unanimous consent that the text of Senator HANSEN's address be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

BANQUET SPEECH OF SENATOR CLIFFORD P. HANSEN

Ladies and gentlemen, it is a great pleasure for me to be here this evening, and to have had the opportunity to attend your meeting which does such an outstanding job of covering the full scope of Wyoming water matters.

The leadership provided by the Wyoming Water Development Association is a great help to all of us who are fighting for the comprehensive development of Wyoming water. An occasion such as this, which brings people from the national, state and local levels together for discussion and reports, benefits us all through the exchange of ideas.

As you all know, in 1968 the Water Resources Council increased the discount rate used to determine the benefit-cost ratio for reclamation projects. This action has had perhaps the greatest impact on the Reclamation of any move in recent years. The action was protested by many of us who believed that the cost side of the ratio should not be adjusted without adjusting the benefit side of the ratio at the same time. But the previous administration was determined to move ahead. President Johnson, in a message to Congress earlier that year, announced while the study was being conducted that the discount rate would be increased.

Since the discount rate was raised in 1968, it has gone from 3¼ per cent to 5⅛ per cent. The impact of that, for example, is that the Polecat Bench benefit cost ratio has gone from 2.1 to 1 to 1.2 to 1 for direct benefits and from 3.3 to 1 to 1.7 to 1 for total benefits including indirect benefits.

If this trend continues, and the ratio drops below 1 to 1, the chance for authorization by the Congress will be dismal, even though it is one of the better projects in the West which is now under consideration.

It is essential to the future of reclamation that the benefit-cost ratio reflect the true benefits, as well as increased costs. And there is now hope that this will be done.

A special task force reported to the Water Resources Council last July. The Council and the President are expected to implement the recommendations of the task force in the near future. This is all to the good and should help our situation a great deal.

Because water development projects usually have only local or regional support and because dissimilar functions make direct comparison of values almost impossible, it is necessary to establish minimum standards. Engineering feasibility and financial feasibility or repayment requirements are largely non-controversial.

The difficulty arises with the third standard: economic feasibility. The Congress has established the guideline requiring that the benefits of water resource projects, to whomsoever they may accrue, ought to be in excess of the estimated cost. I am confident that no water resource project presently proposed would fail that test.

Decision-makers, however, and particularly officials of technical agencies and budget analysts, have sought some means to compare the "values" of competing proposals in measurable terms and thus establish objective priorities. The benefit-cost mechanism is the result. It simplifies the job because it disqualifies most of the projects from the competition.

But is is a poor tool, at best. It assigns premiums to the benefits of short term economic returns because that is the area that most accurately measured in terms of dollars.

As we all know, short term economic returns have never been the principal objective of Federal water resource programs. When the reclamation program began, there was no food shortage. Instead, settlement of the frontier, saving lives from flood disasters, and upgrading of the quality of rural life and providing rural communities with good schools, hospital, libraries and the other amenities of life have been the objectives over the years. It is, of course, impossible to measure these benefits in monetary terms. These are long-term benefits.

Over the years, the benefit-cost ratio has become the sole guide. Reclamation was sold on the grounds that it would return a dollar in benefits for each dollar spent. This was simple because it was expressed in monetary terms. But it was a business approach. And the government does not exist to make a profit. If the government's purpose is to maximize the return on the federal dollar, we might consider investing the taxpayers' dollar in IBM stock.

This approach has harmed water development in recent years as great prosperity has placed less emphasis on economic gains and more emphasis on social values. As a result, it seems crass to some to destroy a canyon or acre of forest land to build a dam, on the grounds that it can return more than a dollar in benefits for each dollar spent.

What is tragic in this situation is that the original objectives of the water development program, based on social and human values, have been forgotten. We should be asking if the loss of this canyon and that tree is worth it to provide improved living conditions for the people in the rural area, to give the children there an adequate education, to give them an opportunity to stay in their hometowns and find a good job, thus relieving pressure on our cities to which rural Americans have been migrating in increasing numbers.

But these intangible benefits can not be reduced to a simple formula, because they require value judgments. And the mechanism for making value judgments in our free society is the political process. The present economic tests classify many projects as infeasible on the basis of partial measurements and prevent their consideration by the Congress. Authorized projects on which political judgments have been favorable, remain unfunded because of economic reanalysis. As a result of using the present benefit-cost ratio as the sole consideration for undertaking a project, a mechanical business-like process has triumphed over purpose.

The Special Task Force has recommended multiple objectives of water resource development, and I think this is most encouraging. The four broad objectives identified are national economic development.

The national economic development factor is similar to the present benefit-cost ratio. The other factors are to be evaluated quantitatively if possible; otherwise they will be described in qualitative terms. Regional development benefits may have some aspects described in monetary terms. But the true importance of the change is that decision-makers will be constantly reminded that national economic gain is not the sole consideration.

Human values and social well-being were the original purposes of the water development legislation. At last these values have a chance to again come to the forefront as these programs are considered for adoption. We must recognize that to preserve values for future generations, we will defer current wealth for future benefits.

This is the justification for preserving our forests by foregoing timbering today. It can also justify water development programs.

For example, if we were to maximize present values of national forests, we would cut the trees today. And yet we are expected to discount today's water projects to present value. All of us can agree that there is a definite inconsistency to this kind of arrangement.

The philosophy of deferring current wealth for future benefit is that on which the attention of the American public is focused. Certainly, storage replacement for Jackson Lake, for example, is justified best on the basis of environmental quality. With the current sensitivity of these values, it is good that these values will be recognized and reported as benefits for the purpose of adopting water resource development legislation.

The task force also recommended the adoption of plan formulation which will no longer make maximum economic development the goal of the planner. A series of alternatives will be studied and reported making tradeoffs of one objective for another possible. Decision will no longer be based on a "go or no-go" choice; but instead there will be the flexibility to trade-off benefits, such as foregoing some of the economic benefits for environmental benefits. Flexibility in the plans may prevent the waste of planning time and talent on rigid proposals which are not ultimately acceptable. Compromise will be possible to undertake a program which is acceptable to groups of widely varying interests.

The implementation of the task force report offers great promise for water resource development. What we must guard against is the tendency to slip back into more familiar surroundings. The test of feasibility must be fair and must not be solely based upon national economic benefits. Otherwise, Congress will be denied the opportunity to consider investments which emphasize the other three objectives.

The task force has recommended that reports on all projects be sent to the Congress. If the budget planners begin to slip back to the old reliable factors of the benefit-cost ratio because it eases their decisions and fails to report projects, the Congress should consider legislation requiring that reports be submitted within a certain time-period.

We must not permit our thinking to again be reduced to the business-oriented reasoning to the exclusion of human and social values. The support for and the justification of water development lies in those values, and we must ensure that those values are put forth to the American people.

Your organization is both knowledgeable and concerned about water resource development in Wyoming.

You must closely watch the implementation of the task force report and help orient the public to the values involved.

A full implementation of the report will permit the Congress to consider water resource development proposals using value judgments which reflect public values as opposed to federal agency motives. These values are the proper motivation for government action.

In addition to the task force report, the Public Land Law Review Commission report and its implementation is of real interest to those of us concerned about water resource development in Wyoming. The report

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begins by recognizing the activities of the National Water Commission which will make its report in 1973. The Public Land Law Review Commission recommends that legislative action be taken to dispel the uncertainty which the implied reservation doctrine has produced and provide the basis for cooperative water resources development planning between the federal government and the public land states. The Commission recommends that the implied reservation doctrine of water rights for federally reserved lands should be clarified and limited by Congress in at least four ways: (a) amounts of water claimed, both surface and underground, should be formally established; (b) procedures for contesting each claim should be provided; (c) water requirements for future reservations should be expressly reserved; and (d) compensation should be awarded where interference results with claims valid under state law before the decision in Arizona vs. California.

This is all very good.

But we must remember that the Commission recommendations do not include Indian rights, and Indian rights are probably a greater shadow of uncertainty on water development in the West than federal reservation rights. There are several methods of implementing the Commission's recommendations which are now being formulated and considered. Some were proposed before the Commission undertook its deliberations. Others will be new. Some include the problem of Indian water rights which cannot be ignored. It is hoped and expected that the National Water Commission will address itself to the Indian problem.

This year there was general agreement that proposals for implementation would not be introduced in this Congress. These plans will begin to be put forward in the next Congress and attention and interest will begin to be focused on them then. Many organizations are formulating proposals. I would hope that this organization would give me its recommendations on the subject. Whatever legislative solution is adopted, it will combine provisions of many proposals. I hope all of the views in Wyoming will be put forth for consideration.

It is my belief that the Congress will face the problem squarely, and not seek to postpone or avoid decision by placing the burden on the courts. Court action is a long, tedious and costly process, which often leads to greater problems. What we need is action now to end the uncertainty which hinders water resource development in the West, and this basically is the lesson of the Public Land Law Review Commission study and report.

Let me now take a few minutes to brief you on the status of Wyoming Projects which are in different stages of consideration.

On the first legislative day of the 91st Congress, I introduced legislation authorizing feasibility studies for the modification of Buffalo Bill Dam near Cody and for the Corn Creek project in Goshen County. Both of these bills were enacted during the first session of the Congress and the studies are now underway. The Buffalo Bill Dam modification study will be completed in fiscal year 1973 at a total cost of $267,000. The Corn Creek study will be completed in fiscal year 1973 also at a total cost of $462,000.

I also introduced legislation to authorize the Polecat Bench project when the Congress convened almost two years ago. Although the Bureau of Reclamation had submitted a feasibility report to Secretary Udall in February, 1968, Secretary Udall did not act on the Bureau's recommendation and the report was returned to the Bureau when Secretary Udall left office in January, 1969, eleven months later.

The Bureau was required to restudy the Polecat Bench proposal in light of the new discount rate. That study was completed and submitted to the states for comment. On July 15, 1970, the Bureau received the last of the comments and has submitted a feasibility report to the Secretary.

That report has now been approved by the Department of Interior, thanks to the great help we have had from Jim Watt I might add, and has been sent to the Office of Management and Budget which has taken over the duties of the old Bureau of the Budget. Incidentally, I'm not sure that the new agency's initials, TOMB, augur well for some projects. I have already communicated with TOMB and will make an all out effort to have the feasibility report submitted to the Congress when it reconvenes after the election.

With a report in hand, it is my intention to move the bill authorizing the Polecat Bench Project as quickly as possible when the new Congress convenes in January. I hope the Senate will act immediately so there will be plenty of time for House action during the 92nd Congress.

Legislation reauthorizing the Riverton Project as a unit of the Missouri River Basin Project and providing for the sale of certain lands on the Project's Third Division was signed by the President last month. This action follows four years of constant pressure which I exerted since entering the Senate in 1967. This legislation authorizes over $12 million for rehabilitation and betterment work on the first two divisions of the project. The danger of the collapse of structures 40 to 50 years old hangs over the project and this work is essential. In addition, the project will receive benefits from the power revenues of the Basin fund. Following a lengthy study to determine which lands on the third Division are capable of production under irrigation, the bill authorizes sale of lands which meet the criteria and those lands, about 11,000 acres, will be sold and again operated privately and contribute to the tax base of Fremont County.

The Bureau of Reclamation is completing studies on the Seedskadee Project and expects to have all of the information it needs in the next fiscal year. The Bureau has assured me that its plans call for initiating construction on facilities to serve the 15,000 acres located on the west side of the river in fiscal year 1973, taking three years to construct the works.

The remainder of the Wyoming projects have been tied very closely to the consideration of the budget this year. Because of the importance of understanding the timing of the budgetary process and the need to work for appropriations from several angles, let me detail some of the things we are experiencing.

As Governor of Wyoming I was deeply involved in promoting water development throughout the State of Wyoming. This experience has served me well in the United States Senate. In the Senate, one is always very aware of the great pressure on public funds and the difficulty in obtaining a high priority for funding of projects which are vital to your own area. As a Senator, I find that the secret is to work closely with your colleagues, both Republicans and Democrats, in both the House and Senate to convince them of the justification for government action on programs in which you are interested. This is a very personal thing. And I have worked to develop the rapport with my colleagues which will help sway their support for water development in Wyoming.

We must all recognize the great competition there is today for public funds. The many programs undertaken over the last several years have made it even more difficult to find money for reclamation projects. The struggle for funds must begin early. The President submits his budget request to the Congress in January. But if you wish to work to get an item included in that budget, it is best and almost essential to begin to work on it nine or ten months prior to the submission of the budget.

Therefore, beginning last March, I began working with officials in the Executive branch on considerations for the budget for fiscal year 1972. I hope to see results of this effort when the budget is submitted in January.

During these same months, attention has been directed at the formulation of the budget for fiscal year 1971 which was sent to the Congress last January. I have corresponded with many of you who either sought Congressional support for items requested by the President which would finance water development in Wyoming or were disappointed funds for certain projects were not included in the budget and asked the Congress to write in these items.

I discuss this point, because it is important to realize a member of Wyoming's Congressional delegation is actually working on two budgets at once in addition to the budget for the current fiscal year. I depend heavily on you people to help keep me informed on Wyoming's needs, and we must do our best to coordinate our efforts.

Of course, the best way to obtain funding for water development in Wyoming is to work for inclusion of funds for the project in the President's budget request. The Congress is much more likely to appropriate funds following the study and endorsement of the appropriation by the executive branch which must carry out the program.

Therefore, if you can anticipate the need for funds in fiscal year 1973, the best time to write to let me know is from now until late next Spring. Then I will have the opportunity to work with people in the executive departments as they are developing their initial budget proposals. This is the best time to receive consideration for our interests. The problem is that the needs must be anticipated eight to fifteen months in advance. This is difficult, but if it is possible, it is the most effective method of seeking funds for water development in Wyoming.

As far as the budget for fiscal year 1972 is concerned, over the past several months I have met with administration officials in an effort to include rehabilitation and betterment funds for the Garland Division of the Shoeshone Irrigation Project and the Riverton Project, the construction funds for the Lyman Project, the Savory-Pot Hook Project, and the Seedskadee Project, and feasibility study funds for the modification of Buffalo Bill Dam and the Corn Creek Project in the President's budget request for fiscal year 1972.

It is now very late in the budget planning process to add to this list. However, I am eager for your suggestions as to other water development projects which should be included in the budget for fiscal year 1972. While it is improbable that they can now be included in the President's budget request, I can work with the Appropriations Committee to appropriate the additional funds during Congressional consideration of the budget.

Let me illustrate how this process works by relating the experience I have had with the fiscal year 1971 budget this year. The President's request included funds for feasibility studies of the modification of Buffalo Bill Dam and the Corn Creek Project. It provided construction funds for the completion of the Meeks Cabin Dam of the Lyman Project. No difficulty existed in obtaining an appropriation for these requests. But we also wanted appropriations for water development in Wyoming that were not requested by the President.

The House of Representatives deserves the credit for the break-through which was made this year in funding construction for the Savery-Pot Hook Project.

For it was the House which first appropriated an additional $300,000 for this project. This Senate agreed to this additional appropriation when it acted on the appropriations bill, and therefore the appropriation for this project did not come up in the Conference.

The Senate appropriated additional funds over the President's request for two more Wyoming projects, the Garland Division of the Shoshone Irrigation project, and the Lyman project. The need for rehabilitation and betterment funds for the Garland Division has been apparent for several years now. The wisdom of continuing construction on a reclamation project until completion is also obvious. Therefore, I was distressed when the budget did not include funds to begin construction on the China Meadows feature of the Lyman project once work on the Meeks Cabin Dam was finished.

I testified before the Public Works Subcommittee of the Senate Appropriations Committee urging and justifying the appropriation of funds for both of these purposes. But putting yourself on record with the Committee is not enough as later events soon proved. What is essential is that we follow through on our expressed interest.

When the Committee began active consideration of the public works appropriations bill, I wrote to each member to emphasize the need for the additional appropriations. Then during the bill's mark-up, I visited with each member of the Committee on this subject when I saw them on the Senate floor.

The Senate Appropriations Committee reported a bill containing an additional $200,000 for the rehabilitation work on the Garland Division. But I was disappointed when the Committee failed to include an additional $500,000 for construction of the China Meadows Dam because the Committee members had been so receptive to my pleas for the appropriations. On learning of this omission, I introduced an amendment on the Senate floor for the additional $500,000. Very few members were present on the floor. I pointed out the omission to Senators Ellender and Young, the managers of the bill, who agreed to accept the amendment on a voice vote.

The omission of an additional appropriation for the China Meadows Dam in the Senate Appropriations Committee Report emphasizes the need for follow through for water development funds. The Conference Committee members received letter from me to include these funds in the Conference Report. The additional $200,000 for the Garland Division was included, but the Committee failed to include the China Meadows funds. As a result, my office has already begun work to include the China Meadows funds in the fiscal year 1972 budget.

Efforts in other areas of water development this year included a write-in appropriation of $1.2 million for a Highway to the Big Horn Canyon Recreation area. This area provides great opportunity for extensive water recreation use.

As perhaps some of you are aware, the only finished road into the area from the Wyoming side is that segment of highway from U.S. 14A to Horseshoe Bend. This route provides limited access to the Big Horn Canyon for Boaters.

Great pressure has been brought on the Department of Interior to provide funds for construction of the Big Horn Canyon Highway along the entire length of the Canyon. And we now have this program under way.

The President also requested and the Congress appropriated the full amount authorized from the Land and Water Conservation fund. The amount requested was double that in previous years. However, overspending by the Congress has placed some of this appropriation in jeopardy, since the President does not feel that he can spend the amount he requested if he is required to overspend in other areas.

We must all recognize that control of inflation is of prime concern to the Administration, and the control of inflation will greatly help water development projects since the skyrocketing construction costs and mounting discount rates are the reasons why benefit cost ratios for many projects are now unfavorable. The President's refusal to spend wildly in excess of revenues has brought about the progress we have made in our war against inflation. We now see the signs of winning that war. But we must not relax the pressure now. For if we do, our gains will be lost. And those gains have already been paid for by the American public who have felt the pinch of tight money and other results of policies to control inflation. Now that victory is in sight, we must not throw it away by giving away to the temptation to be big spenders again.

Water resource development projects must bear much of the burden of efforts to bring the economy back under control. The federal budget can be divided into two parts: one part consisting of items under the President's control and the other part of items which are not directly under the President's control.

Uncontrollable items include social security, other retirement programs, education programs, veterans' benefits and health programs. These programs require a minimum expenditure each year and cannot be turned on and off because they are a continuing obligation. Controllable items include public works, parks and recreation and the like. The magnitude of the undertaking in these areas can be greatly varied from year to year.

The surprising fact is that only about 30 percent of the budget today is considered controllable. Many of the new programs of recent years fall into the uncontrollable category.

Therefore, in the effort to control inflation, the burden of restricting government expenditures falls almost completely on only 30 per cent of the budget—and water development is included in that thirty per cent! The President has exercised his flexibility over the budget and inflation is starting to come under control. And as I pointed out earlier, this will aid water development projects. But while federal expenditures are being restricted, we have experienced some lean years.

Last week, I visited with Caspar Weinberger, the deputy director of the new Office of Management and Budget. Mr. Weinberger, from California, works directly with the administration of the old Bureau of the Budget. He pointed out that the President wants to prevent what happened in 1967 and 1968 when no effort was made to control inflation. Not only has the President cut back on public works, but he has cut back on defense expenditures and other items. In response to my question of future appropriations, Mr. Weinberger stated that the President, as a westerner, is well aware of the economic and social benefits of water development and would like nothing better than to undertake a strong public works program in the West to develop water.

I would conclude that the successful control of inflation will permit the greater expenditure of federal funds for water development; and this control will aid reclamation projects by stabilizing the benefit-cost ratio through the control of construction costs and the discount.

The importance of controlling construction costs by bringing inflation under control is illustrated best by the difficulty we have had getting an appropriation to start construction on the China Meadows Dam. When the Lyman Project was authorized in 1962, the discount rate was fixed. But since that time skyrocketing construction costs have lowered the total benefit-cost ratio from 1.17 to 1, to .87 to 1. The present adverse benefit cost ratio is a concern to the Congress. If inflation is controlled, opportunities for water resource development financed at the federal level will be improved.

Thank you for the opportunity to be with you. I look forward to working with you over the coming years and will continue to appreciate your advice and suggestions.

THE ELECTRONIC BATTLEFIELD

Mr. GOLDWATER. Mr. President, some months ago, the distinguished Senator from Wisconsin (Mr. Proxmire) and I engaged in a colloquy on the floor of the Senate relating to the so-called electronic battlefield. At that time, the chairman of the Armed Services Committee, the Senator from Mississippi (Mr. Stennis), stated that hearings would be held on this then highly classified subject. Those hearings are nearing completion, and they have been the most interesting I have sat through for many years.

I realize that a complete report will be made available to the Senate by the chairman of the subcommittee, the Senator from Nevada (Mr. Cannon), but I do want Senators to have the opportunity of reading some of the excellent testimony offered by men who have actually participated in the planning and operation of the electronic units that make the automated battlefield possible.

I repeat what I have said before, that this development is one of the greatest steps forward in warfare since gun powder. In reading this testimony, I would direct the attention of the Senators to the unanimous conclusion reached by all commanders; namely, that these sensors have saved lives.

I ask unanimous consent that the testimony I refer to be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Presentation of Maj. Gen. John R. Deane, Jr., Director, Defense Communications Planning Group

I. INTRODUCTION

Mr. Chairman and members of the subcommittee: as Director, Defense Communications Planning Group, I welcome this opportunity to report to you regarding the activities of DCPG. I shall briefly cover the history of DCPG; the sensor-aided combat surveillance systems it is tasked to manage, develop, and support; the cost and funding of those systems; and plans to transfer those systems to the Military Service. I shall conclude my presentation with some observations on what has been learned through DCPG experience and what its systems have contributed to U.S. and Allied efforts in Southeast Asia.

Let me say at the onset that the Secretary of Defense has assigned the Defense Communications Planning Group a specific mission in the field of combat surveillance. DCPG is not responsible for all military efforts in this field, but each Military Service works independently on systems and equipment tailored to meet specific battlefield surveillance requirements outside the scope of the DCPG mission.

Let me also emphasize that the theater commander, and his component commanders, are the users and operators of the systems I shall discuss. DCPG is simply the agency which supplies these commander with the

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operational, effective hardware needed to make the system go.

II. BACKGROUND/HISTORY

In August of 1966, a scientific group known as the JASON Committee proposed to the Secretary of Defense a concept for inhibiting enemy troop and supply infiltration into South Vietnam by means of an air-supported barrier system, supplemented, if necessary, by a conventional barrier system. These systems basically called for the use of electronic sensors to detect enemy personnel and vehicles, and the use of tactical aircraft, mines, and other munitions to counter the enemy incursions thus detected.

In September of 1966, Secretary of Defense McNamara directed the establishment of DCPG as the organization charged with responsibility for implementing the anti-infiltration systems conceived by the JASON Committee.

This initial mission was further expanded in April 1968 to include the use of electronic sensors in a wide range of tactical applications against the enemy; I shall refer to this task as the "ground tactical" system.

To carry out its mission effectively, DCPG has been given unique and unprecedented management tools in terms of authority, organizational arrangements, and resources:

The Director, DCPG, reports directly to the Secretary of Defense, and has direct access to the Secretary for broad policy and funding decisions. In practice, this access is usually exercised through contact with the Director of Defense Research and Engineering.

The Director, DCPG, has decision authority and responsibility, within broad DOD guidance, over all aspects of system implementation: concept formulation, design, development, test, requirements analysis, procurement, and distribution. Another way of saying this is that DCPG cognizance over systems and equipment extends "from the cradle to the grave."

DCPG is authorized direct contact with JCS, the Military Departments and their subordinate organizations, and theater commanders—the users of the DCPG systems. This direct coordination is maintained on an almost daily basis by DCPG's "working level" personnel.

DCPG is authorized to task the Military Departments to accomplish actions in support of its mission. This authority is used only when requesting a Service to accomplish a major task involving a significant amount of money. Most items of business are handled on an informal and cooperative basis.

DCPG is authorized use of the highest industrial priority to expedite its development and procurement efforts. This speeds up our work by putting us at the head of the line for materials, facilities, and contracting.

DCPG has been rapidly provided funding adequate to meet its mission objectives, largely through the streamlined, expedited manner in which DCPG's financial requirements are handled by the Department of Defense.

DCPG has obtained responsive R&D and production support through working agreements with agencies outside of the DOD. Such support has enabled accelerated development and fielding of equipment in cases where the Services did not have the required organizations, staffs, and research facilities.

DCPG has been staffed with exceptionally well-qualified military and civilian personnel who possess the highest operational and technical expertise. This staff has proven to be strong, dedicated, and resourceful.

III. EXECUTION OF MISSION—SYSTEMS AND THEIR SUPPORT

I shall now briefly discuss the sensor-aided combat surveillance systems which were developed by DCPG.

A sensor-aided combat surveillance system consists basically of the following common components: detection devices, called sensors, which pick up the movement of vehicles or troops; a communications link (usually radio) from the sensor to a "readout" device; the "readout" device, which receives sensor transmissions and shows when each sensor is picking up a target; and display and processing equipment to assist in counting the targets and in determining their direction and rate of movement. Individual systems may also include special munitions, aircraft, etc., which I shall mention later.

Just since DCPG's beginning late in 1966, the equipment used in these systems has already undergone several generations of operational and technological improvement to meet new requirements, to meet expected countermeasures, to exploit new scientific knowledge, to improve performance and reliability, and to reduce cost. These generations are referred to as Phases I, II, and III. The equipment which you see displayed before you is our new, third-generation, Phase III equipment first introduced into Southeast Asia earlier this year.

The four devices in this group are sensors which are dropped from aircraft along the road or path which we want to keep under surveillance. The first three are seismic sensors which detect ground vibrations caused by soldiers on foot or by trucks. The fourth is an acoustic sensor which listens to sounds of personnel or vehicles.

The next group consists of sensors which are hand-emplaced by ground troops near a trail or road. These are all seismic sensors; the variation in size and weight is caused by differences in the intended tactical application of each device and in the design and production method used.

This device is a magnetic sensor which detects passing metal objects such as rifles or other weapons.

Here we have a "readout" device used by ground forces to receive radio transmissions from the sensors I have just pointed out. This receiver is shown connected to a recording device, which makes an easily-interpreted record of when targets are detected by our sensors.

As I mentioned earlier, one of the systems called for in the original DCPG mission was a conventional barrier to deter infiltration across the Demilitarized Zone, the DMZ. This fixed barrier—often called the "McNamara Wall" by the press—was to combine sensors to detect enemy intrusions, physical obstacles to impede and canalize enemy movements, and tactical troop units operating from strong points, or fortified bases, to strike at infiltrators by fire and ground action. Many essential elements of the original plan have been implemented, although the concept for extensive use of fixed obstacles has given way to the use of mobile, quick-reacting combat units to respond to North Vietnamese infiltration in the area of the DMZ. This system is no longer identifiable as a separate entity; it has essentially become a part of the ground tactical system, which I shall address later.

The other system prescribed in DCPG's original mission was the air-supported anti-infiltration system proposed by the JASON Committee. This effort was to have two subsystems, one aimed at the detection and interdiction of truck-borne supplies and troops, another intended for reducing infiltration on foot. Basically, the operation of this air-supported system may be explained as follows: acoustic and seismic sensors are dropped by aircraft along roads and trails. Truck or troop movements detected by these sensors are usually relayed through the aircraft for readout in a fixed installation using computerized equipment; sometimes, sensor transmissions are readout in the aircraft. Skilled target analysts in the fixed installation (or in the aircraft) then pass target information to the activity controlling strike aircraft such as the F-4 fighter bomber. Because sensor locations are known, lucrative targets may be struck immediately or information derived from the sensors may be used to establish enemy movements as a basis for pre-planned strikes. Selected munitions, delivered by aircraft, are employed against both personnel and vehicular targets, with the emphasis being placed on the interdiction of vehicles.

General Evans, who oversees the exploitation of sensor technology within the Air Force, will brief you on the operation of the truck interdiction subsystem, which has been in continuous operation since December 1967. General Evans will also show how this subsystem has provided for more effective interdiction of the enemy's trucks.

The personnel interdiction subsystem was planned for implementation in January 1968. However, it was at that time that the enemy began his massive attack against Khe Sanh, and General Westmoreland, then Commander of U.S. Forces in South Vietnam, directed that sensors and other assets intended for the personnel subsystem be diverted to assist in the Khe Sanh defense. Even after the enemy attack was broken, the personnel subsystem was still not implemented because:

It was decided that a part of the resources planned for the personnel subsystem could be more productively used in expanding the truck interdiction subsystem.

The Khe Sanh episode demonstrated that sensors could be used to great advantage in support of ground combat operations, thereby resulting in the use of part of the personnel subsystem assets for that purpose.

Since the personnel interdiction subsystem has never been implemented, one can only theorize regarding how effective it might have been. However, a system of considerable effectiveness—the "ground tactical" system—evolved from the application of personnel subsystem sensors in the defense of Khe Sanh. To explain this evolution, it is necessary that I summarize how sensors were used at Khe Sanh.

Sensors were dropped from aircraft among the North Vietnamese forces around Khe Sanh, and along road and trail approaches into the area. By combining sensor-derived information with information from other intelligence means—such as aerial photography—commanders on the scene had a basis for effective defensive fires from Khe Sanh and Camp Carroll, and for requesting strikes by fighter-bombers and B-52 aircraft. The sensors denied the enemy his traditional cloaks of bad weather, jungle, and darkness, detecting his movements as he attempted to mount attacks. Khe Sanh operations showed a great potential for the use of sensors in support of ground action, and prompted General Westmoreland to direct the use of sensors in support of ground tactical operations throughout South Vietnam.

In April 1968, the Deputy Secretary of Defense, Mr. Nitze, directed DCPG to support General Westmoreland in his plans to use sensor surveillance in a wide range of tactical applications within South Vietnam. This was the third element of the DCPG mission, the "ground tactical" system.

From an initial planning and evaluation period which began in mid-1968, this ground tactical mission has expanded dramatically. Virtually every U.S. ground combat unit in South Vietnam is now applying sensors to detect the enemy. Since General Fulton and Admiral House will brief you on the details and effectiveness of this system, I shall limit my explanation of the system concept to a single, but frequently-encountered example of how sensors are used by a U.S. combat unit.

Suppose we have a U.S. infantry unit responsible for securing a given area of operation (AO). This unit emplaces sensors at known locations along trails leading into or near its AO. If the sensors detect an enemy column moving along a trail, this information is received by a "readout" equipment operator using the equipment which I showed you earlier. Because of his training and experience, the operator can derive information regarding the location, size, direction of movement, and speed of the column.

The readout operator reports his findings to the unit commander, who is solely responsible for deciding whether, when, and how to attack the target. In arriving at his decision, the commander applies his knowledge of the location of friendly troops and civilians, of other intelligence information, of the terrain and weather, of means available to attack, and of safety controls and rules of engagement. Only after weighing all these factors does the commander give his decision: attack by artillery fire, an ambush, or whatever means is appropriate.

This sort of operation, and other sensor applications in the ground tactical system, have shown that sensor surveillance is extremely valuable in ground combat; specifically, sensors—

Have given us the ability to detect the enemy regardless of the time of day or the weather.

Have enabled us to surprise and to cause increased casualties and material damage among enemy forces.

Have given ground troops early warning of impending attacks and have freed many small units from routine security and reconnaissance missions, thereby saving U.S. and Allied lives.

In March 1969, at the direction of the Deputy Secretary of Defense, a plan was developed for the employment of equipment in the ground tactical system by South Vietnamese Forces, as part of the Vietnamization Program. Training of Vietnamese units began in August 1969 and is continuing, using special training teams in each division and a central sensor school. The Vietnamese General Staff has authorized each division troops dedicated to handling the management and use of sensor assets. The Vietnamese response has been enthusiastic, as indicated by the fact that they have assumed responsibility for approximately 47 percent of the sensors in the ground tactical system.

The U.S. command in Vietnam has also provided sensors to our Australian allies. Major General C. A. E. Fraser, Commander of the Australian Force, reports that his troops are using sensors with confidence and enthusiasm, and have achieved tactical successes as a result of sensor detections of enemy activity.

It is appropriate at this juncture to explain briefly how DCPG provides hardware to support the operation of each of these systems.

You no doubt recall that DCPG, the supplier of hardware for the various surveillance systems, is authorized direct contact with theater commanders—the users and operators of the systems. From this relationship has evolved an arrangement whereby the theater makes known to DCPG its quantitative requirements for sensors, readout equipment, and other equipment which is already in production. Theater requirements are usually expressed by calendar or fiscal year, and in terms of the number of sensors of each type which must be simultaneously in operation at a given time. DCPG analyzes these requirements in order to translate them into an appropriate total procurement quantity and to determine the required monthly production rate and schedule. Factors which are used in this analysis include: (1) the useful field lifetime of each sensor; (2) training needs of military units in the United States; (3) possible substitutes among similar sensors; (4) available production capacity; and (5) costs.

Once required production quantities have been defined, DCPG does not act as the procurement or contracting agency. Instead, DCPG uses its tasking authority to request the appropriate Military Service or other agency to initiate the necessary procurement and to distribute and support the goods upon delivery. The magnitude of DCPG's current level of support of the theater may be illustrated by the fact that DCPG has tasked the procurement of 40,780 sensors of the new. third-generation type. In addition to reacting to theater's quantitative requirements, DCPG has also acted on its own initiative in the past to develop, test, and field new surveillance devices with capabilities not available in current production equipment. This DCPG action has often been the result of qualitative needs expressed officially by the theater, or a result of needs ascertained during periodic coordination visits to theater by the Director, DCPG or members of his staff.

The successes achieved within the framework of the DCPG-supported surveillance systems have led to the exploration of sensor uses at all levels of warfare. The Army, Navy, and Air Force have all set up organizations responsible for exploiting the existing technology, and for developing new technology. equipment, and operational concepts tailored to fulfill combat surveillance and target acquisition missions in any type of conflict.

DCPG has been investigating the use of sensor devices to assist in the protection and security of military bases, classified installations, arms rooms, armories, and other facilities important to the national defense.

The U.S. Border Patrol is currently using sensors developed under DCPG auspices to monitor selected portions of the border of the continental United States. The Border Patrol has been able to increase substantially the apprehension and turning back of persons attempting to enter the U.S. illegally by using sensors as a complement to, or in place of, its regular patrols. Operational and technical information resulting from Border Patrol operations is expected to help DCPG in improving sensors and operational techniques

Friendly foreign governments have also expressed interest in sensors. Canada, the United Kingdom, and other NATO countries have been given documents and briefings which describe our equipment and its tactical applications. (Slight pause)

IV. FUNDING/COST OF SYSTEMS

Now that you have been introduced to the three systems which make up the DCPG mission, I shall move to a discussion of the funding behind that mission.

The timely provision of adequate funding, largely through DOD's special handling of DCPG's financial requirements, has been one of the key ingredients of success in the DCPG program. Funds have had to be made available in a responsive manner so that development and procurement actions could be taken without delay to provide needed hardware in the shortest possible time. Changes in plans and requirements have frequently necessitated rapid changes in funding levels.

The total of DCPG budgets for fiscal years 1967 through 1971 is $1.68 billion, as shown broken out here in terms of the three principal surveillance systems included in our mission. The five year total would have been $2.35 billion, except that we were able to return the $667.8 million difference to the Services for other essential defense efforts as a result of aggressive cost reduction efforts, increased senor lifetimes and reliability, and management decisions, such as decisions to curtail efforts which proved to be technically infeasible, too costly, or not suitable to meet the operational need.

The DCPG budget for these five years can also be broken out by Military Service. (Pause)

The budget can also be shown in terms of the various appropriations categories. (Pause)

An example of how our cost reduction efforts have helped to trim our budget can be seen by comparing the cost and operational lifetime of one of our first-generation, hand-emplaced seismic sensors with those of its third-generation replacement. If we average out the cost and field lifetime of the first-generation sensor over several successive procurements—with each procurement involving an improvement in design—we find that the item had a unit production cost of $1,800 and a 45-day life in the field, which means that the sensor cost, on the average, $40 per day of operation. In calendar year 1969, U.S. and other Free World Forces used a total of 5,140 of these devices, for a total production cost of $9.25 million. The third-generation replacement, just introduced in theater in September of this year, costs only $921 each, and lives twice as long—90 days—thus giving a daily operating cost of only $10.25. Because of this new sensor lives twice as long, only half as many, or 2,570, would have been required to meet the same surveillance needs, at a total production cost of only $2.37 million.

To wrap up my discussion of funds, I would like to mention that DCPG's budget and operations have been reported to various committee and subcommittees of Congress on 11 previous occasions since the establishment of DCPG in 1966.

V. TRANSFER OF DCPG FUNCTIONS TO SERVICES

Since the sensor-aided combat surveillance systems which make up DCPG's mission have reached a full operational capability, it is appropriate that full responsibility for them now pass from DCPG to the Services. The Secretary of Defense requested, in December 1969, that DCPG begin initial planning for transfer of those systems. As a result of this preliminary planning, the Deputy Secretary of Defense directed, on September 26, 1970, that full responsibility for operational systems be transferred to the Services no later than June 30, 1971. To this end, we have been working closely with the Army and the Air Force to arrive at a mutually agreeable plan and target date for transfer of the operational systems. We expect to complete the directed transfers significantly earlier than the June 30, 1971 date.

When the transfer of operational sensor systems to the Services is complete, the residual effort remaining with DCPG will be in the developmental area, particularly in rapid reaction to unforeseen requirements.

VI. CONCLUDING OBSERVATIONS

In conclusion, gentlemen, let me summarize what lessons have been learned as a result of DCPG's four years of operation, what our sensor surveillance system have contributed in Southeast Asia, and what we might expect of sensor technology in the future.

I believe that DCPG has demonstrated a unique and highly successful method of managing a defense program characterized by urgent operational need and highly compressed time schedules. By providing the requisite authority, responsibility, funds, and organizational arrangements to a centralized, sole manager, we have been able to reduce the normal 5 to 7 year defense development cycle by a factor of four. That is, the period elapsed from the time a need was discerned until production hardware was placed in the hands of the troops has been 15 to 21 months for most items developed under DCPG auspices. This becomes all the more noteworthy when we consider that most items of DCPG-sponsored equipment are technically complex devices which must be designed for operation by the soldier, seaman, or airman at the combat unit level. The accelerated nature of the program has of course required a willingness to make decisions, a willingness to accept responsibility, and a willingness to take cal-

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culated risks. In taking risks, we have had some failures:

For example, we have fielded a few items that either did not match the requirement or simply did not work with the desired reliability. However, when one compares this with the conventional system in which risks are minimized by multiple layers of study and review at almost any cost in time and money, I believe that DCPG has probably saved the taxpayers' defense dollar while adding valuable ingredients to his defense system in a fraction of the usual time.

I believe that our combat surveillance systems have contributed materially to U.S. and Allied efforts in Southeast Asia; specifically, these systems—

Have given us a combat surveillance and target acquisition capability which works by day, at night, and in any weather conditions.

Have improved the effectiveness of our air interdiction of the enemy's truck-borne troops and supplies.

Have given our ground troops early warning of attack and have freed small units from many security missions—thereby saving American and Allied lives.

Have enabled us to inflict an increased toll of casualties and material damage on the enemy.

I am also convinced that we now have a dynamic, flexible surveillance system for future battlefield application anywhere in the world and in any type of conflict. Our ability to apply this capability to our tactical and strategic advantage will be limited only by our resourcefulness, imagination, and willingness to take reasonable risks where the potential payback in combat is high.

Statement by Maj. Gen. Ellis W. Williamson, Deputy Chief, Office of Reserve Components

Gentlemen I am with you today to discuss my peronal combat experiences with unattended ground sensor devices. I am a customer, a user of these devices—I am not an electronics technician.

My military combat experience extends from the Normandy landing in WWII through the remainder of that war; from the Inchon landings in Korea, followed by two years of combat there; from commanding a separate airborne brigade, which was the first US Army ground combat troops in the Viet Nam conflict for a year; and, I then returned to Viet Nam to command the 25th Inf Div for some 15 months.

For the past twenty-five years I have been singing a simple tune . . . if you have to fight then "Fight with Bullets—Not Bodies". I have conducted a constant search for ways of getting the job done with less human suffering.

During my first year in Viet Nam we spent a major portion of our time thrashing through the jungle, searching for the enemy that had finished his attacks for the moment and was resting prior to the next attack at his chosen time and place. During this first year we suffered losses of about 12 American deaths for every 100 enemy. Some people may have been satisfied with that ratio. I was not and I do not know of any American commander that was, however, when I returned to Viet Nam for my second tour I found that the ratio had not materially changed.

Since late 1968 the ratio had dramatically changed. I remind you that I am speaking from personal observations of less than the whole picture. However, I was high enough to see a pretty good cross section. The ratio as I saw it in late 1969 had changed from about 12 American losses to 100 enemy to approximately three. That means that for a given amount of combat and an equal damage to the enemy many more of our American young men are living through the horrors of war. Many more of them are living to return home safely.

The unmanned sensors that we are discussing today certainly have contributed materially to saving these American lives. I hope that I can demonstrate how these sensors have helped us to make the first step toward the automated battlefield. This is a worthwhile approach toward "Fighting with Bullets instead a Bodies"; that is, getting the job done with minimum danger to friendly personnel.

As a quick example of some of the things that have been done, we had a fire base Mahone that was actually a relatively secure troop recuperation area near Dau Tieng just south of the famous Michelin Rubber Plañtation. Early one morning before daylight our unmanned sensors alerted the monitor and he, in turn, alerted the command group and the fire support elements. After a short while it was determined that an enemy force was in a bamboo thicket several hundred yards from our position. Our artillery guns and mortars were laid and on signal all opened fire at once; we ceased fire and waited. Absolutely nothing moved, and we feared that maybe we had reacted to a false alarm. At daylight a patrol was sent out to investigate the area. They found 21 enemy dead and picked up four live wounded prisoners. They also found 129 rounds of heavy weapons ammunition, three rocket propelled grenade launchers, a complete mortar and a flame thrower. This is a pretty good battle when you consider that the enemy did not launch his attack—in fact he didn't get off the first shot. I am confident that breakfast time in that troop concentration area the next morning would have been considerably different if the unmanned sensor had not told us, in advance, that the enemy was in the area and that he was up to something.

Now let me talk just a little about the development of the use of these devices as I saw it.

The 25th Infantry Division's initial employment of sensors occurred in 1968 near Saigon. During July and August eleven North Vietnamese Army Regiments and smaller Vietcong units reportedly were getting ready for an attack on Saigon. It was anticipated that this was to be an attempt to duplicate the TET and May offensive that had occurred earlier in the year of 1968.

General Abrams' directives were quite clear. Friendly forces would attack North Vietnamese formations before they could launch another major offensive. Our orders further stated that enemy units would not be permitted to enter Saigon.

I had four brigades under my command at the time, three of my own division and one from the 101st Airborne Division. These elements were placed in depth from North of Tay Ninh to Saigon. We were operating in a depth of approximately 100 miles and were attempting to cover 150 miles of Cambodian border. My most southern brigade was actually part of the perimeter that was responsible for the close-in physical defense of the capital city.

Plans for the close-in defense of Saigon called for massing radar, reconnaissance aircraft and ground patrols generally in a circular pattern outside the city proper. It was at this time that I was informed that a very small number of sensors were available for emplacement on the Saigon defense perimeter. I had been briefed on these sensors before I left the United States but I must admit that I was a neophyte as to the exact manner in which they were to be emplaced. The sensors were delivered and put in position by experts provided by higher headquarters. My people, of course, were looking over their shoulders attempting to learn the business. These sensors did not have the opportunity to provide us early warning of enemy in the Saigon area since our efforts farther north kept his large units some distance from the city. Major contacts with the enemy were near Tay Ninh in August of 1968. With the battle scene shifting north to the Tay Ninh area, I requested additional sensors. The instruments were in very short supply so during this period we trained just one emplacement team of six men under a Captain from the Division Intelligence Section.

The pitifully small number of just four sensors arrived in early September. I gave instructions to emplace the instruments north of Tay Ninh along a known attack route of the enemy 9th Division. The portatale, the readout monitor, was to be located at French Fort, an American fire support base of four 175mm long range guns located twelve miles north of Tay Ninh.

I am going into some detail at this time—I hope my purpose will be clear in a few moments. In mid-September the Division's emplacement team, with a platoon of mechanized infantry, set out from French Fort to place the sensors in the vicinity of a road junction just north of the famous Black Virgin Mountain, better known to some as Nui Ba Den. The team didn't reach the emplacement area that day.

They were attacked by a large NVA force about two miles from their destination. Two of the armored personnel carriers were hit and set afire by Rocket Propelled Grenades. We lost two of our emplacement team members during the initial exchange of fire. Through true gallantry that the American soldier displays when the chips are down—we managed to save the sensors from the burning personnel carriers and returned them to French Fort. Our nose was bloodied that day but later we were able to make the enemy pay dearly for the loss of our two soldiers.

A short time later, the team departed Tay Ninh with a powerful escort consisting of two mechanized infantry companies with helicopter gunships covering. The instruments were emplaced without incident.

The readout monitor was in a bunker at French Fort and was kept under observation during the hours of darkness. Our helicopters performed visual reconnaissance of the area during daylight.

September is the heavy rainy season in this part of South Viet Nam and our monitors at French Fort had trouble differentiating between rain falling on the sensors and human movement. We had several false alarms before the operators attained a good feel for reading the monitor.

In the third week of September our efforts with sensors finally paid off. At eleven o'clock one night the monitor at French Fort indicated movement being reported by two of the sensors. It was raining rather hard but there was no doubt about the reading—something more than rain was registering on the portable monitor.

Two of the 175mm guns opened up slightly north of the sensors. Six 105mm howitzers commenced blocking fires just south of the sensors while two 81mm mortars fired directly on the road junction. At first light the following morning, reconnaissance helicopters reported to our patrol that headed for the area, that enemy bodies were observed from the air. When the patrol arrived on the scene they found—literally a carnage. The big 175mm guns had found their target. Enemy field equipment and weapons were strewn about the rice paddy. We found just seven bodies, but we also found an additional thirty drag trails and blood trails leaving the area. Documents identified the enemy's 271st Regiment, a part of this 9th Division that I mentioned. Our intelligence officers believed that an attack on our Fire Base Buell nearer to Tay Ninh may have been pre-empted.

That was our first record of the sensors assisting us in the destruction of enemy forces.

I want to point out the reason I have gone into some detail concerning this particular small action is that we were learning—we were gaining experience in a new field—which would—nearly a year later—give us the technical and tactical know-how to use hundreds of these instruments within the 25th Division sector.

Between September of 1968 and February of 1969 a few sensors dribbled in. We reseeded the field north of Tay Ninh and instituted a new field along a river line just south of the Boi Loi Woods.

Under the assumption that sensors would become available in larger numbers in mid-1969, we increased our number of sensor experts and tactical planners at division headquarters. We consolidated our sensor people with our radar experts. Our helicopter personnel commenced looking for more efficient ways of using helicopters in conjunction with the sensors at night. We were searching for better ways of obtaining early warning and using our firepower to break up enemy attacks before they could gain momentum. Most important, we were looking for ways to take the night away from the enemy.

One major step taken during this period was to train personnel from each of our eleven maneuver battalions and the Long Range Patrol Company as to how to emplace the sensors. I thought this decentralization was necessary in that a lot of people had to learn how to use these devices if we were to handle the large number of sensors promised us.

In February 1969 the 25th Infantry Division did in fact begin receiving larger quantities of sensors, and the special coordinating group which we activated within the Division Intelligence Section went into full operation. A plan for the employment of 140 sensors was completed in late February and as the number of sensors increased we planted additional fields. The major fields completed by March 1969 were devoted entirely to denying the enemy freedom of movement. Four fields were along major routes of infiltration, and one was placed to protect approaches to the Third Brigade base camp which bordered the Michelin Rubber Plantation at Dau Dieng.

At this stage of employment, all sensors were read out on portatales located at a nearby fire support base. During this time frame the Division began to improve the responsiveness of its firepower in reacting to sensor activations. I mentioned the sensors field placed around the Third Brigade Dau Tieng base camp. Actually the circumference of this camp was about seven miles. On 25 February 1969 enemy elements conducted probing attacks against Dau Tieng at seven different times and places. Unaware that his initial movements had been detected prior to reaching the base camp perimeter, the enemy pressed on time and again, only to be thrown back by security forces that had quickly moved into blocking positions. Incidentally, this security force was composed of support troops; cooks, clerks and mechanics. This prior warning provided by the sensors assured these rear echelon troops an advantage which the enemy could not overcome. They were able to concentrate at the critical areas before the enemy started his attack. I have never seen a more confident group of cooks in my life who, after eliminating some 78 of the enemy one night, boasted that hot breakfast was served right on time the next morning.

Meanwhile, sensor fields along some infiltration routes had not provided the results that we had hoped for, although artillery had been responding nightly to activations. Scattered instances such as the find of three or four enemy bodies in graves adjacent to sensor fields throughout our sector did provide us evidence that our efforts were beginning to get some results. But, we still weren't completely convinced that our sensings were adequate to justify great expenditures of ammunition. We needed a fool proof way to verify the results of our artillery and mortar fire on sensor activations.

In April we started using a system that we called "closing the loop". Each morning we sent air and ground observers into the activation areas of the previous evening. We soon found that we were doing the enemy more damage than we had previously thought. I would recognize claims of success only if our teams could produce a man, a weapon or enough other equipment to give a clear indication that we had in fact gotten the job done.

I will divert from the sensors briefly to describe the Night Hawk Helicopters. I do this to emphasize that the sensors were not working in isolation. This helicopter proved to be a valuable night surveillance tool as well as a deadly weapon. The Night Hawk kit was built in the 25th Infantry Division. It consists of a searchlight having an infra-red and white searchlight capability, mounted coaxially with a crew-served night observation device. Alongside the light and observation device is a pedestal-mounted minigun—the rapid firing machine gun. As soon as an unmanned sensor registered, a Night Hawk helicopter was dispatched to the scene. We killed 103 North Vietnamese soldiers during a one month period using this technique at no personnel cost to us, not even an injury.

You probably have heard the saying that "The life of a new idea is all too short". The enemy became wise to the Night Hawk pretty quickly, however, he was forced to combat our new technique by reducing his free movement at night. He actually played into our hands by moving more in daylight hours when we were better able to see him and shoot him.

Following a series of actions near Tay Ninh in the fall of 1968, we recognized that our fire support bases and patrol bases could be utilized in a more profitable manner—they could be the fire power jumping off place as opposed to just a defensive position. With proper prior information of the enemy we could often fight a major battle without actually committing the physical bodies of our men into the danger area. That meant that we could spread out. We could use less men in a given area. We could occupy more areas that were widely dispersed.

Our fire bases initially were quite large and required two, three or more rifle companies for their defense. The elliptical shape was rejected in favor of a circle and the size of the bases was eventually reduced so that the bases could each be defended by one rifle company or less. In addition to freeing additional troops to provide the division with a more flexible maneuver force these smaller bases were designed so that emplacement, complete with heavy bunkers, protective wire and observation towers, could be completed within a ten-hour period, thereby giving our men good protection the first night. With the small defensive force, rapid emplacement took on paramount importance. Here is a sequence of an observation tower going into position; the helicopter lift in; the quick set up; and here it is during an actual night operation.

We were now ready for the more offensive roll of the fire bases. Instead of just defending in close to a fire base as shown here and later moving our fires out to follow the enemy retreat as shown here, we learned to find the enemy early and, as I have mentioned several times, we started fighting with fire power great distances from our troop location areas as shown here. This caused us to give high priority to and to place great reliance on our surveillance devices.

In early 1969, the enemy commenced a series of hit and run attacks from his Cambodian sanctuary. You probably read of some of our battles around Diamond I, II and III and Frontier City, the names given our bases by company and battalion commanders. With these very small fire bases, placed in exposed positions, some poorly informed people back here in the United States accused us of baiting the enemy. Actually Diamond I, the first in the series, was put in position because the enemy, operating out of Cambodia, had raided the SVN Government supporting, prosperous, little town of Phuc Lu three different times. The enemy had killed the village chief and ten other local officials during these three raids. Diamond I was placed in a flat dryed up rice paddy in the wide open between Phuc Lu and the Cambodian border in order to stop these enemy raids. Our radars, sensors and Night Hawk aircraft were in place ready to work. On five separate occasions NVA battalions and regiments attacked these bases and on every occasion our early warning gave us the advantage of being able to deliver large volumes of firepower which broke up the momentum of his attack and sent him reeling back into Cambodia.

Now I guess the best real war story that I have is Fire Base Crook. This is the story of where 412 enemy soldiers were eliminated with the loss of one U.S. soldier.

Fire Support Base Crook was established in April 1969 northwest of Tay Ninh City. The base was an irritation to the enemy because from it we could block movements of the enemy 9th Division and could support continuous reconnaissance operations into his base areas near the Cambodian border. Unlike many of our bases farther south along the Cambodian border, Fire Support Base Crook was in place almost two months before the enemy decided that he had to attack. When he did, he meant business.

On 5 June 1969 the first indication of enemy activity near Crook was given by sensor activations 950 meters east and 550 meters northwest of the base at 2000 hours. Reconstruction of enemy plans later proved this movement was preparation for a secondary attack and the establishment of firing positions for his indirect fire weapons. Artillery took the movements under fire. Simultaneously our radar atop the tower began to detect groups of three to four persons moving in the woodline which ranged from 220 meters to 1000 meters from the base perimeter. Some eighteen sightings were made between 2000 and 0100 hours. All of these were engaged with artillery fire from within the base. All personnel within the perimeter were alerted and the higher headquarters got all outside supporting elements ready to operate, loud cover cleared shortly after midnight, and the soldier manning the night observation device on the tower began confirming radar sightings.

From 0130 until 0255, enemy movement appeared to cease. The quiet was broken at 0255 with a heavy attack by indirect fire as the enemy attempted assaults from the south and east. One US soldier was killed by a mortar round as his listening post withdrew into the base. This was our only man to die in this great battle. The enemy attack continued until 0530 hours. Meanwhile, all available artillery and air support had been dispatched to the Crook area as the initial actions around the base quickly proved to be our firepower offensive. As soon as the enemy was detected we went into an attack by fire against him. A search of the battlefild after the first night showed that the enemy had lost 76 of his troops. Although the bodies were relatively free of documents, we did pick up enough to identify the attacking unit as a battalion of the 272d NVA Regiment. Search of the battlefield was not completed on 6 June because elements flown in to assist in sweeping the area became engaged with small enemy forces. Contact in

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the deep jungle continued until late afternoon—B Company, 3/22d Infantry and its artillery battery remained in the small circle and secured for the night.

The second night, 6 June, proved to be even more active than the first. Strangely the times of the incidents were almost identical. Sensor fields activated at about 2000 hours, radar sightings of small groups were made from 2000 to 0100 hours, starlight scope operators spotted movement around midnight, movement had substantially ceased at 0100, and the attack commenced at 0255 hours. Several notable sightings were made—the radar detected two groups of about 40 persons each moving about 1500 meters north of the base at about 2030 hours, and the Night Hawk Helicopter detected another group of about 40 persons actually *in formation* moving toward Crook along the road from the east. The Night Hawk immediately dived on its target. All other targets were engaged with direct and indirect artillery fire, mortar fire and all available Army helicopters and Air Force attack planes. Analysis of the action proved that these relatively large groups were sighted in the general direction of the enemy's main attacks.

As on the previous night, the attack ceased at about 0530 hours. Our defensive was, in fact, an offensive that went exactly as planned. The aircraft approached from the west to remain clear of artillery trajectories. Indirect fire and fire from within the base were placed into the indicated areas. Our search of the battlefield proved just how punishing our efforts had been.

At daylight additional infantry elements were flown into the battle area to assist in the sweep. Before helicopters could land on the helipad at Crook, 38 enemy bodies had to be removed. This diagram indicates where the bodies were found, and gives us an idea as to which weapons eliminated the enemy. The 60 (29+31) west of the river were killed almost exclusively by helicopters, the 32 along the woodline were killed by indirect artillery, the 20 close in were killed by direct fire (rifle and machine gun) from the base, the 43 along the road were killed by the Night Hawk Helicopters and the remainder of over 150 were killed by a combination of US Air Force planes and fire from within the base. In all, on the second night, 323 additional enemy were killed and 10 live prisoners were taken. I had to move two bulldozers up just to bury the dead.

On the third night the first base commander again held his test firing in the early evening to check all weapons. Much to our surprise the enemy responded with return fire on the support base. This action apparently pre-empted another planned enemy attack and cost him three more of his soldiers. I don't know what happened to our early warning that last night. It is possible that the enemy moved in during the daylight while we were depending on visual observation and were not reading our sensors. This completed the action at Fire Base Crook, resulting in 402 enemy killed and 10 captured. One U.S. soldier was killed during the battles, three were slightly wounded.

While the enemy's main forces were suffering major defeats in their attacks on our fire bases, he instructed the Vietcong local forces to increase the use of anti-tank mines and booby traps throughout our sector. They used plastic anti-tank mines which are nearly impossible to detect with our current mine sweeping equipment. They also employed literally thousands of booby-trapped hand grenades and home made devices which were producing an unacceptable rate of U.S. and Vietnamese casualties. Something had to be done about this as a matter of priority?

We had a hunch that there was a pattern to the enemy's use of mines and booby traps. In the division we had a UNIVAC 1005 computer (actually it is more of a high speed card processor). This is used primarily for mechanizing personnel records and computing our pay.

Somebody had the bright idea of punching a card for every mine and booby-trap we had encountered since January 1st of 1969. After running various sorting procedures on the computer, we found that there were definite patterns in the manner in which the enemy used mines and booby-traps. We found that NVA regular units seldom used anti-personnel mines or booby-traps. They used metallic anti-tank mines almost exclusively on roads and trails. On the other side of the coin, most non-metallic mines and booby-traps were laid by the Vietcong.

To make a long story short, we found seven areas in our division zone where mines and booby-traps were sown in high density. Let us recognize that the computer did not give us the answer to our problem. It merely took a great deal of information that we had on hand and allowed us to collate this data and put it in manageable format for effective study and decision making.

Some of our bright young men continued the study of the mine/booby-trap problem and recommended that we emplace sensors in the vicinity of the heavily mined areas. The theory here was to detect the enemy soldier whose mission was to steal out at night and sow the mines. This was the core of the problem. If the miner could be stopped, the mines would be stopped.

We diverted 56 unmanned sensors to the mine problem. Our initial results against anti-tank mines were somewhat dramatic. In one month we reduced the number of damaged or destroyed vehicles by 50%. I'm sure you appreciate the fact that most of these vehicles were the expensive full-track armored types as we used them more as we were opening roads. It was relatively easy to fight the anti-tank miner because he, in general, was working on a road or trail away from populated areas.

Each morning we sent confirmation teams, helicopter and ground patrols, into places where we had fired during the night. I recall three separate occasions when we confirmed that we, responding to a sensor pickup, had blown up a mine before it was planted. We found groups of three to four dead mine planters lying beside their shovels. I am convinced that we complicated the life of the mine planter no end!

The employment of sensors in the heavily booby-trapped areas was not quite as effective but we did reduce our casualties by about 30%. This is less than the anti-tank mine side of the coin because booby-traps are more often used among people. Very often our reaction to sensor alerts could not be firepower. The best we could do was to send out patrols to try to capture the enemy or run him off. This often found us arriving too late.

Small, moveable sensors became available to field units in July 1969. They were used most successfully by the Armored cavalry squadron at many night locations. These small, moveable devices are of significant value to maneuver units in any situation where they stop for only a few hours at a time.

So far, I have described those good points about the sensors. Of course, with the good, there usually exist some drawbacks. Each commander must equate the cost of employment of each asset in his command against the results that that asset is producing. We found the sensors rather expensive with respect to personnel requirements.

1. During sensor emplacement operations, I often sent an infantry company to protect the emplacement team. This was expensive in many instances since the entire company might have been used somewhere else. We countered this limitation to some extent by learning to accurately drop the sensors from helicopter.

2. Watching a portatale monitor can be expensive in time and it can be boring. We found that a soldier's optimum time watching a monitor is no longer than three hours, particularly during the rainy season. At this stage we did not have extra people in our organizations to monitor the portables.

Every military commander is always looking for a fool-proof early warning system that will allow him to execute his plans early enough to thwart his enemy before that enemy can become truly dangerous. I found at the Diamonds, Frontier City, and Fire Support Base Crook, that sensors represent only a part of a team. Where the unmanned sensor is ineffective, the small radar may compensate—and vice versa. We once again confirmed, however, that often we have to have a man with his eyes, his brain and his morality to tell us where and when to shoot.

Like anything new, the sensor must completely prove itself on the battlefield. We tried our best to make it work during those early stages of development and we consider that we did a reasonably good job.

I was one of the first major Army Commanders to use sensors in Vietnam. I employed early versions and models which were not as effective as the sensors that are currently in use. General Wright who will follow me will discuss these newer sensors.

I have taken you away from the subject of sensors and back again several times to help us understand the philosophy of operations in order to more clearly see what we were doing with surveillance devices.

We of the Army are continuing tests at Fort Hood, Texas and elsewhere. We are making unusual efforts to avoid having the American young man stand toe-to-toe, eyeball-to-eyeball, or even rifle-to-rifle against the enemy that may outnumber him on the battlefield. We are trying to fight the enemy with our bullets instead of the bodies of our young men—"firepower not manpower."

No one can say that the unmanned sensors, the radars, or the night observation devices were the total difference between victory and defeat; between high or low friendly casualty figures. I am sure, however, that every soldier who has engaged an enemy in battle will tell you in plain terms how important early warning is, how essential it is to know where and when the enemy is moving, how less painful it is to use firepower to fight him at a distance rather than expend your manpower as the enemy makes his close in assault.

In my judgment, as a combat commander, I certainly believe that the availability and use of unattended ground sensors and other surveillance devices significantly lowered our casualties.

Thank you gentlemen, may I have your questions.

STATEMENT BY MAJ. GEN. R. MCC. TOMPKINS, U.S. MARINE CORPS, BEFORE THE PREPAREDNESS INVESTIGATING SUBCOMMITTEE, ARMED SERVICES COMMITTEE, U.S. SENATE, SECOND SESSION, 91ST CONGRESS

SENSORS AT KHE SANH

Just to be sure we're all in the picture, let me say a word about the I Corps area. It comprises the five northern Provinces of Vietnam (Quang Tri, Thua Thien, Quang Nam, Quang Tin, Quang Ngai). I Corps (about 170 miles long) has an area of about 10,000 square miles, bordered on the north by the DMZ, on the west by Laos, on the east by the China Sea, and on the south by II Corps.

Now today I am going to talk primarily about northern I Corps—the two northern Provinces of Quang Tri and Thua Thien. The war here in the two northern Provinces was unique in all of Vietnam. It was unique for two reasons:

(1) The enemy was composed almost entirely of NVA—something on the order of 90%.

(2) the enemy was supported not only by the usual rockets and mortars but also modern artillery up to and including 130 M/M guns and the 152 M/M gun-howitzer. This was the only place in Vietnam where the enemy was equipped with artillery.

In 1 December 1967 in northern I Corps the enemy was disposed as follows:

(1) Along the eastern DMZ he had the 423–B Division (the 803D, 812th and 90th Infantry Regiments). On the east coast he had the 270th Infantry Regiment (3 infantry battalions, an artillery battalion, and an AA battalion). In the area bounded by Gio Linh, Con Thien, Cam Lo, Dong Ha—known locally as "leatherneck square"—he had the 27th Infantry Battalion of 4 companies.

(2) in the area west of the city of Quang Tri, he had about 3,250 infantry and in the area west of the city of Hue, not shown but which lies to the south of Quang Tri, about 1,385 infantry plus certain supporting troops.

(3) Between Ca Lu and Khe Sanh we knew that there was one unidentified battalion at work.

(4) In the eastern DMZ he was supported by about 100–110 artillery tubes.

Opposing him in the northern I Corps area—a distance of 85 miles from Hai Van Pass in the south to the border of the DMZ in the north and from the China Sea in the east to the Laotian border in the west—a distance of 45 miles—was the 3d Marine Division (reinforced).

The 3d Marine Division instead of the usual 9 Infantry Battalions had on 2Dec67 13 infantry battalions and 140 artillery tubes. Of necessity the division was widely dispersed. At Khe Sanh there was a single infantry battalion. There was one battalion between Hai Van Pass and Hue. The balance of the division was disposed between Hue in the south and the southern border of the DMZ in the north.

During the first week in December intelligence indicated enemy units moving toward Khe Sanh. Patrols from the Khe Sanh combat base reported increasing contacts with NVA troops who were well equipped with the latest weapons, well uniformed, well fed and thoroughly professional in the way that they handled themselves.

On 13Dec67 the III MAF Commander, Lgen Cushman, directed CG3d Mar Div to reinforce Khe Sanh with an additional battalion plus certain supporting troops.

At the same time it became apparent that other events were taking place within the division's tactical area of responsibility that had ominous overtones. The 324–B Division which had been content to remain fairly well in place in the Eastern DMZ for some months, began moving. There was unsubstantiated information about a new NVA Division moving down to the DMZ. The enemy units in base areas 101 and 114—in the vicinity of Quang Tri City and Hue respectively—showed increasing activity and aggressiveness.

It was against this background of enemy activity and movement that some hard decisions had to be made. I asked for and received another battalion from the special landing force. Then we flew in additional forces to Khe Sanh. The combat base was reinforced with a battalion on 15Jan68 and another battalion on 22Jan68, along with additional artillery and supporting troops.

I should say here that everything that went to Khe Sanh went by air. The road—Route 9 which runs from Ca Lu to Khe Sanh—had been cut by the enemy in August 1967 and remained closed until mid-April 1968.

Thus by 27 January at Khe Sanh we had the 26th Marine Regiment of four battalions—1/26, 2/26, 3/26, and 1/9—plus a battalion (18 tubes) of 105 N/M howitzers, a battery (6 tubes) of 155 N/M howitzers, a 5x90 M/M gun tanks, 92–106m/m recoilless rifles, 6–4/2" mortars plus the usual organic weapons of 4 infantry battalions.

We had done all that could be done at the time and under the circumstances then prevailing in northern I corps.

Higher authority, acutely sensitive to the growing enemy threat which spread across the entire front, reacted with speed and decision.

A reinforced regiment from the 1st marine division was brought into the Hue-Phu Bai area. Both the 1st Air Cavalry division and 101st Air Cavalry division began staging into the area between Hue and Quang Tri city.

In the meanwhile, at Khe Sanh, the enemy build-up continued. It now appeared that two enemy divisions—324–C and 304 were in the immediate area.

The 325–C division consisted of the 90th, 101st, and 29th Infantry regiments. Both the 90th and the 101st had been involved in the bitter battles for Hill 881–S and Hill 881–B at Khe Sanh in May 1967. These enemy regiments were badly cut up in those battles and had lain doggo for the ensuing months until then turned up in the same arena in January 1968. The 29th regiment was new to us although we suspected it was one of their battalions that had been operating for some months between Ca Lu and Khe Sanh to the north of Route 9.

The 304 division—consisting of the 9th, 57th, and 66th Infantry regiments—was an unknown quantity as far as we were concerned.

We did know that 304 division with only one of its infantry regiments, the 57th had fought at Dien Bieu Phu together with their 345th Artillery Battalion. They attacked strong-point "Isabelle" and overran it finally, suffering 490 Kia.

At this same time things were getting tighter at Khe Sanh on 18 January the enemy probed our positions on Hills 881–S and 861. On 19 January one of our combat patrols early in the morning surprised an enemy force moving onto Hill 881–N. The patrol was reinforced by two rifle companies and the argument became quite vigorous.

This action continued until dark when our forces withdrew to their permanent positions. We could not afford to have them out on a limb 2,000 meters beyond our most advanced combat out-post on Hill 881–S.

And now, on 20 January, at Khe Sanh there occurred one of these fortuitous chances that make the expression "the fortunes of war" something more than a tired cliche. At 1400 hours on that day, 1st Lt. La Thanh Tonc of the 14th AA Co., 5th Bn 101st Regiment 325–C Division approached our lines waving a white flag. He revealed to our interrogators not only the dispositions of the two assault regiments of 325–C Division—that is, the 95th and 101st—but also the general plan of attack to include specific objectives.

An officer courier flew in to my CP from Khe Sanh with the interrogation report. I had assembled my principal staff officers and we studied the information that 1st Lt. La Thanh Tonc had revealed. I decided that we would accept it as valid; we had nothing to lose by so doing and stood to gain a great deal. I recalled that sometime before, at Dak To in the highlands, a similar event had occurred and the Army CG had received valuable information from a deserter: the army staff tended to believe the information was too good to be true and should be discounted. The CG ruled otherwise and events vindicated his judgment. I wondered if history would repeat itself on us.

It may be of interest to tell you what had caused the lt. to desert. He was a regular with 14 years service and had recently failed to be selected for promotion to captain. An officer with less service and fewer qualifications—at least as far as Lt. Tonic was concerned—had been promoted. This so incensed Lt. Tonc that he deserted.

I have often thought that Lt. Tonc's desertion may have caused the enemy to launch his attack earlier than had been planned originally. The enemy undoubtedly learned of Tonc's disappearance within a few hours of his surrender.

At any rate the initial attack on the hill positions at Khe Sanh combat base really commenced on 21 January at about 0415 hours. And I am pleased to report to you that the attack followed exactly the plan that Lt. Tonc had revealed to us the day before. The combat base itself came under an extremely heavy mortar, artillery and rocket barrage. One of the first incoming rounds landed in the ammunition dump: the results were spectacular.

The enemy had placed his heavy artillery just over the border in Laos. We did not have the range to fire counter-battery on his 152 M/M, 122 M/M and 130 M/M guns. Air strikes were only partially effective and then more from an inhibiting role than in a destructive role.

We were never able to silence the heavy enemy artillery and rockets that could bear on Khe Sanh combat base. Improving trenches and shelters became quite popular.

Concurrently with the attack on the combat case, the enemy attacked and finally—after 24 hours—captured the village of Khe Sanh. There was now not less than one enemy regiment astride Route 9 west of the combat base, thus isolating the special forces at Lang Vei near the Laotian border.

The situation of the 23 of January was essentially that which we had to endure for the next two months. Khe Sanh combat base was completely surrounded and dependent on aerial re-supply for everything.

So long as we held firmly to the hill positions and could keep them resupplied by helicopter, the enemy would have a difficult job in attacking the base. It was clear, however, that we must now allow ourselves to be bled to death by engaging in meaningless adventures that did not contribute to the mission—hold on to Khe Sanh combat base; it must not fall into enemy hands.

Our four infantry battalions averaged (counting all hands) about 1,000 men each. The enemy battalions—some 18 in the two divisions—averaged about 550 men each. At least theoretically, on the basis of infantrymen, the enemy had almost 10,000 against our 4,000. Or, to put it another way, the total ration strength at Khe Sanh was some 6,000 men against two good NVA divisions totalling about 20,000 men.

I planned, therefore, a set-piece type of defense that would require the enemy to come to us. The daily papers, I am glad to say, made much of the fact that we were locked into our positions and did not engage in patrolling, etc. I hope the enemy high command believed it because such was not the case.

On 27 January the 37th Ranger battalion (ARVN) joined us at Khe Sanh with an effective strength of about 350 total. This was the last reinforcement to come into Khe Sanh, other than individual replacements for casualties, until we were relieved in April.

Our dispositions were now as follows:

3d Bn 26th Marines occupying the hill positions on 881–S, 861, 861–A and 950 outside the perimeter.

1st Bn 9th Marines occupying a position outside the perimeter and 800 meters directly west of it.

2d Bn 26th Marines occuping hill 558 outside the perimeter and 4,400 meters directly north of it.

1st Bn 26th Marines, 37th Ranger Bn and all supporting forces within the perimeter itself.

Patrolling outside our perimeter was constant, but I put a limit of 500 meters on them. This was to prevent a patrol being mousetrapped, with rescue forces, in turn, becoming entrapped. Our system worked very

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well and at no time did the enemy manage to surprise a position and take hold it.

On the night of 5 February at 0445 hours the enemy began probing the entire Khe Sanh combat base under cover of artillery and rocket fire.

It was in this attack that the sensors proved their great worth to Khe Sahn combat base—in their role as information-gathering devices. Let me tell you in some detail how these events were reported by one officer in the S–2 section in a personal letter to me sometime later.

Throughout the dark of 3–4 February, the sensors reported large troop movements along a ridge to the northwest of hill 881–S. This ridge approaches the hill to a point about 3,000 meters away. Then, it runs south for some 4,000 meters, lying to the west and southwest of the hill. Then, it turns abruptly to the east, ending about 3,000 meters due south of the hill. It is a Z shaped ridge. The northwest section of the ridge, which stretched in that direction for some 10,000 meters away from hill 88–S, was the only source of sensor activity. During that phase of the siege, the S2 and FSCC personnel knew little of sensor accuracy and reliability and I knew even less. And so, I embraced the theory that it would be folly to become erudite in one's ignorance: Therefore, believe that which the sensors purport to say. Thus, from the evidence of that night, I concluded that at least two battalions of infantry (or an equivalent number of porters) had reached a point 3,000 meters to the northwest of hill 881–S; and that they had come from the direction of the known location of the 325C Division. Dawn came without further developments—or confirmation, for that matter.

From the late evening of 4 February onwards, more and more puzzling things occurred. First, the sensors along the north-south portion of the ridge to the west of Hill 881S began to give tongue vociferously in the same intensity as had their neighbors on the northwest portion the night before. Second, the latter began to sound off again. Third, the hitherto silent southern portion of the ridge, running from west to east, reported movement in the same strength as had the other sensors, but only along the western section of the west to east ridge-line. The eastern section, which led to the main siege works about Khe Sahn's southern and southwestern perimeter, reported no activity. Fourth, after the western end of the west-east ridge-line (to the southwest of Hill 881S) had fallen silent, the north-south portion (to the west and southwest) began to sound off again and then lapsed into inactivity. Fifth, more activity in the same strength as event four was reported along the western end of the west-east portion of the ridge to the southwest and south of Hill HH1S. By 0100 5 February all sensors fell silent.

Bearing in mind that I had had only two weeks to learn something—very little—of sensor interpretations by this stage of the siege, let me summarize the events and offer conclusions.

A. Night 3–4 February: Activity to the northwest moving towards Hill 881S; estimate two battalions.

B. Night 4–5 February:

(1) Activity to the west and southwest moving south; estimate two battalions.

(2) Activity to the southwest and south moving east, but stopping when more activity *should* have been reported to the southeast, had the force continued its march east; estimate same two battalions.

(3) More activity to west and southwest, moving south; estimate one battalion.

(4) More activity along western end of ridge to south moving east, but stopping at same place as before; estimate same battalion as above.

(5) Activity to the northwest moving towards Hill 881S, but stopping before the ridge turns to the south; estimate two battalions.

Question to be determined: Have I account for two forces of three and two battalions respectively; do I have three battalions to the south of Hill 881S and two battalions to the northwest or four to the northwest; am I looking at a porter-borne logistic train or should I rush about, shouting "Aux armes"?

All activity had ceased by 0100, 5 February. Expecting more information, I sat back and waited. Then, urgent inquiries to all and sundry—including your headquarters—proving empty of satisfactory response, I slowly entered a state of inward panic. I could not prove that which I was beginning to believe. The forces—if there be forces—had either moved off the line of sensors and the ridges away from hill 881S (therefore, no danger) or they were moving towards the hill (therefore, grave danger—especially in the thick mist). I plumped for the second explanation; for this fell neatly within the lieutenant's remarks.

I then informed Lt. Col. Hennelly the FSC, who twice before had been my commanding officer. His conclusions: right or wrong, the risk was too great to ignore. What did I recommend? My reply: the NVA rate of march is 4 KMS per hour over easy ground and 2 KMS per hour over rough. The last sensor report from the south had occurred at 0100; it was now past 0200; we should fire at 0230 when the enemy should have reached this point (here) on its march north to hill 881S. The enemy will be in regimental column, battalions on line, interval 100 meters (standard NVA regimental tactics for night attack). Therefore, we should place a target block 500x300 square meters about the anticipated enemy position, fire 350 rounds of light and medium artillery into it, and copper bottom our bet by adding a 1000 meter curtain at each end of this east-west block to the south of the hill which would stretch from the southwest to the southeast and be composed of 200 rourds of 175mm fire in the event that the enemy outsmarted us by attempting a double envelopment. Alert aircraft for TPQ–10 runs, if necessary. Such was my advice.

At about 0230 eight batteries of artillery fired over 530 rounds into and along the curtains of the block.

We had no confirmation at all that we had hit anything. The enemy still had half an hour to march to reach hill 881–S. 0300 came and went without further sign of their presence. I concluded that, even if we had not struck them fair and square, at least we had informed them clearly that we were aware of their existence; and, consequently, the enemy had aborted the attack (another NVA characteristic upon which reliance may be placed—up to a point). But, nevertheless, something continued to bother my mind. Despite my concern, the general euphoria which by that time had permeated the FSCC prevented me from remembering the one or two facts which hitherto had escaped my attention.

At about 0445, those facts were violently brought to mind. The enemy, attacking in two battalion strength, assaulted hill 861–A. The missing two battalions had been signalled by the sensors (see page 5, event B(5)) and I had, to my shame, completely forgotten them. I assume now that those two battalions had left the northwest ridge near Hill 881–S, swung north of the hill, and had occurpied their attack position to the northeast of Hill 861–A, whence they made their assault in battalion line, regimental (—) column—as is normal for them. The rest is history. Once more, Marine NCOs and other ranks made up for the mistakes of the alleged brains of and on the staff—as they have done throughout our history. There is no proof, naturally, of any connection between those sensor impulses representing a possible two battalions on the northwest ridge (event B(5)) and the units which attacked hill 861–A. Only one battalion actually made a known appearance on the hill; and it, as you will remember, met a revolting fate. The second battalion, if one there was, was attended to by one hour of shelling and air strikes, which landed on all the possible assemble/reserve areas at the base of the hill. Subsequent information suggested that such a second battalion actually did exist, but that it never had an opportunity to take its place in the line of battle.

It is, as you know, very easy to reason backwards. Sensor information can be very deceptively inviting in this regard. I like to think that all I have told you herein is precisely as it happened; but, I cannot be sure and I never will really know until the NVA actually tell us. For whatever it is worth, the major assault upon the combat base, during the night of 29 Feb.-1 Mar. was signalled in precisely the same way as had been the hill attacks and we were ready for them.

REMARKS DELIVERED TO THE U.S. SENATE, COMMITTEE ON PREPAREDNESS ON KHE SANH, AND THE ROLE OF SENSORS IN ITS DEFENSE

Gentlemen: I am Col. David E. Lownds USMC (Retired) who commanded the 26th Marines and conducted the Defense of Khe Sanh during the Tet offensive of 1967–68.

At Khe Sanh I had the distinct honor and privilege to command some of the finest Marines in our Corps' history and I was proud of the performances and contributions of our sister services—The Navy—The Soldiers—Air Force Personnel and finally the ARVN Forces who added considerable strength. All of them cheerfully endured their hardships and constantly produced a team effort through most trying conditions. Through all this, their morale stayed high and their spirit never lagged.

A great deal was written about Khe Sanh—about the feasibility and desirability of defending it. Make no mistake about it, Khe Sanh was important at the time and the enemy wanted it—wanted it so badly that he committed approximately three divisions to try and get it; of course, it is history that it failed.

One of the most important reasons for this failure was the man on the ground—those Marines and men of the other services and the gallant South Vietnamese Forces who fought along side them. The enemy knew that to take Khe Sanh he had to defeat those ground forces and he found out this was impossible.

In addition to the man on the ground—we had access to the finest combination of supporting arms ever to be assembled, each time the enemy mounted an attack he was soundly defeated both at the wire by the troops on the line and in his assembly areas by our supporting arms. He was never able to sustain an attack because of this combination. Two cases in point may illustrate this—on Feb. 5, 1968 an estimated battalion tried to overrun Marine positions on the west side of Hill 881 the attack was defeated by I Co, 3rd Battalion 26th Marines who killed 109 NVA on the defensive wire. Again on Feb. 9 at least a battalion of NVA attacked our positions about two miles southwest of the airstrip and they were driven off with 124 KIA's and fifty captured weapons (1/9). In both encounters our casualties were light. In addition, the enemy tried to attack different areas of Khe Sanh five times during the month of March in each instance were driven off.

What technological advances played a part in the defense of Khe Sanh and what did they foretell for the battlefield of the future? The actual battlefield of the future won't be that much different from the past. The red mud of Khe Sanh in 1968 was very much like the mud of Flanders in 1918 to the young man living and fighting in it and the geologists tell us that mud won't change that much—what can be predicted is a continuation of the evolutions stemming from and closely tied to the sophisticated technology used at Khe Sanh and which are in keeping with the sophisticated technological society in which we live.

One of these developments which played a significant role in the defense of Khe Sanh, was the sensor which allowed for early warning and active target acquisition of targets not only close in but deep within enemy dominated terrain and the subsequent destruction of the targets. The sensor is not a panacea but is a valuable tool in the effective coordination of exceptionally responsive and particularly flexible firepower (it is flexible and expendable which is something, in my estimation, your and my sons are not.)

It allows a commander to quickly locate enemy assembly areas and destroy or render ineffective the main force before he can close the main battle position. In this regard one particular situation at Khe Sanh comes to mind it occurred in early March of 1968. The sensors which had been emplaced along Route 9 to the Laotian Border suddenly came to life and it became obvious that a large column was moving adjacent to Route 9 toward the base. A personal previous reconnaissance prior to the start of the battle gave me the time it took to reach given points along the road and the sensors were verifying the information that the NVA were proceeding as estimated. By computing the length of the column by information produced by the sensors it became obvious to me that an enemy regiment was trying to close the base. This information coupled with possible assembly areas allowed us to bring down upon this unit devastating fire power (i.e. B–52, tactical air and artillery) to break up the impending attack. Approximately only one company was able to close and were destroyed in front of the ARVN positions on the southeast corner of the perimeter.

Circumstances such as this occurred several times (although the enemy forces were not necessarily in regiment size) during the battle of Khe Sanh.

In my estimation during the single episode described above a significant number of American lives were saved.

The sensor and electronic battlefield as it existed at Khe Sanh were an extremely valuable adjunct to the defense. In closing let me say the battlefield is a dirty and ugly place. All the most sophisticated instruments of destruction we can devise won't change it nor will they change the supreme demands of courage, sacrifice, professional skill and dedication which Marines of each and every generation have met on the field of battle. However, we should have the vision with which to make our country more secure and the tasks of our young men of the future easier, their challenges less trying and their sacrifices less costly.

Thank you.

Statement of Maj. Jerry E. Hudson, 076400, U.S. Marine Corps

During the period November 1967 through April 1968, I was assigned as Intelligence Officer for the 26th Marines at Khe Sanh. During early January, multi-source intelligence indicated a substantial build-up in enemy activity in the area and the threat of attack appeared imminent.

Approximately 18 January a team from MACV Headquarters in Saigon visited Khe Sanh and offered the use of some electronic devices which would give indications of enemy presence, later to be called sensors. Within 48 hours we began receiving reports that the devices were being implanted in likely avenues of approach to the combat base. Approximately the same time we also began receiving reports that the devices were indicating enemy activity. These reports increased in volume to over one-hundred per day. During the first days the reports were received with some anxiety as their meaning was not clear; however, after exchange of numerous messages with the various commands involved in implanting, readout, and interpretation of the information, definite patterns could be detected and were targeted.

During the height of activity at Khe Sanh we received several hundred air strikes, over five-hundred artillery missions, as many as eighty radar directed bomb missions and as high as sixteen B–52 missions all in a twenty-four hour period. Sensors provided a prime source in the identification of targets for these systems. One B–52 mission was followed by over two hours of secondary explosions.

Prior to the advent of sensors, it was command doctrine to shoot numerous harassing and interdiction (H&I) artillery missions each night. These missions were usually based on map inspection, suspect areas, and yesterday's intelligence. The sensor provided real time information and the words harassing and interdiction were virtually removed from the Third Marine Division vocabulary in favor of moving target-fire.

Khe Sanh enjoyed what is probably the most heavily concentrated intelligence collection effort ever directed in support of a regimental sized operation. Sensors played an important part in this effort. Sensor activations were immediately targeted for coverage by infrared sensing aircraft and side looking airborne radar. When weather permitted, all sensor activations were reacted to by aerial observers. When sensor activations were viewed with the information available from the many other sources, valuable intelligence could be produced regarding enemy base camps, storage areas, truck parks, artillery sites and movement through the area in general.

I believe that sensors played an important role in the defense of Khe Sanh. I know that they were relied upon heavily in determining my estimates of the enemy situation to Colonel Lownds, the Regimental Commander of 26th Marines and commanders of the Khe Sanh combat base.

SMALL BUSINESS ADMINISTRATION LOANS AND COMMITMENTS

Mr. McINTYRE. Mr. President, I am reporting a clean bill from the Senate Committee on Banking and Currency relating to the Small Business Administration.

The bill would increase the amount of loans and commitments which the Small Business Administration can have outstanding in its regular business loans, in trade adjustment loans, in loans made under title IV of the Economic Opportunity Act of 1964 and under its prime contract authority. This amount would be increased from $1.9 to $2.2 billion. There is a sublimitation increase of from $200 to $300 million in the amount which can be outstanding under title IV of the Economic Opportunity Act of 1964. SBA estimates that this increase will permit it to continue these programs until June 30, 1971.

The bill would also increase the amount which may be outstanding in loans to State and local development programs under title V of the Small Business Investment Act of 1958 from $300 to $500 million. SBA estimates that this increase will permit it to continue these programs until June 30, 1972.

These increases are vital to the continuance of SBA's loan programs. At the present time the existing statutory ceilings are so close to being exceeded that SBA has issued an order dated November 9, 1970, which prevents its field offices from approving regular business loans, EOL loans, displaced business loans, trade adjustment loans, and prime contracts. All approvals are being made in the Washington office.

This order came as a surprise to the Small Business Subcommittee. We had been led to believe that the present statutory ceilings for these loan programs were sufficient to continue these programs until Congress had had a chance to act on these increases after the election recess. However, the large volume of loans in September and October had adverse effect on projections which SBA had made.

The Senate has already acted to increase the ceilings which may be outstanding in loans to State and local development companies on August 11, 1969. No action has been taken on this bill, S. 2815, in the House. This increase is included in this bill to facilitate action by both Houses of the Congress on this very important matter. Loans under this program have been limited since September to the amount of repayments and cancellations received by SBA. On November 6, 1970, a moratorium was placed on all State and local development company loans.

This bill also broadens SBA's ability to pay the travel expenses and other related costs in its volunteer management counseling program. Under present law SBA is restricted in its ability to pay the expenses incurred by the volunteers who assist SBA in its management counseling. This bill would permit SBA to rent needed office space, pay telephone bills, and parking charges of these volunteers. It would also permit SBA to alert the SBA community of the availability of this program.

SBA is in danger of losing the volunteers it now has if it is not able to meet the basic expense requirements of those businessmen who assist in this important work.

This is truly emergency legislation. I understand that the House Banking and Currency Committee will act on this matter Tuesday, November 24, 1970. I strongly recommend that the Senate act on this bill as promptly as possible.

THE "DELTA QUEEN"

Mr. SAXBE. Mr. President, I wish to join Senators who are speaking today about the renewed efforts in the House of Representatives to save the *Delta Queen*. These efforts, which revolve around H.R. 6114 as amended, would extend for 3 years the operating authority of the historic steamer that traditionally plys the Mississippi River system.

The language of the amended bill would affect only the *Delta Queen*, the last overnight paddle wheel steamboat in the United States. The proposed legislation does not provide for a total exemption from the safety-at-sea law, Public Law 89-777. Rather, it allows time for implementation of recommendations made by the conferees to H.R. 15424, the merchant marine program.

The bill does not involve any expenditure of Federal funds, but its passage would permit the *Delta Queen* to continue while a replacement is being constructed as well as providing time for Congress to decide how to save this last bit of history that played such an important part in the building of America. The reestablishment of passenger traffic on our inland rivers, even if only for tourist purposes, would aid all States on the Mississippi system, as well as my own State of Ohio.

House procedure will allow a full and fair vote by all the Members, allowing them to express themselves and their constituencies as to whether the *Queen's* operations at full passenger capacity should continue. This is all that those of us that support continued operation of the *Delta Queen* can ask. The Senate has twice supported this position in an overwhelming manner. First, it voted to include an exemption for the *Delta Queen* in the merchant marine program that just became law. Then, the members of the Judiciary Committee with the full Senate concurring attached the extension language in the present bill now pending before the House Judiciary Committee.

I urge the members of the House Judiciary Committee, led by its distinguished ranking minority member, the Honorable WILLIAM MCCULLOCH of the Ohio delegation, to bring the *Delta Queen* extension bill to the floor for a vote. Thus, preventing this small but very important part of our heritage from being destroyed by a fraction of the membership of the House of Representatives.

ENLIGHTENED POSITION OF MOBIL OIL CO. ON MASS TRANSPORTATION

Mr. MUSKIE. Mr. President, Mobil Oil Co. recently placed an advertisement in the New York Times which commented on the "highway construction boom" and the "mass transportation bust."

The sentiments expressed in this advertisement are not those that are expected of a company that profits from greater use of automobiles and highways. The enlightened position of the Mobil Oil Co. with respect to mass transportation may be a source of strength for those of us who are concerned with this problem and who plan to seek major changes in our Nation's transportation policies during the next session of Congress.

I ask unanimous consent that the text of the Mobil Oil Co. advertisement be printed in the RECORD.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 19, 1970]

AMERICA HAS THE WORLD'S BEST HIGHWAYS AND THE WORLD'S WORST MASS TRANSIT—WE HOPE THIS AD MOVES PEOPLE

In recent years the United States has developed a really superb highway system. It's been built with tax revenues earmarked specifically for road building.

But the highway construction boom has been accompanied by a mass transit bust. Train and bus travel in this country, with few exceptions, is decrepit. The air traveler suffers increasing indignities despite bigger, faster planes.

Greater New York is a typical example. You can depend on commuting to and from Manhattan—but only to be undependable and slow. On public transport, the 25 miles to Westfield, N.J. takes 75 minutes at an average speed of 20 miles per hour. The 33 miles to Stamford, Conn. takes 60 minutes at 33 mph. The 26 miles to Hicksville, L.I. takes 55 minutes at 28 mph. When you're on time.

You have to be a stoic with stamina to use public ground transportation for a trip beyond the commuting range. Fly to a nearby city? You can hardly get at our congested air terminals, either by land or air. The ride to or from the airport often takes longer than the flight.

Mass transit seems to work better abroad. Americans are agreeably impressed by the fast, comfortable, and attractive subways in foreign cities. Intercity trains in other countries make ours look pitiful, Japan's high-speed Tokaido line carries more than 200,000 passengers a day. Clean, comfortable French, German, Italian, and British trains regularly attain speeds over 100 mph. European railroads are already planning or building expresses that will do better than 150 mph.

Yet, in the United States, new mass transit systems are for the most part still in the wild blue yonder.

Providing for our future transportation needs will require very large expenditures. We believe there's an urgent need for legislators to reexamine the procedures used to generate and expend transportation revenues. Such a review may yield the conclusion that special earmarked funds are no longer the best approach.

In weighing priorities, no decision-maker can ignore the increasing congestion on those fine highways of ours, especially in and around the great urban centers. But more and better mass transit could stop traffic jams before they start. Just one rail line has triple the people-moving capacity of a three-lane superhighway.

It costs less—in energy consumption and in money—to move people via mass transit than on highways. Thus mass transit means less air pollution.

It also means conservation. Whether the energy comes from gasoline for cars, or fuel oil, natural gas, or coal for electric power plants, it's derived from a diminishing natural resource. So we think *all* forms of transportation should be brought into a national plan for safe, rapid, economical ways of moving people—consistent with the wisest use of our energy resources.

While Mobil sells fuels and lubricants, we don't believe the gasoline consumed by a car idling in a traffic jam (carrying a single passenger, probably) is the best possible use of America's limited petroleum resources. Our products ought to help more people get where they want to go.

To us, that means a green light for mass transit . . . soon.—Mobil.

THE "DELTA QUEEN"

Mr. SCOTT. Mr. President, I welcome this opportunity to speak on behalf of the paddle wheeler *Delta Queen* to express the hope that Congress will complete action in this session to permit this historic vessel to continue overnight passenger service.

We in the Senate have acted on two separate occasions this year to pass amendments to "save the *Delta Queen*." The opportunity for further action now rests with the House of Representatives, but it seems fully appropriate that we in the Senate who have supported this effort make our continuing interest known.

My own interest in this matter is twofold. The *Delta Queen*, the last of America's overnight paddle wheel passenger steamers, has become a familiar sight in Pittsburgh in my own Commonwealth of Pennsylvania during the more than four decades she has sailed on the inland Monongahela, Ohio, and Mississippi Rivers on trips through 17 States terminating in New Orleans.

But it seems to me that there is also a larger national question of public interest at stake here. In the *Delta Queen*, Congress has what is probably its last opportunity to preserve all that now remains of the riverboat's colorful and once-thriving role in our American heritage. The Department of the Interior has recognized this public-policy question by designating the *Delta Queen* for preservation by including her in the Department's official National Register of Historic Places. Many who have seen or ridden the *Delta Queen* feel that this vessel ranks equally with Philadelphia's Independence Hall and New York's Statue of Liberty as an American landmark. It seems paradoxical that this boat, which has been marked for preservation by one Federal agency, may be doomed by another. I remain hopeful that Congress will take the opportunity still available to make sure that this does not happen.

At issue, Mr. President, is Public Law 89-777, the so-called Safety at Sea Act, which Congress enacted to authorize fire safety standards to protect Americans sailing on the high seas many miles from shore. Obviously, no one can deny that the tragedies which led to the passage of this legislation warranted responsible action by Congress.

It is the Coast Guard's contention that the *Delta Queen*, because of her wooden construction, represents a similar fire hazard. Although much of this wood is in fixtures and appointments representing the elegance of a period gone by, I can appreciate the Coast Guard's concern for it is this agency which, after all, is primarily responsible for the implementation of Public Law 89-777.

There are, however, marked differences which, in my opinion, justify special consideration for the *Delta Queen*. Unlike those vessels which operate on the high seas, the *Delta Queen* sails on usually calm inland waters at distances close to shore. In addition, the boat is already equipped with an automatic sprinkler system, and all of her staterooms open on outside corridors, adding to her safety. It seems worth noting that the *Delta Queen*, in all her years of service, has never experienced a single passenger fatality.

Moreover, the vessel's owners, with whom I have been in close contact, have shown every willingness to undertake the added expense of further safety improvements. Several approaches, including the possibility of fireproofing with special materials originally developed by the National Aeronautics and Space Administration for use in our own space program, have been explored. I have every reason to believe that those who operate the *Delta Queen* will take every reasonable precaution to insure passenger safety.

The current legislation already passed by the Senate and now before the House of Representatives is a compromise with an earlier Senate amendment which would have granted an indefinite exemption from Public Law 89–777 for the *Delta Queen*. The extension now at issue would be for a specified period only, a period of 3 years during which the *Delta Queen's* owners would continue to offer overnight passenger service with the present vessel while having the opportunity to make the necessary financial arrangements to construct a replacement that complies fully with the fire safety requirements of Public Law 89–777.

Technically, the exemption for the existing *Delta Queen* has already expired, but the boat had been previously scheduled for other repairs at this time. Therefore, the opportunity to "save the *Delta Queen*" still exists.

A public interest in the preservation of the *Delta Queen* has been amply demonstrated through letters, telegrams and phone calls to virtually every congressional office. Clearly, the public is looking to Congress for the needed legislation to keep the *Delta Queen* in service. I sincerely hope that the public will not be disappointed.

THE LEGAL SERVICES PROGRAM

Mr. McGOVERN. Mr. President, the words of Donald Rumsfeld on July 14, 1969, announcing the appointment of Terry F. Lenzner to be Director of the Legal Services Program:

> The Legal Services Program has come to symbolize much of the mission of this Agency: justice for the poor, effective advocacy on behalf of the poor, and orderly institutional change within the framework of the legal system. Just as this Agency, by Congressional mandate, represents the concerns and needs of the poor within government, so also this program is to provide the poor with representing and advocacy before all institutions and at all levels of government.
>
> The poor must have effective legal representation—the kind of advocacy on which our legal system rests—if they are to have faith that justice is truly equal and that it can be achieved within the existing system of law. We cannot restrict lawyers from giving their clients that representation which the highest standards of the profession require without encouraging those denied to seek change outside the legal system.
>
> Tradition requires that lawyers be advocates—for the poor and rich alike. It is my desire to see the Legal Services Program express the concern, advocacy, and commitment necessary to assure equal justice for the needy.
>
> Terry Lenzner is an attorney for whom I have the highest respect. He has had a remarkable range of experience—a trial attorney of the Civil Rights Division of the Justice Department, Assistant United States Attorney in the organized crime section in the Southern District of New York, private practice, Special Assistant to the Chairman of the Board of Education of the city of New York. I have worked closely and personally with him on a daily basis since assuming this position, and I have confidence in his judgment, his ability and his commitment.

At that time Mr. Rumsfeld went on to say:

> I have every confidence that Mr. Lenzner, the staff and the National Advisory Committee will work with increased effectiveness to bring those ideas closer to reality.

Now, 16 months later, Mr. Rumsfeld has fired Terry Lenzner and his deputy, Frank Jones, accusing them of condoning various violations of agency regulations by local legal service programs.

It is interesting that at this time Rumsfeld does not talk in terms of effective advocacy for the poor, or the highest standards of the profession, or faith in justice, nor of commitments to insure equal justice for the needy. No; now he talks of agency regulations.

Lenzner and Jones have now joined the long list of persons with too keen a sense of integrity and justice to be allowed to reside in this administration—Leon Panetta, James E. Allen, John Knowles, and many attorneys within the Civil Rights Division of the Justice Department.

I would imagine that now that he has performed the Nixon administration's dirty work Mr. Rumsfeld will be rewarded with greater influence and a chair closer to the President as was Robert Finch after he performed the coup de grace on James E. Allen, the then Commissioner of the Office of Education, an outspoken advocate of equal educational opportunity.

The firing of Lenzner culminates a year-long effort of trying to gut the program through an administrative procedure euphemistically called regionalization. In fact, regionalization has always meant stripping Lenzner and the National Office of Legal Services of an effective control over the program. The latest effort at regionalization was announced by Rumsfeld earlier this week and promptly denounced by the Citizens' Advocate Center. I would like to include in the RECORD a copy of the conclusions of the report put out by the center. I also want to serve notice that I will join with my colleagues in the Senate, especially Senator MONDALE who has so long and so ably defended this program against administration politics, to prevent regionalization.

I think it is about time we had an end to this type of political retribution while there are still some people with a concern for equal justice and equal opportunity left in Government.

I have had personal experience with the work of legal service attorneys all across the Nation who have brought suits on behalf of America's hungry poor. These suits have angered local, State and Federal officials but they have insured that hundreds of thousands of persons have received the food assistance to which they are entitled.

Let us have an end to the politics of poverty.

I ask unanimous consent that an analysis of the Legal Services program prepared by the Citizens Advocate Center be printed at this point in the RECORD.

There being no objection, the program was ordered to be printed in the RECORD, as follows:

On Sunday, November 15, 1970, Donald Rumsfeld, Director of the Office of Economic Opportunity announced that the OEO Legal Services Program would not be regionalized. Simultaneously, OEO promulgated six single space pages of detailed procedures purporting to implement that decision.

The announcement to discard regionalization was no victory. What replaced it was far more devastating; as Pyrrhus is reported to have remarked: "Another such victory and we are undone."

The Citizens Advocate Center was requested to prepare an analysis of these procedures by individual members of the National Advisory Committee to the OEO Legal Services Program because the National Advisory Committee has no staff to perform such functions. Members of the National Advisory Committee requesting this analysis include John Commiskey (Member, Board of Governors, ABA), Honorable Edward Bell (President, National Bar Association), Jacob Fuchsberg (past President, American Trial Lawyers Association), Revius Ortique (Vice President, National Legal Aid and Defender Association), Jean Camper Cahn (Chairman, Subcommittee on Regionalization of the National Advisory Committee) and Mary Ellen Hamilton (President, National Clients Council).

Careful scrutiny of these procedures and the manner in which they were promulgated compels the Citizens Advocate Center to reach the following conclusions:

I. The new procedures achieve administratively the precise results which made the proposed regionalization so objectionable and indeed, go considerably beyond the proposed regionalization in destroying the administrative independence of the Legal Services Program;

II The new procedures represent a repudiation of recommendations adopted by the National Advisory Committee and the National Clients Council on November 6 which set forth the administrative features deemed essential to protect the professional integrity of the Legal Services Program;

III. The new procedures were developed and promulgated in such a manner as to bypass entirely, both the Legal Services staff of OEO and the National Advisory Committee (which is the agency's official internal vehicle for consultation with the organized bar).

The foregoing conclusions were arrived at only after intensive analysis of the new OEO procedures. They were not reached lightly, precisely because they fly in the face of the public impression generated by Director Rumsfeld's announcement which appeared to end a period of grave peril for the Legal Services Program. In fact, the new procedures strip the Legal Services Program of virtually all administrative and professional insulation despite the OEO's official statement that "particular attention was given to the views submitted last month in a letter from Edward L. Wright, president of the American Bar Association."

I

The new procedures achieve administratively the precise results which made the proposed regionalization so objectionable and indeed, go considerably beyond the proposed regionalization in destroying the administrative independence of the Legal Services Program.

Rumsfeld in his November 14th memorandum made it clear that his public rejection of regionalization was extremely limited by conscious intent:

"In rejecting the 'regionalization' approach, I wish, therefore, to emphasize that I am rejecting only the recommendation to shift operational control of the program from the Office of Legal Services to the Regional Directors. While program control will be retained by Legal Services *staff*, such control will increasingly shift from the Headquarters to the Regional level, i.e., from the National Office of Legal Services to the Regional Legal Services Divisions. This decentralization of control will proceed on a Region-by-Region basis as the respective Regional Legal Services Divisions demonstrate the capacity to exercise such authority.

"However, I also wish to emphasize that whether or not an individual Regional Legal Services Division has been delegated operational program authority in the Headquarters/Regional decentralization process, the Regional Legal Services Division *must* follow an explicit set of procedures setting out a meaningful and continuing process of coordination between the Regional Legal Services Director and the Regional Director and his staff. These procedures will insure the Regional Director and his staff full opportunity to participate in the grant review and approval process for Legal Services Programs at every major stage in that process."

Under the procedures issued, there is no need to delegate authority to the Regional Directors. They have the substantive power to intervene, to block, to monitor, to coerce acquiescence, and to precipitate an appeal directly to Carlucci and Hjornevik merely by registering a dissent on any issue.

The new instructions thus radically alter the existing decision making structure in several ways:

1. The Regional Director's sign off is no longer ministerial; it can be withheld for substantive reasons—and appeals or the threat of appeals at all the preliminary checkpoint stages can effectively obviate the need ever to withhold final sign off. By that time, all issues can have been resolved on a low visibility level.

2. Lenzner can no longer withdraw the concurrent signoff power delegated to the Regional Directors if he disagrees with them. Previously, the Regional Director could be compelled to sign or have his concurrent power withdrawn by Lenzner unilaterally. Now that the Regional Director has the right to appeal to Carlucci when he withholds his final sign off, Lenzner can no longer assert sole jurisdiction where the Regional Director refuses to sign.

3. Lenzner no longer has the sole power to decide to delegate sign off power to his Regional Legal Service Directors. He thus loses an important element of line command which is the power to grant or withhold sign off power to the Regional Legal Service Directors. Under the new procedures, the decision to decentralize is made by Lenzner *and* Rumsfeld based upon a determination of whether the Regional Legal Service Director has "demonstrated the capacity to exercise such authority." Should Rumsfeld decide that decentralization to a given Regional Legal Service Director is in order, Lenzner's refusal to do so would take on the appearance of a vote of "no confidence" in his own staff—thus creating a powerful incentive for dissension between Lenzner and his Regional Staff. And an ambitious Regional Legal Service Director could generate pressure through the Regional Director to get Rumsfeld to rule him "capable." Accordingly, there are powerful incentives for the Regional Legal Service Director to accede to the wishes of the Regional Director as a prerequisite of gaining Rumsfeld's agreement to decentralize. Equally disturbing, Lenzner can not withdraw such a delegation once made to his Regional Legal Service Director. The reasons for withdrawing such authority might be, e.g., trying to oversee the actions of a weak Legal Services Director who was making decisions at variance with national policy.

4. Under the new procedures, Lenzner no longer has any power to monitor programs on a day-to-day basis, whether that program be in Volusia County, Florida or Grand Rapids, Michigan, or the Navajo Reservation, or Chicago, Illinois. The instructions make clear that all day to day monitoring, funding, planning is to be done in the regions. Prior to November 15th, if CRLA, DNA or Florida migrant faced unusual problems, Lenzner and his headquarters staff were available and had the power necessary to do the trouble shooting so often required by aggressive legal service program. Lenzner and his headquarters staff must now rely on such information as his Regional Legal Service Director can garner. But Lenzner cannot act in person. Equally, Lenzner no longer has power to protect a Regional Legal Service Director who is being subjected to intolerable pressures within a particular Regional Office when the only way of assuring full communication and notice to Headquarters may be to withdraw signoff power to insure that Headquarters is aware of the problem. In the light of past experience with censorship of correspondence from Regional Legal Service Directors to grantees—and even to Headquaters, the ability to withdraw certain powers may be crucial to guarantee a flow of information.

The November 15 procedures substitute for delegation to the Regional Directors far more extensive authority to intervene in, scrutinize, control, and dominate the Legal Services Program by four steps:

1. decentralization to Regional Legal Service Staff.

2. extensive "checkpoint procedures" which provide not only the power but the affirmative obligation on the part of non-Legal Services staff to question, challenge, obstruct, and harass those charged with administration of the Legal Services Program and which, by proliferating checkpoints, have levied upon Regional Legal Service personnel responsibility for preparing all grant papers under a far more onerous and cumbersome procedure.*

3. proliferation of "appealable conflicts" invites ready circumvention of any theoretical control exercised by the Legal Service Director. The procedures vest power in the Regional Directors or their staff to November 15th challenge and overturn four classes of decisions: appointment of Legal Services staff, approval of the Regional Legal Services Operational Plan, approval of any Letter of Understanding to any Legal Services grantee explaining the terms and conditions of the grant, and final sign off releasing the funds for the grant. Power to make those four decisions is in fact power to run the Legal Services Program.

4. elimination of any formal role for the National Advisory Committee to redress the balance of power, to police the program and to protect its professional integrity.

The net result of these four steps is either to emasculate the program or to throw the Legal Services Program into a continuous pitched battle with the remainder of the agency at every level and regarding every program. Regionalization, the subcommittee of the NAC concluded, posed an imminent threat to the program, increasing the likelihood of political interference with the attorney client relationship, and rendering the Legal Services Staff impotent to protect the program's professional integrity.

DARTMOUTH INDIANS CAPTURE IVY LEAGUE FOOTBALL CROWN

Mr. COTTON. Mr. President, from the rugged mountains of the State of New Hampshire came the welcome news last weekend that the Dartmouth Indians had captured the Ivy League football crown by defeating Penn 28 to 0.

In doing so, they also won the Lambert Trophy, which is awarded to the best college football team in the East.

Dartmouth compiled some amazing statistics in going undefeated for the third season in 9 years.

The Indians won nine straight games.

They won six by shutout.

They led the Nation in scoring defense.

They were among the national leaders in total offense.

In winning the Ivy League title, they presented Coach Bob Blackman with the 150th victory of his college career. He joins the select company of coaches Bear Bryant, Alabama; Johnny Vaught, Mississippi; Woody Hayes, Ohio State; and Ben Schwartzwalder, Syracuse, the only coaches in the Nation who have more.

In 16 seasons at Dartmouth, a remarkable tenure in the college coaching profession, Coach Blackman has guided the Indians to 101 wins, 37 losses, and 3 ties.

The people of New Hampshire share with the Nation their pride in the academic and athletic accomplishments of Dartmouth, the Nation's ninth oldest college. As a Senator from New Hampshire, I am pleased today to pay tribute to the Dartmouth Indians and to Coach Bob Blackman and his staff by bringing to the attention of Congress their fine record of achievement.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

WATER CARRIER MIXING RULE

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous order, the Chair lays before the Senate the pending business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 8298) to amend section 303 (b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments on page 1, line 6, after the word "part", strike out the comma and "except the provisions of section 306 and, in case of any violation thereof or of any rule, regulation, requirement or order thereunder, or of failure to comply therewith, the provisions of sections 316 and 317,"; on page 2, line 9, after the word "count.", strike out "The transportation, subject to the provisions of this part, of commodities not in bulk, or commodities in bulk at rates lawfully filed and subject to the provisions of section 307, or both, shall not prevent the application of the provisions of this subsection to the concurrent transportation in the same vessel of commodities in bulk moving under the exemption provided in this subsection. For the purposes of this subsection two or more vessels while navigated as a unit shall be considered to be a single vessel."; in line 20, after the word "amended.", strike out "The provisions of this subsection are not intended to alter existing law, as in effect on the day before the date of enactment of this sentence, with respect to water carriers operating solely within a harbor or within the Great Lakes.";

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*The procedure for drafting a letter of understanding to a Legal Service Grantee involving predrafting consultation, post drafting consultation, dual review challenges in headquarters, and appeals procedures provides the most extensive illustration. (6c, p. 5.)

At the top of page 3 strike out:

Sec. 2. The amendment made by the first section of this Act shall expire at the end of the two-year period beginning on the date of its enactment. Not less than ninety days before the expiration of such two-year period the Interstate Commerce Commission shall report to the Congress on the effects of such amendment on transportation operations under section 303(b) of the Interstate Commerce Act.

And, in lieu thereof, insert:

Sec. 2. The Secretary of Transportation shall undertake a comprehensive study of the present system of economic regulation of dry bulk commodity transportation; of the effect of this Act upon the carriers to whom it applies and upon the shippers of dry bulk commodities; and what changes in the existing regulatory system, if any, would be desirable to improve competitive conditions between carriers of different modes whether or not subject to the provisions of the Interstate Commerce Act. The Interstate Commerce Commission and the Secretary of the Army are directed to cooperate fully with the Secretary of Transportation in carrying out the purposes of this Act. The Secretary shall transmit the results of such study to the Congress within two years after the date of enactment of this Act.

In line 23, after the word "the", strike out "Interstate Commerce Commission" and insert "Secretary of Transportation"; and on page 4, line 3, after the word "the", strike out "Commission" and insert "Secretary".

Mr. HOLLINGS. Mr. President, the purpose of H.R. 8298 is to remove outmoded restrictions upon the application and scope of the qualified exemption from regulation contained in section 303(b) of the Interstate Commerce Act which stand as a bar to the realization of greater efficiency of operations in the transportation of commodities by barge on our inland waterways.

Technological improvements in the last 20 years have produced vastly more powerful towboats, making possible for the first time the transportation of large economical towloads of up to as many as 40 or more barges in a single tow. The benefits which should flow from this technological progress will be denied to the users of barge transportation and the industry itself under a recent interpretation by the Interstate Commerce Commission of the obsolete and restrictive working contained in section 303(b) unless such interpretation is legislatively overturned.

H.R. 8298, as amended, also requires the Secretary of Transportation to undertake a comprehensive study of the present system of economic regulation of dry bulk commodities and to report back to Congress within 2 years his conclusions as to what changes, if any, in the existing regulatory system would be desirable to improve competitive conditions between carriers of different modes with respect to the transportation of such commodities.

Public hearings were conducted on this legislation before the Surface Transportation Subcommittee on September 22, 1970, at which I presided. Twenty-one witnesses, representing every conceivable viewpoint, were heard from.

There was virtual unanimity among the witnesses and in the letters of comment on the proposal that the prohibition of mixing regulated and unregulated commodities in a single tow is not in the public interest. The railroads condition their view upon their being afforded equal regulatory treatment with respect to the commodities involved as to which they are principal competitors on the barge lines.

The most controversial provision of the House bill was the requirement that all water carriers whether they be regulated or exempt should publish and then file rate applicable to exempt bulk commodities. While the regulated water carriers and the railroads supported that provision, the shippers of bulk commodities and the exempt carriers were adamantly opposed. The railroads considered the rate filing provision to be essential.

The following is a summary of committee amendments:

First. Strike from H.R. 8298 all requirements for rate filing.

Second. Reverse the mixing rule using the Senate approach contained in S. 1314 of the 90th Congress by eliminating the definition of two or more vessels operated as a unit as constituting a single vessel in lieu of the approach now contained in H.R. 8298.

Third. Provide for a 2-year study by the Department of Transportation in lieu of the ICC as provided for by the House.

On behalf of the Commerce Committee I urge that the Senate adopt the measure as amended by the committee.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 786) providing for an adjournment of the House from November 25 to November 30, 1970, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 3630. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission; and

H.R. 18546. An act to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

EQUAL-TIME REQUIREMENTS FOR CANDIDATES FOR PUBLIC OFFICE—VETO

The **PRESIDING OFFICER** (Mr. Stevenson). Under the previous order, the Chair lays before the Senate the President's veto message on S. 3637, a bill to revise the provisions of the Communications Act which relate to political broadcasting.

(For President's veto message, see p. 36320 of the Congressional Record of Oct. 12, 1970.)

The Senate proceeded to consider the bill.

The **PRESIDING OFFICER.** The time for debate on this question will run until 5 p.m. and is to be equally divided and controlled by the majority and minority leaders, or their designees.

Who yields time?

Mr. PASTORE. Mr. President, I yield myself whatever time is necessary for me to make the opening statement.

I ask unanimous consent that the text of the bill as agreed upon and passed by both Houses of Congress be printed in the Record at this point.

There being no objection, the text of S. 3637 was ordered to be printed in the Record, as follows:

S. 3637

An act to revise the provisions of the Communications Act of 1934 which relate to political broadcasting

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting before the colon the following: ", except that the foregoing requirement shall not apply to the use of a broadcasting station by a legally qualified candidate for the office of President or Vice President of the United States in a general election".

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the lowest unit charge of the station for the same amount of time in the same time period."

Sec. 2. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (f) and by inserting immediately before such subsection the following new subsections:

"(c)(1) For purposes of this subsection, the term 'major elective office' means the office of President, United States Senator or Representative, or Governor or Lieutenant Governor of a State.

"(2)(A) No legally qualified candidate in an election (other than a primary election) for a major elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(i) 7 cents multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding general election for such office; or

"(ii) $20,000, if greater than the amount determined under clause (i) (or if clause (i) is inapplicable).

"(B) In the case of a candidate for United States Senator in a State in which the total number of votes cast for all legally qualified candidates for Senator in the last preceding election for Senator was less than the greatest total number of votes cast for all legally qualified candidates in any election (held after such preceding senatorial election) for a statewide office in such State, the amount determined under subparagraph (A)(i) shall be 7 cents multiplied by such greatest total number of votes for statewide office.

"(3) No legally qualified candidate in a primary election for nomination to a major elective office, other than President, may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of 50 per centum of the amount determined under paragraph (2) with respect to the general election for such office.

"(4) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for major elective office (or for nomination of such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

"(5) No station licensee may make any charge for the use of such station by or on behalf of any candidate for major elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2) or (3, whichever is applicable.

"(d) If the Commission determines that—

"(1) a State by law—

"(A) has provided that a primary or other election for any office of such State (other than Governor or Lieutenant Governor) or of a political subdivision thereof is subject to this subsection, and

"(B) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(2) the amount of such limitation does not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a major elective office, or nomination thereto, then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation upon total expenditures.

"(c) For the purposes of this section, the term 'broadcasting station' includes a community antenna television system, and the terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system."

SEC. 3. (a) The amendment made by subsection (b) of the first section of this Act shall take effect on the thirtieth day after the date of its enactment.

(b)(1) The amendments made by section 2 of this Act, insofar as they relate to primary elections, shall take effect on January 1, 1971. Except as provided in paragraph (2), the amendments made by section 2, insofar as they relate to general elections, shall apply with respect to amounts paid for broadcast time used after the thirtieth day after the date of enactment of this Act.

(2) If the Federal Communications Commission determines that—

(A) on August 12, 1970, a person is a legally qualified candidate for major elective office (or nomination thereto),

(B) there are in effect on such date one or more written agreements with station licensees for the purchase of broadcast time to be used after such thirtieth day on behalf of his candidacy for such office (or nomination thereto), and

(C) such agreements specify amounts to be paid for the purchase of such time to be used after such thirtieth day which, in the aggregate, exceed the limitation imposed by section 315(c)(2) of the Communications Act of 1934 with respect to the general election for such office,

then such amendments shall not apply to any of the candidates for election to such office in an election held before January 1, 1971.

Mr. PASTORE. Mr. President, I ask unanimous consent that the President's veto message be printed in the RECORD at this point.

There being no objection, the President's veto message was ordered to be printed in the RECORD, as follows:

VETO MESSAGE

To the Senate of the United States:

I return herewith, without my approval, S. 3637, a bill to revise the provisions of the Communications Act which relate to political broadcasting.

This legislation is aimed at the highly laudable and widely supported goals of controlling political campaign expenditures and preventing one candidate from having an unfair advantage over another. Its fatal deficiency is that it not only falls far short of achieving these goals but also threatens to make matters worse.

S. 3637 does not limit the overall cost of campaigning. It merely limits the amount that candidates can spend on radio and television. In doing so, it unfairly endangers freedom of discussion, discriminates against the broadcast media, favors the incumbent officeholder over the officeseeker and gives an unfair advantage to the famous. It raises the prospect of more—rather than less—campaign spending. It would be difficult, in many instances impossible, to enforce and would tend to penalize most those who conscientiously attempt to abide by the law.

The problem with campaign spending is not radio television; the problem is spending. This bill plugs only one hole in a sieve.

Candidates who had and wanted to spend large sums of money, could and would simply shift their advertising out of radio and television into other media—magazines, newspapers, billboards, pamphlets, and direct mail. There would be no restriction on the amount they could spend in these media.

Hence, nothing in this bill would mean less campaign spending.

In fact, the bill might tend to increase rather than decrease the total amount that candidates spend in their campaigns. It is a fact of political life that in many Congressional districts and States a candidate can reach more voters per dollar through radio and TV than any other means of communication. Severely limiting the use of TV and radio in these areas would only force the candidate to spend more by requiring him to use more expensive techniques.

By restricting the amount of time a candidate can obtain on television and radio, this legislation would severely limit the ability of many candidates to get their message to the greatest number of the electorate. The people deserve to know more, not less, about the candidates and where they stand.

There are other discriminatory features in this legislation. It limits the amount of money candidates for a major elective office may spend for broadcasting in general elections to 7¢ per vote cast for the office in question in the last election or $20,000 whichever is greater. This formula was arrived at through legislative compromise and is not based on any scientific analysis of broadcast markets. It fails to take into account the differing campaign expenditure requirements of candidates in various broadcast areas. In many urban centers, the $20,000 limitation would permit a Congressional candidate to purchase only a few minutes of broadcast time, thus precluding the use of radio or television as an effective instrument of communication. On the other hand, $20,000 spent on television broadcasting in another district would enable a candidate to virtually blanket a large area with campaign advertising spots. For example, 30 seconds of prime television time in New York City costs $3,500; in the Wichita-Hutchinson, Kansas, area, it costs $145.

S. 3637 raises a host of other questions of both principle and practice. It would require that broadcasters charge candidates no more than the lowest unit charge of the station for comparable time. This is tantamount to rate-setting by statute and represents a radical departure for the Congress which has traditionally abhorred any attempt to establish rates by legislation.

Among the other questions raised and left unanswered are these: How would expenditures of various individuals and organizations not directly connected with the candidate be charged? Would they be considered part of a candidate's allowed total expenditure, even if they were beyond the candidate's control? And how would money spent by a committee opposing a candidate be accounted? Would it be included in the total for that candidate's opponent, even though spent without his consent or control? This bill does not effectively limit the purchase of television time to oppose a candidate.

In the end, enforcement of the expenditure limitation would in most cases occur after the election. This raises the possibility of confusion and chaos as elections come to be challenged for violation of S. 3637 and the cases are still unresolved when the day arrives on which the winning candidate should take office.

There is another issue here which is perhaps the most important of all. An honored part of the American political tradition is that any little known but highly qualified citizen has the opportunity to seek and ultimately win elective office. This bill would strike a serious blow at that tradition. The incumbent—because he has a natural avenue of public attention through the news media in the conduct of his office—would have an immeasurable advantage over the "out" who was trying to get in. The only others who would share part of this advantage would be those whose names were well-known for some other reason.

What we have in S. 3637 is a good aim, gone amiss. Nearly everyone who is active or interested in the political process wants to find some way to limit the crushing and growing cost of political campaigning. But this legislation is worse than no answer to the problem—it is a wrong answer.

I urge that the Congress continue to analyze and consider ways to reach this goal through legislation which will not restrict freedom of discussion, will not discriminate against any communications medium, will not tend to freeze incumbents in office, will not favor the famed over the worthy but little-known, will not risk confusion and chaos in our election process and will not promote more rather than less campaign spending. Such legislation will have to be far better than S. 3637.

I am as opposed to big spending in campaigns as I am to big spending in government. But before we tamper with something as fundamental as the electoral process, we must be certain that we never give the celebrity an advantage over an unknown, or the office holder an extra advantage over the challenger.

RICHARD NIXON.

THE WHITE HOUSE, *October 12, 1970.*

Mr. PASTORE. Mr. President, the strength of our democracy depends on a well-informed electorate. By vetoing S. 3637, the President has chosen to block a major effort to remove what many have characterized as the most critical barrier to informing the voters of America—the spiraling cost of campaigning for public office via the electronic media. Unless Congress overrides his veto the American people will be the losers, and a great disservice will have been done them.

In his message accompanying the veto of S. 3637, President Nixon said that although he was opposed to big spending in campaigns, he found S. 3637 defective because it merely limits the amount that condidates may send on radio and television. Therefore, to quote the President, "the legislation plugs only one hole in a sieve."

I quite agree that S. 3637 only limits the amount that candidates may spend on radio and television; and that is precisely what the legislation is intended to do. As a matter of fact, that is precisely what our particular committee had the jurisdiction to do—and only the jurisdiction to do. But when one examines the spiraling costs of campaigning for elective office and the rapidly accelerating costs of the electronic media for this purpose, then the objective is a major one by any standard.

It may be that other measures are also necessary to check these accelerating costs, but I fail to understand why this possibility should excuse the Congress from taking remedial action on the one aspect of the problem that has been identified as most critical by many experts.

If the American Government, and by that I mean the President and the Congress, had used this kind of reasoning with respect to air pollution, I dread to think what the state of the Nation's health would be today.

For some years we have known that our atmosphere was being polluted from many different sources, and that steps had to be taken to correct this situation before life as we know it was seriously jeopardized.

Did we wait until all the sources of pollution had been identified, and a total solution found? Of course not. We started with the automobile. We passed legislation governing its emissions, and we have gone on from there. As a consequence, each step we have taken makes the quality of the air we breath a little better.

When my committee held hearings on political broadcasting the members of the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era appeared and testified in support of voter's time—the proposal in their report.

I might add, in passing, that one of the distinguished members of that bipartisan Commission was the present Chairman of the FCC—the Honorable Dean Burch.

Some of the statistics in that report dramatically illustrate why the Congress is and should be concerned with the cost of campaigning via the electronic media. I believe they bear repeating now.

According to the report, after 1952, when television emerged as a dominant form of communications in presidential campaigns, the estimated cost per vote took a sharp upward turn. From 19 cents in 1952, the cost per vote rose to 29 cents in 1960, and to 35 cents in 1964. In 1968 it jumped to 60 cents.

For the same periods the estimated direct spending of national-level party and campaign committees rose progressively from $11.6 million in 1952; to $12.9 million in 1956; to $19.9 million in 1960; and to $24.8 million in 1964. In 1968 it reached $44.2 million.

The total charges for broadcasting time for all general election campaigns was $9.8 million in 1956; $14.1 million in 1960; $24.6 million in 1964; and $40.4 million in 1968.

The Commission's report recognized that many factors contributed to the big rise in the cost per vote in the 1968 presidential campaign, but concluded that no one single factor seems to have had television's explosive effect on this rise.

I believe it is fair to say that the Commission's report merely buttressed what we in Congress already knew from personal experience.

What we have attempted to do in S. 3637, therefore, is remedy what many experts have characterized as the most acute problem in our campaign process.

Stripped of all the rhetoric, S. 3637, recognizes two incontestable realities, and deals with them in a summer which is calculated best to serve the interests of the people of our country.

First, by permanently suspending the equal opportunities requirement of section 315 as it pertains to presidential campaigns, the bill gives greater opportunity to significant candidates for the highest office in the land to discuss the issues and take their candidacies to the people. This was the case when Congress suspended that requirement for the 1960 presidential campaign. I want to say here this afternoon, in no boastful way, that I was responsible for that resolution.

The three major television networks have assured us that if the equal time restriction were removed for presidential campaigns, they would make free time available to the significant candidates. They have also assured us—and I want to emphasize this, Mr. President, that if such time is made available, it will not be conditioned on a predetermined format by the networks. In other words, each candidate will be free to work out with the networks the manner in which he wishes to use the free time offered him.

I emphasize this because it is always said, every time we make an exception to section 315, that what we are making possible are debates.

Mr. President, I say frankly that I am one of those who can understand the reluctance of an incumbent President to debate. I would never do a single thing or utter a single word to embarrass the President to compel him to debate. This is because he occupies a high office, a high office that carries with it knowledge of tremendous classified and secret information. I do not believe that he should be badgered by anyone as to why he did this or did not do that, and compel him to be placed in the embarrassing position of having to reveal a secret that might injure the security of this country.

I have said that time and time again. For that reason, when the presidents of the networks appeared before my committee, I brought up the subject. I asked, "Who is going to determine the format? Are you going to determine it? Are you going to tell the people of this country what the President should do and should not do, or are you going to leave it up to the President to decide?"

They said they would leave it up to the President to decide. If anyone stands up now and says that it is not a boon to a presidential campaign to leave section 315 as drawn in the bill, I suggest that they read the bill and the report and the record of the hearings.

If the networks are given the opportunity to live up to the responsibilities of section 315, they will give satisfactory, abundant, and adequate time to the office of President or Vice President to be used at his discretion so that he can appear before the American public and discuss the issues without this tremendous burden of staging $1,000 dinners to raise money. That is the scandal of our day. They are having $1,000 dinners to raise money. Who goes to a $1,000 dinner? It is someone who has an ax to grind. Let us face it.

That does not necessary mean that the candidate becomes subservient or beholden. I give credit to the people in public office with very few exceptions. They have the stamina, the courage, and the fortitude to exercise their convictions without interference from anyone else. That is the glory of America.

Every once in a while we experience a litte scandal. I understand that there is not, in politics any more or less purity than in American life as a whole. We have our faults. But on the whole I have been proud of the men and women I have been associated with in public life. And I have been in public life now continuously, thank God, for 35 years.

By vetoing S. 3637, therefore, the President has chosen to deprive the American voters of a demonstrated opportunity to be enlightened further on issues and candidates in the elections for the most significant office in our country.

The other reality that S. 3637 recognizes is, of course, the increasing reliance that candidates for public office have put on the electronic media, and the concomitant spiraling cost of using that media. If this continues, only the wealthy or those who are able to obtain large contributions from limited sources will be able to seek elective office. Neither situation is desirable, and both are inimicable to the American system.

S. 3637 simply and effectively speaks to this problem. It requires that broadcast stations charge candidates at their own established lowest unit rate for comparable commercial time, and it puts a ceiling on the amount of money candidates or anyone on their behalf may spend for radio and television time.

In some cases, the lowest unit rate could amount to a 35- to 50-percent discount for candidates. Thus, their dollar will buy more air time. The limitation on expenditures, however, assures that this discount does not become merely a bo-

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nanza for the wealthy candidate or the one who has large campaign resources.

Mr. President, several other points were raised in the veto message which I believe should be answered. Before doing so, however, I should mention that when this legislation was being considered by the Congress the administration did not come forward to voice the objections which the President now has assigned as his reasons for vetoing S. 3637. Had this been done, I am confident we would not now be faced with the task of overriding a Presidential veto in order to preserve the integrity of the electoral process and best serve the interests of the American people.

We have been told that S. 3637 is discriminatory because it singles out broadcasting to the exclusion of other media.

So it does, but unlike owners of newspapers and other advertising media, broadcasters are by law trustees of the airwaves for the communities which they are licensed to serve. As a consequence, and again unlike other media owners, they are subject to specific legal obligations and restrictions reasonably calculated to serve the public interest.

Thus, although S. 3637 singles out broadcasting, that distinction has a reasonable and legal basis. It is grounded in the fact that the electronic media is a major factor in escalating campaign costs, and further, on the unique legal obligation of broadcasters to serve the public interest.

In characterizing S. 3637 as discriminatory, I think it should also be kept in mind that this legislation was an original bill reported to the Senate from its Committee on Commerce which has legislative and oversight responsibility for broadcasting. The bill represents the committee's efforts to remedy a problem which exists within one of its areas of responsibility; that is, broadcasting. It would be inappropriate, of course, for the committee to attempt to act in areas beyond its province. It would be derelict of the committee, on the other hand, to fail to act where it has the obligation to do so.

We have also been told that the lowest unit rate provision in S. 3637 is tantamount to ratesetting by statute and thus represents a radical departure by Congress. In reply I can only say that since 1952, section 315 has required that broadcasters charge candidates for air time no more than comparable rates for other purposes. If S. 3637 is ratesetting by statute, so is the 1952 amendment. But no one seriously contends that the 1952 amendment is ratesetting by statute. Call it what you will, however, this provision in S. 3637 represents no radical departure from tradition by the Congress.

The President raised a series of questions concerning the practicality of the legislation. I will not take the Senate's time on this point because the mechanics for complying with the provisions of S. 3637, and the means for enforcing them, are clearly set forth in the legislative history that was made in the Senate and House.

I urge that the Senate once again rise above partisan interests, and reaffirm its support of S. 3637 as a necessary first step in the effort to halt the rapidly escalating cost of seeking elective office.

Mr. President, I trust nothing I have said leaves the impression that I am either insensitive to, or unaware of, the possible necessity for other measures to limit campaign spending. I would hope that in the next session of Congress, the appropriate committees will review other areas where campaign reforms may be necessary; and if they are, make suitable recommendations to the Congress. In the meantime, however, let us begin.

All I have to make is just one statement. It has been acknowledged that one candidate spent $7 million to be elected to office.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MILLER. Mr. President, I hope that the Senator will not mind my asking a question if it does not interrupt his thought.

I received the Senator's letter addressed to me under date of November 18 enclosing a brief statement of the concise points covered by the bill. Item 3 of the enclosure to his letter states that the bill sets a limitation on the amount of money a candidate for the office of President, Senator, Congressman, Governor, and Lieutenant Governor, or anyone on his behalf, may spend in purchasing time.

I am sure that refers to the amendment to section 315 in the bill which provides that the amount of money spent for the use of broadcasting stations on behalf of any legally qualified candidate for major elective office shall, for the purposes of this subsection, be determined to have been spent by such candidate.

I am correct, am I not?

Mr. PASTORE. The Senator is correct.

Mr. MILLER. Mr. President, I say to my friend, the Senator from Rhode Island, that there have been some expressions of concern over the meaning and intent of this provision. For example, suppose there are two candidates for the office of U.S. Senator, candidate A and candidate B, and, in order to circumvent the so-called literal meaning of this paragraph, let us say, a group of friends of candidate A form an organization called the Organization for Superior Government and spend a lot of money on television and radio talking about how good candidate A is.

Mr. PASTORE. The Senator means during the campaign?

Mr. MILLER. During the campaign. Would that activity on the part of this organization be considered to have been spent on behalf of candidate A?

Mr. PASTORE. Precisely.

Mr. MILLER. May I ask a further question. The Senator from Rhode Island is not a person to play games with the English language, nor is the Senator from Iowa. Suppose that organization says they are not going to spend any money on behalf of candidate A, but they are going to get on television and cut up candidate B. They would not, following the literal language of the section, be spending on candidate A.

Mr. PASTORE. In that case the fairness doctrine would be invoked, and candidate B would have quasi-equal time that he could buy in order to refute that.

Mr. MILLER. This would be an organization in support of candidate A.

Mr. PASTORE. It could be candidate A or B, any way we want to have it. I will explain it very simply.

Under this bill when one goes to a broadcasting station, he has to submit a certificate, as a delegate or a candidate, to say that he is within the limits of the law.

When this organization or group that the Senator is talking about goes to that station, they have to say that they want to put on a program. They have to get a certificate from the candidate.

No one is going to go there to make a speech for me unless I think he is going to help me. And certainly he is not going to make a speech to hurt me when he buys time to advance the Pastore campaign. He has to get a certificate. That is required.

They want to know if that comes within the limits of the law. That is all.

In the other case, when they want to do something against a candidate, they do not need a certificate. However, the minute I find that a group has been formed in Rhode Island to beat me and to start a campaign against me, I am entitled to equal opportunity under the fairness doctrine over and above the ceiling stipulated in the bill.

Mr. MILLER. Mr. President, I thank my friend for his answer.

Mr. MURPHY. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. MURPHY. Mr. President, if I understood the distinguished Senator from Rhode Island, he said that he would have the right to go down and buy equal time.

Mr. PASTORE. I would have the right to buy adequate equal time to refute the charges made against me over and above the stipulated amount in the bill under the fairness doctrine.

Mr. MURPHY. Mr. President, suppose the candidate did not have the money to buy time. It occurs to the Senator from California that this is the nub of the situation. One man has unlimited money and the other man has limited money. We are trying to find ways and means for a man to be a candidate for office in this great Nation of ours. Is that not precluded by the fact that a man cannot afford it? It is something only for rich men or for men who have their expenses guaranteed by a group of rich men or by a group of labor unions which spend a lot of money.

So, we get back to the fairness question, which I am sure is the matter my friend has in mind.

Mr. PASTORE. Mr. President, I want to say to the Senator from California that we can begin to invent a lot of things. First, the candidate is announcing his position to the American public. Without that, where would the candidate be?

Today the sky is the limit. I doubt very much that a broadcaster, first of all, would accept that kind of program.

That would involve the integrity of the station. Furthermore, it could be challenged by the other candidate who did not have the money. The answer is that today the sky is the limit.

Mr. MURPHY. I agree.

Mr. PASTORE. I suppose that in the Senator's particular case——

Mr. MURPHY. It is not my particular case.

Mr. PASTORE. I refer to the example the Senator gave. I think the Senator knows what I am talking about. There may be a question there that if a person is being allowed to be badgered by the opposition and the other candidate has no money to buy the time, he would be, more or less, in the kind of position he is in today. There is no question at all about it. But with this law and the umbrella of this law that embarrassment would do those rascals a lot more harm than good. I use the word "rascals" very advisedly.

Mr. GRAVEL. Mr. President, will the Senator yield on that point?

Mr. PASTORE. I yield.

Mr. GRAVEL. The point the Senator from California raises does not apply in this regard. If the person does not have enough money to buy the time to refute the charges under the fairness doctrine, it can be presumed he would not have enough money to get into that facet of the campaign. So the Senator's argument against the proposal, to my mind, is not valid.

Mr. MURPHY. If the Senator will forgive me, there has been some misunderstanding. I was not arguing against the proposal. I think those who worked on this bill deserve a tremendous amount of credit.

My concern with the bill is that it is not as comprehensive or complete as I would like to see it. Over the years I have watched campaigns. I have just been in a campaign about which I may one day write the history. It is a fantastic experience. The amounts of money concerned are astronomical. It is absolutely ridiculous. We talk about the campaign debate. I have yet to really see a debate. It is always a kind of question-and-answer period.

Mr. PASTORE. It is a powder-puff expedition. Let us admit it. It is a marshmallow performance.

Mr. MURPHY. The only ones who gain are the networks. They say, "There will be some feathers ripped out tonight. We will give them equal time. They will knock each other's brains out. It will be wonderful." So time is sold. Then, when there is no debate, there is a new dialog that comes out of editing. I know something about that. They take something that was said over here and something that was said over there and run them back to back and create a debate that did not happen. I would like to see something said about that practice.

I would like to go into this matter in great depth, and we will have the time after January to develop a basic foundation, so that the selection of those who represent us in this great Nation will be as fair as possible.

As I said at the outset, that is my only concern. I congratulate the distinguished Senator from Rhode Island. He did a great service in bringing this matter before us. If I object to it, which I will today, it will not be because I disagree with all he is attempting to do. I would like to see a bill evolve from long discussion, long debate, and deep study, a bill that protects not in this one facet but in all facets. In the past 30 years this matter has gotten out of hand and it has become wilder and wilder. We had three or four examples in the last election which precluded any chance for the ordinary fellow running successfully for office. This is wrong and we should not permit that to happen.

Mr. PASTORE. First, the Senator gave me an autographed copy of his book. It was autographed "GEORGE MURPHY." I read it from cover to cover. It is marvelous. Of course it is indoctrinated with Republicanism. It radiates Republicanism, almost as a religion. But apart from that it is well done. It is a chronological and historical story of the rise of certain amateurs who became the greatest actors and actresses of this country. I loved every bit of the book but at times it is too Republican.

Mr. MURPHY. It is a completely bipartisan story. The first half was as a Democrat.

Mr. PASTORE. That is right, but you did not last there too long. That is what was wrong with it.

Mr. MURPHY. I went with Jim Farley and some others, and Al Smith.

Mr. PASTORE. Yes, but you should have said JOHN PASTORE. Then I would like it.

Mr. MURPHY. That will be in the next edition.

Mr. PASTORE. When the Senator gets to the second book I want an autographed copy of that, too.

Mr. MURPHY. You will be in it.

Mr. PASTORE. It is admitted that this measure is confined alone to the electronics medium. The Senator from California will have to understand what brought us to this point. A bill was introduced in the Senate which was sponsored by 34 Senators, All it had to do with was the discount on certain spot announcements—I think 120 for the Senate and 60 for the House. They were 1 minute spots and one or two for 30 minutes at a particular discount just for Members of Congress. When that bill came to my committee, frankly, I did not think much of the bill. With due respect to the sponsors, it was discriminatory in that it referred only to Members of Congress. I said time and time again, "Do you mean I could go to the television station and get a discount and the Governor of my State has to pay the full load?" I said, "They will never get away with that. It will become the laughing stock of the country."

What did we do? We did not set a new price. We said that when a licensee or broadcaster establishes a rate for anybody, that rate becomes the rate any man running for public office is compelled to pay during the campaign, whether that office is the Presidency, a governorship, a Member of Congress, or even a school committeeman back home in his bailiwick. That is why that was done. That is a price set by the broadcaster himself.

Some broadcasters said:

> But the man who has not run for public office before in his life has not earned the discount rate. How can we do that?

Mr. MURPHY. If the Senator will yield, I would like to make a comment.

Mr. PASTORE. Let me finish, first; then the Senator can put in his punch line.

The purpose of all of this is the fact that my jurisdiction was limited to the electronics medium. We could have no say in what a candidate might do about newspapers or billboards. When I came to the floor of the Senate I said that this should be sufficient notice to all committees to do something about that.

To beat this bill and to sustain the veto somebody came up with the idea about having an all-inclusive bill. Where have they been up to now? My argument is to take this giant step now, and this is a giant step. The Senator will admit the big money goes to radio and television, does it not? Is that not true? This idea that the money is going to be taken from this and put into that would be a waste of money. The big money is in television and radio.

I say this. If the Senator will allow us to override this veto and allow this to become law, I do not care if in this all-inclusive bill they write in a provision that upon the passage of that bill this bill shall be repealed. That is all right with me. But I suspect this idea to kill it now and we will come up with something better later on—I have been here for a long time and I have not yet seen it happen. I will be here now for another 6 years, and I do not think it will happen unless we take this step now. This measure will be the incentive, the impetus, and the reason for coming out with an all-inclusive bill.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MURPHY. Mr. President, if I may inject a remark that I had intended to do, to color up the Senator's case, it relates to what was the commercial rate. I will give an example of what I had in mind. Six years ago I was in debate with a candidate, and we provided the largest audience that station had ever had. So in politics one should not have to qualify in the manner that one does in industry or something else.

One of the things we suffered from in the matter of rates in the old days in show business was that we paid a higher advertising rate in the newspapers. There was a reason for it. Perhaps a show would come to town and would not do very well. The people in the show left town in a hurry and did not pay the advertising bill. So a higher advertising rate was charged to them because the newspapers might have to go out looking for the people to pay them. Later they were made to pay in advance. This happened in my case in California. One paid for the time, and he paid on the barrelhead, or the time was gone. There would

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be no reserving of the time and "I will pay you later on, maybe."

There have been experiences in which candidates spent more money than they could afford. They went in the red, and then later the candidates would try to settle the bills on the basis of 20 cents on the dollar or 30 cents on the dollar, or perhaps nothing at all. This happens not only in television but with respect to hotel bills and all sorts of bills.

After January, I would like to think more about this and I would like to sign on as an assistant to my distinguished colleague from Rhode Island. Perhaps between us we can achieve what he thinks is impossible at the moment. I do not think it is impossible, and I will say why. I think as time has gone on, and the public has become more and more aware of the existing conditions, I think people have begun to understand the need, and I think, as the elected representatives of the people, Members of the Senate and Members of the other body will become more sensitive to this need for regulation. I think they will have a better opportunity to put together and pass a comprehensive bill, one that will close all of the loopholes.

I venture to say that eight or 10 of us in this Chamber could get together and find all of the loopholes that have been invented so far, and perhaps erect barriers to prevent loopholes in the future that we have not yet found, and protect us against them. As a result, the great right and the great privilege to run for elective office will not be denied to anyone. As a further result, it will not be necessary for a candidate to have a certain amount of money before he can have an equal chance, particularly where the issues are lost and image and exposure count most.

I thank the Senator for making this effort. Whether the bill is enacted into law or not, he has performed a great service.

Mr. PASTORE. After the generosity of the Senator from Rhode Island in permitting the Senator from California to speak on his time, that is, my time, I hope the Senator from California will reconsider the way he is going to vote.

Mr. HART. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. HART. I heard the comment just made by the Senator from California. I suggest it is not a lack of understanding of the loopholes which delays adoption of election reform in the area of campaign spending. I doubt if one could find 10 Senators here who are not aware of the loopholes. That is not the problem. The problem is attempting to develop a will to do something about it.

For the first time since I have been here we really have our hands on a lever which will produce effective corrections of one of the loopholes. It is not a loophole in the sense that it does violence to existing law, but it responds to one of the greatest excesses and abuses of campaigning: TV advertising.

To say we should do nothing about this until we do something about everything may have logic, but it lacks political understanding of the realities. It was difficult enough—and it is a great tribute to the Senator from Rhode Island—to take on this small segment of the economy which has an interest in selling campaigns, and get this part of it corrected. If we undertake to take on all the interests, on an all or nothing basis, it will be nothing, in all likelihood——

Mr. MURPHY. Mr. President, will the Senator yield for a comment?

Mr. PASTORE. Mr. President, if I may make this suggestion, we have 3 hours. I am not going to use much more than I have already used, except I am going to answer questions, but I think we ought to allocate time on the other side. I do not know who is managing the time for the other side. Perhaps it is the Senator from Wyoming (Mr. HANSEN) who can do it.

Mr. HANSEN. Mr. President, I shall be glad to. I was asked to do it.

Mr. PASTORE. I do not mind giving time to those who are opponents of the overriding of the veto, but we are going to end up lopsided if we do not keep matters in proper perspective. I think the opposition should speak on its own time.

I yield now to the Senator from Michigan.

Mr. HART. I remember that in September of last year, when the able Republican Senator from Kansas (Mr. PEARSON) and I introduced the original proposal, if there had been bookmakers here they would have given enormous odds against the likelihood of its passage. I do not know what the likelihood is in terms of overriding, but, in terms of national interest, the will of the Senate earlier expressed should prevail again.

The Senator from Rhode Island has done a masterful job, along with Members on the other side, in bringing about this reform legislation. I lived with the statutory ceiling established by the bill in the race that occurred in Michigan last month, as did my opponent. It is practical and feasible. But please let us not misunderstand the realities of where we are. We now have our fingers on the biggest fire that burns across this country in terms of criticism of campaigning abuse. Let us put this fire out, when we have a chance, and then take care of the smaller, less threatening fires. Would we not scalp the firefighter who said, "But let us wait until we put out the whole fire. Do not put water on the big fire until we have hose and water ready to work on these smaller fires?" That is a criticism people will make of us if we do not act now to zero in on the big offender in campaign financing.

Mr. HANSEN. Mr. President, I yield 5 minutes to the Senator from Kansas (Mr. DOLE).

Mr. DOLE. Mr. President, not being a member of the committee, I am not as well versed in the specifics of the work done by the committee, but let me say, as the Senator from California has said, I applaud the efforts of the Senator from Rhode Island, but would like to pose a question or two to the Senator from Rhode Island. I will say at the outset that I know everyone can dream up a question, but I believe it is a legitimate question.

Does this bill cover a nominee for the office of President?

Mr. PASTORE. Will the Senator repeat the question?

Mr. DOLE. Does this bill include candidates for the office of President?

Mr. PASTORE. Yes.

Mr. DOLE. It does include candidates for the office of President?

Mr. PASTORE. That is right.

Mr. DOLE. What happens in 1972—and I am not a candidate in 1972—with reference to the nominee of the Democratic Party and the nominee of the Republican Party running for President and, of course, having television ads, for example, in my State of Kansas and the Senator's State of Rhode Island, and perhaps including in that advertisement or in that spoken announcement also the candidate for Governor, the candidate for Lieutenant Governor, and the candidate for Senator; how do they share the cost? Who determines whether or not the Senator is responsible for reporting that, or who does assume that responsibility? How do we apportion the 7 cents per vote or $20,000?

Mr. PASTORE. We are talking about the time that is bought by the candidates or on behalf of the candidates. If it is just a casual thing, if you appear with the President and the President says, "I think you ought to vote for so and so," it is not charged; but if he gets on there and makes a speech for the candidate, it is charged up to the candidate.

Mr. DOLE. Turn it around. Say that in some States the candidate for Governor might be as strong as or stronger than the candidate for President, and he is on the spot saying, "You should vote for Mr. X for President." Is that limited, under this provision? Is there any limit as to how much he can spend?

Mr. PASTORE. If he gets on there and makes a speech for the candidate for President, it is charged up to him, with his consent. You have to get his consent. It has to be certified.

I know that one can take any angle of this bill and stretch it out to an absurdity, if he wants to. The fact still remains, you have to be practical. I do not know how any law could be written to cure what the Senator is talking about. I think the ultimate answer is that a committee of the Senate should get busy immediately and provide for an overall ceiling on what anyone can spend. But as far as the President is concerned, not only can he buy it at the lowest unit cost, but he is even going to be given free time by the networks.

We are trying to do what we are trying to do here because the hue and cry has been in the past, "Let the licensee give free time; he has got this franchise, so why should he not give free time?" Maybe ultimately we will come to that, but I do not believe the country is ready for it now.

I was very much opposed, in the bill that was introduced originally by 34 Senators, to making this discount available only to Members of Congress. That would not have gone very far. It has to be for everyone.

What we are saying is that the lowest unit cost set for anyone is the rate they have got to give, in the public interest. By law, they are charged to render public service. They are charged by law with that.

I do not see any great strain here. I think the amount is reasonable. I think the whole thing would be reasonable in my State. The Senator from Michigan said it was reasonable in his State.

You can take many of these examples and stretch them, especially if you are against the bill. It is easy enough to stretch it to any length. But what we are trying to do is reach a realistic, practical solution. If this is not it, the Senate will have to say so.

But we listened to all this hard and long in our hearings. The Senator went on a television show and said something about "this was greased right through." It was not greased at all. I was there at every hearing. I heard every witness. Whoever wanted to be heard was heard.

Then we had an executive hearing, and it came out unanimously, out of that committee, without the ceiling.

It was the Senator from Rhode Island who said, "If you are going to give a discount to make this reasonable for the poor man, or tne man of moderate means, you have got to have a ceiling," and I rose on this floor and offered that amendment, and that is how it came about. Nothing was greased.

Mr. DOLE. Mr. President, let me say, as the Senator from California indicated earlier, and as I am sure everyone in this body feels, we should do something to limit campaign expenditures.

But I find it difficult, and I know the Senator from Rhode Island finds it difficult——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOLE. May I have 2 additional minutes?

Mr. PASTORE. I yield the Senator 2 additional minutes. Is the Senator going to ask any further questions? Because I have to leave for a moment.

Mr. DOLE. No.

I know the Senator from Rhode Island said his committee could not legislate in the entire field of campaign expenditures, he could not limit what people might spend for newspaper advertisements. But it does seem that this is a discrimination against one industry.

It may seem strange for Republicans to be defending the television industry, or the radio industry. I can understand why the newspapers would support this bill, because it limits what one can spend on radio and television, and does make those funds accessible for expenditures in other media—newspapers, billboards, balloons, or whatever.

But I would suggest, as a matter of principle, if we want campaign expenditures limited, why not set a total limit, and let the candidate decide how it is to be spent? Why single out one industry, the electronics industry, and say, "You are limited to 7 cents per vote or $20,000," which might be more than we would spend in such States as Kansas, Wyoming, or Montana on this industry. But it seems to me, as a matter of——

Mr. HANSEN. Mr. President, will the Senator yield at that point?

Mr. DOLE. I yield.

Mr. HANSEN. I would like to ask the distinguished Senator from Kansas if he is implying, recognizing, as he and I do, that travel is a considerable item of expenditure for the typical candidate, would it not make as much sense to say, "We will limit the amount that can be spent on airplane travel, but we will not say anything about travel by car or train"?

Mr. DOLE. I think it might make as much sense to say, "We will not spend any money at all." I think that might be well accepted by the public.

I cannot help but look upon this legislation as an incumbents' bill. There is no question in my mind that we have a great advantage, those of us, Democrats and Republicans alike, who are incumbents. We have our newsletters, we have our radio and television programs, if we choose to have radio and television programs on a regular basis, and I would suggest that we are not under the pressure that someone who is seeking to unseat us might be.

I am not inviting opponents in 1974, but it does occur to me that except in those exceptional cases—I see the Senator from New York rising—such as in New York, where you have a candidate who challenges an incumbent who has millions of dollars to spend, it is no problem; but what about the average challenger, like many of us, who do not have unlimited resources, and who must rely on campaign contributions.

I would suggest again, if we are talking about a limitation on campaign expenditures, let us use a total dollar figure. Basing it on a per-vote basis makes it fair for Kansas and fair for New York, but I would point out that 30 seconds of prime time in New York costs about $3,500, and 30 seconds of prime time in the Wichita, Kans., area costs about $145. That seems to me to be discriminatory. It seems to make it an incumbents' proposal. So I shall vote to sustain the President's veto.

Mr. GOODELL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator from Kansas has expired.

Mr. HANSEN. I yield the Senator 2 minutes.

Mr. GOODELL. I take it that the Senator from Kansas does favor overall limitations on campaign spending.

Mr. DOLE. The Senator is correct; I do favor an overall limitation on campaign spending.

Mr. GOODELL. So do I. Does the Senator from Kansas know that I advocated that and full disclosure in campaign spending some time ago, when he and I were both in the House of Representatives? I presume the Senator from Kansas favored it then, too.

It seems to me that the logic of the Senator's argument that this would be an incumbents' bill would also apply to a limitation on overall spending. The incumbent has an advantage. I do not know how you can eliminate the advantage. If a challenger is limited not only in what he can spend on electronic media, but on all other types of campaign activities, that would be even more of an incumbents' bill, it seems to me. How does the Senator from Kansas answer that?

Mr. DOLE. Let me say, first of all, I agree, as I did in the House of Representatives, with the Senator from New York on an overall campaign limitation, and on disclosure of assets and liabilities—if we have any assets—I would add that it does pose some dilemma to the challenger.

The Senator is correct; when we do this, we infringe upon the rights of the challenger. We make it more difficult for him. Whether or not we do it on an overall basis, it would be more difficult for anyone who might challenge him in a primary or in some general election. But we should have a comprehensive limitation of expenditures rather than a single shot limitation which applies only to the electronic media.

Mr. President, the message accompanying the veto of the political broadcast bill, S. 3637, was a cogent and comprehensive catalog of its infirmities. As the President put it, the bill in the first place does not achieve the worthy and appropriate goals of controlling campaign expenditures and preventing unfair advantages from being enjoyed by particular candidates. Even more serious, however, the bill threatens to worsen the very conditions it seeks to improve. Thus the President in the exercise of his constitutional powers and his best judgment vetoed the bill rather than loose it on an already troubled situation.

Let it be understood that this veto was not an act of crass partisanship or cyncial obstructionism as some have suggested. The subject of political campaign reform, as the question of improving the governmental process, generally, is one having no partisan coloration, no Republican side, no Democrat side.

It has but one side, the side of the American people's best interests. And it was in the public interest that S. 3637 was vetoed.

President Nixon, time and again, has emphasized his desire to see broad, effective and progressive campaign reform implemented. That Congress should propose a narrow bill of questionable effectiveness and dubious value is insufficient reason to accept it as a first step.

What the country needs at this point is not the scrambled product of Senate floor tampering with a committee bill, but the well-considered product of the orderly legislative process.

Considering the widespread publicity recently given to the emerging role of broadcasting in the political world, it is not surprising that this bill should be focused exclusively on the radio-TV aspect of campaigning. However, this approach ignores a fact of political life which is obvious perhaps only to those not swept up in the McLuhanesque mania endemic in popular circles today. The fact is that however popular, effective, efficient, with-it, up-to-date and useful radio and TV are, if they are limited or restricted the money will be spent elsewhere. A dollar may not buy the same voter impact when put into a newspaper ad or a mailing. The message may not be delivered with the same gusto

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when it comes via the postman or the paperboy. But there is no doubt that if the money is available it will be spent—whether for prerecorded automatic phone calls, saturation computer-written letters, skywriting or new methods yet to be conceived by advertising agencies and campaign managers.

This is the failing of S. 3637: It attacks only symptoms—and few at that—not the causes of political campaign practice inequities.

The expense of running for public office has reached scandalous levels. Sums which once were registered as totals for presidential campaigns are now being run up in races for Governor and Senator. Indeed, broadcast costs have constituted the major source of these increased expenses. But to attempt to channel expenditure of money rather than limit the availability of that money in the first place is wrong. Moreover, it is doomed to ineffectiveness.

We must deal with this problem at the roots, for by cutting off only random branches we will merely stimulate the growth of other equally serious problems elsewhere in the system.

Mr. President, I urge the Senate to sustain this veto and at the same time resolve to work with the President next session in the drafting, preparation, and passage of a campaign spending bill in which we can all take pride and in which the American people will see the public interest clearly and effectively served.

Mr. GOODELL. Mr. President, will the Senator yield me 2 minutes?

Mr. PASTORE. I yield 2 minutes to the Senator from New York.

Mr. GOODELL. Mr. President, I spoke extensively on this matter last week, and I do not intend to deliver a long address today. My position is clear. I am in favor of overriding the veto of this bill. I have been trying to communicate that position to my colleagues personally and privately and openly.

I have just been through a campaign in New York. I originally had some doubts, as the Senator from Rhode Island will attest, as to whether this 7-cent figure would be adequate. We had to have some kind of figure. We had to set some limit that seemed reasonable and then try it out with experience. I believe this limit would have worked very well in New York State.

Reference was made to the expense of TV in New York City. It certainly is true. But, as a practical matter, if this bill had been law in New York State, it would have permitted me to spend just about what I did spend. I think it was an adequate amount to communicate my views to the public, provided that there was not saturation from other candidates who had a great deal more money. And there was saturation from the other candidates that I could not match.

The same would be true with an incumbent if he happened to be a millionaire. After all, we had an incumbent in New York State who was running this year and who had quite a bit of money. Nothing particularly precludes an incumbent having access to millions and millions of dollars. This gives him an unfair advantage.

I think the essential issue here is this: Should money, should access to millions of dollars, be a major factor in a political campaign? We know that the way it becomes a major factor, the primary way, is by use of the television and radio media. They are the most potent media. We can talk about bumper-sticker blitzes all we want, but that is not going to win an election the way a TV blitz can win an election. We have seen that happen over and over again in many campaigns.

Those who demand perfection in any law are saying that we should not legislate, because there is no way to write a perfect law. This is a fair bill. It is a reasonable bill. I think if we look across the country and see how it would have operated this year, it would have worked out very well.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GOODELL. I ask for 2 additional minutes.

The two candidates in Ohio agreed to abide by this bill, and I have heard no complaints from either one of them. It apparently worked out quite well.

An argument has been made that candidates in New Jersey would have to go either to Philadelphia or New York City to use the media. So a millionaire running for office in New Jersey, with no law such as this at all, would have a tremendous advantage. He could go to New York City and Philadelphia to buy media time a major way and a candidate who did not have access to the same amount of money would be precluded completely.

As a matter of fact, I think the New Jersey situation militates more than any other situation for the necessity of this law. The same is true in a great many other areas of the country where the source of the media may be outside the campaign area and where 80 or 90 percent of the viewing audience cannot vote for the candidates. As a practical matter, in most cases this means that candidates for those offices do not use the media. This is true of congressional candidates in New York City, where they cannot afford the media in a massive way.

I think it is important that we take this first step today to strengthen and to reinforce our democratic process by scouring it of this tremendous influence of money and focusing instead on the merits of issues and candidates.

I thank the Senator for yielding.

Mr. HANSEN. I yield 2 minutes to the distinguished Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, I will vote to sustain the President's veto of the Campaign Expenditure Limitations Act.

I am one of probably less than five Members of the U.S. Senate who would not have been affected by this limitation in past campaigns and probably the only one in any of the Upper Midwest States. In none of my campaigns have I come close to spending the maximum allowance under this bill of 7 cents per vote or $20,000, whichever is the higher, on television and radio advertising. My broadcast expenditures have been considerably less than this.

While I believe corrective legislation in the field of excessive spending on political advertising is necessary, I do not believe this legislation is enforceable or even fair. For example, lower rates for advertising by politicians than those that commercial interests have to pay cannot be justified.

Any incumbent Member of Congress in an election campaign already has considerable advantage over his opponent. This legislation would give him an even greater and unfair advantage.

I cannot help but feel that ways can and would be found to circumvent the limitations called for in this bill. Thus, the candidate who tried to abide by the spirit of the law might find himself at quite a disadvantage with others who would find ways to subvert the law.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mr. MURPHY. Mr. President, before us today is the bill vetoed by the President which deals with the television and radio spending of presidential and congressional candidates.

I commend Senator PASTORE and all who have worked so hard on this bill for they have truly forged ahead in an area where reform is most necessary and long overdue.

In fact, almost everyone is agreed, including the President, that there is a great need to impose effective controls on campaign spending—not just on the matter of television, but on the entire matter of the cost of campaigns that have gotten away out of hand. But, the supporters of this legislation do not even pretend that it will provide overall effective control on spending. Indeed, it has been characterized as a first step and even those who wrote the language admit that it is not perfect. It has been my experience that when avid supporters of a bill admit it is less than perfect then it is wise for the rest of us to try to insure the necessary improvements. Sometimes a bill gets passed and it will be thought that the bill would take care of it. Many things that need consideration are then forgotten.

I will not rehash all of the substantive objections to this legislation. President Nixon dealt with them quite well in his veto message.

However, I would like to make a few observations based on my personal experience and how they relate to the bill.

It appears now that when the final figures are in on this year's senatorial campaign in my State, the record will show that more than $5 million was spent, with almost $2 million of this expended by the man who ran against me in my party's primary.

This is too much money.

We must do something to reduce such expenditures.

But the legislation before us today is not the answer since, to use a somewhat trite but true phrase, it is a classic example of treating a single symptom rather than the overall disease.

Yes, as I indicated, television and radio costs are an enormous and important part of the problem, but they are interwoven with other issues, and they must all be considered as interrelated parts of the whole if any meaningful overall solution is to be reached.

For instance, what about the question of campaign ethics?

This is surely an important issue when one considers the deception, inuendo and downright dishonesty which, unfortunately, have become prevalent. It is excused by saying that it is just campaign oratory.

Then, too, there is the more subtle approach of the so-called professional image-makers who make candidates appear to be something that they are not.

Rather than use the heavy-handed "big le" technique, these individuals prefer to poison the mind more slowly but just as lethally.

I remember years ago one television advertisement which showed a little girl picking leaves from a daisy until suddenly the world exploded around her. Everyone knows this was done for the purpose of deceiving the public.

Is this not part of the ailment, too, just as much as the high costs of television?

And how about campaign contributors themselves?

Regulations already in effect control the individual donor who wishes to make a straightforward contribution.

But then there is the person who ostensibly lends campaign funds—and later writes them off when the candidate of his choice achieves victory.

That is a technique that I refuse to accept. I had several people this year who said that they would lend me money. I said that I did not think that was proper, but that if they wanted to make a proper donation it would be fine, but otherwise they should just forget it.

The enormity of this problem of lenders—whether they are repaid or not—can be demonstrated, I think, from a recent newspaper article on our race in California.

After originally reporting a deficit of $600,000—or about $1 for every vote in his margin of victory—my opponent's staff later revised their figures to show a deficit of $450,000 out of a total expenditure of $1,100,000. A particularly interesting point of their revelation was that $350,000 of this deficit was in the form of loans of one kind or another.

Furthermore, what price tag do you put on the registration drives, the so-called educational work and the campaign activities conducted by labor unions, sometimes supplied by rank and file members who may or may not agree with the candidate selected for endorsement by the leaders of the union?

As a member of a union for over 40 years, I know something about this. I have had some experience. I recall very vividly the problem encountered by my friend, C. B. DeMille, who was told unless he donated $1 for a campaign he would be denied the time to appear on radio. That was before the time of television.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURPHY. Mr. President, I ask unanimous consent that I may be permitted to continue for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. Mr. President, I have been told that labor helped register nearly a million voters in my State alone and surely that cost someone something, but what was it—50 cents a head? $1 a head? $2 a head? Should there be any limitation on this sort of expenditure?

At even 25 cents a head, a million voters costs a lot of money, and it seems obvious, I think, that this is the type of campaign expense which merits investigation, too.

Yes, these problems must be considered as a whole for there is no sense in telling a man that his one vote will mean something and then permitting his decision on how to cast that vote to be unduly influenced by excessive spending, coercion, evasion of the law or some form of political chicanery. After all, we fought for the one-man, one-vote principle. I am sure that every Senator is familiar with it, just as I am.

The administration and the Congress agree that reforms are needed but the need is for remedies which will be directed toward curing the entire problem.

The bill before us does not do that.

At best it seeks to soothe just one ailing portion of the situation and, in fact, at its worst it might even accent the difficulty.

I am confident that with the determination which was shown in the formulation of the bill before us, the administration and the Congress can surely move forward together to devise a new measure which will help insure that our voters can go to the polls enlightened as to the issues and the merits of the candidates, free from coercion of any type, and without the contrived mental and emotional confusion which sometimes results from the false packaging of some of our candidates by professional imagebuilders.

Mr. President, last week the junior Senator from New York asked the Senate to vote to override the President's veto of the Political Broadcasting Act of 1970. I can understand and sympathize with Senator GOODELL's feelings on this matter. He faced a Democratic candidate who, in the primary and general election, probably spent more money on his media campaign than any other single candidate in the country. However, we should not forget the pertinent fact that Senator GOODELL's Democratic opponent also lost the election.

In fact, I would ask the supporters of this legislation to point out a single instance in the recent elections where a media campaign was the primary factor in the election of a Senator. There are no such examples.

When this legislation was originally passed by the Senate before the November elections, there was a great concern that blitz television campaigns would unfairly weight the races in favor of those candidates who had more money to spend on advertising.

In light of the election results, those fears have been proved groundless. The 1970 elections were decided, just as past elections, by the issues, by personalities, by party and campaign organization, and by voter registration.

I know of very few races where television advertising can be rated as a more important factor than the basic political techniques I have mentioned. In a number of instances, candidates who lost spent unprecedented sums on their media campaign.

There is a great need to impose effective controls on campaign spending. But the supporters of this legislation do not even pretend that it will provide overall effective control on spending. Indeed, it has been characterized as a first step and even those who wrote the language admit that it is not perfect. It has been my experience that when avid supporters of a bill admit it is less than perfect then it is wise for the rest of us to try to insure the necessary improvements.

I will not rehash all of the substantive objections to this legislation. President Nixon dealt with them quite well in his veto message.

For instance, if a candidate is limited to $20,000 to spend on television advertising, how will he allocate the money to buy time?

Will he buy a limited number of 1 minute to 5 minute spots in which he can tell the voters his position on the issues and discuss his program in depth?

Or will he decide on 10 to 15 second spots designed to portray his charisma, how rugged he looks in shirtsleeves and what a good family man he is?

Every one of my colleagues knows the answer to that question.

A man who wants to win will not choose to spend his limited funds for a broadcast program that may reach 300,000 voters when he can spend the same amount of funds to put his name and face before millions of voters.

So how have we served the democratic process of elections?

In an age when people depend increasingly on television for information, this bill would have the effect of eliminating any serious discussion of the issues on television.

An incumbent Senator who is proud of his record and his achievements in Congress would have to think twice about taking the expensive but necessary time to discuss the issues properly, particularly when he knows that his attractive challenger is reaching many millions of voters with his superficial but effective spots.

And in all of this the biggest loser would be the American voters, who would be denied the opportunity to find out what their candidates really stand for.

As the President pointed out in his veto message, 30 seconds of prime television time in New York City cost $3,500; in the Wichita-Hutchinson, Kans., area it cost $145.

Even under the formula, which allots more money to heavily populated States, there would still be a wide gap in the exposure time allowed. Why should this be? Why should the voters of New York be denied the opportunity to see and listen to their candidates as often as the voters of Kansas?

It may be a trite phrase, but this legislation is a classic example of treating the symptoms but not the disease. In its efforts to reach the admirable goal of an effective limitation on campaign spending, the Congress has produced a bill which is unjust, unfair, and inequitable. And it will certainly do more harm than good.

I would like to add one more personal point directed at the Republican Members of the Senate. In his speech last Thursday, calling for an override of the President's veto, Senator GOODELL implored our Republican Members to vote their conscience rather than party loyalty on this issue.

There are many occasions when a Senator is forced into the unpleasant choice of voting his conscience or standing with his party. When these decisions concern the great issues of the war, the economy, or social unrest, a President—however much he might wish it otherwise—can understand and respect a Senator's decision to vote against him.

However, this is not such an issue. There can be no matter of conscience involved when a piece of legislation is so demonstrably unfair. It is an attempt by the Democratic Party to take advantage for the 1972 elections and to reflect further embarrassment on the President by overriding his veto.

It is being pushed in the press with the rallying cry that the Republicans outspent the Democrats in the last election by 10 to 1. This is a totally unprovable claim—but let us look for a moment at some verifiable statistics about campaign financing in America.

Official reports on file with the Clerk of the House show that two-thirds of the funds collected by the national Republican Party have been contributed in amounts of less than $100. Most of these contributions have been in the amount of $10 or $25, either through a sustaining membership in the Republican National Committee or the newsletter program of the Republican Congressional Campaign Committee.

Over the last 8 years, more than 700,000 Americans have contributed in this manner, many of them six, seven, and eight times over. This is participatory democracy at its best. Republicans have no cause to be ashamed of the source of their campaign contributions—there is no matter of conscience involved when two-thirds of our funds come from individual Americans who want to see Republicans elected and have a right to expect that their contributions will be used in the most effective manner.

These contributors believe in the Republican Party and they know that we face an uphill fight in getting elected to office in America. The last Gallup poll that asked respondents for party affiliation was taken in July and August of 1970. It showed that 44 percent identified themselves as Democrats, 29 percent as Republican, and 27 percent as Independents.

In any campaign, Democrats start with a broad base of support. And then Republicans face other difficulties. If you are a Republican candidate you will have to find some way to counter the work of organized labor. What pricetag do you put on thousands of deeply committed campaign workers provided to Democrat candidates by the labor unions and the millions of dollars used for so-called educational work and for voter registration?

Mr. President, I repeat, we are being asked to vote for legislation that is demonstrably unfair, that will not do the job for which it is intended, and will surely create more problems than it will solve. Its sole effect will be to give the majority party in America an even greater edge at the polls.

On the other hand, a vote to sustain the President's veto is a vote that will be in the best interests of all the American people.

The President of the United States has rejected this legislation. Our distinguished minority leader has rejected this legislation. I hope that this afternoon there will be enough impartial votes in this Chamber to insure that the legislation is finally laid to rest.

I will vote in opposition. It is my feeling that there are political overtones in the consideration of this bill. We need a good bill. I think that the bill should come as a result of long debate, many hearings, and a determination on the part of those in charge which is as strong, as honest, and as direct as the determinations on the part of my good friend, the Senator from Rhode Island, who has spearheaded this move.

It involves the protection of the franchise of individual citizens in this country and means the right of any citizen to run for office should be guaranteed in the future and that the right to run for office will not just be set aside for those who would agree to vote always at the behest of some of the power structure or small groups of rich individuals, or any individual who can afford to put up the money.

Mr. HANSEN. Mr. President, I yield 2 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, many people think this political broadcasting bill was passed by the Democrats to make it more difficult for President Nixon to be reelected in 1972, should he choose to run.

On the other hand, there are many who believe that this legislation was vetoed for the same reason.

Personally, I do not feel this bill is worth the paper it is written on because it will cover only a scant portion of the methods used to promote candidates at election time.

We cannot legislate honesty.

We do a disservice to the country by pretending to make some improvements in the current situation when passage of this legislation would likely spawn even more devious ways to campaign maneuvering.

Passage of this bill would not raise the ethical standards of the Congress since it would not do anything to really control the methods of influencing voters at election time.

Let us not delude ourselves or the American people by passing a law when we know down deep that it will not work out as its host of conscientious supporters have been led to believe.

I voted for this bill in the vain hope that as law it might discourage some unsavory practices during election campaigns. I might say the last campaign rather disillusioned me in that respect.

I will vote for an even more comprehensive bill if one is offered next session.

But I reiterate, Congress cannot legislate honesty in a candidate for public office.

I intend to vote to sustain the President's veto in the hope that he will seize upon this opportunity and present to the Congress legislation aimed at controlling all types of campaign spending.

Mr. PEARSON. Mr. President, today we will reach a momentous decision when we cast our vote on the President's veto of S. 3637, the bill which limits spending for political broadcasting and which repeals the equal-time requirement for presidential and vice presidential candidates. It is unfortunate that this issue has been cast in partisan terms, for it is certainly a question far above party. All Americans, regardless of philosophy or partisan affiliation, are becoming outraged and concerned over the amount of money being spent to elect high public officials to office. It constitutes a threat to our democratic political system that can no longer be ignored.

As one of the original authors of the legislation which provided the genesis for the bill under consideration today, I believe most strongly that the area in greatest need of reform is the field of political broadcasting. No other sector of politics has shown such a dramatic spurt in usage—and in spending. According to the Citizens Research Foundation, of Princeton, N.J., approximately $9.8 million was spent on political radio and television advertising in 1956. By 1964 that figure had jumped to $24.6 million and by 1968 it had reached $40.4 million. The figures from the 1970 elections are not yet in, and even though this is an off-presidential year, I can safely predict that the amount spent on radio and television will be staggering.

Everyone agrees that something must be done. Everyone agrees that the problem is complex. Everyone agrees that the consequences of inaction or ill-conceived legislation are foreboding. Everyone agrees, yet many shy away from taking any decisive step. The bill now under debate differs substantially from the one the distinguished Senator from Michigan (Mr. HART) and I introduced last year. It does not deal with many areas of campaign finance that are in obvious need of attention. But it is a start. It is the product of many hours of hearings, committee work, and debate in both Houses of Congress and as such it is certainly not open to the charge of being hastily conceived.

Mr. President, the legislative process is essentially one of compromise and the reconciliation of differences. The bill before us today reflects that influence and as a result was able to win the support of decisive majorities in both Houses of Congress. It would be a surprise if this legislation had the total approbation of very many Members of Congress. But on balance it clearly deserves the support of us all. It may not cover all aspects of campaign spending, but it does cover the most important part. The formula it uses may not be the most perfect that could be devised, but it is workable. And though changes and additions could readily be devised, they would only provoke more delay. And delay is the one thing that is not needed.

Several years ago, I introduced the Campaign Finance Act as an omnibus reform measure to provide for a broader contributions base and tightened campaign spending requirements. During the last session I introduced it again. It is my intention to redraft this proposal, submit it once more, and work vigorously for its adoption in 1971. And if the bill now before us is not adopted over the President's veto I will include some measures to deal with this area of campaign finance as well. But it is my earnest hope that the Congress will make this last step unnecessary by moving forward now to curb the spending for political advertising on radio and television that is making a mockery of our election process. It is time to return to the process of allowing voters to judge candidates as they are, not as they seem to be. It is time to have more debate on issues and fewer singing commercials. This bill will not regulate the content of political advertising, of course, but it will at least slow the trend toward elaborate media blitzes that soon focus more attention on the form than the substances of a campaign.

Mr. President, if we do not act now, then when will we act, Next year? I have been hearing that through many sessions of Congress. If we turn down this opportunity to start the process of meaningful campaign finance reform, then we will have to begin at the bottom of the long legislative trail before we reach this point again. If justice delayed is often justice denied, then the same can be said of reform. The longer we wait to act the worse the situation will become. I, for one, feel the time to change the dangerous trend toward buying political office which has grown unchecked over the past 45 years is now. Each of us in this Chamber can easily recall instances when contributors or potential contributors tried to use their support as a lever to force commitments from us that would not necessarily be in the public interest. I am confident everyone here is of a character to resist these blandishments, but the financial pressures on all those participating in politics are going to continue to rise astronomically unless some corrective steps are taken. It would be a real national tragedy if anyone allowed temporary personal advantage to halt much needed institutional reform. No personal considerations should be allowed to stand in the way of performing a public duty.

Mr. HANSEN. Mr. President, there has been much talk about "taking the first step" with regard to campaign excesses. The bill, S. 3637, has been touted as that important step. I disagree not with the need for effective measures but with the conclusion that S. 3637 would achieve even a small part of those worthwhile objectives.

I fear that the step taken would be along a meandering, poorly marked trail that would carry us far from the intended destination.

The problem of campaign costs is not just a television or radio problem. Long before the media was utilized to any appreciable extent there was a disparity between the kind of race a wealthy candidate could run and that of a less endowed opponent.

It is true that broadcast advertising is a very large expenditure in a modern political campaign. An increasing disclosure made by the Republican National Committee released after Senator GOLDWATER's campaign for the presidential election shows a budget item of $5,608,635 for TV and radio. While this was the largest single item listed separately, there were also figures of $1,586,672 for salaries, $955,827 for postage and express, $909,632 for travel, an additional separate item of $807,997 for chartered airplanes and trains, $555,252 for printing and reproduction, $529,868 for ads in newspapers and magazines, $398,113 for telephones and $155,349 for data processing—that figure would be much higher today with increasing use of computers and demographic technicians.

The point is—while TV and radio were the largest outlay of funds, there were other costs that amounted to 61 percent of the campaign expenditures.

To be completely accurate, that dollar figure for TV and radio should be divided up because $1,066,484 was spent for the production of films and video tapes. This is something completely untouched by the bill under consideration, S. 3637.

The only result on the solicitation of campaign funds, on the undesirable dependence on major campaign contributors will be that steps to disclose these actions and curtail the overall expenses of seeking public office will be delayed. This is because once any measure is passed on the subject the momentum to again tackle this emotionally charged issue will be lost. We will be told that the problem is solved—or at least let us wait and see how everything works before we do anything else in the area.

Well, I know the costs of running for office will not be reduced by S. 3637. Politicians will have to search out other means than broadcast on local stations to reach their potential constituents. I suspect that their broadcast budgets will be diverted from individual purchases on small, locally oriented stations to be placed on the major market stations serving whole regions.

Local newspapers, outdoor advertisers, direct mail, and other means of reaching the voter will be employed to the financial detriment of these small, marginally profitable stations and to the advantage of the competing media. The sum difference to the candidate will be nil. Expenditures will not decrease.

Personal resources will continue to enter the picture. Only a truly comprehensive limit on spending with detailed disclosure requirements will ever solve the dilemma. Until that time, diversions ought to be squelched. I will vote to sustain the veto of S. 3637 and will work for introduction of true campaign reform legislation.

I include the following table:

Cost of Senator Goldwater's presidential campaign

Salaries	$1,586,672
Postage and express	955,827
Travel	909,632
Chartered planes and trains	807,997
Printing and reproduction	555,252
Newspaper and magazine ads	529,868
Telephones	398,113
Data processing	155,349
Total	8,807,689
TV and radio	5,608,635
Total	14,416,342

Mr. McINTYRE. Mr. President, I support the effort to override the President's veto of the campaign spending bill, but not without some misgivings.

Those misgivings are based upon a traditional reluctance to have the Federal Government restrict the free flow of information—a position which prompted my authorship of the Independent Media Preservation Act and the Newsmen's Privilege Act—and upon the suspicion that the campaign spending bill, as written, treats symptoms and not causes.

Despite those reservations, however, I do support reversing the veto because of one overriding consideration: the campaign spending bill is, at least, a first step toward curtailing the influence of vast sums of money in politics.

The real evil is not heavy spending in media promotion of the candidate. The real evil is a campaign cost situation which demands that great sums of money be raised, sums so great that their very acceptance by the candidate places him under implied obligation and sullies the integrity of the office sought.

Carried to its ultimate conclusion, one is left with this unhappy alternative: If the electorate demands integrity, then it may have to settle for only those candidates whose personal fortunes are so great they need not seek campaign funds from self-seeking contributors. This, of course, would so narrow the base of elected representation as to mock the democratic concept.

I do not mean to imply by this that rich officeholders cannot be good officeholders, officeholders committed to serving the entire constituency. There are

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enough examples in this great body to refute that notion.

But I cannot help but believe that the American people are better served by a mix of representation than by an aristocratic elite, regardless of how dedicated, concerned, and compassionate individual members of that elite may be.

So I chose to support the campaign spending bill because it does move toward that goal of assuring a representative mix through restrictions on spending.

I regret that the electronic media have to be singled out for such restrictions, but I am realistic enough to know that for the Congress to move in this fashion beyond the electronic media would mark an even sharper break from congressional restraint, with no certainty of effectiveness.

But there is authority to move along other fronts in the battle to save political integrity from unsavory influence and I would urge my colleagues to consider seriously many of the proposals for substantive reform outlined in an editorial statement by Post-Newsweek stations last week.

Chief among those recommendations was a challenge to the Congress to enact legislation dealing with the overall money spent in political campaigns, either by considering a ceiling on spending—or a floor beneath spending.

Coupled with this was a call for enactment of the toughest possible disclosure law for campaign finances.

In all, the Post-Newsweek stations made 10 proposals, not all of which I would support, but all of which I believe deserve respectful attention.

These stations, I must note, oppose reversing the Presidential veto of the campaign spending bill, contending that the bill is discriminatory and does not get at the heart of the problem.

I repeat. I do support overriding the veto. But I also repeat that this bill is but a first step. And I agree with the Post-Newsweek editorial statement that much more subsantive work must be done to reform the political process.

In conclusion, I cannot resist pointing out to those in high office who have made a practice of belaboring the so-called monolithic eastern establishment press that on this issue the Post-Newsweek stations have taken an editorial position in direct opposition to the editorial stance of the parent Washington Post.

Mr. HRUSKA. Mr. President, the cost of election campaigns continues to mount, and the role of television—while no doubt highly effective—becomes increasingly controversial.

There is certainly not one of us in this body who believes the cause of democracy is served well by the ability of a given candidate to buy his election through lavish utilization of television time, or more importantly, through misuse or abuse of the technological virtues of the medium.

We can all agree that ultimately there must be some control over campaign expenditures, and there must be an element of protection to avoid misuse and abuse of the power of television.

The goal of S. 3637, to enact certain restrictions on the use of television in election campaigns, is a laudable goal which most of us can support.

It is the implementation of the various aspects of the bill which troubles me. It would appear the bill fails to make any real progress toward solving the problems we are encountering in the use of the medium in campaigning. In the meantime, suspicion grows that it may serve primarily to create new problems and inequities.

It is these concerns which caused President Nixon to veto the bill when it was sent to him for signature. The same concerns are shared by this Senator. Consequently I will vote to uphold the President's veto of S. 3637.

Allow me to detail a few of the major objections to the bill, Mr. President. The first is that it is discriminatory, against the candidates and against the electronic media.

It discriminates against the untried and unknown candidate. This is a most important point, Mr. President, because notwithstanding the inherent appeal and competence of a new candidate, he cannot hope to be very successful without good public identification. Since he does not have the publicity and other advantages which an incumbent has of making his name and face known to the voting public, the new candidate must rely upon advertising media and especially the electronic media for reaching groups of voters.

It is not unreasonable to expect that he would as a result utilize more television time than his opponent to equalize their situations. But under this bill, he is confined to a fairly stringent monetary limitation for radio and television time. He is already at a distinct and in many cases, fatal disadvantage before the campaign begins.

The measure also is of concern because it is discriminatory against the electronic media. It deals with restrictions only on radio and television. It fails to concern itself with newspapers and direct mail. Unlimited spending is allowed in those cases.

It would appear that most campaign budgets are laid out in similar fashion—by allocating the funds available throughout the various media so as to provide the best possible impact upon the most people. The effect of this bill upon that fairly scientific approach to campaign advertising will simply be to place a firm limitation upon the amount of radio and television time which can be purchased. The remainder of the available funds will be channeled into newspapers, direct mail, or similar media. There will be little if any reduction in total budgets.

Still another discriminatory aspect of the bill is the penalties it creates for broadcasters in terms of advertising rates. The bill stipulates that campaign advertising should be charged the lowest rates available by a radio or television. This would work an undue hardship upon station management which carries intensive amounts of political advertising for a brief period of a few weeks every 2 years or so. In so doing, it must displace its steady commercial advertisers, creating problems with its clientele. It seems no more than fair that in return for this difficult situation the station is placed in, it should be allowed to charge such transitory advertising accounts at a higher rate to compensate for the client relations problems it entails. Newspapers charge higher rates for political advertising. One cannot blame the electronic media for asking "Why us?"

There are also a number of questions about the effectiveness of the measure. For instance, how will it be enforced? Who will compile the records from all of the radio or television stations in a given State or congressional district to see whether a candidate is within the legal limit? Who is to say whether a radio or television station must release figures on the amount of advertising it carries for a particular advertiser? There are some tough problems to be resolved in this area.

The second factor on enforcement is the question of advertising submitted in behalf of a candidate. The bill stipulates that the limitation would apply to all advertising in behalf of a candidate. What would happen if unauthorized committees submit advertising on behalf of a candidate, pushing his television budget over the ceiling? What would happen if unauthorized committees usurped most or all of the advertising allotment of a given candidate before he and his authorized committees were ready to begin their campaign? Would it not be hypothetically possible under this limitation for committees supporting one candidate to purchase all the time allotted for his opponent, to preempt his opponent's time for more effective advertising? What is to stop a candidate from utilizing his full allotment of time and having a number of unauthorized committees who would submit advertising in his behalf? When one considers all of the bizarre problems which are apt to arise as candidates and committees look for loopholes in such a bill, it takes little imagination to predict the confusion which would surround any effort to enforce such a measure.

Returning to my original premise, Mr. President, I agree with the vast majority of my colleagues that we must soon come to grips with the electronic giant of television and carefully attempt to control its misuse and abuse in political contests and also with other aspects of campaign expenditures.

S. 3637 is not the measure for accomplishing our objectives, however. It has been designed in haste and suffers accordingly. It would be more effective if we were to go back and study the problem carefully, listen to all the media people involved and attempt to arrive at a schedule of campaign expenditures which will accomplish our goals without discrimination. Such action would make an effective contribution to fair and educational campaigns which will avoid gimmicks and which will highlight the attitudes and capabilities of the candidates, enabling the voters to make an informed and sensible choice. I stand ready to assist and support such an effort at an early time.

For these reasons, Mr. President, I intend to support President Nixon's veto of S. 3637.

Mr. SPONG. Mr. President, I shall vote to override the President's veto of the Campaign Broadcasting Act because I believe we must make a start toward controlling the ballooning costs of seeking public office.

As a cosponsor of the original bill, I would be the first to admit that it is not a complete answer to the problem. What is needed are effective controls on overall campaign spending and I shall continue to work for such legislation in the Congress ahead. But until we can put such a comprehensive law on the books, I believe we must take a first step.

There is no question in my mind that in limiting expenditures for television and radio broadcasting, this bill will contribute substantially to the reduction of campaign spending. It moves us that much closer to our goal of bringing public office within reach of the best men this country has to offer and not merely the wealthiest.

Mr. EASTLAND. Mr. President, I shall vote to sustain the President's veto of the bill which would limit election campaign spending on television and radio. I do so, I firmly believe, in the interest of the American people and in the preservation of our democratic election process. For the reasons I shall outline, I hope the legislation does not become law.

I have watched and studied this bill with considerable interest since its introduction. I realize it is a well-meaning attempt to regulate our election campaigns, which, in the recent past, have become a contest not of men, nor ideas, but of bank accounts. I agree that action is needed. The American public is entitled to it—and the public demands it. A national poll published only yesterday revealed that 7 out of 10 Americans prefer a change in the campaign process, and 79 percent—more than ever before—would like to see campaign spending limited. This is clearly a call to action, but we must not go galloping off in the wrong direction against the wrong evil.

The major impact of the legislation at hand, I believe, would be to limit the amount of money a candidate for President, Vice President, Senator, Member of the House of Representatives, or Governor could spend on radio and television during his campaign for office. Television is perhaps the most dynamic force on the American political scene in the history of the Republic. This cry for restrictions on political use of television has been accentuated by the high-spending campaigns of the past decade. The impact of television upon the American voter has been obvious and the influence upon the outcome of the elections is well known. It has been estimated that nearly $60 million was spent on the congressional campaigns just concluded. So the need for change is apparent.

The proposal before us today, however, is an inadequate and ineffective approach to the problem of campaign spending. It seeks to impose restrictions upon one segment of the media, while there would be no limitations on the various other forms of political advertising. I feel this is not only unfair, but an impractical, unsuitable, and incomplete solution to a complex problem.

While it proposes to limit spending during a campaign, this legislation would not necessarily do so. One has only to look at our attempts to ban cigarette advertising on television. On January 1, we will prohibit the use of this media for cigarette commercials, but it is now reliably predicted that the same money spent on television by the manufacturers will be channeled into the other media. This would be the pattern for a ceiling on television spending. It would not reduce the amount required for a campaign, but would result in heavier spending in other areas such as newspapers, billboards or, more likely, direct mail. The bill would simply pounce on a part of the problem and fail to attack the abuses of spending during a political campaign.

Some have said this is an antibroadcasting bill. Perhaps this is not the intent, but certainly any bill which imposes restrictions on any one segment of an industry and ignores the rest is, on its face, punitive legislation.

While I oppose the bill, I do support action which would restore sanity and commonsense to the campaigns for public office. We must take steps to see that politics does not become a rich man's game and public office is not restricted to the very wealthy.

I firmly believe that effective controls on campaign spending are necessary and needed today. Such controls should be, however, meaningful restrictions which would deal directly with the problem. Such controls should not restrict the flow of political information to the American voter, but encourage communication between the candidates and the voter. Our goal should be to provide legislation which would, once and for all, insure that the voter would have a sound basis on which to make a wise choice between the candidates for public office. The end result would be the perpetuation of the democratic process which has served us so well.

Some have said the bill on which we act today would be only the first step in effective campaign controls. They argue that we could return next year to plug the holes in the law. I disagree. The scope of this bill is too narrow, its provisions too confined. It is a step in the wrong direction. We cannot have effective legislation in any field by building poor foundation and hope at some future date to raise upon it an area of the law that will withstand the test of time. Such action here today could do more harm than good for the American election process. I believe that if the bill becomes law it will end—not begin—the drive for election campaign controls.

There is also the question of State versus Federal action in this field. Today's bill not only proposes restrictions on the elections for President and Vice President, but for Senator and Representative as well as Governors of the States. The latter is most certainly a matter for the States to decide. In this day of ever-expanding Federal power, I would hesitate to interject the Federal law any further into State matters

We all agree that political campaigns are out of hand. The candidates, the media, and, above all, the American people are in full accord on this question. We also agree that it is a complex matter. This is all the more reason that we must make the proper approach to the problem. I would suggest—and strongly support—serious and detailed study into the matter of effective and comprehensive campaign controls.

Congress should take this matter under advisement—not with the intent to bury it, but to bring it out in the open for full and free discussion.

The media—and most particularly the television industry—should come forward with its own ideas. There should be voluntary controls on the part of the media and an honest and forthright attempt to bring the voter and the candidate together for the betterment of the election process. The industry has already moved in this direction and this action should be accelerated.

The candidate, too, must do his part. He must take steps to see that he runs the type of campaign necessary to give the American public the kind of officeholder that is needed in this Nation. After all, the burden of good campaigning rests upon the candidate—not on the media which merely reflects his image.

Working together in a concerted effort to correct the abuses of political campaigning, we can and will restore proper balance to our election process. It will be then—and only then—that we will devise a workable and effective means to campaigning for public office. We will meet this problem with a solution that can and will insure the survival of good government and the preservation of that revered phrase "of the people, by the people, and for the people."

Mr. MOSS. Mr. President, when the Senate votes on the Presidential veto of the bill to reform campaign broadcasting, S. 3637, I shall vote to override the veto. As an original cosponsor of the bill in the Senate, I feel the bill is not only advisable, but absolutely necessary to help preserve our political system.

Having just completed my third campaign for the U.S. Senate, I am accutely aware of the need to take legislative action to limit the electronic media costs of such campaigning. The time to take such action is now, not later. Before we realize it, we will be facing another presidential election during which the costs are even higher than the congressional elections just completed.

President Nixon, in vetoing the bill, gave every excuse possible, except the real excuse, that being that the Republican Party was financed in an amount eight times that of the Democratic Party for the congressional elections. And with the power of the White House the GOP will be similarly better financed for the presidential elections of 1972.

The President said the bill would plug only one hole in the seive, but he forgot to say that through that hole, about 70 to 80 percent of election costs flow. It would be a most significant hole to plug in reducing campaign costs.

The President complained that the bill would discriminate between urban and rural candidates. That is absurd. Rural candidates run against rural candidates,

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and urban candidates run against urban candidates. Statewide candidates run in the same State, so any disadvantage encountered by the bill, if there were any, would be encountered by both candidates, and therefore no discrimination would occur.

The President said the bill would favor the incumbents over challengers. Again the argument does not hold water. It limits the amount of time each candidate can purchase, so the effect is the same on both candidates.

Nor does the bill discriminate against the broadcast media when they are required to sell officeseekers time at the same rate as other customers.

The President also said the bill would be difficult to enforce. This is not true. Each television station is required to keep a log of all advertisements, including political ads. Thus it would be extremely easy to review the logs of each station and determine if a candidate were violating the law by purchasing more time than allowed.

Mr. President, as I see it, none of the arguments offered by the President justify his veto action. If Mr. Nixon is going to adopt a policy that specific legislation must solve every aspect of every problem before he will sign it, we all know that very few bills would be signed.

Most Americans came away from the recent elections wanting some action to be taken to limit the costs involved, especially on broadcast media. Permitting this bill to become law would show the American voters that the Congress recognizes that the voters deserve a better level of campaign presentation than they have been getting.

By voting to override this veto, we will be saying to the voters, you deserve more of a discussion of the issues and less hucksterish hoopla when we seek your votes.

I hope that we are successful in overriding this veto so that the law can be put into effect before the presidential elections just 2 short years away.

Mr. JORDAN of North Carolina. Mr. President, I have decided to vote to override President Nixon's veto of the political broadcast reform bill when it comes up in the Senate today.

This decision was especially difficult for me for two principal reasons:

First, the bill deals with only one aspect of the campaign spending problem. It limits only spending for television and radio political advertising and does not restrict outlay for other forms of political advertising. To that degree it is neither as fair nor as effective as it should be.

Second, during the period immediately after the veto I wrote to several of my constituents and friends in the broadcasting industry that it was my intention to continue to oppose the bill as I did when I voted against adoption of the conference report on it.

Even though my major reason for voting against the conference report does not exist now, I still find it difficult to disappoint responsible members of the broadcast industry who feel the bill discriminates against them.

But in the larger public interest I have concluded I must do so, at the same time pledging my best efforts to broaden the law to cover other kinds of political advertising spending during the new Congress and well before the 1972 elections.

When this bill was introduced in September of 1969 it was sponsored by 77 leading Members of the Senate and House from both parties. As reported to the Senate in April of 1970 it had the following major provisions: First, repeal of the equal-time requirement for presidential candidates; and, second, a requirement that television and radio stations could not charge any political candidate more than the lowest rate charged commercial advertisers. It was amended on the floor of the Senate to limit spending by and for presidential, Senate, and House candidates to 7 cents per vote cast in the most recent general election. This amendment was adopted by a margin of 50 to 35 and the bill passed by 58 to 27. I voted for the amendment and the bill. As it stood then the bill's effective date was to be 30 days after the President's signature, so that if the House had acted on it promptly it could have been put into effect well ahead of the November 3 elections.

But the House did not pass the bill until August 11. The vote was 272 to 97. The House accepted amendments to add a 3½-cent per vote limit on primary spending, to extend the limitation provisions to gubernatorial and other statewide campaigns, and change the effective date to January of 1971. This would have eliminated confusion by avoiding making the new requirements apply to 1970 elections campaigns already underway.

However, the Senate-House conference committee wrote a new provision into its report which would have made the law effective 30 days after the President's signature, but would have applied it only to spending contracts signed after August 15. The House approved the conference report on September 16. By the time it came up in the Senate on September 23 it was so late that if the President had signed the bill at once it could have become effective on October 23, only 10 days before the elections. This would without question have caused general confusion among the candidates and the public. The spending limits would thus have applied only during the last 10 days, and not to money spent before that period. It would have been fair to no one.

I did not want to run that risk, and I, therefore, opposed the adoption of the conference report, which, however, was approved by the Senate by a vote of 60 to 19. The principal basis for my opposition is a moot question now, because the 1970 elections are history. If the bill becomes law now, it will be nearly 2 years before it will affect candidates—plenty of time both to amend it and to allow all candidates and the public to become familiar with its requirements.

My first thought after the President's veto was that perhaps it would be best to start all over with a new effort in January. But the appalling evidence of the magnitude of campaign spending which became apparent just before and immediately after the November elections all over the country made me change my mind. Spending in congressional races alone is reported to have exceeded $100 million. Increasingly, money makes the difference in our primaries and elections. We simply cannot afford a system under which only the rich can succeed in politics—or, probably worse, a system under which only a man or woman willing to accept really big money can win public office.

We have got to reverse that trend, and this bill makes a start in that direction. If it is killed now I am sure it will be far harder to enact a reform bill before the next elections. If it is passed now I believe the Congress will meet the challenge and amend the law to deal with excessive spending for all other kinds of political advertising which are left untouched by this bill. I will do all I can toward that objective.

Mr. PASTORE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The time situation is that the Senator from Rhode Island has 42 minutes remaining and the Senator from Wyoming has 56 minutes remaining.

Mr. PASTORE. The 56 has the initiative.

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

Mr. PASTORE. The only trouble is whether we could take the time from the opposition.

Mr. HANSEN. I was going to be generous. I think it should be shared.

Mr. PASTORE. I am ready for a vote. Let it run for a while, Mr. President.

Mr. HANSEN. Divided equally.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. PASTORE. Mr. President, I ask unanimous consent that there be a recess for 15 minutes.

The PRESIDING OFFICER. On whose time?

Mr. PASTORE. Any way they wish to do it.

Mr. HANSEN. Fifty-fifty.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

(At 3 o'clock and 24 minutes p.m., the Senate took a recess until 3:39 p.m. the same day.)

(On the expiration of the recess, the Senate reassembled when called to order by the Presiding Officer (Mr. MURPHY).)

The PRESIDING OFFICER. Who yields time?

Mr. COOK. I yield 10 minutes to the Senator from Vermont.

Mr. PROUTY. Mr. President, when this bill was before the Senate last summer, I voted in favor of it.

I did not vote for it because I regarded it as a measure which would eliminate all campaign abuses—I did not vote for it on the ground that it covered all or even most of the situations involving campaign expenditures which, in my opinion, need to be more strictly regulated by Congress. At the time I voted for this bill, I regarded it—at the most—as being a minor first step in the area where election reform is badly needed.

To be candid, Mr. President, I voted for this first step in the belief that it would become law in time to apply to the 1970 elections. As my colleagues know, I stood for reelection earlier this month. I was convinced that enactment of this proposed legislation in time for this fall's congressional campaigns would, to some extent, equalize campaign expenditures and spare the people of my State and of the other States the saturation of television and radio advertising campaigns which were engaged in by many candidates this year.

To be frank, however, it never entered my mind that election reform would stop with passage of S. 3637, or that further reform would not be enacted by Congress in 1971 which would be effective for the 1972 congressional and Presidential elections.

In fact, S. 3637 was not enacted in time for the 1970 campaigns and—even if the President had signed it when it finally came to him, it would not have been applicable to this year's elections.

In these circumstances, Mr. President, I have reached the judgment that President Nixon acted properly and wisely in vetoing this bill.

There is plainly sufficient time for Congress to adequately consider a comprehensive and broad-based election reform bill during the next session of Congress.

Those who now desire to override the President's veto claim that additional election reforms will still be enacted in 1971 should S. 3637 become law this year.

While this is possible, I sincerely doubt it. If this bill relating to political broadcasting becomes law in 1970, I believe that there will be a tendency to sidestep other needed election reform next year on the ground that one of the major abuses has just been dealt with by the Congress.

In my judgment, Mr. President, there is a clear need to enact a meaningful and desirable election reform bill dealing with many other potential and actual practices of campaign abuses before the 1972 elections.

There is obviously time for a Congress desirous of enacting major campaign reforms to do so in 1971 after a thorough study has been made of this entire complex subject.

For these reasons, Mr. President—because I am extremely dubious concerning the enactment of any meaningful overall election reform legislation in the foreseeable future should this bill be written into law now—I intend to vote today to sustain the President's veto of S. 3637.

Before I relinquish the floor, Mr. President, the RECORD should reflect the fact that I have consistently favored strong and effective reform of our election laws.

Ten years ago, when the Federal Elections Act of 1959 was under debate in the Senate, I offered an amendment which would have prohibited any person from making a political contribution to or on behalf of any candidate seeking nomination or election to the office of U.S. Senator or U.S. Representative to Congress outside of the contributor's own State.

This amendment, Mr. President, would have prohibited individuals or groups in one State from making direct contributions to candidates running for the House or Senate in other States.

It would also have prohibited a middleman from making a contribution to a candidate for the House or Senate unless the middleman disclosed, at the time the contribution was made, who made the money available to him for the purpose of the donation.

This amendment, Mr. President, would have permitted contributions to State or local committees in other States which were adjuncts of national political organizations such as the Republican and Democratic parties.

These funds, of course, could be made available to candidates in a State by their local and State party committees. The money would not be coming directly to a candidate from a contributor, however, and such requirements would strengthen both major parties at the local and State level.

I eventually withdrew my amendment, Mr. President, because the committee had not studied it in its deliberations and upon assurances that a comparable bill would be considered by the committee in the future.

I ask unanimous consent, Mr. President, that my proposed amendment and debate thereon, which appears in the CONGRESSIONAL RECORD, volume 106, part 1, pages 875–884, be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **PROUTY**. I have just completed a very rigorous and demanding reelection campaign, Mr. President, which makes me even more conscious that drastic and meaningful changes are necessary in our election laws.

Speaking on my proposed amendment in 1960, Mr. President, I noted that the law does absolutely nothing to effectively curb unethical practices of some special interest groups which seek to circumvent regular party channels in attempts to influence the choice and election of candidates in the several States. At that time—in 1960—I said:

> It is my sincere conviction that citizens of one State should not meddle in the politics of another State. Certainly, they should not be permitted to influence, by contributions, the nomination or reelection of candidates in several States, for any reason whatsoever.

In my campaign this fall, Mr. President, these words were brought home to me with a vengeance, as elements from outside Vermont became active in seeking my defeat in a manner which would have been impossible if my 1960 amendment had been adopted.

Fortunately, however, the residents of Vermont were not taken in by these tactics, as I note in all humility that I was returned to office by a vote of 60 percent of my constituents.

The subject matter of this amendment I proposed in 1960, however, is but one of the important areas where election reform is needed that I believe should be acted upon by Congress in 1971.

As I mentioned earlier, I voted for S. 3637 originally in the hope it would become effective for the 1970 campaign.

This did not materialize, Mr. President, and I am now deeply distressed that other meaningful election reforms will be lost if this bill is now enacted over the President's veto.

Accordingly, I shall vote to sustain this veto, and I strongly recommend that my colleagues who desire comprehensive election reforms in time for the 1972 congressional and presidential campaigns do likewise.

EXHIBIT 1

FEDERAL ELECTIONS ACT OF 1959

Mr. PROUTY. Mr. President, I offer the amendment which I send to the desk. It is designated "1–13–60—G."

The PRESIDING OFFICER. Does the Senator wish to have the amendment read in full?

Mr. PROUTY. In view of the fact that the amendment has been on the desks of Senators for some time, I ask unanimous consent that the amendment be printed in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is as follows:)

On page 17, strike out lines 8 to 27, inclusive, and insert in lieu thereof the following:

"SEC. 608. (a) Whoever, directly or indirectly, makes contributions in an aggregate amount in excess of $5,000 during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office with respect to which elections are conducted within the State in which the person making the contribution resides, including the offices of President of the United States and presidential and vice presidential electors, or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or in the Commonwealth of Puerto Rico or in any possession of the United States.

"(b) Whoever, directly or indirectly, makes a contribution in any amount or of any value in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office with respect to which elections are not conducted within the State in which the person making the contribution resides, or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any such candidate, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or in the Commonwealth of Puerto Rico or in any possession of the United States, if such national committee or State or local committee or other State or local organization is a regularly organized adjunct of a National political party.

"(c) whoever, directly or indirectly, makes a contribution out of funds made available to

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him for that purpose by another person in any amount or of any value in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office (including the offices of President of the United States and presidential and vice presidential electors), or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party shall, if he does not disclose at the time such contribution is made, the name of the person who made such funds so available to him, be fined not more than $5,000 or imprisoned not more than five years, or both.

"This subsection shall not apply to contributions made by a National, State, or local committee, or other State or local organization or by similar committees or organizations in the District of Columbia or in the Commonwealth of Puerto Rico or in any possession of the United States, if such national committee or State or local committee or other State or local organization is a regularly organized adjunct of a national political party."

And on page 17, line 25, strike out "(b)" and insert in lieu thereof "(d)" and on page 18, line 15, strike out "(c)" and insert in lieu thereof "(e)".

The Presiding Officer. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. Prouty].

Mr. Prouty. Mr. President, on this question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. Prouty. Mr. President, last night I was very glad to yield to the distinguished senior Senator from Missouri [Mr. Hennings] in order that he might offer the amendment which the Senate has just approved, because I knew that that amendment, if adopted, would operate well with the provisions contained in my amendment. In other words, my amendment is fully complementary to the one which the Senate has just approved.

The bill before the Senate is a good bill as far as it goes, but in no sense can it be considered a genuine election reform law.

The committee reported bill does alter obsolete limitations on spending; it tightens up reporting requirements and, it improves publicity provisions. However, it does absolutely nothing to effectively curb certain unethical practices of some special interest groups seeking to circumvent regular party channels in their attempts to influence the choice and election of candidates in several States.

While not a cure-all, the amendment I have submitted does offer a realistic method for controlling some of the more flagrant of these unethical and unhealthy practices.

Four years ago, as a Member of the House of Representatives, I introduced a bill with similar objectives. At that time, Members will recall, Congress and the public were aroused over a shocking incident related on this floor.

The bill in its present form, as amended, is a much stronger bill than the bill which first came to the floor.

I think I can also say, without fear of contradiction, that if the amendment I am proposing is adopted we shall have completed a genuine electoral reform measure.

Four years ago a representative of a private interest went into a State not his own and attempted, in a roundabout way, to make a quiet contribution of $2,500 to the forthcoming campaign for reelection of a U.S. Senator from that State. It later developed that the individual attempting to make the donation was acting on behalf of parties financially interested in the outcome of a bill then before Congress.

It is to the everlasting honor and credit of this Senator that he brought this matter so openly to the attention of the American public.

Mr. President, let the integrity of our electoral process become tainted and subject to abuse and the very bedrock of our republican form of government is endangered.

Among our American people honesty of elections is taken for granted. When we learn of an occasional dishonest election we rightfully become incensed. We can attribute this to the probity of our people generally and to the integrity of most of our candidates. It decidedly is not due to Federal laws relating to campaign contributions and expenditures. These are so loosely drawn that if they do not encourage, at least they permit, deception and dishonesty.

It is no news to Members of this body, to representatives of information media, or to the public generally that a good deal of money is required to conduct a political campaign today, and that the cost is becoming increasingly higher. Newspapers, radio and television time, and travel have become campaign necessities and must be paid for.

Unless we are to say that only rich men should become candidates for public office we must recognize the need and make provision for campaign contributions. But the public possesses a genuine concern in the amount of, the source of, the character of, and the circumstances surrounding such contributions.

Most political contributions, I sincerely believe, are made with the honest and aboveboard intention of supporting one of contending philosophies of government, or because of respect and admiration for a particular candidate. We must recognize, however, that some political contributors may have selfish aims; they may expect quid for quo. It is this type of contribution that we must be concerned with and that my amendment seeks to control.

It was the intention of the founders of our Republic and of those who came after them that every Member of Congress should owe his election to the suffrage of his constituents and that he should be answerable only to them and to his conscience for his words and deeds.

Despite this intent, certain influences exist which tend to alter our traditional pattern. Not content with limiting their representation in Congress to Senators and Members of the House from their own State, as intended by the Constitution, some individuals have participated, directly or indirectly, in the nomination and election of candidates in States other than their own.

Mr. Long of Louisiana. Mr. President, will the Senator yield for a question?

Mr. Prouty. I yield.

Mr. Long of Louisiana. Would the Senator's amendment reach the situation I shall picture to him, and, if so, how? Suppose a man simply mails his contribution or leaves it on someone's doorstep. Would the Senator's amendment cover that kind of situation?

Mr. Prouty. I believe that when I have concluded my prepared statement and have read a series of questions and answers, I will have answered the Senator's question to his satisfaction.

Some of these individuals to which I have referred may have been well intentioned and not motivated by selfish interest. Others, however, have had no such high-minded inspiration. Their financial contributions have been made with the hope, if not the understanding, that the candidate would cherish, protect and, if possible, advance their private, special interests.

It is my sincere conviction that citizens of one State should not meddle in the politics of another State. Certainly, they should not be permitted to influence, by contributions, the nomination or election of candidates in several States, for any reason whatsoever.

I am also firmly of the belief that no individual or group should have the right to make political contributions through a middleman. Not only does this conceal the identity of the real contributor, it also affords an opportunity for circumventing the statutory limitations relating to political contributions.

The amendment which I have offered to the bill (S. 2436), the Federal Elections Act of 1959, is not presented as a cure-all. It cannot change the minds and hearts of men with evil intent. It does, however, seek to control, in what I believe is a fair, realistic, and practical manner, the actions of their hands.

The Presiding Officer. The Senator from Vermont will suspend. Once more the Chair would state that the Senator from Vermont is entitled to attention, under the rules. He is deserving of being heard.

Mr. Prouty. My proposal would prohibit any person from making a political contribution to, or on behalf of, any candidate seeking nomination or election outside the contributor's own State for the office of U.S. Senator or Representative in Congress.

There would be no prohibition, however, against contributing to presidential and vice-presidential candidates, since my proposal specifically permits contributions to, or on behalf of, candidates running in elections which are conducted within the State in which the person making the contribution resides.

Groups formed in one State, which are not affiliated with a national party, would be prohibited by my proposal from making contributions to influence the nomination or election of Senators and Representatives in other States. Of course, there would be no prohibition against activities of a local organized committee in a State making contributions so long as its activities were confined to elections within the State and are in conformity with the provisions of existing law.

National, State, and local committees which are genuine adjuncts of a national political party would be exempt under my proposal, from the prohibition against interstate political donations. There are several good reasons for this exemption:

In the first place, no national political party organization or any adjunct thereof contributes financially to candidates in State primaries or other State nomination systems. They only contribute toward the election of candidates in several States.

This exemption would result in a more extensive channeling of campaign funds through legitimate political committees; and, under the law, such committees are required to file reports of their contributions and expenditures. Other committees professing to be educational or nonpolitical in character sometimes do not consider themselves so obligated.

Another major feature of my amendment would make it a violation of law for any person to make a political contribution out of funds made available to him for that purpose without disclosing at the time the contribution is made the name of the person or persons who made such funds available.

This "who gave it" provision would be applicable to contributions made to national political parties and genuine adjuncts thereof, but would not apply to contributions made by them.

Mr. Cotton. Mr. President, will the Senator yield, before he leaves that paragraph?

Mr. Prouty. I yield.

Mr. Cotton. I have been listening most attentively to the Senators explanation of his amendment. I wish to make sure that I understand it. I recall that when Senator Bob Taft was running for reelection, which was before I was a Member of the Senate, as a citizen I was much interested in his campaign, and I remember, poor as I was, I sent him $5 toward his campaign in the State of Ohio, although I was a resident of the State of New Hampshire. If the Senator's amendment were adopted, would it preclude that being done?

Mr. PROUTY. The Senator could make the contribution if he made it to an adjunct of a national political organization in Ohio.

Mr. COTTON. An adjunct of a national political party?

Mr. PROUTY. Yes.

Mr. COTTON. This was an election campaign. It was sent, probably, to the treasurer of Senator Taft's own campaign. I had no special interest in any of the other candidates running in Ohio.

Would the Senator's amendment have precluded me if I had been wealthy enough to sent Bob Taft $10,000? Could I have sent it to him under the Senator's amendment?

Mr. PROUTY. Yes. I shall come to that a little later through a series of questions and answers, which I believe will bring out those points very clearly. I would much prefer not to yield further at this point until I have had an opportunity to conclude my statement and to read the series of questions and answers.

Mr. COTTON. I shall not interrupt the Senator further.

Mr. PROUTY. I am sure I will clarify the point for the Senator.

Mr. BUSH. Mr. President, I should like to ask just one question on that point. Would the Senator's amendment preclude the possibility of a personal contribution to the Taft-for-Senator campaign in 1944 or 1950—just to use that as an illustration?

Mr. PROUTY. It would preclude the sending of money across State lines for use in a primary campaign. It would prohibit the interstate donation of funds in a primary campaign. Theoretically such a donation could be made if some political adjunct of a national political party or local State committee wished to receive the money and turn it over to the Taft-for-Senator campaign. It could be done on that basis. Obviously political organizations of national parties are not going to contribute financially to primary campaigns.

Mr. BUSH. However, whether it be a primary or an election campaign, after the primary the Senator's amendment would prohibit a gift from out of the State to the Taft-for-Senator campaign committee directly?

Mr. PROUTY. If the Senator will be patient, I will answer all those questions a little later on in some detail. Then the Senator will have a much better understanding of what my amendment proposes to do.

Mr. BUSH. I will not delay the Senator. The Senator had already covered that point, and I merely wished to be sure that I understood the amendment.

Mr. PROUTY. I shall bring out those points later.

In short, then, my amendment would accomplish two major objectives.

First, it would prohibit individuals and groups in one State from contributing to candidates who are running for the House or Senate in another State. That is a direct contribution. It would not, however, stop an individual or a group in one State from giving to a regular Republican or Democratic committee in another State.

Secondly, it would prohibit a middleman from making a contribution to a candidate for the House and Senate unless the middleman disclosed, at the time the contribution was made, who made the money available to him for the purpose of the donation.

Naturally, my amendment would not require a regular Republican or Democratic Party organization to reveal to a candidate where it got the money it is giving the candidate. Such an administrative task would be well nigh impossible to perform.

Mr. President, inasmuch as I am not a lawyer, and because I do not wish to ask the Senate to rely on my own interpretation of existing election laws, I submitted a series of hypothetical questions to the American Law Division of the Library of Congress. I might say that Mr. Samuel H. Still, who prepared the answers to these hypothetical questions concerning present statutes is a recognized authority in this field.

I shall now read the questions and answers:

Question 1: An individual in State A goes to a Republican town committee in State A and contributes $10,000 to the committee with the understanding that it will be used to further the campaign of Jones for the U.S. Senate in State B.

Question 1(a): Could he give $10,000?

Answer: Yes. By the very terms of section 608 the $5,000 limitation does "not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or any territory or possession of the United States." (18 U.S.C., sec. 608 (a).) While Assistant Attorney General of the United States, Justice Tom C. Clark, wrote:

"Section 18 (18 U.S.C., sec. 608), though in term limiting to $5,000 the amount any individual may contribute to a candidate or political committee for his nomination and election, in fact restricts only the channels through which such contributions can be made since State and local committees are exempted from the application of the act. (6 Fed. Bar Journal 13 (1944).)"

Question 1(b): Would it be legal for Republican town committee in State A to give to the Jones-for-Senate committee in State B?

Answer: Yes. Section 608(a) does "not apply to contributions made to or by a State or local committee." (18 U.S.C., sec. 608(a).)

Question 1(c): Would it be legal for the Jones-for-Senate committee in State B to use the money thus received?

Answer. Yes. Section 608(a) only applies to contributions and not to expenditures or use of funds. There is no restrictions under either the Corrupt Practices Act or the pertinent sections of the Hatch Act on a State or local committee unless the State or local committee is acting as an agent (bona fide) of the candidate. The phrase "indirectly" or "on one's behalf" in a criminal statute must be strictly construed. The Supreme Court of Wisconsin has held that the phrase "on his behalf" as employed in a statute limiting the amount which may be spent by or on behalf of a candidate for public office, and requiring an account of expenditures to be filed, means "by someone who acts for him [the candidate] in the sense that an agent acts for and on behalf of his principal" and if no authority, express or implied, exists the disbursement is not made on behalf of the person sought to be charged. (State ex rel. *La Follette* v. *Kohler* (1930) 200 Wis. 518, 228 N.W. 895), reported and annotated at 69 A.L.R. 348. The same view was taken by Senator Nye's Select Committee on Senatorial Campaign Expenditures, 1930–31 (72d Cong., S. Rept. No. 20; CONGRESSIONAL RECORD, vol. 75, pp. 977–984).

Question 1(d): Would it be legal for the Jones-for-Senate committee in State B to give the $10,000 received from the Republican town committee in State A directly to Mr. Jones?

Answer. Yes. Under a strict interpretation of the law there would be no violation since State and local committees are exempt from the provisions of section 608(a) limiting contributions. However, since the courts have not construed this section, in order to be safe, most committees, including the political action committees of labor unions, have kept within the $5,000 limitation when making direct contributions to individual candidates for Congress.

Question 2: Would it be legal for an individual to (a) contribute to several different Jones-for-Senate committees and (b) give more than $5,000 to any one or to a combined number of such committees?

Answer. Again it should be pointed out section 608(a) is a criminal statute carrying a penalty of $5,000 or not more than 5 years imprisonment, or both, for a violation. The section by its very terms does not apply to contributions made to or by "a State or local committee or local organization or to similar committees or organizations in the District of Columbia or in any Territory or possession of the United States." Although no lawyer would advise a client to trifle with a criminal statute, yet it is generally believed by most authorities that the prohibitions of section 608(a) are generally directed at personal contributions made directly to candidates or made to the national committees or their adjuncts such as the congressional and senatorial campaign committees and to committees operating in two or more States and do not apply to contributions made to local or State committees. (See hearngs on H.R. 1167 and H.R. 433, Subcommittee on Elections, Committee on House Administration, July 19 and August 1, 1957, 85th Cong., p. 112.)

Question 3: Can an adjunct of a national party committee such as the senatorial campaign committee or House congressional campaign committee contribute more than $5,000 to a candidate for the House or Senate?

Answer: Conceivably yes. Section 608(a) is designed to limit to $5,000 individual contributions to such campaign committees but it fails to limit contributions or expenditures made by such committees. The only limitation placed on these committees are $3 million limitations placed on their total contributions received or total expenditures made by section 20 of the Hatch Act, now codified as section 609 of title 18, United States Code.

Question 3(a): Can such an adjunct of a national party contribute more than $5,000 to a Jones-for-Senate committee or Smith-for-House committee rather than to the candidate himself?

Answer: There is no limitation on the congressional campaign committees except the $3 million calendar year overall limitation on contributions to or expenditures by such committees appearing in section 20 of the Hatch Act, codified as section 609 of title 18, United States Code. Furthermore, section 608(a) specifically exempts contributions to such committees as Jones for Senate committee.

Mr. President, I hope the questions I have just raised and answered will give you a clearer picture of the weaknesses and limitations of existing law.

I turn now to another series of prepared questions and answers which I think will bring sharply to focus the objectives of my amendment.

I read further:

Question. Under existing law, what can an individual do if he wants to influence a senatorial or congressional election outside his own State?

Answer. He can give unlimited amounts of money to further a Jones-for-Senator campaign as long as he makes his contributions to various Jones-for-Senator committees.

Question. Under the Prouty amendment, what can an individual do if he wants to influence the outcome of a congressional or senatorial election in a State other than the one in which he has a legal residence?

Answer. He cannot make contributions directly to Jones or to any Jones-for-Senator committees. He could, however, make con-

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tributions to recognized Republican or Democratic Party organizations. This would mean strengthening of major political parties and a channeling of campaign funds through regular committee channels.

Question. What effect does this proposal have on the rights of national, State, or local committees of the Republican and Democratic Parties?

Answer. The amendment takes no rights away from these regular party committees. For example, the Republican National Committee can still make a contribution to the Jones-for-Senator campaign. In fact, the position of these regular party committees from a financial standpoint would be substantially improved because if an individual in State A wanted to promote the candidacy of an individual in State B he would have to make his contribution to a regular party organization and hope that it would go to help the candidate of his choice. Thus, the obligation, if any, of the successful candidate would be to a party and not to an individual or special interest group.

Question. Suppose an organization were formed called The National Group for a More Progressive Congress. Could this national group send money to its local branches which would be used to influence the outcome of a senatorial or congressional election?

Answer. No. Because the national group would be making a contribution to a candidate for an office within a State in which the national group does not reside.

Question. How about the local branch of this "National Group for a More Progressive Congress?"

Answer. It could make contributions to the senatorial campaign being conducted within its State, but not out of funds which came from the national headquarters.

Question. Does this proposal in any way limit the amount of money an individual can give?

Answer. No. It adds no limitation on the amount of money an individual can give. It places restrictions on the individual with respect to whom and where his political contributions are made.

Question. Since the Prouty proposal would allow out-of-State groups or individuals to contribute to senatorial or congressional campaigns only through official party channels, wouldn't this mean that any contributions made to a candidate during a primary election would have to come from the candidate's own State?

Answer. Yes. In the case of primaries, all money used in the primary would have to be contributed to the candidate or his committees from sources within that State. If, for example, Smith, from State A, contributes to the Jones-for-Senator campaign in State B, there would be a violation of the law, punishable by fine or imprisonment, or both.

Question. Could an individual in State A contribute to a presidential campaign under way in State B?

Answer. Yes. Since the office for the President is "an office with respect to which elections are conducted" within every State, a person could make contributions to presidential campaigns.

Question. In existing law is there any specific prohibition which would prevent A donating to a senatorial candidate without revealing at the time of the donation the fact that B provided the funds for the donation?

Answer. No.

Question. What change would the Prouty amendment make in this situation?

Answer. Under the Prouty proposal, if A did not reveal at the time he gave the money to the senatorial candidate the name of the person who made the funds available to him, he could be fined not more than $5,000 or imprisoned not more than 5 years, or both.

Mr. HOLLAND. Mr. President, will the Senator from Vermont yield for a question?

Mr. PROUTY. I yield.

Mr. HOLLAND. I call to the attention of the distinguished Senator the fact that in my State there are hundreds—perhaps thousands—of fine people who have their residence in Vermont or other States and live there in the summer, or live there more than half the year, but also have their winter homes in Florida. Is it the intention of the distinguished Senator, by his amendment, to prevent persons in such a situation from showing an interest in Florida by making contributions in the regular, legal way, which must be shown in the way now required by State law as contributions, to the campaign funds of candidates for the U.S. Senate or House of Representatives?

Mr. PROUTY. In my judgment, that is a prerogative and right which belongs exclusively to the citizens of the Senator's great State. I do not believe that anyone outside the State of Florida or the State of Vermont has a right to go into a State not his own to try to influence the citizens or legal voters of that State in their choice of the candidates to represent them in Congress.

Mr. HOLLAND. I appreciate the candor of the Senator, but I simply cannot agree with him, because I think a citizen in the situation I have described has a proper and understandable interest in the type of representation which Florida—my State—should have.

One more question: As the Senator from Vermont knows, I have relatives in Virginia and West Virginia. Some of them, for family reasons, have from time to time contributed to my campaign funds, always modestly, and the amounts have always been shown in my campaign contribution reports. Do I understand that such contribtuions would be precluded under the amendment of the distinguished Senator?

Mr. PROUTY. Such contributions could be made only if they were made through, for example, the Democratic State Committee in the State of Florida. They could not be made directly.

Mr. HOLLAND. These contributions are made for primary races. Of course, party contributions are not made in primary races, because in those races I will be a candidate, as I have always been in the past, against other members of my party. It seems to me that the distinguished Senator by his amendment would preclude the natural expression of interest, concern, and support by the relatives of a candidate in the primary for the Senate or House of Representatives. I do not believe such a provision should be engrafted into Federal law.

Mr. PROUTY. That is not the problem to which my amendment is directed; it is directed toward outside interests, who have no personal concern with what goes on within a State. Such interests may be trying to influence the election within that State of someone who may be susceptible to their wishes and interests after his election.

Mr. HOLLAND. I appreciate the frankness of the distinguished Senator. I am grateful for his allowing me to interrupt him. However, it seems to me that his amendment, cutting squarely across the lines of natural interest of relatives and the natural interest of people who have part-time homes in their adoptive State, such as is so often the case in my State, and in other States which I see represented in the Chamber, would be entirely unrealistic, so I shall regretfully have to oppose the amendment.

Mr. PROUTY. Mr. President, I may say to the Senator from Florida that a great many summer visitors come to Vermont, throughout the State; and we like to have them there. But unless they are permanent residents and legal voters, I do not believe it is their right to try to determine the choice of the people of Vermont with respect to their representatives in the House of Representatives or in the Senate.

Mr. GOLDWATER. Mr. President, will the Senator from Vermont yield to me?

The PRESIDING OFFICER (Mr. Cotton in the chair). Does the Senator from Vermont yield to the Senator from Arizona?

Mr. PROUTY. I yield.

Mr. GOLDWATER. I wish to have the Senator from Vermont make clear for me, if he can—because it is not clear now—whether his amendment applies only to primaries, or whether it also applies to the general elections.

Mr. PROUTY. Under the provisions of the amendment, money can be sent to a State to be used in a general election; but the money must be contributed to an adjunct, State or local, of a national political organization.

Mr. GOLDWATER. So the amendment would apply to a general election, as well as to a primary, would it?

Mr. PROUTY. Yes. Under the provisions of the amendment, a person outside of a particular State could not contribute directly to the campaign of a candidate in that State; but such a person could contribute to a State committee or to a local committee; and, in turn, that committee could turn over the money to the candidate, if that were wished.

Mr. GOLDWATER. I wish to ask a practical question in regard to a matter about which I happen to know something, inasmuch as I am the chairman of a campaign committee: Suppose a prospective contributor did not wish to contribute money to a committee but wished to give the money directly to a person who was running for office, and suppose the prospective contributor refused, in fact, to contribute the money to a committee. In that event, what would be the situation, under this amendment?

Mr. PROUTY. I believe such a person could give the money to the committee, and could request that the money be turned over to the candidate of his choice.

Mr. GOLDWATER. Does the amendment of the Senator from Vermont make clear that that could be done?

Mr. PROUTY. I think it does make that clear.

Mr. GOLDWATER. Mr. President, will the Senator from Vermont yield further to me?

The PRESIDING OFFICER. (Mr. Hruska in in the chair). Does the Senator from Vermont yield to the Senator from Arizona?

Mr. PROUTY. I yield.

Mr. GOLDWATER. I also wish to ask a question which goes to the constitutionality of this amendment; and I wonder whether the Senator from Vermont has considered this point: It has long been my understanding that a Senator does not represent a particular State, but, instead, represents the interests of the United States as a whole. If that be true—and according to my reading of the intent of the writers of the Constitution, and according to all I have been taught on that subject, it is true—it is perfectly natural for a resident of Vermont to have an interest in the election of a Senator from the State of Arizona, or vice versa, or to have an interest in the election of a Senator from any other State. I believe that candidates for election to the House of Representatives also would be made subject to the provisions of this measure, because they, too, under the constitutional intent, as I understand it, represent the entire Nation, as well as the people of their particular districts. But I am fearful that if we were to use the approach the Senator from Vermont proposes, we would be treading very dangerously upon the constitutional intent. Will the Senator from Vermont comment on that point?

Mr. PROUTY. Of course, as the Senator from Arizona well knows, I am not a lawyer. However, I anticipated that this question might be raised; so, if the Senator from Arizona will bear with me, I should like to quote the Constitution and a leading authority on this and related points.

First, Mr. President, I wish to call attention to article I, section 4, of the U.S. Constitution, reading as follows:

> "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof"

But there is also the following qualification:

> "but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

Those words in the Constitution make it perfectly clear that the manner in which elections are conducted is of concern to Congress and may be regulated by Congress.

A comprehensive Federal statute, enacted shortly after the Civil War, outlawed a number of types of fraudulent and corrupt practices. That statute was held invalid in part, as it applied to municipal elections; but it was otherwise considered to be a constitutional exercise of the authority conferred by the Constitution.

Edward Corwin, the constitutional expert, points out that the National Government, has a right to regulate primary elections conducted under State law for nomination of Members of Congress, where such primary is made by State law "an integral part of the procedure of choice, or where, in fact, the primary effectively controls the choice."

His viewpoint relies, in part, on the Supreme Court decision in the case of *United States* v. *Classic* (313 U.S. 299, 318), to which reference has been made previously during the debate on this bill.

Edward S. Corwin, a noted constitutional authority, who edited for the Library of Congress the annotated version of the Constitution, to which all lawyers refer, indicates in that volume that a State may not add to the qualifications prescribed by the Constitution for Members of the Senate and the House of Representatives. He points out that both the House and the Senate have seated Members who were elected during their terms of office as State judges, despite the provision of State constitutions which purport to bar the election of judges to any office under the State or the United States during such term.

The right to vote for Representatives and U.S. Senators is derived from the Federal Constitution.

Furthermore, it can be said that a Representative or a Senator takes an oath of allegiance, not to his State, but to the United States.

As the Senator from Arizona knows, the opinion I have just read is not my personal opinion; it is the opinion of some noted constitutional authorities.

Mr. Goldwater. But I believe my question has not been completely answered. I still cling to what I have long believed to be the intent of the framers of the Constitution—namely, that interest in the U.S. Senate is nationwide, and is not to be confined within the boundaries of any one State.

Because of that long-held belief on my part in regard to the intent of the framers of the Constitution, I have always felt, and I still do, that it is perfectly proper for me—if I wish to do so—to contribute money to the efforts of a candidate for election to the U.S. Senate from any State in the Union.

This point relates to one which previously was raised by my friend, the Senator from New Hampshire, when he asked the Senator from Vermont whether, under this amendment, the efforts made for the reelection of the late Senator Bob Taft, in connection with which efforts funds were solicited throughout the Nation, would be permissible.

Mr. Prouty. Only if the funds were contributed through recognized adjuncts of a national political party.

Mr. Goldwater. In that event, the "Bob Taft for Senator" campaign, which certainly had national interest which extended across all State lines, would be prohibited, under the terms of the amendment of the Senator from Vermont, would it?

Mr. Prouty. That is correct.

Mr. Goldwater. Once again I might remind the Senator from Vermont that—particularly in these days, when many people, in both parties, question whether they owe allegiance to any particular party, but, instead, look upon themselves as independents—we might, as actually is the case, and we find this situation existing in both parties, that find individuals would object to contributing to any party; instead, they would wish to contribute to an individual candidate. Does the Senator from Vermont not feel that is a constitutional right of the people of the country?

Mr. Prouty. I do not feel that I am the most qualified person to argue what is provided under the Constitution.

However, in reference to the reelection of the late Senator Taft, of Ohio, I may point out that, in that connection, anyone outside of the State of Ohio could, under the provisions of this amendment, have contributed to a State committee or to a local committee, which could have used in behalf of the reelection of Senator Taft the money thus contributed.

In that case, money poured in from many groups all over the country, including labor organizations.

I believe it is the right of the people of Ohio, or any other State, to determine particularly in the primary elections, whom they want to represent them in the Congress of the United States.

Mr. Goldwater. At this time I should like to refer to a point the Senator from Vermont raised a little while ago: For instance, if I wished to contribute to the Senator's campaign in Vermont, when the time for his reelection campaign came, could I do so by sending my check to the Vermont Republican organization, but with the specific provision that the money was to be used for the reelection of the Senator from Vermont?

Mr. Prouty. I believe so, provided the Senator from Arizona specified that he wanted the money spent in that manner.

Mr. Goldwater. Mr. President, I believe the amendment of the Senator from Vermont is a very dangerous one, although I do not wish to labor the point.

I completely understand the intentions of the Senator from Vermont, and I believe they are very honorable.

But I believe the amendment impinges on the Constitution; and, if I correctly understand the last remarks the Senator from Vermont made, I think that in many cases the amendment could result in depriving a candidate of funds which justly would be his.

Both of us know that State committees are not always completely friendly to candidates. Therefore, if we deprive a candidate of his normal means of obtaining funds with which to run for election we shall cause great danger, and in speaking on that point I speak from the practical point of view.

Mr. Prouty. However, I feel certain that the Senator from Arizona will agree that in a general election a Republican State organization always will support the nominee of the Republican Party or the candidate of the Republican Party, regardless of whether the organization supported that candidate in the primary.

Mr. Goldwater. Well, I cannot agree 100 percent with that, but I can assure the Senator that this business of raising money for candidates is not the easy thing it is portrayed to be. I have been in this activity for some time, and I must report it is difficult, particularly when we have to go through party channels to get money and both parties have trouble raising money. When certain candidates whose philosophies agree with those of the people, and who are able, are running, persons or groups should be able to give money in any amount to that particular candidate. I think the Senator will find in his own State there is as much money raised by a candidate as is raised by the party itself. I repeat, I think this is a dangerous step to take, although I do not by that statement condemn the Senator from Vermont, because I know his intentions are completely honorable. I wish I could agree with him, but in this case I must disagree.

Mr. Prouty. I do not feel that if I wished to, and certainly I do not have that desire, I would have or should have the right to go into the State of Arizona, if the Senator from Arizona were engaged in a bitter primary fight, and contribute to his campaign or his opponent's campaign. I think that is a matter to be handled purely within the State, and the voters of Arizona should make that choice, without outside influence. We know that matter has been one of the great difficulties of the past. Outside interests have gone into a State and have tried to nominate candidates of either party not because they were interested in the least with respect to the State in question, but because they were or thought they were going to gain something if those particular candidates were elected. It has happened in the past only too frequently. I am sure no one approves of it.

Mr. Goldwater. One more question comes to my mind, because the Senator from South Carolina (Mr. Thurmond), is presently sitting behind me. The Senator from Vermont will recall that the Senator from South Carolina was elected by a write-in vote. He had no party backing at all. Under the amendment of the Senator from Vermont, the Senator from South Carolina could not have received contributions from either party, because neither party was backing him. What would the Senator say about a case of that kind?

Mr. Prouty. That is an intrastate affair. Money could be raised from the local committees.

Mr. Goldwater. From citizens in the State.

Mr. Prouty. From citizens in the State or from local committees.

Mr. Goldwater. Certainly, the Senator from South Carolina in this case was not running as a Republican, although I wish he were a Republican. He did not believe in the Democratic Party. He did not believe in the principles of the Democratic Party. He ran in his own right as a candidate. He could then not get money from normal sources. I had a great interest in the Senator's election. I supplied a little bit of money for his campaign. I do not think he ever knew it. I felt it to be in the best interests of the country to have in the Senate a man like the Senator from South Carolina, and I felt it within my constitutional rights to send a very nominal check for his campaign.

I would not want to feel, in any coming election, that as an American citizen, I would be precluded from helping candidates run for office from either party, or from outside of either party, with whose philosophy I agreed. I am afraid this amendment will destroy that right which I feel is mine under the Constitution.

Mr. Prouty. It would not alter the right insofar as a general election is concerned. It would alter it, for all practical purposes, in a primary campaign.

Mr. Goldwater. Now, in a primary campaign, I can see some argument for the amendment, but the Senator from Vermont earlier said that this amendment would apply to general elections, also. I have been trying to get that point clear. Let us assume that a primary is over and Candidate Smith is the nominee of the party; he is in the general election. Does the Senator's amendment apply to the general election?

Mr. Prouty. It would be possible for the Senator to contribute funds to a candidate in a State other than his own by contributing the funds through the Republican or Democratic political parties or committees. The Senator could not make a direct contribution to the candidate.

Mr. Goldwater. But I would have to indicate when I made that contribution that my check was for Candidate Smith?

Mr. Prouty. Yes, if the Senator wanted it used for that specific purpose.

Mr. Goldwater. We have to recognize the fact that a party may not want to do that. Would the party be bound to use the check for that purpose?

Mr. Prouty. No, I do not think the party or committee would have to accept that check for that purpose if it did not want to. I assume that in a general election the Democratic or Republican committees or parties would go all out to elect their candidates.

Mr. Goldwater. I wish I could agree that the Democratic or Republican Party wholeheartedly back candidates of their party. Unfortunately, they do not always do so.

Mr. Prouty. They may not be happy with the selection, but, generally speaking, I think the parties are going to support their candidates, when the chips are down, in a general election.

Mr. Hennings. Mr. President, will the Senator from Vermont yield for a statement and perhaps questions?

Mr. Prouty. Yes.

Mr. Hennings. I want to say that I appreciate very much the Senator's interest in bringing the Corrupt Practices Act of 1925 up to date by making the ceiling as well as the publicity and reporting provisions more realistic. In the light of the Senator's conscientious desire to contribute to the bill, I have undertaken to analyze his proposal. If I make any misstatements in connection with my understanding of it, I would appreciate my friend from Vermont correcting me.

I would at the outset like to say that I regret the Senator's amendment was not presented a little earlier, so that we might have given it some more study; but may I ask him this question: Suppose in the bill, the Elections Act of 1959—State committees, by which I mean legally constituted committees within the States, within the respective or several political parties, are not required to report—what would the Senator's answer be to the suggestion that, there being no reporting requirements as relating to official State committees for parties, it would open the door to the funneling off of funds not otherwise subject to reporting under amendments previously adopted and under other terms of the bill?

Mr. Prouty. I will state to the Senator my understanding.

Mr. Hennings. I do not want to misunderstand the Senator. I want to do everything I can to try to clarify by own understanding of the amendment the Senator has offered.

Mr. Prouty. I assume that under the Senator's amendment which was agreed to this afternoon such committees would be required to report, generally speaking.

Mr. Hennings. The Senator would say, then, that there would be no real or present danger, under that interpretation, as to any money being channeled in other directions for the benefit of specific candidates, without it being reported?

Mr. Prouty. I would think not.

Mr. Hennings. As I understand the able Senator from Vermont, the amendment would change 18 United States Code 603 as reported in the bill before us, in that it would modify subsection (a) and enact new subsections (b) and (c).

Mr. Prouty. That is correct.

Mr. Hennings. It would change subsections (b) and (c) to subsections (d) and (e), respectively. Am I correct in that understanding?

Mr. Prouty. The Senator is correct.

Mr. Hennings. Therefore, subsection (a) would reenact the existing provision contained in the present Corrupt Practices Act, on the $5,000 limitation to individual candidates or political committees; is that true?

Mr. Prouty. Yes, that is correct, so far as intrastate contributions are made.

Mr. Hennings. The Senator is aware that we will undertake to raise the limit to $10,000, but the Senator's amendment would contemplate that insofar as these contributions are concerned the amount would be $5,000 and not $10,000; am I correct in that undertanding?

Mr. Prouty. In case the Senator's amendment is adopted, I would have no objection to changing the figure in my amendment to $10,000, so that it would be in accord with his amendment.

Mr. Hennings. I thank the Senator for his clarification.

Now, in my attempt to understand the Senator's amendment and to analyze it, I believe the modification removes all limitations on out-of-State contributions. However, it must be read in conjunction with subsection (b), which makes it a criminal offense to make any direct or indirect contribution in the campaign for nomination or election outside the State of the contributor's residence.

Mr. Prouty. That is correct.

Mr. Hennings. That is the intent of the Senator's amendment, as he contemplates it.

The able Senator from Vermont would also provide that only committees which are committees of the regularly organized national political parties are exempt?

Mr. Prouty. That is correct, so far as subsections (a) and (b) are concerned.

Mr. Hennings. If I may detain the Senator a moment or two longer, I should like to understand a bit more about the amendment.

Mr. Prouty. I wish to correct my last answer. That is correct insofar as subsection (b) is concerned.

Mr. Hennings. Insofar as subsection (b) is concerned?

Mr. Prouty. Yes.

Mr. Hennings. The Senator from Vermont has made a very able presentation of his case. The Senator is, of course, well aware of the fact that the language makes it a criminal offense to make contributions in any campaign for nomination or election without disclosing the name of the principal, if the contributor acts as an agent, but party committees are exempt from this requirement.

Mr. Prouty. Are they, under the Senator's amendment which was agreed to earlier?

Mr. Hennings. Does the Senator agree on that point, that they are?

Mr. Prouty. I will say to the Senator that contributions to national committees, for example, would have to be disclosed, but not the sources of contributions made by them.

Mr. Hennings. I thank the Senator.

I will say that the Senator's amendment, in principle, has been the subject of much concern not only to me but also to others who are very much interested in the process in which we are now engaged, in the improving of the election machinery to provide fuller participation and greater publicity and to inhibit certain other excesses in the elective process.

I will say to the Senator from Vermont, as has been set forth, there is a prohibition against contributing across State lines. What would the Senator say as to that being possibly violative of the guarantees of the first amendment? I was absent from the floor for about 5 minutes, because I had to make a telephone call, and I do not know whether the Senator adverted to that or not.

Mr. Prouty. Well, I think that all centers around the right of the Congress to regulate the election proceedings. I am not qualified to argue a constitutional point of law with the distinguished Senator, because I am not a lawyer.

Mr. Hennings. I believe the Senator is very modest in his statement. I do not know exactly what is required to fulfill the capacity of a so-called constitutional lawyer, except that one may so proclaim himself and hope that some may believe he is, after he so advertises.

There is one thing which bothers me about this matter, which has been expressed to me by other Senators, and I think stated on the floor. That is the question of constitutionality, as the proposal relates to the first amendment, since national elections are a matter of principal interest to the citizens of every State, wherever the citizens may be domiciled or, indeed, wherever their places of residence may be. I am sure the Senator is competent enough as a lawyer to be well aware of the distinction between "residence" and "domicile."

Although a person resides in one State he may have exclusive business interests in another State or in several States. Even where there may be no direct economic interest, some relatives or close associates may have their residence in or carry their businesses in other States. As has been suggested, citizens may have residence in one State but also maintain permanent voting residence in another State.

Such citizens might wish to support candidates of their choice by making contributions to the candidates or to the political parties of that State. How would the Senator's amendment relate to that, in the Senator's belief?

Mr. Prouty. Such persons would have to contribute to a regularly organized adjunct of one of the two national political parties.

Mr. Hennings. But they would not be allowed to contribute in any other State? I think that has been firmly and clearly established by the Senator from Vermont. Am I correct in that understanding?

Mr. Prouty. Well, they can contribute in any State, but only through the regular party channels.

Mr. Hennings. Only within the State of residence?

Mr. Prouty. Oh, no.

Mr. Hennings. No?

Mr. Prouty. No. They can contribute to a Republican or to a Democratic committee in another State. That money would be turned over to the candidate.

Mr. Hennings. I am sure there is no question about that, and I spoke of it earlier. They may not contribute to an individual candidate?

Mr. Prouty. That is correct.

Mr. Hennings. In any State except the State where they hold residence?

Mr. Prouty. That is correct.

Mr. Hennings. I assume the Senator defines "residence" as we generally understand it to be, which is the place to which a person intends to return?

Mr. Prouty. I would be willing to say "domicile," if that is a more appropriate legal term.

Mr. Hennings. "Domicile" and "residence" are distinct.

Mr. Prouty. Wherever the person lives, or wherever he votes.

Mr. Hennings. They are distinct, as the Senator knows.

Mr. Prouty. I believe that the place where he votes would be the controlling factor.

Mr. Hennings. We may reside in Washington as Senators, but our domiciles are in the States whence we come. I am not attempting to draw too fine a distinction.

Mr. Prouty. I think perhaps the criterion is the place where the person is a legal voter.

Mr. Hennings. Wherever the person has a legal residence.

Mr. Prouty. Yes.

Mr. HENNINGS. At the present time the practice of interstate contributions and expenditures is one of the most important ways of financing our elections. I do not know to what extent the Senator has studied the question, but I do him the credit of assuming that he has given it a great deal of serious consideration and thought, because he is of that character and nature.

Mr. PROUTY. I thank the Senator.

Mr. HENNINGS. It seems to me that it is doubtful, so far as the design is concerned, whether we should exempt from the prohibition only national parties. Such a provision might tend to freeze the existing party organizations and make it difficult for other parties or other party groups or factions to arise within a State. Would that be within the Senator's contemplation?

Mr. PROUTY. In subsection (b) all elements of the party are exempt.

Mr. HENNINGS. Mr. President, will the Senator further yield briefly?

Mr. PROUTY. I am glad to yield.

Mr. HENNINGS. I appreciate the Senator's indulgence and patience.

Without subsection (b), the modification of subsection (a) so as to limit to $5,000 contributions to individual candidates or political committees would seem to be without substance.

One thing that disturbs me is that it also runs contrary to a proposed amendment to the bill, which provides for a $10,000 overall limitation. The Senator has already indicated that he would be willing to raise his limitation from $5,000 to $10,000. Is that correct?

Mr. PROUTY. The Senator is correct.

Mr. HENNINGS. I believe that at first glance the spirit of the Senator's amendment is to bring into the open the real contributor of political funds. But the thing that bothers me is the handling of the situation by way of a simple amendment, without a thorough study of the problem and its scope, and the effect such a statute might have on the election process.

Unfortunately for all of us, this question was never discussed in the committee. It was never debated; and I fear that grave constitutional questions may be involved. I believe that the right of one to contribute to a campaign in any State of the Union, provided the contribution is reported and is within legal limitations, is a basic right. However, I would not say that I could be wrong on that point. That is one question that disturbs me very deeply.

I thank the Senator very much for his enlightening statements.

Mr. KEATING. Mr. President, will the distinguished Senator yield to me?

Mr. PROUTY. I yield.

Mr. KEATING. I know the extremely high motives behind the offering of this amendment. I know the character of the Senator from Vermont, and that he offers this amendment in good faith and with a desire to make our election process clean all the way. I have watched with admiration his attitude with reference to the other amendments which we have considered.

I am a little concerned that the amendment the Senator now proposes goes too far. I have a sister in Pennsylvania. If I were in a primary contest or in an election in New York, I understand that under the terms of this amendment if she sent me a check for $10 she would be violating a penal provision. Is that correct?

Mr. PROUTY. I think the Senator is correct.

Mr. KEATING. Does the Senator from Vermont feel that we should exclude all contributions from anyone outside the State or the congressional district where the candidate is running?

Mr. PROUTY. Generally speaking, yes. However, I would be willing to exempt members of one's family, if that is an important consideration.

Mr. KEATING. It might be that some of us might have a friend with $10, who might live in another State and be desirous of contributing to our campaign. Is it the feeling of the Senator from Vermont that there is something inherently wrong in a resident of one State contributing to a campaign in another State?

Mr. PROUTY. I think the definition of a friend could be extended ad infinitum. The expression is more or less meaningless. The Senator knows exactly what I am trying to prevent. Perhaps this amendment goes too far. Frankly, my chief purpose in offering the amendment was to get it on the record, primarily for future study and consideration. I believe we have a real problem when some interest—labor, business, or other interest or group—comes into a State and tries to dominate a primary election or a general election in that State. I think it is not their right, and I am very much opposed to it. Perhaps this amendment goes too far.

Mr. KEATING. I could not agree with the Senator from Vermont more completely about the abuse or possible abuse to which he is directing his amendment. Knowing the character and motives of the Senator from Vermont, it is just the type of thing I would expect from him.

Mr. PROUTY. I appreciate the Senator's statement.

Mr. KEATING. I am concerned about the fact that, as this amendment is worded, it goes too far. I think, with great reluctance, I would have to oppose the Senator's amendment because of that feature, even though I think perhaps we should try to frame some amendment which will effectuate—as the bill does not—the objectives which the Senator from Vermont is so commendably seeking to achieve.

Mr. PROUTY. I thank the Senator very much for expressing that sentiment, and I reiterate that that was my chief purpose in offering the amendment at this time—not in anticipation that it would be approved.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. CASE of South Dakota. I believe the Senator from New York [Mr. KEATING] has expressed a fear which some of us have, that in some of the applications of this amendment it would make impossible contributions which in themselves would be perfectly innocent. For example, one Senator pointed out that he had a cousin in another State who might want to send him a little contribution in a primary campaign. It seems to me that that in itself would not be objectionable. I believe that the main objective of the Senator, to make it possible for a State to preserve its own voice and select its own candidates, is commendable.

There were some questions directed to the Senator which I thought really were questions with respect to the existing law. Is it not true that a large part of the Senator's amendment is merely reenactment of provisions of the existing law?

Mr. PROUTY. The Senator is absolutely correct.

Mr. CASE of South Dakota. Many of the questions directed to the Senator earlier in the colloquy had to do actually with the application of present law, rather than with anything new which the Senator from Vermont was proposing.

Mr. PROUTY. That is absolutely true.

Mr. CASE of South Dakota. I believe that before the Senator concludes his remarks, it would be desirable if he were to summarize the particular changes which his amendment makes and to point out the parts of the amendment which are existing law.

Mr. PROUTY. I may say that the first subsection is almost all identical with existing law. It applies to intrastate contributions.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. COTTON. I thank the Senator for yielding to me. I recall that during the delivery of his very excellent explanation I addressed a few questions to him. He asked me to wait until the end of his prepared remarks. I am glad that he now has very kindly yielded to me, so that I may continue my interrogation very briefly.

I should like to say to the distinguished Senator, my good friend from Vermont, that I endorse 100 percent every kind word and everything that has been said about the motives behind his amendment. We who know him know that when he offers an amendment it is, first, an amendment designed for high purposes and, second, that it is carefully prepared and carefully presented.

However, I cannot refrain from pursuing this matter, particularly in view of the fact that I started my inquiry of the Senator earlier and had to desist. I wish to be perfectly clear in my mind that as an individual, back in the days when Robert Taft was running for the U.S. Senate, and when the eyes of the country were concentrated on the campaign in Ohio, if I had wanted to send $5 to Taft's campaign, the Senator's amendment, if in the law, would have forced me to send my contribution to the Republican State Committee of the State of Ohio.

Mr. PROUTY. Or to a local committee in the State of Ohio if it is an adjunct of a national political party.

Mr. COTTON. Even though I have not the slightest interest who might be running for Governor or who might be running for Representative from a district or who might be running for a county office, or for mayor of a city—and I might be a Democrat interested in a great Republican, because of his superb citizenship, or a Republican interested in a great Democrat—under the Senator's amendment I would still have to send my money to the Republican or Democratic committee in any other State. Is that correct?

Mr. PROUTY. That is correct.

Mr. COTTON. However, if I happen to be a member of an organization which has a local chapter or a local group within the State of Ohio, for instance, all I would have to do to get my money to them and have them in turn relay it to Senator Taft's campaign committee. Is that correct? Is that what could happen if the Senator's amendment were adopted?

Mr. PROUTY. No.

Mr. COTTON. Why not?

Mr. PROUTY. The Senator, I assume, is referring to a national group.

Mr. COTTON. What I am referring to—and let us be plain about it——

Mr. PROUTY. Assume a national group that does not have a headquarters in Ohio, for instance. If that is the question, under those circumstances the answer is "No."

Mr. COTTON. Does the Senator mean that Local No. 567, AFL–CIO, in Akron, Ohio, could not make a contribution to Senator Taft's campaign if by a stretch of the imagination we could conceive of their wanting to do so?

Mr. PROUTY. Certainly; it being an intrastate group.

Mr. COTTON. They are within the State.

Mr. PROUTY. Yes.

Mr. COTTON. Under the Senator's amendment no one would go in to find out where they got that money.

Mr. PROUTY. Well, that is perhaps a problem which ought to be met on another basis. However, a local organization, if it is a branch of a national organization, can contribute. On the other hand, the national organization could not sent money into Ohio in this instance and give it to a local organization to distribute.

Mr. COTTON. In theory, no. But as a matter of fact, the adoption of the Senator's amendment—and I know what the purpose of the amendment is, and I am thoroughly in ac-

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cord with its purpose, and I admire the Senator from Vermont greatly for his presentation of it—would mean—and his amendment could well be entitled "An amendment to stifle the American individual"—that John Q. Jones, as an individual, could not openly and frankly give money to help elect a Senator in another State.

Surely the Senator from Vermont is a very practical man and knows that any great national organization which is a composite of local organizations—and I am not trying to identify any particular group, because it could be a labor group, a group of farmers, or a group of manufacturers, or it could be individuals—could channel their contributions into the local chapter within a State and thus into the pockets of those who are waging a campaign for a Senator or other public official in that State. However, a bar would be raised which would make it impossible for an ordinary American individual, because he admires a great Senator in another State and admires his conduct on the floor of the Senate and his stand on certain principles, to write a check and send it to that individual's campaign committee.

If I wanted to help elect my distinguished friend, the Senator from Missouri [Mr. HENNINGS], whom I admire so greatly, I would have to contribute to the Democratic State Committee of Missouri. I am not in favor of the Democratic State Committee in Missouri.

Mr. HENNINGS. The Senator from Missouri could not imagine anything better than the Senator's doing that.

Mr. COTTON. Is my assumption not correct?

Mr. PROUTY. That is correct. I feel, perhaps because I am a States Righter that it is a prerogative which belongs to the people where the Senator is seeking nomination.

Mr. COTTON. The Senator believes that these elections are local elections. Is that correct?

Mr. PROUTY. They are statewide elections. Much as I love and respect the distinguished Senator from New Hampshire, I do not feel that I would have a right to contribute to his primary campaign.

Mr. COTTON. The Senator could not engage in a more worthy activity than to contribute to the campaign of the Senator from New Hampshire. It seems to me to be a tragedy that such a serious bar should preclude his doing so. If it is purely a local election, why should we try to regulate it from Washington? If it is a Federal election, what consistency or constitutionality is there in trying to raise these State lines and trying to set up a barrier, so that simply because I live across the Connecticut River a few miles away from my dear friend from Vermont, whom I admire, I cannot send him a $5 contribution, or, more than that, anything of value?

I know what the Senator is going to say in explanation. I made a speech at the Republican State convention in Vermont during the last campaign, and as a result the Republicans nearly lost Vermont for the first time in history.

Mr. PROUTY. Perhaps if the Senator had not been there we would have lost.

Mr. COTTON. If the speech happened to be of any value, and if it helped—I do not expect the Senator to agree that it was of any help, and I do not know whether it was of any value—I do not know whether I could go into another State to make a speech.

Mr. PROUTY. I am sure we all recognize that that is a little far fetched. The amendment relates solely to financial contributions.

Mr. COTTON. I am not so sure. If I paid my own expenses, which I did, because no Vermonter ever pays a visitor's expenses—or if the Republican National Committee paid my expenses, or if the Republican Senatorial Campaign Committee paid my expenses, I am not sure that it would not be a thing of value, even though it were a poor speech. What I have said is not entirely facetious either, even though the last part may be.

Mr. PROUTY. "Anything of value" is included in many statutes, and it has always been held to be something concrete.

Mr. COTTON. I have just one more question. We all know what the Senator is getting at, and we all know that this deals with a matter of handing money under the table, and sending it into States to affect elections. However, is that not a matter of reporting? Most States have on their statute books corrupt practices acts which take care of such situations.

The unfortunate example, which the Senator cited when he began his speech, of the man who was going around the country attempting to hand Senators $2,500 for their campaigns, was an example of a person who was already probably in violation of the Corrupt Practices Act and of the laws of two-thirds of the States in the Union.

But rather than to raise a barrier between States, so that an American citizen cannot even help someone across a State line, would it not be the proper approach—and I am sure Senators would support this view very fully—to be certain that there must be reporting? Should not the Federal act about which we are speaking—the so-called clean elections law, which has been bruited about so much—be a reporting act?

Mr. PROUTY. I think I may suggest to the Senator that reporting requirements have been in the law for years, and there have been very few convictions, as I recall, for improper activities.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. DIRKSEN. I also address these remarks to the distinguished junior Senator from New Hampshire [Mr. COTTON]. I think one of our difficulties is that we forget that a citizen who can well afford to contribute substantial sums of money will be interested in the cause rather than in the candidate. McKinley said, in 1896, before the students in Michigan, that it is not the party which makes the issue; it is the issue which makes the party. A person becomes interested in an issue. Then he sees in the press the names of persons who are candidates for Federal office, who become symbols or examplars of the issue and the cause. That is the thing for which a contribution is made.

Shall we draw arbitrary lines and say that because a person lives in Ohio, he cannot contribute in Indiana, when actually he might have a brother running in Indiana, or a candidate is someone who is very much to his liking, and one who supports with vigor the cause of the free system of this country? I think the proposal is extremely arbitrary. We do not make this sort of provision to apply to any other situation.

I think the whole idea of cleanliness, as the Senator from Nebraska has said, is being carried to a point where it is actually damaging and does not go to the heart of the reason for which contributions are made.

Mr. COTTON. That was the point I was bringing up. I think the Senator from Vermont was very courteous in his response.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. CASE of South Dakota. First, if the Senator will indulge me before I ask him a question at the first part of my interruption—and I hope he will not be taken off the floor because of my comment—I should like to say to the Senator from New Hampshire [Mr. COTTON] that I am certain that whatever the outcome of the election was when he went to the neighboring State and made a speech, the adverse result in the election was not due to his speech. I assure him that we will take a chance on his coming to South Dakota at any time he feels able and free to come out there, and will be confident in our minds that any contribution he might make in the way of a speech will be helpful to the cause.

Mr. COTTON. I thank the Senator from South Dakota. I may say that the junior Senator from Vermont [Mr. PROUTY] was most kind to me on that visit. What I said about Vermonters paying our expenses over there was facetious, because I had to drive only a few miles across the line. I had a delightful time. The Senator from Vermont has never once reproached me for the apparent results of my visit.

I thank the Senator from South Dakota for his expression of confidence.

Mr. CASE of South Dakota. With respect to the amendment and one of the points which has arisen, it is my personal opinion that the Senator from Vermont has performed a most useful service in directing attention to the matter of interstate contributions.

There are certainly at least two classes of contributions: One class would be the contributions described by the Senator from Illinois as coming from someone who has a perfectly good motivation in wanting to support someone who has identified himself with a great cause, and wants to see him nominated and elected.

But there is, of course, the other type of contribution, the kind which is made, or is sought to be made, for the purpose of affecting the result in an election, only as a means to an end of affecting selfishly legislation which might be developed in Congress. The latter type certainly would be condemned by every Member of the Senate.

I am of the opinion that something of the objective which the Senator has sought to accomplish will be accomplished by a provision now written into the bill, making the bill applicable to the primary contests and nominating conventions, as well as to general elections.

Mr. PROUTY. I may say to the Senator from South Dakota that that is very true.

Mr. CASE of South Dakota. One thing which the bill does is to make those things which come within its purview subject to reporting. It also requires that the reports be made available, so far as possible, in advance of the election. That is the 10-day provision. It seems to me that the class of contributions which are objectionable, and which would be covered by the Senator's amendment, will to a certain extent be caught by the reporting of contributions, now that such reporting is applicable to the primaries.

As the Senator has said, that contribution could be made in a general election, and be made through the device of giving it to a committee affiliated with the national organization, and earmarked, so to speak, for the particular candidate or candidacy which the contributor wishes to espouse. There, of course, it would be subject to reporting under the provisions of the bill.

But also now, under the provisions of the bill, if it should become law, with the amendment relating to the primaries, the sinister type of contribution would also be subject to reporting in primaries and conventions. To that extent, the objective which the Senator from Vermont seeks will, I think, be accomplished by the amendments already adopted in the bill.

Mr. PROUTY. I think real progress has been made in this direction yesterday and today as a result of the amendments which were added to the bill as it was reported. I think the bill is a reasonably strong one at present. It represents a step forward in our desire for really clean elections.

Mr. CASE of South Dakota. Contributions to a campaign per se are not objectionable. Everybody recognizes that if a person runs for public office—particularly for Federal office—some funds are required to do so. If we are not to put a bar against a person of limited means running, it must be possible for him to receive contributions. But if the public knows the source and the amount of the contributions, then the public is in a position to judge as to the validity of the motives behind the contributions, and can vote accordingly. That will help in their appraisal of the candidacy.

So I feel that the reporting features of the bill, as they apply to both the primaries or the nominating conventions and the general elections will be very salutary when the bill is enacted. I certainly hope it will be passed by the Senate and approved by the other body and by the President.

Mr. Prouty. I fully agree with the comments made by the Senator from South Dakota.

Mr. President, my purpose having been achieved, I ask unanimous consent to withdraw my amendment.

The Presiding Officer. Without objection, the amendment of the Senator from Vermont is withdrawn.

Mr. Keating. Mr. President, before the Senator from Vermont yields the floor, will he yield to me?

Mr. Prouty. I yield.

Mr. Keating. I feel that our colleague, the distinguished Senator from Vermont, has performed a very useful service in focusing our attention on the abuses which he had in mind in drafting the amendment. I admire and agree with his attitude in withdrawing the amendment, but I think he is entitled to widespread commendation from us for the fine presentation he has made and for the very important and salutary points which he has brought out concerning some of the abuses.

Mr. Prouty. I sincerely appreciate the remarks of the Senator from New York.

Mr. Hennings. Mr. President, will the Senator yield?

Mr. Prouty. I yield.

Mr. Hennings. I express my appreciation and commendation to the Senator from Vermont for the spirit he has shown in uniting some of us in our common purpose to get a bill. I have the greatest respect for the Senator's philosophy on this subject. I think that at this stage of the proceedings the Senator from Vermont has shown that he can rise to reality, in terms of making possible the enactment of a bill on this subject, and that he can join us in working toward that goal.

I assure him that it will be my wish and my hope to collaborate with him in the future in undertaking to work out a provision similar to his amendment, or at least containing some of the provisions of his amendment, so we may have the benefit of his thought, advice, counsel, industry, and activity.

Mr. Prouty. Mr. President, I appreciate very much those remarks of the Senator from Missouri. I particularly appreciate also his untiring work on the measure to deal with this problem. Certainly he deserves the thanks of all Members of the Senate and of the people of the country as a whole.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. PASTORE. The Senator, I think, rationalized that he had an amendment in 1960, and that he withdrew that amendment on the assumption, promise, and pledge that there would be an overall reform. Is that correct?

Mr. PROUTY. That is correct.

Mr. PASTORE. No reform took place, and now 11 years have passed.

Mr. PROUTY. That is true.

Mr. PASTORE. Now the Senator is arguing today, that we forego this measure in favor of overall reform. If we do, does he not think we might have to wait another 11 years?

Mr. PROUTY. No; I am afraid, if the President's veto is not sustained, that we might have to wait a long time before meaningful reform legislation will be proposed and passed.

Mr. PASTORE. I realize that is the argument the Senator made. But my argument is this: If the Senator wants to insure this overall reform, should we not pass this measure, so that this could be an incentive to do something about overall reform? This is the first time that the Senate and the House of Representatives have even arrived at a compromise on this proposal. Now it is not a question of whether it would be the will of the majority; it is a question of whether we can corral two-thirds of the votes.

Mr. PROUTY. I very much feel, I say to my friend from Rhode Island, that if we approve this measure, it is as far as we would go, and it is not nearly far enough, in my judgment.

Mr. COOK. Mr. President, in the history of our country few reform movements have come as close to stirring the emotions of those who must legislate them than election and campaign reforms.

In 1926 Congress enacted the Federal Corrupt Practices Act. Since the passage of the Hatch Act 14 years later, only two reform measures became law, and each of these for only a short period of time. Section 315(a) of the Communications Act of 1934 was temporarily suspended for the 1960 presidential elections. In 1966 Senator Russell Long's tax subsidy bill—an idea supported by President Theodore Roosevelt in 1907—became law but for a few months.

For the few which became law, hundreds of others have been proposed. S. 3637, the Political Broadcasting Act of 1970, is the latest, but possibly the least distinguished of all.

As with every other Senator, I would enthusiastically support the passage of fair and effective campaign reform legislation.

I, too, am not a rich man.

I, too, believe we must curb excessive political spending.

However, S. 3637 will not only not alleviate this problem; it will create new ones. In its present form, the bill deserves much study and attention, but no support. Although the arguments against it have been discussed previously, I would once again like to restate what I believe are its major deficiencies.

In August of this year, Mr. Russell D. Hemmenway, director of the National Committee for an Effective Congress, was quoted as saying:

> If we continue to sit and watch politics price itself out of the market the ultimate result is obvious—a rich government open only to rich men and to those less scrupulous about source of funds.

I very much share Mr. Hemmenway's concern. But, to be sure, this bill will neither eliminate nor discourage the rich or the less scrupulous from entering any political race, anywhere, anytime. They, like all other candidates, will merely redistribute whatever monetary sources that they have at their command. If elections are bought without this particularly narrow legislation, then they will just as surely be bought after its enactment. As a recent editorial on WTOP—Washington—so aptly put it:

> There is a sickness in politics, but T.V. and radio haven't caused it.

I might add that a limitation on those media will also not cure it.

But, of course, this bill makes no mention whatever of the other equally important campaign devices. To use the words of Mr. Hemmenway.

The rich and the less scrupulous will merely increase their outlay for newspaper, billboard, and other print advertising.

The rich and the less scrupulous will use their resources to create larger and more efficient campaign organizations.

The rich and the less scrupulous will buy more and better professional services.

The rich and the less scrupulous will spend more on more professional public opinion surveys and computerizer direct mailings.

The rich and the less scrupulous will travel more swiftly and more often across a State or Nation to attend more functions and see more people.

While some have spoken in jest of the bumpersticker blitz, none of the above items can be taken lightly in a campaign. Only an overall spending limitation and a tough disclosure law can effectively solve this problem. Piecemeal legislation is not the answer.

In another instance, what is ostensibly a laudable provision in this measure is in reality ill-considered and discriminatory. Briefly, let us examine the across-the-board 7 cents per voter rule. First, it completely overlooks the complex problem of multistate media costs. Because New Jersey has not one commercial television station of its own, a statewide candidate for public office must purchase time from New York and Philadelphia stations, the richest in the United States. Only approximately 35 percent of the viewers of New York television programs are New Jersey citizens. Therefore, a New Jersey political advertiser immediately loses 65 percent of his 7 cents per vote before the commercial is even aired the first time.

Obviously this arbitrary limitation is not based on what it should cost to achieve effective communication with the voters of New Jersey. But, rather, it is calculated on the 100 percent market potential of Greater New York. Buyers of detergents are not deterred by State boundary lines—but voters are.

In effect, we are saying to the senior Senator from New Jersey that when he stands for reelection in 1972, he will not be permitted to spend more than 2 or 3 cents per vote. Yet we will permit the senior Senator from Oregon, and others, to utilize the full amount authorized.

This is blatant discrimination, and after its discovery it should not be tolerated.

In varying degrees, this inequity exists in Delaware, Virginia, Connecticut, Maryland, New Hampshire, Vermont, Kansas, and other States as well. In my own State of Kentucky, one seeking a statewide office must not only advertise on Kentucky radio and TV stations, but also on those in Cincinnati, Ohio; Evansville, Ind.; Huntington and Charleston, W. Va.; Knoxville and Nashville, Tenn.; and Cape Girardeau, Mo.

This inequality is further accentuated in congressional races, the Fourth Congressional District of the State of Kentucky stretches along the Ohio River from the suburbs of Louisville to northern Kentucky and the suburbs of Cincinnati, Ohio. A candidate for that office must purchase time from the Louisville stations whose market includes well over half a million people in Indiana and Kentucky who are ineligible to vote in that congressional district. At the opposite end of the district the TV buying power is diffused because almost 70 percent of the TV audience are citizens of the State of Ohio. However, the Members of Congress from Alaska and Hawaii will not campaign under these circumstances. I am sure that my colleagues could enlighten us as to similar hardships in their respective States. The point is that these and other inequities were never fully explored or discussed when this legislation was drafted.

As is the case with any hastily considered legislation passed in the heat of an election year, Congress has drawn up arbitrary and unrealistic standards.

Again, S. 3637 very definitely does not respect the great differences in the costs of the various electronic media markets. The lowest unit charge will obviously not correct this inequity since all of these stations will reduce their charges by more or less the same percentage. Seven cents will purchase considerably more time in Jacksonville, Miss.; Boise, Idaho; Knoxville, Tenn.; Topeka, Kans.; Helena, Mont.; Huntsville, Ala.; and Albuquerque, N. Mex., than it will in Boston, Mass.; Chicago, Ill.; New York City, Detroit, Mich.; Washington, D.C., or even Minneapolis, Minn. In essence, we are prohibiting the senior Senator from Illinois and the junior Senator from Massachusetts from utilizing the electronic media in a manner equal to the senior Senators from Mississippi, Oklahoma, North Carolina, and the junior Senator from Montana in the 1972 elections.

For example, in the State of Illinois there are 24 TV markets and a projected spending limitation of $257,809. Using the standard rate, the aggregate cost of one 30-second spot on each station amounts to $13,810. This bill will permit approximately 18 of these advertisements throughout the campaign—9 minutes of television on each station. On the other hand, using similar figures in Mississippi, 10 more, or a total of 28 advertisements per station would be permitted. The figures for other States with 1972 senatorial elections are South Dakota, 41 30-second spots per station; Montana, 55; Alaska, 91; and Wyoming, 125.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COOK. I should like to finish.

Mr. PASTORE. For a short question.

Mr. COOK. I yield.

Mr. PASTORE. Does that take into account the lowest unit cost?

Mr. COOK. That takes into account the lowest unit cost.

From these high figures we drop sharply down to five 30-second spots in New Jersey, four in New Hampshire, and four in Delaware. Connecticut, which has no senatorial race in 1972, is nonetheless under this bill permitted only two such paid political advertisements per station.

Mr. President, it is not only unconscionable that the citizens of Wyoming, Alaska and Montana would be permitted to see and hear their candidates 100 times more than those of New Jersey, Connecticut, or Delaware, but it also raises a potential 14th amendment "equal protection under the law" problem.

As written, this measure also favors incumbents and other well known public figures. A senatorial incumbent has worked for 6, 12, or 18 years to insure that his constituents know him. A House incumbent has, at the very least, 2 years to make his name a household word among his constituency. He has established through newsletters, press releases, and weekly television and radio tapes a name and personality identification with the voters.

The 3½ cents per vote rule in a primary is even more disturbing. I assume that the rationale behind this 50-percent reduction for primary elections is that candidates have to reach far fewer voters than in a general election. While that fact is undeniably true, the radio and television costs remain constant in those safe congressional districts where the primary is the real election, this limitation is even more damaging to a relatively little known challenger. I might remind the Senate that 58 Members of Congress were elected in primaries and faced no opposition whatever in November. Yet, S. 3637 does not even attempt to cover this gross injustice.

Again, the solution is an overall spending limitation which will permit challengers, and incumbents to decide for themselves how to best utilize their resources within an overall limitation. They are the best judges of their strengths, weaknesses and needs. Many of these may well decide to spend less than the limitation imposed under S. 3637.

In the Sunday edition of the Washington Post there was an estimate of broadcast spending in a number of the 1970 elections. In California, for example, the incumbent spent an estimated half million dollars as opposed to the proposed limit of $497,172. In New York the winning candidate spent only $40,000 more than the proposed ceiling. The incumbent in Illinois spent approximately $5,000 less than required under this bill. His opponent exceeded the limitation by a mere $3,000. The Florida Senator-elect spent a total of $30,000 out of $141,689 permitted under the proposed law.

Mr. MURPHY. Mr. President, will the Senator from Kentucky yield right there?

The PRESIDING OFFICER (Mr. Dole). Does the Senator from Kentucky yield to the Senator from California?

Mr. COOK. I yield.

Mr. MURPHY. Those figures on California, if the Senator will look carefully, they are projected figures, not actual figures. Being the incumbent, I assure my distinguished colleague from Kentucky that I did not spend that amount. I am also pleased to say that all my campaign bills are paid. I know exactly what we spent for everything and where the money came from. The report will be complete and on time.

Mr. COOK. Mr. President, in the final analysis, however, its greatest defect is its underestimation of the American people. This in part stems from an overreaction on the part of the Congress to three highly publicized Democratic primary races. It should be noted that two of these three did not survive the general election. It should also be noted that the November elections certainly did not enhance the reputations of the five best known political "image makers" who relied extensively on television advertising. Their candidates won only 12 out of 26 statewide contests.

The distinguished minority leader has indicated that he will offer legislation in the next Congress to curb the growing excesses of campaign spending. It is my understanding that he has the full cooperation of the White House.

Mr. President, we now have a letter from the President sent to the distinguished minority leader, and I ask unanimous consent to have it printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, November 20, 1970.

Hon. Hugh Scott,
U.S. Senate,
Washington, D.C.

Dear Hugh: Your proposal to offer a comprehensive campaign reform bill in the 92nd Congress is commendable. The Administration will, of course, work closely with you, other members of the Congress and the Governors in an effort to arrive at a bill which will deal with all problems of political campaigns, including spending limitations, in a direct, effective and enforceable manner. Our aim must be to provide legislation which is consistent with the processes of free elections and the maintenance of an informed electorate.

As I pointed out in my veto message of the Political Broadcast Act, S. 3637, that bill had many shortcomings. These must be corrected. A major deficiency of this legislation is that it singles out only one form of campaign spending. If, indeed, there is merit in limiting campaign expenditures, the problem should be dealt with in its entirety. To merely limit one form of spending could encourage candidates to spend even more in other areas. The result might well be more expensive, rather than less expensive, political campaigns.

Of utmost importance, new legislation must not discriminate against one communication medium. It must also provide a meaningful mechanism for enforcement, as to which S. 3637 is seriously deficient.

Reform is needed in this area. But this issue need not and should not be dealt with in a hurried and contentious fight over a veto. There will be no major elections between now and the time that Congress can consider this legislation in the next session. Your proposal offers an opportunity to do this in a deliberate and cooperative way.

With best personal regards,
Sincerely,

Richard Nixon.

Mr. COOK. Mr. President, I urge the Senate to support him in his efforts, but to reject this inequitable and poorly drafted legislation, because, Mr. President, what we are doing in effect, we are regulating an industry, we are not regulating the first word, the first effort, or the first dime of those who should be regulated; namely, the candidates.

Mr. President, I yield the floor.

Mr. PASTORE. Mr. President, I understand that the other Senator from Kentucky (Mr. COOPER) would like to have some time to speak.

The PRESIDING OFFICER. The Senator from Kentucky (Mr. COOPER) is recognized.

Mr. COOPER. Mr. President, let me say, first, that I am glad I was able to hear the informative speech of my colleague (Mr. COOK). It indicates the work he spent on this important subject.

Mr. President, I shall vote to sustain the action of the Congress in agreeing to the conference report on S. 3637. It is a bill which, for the first time in years, establishes a limit on campaign spending. It does not limit total spending by a candidate, but limits the use of television and radio time by candidates for the offices of President, Vice President, Senator, Members of the House of Representatives, Governor, and Lieutenant Governor. The amount which could be spent by such candidates would be 7 cents, multiplied by the number of votes cast for all legally qualified candidates for the office in question in the last preceding election, or $20,000, whichever is greater.

Prior to the President's veto of S. 3637, he had vetoed four bills, two of which were acted upon by the House and two by the Senate. I voted to sustain the President's veto on H.R. 11102 concerning appropriations for medical facilities. I would have voted to sustain his veto on the appropriation bill, H.R. 19616, concerning appropriations for the Office of Education, had not the Republicans been informed in a meeting of the Republican caucus by the minority leader that candidates at the general election in November could vote as they pleased. I cannot say that this was the position of the President, but if candidates were to vote as they pleased, I took the position that all members, candidates or not, should vote as they desired because there was no longer any possibility of sustaining the veto. Further, I am very much interested in the educational program whose support was included in the bill.

I would like very much to vote today to sustain the veto but after another examination of the record, the provisions of S. 3637 finally agreed to by both the House and the Senate, and the debates in the Senate and the House, I can honestly find no substantive reason to do so. I must say that I have tried.

S. 3637 was first approved by the Senate on April 14, 1970, by a vote of 58 to 27. It was approved by the House of Representatives on August 11, 1970, by a vote of 270 to 97. The conference report was approved by the Senate on September 23, 1970, by a vote of 60 to 19. During the Senate debate, there was no effort to change substantially the bill as reported by the Senate Committee on Commerce, except the amendment of the senior Senator from Kansas which raised the sum per vote from 5 to 7 cents. Also, I could find no advice from the administration that the bill was defective or should be amended, or was obnoxious to the administration except for a suggestion by the minority leader, Senator SCOTT, that it might be vetoed.

In these circumstances, I voted for the bill and the conference report as did a cross section of Members of both parties, on the principle that the bill was a start toward campaign expenditure reform and as a first step, dealt with that form of expenditures which had become inflated and expensive beyond all reason, that of the use of television by candidates. In addition to voting twice for the bill upon its merits, I have advised many who have written me about my position in support of the bill.

I agree that the bill is only a start and that comprehensive legislation dealing with the entire subject of campaign expenditures and full disclosure should be enacted.

As a member of the Committee on Rules and Administration, I have voted consistently for 10 or 12 years—for bills which we have approved in the Committee on Rules and Administration, which have been sent to the Senate to amend the Corrupt Practices Act to secure such a bill. In 1967 our Rules Committee reported to the Senate S. 1880. It was approved by the Senate in September 1970. On July 15, 1970, a similar bill, S. 734, was approved by the Rules Committee and reported to the Senate but no action has been taken. The Rules Committee acted, but the Senate and House have shown no inclination to enact a comprehensive election reform bill. I would prefer that section 315(a) had not been repealed as I do not believe that the President of the United States should be under pressure to refuse or agree to debate an opponent, and I hope that this section will be amended in the coming session of the Congress. Also, there will be time in the new Congress to make other amendments dealing with campaign expenditures.

At present, we must vote "yes" or "no" upon a bill which would place limits upon expenditures for the use of television and radio. I need not go into great detail about the fact that spending for this purpose has risen astronomically. I cannot say whether the limit in the bill before us will work in every case for the benefit of an incumbent or a challenger. But I do know from experience, as everyone in this body knows, that the demands for money to pay television costs cannot be met unless a candidate is rich, or unless he accepts large contributions from labor unions or other private interests. The acceptance of such funds means that a candidate is placed in the position of being in the pocket of such contributors, or assumed to be by the contributor and by the public. It seems to me that the amounts allowed by this bill would be ample considering the further fact that it applies only to the cost of time on television and not to the preparatory production work upon the TV program. This would seem to leave open the "image makers." While everyone wants to have the best television program possible to support his candidacy, I believe there are many who do not approve, and I do not approve, of candidates being presented to the voters as a packaged product. I want to continue to support the President in his efforts to reduce expenditures. My record on this issue has been found to be a record of between 75 and 80 percent in support of reductions of spending. But because I have been unable to find any reason to vote against limiting television spending by candidates—spending which is now running, in some cases, in the hundreds of thousands of dollars, I shall follow the position I have taken in two previous votes and I shall vote for S. 3637.

Mr. COOK. Mr. President, I yield 15 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 15 minutes.

Mr. BAKER. Mr. President, my colleagues have heard me speak in opposition to S. 3637 several times before. I spoke against it in the Commerce Committee. I voted against the bill when it was considered in the Senate. And I voted against the adoption of the conference report on the bill. I did not sign the conference report which, I suppose, probably puts me as solidly in opposition to the bill as any Member of the Senate save perhaps the distinguished minority leader who did not sign the conference report on the bill either.

This has not been the case with the distinguished chairman of the committee, who is now sitting in the seat of the majority leader. He argued just as forcefully in favor of the bill.

Mr. President, the President's veto ought to be sustained. I urge my colleagues to do so at this time.

Mr. President, it seems to me that if we are going to enact a law to limit campaign spending, and I think we should, we ought not to proceed by enacting a measure which admittedly only goes part way toward that goal and which has so many flaws that even that partial achievement will be limited.

There are two basic reasons why I object to this bill. First, I feel that any legislation designed to limit either broadcast spending or campaign spending in general should treat all candidates equally—no candidate should be put at a disadvantage because of the law. It is my feeling that S. 3637 discriminates against certain types of candidates in a number of ways. First of all, it discriminates against the candidate who is challenging an incumbent. The incumbent receives a good deal of attention through the news media in the conduct of his office. This coverage is not considered campaign advertising, although it serves to attract public attention to the incumbent and to his policies and programs. It automatically gives him an advantage over an unknown challenger, and the spending limitations proposed in this bill will only act to maintain that advantage.

Second, by basing the spending limitation on the number of votes cast in the last election, the bill can discriminate against candidates running for different offices within a State and act to limit their ability to set their views before the public. For example, in my own State of Tennessee, the Governor's race in 1966 attracted only about half as many votes as the Senate race that year because the candidate for Governor ran virtually unopposed. This means that in the next race for the governorship, which turned out to be closely contested, the candidates for Governor would only have been able to spend about half as much as the candidates for the Senate. This sort of situation can happen in almost any State, and it is a situation which penalizes the general electorate as much as the candidates.

As the President pointed out in his veto message, the 7-cent per vote or $20,000 limit was arrived at by legislative compromise and not by analysis of the broadcast market. It discriminates against candidates campaigning in different areas by failing to take into account the differing cost of broadcast time. In urban areas, for instance, a candidate may be able to purchase only a few minutes with his allotment, but in a rural area he may be able to virtually blanket the area with radio and TV advertising spots for the same amount.

S. 3637 imposes no limitation on spending for campaign advertising in media other than radio and television. Mr. President, I do not think that there is any doubt that this limitation will have the effect of encouraging candidates to greatly increase the amount they spend on other types of advertising, in newspapers, magazines, billboards, mailings, and so forth. There will be no net reduction in the high costs of conducting a campaign and lesser known and less wealthy candidates will continue to be at a disadvantage.

My second basic reason for opposing this legislation is that it creates, by indirection, a political subsidy for politicians, the cost of which is borne by FCC licensees who operate radio and television stations throughout the country. The bill requires that each licensee grant to political candidates the lowest applicable unit rate available to any advertiser. What this amounts to, in my opinion, is ratesetting by statute—something which the Congress has always in the past tried to avoid. Broadcast stations grant lower rates to advertisers because they advertise in volume and thus earn the discount as constant patrons. To require by law that a station must grant these same rates to candidates who do not advertise in volume and who are not constant users and buyers of advertising time is to create a public subsidy in favor of the political advertiser. This, in my judgment, is a step in the wrong direction.

By limiting only spending on broadcasting, the bill discriminates against radio and television stations, who should certainly not be expected or required to bear the brunt of public and congressional reaction against the increasingly high cost of campaigning.

Mr. President, I feel very strongly that we need to limit excessive expenditure of funds for political campaigns. I think we are all in agreement that any highly qualified citizen should be able to seek and attain public office without having to have millions of dollars at his disposal. The fact that public office is open to any and all qualified seekers has been one of our strongest political traditions, and I will be the first to admit that the trend has been toward spending greater and greater sums. I do not think, however, that this bill will solve that problem or that it is the right approach to solving the problem. By limiting only one phase of campaign spending, the bill discriminates against one media, favors the incumbent officeholder, and gives an advantage to a candidate who is well financed and/or well known to the general public. The cost of campaigning would continue to raise and those lesser known and less wealthy candidates would continue to be at a disadvantage.

I feel that the Congress has a responsibility to develop legislation that will limit all campaign spending in a manner that will be fair to candidates, the communications media, and the general public. I think that this can be done if we put our minds to it, and I do not think that enacting a measure which does not meet these criteria will fulfill our responsibility. I urge my colleagues to vote to sustain President Nixon's veto.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, what is the situation on time?

The PRESIDING OFFICER. The Senator from Rhode Island has 25 minutes remaining. The Senator from Kentucky has 15 minutes remaining.

Who yields time?

Mr. PASTORE. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, I urge the Senate to vote today to override the President's veto of the campaign spending bill.

Unlike so many of the other great issues on which we have been voting in this Congress, the question we face now is an easy one on the merits. Its only complication is the partisan cloud that hangs over it.

On the merits, a vote to override the veto is a vote for election reform—not yet the comprehensive reform we need, but nevertheless a significant first step in the long journey to such reform.

Twice before this year, by overwhelming bipartisan majorities of more than 2 to 1 on each occasion, the Senate has voted enthusiastically to enact the bill now before us. The vote was 58 to 27 last April, when the bill first came to the Senate floor, and the margin was even greater, 60 to 19, when the Senate approved the conference report in September and cleared the bill for action by the President. Today, the Senate has the chance to approve this measure for the third time, and I am confident that the same two-thirds margin will prevail.

At bottom, the real question is whether we are to be the masters or servants of our political institutions and machinery. No one denies that the growth of television has transformed politics in America. Like a colossus of the ancient world, television stands astride our political system, demanding tribute from every candidate for major public office, incumbent or challenger. Its appetite is insatiable. We know that in recent years, hundreds of millions of dollars have been fed into TV political commercials, and the costs continue to soar. Each time around, the spending ceiling on the last campaign becomes the floor for the next campaign. Without reform, the only end in sight is that the senseless tower we are building will topple of its own weight.

Worst of all, the fact of television spending is breeding a new cynicism in American politics. The most insidious problem in Federal, State, and local politics in 1970 is campaign financing, and TV spending is the core of the problem. The skyrocketing cost of running for public office has produced a situation in which the candidate of modest means is being driven from the field. Without a source of independent wealth, he faces the Hobson's choice of either a shoestring campaign or reliance on a few large contributors.

Either way, the public loses. If the candidate takes the shoestring route, he faces the likelihood of swift defeat. If he goes the route of the large contributor he finds himself spending more time raising funds than raising issues. Inevitably, he creates the sort of ambiguous relationships in which he is obligated, or feels obligated, or at least appears to be obligated to the men who hold his purse strings. As a result, politics is turned into a cruel Darwinian struggle, in which survival is not of the fittest, but of the wealthiest.

No one argues that the modest reforms proposed in the pending bill are the whole answer. What we do argue is that we are taking a step in the right direction, in the classical method by which Congress has always approached the question of reform in complex areas.

No one denies the intellectual complexity and the political sensitivity of the questions involved in the broad area of election reform. Taken as a whole, our election laws have been accurately described as more loophole than law. Every incumbent and every candidate knows the problem. Each of us has his own shopping list of reforms.

But all of us, I think, would agree that the question of broadcast spending lies at the center of the overall problem. Of course, as the President said in his veto message, other reforms are needed, but until we deal with the problem of broadcast spending, we are only nibbling at the edge of election reform, instead of confronting the real problem.

Equally significant, although the most important provisions in the vetoed bill are those limiting campaign spending on radio and television, they are not the only significant reforms worth salvaging in the bill.

The repeal of the equal-time provision for presidential elections is a major legislative achievement, a reform that is long overdue. For too long, we have allowed the theory of the provision to obscure its practice. Intended as a rule to improve the access of candidates to radio and television, its effect has been precisely the opposite—it has substantially curtailed the access of candidates to the broadcast media, to the point where legitimate discussion and debate have been frustrated and the system as a whole has suffered. Rarely has a provision so well intentioned in theory fared so badly in practice.

Similarly, the requirement that political candidates must be charged no more than the lowest going rate for broadcast time is a useful reform. It will eliminate the unfair cost discrimination to which candidates have been subjected in the past. It will give them access to the most favorable terms a broadcaster allows to other purchasers. President Nixon has dismissed this reform with the pejorative phrase "ratesetting," but the label is hardly true. The bill sets no rates for any broadcaster. All it does is insist that candidates share the same low rates available to anyone else. Surely, the predatory profits that broadcasters have traditionally exacted from candidates should yield to the public interest.

These three reforms—the broadcast spending limit, the equal-time repeal, and the lowest unit cost provision—are important reforms, and they deserve to be enacted into law.

To their great credit, Senator JOHN PASTORE, Congressman TORBERT MACDONALD, and the others who worked so hard to push this bill through Congress have come up with a manageable package of basic reforms that have the priceless virtues of simplicity and effectiveness. To me, this bill is a model of the way in which Congress can proceed to tackle a complex problem, define an issue, and propose and implement a solution.

It makes no sense, therefore, to reject this reform out of hand, as President Nixon has done, arguing that it does not go far enough. The President criticizes the bill because it plugs "only one hole in a sieve," but the metaphor is false, because broadcast spending is both the largest and the newest hole in the sieve. On the logic of the veto, the President might as well abandon his welfare reform plan if he cannot get it all. Or, he might reject the auto pollution restraints on Detroit now pending in the Senate-House conference, on the ground that we are failing to cover all polluters.

Nor is it valid to reject the bill, as the President would do, because it applies only to spending for radio and television, not to other forms of campaign spending. According to this argument, the soaring cost of campaigns will continue unabated by the bill, because money that would have been used for radio and television will now be used for other aspects of political campaigns.

The argument is false, and every candidate knows it is false. It assumes an interchangeability among the media that simply does not exist in American politics. The impact of television is unique. No amount of newspaper advertisements or billboards, no amount of direct mailings or printed handouts or bumper stickers, can possibly offset the impact of television and the impression it makes on the voter.

It is fair to say that campaign spending did not become a searing national issue until television made it one in the 1960's. Now, television has established itself as the dominant campaign medium, and the need for reform is clear. I fully anticipate that enactment of this bill will be a very real blessing to the budgets of future candidates, and will help to halt the continuing spiral of campaign costs. But the savings of the bill are secondary to the guarantee the bill provides that no candidate of modest means will be blitzed to defeat by the unlimited TV assault of his opponent. This is the most important single contribution of this bill. It means that television in politics will be a medium to enlighten the public, not a weapon to club an opponent.

The bill's limits are generous enough to insure that no candidate will be denied the opportunity to present an effective television campaign in a primary or a general election. To the extent that inequities may exist for candidates in certain parts of the country, they are extremely minor compared to the enormous beneficial effect of the bill as a whole, and they can easily be corrected in the future.

Major reforms are almost never enacted full blown, and election reform is no exception. Often, as in the present case, the first step is the hardest. Only by taking that step can we gain the confidence to last the route. Often, as in the case of President Johnson's Election Reform Act of 1966, the President has tried to lead the way for Congress, only to see wise reforms buried by inaction and partisan maneuvers in the Senate or the House.

Thus, the present situation is not without irony. It is Congress which has managed to get a runner to first base, and it is the President who wants to stop the game.

If, as Senator SCOTT has said, the administration intends to propose comprehensive election reform in the next Congress, all of us will welcome such support by the President. But none of us who has been through the recent debates on election reform—especially the debate on Senator LONG's Presidential Election Campaign Fund Act in 1966 and 1967—can be very optimistic about the prospects for success.

In fact, anyone who wants comprehensive election reform need look no further than item No. 1035—S. 734—on today's Senate calendar. This is Senator HOWARD CANNON's Election Reform Act, which would place strict limits on the size of campaign contributions and require full disclosure of all contributions and expenditures. The Senate passed this bill unanimously by the rollcall vote of 87 to 0 in 1967, but it died in the House and the prospects for its enactment today are no better. Similarly, last December, during the debate on the Tax Reform Act, I offered an amendment to provide a tax credit of up to $25 for half the contributions a taxpayer makes to candidates for political office. The amendment was defeated by the narrow margin of 50 to 45, and I intend to try again as soon as the opportunity arises, because a tax credit for political contributions is one of the most important single election reforms we can enact to broaden the base of our political process. By encouraging campaign contributions from small donors, we can enhance participatory democracy in our society and move away from our present excessive reliance on wealthy contributions.

In sum, however, as these recent legislative defeats make clear, we are fortunate to have the pending bill and the chance for partial reform. Congress should take the reform it can get today, and not be deluded by the President's 11th-hour promise of whole reform next year.

If we enact this bill, moreover, it will be more than just a step in the right direction. To many, it will be a symbol that our political system is still alive, and that our institutions can respond to the demand for reform. Today, in all parts of the country, tens of millions of Americans are challenging the system and all its institutions. Many say the system is moribund, inert, incapable of change.

As one who heard and tried to answer these repeated complaints and criticisms in the election campaign this fall, I know how persistent they are and how sincerely they are felt, not only by the young but by every thoughtful citizen in the Nation. I also know how sharply the issue has been brought into focus by the President's veto of the campaign spending bill. With the possible exception of the question of seniority in Congress, no other single issue has drawn the battle lines so sharply as this veto has between those who stand for change and those who stand for the status quo. Wherever I traveled in Massachusetts in the closing weeks of the campaign, I found Republicans and Democrats alike incredulous that so right and deserving a reform should be so cavalierly rejected by the President.

Although it does not excuse the veto, it helps to explain it to note that it was cast in mid-October, in the heat of the 1970 election campaign. In large part, the veto is most easily seen as the product of the partisan passions unleashed in the President's divisive campaign strategy and travels this fall.

Fortunately, the vote to override the veto comes at a calmer moment. The bitterness is receding, and the wounds are beginning to heal. There can be no more welcome sign of reconciliation than for the members of both parties to join together in this first step toward election reform; 1970 is too fresh in our minds, and 1972 is too far off for any of us, Democrat or Republican, to weigh his vote today on the basis of mean or partisan advantage. This vote is a vote we owe the system, a vote from which all of us will benefit. It is up to us to vindicate the faith of millions of citizens who found the system wanting in 1970, but who believe it can be changed.

One thing more should be said. If we fail to override this veto, we cannot give up the fight in this Congress. I believe that we in the Senate should offer this vital reform as a rider to the first appropriate legislation to reach the Senate floor before Congress adjourns in December. The limitation of campaign spending is far too important a reform to be so flagrantly denied by a veto.

Mr. President, yesterday's Washington Post contained a number of informative analyses of the problem of campaign spending in the 1970 congressional elections. I ask unanimous consent that these articles may be printed in the RECORD at this point.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 22, 1970]

RISING TV SPENDING ADDS TO THE HIGH COST OF CAMPAIGNING

(NOTE.—This article was written by Haynes Johnson on the basis of reports from Washington Post staff writers Leroy F. Aarons, Philip D. Carter, Richard M. Cohen, Johnson, Nick Kotz, George Lardner, Jr., Morton Mintz, Bernard D. Nossiter and Don Oberdorfer.)

Inside the Capitol, not far from the Senate floor, a row of wooden filing cabinets stands near a marble fireplace. As required by law, these cases contain the formal campaign spending reports from every man who ran for the United States Senate this year.

Across America today, campaigning costs are rising sharply, winners and losers alike are expressing bitterness. Although the problem of money in politics is age-old, new forms of political expenses, particularly television, are compelling candidates to raise vast sums to meet their competitors. These conditions have created what politicians of every viewpoint say is a crisis affecting the American system of government.

But the formal campaign reports at the Capitol offer no evidence of that crisis. They give no indication of the actual cost of running for major office in America. Nor do they show fully who spent what, or where he got his money, or to whom he might become beholden.

The reality of money and politics is brutally simple. To run for office you need money. At today's prices, the cost of attempting to become a United States Senator can come to millions of dollars. The giver who contributes $5,000 or $10,000 wants something in return, for himself, for his cause, for his business.

There is another brutal reality about money and politics. Most of the big money comes from anonymous contributors, concealing the extent to which a public servant might be obligated to private interests.

Such conditions raise questions that go to the heart of the effectiveness and honesty of the political system.

These are questions that transcend ideological differences. They are not restricted to party or region. It is fair to say they touch nearly all American politicians.

Television costs are the most expensive single factor in present-day campaigns and are increasing at a tremendous rate. In the off-year congressional elections of 1966, broadcasting spending rcse 60 percent over 1962. The 1968 presidential elections broadcasting costs shot up 70 percent over 1964. Costs are still rising.

This week that issue will be joined inside the Capitol when senators prepare to vote on whether to override the President's veto of a bill setting limits on television and radio spending.

For the past two weeks a team of Washington Post reporters traveled to nine states examining the question of campaign costs. They attempted to determine—as far as is possible—how much money was spent, how it was raised, who raised it, and what obligations the contributions might entail.

They found that while candidates still spend extensively for billboards, newspaper and magazine advertising, for travel, staff and campaign literature, and highly expensive computerized operations, they are all faced with the problem of attempting to raise vast sums for the electronic medium.

As the individual dispatches from The Post reporters appearing elsewhere here today make clear, television spending this year dominated the political campaigns.

Almost every candidate or political operative questioned, from whatever party or region, voiced alarm at a situation that is altering the political process. The words "national scandal" were not uncommon.

Here are some of those voices:

From Sen. Charles Goodell of New York, a Republican who lost: "It's one of the tortures of hell trying to raise money for campaigns today."

From Steve Berger, campaign manager for Richard Ottinger, Goodell's Democratic opponent who spent a fortune (nearly $2 million on television alone) in his unsuccessful effort: "Campaign spending is out of hand. We better do something fast. There's a long list of things that need doing and No. 1 on the list is the media."

From William Brock, the Tennessee Republican who defeated the veteran Democratic Sen. Albert Gore: "We desperately need a revision of law about campaign fund reporting."

From Judd Ringer, campaign chairman for Clark MacGregor unsuccessful Republican candidate for the Senate from Minnesota: "I've gotten disillusioned with the process. . . . The increment of money is the ultimate determinant—building image and so forth—is the opposite of everything we believe is a democracy."

From Quentin Burdick, who won re-election as a Democratic senator from North Dakota: "These campaigns are just too expensive . . . I could sell my campaign on TV and radio for $20,000 in North Dakota if I knew my opponent wasn't going to do any more."

From his Republic opponent, Tom Kleppe: "This whole thing is getting completely out of hand. A good man can't afford to even get an identity much less get elected."

From Manning Post, finance chairman for Jess Unruh, California's Democratic gubernatorial candidate: "It's a monster. Really, the guy with the biggest pocketbook can do the best job. No question that television is the key."

In some places there were dramatic comparisons with the past. In North Dakota the same opponents in the Senate race had campaigned against each other in 1964.

The winner in both, Democrat Quentin Burdick, spent about twice what he did six years ago; the loser, Tom Kleppe, five times more.

In Tennessee, Albert Gore had run for the Senate in 1958 and 1964. This year he spent over $500,000, at least five times more than in each previous race, more than half of it for television. His opponent spent between $1 and $1.25 million, which is three or four times more than any Republican candidate had ever spent in Tennessee history.

The same kind of ratios can be found across America.

What is harder—indeed, impossible—to determine are the real sums spent on politics this year. Money flows in a subterranean channels; it is hidden in a multitude of accounts, some public, many others private. And, as in the past, not all of the money can be traced by check or account. Undeclared cash is as viable in politics today as it was when Thomas Nast was drawing his political caricatures of the Tammany tiger sprawling on money bags.

And much of the big money goes practically unrecorded.

Nothing illustrates the disparity between how politics is practiced in reality and how the public is told it operates than the formal spending reports on file in the Capitol. They are, everyone agrees, a hoax. Candidates are required under the Corrupt Practices Act to file a statement of their total campaign contributions and expenditures. For the general, but not primary elections.

Glance through those wooden filing cases today and you come up with sworn statements like these made at least five days before the election.

From John V. Tunney, who won a Senate seat in California: "I have not personally received any funds for my candidacy. All funds have been received and expended by campaign committees working for my election."

In fact, Tunney's campaign cost more than a million dollars, about $600,000 of that for television.

From George Bush, who lost a Republican bid for the Senate in Texas: "No contributions were received by the candidate or by any person for him."

In fact, Bush, too, waged a campaign that cost more than a million.

Hubert Humphrey reported receiving no contributions; his only reported expenses were $150 for his filing fee in Minnesota.

In fact, Humphrey's campaign cost at least $550,000 and two days before he announced his candidacy his campaign aides laid down $150,000 to buy his TV time and to reserve billboards.

William Brock of Tennessee reported receiving no contributions and expenditures of only $2,118.84.

When asked about his sworn statement of his contributions and expenses, Brock said: "I was advised by the Senate people to show zero. They said most senators do that. Candidates are not required to know about or supervise or report their finances."

That last statement seems at variance with the actual law, but Brock was, as he says, merely doing what everyone does. The key phrase in that law is that the candidate swears his report is an accurate account of the amount spent "by me or by any person for me . . . with little knowledge and no consent."

They all ostensibly operate with little knowledge and no consent.

That is not to suggest any of them is a venal politician. The law is woefully unrealistic—it sets a spending limit of only $25,000 for the Senate and candidates must raise and spend millions. It forces them to look the other way.

The question of special interests and the big contributor controlling a candidate raises nothing new in any political discussion. But because of the rising costs it is more complicated than ever.

One key California political operative gave a private appraisal of the reality of big spending.

"Look," he said, "if somebody gives a candidate $25,000, he got a hold on that candidate. There are two kinds of people in politics. The guy who is in it for the love of it, and the guy who wants something. When a business gives $10,000 plus, those are not gratuitous gifts."

Only rarely does a politician, in office or out, speak publicly about the delicate area of where his money comes from, or what kind of obligation might be attached to it.

Three years ago, Albert Gore stood on the Senate floor to speak about that question.

"A vote in the U.S. Senate is of such great effect and influence that any person who is willing to sell his soul can have handsome financing for his campaign," Gore said.

As the Post's articles show, money is flowing into political campaigns from across the country. In some areas, the huge amounts needed can be raised only by going to money men outside the state. While some of the large contributors and the interests they represent are known, the rest are not. There are simply no clear answers to exactly who gave the money. All that can be said is it was a lot.

Two years ago, the entire reported amount spent on all congressional races in the 1968 campaign came to less than $9 million. Conservative estimates indicate at least $50 million actually was spent. And the costs keep going up.

Without exception, those interviewed for this study believe something must be done about political spending. No one offers any panacea.

A number of points were made. Spending should be limited in all areas—not just television. Full disclosure laws must be enacted—and enforced. Realistic spending limits, not the ludicrously low ceiling figures now in the statutes, should be imposed. The present election system itself drastically needs reform. The length of the campaigns alone dictates heavy spending. Some have suggested adopting a system similar to the British, where elections take place three weeks after a government falls. Others are urging the adoption of public financing for campaigns—a point made down through the years.

Of all the problems, two are paramount—the lack of adequate reporting regulations requiring full disclosure of who gave the money and who got it, and a basic across-the-board limitation on spending.

One law already on the books is instructive. In Florida, a new spending law is commanding attention. No candidate for governor or senator can spend—or have spent on his behalf—more than $350,000 in the primaries and the same amount in the general election. No one may give a candidate more than $3000 in either campaign. And all receipts and payments must be handled by a single campaign treasury.

An interesting effect of the Florida law is that it appears to have de-emphasized a strictly media-money campaign. Lawton Chiles, for example, won a Senate seat with only $30,000 in TV expenses. He demonstrated that a candidate can command the media by the not-so-startling device of making news. And for free too.

The Florida law, though, does have notable loopholes. It does not effectively cover contributions from out-of-state committees, a classic device to conceal the actual spending.

But at least it provides a model that seems to be working.

If all the proposed remedies differ, there is general consensus that the heart of the question today centers around the enormous television costs.

The bill that President Nixon vetoed would limit television and radio spending by presidential and congressional candidates to 7 cents per vote in the previous election. It also would suspend permanently the "equal time" provisions for presidential elections and lower the maximum amount broadcasters can charge political candidates for advertising.

TV and radio stations have objected that the act is discriminatory. It restricts their medium, but permits other forms of campaign spending—such as newspaper and direct mailings—to go unregulated.

There are no claims the bill is perfect, nor that it will solve the larger question. The main point made by the proponents is that the electronic media spending is so overriding a problem that it must be dealt with first.

It was after he himself had investigated the question of money in politics that Albert Gore remarked: "The great failure of our democratic process remains in the manner in which campaigns are financed."

Last week, Gore defeated, returned to the Capitol to wind up his own political career. Sitting in his office surrounded by the mementoes of 38 years in Washington he reflected on the present American political scene.

"The public is badly served," he said, "by the present financial situation. It's a critical problem, very critical. But Congress won't do anything about it. They simply won't face up to it."

Then Gore said:

"I know."

North Dakota Exposed to a Heavy Barrage

(By Nick Kotz)

FARGO, N.D.—"The President asked me 'what do you need?' " explains Rep. Thomas Kleppe of the crucial first step of the most expensive political campaign in North Dakota history. "I told him I needed a professional campaign manager, a professional media man, and substantial financing from outside the state. These things were deliverable and they were delivered."

Kleppe's entire campaign was, in fact, planned, financed and directed from Washington, D.C., by a team of professionals assembled by the White House.

His opponent, Democratic Sen. Quentin Burdick, received most of his campaign financing from liberal antiwar groups and labor unions, also from outside North Dakota.

Of the funds spent in the North Dakota Senate campaign, won by Burdick, 85 to 90 per cent originated from outside the state. This phenomenon characterized campaigns in other small-population, unwealthy states:

"If you're labor or business, all you need do is scatter $300,000 through Utah or Nevada or Wyoming or New Mexico and you've got a pretty good campaign going." Rep. Laurence Burton (R–Utah), an unsuccessful Senate candidate, told the Wall Street Journal, "In New York, that's just openers."

The Council for a Liveable World made the same point in a letter soliciting funds for liberal, antiwar senators: "Since a vote cast for a senator from Alaska or Vermont counts as much as a vote for senator from New York or California, the Council favors contests in small states."

Kleppe and Burdick both stressed their dependence on "outside" help to finance the modern media campaign both felt they must pursue. In this sparsely settled plains state (population 614,000) of poor farmers and no major industry. Kleppe said he could raise only $50,000 and Burdick only $15,000. Yet records indicate Kleppe spent $300,000 and Burdick nearly $150,000. Kleppe spent five times as much as he did in a 1964 race against Burdick and Burdick's spending probably doubled. The two men spent three to five times as much on television and radio advertising as did the North Dakota Senate candidates in 1968.

The $450,000 spent in the 1970 North Dakota campaign may seem paltry by New York standards, but it permitted the two men to wage a television-radio-newspaper-billboard blitz in which they spend $2.37 worth of attention on each of 190,000 North Dakotans who went to the polls. Most of their major contributors realized that the $3,500 that will buy one prime time television spot in New York will buy 100 to 200 similar advertisements on North Dakota television stations.

North Dakotans couldn't miss the barrage directed their way. Many openly resented it. But federal and state reporting laws don't offer them a clue as to how much was spent or where the money came from. North Dakota law requires no reporting of campaign expenditures or contributions, and loopholes in the federal law permitted both men to report that they hadn't received a cent. According to their reports to the Secretary of the U.S. Senate, Kleppe spent only $1,350 and Burdick $1,150 in the entire campaign.

Burdick declined to discuss in detail the source of his campaign funds, but the records of various liberal campaign committees indicate he received at least $27,000 from labor unions, $40,000 from the "antiwar" 1970 campaign fund, $19,700 from the Democratic Senate Campaign Committee, and $15,000 from the liberal National Committee for an Effective Congress.

Kleppe and his finance chairman Harold Anderson described the contributions he received in fulfillment of President Nixon's pledge to help with money if Kleppe would challenge Burdick.

Throughout the campaign the postman walked into Anderson's Bismarck law office with letters containing checks from wealthy individuals all over the country. Thirteen of the letters contained $5,000 campaign gifts and another 50 letters brought gifts from $1,000 to $4,000. When money ran short, Anderson said he would talk to Republican officials in Washington and more checks would soon arrive. In addition, Kleppe received $30,000 from the Republican National Committee's campaign fund and $35,000 from various organized business and medical groups.

"I got the money because of White House help," said Kleppe of about $200,000 he received from individuals outside North Dakota.

Burdick and Kleppe agree they could run an effective campaign in North Dakota for $50,000 if each was not forced to match richer opposition. But they say costs will continue to soar unless effective limitations are imposed. If limits are not set, Kleppe said he believes his expensive effort this year will represent "the campaign of the future."

Newspaper Spending Rises

Television advertising is the largest and fastest-rising media cost in American politics today, but other types of advertising—including newspaper and radio ads—are also large and growing.

National data collected for three recent presidential campaign years by the Citizens Research Foundation of Princeton, N.J., shows this trend (in millions):

TV time:	
1956	$6.6
1964	17.5
1968	27.1
Radio time:	
1956	3.2
1964	7.1
1968	13.3
Newspaper ads:	
1956	4.3
1964	7.7
1968	11.6

(The broadcast figures, from Federal Communications Commission records, cover general election spending only. The newspaper figures, from Media Records, Inc., include all political spending from July 1 to election day in daily papers in most major cities.)

Comparable national figures are not yet available for 1970 races, and the figures are incomplete for many earlier off-year elections.

In the Washington area, WTOP-Television (owned by The Washington Post Company) sold a total of $186,000 in political time to area candidates in all races during the 1970 general election campaign. WTOP-Television gave free time valued at $26,000 on an equal basis to candidates in major races for use in beaming messages to the public. The paid advertising would have brought in $93,000 more except for a station discount applied to area political candidates.

WTOP Radio sold $54,000 in political time during the recent general election campaign.

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The station gave $10,000 of free time to area candidates, and applied political discounts worth $27,000.

The Washington Post published $55,250 in newspaper advertising for all candidates during the 1970 general election campaign.

Spending on other television and radio stations and newspapers throughout the country was also high during the 1970 general election campaign. In most places, including the Washington area, much smaller sums were spent by candidates during the primary campaigns.

RIVAL IMAGE MAKERS CLASH IN TENNESSEE

(By Don Oberdorfer)

NASHVILLE, TENN.—In April, 1969, a young man from Oshkosh, Wis., who never before had set foot in this state, arrived to plan the election of a United States Senator from Tennessee.

Acting as a paid campaign consultant, Kenneth C. Rietz, 27, traveled the state for two weeks and drew up a 64-page election plan for his client, Rep. William E. Brock of Chattanooga. The plan included details of campaign strategy and organization, and a schedule of events from June, 1969, to the final television-radio-newspaper media blitz in the last 12 days before the November, 1970, election.

Brock approved the plan and hired Rietz for a fee "close to" $40,000. During the next 19 months, the candidate took the advice and advertising spots and layouts he was given by Rietz and his senior partner, image-maker Harry Treleaven. Their campaign succeeded. Brock won.

The senatorial race this year was between incumbent Democrat Albert Gore and Republican William Brock. But it was also a race between rival image-makers, media coordinators and advertising agencies, all working for big money in by far the costliest senatorial race in the state's history.

Gore forces collected and spent over $500,000 in this year's primary and general elections—more than five times as much as in either of Gore's 1958 or 1964 campaigns for re-election. Of this year's spending, about $235,000 went for television and radio time, including advertising agency and image-maker's commissions, and $85,000 more went as a fee to Charles Guggenheim of Washington, D.C., who created the Gore electronic commercials.

According to data collected by The Washington Post from major TV stations, Gore slightly outspent Brock, $53,089 to $50,260, on Nashville television in the general election. However, Gore spent less than Brock, $31,010 to $42,943, in general election television in Memphis, the state's other big market. Brock was the top spender in East Tennessee, his home area.

Gore declined to be interviewed about details of his 1970 campaign. Aides said, however, that more than $100,000 in campaign contributions came from labor unions. According to union political reports, the United Auto Workers paid $5,252 for Gore bumper stickers and the AFL–CIO's Committee on Political Education spent $3,014 for Gore leaflets. Major money contributions came from political funds associated with 19 national unions ranging from carpenters to retail clerks.

Gore also received $70,000 from the antiwar "1970 Campaign Fund," $25,000 from the National Committee for an Effective Congress and $20,625 from the Senate Democratic Campaign Committee.

Gore campaign workers say they were strapped for funds throughout.

Brock's spending of $1 million to $1.25 million is at least three to four times the largest sum previously spent by a Republican candidate in the history of the state.

Brock aides admit to $250,000 for television time and agency fees, $75,000 on radio, $50,000 to Treleaven for TV-radio production, $150,000 for billboards, $75,000 for newspaper ads, $50,000 for leaflets, bumper stickers and such, $100,000 to $150,000 in paid workers and headquarters overhead, and $200,000 in other expenses.

Senatorial candidates are not required by Tennessee law to report the sources of their campaign funds.

Brock, the heir to a candy company fortune, said he did not spend any of his personal money on the race. "I have no idea where the money came from and I don't want to know," he said. Nashville insurance executive David K. Wilson, the Brock finance chairman, said, "There was very little in the way of records, and I imagine most of them have already been flushed."

Capitol Hill filings by money-giving committees provide only a few details of Brock's finances. Contributions which show up there include $10,000 from "Committee for Action—South," a group of general contractors; $10,000 from "Volunteers for Better Government," executives and officials of the big Eastman Kodak chemical works at Kingsport, Tenn.; $50,000 from Trust for Special Political Agricultural Community Education of Louisville, Ky. (milk producers); $35,000 from the Republican Booster Fund and $12,770 from the Senate Republican Campaign Committee.

Brock said in an interview that the quantum jump in campaign spending poses "a danger" to the political system and declared that "we desperately need a revision of laws about campaign fund reporting." However, he described the attempt to limit campaign broadcast spending as "garbage" and said that "a guy who is inordinately wealthy or who is getting contributions from unfortunate source might simply shift to other types of spending" if a TV-radio limit is enacted.

FLORIDA: REPORTING LAW HELPS

(By Philip D. Carter)

TALLAHASSEE, FLA.—When he opened his campaign for the U.S. Senate last spring, Florida State Senator Lawton Chiles faced a forbidding obstacle: only five per cent of the state's voters had ever heard of him.

By the conventional wisdom, his only recourse was a professionally packaged newspaper, billboard, radio and television advertising campaign which—for a half-million dollars or so—would at least introduce him to the electorate.

As it happened, that was the path followed by his opponent, Rep. William C. Cramer, who won the Republican nomination. But Democrat Chiles literally took a walk instead, a 1,000-mile trek down the length of Florida.

Today, after 40,000 handshakes, two Democratic primaries and a general election, Lawton Chiles is Florida's U.S. senator-elect. His television bill was only $30,000.

Of course, there was more to "Walkin' Lawton's" remarkable campaign than his two blistered feet. He was a fresh face in a year which seemed to favor fresh faces. His "progressive conservatism" set few voters on edge. He was a Democrat running in a normally Democratic state.

And to some cynics, Chiles' campaign merely proved that an ingenious and attractive candidate with a novel gimmick can win extensive free play in the media. Chiles, goes the argument, didn't buy television time—he captured it free of charge.

Yet his success would have been difficult to reproduce in most other states. For the fact is that "The Walking Senator" set out on his march through Florida armed with the knowledge that his state's new campaign financing statutes—which he helped pass—would make it difficult for his opponents to swamp him with paid commercials.

Despite some remaining loopholes, Florida's campaign law—with the exception of Oregon's model statutes—is the most stringent in the nation. And, by the evidence of this year's elections, it has greatly reduced campaign costs.

Under the new state provisions, which took effect July 1, candidates for governor and the U.S. Senate can spend no more than $700,000 on their campaigns, half in the primaries, half in the general election.

Candidates are required to make weekly reports of all contributions and expenditures listing the names and addresses of all persons or groups giving or receiving money.

No one may give a candidate more than $3,000 during the primary campaigns and no more than another $3,000 before the general election. All receipts and payments must be handled by a single campaign treasury, and meticulous records must be kept. No contributions are allowed within five days of the general election. All debts must be paid as they are incurred.

The intent of the law is to make it difficult for a candidate to "buy" an office. To a high degree, the law seems to have worked.

According to all-but-complete figures filed with the office of Florida's Secretary of State, Chiles' general election opponent, Cramer, expended $547,000 on his entire campaign. Chiles spent about $340,000.

In the state's 1968 Senate race, by contrast, Republican Edward Gurney declared expenses of $757,000, with about 77 per cent of the total going for media costs.

The effect of the new law is even more vividly demonstrated in the comparison of announced costs in Florida's recent gubernatorial campaigns.

In 1960, Farris Bryant won the governorship at a cost of $768,000.

In 1964, Haydon Burns' election expenses were $1.1 million. Two years later, he spent another $1.4 million trying to win reelection. Robert King High, his successful opponent in the bitter Democratic primaries, spent nearly a million dollars.

Republican Claude Kirk, who won that year's general election, reported expenses of only $550,000—but Democratic disbelief in the accuracy of his announced outlays led to passage of the state's present law.

Nearly complete figures filed for Kirk this year show expenses in his behalf of $573,000. His victorious Democratic opponent, a once little-known state legislator named Reubin Askew, has reported expenses of $663,000.

The big spender in this year's Florida races was a Republican drugstore chain owner, Jack Eckerd, who spent $1.1 million while losing to Kirk in the GOP primaries. Eckerd managed not to violate the $350,000 ceiling on primary expenditures by doing the bulk of his spending before the new law took effect on July 1. Were it not for the new statutes, local politicians feel, other candidates would have been forced to try to match him.

ILLINOIS: MONEY IS NOT EVERYTHING

(By Bernard D. Nossiter)

CHICAGO.—The 1970 campaigns in Illinois defy much of the new tribal folklore that has grown up around political spending. The state's most highly charged race, for U.S. senator, probably cost about the same as the $2 million spent in 1966 by Charles Percy (R) and Paul Douglas (D).

Large sums were poured this fall into television advertising. But the most impressive statewide victory was recorded by a comparative unknown, Michael Bakalis, a young educator who purchased no spots. He easily unseated a Republican incumbent for Superintendent of Public Instruction.

The single biggest outlay for TV air time on Chicago's three network stations, $201,000 was recorded by Joseph Woods, a Republican running for a Cook County post. His J. Walter Thomson ads featured shots of rats.

Woods, brother of President Nixon's personal secretary, Rose Mary Woods, was swamped at the polls.

Adlai Stevenson III, the winning Democrat for the Senate seat, was credited by his opponents with a remarkably "shrewd strategy" of staging a TV blitz in the last three weeks. But the reason was that trade unions declined to supply much of their money until the last half of October.

In only one way, perhaps, can the traditional wisdom be said to have been upheld. Losing Republican Senate candidate Ralph Smith told a reporter: "I got from industry; Stevenson got from labor."

In Illinois, which requires candidates to report nothing about their finances, even a model reporting law would fail to cover big and significant contributions. Stevenson, backed by Mayor Richard Daley's machine, could count on the help of 5,000 precinct workers in Cook County alone, services paid for by taxpayers supporting workers in public posts.

In addition, Stevenson could draw on the skills of union staff members.

For his part, Smith could lean on Illinois' business elite for goods and services—computers, billboards, executive assistance and other items.

If the candidates' aides are to be believed, Smith spent about $1.1 million in cash, of which $305,000 shows up on the books of television and radio stations. Stevenson is said to have laid out $950,000, with $314,000 going into air time.

Ironically, Stevenson campaigned hard on the theme that Smith was trying to buy the election with television. Indeed, the Republicans face was on the little screen earlier and longer—ten weeks—but he had simply bought cheaper time.

There is considerable agreement in both camps that Smith's television campaign, linking Stevenson to violence, cost the Republican votes and money. Smith himself says, "I would have been better off with more positive rather than negative-Stevenson advertising."

For their more bland campaign waged by the New York image maker, David Garth, Stevenson aides figure the total electronics bill at $425,000. They indicate that Garth got nearly $110,000 in fees and production costs plus $47,000 in commissions for the air time.

Both sides suggest that it would be unfair to reveal the names of unsuspecting donors and that it would hurt future fund-raising efforts. However, Smith asknowledges that a Chicago insurance mogul, W. Clement Stone, was his biggest backer.

The biggest lump sum realized by Smith, perhaps $300,000, came from his share of a $250-a-plate dinner addressed by Vice President Agnew. Several members of the dinner committee probably bought one or more tables at $2,500 each.

The committee included Laurance Armour, chairman of the La Salle National Bank's executive committee; Philip D. Block, chairman of Inland Steel; Mrs. Brooks McCormick, wife of the International Harvester-president; James S. Kemper, president of the Kemper insurance group; John M. Olin, honorary chairman of Olin-Mathieson Chemicals; John G. Searle, chairman of the G. D. Searle drug company; and John E. Swearingen, chairman of Standard Oil of Indiana.

Stevenson's aides estimate that unions gave him in "voluntary" contributions, $150,000 or about 16 per cent of his budget. The Steel and Auto Workers each contributed more than $20,000. Teamsters, Bakers, Clothing Workers, Retail Clerks, Communications Workers, Machinists and Railway Clerks also helped substantially.

Stevenson men say that an Illinois Democratic organization supplied $25,000; the National Committee for an Effective Congress, $25,000 and the 1970 Campaign Fund, $30,000. The last two are liberal fund-raising bodies.

Frantic Scramble Ensues for New York TV Time

(By Haynes Johnson)

New York.—On Aug. 13, the phone rang in Stan Levy's WNBC–TV office in Rockefeller Center. Bob Turner, an advertising man, was on the line. He wanted to place a blanket order to purchase $104,000 worth of commercial television time for Nelson Rockefeller between then and the election.

The next day, another phone rang in another WNBC–TV business office. Betty Whalen, from a different ad agency, was calling. She wanted to place a blanket order buying $61,530 worth of TV time for Sen. Harrison A. (Pete) Williams, the New Jersey Democrat.

Phones were ringing in other television offices that week. By the time the frantic attempt to spend large sums had ended, Stan Levy summed up what he thought had happened.

"In my opinion," Levy said in a memo to his NBC–TV business colleagues, "behind this bizarre scramble to commit dollars lies the fear that Congress will pass the Political Expenditure Limitation bill effective with this campaign."

Such a bill was passed, but President Nixon vetoed it. As a result, the politicians followed their natural instincts. They raised as much money as they could, and they spent lavishly. In New York, in the biggest market, the money flowed as never before in a political campaign.

No one will ever know exactly how much was spent. One politician involved in raising money thinks as much as $35 million may have been spent for just the gubernatorial and senate races. No one can be sure because the records are incomplete and the reporting laws full of loopholes.

While television spending can account for as low as 25 per cent of total expenditures, it's the easiest to determine. Just on New York City's six major TV stations, candidates for governor and senator (plus the two New Jersey senatorial opponents who bought time on the New York City stations) spent a grand total of $2,744,423.44 for air time.

Republican Gov. Nelson Rockefeller spent $730,589.34 while his Democratic opponent, Arthur Goldberg, spent $262,481.11.

In the Senate races, for the same six New York City TV stations the figures were:

Richard Ottinger, the Democrat, $544,740.10.

Charles Goodell, the Republican incumbent, $463,853.64.

James Buckley, the Conservative, $310,557.43.

The two New Jersey contenders, Harrison Williams and Nelson Gross, spent $166,592.30 and $265,609.52, respectively, for New York time.

None of those figures involves what it cost to produce the television commercials.

And those TV spending figures don't begin to take into account the other political expenses: for the other TV stations throughout New York State . . . for radio time . . . for newspaper and magazine ads . . . for salaries . . . for rentals of offices . . . for transportation . . . for campaign literature and other promotional material . . . for telephones, computers, direct mailings.

The political spending in New York was of such magnitude that it has left a residue of bitterness among candidates, campaign managers and workers alike.

Charles Goodell, a loser, says he was outspent from all sides and is now some $400,000 in debt.

"We were always on the verge of a black-out because of lack of money," Goodell says.

As it was, Goodell says he spent about $1.3 million. It broke down this way: for television, $700,000; for staff salaries, $200,000; for office rentals, $60,000; for phones, $100,000 and the rest for miscellaneous.

Goodell candidly describes how he raised his money. An executive finance committee of 15 wealthy, influential men was able to call other wealthy men able to give anywhere from $1,000 to $10,000 apiece.

Because of the intervention of the White House and Vice President Agnew on behalf of James Buckley, Goodell says, much of the normal "Wall Street Republican money" dried up for him. He did receive a quarter-of-a-million dollars from the Republican state organization, about the normal for other past campaigns.

What the candidates report—and what they actually raised and spent—are moot points. In his last gubernatorial campaign, Nelson Rockefeller reported spending more than $5 million, the most expensive outside of a presidential effort. This time, he has said he spent about $6 million.

But other estimates of Rockefeller spending range from $10 million up to $20 million. Richard Ottinger, another candidate able to draw on a personal fortune, spent about $4 million in a losing effort.

What is most striking about the New York political aftermath is that virtually everyone interviewed, from candidates to strategists to media men, think something must be done about the cost of running for office. Few, however, think the system will be changed.

Already, the managers are gearing up for future efforts.

Stan Levy of WNBC–TV, who earlier questioned the "bizarre scramble" for campaign dollars, dictated letters to his political customers shortly after the campaign. To the agency man who handled loser Richard Ottinger he wrote that "political advertising by its very nature presents complex problems for both the buyer and the seller . . ." To the agency that handled winner Rockefeller, he wrote, ". . . the success of your candidate must be attributed, in part, to the effectiveness of your TV buying. Congratulations!"

Blair's Maryland Drive Hurt by Lack of Funds

(By Richard M. Cohen)

Baltimore.—Back in July, when C. Stanley Blair had great expectations, he nonchalantly accepted the proposition that it would cost $419,000 in air time and newspaper space to make him the governor of Maryland.

It was to be part of a $700,000 to $800,000 campaign.

But on Sept. 2 Blair's media buyers in Chicago teletyped the news to Maryland television and radio stations that Blair had grossly miscalculated.

"This confirms the entire cancellation before start due to no money in advance—9/8 to 11/2," Campaign Group, Inc. wired Washington's WTOP–TV. "Total cancellation $23,389. Thanks so much for your help.

Republican candidate C. Stanley Blair, appointed Maryland secretary of state by then Gov. Spiro T. Agnew in 1966 and the vice president's chief of staff in Washington for two years, was unaccountably broke. By election day, according to informed sources, his campaign was more than $150,000 in debt. The various committees had spent about $375,000.

In the end, Blair spent about $47,000 for radio, television and newspaper advertising. At WTOP–TV, where Blair originally planned to spend $30,000, he spent $4,400 and an additional $8,818 at WRC–TV and WMAL–TV. (All three stations offered candidates time at discounts from the standard rate.)

By comparison, Gov. Marvin Mandel, a landslide winner over Blair, spent about $1 million, $400,000 of that on media. The three Washington stations accounted for $36,899 with WRC the leader and WTOP trailing not far behind.

Significantly, the difference of approximately $600,000 between what Mandel and Blair spent can be accounted for in a single evening. On Oct. 2, 1969, more than a year before the election and even before Mandel

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was declared a candidate, he raised $622,420 at a Baltimore testimonial dinner that tapped the big contributors.

Real estate interests in Maryland's Washington suburbs bought $17,000 worth of tickets. Race tracks and their executives contributed $9,500. Unions gave; Potomac Edison Power Co. executives another $1,000.

Blair, deprived of these sources of money, turned to a Republican National Committee list of 28,000 major contributors. Taking 14,000 of these names, he mailed invitations to a $500-a-person Sept. 18 fund-raiser featuring Agnew as the guest of honor.

The response was limp, so on Aug. 28, he called in about 50 volunteers who, in 14 to 16 hours a day, called about 85 per cent of those on the guest list.

Meanwhile, Blair himself was on the phone, calling persons he knew had been major Agnew backers. A prime target was the shipping industry.

From the GOP list came $1,000 from Reynold DuPont, $1,000 from Bernard Lasker, $100 from George Champion and $1,000 from Gov. Winthrop Rockefeller.

In shipping, Penmar Steamship gave $1,000, Noank Navigation $500, Argonaut Trading, $250 and shipping executives gave additional sums.

From the Greek-American community, Blair raised about $15,000 up to Oct. 15, the date of the last Annapolis filing.

When Blair attempted to turn to the same real estate and development interests Mandel had found so generous, he was rebuffed.

By the time Blair hung up the phone he knew it was all over. The ball netted $117,000 and Blair, deprived of his media money, canceled his air time and braced himself for election day.

DEMOCRATS IN INDIANA FOCUS ON "SWAYABLE"

(By George Lardner, Jr.)

INDIANAPOLIS, IND.—The executives of WISH–TV had done their best for Corinthian Broadcasting, but a hurried memo to the home office in New York still seemed advisable.

The television station had deemed it a public service to carry Vice President Agnew's Sept. 23 campaign speech here live and spokesmen for Sen. Vance Hartke (D-Ind.) had been demanding similarly free time to respond to Agnew's characterizations—among them—"weak-kneed" and "short-sighted."

The showdown came at a luncheon Sept. 30 with Jacques LeRoy, Hartke's top aide and campaign manager. WISH commercial manager Howard R. Bunnell wired his account of the session to headquarters that evening.

"It got to the point that LeRoy was saying the senator was going to win and be more powerful than ever at the FCC, etc., etc. At this point, I decided desecration (sic) was the better part of valor and we offered him prime time," Bunnell reported.

But time on the tube was rarely free of charge. The order forms for political broadcasting here are full of notations reading "CIA," but at WISH–TV, that simply means "cash in advance."

Hartke's campaign cost some $286,000—more than half of the $550,000 reportedly spent for his reelection—on broadcast time and production work. Parallel radio-TV spending for his GOP opponent, Rep. Richard L. Roudebush, cost Indiana's Republican State Committee close to $550,000, perhaps more.

The Roudebush campaign secured its biggest contribution at the $100 dinner for Agnew where state GOP officials said they came away with $260,000. But in politics, emphasizes Republican State Chairman Buena Chaney, "it's important when you have your money. You need it in August and we didn't have it in August."

A TV saturation of Indiana's voters on behalf of Roudebush began on cue. Indianapolis adman Robert J. McQuade had it all plotted out: $338,000 worth of TV spots, $58,000 in five-minute shows (later cut back), $130,000 for radio commercials (also subsequently cut back), $46,000 for media production work.

But the Republicans were having money problems. GOP Chairman Chaney got collections from state patronage employees stepped up. Last-minute fund-raisers were held with the help, one party official says, of speakers "that we literally raided out of Washington." Still, the Indiana GOP is now about $150,000 in debt.

The TV campaign was resumed in mid-October, more heavily than ever, but Hartke and his organization had not been dormant. Democratic fund-raising moved into high gear with a $100 dinner in Indianapolis and cocktail parties in New York, Chicago and Washington, starting Sept. 25.

All were held under the aegis of a prestigious National Tribute to Senator Hartke Committee with members ranging from retired Indanapolis industrialist Miklos Sperling and former Gov. Matt Welsh to Washington lawyers Thomas G. Corcoran and Lloyd Cutler, Chicago builder Philip Klutznick (former president of B'nai B'rith and once head of the United Jewish Appeal) and Harold Willens of Los Angeles, head of a businessman's group devoted to keeping antiwar spokesmen in the Senate. The get-togethers netted more than $100,000.

More than $76,000 had already been donated to the campaign by organizations around the country, primarily from labor. A nationwide "peace mailing" produced between $20,000 and $30,000.

Most of the Hartke spending went for broadcasting. "We bought a lot of soap opera time," says Hartke's press secretary, Johnny Allen. "We went after the blue collar audience the old folks and women—the groups that our research showed were the most swayable."

On Oct. 13 came a televised debate. For Roudebush, his admen said, it was a disaster, the first and last full impression most TV viewers got of the previously little-known candidate who played a minor role in his own commercials. Many thought him unctuous.

In any case, Hartke clearly got more for his money, winning with a smaller budget and winding up with a deficit of no more than $20,000.

Dozens of checks, totaling between $12,000 and $15,000 and all dated in October, somehow failed to arrive at Hartke headquarters until the voting was over. "I'm sure most of those check were written," Hartke backer Albert Deluse says, "after it looked like Hartke was a winner."

EVERYONE EAGER TO HELP IN THE TEXAS CAMPAIGN

(By Morton Mintz)

AUSTIN, TEX.—Deep in the heart of Texas politics is money.

Oil money. Banking and investment securities money. Business and industry money. Real estate money. Contractors' and doctors' money. Money from lawyers whose clients are oil and gas companies, banks, corporations, insurance firms, mutual funds.

And as much concentrated wealth as there is in Texas, political money flows in from other states.

W. Clement Stone, the Chicago insurance magnate and advocate of "Success Through a Positive Mental Attitude," sent $2,500 to help Republican Rep. George Bush becomes a Senator from Texas, and another $2,500 to help former U.S. Treasury counsel Paul W. Eggers, a Republican, in his unsuccessful bid to oust the incumbent Democratic governor.

Boston industrialist Thomas A. Pappas sent $3,000 each for Bush and Eggers. Pappas is one of the leading American supporters of the Greek military regime, with interests in oil, petrochemicals, steel and the Greek Coca-Cola concession.

Sen.-elect Lloyd M. Bentsen Jr., who built a multimillion-dollar fortune in banking, insurance and investment enterprises, and Gov. Preston Smith also had out-of-state help, although less of it.

Bentsen listed three $1,000 contributions, for example, from C. R. Smith of Washington. Smith, former Secretary of Commerce and head of American Airlines, is now a partner in Lazard Freres & Co., the international investment banking firm. Fred H. Vahsling Jr. of Boston, chairman of Maine Sugar Industries, Inc., was listed for $2,000.

But the recorded out-of-state donations were mere droplets in the flow of cash.

Bentsen reported 1970 campaign gifts of $841,746 plus loans of $140,000 for a total of $981,746 in available cash.

Bush reported $968,841 in gifts plus loans of $35,000 for a total of $1,003,841.

The office of U.S. senator, for which these two million-dollar campaigns were waged, pays $42,500 a year.

In 1966, the last time Texas voters elected a U.S. senator, the Democratic and Republican candidates reported total spending less than half the amount Bentsen and Bush laid out this year.

A Washington Post survey of station records showed that Bush spent $184,000 on television advertising in just five stations in Houston and Dallas. These large stations represent roughly half of the Texas television market.

The survey showed that Bentsen spent $115,450 on advertising on the same five Houston and Dallas stations.

In theory, reports required by Texas law should give voters the details of all receipts and expenditures. The fact is different, because of such loopholes as these:

Candidates are not required to report spending said to have been undertaken in their behalf without their knowledge and consent.

Some organizations listed by the candidates were not identified even by their managers. One such was "TEXPAC," which Bentsen listed for gifts of $13,000 (and Bush for $3,500). Investigation showed that "TEXPAC" was the political arm of the Texas Medical Association, which, in turn, has received in 1970 at least $20,000 from AMPAC, the political arm of the American Medical Association.

Efforts made with Bentsen's managers and others to identify "NAPACT," listed for $5,000, and "CITIGO," listed for $1,000 (plus $2,500 to Eggers) failed.

Undetermined numbers of donors are hidden behind dinner committees and other almost impenetrable facades. Thus Bentsen's reports gave no clues to the identity of the buyers of more than 2,000 tickets to a single mid-September "victory" dinner in Houston that produced $210,632.

The useful information yielded by individual reports varies widely. While Bush, for example listed the full name, street address and even zip code of most donors, other candidates, including Bentsen, often preferred to record a last name and only a first initial of the given name, along with the city of residence.

Oddly, Gov. Smith reported gifts from numerous corporations, including $500 from "Union Oil Co.," despite a flat legal ban on corporate donations.

Smith aides blamed recording errors. In

the Union Oil case, they produced a check for $500 drawn on the "Union Oil Employees Bipartisan Political Fund."

On the advice of counsel, the Union Oil group—and uncounted others like it—have not filed a report with Congress. The Corrupt Practices Act requires filings by organizations that raise and donate money to try to influence federal elections.

Despite the limitations on the reports candidates filed, some impressive figures emerge.

The GOP's Bush, Eggers and Archer, for example, were given $52,755 by six Houston citizens, at least five of them connected with the oil business. Democrats Bentsen and Smith were given $59,800 by seven other persons in Houston, at least five of them connected with the oil or gas business.

Bentsen also recorded gifts totaling $26,380 from seven attorneys in four Houston law firms with oil, financial and corporate clients, including Bentsen interests. The donors included Leon Jaworski, a close friend of President Johnson.

Reflecting on the campaign and its costs in his office at Lincoln Consolidated, a holding company situated on a high floor in a Houston skyscraper, the future lawmaker, Lloyd Bentsen, had no regrets.

Campaign television is "a good investment," he said. He added, however, "I had a very difficult time raising funds."

California Fundraising Pinched by Slump

(By Leroy F. Aarons)

Los Angeles.—The telegram read: "President Nixon is sending a special envoy from the White House to afford a small group in L.A. an off the record background briefing on his recent European trip and the Middle East crisis.

"We urgently request you attend this very important luncheon . . ."

The "special envoy," it turned out, was Henry Kissinger, the President's top foreign policy adviser. The pitch was to a list of well-to do businessmen in west Los Angeles. About 100 showed up at the Oct. 20 luncheon. Kissinger gave his briefing and left. Then the organizers of the luncheon proceeded to the real business of the day: raising money for the United States Senate campaign of George Murphy. Before they were through, roughly $50,000 was pledged.

The technique was not a new one.

But it was unusual for a White House policy maker supposedly removed from politics to lend his presence, even indirectly, to a campaign fund raiser. It was, perhaps, a measure of the trouble George Murphy was in.

But, more than that, it was typical of the length to which California candidates had to go this year to meet the gargantuan costs of running for office. More than in any political year in recent history, the economic slump in California had a devastating effect on the amount of money available, the amount being contributed and the amount spent.

As a result, estimated total expenditures for major candidates in California in the primary and general election this year were surprisingly low: John Tunney, successful candidate for the U.S. Senate—$1.6 million. Murphy—$1.5 million. Jesse Unruh, Democratic candidate for governor—$1 million.

The figures are dependent on the reliability of campaign officials' estimates, which often turn out to be on the modest side. But they are consistent with the records of television spending, which under federal law stations are required to keep and make public and which are astoundingly low.

Even with room for underestimation, the major 1970 California campaigns don't come near equalling the money spent in the recent past. Allan Cranston, for example, spent at least $2 million to get elected senator in 1968; his opponent, Max Rafferty, spent about $2 million.

Ronald Reagan, who spent about $2.8 million this year, was able to get by with a little help from well-heeled friends. But other candidates, campaign chairmen and finance chairmen alike plead poverty at the drop of an invoice.

Item: John Tunney was almost continuously on the precipice of financial disaster, according to his money men. Eugene Wyman, a veteran fund raiser and Democratic Party power, said the fund raising job for Tunney was "the toughest ever. Basically, the campaign was a hand-to-mouth operation. We'd get money and spend it not knowing what tomorrow would bring."

In order to raise money for TV ads, Tunney's people made 16 mm. prints of his spots, threw house parties for a few influential guests, showed the film, and made a money pitch. "This way," said a strategist, "they knew what they were paying for."

Enough people gave for Tunney to win the election. But he now has to figure a way to pay a $350,000 to $400,000 deficit—most of it in loans from southern California people who were not prepared to give their money away this year.

Item: The telephone company, burned in the past by delinquent political debtors, would not put in telephone lines for the Jess Unruh campaign this money without a signed personal guarantee from treasurer Manning Post and others.

Item: In the midst of his successful campaign for California Secretary of State, Edmund G. Brown Jr., son of the former governor, sent letters to 31 television stations asking that they grant free five-minute prime-time segments for the various candidates, saying, "I am concerned that our democracy is rapidly becoming a plutocracy where only the wealthy can afford the ticket to public service—money for TV spots." Brown got lots of answers, but no free prime time. His TV budget was $100,000, two-thirds of all the money he spent.

The Gallup Poll: Eight in 10 Favor Campaign Spending Limit

Princeton, N.J.—The public is fed up with the conduct of political campaigns and one gripe is soaring campaign spending.

"If you don't have a million bucks, you might as well forget about running for political office these days," said a Norfolk, Va., barber when interviewed in a nationwide Gallup Poll now being completed.

"Think of what all the money being spent on campaigns could do toward solving some of the problems of the cities," complained the 41-year-old wife of an Oil City, Pa., truckdriver.

Based on early returns for the survey, a record 8 in 10 Americans now favor a law that would limit the total amount of money that can be spent for or by a candidate in his campaign for public office.

The Senate is expected to vote Monday on President Nixon's veto of a bill to limit television and radio spending in political campaigns. The vetoed measure, which could not become effective until the 1972 presidential campaign, would limit each party to about $5.1 million for television and radio time.

The gripes of Americans cover a wide range. In addition to favoring a reduction in campaign spending, many would like to see campaigns "cleaned up"—less name calling and distortion of issues.

"I don't believe in all this 'mud-slinging'." said a retired Indiana farmer, "candidates should come out with plain honest talk."

"I'd like to see less emotionalism in the campaigns and fewer appeals to territorial and racial concerns," said a 36-year-old doctor from Valdese, N.C.

The change called for next most often is to shorten the campaigning period, which now normally runs from Labor Day to early November.

"It all sounds like a broken record to me," said a retired real estate man from Holly Hill, Fla., "politicians could say all they need to say in a few days and be done with it."

The third criticism on the public's list is that political candidates fail to discuss issues in a well-defined and meaningful manner.

"They're so busy making promises and outshouting each other, you never know where they stand," said an irate middle-aged New Jersey homeowner.

All persons in the survey were asked this question:

Would you like to see any changes in the way political campaigns are conducted?

A record 7 in 10 Americans, or a projected 84 million adults, proposed changes. This is a higher proportion than recorded following any previous presidential and congressional campaign when similar questions were asked.

Only one person in seven (14 per cent) does not favor any change in the way campaigns are presently conducted.

The results reported today are based on personal interviews with 1,481 adults out of a total of more than 1,550 who were reached in the survey. The sample is designed according to modern sampling principles. Interviewing was begun on Nov. 13 with the bulk of the interviewing completed by Nov. 15.

The question dealing with a limit to campaign spending is as follows:

Would you favor or oppose a law which would put a limit on the total amount of money which can be spent for or by a candidate in his campaign for public office?

The national results:

	Percent
Favor	78
Oppose	15
No opinion	7

BROADCAST SPENDING

State and candidate	Estimate of amount spent in 1970[1] for general election	Amount permissible under proposed law for the general election
California:		
John Tunney (D)	[2]$800, 000	$497, 172. 55
George Murphy (R)	500, 000	497, 172. 55
Florida:		
Lawton M. Chiles, Jr. (D)	30, 000	141, 689. 52
William C. Cramer (R)	(3)	141, 689. 52
Illinois:		
Adlai Stevenson III (D)	314, 000	311, 481. 17
Ralph T. Smith (R)	305, 000	311, 481. 17
Indiana:		
Vance Hartke (D)	246, 000	143, 718. 26
Richard L. Roudebush (R)	441, 000	143, 718. 26
Maryland:		
Joseph D. Tydings (D)	[4]55, 111	79, 360. 89
J. Glenn Beall, Jr. (R)	[4]92, 533	79, 360. 89
Minnesota:		
Hubert H. Humphrey (D)	223, 000	111, 195. 70
Clark MacGregor (R)	220, 000	111, 195. 70
New York:		
Richard Ottinger (D)	1, 000, 000	460, 711. 09
James Buckley (C)	500, 000	460, 711. 09
Charles Goodell (R)	700, 000	460, 711. 09
North Dakota:		
Quentin N. Burdick (D)	49, 949	20, 000. 00
Thomas S. Kleppe (R)	69, 343	20, 000. 00
Tennessee:		
Albert Gore (D)	150, 000	87, 403. 05
William E. Brock III (R)	250, 000	87, 403. 05
Texas:		
Lloyd M. Bentsen, Jr. (D)	(5)	204, 144. 64
George Bush (R)	(5)	204, 144. 64

[1] Includes 15-percent advertising agency fee.

[2] Includes the primary election.

[3] Not filed.

[4] Does not include radio spending.

[5] Not available.

CAMPAIGN SPENDING

State	Candidate	Estimate of campaign spending	Expenditures reported to Secretary of Senate as of Oct. 24
California	John Tunney (Democrat)	$1,600,000	0
	George Murphy (Republican)	1,500,000	$757,353.61
Florida	Lawton M. Chiles, Jr. (Democrat)	350.000	11,660.90
	William C. Cramer (Republican)	547.000	0
Illinois	Adlai Stevenson III (Democrat)	950.000	25,120.00
	Ralph T. Smith (Republican)	1,100,000	0
Indiana	Vance Hartke (Democrat)	550,000	0
	Richard L. Roudebush (Republican)	1,000,000	0
Maryland	Joseph D. Tydings (Democrat)	500,000	0
	J. Glenn Beall, Jr. (Republican)	425.000	10,200.00
Minnesota	Hubert H. Humphrey (Democrat)	550,000–600,000	300.00
	Clark MacGregor (Republican)	550,000–600,000	1,625.95
New York	Richard Ottinger (Democrat)	2,000,000	24,325.55
	James Buckley (Conservative)	2,000,000	1,141,377.92
	Charles Goodell (Republican)	1,300,000	232,983.25
North Dakota	Quentin N. Burdick (Democrat)	100,000–150,000	300.00
	Thomas S. Kleppe (Republican)	280,000–300,000	1,300.00
Tennessee	Albert Gore (Democrat)	500,000	2,418.84
	William E. Brock III (Republican)	1,000,000	26,110.06
Texas	Lloyd M. Bentsen, Jr. (Democrat)	1,031,912	0
	George Bush (Republican)	991,292	8,193.33

Note: Candidates are only required to report their expenditures for the general election, though some reports contain primary spending as well.

Mr. COOK. I yield 3 minutes to the Senator from Nebraska.

Mr. CURTIS. I thank the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, I think it is well that we call attention to the fact that this proposal has never been referred to the Committee on Rules and Administration for consideration by the newly constituted Subcommittee on Privileges and Elections. That is the subcommittee that repeatedly held lengthy hearings on the whole subject of election reforms. That is the committee that reported the Cannon bill to which the Senator from Massachusetts just referred. We should keep in mind that any election control bill should be fair and uniform in its application.

I am sure that had the committee, which has been hearing this testimony year after year for a long time, considered this bill, that particular aspect would have received more attention. I do not see how we can place a limit on one type of campaign, one media, and not on another. I do not see how, in all fairness, we can assert the power of Congress to fix prices for one type of advertising, and not another.

In my opinion—and I do not anticipate that everyone will agree with it—the proposal before us tends to fix the price of what a broadcaster can charge a candidate for use of the facility. No such rule is applied to any other advertising medium. There is no limitation on what can be spent for paid workers. There is no limitation on how volunteer help can be utilized, even though those who lend manpower to a campaign may be paid.

The bill is defective in that its application to individual candidates will lack uniformity.

It is defective in that its application to various types of campaign expenditures provided by different contributors will lack uniformity.

I agree with those who tell us that there should be reform, but I do not believe the bill the President vetoed will help the situation. It will make it more confused and more unworkable.

Mr. PASTORE. Mr. President, I yield 5 minutes to the Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. Mr. President, I think the President of the United States has rendered an invaluable service to this country because, if there is one area of our society that cries out for reform, it is how we elect people to public office. His veto has brought this issue to probably the highest peak of visibility that it has ever had. It has been brought to that level because he has vetoed the bill. Conflict and this visibility will bring about a proliferation of legislation, whether or not the veto is sustained today, and will eventually result in a solution.

But before this happens let us just analyze the President's veto message and some of the points he makes, because I think that is very relevant to the entire issue, and also some of the points that he does not make in his message. I think it speaks a world of volumes in information and points of view.

In this veto message the President said not one word about the repeal of section 315(a) and its consequences.

I do not have the legislative experience of JOHN O. PASTORE, but I am sure he would agree with me that, as a legislative vehicle, probably the best way to defeat a proposal is by the requirement of more study. More legislative proposals have gone down to their tombs under the argument of needing more study than probably under any other argument in history.

Mr. President, a second method would be through the argument—the one employed in this particular case—that the legislation simply does not go far enough.

We could liken the situation to that of a person who is hemorrhaging, and we could say that applying a tourniquet is only a half measure when what the patient needs is full surgery. Obviously, that method would cause the patient to bleed to death before we had an opportunity to perform the operation.

I find that John Gardner made a very wise comment at the end of an editorial in which he stated that no major reform in the history of this Nation has come about through a single act of major reform. Reform comes about through piecemeal methods. What we are really addressing ourselves to is the first piece in the entire meal that must be consumed by this Nation if we are to have a government that is truly responsive to the needs of the people.

In analyzing the President's message, I wish to cite his first statement, and that is that this bill endangers freedom of discussion. In analyzing the amount of money that has been spent around the country, one can choose any figure he wants. One can use figures in any way he wishes in this regard.

Let me say that spot advertisements of 30 seconds do not add to a discussion or dialog. Advertising that "Dan is the candidate. Dan is the man with the plan," does not add to the dialog or discussion in a democracy.

The amount of money involved here obviously could cover any intelligent dialog that one could engage in, in any State, regardless of the overlapping of stations or the fact that some States do not have TV stations.

We can criticize in detail the fact that the bill does not solve problems in some particular area——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. Mr. President, I yield 2 additional minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 2 additional minutes.

Mr. GRAVEL. Let me move to the second point, and that is that the bill discriminates against broadcasters. I think the most apt comparison to be made here is what took place in ancient Athens, where the Athenian forum was used by merchants, but when it was time to discuss the business of Athens, the merchants were moved off the forum.

The airwaves of the United States belong to the people of this country. When it comes to discussing the business of this country, when a candidate seeking office challenges another, the airwaves should be made available to the candidate free, but this bill provides only at the lowest unit cost.

I have experienced the situation in Alaska when commercial rates were jacked up during the course of a campaign, for the commercial users, but also for the campaigners, and then were lowered after the campaign.

Let me conclude by saying, briefly, that many future reforms will come about and efforts in that direction will be made. Unfortunately, the argument made here that this is not enough, begs the question of the rightness of an effort to accept one part of reform. If we talk in terms of total spending, we will never find a formula to control total spending; but we can in this case develop a formula that will solve the area of the largest expenditure—television broadcasting.

Mr. COOK. Mr. President, I yield 4 minutes to the Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, I shall confine my remarks largely to actual figures, and how they will operate under the terms of this bill.

In this year's election, if this bill had been in operation and I had had an opponent in the primary election—and very frequently, in my State and in some other States, the primary election is the major fight, and is, for all practical purposes, the election—I would have been limited in defending, by this medium, which is the most effective one, my record of more than 20 years in the Senate, to an expenditure of $15,000. To me, that is just unthinkable, it is so far out of line.

I caught the implications of this bill when it was first up for consideration. Even though I completely favored the idea, I was compelled to vote against it. Later, when the bill in its present form was ready for passage, with my great faith in the Senator from Rhode Island, and in appreciation for his efforts on the subject, I did vote for it, with the hope and expectation that adjustments would be made.

I think this is the proof of the pudding: In the preceding race in my State, in 1967, the limitations in the bill would have allowed $31,000 in the general election, and, as I have said, $15.7 thousand in the primary.

We need not fool ourselves: This medium is the most effective way that candidates themselves can get to the people.

I do not accept the idea that if you do not take one step, you will never take the big step. I think this proposal has served the purpose of focusing attention on the problem to the Nation, to the people, and to all of us, and that we will have and should have, and I shall vigorously support, an overall program, after hearings are held and the facts are determined.

No committee would recommend that any candidate be limited to $15,000 in the most meaningful race for an office as important as this. So, after the facts are developed, the comparisons made, and the equities adjusted, and a reasonable rule evolved across the board for all media, with regulations and penalties spelled out, I am sure we can, and I feel that we shall, pass such a law, that will go a long way toward meeting the problems we are confronted with on this subject matter now.

But I not only say that I cannot support this bill; I am compelled to say, on behalf of all candidates in my States and all future candidates: Do not impose upon us such an unrealistic, unintentional finding as these figures would mean in the way of a penalty on the most effective medium we have for the candidate himself to reach the people.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. I reserve the remainder of my time.

Mr. PASTORE. Wait a minute; what is the time situation here?

The PRESIDING OFFICER. The Senator from Rhode Island has 8 minutes. The Senator from Kentucky has 9 minutes. Who yields time?

Mr. COOK. I yield 1 minute to the Senator from Alaska.

Mr. STEVENS. Mr. President, I am the only Member of this body who has just come through an election and must stand for election again in 1972. I, in fact, did not spend the amount that would have been approved by this bill; but I think this bill is a very bad bill, because it imposes upon the small radio and television stations of my State the burden of selling time to any political candidate at the lowest stated rate that they charge for that unit of time to any commercial user. It is patently unfair to discriminate in this manner against the broadcast media of my State. There is no justification for requiring the television and radio stations to subsidize our campaigns; and that is precisely what we are doing when we force stations to sell us time at a rate reserved for users who have earned a lower rate through continued purchases of large amounts of time.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. COOK. I yield the Senator from Alaska 1 additional minute.

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point telegrams I have received from the presidents of the two major networks of the State of Alaska.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

MIDNIGHT SUN
BROADCASTERS, INC.,
ANCHORAGE, ALASKA,
November 22, 1970.

Hon. TED STEVENS,
Senate Office Building,
Washington, D.C.:

In reference to the Senate's action regarding the President's veto of the bill imposing limitations of political spending via radio and television media, your vote is important to sustain that veto in view of the unfair spending limitations that would be imposed on the electronic media in Alaska, as well as deny or limit the opportunity of many candidates to become known in areas of the State which are isolated and have no other means of becoming acquainted with the voter and vice versa. Your support of the President's veto is essential to the ideals of equality that are the basis of the electoral system and the Democratic process of government. Your support will also allow the voters in both remote areas and more urban centers to have the opportunity to be fully aware of their candidates positions on vital issues, without limitations being placed upon that right of knowledge. Your vote against this discriminatiory bill would, I believe, be in the best interest of Alaska and Alaskans.

Yours respectfully,
ALVIN O. BRAMSTEDT,
President.

ALASKA BROADCASTING SYSTEM,
ANCHORAGE, ALASKA,
November 23, 1970.

Hon. TED STEVENS,
Senate Office Building,
Washington, D.C.:

Reference the upcoming Senate vote to overcome the President's veto of the Senate bill imposing a limitation on political spending on radio and television media, all eleven radio and TV stations of our Alaska broadcasting system network strongly oppose this limitation and support the President's veto. We feel it is discriminatory and unfair that spending limitations should be imposed on our media only. Further by limiting exposure on radio and television, it would restrain the opportunity for politicians to be seen and heard to the fullest extent by Alaskan television and radio audiences who in many instances are isolated and have no other means of becoming acquainted with and thereby intelligently voting for candidates they feel are best qualified for political office. Supporting the Presidents veto would preserve the democratic process of allowing all advertising media to remain equal would sustain fairness to broadcasters as well as provide a great service to the people of Alaska I respectfully request that you consider all aspects of this discriminatory Senate broadcasting bill and vote in favor of equality and fair play.

A. G. HIEBERT,
President.

Mr. STEVENS. I urge my colleagues to vote to sustain this veto.

Mr. PASTORE. Mr. President, I yield 3 minutes to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, are we again nearing the point where seeking political office may become the province of combinations of big money? William Allen White described the U.S. Senate in the era of the Harrison administration as follows:

> A United States Senator . . . represented something more than a State, more even than a region. He represented principalities and powers in business. One Senator, for instance, represented the Union Pacific Railway System, another the New York Central, still another the insurance interests of New York and New Jersey . . . Coal and iron owned a coterie from the Middle and Eastern seaport States. Cotton had half a dozen senators. And so it went.

The U.S. Senate was derided in those days as the "Millionaires Club" and its prestige and moral leadership was in serious jeopardy. Eventually, as fortunately happens in our democracy, we found a way to impose restraints on corrupting influences and Congress passed the Tillman Act of 1907, prohibiting corporations from contributing money for Federal election campaigns.

Mr. President, we will very shortly be considering the vote to override the Presidential veto of S. 3637, a bill which would protect us from a repetition of those unhappy times by curtailing broadcast spending in political campaigns; spending which has sent campaign costs soaring by 300 percent over the past 12 years. It is my hope that the Members of this great deliberative body will set aside partisan considerations, and support all efforts to gain enactment of this vital piece of legislation. It would be unwise and regrettable to delay reform any longer in the area of campaign expenditures. If we sustain the President's veto, we delay reform.

This legislation would impose a ceiling on broadcast spending of 7 cents per vote cast in the last election for the office, or $20,000; whichever is greater. For instance, during the 1970 general election, a candidate for the Senate in my home State of Texas would have been allowed to spend a maximum of approximately $204,145 on his media campaign. It is likely that each candidate for the Senate in Texas in the general election, or their friends, spent at least several times that amount for radio and television time during their recent campaigns.

There are other provisions in the bill which would (a) suspend equal time requirements during presidential campaigns which would allow debates between the major candidates in 1972; (b) require stations to charge the lowest unit cost for time purchases by candidates; and (c) limit what is spent in primary campaigns to half what is allowed during the general elections.

This legislation reflects the fear that we are on the brink of another crisis in political finance. The costs of political campaigning have risen in a spectacular fashion over the past decade. The introduction of sophisticated advertising techniques into political campaigns has doubled, and perhaps tripled the average expenditure for political campaigns. Million-dollar campaigns are becoming commonplace in many statewide races, and in larger States we are approaching the day when a $10 million outlay will not be uncommon. While there are still a few exceptionally fortunate men elected without vast outlays for television, it is now a political reality that saturation of radio and television with political advertising has become a virtual necessity in most cases if the candidate is to win. Reasoned debate has been replaced by the slick 60-second spot announcement—flashing images before the voters which are often wholly irrelevant to the issues at stake. The TV commercial is also a handy vehicle for the insidious development of the "big lie" technique. We saw that this year at its worst in Indiana, Utah, California, Tennessee, and in my own State of Texas—where I was on the receiving end of a diabolical television blitz designed solely to stimulate fears and hate and obscure issues.

It is not just the quality of the debate which suffers in this situation. The integrity of our representative democracy is threatened; for when we are faced with campaigns requiring vast expenditures, we must find a way to finance those expenditures, and men of modest means must turn somewhere for the money to pay the bills. Financing campaigns under our present system is fraught with potential for influence peddling, and is in serious need of reform. This is a sore which has long festered in our political system. There are legitimate fears that campaign costs will reach the point where running for elective office might soon become a contest between vast combinations of wealth.

Through his October 12 veto of the bill before us, President Nixon put his stamp of endorsement on unlimited campaign spending and impeded the first major campaign financing reform in 45 years. The sad effect of this veto is to place governmental seats up for sale, for he who can spend millions to control the people's airways and blanket out his opponent's campaign has a greater chance to be elected. If unlimited expenditures on campaigns continue we can eventually end up with a "bought government" and such a government will not be on the side of the people of this Nation, nor on the side of the best national interests. It will instead be representative of the people who can spend the most.

The President alleges that this legislation "plugs only one hole in a sieve," but any informed observer must admit that S. 3637 would plug what is by far the largest hole in the sieve, for TV advertisement accounts for 70 percent of campaign media costs. No one believes that this measure will serve as an immediate panacea for all the complicated problems of financing campaigns for elective office. It is true that big money candidates certainly don't limit their abusive campaign practices to television. In some areas the heavy use of radio, newspaper ads, or mass mailing to selected special interest groups is used with even more devastating effect than television. For instance, a libelous ad placed in a rural newspaper during the final days of a campaign is almost impossible to answer since these papers are usually published weekly. Nevertheless, limitation of spending on electronic advertising is a step in the right direction. Is a partial solution to the problem worse than no solution as the President seems to indicate by virtue of his veto of the bill?

We cannot wait longer, Mr. President, for we are to the point where most candidates for major elective office must be men of vast means or turn to the giant special interests for the funds needed to finance their campaigns. As they do so, we must recognize that most large contributors seek to make their beneficiary beholden to them. When this happens, representative democracy is distorted and the integrity of our political system is challenged.

We here in the Senate know this and the American people know it also. I believe they want this veto overridden. According to the Committee for an Effective Congress, over 80 percent of the American people recently surveyed believe that only a rich man can run for office. A recent Gallup poll showed that a like number believe we must place limits on spending for political campaigns. Fundraising scandals have been with us for almost all our history, but never has the potential for malfeasance been so great as it is today. Our failure to respond to this problem even in a limited fashion will not only perpetuate this grave risk, but create more distrust, more bitterness, more alienation among a people already grievously concerned about the Nation's basic institutions. It will further alienate a growing body of young people who doubt the ability of their seniors to manage the affairs of government with skill and integrity.

We must return to intelligent debate, to honest presentation of the issues, to fair portrayals of the man who seeks public office or soon we shall find our elective process cynically manipulated by imagemakers with one hand on the computerized poll results, another hand on the strings of puppetlike candidates, and an ever-present eye on the financial hordes which have been amassed to bankroll our politics.

This bill does not get at the problem of limiting campaign contributions, or liberate the candidate from multimillion-dollar campaigns, it does diminish the risk that politics will fall completely into the hands of special interest groups. We must approach this matter like a doctor who approaches a sick patient with a grave illness which is being further aggravated. We must control the source of aggravation lest the patient die before we can treat the illness. The runaway cost of political campaigns is in that situation today—the costs have soared near a point where only those with vast financial resources can participate, and the means whereby we finance election campaigns have taken us to the brink of national scandal. If we continue to wait, continue to search for a perfect bill, we may find that the political system has lost the confidence of the people and the moneychangers have taken control of our process.

President Nixon would have us wait—wait for a new initiative which he says he plans to put before the Senate in the next session. I say, let him do so, and I hope his recommendations can improve on this partial solution. But I firmly believe that we would be remiss in our duties and untrue to the notion of a division of powers if we simply sat back and did nothing because the executive branch might have a better idea in the future. If they expect to have a better idea, let it come forward when it is mature. Meanwhile, Mr. President, let us get on with our business and assert the leadership expected of us by the Founding Fathers and demanded by the grave problem we address. Let us override the Presidential veto imposed on Senate bill S. 3637.

Mr. COOK. I yield 3 minutes to the Senator from Arizona.

Mr. FANNIN. Mr. President, we have just emerged from the sound and fury of another election campaign. The democratic process has again survived everything that we in the political arena could subject it to. It will be another 2 years before we again do battle.

Why, then, can we not take just a little time to analyze what must be done to make our election process more fair?

Why should we rush to try to override the President's veto of S. 3637, the bill to limit television campaign advertising?

It is obvious that any attempt to override at this time is aimed solely at spiting the President, no candidate in this past election was more concerned than I about being the victim of a television blitz.

My opponent hired the most powerful of media experts, he poured more money into a media campaign—a marvelous television blitz—than anyone ever has in the history of Arizona. And to top it all off my opponent was a former television announcer.

I certainly would like to have cut him off at the television pass.

So I know a little about the problems of trying to run a rational, well-balanced campaign in the face of a massive television onslaught.

Some critics are saying that by passing the television limitation we will correct the most glaring inequity in campaigning.

This may or may not be true.

If we do pass this bill over the President's veto, then many Members of Congress will argue that they have done their job, and there will be no further efforts at improving the election process.

One thing that bothers me about limiting the amount of spending on television commercials is the fact that this could result in a deterioration in the substance of political commercials.

Obviously most of us are not very happy about the substance—or lack of substance—in television campaign commercials. This is especially true of the commercials run by or on behalf of our opponents.

But I am suggesting that a campaign spending limit for television could result in an even further deterioration.

It would encourage candidates to chop up their television expenditures, concentrating on brief spots with catchy slogans that tell the voter absolutely nothing. We all know what kind of spots I am talking about—the ones that show a candidate romping with his family, or sailing, or at the beach, or horseback riding. They blend in some pleasant music. And then comes the penetrating message—in five words or less—to vote for the candidate.

Such shallow ads are great to sell products—and to sell candidates who want to aim their appeal at voters who are subject to such simple appeals.

It seems to me that the more meaningful television commercials are the ones that run long enough to give the voter a real message about what the candidate has done or wants to do for the electorate.

I am not advocating it at this time, but maybe we should consider a provision requiring that each political commercial on radio or television would have to run at least 3 minutes.

There are many other facets of the campaign process that we should take a look at.

For instance, we should tighten down on the use of union funds in political campaigns.

We may want to impose an overall spending limit on campaigning. We may want to limit the length of campaigning.

Whatever we do will be meaningless unless there is sufficient enforcement provided for in the law.

Mr. President, I do not think S. 3637 solves our problem as it stands. President Nixon was wise in vetoing it.

Let us just scrap the bill as a well-intentioned but inadequate effort to reform the campaign progress. Let us start all over again and come up with a bill during the coming year that will make the 1972 elections the best possible expression of the people's will.

Mr. PERCY. Mr. President, if the elections 3 weeks ago revealed anything, they revealed the absolute necessity of legislating reforms in the election process itself. Such a mandate is tempting. I doubt if there is a single Senator whose first impulse is not to support whatever reform proposals are presented.

When we hear that the gubernatorial and senatorial campaigns in one State alone cost $35 million; when we learn that one candidate had to spend five times the amount he has spent in any campaign in the past in a political career spanning some 30 years and then, despite his expenditures, lost in his reelection bid; when we discover that in many instances there was an absence of reporting any information not to mention the absence of reporting accurate information; we are compelled to inquire into the real costs the American public is having to pay when its political candidates are pressured into the "big spending" trap. What does it mean in terms of the membership of Congress? What does it mean in terms of the demands placed on the impartial judgment of elected officials?

No one disputes the need for election reform, but the question presented in passing on the President's veto of this bill is whether or not we shall have equitable and meaningful reform which hits at the real abuses in political campaigning. I do not feel that the legislation before us does that job.

When the bill was first being debated on the Senate floor last April, I indicated my reservations. I have no quarrel with the provision permitting broadcasters to present debates and appearances by major candidates without having to give equal time to fringe or splinter party candidates. Similarly, I support the limitations on broadcasting stations whereby legally qualified candidates for any office would be charged the lowest unit charge of the station for the same amount of time and the same period charged a commercial buyer.

However, in my judgment, the bill is materially deficient in the loopholes it opens and in the things it does not say. As I indicated, I support billing limitations on time used by political candidates. But the provision is so written as to limit only the time personally used by the candidate. It does not speak to the use of time by committees or other individuals sponsoring a particular candidate. Are they to be charged higher rates, lower rates, or no rates at all? Is there to be uniformity in charges levied among all candidates or will some be favored?

The 7-cent-per-vote restriction is most problematic. It unquestionably favors incumbents; it fails to take into consideration the special circumstances in individual States and/or campaigns where established cost limitations fail to fit their unique circumstances; it ignores the problem of multistate media costs altogether; and it omits any controls on use of the mails, newspapers, public opinion surveys, printed advertisements, campaign organization, or travel. Any one who has run for public office at any level knows that each of these expenses carries the potential of being as great and as burdensome as the costs for radio and TV time.

Our distinguished minority leader has already committed himself to drawing up legislation early next year which promises comprehensive reform and the President has endorsed such an effort. In this same vein, I have directed my own staff to put together legislation incorporating election reforms along the lines I have just described.

Thus, I want to reemphasize the fact that the question which the Senate is deciding today is not one of being for or against reform; it is a question of whether or not we shall have fair, effective, and comprehensive reforms which adequately meet and deal with the magnitude of the problems which confront us.

I would favorably consider an agreement with my opponent along the lines of this bill, should I run for reelection in 1972. As I have sought to indicate, I consider this legislation a step in the right direction. But I would hope that by 1972, elections could be conducted according to a new code where money is not the only object. I look forward to the time when we permit the voters to choose on the basis of issues and not image; on records of achievement, not advertising claims; on sensitivity to constituents, not submission to contributors.

This bill simply fails to bring us to a point where we can begin toward this goal. It was properly vetoed by the President, and I urge my colleagues to vote to sustain that veto.

Mr. THURMOND. Mr. President, I would support any legislation which realistically achieves the goal of limiting big spending in political campaigning. However, I am opposed to S. 3637 for not only does it fall short of this meritorious goal, but in my judgment, will actually make matters worse.

I opposed this bill when it was considered and passed by the Senate. Subsequently, President Nixon vetoed this bill and I shall once again vote against this bill in an effort to sustain the President's veto.

S. 3637 does not in any way limit the overall cost of campaigns, but only limits the amount of money a candidate may spend on radio and television advertising. Since it does not apply to other forms of advertising, a candidate, if he desires to spend large sums of money, may simply shift his campaign spending to newspapers, magazines, billboards, pamphlets and direct mailing. This not only discriminates against the broadcasting industry, but conceivably could encourage more spending in the candidate's effort to reach the voters. In my judgment, all laws should apply equally and no single individual, group of people, region or in this case, one form of media, should be forced to bear the brunt of any act of Congress.

It is a well-known fact that radio and television provide the greatest public exposure for a political candidate. This bill would place a little known but qualified candidate at a severe disadvantage, because the incumbent officeholder or a famous personality is already well known to the voters. An honored past of the American political tradition is that any citizen has the right and opportunity to seek and ultimately win elective office. This tradition will be stifled by passage of this bill. A vote in favor of this legislation is a vote to feather one's own nest and make it more difficult for a challenger to defeat an officeholder.

S. 3637 would also establish rules for computing the rates charged by radio and television stations. This would give more power to the Federal bureaucracy to further regulate private enterprise. Our country needs less Federal intervention not more.

In conclusion, I am opposed to big spending in campaigns as I am opposed to big spending in government. However, before the Congress tampers with our election process, it should be certain that its tampering does not give an unfair advantage to the incumbent officeholder over an unknown. Nor should it discriminate against one form of media and give more power to the Federal Government to further regulate private enterprise.

Mr. HATFIELD. Mr. President, I share the concern of the entire country about the recent increase in the cost of political campaigning. The 1970 campaign illustrated both the success and the failure of the "media blitz," but the cost figures are equally high in both cases.

The costs of television and radio are but one part of campaign costs, and I fear that passage of this bill will slow action on broader campaign spending reform. This is why I opposed the bill when the Senate considered it earlier this session.

I shall vote to sustain the veto of this bill. I do this based on the assurances of the President in his letter to Senator SCOTT that the administration will support a broader campaign reform proposal in the 1971 session.

Reforms in campaign spending are needed, and I do not want my vote today to be interpreted as a vote against campaign spending reforms. I would hope that aspects of this bill will be included in a broader bill if the veto is sustained.

Mr. NELSON. Mr. President, the experience of political campaigns in the last several years has verified the tremendous financial costs which face any candidate for public office in the United States. As surveys and reports of campaign spending in the recent 1970 elections are made public, it is becoming increasingly clear that the major portion of campaign costs is for television and radio time and the services of consulting experts in the use of the electronic media for political purpose. When 50 to 75 percent of campaign expenditures is spent to set the phosphorous dots of TV screens dancing, there is an issue of immediate and specific national focus.

Pocketbook politics and packaged politicians raise a great number of important and vital questions for the future of representative government in this country. Six- and seven-figure campaigns for public office greatly restrict the accessibility of the political process to most segments of our society. The need to generate this amount of campaign financing greatly enhances the probability of special interest appeals and questionable attachments. Vast loopholes in the requirements to report campaign contributions and expenditures close off any possibility of a moderating influence from close public scrutiny. And a two-dimensional, 18-inch high candidate presented with all the candor of a laundry product or a dancing dog act does little to assure a concerned public of the relevance and responsiveness of the political process in this country.

In short, there is no longer any doubt about the need for comprehensive election reform. It is, therefore, encouraging to see the nonpartisan commitment of leaders in the Executive and Congress for broad election reform legislation in the 92d Congress. The future proposals and actions of the next 2 years in this area should receive a great deal of attention when they arrive.

As stated, these broad comprehensive reforms are still rhetorical concepts which may take legislative shape on a large scale in some presidential and congressional action in a tomorrow of a future Congress. Unfortunately, legislative tomorrows, tomorrows, and tomorrows also have a habit of creeping on and on in a similar petty pace of time.

Today, however, we can do more than grandly speak about our plans for future reform. We can act on one specific area of expanding abuse—political broadcasting. We each have one vote in our hand that can be cast to say "let us begin today to free our political processes from the financial clutches of the electronic middleman." This afternoon we can take an initial step to open up our political system and make political communication more of a kinetic process between a candidate and his constituency.

The political broadcasting bill which is presently before us makes a start at campaign and election reform by removing the equal opportunities provision of section 315 of the Communications Act so as to allow greater opportunity for debates in presidential elections. It also would provide for minimal charges for media time while limiting the total amount of moneys that could be devoted to radio and television in any primary or general election for major office.

There is no reason to delay initiating election reform any longer. The electorate has a right to expect a little more action in this area than a 30-second blurb on the evening news about the critical need for campaign spending limits.

Mr. WILLIAMS of New Jersey. Mr. President, today the Senate will demonstrate whether it is really committed to correcting some of the faults in our electoral system.

When we vote on overriding the President's veto of the campaign spending bill we will be telling the Nation whether we sincerely believe that the system needs reform.

We took the first, tentative step when we first passed this bill. Now, we are called upon to confirm our commitment.

Our vote today will indeed be historic.

If we vote to override we will be demonstrating to all those critics of our system of government that the system is responsive; that it can reform itself when the need arises.

But if we fail to override, we will cast a shadow of doubt over our commitment to the ideals we talk about.

We have just put behind us elections which clearly demonstrated the need for controls on campaign spending.

Across the Nation, from New York to California, millions upon millions of dollars were poured into the purchase of radio and television time so that candidates could air whatever message they felt would win them votes.

In many cases, these political commercials explained what a candidate stood for, what his record was, and what he proposed to do if elected.

But, in far too many instances, candidates used the air waves to try to broadcast innuendo, distortions of fact, and irresponsible charges.

Enactment of a law limiting radio and TV spending will not automatically end this despicable type of campaigning.

But, hopefully, if candidates know their broadcast advertising time is limited they will use it more wisely.

An enactment of this law will certainly put a stop to the disturbing trend toward attempts to buy elections.

Mr. President, I believe the recent elections showed that the American people have no wish to purchase their Government leaders like they purchase toothpaste or laundry soap.

In case after case voters refused to respond to sophisticated sales pitches or base fear tactics which bombarded them every time they turned on a radio or television.

And, in case after case, voters indicated they want to choose their representatives based on intelligent discussion of the real issues facing us.

In the face of this evidence, it would be wrong for us to allow multimillion-dollar political advertising campaigns to continue dominating the air waves every election year.

When he votoed this bill, the President said that placing a limit on radio and TV spending would not absolutely guarantee lower campaign budgets.

That is correct.

But, I think it would be a long, first step toward curbing irresponsible campaigning and excessive campaign spending.

It is not my purpose in these remarks to imply that the broadcast media do not have a vital role to play in our electoral process.

They certainly do have that role, and I think this bill would strengthen, rather than weaken it.

By desaturating the airwaves of political advertising, I would hope this bill would encourage increased presentation of the candidates and the issues via radio and TV news programs.

Broadcasters have shown they are capable of outstanding public service through responsible, balanced, and full coverage of election campaigns. Increases in this type of broadcasting would certainly be a welcome and constructive substitute for surplus political advertising.

In any case, Mr. President, there can be no question that the campaign spending bill before us today ought to be enacted. It provides a vital beginning down the road toward insuring responsible campaigning.

I unreservedly urge my colleagues to cast their votes today in favor of overriding the President's veto of this long overdue legislation.

Mr. MONDALE. Mr. President, I was a strong supporter of the legislation to limit television spending and institute other needed reforms in political use of the airways. As we consider the President's veto of that bill, I am all the more convinced that we must move to curb the dangerous power of money in our democratic process.

In meeting this urgent need, however, the Congress must make sure that the reforms we introduce are absolutely fair and effective. And those of us who support this legislation must recognize that restrictions on broadcasters alone are both discriminatory and piecemeal in dealing with the larger problems of campaign spending.

And so, Mr. President, we should be clear that our essential action now to reform broadcast spending is only the first step in a comprehensive program to control campaign expenditures of every kind. And we must complete these urgently needed reforms at the earliest moment in the next Congress.

I welcome the administration's pledge, therefore, to cooperate with the Congress in bringing about those reforms early next year.

That is the spirit in which I will cast my vote to override the President's veto. I do so looking forward to a truly bipartisan reform effort which will be fair to the broadcast industry as well as serving the public interest.

Mr. PASTORE. Mr. President, what is the time situation?

The PRESIDING OFFICER. Each side has 4 minutes remaining.

Mr. PASTORE. I yield 1 minute to the Senator from Missouri.

Mr. EAGLETON. Mr. President, much has been said, and very well said, with respect to this bill to limit campaign spending on broadcast media. This vote involves more than a particular bill on election reform. More is involved than just whether one medium is affected by this bill more than others. It involves more than whether we should draft broader measures affecting the totality of campaign spending—and I believe we should. And I hope that in due course we do.

What really is involved in this issue—and I hope this bill is but the first in a series of campaign spending reforms—is whether our Nation is to become a Nation governed of the rich, by the rich, and for the rich.

Is public office to be accessible to those of lesser or moderate means, or is it to be the sole prerogative of those of inordinate and excessive personal wealth or those who are friendly with and accessible to those of inordinate means? That really is the basic issue before us in this veto override.

The PRESIDING OFFICER. Who yields time?

Time is being subtracted from each side.

Mr. PASTORE. No. The time is being taken by the other side. I cannot help it if they are not on the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I yield 4 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. GRIFFIN. Mr. President, the American people—and I am sure a majority in Congress—and meaningful limits on the total amount that can be spent by or for a candidate in a campaign.

The basic, crucial question facing the Senate now is whether this bill represents a step forward or a step backward from that goal. I submit that because the public has been misled by much of the publicity focusing on this bill, a vote to override the President's veto and allow this ineffective bill to become law would be a step backward.

Yesterday's New York Times published a story reporting on a Gallup poll. The story begins:

> The public is fed up with the conduct of political campaigns, and one of its chief complaints is soaring campaign spending, according to the Gallup poll.

Then it says:

> Based on early returns of the survey, 8 of 10 Americans now favor a law that would put a limit on the total amount of money that can be spent for or by a candidate in his campaign for public office. The question asked by the Gallup poll people was this: "Would you favor or oppose a law which would put a limit on the total amount of money which can be spent for or by a candidate in his campaign?"

And 78 percent of the people said, "Yes."

I am not surprised that they said, "Yes."

Then the story goes on to report that today the Senate will be voting on a bill that will only limit—and ineffectively limit—how much could be spent for radio and television advertising.

Mr. President, enactment of this bill would only delude the American people. If the President's veto is overridden and this bill becomes law, many people will believe that reform has been achieved—when actually that would not be the case. This bill would put no limitation whatever on the total amount that can be spent. The sky will still be the limit. A candidate, or those working on his behalf, could still spend all the money he wants in direct mail, newspaper advertising, billboards, and in other ways.

If the President's veto is overridden, the pressure and the support of the public for meaningful and effective reform will be gone. I do not think it takes a great deal of wisdom to predict that if this bill were to become law, that would be the end of the effort to do anything about campaign spending reform.

I know that those who will vote to sustain the President are in a difficult position temporarily. But if we prevail, the pressure and the public support will still be there; indeed, it may increase and we can go forward to achieve meaningful and effective reform which will place a limit on the total that can be spent.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. Mr. President, I yield 1 minute to the Senator from Missouri.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SYMINGTON. Mr. President, earlier this year the Senate approved the political broadcasting bill by a vote of 58 to 27; and the House passed said bill 272 to 97.

This legislation, vetoed by the President, seeks to place a limit on television and radio campaign spending by candidates for the offices of President, Senator, Congressman, Governor, and Lieutenant Governor in both general elections and primaries.

It also places a limit on the amount that a radio or television facility can charge a legally qualified candidate for public office at the station's lowest unit rate charged for commercial time.

The third feature of this political broadcasting bill is the provision to repeal the equal time provision of the Communications Act so that broadcasters could make time available for debates of the issues by the major candidates for the office of President and Vice President.

No one claims that this bill is a panacea for all problems that need to be dealt with in overhauling our electoral process. No one piece of legislation is ever likely to be designed to make all needed reforms.

Enacting this bill into law, however, will be an important step toward reducing excessive spending on electronic media. By putting a lid now on television and radio campaign expenditures, we will have at least recognized the importance of taking this and further action that is needed to do our best to assure that men and women will be selected for public office more on the basis of their merits, instead of on their means or ability to obtain extraordinarily large sums of money with which to conduct their campaigns.

It is for these reasons I will vote to override the veto of the bill by the President.

Mr. MUSKIE. Mr. President, on October 12, President Nixon vetoed and returned to the Congress the Campaign Broadcast Reform Act—the first major election reform measure passed by the Congress in 45 years.

This is an act which places a measure of control on the growing excesses in the use of television in political campaigns. It is an act which found overwhelming bipartisan support in the Congress. Sixty Senators and 247 Members of the House, members of both parties, voted for the measure on final passage.

The act attracted support of this kind because it was designed to correct an ill in our political life which threatens both parties—which in fact threatens our basic system of government.

I refer, Mr. President, to the accelerating costs of political campaigning, which doubled between 1952 and 1968, and increased by 50 percent between the 1964 and 1968 presidential elections. The single items in campaign budgets most responsible for this increase has been television. Expenditures for television grew by 70 percent between the 1964 and 1968 elections. The reports from the 1970 election will show that these expenditures climbed even higher.

Why is the steadily increasing cost of seeking political office cause for concern?

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Because, unless we do something soon, we will make it increasingly difficult for candidates to seek political office without becoming overly indebted to a small number of large contributors.

Because, unless we act to encourage constructive use of television and radio, it will become increasingly more difficult for the people to choose elected officials on the basis of the positions they take and the programs they support, rather than on the basis of the amount of television time they can buy.

To be sure, the Campaign Broadcast Reform Act does not cure all the abuses in political campaigning. And I agree with the Senate minority leader that comprehensive reform of the campaign laws should be high on the agenda in the next session of Congress. But the promise to do something next year is no excuse for rejecting legislation which promises to bring under control the greatest single cause of rising costs in election campaigning.

Mr. President, it is misleading to state flatly that this act will favor the incumbent. True, the incumbent frequently has the advantage of public exposure over his challenger, and to the extent that the act would prevent a challenger from becoming known, it may aid the incumbent.

However, in many cases, the incumbent has greater resources at his command. In these cases, the limit which the act places on broadcast media expenditures will reduce the burden which the challenger is forced to meet.

In any event, a clear-cut line cannot be drawn.

And it should not be.

Our purpose in enacting this legislation is not to favor one party over another, nor an incumbent over a challenger. Our purpose is to place a limit on the extraordinary amount which is now spent on media advertising. This is what we must do, if we are to provide some degree of equal opportunity for presenting different points of view during political campaigns.

Finally, the legislation before us does not discriminate unfairly against the broadcast media. Expenses for television and radio advertising are by far the greatest costs of political campaigning. We must bring these costs under control if we are serious about stopping the rapid increase in overall campaign spending.

Moreover, Mr. President, the airwaves belong to the public. Broadcasters are licensed to use the airwaves in the interests of the public.

The public interest demands that each candidate have a fair opportunity to present his case to his constituency. But the public interest is abused when financial resources alone determine the relative access of opposing candidates to use the airwaves.

Mr. President, we confront the question whether the Congress will act to preserve political opportunity in America; or whether we will allow the electoral process to be distorted, perhaps even destroyed, by uncontrolled campaign spending.

We can vote to insure the right of every citizen to a balanced presentation of views; or we can deliver up that right to those few with access to vast financial resources who may seek to manipulate decisionmaking to their own ends.

We can vote to insure that honest and capable men continue to be elected to office; or we can make the measure of the elected official that he be either personally wealthy, or willing to surrender his independent judgment to the will of those who paid for his campaign.

We are a nation that votes with ballots, not with dollar bills.

And so I will vote to override the President's veto of this act and I urge my colleagues to do the same.

Mr. INOUYE. Mr. President, I know of no single influence more destructive to that ideal representative government to which we all aspire than the difficulties and problems of financing political campaigns. The problem becomes steadily more critical.

Inflation is rampant everywhere. Anyone involved in this year's election campaign knows, however, that in no area have costs increased faster than the cost of running for public office.

Never before have candidates spent so much—nor have they had to spend so much—to be elected. It is estimated that a $100 million was spent on the campaigns for the U.S. Senate and House of Representatives this year. Many additional tens of millions were spent on Governors' races and on the contests for other State offices.

In New York State some $10 million was spent on the Governor's contest alone, and some $6 million more for the U.S. Senate race.

The cost of seeking public office and the problems created thereby, know no partisan boundaries. It affects the candidates of all parties and all candidates would prefer to limit their need for funds. All candidates would prefer to limit fund raising to voluntary contributions from a large number of small contributors. All find, however, that the vast majority of such heavy campaign needs can be met only through tapping a smaller number of large contributors.

As chairman of the Democratic Senatorial Campaign Committee these past 2 years, I have personally witnessed the difficulty of the underfinanced candidate as well as the problems which are created by the need to raise a large campaign war chest. I believe I speak from experience.

I would certainly not contend that the bill before us is perfect. Much more needs to be done.

But it is a beginning and an important beginning. Almost half of the money spent this year went to purchase broadcast time. Television is the single most expensive item in any campaign budget. It is the most rapidly increasing cost of political campaigning. If we are ever going to make the start, this is the place to do it—and this is the time.

I do not believe that the great majority of the Members of Congress of both parties who supported this bill when it first passed the Senate and who supported it again in the form of a conference report will now turn their backs to their own experience and credit the White House aids who put together a veto message with greater perceptivity than they. Nor should they.

Political office must not become the exclusive preserve of the wealthy. Unless we act now we will be creating in this country an aristocracy—an aristocracy contrary to the concept of—and to our entire history of—elective office as a public trust. If we fail to act on this measure, elective office will be available only to the rich or to those few who have the backing of—and are therefore controlled by—wealthy and powerful interests.

This measure is not the whole answer but I am confident it will significantly reduce the need for funds. It will improve the opportunity for men and women of modest means to run for public office and to win elections.

Frankly, the need for action is urgent. Expenditures in many States ran as high as $7 for every vote cast in this recent election. This bill limits broadcast expenditures to 7 cents for each candidate for national office and each candidate for Governor per vote cast.

The temptation for a political party of means, or for a wealthy candidate, to "buy" an election is undoubtedly great. It is an advantage some may not wish to forego. But I think their sense of public responsibility and their interest in good government will move many to join with us. I hail those who have indicated their willingness to place the public interest and the political health of our Nation ahead of any narrow partisan gain which may be achieved by supporting the veto of this measure. I urge others to do so.

Mr. HART. Mr. President, today the Senate must take a first step toward campaign reform. The President's veto of the campaign broadcast reform should be overridden. Then we may properly proceed to the other reforms which are being proposed.

As one who has long advocated reform of the campaign process, I have learned how hard it is to move reform legislation forward. The reform problem is complex, and delay is an all too tempting alternative to the hard work action requires.

The bill we are considering is the end result of 3 years of work by dozens of Senators, Congressmen, staff assistants, and outside groups. It has been changed many times to meet objections, to clarify language, and to improve enforceability. This hard work should not be put aside.

Experience says that if a reform bill is introduced in the next Congress, it will not become law until after the 1972 elections. We will need 2 years to solve all the problems in a major reform package.

The impending elections would threaten to make the package a political football. There is an equally great danger we would get nothing.

We are told this bill penalizes broadcasters. It does not. They already keep the records which will provide the basis for enforcing this law, and which make this approach effective.

Broadcasting revenue from the bill will not decrease appreciably because the 7 cent limit is very close to present actual spending levels in most campaigns. It will mean a limit to the further growth of the use of television by candidates. This is reasonable regulation which protects the public.

We must not forget that the public interest comes before the broadcaster's right to unlimited profits from a free license to broadcast on the public's airwaves.

We are told the bill is too narrow. It was reported by the Commerce Committee which has jurisdiction over broadcasting. This bill represents a full and proper exercise of the Commerce Committee's jurisdiction. Broader reform legislation will have to come from the Rules Committee and it is the Rules Committee to which we will turn when this bill is law.

Some have said that limiting purchases of television time limits free speech. It does not. Congress is not telling a candidate what to say. It is telling him that his message must not cost more than a specified sum to deliver over the air. The choice of when and where to deliver the message is the candidate's.

The argument is made that the imposition of a radio-TV limit favors the incumbent over the seeker of a political office. I think this argument is correct, but it is overshadowed by the discrimination that results from unlimited TV and radio expenditures, which give the wealthy overwhelming advantage over the less affluent, whether incumbent or nonincumbent.

This bill does limit the ability of large contributors to buy elections—an ability which must be severely limited and which does not enjoy constitutional protection.

The question of whether the Senate will override the President's veto is a close one. If it does, credit for reform will go to the independent and courageous Republicans who have worked to override the veto. They are putting country above party, public need above narrow personal interest and their own sense of what is right above the demand of the President.

It is the genius of our political system that the Senate is independent and can act independently. I hope that independent judgment will be manifest in the vote to override the President's veto.

Mr. BAYH. Today we decide whether to override the President's veto of S. 3637, the campaign spending bill. I supported that bill when it was first before the Senate. I did so because I thought it was a good bill, a vital piece of legislation designed to keep politics from becoming the exclusive domain of the very rich. I will vote to override the veto.

I believe that the President's veto is based on the narrowest and most shortsighted partisan political arithmetic. It is no secret that the Republican Party has a very substantial surplus, while the Democratic Party has a deficit of over $9 million. It is no secret—indeed it is available from the Clerk of the House of Representatives—that the Republicans in 1970 raised and spent $13 million more than the Democrats. Nor is it a secret that the President might prefer not to debate his opponent in the 1972 election. But it is deplorable that these personal, partisan, and wholly political considerations should shape the course of our Nation's decisionmaking.

Of course, the President has explained his partisan veto. But his explanation is the most flimsy and transparent cover for a selfish, party-oriented decision. He said that he thought the bill's purpose was "highly laudable," but that he vetoed it because it only limits spending on the broadcast media and therefore "falls short" of perfection. No one has ever said that this bill was perfect. It is not. No bill dealing with such a complex problem could be perfect. And the President knows that full well. But to say that the bill "plugs only one hole in a sieve" ignores the realities of politics today. Anyone as active as the President has been in partisan politics knows that TV and radio costs are easily the largest single item of campaign expense. And these costs are steadily absorbing more and more of the average campaign budget: while overall campaign expenditures have doubled in the past 10 years, the cost of political television has increased by 900 percent. They also know that TV and radio also have the greatest potential for abuse by candidates with more money than ability. Given these facts it seems only logical to me that the first reform bill should deal with the area of greatest cost and greatest danger of abuse. I simply cannot accept the President's explanation of the reasons for his veto. The President did not veto the bill because it does not go far enough, but because it goes too far, because it is too effective in focusing campaigns on the issues instead of the artfully unrealistic images created by highly paid television producers.

The President says that the monetary limits are too restrictive. But we know the limits are both fair and workable; they were voluntarily—and successfully—used by candidates in several recent contests. The President says that this bill would give an "unfair advantage" to the incumbents. Passing the bill would not aid incumbents over challengers any more than is presently the case—all candidates would be subject to the same reasonable limitations on broadcast expenditures. But the veto would benefit one prominent incumbent, the President. By vetoing the bill the President is attempting to kill a measure which would, for the first time in a decade, have made possible debate between the incumbent President and his opponent in the next election. If the President does not want to debate, let him say so directly. But he should not be able to avoid debate while claiming that he wants to avoid giving the "officeholder an extra advantage over the challenger."

The President also said he vetoed the bill because the "people deserve to know more, not less, about the candidates and where they stand." Of course the President is right in saying that the people have a right to know about the candidates so they can make an informed choice. But the public does not learn much—if anything—about the candidates or the issues when those with ample financial resources are able to saturate the airwaves with sophisticated soft-sell commercials. Overexposure to such commercials does not educate the public. At best, it only bores the public. At worst, it attempts to dupe the public. It can make the means to buy a high-priced imagemaker—instead of the candidate's stand on the issues—the critical ingredient in an election.

This is a very good bill. It would limit the money each candidate in Presidential, senatorial, congressional, and gubernatorial races could spend on radio and TV. Each candidate would be limited to 7 cents per vote to $20,000, whichever is greater, in the general election, and half that amount in the primary. That alone would have eliminated $30 million of expenses from this year's campaigns. It would have cut each party's expenditures in the last Presidential election to $5.1 million, half of what the Republicans spent in that election. The bill would also lower costs by requiring broadcasters to charge their lowest regular rates for political broadcasts. Finally, the bill would suspend the equal time provisions of the Communications Act, which have served as a bar to debates between the leading Presidential candidates since 1960.

To me these are the features of an effective first attempt to deal with a very real threat to our electoral process. Of course, I welcome any and all constructive suggestion for strengthening this bill, and I will support such proposals when they are made. I would support legislation defining limits on all campaign spending, along with meaningful reporting and enforcement. I would strongly support an effective and comprehensive bill. But the President has failed to offer such an alternative. In the meantime, we cannot afford to let campaign spending remain completely unchecked.

Mr. MATHIAS. Mr. President, the President's veto message which accompanied his rejection of the campaign spending bill was correct and accurate in all respects as well as highly persuasive. I agree with every point he makes. The only question that arises is the conclusion to be drawn from the facts upon which we agree.

We come back, in essence, to the old issue of whether we throw the baby out with the bath water. While everyone agrees that the process of cleansing our electoral system is going to take more than one rinse, I believe we should not abandon everything done and start over, but should work on the basis of the first step already taken.

In addition to the points made by the President himself, I would point out that the vetoed bill is too protective and discourages political discrimination and judgment. In a democratic society the vote should be the greatest deterrent for those who wish to buy their way into office. Let the public make its judgment on what it sees, not on what it is prevented from seeing.

But after all this is said it is still a beginning. For a number of years, and specifically during the 1968 senatorial election, I have advocated campaign reform. Progress has been slow, new starts are difficult and risky.

It is my judgment that placing the vetoed bill on the books will give a greater, and not a lesser, incentive to more meaningful reform. Whatever happens to this bill, I shall be glad to join President Nixon, Senator Scott, and every other interested person in pursuing this goal. With the future uncertain, we had better, however, seize this first small beginning that has come within our grasp after so many years of striving.

Mr. PASTORE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Rhode Island has 2 minutes remaining.

Mr. PASTORE. Mr. President, the moment of decision has come.

I want it clearly understood that what we are dealing with today was not started by the senior Senator from Rhode Island. On September 10, 1969, a bill was introduced in the Senate, sponsored by 34 Senators, to give a discount to Members who were running for Congress. Among the sponsors was the minority leader, the Senator from Pennsylvania (Mr. Scott).

We have heard talk this afternoon that we have not held hearings. We held hearings after hearings. We invited everyone to come before our committee. Everyone was welcome to come. And I never heard in all that time a single word about an all-inclusive law.

I, too, am for an all-inclusive law. But we have been speaking about that for the last 20 years that I have been in the Senate, and I have not seen one yet.

As to the argument that if this law is passed up, if the veto is upheld we will get a good law, we can forget it. If anyone wants a good, all-inclusive law, bring it out in its good time—hold hearings and pass it. Then after that all-inclusive law is passed repeal this law actually before us here and now. But do not refuse to take this giant step today.

The biggest item of election spending is for radio and television, and it has become a scandal. When we read in the newspapers that it takes a half million dollars in a small State to pay for the radio and television bill, we are in on the verge of scandal. If we want to avoid that state of scandal and bring it to an end, then vote to override the President's veto this afternoon.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Cranston). All time has now expired.

The question is: Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The Constitution requires that this vote shall be determined by yeas and nays, as provided in article I, section 7, part 2.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan will state it.

Mr. GRIFFIN. May I ask, if a Senator wishes to vote to sustain the President's veto, then he would vote "nay"; is that correct?

The PRESIDING OFFICER. A vote of "yea" would override the veto.

Mr. GRIFFIN. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McGEE (when his name was called). On this vote I have a live pair with the junior Senator from Colorado (Mr. Dominick). The Senator from Alabama (Mr. Sparkman) and I have an arrangement to carry forward on this. If I were permitted to vote, I would vote "yea." I withhold my vote.

Mr. MILLER (when his name was called). On this vote I have a pair with the Senator from Ohio (Mr. Saxbe) and the Senator from South Dakota (Mr. Mundt). If I were permitted to vote, I would vote "yea." I withhold my vote.

Mr. SAXBE (when his name was called). On this vote I have a pair, as stated by the Senator from Iowa (Mr. Miller), with the Senator from Iowa. If I were permitted to vote, I would vote "yea." I withhold my vote.

Mr. SPARKMAN (when his name was called). On this vote, as stated by the Senator from Wyoming (Mr. McGee), he and I have a pair with the Senator from Colorado (Mr. Dominick). If I were permitted to vote. I would vote "yea." I withhold my vote.

Mr. KENNEDY. I announce that the Senator from Georgia (Mr. Russell) is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick) is necessarily absent, and his pair has been previously announced by the Senator from Alabama (Mr. Sparkman) and the Senator from Wyoming (Mr. McGee).

The Senator from Hawaii (Mr. Fong) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness, and his pair has been previously announced by the Senator from Iowa (Mr. Miller) and the Senator from Ohio (Mr. Saxbe).

The yeas and nays resulted—yeas 58, nays 34, as follows:

[No. 394 Leg.]

YEAS—58

Anderson
Bayh
Bible
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cranston
Eagleton
Ervin
Fulbright
Goodell
Gore
Gravel
Harris
Hart
Hartke
Holland
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stevenson
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—34

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Boggs
Cook
Cotton
Curtis
Dodd
Dole
Eastland
Ellender
Fannin
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, Idaho
McClellan
Murphy
Percy
Prouty
Scott
Smith
Stennis
Stevens
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—4

McGee, for.
Miller, for.
Saxbe, for.
Sparkman, for.

NOT VOTING—4

Dominick
Fong
Mundt
Russell

The PRESIDING OFFICER (Mr. Cranston). On this vote the yeas are 58 and the nays are 34. Two-thirds of the Senators present and voting not having voted in the affirmative, on reconsideration, the bill fails of passage.

SENATOR RANDOLPH VOTES TO OVERRIDE THE PRESIDENTIAL VETO ON CAMPAIGN SPENDING

Mr. RANDOLPH subsequently said: Mr. President, there were not a sufficient number of Senators voting to override the President's veto on the so-called excessive campaign spending bill, that number being two-thirds of the Senators present and voting.

I have prepared and distributed to all the media of West Virginia under date of November 20, 1970, my reasons for the vote which I have cast this afternoon to override the presidential veto.

I ask unanimous consent that that release distributed to the West Virginia media be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The release ordered to be printed in the Record reads as follows:

Washington.—U.S. Senator Jennings Randolph, in announcing his intention to vote to override the Presidential veto of the Political Broadcasting Bill, said he is "fully aware that political broadcasting is only one segment of campaign spending." He said, however, that the bill does represent a beginning in the curbing of political campaign expenditures.

Randolph said he favors the setting of a formula to decide how much a candidate may spend on advertisements during a campaign. "Congress must address itself to this growing problem. Total campaign spending must be limited if we are to preserve the right for all men—not just the rich—to be able to seek public office," Randolph declared.

A recent Lou Harris poll showed that 70 percent of all Americans feel too much money is being spent on political campaigns. Only one percent of those polled on the issue thought too little is being spent.

"We must work to change the appearance that political office is for sale to the highest purchaser, whether that purchaser be an individual candidate or a political party, or a politically motivated committee," Randolph asserted.

Mr. SCOTT subsequently said: Mr. President, the Record indicates that the last time the Senate sustained a Presidential veto was on June 7, 1965, in the 89th Congress, when S. 327 was vetoed, and the veto was sustained by sending it back to the committee. It was a bill for flood relief.

WATER CARRIER MIXING RULE

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1347 (H.R. 8298).

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Commission Act to modernize certain restrictions upon the application and scope of the exemption provided therein.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to and the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, the bill was discussed earlier today. We ran into the rate-filing features of the bill and the barge-mixing provisions included in accordance with the bill passed by the 90th Congress. It also provides for a 2-year study.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, in 1940 transportation by water on our inland waterways was made subject to regulation by the Interstate Commerce Commission. At that time a number of exemptions to the regulatory provisions of the act were provided based on then existing customs of the trade. Of relevance today is the so-called dry bulk exemption contained in section 303(b) of the Interstate Commerce Act.

Under that provision commodities which were, in accordance with the custom of the trade, loaded and carried without wrappers or containers and received and delivered by the carrier without transportation mark or count, were exempted from regulation. The exemption had an important qualification, however. No more than three such commodities might be transported in the cargo space of a single vessel and, for purposes of making that determination, two or more vessels navigated as a unit—which is to say, a tow—were to be considered to be a single vessel.

That might have been reasonable in 1940 when the average tow consisted of two, or at most three, barges. It is patently unreasonable today. The vastly more powerful tow boats which have been developed over the intervening 30 years would make possible, but for the application of this anachronistic rule, transportation of large, economical tow loads of up to as many as 40 or more barges in a single tow.

What the bill before us does is eliminate the definition of an entire tow as a single vessel for purposes of the mixing rule. This would permit mixing so long as not more than three dry bulk commodities were transported in a single barge. It preserves the spirit and intent of the mixing rule while removing the penalty which it has placed upon efficient utilization of our barge transportation resources.

Mr. President, I am aware that legislation permitting increases in efficiency of one mode may have an adverse effect upon competing modes. However, this fact in and of itself does not strike me as a sufficient reason for continuing to mandate inefficiency within a major segment of our transportation industry. I believe transportation as a whole must be based upon a combination of the maximum efficient operation of each mode of transportation.

At the same time, the committee has not been unmindful of the predicament of the railroads who must compete on a fully regulated basis with barge carriers who are permitted to operate free from regulation under the exemption contained in section 303(b). The committee has provided for a study, not by mode, but rather of the commodities involved. This study is intended to determine what changes, if any, in the present system of economic regulation may be desirable to improve competitive conditions with respect to the transportation of these commodities.

Mr. President, I would take a much more far-reaching approach to this problem. I have introduced a bill, S. 3760, designed to undertake the same sort of study with respect to the economic regulation of all modes of transportation and the manner in which the various regulatory agencies charged with this responsibility have been discharging their functions. I hope that consideration will be given to this bill when the 92d Congress convenes next year.

In the meanwhile, I strongly urge favorable consideration of the pending bill. It is clearly a step in the direction of creating a transportation system based on efficiency. It eliminates one of the presently existing, all too numerous, artificially imposed regulatory restraints upon efficiency of operations.

BARGE LINE TRANSPORTATION

Mr. PROUTY. Mr. President, H.R. 8298 is a simply drafted attempt to deal with a most complex, intermodal competitive situation. The competitive situation, of course, is one between the railroads and the barge lines for the transportation of certain so-called dry bulk commodities.

These commodities at present move by barge free from regulation, provided that certain requirements are met. The most important of these is the requirement that not more than three such commodities be transported in a single tow and that no nondry bulk exempt commodities be transported in that same tow. The requirement that the entire tow be considered for purposes of determining the application of these restrictions is statutory. Moreover, the restrictions against mixing have been applied with respect to line haul carriers, since the inception of regulation of water carriage by the Commission under the Transportation Act of 1940 without any particular difficulty.

Mr. President, the situation which does present difficulty and to which this bill is addressed results from a decision of the Interstate Commerce Commission in 1960, which has been sustained in the courts. That decision would, if permitted to stand, require small independent carriers who themselves comply with the mixing requirement to file rates and obtain certificates if any carrier transporting the commodities for any portion of their total violated the restrictions against mixing. It is generally conceded that this is an indefensible result. However, the appropriate legislative means of preventing that result are far from clear.

Mr. President, the bill which you have before you overturns not only the restriction against mixing by nonregulated carriers, but also the restriction as it affects regulated carriers. In this respect, it may be fairly said to somewhat expand the applicability of the dry bulk exemption contained in section 303(b) of the Interstate Commerce Act. It does not, however, and I believe this is extremely important, significantly alter the present competitive status quo. Also important is the provision in the bill requiring the Secretary of Transportation to undertake a comprehensive study of the present system of economic regulation of these dry bulk commodities by all modes of transportation with a view to making a report and legislative recommendations with respect thereto not later than 2 years from date of enactment. Mr. President, at that time we will be in a position to consider the necessity for equalizing competitive opportunities with respect to the transportation of these commodities. At present we are not.

Mr. President, for all of these reasons I believe the bill H.R. 8298 is a constructive and appropriate solution to a longstanding problem; that it should be passed now to remedy those problems concerning which we presently have sufficient information and that we should move on to consider the larger competitive picture as soon as the information which we need to do so is available.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 8298) was read the third time and passed.

The title was amended so as to read: "An act to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, and for other purposes."

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HOLLINGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL DRUG ABUSE AND DRUG DEPENDENCE PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1355, S. 3562. I do this so that it may become pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3562) to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare with an amendment on page 1, to strike out all after line 5, through page 77, and insert:

"TITLE I—PREVENTION AND REHABILITATION PROGRAMS RELATING TO DRUG ABUSE AND DRUG DEPENDENCE

"Part A—Findings and Declaration of Purposes

"Sec. 101A. Findings.
"Sec. 102A. Declarations.

"Part B—Definitions

"Sec. 112. Definitions.

"Part C—National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence

"Sec. 121. Establishment of the Institute.
"Sec. 122. Administrative functions of the Secretary.
"Sec. 123. Planning functions of the Secretary.
"Sec. 124. Coordination functions of the Secretary.
"Sec. 125. Statistical functions of the Secretary.
"Sec. 126. Research functions of the Secretary.
"Sec. 127. Training functions of the Secretary.
"Sec. 128. Educational functions of the Secretary.
"Sec. 129. Reporting functions of the Secretary.

"Part D—Prevention and Treatment for Federal Employees

"Sec. 131. Drug abuse and drug dependence among Federal Government employees.
"Sec. 132. Confidentiality of records.

"Part E—Federal Assistance for State and Local Programs

"Subpart I—Formula Grants

"Sec. 142. Authorization.
"Sec. 143. State allotment.
"Sec. 144. State plans.
"Sec. 145. Applications and conditions.

"Subpart II—Project Grants

"Sec. 146. Authorizations.
"Sec. 147. Grants and contracts for the prevention and treatment of drug abuse and drug dependence.
"Sec. 148. Application for financial assistance for units of local government and private organizations.
"Sec. 149. Approved by National Advisory Council on Drug Abuse and drug Dependence.

"Subpart III—General

"Sec. 150. General.
"Sec. 150A. Admission of drug abusers and abusers and drug dependent persons to private and public hospitals.

"TITLE I—PREVENTION AND REHABILITATION PROGRAMS RELATING TO DRUG ABUSE AND DRUG DEPENDENCE—CON.

"Part F—The National Advisory Council on Drug Abuse and Drug Dependence

"Sec. 151. Establishment of Council.
"Sec. 152. Approval by Council of certain grants under Community Mental Health Centers Act.

"Part G—Intergovernment Coordinating Council on Drug Abuse and Drug Dependence

"Sec. 161. Establishment of Council.
"Sec. 162. Functions of Council.

"TITLE II—GENERAL

"Sec. 201. Saving provision.
"Sec. 202. Records.
"Sec. 203. Payments.

"TITLE I—PREVENTION AND REHABILITATION PROGRAMS RELATING TO DRUG ABUSE AND DRUG DEPENDENCE

"Part A—Findings and Declaration of Purposes

"FINDINGS

"Sec. 101A. The Congress finds that—

"(a) Drug abuse and drug dependence are rapidly increasing throughout the country. Drug abuse can seriously impair health, and can lead to drug dependence. Drug dependence is an illness or disease, which requires a broad range of health and rehabilitation services for treatment.

"(b) Existing laws and their implementation have not been effective to prevent drug abuse and drug dependence or to provide sufficient education, treatment, and rehabilitation of drug abusers and drug dependent persons. Increasing education, treatment, and rehabilitation services, and coordination of efforts, offer the best possibility of reducing drug abuse and drug dependence. A major commitment of health and social resources and Government funds is required to institute an adequate and effective Federal program for the prevention and treatment of drug abuse and drug dependence.

"(c) There is a lack of authoritative information and creative projects designed to educate students and others about drugs and their abuse. High priority should be given to the development, evaluation, and dissemination of educational and informational materials.

"(d) Drug dependent persons commit a high percentage of the serious crime in many cities in order to secure funds with which to satisfy their habit. Criminal incarceration without appropriate treatment has proved ineffective to deter drug related crime. Effective treatment services and successful rehabilitation offer the best possibility of avoiding a high rate of recidivism.

"(e) Present Federal programs for drug abuse and drug dependence should have a high level of priority and should be closely coordinated within the Government. If Federal research, social, health, and rehabilitation laws are adequately used to attack drug abuse and drug dependence, this will contribute to the recognition of responsibility for meeting these problems by public and private State and local agencies.

"(f) Federal officials must effectively handle drug abuse and drug dependence among those for whom the Government has special responsibilities—civilian employees, military personnel, veterans, Federal offenders, American Indians, and Alaskan Natives.

"(g) Drug abusers and drug dependent persons can be best treated and rehabilitated through effective community-based programs, some of which provide a comprehensive range of services and which are integrated with and involve the active participation of a wide range of public and nongovernmental agencies, and some of which provide a more selective range of services arising from local initiative, educational, and peer group assistance programs. Existing treatment and rehabilitation programs are now inadequate to meet the growing demand for such services.

"(h) There is a critical shortage of professional, scientific, educational, and other personnel trained to deal effectively with drug abuse and drug dependence.

"DECLARATIONS

"Sec. 102A. The Congress declares—

"(a) There shall be established and maintained in the Public Health Service, a National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence through which the Secretary shall coordinate all Federal health, rehabilitation, and other social programs related to the prevention and treatment of drug abuse and drug dependence and administer the programs and authorities established by this title.

"(b) An increased effort should be made to encourage the development of new and improved curriculums on the problems of drug abuse; to demonstrate the use of such curriculums in model educational programs, and to evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs for parents and other adults on drug use and abuse.

"(c) Major Federal action and Federal assistance to State and local programs shall be undertaken to engage in and encourage planning, coordination, statistics, research, training, education, and reporting with respect to drug abuse and drug dependence, and to provide equal access to humane care, effective treatment, and rehabilitation for all drug abusers and drug dependent persons regardless of their circumstances.

"(d) Research relating to drug abuse and drug dependence and to controlled substances shall be fostered and assisted, and medical practitioners and other qualified investigators shall be encouraged and protected in their research efforts.

"(e) In addition to the provisions of this Act, all other Federal legislation providing for Federal or federally assisted State research, prevention, treatment, or rehabilitation programs in the fields of health, education, welfare, and rehabilitation shall be utilized to reduce drug abuse, drug dependence, and drug-related crime.

"Part B—Definitions

"DEFINITIONS

"Sec. 112. As used in this Act:

"(a) 'Court' includes all Federal courts, including any United States magistrate.

"(b) 'Department' means the Department of Health, Education, and Welfare.

"(c) 'Director' means the Director of the National Institute for the Prevention and Treating of Drug Abuse and Drug Dependence.

"(d) 'Drug abuser' means any person who uses any controlled substance under circumstances that constitute a violation of law.

"(e) 'Drug dependent person' means a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from administration of that controlled substance on a continuing basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

"(f) 'Emergency care service' includes all appropriate short-term services for the acute effects of drug abuse and drug dependence, which (1) are available twenty-four hours a day, (2) are community based and located so as to be quickly and easily accessible to patients, and (3) provide drug withdrawal and other appropriate medical care and treatment, professional examination, diagnosis, and counseling with respect to possible drug dependence, and referral for other treatment and rehabilitation.

"(g) 'Inpatient services' includes all treatment and rehabilitation services for drug abuse and drug dependence provided for a resident patient while he spends full time in a treatment institution.

"(h) 'Institute' means the National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence in the Public Health Service.

"(i) 'Intermedite care services' includes all treatment and rehabilitation services for drug abuse and drug dependence provided for a resident patient while he spends part time in a treatment facility (including but not limited to a therapeutic community or halfway house) which is community based and located so as to be quickly and easily accessible to patients.

"(j) 'Outpatient services' includes all treatment and rehabilitation services (including but not limited to clinics, social centers, vocational rehabilitation services, welfare centers, and job referral services) for drug abuse and drug dependence provided while the patient is not a resident of a treatment facility which are community based and located so as to be quickly and easily accessible to patients.

"(k) 'Peer group assistance' includes all prevention, treatment, and rehabilitation services (including but not limited to telephone counseling and information services, informal, open-admission facilities for support, guidance, referral, and temporary residence and therapeutic, self-help, residential facilities) for drug abuse and drug dependence primarily organized and operated by persons from similar social, cultural, and age backgrounds as those of the persons served under any such program, in facilities which are community based and located so as to be quickly and easily accessible to the persons served.

"(l) 'Prevention and treatment' includes all appropriate forms of educational programs and services (including but not limited to radio, television, films, books, pamphlets, lectures, adult education, and school courses); planning, coordinating, statistical, research, training, evaluation, reporting, classification, and other administrative, scientific, or technical programs or services; and screening, diagnosis, treatment (emergency care services, inpatient services, intermediate care services, and outpatient services), vocational rehabilitation, job training and referral, and other rehabilitation programs or services; but does not include law enforcement activities.

"(m) 'Secretary' means the Secretary of Health, Education, and Welfare.

"PART C—NATIONAL INSTITUTE FOR THE PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE

"ESTABLISHMENT OF THE INSTITUTE

"SEC. 121. (a) There is hereby established within the Public Health Service a National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence to administer the programs and authorities assigned to the Secretary by this Act. The Secretary, acting through the Institute, shall develop and conduct a comprehensive health, education, research, and rehabilitation program for the prevention and treatment of drug abuse and drug dependence.

"(b) The Institute shall be under the direction of a Director, who shall be appointed by the Secretary.

"(c) The Institute and its programs and services shall be staffed with an adequate number of personnel, who shall possess appropriate qualifications and competence, and some of whom may formerly have been drug abusers or drug dependent persons. Prior drug related criminal arrests or convictions shall not be a bar to such employment.

ADMINISTRATIVE FUNCTIONS OF THE SECRETARY

"SEC. 122. It shall be the duty of the Secretary, acting through the Institute, with respect to his administrative functions to—

"(a) assist Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services in accordance with section 124(a) of this title;

"(b) review and provide in writing an evaluation of the adequacy and appropriateness of the provisions relating to the prevention and treatment of drug abuse and drug dependence of all comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including but not limited to those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, section 141 of this title, section 604 of the Public Health Service Act, section 1902 of title XIX of the Social Security Act, and section 204 of part A of the Community Mental Health Centers Act;

"(c) administer the grants and contracts authorized under part E of this title; and

"(d) provide assistance to any other service or program, or take any other action, consistent with the intent and objectives of this Act.

"PLANNING FUNCTIONS OF THE SECRETARY

"SEC. 123. It shall be the duty of the Secretary, acting through the Institute, with respect to his planning functions to—

"(a) develop a detailed and comprehensive Federal drug abuse and drug dependence prevention and treatment plan to implement the objectives and policies of this title. The plan shall be submitted to Congress as soon as practicable, but not later than one year after the enactment date of this title. Other responsibilities of the Secretary, as set out in this title, shall not be interrupted or delayed pending the initial development of such a plan. It shall be reviewed annually and submitted to Congress with any appropriate revisions as part of the Secretary's annual report. The Secretary shall, in developing the comprehensive Federal plan, consult and collaborate with all appropriate public and private departments, agencies, institutions, organizations, and individuals. The plan shall specify how all available health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal legislation, are to be utilized;

"(b) develop model drug abuse and drug dependence prevention and treatment plans for State and local governments, reflecting the social, geographic, and economic variables of drug and drug dependence problems, and utilizing the concepts incorporated in the comprehensive Federal plan. The model plans shall be reviewed on a periodic basis and revised to keep them current. They shall specify how all types of community resources and existing Federal legislation may be utilized;

"(c) provide assistance and consultation to State and local governments, public and private agencies, institutions, organizations, and individuals with respect to the prevention and treatment of drug abuse and drug dependence; and

"(d) develop models of drug abuse and drug dependence treatment and rehabilitation legislation for State and local governments, which utilize the concepts incorporated in this title.

"COORDINATION FUNCTIONS OF THE SECRETARY

"SEC. 124. It shall be the duty of the Secretary, acting through the Institute, with respect to his coordinating functions to—

"(a) upon request, assist the Civil Service Commission, the Department of Defense, the Veterans' Administration, and other Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services for drug abuse and drug dependence pursuant to part D of this title;

"(b) serve in a consulting capacity to all Federal courts, departments, and agencies, and to be responsible for assisting in the development and coordination of a full range of programs, facilities, and services available to them for education, diagnosis, planning, counseling, treatment, and rehabilitation with respect to the drug abuse and drug dependence problems they encounter;

"(c) coordinate all Federal social, rehabilitation, and other efforts to deal with the problem of drug abuse and drug dependence;

"(d) encourage and assist State and local government programs and services, and programs and services of public and private agencies, institutions, and organizations, for the prevention and treatment of drug abuse and drug dependence;

"(e) stimulate more effective use of existing resources and available services for the prevention and treatment of drug abuse and drug dependence;

"(f) cooperate with the National Advisory Council on Drug Abuse and Drug Dependence, the Civil Service Commission, and other appropriate Federal departments and agencies, to develop a policy consistent with this title with regard to Federal employees who are drug abusers or drug dependent persons, involving appropriate programs and services for the prevention and treatment of drug abuse and drug dependence among such employees; and

"(g) assist State and local governments in coordinating programs among themselves for the prevention and treatment of drug abuse and drug dependence.

"STATISTICAL FUNCTIONS OF THE SECRETARY

"SEC. 125. It shall be the duty of the Secretary, acting through the Institute, with request to his statistical functions to—

"(a) gather and publish statistics pertaining to drug abuse, drug dependence, and drug related problems; and

"(b) promulgate regulations specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted, on a voluntary basis by public and private departments, agencies, organizations, practitioners, and other persons with respect to drug abuse, drug dependence, and drug related problems. Such statistics and reports shall not reveal the identity of any patient or drug dependent person or other confidential information.

"RESEARCH FUNCTIONS OF THE SECRETARY

"SEC. 126. (a) It shall be the duty of the Secretary, acting through the Institute, with respect to his research functions to—

"(1) conduct and encourage all forms of research, investigations, experiments, and studies relating to the cause, epidemiology, sociological aspects, prevention, diagnosis, and treatment of drug abuse and drug dependence;

"(2) conduct, and encourage and assist others to conduct, all forms of research, investigations, experiments, and studies relating to the toxicology, pharmacology, chemistry, effects on the health of drug abusers, and danger to the public health, of controlled substances;

"(3) coordinate such research with research conducted by the Institute and with research conducted by other Federal, State and local public and private non-profit agencies, institutions, organizations, and individuals. To facilitate this activity, the Secretary shall establish and maintain a complete and current register of all medical practitioners and other qualified investigators engaged in any form of or research on controlled subtances;

"(4) make available research facilities and resources of the Administration to appropriate authorities, health officials, and individuals engaged in investigations or research related to the purposes of this title. Such resources shall include the maintenance of an adequate supply of controlled substances for investigational and research purposes, and the establishment of criteria pursuant to which any registered investigator is to be authorized to manufacture or otherwise acquire sufficient controlled subtances for his legitimate investigational and research needs;

"(5) make grants to public and private nonprofit agencies, organizations, and institutions, and contracts with public and private agencies, institutions, and organizations, and individuals for such research;

"(6) establish an information center on such research, which will gather and contain all available published and unpublished data and information. All Federal departments and agencies shall send to the Institute any unpublished data and information pertinent to the cause, prevention, diagnosis, and treatment of drug abuse and drug dependence, and the toxicology, pharmacology, epidemiology, incidence of drug abuse and drug dependence, effects on the health of drug abusers, and danger to the public health of controlled subtances, and the Institute shall make such data and information widely available;

"(7) establish and maintain research fellowships in the Institute and elsewhere, and provide for such fellowships through grants to public and private non-profit agencies, institutions, and organizations;

"(8) investigate methods for determining more rapid and precise methods for determining the extent of drug use by an individual in a given time period and the effects which individuals are likely to experience from such use, and publish on a current basis information concerning uniform methodology and technology for making such determinations;

"(9) evaluate existing and proposed new programs and services for the prevention and treatment of drug abuse and drug dependence.

"(b) Any information obtained through investigation or research conducted pursuant to this title shall be used in ways so that no name or identifying characteristics of any person shall be divulged without the approval of the Secretary and the consent of the person concerned. Persons engaged in research pursuant to this section shall protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons engaged in such research shall protect the privacy of such individuals and may not be compelled in any Federal, State, civil, criminal, administrative, legislative, or other proceeding to identify such individuals.

"TRAINING FUNCTIONS OF THE SECRETARY

"SEC. 127. It shall be the duty of the Secretary, acting through the Institute, with respect to his training functions to—

"(a) establish interdisciplinary and bilingual training programs for professional and paraprofessional personnel with respect to drug abuse and drug dependence;

"(b) encourage the establishment of training programs, including interdisciplinary and bilingual training programs, for professional and paraprofessional personnel, including peer group assistance personnel, by State and local governments and by public and private educational institutions and agencies with respect to drug abuse and drug dependence; and

"(c) establish and maintain training fellowships in the Institute and elsewhere, and provide for such fellowships through grants to public and private nonprofit agencies, institutions, and organizations.

"EDUCATIONAL FUNCTIONS OF THE SECRETARY

"SEC. 128. It shall be the duty of the Secretary, acting through the Institute, with respect to his educational functions to—

"(a) develop, assist others to develop, and encourage the development of curricula on the use and abuse of drugs for utilization in elementary, secondary, adult, and community education programs. Such curricula should reflect the social, geographical, and economic variables of drug usage and abuse, include relevant data and other information, and include bilingual curricula;

"(b) develop, assist others to develop, and encourage the development of curricula on the use and abuse of drugs for utilization by parent-teachers associations, adult education centers, private citizen groups, community leaders and other parents and adults. Such curricula should reflect the social, geographical, and economic variables of drug usage and abuse, include relevant data and other information, and include bilingual curricula;

"(c) develop, assist others to develop, and encourage the development of a broad variety of informational and educational materials for use in all media to reach all segments of the population that can be utilized by public and private agencies, institutions, and organizations in informational and educational programs relating to drug use and abuse. Such information and materials should reflect the social, geographical, and economic variables of drug usage and abuse, include relevant data and other information, and include bilingual curricula;

"(d) establish educational courses, guides, and units on the causes of, effects of, and treatment for, drug abuse and drug dependence, for Federal law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officers, and other law enforcement personnel), Federal welfare, vocational rehabilitation, military, and veterans personnel, and other Federal officials who come in contact with drug abuse and drug dependence problems. Such courses, guides, and units should reflect the social, geographical, and economic variables of drug usage and abuse;

"(e) develop, assist others to develop, and encourage the development of educational courses, guides, and units on the causes of, effects of, and treatment for drug abuse and drug dependence for use by appropriate State and local government and private agencies, institutions, and organizations, for State and local law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials, and other law enforcement personnel), State and local welfare, vocational rehabilitation, and veterans personnel, and other State and local officials and community leaders. Such courses, guides, and units should reflect the social, geographical, and economic variables of drug usage and abuse;

"(f) develop, assist others to develop, and encourage the development of a broad range of community-oriented education programs on drug abuse and drug dependence for all segments of the population, including interested and concerned parents, young persons, community leaders, drug abusers and drug dependents, and other individuals and groups within a community. Such programs shall include peer group assistance programs and utilization of former drug abusers, drug dependent persons, and persons with relevant backgrounds similar to those of the persons to be educated;

"(g) evaluate, assist others in evaluating, and encourage the evaluation of curricula, guidelines, units, and other informational and educational materials relating to the use and abuse of drugs. Such evaluations should include an examination of intended and actual impact of such informational and educational materials and the identification of strengths and weaknesses in the information and educational materials;

"(h) conduct, assist others in conducting, and encourage the conducting of preservice and inservice training programs on drug use and abuse for teachers, counselors, other educational personnel, law enforcement officials, and other public service and community leaders and personnel;

"(i) recruit, train, organize, and employ professional and other persons, including former drug abusers, and drug dependent persons, to organize and participate in programs of public education about drug usage and abuse;

"(j) serve as a clearinghouse for the collection, preparation, and dissemination of all information relating to drug abuse and drug dependence, including State and local drug abuse and drug dependence treatment plans, availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information;

"(k) coordinate activities carried on by all departments, agencies, and instrumentalities of the Federal Government with respect to health and other educational aspects of usage and abuse; and

"(l) undertake such other activities as the Secretary may consider important to a national program of education relating to drug usage and abuse.

"REPORTING FUNCTIONS OF THE SECRETARY

"SEC. 129. It shall be the duty of the Secretary, acting through the Institute, with respect to his reporting functions to—

"(a) submit an annual report to Congress, which shall specify the actions taken and services provided and funds expended under each provision of this title and an evaluation of their effectiveness, and which shall contain the current Federal drug abuse and drug dependence prevention and treatment plan;

"(b) submit such additional reports as may be requested by the President or by Congress; and

"(c) submit to the President and to Congress such recommendations as will further the prevention and treatment of drug abuse and drug dependence.

"PART D—PREVENTION AND TREATMENT FOR FEDERAL EMPLOYEES

"DRUG ABUSE AND DRUG DEPENDENCE AMONG FEDERAL GOVERNMENT EMPLOYEES

"SEC. 131. (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Secretary and other Federal agencies and departments, appropriate policies and services for the prevention and treatment of drug abuse and drug dependence among Federal civilian employees, consistent with the purposes and intent of this title. Such policies and services shall make optimal use of existing governmental facilities, services, and skills. Federal civilian employees who are drug abusers or who are drug dependent shall retain the same employment and other benefits as other persons afflicted with serious health problems and illnesses, and shall not lose, solely because they are drug abusers or drug dependent persons, pension, retirement, medical, or other rights. A good faith attempt shall be made to find appropriate work within the Government which does not involve the national security during the employee's rehabilitative treatment, rather than placing him on sick leave.

"(b) The Secretary, acting through the Institute, shall be responsible for fostering similar drug abuse prevention, treatment, and rehabilitation services in State and local governments and in private industry.

"(c) No person may be denied or deprived of Federal employment or a Federal professional or other license or right solely on the ground of prior drug abuse or prior drug dependence, except with regard to positions involving national security as specified in regulations promulgated by the department or agency in which he is employed.

"(d) Nothing herein shall prohibit the dismissal from employment of a Federal civilian employee who, as a result of drug abuse or drug dependence and failure to accept appropriate treatment, cannot properly function in his employment.

"CONFIDENTIALITY OF RECORDS

"SEC. 132. (a) All patient records prepared or obtained pursuant to section 131 of this title, and all information contained therein, shall remain confidential and may be disclosed, with the patient's consent, only to medical personnel and only for purposes, of diagnosis and treatment of the patient, or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his drug dependence or, for research purposes, to public or private research organizations, agencies, institutions or individuals whose competence and research programs have been approved by the Secretary. Disclosure may be made for purposes unrelated to such treatment, benefits, or research upon an order of a court after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against the possible harm of disclosure to the person to whom such information pertains, to the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate criminal charges against a patient under any circumstances.

"(b) All patient records and all information contained therein relating to drug abuse or drug dependence prepared or obtained by a private practitioner shall remain confidential, and may be disclosed only with the patient's consent and only to medical personnel for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his drug dependence.

"PART E—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

"Subpart I—Formula Grants

"AUTHORIZATION

"SEC. 142. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, the sum of $10,000,000; for the fiscal year ending June 30, 1972, the sum of $20,000,000; for the fiscal year ending June 30, 1973, the sum of $25,000,000; for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs to deal with drug abuse and drug dependence.

"STATE ALLOTMENT

"SEC. 143. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year pursuant to section 142 among the States on the basis of the relative population, financial need, and need for more effective prevention, treatment, and rehabilitation of drug abuse and drug dependence; except that no such allotment to any State (other than the Canal Zone and the Trust Territory of the Pacific Islands) for any fiscal year shall be less than $200,000.

"(b) Any amount so allotted to a State (other than the Canal Zone and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this title, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Canal Zone or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount remaining unobligated at the end of the first of such two additional years, which the Secretary determines will remain unobligated at the close of the second of such additional years may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such additional years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the puropses of this subpart, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

"(c) At the request of any State, a portion of any allotment or allotments of such State under this subpart shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this subpart, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is greater, shall be available for such purpose for such year.

"STATE PLANS

"SEC. 144. (a) Any State desiring to participate in this subpart shall submit a State plan for carrying out its purposes. Such plan must—

"(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

"(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) will have authority to carry out such plan in conformity with this subpart;

"(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, to consult with the State agency in carrying out the plan;

"(4) set forth, in accordance with criteria established by the Secretary, a survey of need for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence and a plan for the development and distribution of such facilities and programs throughout the State;

"(5) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

"(6) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

"(7) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (6);

"(8) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modifications thereof which it considers necessary;

"(9) provide reasonable assurance that Federal funds made available under this subpart for any period may be so used as to supplement and increase, to the extent feasible and practical, the level of State, local and other non-Federal funds that would, in the absence of such Federal funds, be made available for the programs described in this subpart, and will in no event supplant such State, local, and other non-Federal funds; and

"(10) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this subpart.

"(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

"APPLICATIONS AND CONDITIONS

"SEC. 145. (a) For each project pursuant to a State plan approved under this subpart for which a grant is sought from an allotment under section 143, there shall be submitted to the Secretary, through the State agency designated in accordance with section 144, an application by the State or a political subdivision thereof or by a public or other nonprofit agency, institution, or organization.

"(b) The Secretary shall approve such application if (1) there remains sufficient balance in the allotment (available for the purpose) determined for such State; (2) the application is in conformity with the State plan approved under section 144; (3) he obtains assurances that any facility or portion thereof to be constructed or modernized and any program to be carried out will be available to all persons residing in the territorial area of the applicant; and (4) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require. The Secretary may, to the extent he determines it would not interfere with the objectives of this subpart, base his findings and determinations under this subsection on certifications by the State agency.

"(c) No application under this section shall be disapproved until the Secretary has afforded the State agency on opportunity for a hearing.

"(d) Amendments of an approved application shall be subject to approval in the same manner as an original application.

"SUBPART II—PROJECT GRANTS

"AUTHORIZATIONS

"SEC. 146. There are hereby authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1971; $45,000,000 for the fiscal year ending June 30, 1972; and $70,000,000 for the fiscal year ending June 30, 1973, to carry out the provisions of this subpart. Any appropriated funds shall remain available until expended.

"GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE

"SEC. 147. (a) The Secretary, acting through the Institute, is authorized to make grants to public and private nonprofit agencies, organizations, and institutions and enter into

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contracts with agencies, organizations, institutions, and individuals for the preventon and treatment of drug abuse and drug dependence to assist State and local governments and public and private agencies, institutions, organizations, and individuals to—

"(1)(a) meet the costs of constructing, equipping, and operating treatment and rehabilitation facilities, including but not limited to emergency medical, inpatient, intermediate care, outpatent, and peer group assistance facilities for drug abusers and drug dependent persons, and (b) to assist them to meet, for the temporary periods specified in subsection (c) of this section, a portion of the costs of compensation of personnel for the initial operation of such facilities, and of new services in existing facilities for drug abusers and drug dependent persons;

"(2) carry out prevention and education projects and services, including—

"(a) projects for the development of curricula on the use and abuse of drugs, including the evaluation and selection of exemplary existing materials and the preparation of new and improved curricular materials for use in elementary, secondary, adult, and community education programs and conduct projects designed to demonstrate, and test the effectiveness of such curricula;

"(b) projects for the dissemination of curricular materials and other significant information regarding the use and abuse of drugs to public and private elementary, secondary, adult, and community education programs;

"(c) evaluations of the effectiveness of curricula tested in use in elementary, secondary, and adult and community education programs;

"(d) projects for the development, evaluation, and dissemination of a variety informational and educational materials for use in all media to reach various segments of the population that can be utilized by public and private agencies, organizations and institutions in informational and educational programs relating to drug use and abuse;

"(e) preservice and inservice training programs on drug abuse (including courses of study, institutes, seminars, workshops, and conferences) for teachers, counselors, and other educational personnel, law enforcement officials, and other public service and community leaders and personnel;

"(f) community education programs on drug abuse (including seminars, workshops, and conferences) especially for parents and other adults in the community;

"(g) evaluations of the training and community education programs described in clauses (e) and (f), including the examination of the intended and actual impact of such programs, the identification of strengths and weaknesses in such programs, and the evaluation of materials used in such programs; and

"(h) community-oriented education programs on drug abuse and drug dependence, including development of a broad range of community-oriented education programs on drug abuse and drug dependence for all segments of the population, including interested and concerned parents, young persons, community leaders, drug abusers and drug dependents, and other individuals and groups within a community. Such programs shall include peer group assistance programs and utilization of former drug abusers, drug dependent persons, and persons with relevant backgrounds similar to those of the persons to be educated.

"(3) conduct research, demonstration, and evaluation projects, including surveys and field trials, looking toward the development of improved, expanded, and more effective methods of prevention and treatment of drug abuse and drug dependence;

"(4) provide education and training for professional personnel, including medical, psychiatric, vocational rehabilitation, and social welfare, personnel, in academic and professional institutions and in postgraduate courses about the prevention and treatment of drug abuse and drug dependence, and provide training for such personnel in the administration, operation, and supervision of programs and services for the prevention and treatment of drug abuse and drug dependence;

"(5) recruit, educate, train, organize, and employ community drug abuse and drug dependence prevention and treatment personnel to serve with and under the direction of professional medical, psychiatric, vocational rehabilitation, and social welfare personnel in drug abuse and drug dependence prevention, treatment, and rehabilitation programs. Prior drug abuse or drug dependence and prior criminal arrests or convictions shall not be a bar to such recruitment, education, training, organization, and employment;

"(6) provide services in correctional and penal institutions for the prevention and treatment of drug abuse and drug dependence;

"(7) provide services, in cooperation with schools, law enforcement agencies, courts, and other public and private nonprofit agencies, institutions, and organizations, for the prevention and treatment of drug abuse and drug dependence among juveniles and young adults. These services, where feasible, shall include curricula for drug abuse education in elementary and secondary schools, and among parents and other adults;

"(8) provide programs and services in cooperation with local law enforcement agencies, the courts, and other public and private nonprofit agencies, institutions, and organizations, for the instruction of law enforcement officers, prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials and legal aid, public defender, and neighborhood legal services attorneys with respect to the causes, effects, prevention, and treatment of drug abuse and drug dependence. Such programs and services shall include, where possible, a full range of services available to State and local courts for diagnosis, counseling, and treatment for drug abuse and drug dependence for persons coming before the courts; and

"(9) provide services for outpatient counseling of drug abusers and drug dependent persons to include employment, welfare, legal, education, and other assistance, in cooperation and coordination with welfare and rehabilitation personnel.

"(b) Projects for which grants and contracts are made under this subpart shall be community based, and shall include both those that provide a comprehensive range of services and are integrated with and involve the active participation of a wide range of public and nongovernmental agencies, organizations, institutions, and individuals, and those that provide a more selective range of services arising from local initiative, educational and peer group assistance programs.

"(c) The amount of any Federal grant made under subsection (a) of this section, except with regard to certain grants made under paragraph (1) of subsection (a), shall not exceed 100 per centum of the cost of the program or project specified in the application for such grant. The amount of any Federal grant made under paragraph (1)(a) of subsection (a) of this section to meet costs of constructing and equipping the facilities referred to in such paragraph shall not exceed 90 per centum of the cost of the program or project specified in the application for such grant. The amount of any Federal grant made under paragraph (1)(b) of subsection (a) of this section to meet the costs of compensation of personnel and other operating costs may be made only for the period beginning with the first day for which such a grant is made and ending with the close of eight years after such first day; and such grants may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day.

"(d) An amount, not to exceed 5 per centum of the amount appropriated pursuant to the provisions of this subpart for any fiscal year, shall be available to the Secretary to make grants to local public or nonprofit private organizations to cover up to 100 per centum of the costs (but in no case to exceed $100,000) of projects for assessing local needs for programs of services for drug abusers and drug dependents, designing such programs, obtaining local financial and professional assistance and support for such programs in the community, and fostering community involvements in initiating and developing such programs in the community. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project.

"APPLICATION FOR FINANCIAL ASSISTANCE FROM UNITS OF LOCAL GOVERNMENT AND PRIVATE ORGANIZATIONS

"SEC. 148. (a) In administering the provisions of this subpart, the Secretary shall require coordination of all applications for programs in a State and, in view of the local nature of the drug abuse problem, shall not give precedence to public agencies over private nonprofit agencies, institutions, and organizations, or to State agencies over local agencies.

"(b) Each applicant from within a State, upon filing its application with the Secretary, shall submit a copy of its application for review by the State agency designated in accordance with section 144, if such an agency exists, and if no such agency exists, by the State agency responsible for administering the State comprehensive plan for treatment and prevention of drug abuse and drug dependence, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation may include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse. The State shall furnish the applicant a copy of any such evaluation. A State, if it so desires, may, in writing, waive its rights under this section.

"(c) Approval of any application by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

"(1) provide that the activities and services for which assistance under this subpart is sought will be substantially administered by or under the supervision of the applicant:

"(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

"(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

"(4) provide reasonable assurance that Federal funds made available under this subpart for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the program described in this subpart, and will in no event supplant such State, local, and other non-Federal funds.

"APPROVAL BY NATIONAL ADVISORY COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

"SEC. 149. The Secretary, upon the recommendation of the National Advisory Council on Drug Abuse and Drug Dependence, is authorized to make grants under this subpart.

"SUBPART III—GENERAL

"GENERAL

"SEC. 150. (a) Whenever the Secretary finds a failure to comply with the terms of a grant or contract made or entered into under this part, he shall, after reasonable notice and opportunity for a hearing, terminate payments until he is satisfied that there will no longer be any failure to comply.

"(b) The exclusive remedy of anyone adversely affected by a final action of the Secretary under subsection (a) of this section is to appeal to the United States court of appeals for the circuit in which it is located by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file with the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or set it aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts shall be conclusive if supported by substantial evidence, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

"ADMISSION OF DRUG ABUSERS AND DRUG-DEPENDENT PERSONS TO PRIVATE AND PUBLIC HOSPITALS

"SEC. 150A. (a) Drug abusers and drug-dependent persons shall be admitted to and treated in private and public general hospitals on the basis of medical need and shall not be discriminated against solely because of their drug abuse or drug dependence. No hospital that violates this section shall receive Federal financial assistance under the provisions of this Act or any other Federal law administered by the Secretary. No such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and provided an opportunity for correction or a hearing.

"(b) Any action taken by the Secretary pursuant to this section shall be subject to such judicial review as is provided by subsection 150(b) of this title.

"PART F—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

ESTABLISHMENT OF COUNCIL

"SEC. 151. (a) Section 217(a) of the Public Health Service Act is amended—

"(1) in the first sentence thereof, by inserting 'the National Advisory Council on Drug Abuse and Drug Dependence,' immediately after 'the National Advisory Mental Health Council,'; and

"(2) in the second sentence thereof, by inserting 'the National Advisory Council on Drug Abuse and Drug Dependence,' immediately after 'the National Advisory Mental Health Council,', and by inserting 'drug abuse and drug dependence,' immediately after 'psychiatric disorders,'.

"(b) Section 217(b) of such Act is amended, in the second sentence thereof, by inserting 'drug abuse and drug dependence,' immediately after 'mental health,'.

"(c, Section 217 of such Act is further amended by adding at the end thereof the following new subsection:

"'(d) The National Advisory Council on Drug Abuse and Drug Dependence shall advise, consult with, and make recommendations to the Secretary on matters relating to the activities and functions of the Service in the field of drug abuse and drug dependence. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of drug abuse and drug dependence and recommend to the Secretary, for prosecution under this Act, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of drug abuse and drug dependence, and (2) to collect information as to studies being carried on in the field of drug abuse and drug dependence and, with the approval of the Secretary, make available such information through the appropriate publications for the benefit of health and welfare agencies or organizations (public or private), physicians, or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Secretary, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of drug abuse and drug dependence; and the Secretary shall recommend acceptance of any such gifts only after consultation with the Council.'

"APPROVAL BY COUNCIL OF CERTAIN GRANTS UNDER COMMUNITY MENTAL HEALTH CENTERS ACT

"SEC. 152. Section 266 of part E of the Community Mental Health Centers Act is amended—

"(1) by striking out 'Grants' and inserting in lieu thereof:

"'(a) Except as otherwise provided in subsection (b), grants'; and

"(2) by adding at the end thereof the following new subsection:

"'(b) Grants made under this title which are primarily intended for use in the prevention or treatment of drug abuse and drug dependence may be made only upon recommendation of the National Advisory Council on Drug Abuse and Drug Dependence established by section 217(a) of the Public Health Service Act.'

"PART G—INTERGOVERNMENT COORDINATING COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

"ESTABLISHMENT OF COUNCIL

"SEC. 161. (a) For the purpose of coordinating all Federal Government prevention, treatment, and rehabilitation efforts with respect to drug abuse and drug dependence, of coordinating such Federal efforts with State and local government efforts, and of developing an enlightened policy and appropriate programs for Federal employees for the prevention and treatment of drug abuse and the rehabilitation of drug dependent persons, there is hereby established an Intergovernment Coordinating Council on Drug Abuse Control consisting of the Secretary who shall serve as Chairman, the Attorney General of the United States, the United States Commissioner of Education, the Director of the National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence, the Director of the National Institute of Mental Health, and four representatives of State and local government departments or agencies.

"(b) The President shall designate the four representatives of Federal departments or agencies who shall serve on the Coordinating Council, and shall appoint the four representatives of State and local government departments or agencies. The State and local government representatives shall serve for terms of four years, staggered so that one vacancy occurs each year. A State or local government representative may be reappointed immediately after serving less than a full term, and may be reappointed after a four-year hiatus after serving a full term.

"(c) The Coordinating Council may appoint such technical consultants as are deemed appropriate for advising the Council in carrying out its functions. The services of consultants obtained under this section may be obtained in accordance with section 3109 of title 5, United States Code, at rates for individuals not in excess of the daily equivalent paid for positions in GS–18 of the General Schedule in section 5332 of title 5, United States Code.

"FUNCTIONS OF COUNCIL

"SEC. 162. The Coordinating Council is authorized and directed to—

"(a) assist the Secretary in carrying out its function of coordinating all Federal prevention, treatment, and rehabilitation efforts to deal with the problems of drug abuse and drug dependence;

"(b) assist the Secretary in carrying out its function of coordinating such Federal efforts with State and local governments;

"(c) engage in educational programs among Federal employees, and in other appropriate activities, designed to prevent drug abuse and drug dependence;

"(d) implement programs for the rehabilitation of Federal employees who are drug dependent persons; and

"(e) develop and maintain any other appropriate activities consistent with the purposes of this title.

"TITLE II—GENERAL

"SAVING PROVISION

SEC. 201. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

"RECORDS

"SEC. 202. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

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"(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

"PAYMENTS

"SEC. 203. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine."

LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, I would like for the benefit of the Senate to inquire of the distinguished majority leader if he can give us some idea about the program for the rest of the day and the rest of the week.

Mr. MANSFIELD. Mr. President, in response to the query raised by the acting minority leader——

Mr. BYRD of West Virginia. Mr. President, we cannot hear the majority leader. May we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, in response to the query raised by the acting minority leader, the pending business will not be disposed of tonight, but a number of amendments will be sent to the desk for printing and be available on tomorrow.

I understand that an overall agreement has been reached on the part of all concerned. So, this bill should not take too much time. However, I think the distinguished Senator from Iowa (Mr. HUGHES) may make an opening statement tonight in connection with the bill. It is then anticipated that we will go to Calendar No. 1360 (H.R. 15216) an act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes.

We will then go to other measures on the calendar as they become available.

ACTION AT LONG LAST ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the Committee on Foreign Relations has taken a giant step forward in the advancement of human rights in reporting the Genocide Convention to the Senate floor.

This is a great day for the cause of human rights. For 20 years the Genocide Convention has been bottled up in committee. The failure of the United States to ratify this important treaty has been an embarrassment and a blot on our record. It has been the major exception to America's record of leadership in the field of human rights.

The U.S. Senate now—at long last—has the opportunity to remove this blot on our record. The major hurdle—action by the Senate Foreign Relations Committee—has now been cleared.

The day is now within sight when the United States will join the 75 other nations that have ratified the Genocide Convention. Twenty-five years after the end of World War II America will finally go formally on record as opposed to the monstrous types of crimes committed by the Nazis.

I look forward to early and favorable action by the Senate on the Genocide Convention.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JAVITS. Mr. President, I have said this before and I would like to say it again because it is very pertinent today. The Senator from Wisconsin has been in this Chamber time and again in recent years urging action on the Genocide Convention. I am so deeply gratified myself, as the Senator knows, with his stalwart struggle to bring this action about.

All of us must realize, notwithstanding our controversy about the President's action on the matter we have just disposed of, that it is the President who really dusted off this matter, took it from the shelf, and woke it from the dead, as it were, which is not a euphemism. The President did put the matter before the Committee on Foreign Relations, and there the Senator from Idaho (Mr. CHURCH) and I were among the overwhelming majority of the committee which reported the measure. Reporting the convention only brings it to the floor of the Senate. We still have a monumental struggle.

I rise to pay tribute to the Senator from Wisconsin whose heart has been in this matter for so long and who was correct in hailing this as a gratifying development. I hope he will continue in his efforts until we celebrate when the Senate ratifies this fundamental human debt we owe so many millions of people who died at the hands of the genocidists, notably Hitler.

Mr. PROXMIRE. I thank the Senator. The Senator worked very hard to get the bill reported from committee. He has been in the forefront in getting the measure reported. I understand he has strong views on how it can be strengthened. I agree with him that the Nixon administration deserves a great deal of credit for persuading the Committee on Foreign Relations to act. There is no question that the President and his assistants in this area had a real effect on the Committee on Foreign Relations. This is the first time in 20 long years that this bill, which has been pending in that committee, has been reported to the floor. I think the committee does deserve credit for it.

THE ATTEMPT TO RESCUE AMERICAN PRISONERS OF WAR

Mr. DOLE. Mr. President, earlier today the junior Senator from South Dakota criticized President Nixon and the administration for recent bombing efforts in North Vietman. Because of this criticism and the direct statement made by the Senator from South Dakota, that "American prisoners continue to languish in the prison camps of North Vietnam, some of them having been there for as long as 5 years" it is important that we recite now what did happen, and another reason for the bombing raids in North Vietnam.

There was one operation, it has been disclosed, that did take place north of the 19th parallel this past weekend. There have been many charges and countercharges of what took place and why it was necessary. It is well to report now that, according to a statement just issued by the Secretary of Defense, Melvin Laird, a search-and-rescue mission was carried out by volunteers who were dropped north of the 19th parallel in an effort to rescue American prisoners. This was a plan prepared with the approval of the President and carried out by volunteers after extensive training. They recognized they would be forced to operate with necessarily limited intelligence. It was a very hazardous mission.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. KENNEDY. Hazardous for whom? Is the Senator including in that statement hazardous to the prisoners themselves?

I have just been informed of what was on the ticker. Do we have any idea how many people they expected to save or the plight of the other hundreds of American prisoners, even if they were successful? Was the mission successful? The Senator talks about hazardous. I am talking about the hazard to the prisoners in that camp, and in the countless other camps.

I am delighted the Senator is speaking on this matter because many questions must be answered. I do not know whether the Senator has more information than was on the ticker earlier this evening. Will the Senator be able to bring information to the Senate other than what is on the ticker?

Mr. DOLE. Let me say to the junior Senator from Massachusetts——

Mr. KENNEDY. Senior Senator.

Mr. DOLE. Excuse me. The senior Senator from Massachusetts. It is hard for a junior Senator to think of anyone as senior.

We were discussing this morning in the senior Senator's absence certain efforts made by this administration.

Mr. KENNEDY. No. I was here. I listened to the Senator.

Mr. DOLE. We heard directly from the junior Senator from South Dakota that there had been no effort made to free American prisoners. I am reporting now efforts made by this heroic group in the face of great danger.

Mr. KENNEDY. How many prisoners did they expect to release?

Mr. DOLE. I do not know; they did not find any, but it is another indication of the desire of this administration to do everything possible to free American prisoners, whether they are in the north or in the south.

Mr. KENNEDY. Is the Senator satisfied that this is the best means of freeing prisoners, through surgical strikes into North Vietnam, is he satisfied that there is a better chance to free prisoners by this kind of action rather than by negotiation? We have heard so much about the efforts made by the administration to secure the release of the prisoners. We were given progress reports about new initiatives, and here is a different kind of attempt to release some number of prisoners, an attempt that was unsuccessful that has been in the planning for many months. I think we should have some explanation by the administration whether they feel this is the best way.

Mr. DOLE. Since the Senator is not asking a question, Mr. President, I have the floor.

Mr. KENNEDY. I am trying to ask a question.

Mr. DOLE. Then proceed to ask the question.

Mr. KENNEDY. This is what I would like to know. Does this strike into North Vietnam provide the best way to release prisoners who are being held?

Mr. DOLE. The junior Senator from Kansas does not know the best way to free them. If I did I would transmit that information to the highest level. Let me answer the question, if there was a question posed.

Our Government has an obligation to do all possible to free American prisoners and to use every conceivable means to free them.

Is the Senator suggesting we do nothing?

Mr. KENNEDY. No; I certainly do not.

Mr. DOLE. The best way and the most effective way is through negotiations, but negotiations have failed. We proposed a cease-fire and the release of all prisoners. So far we have no hint the other side will respond. What do we do in the meantime? Is the Senator suggesting we sit back and wait and wait?

Mr. KENNEDY. I have stated clearly my position on the whole question of the war in Southeast Asia. I would be delighted to review that position with the Senator some time, perhaps this evening if the Senator would like.

It would be interesting to know as the Senator speaks to explain the administration's position whether the American public should be prepared for other strikes like this in prisoner of war camps. Is this a one-time action? Is there anything the Senator can tell us about this? Are we going to have other kinds of attempts similar to this?

Mr. DOLE. I hope there will be other operations which will be successful. This effort—and I have the floor, I remind the Senator from Massachusetts——

Mr. KENNEDY. Surely.

Mr. DOLE. This effort was successful in the fact that it demonstrated the ability and concern Americans have—not Republicans or Democrats, but the expression of concern of brave Americans—not the concern of the Senator from Massachusetts or the Senator from Kansas, but the concern of Americans, who volunteered for this hazardous mission.

Mr. KENNEDY. Will the Senator yield?

Mr. DOLE. Let me finish. Some of these prisoners have been languishing in prison for 5 years.

Mr. KENNEDY. And they are still there; are they not?

Mr. DOLE. I will yield when I finish. What do we do in this country. Does our Government sit back and wait and wait and do nothing about Americans who have been in prison month after month and year after year? The Senator from Kansas does not think so.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. DOLE. When I finish. We have lots of time.

The search-and-rescue mission was initiated by a brave group of Americans, all of whom returned without serious injury, all of whom were risking their lives to save American prisoners. This is in the American tradition in its finest form. I stand here today to commend the action of those who volunteered to save American lives, not to question whether the action was correct. It was correct if it could have saved American lives.

If the Senator from Massachusetts wants to criticize President Nixon for the operation, let the Senator from Massachusetts do so. We are talking about human lives. We are talking about Americans who have been locked up for months and months and months.

I would hope there would be more initiatives. I would hope we would be more responsive to the needs of American prisoners. The Senator from Kansas commends Gen. Leroy Manor and Col. Arthur Simons, who led the search-and-rescue operation.

Mr. President, I ask unanimous consent to have included in the RECORD a statement by the Secretary of Defense.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SECRETARY OF DEFENSE MELVIN R. LAIRD

I want to give now the details of the only operation that took place north of the 19th parallel this past weekend.

Some months ago in the face of the continued and adamant refusal of the other side either to abide by the provisions of the Geneva Convention or to participate in meaningful negotiations on the exchange of prisoners of war, I prepared, with the approval of the President, contingency plans for a possible Search and Rescue (SAR) effort of our prisoners as possible. A special task force of volunteers from the Army and Air Force was assembled to train for this mission. I cannot give you any details of their training except to say that it was meticulous, intensive, often around-the-clock, and represented the highest order of dedication and professionalism.

Recognizing that we would be forced to operate on necessarily limited intelligence and recognizing also the hazards of the mission, the President, on my recommendation, gave approval for the operation early Friday morning, November 20. A key factor in the final decision to launch this SAR was the new information we received this month that some of our men were dying in prisoner of war camps.

My recommendation was based on the same motivation that has prompted our steadfast readiness to mount the numerous search and rescue attempts in enemy territory whenever there is the possibility of saving an American life.

This policy has the President's strong and unqualified support. It should be a source of great pride to all Americans that there are military men who volunteer for such missions.

On Friday, November 20, shortly after 2:00 PM, EST, which was about 2:00 AM in North Vietnam, a small rescue team successfully landed by helicopter at a reported prisoner of war compound at Son Tay, approximately 20 nautical miles west of Hanoi.

The operation was under the overall command of two distinguished officers whom I would like to introduce to you at this time. They are Brigadier General Leroy J. Manor, USAF, who was in overall command of the operation and Colonel Arthur D. Simons, USA, who led the team in the search and rescue attempt. They arrived in Washington early this morning.

Operating in darkness, Colonel Simons and his men landed, entered, and searched the compound where the prisoners of war reportedly were being held.

Regrettably, the rescue team discovered that the camp recently had been vacated. No prisoners were located. The SAR team, according to its well-rehearsed plan, searched every building and broke the locks on doors of rooms which had been used as detention cells. They successfully returned to safety without suffering a single serious casualty.

One rescue helicopter which made a controlled crash-landing in the compound was destroyed intentionally, precisely according to plan, prior to the evacuation of the rescue team.

Before General Manor and Colonel Simons answer your questions, bearing in mind the need at all times to maintain security, I want to conclude by stating my belief that:

If there had been prisoners in the compound at Son Tay they would be free men today.

I also would like to read to you the message which I asked the Chairman of the Joint Chiefs of Staff to send to General Manor, Colonel Simons and their men.

"The President has asked that I express to you, to Col. Simons, and to the officers and men of your command his deepest appreciation for your gallant humanitarian efforts. The daring and courageous performance which marked this hazardous mission was inspirational. He is proud of the magnificent example of skill, courage, and devotion so valiantly demonstrated by you and your men.

"The Secretary of Defense and I share fully the Commander-in-Chief's sentiments. We commend the high sense of duty which your long weeks of training and your dedication exemplified. There are no tributes greater than the willingness to sacrifice one's life for others. You and your men have earned that tribute."

We shall continue to make every effort to free our prisoners.

Mr. DOLE. But above and beyond this, they returned safely from the rescue mission. The disappointment is that no American prisoners were rescued. One rescue helicopter made a controlled crash landing and was destroyed intentionally.

But, as the junior Senator from Kansas views the operation, it was successful. It did indicate American resourcefulness, ability, bravery, and the fact we are concerned about American lives; concerned about American prisoners. The Senator from Kansas applauds the President, the Secretary of Defense, and particularly General Manor, Colonel Simons, and the others who risked their lives.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DOLE. Yes; I yield.

Mr. KENNEDY. Is the Senator suggesting this is the only way the President or the Secretary of Defense can demonstrate their concern for the welfare and well being of American prisoners?

Mr. DOLE. No; this is another way.

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Mr. KENNEDY. In listening to these comments, I thought the Senator was making the point that he felt this was a great success because it showed an additional concern for the well-being of the Americans who were being held as prisoners. I think one can very likely reach quite a contrary conclusion with respect to those efforts.

Mr. DOLE. If one could be reached——

Mr. KENNEDY. If the Senator would yield for just an observation——

Mr. DOLE. I will yield for a question.

Mr. KENNEDY. Very well. Would the Senator not agree with me, therefore, that the lives of the American prisoners who are being held in the camp could very well have been lost? We listened today to statements about the Vietcong brutalities at Hue. Would those same people have hesitated to shoot American prisoners when the first American soldiers came over the barricades?

In his concern for the prisoners of war, I hope my colleague, the Senator from Kansas, included this possibility. One cannot have it both ways. One cannot stand here, as some Senators did, and talk about the brutalities of the North Vietnamese, as the Senator from California and the Senator from Kansas talked about the brutality, and their killing helpless people, and then think, when the Americans start going over the barricades at prison camps, that the security of the helpless prisoner is going to be assured.

I just thank God that those Americans who took part in this mission returned safely. We all want the American prisoners of war returned, and they could have been returned if we had had a more realistic policy toward Vietnam, or at least the kind of policy we expected to have after the 1968 election.

Mr. DOLE. Let me again remind the Senator from Massachusetts that I have the floor.

Mr. KENNEDY. I would be interested in the Senator's reaction to my comment.

Mr. DOLE. Having had some experience with war and some exposure to the dangers of it, let me say there is no certainty on the battleground. There is no certainty of life or death to prisoners of war or Americans missing in action.

The Senator from Kansas, as many Senators, has demonstrated great concern for American prisoners and Americans missing in action. The Senator from Massachusetts, undoubtedly, has had visits from wives, children, and parents of American prisoners of war and those missing in action. But there comes a time when there must be a different initiative by our Government.

The Senator from Kansas has said repeatedly for many, many months, that the most effective way and the quickest way to release American prisoners is through negotiations. That is not the issue today for thus far negotiations have failed.

Mr. KENNEDY. Mr. President, will the Senator yield on that point?

Mr. DOLE. In a second. The negotiations have failed thus far with reference to prisoners, and they have failed with reference to nearly everything else. There is evidence the enemy has not complied with the Geneva Accords, that there has not been humane treatment of American prisoners.

This, then, was a difficult decision. All such decisions are difficult, just as sending American boys to Vietnam in 1963 was a difficult decision. The decision made by the President, the decision made by the Secretary of Defense, the offer to volunteer made by General Manor and Colonel Simons and others were difficult. It was a risk taken to save American lives. The Senator from Kansas applauds that action, that spirit, and that act above and beyond the call of duty.

Had they returned 10 or 20 or 30 prisoners, it would have been a great success. But the effort was made. The concern was expressed. This must continue to be the goal and the objective of all Americans, to help and to rescue those in distress.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. KENNEDY. Would the Senator suggest that by this action by U.S. forces, the use of negotiations to free American prisoners of war has now been removed as a possibility, and that this new method of raiding prison camps is to be the means this administration will rely on to achieve a speedy and early release of prisoners? Are we to assume that, because if that is the case—and apparently it is——

Mr. DOLE. The Senator from Kansas does not assume that.

Mr. KENNEDY. Does the Senator feel this is going to provide a more expeditious negotiation on the issue of prisoners of war, after we have gone forth and intruded into the north?

Mr. DOLE. The Senator from Kansas believes the Senator from Massachusetts begs the question.

The question is not what may happen next week, because the enemy boycotts the negotiations in Paris. The question is not what may be decided next week. As the Senator from Kansas looks at the broad question of life and death of American prisoners of war and Americans missing in action, I frankly would be critical of a government which did not have a continuing policy of doing everything possible to rescue prisoners. If two were rescued, it would be hailed a success without question.

Mr. KENNEDY. No matter how many were killed in that attempt?

Mr. DOLE. None was killed.

Mr. KENNEDY. If they rescued two and 10 were killed, would that be a success?

Mr. DOLE. The Senator is suggesting something that did not happen.

Mr. KENNEDY. Does the Senator deny that would be a possibility?

Mr. DOLE. As the Senator from Kansas said earlier, there is risk in terms of life and death or being wounded in war; yes.

Mr. KENNEDY. And the Senator feels that risk was justified in this particular instance? The Senator obviously does, in that he rises in support of the policy.

Mr. DOLE. The Senator from Kansas applauds the efforts made by the gallant Americans who volunteered for this mission.

Mr. KENNEDY. I admire courage. I just deplore the policy that permitted them to go. Let me ask one final question, and then——

Mr. DOLE. No, let the Senator from Kansas ask the Senator from Massachusetts a question. Not suggesting what the policy of the Senator from Massachusetts may be, but since there is agreement that negotiation would be the quickest, most effective way to release the prisoners on both sides, and since negotiations have been fruitless up to now, does the Senator suggest that there is no obligation to the American prisoners of war, or that our Government should sit back and wait?

Mr. KENNEDY. No. My position would be that the quickest way we could get the American prisoners out, as has been stated before.

Mr. DOLE. Would be surrender?

Mr. KENNEDY. Is to announce that we are getting out of Vietnam by a certain date. If we did that, I would suggest they would be home.

But let me ask the Senator, in support of his statement for the administration, if he has any information as to the number of American prisoners of war that were wounded by the raids of Friday night.

Mr. DOLE. No.

Mr. KENNEDY. I saw in the newspapers and various wire service stories that American prisoners of war were involved, and at least wounded. I wonder whether, in presenting Secretary Laird's statement to the Senate this evening, the Senator can state whether in that report there is any satement about the welfare and security of those prisoners of war, who evidently experienced at least to some extent the results of our bombing last Friday evening. Does the Senator have any information on that?

Mr. DOLE. No, the Senator from Kansas has no more than that reported by the Hanoi radio, and if the Senator relies on that for information, that is his right.

Mr. KENNEDY. Does the Senator suggest there were not any? Has Secretary Laird indicated that the information from the dispatches of the various neutral journalists in Hanoi is not well reported? I am sure the Senator is not about to suggest that all reports that have come out of Hanoi, even from various accredited journalists, are completely without value at all.

Mr. DOLE. Nor do I suggest that all reports that come from the Defense Department are incorrect.

Mr. KENNEDY. I am just wondering if the Senator has any comment about the statements that were made, or if the Senator or the Secretary of Defense can assure us that that did not happen.

Mr. DOLE. Yes. On Saturday, the Secretary of Defense issued a statement with reference to the charges made by the enemy, who reported that the lives of some airmen were endangered and some were "injured."

Mr. KENNEDY. Yes.

Mr. DOLE. The Secretary of Defense said that was not an accurate statement; and the Senator from Kansas shares the view of the Secretary of Defense rather than that of Hanoi.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. DOLE. I yield.

Mr. FULBRIGHT. Does the Senator have any information as to where this raid took place, what part of North Vietnam?

Mr. DOLE. Let us see what is said in the statement.

Mr. FULBRIGHT. In the press release; was it near Hanoi, does the Senator know?

Mr. DOLE. Let me say to the Senator from Arkansas that the Senator from Kansas does not see it in the statement. It says north of the 19th parallel.

Mr. FULBRIGHT. Does it say how many people were involved, of our men?

Mr. DOLE. That information was not made available, but it does state this:

> On Friday, November 20, shortly after 2:00 PM, EST, which was about 2:00 AM in North Vietnam, a small rescue team successfully landed by helicopter at a reported prisoner of war compound at Son Tay, approximately 20 nautical miles west of Hanoi.

So it does give some information as to the location. But as far as numbers, it indicates a small number, and also states that those in charge of this operation were General Manor and Colonel Simons.

Mr. FULBRIGHT. I presume, but I do not know—did they come off an aircraft carrier, as far as the Senator knows?

Mr. DOLE. That is not in the statement, though most of the other airplanes involved in the 7-hour raid came from aircraft carriers.

Mr. FULBRIGHT. There was, of course, a longer raid than that preceding this, approximately 28.5 hours in duration, I believe, according to the press reports, involving 200 planes; that was in operations preliminary to this, I assume, was it not?

Mr. DOLE. No; it is my understanding—and I may be incorrect—that the total operation was 7 hours.

Mr. FULBRIGHT. The Senator means in this raid on the prisoner-of-war base?

Mr. DOLE. The total weekend raid on military targets.

Mr. FULBRIGHT. Oh, the total? Well, I thought I remembered seeing a press report that said 28 hours. But that is neither here nor there.

I was interested in what the Senator said about negotiations, and that he thought that was the best way to free all the prisoners and to get the war over. Does the Senator believe that the resumption of the bombing of the north, and now this physical raid on a base near Hanoi, are designed to promote a negotiated settlement of the war?

Mr. DOLE. Well, based on the success thus far in the Paris negotiations, one could guess that this will not be any great impediment.

Mr. FULBRIGHT. Does that mean that the administration has given up any hope of a negotiated settlement of the war?

Mr. DOLE. Well, again, I do not speak for the administration. The Senator from Kansas does not speak for the administration.

Mr. FULBRIGHT. He comes as near doing it as anyone on this floor, does he not?

Mr. DOLE. Well, at times when present, the Senator from Kansas expresses his views.

Mr. FULBRIGHT. Well, the press generally agrees, and I think the Senator, on various other occasions in the last year, has spoken, I thought, very forcefully and in most cases successfully for the administration's point of view. Did the Senator have any advance notice of this raid?

Mr. DOLE. No.

Mr. FULBRIGHT. He was not consulted about it?

Mr. DOLE. No; they have a habit of not consulting the junior Senator from Kansas.

Mr. FULBRIGHT. Well, they do not consult the Foreign Relations Committee, either, I might say; so the Senator should not feel that he is neglected in that respect.

But in all seriousness, the President, I thought, last year had announced the general policy of negotiation. I cannot quote him exactly, but it was generally to the effect that his administration would be one of negotiation rather than confrontation, and Vietnamization was presented as a means toward the deescalation of the war and its eventual settlement by negotiation.

But it strikes me that when you put together the Cambodian invasion, and now the request for a very large appropriation for developing and creating a large army in Cambodia, together with the resumption of the bombing in the North, and now with this physical incursion by a party I do not know how large into the physical territory of North Vietnam, none of these acts are consistent with the purpose of a negotiated settlement. Does not the Senator agree that that is about a correct assessment of it?

Mr. DOLE. Well, the Senator from Kansas disagrees but would say with no disrespect that there are those who strain at a gnat to indicate that any effort made by our Government to protect American forces is somehow an enlargement of the war; and the Senator from Kansas, not being an expert on foreign relations or the military, for that matter, just has sort of a gut reaction that there is continuing responsibility to the American forces.

That does not always mean we must take action. Sometimes the better part of wisdom is to do nothing. The Senator from Kansas would say to the distinguished Senator from Arkansas that this administration, or any administration, has a permanent obligation to American prisoners of war, Americans missing in action, and also, of course, to protect American forces so that the Vietnamization program can proceed.

The Senator from Kansas has great faith in the Secretary of Defense. I know the Secretary of Defense well and worked with him in the other body for 8 years. He is an honest man and can be believed when he says that it is necessary to bomb military targets, that this is not an expansion of the war, it is for the protection of American forces, and an effort to keep the Vietnamization program on schedule. And the Senator from Kansas, if he is a spokesman for any position, is a spokesman for ending the war honorably at the earliest possible date.

Mr. FULBRIGHT. If the Senator will allow me, I certainly do not question the honesty, integrity, or patriotism of the Secretary of Defense. I think everyone in this body, as well as the other, is as concerned about the safety of these prisoners of war and our own troops as anyone else.

The real question here is one of judgment as to what is the best means by which to accomplish an agreed upon objective. I think all Members of this body have the same objective with regard to the prisoners of war and the soldiers. There is, however, a very critical question as to the wisdom of the means to be followed to achieve that objective.

The French were confronted with a similar situation. They fought in Vietnam for 9 years, and they finally, in their wisdom, decided that it was in the interest of their own soldiers and their country to conclude that war by negotiation in Geneva.

I thought our President had adopted a similar policy, that a negotiated settlement was the only feasible way—that is, that a military victory, while it might be won by the use of nuclear weapons or an all-out effort, was not called for; that is was not appropriate under the circumstances to go that route.

What really bothers me, aside from the immediate question here, is this: Is this an indication of a policy change—reversal of the basic policy and objective of the administration—or is it not? Perhaps I read more into it than ought to be read into it, but coupled with Cambodia and with the resumption of bombing, and now this in additional action, does this indicate a change in attitude on the part of the administration, or are these isolated, unpredictable, or unplanned incidents which have no significance with respect to the overall policy?

This is what I was hoping the Senator from Kansas could throw some light on. If it is now decided that we must go for an all-out military victory and force the North Vietnamese to surrender, in effect, by punishing them, I think we ought to know it and the country ought to know it. If it is not, I think it is the reverse. I think we really are entitled to know what the policy of the administration is carrying on these activities.

Mr. DOLE. I say to the Senator that the junior Senator certainly sees no further evidence that there has been any change in policy by the administration.

One cannot say there is a change in policy because of an effort to rescue American prisoners. Perhaps a basic question a prisoner asks himself each day is whether he dies from mistreatment or whether he dies from an attempt to escape, or perhaps even in a rescue attempt.

The Senator from Kansas does not view this as an effort to enlarge the war. The Senator from Kansas does not view the bombing raids, which were directed at military targets, as any efforts to enlarge the war.

President Nixon is committed to the Vietnamization program, yes, and hopefully to negotiations. He has said so

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many, many times, as the Senator from Arkansas knows. As recently as 2 months ago, the President proposed a cease-fire—and at least, it is on the table in Paris. It may never move, but the suggestion has been made by Mr. Bruce, our negotiator at the request of President Nixon.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. SCOTT. I hoped that the effort of the very brave group of men to rescue some of our prisoners of war would receive the unanimous approval which I had hoped for.

Mr. DOLE. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I do not wish to prolong this matter, but I think the Senator has gotten to the crucial question. I could not read into this case, standing by itself, any great change in policy. I tried to make it clear that it is the course of events, beginning particularly with Cambodia last spring, and the succeeding events, which seem to me to indicate that there is not a serious administration expectation of a negotiated settlement. All these put together, it seems to me, are very provocative acts which would not be designed to create an atmosphere in Paris of a negotiating kind, an attitude which would lead the enemy to approach it as a serious negotiation looking toward a political settlement.

It still looks as though our policy now would be designed to punish the enemy to the point where, for practical purposes, it would amount to a surrender or to an acceptance under duress of whatever conditions we wish to impose. I thought that it had been agreed before that this was not feasible in the sense that the cost of it in lives and in money was too great for whatever benefit might be achieved. This is what disturbs me more.

I agree with the Senator about the desirability of bringing relief to the prisoners in any feasible way. The question is how to do it. What way is best designed to achieve that purpose?

We admire anyone who engages in a hazardous undertaking, as the Senator has so well expressed with regard to these individuals. Obviously, none of us is criticizing those individuals. They were carrying out orders. The only thing at issue here is the issue of the decision made by the Commander in Chief, not the valor and the sacrifice, or whatever one may call it, of those individuals, the brave men who were ordered to do this. It was a very hazardous exploit. There is no question about that.

Mr. DOLE. In response to the Senator from Arkansas, let me say that the Senator from Kansas would speculate that if a poll were taken among the wives, parents, and children of those who have been imprisoned for 5 or 6 years and they were asked whether or not their Government had a responsibility to make every possible effort to save these men, 90 percent or more of the wives, parents, and children would respond in the affirmative.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. FULBRIGHT. The Senator's prediction is based upon an assumption of the question at issue—that is, whether or not this is designed to achieve that purpose or whether a different course is desired.

Mr. DOLE. After 5 years of waiting, not knowing whether one's son or husband is alive or dead, not knowing whether one is a wife or a widow, it is rather difficult for the Senator from Kansas or the President of the United States, or whoever it may be, to tell the interested person to be patient—"Just wait another 6 months or another year and the enemy may get around to releasing one or two prisoners."

Mr. FULBRIGHT. The logical conclusion of the Senator's statement is that we ought to invade and occupy North Vietnam and affirmatively release them all. This is the conclusion the Senator is not willing to face. That is the logical conclusion.

Mr. DOLE. This was a search and rescue mission.

Mr. SCOTT. If the Senator will let me make a point on that, the articles of war and the code of the soldier certainly are known to everyone who ever served. They state that a prisoner is obligated to make every possible effort he can, consistent with the saving of his own life, to escape from prison. Surely, his Government owes him just as much obligation to make every effort it can, consistent with the security of the United States, to effect his release by negotiation or escape by military access.

I repeat: I cannot understand how anyone could be critical either of the operation per se or of a government which is trying to release prisoners of war. I must say that I am shocked to find that there is any criticism at all on this.

Mr. FULBRIGHT. In the first place, it was wholly unsuccessful. It seems to me that is evident——

Mr. SCOTT. Is that a criticism? I do not think so.

Mr. FULBRIGHT. Yes. We talk about hazardous operations. They expose people to dangers. Therefore, they should be designed to accomplish their purpose.

Mr. SCOTT. In that case, the Senator would have to say that about every surprise attack in World War II, whether successful or not, including Dunkirk.

Mr. FULBRIGHT. They were not all unsuccessful. Some of them were successful.

Mr. DOLE. I share the view of the distinguished Senator from Pennsylvania and initially rose only to comment about the conduct of some very brave Americans.

Mr. FULBRIGHT. I share the Senator's view on that point, I want to make that very clear. I am not talking about the conduct of brave Americans, but I am talking about the political decision of the Commander in Chief as to whether this was in our interest or even in the interests of the prisoners themselves to do this.

Mr. DOLE. Let me say to the Senator from Arkansas that those were appropriate questions to raise. I may have one view. The Senator from Arkansas may have another. But on the broader question of whether this means an expansion of the war, the Senator from Kansas, not being privy to any inside information, not being a member of the Committee on Foreign Relations or a member of the Committee on Armed Services, which is a repository for that kind of information, is nonetheless of the opinion that these were isolated incidents. They demonstrate that we are not a paper tiger but that we want to end the war honorably as quickly as possible. There are those who would exaggerate an isolated incident, but with reference to the effort to rescue American prisoners of war, it seems absurd.

Mr. FULBRIGHT. I hope that the Senator is right. I hope these are isolated, unplanned, and hit-or-miss operations, with no significance as to our basic policy. It is hard for me to believe that the Government would commit acts of this kind because some of them are far reaching. On the undertaking in Cambodia, we have been asked for a large sum of money to create a large army in Cambodia. It does not seem to me to be consistent to say that this is a hit-or-miss operation without any well-designed purpose. It strikes me it is consistent not with withdrawal which was, I thought, political, but with continuing in, and creating a, very strong new operation in Cambodia similar to that in Vietnam. So I have been worried about it and I hope that the Senator from Kansas is correct, that all of this does not have any significance regarding the President's real plan, that these are things which happen, unfortunately, from time to time, without anyone planning them. I am reassured by that statement.

Mr. DOLE. The Senator from Kansas is pleased to know that he can offer some reassurance to the Senator from Arkansas without repealing the Gulf of Tonkin resolution. In any event, the Senator from Arkansas knows better than does the Senator from Kansas that we are at war in South Vietnam, that Americans have been in prison for months and months and years and years. The facts indicate that President Nixon is disengaging from the war he inherited from two previous Democratic administrations, and that the President has been successful, by and large, in this effort. So the Senator from Kansas concludes that this is not an expansion of the war. It is a containment and a restriction of the war. There is a disengagement in Southeast Asia, and I applaud President Nixon for his effort.

Now Mr. President, I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Kansas for yielding to me. Let me say that despite the intentions of the distingushed Senator from Arkansas that imply that this is merely a hit-or-miss operation, the facts support a contrary conclusion.

The facts are that the raid was well planned. The crews were specially trained. Some of their training kept them on the job for the full 24-hour period, clear around the clock.

It was not just an accident that they

chose this particular prisoner-of-war camp. They went there because the information that came to the military was that the prisoners of war there were dying in that camp, as I understand it. So I should like to disabuse the minds of any of those who may feel that the contrary was the fact, that this was just a hit-or-miss operation. It was not that at all.

Very brave men in the American forces went in there, at great risk to their lives. The fact that they were unsuccessful, I think, detracts not one bit from their courage, their training, and from the decision of those who had to assume the responsibility for making that decision.

Mr. KENNEDY. Mr. President, will the Senator from Wyoming yield?

Mr. HANSEN. I will not yield at this moment. I will yield in a moment——

Mr. KENNEDY. On that particular point only.

Mr. HANSEN. No. No. I want to finish my statement and then——

Mr. DOLE. Mr. President, the Senator from Kansas has the floor.

Mr. HANSEN. Mr. President, I want to say it is awfully easy if one's purpose is to try to discredit. It is awfully easy to get up on a Monday morning and find out what the coach did wrong on Saturday. That is not hard at all. There are not many coaches who can run a perfect ball game every Saturday. So what I feel certain will be applauded by most Americans is that this Government and the military in South Vietnam were properly concerned about the welfare of our prisoners of war, and when information reached military headquarters that our men were dying, that they were dying from maltreatment, neglect, and from——

Mr. KENNEDY. Will the Senator from Wyoming yield at that point?

Mr. HANSEN. It was perfectly in order that they should go in there and make the effort they made. I am glad that they did. I am very proud of them for doing so. I am not going to get up here on a Monday morning and say that if I had run the show over there I could have done a better job. What is important to me is that we have tried to help these prisoners of war, as well as the mothers and wives of these men. So that I want to be certain we are doing everything we can to try to save men who are either on the verge of death or are in imminent danger of losing their lives.

Now I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President——

Mr. DOLE. The Senator from Kansas has the floor. I yield to the Senator from Massachusetts.

Mr. KENNEDY. First, on a point of information, could the Senator provide some information in terms of what was the situation in this particular prisoner camp in North Vietnam? I am sure that we will hear about this over the period of the next few days. How does the Senator know that these particular men were virtually going to be dead in the next 5 days, or starving to death, or tortured to death, unless this operation was successful? I think, frankly, it would strengthen the position of the administration, if the administration could give us information concerning the conditions of the Americans in this specific camp. No one doubts that the prisoner situation is, and has been personally difficult for all the men who are prisoners. What was it about this specific camp at this time?

If the Senator can make that information available now, it would be much appreciated, and add to our understanding.

Mr. HANSEN. I will be happy to answer. Saving just one life will do. With even one life at stake, we should do our best to save it. I think they did the very best job they knew how. I do not know how many prisoners there are at this prisoner-of-war camp.

Mr. KENNEDY. The Senator does not know how many prisoners there were? How does he know they were starving, or being tortured, or near death?

Mr. HANSEN. I did not say they were starving.

Mr. KENNEDY. Then what condition were they in?

Mr. HANSEN. I made a statement that the prisoners of war were near death and——

Mr. KENNEDY. The Senator was saying that on the basis of information he stated was available. Is that available now in this specific instance, I say to the Senator from Wyoming?

Mr. HANSEN. It is all in the record, if the distinguished Senator would care to read it.

The PRESIDING OFFICER (Mr. CRANSTON). The Senator from Kansas has the floor.

Mr. DOLE. Mr. President, I appreciate the statement of the Senator from Wyoming and the observations of the Senator from Massachusetts. Let me point out briefly, regarding the earlier statement of the Senator from Massachusetts, that the Senator from Kansas is somewhat at a loss to know just how the Senator from Massachusetts would like us to respond. Apparently he agrees this is a commendable act by brave Americans to attempt to rescue American prisoners of war. Apparently the Senator from Massachusetts questions whether this was proper conduct, and whether the decision was properly made, but it appears to the Senator from Kansas, who has had considerable contact with the wives and mothers and children of those missing in action and prisoners of war, that after 4 or 5 or 6 years, they are at wit's end. They do and should demand that every possible effort is made to free prisoners of war. Yes, and at the negotiating table; yes, at the risk of American lives. If we adopt the attitude of the Senator from Massachusetts of just criticizing President Nixon, and just criticizing the administration, despite the heroic efforts being made by Americans to free other Americans, then we overlook a most important point about America and about those who respond to our Nation's wars.

As the distinguished minority leader pointed out earlier, American prisoners have an obligation, consistent with their safety, to use every means to escape. Some have. An Army major escaped after almost 5 years of imprisonment. He is now in the process of writing a book about this captivity. It should be an interesting book for those of us who sit in the luxury of our homes and concern ourselves with military tactics in South Vietnam and find fault with every move made by our Government but hesitate to question moves made by the other side.

Mr. President, as long as the junior Senator from Kansas is a Member of the Senate, he will support the President—whether it is the President who sent combat troops to Vietnam in the first instance in 1963; whether it is the President who escalated the number of troops in Vietnam to 540,000; or the President who is now bringing American boys home—as long as the Senator from Kansas can believe that that President—not President Kennedy, not President Johnson, and not President Nixon—did so based on the best available information and in the best interests of our country.

The Senator from Kansas would be hard to convince that any President, Democratic or Republican, would take any action inconsistent with our national security and with our best interests.

Mr. FULBRIGHT. Will the Senator yield?

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DOLE. Mr. President, in a moment I will yield the floor. But above and beyond that, it would seem that at this point in the Vietnam war that President Nixon has made what the Senator from Kansas believes are successful efforts to wind it down and to disengage; 175,000 Americans have returned home and another 100,000 Americans will return home by next spring—that is 80 percent of the combat troops. The combat deaths have dropped to 30. Still too many. But a sizable reduction. That indicates we have made progress in Vietnam.

I share the sentiments expressed by the Senator from Massachusetts, the Senator from Arkansas, and the Senator from Wyoming, that the quickest and most effective way to end the fighting is through negotiations. The quickest way to return the American prisoners is through negotiations. But "it takes two to tango."

The Senator from Kansas was convinced of the good faith of the negotiators during the Johnson administration. The Senator from Kansas is convinced of the good faith of Ambassador Bruce and other negotiators now in Paris. However, to say or to infer that there is no obligation or that there is a minimal obligation to free American prisoners, in my opinion, does a disservice to America and to the brave men who fight America's wars.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KENNEDY. Mr. President, will the Senator yield for a brief observation?

Mr. FULBRIGHT. Mr. President, I want to make a brief observation, and then I will yield the floor.

What the Senator from Kansas was saying just before he finished, it seems to me, raises a question about the legitimacy of the discussion of the war and about the wisdom of the Senate policy.

The Senator referred to three Presidents who had a role in it. They did. However, I seem to detect that as long as

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the President makes this decision and the Senator has no reason to believe that he is not motivated by some unpatriotic motive we should accept it.

I think this is a denial of our whole democratic system. I think that to accept that attitude toward Presidential decisions means that the Senate has no serious role to play in the Government.

The whole question at issue, as the Senator seems to assume, is that this issue—in this particular case, the raid, and in other instances, the actions of President Johnson and President Kennedy—the actions were in the interest of the country.

I do not for a moment question the valor of these individuals and their bravery. I do not question the correctness of wishing to free prisoners. We are all for that.

The question I am trying to raise relates to the wisdom of the basic policy we engage in here.

This is not a matter merely of Monday morning quarterbacking. This matter has been going on for 5 years or longer. This is only the most recent incident. What I was trying to elicit was the view of the Senator from Kansas as to the policy now, because he is close to the administration.

I happen to believe it is against the interest of the whole Nation. If we continue to enlarge the war or to resume the bombing in the north, it is against the interest of the prisoners of war, and against their prospects of being freed at any reasonable time.

I think it is in their interest and in ours to stop this war by a negotiated peace, similar to the way in which the French stopped their involvement.

The whole trouble about negotiations is that this country has never been willing to offer terms which are reasonably designed to bring about a negotiated settlement.

The No. 1 element in that failure of negotiations is the lack of commitment on the part of this country to withdraw from Vietnam as the French did.

Talking about a basic policy, I agree with the Senator. I wish that I could always think that Presidents are infallible. However, the three Presidents whom the Senator mentioned were all former Members of the Senate.

I recall when all of them were Senators. There was then no disposition on the part of other Members of the Senate or of the country at large to believe that they were infallible. We all thought it perfectly proper to raise questions concerning their decisions. I think it is perfectly proper to raise a question about the wisdom of the decision, not the valor of the participants, but the wisdom of the decision to go into Cambodia, the wisdom of the decision to resume the bombing of the North, and even the wisdom of sending these very brave men into a hazardous exploit which was accompanied by great danger and will, it seems to me, be resented by the enemy and will not promote negotiations.

Mr. DOLE. Mr. President, let me say that I trust my remarks do not convey the impression that any President is infallible.

The Senator from Arkansas will recall that I supported the Church-Cooper resolution after several weeks of debate. However, it does occur to me that at this time in history and at this time and place and with this President, the Senator from Kansas does not ascribe the motives to him the Senator from Arkansas does.

Some are very quick to condemn President Nixon who is disengaging from Vietnam. We know that negotiations would be the quickest way. But a Senator is not necessarily a military tactician and he has no special right to criticize and direct the President, a general, a staff sergeant, or a private, what should be done in the field of operation.

Mr. FULBRIGHT. Mr. President, I am not a military technician. That is not the question. This is a question in human relations. The Senator is an expert on human relations or he would not have been elected. Every Member of the Senate has some expertise in human relations.

The question is how to bring about a settlement of this war. It can only be done by negotiation.

I am not trying to tell them how to win the war. I thought we had abandoned the objective of winning this war. I thought that the President had abandoned that effort.

I like to support Presidents. It is much more agreeable to do so.

I have supported many of them. The only recent serious problem I have had with the last two Presidents was over the wisdom of this war in Vietnam.

If this country were in danger, I would be in the same position as the Senator from Kansas—if I thought that the country was in danger.

I supported World War II. I did not raise any question about that war. However, the Senator certainly knows that there is great question as to whether the pursuit of this war is in the interests of our country. That is the very question at issue. It is not a matter of supporting the President per se as the President. It is the wisdom of the pursuit of this policy that is at issue. Is it really in the interest of this country to continue this war? That is the whole question.

Mr. DOLE. I might respond briefly to the last question. I conclude by saying the policy now being pursued by this administration is one of disengagement. It is a policy to which I subscribe. The Senator from Kansas does not believe an isolated search and rescue mission or bombing military targets to protect American forces now or in the future is an expansion of the war or a discarding of that policy.

Mr. FULBRIGHT. I am glad the Senator said that. I notice he did not mention Cambodia. The resumption of bombing is all he adds to the question. I hope the Senator is correct and that this is not to lead into a new policy or a changing back to a policy of winning a military victory, as much as we all would like it. I thought the decision had been made by this President not to pursue that route.

Mr. KENNEDY. Mr. President, will the Senator from Arkansas yield, inasmuch as the Senator from Kansas mentioned my name earlier?

Mr. FULBRIGHT. I yield.

Mr. KENNEDY. The only response I would like to make to my friend from Kansas is to reject his argument on its face. We ran into this kind of argument during the recent political campaign. We in New England, as in other parts of the country, are used to statements to the effect that because one criticizes the administration and has criticism for their acts, which in this case I firmly believe endangered lives, that one cares any less about the well-being of prisoners of war or that one is less loyal to his Nation. I reject the implications that have been made by the distinguished Senator from Kansas.

Mr. DOLE. If I may respond, I reject the observation made by the Senator from Massachusetts that everything this administration does with respect to the war is incorrect.

Mr. KENNEDY. The record is quite clear on my position. I wish the Senator did not have to start to leave the floor or turn his back. I did not do so this afternoon. I have made my position on this entire war clear, and stated it in terms of deep disagreement during the last Democratic administration. I will, when I disagree, do so during this Republican administration. I will not be intimidated, as this administration has attempted in the past, to quiet those voices that express dissent about our involvement in Southeast Asia, or problems of reconciliation in this country, or any other matter. It has been a tactic in this administration. I rejected those tactics in the past campaign, and the American people rejected those tactics. These slight references made by my friend from Kansas do not distress me.

Mr. DOLE. I hope the Senator agrees that President Nixon did not initiate this war in South Vietnam and that he has made progress toward extricating Americans since January 20, 1969; I know the Senator wishes him further success in negotiations, which would be the best way to bring the matter to a conclusion.

Mr. KENNEDY. That does not answer the question we have before us this afternoon. The discussion started when the Senator from Kansas started expressing views in terms of this action 20 miles west of Hanoi with respect to prisoners of war.

My position is clear on the matter of this war and the right of men in the Senate to criticize. I have expressed my position on our involvement in Southeast Asia. I have commended the President when I felt he should be commended, and I have expressed criticism when I felt it was justified, and quite frankly, I think it is justified by the action reported this afternoon.

Mr. DOLE. Mr. President, will the Senator yield further?

Mr. KENNEDY. I yield.

Mr. DOLE. The Senator from Kansas would be pleased to discuss the war in Vietnam with the Senator from Massachusetts. Further repetition would not serve any purpose at this point unless the total war is discussed. In fairness, I can only repeat that we cannot talk about the action today, last week, or last year, without recognizing this war was started many years ago; that had it not been for sending combat troops to South Vietnam in 1963, there would not have been the search and rescue mission over the weekend, and had it not been for the expansion of the war in the 1960's, the issue would be much simpler today.

Mr. KENNEDY. Does the Senator have a question?

Mr. DOLE. The question is: Does the Senator consider the total war or does the Senator consider it on a day-to-day basis?

Mr. KENNEDY. The Senator remarked earlier about the operation which we have addressed ourselves to. If the Senator is prepared to talk about the total war, I have stated my position and I am ready to state it again. I thought the total matter was expressed very well in the marvelous statement of the Senator from South Dakota today. We all remember the statement of the President in taking office that he had a plan to end this war. The Senator from South Dakota discussed that plan line by line and in detail. It remains to be rebutted by the Senator from Kansas or any other administration supporters. That was about as fine a detailed statement as has been made of our involvement over there, contrasted with what this administration pledged.

If the Senator is looking for a comment by me on whether mistakes were made by Democratic administrations during the 1960's, I say, "Amen. There certainly were."

The question now is, as I think what was stated so well by the Senator from South Dakota, let us look at the record in terms of this administration, and in terms of its pledges in the campaign. That has not been rebutted.

But I would be glad to discuss in further detail the Senator's earlier statement, although I think we have covered it adequately. I would be glad to remain if the Senator wishes to remain.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. DOLE. To bring the debate back into proper perspective, I return to one statement made by the junior Senator from South Dakota who stated:

> American prisoners continue to languish in prison camps in North Vietnam.

I called attention to efforts made by a certain rescue operation to rescue American prisoners. I pointed out there was a continuing effort by this administration, by our Government, to protect American forces and to rescue Americans who were held captive for many years.

The Senator from Kansas feels as he did an hour ago: This is an obligation we have. It is a continuing obligation. I applaud Secretary of Defense Laird and those who participated and trust further efforts will be made to obtain the release of American prisoners and those missing in action.

ADJOURNMENT OF THE TWO HOUSES OF CONGRESS FOR THANKSGIVING HOLIDAY

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 786.

The PRESIDING OFFICER (Mr. SPONG). The Chair lays before the Senate House Concurrent Resolution 786, which will be stated.

The legislative clerk read as follows:

H. CON. RES. 786

> *Resolved by the House of Representatives (the Senate concurring)*. That when the House adjourns on Wednesday, November 25, 1970, it stand adjourned until 12 o'clock meridian, Monday, November 30, 1970.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. KENNEDY. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 1, line 2 strike out "the House" and insert "Congress".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The concurrent resolution (H. Con. Res. 786), as amended, was agreed to, as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That when Congress adjourns on Wednesday, November 25, 1970, it stand adjourned until 12 o'clock meridian, Monday, November 30, 1970.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that tomorrow immediately following the remarks of the Senator from Vermont (Mr. AIKEN) during the morning hour, the Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment in accordance with the previous order.

The motion was agreed to; and (at 6 o'clock and 30 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, November 24, 1970, at 10 a.m.

EXTENSIONS OF REMARKS

LEGISLATIVE COUNCIL FOR OLDER AMERICANS, INC., DEDICATED TO IMPORTANT GOALS FOR SENIOR CITIZENS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, the Legislative Council for Older Americans, Inc., is dedicated to the advancement of Senior Power as a means of attaining a better life for senior citizens. I call to my colleagues' attention the important goals to which these citizens are dedicated:

LEGISLATIVE COUNCIL FOR
OLDER AMERICANS, INC.,
Boston, Mass., November 17, 1970.

The Legislative Council for Older Americans, Inc., a Boston-based senior citizens organization, is dedicated to the proposition that America's twenty million senior citizens are entitled to share in the American standard of living. To that end, we propose:

RETIREMENT INCOME

The enactment of social security during the depression years was a recognition by our nation that a planned retirement income maintenance plan was an essential ingredient in our economy. When the late President Franklin D. Roosevelt signed the social security act into law he commented, "We have laid the cornerstone for security for our older citizens." However, something has happened and we have not built the structure on this cornerstone. The deteriorating social and economic position of our retired population demands that we begin immediately to modernize and streamline our social security complex. The payroll tax has become regressive and is no longer a sufficient base to finance an adequate retirement income system. The Federal Government must become a financial partner in this field by adding a new financial dimension to the Social Security Trust Funds. The first step is to divert funds from the general revenues to supplement the payroll taxes until we achieve an arrangement whereby the employee pays one-third of the pension fund, the employer one-third and the Federal Government one-third. Only then will human needs become the dominant consideration in meeting the requirements of our Elders whose lives have been revolutionized by involuntary retirement, inflation, and the increased life span.

LOW- AND MODERATE-COST HOUSING

A large segment of our older citizens is faced with the problem of substandard housing. The home environment is of great importance to a retired person. He spends a good deal of his time in the home and the environment factors have an important bearing on his health, mental outlook and his general welfare.

It must be obvious that the private segment will not build the required housing for our low- and moderate-income Elders. It is, therefore, the job of the Federal Government and non-profit organizations to fill this void in our lives. States and municipalities can also share in this great task.

We need homes and we need them now!

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MEDICAL CARE

Medicare was an important forward step in the problem of health care for senior citizens. However, it needs drastic revision to fill in the service gaps such as prescriptions, dentures and other services presently omitted in the Medicare program. Moreover, the rising cost of Medicare and the various supplementary medical insurance plans now threaten to drive thousands of Elders on the rolls of charity medical plans. The ultimate solution is a National Health Insurance Plan which will incorporate Medicare and give our senior citizens complete medical protection.

EMPLOYMENT

Millions of senior citizens possess the skills, experience and energy to continue their contribution to Government and private industry. However, we have practically been banished from private industry and government plans to provide service opportunities to Older Americans have been too fragmented and too insignificant to have an impact on this serious matter. A National Senior Service Volunteer Corps which will provide additional funds and opportunities for services to Elders, to children, and to the nation in general, should engage the immediate attention and action of the Congress of the United States.

The Legislative Council for Older Americans, Inc., is building Senior Power to accomplish the goals enumerated in the preceding paragraphs. We invite all Americans who believe that the generation which did so much to build the wealth and resources of America is entitled to a fair share of our national wealth to join with us in this great American crusade.

FRANK J. MANNING,
President.

PAUSE FOR PEACE

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. ARENDS. Mr. Speaker, last October 29, during the recess of the Congress, it was my privilege to be the guest speaker at the regular meeting of the Kiwanis Club of Danville, Ill. Once a year the club affords me this opportunity to address them on current national and international problems and proposed solutions. I look forward to these occasions, when all political considerations are set aside and we simply endeavor to examine, as objectively as we know how, what has transpired and is likely to transpire in Congress and in the councils of Government.

My remarks on these occasions have been in the nature of a report from Washington—a nonpartisan accounting of my stewardship over the interests of the people I represent.

At the meeting last October the club called my attention to a "Pause for peace" resolution that they had adopted. It provided that at each regular club meeting, prior to the invocation, there would be a 15-second period of silent meditation on world peace as our common goal and what each of us might do to achieve that goal.

I am putting a copy of this resolution in the CONGRESSIONAL RECORD as a part of my remarks. You will note that the Danville Kiwanis Club seeks to have this same resolution adopted by all Kiwanis Clubs. This in itself is a contribution to the realization of world peace and of itself bespeaks the vision and the earnestness of the members of the club of Danville, Ill. It is with pride that I call this patriotic action to the attention of the Congress:

RESOLUTION

By action of the Board of Directors of the Kiwanis Club of Danville, Illinois, U.S.A.:

Whereas World Peace should be the goal of all mankind, and

Whereas Kiwanis International and each Kiwanis Club throughout the world should dedicate itself to achieve worthy goals, and

Whereas each Kiwanian and Kiwanis Club should become involved in attaining such worthy goals; therefore

Be it resolved that each Kiwanis Club adopt a "Pause for Peace" 15-second period of silent personal meditation prior to the invocation at each regular Club meeting, and

Be it further resolved that each Kiwanis Club, upon adoption of the "Pause for Peace", endorse its name upon this resolution and thru an interclub visit present same resolution to another Kiwanis Club in order that the power of Kiwanis and its membership might be directed toward the cause of World Peace.

We the undersigned Kiwanis Clubs, endorse the above resolution.

Resolution Endorsement ________________

Upon completion of the space for endorsement upon this resolution, it should be returned to the Kiwanis Club of Danville, Illinois 61832, U.S.A., for presentation to the Resolutions Committee of the annual convention of Kiwanis International in order that the "Pause for Peace" might be officially adopted as a project effort of Kiwanis.

A NEW LOOK AT THE PLEDGE OF ALLEGIANCE

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. STEIGER of Arizona. Mr. Speaker, printed in the Prescott Courier on Veterans' Day was an interpretation of the Pledge of Allegiance to the Flag by Mrs. Flannery's First Grade at Washington School. I would like to share with my colleagues its simplicity and beauty:

WHAT DOES THE PLEDGE OF ALLEGIANCE MEAN?

(By Alex Perkins)

(EDITOR'S NOTE: When pondering over what to print on Veterans' Day, we ran across the following interpretations of the "Pledge of Allegiance To The Flag" from Mrs. Flannery's First Grade at Washington School—wouldn't it be great if all people of the world were as unafraid to speak the truth as six and seven-year-olds?)

I—Means anyone who lives in the United States. Sven Holt.

Pledge—Is a promise. If you make a promise you should keep it. Chris Spackey.

Allegiance—Means loyalty. You are a good friend to the United States. Charlie McCormick.

To the—Just this one flag, not the flag of any other Country. Pablo Alvarez.

Flag—White is for honesty, red is for the blood of Americans, blue is for being a good friend. Terry Ford.

Of—Our flag stands for our Country and no other one. Jim Scofield.

The United States—There are 50 states but we are one together under one leader. Scott Boerner.

Of America—We are Americans but our Country is a part of North America. Lewis Pendergast.

And to the—Besides the flag we pledge allegiance to our government. Danny Tomlinson.

Republic—That is a kind of government where there is a President that we vote for. Joanne Sudbrink.

For which it stands—The flag makes us think of the U.S.A. We don't have a king or dictator. Dan Soriano.

One Nation—50 states together in one country with lots of different people. Pamela Ott.

Under God—The men who began our Country prayed to God, and we still do. Dawn Boraski.

Indivisible—That means you can't break our Country apart. Laurie Despain.

With liberty—We are free to do what we want to, except if it is against the law. Tina Wilson.

And justice—In our Country people are treated fair and we don't cheat. Karen Brock.

For all—Everybody in the United States gets liberty and justice. Grace Madrid.

THE SUPPRESSED REPORT—A CASE OF POSSIBLE JUDICIAL PREJUDICE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. SCHMITZ. Mr. Speaker, in No. 78, Federalist Paper, Alexander Hamilton said:

> Making the proper deductions for the ordinary depravity of human nature, the number (of Justices) must be still smaller of those who unite the requisite integrity with the requisite knowledge.

For the first time in the history of our Nation, a Federal judge has issued a permanent injunction against the public printing of a report compiled by a duly authorized congressional committee.

Congressional investigations serve several purposes. In the first place, the Congress must inform itself in order to determine whether existing laws are meeting the needs of the people. The Congress must have the investigatory power if it is to carry out the duties for which it was established.

Congressional investigations also act as a check on the other branches of the Government. The fact that the various executive departments are subject to scrutiny by Congress serves as a brake on some of the more outstandingly bad schemes devised by shortsighted bureaucrats and arrogant pseudo-intellectuals. Some of the recent reports emanating from Presidential commissions show how far into fantasyland those not directly responsible to the voters can wander.

The third function of equal or greater importance performed by congressional investigations is getting information to the citizens of the Nation, who otherwise would be forced to rely almost entirely on the mass media, now controlled to a large extent by people of "radical-liberal" inclinations. This is the congressional investigatory function at which the recent Federal court decision has struck.

Judge Gerhard Gesell has decreed that while the list of college speakers attached to revolutionary organizations—see my newsletter 70-17 "Campus Violence and the War"—can be printed in the Congressional Record, the price of which recently tripled, the Public Printer's cannot make this information available to the general public. Judge Gesell has decided that the American people should not have access to this much-needed information through the regular channels which exist for the dissemination of material which their elected representatives regard as vitally important. It is a clear case of censorship.

The reasoning exhibited in Judge Gesell's decision—Hentoff et al. against Richard H. Ichord et al.—is incredibly twisted. In fact it is even worse than that revealed in the "Gesell report," a Presidential commission report issued in 1963 with equal opportunity in the armed forces. Gerhard Gesell was Chairman of this "distinguished panel" which included such notables as Abe Fortas. In my opinion, the implementation of the findings of this commission has been one of the main factors in the increasingly poor morale and growing racial violence in our Armed Forces. If the Judge's decision in the case under discussion stands, it will have even graver effects.

In finding against the House Committee on Internal Security, Judge Gesell says that the publication of this committee's report will tend to inhibit "free speech." The use of the term "free speech" in this case is somewhat ironic. One of the major points the committee wished to make was that a very large amount of money was being dispensed by the colleges and universities to various persons preaching revolution. Nat Hentoff, the individual represented by the American Civil Liberties Union in the suit against the congressional committee, received $4,700 for the four free speeches he is listed as having made.

Judge Gesell seems to think that responsible college administrators might, in the light of the information presented by the committee, think twice about paying speakers to radicalize their students. He seems to feel that this is unfair to the revolutionaries. He seems to feel that their right to indoctrinate young people to hate their country and their form of government stands above the right of the citizens of the Nation to know who the sowers of hate are, and how much they are being paid. Therefore he has ruled that the list voluntarily supplied by various colleges and universities may not be distributed through the regular channels.

Existing legal precedent is flatly contrary to Judge Gesell's opinion. In 1956, a panel of three Federal judges decided in a similar case that "we have no more authority to prevent Congress, or a committee or a public officer acting at the express direction of Congress, from publishing a document than to prevent them from publishing the Congressional Record." Exactly.

If Gesell's decision is upheld, there is no telling how far it may lead. For the past several years J. Edgar Hoover has been testifying to the burgeoning influx of Communist speakers on the college campuses. His annual testimony is printed at public expense and distributed to interested citizens. Under the Gesell decision, it is quite possible that this could no longer be done.

The interesting question has arisen as to whether Judge Gesell should have disqualified himself from deciding this particular case, since his father, Arnold Gesell, was once listed in a previous report by the same committee whose report he is trying to suppress, as a speaker at a conference organized by a group which the Attorney General had declared Communist and subversive.

If anything can awaken Congress to call a halt to the erosion of its power which has been going on since 1933, it will be this decision.

THE SHINING STAR OF CHRISTMAS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. HÉBERT. Mr. Speaker, one of my constituents, Mr. Henry T. Voltz, a teacher in the Orleans Parish Public School System, has written a poem entitled "The Shining Star of Christmas," which contains an important message for all of us.

It is heartening to note that we have men of his caliber educating our young people today. We can look to the future with confidence with men like Mr. Voltz molding our leaders of tomorrow.

Because I feel so strongly about the poetic message expressed by Mr. Voltz, I want to include his effort in the Record at this point:

The Shining Star of Christmas

(By Henry T. Voltz)

I

Amidst the joys of Christmas
With holly and mistletoe,
Let's not forget its meaning
In the lustre of the glow.
So give your fellowman today
God's gifts of hope and love
That He gave our country long ago
With the olive branch and dove.

II

May the guiding star of Christmas
That shone bright that holy night,
Give our country Thy protection
Lasting through each morning's light.
Let it guide all nations' freedoms,
Cleanse the world of fear and hate
Thanking God for our own homeland—
Always help us keep it great.

III

Keep the Shining Star of Christmas
With our flag's red, white, and blue,
Let us welcome Christ the Savior
As we honor our country too;
Let the stars in our Old Glory
Shine as one on Bethlehem
And thank God for our great country—
Never Let the Star Grow Dim!

THE PRIVILEGE OF BEING AN AMERICAN

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. BARING. Mr. Speaker, several of my constituents brought to my attention a speech given by Maj. Harry Pawlik of Nellis Air Force Base to newly naturalized American citizens in the Federal Court in Las Vegas, Nev., on September 17, 1970. After reading a copy of the speech, I felt it would be of interest to many others to read this very fine statement concerning the privilege of being an American. The following is a text of that speech:

Maj. Harry Pawlik's Speech

Your Honor, Ladies and Gentlemen. It is an honor and privilege for me to share this memorable moment with you, our new American Citizens. Twenty-three years ago on the 22 of September 1947 I came to this great Free Country. On the 17 of July 1953, I had my memorable moment. On that morning I raised my right hand, took an oath, and became a part owner of the greatest free nation in the world. Today you have joined that partnership which we share with some 200 million fellow American citizens. With this partnership, you have inherited numerous privileges, rights, and freedoms as well as some obligations.

The God who gave us life also gave us liberty. There is a voice in the soul of every human being that cries out to be free. America has answered that voice of many languages. Today, that voice is again answered in several different languages in this Court Room.

As new American citizens, you are now entering a way of life and freedom called Democracy. It recognizes liberty of the individual to determine the course of his own actions, subject only to restrictions the same for all. Democracy allows every citizen to go as far as ambition, ability, knowledge, and skill will permit.

With your citizenship, you have inherited some precious rights and freedoms. You have the right to pursue a happy life—you can vote for the person of your choice—each citizen has the right to accumulate property and possessions—and you have the right to a just and speedy trial by jury. Under the Bill of Rights, we have guaranteed to us what we call the big four freedoms: Freedom of Religion, Speech, Press, and Assembly.

Each citizen is guaranteed the right to worship as he sees fit.

Each citizen has the right to say what he pleases as long as he does not harm others.

We have a press which is free to print the news without fear of government action.

And you and I have the right to get together and ask Congress to write new laws or abolish old ones.

The Constitution of the United States recognizes the dignity of the individual, but it also suggests that each citizen would have to make certain sacrifices in order to preserve and protect his freedom. He will have to pay taxes, submit to the will of the majority, and obey the law of the land. He might even be required to bear arms in defense of his country. Freedom has never been free. It has always been very costly. Over a million of our countrymen have died for it. Freedom always has to be earned.

As new American citizens, you should be glad to be free to work, eat, sleep, and pray

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and love and live as you desire, as you believe. Rights, freedoms, and privileges will soon become a part of your everyday life—you should never take them for granted. You have inherited these rights—freedoms and privileges from generations of men and women who valued them enough to work and to fight for them through hardship and suffering.

Their work, hardships, and suffering should not have been in vain. In these modern and sophisticated times, many people seem to get embarrassed at the words patriotism and service for our country. I am not one of these persons—I hope that you will never be. Patriotism to me is a conviction that what I am upholding and preserving is right. Patriotism isn't marching behind a band and throwing out your chest. It isn't a flash of fireworks one day of the year—nor is it found in the screams of a crowd. Patriotism is the sum of the three cardinal virtues: Faith, Hope, and Charity.

Faith in the principles of our Government.

Hope in the future of our Country.

Charity toward all and malice toward none.

Partiotism is loving one' country, respecting its traditions, and honoring its people, be they rich or poor, white or colored, young or old. Patriotism is standing firm and unselfish for the right, for the common good, and the people and well-being of all—sacrificing yourself if need be and standing unafraid against all opposition.

Fellow Americans, I am proud to live in this great land of ours—a land where there is always the chance to dream and then work till those dreams come true. I value highly the opportunity to serve as a professional among professionals in the defense of freedom and our country. I will endure many hardships for my beliefs and love for my country. I owe freedom and the chance for a new life to this great nation. America is our country, yours and mine, all fifty states of it. We are heirs to a brave and Godly Heritage. With so much we have responsibility. Government by the people means Government by you and by me. Its successful functioning demands that every citizen carry out his obligation to make it work. We must care for our country, keep it strong and beautiful, perpetuate its freedom, and preserve our nation's position as the number one free country in all the world. We must work hard and dream big, and keep the torch of Freedom burning.

This great land is our land, yours and mine—we are Americans. Thank you and best of luck always.

LEGAL SERVICES PROGRAM

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. REID of New York. Mr. Speaker, the dismissal of Mr. Terry Lenzner and Mr. Frank Jones from the OEO legal services program this past weekend is most regrettable.

Contrary to the best advice in the country, the legal services program has been regionalized and demasculated.

This acquiescence to local political pressure will increasingly prevent OEO from vigorously asserting the legal rights of the poor.

I am extremely concerned that the legal services program, which is badly needed in our disadvantaged communities, will no longer be able effectively to promote the best interests of its clients in politically sensitive areas. To the extent that regionalization reduces the professional integrity and independence of the program it does a disservice to the very people whom the program is intended to benefit.

I strongly urge that OEO reconsider its recently issued regulations and restore the legal services program to the independence which the public interest requires it to have.

EXTENSION OF U.S. FISHERY LIMITS

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. PELLY. Mr. Speaker, conservation of our coastal fishery resources is of the utmost concern to U.S. citizens, both economically and as a source of food. It was with considerable apprehension several years ago that we first viewed the appearance of Japanese and Russian fishing fleets off the coast of Alaska. As time went by and these foreign fishery operations steadily expanded their efforts to include all species of fish on the entire Pacific coast, the matter of conservation became serious enough to warrant Federal legislation. This legislation provided for a 12-mile fishery zone—an extension of 9 miles seaward in addition to our 3-mile territorial waters.

We said at the time that this was a step in the right direction, but by no means sufficient to protect and preserve our coastal stocks of fish. The problem was extremely serious at the time of the enactment of the 12-mile limit, but it has reached crisis proportions today.

In my district, the Alaska Fishermen's Union has set forth a policy in this regard which is of interest to all Americans, and I insert this statement at this point in the RECORD:

EXTENSION OF U.S. FISHERY LIMITS

Recognition of conservation in waters outside present territorial waters came to a head at the Law-of-the-Sea Conference held in Geneva, Switzerland, in 1958. Out of that conference came four specific conventions, one of which deals specifically with the Conservation of the Living Resources of the High Seas This convention recognizes the rights of all nations to fish on the high seas but it also recognizes that a coastal state has a special interest in its coastal fisheries, and imposes an obligation on participating nations to meet with such coastal states for the purpose of reaching agreement pertaining to conservation.

Nations which are not signatories to the convention are not bound by or under obligation to adhere to regulations enacted by the coastal states. The U.S.S.R. and Japan are not signatories to the Geneva Convention dealing with Conservation of the Living Resources on the High Seas; consequently, 33,000 miles of shoreline in Alaska as well as the coastlines of Washington, Oregon and California are without any protection conservationwise outside the 12-mile limit, except for some bilateral agreements, which, in themselves, are not adequate to do the job.

Bilateral agreements with Japan and the Soviets which are now in existence involve king crab which has been badly overfished, as well as abstention from fishing in certain areas where Pacific perch and rockfish have experienced depletion.

While quotas on king crab have been established, limiting Japan and Russia to a specific number of cases, these quotas do not include incidental catches of crabs which are caught in the foreign vacuum cleaner dragging operations. Consequently, the take of this valuable specie of shell fish far exceeds reasonable limits required by conservation and we can expect further deterioration of the crab population in the Bering Sea area.

Other bilateral agreements are of short duration, and while helpful during their period of existence, actually they are unable to stop foreign nations, once a stock has been rebuilt, from again wiping out the fruits of our conservation by the tremendous fishing effort they are able to exert.

In any event, the bilateral agreements as we see them can only serve as a stopgap measure and have little or no influence on over-all conservation of Pacific stocks of fish.

While our figures on foreign fishery activities off the Pacific Coast are by no means complete, the Russian and Japanese catches run into billions of pounds. The species fished upon involve every type of bottom fish, such as, cod, sable-fish, sole, flounder, rockfish, pollock, Pacific perch, etc. Foreign fishery operations for herring in Eastern Bering Sea are becoming more extensive every year. The fisheries conducted by Russia and Japan also involve crab and shrimp, as well as a large fishery on hake. Incidental catches of king crab and halibut are a contributing factor to the depletion of those species.

The Japanese have declared their intentions to start a new fishery in 1971 on saury. This fishery will involve thirty-three vessels ranging from 300 to 500 tons each. We can expect a significant decrease in saury, once this operation gets under way.

During the year 1969, there were 1269 large fishing vessels of foreign nations observed off the coast of Alaska. So far in 1970, the figure is 1151. Of course, there may be more, but the number stated here has been definitely established by observation conducted by the Bureau of Commercial Fisheries. In our opinion, had the foreign fishing pressure been as heavy off Washington, Oregon and California as we have seen it in Alaska the Congressional delegations from these states would have taken more interest than has been the case so far. With pressure building up and depletion an imminent factor, it behooves all West Coast states to work closely together.

There are definite indications of overfishing on many species of fish, especially rockfish, perch and king crab. The halibut resource is not going to survive unless incidental catches can be regulated and sable fish will eventually become another casualty.

What does all this fishing mean in terms of our future supply of fish? There will be no future supply unless the public becomes concerned enough to demand a national policy which will provide survival for United States fishery resources, and concerned enough to force the bureaucratic setup, wherever it exists, to do a job instead of polishing their backsides in easy chairs. Recently, in public meetings held in Oregon and Washington, members of Congress and other government officials heard a great deal of testimony—mainly by salmon trollers—which would indicate a number of violations of the 12-mile limit as well as harassing tactics which placed United States' fishermen's lives in danger, and caused the loss of considerable gear. Allegations were also made that salmon was being taken in large numbers by the foreign fishermen, and there were many other charges of encroachment by foreign nationals.

Violations of present fishery limits are a serious matter, but even without any violations, our coastal fisheries are being depleted by overfishing outside the 12-mile limit. Therefore, an extended fishery limit is not only desirable, but a *necessity*. Our proposal on this would be full jurisdiction over all fish on our continental shelf, plus 200 miles where the shelf would not adequately protect the resource.

Our proposal would provide for management control for conservation purposes, and in cases where the United States did not ultilize the resource, foreign fisheries could be allowed to fish by a licensing system under conservation rules which would allow the maintenance of the resource on a sustained yield basis. We feel this is a rational approach to a most difficult problem, and, certainly if steps are not taken in time, there will be nothing left to regulate in the future.

Available information dictates stern measures. We are aware not all of the United States fishing industry is in agreement on the measures we are recommending, but, in the final analysis, regardless of recommendations by individuals or any particular group, our national policy must be based on what best serves the interests of conservation.

We are basing our demands for extended fishery limits solely on conservation and not on any desire to gain more territorial waters. We do not believe the conservation issue can be resolved by bilateral or multilateral agreements with foreign nations because twelve years have passed since the Geneva Conference in 1958 and we have, as yet, been unable to get those nations which are putting the most fishing pressure on us to ratify the convention regarding Conservation of the Living Resources of the High Seas, and, under the terms of the convention, to discuss conservation.

No responsible person or agency in government can justify destruction of our coastal resources by following a do-nothing policy or a policy which prolongs the agony of depletion. Questions have been raised on what will happen to our North Pacific salmon if we adopt the continental shelf principle for free-swimming fish and a 200-mile limit. Our position on adequate protection for salmon has been expressed on many former occasions. For the information of those who may not know the early history of salmon and United States' thinking on conservation, we insert Secretary of State Cordell Hull's statement of November 22, 1937, and also the Truman Proclamation of 1945:

"Large bodies of American citizens are of the opinion that the salmon runs of Bristol Bay and elsewhere in Alaskan waters are an American resource; that the salmon fisheries relate to and are linked with the American continent, particularly the Northwest area, and that, for all practical purposes, the salmon industry is in fact a part of the economic life of the Pacific Northwest Coast. The fact that salmon taken from waters off the Alaskan coast are spawned and hatched in American inland waters, and when intercepted are returning to American waters, adds further to the conviction that there is in these resources a special and unmistakable American interests.

"It must be taken as a sound principle of justice that an industry such as described which has been built up by the nationals of one country cannot in fairness be left to be destroyed by the nationals of other countries. The American government believes that the right of obligation to protect the Alaskan salmon fisheries is not only overwhelmingly sustained by conditions of their development and perpetuation but that it is a matter which must be regarded as important to the comity of the nations concerned."

In September, 1945, President Harry S. Truman issued the following historic proclamation:

POLICY OF THE UNITED STATES WITH RESPECT TO COASTAL FISHERIES IN CERTAIN AREAS OF THE HIGH SEAS

"Whereas for some years the Government of the United States of America has viewed with concern the inadequacy of present arrangements for the protection and perpetuation of the fishery resources contiguous to its coasts, and in view of the potentially disturbing effect of this situation, has carefully studied the possibility of improving the jurisdictional basis for conservation measures and international cooperation in this field; and

"Whereas such fishery resources have a special importance to coastal communities as a source of livelihood and to the nation as a food and industrial resource; and

"Whereas the progressive development of new methods and techniques contributes to intensified fishing over wide sea areas and in certain cases seriously threatens fisheries with depletion; and

"Whereas there is an urgent need to protect coastal fishery resources from destructive exploitation, having due regard to conditions peculiar to each region and situation and to the special rights and equities of the coastal State and any other State which may have established a legitimate interest therein;

"Now, Therefore, I Harry S. Truman, President of the United States of America, do hereby proclaim the following policy of the United States of America with respect to coastal fisheries in certain areas of the high seas:

"In view of the pressing need for conservation and protection of fishery resources, the Government of the United States regards it as proper to establish conservation zones in those areas of the high seas contiguous to the coasts of the United States wherein fishing activities have been or in the future may be developed and maintained on a substantial scale. Where such activities have been or shall hereafter be developed and maintained by its nationals alone, the United States regards it as proper to establish explicitly bounded conservation zones in which fishing activities shall be subject to the regulation and control of the United States. Where such activities have been or shall hereafter be legitimately developed and maintained jointly by nationals of the United States and nationals of other States, explicitly bounded conservation zones may be established under agreements between the United States and such other States; and all fishing activities in such zones shall be subject to regulation and control as provided in such agreements. The right of any state to establish conservation zones off its shores in accordance with the above principles is conceded, provided that corresponding recognition is given to any fishing interests of nationals of the United States which may exist in such areas. The character as high seas of the areas in which such conservation zones are established and the right to their free and unimpeded navigation are in no way thus affected.

In Witness Whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

"Done at the City of Washington this 28th day of September, in the year of our Lord nineteen hundred and forty-five, and of the Independence of the United States of America the hundred and seventieth."

HARRY S. TRUMAN.

By the President:

DEAN ACHESON,
Acting Secretary of State.

In his official White House release, President Truman said: ". . . . as a result of the establishment of this new policy, the United States will be able to protect effectively, for instance, its most valuable fishery, that for the Alaska salmon."

We are in accord with these statements and believe our position in establishing fishery zones for conservation purposes does not deviate in principle from what President Truman said in 1945. With regard to salmon, we have claimed ownership, and while the International North Pacific Fisheries Commission has had to adhere to the terms of the Tri-Partite Treaty, the record will show the Commission has taken a strong position in each of its annual meetings that there should be an abstention of high seas fishing on North American stocks of salmon. The abstention principle, which would have precluded foreign fishing on salmon stocks of North American origin, was inserted in the treaty, but, due to ambiguous language, it has not been possible to implement the spirit and intent of the treaty. Thus, a rather substantial part of North American stocks of salmon have been harvested by the Japanese and also to a smaller extent by South Korea. We estimate 33% of the allowable catch in Bristol Bay has been taken by these nations.

We do not believe in high seas fishing for salmon because such fishing violates every principle of good conservation. We believe Japan is fully entitled to the fruits of her own salmon propagation—and so is South Korea—but they should harvest their own salmon in their respective coastal waters and should not insist upon a high seas fishery effort which is not only harmful to conservation but which forces United States fishermen to abstain from fishing in order to provide necessary escapement, thus placing the United States in the position of conserving for the benefit of foreign nations.

While we are unalterably opposed to high seas fishing for salmon, we cannot ignore the fact such fishing does take place, and it is for these reasons conservation rules to protect the resource must be established.

While there are some questions that the continental shelf and/or a 200-mile limit can fully protect North American salmon stocks, it most certainly will offer more protection against foreign fisheries activities for salmon than we have at the present time.

Japan is the only country of potential foreign fisheries for salmon with which we have a treaty. We believe Japan, with her many and varied fishery interests on the Pacific Coast, would have to give most serious consideration to many aspects of her fisheries before embarking upon a course which would decimate North Pacific salmon.

The dire predictions of what foreign nations would do if the United States takes unilateral action and extends its present fishery zones, have come from our spokesmen in the Department of State and not from any foreign nations. With the bargaining lever of the continental shelf and a 200-mile limit, we are in a much better position to deal with foreign nations which are not willing to cooperate with us on conservation. We would like to stress that our entire demands for wider fishery limits are made solely for the purpose of conservation and because we see no other possibility of reaching a meaningful agreement which will primarily provide conservation, and give the American fisherman an opportunity to enjoy the fruits of his own conservation.

Government proposals are pending regarding conservation of coastal fishery stocks, but after careful consideration we have concluded that we must reject them as being inadequate to furnish the protection we seek and need for our fisheries. We cannot agree that any and all nations have equal right to exploit and utilize resources immediately adjacent to United States territorial waters even though there is an attempt to provide conservation. The methods by which the conservation measures would be enforced are cumbersome to say the least, and would entail time-consuming processes which would easily lead to depletion before the question was resolved. In this connection, we respectively suggest that both our national security as well as the future economic strength of the United States will, in a large measure, be dependent upon the minerals and living resources we have in our coastal waters.

Moreover, in addition to conservation, there is a question of utilization on our part. United States interests cannot be served by providing conservation of our coastal re-

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sources for the benefit of foreign nations. We believe in securing the benefits for the United States citizens first, and for participating nations secondly.

The steps tentatively proposed by government sources in relation to our fisheries are no doubt designed to provide possible elimination of objections from foreign governments. We believe we most certainly can count on objections if we try to safeguard our resources, and we will never achieve worthwhile results if we are more concerned about objections than we are in preserving our own resources for our own people.

It would appear that the widening of our present fishery limits is too simple in its direct approach to the question, as far as our government is concerned. We still believe it is better than to go through a number of intricate, time-consuming legal steps which have to involve international agreements and which can be prolonged to a point where conservation will suffer irreparable harm.

The United States is now dependent, and will become more so, upon foreign sources for many important minerals. Unless we assert further jurisdiction over our continental shelf for minerals and living resources alike, our future fisheries supply will be another item of dependency. The generosity of the United States is well-known to the world. Many foreign nations have been dependent upon our goodwill and our donations to rebuild their shattered economies and to help them emerge as stable and prosperous countries.

We cannot, forever, continue the giveaway without running short. One must wonder how the American people will react if told that our valuable fisheries resources have been destroyed through foreign fisheries. How can responsible people in government charged with the duties of preserving our fishery stocks explain their role of adhering to and following policies which accomplish depletion?

Perhaps the fishermen do not understand the intricacies of foreign policy and decisions made on the higher levels of government, but they do understand what the loss of the resource means to them economically, and the American public should understand what this loss of a food resource will mean when it is no longer available to us.

If our people could see the unbroken line of foreign fishing vessels on both the east and west coasts of the United States, if they could visualize that this fleet is taking billions upon billions of pounds of fish, if they could understand that the freedom to fish which these vessels now enjoy is freedom to destroy our coastal stocks, perhaps—if these things were fully understood—we would then be in the position to affect the necessary changes to provide conservation and utilization, and to uphold the rights of American fishermen to enjoy the fruits of their own conservation efforts.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

CITY WITH PLANS FOR CHANGE

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. CLARK. Mr. Speaker, Beaver Falls, Pa., which is located in my congressional district is the home of the Babcock & Wilcox Co.'s Tubular Products Division.

In the October edition of the company's publication the Generator, an interesting article appeared on the town of Beaver Falls which I recommend my colleagues to read:

CITY WITH PLANS FOR CHANGE: BEAVER FALLS

Ten years ago this fall, a young quarterback named Joe Namath was setting records as he led the Beaver Falls High School team to a Pennsylvania football championship. Over the decade, "Broadway Joe" has achieved creaky-kneed stardom and brought national fame to his hometown.

But more than a century before the "Namath Era," Beaver Falls was known as a flourishing trade center. The locale was once a pivotal transportation point as barge traffic transferred from the Erie Canal to the Ohio River at the mouth of the Beaver River. And later, Beaver Falls became the cradle of the cold drawn steel industry after the process was developed in nearby factories. As other industries burgeoned, the city grew into the retail center for what was the seventh largest manufacturing county in the nation, and its broad Seventh Avenue attracted fashionable stores and shops.

But, like many small American cities, it began to change its role as suburban living became the trend. With the growth of real estate subdivisions, shopping centers sprang up, and the importance of the central city began to decline.

Over the past 20 years, Beaver Falls' population has decreased 25 percent. Municipal planners describe this shrinkage as "out-migration," or the movement from the center of the city to the suburbs. A corresponding growth can be seen in the townships surrounding Beaver Falls.

Over two decades, B&W's Tubular Products division plant in Beaver Falls has enjoyed steady growth. In 1950 the plant employed less than 3,000 people. Today B&W is the third largest employer in the county with a payroll of 5,700 men and women.

This increase in job opportunities results from an overall investment by the company of about $100 million in facilities and equipment. Tube Division employees in Beaver Falls produce some 600,000 tons of steel each year and transform it into a wide variety of specialty tube products. Their average age is 39 and the average length of employment is 13 years. A large number are "second generation" employees, and many have relatives currently working in the plant.

Last year, a comprehensive study of the city's business and industrial climate was published by the Beaver Falls planning commission. The report voices approaches to urban renewal that have been discussed in the town for many years. And it concludes that urban renewal in Beaver Falls waits upon the completion of two highways.

Currently intrastate traffic pours through the downtown area on Route 18. The new Beaver Valley Expressway, which will link the town with Pittsburgh, has already come within 12 miles of Beaver Falls. It will be completed in about a year. The bypass will carry much of the traffic around the town. This bypass, the report concludes, will pave the way for the redesigning of the downtown area—which will hopefully become the business center of northern Beaver County again.

Some of the elements for renewal are already present. For example, the Harmonites a 19th century society who at one time owned the townsite, designed Seventh Avenue wide enough so that two ox carts could make simultaneous "U" turns in it. The unusual width of the main thoroughfare provides ample space for various design changes. The street is lined with more than a mile of stores and shops. Many reflect an appeal to youth in their names.

The planning commission explains that several steps must be taken to improve the economy of the street.

"The influx of several shopping centers—Northern Lights, Kaufmann's, K Mart, and the Route 18 Center—has 'cut into' the Seventh Avenue retail trade; Beaver Falls merchants must innovate programs that will permit them to compete on more equal terms with shopping centers." The planning commission suggests that the recommendations of a Chamber of Commerce program entitled "Operation Face-Lift" be substantially adopted.

These recommendations include: designing additional Seventh Avenue parking areas, constructing shopping malls for pedestrian convenience, and meeting a critical housing shortage in the city by building apartments downtown. Already, the Franklin Towers and Geneva Arms apartment complexes offer several hundred modern housing units. Plans are being made to build more complexes.

Leonard Chiapetta, president of the Beaver Falls Chamber of Commerce, was one of the driving forces behind "Operation Face-Lift" and is presently a leader of the city's downtown renewal effort. "We have spent years studying our problems and trying to organize our efforts to bring about necessary changes. Today, I can see that our work is beginning to pay off," he said.

PLIGHT OF THE FARMER IN AMERICA

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. ZWACH. Mr. Speaker, I felt very frustrated during consideration of the farm bill by the House of Representatives.

My frustration was caused by the apparent lack of understanding for the role of the farmer in our American economy and of the true economic condition of agriculture.

I have been reading "1961 to 1970, The Farmers' Worst 9 Years," by Frank M. LeRoux.

Mr. LeRoux well knows whereof he speaks.

From 1961 to September 1966, he served as general sales manager of the U.S. Department of Agriculture. He went there after 30 years experience as a farmer, businessman, and civic leader. His extensive farming experiences have included the production of both dry land and irrigated crops, as well as livestock.

He went to the Department of Agriculture with strong backing from Western Agriculture.

His participation in the administrative end of Government in Washington, D.C., was based on the conviction that a successful agricultural policy demands a

balanced representation in the high policy levels of governmental agriculture. He shared the concern of many that the lack of sufficient grass roots farmer and business representation in the high positions of Agriculture was damaging to the interests of the American farmer and to the Nation. He also felt that the best of intention, on the part of even the ablest bureaucrat, cannot make up for the lack of a true understanding of the business end of farming.

Mr. LeRoux points out that the food processors reported net profits of 2,000 percent more in 1969 than the net profit of our Nation's 515,000 largest farmers, based on the same economic standards and that the net profit to food retailers in 1969 over 1967 showed an increase of 477 percent additional, over what the Nation's 515,000 largest farmers' total net profit.

Mr. Speaker, these are figures to be considered.

The operating financial condition of American agriculture today is the worst in the history of the United States based on every economic principle used to determine the success or failure of other business and industry, and this during the period of greatest prosperity in the history of the United States.

Mr. Speaker, our farm people spoke eloquently through the ballot boxes on November 3. I pray their voices were heard here in Washington.

A TECHNICAL DIRECTOR'S VIEW OF NATIONAL OCEANIC INTERESTS

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. SHIPLEY. Mr. Speaker, following is a speech given by Dr. William B. McLean, technical director of the Naval Undersea Research and Development Center regarding research and development aspects of oceanography. This speech was given at a recent meeting of the American Oceanic Organization at which Dr. McLean was the guest speaker. I think this will be interesting reading for my colleagues. The speech follows:

A TECHNICAL DIRECTOR'S VIEW OF NATIONAL OCEANIC INTERESTS

(By Dr. William B. McLean)

I feel it is a great honor to be able to address your American Oceanic Organization on some of the subjects which are of great interest to me. From the introduction, you are aware that I have had some experience in the designing of guided missiles. I hope you will, therefore, forgive me if I use as the basis of my talk the fact that guided missiles have changed our national methods of operating more than we like to believe. In my opinion, the nation has not yet adjusted our military and other oceanographic programs to the full extent necessary to compensate for the efforts yet to be demonstrated, of guided missiles on the world's politics.

To be more specific, I believe first, that guided missiles are making and will continue to make the overflight of defended territory extremely costly if done without political permission. Dominion over the air space from the ground up is well established in international law, and only minimum restrictions exist to shooting down uninvited aircraft with ground and air-launched missiles.

Second, I believe the surface of the sea is losing some of its importance for the transport of people and priority freight. Airplanes can do the job faster.

The submarine is normally considered as the prime threat to our surface fleet. In my opinion this may not be true, since the nature of the ocean is such as to limit the submarine's ability to locate and identify targets as well as to provide a good place to hide. Countermeasures such as decoys have the possibility of doing a good job of protecting our surface fleet by confusing the submarines, but I don't think they will be equally effective in protecting the ships from aircraft and surface launched missiles. There is no clearer and more well defined target for a homing missile than a large ship at sea.

The surface of the sea being a boundary between two markedly different and violently agitated media (water and air) has always been a very dangerous place to operate even in the absence of military attack, as attested by our high rates for marine insurance and the fact that there is no body of Land Laws which compares to the rights of marine salvage. Therefore, I believe as a third principle, that operations below the surface of the sea will become increasingly important in the next generation due to the complete freedom of operation away from the surface provided by the advent of nuclear power. Sea water continues to be an excellent hiding place and freedom of submerged operations seems assured. I think it is clear that we need not expect to lose many submarines if we operate below the surface.

Since I am working in a Navy laboratory, I tend to base our laboratory program primarily on an evaluation of possible potential for future military operations as guided by the three above conclusions. My experience with missiles leads me to believe that they have a great capability which is only beginning to be realized. There are no limiting technical problems in the ability of missiles to ensure that air operations over defended territory will be by permission only. Military control of the surface of the sea in wartime will be from the air in the future. Unrestricted use of the seas will depend on our ability to operate below the surface. Our Undersea Laboratory is dedicated to improving and defining the military alternatives which we have available for undersea operations.

Our oceans cover most surface earth, and there is lots of room for operations both commercial and military in the volume below the surface. Operating below the surface also makes available a new ocean for both commercial and military types of operations. The Arctic is generally restricted for surface operations by ice, but is open for nuclear submarines. It also forms the major coastline of Russia and is the shortest sea route from Europe to Asia for commercial operations.

Our laboratory programs are directed toward understanding the vast quantity of water that is the unique characteristic of our particular planet. It is an important accident of nature that wrinkled the earth's crust so that we walk rather than swim. Without the wrinkles, everything would be under water. In order to use all of this water, we need a program to construct new vehicles to make more direct inspection of this vast underwater area. As in the space program, the Russian policy makers have foreseen the need for undersea craft earlier than we have. They have been building new submarine types in large numbers since 1945. These include Oceanographic research submarines. We are faced with a major job of catching up. If they are successful in establishing a dramatic political first, comparable to Sputnik I, we may be prodded into providing the funds necessary to progress in the direction of building and operating more undersea vehicles. We have been to the bottom of the ocean, but it has not yet had the political impact of our visit to the moon. Perhaps because the bottom of the ocean is more remote electronically than the moon, and we cannot through TV share directly in the experience of visiting it.

I would like to enumerate the things which I believe are needed for the exploration of the undersea environment. I think that it is almost axiomatic that our first priority should be to maintain the invulnerability of the FBM submarines in order to achieve a continued second strike deterrent. From a military standpoint, our second most important need is to have submerged tankers so that our considerable investment in large aircraft for overseas transport can operate at their maximum available range. If fuel can be delivered by submerged tanker anywhere in the world, then our aircraft such as the C5 and the C141 can deliver large numbers of people and equipments wherever they are needed on a rapid time scale. Without submerged tankers, the air transport capability can be interrupted or reduced by missile attack on surface tankers.

Some hope for the generation of a submerged tanker capability may be provided by our commercial oil companies who have a great desire to utilize the recent discoveries of oil reserves bonding the Arctic Ocean. However, the development of a new class of commercial shipping such as a submarine tanker, is an extremely high risk venture and is probably beyond the financial capabilities of even our largest companies and needs government help to get started just as our railroads and commercial aircraft industries did in the past. This is an area where military and commercial requirements may coincide, and government assistance would be beneficial.

If we had submarine tankers operating, they would provide us with the technical experience and cost data for large submarine transports which would make the design of other types of submarine transports more feasible. Commercial, as well as military operations need the safety, the freedom from weather, and the ability to arrive on schedule which can be provided by the undersea routes. Since, to date, only military submarines have been built, no cost data based on experience for commercial designs are available. The military costs are high and new materials need to be investigated for commercial designs.

The third crucial need for undersea vehicles will be generated when we make treaties relative to the use of the sea floor. Vehicles to inspect activities on the sea floor will be required. They will need to operate close to the sea floor at all depths. Good sensory capability both visually and acoustically will be needed.

These are the future needs for transportation in the oceans as I see them, and I believe that if we have the means of visiting the oceans, the other uses of the ocean such as research, farming, mining, etc., will follow logically and will be funded by those needing the information or access. The government needs to assist primarily in the development of vehicles in order to provide the ability to explore this new environment much in the manner that the Lewis and Clark expedition opened up the West over a century ago. The commercial interests can well take care of the exploitation of the environment once it has been demonstrated that access is available and people have had the chance to see the things which will stimulate their imagination.

Since the American Oceanic Organization is dedicated to considering political means for arriving at desired goals, I would like to express some personal opinions on the ob-

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stacles of a political nature which face our successful accomplishment of our technical objectives. Stated very simply, the machinery of the United States government does not adequately bring together people qualified to judge in both the real world of politics and people, and the other real world of technical facts. People living in one of these worlds seem to have difficulty recognizing that the other world even exists. Those that work in both are few in number but represent our hope for proper decisions in the future.

The government laboratories are designed to operate in the real world of technical facts and to know what will and will not work in the physical world. Their support and funding comes from the real world of politics, people, and operations. The route by which funding is matched to technical alternatives is much too devious for effective communication. Locally at a laboratory by much conversation we can bring the people from the two worlds together and arrive at reasonable objectives. From the laboratory to Congress, the levels of politics and technology alternate in a multitude of levels with varying degrees of separation from reality. It is too much to expect that adequate understanding can be generated at all of the barriers between the levels. I believe we need more technically trained top level personnel including Congressmen. Such a goal will be difficult since scientists are notoriously poor politicians.

The most important tool that the laboratories have for the allocation of money to the important areas of development is a small amount of money called Independent Research and Development. This money is allocated by a laboratory director and reviewed for accomplishments by higher authority after the fact. Most of our important work starts with these funds.

We have been able to start such things as a study of a semi-submerged ship which promises high speed operation and stability sufficient to allow a small ship to handle aircraft. It will also be stable enough to bring submersibles through the surface. We are studying concrete as a structural material for use in submarines and for large floating platforms. Fabricated concrete is 17 times cheaper than fabricated steel on a price per pound basis and 6–7 times cheaper for equal structural strengths. Large submarine volumes require large weights to get them underwater. Strength is secondary. Therefore, concrete should provide a 17 to one improvement over steel for large submarines rather than a 6–1 improvement.

Underwater observations are at short range, and marine animals move fast enough that high angular rates are involved. The need for all-around visibility in viewing marine ecology is mandatory. We are supporting work on acrylic and glass hemispheres and spheres for use as pressure hulls to satisfy the need for visibility.

Glass fibres for signal transmission, water operated tools, pressure balanced electronics and remote sensors coupled to the operator's head are of great interest. With limited funds our progress is slow, but we hope in the right direction.

The most important function of the leader of any group is to set goals and objectives which will challenge the skills and capabilities of the total population. The Pyramids, the aquaducts of Rome, the Chinese Wall, Sputnik I, and the Landing on the Moon were such objectives. Wars also challenge the total capabilities of the groups involved, although with perhaps limited long-range gains for mankind. Russia and China now have the objective of "World Peace Through World Government." It appears that Japan intends to become the technological leader of the World.

My worry as a laboratory director is how to set the goals for our Laboratory to meet the objectives of the United States. Do we want a world government? Do we want to utilize the resources of the oceans? Are we willing to divide up the sea floor for exploitation and, if so, how will it be managed? With an adequate goal to challenge our total capabilities, we could adopt the management techniques which are instituted in times of national stress and danger.

In an emergency, the government operates well. The money is allocated from the top and spent where needed and directed from where the understanding of the problem is greatest.

I submit that we now face an emergency which is worldwide as well as national. We are being tested by the processes of natural selection to see if we contain the proper elements to allow us to survive. By our gift of rationality we have become the dominant species on earth, and we must use this gift to properly avoid the problems of populaton density, energy requirements, pollution of the air, the sea, and the earth by waste, insecticides, and heat. A rational approach, however, requires experiments to separate real physical facts from superstitution and emotion.

When we use the entire earth for an experiment, we must be right or vanish. I doubt our wisdom to be right the first time. I would propose that we need to establish closed communities which must learn to survive within a limited environment with only the basic chemical elements as raw materials. Our processing of these materials will be accomplished by a flow of energy and information which will serve as the basic inputs and outputs from our community. Such a procedure will allow us to test solutions to waste processing, atmospheric control, and population density on a scale small enough to provide feedback, in a time shore enough to guide changes in approach, before the entire earth is involved in our test.

I would suggest that one such closed system could be profitably installed on the moon utilizing the basic raw materials which are already present and sunlight for the prime source of power. If a minimum community could be started it could become self sustaining, and the information on the problems involved could be communicated back to earth.

An easier and less expensive and perhaps less useful site for a closed experiment might be accomplished by building caves carved in the rock of the bottom of the ocean. In this case, nuclear energy or the earth's thermal energy would probably be the main source of power using the ocean as the heat sink. Information on the problems arising in the closed ecology and the solutions developed could guide the world-wide attack on pollution and other effects.

A floating island would be less isolated and perhaps cheaper, but could provide good experimental results.

Our previous thoughts about the earth have been that it is almost unlimited in extent and does not in any sense resemble a space station on the moon, a group of people living in an underwater cave or a floating island. However, anyone looking at the photographs of earth taken from the moon doesn't need much imagination to realize that we are traveling on a completely isolated space ship of rather limited volume compared to the distances to any outside source of help. These photographs should indicate to us that man has a closed system in a very real sense and that the time to begin an experimental approach to his problem of survival is now. I believe that these experiments on environmental modeling might be a worthy goal for the United States and could lead us to an understanding of the technological, sociological, economic, and political bases for the long range survival of our species.

I sincerely hope so.

VETERANS' ADMINISTRATION HOSPITALS

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. TEAGUE of California. Mr. Speaker, there has been considerable discussion in recent months about the Veterans' Administration Hospital system. Much of the discussion has centered on budgetary limitations that have been imposed on the veterans' medical care program for the past several years. It is true that adequate funds are essential if the Nation's veterans are to receive the highest quality of medical care possible.

Equally important to the successful accomplishment of this worthy objective, however, is the need to recruit and retain highly qualified professional health personnel. It is readily apparent that the Nation's increasing demand for medical manpower has seriously impaired the Veterans' Administration's ability to compete in recruiting and retaining doctors and nurses.

If the Veterans' Administration is to continue rendering the high quality medical care to which the Nation's veterans are entitled, they must be able to compete in today's market for the services of talented and skilled professional medical personnel.

Accordingly, I am introducing a bill today that is designed to make medical service careers in the Veterans' Administration more attractive.

This bill, Mr. Speaker, will establish a minimum staffing ratio, that is the ratio of hospital staff to patients, in each of the Veterans' Administration hospitals.

To help maintain these staffing ratios, the bill authorizes the Administrator, upon the recommendation of the Chief Medical Director, to establish higher maximum rates of pay for physicians, dentists and nurses on a nationwide, local or other geographic area basis where required to meet competitive pay practices.

The bill will authorize night and holiday differential pay for nurses, licensed vocational nurses, and nursing assistants. A pay scale for licensed vocational nurses would be established under the terms of the bill. The pay scale would be equivalent to the pay of classified employees ranging from GS–3 to GS–6.

The bill will also authorize the Administrator to establish for a geographic area a minimum salary and range of rates for nursing assistant positions within the Department of Medicine and Surgery.

The Administrator, under this bill, would be authorized to pay the preemployment interview expenses for prospective employees having technical or professional skills in a shortage category. Under existing law, this authority is limited to payment of the preemployment expenses for physicians, dentists, and nurses only.

The Administrator would also be authorized to pay the travel and transportation expenses of a new appointee and his family from his place of residence to his first duty station if the individual has technical or professional skills determined to be in the shortage category by the Administrator.

The bill will also authorize leave for a master's degree in hospitalization and leave for the pursuit of other studies after 10 years of VA service for physicians, dentists, and nurses.

These are the principal provisions of this bill, Mr. Speaker. It is a reasonable bill and it will enable the Veterans' Administration to better meet the problem of recruiting and retaining scarce categories of health personnel.

GYPSY MOTH MUST BE CONTROLLED

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. GOODLING. Mr. Speaker, DDT has become a dirty word to a host of pesudo-scientists, much to the delight of the gypsy moth, which, in the absence of a suitable substitute for fighting the destructive antics of the gypsy moth, are having a field day in eating up the foliage of our trees and, in the process, destroying our forest environments.

The Weekly News Bulletin, published by the Pennsylvania Department of Agriculture, announced in its September 24, 1970, issue that the gypsy moth had invaded the forests of Northeastern United States and caused the third worst record of destruction caused by the gypsy moth since it was imported into the United States from France in 1869. On November 19, 1970, the U.S. Department of Agriculture echoed the same sad story, announcing that woodland environments in various areas of Northeastern United States could be destroyed unless the destructive antics of the gypsy moth were checked.

Because control of the gypsy moth is vital to our woodland environment, I am enclosing the two aforementioned pieces into the CONGRESSIONAL RECORD and recommending they be studied seriously. The gypsy moth is on a rampage. Unless something is done expeditiously to control him, our forest environments could be destroyed. The articles follow:

PENNSYLVANIA DEPARTMENT OF AGRICULTURE: WEEKLY NEWS BULLETIN

RELENTLESS SPREAD: GYPSY MOTH DAMAGE IN UNITED STATES WORST IN HISTORY OF NATION

(By L. H. Bull)

The gypsy moth explosion of 1970 has left the northeastern United States with its third worst record of damage caused by this insect pest since it was imported from France in 1869.

A total of 796,563 acres of forest and woodland in eight states was defoliated during the spring. The defoliated area is equivalent to 1,244 square miles—four square miles more than the total land area of Rhode Island.

Most of the damage was concentrated in four states—Connecticut, New York, New Jersey and Pennsylvania. Connecticut had 468,706 acres defoilated; New York an estimated 240,000 acres; New Jersey 129,835 acres, and Pennsylvania 10,500 acres.

In each state, the 1970 gypsy moth damage was the worst in history.

Pennsylvania, on the basis of trapping surveys this summer, can expect much more extensive trouble next year.

Incomplete reports of the survey indicate that moths have been detected at more than 300 sites in a 12-county area east of the Susquehanna River—a section considered to be beyond the generally infested portions of the state. The heaviest concentration in this peripheral area is in Chester County, where moths have been found at more than 120 spots in 40 of the county's 57 townships.

Lancaster is next with moths detected at 80 spots in nine townships in the northeastern section of the county. The area most seriously affected appears to be the Welsh Mountain ridges along the boundary separating the two counties.

The presence of gypsy moths in this part of the state is indicative of the relentless spread of the infestation southward and westward from New England.

The insect invaded Pennsylvania in 1932, but no visible damage was recorded until 1944 when six acres of woodland were defoliated. This was followed by eleven acres in 1945, and 60 acres in 1957.

Trouble struck again in 1968 when another 60 acres of woodland were defoliated. The total rose alarmingly next year to 830 acres, and that was followed by the 1970 explosion that ravaged 10,500 wooded acres in Monroe, Northampton and Pike counties.

New Jersey's damage escalated much more rapidly. From five acres in 1966—the first gypsy moth defoliation recorded in that state—the total shot up to 1,035 acres in 1967; to 5,025 acres in 1968, then multiplied ten-fold to 51,525 acres last year.

In the wake of this year's record of 129,835 acres, New Jersey found more serious trouble. More than 690,000 oak trees had been destroyed by two successive years of defoliation and, Agriculture Department officials say, the total may reach a million trees by the end of next year.

It will take nature 20 to 30 years, perhaps longer, to replace these oaks that were destroyed by gypsy moth attacks.

Fortunately, Pennsylvania so far has escaped this kind of damage, but there is a real danger of it happening here. Continued buildups will ultimately lead to serious tree losses in woodlands and forests.

NATIONAL GYPSY MOTH ADVISORY COUNCIL

(Issued Through the Facilities of the U.S. Department of Agriculture)

Council Requests Increased Research to Fight Gypsy Moth:

Woodland environments in many parts of the Northeast may be destroyed unless gypsy moth research is vastly increased, the National Gypsy Moth Advisory Council told legislators and officials of the U.S. Department of Agriculture during a meeting November 16 in Washington, D.C.

Council Chairman William H. Gillespie asked that efforts of USDA's Agricultural Research Service and Forest Service to develop new and better ways of controlling the gypsy moth be increased by approximately 22 percent in Fiscal Year 1970 and by nearly 45 percent during each of the following 4 years. The request is based on a "program for integrated control of the gypsy moth" developed jointly by USDA and the infested States. The program calls for intensified research into the combined use of nonpersistent chemicals and such biological controls as sex attractants, insect diseases, and increased emphasis on parasites and predators including the introduction of new ones from foreign countries.

In the caterpillar stage the gypsy moth eats leaves. Repeated defoliations will kill trees, thereby polluting, and even destroying, forest environments. During 1970, gypsy moths defoliated nearly 800,000 acres of woodlands in eight Northeastern States, thereby tripling the acreage defoliated in 1969 and causing six times more damage than in 1968.

Caterpillar hordes are currently spreading outward into new States. At present, Connecticut, Massachusetts, Rhode Island, New Jersey, Maine, New York, New Hampshire, Vermont, and Pennsylvania are infested. The trapping of numerous male moths in Delaware, Maryland, and Virginia this summer indicates that the pest is becoming established in these States.

ARS officials attending the meeting reported that chemical controls will be used for regulatory purposes on 25,000 to 30,000 acres in the Northeast next summer. New York, Massachusetts, New Jersey and Pennsylvania plan control work on approximately 250,000 additional acres.

Mr. Gillespie pointed out that chemical controls are mainly restricted to use on heavily infested parks, camp grounds, and other areas—such as valuable timber land—where there is a strong likelihood of gypsy moths attaching egg masses to trailers or other vehicles and hitchhiking into uninfested areas. The insectide used is carbaryl—a nonpersistent compound low in toxicity to humans and to birds, fish, and other wildlife.

The Advisory Council is an organization of State agricultural officials, conservationists, foresters, farmers, timber industry officials, and others concerned with protecting this Nation's timber resources.

COALITION GOVERNMENT AS A MEANS OF CONQUEST IN THE REPUBLIC OF VIETNAM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. SCHMITZ. Mr. Speaker, at this point I would like to insert in the RECORD two complementary documents. The first is a portion of the weekly publication of the Embassy of Vietnam, Vietnam Bulletin, November 2, 1970. This excerpts points out that the Communists are moving to impose a coalition government as a means of conquest.

The second article is an excerpt from Douglas Pikes' book, "War, Peace, and the Vietcong," which explains the coalition strategy as conceived by North Vietnamese politboro strategists.

It is important that we realize that coalition government is not a happy longtime sharing of power by Communists and non-Communists. Rather it is a method by which the enemy gains control of portions of the government and utilizes his power base in these branches together with operations in other areas through the mechanism of the party to take total control.

Any U.S. official who recommended that we form some type of coalition government here making Eldridge Cleaver, say, Secretary of Health, Education, and Welfare would be branded an irresponsible demagog if not totally insane. This being the case, how is it that some feel so free to wish such circumstances upon our ally?

The articles follow:

SPECIAL FEATURE: ENLIGHTENING DOCUMENTS

(Viet-Nam Council on Foreign Relations)

October 22, 1970—Two documents have just been captured, which throw some light on the Viet Cong's war and peace intentions.

They also explain to some extent why the Communists have repeatedly spurned all allied peace plans, including the "generous" offer made by Presidents Richard M. Nixon and Nguyen Van Thieu two weeks ago.

The documents, two directives sent out to Communist cadres in the provinces of Binh Tuy and Tay Ninh, declare in roughly similar terms that "the problem of war and peace remains essentially one to be solved by the belligerents on the battlefields of South Viet nam".

Reportedly issued a few days before Nguyen Thi Binh, the "Foreign Minister" of the Viet Cong's Provisional Revolutionary Government (P.R.G.), spoke in Paris last Sept. 17, one of the papers also specifies the P.R.G.'s eight points "only aim at creating conditions conducive to greater attacks in this many-fronted war. They are not aimed at restoring peace".

Contents: By far the more interesting of the two documents is the one found in Binh Tuy. A type-written directive of three pages, it refers to the PRG's proposal as a new element intended to facilitate the emergence of conditions for greater pressure on the enemy on the many fronts of this war. In no case can it be interpreted as being conducive to solution of the present conflict".

"The problem between the enemy and us," the paper also affirms, "can only be solved by the existing balance of forces on the battlefields. That is why everything must be done to present the true meaning of this diplomatic offensive move and prevent illusory tendencies that peace can be brought about at the negotiating table in Paris."

Then, in mentioning the "principal objectives" being sought by the Viet Cong, the paper insists that three of them must be constantly borne in mind by Viet Cong followers, namely "the total withdrawal of all U.S. and satellite forces," "the isolation of the Thieu-Ky-Khiem clique" and "the formation of a broad alliance of all peace elements."

In its final part, the document also says "the new diplomatic offensive must be well coordinated with activities within South Vietnam so as to be conducive to conditions favoring the development of various struggle movements in the cities and townships."

Stepping Stone: Glancing through both documents students of the Viet Cong movement can find little if nothing new. The Communists still appear bent on seeking an end to the American commitment in Vietnam and the overthrow of the constitutional regime presently headed by President Nguyen Van Thieu, Vice-President Nguyen Cao Ky and Premier Tran Thien Khiem.

As early as mid-1968, top Communist leaders in Hanoi and their representatives in the Central Office of South Vietnam (COSVN) are known to have adopted a four-point political strategy that seeks (1) an end to the bombing of North Vietnam, (2) international recognition for the Viet Cong, (3) withdrawal of U.S. troops, and (4) a coalition regime in Saigon.

With North Vietnam now off limits to U.S. bombers, the Viet Cong having metamorphosed into a "government", and America continuing the redeployment of its troops from the war zone, Hanoi apparently is seeking the fulfillment of its fourth objective: the creation or imposition of a coalition regime in Saigon.

FROM: WAR, PEACE, AND THE VIETCONG

(By Douglas Pike, MIT Press, 1969)

Coalition government: The third strategy of the past, never tried, is Coalition Government. Whereas Khoi Nghia or the General Uprising thesis basically is social, and Revolutionary Guerrilla War in any of its various forms is military, Coalition Government is not political, as might be assumed but diplomatic. It is not the same as political settlement. Nor is it power-sharing, which is what the term means in Europe. As the term was used by the NLF theoreticians who espoused it from the earliest days (and they have always been in the minority), Coalition Government is a technique for coming to power; it is not an arrangement but a means. Theoretically it could be used in any country in the world. The scenario, as envisioned by the early NLF advocates, would go something like this:

An elite band of insurgents, beginning in a remote part of the country, launch a political and armed dau tranh (Struggle Movement), shored up if necessary by a social myth such as Khoi Nghia. The brief effort is to organize the peoples of the remote area into manageable units. Farmers, women, youth, students, and anyone else available are persuaded or coerced into joining an appropriate group. Eventually, this organized structure comes to total, say, 10 per cent of the population. Then a political claim is staked out. The incumbent government and the world are informed that the new force exists, represents 10 per cent of the population, and therefore—deserves—and demands 10 per cent of the political decision-making power. It appeals to the world's sence of justice and fair play. The group warns that it will continue fomenting social pathology until its demands are met. Turmoil spreads until the world concludes that peace can return only if the insurgents are brought into the decision-making arena. The incumbent government is so counseled by outside powers. It refuses. The pressure grows.

Finally the government gives in and hands the insurgent leaders a few cabinet posts (ideally, the Ministries of Information and Rural Affairs). Once inside, the leaders use their new positions to extend their influence, not by means of a palace coup de'etat, but openly, by employing prerogatives and advantages that those in power normally enjoy. Gradually the new force broadens its base of support, winning over more followers at the grass roots and perhaps even some of the old incumbent groups in the capital. Finally comes a decisive move, "consolidating" power. Victory is achieved.

The heart of the technique is to generate such external pressures on the incumbent government as to require it to share power with the unsurgents and then, when inside, by infiltration and superior organizational work at the grass roots—all legitimate perhaps—gradually to take over the reins of government. The success of the strategy rests on the assumption that the incumbent political forces—since they are urban, elitist, nonegalitarian organizations (as usually is the case in developing nations)—cannot or will not imitate the techniques of the challenger, even when fully aware of the danger of losing power because of these techniques. Further, its advocates argue, the method effectively bypasses foreign intervention since what is going on appears to be almost totally a matter of internal politics, and since there is no decisive or dramatic moment to arouse the world until the very end. Although never tested—possibly an example was the near take-over by the Communists in Indonesia—it appears that the Coalition Government strategy would have little prospect of success in a developed society, but it might be effective in an underdeveloped society in Africa or South America.

TIM BLECK

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. HUNGATE. Mr. Speaker, I want to pay tribute to a great journalist and a good friend.

With the death of Tim Bleck, journalism, Congress and the public have suffered a great loss.

Tim Bleck was a man of gentleness and high idealism. When he talked with you about a story you were not sure he was listening. When the story appeared you found he understood all you had said. Indeed, he understood the problem better than you did.

He was the sort of man you would like your son to be. I know of no higher praise.

LET'S GET STARTED

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. MORSE. Mr. Speaker, the economic dislocation which many communities throughout the Nation are facing as a result of reduced levels of military and space spending requires prompt, realistic action, and in many instances, hard decisions not only by government and industry, but by those individuals who have been caught up in the forces of economic change.

It is an unpleasant fact, but one which must be recognized by all those concerned, that the solution to these economic problems which have been created over the past decade will not be reached overnight. Creative and concentrated efforts are indeed necessary to develop meaningful answers to these problems, but we must operate in the meantime with a clear assessment of the situation and with the understanding that progress may well involve difficult, and perhaps less than ideal alternatives.

The following editorial which appeared in the Lowell, Mass., Sun of November 13, displays the realistic and constructive thinking that will be necessary in the days ahead, and I am pleased to be able to share this article with my colleagues in the House:

LET'S GET STARTED

We can talk all we want about programs set up to solve the critical unemployment problems of the Greater Lowell area, but the simple fact remains that two things must happen before the problems are solved.

First, there must be a change in attitude among those currently unemployed or underemployed. They must be willing to take a job. Secondly, the local businesses and industries must find a way to convert their business to a new product or new services status geared to the wind-down of the Vietnam War with its resultant adverse impact on the economy.

Obviously there is a need for government help in the way of programs. We need JOBS 70; we need help from the Economic Development Administration; we need help from the Office of Housing and Urban Development. We have no quarrel with the need for help from any governmental instrumentality. Pouring money into these programs will, ultimately, provide more jobs or retrain people for different jobs.

But the fact remains there are many jobs going begging because of the reluctance of some members of the labor force to take them. Perhaps it's a sign of the times. We know some, for instance, who won't take some of the jobs advertised daily in The

Lowell Sun because (a) they pay too little; or (2) they are demeaning—in the minds of the prospective applicants. In addition, some of the jobs require a degree of training not yet reached by some of the younger members of the community who desperately need the work.

We don't have in mind here the job requirements of those highly-skilled members of the firms hurt so badly by the cutbacks in defense contracts. But that brings up the second part of the point we made at the beginning.

Some of the companies in this part of the country have been bemoaning the fact they are unable to produce consumer goods in the exotic products of the space age because of the need to fulfill government contracts. The handwriting has been on the wall for some time—government contracts are (and should be) going down in many areas. It will take a lot of imagination and fortitude to make the switch, not to mention capital investments. But time is running short.

The government's economic advisors have been warning for years that a termination of the war would result in a recession, a flare-out and then an upsurge of consumer products which will benefit mankind. That recession could well become a depression in this area unless steps are taken immediately to put people back to work on new civilian oriented products and services. And then finding a way to encourage the people in the community to take the jobs, train for the day when they can take the jobs, or plan their education so that the jobs will be open to them on graduation. Or is it easier to join a welfare system?

MEMOIRS OF THE PARIS PEACE CONFERENCE AND ITS AFTERMATH

HON. OTTO E. PASSMAN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. PASSMAN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Lake Providence (La.)
Nov. 12, 1970]

MEMOIRS OF THE PARIS PEACE CONFERENCE AND ITS AFTERMATH

PERSONALITY OF THE WEEK

(By Dr. David Muir Amacker)

Fifty-two years ago this week, November 11, there came about the Armistice which ended World War I; and closely following thereafter was the Peace Conference that produced the League of Nations. Only two persons present at that historic League Table in Paris are living today—Wellington Koo who served as the Ambassador of Chiang Kai-Shek and retired as a Judge of the World Court at the Hague, resides in New York . . . DAVID M. AMACKER who retired in 1969 after 30 years as Professor of Political Science at Southwestern at Memphis, returns to the family home in Lake Providence where he was interviewed by a representative of this newspaper. The article carried here (in first person) is exactly as Prof. Amacker told it to us:

President Wilson, Colonel House, Lord Robert Cecil and General Smuts of South Africa were moving to take their places at or near the head of the large oval table; and a dozen other dignitaries were distributing themselves around the table to their chairs. They were the great men named by the Peace Conference to draft a League of Nations charter and bring lasting peace to the world. My task was to interpret English into French for two of them—with the opportunity to see the most celebrated Commission of the Peace Conference at work.

The time was February 6, 1919, about 8:15 in the evening; the place the Marie Antoinette Room, Colonel House's conference salon next to his apartment on the third floor of the Hotel Crillon, American Delegation headquarters near the center of Paris. The occasion was the fourth session of this League of Nations Commission.

In mid-January, a second lieutenant, I had been sent from a lower unit to the American Delegation's Translation Office down the corridor from the salon. This temporary interpreting duty at the League Table had been assigned on a few hours' notice.

The first evening I assisted the French Delegates, but for the next six meetings sat near Premiers Venizelos of Greece and Kramar of the new Czechoslavac government, who with three other Small-Nation representatives were being added to the Commission, raising its membership to nineteen. These two statements understood some English and word for word translation was unnecessary. Thus I was partially free to observe the epochal constitutional convention as a fascinated spectator.

The identities of all the Delegates were soon learned. Colonel House sat on President Wilson's left; and behind them sat Major Stephen Bonsal, Colonel House's aide and interpreter, whose diaries of this period are original sources of history. Next were Lord Robert Cecil and General Smuts (British Empire); Baron Makino and Viscount Chinda of Japan; Venizelos and Kramar; Reis (Portugal); Hymans (Belgium); Wellington Koo (China); Pessoa (Brazil); Dmowski (Poland); Vesnitch (Serbia); Diamandy (Rumania); Larnaude and Bourgeois (France); Sonnino and Orlando of Italy on President Wilson's right. Captain Pierce, also from the Transition Office, was brought in occasionally to aid the Polish and Serbian Delegates.

Two small episodes reflecting Mr. Wilson's benign personality are recalled vividly. The President, then at the peak of his prestige, was obviously venerated by his colleagues. At one point in a discussion of withdrawal from the League, he took the floor and amid an awed silence recounted with moving eloquence how as a child of eight he had watched from the family manse in Augusta, Georgia, Confederate soldiers straggling back after Appomattox, defeated, weary, ragged, hungry, often nursing wounds. Recalling that era, he had concluded that there should be no uncertainty about a nation's right to separate itself from the League association. The grace of his diction and the quiet impact of his words are vivid now. The Delegates seemed to hold their breath; and a sigh was audible when the President ceased and suspense relaxed.

Before one morning session some of the Delegates were milling around as President Wilson was a moment late, Captain Pierce and I were standing with our backs toward the wall near the main door when Mr. Wilson walked in. He was considerate enough at once to turn aside to shake hands with us. Both of us, conscious of his greatness, ethical leadership and noble purpose, were touched by the little act of courtesy and by his kind and friendly "Good morning, gentlemen;" and he was answered with a fervent "God Bless you, Mr. President." He continued around to greet each Delegate by name with that gracious "Good morning, Mr. Hymans"; "Good morning, Mr. Reis," and so on, as he moved toward the head of the Table. Each responded with profound respect mingled with affection.

In the sessions through February 13, the Commissioners analyzed and amended or reconstructed by their collective wisdom the working draft prepared by lawyers Miller (U.S.) and Hurst (Britain) from the original Wilson-House-Cecil-Smuts proposals for a League; and no doubt from this special intellectual preparation for their task these four statesmen seemed pre-eminent, though House did not speak publicly and advised the President in whispers. President Wilson prepared to tower above them all in spiritual and intellectual as in physical stature.

The Commission believed that they were creating a universal confederation where peace and world welfare would be the first business of each nation. The Delegates seemed to move as if stage-struck in the presence of History; as if sure that their work would be forever honored and their names immortalized. They assumed, erroneously as events proved, a general rationality, virtue and will that would promptly unite the nations effectively against war. They attributed to peoples and governments a concern for the good of humanity to match their own deep sense of world responsibility. None seemed to imagine that America would reject the League, or that, in the form so painstakingly drafted at that Table, it would fall apart in a generation—though to rise, after the dreaded cataclysm of renewed war, Phoenix-like, in a new body.

PERSONALITY

Details of those able debates are forgotten. The Founders' learning, transparent sincerity, high purpose, and dedication to the present and future welfare of mankind remain indelibly stamped in memory. On February 14, a Plenary Session of the Conference approved the Commission's work, the first general charter asserting secular responsibility and authority throughout the planet.

If the League charter provided for the future a rudimentary world congress, administrative agencies and an International Court (to be formed), the Conference itself was for the first time in history a temporary, secular world parliament with certain executive powers through Allied governments. To many minds over the globe it was entitled to make decisions and issue decrees righting all the wrongs afflicting humanity. Actually the Conference had jurisdiction over the estates of the ex-enemy Nations: Bulgaria and the shattered empires of the German, Austro-Hungarian, and Ottoman sovereigns. Derivative problems, however, involved most of the globe. And in the mass mind, President Wilson, by reason of his command of military might and his idealistic soul-stirring oratory, had (for a brief span) raised himself to the stature of world leader concerned with the welfare of men everywhere.

Our Translation Office learned this the hard way; and from the inside we saw, too, the insoluble complexities and controversies of World-wide responsibility. Petitions, memorials, claims and counter-claims, arguments and rebuttals, came pouring into the American Delegation in a veritable flood—a large proportion of them addressed to President Wilson and written in French. The documents were routinely shunted to us for Englishing; as were sometimes the French Minutes of certain committees; and occasionally several of us were called to translate for American Minutes the French addresses in the Plenary sessions.

Thus the Translation Office afforded front-row seats at the historic drama, as it seemed, of world reconstruction. Comprising nine U.S. officers-captains and lieutenants—and a bilingual secretary, our Office was linguistically fairly cosmopolitan. Two captains were French-born and had lived many years in Latin America and Near-East, respectively; and with their skills, some twelve or thirteen languages were decipherable; but rarely did non-French items reach us. By the end of May, translations totalled about ten thousand.

In this pressured routine one odd little incident stands out. From Colonel House's office came an envelope marked "Rush", "Urgent". The secretary duly recorded and numbered it but could not read a line or identify the language; nor, at first could neighboring desks; but Esperanto was finally recognized. The "Rush" message was from a group in Washington petitioning President Wilson for justice, rights and self-determination at home. The impact of the missive on Colonel House was never disclosed; but the use of the artificial international language by American citizens seemed a perceptive tribute to the international authority of the Conference.

However, internationalism failed. Wilson's ideal for world responsibility, of individual and national concern for broad-gauge world good as essential guide and standard for the policy of one's own country seems even further from realization today.

What went wrong? Even before League charter ("covenant") and "Versailles" Treaty were completed, particularisms had taken over. International-mindedness in the face of petty interests and claims had largely dissolved. In the United States the President's physical collapse in late September, 1919, with continued disability and seclusion until the end of his term, March 4, 1921, and blunders in political leadership, hastened demobilization and reinforced isolationist trends, bringing rejection of Treaty, League and British-French-U.S. Guaranty Pact (protecting France).

At first sight the surrender of our Naval paramountcy by reduction of capital ships to equality with Britain in the Washington Limitation of Arms Conference, November 1921 to February 1922, seems another phase of the disastrous retreat to isolationism and contraction of power and position that invited War II. In a sense it was; yet there was some justification for it under existing assumptions. Our continued Naval superiority together with political axioms of "free seas" and "neutral rights" might have brought a clash with Britain. If we had made a deal or alliance with the British pledging never to blockage them and not to resist and break through, but to join and reinforce with all our power, their "open" (or distant) blockade of a Continental aggressor, we could and should have continued to build the Navy indefinitely so as to overawe—or certainly overwhelm—aggressors on the European Continent or in Asia or both. Most likely no World War of 1939–45 would have occurred, even if local confrontations or skirmishes had developed. But with the "political" questions left unsettled the Anglo-Saxon Powers kept trying in the late '20's and early '30's to disarm each other on the seas in the face of aggressive enemies of each. What costly and tragic non-thinking!

Elsewhere—in Europe and Asia—nationalist fanaticisms and hysterical ideologies triumphed in the relative power vacuum and culminated in hostilities and World War II ending in 1945. "Not Wilson, but humanity failed at Paris," General Smuts had said very wisely.

Perhaps then from 1919 to '39 continued preponderance of land and sea power deployed in Europe and over both oceans, eastward and westward, would have abated temptations to ultra-nationalists adventurism. Perhaps ratification of the Guaranty Pack alone would have stabilized Europe. But without some of these measures even our membership in the League would probably have proved inadequate for operative world ideals had largely evaporated.

The frightful scourge of War II somewhat revived a general sense of world responsibility and wider interest in universalist organizations like U.N. and International Judiciary. The States, partially converted from its inter-War parochialism, led in such evidences of world concern as foreign aid, international banks, military force against aggressors, defensive alliances like NATO, CENTO and SEATO and support of U.N. and Court.

But realistically, since 1946, trends to world responsibility were still overshadowed by enhanced Big State power rivalry in a "struggle for the world" and defiant Smaller-State nationalism, in the continued international anarchy. The United States was essentially trying to hold the line and preserve its security position, thus ultimately national existence.

In the on-going chess-game of the politics of power certain near-axioms remained relevant: (1) In disarmament conferences each nation tries to disarm the others in the weapons that No. 1 fears most or in which it is weakest (our capital ships, 1922; our undersea ICBM's today?). (2) Power vacuums draw in, almost gravitationally, strong empires toward head-on collision (Balkans 1914; Central Europe pre-War II; recently Korean and Southeast Asia). Mid-East, North Africa, Indian Ocean were such vacuums in 1970. (3) "Encirclement" brings attempted break-out (Germany, 1914; Japan 1941).

In conditions of inevitable suspicion and power rivalry, a defense official would be insane if he let down his nation's guard and invited its ruin by blackmail or sudden thrust. For maximum security and peace by preponderance the U.S. must still lead in weapons and expand and strengthen its alliances with the European motherlands, British nations overseas and Westernized Asian states.

But no Power in the nuclear age is able to achieve domination of the earth without rising or causing world-wide devastation. Thus world responsibility can be effectively exercised, when complete trust and friendship are established among them, only by cooperation of sovereign nations (Great Powers and allies) with full reliance upon U.N.—one modern embodiment of Wilson's vision.

The nation-state has notable merits. The personal pride of its citizens, peace, order, prosperity, security and endless other benefits are its fruits; and it will likely endure for millennia in some form. But it generates or facilitates war. Externally it must be tamed and held within bounds compatible with world welfare and thus with its own ultimate good. To this end a new and wider loyalty to the human family must be developed—not to replace patriotism but to enlighten it, set standards of wise policy, guide it and serve it; but the higher loyalty need be only sufficient to support indispensable world institutions.

Today to propose and implement a policy of national aggrandizement by expansion, whether by arms or guile, may appear short-range cunning but is long-range folly. The true good of the world and each country demands a change of attitude and a new approach. Co-existence is not enough. A different spirit making for genuine friendship and positive cooperation is vital.

How can this conversion be encouraged? How are enlightenment and understanding spread? This is the most difficult task of creative statemanship and is crucial in East-West relations. Projects in such an effort might include: "Summit" meetings; exchange visits by heads of government with TV coverage of friendly speeches; more "people to people" programs and joint professional conferences; full use of media to advertise our good will; books and articles for Russian and Chinese intellectuals; and much more. Guiding principles for a new policy of reconciliation and affirmative cooperation with the West must be voluntarily assumed by our opponents and critics and would accord with universalist standards illumined by religious and ethical insights.

There are myriad intelligent and humane spirits within the populations of our self-made adversary nations who would like nothing better than to clasp hands with us in loyal friendship and work with us for peace and progress the world over. Can they be reached and become effective before it is too late? There are important tasks on a world scale to be done now and greater ones loom: war to be abolished; natural environment conserved; food resources, natural and synthetic, developed and distributed; ocean water desalted to irrigate deserts; swamps to be drained; outmigration and resettlement from overcrowded communities assisted; and innumerable others.

With future needs in view and in memory of the 60 or 70 million victims of war and upheaval since 1900 the civilized and enlightened conscience calls urgently to potentially friendly empires across the Curtains: "Be truly wise!" "Seek the real international good the better to serve your own country."

This essentially is what those illustrious prophets and ethicists around the League Table envisioned in 1919. Impractical? "Practical" Americans rejected Wilson's program and disarmed; then had to fight War II. "Practical" men elsewhere were guilty of incredible miscalculations before and during the two Great Wars. In this sophisticated era, to launch or risk launching universal new religious wars of stubbornly held secular religions, whether economic or nationalist, would be mindless. In any case it is not different economic and social organization but the aggressive power quest, however incited, that is the real enemy of mankind.

Effective world responsibility and matching authority will one day be indispensable to secure men against nuclear suicide or slower death from deprivation and destruction of earth's life support system. Whether such world concern will be operative in 20, 200, or 2000 years; whether developed and institutionalized by ourselves, our descendants or more sensible and cultured peoples elsewhere is beyond conjecture. But regardless of the time and means of its full implementation and perfection, actual world responsibility began at the Paris Peace Conference in the Spring of 1919. I was privileged to witness its birth.

THE CASE FOR THE ROTC

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. HOSMER. Mr. Speaker, like many other fine American institutions, the ROTC program is under increasingly strong and grossly misdirected attack.

As if we could prevent war by abolishing the reserve officer training programs on our college campuses, the ROTC has become a focus of student unrest and even violence.

However, any sensible analysis would show that those who are opposing the ROTC programs may be unwittingly aiding the cause they most fear—increased militarism.

The Long Beach Independent, Press-Telegram recently summed up this position:

> The public—particularly the students and faculties of the colleges and universities—should care about what kind of human beings these officers are, about what kind of an education they get and about where they are educated.

The editorial clearly and simply makes the case for continuance of the ROTC program on our college campuses, and I included it in the RECORD at this point:

THE CASE FOR THE ROTC

From time to time university administrators, under pressure from students and faculty, announced that their school is dropping or curtailing the Reserve Officer Training Program.

This may not be only very short-sighted on the part of those demanding the elimination of the ROTC program, but they may be denying some deserving students the means to get an education.

Most everyone would like to see a world in which the military simply didn't exist. But since that day doesn't appear imminent, we think the country should worry about how it picks its military officers.

The public—particularly the students and faculties of the colleges and universities—should care about what kind of human beings these officers are, about what kind of an education they get and about where they are educated.

Critics on the campus have the duty to ask themselves whether driving officer training from the schools would not lead to the very phenomenon they fear—a military caste system and the Prussianization of the U.S. military.

Even if it were possible to get all the officers necessary from the current service academies, we seriously question whether it would be advisable to do so. The civilian contacts and the public education of the ROTC student provide for a broader background than that afforded by strictly a military academy.

In addition the ROTC provides a source of funds for many deserving students who otherwise would be unable to attend college.

As an example, the Air Force ROTC has announced it will award 700 four-year scholarships to freshmen enrollees in the campus program next year. Another 1525 new grants will go to currently enrolled students entering their sophomore year.

Altogether AFROTC grants will total 5,450—a number not to be sneezed at.

And the grants themselves are remarkable for their coverage.

Recipients of the scholarship receive full tuition and lab fees, incidental expenses, a book allowance and $50 a month subsistence allowance which is non-taxable.

A "UNIVERSAL" UNITED NATIONS—A POSITIVE APPROACH

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. PICKLE. Mr. Speaker, last Friday, the United Nations General Assembly again voted not to seat Red China. The vote, however, was 51 in favor of seating the country, 49 against, and 25 abstentions.

This is the 25th year of the existence of the United Nations, and this vote was the 25th defeat for Red China. But the trend is clearly shifting. Each year Red China gains more votes in favor of recognition. The reason is simple—like it or not, Red China is there.

But Formosa also is there—a quite viable political state with a population larger than all but 30 of the 123 United Nations members.

As the issue of Red China grows more intense year by year, some maintain that the time has come for the United States to rethink its position on this difficult question.

In the November 19 Washington Star, James L. Kilpatrick, one of the more conservative and constitutionally minded columnists of our day, says:

> Red China is. And so, for that matter, Formosa is, and the 14 million Chinese who have fashioned a viable state on Taiwan now constitute a political entity that is. . . . A flicker of sanity may be observed as to China. In another two or three years, if the patient manages to survive that long, the U.N. will do what should have been done long ago: It will give the Security Council to Red China, and acknowledge the reality of Formosa with a seat in the Assembly.

The challenge is clearly before us—the challenge is not only to find a viable position on the China question that is in accordance both with the realities of the situation and with our treaty commitments around the world but also to take the lead in securing such a position lest the apparently inevitable entrance of Red China into the U.N. be a defeat not only for the sizable state of Formosa but also for our own country.

The call is for action and for positive action. The question is what course that action should take.

One very serious proposal has been presented by a man who enjoys the rather unique honor in this country of having worked both as an official in the U.S. Government and as a working member of the U.N. Secretariat. Speaking before the Dallas United Nations Association on October 22 of this year, the eminent economic historian, Walt W. Rostow, proposed the creation of a "Universal" United Nations. After a discussion of the United Nations' role in history and the shifting balance of power in the world, Dr. Rostow moves to three specific proposals. On the first, he says:

> First, it is clear from the way negotiations and policy are moving with respect to China and Germany that the question of a universal United Nations will soon be upon us. I believe we shall have to face this matter in the time ahead; and that we should face it.
>
> The question of a universal United Nations—containing East and West Germany, North and South Vietnam, North and South Korea, representatives from the governments in both Peking and Taipei—is a matter of timing and a matter of how the job is done.
>
> As for timing, I think the time may soon be ripe.

Moving on to the role of the Security Council, he notes:

> Moreover, it is time to examine afresh the structure of the Security Council. There is a tendency still to think in terms of the Big Five; that is, Britain, France, the United States, Soviet Union, and China. This is an odd and parochial way to look at the world. After all, 60 per cent of the world's population lives in Asia. Therefore, it may be time to bring not only mainland China into the Security Council but also India and Japan. I suggest this not only because Asia deserves better balanced representation than a Communist China. I suggest it also because Communist China is unique in Asia for only one reason: it has manufactured nuclear weapons. It is important that this not very distinguished achievement—which India and Japan could duplicate, and more, in very short order—not be rewarded.

The second and third proposals of Dr. Rostow's address call for an increased role in world affairs for the smaller nations and for increased initiative on the part of the Secretary General of the United Nations.

Mr. Speaker, as congressional debate will play a significant role in shaping our future response to the China question, I commend this very serious and thought provoking address to my colleagues for their consideration. Certainly, not everyone will agree to his suggestions, but most will agree that his approach is stimulating.

It should be pointed out that Dr. Rostow's recommendations came earlier than other proposals being advanced now. Mr. Christopher Phillips, a member of the U.S. Delegation to the U.N., presented a "two China" proposal to the U.N. on November 12. A week later, a Senator from New York endorsed the idea in a Senate speech. However, Dr. Rostow made his speech on October 22—some 3 weeks before the above gentlemen presented their recommendations. But the same general thoughts prevail.

I do not recommend this proposal in its entirety, particularly in reference to North and South Vietnam, but I do think it is worthy of our consideration and I ask permission that Dr. Rostow's speech of October 22 be printed in the RECORD, as follows:

UNITED NATIONS: A LOOK AHEAD

I

After my appearance here was announced, I received a few letters from members of the Dallas community. They were concerned that someone holding the views I do on Vietnam should be invited—and should be willing to appear—to celebrate the 25th anniversary of the United Nations. Those letters reversed an old and familiar story. They seemed to say: "What would a bad boy like you be doing in a nice place like this?"

However my views on Vietnam and Asia are judged, I am wholly at ease in coming to join in this anniversary occasion. I am one of the very few Americans who has served both as an official in the American Government and as a working member of the United Nations Secretariat.

One of the adventures of my life was to join Gunnar Myrdal in 1947 as his special assistant in helping set up the Economic Commission for Europe in Geneva. That is, as you know, a branch of the United Nations. Its membership includes nations from Eastern as well as Western Europe, the Soviet Union as well as the United States.

We set this piece of international machinery into motion at the very worst of the Cold War. Molotov had left the Paris meeting on the Marshall Plan in July 1947. In the months ahead Stalin was consolidating Moscow's control over Eastern Europe. The next year Berlin was blockaded, sustained through a difficult winter only by airlift.

In this harsh setting we worked to hold together in Geneva every strand we could find that might ameliorate the tension between East and West, and provide a future basis for East-West cooperation. We worked in the faith that the tides of history and the work of men of good will would bring better days. We believed that Stalin's satellite empire in Eastern Europe was not history's final decision. It was hard but rewarding work; a good education in the realities of the postwar world, and in the possibilities and limitations of the United Nations.

I believe those that worked together in Geneva at that time were as able and dedicated a team of international civil servants as has ever been assembled. I am proud to have been among them.

In any case, the United Nations and its future have been a living part of my life and my thought for some twenty-three years. And so I was delighted to receive your invitation.

II

The United Nations is not one institution. It is a collection of related institutions designed to serve different purposes. They reflect an international scene where sovereign governments exist; and they act upon the international scene to the extent sovereign governments can agree to let them act—or the Secretariat can goad or negotiate them to act together—or let action go forward.

In its first quarter of a century the United Nations has reflected the political facts of life in the world that emerged after the Second World War. These facts of life decreed that the maximum hopes of all of us, registered in the United Nations Charter at San Francisco in 1945, could not immediately be achieved.

Above all, there was the failure of the great powers to maintain their wartime unity on the central security questions of the postwar world. That continued unity was to have been the bedrock upon which the Security Council of the United Nations would work. Only substantive unity could have permitted the Security Council to perform the functions envisaged in the United Nations Charter. The veto provided in the Security Council might have been merely a powerful goad to find agreement. But once the veto came to be used against the majority will—and against the will of major powers—the result was predictable; that is, a world divided and in contention.

The United Nations has thus had to find its missions—to do what it could do to fulfill the injunctions of the Charter—in a world of Cold War struggle. In the late 1940's and early 1950's that conflict raged along the northern line from Seoul to Berlin. Then it shifted to the south, with the emergence of the post-colonial world of nationalism and modernization. Since the mid-1950's—say, from the Egyptian arms deal with Moscow in 1955—the Cold War contest has suffused the great struggle of Asia, the Middle East, Africa, and Latin America to find roles of dignity in the modern world.

And throughout this whole period the United Nations has had to do its job in a world where the Baruch plan was rejected by the Soviet Union and nuclear weapons spread out from one to five national states.

The United Nations has reflected all too vividly the Cold War conflict of this generation—the tensions and crises of a contending and revolutionary world over which was suspended the nuclear sword of Damocles.

But it has also acted upon that world in many constructive ways:

As a forum where diplomats could meet and talk constructively in private after delivering their formal positions for the record and for the folks back home;

As an instrument for limiting conflict and for keeping the peace, for a time at least—in the Middle East, for example; between India and Pakistan; and at certain critical moments in the Congo.

The United Nations spawned regionalism not only in the Economic Commission for Europe but also in regional commissions for Latin America, Asia and the Far East, and Africa;

The United Nations contributed significant elements growth and social progress in the developing regions, through its own programs as well as those of the specialized agencies which are linked to it;

And there is much more to the good in its record.

Despite all its evident weakness—which are mainly the weaknesses of the world in which we live—the United Nations has earned its keep. It is right that the peoples and governments of the world would strongly resist any effort to dismantle it.

III

I recall these elements of the record of the United Nations only briefly because my intent today is to look forward rather than backward.

It is my belief that it is not impossible—I repeat, not impossible—that we shall see in the years ahead a favorable change in the international environment within which the United Nations has to act; and that the United Nations in the future could come nearer than in the past to fulfilling its mission as defined at San Francisco.

In elaborating this theme, I shall try to do two things: first, to explain why I believe the forces at work in the world around us could move us in the direction of a stable peace in the years ahead; and, second, to suggest three directions in which the United Nations might both assist the movement toward stable peace and make the most of that movement as it occurs.

IV

On what grounds can a man stand before his fellow citizens and assert that there are forces at work moving us toward stable peace? How can this be said in a world where two major regions—the Middle East and Southeast Asia—are both caught up in daily bloodshed and confrontation?

I am, of course, aware of these conflicts; and I might add that no one who has served in the posts which I was privileged to hold between 1961 and 1969 can be a naive optimist.

Nevertheless, I believe there are two forces at work in the world which could move us in the years ahead toward stable peace.

First, there is the diffusion of power away from Moscow and Washington.

This is no new phenomenon. It began, in a sense, for both capitals in 1948.

For the United States it began as a matter of national policy. It began when the American Congress voted the funds for the Marshall Plan and threw its weight behind the movement towards Western European unity. We set about reviving a region which we hoped to see emerge as a partner, not a satellite. In effect, we set about purposefully to reduce the power we could then exercise in a critical part of the world.

As for Moscow, the diffusion of power began when Tito defied Stalin and proved that Yugoslavia could survive on that basis.

This diffusion has continued over the past generation, gathering momentum, in particular, after the Cuban missile crisis.

For good or ill, that crisis persuaded men in many parts of the world that the Soviet Union was not as dangerous as it had been in the past, and, therefore, they could act with greater independence of Washington, as well as of Moscow. The missile crisis also brought Moscow's split with Peking into the open and intensified it.

So far as American policy is concerned, I believe we can take pride in the fact that in the first postwar generation we threw our political influence, as well as our economic resources, behind the desire of nations to stand up straight and fashion their own destiny. And we have moved in recent years—notably, under President Johnson's leadership—to the active support of regionalism in Latin America, Africa, and Asia, as well as continuing our support for regionalism in Western Europe.

But what about Moscow?

In 1960, after the Presidential election, I was sent to take part in a Pugwash conference in Moscow on arms control. I was asked to speak toward the end of the sessions. At one point I said this:

"As an historian, I am convinced that the central historical fact of our time is this: power is being rapidly diffused away from Moscow and Washington. What we are seeing in the world is an equivalent of the process which occurred after 1815. In 1815 Great Britain was the only country in the world which had absorbed the tricks of then modern technology. It alone had experienced an industrial revolution. In the century after 1815, the industrial revolution took hold in Belgium, France, Germany, Russia, Japan, and North America.

"Now the industrial revolution is taking hold in the areas which were skipped during the century after 1815—that is to say the industrial revolution is taking hold in China and Eastern Europe; and it is occurring—or it will soon occur—in the whole southern half of the globe.

"The inevitable result is that industrial potential, military power, and influence on the world scene is being diffused and will continue to be diffused.

"Faced with this fact, there are three choices open to the Soviet Union and the United States. We can stumble into a war and destroy a large part of what man has built on the face of the earth and a large part of the world's population. We can continue the Cold War until the diffusion of power removes the capacity to decide from Moscow and Washington. Or, working constructively together, we can create the terms on which power will become diffused.

"This is the limit of the historical powers of the Soviet Union and the United States. I would hope that we would choose the third path. This is the historical responsibility we owe to our peoples."

I believe that assessment was essentially correct in 1960; and it remains correct, although the continued concentration of nuclear capacity in the United States and the Soviet Union makes it necessary to define the diffusion of power with some subtlety.

I cannot say that the Soviet officials who heard me in 1960 immediately agreed; and, much as I should like to believe it, I do not think Soviet policy has yet firmly accepted this doctrine. But I do believe that there are more men in Moscow than there were ten years ago who understand that the world emerging in the latter half of the twentieth century is not going to be dominated by any single power or any single ideology; and that their duty to their own peoples is to help organize the world peacefully rather than to try to control it directly from Moscow. That is what the Nonproliferation Treaty is about, the SALT talks, and the occasional Soviet efforts to join others in damping, rather than exacerbating, crises. What has happened in the Middle East since 1967 and in Czechoslovakia in 1968 should remind us that this doctrine has not been accepted fully. But we are closer to it; and the forces making for the diffusion of power will certainly persist, not diminish.

So far as the United Nations is concerned, it will have more work to do—and more constructive work—in a world of diffused power than in one controlled primarily by Moscow and Washington. Its institutions are designed to organize and make sense of a world of varying interests, not to mediate between two hard blocs.

Related to the diffusion of power is a second major force which could lead us in the direction of stable peace. That is the decline of the aggressive revolutionary romantics.

The politics of developing nations has been marked in the generation since 1945 by a group of autocratic or totalitarian leaders who have chosen to build their domestic politics on "anti-imperialism" and to channel a high proportion of the limited energies, talents, and resources available to them into external expansion: in Asia the roster includes Mao, Ho, Kim, and Sukarno; in the Middle East, Nasser and the other radical Arab leaders; in Africa, Nkrumah and Ben Bella; in Latin America, Castro. In one way or another these men were deeply involved in the world's major crises since South Korea was invaded, more than twenty years ago.

Some of these leaders are gone and the fate of others—and their policies—is still to be determined. In general, however, they encountered three forces which have tended to frustrate them.

First, they encountered other people's nationalism. Their revolutionary doctrines had a certain resonance in other countries within their regions; but it is one thing to be a radical nationalist Arab, a believer in Black African unity and assertiveness, or to hold that the social ills of Latin America require radical solutions: it is a different matter to agree to take your orders from Cairo, Accra, or Havana.

Second, they have encountered the resistance of those who have not wished to see the regional balances of power upset. Although the United States has carried in our time the major burden of supporting those under pressure of regional aggression, the British and Australians stood with Malaysia; fifteen nations with South Korea; six with South Vietnam; in 1958 British and the United States stood with Jordan and Lebanon; since 1967 the United States has helped keep the balance of regional forces from overwhelming Israel.

Third, the relative neglect of domestic welfare gradually imposed attrition on domestic political support for policies of external grandeur which failed to yield decisive results. It is easy initially to excite the people with visions of quick redress for real or believed old grievances or humiliations; but, in time, the desire to eat better, to see the children grow up with better health and more education asserts itself.

It was in such settings of frustration and disabuse that Nkrumah, Ben Bella, and Sukarno gave way to successors more focused on tasks of welfare and growth; the great debate proceeds between Mao and his opposition; and the North Vietnamese begin to surface their inner debate on the priority of victory in the south versus "building socialism" in North Vietnam.

It is no easy thing for a group of political leaders to abandon a vision to which their mature lives have been committed and which up to a point, granted them success. Mao, evidently, has refused, and will probably refuse to the end, to acquiesce in the pragmatic bent of his "revisionist" opponents who would (in the phrase of one of Mao's opponents) encourage policies based on "objective economic laws" at home and external policies such that "the world can back in the sunlight of peace" and "infants can slumber in the cradles, and mothers and wives may no longer live in nightmares." Kim's dream of ruling all of Korea from Pyongyang will die hard; although Kim has been brought up short by a hard, simple, stabilizing, sobering fact; the rate of growth of South Korea is two or three times the rate of growth of North Korea. The dream of the men in Hanoi—that they alone are the proper successors to the French colonial empire in Asia—will also fade slowly, and with great pain for men who have sacrificed almost a million human beings in its fruitless pursuit. Castro will never find in producing sugar a substitute for his visions of converting the Andes into the Sierra Maestra of South America. And Nasser, tragically, would not hold for long to the idea that occasionally engaged him—that Cairo will only be great when Egypt, by its performance in economic and social development, helps lead the Middle East by example in overcoming its heritage of poverty and reconciling an intractable Arab culture with the exigencies of the modern world.

In the case of Hanoi, Pyongyang, Cairo, and Havana, the availability of large external resources permits postponement of the decision to shift from expansion abroad to growth and welfare at home.

And before these dreams are abandoned, we may see final desperate acts to fulfill them.

But, in the end—soon or late—they will confront the destiny of the first great romantic revolutionary expansionist—Napoleon. And they—or their successors—will echo Napoleon's memorandum to his finance minister in December 1812, when he abandoned the Continental System and the attempt to throttle Britain: "Undoubtedly it is necessary to harm our foes, but above all we must live."

V

I believe the forces at work yielding a diffusion of power and the decline of the romantic revolutionaries are real and strong; but I would not for a moment predict a sudden emergence of our world into the sunlight of stable peace; nor do I expect these two forces to work out smoothly and automatically to hand us peace on a platter.

There are ample forces also at work which could yield disruption and chaos; and there are a number of specific dangers.

For example, the turn away from radical expansionism to a concentration of the tasks of growth and welfare for the people is not yet visible in the Middle East; although the popularity of the American peace initiative among the people of Jordan and Egypt suggests that the latent impulse might be there.

For example, a frustration of growth in important parts of the developing world could induce a shift away from a pragmatic concentration on economic and social progress to more disruptive policies at home and abroad.

Let me pause and underline this point, and make it as blunt as I can. I can think of no worse period for a decline in American aid to the developing world than right now. President Kennedy suggested the 1960's might be called the Decade of Development. And that decade saw much more progress than is generally understood. In every region there are success stories which demonstrate that the job *can* be done: from South Korea and Thailand to Iran and Turkey; to Tunisia and the Ivory Coast; to Mexico, Colombia, and Venezuela. But the job is *not* done. We have at least another decade of hard work before the nations containing the bulk of the population in the developing world will have moved into self-sustained growth.

At just this critical time—when we know that success is possible, but before it has been achieved—the American contribution to development has fallen away. Of the developed nations of the world, we now stand eleventh in terms of the proportion of our gross national product devoted to this task. It is a rather scandalous performance.

Now, of course, increased external assistance to developing countries will not, alone, deal with all their problems; for example, the urgent need to bring down the birth rate in the Indian subcontinent, Java, and elsewhere. But increased external assistance is essential, if we really wish to move the world in the direction of stable peace and to make the most of historical forces which trend in that direction.

There are still other dangers of disruption and conflict which could arise within the Communist world; for example, out of the Soviet fears of a nuclear China and Soviet fears of rising nationalism and liberalism in Eastern Europe.

But the biggest question mark is our own country.

We evidently face a number of searching and difficult problems at home. We have carried a high proportion of the burdens and responsibilities of the world community for a quarter-century. There are those who believe this is enough; and that we should now come home.

I do not doubt that in a world of diffusing power—where others wish to take a larger part in shaping their own destiny—the relative role of the United States should and will decline with the passage of time. It has declined in Europe and Latin America; and it is declining in Asia. And the role and responsibilities of others should and will increase. That, after all, is the whole point of the Marshall Plan and the similar policies we have followed in other parts of the world where we have sought not satellites but partners, preferably working on a regional basis.

But still, if we pull back too fast—in Europe or the Middle East, Latin America or Asia—we could move the world not towards stable peace but towards chaos and enlarged areas of violence and international conflict.

This is the responsibility we Americans bear and cannot escape. We can gradually, cautiously, pull back in degree, as others gather strength; but we cannot safely walk away from our responsibilities.

The world community has come a long way in the quarter-century since the Cold War began: in Western Europe and East-West relations; in the balance of forces at work in Asia; in the process of modernization in the developing regions. And I deeply believe we can make much more progress in the next quarter-century than we did in the past. But much depends on us—on the United States. Our role is diminishing as we wish it to diminish. But we remain the critical margin.

Thus, taking all the doubts and question marks together—ourselves included—it would not be difficult to envisage future movement not towards order and reconciliation and progress but towards disruption, fragmentation, mass hunger and renewed danger in a nuclear world.

What can be said on the basis of a quarter-century's effort against considerable odds is that the task of moving in the next generation towards stable peace does not appear impossible; and those are about as good odds as man is ever granted in great enterprises.

VI

I turn now to my second question.

With these prospects and hopes, possibilities and dangers, how ought the United Nations to change in the years ahead, both to reflect the forces at work and to try to tip them in the right direction.

I have three concrete suggestions.

First, it is clear from the way negotiations and policy are moving with respect to China and Germany that the question of a universal United Nations will soon be upon us. I believe we shall have to face this matter in the time ahead; and that we should face it.

The question of a universal United Nations—containing East and West Germany, North and South Vietnam, North and South Korea, representatives from the governments in both Peking and Taipei—is a matter of timing and a matter of how the job is done.

As for timing, I think the time may soon be ripe.

The confidence in their own capacity to deal with their Communist adversaries, evident in the Federal Republic of Germany and in the Republic of Korea, has lifted many of the fears and anxieties which would have made movement towards a universal United Nations unsettling rather than constructive in the past.

With respect to North and South Vietnam, the invitation of both governments to the United Nations could provide an appropriate framework for the settlement in Southeast Asia, which ought to come in the time ahead if rationality prevails in Hanoi. It is worth recalling that Moscow proposed membership in the United Nations for both governments as early as 1957.

So far as mainland China is concerned, its fears of the Soviet Union and the many divisions now mounted on the Soviet side of the border are leading Peking towards more normal relations with the rest of the world. Nevertheless, the problem of China is the most difficult of the four—perhaps equally difficult for Peking and Taipei. It has been complicated by the fact that the Canadian recognition of Peking has been accompanied by withdrawal of recognition from Taipei. I do not believe that this is the right way forward.

This brings me to the manner in which a universal United Nations is created. The object must be universality and not tipping the balance of diplomacy and power against one or another of the governments concerned. The object should be simply a universal United Nations, leaving each capital to carry on with whatever theology it chooses concerning its status *vis-a-vis* its adversary.

In the case of the Chinese Nationalist Government on Taiwan, it is clear that its role in the Security Council is anomalous. Nationalist China is not a great power. But it is equally anomalous to remove that government from the United Nations or to reduce the number of governments recognizing Taipei. The Government of Nationalist China, from most difficult and unpromising beginnings in 1949-50, has organized the economic and social development of some 13 million people in a remarkably successful way. It has become a recognized and responsible member of the Asian and the world community. It has contributed in Africa exceedingly effective technical assistance programs. As countries within the United Nations go, Nationalist China is a medium-sized, not a small nation.

In bringing about a universal United Nations, the world community would be most unwise to treat Taiwan and its government casually, carelessly, or with lack of respect for its demonstration of how modernization can proceed in loyalty to the ancient culture of China.

Moreover, it is time to examine afresh the structure of the Security Council. There is a tendency still to think in terms of the Big Five; that is, Britain, France, the United States, Soviet Union, and China. This is an odd and parochial way to look at the world. After all, 60 per cent of the world's population lives in Asia. Therefore, it may be time to bring not only mainland China into the Security Council but also India and Japan. I suggest this not only because Asia deserves better balanced representation than a Communist China. I suggest it also because Communist China is unique in Asia for only one reason: it has manufactured nuclear weapons. It is important that this not very distinguished achievement—which India and Japan could duplicate, and more, in very short order—not be rewarded.

In suggesting that the time has come for us to look afresh and creatively at this whole problem, I would like to underline that I do not believe that the creation of a universal United Nations will be a panacea or yield instant stable peace. A universal United Nations will not be easy to bring about; and with all its new members assembled, there will be difficulties as well as advantages. For a time, some of the work of the United Nations might even be slowed up. But, in the end, the United Nations ought to be a political institution which reflects the realities. And those realities include the existence of the governments not now represented.

To bring them into the United Nations at this time would not only make the United Nations truly representative of how politics is organized on this troubled, striving, turbulent planet but it would also tend to underline a rule which ought to prevail; namely, the unification of countries divided by the Second World War and its aftermath should come about by peaceful means only. If there is any lesson from this difficult quarter-century that ought to be written into the rules of this planet, that lesson should come near the top. And a universal United Nations would make it more likely rather than less likely that rule will be obeyed. We have had two major crises between East and West Germany centered on Berlin; two in the Taiwan Straits; and bloody wars in Korea and Vietnam in which Pyongyang and Hanoi have sought unification by force of arms. That is enough.

Now a second observation on the future of the United Nations.

In a world of diffusing power, trying to move towards stable peace, the smaller nations must assume greater responsibilities than in the past for making peace and keeping peace.

The rhetoric and common law of the United Nations over the first postwar generation needs some changing. The lesser powers have never lacked rhetoric in urging the major powers—notably the United States and the Soviet Union—to increase their efforts in arms control and other forms of movement towards peace. On the other hand, their actions (as opposed to their rhetoric) have sometimes reduced the possibilities for peace in two ways.

First, their tendency to cherish their regional quarrels rather than to settle them. This is true of the Indian subcontinent and the Middle East. It remains true of a few old quarrels in Latin America. It was true of Southeast Asia, but that may be improving a little. In any case, the rule to be stated loud and clear in a world of diffusing power is this: peacemaking is everybody's business; and it begins with your next door neighbor.

Second, the small and medium powers have tended to remain remarkably philosophical when problems did not affect them directly. I find it quite shocking, for example, that the smaller nations of the world should accept so passively the invasion of Cambodia by North Vietnamese forces. Cambodia is a member of the United Nations. It proclaimed its neutrality. That neutrality has been violated systematically over the years; and in recent months it has been violated grossly by North Vietnam in its effort to take over South Vietnam.

Quite apart from the debate on South Vietnam. I should think the smaller nations of the world would take rather seriously this kind of violation of a member's integrity.

Whenever this kind of action is passively accepted, it is for all of us—and especially the smaller powers—for whom the bell tolls.

The representatives of the small nations could, of course, argue for some time that too much power was concentrated in Moscow and in Washington; that the best they could do was to keep out of the way, encourage the Big Two to emeliorate their relations, and exploit—even cynically exploit—the possibilities opened up for them by differences between the great powers.

As an historian, I can understand such a policy without moralizing about it. After all, it was precisely the policy Washington commended to the American people in 1796 and which we followed for a century. But in a world of diffusing power, this is not good enough. Peacemaking must become the business of all. The time for double standards—whether for Communist versus non-Communist nations, or for big nations versus smaller nations—the time for such double standards, which have marked so much United Nations debate and behavior, is coming to a close.

Now a final suggestion—concerning possibly expanded initiatives from the United Nations itself.

The major constitutional difference between the League of Nations and the United Nations is that under the United Nations Charter the Secretary General has the power to initiate a proposal—the power to lay a piece of paper on the table to which governments must react. This power of initiative is a considerable challenge and opportunity for the Secretary General and the secretariats which support him. If used well, it is a positive force for good. It is also a power which, if used beyond the political realities, can reduce rather than increase the stature of the United Nations. Except at rare moments and under rare men, that authority of the Secretary General has not been employed effectively.

But if my general assessment is right—that we could move towards more stable peace—then the Secretary General's constitutional authority might be exercised more fully than in the past.

The power of initiative does not mean that the Secretary General can, as a unique, strong-minded individual, effectively assert what he personally regards as right or wrong for the world. Who is involved is his trying to find, by a most careful process of political analysis and consultation, solutions for particular problems which are within the bounds of reality but which the nations themselves might not be able to negotiate in a more conventional way. There is a margin—sometimes, on some matters—where a creative third party can find a formula on which diplomats themselves might not be able to hit or, even, articulate to each other, unless a third party laid it on the table. It is that kind of disciplined, painstaking leadership in moving towards peace which will be increasingly possible and increasingly needed in the years ahead—if my assessment is correct.

Now a final word.

We Americans have had some peculiar views about the United Nations; and we ought to be candid about them.

Every time the going got tough, there were those who said: Why not turn it over to the United Nations?

I heard this view expressed on Greece and Berlin, the missiles in Cuba, Vietnam, and on many other occasions. The answer is: when the United Nations is prepared to do the job, we should, of course, act within the United Nations; but we must never use the incapacity of the United Nations—or divisions within it—as an excuse for not protecting our interests or accepting responsibilities we have assumed through treaties.

The United Nations in 1950 did act in Korea as the result of the absence of the Soviet delegation. When it acted, the United States had to carry a substantial part of the load—but we were not alone. And that is the way it will be every time the United Nations meets its responsibilities.

The United States will have to take a substantial part of the burden;

But we shall not be alone.

Thus, support for the United Nations is no substitute for American responsibility. It cannot safely be a pious route to isolationism.

On the other hand, the United Nations is the right road—the road we should prefer when it can actually function in conformity to the Charter.

It is my belief—my faith—that we do our job in the world, the historical forces at work could gradually, over the next generation, move us to a situation where more and more of our efforts on the world scene could be channeled through the United Nations and its various institutions.

That will not happen by wishing it so. It will happen only if the American people—along with others—dedicate themselves to a second quarter-century of building, stone-by-stone, the edifice of world order which was destroyed in 1914 and which has not yet been re-created.

There will be no soft answers or quick fixes.

But I do believe the job can be done if we have the stubborn idealism to stay with it.

MURFREESBORO, N.C., ATTEMPTS TO PRESERVE ITS HERITAGE AND HISTORIC VALUE

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. JONES of North Carolina. Mr. Speaker, in this day of the problems of the large cities as well as the small towns, it is indeed refreshing and reassuring to find a small town that is attempting to preserve its heritage and historic value. Such is the case in Murfreesboro, N.C., located in the congressional district that I have the honor of representing.

So that other communities may be so inspired to give attention to and focus upon the cultural heritage of their communities, I am placing in the RECORD some brief remarks which describe that which is being done in Murfreesboro, N.C.:

MURFREESBORO, N.C.

It is hereby recognized that the Murfreesboro Adaptive Restoration Program cosponsored by The Murfreesboro Historical Association, Inc., and the Historic Murfreesboro Commission both of Murfreesboro, North Carolina, in co-operation with public and private sources, is an unusual program being conducted by local citizens on a non-salaried basis for the upgrading of the economic, educational, social, and cultural life of northeastern North Carolina. The program, started in 1966, has reached a level of state and national recognition among noted restoration and preservation authorities uncommon for a small community such as Murfreesboro. Even without a paid staff or any endowment, the program has raised over $25,000.00 within the past four years and has projected a $5,000,000.00 program of development and restoration for the Historic District of Murfreesboro, North Carolina. A mid-18th century riverport and King's Landing, Murfreesboro's unusually large number (75) of 18th and 19th century structures represents one of the last major groupings of unrestored architecturally significant structures remaining in the United States today.

Breaking away from the traditional "museum town" idea, the Murfreesboro program emphasizes the adaptive use of its old homes to fullfill some vital community need. Testifying to this trait is the adaptive restoration of the 18th century Roberts House for a Village Center housing the Murfreesboro Public Library and civic offices. The 1.3 acre grounds around the Roberts House will be developed as a public park. The project is aided by a $75,000.00 matching preservation grant from the United States Department of Housing and Urban Development. The Murfreesboro program will eventually include such features as exhibition buildings open to the public, tours, lectures, lodging facilities, restaurant facilities, art program, children's museum and educational program, formal and herb gardens, green areas and will offer employment to approximately 125 persons.

Murfreesboro's most noted native sons were Col. Hardy Murfree, hero of the Battle of Stony Point, New York, a decisive Revolutionary War engagement; John Hill Wheeler, United States Minister to Nicaragua, State Treasurer, Superintendent of United States Mint at Charlotte, North Carolina, and author of *Wheeler's History of North Carolina* in 1851; and Richard Jordan Gatling, inventor of the famed Gatling gun. William Hill Brown, the first American novelist died here on September 2, 1793.

It should also be noted that the Murfreesboro Adaptive Restoration Program coupled with the community benefits derived from Chowan College and the Murfreesboro Industrial Development Corporation makes Murfreesboro a very progressive small town determined to solve its own problems.

LATEST REPORT FROM CONGRESSMAN ED ESHLEMAN

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. ESHLEMAN. Mr. Speaker, I have just recently sent to my constituents a newsletter. I am including the contents of that newsletter in the RECORD at this point:

WASHINGTON SPOTLIGHT

(Report From Your Congressman, ED ESHLEMAN)

REAL MAJORITY

After talking to hundreds of people during the past several weeks, I have become convinced there is a real political challenge for the Seventies. Politicians need to set their sights higher than just a majority. We should seek to establish a just majority. That is, a coalition of Americans determined to give this country the kind of inspirational, moral and spiritual leadership which so many of us recognize is a prerequisite to greatness.

FALLEN FOWL

The post-election session of Congress now underway is often referred to as a "lame duck" session. Helen Bowers, writing in the newspaper Roll Call, gives an interesting account of the origins of this rather odd term. "Our fettered feathered friend first appeared in print in 19th century England, where the gentlemen on Change Alley, comparable to our Wall Street, described their bankrupt comrades as waddling out like lame ducks. Borrowing the term, Americans in 1833 were referring to people who did not make prompt payment on stock losses as lame ducks. In 1910, Washington correspondents nicknamed a White House corridor 'Lame Duck' because statesmen who had recently gone down in electoral defeat were gathering there to display their wounds. Lame Duck was applicable, they said, because these were men who had been winged, but hoped to preen their plumage again. The term, however, first entered the general U.S. vocabulary in 1922 when Senator George Morris initiated a proposal for a 'lame duck amendment' to prevent defeated Congressmen from remaining in office and acting on legislation until March of the year following the election. Senator Morris proposed changing the law to begin a new Congressional session in January rather than two months later. The proposal, as might be expected, met with some opposition, however, and the 'lame duck amendment' was not ratified until February 6, 1933. The fiery discussion, though, was quite enough to have made the term 'lame duck' very much a part of our current political vocabulary."

QUOTE TO NOTE

President Nixon speaking to a student audience at Kansas State University said, "What corrodes a society even more than violence itself is the acceptance of violence, the condoning of terror, the excusing of inhuman acts as misguided efforts to accommodate the community's standards to those of the violent few."

SCATTERED SITE SESSION

Recently I called a meeting in my Washington office on the subject of scattered site housing in Lancaster City. The picture below (not printed in the RECORD) shows the participants in that discussion. Shown with me are: three members of the Lancaster City Council—Richard Filling, Benjamin High and Julia Brazill; the State Representative-elect from Lancaster, Harold Horn; two officials from the Department of Housing and Urban Development—Molly Newington, Congressional Liaison Officer and Horace J. Sincore, Assistant to the Program Manager for the New York and Philadelphia Regions. I think some progress was made at the meeting toward resolving the controversial public housing situation in Lancaster.

TWENTY-FIVE AND BEYOND

The United Nations began its 25th year last month. During the past quarter of a century the organization has been the subject of considerable controversy. The effectiveness of its primary role of peace-keeping has raised serious questions, but its importance as a world forum cannot be denied. However, if the U.N. is to continue to be a vigorous center of international debate, some reforms should be undertaken. The need for a major overhaul is shown clearly in the make-up of the General Assembly. A two-thirds vote can be assembled from nations that contain only 10 per cent of the world's population. The Maldive Islands, with a population of 104,000, have an equal vote with the 205 million people in the United States. This kind of discrepancy tends to keep the U.N. from dealing properly with the realities of wielding power and pursuing peace.

BUREAUCRATIC BACKBITING

If you have ever wondered why it takes a government agency so long to act on something, perhaps you should consider the personal jealousies and feuds which interfere with the work of the bureaucracy. The following quotation from an unidentified OEO official shows that things like settling personal scores or hindering a potential rival can be far more important than keeping the government machinery running smoothly. The official describes how he can use the bureaucratic maze to "fix" a subordinate. "All I have to do is change a person's extension every other day, delay the re-routing of correspondence, fail to press for prompt repair or replacement of a broken typewriter, assign a 'dud' to the secretarial pool, forget to authorize secretarial overtime, limit the grade of the secretarial slot assigned to a person, screen all applicants for secretarial positions, place his grant package at the bottom of the pile rather than the top—and that person is a walking corpse."

ANTI-INFLATION SLOGAN

Let's make saving money a means to an end rather than an end of your means.

Economic evaluation

During the past several weeks there has been a good deal of talk about the state of the economy. Since much of the talk has been contradictory, there is a need to examine the economic facts. The Under Secretary of Treasury provides this summation: "This is the record of 21 months. . . . A badly overheated economy has been cooled, inflation is being brought under control, financial markets are operating efficiently, a housing boom is in prospect and the road back towards full employment is clearly charted." That rather optimistic statement is based upon indicators which show that the trend is definitely towards improvement in the economic picture. Yet there are areas of continuing concern: (1) Unemployment—A situation of rising unemployment was caused by a cut in defense spending and a drop in production rates. To ease unemployment, the growth rate of the economy will

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have to be increased. Therefore, slightly expansionary monetary policies may be called for. (2) High Interest Rates—High rates are not part of the government's economic policy. Interest rates follow supply and demand in the money market, which in turn are influenced by people's anticipation of continued inflation. An effective anti-inflationary policy is the only way to get interest rates down. Rates have dropped from the highs reached in early 1970, but still need to decline further. (3) Stock Market—High personal savings, a moderately favorable outlook for corporate profits and an easing in the money supply add up to a reasonably optimistic outlook for the market. (4) Balance of payments—Although our exports exceed our imports, we are still building a dollar deficit abroad. This is because of a big liability in a category known as official settlements transactions. An effective anti-inflationary policy in the U.S. will help to balance the international system. (5) Wage and Price Controls—When these methods are tried here and abroad, what they achieved, at best, was a period of apparent stability followed by an explosion undoing whatever progress had been made. Implementation of mandatory wage and price controls would be counterproductive. It likely would result in long-term damage to the national economy and individual pocketbooks.

Downturn to cheer

The following table shows the steady drop in war deaths in the past two years. As the Vietnam conflict winds down, casualties will continue to decrease. Hopefully, the time is not too far away when there will be no deaths to report.

U.S. war deaths in Vietnam

1965	1,369
1966	5,008
1967	9,378
1968	14,592
1969	9,416
1970 (Oct. 10)	3,807

AUTO NATION

A big reason for many automobile related problems—things like pollution, insurance, highways, etc.—can be illustrated with one simple statistic. Motor vehicles on the Nation's highways are increasing at a rate of 12,000 a day, roughly twice the rate of our population growth. All those additional cars mean that more Americans are enjoying greater convenience. But each new vehicle on the road also means that the problems have been magnified.

MUSICAL CHAIRS

At the beginning of each new term in Congress, a sophisticated version of the musical chairs game is played on Capitol Hill. The prize in the game is a bigger office. Winning the prize, however, involves a real ordeal. There are a series of drawings for office space in which you must take a chance. But the real spice is added by involving the seniority system. Even if you are lucky in the drawings, you are subject to being bumped out of your office choice by a more senior Congressman. Over a period of weeks, you may have to choose several different office locations and in the end might not get anything better than you already occupy. My staff and I are not playing the game this year. We are very well satisfied with our present location, 416 Cannon House Office Building, and we will continue to serve you from there during the 92nd Congress.

VIETNAM FACT

National reunification has been used frequently by Vietnam critics as a pretense for "understanding" the Communist position in the Southeast Asian conflict. Remember the argument that Ho Chi Minh was the "George Washington" of both North Vietnam and South Vietnam, and that his fight was simply to unite his divided nation? As with so many facets of the debate about Vietnam, the national unity argument contains more fiction than fact. The Vietnamese are 2,500 years old as a people but have known geographic and national unity for less than 60 years. Their history has been one of great diversity, both regional and social, which partially explains the South Vietnamese reluctance to submit themselves to a monolith of Communist control. The South has never accepted Northern rule. During the only period of unity—that 60 year span—the South dominated the North.

THANKSGIVING HOLIDAY

Thanksgiving is a uniquely American holiday. Americans always have had much to be thankful for and have gratefully acknowledged that fact. This year the Thanksgiving season will remind us again of our blessings. And as we number those blessings, we surely shall be reminded that this season of thanks is also a season of hope.

President Abraham Lincoln, Thanksgiving Proclamation, 1863: "The year that is drawing toward its close has been with the blessings of fruitful fields and healthful skies. It has seemed to me fit and proper that they should be solemnly, reverently and gratefully acknowledged as with one heart and one voice by the whole American people. I do, therefore, invite my fellow citizens in every part of the United States . . . to set apart and observe the last Thursday of November next as a day of thanksgiving and praise to our beneficient Father who dwelleth in the heavens."

UNCLE'S DAY

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. CORMAN. Mr. Speaker, on Saturday, November 21, the State of California observed Uncle's Day—a day designated by the State senate to honor uncles who lavish time, love, and money upon their nieces and nephews.

In recognition of this special day, Vista Del Mar, a residential treatment center for Los Angeles youngsters designated as uncles those who accept their community responsibility through substantial annual donations. Recognizing the outstanding contribution Elliot Handler has made to innumerable child-oriented endeavors, the Alumni Association of Vista Del Mar proclaimed Elliot Handler as "Uncle of the Year," and honored him at their annual winter ball November 21.

Elliot, a Colorado native, moved to Los Angeles in 1937 and became intrigued with the many potential uses for plastic. In 1945 he left what had become a flourishing plastic novelty business to form Mattel which was later to become the world's largest manufacturer of toys and youth products.

Besides his outstanding success in business Elliot has pursued his interest in serving the community. He is a founder of the Music Center, a member of the University of Southern California's Associates and an honoree of the Newcomen Society and the City of Hope. Both he and his wife, Ruth, are on the board of directors for Vista Del Mar and devote an outstanding amount of their time and energy in working with a great number of agencies which care for children.

It is a privilege for me to join with the many "graduates" of this Los Angeles orphanage and child-care agency in paying tribute to Elliot Handler "Uncle of the Year."

RED CHINA IN U.N. SOON?

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. CASEY. Mr. Speaker, it is a matter of grave concern to me and to millions of fellow Americans that the United Nations can consider the admission of Red China to this organization ostensibly devoted to the goal of world peace.

It is incredible that it will consider such action on the terms demanded by this outlaw among nations—and that is the ouster of Nationalist China, a founder of this organization, and presumably its seat on the Security Council with veto power.

I know the grave concern over this pending action by many Americans, but particularly by those loyal citizens of Chinese descent who have friends and relatives on Formosa. Indeed, an outstanding young attorney, Mr. Harry Gee, Jr., president of the Houston Lodge, Chinese American Citizens Alliance, wrote me a few days ago:

> We feel that Congress must clearly state its position to the Nixon administration so that our ambassador to the United Nations will represent our interest fully . . .

As expressed in an editorial from the Houston Post of November 11, 1970, which I attach.

There has been a notable softening of the United States' approach to this festering question under this administration which has been toying with a so-called "Two China" policy. This I view as but a prelude to a complete sellout of the Nationalist Chinese, and I strongly urge my colleagues on the appropriate committees to give us the opportunity to clearly and unequivocally voice the position of this Congress, and the American people, in opposition to the seating of Red China.

To our State Department, and others in this administration, and to those ministates which now comprise the majority of the General Assembly, I would direct the words uttered by the late President John F. Kennedy that cold morning of January 20, 1961:

> . . . To those new States whom we welcome to the ranks of the free, we pledge our words that one form of colonial control shall not have passed away merely to be replaced by a far greater iron tyranny. We shall not always expect to find them supporting our view. But we shall always hope to find them strongly supporting their own freedom—and to remember that in the past, those who foolishly sought power by riding the back of the tiger ended up inside . . .

[From the Houston Post, Nov. 11, 1970]

RED CHINA IN UN SOON?

For a long time now, the United Nations has been suffering an erosion of its effectiveness as an international agency created to promote the cause of peace in the world, and it is in danger of losing what little it has left, in the opinion of some observers.

With Italy having followed Canada in extending diplomatic recognition to the Communist regime in Peking, and with some smaller countries showing signs of wanting to climb on the bandwagon, forecasts are being made that within a short time—perhaps next year—Red Cina will be admitted to membership and Nationalist China expelled as Peking demands as a condition for its membership.

When and if this happens, the UN will be putting itself in the position of condoning and accepting the use of military force to gain power or domination, and its pretensions of working for the ideal of peace will sound rather hollow, if not actually hypocritical, to a great many people. To those who say the action would be pragmatic, the best answer is that the UN never was intended to be a pragmatic organization. Rather, it was created to work for the attainment of an ideal, peace.

It may be true that most of the world's present nation-states were established as a result of the use of force, but that was done before the establishment of the UN. The Communist conquest of mainland China came later.

If it is argued that the conflict between the two Chinas is an internal matter, then the UN would be putting itself in the position of intervening in a domestic affair, and on the side of men whose devotion to peace not only is questionable and who openly advocate the use of force and violence throughout the world.

Peking does not share the supposed dedication of the organization to the cause of world peace but condescendingly insists that, if it should accept membership, the island of Taiwan now held by the Nationalist government must be treated as a province of Red China. In other words, Nationalist China must be expelled as having no claim to sovereignty. To do this, the UN would have to turn its back on one of its founders and a government that has been one of its most active and helpful members.

The admission of Red China on its terms would be a victory for the Communist bloc but no less one for the mini-states, which absurdly, enjoy equal voting status with the great powers in the UN General Assembly. Many of these are willing to sell their votes to the highest bidder.

If Nationalist China is booted out and replaced with Red China, Red China could claim and undoubtedly would get the seat on the Security Council now held by Nationalist China as a founding great power. This carries with it a veto. This hardly can be interpreted as being in the interest of the United States, the Free World or the promotion of world peace.

Admission of Red China as a member would be one thing and might even be a defensible couse of action. But to accept it as a replacement for Nationalist China is quite something else.

Before embracing an enemy, the organization would be well advised to take into account the possible reaction throughout the world and in the United States particularly. It has been hard to sell support of the UN to the American people from the beginning and the difficulty has become progressively greater in recent years.

It is the United States taxpayers who have been paying most of the cost of the organization. Any greater Communist control of the UN could only increase hostility in this country. It would play into the hands of the neo-isolationists, but the Communists might not object to this, since they have the same long-range objective, the isolation of the United States. But who is going to pay the bills of an anti-American organization?

The United States might be justified in demanding that any admission of Red China be accompanied by some drastic changes and reforms in the UN structure, its charter and its procedures.

PRISON INMATES TO VOTE IN DISTRICT OF COLUMBIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. RARICK. Mr. Speaker, announcement that voting registrars are signing up prison inmates to vote for the District of Columbia's new nonvoting delegate in the U.S. Congress may be an indication of the responsible informed electorate that will deliver the balance of power here in the District.

The candidate's promises for this bloc vote can already be heard—a promise to further reduce all penalties for crime in Washington, D.C.

I submit a related newsclipping which follows:

[From the Washington Star, Nov. 21, 1970]

Prisoners Get Chance To Register for District of Columbia Vote

District prison inmates who are eligible to vote in the upcoming nonvoting House delegate election will be registered by D.C. Board of Elections employes tomorrow and Wednesday.

During the Jan. 12 primary and the March 23 general election, voting registrars will return to the city's jails—including the Woman's Detention Center, the Lorton Reformatory and D.C. jail—to distribute and collect special ballots.

MUST FILL OUT FORM

J. E. Bindeman, elections board chairman, said the special registration—marking the first time that city prisoners will vote—was prompted by a request from Charles M. Rodgers, the jail superintendent.

Those convicted of felonies and nonresidents of the District however, are ineligible to vote.

When a person votes, he must complete a certificate saying that he is still eligible, Bindeman said, "so if anyone is convicted (of a felony) between the time he is registered and the election, then he is picked out at the election."

A Department of Corrections spokesman estimated that about 1,200 inmates at the three facilities will be eligible to vote.

Since Oct. 17, when the registration drive opened, "between 20,000 and 25,000 persons have been registered," the elections board chairman said.

Yesterday five candidates for the nonvoting delegate post said that home rule should be the chief objective of the city's congressman but disagreed over the best means to achieve that goal.

Speaking before about 75 last night in a forum sponsored by the Capitol East Community Organization, candidates Andrew Bell, the Rev. Walter Fauntroy, the Rev. Channing Phillips, John Nevius and Dr. David Dabney fielded questions from the audience after making platform statements indicating the need to work for home rule for the District.

All agreed in substance with Bell, a Democrat, who said citizens of the District are "subjects of Congress who will not be free until home rule is achieved."

But none of the other four agreed with Bell's statement that the delegate "must work ON Congress not WITH Congress to make home rule in Washington a reality."

Fauntroy, also a Democrat, said the delegate must work with the political system, manipulating it to serve the needs of his Washington constituency.

"The efficacy of a congressman," he said, "is not in his one vote. The Congress operates on the efficacy of voting blocs. In Congress they call it 'quid pro quo.' In the streets we call it 'You scratch my back. I'll scratch yours.' "

OTHER VIEWS GIVEN

Republican Dabney didn't outline a definite strategy but said the delegate should concentrate his efforts locally rather than nationally. He said the delegate should fight for an elected comptroller and corporation counsel in his efforts to get home rule for Washington.

John Nevius, also a Republican, said the delegate should be "an employed expert . . . working to persuade Congress of the things his constituency needs." He advocated consistent lobbying as the best strategy, but made no mention of voting blocs or coalitions.

Phillips urged the voters to choose a candidate with enough political sophistication to manipulate Congress in the interests of home rule.

He said the delegate should seek to organize national voting coalitions in favor of legislation to help the District attain both home rule and full congressional representation.

"Choose a man who will take a sophisticated approach to the political process of achieving home rule," said Phillips. "Then if that doesn't produce the goals of self-government we seek, I think enough of us will be sufficiently radicalized to consider other alternatives."

POLICE DEPARTMENT HONORED

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. GAYDOS. Mr. Speaker, I am pleased to call to the attention of my colleagues a recent event which took place in McKeesport, Pa., in my 20th Congressional District, where approximately 500 citizens gathered to honor the city's police department.

In particular, they were paying tribute to four members of the department for outstanding performances in the line of duty, and two city physicians for their many years of service to the law enforcement agency.

The salute was given these men at a "Support Our Police" program sponsored by the McKeesport Optimist Club. I believe the remarks made by Police Chief Joseph T. Reddington of McKeesport and Lt. Joseph Blazevich of the Allegheny County Sheriff's Office, reflected the feelings of all law officers.

Chief Reddington told the audience:

> We are gratified the Optimist Club bestowed these honors upon our department. We are not used to it. It is a first. We are proud of this club and our citizens.

Lt. Blazevich spoke of the vital importance of citizens helping police in times of dissent and said:

> This, I believe, is a beginning—a civic club honoring its police and the community joining in. We need much more of this type of citizenship.

Indeed, Mr. Speaker, in this day and age when law officers appear to be "fair game" for certain radical elements within our society, such a public display of support is most heartwarming. I deem it a great privilege to place in the Record the names of the honorees and a brief account of their exploits:

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Lt. Thomas Hanna for his capture of a suspect following a bank holdup; Officer Robert Morgan for his capture of four suspects in connection with the armed robbery of a parking lot; Officers Ronald Cooper and Robert Mulgado for their capture of a suspect in the slaying of a man in a local tavern.

Dr. M. R. Hadley, director of health services at McKeesport Hospital, and Dr. Milton Mermelstein, staff physician, for aid furnished police officers in times of emergency.

Citations, extolling the work of these men and expressing the appreciation of the community, were presented the police officers by Optimist Club President James Whitlinger, and to the two physicians by Police Chief Reddington.

Mr. Speaker, I too, would like to commend the officers for their dedication and performance to duty, which is particularly admirable considering the existing circumstances today, and to the doctors for their assistance to the McKeesport Police Department. I am proud of the Optimist Club and McKeesport's citizens who saw fit to focus public attention on the men who risk their lives to protect others.

TAX REFORM "MERRY-GO-ROUND"

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. MADDEN. Mr. Speaker, the following comment on tax loopholes was in one of our weekly newspapers over a year ago. Tax loopholes—exemptions and credit bonanzas are talked about always but like the weather "nobody does anything to change it." Not even the House Ways and Means Committee.

The article follows:

WAGE EARNER JOLTED—HE HAS NO LOOPHOLES

Whenever a young congressman, alarmed by letters from home complaining about high income taxes on wage earners, takes to the floor of Congress to issue a plea for a thorough reform of our tax system, a senior and wiser member will pat him on the head and mumble something like, "You're right, son, we sure do need some of that tax reform." And that's just about as far as tax reform ever goes.

If you are a wage earner and most of your income is derived from the paycheck you receive by slaving away at the office or plant, you're hit and hit hard. If you play the stock market or buy and sell real estate, the tax is a gentle one. And if your income is from tax exempt municipal bonds, you don't have any jolt at all.

Joseph Barr, who just retired as Secretary of the Treasury, discovered that in 1967 there were 155 Americans who filed returns on adjusted gross incomes of more than $200,000 apiece but paid not one cent in taxes; 21 out of the 155 had earned more than $1 million each. Mr. Barr predicted the possibility of a taxpayers' revolt. I hope we have one. The tax system at all levels of government is ridiculous.

Tax reform is like motherhood—there is unanimous support for it. There's only one dark cloud on this otherwise unblemished horizon—who gets reformed?

What is for one person a glaring, scandalous and unprincipled loophole is for another a necessary incentive, designed to help create a positive society and foster among all Americans the virtues of peace, brotherhood and thrift.

The oil man with his 27.5 percent depletion allowance is always shocked to hear that others consider his deal a "loophole." "That's ridiculous," he snorts. "This allowance is an incentive for finding new oil and producing it—without that allowance we would still be riding in horse carts. Now I'm for tax reform, but let's begin by closing some real loopholes, not shutting down the oil industry."

The real estate operator with his quick write-off for depreciation might well think that the depletion allowance is a scandal and should be eliminated or at least lowered. But he will fight to the death any change in his write-off for the depreciation of the departments he owns.

"Depreciation is the lifeblood of the building industry. Where do you want people to live—in tents? Loopholes—humbug—go after the real tax evaders, not us."

I thought a change in the complicated loophole dealing with capital gains on assets such as stock which are presently untaxed at the time of death would be relatively noncontroversial. But then just this week a friend who raises money for a private college stopped by my office and expressed shock that I would even consider such a provision.

"Why, if those big estates that give us contributions had to pay taxes (like other people do) on the profit they've made on the increased value of their stock, they wouldn't even look at us. You might well put the private colleges out of business with that change."

And so it goes. If loopholes continue, if tax exemptions flourish, the only one who might be put out of business is the harassed wage-earning taxpayer—but then he could retire to a poor farm sponsored by a tax exempt foundation which is supported as a good tax write-off by some oil man, real estate operator, or stock and bond operator.

STOCK EXCHANGE PRESIDENT SPEAKS OUT

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. MOSS. Mr. Speaker, on November 17 Mr. Robert Haack, the president of the New York Stock Exchange, addressed the Economic Club of New York. In his speech, which has been widely reported in the press, Mr. Haack analyzed a number of recent trends in the securities markets and called for an end to the present system of fixed commission rates as well as a reorganization of the Exchange itself.

Robert Haack's remarks are remarkably candid and they are strongly at variance with what has been the prevailing wisdom of the industry on these matters. I wish to commend Mr. Haack for his courage and candor and I commend his remarks to the attention of my colleagues:

COMPETITION AND THE FUTURE OF THE NEW YORK STOCK EXCHANGE

REMARKS OF ROBERT W. HAACK, PRESIDENT OF THE NEW YORK STOCK EXCHANGE AT THE ECONOMICS CLUB OF NEW YORK, WALDORF ASTORIA, N.Y., NOVEMBER 17, 1970

There is an old forensic principle that speeches should never begin with a disclaimer. At the risk of violating that counsel, let me say that the concerns, assertions and questions which I will pose are expressed by me as an individual and do not necessarily represent the views of the Board of Governors. The policies of the New York Stock Exchange can be made only by that Board.

For 178 years the New York Stock Exchange has been the world's premier marketplace. It continues to be that today. Its reputation has been earned and is warranted by an admirable performance throughout the years. There is no other market which is so highly regulated, which discloses its activities so promptly, which oversees its members so closely, which sets such high standards on the calibre of issues traded, which monitors not only its members but its listed companies, which promptly disseminates price data and which provides depth, liquidity and continuity to the same extent to buyers and sellers of securities. Yet, I am concerned lest we bask solely in the glory of the past, and in the process become oblivious to emerging trends.

I am afraid we too often take for granted the benefits of a sophisticated, efficient central securities market. Without the New York Stock Exchange, our present standard of living would never have been reached. Our economy would function at a much lower level of activity, with capital in reduced supply and less impelled to seek out opportunities for growth. In a world which often sneers at the profit incentive, we may lose sight of the fact that we can afford to focus on improving the quality of life today precisely because our national affluence has made this possible. I take pride in the role our Exchange has played in the development of our economy and I urge you to consider carefully its continued importance to the nation's future growth and well being. It may well be that without the New York Stock Exchange, and the efficient allocation of resources it promotes, all the laudable efforts now going forward to reduce poverty, to restore better health to our central cities, to eradicate pollution, and to improve the quality of life, would be impossible.

FRAGMENTATION OF THE MARKET

Despite prospects for higher volume, and we are planning for 17 million share average days in 1975 and 27 million in 1980, I am concerned about our loss of market share during recent years, and particularly, the last twenty-four months. Available figures point to unmistakable forces shifting relative volume away from the nation's central auction market to regional exchanges and the so-called third market, or over-the-counter market where shares listed on the New York Stock Exchange are also traded. Many of you, as Chief executives of your companies, keep close watch on your firm's percentage of the market. Naturally, I endeavor to do the same for the New York Stock Exchange.

Although the public interest favors increasing concentration of trading in a central securities market, available figures show that exactly the reverse is happening. For example, as recently as 1967, the regional exchanges and the third market combined to account for just over 10% of all trading in our listed stocks. Today they account for almost 20%. Thus, in the past three years there has been a doubling in the share of off-Board trading. One of the regional stock exchanges has trebled its market share in the last two years alone, principally as a result of block transactions. Available data indicate a significant loss of block trades, with an estimated 35% to 45% of 10,000 shares or more traded away from the New York Stock Exchange.

It is an unusual and interesting phenomenon that the market with the greatest degree of regulation, greatest capital, and the most impressive record for depth and liquidity should find itself being fragmented.

I believe that the causes for this fragmentation are not related to any change in the unique economies of scale available on the Floor of the New York Stock Exchange but to the presence of antiquated and unequal rules and the emergence of a new environment for trading in securities.

One of the reasons for the present situation can probably be found in historical evolution. In bygone years, the New York Stock Exchange was the backdrop for a strong community of interest that existed between its floor, which processed business, and its so-called upstairs firms, which generated it. Because there were no other avenues open, the Stock Exchange could, by fiat and order, control the activities of its members. There was no other place in which to do business. However, as other market places have come into being, customers as well as members of the Stock Exchange have found it less necessary to place reliance on the primary marketplace. Trading in other markets, though not necessarily in the public interest, has served their ends.

The New York Stock Exchange, to put it crassly, no longer has the only game in town. The result has been a break in the similarity of interests between people engaged in floor activities, whose profitability depends on the share of business brought to our Exchange, and firms doing business with the public, who have become willing partners to fragmentation. For the fact is that most business is taken to regional exchanges by our own members.

UNEQUAL REGULATION

The fragmentation process, which has developed concurrently with the institutionalization of the market, has been accelerated by several other factors which are highly significant, not the least of which is the disparity of regulation of securities markets in the United States. It is human nature, and common to us all, to seek to play the game by the fewest or least restrictive rules, and unfortunately there are users of the marketplace who seek them out. To touch on a few, and with no wish to be technical, it makes little sense for the New York Stock Exchange to enforce rules against short sales in a declining market when there is no such prohibition in the third market. It is self-defeating regulation to permit customers to short stock in the third market without so stating and then to permit that stock to be resold as long stock in our marketplace. Additionally, the rules of the New York Stock Exchange governing the trading of specialists and floor traders have no parallel in the over-the-counter market. Off-Board trades are permitted by regional exchanges under less restrictive rules than ours. Unhappily, we have found that our prompt disclosure of price and volume data, which has no counterpart in any other market, redounds to our detriment. Some traders deliberately instruct brokers to execute orders on regional exchanges or take their business to the third market in order to conceal their activity from the public view.

I am also concerned about lack of regulation in the recently developed "computer markets" which are highly susceptible to abuse and non-disclosure. Obviously, it does not serve the public interest to encourage investors to seek out a particular market because of a disparity in regulation. To correct the inequities of disparate regulation we need and solicit the aid of the SEC.

Significantly, some of the fragmentation of markets has been linked with the growth of institutional business and the Stock Exchange ban on "give-ups" or commission splitting in 1968. Our willingness to ban the give-up was prompted by the fear that the minimum commission concept was being undermined and by our wish to eliminate certain nefarious reciprocal practices. Our ban on commission splitting was accompanied by the representation from some of our government overseers to the effect that institutional trading practices would be monitored to see that commission splitting and reciprocity did not take other forms, a representation which to this date has not been implemented.

RECIPROCITY AND THE REGIONALS

Further, fragmentation has been accelerated by the proliferation of reciprocal practices in the securities industry today which, in my judgment, are not only threatening the central marketplace but are tending to undermine the entire moral fabric of a significant industry as well. I have been around long enough to appreciate the natural inclination to do business with those who do business with you. I deplore, however, the intrigues and machinations of some of our members and some of their customers. Bluntly stated, the securities industry, more than any other industry in America, engages in mazes of blatant gimmickry, all of which have been disclosed under oath at commission rate hearings. Deals are frequently involved, complicated, and bizarre and do no credit to the donor or beneficiary of the reciprocation.

I have no legitimate quarrel with any competitive success which is properly achieved by a regional stock exchange, and some of them have been innovative in a creditable manner. In the main, however, their success has been predicated on their willingness to adopt less rigid rules concerning institutional membership and/or to engage in reciprocity. As a result, these marketplaces, with little or no depth or liquidity, have become nothing more than rebate mechanisms to get commissions to those who do not qualify or to return them to institutions. On occasion trades are completed on other exchanges at worse prices than could be obtained on the New York Stock Exchange. Our members who will trade one New York commission for one and one-half or two commissions on another exchange, as well as people on the other side of the transaction, detract from the efficacy and liquidity of the central marketplace. The auction market functions best when it brings together the greatest number of buyers and sellers, enabling them to seek out the best price and the quickest execution.

There are at present numerous archaic and anachronistic policies and procedures which fail to respond to the needs of our industry undergoing the greatest change in its history. Subject to enabling legislation, if necessary, I believe we should pursue vigorously the complicated matter of providing non-member broker-dealers access to our facilities by means of a professional discount from the full public commission, as proposed by me in January 1968, and recently reaffirmed by the SEC as a desirable objective. Further, it might be appropriate for the Exchange itself to examine whether or not reciprocal practices of our members, in fact, violate our own rebate rules which say roughly that "thou shalt not give anything of value in exchange for a listed commission." And speaking of rebative practices, our Exchange itself might logically pursue the question as to whether the sanctioned practice of crediting commissions earned against advisory fees charged to customers is not, in fact, a return of commissions.

FIXED VERSUS NEGOTIATED COMMISSIONS

This brings me to another policy issue bearing on the competitive position of our Exchange. I have already spoken about iniquitous reciprocal practices on regional exchanges and the growth of their market trading. These developments are not unrelated to the fixed minimum commission rates on the New York Stock Exchange trades, about which I would like to express a personal opinion.

For many years the members of the New York Stock Exchange have operated under a fixed minimum commission rate structure and the Courts have upheld the fixing of such rates under the Securities Act of 1934. There are even legal questions as to whether the Exchange or the Securities Exchange Commission, under Congressional mandate, can do other than set fixed rates. Just a few weeks ago, the SEC reached a number of conclusions on commission rates after two years of extensive rate hearings, among the most important of which was its advocacy of competitive rates on the portion of orders valued over $100,000.

Notwithstanding my own previous personal and strong support of fixed minimum commissions, I believe that it now behooves our industry leaders to rethink their personal judgments on negotiated rates. While I question whether or not the industry is presently sufficiently strong financially to completely disregard fixed minimum rates, I personally think it might well consider fully negotiated commissions as an ultimate objective. The initial emphasis might be put on larger transactions, and certainly larger than amounts stipulated by the SEC for a specified trial period. The results could be monitored and evaluated, and subsequent action could then be determined. I have altered my own personal thinking as a result of the commission rate proceedings of the last two years and the fragmentation of markets that has simultaneously been increasing. I should like, if I may, to share with you some of my concerns to stimulate thinking on the subject.

First, in view of the increased emphasis that rates be reasonable, there is the concomitant responsibility to set standards by one method or another. No matter what the standard or criteria used, I believe the securities industry is being led down the path of utility-type regulation when it possesses none of the characteristics of a utility. This concern was further buttressed by the SEC's recent request for a uniform chart of accounts for the industry, to say nothing of the new concept of fixed rates, rather than minimums, which for the first time places a ceiling on charges. It is an anomaly that a regulatory body which genuinely professes no interest in rate-making should be importuned by many in the industry it oversees to have them do so.

Secondly, having personally experienced the laborious preparations for hearings and appreciating the task of those who must weigh, evaluate and adjudicate the matter as representatives of government, I wonder whether the inordinate delays and fantastic expenses result in a commission rate schedule which is responsive and timely. Depending upon the conflicting points of view, a fixed rate will be too high or too low the majority of the time, with corrections and adjustments being made at too slow a pace for at least one of the parties concerned. Better would it be for the industry to make its own competitive adjustments as economic conditions warrant, rather than to work on a new schedule as it has for almost eight years, with still no end in sight.

UNBUNDLING OF CHARGES

Thirdly, although I have argued that negotiated rates would bring about a degree of destructive competition, I now ask myself whether fixed rates have not brought about that very same kind of self-destruction. I speak to the indiscreet excesses of the past several years which may have been precipitated in part by the umbrella provided by the fixed minimum schedule. I inquire of myself as to whether overly-zealous service type competition and inept management has not been fostered by fixed minimum rates.

Fourth, I inquire as to the propriety of one commission rate serving all customers regardless of their wishes or needs or requirements for varying degrees of service. In that regard, it might be appropriate for our Committee to further pursue the matter of unbundling of charges, so that customers do have to trade off-Board to avoid paying for unwanted services.

Fifth, it is difficult to appreciate the reluctance of some to negotiate rates when, in fact, many commissions are presently negotiated on the regional exchanges and in the third market. These negotiations have made a mockery of the fixed minimum rate concept and have produced various forms of reciprocation for institutions and non-member broker-dealers here and abroad, so that they are in effect paying a fraction of the fixed schedule. Perhaps it would be better to legitimize the entire practice.

Sixth, I personally believe that the introduction of negotiated commissions would speak significantly to the matter of institutional membership, for their main incentive in seeking Exchange membership is to save or recapture commission dollars. I believe, too, that reciprocity would largely be eliminated, for if an institution negotiated a commission which still allowed the executing broker to rebate, it might create a legal liability for having failed to negotiate a lower rate.

I realize that opposition from some of my constituents can be expected because as members of the New York Stock Exchange, and under the present industry structure, they have the best of both worlds in that they are afforded the protection of the minimum commission schedule on trades on the New York Stock Exchange while they possess the ability to negotiate commissions in other marketplaces, and to trade with institutional members on regional stock exchanges to facilitate their recapture of commissions.

STAYING COMPETITIVE

Next, I inquire as to whether the fixed rate concept, providing the basis for reciprocity and concurrently developing an incentive for institutions to recapture all or part of commissions paid, is not the single greatest reason for our market fragmentation. We can compete in only two areas, namely, service and charges, and I submit that no entity, not even the New York Stock Exchange, can forever ward off competition from a noncompetitive stance so far as pricing is concerned.

Unless the New York Stock Exchange is willing to compete effectively with markets where commission fees are presently negotiated it faces a continued reduction in its share of overall trading, and at an accelerated pace. I submit it is not in the long term interest of our members or the public to permit a continued erosion in the liquidity of our marketplace.

The securities industry must, in addition to considering changes in the traditional ways of doing business, such as I have outlined, do whatever is necessary to meet the needs of millions of investors, present and future, large and small.

RESTRUCTURING THE EXCHANGE

The New York Stock Exchange, as the important institution that it is, must do the same, and an inward look seems timely. The Exchange as an organization, must keep in step with the times so that it continues to be relevant to today's and tomorrow's economic and social environment.

From the standpoint of our membership, bureaucracy at the Exchange should not be tolerated. Rules and procedures need to be updated and simplified so that Exchange regulation is administration with a minimum of bureaucratic detail and a maximum of regulatory and administrative efficiency.

Restructuring of the Exchange, as an organization, needs to go deeper than simplifying rules and regulations. The policy-making body of the Exchange, its Board of Governors, as well as the Exchange's voting and election procedures, should also be examined and restructured as necessary to meet the changing times in our industry. Whatever vestiges of a private club atmosphere which remain at the New York Stock Exchange must be discarded. Understandable economic biases and fear of dislocations must not impede necessary changes, as they so often do, but must be fused and melded to accomplish desired objectives.

In the near future, I will be presenting definitive proposals to our Board for a searching re-evaluation, codification, and simplification program along the lines outlined which, hopefully, may lead to a major restructuring of the New York Stock Exchange. The Exchange must, in my opinion, do all that it can to be a most efficient, businesslike organization, responsive to the needs of the public and membership, if it is to continue to serve as the marketplace it has been for more than 178 years.

I have spoken with great candor which will alternately be applauded and deplored. I would entreat our members to harmonize the many diverse interests which make up the brokerage business, for it is my fear that we are tearing ourselves asunder and risking loss of our central marketplace in the process.

If our industry blunts its differences for the common good, and positions itself more competitively, this country will continue to enjoy the significant benefits of having a premier central marketplace for securities.

Thank you.

ADVICE FOR NEW STUDENTS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. BRADEMAS. Mr. Speaker, the News Dispatch of Michigan City, Ind., carried on August 31, 1970 an article conveying the advice that Stephen J. Trachtenberg, newly appointed Dean for University Affairs of Boston University, recently offered to a group of new college students. Because Dean Trachtenberg's are worthy of consideration by students all over the country, I insert the article at this point in the RECORD:

SOME ADVICE FOR NEW STUDENTS

Stephen J. Trachtenberg, an associate dean at Boston University, recently offered new black students some advice that ought to be absorbed and valued by all 1970 college entrants.

"Opportunity," said Trachtenberg, "is only the first name of the game. The second is responsibility . . . to ourselves, to our community, and to this college family of which you are a new member."

That, he said, means W-O-R-K.

"You should seek to improve society, work to eradicate poverty and racism; but you will find that in the long run you may best meet these obligations for relevance by devoting much of yourself to scholarship, to studying by staying on your toes so you won't get hustled out of what you came here for—namely an education.

"If you leave here—even with a degree—without having pushed yourself as hard as possible you will have been cheated—you will have been robbed of a once-in-a-lifetime opportunity and exploited for cruel ends. Remember this: Once you have learned something it becomes yours. Nobody can take it away. What's in your head is safer than what's in Fort Knox."

With quiet reason, Trachtenberg emphasized the enormous power of knowledge in a technological age and concluded:

"As young Americans, you must study for all who have never learned about peace, about bread, and about justice . . . and for all who forget too easily the struggle it takes to get and keep peace, bread and justice."

This is the best possible advice for any younger student with the courage to face life as it really is instead of fantasies out of a pill bottle or pot pipe.

THE FREEWAY TUG OF WAR

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. BINGHAM. Mr. Speaker, the November 1970 issue of Interplay magazine contains an interesting article by Richard Karp on the widespread campaign, both in and out of the Congress, to require the people of Washington, D.C., to accept freeways that most of them do not want. Mr. Karp points out that this battle between the supporters of mass transit and the highway lobby is widely regarded as having significance going well beyond the borders of the District of Columbia. If the people who live in America's cities can successfully insist on mass transit instead of freeways in the District, then the same thing can happen elsewhere, and that is just what the highway lobby does not want.

Mr. Karp's article follows:

THE FREEWAY TUG OF WAR

(By Richard Karp)

In the window of the storefront headquarters of an anti-poverty group in Negro Northeast Washington hangs a large glossy poster. On it is depicted a street map of the city with superimposed broad red lines showing the paths of a proposed city freeway system. Above the map, the poster proclaims: "White Men's Roads Thru Black Men's Homes!"

At the other end of Washington, in upper middleclass Georgetown, a conventionally dressed teenager stands on a street corner handing out leaflets which show an ink drawing of a bridge being knocked to pieces by a clenched fist rising out of the water beneath. The picture refers to the Three Sisters' Bridge, a link in the same freeway system, already under construction, that crosses the Potomac River near Georgetown. The legend reads: "Smash the Three Sisters' Bridge, Free D.C."

This agitation is part of a controversy that has smoldered in Washington for more than a decade, and which in recent years has flared up in a number of sharp political confrontations. The conflict is between those who want "improved mass transportation," *i.e.*, subways, and those who want freeways. For subways and passionately against freeways are dozens of civic groups, neighborhood associations and, by a recent poll, 85 percent of the population. Equally passionate in favor of freeways are the city's downtown business interests, the national road lobbies, the three major newspapers and a majority of suburban legisators. Above all are those members of the House of Representatives whom *The New York Times* called "the errand boys of the highway lobby."

FREEWAYS EMPTY OF CARS

As for the freeeway system itself, one need not inquire very far to conclude that it would at best be useless and more likely disastrous. Contrary to what the downtown businessmen say (or have been told to say by friends in the highway lobby), the roads will not bring the ever-growing number of suburban shoppers into the city. The suburbs are quickly becoming self-sufficient and downtown businessmen are aware enough of this phenomenon so that they are moving their businesses to the suburbs as quickly as possible. The argument that the roads will relieve traffic congestion is spurious; every expert is, in fact, agreed that an increase in roads invites an increase in automobile traffic until the previous level of congestion is reached. Moreover, in sleepy central Washington, the freeways would be mostly empty of cars except for suburban rush-hour traffic on weekdays; trucks and other through traffic need not plow through the heart of the nation's capital. Even if the freeways did manage to alleviate road congestion, the increase in the number of cars in the central city would create an enormous parking problem that might be solved only by building huge ugly garages throughout the downtown area.

READY TO GO TO THE WALL

On the other hand, the freeways, some of which will be 12 lanes wide, are an aesthetic horror, cutting broad paths for miles through residential sections. Thousands of small private homes will be destroyed, many more thousands of people displaced, neighborhoods made ugly and ghettoized, the city fragmented. Most importantly, the roads which would be of use only to commuting white suburbanites have been planned to cut through areas of least political resistance, the Negro neighborhoods, whose residents have few cars and little reason to motor out to white suburbia. Against these arguments, proponents of freeways have countered with little more than the airy abstraction that freeways, as part of an interstate system of highways, are simply necessary to fulfill America's "growing need for improved vehicle transportation." With only this worn-out phrase to mouth, the pro-freeway people are determined to go to the wall rather than allow the freeways to be scrapped. To understand why, one must go back to 1956.

In that year Congress passed the Federal-Aid Highway Act. The purpose of the Act was to facilitate the rapid completion of a 40,000-mile system of "interstate highways" that Congress had authorized in 1944 as part of a 50–50 Federal-aid highway program. The 1956 Act did two things: it increased Federal aid for interstate highways from 50 percent to 90 percent and made sure that the far greater amounts of Federal money needed would always be available by creating a Highway Trust Fund to be filled automatically by gasoline taxes. The Trust Fund was to last until 1972, by which time it was expected the interstate system would be complete.

For people whose financial and political interests are tied up with highways and highway construction, the Federal-Aid Highway Act of 1956 has become the basis of power and prosperity. In the last five years, for example, between $4 and $5 billion of Federal money has been spent annually on highways, all but $1 billion of it for the 90–10 interstate program.

The highway interests are represented by three lobbying groups. The American Association of State Highway Officials represents the engineers, commissioners and other personnel of the state highway departments whose jobs and power depend on continued road construction. The National Highway Users Conference is the mouthpiece of petroleum and rubber producers, truckers—almost everyone who has a business or product connected with roads. The American Automobile Association represents motorists and is promoted by the other two lobbies. In Congress, the interests of the highway lobbies are actuated by the House Public Works Committee, whose members are almost always unanimous in favor of more roads. To generate public enthusiasm for roads and perpetuate a momentum for highway construction that will go on after the interstate system is completed—in fact, forever—is the major goal to which these groups are dedicated.

The road-building boom that resulted from the "national commitment" to highway construction and which the road interests had hoped would be perpetual, was being threatened by the mid-1960s. First of all the 40,000-mile network of interstate highways, for which the all-important Trust Fund was established, was nearing completion. To ensure against the imminent end of the massive 90–10 Federal aid program, the highway interests would have to convince Congress and the public that many more thousands of miles of roads were necessary. Considering their previous success, the highway lobby might not have very much trouble getting what it wanted.

A SYMBOL OF THE NATION

About the same time, the entire issue was complicated by the fact that city-dwellers in many cities across the country began to rebel against interstate freeway links cutting through their neighborhoods. With embarrassing confrontations threatening to occur in many urban areas, Congress, toward the end of the Johnson Administration, tightened up the law to require the states to hold two public hearings on road consrtuction instead of the previous single hearing. It was hoped that an expanded public forum would help dissipate dangerous urban anatagonism to freeways. It didn't.

Growing public doubt about highways resulting from successful agitation against urban freeways was the last thing the highway interests wanted to see at a time when they were preparing to foist a massive and unnecessary road program on the country. But there was little they could do to stop the agitation. Although the Federal government supplied 90 percent of the funds for interstate highway construction, the states had the authority to determine what kinds of roads to build and where. Well-organized anti-freeway forces could always persuade their elected representatives in the state legislatures to order the state highway departments to change or scrap freeway plans. For this reason the highway lobby decided to stage a last-ditch battle in Washington, D.C., a symbol of the nation and an urban area ruled directly (or through sham government) by their friends in the US Congress.

Plans to build freeways in Washington and opposition to those plans have existed for more than two decades. Over the years, as one or another plan was submitted, this or that neighborhood or conservation association would protest and the planners would go back to the drawing board. The newer plans usually moved the proposed roads from white middle-class neighborhoods to the less influential Negro sections of the city, but not always. Also during the same period of time, various proopsals were made to build subways for the city. In 1959, Congress passed the National Capital Transportation Act (NCTA) which created an agency to look into the feasibility of subways and other forms of mass transportation. The groups who later rallied against freeways grasped at the subway idea and later publicized it as the only viable solution to congestion. When the pro-freeway forces discovered that they could press their case by threatening to prevent subway construction, the subway issue because a pawn in the game.

Despite all the talk back and forth, neither subways nor freeways were built, because Congress, as usual, had no interest in spending money on its black colony, Washington; that is, until it got the word from the highway lobby.

The road-building industry first sounded the alarm to battle in 1963 when the D.C. Highway Department published a report accusing the NCTA of "killing" highways to sell rapid transit. This move signaled the start of a new and earnest effort to get the freeways built. In Congress, the pro-freeway forces suddenly began to stir. Congressman William Natcher of Kentucky, Chairman of the House Subcommittee on D.C. Appropriations, who had previously been silent on the highway question, warned against "killing off" the freeways to bring about a rapid transit system here in the District of Columbia." Behind the remark was the veiled threat that no subway money would be appropriated until the roads were built.

A NEW WAVE OF OPPOSITION

While they were building up pressure in Congress, the highway lobbyists were also drumming up pro-freeway propaganda in the city itself. They easily got Washington's two key businessmen's organizations to declare publicly in favor of freeways: the Metropolitan Board of Trade, Washington's version of the Chamber of Commerce, and the Federal City Council, a "more progressive" group founded in 1954 by the late Philip Graham, publisher of *The Washington Post*. One reason the businessmen's groups fell readily in line with the highway interests was that businessmen are easy to convince of the need for construction of any kind. The other was that many important members of both groups were actually involved in the highway industry. Philip Graham's group, the Federal City Council, took the lead in proclaiming the virtues of freeways and, in turn, Graham's newspaper, *The Washington Post*, did the same.

Ironically, this newly organized pressure for freeways did not have the expected result. Instead of getting the roads built, it triggered off a new wave of determined opposition by the city's residents. In the next couple of years no roads were built, but the issue became more volatile than ever. With the freeway debate threatening to reach an impasse, President Johnson suggested in 1966 that the D.C. government retain an independent consultant to review the freeway plans. At that time, prior to the 1967 reorganization, the D.C. government was entrusted to three commissioners, beholden to Congress for their jobs and, hence, pro-freeway. These commissioners chose the consulting firm of Arthur D. Little, Inc., of Boston to make a study of the freeway plans, and then waited for a favorable decision.

When the Little report concluded that the planned freeways were not justified, it was a bombshell. The pro-freeway forces rallied to press ahead with construction, no matter what. Congressman Natcher of the House Subcommittee on D.C. Appropriations threatened, this time out loud, to withhold subway money unless the construction of the freeways was promptly begun. The Federal City Council produced a "report," written, in fact, by a noted highway lobbyist, that recommended prompt construction of all freeways proposed by the D.C. Highway Department. The National City Planning Commission, a branch of the D.C. government that reviews road plans, voted to go ahead with construction. To emphasize the point, Congress raised the D.C. gasoline tax by seven cents a gallon.

XUM

By the end of 1966, seeing that the crush was on, some 30 individuals, firms and citizen organizations representing 200,000 District residents filed a lawsuit in the D.C. Federal District Court seeking an injunction against building freeways. The plaintiffs asserted that the D.C. government had acted illegally in attempting to carry out certain freeway plans and they cited a section of the D.C. Code that required public hearings prior to any road construction. Because the Federal-Aid Highway Act of 1956 specified that, for purposes of the Act, the District of Columbia would be treated as a state, local ordinances requiring hearings and other procedures would have to be adhered to. In fact, no public hearings had been held.

MOVEMENT FOR HOME RULE

While the lawsuit decision was pending in courts, during all of 1967, Alan S. Boyd, Secretary of the recently created Department of Transportation, told the important Roads Subcommittee of the House Public Works Committee that some of the freeways were "unwise at this time," and that he preferred not to approve them. So unorthodox an opinion voiced by a high government official angered the "errand boys of the highway lobby" on the Subcommittee to the point where they accused Boyd of having a "position tied in with buslines, HUD, OEO . . ." and other disreputable special interests. At any rate, the prestigious Department of Transportation edged over toward the anti-freeway camp.

At about this time, the reorganization of the D.C. city government affected the freeway controversy. For more than 80 years, the District of Columbia was ruled by three Commissioners appointed by the President with the approval of Congress. In effect, Congress ruled D.C., and nobody had anything to say about it. In 1967, to blunt a growing movement for "home rule," Congress passed legislation allowing the President to appoint a "Mayor" and a "City Council" to be "representative" of the city's residents. Congress worded the Act so that neither the "Mayor" nor the "City Council" had any real authority over basic legislation. But they could sit, debate, vote and generally act like governing bodies. Though the Mayor, in fear of his job, wavered over the issue, the City Council, as soon as it was established, threw its support to the anti-freeway forces. Thus, the City Council, a symbol of the "home rule" issue, became a focus of the freeway issue.

BY GOLLY, IF . . .

In February 1968, the US Court of Appeals reversed the District Court decision against the anti-freeway lawsuit and issued an injunction halting any action on freeways that had been approved by the National City Planning Commission. The court ruled that the District government had indeed failed to comply with procedures established by District law in planning and approving the freeway.

The court decision blew the controversy wide open again. Congressman Natcher renewed his threat to withhold subway funds "if the freeway system in our city is halted." More important, Rep. John Kluczynski, Chairman of the Roads Subcommittee of the House Public Works Committee, introduced a bill that would invalidate the procedural safeguards and compel the District government and the Department of Transportation to build the freeways. That same subcommittee moved to include Kluczynski's bill as part of the forthcoming 1968 Federal-Aid Highway Act, an omnibus bill too good to be opposed by liberals on the D.C. issue.

For a few weeks in the spring of 1968, the House Public Works Committee held hearings regarding the proposed road legislation. At those hearings, the agents of the highway lobby showed their hands as they had never done before. One statement, made by Committee member Rep. William C. Cramer of Florida, summed up the case for the highway interests: "If we do not resolve this problem in the District of Columbia [*i.e.*, overcome opposition to freeways] then we give the city councils and state authorities in other areas—such as New York and Detroit and Boston and Los Angeles—license to fail to make decisions. What I am concerned about is that we may give them reason to believe, 'By golly, if . . . the District of Columbia can get away with giving up these metropolitan routes on the interstate system . . . then we can give up these missing links and not suffer any penalty.' "

In an editorial on February 21, 1968, *The New York Times* made the point clear: "The struggle over the Washington highway plan has become a controversy of national significance because the leaders of the highway industry and their allies—the automobile, truck, tire, cement and construction equipment companies, and certain labor unions—have viewed it as the Dienbienphu of a long guerrilla war between themselves and the anti-freeway forces."

In another editorial, the *Times* warned: "Apart from this proposed desecration of the capital, these bridge and freeway provisions set a most dangerous precedent for every city in the nation. If Congress can pick routes and choose bridges in Washington, D.C., and get away with it, there is nothing to prevent Congress from dictating similar decisions in other cities." The *Times* was referring to the 1968 Highway Act and specifically to the provision on the District of Columbia. The D.C. provision bluntly stated: "Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall . . . construct all routes on the Interstate System within the District of Columbia. . . ." By this act Congress had torn away the facade of local autonomy in D.C. It said, in essence, that any law or administrative decision made by any branch of government regarding the District of Columbia could be abrogated by Congress and that, in effect, Congress still ruled D.C.

ANOTHER LAWSUIT FILED

But, still trying to maintain the fiction that the D.C. government had some autonomy, Congress, rather than compel construction by legal mandate, increased pressure on the "City Council" to approve the freeway plans. After a year of bitter retreat, the City Council's resistance broke, and in August 1969 it resolved, amid tears and despair, to comply with the 1968 Act. Congress threw the City Council a sop, and appropriated some money for subway construction. On September 22, 1969, construction began on a freeway link known as the Three Sisters' Bridge. A couple of months later a crew of workers began digging up a street behind Union Station for a subway.

At this point, all might have been settled, with the highway industry winning its symbolic victory and Congress reasserting its hegemony over the nation's capital. But the sight of actual construction of the Three Sisters' Bridge raised the ire of the anti-freeway forces as never before. A coalition of anti-freeway groups filed another lawsuit in the D.C. Federal District Court, seeking to halt construction, and a much publicized informal referendum held in conjunction with local school board election revealed that 85 percent of D.C.'s residents were opposed to the freeways.

D.C. CLAUSE IN ABEYANCE

This lawsuit, like the first one, sought a court injunction on the basis of the fact that the D.C. government had not complied with the provisions of the D.C. Code in approving the road plans. But, because the 1968 Act explicitly stated that Congress could override any local D.C. law, the lawsuit went further and challenged the basic meaning and validity of the 1968 Act. In 1956, Congress passed a general law requiring that the District of Columbia, like the states, follow certain procedures; then in 1968 Congress abrogated the law to exclude D.C. from the general provision requiring these procedures. The lawsuit, in essence, asks: Can Congress pass a general law that discriminates against the District of Columbia? In raising this question the plaintiffs, among whom are many "home rule" partisans, sought not only a decision on the freeways but a fundamental definition of the District's exact political status, its degree of autonomy and its relationship to Congress.

On April 6, 1970, the US Court of Appeals ruled in favor of the plaintiffs but, as the politically more sophisticated expected, the court deftly avoided the more fundamental issue. The judges merely reaffirmed their 1968 decision requiring the Federal government to comply with the D.C. Code providing for community participation through public hearings. They stopped short of a pronouncement on the power of Congress to discriminate against D.C. in a general law. The famous "D.C. Clause" in the 1968 Highway Act compelling construction they left in abeyance. Construction of freeways has been enjoined until completion of full public hearings.

In this seesaw contest over the freeways exact prediction about the future is difficult. Cynics say they expect Congress to withhold the money needed to begin the subway system as punishment. More enlightened opinion has it that Congress will relent and let the city's residents work out some compromise. The latter seems more probable. After years of constant, unresolved battle, both Congress and the highway lobby have grown weary of a struggle that seems only to have tarnished their reputations.

For Washington residents, though they are still politically very weak, the court decision marked a clear victory. In a dissenting opinion, one of the Court of Appeals judges rejected the citizens' contention that they were a "voiceless minority" tyrannized by Congress and wrote, "obstructing this project now for [almost] . . . four years is mute testimony that they are not voiceless."

SEE HOW PITTSBURGH GOT ITSELF CLEANED UP

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. MOORHEAD. Mr. Speaker, it is incongruous, I realize, however it is yet possible to encounter people who refer to my city of Pittsburgh as the "Smoky City." Fifteen years ago this was a well-deserved title. Then our mammoth steel industry and other manufacturing giants spewed smoke and debris into the sky of Pittsburgh. But no more can it be said that you need streetlights in Pittsburgh at 12 noon to see your way.

Twenty years ago, an energetic group of Pittsburgh citizens went about cleaning up our town and in the process developed large areas of the inner city.

This renaissance, as it came to be

known, restored much of Pittsburgh's natural beauty and provided an environment that many new businesses found most congenial.

Last Sunday's Washington Post travel section carried an excellent feature story by John Koenig entitled, "See How Pittsburgh Got Itself Cleaned Up." The emphasis here was on "See." In the past few years with the infusion of new businesses, restaurants, cultural attractions, new stadiums and arenas, Pittsburgh again has become a tourist attraction.

For the information of my colleagues, I would like to introduce this article into the RECORD:

SEE HOW PITTSBURGH GOT ITSELF CLEANED UP

(By John Koenig, Jr.)

PITTSBURGH—"Come, O Come, to Pittsburgh," sang Bea Lillie, leading a mixed chorus warbling the song in an old Broadway musical. It was all a joke, of course. At the time of the show, no one except a commercial traveler or a business delegate to a steel or coal industry convention would have thought of visiting Pittsburgh.

It's all different now. The steel and coal delegates and other business conventioners still turn up at this western Pennsylvania metropolis, but now they and other visitors really have something to see. Pittsburgh—once swathed in smoke and a large part of its downtown section an outmoded industrial slum—has set an example for the nation with its spruce-up, clean-up, rebuild and renewal program.

Not so many years ago, the city's most hallowed historic shrine—the blockhouse of the 18th century colonial Fort Pitt—could hardly be found except by the most inquisitive sightseer. Now the blighted commercial and industrial structures all but surrounding it have been cleared and the blockhouse, with the other remnants of the original Fort Pitt, stand in a green park at the point where the Allegheny and Monongahela Rivers meet to form the Ohio River.

Within hailing distance of the park and its sights, motorboats churn their way around the point just as though they were on the Potomac River in industry-free Washington.

And where else but in Pittsburgh can you stride from a tree-shaded promenade into a "bucket shop" and buy stocks while looking out a window at a cultivated greensward? That's the way it is at Gateway Center, a sort of Wall Street Walden.

Leaving the stockbroker's, you can ankle over to Gateway Towers, an apartment building, take the elevator and from the 27th floor have cocktails and dinner while gazing down on the stockbrokers, the grass, trees and other denizens below.

Gateway Center was completed with the opening of the $20 million Westinghouse Electric Corporation's new national headquarters in 1969. This tenth and last of the buildings in the available space capped the country's first and largest urban redevelopment project carried out with private funds. Together with the green plazas interspersing the buildings and with Point Park, where Fort Pitt is situated, Gateway Center helps comprise the Golden Triangle of Pittsburgh, heart of the giant renewal project begun a score of years ago.

All of it—the new Pittsburgh—is easy to reach from Washington. And autumn is a good time to go. By plane, it's only 40 minutes from National Airport—not even enough time for dinner in the sky for either the traveling businessman or the sightseer. By automobile, it's in the neighborhood of 200 miles, with superhighway most of the way, via Interstate 70 in Maryland and the Pennsylvania Turnpike, entering at Breezewood Interchange.

Altogether, the Golden Triangle represents an investment of nearly $200 million, begun by the Equitable Life Assurance Society of the United States in 1950 with the purchase of 23 acres. About 20,000 people now work in the revived city area each day.

A good place to start a tour of Pittsburgh is at the Gulf Building at Seventh Avenue and Grant Street. From the 30th-floor open observation tower, you get not only a good aerial view of the city but a fine introduction to the people in the person of the Gulf Company hostesses. Garbed like airline stewardesses, they point with pride—as much pride as I've ever encountered in the voice of any exponent of any community in the country—to the sights of "our city", "our university", "our hotels", down there below the tower.

From here, too, you can plan your other ventures around the city—to the Golden Triangle, that is, Gateway Center and Point Park; to the Oakland district, where you'll find the University of Pittsburgh and the city's great museum, and to the hilltops across the Monongahela River, known as Mount Washington and Duquesne Heights, where new restaurants have not only put Pittsburgh on the map gastronomically but provide the greatest aerial view of any city east of San Francisco.

If wining and dining is next on your Baedeker, have a look at these heights. You can go from downtown by taxi all the way, or by taxi part of the way—over one of the Monongahela River bridges—to the Incline stations. There are two of these transportation survivals, or revivals, of Victorian Pittsburgh, which provide you with as quaint a way to ride as you will find anywhere.

The Duquesne Incline takes you up a steep, wooded hill, to Grandview Avenue, where you will find Le Mont and a number of smaller restaurants and cocktail lounges, all with a wall of glass looking down on the city center across the river. Simiarly, the Monongahela Inclined Plane scales a 400-foot high rise of land, planting you at The Edge, another fine restaurant with a spectacular view. Day or night, in the sunlight or under a Cheddar cheese moon such as I have seen hanging over the city, the view is a gem.

The Monongahela Incline marked its 100th anniversary this year. It was designed by John Roebling, who designed the Brooklyn Bridge. In 1890 there were 17 of these inclines operating on the Pittsburgh heights, taking people home, to work or on visits. The only other survivor, the Duquesne Incline, was built in 1877 and restored as a community project in 1963. The little cars are operated as a nonprofit enterprise. This fare is 15 cents.

Back in downtown Pittsburgh there is another singular dining establishment—the "Pilot House," a restaurant aboard a barge tied up in the Monongahela River at the foot of Wood Street.

Despite all the new trappings of the Golden Triangle, Pittsburgh still retains some of its urban neighborhoods of another day. Take a look at the old Market Place, for instance, just off Liberty Avenue.

The 300 block of Sixth Avenue is a great block. Along here are the Duquesne Club, where the city's business elite meet to eat, and those two splendid old church buildings, Trinity Episcopal and First Presbyterian. In the next block is Mellon Square Park, a mid-city garden spot surrounded by the office buildings for the area's great industries, and a grand hotel.

Over on Forbes Avenue is the city and county government building complex. Architect Henry H. Richardson designed the Allegheny County Courthouse, a stone colossus regarded as one of the finest replicas of Norman Romanesque architecture in the United States.

And so to the University of Pittsburgh's Cathedral of Learning, poking into the sky above the city's Oakland district. Here I found a tremendous Gothic lounge on the first floor in the center, and in other rooms beautiful stained glass windows bearing the coats of arms of cities and universities of England. Outside there is the little Heinz Chapel, looking like a chip off a Gothic cathedral. Nearby is the Carnegie Institute Museum, containing among its exhibits on the ancient world a group of Caryatids, which although not originals, look just as good as the original sculptures at the Acropolis at Athens.

Throughout history, Pittsburgh has not forgotten its heroes, and has named streets and places for them. The city itself is named after for British Prime Minister William Pitt, who looked with favor on the American colonists. Formerly, it was Fort Pitt, so named when the British and American forces recaptured the place from the French, who had called it Fort Duquesne, during the French and Indian War. The first outpost there was established by the Colony of Virginia in 1754. Forbes Avenue is named for General John Forbes who led the British-American expedition that took Fort Duquesne in 1758. The area finally was made safe for settlement in 1763, when British Colonel Henry Bouquet won a brilliant victory over the Indians at the Battle of Bushy Run about 20 miles away.

Once the Gateway to the West with early commerce coursing down the Ohio River, Pittsburgh now terms itself the Gateway to the Future. Could be. Maybe Bea Lillie should take a new look at it.

HAMPSHIRE COLLEGE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. CONTE. Mr. Speaker, the First District of Massachusetts, which I have had the honor of representing in this body for 12 years now, contains some of the most outstanding institutions of higher education in this Nation. Western Massachusetts truly is a great college and university center and our region, our State, and our country has benefited from their existence.

This autumn these fine schools were joined by a new 4-year liberal arts college in Amherst. The newest star in this educational galaxy is called Hampshire College and I am confident that it will soon become widely known as one of the great institutions of learning in the land.

It is the result of an imaginative proposal drawing on the facilities and talents of the University of Massachusetts, Amherst, Smith, and Mount Holyoke Colleges.

On October 3, Mr. Speaker, Hampshire College held its first convocation ceremony attended by the first complement of 268 students, numerous friends of the new school, public officials, and interested citizens. I was honored to take part in that ceremony as one of three recipients of the school's first honorary degrees. Also honored were Amherst College Historian Henry Steele Commager and Poet Archibald MacLeish who delivered the major address.

XUM

Hampshire College President Franklin Patterson delivered an excellent inaugural address spelling out the goals of the new college and its belief that it can "realistically make a difference in the troubled world of higher education."

Mr. Speaker, this was a memorable event for western Massachusetts and for education everywhere. The promise of this new college, so eloquently expounded by Mr. MacLeish, and the school's purpose, so determinedly set forth by Mr. Patterson, should be an inspiration to us all. So that my colleagues will have the benefit of these thoughts I include in the Record at this time copies of both Mr. MacLeish's address and that of Mr. Patterson, along with news stories of the event from the Holyoke, Mass., Transcript, the Daily Hampshire Gazette, Northampton, Mass., the Greenfield, Mass., Recorder-Gazette, and the Springfield, Mass., Daily News.

The material follows:

THE OPENING OF HAMPSHIRE COLLEGE

(Address by Archibald MacLeish)

There was a time, not longer ago than an assistant professor can remember, when the innovation of a college was a routine occurrence to be recorded, if at all, on page eighteen or twenty of *The Times* back among the retrospective exhibitions and the amateur performances of the B Minor Mass. Colleges provided education. Education was a good thing. And good things weren't news.

They still aren't but the rest of the equation is out of date. Universal agreement that education is a good thing ended with the invention of the Silent Majority. Nothing, according to those who have been able to penetrate that enormous apathy, distresses the Silent Majority as much as a college unless it be a college student. And as for college students, there are even some of them who share the Silent Majority view. The best college, in the opinion of certain outraged gentlemen at Columbia a few years back, was a closed college—preferably burned.

That kind of intellectual reorientation alters even a newspaper's notion of news. Whatever the opening of a college may have been back in the cheerful days of the Great Depression or the two world wars, it must now be regarded as a major event: not merely news but drama and even melodrama—another fleet of costly buildings, another cargo of irreplaceable books, another crew of hopeful teachers and ambitious students and courageous administrators launching themselves into the eye of the hurricane on a voyage as daring as Magellan's with the wild sea ahead already strewn with wreckage and haunted by confused, faint cries.

I have no idea, of course, what the Editors of the *Times* will think of the college opening we witness here today or on what page they will report it but I know very well what *our* emotions ought to be. We should see ourselves as gathered, not on the comfort of folding chairs under an autumn tent in a quiet inland valley, but on a promontory steep as the Butt of Lewis from which we peer into the driving sleet for a last glimpse of brave departing sails.

I persist in my metaphor not for the metaphor's sake but for the truth's. What is new, and newly exciting, about this occasion is precisely the sense of departure, of adventure, of voyage. We are now in the sixth or seventh year of what, following the mellifluous Irish, we might well call The Troubles—meaning, of course, The Troubles in the University. And the opening of Hampshire College is the first action I can think of seriously aimed at doing something about them.

Down to this time, universities and colleges have acted defensively if at all. They have treated The Troubles as private, or at least internal, ructions between their students and themselves, and have attempted only to gird themselves for each Putsch as it came along. Parietal Rules have been modified not to say abolished. Administrative procedures, meaning disciplinary procedures, have been altered. Relations with the community have been reconsidered and frequently improved. A few changes of a public-relations, rather than a scholarly, significance have been offered in the curricula. But no important, positive efforts have been made by those best equipped to make them, which is to say by university and college faculties, to determine what these famous Troubles actually are or how they affect—should affect—the University's undertaking to educate the young.

We have been hearing, in the last few days, about the development of new police methods for academic use, including body guards for presidents and the F.B.I. on twenty-four hour alert. We have seen a good bit of faculty linen, not all of it well washed, hung out to dry. We have learned that there are still courageous Chancellors prepared to battle not so courageous Regents to the verge of coronary and beyond. But the only confident educational pronouncements of this troubled time have issued, not from the colleges or universities, but from Mr. Spiro Agnew. And all Mr. Spiro Agnew has had to tell us is that the whole thing is the doing of wicked boys and girls egged on by "the disgusting and permissive attitude of the people in command of the . . . campuses." By which Mr. Agnew means that the Troubles would go away if only the trouble-makers were eradicated . . .

This, unfortunately, is a conclusion which fails to satisfy. Those who know most about these wicked boys and girls—the men and women who teach them—are pretty well agreed that, far from being a generation of criminal delinquents, this new generation of the young constitutes the hope of the world—such hope, that is, as this raddled, soiled, abused, exploited world still has. The contemporary young have their faults, obviously. They include in their number the usual shoddy elements familiar to every undergraduate generation: the campus politician, the adolescent marching and shouting association and the plain bad actor—together with a new phenomenon, a certain scattering of young exploiters of the idealism of the young for whom there is no adequate epithet. But by and large the contemporary young are nevertheless, and have been for some years back, the most deeply concerned, the most humanly committeed, generation we have seen in this century with the single exception of the returning veterans of the Second War.

But though it is fairly clear to those who face these facts that Mr. Agnew's simple explanation explains nothing but Mr. Agnew, it is still true that no other explanation has been forthcoming. No one—no one at least in a position to do anything about it—seems to have asked the next, the crucial question . . . until Hampshire. If Mr. Agnew is wrong—if The Troubles cannot be blamed on some sudden, mysterious plague of viciousness affecting an entire generation of the young—where then shall the blame be put? How are we to explain the restlessness, rebellion, indignation, violence in college, university after university, from one coast of this country to the other and in Europe as well as the Americas, Asia as well as Europe?

This would seem to be the one inescapable question of the time, and particularly for the teachers of the time, for the scholars, for the faculties in all their disciplines. If The Troubles are not "student troubles" in the simple-minded Agnew sense they must be something other than "student troubles." They must afflict the universities and colleges, not because the university, the college, has a particular relation to the young, but because it has a particular relation to something else. But *what* else?

The established faculties have not told us, but Hampshire College, struggling to draw first breath, has faced at least the question and has hazarded an answer to its own. It seems the "something else" with which the university, the college, has to do, as something existing not within the academic pale but outside it in the time, in what we used to call the world. The Troubles, that is to say, are not disciplinary troubles whatever the politicians, the hard hats and the middle-aged generally may say about them. Neither are they, as the more romantic of the young believe, "revolutionary"—(meaning political) troubles. They are troubles at the heart of human life, troubles in the culture itself, in the civilization, in the state of the civilization—troubles which cannot be cured by ranting at the government, however misguided or misdirected government may be, or by sending in the national guard, whatever the provocation, but only by restoring the culture to wholeness and to health—which means, by restoring the precarious balance between the society and the self which defines the culture at any given place or time. And that restoration, Hampshire College believes, is the business of the college, of the university.

I may not be summarizing the College beliefs precisely for the crucial word, culture, means more to me, I must confess, that it seems to mean to the learned men quoted in Hampshire's working papers. But on the essential question, the question of the responsibility of the College, of the university, I am not, I think, far wrong. Hampshire proposes—explicitly proposes—to accept for itself a responsibility for the restoration, for the maintenance, of the difficult balance between society and self. And in that acceptance it seems to me not only courageous but entirely right. That balance is the business of the business of the universities and colleges.

Individuals—thinkers, organizations of thinkers, philosophers—can help. A true statesman, another Jefferson, even another Wilson, would be a God-send. But it is the university, the college, which must bear the brunt of the responsibility because it is the university, the college, which is the trustee of the culture, the trustee of the state of the civilization, the trustee of the means by which the civilization descends from the always disappearing past into that eternal becoming which we call the present.

And it is as trustee of the culture that the university has failed in these years in which the culture has lost its human values and deteriorated into a mere technology which exploits knowledge as it exploits everything else, using even science itself not as a means for the advancement of civilization and the enrichment of life but as a ground for gadgetry and invention regardless of the human value of the thing invented, so that the triumphs of the epoch make no distinction between the glories of modern medicine and the horrors of modern war. When a civilization can declare tacitly and even explicitly that whatever *can* be concocted *must* be concocted regardless of the human consequences we are already far into that disastrous epoch for which Yeats provided the image and the name:

Turning and turning in the widening gyre
The falcon cannot hear the falconer,
Things fall apart, the center cannot hold. . . .

Hampshire College, to its eternal credit, has dared to face Yeats' vision and the reading of history which underlies that vision. It has accepted as the critical contemporary fact the failure of the balance between society and self and has found the reason for that failure in the dehumanizing of the culture on one side and the dehumanizing of the self upon the other: the conversion of a once diverse and fruitful human culture into a crassly technological semi-culture, and the withdrawal of the withered self toward the uttermost wilderness of the self—toward the desert of solipsism in which some ghostly modern selves already wander. Moreover, having accepted the failure of the balance as the underlying ill, Hampshire has gone on to make the restoration of the balance its explicit undertaking: it has committed itself "to a view of liberal education" (I am quoting) "as a vehicle for the realization of self *in* society"—and it underlines the *in*.

It is a measure of the decline of the human in this sorry age that, far from resounding as a declaration of the obvious these words ring like trumpets—like the first courageous trumpets we have heard since The Troubles began. What would once have been a platitude becomes a call to arms. It is only, of course, *in* society that a self can *ever* be realized—in what John Keats called the arable field of events. But what would have been self-evident to the Father of the University of Virginia comes as a shock of blinding revelation to the generation of the depraved Los Angeles murders and the cold-blooded tortures in Connecticut and the brutal killings in Ohio and Mississippi. We suddenly *see*, as we reflect upon those words, what the self which has turned its back on society can become, and what society can be without the sense of self.

Our generation is the first in American history to understand what Daniel Webster meant when he cried, in those dark decades before the Civil War, "Liberty and Union, one and inseparable, now and forever." Even Emerson misread him. Emerson rejected "Union" in that context as the young today reject what they have christened, the Establishment. Liberty was all that mattered—human decency—the freedom of the slaves. But when the Civil War finally came Lincoln took his stand where Webster had taken his—upon the preservation of the Union. For without the Union there could be no Liberty. And this, as always with Lincoln, was no such shrewd political calculation as we know so well today. It was human truth. Yeats' truth. Without a center that can hold "things fall apart. . . . The falcon cannot hear the falconer." Without a center that can hold human liberty becomes an inhuman liberty to multilate and murder. Without a center that can hold freedom becomes the opposite of freedom.

Only when freedom is as human as humanity is free can a nation of free men exist. Only when the balance between society and self is both harmonious and whole can there truly be a self or truly a society. Hampshire has been founded on that proposition.

I do not know, ladies and gentlemen, how it is with you, but as I think for myself of this all but impossible commitment, and as I look around at the faces of the men and women who have made it, I feel a surge of excited hope. In a time like ours it is only the impossible commitments which are believable for only the impossible commitments are now worth making. If the probabilities of the future overwhelm us there will be no future which men, as we have known men in the past, will wish to live. It is precisely the probabilities—even the certainties—that must change. And only education can perform that miracle.

I think we may be present at a greater moment than we know.

Inaugural Remarks by Franklin Patterson, President, Hampshire College

Mr. Chairman, Trustees, Faculty, Students, Members of the National Advisory Council, Representatives of our older sister institutions, Distinguished Members of Merrill House, Staff, and all Friends of Hampshire College:

Thank you for this responsibility and this honor. I will continue to do the best I can to help build this new institution, with God's help and yours.

There is a certain irony in being inaugurated five months into the fifth year of one's service as president of a college. These days in the United States the average actual tenure of a college president is something less than four years. A good many presidents, it seems, do not last nearly that long. Thanks to Providence and a long planning period, my tenure as President of Hampshire College has well exceeded the national average even before this moment of inauguration. I am duly grateful for such longevity.

Manifestly, the important thing about today in this place is that a College is being inaugurated, not a man. We are here to celebrate a formal beginning, a true commencement, not of a man's tenure short or long in a particular office, but of a new institution.

I am profoundly aware that Hampshire College now exists and moves into the critical future of American higher education as the embodiment of the ideas, and hopes, and help, and hard work of many, many people: including the students of this Founding Class and senior scholars, the Faculty here and at our neighboring institutions, individual donors and foundation officers, Trustees and townspeople, government representatives and officials, the distinguished architect, Mr. Hugh Stubbins and his associates, the planning genius of the firm of Sasaki, Dawson, and DeMay, fine contractors and skilled workers, special consultants and Members of the National Advisory Council, and, far from least, a devoted staff with a passion for doing their jobs far beyond the call of ordinary duty.

This, in the deepest sense, is an inaugural ceremony for all of you who have been associated with the forming of the College, all of you who will carry the College forward to a steadily fuller realization.

Because in their way they spurred us on, we may be grateful today even to those few cynics and Cassandras who doubted it was possible to form a new American college at all these days, let alone one which could realistically make a difference in the troubled world of higher education. The fact is we are doing both things. We intend that Hampshire will indeed make a real difference in the lives of students here, and in the character of college education elsewhere.

I would like to speak briefly about both of these aspects of Hampshire.

First, our students and the College. The Founding Class of this College is made up of exceptional young men and women. I do not say this for the reasons you might expect, either out of sheer presidential rhetoric or out of the fact that for every student enrolled this fall Hampshire had to turn down more than seven others. I say it out of a deeper reason. Hampshire's young men and women are exceptional on grounds that have to do with the intelligence, moral purpose, promise, beauty, and joy of the best of a whole new generation being forged in the troubles and opportunities of this time. I think Hampshire's first students are exceptional representatives, across the board, of a great new wave of young adults who are reaching for individual lives and a re-born culture whose range and quality will be worthy of the best that is now possible.

Our students in this sense mark a major positive turning point in the swiftly changing world that we share with them. This is what moves me most about our circumstances here at Hampshire. These young men and women have sought out membership in the community of this College because they want to share in the building of a new kind of institution which is really needed, and whose time has come. They are here because they sense a College can be created in which individual freedom can indeed be joined with individual responsibility, in which intellectual excellence and the informed heart and the sensual beauty and hard challenge of physical experience can be made whole, in which the private person and the public citizen are inseparate dimensions of human existence at its best, in a College community which honors and respects and encourages these things. Hampshire students, as I am coming to know them, believe the College will make a real difference in their lives. In turn, they are making and will continue to make the crucial difference in the College itself. Backed by a remarkable Faculty and with the generous encouragement of our sister institutions, these first students are setting the hallmark of a new undergraduate institution for a new age. That hallmark is simple but striking and dramatic, and I stake whatever I am and whatever I know that it is real and a portent of far better things than we have known until now in higher education. The hallmark our students, and the rest of us with them, are setting for Hampshire is being made manifest in a way of College life, in deeds more than words, in eagerness to take responsible independent initiative, to take on the hard work of learning and learning well, to be concerned beyond oneself, to share in carrying difficult burdens as much as in creating joy, to listen and to contribute, to prove that young and older alike can together make a College worthy of human needs and human possibilities. It is in this sense that Hampshire's students, not alone but in common with most young men and women elsewhere in this fall of 1970, mark a major turning point for our common history. They have many rightful, deep-running concerns and criticisms of the society they spring from, and uncertainties about a future fraught as much by hazard as by promise. With Edwin Muir, they can say:

> One foot in Eden still, I stand
> And look across the other land . . .

well aware that the world's great day may be growing late and seeing as strange the fields we have planted so long with love and hate. But they, and the generation they are part of, are strong enough to be builders not destroyers, to dream as the young should and must, and to accept now as adults what Yeats repeated of old, that in dreams begin responsibilities. Hampshire's main mission, to which we are wholly committed, is to honor and recognize and encourage this strength in our students, and to help them as they build their lives and a new, more fully human world.

Second, a word about Hampshire and college education elsewhere.

If the Founding Students of this College represent a positive turning point in the relationship of the generations to each other and in developing a more human future, Hampshire itself is a turning point, too. Institutions, like people, define itself in by their acts. Hampshire is defining itself in two ways: first, as an undergraduate institution creatively responsive to the human needs of a new generation of young men and women, who are its students, and second as an innovative force in higher education generally.

We believe, with Henry Steele Commager, that:

"[Our society is] required to reconsider the functioning of our whole educational enterprise, . . . to look at it not so much in historical context as in the context of present and future requirements."

And we are brash enough to believe that Hampshire College, small and young as it is, can be a constructive force in this reconsideration, especially now, when the need for new patterns and a new spirit is so painfully clear.

Proposing that this College will be "an innovative force in higher education generally" means that Hampshire must be bold enough to make no small plans. The College is an "experimenting" one, not tied to a narrow or doctrinaire "experimental" orthodoxy. We do not intend to be pretentiously precious or so special we cut ourselves off from the mainstream of college and university life, or from the wisdom and experience of the great past of higher education. Instead, Hampshire intends to be both an undergraduate institution of educational excellence for its own students—in terms that will be respected by the academic world, *and* to be a useful experimenting, pilot center for that academic world, in a time of great need for change. To have any meaning beyond presidential rhetoric these generalities must be spelled out in specific ideas, and these ideas must be transformed into reality. This is precisely what all of us here are engaged in doing and have been doing since the initial conception of the new College in 1958.

A few concrete examples of Hampshire in action as an agent of experimentation, demonstration, and change are these:

We are breaking the academic lock-step that has been standard American practice from kindergarten to graduate school. Some students here are admitted a year before they will actually be in attendance, others may have sanctioned leaves during their time here, and students may complete their degrees in three, or four, or more years according to their own pace.

We are committed here to seeing the status of teaching as *the* primary obligation of faculty, putting the student in increasing charge of managing his own learning, and creating a College which will not be either an extension of high school or simply a prep school for graduate education.

We are abandoning the time-clock approach which assumes that a student is educated if he spends 128 semester-hours in supervised classroom attendance. Instead, we are placing the burden on the student to demonstrate his progress through a limited number of examinations, whose nature he will help to shape.

We are asking students to take a major share of responsibility in the governance of College community life, and providing students with a substantial share in shaping academic policies and practices.

We are creating a campus, built around the House concept, in which the human scale of a community of learners and teachers replaces bigness, impersonality, and the artificial separation of classroom and other kinds and ways of learning.

We are bringing the newer artistic, instructional, and informational technologies into an active role in liberal education, trying to make the computer, the film, the television camera, the video recording, the electronic music synthesizer, increasingly serve human purposes.

And we are doing everything we can to use institutional planning and financial control, in a context of cooperation with our sponsoring institutions, to prove that the small private college can indeed have both excellent quality and fiscal solvency.

These are bare bones of some of the Hampshire effort to serve as a testing ground and demonstration center for higher education generally. To these, I could add much, much more, especially things having to do with a radically changed curriculum and intentional alteration of methods of instruction. If I were to do that, I would want equally to emphasize Hampshire's commitment to the study of basic things in the sciences, mathematics, language, history, philosophy, literature, the lively arts, the social sciences. And I would want to underline how in all of what we do, we see direct experience, practical actual participation of the student as absolutely integral to learning: experience in the challenge of the outdoors, in the laboratory, in the city, in the arts, and elsewhere.

But enough by way of very general inauguration of the College today. If my words about Hampshire seem to reach far too far beyond our grasp, and make it seem that we are overcome with delight at having, to everyone's presumed advantage, at last discovered the Wheel, forgive me. Chalk it up to our enthusiasm, and chalk it up to our very real sense of promise that Hampshire, though born just now, is born to the spirit of the age, with a future worth all the love and labor all of us can give her.

Thank you.

Hampshire College will now welcome her first honorary graduates.

[From the Holyoke (Mass.) Transcript, Oct. 5, 1970]

Hampshire College, Patterson Inaugurated Midst Applause

(By Gena Corea)

Franklin Patterson and a college were inaugurated Saturday to a prolonged standing ovation as some students threw confetti and released balloons and wind rustled against the tent canvas at Hampshire College.

Several hundred guests witnessed the ceremonies in the tent which culminated 12 years of preparation for the new experimental college.

In a battle between a solemn and casual atmosphere, older people and administrators generally wore suits or black robes while students generally wore blue jeans, slacks, flowered maxidresses or ponchos.

One professor wore a sequined black robe made for him by two students.

SEMINARS

Before the convocation, guests and members of the college community participated in spirited morning seminars on the relation of college to various issues. They then ate a picnic lunch under the tent.

Delivering the key address after receiving an honorary degree, poet Archibald MacLeish said that the opening of Hampshire College was the first action aimed at rectifying The Troubles in the University.

Referring to the "restlessness, rebellion, indignation, violence," in colleges throughout the world, MacLeish said that these capital-t Troubles aren't just disciplinary or political troubles, but troubles in the culture itself.

The college bears responsibility for this Trouble, he said, because it is the trustee of this culture which has lost its human value and deteriorated into just a technocracy.

He said this technocracy "exploits knowledge as it exploits everything else, using even science itself not as a means for the advancement of civilization and the enrichment of life but as a ground for gadgetry and invention regardless of the human value of the thing invented . . ."

Hampshire College, MacLeish said, has recognized the dehumanizing of culture and the self and the imbalance of society and the self.

The purpose of Hampshire is to restore that balance between society and self he said, adding, "I think that we are present at a greater moment than we know.

HONORARY DEGREES

At the ceremonies, Henry Steele Commager, historian, and Cong. Silvio O. Conte also received honorary degrees.

Delivering his address, President Patterson noted there was a certain irony in being inaugurated more than four years after beginning service as president.

He was grateful, he said, for already having exceeded the average tenure of a college president even before the moment of inauguration.

Turning serious, he said that Hampshire would be an agent of experimentation and demonstration in education.

Among the changes Hampshire would implement, he said, were a campus built around the House concept, "in which the human scale of a community of learners and teachers replaces bigness, impersonality, and the artificial separation of classroom and other kinds of learning."

Hampshire also saw teaching, not research, as the primary obligation of the faculty, he said. Students would increasingly be charged with managing their own learning, he added.

The idea for Hampshire College was born in 1958 when a joint faculty committee from Amherst, Mt. Holyoke, Smith and the University of Massachusetts completed the "New College Plan."

A STUDY

This was a study considering the possibility of creating a fifth institution with which the other four might cooperate and develop new concepts and techniques of education.

In 1965, Harold F. Johnson, an Amherst alumnus, contributed $6 million to make the new college a reality and two years later, the Ford Foundation gave Hampshire a $3 million challenge grant.

By 1968, campus construction and staff selection was underway.

[From the Daily Hampshire Gazette,
Oct. 5, 1970]

Kites Climax Hampshire Inaugural

AMHERST.—The skies over the former Apple orchards that now serve as the campus for Hampshire College were filled with kites yesterday indicating, some observers said, the high hopes for the new college which opened this fall and which had a two-day inaugural celebration Saturday and Sunday.

The kite-flying was part of the open house for the public on Sunday. Saturday Dr. Franklin Patterson was inaugurated as president and honorary degrees were presented at the ceremonies in front of the college buildings, many of which are still under construction.

It began in a tent, under threatening skies. As the first note of music was struck, the audience rose and the procession began.

JOY AND SOLEMNITY

With a combination of the joy and the solemnity of the occasion marked on each face, in traditional formal academic attire, they walked down the center aisle: Hampshire County Sheriff John Boyle; Richard Lyon, marshal of the procession and Dean of the College; Dr. Franklin Patterson, president; Harold Johnson, chairman of the Board of Trustees, and Charles C. Longsworth, Vice President.

They were followed by the Trustees, the Hampshire Sponsors, the degree recipients and the faculty.

After them, came Lois E. Bailey, student marshal and first student admitted to Hampshire College along with four other student representatives.

The Planning Committees were followed by delegates from Hampshire's four sister schools and North Burn, Five College coordinator, and Jackie Pritzen, assistant coordinator of Five Colleges Inc. along with representatives from other guest institutions.

Seats taken, Sheriff Boyle called the convocation to order.

POINT OUT IRONY

The introductory remarks were made by Johnson, chairman of the board, who later presided over the investiture of Dr. Patterson as president.

President Patterson, in his inaugural remarks, began by pointing out the irony of this occasion occurring five months into the fifth year of his service to the school.

He added that the event taking place was more than the inauguration of a man. It was the start of a college.

Describing Hampshire as not simply an institution, but as a group of highly diverse individuals working as an integrated unit, Patterson told the audience that Hampshire intended to meet the challenge of those cynics, who in an age where the existing institutions maintained only a precarious existence, "doubted that it was possible to form an American college at all, let alone one which could realistically make a difference in the troubled world of higher education."

STUDENTS CITED

One of the main reasons for the possibility of Hampshire's success are its students, he said.

Hampshire students, he maintained are representatives of a new generation, a generation that wishes to reassert the freedom and creativity of the individual, that wishes to help achieve a cultural renaissance.

These students mark what he calls a "major positive turning point" in both the academic and outside worlds.

"They are here because they sense a college can be created in which individual freedom can indeed be joined with individual responsibility, in which intellectual excellence and the informed heart, and the sensual beauty and the hard challenge of physical experience can be made whole . . ."

If its relationship with the other Pioneer Valley institutions as well as those outside the Valley, Patterson stated that Hampshire would be two things.

To its students, it intends to be an undergraduate institution of the highest intellectual and educational caliber, providing the opportunity for creative expression and the challenge of community living.

To other educational institutions, it will be a "useful experimenting, pilot center for that academic world, in a time of great need for change."

Patterson offered examples of Hampshire's departure from normal academic procedure. With an emphasis on individual need and capability, Hampshire allows its students to request deferred admittance and take a year off between the senior year of high school and their first year at Hampshire.

NOT DEFINED

The academic program is not defined by number of credits or years of attendance, but rather by demonstrated ability.

The campus will keep its residence halls, or cottages, small on community living, he said.

Finally, he attempted to explain the devotion and enthusiasm all those involved with the college had expressed. He closed with these words:

"Chalk it up to our very real sense of promise that Hampshire, though born just now, is born to the spirit of the age, with a future worth all the love and labor all of us can give her."

Honorary degrees were then conferred to Archibald MacLeish, poet, and to Prof. Henry Steele Commager of Amherst College, Doctor of Lettters; to Congressman Silvio O. Conte, Doctor of Laws.

After the honorary degrees, Founder's awards were granted to the Planning Committees.

FIRST STUDENT

Lois E. Bailey, the first student accepted by Hampshire College, then spoke as student representative.

Professor James M. Watkins, faculty representative, explained humorously the difficulty of being the faculty representative:

"Spokesmen for a college faculty are equal in number to the faculty itself and the natural state of this body politic is amoebic anarchy."

Referring to the Hampshire community as Hampshire hamsters," Prof. Watkins continued with his description of the diverse personalities involved in the faculty.

"We enjoy in our diversity, the benevolence, the richness of daily warfare."

He thanked the Planning Committees and all those involved with the creation of Hampshire. Of them and the college, he said.

"Nor did you put us in an ivory tower, but smack out here in the open, where, as we "do our thing," barefoot in the apple orchard, we'll be playing to a hard gallery and to Yankee farmers standing in the wings."

On a more serious note, he concluded that Hampshire College will succeed with the united effort of all concerned.

"To know indeed is not enough, to act without knowing is much less," and with the faculty's pledge "to an office . . . to a man . . . and through them both, to the institutions we now become."

Archibald MacLeish, poet, playwright, Pulitzer prize winner spoke.

Stating that good news is seldom newsworthy, the opening of a college up until "the invention of the Silent Majority," never rated more than short coverage in the back pages of newspapers.

Today, however, he said, it is an "event."

He called the opening of Hampshire College, in the sense in which it is a voyage, a departure from the ordinary.

We are now, he stated, ". . . in the sixth or seventh year of what, following the mellifluous Irish, we might well call the Troubles—meaning, of course, The Troubles in the University. And the opening of Hampshire College is the first action I can think of seriously aimed at doing something about them.

The Troubles, he claims, have moved from the private to the public view. Changes have occurred at such a rapid pace that no one, at one moment, can tell what form the university will take in the next.

No one, he told the audience, has really made any kind of confident statement about the current state of the country's educational system with the exception of Spiro Agnew.

And the only reason MacLeish said, that Agnew gives for the Troubles, is that "the whole thing is the doing of wicked boys and girls" spurred by their administrators and faculties, that The Troubles would go away if all these people were simply eradicated.

Statements such as Agnew's do not completely satisfy, MacLeish went on, rather, he said, echoing President Patterson, students today, this generation of the young "constitutes the hope of the world—such hope, that is, as the raddled, soiled, abused, exploited world still has."

If the blame, then, cannot be placed on the students, or faculty, where is it to go, asked MacLeish.

Hampshire College, he maintains has begun to face this question and has begun to answer it in its own manner.

That Hampshire recognizes that the university should be more than merely a storehouse of facts, that it is a community, and that The Troubles are not, he said

". . . disciplinary troubles. . . . They are the troubles at the heart of human life, troubles in the culture itself, in the civilization . . . troubles which cannot be cured by ranting at government . . . or by sending in the national guard whatever the provocation, but only by restoring the precarious balance between the society and the self which defines the culture at any given place or time. And that restoration, Hampshire College believes, is the business of the college, of the university."

MacLeish commended Hampshire College for its astute observations on The Troubles and for its attempt to reevaluate an antiquated educational system.

He commends it for its attempt to realize its own conclusions, for its determination to succeed and remain flexible.

The university, he explains, has failed as the "trustee of culture." It has failed as it has increasingly devalued humanity and defied technocracy, he said.

Consequently, MacLeish said, we begin to reach that point in time which another poet, W. B. Yeats describes in his poem the "Second Coming."

Quoting from the poem, MacLeish applauded Hampshire College for daring to face Yeat's summation of world events, "the failure of the balance between society and self . . ." He went on to say:

"And having accepted the failure of the essential balance as the underlying ill, Hampshire has gone on to make the restoration of the balance its explicit undertaking."

Continuing and concluding, MacLeish underlined the notion that freedom is the outgrowth of unity. That as Yeats wrote, without a unifying center Liberty, personal freedom becomes warped and eventually commits a kind of suicide.

He ended:

"Only when freedom is human, as well as humanity free, can a nation of free men exist. Only when the balance between society and self is reestablished can the self be realized. Hampshire College understands that and has chosen."

After the remarks of the poet, Sheriff Boyle then called for the conclusion of the ceremonies. As the recession began, to a standing ovation, Hampshire students cheered and threw confetti.

An informal reception followed on the patio of the academic building.

Her remarks were brief and echoed the sentiments of President Patterson, although from her own point of view.

From the first time she came to Hampshire, she felt its promise, she said, adding ". . . and been reunited with an old dream of mine that I'd shoved aside as unrealistic."

She spoke of the renaissance of wonder in learning and living that was the Hampshire College promise.

Closing, Miss Bailey quoted from the poetry of Alfred Lord Tennyson:

"To follow knowledge like a sinking star,
Beyond the utmost bound of human thoughts."

[From the Greenfield (Mass.) Recorder, Oct. 5, 1970]

HAMPSHIRE COLLEGE NOW OFFICIAL

AMHERST.—Hampshire College is finally official.

It all happened Saturday amid some chuckling about the delay in getting around to dedicating a president five years in office and a convocation a month after the first students arrived.

Opening ceremonies were conducted Saturday on the 50-acre campus of Hampshire College. Pres. Franklin Patterson, 54, was officially inaugurated.

He noted that "there is a certain irony in being inaugurated five months into the fifth year of one's service as president of a college."

Sunday afternoon the college was officially welcomed with a barbecue by Amherst and Hadley townspeople. The college campus is in both towns.

The Amherst Rotary Club and other service clubs sponsored the festivities which included the first annual Hampshire College kite-flying contest. The college conducted an Open-House in the afternoon.

Speakers were Amherst and Hadley selectmen, Pres. Patterson and Hamilton I. Newell owner of a printing company in Amherst.

Sponsored by its parent schools—Amherst, Smith and Mount Holyoke Colleges and the University of Massachusetts—the idea for Hampshire College was conceived in 1958 and has been under the guidance of Dr. Patterson since 1965.

Established as a model for experimentation in liberal arts education with a theme of

XUM

perpetual change in tune for a changing society, the college accepted its first class of 268 students last month.

Among its innovations the college encourages its perspective students to take a year from studies if they need it to establish goals. After entering students have anywhere from 3 to 5 years to finish graduation requirements.

Approximately 800 students and friends of the college were invited to "rap" seminar style with guests: National President Lucy Benson, League of Women Voters; President Emeritus Esther Rausshenbuch, Sarah Lawrence College; Jerome Wiesner, Provost at MIT; and Pres. Robert C. Wood, University of Massachusetts.

Main speaker during inauguration ceremonies was poet, playwright and three time Pulitzer Prize winner Archibald MacLeish of Conway.

His criticism of the "Silent Majority" and Vice-Pres. Spiro Agnew drew applause from several hundred students and others who participated in the opening on what was once farmland and apple orchard.

MacLeish noted "Nothing distresses the silent majority as much as a college—unless it be a college student."

MacLeish believes, "The opening of Hampshire College is the first action I can think of seriously aimed at doing something about the trouble that has hit campuses in this country and abroad for six or seven years."

He does not agree with VP Agnew who seems to believe "that the whole thing is the doing of wicked boys and girls egged on by, in Mr. Agnew's words the disgusting and permissive attitude of the people in command of the campuses and that the trouble would go away if only the troublemakers were eradicated."

The University, MacLeish believes, has failed as a trustee of the culture—a culture which has "lost its human values and deteriorated into a mere technocracy which exploits knowledge as it exploits everything else, using even science itself not as a means to the advancement of civilization and the enrichment of life, but as the grounds for gadgetry and invention regardless of the human value of the thing tested."

The new hope is Hampshire College, according to MacLeish, because it "has accepted as the critical contemporary fact the failure of the balance of the society and self and has found the reason for this failure is the dehumanizing of the culture and the dehumanizing of the self upon the other. . . . Having accepted the failure of the essential balance as the underlying ill, Hampshire has gone on to make the restoration of the balance its explicit undertaking.

"It has committed itself 'to a view of liberal education as a vehicle for the realization of self in society' and it underlines the in".

MacLeish expressed his faith in today's youth saying that "Far from being an assortment of criminal delinquents, this generation of the young constitutes the hope of the world. . . . The contemporary young have their faults, obviously. . . . But by and large, they are the most humanly committed generation we have seen in this country with the single exception of the returning soldiers of the second world war."

Honorary degrees were conferred during the inauguration ceremonies on MacLeish, U.S. Rep. Silvio O. Conte, and Amherst College professor and historian Henry Steele Commager. Individuals instrumental in creating the college were presented Founders awards.

[From the Springfield (Mass.) Daily News, Oct. 3, 1970]

AQUARIUS AGE ENROLLS AT HAMPSHIRE

(By Austin Kenefick and Bill Geissler)

AMHERST.—A college of hope and renewal, Hampshire, was born here today on gently rolling countryside that used to harbor an apple orchard.

The formal convocation held here today was the culmination of more than a decade of planning that started in 1958 with a draft for a "cooperative college" drawn up by four neighboring educational institutions, the colleges of Smith, Mount Holyoke and Amherst, and University of Massachusetts.

Its planning did not go forward substantially, however, until 1966 when Harold F. Johnson, an Amherst College alumnus, broke a fiscal log jam by contributing $6 million to the college.

GAVE IMPETUS

That provided the impetus that brought in more than $3 million in a Ford Foundation grant, together with federal grants totalling more than $10 million.

Today Johnson, now president of Hampshire's Board of Trustees, formally inaugurated Franklin Patterson as president of the college.

For Patterson the inauguration capped more than five years of full-time planning with a basic college staff, including two years of running pilot courses with the help of students from the neighboring colleges and university.

Like its sister institution, Hampshire has the usual assortment of brick and mortar buildings, together with the costs that underlie them, including a $3.5 million library, a $2.5 million academic building; a $2.7 million residence building (Merrill House) and a dining commons.

HOUSED IN HOME

Unlike most other colleges, however, Hampshire's administration offices are still located in Stiles Homestead, the farm house belonging to the family whose apple orchards and gently rolling meadows form the bulk of the college's 550 acre campus.

And unlike other colleges, this one is deliberately designed to be "experimenting" and to help its students develop to a degree hitherto considered impossible.

NEW IDEAS

As a center for innovation the college's founders hope that its ideas will be useful enough to be picked up by other institutions. Two of its concepts, the small seminar for the teaching of freshmen, and the midwinter break for independent study, field work or travel, have been adopted by a small number of other colleges.

But the college's major emphasis is on its students, on helping them develop so that they can be both free and responsible, both intellectually alert and yet sensitive to beauty, both private person and public citizen.

This concern for breadth, balance and wholeness has led some observers to dub the school a college for what the under-30-generation calls, the "Age of Aquarius," the age of hope and renewal and rebirth of humanity.

NO TENURE

To bring this about, Hampshire's faculty has been made responsible for the quality of teaching to an unusual degree. Involvement with the concerns of the students is encouraged. Tenure is gone. In its place is a contract that is subject to review at its expiration date.

Students and faculty have also been organized around the "house" concept in which the smaller scale of a community of learners and teachers replaces hugeness, abstractness and the stiff separation of classrooms from other kinds and ways of learning.

The college has also brought the newer artistic, instructional and informational technologies into play by incorporating the computer, the film, the television camera, the video recording and the electronic music synthesizer into the curriculum.

TO PLAY ROLE

Students and faculty alike are expected to use their learning to contribute, to enrich their own lives and the lives of others, to make the world a more human place.

To redirect the educational emphasis from schedules and requirements to these larger issues, the college has eliminated some of the traditional college trappings, including the requirement that students complete 128 hours of credit.

Students at Hampshire will instead be tested, either three of four times during their matriculation, on what they have learned at the end of a major division in their education.

Class distinctions and the standard, four-year course of instruction are also gone. Some students will graduate in three years; others in six. Many will be allowed credit for work done off campus in some social service capacity, such as a year of working for VISTA.

FACE CHALLENGE

Another major challenge facing Patterson and the college administration will be to see if they can control costs and work out cooperative schedules with Hampshire's neighboring schools so that the college may become fiscally solvent. Patterson hopes to bring this about within five years but admits it will be difficult to accomplish.

Hampshire started its classes two weeks ago after a much less formal convocation in which students and faculty came together to break bread, sip cider and make a toast to the college. By 1975 the college intends to expand its current enrollment of 268 students to between 1,200 and 1,500.

Today's ceremonies were formal and included a scheduled address by Conway Poet Archibald MacLeish, as well as the honorary installation of 12 supporters of the college as "Distinguished Members of Merrill House."

DEGREES AWARDED

Honorary degrees were also awarded to MacLeish, to Amherst College Historian Henry Steele Commager and to U.S. Rep. Silvio O. Conte, R-Mass.

The 12 distinguished members of Merrill House, who spoke at seminars, during the morning here, were: Lucy Wilson Benson of Amherst, national president of the League of Women Voters; Jerome S. Bruner, professor of psychology at Harvard University; Ely R. Callaway Jr., president of Burlington Industries, Inc.; the Rev. John B. Coburn, rector of St. James Church, New York City; Paul A. Freund, Carl M. Loeb University Professor at Harvard University.

Also, Elsie M. Jackson, director of Community Affairs for N.Y. Medical College; Jeremiah Kaplan, president of the MacMillan Company; Dr. John H. Knowles, general director of Massachusetts General Hospital; Esther Raushenbush, president emeritus of Sarah Lawrence College; Charles E. Silberman, of the board of editors of Fortune and the author of "Crisis in the Classroom"; Jerome B. Wiesner, provost of the Massachusetts Institute of Technology; Lara W. Wiesner, Boston civic leader; and Robert C. Wood, president of University of Massachusetts.

FUTURE OF AMERICA'S ENVIRONMENT

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. GOLDWATER. Mr. Speaker, the future of America's enivronment is vital to us all. I have become convinced, dur-

ing our debates and discussions about this subject in the Congress, that this battle to preserve our land, water, and air can only be won if each of us plays a positive role. The effort of the Government alone is not enough. Business, labor, private enterprise and each American must contribute.

With this in mind, I was extremely happy to see the very positive steps being taken by the Boy Scouts of America. "Project SOAR—Save Our American Resources"—will be a very definite and far-reaching contribution to save our environment.

I wish to present the following material about "Project SOAR" for my colleagues interest and information:

PROJECT SOAR–BSA, 1971

The planet Earth, on which we live, is a kind of spaceship. For millions of years it has been spinning through space with its self-renewing cycles of air and water, soil and planet life, life and death.

Life on this planet, the only known life in the universe, exists in a very thin, global envelope only a few hundred feet deep. This life-supporting layer is known as the biosphere.

But, our spaceship earth is in trouble. Man has seriously disrupted natural processes within the biosphere, processes essential to support life.

Pollution of air, water, and land is our problem; and pollution is caused by people too many people crowding aboard spaceship earth with their needs for clean air, clean water, food, clothing, shelter, and living space.

In this country, we enjoy the highest material standard of living on earth. Our scientific achievements have been tremendous. But they have been bought at the terrible cost of environmental deterioration, pollution of air and water, decrease in living space, urban congestion, and a loss of wild nature. We may well have won the moon and lost the earth in the process.

Thus, the need is great for a nationwide educational Good Turn beyond the traditional conservation program of the Boy Scouts of America. That special activity is Project SOAR (Save Our American Resources). To be launched in Boy Scout Week 1971, it is designed to arouse all members, youth and adult, to their responsibilities for the future—and through them to alert millions of other Americans. In essence, Project SOAR is vitally involved in citizenship training and participation. Its basic objective is to create attitudes of concern for the quality of our environment and to motivate action programs that will improve that environment for life and living.

Boys participating in Project SOAR should develop an understanding of three things:

1. The importance of all natural resources to themselves, their country, and their way of life in a democracy.
2. An appreciation of their interdependence with their environment.
3. An understanding of their responsibilities as citizens to contribute to a better environment in which they live.

Project SOAR highlights are:

1. Kickoff in troops and packs during Boy Scout Week.
2. Launching of environmental-improvement learning experiences and projects on March 22 that will continue through the spring.
3. Explorer Service Weekend—April 24.
4. Scout Keep America Beautiful Day—June 5.
5. Special summertime projects—conservation in camp.
6. Clean Air Week observances—last week of October.
7. Unit forums.

The major thrusts will be in the areas of water and air pollution control and litter prevention. But our program and action must be constructive and not "finger-pointing." President Nixon emphasized this point in his environment message to Congress:

"The fight against pollution, however, is not a search for villains. For the most part, the damage done to our environment has not been the work of evil men, nor has it been the inevitable by-product either of advancing technology or of growing population. It results not so much from choices made as from choices neglected, not from malign intention but from failure to take into account the full consequences of our actions.

"The tasks that need doing require money, resolve, and ingenuity—and they are too big to be done by government alone. They call for fundamentally new philosophies of land, air, and water use; for stricter regulation; for expanded government action; for greater citizen involvement; and for new programs to ensure that government, industry, and individuals are called on to do their share of the job and to pay their share of the cost.

"The task of cleaning up our environment calls for a total mobilization by all of us. It involves governments at every level: it requires the help of every citizen. It cannot be a matter of simply sitting back and blaming someone else. Neither is it one to be left to a few hundred leaders. Rather, it presents us with one of those rare situations in which each individual everywhere has an opportunity to make a special contribution to his country as well as his community."

In summary, Project SOAR in 1971 is only a start. Pollution is not going to end in 1972. What boys learn to do in 1971 they must apply in future years and pass on to future generations of Cubs, Scouts, and Explorers and their parents and friends.

We can plant millions of trees, protect millions of tons of topsoil, pick up thousands of tons of trash, and do many more things but still not achieve our purpose.

If boys do not learn the fundamentals of ecology,* and the basic causes of the present ecological crisis, and do not develop a sense of personal responsibility for the future, then Project SOAR will be a failure.

WHAT BOYS SHOULD LEARN

To understand the problems, boys should know the ecological facts of life. Dr. Commoner, director of the Center for Biology of Natural Systems at Washington University, St. Louis, says:

"The ecological facts of life are grim. The survival of all living things, including man, depends on the integrity of the complex web of biological processes which comprise the earth's ecosystem.

"What man is now doing on earth violates this fundamental requisite of human existence. For modern technologies act on the ecosystem which supports us in ways that threaten its stability; with tragic perversity, we have linked much of our productive economy to those features of technology which are ecologically destructive. These powerful, deeply entrenched relationships have locked us into a self-destructive course.

"If we are to break out of this suicidal track, we must begin by learning the ecological facts of life. . . . We must discover how to mold the technology to the necessities of nature and learn how these constraints must temper the economic and social demands on technology. This is the momentous task that confronts mankind."

In terms that boys can understand, let's for example, take a carton of milk and look at the web of interrelationships that produce it.

We know that milk comes from cows, and cows eat grass. Grass and other plants are basic sources of food, for green plants do something that animals cannot. They have the ability to make simple foods from the basic elements of carbon, hydrogen, and oxygen.

A green plant is a sort of factory. It gets its power from the sun and its raw materials from the air, water, and soil.

So a carton of milk is truly the product of all our natural resources. Without any one of them, there would be no grass and consequently no milk. It is the natural resources working together that produce, the food for man and animals.

For the complete story of this process, read Conservation—Your Choice, No. 7172, 35 cents, and Project SOAR (formerly 1971 Conservation Good Turn), No. 7171, 35 cents, available from BSA Supply Division, North Brunswick, N.J. 08902.

An effective way to get this story across to boys is to have them make three-dimensional models of the illustrations below and give examples of interrelationships that exist among the various elements involved. Point out with specific examples what might happen when one or more elements are destroyed or seriously damaged. For example, air pollution may damage alfalfa that produces oxygen and also food for cows. Help boys think of other ways that air pollution, water, pollution, soil erosion, or wildlife habitat destruction disrupt the processes that make life possible.

Our life-supporting processes are complex, and boys must have a rudimentary understanding of them to know the effects of pollution on the environment. For only with understanding comes the motivation for action.

LAUNCHING PROJECT SOAR

It has been shown many times that boys learn more quickly in the environment they know best—their own community, whether it be inner-city, outer city, suburbia, small town, or open country. For that reason, your Scout council has organized a special Project SOAR advisory committee. It has been working for several months developing ideas and suggested learning experiences and projects for the consideration of packs and troops. This committee has also been working with council and district Exploring committees.

At a fall roundtable, leaders will learn of the plans and suggestions developed by the conservation advisory committee. The procedure should then be:

CUB SCOUTING

November 1970—Pack committee discusses the Good Turn and its objectives; agrees to participate and makes plans for Boy Scout Week kickoff in the pack.

December 1970—Dens review possible projects proposed by the council Project SOAR committee, selects one or more suited to its capabilities.

January 1971—Dens make specific plans for Boy Scout Week kickoff and preliminary plans for community-conservation activities.

February 1971—Kickoff in den and pack meetings.

March 1971—Launch outdoor phase of the Good Turn.

April–June 1971—Continue with community activities.

Summer 1971—Monthly activity related to conservation.

Fall 1971—Conclude event with recognition.

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*Ecology—EC from the Greek *ekos,* meaning house or household: *OLOGY* meaning branch of knowledge or science. Ecology means science of the household. We think of it as the relationships of organisms (plants and animals) to each other and their environment (household), including man and his influences.

XUM

BOY SCOUTING

November 1970—Patrol leaders council discusses the Good Turn, its objectives and methods; agrees to participate and begins plans for Boy Scout Week kickoff in troop.

December 1970—Troop leader, Order of the Arrow member, or invited guest presents list of possible Good Turn projects and how Scouts may carry them out. By patrols, the boys will discuss the projects, select one or more to do during spring 1971. Patrol leader's council then develops troop Good Turn program.

January 1971—Complete detailed plans for Boy Scout Week kickoff in the troop and make preliminary plans for the outdoor phase starting in March.

February 1971—Kickoff in the troop.

March 1971—Launch the community-conservation activities.

April-June 1971—Continue the activities.

Summer 1971—Special emphasis on conservation in camp and carry out the monthly activity in community.

Spring and Fall 1971—Participate in council or district show or camporee with conservation emphasis.

October 1971—Conclude in the troop with recognitions.

By following this plan, valuable learning experiences develop and boys will learn of environmental needs in the community. They will discuss these needs in their patrol meetings where they can make decisions on what they want to do. They also will get some understanding of the total picture. Don't shortcut this part of the plan.

SOME UNIT KICKOFF SUGGESTIONS

If your council does not have a Project SOAR committee, use the following suggestions:

Emphasize the Outdoor Code in den and troop meetings by explaining each point and being sure it is understood: Outdoor Code pocket cards, No. 3428, 80 cents per 100 or $6 per 1,000, may be purchased in your council or form the Supply Divison. Ask each boy to sign his card and carry it with him.

Hold a special parents' night on the environment and invite members of the sponsoring institution. Have a speaker on environmental problems or show a movie or filmstrip on the subject. In an impressive ceremony present everyone with a pocket card and ask him to sign it and carry it with him. At this meeting announce the unit's conservation plans.

Buy Outdoor Code posters, No. 3694, 20 cents each. Have Scouts place them in store windows or other appropriate spots.

Ask each den or patrol to build three-dimensional models of the illustration on page 43. Label and display with other exhibits in schools.

Build other conservation exhibits for display in windows or on bulletin boards. See your fall 1970 issues of Boys' Life for ideas.

Encourage Scouts to earn the Conservation of Natural Resources and Soil and Water Conservation merit badges. Get local conservationists to conduct merit badge clinics.

WATER POLLUTION

What man has done to water

Man has harmed his water supply in many ways. He has changed its color, dumped tons of dirt into it, and has made it foam with detergents. The phosphates in the detergents cause the algae and other plants to grow so fast that they shrink the lakes to swamps and add bad tastes and odors to the water. Through waste chemicals and oil spillage he has polluted the waters, making them hiding places for cans and other trash, as well as destroying wildlife and spoiling the beaches.

At one time the relatively clean rivers could take the household wastes, and through natural processes the water would wash itself clean. But as more men come together and cities grow larger, the rivers and oceans can no longer do the job without additional city waste-treatment plants.

At home, man uses more and more water. Automatic dish and clothes washers gulp ever-increasing amounts of water, making it dirtier with the detergents that have replaced the soaps.

As man has multiplied, so have his needs. He uses more steel, iron, paper, food, and nearly everything else. With the birth of the synthetic age in which we live came new industries with new technological processes that required more water. Many of the processes resulted in new chemical wastes that pour into our lakes and streams. Many of the wastes are deadly and persistent.

Industries producing electric power need lots of water for cooling purposes. When the hot water is poured into the stream, the stream's capacity for holding oxygen is reduced and aquatic environment is greatly altered. Fish and other aquatic life are reduced, and organisms that break down wastes in water may die because of lack of oxygen.

Farmers, seeking to feed the increased millions of people in the world, have developed new methods for growing more food. This increased the demand for water. Farmers use more and newer pesticides and fertilizers, and much of them are being washed into streams where they produce taste and order problems and become toxic to aquatic life.

Things to do

Visit water works or water-treatment plants and learn how water is made fit to drink. Learn where your drinking water comes from (wells, reservoir, rivers).

Learn about erosion and how you can prevent it by planting grass or shrubs or riprapping a streambank. With help, find out if there are places in the community where you can help in erosion prevention.

Encourage Scouts to discuss with their streets, and sidewalks free of trash.

Encourage Scouts to discuss with their mothers the proper use of detergents in the home. Read the instructions on the box and proper amounts to use.

Organize activities for removal of trash from streams and streambanks.

Encourage Scouts to discuss with their parents the proper use of insecticides. Stress the importance of following the instructions on the labels.

Check the laws governing your community related to water-quality standards and pollution abatement and discuss with other boys and parents.

Learn what pollution damage is affecting fish, other wildlife, human health, recreational facilities, and industry in your community.

Avoid putting Scouts in the position of becoming "pollution policemen."

Write for other ideas to the Federal Water Pollution Control Administration, Washington, D.C. 20242. Ask for the *Boy Scout Leaders' Guide to Water Pollution Control.*

AIR POLLUTION

What is air pollution?

Air pollution is defined as: *Contamination of the air by waste products resulting from the activities of man.*

Your community's air is polluted when the contamination is strong enough to affect you, *to interfere with your comfort, safety, or health, or to prevent you from using and enjoying your property and your community.*

Most wastes get into the air from burning—man's basic method of producing power. This burning may be in the furnaces of industry, the engines of modern transportation, or even in your community's home furnaces and incinerators.

What they spew into the air mixes with wastes and gases from many other sources. Some are acted upon by sunlight. Some interact with one another to form different polluting compounds.

These contaminants are sometimes washed away by rain or snow or blown away by wind. But too often, the whole mess stays in the air—for you to breathe.

How long does it stay? How much harm does it do?

It all depends on what the pollutants are. What the community is like. Its climate. Its physical characteristics. A valley city surrounded by hills, for example, may have more trouble than a city on the open plain. Hills trap the impure air and keep it from blowing away.

Polluted air may also be trapped by weather. On a windless day, a heavy mass of air can hang around your city, just soaking up wastes. Above, where it's usually cool, there may be a layer of warm air—warmer than the air close to the earth. Then the cooler air can't rise. So the warm high air sits on the cooler ground air like a lid. It boxes in the unclean mass right where it stands. This condition is called an "inversion." The weather provides us with many such days—especially in the fall.

What harm does air pollution do?

Polluted air rots and soils clothes. Discolors bright house paint. Rusts metals. Mars monuments and public buildings. Cuts down visibility—it can ground planes and make car driving dangerous.

It can stunt growing vegetables, shrubs, and flowers. It has damaged fruit trees, sickened cattle, and ruined crops.

It also menaces human health.

Harm air pollution does to you

Polluted air can make your eyes water and burn. It can blur your vision. But even worse, it can upset your breathing. You may have to make an effort to breathe. And you may not get all the oxygen your body needs to stay healthy.

Air pollution has been known to kill, to sicken, and to destroy. It is particularly hard on people with serious chest conditions—chronic lung or heart disease. Such people have to work harder to breathe the impure air.

Things to do

Check to see if air pollution is a problem in your area and what its effects are. Show Scouts how to wrap a bumper sticker, sticky side out, around a post. Leave it there for several days and examine it closely. Are there signs of air pollution? If bumper stickers are not available, place a flat pan of water on a rooftop or in the backyard and examine it after several days. Or use a piece of paper with Vaseline rubbed on it.

Have Scouts find out how air pollution damages plant life, human health, buildings, and clothing.

Encourage Scouts to discuss with their parents the importance of keeping the car motor and home heating plant in proper running order. This cuts down on pollution and reduces fuel costs.

Show boys the importance of keeping driveways, sidewalks, and streets clean to avoid soil and dust in the air. Encourage them to plant grass on bare soil in their yards.

Check local and state air quality standards and air pollution prevention laws. Discuss with Scouts, or, if practical, have them check on the laws.

Emphasize the importance of not burning leaves and trash. Show how to build compost piles of leaves and how to properly dispose of trash in your community.

Arrange trips to local industries to see how air pollution is prevented.

Help control ragweed, the pollen of which is an important pollutant. Show Scouts how to recognize the weed and how to cut it off at ground level. Do not pull up by the roots. Start this project in summer and continue until the first frost.

Show boys how they are polluters; use this formula with information from their parents.

LITTER PREVENTION

Scouting Keep America Beautiful Day

To focus the attention of the American public on one universal conservation problem—litter—a national Scout antilitter day will take place Saturday, June 5, 1971. Mobilizing all Boypower-Manpower resources of the Boy Scouts of America plus other concerned community resources behind this 1-day, massive antilitter project will have a forceful impact on our American environment.

Trash along streets, highways, and roads or in waterways, parks, and recreation areas is more than unsightly—it is a health and safety hazard. It may contribute to air and water pollution; it may be a fire hazard; and it is expensive. Some of the litter, aluminum cans or paper, for example, can be reclaimed and recycled.

Have the boys compute the amount of pollution caused by their home furnaces and family cars by this formula:

1. Find the *tons of coal* or *thousands of gallons of fuel oil* or *millions of cubic feet of natural gas consumed* in a year; also the *thousands of gallons of gasoline* burned by the car.

2. Multiply the above amounts by the pounds of each kind of pollutant listed in the table below to find the total pounds of pollutants emitted in a year.

	Pounds per ton of coal	Pounds per million cubic foot natural gas	Pounds per 1,000 gallons fuel oil	Pounds per 1,000 gallons gasoline
Carbon monoxide	50	0.4	2	2,910
Hydrocarbons	10	(1)	2	524
Oxides of nitrogen	8	116.0	72	113
Oxides of sulfur	100	.4	400	9
Particulates	20	19.0	12	11

[1] Negligible.

Source: Table derived from compilation prepared by Martin Mayer, Cincinnati Public Health Service, May 1965.

A 1-day antilitter effort has many public relations values beyond focusing attention on a single major problem. It can be highly visible locally and nationally and enhance the image of Scouting as a service organization. There will be national public relations support for this project. Details will be announced later this fall. You will also receive specific help from your council Project SOAR committee.

OTHER ANTILITTER ACTIVITIES

During World War II, Scouts did a tremendous job in collecting wastepaper and certain metals for reuse. Such a project will be possible again in some cities in 1971 through the cooperation of the Reynolds Metals Company of Richmond, Va.

Where aluminum cans are used in large numbers, Scouts may collect and turn them in for recycling (cans are shredded, remelted, and made into more cans or other products). The fact that boys can earn ½ cent per can is a small part of the project. There are more important conservation concepts involved—cans that are reused will not litter the landscape, and the salvage of a vital mineral resource is conservation in itself.

Details on this aluminum collection project will be sent separately to councils where they may be applied at a later date.

In some places newsprint has a higher salvage value because it can be de-inked and reused with little loss. A ton of reused newsprint saves trees. Collecting newspaper and selling it as scrap is a practical conservation project.

MISCELLANEOUS PROJECTS

For Cub Scouts and Webelos Scouts

1. Plant shrubs that provide food or cover for wildlife.

2. Plant grass seed on bare ground in park, yard, school or church yard to prevent erosion.

3. Plant tree seedlings for shade, landscaping, or ground cover.

4. Make window boxes and plant flowers or plant tubs with trees or shrubs.

5. Plant and maintain small flower garden in front of home.

6. Plant and maintain small flower garden in park.

7. Make litter bags for family's and neighbors' cars or boats.

8. Make Outdoor Code posters, put up in school, and explain the code to other boys and girls.

9. Write a set of rules for pack, den, or family to follow when visiting parks or picnic areas.

10. Adopt a vacant lot or open area, clean it up, and keep it clean.

11. Help distribute fire-prevention (or other conservation subject) posters in community.

For Boy Scouts

1. Plant shrubs to provide food and cover for wildlife.

2. Build and set out bird and squirrel nesting boxes.

3. Plant soil banks and similar areas to prevent erosion and help heal "scars on the landscape."

4. Adopt a vacant lot or open area, clean it up, and keep it clean.

5. Plant shrubs, vines, and grasses to help heal gullies.

6. Plant schoolyard, public park, individual backyard or lawn with grasses and legumes to provide ground cover and prevent erosion.

7. Set up a forest fire-fighting instruction session with a forester and learn what to do if a forest fire is discovered.

8. Take part in a forest-fire prevention campaign locally with help of a forester.

9. Take part in a tree insect and disease control project locally with help of a forester.

10. Give a demonstration before school or adult group on good outdoor manners—using public recreation areas such as National or State parks and forests and when hunting or fishing on private land.

11. Volunteer service to superintendent of a public recreation area to help on weekends or during the summer.

12. Make an exhibit for a store window or give a demonstration at a public site showing proper use and misuse of public recreation areas, fishing streams, and parks.

13. Help conservation agent or park superintendent put up posters urging the public to have proper respect for outdoor areas.

14. Develop a nature trail in park, camp, or community forest.

SUMMER CONSERVATION ACTIVITIES

For Cub Scout and Webelos Scouts

Summer is the ideal time to carry out learning experiences in conservation and have fun at the same time. Participation in any one of the activities (listed below) will help a Cub Scout understand the vital importance of natural resources to himself and his country and will show him his interdependence with his environment and his responsibility, as a citizen, to contribute to the development of a better environment.

1. Participate in Willing Water Week—1 week in August each year. This program is sponsored by the American Water Works Association for reminding the public of the important and varied role that water plays in their lives and how public water supply systems provide a good, safe, adequate supply at low cost.

2. In the spring, packs may contact their community water works for the free booklet *The Story of Water Supply*. Ask the water officials how the pack can participate in ways other than the tour listed below. (If there is no local water works, contact Mr. Eric Johnson, American Water Works Association, 2 Park Ave., New York, N.Y. 10016.)

3. Hold an all-day picnic or outing including some of these ingredients for a day of water fun and learning for Cub Scouts:

Water contests. Hold them earlier in the year with judging and the awarding of prizes to dens and individuals. The prizes along with clean water posters, window display materials, and clean water jingles, etc., may be exhibited at the picnic outing.

Water games. See *Cub Scout Water Fun*, No. 3220, pages 35–38.

Tours of water-related facilities (arranged ahead of time) to one or more of the following: municipal water treatment plant, sewage disposal plant, city watershed area, intensive stream improvement area, dam-reservoir-hydroelectric project, an industry that uses great amounts of water and properly treats the waste water.

Water-related service project. Distribute free water information brochures within the den or pack neighborhood. A supply of *What You Can Do About Pollution* may be secured from the Federal Water Pollution Control Administration, Office of Public Affairs Information, Crystal Mall, 1921 Jefferson Davis Hwy., Arlington, Va. 22202. From the Humble Oil and Refining Co., Public Relations Dept., Room 4190, P.O. Box 2180, Houston, Tex. 77001, you may secure *You Can Help Keep Air and Water Clean.*

For Boy Scouts

Camps will have special educational programs and activities in conservation. A major effort should be made to get as many boys as possible into camp in 1971.

But there are many before or after camp projects for those who cannot get to camp.

1. Conduct stream improvement projects such as planting on banks to prevent erosion, building small dams and cover devices.

2. Show wildlife-management motion picture at troop, chartered institution, and PTA meetings, school assembly, service club, civic club, or other community get-together.

3. Make posters to exhibit in fishing tackle or sporting goods stores urging sportsmen to observe good conservation practices.

4. Distribute posters or other educational materials put out by state fish and game agencies.

5. Prepare simple soil erosion demonstrations to show at school assembly, troop meeting, and garden club, civic club, or service club meetings.

6. Make an exhibit for store window, theater lobby, or other public place emphasizing importance of soil as source of all food, most clothing, and many other necessities of life; show how not wasting food and clothing helps save soil.

7. Visit community watershed, water pumping station, or water supply station and find out where water comes from; what measures are necessary to make water usable; what water conservation problems are.

8. Find out if your community has a sewage-treatment plant; if not, how does it dispose of its sewage? Visit these facilities.

9. Visit one or two industrial plants that use large quantities of water and learn what their problems are; how water supply limits their production; amount of water used to manufacture paper, cloth, etc.; what their water conservation problems are. Do these

industries have waste disposal problems and how do they cope with them?

10. Help thin and prune woodlands at a campsite, public land, or nearby farm to improve tree growth.
11. Visit a wood-using industry—lumberyard, paper mill, rayon plant, furniture plant, turpentine distillery, etc. Find out what wood is used, where it comes from, and how it is processed.
12. Visit a lumberyard and find out what wood is used locally for construction and other purposes and where it comes from.
13. Make an exhibit showing how forest fires in other sections of the country affect the local community.
14. Make an exhibit showing how forests are important to water supply, wildlife, and recreation, as well as being the source of wood products.
15. Conduct a rat-control project under guidance of local health department, conservation agent, or other experts to help in a nationwide effort to exterminate rats that destroy or contaminate millions of dollars worth of food products and are health hazards to humans.
16. Develop a nature trail in park, camp, or community forest with approval of authorities.
17. Help control ragweed.

Be sure that boys know about national and council conservation training camps and have the opportunity to attend if they wish.

PSORIASIS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. WYATT. Mr. Speaker, many people, no doubt have at one time or other heard the word "psoriasis." But few actually know the disease—what it is, the misery and suffering it causes million of Americans, and the shocking lack of funds devoted to finding a cure.

Just 2 years ago, in Portland, Oreg., a National Psoriasis Foundation was chartered through the desire of one victim to communicate with others who understood the torment of the disease.

The director of the foundation is Mrs. Beverly W. Foster of Portland. Mrs. Foster's husband placed a small advertisement in the personal column of a local newspaper asking other sufferers of psoriasis to get in touch with his wife and share their experience. The response was overwhelming, and from this desire to communicate stems the foundation aimed at educating the public and working for additional funds for research on the disease. The foundation publishes a bimonthly newsletter and is also actively engaged in setting up local chapters in all 50 States.

About 8 million persons are afflicted with psoriasis in our Nation, and an estimated 150,000 cases are diagnosed annually. Of the total number, approximately 10 percent have, or will have, proriatic arthropathy, an extremely painful and destructive form of arthritis. Psoriasis is a lifelong, hereditary disease representing ostracism and economic disaster to many of its victims. No completely safe and effective treatment has been developed up to this time, and the annual outlay for research has been a minuscule $200,000 annually of the medical research budget.

The foundation was organized to take action against the ignorance surrounding the disease. It received its corporate charter from the State of Oregon in October 1968, and Federal exempt status December 2, 1968. When funds become available, the foundation will proceed to organize at the State level using a pyramid structure for organizational responsibility. Although the foundation has received only limited public exposure to date, the mailing list has grown to 6,000 names in every State and actually representing a much larger number of persons as some families list up to eight afflicted members.

This, briefly, are the goals and aims of the foundation. I wanted to bring this to the attention of my colleagues and urge their fullest support of efforts to expand the program throughout the United States. With public attention focused on this disease, we can hope that more adequate funds can be provided to work toward a cure of psoriasis.

CONGRESSMAN CLAY ANSWERS GOV. LESTER MADDOX

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. CLAY. Mr. Speaker, the following is my reply to Governor Maddox's letter on welfare reform, which I thought would be of interest to my colleagues:

DEAR GOVERNOR MADDOX: Your letter to me dated November 16, 1970 expressing opposition to the proposed Family Assistance Plan leaves me with mixed emotions. My first reaction was to file it with all the other junk mail received from idiots. But on second thought, persons in high positions of responsibility cannot be permitted to spew racial hatred and venom on the American public unchallenged, even if they are idiots. Therefore, I am replying to your letter and sharply disagreeing with the reasoning advanced for opposition to the Family Assistance Plan.

You state that the FAP would "spread socialism and communism, and ultimately destroy private enterprise and what we know and love as Americanism, thus ending our nation as a great and free republic." Mr. Maddox, let me advise you that America started its decline from greatness when you seized an "ax-handle" and defied the laws of the land. It continued on that decline when you were permitted to go unprosecuted and unpunished for that violation. And the complete destruction of American greatness culminated with your election to represent the State of Georgia.

Americanism is the love and zealous support of our country, its ideals and laws. We are not born patriots—just citizens with the opportunity for patriotism. The mandate for patriots is to protect the principles which brought this Nation into being. If we are to exist in an open society, patriots must fight against policies which flow from men like you who have closed minds.

You further stated in your letter that "the guaranteed annual wage proposal before Congress, if implemented, would reward mediocrity and shiftlessness, and penalize excellence and hard work; destroy the initiative and kill the desire to work of millions of Americans." Let me hasten to point out that the American government already has a "guaranteed annual income" but it is not for the poor. It's strange that you have not seen fit to attack the guaranteed income of rich farmers in the State of Georgia who are being paid at this very moment by the federal government for not growing crops.

Last year, our government spent over $3 billion in tax money to subsidize rich farmers. Four thousand farmers collected more than $100,000 each for not planting their fields. This summer, our government paid one farmer in California $4 million for not working his fields. Would you consider this a guaranteed annual income, Mr. Governor, and would you conclude that those recipients are "mediocre and shiftless"? You also stated that passage of the FAP would "result in the federal government stealing billions of tax dollars from the hard-working producers and achievers in this country, and giving it to those who otherwise could, but would not, make their own way". Are you suggesting that those non-producers now receiving government subsidy for not producing are stealing billions of tax dollars?

Documentary evidence clearly demonstrates that you will be well advised to devote your time and talents to facing the many perplexing problems in the State of Georgia. National policies should be left to those who have the expertise and the capabilities of formulating them. The record reveals that the State of Georgia registered the second highest increase in cases of infectious syphilis in the nation during the past year. It also shows that the State of Georgia ranks 38th in the nation in per capita income ($2,781 for 1968). And Georgia's commitment to the poor is non-existent. Your State only pays those on old age assistance $60 a month, a family of four on aid to dependent children $125 a month. The Governor of Georgia cannot afford the luxury of articulating national policy when his own State is so neglected.

For the majority of the poor, changes in their economic destiny is beyond their control. Poverty is not theirs by choice but by design of federal policies. Most people are poor because affluence is beyond their reach. Most persons who are poor are still working but due to lack of education, opportunity or physical handicaps are unable to earn a living wage. You have focused your attacks on the minority of the poor and you conclude that Americans are poor because they are lazy. Our government must throw its full weight behind a campaign to eliminate poverty in this country and elevate the standard of living for all. Yes, Mr. Governor, you have arrived at the right conclusion but for all the wrong reasons.

TODAY'S INTERNATIONAL PROBLEMS: WARTIME HOPES AND CURRENT REALITIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. MOORHEAD. Mr. Speaker, last June 16 the Economic Club of Pittsburgh sponsored the first Walker Foundation lecture, supported by a grant from the Alex C. Walker Educational and Charitable Foundation. The speaker was Lionel Lord Robbins, publisher of the London Financial Times.

Lord Robbins' talk was titled "Today's International Problems—Wartime Hopes and Current Realities." Lord Robbins was one of the principal British delegates at the Bretton Woods Conference, and one of the designers of the international agreements developed at that time.

In brief, his present view is that these instruments failed, partly, at least, because they were designed to cope with worldwide deflation. It was the generosity of the American taxpayer that put Europe back on its feet.

For the information of my colleagues I would like to introduce this speech into the CONGRESSIONAL RECORD:

TODAY'S INTERNATIONAL PROBLEMS: WARTIME HOPES AND CURRENT REALITIES

It is a great honour for me this evening to be invited to deliver this first lecture for this distinguished Foundation, and when I received your invitation I confess I was somewhat perplexed. I wondered what I could find to say which would be of interest to you. The United Kingdom, whence I come, is no longer an absorbing focus of interest in the rest of the world; what could I contribute, therefore, to repay your hospitality? Well, eventually, as Professor Perlman has related to you, I hit on a solution in terms of my personal history. My first visit to the United States was in 1943. That was not in connection with money, but with food. I came to the United States as a United Kingdom delegate to the famous Food Conference at Hot Springs. But from that time onwards through the War it was my great good fortune to participate, in co-operation with officials in the State Department and the United States Treasury, in the discussion and foundation of some of the economic institutions which were projected and founded at that time. I can claim with Dean Acheson that I too, although in a much humbler capacity, was in at the beginning. And so I felt that perhaps there might be some interest if I passed in review, in a very brief and desultory way, the hopes and fears which we entertained at that time and then considered them in the light of contemporary developments. And that, ladies and gentlemen, is what I propose to do this evening; to consider the ideas and the institutions conceived in the second World War and to review them in the light of today's economic problems.

Now to begin with ideas. The first thing to emphasize is that the historian of the future will get it all wrong unless he realizes that deflation was the great bogey of those times. Those of us who were charged with planning the post-War institutions were working under the shadow of the Great Depression of the 'thirties and all of us (or nearly all of us) were affected. Many made estimates—projections—of what was to happen after the War; and most of the projections predicted that after a very short boom there would supervene a chronic shortage of investment which needed in various ways to be sustained and increased if the world were not to continue in its state of chronic stagnation. There were very few exceptions to this frame of mind. There was indeed one: I don't know to what extent the name of R. G. Hawtrey rings a bell among economists of your generation; but in the first fifty years of this century, certainly so far as my country is concerned, his name deserves to be coupled with that of Dennis Robertson and Maynard Keynes as one of the leaders of monetary thought. Hawtrey was a Treasury official but being also an extremely learned man, his interests were not always focused on practical administration and he did not therefore, perhaps, always take a very large part in the day-to-day business of wartime negotiation and planning. Thus, he did not accompany us to Bretton Woods and, indeed, it was not until we had got to our destination that Hawtrey's comments on the financial plans came into our hands. One morning I came down to breakfast and found a pile of papers which Keynes had sent along to me. Among the papers was a document by Hawtrey sent from London—sent from his room at the Treasury where he had been meditating upon the White plan and the Keynes plan; and the burden of his reflections was, "What's all this talk about deflation after the war? *Inflation is going to be the main problem*". And at the top of the memorandum Keynes had written, "Dear Lionel: thought you would like to see what the old lunatic is saying in his cell.

After all, he may be right"![1] Well, the point I am trying to make is that, with the exception of a few visionaries like Hawtrey, most of us were imbued with the belief that our main task was so to shape the institutions of the future that world deflation should be avoided; and the institutions we created were indeed so effected.

The second point to which I should like to draw your attention is that it was conceived that these menaces were to be remedied by international co-operation and a network of international institutions. And it was in that way that there came into being the International Monetary Fund and the International Bank, and there was projected the ill-fated International Trade Authority, and so on and so forth. Now, ladies and gentlemen, I shall be saying some things this evening which will be critical of some at least of those institutions. But at the outset I would not like there to be any doubt at all of the admiration I have for the major progenitors of those schemes. I'm proud to have been part, to have played a part—a humble part, let me emphasize—in that movement of thought. The United States officials and the United Kingdom officials operated in those days as a band of brothers; and the leadership of thought, I think—the leadership of men who still happen to be with us, like Dr. Bernstein—displayed a resource and ingenuity almost without precedent in human history. There was an over-emphasis, I fancy, in our thinking in those days on the economic factor and I shall have more to say about that later on. But this is one of the episodes in recent human history which one can contemplate with a certain degree of admiration and satisfaction.

The third leading thought dominating hopes and fears in those days was the idea which was expressed by Mr. Wendell Wilkie in the slogan "One World". We were all dominated by the ideology of complete internationalism. This took various forms. In the first place, it took the form of the belief that nothing should be done without all-round consultation at gigantic conferences. I won't say that that was the only thought. In practice, of course, very much was done on the side. Most of what was achieved at Bretton Woods had been talked out beforehand by small bodies of officials, chiefly U.S., U.K. and Canadian—indeed, apart from drafting detail, all that was really left over was the highly controversial question of the quotas. But, there was a certain inhibition on any admission that such consultations took place. Everything was to be above board; everything was to be conducted on the basis of a general repudiation of special alliances or special anxieties. In the world of the future, as it was conceived in those days in Washington and affiliated centers, the Nazis of course had to be eliminated, but they were regarded as a special evil, the last of their kind in human history. For the rest, it was assumed that general harmony would prevail. There might be small dangers—the President of the United States in those days, it is credibly reported, assumed that Mr. Winston Churchill was probably likely to be a greater menace to world peace than Stalin! But if all the institutions didn't all go so far as to give one vote to each state (El Salvador on the same footing as the USSR and the United States) as in the Assembly at U.N., the various modifications of that principle which took place in the Fund and in the Bank and in the Security Council were regarded as being a concession to base reality. The ideal of the universal equality of states was held to be unimpeachable.

And hence, there was a tendency in our minds, I am sure, to a certain playing down of the political factor. The idea that the world of the future would have to be kept in order by force was something that was very repugnant, something which, if mentioned at all, was mentioned rather shamefacedly. Economics was to be the key. The root of evils in the past was held to be economic. I don't wish to denigrate completely this attitude. Much subtle thought had gone to build it up and no doubt much truth inhered in much of the analysis. But certainly there was an over-emphasis. I think, for instance, of this first conference which I had the privilege to attend. Some of the leaders of thought actually believed (I really have no doubt at all that Mr. Henry Wallace, for instance, profoundly believed) that if only you could bring it about that the members of the human race all ate enough, you would solve at once not only the problems of consumption and production of food but that all the rest would follow quite naturally. Perhaps that was rather a comic turn. But, in a sense it does symbolize the frame of mind which was very prevalent in those days. Well, as we all know, things haven't worked out that way. There have been some successes, not inconspicuous successes, on the basis of the institutions thus devised. But there have also been great disappointments, great surprises. Certainly the problems that we are confronted with today are problems that we confront with radically different anticipation than those which inspired the framers of the institutions immediately post-War. And, in dealing with these problems, we find ourselves equipped with a set of institutions which in fact were devised with expectations radically different from the way in which the world has turned out since.

Now, what I want to do this evening, ladies and gentlemen, is to comment on these developments. I want to talk for a moment or two about the more or less immediate surprises and disillusionments which supervened within two or three years after the conclusion of the War; then I want to go on and devote the greater part of my talk to the problems of the present day and present institutions. Don't be dismayed. I don't propose to be exhaustive!

Let me start with immediate disillusionments, both economic and political. On the economic front it was not long before there was revealed a total inadequacy of our plans to deal with the general post-War situation. Perhaps the plans for relief (the famous UNRA arrangements) were well conceived. But so far as rehabilitation was concerned, the restoration to more or less normal working conditions of the economies of the Western world, there was a gigantic vacuum. Trade was disorganized, production was at very low levels, the balance of payments of the European powers were hopelessly out of equilibrium. There was, in short, a complete and spectacular vindication of the famous remark made by Jack Viner at one of Harry White's conferences when, after the preliminary shape of the White plan had been outlined to a scratch conference of diplomats returning from Hot Springs, he was asked what he thought and he said, "After the War, I shall need a bombproof shelter and you are offering me an umbrella".

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[1] I ought perhaps to explain that the frivolous allusion was a mark of fraternal affection. Keynes had a profound respect for Hawtrey and his contributions.

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It was certainly not long after the War before it became clear that neither the International Monetary Fund nor the International Bank had the capacity to deal with the problems with which we were then confronted. And, very wisely, the authorities of those two institutions opted out to a very large extent of what had to be done in order to put things right. Then, of course, there was the great Anglo-United States loan which ran out so disastrously quickly. That was certainly partly our fault. One mustn't disguise the unfortunate influence on the rate of exhaustion of that fund of the ultra-cheap money policy practised by the United Kingdom government in the years immediately after the War; nor would I wish to disguise what the Germans would call the stepmotherly handling of the problems which the existence of the abnormal sterling balances contributed to the rapid exhaustion of the loan which was then raised. But, there were other inadequacies, I think, in those arrangements. There were inadequate conceptions of the volume of assistance which was necessary to put the United Kingdom and Europe on their feet again; and there were inadequate conceptions of the speed with which it was prudent to attempt to achieve complete convertibility of European currencies. In any event, as you all know, it was not long before the U.K. loan was exhausted and the countries of continental Europe were on the point of collapse. They would have collapsed in fact if the United States had not stepped in with the Marshall Aid, one of the most imaginative, one of the most generous gestures in history. I've often noticed that when this is said to inhabitants of this continent, they tend to repudiate the adjectives and argue that after all it was a gesture that was in their interest. Yes, I think it was in the U.S. interest. But, very seldom in human history has there been such a spacious conception of what the long-term interest of a great power really is.

In the sphere of politics, expectations proved equally illusory. Firing had hardly ceased before President Stalin—so much less dangerous than Winston Churchill!—went back on everything. The co-operation which had been expected to restore the harmony of the world added up to less than zero. You had the episodes of the Berlin airlift, the refusal of Marshall Aid on behalf of the so-called Iron Curtain countries, trouble in Greece, and so on and so forth. I was at an American university institution the other day and I read, pinned up on the wall, a statement by some foolish boy that it was "American stupidity" that was largely responsible for what he called "the mythical cold war". As I read it I couldn't help thinking of a story of the Duke of Wellington. You may remember that the Duke, standing outside the Houses of Parliament or somewhere like that, was accosted by a man in the street with outstretched hand who said, "Mr. Smith, I believe"; and the Duke replied, "If you believe that, you'll believe anything." As I read this legend, I couldn't help wishing that the youngster who wrote it could have seen the Berlin Wall, the obscene symbol of the division of the world, with its pathetic memorials at intervals to the unfortunates, brutally shot escaping from totalitarian tyranny.

Well, ladies and gentlemen, in the crisis which was caused by the disaffection of the Soviets, again it was your imagination and your initiative which produced a new solution. It is my firm conviction that, whatever the delusions of the wartime planning, it was the vision and insight of Messrs. Truman and Acheson which saved the Western world from the spiritual and moral death which supervenes wherever you have Communist domination. And I also think that, in creating the North Atlantic Treaty Organization, they created the nucleus of an institution which, more imaginatively developed by the Europeans, could have consolidated peace in our time and reduced most world problems to manageable proportions. But more about that later on. So much for the short-period disillusionment.

I now come to the perspectives of the present day; and, again, I will deal with them in the same order—economics first, and politics later. Now first of all let us all admit that this has been a period of astonishing growth and prosperity. In the Western world, even the slowest economy, even the United Kingdom, has enjoyed a rise in income per head at a rate almost unparalleled in earlier history. I know that this has not been equalled in the so-called underdeveloped parts of the world. Not surprisingly, I think, if you remember the fearful, the frightening, population explosion which has taken place *pari passu* with all the dedicated efforts to raise the standards of life in those countries.

But I don't wish to divagate to discuss that problem; the Western world is the focus of my remarks this evening. It has been a period of growth, I would say, but also a period of inflation. It has been a period in which the decline in the value of money in peacetime, as distinct from wartime inflation, has only been paralleled with what took place in the sixteenth and seventeenth centuries with the discovery of new sources of precious metals in the New World. Now I suppose we should ask, "Has the growth been due to the inflation?", for we must not disguise from ourselves the fact that there is some intellectual support for this point of view. Not, perhaps, much for galloping inflation, although I have heard excuses for that, but rather for a mild rate (say 2½ to 5 per cent per annum)—I fancy that in certain quarters of application there is quite a considerable body of support which is not always surreptitious. I remember a letter to *The Times* from one of the most distinguished younger economists in the English speaking world, reproaching, very forcefully, those who poured cold water on the movement which in his opinion was doing so much to release the springs of energy and productivity. But I personally, ladies and gentlemen, must confess that I think that attitude is dangerous. I don't deny for a moment that the absence of deflation has been highly beneficial; and the extent to which international co-operation has brought it about that there has been no deflation is certainly an important gain which must be chalked up to some extent to the credit of the international organizations. But, beyond that I am certainly not prepared to go. I wouldn't deny for a moment that inflation *may* contribute to growth. We all know how, for a time, the forced saving which inflation brings about may involve a volume of real investment greater than otherwise would have been the case. But the extent to which that can go on for any period of time is surely limited. It has to be unperceived in order that it may continue to be effective. *People find out*—I would have thought it was unanswerable today that the high rates of interest in recent years are a standing proof of the fact that you can fool some of the people some of the time but you can't fool all of the people all of the time. So that if the stimulus of inflation is to continue year in year out, it has to be quicker and quicker. This is surely bad in itself, eventually upsetting even productive efficiency and in the meantime having very bad effects indeed on distributive justice and on public morals. In the end I doubt if responsible people would support a high rate of inflation. The trouble is that small rates tend to build up big ones.

Now, to deal with this problem, the existing international institutions are quite inadequate. As I was saying earlier, the Fund and the bank were designed expressly to avoid deflation, deflation spreading from the embarrassment of some centres of economic activity in trouble with their balances of payments and for that reason practicing restrictionist policies which tend—or might tend—to spread. But neither the Fund, nor the Bank, was provided with instruments for restraining excess demand. It is perfectly true that Fund officials may tell particular governments in difficulty not to inflate. But in doing that they are dealing with a problem which is essentially *relative*. Balance of payments difficulties are not a phenomenon of general world inflation; they are a byproduct of inflation in one centre which has got out of step with the inflation elsewhere. All that you can say of the international institutions in this respect—that is to say, of their capacity to avoid general inflation—all that you can say is that they don't encourage it. I think perhaps that it ought to be said, in the interest of historical truth, that the probability is that the International Monetary Fund, founded on the White plan, encourages inflation considerably less than the rival plan, which we in the United Kingdom pushed as hard as we could until we realized that it hadn't got a chance, the extremely ingenious and intellectually stimulating Keynes plan for a Clearing Union, which, with its virtually unlimited liability for the creditors, would probably in the circumstances which supervened after the War have been distinctly more inflationary in its effect.

But now, ladies and gentlemen, so far there has been no world crisis due to general inflation. Our troubles in the sphere of international economic finance have been the troubles of the *relationships* of currencies rather than their *absolute level*. And the trouble here clearly ultimately arises from the fact that, with the political division of the world, there are different independent centres of money supplies. There is no one supranational monetary authority; there is no general regulator, no Federal Reserve System for the Western world as a whole. Of course, it's a mistake to argue (I should be very sorry indeed if you thought I was arguing), that all balance of payments difficulties in the last twenty-five years have been due to *positive* local inflation, that is to say, that they have necessarily arisen originally from monetary influences. Clearly, balance of payments difficulties can arise on the "real" side as well as on the monetary side. They can arise from adverse changes in the terms of trade, from changes in the direction of foreign or local investment and expenditure, and so on. But it is true that, *if there are different centres of money supply and the various authorities don't act as if they were part of a unitary system*, then balance of payments difficulties will emerge. In a unitary system you can have shifts in the direction of internal supply and demand. You can have local unemployment and depression in one area; you can have local inflation in another. But, by definition, you do not have difficulties of money changing, which you do have when you have more than one centre of money supply. That is ultimately simply a reflection of the fact that money supply is one of the prerogatives of sovereignty which the political states of the Western world have hitherto not been willing to surrender.

Now, in dealing with these problems, I think it must be said that the International Monetary Fund has had a certain degree of success. Looking back with hindsight, I personally regret the form of the constitution, the vast multiplicity of membership, the terrific and largely meaningless conferences, the top-heavy apparatus of consultation which creates difficulties of possible leakage and means in the end that most major changes are negotiated on the side rather than in open council. I personally feel, again speaking with hindsight, that it would have been better if John Williams' plan had been adopted and the old Tripartite Agreement had been resuscitated with suitable enlargement so that the big centres of money supply, sufficiently small in number to be able to keep things pretty secret, were not only *de facto* but also *de jure* in control of the thing. And I think that you are now gradually moving towards a situation when it is becoming more and more recognized that the emergence of the Group of Ten is at once a symptom of the difficulties in the constitution of the IMF to which I have been drawing attention, and perhaps a *de facto* solution of the problem. But, having said that, having expressed this mild regret concerning the form which this institution took, I don't doubt for a moment that the disciplines involved in the rules and regulations of the Fund, the disciplines involved in the grant of drawing facilities, have meant an international state of affairs vastly superior to that prevailing in the inter-War period and vastly superior to anything that could be expected to prevail in the absence of some such body of rules and conditions. And, let me hasten to say that, although I am not very much in sympathy with the point of view of people who say that there has been a marked lack of liquidity in the world at large hitherto (if there had been a marked lack of liquidity, you would not have had the world inflation), I do welcome the forward looking statesmanship of those connected with the Fund which has created greater elbow room for their operations in the institution of the apparatus of Special Drawing Rights. I think it is absurd to say that, so far, there has been a lack of liquidity. But I do think that it is wise to guard against prospective difficulties in that respect in the future.

Now, perhaps, ladies and gentlemen, you will permit me to deal with one or two criticisms and suggestions which are made nowadays with regard to those aspects of Fund policy which deal directly with rates of exchange. It has become a fashion recently to argue as if the IMF stood for a system of rigidly fixed rates of exchange, to argue as if the IMF were simply a perpetuation of the old gold standard system. That is a grave mistake. The statutes of the Fund specifically made provision for alterations of rates if and when a particular centre found itself in fundamental disequilibrium. And that, I am quite sure, was a right and a wise thing to do. If, by reason of faulty policy, a centre has got itself into a position in which balance of payments equilibrium can only be restored by drastic deflation of income, it is far better to alter the rate of exchange than to inflict on the economy the additional evil of deflation super-added to the inflation which had preceded it. But the critics of the Fund go beyond that and argue that the present system of adjustable rates is inadequate. Now, on that I think some of the criticism goes too far. I don't contend for a moment that the present rules are perfect. It may be that the rules ought to include provision permitting experimental periods of float as occurred recently in the German case and is alleged to be occuring at the present time in Canada. I certainly don't believe that in this respect human ingenuity is exhausted and I certainly wouldn't like to be standing here suggesting to you that the limits of human ingenuity were reached at Bretton Woods. I would like to say also that I see no insurmountable difficulty in allowing particular currencies to float for some time, provided that the rest of the world system is on a more or less stable basis. I think that experience shows that the damage which is done by one currency floating up and down for a bit is not very great; it may be that in certain circumstances it is the lesser of the evils available. My reservation relates to the "whole hogging" point of view which suggests that floating rates all round would be a superior system. That, I submit, would be in fact an incredible addition to the uncertainties of trade and investment. And I think it would be also a probable additional condition favourable to the persistence of inflation.

My own experience of politicians leads me to think that very often, if they were confronted with balance of payments disequilibrium in a regime of floating rates they would say, "Oh well, we'll let the rate take care of that"; and they wouldn't pay even as much attention as they do now to maintaining the internal value of money. But, be that as it may, my fundamental attitude to the "whole hogging" propositions of this sort is more practical: I just don't think the thing is "on." Suppose that there were some international conference which was persuaded by ingenious argument that floating rates all round should be the order of the day and that this recommendation were put into practice. What would happen? I suggest that, within 24 hours, most of the weaker currencies would have linked up to the stronger currencies again. And within 24 months—probably a much shorter period of time than that—the proprietors of the leading currencies would be meeting, perhaps secretly, to see if they couldn't devise methods of eliminating this cause of uncertainty in international finance. One saw this sort of thing happening in the thirties when the main rates were actually free to fluctuate; and in my opinion, it would be bound to happen again. So I don't believe that floating all round is a practical proposition for the Western world as it is at present constituted. I can indeed conceive that in some far distant future, if Europe were unified on a financial, economic and political basis and if Europe, including the United Kingdom, had a common currency, then no very great harm would be done to the economies of the Western world if the rate between the European bloc and the dollar bloc were rather more adjustable than it has been in the recent past. It might not be necessary. But I can conceive that in those circumstances, arrangements of that sort wouldn't do much harm. But after all, that is living very far in a future which may not come about.

Now, coming back to more immediate problems, at the moment, in currency matters, we are enjoying a certain lull. The pound has been de-valued. The disequilibrium in the sterling balance of payments has been remedied. The mark has been revalued. Alarms and excursions regarding the price of gold are at an end for the time being. The world is virtually on a dollar standard—on a depreciating dollar standard, I am sorry to say. Yet I can't believe, ladies and gentlemen, that we are sensible to be deceived by this lull into thinking that all the problems are at an end. It could last a long time if you in the United States were to right your balance of payments disequilibrium pretty quickly. Well, may be that will happen. Let us hope that it does—the immense fundamental strength of your economy certainly would be a justification for hopes that that may be so. But if it doesn't come about, I myself don't believe that the rest of the world will be prepared indefinitely to accumulate depreciating dollars; and if that were so, then some of the alarms and excursions of recent years would recommence. What form they would take is frightfully difficult to anticipate. I suppose that, from your point of view, the most advantageous change would take place if there were some upward revaluation all around on the part of the currencies which were strong. Some people may hope that the Canadian action is an anticipation of something which may become more general. But, appreciation of the currency is not particularly popular politically, however much sense it may make on a purely technical level. I just don't see widespread revaluations of the other main currencies coming quickly, even if in the end that proves to be the only way out. On the other hand, devaluation of the dollar is an extremely difficult thing. It is much more difficult for you to get off the dollar standard than it is for other people. I've heard it suggested in some quarters that the ultimate solution (which certainly isn't round the corner) would be the creation of some Western International unit with an international money—Special Drawing Rights enlarged and consolidated perhaps—linked to gold and all the other currencies *including the dollar*, free to adjust in terms of that unit of account. That may happen. But it is surely some time ahead. And again one wonders whether there is enough political unity in the world for such a thing to be practicable within the lifetime of most professional economists now living.

Now, ladies and gentlemen, time is going on and I won't detain you discussing the fate of the ambitious plans for an International Trade Authority which were projected during the War in discussions in which I had spent many pleasant hours in company with friends at the State Department. You all know that these plans foundered, partly on the opposition of special interests in different countries, partly on the fact that they were, I now think, eventually top-heavy and overladen with reserves and excessive regulation. The one good thing that came out of all that talk was the successive rounds of semi-multilateral negotiations with regard to tariff levels of which the recent so-called Kennedy-round is the most conspicuous example. The widespread clearance of trade and integration of world economies which at one time was hoped for hasn't taken place, although many harmful barriers have been removed. The only area in which visionary plans of that sort seem likely to be fulfilled, of course, is within the Common Market—the philosophy of which, for good or for bad, is certainly radically different from the philosophy which inspired the plans for the International Trade Authority.

But now, before I cease plaguing you—I've talked too long already—I must say a word or two about the last of my contrasts between wartime hopes and post-war realities: the realities of the present international political situation. I surely don't need to expatiate long on the profound disappointment which all thinking people must entertain with regard to the working of the United Nations. It was founded—certainly on the United States' side—in sincere and exalted idealism. But it was also founded, so far as the Assembly was concerned, on, I am sure, the quite untenable doctrine of the fundamental equality of states. I do not think that the equality assumed in that doctrine between San Salvador and the United States of America has any basis whatever in genuine democratic theory; quite the contrary indeed, it is extremely unfair to each individual inhabitant of the larger democracies whose proportionate representation is so much smaller. And of course the Security Council (the concession to reality), which was to put all that right, has been virtually sterilized by the utter unwillingness of the Communist powers to co-operate. There are no inhibitions in that quarter in exercising a veto whenever any forward-looking initiative arises. So far—let us face it—contrary to wartime expectations, the peace of the world has been very largely maintained by Russian fear of American power. No wonder the young people are anxious and disillusioned.

After the War, as I've said already, there was a very great danger indeed of total disintegration of the Western world and possession of the half of it on the other side of the Atlantic by the Russians occupying, either directly or indirectly, right up to the Western seaboard. That was stopped by American vision and initiative and the North Atlantic Alliance. But the North

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Atlantic Alliance, although it saved our world, suffered surely and still suffers from manifold imperfections. First of all, it is an alliance only of the Atlantic powers, whereas in my judgment it would be far better if it were an alliance of like-minded powers, whether bordering on the Atlantic or elsewhere. Secondly, it concerns only the interests in the Atlantic area of the high contracting parties, whereas, in my opinion, it would be fully effective only if it concerned the worldwide interests of the Atlantic powers whether in the Atlantic or in the Middle East or elsewhere. And thirdly, for this reason partly and partly because of lack of further developments, it certainly has lacked throughout any reality of complete political planning. There has been abundant military planning—some of it extremely resourceful and ingenious—but there is no political organization for the North Atlantic Treaty Organization which is comparable in any way to the organizations which prepare military or even economic plans. That, I think, puts the high contracting parties at a fundamental disadvantage *vis-a-vis* the monolithic unity of the Iron Curtain countries in this respect. I blame, to some extent, the United Kingdom for not pushing this particular point further. I don't think the United Kingdom has been backward in contributing support to the Alliance. But certainly here was a great chance of consolidating and enlarging it which I can't help thinking that lack of vision on the part of the United Kingdom statesmen missed.

Well now, today even the Alliance, imperfect though it be, is in danger; this for two reasons. On the one side there is the failure of a Europe which has been restored to prosperity (and I include the United Kingdom), a failure to assume a due share of the burden; on the other side, there is a danger arising from a growing and understandable disinclination on your part to perpetuate the present degree of involvement. The main idea has, to some extent, lost its appeal. There is a falling apart; and in consequence the whole of Western solidarity is in danger. What is going to happen? Well, I don't doubt that something is going to happen in Europe—in continental Europe. Whether the United Kingdom is going to go in or not is, I think, still an open question, although it is a very important question for the United Kingdom and perhaps for the rest of the world. It may be that in time to come, Western Europe, with or without the United Kingdom, may emerge strong enough to sustain its frontiers against the forces of barbarism until these forces—these ideologies—have burned themselves out, as doubtless they will in the next two or three hundred years. And I should hope that in such circumstances, with the emergence of a strong Western Europe, with or without the United Kingdom, in spite of the very considerable amount of quite absurd and contemptible anti-Americanism which is knocking about in some continental European countries—particularly France—there would also be enough good sense in the Western world to prevent friction between the two great branches thereof. But that time is still far off. And in any case, ladies and gentlemen, it is the second best solution.

No indeed, you only have to look at the main sources of danger in the world at the moment—in the Middle East and in Asia—to realize that, whereas there is not one world in Wendell Wilkie's sense, in the sense of a common will to international law and order and peace throughout the world population as a whole, there certainly is one Western world interest in the sense of a deep community of interest, a deep apprehension of danger, a deep necessity to create arrangements to maintain peace and safeguard the common civilization of the West—the only *civilization,* ladies and gentlemen, *hitherto which has promised hope and progress for humanity at large.* Will that be realized? I don't know. In the present state of opinion on both sides of the Atlantic, it is not easy to feel completely optimistic. But if it is not realized, let there be no doubt about it, our children face another dark age of barbarism and unfreedom. So, there is very much responsibility for all of us concerned. For us—Europeans—on the other side of the Atlantic, to avoid parochialism and self-deception and for you—members of this great Republic—not to lose the vision and self-confidence which, so far, in the anxious days since World War II, have been the main source of stability and progress.

Thank you.

QUESTIONS AND ANSWERS

Dr. Perlman. Mr. Yeo has asked a question about what has been the experience of the United Kingdom with regard to incomes policy, something that seems to be emerging in larger and larger type in American newspapers in the last 72 hours.

Lord Robbins. This is not an easy question to answer. The incomes policy which was introduced by the Labour Government in the early days of the economic crisis of '64 to '68 is, of course, no longer in vogue. There is a Prices and Incomes Board still in existence. But any attempt to control, through that body, the rise in wages and salaries has, for the time being, been abandoned; I think it is not likely to be resumed exactly in the old form. How effective the policy was while it lasted is, no doubt, a controversial matter. I seem to remember a speech by Mr. Aubrey Jones, who is Chairman of the Prices and Incomes Board, in which he claimed that the operations of his body had been effective in restraining the inflation by one per cent per annum, which is perhaps not a very extravagant claim. I have also heard it contended by opponents of the policy, that since its abandonment, the upward explosion of wage rates has been greater than would have been the case had the trade unions not felt so suppressed while the policy was in active operation. I've also seen it contended by highly qualified persons—no less a person than Professor Lipsey has taken this line—that it may be that, if you set a certain norm which is to be the guideline of action in carrying out a policy of that sort, that it means that the rate rise is rather greater than might otherwise be the case because some people, so to speak, perk up their ears and say, "Well, if the other chaps are going up to that, we must go there too." My own judgment is that the great inflationary problems of our time are not to be solved, in the final analysis, by devices of this sort. I can conceive that temporary wage freezes or wage ceilings may be necessary in certain emergencies. I shouldn't rush to advocate them. But I can conceive that qualified persons may take that point of view. I find it much harder to conceive that attempts, year in year out, to regulate from the centre the relationship between rates of pay in different occupations are likely to prove permanently viable. Certainly in my country they encountered the strongest resistance from organized labour. Indeed, it was that resistance, which you must realize is not the resistance of the extreme left at all but rather the resistance of the right wing of the Labour Party, which caused the virtual abandonment of this policy a few months ago.

Dr. Perlman. This is not an easy question to summarize. I think you all heard it pretty well. I think the essence of it is, "Can you summarize the balance of payments problems of various countries outside of using the United States as the basic international medium?

Lord Robbins. I didn't wish to express undue apprehension of what is likely to happen in the next few months because I don't think the difficulties will boil up as soon as that. It may very well be that policy in this country will be successful in reducing the deficits which, after all, arise to some extent from the burdens in the world at large which you have shouldered for political reasons and which might become diminished by changes in policy and changes in the international situation. But, assuming for the moment that deficits continue, then I do submit that, sooner or later, the central banks elsewhere will begin to wonder what limit they should set to the continual accumulation of dollar reserves. That was what I had in mind and I don't think that's an entirely fantastical query. It's a query which you will certainly hear in many central banking circles on our side of the Atlantic. Now, this is a danger which may never occur. But it is a danger to which any reserve currency is subject if that reserve currency is not sustained by a policy which eliminates unwanted balance of payments deficits.

Dr. Perlman. This is a question to comment on the growth of the Euro-dollar market from the standpoint of developments in the international balance of payments.

Lord Robbins. This is a very esoteric matter. On the whole, I regard the growth of the Euro-dollar market as a sign of health rather than the reverse. It seems to me that it ill becomes people who believe in the international mobility of capital to grumble at the development of an institution which, to some extent, enables people to evade national restrictions and restore a much greater mobility of capital than otherwise would exist.

Dr. Perlman. This is an opportunity to comment on the new economic history with its different sense of the new economic history—this is the new left economic history, I suppose.

Lord Robbins. I don't know quite what to say. Far be it from me to comment on the history of internal policy in the United States. This is a matter on which I want to learn rather than to pronounce. Speaking as a British citizen, I must say that nothing that has been written in recent years shakes my conviction that the international policy pursued by President Truman was absolutely fundamental in restoring economic political stability to the Western world. Whatever the verdict on President Truman's domestic policy, I feel sure that he will go down in history as having presided over the economic rehabilitation of economies which were on the point of collapse and of having, at the instigations no doubt of expert advisers like Mr. Acheson, created the apparatus which said to the tides of Russian influence which flooded throughout Western Europe, "Thus far shalt thou go and no further." That, in my judgment (I may be wrong) was of inestimable benefit to the Western world as a whole.

Dr. Perlman. I don't know if all of you heard Professor Bronfenbrenner's question. He asked simply what Lord Robbins' reaction would be to the United States turning to a much greater reliance upon protectionism, a point of view not unknown in this part of the state.

Lord Robbins. Who am I to tell you what you should do? I certainly know that as a citizen of the United Kingdom and, so to speak, of the rest of the world, I should feel that such change of policy was unfortunate for us and since the example of the United States in turning away from high protectionism has had such manifestly beneficial effects on the general volume of world trade, I frankly would be somewhat apprehensive if that movement were to go very far. I don't think I ought to say more than that.

Dr. Perlman. The general question relates to the emphasis on future kinds of trade negotiations—multi-lateral negotiations, general trade agreements and the like.

Lord ROBBINS. I think it's difficult to say. I fancy that in the next few years most goings on in that area will be dominated by what is happening in the Common Market. Certainly in the months immediately ahead, the question whether the United Kingdom is going to be absorbed in that area with policies tending towards local freedom of trade within its boundaries, will be a dominating consideration in many adjacent parts of the world. But whether that takes place or not, the Common Market will probably go on and the future policy of the Common Market in regard to its external barriers will, I think, be a major if not a dominating consideration determining international trade policy anywhere. Here you are dealing with a movement which is only just getting under way and which I think has now acquired sufficient momentum to go considerably further. Now, one asks oneself whether in the end the influence of that is going to be beneficial to world trade outside that area or not. I don't know. Something certainly will depend upon the extent to which the authorities of the Common Market succeed in mitigating the influence of their agricultural constituents. I well remember, at a discussion of the official reconstruction committee in Whitehall round about 1943–44, Maynard Keynes turning to the Permanent Secretary of the Ministry of Agriculture and saying to him with a sweet smile, "All agricultural departments all over the world are a racket, aren't they?"

Dr. PERLMAN. The question is simply this: If Lord Robbins does not think that the United States will be successful in turning around its inflationary problem, and by that I presume what you mean is reducing the rate of inflation to somewhat less than it has been, what should it do?

Lord ROBBINS. I really don't feel competent to answer that question at all. You must ask Professor Friedman or Professor Samuelson, according to your fancy.

Dr. PERLMAN. I am going to call the official questioning period to an end. I would end it, however, with one very small observation. In one of his relatively unknown essays, Lafayette observed that the French Revolution came about, not when conditions had gotten very bad—on the contrary, things were getting better—but the French Revolution came about, he said, when the French governing community—what he called the ruling class—lost confidence in its capacity to govern. I think one of the very attractive elements of this evening's splendid speech has been a review of what the United States has achieved and a sort of reinforcement of the convictions that problems are soluble and that the United States' record is not simply a question of the kind of activities which lead to signs on walls such as "All Yanks go home" and the like. And for that I think we are very much indebted to Lord Robbins; in any case, I personally, feel very much cheered by the speech tonight.

Thank you very much.

MANPOWER BILL AIDS THE ELDERLY

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I am indeed glad that the manpower bill which the House passed on November 17 will permit the continuance—and hopefully the extension and expansion—of the community service employment program for low-income senior citizens, such as is operated by the Boston Commission on Affairs of the Elderly under contract with the National Council of Senior Citizens and Department of Labor.

This unique program in Boston has for 2 years demonstrated the valuable contribution that the low-income elderly can provide the community. Senior aides improve their own impoverished lives by earning $2.15 per hour for a 20-hour week. The 62 aides enrolled in the Boston project have provided many needed services for the city, with their assignments in the Veterans services departments, the health and hospital department, and the educational services. One of their most notable involvements has been with the Office of Public Service and the neighborhood service centers. In each, specialized cases and problems involving medicaid, medicare, housing, and social services, are sought and serviced with the direct assistance of the aides.

SUPPORT FOR THE TRADE ACT OF 1970

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. GOODLING. Mr. Speaker, on November 19, 1970, the House of Representatives passed the Trade Act of 1970, which is designed to provide protection for American industries harmed by imports.

The need for enactment of this legislation is graphically depicted by a letter I received from Mr. Fred Listorti, one of my constituents who is engaged in the manufacture of shirts, pajamas, sportswear, and underwear for boys. I insert this letter into the CONGRESSIONAL RECORD and commend it to the attention of my colleagues:

SAVADA BROS., INC.,
New, York, N.Y., August 26, 1970.

The Honorable GEORGE GOODLING,
The House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GOODLING: I wrote to you about a year ago that the government should do something to check the influx of shirts, pajamas, etc. from our so-called friendly Asiatic nations. Laborers there work for 3¢ to 17¢ per hour, 14 hours per day, and 28 days per month. While it is hard enough to compete with non-union shops and European labor, it is impossible to compete with the Asiatic labor.

Congress means well by helping those nations by trade; but, at what price? Savada Bros., Inc. has been in the boys shirt and pajama business for over sixty years. I have been managing the Glen Rock plant, namely Glenrow, Inc., for the last twenty years. Last Monday evening Mr. Savada called me to inform me that it is impossible for him to continue to stay in business and loose money; therefore, he will phase out the pajama business within the next two to four weeks. Is this the price we must pay?

The government seems to support or subsidize most business. I believe they even help to pay for the cotton sold to Japan. They in turn sell shirts delivered in San Francisco for $12.00 per dozen. Why? We, the taxpayers that support all this giveaway, have to pay 57½¢ a yard for cloth plus freight—2¢ per yard. The cloth alone comes to $11.00 per dozen.

I ask you to have our economic and engineering experts to figure how we can compete and make some profit. Are we all heading for the welfare line?

Why not put a high tarriff on imports and give it back to the workers of those nations so that they can buy what they produce and some of our products.

I'm writing to you as our representative in Washington to please come and explain to these employees why we are forced out of business. Please do not tell us that you will retrain or relocate us. We love it here and want to work here. This is our home.

Sincerely yours,

FRED LISTORTI.

RACIAL "SOLUTIONS" IN ZANZIBAR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. RARICK. Mr. Speaker, the Communist leadership of Zanzibar has now come up with a revolutionary solution to racial tensions long existing between the black majority and the Arab-Asian minority—to abolish the racial differences through forced mixed marriages.

The initial experimentation in the "pleasures" of race mixing marriages have been reserved to black party officials with four young girls of Persian descent being coerced into the marriages.

Reportedly the Arab parents of the young girls have not yet adapted themselves to the "utopian" solutions of communism and dared object to the forceful marriages of their daughters to the new red-black aristocracy. The objecting fathers were in turn promptly sentenced to jail for a year and given 24 lashes each, for interfering in the power of the state over the marriages. It is uncertain as to what punishment is in store for the mothers who refused to order the daughters to submit in order to consummate the marriages.

The head Communist of Zanzibar, Sheikh Karume, cannot understand why his new integration-by-marriage program should meet with any objection. So bitter is Karume that he has even threatened to ban the Mau Mau newspaper from neighboring Kenya if it does not stop "irresponsible" opposition. Rather, he feels the world should recommend mixed marriages as a way to overcome racial differences. Perhaps even a U.N.-approved method to solve apartheid—with economic sanctions against parents who protest.

It will be interesting indeed, to follow the marriage experiment in Tanzania as a solution to the race differences. Who can say but what the next extremist approach by the civil rights-radical-liberals of our country may be to seek to amend the present civil rights bill so as to outlaw legal marriage between any two people of the same race, creed, religion, or national origin.

I include several related newsclippings in the RECORD:

[From the Washington Post, Nov. 8, 1970]

ZANZIBAR TRIES FORCED MARRIAGES

(By Stanley Meisler)

DAR ES SALAAM, TANZANIA.—Zanzibar, the Indian Ocean's exotic spice island of legend and literature, in reality has long festered with racial tensions between its ruling black majority and its Arab and Asian minorities.

Today it is the scene of a state experiment in integration through enforced mixed marriages, bringing shock and outrage to mainland Tanzania, its senior partner in the republic to which it was united in 1964.

Most recently, four young girls of Persian descent—14 to 20 years old—were forced into marriage with African officials, and their fathers and seven other men were jailed for protesting.

That was but the latest embarrassment to the dominant mainland from the island some 20 miles offshore.

It exposed once again the difficulty facing President Julius Nyerere in asserting his authority and influence on the insular portion of his republic.

Late last week, either his authority or the mainland's angry resentment seemed to be having a belated effect. The 11 Persian men were released.

When the "brides" did not show up at home that night, however, the men protested to the government and demanded they be locked up again if the girls were not returned.

Sheik Abeid A. Karume, head of the Zanzibar Revolutionary Council, told a mass rally he was surprised to hear people on the outside shouting about what was going on. He said he would not obey orders from anywhere else, and added that Zanzibar citizens should welcome mixed marriages as a way to end racial differences.

Since the union of Tanganyika and Zanzibar into Tanzania, Nyerere, in theory, has been president of both. But actually Zanzibar does pretty much as it pleases.

Doing as it likes, Zanzibar has become a frightening, bizarre island, ruled by the authoritarian whim of a black revolutionary council that is largely unschooled and obviously resentful over centuries of Arab and Asian domination. Since the Africans overthrew the Arab sultan in 1964, the tables have turned in a cruel and vengeful way.

Last May, Karume proposed marriage in turn to four young girls of the Persian Ithnasheri Moslem sect. When each girl refused, Karume became so enraged that he put their fathers and other male relatives in jail.

But President Nyerere flew to the island and evidently persuaded Karume he had gone too far. The Persian men were released, and for a while, Nyerere's rule of reason prevailed on the matter of mixed marriages.

On Sunday, Sept. 6, however, the four Persian Ithansheri girls were taken forcibly from their homes and married to four African members of the Revolutionary Council, who ranged in age from 48 to 55.

The fathers and other male relatives of the girls tried to stop the ceremonies. They shouted verses from the Koran that a marriage consummated without a girl's consent was rape and that a Moslem marriage was not legal without the consent of the girl.

But a member of the Revolutionary Council, who was acting as a Moslem Kadhi (priest), performed the ceremonies anyway.

According to reports reaching Des es Salaam, the mothers of the girls were told the next day that the girls had refused sexual relations with their husbands. The mothers were told to order the girls to consummate the marriages, but the mothers refused.

A day later, the fathers and other male relatives of the brides were brought to Zanzibar People's Court and sentenced to a year in prison and 24 strokes of a cane each, for trying to stop the marriages. The 11 men included an 80-year-old and a 70-year-old.

[From the London Times, Oct. 23, 1970]

TANZANIA THREAT OF CENSORSHIP ON BRIDE REPORTS

The East African Standard, which has been conducting a campaign against forced marriages in Zanzibar, has been warned that its circulation will be banned in Tanzania if its treatment of the affair does not change.

In a telegram to the Nairobi newspaper yesterday, Mr. Makame, the Tanzanian Minister of Information, said the Government considered the newspaper's treatment of the subject as "mendacious and irresponsible" and contrary to the policy of good neighbourliness.

The telegram, which was broadcast by Dar es Salaam Radio, added that to discuss issues and policies was one thing and to carry on a campaign of personal vilification of leaders was another. If the newspaper persisted in treating the subject in this manner the Government would have no option but to ban it.

On Tuesday the newspaper gave prominence to two young women reported to have been married to Shaikh Abeid Karume, the Zanibar Head of Government and Tanzanian First Vice-President.

MOSS QUESTIONNAIRE RESULTS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. MOSS. Mr. Speaker, during August, I mailed my annual questionnaire to my constituents and approximately 15,000 persons responded. The questionnaire contained 22 questions ranging from consumer protection and foreign affairs to gun control and welfare.

Results show pollution, crime, inflation, the Indochina war, and drug abuse—in that order—as the five issues of greatest concern to the residents of the Sacramento County, Calif., area.

The questionnaires were tabulated by computer which designated the response, sex of the respondent, age group, education level, family income, and political party voting preference in the 1968 general election.

In assessing the national issues, respondents in age groups 18 to 50 were in agreement on the priority problems, but respondents age 51 and over listed crime and inflation as the most vital concerns of our time.

As this point in the RECORD, I am inserting the list of the questions I asked and the results:

MOSS QUESTIONNAIRE RESULTS

1. As a consumer, do you feel the government should require producers to:

(a) clearly date the packaging of perishable goods (28 percent);

(b) clearly list the price per unit (per oz., etc.) on packaged goods (24 percent);

(c) guarantee prompt repair or replacement of goods covered by warranties (28 percent);

(d) maintain warranties on products for at least one year (19 percent).

2. Given increasing inflation and unemployment, would you favor:

(a) decreasing federal spending (27.8 percent);

(b) raising federal taxes (4.6 percent);

(c) imposing federal price and wage controls (22.8 percent);

(d) negotiate price and wage guidelines with business and labor (25.8 percent);

(e) reinstitute credit controls requiring larger down payments and shorter periods in which to repay (18.9 percent).

3. The congestion in our cities is a serious problem. Do you favor:

(a) providing federal highway funds for mass transit systems (28.1 percent);

(b) direct subsidies to local transit authorities (13.1 percent);

(c) the use of existing railroad rights of way for intercity rapid transit (32.1 percent);

(d) encouragement of population redistribution by planning economic and employment incentives away from city centers (26.6 percent).

4. Do you favor legislation to prohibit all vehicles which cannot meet pollution standards? Indicate by (y) or (n).

Yes, 12 percent;

No, 87 percent.

5. Which do you feel is the best way to solve the crime problem:

(a) federal subsidies to increase the size and quality of local police forces (15.5 percent);

(b) tougher judges and harsher prison sentences (21.4 percent);

(c) federal funds for improving the prison systems to make them more rehabilitative (21 percent);

(d) request more federal funds for community action in designated poverty and high crime areas (19.3 percent);

(e) more courts and judges in order to ensure a speedy trial (23 percent).

6. The present state and federal drug laws appear inadequate. Do you favor:

(a) reducing penalties for users and increasing penalties for sellers (41.2 percent);

(b) reducing penalties for marijuana only (14 percent);

(c) more extensive education about drugs in our schools (45 percent).

7. Given the growing necessity for educational facilities, do you favor increasing federal funds to:

(a) elementary schools (28 percent);

(b) secondary schools (24.4 percent);

(c) vocational schools (20.2 percent);

(d) colleges and universities (9.1 percent);

(e) all the above (18.1 percent).

8. In the interest of our senior citizens, do you favor:

(a) the present social security system with cost of living raises (48 percent);

(b) extended federal services for the aged (housing, transportation, etc.) (31 percent);

(c) federal aid to convalescent hospitals and other health facilities (21 percent).

9. Concerning the workings of Congress:

(a) should Congressional Committee leadership be based on ability rather than seniority (42.8 percent);

(b) should a mandatory retirement age be established for Members of Congress (33.9 percent);

(c) should terms of Congressmen be extended from two to four years (23.2 percent).

10. If "Vietnamization" of the war turns out successfully, would you favor the following U.S. actions:

(a) continued air and artillery support for the South Vietnamese (16.4 percent);

(b) keep advisers and training bases in Vietnam (23.4 percent);

(c) hire soldiers of various nations to fight for the South Vietnamese (6.4 percent);

(d) keep U.S. special forces in the area (10.5 percent);

(e) no further military support (43.1 percent).

11. Should foreign military aid and defense spending be:

(a) decreased (81.8 percent);

(b) increased (5.5 percent);

(c) remain the same (12.6 percent).

12. Do you feel in our relation with Red China we should:

(a) recognize Red China officially as a sovereign nation (34.4 percent);

(b) admit Red China into the United Nations (30 percent);

(c) continue current policy of limited trade of non-strategic goods (20.3 percent);

(d) continue current policy (for past 14 years) of limited recognition through talks at Warsaw (15 percent).

13. Concerning labor problems, which would you favor:

(a) compulsory and binding arbitration (33.2 percent);

(b) national labor negotiations court (32.4 percent);

(c) strengthen and continue the present channels for labor negotiations (34.3 percent).

14. How do you feel about the President's plan to provide a minimum annual income of $1600 for a family of four per year;

(a) the plan is grossly inadequate to meet even the minimum needs of the poor (32 percent);

(b) the plan offers sufficient reform to the present welfare system (13 percent);

(c) the plan is a start but it will have to be expanded (34 percent);

(d) the plan is too expensive and unnecessary (21 percent).

15. Our draft or Selective System should:

(a) continue with the present lottery system (23.5 percent);

(b) be abolished for a volunteer army (45 percent);

(c) be changed to an alternative national service, not necessarily in the military (32 percent).

16. Which of these measures would you favor for family planning:

(a) no governmental intervention (12 percent);

(b) liberalizing abortion laws (27 percent);

(c) tax incentives for limiting size (26 percent);

(d) distribution of contraceptive devices by community agencies (18 percent);

(e) federal assistance for education about birth control (17 percent).

17. Water pollution is an ever growing problem. Do you feel control is best left to:

(a) the states rather than the federal government (15.1 percent);

(b) the industries whose products or production methods are contributing to pollution (5.9 percent);

(c) strict federal control and standards (74.5 percent);

(d) local government (4.4 percent).

18. Concerning gun control legislation do you feel:

(a) strengthening gun control infringes upon the individual's rights (28 percent);

(b) strengthening gun control lessens crime (38 percent);

(c) gun control has no effect on the crime rate (34 percent).

19. Given the deterioration of the railroad passenger service, what do you feel the federal government should do?

(a) create a public corporation to operate the service (43 percent);

(b) leave the solution to private companies (32 percent);

(c) assure some alternate means of credit for the companies such as a federal credit corporation (9.2 percent);

(d) subsidize operation and improvement (16 percent).

20. Concerning the Middle East situation, which would you favor:

(a) selling fighter planes to Israel (17 percent);

(b) insistence on direct talks between Israel and Arab states (29.4 percent);

(c) joint U.S.-Russian peace settlement to ensure a lasting peace (29.5 percent);

(d) stop all sales of arms to the area and demand negotiations (23.9 percent).

21. Regarding non-military foreign aid, would you prefer one of the below:

(a) continue present level of $1.625 billion (6.4 percent);

(b) distribute it through the United Nations (17.2 percent);

(c) concentrate on developing nations which show promise in leadership and economics (30.4 percent);

(d) reduce the program (46 percent).

22. What do you feel the national priorities should be as far as attacking the various problems in our country? Please number 1 through 5.

(a) consumer protection.
(b) crime (2).
(c) drug abuse (5).
(d) family planning (9).
(e) housing shortage (11).
(f) Indochina war (4).
(g) inflation (3).
(h) Middle East situation (10).
(i) pollution and ecology (1).
(j) racial strife (6).
(k) space exploration (12).
(l) student unrest (11).
(m) welfare (7).

SHEPHERD WATCHING OVER HIS FLOCK

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. GAYDOS. Mr. Speaker, traditionally the role of a pastoral clergyman is compared to that of a shepherd watching over his flock. Occasionally, however, one finds a member of the clergy who, almost in spite of himself, exercises an influence that extends far beyond the limits of his particular congregation. I would like to call the attention of my colleagues to such a man—the Reverend Monsignor Michael Hrebin, V.F., pastor of Ascension Byzantine Church in Clairton, Pa., a third-class city in my 20th Congressional District.

Monsignor Hrebin's sincerity, warmth, friendliness, and love of fellow man has been infectious and has touched not only his parishioners but the entire community, Catholic and non-Catholic alike. He possesses that remarkable trait of quickly turning a new acquaintance into an old friend. Never is he too busy to talk to an individual, whether it be on a personal matter or merely a social chat. Never is he so involved with the affairs of his church that he will not join in a program or project which will improve the lives of the community's residents.

Recently Monsignor Hrebin was honored at a testimonial dinner celebrating his elevation to his new rank in the church. Hundreds of persons attended the affair. High ranking members of the church hierarchy joined the parishioners of Ascension Church and residents of Clairton in an open display of affection and respect for Father Mike.

Father Mike has only been in Clairton a relatively short time, less than 10 years. But in that period he has worked unceasingly with his parish and his community. He has instilled in the people a zeal and zest to help each other. He has replaced lethargy with a driving desire and has brought everyone closer together.

Born in the little town of Swoyersville, Pa., Monsignor Hrebin was graduated from St. Procopius College and attended 4 years of philosophy and theology at St. Procopius Seminary in Lisle, Ill. He attended Catholic University here in Washington, and the School of Music at Duquesne University in Pittsburgh. He was ordained into the priesthood on May 8, 1949, and served many years as professor of chant and choir director at Saints Cyril and Methodius Seminary in Pittsburgh.

His pastoral assignments, prior to coming to Ascension Church, included the Holy Ghost Parish in Cleveland, Ohio; St. Michael's Church in Gary, Ind.; and the Holy Spirit Parish in Pittsburgh. In May of this year he was elevated to the office of Monsignor by Pope Paul VI, and the investiture of Monsignorship was bestowed by Archbishop Stephen J. Kocisko.

Mr. Speaker, Monsignor Hrebin is no ordinary clergyman. I suspect the future holds much for him in his chosen work. How long he will remain with us in Clairton, I do not know. I do know, however, that we have been made better through our contact with this remarkable man we know as Father Mike.

THE 1970 ELECTIONS—NOT DECIDED ON THE ISSUES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 23, 1970

Mr. SCHMITZ. Mr. Speaker, commentators and political observers of all kinds throughout the country were looking for a pattern in the November 3 elections, and expecting to find it. On the one hand there was talk of an "emerging Republican majority"; on the other hand, the conviction that economic issues and appeals to minority groups continue to dominate the American political scene.

But a close examination of the election post mortems will show them to be very similar to the pontificating before the election. People see in the results what they want to see; but every point made by one side on the basis of the election winners and losers can be matched by an equally telling point for the opposing faction. The fact is that there was no pattern in the 1970 election, because very few contests were actually decided on the issues.

It may be said with much truth that this is nothing new in American politics, which is another way of saying that we are still indulging ourselves in politics as usual. But the times are hardly usual. Our ability to defend ourselves and others against the advance of communism is declining all over the world. The very day after our elections, a Marxist was sworn in as President of Chile. At home, we face a wave of disorder, disruption, and crime topped by an organized revolutionary terrorism new to American

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history. If these are not issues to move the electorate, what will move them?

Yet the November 3 elections were not decided on these issues. They gave no verdict for the hard-line position taken by Vice President AGNEW, though naturally he would like us to think they did, nor for the policy of compromise and understanding so persistently promoted in the news media, as their "pundits" would like to have us think.

For instance, in California the very same voters who reelected Governor Reagan by a substantial margin also elected, by a somewhat larger margin, a superintendent of public instruction diametrically opposed to virtually every thing Governor Reagan has spoken for in the vitally important field of education.

The voters of Boston, Mass., elected to Congress a woman widely known for her uncompromising opposition to the disruption of communities by compulsory busing of schoolchildren out of their neighborhoods—but they also elected to Congress a priest whose statements show that he has accepted virtually the whole liberal doctrine which has led to compulsory busing and similar Government policies.

The voters of Maryland sent Congressman J. Glenn Beall to the Senate, apparently rejecting the incumbent Senator JOSEPH TYDINGS as too liberal—and at the same time they sent three new men to Congress, all of whom appear to be far to the left of those they replaced.

Nationwide, presuming that all candidates now leading in the vote count hold their lead through whatever recounts may be held, the Republican Party has scored a net gain of one seat in the Senate and suffered a net loss of 10 seats in the House, while supporters of a strong national defense and firm action against violence at home have scored a net gain of three seats in the Senate and suffered a net loss of 11 seats in the House. This is according to the best estimate that can now be made, keeping in mind that high public office changes many men, some for the better and some for the worse. The total number of new Congressmen is 55, moving me that many steps up the ladder of seniority.

Where this election was not decided on the issues, it could only be decided on personalities or superficialities: youth versus age, personal appearance and charm or the lack of them by an opponent; successful image-making either by television or by spectacular gimmicks—such as the 1,000-mile walk by the new Senator from Florida—and name recognition. The list of sons and brothers of famous people in Congress is growing longer, running the ideological gamut from Buckley to STEVENSON. Dynastic loyalty reached its peak in Massachusetts, where the voters not only overwhelmingly reelected Senator EDWARD KENNEDY despite the events on Chappaquiddick Island, but threw out of office the district attorney who ordered and conducted the inquest into Mary Jo Kopechne's death.

Such is politics in America, 1970. At this rate, it may not be a luxury we will enjoy much longer.

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